

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: June 14, 2017

Item: Arnold Variance, 200 39th Street – Approval of Temporary Variance to Exceed Maximum Square Footage of Accessory Structures – Jon and Robin Arnold – VAR-003488-2017

Requested Action: Approval of a temporary Variance Request

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: Jon and Robin Arnold are seeking a temporary variance of the maximum square footage of accessory structures for their property at 200 39th Street (see Attachment B: Location Map). The property has several existing accessory structures that currently and cumulatively exceed the maximum allowed square footage of 1,000 sq. ft. for the zoning district in which the property is located. The Arnold's wish to demolish one of the buildings and build up to a 1,000 sq. ft. garage. They indicate that the new garage would enable them to empty out the other outbuildings and demolish them over time to bring the property into compliance with the code.

History: The residence on the property was constructed in 1910. The outbuildings were constructed in 1940 and 1950. The property was not annexed into the City until 1957.

City Council Subcommittee: This project was presented to the Development and Planning City Council Subcommittee on May 1, 2017. Staff presented two options to accommodate the Arnold's plan to be able to empty out the outbuildings and demolish them over time and still allow for the replacement of an old garage with a new one. The options were to change the zoning of the property from Residential Single Family (RS-10) to Residential Single Family (RE-1A) or pursue a temporary variance to allow time for the site to come into compliance. The difference in the zoning designations is that in the RS-10 district there is a 1,000 sq. ft. total square footage allowance for accessory structures; in the RE district, this allowance increases to equal no more than 10 percent of the size of the property. The Subcommittee was more supportive of pursuing the temporary variance instead of changing the zoning of one property among other RS-10 properties so long as a time limit is put in place for the property to come into compliance with the code.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. According to the Polk County Assessor there are five accessory structures on the site totaling 1,636 sq. ft. The Arnolds proposed to demolish the current 240 sq. ft. garage and replace it with a new one up to 1,000 sq. ft., a net increase of up to 760 sq. ft. Once the new garage is constructed, the Arnolds indicate that they will use the garage to help empty the other accessory structures so that all of the older accessory structures can be demolished.

Without a variance of the maximum square foot of accessory structures, no new garage could be constructed at all as the property already exceeds the maximum square footage allowed until existing structures are demolished. The Arnolds anticipate that the process of emptying out the outbuildings and demolishing them may take up to two years to accomplish on their own and would like a temporary variance to exceed the maximum square footage while they empty out and demolish the structures over that two year period.

Staff supports a temporary variance of the maximum square footage of accessory structures allowed for the zoning district to allow the reconstruction of a garage and the demolition of the remaining outbuildings.

Variance Findings. Title II of the City Codes discusses the variance procedure. All five (5) conditions must be met in order to grant a variance. Based upon a review of the submitted variance request, staff has made the following findings on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable subarea plan. *The proposed development is consistent with the Comprehensive Plan.*
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable properties in the same vicinity and zones. *This property was originally developed in 1910 with the residence and further developed with the outbuildings in 1940 and 1950 while the property was outside the city limits. The existence of over 1,600 sq. ft. of accessory structures or outbuildings effectively prevents improving the property with a new garage without the demolition of the other structures that are in use.*
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest. *The Arnold's plan to demolish the outbuildings over time. The strict application of the code would prohibit the replacement of the garage no matter what the size due to the existing condition of exceeding the maximum square footage for accessory structures that occurred when the property was outside of the city limit. Staff does not believe that this hardship is self-imposed and that the property should be allowed to be improved so long as other structures on the property are demolished within a reasonable time frame to bring the total square footage of accessory structures to be no more than 1,000 sq. ft. in total for the property.*
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment. *There does not appear to be any changes in the character of the site or its surroundings which detrimentally affect the environment.*
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. *The granting of the requested variances will not affect the health or safety of persons, is not detrimental to the public welfare and will not be injurious to surrounding properties or existing public infrastructure. The granting of this temporary variance will allow the property owners to improve the site by demolishing outdated structures and reducing clutter on the property to the benefit of the property and neighboring properties.*

Staff Recommendations and Conditions of Approval: Based upon the following review, a finding of consistency with the goals and policies of the Comprehensive Plan and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of a temporary variance of the maximum square footage of accessory structures equaling approximately 1,396 sq. ft. for a period of two years from the approval date.

Noticing Information: On June 9, 2017, notice of the regularly scheduled June 14, 2017, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of that public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on June 6, 2017.

Property Owner and Applicant: Jon and Robin Arnold
200 39th Street
West Des Moines, Iowa 50265

Attachments:
Attachment A - Board of Adjustment Resolution
Attachment B - Location Map

Prepared by: KTragesser, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE VARIANCE REQUEST (VAR-003488-2017) FOR A TEMPORARY VARIANCE OF 1,396 SQUARE FEET ABOVE THE MAXIMUM OF 1,000 SQ. FT. OF ALLOWED ACCESSORY STRUCTURE FOR TWO YEARS

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, the applicants Jon and Robin Arnold have requested approval of a temporary variance to vary the maximum accessory structure by approximately 1,396 sq. ft. above the maximum of 1,000 sq. ft. of allowed accessory structures for two years, and which is legally described as:

Legal Description of Property

East 1/2 of the alley lying adjacent to the property and the west 1/2 of Walnut Street lying east and adjacent to the property and Lots 1 through 5 Block 3 and the east 1/2 of Walnut Street lying west of and adjacent to the property and Lot 10 through 14 and the alley lying west of and adjacent to the property and except the east five feet of Lots 1 through 5 Block 4 Ashawa, a plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on June 14, 2017, the Board of Adjustment held a duly-noticed public hearing to consider the application for a temporary variance (VAR-003488-2017);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval of the variance request as stated in the staff report dated June 14, 2017, are adopted.

SECTION 2. The temporary Variance Request for an approximately 1,396 sq. ft. above the maximum 1,000 sq. ft. of allowed accessory structures in granted for a period of two years from this date.

PASSED AND ADOPTED on June 14, 2017

Michel R. Blaser, Chairperson
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on June 14, 2017, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary



200 39th Street



Legend

- Parcels
- Parks
- Greenways



1: 789



Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION