

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

Meeting Date: July 26, 2017

Item: Johanningmeier Variance, 720 Maple Street – Approval of a sixteen foot (16’) variance from the twenty foot (20’) front yard building setback requirement to allow placement of an existing residential structure that is to be moved from its current location onto the subject property – Renae Johanningmeier – VAR-003552-2017

Requested Action: Approval of a Variance

Case Advisor: Linda Schemmel, AIA



Applicant’s Request: The applicant, Renae Johanningmeier is requesting a sixteen foot (16’) variance of the required twenty foot (20’) front yard setback along Maple Street in order to accommodate placement of an existing residential structure that is to be moved from its current location onto the subject property located at 720 Maple Street. The property is located in the Single Family - Valley Junction (SF-VJ) zoning district and is a corner lot, next to 8th Street on the west and Maple Street on the north. The Zoning Ordinance requires a front yard setback adjacent to any street right of way of no less than twenty feet (20’) for the Single Family - Valley Junction zoning district. The applicant is requesting the sixteen foot (16’) variance to allow placement of an existing residential structure as close as four feet (4’) from the north property line to avoid modifying the current depth of the structure. The structure is to be relocated from 5000 Westwood Drive and is currently owned by the City of West Des Moines. The applicant is proposing to modify the existing structure to expand the garage width by fifteen feet (15’) and will relocate the door to the garage to the east side, gaining access from the public alley (see Attachment C – Site Plan).

The applicant has provided their findings for the proposed variance (see Attachment E).

History: The property was platted as Lot 18, Block 7, Valley Junction, recorded in April of 1891. The property is currently vacant. Per the Polk County Assessor, the former home on the property was constructed in 1940 and had a total floor area of 1,632 square feet (see Attachment D – 2004 aerial photo). The previous structures were demolished in the fall of 2005.

Staff Review and Comment on the Variance Requests: This request was distributed to other City departments and other agencies for their review and comment. Staff notes the following:

- **Characteristics and Context of the Site:** The subject lot is 50 feet by 145 feet and 7,250 square feet in area. The lot does meet the minimum size (6,000 sf) and frontage requirements (40 feet) of the zoning district. The lot does not meet current minimum lot width requirement for the zoning district for corner lots (65 feet). Providing additional lot width at corner lots is intended to accommodate the additional width needed for the second front yard setback and still provide the same buildable area as a standard lot within a plat. Not providing additional lot width for corner lots is a typical condition of this plat and other plats of that era.
 - City staff recognizes that the corner lot condition in these older plats does make it difficult to rebuild or add on to a building when front yard setbacks are applied to both street frontages. To accommodate these situations, yet respect the existing context of the neighborhood, staff is moving forward with a code amendment that would allow flexibility in applying front yard setbacks in existing developed areas by averaging the setback for the existing buildings flanking the site and then applying that to the subject property. If applied to this project, the resulting front yard setback along Maple would be 8 feet (4 feet larger than the requested variance).

- The lot has little to no change in grade. All utility services are readily available to the site. Public sidewalks exist on both street frontages. 8th Street and Maple Street are paved, the alley to the east is not paved (typical for the area). This lot and the lot directly to the east are vacant, other surrounding lots are developed.
- The residential structure proposed for the site will have a footprint of approximately 1795 square feet, including the proposed garage addition and will take up approximately 25% of the site area. In evaluating the context of the surrounding development, the average existing structure footprint (garage and dwelling unit) is 1389 square feet, taking up 19% of the lot area.
- **Examples provided by the Applicant:** The applicant provided 4 examples of “setback variances” as part of this variance application (see Attachment F). Staff would note that none of these properties received variances.
 - 545 8th Street, 740 8th Street and 644 7th Street: All properties are residential, similarly situated in lot width and corner lot condition as the subject property. All were constructed in the early 1900’s, prior to zoning ordinances being in effect and are considered legal non-conforming in their location on the site. Staff would not typically use these examples as similar properties to determine context as all are located 1/2 mile or more away from the subject property.
 - 134 6th Street: This property is the recently constructed Polk County Community Center, located in the Valley Junction Historic Business District which allows a 0 foot setback from the property line. Staff would not consider this example similar to the subject property as it is a commercial property located in a different zoning district and context.
- **Outstanding Review Comments:** This project did have a shortened review period prior to the Board of Adjustment meeting and the applicant has not had sufficient time to respond to the comments generated by the review process. Should the Board of Adjustment approve the variance request, staff is recommending the following condition of approval: The applicant addressing all outstanding comments as noted in the July 21, 2017 application review comment letter (see Attachment G).

Noticing Information: On July 17, 2017, a notice of the July 26, 2017, Board of Adjustment public hearing was published in the *Des Moines Register*. Notice of this public hearing was mailed to all surrounding property owners within 370 feet of the subject property on July 13, 2017.

Staff Recommended Conditions upon an Approval of the Variance: Should the Board of Adjustment approve the Variance request, staff recommends the Board of Adjustment include the following conditions of approval:

1. The applicant addressing all outstanding comments as noted in the July 21, 2017 application review comment letter (see Attachment G).

Property Owner and Applicant: Renae Johanningmeier
 612 Walnut Street
 West Des Moines, Iowa 50265
Renaejo@gmail.com

Attachments:

- Attachment A - Board of Adjustment Resolution
- Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Site Plan & Exterior Elevation
- Attachment D - 2004 Aerial Photo
- Attachment E - Findings from the Applicant
- Attachment F - Cover letter and examples from the Applicant
- Attachment G - Comment Letter

Prepared by: L. Schemmel, West Des Moines Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3630
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 OR DENYING) THE VARIANCE REQUEST (VAR-003552-2017) FOR A _____ FOOT
VARIANCE OF THE REQUIRED 20 FOOT FRONT YARD SETBACK.**

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Renae Johannningmeier, has requested approval of a variance from Title 9, *Zoning*, Chapter 7, *Setback and Bulk Density Regulations*, Subsection 4, *Setback and Bulk Density Regulations Table 7.2 Minimum Setbacks For Single-Family Detached Dwellings*, for a variance of sixteen feet (16') of the required twenty foot (20') front yard setback along Maple Street to accommodate placement of an existing residential structure that is to be moved from its current location onto the subject property located at and currently addressed as 720 Maple Street, which is legally described as:

Legal Description of Property

LOT 18, BLOCK 7 VALLEY JUNCTION, A PLAT LOCATED WITHIN 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 July 26, 2017, the Board of Adjustment held a duly-noticed public hearing to consider the application for a variance (VAR-003552-2017);

WHEREAS, based upon a review of the submitted variance request, the Board of Adjustment has made the following findings on the proposed project (VAR-003552-2017);

1. That the proposed development or use _____ (is or is not) consistent with the West Des Moines comprehensive plan and any applicable subarea plan, founded on the following information:

2. That there _____ (are or are not) 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, founded on the following information:

3. That the strict application of the zoning regulations as they apply to the subject property _____ (will or will not) 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, founded on the following information:

4. That there _____ (have been or have not been) changes in the character of the site or its surroundings which detrimentally affect the environment, founded on the following information:

5. That the granting of such variance _____ (does or 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, founded on the following information:

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

SECTION 1. A Variance Request (VAR-003552-2016), for a _____ foot variance from the twenty (20) foot front yard building setback requirement along Maple Street to allow placement of an existing residential structure that is to be moved from its current location on to the subject property is _____ (**approved or denied**).

PASSED AND ADOPTED on July 26, 2017

Michael 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 July 26, 2017, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

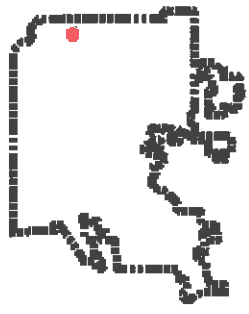
Recording Secretary

Exhibit A
Conditions of Approval

1. The applicant addressing all outstanding comments as noted in the July 21, 2017 application review comment letter (see Attachment G).



720 Maple Street



Legend

- Parcels
- Parks
- Greenways



1: 1,000

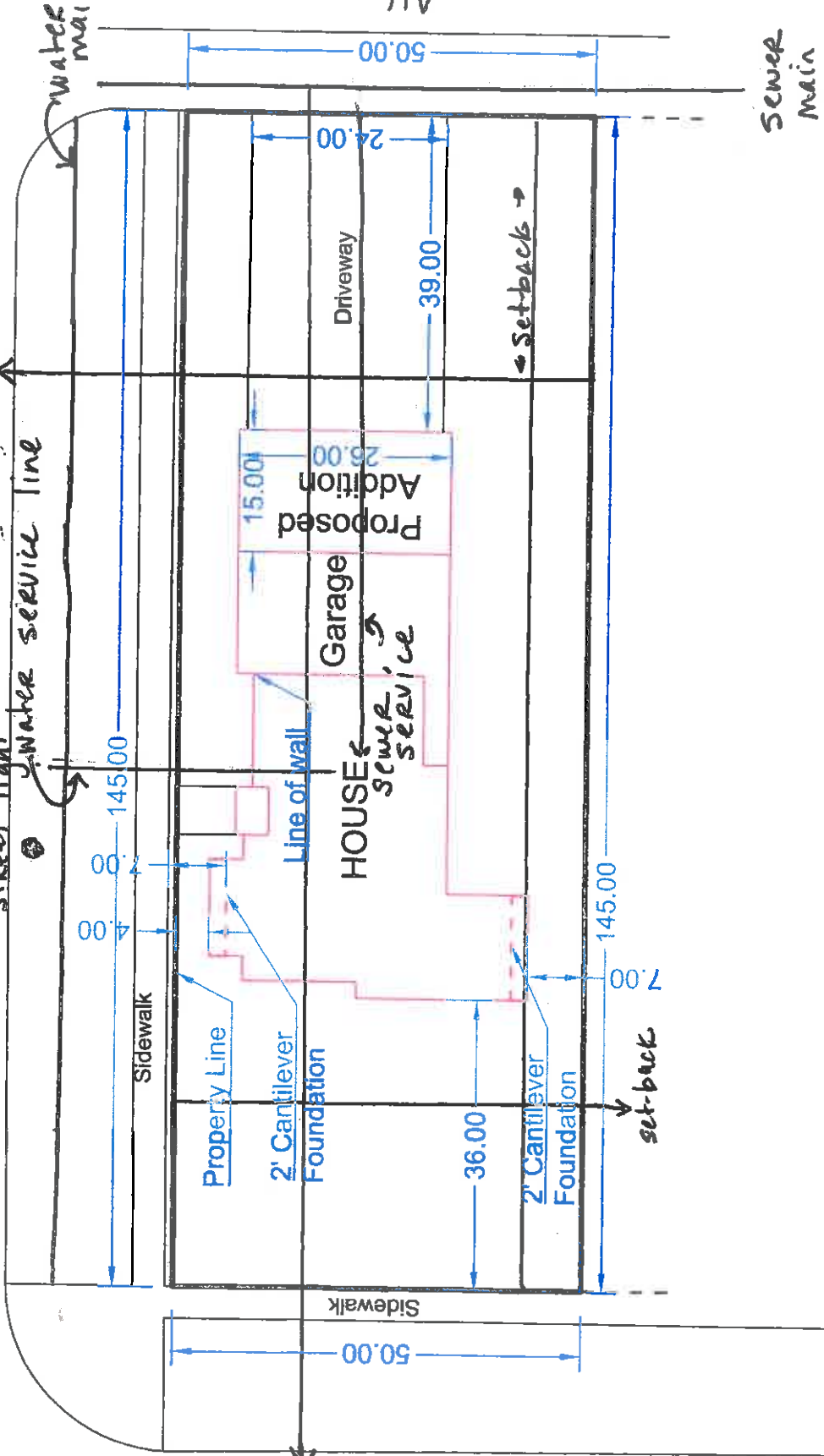


Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Maple St
Right away 66 for full - 33 for half setback

8th St
Right away 66 for full - 33 for half setback



Scale 1" = 20'





[Explanation](#)



[Zoom In](#)

- [0]
- 1
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- [7]
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[Zoom Out](#)

[Get Listing](#)

Aerial 2004 ▼

Redraw

S 81°E 360°

640x480 ▼

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Courtesy of Polk County Auditor Jamie Fitzgerald
320' x 240' -- Click to center and select a parcel

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable sub-area plan.

720 Maple Street is listed as single family on the comprehensive plan, and is zoned SF-VF (Single Family-Valley Junction).

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.

The lot is only 51' wide. The 20' front yard setback from Maple Street and the 7' side yard setback would only allow a house 24' in width. Current house designs do not lend themselves very well to such a narrow lot. The only alternative would be a simple rectangle manufactured home, which typically do not add to the character and esthetic quality of the area.

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.

Granted that this house does not have to be located at the 720 Maple Street address. However, as described in the answer to question #2, almost any proposal for construction a home at this location would require some type of setback variance.

4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment.

There have been no changes to this site 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 variance request could have been to center the house on the lot, but this would have also required a variance to the setback requirement on the south lot line, which is next to an existing homeowner. The proposed location only requires a variance to the setback along Maple Street, therefore it does not negatively affect any of the adjoining properties or neighbors.

July 5, 2017

Attn: The Development Services Department

PO Box 65320

West Des Moines, IA 50265

To Whom It May Concern:

This variance request is a follow-up in response to the City of West Des Moines "Public Notice" for request of bids to move a house located at 5000 Westwood Drive, West Des Moines to another property in West Des Moines. Although my bid was accepted (submitted on 5/31/17), I understood there would be a required variance request for approval which would need to go before the West Des Moines Board of Adjustment prior to the City's final approval to move forward with this project.

Details:

- Request of property relocation to the empty lot located at 720 Maple Street, WDM.
- This variance request is needed due to the current setback requirements.
- I am asking for your approval of a full setback variance that would be needed to relocate the house without reducing the living room and bedroom bump-outs, or cutting back the roof.
- The site plan attached includes a 7' side yard setback from the south lot line (9' ft. from actual foundation with cantilever bump-out).

Considerations:

- The variance request is a 16' variance of the required 20' front yard setback from Maple.
 - Other than the 12' wide bump-out for the kitchen, the majority of the house would within 7 to 8 foot of the sidewalk.
 - It is my understanding from our meeting with the Development Services Department, that Planning would support an 8' setback from Maple as it was the average in the area.
 - Cutting back the bump-out to increase the setback distance would be difficult and expensive because of the roof line.
 - It is the bump-outs that give the house character and provide a positive impact on the streetscape. Especially compared to a simple rectangle design.
 - This upscale home will be a welcome addition to the neighborhood, and allow additional positive tax revenues.

Examples of other set-back variances:

- *Example #1:* located at 545 8th street. A beautiful large stucco home. Variance is 5'5" from sidewalk to foundation and bump out cantilever is 18 inches, which leaves house 3'11" from sidewalk.
- *Example #2:* located at 740 8th Street (directly across from Hillside School). Variance is 6'1" from sidewalk to foundation.
- *Example #3:* located at 644 7th Street. Variance is 7'1" from the sidewalk and steps are less than 24 inches from the sidewalk.
- *Example #4:* located at 134 6th Street. Although this newly built building is zoned commercial (Polk County Community Center), it is directly next to the sidewalk, and yet the visual impact on Maple Street is very positive (also , the WDM Human Services building located at 139 6th Street).

Follow-ups:

- I am personally meeting with the property owners and neighbors in the surrounding area to include additional positive feedback for the Board of Adjustment's final decision.

I appreciate your consideration and look forward to your response!

Sincerely,



Renae Johannningmeier

612 Walnut Street

West Des Moines, IA 50265

515-333-1503

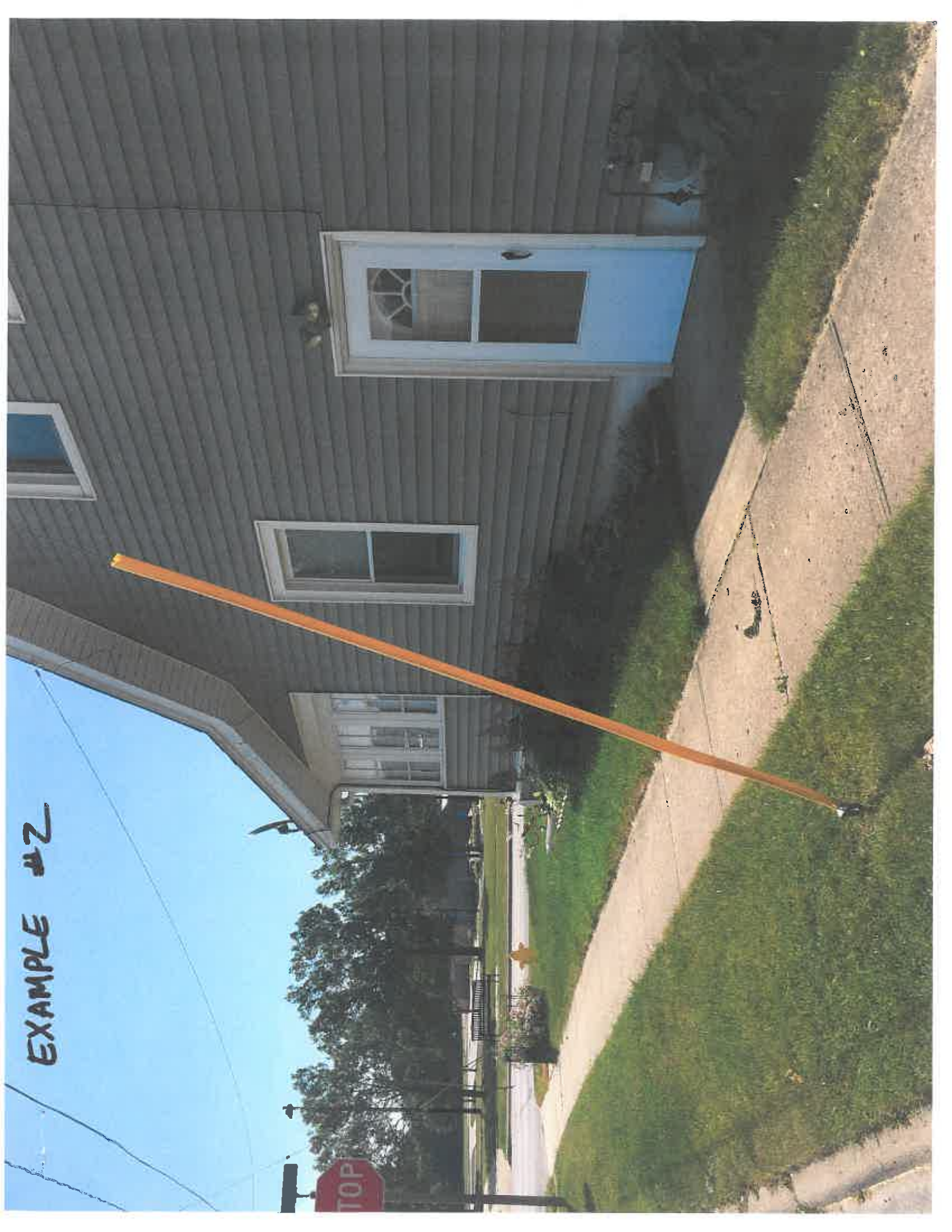
EXAMPLE #1







EXAMPLE #2





EXAMPLE #3



EXAMPLE # 9









THE CITY OF
West Des Moines®
 www.wdm.iowa.gov

Development Services

4200 Mills Civic Parkway, Suite 2D
 P.O. Box 65320
 West Des Moines, IA 50265-0320

Building Inspection

515-222-3630
 buildinginspection@wdm.iowa.gov

Planning

515-222-3620
 developmentservices@wdm.iowa.gov

FAX 515-273-0602
 TDD/TTY 515-222-3334

July 21, 2017

Renae Johannngmeier
 612 Walnut Street
 West Des Moines, Iowa 50265

RE: 720 Maple Street – Johannngmeier Variance
 Submitted July 13, 2017 (Project # VAR-003552-2017)

Dear Renae:

We have the following comments regarding the Variance Request submitted for the property located at 720 Maple Street.

In an effort to enable effective reviews and quick turnaround, responses to the following review comments shall be in writing regardless of whether changes or notes are added to the plan. The response shall clearly indicate the action taken to address the comments, and, if applicable, the corresponding plan sheet location and/or note number. **If while addressing the comments below changes are made to other aspects of the plan (utility line locations, building footprint, access drive locations, parking lot layout modifications, et cetera), those changes should be clearly identified within the written applicant response letter.**

Planning Comments

1. This project is scheduled for the July 26, 2017 Board of Adjustment meeting. Should the Board approve the variance, staff is recommending as a condition of approval that any outstanding comments included in this review letter be addressed by the applicant.
2. There is a two foot cantilever noted at the north projection for the house, however the dimension from the line of the foundation to the property line indicates a 3 foot cantilever. Please clarify the depth of the cantilever.
3. The site plan notes the lot width along 8th Street as 50 feet, however it's noted as 51 feet in the findings response provided by the applicant. Please confirm the correct lot width.
4. The property may need to be re-addressed. The applicant should contact Lynne Twedt, Addressing Administrator, at 515-222-3620 or Lynne.Twedt@wdm.iowa.gov prior to obtaining any building permits to confirm site address.

Engineering Comments

1. For the applicant's information and use, below is the link to a fillable form for the House Moving application and permit. It also includes the section of the City Code regarding house movers.

<http://www.wdm.iowa.gov/home/showdocument?id=9576>

Water Works Comments

1. The existing water service at 5000 Westwood Drive needs to be abandoned at the water main. WDMWW to observe abandonment prior to backfill
2. The new water service at 720 Maple Street shall be installed per WDMWW specifications. Coordinate tap with WDMWW at 515.222.3465.
3. Confirm whether the proposed site has a water main tap. Use tap or properly abandon.
4. WDMWW needs to replace the water meter in the home. Schedule work after the move is completed and prior to initiating water service at the new location.
5. Ensure that all water infrastructure is protected at all times before, during, and after the move.
6. Verify that there is not an existing service to the lot. If there is, use or properly abandon,

S:_Development Projects\Valley Junction\720 Maple Johannngmeier Variance\VAR-003552-2017_CL_Johannngmeier Variance_07-21-2017.docx



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Development Services

4200 Mills Civic Parkway, Suite 2D
P.O. Box 65320
West Des Moines, IA 50265-0320

Building Inspection
515-222-3630
buildinginspection@wdm.iowa.gov

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developmentservices@wdm.iowa.gov

FAX 515-273-0602
TDD/TTY 515-222-3334

Please address the above comments and provide a response letter and resubmit 1 copy of the revised site plan for further review and comment.

Please feel free to contact me with any questions at 222-3620 or via email at Linda.Schemmel@wdm.iowa.gov

Respectfully,

Linda Schemmel, AIA
Development Coordinator