

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_05-02-2018

Chairperson Blaser called to order the May 2, 2018, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in the City Council Chambers, West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa.

Roll Call: Blaser, Celsi, Christiansen, Cunningham,.....Present
Pfannkuch.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of April 18, 2018

Moved by Board Member Celsi; seconded by Board Member Cunningham, to approve the April 18, 2018 meeting minutes.

Vote: Blaser, Celsi, Cunningham Yes
Pfannkuch.....Absent
Christiansen.....Abstained

Motion carried.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – Curren Office Building Sign Variance, 1332 Grand Avenue – Vary the required minimum lot frontage necessary for a ground sign from 150 feet to 143 feet and vary the sign setback from ten feet to two feet – Steve Curren (VAR-003865-2018)

Chairperson Blaser opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary indicated that the notice was published on April 23, 2018, in the Des Moines Register.

Chairperson Blaser then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Board Member Christiansen, seconded by Board Member Cunningham, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

Vote: Blaser, Celsi, Christiansen, Cunningham..... Yes
Pfannkuch.....Absent

Motion carried.

Steve Curren, 1332 Grand Avenue, West Des Moines, stated he was requesting setback variance for a monument sign. The current lot frontage for his business is short 7 feet of the 150 normally required for the sign. Future proposed right of way will be 120 feet, so Mr. Curren is also requesting 2 foot setback from this right of way, rather than the required 10 feet. Clients driving by have difficulty seeing building signage from the east due to the angle of the road, and landscaping/fencing at an adjacent school. Traveling southwest it makes it very difficult to see signage on the front of the building, therefore he is requesting variance of setbacks. There is a portion of the land

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parcel which is unbuildable. The school property and unbuildable lot will not be affected by the sign.

Board Member Cunningham asked who ownership of the odd-shaped parcel to the East. Mr. Curren stated that there had been two lots sold together, the odd-shaped parcel and a bar.

Chairman Blaser asked where the sign would be located on the site. Mr. Curren demonstrated on an aerial.

Board Member Cunningham asked if that was Stillwell Middle School to the West. Mr. Curren affirmed that it was and demonstrated more pictures with views from Grand Avenue.

Chairperson Blaser noted that there was no one present in the audience, closed the Public Hearing and asked for Staff comments.

Kara Tragesser, Development Services Planner informed that there have been comparable variances granted along Grand, in 2001 a 7.3 ft variance for the front yard setback was granted for Medicap Pharmacy and in 2008 for the Family Pet Vet a lot frontage variance of 25 ft for a monument sign was granted, therefore there has been some precedent in this area for granting of this type of variance.

Board Member Christiansen observed that Medicap Pharmacy is now a credit union. Ms. Tragesser affirmed that it is.

Board Member Celsi asked if there are any firm renovation plans for Grand Avenue. Ms. Tragesser responded that at this location near 13th Street there are no firm plans. 1st – 4th Street is being done now. There has been discussion about going to 8th Street, but she does not know that going further west has been.

As there were no other questions or comments, Chairman Blaser asked for a motion and a second for this item.

Moved by Board Member Celsi, seconded by Board Member Christiansen the Board of Adjustment adopted a resolution to approve the variance based on staff’s findings, subject to meeting all City Code requirements and regulations.

Vote: Blaser, Celsi, Christiansen, Cunningham.....Yes
Pfankuch.....Absent

Motion carried.

STAFF VARIANCE APPLICATION FINDINGS

Please address each required finding in the space provided or attach more sheets if necessary to prove to the Board of Adjustment that the finding can be made.

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

The proposed use of an office is consistent with the West Des Moines Comprehensive Plan in that the land use of the property is designated Office on the Comprehensive Plan Land Use Map.

- 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 property is not described as an original parcel. Various subdivisions along the north side and east side of the property have left an irregular shaped parcel, not typical of comparable properties in the area, especially noting the northeast corner of the lot where the lot line has a change of direction as it heads to Grand Avenue.

- 3. That the strict application of the zoning regulations as they apply to the subject property will result in practical

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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.

Staff is of the opinion that the strict application of the regulations will make it impractical to place a ground sign on the property that can meet the lot frontage and setback requirements. Staff views the irregular shape of the lot to be attributed to various subdivisions of the property which is not self-imposed by the property owner.

The view sheds of the property from either direction of travel along Grand Avenue appear to be poor if the sign is placed too close to the building.

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

The placement of the sign does not appear to change the character of the site or its surroundings and should have no detrimental affect on 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 this variance does not appear to affect the health or safety of persons, is not detrimental to the public welfare, nor injurious to nearby property or improvements. The sign is proposed to be placed in a location that is several feet away from either side yards, thereby not impacting neighboring property and will be out of the future Grand Avenue ROW.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

5a – Election of Officers

Chairman Blaser asked for nominations for Chairman and Vice-Chair for the Board for the 2018-2019 term. Moved by Board Member Christiansen, seconded by Board Member Blaser, Tom Cunningham was nominated for Chairman, and Claire Celsi for Vice Chairman.

Vote: Blaser, Celsi, Christiansen, Cunningham.....Yes
Pfannkuch.....Absent

Motion carried.

Board Member Celsi asked staff to explain how notices are published and whether this process is reviewed periodically. Development Coordinator Schemmel stated that the City follows the City Clerk’s direction. She noted that the Des Moines Register is used as it reaches the widest population base, and added that if there is enough time, notices are placed in the West Des Moines Community Section of the Des Moines Register. The notices are also placed on the City website and notices are mailed to all property owners within 370 feet of the subject property.

Item 6 – Adjournment

Chairperson Blaser adjourned the meeting at 5:42 pm.

Michael R. Blaser, Chairperson
Board of Adjustment

Recording Secretary