

**BOARD OF ADJUSTMENT MEETING MINUTES**

BOA\_AF\_07-11-2018

Vice Chairperson Celsi called to order the July 11, 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, Pfannkuch.....Present  
Christiansen, Cunningham.....Absent

**Item 1 – Consent Agenda**

**Item 1a – Minutes of June 27, 2018**

Moved by Board Member Pfannkuch; seconded by Board Member Blaser, to approve the June 27, 2018 meeting minutes.

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

Motion carried.

**Item 2 – Old Business**

There were no Old Business items reported.

**Item 3 – Public Hearings**

**Item 3a – 4921 Park Drive, NE Corner of S 50th Street and Park Drive – Vary the front yard setback to allow the construction of a garage – Scott and Leigh Carr – VAR-003942-2018**

Vice Chairperson Celsi 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 July 2, 2018, in the Des Moines Register.

Vice Chairperson Celsi 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 Blaser, seconded by Board Member Pfannkuch, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

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

Motion carried.

Scott and Leigh Carr, 4921 Park Drive, presented their request for a variance to build a garage off the west side of their house accessing Park Drive. Currently, their driveway exits onto S. 50<sup>th</sup> Street which has become extremely busy over the years and is difficult to back onto and to cross. The Carr family has three teens driving now, which adds to the hazard of additional cars using the drive and trying to avoid pedestrians and cars.

Board Member Pfannkuch stated that she lives on this street as well and agrees that it is disastrous for them trying

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to back onto S 50<sup>th</sup>. The only other houses that back onto it are up by Ashworth.

Vice Chairperson Celsi then asked for questions or comments from the audience. Hearing none, Vice Chair Celsi closed the public hearing and asked Staff for comments.

Mackenzie Locey, Development Services Associate Planner, explained that the intent is to build the garage further forward in order to access Park Drive. They believe this addition is the best way to make it possible. S 50<sup>th</sup> is considered a minor arterial; typically staff do not want private drives on these due to safety concerns. The Carrs have the only driveway that backs onto this street in this area. Traffic has increased significantly since the house was built. Code states that the dwelling can be no closer to the property line than any neighboring property within 200 feet, which lines up with one nearby house. Along Park Drive, there are varying distances, with one house as close as 54 feet. The new addition would bring the Carrs to within 75 feet and still maintain consist distances, similar to homes across the street.

As there were no other questions or comments, Vice Chairperson Celsi asked for a motion and a second for this item.

Moved by Board Member Blaser, seconded by Board Member Pfannkuch, the Board of Adjustment adopted a resolution to approve the Variance based on Staff Findings to allow the variance, subject to meeting all City Code requirements, regulations, and the following:

Conditions of Approval

1. The Board of Adjustment authorizing that the variance necessary for construction of the building addition remain valid until such time that construction is initiated. The variance shall only apply to construction as indicated on the attached Site Plan. Any alteration from that illustrated in the site plan will require specific Board of Adjustment approval prior to release of the associated building permit for construction.

**Item 3b - Houston Variance, 501 Grand Oaks Drive – Vary the side yard setback for an accessory structure from 20 feet to 6 feet for the construction of a 2,647 square foot carriage house – Dan Houston - VAR-003960-2018**

Vice Chairperson Celsi noted that there was a memo on the dais requesting that Item 3b be deferred to July 25, 2018.

Celsi asked if there were any members in the audience present who would like to speak – no one came forward.

Moved by Board Member Pfannkuch, seconded by Board Member Blaser the Board of Adjustment deferred the Houston Variance until the July 25, 2018 Board meeting.

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

**Item 4 – New Business**

There were no New Business items presented.

**Item 5 – Staff Reports**

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The next BOA meeting scheduled for Wednesday, July 25.

Board Member Blaser commented that Applicant Houston requested a deferral and there have been several similar variance requests in the past. Board Member Blaser asked if there may be a way to distinguish between minor and major variances. Currently, if the request doesn't meet a couple of tests, the Board has to deny the request. There may be situations where the landowners could work together to resolve the situation.

Development Coordinator Schemmel responded that Staff doesn't typically tell the applicant what to do, although they do explain what a hardship is. She noted that the City of Des Moines code differentiates between minor and major variance requests and the application can be approved through consent agenda if the neighbors don't object. We are seeing more of these lately with the boom in construction.

Board Member Pfankuch agreed that with redevelopment and the housing boom more of these variance requests will be coming through.

Ms. Schemmel stated Staff would move forward on the Board's request and discuss with Legal.

**Item 6 – Adjournment**

Vice Chairperson Celsi asked for a motion to adjourn the meeting.

Moved by Board Member Pfankuch, seconded by Board Member Blaser, the Board of Adjustment meeting adjourned.

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

The meeting adjourned at 5:41 p.m.

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Thomas M. Cunningham, Chair  
Board of Adjustment

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Recording Secretary