


**CITY OF WEST DES MOINES
MEMORANDUM**

TO: Chairperson Cunningham and Board of Adjustment Members
FROM: Linda Schemmel, Development Coordinator 
DATE: August 8, 2018
RE: Item 2a. – Houston Variance

Per the direction from the July 25, 2018 Board of Adjustment meeting, please find attached findings for the Houston Variance (VAR-003960-2018) for the Board's consideration and ratification.

Cc. Lynne Twedt, Development Services Director

**CITY OF WEST DES MOINES BOARD OF ADJUSTMENT
HOUSTON VARIANCE APPLICATION FINDINGS – VAR-003960-2018**

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 single family residential is consistent with the West Des Moines Comprehensive Plan in that the land use of the property is designated Low Density Residential 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 subject property is a heavily wooded walk-out type lot with mature, high quality trees due to its past history as a tree farm. This mature tree canopy is desirable in single family areas and provides aesthetic and climatic benefits to the city. The applicant has demonstrated due to the narrow frontage typical of a cul-de-sac lot, it would be difficult for the neighboring property to remain in compliance with zoning bulk regulations should the applicant pursue purchasing additional property from the neighbor to bring the side yard setback into compliance. The opposite side yard of the lot has a steep slope, and the remaining rear yard is heavily wooded, making it difficult to place an accessory structure in any other area of the lot.
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 adjoining neighbor to the property line for which the variance is desired, is supportive of the construction of the carriage house. With the code requirement for a 20' setback being in response to individuals that did not want structures of the proposed size close to the common property line, it could be viewed that with the neighbors acknowledgement of the structure size and agreement with its location, that denying the variance is counter to the purpose of the larger setback requirement identified in city code.
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment.

This development is in an area with varying characteristics such as topography and vegetation. The character of the site has not been changed over the years. The Board does not believe that the proposal detrimentally affect the points listed above.
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.

In this case the applicant has obtained the support of his neighbor and has oriented the building to put the short façade length facing the neighbors. Considering that the intent of the setback was to insulate neighbors from adverse effects of accessory structures and the neighboring property has an established tree line that will act as a natural buffer, it could be argued that an approval would not negatively impact the quality of life of this particular neighbor.