

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

**Meeting Date:** November 14, 2018

**Item:** Sacred Heart Church Priest Dwellings, 1620 Mountain Avenue – Permitted Conditional Use Permit to allow a second dwelling on the property – Sacred Heart Church – PC-004096-2018

**Requested Action:** Approval of a Permitted Conditional Use Permit for an second dwelling

**Case Advisor:** Brian S. Portz, AICP *BP*

**Applicant's Request:** The applicant, Sacred Heart Church, is seeking approval to allow the construction of a second dwelling at 1620 Mountain Avenue. The applicant proposes to demolish the existing single family residence on the property and construct two new detached dwellings in its place. The property is zoned Residential Single Family (RS-10). Second dwelling units are allowed in the RS district with the issuance of a Permitted Conditional Use.

**City Council Subcommittee:** This item will be presented to the Development and Planning City Council Subcommittee on November 12, 2018 as an upcoming project. Staff will provide any input received from the Subcommittee members at the Board of Adjustment meeting.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment: no issues have been raised. The proposed use is located on a parcel of ground within the RS zoning district. The Zoning Code allows for second dwellings in the RS district. Staff would note the following:

- ***Site Plan:*** The applicant proposes to construct two single family dwelling units on the property. One of the units will be approximately 1,200 square feet and the other will be around 1,000 square feet or less. The proposed site plan shows the 1,200 square foot unit to front onto Mountain Avenue and the other unit to be located to the rear and side of the 1,200 square foot unit with a shared driveway from Mountain Avenue to each unit. Each unit will have two off-street parking spaces that includes the proposed garage space. The units will be approximately 22' apart, exceeding the minimum of 14' of separation (the equivalent of 2-7' side yard setbacks). Both units will meet the side yard and rear yard setback requirements for each unit type, specifically, the 1,200 square foot unit will be setback at least 7' from the east side yard property line and 35' from the rear yard property line. The 1,000 square foot unit will be setback 8' from the west side yard property line and be located approximately 25' from the rear property line, less than the 35' rear setback for principal structures in the zoning district. To allow the second dwelling at a lesser rear yard setback, its building area will be limited to 1,000 sf or less to enable use of accessory building setbacks (a minimum of 5' side and rear yard setback).

**Permitted Conditional Use Permit Findings:** Sacred Heart's application for a Permitted Conditional Use Permit to an second dwelling unit was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan. *The proposed use of the property for a second dwelling unit is consistent with the Single Family Residential land use designation as shown on the Comprehensive Plan land use map. Also, the proposed project is consistent with all of the goals and policies of the Comprehensive Plan.*
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance. *The proposed detached single family dwellings will located on the site such that the larger dwelling (1,200sf) will be located facing Mountain Avenue, while the second dwelling (1,000sf) will be*

*located on the side and to the rear of the site. Both units will meet side yard setback requirements on the site to blend in with the neighborhood.*

3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community. *Dwelling locations and setback requirements will help to reduce the potential impact of the proposed use on the surrounding area to help protect the health, welfare, and safety of the community.*
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development. *Existing public infrastructure is adequate to serve both dwelling units on the site.*
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements. *This review of the use of the property for a second dwelling unit complies with all City Code requirements in that a second dwelling unit can be considered in a Residential Single Family district with the review of a Permitted Conditional Use. The actual construction of the dwellings will be reviewed separately as a part of the building permit review process to ensure that all building code requirements pertaining to construction of the dwellings and any conditions of approval placed on the use are adhered to.*
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project. *The Official Zoning map and Comprehensive Plan designate this property as Residential Single Family, which allows second dwelling units with the issuance of a Permitted Conditional Use. The neighborhood consists of single family homes that are generally between 1,000 and 1,500 square feet in size, which is consistent with the size of the dwelling units proposed by the applicant.*

**Staff Recommendations and Conditions of Approval:** Based upon the review of the proposal, 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 to approve the Permitted Conditional Use Permit to allow the construction of a second dwelling unit on the property at 1620 Mountain Avenue, subject to meeting all City Code requirements and regulations and the following:

1. Construction of the dwelling units will require a demolition permit for the existing house and a building permit for each dwelling unit.
2. Both dwellings may share one driveway to the street, however any required parking space for one dwelling may not block access to the other dwelling or its required parking spaces.

**Noticing Information:** On October 31, 2018, notice of the November 14, 2018, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on November 2, 2018.

**Property Owner/Applicant:** Sacred Heart Church  
1627 Grand Avenue  
West Des Moines IA 50265  
Nancy Gion  
[nancy.gion@sacredheartwdm.org](mailto:nancy.gion@sacredheartwdm.org)

**Applicant's Representative:** Hannah Homes  
901 30<sup>th</sup> Street  
West Des Moines, IA 50265  
Brenden Hannah  
[brenden@hannahhomesiowa.com](mailto:brenden@hannahhomesiowa.com)

**Attachments:**

- Attachment A - Permitted Conditional Use Resolution  
Exhibit A – Conditions of Approval
- Attachment B - Location Map
- Attachment C - Proposed Site Plan

Prepared by: B. Portz, 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 – BOA-2018-17**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-004096-2018) TO ALLOW A SECOND DWELLING AT 1620 MOUNTAIN AVENUE

**WHEREAS**, pursuant to the provisions of Title 9 of the West Des Moines Municipal Code, the applicant, Sacred Heart Church, has requested approval for a Permitted Conditional Use Permit to allow a second dwelling unit at 1620 Mountain Avenue and legally described as:

Legal Description of Property

LOT 127 AND THE WEST 14 FEET OF LOT 128, MOUNTAIN PLACE PLAT 4, AN OFFICIAL PLAT, 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 November 14, 2018, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit;

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

**SECTION 1.** The findings, for approval, in the staff report, or as amended orally at the Board of Adjustment hearing, are adopted.

**SECTION 2.** The PERMITTED CONDITIONAL USE PERMIT (PC-004096-2018) to allow a second dwelling unit at 1620 Mountain Avenue is approved, subject to compliance with all the conditions in the staff report including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on November 14, 2018.

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Thomas M. Cunningham, Chair

ATTEST:

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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 November 14, 2018, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

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Recording Secretary

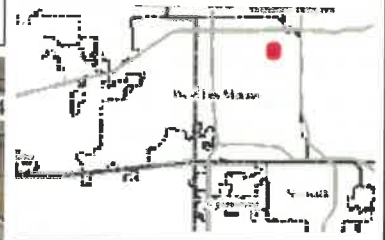
**EXHIBIT A**  
**CONDITIONS OF APPROVAL**

1. Construction of the dwelling units will require a demolition permit for the existing house and a building permit for each dwelling unit.
2. Both dwellings may share one driveway to the street, however any required parking space for one dwelling may not block access to the other dwelling or its required parking spaces.



# Location Map

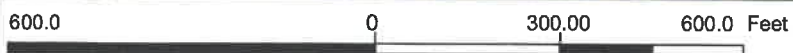
## ATTACHMENT B



**Legend**

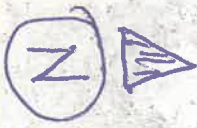
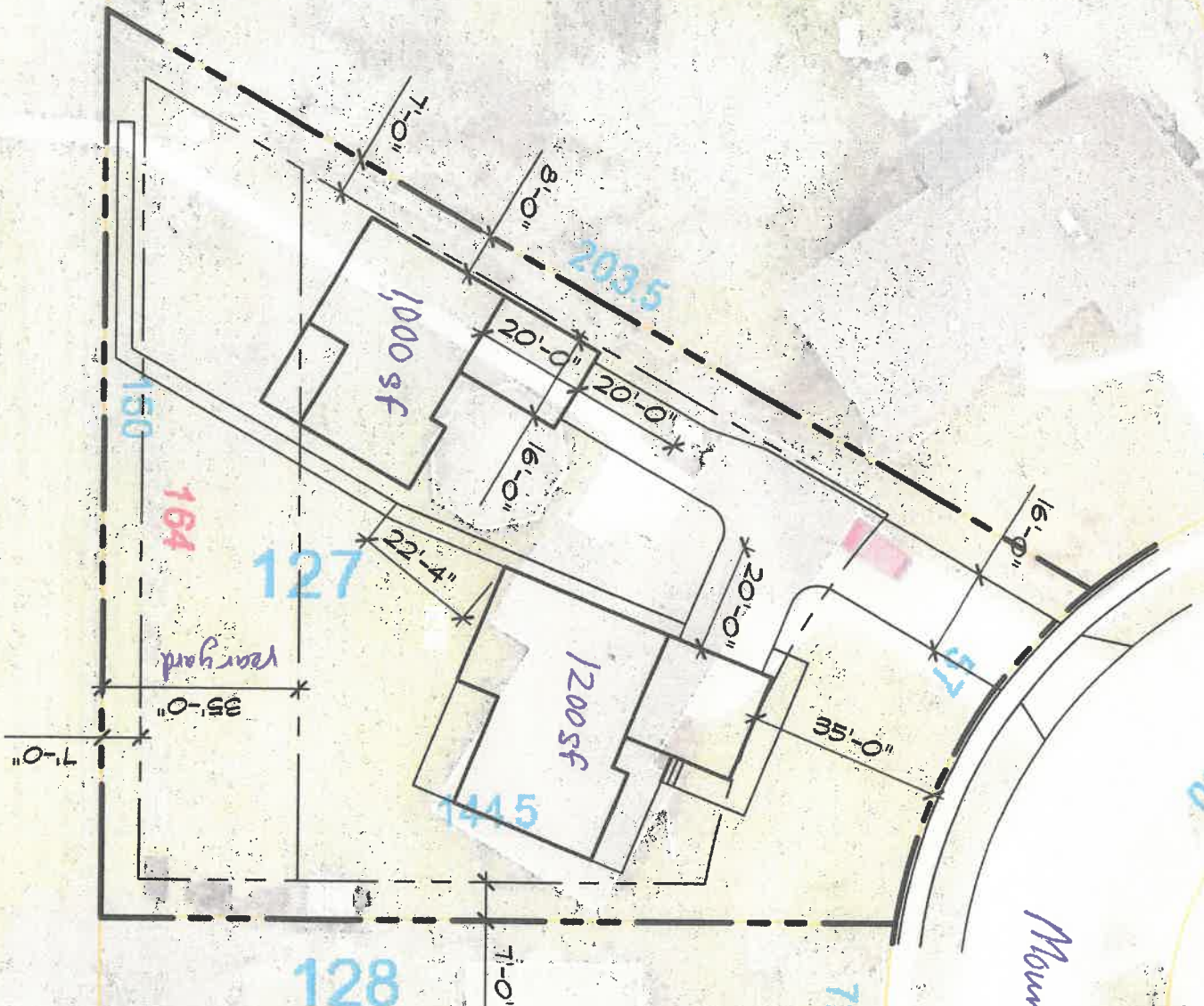
- Addresses
- Corporate Limits
- Parcels

1:3,600



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





617.1



MOUNTAIN HOMES

SACRED HEART CHURCH

SK

DESIGNED FOR  
REVISION  
DATE  
12/1/16  
DRAWN  
DATE