

**BOARD OF ADJUSTMENT MEETING MINUTES**

BOA\_AF\_12-18-2019

Vice Chair Stevens called to order the December 18, 2019, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in the Large Conference Room, West Des Moines Law Enforcement Center, located at 250 Mills Civic Parkway, in West Des Moines, Iowa.

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

**Item 1 – Consent Agenda**

**Item 1a – Minutes of November 20, 2019**

Vice Chair Stevens asked for any questions or modifications to the meeting minutes of November 20, 2019.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the November 20, 2019 meeting minutes were approved as presented.

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

Motion carried.

**Item 2 – Old Business**

There were no Old Business items reported.

**Item 3 – Public Hearings**

**Item 3a – 329 5<sup>th</sup> Street Height Variance, 329 5<sup>th</sup> Street – Vary the maximum building height from thirty-six feet (36’) to forty feet (40’) for the elevator shaft of a proposed mixed use building – Junction House 329 LLC – VAR-004570-2019**

Vice Chair Stevens opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary stated that the notice was published on December 11, 2019, in the Des Moines Register.

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

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

Motion carried.

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Scott Cutler, 224 ½ 5<sup>th</sup> St, #4, West Des Moines, summarized his multi-use project planned for 329 5<sup>th</sup> Street and introduced architect Cody Knop for further details. Mr. Cutler noted that also present were co-investor Tim Rypma, 333 5<sup>th</sup> St, West Des Moines, Richard and Andrea Doggett, owners of 329 5<sup>th</sup> St, West Des Moines, and Cody Knop and Tim Hickman, Substance Architecture, 1300 Walnut St, Des Moines.

Mr. Knop presented the Board with a series of drawings and noted the location of the site within the Valley Junction Historic Business District. He provided a sketch showing the three story structure, with retail on the first floor, and residential units, 8 per floor for the upper two levels. He noted a park area planned to be adjacent to the building as an amenity to residents. Another sketch provided a cross-section view of the elevator use to each of the upper two floors, demonstrating the need to have four feet above the building rooftop to allow for mechanicals for the elevator. The final drawing illustrated the placement of the elevator shaft relative to the front of the building, and Mr. Knop pointed out that the developer intentionally placed the elevator 30' back from the front of the building, where it would be less obvious.

Board Member Christiansen asked the dimension of the elevator shaft projection above the roof. Mr. Knop responded that it will be 8' x 10'.

Vice Chair Stevens questioned the potential use of rooftop HVAC units in relation to the variance. Planner Brad Munford responded that they are viewed differently as they are bolted to the rooftop, but are not part of the structure and therefore do not require a variance.

Vice Chair Stevens questioned whether the adjacent park area would be accessible to the Public. Mr. Knop replied that there will a locked door on the 5<sup>th</sup> Street entrance, but it will glass and viewable from the street. Plans are not finalized for the park area, however the intent is that it will be an amenity for the building residents and not a throughway for the public.

Board Member Christiansen asked the applicant if they were in agreement with Staff conditions and comments. Mr. Knop affirmed that they are.

Vice Chair Stevens asked for any other questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Brad Munford, Development Services Planner, presented Staff findings, noting that the project is consistent with the West Des Moines Comprehensive Plan. He stated that the applicant has worked with Staff regarding the height restrictions of the zoning code and staff believe the general purpose of the height restrictions are being met as the bulk of the building complies, and allowance of the additional height to accommodate code required technology and building accessibility was not considered when the intent of the height requirements were established. Planner Munford pointed out that the multi-use building being proposed is new to the neighborhood but indicative of a trend in this area. Approval of this height variance will not be detrimental to the area, and the applicant has proactively

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worked to locate the elevator shaft where it will mitigate the impact to adjacent properties.

Planner Munford pointed out that due to the zoning restriction of 36' for building height in this district, the options available to the applicant included reducing the building by one level, or limited elevator access to the bottom two levels. Due to accessibility concerns, Staff did not support the third level without elevator access.

Mr. Munford informed that Staff had performed research with the Jordan Creek Town Center Overlay District and noted similar height allowances for clock towers, some elevators, mechanicals and examined future use of parapets for screening.

Board Member Blaser spoke in support of the project, however asked Staff whether Code could be amended to allow this type of variance without the Board needing to issue a judgement for each case. Development Coordinator Schemmel responded that Staff fully agreed with that intent and would work in that direction, however Staff anticipate a few more variance requests of this nature coming before the Board before the Code update was complete.

Board Member Cunningham noted for the record his appreciation of the shaft setback on the rooftop and encouraged Staff to work with any future applicants to implement a similar intent.

Vice Chair Stevens asked for continued discussion or a motion and a second for this item.

Moved by Board Member Christiansen, seconded by Board Member Blaser, the Board of Adjustment approved the variance based on Staff findings.

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

Motion carried.

Vice Chair Stevens read the following:

The motion is declared approved. Any person desiring to appeal this decision to a court of record may do so within 30 days from this date in accordance with the Code of Iowa.

For any variance granted by the Board for the construction of a specific project, the applicant shall have a period of one (1) year to execute the building permit and commence with construction. If after the one (1) year period these requirements have not been met, the variance shall become null and void.

Any variance granted by the Board shall be for the specific project as stated in the request. Any subsequent expansions or additions which would encroach into the required setbacks as set forth in Title 9, Zoning, shall be required to be reviewed by the Board of Adjustment through the established variance process.

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### **Item 4 – New Business**

There were no New Business items.

### **Item 5 – Staff Reports**

There were no Staff Reports. The next scheduled Board meeting is set for January 15, 2020, however no agenda items have been noticed at this time.

### **Item 6 – Adjournment**

Vice Chair Stevens asked for a motion to adjourn the meeting.

Moved by Board Member Christiansen, seconded by Board Member Cunningham, the Board of Adjustment meeting adjourned at 5:55 PM.

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Michele Stevens, Vice Chair

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Recording Secretary