

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

**Meeting Date:** April 7, 2021

**Item:** Esmiralda Henderson, 1634 Thornwood Road – Permitted Conditional Use permit for Agricultural Production Animals, Personal to allow for chickens and a coop - PC-005078-2021

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Kara V. Tragesser, AICP

**Applicant's Request:** Esmiralda Henderson, owner of property at 1634 Thornwood, requests that the Board of Adjustment approve a Permitted Conditional Use permit to construct a chicken coop and keep chickens on the property.

**History:** The property is zoned Residential Estate RE-1A. Chickens and coops are permitted in this zone with the approval of a permitted conditional use permit for personal agricultural production animals by the Board of Adjustment.

**City Council Subcommittee:** This project will be presented to the Development and Planning Subcommittee at their April 5<sup>th</sup> meeting for information purposes. Staff will report any issues arising from the Subcommittee, if any.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff notes the following:

- **Number of Animals:** City Code permits up to eight (8) animals on a property, including dogs and cats. The applicant has indicated that there are no other animals on the property and that at this time three or four chickens are anticipated.
- **Accessory Structures (coops):** Accessory structures, including coops, are allowed to take up to ten percent of the lot area in the Residential Estate zoning district. The structure must be located in the rear or side yard and be setback a minimum of 5 feet from the property line (if under 1,000 square feet) and a minimum of 100 feet from a dwelling on an adjacent property.

**Comprehensive Plan Consistency:** 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 the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

**Findings:** This proposed project was distributed to various city departments for review and comment. Based upon that review, 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 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.
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.
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.
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 the project has complied with or has been conditioned to comply with all City Code requirements.
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 designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Noticing Information:** On Wednesday, March 31, 2021, notice of the April 7, 2021, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on March 26, 2021.

**Staff Recommendation And Conditions Of Approval:** Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan and the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request for Agricultural Production Animals, Personal to construct a chicken coop and keep chickens at 1634 Thornwood Drive, subject to City Code requirements, and the following:

1. The property owner acknowledging that the limit of animals on the property is eight total, including dogs and cats, and chickens.

**Property Owner/Applicant:** Esmiralda Henderson  
1634 Thornwood Road  
West Des Moines IA 50265

**Applicant's Representative:** Same as Applicant

Location Map



**CITIZEN COMMENT**

Sent: Wednesday, March 31, 2021 1:28:24 PM (UTC-06:00) Central Time (US & Canada)  
To: Development Services Inbox  
Subject: [EXT] Chickens at 1634 Thornwood Road

We approve Esmiralda Henderson's request to have hens on her property and we have no issues or concerns with it.

We live across the street at 1619 Thornwood Road.

Best,

Mike Youngstrom and Eric Tabor

Prepared by KTragesser: West Des Moines Development Services, PO Box 65320 West Des Moines IA 502650320  
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-2021-06**

#### **A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-005083-2021) FOR AGRICULTURAL PRODUCTION ANIMALS, PERSONAL TO ALLOW CONSTRUCTION OF A CHICKEN COOP AND KEEP CHICKENS AT 1634 THORNWOOD DRIVE**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, and property owner, Esmiralda Henderson, has requested approval of a Permitted Conditional Use permit for Agricultural Production Animals, Personal to construct a coop and keep chickens on property located at 1634 Thornwood Road, legally described as follows:

#### **Legal Description of Property**

Lot 16, Thornwood, an official plat now in and forming a part of the  
City of West Des Moines, Polk County, Iowa

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted, which are made a part of this record and herein incorporated by reference;

**WHEREAS**, on April 7, 2021, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-005078-2021).

**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, dated April 7, 2021, or as amended orally at the Board of Adjustment hearing of April 7, 2021, are adopted.

**SECTION 2.** PERMITTED CONDITIONAL USE PERMIT (PC-005078-2021) is approved, subject to compliance with all the conditions in the staff report, dated April 7, 2021, 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 April 7, 2021.

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Angie Pfannkuch, Chair  
Board of Adjustment

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 April 7, 2021, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

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Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

1. The property owner acknowledging that the limit of animals on the property is eight total, including dogs and cats, and chickens.