

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

Meeting Date: October 20, 2021

ITEM: 4032 High Street – Zoning Exception for the Reduction of Setback to accommodate a building addition – Kevin Carson – VAR-005339-2021

REQUESTED ACTION: Zoning Exception for Reduction of Front Yard Setback

Applicant's Request: The applicant, Lisa Rubsam with Dreams 2 Reality, on behalf of the property owner, Kevin Carson, is seeking approval of a Zoning Exception for a 25% reduction to the minimum 20' front yard setback to accommodate an addition to the existing two-story single-family home. If approved, the zoning exception would allow for the second-floor addition to encroach into the front yard setback by 5', thus reducing said setback from 20' to 15'.

History: The existing home was constructed in 1970 as part of the Anderson and Vannerstrom Addition subdivision. There is also an existing detached garage on site which was permitted in 2003. The subject property is within the City's Single-Family Commerce (SF-CR) zoning district.

City Council Subcommittee: This item was not presented to the Development and Planning City Council Subcommittee as they do not have authority over variance requests.

Staff Review and Comment: Staff would summarize the following key points of interest:

- **City Code Requirement:** The zoning code requires structures in the SF-CR zoning district to provide a minimum 20' front yard setback. It is important to note, however, the zoning code permits front porches (at least 6' deep) to encroach into this minimum front yard setback by no more than 8'. That said, the requested zoning exception is only required for the second-floor addition that extends past the plane of the front yard setback.
- **Footing and Foundation Permit:** A footing and foundation only permit was issued for this project. Issuance of the full building permit is awaiting the determination by the Board of Adjustment on this request. The applicant has indicated that they can modify the drawings and submit plans for the above ground construction without the second-story encroachment should the request not be approved.
- **Variance vs Zoning Exception:** A zoning exception is similar to a variance in that it is a relaxation of the applicable zoning requirement; however, a variance requires the applicant show there is an "unnecessary hardship," while an applicant must only show there is a "practical difficulty" for a zoning exception request. Practical difficulties as they relate to consideration of the request may be shown by special circumstances which apply to the property such that the rems of Title 9 cannot be satisfied.

Zoning Exception Findings: The Zoning Exception process is not permission to evade zoning regulations just because a property owner wants an improvement. To grant the zoning exception, all of the following standards and criteria must be met, or conditions and limitations, as the Board deems necessary, imposed to allow it to make said findings.

1. Without the requested exception, strict compliance with the ordinance prevents improvement of the property in a manner which is reasonable, customary, and consistent with other properties in the area.
2. Without the requested exception, strict compliance with the ordinance results in a practical difficulty. An "practical difficulty" may be shown by:
 - a. Significant or unjustified expense in light of the scope of the project; or
 - b. Destruction or demolition of significant and attractive features of the property, or similar reasons; or
 - c. Unique physical attributes of the subject property such as exceptional narrowness, shallowness, size, shape, mature & desirable vegetation, natural features such as streams, creek, and ponds, or topographical conditions of the subject property that restrict placement of the intended improvement; or
 - d. Orientation or interior configuration of the existing structure which impacts the logical function of the intended improvement unless additional modifications are made to the existing layout or use of the existing structure.
3. The requested exception is the minimum necessary to achieve the purpose of the request.
4. The requested exception will not have a negative impact on the character or context of the neighborhood.
5. The requested exception will not be detrimental to the public health, safety or general welfare.
6. The requested exception does not authorize or expand a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.

It shall be the responsibility of the applicant to prove to the satisfaction of the Board that the above findings can be made. The applicant's findings to grant the variance and staff's findings, are included herein for the Board's consideration in making their decision.

Property Owner: Kevin Carson
 4032 High Street
 West Des Moines, IA 50265

Applicant's Representative: Lisa Rubsam
 Dreams 2 Reality
 17615 Meredith Drive
 Waukee, IA 50263

Lead Staff Member: Bryce Johnson

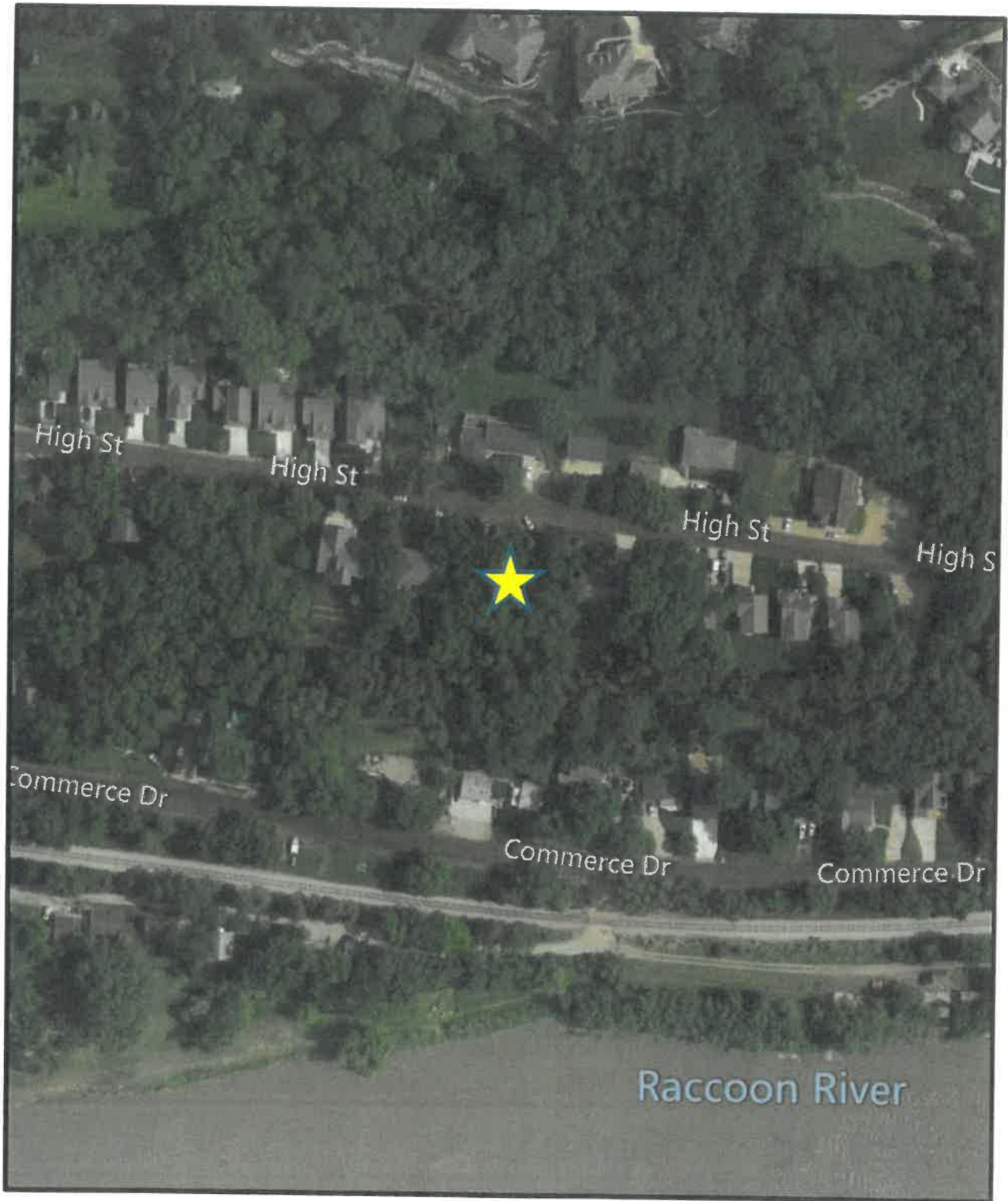
Staff Report Reviews:

<input type="checkbox"/> Development Coordinator or Director	<input checked="" type="checkbox"/> Legal Department
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Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	October 8, 2021
Date(s) of Mailed Notices	October 4, 2021

Subject Property





DREAMS2REALITY

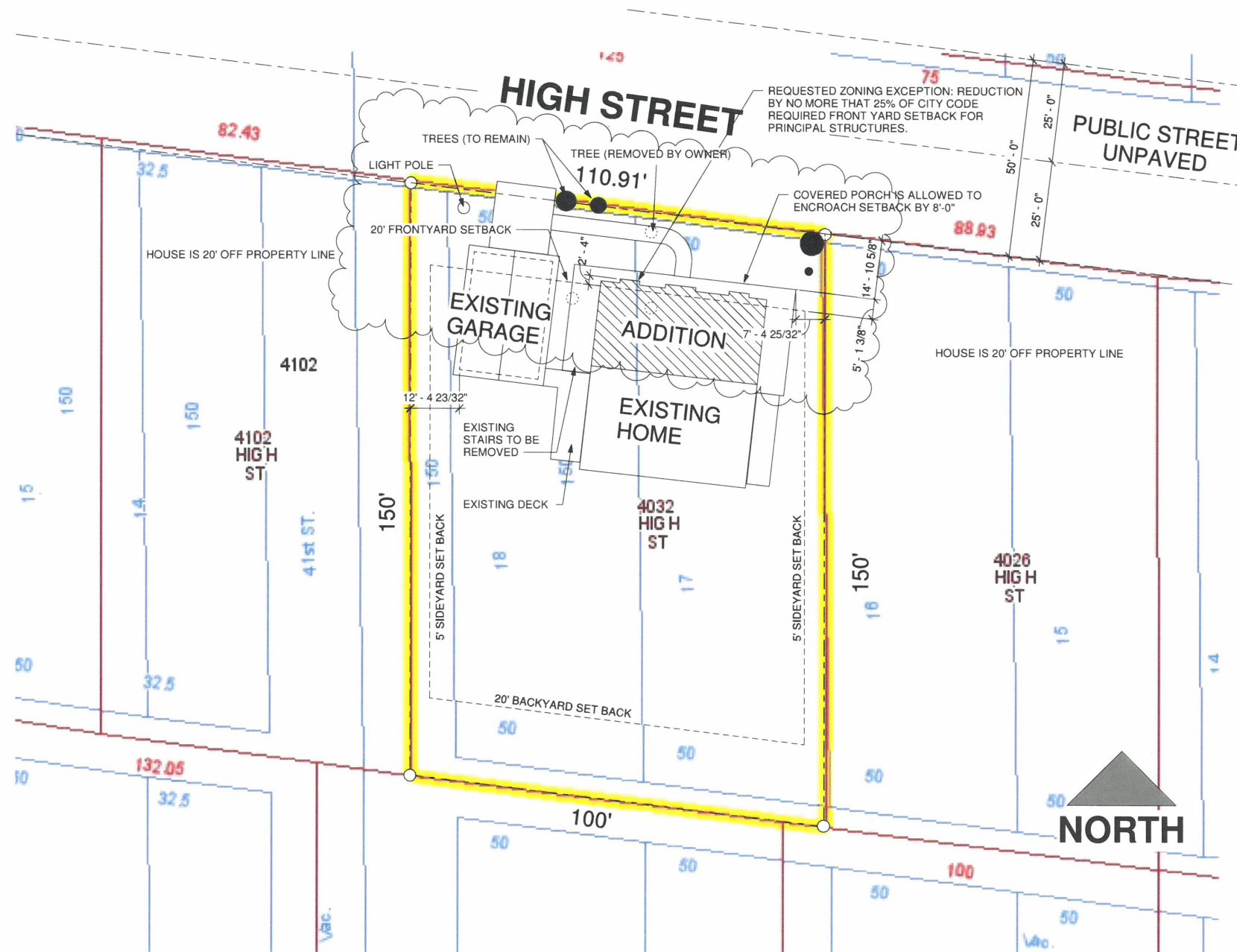
Dreams2Reality.us
(515)745-0432

Carson Addition/Renovation

4032 High Street
West Des Moines, IA

Cover Sheet

A0.1



OWNER:

KEVIN CARSON
4032 HIGH STREET
WEST DES MOINES, IA 50265

kjccarson12@gmail.com

APPLICANT:

DREAMS 2 REALITY
LISA RUBSAM
17615 MEREDITH DRIVE
WAUKEE, IA 50263

lisa@dreams2reality.us

PROJECT ADDRESS:

4032 HIGH STREET
WEST DES MOINES, IA 50265

ZONED:

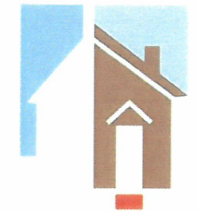
SF CR
SINGLE FAMILY COMMERCE
RESIDENTIAL DISTRICT

ACRES:

.403 ACRES
OR
17,538 SF

① Site
1/16" = 1'-0"

PLANS INCLUDED ARE FOR ILLUSTRATIVE
PURPOSES ONLY – APPROVED PLANS ON FILE
WITH THE CITY



DREAMS2REALITY

Dreams2Reality.us

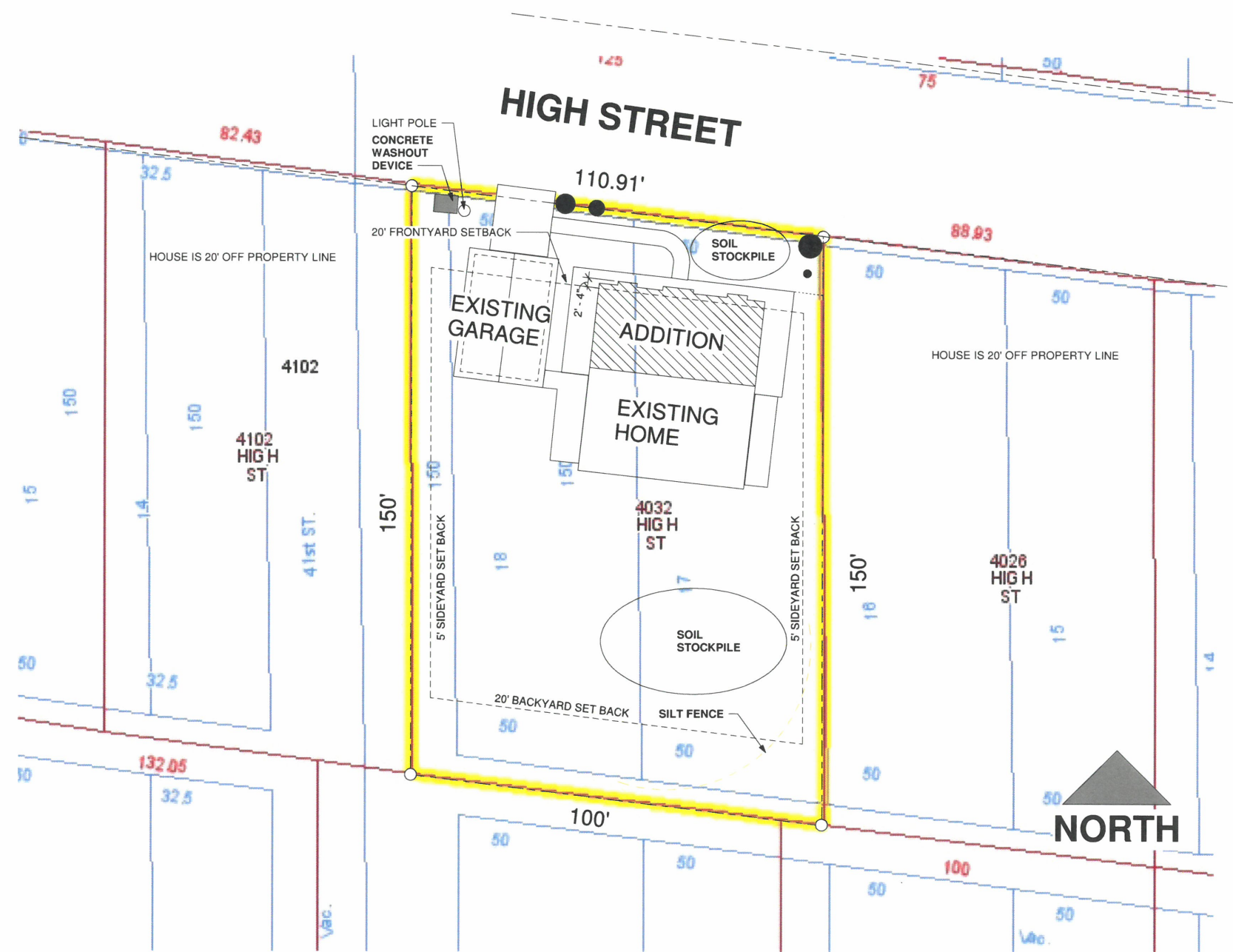
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Carson Addition/Renovation

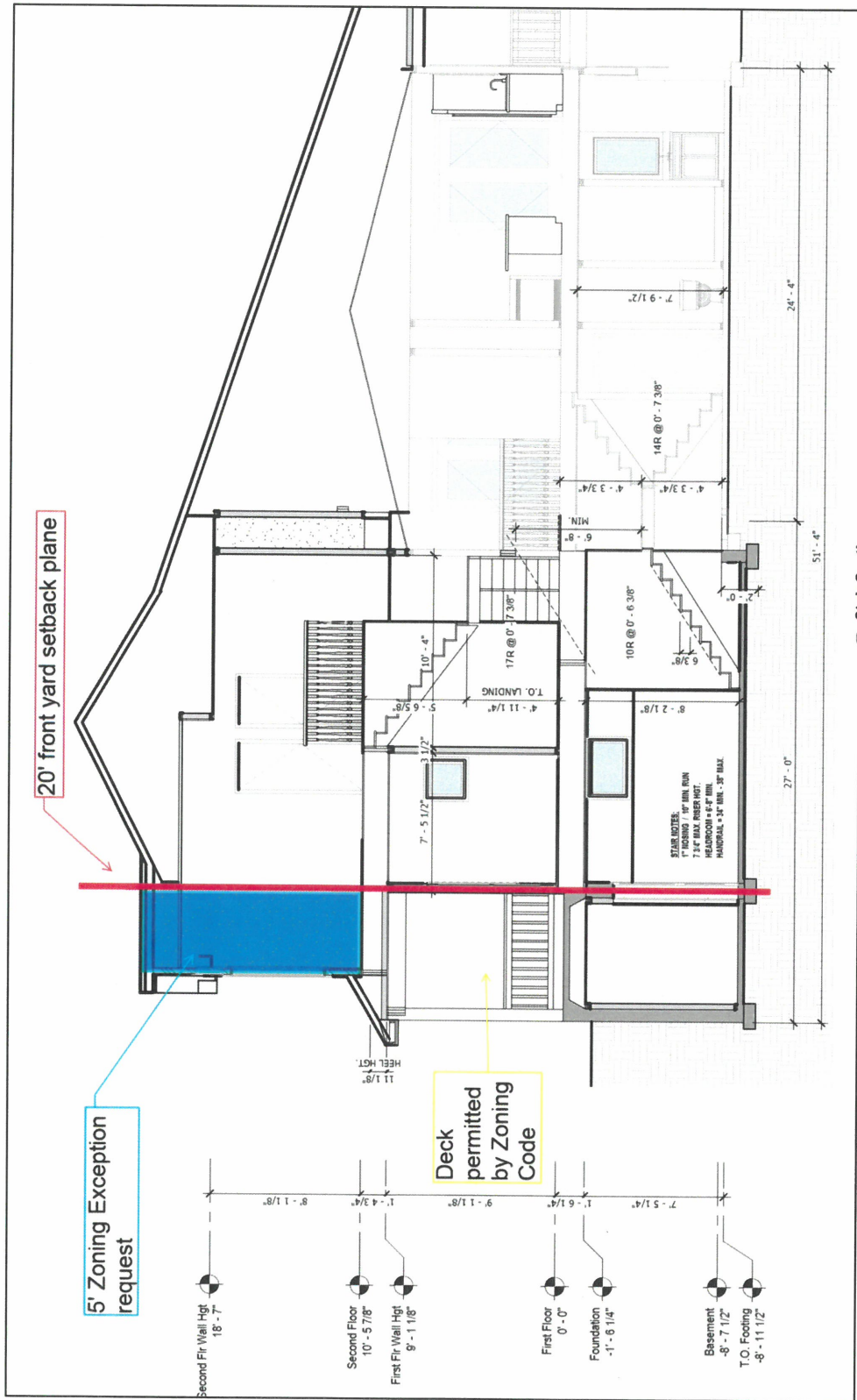
4032 High Street
West Des Moines, IA

Erosion & Sediment
Control Plan

A0.2



① Site - Erosion & Sediment Control Plan
1/16" = 1'-0"



Applicant's Findings

A variance shall only be granted if all of the following findings are made; or if conditions and limitations, as the Board deems necessary, are imposed to allow it to make said findings. **It shall be the responsibility of the applicant to prove to the satisfaction of the Board that the following findings can be made:**

1. Without the requested exception, strict compliance with the ordinance prevents improvement of the property in a manner which is reasonable, customary, and consistent with other properties in the area.

APPLICANT RESPONSE: *Without this exception, the two (2) bedrooms of the second-floor addition will be smaller and the dormers would not be part of the front elevation - these add to the farmhouse style of the home. (The second story extends beyond the 20' front yard setback by 4'-11 1/2" - according to the aerial photo from the assessors page.) Field measurements show the amount of encroachment to be 2'-6". The first story of the addition complies with the setback requirements.*

2. Without the requested exception, strict compliance with the ordinance results in a practical difficulty. An "practical difficulty" may be shown by:
 - a. Significant or unjustified expense in light of the scope of the project; or
 - b. Destruction or demolition of significant and attractive features of the property, or similar reasons; or
 - c. Unique physical attributes of the subject property such as exceptional narrowness, shallowness, size, shape, mature & desirable vegetation, natural features such as streams, creek, and ponds, or topographical conditions of the subject property that restrict placement of the intended improvement; or
 - d. Orientation or interior configuration of the existing structure which impacts the logical function of the intended improvement unless additional modifications are made to the existing layout or use of the existing structure.

APPLICANT RESPONSE: *Due to the steep grade of the backyard and the lack of access for heavy equipment, the addition is located on the front of the existing home - not the back, as is typical. This is the reason for bumping up against the front set back. This addition will also make the home handicap friendly for one of the occupants. Improved access from the existing garage and a bedroom and bath specifically for the child who requires extra accommodation.*

3. The requested exception is the minimum necessary to achieve the purpose of the request.

APPLICANT RESPONSE: *According to the measurements taken from the aerial photo from the assessor's page, 4'-11 1/2" is required. (this is shown on the site plan submitted) According to field measurements taken by the general contractor and homeowner, the distance required will be approximately 2'-6". Both measurements fall within the 25% of the required 20' front yard setback.*

4. The requested exception will not have a negative impact on the character or context of the neighborhood.

APPLICANT RESPONSE: *The requested exception will have a positive impact on the character and context of the neighborhood, due to the proposed upgrades on the exterior of the property. The addition will reflect the traditional style of some of the existing homes on the street.*

5. The requested exception will not be detrimental to the public health, safety or general welfare.
APPLICANT RESPONSE: *The requested exception will not be detrimental to public health, safety or general welfare. It will actually be safer to enter the home from the garage and from the street after the renovation. This is one of the reasons the project is happening.*

6. The requested exception does not authorize or expand a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.
APPLICANT RESPONSE: *All activities will continue to be within the current zoning district allowances.*

Staff's Findings

1. Without the requested exception, strict compliance with the ordinance prevents improvement of the property in a manner which is reasonable, customary, and consistent with other properties in the area.

STAFF RESPONSE: *The existing home is approximately 40' from the street right-of-way, which is 20' more than the minimum front yard setback. There are other homes in the immediate area and adjacent to the subject property that sit right at the minimum 20' front yard setback. It is important to note that the applicant is only requesting the zoning exception for the second floor of the proposed addition because the zoning code allows 6' deep porches to encroach into the front yard setback but by no more than 8'.*

2. Without the requested exception, strict compliance with the ordinance results in a practical difficulty. An "practical difficulty" may be shown by:
 - a. Significant or unjustified expense in light of the scope of the project; or
 - b. Destruction or demolition of significant and attractive features of the property, or similar reasons; or
 - c. Unique physical attributes of the subject property such as exceptional narrowness, shallowness, size, shape, mature & desirable vegetation, natural features such as streams, creek, and ponds, or topographical conditions of the subject property that restrict placement of the intended improvement; or
 - d. Orientation or interior configuration of the existing structure which impacts the logical function of the intended improvement unless additional modifications are made to the existing layout or use of the existing structure.

STAFF RESPONSE: *As noted above, the subject property does have approximately 20' of buildable area until the 20' front yard setback restricts further construction. In review of the site, the grade of the lot drops significantly to the south, making an addition to the south of the existing home difficult to construct. Clear area on the sides is limited, extending the addition to the east and west will not be able to replace the second floor area lost if the encroachment is not approved. The only available area to add to the second floor other than the requested front yard encroachment would be south over the main floor of the existing home, which will be structurally difficult and limit the ability to live in the home during construction.*

3. The requested exception is the minimum necessary to achieve the purpose of the request.

STAFF RESPONSE: *The applicant's addition as drawn illustrates the minimum encroachment needed to allow for the addition based on the orientation of the existing building. The applicant is asking for the maximum allowed encroachment for the Zoning Exception request as they noted there is some variation in the extent of the encroachment based on measurement methods.*

4. The requested exception will not have a negative impact on the character or context of the neighborhood.

STAFF RESPONSE: *Staff believes the proposed addition will not have a substantial negative impact on the neighborhood. The drawings show the size of the home after the addition will be comparable to other homes within the development.*

5. The requested exception will not be detrimental to the public health, safety or general welfare.

STAFF RESPONSE: *The requested exception will not be detrimental to the public health, safety, or general welfare.*

6. The requested exception does not authorize or expand a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.

STAFF RESPONSE: *The requested exception does not authorize or expand a use or activity not otherwise expressly authorized by the regulations within the Single Family Commerce (SF-CR) zoning district as the site is developed with a single family dwelling, which is an allowed use in the designated zoning district.*

RESOLUTION BOA-2021-16

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, (APPROVING / DENYING) THE ZONING EXCEPTION REQUEST (VAR-005339-2021) FOR REDUCING THE FRONT YARD SETBACK BY NO MORE THAN TWENTY-FIVE PERCENT (25%) FOR THAT PROPERTY LOCATED AT 4032 HIGH STREET.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owner, Kevin Carson, has requested approval of a Zoning Exception from Title 9, Zoning, Chapter 7 (Setback and Bulk Density Regulations), Section 4 (Setback and Bulk Density Regulations), Table 7.2, of five feet (5') of the required twenty-foot (20') front yard setback for an addition that will be located on the property located at 4032 High Street and legally described as:

N 1/2 VAC ALLEY S & ADJ & W 11F LT 16 & N 1/2 VAC ALLEY S & ADJ & ALL LTS 17 & 18 BLK 1 ANDERSON & VANNERSTROM'S ADD TO COMMERCE , AN OFFICIAL PLAT NOW WITHIN 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 is made a part of this record and herein incorporated by reference; and

WHEREAS, on October 20, 2021, the Board of Adjustment held a duly noticed public hearing to consider the application for a Zoning Exception (VAR-005339-2021).

WHEREAS, based upon a review of the submitted zoning exception request, the Board of Adjustment finds **(In Favor of Applicant's Findings, In Favor of Staff Findings, or in Favor of the Board's Findings)** _____ as attached at Exhibit B;

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

SECTION 1. A Zoning Exception Request (VAR-005339-2021), to allow a 25% reduction of the front yard setback of 5' of the required 20' resulting in a 15' front yard setback is **(approved / denied)**.

PASSED AND ADOPTED on October 20, 2021.

Michele Stevens, Chair

ATTEST:

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 October 20, 2021, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. None.

Exhibit B
Board of Adjustment Findings