

Citizens Guide to the Board of Adjustment

What is the Board of Adjustment?

The Board is composed of five West Des Moines residents appointed by the Mayor of West Des Moines. State Code allows the Board to make special exceptions from the zoning ordinance, such as setback requirements. In addition, the Board holds a hearing for any property owner who does not agree with the action of the City in their interpretation of zoning codes. The Board is also responsible for reviewing and ruling on Permitted Conditional Use Permit requests.

What types of projects are reviewed by the Board?

The Board of Adjustment reviews Permitted Conditional Use Permit requests, Sign Code Variance requests, and setback variances for building additions and fences. Code variances and setbacks are identified in the Zoning Ordinance. Information regarding these types of projects can be obtained by visiting the City's website, www.wdm-ia.com, under the Your Government/Development Services/Board of Adjustment section or by calling the telephone number listed on this brochure.

How are the meetings conducted?

The Chair of the Board conducts the meeting. For each public hearing item, the Chair asks the applicant to present their proposed project or request. The Chair will then ask if any other interested parties wish to comment on the project, including City staff. After the Board listens to the applicant, City staff, and other interested parties, the public hearing is then closed and a decision is rendered.

How does the Board make a decision?

The Board will review each variance case based upon the hardship of the request. An example of a hardship would be extreme topography or other existing conditions on the lot which deprives the property owner of a right other people in the area enjoy. The burden of proving a hardship rests with the applicant. The granting of a variance is based upon a hardship created by the ordinance which precludes the property owner from reasonable use of their property. The Board uses the following criteria when evaluating a request:

- (a) That the proposed development or use is consistent with the West Des Moines Comprehensive Plan and applicable sub-area plan.
- (b) 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.
- (c) 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.
- (d) That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment.
- (e) 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.

What happens after the Board's decision?

Should the request be approved by the Board, the applicant can apply for a building permit from the Building Division. You may call (515) 222-3630 if you have any questions on obtaining a building permit. If the request is denied, the proposed project cannot be built. Appeals of any Board of Adjustment action must be filed within 30 days of the action with the District Court.

When does the Board meet?

The Board meets every two (2) weeks on Wednesdays, at 5:30 P.M., in the City Council Chambers of City Hall, unless otherwise posted. At the end of each year the Board adopts a schedule of meeting times and dates for the upcoming year. If a meeting falls on a holiday, that meeting will be rescheduled to a different date. Please contact the Development Services Department for a copy of this schedule or by visiting the City's website at www.wdm-ia.com, under Your Government/Development Services/Board of Adjustment section.

If I want to submit an application, when may I do this?

You may complete an application and submit it to the Development Services Department on any given week day. If an application is deemed to be incomplete, the application and accompanying documents will be returned to the applicant. The case will then be heard at a Board of Adjustment meeting approximately 30 days from the proposed project being submitted, providing that the project has been reviewed and accepted according to the submittal requirements. You will also find this information on the City's website, www.wdm-ia.com under Board of Adjustment in the Development Services section.

What materials will I need to submit?

An application may be obtained from the Development Services Department or by visiting the City's website under Your Government/Development Services or by calling (515) 222-3620. A checklist for these projects can also be obtained by visiting the City's website, www.wdm-ia.com. A completed application and a sketch plan showing the proposed variance is requested to be submitted. The sketch plan is used to illustrate the location and dimensions of the structure and subject property. In addition to the completed application and sketch plan, the following processing fees will apply:

Variance (setback/fence) - \$200
Permitted Conditional Use - \$137.50 plus \$11/acre
Sign Code Variance - \$165
Appeal of Board's Decision - \$200
Property Owner List Fee - \$467.50 (does not apply to variance requests or appeals)

Will my neighbors be notified of my request?

Yes, a notice will be sent to all property owners within a 370 foot radius of the project under review. The property owners will be notified of the proposed request, time and date of the Board's meeting. All persons present at the meeting will be given an opportunity to speak. The Board will also accept letters on a specific project prior to the meeting. The City of West Des Moines will handle the responsibility of compiling and mailing the public hearing notices. The fee associated with this list is in addition to the regular application fees. The property list fee is not charged for variance requests or appeals. Please refer to the preceding paragraph regarding "What materials will I need to submit?" for a list of the submittal fees).

Who should I contact if I have any additional questions?

If you have any further questions regarding the Board of Adjustment process, please contact the Development Services Department at (515) 222-3620 or feel free to visit the City's website, www.wdm-ia.com. We will be happy to assist you with any other questions you may have on your proposed project.

For more information contact:

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(515) 222-3620
(515) 273-0602 – FAX
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