

CITY OF WEST DES MOINES STAFF REPORT COMMUNICATION

Meeting Date: November 2, 2022

ITEM: 290 SE Browns Woods Ct – Removal of Condition of Approval – Jennifer Ann Hill and Theodore R. Hill – VAR-005540-2022

Resolution: Approval of Removal of Condition of Approval

Background: On June 1, 2022, the Board of Adjustment approved a Zoning Exception to reduce the side yard setback to accommodate the construction of a detached garage. The exception allowed the required 20' street side yard along SE Browns Woods Drive to be reduced to 15'. The property owner intended to bring a driveway along the west side of the home to a garage placed in the rear yard and oriented with access from the north.

The property was developed prior to annexation under County bulk regulations with an approximately seven-foot (7') setback from the west property line. A public sidewalk has not been constructed along SE Browns Woods Drive (adjacent to the west lot line), but it is anticipated that a sidewalk will be required to be installed in the future. Public sidewalks are typically located one foot (1') into the road right of way or, in this case, approximately 8' from the house.

A typical off-street parking stall in non-single-family development is required to be a minimum of 19' in length; however, city code requires single family properties with the parking area between the sidewalk and front of a garage be a minimum of 25' in length if parking perpendicular to the garage opening; or less than 10' in width if parking parallel to the garage opening (generally applicable with alley loaded garages). These dimensions are intentional to avoid a parked car from overhanging the sidewalk and impeding pedestrian movements. Even though a typical off-street parking stall is only 19', the 25' dimension is stated as individuals rarely pull their car tight to the garage door thus necessitating more than 19'. The following condition of approval was placed on the zoning exception prohibiting garage access from the west to avoid the parking of a car perpendicular to the garage and thus blocking the future sidewalk:

1. Direct vehicle access for the garage onto SE Browns Wood Court is prohibited.
(note: roadway should have been identified as SE Browns Woods Drive)

A typical driveway is a minimum of ten feet (10') in width when there is no obstruction, and wider if there is an obstacle such as the maneuvering around the corner of the dwelling structure as in this case. With only approximately seven feet (7') of setback between the dwelling and the property line, staff has concerns that the driveway will be constructed with two or more feet of it encroaching into the road right of way and ultimately where the sidewalk is to be located. To avoid the property owner constructing a driveway that will be unusable and a garage that is inaccessible upon construction of the sidewalk, staff requests removal of the condition of approval. Removal of the condition will allow for elimination of a driveway along the west side of the house and for the garage to be constructed with access from the west. Until the sidewalk is installed and with the city's permission to allow a portion of the vehicle to extend into the right of way, the property owner does have enough room to park perpendicular to the west facing the garage opening without encroaching into SE Browns Woods Drive given the typical off-street parking stall length of 19'. Even upon construction of the sidewalk, the property owner will still have enough room to

park parallel with the garage opening and not impact the sidewalk. To ensure understanding of parking allowances now and upon implementation of the sidewalk, Staff does recommend that an agreement be executed with the property owner that be recorded and run with the land. City Legal has drafted an agreement allowing parking perpendicular to the garage opening which may result in vehicle encroachment into the right of way until such time that the sidewalk is installed, at which time vehicle parking would be limited to parallel with the garage opening. The property owner is aware of the agreement and is willing to execute it if the Board removes the original condition of approval as requested.

Recommendation: Approve the removal of the Condition of Approval.

Lead Staff Member: Lynne Twedt

Approval Meeting Dates:

Board of Adjustment	November 2, 2022
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Staff Report Reviews:

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

Published In:	Des Moines Register Community Section
Date(s) Published	N/A
Date(s) of Mailed Notices	N/A

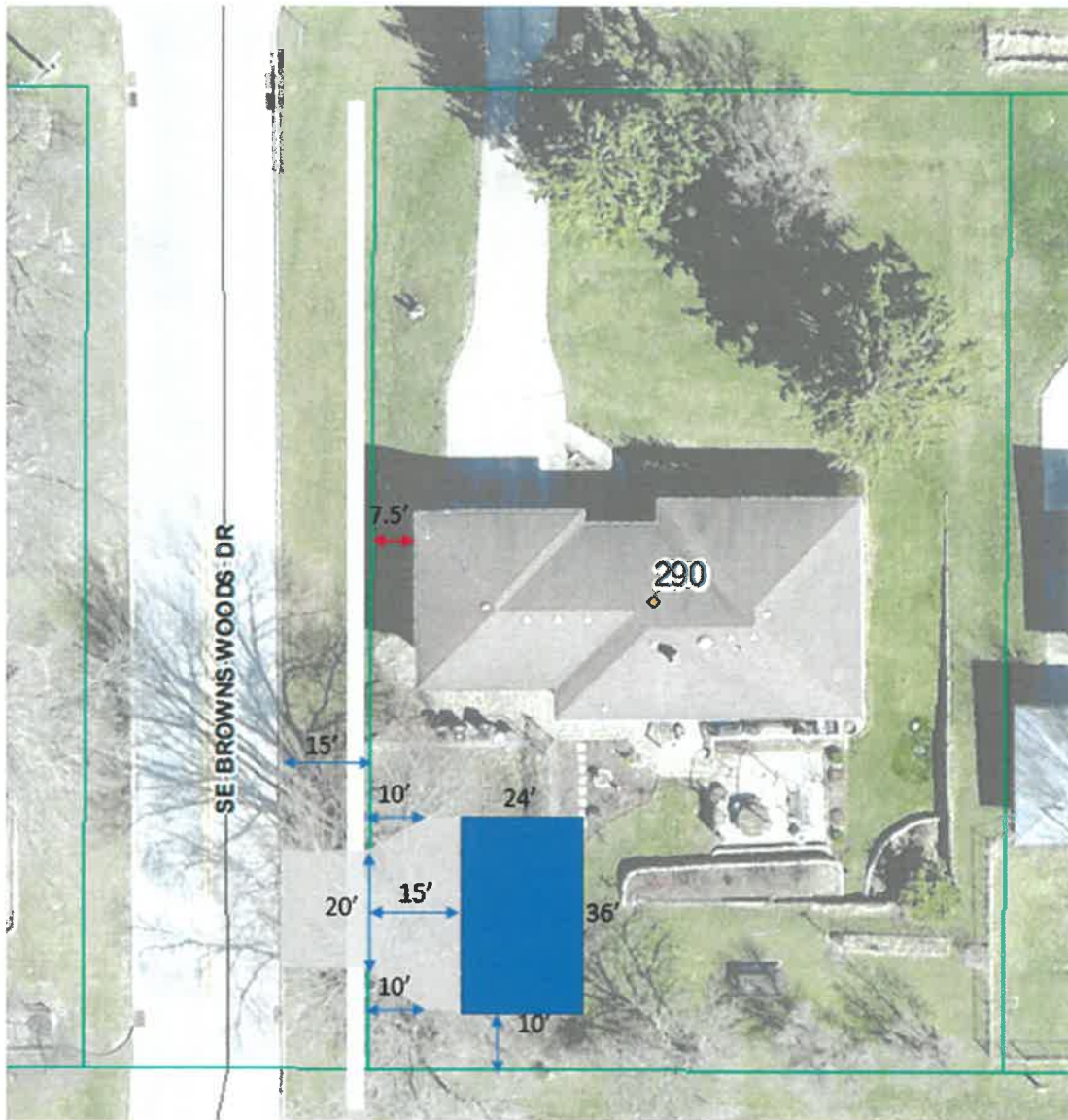
Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning			
Date Reviewed	N/A			
Recommendation	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Split <input type="checkbox"/>	No Discussion <input type="checkbox"/>

Location Map



SE Browns Woods Ct



Prepared by: Lynne Twedt, City of West Des Moines Development Services Dept., PO Box 65320,
West Des Moines, Iowa 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-2022-19

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES
APPROVING THE REMOVAL OF A CONDITION OF APPROVAL PLACED WITH THE
ZONING EXCEPTION FOR 290 SE BROWNS WOODS COURT**

WHEREAS, pursuant to the provisions of Title 9, Zoning, of the West Des Moines Municipal Code, Development Services staff, on behalf of the property owners, Jennifer Ann Hill and Theodore R. Hill, a married couple, request approval to remove a condition of approval placed with the June 1, 2022, approval of a Zoning Exception for that property located at 290 SE Browns Woods Court and legally described in attached Exhibit "B". The removal will allow the orientation of and thus access to a detached garage to be constructed on the property to come from the west off of SE Browns Woods Drive. In consideration for the removal of the condition of approval and to address the parking of vehicles now and in the future on the driveway for this garage, the property owners are required to execute a "Driveway Parking Agreement"; and

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; and

WHEREAS, on this day the Board of Adjustment held a duly noticed meeting to consider the request to remove a condition of approval of the Zoning Exception for 290 SE Browns Woods Court (VAR-005540-2022) placed by the Board of Adjustment on June 1, 2022.

NOW THEREFORE, the removal of the condition of approval as shown in Exhibit A is hereby adopted.

PASSED AND ADOPTED on November 2, 2022.

Michele Stevens
Chair Board of Adjustment

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 November 2, 2022, by the indicated vote.

Exhibit A: Removed Condition of Approval

1. Direct vehicle access for the garage onto SE Browns Woods Court is prohibited.

Exhibit B: Property Legal Description

Lot 5 in Abild Heights, an official plat now in and forming a part of the City of West Des Moines, Polk County, Iowa