

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_06-05-2024

Chairperson Cunningham called to order the June 5, 2024, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in Council Chambers, West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa, and electronically through Zoom.

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

Item 1 – Consent Agenda

Item 1a – Minutes of May 1, 2024

Chairperson Cunningham asked for any corrections to the meeting minutes of May 1, 2024. Hearing none, Chair Cunningham declared the minutes approved as presented.

Item 2 – Old Business

There were no Old Business items.

Item 3 – Public Hearings

Item 3a – Artis Residence, 8845 Lake Drive – Zoning Exception for a Reduction of Setbacks to accommodate a building addition on the east side of the house and a garage addition on the northwest side of the house – Elizabeth M. Artis – VAR-006087-2023

Chairperson Cunningham 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 May 17, 2024, in the Des Moines Register.

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

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

Motion carried.

Elizabeth Artis Pickens, 8845 Lake Drive presented her request for a zoning exception. She informed that she began this process a year ago and thanked Planner Portz for working with her. The zoning exception will allow them to remodel their master bedroom and bathroom for wheelchair accessibility. Ms. Pickens pointed out that the lot to their east is an unbuildable outlot, which was given to the neighbor to the north for easements and that she had tried to purchase it. The addition will encroach into the required 10-foot setback on that side.

Chair Cunningham asked Ms. Pickens to inform about the garage exception request. Ms. Pickens replied that there is a 3-car garage existing, however it is older and is a very tight fit for their vehicles. It does not allow the accessibility they will need in the future. She explained that the third stall is too small to park in, and so is used for storage. Ms. Pickens added that their lot is an irregular shape, with a steep slope in the backyard. The house was placed on it at an angle. They

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intend to use parallel parking to tandem park their vehicles. Bishop Engineering provided an engineering study. Mr. Pickens joined Ms. Pickens at the dais to inform that there are two stoops inside the garage from the North and East sides, which further inhibit parking. The Pickens provided exterior photos of their home to the Board members.

Chair Cunningham asked about the location of the slope on their site. Ms. Pickens stated it is in the back yard. She also provided elevation drawings from Bishop Engineering, adding that they would be rebuilding a retaining wall in the rear yard as well.

Board Member Davis asked which subdivision this home is located in, and whether there is an HOA. Ms. Pickens stated they are in the Country Club Ridge subdivision, with an HOA but there are no restrictive covenants.

Chairperson Cunningham asked for any other questions or comments from the audience and upon hearing none, declared the public hearing item closed at 5:42 PM.

Brian Portz, Development Services Planner, informed that the request is for a rear yard exception and that they are allowed a 25% reduction in the rear and 50% reduction on the side. The exception on the East would result in a rear setback of 30'5", and side setback of 6' 6 1/2". The exception on the Northwest would result in a rear setback of 28'9". Planner Portz showed on an aerial map how the lot is different from those adjacent, and that the house is turned for better frontage to the street. Approval of the exception would result in no impact to the outlot to the east. He added that the overland flow easement restricts garage placement on the west.

Board Member Stevens clarified that the difference between the variance and a zoning exception is that this requires just to prove a practical difficulty. Planner Portz agreed.

Chair Cunningham commented that the applicant has satisfied the criteria, and that this is the type of zoning exception the Board wants to be able to approve. He commented to the applicant that he agreed with their findings, however, would propose the adoption of the staff's findings as they included more detail.

Chairperson Cunningham asked for continued discussion or a motion and a second for this item.

Moved by Chair Cunningham, seconded by Board Member Stevens, the Board of Adjustment adopted a resolution to approve the Zoning Exception based on Staff Findings.

Vote: Blaser, Cunningham, Davis, Stevens.....Yes
Pfannkuch.....Absent
Motion carried.

Item 4 – New Business

There were no New Business items.

Item 5 – Staff Reports

There were no Staff Reports.

The next meeting is scheduled for June 19, 2024. A zoning exception for the Kafer pergola will be reviewed. Chair Cunningham noted he would recuse himself. Michele Stevens informed that she would be out of state but could join by remote if needed for a quorum. Jim Davis stated he would

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also be out of town.

Item 6 – Adjournment

Chairperson Cunningham asked for a motion to adjourn the meeting.

Moved by Board Member Davis, seconded by Board Member Stevens, the Board of Adjustment meeting adjourned at 5:46.



Jennifer Canaday, Recording Secretary



Tom Cunningham, Chair
