CITY OF WINDSOR HEIGHTS

BOARD OF ADJUSTMENT MEETING AGENDA

JANUARY 29, 2020, 5:30PM

CITY COUNCIL CHAMBERS, 1133 66TH ST.

WINDSOR HEIGHTS, IOWA

1. Call to Order

2. Approval of Agenda

3. Approve Minutes of the July 10, 2019 Meeting

4. Call Public Hearing to Order and Request Public Comment

5. Adjourn Public Hearing

6. Consideration of Resolution granting variance request from City Code Section 170.21 re: garage door location for duplex proposed for construction at 2029/2031 64th St.

7. Adjourn
LOCATION: City Council Chambers 1133 66th St. Windsor Heights, IA.
DATE: Wednesday, July 10, 2019. 5:30 PM

1) Call to Order/ Roll Call
   A quorum of commission members was present

2) Approval of the Agenda
   a) Motion to approve the agenda, second, all in favor

3) Approval of the Minutes:
   a) December 19, 2018
      • Motion to approve, minutes tabled

4) Public Hearing on;
   VAR 2019-01. Variance Request to north side yard setback to zero feet at WINDSOR CHATEAU APARTMENTS, 1250 73RD ST WINDSOR HEIGHTS IA 50324
      - Discussion on both variances together

      - Mark Tyson owner Windsor Chateau Apartments made a comment

      - Motion to approve VAR 2019-01, second, all in favor

   VAR 2019-02. Variance Request for floodplain elevation requirement at WINDSOR CHATEAU APARTMENTS, 1250 73RD ST WINDSOR HEIGHTS IA 50324
      - Motion to approve VAR 2019-02, second, all in favor

   This property is legally described as:
   Lots 23, 24 and 23 in MOTT PLACE, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa.

      - Comments from Lizer
      - Discussion on approval of 12/19/18 minutes, minutes tabled

5) Adjourn
   a) Motion, section, all in favor
Board of Adjustment
Chair
Dave Knau

Vice-Chair
Sara Walker
Donna Markley
Chaden Halfhill
Chris Kannapel
APPEAL FOR VARIANCE APPLICATION

Fee Amount: $200.00  *Application fee of $200.00 must be paid with filing and prior to consideration of variance.

Name of Applicant: Peter Culler, Capital Homes LLC

Address: 475 se alice's road suite d

Property address for variance: 2931 64th st

Property zoning classification: R-3

Legal Description: Lot 1 barnes manor plat 3

Please attach a site plan, elevations, floor plan, perspective, photographs, or other documents that are legible and neatly drawn to clearly illustrate the nature of the appeal and variance. Show the size and all dimensions of the property, proposed and required setbacks, height, etc. of all existing and proposed structures, and all other information relevant to the appeal.

Variance request: Seeking street facing garage attached to duplex structure

(Example: “setback variance of 1.25 feet from the 8-foot minimum side yard setback required in the R-2 District, to construct a house addition that is 10 feet wide and 24 feet deep.”)

If the variance is granted, the formal findings and order must be recorded in the County’s Recorder’s Office or the variance is not valid. The recorded copy must be returned to the City.

I certify that all the information submitted in this application is true and correct and that I have full legal authority to apply for this variance.

Signature of Applicant
515-778-1718

Date 1-21-20

Applicant phone number

Applicant email

Received by:

Publish date: hearing date: time:
VARIANCE APPLICATION - Addendum

To grant a variation from the terms of the Zoning Code as prescribed in Chapter 177.10, the property owner must show that this property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Chapter actually prohibits the use of this property in a manner reasonably similar to that of the other property in the same district, and where the Board is satisfied under the evidence before it that the literal enforcement of this Chapter would result in unnecessary hardship provided, however, that all variations granted under this clause shall be in harmony with the general purpose and intent of this Chapter.

The applicant shall submit evidence supporting the following:

1. Without the variance, the property cannot be put to a reasonable use. Why?/Reasons.
   City has requested that the duplex have attached garage for parking. Lot line and easements on the lot will not allow for side load garages, the garage will need to be front facing to make work

2. The circumstances requiring the variance are unique to the property (not normal to the zoning district or neighborhood) and were not created by the owner. Why?/Reasons.
   the city code has language that states that the garage should not be the predominant feature of the front of a house. This street is already full of such houses. This code was also written years ago when different architectural standards were popular. The easement through the property does not allow room for side load garages

3. The variance will not alter (harm) the character of the neighborhood. Why?/Reasons.
   The entire neighborhood has front facing garages

The applicant should be prepared to attend the public hearing and further justify the variance, answer questions, etc. It is the duty of the applicant to justify reasons and provide evidence in support of granting the variance. It is not the City’s responsibility to prove why the variance should or should not be granted.
5 1/2 feet. But, the front porches by the garages have a roof over them, so the garage only sticks out 2 1/2 feet in front of the roof line.

On Tue, Jan 21, 2020 at 12:43 PM Mark Arentsen <marentsen@windsorheights.org> wrote:

Thank you. How far in front of the rest of the building will the garage doors be?

--

Mark Arentsen
Interim City Administrator
City of Windsor Heights
1145 66th St Suite 1 Windsor Heights, IA 50324

Office: 515-645-6808
Cell: 515-681-0606
marentsen@windsorheights.org

From: Peter Cutler <petecut@gmail.com>
Sent: Tuesday, January 21, 2020 12:33 PM
To: Mark Arentsen <marentsen@windsorheights.org>
Subject: 2931 64th variance

see attached

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Peter Cutler
WINDSOR HEIGHTS BOARD OF ADJUSTMENT MEETING

The City of Windsor Heights Board of Adjustment will meet January 29, 5:30PM at the Windsor Heights Public Safety Building, 1133 66th St. to consider a variance request. Peter Cutler is requesting a variance from City Code Section 170.21 to allow garage doors to be located several feet closer to the street than the remainder of a duplex to be built at 2029-2031 64th St. All interested parties will be given an opportunity to be heard.

Mark Arentsen
Interim City Administrator
Phone 515-845-6808
Cell 515-681-0606
marentsen@windsorheights.org
Shade (filtered light or direct sun only in early morning or late evening)

Non-Native
1. Alchemilla (Lady’s Mantle)
2. Aruncus (Goatsbeard)
3. Asarum canadense (Wild Ginger)
4. Carex s. Variegata (Variegated Sedge)
5. Cimicifuga racemosa (Cohosh)
6. Epimedium (Barrenwort)
7. Fern varieties
8. Eosta varieties
9. Pulmonaria (Lungwort)

Native
1. Asarum canadense (Wild Ginger)
2. Adiantum pedatum (Maidenhair fern)
3. Polystichum acrostichoides (Christmas Fern)
4. Dryopteris marginalis (Marginal Wood Fern)
5. Athyrium filix-femina (Lady Fern)
6. Dryopteris marginalis (Marginal Wood Fern)
7. Sanguinaria Canadensis (Bloodroot)
8. Hepatica nobilis var. acuta (Hepatica)
9. Trillium cernuum (Nodding Trillium)
10. Thalictrum thalictroides (Rue Anemone)
11. Mertensia virginica (Virginia Bluebells)

Prohibited Landscaping material
1. Fssuechis thunbergii (Japanese Barberry 6’ x 6’)
2. Fssuechis thunbergii cv. (‘Crimson Pygmy’ 2’x 2’, ‘Globe’ 2’x 2’, ‘minor’ 3’x 3’, etc.)

170.21 RESIDENTIAL STANDARDS – GENERAL.
1. Garage doors shall NOT be the predominate features of a home. Garage doors facing the public street shall be set back so as to minimize the dominance of their appearance and provide adequate space between the street or sidewalk and the garage to accommodate additional parking. Garages or accessory structures shall incorporate architecture details with the use of windows, doors, and other façade detailing.

2. Single-family homes in a neighborhood shall have a varying front setback. For example, homes may have a range of front setbacks.

3. Porches are strongly encouraged to be a part of the front façade of single- and multi-family homes to provide an outdoor space and promote “eyes on the street.”

4. Dwelling units are encouraged on the second or higher story of structures when possible.

5. A publicly accessible outdoor space such as a private park, plaza, pavilion, or courtyard shall be included within each residential development to provide a focal point for such activities as outdoor gathering, neighborhood events, picnicking, sitting, and passive and active recreation.
CAPITAL HOMES
LOT 1 BARNES MANOR PLAT 3
WINDSOR HEIGHTS

2029 / 2031 6 6/8

R-125.00
L-159.56
CH-148.96
CH/BR=N36°34'24"E

SILT FENCE
(TYP)

EXISTING
35° B.S.L.

TOPSOIL
STOCKPILE
AREA

DUMPSTER
LOCATION

12.00'

12.00'

DRIVEWAY
10' STORM FLOWER EASEMENT

HOUSE

GARAGE

35° B.S.L.

41.88'

12.42'

12.42'

CONCRETE
WASHOUT
AREA

N0°00'00"E
29.85'

N90°00'00"W
88.76'

ZONING
R-3 URBAN FAMILY
RESIDENTIAL DISTRICT

AREAS
TOTAL SITE = 10,456 S.F.
TOTAL OPEN SPACE = 7,123 S.F.
TOTAL PARKING = 1,302 S.F.
TOTAL PERVIOUS = 7,123 S.F.
TOTAL IMPERVIOUS = 3,333 S.F.

SETBACKS
FRONT - 35'
REAR - 35' (VARIANCE TO 10')
SIDE - 7' MIN.

DISCLAIMER:
ANY F.F.E., G.F.E., OR B.F.E. SHOWN ON THIS PLAN IS FOR
REFERENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR
VERIFYING ELEVATIONS WITH THE BUILDING PLANS
AND SEWER DEPTH.

COOPER CRAWFORD
& ASSOCIATES, L.L.C.
CIVIL ENGINEERS
475 S. 50th Street, Suite 800, West Des Moines, IA 50265
Phone: (515) 224-1344 Fax: (515) 224-1345

SHEET: 1

EITHERT CERTIFY THAT THIS ENGINEERING DOCUMENT WAS
PREPARED UNDER THE GUIDANCE OF DIRECT SUPERVISION.
AND THAT I AM A HIGHLY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF IOWA.

KYLE J. CRAWFORD
IN THE STATE OF IOWA
PAGES OR SHEETS DISAGREEMENT TO THIS SEAL
THIS SHEET ONLY

SCALE: 1"=30' 12-5-2019
JOB NUMBER
CH 6284
RESOLUTION NO. BOA 2020-01

WHEREAS, Peter Cutler intends to build a duplex at 2029-31 64th St., AND

WHEREAS, the plans for the structure show the two garage doors extending 5 feet, 4.5 inches in front of the remainder of the building, AND,

WHEREAS, City Code section 170.21 states that, “Garage doors shall NOT be the predominate feature of a home”, AND,

WHEREAS, moving the garage doors back to align with the front of the remainder of the structure would make the building visually unappealing and also negatively impact the interior floor plan,

NOT THEREFORE BE IT RESOLVED that the City of Windsor Heights Zoning Board of Adjustment, in session this 29th day of January, 2020, finds that the garage door location for the duplex proposed for 2029-31 64th St. is not in violation of City of Code Section 170.21 and that a building permit for this structure should not be denied on the basis of the garage door location.

PASSED AND ADOPTED this 29th day of January, 2020.

__________________________________________

David Knau, Chair

Windsor Heights Board of Adjustment