



# City of Windsor Heights

www.windsorheights.org

## SIGN PERMIT

PERMIT NO. 0715-31

1145 66th Street, Suite 1 • Windsor Heights, Iowa 50324 • 515-279-3662 • Fax 515-279-3664

City of  
Windsor  
Heights  
*the heart of it all*

TYPE OF SIGN:     Temporary    Building    Monument    Business Identification

ATTACH SITE PLAN, DRAWINGS, AND/OR BUILDING PLANS

Date of Application: 7-26-15  
Received by: SLN  
Review Date: 7-28-15

VALUATION <sup>#</sup> <u>3000.00</u>
SIGN SQUARE FOOTAGE/ HEIGHT <u>35.6 square ft    36" Height</u>
<input checked="" type="checkbox"/> ONE-SIDE <input type="checkbox"/> TWO-SIDE

SIGN LOCATION	
Business Name: <u>Maple Vape</u>	Zoning District:
Name of Contact/Owner: <u>Herbert Garrison</u>	
Building Address: <u>6555 University Ave</u>	
City/State/Zip: <u>Windsor Heights IA 50327</u>	
Phone No. <u>515 988 6773</u>	
Email: <u>herbertlgarrison@msn.com</u>	
SITE LOCATED IN FLOODWAY OR FLOODWAY FRINGE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, a Floodplain Development Application Permit is required.	

SETBACK FROM RIGHT-OF-WAY/PROPERTY LINE(S): \_\_\_\_\_

EXISTING SIGNAGE  
Is there existing signage for this owned/leased space?  Yes    No

Square footage of existing signage \_\_\_\_\_

PERMIT FEES	No.	Fee
Temporary Sign (90 days max. per year)		\$25.00
*Permanent One-Sided Sign	<u>2</u>	<del>\$27.05 x sq. ft.</del>
*Permanent Two-Sided Sign		<del>\$46.73 x sq. ft.</del>
<b>TOTAL</b>		<b>\$ 101.20</b>

SIGN CONTRACTOR	
Name: <u>Baker Electric</u>	
Name of Contact Person: <u>Dan Baker</u>	
Address: <u>111 Jackson Ave</u>	
City/State/Zip: <u>Des Moines, IA 50315</u>	
Phone No.: <u>515 288-6778</u>	
Email:	

\* Based on International Building Code Valuations, subject to change

I hereby acknowledge that I have read this application and state that the above address is correct. I agree to comply with all city ordinances and state laws regulating building construction. I further agree and understand that the City of Windsor Heights has not, by issuance of this permit, reviewed, nor does it make any representation concerning, any covenants or any restrictions where there be covenants or other restrictions prohibiting the proposed.

SIGNATURE OF OWNER OR AUTHORIZED AGENT FOR OWNER  
[Signature]                      7/27/15

### ADDITIONAL ACKNOWLEDGMENTS:

- Except as provided by law, where any work has been started prior to obtaining this permit, the regular fee shall be doubled.
- This permit shall expire if work has not commenced or has been abandoned for 120 days. A new permit will be required at a fee of 1/2 the original permit fee.
- ALL WORK MUST BE INSPECTED. It is the responsibility of the permittee to call for inspections. No work shall be concealed or covered until approved by the inspector.
- The permittee acknowledges they are proficient in the performance of the work covered by the permit.
- Any questions as to code requirements or practices shall be resolved prior to initiation of the project.

To schedule an inspection, please call 515-645-6826. A 24 hour notice is appreciated. All sign permit materials must be submitted before reviewed.

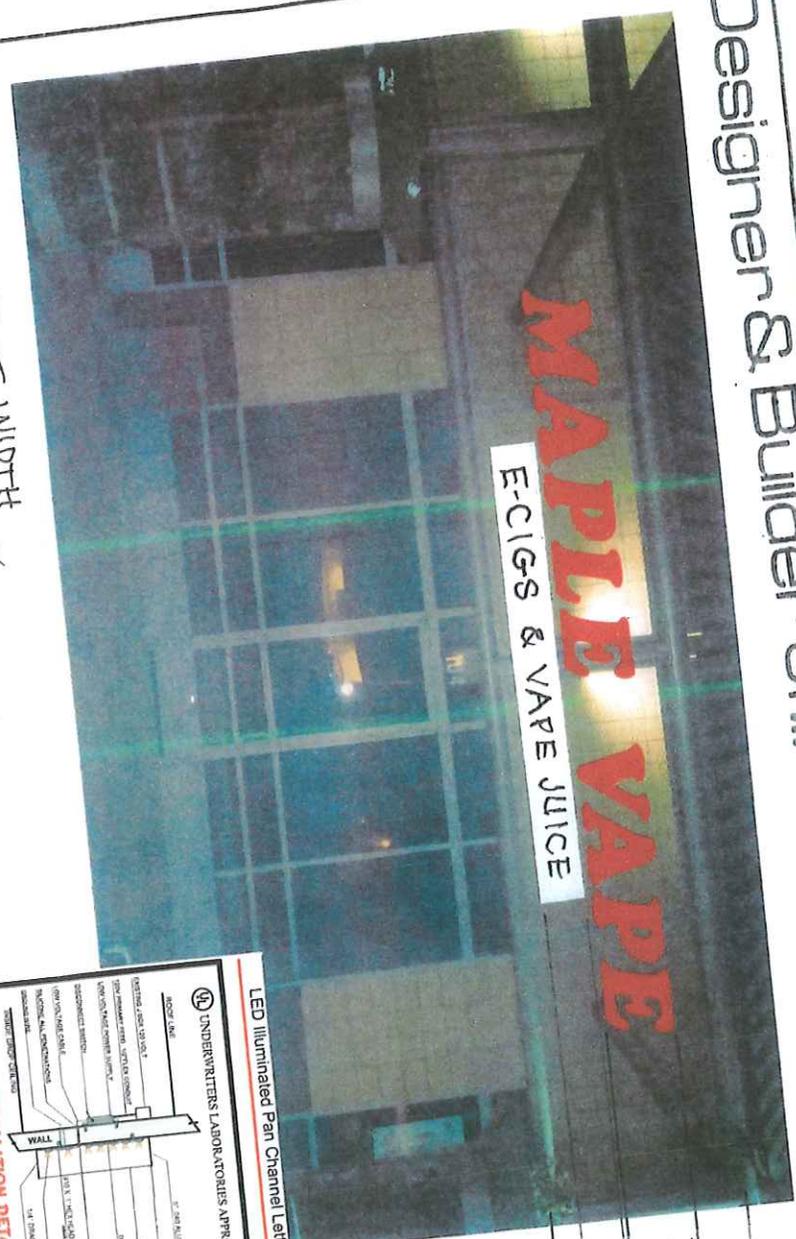
Payment Received    Date: 7-28-15    Amount: \$ 101.20

### WHEN APPROVED BELOW THIS BECOMES YOUR PERMIT

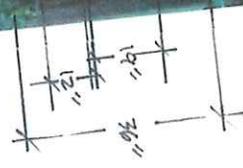
ISSUED BY: Sharna Dancy    DATE: 7-28-15  
ZONING ADMINISTRATOR

Handwritten scribbles at the top of the page.

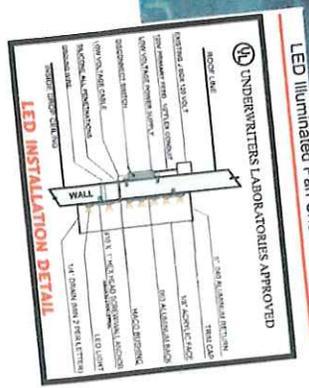
Designer & Builder of... SET OF LIGHTED LETTERS



120' STOREFRONT WIDTH 16'  
ALLOWED SIGN WIDTH  
5" DEEP CHANNEL LETTERS  
LED LIGHTED  
TRUNCAP LEDs



\* DARK PHOTO,  
TAKEN @ NITE!

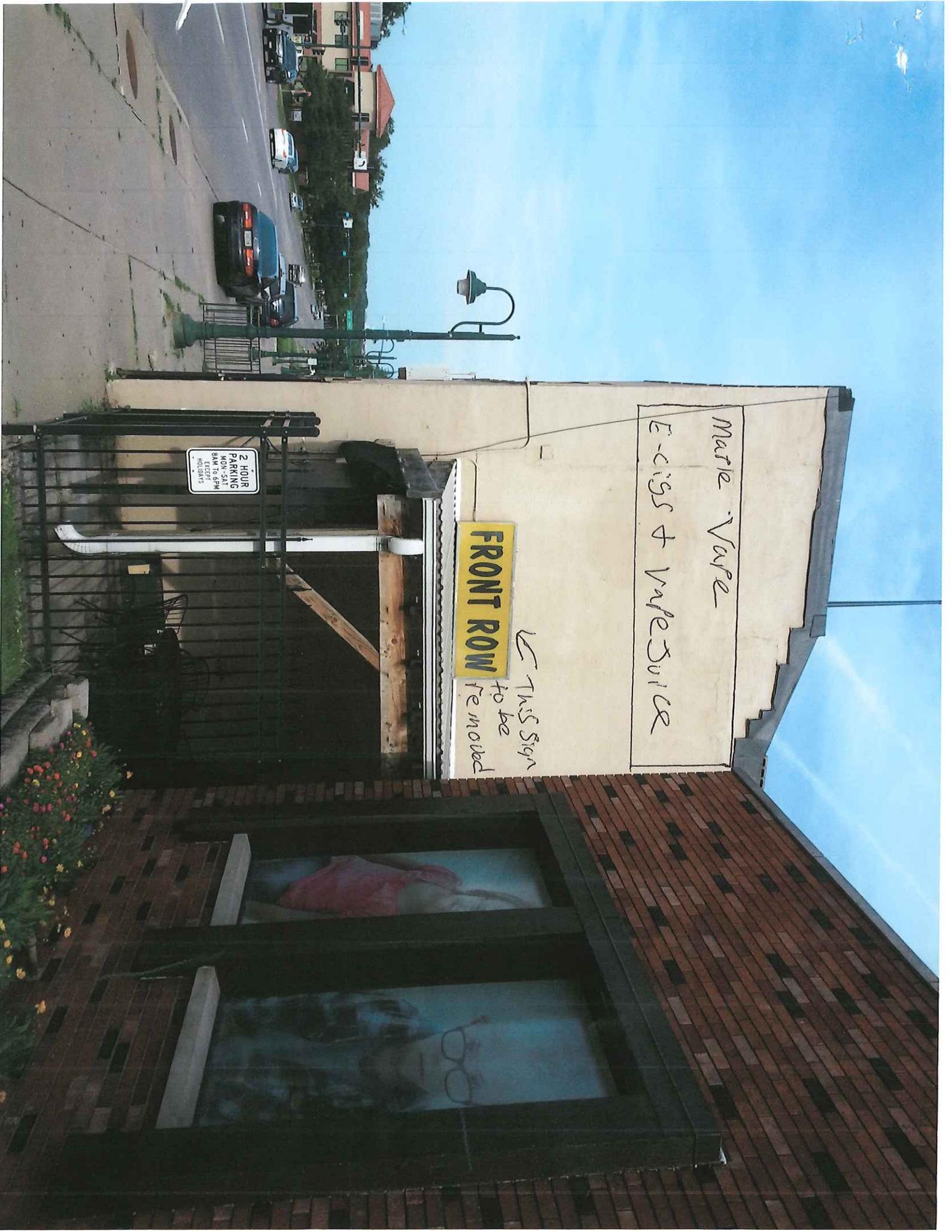


Marie Vape  
E-cigs + Vape Juice

FRONT ROW

← This Sign  
to be  
removed

2 HOUR  
PARKING  
MON-SAT  
8AM TO 6PM  
EXCEPT  
HOLIDAYS





December 17, 2015

CLAY L COOK  
704 50TH ST  
WEST DES MOINES, IA 50265

**Subject:** Unpermitted signs at Maple Vape, 6555 University Avenue, Windsor Heights

Mr. Cook,

The purpose of this letter is to make you aware of a violation of City Code that exists at the property listed above. Mr. Garrison was issued and approved for a sign permit on July 28, 2015 for a building wall sign on the top east side of the building that was moved from the Apple Valley location. It was noted on the permit that the other two wall signs were going to be removed. Since then the signs haven't been removed and new faces for the signs have been installed without a permit, which is required per Chapter 175 of the Zoning Ordinance.

The existing boxed wall signs still require a permit as there is a maximum of 100 square feet of allowable signage in the Town Center zoning district and will need to be reviewed for conformance. Compliance for other signage criteria must be reviewed as well. A sign application must be submitted that includes sign details and layout. Chapter 175 of our Zoning Code states signage must be compatible with other structures and signs in the development.

***175.08 GENERAL PERMIT PROCEDURES.***

*Any installation, modification, or expansion of any sign which is not exempt from the provisions of this chapter shall be subject to the following permit procedure prior to installation.*

*1. Maintenance of Valid Sign Permit. The owner of a property containing signs requiring a permit under this Zoning Code shall at all times maintain in force a sign permit for such property. Sign permits may be issued for individual zoned lots, tenants, or sign owners. A sign permit may be revoked if the sign is not maintained in good condition.*

The purpose of this letter is to make you aware that these violations currently exist and to let you know that in order to avoid further action, the **City requires that a sign permit application be applied for within 7 days from the date of this letter.**

If you should have any question or wish to discuss this matter further, please contact me at (515)-645-6826 or [snuetzman@windsorheights.org](mailto:snuetzman@windsorheights.org). Thank you, in advance for your timely response to the correction of this matter.

Sincerely,

Sheena Nuetzman, Code Enforcement Officer

cc: Herbert Garrison  
3818 8<sup>th</sup> Place  
Des Moines, Iowa 50313



CITY OF WINDSOR HEIGHTS

NOTICE OF VIOLATION AND ORDER TO ABATE

To: Record owner or owners, holder of any mortgage or deed of trust, lien holder, lessee, other interested party:

**Property owner:**

Clay L Cook  
704 50th st  
West Des Moines, Ia 50265

**Tenant:**

Herbert Garrison  
3818 8<sup>th</sup> place  
Des Moines, Iowa 50313

Reference: 6555 University Avenue- Maple Vape

**PLEASE TAKE NOTICE** that as a person with a legal interest in property addressed as, 6555 University Avenue, Windsor Heights, Iowa, zoning, TC, legally described as:

LOT 54 COLBY ACRES PLAT NO 3, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa.

**YOU ARE REQUIRED**, pursuant to *Chapter §175.06 and §175.08*, as adopted by the City of Windsor Heights, IA, to abate the violation located thereon in accordance with the order herein below.

The city noted a sign violation existed on December 17, 2015. A letter was sent to you on December 17, 2015, informing you of two illegal signs on the property that were not permitted. This abatement letter is now being sent as compliance has not been reached as of December 30, 2015. The two matching signs that have recently been installed will need to be removed by **January 8, 2016**, including the sign cabinets, as (1) a permit was never issued for them; and (2) the signs are not compatible with the existing, permitted wall sign attached to the top east side of the building (circled in red below).



Sign in violation: Picture taken 12-29-15



Bottom sign in violation: Picture taken 12-29-15

**City Code Sections Violated:**

**175.06 USE OF COMPATIBLE MATERIALS.**

All signs, excluding temporary signs, shall be constructed of materials that are similar to those used on the principal building. Such signage shall be dominated with materials of permanency and strength and shall be compatible with other structures and signs in the development.

**175.08 GENERAL PERMIT PROCEDURES.**

Any installation, modification, or expansion of any sign which is not exempt from the provisions of this chapter shall be subject to the following permit procedure prior to installation.

1. Maintenance of Valid Sign Permit. The owner of a property containing signs requiring a permit under this Zoning Code shall at all times maintain in force a sign permit for such property. Sign permits may be issued for individual zoned lots, tenants, or sign owners. A sign permit may be revoked if the sign is not maintained in good condition.

2. Sign Permit Applications. All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.

3. Application Fees. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the Council from time to time by resolution.

4. Action. Within ten working days of the submission of a complete application for a sign permit, the Zoning Administrator shall either: A. Issue the sign permit, if the sign conforms to the provisions of this chapter. B. Reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter.

5. Permit Expiration. If a permanent sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse. Permits on non-permanent signs lapse in accordance with the timeline identified on the permit. Temporary sign permits are for a period of 30 days with a maximum of two renewals. The number of renewals may be extended by the Zoning Administrator for additional renewals, as deemed appropriate. Promotional sign permits are for a period of one year.

6. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

**YOU ARE HEREBY ORDERED TO ABATE THE VIOLATION by removing the signs by January 8, 2016.**

In accordance with Windsor Heights Code §167.02, a determination made by the Zoning Administrator may be appealed to the Board of Adjustment. In accordance with Windsor Heights Code §177.09, the request for hearing must be in writing and filed with the Zoning Administrator within five (5) days from the date of service of such notice and order. You are also hereby notified that if you fail to file an appeal, it will be conclusively presumed that a violation exists and it will constitute a waiver of all rights to an appeal.

If said violation or condition is not abated as directed and no request for a hearing is made within the time prescribed, the City can take action and issue a municipal infraction by the following penalties:

**4.03 PENALTIES.** A municipal infraction is punishable by the following civil penalties: (Code of Iowa, Sec. 364.22[1])

1. Standard Civil Penalties.

A. First offense – not to exceed \$750.00

B. Each repeat offense – not to exceed \$1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

By order of the Zoning Administrator of the City of Windsor Heights, Iowa

Date: 12/30/2015



Sheena Nuetzman

515-645-6826

cc: Matt Brick, City Attorney  
Brett Klein, City Administrator

01/06/2016

Board of Adjustments,

I am appealing the current code violation determined by the Zoning Administrator. My decision to appeal is based on when I filed the sign permit we included the 2 existing signs in the paperwork of the permit. The violation states I installed the 2 existing signs which is false, they were already present on the building when I filed for the permit. The construction of all three signs are of similar construction which the violation stated they are not. I did email the Zoning Administrator when I received the first notice to try to figure things out and was told I would get an explanation of what my violation was. I never received that, I only received an order to abate.

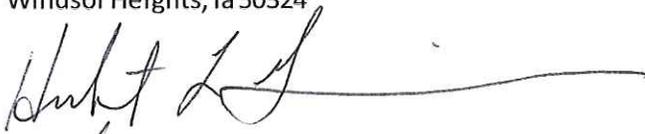
Thank you,

Herbert L. Garrison

Maple Vape

6555 University Ave.

Windsor Heights, Ia 50324



01/06/2016



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## APPEAL FROM A ZONING ADMINISTRATOR DECISION

Date of Submission: 1-25-16 Fee Amount: \$200 Application No. APL01-16

*Vpd ck # 1696 \$200.00*

Appeals to the Windsor Heights Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days of the decision of the Zoning Administrator.

Photos and Exhibits. Materials submitted with the application or presented as evidence during the public hearing will not be returned and must be kept as part of the public record.

The application below must be filled out completely. Failure to do so will result in a delay in accepting your appeal until the application is complete. Supporting information (sufficient facts must be presented to support the appellant's position).

The Board of Adjustment conducts a public hearing and makes the final decision, based on standards in the Ordinance. The Board meets on the third Wednesday of each month at 5:30 p.m. in the City Council Chambers.

Notification. The City will mail a notice to all property owners within 200 feet of the property that an appeal for an Appeal from a Zoning Administrator Decision has been filed. This notification is done so that concerned individuals will have an opportunity to learn about what is being proposed and can present information on this matter to the Board of Adjustment.

**Property Address** for this appeal application: 6555 University Ave, Windsor Heights IA

**Legal Description** (attach if lengthy): \_\_\_\_\_

**I (We) the undersigned, do hereby respectfully appeal to the Windsor Heights Board of Adjustment alleging that an error has been made or appealing a decision of enforcing in connection with (attach if sufficient space is not provided).** \_\_\_\_\_

Sign Code Violation

**Property Owner:** Clay Cook

**Business:** Front Row

**Address:** 9956 Swanson Blvd, Clive, IA

**Phone & Email:** 515-334-8746 frontrowbar@me.com

**Applicant:** Herbert Garrison

**Business:** Maple Vape

**Address:** 6555 University Ave, Windsor Heights, IA

**Phone & Email:** 515-988-6773 herbertlgarrison@msn.com

The Board of Adjustment may grant an appeal, provided the Board finds that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Iowa Code, Chapter 414 or of any ordinance adopted pursuant thereto. This appeal will not be granted unless sufficient facts are presented in this application and at the Board of Adjustment hearing to support a position finding by the Board.

Concurrence with this appeal by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary building permits or other permits from the City of Windsor Heights or from any other applicable agency.

I (We) certify that I (we) and (are) familiar with all applicable ordinances and codes and I (we) have submitted all the necessary information to the fully understand this appeal.

Signed by:   
(Property Owner(s))

Date: 1-20-16

Clay Cook  
Print Name

*(Note: No other signature may be substituted for the Property Owner's Signature)*

# APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

## *Supporting Information*

*(This form must be filled out completely before your application will be accepted.)*

As provided by Section 414.12 of the Iowa Code, Section 177.10 (1) of the Windsor Heights Zoning Ordinance grants power to the Board of Adjustment to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

In order to facilitate review of this application for an appeal the appellant must provide sufficient facts to support the appellant's position.

(Note: Additional facts may be attached on a separate sheet if sufficient space is not provided.)

When I applied for my sign permit I submitted for putting up 1 new sign and keeping the 2 existing signs. All demensions of all signs were submitted when I applied for my permit. According to the letter I received of the code violation it states I installed the 2 smaller signs, those 2 signs were existing and were not installed by me. I feel there was confusion about the permit when approved and assumptions were made.

# Permission to Place a "Zoning Action Pending" Sign on Private Property

*(This form must be filled out completely before your application will be accepted.)*

Section 177.09(2) of the Zoning Ordinance, requires that **notice of a public hearing be posted in a conspicuous place on or near the property on which the application has been made.**

The owner or property at 6555 University Ave. hereby grants the City of Windsor Heights permission to place "Zoning Action Pending" signs on the property for the purpose of informing interested persons of the request for action by the City of Windsor Heights.

I understand that the sign(s) will be placed on the property at least ten days prior to action on the request by the Board of Adjustment and may remain on the property until the request has been approved or denied by the City.

Signed by: \_\_\_\_\_

(Property Owner(s))

Date: 1-20-16

Clay Cook

Print Name

*(Note: No other signature may be substituted for the Property Owner's Signature)*