

MINUTES

WINDSOR HEIGHTS BOARD OF ADJUSTMENT

October 26, 2016

Council
Chambers
1133 66th Street

5:30 p.m.

1. Call to Order/Roll Call

Dave Knau called the meeting to order at 5:30 p.m. Sara Walker, Donna Markley and Chris Kannapel in attendance. Absent: Chaden Halfhill; Building Inspector Jason Van Ausdall and City Attorney Erin Clanton, and City Administrator Elizabeth Hansen was present.

2. Approval of the agenda

Walker made a motion to approve the agenda, seconded by Markley. Voice vote passed unanimously.

3. Approval of August 10 , 2016, Board of Adjustment Minutes

Motion by Walker and seconded by Markley to approve the minute. Knau and Kannapel abstained. Minutes will be on the next meeting agenda for approval.

4. Consideration of Revocation or Possible Action on Conditional Use CUP02-12 6901 Center St

Jason VanAusdall provided history on the property and an update regarding the violation the property owner allowed. There are two new businesses at the location; Sunsetter Retractable Awnings and Drop Storage Containers. The property owner is on probation until 01/10/2017 and the probation stated the property owner should only follow what was listed in the original CUP permit.

Public Hearing on conditional use permit request (CUP02-12) for 6901 Center St.

Public Hearing Opened at 5:38 pm regarding the conditional use permit CUP 02-12. Public Hearing closed at 5:38 pm. Motion passed unanimously on a roll call vote.

Brian Fest: Owns the property across the street in West Des Moines, 600 Center St. The pods from Drop Storage would be located on that property in West Des Moines, 600 Center St. The pods are located on 6901 Center St because we are resurfacing the lot and the contractor is running behind. Awning business is run from the truck. The building is used to display the awnings for people to see. He stated that there are no people located in the building and occasionally he would meet clients at this property to show the awnings and drop storage containers. Markley stated the original uses of the

conditional use permit never listed the awnings on it. Only the outdoor storage is approved there. Knau stated the storage should be secured behind the fencing. Other businesses weren't allowed and if you would have asked to modify the CUP then we could look into modifying and adding those businesses on the permit. RV storage is the only thing permitted.

Clanton asked if the businesses were registered with the Secretary of State. Mr. Fest said that they were, except the Sunsetter Retractable Awnings. He said WDM storage is registered to his home address. (I did check the status and the only business registered at his address is C. R painting, which is no longer at 6901 Center St WDM storage was not registered either.)

Mr. Fest stated he did not know what was allowed and what wasn't.

Knau stated that the CUP and the last meeting made it very clear what wasn't allowed. A modification could have been asked for.

Knau stated options would be to revoke, no action and the probation stays until January 10, 2017.

Markley motioned to revoke the CUP 02-12. No second. Motion dies.

Markley asked Mr. Fest how the long the drop containers were on the property. He stated for a month and the units are still there. If you would have alerted the City and let them know that storage containers would be here until the other property was completed, we wouldn't be here. This is the second inspection since being put on probation and you didn't meet the requirements. The prior actions put our community in jeopardy.

Fest- resurfacing is a work in process.

Knau- Jason will continue with inspections and the probation will stay.

Mr. Fest- asked about splitting the property. Knau stated that each piece of the property would need a CUP and depending on the zoning. Have to wait to after probation period and the original CUP will need to be modified to adjust the new uses and split parcel.

Knau- remove the retractable awnings as well.

5. Discussion and Possible Action on AirBnB-

AirBnb requires conditional use permit and there are some operating within the City of Windsor Heights.

Knau stated that City staff should search the websites to find the properties that are operating and tell them to cease operations until they get a CUP permit for the property. The important piece of this is alerting the neighbors.

Markley motioned to have City Staff identify properties that are operating an AirBnB within City limits

without proper conditional use permits and upon finding some, notify the property owners with a cease operations letter and let them know the proper steps to take in which they need to take.

Walker seconded. Motion passed unanimously on voice vote.

6. Adjourn

Kannapel moved to adjourn at 6:10 pm; seconded by Walker. Voice vote passed unanimously.

Dave Knau, Chair

ATTEST:
