



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS BOARD OF ADJUSTMENT
Wednesday, August 16, 2023 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th St
ZOOM MEETING ID: 783 285 6334

1. **Call to Order/Roll Call**
2. **Approval of Agenda**
3. **Approval of Minutes:**
 - A. Consideration of the March 1, 2023 Minutes
4. **Public Hearing on Variance Request - Falke Construction – 6426 Carpenter Ave**
5. **Consideration of Variance Request - Falke Construction – 6426 Carpenter Ave**
 - A. Staff Report and Application Materials
6. **Adjourn**

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.



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Wednesday, March 1, 2023 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. Call to Order/Roll Call

David Knau called the meeting to order at 5:35 PM. Members present: John Villotti and Chaden Halfhill. Members absent: Donna Markley and Chris Kannapel. Staff Present: City Clerk Travis Cook and Rose Schroder and Wyatt Archer of Bolton & Menk

2. Approval of Agenda

Motion by Chaden Halfhill to approve. Seconded by John Villotti. Motion passed 3-0.

3. Approval of Minutes

A. Consideration of the February 9, 2022 Minutes

Motion by Chaden Halfhill to approve. Seconded by John Villotti. Motion passed 3-0.

4. Public Hearing on Conditional Use Permit - Silverstar Carwash - 6300 Hickman Road

Public Hearing Opened at 5:38 PM. No public comment. Public Hearing Closed at 5:39 PM.

5. Consideration of Conditional Use Permit - Silverstar Carwash - 6300 Hickman Road

Wyatt Archer presented the staff report. Motion by Chaden Halfhill to accept and approve CUP01-23 as proposed with conditions per staff recommendation number 2. Seconded by John Villotti. Motion passed 3-0.

A. Staff Report and Application Materials

6. Adjourn

Motion by Chaden Halfhill to adjourn at 5:55 PM. Seconded by John Villotti. Motion passed 3-0.

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.

MEMORANDUM

Date: August 16, 2022
To: Windsor Heights Board of Adjustment
From: Jane Kansier, AICP
Wyatt Archer, AICP
Subject: Variance Review: 6426 Carpenter Avenue Garage Variance Staff Report

Variance Summary

The applicant, Falke Construction, LLC, is requesting a variance from Section 172.02, 2, F(2) which states “no accessory building may be located between the front building line of the principal building and the front property line.” The applicant is requesting to build a detached garage in the front yard. The existing house is set back 100 feet from the front property line, and there is approximately 18 feet in length between the rear of the principal building and rear property line. The property is located at 6426 Carpenter Avenue.

Existing Conditions

The 0.164 acre lot is in the R-2 – Single-Family Residential (Urban Density) zoning district. The length of the property is 143 feet, from front property line to rear property line. The principal building is set back approximately 100 feet from the front property line and the rear portion of the principal building is approximately 18 feet from the rear property line. There is an existing driveway that covers the front 52 feet of the yard. There are no existing garages on the property.

Background

May 23, 2023: Applicant notified that a variance was required before a garage permit could be issued. The proposed garage did not meet code due to placement between the front building line and front property line.

August 16, 2023: Board of Adjustment to review variance request from accessory building regulations.

Discussion

Accessory buildings on the subject property have supplemental site development regulations within Chapter 172 of the Windsor Heights Code of Ordinances. [172.02.F.2 Setback Adjustments](#) states that “No accessory building may be located between the front building line of the principal building and the front property line.” The proposed garage is located 52 feet behind

the front property line and in front of the principal building. There is limited space behind the principal building and not enough space to build a garage to fit the standard automobile.

Chapter 179 Board of Adjustment **require all conditions** apply to the application:

- A. Special Circumstances –The existing house was built in 1934 before many of the surrounding homes were built. The setback of the house is much further back than surrounding homes.
- B. Hardship or Practical Difficulties – There is only 18 feet of space between the rear of the principal building and rear property line. This makes it difficult for the applicant to build a garage to fit a modern vehicle.
- C. Not Resulting from Applicant Action – The home was built by a previous owner and not a result of applicant action.
- D. Reasonable Use and Return - The property is one of the few homes within the neighborhood without a garage. This variance would not confer special privileges not ordinarily enjoyed by other properties in this district.
- E. Not Alter Local Character – Garages are common within the neighborhood and the addition of a garage would not alter local character.
- F. Minimum Variance Needed – The applicant is requesting a garage at the end of their existing driveway, set back approximately 52 feet from the front property line. The applicant is only asking for a variance for the garage to be between the front property line and the principal building. This variance is the minimum needed to create the garage.

Recommendation

There is sufficient evidence that all conditions were met. **The staff recommend approval of the variance.**

Attachments

1. Application Materials (as submitted)



APPEAL FOR VARIANCE APPLICATION

Fee Amount: \$300.00 *Application fee of \$300.00 must be paid with filing and prior to consideration of variance.

Name of Applicant: Falke Construction, LLC

Address: 1907 Ironwood Trail, Winterset, Ia 50273

Property address for variance: 6426 Carpenter Ave. Windsor Heights 50324

Property zoning classification: R-2 - Single Family Residential District (Urban Density)

Legal Description: LOT 60 ELMCREST, 6426 CARPENTER AVE, WINDSOR HEIGHTS, IA 50324-1844

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: Build a 24' x 20' garage in the front yard. Customer's dwelling sits far back on the property and has ample room for the garage. Garage will be on a cement slab. Cement slab to align with the current cement driveway. Setback of 1' to the west/side property line (there is room to go further east if needed), 45' from the north/front, 25' from the east/side property line, and 28' to the south from the house or 75' from the south/rear property line.

(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.

David Falke
Signature of Applicant

6/5/23

Date

515-689-3700
Applicant phone number

falkeconstruction@gmail.com
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.

This property cannot be put to reasonable use as the dwelling sits too far back for a garage to be built behind it.

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.

Zoning codes do not permit buildings to be constructed in front yards for this area. The property has a unique layout that requires a variance application.

3. The variance will not alter (harm) the character of the neighborhood. Why?/Reasons.

This variance will not alter the character of the neighborhood as there are several properties nearby that have garages in the front of the yard also. The garage would sit back 85' from the road so it is not close nor obstructive to vehicles, pedestrians, etc.

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.

Appeal for Variance Application

Directions and Information

1. Complete all blanks on the form by typing or printing legibly. Attachments may be used if clearly referenced. The Board of Adjustment must find that the Ordinance creates an unnecessary hardship which is not self-created; that the property is unique; that the requested variance is harmonious with the spirit and intent of the Ordinance; and that the character of the neighborhood will be preserved in order to grant the appeal, and will base its findings on the information presented. The appellant may provide other supporting documentation by submitting it in writing and clearly referencing the points to which it applies. Three or more Board members must vote in favor of the appeal for it to be granted.
2. Two (2) sets of the site plan, elevations, and drawings must be submitted, and must be drawn to scale neatly and legibly.
3. If the appellant is not the title holder, such title holder must authorize the appeal in writing, and the authorization must be submitted as part of the appeal.
4. Provide the names, property addresses, and mailing addresses of all property owner within 200 feet for residential projects or 300 feet for commercial projects of the subject property, both the title holders and contract buyer where applicable. Intervening streets and alleys are not to be included in computing the 200 or 300 feet requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder's office and providing the property addresses. You do not need to obtain property owners' permission.
5. You or your representative must personally appear before the Board of Adjustment to present the appeal. The appellant is responsible for confirming the date, time, and place at which the appeal will be heard and for filing a completed appeal prior to the filing deadline for the meeting.
6. Appellants are NOT allowed to contact or discuss appeals with the Board of Adjustment members outside of the scheduled meeting, since the Board is a quasi-judicial body. The Board's decision can be appealed to District Court by the appellant or anyone aggrieved by the Board's decision.

Checklist for Board of Adjustment

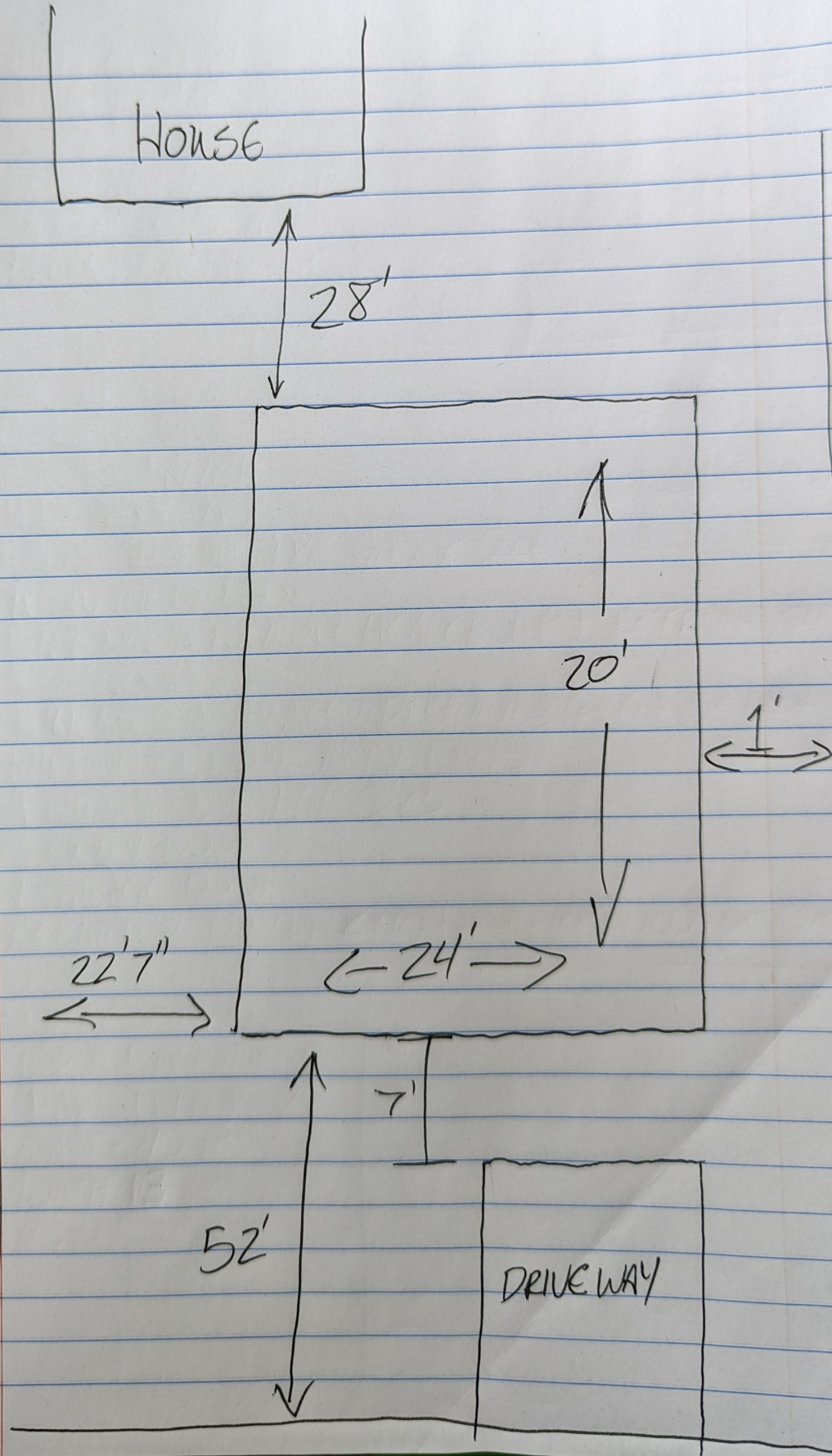
- ☐ Application for variance request
- ☐ List of property owners' addresses and mailing addresses within 200 feet (residential) or 300 feet (commercial) of the property at question.
- ☐ Site plan drawings
- ☐ \$300 fee



Concrete in blue

Building yellow 24 x 20

JIM RASHKE



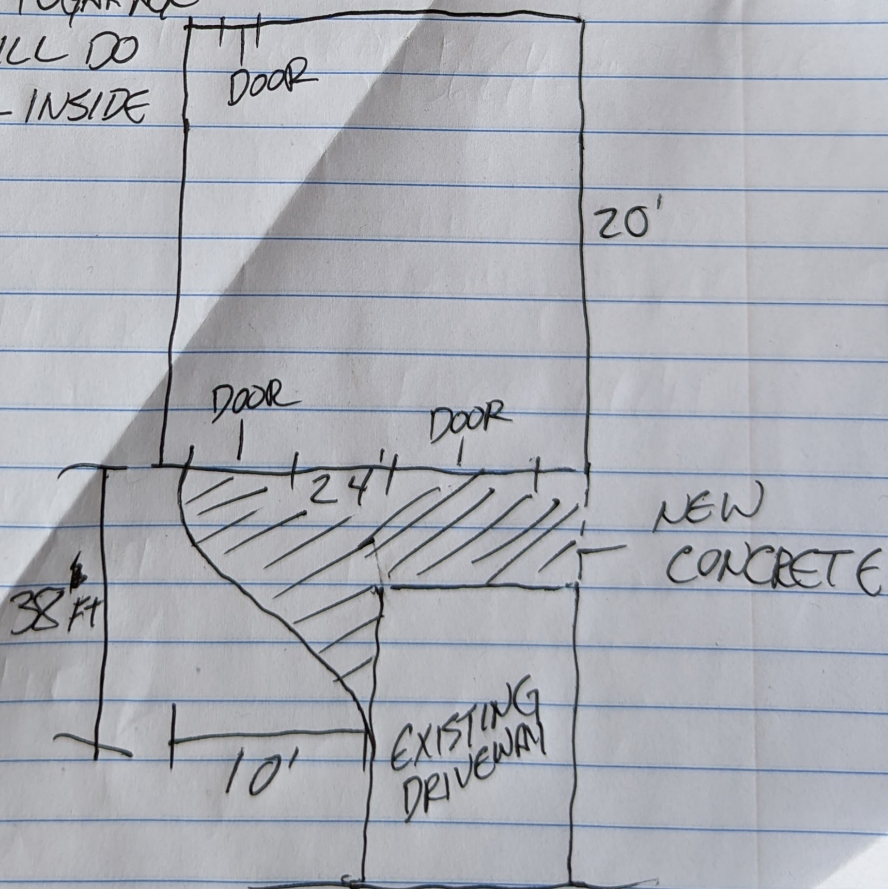
JIM RASCHE

6426 CARPENTER AVE WINDSOR HEIGHTS

515-205-3464

- 24x20
- ENTRY DOOR IN BACK 6 PANEL 36
- 2 SINGLE GARAGE DOORS
- LP SMART SIDE + PAINT
- SHINGLES FOR ROOF COLONIAL SLATE
- NO WINDOWS
- CONCRETE FLOOR
- 4/12 PITCH
- CONCRETE APPROACH 10 FT ROUGHLY
- ADD ON TO OLD DRIVE WAY
- 100 AMP IN GARAGE - HOUSE IS SET UP FOR IT
- RUN POWER TO GARAGE

CUSTOMER WILL DO
ELECTRICALL INSIDE



BUILDING PERMIT APPLICATION

Submit **COMPLETED** Applications to:

office@safebuildingiowa.com or

Safe Building

PO Box 107

103 S 2nd St

Polk City, IA 50226

515-333-4161



**WINDSOR
HEIGHTS**
the heart of it all

***IMPORTANT - Complete All Information Requested and Include SITE PLAN & BUILDING PLAN(S)**

| | NAME | ADDRESS | PHONE NUMBER |
|--------------------|------|---------|--------------|
| Owner | | | |
| Contractor | | | |
| Architect/Engineer | | | |

| | NAME | E-MAIL ADDRESS | PHONE NUMBER |
|-----------------|-------------|-----------------------------|--------------|
| Primary Contact | David Falke | falkeconstruction@gmail.com | 515-689-3700 |

Legal Description of Property _____

Building Address _____

Description of Work _____

Basement Finish (SF) _____ Deck (SF, Covered/ Uncovered) _____

Estimated Cost of Work \$34,150 Size (Sq. Ft.) 480

The final determination of value for calculating the permit fee will be made by the building official.

CONSTRUCTION FEES/PERMITS

FEE

PERMIT NO.

BUILDING PERMIT _____
PLAN REVIEW _____
OTHER _____

CITY FEES/PERMITS

FIRE DEPARTMENT PLAN REVIEW _____
OTHER _____

TOTAL _____

It is the responsibility of the applicant to ensure the completion of application.

The owner of this building and the undersigned agree to conform to all applicable laws of the City of Windsor Heights and the State of Iowa.

Signature of Applicant David Falke Print Name _____ Application Date _____

FOR INSPECTIONS CONTACT: SAFE BUILDING at 515-333-4161

Work Authorized by This Permit Must Be Completed Within 12 Months of Permit Approval Date.

This application becomes your permit when approved by the city building department below.

**SAFE
BUILDING**

DO NOT WRITE IN SPACE BELOW - FOR OFFICE USE ONLY

Approved By _____ Valuation _____ Approval Date _____

Notes: