



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



Minutes

Board of Adjustment

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



City of Windsor Heights

www.windsorheights.org

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

**WINDSOR
HEIGHTS**
the heart of it all

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 Cutler, 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

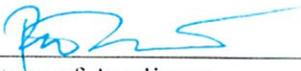
Please attach a site plan, elevations, floor plan, perspective, photographs, or other documents that are legible and neatly drawn to clearly illustrate the nature of the appeal and variance. Show the size and all dimensions of the property, proposed and required setbacks, height, etc. of all existing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

Applicant phone number

1-21-20
Date

peter@chiowa.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.

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.

Mark Arentsen

From: Peter Cutler <petecut@gmail.com>
Sent: Tuesday, January 21, 2020 12:49 PM
To: Mark Arentsen
Subject: Re: 2931 64th variance

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



*Notice sent to property owners
within 300' of duplex building site*

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

Properties within 300' of duplex building site

Current Resident	2025 64th St		Windsor Heights, IA 50324
Current Resident	2021 64th St	#1	Windsor Heights, IA 50325
Current Resident	2017 64th St	#2	Windsor Heights, IA 50326
Current Resident	2015 64th St	#3	Windsor Heights, IA 50327
Current Resident	2011 64th St	#4	Windsor Heights, IA 50328
Current Resident	2032 64th St	#5	Windsor Heights, IA 50329
Current Resident	2028 64th St	#6	Windsor Heights, IA 50330
Current Resident	2024 64th St	#7	Windsor Heights, IA 50331
Current Resident	2010 64th St	#8	Windsor Heights, IA 50332
Current Resident	6400 Lincoln Ave		Windsor Heights, IA 50333
Current Resident	6401 Lincoln Ave		Windsor Heights, IA 50334
Current Resident	6404 Lincoln Ave		Windsor Heights, IA 50335
Current Resident	6408 Lincoln Ave		Windsor Heights, IA 50336
Current Resident	6405 Lincoln Ave		Windsor Heights, IA 50337
Current Resident	6409 Lincoln Ave		Windsor Heights, IA 50338
Current Resident	6413 Lincoln Ave		Windsor Heights, IA 50339
Current Resident	6300 Hickman Rd		Windsor Heights, IA 50340
Current Resident	6322 Hickman Rd		Windsor Heights, IA 50341
Current Resident	6336 Hickman Rd		Windsor Heights, IA 50342
Current Resident	2110 63rd St		Windsor Heights, IA 50343
Current Resident	2108 63rd St		Windsor Heights, IA 50344
Current Resident	2002 63rd St		Windsor Heights, IA 50345
Current Resident	2009 63rd St		Des Moines, IA 50322
Current Resident	2111 63rd St		Des Moines, IA 50322
Current Resident	2117 63rd St		Des Moines, IA 50322
Current Resident	2209 63rd St		Des Moines, IA 50322
Current Resident	2004 63rd St	#1	Windsor Heights, IA 50350
Current Resident	2004 63rd St	#2	Windsor Heights, IA 50351
Current Resident	2004 63rd St	#3	Windsor Heights, IA 50352
Current Resident	2004 63rd St	#4	Windsor Heights, IA 50353
Current Resident	2004 63rd St	#5	Windsor Heights, IA 50354
Current Resident	2004 63rd St	#6	Windsor Heights, IA 50355
Current Resident	2004 63rd St	#7	Windsor Heights, IA 50356
Current Resident	2004 63rd St	#8	Windsor Heights, IA 50357

Current Resident 2005 63rd St
Current Resident 2101 63rd St
Current Resident 2107 63rd St
Current Resident 2201 63rd St
Current Resident 2221 63rd St
Current Resident 2223 63rd St

Des Moines, IA 50322
Windsor Heights, IA 50359
Des Moines, IA 50322
Des Moines, IA 50322
Des Moines, IA 50322
Windsor Heights, IA 50363

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. Hosta 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. Berberis thunbergii (Japanese Barberry 6' x 6')
2. Berberis 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.

NUMBER	DATE	REVISION	DESCRIPTION

PAGE TITLE

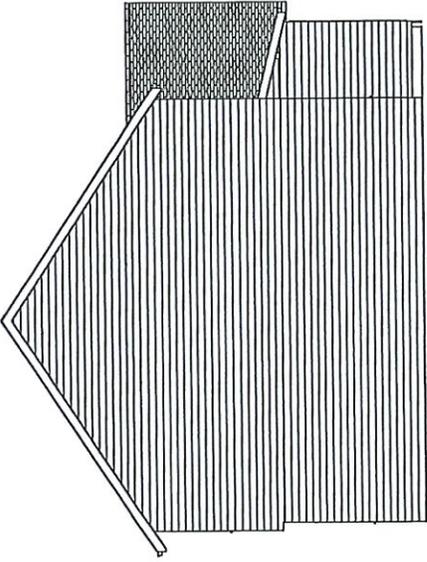
DRAWINGS PROVIDED BY:

DATE:
11/27/2019

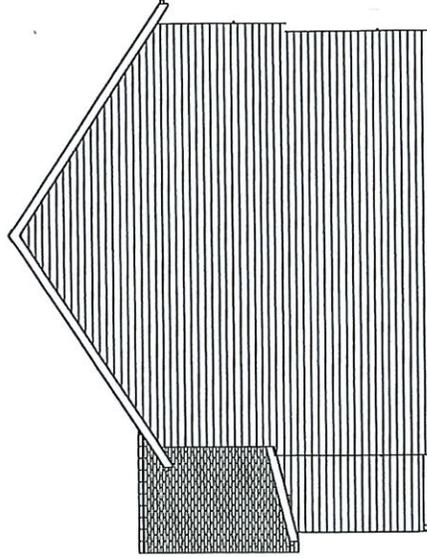
SCALE:

SHEET:

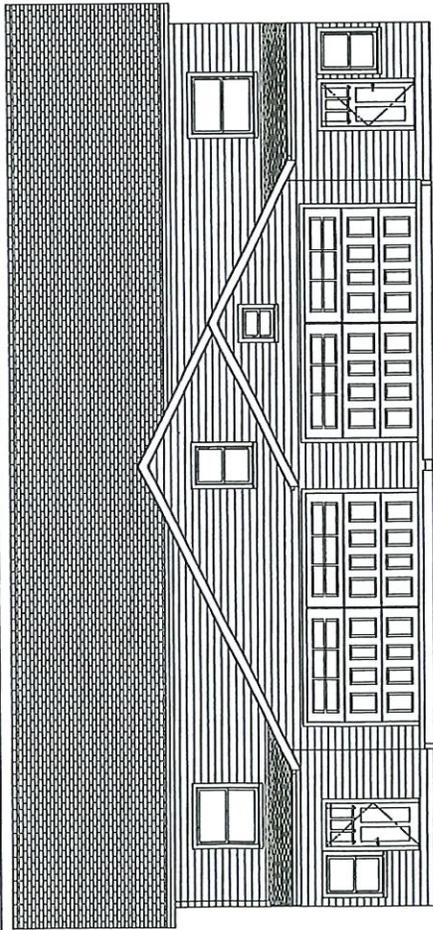
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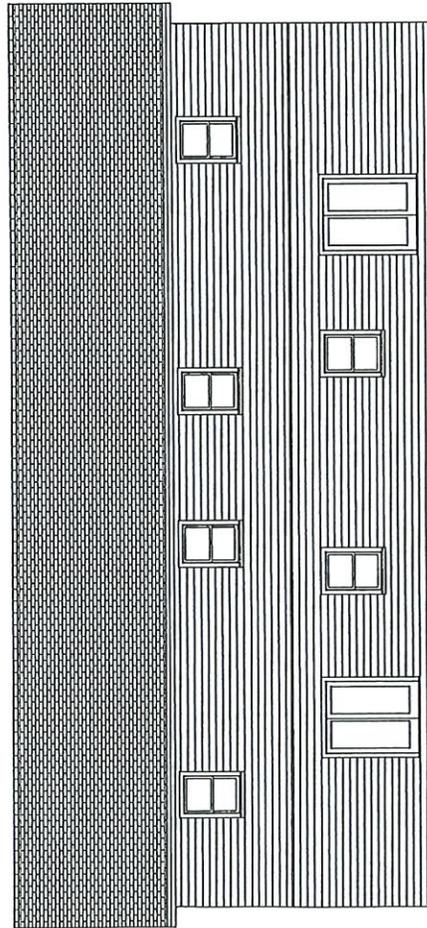
Elevation 4



Elevation 6

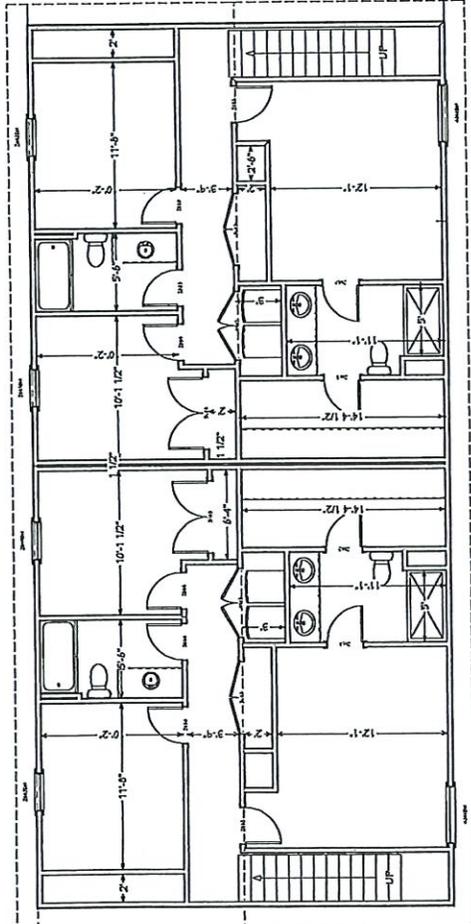


Elevation 2



Elevation 5

REVISION TABLE		DRAWINGS PROVIDED BY:		DATE:	11/27/2019
NUMBER	DATE	REVISION	DESCRIPTION	SCALE:	
				SHEET:	

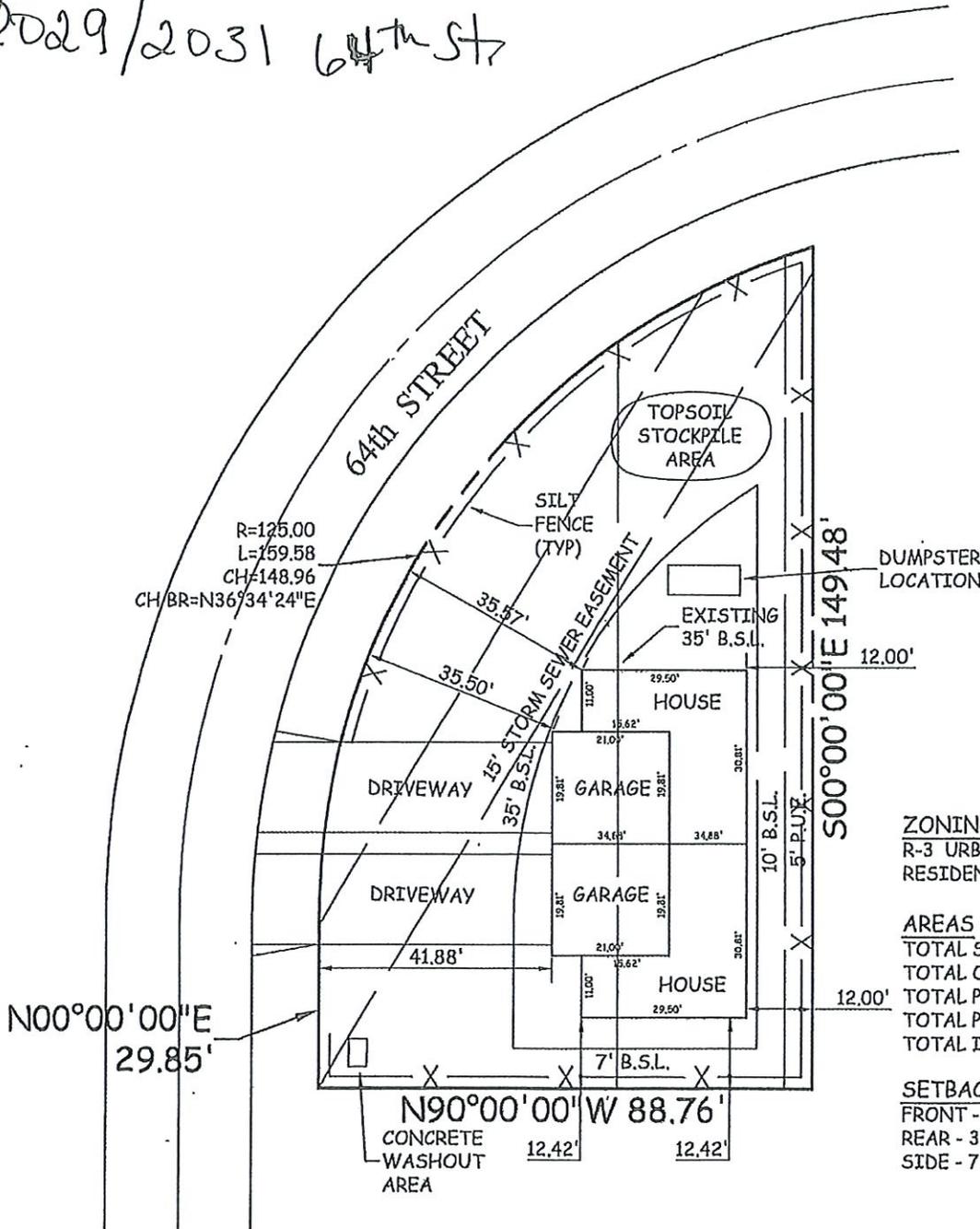


LIVING AREA
1815 sq. ft.

2nd Floor

**CAPITAL HOMES
LOT 1 BARNES MANOR PLAT 3
WINDSOR HEIGHTS**

2029/2031 64th St

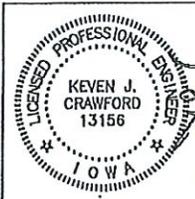


ZONING
R-3 URBAN FAMILY
RESIDENTIAL DISTRICT

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.



I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

Keven J. Crawford

KEVEN J. CRAWFORD, IOWA LICENSE NO. 13156
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024

PAGES OR SHEETS COVERED BY THIS SEAL:
This sheet only

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

0 15 30
SCALE: 1"=30'
DATE: 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