



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS BOARD OF ADJUSTMENT
Wednesday, February 9, 2022 - 5:30 PM

Zoom Meeting Information

<https://us02web.zoom.us/j/85488616817?pwd=aWNwcVlqaG9MTCTzZnVqS1Z3T2Evdz09>

Meeting ID: 854 8861 6817 | Passcode: 384156 | 312 626 6799 US

1. **Call to Order/Roll Call**
2. **Approval of Agenda**
3. **Approval of Minutes:**
 - A. Consideration of the Minutes of the Board of Adjustment Meeting on January 12, 2022
4. **Public Hearing and Consideration of Variance Request**
 - A. Public Hearing on Variance Request from Chapter 175 to Allow for Signage - St. Vincent de Paul - 801 73rd St
 - B. Consideration of Variance Request from St. Vincent de Paul - 801 73rd Street
 - C. Consideration of Recommendation that Staff Waive Variance Fee - St. Vincent de Paul
5. **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.

**REGULAR MEETING MINUTES
OF THE WINDSOR HEIGHTS BOARD OF ADJUSTMENT**

Wednesday, January 12, 2022 – 5:30 p.m.

Via Zoom

1. Call to Order/Roll Call: Chair Knau called the meeting to order at 5:32 p.m.
Present: Knau, Markley, Halfhill and Kannapel.
Absent: Walker

Also present: Durham, Jacobus, and Clanton

2. Approval of Agenda: Motion by Kannapel and seconded by Markley to approve the agenda. (4-0) Motion approved.

3. Approval of Minutes:

Approval of Minutes of August 18, 2021: Motion by Markley and seconded by Halfhill. (4-0) Motion approved.

Approval of Minutes of November 10, 2021: Motion by Markley and seconded by Halfhill. (4-0) Motion approved.

4. Public Hearings and Considerations of Requests

A. Public Hearing on Appeal of Variance – Nu Van Nguyen, 7107 Garrison Rd. City administrator Durham summarized the variance request relative to the setback requirement for location of a carport for the Board and recommended approval. There was general discussion. Board member Kannapel expressed his concern that when the carport is constructed and more storage is utilized, it could become an eyesore for neighbors. Other Board members agreed. Chairperson Knau opened the public hearing. There were no comments from the public. Chairperson Knau closed the public hearing.

B. Consideration of Variance Request - Motion by Kannapel to approve the variance request with the condition that the carport be screened on all sides and maintained going forward. Seconded by Markley. (4-0) Motion approved.

C. Public Hearing on Appeal of Variance – Windsor Park Townhomes – 6750 School St. Kate Arnest appeared on behalf of the property owner to present the request for variance of the setback requirements for the property. The four-unit structure built on the property had suffered loss due to a recent fire. The property owners desire to build back as before. The neighboring structures are the same design and aesthetic. City Administrator Durham explained that due to conflicts within the code, staff recommended obtaining

the variance to minimize the potential of future challenges. And because this issue has been caused by the conflict within the code, and not an action of the property owner, staff is also recommending waiver of the fee for a variance. There was general discussion. Chairperson Knau opened the public hearing. There were no comments. Chairperson Knau closed the public hearing.

- D. Consideration of Variance Request – 6750 School St. – Motion by Halfhill and seconded by Kannapel to approve the variance request. (4-0) Motion approved.
 - E. Public Hearing on Conditional Use Permit Application – Colby Interests – Aldi Grocery – 7100 University Avenue. City Attorney Clanton briefed the Board on the legal requirements for approval/disapproval of the requested CUP. Ryan Anderson, ISG Inc., on behalf of the applicants, provided a summary of the request for CUP and reviewed the conditions that have been met to warrant approval. There was general discussion. Chairperson Knau opened the public hearing. There were no comments. Chairperson Knau closed the public hearing.
 - F. Consideration of Conditional Use Permit Application – Colby Interests – Aldi Grocery – 7100 University Avenue. City Administrator Durham recommended approval as all conditions have been met by the applicant. Motion by Kannapel and seconded by Halfhill to approve the request for a Conditional Use Permit. (4-0) Motion approved.
5. Adjourn – As there was no further business before the Board, the meeting was adjourned at 6:27 p.m. Motion by Markley and seconded by Halfhill. (4-0) Motion approved.



City of Windsor Heights

www.windsorheights.org

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

**WINDSOR
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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: St. Vincent de Paul

Address: 1426 6th Avenue Des Moines, IA 50314

Property address for variance: 801 and 803 73rd Street

Property zoning classification: Commercial

Legal Description: _____

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: We are respectfully asking the City of Windsor Heights permit us to utilize the glass windows for professional, artistic signage to bring awareness to our new St. Vincent de Paul location. This signage would replace the current tint on the windows, which is inconsistent, and allow us to repair the windows as they leak.

St. Vincent de Paul is dedicated to being a quality community member of Windsor Heights for decades to come.

(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

515.205.7143

Applicant phone number

January 13, 2022

Date

execdir@svdpdsm.org

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.

In order for SVdP to get adequate signage, we need to utilize more space than is currently allowed. The majority of the

current allotment is utilized by the Wild Birds Unlimited store and our wayfinding signs we have planned.

St. Vincent de Paul has been serving Central Iowa for 98 years, and we need this location to thrive so we can continue to do so.

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 majority of the permissible signage is utilized by Wilds Birds Unlimited and Suite Dreams. Even though these are

two different buildings and addresses, they are considered one site. We are not asking for signage that is an eye,

just to repair and utilize the glass on the front of 801 73rd (A-Frame) in an artistic manner.

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

We are not asking for signage that is an eye, just to repair and utilize the glass on the front of 801 73rd (A-Frame)

in an artistic manner. We will utilize a local artist to design this signage (draft attached), adding to the positive

appearance of the facility. We are nearly complete with a \$700,000 renovation of that building, which was in great need

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

LAYOUT FOR DESIGN APPROVAL



QTY: 1 - 54"x118" estimated size
 TRANS/LAM - Remove old install new



QTY: 1 - 54"x118" estimated size
 TRANS/LAM - Remove old install new



THRIFT STORE

QTY: 2 - 48"x384"
 Made from 4 sheets of 4'x8'
 Cut into a stencil for painting



Trans/Lam

REVIEW CAREFULLY BEFORE GIVING APPROVAL

- Spelling
- Grammar
- Quantities
- Colors
- Punctuation
- Numbers
- Dimensions
- General Layout

NOTE: Colors viewed from a printed proof or viewed on your monitor are only a representation. If a specific color is needed, please provide a Pantone (PMS) color number to match.

Please sign and send back.
 We cannot accept final approvals verbally.

- ☐ APPROVED, AS IS
- ☐ APPROVED, PROCEED AFTER MAKING NOTED CHANGES
- ☐ MAKE NOTED CHANGES AND RE-SEND NEW PROOF

**PLEASE NOTE THAT AFTER 2ND REVISION
 THERE WILL BE A \$15 CHARGE FOR
 EACH ADDITIONAL PROOF.**

Your signature, email or faxed approval authorizes production to proceed, based on the layout and information shown in this proof.

SPECIFICATIONS

Size: See above Quantity: See above Material: See above

Signature

Date

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	St. Vincent DePaul	1426 6th Ave, DSM	5152828327
Contractor	Visual Concepts, Inc	1791 NW 86th St, Clive	5152241210
Architect/Engineer			

	NAME	E-MAIL ADDRESS	PHONE NUMBER
Primary Contact	Max Holmes	max.holmes@fastsigns.com	5152241210

Legal Description of Property 801 73rd St, Windsor Heights, IA 50324

Building Address 801 73rd St, Windsor Heights, IA 50324

Description of Work Window Vinyl

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

Estimated Cost of Work 5000 Size (Sq. Ft.) 284

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

<u>CONSTRUCTION FEES/PERMITS</u>	<u>FEE</u>	<u>PERMIT NO.</u>
BUILDING PERMIT	_____	_____
PLAN REVIEW	_____	
OTHER	_____	
<u>CITY FEES/PERMITS</u>		
FIRE DEPARTMENT PLAN REVIEW	_____	
OTHER	_____	
<u>TOTAL</u>	_____	

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 [Signature] Print Name Max Holmes Application Date 12/13/21

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:



Date: December 15, 2021
To: City of Windsor Heights/St. Vincent DePaul Society
From: Patrick Carruthers-Green
RE: Zoning review notes for 801 73rd St

DESCRIPTION OF PROPOSED WORK

The applicant has proposed the installation of new signage on the property to reflect the new business opening in the property. The property is in the GC zoning district.

BASIS FOR PERMIT DENIAL

1. The City of Windsor Heights zoning code limits all signage on a single premises to 150 SF in the GC zoning district (**Table 175-3**).
 - a. Premises is defined as a contiguous parcel under common ownership (**166.03.91**). For this review the premises includes the signage on the buildings understood to be addressed as 801 and 803 73rd Street and any detached signage within the parcel.
2. A total existing signage area was not provided by the applicant. However, even without this total existing signage, the new proposed signage exceeds the allowable 150 SF signage allowance for the premises as described below.
3. The proposed replacement of the 44.25 SF (54"x118") signage panels of two existing integral roof signs (**175.02.27.A**) are not subject to a building permit, but do contribute 88.5 SF to the total premises signage.
4. The existing signage area associated with the north tenant of 801 73rd Street was not provided.
5. The existing signage on the 803 73rd Street building was not provided.
6. The proposed painted roof sign is exempt from sign regulations (**175.03.4.E**). This signage is not subject to a building permit and does not contribute to the total premises signage.
7. The new signage reviewed under this permit consists of new vinyl window clings applied to the large A-frame style window structure. As much of the proposed new application is decorative, solid colors the area of the window cling signage was determined from the extreme limits of the sign's text and logos only. This proposed new signage area is approximately 266 SF.



ANNUAL REPORT

St. Vincent de Paul of Des Moines

Since being established in Des Moines in 1924, the main focus of St. Vincent de Paul's work is to assist those living in poverty become self-sufficient by removing barriers to success. The Des Moines Council operates two thrift stores, two social services departments, and an education center.



Nationally replicated
across the SVdP network



EMPLOYMENT PREPARATION PROGRAMMING

SVdP's Back2Work program is geared towards helping unemployed and underemployed individuals learn skills they need to secure employment at a livable wage. Through this program participants earn as they learn, complete their resume, take educational assessments, learn how to interview, and learn communication skills for the workplace. The second component is either an internship or direct employment depending on the participants field of interest.



Nationally replicated
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RE-ENTRY PROGRAMMING

Immersion is a prisoner re-entry program that focuses on building people to think, act, and behave more positively and productively through a focus on healthy relationships, employability, financial capability, and stretching expectations.

Educational Programming

Facilities include a state-of-the-art classroom and comprehensive learning center.

Detailed Service Offerings

- High School Equivalency degree preparation
- Assistance with job and apartment services
- Resume and cover letter creation or improvement
- Basic computer classes, in English
- Open lab time each week
- Instruction at State Correctional Facilities
- Financial Literacy
- Child watch service offered to students while they attend class
- Mentors provided as needed
- Healthy Relationships at Home and Work classes

Social Services

SVdP Social Services assists people from all corners of our community and surrounding areas. We help all in need, including those who may not qualify for services from other agencies.

Assistance includes:

- Healthy Food Pantry
- Personal care pantry
- Infant products
- Post-disaster assistance
- Free clothing pantry
- Furniture household item assistance

Outcomes

OVER 85,000

customers accessing affordable goods
in our store

OVER \$1.5 million

of charity provided this fiscal year

VOLUNTEERS

OVER 23,000
TOTAL HOURS

OVER 1,000
INDIVIDUALS

OVER 32,000

individuals served with programming,
continued education, food, clothing, and
financial assistance

OVER 120,000

people through the doors of SVdP

Will you join us in Ending Poverty Through Systemic Change?

Please donate your new or gently used clothing, household items, and furniture to serve people in need in the Greater Des Moines area at:

1426 6th Avenue | Hours: 9:00-6:00

520 Army Post Road | Hours: 9:00-6:00

801 73rd Street | Hours: 9:00-6:00

Call us for local pickup at
515-282-8328, press #1

YOUR LOCAL SELF-SUFFICIENCY EXPERTS

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www.svdpsdm.org