

Board of Adjustment  
Regular Meeting  
June 7, 2018

**1. CALL TO ORDER/ROLL CALL**

Pleasant Hill Board of Adjustment regular meeting was called to order at 5:30pm on Thursday, June 7, 2018 at the City Council Chambers by Chairperson LeAnne Krell. Present: LeAnne Krell, Ted Dyer, Stan Pollpeter, Carla Rivas, Marc Swanson. Absent: None.

**2. APPROVAL OF AGENDA**

SWANSON/DYER moved to approve the agenda. Ayes: Unanimous. Motion carried.

**3. APPROVAL OF MINUTES DECEMBER 14, 2017 MEETING**

POLLPETER/DYER moved to approve the December 14, 2017 meeting minutes. Ayes: Unanimous. Motion carried.

**4. VARIANCE REQUEST**

A request to appeal the accessory structure ordinance in Chapter 166, Section 03, Article 2.A has been filed by Josh Hanson, owner of property located at 4535 Fairview Drive to allow for a new accessory structure to be located outside of the rear yard.

The property identified in the petition is legally identified as:

PARCEL H BEG 16.5F S OF NE COR THN S 129.5F W  
156.45F N 98.98F TO S ROW LN FAIRVIEW THN ELY  
114.41F E 41.2F TO POB LOT 16 ORP SEC 5-78-23

And locally known as:

4535 Fairview Drive

Zoned:

R-2 ONE AND TWO FAMILY

**FOR THE RECORD**

Notice of Public Hearing was published in the Des Moines Register on May 24, 2018.

**CITY REPORT**

Madeline Sturms, Community Development Director, introduced the variance request stating Josh Hanson has applied for a variance request for property located at 4535 Fairview Drive to allow for an accessory structure to be constructed outside of the rear yard in contradiction to Ordinance 166 Section 03 Article 2.A.

*166. Zoning Ordinance General Regulations & Nonconforming Uses.*

*167.03. Accessory Buildings.*

*2. Location and Limits.*

*A. May only be erected in a rear yard.*

*Rear yard is defined in City Code Chapter 165 Section 03 Article 132.B Zoning Ordinance General Provisions and Administration as the following:*

*“Yard, rear” means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches.*

The property is zoned R-2 One and Two Family and the current use of the property is single family residential. The applicant is requesting the variance in order to construct a 30' x 28' (840 sq. ft.) detached garage in the west side yard of the property in a similar location to the previous garage, constructed in 1975, but 42% larger. The previous garage was torn down well outside the 6-month timeframe that would allow a structure to be constructed in the same capacity as the original structure as outlined in City Code Chapter 166 Section 11 Article 11.2.E Zoning Ordinance General Regulations and Nonconforming Uses.

The property is located on an irregular shaped lot containing 18,338 sq. ft. of land. The primary structure is located approximately 50' from the front property line 25' from the rear property line. The proposed garage will not fit within the rear yard of this property. Zoning Code compliant alternatives include attaching the garage to the primary structure, placing a smaller structure in the rear yard, or forgo placing a garage on the property. City Code does not require a garage or accessory structure to be constructed on a residential property to house vehicles.

#### **APPELLANT**

Loren Boozell - Boozell Construction, Indianola, Iowa – was present as a representative for the owner to request the variance. Boozell stated the owner is renovating the property; the size of the proposed garage is appropriate for the five-bedroom residence and is similar to other garages in the neighborhood; the rear yard area is greatly reduced due to the irregular lot shape, location of the house on the parcel, and an uncontrolled waterway near the rear lot line; and attaching a garage to the existing house is not feasible due to the original structural and exterior façade materials.

#### **PUBLIC INPUT**

Shayne Hurgon – 4884 Orchard Drive – discussed concerns regarding any encroachment of the proposed building onto his neighboring property to the west. Chairperson Krell and City Staff stated that the proposed garage is contained within the property of the applicant.

Pat Lingerma – 4540 Fairview Drive – called City Staff prior to the meeting with questions regarding the notice and requesting clarification about the request. After discussion with City Staff, Lingerma stated she supported the proposed garage and was glad to see the property being renovated.

#### **DISCUSSION**

Board members and Boozell discussed history of the residence and future sale of the property; other structures in the neighborhood of similar style; proposed garage size in regards to the number of bedrooms in the residence; location of proposed garage; feasibility of an attached garage; and hardship in relation to the lot shape, location of primary structure on the lot, reduced size of rear yard, uncontrolled waterway abutting the rear lot line, and other neighboring garages of similar size and location.

#### **MOTION**

DYER/SWANSON motioned to approve variance for an accessory structure to be constructed outside of the rear yard. Ayes: Krell, Dyer, Pollpeter, Rivas, and Swanson. Nays: None.

## 5. SPECIAL USE REQUEST

A request for a special use from the requirements of the fence and wall ordinance in Chapter 166, Section 04, Article 9.B has been filed by Jay Peters owner of property located at 1100 Pleasant Hill Blvd to allow for barbed wire to be included in a new fence installation.

The property identified in the petition is legally identified as:

PARCEL E BEG SE COR LT 3 THN S 524.91F NW 566.03F  
N 524.91F SE 566.03F TO POB OL X BIANCHI AUDITORS PLAT

And locally known as:

1100 S Pleasant Hill Blvd

Zoned:

I-3 Heavy Industrial

### FOR THE RECORD

Notice of Public Hearing was published in the Des Moines Register on May 28, 2018.

### CITY REPORT

Madeline Sturms, Community Development Director, introduced the special use request stating Jay Peters has applied for a special use request for property located at 1100 S Pleasant Hill Blvd to allow for the material of barbed wire to be included in a new fence, which is currently prohibited in City Code Ordinance 166 Section 04 Article 9.B. The applicant is requesting a special exception as detailed in Article 12.B of this section of code to allow for fences topped with barbed wire in industrial districts by special exception of the Board of Adjustments. A portion of Chapter 166 Section 04 of the City Code addressing the special exception for barbed wire is shown below:

*166. Zoning Ordinance General Regulations & Nonconforming Uses.*

*166.04. Fences and Walls.*

*12. Exceptions to Fence Requirements*

*B. Industrial Districts. In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than six (6) feet above the ground.*

The property is zoned I-3 Heavy Industrial and the current use of the property is lawncare, landscaping, and RV storage. The proposed fence with barbed wire to be constructed is an expansion of the RV storage located to the rear of the property. The expansion was approved in a site plan amendment by City Council at their May 7, 2018 meeting. As part of the resolution approving the site plan, City Council recognized that the Board of Adjustment will review the applicant's request for a special exception at a future meeting. The expansion will provide an additional 443' of fence to partially enclose an area of 0.51 acres. The current fencing of the RV storage area is 6' tall black vinyl coated fencing topped with barbed wire. It is the intention of the applicant to extend the current fencing topped with barbed wire to the expansion. All other aspects of the fencing specified in Chapter 166 Section 04 have been met.

### APPELLANT

No appellant or appellant representative was present.

**PUBLIC INPUT**

None

**DISCUSSION**

Board members discussed the previous approval of barbed wire on the fence of the initial area. Board members discussed lack of appellant or appellant representative in attendance at meeting. Chairperson Krell cited Special Use Permit Request Application, page 2, paragraph 2, "This request for special use will not be granted unless sufficient facts are presented in this application and at the BOA hearing to support a positive finding by the BOA."

**MOTION**

RIVAS/POLLPETER motioned to defer decision until a representative can be present to speak on behalf of the application. Ayes: Krell, Dyer, Pollpeter, Rivas, and Swanson. Nays: None.

**6. SPECIAL EXCEPTION**

A request for two special exceptions from the requirements of Chapter 166 Section 03 has been filed by Flummerfelt's Pleasant Valley owner of property located at 4333 Parkridge Avenue to allow for a new accessory structure that would result in 12' of extra height and 800 sq. ft. of extra cumulative area for accessory structures allowed in a R-5 Mobile Home Park Zoning District.

The property identified in the petition is legally identified as:

LT 1 BIANCHI AUDITORS PLAT

And locally known as:

4333 Parkridge Avenue

Zoned:

R-5 MOBILE HOME PARK

**FOR THE RECORD**

Notice of Public Hearing was published in the Des Moines Register on May 28, 2018.

**CITY REPORT**

Madeline Sturms, Community Development Director, introduced the special exception requests stating Mike Flummerfelt of Flummerfelt Pleasant Valley LLC has applied for a special exception for property located at 4333 Parkridge Avenue to allow for an additional 12' in height and extra 800 sq. ft. of cumulative area allowed for accessory buildings as provided by Ordinance 166 Section 03 Articles 5 and 6. The applicant is requesting a special exception for constructing a 2,000 sq. ft. and 27' tall accessory building. A portion of Chapter 166 Section 03 of the City Code addressing special exceptions for accessory buildings is shown below:

*166.03 ACCESSORY BUILDINGS.*

*7. Special Exception. The maximum number of accessory structures, the accessory building maximum cumulative area, and the maximum accessory building height, as outlined in this chapter may be modified by the Board of Adjustment as a special exception in accordance with the following:*

*A. Prior to the Board's consideration, they shall cause all property owners within 250 feet of the boundaries thereof to be notified by ordinary mail.*

*B. The Board of Adjustment shall establish guidelines for applications, and consider all evidence presented to it and factors it deems important in its deliberation, and at a minimum prior to approval, conditional approval, or denial of a special exception, the Board shall find that the applicant has carried the burden of proving the following:*

*(1) The need for additional area, height, or number of accessory structures has been demonstrated to the satisfaction of the Board of Adjustment.*

*(2) The additional floor area, height, or number of structures will not adversely affect the property value of the subject property or adjoining properties.*

*(3) The location of the proposed accessory structure minimizes any adverse effect upon adjacent properties.*

*C. The Board of Adjustment may not grant a special exception that would allow an accessory structure(s) with an area that would exceed thirty percent (30%) of the total rear yard. Any petition for variance from this limitation must follow normal procedures with the Board of Adjustment, as outlined in this Code of Ordinances.*

The property is Zoned R-5 Mobile Home Park and the current use of the property is a mobile home park and is on 30.5 Acres. The proposed accessory building is replacing an existing building in poor condition. The applicant states that the design will be similar to the current accessory structure and in the same location but with a larger footprint. In addition to this, the applicant states that a larger storage area the structure will provide more room to store equipment for the maintenance of the mobile home park facility. All other aspects of the proposed accessory building as specified in Chapter 166 Section 03 have been met.

#### **APPELLANT**

Mike Flummerfelt – owner of Flummerfelt Pleasant Valley LLC, Ames, Iowa – was present to discuss request. Flummerfelt stated existing storage structure is needing to be replaced and upgraded, however, the code addresses accessory structures in regards to the individual mobile home lots, but not larger maintenance structures for the property as a whole. Flummerfelt stated the use of the structure would be to house maintenance vehicles, equipment, and current fencing and location would screen the majority of the building from view.

#### **PUBLIC INPUT**

Jennifer Little – 450 SE 44<sup>th</sup> Street – called City Staff prior to the meeting with questions regarding the notice and requesting clarification about the request. After discussion with City Staff, Little stated she had no issues with the request.

#### **DISCUSSION**

Board members and Flummerfelt discussed proposed building location in relation to Parkridge Avenue and surrounding properties; previous flooding issues and current flood prevention; sewer lift station; current building, property maintenance, and the required equipment stored onsite. Chairperson Krell and City Staff discussed restrictions of current zoning code due to language specific only to the individual mobile home lots and comparable zoning codes for standard residential properties of this size.

**MOTION**

DYER/SWANSON motioned to approve special exception request for the construction of a 27-foot tall, 2,000 sq. ft. accessory building. Ayes: Krell, Dyer, Pollpeter, Rivas, and Swanson. Nays: None.

**7. ADDITIONAL DISCUSSION**

In the event a July meeting is needed, the date will be moved to the 12<sup>th</sup>, due to the 4<sup>th</sup> of July Holiday.

**8. ADJOURNMENT**

RIVAS/SWANSON moved to adjourn. Ayes: Unanimous. Motion carried. Meeting was adjourned at 6:08p.m.

Jennifer Bartles  
Recording Secretary