



Board of Adjustment

May 18, 2022

Agenda

Meeting Held Electronically due to COVID-19

5:30 P.M.

Electronic Meeting as Provided Under Iowa Code, Chapter 21*

***Please note that this Grimes Board of Adjustment Meeting will be an electronic meeting pursuant to Iowa Code Section 21.8 due to the national health emergency that makes it impossible or impractical for an in-person meeting.**

The public is welcome and encouraged to attend and participate in this meeting by either internet or phone as follows:

- 1. Internet- Meeting attendance may be obtained by “Join Zoom Meeting”. Simply enter the following internet address and ID:**

Join Zoom Meeting

<https://us06web.zoom.us/j/86079434869?pwd=M09sb0ZndU9QRldKQk9waDZ1OTNHZz09>

Meeting ID: 860 7943 4869

Passcode: 1234

- 2. By Phone: 877 853 5257 US Toll-free.**

Hearing Assistance: If you are deaf or hard of hearing, Grimes will provide a sign language communicator on the internet Zoom meeting video presentation upon request. Please contact the Grimes City Clerk Rochelle Williams by email at rwilliams@grimesiowa.gov to request this service.

For any additional assistance or questions in attending the meeting, please call 515-986-3036 from 8 a.m. to 5 p.m., or contact the Grimes City Clerk Rochelle Williams by email at rwilliams@grimesiowa.gov.

For any additional assistance or questions in attending the meeting, please call 515-986-3036 from 8 a.m. to 5 p.m. Monday-Friday.

Meetings will be recorded

AGENDA

I. GENERAL AGENDA ITEMS.

- 1. Roll Call**
- 2. Approval of the Agenda**
- 3. Approval of Minutes from previous meeting**

II. PUBLIC AGENDA ITEMS.

- 1. Application for Variance: Request to Reduce the 30-foot Front Setback by 3 Feet – 3000 SE Keystone Drive**

2. **Application for Variance: Request to Allow Aggregate Surface for Outdoor Storage and Heavy Equipment
– 1200 SE 25th Street**

III. ADJOURNMENT



**BOARD OF ADJUSTMENT MINUTES
APRIL 20, 2022**

DEVELOPMENT SERVICES

101 NE Harvey St.
Grimes, Iowa 50111
P: (515)986-4050
F: (515)986-4480
www.grimesiowa.gov

LETSCH CALLED THE MEETING TO ORDER AT 5:30 P.M.

BOARD MEMBERS PRESENT: LETSCH, MORAN, STRUTT

BOARD MEMBERS ABSENT:

STAFF PRESENT: PFALTZGRAFF, MARTIN, MANDEL, GREIVING

I. APPROVAL OF THE AGENDA

MOVED BY MORAN, SECONDED BY STRUTT – AYE: UNANIMOUS

II. APPROVAL OF MINUTES – AS AMENDED

MOVED BY STRUTT, SECONDED BY MORAN – AYE: UNANIMOUS

III. PUBLIC AGENDA ITEMS

Public Hearing Appeal #2-22 request to reduce fence setback along the sidewalk at 603 SE Dolan Drive

Staff member, Martin, provided a staff report to the Board of Adjustment. The original fence was built before the current zoning ordinance was in effect, and the new fence is requested to be placed in the same place. The zoning ordinance states that fences are required to be ten feet from sidewalks, and the request is to allow the owner to place the fence five feet from the sidewalk. Regardless of the variance being granted or not, the fence line will need to be brought in on the west side due to a water main easement. Two neighbors emailed to state their support of the requested fence.

Two neighbors spoke and stated their support of the requested fence.

The Board discussed the request and asked questions of the applicant and staff regarding the tree at the north west corner of the lot. If the fence line were to move in, it may damage the tree's root system.

Board Action Ref: #2-22

MOVED BY MORAN TO APPROVE TO REDUCE FENCE SETBACK ALONG THE SIDEWALK AT 603 SE DOLAN DRIVE, SECONDED BY STRUTT
AYE: UNANIMOUS

IV. ADJOURNMENT

Meeting adjourned at 6:23 pm

Signature

Planning & Zoning Staff Report



TO: Board of Adjustment Members
FROM: Molly Mannel, Assistant Planner
DATE: May 18, 2022
RE: 3000 SE Keystone Drive – Variance request to reduce the 30-foot front setback by 3 feet

GENERAL INFORMATION:

Applicant:

Allison King

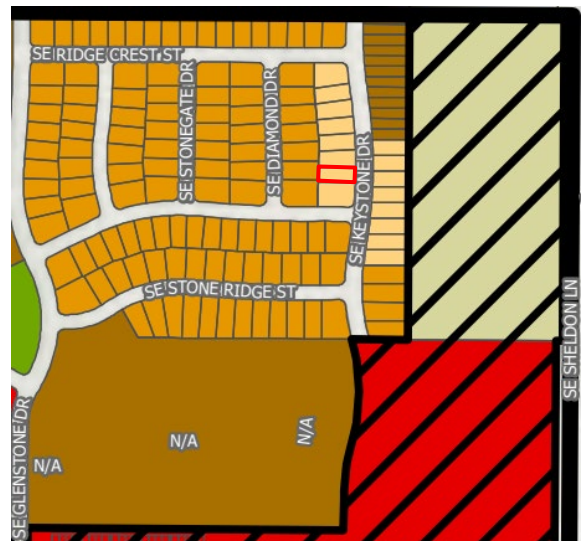
Requested Action

Variance request to reduce the 30-foot front setback by 3 feet

SUPPORTING INFORMATION:



Location Map



Zoning Map

LAND USES & ZONING:

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Residential	Low Density Residential	R2-60
North	Residential	Low Density Residential	R2-60 and R2-70
South	Residential	Low Density Residential	R2-70
East	Residential	Low Density Residential and Medium Density Residential	R2-60 and R-3
West	Residential	Low Density Residential	R2-70

BACKGROUND:

The applicant is requesting a variance to build a front porch extension, three feet beyond thirty-foot front building setback line. The site is located at 3000 SE Keystone Drive, and resides within the R2-60 zoning district. The proposed porch will have a gable roof and pergola, and be approximately 10' in depth, and 12' wide.

ANALYSIS:

Based upon the approved ordinance, the Board of Adjustment may grant a Variance provided the Board can make a finding on the following factors:

1. A showing of good and sufficient cause; and
2. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant; and
3. A determination that the hardship is not self-imposed; and
4. A determination that the granting of the variance will not be contrary to the public interest or neighborhood integrity; and
5. A determination that the granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance.

Notice of the variance request was mailed to surrounding property owners within a 250-foot radius.

Based on a detailed analysis of the application, staff has the following comments to offer concerning this variance request:

GOOD AND SUFFICIENT CAUSE

The applicant states that in order to obtain a usable space, it will be required for the applicant to request a variance to extend an additional three-feet passed the thirty-foot front building setback, towards SE Keystone Drive.

SUBSTANTIAL HARDSHIP

The applicant believes that the current ordinance does not allow for their desired amount of living space.

SELF-IMPOSED HARDSHIP

The applicant does not believe the hardship is self-imposed, as the current ordinance does not allow building less than the 30' setback. Due to the current front porch being 31' from the sidewalk, the applicant is unable to shift the house or sidewalk in order stay within the 30' setback line.

PUBLIC INTEREST

The applicant does not believe that granting the variance will be contrary to the public interest or neighborhood integrity because the proposed project adds to the aesthetic of the neighborhood and will not pose any detriment to the neighboring properties.

Staff asks the Board to consider that a negative precedent may be established if the variance is granted. Granting a variance could allow other properties flexibility within their building setbacks. Staff would ask that the Board consider what may be unique about this property compared to others.

ALTERNATIVES TO VARIANCE REQUEST

1. In order to have the desired square footage, the applicant has considered extending the portico to the north instead of the east, to remain within the ordinance.

SUMMARY

The applicant is requesting a variance to build a front porch extension 3-feet beyond the 30-foot front building setback line.

CITY OF GRIMES

Molly Mannel
Assistant Planner

APPLICATION FOR VARIANCE

All required information must be presented before acceptance of application.
The applicant must complete all sections in bold for review to begin.

Please type or print:

1. **Date:** 04/27/2022
Applicant Name: Allison King
Address: 3000 SE Keystone Dr. Grimes, IA 50111
(Street) (City) (State) (Zip)
Telephone Number: 641-780-4870 same
(Home) (Work)
E-Mail Address: aking@insurancetechnologies.com
2. **Location of Property**
Street Address: 3000 SE Keystone Dr, Grimes, IA 50111
Legal Description: LOT 2 GLENSTONE TRAIL PLAT 7

Zoning Classification: R2-60

This request for variance cannot be processed until all required materials are submitted. In addition to this application, the following information is required for submission. On a separate sheet of paper please type or print the following:

3. **Response to the attached supporting information form**

4. **Site plan drawn to scale**

This plan shall be no larger than 24" x 36" and easily reproducible.

5. **Application fee**

An application is not considered filed until filing fee is paid.

The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

SUPPORTING INFORMATION FORM

The Board of Adjustment is authorized to grant a variance provided all the following requirements are satisfied. Use a separate sheet of paper if desired, and address each issue below:

- I. A finding showing of good and sufficient cause. **The applicant must show that there is a reason for applying.**

I would like to extend the living space of my home to include a front porch. To obtain a usable
space, this will require a request for a variance to extend an additional 3 feet toward the street
than allowed by current code.

- II. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant. **The applicant must show that there is a hardship (utilities, parking, etc.).**

A literal enforcement of the ordinance would not allow for the desired amount of living space to
do the project.

- III. The hardship is not self-imposed. **The applicant must show that the proposed hardship is being caused by the strict interpretation of the Zoning Ordinance and not self-imposed by the applicant.**

The current distance from the front of the portico is 31 feet from the sidewalk. We're unable to
shift the house or sidewalk in order to keep the distance at >30 feet and still account for the
project as proposed.

- IV. The variance will not be contrary to the public interest or neighborhood integrity. **The applicant must present information to indicate that the variance will not result in injury or endangerment to other property or persons nor will it devalue nearby property.**

I feel the proposed project is additive to the aesthetic of the neighborhood and will not pose any
detriment to the neighboring properties.

- V. The granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance. **The applicant must list other options that have been considered in lieu of granting a variance.**

We have considered extending the portico to the north only to maintain the ordinance, however
this will not allow for the desired amount of livable space for the area.

INSTRUCTIONS FOR REQUIRED INFORMATION

NO REQUEST FOR VARIANCE CAN BE ACCEPTED FOR FILING UNLESS ALL OF THE REQUIRED INFORMATION IS PRESENTED

1. GENERAL INFORMATION. The Grimes Board of Adjustment (BOA) is empowered by Iowa law and by Ordinance to hear requests for variance(s) and to make decisions on said requests pertaining to the Zoning Ordinance, Chapter 165.37 and for certain exceptions to the district regulations. The BOA is a five-member quasi-judicial body with authority to grant variances in exceptional cases and is limited to such cases that are consistent with the general purpose and spirit of the zoning regulations. The BOA has no authority to allow a variance that would have the effect of establishing a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance.

2. MEETING DATES. The Board of Adjustment meets at 5:30 p.m. on the third Tuesday of each month. Submittal of all the information does not in any way guarantee that the application will be placed on the next available BOA agenda. All BOA meetings are open to the public and are held in the Council Chambers of City Hall, 101 NE Harvey Street, Grimes, Iowa.

3. FILING DEADLINE: The deadline to file an application for variance with the BOA is 12:00 p.m. the first day of the month of the board meeting. All materials must be filed in the Development Services Department office at 410 SE Maine Street Suite 102, Grimes, Iowa.

NOTE: Be sure that you have all required materials at that time. Failure to do so may result in your request for variance being delayed to the next regularly scheduled meeting.

4. FILING FEE: A filing fee is required at the time the materials are filed with the Development Services Department office. The fee covers administrative expenses and legal notification of surrounding property owners within 250 feet of the property in question. No request for variance is to be considered filed until this fee is received. The fee is \$150.00 to request a variance and payment must be submitted with the application. The fee shall be paid at the Development Services Department office, 410 SE Main Street Suite 102. Make all checks payable to the City of Grimes. The fee is nonrefundable.

5. SITE PLAN: The applicant must submit a site plan that clearly shows the variance being requested. The site plan should be drawn to scale, and should be a reproducible, black line drawing or free hand drawing on a sheet of paper no larger than 24" x 36" *{Use of an actual property survey is suggested but not required}*. The applicant may submit the same site plan that was submitted for a building permit. The site plan shall include the following information:

- a) Property lines and dimensions

- b) Location and size of all existing and proposed structures (buildings, driveways, parking lots, sidewalks, fences, etc.)
- c) Required setback and buffer location(s)
- d) Any other pertinent information necessary to fully understand the need for a variance (e.g. significant change in topography, location and size of mature trees, etc.)

NOTE: If the request for variance is for a sign, the request must be accompanied by both a fully dimensioned, to-scale elevation drawing of the sign, as well as a fully dimensioned to-scale site plan showing the exact location of the sign whether it is a free standing or a building sign.

6. SUPPORTING INFORMATION FORM: The Board of Adjustment may grant a variance provided that "unnecessary hardship" exists; that the variance is not contrary to the public interest; and that the spirit of the Zoning Ordinance is upheld. The Supporting Information form addresses these issues and asks for responses to each of the "tests" in order to grant a variance. The Supporting Information form must be completely filled out in order to process the application for a variance.

7. ADDITIONAL INFORMATION: If you have questions about this form, or should you require additional information regarding the variance process, please contact the Development Services Department at (515)986-4050.

All dimensions are approximate. In the event of a difference between the drawn and written dimensions, the written dimension shall prevail. Due to local differences in building codes and regulations, and specific site conditions, these drawings may need to be modified by the builder to comply with such local codes and regulations, or site conditions.



PROJECT PROPOSAL
Rendered Views

Approved By:

Purchaser

Rep

Prepared by
OUTDOOR DREAMS, INC., dba
ARCHADECK OF CENTRAL IOWA
2925 99th St
Urbandale, IA 50322
515-266-8844

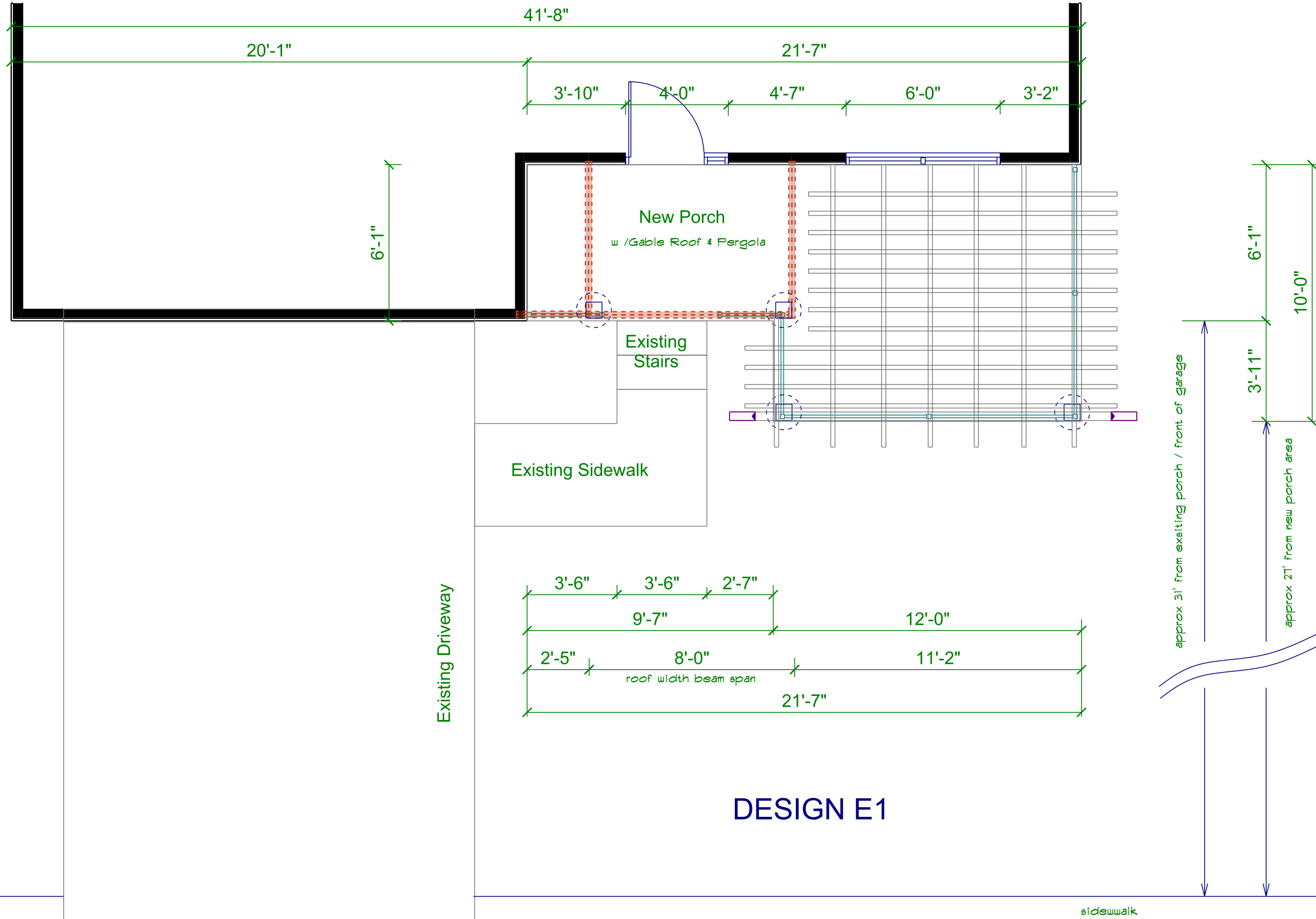
Unauthorized duplication is prohibited

Contract #9999999

04/27/2022

Allison King
3030 Keystone Dr
Grimes
(641-780-4870)

All dimensions are approximate. In the event of a difference between the drawn and written dimensions, the written dimension shall prevail. Due to local differences in building codes and regulations, and specific site conditions, these drawings may need to be modified by the builder to comply with such local codes and regulations, or site conditions.



PROJECT PROPOSAL

Plan View

SCALE = 1/4"

Approved By:

Purchaser

Rep

Prepared by
OUTDOOR DREAMS, INC., dba
ARCHADECK OF CENTRAL IOWA
2925 99th St
Urbandale, IA 50322
515-266-8844

Unauthorized duplication is prohibited

Contract #9999999

04/27/2022

Allison King
3030 Keystone Dr
Grimes
(641-780-4870)

Planning & Zoning Staff Report



TO: Board of Adjustment Members
FROM: Evann Martin, Assistant Planner
DATE: May 18, 2022
RE: 1200 SE 25th Street – Variance request to provide aggregate surface for outdoor storage and heavy equipment

GENERAL INFORMATION:

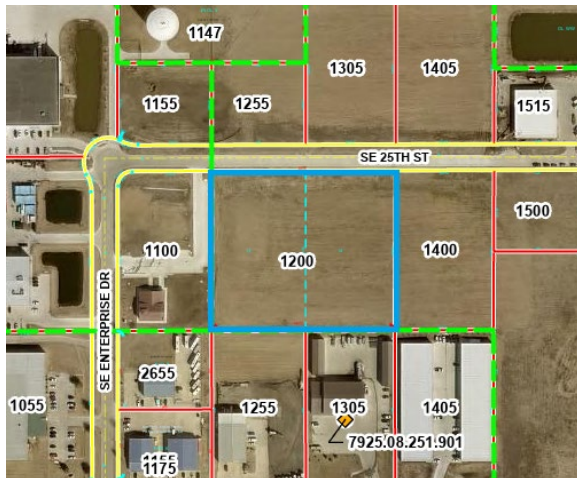
Applicant:

Architectural Wall Systems, LLC – Adam Boeckmann

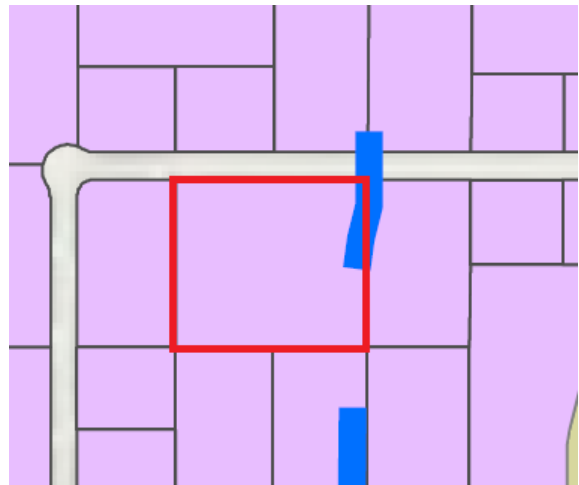
Requested Action

Variance request to provide aggregate surface for outdoor storage and heavy equipment

SUPPORTING INFORMATION:



Location Map



Zoning Map

LAND USES & ZONING:

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Vacant	Light Industrial	M-1A
North	Vacant	Light Industrial	M-1A
South	Industrial	Light Industrial	M-1A
East	Vacant	Light Industrial	M-1A
West	Church	Light Industrial	M-1A

BACKGROUND:

The applicant is preparing to begin the site plan review process for the site located at 1200 SE 25th Street to construct a facility for Seedorf Masonry and Architectural Wall Systems. The proposed site would include an approximately 35,000 square foot warehouse and office facility with employee parking along SE 25th Street and outdoor storage and loading areas on the south side of the site as shown on the concept plan provided with the application.

The applicant is requesting a variance to allow the outdoor storage portion of the site to be aggregate surface rather than asphalt or concrete paving as required by the Grimes Zoning Ordinance. The area is approximately 1.25 acres and would be located on the south side of the site behind the building. The applicant is proposing to operate heavy equipment in the aggregate surface area. As defined in the zoning ordinance, heavy equipment is considered to be at least 10,000 pounds or more and would cause undue stress to concrete or asphaltic surfaces resulting in premature failure of such surfaces.

The zoning ordinance requires all parking and circulation areas to be hard surface asphalt or concrete to provide dustless surfaces within the City. There are provisions in the zoning ordinance that allow non-paved surfaces for certain zoning districts, for heavy equipment only, and limits the size of non-paved areas as referenced in the code section below.

12-15-4 9.A. "Upon consultation by the City Engineer and recommendation of the Planning and Zoning Commission, a parking space does not have to be hard surfaced if it will be used for the storage of heavy equipment within M-2 and M-3 zoning districts, and in that case, it may be surfaced with recycled asphalt or other like material to provide a dustless surface area. All driveways or access areas leading to the storage area must be hard surfaced with an asphaltic surface or portland cement. The alternate parking surface shall be limited to 15% of the site but in no case more than one (1) acre in size and cannot be located within an overlay district. All heavy equipment storage shall be screened with landscaping and fencing."

In 2020, the Ordinance was updated to reflect the above language. Prior to the update, aggregate surfacing was permitted in all Zoning Districts, provided it was used for heavy equipment as noted above. The intent with the modification to the Ordinance, was that uses commonly permitted in the M-1A zoning district do not meet the requirements for the

aggregate surfacing. Additionally, a majority of the M-1A zoning is located in overlay corridors within the City, which already have hard surfacing and outdoor storage restrictions. In this case, it is a bit unique that the proposed business meets the M-1A standards, but also operates heavy machinery.

Regardless of the intent outlined above, the request for the aggregate surface would require two variances to be granted.

1. Zoning District – A variance would be required to allow the aggregate surface within the M-1A zoning district. The ordinance only allows non-paved surface in M-2 and M-3 zoning districts.
2. Area – A variance would be required to allow 1.25 acres of aggregate surface. The ordinance only allows 15% of the site but not more than 1 acre of aggregate surface. The current proposal would take up 28% of the site and is more than 1 acre in size.

ANALYSIS:

Based upon the approved ordinance, the Board of Adjustment may grant a Variance provided the Board can make a finding on the following factors:

1. A showing of good and sufficient cause; and
2. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant; and
3. A determination that the hardship is not self-imposed; and
4. A determination that the granting of the variance will not be contrary to the public interest or neighborhood integrity; and
5. A determination that the granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance.

Notice of the variance request was mailed to surrounding property owners within a 250-foot radius.

Based on a detailed analysis of the application, staff has the following comments to offer concerning this variance request:

GOOD AND SUFFICIENT CAUSE

The applicant is requesting a variance to provide granular surface for approximately one (1) are of outdoor storage space in lieu of hard-surfaced asphaltic or concrete paving for proposed outdoor storage and heavy equipment.

SUBSTANTIAL HARDSHIP

The property is proposed to be the future home of two large commercial construction companies. Due to the nature of these businesses, heavy equipment will frequently be utilized and stored on the property. This heavy equipment will include, but not be limited to, large forklifts, track-loaders, and cranes ranging in weights from approximately 20,000 to 58,000 pounds and potentially more. The applicant believes that a literal enforcement of the ordinance would result in a substantial hardship because the maneuvering of the equipment would cause undue stress on concrete pavement or asphaltic surfaces resulting in premature failure of such surfaces leading to costly remedial work and unsafe conditions for employees and equipment.

SELF-IMPOSED HARDSHIP

The applicant does not believe the hardship is self-imposed, because the lot is located within the M-1A zoning district where only paved surfacing is permitted.

PUBLIC INTEREST

The applicant does not believe that granting the variance will be contrary to the public interest or neighborhood integrity because all parking, pedestrian, and driveway surfaces within the public view will be surfaced with concrete and the proposed aggregate surfaced area would be screened from public view. Furthermore, the proposed building for the property includes design elements that are above and beyond the required aesthetic characteristics of the area and will serve to enhance nearby property values.

In addition, relative to precedence, the applicant notes there are currently a number of nearby properties within the M-1A zoning district that include aggregate surfaced storage lots as shown on Exhibit A. To the applicant's knowledge these properties have no detrimental characteristics relative to public interest or neighborhood integrity.

The applicant does not believe the proposed aggregate surfaced storage area will have negative impacts relative to endangerment to other property or persons or devalue any nearby property.

Staff always asks the Board to consider that a precedent may be established if the variance is granted. There are other several properties throughout Grimes that are zoned M-1A where outdoor storage and operation of heavy equipment could be permitted. Granting a variance could allow other properties within Grimes to pursue Board of Adjustment action to provide non-paved surface areas.

ALTERNATIVES TO VARIANCE REQUEST

1. Provide paved surface for the outdoor storage and heavy equipment area.
2. Reduce the aggregate area to 15% of the site (would still require a variance for the Zoning District)

SUMMARY

The applicant is requesting a variance to aggregate surface for outdoor storage and heavy equipment.

Staff would suggest that if approved, the following conditions be imposed:

1. Reduce the aggregate surface area to 15% of the site (0.658 acres or 28,658 sf) as required by the zoning ordinance.
2. All heavy equipment storage on aggregate surface shall be screened with landscaping and fencing.

CITY OF GRIMES

Evann Martin
Assistant Planner



410 SE Main Street, Suite 102 , Grimes, Iowa 50111

P: 515.986.4050 | F: 515.986.4480

BOARD OF ADJUSTMENT

APPLICATION FOR VARIANCE REQUEST

Applications are due the first of the month at
12:00 p.m. to be added to the next BOA agenda.

You are required to attend your hearing—by agent or
in person. Please read application thoroughly. The
City has the right to refuse an incomplete application.

INSTRUCTIONS FOR REQUIRED INFORMATION

**NO REQUEST FOR VARIANCE CAN BE ACCEPTED FOR FILING UNLESS
ALL OF THE REQUIRED INFORMATION IS PRESENTED**

1. GENERAL INFORMATION. The Grimes Board of Adjustment (BOA) is empowered by Iowa law and by Ordinance to hear requests for variance(s) and to make decisions on said requests pertaining to the Zoning Ordinance, Chapter 165.37 and for certain exceptions to the district regulations. The BOA is a five-member quasi-judicial body with authority to grant variances in exceptional cases and is limited to such cases that are consistent with the general purpose and spirit of the zoning regulations. The BOA has no authority to allow a variance that would have the effect of establishing a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance.

2. MEETING DATES. The Board of Adjustment meets at 5:30 p.m. on the third Tuesday of each month. Submittal of all the information does not in any way guarantee that the application will be placed on the next available BOA agenda. All BOA meetings are open to the public and are held in the Council Chambers of City Hall, 101 NE Harvey Street, Grimes, Iowa.

3. FILING DEADLINE: The deadline to file an application for variance with the BOA is 12:00 p.m. the first day of the month of the board meeting. All materials must be filed in the Development Services Department office at 410 SE Maine Street Suite 102, Grimes, Iowa.

NOTE: Be sure that you have all required materials at that time. Failure to do so may result in your request for variance being delayed to the next regularly scheduled meeting.

4. FILING FEE: A filing fee is required at the time the materials are filed with the Development Services Department office. The fee covers administrative expenses and legal notification of surrounding property owners within 250 feet of the property in question. No request for variance is to be considered filed until this fee is received. The fee is \$25.00 to request a variance and payment must be submitted with the application. The fee shall be paid at the Development Services Department office, 410 SE Main Street Suite 102. Make all checks payable to the City of Grimes. The fee is nonrefundable.

5. SITE PLAN: The applicant must submit a site plan that clearly shows the variance being requested. The site plan should be drawn to scale, and should be a reproducible, black line drawing or free hand drawing on a sheet of paper no larger than 24" x 36" *{Use of an actual property survey is suggested but not required}*. The applicant may submit the same site plan that was submitted for a building permit. The site plan shall include the following information:

a) Property lines and dimensions

- b) Location and size of all existing and proposed structures (buildings, driveways, parking lots, sidewalks, fences, etc.)
- c) Required setback and buffer location(s)
- d) Any other pertinent information necessary to fully understand the need for a variance (e.g. significant change in topography, location and size of mature trees, etc.)

NOTE: If the request for variance is for a sign, the request must be accompanied by both a fully dimensioned, to-scale elevation drawing of the sign, as well as a fully dimensioned to-scale site plan showing the exact location of the sign whether it is a free standing or a building sign.

6. SUPPORTING INFORMATION FORM: The Board of Adjustment may grant a variance provided that "unnecessary hardship" exists; that the variance is not contrary to the public interest; and that the spirit of the Zoning Ordinance is upheld. The Supporting Information form addresses these issues and asks for responses to each of the "tests" in order to grant a variance. The Supporting Information form must be completely filled out in order to process the application for a variance.

7. ADDITIONAL INFORMATION: If you have questions about this form, or should you require additional information regarding the variance process, please contact the Development Services Department at (515)986-4050.

APPLICATION FOR VARIANCE

All required information must be presented before acceptance of application.
The applicant must complete all sections in bold for review to begin.

Please type or print:

1. **Date:** 5/4/2022
- Applicant Name:** Architectural Wall Systems, LLC - Adam Boeckmann
- Address:** 12345 University Ave., Suite 100, Clive, IA 50325
 (Street) (City) (State) (Zip)
- Telephone Number:** 515-255-1556
 (Home) (Work)
- E-Mail Address:** aboeckmann@archwall.com
2. **Location of Property**
 Street Address: 1200/1300 SE 25th Street
- Legal Description:** Lots 13 & 14 M-KEDS HOME PLACE PLAT 3

- Zoning Classification:** M-1A

This request for variance cannot be processed until all required materials are submitted. In addition to this application, the following information is required for submission. On a separate sheet of paper please type or print the following:

3. **Response to the attached supporting information form**
4. **Site plan drawn to scale**
 This plan shall be no larger than 24" x 36" and easily reproducible.
5. **Application fee**
 An application is not considered filed until filing fee is paid.

The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

This request for variance 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. In support of this request, a Supporting Information form shall be completed by the applicant(s).

Approval of this request for variance by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary development approvals, such as site plan, building permits, etc. from the City of Clive or any other applicable agency.

I (We) certify that I (We) have been denied a Building/Zoning permit and I (We) have submitted all the required information to request for a variance and that such information is factual.

Signed by: AOB on date: 5/3/22
(Owner)

Or: _____ on date: _____
(Owners Agent)

Variance Request – 1200 SE 25th Street

Supporting Information:

- I. **A finding showing of good and sufficient cause. The applicant must show that there is a reason for applying.**

A variance is requested to allow for approximately 1 acre of storage and laydown space to be aggregate surfaced in lieu of hard-surfaced asphaltic or concrete paving.

- II. **A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant. The applicant must show that there is a hardship (utilities, parking, etc.)**

This property will become the future home of two large commercial construction companies. Due to the nature of these businesses, heavy equipment will frequently be utilized and stored on the property. This heavy equipment will include, but not be limited to, large forklifts, track-loaders and cranes ranging in weights from approximately 20,000 pounds up to 58,000 pounds and potentially more. The maneuvering of this equipment would cause undue stress on concrete pavement or asphaltic surfaces resulting in premature failure of such surfaces. Not only would this lead to costly remedial work, but could also create unsafe conditions for both our employees and equipment.

- III. **The hardship is not self-imposed. The applicant must show that the proposed hardship is being caused by the strict interpretation of the Zoning Ordinance and not self-imposed by the applicant.**

To develop this site, it requires the property to be compliant with City Code. Per City Code chapter 165.34.4.B.7, *"All required off-street parking and circulation areas, shall be surfaced with asphaltic or Portland cement binder pavement or similar, so as to provide a durable and dustless surface."* The only allowable exception that can be found is per 164.34.4.I.1, which states *"Upon consultation by the City Engineer and recommendation of the Planning and Zoning Commission, a parking space does not have to be hard surfaced if it will be used for the storage of heavy equipment within M-2 and M-3 zoning districts, and in that case, it may be surfaced with recycled asphalt or other like material to provide a dustless surface area."* The hardship is thus created by this property falling within the M-1A zoning district and the aforementioned language in the City Code.

- IV. **The variance will not be contrary to the public interest or neighborhood integrity. The applicant must present information to indicate that the variance will not result in injury or endangerment to other property or persons not will it devalue nearby property.**

Granting the variance will not be contrary to public interest or neighborhood integrity as all parking, pedestrian, and driveway surfaces within public view will be surfaced with concrete and the proposed aggregate surfaced area would be screened from public view. Furthermore, the proposed building for the property includes design elements that are above and beyond the required aesthetic characteristics of the area and will serve to enhance nearby property values.

In addition, relative to precedence, there are currently a number of nearby properties within the M-1A zoning district that include aggregate surfaced storage lots, please refer to attached Exhibit A showing these properties. To our knowledge these properties have no detrimental characteristics relative to public interest or neighborhood integrity.

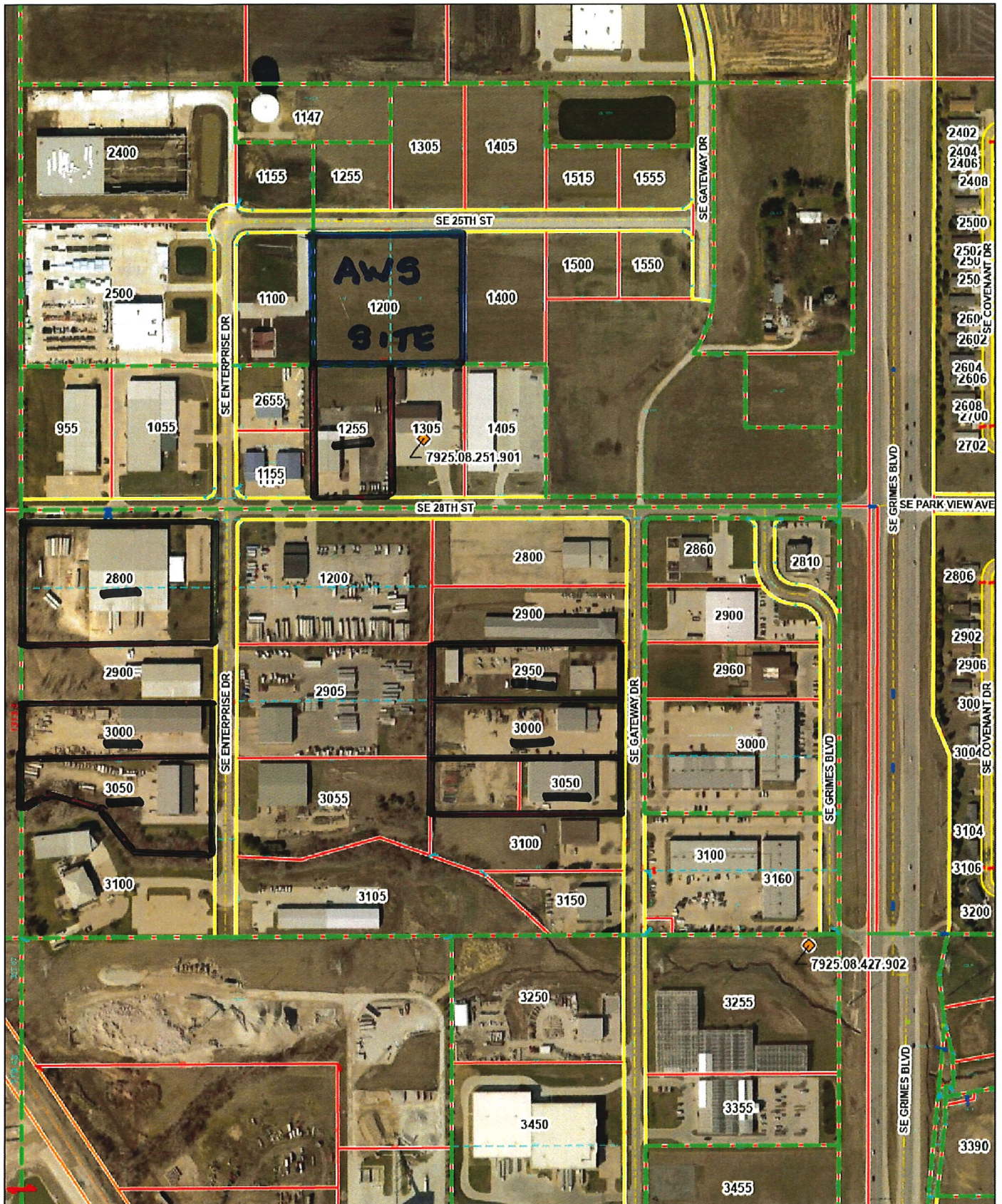
The proposed aggregate surfaced storage area will have no negative impacts relative to endangerment to other property or persons, nor will it devalue any nearby property.

- V. **The granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance. The applicant must list other options that have been considered in lieu of granting a variance.**

Due to the nature of this issue, there are limited, and perhaps no, alternative options outside of seeking a variance. Asphaltic surfacing has been ruled out as it will surely not withstand the loads imposed by heavy equipment, particularly during summer months. As noted under Item II, maneuvering of heavy equipment on a concrete surface will result in premature failure of the concrete paving resulting in costly, and potentially less frequent, repairs thus creating the potential for safety hazards due to uneven surfaces in the interim.

To the contrary, the incorporation of the aggregate surfaced areas will facilitate more frequent, and less costly, repairs and maintenance. This in turn preserves the spirit of the zoning ordinance, improves safety, and provides an appropriate dustless surface area for the intended use.

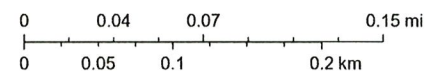
EXHIBIT A



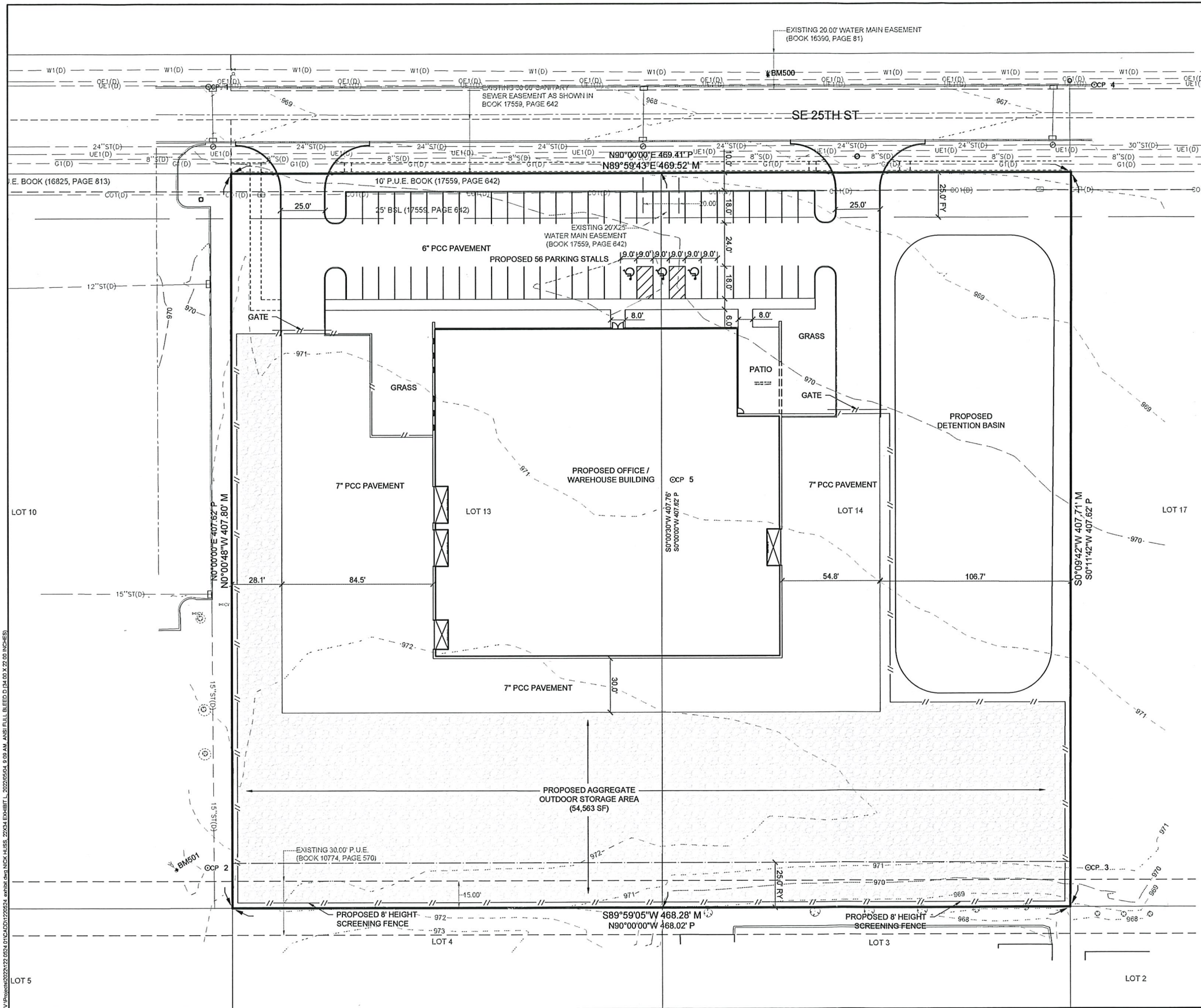
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|---|--|--|--|
| Parcels | Parcel Line | Sub Line | Parcel Dim Carto 100 |
| ◆ Bldg on Leased Land | Railroad Centerline | Lot Dim Carto 100 | Parcel Dim Carto 400 |
| ◆ Condominiums | Railroad ROW | Lot Number Carto 100 | Parcel Owner Hook 100 |
| Polk County | Road Centerline | Lot Number Carto 400 | Parcel Owner Hook 400 |
| Lot Lines | Road ROW | Misc Dim Carto 100 | △ Address Number |
| Lot Line | Section Line | | |

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Auditor's Office, Polk County, Iowa, Sources: Esri, TomTom, U.S. Department of Commerce, U.S. Census Bureau, Esri Community Maps Contributors, City of Urbandale, Iowa, US, Iowa DNR, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census



AGGREGATE SURFACING OUTDOOR STORAGE EXHIBIT