



Board of Adjustment

September 22, 2021

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/84794569317?pwd=aGJzOXNFbjU2Y3N1QXhYLzk2aG56QT09>

Meeting ID: 847 9456 9317

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. Election of Chair and Vice Chair**
- 3. Approval of the Agenda**
- 4. Approval of Minutes from previous meeting**

II. PUBLIC AGENDA ITEMS.

- 1. Application for Variance: Garage Addition and Driveway Expansion – 417 SE 6th Street**

III. ADJOURNMENT



**BOARD OF ADJUSTMENT MINUTES
JULY 21, 2021**

DEVELOPMENT SERVICES

101 NE Harvey St.

Grimes, Iowa 50111

P: (515)986-4050

F: (515)986-4480

www.grimesiowa.gov

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

BOARD MEMBERS PRESENT: LETSCH, MORAN, BICKFORD, STRUTT

BOARD MEMBERS ABSENT: NA

STAFF PRESENT: PFALTZGRAFF, MARTIN, GREVING

I. APPROVAL OF THE AGENDA

MOVED BY BICKFORD, SECONDED BY MORAN – AYE: UNANIMOUS

II. APPROVAL OF MINUTES – AS AMENDED

MOVED BY MORAN, SECONDED BY BICKFORD – AYE: UNANIMOUS

III. PUBLIC AGENDA ITEMS

Public Hearing #01-21 request for Variance: DCG Oak View Middle School Signage – 1300 SW County Line Rd

Staff member Martin provided a staff report to the Board of Adjustment. The proposed wall sign meets the requirements of the current sign ordinance and the proposed sign ordinance amendment. The directional signs would need minor adjustments to meet the new sign ordinance. Staff also stated that if approved, the signs should be held to current C-2 requirements or based on the new sign ordinance.

The Board discussed the proposal with the applicant, and the option of using temporary signs until the signs that met the new sign ordinance were ready to be installed.

Board Action Ref: #01-21

MOVED BY MORAN TO APPROVE VARIANCE AS OUTLINED BY STAFF FOR DCG OAK VIEW MIDDLE SCHOOL SIGNAGE – 1300 SW COUNTY LINE RD, SECONDED BY BICKFORD

AYES: MORAN, BICKFORD, STRUTT, LETSCH

NAYS: NA

MOTION PASSES

VARIANCE GRANTED

Public Hearing Appeal #02-21 request for Variance: Indoor Basketball Court – 1912 NW Norton Ct

Staff member Martin provided a staff report to the Board of Adjustment. The accessory structure proposed does not meet the zoning ordinance regulations. Staff does recommend that if the proposal is approved to request the structure looks like the single-family homes already existing in the neighborhood.



The applicant, Greg and Amy Dickkut, provided the Board with more details on the proposal. They are currently tying the lot their home is on and the empty one they would like to place the structure on, and the applicant also explained that playing basketball requires a taller structure. They already plan to use certain details to make the building look more like a single-family house if approved.

Some of the neighbors spoke on behalf of the applicant as well, mostly in favor of allowing the structure to be built. One neighbor worried about the value of homes in the neighborhood going down due to the structure.

The Board discussed getting additional information before assessing the proposal further or that staff and the applicant discuss options of building the structure on its own lot as a single-family house with a basketball court inside since it would not require a variance as a single-family house.

Board Action Ref: #02-21

MOVED BY MORAN TO TABLE VARIANCE FOR INDOOR BASKETBALL COURT – 1912 NW NORTON CT,
SECONDED BY STRUTT

AYES: MORAN, STRUTT, BICKFORD, LETSCH

NAYS: NA

MOTION PASSES

TABLED TO ALLOW APPLICANT TO RESEARCH THE OPTION OF BUILDING THE STRUCTURE AS A SINGLE-FAMILY HOME OR PROVIDE MORE DETAILS OF THE PROJECT.

IV. ADJOURNMENT

Meeting adjourned at 7:14 PM

Signature

Board of Adjustment Staff Report



TO: Board of Adjustment Members
FROM: Evann Martin, Assistant Planner
DATE: September 22, 2021
RE: 417 SE 6th St – Building Addition

GENERAL INFORMATION:

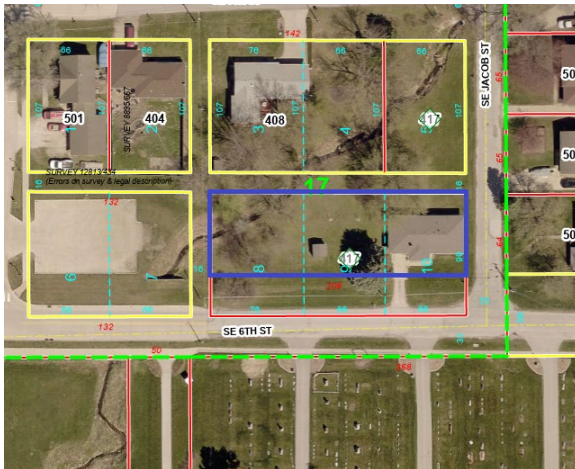
Applicant:

Donna Kluss

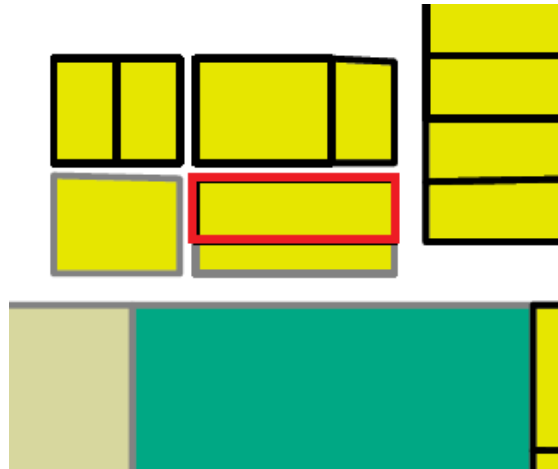
Requested Action

Build a garage addition on the existing house and expand the driveway

SUPPORTING INFORMATION:



Location Map



Zoning Map

LAND USES & ZONING:

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Single-Family	LDR	R-2
North	Single-Family	LDR	R-2
South	Single-Family	Civic	Cemetery
East	Single-Family	LDR	R-2
West	Single-Family	Civic	R-2

BACKGROUND

The applicant is requesting a variance to build a 24' by 26' (624 sf) garage addition on the west side of the existing house at 417 SE 6th Street and to expand the driveway. The applicant owns four separate parcels at this address. The garage addition and driveway expansion as proposed would cross the property line between two of the lots.

The existing house is considered legal non-conforming since the building was constructed before the current zoning regulations were put in place. The house does not meet the setback requirements for the R-2 zoning district. Per Section 165.48 of the Grimes Zoning Ordinance, the required setbacks for R-2 are as follows: 30' front yard, 7' side yard, and 25' rear yard. As proposed, the garage addition would encroach on the front, side, and rear yard setbacks.

Per 165.19 of the Grimes Zoning Ordinance, non-conforming structures cannot be enlarged or altered in a way that increases the non-conformity of the structure. The garage addition would enlarge the structure and would not be permitted.

Along with the garage addition, the applicant is requesting to expand the driveway which will cross the property line. Per the Grimes Zoning Ordinance, driveways are required to be setback at least 2 feet from the side property lines. A variance would be required to allow the driveway to extend to the property line.

There are three variances that would need to be granted to the proposed improvements.

1. Variance to allow the non-conforming structure to be enlarged.
2. Variance to reduce the setbacks to the following: 18' front, 0' side, and 19' rear.
3. Variance to reduce the side setback for the driveway to 0'.

If the variance request is granted for the garage addition or driveway expansion, a lot tie agreement will be required. The lot tie will ensure that the two lots are sold together or if the

lots are sold separately, the structures will need to be brought into conformance with the zoning ordinance.

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 property owner wants to build a garage addition on the existing house and expand the driveway. Given that the existing house has a one-car garage and one-lane driveway, there is not enough space for the property owners to park their vehicles and protect their belongings from the elements.

SUBSTANTIAL HARDSHIP

The lots cannot be replatted into one lot because the plat would not conform to the platting requirements. The existing house would need to be torn down for the plat to be compliant. In addition, due to the setback requirements, any structures would be limited to where they could be constructed.

In 1915, the City acquired right-of-way on SE 6th Street which reduced the depth of the lot. When the house was constructed in 1954, there were likely no zoning regulations in place that would have prevented the house from being constructed on the lot. Now that zoning regulations are in place, the lot is limited to where construction can occur due to the setbacks.

SELF-IMPOSED HARDSHIP

The applicant does not believe the hardship is self-imposed because the house was built before the ordinances were put in place and the ordinance does not allow older structures to expand and make improvements.

PUBLIC INTEREST

The applicant does not believe that granting the variance will be contrary to the public interest because the garage addition will improve the property value and aesthetics.

Staff asks the Board to consider that a negative precedent may be established if the variance is granted.

ALTERNATIVES TO VARIANCE REQUEST

1. The garage could be constructed as a detached garage on the neighboring lot. However, a variance would still be required to build a garage of this size. The variance would be required to allow the structure to be placed within the side yard. Alternatively, the structure could be reduced in size to meet the accessory structure standards, including location within the rear yard. A lot tie agreement would be required to allow the garage to be placed on a separate lot from the existing house.

SUMMARY

The applicant is requesting a variance to build a garage addition on the west side of the existing house and expand the driveway over the property line.

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

1. The garage addition shall not encroach on the front and rear setbacks any further than the existing house and the garage addition shall meet the required side yard setback on the west side of the garage addition.
2. All other standards within the zoning ordinance must be met.

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.

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:** August 18, 2021
Applicant Name: Dona Kluss
Address: 417 SE 6th St, Grimes, IA 50111
(Street) (City) (State) (Zip)
Telephone Number: 515-851-5290
(Home) (Work)
E-Mail Address: dckluss@yahoo.com
2. **Location of Property**
Street Address: 417 SE 6th St, Grimes, IA 50111
Legal Description: N 66 F LTS 8, 9, & 10 Bk 17
Town of Grimes
Zoning Classification: R-2

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: Dana Guss on date: Aug 18, 2021
(Owner)

Or: _____ on date: _____
(Owners Agent)

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.**

- 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.).**

- 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.**

- 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.**

- 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.**

Supporting Information Form

1. The permit to build a 24 foot garage addition has been denied due to non-conforming to ordinance. We have remodeled the interior and the plan if approved is to add on a 24 foot garage and have the entire structure sided and landscaped.
2. The home currently has a single car garage and small driveway. We have a need for more parking and garage space to accommodate our vehicles and belongings to protect them from the weather. We moved from NW Grimes to the current home to have more space and to make this our forever home.
3. We own the three lots and all are assessed by Polk County as one property. We will be crossing lot lines, but not encroaching on any property but our own. The ordinance currently as written would prevent us from building on, even though we own sufficient property and no rebuilding if we had a fire or damage that destroyed the current home. The ordinance changes since the home was built do not allow for older properties to update or enlarge for home improvements.
4. The proposed changes to the home and property will not cause any harm to neighboring properties. We only plan to improve the current home and property to increase it aesthetically and the valuation.
5. We have looked at other options but none are available to us at this time due to city ordinance. Building on in any direction requires a variance from the Board.

Permit denial

ST

From: **Steve Tibbles** stibbles@grimesiowa.gov
Subject: RE: 417 SE 6th St. -- Garage
Date: August 17, 2021 at 8:50 AM
To: **Jonathon Cross** jcross@crossoverconstruction.com
Cc: **Donna Kluss** dckluss@yahoo.com, **Rachel Greving** rgreving@grimesiowa.gov

Good morning,

In review of what has been submitted, I have the following comments;

- Can you verify if the driveway is going to be a "U" shaped driveway or are you pouring one large driveway. Just trying to verify that the driveway will meet city driveway standards.
- The site plan that was submitted is inaccurate. In accordance with what is shown on the Polk County GIS data and the Assessors link, there are 3 lots of record for that address. Lots 8, 9, and 10 of Block 17 Town of Grimes. I am unable to permit the constructing of a garage over property lines and increasing a nonconforming structure which would be the house. Please see code section below.

165.19 (3.) Nonconforming Structures in Residential Districts. Where a structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

Under the above referenced code section, I am unable to approve the permit for the garage addition. The only way for you to construct the proposed garage would be by getting a variance from the Zoning Board of Adjustment.

Please find attached the application for the Zoning Board of Adjustment.

Thank you,

Steve Tibbles | Deputy Building Official
City of Grimes | 410 SE Main Street, Suite 102 | Grimes, IA 50111
PH: 515-986-4050 | C: 515-371-8301
stibbles@grimesiowa.gov | www.grimesiowa.gov



From: Jonathon Cross <jcross@crossoverconstruction.com>

Sent: Wednesday, August 11, 2021 9:06 PM
To: Steve Tibbles <stibbles@grimesiowa.gov>
Cc: Donna Kluss <dckluss@yahoo.com>
Subject: 417 SE 6th St. -- Garage

Steve,

I have attached some of the information you have requested for the new garage. If you need anything else or more information please let me know.

Thanks

--

Jonathon Cross

515.360.4955

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Variance
Reques...(1).pdf



Development Services
401 SE Main St., Unit 102
Grimes, IA 50111
(515)986-4050

2021 BOA SCHEDULE

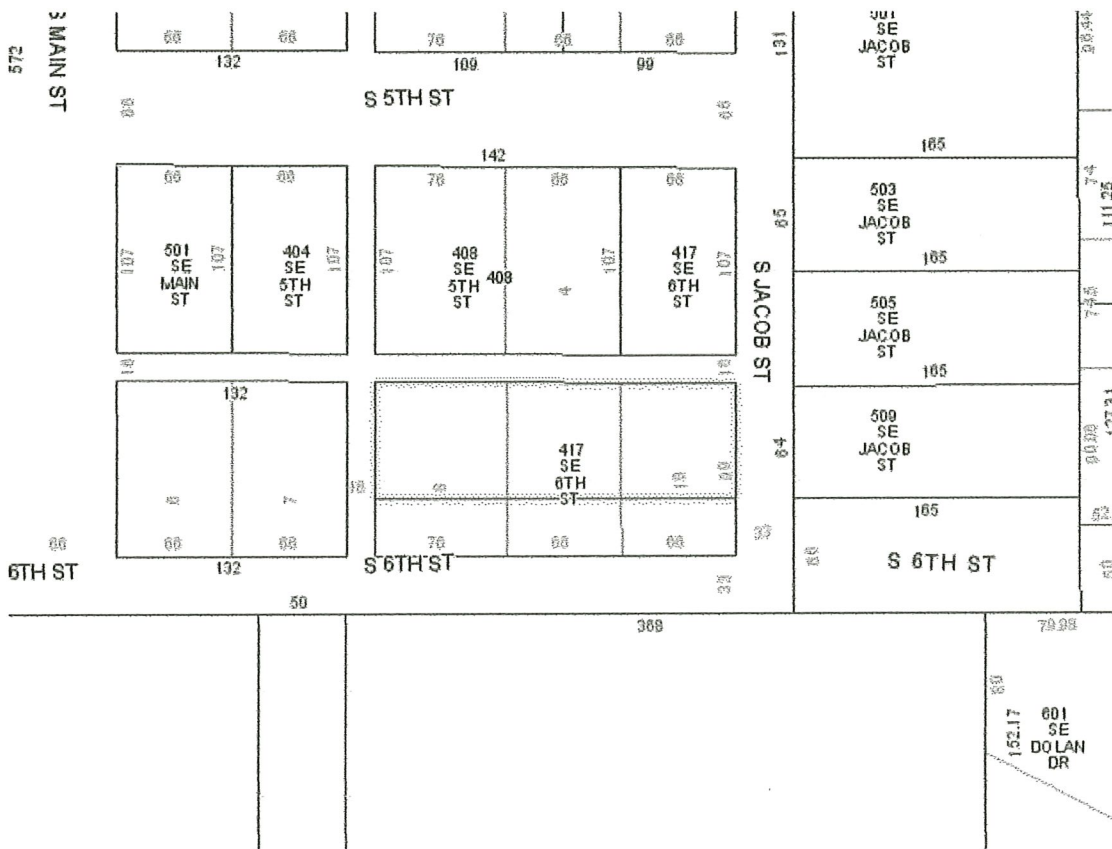
Application Due by 12:00 p.m.	Neighborhood Notification Sent (250' radius) NLT	Board of Adjustment Packets Delivered	BOA Meeting
Jan 01	Jan 12	Jan 15	Jan 19
Feb 01	Feb 09	Feb 12	Feb 16
Mar 01	Mar 09	Mar 12	Mar 16
Apr 01	Apr 13	Apr 16	Apr 20
May 03	May 11	May 14	May 18
Jun 01	Jun 08	Jun 11	Jun 15
Jul 01	Jul 13	Jul 16	Jul 20
Aug 02	Aug 10	Aug 13	Aug 17
Sep 01	Sep 14	Sep 17	Sep 21
Oct 01	Oct 12	Oct 15	Oct 19
Nov 01	Nov 09	Nov 12	Nov 16
Dec 01	Dec 10	Dec 17	Dec 21

Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Click to center and select a parcel.



Zoom to 640 ft

Map Size 640 x 480

Aerial No Aerial

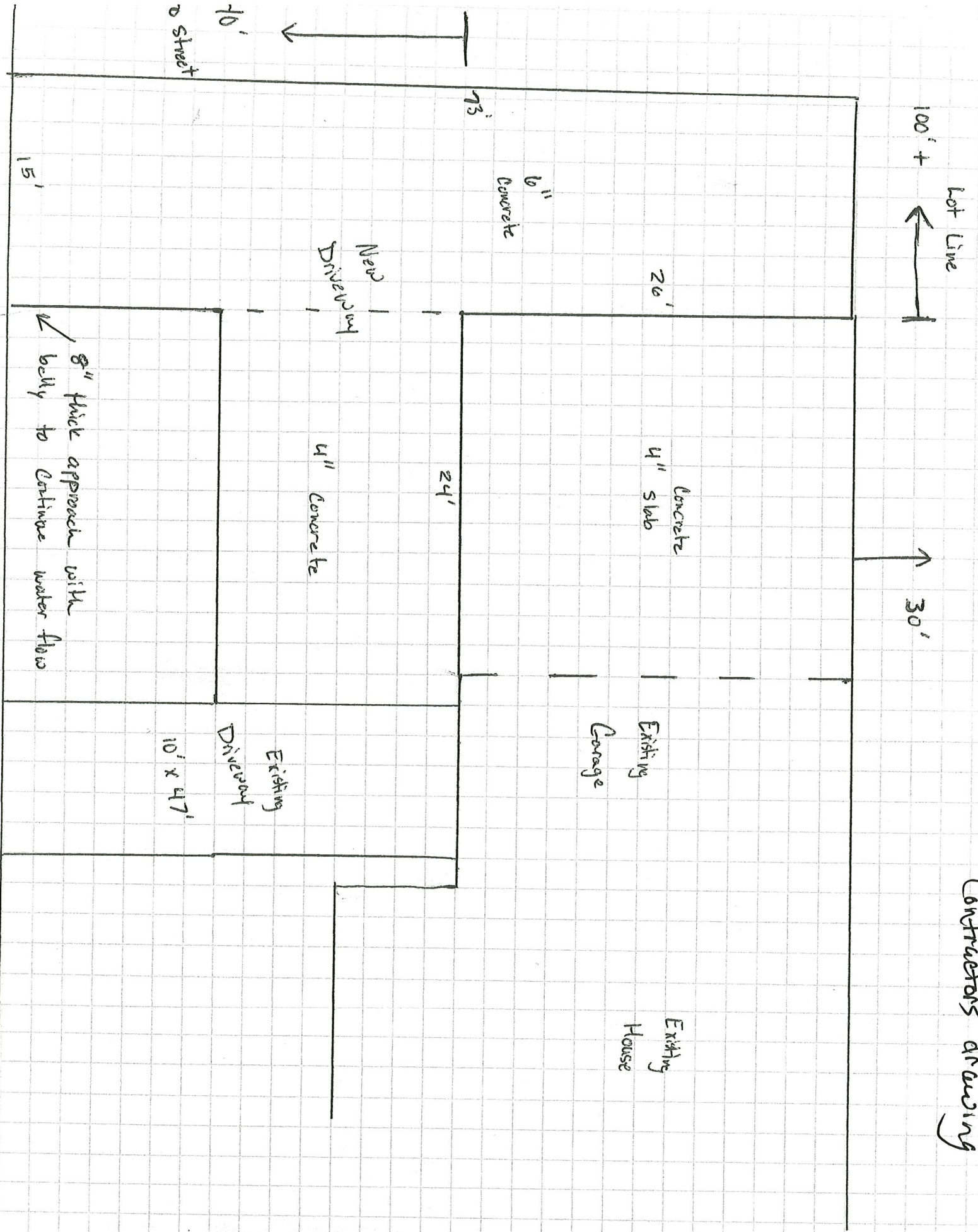
Layers Redraw

Feature	Legend	Up to
☒ Parcel Line	red	32 mi
☒ Selection	yellow	32 mi
☒ Lot Line	blue	4 mi
☒ Condo	red circle	1 mi
☒ Parcel Size	red	1/2 mi
☒ Lot Size	blue	1/2 mi
☒ Misc Size	green	1/2 mi
☒ Street Name	black	4 mi
☒ Address	brown	1 mi
☒ Building#	black	1 mi
☒ Lot#	blue	1/2 mi

Measure 234ft (S89°E)
Hit space to 0

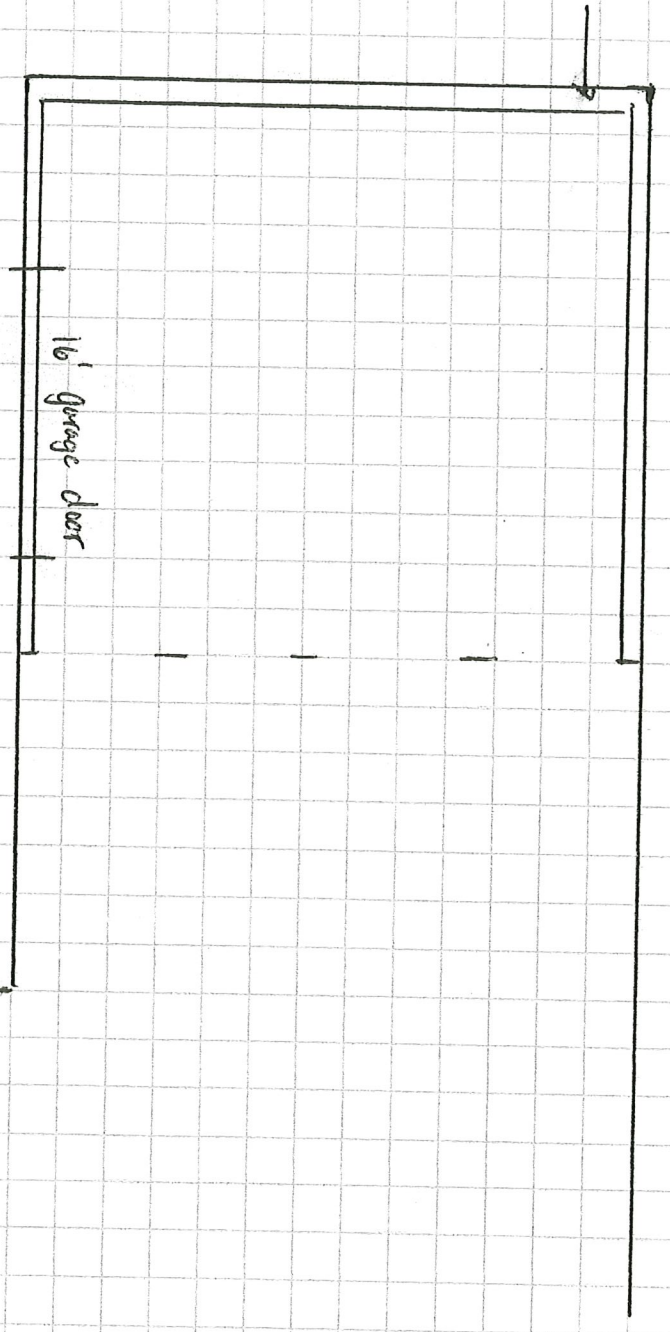
[Get Listing](#)
[Printable Map](#)

Contractors drawing



Trench footing
12" wide
42" Deep

1' wall poured
on footing



- 2x4 wall studs 16" O.C.
- 4/12 rafters 2' O.C.
- 1/2" OSB on rafters with asphalt shingles
- 7/16" OSB on walls
- 2-1 3/4" x 12" LVL header across garage door

417 S.E. 6th St

← 54' →

← 24' →

← 16' →

← 24' →

5x4 wheel pad

New Garage

Existing Garage

← 26' →

Seam

← 24' →

← 40' →

← 32' →

Landscape

← 12' →

← 10' →

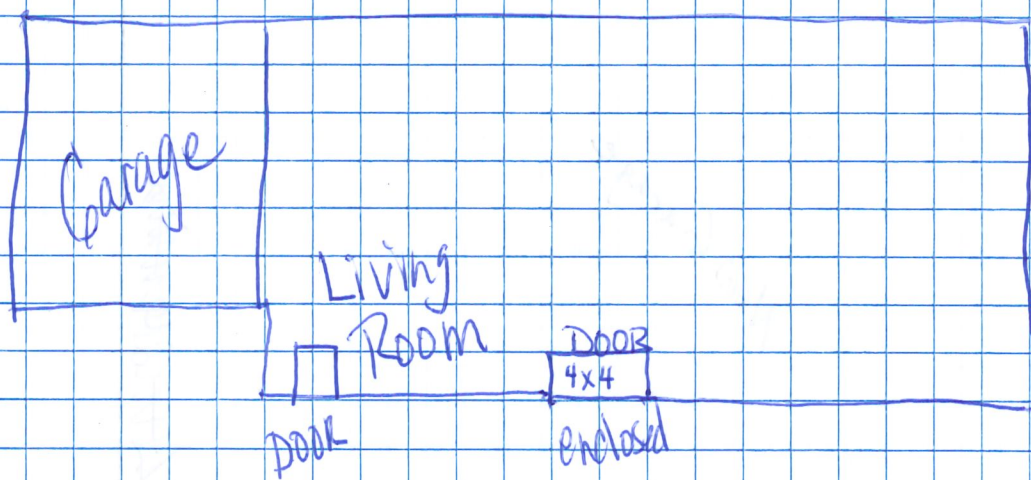
← 10' →

dip for water flow

Flare out 3 foot

Flare out

Front of House



Back of House

