



## **Board of Adjustment**

November 17, 2020

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://zoom.us/j/92302686835>**

**Meeting ID: 923 0268 6835**

**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](mailto: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](mailto: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: Covered Patio Structure - 940 NW Autumn Park Drive**

**IV. ADJOURNMENT**



**BOARD OF ADJUSTMENT MINUTES  
JULY 21, 2020**

**DEVELOPMENT SERVICES**

101 NE Harvey St.

Grimes, Iowa 50111

P: (515)986-4050

F: (515)986-4480

[www.grimesiowa.gov](http://www.grimesiowa.gov)

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

**PRESENT: C. LETSCH, T. LETSCH, LEGO, MORAN**

**STAFF: PFALTZGRAFF, MARTIN, GREIVING**

**ABSENT: N/A**

**I. APPROVAL OF THE AGENDA**

MOVED BY LEGO, SECONDED BY T LETSCH – AYE: UNANIMOUS

**II. APPROVAL OF MINUTES – AS AMENDED**

MOVED BY T LETSCH, SECONDED BY MORAN – AYE: UNANIMOUS

**III. PUBLIC AGENDA ITEMS**

- A. Public Hearing Appeal 06-20 request a Variance to allow an entryway addition the house at 511 SE Trailridge Road within the front yard setback.

Martin presented the details of the proposal. When the house was built, the front yard setback was 25 feet. Now, due to a zoning ordinance change requiring a 30 feet setback, the house is legal, non-conforming.

The applicant explained the reasoning for their proposal. The split level house has a small foyer, so the door cannot open all the way inside. The applicant would like to make this more functional by adding a small entryway.

The board discussed with the applicant the idea of building a 4 foot addition instead of a 5 foot addition to at least meet the original 25 foot front yard setback.

**Board Action Ref: 06-20**

MOVED BY T LETSCH TO APPROVE THE VARIANCE TO ALLOW AN ENTRYWAY ADDITION TO THE HOUSE AT 511 SE TRAILRIDGE ROAD LIMITED BY THE ORIGINAL 25 FOOT SETBACK OF THE LOT, SECONDED BY MORAN

AYES: ALL

MOTION PASSES

**IV. ADJOURNMENT**



Meeting adjourned at 6:38

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Signature



**BOARD OF ADJUSTMENT MINUTES  
AUGUST 18, 2020**

DEVELOPMENT SERVICES

101 NE Harvey St.

Grimes, Iowa 50111

P: (515)986-4050

F: (515)986-4480

[www.grimesiowa.gov](http://www.grimesiowa.gov)

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

**PRESENT: C. LETSCH, T. LETSCH, LEGO, MORAN**

**STAFF: PFALTZGRAFF, MARTIN, GREIVING**

**ABSENT: N/A**

**I. APPROVAL OF THE AGENDA**

MOVED BY T. LETSCH, SECONDED BY LEGO – AYE: UNANIMOUS

**II. APPROVAL OF MINUTES – AS AMENDED**

MOVED BY T. LETSCH, SECONDED BY LEGO – NAY: UNANIMOUS

MOTION TO WRITE NEW MINUTES TO APPROVE AT FOLLOWING MEETING BY T. LETSCH, SECONDED BY LEGO – AYE: UNANIMOUS

**III. PUBLIC AGENDA ITEMS**

- A. Public Hearing Appeal 07-20 request a variance to place a sign larger than what is the maximum requirement at 2555 West First Street.

Martin provided a staff report to the Board of Adjustment.

The Board discussed the request, and asked questions of the applicant and staff. The board concluded a larger sign would fit with the current integrity and image of the school.

**Board Action Ref: # 07-20**

MOVED BY LEGO TO APPROVE A VARIANCE ALLOWING A SIZE OF SIGN SIZING UP TO 10% OF SPACE OF THE FRONT OF THE BUILDING, SECONDED BY T. LETSCH

AYE: UNANIMOUS

MOTION PASSES

**IV. ADJOURNMENT**

Meeting adjourned at 6:15 p.m.

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Signature

# Board of Adjustment Staff Report



TO: Board of Adjustment Members  
FROM: Evann Martin, Assistant Planner  
DATE: November 17, 2020  
RE: 904 NW Autumn Park Drive – Covered Patio Structure

## GENERAL INFORMATION:

**Applicant:**

Mandy Stanek

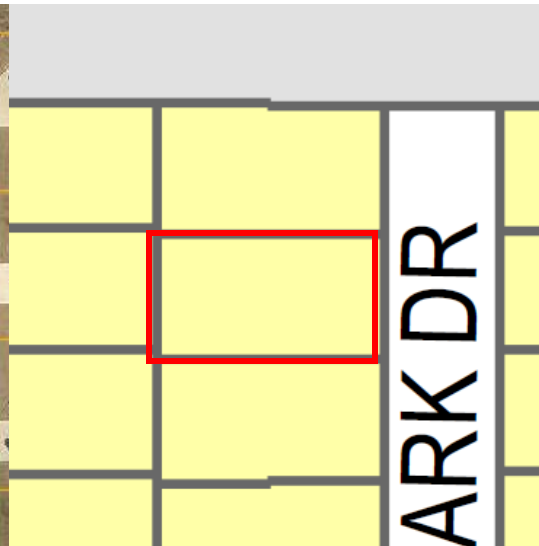
**Requested Action**

Build covered patio into rear yard setback

## 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-4            |
| North        | Single-Family     | LDR                       | R-4            |
| South        | Single-Family     | LDR                       | R-4            |
| East         | Single-Family     | LDR                       | R-4            |
| West         | Single-Family     | LDR                       | R-4            |

**BACKGROUND**

The subject site is located at 904 NW Autumn Park Drive. The applicant is requesting a variance to build an attached covered patio structure that encroaches into the rear yard setback by 5 feet. Because the structure is attached to the house, it is considered part of the principal structure and required to meet principal structure setbacks. The required minimum rear yard setback is 25 feet. As proposed, the covered patio structure would be 20 feet from the rear property line.

**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 owners want to build a covered patio to provide shade in the rear yard. The homeowner has expressed they are prone to heat exhaustion and sunburns and the covered patio would help them enjoy the outdoors.

### **SUBSTANTIAL HARDSHIP**

The applicant needs a cover over the patio since they struggle with heat exhaustion and are susceptible to severe sunburn.

### **SELF-IMPOSED HARDSHIP**

The applicant does not believe the hardship is self-imposed because they need an adequately sized outdoor space to spend time without detrimental health effects.

### **PUBLIC INTEREST**

The applicant does not believe that granting the variance will be contrary to the public interest because it will add value to the home and has received support from the surrounding neighbors.

Staff asks the Board to consider that a negative precedent may be established if the variance is granted. Principal structures are required to meet the minimum rear yard setback requirements set for the designated zoning district.

### **ALTERNATIVES TO VARIANCE REQUEST**

1. Reduce the depth of the structure to meet the rear yard setback. The length of structure could be expanded to the north to create a larger area.
2. Build the structure with cantilevers so the posts meet the 25' setback. The structure could remain the proposed size and overhang into the 25' setback.
3. Build the covered structure elsewhere within the building envelop. There appears to be a large area on the north side of the house.
4. Build a detached structure. Accessory structure setbacks would apply.

### **SUMMARY**

The applicant is requesting a variance to build an attached covered patio structure 5 feet into the required 25' rear setback.

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

1. All other standards within the zoning ordinance must be met.

## **CITY OF GRIMES**

Evann Martin  
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: 10-6-20
- Applicant Name: Mandy Stanek
- Address: 904 N.W. Autumn Park Dr. Grimes, IA 50111  
(Street) (City) (State) (Zip)
- Telephone Number: 515-351-0034  
(Home) (Work)
- E-Mail Address: 2stanekm@gmail.com
2. Location of Property
- Street Address: 904 N.W. Autumn Park Dr. Grimes, IA 50111
- Legal Description: Lot 29 Autumn Park PLAT 2
- Zoning Classification: R-4

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.

See Attachement of State from applicate  
Mandy Stanek and surrounding neighbors

- 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.).

Set back requirement is 25' Property appears to be within set back without  
public easment on rear lot line. We are requesting a 3 foot easemnt to allow  
the installation of a OPEN patio cover over existing patio.

- 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.

With the back property, there is a buffer zone between residents property  
and neighbor. The proposed additional patio cover would be 17 feet from  
my fence line still allowing for full open area for easment for public utilities

- 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.

The right of view for adjacent properties will not be effected  
Applicant has the support of surrounding neighbors that would see the  
New patio cover. All feel it will be a wonderful addition to the 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.

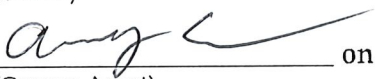
Have tried other shade soarces and non will work effectively. The wind  
continues to damage other soarces

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: \_\_\_\_\_ on date: \_\_\_\_\_  
(Owner)

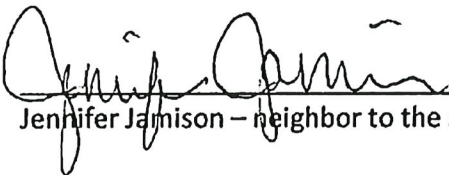
Or:  on date: 10-6-20  
(Owners Agent)

To the Grimes Board of Adjustment,

My name is Mandy Stanek. I moved to Grimes 6 years ago. The area of Grimes I'm in is an area of newer development. I greatly enjoy spending time outdoors. However, the area I'm in has no mature trees or natural shade. I am extremely fair skinned and due to severe heat exhaustion when I was younger, I am very sensitive and prone to overheating and quickly burning in the sun. I struggled with wanting to be outside, but needing to find a way to safely do so. That's when I decided to put a patio covering off the back of house, over my concrete patio. This would allow me to spend more time outside while not in the direct sunlight. I have asked my neighbors to the north, south, and west that connect to my property. They are all okay with this patio covering and with the value it will add to my home and neighborhood. Please allow me this variance so I can enjoy the outdoors in Grimes. Thank you!

Mandy Stanek

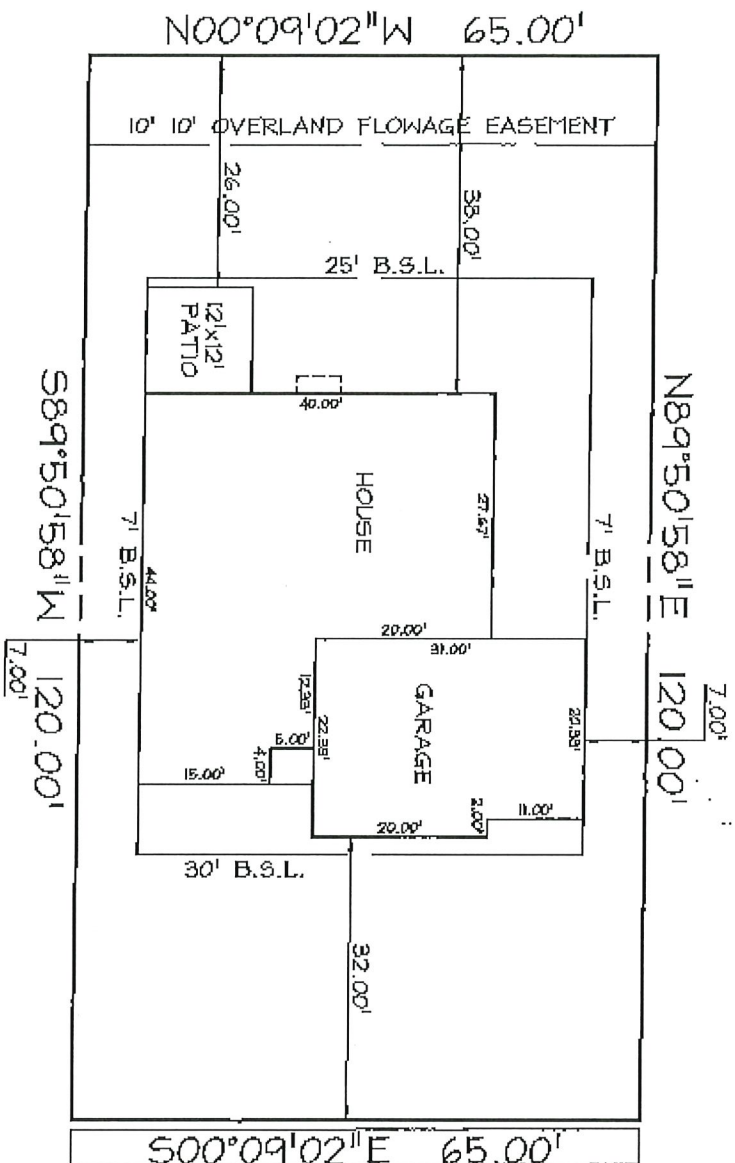
As a connecting neighbor to Mandy Stanek's property, I'm okay with her adding a patio roof over her concrete patio.

  
Jennifer Jamison – neighbor to the south

  
Jennifer and Danny Althoff – neighbors to the north

  
Connor & Becky Elmitt – neighbors to the west

# KRM DEVELOPMENT LOT 29 AUTUMN PARK PLAT 2 904 NW AUTUMN PARK DRIVE, GRIMES



AUTUMN PARK DRIVE



M.P.E. = 952.50

**AREAS**  
SOD-5,425 S.F.  
DRIVEWAY-850 S.F.  
APPROACH-170 S.F.  
SIDEWALK-260 S.F.

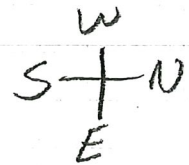
**SETBACKS**  
FRONT - 30'  
REAR - 25'  
SIDE - 7' MIN. (14' TOTAL)

**COOPER CRAWFORD**  
& ASSOCIATES, L.L.C.  
CIVIL ENGINEERS  
475 S. 50th Street, Suite 800, West Des Moines, IA 50265  
Phone: (515) 224-1344 Fax: (515) 224-1345

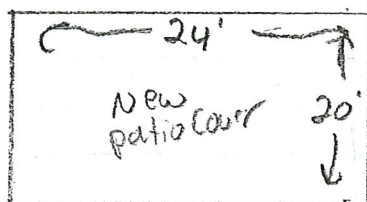
0 10 20  
SCALE: 1"=20'  
DATE: 4-2-2014  
JOB NUMBER  
CH  
4426

R.

Mandy Stanek  
904 N.W. Autumn Park Dr.  
Grimes, IA 50111



20'



40'

28'

House

44'

← 6' →

15'

4' 5'

Garage

20'

← 8' →

20'

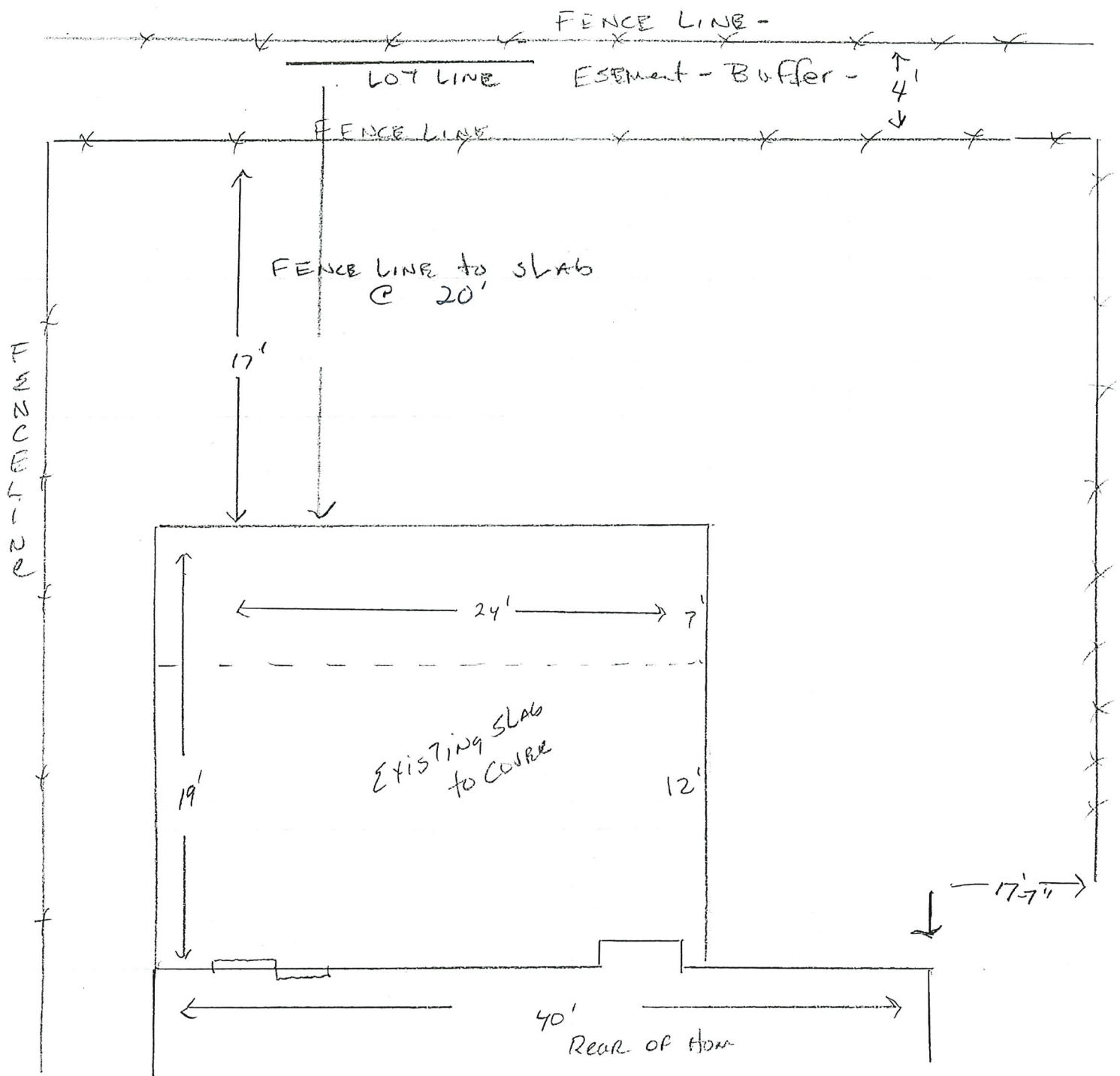
2'

11'

30'

Driveway

120'



MANDY STANEX

904 AUTUMN PARK DR.  
GRIMES

**From:** [Mandy Stanek](#)  
**To:** [Evann Martin](#)  
**Subject:** Re: Variance Request - 904 NW Autumn Park Dr  
**Date:** Tuesday, November 10, 2020 5:48:51 PM

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Please see below. Thanks so much!

Mandy Stanek  
(515) 351-0034

On Nov 9, 2020, at 9:19 AM, Evann Martin <[emartin@grimesiowa.gov](mailto:emartin@grimesiowa.gov)> wrote:

Mandy,

I am getting everything ready for the BOA meeting next Tuesday. There are five criteria that the Board will evaluate. The answers provided for the two criteria below didn't fit what we are looking for. Could you please provide an answer for the two criteria below?

1. 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.). Why can't the structure be built within the 25' setback?**

- The gas line and the concrete patio already extend to there and I need a cover over it as I struggle with easily becoming overheated due to a previous bout of heat exhaustion/mild heat stroke. I also am unable to be in direct sunlight for any extended time due to a propensity to seriously sunburn. I have gotten 2nd degree burns from being in the sun less than an hour and half. This cover is only a tin roof with posts and no walls could impede water flow through the easement.

- 1.
2. 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.**

- I want to be able to enjoy an adequately sized outdoor space where I can spend extended time outside without detrimental health effects.

- 2.

Thanks,

**Evann Martin** | Assistant Planner

**City of Grimes** | 410 SE Main Street, Suite 102 | Grimes, IA 50111

PH: 515-514-1042 |

[emartin@grimesiowa.gov](mailto:emartin@grimesiowa.gov) | [www.grimesiowa.gov](http://www.grimesiowa.gov)

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