



Board of Adjustment

November 17, 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/88927950632?pwd=cEZQUGtjY2Fzc1F2aVcrYnZLMmdQdz09>

Meeting ID: 889 2795 0632

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**
- 3. Approval of the Agenda**
- 4. Approval of Minutes from previous meeting**

II. PUBLIC AGENDA ITEMS.

- 1. Application for Variance: Expansion of Outdoor Storage Area – 3355 SE Crossroads Drive**
- 2. Application for Variance: Create a Lot Less than One Acre in Size – 1884 SE Destination Drive**

III. ADJOURNMENT



**BOARD OF ADJUSTMENT MINUTES
OCTOBER 27, 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, BICKFORD, STRUTT

BOARD MEMBERS ABSENT: MORAN

STAFF PRESENT: PFALTZGRAFF, MARTIN, GREVING

I. APPROVAL OF THE AGENDA

MOVED BY BICKFORD, SECONDED BY STRUTT– AYE: UNANIMOUS

II. APPROVAL OF MINUTES – AS AMENDED

MOVED BY BICKFORD, SECONDED BY STRUTT – AYE: UNANIMOUS

III. PUBLIC AGENDA ITEMS

Public Hearing Appeal # 03-21 request to expand outdoor storage area at 3355 SE Crossroads Drive.

Staff member Martin provided a staff report to the Board. The property is zoned M1-A, and located within Zone 1 of the Highway 141 Corridor. Only a portion of the property is located in Zone 1, but the regulations are written that if a portion of a property is located in Zone 1, the entire property is considered Zone 1. Zone 1 does not allow for any outdoor storage. The property is legal, non-conforming with the existing outdoor storage. On the original site plan, it was shown as Zone 2 of the Highway 141 Corridor which would have allowed outdoor storage, but after looking, it is located in Zone 1.

Nikki Neal of Civil Design Advantage spoke on behalf of the applicant stating that the applicant was under the impression that the lot was in Zone 2 of the Highway 141 Corridor. The portion that is technically Zone 2 is where the additional outdoor storage is proposed. The current outdoor storage space available is not sufficient, and adding more would set up for interested parties to lease the space.

The Board asked what dividing the property into two lots would change for the applicant. Neal responded that there would be more restrictions due to the overhead easement. Pfaltzgraff also mentioned that the front lot would not meet certain regulations with the front building and small parking lot.

The Board next asked if the current outdoor storage space is screened. Pfaltzgraff explained that the original site plan showed for landscape screening that was never installed. Neal stated that there would be no issue ensuring that landscaping would be done.

The Board asked about one staff comment about having a third party review site plans up until three years ago. Pfaltzgraff explained that up until three years ago site plans were reviewed by a third party consulting firm, and the regulations were misinterpreted.



The Board, staff, and the applicant representative discussed whether or not the applicant was aware of what the property was zoned when they purchased it. Pfaltzgraff explained that the current existing outdoor storage is legal, non-conforming, now the variance request is to allow more outdoor storage space.

The Board asked how much hardship there is, to which Neal mentioned legal cost and time involved as well as getting the tenants in there if the lot was split in two. The Board asked how splitting the lot would limit the tenant. Neal mentioned that it would be two lots, two addresses, and the middle part of the storage would be lost.

The Board asked if the purpose of Zone 1 is to have a certain look to the corridor. Pfaltzgraff explained that the intent is to preserve the aesthetics along Highway 141 and limit outdoor storage from that viewpoint. Sensitivity for this decreases as you get further away from Highway 141. Existing all the way back to 1997 when the zones were applied, the regulations have stated that if any part of the parcel was in Zone 1, the entire parcel would be held to the Zone 1 standards. There are a few other parcels that have split the parcel to be able to have the outdoor storage or plan to do so.

The Board asked staff if they were in agreeance that the applicant did not know the property was Zone 1, and staff said that that is the assumption. The Board then asked if the applicant would have consulted the City, if the City would have told the applicant that it is in Zone 1. Pfaltzgraff explained that the property was acquired in May of this year, and this topic of outdoor storage has been discussed since then. Martin mentioned that the applicant was informed via email in January of this year that the property was Zone 1 and outdoor storage is not allowed.

Neal requested for the Board to table the variance request.

Board Action Ref: # 03-21

MOVED BY BICKFORD TO TABLE EXPANSION OF OUTDOOR STORAGE AREA AT 3355 SE CROSSROADS DRIVE,
SECONDED BY STRUTT
AYE: UNANIMOUS

IV. ADJOURNMENT

Meeting adjourned at 6:19 PM

Chair Signature

Clerk Signature

Planning & Zoning Memo



TO: Board of Adjustment
FROM: Evann Martin, Assistant Planner
DATE: November 17, 2021
RE: Variance Request to Expand
Existing Outdoor Storage Area
at 3355 SE Crossroads Drive

INTRODUCTION:

At the Board of Adjustment meeting held on October 27, 2021, the variance request for expanding the existing outdoor storage at 3355 SE Crossroads Drive was tabled. The applicant has brought the variance request back to the Board for consideration and has provided additional exhibits. The applicant will speak about the exhibits and provide additional context during the meeting. The packet materials from the previous meeting have been included in the packet as well.

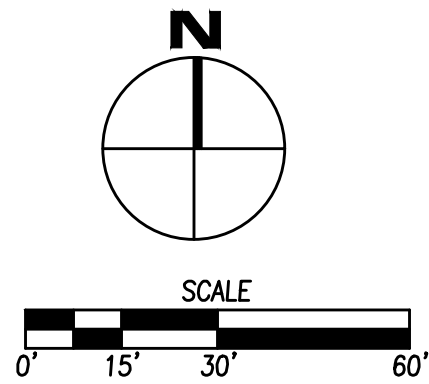
CITY OF GRIMES

Evann Martin
Assistant Planner

FILE: J:\2021\2102.089 DWG\2102.089.DWG
FILE DATE: 11/17/21
PLOTTED BY: NICOLE NEAL
COMMENTS:
ENG.

DEVELOPMENT SUMMARY

EXISTING LOT AREA	235,294 SF (5.40 ACRES)
ZONE 1 AREA WITHIN LOT	19,617 SF (0.45 ACRES)
% IN ZONE 1	8.3%



FILE: H:\2021\2102089\DWG\2102089-VARIANCE SITE PLAN.dwg
FILE DATE: 11/6/21
PLOTTER: HP DesignJet 5000
COMMENT: ENC



3355 SE CROSSROADS DRIVE
PHOTO MAP KEY

DATE: 11/08/2021
SHEET NUMBER:
1 OF 1
2102.089

GRIMES, IOWA
3355 SE CROSSROADS DRIVE



ENGINEER:

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

DRAFTED:

REVISIONS

DATE









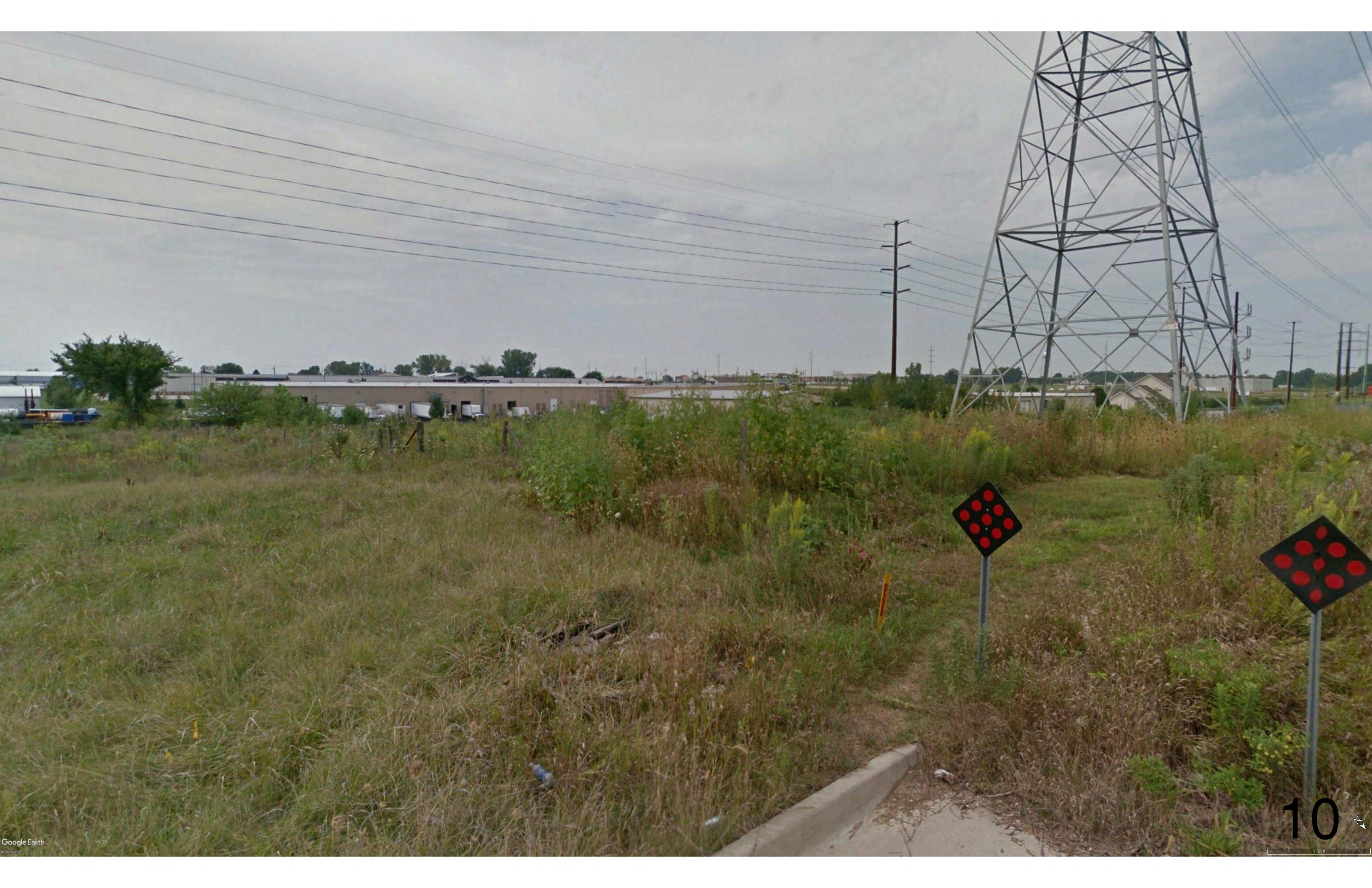






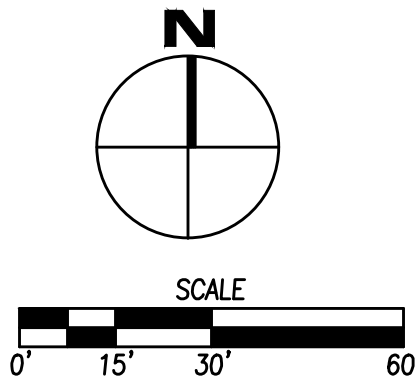








FILE: J:\2021\2102089.DWG
DATE: 11/2/2021 12:53 AM
PLOTTER: HP DesignJet T120
COMMENTS: ENG



3355 SE CROSSROADS DRIVE EXISTING

DATE: 09/29/2021
SHEET NUMBER: 1 OF 1
2102.089



GRIMES, IOWA

3355 SE CROSSROADS DRIVE

ENGINEER: DRAFTED:

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

REVISIONS

DATE

FILE: J:\2021\2102089.DWG
DATE: 11/17/21
DRAWN BY: NICKLE
CHECKED BY: NICKLE
DATE PLOTTED: 11/17/2021 8:02 AM
COMMENTS: ENG



DEVELOPMENT SUMMARY

FUTURE ROW:	32,273 SF (0.74 ACRES)
LOT:	203,163 SF (4.66 ACRES)
EXISTING BUILDING AREA:	15,600 SF
EXISTING PAVING:	34,292 SF
PROPOSED PAVING:	35,924 SF
	70,216 SF

DATE

REVISIONS

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410

ENGINEER:

DRAFTED:

3355 SE CROSSROADS DRIVE

CONCEPT 1

3355 SE CROSSROADS DRIVE

DATE: 09/29/2021

SHEET NUMBER: 1 OF 1

2102.089

Board of Adjustment Staff Report



TO: Board of Adjustment Members
FROM: Evann Martin, Assistant Planner
DATE: October 27, 2021
RE: 3355 SE Crossroads Drive – Expand Outdoor Storage Area

GENERAL INFORMATION:

Applicant:

Ted Frandson

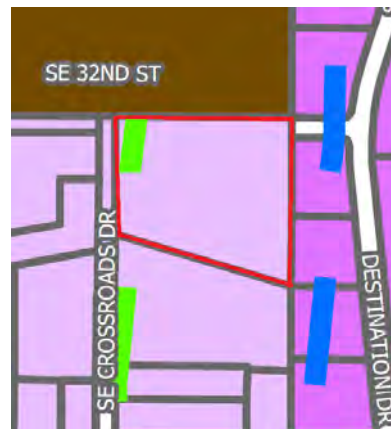
Requested Action

Expand the existing outdoor storage area
located within Zone 1 of the Highway 141
Mixed Use Corridor District

SUPPORTING INFORMATION:



Location Map



Zoning Map

LAND USES & ZONING:

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Industrial	Light Industrial	M-1A
North	Mobile Home Park	Mobile Home Residential	R-5
South	Commercial	Mixed Use 2	M-1A
East	Industrial	Light Industrial	M-2
West	Commercial	Light Industrial	M-1A

BACKGROUND

The applicant is requesting a variance to expand the existing outdoor storage areas on the property located at 3355 SE Crossroads Drive. The property is located within Zone 1 of the Highway 141 Mixed Use Development Corridor District where outdoor storage is prohibited.

In 1997, Zone 1 and 2 of the Highway Mixed Use Development Corridor District were established. The subject property has been located within Zone 1 since 1997 because the property is within 600' of the Highway 141 right-of-way. However, when the site plan was approved in 2000, the site was thought to be within Zone 2 which has caused some confusion about what zone the site is located within. At the time the site was developed, there were no outdoor storage restrictions so the existing outdoor storage areas were permitted on the site. In 2016, outdoor storage became prohibited within Zone 1.

The property is considered legal non-conforming since the site has two existing outdoor storage areas that were approved prior to the establishment of the outdoor storage regulations within the Highway 141 Corridor. The existing outdoor storage areas can continue to be used. However, per Section 165.19 of the Grimes Zoning Ordinance, non-conforming uses cannot be enlarged or relocated upon the site. The applicant desires to expand the outdoor storage areas on the property which would require a variance to be granted.

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 desires to expand the existing outdoor storage across the entire property.

SUBSTANTIAL HARDSHIP

The applicant believes there is substantial hardship for the owner and the property itself. The property was previously allowed outdoor storage as a part of the Zone 2 Highway 141 Overlay. With recent knowledge of the property falling within the Zone 1 Highway 141 Overlay, it restricts outdoor storage capacity to what is existing on site today. The Zone 1 Highway 141 Overlay did not restrict the use of outdoor storage until 2016 which was after the property was developed. The applicant believes the existing Zone 1 Highway 141 outdoor storage restrictions greatly limits the intended users of the property. The intended use of the property would need to change and would result in costly, complete site redevelopment to attract a different user with minimal to no outdoor storage requirements.

SELF-IMPOSED HARDSHIP

The property was developed before outdoor storage restrictions were established within Zone 1 of the Highway 141 Corridor District in 2016. Therefore, the property owner believes the hardship was not self-imposed.

The property falls within Zone 1 of the 141 Corridor District. In 2016, Zone 1 of the Highway 141 Corridor no longer allowed outdoor storage. When the property was first developed, it was approved as Zone 2 and allowed to develop the outdoor storage. Zone 1 of the Highway 141 Corridor did not restrict the use of outdoor storage until 2016. The property was approved and developed before 2016, and therefore did not have outdoor storage restrictions placed upon it. The current property owner purchased the property after it was development and

under the knowledge of the approved site plan stating the property was within Zone 2 which allows for outdoor storage.

PUBLIC INTEREST

The applicant does not believe that granting the variance will be contrary to the public interest or neighborhood integrity because outdoor storage is existing on the site today. The variance would allow outdoor storage on the entire property and site improvements to be made.

Staff asks the Board to consider that a negative precedent may be established if the variance is granted. There are several properties located within Zone 1 of the Highway 141 Mixed Use Development Corridor District. Granting a variance could allow outdoor storage to occur elsewhere along Highway 141. Staff would ask that the Board consider what may be unique about this property compared to others along the Highway 141 Corridor.

Staff would also ask the Board to consider that the City had consultant reviewers up until about 3 years ago. The attention to detail is different between then and now so differences in plan review or interpretation of regulations will likely be a common occurrence.

ALTERNATIVES TO VARIANCE REQUEST

1. Use the existing outdoor storage areas on site.
2. Provide covered indoor storage for any additional desired storage.
3. Plat the property into two lots with one lot located outside of Zone 1 to allow for outdoor storage.

SUMMARY

The applicant is requesting a variance to expand the existing outdoor storage areas on site.

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

1. The outdoor storage areas shall be limited to the portion of the property located within Zone 2 of the Highway 141 Mixed Use Development Corridor District (over 600 feet from the Highway 141 right-of-way).
2. New outdoor storage areas shall be screened in accordance to the screening requirements for outdoor storage areas within Zone 2.
3. 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.

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:** September 29, 2021
- Applicant Name:** Frandsen and Associates LC, Ted Frandsen
- Address:** 666 Walnut St. Suite 1801 Des Moines, IA 50309
(Street) (City) (State) (Zip)
- Telephone Number:** 515-681-7500 515-247-0040
(Home) (Work)
- E-Mail Address:** ted@frandsenandassociates.com
2. **Location of Property**
- Street Address:** 3355 SE Crossroads Drive
- Legal Description:** Lot 2, Crossroads Plat 2, an official plat in the City
of Grimes, Polk County, Iowa and containing 5.40 Acres more or less.
- Zoning Classification:** M-1A (Commercial), Zone 1, HWY. 141 Mixed use Corridor

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:  on date: 9/30/2021
(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.**
See attached.

- 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.).**
See attached.

- 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.**
See attached.

- 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.**
See attached.

- 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.**
See attached.

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 storage on the entire property as there is existing outdoor storage in place today and has been for several years.

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 is a substantial hardship not only for the owner but also for the property itself. This property was previously approved and allowed outdoor storage as apart of the Zone 2 Highway 141 Overlay. With recent knowledge of the property falling within the Zone 1 Highway 141 Overlay it restricts outdoor storage capacity to what is existing on site today. The Zone 1 Highway 141 Overlay did not restrict the use of outdoor storage until 2016 which was after this property was previously approved and constructed. With the existing Zone 1 Highway 141 restrictions placed on the property it greatly limits intended users of the property. The intended use of the property would need to change which would result in a costly complete site redevelopment to attract a different user with minimal to no outdoor storage requirements.

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 make improvements to the site it would require the property to be compliant with City Code. Per City Code chapter 165A.21.1, *in Zone 1, all service bays, loading and unloading areas, must be screened by an opaque fence of a height sufficient to adequately screen the bay or area from Highway 141 and consisting of wood or brick. In Zone 1, no outdoor storage is allowed, excluding garden centers. In Zone 1 and Zone 2, no service bays, loading or unloading areas, trash receptacles and dumpsters may be located in or face any set back from a public right-of-way. In cases where a substantial green space exists a landscape/berm screen can be provided, which must provide a 75% opaque view within 18 months. The majority of the landscape material shall be coniferous to provide a year-round screen.*

The property in question falls within the 141 Zone 1 Overlay district. In 2016 Zone 1 of the 141-Overlay district no longer allow for outdoor storage, which is existing on the property today. When this property was first developed it was approved within the Zone 2 and allowed to develop the outdoor storage component that is allowed within the Zone 2 Overlay. Zone 1 of Highway 141 Overlay did not restrict the use of outdoor storage until 2016. This property was approved and developed before 2016, therefore did not have these restrictions placed on it. The current property owner purchased the property after the approval and development and under the knowledge of the approved plan stating the property is within Zone 2 and allows for outdoor storage. The property was developed before Zone 1 placed outdoor storage restrictions within the overlay in 2016, therefore, the property owner has not self-imposed the hardships.

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.

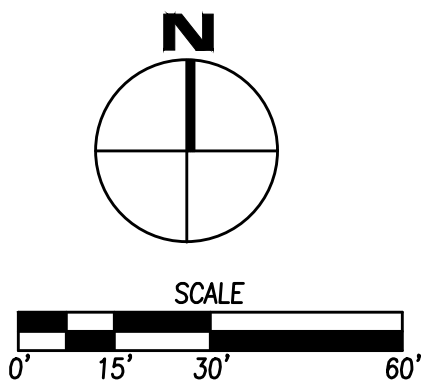
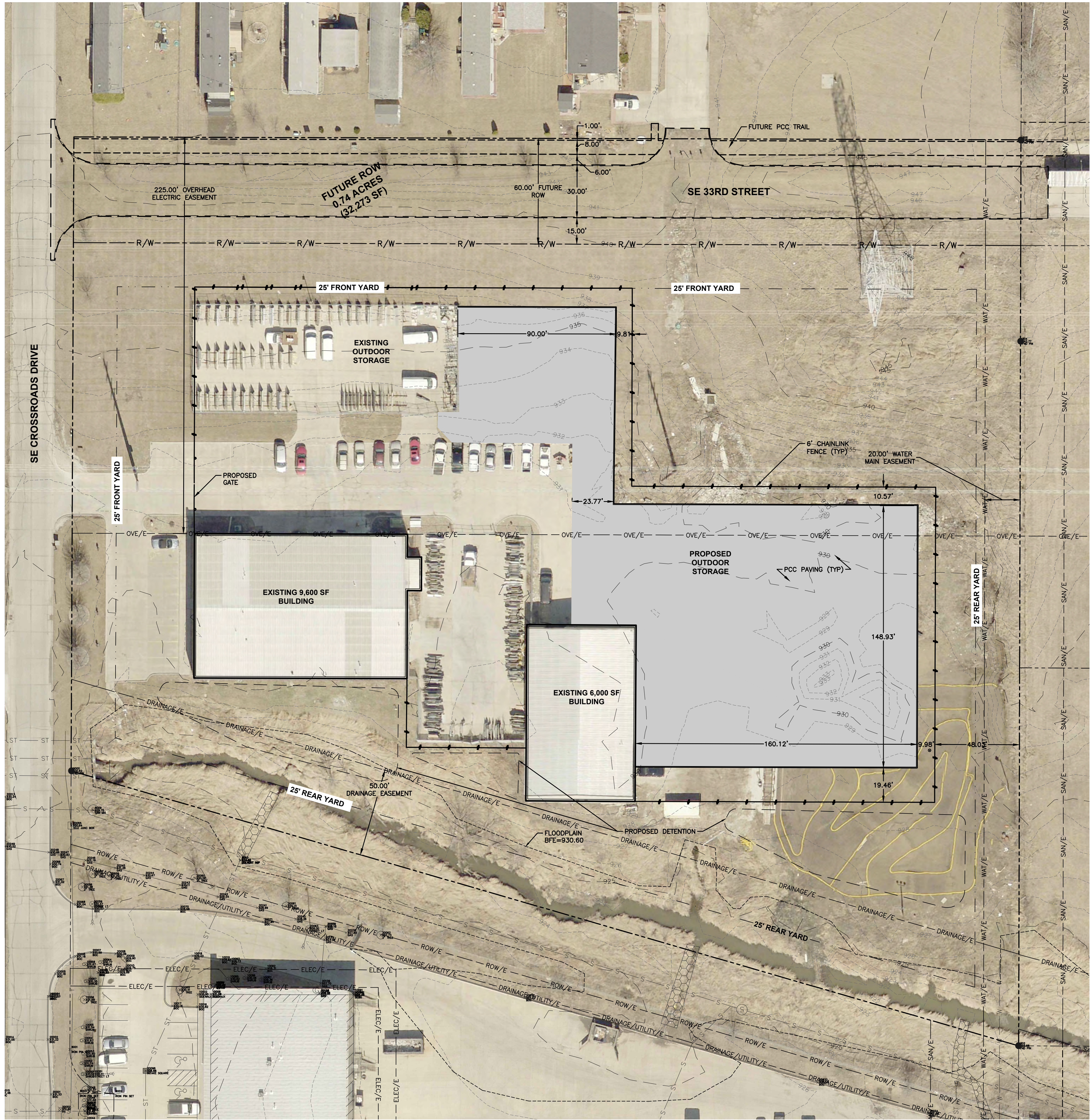
Granting the variance will not be contrary to public interest or neighborhood integrity as the property in question has existing outdoor storage in place today. The variance is allowing to maintain outdoor storage for the entire property while also making site improvements.

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.

Re-platting the property has been considered to place one of the two lots that would be created into Zone 2 of the 141-overlay district. Zone 2 of the overlay district allows for outdoor storage, but this is a costly and time-consuming option and greatly reduces the property area therefore greatly reducing the amount of outdoor storage and deterring existing and future tenants.

FILE: J:\CADD\33555\33555.DWG
FILE DATE: 9/29/2021
PLOTTED BY: NICOLE NEAL
TECH: ENG

COMMENT:
DATE: 9/29/2021 11:22 AM



DEVELOPMENT SUMMARY

FUTURE ROW:	32,273 SF (0.74 ACRES)
LOT:	203,163 SF (4.66 ACRES)
EXISTING BUILDING AREA:	15,600 SF
EXISTING PAVING:	34,292 SF
PROPOSED PAVING:	34,301 SF
	68,593 SF

Board of Adjustment Staff Report



TO: Board of Adjustment Members
FROM: Evann Martin, Assistant Planner
DATE: November 17, 2021
RE: 1884 SE Destination Drive – Create a lot less than one acre in size

GENERAL INFORMATION:

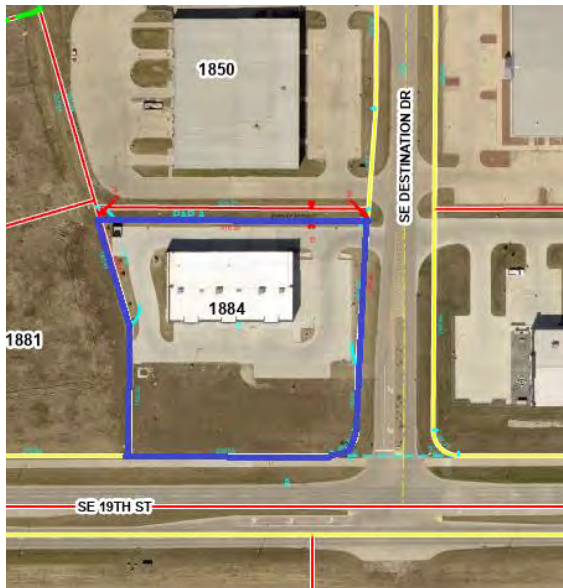
Applicant:

JM Commercial Holdings LLC

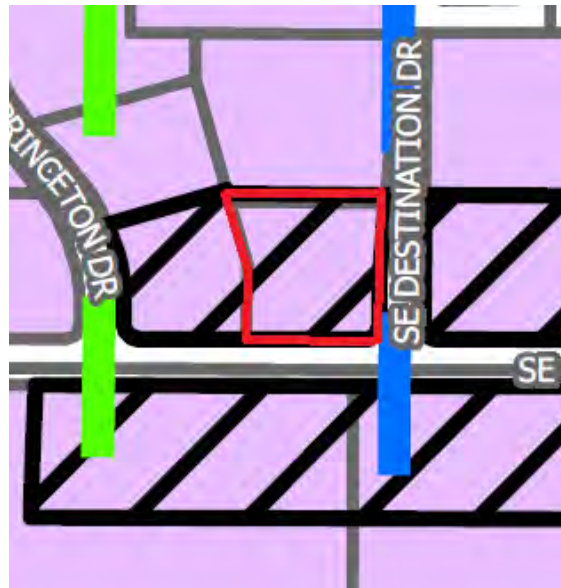
Requested Action

Create a lot less than one acre in size within the
Highway 141 Mixed Use Corridor District

SUPPORTING INFORMATION:



Location Map



Zoning Map

LAND USES & ZONING:

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Commercial	Light Industrial	M-1A
North	Light Industrial	Light Industrial	M-1A
South	Vacant	Mixed Use 2	M-1A
East	Light Industrial	Light Industrial	M-1A
West	Vacant	Light Industrial	M-1A

BACKGROUND

The applicant is requesting a variance to divide the existing property located at 1884 SE Destination Drive. The property is located within the Highway 141 Mixed Use Development Corridor District where the minimum required lot size is one acre. The subject site is 1.78 acres in size. The applicant wants to divide the property into two lots. However, since the lot is less than 2 acres, one lot would have to be less than one acre and a variance required.

The site is currently developed with two buildings on site. Subdividing the property would allow each building to have its own lot. The applicant has a potential buyer for one of the buildings and desires to subdivide the property for financing purposes.

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 desires to split the property into two lots so that the buildings can be sold to two different owners. The property owner has a potential buyer for one of the buildings on site and it will need to sit on its own lot for financing purposes.

SUBSTANTIAL HARDSHIP

The applicant believes there is substantial hardship because the buildings are not able to be sold to separate owners due to financing through the bank.

SELF-IMPOSED HARDSHIP

The applicant does not believe the hardship is self-imposed because the limitations of selling the buildings individually based on the bank requirements. In addition, the reason for needing to sell the buildings is related to the pandemic. The north building was constructed for a gym facility. However, due to the pandemic, the business has fallen behind on payments and the building needs to be sold.

PUBLIC INTEREST

The applicant does not believe that granting the variance will be contrary to the public interest or neighborhood integrity because the variance would not change how the property functions today.

Staff asks the Board to consider that a negative precedent may be established if the variance is granted. There are several properties located within the Highway 141 Mixed Use Development Corridor District. Granting a variance could allow other properties along Highway 141 to be subdivided into lots less than one acre. Staff would ask that the Board consider what may be unique about this property compared to others along the Highway 141 Corridor.

ALTERNATIVES TO VARIANCE REQUEST

1. The developer looked at creating a condominium regime for the property but there were issues with the bank and financing.

SUMMARY

The applicant is requesting a variance to subdivide the existing lot into two lots, one of which would be less than one acre in size.

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

1. All other site plan and platting 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:** 10-15-2021
- Applicant Name:** JM Commercial Holdings LLC
- Address:** 2159 Grand Avenue West Des Moines, Iowa 50265
(Street) (City) (State) (Zip)
- Telephone Number:** (515) 987-5500
(Home) (Work)
- E-Mail Address:** matthew.g@jmcommercialholdings.org
2. **Location of Property**
Street Address: 1884 SE Destination Drive
Legal Description: LOT 7, EXCEPT THE NORTH 15 FEET, IN PRINCETON SUBDIVISION PLAT NO. 1
AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF GRIMES, POLK COUNTY, IOWA.
Zoning Classification: M1-A

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.

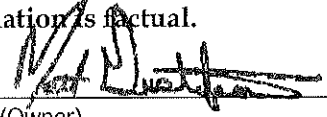
The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

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 Grimes 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: 10/22/21
(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.**

The code requires that any property located within the Highway 141 corridor district be a minimum size of 1 acre. Two buildings were constructed on Lot 7 of Princeton Subdivision Plat No. 1 which is 1.77 acres that meet the requirements of the M-1A zoning district. The developer has a potential buyer for one of the buildings and it will need to sit on its own lot for financing purposes.

- 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.).**

The total lot area is less than 2 acres which would not allow two lots sized at 1 acre. The lot division could occur so that each lot meets parking requirements and open space requirements but only one lot will be sized greater than 1 acre. The northern building was constructed to be leased by a fitness facility. With the hardship of Covid their business has suffered and fallen behind on their rent payments. The owner of the property needs to split up the property into two lots so that they can prepare the property to be sold to two different owners.

- 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.**

Section 165A.13 of the code is very clear that any property within the Highway 141 district can not be less than 1 acre in size. If this property was not within the overlay district a smaller lot size would be permissible by code. Allowing a smaller lot size does not change how the businesses within the lot functions.

- 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 variance would not change the way the use of the property would function today.

- 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.**

The developer looked at creating a condominium regime for the property but there were issues with financing and the bank. The building would need to be on its own lot.

SITE AREA: 1.21 ACRES (52,784 SF)

SETBACKS:

SETBACKS:

FRONT:	25'
SIDE:	0'
REAR:	25'

MAX BUILDING HEIGHT: 45'

OPEN SPACE REQUIRED: 7,920 SF (15%)

OPEN SPACE PROVIDED: 11,464 SF (21.7%)

PARKING:

FLEX COMMERCIAL/RETAIL
1 SPACE PER 250 SF OF GROSS FLOOR AREA

BUILDING: 12,000 SF
REQUIRED: 48

TOTAL REQUIRED:	48
TOTAL PROVIDED:	48

SITE AREA: 0.56 ACRES (24,530 SF)

SETBACKS:

FRONT: 25'
SIDE: 0'
REAR: 25'

MAX BUILDING HEIGHT: 45'

OPEN SPACE REQUIRED: 3,680 SF (15%)

OPEN SPACE PROVIDED: 6,077 SF (24.80%)

PARKING:

FLEX COMMERCIAL/RETAIL
1 SPACE PER 250 SF OF GROSS FLOOR AREA

BUILDING: 6,000 SF
REQUIRED: 24

TOTAL REQUIRED:	24
TOTAL PROVIDED:	25

