

Grimes Board of Adjustment Agenda

Grimes Community Complex
410 SE Main Street, Room 202
Grimes, Iowa 50111
Phone | 515.986.4050
www.grimesiowa.gov

Chair | Thomas Letsch

Board Members | Matthew Moran, Charles Strutt,
Joshua Stott, Trevor Brown

Mission Statement

The mission of Grimes City Government is to provide excellent/exceptional city services and facilities in a financially responsible and community-friendly manner through a high performing city team that result in adding value to resident's lives.

Grimes Board of Adjustment Meeting

April 17, 2024 @ 5:30 PM

In Person at Grimes Community Center, 410 SE Main Street

GENERAL AGENDA ITEMS

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes from Previous Meeting

PUBLIC AGENDA ITEMS

1. Application for Variance: Request for a Reduced Setback within the Secondary Frontage for the Installation of a Fence - 312 NW 10th Circle

ADJOURNMENT



101 NE Harvey Street, Grimes, Iowa 50111 | P: 515.986.3036

This meeting of the Grimes Board of Adjustment was called to order Wednesday, March 20, 2024 at 5:30 P.M.

Roll Call: Present: Tom Letsch, Matthew Moran, Charles Strutt, Travis Brown (via Zoom), Joshua Stott

Staff: Alex Pfaltzgraff, Evann Martin, Molly Mannel, Rachel Greving

Absent: NA

A. GENERAL AGENDA ITEMS

1. APPROVAL OF THE AGENDA

Motion by Stutt, Second by Stott, to approve the agenda

Roll Call: Ayes-All; Nays-0 Motion passes: 4-0

2. APPROVAL OF THE MINUTES

Motion by Strutt, Second by Stott, to approve the minutes from the February 21st, 2022 meeting

Roll call: Ayes-All: Nays-0 Motion passes: 4-0

B. PUBLIC AGENDA ITEMS

Public Hearing request for Special Use Permit for the Construction of a Civic Building

Staff member Mannel provided a staff report to the Board of Adjustment. The location is 2001 SW 6th Street, and the request is for the future Public Safety Center otherwise known as Fire Station. This location was chosen after much consideration. The concept shows the building set back more than required for aesthetics, landscaping to prevent headlight glare, and a retention pond to the south so emergency vehicles will not shine lights into neighboring homes. The maximum height will be 1 to 1.5 stories to match the elevations of the single family homes that will be located to the south. This has been brought to the Board of Adjustment, because any public building requires a special use permit.

Staff member Pfaltzgraff provided additional information. The building includes 2 bays which is adequate, and there is space for additions if the need arises. A background analysis was conducted to know where to place this building, and the data collected support this placement of the Public Safety Center.

The Board discussed the request and asked questions of staff.

Motion by Strutt, Second by Stott to approve Request for Special Use Permit for the Construction of a Civic Building

Roll Call: Aye-All Nay-0 **Motion Passes 4-0**

MOVED BY STRUTT TO APPROVE REQUEST FOR SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A CIVIC BUILDING, SECONDED BY STOTT

1. ADJOURNMENT

Meeting is adjourned at 5:45 p.m.

Chairperson Signature

Clerk Signature

DATE

April 17, 2024

APPLICANT

Almir Smailbegovic

LOCATION

312 NW 10th Circle

REQUESTED ACTION

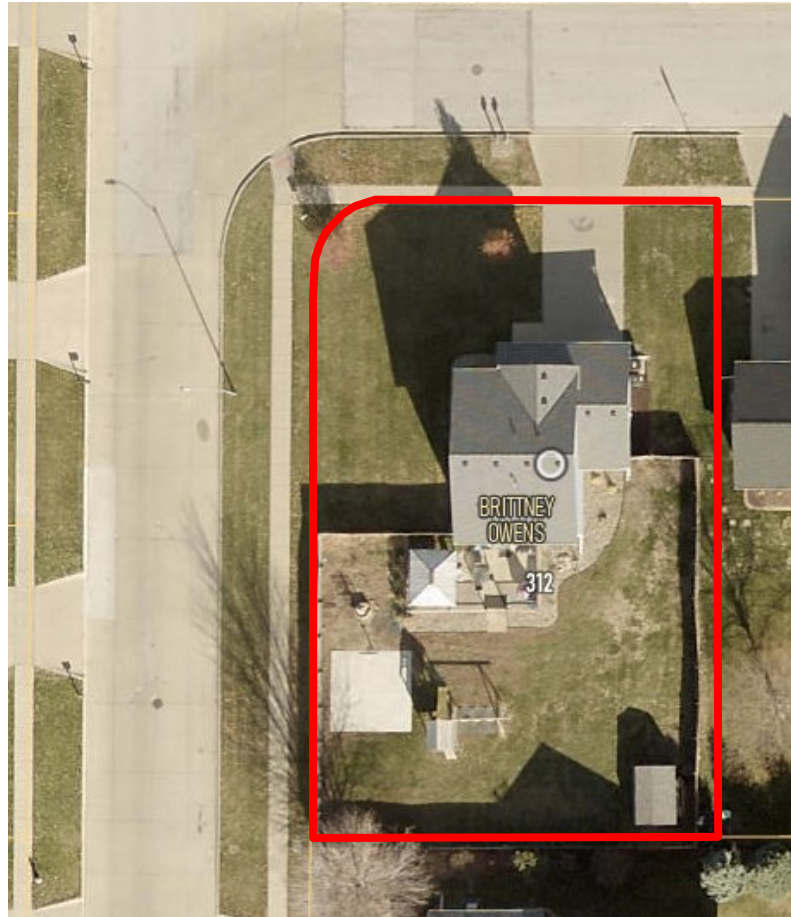
Variance request to reduce setback within the secondary frontage for the installation of a fence

ZONING

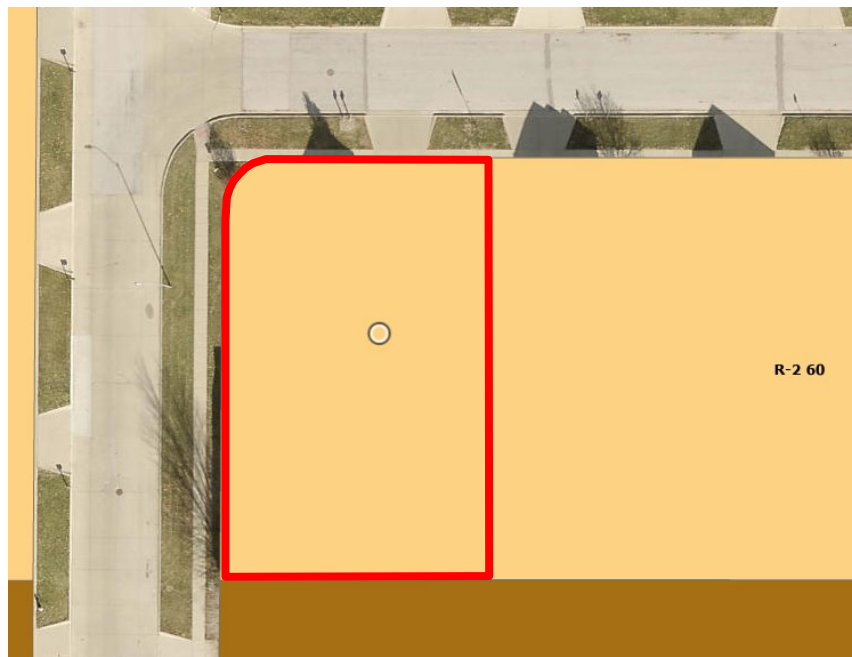
R-2 60

PLANNER

Molly Mannel
mmannel@grimesiowa.gov
(515)986-4050



Location Map



Zoning Map

Background

LAND USES & ZONING

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Residential	Low-Density Residential	R-2 60
North	Residential	Low-Density Residential	R-2 60
South	Residential	Medium-Density Residential	R-3
East	Residential	Low-Density Residential	R-2 60
West	Residential	Medium-Density Residential	R-2 60

The applicant is requesting a variance for a reduced secondary frontage setback along NW Norton Street to install a new fence where their existing fence is located.



Background — Aggregate Surfacing

In 2009/2010, a previous property owner install a 6' wood privacy fence 5-7' from the sidewalk along NW Norton Street. In the 2009, the fence regulations were amended requiring fences to be placed at least 10 feet from the public right-of-way on double frontage lots which made the existing fence legal non-conforming. Staff did research into our archives and the Polk County Assessor's website, and could not find record that a fence permit was pulled for the existing fence (image below). The applicant purchased the property in 2022 with the original fence in place.

Because the subject property is a double frontage lot, meaning the side yard backs up to a street, fences are required to be placed 10 feet from the sidewalk. The 10-foot setback requirement is in place to improve aesthetics and to avoid creating a tunnel effect along the public-right-away. Placing fences 10 feet from sidewalks opens up the public corridor and creates a pedestrian friendly environment.

The applicant states that the existing fence continues to fall down during high-wind events. The applicant has received complaints from neighbors for the fallen fence, and was planning to repair the damaged fencing, however, the overall condition of the fence was poor and they're was no concrete within the existing fence posts to provide support - ultimately having the applicant decide to replace the entire fence.

In addition, there is an existing concrete patio poured near the existing fence location. The patio was poured in 2021/2022. The applicant states that if they follow the 10' setback requirement, their fence will be overlapping their concrete patio.

The applicant is requesting a variance for a reduced secondary frontage setback along NW Norton Street, to install a new fence where their existing fence is located.

Recent Ownership Transfers					
Grantor	Grantee	Instrument Date	Recording Date	Instrument Type	Book/Pg
FORD, THOMAS TOYE, SHELLEY M Also Known As FORD, SHELLEY M	OWENS, BRITTNEY SMAILBEGOVIC, ALMIR	2022-10-13	2022-10-17	Warranty Deed	19299/362 ¹²
Permits - 4 Records					
Year	Type	Permit Status	Application	Reason	Reason1
2024	Pickup	Complete	2023-10-19	Correct Data	LISTING
2008	Permit	No Add	2007-10-03	Construction	SHED
2008	Permit	Complete	2006-09-25	Construction	SINGLE FAMILY (1822 sf)
2007	Permit	Partial	2006-09-25	Construction	SINGLE FAMILY (1822 sf)
Historical Values					

Previous Case History — Reduced Setback

In 2022, the Board reviewed a variance request to allow a reduced setback for a fence along a sidewalk along SE 6th Street. The applicant was located at 603 SE Dolan Drive, and was planning to repair some damaged fencing. However, the overall condition of the fence was poor and the decision was made to replace the entire fence. Staff noticed the fence was being replaced without a fence permit on file and notified the applicant of the permit and fence setback requirements. Because the entire fence was removed, the fence is required to meet the existing zoning requirements and a fence permit is required.

Upon review of the property, staff found that there is a 10-foot water main easement running along the west side of the property. Staff does not allow fences to be placed within water main easements to allow the City proper access to maintain and repair the water main. Therefore, the fence needed to be moved two feet east to be located outside of the water main easement. The west fence line was not part of variance request, but was a factor when rendering a decision on this variance case. Two neighbors spoke at the meeting and stated their support for the requested variance and fence.

The Board discussed the request and asked questions to the applicant and staff regarding an existing tree at the NW corner of the applicant's rear yard. If the fence were to move in, it may damage the tree's root system.

The Board of Adjustment unanimously approved the variance request.

Analysis—Aggregate Surfacing

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 the fence was installed improperly, with no concrete holding the posts down. This is making the existing fence unsafe in its current condition.

SUBSTANTIAL HARDSHIP

The applicant's substantial hardship with following the ordinance is the 12" concrete pad that would be in the way of the fence if the fence complies with the 10' setback.

NON SELF-IMPOSED HARDSHIP

The applicant believes that the Zoning Ordinance is hardship as they would have to move their fence back another 5' feet.

PUBLIC INTEREST

The applicant believes that by not approving the variance, it will result in injury or endangerment to other property or persons if the fence falls over again.

PRESERVING SPIRIT OF ORDINANCE

The applicant did not provide any other options.

Conclusion

ALTERNATIVES TO REQUEST

1. The applicant can install the fence 10' away from their West property line, in compliance with the Grimes City Code.
2. The applicant could install the fence abutting against the existing concrete pad, then follow the 10' setback for the rest of the fence line.

SUMMARY

The applicant is requesting a variance for a reduced secondary frontage setback along NW Norton Street, to install a new fence where their existing fence is located.

Staff would suggest that if a variance is granted, the following conditions be imposed:

- Approve the fence to abut against the existing concrete pad, then follow the 10' setback everywhere else along the secondary frontage.

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:** 3-18-2024
Applicant Name: Almir Smailbegovic
Address: 312 Nw 10th Circle, Grimes, IA 50111
(Street) (City) (State) (Zip)
Telephone Number: 515-318-0457
(Home) (Work)
E-Mail Address: almir.smailbegovic@gmail.com
2. **Location of Property**
Street Address: 312 Nw 10th Circle, Grimes, IA 50111
Legal Description: Lot 6 in Beaverbrooke West Plat 5
Residential Home.
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.

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: Almer Smallegange on date: 3-14-24
(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 current fence that is installed was done so improperly. There is no concrete holding the posts down, and the fence is not safe in its current condition.

- 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.).**

-There is a concrete pad that is 12" away from the fence.

- 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 new ordinance says I would have to move in and lose another 5 feet of my backyard. Should be grandfathered into previous ordinance.

- 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.**

-By NOT approving this variance, it will result in injury or endangerment to other property or persons if the fence falls over again.

- 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.**

-None. Old fence needs removed and replaced properly.

THE SOUTH 10 ACRES OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5th P.M., CITY OF GRIMES, POLK COUNTY, IOWA, SAID TRACT BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.



Bishop Engineering
 "Planning Your Successful Development"
 3501 104th Street
 Des Moines, Iowa 50323-3025
 Phone: (515)764-0467 Fax: (515)764-0037
 Civil Engineering & Land Surveying Established 1959

