



BOARD OF ADJUSTMENT

Regular Meeting

Thursday, May 19, 2016

Notice is hereby given that the **Board of Adjustment** will hold a **Regular Meeting at 6:30 p.m. on Thursday, May 19th, 2016**, in the Council Chambers of Johnston City Hall, 6221 Merle Hay Road, Johnston, Iowa, to discuss the following business.

AGENDA:

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Approval of Meeting Minutes:** Regular Meeting of January 21, 2016
- 5. BOA Case No. 16-01; Variance for Rear Yard Setback at 5340 NW Beaver Drive, Johnston, Iowa.** The applicant, Casey's Marketing Company has requested a variance to chapter 168.05.6 of the City of Johnston Code of Ordinances regarding the rear yard setback in a C-2 district. The applicant seeks a 10' variance to the requisite 35' setback to facilitate construction of an addition to the southeast side of the existing convenience store at the above-listed address.
- 6. Other Business:**
- 7. Adjournment.**

Next Scheduled Regular Meeting: Thursday, June 16, 2016.

Posted on or before May 18, 2016 at: Johnston City Hall, Johnston Public Library, Johnston Post Office, Johnston Public Works, Crown Point Community Center, and Johnston Website (www.cityofjohnston.com)



BOARD OF ADJUSTMENT

City of Johnston
 6221 Merle Hay Road, Johnston, IA 50131

Minutes
 January 21, 2016

AGENDA:

1. Call to Order

Chairman Hupfer called the meeting to order at 6:29 p.m.

2. Roll Call

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Present	X		X	X	X	X	X
Absent		X					

City Staff Present: Aaron Wolfe, Clayton Ender

3. Approval of Agenda

Motion by Weggen seconded by Wanderscheid to approve the agenda.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X		X	X	X	X	X
Nay							
Abstain							

4. Approval of Meeting Minutes for December 17, 2015 meeting.

Motion by Cleveland second by Weggen to approve the minutes of the Regular Meeting of December 17, 2015.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X		X	X	X	X	X
Nay							
Abstain							

5. BOA Case No. 15-15; Variance to side yard setback at 5131 NW 66th Avenue, Johnston

IA. The applicant is requesting a variance to allow a side yard setback of 4 feet instead of 8' as required by code for the R-1(75) district.

Wolfe delivered the staff report. The applicant was present and offered to answer questions. Weggen stated he did not think this request for variance meets all the required findings. Specifically, that a strict application of the ordinance prohibits reasonable use of the property. Wolfe stated that said factor was usually the hardest to prove for any variance request, and that "reasonable use" is not defined in the ordinance and is up for interpretation by the board. Hupfer expressed he was having similar reservations. Wanderscheid stated the utility easement traversing the subject and adjacent property did appear to have an impact on the way the property owner is able to use his property. Weggen stated prohibiting expansion of the garage did not constitute prohibiting reasonable use in his opinion. Letters in support of the request were noted by the board. Wanderscheid moved to approve the variance request with the suggested findings provided by staff. Second by Cleveland.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X			X	X	X	X
Nay							
Abstain			X				

6. BOA Case No. 15-16; Side Yard Setback Variance Request for 7900 NW 100th Street.

Wolfe delivered the staff report. Hupfer explained he had the same reservations as the previous request and Weggen echoed the comments. The applicant explained the placement of septic laterals limits his ability to place the structure elsewhere on the lot. Ross Stafford of 7868 NW 100th Street was present and explained he did not oppose the request. Communications received in opposition were noted by the board. Wanderscheid noted the ordinance prohibited reasonable use by not allowing a use otherwise allowed in the district. Motion from Cleveland to approve. Second by Peterson.

Roll Call Vote:

	Wanderscheid	Filer	Weggen	Peterson	Cleveland	Hupfer	Ostrander
Aye	X			X	X		X
Nay							
Abstain			X			X	

7. Other Business. None.

8. Adjournment.

Meeting Adjourned at 7:05 p.m.

Chairperson

Secretary



Board of Adjustment
COMMUNITY DEVELOPMENT DEPARTMENT

May 19, 2016 Meeting

BOA Case No. 16-01 Rear Yard Setback Variance Request for 5340 NW Beaver Drive

APPLICANT/OWNER:	Casey's Marketing Company 3305 SE Delaware Avenue Ankeny, IA 50021
BOARD OF ADJUSTMENT AUTHORITY:	Section 166.16 B. (Powers and Duties) states: "The Board of Adjustment has the power to grant a variance upon making the following findings: B. Property owner demonstrates that their property has exceptional narrowness, shallowness, shape, or exceptional topographical conditions or other extraordinary or exceptional site conditions, and where the above conditions are not the result of actions of the property owner, the strict application of the terms of this ordinance actually prohibit the use of their property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, provided that all variations granted under this clause shall be in harmony with the general purpose and intent of this ordinance."
APPLICANTS REQUEST:	The applicant is requesting a variance to allow a rear yard setback of 25 feet instead of the required 35 foot rear yard setback in a C-2, Community Retail Commercial District.
APPLICABLE ORDINANCE PROVISION:	Chapter 168.05.6 mandates a rear yard setback of 35 feet in the C-2 District.
APPLICANTS RATIONALE:	A variance is required to accommodate a store remodel and addition of sandwich preparation area. Due to unique site conditions the original building was located as installed which placed the corner of the building at the 35' setback line.
ORDINANCE QUESTIONS:	The Board is required to make the following findings (in bold), discussion has been provided by staff following each finding: Does the site have exceptional narrowness, shallowness, shape, exceptional topographical conditions or other extraordinary or

exceptional site conditions?

The applicant asserts the exceptional site condition is the corner lot. As such the zoning ordinance mandates two front yards, and dictates the side opposite the narrow frontage shall be the rear yard. The narrow frontage is the Johnston Drive frontage, making the south property line the rear yard (and hence a 35’ setback is required). South adjacent properties are only required to exhibit a 10’ side yard setback. The Johnston Drive frontage is approximately 171.05’ vs. the Beaver Drive frontage of 172.51’. Approximately .5’ stands between a reversal of setback requirements wherein the south property line would otherwise have been considered a “sideyard” with a setback requirement of 10’ vs. a “rear yard” with a setback of 35’.

Are the conditions requiring the variance, the result of actions of the property owner?

The Board is charged with determining if the conditions requiring the variance are self-inflicted.

Does the strict application of the terms of this ordinance actually prohibit the use of the property in a manner reasonably similar to that of other property in the same district?

The Board is charged with determining if the ordinance prohibits use of property similar to other properties in the district. Adjacent properties may build to within 10’ of the side yard property line. In staff’s opinion, use of property is not prohibited as the ordinance still allows practical use of the property.

ADJACENT OWNER COMMENTS:

Notice was sent to all properties within 320 feet of this site. Staff has received no comments from neighbors as of the writing of this staff report.

RECOMMENDATION:

Staff recommends approval of a variance to allow for a 25 foot rear yard setback. Staff provides suggested findings in the subsequent section.

FINDINGS FOR APPROVAL:

Staff provides the following suggested motion and findings:

The Board of Adjustment hereby denies a 10-foot variance to the rear yard setback requirements as found in chapter 168.05.6 of the City of Johnston Code of Ordinances to allow for a rear yard setback of 25 feet subject to the findings:

1. Casey’s Marketing Company is the legal owner of property located at 5340 NW Beaver Drive, Johnston, IA.
2. The applicant submitted an application for a variance to chapter 168.05.6 of the City of Johnston Code of Ordinances which mandates a rear yard setback of 35 feet in a C-2, Community Retail

Commercial District.

3. The property exhibits exceptional site conditions as a corner lot.
4. The conditions requiring a variance are not self-inflicted.
5. A strict application of the terms of the Zoning Ordinance would not prohibit the use of their property in a manner reasonably similar to that of other properties in the same district.

Attachments:

Application for Variance

Vicinity Map

Chapter 168.05.6 of the Zoning Ordinance

Notice of Variance and Mailing List

4. The conditions requiring a variance are not self-inflicted.
5. A strict application of the terms of the Zoning Ordinance would not prohibit the use of their property in a manner reasonably similar to that of other properties in the same district.

DATE OF FILING (ON OR AFTER): June 19, 2016

BOARD OF ADJUSTMENT:

ATTEST:

Justin Hupfer
Chair

David Wilwerding
Zoning Administrator



For Office Use Only:
Application No.: _____
Date Received: _____

CITY OF JOHNSTON

Date: 4-28-16

APPLICATION FOR VARIANCE

IS HEREBY REQUESTED BY:

Casey's Marketing Comapny

NAME/FIRM/CORPORATION			
3305 SE Delaware Ave	Ankeny	Iowa	50021
STREET (515) 446-6709	CITY	STATE	ZIP
PHONE	FAX		
rayn.stevens@caseys.com			
EMAIL			

FOR PROPERTY LOCATED AT: 5340 NW Beaver Drive

LEGALLY DESCRIBED AS: Lot 5 of LA Plaza,
Johnston, Polk
county, Iowa

DESCRIBE THE VARIANCE SOUGHT: Modify the rear yard set back requirements from 35'
to 25' due to the lot being a corner lot which
changes the side yard to a rear yard instance

BASIS FOR VARIANCE SOUGHT:

Will the land in question yield a reasonable return without a variance being granted?(can the land be used for its intended purpose without the variance) The variance is required to provide the addition required for the store to remodel and add a sub sandwich feature provided in the other stores Due to the unique site conditions the original building was located as installed which placed the corner of the building at the 35 ft set back line

Is the hardship unique to your property and not a general condition of the neighborhood? The site is unique in that it is the only corner in the area. typically all of the other buildings to the south have 10 ft side yard setbacks and the building are about 20 ft apart.

Will granting the variance alter the character of the surrounding area? No, the variance to 25 ft is still 15 ft wider than a typical side yard. There is also a drive on the adjacent land to maintain even father separation of the buildings. The building is at a diagonal so this still maintains the openness of the side yard.

State why you feel the variance should be granted:

The building is at a diagonal to the property line so there is only 12 ft of the 40 ft side of the addition that falls within the 35 ft set back. This is only 20 ft of the 168 ft of rear yard length. This is a unique to this site only. The other side yard is 27 ft and has an easement for a drive to the ball diamonds so it is also open space. The selection of what is side yard and front yard is bases on the len th of street frontage. These are within a few feet of each other so this could have been defined as the side yard making it the 10 ft set back.

PRIMARY CONTACT, IF DIFFERENT FROM APPLICANT:

Richard Ayers, Environmental Design Group

NAME
6601 Westown Parkway, Suite 160, West Des Moines, Iowa 50266

ADDRESS (515) 224-4022 (515) 224-9254

PHONE info@edg ltd.com **FAX**

EMAIL

Signature of Appellant:

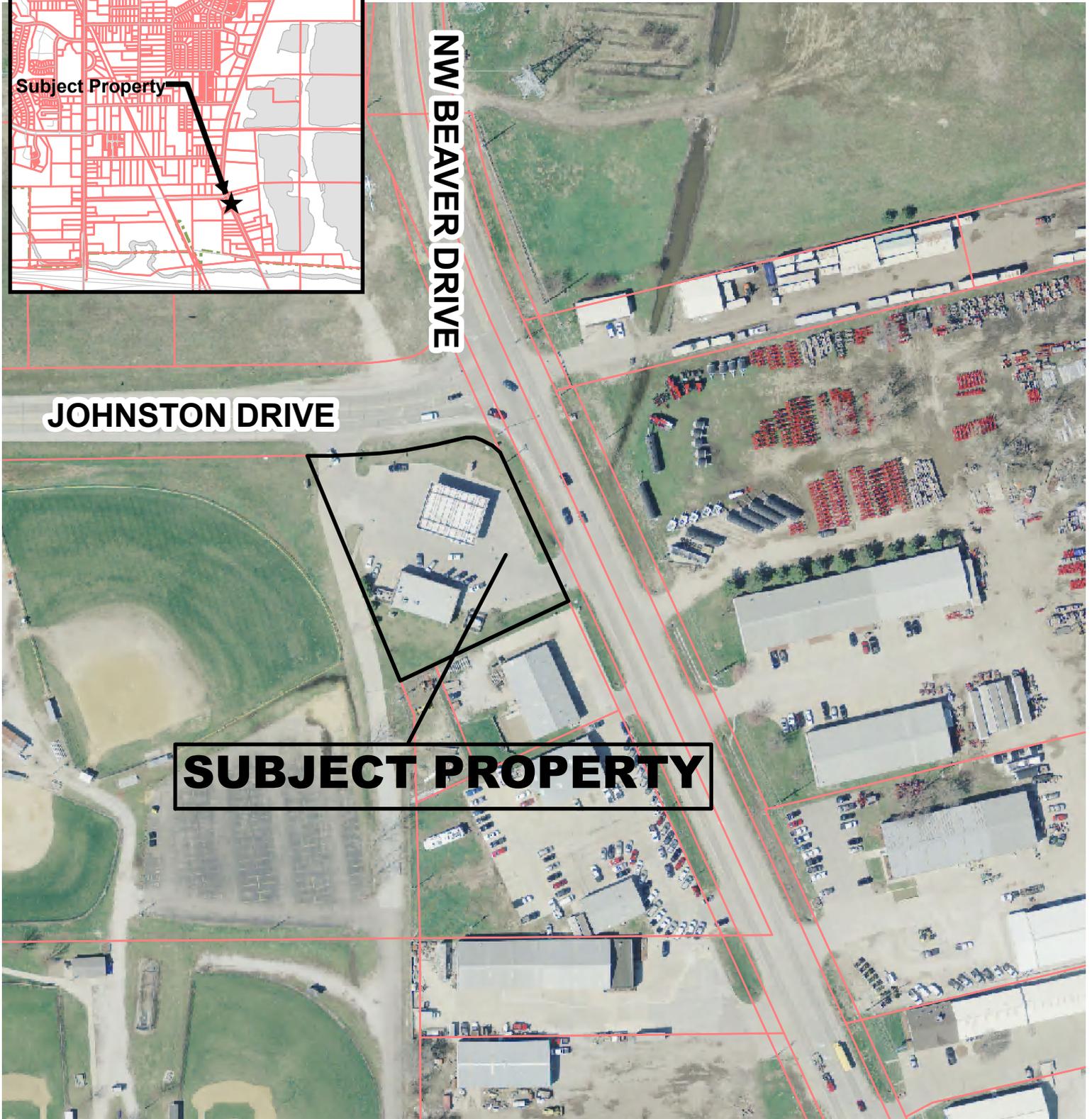
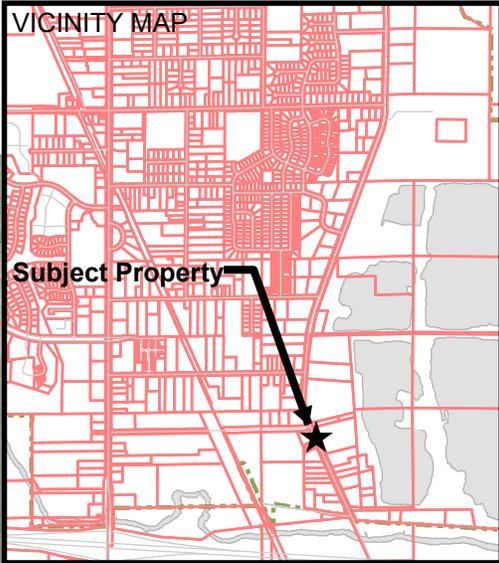
With application, please include filing fee:

In residential and agricultural zones..... \$ 60.00

In all other zoning districts..... \$ 100.00

The application should also include all background information needed. If you have oversized sheets (larger than 11"x17"), please submit 10 copies of each.

BOA CASE 16-01
5340 NW Beaver Drive Rear Yard Setback Variance



Created by City of Johnston Department of Community Development
6221 Merle Hay Road, P.O. Box 410, Johnston, IA, 50131-0410 (515)278-2344 Fax:(515)278-2033

Notice of Public Meeting

May 6th, 2016

The Johnston Board of Adjustments will hold a Public Meeting at 6:30p.m. on Thursday, May 19th, 2016. The meeting will be held in the Council Chambers of Johnston City Hall, 6221 Merle Hay Road to consider the following item:

BOA Case No. 16-01 Variance Request to the rear yard setback in a C-2 District; 5340 NW Beaver Drive, Johnston, IA.

Casey's Marketing Company has requested a variance to chapter 168.05.6 of the City of Johnston Code of Ordinances regarding the rear yard setback in an C-2 district. The applicant seeks a 10' variance to the requisite 35' setback to facilitate construction of an addition to the southeast side of the existing convenience store at the above-listed address.

If you have questions or comments on the above-described action, please contact the city staff person listed at the bottom of this card, or attend the meeting at the above-listed date and time. Additional information is also available on the City's Website: www.cityofjohnston.com. Look for the "Proposed Development Notices" link under the Community Development Department.

Aaron Wolfe, Senior Planner
Johnston City Hall; 6221 Merle Hay Road; Johnston, IA 50131
Phone: 727-7766; Email: awolfe@cityofjohnston.com

NAME	ADDRESS	CITY, STATE, ZIP CODE
JAMES STEPHENS	5320 NW BEAVER DRIVE	JOHNSTON, IA, 50131
MAVERICK LEASING CORP	5225 NW BEAVER DRIVE	JOHNSTON, IA, 50131
LEONARD DE PHILLIPS (TRUSTEE)	7801 HARBACH BLVD	CLIVE, IA 50325
CROW'S AUTO SERVICE INC	826 SE 21ST STREET	DES MOINES, IA, 50317
BEAVERDALE LITTLE LEAGUE	2008 34TH STREET	DES MOINES, IA, 50310
KALDENBERG ENTRPRISE LLC	5555 NW BEAVER DRIVE	JOHNSTON, IA, 50131
BEAVERDALE LITTLE LEAGUE	3912 MARIANNA TRL	DES MOINES, IA, 50310

Existing General Construction Notes

- 2 - 12,000 GALLON SINGLE WALL FIBERGLASS TANK 7'-11" X 35'-11"
- 1 - UNLEADED, 1 - SUPER UNLEADED GASOLINE PRODUCTS
- TANK SETTING DETAILS PAGE C2
- FILL PIPE AND MANHOLE DETAIL PAGE C2
- CIRCUIT BREAKER PANEL PAGE E7
- REFRIGERATION WIRING PAGE M6, M7, & M8
- GILBARCO WIRING PAGE C1
- ISLAND SIZE - 4 DOGBONE @ 6" W DUAL GUARD PIPE
- 4 - 4 HOSE GILBARCO QUAD (ADVANTAGE) DISPENSERS,
- ISLAND CONDUIT DETAIL PAGE E6
- DO NOT PLACE PRODUCT PIPING UNDER ISLAND
- 18" MIN. FROM TANK PIPING TO FINISH SURFACE
- SIGN BASE DETAILS PAGE C5
- SIGN DETAILS PAGE C4
- DRIVEWAY JOINTS TO BE PACKED & CAULKED
- CONCRETE DRIVE ISLANDS WITH LIGHT BROOM FINISH
- CONTROL JOINTS - MIN. 100 W/ 1" X 1/2" DEEP
- CONSTRUCTION JOINTS - FINISHED TO MEET EACH WAY WITH 1/2" REBAR #4
- APPROACHES TO BE #1 NON-REINFORCED OR #2 PER STATE/CITY SPEC.
- BUILDING SIDEWALK 1:20 H/O PARKING 1:50 ALL DIRECTIONS
- ALL ACCESS ISLE STRIPING AT 45 DEGREE ANGLE BEING MAX. 4' SEPARATION
- RUN VENT LINES UP SEPARATE CANOPY COLUMN. VERIFY
- VERIFY ALL UTILITY LOCATIONS AND DIMENSIONS
- PARKING SPACES (PAINT LINES)
- DO NOT PAINT PARKING SPACES AT ISLANDS
- INTERCOM SYSTEM AT EACH ISLAND PAGE C3
- CONTRACTORS SHALL CONTACT JULIE AT 505-892-0123 AND LOCAL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION FOR FIELD LOCATION OF BURIED UTILITIES
- EROSION CONTROL MEASURES SHALL BE DONE IN ACCORDANCE WITH THE IEPA'S STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- ALL FUEL DISPENSERS FALL WITHIN A 100' RADIUS OF THE EMERGENCY SHUT-OFF SWITCH LOCATED ON A POST AT THE CURB. A SECONDARY SHUT-OFF LOCATED INSIDE AT THE SALES COUNTER FOR THE CONVENIENCE OF THE STAFF



LEGAL DESCRIPTION ACCESS EASEMENT:
PART OF LOT 5 OF L.A. PLAZA, ALL BEING IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 89 DEGREES 10 MINUTES 05 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF JOHNSTON DRIVE A DISTANCE OF 41.59 FEET;
THENCE SOUTH 02 DEGREES 59 MINUTES 59 SECONDS WEST A DISTANCE OF 59.49 FEET;
THENCE SOUTH 15 DEGREES 28 MINUTES 43 SECONDS EAST A DISTANCE OF 132.60 FEET;
THENCE NORTH 21 DEGREES 35 MINUTES 47 SECONDS WEST A DISTANCE OF 200.69 FEET TO THE POINT OF BEGINNING, CONTAINING 2,653 SQUARE FEET MORE OR LESS.

TRUE PLAN
NORTH NORTH

A1 Site Layout Plan
1" = 20'

NOTE:
SYMBOL INDICATES EXISTING UTILITY TO EXISTING STRUCTURE TO BE REMOVED OR DISCONNECTED BY APPROPRIATE CONTRACTOR. VERIFY WITH UTILITY COMPANY REPRESENTATIVE.

Legend

- ▲ GASOLINE PUMP PARKING SPACES (DO NOT PAINT LINES OR OTHERWISE MARK)
- △ MARKED PARKING SPACES (PAINT LINES AS INDICATED)
- CONCRETE PAVING OR SIDEWALKS (28,414.4 SQ FT.)
- AREA TO BE SODDED OR SEEDDED
- AREA LIGHTS (+) REFER TO LIGHTING PLAN DRAWINGS DONE BY RED LEONARD

Referenced Sheets
LIGHTING PLANS BY RED LEONARD ASSOCIATES
* to be created

Miscellaneous Notes
#1 DUMPSTER 28'-0"
- CHAIN LINK WITH VINYL SLATES
- (4) 6' GATES WITH 3' SERVICE GATE

PROJECT DESCRIPTION:

EXISTING CASEY'S FLAT ROOF G STYLE STORE WITH AN ADDITION OF 15' X 40' ADDITION ON THE SOUTH EAST SIDE AND THE ADDITION OF COOLER UNIT WITH BRICK VENEER ON THE SOUTH SIDE AND RE STRIPING OF EXISTING SOUTHEAST AND PAVING FOR NEW LOAD AREA AND DUMPSTER

SITE INFORMATION

OWNER:
CASEY'S MARKETING COMPANY
ONE SE CONVENIENCE BLVD
ANKENY, IOWA 50021
PROJECT CONTACT: RYAN STEVENS
PHONE: (515) 446-6709
EMAIL: ryan.stevens@caseys.com

ARCHITECT:
ENVIRONMENTAL DESIGN GROUP, LTD
6601 WESTOWN PARKWAY SUITE 160
WEST DES MOINES, IOWA 50266
PHONE: (515) 224-4022
EMAIL: info@edglltd.com
ATTN: Rich Ayers

LEGAL DESCRIPTION

LOT 5 OF L.A. PLAZA, ALL BEING IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA. CONTAINING 1.073 ACRES (46,745 SQ. FT.) MORE OR LESS.

Zoned - C-2

COMMUNITY RETAIL COMMERCIAL DISTRICT
SETBACKS
FRONT YARD: 30 FEET
SIDE YARD: 10' FEET
REAR YARD: 35' FEET

PARKING REQUIRED:
1 SPACE PER 175 FT² GROSS FLOOR AREA
3,440 SF / 175 SF = 19.65 = 20 SPACES
REQUIRED SPACES PROVIDE:
14 PARKING STALLS
8 PUMP STALLS
22 TOTAL SPACES

SITE AREA CALCULATIONS

EXISTING PAVED AREA AFTER ADDITIONS	24,929 SF
EXISTING BUILDING	2,720 SF
BUILDING ADDITION	600 SF
COOLER ADDITION	184 SF
TOTAL NEW BUILDING AREA	3,504 SF
SIDEWALK AREA	953 SF
EXISTING LANDSCAPE AREA	14,709 SF
TOTAL SITE AREA	44,095 SF*
LANDSCAPING REQUIREMENTS	
2 TREES PER 1,500 SF	10 TREES
1 SHRUB PER 1000 SF	15 SHRUBS

CITY OF JOHNSTON
COMMUNITY DEV. DEPT.
DATE REC'D: 04/28/2016
CASE NO.: BOA 16-01

Proposed Improvements

- 15' x 40' LEFT HAND BUILDING ADDITION
- 6'-8" x 21' REAR COOLER / FREEZER BOX
- INSIDE REMODELING TO INCLUDE: 2 RESTROOMS, FREEZER, STORAGE ROOM, SUB SANDWICH PROGRAM, NEW CABINETS, FLOORING, WALL & CEILING
- RELOCATED DUMPSTER AREA
- RELOCATED LOADING ZONE

VICINITY MAP



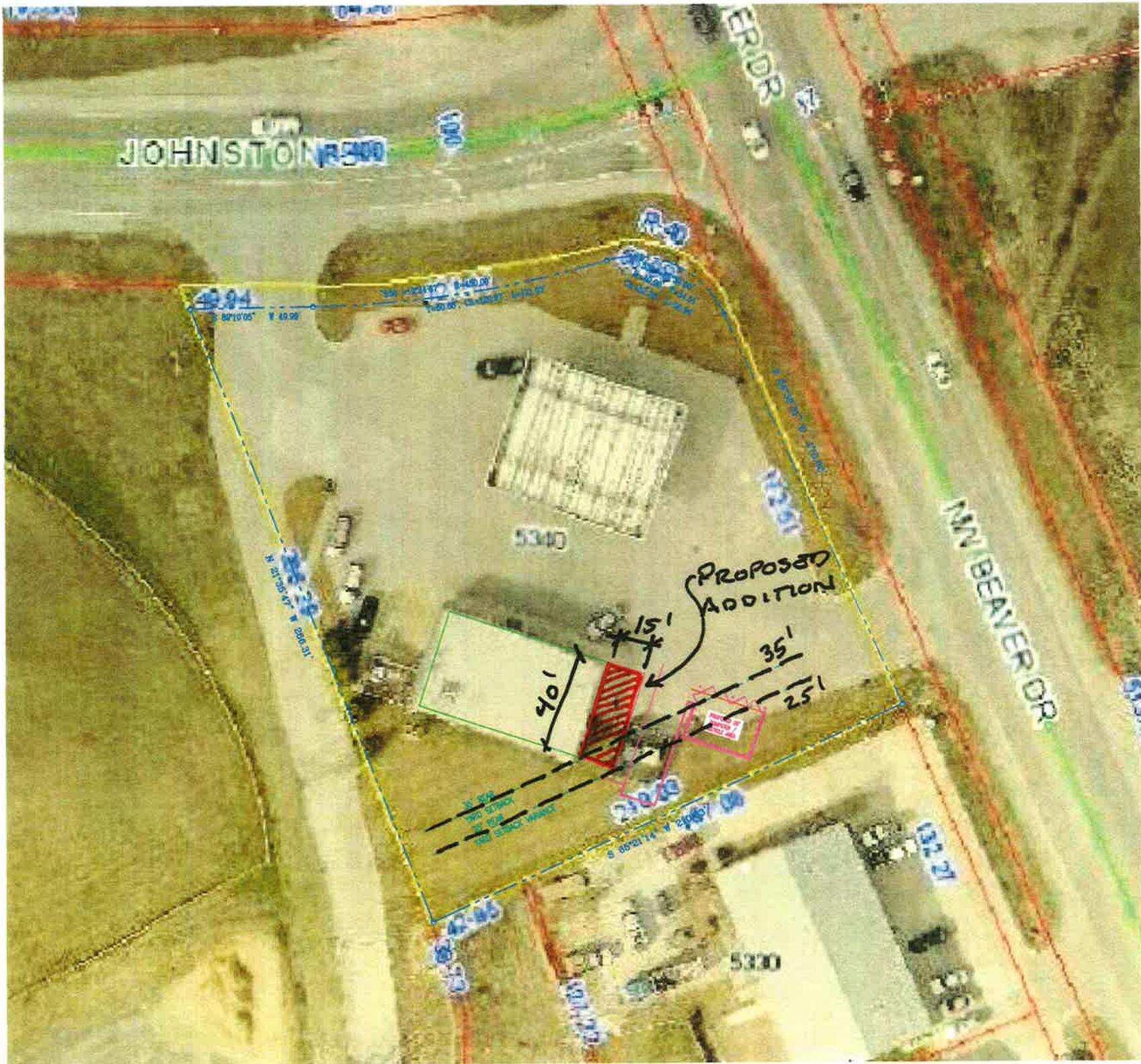
ENVIRONMENTAL DESIGN GROUP, LTD.
ARCHITECTS • LANDSCAPE ARCHITECTS • PLANNERS
ONE SE CONVENIENCE BLVD., P.O. BOX 3001, ANKENY, IA 50021 515-965-6100

CASEY'S CONSTRUCTION DIVISION
One Convenience Blvd., P.O. Box 3001, Ankeny, Ia. 50021 515-965-6100

JOHNSTON, IOWA, #3 (2392) 04-15-16
5340 NW BEAVER DRIVE
2016 G-STYLE REMODEL
(15' LEFT HAND ADD) REAR BOX

CONSTRUCTION DIVISION
Rich Ayers

SITE PLAN
AL-101



CITY OF JOHNSTON
COMMUNITY DEV. DEPT.

DATE REC'D: 04/28/10

CASE NO.: BOA 10-01

EXISTING
DUMPSTER TO
BE RELOCATED

OUTLINE OF BUILDING
ADDITION

EXISTING 35 FT
SET BACK LINE

LINE OF EXISTING
PROPERTY LINE

REQUESTED 25'
SETBACK LINE

VIEW LOOKING WEST ALONG THE
SOUTH PROPERTY LINE

