



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS BOARD OF ADJUSTMENT
Wednesday, October 18, 2023 - 6:00 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. **Call to Order/Roll Call**
2. **Approval of Agenda**
3. **Approval of Minutes:**
 - A. Consideration of the August 16, 2023 Minutes
4. **Public Hearing on Conditional Use Permit - 1010 69th St**
 - A. Staff Report and Application Materials
5. **Appoint Chairperson**
6. **Adjourn**

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS BOARD OF ADJUSTMENT
Wednesday, August 16, 2023 - 5:30 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th St
ZOOM MEETING ID: 783 285 6334

1. Call to Order/Roll Call

David Knau called the meeting to order at 5:30 PM. Members present: Donna Markley, Chris Kannapel, John Villotti, and Chaden Halfhill. Staff Present: City Clerk Adam Strait and Wyatt Archer of Bolton & Menk

2. Approval of Agenda

Motion by Chris Kannapel to approve. Seconded by Chaden Halfhill. Motion passed 5-0.

3. Approval of Minutes:

A. Consideration of the March 1, 2023 Minutes

Motion by Chaden Halfhill to approve. Seconded by Chris Kannapel. Motion passed 4-0. John Villotti dropped from Zoom and did not return for the remainder of the meeting.

4. Public Hearing on Variance Request - Falke Construction – 6426 Carpenter Ave

Public Hearing Opened at 5:34 PM. Stacy Falke of Falke Construction (applicant) gave an overview of the project and need for a variance. Joel Howard - 6420 Carpenter Ave spoke in opposition of the variance. Public Hearing closed at 5:50 PM.

5. Consideration of Variance Request - Falke Construction – 6426 Carpenter Ave

Wyatt Archer presented the staff report. Motion by Chris Kannapel to approve. Seconded by Donna Markley. Motion passed 4-0.

A. Staff Report and Application Materials

6. Adjourn

Motion by Chris Kannapel to adjourn at 6:00 PM. Seconded by Donna Markley. Motion passed 4-0.

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.



STAFF REPORT

Date: October 18, 2023
To: Windsor Heights Board of Adjustment
From: Justin Ernst, PE
Trey Rouse

Subject: Conditional Use Review: Home Occupation Day Care
Staff Report (1010 69th Street)

General Information

Applicant: Rana Cheichan
1010 69th Street
Windsor Heights, IA 50324

Property Owner: Rana Cheichan
1010 69th Street
Windsor Heights, IA 50324

Proposed Use: Day Care (General)
Zoning: R-2 (Single Family Residential District – Urban Density)
Location: 1010 69th Street

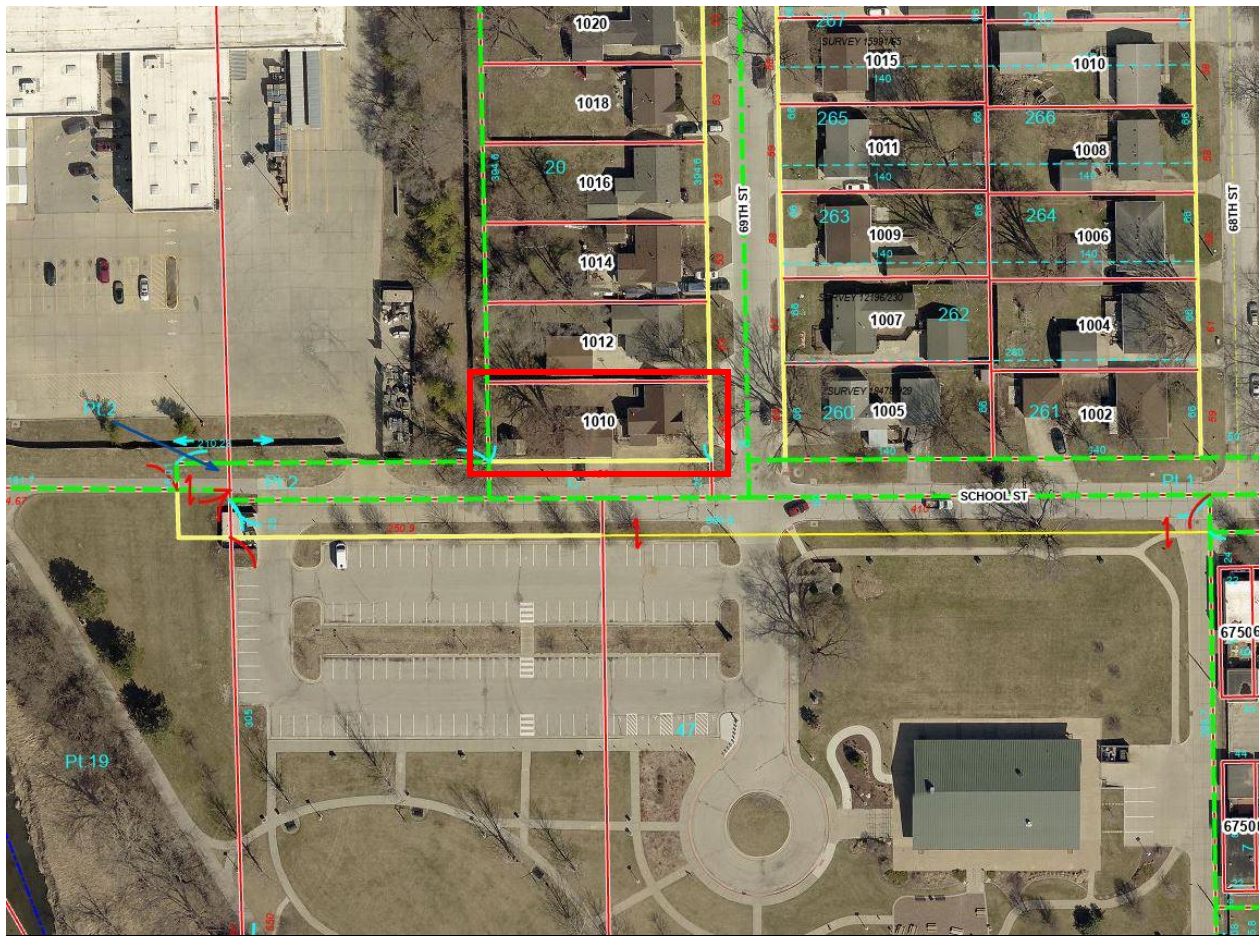
Summary

The applicant, Rana Cheichan, is requesting a conditional use permit in R-2 – Single Family Residential Zoning District (Urban Density) for the use of Day Care (General) as a Home Occupation. The R-2 Single Family Residential Zoning District (Urban Density) allows for the Day Care (General) use to be approved conditionally. Staff has completed a review of the conditional use permit application. The submitted application materials are attached to this report.

Existing Conditions

The 0.181-acre corner lot is in the R-2 – Single Family Residential Zoning District (Urban Density). The lot currently has a 7,890 sq. ft. home as the primary structure with two accessory structures consisting of a detached garage and shed. This property has two separate driveways with one being on the east side of the property and one on the south side of the property. This property has a fenced backyard currently.

Property Location and Surrounding Properties

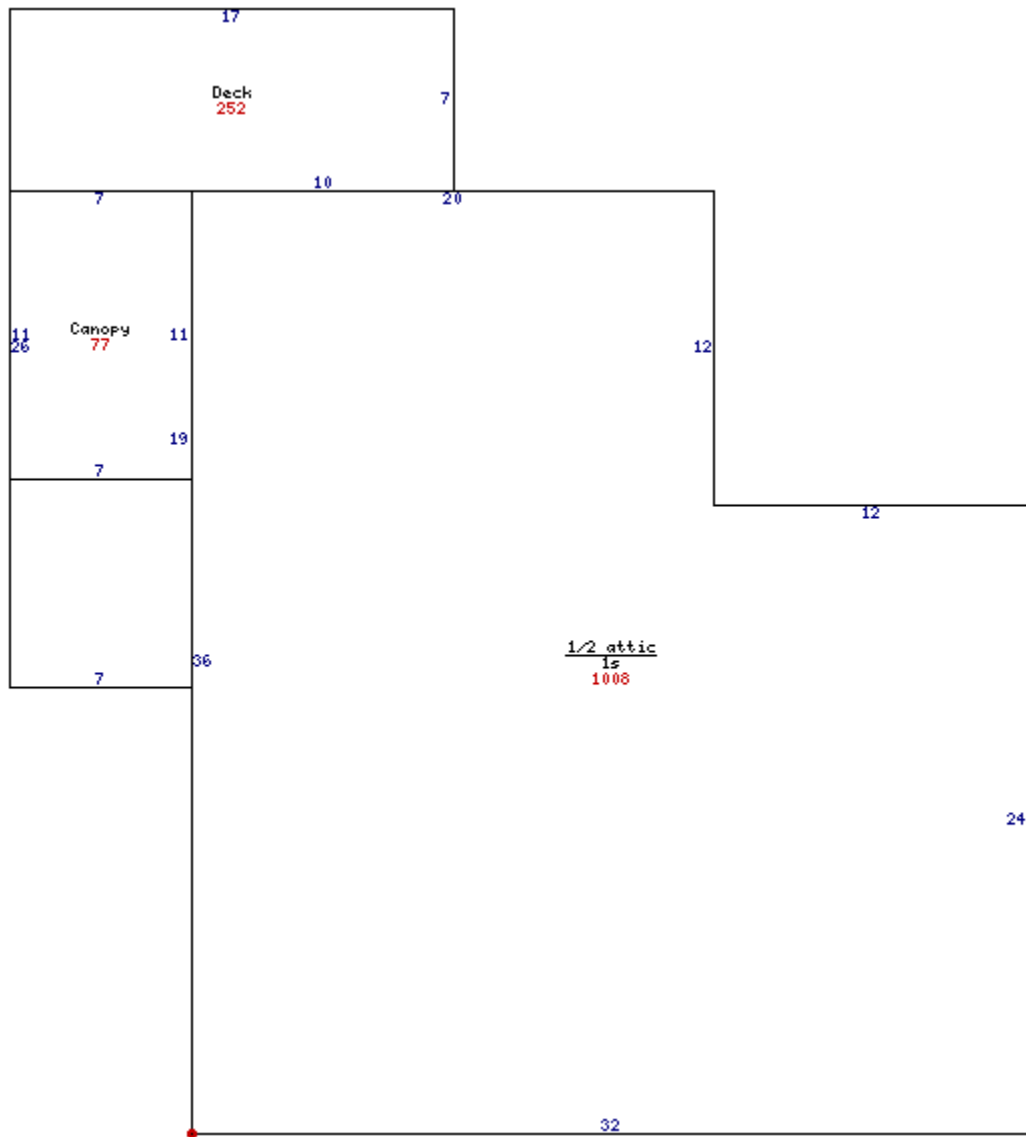


Legal

Description of Property

S 52.6F E 150F LOT 20 WALNUT VALLEY

Layout of Dwelling Unit for Home Occupation



Background

September 17, 2023: Applicant applied for and filled out the Conditional Use Permit Application

Applicable Code Sections

167.07.2.B. [Civic Use Types](#)

8. Day Care Services (General). This use type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

[Table 168-2 Permitted Uses by Zoning District](#)

Table 168-2 – Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	R-4	MH	O	CC	GC	UC	TC	LI	Additional Regulations
Cultural Services	C	C	C	P	P	P	P	P	P	P	P	
Day Care (Limited)	P	P	P	P	P	P	P	P	P	P	C	Sec. 171.04(2)
Day Care (General)	C	C	C	P	C	P	P	P	P	P	C	Sec. 171.04(2)
Detention Facilities								C			C	
Elder Family Home	C	C	C	P	C	P			P	P		Sec. 171.04(3)
Elder Group Home	C	C	C	P	C	P			P	P		Sec. 171.04(3)
Emergency Residential	C	C	C	C	C	P	P	C	P	P	C	

[Chapter 180.06 Conditional Use Permits, Standards of Approval](#)

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:
 - a. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
 - b. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

- c. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
 - d. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
 - e. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
 - f. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
- 2. If the Board of Adjustment concludes that all of the Standards for Approval criteria will be met by the development, it shall approve the application and plans.
 - 3. The request shall be denied if the Board of Adjustment finds any of the following with regards to the proposed development:
 - a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 - b. Impair an adequate supply (including quality) of light and air to surrounding property, or
 - c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 - d. Diminish or impair established property values on adjoining or surrounding property, or
 - e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

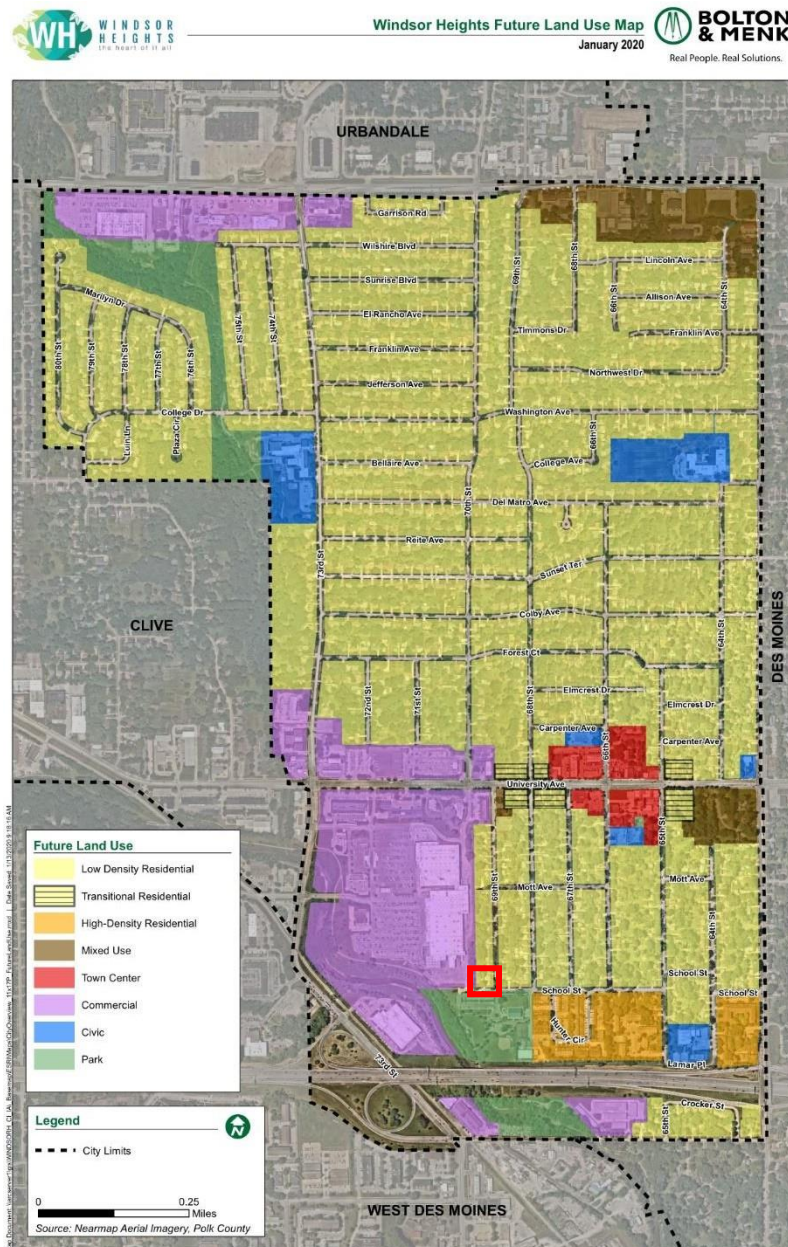
Chapter 180.08 Conditional Use Permit, Standards of Approval

1. In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:
 - a. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the staff report, and information gathered at the Board of Adjustment hearing.
 - b. The board shall consider such reasonable requirements or conditions for the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
 - c. The Board of Adjustment shall consider whether the application complies with all of the applicable Standards for Approval set forth in 180.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
 - d. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standard set forth in 178.06. Separate votes may be taken with respect to each standard. Any such motion regarding compliance or noncompliance of the application to the development criteria or Standards for Approval shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied. Without limiting the foregoing, the Board of Adjustment may attach to a permit a conditions it deems necessary to protect the health, safety, and general welfare of the public. All conditions or requirements shall be entered on the permit.

Future Land Use Map

The future land use map should be used as guidance for areas throughout the City. The map identifies this location as low density residential, which is defined on page 40 of the 2017 Comprehensive Plan. “Mixed Use. This area encourages combinations of limited commercial, office, and residential uses.” The comprehensive plan also identifies the corner of Hickman and 63rd as one of the Community Entrances as seen in the comprehensive plan’s future land use map.

Figure 1: Current Future Land Use Map



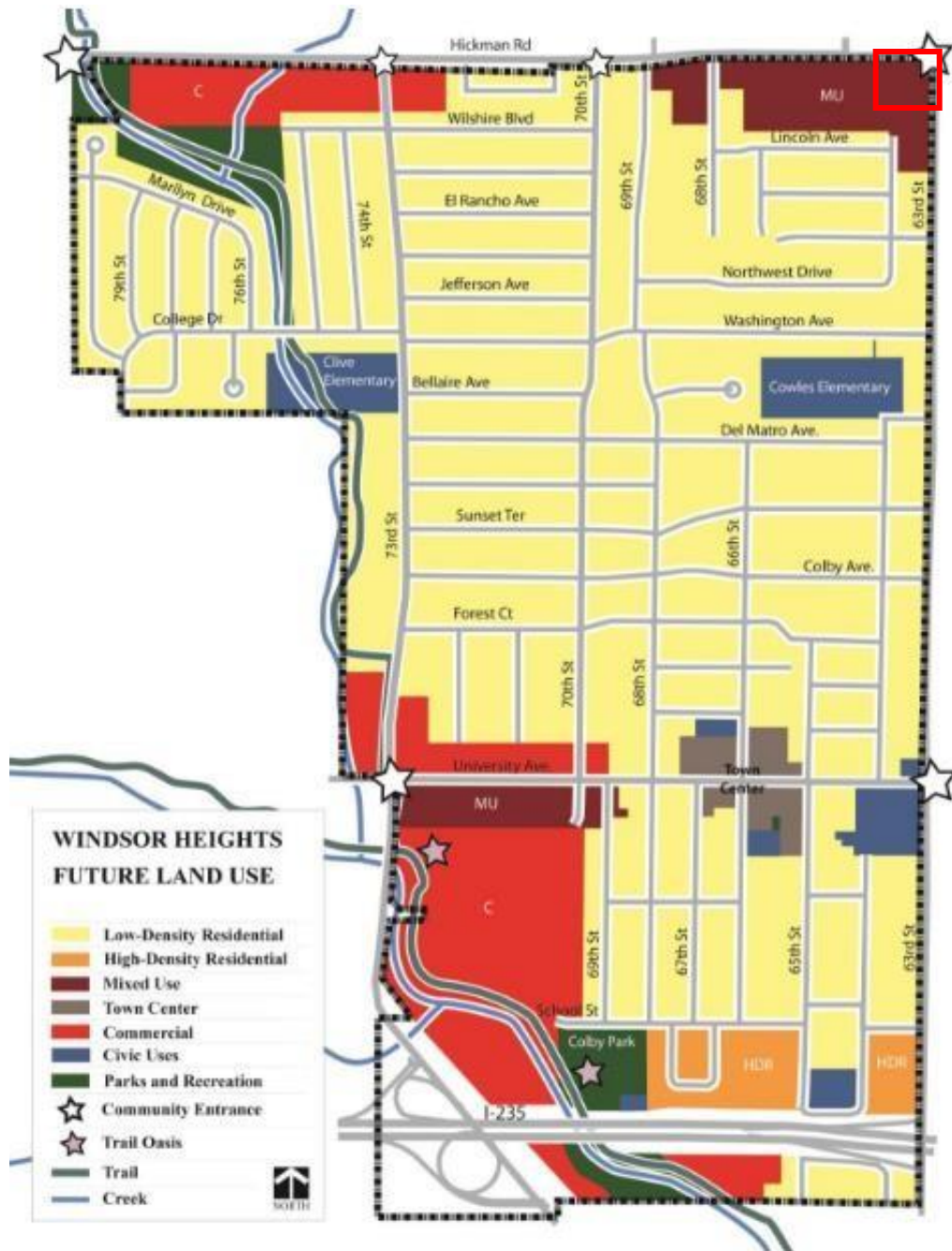
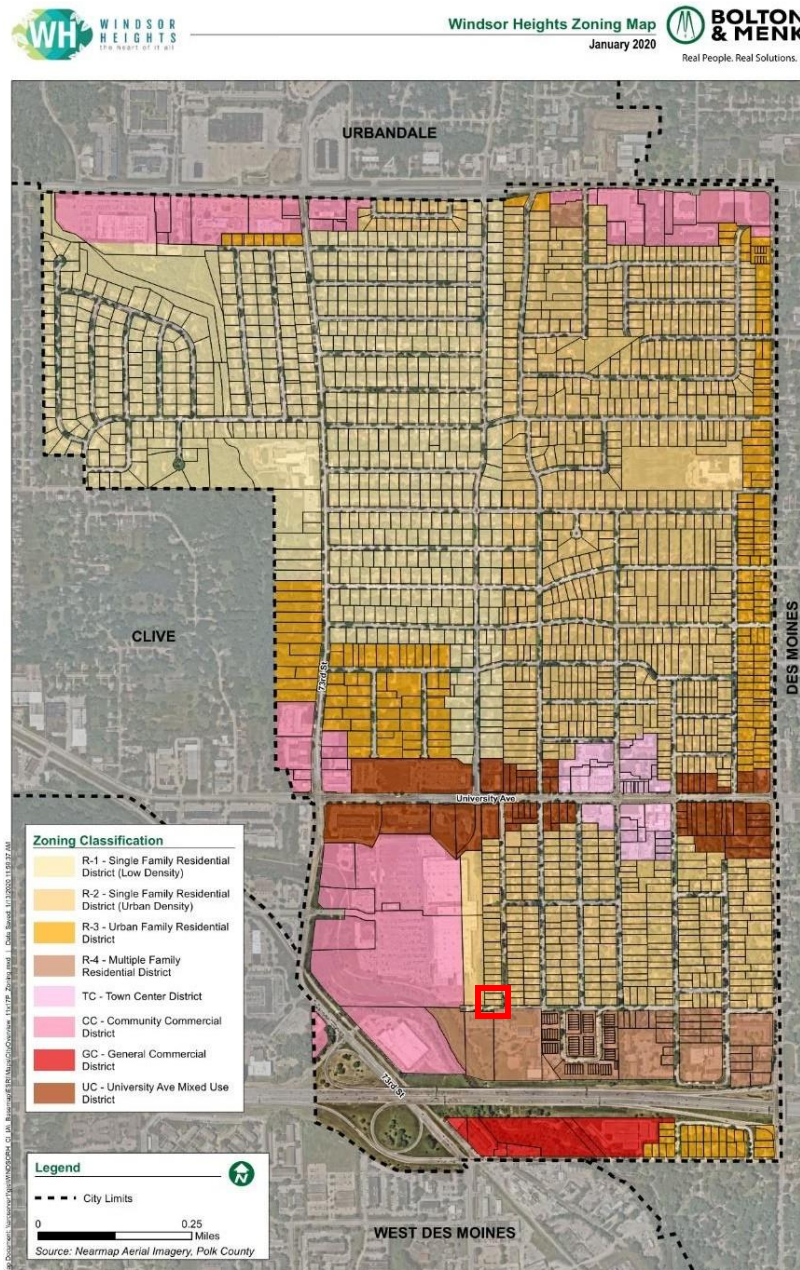


Figure 2: Windsor Heights' 2017 Comprehensive Plan's
Future Land Use Map

Zoning Map

The parcel is currently zoned for Single Family Residential (Urban Density) which is defined in [Table 168-1 Purposes of Zoning Districts](#) as “This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the O District. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial sub-centers.”

Figure 3: Current Zoning Map



Recommendation

The staff recommends approval of the Conditional Use Permit for the property located at 1010 69th Street for a Home Occupation Day Care as long as it adheres and abides by all conditions attached to the permit. The following conditions are attached to the permit:

1. The applicant must maintain and show proof of a valid and active Certificate of Registration from the State of Iowa for Child Development Home Provider as per Chapter 237A of the State of Iowa Code.
2. Abide by all requirements stated by the Home Occupation Accessory Use within the City of Windsor Heights Code Chapter
 - a. External Effects.
 - There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
 - The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the Board of Adjustment in accordance with these zoning regulations. All “external effects” criteria in subparagraphs (1), (2), (4), (5), and (6) of this paragraph A are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.
 - Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 - No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
 - No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
 - b. Employees. The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that nonresident employee.
 - c. Extent of Use. For all residential zoning districts, a maximum of 30% of the floor area of the dwelling may be devoted or used for a home-based business/home occupation, inclusive of any attached garage or detached accessory buildings used for the home occupation.
 - d. Signage. Signage designating the home occupation shall be consistent with regulations for zoning districts set forth in Chapter 175 of this Zoning Code.

- e. Traffic Generation.
 - Home-based businesses may generate no more than 10 vehicle trips per day.
 - Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
3. Complete and file a Home Occupation registration with the City of Windsor Heights at the City Hall.
4. The Home Occupation Day Care abides by the operating hours of 6 am to 6 pm and does not operate outside of that designated amount of time.

Attachments

Application Materials (as submitted)



City of Windsor Heights

www.windsorheights.org

1145 66th Street, Suite 1 • Windsor Heights, Iowa 50324 • 515-279-3662 • Fax 515-279-3664

**WINDSOR
HEIGHTS**
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CONDITIONAL USE PERMIT APPLICATION

Date of Submission: 9/17/23 Fee Amount: \$200 Application No. _____

The Conditional Use and Special Use Permit Procedures provide for Planning and Zoning Commission review and discretionary Board of Adjustment action for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

**** Attach any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.**

**** Provide names, property addresses, and mailing addresses of all surrounding property owners within 200 feet for residential projects or 300 feet for commercial projects of the subject property. Intervening streets and alleys are not to be included in computing the 200 and 300 feet requirement. Names and mailing addresses can be obtained by contacting the Polk County Recorder and providing the property addresses. You do not need to obtain these property owners' permission.**

Applicant Name: Rana cheichan

Applicant Address: 1010 69th st Windsor Heights, Iowa 50324

Applicant Phone Number: 515-669-6308

Property Owner: Rana cheichan + Majeed Sari

Property Address, Zoning Classification, & Legal Description: _____

1010 69th st Windsor Heights, Iowa 50324

A description of the nature and operating characteristics of the proposed use.

use as home daycare

A written statement as to how the proposed project fits within the character of the neighborhood and that meets the intent of the City's Comprehensive Plan.

Home Daycare center to help kids to grow & thrive. Close to Colby park & will bring kids to play - brings more attention to the beautiful park.

Abutting Property Owner Names and Addresses:

1. Rana cheichan, 1010 69th St Windsor Heights, Iowa 50824
2. Majeed Sari 1010 69th St Windsor Heights, Iowa 50824
3. _____
4. _____

The undersigned hereby certifies that all information provided is complete and accurate to the best of undersigned's knowledge, and that all information required by this application or by the Board's staff on its behalf has been provided.

Printed name of applicant: Rana cheichan

Signature of applicant: 

Date: 9/17/23

Note: The Applicant or an authorized agent must personally be present for the request before the Planning and Zoning Commission and Board of Adjustment meetings.

Please contact the Zoning Administrator to obtain a list of meeting dates and submittal deadlines. 515-645-6826.



City of Windsor Heights

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HOME OCCUPATION REGISTRATION

Date of Submission: 9/17/23 Fee Amount: \$25
NAME: Rana cheichan ADDRESS: 1010 69th st, Windsor Heights
Iowa, 50324
NAME OF BUSINESS (if applicable): _____
EMAIL ADDRESS: ranasami04@yahoo.com BUSINESS PHONE: 515-669-6308
DESCRIPTION OF HOME OCCUPATION: Home Daycare

1. Will the business be conducted entirely within the home, approved accessory building or structure?
☒ Yes ☐ No ☐ Other _____

2. Will there be storage of goods, materials, equipment, trailers or products outdoors?
☒ Yes ☐ No ☐ Other _____

3. Will there be more than one non-occupant employee conducting work on the premises?
☒ Yes ☐ No ☐ Other _____

4. Is employee parking provided on-site?
☒ Yes ☐ No ☐ Other _____

5. Please list your hours of business: 6am to 6pm

6. How many clients do you expect per hour? drop off between 6am-9am ~10 customers to drop kids off
Pick up between 4pm-6pm " " to pick up

7. Do you receive deliveries or goods or materials?
☒ Yes ☐ No ☐ Other _____

8. If so, what carriers will be used? just mail

I hereby certify that the above information is correct and agree to comply with all City Ordinances and State laws as it pertains to my business. By signing this application, I agree that I have reviewed the criteria for a home occupation and that my home occupation does qualify under those conditions. I further agree to obtain all City, County, State and Federal permits, approvals and/or clearances. I understand that should I fail to comply with the agreed-upon conditions, my home occupation permit may be immediately revoked and that all other applicable penalties, including criminal prosecution, may be pursued. In addition to the above, I understand that if my home occupation will be conducted in a rented residence, I am required to provide a letter signed by the owner stating approval of the proposed business.

R. S.
Signature

9/17/23
Date

Zoning Administrator

Date

cc: Police and Fire Department
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171.08 ACCESSORY USES.

- Home-Based Businesses; Home Occupations. Each home-based business shall register with the City, on a form established by the Zoning Administrator. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

A. External Effects.

- 1) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
- 2) (2) No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.
- 3) (3) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the Board of Adjustment in accordance with these zoning regulations. All "external effects" criteria in subparagraphs (1), (2), (4), (5), and (6) of this paragraph A are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.
- 4) (4) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
- 5) (5) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
- 6) (6) No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

3. Employees. The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that nonresident employee.

2. Extent of Use. For all residential zoning districts, a maximum of 30% of the floor area of the dwelling may be devoted or used for a home based business/home occupation, inclusive of any attached garage or detached accessory buildings used for the home occupation.

D. Signage. Signage designating the home occupation shall be consistent with regulations for zoning districts set forth in Chapter 175 of this Zoning Code.

3. Traffic Generation. (1) Home-based businesses may generate no more than 10 vehicle trips per day. (2) Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

2. Prohibited Home-Based Businesses or Home Occupations. (1) Beauty and Barber Shops. Barber and beauty shops are allowed only as a conditional use as home occupations in the AG, R-2, R-3, and R-4 zoning districts. (2) Welding, vehicle body repair, and rebuilding or dismantling of vehicles are not permitted as home-based businesses.