



**BOARD OF ADJUSTMENT  
CITY OF PLEASANT HILL, IOWA  
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or reoccupied after a change of use.

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Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within **18 months** or **by Board specified date**, or this Order will be void and of no further force and effect.

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IN THE MATTER OF THE APPEAL FROM:

ISG

ON PROPERTY LOCATED AT:

5450 E UNIVERSITY AVE

CASE #:

BOA-010622-01-VR

PUBLIC HEARING:

JANUARY 6, 2022

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SUBJECT OF THE APPEAL

**Proposal:** Allowance for the construction of a retaining wall along the east property at a distance less than the required setbacks.

**Appeal(s):** Variance Request to eliminate retaining wall setbacks and permit a two-tiered retaining wall to be constructed along the east property line.

**Affected City Zoning Code Sections:** Chapter 165 Section 17 Article 8

FINDING

It was found that a hardship, as defined in the Zoning Ordinance, was present to grant a variance.

ISG  
5450 East University Avenue  
BOA-010622-01-VR  
January 6, 2022

DECISION AND ORDER


WHEREFORE, IT IS ORDERED that the appeal for a Variance Request to eliminate retaining wall setbacks and permit a two-tiered retaining wall to be constructed along the east property line, is **approved**.

VOTE

The foregoing Decision and Order was adopted by a vote of 4-0 with the majority Board members present voting in approval thereof.

Signed, entered into record, and filed with the City of Pleasant Hill Community Development Department service as the office of the Board, on January 6, 2022.

DocuSigned by:

  
Kasey Johnson, Vice-Chair

  
Jennifer Bartles, Recording Secretary

Board of Adjustment  
Regular Meeting  
January 6, 2022

**1. CALL TO ORDER/ROLL CALL**

Pleasant Hill Board of Adjustment regular meeting was called to order at 5:31pm on Thursday, January 6, 2022 by Vice-Chairperson Steen. Present: David Carroll, Elaine Castelline, Carla Rivas, and Kasey Steen. Absent: LeAnne Krell.

**2. APPROVAL OF AGENDA**

CASTELLINE/CASTELLINE moved to approve the agenda. Vice-Chair Steen called for verbal approval of agenda. Ayes: Unanimous. Motion carried.

**3. APPROVAL OF MINUTES NOVEMBER 5, 2020 MEETING**

CASTELLINE/KRELL moved to approve the November 5, 2020 meeting minutes. Ayes: Unanimous. Motion carried.

**4. VARIANCE REQUEST**

A request to appeal the retaining wall setback requirements in Chapter 165 Section 17 Article 8.A. has been filed by ISG, Inc. and 5401 E University, Inc. for property located at 5450 E University Avenue to allow for a proposed 6' tall retaining wall to be constructed within close proximity to a property line without setback requirements.

The property identified in the petition is legally identified as:

LOT 2 Ellison's Crown Plat 2

And locally known as:

5450 E University Avenue

Zoned:

C-2 REGIONAL COMMERCIAL

**FOR THE RECORD**

Notice of Public Hearing was published in the Des Moines Register Wednesday, December 22, 2021

**CITY REPORT**

Madeline Sturms, Community Development Director, introduced the variance request stating

*165. Title, Purpose and General Provisions.*

*165.17. Fences and Walls.*

*4. Industrial and Commercial Districts.*

*In industrial zoning districts, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yard. Fences within a commercial district, within the front yard of an industrial district, or exceeding eight (8) feet in height in industrial districts, may be permitted by special exception of the Board of Adjustment.*

## **APPELLANT**

Alex Amedeo, Project Representative with ISG – 508 E Locust, Des Moines, Iowa – was present to discuss the request stating proposed 20' lane allows for customer vehicle cuing and decrease chances of overflow onto the frontage road and E University Ave during high volume events; building and site plan adaptations and accommodations include business layout and decreases to cuing lane and building dimensions; and the impacts of the dramatic nature of site topography and existing regional detention basin on any development of the parcel.

## **PUBLIC INPUT**

John Iwanicki – 1141 N Shadyview Blvd called with questions regarding the proposed location of the retaining wall in relation to his property.

Kevin Umphress with Berean Assemble of God – 5299 E University Ave - called with questions and spoke at the meeting in-person regarding the proposed location and style of the retaining wall; proposed customer entrances on and off E University; the need for additional controlled intersections on that section of E University; and clarification of notations on aerial map enclosed with the neighbor notification letter.

PARC Recreation Center Building Manager Larry Brown – 5374 NE 12<sup>th</sup> Ave – called with questions regarding the proposed location and style of the retaining wall and the use of NE 12<sup>th</sup> Ave for construction traffic.

## **DISCUSSION**

Board Members, City Attorney Brad Skinner, and City Staff discussed finding requirements of a hardship as stated in City Code Chapter 166 Section 7 Article 3B; site challenges in regards to existing neighboring development, regional detention basin, and site topography; site plan alterations already made by applicant in response to said challenges of property; and safety barrier along the top of the proposed wall.

## **MOTION**

CASTELLINE/RIVAS – moved to approve findings as stated in City Code Chapter 166 Section 7 Article 3B that the board has the authority to consider the variance. Ayes: David Carroll, Elaine Casteline, and Kasey Steen. Nays: None. Absent: LeAnne Krell. Motion passed.

CARROLL/RIVAS – moved to approve appeal for a Variance Request permitting a 6' retaining wall to be constructing within close proximity for a property line. Ayes: David Carroll, Elaine Casteline, and Kasey Steen. Nays: None. Absent: LeAnne Krell. Motion passed.

## **5. ADJOURNMENT**

CASTELLINE/CASTELLINE moved to adjourn. Ayes: Unanimous. Motion carried. Meeting was adjourned at 5:41p.m.

Jennifer Bartles  
Recording Secretary