

**CITY OF AMES
DEPARTMENT OF PLANNING AND HOUSING
REPORT TO THE ZONING BOARD OF ADJUSTMENT**

REQUEST: A Request for a Practical Difficulties Variance to allow a structure to encroach into the 8-foot side setback at 1420-1422 Coolidge Drive in the “RL” Residential Low Density Zoning District.

BACKGROUND:

This item is continued from the previous meeting on August 27, 2025. The applicant, Timothy Ashley, in accordance with Sec. 29.1403(4) requested a delay of consideration as a full five-person Board was not present.

The applicant, Timothy Ashley, is requesting a variance to allow an existing covered entryway to remain as is and encroach (approximately 3.5 feet) how many feet) into the 8-foot minimum side yard setback at 1420-1422 Coolidge Drive (Attachment A). The setback at the closest point would be 4.5 feet if the variance is granted. The enclosure was noted as zoning violation as part of rental property inspection. The structure is viewed as an addition to the principal building with it being attached to the home.

Built in 1965, the structure was built as a single-family home and converted to a duplex. The Residential Low Density “RL” Zoning District (Attachment B) allows two-family conversions if they are pre-existing. One of the units, 1422, is registered with the City as a rental.

Mr. Ashley and his wife purchased the property in 2000. The house is designed in the split-level style, specifically as a bi-level split: the front door enters onto a landing with a short staircase that goes up and a short staircase that goes down. The lower level is partially out of the ground.

The units on the property have separate exterior entrances: 1420 has its entrance at the front door in the center of the primary façade and 1422 has its entrance to the side (west) of the house. The entrance to 1422, the rental unit, has the encroachment in question. The 1422 entrance is depressed below the ground level and has a short flight of five stairs down to a landing in front of the door. The stairs, landing, and surrounding retaining wall are concrete. Stairs at or below grade are allowed to encroach within setbacks.

The property has a rental permit, which requires regular inspection. A rental Letter of Compliance was issued in September of 2021 for three years. In September of 2024, the inspection renewal began. At that time, rental inspection staff noticed that the roof and the enclosed entryway had been added without permits and informed the property owners that the additions would need to be removed. The rental inspection was completed,

except for the outstanding issue at hand, by January 2, 2025.

A review of Google Streetview images shows that the roof existed in July of 2022. The enclosed entryway is shown in an image in October of 2024.

The roof projects 5 feet, 4.5 inches from the house to cover the stairs and a depressed landing (Attachment D & E). The roof is supported by posts set just beyond the retaining wall. The enclosed entryway is the same width as the roof, though it is higher to account for the elevation change at the top of the stairs. The enclosed entryway also projects beyond the front of the house, though there is no front yard setback encroachment.

The new construction, both roof and enclosed entryway, was built without permits and encroaches into the 8-foot side yard setback. The RL district requires an 8-foot side yard setback for two-story structures. The west property line of 1420-1422 Coolidge Drive is not perpendicular to the house; it angles away from the front property line and becomes farther from the house the farther back it goes.

City staff described allowable encroachments and projections into setbacks to the owner. If all criteria are met, a 2-foot encroachment might be approved as a Minor Area Modification or a 3-foot projection of a covering that is unsupported is allowable by-right. The applicant has chosen to request a variance to allow for the full covering within the setbacks.

According to the applicant, at its closest point on the northwest corner, the house is approximately 10 feet from the property line. The house is therefore 2 feet from the minimum 8-foot side setback. A Minor Area Modification (if the criteria were met and if granted by the Zoning Board of Adjustment) could project 4 feet from the house. This projection would not cover the entirety of the stairway, which is over 5 feet wide. The projection, however, could have posts set into the ground.

STATEMENT OF APPLICANT IN SUPPORT OF PROPOSAL:

The applicant has submitted responses to the variance criteria. See the attached supporting information prepared by the applicant as part of the "Variance Application Packet". Portions of this information in addition to the staff findings are summarized within the addendum.

APPLICABLE LAW:

The applicant requests a "Practical Difficulties" variance in relation to numeric standards of the Zoning Ordinance. The Board shall determine, pursuant to Iowa law, whether all the standards for granting of a variance are satisfied by the Variance Request. **Based upon the criteria defined by state law, the application submitted, and the conditions of the site, staff was not able to make findings in support of the variance.** The Criteria for Approval and Findings of Fact prepared by staff are included in the Addendum.

Pertinent Sections of the *Ames Municipal Code*, Chapter 29, Zoning, include the following:

Sec. 29.1504. VARIANCE

- (4) **Standards.** Pursuant to Iowa law, a variance, as defined by Iowa Code section 414.12(3), to the terms of this ordinance, including use, shall be granted only if all the following standards are satisfied:
- (5) **Standards for Area, Dimensional, or other Numerical Limitations.** A variance for area, dimensional or other numerical limitations as defined by Iowa Code Section 414.12(4) may be granted where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage and off-street parking.

To receive the requested area, dimensional, or other numerical variance, the property owner must prove that:

- (a) The practical difficulties faced are unique to the property at issue and not self-created;
- (b) Demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood;
- (c) The spirit of the ordinance shall be observed even when the variance is granted; and
- (d) Substantial justice shall be done as a result of granting the variance.

PUBLIC NOTIFICATION:

Notification was made to all owners of property within 400 feet. A notice of public hearing was placed on the property and published in the newspaper.

ALTERNATIVES:

1. The Zoning Board of Adjustment may deny this request for a Variance to allow a structure to encroach into the 8-foot side yard setback at 1420-1422 Coolidge Drive by finding there is not evidence that supports the explicit finding of consistency with all the Variance criteria.
2. The Zoning Board of Adjustment, with specific identified findings of consistency for all Variance criteria, may approve a Variance to allow a structure to encroach into the 8-foot side yard setback at 1420-1422 Coolidge Drive.
3. The Zoning Board of Adjustment may table this Variance Request and seek further information from the applicant or from staff.

PLANNING AND HOUSING DEPARTMENT RECOMMENDED ACTION:

The Zoning Ordinance outlines the requirements for development in Ames, including minimum setbacks. Minimum setbacks are a standard provision in zoning, particularly in suburban contexts such as the subject property. Setbacks are intended to provide for air and light, for access and separation between buildings, and to maintain a uniform appearance to a neighborhood.

The Zoning Ordinance also allows for limited projections into the minimum setbacks, though none of them would allow for the extent of the requested encroachment at 1420-1422 Coolidge Drive.

The applicant states that the encroachment is necessary because of the age of one of the residents and because of hazards caused by inclement weather. **The standard in the variance criteria, however, is whether or not there are conditions unique to the property. Neither the age of a resident nor the weather is unique to this property.**

The Zoning Board of Adjustment is required to consider a petition for a variance according to the criteria provided in code. Staff does not find that the requested encroachment meets any of the four criteria, particularly the first criterion that there be a condition “unique to the property” as it relates to a practical difficult that is not self-created that warrants the variance.

It is the conclusion of staff that the variance be denied. This is based upon an analysis of the Variance Request and the applicant’s information requesting a variance to allow the building at 1420-1422 Coolidge Drive to encroach into the 8-foot side yard setback. **Therefore, the Planning and Housing Department recommends Alternative #1 to deny the Variance Request.**

ADDENDUM

Staff make the following findings of fact and conclusions for each of the Variance criteria.

To receive the requested area, dimensional, or other numerical variance, the property owner must prove that:

- (a) **The practical difficulties faced are unique to the property at issue and not self-created.**

Findings of Fact: The property at 1420-1422 Coolidge Drive meets the required minimum lot width (50 feet at the building line) and the required minimum lot area (6,000 square feet). The lot is 83 feet wide and over 10,000 square feet in size.

The lot is mostly flat: the rear of the lot, which is 110 feet deep, is approximately 4 feet higher than the front.

The applicant states that the variance is needed due to the age of the resident of the rented unit (the applicant's mother) and because of the hazards associated with inclement, winter weather. It is the intent of the applicant to remove the encroaching covering when the current tenant leaves.

Conclusions: The property at 1420-1422 Coolidge Drive does not have physical conditions unique to the property that inhibit compliance with the minimum setbacks. The lot meets the minimum size and width requirements of the RL Zoning District, and the lot is mostly flat.

The applicant states that the variance should be granted because of the age of a resident of the dwelling and because of the risks associated with inclement weather. Neither an individual resident nor winter weather, however, are unique to this particular property. Residents of any age can live in houses across Ames and winter weather (snow, sleet, freezing rain, etc.) affects all properties equally.

The applicant intends for the structure to be temporary, which does not impact the finding that no conditions unique to the property could be identified warranting an encroachment into the minimum side yard setback.

Therefore, the Board can conclude this criterion is not met.

- (b) **Demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.**

Findings of Fact: The encroaching roof covering and enclosed entryway are small: approximately 12 feet, 3 inches deep by 5 feet, 4.5 inches wide.

There are few two-family conversions in this neighborhood that necessitate a second entrance. The existence of a second front door is atypical for the area, which is zoned for single-family. Of the other duplexes nearby, none has a covered

entryway like that at the subject property.

The applicant states that the structure will have no effect on the surrounding neighborhood character because the structure will be temporary and that the design is consistent with external stairways on new home construction.

Conclusions: No other nearby duplexes or single-family homes could be found to have a similar side entryway or a side entryway that encroaches into a minimum setback. As the entryway is small, however, it is somewhat unobtrusive, though noticeable as the architectural style is markedly different from the rest of the house.

That the applicant intends for the encroaching structure to be temporary does not alter the character or nature of the structure while it exists.

Therefore, the Board can conclude that this criterion is not met.

(c) The spirit of the Ordinance shall be observed even when the variance is granted.

Findings of Fact: Minimum setbacks on the front, side, and rear are a standard feature of zoning ordinances, particularly in suburban development such as in the subject neighborhood. The variable side setback with 6 feet for a single-story structure, 8 feet for a two-story structure, etc., has existed in Ames since at least the 1960s. Setbacks preserve the character of a neighborhood and maintain air and light.

The applicant states that the variance should be granted because the encroachment will be temporary and because the structure will provide safety for the resident of the unit. The applicant further states that he sees one of the purposes of a Zoning Ordinance to be maintaining safe living conditions.

Conclusions: The Zoning Ordinance does not allow exceptions to setbacks based on climate. Whether a structure is intended by the applicant to be temporary is not a criterion for consideration. If the presence of inclement weather is the basis for granting a setback encroachment, then all such requests in Ames would need to be granted.

Therefore, the Board can conclude that this criterion is not met.

(d) Substantial justice shall be done as a result of granting the variance.

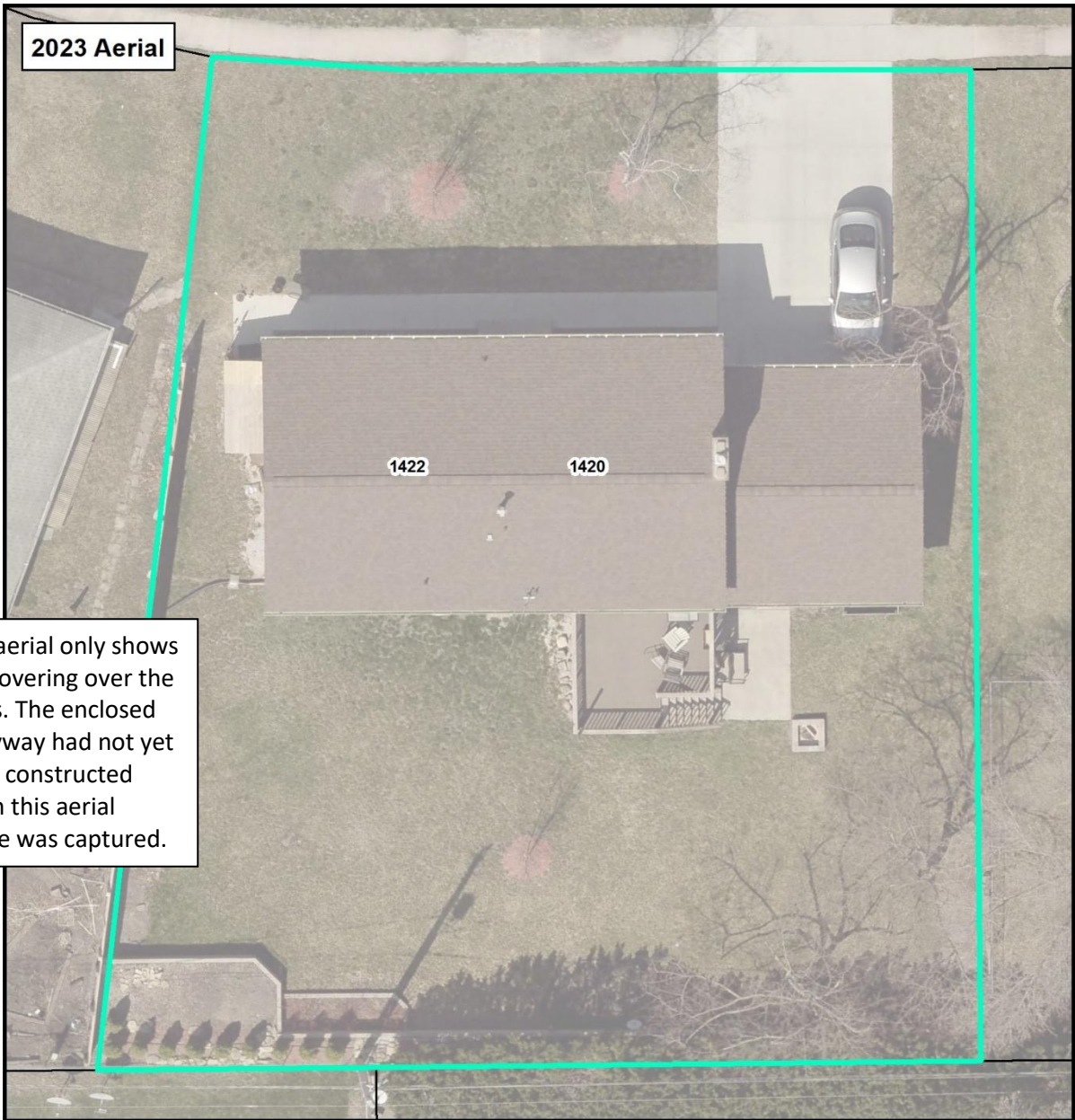
Findings of Fact: Substantial justice speaks to the requirement that the hardship must be peculiar to the property or that an issue of equity in use of property exists. The hardship must be peculiar to the property and not shared by the community.

The applicant states that the resident of the unit would be safer if the stairs are kept covered by the encroaching structure.

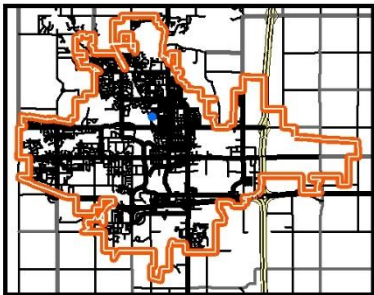
Conclusions: The applicant does not point to a unique aspect of the property, nor could staff identify one. From the perspective of the Zoning Code, the age of the residents and the recurrence of winter weather are not relevant.

Therefore, the Board can conclude that this criterion is not met.


Attachment A – Aerial Map



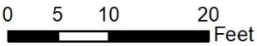
This aerial only shows the covering over the stairs. The enclosed entryway had not yet been constructed when this aerial image was captured.



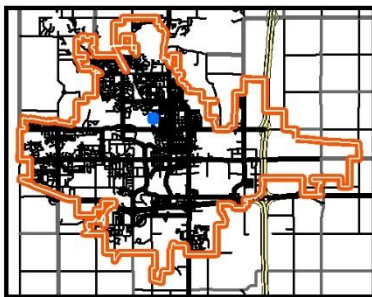
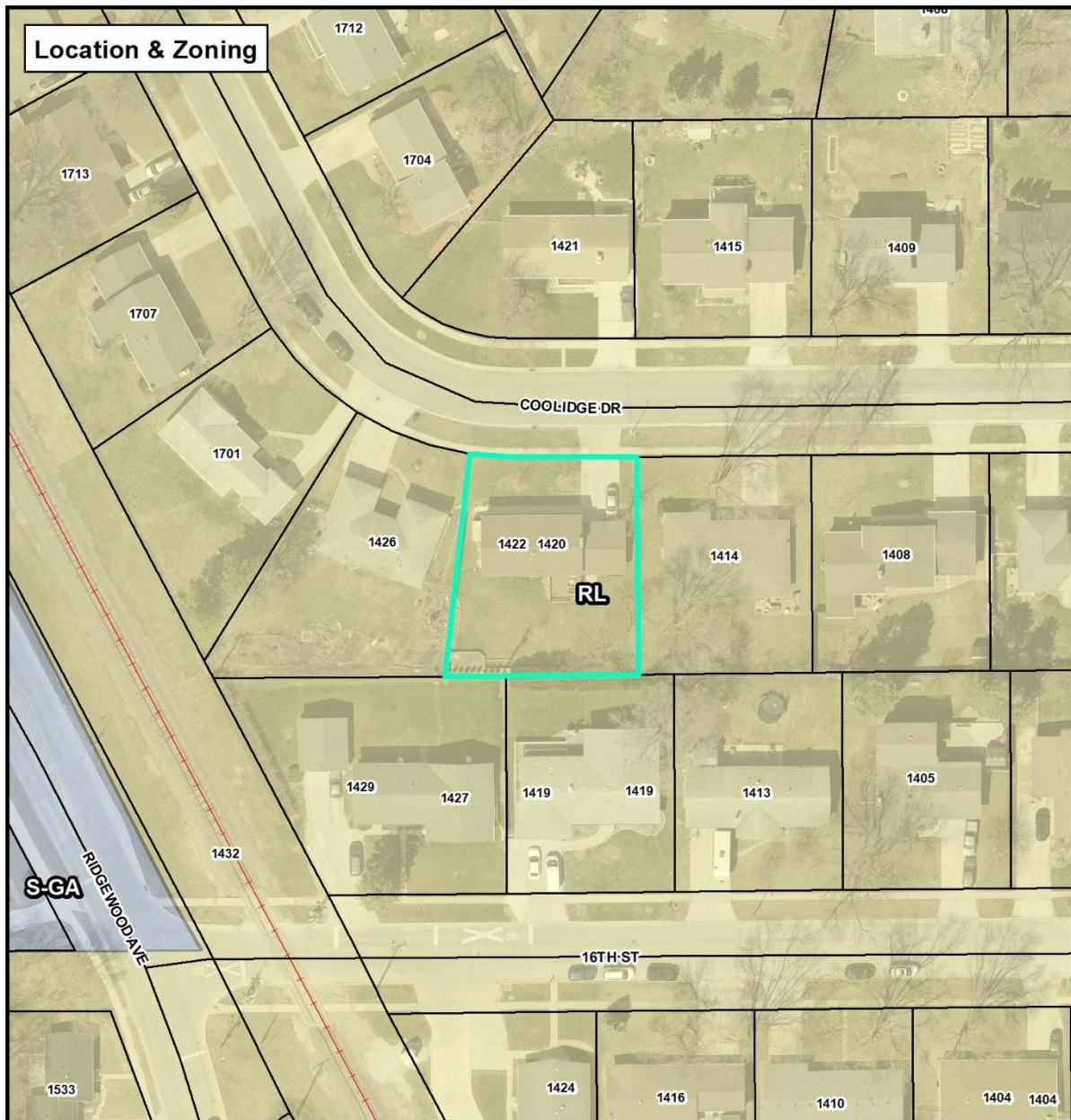
Legend

 1420 & 1422 Coolidge Drive

**Variance Request
Zoning Board of Adjustment
1420 & 1422 Coolidge Drive
August 27, 2025**



Attachment B – Location & Zoning Map



Legend

1420 & 1422 Coolidge Drive

Variance Request
Zoning Board of Adjustment
1420 & 1422 Coolidge Drive
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0 25 50 100
Feet

Attachment C – Application

1. Variance Standards

- a. **The practical difficulties faced are unique to the property at issue and not self-created:** The current tenant is the home owner's elderly parent (age 82). The tenant is minimally stable on her feet and given adverse conditions (snow/ice) is very much a fall risk (for longer walking distances she requires some form of walking aide). The tenant was moved to Ames from Western Iowa about 6 years ago in an effort to keep her out of any facilities (independent living, assisted living, nursing home, etc.) due to a lack of financial resources (her sole income is IPERS and Social Security), because available medical services were not easily available (her previous residence was Anthon, Iowa with all medical services being provided in Sioux City, Iowa.), and because her wishes are to stay out of these facilities as long as possible. Moving to Ames was her best option to be with family and near to medical facilities.

The property is a Two Family Conversion, split foyer frame. The tenant occupies one half of the lower level. The entry way (stairway) into the apartment is on the Northwest corner of the property. No modifications have been made to the apartment or the stairway since we purchased the residence in 2000. We have replaced the railing around the stairway, but there has never been a covering or awning to protect the entry/landing area.

Currently, both my spouse and I are full time employees locally and are typically not at the house during normal business hours. The tenant is still mobile and still has the ability to drive.

Without some type of covering or enclosure, this entryway becomes an extreme hazard for the tenant, especially in the winter months when snow/ice cannot be removed immediately. Wet stairs could also be a hazard for her, although at a much lesser degree.

The open exposure to natural elements was not a self-imposed limitation that we created...it existed this way before we purchased the residence. If we cannot keep this entry free from snow and ice, then it is highly likely that the tenant will no longer be able to live in the apartment. Therefore, the "beneficial use and enjoyment" of being able to provide affordable housing for an elderly parent whose wishes are to live with her family will be adversely impacted.

An important note here is that a temporary covering/enclosure has already been created (and has existed for a number of years). I was not aware of the building permit requirement and it came to my attention during the most recent annual inspection of the apartment. After learning my options, I did attempt to submit the building permit, but that was immediately denied because of the 8 foot set back rule that does not allow the structure as currently constructed. An option was presented to me that would allow the addition of an awning over the entryway. However, an awning will not eliminate the hazards that I've outlined above.

- b. **Granting the variance will not significantly alter the essential character of the surrounding neighborhood:** This request will not alter the character of the surrounding neighborhood in that it only provides for a temporary covering/enclosure for the entryway that already exists, which is consistent with external entryways of this type in newer home constructions. The structure would be altered to blend into the structure of the residence.
- c. **The spirit of the ordinance shall be observed even when the variance is granted:** The intent of this variance is to provide a temporary solution to a hazardous living situation and is not intended to be a long term, permanent solution after the current tenant has left the residence, either because of passing or

because the need to be in assisted living arises. The structure would remain temporary and removable, if required. I believe Zoning Ordinances are put in place to make sure, at least in part, to maintain safe living conditions. It is the sole purpose of this variance request to provide a safe entry for an elderly tenant, which would involve creating a fully covered structure over the stairway. As mentioned earlier, the structure already exists and has done exactly what its intended purposes has been for the past 3-4 winters. It has allowed her to navigate the doorway and stairs completely clear of snow and ice.

- d. **Substantial justice shall be done as a result of granting the variance:** Again, the tenant has expressed a deep desire to stay out of facility care as long as possible by being able to live with her children. But the property must be made safe for her in order to allow her to do so. An awning will not keep snow and ice off from the stairs and even by using preventative measures (salt and even removal), these stairs will be hazardous and likely impassable for her without presenting a high probability of slipping/falling.

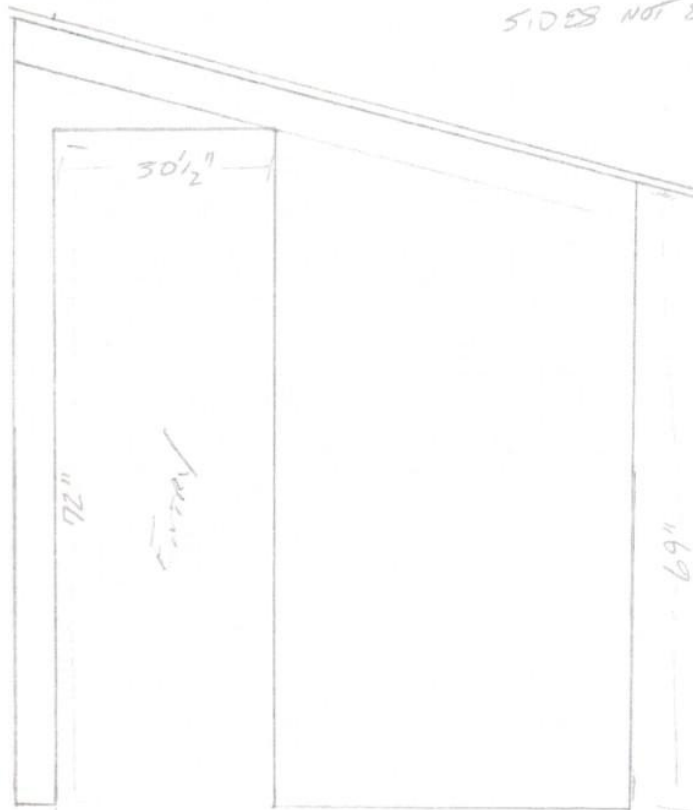
Attachment D – Applicant Site Plan Drawings

TOP VIEW TO SIDEWALK



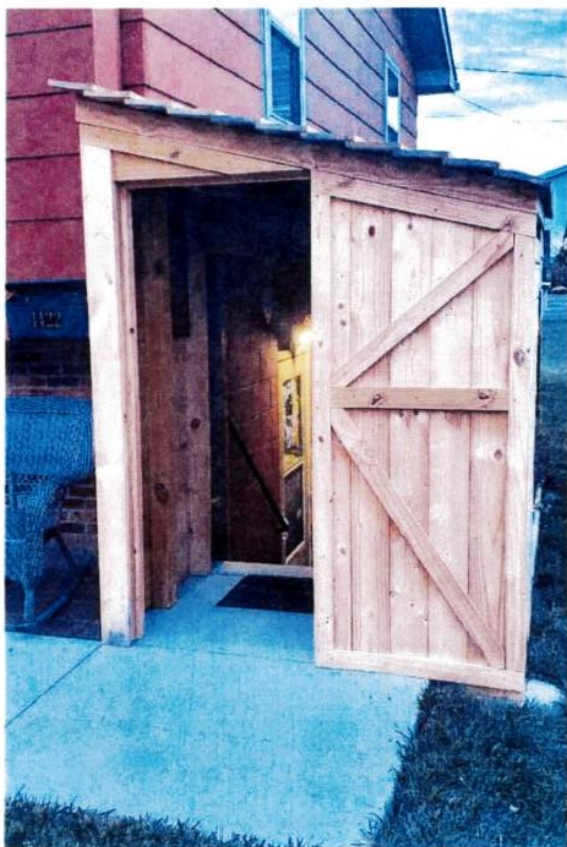
Front View

SIDES NOT ENCLOSED



Attachment E – Applicant Photographs





INSIDE VIEW FACILS SATH

