

Peter Moore and Lisa Schulte Moore  
728 Brookridge Ave.  
Ames, IA 50010  
6/28/24

Mayor Haila and Ames City Council  
City of Ames  
P.O. Box 811  
515 Clark Ave  
Ames, IA 50010

**TL;DR**

We request the council consider a Text Amendment to Municipal Code Chapter 29 Article 4, section 7.a.iv to specify the interpretation of distance to alley requirements in cases where alleys and lot boundaries are not perpendicular.

Dear Mayor Haila and Ames City Council:

We have owned and resided in our 109-year-old home at 728 Brookridge Avenue for nearly 13 years, and hope to remain here for decades to come. As a part of our home stewardship, we periodically need to restore, renovate, or update parts of the home or property. The most pressing task on our list currently is to replace our detached garage. The existing garage is too small to fit two modern vehicles, has a cracked and heaving floor, buckling rafters, and rotting exterior wood, among other things. We have carefully considered the design elements we would like to include in a new garage, hired a contractor, and drafted plans for a larger garage in roughly the same location as the old one (Appendix B). We believe that our new garage will both meet our present needs and fit with the home and local architecture. The latter consideration may become important in the future, as our neighborhood is being considered for designation as a Historic District.

When consulting with city staff about the applicable building codes (Appendix C), we were informed that both our existing garage and our proposed garage are out of compliance with City Ordinance 4339 (Chapter 29, Article 4, section 7.a.iv.b), which states in part that a garage door:

“...shall be located either 8 feet from the property line abutting the alley or a minimum of 20 feet from the property line abutting the alley.”

We are under the impression that this language is intended to prevent vehicles from parking in a driveway in a way that could interfere with alley traffic. Our current garage is approximately 4 ft from the alley at its closest point, so it would seem that any relocation of the garage that increases the distance from the alley would improve on existing conditions.

We had been made aware of this language in a preliminary consultation with city staff last fall, but the staff member consulted was unsure of its application to our neighborhood. Both our street (Brookridge) and alley are aligned NNW-SSE, while lot lines are aligned E-W, as illustrated in the aerial image appended below. Nearly every structure on our block (700 and 800) and most on the

adjacent 600-block are aligned with the E-W lot lines, and so are not parallel with the alley. This therefore highlights the problem of how the ordinance above is to be interpreted. Are distances between garage and alley intended to be equal everywhere along the garage door, implying that garages must be built with their doors parallel to the alley? Alternatively, are distances measured from the closest point, furthest point, or an average, in which case garage orientation is not pre-determined?

This spring, we proceeded to draft a design and site plan for review, having been given the impression that we might measure 8 feet from just the closest point. In recent e-mails discussing our plan with a different city staff member, we were informed that our proposed design would not be allowed due to the ordinance language above (Appendix D). This decision relies on an interpretation of the ordinance to mean that the garage door must be everywhere 8 feet from the alley, which we acknowledge is a reasonable interpretation of the text as written.

However, we don't believe this achieves the intended effect of the ordinance any better than the alternatives identified above. Moreover, aligning our garage door with the alley would require that our new garage be misaligned with our house *and nearly every other house and garage in the neighborhood*. We expect that this would be an undesirable outcome, not just to us but to our neighbors who value the historic feel of the neighborhood.

We are writing to request that City Council consider a Text Amendment to the pertinent sections of city code specifying the interpretation of garage-alley distances in the case of angled alleyways. We suggest as a simple solution that a sentence be added stating that when lot lines and alleys are not at right angles to one another, setback distances be measured at the closest point (or the mid-point) of the garage foundation.

Sincerely,

Peter and Lisa

encl: Appendix A: aerial images

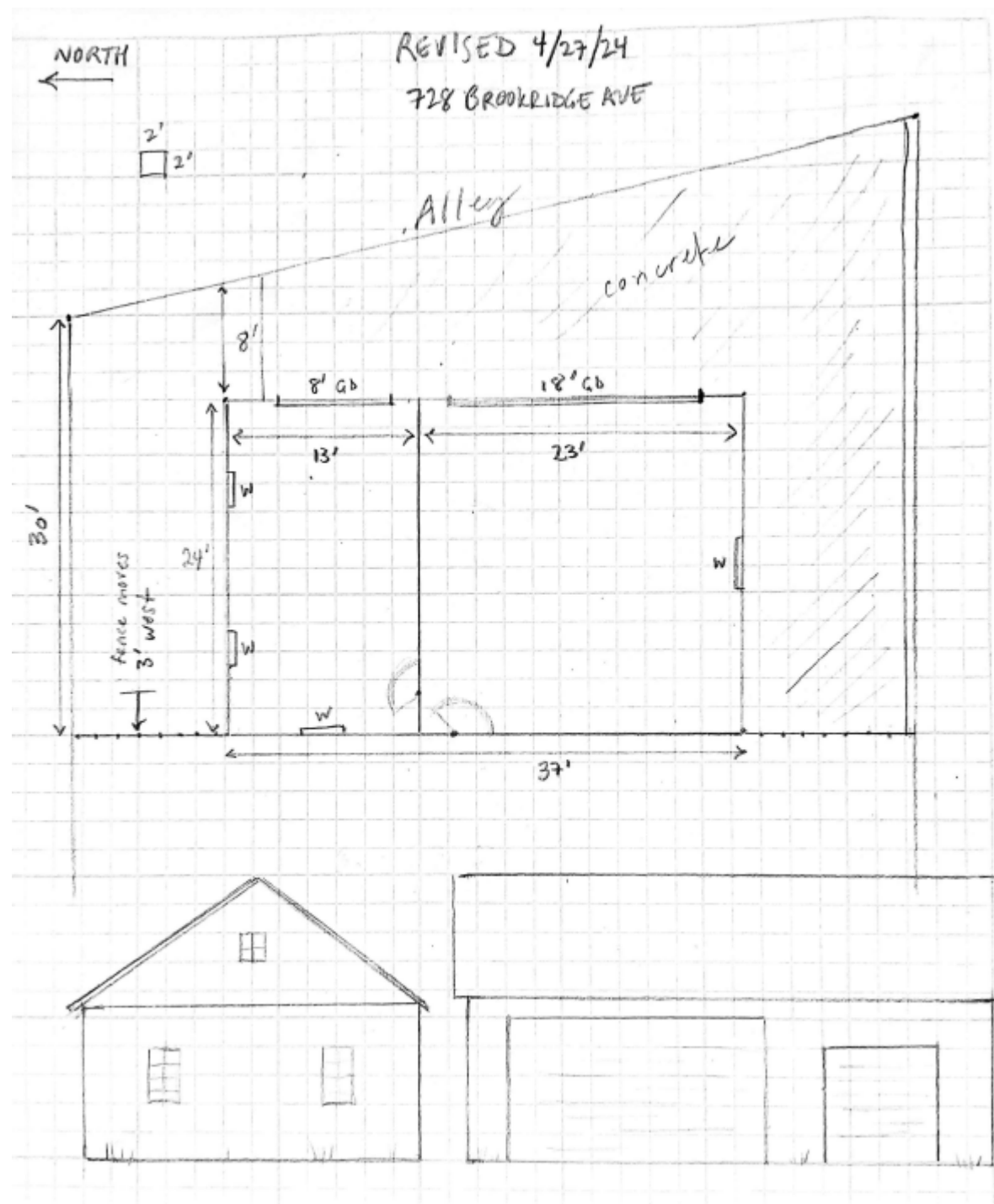
Appendix B: draft garage site plan

Appendix C: correspondences with Corey Montgomery, fall 2023

Appendix D: correspondences with Justin Moore, spring 2024

APPENDIX A: Aerial images





APPENDIX C: Correspondence with city staff Corey Montgomery, fall 2023

**Montgomery, Corey** <corey.montgomery@cityofames.org> Mon, Aug 28, 2023, 9:20 AM

to me

Pete,

The garage at 728 Brookridge is non-conforming meaning it does not meet current zoning requirements, this limits what can be done. It can be rebuilt in the same spot with the same wall and roof heights and the non conforming part may not be made worse, which in this case means it can not be made wider, only deeper.

If your intention is to make the garage wider it will need to be moved away from the alley. Current zoning standards require the garage to be 8' from the alley or more than 20'. The property line being on an angle is a unique situation and I will have to check with planning on exactly how that setback would work.

I can provide more specific information if I know what direction you are looking to go.

Let me know if you have any questions.

**Corey Montgomery**

Plans examiner

Fire Dept. / Inspections Division

Physical Address (City Hall, 515 Clark Ave.) | Ames, IA 50010

515.239.5228 *main*

[corey.montgomery@cityofames.org](mailto:corey.montgomery@cityofames.org)

Mailing: 515 Clark Ave. | Ames, IA 50010

[www.CityofAmes.org](http://www.CityofAmes.org)

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**Pete Moore** <peteymoore@gmail.com>

Wed, Aug 30, 2023,  
8:51 PM

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to Corey

Corey,

Thanks for getting back to me. Our plan would be to knock down the old one and build something bigger, and we're prepared for the possibility that it would have to move a bit away from the alley. Currently the NE corner of the existing garage is only 4 ft. from the alley, and the SE corner is 8 ft. Our current idea would be to replace the existing structure (which is about 19 by 26) with a wider one (32 by 24, plus an open concrete parking pad to the south). If the 8 feet applies to the closest point, we'd have to move the whole structure quite a bit to the west; alternatively if it is the farthest or average distance, it will only need to move a bit. Let me know how to proceed.

Thanks

-Pete



**Montgomery, Corey** <corey.montgomery@cityofames.org> Thu, Aug 31, 2023, 10:22 AM

to me

Pete,

If the structure is to be widened it would have to meet the current setback requirements. The closest point of the foundation would have to be 8 ft from the property line, or more than 20ft. A site plan is required for all permit applications.

Let me know if you have additional questions.

Corey

APPENDIX D: Correspondence with city staff member Justin Moore, spring 2024

Justin,

Thanks for discussing our garage plans with our contractor Martin and with your colleagues at the city. Our garage needs to be replaced (it currently has a cracked and heaving floor, failing rafters, rotten fascia, etc., floods in every large rain and snowmelt events, and is too small to fit two modern vehicles) and we are hoping in the process to make the new garage better meet our needs and support the value of our home. My wife Lisa and I would like to ask a few more questions to better understand the rationale for your decision regarding relevant city ordinances, and to explore our options moving forward:

1) We have read and believe we understand the ordinance about the distance of a garage from the alleyway. I'm not sure what the reasoning behind this ordinance is, but I've been inferring that it is intended to make it difficult for a car parked outside of a garage to obstruct traffic in the alley or something like that. If that is the case, I don't see how an interpretation of the ordinance that the average or minimum distance is 8' would be substantively different in this function. Can you enlighten us about the intent of this ordinance?

2) A walk down the alley of our block, the 720-900 block of Brookridge and Ridgewood, suggests that EVERY garage within the portion of the block with a NW-SE alleyway orientation would be out of compliance in terms of alignment with the alley, and many with distance from the alley. Looking at aerials around the neighborhood, the same could be said for the next block south on Brookridge/Ridgewood and many homes around Northwestern. I believe that some of these structures have been built since the ordinance was adopted, so was scrutiny not applied in those cases or were variances allowed for some reason? If variances were allowed, on what basis?

3) We understand that our home is part of a candidate Historic District, which seems to aim to preserve the historic character of the properties. We are fully on board with this, and would make every effort to match a new garage with the architecture of our home and the neighboring homes. It seems like changing the alignment of the garage to differ from that of all the others in the neighborhood would be more damaging to this historic character than simply shifting it away from the alley while maintaining the existing E-W alignment that is standard on our block. How would potential city ordinance and historic preservation commission conflicts be reconciled?

Our options, as I currently understand it, are pretty limited if we wish to improve the function and value of our home's garage. Can you help us understand alternatives that we are not aware of? We're happy to discuss further in person, by phone, or over e-mail. I'm also happy to make a more official appeal to the City if that is our only recourse.

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Thanks for addressing our questions.

-Pete Moore and Lisa Schulte Moore, 728 Brookridge Ave. homeowners

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**Pete Moore** <[peteymoore@gmail.com](mailto:peteymoore@gmail.com)>

May 31, 2024,  
1:02 PM

to justin.moore



**Moore, Justin**

Jun 4, 2024,  
4:23 PM

to me

Pete,

See below my responses that are in red.

**From:** Pete Moore <[peteymoore@gmail.com](mailto:peteymoore@gmail.com)>

**Sent:** Friday, May 31, 2024 1:02 PM

**To:** Moore, Justin <[justin.moore@cityofames.org](mailto:justin.moore@cityofames.org)>

**Subject:** Fwd: 728 Brookridge Determination

[External Email]

----- Forwarded message -----

From: **Pete Moore** <[peteymoore@gmail.com](mailto:peteymoore@gmail.com)>

Date: Fri, May 31, 2024, 12:53 PM

Subject: Fwd: 728 Brookridge Determination

To: <[justin.moore@cityofames.com](mailto:justin.moore@cityofames.com)>

Cc: Lisa Schulte <[tolisaschulte@hotmail.com](mailto:tolisaschulte@hotmail.com)>, Martin Escobedo  
<[alamo.handyman.services@gmail.com](mailto:alamo.handyman.services@gmail.com)>

Justin,

Thanks for discussing our garage plans with our contractor Martin and with your colleagues at the city. Our garage needs to be replaced (it currently has a cracked and heaving floor, failing rafters, rotten fascia, etc., floods in every large rain and snowmelt events, and is too small to fit two modern vehicles) and we are hoping in the process to make the new garage better meet our needs and support the value of our home. My



wife Lisa and I would like to ask a few more questions to better understand the rationale for your decision regarding relevant city ordinances, and to explore our options moving forward:

1) We have read and believe we understand the ordinance about the distance of a garage from the alleyway. I'm not sure what the reasoning behind this ordinance is, but I've been inferring that it is intended to make it difficult for a car parked outside of a garage to obstruct traffic in the alley or something like that. If that is the case, I don't see how an interpretation of the ordinance that the average or minimum distance is 8' would be substantively different in this function. Can you enlighten us about the intent of this ordinance? **The current ordinance was designed to function as you stated above. The reasoning for 8' was to allow a vehicle the ability to turn in and out adequately but not to be able to park between the garage and the alley. ( A 24' distance from the opposite side of the alley to the garage.) The 20' rule meets our standard 90-degree parking stall requirement which is 19' in depth so that a full vehicle could park between the garage and the alley. Any depth between 8' and 20' would cause vehicles to extend out into the alley which would cause safety and pass ability issues in the alley. With all this in mind its saying that you either pull directly into your garage off the alley or have enough depth to fit a vehicle between the alley and the garage.**

2) A walk down the alley of our block, the 720-900 block of Brookridge and Ridgewood, suggests that EVERY garage within the portion of the block with a NW-SE alleyway orientation would be out of compliance in terms of alignment with the alley, and many with distance from the alley. Looking at aerials around the neighborhood, the same could be said for the next block south on Brookridge/Ridgewood and many homes around Northwestern. I believe that some of these structures have been built since the ordinance was adopted, so was scrutiny not applied in those cases or were variances allowed for some reason? If variances were allowed, on what basis? **This is tough to say for sure. Many of them likely pre-date the ordinance. Without all of the building permit data it's hard to know. It's unlikely if any were built in the last 20 plus years that the setback would not have been at least generally adhered to. A Variance would be rare and would have had to have been approved with all the Variance standards being met which under the law is a very high bar of criteria.**

3) We understand that our home is part of a candidate Historic District, which seems to aim to preserve the historic character of the properties. We are fully on board with this, and would make every effort to match a new garage with the architecture of our home and the neighboring homes. It seems like changing the alignment of the garage to differ from that of all the others in the neighborhood would be more damaging to this historic character than simply shifting it away from the alley while maintaining the existing E-W alignment that is standard on our block. How would potential city ordinance and historic preservation commission conflicts be reconciled? **Since the area is not part of an official historic district it's hard to say. Generally, historic districts have their own set of standards written if different than general development standards. If the area your**

property was in became a historic district, any garage reconstruction would have to meet those standards as well. (Design elements such as façade, materials, roofline, etc.) Any separate setback standard on its own could be established through the historic district standards or be referenced to the regular general development standards as they are now. I realize that probably isn't helpful as its hard to say what a district here would look like.

Our options, as I currently understand it, are pretty limited if we wish to improve the function and value of our home's garage. Can you help us understand alternatives that we are not aware of? We're happy to discuss further in person, by phone, or over e-mail. I'm also happy to make a more official appeal to the City if that is our only recourse. At this point the only recourse otherwise is to write a letter to City Council to request they initiate a Text Amendment (Ordinance amendment) to address the matter based on your request. They would consider whether they believe the matter is necessary to have staff make changes to the ordinance. They would then review any amendment for approval or denial.