

Docket Number: 23/13494

Appellants: Nadia Clark and Todd Sharp (Property Owners), 11469 NW 116th Court, Granger, IA 50109

Appeal: The appellants request a Variance to allow an existing 8.5' x 13' (110.5 SF) covered bar to remain located five (5) feet from the principal structure, in lieu of the required ten (10) feet.

Background

The subject property is located at 11469 NW 116th Court, Granger, and is legally described as Lot 5 of Jester Glen Estates Plat 2, being located within Section 5, Township 80 North, Range 25 West of the 5th P.M. (Jefferson Township). The property is approximately .93 acres (40,510 SF) in size and is zoned "RR" Rural Residential District. The subject property is located just over one (1) mile north of the City of Granger and City of Johnston corporate limits. The surrounding unincorporated properties contain existing single-family residences also zoned "RR" Rural Residential District. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property has approximately 274 feet of frontage along NW 116th Court where NW 116th Court curves east to become NW 114th Avenue. The property contains an existing single-family residence and attached garage that was constructed in 2005 by a previous property owner according to County records. In 2023 a permit was pulled to install an inground pool and upon inspection of the pool, a covered patio bar was discovered. Although a permit is normally not required for accessory structures under 120 square feet, the Polk County Building division determined the large foundation and permanent nature of the structure warranted a permit to ensure construction standards were met. Furthermore, every accessory structure regardless of size, is required have a separation distance of ten (10) feet or greater from principal structures.

Summary of Request

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1: Residential Accessory Buildings (C)*, stipulates that an accessory building, in-ground pool or above-ground pool must be located at least ten (10) feet from a principal structure. A deck attached to the principal structure and/or surrounding a pool adjacent to the principal structure is considered part of the principal structure. A variance of five (5) feet is requested to allow an existing 8.5' x 13' (110.5 SF) covered bar to remain located five (5) feet from the principal structure, in lieu of the required ten (10) feet. The submitted application and site plan for this appeal can be found as *Attachment B*.

Staff mailed out thirteen (13) notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 250-foot notification boundary. To-date staff has received two (2) responses in support and zero (0) in opposition of this Appeal.

Natural Resources

The property is relatively flat with a gradual elevation change from 954 on the east side of the property to 944 on the west side. The property contains very few trees that are spread throughout the property. The covered bar did not require any tree removal at the time of construction. The property is located outside any floodplain areas and contains no other environmental hazards or features.

Roads & Utilities

The property has frontage to the west along NW 116th Court, which is a paved two-lane local roadway maintained by Polk County. Water service is provided by Xenia. Polk County mapping indicates there is an existing six-inch (6") water main located along the east side of NW 116th Court. The property is served by a private onsite septic system, which Polk County records indicate is located north of the dwelling within the rear yard of the property. Polk County Environmental Health regulations require that all structures maintain a minimum separation of ten (10) feet from all components of the wastewater treatment system. The location of the existing covered bar meets this requirement.

Recommendation

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The location of the existing septic in relation to the home and pool reduces the viable area to place a covered patio bar adjacent to the pool. Furthermore, the size, use, and proposed location of the structure will not impact the principal structure or navigation through the property.
- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. Covered patio bars are a permitted use on the subject property.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

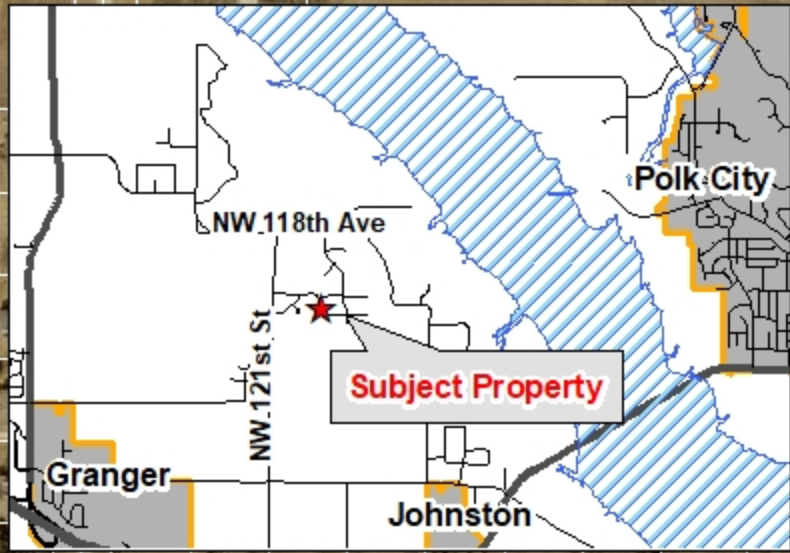
Yes. Visual impact to surrounding properties is mitigated by a six (6) foot wood fence surrounding the entire backyard
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The location and orientation of the existing dwelling and the location of the existing septic systems are not results from actions taken by the appellants.
- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5

were answered in the affirmative, staff recommends approval of the requested variance.



Variance Appeal Application



Board of Adjustment Authority

The Polk County Board of Adjustment is empowered by Iowa law and by the Zoning Ordinance of Polk County to hear requests and to make decisions on variance appeals to the Zoning Ordinance for individual properties where provisions of the Ordinance impose a unique and unnecessary hardship on the property owner and where the granting of a variance is not contrary to the intent of the Zoning Ordinance or to the public interest.

Each variance appeal is only a request to have a hearing before the Board of Adjustment. Notice of the hearing will be provided to all property owners located within 250 feet from the subject property. The Board of Adjustment will make a determination at a public hearing whether or not to approve or deny the request based on a staff report, applicant presentation, as well as public input. All appeals that are denied shall not come back to the Board of Adjustment for one year. Refunds will not be made once notice has been sent out to adjacent property owners.

Please complete the entire application and review the Variance Regulations on page 3.

(time stamp) Official Use Only

1. The undersigned applicant requests that the Board of Adjustment consider this application for a variance appeal for the following general purpose. (Describe briefly the request)

Permit originally obtained through Granger & building of the pool + bar were started prior to realizing we needed a permit through polk county.

- 2. Subject Property Address: 11469 NW 116th Court Granger
3. Subject Property Zoning District: Jefferson Township
4. District and Parcel Number: 240/00739-031-005
5. Subject Property Legal Description (attach if necessary): Lot 5 Jester Glen Estates Plat 2

6. Filing Fee: \$315 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Nadia Clark Sharp Applicant (Print Name)
Nadia Clark Sharp Signature
12/6/23 date
Owner Interest in Property (owner, renter, prospective buyer, etc.)
nadia.clark@yahoo.com Email
11469 NW 116th Court Granger Address, City, State and Zip
(515) 480-2458 Phone
Fax

8. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below

Landon Belien Applicant Representative (Print Name)
Blue Stream Pools & Spas Firm or Business Name
24958 Summerset Rd Address, City, State and Zip
Landon.Belien@gmail.com Email
515-442-3471 Phone
Fax

9. Property Owner Consent

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

<u>Nadia Clark Sharp</u> (Print Name)	<u>Nadia Clark Sharp</u> Signature	<u>12/16/23</u> date
<u>Todd Sharp</u> (Print Name)	<u>Todd Sharp</u> Signature	<u>12/16/23</u> date
_____ (Print Name)	_____ Signature	_____ date
_____ (Print Name)	_____ Signature	_____ date

10. State the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance. Specifically explain the nature of the appeal.

Concrete bar has already been poured per previous permit through Encroachment

A completed application with site drawing and filing fee are required for a submittal. Incomplete submittals will not be processed and returned to the Applicant.

Return completed forms to: Polk County Public Works, Planning Division 5885 NE 14th Street, Des Moines, IA 50313
 Phone (515) 286-3705 - Fax (515) 286-3437
 Forms and calendar available online <http://www.polkcountyiowa.gov/PublicWorks/>

OFFICIAL USE ONLY			
Received by		Docket Number	
Date Received		Reviewed by	
BOA meeting date		BOA Approved	Y / N



Blue stream

1" = 40'

