

Docket Number: 19/8313

Appellant: Debbie Musselman, 5625 SE Circle Drive,
Carlisle, IA 50047 (property owner)

Appeal: The appellant requests a variance for an existing accessory structure to remain located in front of a principal dwelling at a front yard setback of approximately 10.75 feet.

Background

The subject property is located at 5625 SE Circle Drive, Carlisle. The property is legally described as: LYG E OF LN FROM PT 3F E OF NW COR LT 6 TO PT 7F W OF SE COR LT 4 LTS 4,5,6 & W 1/2 LT 7 BLK B AVONDALE. The property is located in the NW¼ of Section 34, Township 78 North, Range 23 West of the 5th P.M. (Allen Township). The subject property is approximately 7,000 square feet (0.16 acres) in size, and is zoned “MDR” Medium Density Residential District. The property is approximately 66.60 feet wide and between 106 and 112 feet deep, with frontage to the north onto SE Circle Drive. Surrounding properties are all zoned “MDR” Medium Density Residential District and developed with single-family homes. The subject property is located within the unincorporated area known as Avon Lake, which consists of a number of small lots originally platted in the 1920’s, 1940’s and 1950’s. The smaller lots were originally designed for cabins and secondary homes. Today the area is still comprised of relatively small lots with single-family dwellings. The area is located northwest of the developed portion of the City of Carlisle, but the City’s corporate limits are adjacent to the east, south and west. Avon Lake is approximately one (1) mile east of the intersection of the Highway 65 bypass and SE 64th Avenue (Army Post Road). See *Attachment A* at the end of this report for a vicinity map of the subject property and surrounding area.

The subject property contains an existing single-family dwelling constructed in 1954, as well as a small accessory shed in the rear yard of the property. The structure in question is an additional 144 square foot (12’x 12’) accessory shed recently constructed by the appellant in the front yard of the property. This shed was constructed without the required building permit, and staff became aware of the structure through enforcement action in the area. Polk County has put the enforcement action on hold, pending approval of the variance and the appellant obtaining a building permit. If the variance were denied, the appellant would be required to relocate the shed to a conforming location if possible or remove it from the property. The existing dwelling is setback approximately 37 feet from the north, front property line along SE Circle Drive. The accessory shed in question is located in the front yard between the dwelling and SE Circle Drive. The appellant is requesting a variance to allow the accessory shed to remain within the front yard of the property at a front yard setback of approximately 10.75 feet.

Staff mailed out 29 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 no responses regarding this Appeal.

Summary of Request

Under the provisions of the Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1(J)*, an accessory building may not be placed in front of the principal building unless it is setback a minimum of 100 feet from front property lines, and has a maximum separation distance between the principal structure and accessory building of 150

feet. The owner has constructed a 144 square foot (12' x 12') accessory shed in front of the principal dwelling on the property. The proposed location of the shed meets the second criteria, being located approximately 14.50 feet from the principal dwelling (also meeting the minimum ten (10) feet of separation from the dwelling). However, the proposed front yard setback for the structure is approximately 10.75 feet. The shed meets the minimum side yard setback of five (5) feet from the western, side property line. The existing dwelling is setback approximately 37 feet from the front property line. Therefore, an accessory structure may only be located in the front yard of the property with approval of a variance. See *Attachment B* at the end of this report for a copy of the site plan submitted with the variance application.

Natural Resources

The subject property contains no areas of mapped floodplain, wetlands or other environmental hazards or features. The site topography is flat, with the property having an elevation of approximately 784 feet. There are a few mature trees primarily located along the western property line and in the rear yard. These trees will not be impacted due to the location of the shed.

Roads & Utilities

The property has approximately 66.60 feet of frontage to the north onto SE Circle Drive. SE Circle Drive is a narrow, hard surfaced two-lane local roadway maintained by Polk County. Water service for all properties in this area is currently provided by private wells. In communication with the owner, staff understands the private well for this property to be located in the rear yard south of the house. The City of Carlisle provides sanitary sewer service to the property. There is an ejector pump for the sanitary service, which is located southeast of the house opposite of the shed location. At time of building permit application the appellant is required to provide written approval from the City of Carlisle regarding the shed location and its separation from the sanitary sewer service line, ejector pump and easements. Polk County cannot issue the permit until this is documentation is received. Staff has made the appellant aware of 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. There is a mature maple tree located along the driveway west of the house that effectively prevents the shed from being located in a conforming location and accessible. Furthermore, the location of the sanitary sewer service line, ejector pump, and private water well also prevent the placement of the shed in a conforming location in the rear yard.

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. Residential accessory structures are permitted within the zoning district.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The proposed accessory structure is adequately setback for visibility and safety purposes. The structure does not negatively affect the front building line relative to adjacent properties, due to its relatively small size and limited height.

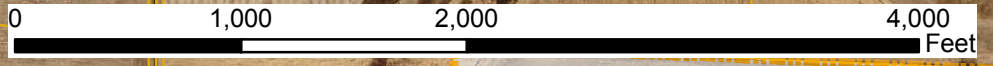
4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The location of the sanitary sewer service, ejector pump and private water well are existing conditions of the property. The installation of the sewer service and ejector pump, as well as replacement of the private well, have all occurred under the appellant's ownership of the property. However, given the small size of the lot there was little to no alternative locations for these necessary services.

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. No environmentally sensitive areas of the property are impacted by this proposal. Approval of the variance supports the preservation of existing mature trees on the property.

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.



Attachment A

**Subject Property
5625 SE Circle Dr**

Avon Lake

Carlisle

Des Moines

Des Moines

Hwy 65

Hwy 65
SB Hwy

Hwy 65
NE Hwy

SE 52nd St

SE 56th St

SE 64th Ave

SE 55th St

SE 55th Ct

SE Maple Dr

SE 57th St

SE Elm Dr

SE Circle Dr

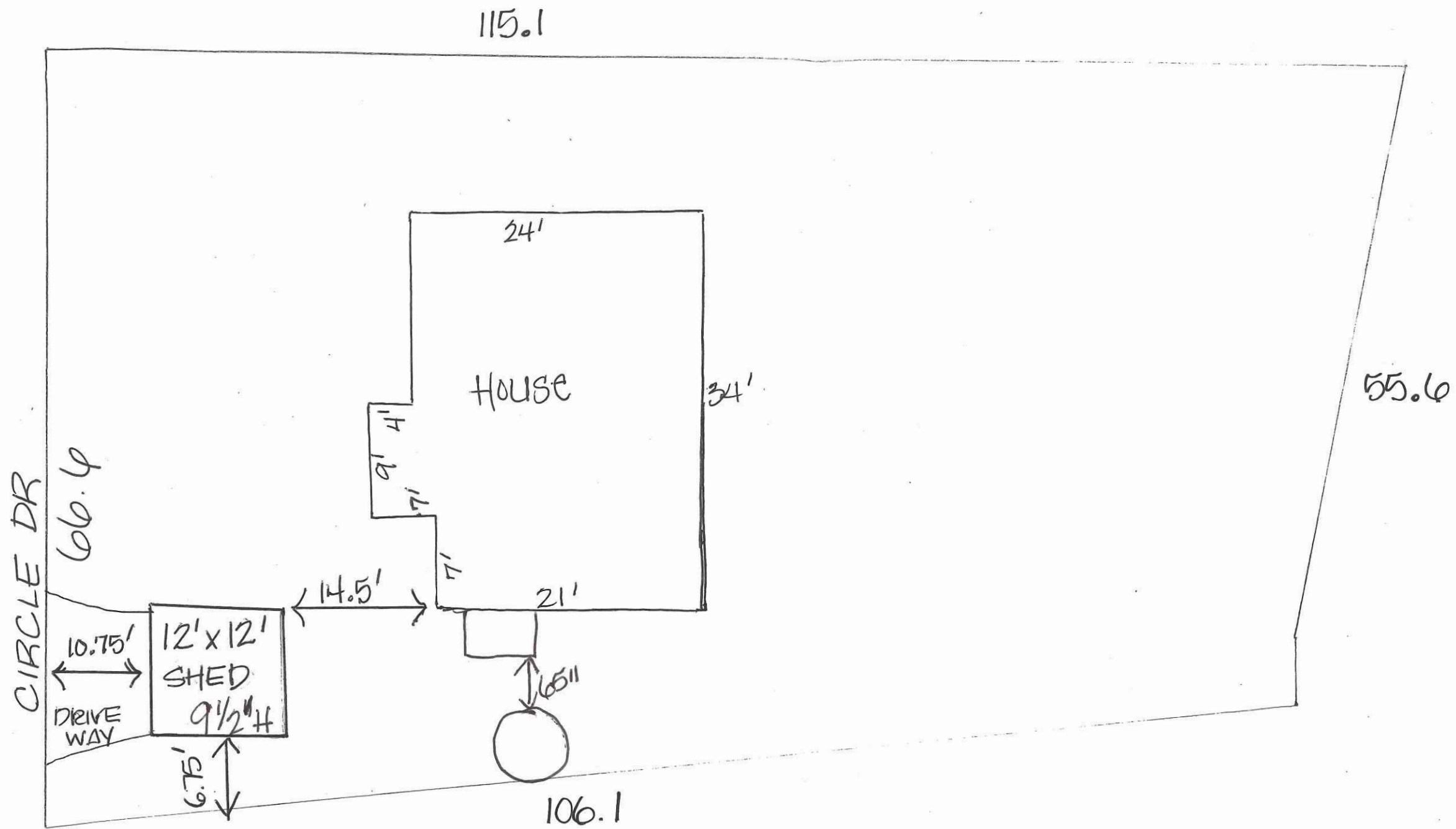
SE 60th St

SE 68th Pl

SE 72nd Ave

SE Avon Dr

SE 50th Ct
NE 72nd Ave



Attachment B

Debbie Musselman (515) 360-8523

5625 SE Circle Drive , Carlisle, IA 50047

Legal Description: LYG E OF LN FROM PT 3F E OF NW COR LT 6 TO PT 7F W OF SE COR LT 4 LTS 4,5,6 & W 1/2 LT 7 BLK B AVONDALE

Zoning: Medium Density Residential District

7/31/19

Scale: 1" = 10'

