**Docket Number:** 19/8591 **Appellant:** Polk County Conservation, Adam Fendrick, 12130 NW 128<sup>th</sup> Street, Granger, IA 50109

**Appeal:** Requesting a Variance to allow a new cottage building to be constructed at a location that is less than 30 feet from the existing lodge building (approximately 25 feet at its closest point), at the subject property of 11121 NW Jester Park Drive, Granger, Iowa 50109.

### **Appeal Given:**

Polk County Conservation Board manages the Jester Park Lodge on Saylorville Lake. The facility hosts several events and weddings each year. We would like to construct a bridal cottage adjacent to the Lodge. This would be a space for the bride and bridesmaids could go and get ready in a private space.

The request for the Variance is to allow the bridal cottage be placed within 30 feet of the Lodge. The site selected for the cottage is bound on two sides by the Lodge and bound on the other two sides by the driveway.

Staff examined the possibility of a breezeway to connect the two structures. This was not possible to connect into the roof of the lodge because the lodge is a pre-manufactured building.

The submittal packet which includes color elevations of the proposed cottage and the building with landscape plans are attached as Attachment 'A' and Attachment 'B'.

#### Background

The subject property is zoned "OS" Open Space District and is part of the larger Jester Park complex. The "OS" Open Space District is assigned to areas of the County that are held publically. This District is intended to remain open space for passive and active recreational purposes. The uses permitted within this district are limited to uses associated to the recreational facilities provided in these areas. The subject property is described as Government Lot 1 and the Western 639.54 feet of Government Lot 5 and the Northern 412.5 feet of the Southwest ¼, Southwest ¼, of Section 33 in Jefferson Township. The subject property includes approximately 101.97 acres. A vicinity map is attached as Attachment 'C'. If this Variance is approved, the development of the proposed cottage will also require approval of a Minor Site Plan prior to commencement of construction.

The proposed cottage is planned to be constructed in a green space area that is located adjacent to the existing lodge building. The cottage will operate in conjunction with the events held at the Lodge and not be utilized independently. The green space area is constrained by an existing Lodge on two of the sides and existing hardscape pavement improvements on the remaining sides. The proposed cottage is required to comply with the non-residential minimum building separation of 30 feet.

### **Summary of Request**

The Appellant is planning to construct a cottage on the subject property, within an existing green space area that is adjacent to the Jester Park Lodge. At its closest point, the cottage is proposed to be approximately 25 feet from the existing Lodge. The minimum separation for non-residential structures in the "OS" Open Space District zone is 30 feet.

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 5: Non-Residential Bulk Standards, Table 6.9 Table of Nonresidential Bulk Standards*, indicates in part, the minimum building spacing in the "OS" Open Space District zone is 30 feet.

A Variance is requested due to the future cottage construction, which is planned to be located closer than 30 feet to an existing building.

#### **Natural Resources**

The area that is proposed for development is relatively flat and is already fully developed. The subject property is part of the Jester Park complex, which includes numerous passive and active recreational uses. Natural resources exist on this property, however the proposed construction will not affect these natural areas.

#### **Roads/Utilities**

Access to the property from NW Jester Park Drive will not change with the proposed development. Water service is provided by Xenia Rural Water District and sanitary sewer is provided by an onsite septic system.

#### 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 Jester Park complex includes numerous passive and active recreational opportunities. The construction of a cottage in an area that is constrained between existing pavement and the Lodge building is an unusual circumstance for a property and an area that is largely open space. Further, the inability to connect the two structures with a breezeway due to the construction type of the existing Lodge building is also unique. The internal location of the proposed construction is buffered by distance, mature landscaping and the existing Lodge building. The inability to connect the two (2) structures to eliminate the separation setback requirement, the constrained location due to the existing infrastructure along with the isolated location provide special conditions that apply to this property and not to others in the same zoning district.

- 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. An Outdoor Institutional use, specifically a support recreational use, is permitted within the "OS" Open Space District subject to appropriate site plan and building permit approvals.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
  - Yes. The requested Variance is internal to the site. The minimum required setbacks from the surrounding property lines are all met and exceeded. Further, the new cottage is buffered by the existing lodge building, vegetation and distance and should have minimal impact on adjacent property owners.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
  - Yes. The existing infrastructure and the pre-manufactured construction of the lodge which does not allow a typical connection to the cottage are existing conditions and not a result of the actions of the Appellant.
- 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 granting of the requested variance supports the intent of these provisions.

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 Variance request to reduce the minimum building separation from 30 feet to approximately 25 feet at its closest point.





Jester Park Lodge Improvements – **'The Cottage'** 

















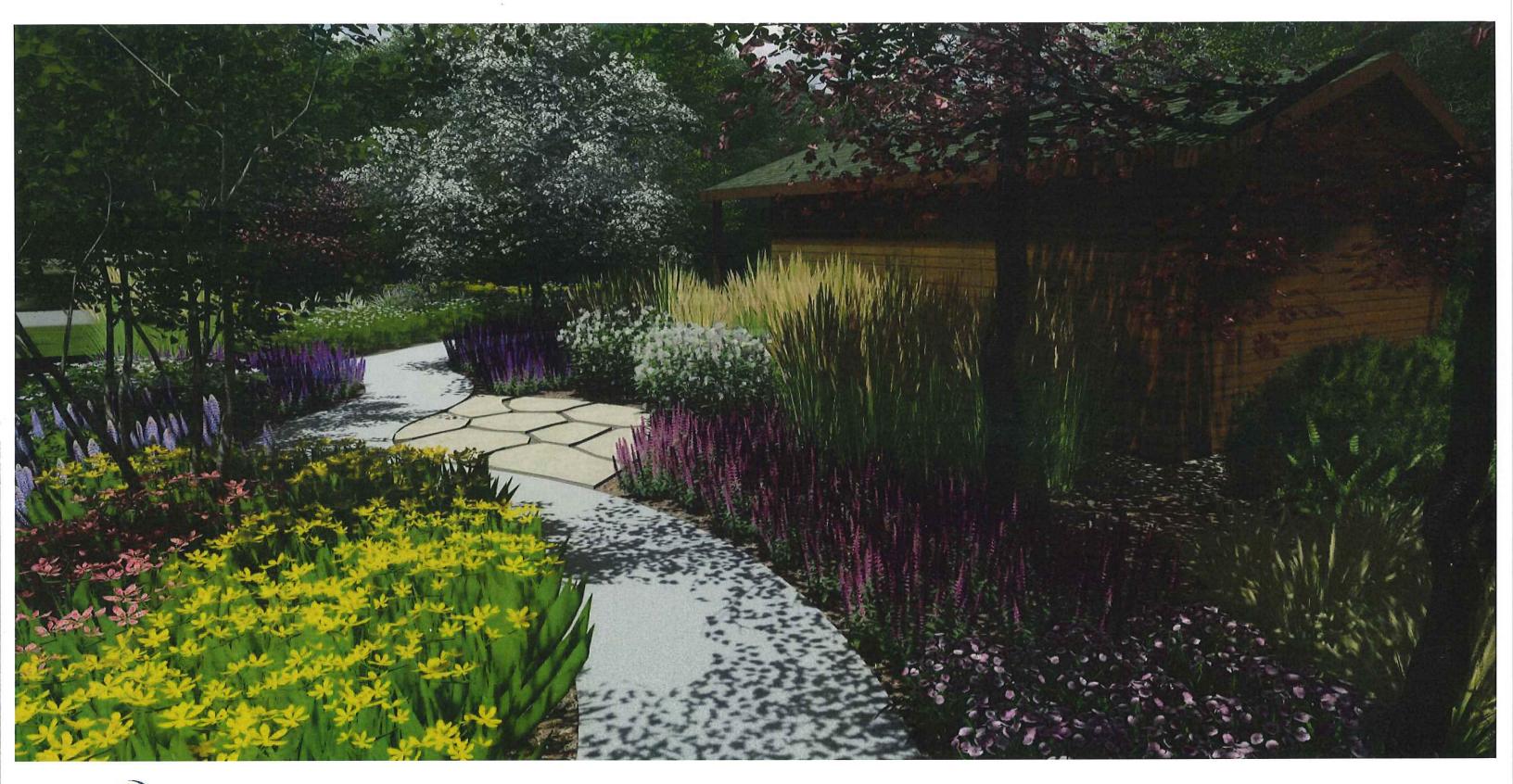




























GRANGER, IOWA





**POLK COUNTY** 





| Sheet List Table |                     |
|------------------|---------------------|
| Sheet Number     | Sheet Title         |
| C000             | COVER               |
| C101             | SITE & GRADING PLAN |
| C201             | UTILITY PLAN        |
| E101             | ELECTRICAL PLAN     |
| S101             | FOUNDATION PLAN     |

# **GENERAL NOTES**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF ORK RETWEEN ALL SUPPLIERS AND SUBCONTRACTORS INVOLVED IN
- THE LOCATIONS OF UTILITY MAINS, STRUCTURES AND SERVICE CONNECTIONS PLOTTED ON THIS DRAWING ARE APPROXIMATE ONLY AND WERE OBTAINED FROM RECORDS MADE AVAILABLE TO SHIVE-HATTERY, INC. THERE MAY BE OTHER EXISTING UTILITY MAINS, SHIVE-HATTERY, INC. AND NOT SHOWN ON THIS DRAWING. TH VERIFICATION OF EXISTENCE OF, AND THE DETERMINATION OF THE EXACT LOCATION OF LITH ITY MAINS STRUCTURES AND SERVICE EXACT LOCATION OF, UTILITY MININS, STRUCTURES AND SERVICE
  CONNECTIONS SHALL BE THE RESPONSIBILITY OF THE CONSTRUCTION
  CONTRACTOR(S). IT IS THE CONTRACTOR'S RESPONSIBILITY TO
  DETERMINE THEIR EXISTENCE AND EXACT LOCATIONS AND TO AVOID DAMAGE THERETO. NO CLAIMS FOR ADDITIONAL COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR ANY INTERFERENCE OR DELAY
- NOTIFY UTILITY COMPANIES AND THE OWNER OF THE SCHEDULE PRIOR TO EACH STAGE OF CONSTRUCTION.
- ROTECT EXISTING UTILITIES DURING CONSTRUCTION.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL UNCOVER EXISTING UTILITIES AT CRITICAL LOCATIONS TO VERIFY EXACT HORIZONTAL AND VERTICAL LOCATION.
- IOWA CODE 480, UNDERGROUND FACILITIES INFORMATION. REQUIRES HOURS BEFORE EXCAVATING, EXCLUDING WEEKENDS AND HOLIDAYS.
- THE MEANS OF THE WORK AND THE SAFETY OF THE CONTRACTOR'S PLOYEES ARE SOLELY THE RESPONSIBILITY OF THE CONTRACTOR.
- ANY WORK REQUIRED TO COMPLETE THE SCOPE OF THIS PROJECT BUT NOT SPECIFICALLY CALLED OUT, SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT. NO ADDITIONAL COMPENSATION SHALL BE ALLOWED FOR
- WORK WHICH DOES NOT CONFORM TO THE REQUIREMENTS OF THE CONTRACT WILL BE CONSIDERED UNACCEPTABLE. UNACCEPTABLE WORK, WHETHER THE RESULT OF POOR WORKMANSHIP, USE OF DEFECTIVE MATERIALS, DAMAGE THROUGH CARELESSNESS OR ANY OTHER CAUSE, FOUND TO EXIST PRIOR TO THE FINAL ACCEPTANCE OF THE WORK, SHALL BE REMOVED AND REPLACED IN AN ACCEPTABLE MANNER, AS REQUIRED BY THE OWNER AT THE CONTRACTOR'S
- NO WORK SHALL BE PERFORMED BEYOND THE PROJECT LIMITS WITHOUT PRIOR AUTHORIZATION FROM THE OWNER'S REPRESENTATIVE.
- 11. CONTOURS AND SPOT ELEVATIONS SHOWN ARE TO FINISHED GRADE
- 12 ALL DIMENSIONS TO EDGE-OF-PAVING UNLESS NOTED OTHERWISE

- DO NOT RESTRICT DRAINAGE CHANNELS. CONTRACTOR SHALL BE AWARE OF EXISTING DRAINAGE CONDITIONS AND FACILITIES AND SHALL ENSURE POSITIVE DRAINAGE IS MAINTAINED DURING ALL PHASES OF
- 14. ALL SLOPES IN PAVEMENT SHALL BE UNIFORM TO AVOID PONDING
- 15. NO PONDING OF WATER WILL BE ACCEPTED ON ANY NEW PAVEMENT OF ADJACENT PAVEMENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO IDENTIFY ANY AREAS OF EXISTING OR PROPOSED PAVEMENTS THAT HAVE POTENTIAL TO POND WATER AND MAKE ANY ADJUSTMENTS NECESSARY TO ENSURE THAT WATER WILL POSITIVELY DRAIN ACROSS
- REPAIR OR REPLACE DAMAGE TO EXISTING FACILITIES (TILE, UTILITIES FENCES, CONCRETE, ETC.) DESIGNATED TO REMAIN, AT NO ADDITIONAL EXPENSE TO THE OWNER.
- 17. WORK DONE CONTRARY TO THE INSTRUCTIONS OF THE OWNER'S REPRESENTATIVE, WORK DONE BEYOND THE LINES SHOWN ON THE PLANS, OR ANY EXTRA WORK DONE WITHOUT AUTHORITY WILL NOT BE
- 18. ALL AREAS DISTURBED BY CONSTRUCTION, INCLUDING ACCESS AND HAUL ROADS, ARE TO BE REWORKED TO THEIR EXISTING CONDITIONS
- 19. ALL OPEN EXCAVATIONS SHALL BE PROTECTED.
- 20. MINIMIZE DUST SPREADING FROM ALL WORK AND STAGING AREAS.
- 21. SITE CLEAN-UP SHALL BE PERFORMED ON A DAILY BASIS. SIDEWALKS, PARKING LOTS, ROADWAYS, ETC. SHALL BE KEPT CLEAN AT ALL TIMES
- 22. THE PROJECTS HAVE ANTICIPATED DISTURBED AREAS LESS THAN 1 ACRE, SO NPDES PERMITS WILL NOT BE REQUIRED. THE CONTRACTOR SHALL PROVIDE EROSION CONTROL MEASURES NECESSARY TO PROTECT AGAINST SILTATION, EROSION, AND DUST POLLUTION ON THE PROJECT SITE AND ANY OFFSITE BORROW OR DISPOSAL AREAS USED FOR THIS PROJECT. COMPLY WITH SOIL EROSION CONTROL REQUIREMENTS OF IOWA CODE, FEDERAL REGULATIONS, AND LOCAL
- MOST RECENT EDITION OF THE IOWA STATEWIDE URBAN DESIGN AND SPECIFICATIONS FOR PUBLIC IMPROVEMENTS SHALL APPLY TO THIS
- 24. ALL WORK SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH IOWA
- 25. CONSTRUCTION SURVEY STAKING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. MARK THE LOCATION OF IMPROVEMENTS IN THE FIELD AND REVIEW WITH OWNER'S REPRESENTATIVE PRIOR TO
- 26. SEEDING AND RESTORATION SHALL BE COMPLETED PER IOWA SUDAS

THE MOST RECENT EDITION OF THE IOWA STATEWIDE URBAN DESIGN SPECIFICATIONS SHALL APPLY TO ALL WORK PERFORMED ON THIS PROJECT

STRUCTURAL ENGINEER

## CIVIL ENGINEER



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Marie M. Correrse Sep 3 2019 7:43 AM

Printed or typed name: License Number:

MONICA M. CONVERSE

My License Renewal Date is: DECEMBER 31, 2019 PAGES. SHEETS OR DIVISIONS COVERED BY THIS SEAL

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Printed or typed name: 19689 License Number:

**ENGINEER** 

SHIVE-HATTERY, INC

ATTN: EMILY NAYLOR

PH: (515) 223-8104 FX: (515) 223-0622

PH: (515) 323,5355

WEST DES MOINES, IA 50266

POLK COUNTY CONSERVATION

ATTN: DOUGLAS ROMIG 12130 N.W. 128TH ST. GRANGER IA 50109

4125 WESTOWN PARKWAY, SUITE 100

My License Renewal Date is: DECEMBER 31, 2019

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