

**Docket Number:** 23/12521  
23/12522

**Appellant:** Travis Sisson, 10461 NW 121<sup>st</sup> Street,  
Granger, IA 50109

**Appeal:** Requesting two (2) Variances to allow accessory buildings to be located in front of a principal structure. The Variance requests will allow one (1) proposed building and two (2) existing storage containers to have a separation distance from the principal structure that is greater than 150 feet.

### **Background**

The subject property is zoned “ER” Estate Residential District and is an approximately 11.25 acres in size. The subject property is addressed as 10461 NW 121<sup>st</sup> Street, Granger and is legally described as Lot 1, Friestad Plat 1, Section 8 in Jefferson Township. The subject property is located less than one (1) mile east of the City of Granger corporate limits and less than one (1) mile west of the City of Johnston corporate limits. The subject property is surrounded on all sides by single family residential lots zoned “ER” Estate Residential except for the adjacent properties to the west which are zoned “RR” Rural Residential. The subject property is located approximately 900 feet south of the intersection of NW 121<sup>st</sup> Street and NW 106<sup>th</sup> avenue. IA-141 is less than a half mile (½) to the south of the subject property. See *Attachment A* at the end of this report for an aerial vicinity map of the subject property and surrounding area.

The primary structure on the subject property, a single family home, was completed along with a pond in 2018. In 2019 a 24’ x 36’ (864 SF) accessory building was completed with an approved variance to be located in front of the principal residence, and separated from the principal residence by approximately 306 feet. At that time, the Ordinance required a 50-foot maximum separation distance between any accessory structures located in front of a principal structure. The property owner recently applied for a building permit to construct another 24’ x 36’ accessory building in front of the principal residence and being located just to the west of the existing accessory building. After reviewing the property, it was determined that along with a variance for the proposed building, another variance would be required for the two existing 8’ x 20’ (160 SF) storage containers that are located on each side of the existing accessory structure. The proposed accessory building and existing storage containers fail to meet the current 150-foot maximum separation distance from the principal residence for accessory structures located within the front yard.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1: Residential Accessory Buildings (J)*, stipulates that an accessory building may not be placed in front of the principal building unless said accessory building: (1) Is setback a minimum of 100 feet from the front property lines; and (2) Has a maximum separation distance between the principal structure and accessory building of 150 feet. The appellants are proposing to construct a 24’ X 36’ (864 SF) accessory building and permit two existing 8’ X 20’ (160 SF) storage containers to remain in their current location. The proposed and existing buildings meet the first criterion but not the second, which requires a maximum separation distance between the principal structure and accessory structures of 150 feet. The proposed location of the accessory building would be, at its closest point,

approximately 352.21 feet from the principal structure. The existing west storage container is approximately 336.65 feet away from the principal structure, while the east container is approximately 297.53 away. See *Attachment B* at the end of this report for a copy of the site plan and variance application.

Staff mailed out ten (10) 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 three (3) responses in support of the request, and no responses in opposition.

### **Natural Resources**

The site has areas of significant tree cover and topography. The home on the property is at an approximate elevation of 941, with the topography sloping to 906 through the drainage corridor from the pond that the Appellant created which flows southward. The property is heavily treed along the drainage corridor with a significant setback from NW 121<sup>st</sup> Street. There are no environmental hazards, and the property does not contain a designated floodplain.

### **Roads/Utilities**

The property has an existing access onto NW 121<sup>st</sup> Street via a gravel driveway to the dwelling. The property is located on the east side of NW 121<sup>st</sup> Street, approximately 880 feet south of the intersection with NW 106<sup>th</sup> Avenue. NW 121<sup>st</sup> Street is designated as a Major Collector street and is a paved two-lane County maintained road. The septic system is located directly east of the house, which exceeds the minimum 10-foot separation requirement between the septic system and the proposed and existing accessory buildings.

### **Recommendation**

**Docket #23/12521:** A variance to allow a proposed accessory building to be located in front of the principal building with a separation distance of 352.21 feet in lieu of the required 150 feet maximum separation distance.

### **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 property has exceptional and extraordinary challenges relative to topography, tree cover, and the existing improvements including the dwelling and the pond, which limits available buildable areas.
  
- 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 accessory building for personal use is permitted within the “ER” Estate Residential District.

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

Yes. The impact, if any, on surrounding properties will be minimal. The extensive setback from the public street and the limited number of residential homes, primarily located to the west across NW 121<sup>st</sup> Street, will preserve the rural feel of the area and surrounding properties. The property also contains mature trees and topography that provide screening from other properties.

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

Yes. The property’s topography and existing trees severely limit buildable areas for an accessory buildings on the site. The most feasible location to build is in front of the house and separated by more than 150 feet.

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, but for the granting of the variance an accessory building would be required to locate on environmentally sensitive areas of steep slopes and established woodlands.

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.

**Docket #23/12522:** A variance to allow two existing accessory storage containers to be located in front of the principal building with a separation distance of 336.65 feet for the east container and 297.53 feet for the west container, in lieu of the required 150 feet maximum separation distance.

**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 property has exceptional and extraordinary challenges relative to topography, tree cover, and the existing improvements including the dwelling and the pond, which limits available buildable areas.

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 accessory building for personal use is permitted within the "ER" Estate Residential District.

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

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

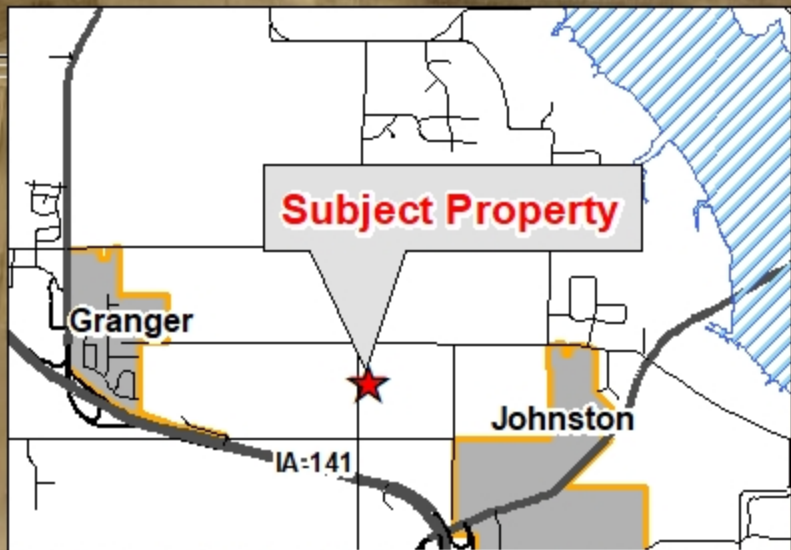
Yes. The property's topography and existing trees severely limit buildable areas for an accessory buildings on the site. The most feasible location to build is in front of the house and separated by more than 150 feet.

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, but for the granting of the variance an accessory building would be required to locate on environmentally sensitive areas of steep slopes and established woodlands.

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, subject the following condition:

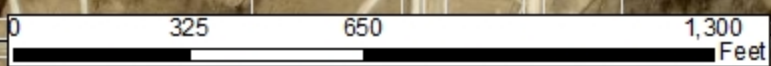
1. The appellants shall obtain a retroactive building permit for the existing storage containers, including the required engineering to substantiate the structures meet local requirements for wind and snow load.



Attachment A



**Subject Property**





**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.

(time stamp)  
Official Use Only

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

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)

To construct an accessory building and placement of two shipping containers in front of the principal house structure greater than 150' on the south side of an existing drainage way and pond that sits on approximately 11.25 acres.

2. Subject Property Address: 10461 NW 121st Street - Granger, Iowa 50109

3. Subject Property Zoning District: ER - Estates residential District

4. District and Parcel Number: 240/00720-100-001

5. Subject Property Legal Description (attach if necessary):  
Lot 1 - Friestad Plat 1

6. Filing Fee: \$353.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Travis M. Sisson  
Applicant (Print Name)

Signature

2023-02-21  
date

Owner  
Interest in Property (owner, renter, prospective buyer, etc.)

travis@tmsissonpc.com  
Email

10461 NW 121st Street - Granger, Iowa 50109  
Address, City, State and Zip

(515) 453-8502  
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

Applicant Representative (Print Name)

Firm or Business Name

Address, City, State and Zip

Email

Phone

Fax

Required Information: (must be included prior to making submittal)

1. Complete Application including the description of requested variance(s) with specific information for the request and state the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance.
2. Submit site drawing as required see details below.

#### **Site Drawing**

All variance appeals must submit three (3) 11x17 copies of a site drawing with the application. The site drawing must be fully dimensioned and legible. All required information must be drawn to a scale. The Zoning Administrator may require a petitioner to submit a site plan drawn by an engineer or architect. The site plan shall include the following:

1. Boundary drawing of the lot or area involved.
2. Location, dimensions, height and setbacks of all existing and proposed buildings and structures and the uses of each.
3. Use of the proposed addition to building or structure.
4. Approximate location of the vehicle entrance to the site.
5. Show the approximate location of water and sewer (septic system) facilities, if applicable.
6. Location of parking area and number of stalls required, if applicable.
7. General location of landscaping, buffer areas and screening, if applicable.
8. If the appeal is for a sign, the appeal must be accompanied by both a fully dimensioned, to scale elevation and site plan drawing of the sign, showing the exact location and size of the sign.

#### **Variance Regulations**

No variance from the provisions or requirements of this ordinance shall be authorized by the Board of Adjustment unless the Board finds beyond reasonable doubt that all the following conditions and circumstances exist. These regulations are found in the Zoning Ordinance, Article 17. Variance. The conditions and circumstances will be addressed by the Polk County Planning Division staff in reviewing the variance(s) request.

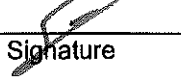
1. There must be exceptional or extraordinary circumstances or special conditions applying to the property in question, and do not exist generally on other properties in the same zoning district. By virtue of the unique or special conditions, it is, therefore, exceptionally difficult to place a use permitted in said district on the property.
2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and such variances will not permit uses that are prohibited in that district.
3. The authorization of such variance will not be of substantial detriment to adjacent property and will not be contrary to the purpose of this Ordinance and the public interest.
4. That the special conditions or circumstances did not result from the actions of the applicant.
5. The variance will not entirely void the natural resource protection requirements of this Ordinance.

The condition and/or situation of a property for which a variance is sought must be of an unusual nature. A variance shall not be authorized if the condition or situation is of a general or recurrent nature such that adopting a general regulation as an amendment to this Ordinance is a reasonably practicable solution.

The variance granted shall be the minimum necessary to permit a use of the property. A variance shall neither increase the number of permitted dwelling units by more than one (1), nor allow the minimum lot area required for a use to be decreased by more than ten (10) percent. If natural resources are involved, then mitigation for any damage to the environment shall be a condition of the variation.

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)

Travis M. Sisson _____ (Print Name)	 _____ Signature	<u>2023-02-21</u> _____ date
_____ (Print Name)	_____ Signature	_____ 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.

The owner of the property would like to construct an 864 sf accessory building approximately 280' in front of the existing house to the west and 215' south from the principal structure on the property. In addition the owner would like to place two shipping containers that are 8' wide by 20' long next to the existing storage shed on the property. The approximate distance of these containers from the principal structure is 343' and 316' from the corner of the house. According to Article 4, Division 6, Section 1 (J)(2) an accessory building when placed in front of the principal structure must be within 150' from the principal structure. These accessory buildings are meant to house equipment that is utilized to maintain property located on the south side of the existing pond and drainage way that runs through the property. Exceeding the 150' distance is necessary to get beyond the pond and drainage channel.

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**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 14<sup>th</sup> Street, Des Moines, IA 50313  
 Phone (515) 286-3705 • Fax (515) 286-3437 Email: PublicWorks@polkcountyia.gov  
Forms available online <http://www.polkcountyia.gov/PublicWorks/> BOA Calendar CALENDAR

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



