

Appeal: The appellants request a front yard setback Variance to allow a proposed accessory building to be located in front of the principal residence at a front yard setback of approximately 11.99 and 29.49 feet.

Background

The subject property is located at 5716 SE 14th Place, Pleasant Hill, and is legally described as Lot 4 of Cass Acres Plat 1, being within Section 10 of Township 78 North, Range 23 West of the 5th P.M. (Fourmile Township). The property is approximately 5.92-acres in size and is zoned "LDR" Low Density Residential District. The City of Pleasant Hill corporate limits are located approximately 500 feet to the north where they extend to include the existing residential subdivision known as Arbor Lake. The Highway 65 Bypass is located approximately three-quarters ($\frac{3}{4}$) of a mile to the west. Surrounding properties are primarily located within unincorporated Polk County, zoned Low Density Residential, and contain several existing single-family residences. There are also several larger, undeveloped parcels containing woodlands and steep ravines located south of the subject property extending south towards SE Vandalia Road. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is rectangular shaped having frontage onto SE 14th Place within its southwest corner. The frontage is partially adjacent to the westerly property line and partially adjacent to the southerly property line of the subject property. The development of Cass Acres Plat 1 was approved and recorded in April of 2022, and created four (4) single-family lots along the north side of SE 14th Place, which is a dead-end County roadway terminating along the southern boundary of the subject property and adjacent existing single-family residence to the south at 5721 SE 14th Place. The appellants are currently constructing a new single-family residence on the subject property, which has been permitted through Polk County Public Works.

Summary of Request

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Use Regulations: Section 1. Residential Accessory Buildings: (J)* states: "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 front property lines; and (2) Has a maximum separation distance between the principal structure and accessory building of 150 feet." The appellants propose to construct a new 30' x 22' (660 square feet) detached garage to be located in the southwest corner of the lot and in front of the newly constructed principal residence. The subject property has frontage along a portion of its westerly and southerly lot lines adjacent to SE 14th Place. A variance is requested to allow the accessory building in front of the principal residence at a front yard setback of approximately 11.99 feet from the westerly lot line at its closest point, and at a front yard setback of approximately 29.49 feet from the southerly lot line at its closest point. The submitted application and site plan for this appeal can be found as *Attachment B*.

Staff mailed out eight (8) 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 one (1) response in support and two (2) responses in opposition of this Appeal.

Natural Resources

The subject property contains significant elevation change sloping from a high point of approximately 895 feet in the southwest corner along SE 14th Place to a low point of approximately 805 feet within the eastern half of the property at the low point of a drainage way and drainage easement. This drainage way flows south and eventually into the Des Moines River. The recent subdivision of this parcel through the development of Cass Acres Plat 1 required the establishment of a 100-foot drainage easement and sanitary sewer easement along this drainage way for protection from future development. The property also contains significant mature woodlands throughout the entire site. The property is not located within a mapped floodplain and contains no other environmental hazards or features. The new single-family dwelling under construction is situated at the high point within the southwestern corner of the lot, which is the only feasible location to build on the property. The house is being constructed as a walkout design due to the natural grade of the property. The natural grade drops significantly directly north and east of the new home site. The proposed accessory garage, while in front of the principal residence and requiring a variance, would be located in the most suitable area remaining on the property. The proposed location would require little to no tree removals and grading work. Any other location on the site would be impractical without further tree clearing and significant grading work to achieve a level building site.

Roads & Utilities

The subject property is located at the eastern end of SE 14th Place, which is an existing dead-end County roadway that terminates along the southern frontage of the subject property. SE 14th Place extends approximately one-quarter (¼) mile east of the intersection with SE 55th Street and provides access to nine (9) single-family parcels, including the subject property and three (3) additional lots created by Cass Acres Plat 1. As part of the development of Cass Acres Plat 1, a public roadway improvement was completed along the north side of SE 14th Place just west of the subject property to provide a hammerhead turnaround for emergency and service vehicle access due to the increase in the number of buildable lots created by the development. SE 14th Place did not previously have a public turnaround.

The subject property has a small amount of frontage to the west adjacent to a 35-foot wide strip of the northerly right-of-way of SE 14th Place that was deeded to Polk County as part of the Cass Acres Plat 1 development. The property also has frontage to the south onto the original 40-foot wide right-of-way along SE 14th Place. Originally, Polk County Engineering staff required the future driveway for the subject property to be extended from the west running through the right-of-way and partially parallel to the roadway to reach the lot. Current Engineering staff has now determined they will allow the subject property to take direct access south onto SE 14th Place as depicted on the site plan for this application – See *Attachment B*. The property's southerly frontage provides a more direct access point for a driveway connection to SE 14th Place.

Water service is provided by Des Moines Water Works via an existing four-inch (4") water main located along the south side of SE 14th Place. The property is served by a private onsite septic system, which was permitted and inspected by Polk County Public Works. The new system is located on the north side of the new residence opposite of the proposed garage, and required separations from the garage and system would be met.

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 overall topography of the property, including steep slopes and mature woodlands located north and east of the new residence, is an exceptional circumstance that effectively prevents the location of an accessory building in a conforming location on the lot. Other lots within the development of Cass Acres Plat 1 and existing residential parcels along SE 14th Place do not have similar topographical constraints to the same degree.

- 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. Accessory structures 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 impacts on the front building line of SE 14th Place are minimal as it is a dead-end roadway. The adjacent property to the east of SE 14th Place is vacant and has significant topography that makes a future extension of the roadway and further development in this area impractical. Additionally, the proposed detached garage will be angled to match the orientation and architectural features of the new residence on the lot, thereby limiting visual impacts upon the existing building line.

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

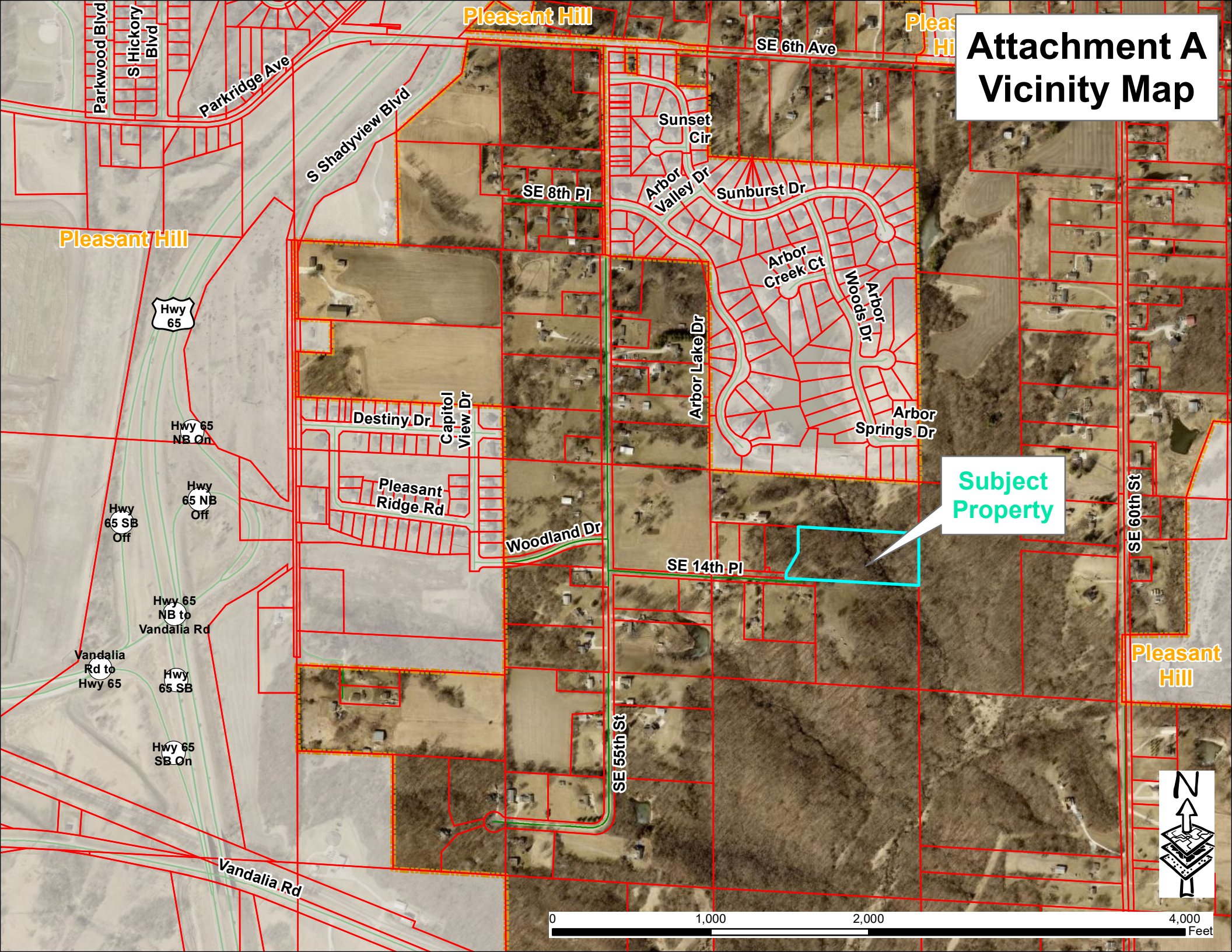
Yes. The site topography and constraints are natural conditions, and not a result of the actions of the appellants. These natural constraints leave a relatively small building envelope regardless of the placement of the new residence.

- 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?

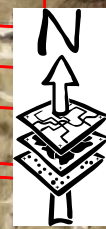
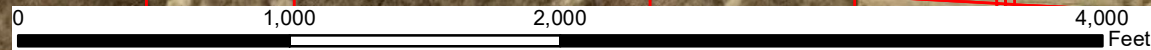
Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. The proposed building location minimizes the impact on mature woodlands and grading disturbance.

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 Vicinity Map



Subject
Property



Attachment B

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)

We are requesting a set back variance to build a 30'x22' carriage house style garage.

2. Subject Property Address: 5716 SE 14th Place Pleasant Hill, Iowa 50327

3. Subject Property Zoning District: Low Density Residential (LDR)

4. District and Parcel Number: 220/00197-000-006

5. Subject Property Legal Description (attach if necessary):

LOT 4 CASS ACRES PLAT 1

6. Filing Fee: \$336.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Mark J. Dearden

Applicant (Print Name)

Mark J. Dearden
Signature

4-17-2023
date

owner

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

deardenhome@gmail.com

Email

9320 NE 83rd Street Bondurant, Iowa 50035

Address, City, State and Zip

319-560-3307

Phone

N/A

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

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)

Mark J. Dearden, Trustee _____ (Print Name)	<u>Mark J Dearden, trustee</u> Signature	<u>4-17-2023</u> date
Minda A. Dearden, Trustee _____ (Print Name)	<u>Minda Dearden trustee</u> Signature	<u>4-17-2023</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.

A variance is requested due to the current setback requirements of Lot 4 Cass Acres Plat 1.

When the plat was originally proposed Polk County had the lot entrance on the west side near the southwest corner. Since then the Polk County Planning and Development Manager along with the County Engineer agreed that access from the south directly from 14th Street Place is a better entrance to Lot 4.

As you can see from the site plan, the house parallels the angle of the west property line. A proposed 30x22' carriage house style garage is planned. Keeping with the site plan, the construction is also parallel with angled west property line.

The current 35' set back from a narrow area on the west property line provides a unique and unnecessary hardship to us. This set back was required by Polk County before the access to the property was changed. The front yard is now to the south vs. west. This variance request does not appear contrary to the intent of the Zoning Ordinance or the Public interest.

Our house is currently under construction. We are building a high quality custom built walk out ranch home. The carriage house style garage will be built in the same quality as the house. The exterior will match the house in the siding material, windows, doors, roofing and paint. No tree removal will occur for the construction.

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 Email: PublicWorks@polkcountyiowa.gov
 Forms available online <http://www.polkcountyiowa.gov/PublicWorks/> BOA Calendar CALENDAR

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

J. THOMPSON BUILDERS

HOUSE SITE PLAN

LEGAL DESCRIPTION:

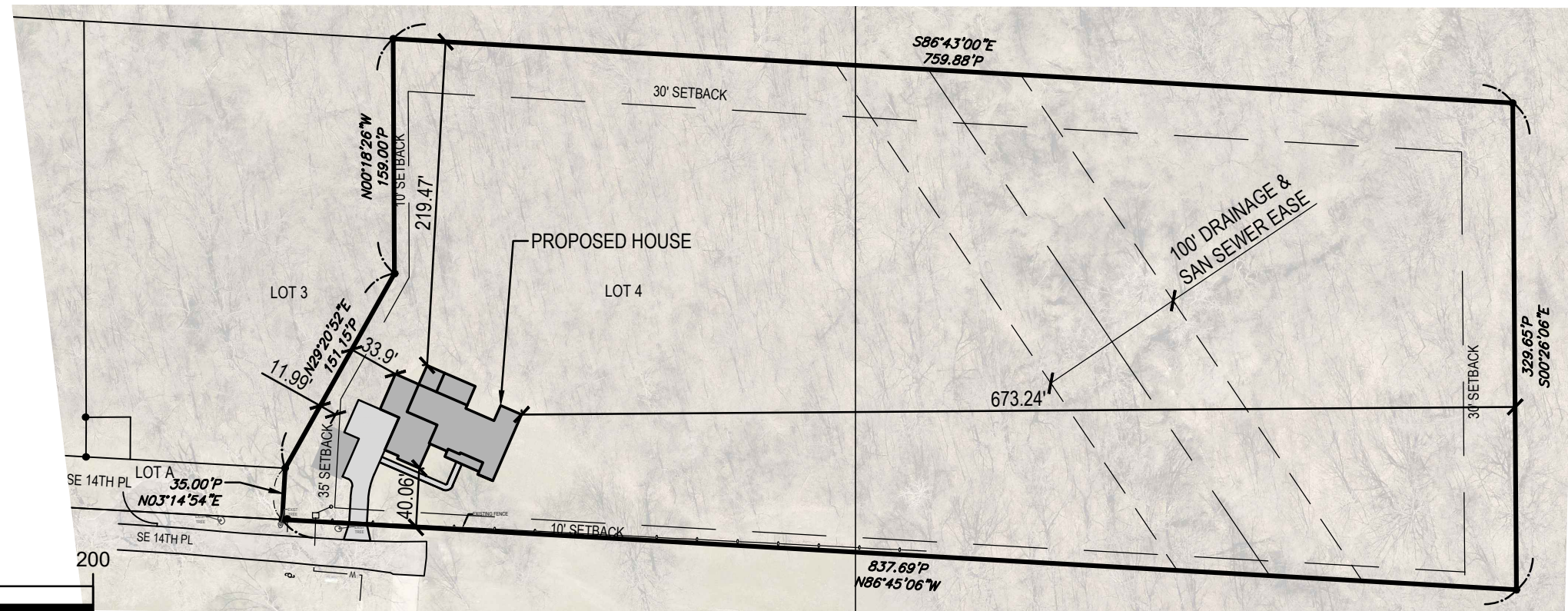
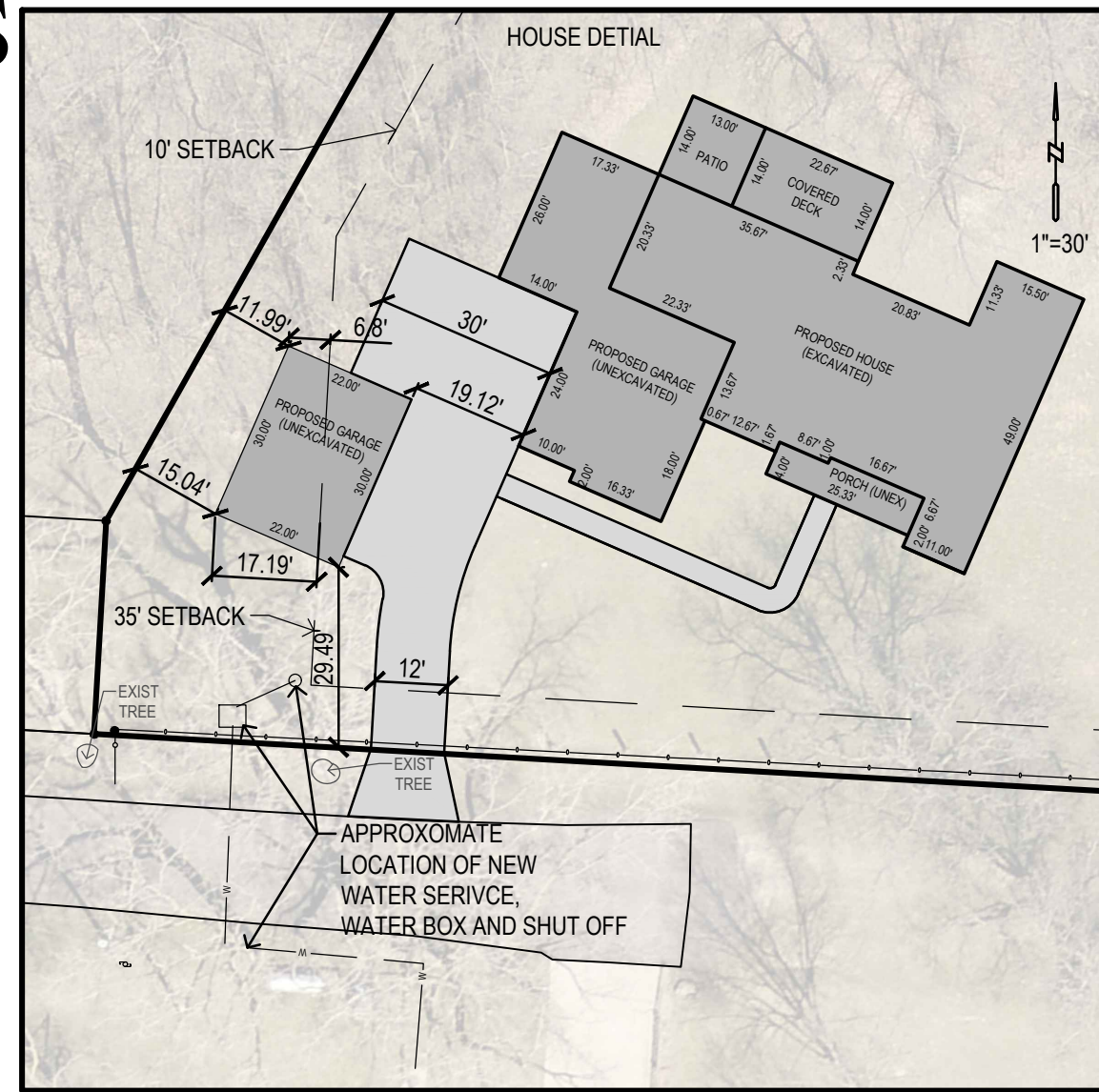
LOT 4 CASS ACRES PLAT 1 AN OFFICIAL PLAT IN THE CITY OF PLEASANT HILL, POLK COUNTY, IOWA.
SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENT OF RECORD.
SAID TRACT OF LAND CONTAINS 257,875 SF MORE OR LESS.

ADDRESS:

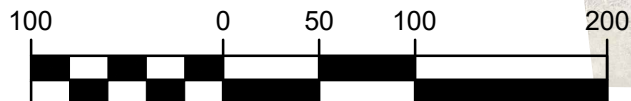
5716 SE 14TH PL
PLEASANT HILL, IOWA 50327

ZONING:

LDR
BUILDING SETBACKS:
FRONT=35'
SIDE=10'
REAR=35'



GRAPHIC SCALE



DATE PREPARED: 4/19/2023

Bishop Engineering



"Planning Your Successful Development"
3901 104th Street
Des Moines, Iowa 50322-3825
Phone: (515)276-0467 Fax: (515)276-0217
Civil Engineering & Land Surveying Established 1959

LOT 4 CASS ACRES PLAT 1
5716 SE 14TH PL, PLEASANT HILL

HOUSE SITE PLAN

REFERENCE NUMBER:

DRAWN BY:
TEB

PROJECT NUMBER:
220464

SHEET NUMBER:
1 OF 2

J. THOMPSON BUILDERS

GRADING PLAN/SWPPP

EROSION CONTROL NOTES:

EROSION CONTROL MEASURES WILL BE PROVIDED AT THE PERIMETER OF THE PROPERTY PRIOR TO ANY CONSTRUCTION ACTIVITY.

A STABILIZED CONSTRUCTION ENTRANCE (GRAVEL OR SIMILAR) WILL BE INSTALLED.

EROSION CONTROL MEASURES WILL BE INSPECTED DAILY AND MAINTAINED AS NECESSARY TO ENSURE THEIR FUNCTION.

EROSION CONTROL MEASURES WILL BE KEPT IN PLACE UNTIL PERMANENT GROUND COVER IS ESTABLISHED.

MULCHING, OR SIMILAR WILL BE PROVIDED IF THE SEASON DOES NOT ENABLE PERMANENT GROUND COVER.

INLET PROTECTION WILL BE PROVIDED.

ADDITIONAL EROSION CONTROL MEASURES MAY BE NEEDED BASED ON FIELD INSPECTION.

ALL CONSTRUCTION DEBRIS AND SEDIMENTATION WILL BE REMOVED FROM THE STREET EACH DAY.

ALL CONCRETE WASHOUTS WILL BE CONTAINED ON SITE OR PLACED IN A CONTAINMENT DEVICE.

NO GRADING OR SOIL STORAGE IS PERMITTED IN ANY OVERLAND FLOWAGE EASEMENTS.

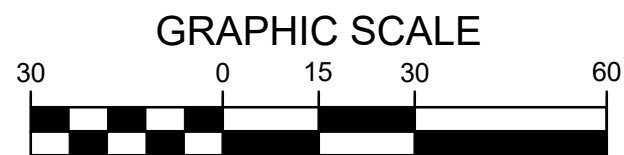
AN AS-BUILT SURVEY MAY BE REQUIRED FOR ANY LOT WITH AN OVERLAND FLOWAGE OR DETENTION EASEMENT TO ENSURE ADEQUATE CAPACITY REMAINS FOLLOWING FINAL GRADING.

ADDITIONAL NOTES:

1. AREA OF SOIL DISTURBANCE: .5 ACRES
2. ALL DISTURBED AREA SHALL BE SODDED
3. SURFACE WATER OR WETLAND ON SITE: N/A
4. LOCATION STORM WATER IS DISCHARGED TO SURFACE WATER: N/A
5. EXISTING CONDITIONS ARE SHOWN PER THE ASBUILT CONSTRUCTION PLANS SUBMITTED TO THE CITY OF PLEASANT HILL AS OF NA.
6. PROPERTY LINES AND EASEMENTS ARE SHOWN PER THE FINAL PLAT RECORDED ON 3/9/2022.



LEGEND
 DRAINAGE ARROWS



DATE PREPARED: 4/19/2023

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LOT 4 CASS ACRES PLAT 1
 5716 SE 14TH PL, PLEASANT HILL

SWPPP

REFERENCE NUMBER:

DRAWN BY:
 TEB

PROJECT NUMBER:
 220464

SHEET NUMBER:
 2 OF 2