

**Docket Number:** 23/12469

**Appellants:** Steven & Lana Watne, 3496 NW 75<sup>th</sup> Place, Ankeny, IA 50023 (Property Owners), being represented by Adam Sieren of Premier Construction Services, 3315 Waco Court, Des Moines, IA 50321

**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 33 feet. The request also includes a Variance of three (3) feet to allow the accessory building to be located with approximately seven (7) feet of separation from the principal residence, in lieu of the required ten (10) feet of separation.

### **Background**

The subject property is located at 3496 NW 75<sup>th</sup> Place, Ankeny, and is legally described as Lot 16 of Ridgewood by the Lake, being located within Section 32, Township 80 North, Range 24 West of the 5<sup>th</sup> P.M. (Crocker Township). The property is approximately one (1) acre in size and is zoned "RR" Rural Residential District. The subject property is located approximately three-quarters ( $\frac{3}{4}$ ) of a mile southwest of the City of Ankeny corporate limits where they extend west to the intersection of NW 26<sup>th</sup> Street and SW Oralabor Road (Hwy 415). The City of Johnston corporate limits are located approximately one-half ( $\frac{1}{2}$ ) mile west where they extend to the Des Moines River and Saylorville Reservoir. The surrounding unincorporated area consists of primarily existing single-family residences and developments zoned "RR" Rural Residential District. Land further west on the west side of NW 37<sup>th</sup> Street contains areas of natural resources and open space adjacent to the Des Moines River and Saylorville Reservoir that are in public ownership. Additionally, there are two (2) new single-family developments under construction located directly north and northwest of the subject property and the Ridgewood by the Lake subdivision located along NW 37<sup>th</sup> Street. Ridgewood by the Lake was platted in 1998 and contains 22 total single-family lots all with existing residences. The majority of lots within this subdivision are accessed from NW 75<sup>th</sup> Place, which is a short cul-de-sac street extending east from NW 37<sup>th</sup> Street. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is rectangular shaped having approximately 180 feet of width east to west, and 240 feet of depth north to south. The property has frontage to the north onto NW 75<sup>th</sup> Place, and adjoins three (3) residential lots to the east, west and south. The property contains an existing single-family residence and attached garage that was constructed in 2000 according to County records. The residence also contains an attached enclosed porch and attached open deck on the south side of the structure. The property has no existing detached or accessory structures.

### **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." *Article 4, Division 6, Section 1(C)* stipulates that accessory buildings must be located at least ten (10) feet from a principal structure. The appellants propose to construct a new 24' x 24' (576 square feet) detached garage

to be located in the northeast corner of the lot and in front of the principal residence. A variance is requested to allow the accessory building in front of the principal residence at a front yard setback of approximately 33 feet. Additionally, a variance of three (3) feet is requested to allow the accessory building to be located with approximately seven (7) feet of separation from the principal residence, in lieu of the required ten (10) feet of separation. The submitted application and site plan for this appeal can be found as *Attachment B*.

Staff mailed out 18 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 zero (0) in opposition of this Appeal. Staff also communicated via email with an additional property owner who was notified and had questions about the request.

### **Natural Resources**

The property contains significant elevation change sloping from a high point of approximately 880 feet in the northeast corner to a low point of approximately 842 feet at the southwest corner. The house was constructed as a walkout design due to the natural grade of the property. The grade change is most extreme in the area directly east and southeast of the dwelling. The property also contains a large area of existing woodlands that cover the majority of the property except a small portion of the front yard. The proposed location of the accessory garage would require some grading and tree removals, but preserves more trees than if it were to be located in a conforming area of the property and did not require a variance. The property is located outside any floodplain areas and contains no other environmental hazards or features.

### **Roads & Utilities**

The property has frontage to the north along NW 75<sup>th</sup> Place, which is a paved two-lane local roadway maintained by Polk County. NW 75<sup>th</sup> Place is a dead-end cul-de-sac street providing access to the homes within the Ridgewood by the Lake subdivision. Water service is provided by Des Moines Water Works. Polk County mapping indicates there is an existing eight-inch (8") water main located along the south side of NW 75<sup>th</sup> Place. The property is served by a private onsite septic system, which Polk County records indicate is located south 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 accessory garage would meet this requirement at the proposed location. The Polk County Building Division also commented that if the accessory structure is approved at a setback of less than ten (10) feet from the principal residence it is required to have 5/8" sheetrock throughout.

### **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 general topography of the property, in particular the steep slopes located directly beside and behind the existing 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 have similar topographical challenges; however many of those homes are setback much further than the subject property residence and the minimum front setback, which affords them additional area to locate accessory structures in a conforming or more conforming location in front of the principal residence.
- 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 the subdivision and adjacent properties are mitigated by the sloping topography east to west throughout the development, the configuration of lots to the east accessed from the cul-de-sac, and also adjacent woodlands along the east and west lot lines of the subject property. The proposed angle of the building will also aid in the finished aesthetics, as opposed to a linear building line parallel to the dwelling. A detached garage also provides a visual break/offset as opposed to an addition to the existing attached garage.
- 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. The location of the dwelling on the property and resulting lack of buildable area except within the front setback were established by a previous property owner.
- 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 amount of grading disturbance and tree removals necessary for construction compared to other locations 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.

0 0.25 0.5 1 Miles

# Attachment A Vicinity Map



Saylorville Reservoir

Johnston

Ankeny

**Subject Property**

Des Moines River

Johnston

NW Trail Ridge Dr

Unknown St

NW 75th Pl

NW 74th Ave

NW 76th Ave

NW 75th Ave

SW Oralabor Rd

SW Country Ln

NW 79th Ln

Hwy 415

NW 35th St

NW 80th Ln

NW 82nd Ave

NW 82nd Pl

NW 81st Ln

NW 30th Ct

NW 28th Ct

NW 73rd Ave

NW 73rd Ln

NW 73rd Way

NW Fisher Ln

NW Tonil Dr

NW 26th St

NW 28th St

NW 23rd St

NW 72nd Ave

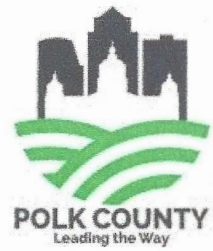
NW 71st Pl

NW 22nd St

NW 70th Ave

SW Woods Ct  
SW Covens Dr

**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.

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)

Constructing a 2-car detached garage just slightly in front of primary home

2. Subject Property Address: 3496 NW 75th Pl, Ankeny IA 50023

3. Subject Property Zoning District: RR - Rural Residential District

4. District and Parcel Number: 180/00925-016-000

5. Subject Property Legal Description (attach if necessary):  
Lot 16 Ridgewood by the Lake, Ankeny IA 50023

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

7. Applicant(s) Information:

Steve Watne  
Applicant (Print Name)

Steve Watne  
Signature

1/17/2023  
date

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

cyclone9931@gmail.com  
Email

3495 NW 75th place Ankeny IA 50023  
Address, City, State and Zip

(515) 570-2214  
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

Adam Sieren  
Applicant Representative (Print Name)

Premier Construction Services  
Firm or Business Name

3315 Waco ct - Des Moines, IA 50321  
Address, City, State and Zip

adamsieren@yahoo.com  
Email

(515) 669-4905  
Phone Fax

(time stamp)  
Official Use Only



**10. State the reason the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance. Specifically state the nature of the appeal.**

We are requesting 2 variances:

- 1) Accessory structure (two car detached garage) to be placed in front of the principal structure less than 100 feet from the front setback;
- 2) Accessory structure to be positioned less than 10 feet from the principal building.

This lot has major topographical constraints. The yard falls off sharply at the mid-point of the existing attached garage. There is a railroad tie retaining wall constructed on the west side of the property, which is required to maintain a relatively flat front yard. There is no reasonable access to the rear of the property given the heavily treed lot on either side of the home, in combination with the aggressive slope.

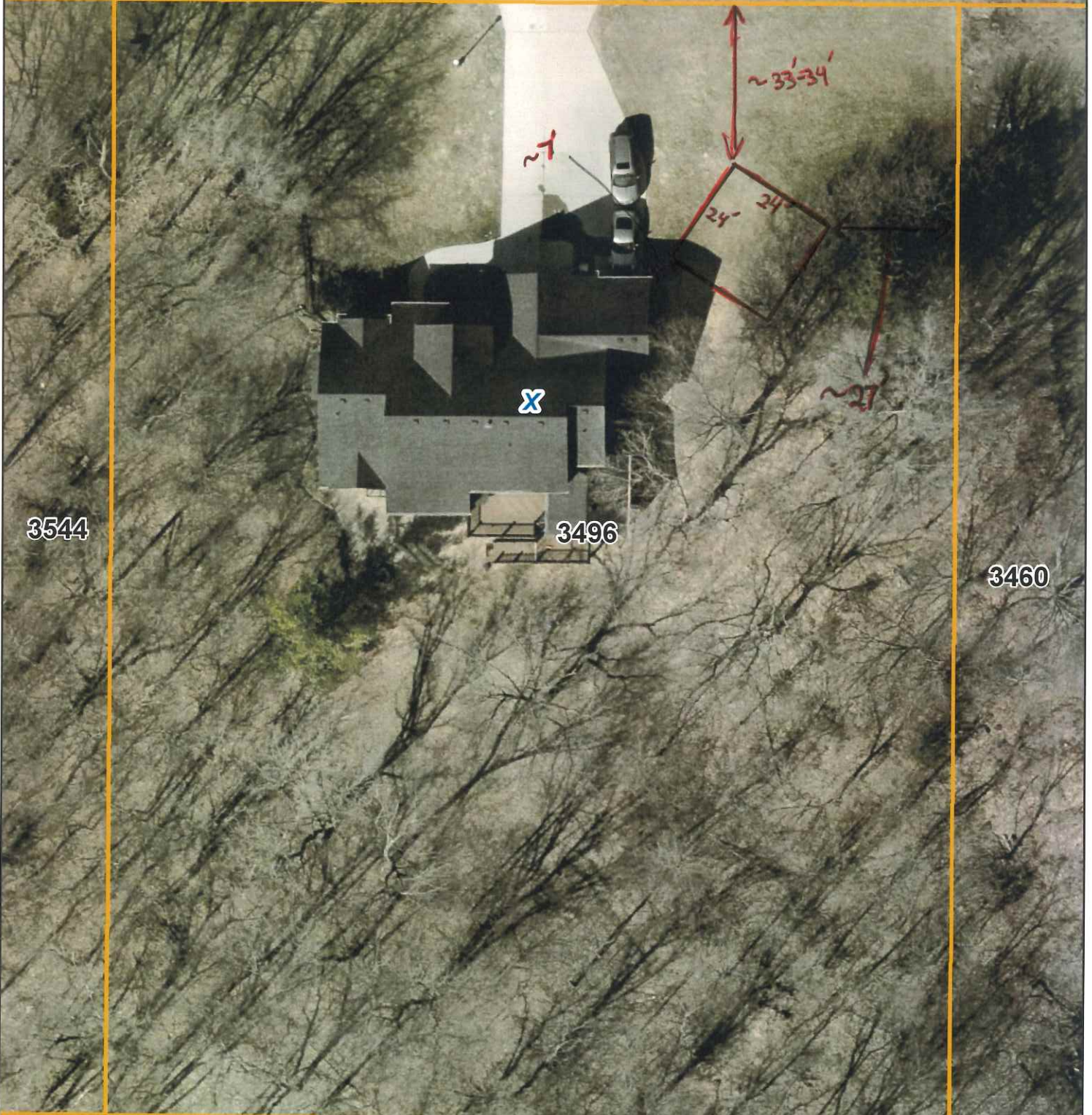
We are requesting to angle the 24x24 (576 SF) detached garage off the front corner of the principal structure so we can forego dealing with the sharply sloping grade. A 576 SF garage does not require frost protected footings and by locating the garage in the proposed location, we would not be required to install expensive footings to counter the sharp slope. Constructing at an angle would also be much more aesthetically pleasing for this style of home and for the lot. A garage addition to the existing structure, if even possible, would create an unsightly long line of multiple garage spaces. The proposed detached garage will mirror the home's existing structure and design in the offset position.

We are also requesting to encroach 3 feet into the required 10-foot setback of the accessory structure from the principal structure. There is a hill to the east of the home, and the farther we build away from the primary structure, the deeper we would be forced into the hill. Also, with the angle of the garage, we are trying to not encroach any more than needed into the front yard setback. We are attempting to "hug" the house as much as the county will allow. We are requesting 7 feet allowance from the house, which will also provide an attractive continuity/ flow to the home.

Given the sloping topographical constraints of this lot in combination with the visual aesthetic advantages for the angled garage, just slightly positioned in front of the principal structure, we would greatly appreciate your consideration in support of this variance.

1" = 30'

NW 75TH PL



3544

3496

3460

3572

