

Docket Number: 23/13491

Appellants: Carstens Family Trust, represented by Matt and Shanda Carstens (property owners) 12340 NW 89th Place, Grimes 50111, represented by John Larson with J. Larson Homes, P.O. Box 267, Johnston, IA 50131

Request: The appellants request a Variance to allow a proposed accessory building to be located in front of the principal residence with a separation from the principal residence of greater than 150 feet.

Background

The subject property is located at 12340 NW 89th Place, Grimes. The property is approximately 12.86 acres in size, and is legally described as Lot 3 of Stage Coach Estates Plat 2, an Official Plat in Polk County, Iowa, being within Section 20 of Township 80 North, Range 25 West of the 5th P.M. (Jefferson Township). The subject property is located at the west end of NW 89th Place a cul-de-sac that intersects with NW 121st Street to the east. The property is located less than one (1) mile from the corporate limits of three (3) cities with Granger to the north, Johnston to the east, and Grimes to the south. The surrounding properties to the north, east, and west are also zoned "ER" Estate Residential District and contain single family dwellings with the exception being the property to the north which has yet to be developed. The property to the west is zoned "AG" Agricultural District and is currently being used in row crop production. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is an irregularly shaped flag lot with approximately 40.5 feet of frontage along NW 89th Place where it takes access. The east half of the lot has a width of approximately 280 feet (north to south) and the lot gradually widens to 723.5 feet along the west lot line. The lot depth (east to west) is approximately 1,420 feet. The lot was created in 2016 by the subdivision plat of Stage Coach Estates Plat 2, it contains large unbuildable areas contained within drainage and wetland easements. In 2022 Polk County reviewed and approved a professionally engineered grading plan and stormwater pollution prevention plan for the significant grading work that occurred on site. The subject property contains a single-family residence, pool and pool house constructed in 2023. In November of 2023 the appellants applied for a building permit to construct a new accessory building located in front of the principal residence that exceeds the maximum separation distance requirement. In addition to the variance, Polk County staff had concerns with building plans for the accessory building as the proposed layout contained multiple bedrooms. Polk County has made the appellants aware that the proposed accessory structure may be for personal accessory use only and is not allowed to be used as an additional dwelling unit. Polk County staff have requested from the appellants a revised building plan with a layout that conforms to the allowed use of an accessory building.

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 are

requesting to construct a 50' x 108' (5,400 square foot) accessory building to be located in the central portion of the subject property and in front of the principal residence. The proposed accessory building will setback over 1,000 feet from the front property line adjacent to NW 89th Place, however a variance is requested to allow the accessory building be located with a separation distance from the principal residence of approximately 420.8 feet, in lieu of the maximum allowable separation of 150 feet. The submitted application and site plan for this appeal can be found as *Attachment B*.

Staff mailed out seven (7) 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 opposition and zero responses in support, of this Appeal.

Natural Resources

The subject property consists of multiple areas of undulating topography. The elevation high point of 866 is located where the existing residence sits, in the far west portion of the lot. There are multiple areas with a low elevation of 844, located within two drainage areas to the north and south of the existing residence. Drainage easements cover 9.07 acres of the 12.86-acre subject property, rendering those areas unbuildable. There is a wetland easement located in the southeast portion of the subject property.

The property contains a few mature trees lining the driveway near the residence and another small grove near the northwest corner of the lot. The property is not located within a mapped floodplain. The location of the proposed accessory structure will have little impact on surrounding environmental features.

Roads & Utilities

The subject property has frontage and access onto NW 89th Place. NW 89th Place is a short two-lane cul-de-sac that intersects with NW 121st Street to the east. Water service is provided by Xenia Rural Water via an existing eight-inch (8") water main. The property is served by a private onsite wastewater treatment system located on north of the existing principal residence.

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 property's narrow configuration, sloping topography, and reduction in buildable area due to drainage easements are exceptional circumstances that effectively prevents the location of the accessory building in a conforming location.

- 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. Although the building is large in both size and height, the proposed location of the building sits at an elevation significantly lower than the elevation of the dwellings adjacent to the south. Additionally, the proposed accessory building will be located at a position and height on the subject property that would be allowed for a principal residence within Stage Coach Estates Plat 2.

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

Yes. The property's narrow configuration with large areas contained within drainage easements is not a result of the actions of the appellants.

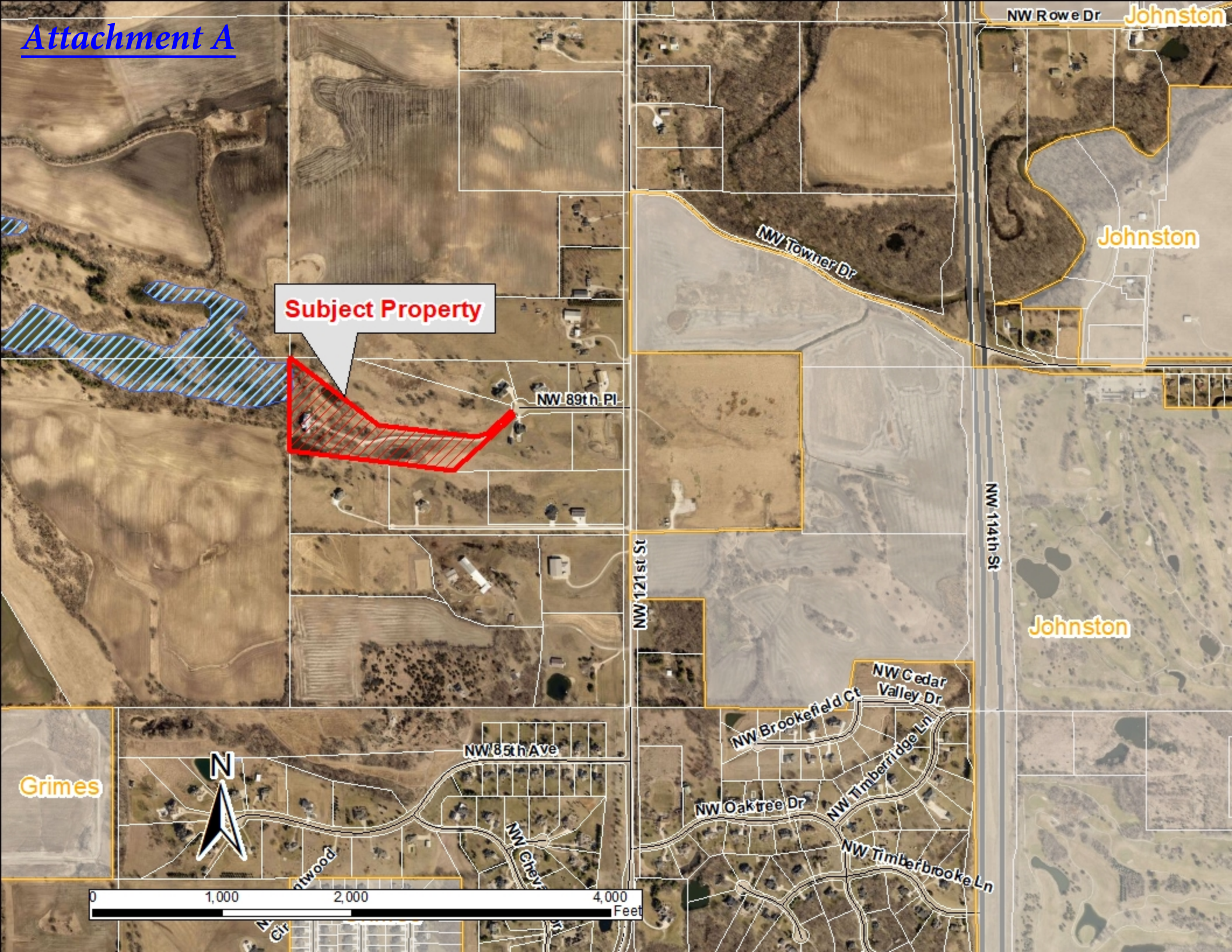
5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The appellants are required to meet the environmental provisions of the Polk County Zoning Ordinance.

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 to the following condition:

1. Prior to issuance of a Building Permit for the proposed accessory building, the appellants shall submit a revised floorplan that clearly shows the building will be a residential accessory structure. Specifically, the floorplan shall not include living quarters constituting a dwelling unit.

Attachment A



Subject Property

NW 89th Pl

NW Towner Dr

NW 114th St

NW 121st St

NW 85th Ave

NW Cedar Valley Dr
NW Brookefield Ct

NW Oaktree Dr

NW Timberridge Ln

NW Timberbrooke Ln

Grimes

Johnston

Johnston

Johnston

NW Rowe Dr

N

0 1,000 2,000 4,000 Feet

J LARSON HOMES

12340 NW 89TH PL GRIMES
LOT 3 IN STAGE COACH ESTATES PLAT 2

