

Docket Number: 23/12815

Appellants: Darren & Melynda Rogers, 8724 NE 27th Avenue, Altoona, IA 50009 (Property Owners)

Appeal: The appellants request a side yard setback Variance to allow an existing 24' x 24' (576 SF) attached garage addition to remain located approximately 15 feet from the side property line, in lieu of the required 25 feet.

Background

The subject property is located at 8724 NE 27th Avenue, Altoona, and is legally described as Lot 5 of Rogers Estates, being located within Section 29, Township 79 North, Range 22 West of the 5th P.M. (Clay Township). The property is just under one (1) acre at 0.92 acres in size and is zoned "AT" Agricultural Transition District. The subject property is located approximately three-quarters ($\frac{3}{4}$) of a mile to the east of the City of Altoona corporate limits and approximately one (1) mile north of the City of Pleasant Hill corporate limits. The surrounding unincorporated area is all zoned "AT" Agricultural Transition District and consists of land in row crop production and a few single-family developments. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is rectangular shaped having approximately 150 feet of width east to west, and 267 feet of depth north to south. The property has frontage to the south onto NE 27th Avenue, and is adjacent to two (2) residential lots to the east and west with one (1) outlot to north. The property adjacent to the south across NE 27th Avenue is used for agricultural production. The existing single-family residence and attached garage was constructed in 1999 according to County records. In 2017 the attached garage addition was constructed without the required permits. The garage is separated from the main dwelling but it is considered an attached addition due to the shared roof and covered walkway. The property also contains a shed and deck that were constructed without the required permits.

Summary of Request

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 2: Single-Family Residential, Table 6.1*, stipulates that the required minimum side yard setback for the Agricultural Transition District is 25 feet. A variance of 10 feet is requested to allow an existing 24' x 24' (576 SF) attached garage to remain approximately 15 feet from the rear property line, in lieu of the required 25 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 one (1) response in support and zero (0) in opposition of this Appeal.

Natural Resources

The property has a gradual slope from front to back for a walkout basement layout with an elevation change from 894 on the south side of the property to 884 on the north side. The property contains few mature trees, with most vegetation coming from landscape installation near the dwelling. The existing attached garage did not require any tree removal at the time of construction. The property is located outside any floodplain areas and contains no other

environmental hazards or features.

Roads & Utilities

The property has frontage to the south along NE 27th Ave, which is a paved two-lane local roadway maintained by Polk County. Water service is provided by Des Moines Water Works. Polk County mapping indicates there is an existing eight-inch (4") water main located along the north side of NE 27th Avenue. The property is served by a private onsite septic system, which Polk County records indicate is located north 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 location of the existing attached garage meets this requirement.

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 subject property at just under one acre is undersized for the current zoning of "AT" Agricultural Transition District. The 25-foot side yard setback greatly restricts reasonable expansion to the existing home. The subject property and adjacent development lots within Rogers Estates were zoned residential (Estate District) when they were originally platted in 1997.
- 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. Single family dwellings with an attached garage 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. The property owner to the west who would be most affected by this garage addition has stated that they are in support of the variance appeal. The property to north contains no dwelling and the property to east is screened from the addition by the rest of the existing dwelling on the subject property.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

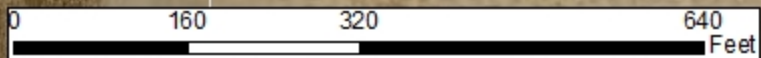
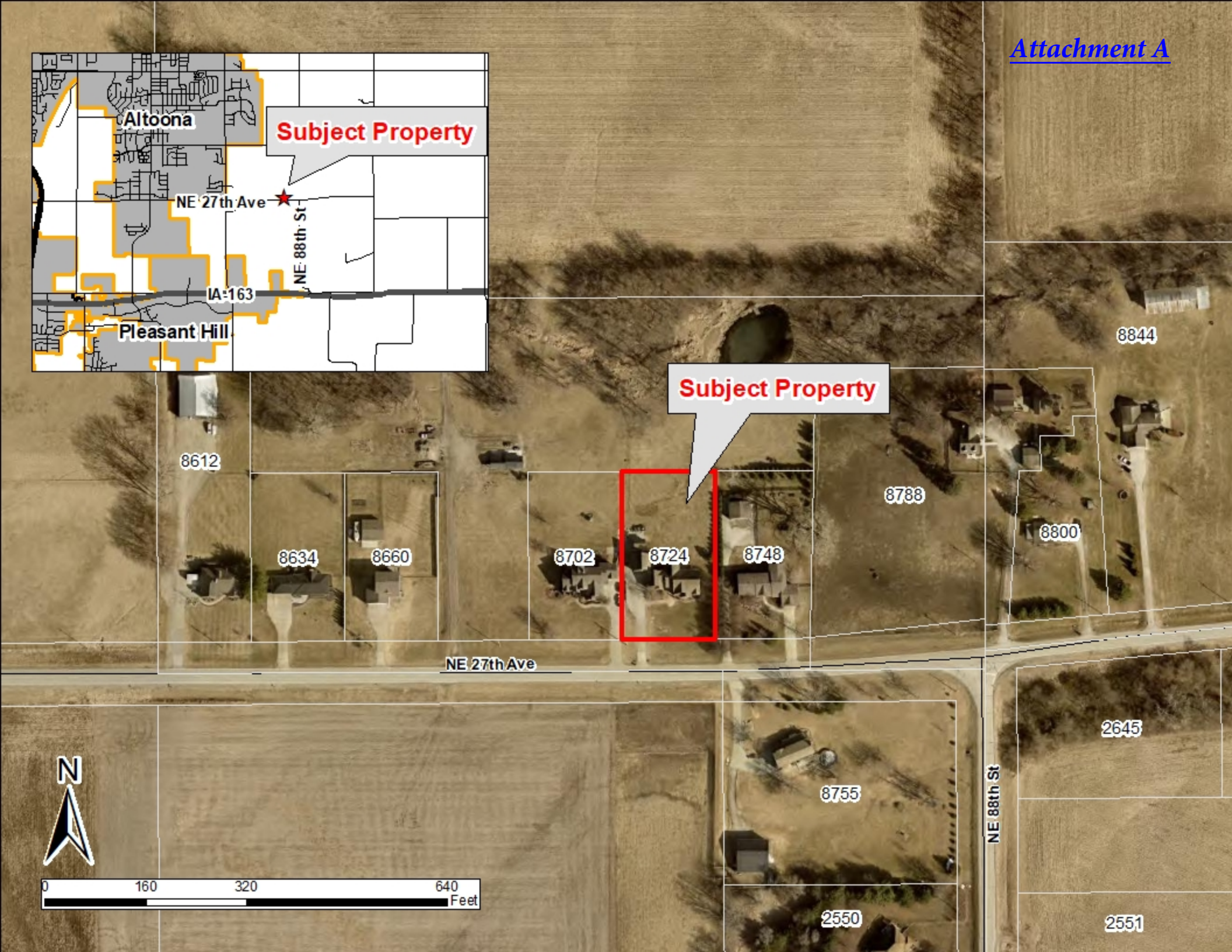
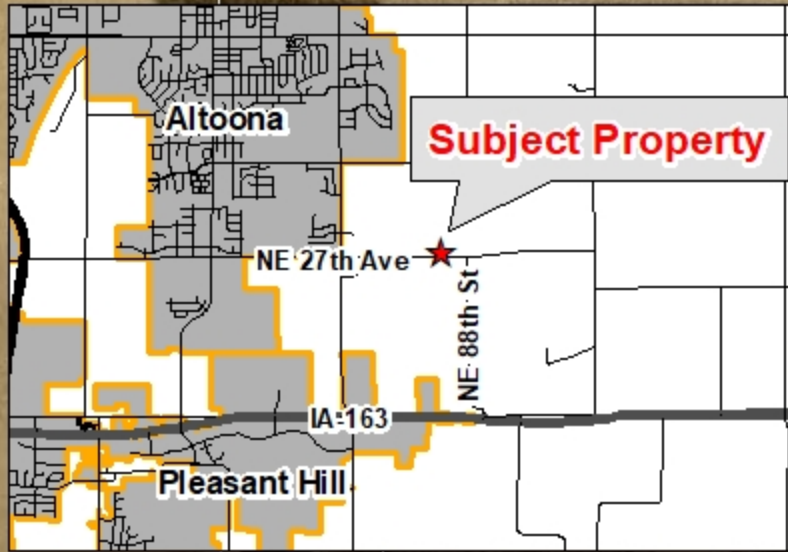
Yes. The applicants are not responsible for the undersized nature of the subject property in relation to the current zoning of "AT" Agricultural Transition that requires the 25-foot side yard setback. This area was rezoned to Ag Transition as part of the Comprehensive Plan and County-wide rezoning in 2006-2007.

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 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 conditions:

1. The appellants shall obtain a retro-active Addition to Single Family Home permit, Deck permit, and Shed permit.



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)

GARAGE Addition

(time stamp)
Official Use Only

- 2. Subject Property Address: 8724 NE 27TH AVE, ALTOONA IA
- 3. Subject Property Zoning District: 170/00422-705-000
- 4. District and Parcel Number: CLAY/7922-29-426-011
- 5. Subject Property Legal Description (attach if necessary):

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

7. Applicant(s) Information:

DARREN R. ROGERS
Applicant (Print Name)

[Signature]
Signature

5/15/23
date

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

darren@INSULATEIOWA.COM
Email

8724 NE 27TH AVE, ALTOONA, IA 50009
Address, City, State and Zip

515-803-9828
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

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)

<u>DARREN ROGERS</u> (Print Name)	<u><i>Darren Rogers</i></u> Signature	<u>5/16/2023</u> date
<u>MENDY ROGERS</u> (Print Name)	<u><i>Mendy Rogers</i></u> Signature	<u>5/16/2023</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.

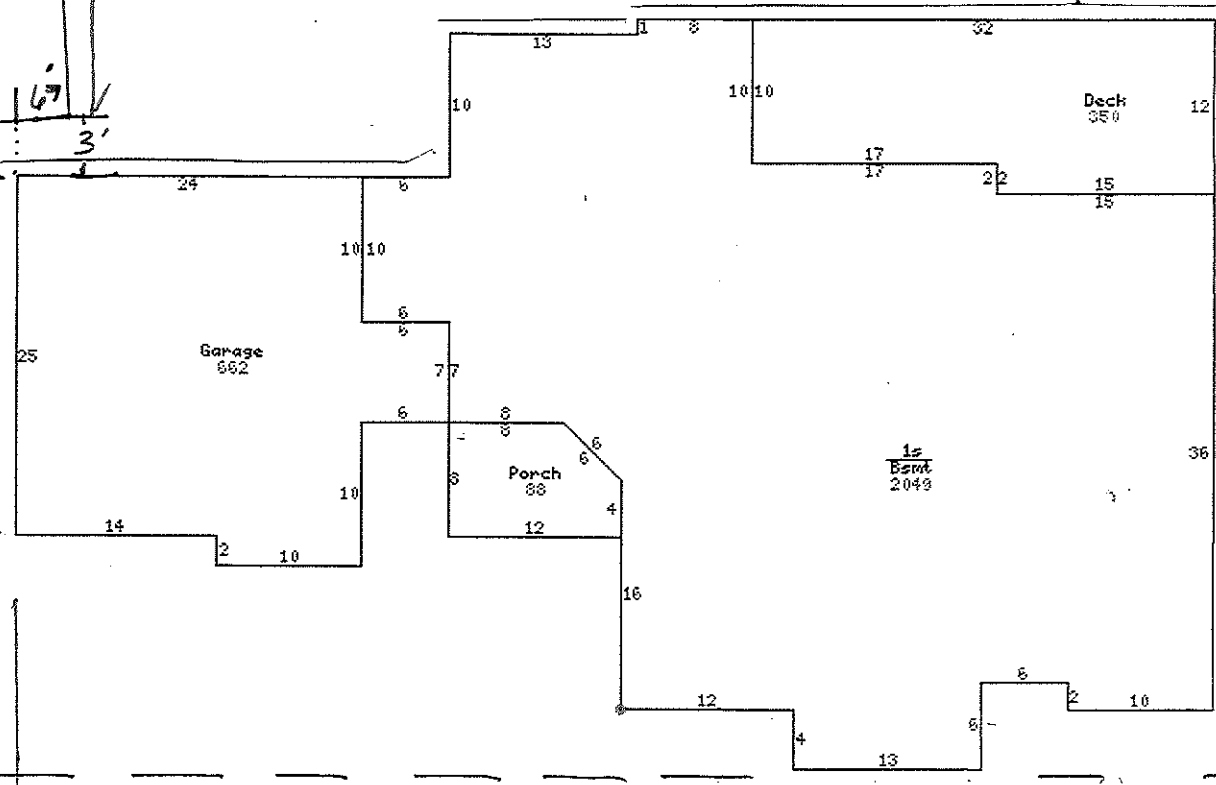
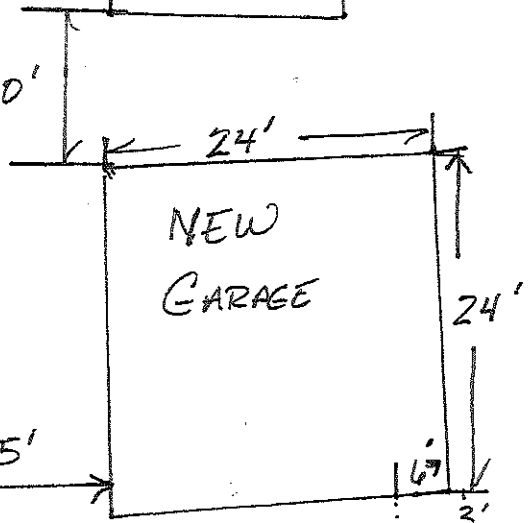
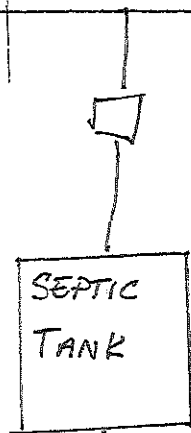
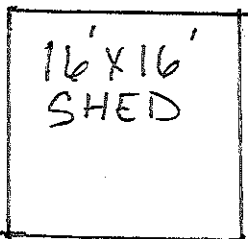
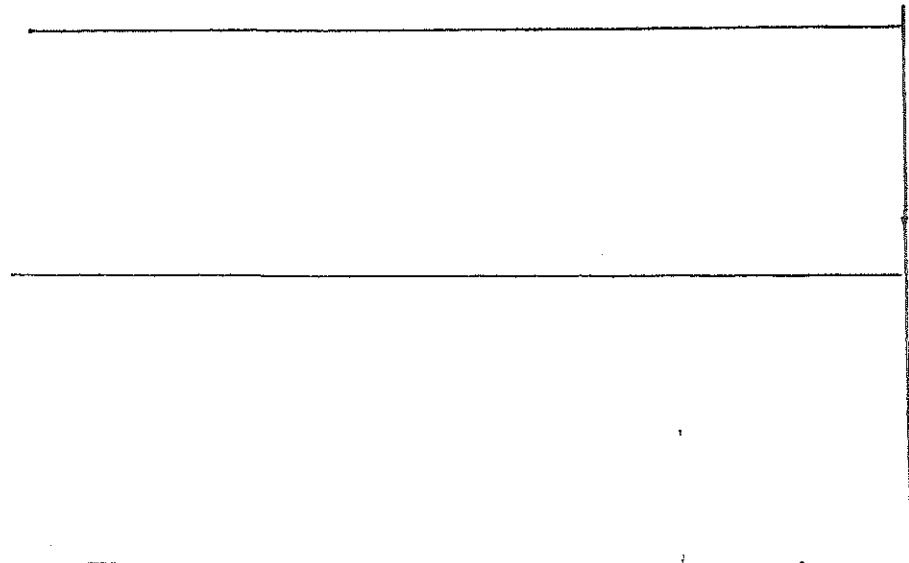
- * ONLY AREA TO BUILD NEW GARAGE, IT WILL BE PLACED IN LOCATION TO APPEAR NATURAL AND MATCH STYLE OF HOME.
- * GARAGE HAD BEEN PLACED TO CLOSE TO EXISTING GARAGE CHANGING THE CLASSIFICATION TO ATTACHED WHICH CHANGED THE SIDE YARD SET BACK FROM 10' TO 25', GARAGE IS SET BACK 15'
- * NEIGHBOR TO WEST HAS VERBALLY ACCEPTED PLACEMENT.
- * GARAGE IS 10' FROM SHED

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

LATERAL FIELD



Property Line

DRIVE WAY

NE 27TH AVE