

Docket Number: 24/14280

Appellants: Lee Michael (Applicant), 1805 SE 60th Street, Pleasant Hill, Iowa 50327, with consent from the Melvin and Debra Thomas Trust (Property Owners), all being represented by Vic Piagentini of Associated Engineering Company of Iowa, 1520 NW Irvinedale Drive, Ankeny, Iowa 50023.

Appeal: The appellants request a Variance to allow an existing horse barn to remain located approximately 54.48 feet from a neighboring dwelling unit, in lieu of the required 150 feet.

Background

The subject property is located at 1805 SE 60th Street, Pleasant Hill, and is legally described as Outlot X of Deer Ridge Run, an official plat, now included in and forming a part of Polk County, Iowa, being within the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 79 North, Range 23 West of the 5th P.M. (Fourmile Township). The subject property is approximately 28.5 acres in size and is zoned "LDR" Low Density Residential District. The subject property is located approximately 1,920 north of the intersection of SE Vandalia Drive and SE 60th Street. The surrounding properties to the North and East are located within the City of Pleasant Hill. The surrounding properties to the west and south are all zoned "LDR" Low Density Residential District and contain single-family dwellings. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is the unbuildable Outlot X located east of the lot addressed as 1805 SE 60th Street. Outlots are considered unbuildable until further subdivided. The subject property was created as part of the subdivision plat Deer Ridge Run recorded in 2002. Deer Ridge Run also created five buildable lots west of Outlot X with frontage along SE 60th Street. The subject property contains three (3) existing structures on permeant footings, including the accessory horse barn that is the subject of this appeal. Additionally, there are four (4) accessory structures on sled like foundations. The owners of 1845 SE 60th Street and 1805 SE 60th Street are related to the owners of the subject property and use the subject property for quick access to the accessory structures and horses they shelter. Every accessory structure was established or constructed without permits on the unbuildable subject property.

The appellants, in addition to this request, are required to replat two (2) lots in Deer Ridge Run to capture all structures currently located on the unbuildable subject property. Specifically, the buildable lots addressed as 1805 SE 60th Street and 1845 SE 60th Street will have their boundary expanded east to capture the structures. The owners of 1845 SE 60th Street and 1805 SE 60th Street are related to the owners of the subject property and use the subject property for quick access to the accessory structures and horses they shelter. The proposed plat is named Deer Ridge Run Plat 2 and is currently under review by Polk County. Deer Ridge Run Plat 2 will place two (2) of the accessory buildings with permanent footings on 1845 SE 60th Street while the other will be captured by the expansion of 1805 SE 60th Street. The existing approximately 1,416 square foot horse barn proposed to be located on the 1805 SE 60th Street lot is the subject of this request. This accessory horse barn structure is located less than the required 150 feet from the neighboring dwelling unit to the south at 1845 SE 60th Street. See *Attachment B* for the most recent submittal of Deer Ridge Run Plat 2.

Summary of Request

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 7: Animal Regulations, Section 1(C)* stipulates that structures enclosing 120 square feet or more of ground floor area which shelter animals, except dogs and cats, shall be located 150 feet or more from neighboring dwelling unit. The appellants request a Variance of approximately 95.52 feet to allow an existing horse barn to be located approximately 54.48 feet from a neighboring dwelling unit, in lieu of the required 150 feet. See *Attachment B* referenced above which also outlines the distances to each structure and see *Attachment C* for a copy of the Variance Appeal Application.

Staff mailed out 12 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 subject property contains some very steep ravines in the wooded areas located on the north and south sides of the property. The central portion of the property is mostly flat at high elevation of 900 with the low elevation of 810 located along the northern property line at the bottom of a ravine. The subject property contains a pond with groups of mature trees located in the ravine areas on the north and south side of the property. 1805 SE 60th Street the lot the building is proposed to be captured by contains no mature trees and slopes down sharply from east to west towards SE 60th Street with a high elevation of 898 on the east property line to 880 along the west property line. The subject property contains a very small portion of mapped floodplain in the north central portion of the lot but it will not be affected. The subject property contains no other known environmental hazards or features.

Roads & Utilities

The subject property has 50 feet of frontage along NE 60th Street located two (2) lots to the south of 1805 SE 60th Street, to provide access for further subdivision of Outlot X. 1805 SE 60th Street has 150 feet of frontage along SE 60th Street. SE 60th Street is a two-lane local roadway maintained by Polk County. The subject property does not contain a septic system but 1805 SE 60th Street is served by an onsite septic system. Des Moines Water Works provides water to the area via a 6-inch main located on the west side of SE 60th Street.

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 steep sloping topography and the pond on the subject property make it difficult to place a building that meets the required 150-foot minimum separation distance to neighboring dwelling units, while still providing access to the owners of both 1805 and 1845 SE 60th Street. Additionally, the subject property provides flat ground and direct access to a large area for horse grazing.

- 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 large livestock is allowed in “LDR” Low Density Residential Districts.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
- Yes. The property owner of 1845 SE 60th Street is related to the owner of the subject property and the owner of 1805 SE 60th Street. Additionally, they have submitted a response showing they are in support of this variance request. The accessory horse barn meets the 150-foot minimum separation distance requirement from all other dwelling units.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
- Yes. The steep topography of 1845 and 1805 SE 60th Street in addition to the topography located on the subject property are not a result from actions taken by the applicants. Although the owners did construct the horse barn and other accessory structures on the unbuildable subject property without permits, they are working with the County to rectify the situation by replating adjacent buildable lots to capture the structures. If all the structures were located on buildable lots the surrounding terrain would still make it difficult to place a building that does not require a similar request.
- 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. It does not appear that any environmentally sensitive areas will be impacted by this proposal.

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.

5643 5721

5625

1550

Attachment A

1700

1723

1763

1805

1845

Subject Property

1965

1932

1990

1975

Pleasant Hill

2062

2015

2083

2125

2231

2170

2255



SE VANDALIA DR
County-F70

Pleasant Hill

5972

6100

6180

2216

2278

2332

2335

2379

0 180 360 720 1,080 1,440 Feet

2305

6050

6206

2388

2333

2330

5929 6003

MINOR PRELIMINARY PLAT DEER RIDGE RUN PLAT 2 SHEET 1 OF 1

OWNER/DEVELOPER

JASON R STEELE
1805 SE 60TH ST
PLEASANT HILL, IA 50321-5010

LEE A MICHAEL
1805 SE 60TH ST
PLEASANT HILL, IA 50321-5010
PHONE: (515) 208-0612

OWNER/DEVELOPER CONTACT

MELVIN & DEBRA THOMAS FAMILY TRUST
1975 SE 60TH ST
PLEASANT HILL, IA 50321-5050

LEE A MICHAEL
1805 SE 60TH ST
PLEASANT HILL, IA 50321-5010
PHONE: (515) 208-0612
EMAIL: LMichael1985@gmail.com

ZONING

LDR - LOW DENSITY RESIDENTIAL

BULK REGULATIONS

DEVELOPMENT OPTION: SINGLE FAMILY
FRONT YARD SETBACK- 35'
REAR YARD SETBACK- 35'
SIDE YARD SETBACK- 10'

LEGAL DESCRIPTION

LOTS 2, 3 AND OUTLOT X IN DEER RIDGE RUN, AN OFFICIAL PLAT, ALL INCLUDED IN POLK COUNTY, IOWA, CONTAINING 30.55 ACRES, MORE OR LESS, SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD.

GENERAL NOTES

- IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO APPLY FOR AND OBTAIN ANY STORM WATER DISCHARGE PERMITS FROM THE IOWA DEPARTMENT OF NATURAL RESOURCES IF SAID PERMITS ARE REQUIRED OF THIS PROJECT.
- STORM RUNOFF: DURING CONSTRUCTION & GRADING INDIVIDUAL LOT OWNERS WILL ALTER EXISTING TOPOGRAPHY AND SHALL BECOME RESPONSIBLE, THE LOT OWNER THEMSELVES ARE RESPONSIBLE NOT THE DEVELOPER OF THE PLAT OR THE ENGINEER OF THE PLAT FOR THE FOLLOWING:
 - INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR ENSURING POST DEVELOPMENT RUNOFF FROM THEIR SITE DOES NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
 - INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR GRADING THEIR LOT TO CONVEY RUNOFF GENERATED FROM THEIR LOT AND RUNOFF GENERATED FROM ADJACENT LOTS IN SUCH A MANNER AS TO "NOT":
 - DAMAGE DOWN STREAM PROPERTY.
 - RESTRICT OFF SITE FLOW FROM BEING CONVEYED ACROSS THEIR LOT.
 - CHANGE THE GENERAL DIRECTION OF FLOW OF RUNOFF.
 - INDIVIDUAL LOT OWNERS ARE RESPONSIBLE FOR ENSURING THEIR SITE IS GRADED TO PROTECT THEIR PRIVATE PROPERTY FROM ANY AND ALL DAMAGE FROM STORM RUNOFF GENERATED ONSITE OR OFF SITE.
 - INDIVIDUAL LOT OWNERS SHALL NOT GRADE ANY PORTION OF THEIR LOT TO CAUSE RUNOFF TO BECOME CONCENTRATED FLOW WITHOUT PROVIDING PROTECTION FOR DOWNSTREAM PROPERTY.
- RELOCATION OF ANY ENTRANCE OR UTILITY TO CONFORM TO THE REQUIREMENTS OF THIS PLAT WILL BE AT THE DEVELOPERS EXPENSE.
- ALL MAILBOXES LOCATED IN POLK COUNTY RIGHT-OF-WAY MUST BE OF BREAKAWAY DESIGN.
- UTILITY EASEMENTS ARE DEDICATED FOR THE USE OF ANY PUBLIC UTILITY.
- SEWER SYSTEM: LATERAL FIELD AND SEPTIC TANK, ALTERNATE WASTE WATER SYSTEMS MAY BE REQUIRED.
- DUE TO SOIL TYPES, LIMITATIONS, AND DISTURBANCE, ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED. INDIVIDUAL WASTEWATER TREATMENT SYSTEMS SHALL BE DESIGNED BY AN ENGINEER.
- THE INDIVIDUAL OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF THE DRAINAGE EASEMENT ON THEIR PROPERTY.
- DRAINAGE EASEMENT CROSSING: ANY CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
- SUBSURFACE DRAINAGE FACILITIES: ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED, MUST BE RESTORED OR REROUTED BY THE PROPERTY OWNER.
- ALL SERVICES TO UTILITIES LOCATED ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNERS EXPENSE.
- FUTURE DEVELOPMENT OF THE PROPERTY IS SUBJECT TO ARTICLE 7, SECTION 4, "NATURAL RESOURCE PROTECTION, WOODLANDS" OF THE POLK COUNTY ZONING ORDINANCE, WHICH PRESERVES WOODED AREAS OF THE PROPERTY. YOUNG WOODLANDS SHALL BE PROTECTED OR MITIGATED AT A MINIMUM OF 50% AND MATURE WOODLANDS AT A MINIMUM OF 75%.
- ANY NEW ENTRANCE WILL REQUIRE A POLK COUNTY ENTRANCE PERMIT.
- ANY WORK IN THE ROW OTHER THAN FOR AN ENTRANCE WILL REQUIRE A POLK COUNTY ROW GRANT PERMIT.
- THE EXISTING WELL IS FOR LIVE STOCK ONLY.

SUBMITTAL & REVISION INFORMATION

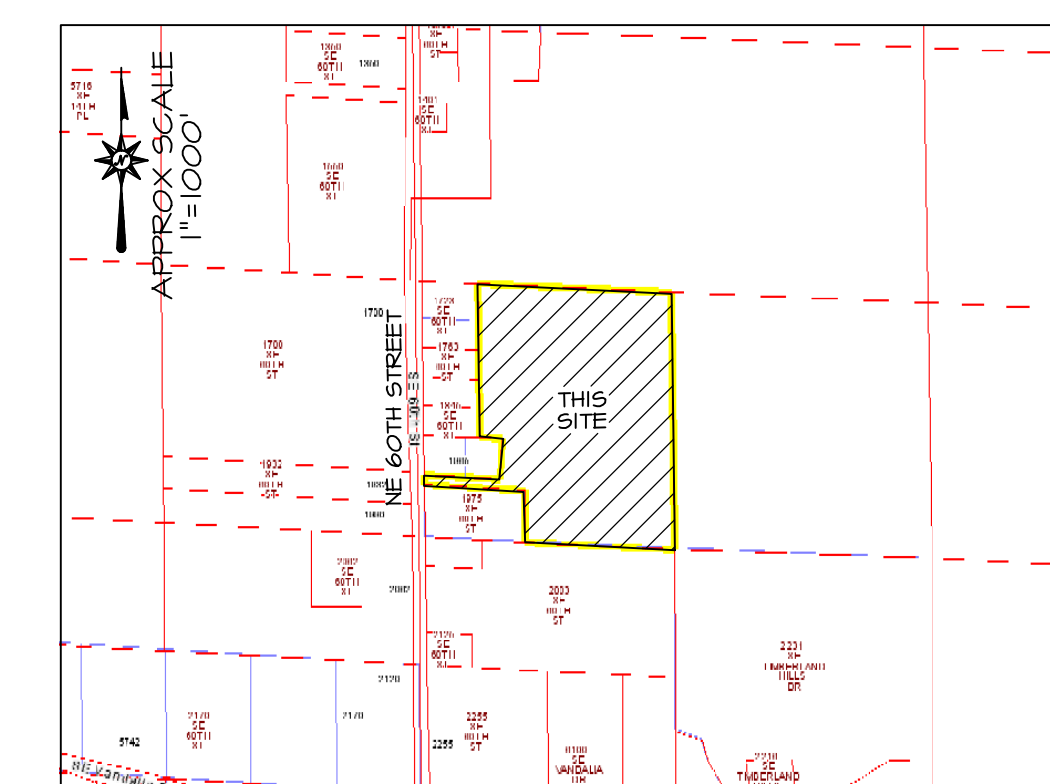
CERTIFICATION

APPROVED SUBMITTAL WILL BE CERTIFIED.

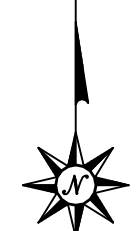
LEGEND

- | | | | |
|------------------------------------|------------------------|-----|------------------------------|
| ● MONUMENT FOUND AS NOTED | ⊠ EXISTING WATER VALVE | --- | EXISTING CONTOUR |
| ○ SET 1/2" IR W/ ORANGE CAP #13226 | ⊠ EXISTING WATER VALVE | --- | PROPOSED CONTOUR |
| ▲ SECTION CORNER FOUND AS NOTED | ⊠ EXISTING WATER VALVE | --- | FENCE LINE AS NOTED |
| ○ SECTION CORNER SET AS NOTED | ⊠ EXISTING WATER VALVE | --- | CURB INTAKE AS NOTED |
| ○ SANITARY MANHOLE AS NOTED | ⊠ EXISTING WATER VALVE | --- | BURIED TELEVISION AS NOTED |
| ○ STORM MANHOLE AS NOTED | ⊠ EXISTING WATER VALVE | --- | BURIED ELECTRIC AS NOTED |
| ○ TRAFFIC MANHOLE AS NOTED | ⊠ EXISTING WATER VALVE | --- | OVER-HEAD UTILITIES |
| ○ UTILITY MANHOLE AS NOTED | ⊠ EXISTING WATER VALVE | --- | AREA INTAKE AS NOTED |
| ○ ELECTRIC MANHOLE AS NOTED | ⊠ EXISTING WATER VALVE | --- | UTILITY BOX AS NOTED |
| ○ GAS METER AS NOTED | ⊠ EXISTING WATER VALVE | --- | PERK TEST SITE AS NOTED |
| ○ GAS VALVE AS NOTED | ⊠ EXISTING WATER VALVE | --- | EXISTING SPOT ELEVATION |
| ○ UTILITY POLE AS NOTED | ⊠ EXISTING WATER VALVE | --- | EXISTING ELEVATION |
| ○ WELL AS NOTED | ⊠ EXISTING WATER VALVE | --- | MEASURED DISTANCE OR BEARING |
| | ⊠ EXISTING WATER VALVE | --- | RECORDED DISTANCE OF BEARING |

VICINITY SKETCH



ASSOCIATED ENGINEERING
AEC COMPANY OF IOWA
1520 NW Irvinedale Drive Suite 102, Ankeny, Iowa 50023
Phone: (515) 255-3156 Fax: (515) 255-3157



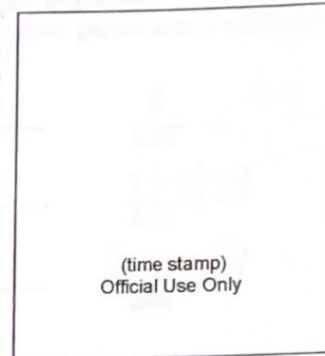


Variance Appeal Application

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)

AN AGRICULTURAL BUILDING WAS CONSTRUCTED ON OUTLOT X DEER RIDGE RUN BY THE OWNER OF 1805 SE 60TH ST, LEE MICHAEL. THE STRUCTURE IS LOCATED 23.63' NORTH OF THE SOUTH LOT LINE, LESS THAN 150' FROM THE HOUSE LOCATED AT 1845 SE 60TH ST.

- 2. Subject Property Address: 1805 SE 60TH STREET, PLEASANT HILL 50327
- 3. Subject Property Zoning District: LDR-LOW DENSITY RESIDENTIAL
- 4. District and Parcel Number: 220/00468-651-003 220/00468-651-002, 220/00468-651-006
- 5. Subject Property Legal Description (attach if necessary): LOTS 2, 3 & OUTLOT X IN DEER RIDGE RUN.

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

- 7. Applicant(s) Information:

LEE MICHAEL
Applicant (Print Name)

[Signature]
Signature

3-7-24
date

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

lmichael1985@gmail.com
Email

Address, City, State and Zip
1805 SE 60TH ST SE Pleasant Hill IA 50327

Phone 515-208-0612 Fax

- 8. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below

VIC PIAGENTINI
Applicant Representative (Print Name)

ASSOCIATED ENGINEERING COMPANY OF IOWA
Firm or Business Name

1520 NW IRVINGDALE DRIVE, ANKENY, IOWA 50023
Address, City, State and Zip

VICP@AECOFIOWA.COM
Email

515-255-3156
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.