

Docket Number: 24/14375

Appellants: Clara Alarcon, 2811 NE 80th Street
Altoona, IA 50009 (Property Owner)

Appeal: The appellant requests a front yard setback variance to allow for an accessory structure to be located closer to the street than the principal structure.

Background

The subject property is located at 2811 NE 80th Street, Altoona and legally described as Lot 14 of Wallings Haven, within the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29, Township 79 North, Range 22 West of the 5th P.M. (Clay Township). The subject property is approximately 1.57 acres in size and zoned "AT" Agricultural Transition District. The City of Altoona corporate limits are located adjacent to west of the subject property across NE 80th Street. Surrounding properties to the north, east, and south are all zoned "AT" Agricultural Transition District as well and contain single family residences. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is rectangular in shape, except for a small area in the northeast corner which extends further north than the rest of the lot creating a small "L" shape. The property is situated on the east side of NE 80th Street between NE 27th Avenue to the south and NE 30th Place to the north. The property contains approximately 225 feet of street frontage to the west along NE 80th Street. The subject property contains an existing single-family residence that was constructed in 1993, according to county records.

In September of 2020 the owner was granted a variance to construct an attached garage with a side yard setback of 11 feet, in lieu of the required minimum side yard setback of 25 feet for principal structures located in the "AT" Agricultural Transition District. The garage at the time was proposed to be larger in size and attached to the existing house. As the proposed structure was to be attached to the existing principal structure it was considered a building addition rather than an accessory structure and as a result had to meet the setback requirements of a principal structure.

The owner has elected to amend the previously approved request to now locate a detached garage onto the property and situate it to the north and west of the existing attached garage. The proposed garage will share a similar footprint from the previously approved variance, however will be smaller in size and detached from the principal building. The appellants are requesting a variance to place the detached garage closer to the street than the principal structure. The existing house sets back approximately 82 feet from the front (west) property line. The proposed detached garage will be approximately 40'-7" closer to the street than the existing residence resulting in the appellants requesting a variance to place a detached garage closer to the street than the principal residence.

Summary of Request

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Use Regulations: Section 1. Residential Accessory Buildings: (J)* states: "residential accessory buildings may be placed in front of the principal building if the accessory structure maintains a minimum front yard setback of one hundred (100) feet and has a maximum separation distance of 150 feet

between the principal building and accessory structure". The appellants propose to construct an approximately 30' by 26' (780 SF) accessory structure toward the northwest corner portion of the property. The proposed accessory structure would set in front of the principal structure providing a setback of approximately 41.42' from the front property line. A variance to the allow for an accessory structure to be located approximately 40'-7" closer to the street than the principal structure is being requested. The submitted application and site plan for this appeal can be found as *Attachment B*.

Staff mailed out 17 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 phone inquiry for more information concerning the request, however no concerns as it related to this application.

Natural Resources

The subject property is relatively flat with a gentle slope or change in elevation from a high of 940 at the NW corner of the property and gently sloping to the SE down to an elevation of approximately 930. The property is not located within a mapped floodplain. The location of the detached accessory structure is anticipated to have little to no impact on the surrounding environment.

Roads & Utilities

The subject property is situated on the east side of NE 80th Street between NE 27th Street to the south and NE 30th Place to the north. Water service is provided by Des Moines Water Works. There is a 4" water main which extends along the west property line of the subject property. The property is served by a private onsite wastewater treatment system.

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. There is an existing propane tank on the north side of the existing garage in addition to the power line and utility meter being located on the north side of the house.
- 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. There will be limited impact on adjacent properties. The nearest house is

approximately 200 feet north of the existing house and the proposed garage will retain a side yard setback of 12.55 feet from the north property line.

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

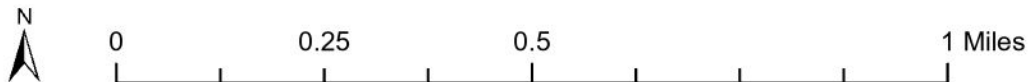
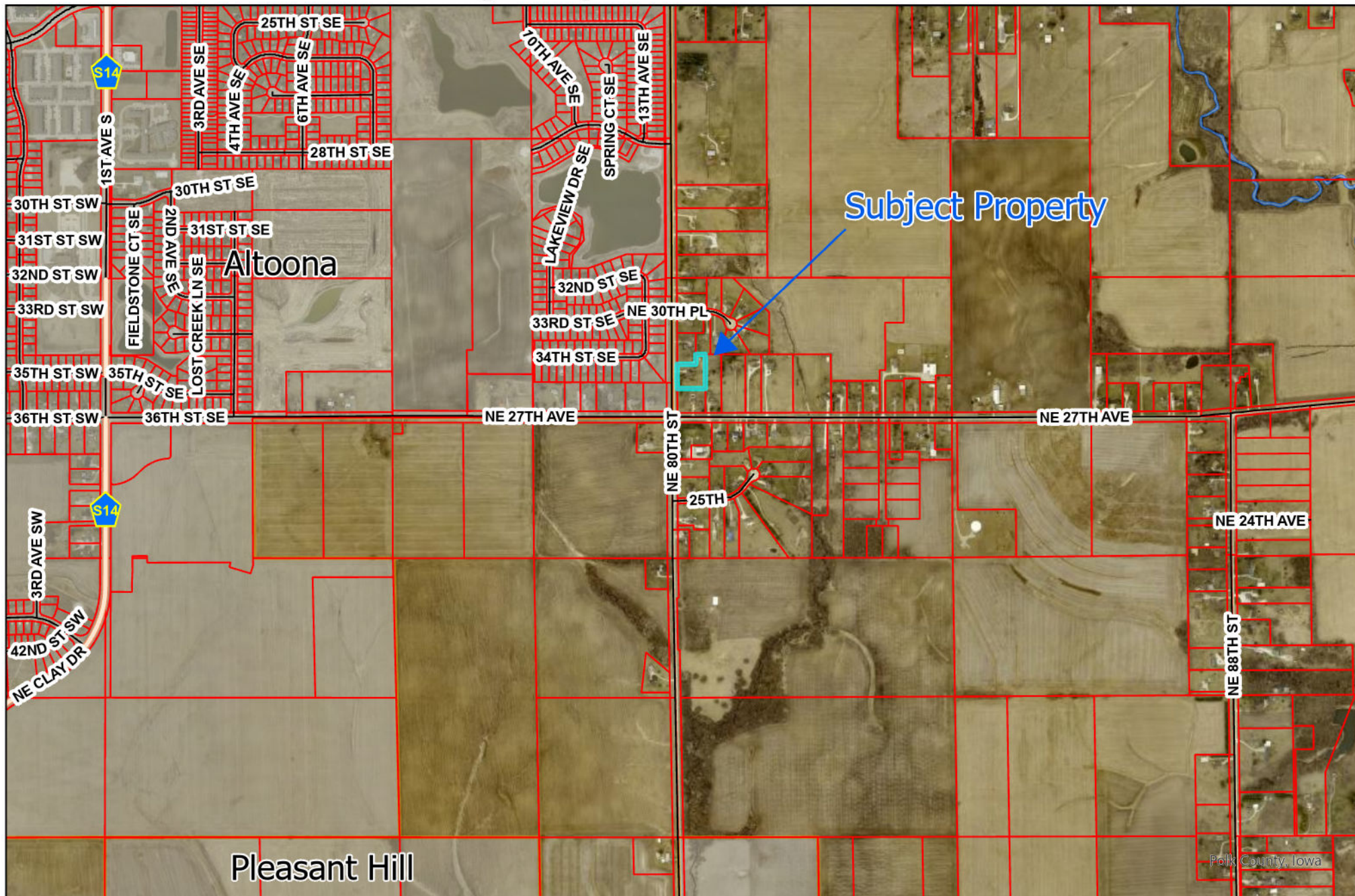
Yes. The property's utility placement with the propane tank and power line all on the north side of the garage limit the potential of an addition to the existing garage and increase the driveway length required to extend further into the rear yard. These are not results from actions taken by the applicant.

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.

Attachment A: Vicinity Map



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.

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)

Detached garage.

(time stamp)
Official Use Only

2. Subject Property Address: 2811 NE 80th St. Altoona, IA 50009

3. Subject Property Zoning District: AT

4. District and Parcel Number: 170/00445-214-000

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

Lot 14 Wallings Haven

6. Filing Fee: \$366.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Clara Alarcon

Applicant (Print Name)

Clara Maria Alarcon
Signature

3-19-24

date

Owner

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

alarconcm123@gmail.com

Email

2811 NE 80th St. Altoona, IA 50009

Address, City, State and Zip

515-418-0650

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

Steve Iverson

Applicant Representative (Print Name)

Partner

Firm or Business Name

2811 NE 80th St. Altoona, IA 50009

Address, City, State and Zip

ivysun3@gmail.com

Email

515-210-1370

Phone

Fax

Steve Iverson Garage Addition

2811 NE 80th Street | Des Moines, Iowa 50009

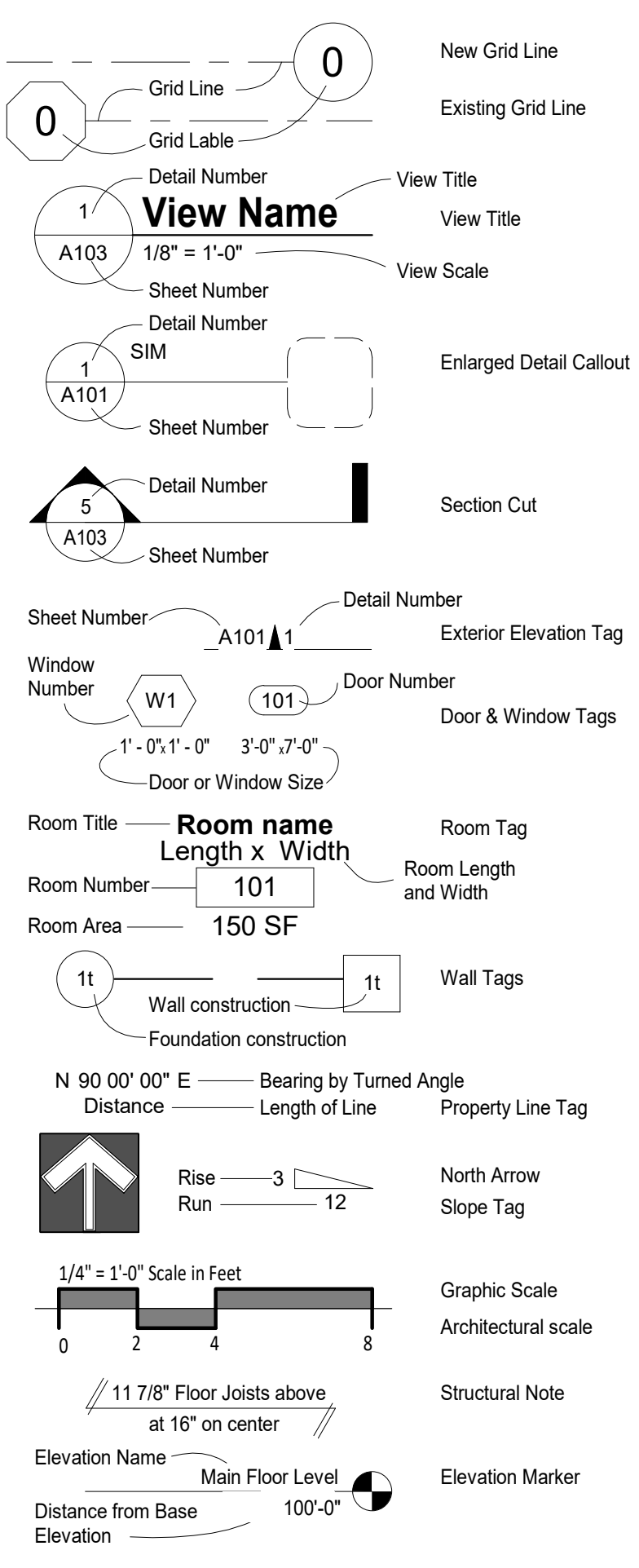
Project Notes

- These documents and the design they represent are the property of the Architect. No changes to these documents either in whole or in part may be made in any way without their prior knowledge and written consent.
- Refer to additional notes and legends on all other documents.
- Refer to civil, geotechnical, environmental, structural, mechanical, electrical, plumbing, fire and life-safety documents for additional information or requirements. Reference to other disciplines is conceptual for purposes of coordination with architectural design only.
- Before commencement of any work, the contractor shall give all notices and obtain all permits. Contractor shall comply with all applicable codes, laws, ordinances, rules, regulations, requirements of governing agencies and authorities, hazardous material application, and disposal requirements, etc.
- These drawings represent the completed project, at a time of substantial completion. The intent of the drawings is to include all items necessary for the proper execution and completion of the work. Unless otherwise noted, they do not represent the means and methods of construction. Sequencing and means and methods of construction shall be the sole responsibility of the general contractor.
- These drawings do not contain information with regard to construction safety procedures. The contractor is solely responsible for all construction safety and shall perform all work in accordance with governing authorities construction safety guidelines.
- Provide complete in place all labor, transportation, material, taxes, fees, permits, licenses, insurance, utilities, inspections, equipment, machinery, supervision, and other items necessary to complete the work in strict compliance with the plans, documents, and specifications prepared by the architect and approved by the owner.
- Verify existing conditions before fabrication and before proceeding with the work, and notify the architect immediately of significant discrepancies which may impact aesthetics, durability, cost, and schedules.
- Do not scale drawings to determine the intended layout or dimensions. If dimensions are in question, the contractor shall be responsible for obtaining clarification before continuing with work. Drawings are intended only as a graphically correct representation of work to be accomplished.
- Remove and replace materials damaged during construction to the satisfaction of the owner. Repair existing public facilities damaged during construction to the satisfaction of the governing authority.
- All work shall be of good quality, and all materials and equipment shall be new and free from defects for one year from the date of substantial completion of work. Any extended warranties obtained from suppliers or subcontractors shall be forwarded to the owner.
- All requirements not followed, including substitutions not properly approved and authorized, in writing, may be considered defective. Comply with all weather-related construction requirements. Do not build with or on frozen, saturated, contaminated, or inappropriate substrates or conditions.
- Provide positive drainage of surface water away from and off of all buildings without ponding or water adjacent to or on buildings or pavements.
- By submitting shop drawings, product data and samples, the general contractor and sub-contractor has verified and approved the information contained within. The general contractor's review and approval shall be shown on each submittal prior to the submission to the architect.
- Sprinkler system design and layout drawings, main lines and branches will be provided and installed by the building owner. Drops to ceiling penetration, heads and accessories provided by contractor.

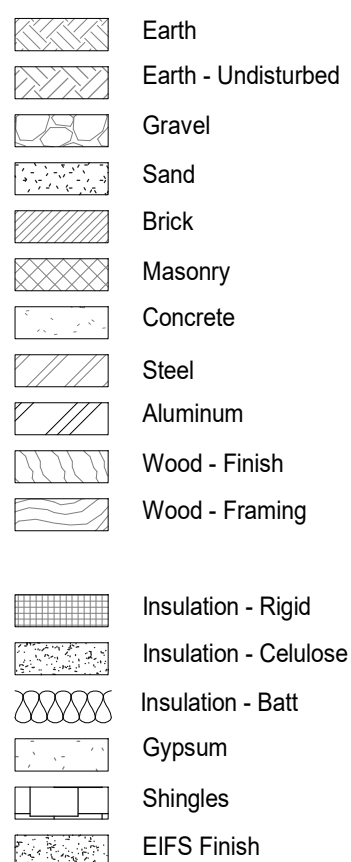
Creative Concepts and their consultants have completed these design documents to the level of detail requested by our client. The level of detail may range from schematic design document(s) mainly conveying programming information to fully detailed engineered documents and specifications. However, the clients intent and expectations are that these documents be used as the basis for design for an all-inclusive completed project based upon industry standards for all disciplines and governing authorities requirements.

The Contractor acknowledges by submission of their bid that they have a thorough understanding of the project and of the Owner/Landlord's & Tenant's expectations for a completed project. The Contractor also acknowledges that the Contractor has thoroughly reviewed these documents and has requested of the Owner, Tenant, Architect, Engineers or others any and all clarifications, and has received clear answers to said clarifications, required to resolve outstanding issues related to the completeness and accuracy of the design documents for estimating and construction purposes. The Contractor further acknowledges that the Contractor's bid includes all components of construction, including but not limited to: General Requirements, Concrete, Masonry, Metals, Wood, Plastics, Thermal, Moisture, Openings, Finishes, Fire Suppression, Plumbing, HVAC, Electrical, Communications, Safety, Security, Earthwork, Site, Utilities; for a completed project based upon industry standards for all disciplines and governing authorities requirements. Any and all components not included in this bid are identified on the bid submission as "not included in this contract." The design documents do not represent the means and methods of construction. The Contractor also acknowledges sequencing and means and methods of construction shall be the sole responsibility of the Contractor, and any and all costs associated with the means and methods of construction are included in the base bid.

Annotation Legend



Material Legend



Property Owner:
 Clara M Alarcon
 2811 NE 80th Street
 Altoona, Iowa 50009

Property Address:
 2811 NE 80th Street
 Altoona, Iowa 50009

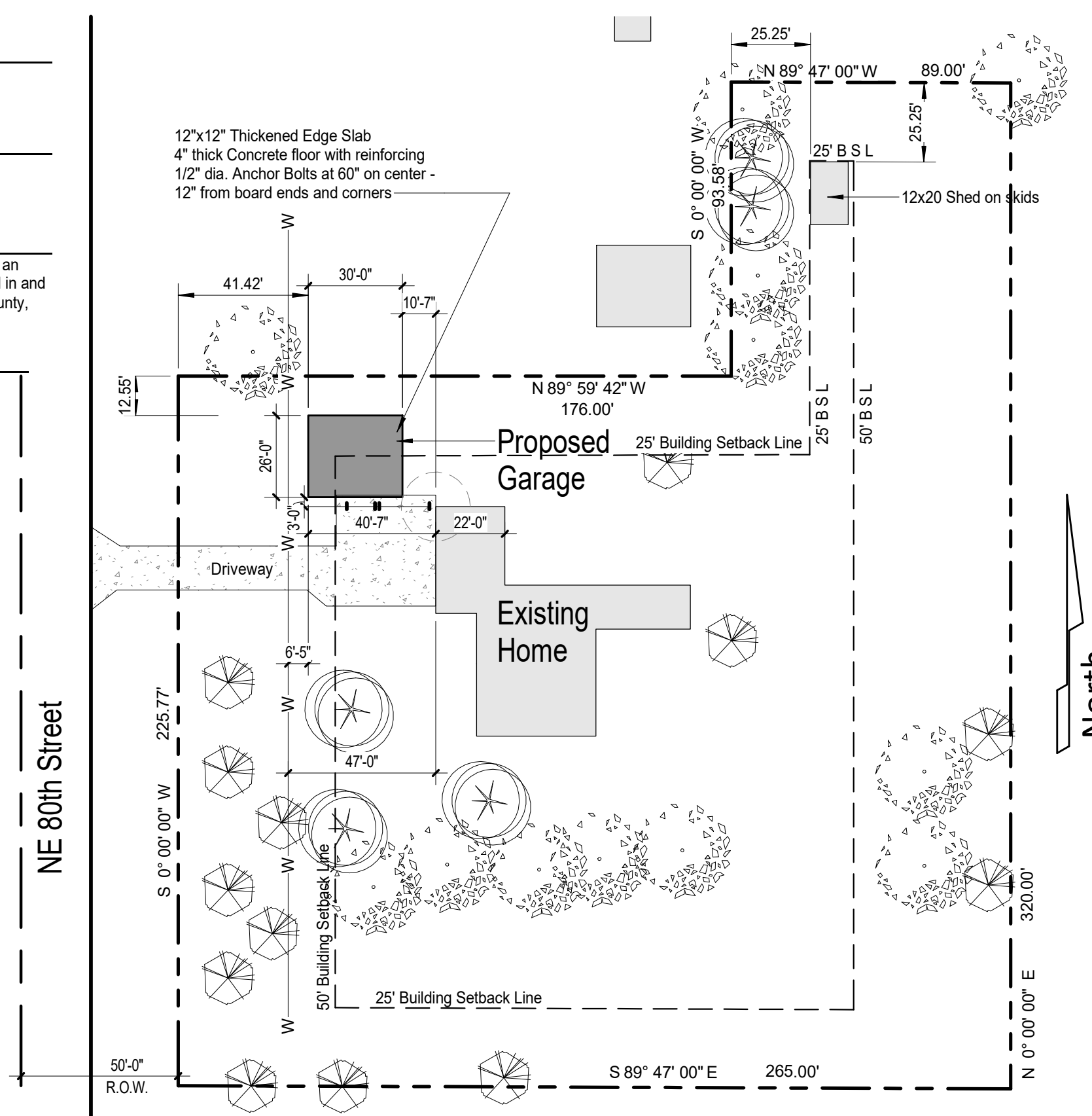
Legal Description:
 Wallings Haven, Lot 14, an official plat now included in and forming part of, Polk County, Iowa

Zoning Setbacks:
 50' Front setback
 50' Rear setback
 25' Side Yard Total

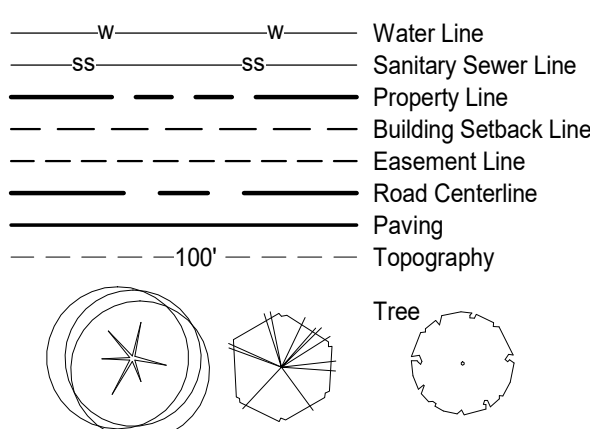
Zoning:
 AT - Agricultural Transition District

Site Notes

- Any changes or amendments to the project that do not meet what is shown on the plans needs to be approved with the permit and development center prior to installation or construction.
- All work in the city right-of-way shall be done in accordance with SUDAS and the Polk County General Supplemental Specifications to SUDAS effective at the time of plan approval.
- All work in the city right-of-way requires a right-of-way permit.
- The required landscaping new and existing shall be maintained for the life of the certificate of occupancy or certificate of zoning.
- It is the responsibility of the owner or the contractor to follow all applicable codes and ordinances whether or not contained on these documents.
- All lighting shall consist of low glare cut-off type fixtures to reduce the glare of light pollution on surrounding properties.
- No mechanical or utility equipment over 3' tall allowed in any front yard setback. All utility equipment shall be screened from street view.
- All disturbed areas will be restored by seeding or sodding.
- Locations of elements traced from Polk County, Iowa Assessor's website imagery accessed on September 16 2020.
- Site Dimensions taken from the Polk County Records website SWallings Haven 2 Recorded in Book Z Page 40 Recorded on 04/08/1985.
 - Building Setback dimensions are taken from Polk County Zoning Ordinance, Division 2, Table 6.1 Table of Single Family Bulk Standards Zoning requirements - Amended February 1, 2019.



Site Legend



Steve Iverson Garage Addition

2811 NE 80th Street | Des Moines, Iowa 50009

#	Date	Description
2	02/28/24	Revision 1
1	05/18/21	For Permit

3/22/2024 3:17:22 PM

PROJECT NUMBER:
 2009F

TITLE:
 Cover Sheet

SHEET:

100