Appeal: The appellant requests a variance to allow a residential privacy fence at six (6) feet in height within the front yard setback, in lieu of the maximum allowable height of four and one-half (4 ½) feet.

Background
The subject property is located at 10420 NW Saylorville Drive, Granger, and is legally described as Lot 3 Lakeview Estates Plat 2, being located within Section 9, Township 80 North, Range 25 West of the 5th P.M. (Jefferson Township). The property is approximately 3.27 acres in size and is zoned “RR” Rural Residential District. The subject property is located southwest of the intersection of NW Saylorville Drive and NW Beaver Drive. The City of Johnston corporate limits are located several hundred feet to the west where they extend north to NW 106th Avenue, and Polk City’s corporate limits are located approximately one and one-half (1 ½) miles northeast on the opposite (east) side of Saylorville Reservoir. Surrounding properties are also located within unincorporated Polk County, zoned “RR” Rural Residential District, and developed with existing single-family residences. The property located south and east of the subject property, lying on the opposite side of NW Saylorville Drive, is zoned “ER” Estate Residential District and presently utilized as agricultural ground. This property is owned by the State of Iowa and is future holdings for the nearby Camp Didge military base. See Attachment A for a vicinity map of the subject property and surrounding area.

The subject property contains an existing single-family dwelling constructed in 2013, as well as a detached accessory building, both located in the eastern half of the property. According to County records, the appellant purchased the subject property in March of 2021.

Summary of Request
The Polk County Zoning Ordinance, Article 4: Use Regulations, Division 6: Accessory Regulations, Section 5.A(1) stipulates that residential fences may not exceed four and one-half (4 ½) feet in height within the front yard setback. The appellant recently constructed a six (6) foot tall privacy fence enclosing the subject property. The fence is located along the eastern, southern and western property lines, and abuts an existing six (6) foot tall privacy fence along the northern lot line, which was constructed by the neighboring property at 10170 NW 106th Avenue. A portion of the fence is located within the 50-foot front yard setback along NW Saylorville Drive. A Variance is requested in order to allow this portion of the privacy fence to remain within the front yard setback at six (6) feet in height, in lieu of the maximum permitted height of four and one-half (4 ½) feet established by the Ordinance. The submitted application and site plan for this appeal can be found as Attachment ‘B’.

Staff mailed out nine (9) 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 two (2) responses in support, and zero (0) responses in opposition, of this Appeal.
**Natural Resources**
The subject property is relatively flat, with a high elevation of approximately 924 feet along the northern property line as well as the southwest corner of the property, and a low elevation of approximately 922 feet throughout towards the eastern property line. There are no areas of mapped floodplain or other environmental hazards or features on this site.

**Roads & Utilities**
The subject property takes access to the east from NW. Saylorville Drive (Hwy 415), which is a two-lane arterial roadway. The roadway provides connectivity northeast to NW. Beaver Drive and southwest to Highway 415. Water is provided by Xenia Rural Water District. Wastewater treatment is provided by a private onsite septic system, which County records indicate is located to the northeast of the existing dwelling.

From review of the application, it appears as though the fence may encroach into the established road right-of-way along NW Saylorville Drive. The County Engineer has commented that the fence would need to be setback at least 85 feet from the shoulder to be located outside of the right-of-way. If the fence is ever replaced or if there is ever any future work within the roadway which impacts this area, any portion of the fence which does encroach would need to be relocated outside of the right-of-way.

**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 is uniquely situated having approximately 434 feet of frontage along NW. Saylorville Drive, which is an arterial roadway with significant traffic and related impacts on the subject property.

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. Residential privacy fences are a permitted use within the “RR” Rural Residential District.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
   Yes. While there will be some visual impact from the fence, it will largely affect the subject property. There is only one (1) adjacent residence to the north at 10170 NW 106th Avenue, which has a similar six (6) foot tall privacy fence also within the front yard setback along NW Saylorville Drive.
4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
   Yes. The subject property’s frontage to N.W. Saylorville Drive, with its considerable traffic as an arterial roadway, is a special condition that surrounding properties do not face. Furthermore the platting and configuration of the lot is not a result of the actions of the appellant.

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, and no impact upon environmental features is anticipated.

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 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)
   Requesting a fence height and/or setback variance appeal. I live on a busy high speed road on NW Saylorsville Dr (45-55mph) and as we are the only residence or property with a driveway to this road we built a fence out of concern for safety and protection for children and pets.

2. Subject Property Address: 10420 NW Saylorsville Dr, Granger, Iowa 50109

3. Subject Property Zoning District: Rural Residential

4. District and Parcel Number: 240/00745-098-103

5. Subject Property Legal Description (attach if necessary):
   Lot 3 in Lakeview Estates Plat 2, an official Plat, now included in and forming a part of the City of Granger, Polk County, Iowa

6. Filing Fee: $319 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:
   Joseph Evenson
   Applicant (Print Name)  
   Signature  9/15/21  
   date
   Owner
   Interest in Property (owner, renter, prospective buyer, etc.)
   10420 NW Saylorsville Dr
   Address, City, State and Zip
   573-434-2522
   Phone
   selectfire4231@hotmail.com
   Email
   573-434-2522
   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)

(Print Name) ______________________________________________________________________
Signature ______________________________________________________________________
Date ______________________________________________________________________

(Print Name) ______________________________________________________________________
Signature ______________________________________________________________________
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.

I was unaware of both setback and height for a front fence at the time of installation in May 2021 as we did not need to pull a permit to build a fence for a rural property. We originally made the decision to build the fence for safety and security from the high speed traffic (45-55mph) on Northwest Saylorville Drive from children and pets as we are the only residence on this road with a driveway on this road.

We have a septic system and a parking lot on the 50ft setback on the North and middle of the front fence line. After the driveway entrance and further South the fence line is setback 50ft to 142ft. I am appealing for the 228ft of 6ft fence line and entry gate that is in front of the property which is attached to the rest of the front fence that is within the 50ft setback. Thank you for your consideration.

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@polkcounty.iowa.gov
Forms available online http://www.polkcounty.iowa.gov/PublicWorks/ BOA Calendar CALENDAR

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