

Docket Number: 20/8770

Appellant: Lucas B. Howrey, Trustee of the LBH Trust (Property Owner) 4201 SE 98th Street, Runnells, IA 50237

Appeal: Requesting a Variance to allow an accessory building to be located in front of the principal building and to exceed the maximum separation allowance of 150 feet, increasing the separation to approximately 300 feet.

Appeal Given: For the complete Variance appeal packet, please refer to *Attachment 'A'*. The following is an excerpt from *Attachment 'A'*:

It will affect my grove by having to remove a major amount of trees.

Paralleling the north side of the grove lane is a small ditch where the water runs to the east. If a building was put up NW of the house it would affect water flow and direct it down to the house or over the gravel lane.

Background

The subject property is addressed as 4201 SE 98th Street, Runnells, IA 50237, being described as Lot 1 in Gerry Heights Plat 2 in Section 21 of Camp Township. The subject property includes approximately 22.514 acres and is zoned "RR" Rural Residential District. The subject property is improved with a single family house and has an existing access onto SE 98th Street. *Attachment 'B'* is an aerial of the site and the surrounding property.

The Appellant contacted Planning Division staff to inquire about the zoning requirements to construct an accessory structure at the subject property. Upon reviewing the standards, the Appellant determined that a Variance would be required in order for the accessory building to be located in front of the house and at a distance that is greater than 150 feet. The Appellant has confirmed that the accessory building will be utilized for residential storage only and not for commercial purposes.

Summary of Request

The Appellant is requesting an approximate 150-foot separation Variance (from 150 feet to 300 feet) for a proposed accessory building to be constructed on the subject property of 4201 SE 98th Street, Runnells.

The Polk County Zoning Ordinance, *Article 4. Use Regulations, Division 6. Accessory Regulations, Section 1. Residential Accessory Buildings (J)*, states that an accessory building may not be placed in front of the principal building unless said accessory building is setback a minimum of 100 feet

from the front property line and has a maximum separation distance between the principal structure and accessory building of 150 feet.

The proposal complies with the minimum required 100-foot setback, being setback approximately 650 feet, however the separation distance is proposed as approximately 300 feet, exceeding the maximum standard of 150 feet.

Natural Resources

The subject property at 4201 SE 98th Street does not contain floodplain, however two (2) ponds exist on the property. The southern pond is designated as a wetland and will not be modified by this proposal. As stated in the appeal, a stand of mature trees are located north of the access drive and northwest of the house. The proposed location of the accessory structure does not affect the natural resources on the property.

Roads/Utilities

The property has an existing access onto SE 98th Street. SE 98th Street is a paved two-lane local street maintained by Polk County. No new access points are proposed.

The subject property is served by a six (6) inch Des Moines Water Works water main on the east side of SE 98th Street and an existing septic system is located east of the house and does not appear to conflict with the proposed location of the accessory building.

Testimony

County staff mailed 13 notices to surrounding property owners and have received three (3) items of testimony to-date that are in support of the proposed Variance, *Attachment 'C'*.

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 a large flag lot, 22.514 acres in size. The house, at its closest point, is approximately 1,000 feet from the front property line and the accessory building is proposed to be approximately 650 feet from the front property line. The eastern portion of the property includes the house, septic system, two ponds and

the mature trees. The location of the existing improvements and natural features of the site along with the shape and size of the property create special circumstances affecting the subject property that do not generally exist on other properties in the same zoning district.

- 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. A residential accessory building that is utilized for personal use is allowed within the "RR" Rural Residential District zone and is commonly found on other residential properties.

- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The proposed project should have a minimal impact to the adjacent properties. The proposed accessory building will be located approximately 360 feet from the closest residentially platted property. All other residential properties are not in close proximity.

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

Yes. The improvements to the property, the natural features and the house, as well as the shape and size of the property were 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.

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 allow an accessory building to be located in front of the principal building and to exceed the maximum separation allowance of 150 feet, increasing the separation to approximately 300 feet.

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)

To build a storage shed outside of the 150 ft from House

(time stamp) Official Use Only

2. Subject Property Address: 4201 SE 98th St Runnells

3. Subject Property Zoning District:

4. District and Parcel Number: 160/00764-321-000

5. Subject Property Legal Description (attach if necessary): LT 1 Gerry Heights Plat 2

6. Filing Fee: \$315 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Lucas Howrey Applicant (Print Name)

[Signature] Signature

[Date] date

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

LucasHowrey@gmail.com Email

4201 SE 98th St Runnells IA 50237 Address, City, State and Zip

515-208-9417 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)

Lucas Howrey
(Print Name)

[Signature]
Signature

_____ date

Annette Howrey
(Print Name)

[Signature]
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.

① It will affect my grove by having to remove a major amount of trees.

② Paralleling the north side of the gravel lane is a small ditch where the water runs to the east. If a building was put up NW of the house it would affect water flow and direct it down to the house or over the gravel lane.

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

Forms and calendar available online <http://www.polkcountyiowa.gov/PublicWorks/>

OFFICIAL USE ONLY			
Received by		Docket Number	
Date Received		Reviewed by	
BOA meeting date		BOA Approved	Y / N

1" = 200'

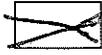
Base Map, Polk County, Iowa





Case #2020-08770, Howrey.

Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my



support for



opposition to

Print Name: GERARDINE BEATTIEAddress: 3560 SE 96thSignature: Gerardine Beattie**Case #2020-08770, Howrey.**

Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my



support for



opposition to

Print Name: RICHARD BEATTIEAddress: 3543 SE 96th RUNNELLSSignature: Richard Beattie

cut and return

Case #2020-08770, Howrey.

Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my

support for

opposition to

Print Name: Gerald R. Pesek

Address: 4037 SE 98th St. Rennelle, Va

Signature: Gerald R Pesek

Aerial / Vicinity Map – 4201 SE 98th Street



If you wish to be shown approving or disapproving of the Variance Appeal email Seana Field at Seana.Field@polkcountyiowa.gov or call her at (515) 286-3355 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

----- cut and return -----

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Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my

support for opposition to

Print Name: TIMM REID

Address: 4371 SE 98th St

Signature: [Handwritten Signature]