

**Docket Number:** 20/8791

**Appellant:** Adam Olson (Property Owner)  
435 & 445 NW 48<sup>th</sup> Place  
Des Moines, IA 50313

**Appeal:** Requesting a Variance to the street setbacks from NW 48<sup>th</sup> Place and Interstate 80/35. The Variance request is to reduce the setback from the property line that is adjacent to NW 48<sup>th</sup> Place to 25-feet (from 50-feet to 25-feet) and a Variance of 50-feet (from 75-feet to 25-feet) along the property line that is adjacent to Interstate 35/80.

**Appeal Given:**

*“The setbacks on this property make it nearly impossible to construct a building on the land. We would like to construct a 80’ x 85’ building...The existing setbacks for the property restrict the buildable area to 1,250 sq. ft. Other buildings in the area, that are similarly zoned, have similar setbacks to what we have requested with this variance. For this property, a variance was approved in 1988 to reduce the rear setback from 40 feet to 10 feet. Another variance was approved in 2018 to reduce both the front and rear setbacks from 50’ to 25’ and from 75’ to 60’ respectively.”*

**Background**

The subject properties are zoned “HI” Heavy Industrial District and are legally described as a portion of Lots 77, 78, 79 and 80 in Highland Park Acres, Section 15 of Saylor Township. Two properties comprise the Variance site and are addressed as 435 and 445 NW 48<sup>th</sup> Place. The properties have historically been utilized for vehicle sales and service. The property owner is interested in consolidating the two properties and constructing an office and warehouse building on the site. A map showing the subject property is attached as *Attachment ‘A’*. A site plan has been provided by the Appellant and is attached as *Attachment ‘B’*.

The existing commercial use appears to have been formally established on this site in 1995, when a Site Plan was approved for a construction office and an auto repair use. A setback Variance was approved in 1988 to reduce the northern setback, from Interstate 80/35 from 40 feet to 10 feet. A second setback Variance was approved in 2017 to reduce the setback from 50-feet to 25-foot adjacent to NW 48<sup>th</sup> Place and from 75-feet to 60-feet along the Interstate 80/35 frontage. The approval was made with the following condition; The site plan must be approved and the building construction started within 24 months of the approval or the Variance becomes null and void, August 28<sup>th</sup>, 2019. No construction has taken place to date therefore voiding the 2017 Variance approvals.

**Summary of Request**

The Appellant owns both properties, 435 and 445 NW 48<sup>th</sup> Place, requiring an administrative consolidation of the two properties into one property for future construction. This will require approval of a Major Site Plan and necessary permits to construct an office and warehouse

building on the site. The site plan provided by the Appellant in *Attachment 'B'*, shows the existing non-conforming warehouse building at a setback of 38.46-feet from the I-80/35 frontage and shows the sketched in proposal for the a new office and warehouse building. The unique shape of the western parcel along with the existing frontages along two streets significantly limits the buildable area. The current access for the property is located to the south along NW 48<sup>th</sup> Place. A 50-foot setback is required along NW 48<sup>th</sup> Place due to the street designation as a Local street. To the north, where the properties have frontage on Interstate 80/35, a 75-foot setback is required due to the street designation as an Expressway/Freeway. Therefore, the Appellant is proposing to reduce the setbacks from the north and the south to increase the buildable area.

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 5: Non-Residential Bulk Standards, Table 6.9: Nonresidential Bulk Standards*, stipulates that the required Minimum Street Setback for lots with frontages along an Expressway/Freeway (I-35/I-80), within the "HI" Heavy Industrial District, is 75-feet. The Minimum Street Setback for lots with frontages along a Local street is 50-feet.

### **Natural Resources**

The site does not have any significant natural resources. The properties are relatively flat, with the high point along the northern portion of 435 NW 48<sup>th</sup> Place at 838-feet and sloping downward to the western portion of 445 NW 48<sup>th</sup> Place at 832-feet. There are no environmental hazards and the site does not contain designated floodplain.

### **Roads/Utilities**

The property has access onto NW 48<sup>th</sup> Place via two existing entrances. NW 48<sup>th</sup> Place is a two lane County maintained Local roadway. Directly north of the site is Interstate 80/35 that is a State of Iowa interstate roadway.

### **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 properties are double frontage properties with one of the frontages on an Interstate, thus requiring a significant setback of 75 feet. The properties are also exceptionally narrow, which further constrains the developable area. The Heavy Industrial (HI) zoning would require development of the site as a commercial or industrial use, which typically are constructed at a larger scale than other districts. The double frontage, narrowness of the properties and the HI zoning create two

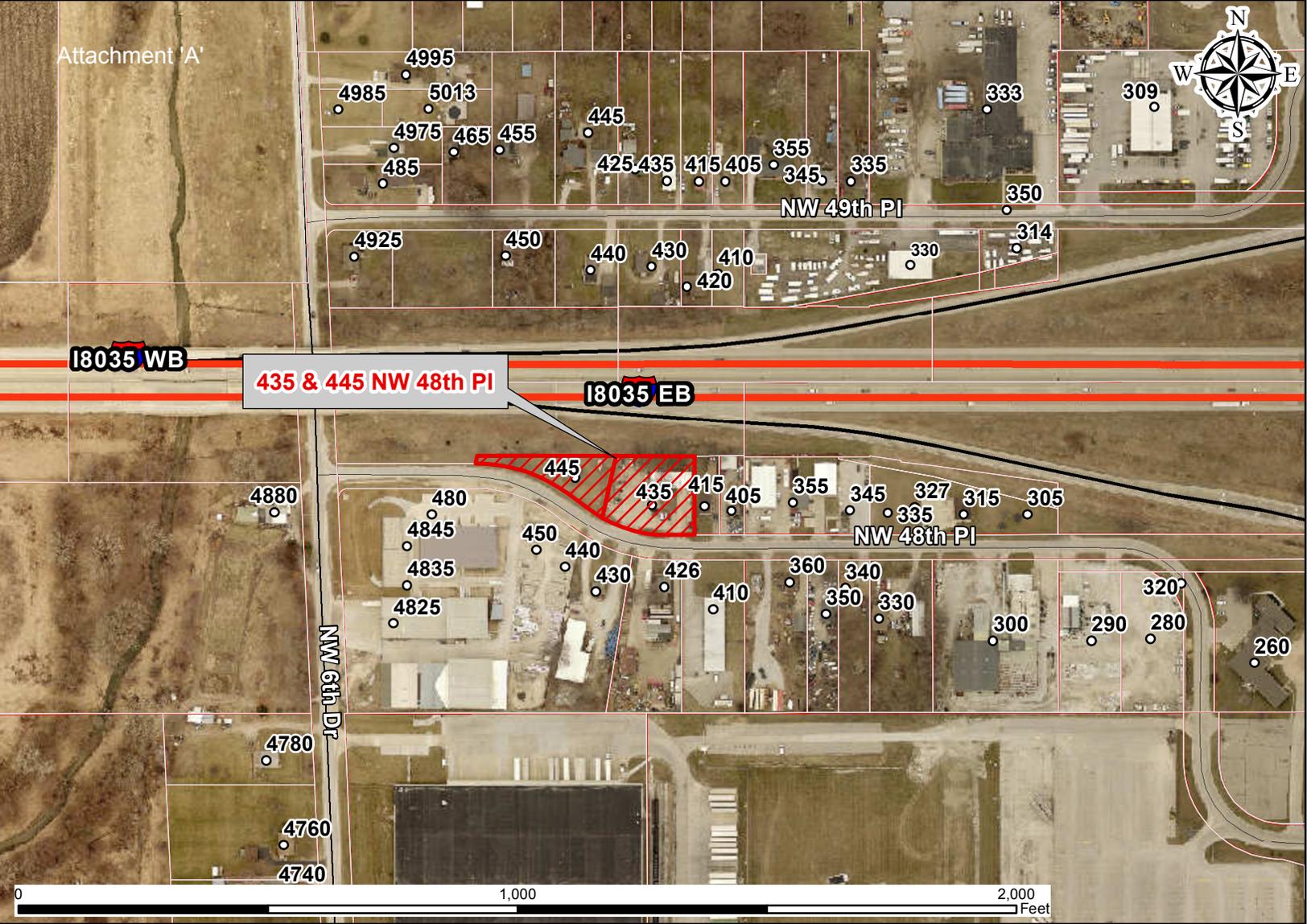
properties with exceptional circumstances that do not occur on the majority of HI zoned properties.

- 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 office and warehouse use is permitted within the district subject to appropriate site plan and permit approvals.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?  
Yes. The site is currently utilized as vehicle sales and service. The redevelopment of the property will have a positive impact on surrounding properties and will be compliant with the zoning district, therefore the public interest will not be negatively impacted.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?  
Yes. This is an existing site and the constrained lot configuration had occurred previous to the current ownership.
- 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 granting of the requested variance supports the intent of these provisions and would not affect natural resources.

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 with the following condition:

1. The site plan must be approved and the building construction started within 24 months of the approval or the Variance becomes null and void, March 16<sup>th</sup>, 2022.

Attachment 'A'



**435 & 445 NW 48th PI**

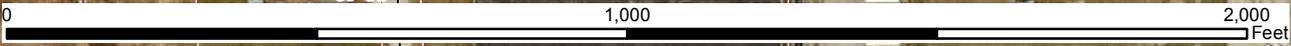
**18035 EB**

**18035 WB**

NW 6th Dr

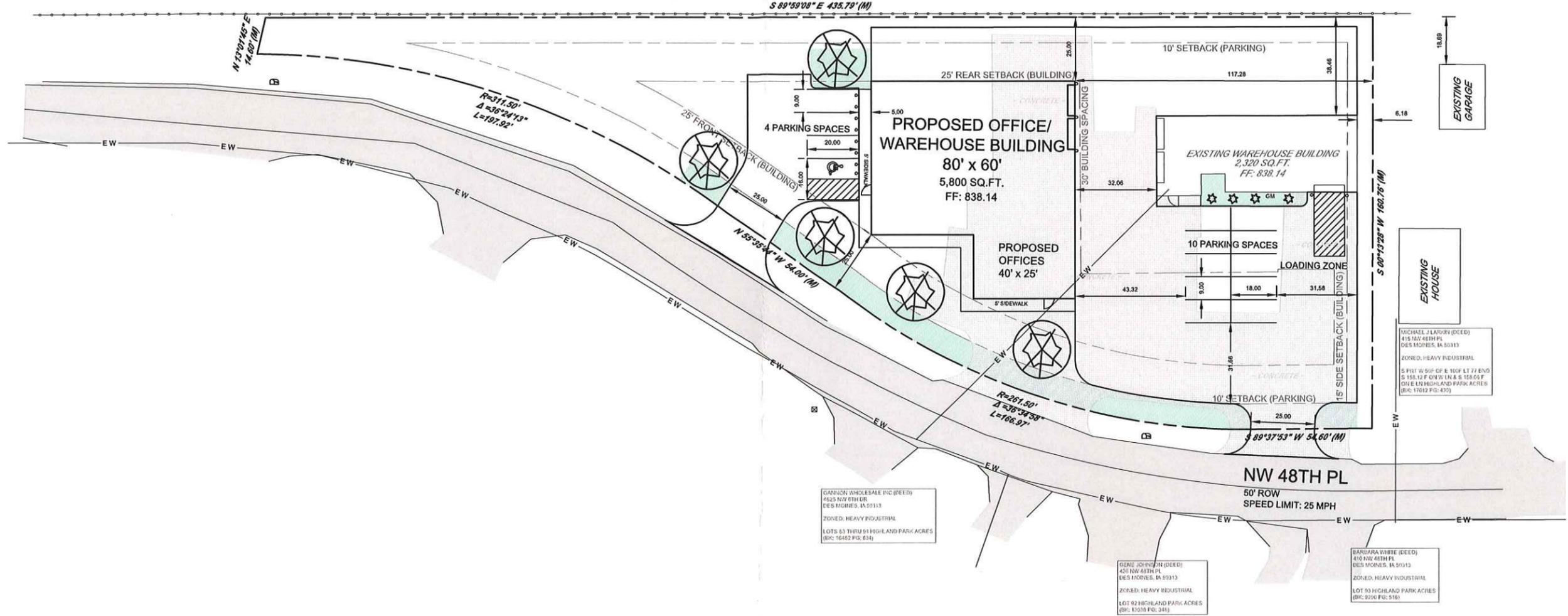
NW 49th PI

NW 48th PI



STATE OF IOWA - ROW  
 N34E67.01°E LN & N147.85°E CH W LN LT 77 & N147.85°E LITS  
 78, 79 & 80 & ALL LITS 81 & 82 HIGHLAND PARK ACRES  
 (BIC: 3371)

SITE AREA: 41,371 SQ.FT (0.95 ACRES)



**PROPOSED TREES/ SHRUBS:**

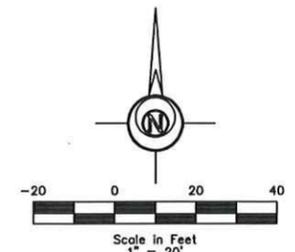
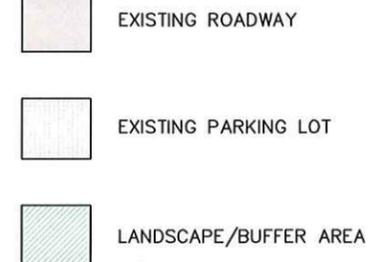
SYMBOL	#	COMMON NAME PLANT UNITS	PLANTING SIZE
	5	**CANOPY TREE** 1 "PLANT UNIT" PER PLANTING	5' HIGH OR 1.5" CALIPER
	0	**UNDERSTORY TREE** 0.5 "PLANT UNIT" PER PLANTING	5' HIGH OR 1.25" CALIPER
	4	**SHRUBS** 0.15 "PLANT UNIT" PER PLANTING	11" HIGH

**PARKING REQUIREMENTS:**

-2500 SQ.FT OFFICE SPACE + 5620 SQ.FT WAREHOUSE SPACE  
 2500/1000 x 3 + 5620/4000 + # OF WAREHOUSE EMPLOYEES  
 7.5 + 1.405 + 5 = 14 SPACES REQUIRED

**LANDSCAPING REQUIREMENTS:**

-PARKING LOT LANDSCAPING: 14 PARKING SPACES  
 486 SQ.FT. ISLAND AREA & 1.5 "PLANT UNITS"  
 -BUFFER/SCREENING TREES: 238 LF STREET FRONTAGE, 10 FT BUFFERYARD, LIGHT OPACITY  
 1.6 \* 238/100 = 3.8 "PLANT UNITS"



**Architecture | Engineering | Surveying**  
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**LEGEND:**

F.F.	FINISHED FLOOR		STREET LIGHT		GUY ANCHOR		P-XX	PROPOSED UTILITY LINE
FL	FLOWLINE ELEVATION		POWER POLE		GAS VALVE		E-XX	EXISTING UTILITY LINE
123.456	GUTTER ELEVATION		LIGHT POLE		GAS MARKER POST		-O-O-O-	FENCE LINE
123.45TC	TOP OF CURB ELEVATION		ELEC. TRANSFORMER		GAS METER		-UGT-	UNDERGROUND TEL.
123.45	EXISTING ELEVATION		ELEC. METER		GAS LINE		-OHT-	OVERHEAD TEL.
○	CALCULATED CORNER		ELEC. BOX		HIGH PRESSURE GAS LINE		-CATV-	CABLE TELEVISION
●	FOUND CORNER		ELEC. MANHOLE		SANITARY SEWER MANHOLE		-FO-	FIBER OPTIC
△	CALCULATED SECTION CORNER		ELEC. VAULT		SANITARY SEWER MANHOLE		○	TREE
▲	FOUND SECTION CORNER		UNDERGROUND ELEC. MARKER POST		SEPTIC TANK		-T-	SIGN
			OVERHEAD ELEC.		CLEANOUT			TEL. JUNCTION BOX
			UNDERGROUND ELEC.		DOWNSPOUT			CABLE TV JUNCTION BOX
					SINGLE INTAKE			
					DOUBLE INTAKE			
					STORM SEWER MANHOLE			
					GAS METER			
					FLARED END SECTION VALVE			
					FIRE HYDRANT			
					WATER METER			
					WATER VALVE			
					WATER TEE			

**HEARTLAND ROOFING**  
 435 NW 48TH PLACE  
 DES MOINES, IOWA

DATE: 2-14-20	BY: N. DAY	SCALE: 1"=20'	PROJECT NO: 2-14-20	DRAWING NO: 20-003
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2020 Projects 20-003 - Site Plan for Heartland Roofing (Engineering) Site Plan Sheet Set