

Docket Number: 20/8988

Appellant: David G. Edwards (Property Owner) 7431 NE 114th Avenue, Bondurant, IA 50035

Appeal: Requesting an approximate four (4) foot height increase Variance (from 24 feet to 28 feet) for a proposed 40-foot by 64-foot accessory building to be constructed on the subject property.

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

I would like to build a pole barn to use for an indoor basketball hoop and batting cage for my kids, as well as personal storage. Where the pole barn would sit is in the back southwest corner of the property. That back southwest corner has a significant slope/grade to the land...One thing I would like to add is that the southwest area of my property (where barn would go) sits significantly lower than the front (North) of my property where you enter. I believe even at the proposed height of 28' the pole barn will still be lower than how tall my house currently sits...

Background

The subject property is zoned "ER" Estate Residential District and is described as Lot 14 in the Rieck Acres Plat 1 subdivision, Section 6 in Franklin Township. The property is addressed as 7431 NE 114th Avenue, Bondurant, IA 50035. The subject property is improved with a single family house and has an existing access onto NE 114th Avenue. No new entrances are proposed with the development of the residential accessory building. Attachment 'B' is an aerial of the site and the surrounding property.

The Appellant contacted Planning Division staff to inquire about the permit requirements and processes for constructing the proposed accessory structure. During this review, it was determined that a Variance would be required in order for the accessory building to comply with the maximum height requirements of the Polk County Zoning Ordinance. The Appellant has provided a building elevation, attached as Attachment 'C' and a site plan attached as Attachment 'D'. The proposed accessory building will meet all other ordinance requirements.

Summary of Request

The Appellant is requesting an approximate four (4) foot height increase Variance (from 24 feet to 28 feet) for a proposed 40-foot by 64-foot accessory building to be constructed on the subject property of 7431 NE 114th Avenue, Bondurant.

The Polk County Zoning Ordinance, *Article 4. Use Regulations, Division 6. Accessory Regulations, Section 1. Accessory Buildings (F)*, states that the height of an accessory building shall not exceed the height of the principal building or twenty-four (24) feet whichever is greater.

Natural Resources

The subject property at 7431 NE 114th Avenue does not contain significant natural features and floodplain is not located on this property. The property does include 25 feet of a 50-foot Drainage and Overland Flowage Easement that exists along the entirety of the western property line. The submitted Site Plan, Attachment 'D', which shows how the accessory building can be constructed without impacting the Drainage and Overland Flowage Easement.

Roads/Utilities

The property has an existing access onto NE 114th Avenue. NE 114th Avenue is a paved two-lane local street maintained by Polk County. No new access points are proposed.

The subject property is served by a four (4) inch Des Moines Water Works water main in NE 114th Avenue and an existing septic system is located directly south of the house and east of the proposed accessory building location.

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. A residence and an accessory building are permitted uses in the "ER" Estate Residential Zoning District. The location of the existing improvements limit the location of an accessory building. Further, the proposed structure will be located further back from the street than the house, which will make the additional four feet of height, imperceptible to those traveling on the public right-of-way.

- 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 "ER" Estate Residential District zone and are 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. A similar structure exists on the property directly west of the subject site. The location, to the south of the existing house and at a lower elevation will also minimize the impact to adjacent properties.

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

Yes. The size of the building, sidewall height and roof pitch all contribute to the height of the proposed accessory building. The proposed use, specifically for basketball, requires additional height clearance.

- 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 to increase the maximum height allowed for the proposed accessory building from 24-feet to approximately 28 feet.

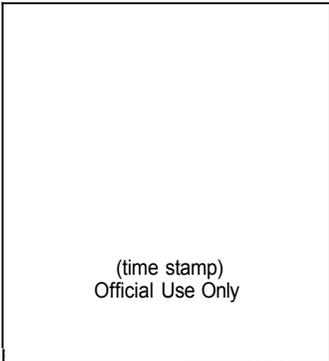
Variance Appeal Application



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

in 1.75 variance for pole barn
would like height of pole barn to be 25' or less
Usage of pole barn would be for personal storage, indoor basketball hoop and batting cage for kids

2 Subject Property Address: 7431 NE 114th Ave Polk Iowa 50035

3 Subject Property Zoning District: 1.75 tc.rf 1.210 fvlt.c District

4 District and Parcel Number: 23 u 10 (1 > cft) - 07 of - 014

5 Subject Property Legal Description (attach if necessary):

Signature (each provision) of: 1.75 tc.rf 1.210 fvlt.c District considered a separate variance request

Applicant (Print Name) Jesse C. Lewis & S / tv1.ot1-v I' 7 117-("ZJ";
Signature (over) gabe-edwards@yahoo.com
Date 11-17-11

Interest in Property (owner, renter, prospective buyer, etc.) (over)
Address, City, State and Zip 7431 NE 114th Ave Polk, IA 50035 Phone 515-401-6185 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)

David G Edwards
(Print Name)

[Signature]
Signature

4/21/20
date

Jamie Edwards
(Print Name)

[Signature]
Signature

7/1/20
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 want to build a pole barn to use for an indoor basketball hoop and batting cage for my kids, as well as personal storage. Where the pole barn would sit is in the back southwest corner of the property. That back southwest corner has a significant slope/grade to the land. Along with footings I would have to pour concrete walls to help with the leveling and pouring of the concrete pad. I wouldn't be able to just pour a concrete slab with footings. For the concrete contractor the concrete walls will be 2' to 3' out of the ground on the west wall and up to 1' out of the ground on the east wall. Then I would like to have 18' side walls on the barn to comfortably put in a basketball hoop. With my building dimensions of 40'W x 64'L x 18'H my builder advised the pitch would be a 4/12 pitch and another 7' to the peak of the building. So with the main issue being the slope/grade of the land that is how I come up with my 28' total. 3' for concrete walls, 18' side walls, and another 7' to the peak totaling 28'. If able when walls are being poured I would definitely reduce them if possible. I would also consider reducing the height of the side walls down to 17' but would prefer 18'.

One thing I would like to add is that the southwest area of my property (where barn would go) sits significantly lower than the front (north) of my property where you enter. I believe even at the proposed height of 28' the pole barn will still be lower than how tall my house currently sits. Attached are pictures with those views.

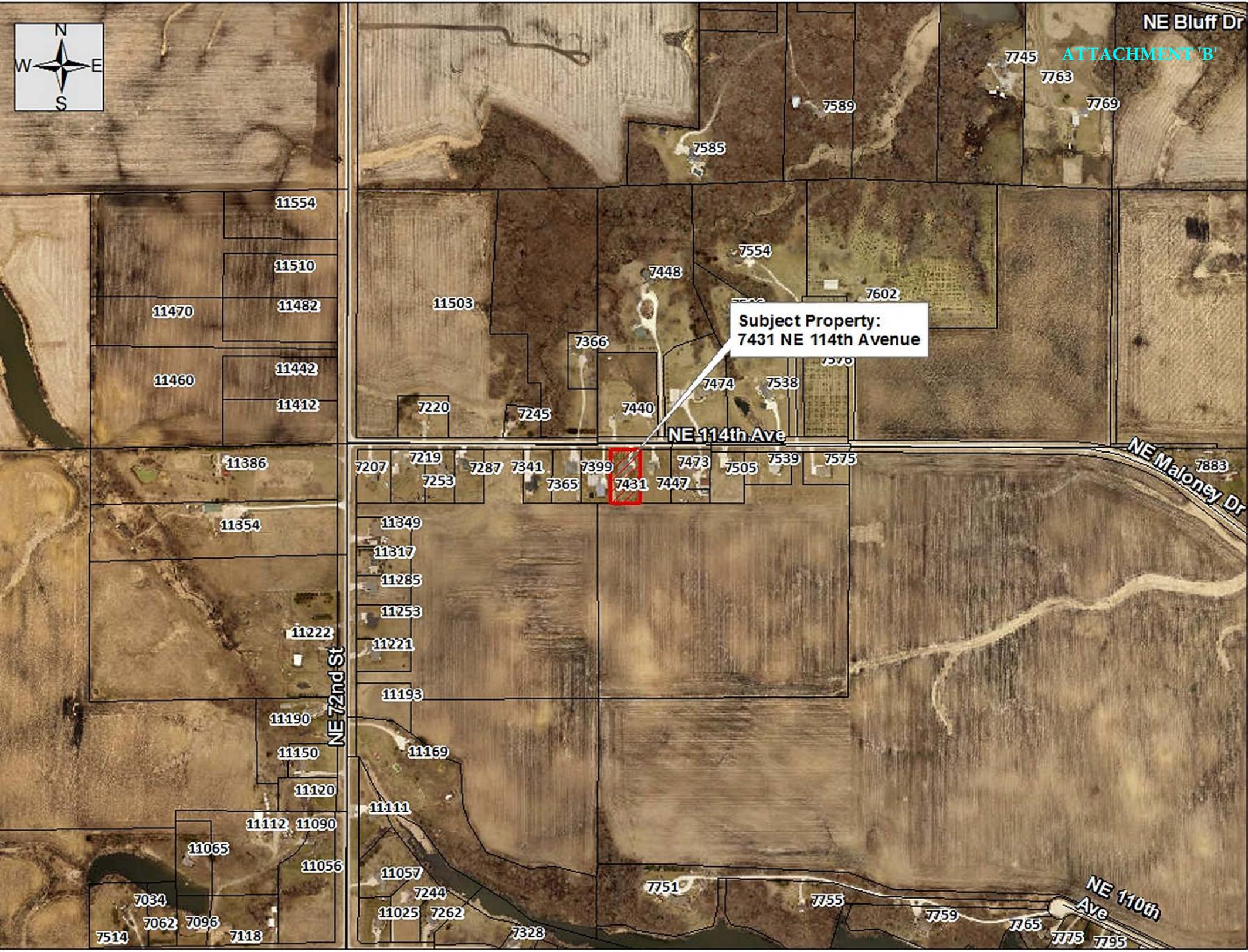
Thank you for your time and _____

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	YIN



Subject Property:
7431 NE 114th Avenue

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NE 114th Ave

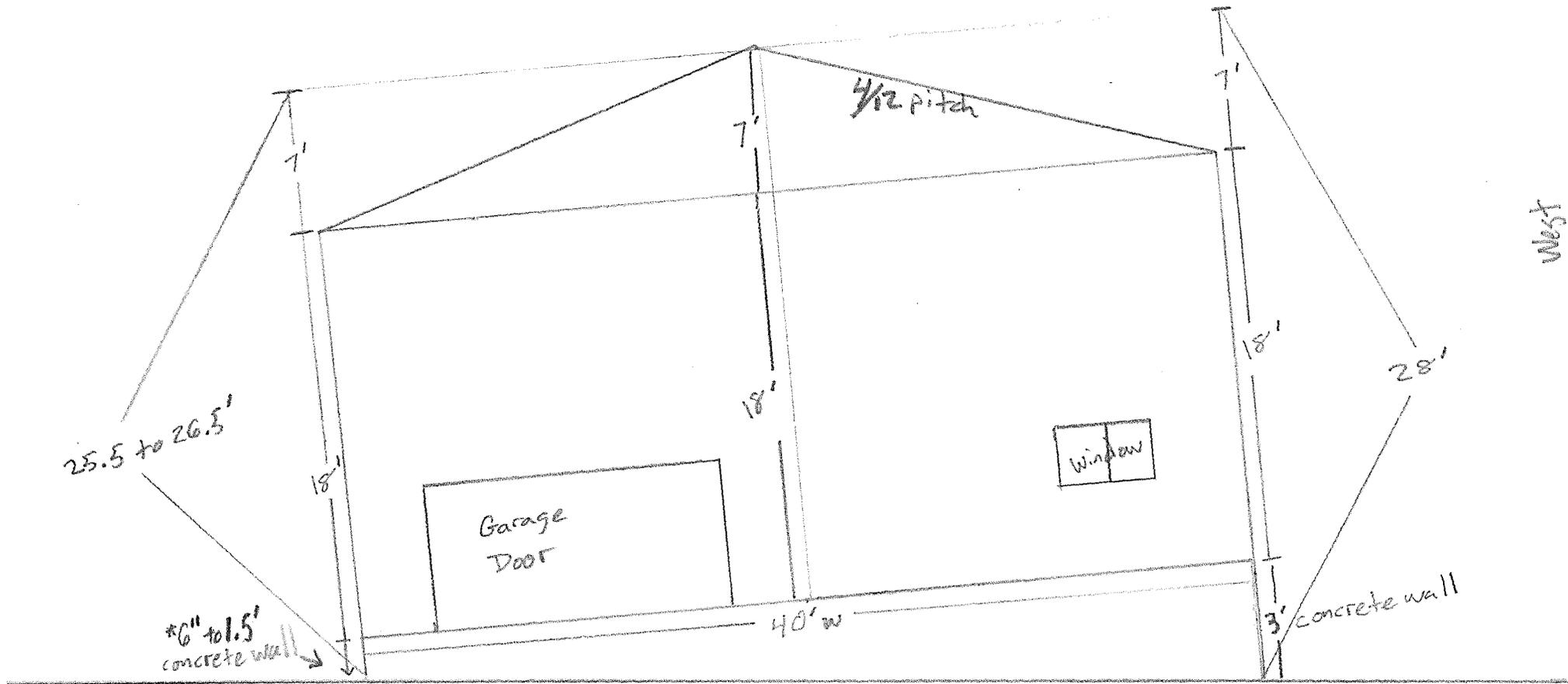
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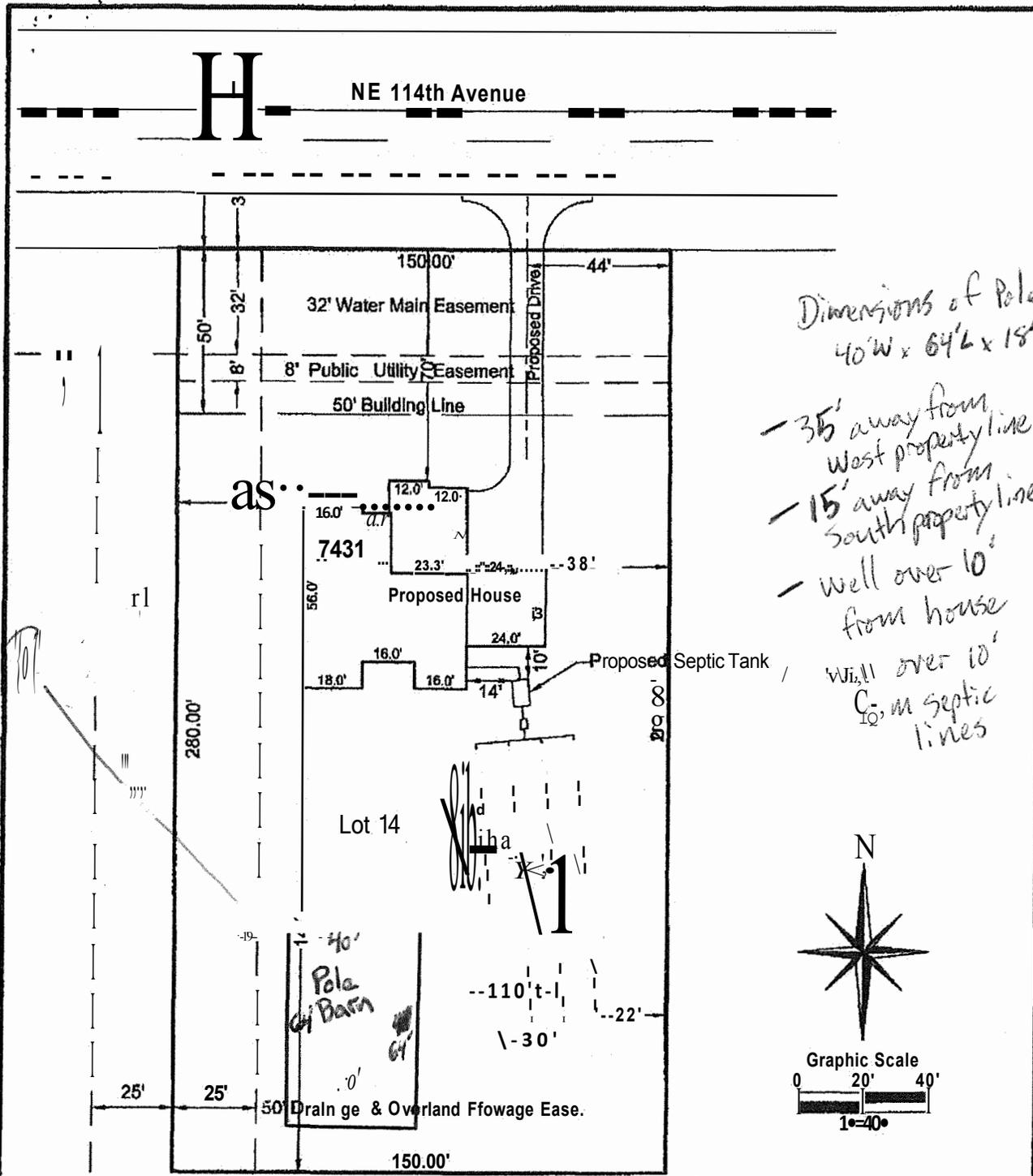
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NE 72nd St

Would consider 17 side walls
Would 3/12 pitch work??





<p>Campbell Engineering & Surveying 301 NE Trilein Drive, Suite 1 Ankeni, Iowa 50021 Phone: (515) 965-4385 Fax: (515) 965-4386</p>	RELDWORK:		Residential Site Plan	PROJECT#: M_B1401
	DRAWN BY: BAO	6/25/14	Buyer/Applicant: Mary C. Rieck Trust	FILE#: SP1403
	CHECKED BY: BRC	6/27/14	Owner: Mary C. Rieck Trust	SCALE: + SHEET
	REVISED BY: BRC	7/8/14	Lot 14, Rieck Acres Plat 1	VERT.: 1"=40'
	REVISED BY:		7431 NE 114th Avenue Franklin Twp., Polk County, IA	HORIZ.: 1"=40'