

**Appeal:** The appellant requests a variance to allow three (3) residential properties to share a common driveway and access point.

**Background**

The subject properties are located at 9850 and 10078 SE Vandalia Drive, Runnells, IA 50327, and are legally described as Lot 3 and Lot 7 of Lundberg Estates, except Parcel 'B' as recorded in Book 9140, Page 461 in the Office of the Polk County Recorder, and Lot 10 of Lundberg Estates, all within Section 33 of Township 78 North, Range 22 West of the 5<sup>th</sup> P.M. (Camp Township). Together the subject properties total approximately 80.75 acres, and both are zoned "RR" Rural Residential District. They are located approximately one and one-half (1½) miles west of the City of Runnells in southeastern Polk County. Surrounding residential properties lying on the north side of SE Vandalia Drive are also zoned "RR" Rural Residential District. Property located south of SE Vandalia Drive opposite the subject properties is publicly held land along the Des Moines River floodplain, and is zoned "OS" Open Space District.

The subject properties are separate tax parcels, each with a development right for a single-family dwelling. The subdivision plat of Lundberg Estates was recorded in 1993, and created 10 total single-family lots with frontage onto SE Vandalia Drive. The subject property at 9850 SE Vandalia Drive contains an existing single-family residence and accessory building, which were constructed over the shared property line of the original platted Lots 3 and 7. This effectively combined Lots 3 and 7 into a single, buildable parcel. The other subject property is located directly adjacent to the east at 10078 SE Vandalia Drive, being Lot 10 of Lundberg Estates, and is currently vacant. Large portions of both properties contain open space areas in the form of woodlands as well as tillable farm ground. The property owner is currently in the process of reconfiguring the common lot line between these properties. The result will be a smaller parcel for the existing residence, pond and woodlands located at 9850 SE Vandalia Drive, while the 10078 SE Vandalia Drive parcel will be increased in size to contain all tillable acres and retain a development right for a future single-family dwelling. Both parcels contain frontage onto SE Vandalia Drive, including long, narrow frontage segments, as Lot 7 and Lot 10 were platted as flag lots. There is an existing driveway entrance located within the flag segment of Lot 7 that provides current access to the 9850 subject property as well as an adjacent single-family property located to the west at 9960 SE Vandalia Drive.

**Summary of Request**

The Polk County Zoning Ordinance, *Article 14: Street/Road Standards and Access, Division 2 Access Management, Section 1(C)* stipulates that no more than two (2) residences are permitted onto a shared common driveway and access point. The appellant is requesting a variance to allow a total of three (3) residential properties to share a common driveway and access point. The property at 9850 SE Vandalia Drive contains an existing driveway with access onto SE Vandalia Drive. This driveway provides access to the existing single-family residence on the 9850 property, as well as a group home located on the adjacent property at 9960 SE Vandalia Drive. The appellant's request is to allow a third property located at 10078 SE Vandalia Drive to utilize the existing driveway and access point as well. The property at 10078 SE Vandalia Drive is currently

vacant, but is a platted residential lot containing a development right for a future single-family residence. See *Attachment A* at the end of this report for a location map of the subject properties, surrounding parcels and the existing shared entrance and driveway.

Staff mailed out 10 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 zero (0) responses in regards to this Appeal.

### **Natural Resources**

The subject properties are not located within a mapped floodplain nor do they contain other environmental hazards or features. The Des Moines River floodplain is located directly south of the area in question on the south side of SE Vandalia Drive. The subject properties each contain a pond, areas of woodlands, as well as tillable crop ground. The properties contain significant changes in elevation, with the topography increasing in elevation moving south to north. The elevation adjacent to SE Vandalia is approximately 780 feet, and increases to between 840 and 880 across the subject properties.

### **Roads & Utilities**

Both subject properties have frontage and access to the south onto SE Vandalia Drive. SE Vandalia Drive is a paved two-lane local roadway maintained by Polk County. An existing driveway is located on the 9850 SE Vandalia Drive property, and is shared with the adjacent group home located at 9960 SE Vandalia Drive. The subject property at 10078 SE Vandalia Drive has an approximately 80' x 900' flag stem section of the lot which provides legal frontage to SE Vandalia Drive, but contains no existing entrance or driveway. Approval of this variance appeal would allow the 10078 property to utilize the existing driveway entrance and frontage located on the 9850 SE Vandalia Drive subject property. Wastewater treatment needs are, or would be, provided by private onsite septic systems. Water service is provided by Des Moines Water Works (DMWW). The latest available data from DMWW indicates there is an existing two and one-half inch (2½") water main located along SE Vandalia Drive.

If this variance is approved, the appellant and/or future property owners will be solely responsible for any private access easement for the shared driveway. Polk County assumes no responsibility for the establishment or maintenance of any private access easement. However, the County strongly encourages the property owner to establish a private access easement, or amend any existing one, so that it is clear which property owners benefit from the shared access and improvement, and also to stipulate any future construction and maintenance responsibilities, and to clarify liability.

### **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 10078 SE Vandalia Drive subject property has an exceptionally long and

narrow frontage. Furthermore, this area contains steep topography and existing woodlands. Together these features make it effectively impractical and financially impossible to construct a new driveway entrance to serve this 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. The property's previous platting as a residential lot means it retains an existing development right for one (1) single-family dwelling, permitted access to the property can be secured.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?  
Yes. This section of SE Vandalia Drive contains steep slopes and highly erodible soils. There are existing issues with the impact from runoff and siltation on existing entrances and the road ditches. Allowing access from an existing entrance is therefore appropriate.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?  
Yes. The steep topography and erodible soils are natural conditions. While the previous platting and configuration of the subject properties and surrounding lots was initiated by the appellant, the subject property at 10078 SE Vandalia Drive has not been developed in the nearly 30 years since its creation, and it will be best served via the proposed existing shared access point and driveway.
- 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. No environmental areas are anticipated to be impacted by this proposal. In fact, approval of the appeal will help prevent future erosion and siltation issues upon existing properties and the public roadway.

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**

**9850 SE Vandalia Dr  
Subject Property**

**10078 SE Vandalia Dr  
Subject Property**



**Location of existing shared  
driveway/entrance**

**SE Vandalia Dr**

