

**Docket Number:** 20/8950

**Appellant:** Adam Lundstrom  
515 NW 55<sup>th</sup> Pl  
Des Moines, IA 50313

**Owners:** Eric & Merry Lundstrom  
5797 NE Berwick Drive  
Berwick, IA 50032

**Appeal:** The Appellant is requesting an approximately six (6) foot front yard setback Variance (from 35-feet to approximately 29-feet) for the construction of a proposed 1,200 square feet (40-foot by 30-foot) addition on the west side of the existing single family home. An approximately five (5) foot side yard setback Variance (from 10-feet to approximately 5-feet) is also being requested to allow a proposed addition to connect the principal dwelling to the existing detached garage along the eastern side of the property.

**Appeal Given:**

*“The variance is necessary to do any improvements and/or additions to the existing structures on the property. The existing structures currently extend into the setback requirement. Because of these unique circumstances, it makes constructing any additions, or to complete any improvements, difficult or impossible. The existing structures are not parallel with the property lines causing another set of unique circumstances...On the eastside of the property the plans call for connecting the garage to the main structure while adding onto the south side of the garage.”*

*“As the structure is not sitting squarely on the property, any addition to the south of the garage will move the structure away from the property line, putting the proposed SE corner of the garage in compliance in compliance of the 10ft setback”.*

See Attachment ‘A’ for the complete application and justification including the updated request regarding existing setbacks along the eastern property line.

**Background**

The subject property is zoned “LDR” Low Density Residential District and is an approximately 26,500-square foot parcel located in the Southeast ¼ of Section 10 in Saylor Township. The property is addressed as 515 NW 55<sup>th</sup> Place and is legally described as Lot 163, Except the North 33 feet of the West 20 feet for street, in Pinehill Plat 5. The property is a corner lot located at the northeast intersection of NW 55<sup>th</sup> Place and NW 5<sup>th</sup> Court with 120-feet of frontage along NW 55<sup>th</sup> Place and approximately 307-feet of frontage along NW 5<sup>th</sup> Court. The surrounding properties are also zoned “LDR” Low Density Residential. Properties in the vicinity are all residential in use.

The property comprises one existing home and an existing approximately 432-square foot (18-foot x 24-foot) accessory building. The existing home was constructed in 1972 and the Appellant

is the prospective buyer the subject property. An existing accessory building was constructed in 1978 and is located approximately five (5) feet from the eastern property line. The Appellant is requesting a six (6) foot Variance from the western property line to allow the proposed 1,200-square foot addition to meet an approximately 29-foot setback in place of the required 35-foot setback. The house is currently non-conforming with a setback of approximately 30-feet from the closest point of the house to the western property line. Additionally, an addition is also proposed that will connect the principal dwelling to the existing detached garage therefore requiring a Variance of five (5) feet (from 10-feet to approximately 5-feet) along the eastern side of the property. The addition will make the existing detached garage attached and therefore requiring that the structure meet the side yard setback of 10-feet for a principal dwelling in the LDR zoning district. The submitted application packet and site plan are included within *Attachment 'A'*. An aerial map showing the subject property is included as Attachment 'B'.

A site review of the subject property was conducted on Wednesday, May 13, 2020. The site visit revealed that site improvements have started without approved permits. Work should stop on the property until either a grading permit is issued or a building permit is issued for the project.

Notices were sent out to the 15 surrounding properties within the 250-foot notification boundary and three (3) responses were received in support of the requested Variances with none received in opposition to the requests.

### **Summary of Request**

The Appellant is requesting an approximately six (6) foot side yard setback variance (from 35-feet to approximately 29-feet) for a proposed 40-foot by 30-foot (1,200 square foot) addition on the western side of the existing home. The Appellant is also requesting an approximately five (5) foot side yard setback (from 10-feet to approximately 5-feet) for the proposed addition to the principal dwelling to attach to an existing detached garage that is already setback approximately 5-feet from the eastern property line.

The Polk County Zoning Ordinance, *Article 6. Bulk and Use Standards, Division 2. Single Family Residential Bulk Standards, Table 6.1*, states that the minimum front setback in the "LDR" Low Density Residential district is 35-feet and the minimum side setback is 10-feet.

The Polk County Zoning Ordinance, *Article 2: Definitions, Division 3: Words and Terms Defined, Section 1: Word Definitions* defines Lot, Corner as follows:

Lot, Corner. A lot abutting two (2) or more streets at their intersection.

The Polk County Zoning Ordinance, *Article 2: Definitions, Division 2: Words and Terms Defined, Section 1: Word Definitions* defines Lot Line, Front as follows:

Lot Line, Front. In the case of a lot abutting only one (1) street, it is the property line or

street right-of-way line separating such lot from such street. In the case of a double frontage lot, each property line or street right-of-way line separating such lot from a street shall be considered to be a front lot line.

The existing principal dwelling is non-conforming currently meeting an approximately 30-foot setback from the western property line. The building footprint of the existing house is angled therefore creating additional encroachment with any addition to the house following the existing linear building line. The proposed addition requires a Variance of six (6) feet to reduce the setback from 35-feet to approximately 29-feet.

Additionally, an addition is proposed to connect the principal dwelling to the existing detached garage located approximately 10-feet northeast of the closest corner of the principal dwelling. The addition would establish a new side yard setback for the principal dwelling at approximately five (5) feet, in lieu of the required 10-feet, from the eastern, side property line.

### **Natural Resources**

The building site does not have any significant natural resources. The property has a few scattered mature trees are located along the northern property line and near the southwest and central portion of the property. There are no environmental hazards, and the property does not contain a designated floodplain. The topography varies with a high point of 869-feet in the northwest corner of the property and a low point of 857-feet in the southeast corner.

### **Roads/Utilities**

The property is located at the southeast intersection of NW 55<sup>th</sup> Place and NW 5<sup>th</sup> Court. The right-of-way in this area is 60-feet wide on both the west and south side of the subject property. Both of the public streets, NW 55<sup>th</sup> Place and NW 5<sup>th</sup> Court are paved County maintained local streets. NW 5<sup>th</sup> Court is a dead end street. A septic system is located on adjacent to the west of the existing house. The proposed addition will need to maintain a separation of 10-feet from any part of the septic system.

### **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 existing house was constructed in 1972 with the detached garage constructed in 1978. The small size of the house and non-conforming location on the lot with proximity of the front yard setbacks for a corner lot limit the location of proposed

additions. The Appellant is purchasing the property to make improvements to the home and subject property. The new addition is proposed to be setback approximately 29-feet from the western property line along a dead end street. The detached garage was approved with the current setback of approximately 5-feet. Any addition attaching the principal dwelling to the existing detached garage would trigger a Variance request.

- 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 proposed addition including the addition attached to an existing structure is a permitted use within the zoning district subject to appropriate building permit approvals.

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

Yes. The impact, if any, on surrounding properties will be minimal. The proposed 40-foot by 30-foot (1,200 square foot) addition would maintain adequate separation from the street and the line of sight at the intersection of NW 55<sup>th</sup> Place and NW 5<sup>th</sup> Court. The attachment of the addition to the existing detached garage will not change the existing setback from the eastern property line.

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

Yes. The residence was constructed in a location that is setback approximately 62-feet from the southern property line therefore eliminating site distance concerns for a corner lot. The residence is already non-conforming with a current setback of approximately 30-feet and positioned at an angle that creates issues with trying to maintain the existing setback. The house was non-conforming at the time construction was completed. The circumstances of the property are not the result of the actions of the applicant.

- 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.

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 Variances to allow a western front setback of approximately 29-feet (from 35-feet to 29-feet) and to allow an eastern side setback of approximately 5-feet (from 10-feet to 5-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)

Addition to existing structures that currently extend into setback requirements.

(time stamp) Official Use Only

2. Subject Property Address: 515 NW 55th Pl Des Moines, IA 50313

3. Subject Property Zoning District: LDR

4. District and Parcel Number: 270/02353-000-000

5. Subject Property Legal Description (attach if necessary): -EX N 33FW 2DF ST - LT 1123 PINEHILL PLAT 5

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

7. Applicant(s) Information:

Adam Lundstrom Applicant (Print Name) [Signature] date

Prospective Buyer Interest in Property (owner, renter, prospective buyer, etc.) motogpl935@gmail.com Email

515 NW 55th Pl Des Moines, IA 50313 Address, City, State and Zip 5153012119 Phone 5153301200 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

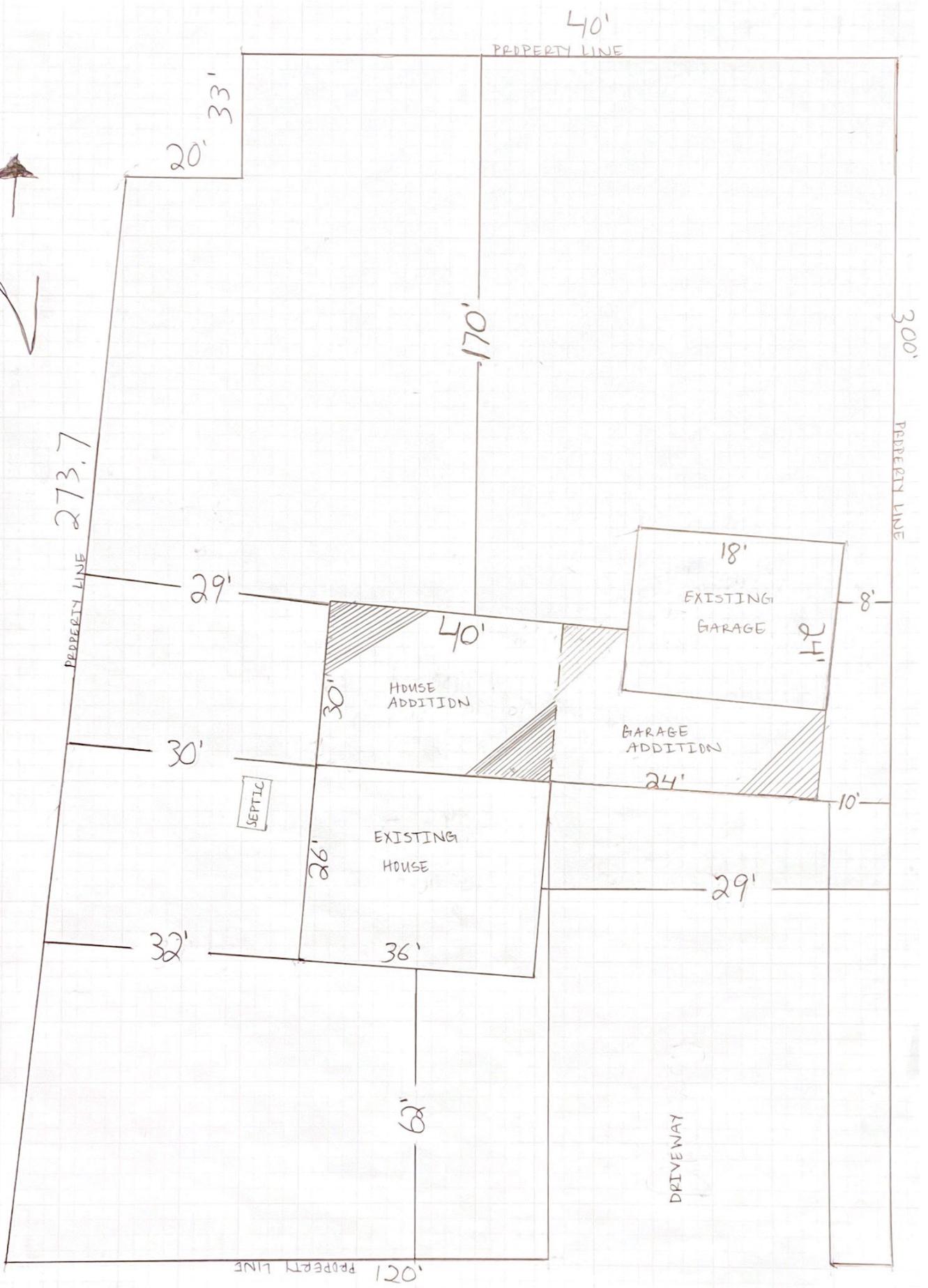


This variance is necessary to do any improvements and/or additions to the existing structures on the property. The existing structures currently extend into the setback requirement. Because of these unique circumstances, it makes constructing any additions, or to complete any improvements, difficult or impossible. The existing structures are not parallel with the property lines causing another set of unique circumstances.

The existing SW corner of the main structure is 32 ft from the west property line. The existing NW corner is 30 ft from the property line. The proposed addition will be no closer than 29 ft to the property line. This is only 6 ft away from the 35 ft setback rule. Since the property is a corner lot, it has a frontage setback on the south as well as west side. Because of this guideline the building envelope is small. Meaning that no additions or improvements can be performed. The adjacent street to the west is not a through street and has little to no traffic outside the individuals who live on the street.

On the eastside of the property the plans call for connecting the garage to the main structure while adding onto the south side of garage. The existing garage is 8 ft from the property line. This is only 2 ft outside the requirement of 10 ft. As the structure is not sitting squarely on the property, any addition to the south of the garage will move the structure away from the property line, putting the proposed SE corner of the garage in compliance of the 10ft setback.

The proposed additions will follow the existing structure's lines and will not impede on, or unfairly diminish, neighboring properties.



515 NW 55th place

**Re: Notice - Board of Adjustment May 18th**

Adam Lundstrom &lt;motogp6935@gmail.com&gt;

Mon 5/11/2020 4:32 PM

**To:** Jennifer Ellison <Jennifer.Ellison@polkcountyiowa.gov>

Jennifer,

After conducting further research and measurements, I would like to change the setback from the garage to the property line on the east side to 5 feet.

Let me know if you have any questions

Adam Lundstrom

515 306 7779

Sent from my iPhone

On May 4, 2020, at 5:39 AM, Jennifer Ellison <Jennifer.Ellison@polkcountyiowa.gov> wrote:

Good Morning,

Please see the attached public notice regarding the Variance requested for 515 NW 55th Place to be heard by the Polk County Board of Adjustment on Monday, May 18th. The meeting will be held via a Zoom conference call. Our staff report will go out by Friday prior to the scheduled meeting.

Please let me know if you have any questions or concerns.

Sincerely,

&lt;pastedImagebase640.png&gt;

**Jennifer Ellison** || Public Works  
Planner || [jennifer.ellison@polkcountyiowa.gov](mailto:jennifer.ellison@polkcountyiowa.gov)  
5885 NE 14th Street || Des Moines, IA 50313 || USA  
O: 515-286-2280  
[polkcountyiowa.gov](http://polkcountyiowa.gov)

&lt;Notice - Lundstrom 515 NW 55th Place.pdf&gt;



Attachment 'B'



515 NW 55th Pl.



NW 6th Dr

NW 5th Ct

NW 55th Pl

NW 4th Ct

0 750 1,500 Feet

5660

5640

5659

5648

5627

NW 5th Ct

5638

563'S

5630

5626

5623

5629

515 NW 55th Pl.

5580

5595

5585

495

5575

515

505

5565

5560

485

465

5550

5555

5540

NW 55th Pl

5530

520

480

5535

5520

500

460

5510

5525

5510

5500

5490

5515

5505

5495

5485

0 750 1,500 Feet