

Final Agenda

Polk County Board of Adjustment
Monday, May 20, 2019 - 7:00 P.M.
Polk County Public Works Department, Planning & Development Division
5885 NE 14th Street, Des Moines, IA.

- A) Roll Call - Bonnie Thorn, Michael McCoy, Ron Fisher, Paul Kruse and David Kinsley
- B) Acceptance of the Minutes from the Monday, April 15, 2019 meeting
- C) Opening Statement
- D) Unfinished Business - None
- E) Consent Public Hearing Items – New Business

Items listed on the Consent Public Hearing Items portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Board requests that the Item be removed from the Consent Public Hearing Items portion agenda and separately considered under the Discussion Public Hearing Items portion of the agenda.

Item 1 19/7851 Variance Appeal Application

Request by John Goode (Property Owner), represented by David Llewellyn of Midwest Home Pros, for a Variance to allow an accessory building to be located approximately four (4) feet from the principal dwelling, in lieu of the required ten (10) feet of separation. The subject property is located at 1148 NE 50th Place, Des Moines, Section 14 of Saylor Township.

Item 2 19/7858 Variance Appeal Application

Request by Dennis Churchill (Property Owner) for a Variance to allow an accessory building to be located in front of the principal structure at a separation distance greater than 150-feet (from 150-feet to 302-feet) between the principal structure and the proposed accessory building and setback from the front property line of less than 100-feet reducing the front setback to approximately 75-feet. The subject property is located at 11260 SE 6th Avenue, Section 2 of Camp Township.

Item 3 19/7862 Variance Appeal Application

Request by Jeff Kelly (Property Owner) for a Variance to allow an accessory building to be located in front of the principal dwelling and setback less than the required 100 feet from the front property line. The subject property is located at 7303 NW 4th Street, Ankeny, Section 34 of Crocker Township.

Item 4 19/7865 Variance Appeal Application

Request by Darryl Thielen with Gayland Enterprises, LLC (Buyer), represented by Waymond Tenny with Tenny Construction, for a front yard setback Variance to reduce the northern side setback from 30-feet to 24-feet to allow a bedroom addition and a bathroom addition onto the existing single-family dwelling. The subject property is located at 6675 SE Circle Drive, Section 33 of Allen Township.

F) Discussion Public Hearing Items - New Business

Item 1 19/7784 Conditional Use Application

Request by Deanne Mundt with Horizon Stables, LLC (Property Owner) for a Conditional Use Permit to allow an Animal Services use at the subject property of 3237 NE 108th Street, Mitchellville. The subject property is located within Section 26 of Beaver Township.

Item 2 19/7813 Conditional Use Application

Request by Guy and Deana Gast (Property Owners) for a Conditional Use Permit to expand an existing Commercial Stable Use and to allow an Animal Services use at the subject property of 5055 NE 96th Street, Altoona. The subject property is located within Section 15 of Beaver Township.

G) Communications/Discussion Items

H) Zoning Administrator Report

I) Adjournment.

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact the Polk County Public Works Department, Planning and Development Division, 5885 N.E. 14th Street, Des Moines, Iowa 50313, 515-286-3705.

POLK COUNTY BOARD OF ADJUSTMENT

The Zoning Board of Adjustment has the power under Iowa law and the Polk County Zoning Ordinance to hear requests and make decisions on matters such as Variances from the regulations in the Zoning Ordinance, Conditional Use Permits and Appeals of the decisions of County staff in the administration of the Zoning Ordinance.

MEETING PROCEDURE:

The Board members receive copies of the agenda and staff recommendations before the meeting. Copies of the agenda and staff recommendations are available to the public.

The Board is required to base its decision on each case upon the criteria established by law for the type of relief sought by the applicant. The criteria is identified in the written staff report. All speakers at the public hearing are requested to focus their comments upon those facts that demonstrate whether or not the criteria has been satisfied.

Items listed on the Consent Public Hearing Items portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Board requests that the Item be removed from the Consent Public Hearing Items portion agenda and separately considered under the Discussion Public Hearing Items portion of the agenda.

All speakers are requested to speak from the podium and to start their presentation by giving their name and address. After a County staff representative introduces the item, the applicant or a representative is allowed to speak first to present their request. Anyone else present in support of the appeal will then each be allowed to present their comments, followed by anyone in opposition to the appeal who will then be allowed to present their comments. The applicant/representative will then be allowed time for rebuttal or other closing comments. The hearing will then be closed to public comment and the Board will make a verbal decision.

The Board has 5 members. It takes the affirmative vote of at least 3 members to grant any appeal or request, regardless of the number of members actually present at any meeting. If 3 or fewer members of the Board are present when the Chair calls an Item, the applicant may request that the Item be continued until the next monthly meeting to have the opportunity to present the matter to a full Board. The request should be made as soon as the Chair calls the Item and before the staff report is given. The Board has discretion to grant or deny any such request. If a continuance is granted, there is no guarantee that more members of the Board will be present at the next meeting.

Following the meeting, any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

Docket Number: 19/7851

Appellants: John Goode, 1148 NE 50th Place, Des Moines, IA 50313 (property owner), represented by David Llewellyn of Midwest Home Pros, 3208 260th Court, St. Charles, IA 50240

Appeal: The appellants request a variance to allow a proposed accessory structure to be located closer than ten (10) feet from the principal dwelling.

Background

The subject property is located at 1148 NE 50th Place, Des Moines, and is legally described as the North 220 feet of the E½ of Lot 18 of the original plat of the E½ of the NE¼ of Section 14, Township 79 North, Range 24 West of the 5th P.M. (Saylor Township). The subject property is approximately 38,720 square feet (0.89 acres) in size and is zoned “LDR” Low Density Residential District. The property is approximately 220 feet wide by 176 feet deep, and has 50 feet of frontage to the east at the dead-end of NE 50th Place. Surrounding properties to the north, south and east are zoned “LDR” Low Density Residential District and developed with single-family homes. Adjacent to the west is the Goode Greenhouse property located at 1050 NE 50th Avenue, and zoned “GC” General Commercial District. Goode Greenhouses is a long-standing commercial retail use, which it is owned and operated by the appellant’s family.

The subject property contains an existing single-family dwelling and accessory shed. The dwelling was constructed in 2014, and the accessory shed appears to have been constructed between 2015 and 2017 without a building permit. Prior to the issuance of any further permits for the property, the owner will be required to obtain a retroactive building permit for the shed. Both structures are setback approximately 40 feet from the front lot line along NE 50th Place, with the accessory shed being located north of the dwelling along the north property line.

Staff mailed out 26 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 one (1) response in support and no responses in opposition of this Appeal.

Summary of Request

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1(C)* states, “An accessory building, in-ground pool or above-ground pool must be located at least ten (10) feet from a principal structure. Decks attached to the principal structure and/or surrounding a pool adjacent to the principal structure are considered part of the principal structure.” The owner is proposing an in-ground pool and accompanying 352 square foot (16’ x 22’) accessory building, for use as a pool house and covered outdoor seating area, in the rear yard of the property. The accessory building is proposed to be located four (4) feet from the rear of the principal dwelling and attached deck, in lieu of the required ten (10) feet of separation. The appellant’s site plan is included at the end of this report as *Attachment A*.

Natural Resources

The subject property contains no areas of mapped floodplain, wetlands or other environmental hazards or features. The property slopes downward from a high elevation of approximately 908 feet in the northeast corner to a low elevation of approximately 894 feet in the southwest corner of the property.

Roads & Utilities

The property has 50 feet of frontage to the east onto the dead-end of NE 50th Place. NE 50th Place is a paved, two-lane local roadway maintained by Polk County. Water service is provided by Des Moines Water Works. Wastewater treatment is provided by an onsite septic system located north of the dwelling. County records and the appellant's site plan indicate that the new pool and accessory structure will meet the required separation distance of ten (10) feet from any portion of the septic system.

Recommendation

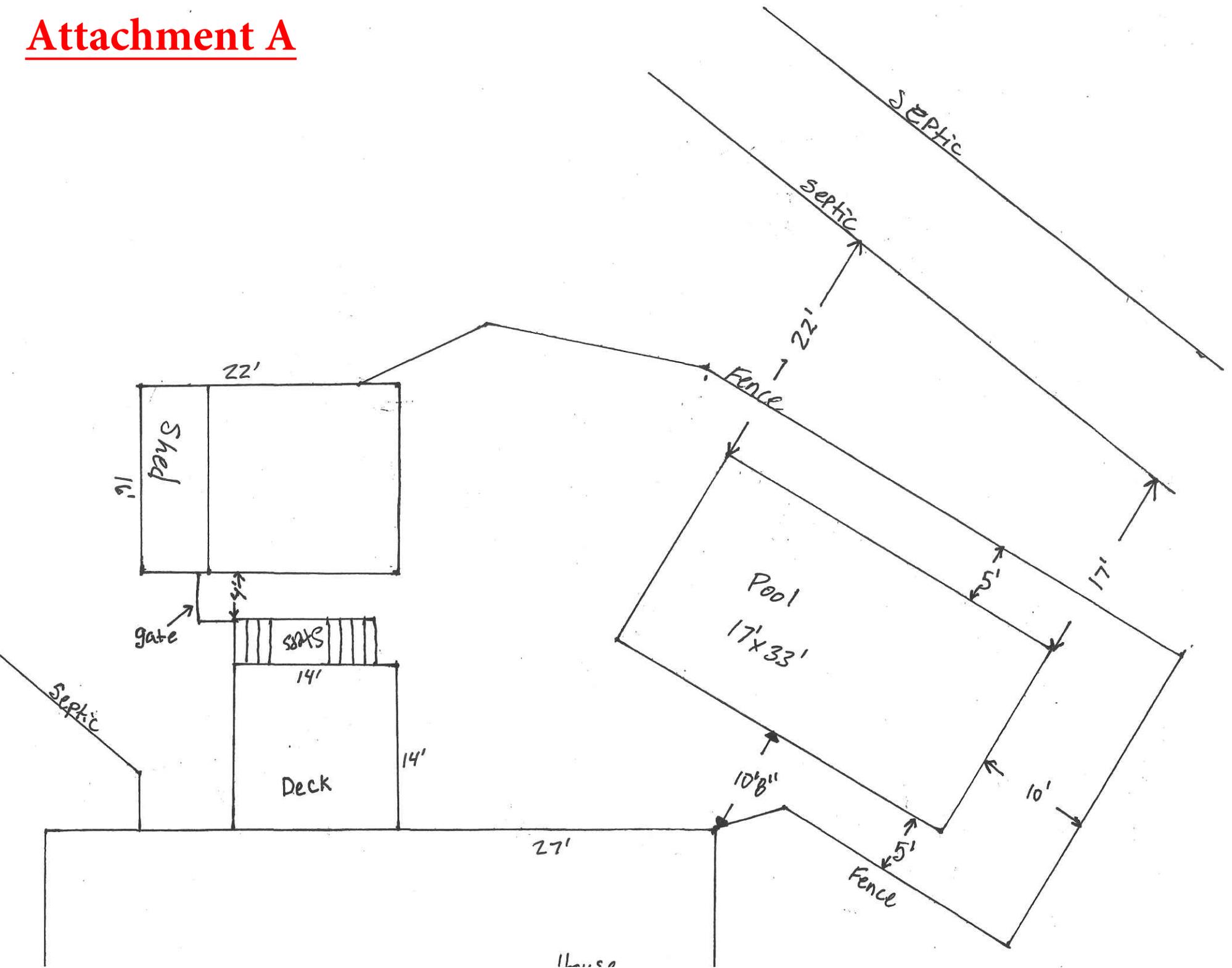
The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 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 sloping topography of the lot and location of the existing septic system constitute exceptional circumstances which limit the placement of accessory structures to the rear yard of the property and close to the existing dwelling.
- 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. Residential accessory structures are permitted within the zoning district.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. The proposed pool and accessory structure exceed the required setbacks from all side and rear lot lines and adjacent properties. The adjacent property to the west is a retail commercial greenhouse use that is owned and operated by the appellant.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
Yes. The site topography is an existing condition that did not result from any action(s) 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. No environmentally sensitive areas of the property are anticipated to be impacted by this proposal.

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. A building permit shall be obtained for the existing accessory shed located north of the dwelling prior to the issuance of any further permits for the property.

Attachment A



Appeal: The Appellant is requesting a Variance to allow an accessory building to be located in front of the principal structure at a separation distance greater than 150-feet (from 150-feet to 302-feet) between the principal structure and the proposed accessory building and setback from the front property line of less than 100-feet reducing the front setback to approximately 75-feet.

Appeal Given:

See Attachment A to review the full statement of the Appellant's request.

Background

The property is addressed as 11260 SE 6th Avenue and is legally described as part of the Southwest ¼ Southwest ¼ of Section 2 in Camp Township. The subject property is zoned "RR" Rural Residential District and is an approximately 12-acre, irregular shaped corner lot located northwest of the SE 6th Avenue and SE Camp Drive intersection. The property has approximately 1,340-foot frontage along SE Camp Drive to the east, and approximately 470 feet of frontage along SE 6th Avenue to the south. Surrounding properties to the north, west and south are all zoned "RR". The property adjacent to the east, on the east side of SE Camp Drive, is zoned "AG" Agricultural District and is owned by Metro Waste Authority.

The property contains an existing single-family dwelling constructed in 1995 and one (1) accessory pole building that was constructed in 1996. A second pole building was constructed in 2001 and was removed from the property due to fire damage. Permits were issued for the existing dwelling and both existing accessory buildings. The Appellant is requesting to re-build the southern accessory building due to fire damage sustained in 2018. The proposed accessory building will meet an approximate 75-foot setback from the front property line parallel to SE 6th Avenue and an approximate 302-foot separation to the southwest corner of the dwelling. The single-family dwelling is setback approximately 410-feet from the southern front property line. The existing accessory building is located approximately 51-feet north of the proposed accessory building.

Staff mailed out four (4) 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 have received zero (0) responses regarding this Appeal.

Summary of Request

The Appellant has requested a Variance to be allowed to re-build an accessory building on his property that is located at the same location as the previously fire damaged accessory building, approximately 75-feet from the front property line and located approximately 302-feet from the existing dwelling.

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1: Residential Accessory Buildings (J)*, stipulates that an accessory building may not be located in front of the principal building unless all of the following criteria are met: (1) Is setback a minimum of 100 feet from front property lines; and (2) Has a maximum separation

distance between the principal structure and accessory building of 150 feet. In this case, the Appellant's proposal does not meet either criteria. The accessory building is proposed to be setback from the front property line approximately 75-feet. The accessory building's proposed location would be, at its closest point, approximately 302-feet from the principal building. The Appellant's site plan is included at the end of this report as *Attachment B*.

Natural Resources

The subject property contains a small fresh water pond located on the northern portion of the property. The property is not located within a mapped floodplain area. The topography of the site gradually slopes with a low point of 900-feet along the northern half of the property and the southwestern portion of the site at an elevation of 920-feet including the location of the house and existing accessory buildings. The majority of the parcel is covered in woodlands except for the southwest corner of the property. There are no other environmental hazards or features on the property.

Roads & Utilities

The property has approximately 1,340-foot frontage along SE Camp Drive adjacent to the east. SE Camp Drive is a paved, two-lane minor arterial roadway maintained by Polk County. The property also has approximately 470 feet of frontage along SE 6th Avenue to the south. SE 6th Avenue is a paved, two-lane major collector roadway maintained by Polk County. Water service is provided by Des Moines Water Works. Wastewater treatment is provided by an onsite septic system located directly north and northeast of the dwelling.

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 exceptionally large size of the property for residential use, the location of the existing water line and hydrant, site topography, and the significance and location of mature woodlands on the property constitute exceptional circumstances that limit the placement of accessory structures on the 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. Residential accessory structures are permitted within the zoning district.

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

Yes. The proposed location is approximately 75-foot setback from the front property

line. The nearest dwelling unit is approximately 190 feet south of the proposed building across SE 6th Avenue. A line of existing trees are planted along the front property line providing a screen for the subject property and the adjacent property.

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

Yes. The previous accessory building on the property that was recently removed, was located in approximately the same location as the new accessory building. The similarity in the encroachments will create a minimal impact on adjacent property owners.

- 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 environmentally sensitive areas of the property are anticipated to be impacted by this proposal.

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.

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 REBUILD 40X60 POLE SHED DESTROYED BY FIRE IN 2018. REBUILT ON ORIGINAL SITE WITH SAME STYLE BUILDING.

(time stamp) Official Use Only

2. Subject Property Address: 11260 SE 6TH AVENUE

3. Subject Property Zoning District: RR CAM-T-SEP-7707B (Rural Residential Dist)

4. District and Parcel Number: 160.00122.000.000

5. Subject Property Legal Description (attach if necessary): ALL W OF HWY W 1/2 SW 1/4 SW LESS 1.11A ROAD SEC 2-78-22

6. Filing Fee: \$310 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

DENNIS CHURCHILL Applicant (Print Name)

Dennis Churchill Signature 4/22/2019 date

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

MCCSOFT@AOL.COM Email

11260 SE 6TH AVENUE Address, City, State and Zip

515-321-2570 Phone None 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)

DENNIS CHURCHILL
(Print Name)

Dennis Churchill
Signature

4/22/19
date

TONI CHURCHILL
(Print Name)

Toni Churchill
Signature

4/22/19
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.

ATTACHED STATEMENT

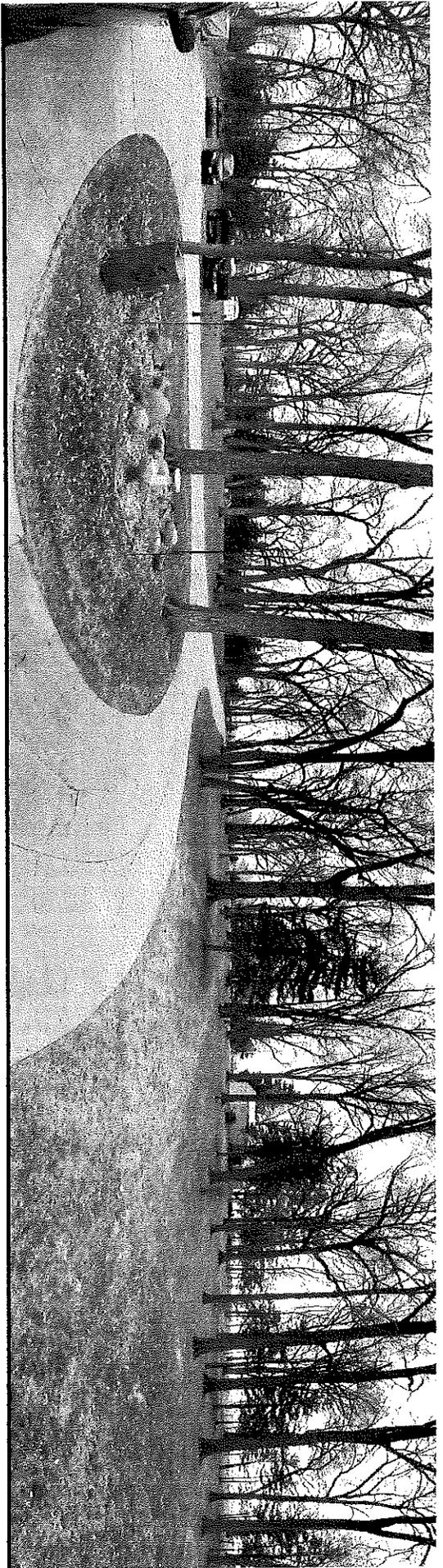
A completed application with site drawing and filing fee are required for a submittal. Incomplete submittals will not be processed and returned to the Applicant.

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

Polk County Variance Request April 18, 2019

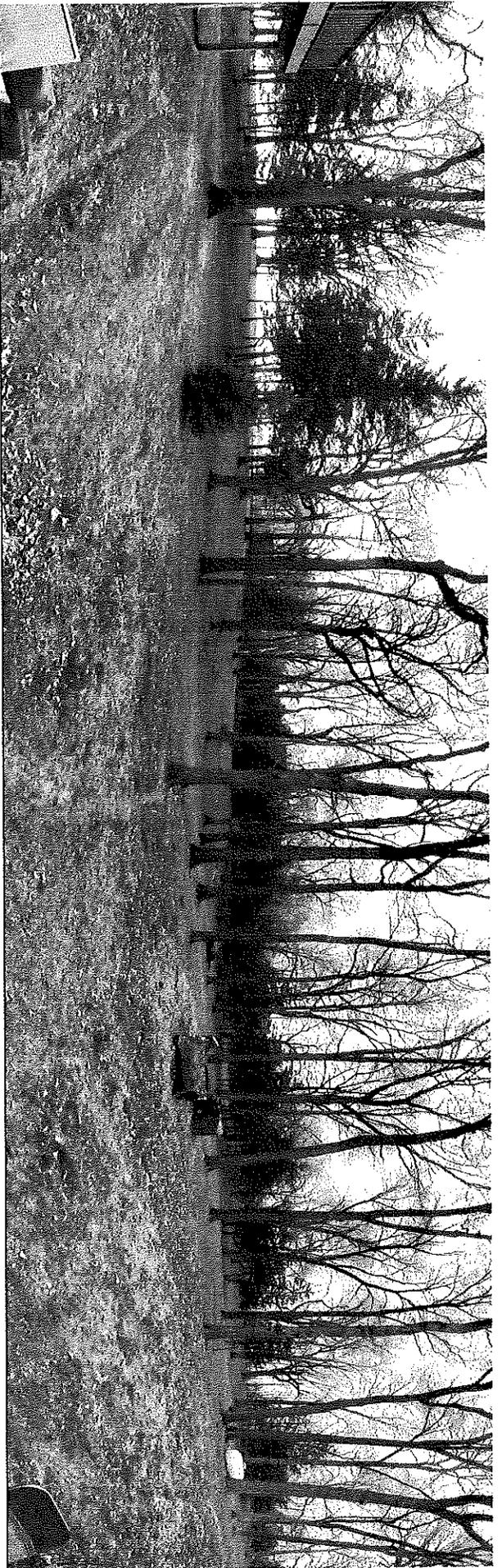
Our property is home to a native timber comprised of numerous tree species contributing to an almost complete 40 foot canopy. Last week we took inventory and found 686 mature trees averaging 57.2 trees per acre. Diameter measurements revealed several trees over 200 years old and a probable average age of 120 years. As stewards of this timber we have always been determined to never destroy any of these senior citizens and have only removed windfalls and diseased trees beyond hope. Our front yard (South) contains 186 mature trees, the area East of the house has 18 trees and a granddad Oak, the area west of the house has another 18 trees and a couple granddad Oaks. The area directly behind the house has a 20-30 percent Northward slope and handles runoff from the front yard, side yards and roof besides the numerous mature trees that lap up the moisture. There is no suitable site behind the house within 150 feet, even if trees were cut down. The only clear site on the property with easy access is the site proposed, nestled between a 200 yr old Hackberry and a 210 yr old Oak and adjacent to the only garden space not covered by the canopy. All site preparation was completed 18 years ago and no damage will occur to any of our senior citizens. Therefore, we respectfully request you grant us a variance to rebuild.



11260 SE 6TH AVENUE South Lawn taken from house.



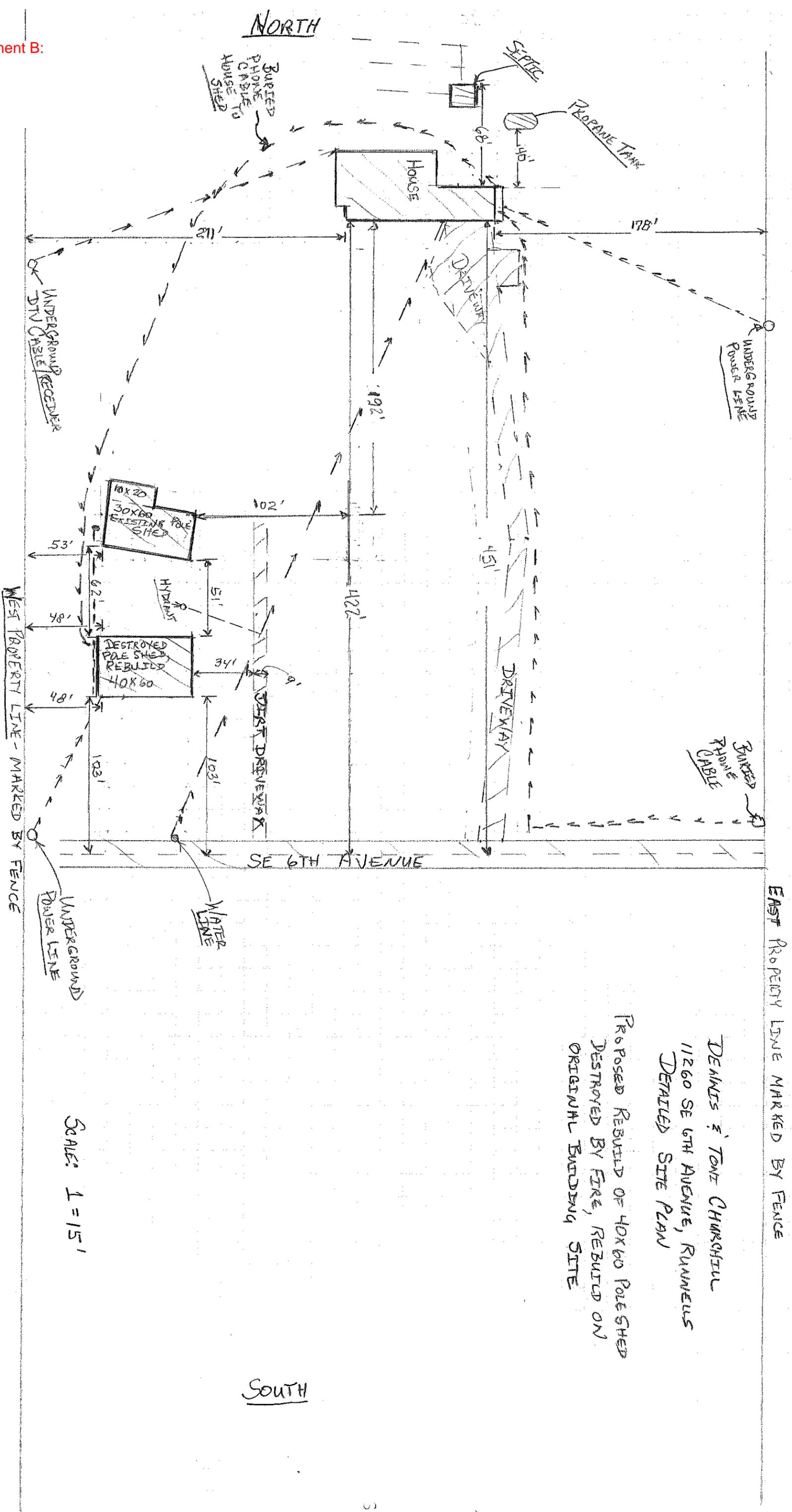
West Lawn taken from house



North Lawn taken from house



East Lawn taken from house



DELMITS & TONI CHARSHILL
 11260 SE 6TH AVENUE, RAINIERUS
 DETAILED SITE PLAN

PROPOSED REBUILD OF 40X60 POLE SHED
 DESTROYED BY FIRE, REBUILT ON
 ORIGINAL BUILDING SITE

SOUTH

SCALE: 1/15'

Docket Number: 19/7862

Appellant: Jeff Kelly, 4508 62nd Street, Urbandale, IA 50322 (property owner)

Appeal: The appellant requests a variance to allow a proposed accessory building to be located in front of the principal dwelling and setback less than the required 100 feet from the front property line.

Background

The subject property is located at 7303 NW 4th Street, Ankeny, and is legally described as the North 132 feet of Lot 3 of Rickey Place, being located in the SE¼ of Section 34, Township 80 North, Range 24 West of the 5th P.M. (Crocker Township). The subject property is approximately 1.38 acres in size and is zoned “LDR” Low Density Residential District. The property is approximately 132 feet wide by 456 feet deep, having 132 feet of frontage to the west onto NW 4th Street. Surrounding properties to the north, south and east are zoned “LDR” Low Density Residential District and developed with single-family homes. Adjacent to the west, being on the west side of NW 4th Street, is a residential subdivision within the City of Ankeny containing single-family homes on smaller lots. The subject property is located approximately 1,000 feet southwest of the intersection of SW State Street (Hwy 415) and SW Polk City Drive.

The appellant is currently in the process of constructing a new single-family dwelling on the property and removing an existing garage structure. Building permits were issued in September of 2018 to complete this work, including a permit for a new 28’ x 32’ detached garage. Originally, the appellant proposed the garage in a conforming location on the property along the northern property line, being in front of the new house, but setback the required 100 feet from the front property line. During construction of the new dwelling, gas and water utilities were installed in the previously proposed area of the new garage. For this reason, the appellant is now requesting a variance to construct the detached garage along the southern lot line, being in front of the new dwelling and only setback approximately 54 feet and 8 inches (54’ 8”) from the front lot line, in lieu of the required 100-foot front setback.

Staff mailed out 21 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 two (2) responses in support and no responses in opposition to this Appeal.

Summary of Request

Under the provisions of the Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1(J)*, an accessory building may not be placed in front of the principal building unless it is setback a minimum of 100 feet from front property lines, and has a maximum separation distance between the principal structure and accessory building of 150 feet. The owner is proposing to construct an 896 square foot (28’ x 32’) accessory garage in front of the new dwelling on the property. The proposed location meets the second criteria, being located within 150 feet of the principal dwelling. However, the proposed front yard setback for the building is approximately 54 feet and 8 inches (54’ 8”) from the front property line, in lieu of the required 100 feet. The appellant’s site plan is included at the end of this report as *Attachment A*.

Natural Resources

The subject property contains no areas of mapped floodplain, wetlands or other environmental hazards or features. Saylor Creek is located just east of the subject property, but no areas of mapped floodplain encroach onto the property, which sits at a significantly higher elevation than the creek

and its floodway and floodplain delineations. The property contains a high elevation of approximately 908 feet near the front lot line to the west, and drops to a low elevation of approximately 886 feet in the northeast corner of the property. The new dwelling and proposed detached garage building sites are located in the middle to western half of the site at elevations well above 900 feet. The property's elevation drops more severely in the far eastern half of the site as it approaches Saylor Creek. The property contains a number of trees, most of which are not impacted by the new house or detached garage.

Roads & Utilities

The property has 132 feet of frontage to the west onto NW 4th Street. NW 4th Street is a paved, two-lane local roadway maintained by Polk County. Water service is provided by individual private wells. Polk County is currently in the process of designing and bidding a water main extension to the existing Des Moines Water Works system in the area. Once complete, this new water main will provide public water and future connection capability for unincorporated properties in this area, including the subject property. Wastewater treatment is provided by an onsite septic system, which will be located east of the new dwelling in the rear yard of the property. The proposed location of the detached garage will be adequately separated from the new 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 new well and water service line and new gas service line to the dwelling, as well as the narrow width of the lot, constitute exceptional circumstances which limit the placement of an accessory structure in a conforming location.
- 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. Residential accessory structures are permitted within the zoning district.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. The proposed accessory building will be setback approximately 54 feet and 8 inches (54' 8") from the front property line, which is well in excess of the minimum front yard setback for principal structures in the zoning district of 35 feet. The new dwelling and detached garage will result in the demolition of the existing garage structure on the property, which observes a non-conforming setback of less than 20 feet from the front property line.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
Yes. The lack of public water and necessity for an onsite well, and the gas service line

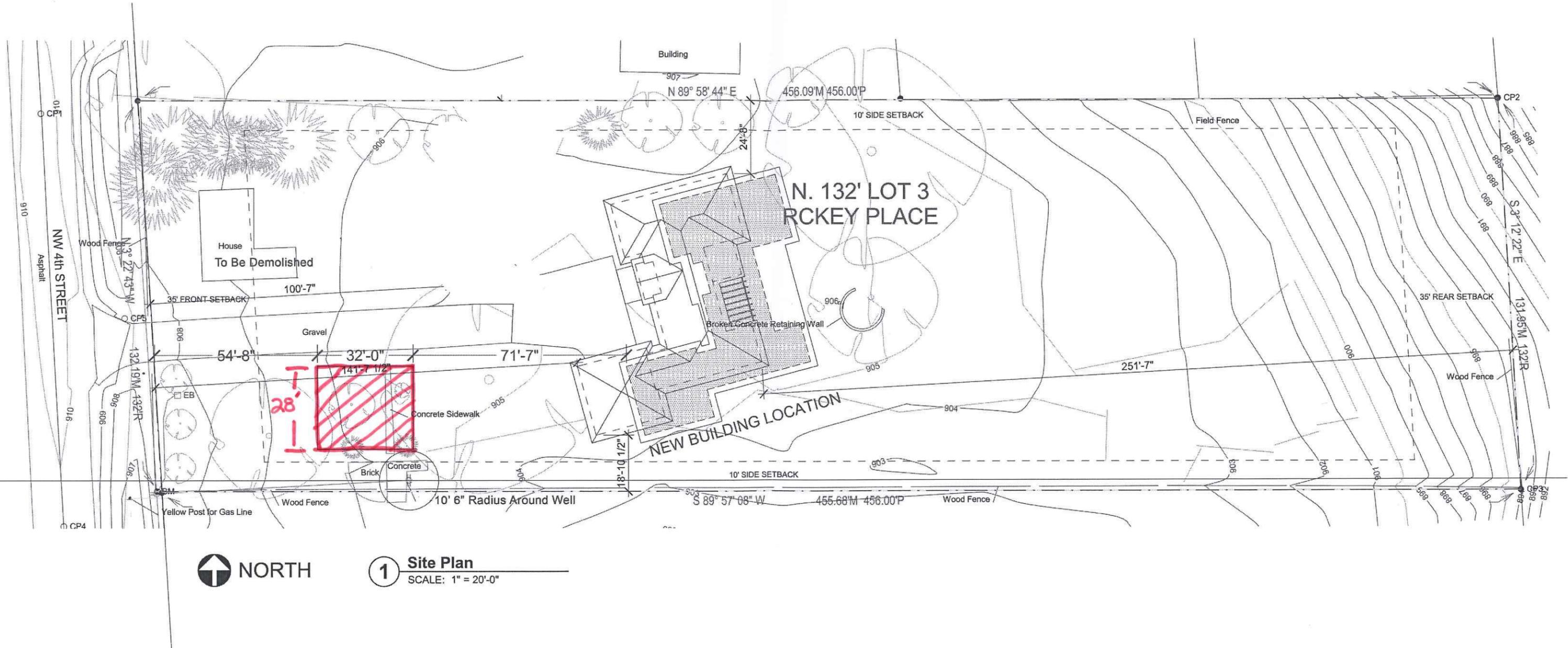
location are unique conditions that were not a result of the appellant's actions, and effectively required relocation of the proposed detached garage and necessitate a setback variance.

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 environmentally sensitive areas of the property are anticipated to be impacted by this proposal.

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



1 Site Plan
SCALE: 1" = 20'-0"

Docket Number: 19/7865

Appellant: Darryl Thielen, Gayland Enterprises, LLC,
6730 Timberline Dr., Des Moines,
IA 50313 (Prospective Buyer)

Owner: UTC 38, LLC
6750 Westown Parkway, Suite 200-351
West Des Moines, IA 50266

Appeal: The Appellant is requesting a 6-foot front yard setback Variance (from 30-feet to approximately 24-feet) for the construction of a 10-foot by 40-foot (400 square foot) addition to the existing single family home on the north side of the property.

Appeal Given:

Old addition needs replaced. Asking to extend another 5'-6' past limit to add additional bedroom and larger more accessible bathroom.

Background

The subject property is zoned “MDR” Medium Density Residential District and is an approximately 10,560-square foot parcel located in the Northeast ¼ Northeast ¼ of Section 33 in Allen Township. The property is addressed as 6675 SE Circle Drive and is legally described as Lots 12 thru 14 Block D Avon Gardens. The property is a corner lot located at the southeast intersection of SE 66th Place and SE Circle Drive with 110-feet of frontage along SE 66th Place and 96-feet of frontage along SE Circle Drive. The surrounding properties are also zoned Medium Density Residential. Properties in the vicinity are all residential in use.

The property comprises one existing home and an existing approximately 240-square foot accessory building. The existing home was constructed in 1925 and the Appellant is currently in the process of purchasing the subject property. An existing accessory building was constructed in 1983 and is located approximately 5 feet from the east property line and approximately 8-feet from the southern property line. The Appellant is requesting a six (6) foot variance from the northern property line to allow the proposed 400-square foot addition to meet an approximately 24-foot setback in place of the required 30-foot setback. An aerial map showing the subject property is attached as Attachment ‘A’. The submitted application packet is also attached as Attachment ‘B’.

This development significantly pre-dates the adoption of zoning in Polk County which began in 1959. The historic nature and age of this development along with the reconfiguration of existing lots over time makes it difficult for additions to the relatively small existing homes to meet the required setbacks.

Summary of Request

The Appellant is requesting a six (6) foot side yard setback variance (from 30-feet to approximately 24-feet) for a proposed 10-foot by 40-foot (400 square foot) addition on the northern side of the existing home.

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 “MDR” Medium Density Residential district is 30-feet. The Appellant is proposing the construction of a 10-foot by 40-foot (400 square feet) addition therefore reducing the setback distance from the northern front property line. A Variance of six (6) feet is being requested to reduce the setback from 30-feet to approximately 24-feet.

Natural Resources

The site does not have significant natural resources. The property is relatively flat and a few scattered mature trees are located along the eastern property line, along the back of the house, and within the front yard. There are no environmental hazards, and the property does not contain a designated floodplain.

Roads/Utilities

The property is located at the southeast intersection of SE 66th Place and SE Circle Drive. The right-of-way in “Avon Lake” has never been improved to the modern standards for public streets. The SE 66th Place right of way is approximately 42-feet wide adjacent to the northern property line of the subject property and the SE Circle Drive right of way is approximately 30-feet wide adjacent to the western property line of the subject property. Both of the public streets, SE 66th Place and SE Circle Drive are paved County maintained local streets. A grinder pump station is located at the southeast corner of the existing home on the subject property that connects to the sewer service line. An easement with a 15-foot radius area centered on the individual grinder pump station that is recorded in Book 12769, Page 131. The City of Carlisle has been contacted for notification although the new addition will not be located near the grinder pump that feeds into the Carlisle sewer system. The City of Carlisle will need to provide their approval of the proposed addition through the building permit process.

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 built in 1925, prior to the establishment of zoning in Polk County. The small size of the house and location on the lot with proximity of the grinder pump 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 24-feet from the northern property line.

- 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. Several other structures on adjacent properties in “Avon Lake” are located closer to the property line than what is permitted by the current zoning district. The requested variance is not inconsistent with structures on the surrounding properties in this development.
- 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 10-foot by 40-foot (400 square foot) addition would maintain adequate separation from the street and the line of sight at the intersection of SE 66th Place and SE Circle Drive.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
- Yes. The residence was built before the adoption of zoning in the County and the central location of the house on the parcel limits the ability to add onto this very small house. The lots were created many years before zoning was established in Polk County, creating a circumstance not resulting from 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 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 variance.

Attachment A:



Carlisle



Attachment B:

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)

OLD ADDITION NEEDS REPLACE - ASBLING TO EXCEED ANOTHER 5'-6" PASS LIMIT TO ADD ADDITIONAL BEDROOM AND LARGER BATHROOMS -

(time stamp) Official Use Only

2. Subject Property Address: 6675 S.E. Circle Avon IA 50047

3. Subject Property Zoning District: MDR

4. District and Parcel Number: 7822-33-230-001

5. Subject Property Legal Description (attach if necessary): Lots 12 thru 14 BIRD AMBARDENS

6. Filing Fee: \$310 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

CHALAND ENTERPRISES LLC Applicant (Print Name)

Signature

4/24/19 date

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

Waymond307@gmail.com Email

6730 Yankershue Dr BSM 50313 Address, City, State and Zip

515-577-7331 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

Waymond Tenny Applicant Representative (Print Name)

Tenny Construction Firm or Business Name

1825 CHALAND AVE #2 BSM 50314 Address, City, State and Zip

Waymond307@gmail.com Email

515-783-8835 Phone

Fax

Docket Number: #19/7784

Applicant: Deanne Mundt, Horizon Stables, LLC
(Property Owner), 3237 NE 108th St.,
Mitchellville, IA 50169

Request: Approval of a Conditional Use Permit for the Animal Services use for Equine Therapy, private and group lessons and horse boarding at the property in conjunction with a Commercial Stable at the subject property of 3237 NE 108th Street, Mitchellville.

Subject Property / Surrounding Land Uses:

The subject property is approximately 26.53 acres in size and is legally described as Parcel C from the plat of survey recorded in Book 7443, Page 489 and Parcel N from the plat of survey recorded in Book 12766, Page 810 in the Office of the Polk County Recorder, being a Part of the SW¹/₄ of the NE¹/₄, Section 26 of Township 79 North, Range 22 West of the 5th P.M. (Beaver Township). The property is irregular shaped having approximately 862 feet of frontage to the west along NE 108th Street, and roughly 1,320 feet of depth. The property is zoned “AG” Agricultural District. The Polk County Zoning Ordinance permits Animal Services uses within the Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment.

The subject property is located approximately 1½ miles south of the City of Mitchellville corporate limits and approximately one-half (½) mile north of the NE 108th Street and NE 23rd Avenue intersection. See *Attachment A* at the end of this report for a vicinity map of the subject property. Surrounding land is primarily agricultural in use and zoning, particularly to the north and west of the subject property. Camp Creek and surrounding woodlands are located immediately east of the subject property separating it from the eastern adjacent rural acreages, that vary in size from one (1) to 14-acres each, and contain single-family homes. These properties are also zoned agriculturally.

Application Details / Discussion:

Last month, the applicant’s contractor, Scot Bokhoven with Leading Edge Builders, contacted our office regarding the proposed project and the next steps. Through discussion and written correspondence, the business plan details were provided for staff review. The applicant proposes to construct a new 7,488 square foot riding arena with an attached 6,990 square foot office and 20 stall barn. The applicant provided the following written description for the business under the current proposal:

The intended use of this project is to provide Equine Therapy to individuals with special needs in the Riding Arena area of the building, there will also be a section for the families of the special needs individuals for them to watch and participate. Will also provide private and group lessons for individuals wanting to learn how to ride horses. Will also be boarding horses in the area of the stall barn to include all necessary bedding and feed to take care of the animals.

The use as outlined includes a Commercial Stable that is a permitted use in the Agricultural District under the Polk County Zoning Ordinance. This use includes for a fee, the boarding, training and recreational riding of horses. The Animal Services use is triggered with the services provided as Equine Therapy offered to individuals from the broader general public. The frequent access to the property by the public for equine therapy and education services requires the approval of a Conditional Use Permit. Staff have guided the applicant to apply for the Conditional Use Permit in order to allow the operation of the Equine Therapy to the general public. Requirements have

been discussed and outlined for the applicant to allow for a thorough review of the proposed operations and use of the commercial business and the construction of the new riding arena, office and stall barn. At this time, the application has been submitted to the Board of Adjustment for consideration. The applicant's request and corresponding documentation is included at the end of the report as *Attachment B*.

The applicant's portion of the request for equine therapy and education services includes therapeutic riding lessons, therapeutic volunteer training, general population horseback riding/driving lessons, individual and small group lessons and small group equine information sessions. These activities are proposed to be accommodated with a six (6) days per week schedule between the hours of 9:00 a.m. to 8:00 p.m. year round. The owner has indicated that an average day would consist of approximately 10 riders with their parent/guardian and approximately 3-5 volunteers assisting the therapeutic riders. The facility will have two staff members including caretakers and instructors. Once or twice a year the owner intends to host a barn "horse show" that families may attend to support the riders as they exhibit their skills. The definition of Animal Services uses within *Article 4 Use Regulations, Division 4 Use Categories and Standards, Section 4 Commercial Uses (V)* of the Polk County Zoning Ordinance includes an "animal training facility." Staff would interpret the proposed request for horse training and education services outlined above to fit within this use category, and therefore require approval of a Conditional Use Permit.

If the Conditional Use Permit is approved, the applicant is required to submit a major site plan prepared by an engineer licensed in the State of Iowa for approval through Polk County's site plan review process. The proposal must meet all of the applicable ordinance requirements outlined in *Article 16. Site Plans, Division 1. Site Plan Required, Section 1. Major Site Plan*. A simple site plan of the applicant's proposed arena and barn location can be found at the end of this report as *Attachment C*. In addition to the site plan requirements, the applicant will need to combine the two parcels so that they would be treated as one parcel. A lot tie agreement for the two parcels will need to be submitted to prohibit the separation of the two parcels unless allowed by applicable ordinances. Once the lot tie agreement provisions are approved by the Planning Division, the lot tie agreement will need to be recorded by the property owner. The property at 3237 NE 108th Street contains a house with an attached garage and a 60' x 120' detached accessory building. Parcel "N" according to the 2018 aerial does not contain any structures. The recorded plat of survey for Parcel "N" (Book 12766, Page 810) contained the following note:

"Parcel "N" of Parcel "M" to be designated as non-buildable until combined as one tax parcel with Parcel "C", GP# 7922-26-200-014, to the south and when combined, may only have accessory buildings or uses to Parcel "C" on it. A minimum of 10.84 acres of Parcel "N" of Parcel "M" shall be maintained as open space, while zoned agricultural. Parcel "N" of Parcel "M" may not have a dwelling unit on it until rezoned and subdivided."

Following the recording of the lot tie agreement and the approval of the site plan then the applicant will be required to obtain a Building Permit to complete the improvements as identified on the Major Site Plan. The further discussion below clarifies what improvements will be required. Those improvements can be summarized as follows: Obtaining required building and environmental health permits and inspections from Polk County, providing appropriate off-street parking stalls, including one (1) stall designated and signed for handicapped accessibility, providing required landscaping buffer yards, and storm water drainage improvements as determined by the engineer. The property does contain an existing single-family dwelling that is the residence of the owner.

The owner may continue to maintain the dwelling as their residence on the property.

As previously stated, the applicant has communicated that the proposed equine therapy and education services will occur approximately six (6) days per week with approximately 10 riders daily. The stable will employ two (2) individuals onsite on any given day and will have 3-5 volunteers assisting the therapeutic riders. In review of this information, staff will require that the property owner provide a total of ten (10) onsite parking stalls, with one (1) of the stalls reserved for handicapped accessibility to include appropriate striping and signage. Given the property's agricultural zoning and average traffic volume below 49 vehicles per day, the parking spaces as well as the existing driveway and circulation areas may be gravel surfaced. The handicapped parking space will have to be hard surfaced and meet the specifications required by State and Federal and Local laws but not limited to Iowa Code chapter 321 L and the Americans with Disabilities Act. The owner does not have current plans for permanent signage at this time however; staff have included as a recommended condition of approval the allowance of one (1) freestanding sign not to exceed 32 square feet in size, and no wall or building signage. This condition will provide direction regarding signage allowances for this property and use, while also limiting the total amount and type of signage for the site. The owner shall obtain a sign permit from Polk County Public Works before installation of any future sign.

Natural Resources / Environmental

A portion of the western property adjacent to SE 108th Street and a portion of the northern property are located within a designated floodplain. The FIRM panels are 19153C0385F and 19153C0405F effective 2/1/2019. The proposed improvements do not appear to impact the floodplain. The property is primarily a large rural acreage with grass pasture. The topography varies significantly across the site with a low point of 840 feet along the western property line and a high point of 880 feet within the northeastern portion of the site. The existing house is located at an elevation of 870 feet with the front yard containing a rolling terrain. Two rows of mature evergreens create a buffer for the existing house with the rolling terrain creating a buffer from the frontage of the property.

Roads / Utilities

The single-family dwelling on the subject property utilizes an existing onsite wastewater treatment system as located northeast of the existing house. Rural water service to the property is provided by Des Moines Water Works. The onsite wastewater treatment system and water service to this site will be reviewed and evaluated through the Major Site Plan process. NE 108th Street is a hard-surfaced two-lane minor collector roadway maintained by Polk County. The subject property is located one-half (½) mile north of the NE 108th Street and NE 23rd Avenue intersection.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of:

1. Existing zoning and land use in the vicinity of the uses.

The subject property and surrounding area are zoned "AG" Agricultural District. The majority of surrounding land is farmland dedicated to row crop production and grassland pasture. There are approximately five (5) rural acreages with single-family homes located adjacent to the east of the subject property. Camp Creek and the surrounding floodplain and woodlands separate these residential properties from the subject property. The property adjacent to the north of the subject property is row crop farmland zoned "AG" Agricultural District. Adjacent

properties to the south and west contain three residential acreages

2. Planned and proposed public and private development, which may be adversely affected by the proposed use.

There are no major public or private developments planned in the area.

3. Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The proposed use provides equine therapy for individuals with special needs, educational opportunities for the general public and boarding facilities for area horse owners.

4. Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

The subject property is rural in nature and has only a few residential homes adjacent to its property boundaries. The size of the property at 26.53 acres and the location of the proposed use in the northwest corner of the site will limit the impact of the use on surrounding properties. The applicant proposes two larger events a year providing an opportunity for a barn “horse show” for families to attend and support the riders as they exhibit their skills. The expected maximum attendance would be approximately 50 people. Staff’s recommendation for approval at the end of this report contains several conditions of approval aimed at limiting any adverse effects upon adjacent properties and the welfare of County residents.

Findings

The application shall be denied if the Board of Adjustment finds any of the following:

a. The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.

The proposed Equine Therapy use fits within the Animal Services use category. It is considered an accessory use to the primary use as a Commercial Stable. The use is permitted upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment.

b. The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.

Subject to staff’s recommended conditions of approval and the future approval of a major site plan, building permit and associated site improvements, the use will be in compliance with the standards and provisions of the Ordinance.

c. The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.

See staff's recommended conditions of approval. Any adverse impacts are mitigated by the requirements of the Ordinance and staff's recommended conditions of approval.

In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:**
 - 1. Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
 - 2. Polk County Zoning Ordinance:** The Ordinance allows the use pending approval of this Conditional Use Permit by the Board of Adjustment, and pending approval of a major site plan by staff.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- B. The proposed location of the use is not consistent with policies or provisions of the following:**
 - 1. Comprehensive Plan:** The proposed use is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
 - 2. Polk County Zoning Ordinance:** The proposed use is allowed upon approval of the Conditional Use Permit by the Polk County Board of Adjustment. Other applicable provisions of the Ordinance will be addressed by the requirement for an approved major site plan, building permit and associated site improvements.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:**
 - 1. Adjacent property:** Property directly adjacent to the north is in row crop production and the rural residences to the east are buffered by the location of camp creek and surrounding woodlands. The nearest residence is located to the south at 3145 NE 108th Street, and is over 750-feet from the nearest building on the subject property. The next closest residence is located over 1,000 feet to the northwest at 3350 NE 108th Street. The recommended conditions of approval limit the days and hours of operation so as not to create an undue disturbance upon nearby properties.

2. **Character of the neighborhood:** The primary use(s) of the property will continue to be a combination of residential and agricultural. The proposed Animal Services use is accessory to the proposed Commercial Stable and its commercial aspects are limited in nature.
3. **Traffic conditions:** The property fronts NE 108th Street, which is classified as a minor collector roadway. The latest available Iowa DOT traffic data from 2016 indicates this stretch of NE 108th Street has an annual average daily traffic count of 460 vehicles.
4. **Parking:** Parking within the public right-of-way along NE 108th Street is prohibited. The applicant is required to provide onsite parking for customers as outlined previously in the report.
5. **Public improvements:** No impact upon future public improvements is anticipated.
6. **Public sites or rights-of-way:** No impact upon public sites or adjacent rights-of-way is anticipated.
7. **Other matters affecting the public health, safety, and general welfare:** None

D. The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.

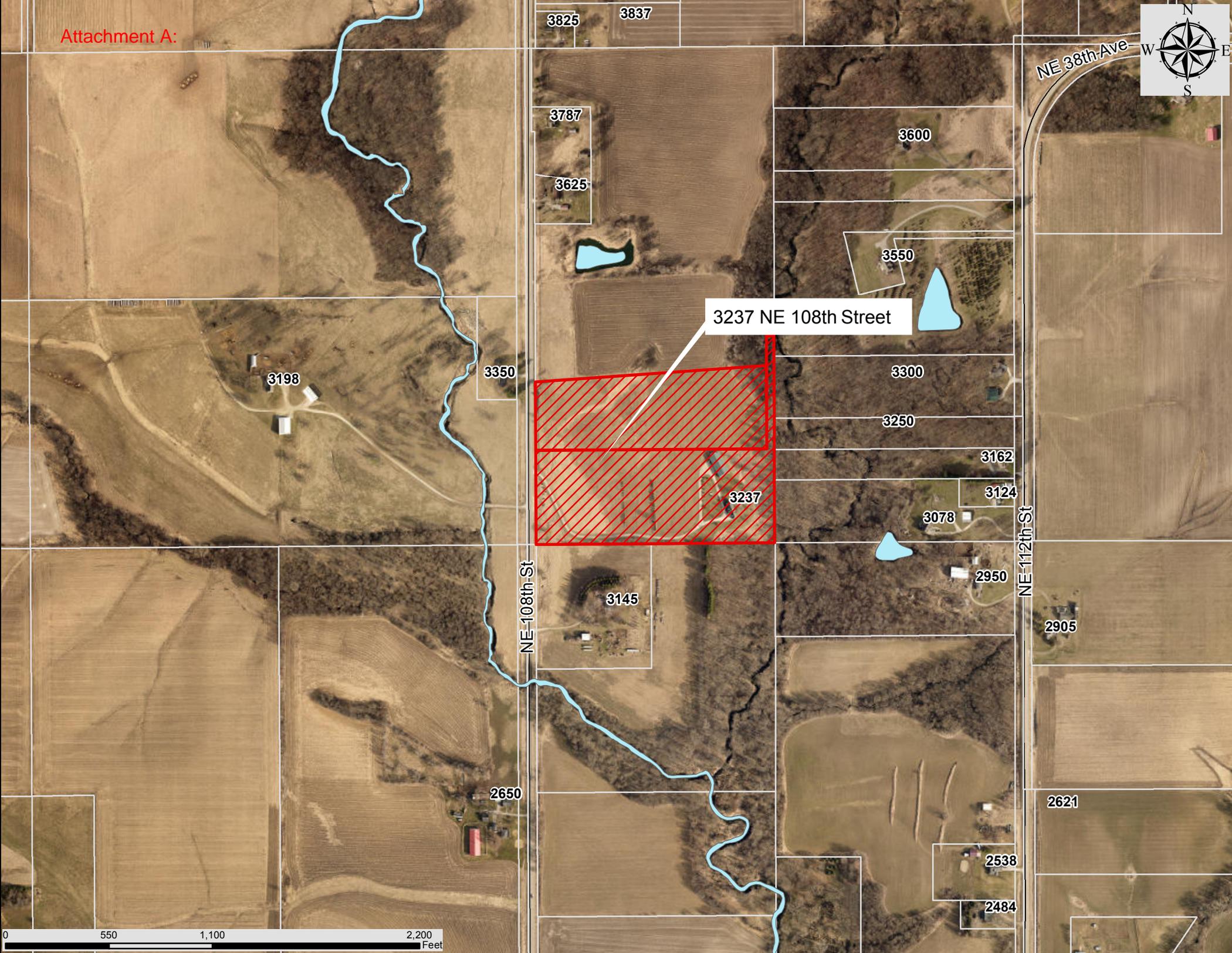
1. **Public improvements:** Adequate for proposed use.
2. **Public facilities:** Adequate for proposed use. Onsite parking, including a handicapped accessible parking stall is required.
3. **Public utilities:** Adequate for proposed use.
4. **Public services:** Adequate for proposed use.

Recommendation

Staff recommends approval of the requested Conditional Use Permit for the Animal Services use for Equine Therapy, as Horizon Stables, at the subject property of 3237 NE 108th Street, Mitchellville. Approval is subject to the following conditions:

1. The Conditional Use Permit applies only to the applicant and current property owners, Horizon Stables, LLC. Any future change in ownership requires a new or updated Conditional Use Permit to reestablish this or another permitted Animal Services use. The Conditional Use Permit applies only to the subject property of 3237 NE 108th Street, Mitchellville, being approximately 26.53 acres in size and legally described as Parcel C from the plat of survey recorded in Book 7443, Page 489 and Parcel N from the plat of survey recorded in Book 12766, Page 810 in the Office of the Polk County Recorder.

2. Two (2) special events annually are permitted at the subject property including riding shows.
3. A lot tie agreement is required to consolidate the two existing parcels into one for the proposed use of the property. The owner will need to record the lot tie agreement prior to approval of the major site plan.
4. The applicant is required to submit a major site plan prepared by an engineer licensed in the State of Iowa for review and approval. Following approval, the applicant shall obtain of all necessary permits to include but not limited to a Building Permit.. Identified site improvements on the approved major site plan will need to be completed prior to operation of the commercial stable or animal services uses.
5. The Animal Services use of equine therapy and education services may operate a maximum of six (6) days per week year round, and between the hours of 9am and 8pm. There is no limit on the number of attendees for said training and education services, but if off-street parking becomes an issue, the property owner will be required to update their site plan to provide adequate parking.
6. The use shall comply with all Polk County Environmental Health regulations, including obtaining any necessary permits for connecting future plumbing fixtures to an approved onsite septic system.
7. The uses shall comply with all Polk County Building Codes, including obtaining permits and inspections for the proposed riding arena, offices and boarding stables.
8. The use is permitted one (1) freestanding sign, not to exceed 32 square feet in area. No wall/building signs are permitted. All signs require an approved Sign Permit prior to installation.
9. All manure-generated onsite shall be properly stored and disposed of on a periodic basis to prevent a nuisance.
10. Any modifications to the use of the subject property relative to this approval, included but not limited to, expansion of the Commercial Stable or Animal Services use, additional Special Events, an increase in the amount or frequency of education/training services, new or repurposed buildings, etc. may require a re-hearing and amendment to the Conditional Use Permit in addition to an amended site plan. The property owner is responsible for verifying the process for any proposed changes with staff prior to implementation/construction.



Conditional Use Permit Application

Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.



Please complete the entire application, submit with fee and review the standards on page 3.

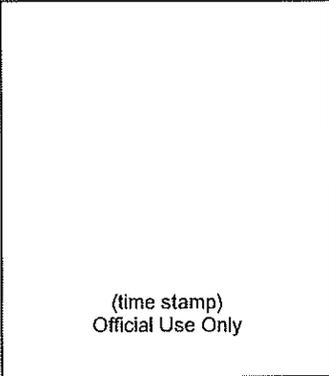
To: **Polk County Board of Adjustment**

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)
The inteded use of building project is for Equine Therapy and Riding Lessons year round

2. Subject Property Address: 3237 NE 108th Street, Mitchellville, Iowa 50168

3. Subject Property District and Parcel Number: 140/00245-007-000 140/00245-008-003

4. Subject Property Legal Description (attach if necessary):
NBK 12766 PG 810 W 1/2 NE 1/4 SEC 26-79-22
E&H BEG SW COR TH NN 495.71F E 1278.08F N 600F E 40F S1095.71F TO SLNW 1318.17F TO POB
W 1/2 NE 1/4 LESS RD SEC 26-79-22



5. Filing Fee: - \$400.00

6. Applicant(s) Information:

Deanne Mundt
Applicant (Print Name)

X Deanne Mundt 2/20/19
Signature Date

Owner deannesue@aol.com
Interest in Property (owner, renter, perspective buyer, etc.) Email

3237 NE 108th Street, Mitchellville, Iowa 50169
Address, City, State and Zip Phone Fax

7. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below.

Same as Above
Applicant Representative (Print Name) Firm or Business Name

Address, City, State and Zip
Email Phone Fax

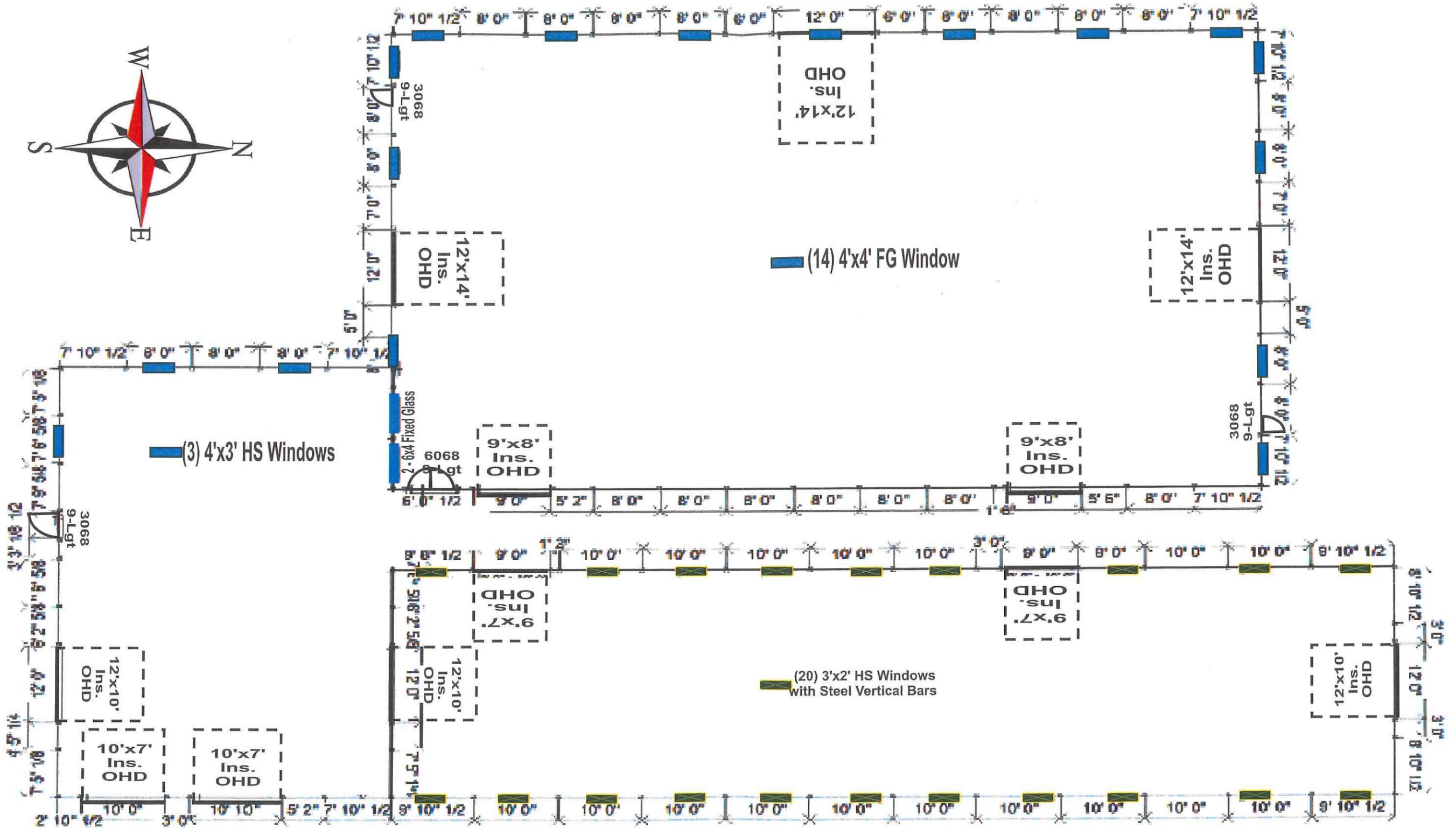
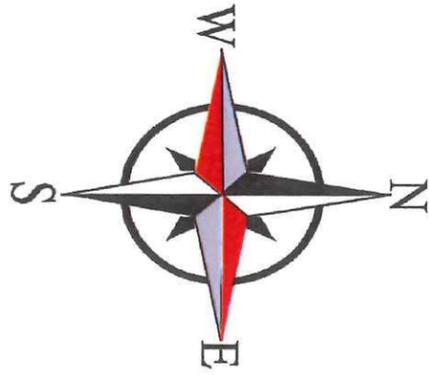
8. Property Owner Consent:

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)

Deanne Mundt
(Print Name)

X Deanne Mundt 2/20/19
Signature Date

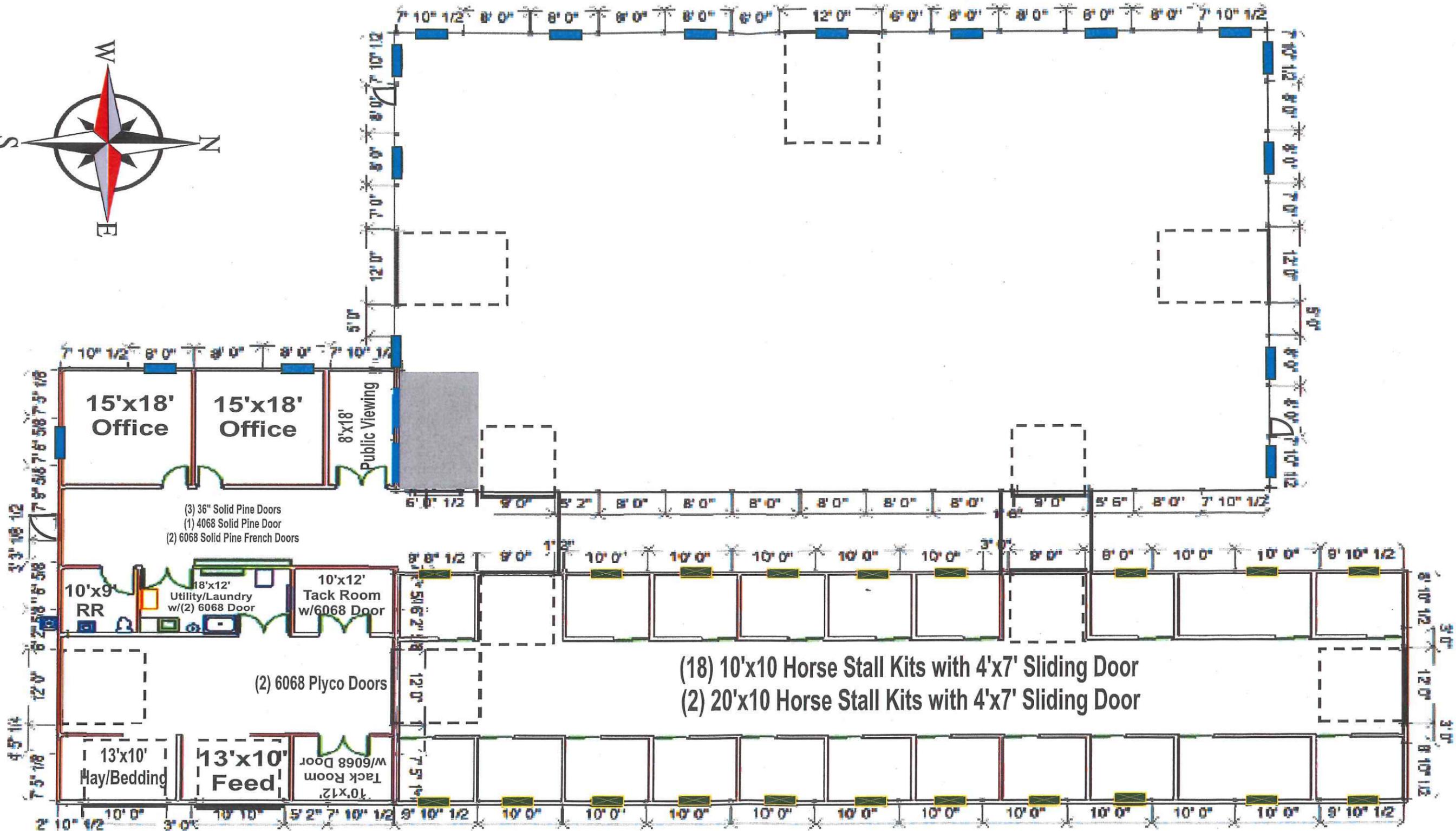
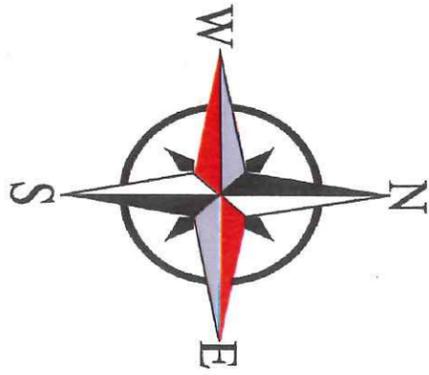
(Print Name) Signature Date



LEADING EDGE BUILDERS
 2356 Hwy 23
 PO Box 1006
 Oskaloosa, Ia. 52577 Fax: 641-673-1950
Scot Bokhoven Cell: 641-295-6609
 Email: scot@tlebia.com

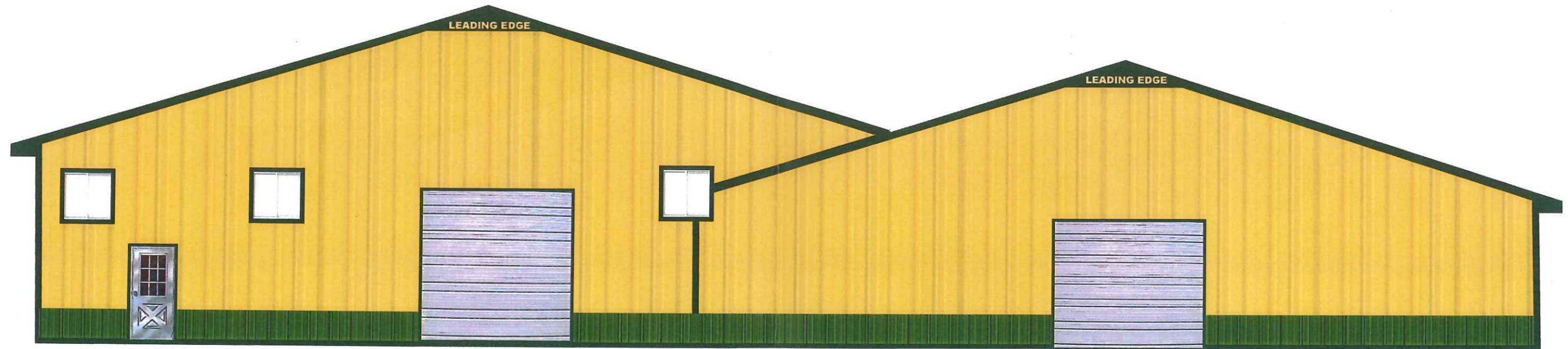
Project Detail 72'x104'x16' Flush Frame Riding Arena
 36'x120'x12' Flush Frame Stall Barn
 68'x40'x12' Flush Frame Office/Stall Area
Date February 19, 2019

Name **Horizon Stables, LLC**
 C/O Deanne Joens-Mundt
 3237 NE 108th St.
 Mitchellville, Iowa 50169
 Polk County



<p>LEADING EDGE BUILDERS 2356 Hwy 23 PO Box 1006 Oskaloosa, Ia. 52577 Scot Bokhoven 800-622-8324 641-673-8338 Fax: 641-673-1950 Cell: 641-295-6609 Email: scot@tlebia.com</p>	<p><i>Project Detail</i> 72'x104'x16' Flush Frame Riding Arena 36'x120'x12' Flush Frame Stall Barn 68'x40'x12' Flush Frame Office/Stall Area <i>Date</i> February 19, 2019</p>	<p><i>Name</i> Horizon Stables, LLC C/O Deanne Mundt 3237 NE 108th St. Mitchellville, Iowa 50169 Polk County</p>
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Elevation Plan - North



LEADING EDGE BUILDERS
 2356 Hwy 23
 PO Box 1006
 Oskaloosa, Ia. 52577
Scot Bokhoven

800-622-8324
 641-673-8338
 Fax: 641-673-1950
 Cell: 641-295-5609
 Email: scot@tlebl.com

Project Detail 72'x104'x16' Flush Frame Riding Arena
 36'x120'x12 Flush Frame Stall Barn
 68'x40'x12' Flush Frame Office/Stall Area
Date February 19, 2019

Name **Horizon Stables, LLC**
 C/O Deanne Mundt
 3237 NE 108th St.
 Mitchellville, Iowa 50169
 Polk County

Elevation Plan - South



LEADING EDGE BUILDERS
2356 Hwy 23
PO Box 1006
Oskaloosa, Ia. 52577
Scot Bokhoven

800-622-8324
641-673-8338
Fax: 641-673-1950
Cell: 641-295-6609
Email: scot@tlebla.com

Project Detail 72'x104'x16' Flush Frame Riding Arena
36'x120'x12' Flush Frame Stall Barn
68'x40'x12' Flush Frame Office/Stall Area
Date February 19, 2019

Name **Horizon Stables, LLC**
C/O Deanne Mundt
3237 NE 108th St.
Mitchellville, Iowa 50169
Polk County

Elevation Plan - East



<p>LEADING EDGE BUILDERS 2356 Hwy 23 PO Box 1006 Oskaloosa, Ia. 52577 Scot Bokhoven</p>	<p><i>Project Detail</i> 72'x104'x16' Flush Frame Riding Arena 36'x120'x12' Flush Frame Stall Barn 68'x40'x12' Flush Frame Office/Stall Area <i>Date</i> February 19, 2019</p>	<p><i>Name</i> Horizon Stables, LLC C/O Deanne Mundt 3237 NE 108th St. Mitchellville, Iowa 50169 Polk County</p>
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Elevation Plan - West



LEADING EDGE BUILDERS

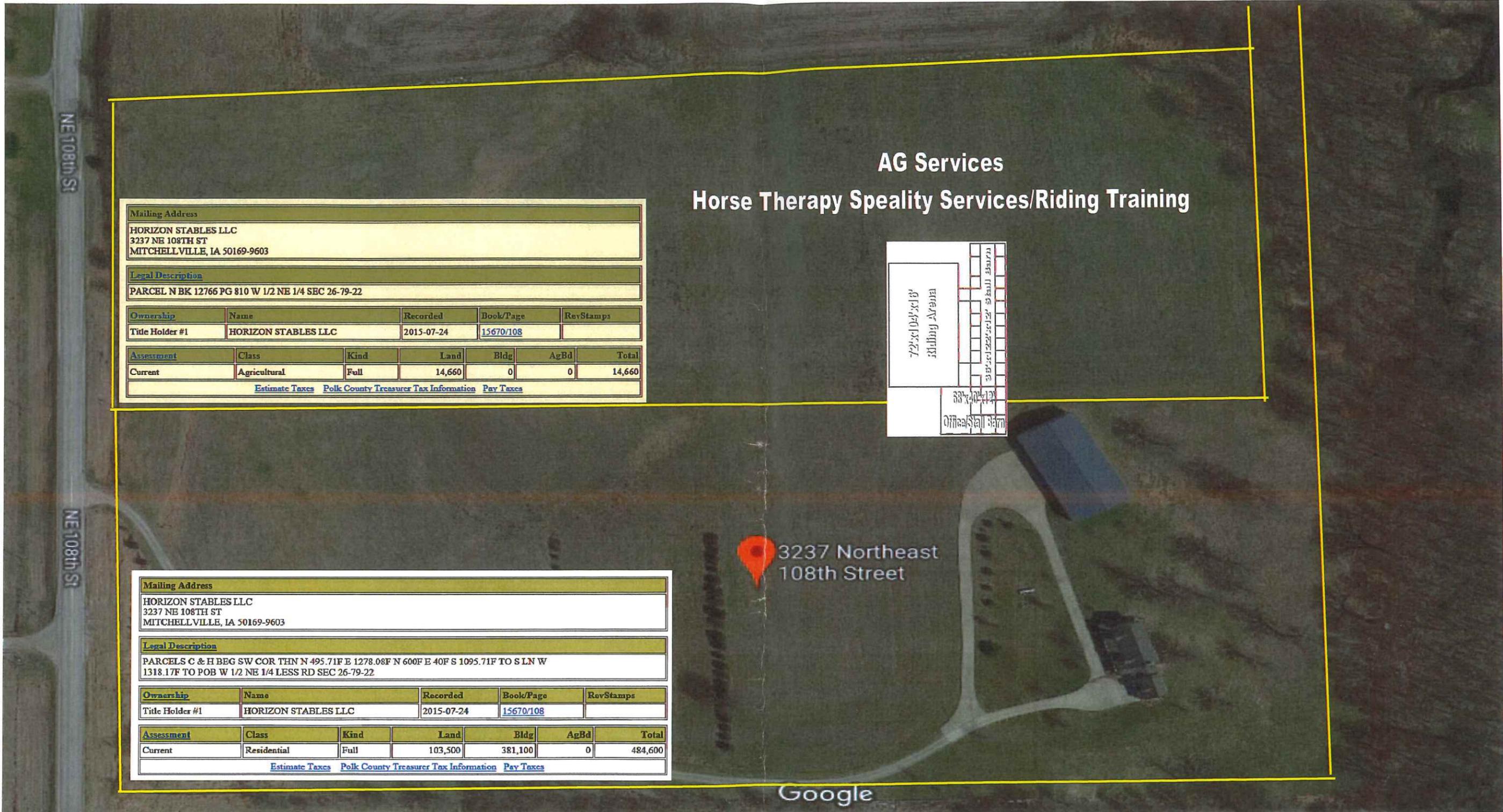
2356 Hwy 23
 PO Box 1006
 Oskaloosa, Ia. 52577
Scot Bokhoven

800-622-8324
 641-673-8338
 Fax: 641-673-1950
 Cell: 641-295-6609
 Email: scot@lebla.com

Project Detail 72'x104'x16' Flush Frame Riding Arena
 36'x120'x12' Flush Frame Stall Barn
 68'x40'x12' Flush Frame Office/Stall Area

Date February 19, 2019

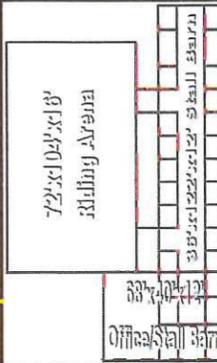
Name **Horizon Stables, LLC**
 C/O Deanne Mundt
 3237 NE 108th St.
 Mitchellville, Iowa 50169
 Polk County



AG Services

Horse Therapy Speality Services/Riding Training

Mailing Address						
HORIZON STABLES LLC 3237 NE 108TH ST MITCHELLVILLE, IA 50169-9603						
Legal Description						
PARCEL N BK 12766 PG 810 W 1/2 NE 1/4 SEC 26-79-22						
Ownership	Name	Recorded	Book/Page	RevStamps		
Title Holder #1	HORIZON STABLES LLC	2015-07-24	15670/108			
Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Agricultural	Full	14,660	0	0	14,660
Estimate Taxes Polk County Treasurer Tax Information Pay Taxes						



Mailing Address						
HORIZON STABLES LLC 3237 NE 108TH ST MITCHELLVILLE, IA 50169-9603						
Legal Description						
PARCELS C & H BEG SW COR THN N 495.71F E 1278.08F N 600F E 40F S 1095.71F TO S LN W 1318.17F TO POB W 1/2 NE 1/4 LESS RD SEC 26-79-22						
Ownership	Name	Recorded	Book/Page	RevStamps		
Title Holder #1	HORIZON STABLES LLC	2015-07-24	15670/108			
Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	103,500	381,100	0	484,600
Estimate Taxes Polk County Treasurer Tax Information Pay Taxes						

3237 Northeast 108th Street

Google

LEADING EDGE BUILDERS
 2356 Hwy 23 800-622-8324
 PO Box 1006 641-673-8338
 Oskaloosa, Ia. 52577 Fax: 641-673-1950
Scot Bokhoven Cell: 641-295-6609
 Email: scot@tlebia.com

Project Detail
 72'x104'x16' Riding Arena
 36'x120'x12' Stall Barn
 68'x40'x12' Office/Stall Barn
Date February 15, 2019

Name
 Horizon Stables LLC
 C/O: Deanne Mundt
 3237 NE 108th St.
 Mitchellville, Ia 50169
 Polk County

Jennifer Ellison

From: deannesue@aol.com
Sent: Wednesday, May 08, 2019 9:35 PM
To: Jennifer Ellison
Subject: Re: Conditional Use Permit - 3237 NE 108th Street

Jennifer,

Thank you for the opportunity to answer the questions below. Please let me know if you need further clarification regarding any of the answers I gave.

Have a great day,
Deanne Mundt
515-229-5722

-----Original Message-----

From: Jennifer Ellison <Jennifer.Ellison@polkcountyiowa.gov>
To: deannesue@aol.com <deannesue@aol.com>
Sent: Wed, May 8, 2019 4:05 pm
Subject: Conditional Use Permit - 3237 NE 108th Street

Good Afternoon,

Please see the attached Board of Adjustment Agenda for the May 20th meeting and the public notice regarding the Conditional Use Permit for the above property. The notices have been mailed out to surrounding property owners. Our staff report will go out the Friday before the meeting.

Please see the follow-up questions below regarding this Conditional Use Permit Application. If possible, please provide answers by Monday so that we have time to include the information within our staff report. We simply need this information to put together our report and recommendation. I also wanted to make you aware of some of the conditions that are likely to be placed on any approval.

1. The request clearly asks for permission to provide Equine Therapy to individuals with special needs in the riding arena of the building, spectators including families as well as private and group lessons. If approved, the approval will be specific to the kinds of uses allowed. Are you proposing any additional uses? [No, I am not.](#)
2. Is the house on the property your primary residence? If not, please clarify its use - is it used as a rental property, for storage or other use? What are the future plans for the house if any? [Yes, the house is my primary residence.](#)
3. If approved by the Board of Adjustment, there will be conditions placed on the approval. Those conditions will include the requirement to submit a detailed sketch plan of the property showing all existing and proposed improvements. Off-street parking spaces will be required in accordance with the maximum number of daily employees and visitors (see questions below), including a paved space for handicapped accessibility. Building permits will be required for the proposed building and riding arena.
 - What does horse education and training include? Is this riding lessons, therapy, care and maintenance education, others?
[The horse education and training include therapeutic riding sessions, therapeutic volunteer training, general population horseback riding/driving lessons, individual and small group lessons and small group equine information sessions.](#)
 - What are the proposed days and hours of operation for these uses? Is it year-round? If approved, there is likely to be a condition limiting the days and hours. [The lessons will be scheduled by the instructors to occur Monday through Saturday from no earlier than 9:00 a.m. to no later than 8:00 p.m](#)
 - Approximately how many staff members work at the stable, including care takers and instructors? [Two](#)

- Approximately how many members of the public would come to the property on a given day and week for participation in the training and education activities? *An average day would consist of approximately 10 riders with parent/guardian and approximately 3-5 volunteers assisting the therapeutic riders. Therefore, an average week would be approximately 40-50 riders with parent/guardian and approximately 25-30 volunteers to assist therapeutic riders.*

How many individuals do you anticipate attending lessons or being present as a spectator for any one event or time slot? *Once or twice a year for a barn "horse show" families may come for riders to exhibit skills with approximately 50 people there at that given time.*

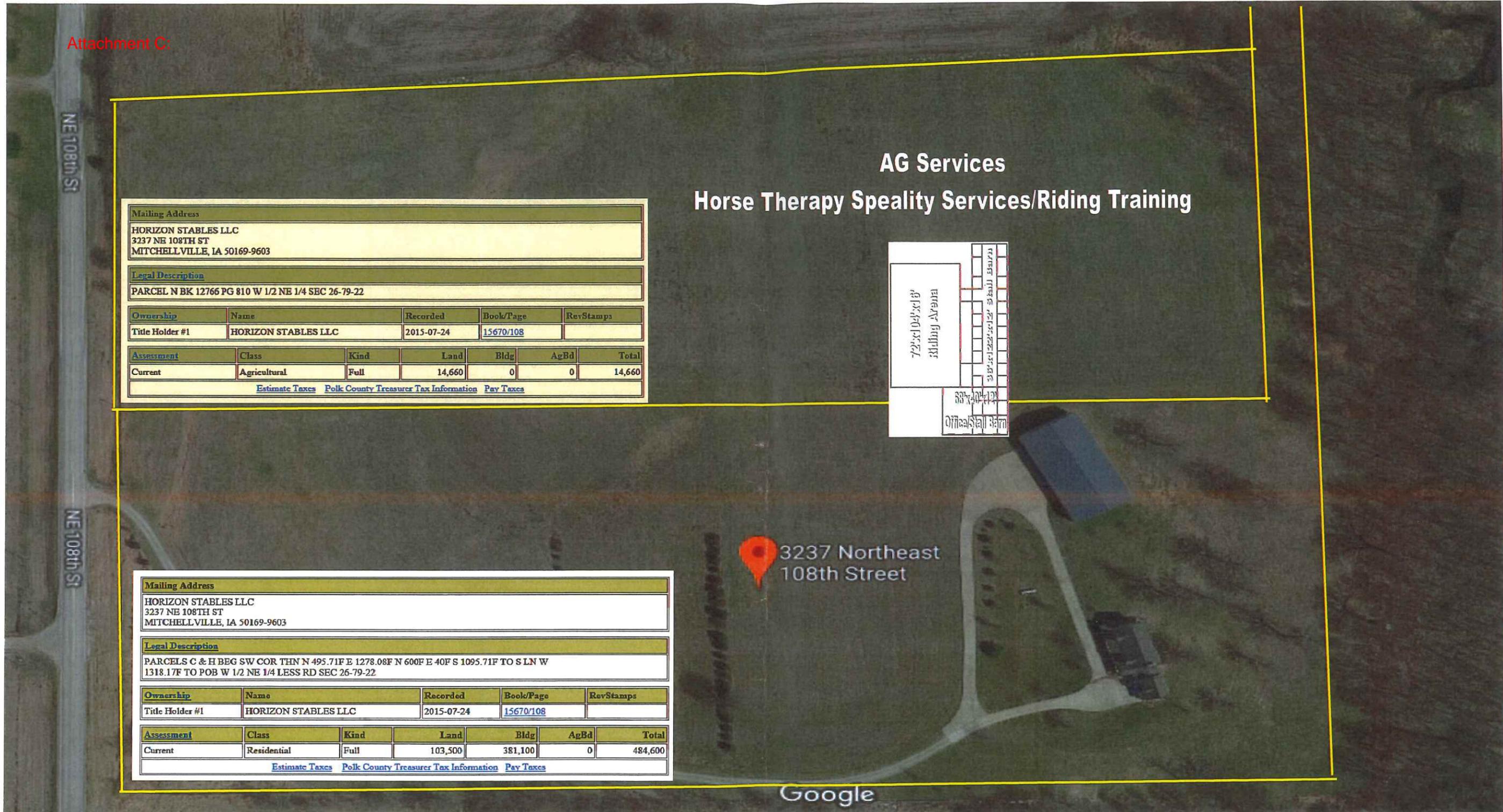
4. Do you have any plans to install signs on the property? We would prefer to set a maximum amount of signage allowed for the site through this process. *I do not have plans for permanent signage at this time. If needed, a small portable sign may be put out to help riders locate the facility.*

Let me know if you have any questions or concerns.

Sincerely,

Jennifer Ellison || Public Works
Planner || jennifer.ellison@polkcountyiowa.gov
5885 NE 14th Street || Des Moines, IA 50313 || USA
☎: 515-286-2280
polkcountyiowa.gov

Attachment C:



AG Services
Horse Therapy Speality Services/Riding Training

Mailing Address						
HORIZON STABLES LLC 3237 NE 108TH ST MITCHELLVILLE, IA 50169-9603						
Legal Description						
PARCEL N BK 12766 PG 810 W 1/2 NE 1/4 SBC 26-79-22						
Ownership		Name		Recorded	Book/Page	RevStamps
Title Holder #1		HORIZON STABLES LLC		2015-07-24	15670/108	
Assessment		Class	Kind	Land	Bldg	AgBd
Current		Agricultural	Full	14,660	0	0
Estimate Taxes Polk County Treasurer Tax Information Pay Taxes						



Mailing Address						
HORIZON STABLES LLC 3237 NE 108TH ST MITCHELLVILLE, IA 50169-9603						
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PARCELS C & H BEG SW COR THN N 495.71F E 1278.08F N 600F E 40F S 1095.71F TO S LN W 1318.17F TO POB W 1/2 NE 1/4 LESS RD SEC 26-79-22						
Ownership		Name		Recorded	Book/Page	RevStamps
Title Holder #1		HORIZON STABLES LLC		2015-07-24	15670/108	
Assessment		Class	Kind	Land	Bldg	AgBd
Current		Residential	Full	103,500	381,100	0
Estimate Taxes Polk County Treasurer Tax Information Pay Taxes						

Google

LEADING EDGE BUILDERS
 2356 Hwy 23 800-622-8324
 PO Box 1006 641-673-8338
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Project Detail
 72'x104'x16' Riding Arena
 36'x120'x12' Stall Barn
 68'x40'x12' Office/Stall Barn
Date February 15, 2019

Name
 Horizon Stables LLC
 C/O: Deanne Mundt
 3237 NE 108th St.
 Mitchellville, Ia 50169
 Polk County

Request: Approval of a Conditional Use Permit for the expansion of an existing Commercial Stable use, and to establish a proposed Animal Services use of horse training and education services at the subject property of 5055 NE 96th Street, Altoona.

Subject Property / Surrounding Land Uses:

The subject property is approximately 49.50 acres in size and is legally described as the SW¹/₄ of the SW¹/₄ of the NE¹/₄, and the S¹/₄ of the NW¹/₄, all within Section 15 of Township 79 North, Range 22 West of the 5th P.M. (Beaver Township). The property is rectangular shaped having approximately 662 feet of frontage to the west along NE 96th Street, and roughly 3,265 feet of depth. The property is zoned “AG” Agricultural District. The subject property is located approximately two (2) miles southwest of the City of Mitchellville, and approximately two and one-half (2½) miles east of the City of Altoona, lying south of Interstate 80. See *Attachment A* at the end of this report for a vicinity map of the subject property. Surrounding land is primarily in row crop production, with two (2) residences located in nearby proximity to the north and northwest of the subject property. All surrounding properties are zoned agriculturally.

Application Details / Discussion:

Commercial Stables are permitted by right within agricultural zoning districts under the Polk County Zoning Ordinance, where a Commercial Stable is defined as a building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show. The intent is to permit, by right, the commercial boarding of horses in the agricultural areas of unincorporated Polk County. By contrast, riding lessons, rodeos or similar shows/events, and related activities that involve frequent access to a property by the public, require approval of a Conditional Use Permit and the approval of a site or sketch plan. The subject property was granted a Special Use Permit by the Polk County Board of Adjustment in July of 1989 for a Commercial Stable use. At that time, Commercial Stables were not permitted by right, but required approval of a Conditional Use Permit, or what was then referred to as a Special Use Permit. That original approval does transfer to future owners, including the applicant in this case. At this time, the applicant is requesting approval to expand the existing Commercial Stable use to include the conversion of an existing structure for use as an office and breakroom space, and to utilize an existing private use storage building for storage and future boarding and training in conjunction with the Commercial Stable use. The applicant is also requesting approval to conduct horse training and education services on the property, which falls under the use category of Animal Services. The applicant’s request and corresponding map is included at the end of this report as *Attachment B*.

The requested horse training and education services includes riding lessons, teaching of horse care, ownership and maintenance, as well as training exercises according to the application. These activities are proposed to be accommodated with a five (5) days per week schedule between the hours of 8am to 8pm and between the months of May thru November. The owner has expressed that they hold only a few lessons per day or approximately 15 per week, with an emphasis on providing these services to stable tenants already utilizing the property for boarding, and not geared towards the outside general public. The definition of Animal Services uses within *Article 4 Use Regulations, Division 4 Use Categories and Standards, Section 4 Commercial Uses (V)* of the Polk County Zoning Ordinance includes an “animal training facility.” Staff would interpret the proposed request for horse training and education services outlined above to fit within this use

category, and therefore require approval of a Conditional Use Permit.

If the Conditional Use Permit is approved, the applicant is required to gain approval of a site plan for the property through the County's sketch plan review process. A draft copy of the applicant's sketch plan can be found at the end of this report as *Attachment C*. Once the sketch plan has been approved, the applicant will be required to obtain a Site Improvement Permit to complete the improvements as identified on the plan. The further discussion below clarifies what improvements will be required. Those improvements can be summarized as follows: Obtaining required building and environmental health permits and inspections from Polk County, and providing appropriate off-street parking stalls, including one (1) stall designated and signed for handicapped accessibility. As *Attachments B and C* show, only a small portion of the overall property is utilized for the commercial stable use with the remainder used for open space and hay production. The property does contain an existing single-family dwelling that is currently used for storage. The owner may use this structure as a dwelling or replace it with a new dwelling on the property. Due to the property's "AG" zoning and size, an additional buildable parcel cannot be created.

Building 'A' identified on the application and draft sketch plan was illegally established as a second dwelling unit by the previous property owner. Since purchasing the property last December, the applicant has converted this structure to office space and a break room for the Commercial Stable. Part of this request is to bring this building and its new use under the overall Commercial Stable use on the property. The owner will be required to obtain the appropriate building permits from Polk County for all existing and any future remodeling work to the structure. The owner will also need to work with Polk County Environmental Health to obtain the appropriate permits to connect any restrooms and plumbing fixtures to the septic system on the property. Building 'B' was constructed by the previous property owner and permitted by Polk County for personal storage use only. However, the prior owners used the building as a commercial dog kennel. Since purchasing the property, the applicant has removed the dog kennel use and is proposing Building 'B' be used for hay storage and future horse boarding and training in conjunction with the Commercial Stable use. Building 'C' was permitted by Polk County and constructed in 2011 as a legal addition to the Commercial Stable use. The remaining structures on the property, including the 42' x 162' stable building adjacent to Building 'C' and the original barn located further to the southeast, were previously permitted as part of the Commercial Stable use.

As previously stated, the applicant has communicated that the proposed education and training activities will occur approximately five (5) days per week, and with approximately three (3) or so lessons per day or 15 per week. Furthermore, the stable employs a full-time manager, part-time handyman, part-time stall cleaner, and additional part-time help, with an average of four (4) employees onsite daily. Given this information, staff would require the property provide a total of seven (7) onsite parking stalls, within one (1) of the stalls reserved for handicapped accessibility to include appropriate striping and signage. Given the property's agricultural zoning and a traffic volume below 49 vehicles per day, the parking spaces as well as the existing driveway and circulation areas may be gravel surfaced. The handicapped parking space is required to be hard surfaced and meet accessibility standards. The owner has also expressed interest in a future freestanding sign. The Zoning Ordinance allows signage for single-tenant commercial properties based upon building frontage. However, the subject property is a combination of residential, agricultural, and quasi-commercial uses. It is also not clear which building(s) frontages would be utilized in determining the amount of signage allowed. In order to provide clarity on this issue, staff has included a recommended condition of approval establishing one (1) freestanding sign, not to exceed 32 square feet in size, and no wall or building signage for the use. This condition

will serve the applicant's need for a freestanding sign, while also limiting the total amount and type of signage for the site. The owner shall obtain a Sign Permit from Polk County Public Works before installation of any future signs.

Natural Resources / Environmental

The property contains few natural resources. There are a few mature trees located near the front of the property around the buildings and Commercial Stable use, as well as a number of trees located at the far eastern, rear of the property. There is a small pond at the front of the site. There is also a larger pond located at the eastern, rear of the property along a drainage way that passes through the site. This larger pond is designated as a freshwater wetland, but is not impacted. No portion of the property is located within a floodplain, and the site topography is relatively flat, with a gradual slope downwards in elevation moving west to east across the site. The area utilized for the Commercial Stable is flat with little change in elevation.

Roads / Utilities

The property fronts NE 96th Street to the west, which is a two-lane minor collector roadway maintained by Polk County. Wastewater treatment needs for the property are met by a new septic system that was recently installed. The applicant and their contractor shall continue to work with Polk County Environmental Health to ensure the system receives a final inspection, and to ensure that all restrooms and plumbing fixtures on the property are connected appropriately. Rural water service to the property is provided by Des Moines Water Works, via a six-inch (6") water main located along the frontage of the property.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of:

1. Existing zoning and land use in the vicinity of the uses.

The subject property and surrounding area are zoned "AG" Agricultural District and "AT" Agricultural Transition District. The majority of surrounding land is farmland dedicated to row crop production, with a few homes in close proximity to the north and northwest of the property.

2. Planned and proposed public and private development, which may be adversely affected by the proposed use.

There are no major public or private developments planned in the area.

3. Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The proposed use provides stable space, as well as educational and training opportunities, for area horse owners.

4. Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

A Commercial Stable use has been operating at the subject property since its original approval and establishment in 1989. The applicant is proposing to continue the same use, with the addition of limited training and education classes onsite. Staff's recommendation for approval at the end of this report contains several conditions of approval aimed at limiting any adverse effects upon adjacent properties and the welfare of County residents.

Findings

The application shall be denied if the Board of Adjustment finds any of the following:

a. The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.

The Commercial Stable use is permitted by right with agricultural zoning districts. The proposed education and training services fall under the Animal Services category of the Zoning Ordinance, requiring approval of a Conditional Use Permit by the Polk County Board of Adjustment.

b. The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.

Subject to staff's recommended conditions of approval and the future approval of a sketch plan and associated site improvements, the use will be in compliance with the standards and provisions of the Ordinance.

c. The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.

See staff's recommended conditions of approval. Any adverse impacts are mitigated by the requirements of the Ordinance and staff's recommended conditions of approval.

In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

A. The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:

- 1. Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
- 2. Polk County Zoning Ordinance:** The Ordinance allows the proposed Commercial Stable expansion and Animals Services use pending approval of this Conditional Use Permit by the Board of Adjustment, and pending approval of a sketch plan by staff.
- 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- B. The proposed location of the use is not consistent with policies or provisions of the following:**
- 1. Comprehensive Plan:** The proposed use is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
 - 2. Polk County Zoning Ordinance:** Commercial Stables are permitted by right, and the proposed Animal Services use of training and education classes are allowed upon approval of a Conditional Use Permit by the Polk County Board of Adjustment. Other applicable provisions of the Ordinance will be addressed by the requirement for an approved sketch plan and associated site improvements.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.
- C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:**
- 1. Adjacent property:** Properties directly adjacent are in row crop production and contain no residences. The nearest residence is located to the northwest at 5150 NE 96th Street, and is over 600 feet from the nearest building on the subject property. The next closest residence is located approximately 1,000 feet to the north at 5225 NE 96th Street. The recommended conditions of approval limit the days and hours of operation so as not to create an undue disturbance upon nearby properties.
 - 2. Character of the neighborhood:** The primary use(s) of the property will continue to be a Commercial Stable, with limited educational and training services. Most of these services will be offered to individuals already boarding horses at the property, and will be limited in number.
 - 3. Traffic conditions:** The property fronts NE 96th Street, which is classified as a minor collector roadway. The latest available Iowa DOT traffic data from 2016 indicates this stretch of NE 96th Street has an annual average daily traffic count of 740 vehicles. Based upon the information provided by the applicant, an average of four (4) staff members and three (3) training/education attendees would visit the property per day.
 - 4. Parking:** Parking within the public right-of-way along NE 96th Street is prohibited. The applicant is required to provide onsite parking for customers.
 - 5. Public improvements:** No impact upon future public improvements is anticipated.
 - 6. Public sites or rights-of-way:** No impact upon public sites or adjacent rights-of-way is anticipated.
 - 7. Other matters affecting the public health, safety, and general welfare:** None.

D. The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.

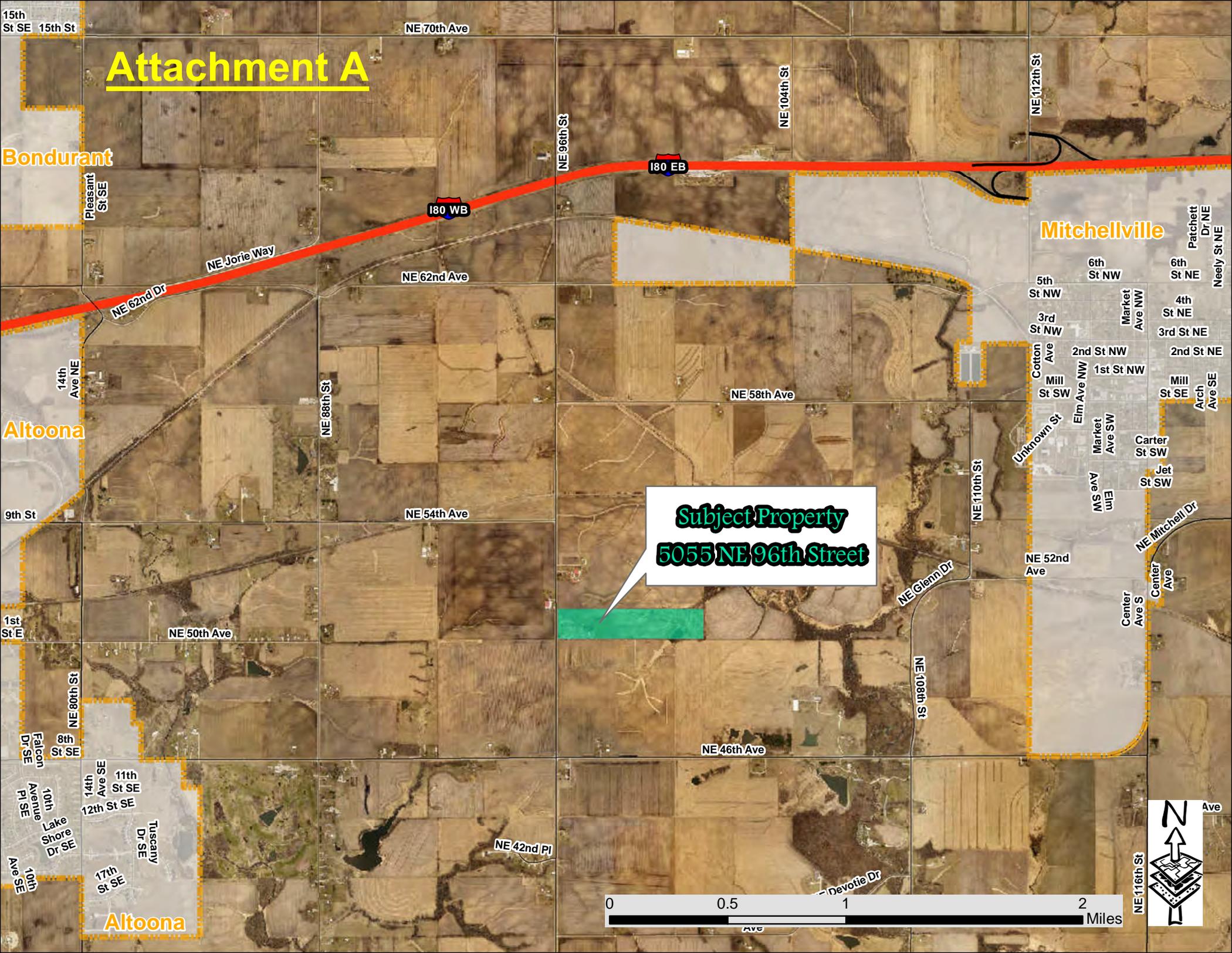
- 1. Public improvements:** Adequate for proposed use.
- 2. Public facilities:** Adequate for proposed use. Onsite parking, including a handicapped accessible parking stall is required.
- 3. Public utilities:** Adequate for proposed use.
- 4. Public services:** Adequate for proposed use.

Recommendation

Staff recommends approval of the requested Conditional Use Permit for the expansion of an existing Commercial Stable use, and to establish a proposed Animal Services use of horse training and education services at the subject property of 5055 NE 96th Street, Altoona, also known as Pine Hollow Stables. Approval is subject to the following conditions:

1. This approval applies to the existing owner as well as future owners, subject to compliance with County requirements and the conditions of this Conditional Use Permit.
2. No Special Events are permitted at the subject property, including rodeos, riding shows, wedding receptions, and other similar events.
3. The applicant is required to finalize the proposed sketch plan with staff. Following approval, the applicant shall obtain a Site Improvement Permit and complete the identified site improvements on the approved sketch plan.
4. The Animal Services use of horse training and education services may operate a maximum of five (5) days per week between the months of May thru November, and between the hours of 8am and 8pm. There is no limit on the number of attendees for said training and education services, but if off-street parking becomes an issue the property owner will be required to update their site plan to provide additional parking.
5. The uses shall comply with all Polk County Environmental Health regulations, including obtaining any necessary permits for connecting existing and future plumbing fixtures to an approved onsite septic system.
6. The uses shall comply with all Polk County Building Codes, including obtaining permits and inspections for the recent conversion of Building 'A' to an office and breakroom space.
7. The use is permitted one (1) freestanding sign, not to exceed 32 square feet in area. No wall/building signs are permitted. All signs require an approved Sign Permit prior to installation.
8. All manure generated onsite shall be properly stored and disposed of on a periodic basis to prevent a nuisance.
9. Any modifications to the use of the subject property relative to this approval, included but not limited to, expansion of the Commercial Stable or Animal Services uses, the addition

of Special Events, an increase in the amount or frequency of education/training services, new or repurposed buildings, etcetera may require a re-hearing and amendment to the Conditional Use Permit and/or an updated site plan. The property owner is responsible for verifying the process for any proposed changes with Polk County staff prior to implementation/construction.



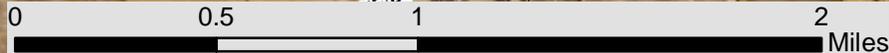
Attachment A

Bondurant

Mitchellville

Altoona

Subject Property
5055 NE 96th Street



Conditional Use Permit Application



Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.

Please complete the entire application, submit with fee and review the standards on page 3.

To: **Polk County Board of Adjustment**

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)

Small Bldg →

Office, Employee Wellness + Clean Up Area
lunch dinner room, 42 x 108 - for horses or 3 HoP

2. Subject Property Address: 5055 NE 96th St Altoona

3. Subject Property District and Parcel Number: 14000151002000

4. Subject Property Legal Description (attach if necessary):
SW 1/4 SW 1/4 NE 1/4 + S 1/4 NW 1/4 Less .5A Rd
SEC 15-79-22

(time stamp)
Official Use Only

5. Filing Fee: - \$400.00

6. Applicant(s) Information:

Deana Gast
Applicant (Print Name)

Deana Gast
Signature

3/2
Date

Owner
Interest in Property (owner, renter, perspective buyer, etc.)

dazdeana@aol.com
Email

204 SW Camden Dr Ankeny IA
Address, City, State and Zip

515-208-9536
Phone

50009
Fax

7. 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

8. 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)

Deana Gast
(Print Name)

Deana Gast
Signature

3/26/2019
Date

Guy Gast
(Print Name)

Guy Gast
Signature

3/26/2019
Date

9. Written description:

Please provide a written description providing specific detail and reasons for the proposed Conditional Use Permit. (attach if necessary)

A - Small building - to be converted to Employee + Staff Office use. wellness Area, lunch break room, Team Staff meetings clean up and a place to warm up on cold days.

B - Approx 42' X 108' pole building to be used for Horses, Storage, Hay, Education teaching of Horse care, classroom training.

C - Approx 100' X 80' to be used for indoor horse riding training, Education, teaching.

10. Required Information: (must be included prior to making submittal)

- A. Complete Application including the detailed description of requested Conditional Use Permit, including specific information about the request.
- B. Submit six (6) copies of a fully dimensioned, to scale site plan meeting site plan requirements, as required.
 - 1. Provide additional information as required by Zoning Ordinance specific to the use requested.
 - 2. Submit a reduced size, 11"X17" site plan that is legible that can be reproduced.

A completed application with required information and filing fee must be submitted. Incomplete submittals will not be processed and will be returned to the Applicant.

Return forms to: Polk County Public Works, Planning & Development Division 5885 NE 14th Street
Des Moines, IA 50313

▪ Phone (515) 286-3705 ▪ Fax (515) 286-3437 ▪

Forms and calendar available online

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

EAST



A - Small Building

B 42' x 108'

C 100' x 80'

North

South

