

Docket Number: 22/11250

Appellants: Jarod & Amy Fleck (Property Owners), 3039 Scotch Ridge Road, Carlisle, IA 50047, represented by Matthew Hovda with Cooper Crawford & Associates, LLC, 475 S. 50th Street, West Des Moines, IA 50265

Appeal: The appellants request a Variance to allow greater than five (5) feet of fill within a floodplain on the subject property.

Background

The subject property is located directly adjacent to the south of 3950 NE Casebeer Drive, Altoona. Once re-platted the subject property will be addressed as 3944 NE Casebeer Drive. The property is approximately 15.57 acres, and is legally described as Parcel 'E' as described and recorded in Book 12954, Page 112 in the Office of the Polk County Recorder, Polk County, Iowa, being located within Section 23 of Township 79 North, Range 23 West of the 5th P.M. (Clay Township). The property is zoned "RR" Rural Residential District. The subject property is located at the southern terminus of NE Casebeer Drive, which extends southwest from the intersection of NE 64th Avenue and 8th Street SW within the City of Altoona. NE Casebeer Drive serves an unincorporated neighborhood of approximately 30 single-family homes, bordered partially on three sides by the City of Altoona, and entirely zoned "RR" Rural Residential District. The subject property is bordered to the west by an active railroad line and adjacent recreational trail, to the south by existing agricultural land zoned "MDR" Medium Density Residential District within unincorporated Polk County, and to the north and east by existing single-family homes located in unincorporated Polk County and zoned "RR" Rural Residential District. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is irregularly shaped having frontage to the north along the existing terminus of NE Casebeer Drive and widening out within two separate areas moving to the south. The property is notched out in the middle by an adjacent parcel which is owned by the City of Altoona for wetland and floodplain protection along Little Fourmile Creek, which meanders through the subject property and adjacent parcels. The subject property is currently vacant, but the appellants are in the process of re-platting the property to make it buildable for one (1) single-family residence. The configuration of the parcel will not change through the subdivision process, but the re-platting is required to make the property buildable, including required public improvements to NE Casebeer Drive to create an adequate area for emergency access and vehicle turnaround. Little Fourmile Creek crosses through the subject property, including significant areas of mapped floodplain. In order to access the buildable portion of the site, the appellants must construct a private driveway crossing over a portion of the floodplain. Furthermore, in order to elevate the driveway to the required one (1) foot above the determined Base Flood Elevation, the owners will need to place greater than five (5) feet of fill within the floodplain. A Variance is requested to increase the maximum fill depth within the floodplain on the subject property from five (5) feet to approximately seven (7) feet in order to allow sufficient buffer for the grading and elevation work needed for the driveway.

Summary of Request

The Polk County Zoning Ordinance, *Article 7: Natural Resource Protection, Division 4: Natural Resources, Section 1: Floodplains, subsection J.4(d) – Floodway Fringe Standards/Installation of Fill Materials*, in part states, “in no instance shall the depth of fill in a floodway fringe exceed five (5) feet.” As stated above, the appellants are in the process of re-platting the subject property, including a required driveway improvement across the floodplain to provide access to the buildable portion of the lot, to construct one (1) single-family dwelling. The Variance is requested in order to allow up to seven (7) feet of fill within the floodplain so that the driveway can be elevated to the required one (1) foot above the Base Flood Elevation. The Base Flood Elevation for this property has been interpolated by the DNR to be 873.0 feet. The submitted application and site plan for this appeal can be found as *Attachment B*.

Staff mailed out 12 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 zero (0) in opposition of this Appeal. Staff also notified the Iowa DNR. The DNR commented that the standard setting a maximum fill depth of five (5) feet within the floodplain is a Polk County requirement, and not a State requirement, and they would not object if the County is willing to provide a variance in this instance.

Natural Resources

The site topography varies with a high elevation of elevation of approximately 880 feet in the southwest corner and low elevations of approximately 860 along Little Fourmile Creek. The subject property and surrounding ground contains a significant area of mapped Zone ‘A’ Floodplain (1% Annual Chance Flood) along Little Fourmile Creek, which cuts through the property from northeast to southwest. The Iowa DNR has interpolated the Base Flood Elevation for the subject property as 873.0 feet. The subject property also contains an area of woodlands in the southeast corner. A substantial amount of grading work will be performed to construct a cul-de-sac addition to the end of NE Casebeer Drive and to construct a private driveway across the floodplain to access the future building site located in the southwest corner of the property. The remaining areas of floodplain, including the channel for Little Fourmile Creek, and all woodlands on the site will remain undisturbed.

Roads & Utilities

The property has frontage to the north at the existing dead-end of NE Casebeer Drive. As part of the ongoing subdivision plat process to confer a building right on the subject property, the appellants are required to improve the end of NE Casebeer Drive to provide a cul-de-sac for adequate turnaround area for vehicles, including emergency and maintenance personnel and equipment. At this time, the preliminary plat has been approved and staff is working with the appellant’s engineer on final changes to the construction plans for the cul-de-sac and private driveway crossing improvements. Water service is provided by the City of Altoona. Future wastewater treatment for the property will require a private septic system to be installed by the homeowner, including engineered design and permit from Polk County.

Recommendation

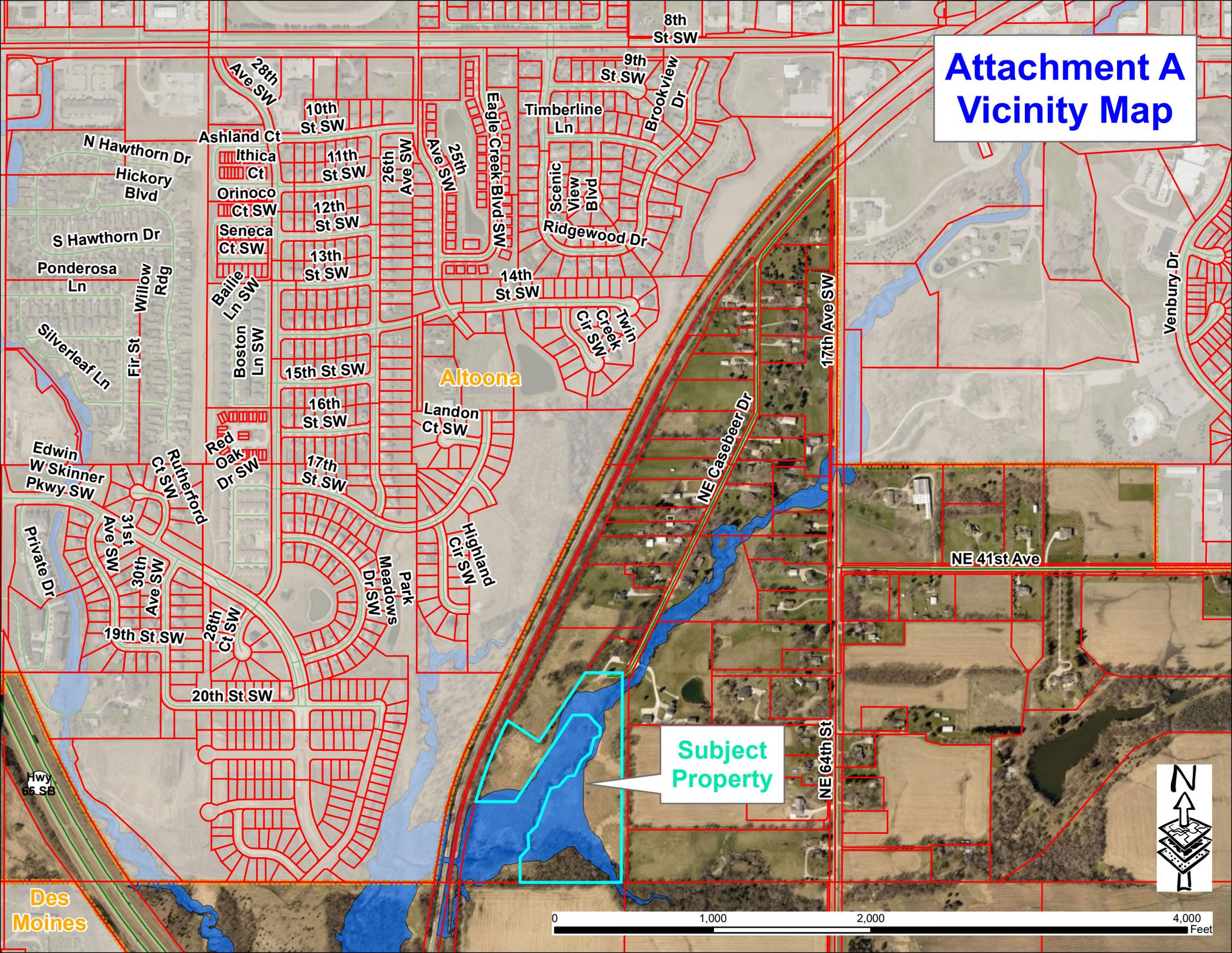
The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

- 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 grade of the subject property does not allow access to buildable portions of the site without additional fill beyond five (5) feet in depth to allow the driveway to be elevated to the required one (1) foot above the Base Flood Elevation.
- 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. Once re-platted the property's residential zoning classification will allow for the construction of one (1) single-family residence and any accessory structures. The variance is necessary to ensure access to the future residence is elevated and passable during a flood event.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. Granting the variance to allow additional fill within the floodplain will not negatively impact the Base Flood Elevation of adjacent properties. The channel of Little Fourmile creek will not be disturbed. The Iowa DNR has reviewed the application and did not express concerns with the request.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
Yes. The configuration of the property, including the natural features and floodplain areas, are existing conditions not resulting from the actions of the appellants.
- 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. Upon staff's review the proposed fill and grading work will not increase the Base Flood Elevation along Little Fourmile Creek.

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, subject to the following condition:

1. This approval only applies to the fill needed to raise the driveway above the required Base Flood Elevation, to be identified on the approved construction plans for Fleck Estates subdivision. This approval does not apply to other filling or grading activities on the property. Any future work within the floodplain requires approval of a separate Grading Permit, Floodplain Development Permit and other applicable plans and approvals.

Attachment A Vicinity Map



Altoona

Subject
Property



Des
Moines

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 allow 7' of fill within a floodplain for the construction of a private driveway

(time stamp)
Official Use Only

2. Subject Property Address: 3950 NE Casebeer Drive, Altoona, IA 50009

3. Subject Property Zoning District: Rural Residential

4. District and Parcel Number: 170/00424-005-000

5. Subject Property Legal Description (attach if necessary):
Attached

6. Filing Fee: \$336.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Jarod Fleck
Applicant (Print Name)

Signature

2-1-22
date

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

flecktrucking@yahoo.com
Email

3039 Scotch Ridge Road, Carlisle, IA 50047
Address, City, State and Zip

515-250-1515
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

Matthew Hovda
Applicant Representative (Print Name)

Cooper Crawford & Associates, LLC
Firm or Business Name

475 S. 50th Street, West Des Moines, IA 50265
Address, City, State and Zip

mhovda@cooper-crawford.com
Email

515-224-1344
Phone Fax

