

**Docket Number:** 23/13056

**Appellant:** Christopher and Tiffany Madsen (Property Owners) 4713 NW 48<sup>th</sup> Street, Des Moines, IA 50310  
Scott Gardner, Essence Construction (Contractor)  
5122 Hickman Road, Des Moines, IA 50310

**Appeal:** The Appellants request a Variance to allow an addition to the principal residence to be located six and one-half (6 ½) feet from the northern side property line and nine (9) feet from the southern side property line, in lieu of the required ten (10) foot side yard setback for a principal residence in the “LDR” Low Density Residential District.

### **Background**

The subject property is located at 4713 NW 48<sup>th</sup> Street, Des Moines, and is legally described as the West 73 feet of the East 191 feet of the South 78.6 feet of Lot 98 and vacated Street lying South and adjacent to the West 227 feet of said Lot 98 in Lovington, within Section 18 of Webster Township. The subject property is 14,897 square feet in area (0.34 acres) and contains a single-family residential dwelling, and one (1) detached accessory structure.

The subject property is zoned “LDR” Low Density Residential District, as are the surrounding properties within 1,000 feet. The subject property is in close proximity to the corporate limits of three cities, the City of Des Moines located 242 feet to the west, the City of Johnston located one-half (½) mile to the north and the City of Urbandale located three quarters (¾) of a mile to the west. The area is residential in nature, with a majority of properties featuring single-family residential structures. See *Attachment ‘A’* at the end of this report for an aerial vicinity map of the subject property and surrounding area.

The appellants purchased the subject property located east of the corner of NW 47<sup>th</sup> Avenue and NW 48<sup>th</sup> Street in 2007. The subject property is “L” shaped with 40 feet of frontage along NW 48<sup>th</sup> Street. The lot was created in 1978 with an approved variance to the lot width requirement of 80 feet at the time. The subject property is under the current minimum lot size for properties served by septic systems. Also, a large portion of the property consists of a narrow 40-foot wide by 227-foot long vacated street easement. The residence on the subject property was constructed in 1989 and is currently considered legally nonconforming, as the home sits approximately one foot and nine inches (1’9”) from the western side property line at its closest point. The subject property also contains a detached garage accessory building that was constructed in 1990. This accessory structure will be removed if the proposed addition is allowed to be constructed. See *Attachment ‘B’* at the end of this report for a copy of the variance application and appeal.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 2: Single-Family Residential, Table 6.1*, stipulates that the required minimum side yard setback for “LDR” Low Density Residential District is 10 feet. The appellants propose to remove the north ten (10) feet of the existing dwelling and construct a 24’ X 58’ (1392 SF) addition that will contain some extra living space and a two-car garage. The addition would setback approximately six and one-half (6 ½) feet from the northern side yard property line and approximately nine (9) feet from the southern side yard property line, in lieu of the required 10 feet.

Staff mailed out seventeen (17) 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 of the request, and no responses in opposition.

### **Natural Resources**

The subject property is not located within a mapped floodplain. The site does feature a fairly significant slope, with an elevation change of 28 feet from the low-point at the southeastern corner of the property to the high point at the northwestern corner of the property. The low-point of the property is located within a ravine along the eastern rear property line.

### **Roads & Utilities**

The subject property has approximately 40 feet of frontage along NW 48<sup>th</sup> Street, where NW 48<sup>th</sup> meets NW 47<sup>th</sup> Avenue. Water service is provided by Des Moines Water Works via an eight-inch (8") water main located along the east side of NW 48<sup>th</sup> Street. The property is service by a private onsite septic system, which Polk County records indicate is located east of the dwelling within the rear yard of the property. Polk County Environmental Health regulations require that all structures maintain a minimum separation of ten (10) feet from all components of the wastewater treatment system. The proposed addition would meet this requirement.

### **Recommendation**

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

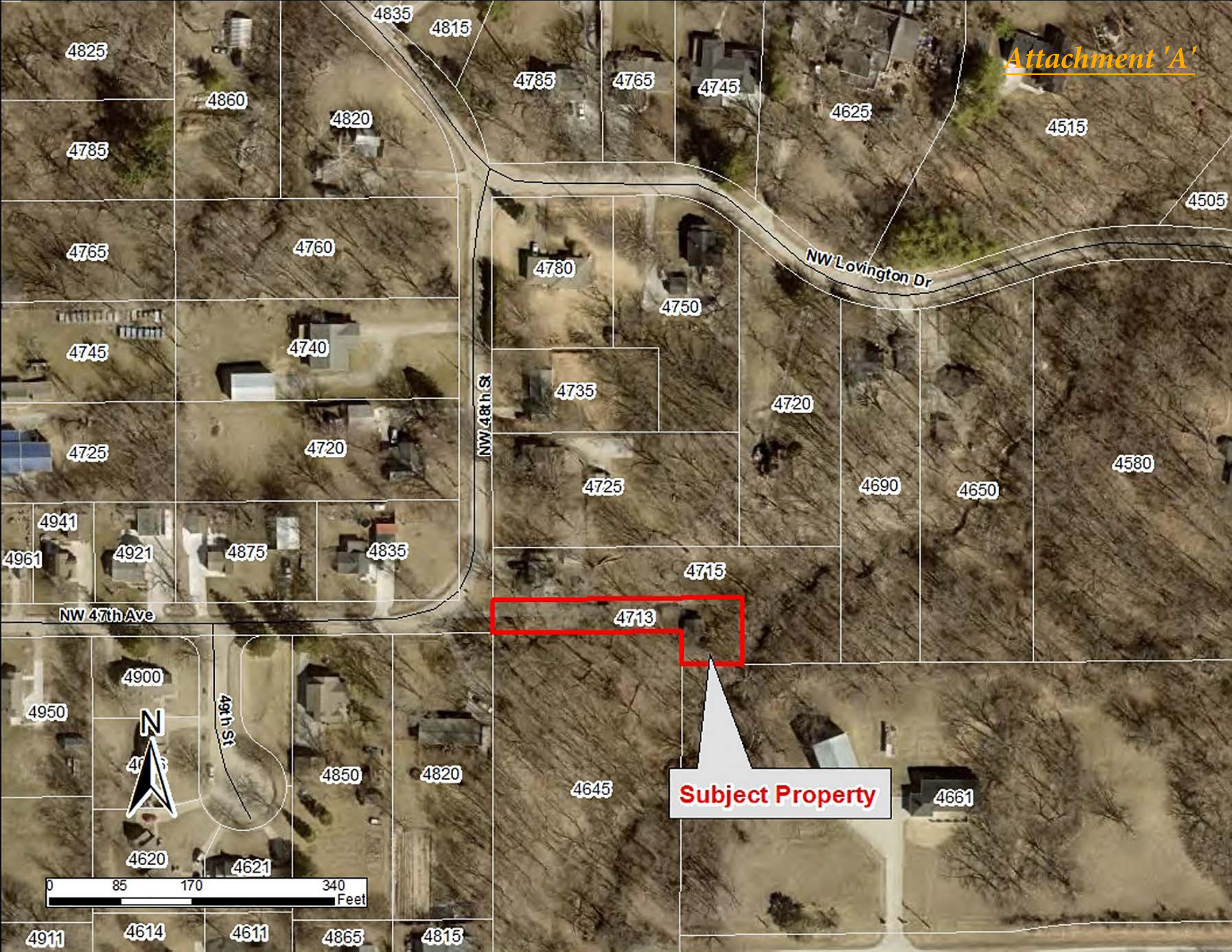
- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which do not exist generally on other properties in the same zoning district which makes it impossible to place a use permitted in the district on the property?  
Yes. Other lots within the development may have a similar amount of total square footage as the subject property; however many of those lots have a rectangular or less irregular shape, which affords them additional area to locate accessory structures or additions in a conforming location. The subject property is also considered undersized for lots served by a septic system.
- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)  
Yes. The residential use of the property is an allowable use in the "LDR" Low Density Residential District, and the addition to the home would be allowed if it met all setback requirements. The proposed home addition is to expand the living space and add a two-car garage.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?  
Yes. The proposed addition will be screened on all sides by existing mature trees and a fence to the north. The addition will have little to no impact on surrounding property owners.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?  
Yes. The lot shape, size, location of the existing dwelling and resulting constraints on

buildable area are not results from actions of the applicants as they were established by previous 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. It does not appear that any environmentally sensitive areas will be impacted by this proposal. The home addition is required to be a minimum of ten (10) feet away from the on-site septic system.

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.



4713

**Subject Property**

4825

4860

4820

4835

4815

4785

4765

4745

4625

4515

4505

4785

4765

4760

4780

4750

NW Lovington Dr

4745

4740

4735

4720

4725

4720

4725

4690

4650

4580

4941

4921

4875

4835

4961

NW 47th Ave

4715

4900

4950

N

49th St

4850

4820

4645

4661

4620

4621

0 85 170 340 Feet

4911

4614

4611

4865

4815

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)

Allow for replacement of deteriorated existing detached garage with two vehicle attached structure with kitchen and dining room addition.

(time stamp) Official Use Only

2. Subject Property Address: 4713 NW 48th St, Des Moines, IA 50310

3. Subject Property Zoning District: LDR Low Density Residential

4. District and Parcel Number: 310/00518-001-000

5. Subject Property Legal Description (attach if necessary): W 73F E 191F S 78.6F LT 98 & VAC ST S OF & ADJ W227F LT 98 LOVINGTON

6. Filing Fee: \$353.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Christopher Madsen Applicant (Print Name)

Signature

7.25.2023 date

Owner Interest in Property (owner, renter, prospective buyer, etc.) Email cmadsen0727@yahoo.com

4713 NW 48th St, Des Moines, IA 50310 Address, City, State and Zip 515-868-6002 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

Scott Gardner Applicant Representative (Print Name)

Essence Construction Firm or Business Name

5122 Hickman Rd, Des Moines, IA 50310 Address, City, State and Zip

essence1zss1@gmail.com Email 515-601-2498 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)

Christopher Madsen (Print Name)	<u>Christopher Madsen</u> Signature	<u>7.25.2023</u> date
Tiffany Madsen (Print Name)	<u>Tiffany Madsen</u> Signature	<u>7/25/2023</u> 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.

The abnormal, small and flag shape of the lot combined with a highly sloped lot creates limited locations where construction can be completed without significant damage and cost.

Additionally the flag lot shape and relatively small size of the lot mean that the 10' side yard setback yields limited space for a structure and severely limits the size of the structure to a size that provides little to no value to the property or neighborhood. Requesting variance to the side yard setback requirements of 10' to allow for a standard 2 car attached garage. Additionally the property to the north, as well as many other properties in the general area do not meet the side yard setback requirements, so limited impact to the community would result from this approval. The property to the south is an undeveloped property and adjoining property line is a front property line with greater setbacks allowing for accomodation of the 1' variance on the south side.

**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 14<sup>th</sup> Street, Des Moines, IA 50313  
 Phone (515) 286-3705 • Fax (515) 286-3437 Email: PublicWorks@polkcountyiowa.gov  
 Forms available online <http://www.polkcountyiowa.gov/PublicWorks/> BOA Calendar CALENDAR

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

July 26, 2023

To whom it may concern:

We moved into our current house at 4713 NW 48<sup>th</sup> Street in Des Moines, IA in 2007. This was our first house we purchased, and we fell in love with the area. Over the last 16 years, we have started to outgrow the current house due to lack of storage. We determined that in order for us to stay in our current house, we would need to expand the square footage of the house and garage to help with the storage issue.

The additional square footage in the house will provide some additional storage, but the garage will be the biggest asset to help us achieve this goal. Due to the shape of our lot, we are unable to build a traditional 3 car garage.

We currently own two vehicles and to help keep the longevity of the vehicles, we are wanting to store them in a garage compared to outside in the elements.

Our house is half a mile from the bike trail and we enjoy riding the trails. We currently own 4 adult bicycles plus a tandem bicycle. These bicycles take up a lot of space along with needing the space to do maintenance on them as needed. We currently are unable to store all of these bicycles in our current garage. A larger space would allow us to utilize them all.

We have a longer driveway that is uphill, so in order to properly keep it cleaned in the winter, we have two snowblowers. Those along with the lawnmower also take up valuable space in the garage.

We both have enjoyed miscellaneous woodworking but due to space constraints, it has been difficult to do in our current space. Additional square footage in a garage would allow this hobby to continue year round.

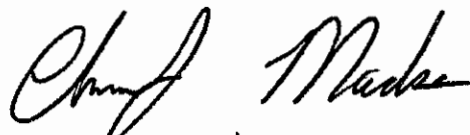
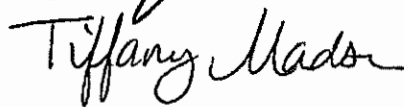
To summarize, we are wanting to build the two car garage with extra depth for the storage of our vehicles, bicycles, tools, holiday décor and miscellaneous seasonal lawncare items.

Please let us know if you have any additional questions.

Sincerely,

Christopher Madsen

Tiffany Madsen

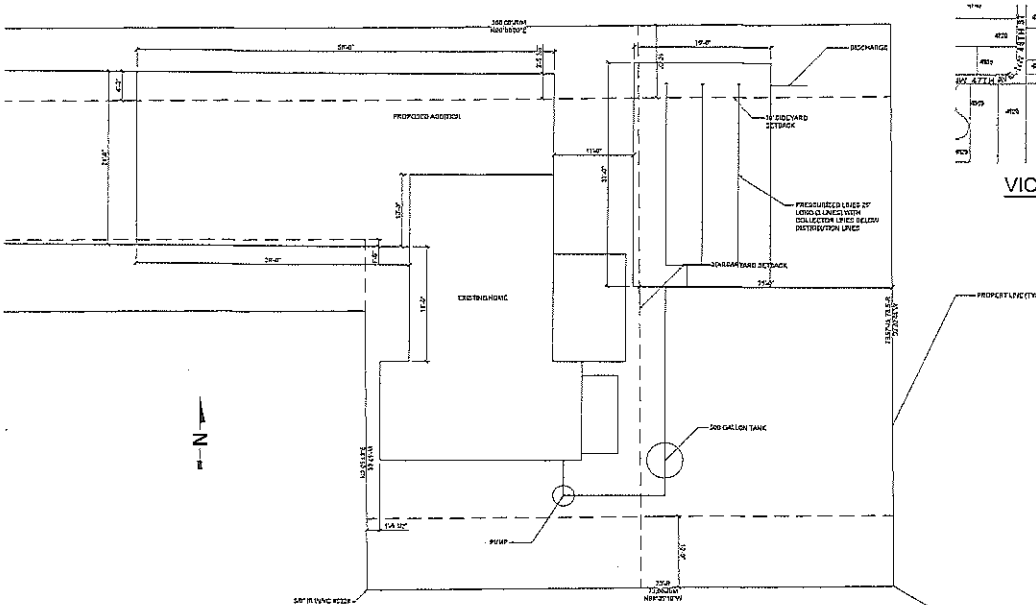
  


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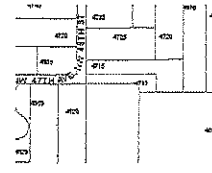
7/26/2023

# RESIDENTIAL GARAGE AND HOME PLAN

4713 NW 48TH ST, DES MOINES



**SITE PLAN**  
SCALE 3/8" = 1'-0"



**VICINITY MAP**

**LAND OWNER:**  
CHRISTOPHER & VIVIAN MADSEN  
4713 NW 48TH ST  
DES MOINES, IA 50315-3114

**CONTRACTOR:**  
ESSEX CONSTRUCTION  
2401 GARLAND AVE.  
DES MOINES, IA 50313

**ENGINEER:**  
CIVIL ENGINEERING SERVICES INC.  
2144 FORT AVE  
DES MOINES, IA 50319

**LEGAL DESCRIPTION:**  
WEST 1/2 OF 1/4 OF SECTION 28 OF A 6400' X 200' LT. W. 1/2 SECTION

**DEMOLITION NOTES:**

1. ALL WALLS AND CEILING SHOULD BE SUFFICIENTLY SUPPORTED PRIOR TO REMOVAL OF SUPPORTING POSTS, PILLS OR MATERIALS.
2. PROTECT ALL EXISTING STRUCTURE, UTILITIES, AND GENERAL CONSTRUCTION THAT ARE TO REMAIN THROUGHOUT THE COURSE OF THE WORK TO PREVENT DAMAGE OR LOSS. ANY SUCH DAMAGE CAUSED DURING THE COURSE OF THIS WORK WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE, BEFORE THE WORK IS COMPLETED.

**CAST IN PLACE CONCRETE NOTES:**

1. CONCRETE COVER OVER REINFORCING SHALL BE 1" UP FOR ALL APPLICATIONS
2. SPECIAL REINFORCING SHALL BE AS FOLLOWS: 4" TO 6" FOR ALL 12" OR GREATER DEEP REINFORCED CONCRETE (REINFORCED CONCRETE SHALL BE 24" MINIMUM)
3. ALL BARS IN REINFORCING SHALL BE STANDARD 48 GRADE B BARS
4. BARS NOT REINFORCING SHALL BE APPROVED BY WRITING BY THE DESIGN PROFESSIONAL
5. ALL CONSTRUCTION JOINTS SHALL BE PROPERLY CLEANED AND COURED WITH A REPAIRING JOINT ADHESIVE PRIOR TO PLACING NEW CONCRETE.
6. PROVIDE WATERPROOF MEMBRANE UNDER ALL SLAB CONSTRUCTION EXPOSED TO EARTH
7. PRIOR TO PLACEMENT OF NEW CONCRETE AGAINST EXISTING CONCRETE SURFACES, CLEAN AND BRUSHED TO 1/4" MINIMUM AND APPLY POLYURETHANE ADHESIVE IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.
8. ALL SLAB JOINTS IN REINFORCING SHALL BE COVERED 4" MIN AND EPOXYED IN PLACE WITH AN EPOXY WITH A MINIMUM TENSILE STRENGTH OF 5000 PSI AND A MINIMUM 100 OR EQUIVALENT EPOXY.

CONCRETE MATERIAL SPECIFICATIONS									
ELEVATION	F1	MAX WGT RATED	DRY UNIT WEIGHT	MAX AGGREGATE SIZE	AGGREGATE CLASS	AIR CONTENT	SUMP	MAX OIL CONTENT	MIN. COMPRESSIVE STRENGTH
FOOTING	4000	800	140	3/4"	20	1.5% - 3.5%	1/2"	3.00	3000
SLAB	4000	800	130	3/4"	20	1.5% - 3.5%	1/2"	3.00	3000



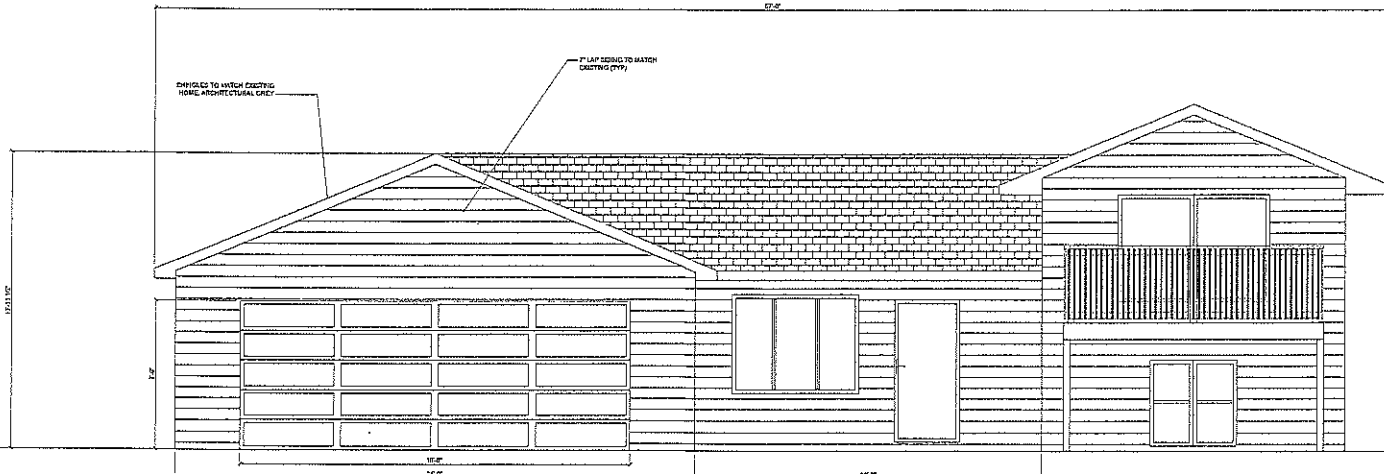
**AERIAL MAP**

**FOUNDATIONS AND EARTHWORK NOTES:**

1. FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CURRENT O.C.S.A. CODES AND STANDARDS. FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CURRENT O.C.S.A. CODES AND STANDARDS.
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**GENERAL NOTES:**

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURRENT O.C.S.A. CODES AND STANDARDS. FOUNDATIONS SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CURRENT O.C.S.A. CODES AND STANDARDS.
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**GARAGE AND HOME ADDITION WEST VIEW**

SCALE 3/8" = 1'-0"

**Civil Engineering Services, Inc.**  
31096 73rd Ave (p) 515-720-5364  
Collins, IA 50055 ncoffelt@civilingerservices.com

Project Name:	GARAGE CONCEPTS
Project Address:	4713 NW 48TH ST, DSM
Project Number:	2309
Release:	4

**C01**

24 JUL 23



