

**Appeal:** The Appellants requests a Variance to allow an accessory structure to be located in front of the principal dwelling at a front yard setback of approximately 79-feet.

**Appeal Given:** “-By moving the garage 10-feet forward it will allow for a stronger foundation without the need for a retaining wall behind the garage.

-It will give direct walk in access to the side entrance door to the garage from the house.

-Our house already has an attached garage that sits 8-feet forward of the house. By breaking up the look of a long line of garages, this will allow for an aesthetically pleasing line and give a more appropriate look to the house, property, and neighborhood.

-To move the garage back to meet the setback requirement there is an issue with the topography and lay of the land.”

### **Background**

The subject property is located at 720 SE 55<sup>th</sup> Street, Pleasant Hill, and is legally described as Parcel “B” from the plat of survey recorded in Book 6946, Page 480 in the Office of the Polk County Recorder, and being located within Section 9 of Fourmile Township. The subject property is 8.06 acres in area and contains a single-family residential dwelling and four (4) existing accessory buildings. The dwelling on the subject property was constructed with a walk-out basement, with a grade change of approximately six-feet from the front of the home to the rear.

The subject property is zoned “LDR” Low Density Residential District, as are the surrounding properties to the north, south, and west. To the east is the corporate boundary of the City of Pleasant Hill. The area is residential in nature, with surrounding properties ranging in size from one-half (1/2) acre to over ten (10 acres in area) with a majority of the properties featuring single-family residential structures. There are row houses located within the City of Pleasant Hill directly east of the subject property. See *Attachment A* at the end of this report for an aerial vicinity map of the subject property and surrounding area.

The subject property is located near the southwest of SE 6<sup>th</sup> Avenue and SE 55<sup>th</sup> Street, with frontage on both of those streets. The home on the subject property is located near the southeast corner, and takes primary access onto SE 55<sup>th</sup> Street. The proposed variance will allow a detached garage to be constructed 10-feet closer to SE 55<sup>th</sup> Street than the house. The home and proposed garage are both located greater than 300-feet from SE 6<sup>th</sup> Avenue to the North. The residence on the subject property was constructed in 2008, and was permitted by the Polk County Public Works department. The existing residence meets or exceeds all setback requirements of the current Zoning Ordinance.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1: Residential Accessory Structures (J)* states “An accessory building may not be placed in front of the principal building unless said accessory building: (1) Is set back a minimum of 100 feet from the front property lines; and (2) Has a maximum separation distance between the principal structure and accessory building of 150 feet.”

Because primary access to the subject property is taken from the East onto SE 55<sup>th</sup> Street, by definition, an accessory structure cannot be located closer to that front property line than the

principal residence unless it meets a 100 foot setback, which would not apply to the subject property as the residence sits closer than 100 feet to the front property lines. The principal residence is located approximately 89-feet from the front property line, and the proposed accessory structure would be located approximately ten (10) feet closer to the front property line than the principal residence, at a front setback of approximately 79-feet. See *Attachment C* at the end of this report for a copy of the site plan submitted with the variance application.

Staff mailed out thirty-five (35) 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 four (4) responses in support of the request, one (1) petition returned with no indication of support or opposition, and no responses in opposition.

#### **Natural Resources**

The subject property features significant grade changes which greatly limits the buildable area. The area around the southeastern corner, where the existing dwelling and proposed accessory structure are located, features a gradual slope of approximately 12-feet from the high point to the low point. Approximately 4-feet of fill dirt was placed in the area of the proposed accessory structure to create a flat building pad. West of the dwelling is a wooded area with deeper ravines which would not be easily buildable. The subject property is not located within a mapped floodplain.

#### **Roads & Utilities**

The subject property has approximately 359.99 feet of frontage along SE 55<sup>th</sup> Street, and 460.75 feet of frontage along SE 6<sup>th</sup> Avenue. The driveway on the subject property accesses SE 55<sup>th</sup> Street to the east of the residence. Access will not change with this proposed variance, and the proposed accessory building is not proposed to have a separate access point.

The home is served by an on-site septic system, which is located north of the existing residence and west of the proposed accessory structure. The accessory building is required to maintain a minimum separation distance of 10 feet from the septic system. There is a 12-inch Des Moines Water Works water main running adjacent to the subject property along SE 55<sup>th</sup> Street.

#### **Recommendation**

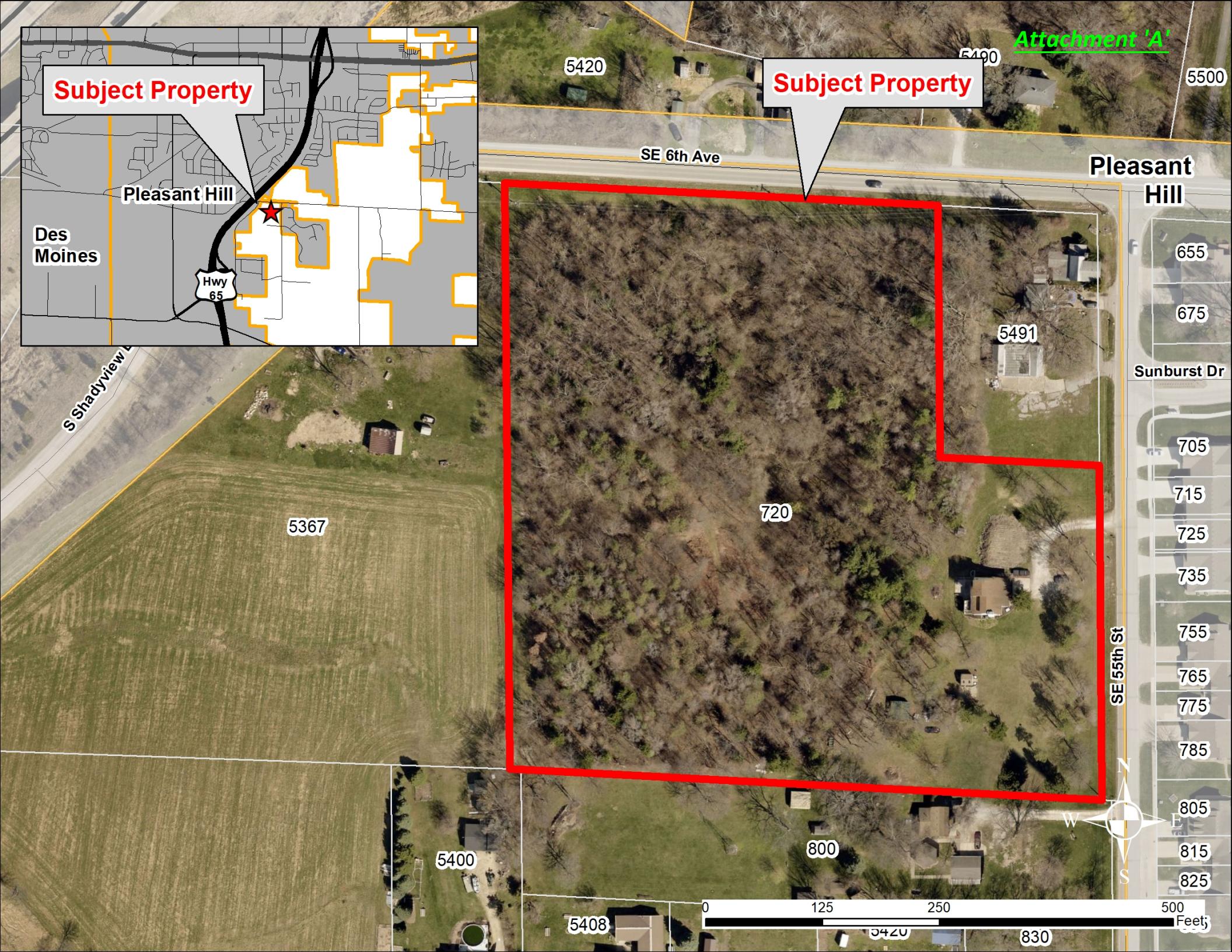
**The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.**

- 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 principal residence was constructed by the applicant in 2008 with an approximately 89-feet front yard setback. The topography of the property greatly limits where accessory structures can be located, and the location of the existing driveway and existing attached garage establish the chosen location of the proposed garage as the most natural position. Locating the garage elsewhere on the property would require significant grading to create a level building pad and extension of a driveway.

- 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" district.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?  
Yes. The location of the proposed accessory building is near the existing home and garage, and exceeds the minimum 35-foot principal structure setbacks for the "LDR" District. Adjacent properties in the unincorporated Polk County and within the City of Pleasant Hill Corporate Limits feature structures constructed closer to the front property line than the proposed accessory structure.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?  
Yes. The subject property features significant topographic constraints that limit where accessory structures could be constructed.
- 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 proposed accessory structure 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.



**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)

Request to Move front of New garage  
10' Forward of the front of House

(time stamp)  
Official Use Only

2. Subject Property Address: 720 S.E. 55th ST
3. Subject Property Zoning District: South East Polk
4. District and Parcel Number: 220/00155-002-000
5. Subject Property Legal Description (attach if necessary):  
EX BEG 1968.03 FE OF N 1/4 COR SEC THN S 301.67 FW 195.06 FN  
301.68 FE 195.26 F TO POB- NW 1/4 LOT 24 LESS RD ORP N  
1/2 SEC 9 & S 1/2 SEC 4 - 78-23

6. Filing Fee: \$319 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

Mark Whitehead  
Applicant (Print Name)

Mark Whitehead  
Signature

3 27 22  
7 30 21  
date

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

MWhitehead068@outlook.com  
Email

720 S.E. 55th st Pleasant Hill IA 50327 515 7205486 NA  
Address, City, State and Zip 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

Donna Whitehead  
Applicant Representative (Print Name)

co owner Wife  
Firm or Business Name

720 SE 55th st Pleasant Hill IA 50327  
Address, City, State and Zip

DonnaLynnWhitehead@outlook.com 515 7719347 NA  
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)

Mark Whitehead

(Print Name)

Don L. W.

(Print Name)

(Print Name)

(Print Name)

Mark Whitehead

Signature

Donna L. Whitehead

Signature

7-30-21

date

7-29-21

date

(Signature)

(date)

(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.

- By moving the garage 10' forward it will allow for a stronger foundation without the need for a retaining wall behind the garage.
- It will give direct walk in access to the side entrance door to the garage from the house.
- Our house already has an attached garage that sits 8' forward of the house. By breaking up the look of a long line of garages, This will allow for a aesthetically pleasing line and give a more appropriate look to the house, property and neighborhood.
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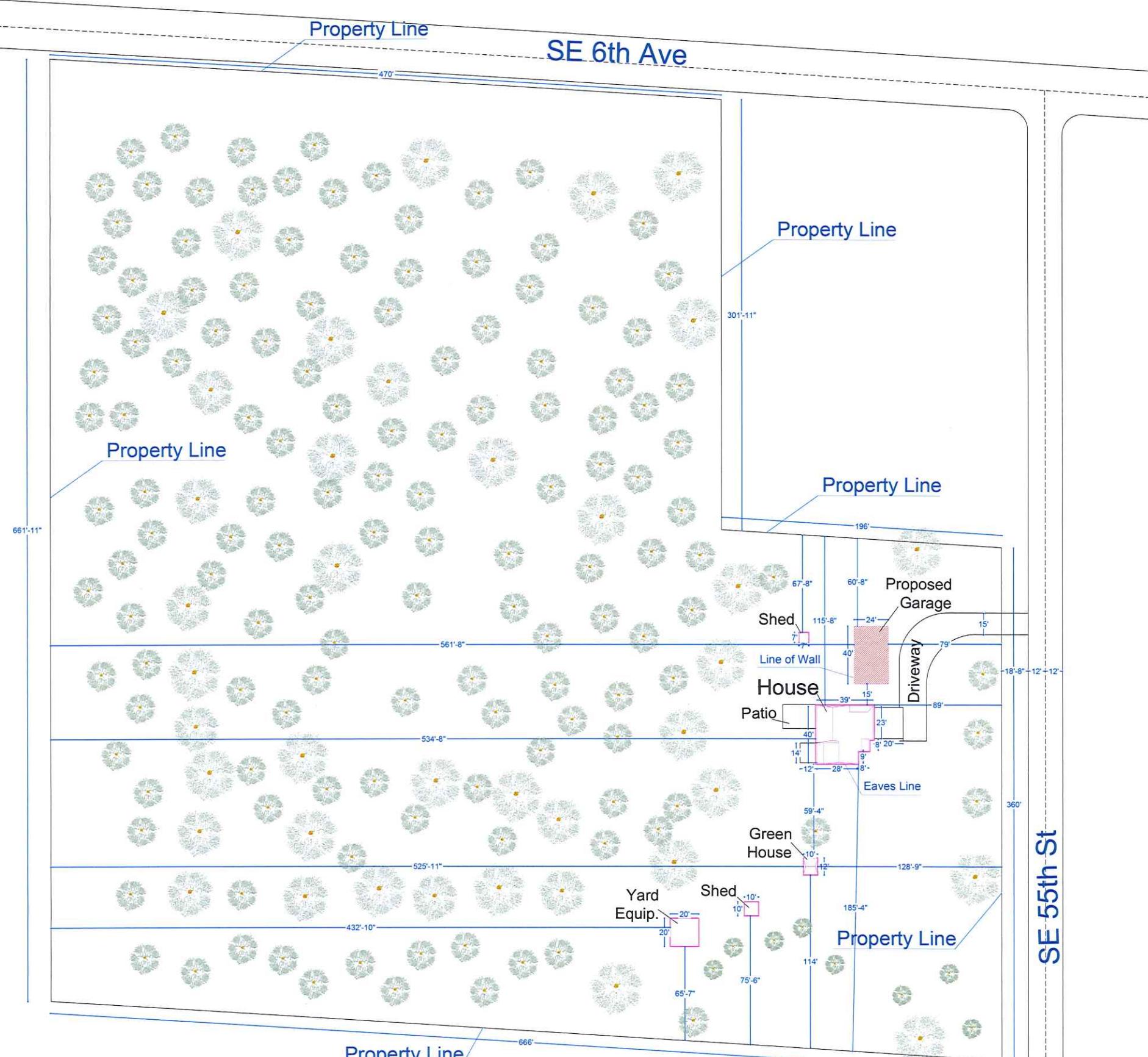
A completed application with site drawing and filing fee are required for a submittal.  
Incomplete submittals will not be processed and returned to the Applicant.

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](mailto: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

**Attachment 'C'**



Land: 8.06 AC

House: 1374 SF

720 SE 55th St  
Pleasant Hill, IA 50327 USA  
scale: 1": 80'