

Docket Number: 19/8437

Appellant: Todd and Shelli Doran, President and Vice President of the Doran Investment Group, Inc. (Property Owner) 4402 SE 104th Street, Runnells, IA 50237

Appeal: Requesting an approximate two (2) foot, three (3) inch height increase Variance (from 24 feet to 26 feet 3 inches) for a proposed 78-foot by 72-foot accessory building to be constructed on the subject property.

Appeal Given: For the complete Variance appeal packet, please refer to Attachment 'A'. The following is an excerpt from Attachment 'A':

The building we would like to build has sidewalls of 16' with a peak height of 26'3". Our original plan for this building had 16' sidewalls with a peak height of 36'9". After learning that the maximum height requirement cannot be over 24' we were able to go back to the builder and change to a 4/12 roof pitch which would allow us to keep the 16' sidewalls, the structural integrity of the building, and the aesthetic look of the building that we desire. The building would be located 340' off the roadway, in a very rural setting with no visible neighbors, and the closest neighboring residence would be 1/3 of a mile away.

Background

The subject property is zoned "RR" Rural Residential District and is located in part of the East ½ of the Northeast ¼ of Section 21 in Camp Township. The property is addressed as 3424 SE 104th Street, Runnells, IA 50237. The subject property is improved with a single family house and has an existing access onto SE 104th Street. Attachment 'B' is an aerial of the site and the surrounding property.

The Appellant contacted Planning Division staff to inquire about the permit requirements and processes for constructing the proposed accessory structure. During this review, it was determined that a Variance would be required in order for the accessory building to comply with the maximum height requirements of the Polk County Zoning Ordinance. During the initial contact, the proposed accessory structure was planned as 36 feet and nine (9) inches in height. Since that initial contact, the Appellant has evaluated the accessory structure and lowered the height to 26 feet and three (3) inches. The Appellant has provided a building elevation, attached as Attachment 'C' and a site plan attached as Attachment 'D'. The proposed accessory building will meet all other ordinance requirements. The Appellant has verbally stated that the accessory building is proposed as a family gathering space, personal storage and hobby space.

Summary of Request

The Appellant is requesting an approximate two (2) foot, three (3) inch height increase Variance (from 24 feet to 26 feet 3 inches) for a proposed 78-foot by 72-foot accessory building to be constructed on the subject property of 3424 SE 104th Street, Runnells.

The Polk County Zoning Ordinance, *Article 4. Use Regulations, Division 6. Accessory Regulations, Section 1. Accessory Buildings (F)*, states that the height of an accessory building shall not exceed the height of the principal building or twenty-four (24) feet whichever is greater.

Natural Resources

The subject property at 3424 SE 104th Street does not contain significant natural features and floodplain is not located on this property. The Appellant has prepared the site for the future accessory structure and has cut a portion of the adjacent hillside to accommodate the structure. Due to this grading work and erosion that has occurred, erosion control measures will need to be installed immediately and have been made a condition of approval of this Variance appeal.

Roads/Utilities

The property has an existing access onto SE 104th Street. SE 104th Street is a paved two-lane local street maintained by Polk County. No new access points are proposed.

The subject property is served by a four (4) inch Des Moines Water Works water main in SE 104th Street and an existing septic system is located directly east of the house and does not appear to conflict with the proposed location of the accessory building.

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. A residence and an accessory building are permitted uses in the "RR" Rural Residential Zoning District. The location of the existing improvements limit the location of an accessory building. Further, the proposed structure will be located further back from the street than the house, which will make the additional two (2) feet three (3) inches of height, imperceptible to those traveling on the public right-of-way.

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. A residential accessory building that is utilized for personal use is allowed within the "RR" Rural Residential District zone and are commonly found on other residential properties.

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

Yes. The proposed project should have a minimal impact to the adjacent properties. The proposed accessory building will be located over 1,500 feet from the closest residential property to the south and approximately 1,400-feet from the closest residential property to the northwest.

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

Yes. The size of the building, sidewall height and roof pitch all contribute to the height of the proposed accessory building. It is also important to note that the Appellant has successfully reduced the height to 26 feet, three (3) inches.

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.

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 to increase the maximum height allowed for the proposed accessory building from 24-feet to approximately 26 feet, three (3) inches, subject to the following condition of approval:

1. Erosion control measures must be installed prior to the issuance of a Building Permit for the proposed accessory building.

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)

We would like to change the height of the principle structure to 26' 3".

(time stamp) Official Use Only

2. Subject Property Address: 3424 SE 104th Street Runnells, Iowa 50237

3. Subject Property Zoning District: RR Rural Residential District

4. District and Parcel Number: 160,16000328001002

5. Subject Property Legal Description (attach if necessary): Parcel F BK 11561 PG277 E 1/2 NE 1/4 SEC 21-78-22

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

7. Applicant(s) Information:

Todd B Doran Signature date 09/25/19

Owner Interest in Property (owner, renter, prospective buyer, etc.) Landscapedetail2002@gmail.com Email

4402 SE 104th Street Runnells, Iowa 50237 Address, City, State and Zip 515-313-8727 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

N/A Applicant Representative (Print Name) N/A Firm or Business Name

N/A Address, City, State and Zip

N/A Email N/A Phone N/A Fax N/A

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

1. Complete Application including the description of requested variance(s) with specific information for the request and state the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance.
2. Submit site drawing as required see details below.

Site Drawing

All variance appeals must submit three (3) 11x17 copies of a site drawing with the application. The site drawing must be fully dimensioned and legible. All required information must be drawn to a scale. The Zoning Administrator may require a petitioner to submit a site plan drawn by an engineer or architect. The site plan shall include the following:

1. Boundary drawing of the lot or area involved.
2. Location, dimensions, height and setbacks of all existing and proposed buildings and structures and the uses of each.
3. Use of the proposed addition to building or structure.
4. Approximate location of the vehicle entrance to the site.
5. Show the approximate location of water and sewer (septic system) facilities, if applicable.
6. Location of parking area and number of stalls required, if applicable.
7. General location of landscaping, buffer areas and screening, if applicable.
8. If the appeal is for a **sign**, the appeal must be accompanied by both a fully dimensioned, to scale elevation and site plan drawing of the sign, showing the exact location and size of the sign.

Variance Regulations

No variance from the provisions or requirements of this ordinance shall be authorized by the Board of Adjustment unless the Board finds beyond reasonable doubt that all the following conditions and circumstances exist. These regulations are found in the Zoning Ordinance, Article 17. Variance. The conditions and circumstances will be addressed by the Polk County Planning Division staff in reviewing the variance(s) request.

1. There must be exceptional or extraordinary circumstances or special conditions applying to the property in question, and do not exist generally on other properties in the same zoning district. By virtue of the unique or special conditions, it is, therefore, exceptionally difficult to place a use permitted in said district on the property.
2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and such variances will not permit uses that are prohibited in that district.
3. The authorization of such variance will not be of substantial detriment to adjacent property and will not be contrary to the purpose of this Ordinance and the public interest.
4. That the special conditions or circumstances did not result from the actions of the applicant.
5. The variance will not entirely void the natural resource protection requirements of this Ordinance.

The condition and/or situation of a property for which a variance is sought must be of an unusual nature. A variance shall not be authorized if the condition or situation is of a general or recurrent nature such that adopting a general regulation as an amendment to this Ordinance is a reasonably practicable solution.

The variance granted shall be the minimum necessary to permit a use of the property. A variance shall neither increase the number of permitted dwelling units by more than one (1), nor allow the minimum lot area required for a use to be decreased by more than ten (10) percent. If natural resources are involved, then mitigation for any damage to the environment shall be a condition of the variation.





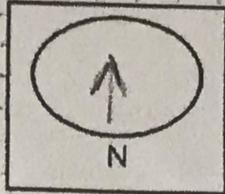




Polk County Public Works – Site Plan Worksheet

SE 32nd

SITE ADDRESS: _____
OWNER'S NAME: _____
APPLICANT'S NAME: _____
APPLICANT'S PHONE: _____



INSTRUCTIONS TO APPLICANT

Specify Site Address and Owner's Name.

Specify Name and Phone Number of person furnishing Site Plan Information.

all streets must be identified.

Indicate lot dimensions.

All structures, existing and proposed, must be shown on the Site Plan. Dimensions of and distances to all lot lines from existing/proposed buildings must be indicated as well as distances between all proposed/and existing structures.

Indicate location of and distance to property entrance(s), existing and/or proposed. Dimensions from corner of property to center of drive should be indicated.

Indicate location of and distance to existing and proposed septic tank(s) and/or on site waste-water treatment system(s) and if applicable geothermal heat pumps.

Indicate location of ponds, streams, drainage ways, and/or ravines. All physical features must be shown.

Identify North Directional Arrow and indicate scale of Site Plan.

I, WE CERTIFY THAT THE PROPOSED CONSTRUCTION WILL CONFORM TO THE DIMENSIONS AND USES SHOWN ABOVE AND THAT NO CHANGES WILL BE MADE WITHOUT FIRST OBTAINING APPROVAL.

APPLICANT'S SIGNATURE _____

DATE _____

