

**Appeal:** The appellants request a Variance to allow an existing accessory building to be located in front of the principal residence with a separation from the principal residence of greater than 150 feet.

### **Background**

The subject property is located at 12705 NW 142<sup>nd</sup> Street, Madrid, and is a Part of the SW ¼ of the SW ¼ of Section 30, Township 81 North, Range 25 West of the 5<sup>th</sup> P.M. (Jefferson Township). The subject property is approximately 10-acres in size and is zoned “ER” Estate Residential District. The City of Granger corporate limits are located approximately two (2) miles south along NW 142<sup>nd</sup> Street (IA-17). The Saylorville Reservoir is located approximately one (1) mile to the east. Surrounding properties to the north and south are also zoned “ER” Estate Residential District and primarily contain existing single-family residences. The properties to the east and west containing farmland and mature woodlands zoned “AG” Agricultural District. See *Attachment A* for a vicinity map of the subject property and surrounding area.

The subject property is a trapezoidal shaped lot that has approximately 581 feet of frontage along NW 142<sup>nd</sup> Street where it takes access. The subject property contains an existing single-family residence that was constructed in 1930 and a pole building that was constructed in 1972, according to County records. The home is located in the far northeast corner of the lot and accessed via a long private driveway from NW 142<sup>nd</sup> Street. The property contains a grazing area for horses in the southwest corner of the property. The appellants purchased the subject property in 2018 and in November of 2023 they submitted a building permit to replace the large accessory building constructed in 1972 located on the north side of the property. Upon review of the subject property it was discovered that in 2022 an accessory structure, to be used as a horse shelter, was constructed in the northeast corner of the horse grazing area without the required building permit. The appellants are requesting a variance for the horse shelter to remain located in front of the principal residence with a separation distance from the principal residence of greater than 150 feet.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6: Accessory Use Regulations: Section 1. Residential Accessory Buildings: (J)* states: “An accessory building may not be placed in front of the principal building unless said accessory building: (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.” The appellants request for the existing 12’ x 32’ (384 square feet) horse shelter accessory building to be located in the southern half of the subject property and in front of the principal residence. The existing accessory building is setback approximately 300 feet from the western, front property line adjacent to NW 142<sup>nd</sup> Street, however a variance is requested to allow the accessory building to remain at a separation distance of approximately 345 feet from the principal residence, in lieu of the maximum allowable separation of 150 feet. The submitted application and site plan for this appeal can be found as *Attachment B*.

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 has received one (1) response in support, and zero (0) responses in opposition, of this Appeal.

### **Natural Resources**

The subject property contains some elevation change across the site, ranging from a high point of approximately 960 feet in the southwest corner of the lot, and a low point of approximately 914 feet in the northeast corner of the lot at the bottom of a drainageway. The property contains a drainageway along the length of the north property line. The property also contains an existing private pond that appears to have been initially constructed in approximately 2002 according to aerial photography. The pond is located in the southern portion of the property.

The property contains mature trees throughout, with the largest concentration located around the pond and between the pond and the north drainageway. The property is not located within a mapped floodplain. The location of the existing accessory structure has little impact on the surrounding environment.

### **Roads & Utilities**

The subject property has direct frontage/access, including an existing driveway entrance, onto NW 142<sup>nd</sup> Street. NW 142<sup>nd</sup> Street is an existing two-lane paved collector roadway maintained by Polk County. It extends south providing connectivity to Highway 141, and also extends north providing connectivity to the end of Highway 415. Water service is provided by Xenia Rural Water via an existing six-inch (6") water main located along the west side of NW 142<sup>nd</sup> Street. The property is served by a private onsite wastewater treatment 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 large nature of the property, the sloping topography surrounding the home in the northeast corner of the property, and the large pond effectively prevent a horse shelter accessory structure to be located adjacent to the horse grazing area while still conforming to the maximum distance requirement.
- 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. Accessory structures are a permitted use on the subject property.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?  

Yes. There will be limited impact on adjacent properties. The location of the shelter is shielded on all sides with mature woodlands lining the property to the north, east

and south. There is also a large berm along the west property line blocking any visibility to the west. Additionally, the closest dwelling to the structure is located over 600 feet to the south.

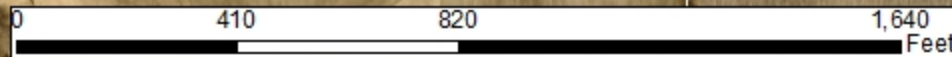
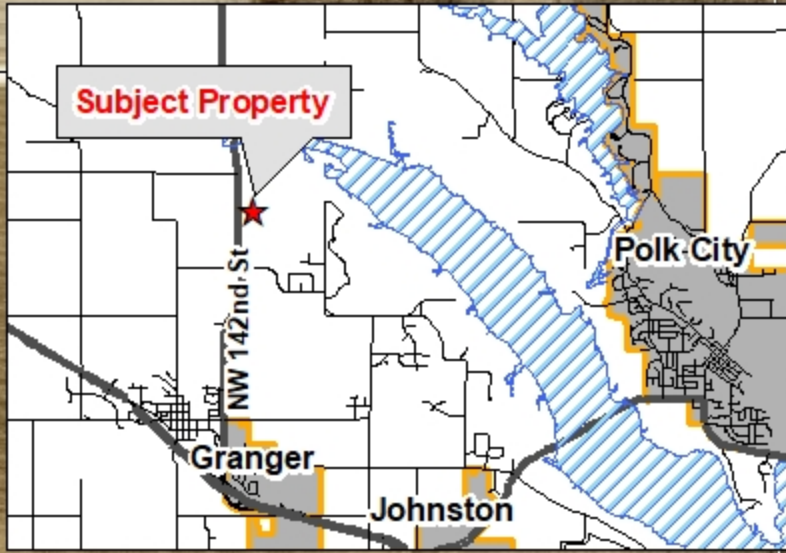
4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The property's configuration and site topography are existing conditions, and not a result of 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 appellants are 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.



**Subject Property**



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)

(time stamp) Official Use Only

- 2. Subject Property Address: 12705 NW 142nd Madrid, Ia 50156
3. Subject Property Zoning District: Residential
4. District and Parcel Number: 24000637007000
5. Subject Property Legal Description (attach if necessary):

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

7. Applicant(s) Information:

Raymond Coons (Applicant Print Name), Signature of Raymond Coons, date 11/8/2023, owner, Interest in Property (owner, renter, prospective buyer, etc.), Email raycoons@gmail.com, Address 12705 NW 142nd Madrid, Ia 50156, Phone 515 202 4449, Fax NA

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)

Raymond Coors  
 (Print Name)

*Raymond Coors*  
 Signature

11/8/2023  
 date

\_\_\_\_\_  
 (Print Name)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 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.

House sets back on the property, Pastures are between house and highway 17, Loafing shed is in the pasture on flat level ground. The contour of the land in front of loafing shed closer to house all slopes toward pond. On aerial photo the line in red 345' is all along land sloping to pond. Not suitable for horse's

**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



1" = 100'

