

Docket Number: 22/12244

Appellant: Kent and Patricia Davis (Property Owners)
2960 SE 68th Street
Pleasant Hill, IA 50327

Appeal: The Appellant requests a side yard setback Variance of five (5) feet to allow an addition to the principal residence to be located ten (10) feet from the side (southern) property line, in lieu of the required 15 foot side yard setback for a principal residence in the “RR” Rural Residential District.

Appeal Given: “Variance is being requested for a 16’ x 36’ third car attached garage addition. A detached garage is not feasible in the back yard due to the location of the septic and surrounding terrain. The majority of residential homes on our street between Vandalia Road and Yellow Banks Park have a 3rd car addition and we feel this will improve property values along with keeping up with the aesthetics of the neighborhood. This addition will help align our property with the neighborhood while we rebuild from the March 5th tornado.”

Background

The subject property is located at 2960 SE 68th Street, Pleasant Hill, and is legally described as Lot 3 Hickory Park Acres, located in Section 14, Township 78 North, Range 23 West of the 5th P.M. (Fourmile Township). The subject property is 48,787 square feet (1.12 acres) in area and contains a single-family residential dwelling, and one detached accessory structure.

The subject property is zoned “RR” Rural Residential District, as are the surrounding properties located in the unincorporated County. The subject property is located approximately 2,008 feet (0.38 miles) southeast of the corporate boundary of Pleasant Hill, approximately 2 miles east of the City of Des Moines corporate limits, and approximately 1.45 miles north of the City of Carlisle. The area is residential in nature, with a majority of properties being of similar size and featuring single-family residential structures and zoned “RR” Rural Residential District. 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 on the west side of SE 68th Street, approximately 818-feet south of the intersection of SE 68th Street and SE Vandalia Drive. The residence on the subject property was constructed in 1993 according to the Polk County Assessor, it was damaged in the March 5th, 2022 tornado and is currently being reconstructed. The 20’ x 20’ storage shed was constructed in 2007 and was permitted by the Polk County Public Works Department.

Summary of Request

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Table 6.1 Table of Single-Family Bulk Standards* establishes a side yard setback of fifteen (15) feet for single-family residential structures located within the “RR” Rural Residential District. The appellants are requesting a variance to reduce the side yard setback for the principal dwelling to ten (10) feet to allow an attached third car garage addition to be constructed during the reconstruction of the existing home.

See *Attachment B* at the end of this report for a copy of the Variance Appeal Application and site plan submitted.

Staff mailed out eight (8) 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 three (3) responses in support of the request, and no responses in opposition.

Natural Resources

The subject property is not located within a mapped floodplain. The site is flat in the southeast portion that contains the front yard, driveway, and the single family dwelling. The northern side yard contains a slope with an elevation of 892 at the house to 874 at the northern property line and the rear yard slopes away from the house to the west with an elevation change from 894 at the house to 864 at the western rear yard property line. There are mature trees lining the north and west property lines.

Roads & Utilities

The subject property has approximately 231 feet of frontage along SE 68th Street to the east where the existing driveway takes access. Access will not change with this proposed variance.

An existing 10-foot public utility easement exists along the southern side yard property line. This easement will not be impacted by the garage addition, which would sit directly adjacent to the easement at the proposed 10-foot setback from the southern property line.

The home is served by an on-site septic system, which is located west of the existing residence in the rear yard. The home addition must exceed the minimum 10 feet of separation between the septic system. There is a 6-inch Des Moines Water Works water main running along the eastern side of SE 68th Street, on the opposite side of the road of the subject property, which provides public water to the property

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 location of the septic, topography to the north of the existing dwelling, and the location of the existing driveway establish the chosen location of the proposed third car garage addition as the most feasible position. Locating the garage addition on the north side of the existing dwelling would require significant grading, tree clearing, and a driveway extension.
- 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 "RR" district, and the addition to the home would be allowed if it met all setback requirements. There are multiple homes in the vicinity which feature third car garages which are attached to the home.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. The reduced side yard setback does not negatively impact adjacent properties or

views. All other setbacks are observed.

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

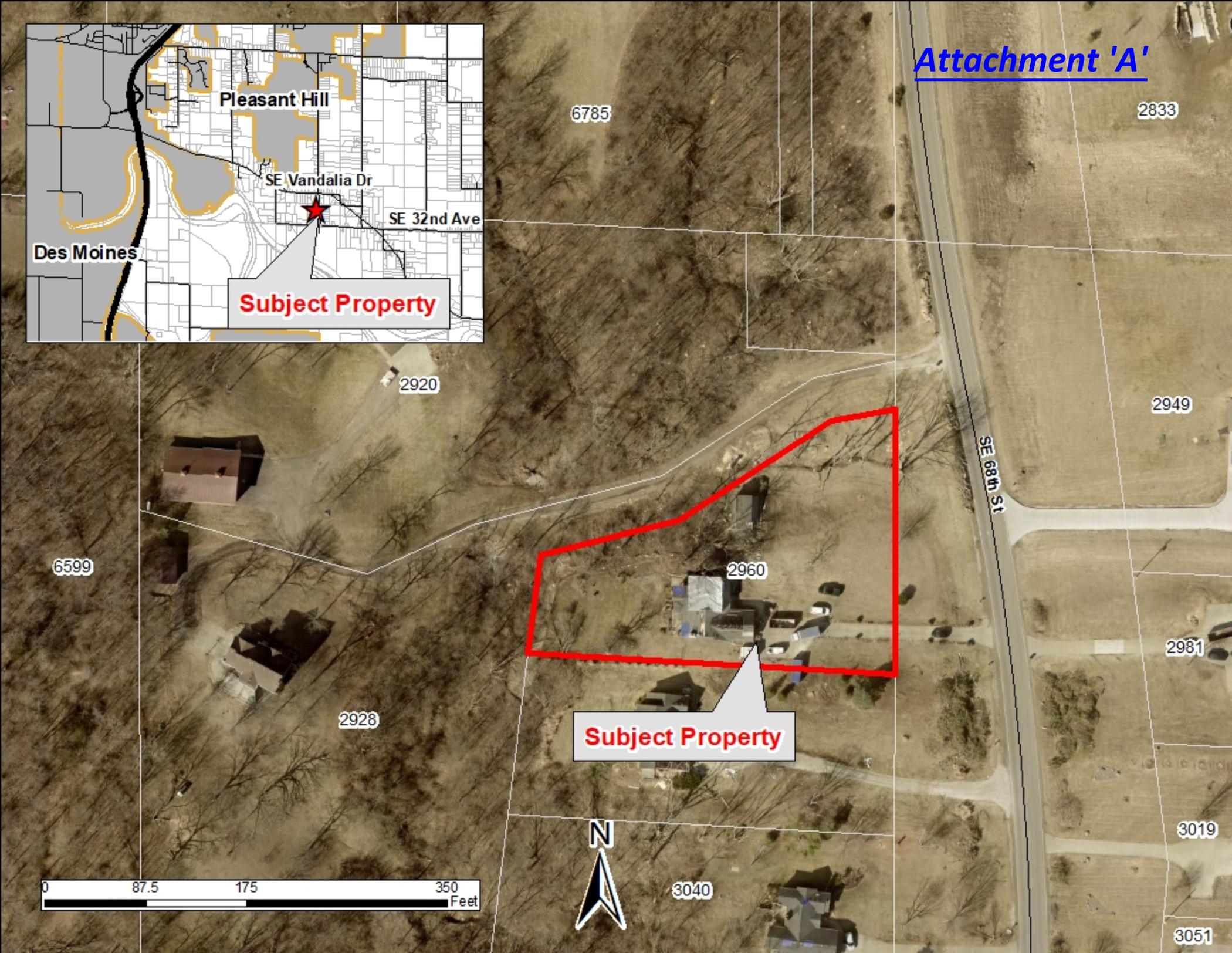
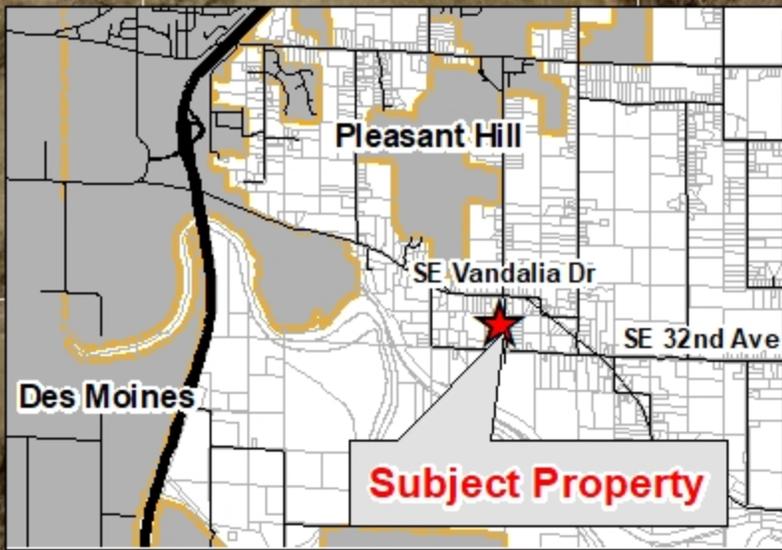
Yes. The sloping topography and mature trees are natural conditions of the property. While the proposed garage addition is triggering the need for the variance, the position of the home and existing driveway on the property provides limited options for expansion for an attached third car garage without significant grading and tree clearing. The location of the existing residence was established by a previous property owner.

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 third car garage 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.

Attachment 'A'



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)

Attached 3rd car stall addition

(time stamp)
Official Use Only

2. Subject Property Address: 2960 SE. 68th STREET Pleasant Hill, IA. 50327

3. Subject Property Zoning District: RR, Rural Residential District, Residential Fourmile Township

4. District and Parcel Number: 220/00520-~~8~~033-000 GEO PARCEL 7823-14-376-005

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

LOT 3 Hickory Park Acres

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

7. Applicant(s) Information:

Kent Davis, Patricia Davis *Kent Davis* 10/28/2022
Applicant (Print Name) Signature date

Owners kent61davis@gmail.com
Interest in Property (owner, renter, prospective buyer, etc.) Email

2960 SE. 68th ST. Pleasant Hill IA. 50327 515-344-6006
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

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)

<u>Kent Davis</u> (Print Name)	<u>[Signature]</u> Signature	<u>10/28/2022</u> date
<u>Patricia Davis</u> (Print Name)	<u>[Signature]</u> Signature	<u>10/28/2022</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.

We would like to add an attached 3rd car garage to the south side of our existing garage. This would put the garage closer to the property line than current zoning allows.

80% of property owners on street have the 3rd car stall attached to there existing garage.

Existing easement is 15' from property line if approved the southside of new 3rd car stall will be 5' from south property line.

**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 14th 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

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.

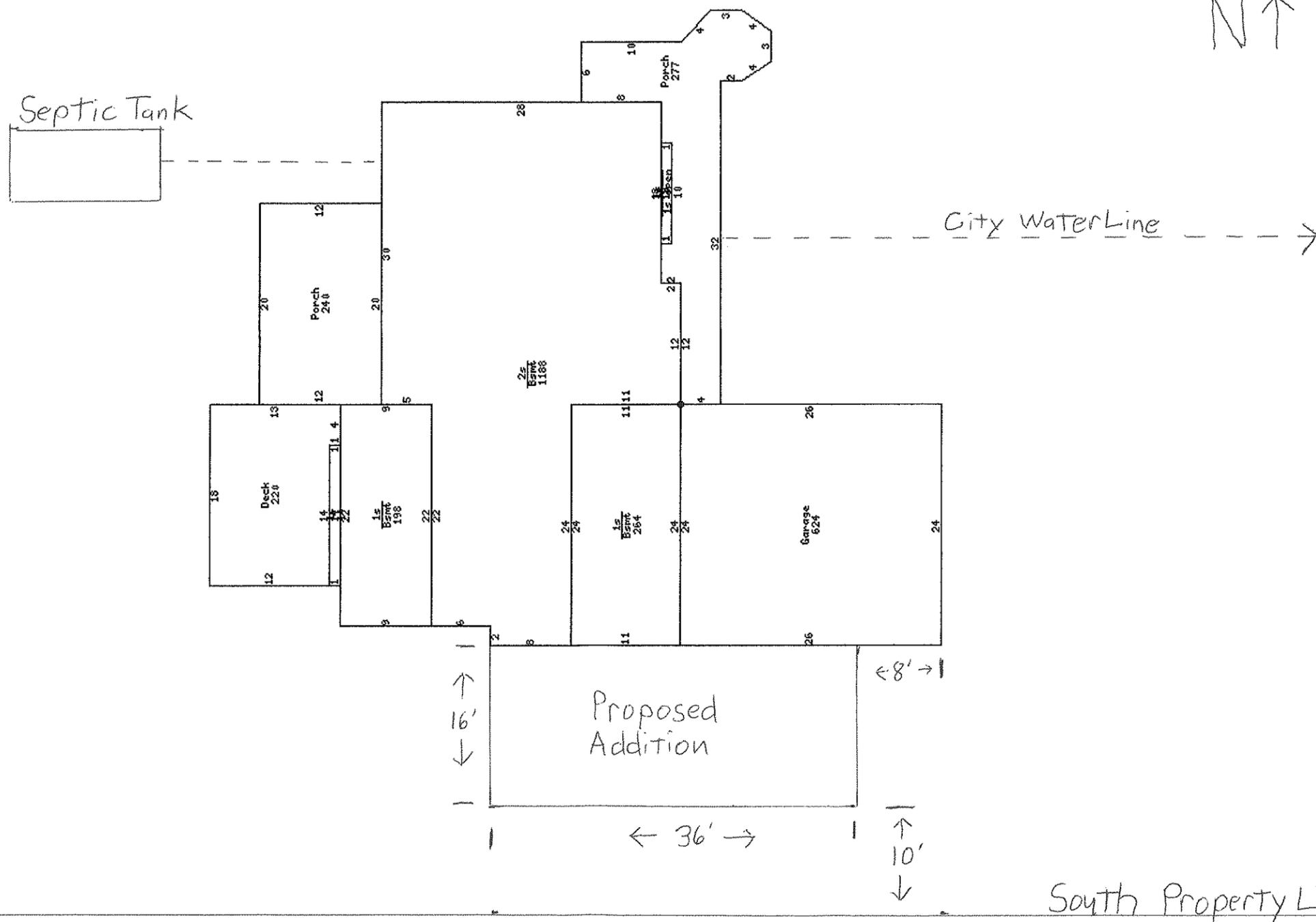
Variance Regulations

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.



SE. 68th Street

South Property Line