 Appeal: The appellants request a side yard setback Variance of approximately ten (10) feet in order to reconstruct a single-family dwelling on an existing foundation with a side yard setback of approximately 15 feet.

Background
The subject property is located at 1471 SE 78th Street, Runnells. The property is approximately 1.02 acres in size, and is legally described as the south 155.11 feet of Lot 4 of Sunny Hills Estates Plat 2, being within Section 12 of Township 78 North, Range 23 West of the 5th P.M. (Fourmile Township). The property is zoned “AT” Agricultural Transition District. The surrounding area is also zoned “AT” Agricultural Transition District and is developed with several single-family residences on platted lots. The area is located approximately one (1) mile southeast of the City of Pleasant Hill corporate limits where they extend east near the intersection of SE 6th Avenue and SE 72nd Street. See Attachment A for a vicinity map of the subject property and surrounding area.

The subject property is rectangular shaped, having approximately 155 feet of width and frontage on the east side of SE 78th Street, and approximately 286 feet of depth. The single-family residence on the property was originally constructed in 2007. At that time, the property was zoned Suburban Estate District, which required a minimum side yard setback of 15 feet. The dwelling and attached garage was constructed at a setback of approximately 15 feet from the south, side property line. Later that year in 2007, the County adopted a new Zoning Map and Zoning Ordinance, which reclassified the subject property and surrounding area from Suburban Estate District to the new “AT” Agricultural Transition District. The intent of the Ag Transition District was to acknowledge existing single-family development in certain areas, but prevent future rural subdivisions within close proximity to incorporated city limits. The Ag Transition District has a minimum lot size requirement of 35 acres, or a density requirement of one (1) dwelling unit per 35 acres, to effectively prevent continued rural development that would be incompatible with future growth of adjacent cities and create challenges for future utility provision. The Ag Transition District requires the same 50-foot front and rear yard setbacks for principal dwellings, similar to the previous Suburban Estate District, but the side yard setback increased from 15 to 25 feet.

Summary of Request
The Polk County Zoning Ordinance, Article 6: Bulk and Use Standards, Division 2, Single-Family Residential Bulk Standards, Table 6.1 requires a minimum side yard setback of 25 feet for principal dwellings within the “AT” Agricultural Transition District. The existing single-family residence and attached garage on the subject property was substantially damaged by a recent tornado on March 5, 2022. The appellant is proposing to reconstruct the residence and attached garage on the existing foundation. The existing foundation is setback approximately 15 feet from the southern, side property line. The appellants request a side yard setback Variance of approximately ten (10) feet to allow for the reconstruction of the residence at the present side
yard setback of 15 feet, in lieu of the required 25 feet. The site plan showing the existing foundation setback can be found as Attachment B to this report.

Staff mailed out 12 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, and zero (0) in opposition, of the request.

Natural Resources
The subject property has gradually sloping topography, with a high elevation of approximately 868 feet in the southwest corner and a low elevation of approximately 850 in the northeast corner. The existing foundation is located in the southwest portion of the lot with relatively flat topography. The property is not located within any designated floodplain areas, and contains no other known environmental hazards or features. The site contains little to no tree cover. Spring Creek is located several hundred feet east of the subject property, but no portion of the creek or its adjacent floodplain area impact the subject property.

Roads & Utilities
The property has access and frontage along the east side of SE 78th Street, including an existing paved driveway entrance. SE 78th Street is a paved, two-lane local roadway maintained by Polk County. The road provides local access to adjacent properties, and extends south to SE 32nd Avenue and north to SE 9th Avenue.

Water service is provided by Des Moines Water Works through the existing rural water system. Current available mapping shows there is an existing 4-inch (4") water main located along the western portion of the subject property parallel to SE 78th Street. Wastewater treatment is provided by an existing septic 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 original residence was constructed in conformance with the side yard setback requirement at time of original construction in 2007. The need to rebuild the substantially damaged structure at that same setback is the result of a natural disaster. It would be unduly burdensome and financially infeasible to require the existing foundation be removed and a new foundation poured at a 25-foot side yard setback.

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 property is zoned and platted to allow the principal use/structure of a single-family dwelling.
3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
   Yes. There will be no negative impacts upon adjacent properties. The existing side yard setback of 15 feet provides sufficient separation from the adjacent property to the south.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
   Yes. The change in zoning classification requiring a side yard setback of 25 feet occurred after original construction of the residence. The need to reconstruct the residence at this time is the result of a natural disaster.

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. No such provisions will be impacted by this variance request.

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
Vicinity Map