

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 34-feet.

Appeal Given: “The variance is required because the property is a corner lot, and the septic system being located in the rear yard allows very limited space for a 12’x14’ outbuilding.”

Background

The subject property is located at 7430 NE 108th Place, Bondurant, and is legally described as Lot 42 excluding the North 10 Feet, Woodland Lake Estates Plat 2, which is located in Section 7, Franklin Township. The subject property is 35,924 square feet in area (0.825 acres) and contains a single-family residential dwelling. The building pad, which the proposed accessory building will be constructed upon, was completed in 2010 when a permit for an accessory building was submitted, but later withdrawn.

The subject property is zoned “ER” Estate Residential District, as are the surrounding properties. The area is residential in nature, with a majority of properties being of similar size and featuring single-family residential structures, though there are agricultural properties located 370 feet south and 125 feet west 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 at the northeast corner of NE 108th Place and NE 74th Court, with the front of the home facing South towards NE 108th Place, but the driveway taking access from NE 74th Court to the West. The residence on the subject property was constructed in 1987, 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 West onto NE 74th Court, 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. Due to the orientation of the home with the front facade facing south towards NE 108th Place, placing the accessory building in that front property line would negatively affect the aesthetics of the home and the neighborhood as a whole. The proposed accessory structure would be located in front of the existing western building line of the principal residence at a front yard setback of approximately 34 feet from the Western front property line (facing NE 74th Court). See *Attachment B* at the end of this report for a copy of the site plan submitted with the variance application.

Staff mailed out fifteen (15) 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 five (5) responses in support of the request, and no responses in opposition.

Natural Resources

The subject property is not located within a mapped floodplain. The property is mostly flat, with no significant change in grade. The property also features multiple mature evergreen trees on the Western side of the property, which are in line with the outward facing wall of the proposed accessory building.

Roads & Utilities

The subject property has approximately 159.06 feet of frontage along NE 108th Place, and 235.01 feet of frontage along NE 74th Court. The driveway on the subject property accesses NE 74th Court to the West 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 east 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 6-inch Des Moines Water Works water main running adjacent to the subject property along NE 74th Court, and on the South side of NE 108th Place. There is a 30-foot public utility easement located along the west and south property lines. There is also a 25-foot wide water main easement along the western property line that runs parallel to, and slightly overlaps the 30-foot public utility easement.

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 orientation of the home and driveway on the corner lot create a situation where the ordinance-defined primary front yard is different from the front façade of the dwelling. The location of the septic system on the property also creates a difficulty to locate the accessory building in a different location.
- 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 “ER” 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 in line with a number of large evergreen trees which are located along the setback line. The location of the shed will encroach no further towards NE 74th court than the existing trees, therefore the visual impact will be minimal.

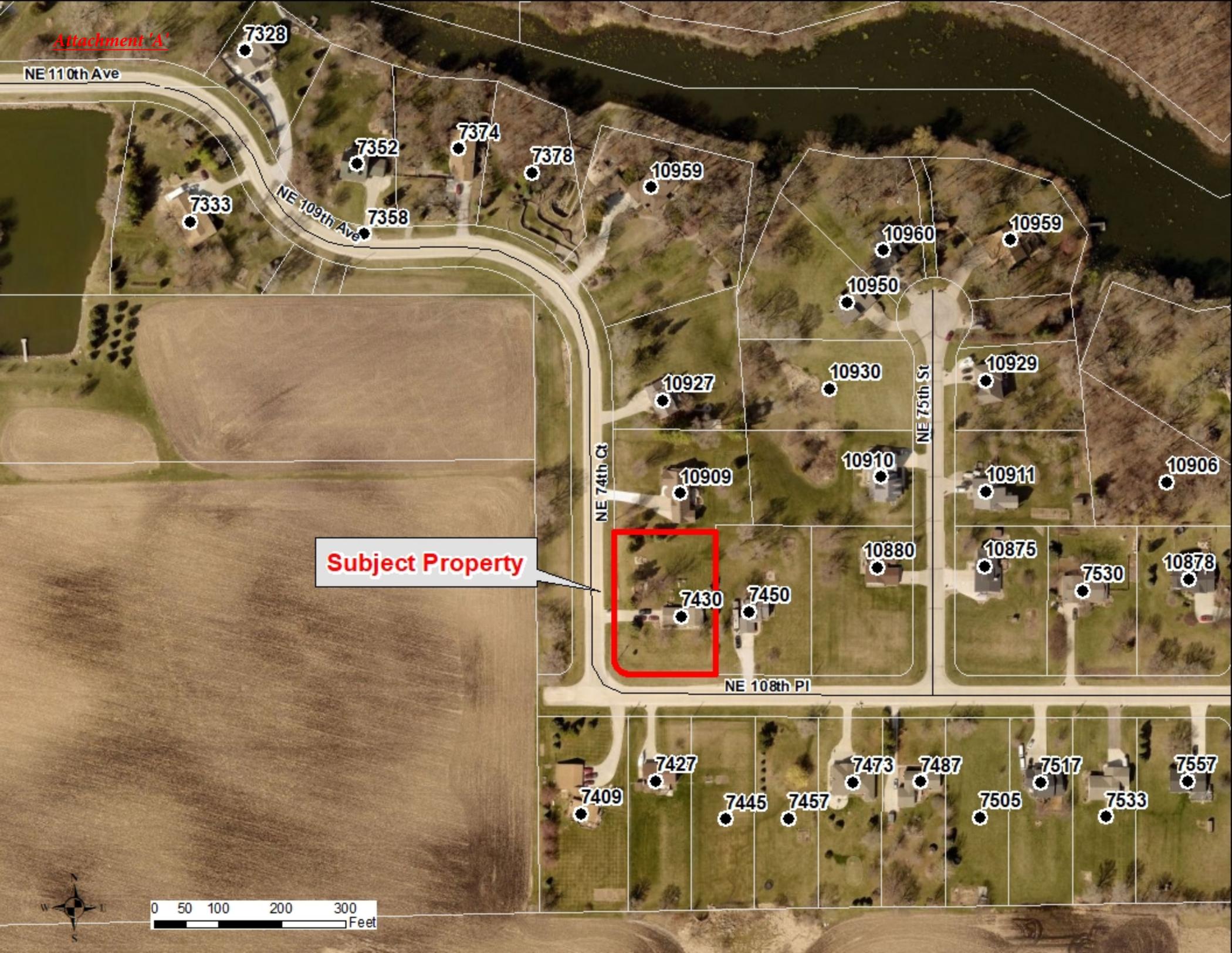
4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The subject property was platted as a Planned Development, and established a 75-foot front yard setback for the western and southern property lines. The established setbacks, as well as the location of the septic system on the property create very limited areas for accessory structures. The proposed location of the accessory structure appears to be the least intrusive to existing improvements on the property, and will be screened by existing evergreen trees.

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 home 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, subject to the following conditions:



Subject Property

0 50 100 200 300 Feet



7328

7333

7352

7358

7374

7378

10959

10960

10959

10950

10927

10930

10929

10909

10910

10911

10906

7430

7450

10880

10875

7530

10878

NE 108th Pl

7409

7427

7445

7457

7473

7487

7505

7517

7533

7557

1" = 30'

Attachment 'B'

