**Appeal:** The Appellants request a front yard setback Variance to allow a proposed accessory building to be located in front of the principal dwelling and setback less than the required 100 feet from the front property line.

**Appeal Given:** “The variance is requested to replace a tool shed building that was destroyed by the March 5th, 2022 tornado.”

**Background**
The subject property is located at 453 SE Garrett Drive, Runnells, and is legally described as part of the South ½ of the Southeast ¼ of Section 5, Township 78 North, Range 22 West of the 5th P.M. (Camp Township). The property is approximately 18.98 acres in size and zoned “RR” Rural Residential District. The subject property is located northeast of the intersection of SE 6th Avenue and SE Garrett Drive. The City of Pleasant Hill corporate limits are located approximately one and a half miles (1½) northwest of the property. The City of Runnells is approximately five (5) miles southeast of the property. All surrounding properties are zoned “RR” Rural Residential District and contain a combination of single family dwellings and agricultural production. See Attachment ‘A’ at the bottom of this report for a vicinity map of the subject property and surrounding area.

The property is irregularly shaped with approximately 1,289 feet of frontage along SE Garrett Drive adjacent to the west property line. The property has two access points off of SE Garrett Drive. Currently, the subject property contains an existing single-family residence that was constructed in 1970, as well as a 30’ x 48’ accessory shed. The tornado on March 5th 2022 took out an additional residence in the form of a manufactured mobile home as well as three (3) other accessory structures that were allowed at the time of construction and grandfathered in to the current zoning. The Appellants will not be reconstructing the second residence and are attempting to replace one (1) of the accessory structures with this variance. Approximately eleven and a half acres are being used for agricultural production.

**Summary of Request**
The Polk County Zoning Ordinance, Article 4: Use Regulations, Division 6: Accessory Regulations, Section 1.J stipulates that an accessory structure may not be located in front of the principal building unless the accessory structure: (1) Is setback a minimum of 100 feet from front property lines; and (2) There is a maximum separation distance between the principal building and accessory structure of 150 feet. Additionally, the Polk County Zoning Ordinance, Article 4, Division 6, Section 1.G(1) requires that accessory buildings with a gross floor area less than 720 square feet shall be located at least five (5) feet from side and rear property lines. The Appellants are proposing to construct a 16’ x 30’ (480 SF) accessory shed in front of the principal dwelling at a front yard setback of approximately 75 feet. The proposed location meets all other criteria. The submitted application and site plan for this appeal can be found as Attachment ‘B’ at the bottom of this report.

Staff mailed out nine (9) 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 one
response in support has been received regarding this Appeal.

Natural Resources
The site topography in the area of the principal single family dwelling and proposed accessory structure is relatively flat with an elevation change from 920 along the northwest property line to 910 along the northeast property line. The site contains many mature trees located in the southern and eastern portion of the lot as well as a few spread out in the area of the principal structure. No mature trees will be impacted by the proposed accessory structure. The property is located outside any floodplain areas and contains no other environmental hazards or features.

Roads & Utilities
The property has frontage to the north along SE Garrett Drive, which is a paved two-lane minor arterial roadway maintained by Polk County. Water service is provided by a Des Moines Water Works water main. Wastewater treatment for the subject property is provided by a private onsite septic system, which is located in the rear yard of the property. A minimum separation of ten (10) feet is required between structures and any portion of the septic system. The proposed accessory building location would be adequately separated from the existing 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 subject property is large and wide in the southern portion of the lot where agricultural production takes place but in the northern portion, where the principal structure is located, the lot narrows restricting the area of where an accessory building could be placed. Furthermore, the location of existing accessory structures and the property’s septic system in the rear yard, also effectively prevent the location of an additional accessory structure in a conforming location within the side or rear yards without restricting access to other structures.

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 structure is a permitted use on the property.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. The proposed accessory building will be screened on the north by a number of large evergreen trees and to the east by mature trees along SE Garrett Drive. The structure will also observe a greater front yard setback then the building destroyed by the tornado on 3/5/2022. The negative impact, if any, will be
minimal on adjacent properties.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
   Yes. The configuration of the property, current zoning, and the destruction of previous accessory storage areas is not a result from the actions of the Appellant.

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 granting of the requested Variance supports the intent of these provisions.

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 permit an accessory structure in front of the principal residence at a front yard setback of less than 100 feet.
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)
   Re-contract accessory shed relocated by recent tornado - 24 x 36 pole bldg.

2. Subject Property Address: 453 SE Garrett Dr.

3. Subject Property Zoning District: RIR Rural Residential

4. District and Parcel Number: 7822 - 05 - 452 - 004

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

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

7. Applicant(s) Information:
   Applicant (Print Name)  Robert Paol  4/15/22
   Signature
   Owner
   Interest in Property (owner, renter, prospective buyer, etc.)
   Email bobynlynde@hotmail.com
   Address, City, State and Zip
   Phone (515) 868-8654
   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

Page 1 of 3
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)

Robert Pool
(Print Name)
Signature

Cindy S. Pool
(Print Name)
Signature

_____________________________
(Print Name)
Signature

_____________________________
(Print Name)
Signature

_____________________________
(Print Name)
Signature

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.

This building was destroyed in storms and was grandfathered in, and I need shop

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

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453 SE Garrett Drive, Runnells, IA
Setback Variance - Site Plan