Appeal: The appellant requests a variance to allow a residential privacy fence at eight (8) feet in height within the front yard setback, in lieu of the maximum allowable height of four and one-half (4 ½) feet.

Background
The subject property is located at 3551 NW 92nd Place, Polk City, and is legally described as Lot 1 of Lakeridge Cove Plat 2, being located within Section 20, Township 80 North, Range 24 West of the 5th P.M. (Crocker Township). The property is approximately 1.16 acres in size and zoned “RR” Rural Residential District. The subject property is located southeast of the intersection of NW Polk City Drive (Hwy 415) and W. 1st Street (NW 94th Avenue). The City of Ankeny corporate limits are located adjacent to the north located north of W. 1st Street. Surrounding properties to the south, east and west are also located within unincorporated Polk County, zoned “RR” Rural Residential District, and developed with existing single-family residences. Vacant undeveloped ground is located directly to the north within the City of Ankeny at the northeast corner of NW Polk City Drive and W. 1st Street. See Attachment A for a vicinity map of the subject property and surrounding area. The subject property contains an existing single-family dwelling constructed in 1999. The subject property is a double frontage lot with primary frontage and access located to the south onto NW 92nd Place, as well as an approximately 45-foot stretch of frontage along the northern lot boundary adjacent to W. 1st Street.

Summary of Request
The Polk County Zoning Ordinance, Article 4: Use Regulations, Division 6: Accessory Regulations, Section 5.A(1) stipulates that residential fences may not exceed four and one-half (4 ½) feet in height within the front yard setback. The appellant is proposing to construct an eight (8) foot tall privacy fence along the approximately 45-foot stretch of the subject property’s northern, front property line adjacent to W. 1st Street. A Variance is required to allow the proposed privacy fence at eight (8) feet in height, in lieu of the maximum permitted height of four and one-half (4 ½) feet established by the Ordinance. The submitted application and site plan for this appeal can be found as Attachment ‘B’.

The application (Attachment ‘B’), in part, lists a concern regarding future commercial development of the property directly across the street to the north. This property is located within the City of Ankeny. Staff notified the City of this appeal and requested additional information regarding the zoning and future development potential of this adjacent property, located at 9421 NW Polk City Drive being at the northeast corner of W. 1st Street and NW Polk City Drive. The City responded that the property is currently zoned R-1, One-Family Residence District. The Ankeny Comprehensive Plan identifies the property as Medium Density Residential. The City also commented that it is very unlikely that the City Council would approve a request to rezone the property to commercial.

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) responses in opposition, of this Appeal.
Natural Resources
The subject property contains sloping topography moving south to north across the lot, particularly dropping off directly north of the dwelling to a low point of approximately 956 feet at the bottom of a drainageway/ravine. There is a high elevation of approximately 982 feet in the southern portion of the lot surrounding the dwelling. The property contains a significant area of woodlands located north of the residence to the northern lot boundary. There are no areas of mapped floodplain or other environmental hazards or features on the site.

Roads & Utilities
The subject property takes access to the south from NW 92nd Place, which is a two-lane, paved local roadway maintained by Polk County. The roadway provides connectivity west to NW Polk City Drive (Hwy 415) and east to existing single-family homes and development. Public water is provided by Thorpe Water Development. Wastewater treatment for the subject property is provided by a private onsite septic system.

Recommendation
Staff does not support the request to increase the fence height within the front yard setback to eight (8) feet. Historically, staff has not supported requests to allow fencing taller than six (6) feet within a front yard setback. The requested eight (8) foot tall fence is excessive and would have a negative visual impact along a busy arterial street such as W. 1st Street. Staff’s recommendation for approval below is for a modified request to permit the fence up to a maximum of six (6) feet in height within the front yard setback.

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 property is uniquely situated at an angle which aligns with the existing crossover along W. 1st Street and driveway entrance for the currently vacant property located at the northeast corner of NW Polk City Drive and W. 1st Street. Therefore, the subject property is in a unique location to receive negative impacts, particularly vehicle headlights, from future development.

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. Residential privacy fences are a permitted use within the “RR” Rural Residential District.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
   Yes. While there will be some visual impact from the fence, it will largely affect the subject property. The substantial road right-of-way width along W. 1st Street will limit impacts upon the public roadway. Additionally, there are several properties...
along this stretch of W. 1st Street which have existing six (6) foot tall fences adjacent to this roadway. Within the City of Ankeny, double frontage lots are permitted six (6) foot tall fences in the secondary or rear-facing front yard relative to the dwelling.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
   Yes. Lakeridge Cove Plat 2 was approved in 1996, and the single-family residence on the subject property was constructed in 1999 by the appellant. At that time, W. 1st Street and development within the City of Ankeny did not exist adjacent to the north of the subject property.

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, and no impact upon environmental features is anticipated.

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 a modified variance to permit a six (6) foot tall fence within the front yard setback of the subject property, subject to the following condition:

1. Approval is for a maximum six (6) foot tall fence within the frontage areas of the property as identified on the site plan drawing submitted with the application and found as Attachment ‘B’ to this report.
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)

   Allow an 8-foot tall opaque fence along the rear of our property adjacent West First Street (City of Ankeny).

   This would extend my neighbors fence (also petitioning the BOA) an additional approximately 45-feet. The fencing material would remain the same for a consistent appearance.

2. Subject Property Address: 3551 NW 92nd Place, Polk City, Iowa 50226-2112

3. Subject Property Zoning District: RR: Rural Residential District

4. District and Parcel Number: 180/00964-001-000

5. Subject Property Legal Description (attach if necessary): Lot 1, Lake Ridge Cove Plat 2, being an official plat as recorded in Book 7491, Page 239, Polk County, Iowa.

6. Filing Fee: $319 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

   Brent K. Culp
   Applicant (Print Name)

   Signature

   Email: bkculp@snyder-associates.com

   bkculp@mnspencer.com

   Phone: 515-669-1419

   Fax: 515-669-1419

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)

Brent K. Culp
(Print Name) 
Signature ____________________________
July 31, 2021 date
Valerie A. Culp
(Print Name) 
Signature ____________________________
July 31, 2021 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.

The City of Ankeny is the owner of West First Street that immediately fronts the rear of our property. The properties north of West First Street are all within the City of Ankeny. The vacant lot that is located on the northeast corner of West First Street and Highway 415 and there have been numerous attempts by the past and present property owners to solicit the neighborhood to support a commercial rezoning on the property. Even though there is a separation between that property and our own, the full access into and out of the parcel aligns with the rear family room area of our house. Especially in the winter when the leaves are down, direct alignment of headlights into our family room occurs even with the infrequent visitors to that property that currently exists.

Since our neighbor that fronts off of West First Street and is in rural Polk County is also requesting a variance appeal for an 8-foot tall fence, we felt as though it was the perfect time to join with Mr. Oxenreider to install a fence that is constructed by the same contractor and will be of the same appearance. The construction of this opaque fence would provide us with the best option to mitigate the adverse affects that our property will experience from the development of the property north of our home in Ankeny.

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) 236-3705 • Fax (515) 286-3437 Email: PublicWorks@polkcounty.iowa.gov Forms available online http://www.polkcounty.iowa.gov/PublicWorks/ BOA Calendar CALENDAR

<table>
<thead>
<tr>
<th>OFFICIAL USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received by</td>
</tr>
<tr>
<td>Date Received</td>
</tr>
<tr>
<td>BOA meeting date</td>
</tr>
</tbody>
</table>

Page 2 of 3
Full Access drive location of concern

City of Ankeny

Approx. 45 lf of 8' opaque fence

Neighbor who is also requesting a fence variance

Subject Property