

Docket Number: 20/9521

Appellants: Clara Alarcon, 2811 NE 80th Street, Altoona, IA 50009 (Property Owner), represented by Steve Iverson, 3950 SE Casebeer Drive, Altoona, IA 50009

Appeal: The appellants request a side yard setback variance of 14 feet for a proposed addition to the principal dwelling to be located approximately 11.54 feet from the northern, side lot line, in lieu of the required 25 feet of side yard setback.

Background

The subject property is located at 2811 NE 80th Street, Altoona, and is legally described as Lot 14 of Wallings Haven, within Section 29 of Township 79 North, Range 22 West of the 5th P.M. (Clay Township). The property is approximately 1.57 acres in size and is zoned "AT" Agricultural Transition District. The subject property is located directly adjacent to the corporate limits of Altoona, where they extend up to NE 80th Street directly to the west. The subject property is located just northeast of the intersection of NE 80th Street and NE 27th Avenue. Surrounding properties to the north, south and east are within unincorporated Polk County, and also consist of existing single-family residences zoned "AT" Agricultural Transition District. Moving further east, the predominant land use is agricultural with some intermittent single-family lots and residences. Directly west of the subject property within the City of Altoona is an ongoing single-family residential development known as Spring Creek Ridge.

The subject property contains an existing single-family dwelling and attached garage constructed in 1993. A permit was also issued in 1994 for an attached deck. County records also include building permits from 2014 for a room addition and deck reconstruction, the work for which appears to have occurred a few years earlier. The subject property is rectangular in shape, except for a small area in the northeast corner which extends further north than the rest of the lot creating a small "L" shape.

Summary of Request

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 2, Single-Family Standards, Table 6.1* requires a minimum side yard setback of 25 feet for principal dwellings within the "AT" Agricultural Transition District. The appellants are proposing to construct a new garage addition, approximately 52' x 30' (1,560 square feet), onto the northwest side of the existing dwelling and attached garage. They are requesting a side yard setback variance of 14 feet to allow the new addition to be located approximately 11.54 feet from the northern, side property line, in lieu of the required 25 feet of side yard setback. See *Attachment A* at the end of this report for a copy of the site plan showing the proposed addition and setbacks.

Staff mailed out 18 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 zero (0) responses in regards to this Appeal. The City of Altoona was notified as well. Staff answered a few questions from the City, but no formal comments were received.

Natural Resources

The subject property does not contain any mapped floodplain, wetlands or other environmental

hazards/features. Spring Creek and adjacent floodplain areas are located approximately 1,000 feet east of the subject property and impact surrounding property owners in that area. The site contains some areas of sloping topography, especially in the area directly south of the residence. The site contains a high elevation of approximately 940 feet in the northwest corner, and a low elevation of approximately 928 feet in the southeast corner of the lot. The proposed addition would be located in the flattest area of the property, being adjacent to the existing attached garage in the northwest corner of the lot. The property contains several mature trees located south of the residence, along the eastern property line, and in the northeast corner of the property. None of these trees will be impacted by this proposal.

Roads & Utilities

The property has approximately 225 feet of frontage to the west onto NE 80th Street, including an existing entrance. NE 80th Street is a paved two-lane collector roadway. The plat of Wallings Haven established a 15-foot wide public utility easement parallel to the front property line along NE 80th Street, as well as a 15-foot wide water line easement directly adjacent to the east of the public utility easement. Water service is provided by Des Moines Water Works (DMWW). The latest available data from DMWW indicates there is an existing four-inch (4") main located along the frontage of the property. The homeowner had the water main located, and it is approximately 47 feet west of the building line of the existing attached garage. The water line will be approximately 17 feet west of the building line established by the new attached garage addition. See *Attachment A* at the end of this report for the water main location and separation distances. Wastewater treatment is served by an existing septic system, which County records indicate is located northeast of the existing dwelling. The future addition will need to maintain a minimum separation of ten (10) feet from any portion of the septic system. This appears to be easily met based on the proposal.

The subject property also contains an overhead electric line that runs across the northern portion of the lot and provides private service to the property adjacent to the east at 8060 NE 27th Avenue. This existing private service line is not within an established easement. This electric line poses an obstruction to the proposed garage addition. However, the appellants have obtained written communication from MidAmerican Energy stating that they will be removing this line and providing new service to the customer at 8060 NE 27th Avenue from an existing electric line along NE 27th Avenue.

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 existing topography, mature trees, septic system location, and the location and orientation of the existing dwelling effectively prevent an addition to the existing attached garage in a conforming location, but for the granting of a side yard and/or front yard setback variance.

- 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. Attached garage space is permitted within the "AT" Agricultural Transition District. The appellants have indicated the additional space would be utilized for private vehicle storage.
- 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. The minimum front yard setback of 50 feet (52 feet proposed) would be maintained. The proposed side yard setback of 11.54 feet more closely matches the minimum side yard setback required for principal structures within similar rural residentially zoned properties, which ranges from 10 feet to 15 feet.
- 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. In addition, the orientation of the dwelling and placement of the septic system are existing conditions created 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. No environmental areas are impacted by this proposal.

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.

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Site Notes

- Any changes or amendments to the project that do not meet what is shown on the plans needs to be approved with the permit and development center prior to installation or construction.
- All work in the city right-of-way shall be done in accordance with SUDAS and the Polk County General Supplemental Specifications to SUDAS effective at the time of plan approval.
- All work in the city right-of-way requires a right-of-way permit.
- The required landscaping new and existing shall be maintained for the life of the certificate of occupancy or certificate of zoning.
- It is the responsibility of the owner an or the contractor to follow all applicable codes and ordinances whether or not contained on these documents.
- All lighting shall consist of low glare cut-off type fixtures to reduce the glare of light pollution on surrounding properties.
- No mechanical or utility equipment over 3' tall allowed in any front yard setback. All utility equipment shall be screened from street view.
- All disturbed areas will be restored by seeding or sodding
- Locations of elements traced from Polk County, Iowa Assessor's website imagery accessed on September 16 2020.
- Site Dimensions taken from the Polk County Recorders website SWallings Haven 2 Recorded in Book Z Page 40 Recorded on 04/08/1985.
 - Building Setback dimensions are taken from Polk County Zoning Ordinance, Division 2, Table 6.1 Table of Single Family Bulk Standards Zoning requirements - Amended February 1, 2019.

Property Owner:
Clara M Alarcon
2811 NE 80th Street
Altoona, Iowa 5009

Property Address:
2811 NE 80th Street
Altoona, Iowa 5009

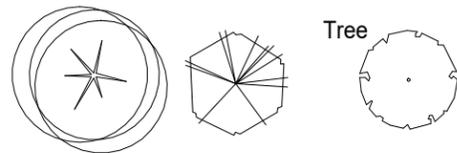
Legal Description:
Wallings Haven, Lot 14, an official plat now included in and forming part of, Polk County, Iowa

Zoning Setbacks:
50' Front setback
50' Rear setback
25' Side Yard Total

Zoning:
AT - Agricultural Transition District

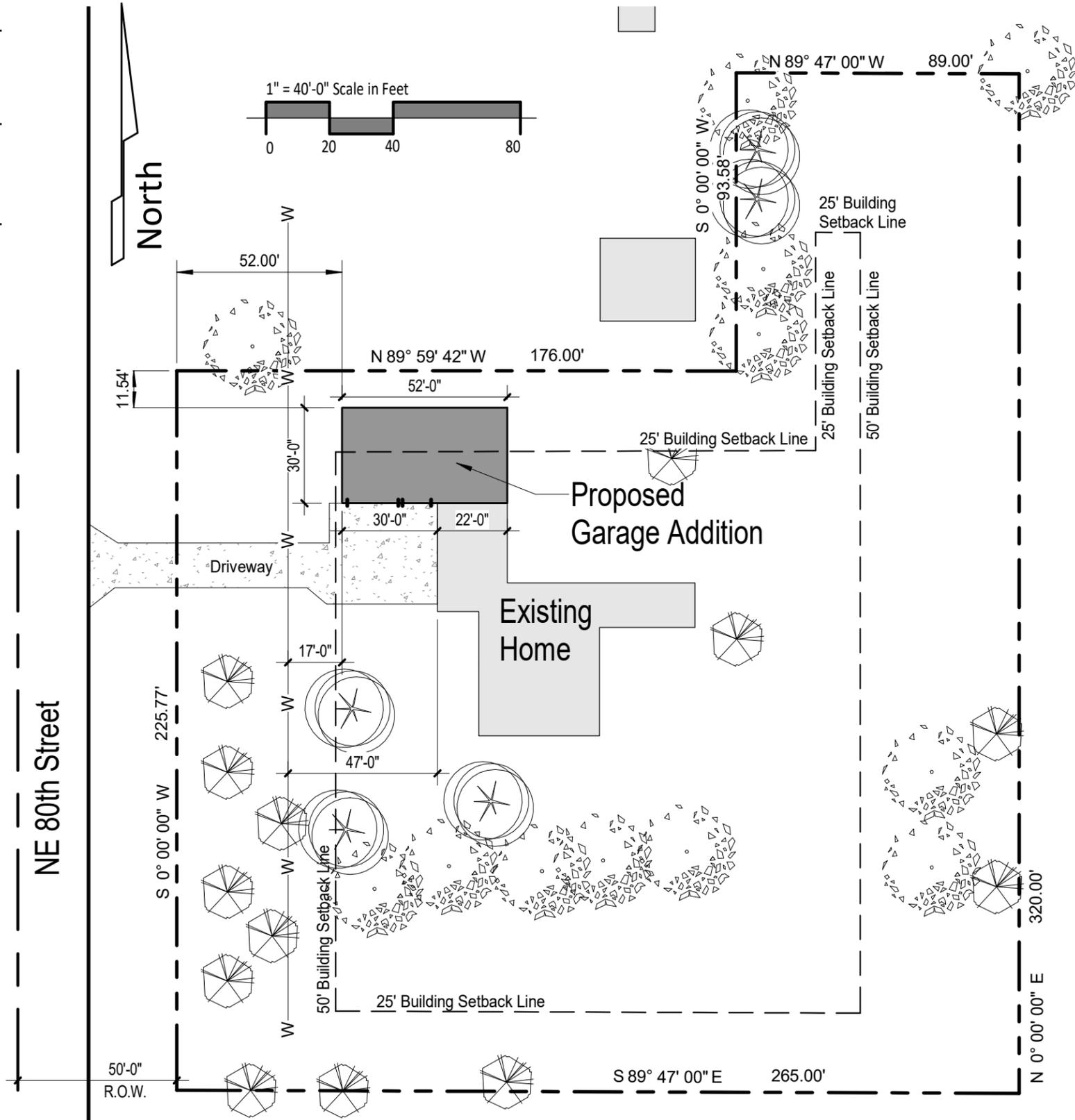
Site Legend

— W — W —	Water Line
— SS — SS —	Sanitary Sewer Line
— — — — —	Property Line
- - - - -	Building Setback Line
- - - - -	Easement Line
— — — — —	Road Centerline
— — — — —	Paving
- - - - -	Topography



Tree

Attachment A



1 Site Plan
C101 1" = 40'-0"



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Steve Iverson
Garage Addition
2811 NE 80th Street | Des Moines, Iowa 50009

9/22/2020 1:31:15 PM

PROJECT NUMBER:
2009F

TITLE:
Site Plan

SHEET:

C101