> represented by Nathan Casey, Engineering Supervisor 2201 George Flagg Parkway Des Moines, IA, 50321

<u>Appeal:</u> The Appellant is requesting a street setback Variance of nine (9) feet (from 50-feet to 41-feet) for a proposed public service water booster station to be located on the subject property at 2567 NW 72<sup>nd</sup> Place, Ankeny.

<u>Appeal Given:</u> For the complete Variance appeal packet, please refer to *Attachment 'A'*. The following are excerpts from *Attachment 'A'*:

"The Des Moines Water Works (DMWW) is requesting a variance on the 50-foot front setback requirements. DMWW is proposing to replace an existing water booster station located on this lot with a new above-ground water booster station with a 41-foot front setback. This booster station is needed to support additional growth in the city of Polk City and unincorporated areas or rural Polk County. Due to the nature of the existing water distribution system, there were limited option for this stations location. This location was chosen based on the current booster station and as a suitable site for connection to the existing distribution system. The building was laid out to resemble a small residential home to better fit in with the residential nature of the surrounding area. All water booster equipment, including pumps, generator, electrical, and control equipment, will be located inside the building. The building was designed in a fashion that limits total size. Still, due to the narrow nature of the existing lot, only 100-feet wide, a 50-foot front and 15-foot rear setback could not be met while also providing for all necessary water supply equipment. The east-west direction of the building was made as narrow as possible while still providing for sufficient pumping equipment and emergency generation. Des Moines Water Works requests the Polk County Board of Adjustment provide a variance to allow a 41-foot front setback."

## **Background**

The Appellant, Des Moines Water Works (DMWW), is requesting a street setback Variance specific to a proposed public service water booster station within the "RR" Rural Residential District. The proposed building elevations and narrative submitted by the Appellant are included as *Attachment 'A'* and a proposed site plan is included as *Attachment 'B'*. A Variance is requested to reduce the required street setback by nine (9) feet (from 50-feet to 41-feet).

The subject property is located at 2567 NW  $72^{nd}$  Place, Ankeny, and totals approximately 30,491 square feet (0.7-acre). The parcel is located within the NE ¼ of the SW ¼ of Section 33 of Crocker Township and is legally described as Lot 18 Hoffman Estates. Hoffman Estates was platted in 1976 and to-date the street improvements for NW  $72^{nd}$  Place have not been completed therefore no building permits have been submitted for any of the platted lots along this street. See *Attachment 'C'* for the recorded Final Plat of Hoffman Estates. The City of Ankeny corporate boundaries are located approximately ¼ mile to the northeast. The subject property has approximately 307.8-feet of frontage along NW  $26^{th}$  Street. The lot width is approximately 100-feet. The Hoffman

Estates plat was created and recorded with a designated zoning district as R-1 Suburban Residential District. The R-1 standards were as follows:

- Minimum Lot Area 20,000 square feet
- Minimum Lot Width 100 feet
- Minimum Front Yard Setback 40 feet
- Minimum Rear Yard Setback 50 feet
- Minimum Side Yard Setback 12 feet (each side)

At the time of the preliminary and final platting the subject lots met all area and dimensional requirements, and also demonstrated adequate buildable areas relative to setbacks and easements, and were therefore recommended for approval by staff. The lots in this development are now designated as "RR" Rural Residential and are non-conforming to the standards for lot size (40,000 s.f) and lot width (140-feet) for Single-Family homes in this zoning district. The subject property is a corner lot therefore creating further constraints for future building construction in addition to the non-conformity of the size and width of the lot. The current zoning designation of "RR" Rural Residential requires a 50-foot setback along the west and south property lines and a 15-foot setback along the north and east property lines for a non-residential use.

All of the surrounding properties to the north, south, east and west have the zoning designation of "RR" Rural Residential. The closest residences are located between approximately 250-275 feet from the proposed building and are located on the adjacent property to the north and the property adjacent across NW 26<sup>th</sup> Street to the west. Several existing trees and woodlands provide a buffer between the proposed location of the booster station and these two existing residences.

The project is proposed to construct a new above ground water booster station building adjacent to an existing booster station to increase water service to Polk City and rural areas of Polk County adjacent to NW 26<sup>th</sup> Street. The work will include clearing and grubbing, site grading, building construction, abandonment of the existing booster station and expansion of the existing driveway. The building will be constructed to resemble a home to blend into the existing residential area. The new building is approximately 1,937 square feet and will house water booster pumps, generator, and other equipment necessary for water supply. The normal operations of this facility will be done remotely with visits by operations personnel as needed. No outdoor storage or outdoor refuse collection areas are proposed for this site. All lighting will be of a residential nature. The site perimeter of the building improvements will include a chain-link fence.

## **Summary of Request**

The Appellants are proposing an above ground booster station building that resembles a small residential home to fit in with the surrounding area. This is considered a Public Service use as identified in the *Polk County Zoning Ordinance, Article 4. Use Regulations, Division 2: Table 4.1 Table of Uses* and specifically a use that is permitted by right within the "RR" Rural Residential District. Additionally, *Article 4, Use Regulations, Division 4: Use Categories and Standards, Section* 

- 3. Institutional Uses, (E) Public Service (3) Public Services- Located in a Building, requires the following:
  - (a) All uses must be in an enclosed building.
  - (b) The building shall be architecturally compatible with the surrounding character of the neighborhood.
  - (c) The use of the building shall in no way create a nuisance that might infringe on neighbor's ability to enjoy the use of their property.
  - (d) No odor, noise, glare, vibration, dust, or electrical interference shall be excessive at the lot lines. If deemed necessary, the Zoning Administrator may require certification from a civil, mechanical, structural, or electrical engineer licensed in the State of Iowa, that none of the above annoyances will be or are present at the lot line of the property containing the public service use.

The proposed public service booster station building will meet the above requirements.

The Polk County Zoning Ordinance, Article 6: Bulk and Use Standards, Division 5: Table 6.9 Nonresidential Bulk Standards, states that the minimum street setback for a nonresidential building in the "RR" Rural Residential District is 50-feet. The Appellant is requesting a nine (9) foot Variance to the required street setback along the western property line (from 50-feet to 41-feet). The proposed building will meet the standard minimum side & rear setback of 15-feet for a non-residential use.

Staff review has determined that a peripheral setback will not be required due to the architectural compatibility of the proposed building in fitting in with the surrounding character of the neighborhood. This property and surrounding properties have existing woodlands and tree plantings that will limit any impact of the building proposed on the subject property. Eight (8) notices were sent to surrounding property owners within the 250-foot notification boundary.

## **Natural Resources**

The proposed building will be located within a tree clearing along the northern portion of the property. Most of the property is covered with woodlands further shielding the proposed building from adjacent properties to the south. There are no environmental hazards and the site does not contain designated floodplain. The site will control storm water through underground storm water detention provided on site and located south of the proposed building. The topography of the property varies with a high point of 904-feet along the northeastern property line and a low point of 878-feet near the southcentral portion of the property.

#### **Roads & Utilities**

The property is located at the northeast corner of NW 26<sup>th</sup> Street and the future street improvement platted as NW 72<sup>nd</sup> Place. The right-of-way width for NW 26<sup>th</sup> Street is 150-feet and currently comprises a two-lane paved minor arterial maintained by Polk County. The Appellant has indicated that there were limited options for the location of the booster station due to the nature of the existing water distribution system. This site was suitable for connection to the existing water distribution system to meet the future needs of the area. The lot has an existing entrance along NW 26<sup>th</sup> Street that will be expanded and improved. The normal

operations of the facility will be completed remotely with visits by operations personnel as needed. No sanitary sewer or on-site wastewater systems will be included with the proposed use of this site. An existing DMWW Water Main Easement is located along the west property line.

## 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?
  - The subject property was not designed to the standards of the Rural Residential Yes. District and therefore is less than the minimum lot size of 40,000 square feet required for a buildable lot and has a width less than the minimum width of 140feet. The Rural Residential District requires a minimum street setback of 50-feet for a non-residential use and a minimum side and rear yard setback of 15-feet which would limit buildable area on the already undersized lot. The request for a nine (9) foot street setback would re-establish the approximate setback required at the time the development was platted and recorded. Additionally, the subject property is already the location of an existing water booster station. The proposal will replace the existing water booster station and locate it within an above ground building resembling a residence. The site location is a special condition applying to this property as the location of the booster station is critical to the nature of the existing water distribution system and the subject property is located in an area that will allow the system to meet the needs to support additional growth in Polk City and unincorporated areas of Polk County near NW 26<sup>th</sup> Street.
- 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 public service use specifically, a booster station, is allowed in the "RR" Rural Residential District. The public service use must meet additional requirements requiring the use within an enclosed building, having a building that is architecturally compatible with the surrounding character of the neighborhood, and that it does not create any nuisances. The proposal meets these requirements. An existing water booster station already exists on the site. The proposal will allow for the existing station to be replaced with an above ground water booster station to be constructed as a building resembling a residence therefore compatible with the surrounding neighborhood. The site will be remotely accessed and operated with on-site visits by operations personnel occurring as needed.
- 3.) Will the authorization of the variance preserve adjacent property and support the

purpose of the ordinance and the public interest?

- Yes. Other properties in the same development were built in accordance with the original setbacks required at the time of platting that allowed a 40-foot setback along a public right-of-way. The proposal will be architecturally compatible with the surrounding character of the neighborhood resembling a residence with all system components residing inside the building. The use is not allowed to create any nuisances. The existing woodlands along the south half of the subject property and existing landscaping along the northern and eastern property lines will significantly limit the view of the building.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
  - Yes. The subject property was platted with a western setback of 40-feet and a lot size and width that are now non-conforming within the "RR" Rural Residential District. The zoning changes over time have limited the buildable area for the undeveloped lot making it nearly impossible to construct a building and meet all of the Zoning Ordinance requirements.
- 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. Compliance with the standards for a Site Plan will mandate compliance with Article 7 and Article 8. The variance request does not affect compliance with the environmental provisions of the Polk County Zoning Ordinance.

Although items 1-5 were answered in the affirmative, therefore staff recommends approval of the requested Variance.

## **Variance Appeal Application**

## **Board of Adjustment Authority**

The Polk County Board of Adjustment is empowered by lowa 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.



(time stamp)

Official Llea Only

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.

The undersigned applicant requests that the Board of Adjustment consider this

	olication for a variance appeal for the follow request)	ing general purp	ose. (Des	cribe briefly	Official Ose Offiy	
De	es Moines Water Works is requesting a vari	ance on the the	50-foot fro	nt setback		
	quirement. The Des Moines Water Works is this lot with a new above ground booster s				pooster station located	
2.	Subject Property Address: 2567 NW 72nd Place, Ankeny Iowa 50021					
3.	Subject Property Zoning District: Rural Residential					
4.	100/00047 110 000					
5. <u>Lc</u>	Subject Property Legal Description (attach at 18, Hoffman Estates, an official plat, now	if necessary):	rming a pa	rt of Polk Cour	ity, Iowa.	
6.	Filing Fee: \$315 per variance (each provis	ion requested fo	r a varianc	e is considered	a separate variance reques	
7.	Applicant(s) Information:					
Nat	han W. Casey	Nathan	V. Casey	,	6/16/2020	
Apı	plicant (Print Name)	Signature	· · · · ·		date	
En	gineering Supervisor		ncasey	@dmww.com		
Inte	erest in Property (owner, renter, prospective	e buyer, etc.)	Email			
220	01 George Flagg Parkway, Des Moines Iow	va, 50321		515-323-6230	515-283-2610	
Add	dress, City, State and Zip			Phone	Fax	
8.	Applicant(s) Representative:					
If th	ne appeal is going to be represented by sor	meone other tha	n the appli	cant please pro	vide that information below	
Nat	han W. Casey	Des Moines	Water Wo	rks		
Apı	plicant Representative (Print Name)	Firm or Busin	ness Name	)		
22	01 George Flagg Parkway Des Moines, lov	va 50321				
Add	dress, City, State and Zip			-		
no	casey@dmww.com		515-3	23-6230	515-283-2610	
Em	nail		Phone		Fax	

# 9. Property Owner Consent

property. The application may also be significant	the Titleholders, Contract Purchasers, or C gned by the Registered Agent for a corporatio f additional signatures are needed please at	n or other person with similar legal
Ted Corrigan	additional signatures are needed please at	6/16/20
(Print Name)	Signature	date
booster station with a 41-foot front setb city of Polk City and unincorporated are Due to the nature of the existing water This location was chosen based on the distribution system. The building was a residential nature of the surrounding are and control equipment, will be located size. Still, due to the narrow nature of could not be met while also providing to building was made as narrow as possiting generation.	distribution system, there were limited option current booster station and as a suitable similar out to resemble a small residential home rea. All water booster equipment, including inside the building. The building was designated the existing lot, only 100-feet wide, a 50-footon all necessary water supply equipment. To ble while still providing for sufficient pumping	ins for this stations location. Ite for connection to the existing to better fit in with the pumps, generator, electrical, med in a fashion that limits total of front and 15-foot rear setback the east-west direction of the gequipment and emergency
Des Moines Water Works requests the front setback.	Polk County Board of Adjustments provide	a variance to allow a 41-foot
A completed application Incomplete submitta	with site drawing and filing fee are requi ils will not be processed and returned to	ired for a submittal. the Applicant.
Pho	y Public Works, Planning Division 5885 NE one (515) 286-3705 • Fax (515) 286-3437 vailable online http://www.polkcountyiowa.go	
	OFFICIAL USE ONLY	

OFFICIAL USE ONLY						
Received by	Docket Number					
Date Received	Reviewed by					
BOA meeting date	BOA Approved	Y / N				

Required Information: (must be included prior to making submittal)

- 1. Complete Application including the description of requested variance(s) with specific information for the request and state the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance.
- 2. Submit site drawing as required see details below.

#### Site Drawing

All variance appeals must submit three (3) 11x17 copies of a site drawing with the application. The site drawing must be fully dimensioned and legible. All required information must be drawn to a scale. The Zoning Administrator may require a petitioner to submit a site plan drawn by an engineer or architect. The site plan shall include the following:

- 1. Boundary drawing of the lot or area involved.
- 2. Location, dimensions, height and setbacks of all existing and proposed buildings and structures and the uses of each.
- 3. Use of the proposed addition to building or structure.
- 4. Approximate location of the vehicle entrance to the site.
- 5. Show the approximate location of water and sewer (septic system) facilities, if applicable.
- 6. Location of parking area and number of stalls required, if applicable.
- 7. General location of landscaping, buffer areas and screening, if applicable.
- 8. If the appeal is for a **sign**, the appeal must be accompanied by both a fully dimensioned, to scale elevation and site plan drawing of the sign, showing the exact location and size of the sign.

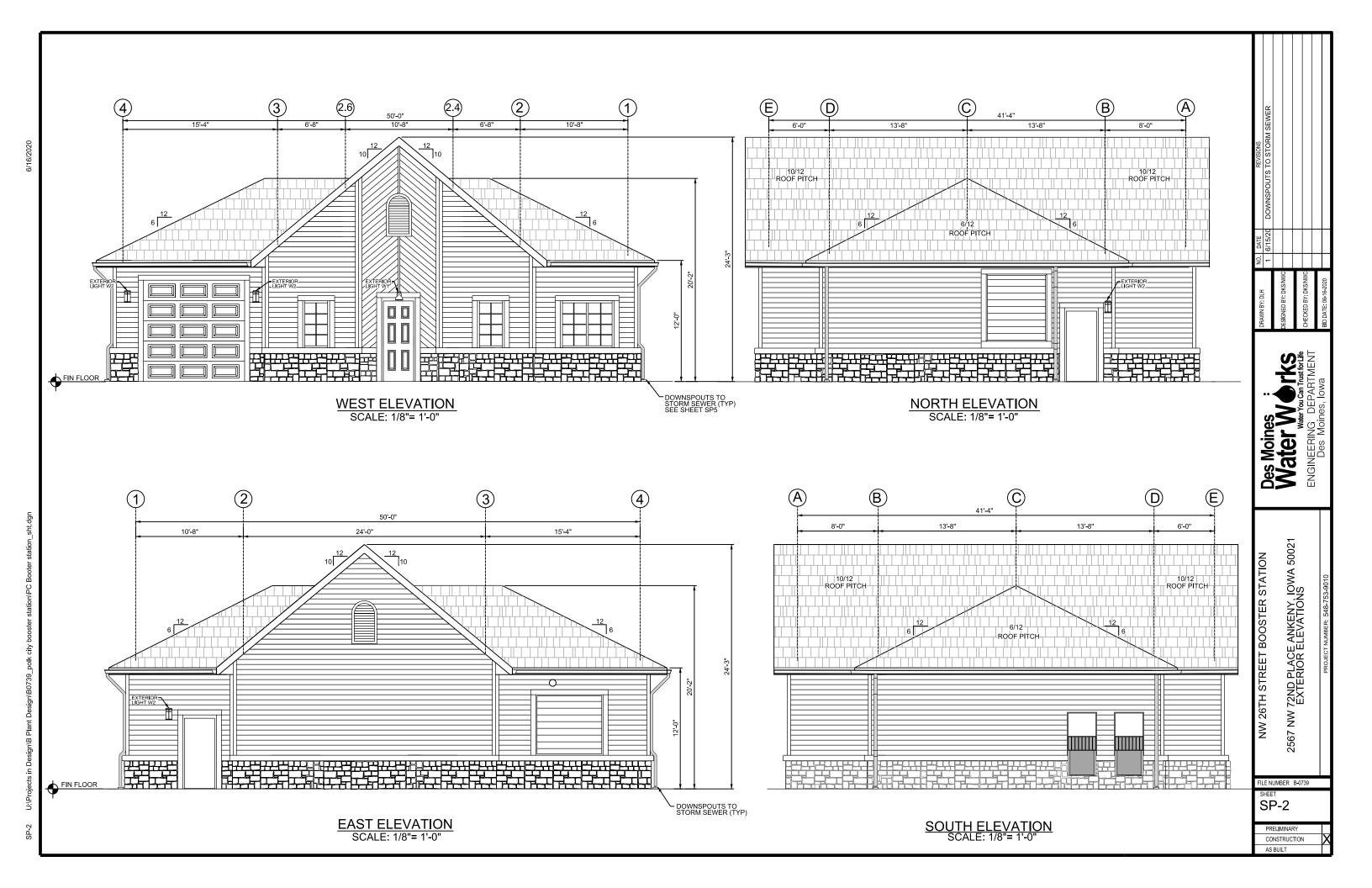
#### **Variance Regulations**

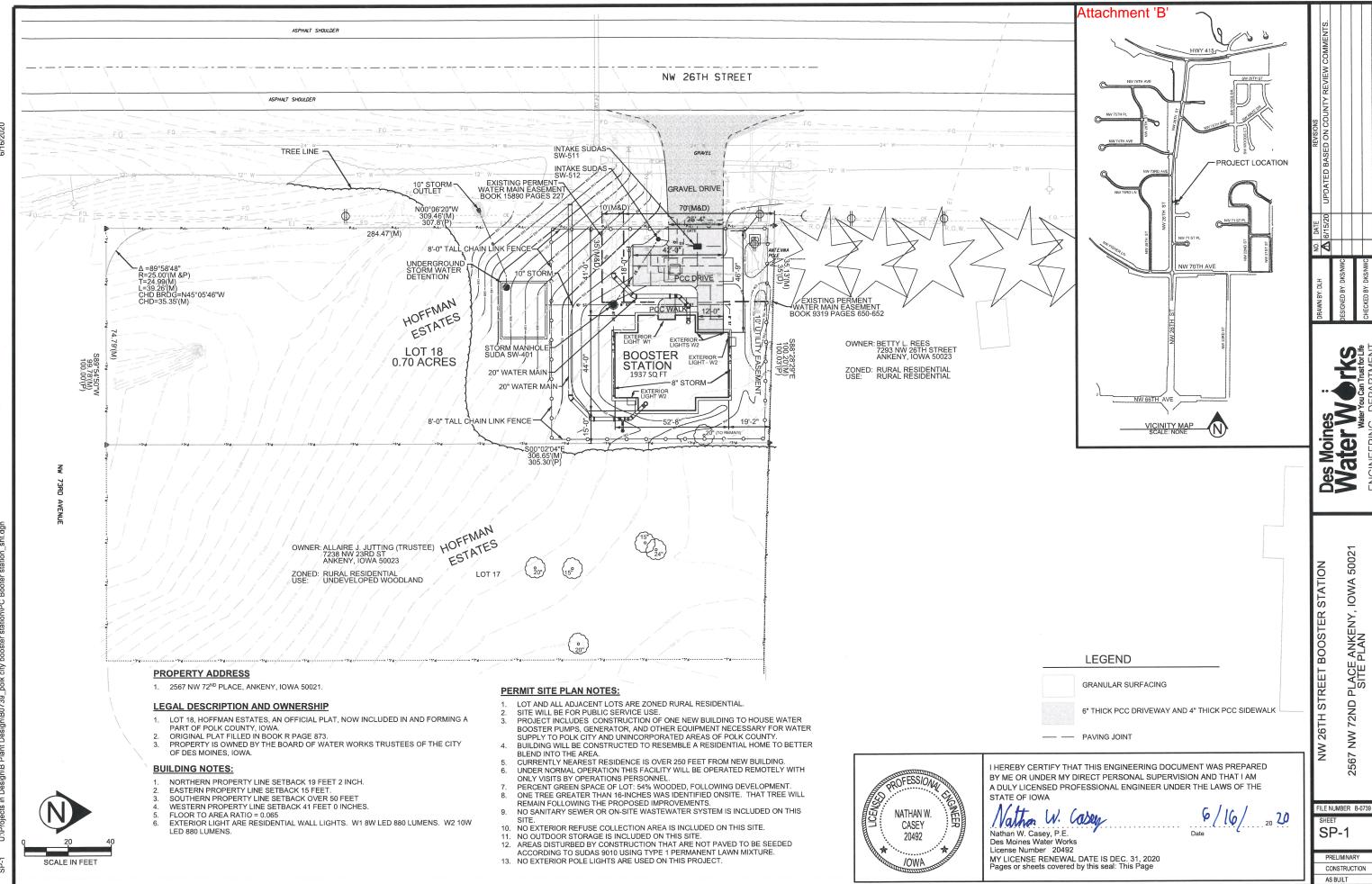
No variance from the provisions or requirements of this ordinance shall be authorized by the Board of Adjustment unless the Board finds beyond reasonable doubt that all the following conditions and circumstances exist. These regulations are found in the Zoning Ordinance, Article 17. Variance. The conditions and circumstances will be addressed by the Polk County Planning Division staff in reviewing the variance(s) request.

- There must be exceptional or extraordinary circumstances or special conditions applying to the property in question, and do not exist generally on other properties in the same zoning district. By virtue of the unique or special conditions, it is, therefore, exceptionally difficult to place a use permitted in said district on the property.
- The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity and such variances will not permit uses that are prohibited in that district.
- 3. The authorization of such variance will not be of substantial detriment to adjacent property and will not be contrary to the purpose of this Ordinance and the public interest.
- 4. That the special conditions or circumstances did not result from the actions of the applicant.
- 5. The variance will not entirely void the natural resource protection requirements of this Ordinance.

The condition and/or situation of a property for which a variance is sought must be of an unusual nature. A variance shall not be authorized if the condition or situation is of a general or recurrent nature such that adopting a general regulation as an amendment to this Ordinance is a reasonably practicable solution.

The variance granted shall be the minimum necessary to permit a use of the property. A variance shall neither increase the number of permitted dwelling units by more than one (1), nor allow the minimum lot area required for a use to be decreased by more than ten (10) percent. If natural resources are involved, then mitigation for any damage to the environment shall be a condition of the variation.





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