**Appeal:** The appellant requests a Variance to allow an accessory structure at a side yard setback of less than five (5) feet and a Variance to allow the accessory structure to be located with less than 10 feet of separation from the principal structure.

**Appeal Given:** A 12’ x 20’ garage is needed at the end of the existing driveway. Due to the lot size, maintaining minimum side setback and separation requirements is not possible.

**Background**
The subject property is Lot A26 within Country Living Mobile Home Park, located at 6930 NE 56th Street, Altoona, IA 50009. The subject property is within Section 3 of Township 79 North, Range 23 West of the 5th P.M. (Delaware Township). The mobile home park is approximately 40 acres in total size, and is located at the southwest corner of NE 56th Street and NE 70th Avenue. The Park has a southern entrance onto NE 56th Street, which serves approximately 120 lots and units in the southern half of the site. There is also an entrance located further north onto NE 56th Street as well as a north entrance onto NE 70th Avenue, which together serve approximately 26 lots and units clustered in the northeast corner of the property. The subject property, Lot A26, is the farthest northeast lot and unit within the Park. All lots are accessed by private interior streets.

The property is zoned “AG” Agricultural District, and its’ mobile home use is classified as an existing, nonconforming use under the Polk County Zoning Ordinance. All surrounding properties are also zoned “AG” Agricultural District, and primarily consist of large tracts in agricultural productivity, with a few single-family dwellings to the east and southeast. The City of Altoona corporate limits are approximately one-quarter (¼) mile to the south, and the City of Bondurant corporate limits are approximately one-half (½) mile to the east. See Attachment ‘A’ for a vicinity map of the subject property and surrounding area.

**Summary of Request**
The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 4: Bulk Standards for Mobile Home Parks, Table 6.8* requires a minimum side yard setback of five (5) feet, and a minimum separation of ten (10) feet from the dwelling unit or deck, for accessory structures on individual lots within a mobile home park. The appellant is proposing a new 12’ x 20’ (240 square feet) accessory garage to be located immediately north of the existing mobile home unit on the subject property, being Lot A26. A Variance is requested to allow the accessory structure at a side yard setback of approximately four feet and six inches (4’ 6”) from the northern side lot line, in lieu of the required five (5) feet. Additionally, a Variance is requested to allow the accessory structure at approximately four feet and six inches (4’ 6”’ ) of separation from the closest part of the principal mobile home unit and attached deck, in lieu of the required ten (10) feet of separation. See Attachment ‘B’ for a copy of the site plan and proposed setbacks for the new accessory structure. 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 no responses have been received regarding this Appeal.
Natural Resources
The site topography across the 40-acre mobile home park varies from 930 feet to 960 feet. The area of the subject property, Lot A26, is flat with an approximate elevation of 950 feet. The larger mobile home park contains a small area of mapped Zone ‘A’ floodplain along a drainageway which extends through the middle of the property. However, the subject property, Lot A26, contains no mapped floodplain or other environmental hazards or features. There are a few existing trees in close proximity to Lot A26, however none would be impacted by the proposed garage location.

Roads & Utilities
The property has frontage along Gary Street, which is a private interior roadway maintained by the mobile home park. Gary street has access north to NE 70th Avenue and east to NE 56th Street. Wastewater treatment is provided for the entire Park by a private lagoon system managed by the Park and overseen by the Iowa Department of Natural Resources. Public water is provided through the City of Altoona.

Recommendation

Variance Request #1: Side yard setback Variance of approximately six inches (6") to allow a new 12’ x 20’ (240 square feet) accessory structure to be located at a side yard setback of approximately four feet and six inches (4’ 6") from the northern side lot line, in lieu of the required five (5) feet.

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 width of the subject property lot creates a limited building footprint. Additionally, the location of the existing driveway further restricts the location in which an accessory garage may be reasonably located.

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 subject property, and within the “AG” Agricultural District.

3. Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
   Yes. The proposed accessory building will have minimal impact on adjacent properties. The proposed structure will be setback further from the front property line to the east than the current unit. Furthermore, Lot A26 is the furthest lot north on the east side of Gary Street, and the accessory structure is proposed on the north side of the existing unit.

4. Is there a special condition or circumstance that did not result from the actions of the applicant?
   Yes. The location of the existing driveway and the narrow lot width are not results of 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. No environmental features would be 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.

Variance Request #2: Separation Variance of approximately five feet and six inches (5’ 6”) to allow a new 12’ x 20’ (240 square feet) accessory structure with a separation from the principal residence and attached deck of approximately four feet and six inches (4’ 6”), in lieu of the required ten (10) feet of separation.

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 width of the subject property lot creates a limited building footprint. Additionally, the location of the existing driveway further restricts the location in which an accessory garage may be reasonably located.

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 subject property, and within the “AG” Agricultural District.

3. Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
   Yes. The proposed accessory building will have minimal impact on adjacent properties. Lot A26 is the furthest lot north on the east side of Gary Street, and the reduction in the separation distance from the principal residence will primarily impact the subject lot.

4. Is there a special condition or circumstance that did not result from the actions of the applicant?
   Yes. The location of the existing driveway and the narrow lot width are not results of 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. No environmental features would be 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.
Polk County Public Works — Site Plan Worksheet

<table>
<thead>
<tr>
<th>SITE ADDRESS</th>
<th>4920 NE 51st St #26A</th>
</tr>
</thead>
<tbody>
<tr>
<td>OWNER'S NAME</td>
<td>Kindell Pro</td>
</tr>
<tr>
<td>APPLICANT'S NAME</td>
<td>D. Scott Anderson</td>
</tr>
<tr>
<td>APPLICANT'S PHONE</td>
<td>515 777 5109</td>
</tr>
</tbody>
</table>

INSTRUCTIONS TO APPLICANT
Specify Site Address and Owner's Name.
Specify Name and Phone Number of person furnishing Site Plan Information.
All streets must be identified.
Indicate lot dimensions.
All structures, existing and proposed, must be shown on the Site Plan. Dimensions of and distances to all lot lines from existing/propposed buildings must be indicated as well as distances between all proposed and existing structures.
Indicate location of all distances to properly enhance/protect existing and/or proposed. Dimensions from center of property to center of drive should be indicated.
Indicate location of all distances to existing and proposed sanitary sewer(s) and/or on-site waste-water treatment system(s) and if applicable, geologic/earthquake features.
Indicate location of porous, stream, drainage ways, and/or ravine. All physical features must be shown.
Identify North Direction Arrow and indicate scale of Site Plan.

1. WE CERTIFY THAT THE PROPOSED CONSTRUCTION WILL CONFORM TO THE DIMENSIONS AND USES SHOWN ABOVE AND THAT NO CHANGES WILL BE MADE WITHOUT FIRST OBTAINING APPROVAL.

APPLICANT'S SIGNATURE | [Signature]
DATE | 5/21/21

Gary st 48