

**Appeal:** The appellant requests a front yard setback variance of 15 feet and a rear yard setback variance of five (5) feet to reduce the front yard setback from 50 feet to 35 feet and the rear yard setback from 50 feet to 45 feet for a new single-family dwelling.

### **Background**

The subject property is located at 10800 SE Miller Drive, Runnells, and is legally described as Lot 7 of Pleasant Chase Plat 1, within Section 10 of Township 78 North, Range 22 West of the 5<sup>th</sup> P.M. (Camp Township). The property is approximately 42,220 square feet (0.97 acres) in size and is zoned "RR" Rural Residential District. The subject property is located approximately three and one-half (3½) miles northwest of Runnells and approximately three and one-half (3½) miles southeast of Pleasant Hill. All surrounding properties are also zoned "RR" Rural Residential District. The platted single-family lots within the subdivision of Pleasant Chase Plat 1 are located directly north and south of the subject property, and all other surrounding properties are agricultural land in current row crop production.

The subdivision of Pleasant Chase Plat 1 was completed in 2019 and created nine (9) single-family residential lots located on the west side of SE 108<sup>th</sup> Street. To-date, single-family residences have been constructed on Lots 4 and 5. The subject property is currently vacant. Lots 1 through 6 and Lot 9 front and access SE 108<sup>th</sup> Street to the east. Lot 7 (subject property) as well as Lot 8 are corner lots which front both SE 108<sup>th</sup> Street as well as the new public street extension of SE Miller Drive located directly west of SE 108<sup>th</sup> Street. Both lots are required to access the new subdivision road extension of SE Miller Drive directly adjacent. Therefore, Lots 7 and 8 have a required front yard setback of 50 feet from SE Miller Drive and SE 108<sup>th</sup> Street. Under the Zoning Ordinance definition, the rear yard setback for corner lots is directly opposite the front yard where access is taken. In the case of the subject property, the minimum rear yard setback of 50 feet applies to the northern lot line opposite the southern front lot line adjacent to SE Miller Drive.

### **Summary of Request**

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 2, Table 6.1* requires a minimum front yard setback of 50 feet and a minimum rear yard setback of 50 feet for single-family dwellings within the "RR" Rural Residential District. The appellant is requesting a front and rear yard setback variance for a new single-family dwelling on the subject property. Specifically, the request is for a front yard setback variance of 15 feet to reduce the front yard setback from 50 feet to 35 feet from the southern, front property line parallel to SE Miller Drive. The request is also for rear yard setback variance of five (5) feet to reduce the rear yard setback from 50 feet to 45 feet from the northern, rear property line. See *Attachment A* at the end of this report for a copy of the site plan showing the proposed dwelling location and setbacks. As explained in the section above, as a corner lot the property is subject to the minimum front yard setback of 50 feet from both street frontages, which are the southern and eastern property lines in this case. The rear yard setback of 50 feet is required from the property line opposite the front yard where access is taken, which is the northern property line opposite SE Miller Drive in this case.

Staff mailed out six (6) 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 one (1) response in support and one (1) in opposition of this Appeal.

### **Natural Resources**

The subject property is a recently platted lot. It is not located within a mapped floodplain nor does it contain other environmental hazards or features. There are a few mature trees located throughout the property, including along the property line and fence line with the adjacent farm ground to the west. The site topography is relatively flat.

### **Roads & Utilities**

The property has frontage onto both SE 108<sup>th</sup> Street and SE Miller Drive, with future access required to be taken to the south from SE Miller Drive. SE 108<sup>th</sup> Street is a paved two-lane minor collector roadway, and SE Miller Drive is a paved two-lane local roadway. Both are public roadways maintained by Polk County. The short segment of SE Miller Drive located west of SE 108<sup>th</sup> Street and adjacent to the subject property was a required improvement as part of the subdivision plat of Pleasant Chase Plat 1. The new street segment has a small hammerhead turnaround where it terminates at the boundary of the adjacent farm ground to the west, which encroaches partially onto the subject property. There is an easement on the subject property, approximately 32 feet by 24 feet, to accommodate the portion of the turnaround which encroaches onto the lot. The subject property also has a platted public utility easement 20 feet in width parallel to the eastern lot line along SE 108<sup>th</sup> Street as well as parallel to the southern lot line along SE Miller Drive. The property is served by public water, via Des Moines Water Works and an existing four-inch (4") water main located along SE 108<sup>th</sup> Street. Future wastewater treatment needs shall be met by a private onsite septic system installed by the property owner.

### **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. During the recent subdivision process for Pleasant Chase Plat 1, the rear yard setback line was improperly delineated, as reviewed and approved by staff and Polk County. As a result, the subject property has an insufficient depth and overall buildable area to accommodate a new single-family dwelling.
- 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. But for the granting of this variance the subject property would effectively be unbuildable for a modern single-family dwelling.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The reduced front and rear setbacks to 35 feet are reasonable and necessary to allow the lot to be buildable. The new dwelling will still have to meet the minimum front yard setback of 50 feet from the eastern property line along SE 108<sup>th</sup> Street; preserving a uniform building line along SE 108<sup>th</sup> Street in conjunction with the other lots within the development. The reduced front yard setback to 35 feet from SE Miller Drive matches the front yard setback required for similar sized lots zoned "LDR" Low Density Residential District. Furthermore, the reduced front yard setback applies to a temporary dead-end local subdivision roadway currently serving only two (2) lots. The reduced rear yard setback is minimal in nature and will have a limited impact on the separation from any future dwelling on Lot 6 adjacent to the north.

4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The rear yard setback line was incorrectly delineated on both the preliminary and final plat of Pleasant Chase Plat 1, as reviewed and approved by staff and Polk County. It was Polk County's requirement that the subject property take access from SE Miller Drive, and therefore the correct rear setback line should have been communicated to offer the developer a chance to reconfigure certain lots, including the subject property, to allow for an adequate building footprint.

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 anticipated to 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.

