

Appeal: The Appellant requests a front yard setback Variance of approximately three feet and 11 inches (3' 11") to allow a proposed porch addition to encroach into the existing western front yard setback established by the front building line of the principal dwelling.

Appeal Given: "We must repair our front porch. While doing so, we want to add a small addition to it for a sitting area (9'-3" x 10'-4"). The SW corner of the porch addition will extend slightly beyond the setback line 3'-11" which results in 15 sq. ft. of the porch floor encroaching into the front yard setback. The extraordinary circumstance requiring a variance is the road in front of our house is angled 34 deg. From true north but our house is oriented true NSEW. This makes our yard irregular shape. See the Site Plan. The road causing the irregular shapes is Hwy 415 A.K.A. NW Madrid Dr. which is one curve after another from Polk City to Madrid. A front porch used to sit and enjoy the outdoors is a permitted use. It will not detract from property rights of other properties in our Agricultural zoning district and our rural vicinity. Authorizing this variance to permit a porch will not create a detriment to adjacent properties which are all farm land under cultivation with either corn, soy beans, or hay. We as owner and applicant did not create the special conditions creating the need for the variance. Our house was built in early 1900's and the road was laid out before that. The variance will not harm the natural resources of the property or any other property".

Background

The subject property is located at 15771 NW Madrid Drive, Madrid. The parcel is approximately 7.2-acres in size, and is located in part of the Northeast $\frac{1}{4}$ Northeast $\frac{1}{4}$ of Section 7 in Union Township. The property is zoned "AG" Agricultural District. The subject property is a triple frontage parcel with western frontage onto NW Madrid Drive, northern frontage onto NW 158th Avenue, and eastern frontage onto NW 128th Street. The property is triangular with approximately 1,050-feet of frontage along the western property line adjacent to NW Madrid Drive. An existing access and entrance is located along the western property line within the southern approximately 300-feet from the intersection of NW Madrid Drive and NW 128th Street. The existing principal dwelling is located within the southern narrow portion of the property. The surrounding properties to the north, east, south and west are all primarily utilized for agricultural fields and are all zoned "AG" Agricultural District. See *Attachment A* at the end of this report for an aerial vicinity map of the subject property.

The existing dwelling unit on the subject property was constructed in 1920 according to County assessment records. In 1936, a couple of three-sided lean-to buildings were added to the subject property along with a flat barn. In 1940, three sheds, a storage grain bin and a poultry accessory building were added to the property. A garage with dimensions 20 feet by 22 feet was added to the property in 1945. A 48 feet by 44 feet pole barn building was permitted in 2017. The current dwelling has a front yard setback of approximately 38 feet and 5 inches (38' 5") from the west, front property line that runs parallel to NW Madrid Drive. The Appellant is requesting to construct a covered porch addition onto the front facade of the dwelling that will encroach the existing front building line by approximately three feet and 11 inches (3' 11") for a total of 15 square feet. The addition would extend the front building line of the dwelling an additional approximately

three feet and 11 inches (3' 11") west toward the front property line, and establish a new front yard setback for the principal structure at approximately 35-feet See *Attachment B* for a copy of the submitted site plan.

Summary of Request

Under the provisions of the Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 2: Table 6.1 Single-Family Bulk Standards*, the required minimum front setback for single-family dwellings in the "AG" Agricultural District is 50-feet. However, *Article 21, Division 2: Nonconforming, Section 3(A)*, allows legal nonconforming structures to be added onto so long as the addition does not increase their nonconformity. The existing dwelling on the property has a legal nonconforming front yard setback of approximately 38'-5". The Appellant proposes to construct a porch addition to the dwelling, which will encroach an additional approximately three feet and 11 inches (3' 11") into the existing western front setback, establishing a new front building/setback line at approximately 34'-6". See *Attachment B* at the end of this report for a copy of the site plan showing the proposed location of the new porch addition.

Natural Resources

The subject property includes large areas of open space with a few mature trees bordering the property and a buffer of mature evergreen trees located northwest of the dwelling. There is no designated floodplain, environmental hazards, or other significant features on the property.

Roads & Utilities

The subject property has triple frontage with an existing access and frontage onto NW Madrid Drive (Hwy. 415) to the west, frontage along NW 128th Street to the east and frontage along NW 158th Avenue to the north. NW Madrid Drive (Hwy. 415) is classified as a minor arterial roadway, and is a hard surfaced street. Both NW 128th Street and NW 158th Avenue are classified as local roadways with NW 158th Avenue having a hard surface and NW 128th Street having a gravel surface. Wastewater is provided by an onsite septic system based on information provided by the Appellant. The tank is located on the north side of the dwelling with the lateral field extending to the north. This system will not be impacted by the proposed addition. Water service is provided by Xenia Rural Water. The latest data available from Xenia Rural Water indicates the property obtains service from an existing six-inch (6") diameter water main located along NW 128th Street on the east side of the subject property.

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 subject property has a triangular configuration with three (3) street frontages, each subject to front yard setbacks. The existing primary dwelling was established

prior to the adoption/enforcement of zoning regulations and building codes by Polk County, and prior to the establishment of the current "AG" Agricultural Zoning District standards.

- 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. The proposed covered porch addition is a permitted use within the zoning district. The request is very minor in extending the porch an additional approximately three feet and 11 inches (3' 11") for a total encroachment of 15 square feet.

- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. The encroachment into the front setback by the proposed addition will have a minimal impact on adjoining agricultural properties due to the small area of encroachment.

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

Yes. The original construction of the primary dwelling was in 1920. The existing front building line and orientation of the structure are existing conditions not resulting from the actions of the Appellant. The location of the existing building contributed to the need for the Variance request.

- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Storm water 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 features will 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.

Attachment 'A'



13201

NW 158th Ave

13081

12797

12531

13102

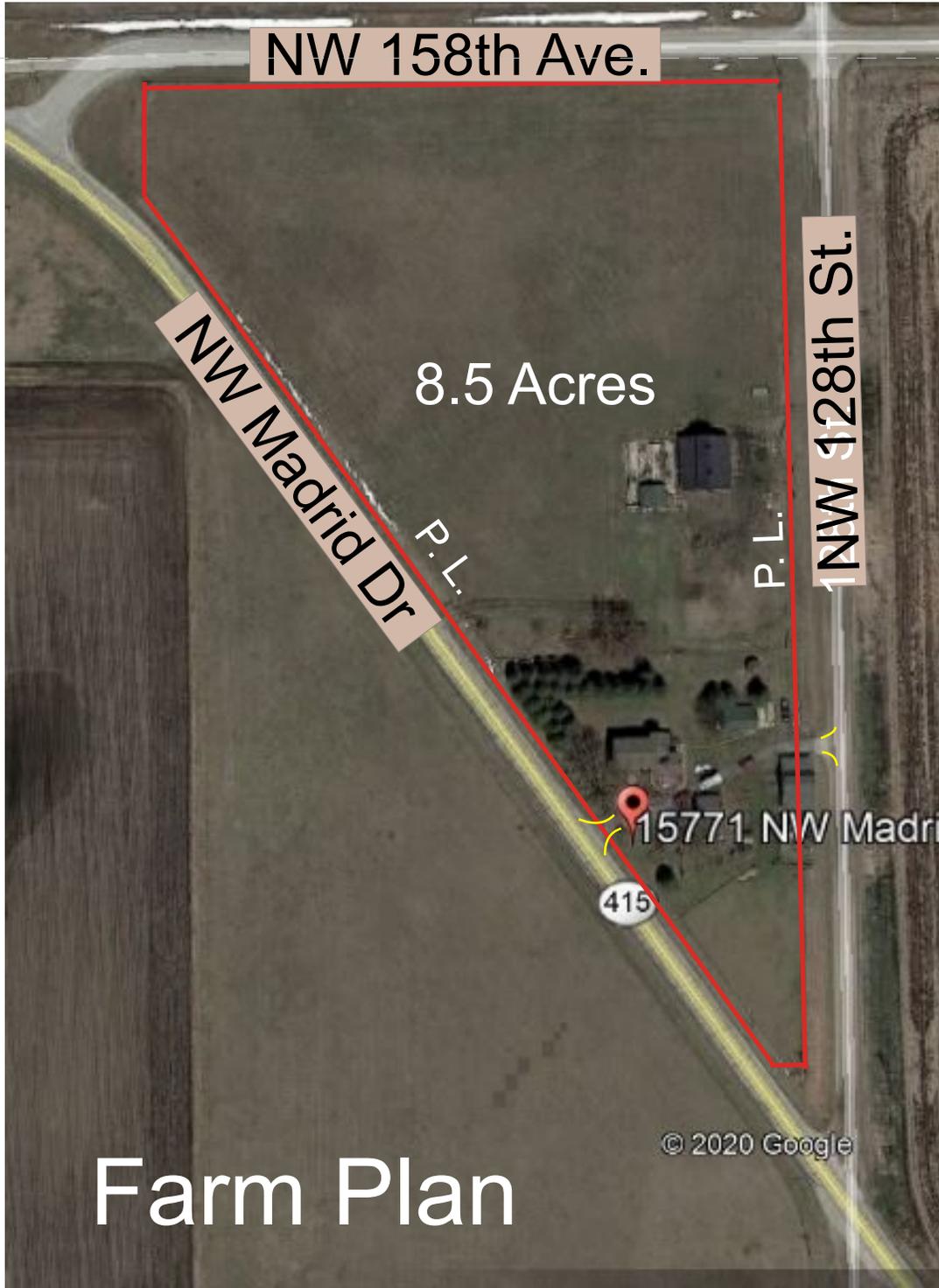
15771 NW Madrid Dr

NW Madrid Dr

NW 128th St

15771





Setback Variance

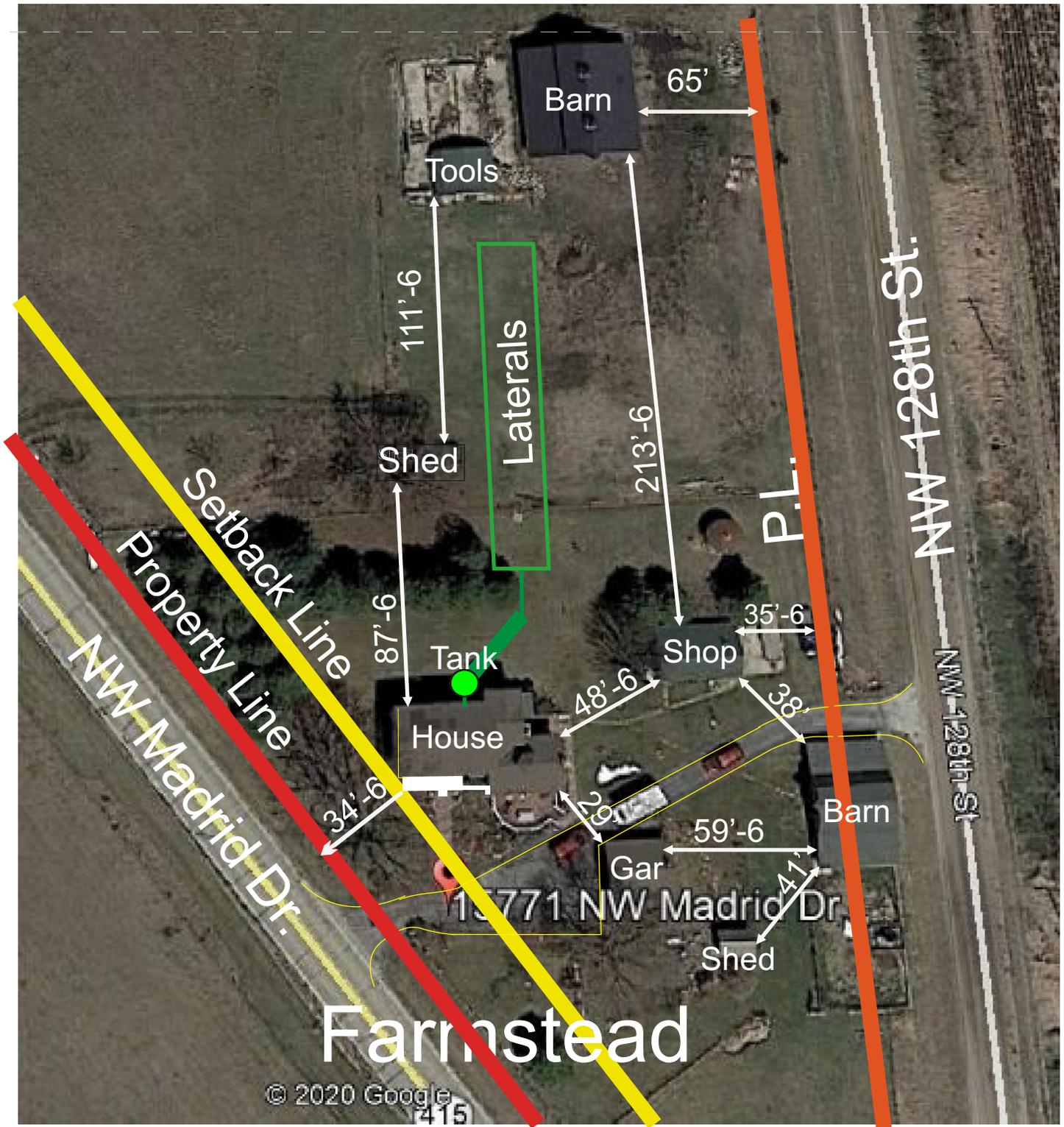
Site Plan



Note: Site plans based on Google Earth Pro mapping. Distances measured manually with tape measure.

Porch Restoration & Addition
 John and Miriam Kujac
 15771 NW Madrid Drive
 Madrid, Iowa 50156

Sheet **1/3**



Setback Variance Site Plan

Note: Site plans based on Google Earth Pro mapping. Distances measured manually with tape measure.

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Sheet **2/3**



Setback Variance

Site Plan



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Sheet **3/3**

