Docket Number: 22/11635

Appellants: Martin and Anjana Olson (Property Owners) 3230 NW 84th Avenue, Ankeny, IA 50023
Ryan Ferris, Ferris Construction (Representative) 7285 Geneva Street, Indianola, IA 50125

Appeal: The Appellants request a Variance to allow a home addition to connect a principal structure to an existing accessory building creating a principal structure rear yard setback of nine-foot six-inch (9'6") and a six-foot six-inch (6'6") side yard setback in lieu of the required fifty (50) foot rear yard setback and fifteen (15) foot side yard setbacks.

Appeal Given: See Attachment ‘C’ at the end of this report.

Background
The subject property is located at 3230 NW 84th Avenue, Ankeny, and is legally described as Lot 14, J R Davidson Plat, and being located within Section 29, Crocker Township. The subject property approximately 33,600 square feet (0.771 acres) in size and contains a single-family residential dwelling and one (1) accessory building. The dwelling on the subject property was constructed in 1978 and a building permit was issued by the Polk County Building Department. The accessory building on the subject property was constructed by a previous property owner between 2009 and 2010. There are no building permits on file for the accessory building with the Polk County Public Works Department.

The subject property is zoned “RR” Rural Residential District, as are adjacent properties to the east and south. Properties to the west and north are zoned “MDR” Medium Density Residential District. The area is residential in nature, with surrounding properties featuring single-family residential structures. The subject property is located approximately 300-feet east of Highway 415, and the corporate boundary of the City of Ankeny is approximately one mile east of the subject property. See Attachment ‘A’ at the end of this report for an aerial vicinity map of the subject property and surrounding area.

The subject property has 120-feet of frontage along NW 84th Avenue, and the lot is 280-feet deep. The primary access is a driveway situated near the northeastern corner of the property onto NW 84th Avenue. The home on the subject property sits approximately 178-feet from the front property line. The proposed variance will allow a home addition to connect a principal structure to an existing accessory building, creating a principal structure rear yard setback of nine-foot six-inch (9’6”) and a six-foot six-inch (6’6") side yard setback in lieu of the required fifty (50) foot rear yard setback and fifteen (15) foot side yard setbacks. The appellants are requesting this variance to increase the living space for the property owners.

Summary of Request
The Polk County Zoning Ordinance, Article 6: Bulk and Use Standards, Division 2: Single-Family Residential Bulk Standards: Table 6.1. Table of Single-Family Bulk Standards establishes a fifty (50) foot rear yard setback and fifteen (15) foot side yard setbacks for single-family dwellings located in the “RR” Rural Residential District.

The appellants are proposing to construct a home addition that would connect the existing single-family dwelling to the existing detached accessory structure. The detached accessory structure is
currently 590-square feet, and has required setbacks of five (5) feet from the side and rear property lines, though was constructed with a nine-foot six-inch (9'6") rear yard setback and a six-foot six-inch (6'6") side yard setback. See Attachment ‘D’ at the end of this report for a copy of the site plan submitted with the variance application.

Staff mailed out twelve (12) 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) petition in support of the proposed variance, and no petitions in opposition of the request.

**Natural Resources**
The subject property is mostly flat, featuring only two (2) feet of elevation change. The southern (rear yard) of the property features mature trees which will not be impacted by the proposed home addition. The subject property is not located within a mapped floodplain.

**Roads & Utilities**
The subject property has approximately 120 feet of frontage along the south side of NW 84th Avenue, with driveway access onto NW 84th Avenue near the northeastern corner of the lot. Access will not change with this proposed variance.

The home is served by an on-site septic system, which features a tank and pump tank which leads to a pressurized lateral field. The tanks are located near the northwest corner of the home, and a lateral field extends into the front yard. The home and any accessory buildings are required to maintain a minimum separation distance of 10 feet from the septic system. Water comes to the subject property via a 12-inch Des Moines Water Works water main on the northern side of NW 84th 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?
   No. The home on the subject property was constructed 178-feet from the front property line, which far exceeds minimum front yard setback requirements and allows limited area for rear yard expansion. While this does create difficulty in expanding the home, the property can be reasonably utilized in its current configuration, or home expansion could take place north of the existing 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)
   No. There is adequate space on the property for a single family residential dwelling and accessory structures.

3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. The variance will have minimal impact on adjacent property owners as the home and existing accessory structure are existing and the home addition would be only a minor visual intrusion and appears unlikely to create any environmental impacts.

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

No. The location of the home and septic system on the subject property create constraints for expansion of the home or construction of future accessory structures, but there would be adequate space on the lot to reconstruct the septic system.

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. It does not appear that any environmentally sensitive areas will be impacted by this proposal. The proposed accessory structure is required to be a minimum of ten (10) feet away from the on-site septic system.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were not all answered in the affirmative, staff recommends denial of a requested variance to allow a home addition to connect the principal structure to an existing accessory structure, establishing a rear yard principal structure setback of nine-foot six-inch (9’6”) and a six-foot six-inch (6’6”) side yard setback in lieu of the required fifty (50) foot rear yard setback and fifteen (15) foot side yard setbacks. The following unrelated condition applies to the property:

1. The applicant shall comply with all Polk County Home Occupation standards, including the submittal of a formal Home Occupation Application and the removal of a business sign located on the mailbox.
Variance Appeal Application

Board of Adjustment Authority
The Polk County Board of Adjustment is empowered by Iowa 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.

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.

1. The undersigned applicant requests that the Board of Adjustment consider this application for a variance appeal for the following general purpose. (Describe briefly the request)

   Side and rear setback for a home
   and garage addition to existing structures

2. Subject Property Address: 3230 NW 84th Ave, Ankeny, IA 50025-6862

3. Subject Property Zoning District: RR

4. District and Parcel Number: 180100853 014 000

5. Subject Property Legal Description (attach if necessary):

   LT 14 JR Davidson Plat

6. Filing Fee: $336.00 per variance (each provision requested for a variance is considered a separate variance request)

7. Applicant(s) Information:

   **ANJANA OLSON**
   Applicant (Print Name)
   Signature
   **anjanaolson@gmail.com**
   Email
   3230 NW 84TH AVE, ANKENY, IA 50023
   8163323440
   Phone
   Fax
   **5/24/22**
   date

8. Applicant(s) Representative:

   If the appeal is going to be represented by someone other than the applicant please provide that information below

   **Ryan Ferris**
   Applicant Representative (Print Name)
   **Ferris Construction, LLC**
   Firm or Business Name
   7285 Geneva St, Indianapolis, IA 50125
   Phone
   Fax
   **ryanf@ferris-construction.com**
   **515-202-4175**
   Email
   Fax
9. Property Owner Consent

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (If additional signatures are needed please attach)

ANTANA OLSON
(Print Name)
Signature

Maya Olson
(Print Name)
Signature

(date)

(date)

(date)

10. State the reason(s) the variance is necessary and why you cannot comply with the regulations of the Zoning Ordinance. Specifically explain the nature of the appeal.

Please see attached sheet for #10 answer

A completed application with site drawing and filing fee are required for a submittal. Incomplete submittals will not be processed and returned to the Applicant.

Return completed forms to: Polk County Public Works, Planning Division 5885 NE 14th Street, Des Moines, IA 50313
Phone (515) 286-3705 • Fax (515) 286-3437 Email: PublicWorks@polkcountyiowa.gov
Forms available online http://www.polkcountyiowa.gov/PublicWorks/ BOA Calendar

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10. Please include this attachment with the Variance Appeal Application.

This variance appeal application is for the current required rear and side setbacks at 3230 NW 84th Avenue, Ankeny, IA. The owners, Marty and Anjana Olson, of the property request this variance to build an addition to the existing home and garage. The addition to the rear of the home will encroach upon the 50’ rear setback, and the addition to the detached garage will encroach upon the east side setback of 15’.

Per site measurements and the online Polk County Auditor Real Estate Map the detached garage has a current east side setback of 6’6” and south rear setback of 9’6”. The primary residence currently has a west side setback of 9’0” and a south rear setback of 51’5”.

The addition to the home and addition to the existing detached garage would make the detached garage an attached garage. This would make the new full structure with an east side setback of 6’6” and the south rear setback of 9’6”, and limited to the setback distances of the existing detached garage location.

This home was built in 1978 prior to current setback requirements. The location of the septic system is to the north of the house and existing attached garage making it exceptionally difficult and expensive to expand living space in that direction. Likewise, the gas and electric meters are located on the east side of the house, meaning an additional expense to expand the home in that direction. Both of these exceptional circumstances were put into place prior to the current owners buying the property.

The proposed addition will in no way alter the natural beauty of the property or encroach upon the enjoyment of the adjacent properties. No mature plants will be removed in order to complete the project so no sightlines from neighboring properties will be disturbed.

Additionally, a similar project was approved for a variance in 2014. That property is located at 8170 NW 37th Street, Ankeny, IA. That project connected the existing home and garages into a singular structure with a rear setback of approximately 17’ and a side setback of 5’ from the property line.

We appreciate your consideration of this variance application. The additional living space will greatly improve the quality of life and overall enjoyment of the property for The Olson family, in addition to increasing market value and property tax value.