

Appeal: The Appellants request a Variance to reduce the front yard setback for a principal structure to 40.5-feet in lieu of the required 50-feet.

Appeal Given: “The home which was previously on the property was destroyed in a tornado earlier this year. With a new construction home we would like an attached garage. The septic system and laterals were replaced in 2009 and limits how far back we can push a new home. We would prefer not to attach to the South because future plans for a south facing deck is an idea. There is also concern with how close the propane tank would be to the garage on the south side.”

Background

The subject property is located at 618 NE 108th Street, Runnells, and legally described as the East 290.5-feet of the South 150-feet (less road right-of-way) of Government Lot 3, within the Northwest Quarter of Section 3, Camp Township. The subject property is 36,835 square feet (0.846 acres) in area and previously contained a single-family residential dwelling and detached accessory building. The property currently features no structures, as the house and detached garage were destroyed in the March 5, 2022 tornado that affected several properties in southeastern Polk County. A variance was previously approved for the subject property on June 25, 1985 by the Board of Adjustment, which allowed a detached garage to be constructed in front of the principal dwelling with a setback of 47-foot (in lieu of the 75-foot setback, which was required at the time).

The subject property is zoned “RR” Rural Residential District, as are all surrounding properties. Surrounding properties are generally agricultural, with the exception of one additional residential property located on the opposite side of NE 108th Street, with the dwelling situated greater than 1,000-feet from the roadway on a flagpole driveway. See *Attachment A* at the end of this report for an aerial vicinity map of the subject property and surrounding area.

The subject property is located approximately 2,100-feet (0.4 miles) south of the intersection of NE 108th Street and NE University Avenue, with frontage onto NE 108th Street. The previous home on the subject property was constructed in 1968, and was issued a building permit by the Polk County Public Works Department. The previous home was located approximately 76-feet from the front property line, and the new home which is proposed to be constructed will be located in a similar location, with the addition of a 30.5' by 30.5' attached garage being constructed towards the front property line.

Summary of Request

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Table 6.1: Table of Single-Family Bulk Standards* establishes a front yard setback of 50-feet for single-family residential structures located within the “RR” Rural Residential District. The appellants are requesting a variance to reduce the front-yard setback for the principal dwelling to 40.5-feet to allow an attached garage to be included with the reconstructed home. If approved, the attached garage would encroach an addition six and one-half (6 ½) feet into the previously approved reduced front yard setback for a detached garage. No accessory structures have been proposed at this time.

See *Attachment B* at the end of this report for a copy of the site plan submitted with the variance application.

Staff mailed out four (4) 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 two (2) response in support of the request, and no responses in opposition.

Natural Resources

The subject property features a steady incline in the front yard from the roadway surface of NE 108th Street, which sits 6-10 feet lower than the grade of the building site and the rear yard on the property. The building site and the rear yard of the property is mostly flat. The subject property is not located within a mapped floodplain. There are six (6) mature trees on the property that survived the tornado, and do not appear to be a significant hindrance on future construction.

Roads & Utilities

The subject property has approximately 150 feet of frontage along SE 108th Street, and gains access near the southeastern corner of the property. Access will not change with this proposed variance.

The home is served by an on-site septic system, which is located west of the proposed building site. The septic system was installed for the previous storm-destroyed dwelling, but the septic system itself was not damaged and can be re-used. Buildings on the property are required to maintain a minimum separation distance of 10 feet from the septic system.

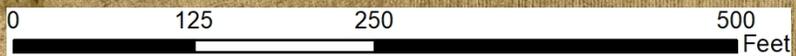
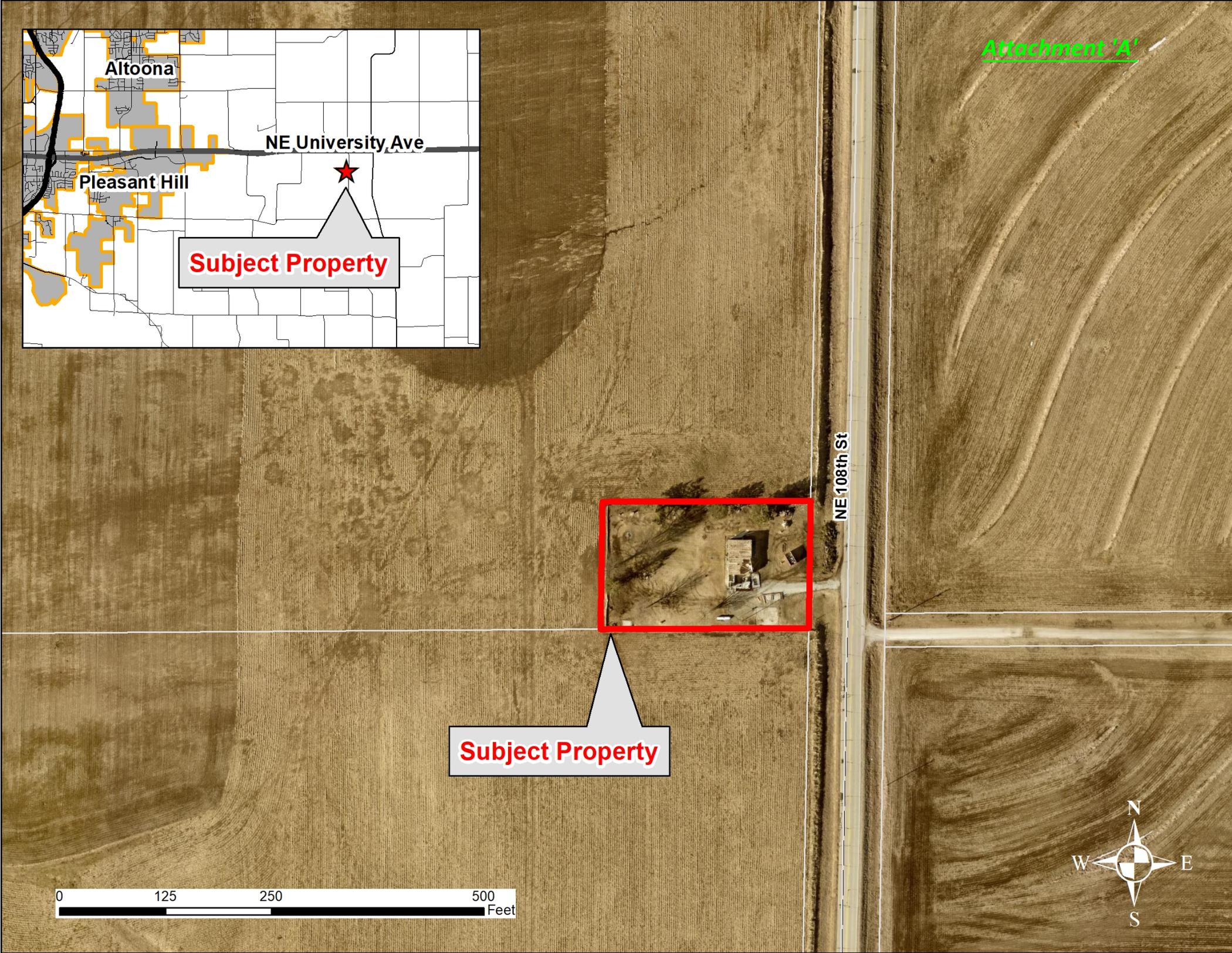
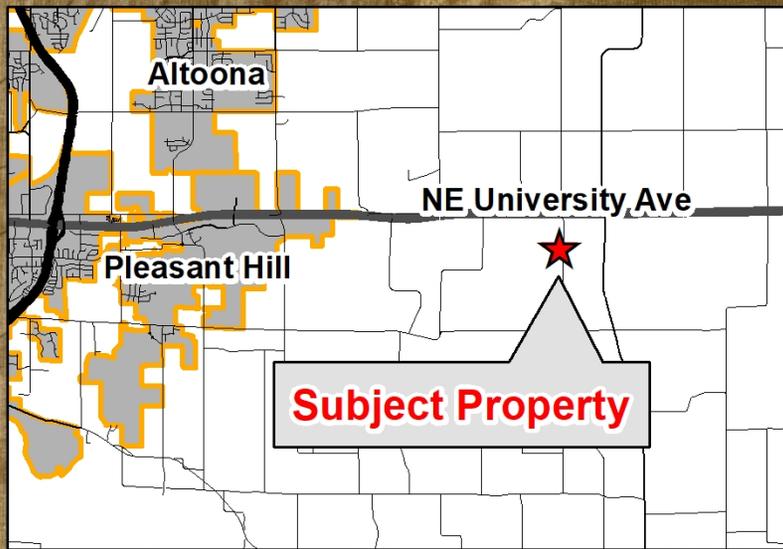
Recommendation

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. In order to utilize the septic system that was installed for the previous storm-destroyed structure, there are very limited options to construct a dwelling with an attached garage and to meet all setback requirements. The location of the attached garage is further limited by the location of the propane tank on the subject property.
- 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 residential use of the property is an allowable use in the “RR” Rural Residential District.
- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?
Yes. Surrounding properties are primarily agricultural, and will not be impacted by the proposed reduction to the front yard setback for a single-family dwelling with an attached garage.

- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
- Yes. The previous home and detached garage were destroyed by a tornado on March 5, 2022. The previous detached garage had an approved variance to be located in front of the house with a front yard setback of 47-feet.
- 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. All structures on the subject property are required to be a minimum of ten (10) feet away from the on-site septic system.

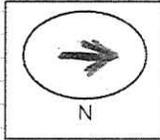
The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the requested variance.



Attachment 'B'

Polk County Public Works – Detailed Site Plan Drawing

SITE ADDRESS: 612 NE 108th St Runnels
OWNER'S NAME: John Steff
APPLICANT'S NAME: Mark Steff
APPLICANT'S PHONE: 515-577-3670



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/proposed buildings must be indicated as well as distances between all proposed/and existing structures.

Indicate location of and distance to property entrance(s), existing and/or proposed. Dimensions from corner of property to center of drive should be indicated.

Indicate location of and distance to existing and proposed septic tank(s) and/or on site waste-water treatment system(s) and if applicable geothermal heat pumps.

Indicate location of ponds, streams, drainage ways, and/or ravines. All physical features must be shown.

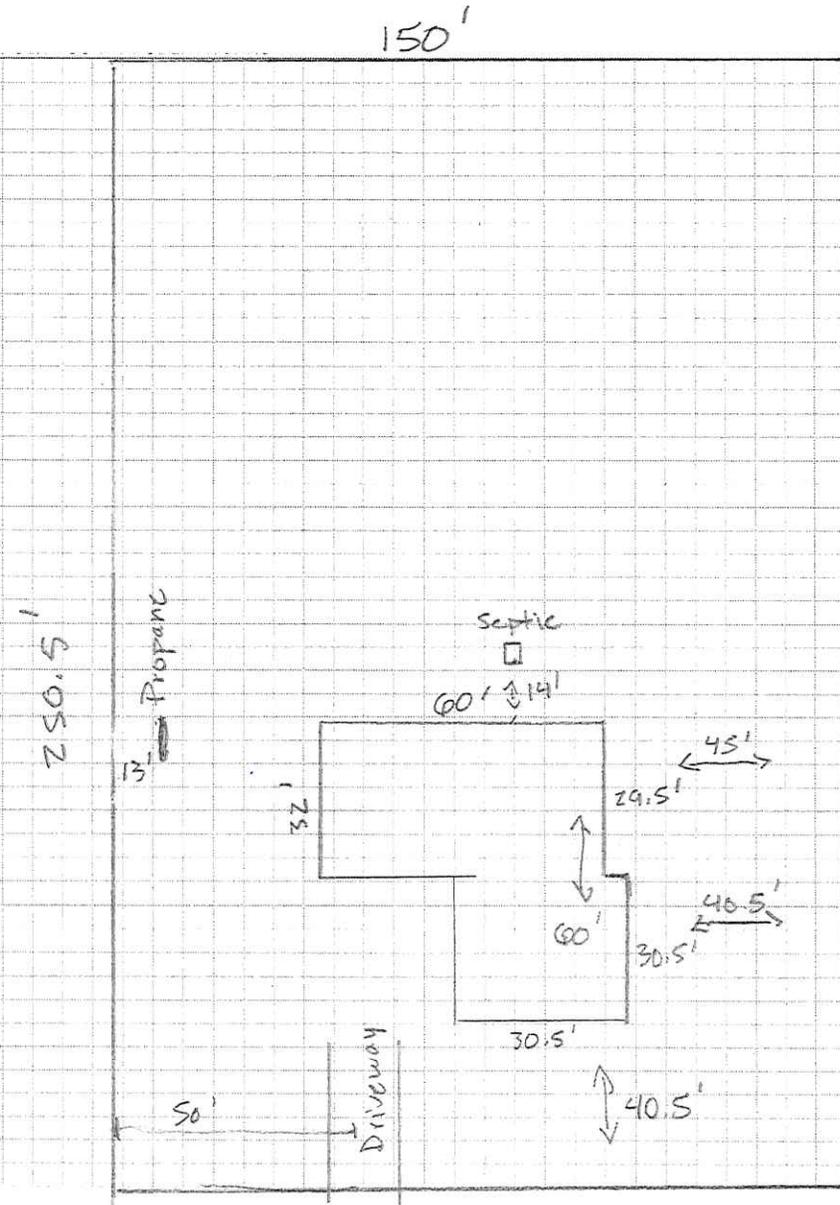
Identify North Directional Arrow and indicate scale of Site Plan.

I, 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

DATE

Mark Steff
8/24/22



1 inch = 40 ft

Attachment 'C'

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)

(time stamp)
Official Use Only

Requesting to move setback from front lot line 50 ft. down to 40.5' to accommodate attached garage

2. Subject Property Address: 618 NE 108th St Runnells

3. Subject Property Zoning District: RR

4. District and Parcel Number: 160/00134-001-000

5. Subject Property Legal Description (attach if necessary):
E 290.SF S 150 F LTS USS LESS RD NW FEL 1/4 SEC 3-78-22

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

7. Applicant(s) Information:

John Stefl
Applicant (Print Name)

[Signature]
Signature

8/24/22
date

owner
Interest in Property (owner, renter, prospective buyer, etc.)

Tikrlima@aol.com
Email

618 NE 108th St Runnells, IA 50237
Address, City, State and Zip

515-577-9080
Phone Fax

8. Applicant(s) Representative:

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

Mark Stefl
Applicant Representative (Print Name)

Stefl-Estling Holdings LLC
Firm or Business Name

1101 64th St Windsor Heights, IA 50329
Address, City, State and Zip

markstefl@gmail.com
Email

515-577-7670
Phone 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)

Marlys Stefl
(Print Name)

Marlys Stefl
Signature

8/24/2022
date

John Stefl
(Print Name)

[Signature]
Signature

8/24/22
date

(Print Name)

Signature

date

(Print Name)

Signature

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.

Previous property was destroyed in tornado earlier this year. With a new construction we would like an attached garage. The septic and laterals were replaced in 2009 and limits how far back we can push the new home. We would prefer not to attach to the south because future plans for a south facing deck is an idea. There is also concern with how close the propane tank would be to the garage on the south side.

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 **CALENDAR**

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.

1. 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.
2. 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.