

Docket Number: 20/9421

Appellant: Dennis Gibson, 12741 NE 14th Street,
Alleman, IA 50007 (Property Owner)

Appeal: The Appellant requests a Variance to allow a new residential accessory building to be located in front of the principal dwelling at a front yard setback of less than 100 feet.

Appeal Given: “Construction of detached storage building. Building to be placed in front of home. Limited space on parcel for building to be located. Home is oriented on lot to have living space as far away from roadway as possible. 40 x 60 building proposed. 21 foot peak height. Berm has been built along East 14th St. Berm shall be planted with trees to buffer”.

Background

The subject property is located at 12741 NE 14th Street, Alleman, and is legally described as Lot 1 of Four Mile Four within Section 25 of Lincoln Township. The property is approximately 3.85-acres in size and is zoned “AG” Agricultural District. The subject property is located approximately 200-feet northeast of the intersection of NE 14th Street (Hwy. 69) and NE 126th Avenue. The City of Ankeny corporate limits are located across NE 126th Avenue adjacent to the south of the southern extent of the subject property. The Appellant owns Outlot W Four Mile Four located adjacent to the east also bordering the northern extent of the subject property. A vacant lot is adjacent to the southwest and the adjacent land across NE 14th Street to the west is currently utilized as an agricultural field. See *Attachment A* at the end of this report for an aerial vicinity map of the subject property.

According to Polk County records, the single-family dwelling and attached garage on the property were recently permitted for construction in 2020. The dwelling is setback approximately 72 feet from the west, front lot line. The house has been oriented in a manner to allow the living space to be setback as far from the roadway as possible. There are no existing accessory structures on the lot. The property is largely low lying and slopes towards the eastern property line in the direction of Four Mile Creek on the adjacent parcel. The parcel configuration is long and narrow with approximately 985 feet of frontage along the western property line and varying dimensional widths east to west. The property is accessed via a gravel private driveway along the eastern property line. The Appellant is proposing a new 2,400 square feet (40' x 60') accessory garage to be located to the southwest of the existing dwelling, being within the property's front yard between the dwelling and the front lot line along NE 14th Street. The new accessory building would have a front yard setback of approximately 52-feet and approximately 87-feet of separation from the dwelling.

Summary of Request

The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 6 Accessory Regulations, Section 1(J)* stipulates that an accessory building may not be placed in front of the principal building unless the accessory building is setback a minimum of 100 feet from front property lines; and has a maximum separation distance between the principal structure and accessory building of 150 feet. The property owner is proposing to construct a new 2,400 square feet (40' x 60') accessory garage in front of the principal dwelling at a front yard setback of approximately 52-feet from the western, front property line. The first provision is not satisfied as the accessory building is proposed at a front yard setback of approximately 52 feet, in lieu of the minimum

required 100-feet for an accessory building located in front of a principal dwelling. The proposed accessory building will be located approximately 87-feet south and west of the existing dwelling at their closest point, meeting the second provision requiring no more than 150 feet of separation. See *Attachment B* at the end of this report for a copy of the site plan showing the proposed location of the new accessory garage.

Staff mailed out eight (8) 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 of this Appeal. Given the proximity of their corporate limits, notification was also sent to the City of Ankeny. The State of Iowa DOT was also sent notification of the request. Comments have not been received from either entity at this time.

Natural Resources

The subject property is not located within a mapped floodplain. The adjacent parcel to the west is also owned by the Appellant and contains Four Mile Creek with surrounding 100-year floodplain and oxbow. The site has varying topography, ranging from a high elevation of approximately 950 feet along the western boundary of the property, to a low elevation of approximately 940 feet along the eastern boundary of the property as it slopes towards Four Mile Creek located adjacent to the east. An approved grading plan and associated floodplain development permit are on file from an Oxbow Restoration project completed on Outlot W of Four Mile Four. The proposal also identified proposed fill and grading for the proposed dwelling on the subject property. The fill placed on the property allowed for a high point elevation of 958-feet for the construction of the dwelling and an elevation of 950-feet for the proposed accessory structure. The topography is relatively flat around the dwelling and proposed accessory building location from completion of the grading work. The topography along the eastern property line varies significantly with slope attributed to the adjacent stream. The proposed accessory building location will have minimal to no impact upon existing slopes on the property.

Roads & Utilities

The property has 985 feet of frontage to the west onto NE 14th Street (Hwy. 69), including an existing driveway entrance along the western boundary of the property. The subject property is located approximately 200-feet northeast of the intersection of NE 14th Street (Hwy. 69) and NE 126th Avenue. The Iowa Department of Transportation approved a new access permit to allow a 25-foot wide entrance onto Highway 69 on October 10, 2018. The southern extent of the subject property has approximately 52-feet of frontage along NE 126th Avenue. The subject property is served by a private onsite septic system that was installed in 2020. The septic tank is located approximately 15-feet east of the proposed accessory building. Water service is provided by Des Moines Water Works.

Recommendation

The Board of Adjustment may grant a variance if it finds that the following conditions are affirmed:
1. The proposed use is a use permitted by the zoning ordinance 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 existence of varying topography and narrow lot widths across the property, in addition to the location of the dwelling and septic system limits the location of the accessory building within the side and rear yard of the property or within the front yard at a conforming setback distance.
- 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. Residential accessory structures are permitted within the “AG” Agricultural 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 fields and land preserved via large drainage easements and platted outlots for the containment of Four Mile Creek and surrounding 100-year floodplain limits. There are no residential dwellings located within close vicinity of the subject property. Adjacent properties are also well screened by a berm constructed along NE 14th Street and the Appellant intends to plant trees as an additional buffer on the subject property.
- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?
- Yes. The low lying land, varying topography, as well as the eastern slope are existing conditions of the subject property. These existing constraints limit the locations of the proposed accessory building in a conforming location on the property.
- 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. There will be a limited impact on environmentally sensitive areas of the property due to this proposal. An approved grading plan has already been approved allowing some extra fill dirt required to level the building pad along a sloping part of the terrain. The Appellant will be required to meet all Building and Zoning Code requirements for this work.

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'



NE 14th St

Hwy 99 Hwy

12741 NE 14th St

12741

12625

12951

1558

1584

1550

1200

NE 126th Ave

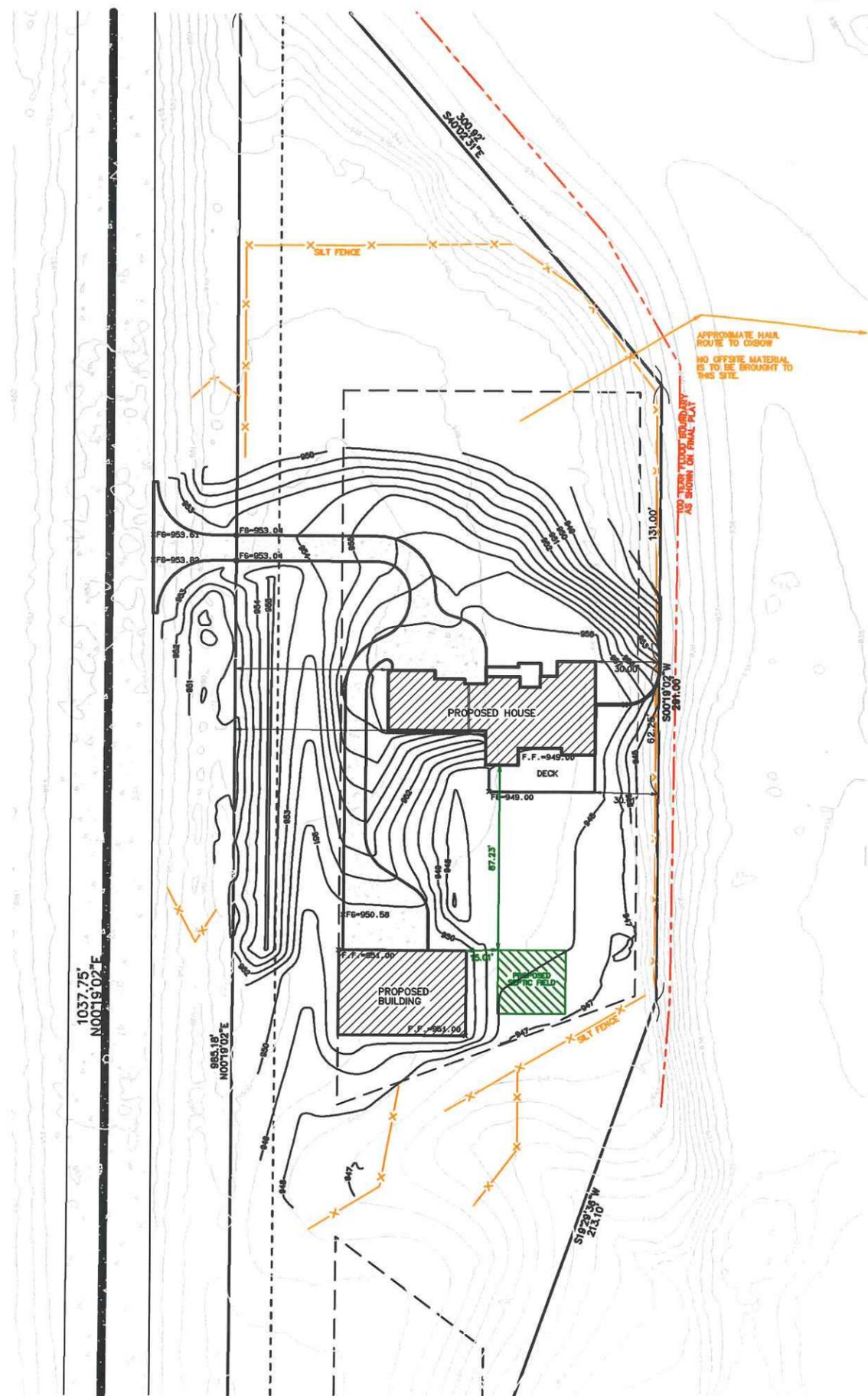
1507

1575

1601

Ankeny





CONTACT INFORMATION	SITE LOCATION INFORMATION
OWNER DENNIS W GIBSON 912 SW ELM ST ANKENY, IA 50023-2850 PHONE #: (515) 240-6384 EMAIL: dgibson57@q.com	SITE ADDRESS 12741 NE 14TH STREET (HIGHWAY 69) ALLENAN, IOWA 50007
OWNER(S) CONTACT DENNIS W GIBSON 912 SW ELM ST ANKENY, IA 50023-2850 PHONE #: (515) 240-6384 EMAIL: dgibson57@q.com	LEGAL DESCRIPTION LOT 3 FOUR MILE FOUR DISTRICT/PARCEL: 250/00814-501-000 OUTLOT # FOUR MILE FOUR DISTRICT/PARCEL: 250/00814-505-000
ENGINEERING COMPANY PROJECT MANAGER Victor Pagentini 1830 SE Princeton Drive, Suite M Grimes, Iowa 50111 Email: vicp@aecoflowa.com Phone #: (515) 255-3156 ext. 2	

**ASSOCIATED ENGINEERING
COMPANY OF IOWA**
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12741 NE 14th Street (Highway 69)

GRADING PLAN