Docket Number: 20/8998

Appellant: Lonbach Real Estate, LLC, 3175 Homestead Lane, Ellston, IA 50074 (Property Owner)

Appeal: The appellant requests a front yard setback variance for a new single-family dwelling to be located at a front yard setback of 75 feet, in lieu of the required 170 feet.

Background

The subject property is located at 12341 NW 89th Place, Grimes, IA 50111, and is legally described as Lot 5 of Stage Coach Estates Plat 2, within Section 20 of Township 80 North, Range 25 West of the 5th P.M. (Jefferson Township). The property is approximately 4.76 acres in size and is zoned "ER" Estate Residential District. The subject property is located in close proximity to both the corporate limits of the City of Johnston and the City of Grimes. The City of Johnston corporate limits are located approximately 1,000 feet to the east where they extend along the east side of NW 121st Street. The corporate limits of the City of Grimes are located approximately three-quarters (¾) of a mile to the south where they extend along NW 82nd Avenue / NE 27th Street.

The subject property is located within the subdivision of Stage Coach Estates Plat 2, which consists of a total of seven (7) single-family lots accessed by the cul-de-sac roadway of NW 89th Place. This development was final platted in 2016. At this time, only one of the lots has been developed with a single-family residence, and a second lot is in the construction phase. The surrounding unincorporated area to the south and southeast consists of existing single-family homes and subdivisions within established "ER" Estate Residential and "RR" Rural Residential zoning districts. Surrounding land uses to the east, north and west are zoned "AG" Agricultural District within unincorporated Polk County, and consist of open space, agricultural and some existing single-family homes at low densities.

Summary of Request

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 2 Single-Family Residential Bulk Standards, Table 6.1* requires a minimum front yard setback of 75 feet, and a minimum lot width of 225 feet, for the "ER" Estate Residential District. The subject property is a pie-shaped or gore-shaped lot, meaning it has very narrow width at its front property line and widens out along its depth. The front yard setback line for pie-shaped or gore-shaped lots is established at the point where the minimum lot width is met. In some instances, this means a greater front yard setback is required than is typically established by the underlying zoning district, because some lots do not achieve the minimum lot width until a point beyond the minimum front yard setback. The subject property is one of these examples. The Final Plat of Stage Coach Estates Plat 2 established a front setback line for the subject property at 170 feet, because that is the point at which the property achieves the minimum lot width for the zoning district of 225 feet. The appellant is requesting a variance to reduce the front yard setback from 170 feet to the district minimum of 75 feet so that a prospective buyer may construct a new single-family dwelling at the lesser front yard setback. See *Attachment A* at the end of this report for a copy of the site plan showing the location of the proposed new dwelling.

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 zero (0) responses in regard to this Appeal. Given the proximity of their corporate limits staff also directly notified the City of Johnston, which had no comment.

Natural Resources

The subject property is not located within a mapped floodplain per the updated FEMA Flood Insurance Rate Maps for the County, adopted in February of 2019. However, when this area was platted in 2015 – 2016, large portions of the development, including the subject property, were located within the 100-year floodplain Zone 'A' designation. The final plat of Stage Coach Estates Plat 2 can be found as *Attachment B* at the end of this report. The final plat shows the areas of previously mapped 100-year floodplain, as well as various wetlands throughout the development. Through the platting process drainage and wetland easements were established to delineate these natural resources, and protect them from future development. The subject property contains steep slopes within the eastern and southeastern portion of the lot. The elevation is approximately 866 feet at the lot frontage along NW 89th Place, rising to approximately 880 feet in the northeastern corner of the lot. There is a low, sprawling elevation of approximately 846 feet within the western portion of the lot where there is an existing wetland. The property contains a few isolated mature trees, but they are not near the proposed dwelling location.

Roads & Utilities

The property has approximately 70 feet of frontage to the southeast onto NW 89th Place. NW 89th Place is an 800-foot length cul-de-sac public street which provides access to the seven (7) lots within the development of Stage Coach Estates Plat 2, and connects east to NW 121st Street. NW 121st Street connects north to State Highway 141, and south to the City of Grimes. Future wastewater needs for the subject property will be met by a private onsite septic system. Water service is provided by Xenia Rural Water.

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 presence of steep slopes, wetlands and an increased front building setback line together do not feasibly allow for the construction of a new dwelling on the subject property at the current required front setback of 170 feet. The adjacent Lot 4 of this development has similar constraints, however the topography and wetland location is more conducive to allowing a new dwelling at its greater front setback of 178 feet, than is 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 "ER" Estate Residential District permits single-family dwellings by right.

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

Yes. The proposal to reduce the subject property front setback to 75 feet would match the minimum front setback required for lots within this development and within the larger "ER" Estate Residential District.

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

Yes. The steep slopes and wetlands are existing conditions of the property. While these natural constraints existed at time of platting, the current proposed house design and contingent offer were not anticipated at that time.

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. Approval of the variance supports the Natural Resource Protection requirements by allowing the new dwelling at a greater setback from the adjacent wetland and wetland and drainage easements. Also, approval of the variance would require substantially less grading and earth disturbance during construction of the new dwelling, thereby resulting in less erosion.

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

RESIDENTIAL SITE PLAN

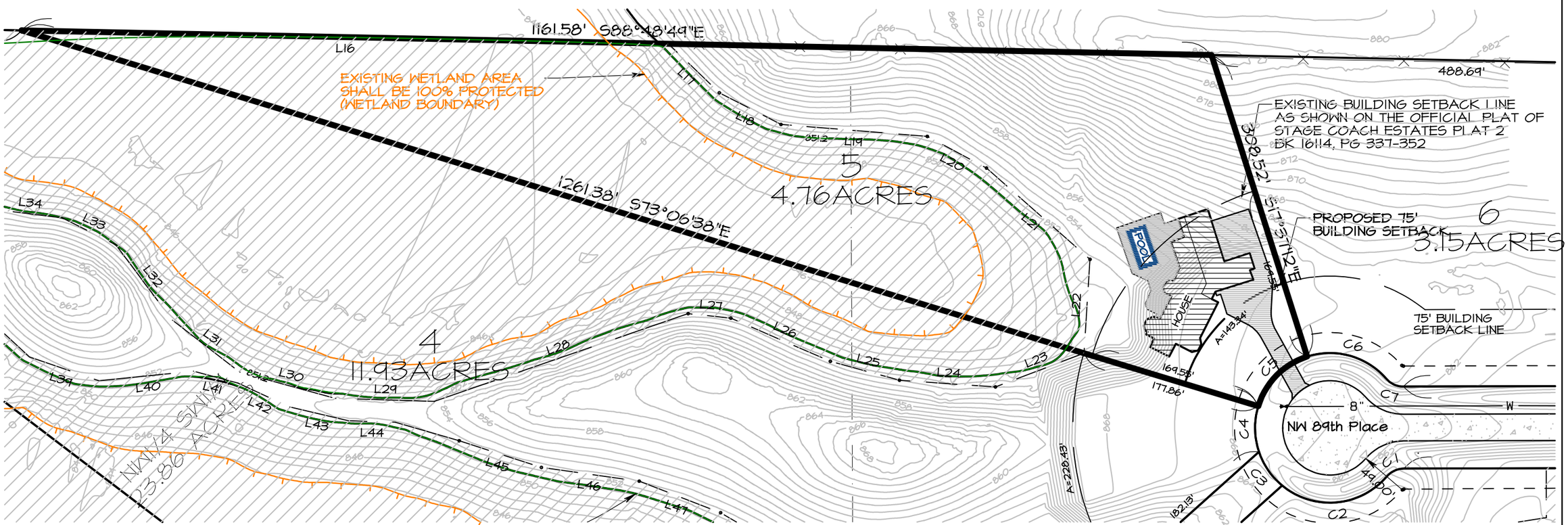
LOT 5 IN STAGE COACH ESTATES PLAT 2

DRAWING REQUESTED BY:

LON HORBACH (515) 570-5087

ADDRESS OF SURVEY:

12341 NW 89TH PLACE
GRIMES, IOWA 50111



ASSOCIATED ENGINEERING COMPANY OF IOWA
2917 Martin Luther King Jr. Pkwy Des Moines, IA 50310
Phone: (515) 255-3156 Fax: (515) 255-3157

AEC PROJECT #: 204974

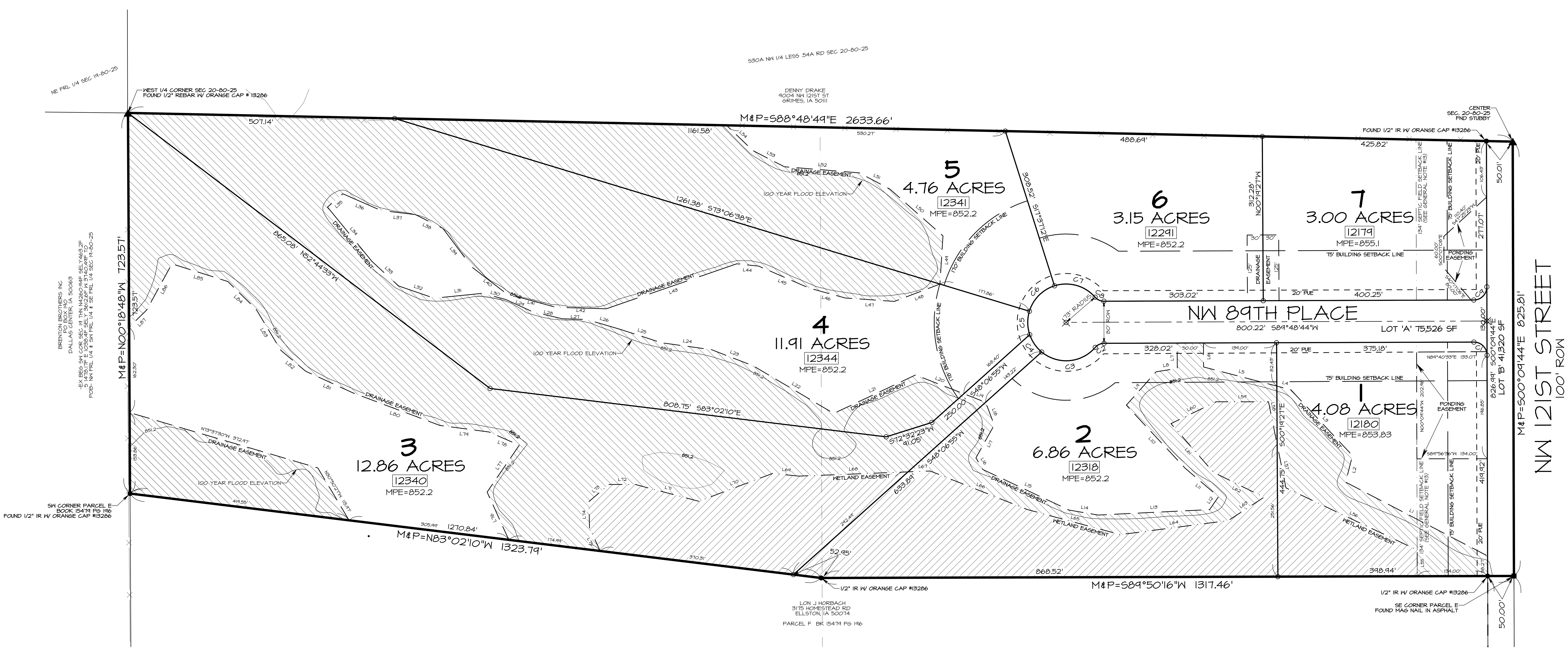
● FOUND MONUMENT AS NOTED
SET 1/2" IR W/ ORANGE CAP #13286
CUT "X"
SECTION CORNER
YC# YELLOW CAP #____
IP IRON PIPE IR IRON ROD
M= AS MEASURED
R= AS RECORDED

GRAPHIC SCALE 1"=100'
0 100'

Attachment B

STAGE COACH ESTATES PLAT 2

FINAL PLAT - SHEET 1 OF 1



LINE TABLE

LINE	BEARING	DISTANCE
L1	N62°32'20"W	304.18'
L2	N14°14'55"E	52.15'
L3	N43°06'02"W	171.40'
L4	N75°23'17"W	27.59'
L5	N75°23'17"W	143.98'
L6	N00°11'16"W	46.10'
L7	S00°11'16"E	48.56'
L8	S80°55'13"W	40.80'
L9	S41°44'34"W	84.94'
L10	S43°00'55"E	164.03'
L11	S49°29'07"E	83.36'
L12	S34°32'44"W	29.71'
L13	S87°10'50"W	212.03'
L14	N80°12'10"W	56.58'
L15	N64°47'47"W	180.86'
L16	N30°57'40"W	25.73'
L17	N29°08'44"E	71.65'
L18	N20°55'18"W	46.22'
L19	N68°42'00"W	44.45'
L20	N68°42'00"W	98.41'
L21	S64°50'39"W	171.98'
L22	N59°23'53"W	177.49'
L23	N68°50'21"W	85.12'
L24	N82°00'50"W	96.43'
L25	N71°59'39"W	84.35'
L26	N73°49'34"W	64.94'
L27	N88°15'51"W	45.96'
L28	N76°44'01"W	58.63'
L29	N65°21'30"W	55.64'
L30	N74°58'30"W	44.99'
L31	S84°14'51"W	92.59'
L32	N71°08'41"W	71.72'
L33	N47°20'12"W	68.91'
L34	N39°20'25"W	133.62'
L35	N49°06'43"E	38.67'
L36	S66°27'16"E	78.72'
L37	S82°54'29"E	66.48'
L38	S63°20'47"E	58.33'
L39	S36°56'45"E	92.22'
L40	S52°21'40"E	82.97'
L41	S74°41'14"E	96.98'
L42	S88°18'25"E	96.17'
L43	N70°57'34"E	262.22'
L44	S83°57'42"E	41.95'
L45	S66°32'33"E	105.81'
L46	S74°44'22"E	70.00'
L47	S86°01'24"E	93.89'
L48	N69°06'58"E	92.43'
L49	N03°43'00"E	91.66'
L50	N48°37'06"W	134.71'
L51	N61°51'47"W	65.50'
L52	N85°20'33"W	143.26'
L53	N62°49'28"W	67.63'
L54	N46°09'24"W	69.00'
L55	N00°09'44"W	50.00'
L56	N64°40'36"W	276.00'
L57	N11°26'15"W	84.43'
L58	N11°26'15"W	82.57'
L59	N90°00'00"W	100.00'
L60	S64°04'38"W	95.00'
L61	S41°06'21"E	123.00'
L62	S63°48'16"E	107.00'
L63	S56°49'53"W	81.00'
L64	S82°33'00"W	207.00'
L65	N74°53'42"W	183.00'
L66	N68°22'50"W	199.00'
L67	S87°45'13"W	42.26'
L68	S87°45'13"W	207.74'
L69	N84°03'13"W	50.00'
L70	S69°20'19"W	150.00'
L71	N75°12'20"W	125.00'
L72	N90°00'00"W	50.00'
L73	S49°39'44"W	50.00'
L74	S01°08'23"E	50.00'
L75	S24°44'39"E	48.51'
L76	N24°25'58"W	99.72'
L77	S34°26'53"W	108.08'
L78	S66°24'24"E	62.39'
L79	S82°22'50"E	94.40'
L80	S69°28'31"E	176.12'
L81	S65°26'29"E	99.20'
L82	S49°59'50"E	61.66'
L83	S31°05'05"E	91.73'
L84	S45°37'11"E	75.15'
L85	S72°30'09"E	111.43'
L86	N28°37'43"E	100.02'
L87	N45°34'03"E	46.76'

OWNER/DEVELOPER

LON HORBACH
3175 HOMESTEAD ROAD
ELLSTON, IOWA 50074
(515) 570-5087

LEGAL DESCRIPTION

PARCEL E OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 20, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5TH PM, POLK COUNTY, IOWA AS RECORDED IN BOOK 15479 PAGE 196 AT THE POLK COUNTY RECORDER.

SAID PARCEL CONTAINS 49.29 ACRES, INCLUDING 0.95 ACRES OF ROAD RIGHT OF WAY.

CURVE TABLE

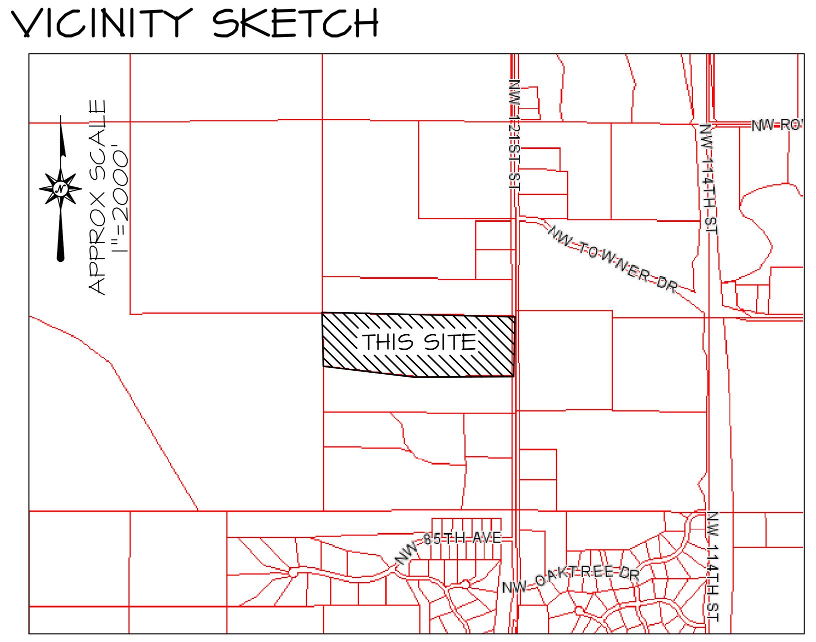
CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	39.28'	N45°10'30"W	25.00'	90°01'32"	35.36'	25.01'
C2	18.91'	S65°10'57"W	22.00'	49°15'35"	18.34'	10.09'
C3	113.42'	S85°03'51"W	73.00'	89°01'23"	102.35'	71.77'
C4	40.52'	N34°31'25"W	73.00'	31°48'06"	40.00'	20.80'
C5	45.25'	N00°52'00"W	73.00'	35°30'44"	44.53'	23.38'
C6	70.70'	N44°38'05"E	73.00'	55°29'26"	67.97'	38.40'
C7	84.97'	S74°16'27"E	73.00'	66°41'31"	80.26'	48.04'
C8	18.91'	S65°33'29"E	22.00'	49°15'35"	18.34'	10.09'
C9	39.26'	N44°49'30"E	25.00'	89°58'28"	35.35'	24.99'

GRAPHIC SCALE 1"=100'
0 100'

GENERAL NOTES

1. CULVERTS TO BE USED FOR CROSSING DRAINAGE EASEMENTS MUST BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
2. RELOCATION OF ANY ENTRANCE OR UTILITY TO CONFORM TO THE REQUIREMENTS OF THIS PLAT WILL BE AT THE DEVELOPERS EXPENSE.
3. ALL MAILBOXES LOCATED IN POLK COUNTY RIGHT-OF-WAY MUST BE OF BREAKAWAY DESIGN.
4. UTILITY EASEMENTS ARE DEDICATED FOR THE USE OF ANY PUBLIC UTILITY.
5. SEWER SYSTEM: LATERAL FIELD AND SEPTIC TANK, ALTERNATE WASTE WATER SYSTEMS MAY BE REQUIRED.
6. THE MAINTENANCE OF ALL DRAINAGE AND PONDING EASEMENTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER ON THEIR PROPERTY.
7. SUBSURFACE DRAINAGE FACILITIES: ANY SUBSURFACE DRAINAGE FACILITIES THAT ARE DISTURBED, MUST BE RESTORED OR REROUTED BY THE PROPERTY OWNER.
8. LOT A & B SHALL BE DEEDED TO POLK COUNTY FOR ROAD RIGHT OF WAY PURPOSES.
9. WATER SERVICE IS PROVIDED BY XENIA RURAL WATER.
10. ALL SERVICES TO UTILITIES ON THE OPPOSITE SIDE OF THE ROADWAY MUST BE BORED UNDER THE ROADWAY AT THE LOT OWNER'S EXPENSE.
11. ZONING: ESTATE RESIDENTIAL DISTRICT
12. POST DEVELOPMENT RUNOFF WILL NOT ADVERSLY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY.
13. SEPTIC TANKS, FIELDS, LATERALS, AND/OR OTHER SIMILAR SANITARY SEWER SYSTEMS SHALL NOT BE PLACED WITHIN AN AREA 184-FT WEST OF THE CENTERLINE OF SECTION 20 TO PROTECT THE GRIMES WELL FIELD SITE.
14. THE IOWA DNR HAS DETERMINED THAT THE 100 YEAR FLOOD ELEVATION FOR THIS SITE IS 851.2.
15. ANY DRIVEWAY CROSSING OR ENCROACHING IN THE FLOOD PLAIN WHICH PROVIDES ACCESS TO A RESIDENCE, SHALL BE ELEVATED TO 1-FOOT ABOVE THE 100-YEAR FLOODPLAIN ELEVATION.
16. THE SUMP PUMP OUTLET SERVICES FOR LOTS 1 THRU 5 SHALL OUTLET INTO THE DRAINAGE EASEMENT LOCATED ON THEIR RESPECTIVE LOT. THE SUMP PUMP OUTLET SERVICES FOR LOTS 6 AND 7 SHALL OUTLET AT THE CROSS-ROAD CULVERTS IN FRONT OF LOT 6
17. XENIA RURAL WATER DISTRICT WILL CONSTRUCT THE WATER SERVICES WHEN THE DWELLINGS ARE CONSTRUCTED.
18. FIRM COMMUNITY: 190901
    PANEL NUMBER: 0080C
    MAP REVISED: NOV. 18TH, 1992
    FLOOD ZONE: A
19. MPE = MINIMUM PROTECTION ELEVATION: THE LOWEST FOUNDATION OPENING SHALL BE PROTECTED AT OR ABOVE THE LISTED MPE FOR EACH LOT.

VICINITY SKETCH



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME AND THE RELATED SURVEY WORK WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
LICENSE RENEWAL DATE: DEC 31 2016 PAGES COVERED BY THIS SEAL: THIS PAGE ONLY

SIGNED: ____________________ DATE: 06-21-16
GREGORY L. ROSS P.L.S. 13286

PROFESSIONAL LAND SURVEYOR GREGORY L. ROSS L.S.#13286 IOWA

LEGEND

MONUMENT FOUND AS NOTED	FIREHYDRANT AS NOTED	EXISTING CONTOUR
SET 1/2" IR W/ORANGE CAP #13286	EXISTING WATER VALVE	100 PROPOSED CONTOUR
SECTION CORNER FOUND AS NOTED	PROPOSED WATER VALVE	X FENCE LINE AS NOTED
SECTION CORNER SET AS NOTED	CURB INTAKE AS NOTED	TVC BURIED TELEVISION AS NOTED
SANITARY MANHOLE AS NOTED	AREA INTAKE AS NOTED	UE BURIED ELECTRIC AS NOTED
STORM MANHOLE AS NOTED	HANDICAPPED PARKING AS NOTED	E OVER-HEAD UTILITIES
TRAFFIC MANHOLE AS NOTED	ELECTRIC TRANSFORMER BOX	G GAS MAIN AS NOTED
UTILITY MANHOLE AS NOTED	UTILITY BOX AS NOTED	W WATER MAIN AS NOTED
PHONE MANHOLE AS NOTED	PERK TEST SITE AS NOTED	S STORM SEWER AS NOTED
ELECTRIC MANHOLE AS NOTED	100.00 EXISTING SPOT ELEVATION	SS SANITARY SEWER AS NOTED
GAS METER AS NOTED	100.00 PROPOSED SPOT ELEVATION	UT BURIED TELEPHONE
GAS VALVE AS NOTED	M= MEASURED DISTANCE OR BEARING	UC BURIED CABLE/UTILITIES
UTILITY POLE AS NOTED	P= RECORDED DISTANCE OF BEARING	
WELL AS NOTED		

AEC ASSOCIATED ENGINEERING COMPANY OF IOWA
2917 Martin Luther King Jr. Pkwy Des Moines, IA 50310
Phone: (515) 255-3156 Fax: (515) 255-3157

PROJECT #: 205459

1st SUBMITTAL DATE: 11/20/15
2nd SUBMITTAL DATE: 02-27-16
3rd SUBMITTAL DATE: 04-15-16