

Polk County
Board of Adjustment
July 28, 2023

Call to Order: 10:40 a.m.

Members in Attendance: Tom Noah, Mike Powers, Richard Kuzel, Kristie Jerde and Rolland Gagner

Members Absent:

Also Present: Polk County Environmental Services staff: Jacob Snyder and Michelle Erdmann

Minutes: A motion was made to approve the Board of Adjustment minutes from the March 24, 2023 meeting by Jerde. Second by Gagner. All in favor

Public Hearing: VARIANCE – Dellas Herbel Parcel #48.00048.01

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting a Variance to reduce the setback off County Highway 51 right-of-way from 100 ft to 50 ft for a garage addition to an existing dwelling on a parcel of land located in the agricultural zoning district of section 10 in Liberty Township.

Ordinance requirements for this request are found in PCZO Section 13.8430.

Snyder said the parcel is approximately 11.88-acres in size and is located along County Highway 51 and the intersection of County Highway 44. It is located in the agricultural zoning district of section 10 in Liberty Township. The applicant is proposing to construct a 16' x 22' addition to the existing attached garage. The variance request would reduce the County Highway 51 setback from 100 feet to 50 feet. The ROW of County Highway 51 is 50 feet which if the variance is approved it would allow the addition to be constructed 100 feet from the centerline of the roadway, meeting 50% of the ordinance standard.

Snyder stated the applicant noted in the application that the house was constructed in the early 1900's and exists closer to the ROW than the proposed request. The applicant wishes to add the additional square footage to the east side of the existing attached garage as the septic system is located on the west side of the house and the utilities and well are located to the south of the

house. The proposed garage addition will be further away from the roadway than the existing home. The existing home is approximately 85 feet from the centerline of County Highway 51. The existing septic system was permitted and installed in 2020 by a licensed septic system contractor.

Snyder said the applicants stated “practical difficulty” is that due to the location of the well, septic system and utilities the additional square footage is not feasible in any other location for the small addition. The proposed addition will be further from the roadway than the existing house and is as far away as practical. In the applicant’s opinion the variance is consistent with the zoning ordinance and comprehensive plan as the house has existed on the site without incident for the last 100 years. The request allows the property to be used in a reasonable manner that would avoid the septic and well locations.

Snyder stated the applicant noted that there are unique circumstances that the home was constructed prior to the ordinance standards, there will be no issues with maintaining the essential character of the locality with matching siding and this is a minimalistic approach to add additional square footage to the structure. The applicant notes that there is no other feasible method to add onto the existing structure that doesn’t require a variance. Adequate woody vegetation exists between the proposed structure and the highway. Liberty Township does joint permitting with the Planning & Zoning department and has signed off on the application for this project.

Snyder said the following comment was received:

1. Rich Sanders, County Highway Engineer, commented that County Highway 51 has a 50’ ROW not a 60’ ROW but notes a site corner in the ROW along the intersection of Co Highway 51 and 44. He added that he has no issues with the proposed request.

Snyder said that the original notice that was sent out stated the setback reduction was from 100’ to 40’ – with Sanders comment it was amended to be from 100’ to 50’.

Snyder then went over slides showing: application, site location map, ROW map from Sanders, sketch and site photos. Staff feels that the applicant has satisfied the practical difficulty criteria. The variance request is planned to have the least encroachment to the setback off the right-of-way of County Highway 51. The County Engineer has no issues with the request and is located so that road maintenance will not be hindered. Staff agrees that there is no other feasible alternative to the proposed addition that would not require a variance. The variance should be granted as the addition meets 50% of the setback making it consistent with the official controls, allows reasonable use of the site, involves unique circumstances to the site, will maintain the essential character of the locality, and involves more than just economics. If approved by the Board of Adjustment, staff would recommend no conditions be added to the variance request.

Powers asked if anyone had more questions. Hearing none, Powers then closed the meeting for public testimony. With no other questions or comments from the Board, Snyder asked the Board the variance Questions.

	Noah	Kuzel	Jerde	Gagner	Powers
--	------	-------	-------	--------	--------

Question					
1.	Yes	Yes	Yes	Yes	Yes
2.	Yes	Yes	Yes	Yes	Yes
3.	Yes	Yes	Yes	Yes	Yes
4.	Yes	Yes	Yes	Yes	Yes
5.	Yes	Yes	Yes	Yes	Yes
6.	Yes	Yes	Yes	Yes	yes

Snyder stated with 30 yes's the criteria to grant or deny the variance request has been met.

A motion was made by Jerde to approve the Variance request. Second by Gagner.

Ayes: All

Nays: None

Motion carries.

Meeting adjourned at 11 am.