

POLK COUNTY BOARD OF ADJUSTMENT
DES MOINES, IOWA

The Polk County Board of Adjustment held a meeting on Monday, October 21, 2019, at 7:00 P.M. in Conference Room A of the Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa.

A) Roll Call - Members Present: Bonnie Thorn, Mike McCoy, David Kinsley, Paul Kruse and Ron Fisher. Absent: None. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Seana Perkins, Land Use Planning Coordinator; Jennifer Ellison, Planner; and Ashley Davidson, Recording Secretary. Present from the Polk County Attorney's office, Dominic Anania.

B) Acceptance of the Minutes of the Monday, September 16, 2019 meeting.
It was moved by McCoy and seconded by Fisher, to **APPROVE** the minutes as presented.
Vote: Yea: McCoy, Fisher, Kinsley, Thorn and Kruse. Nay: None. Absent: None.

C) Opening Statement

D) Unfinished Business – None

E) Consent Public Hearing Item – New Business

Item 1 - 19/8414 Variance Appeal Application

Request by Mark Kruse (Property Owner) for a Variance to reduce the 15-foot Peripheral Buffer yard to approximately five (5) feet to allow the replacement of an existing building in the same location. The subject property is located at 5465 NW 1st Street, Des Moines, Section 11 of Saylor Township.

A motion was made by Kruse and seconded by Kinsley to **APPROVE** the Consent Agenda item in accordance with staff's recommendation.

Vote: Yea: Kruse, Kinsley, Fisher, Thorn, and McCoy. Nay: None. Absent: None.

F) Discussion Public Hearing Items – New Business

Item 1 – 19/8404 Conditional Use Permit Application

Request by Robert Dvorak (Property Owner) and Brent Thompson, Elder Corporation (Applicant) to amend an existing Conditional Use Permit to continue extracting dirt from an existing borrow pit for an additional 8-years and extend the boundaries of the extraction to the north on the subject property located at 7605 NE 46th Street, Section 34 of Douglas Township.

Let the record show that David Bentz, Bishop Engineering, 3501 NE 104th Street, Des Moines, IA, and Brent Thompson, Elder Corporation, 5088 E University Avenue, Des Moines, IA were present to represent the Conditional Use Permit application.

Let the record show that thirteen (13) notices were mailed and one (1) response was received in opposition with zero (0) responses in support of the Conditional Use Permit application.

Jennifer Ellison gave the staff presentation and recommendation.

Let the record show that there were three (3) individuals present in opposition of the Conditional Use Permit application; Mike Douglas (Neighbor) 4901 NE 78th Avenue, Bondurant, IA, Tom Laven (Neighbor), 4935 NE 78th Avenue, Bondurant, IA, and Clint Vos, Vos Realty LLC, 9401 Highway T14 S, Reasnor, IA (Neighbor).

Following discussion by the Board a motion was made by Kinsley and seconded by Thorn to **APPROVE** the Conditional Use Permit application in accordance with staff's recommendation and conditions.

Vote: Yea: Kinsley, Thorn, McCoy, Fisher, and Kruse. Nay: None. Absent: None.

Additional discussion by the Board followed the main motion with the intent to amend conditions and amend the motion.

Let the record show that David Bentz, Bishop Engineering, 3501 NE 104th Street, Des Moines, IA, and Brent Thompson, Elder Corporation, 5088 E University Avenue, Des Moines, IA, were present to answer questions regarding the amended conditions.

Let the record show that there was one (1) individual present in opposition of the requested amendment to the conditions; Tom Laven (Neighbor), 4935 NE 78th Avenue, Bondurant, IA.

Following discussion by the Board a motion was made by Kinsley and seconded by Kruse to amend the main motion for docket 19/8404 and **APPROVE** the Amended Conditional Use Permit application in accordance with staff's recommendation and conditions and to add an amended condition approving nighttime hours between 8:00 p.m. and 6:00 a.m. for the duration of six (6) weeks to allow work to be completed for DOT Project number IMX-080-3(209)133-02-77 allowing limited lighting that shall be directed away from adjacent homes.

Vote: Yea: Kinsley, Kruse, Thorn, McCoy, and Fisher. Nay: None. Absent: None.

Item 2 – 19/8424 Variance Appeal Application

Request by Randy Childs (Property Owner) for a Variance to allow existing outdoor exercise areas, utilized for Animal Services, to be located approximately four (4) feet from the rear property line, in lieu of the required 15 feet. The subject property is located at 5555 NE 88th Street, Section 9 of Beaver Township.

Let the record show that Randy Childs, 5555 NE 88th Street, Altoona, IA, was present to represent the Variance Appeal application.

Let the record show that five (5) notices were mailed and one (1) response was received in support with zero (0) in opposition to the Variance Appeal application.

A motion was made by McCoy and seconded by Kruse to waive the staff presentation and **APPROVE** the Variance Appeal application **not** in accordance with staff's recommendation.

Vote: Yea: McCoy, Kruse, Fisher, Thorn and Kinsley. Nay: None. Absent: None.

Item 3 - 19/8437 Variance Appeal Application

Request by Todd and Shelli Doran, President and Vice President of the Doran Investment Group, Inc. (Property Owners) for a Variance to allow the construction of an accessory structure that is approximately 26 feet 3 inches in height, in lieu of the maximum height of 24 feet. The subject property is located at 3424 SE 104th Street, Runnells, Section 21 of Camp Township.

Let the record show that no one was present to represent the Variance Appeal application.

A motion was made by McCoy and seconded by Kinsley to defer this item until the November 18, 2019 meeting.

Vote: Yea: Thorn, McCoy, Fisher, Kruse, and Kinsley. Nay: None. Absent: None.

G) Communications/Discussion Items – None

H) Adjournment

A motion was made by McCoy and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on Monday, November 18, 2019.

Vote: Yea: Thorn, McCoy, Fisher, Kruse, and Kinsley. Nay: None. Absent: None.