

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, August 21, 2023, 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 virtual attendance option was also provided per the instructions contained on the final meeting agenda.

A) Roll Call - Members Present: Mike McCoy, Kay Frye, Paul Kruse, Bindy Brown and Kurt Bailey. Absent: none. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Tommy Howard, Planner and Kendra Glider, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Tuesday, June 20, 2023 Meeting.

It was moved by Kruse and seconded by McCoy to **APPROVE** the minutes as presented.

Vote: Yea: Brown, Kruse, Frye, Bailey, and McCoy. Nay: None. Absent: None.

C) Opening Statement –Chairperson McCoy gave the opening statement.

D) Unfinished Business: None

E) Consent Public Hearing Items – New Business:

Item 1 23/13056 Variance Appeal Application

Request by Christopher Madsen (property owner), represented by Scott Gardner with Essence Construction, for a Variance to allow for the construction of a proposed addition to the principal residence with side yard setbacks of six and a half (6 ½) feet and nine (9) feet, in lieu of the required ten (10) feet. The property is located at 4713 NW 48th Street, Des Moines, Section 18 of Webster Township, and is zoned “LDR” Low Density Residential District.

Item 2 23/13061 Variance Appeal Application

Request by Kelly and Suzanne O’Riley (property owners) for a Variance to allow for the construction of a detached accessory structure to be located in front of the principal residence, with a front yard setback of forty-five (45) feet in lieu of the setback distance of the residence, which is located approximately seventy-three (73) feet from the front property line. The property is located at 8227 NW 26th Street, Ankeny, Section 28 of Crocker Township, and is zoned “RR” Rural Residential District.

Let the record show there was no one in the audience to speak in opposition of either consent item. A motion was made by Kruse and seconded by Frye to approve the Consent Agenda items in accordance with the staff reports and recommendations for approval.

Vote: Yea: Brown, Kruse, Frye, Bailey, and McCoy. Nay: None. Absent: None.

F) Action Public Hearing Items – New Business:

Item 1 23/13039 Variance Appeal Application

Request by Ihle Fabrications, LLC (property owner), represented by Doug Bass, and being represented by Emily Harding with Civil Design Advantage, for a paving and curbing Variance. The requested Variance would allow certain drives to utilize a granular surface without curbs, and allow other drives and circulation areas without curbing. The subject property contains an existing commercial agricultural support business, which is proposing a new building addition and site improvements. The property is located at 4780 NW 158th Avenue, Polk City, Section 7 of Lincoln Township, and is zoned “AG” Agricultural District.

Item 2 23/13040 Variance Appeal Application

Request by Ihle Fabrications, LLC (property owner), represented by Doug Bass, and being represented by Emily Harding with Civil Design Advantage, for a landscaping Variance. The requested Variance would allow a full substitution of trees for all required shrubs within a street bufferyard. The subject property contains an existing commercial agricultural support business, which is proposing a new building addition and site improvements. The property is located at 4780 NW 158th Avenue, Polk City, Section 7 of Lincoln Township, and is zoned “AG” Agricultural District.

Brian McDonough gave the staff presentation and recommendation for both items.

Let the record show that nine (9) notices were mailed, with one (1) response received in support, and zero (0) in opposition, of the request.

Let the record show that Doug Bass, CEO of Ihle Fabrications, LLC, 4780 NW 158th Avenue, Polk City, IA 50226, was present to represent both requests.

Let the record show that no one was present in opposition to either item.

A motion was made by Kruse and seconded by McCoy to approve Docket #23/13039 in accordance with the staff report and recommendation, including staff’s recommended conditions of approval.

Vote: Yea: Brown, Kruse, Frye, Bailey, and McCoy. Nay: None. Absent: None.

A motion was made by McCoy and seconded by Kruse to approve Docket #23/13040 in accordance with the staff report and recommendation of approval.

Vote: Yea: Brown, Kruse, Frye, Bailey, and McCoy. Nay: None. Absent: None.

Item 3 23/13057 Conditional Use Permit Application

Request by Gwen Norland, Nils Norland, and BMD Properties LLC (property owners) for a Conditional Use Permit to allow Animal Services uses of a dog training facility and dog boarding on property located within the “AG” Agricultural District. The subject property is located at 13201 NW 58th Street, Polk City, Section 30 of Lincoln Township, and is zoned “AG” Agricultural District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that five (5) notices were mailed, with zero (0) response received in support or in opposition, of the request.

Let the record show that no one was present in support or opposition to the item. The applicants joined the meeting virtually, but staff could not establish communication. A motion was made by Kruse and seconded by McCoy to approve Docket # 23/13057 according to the staff report, recommendation and conditions of approval.

Vote: Yea: Brown, Kruse, Frye, Bailey, and McCoy. Nay: None. Absent: None.

G) Communications/Discussion Items:

Board members discussed their availability for the upcoming September meeting. In order to ensure quorum, it was determined that staff would move the meeting from Monday, September 18, 2023 to Tuesday, September 19, 2023.

H) Zoning Administrator Report: None.

I) Adjournment – A motion was made by McCoy and seconded by Frye to adjourn the meeting.

Vote: Yea: Brown, Kruse, Frye, Bailey, and McCoy. Nay: None. Absent: None.