

Agenda

Polk County Board of Adjustment

Tuesday, February 19, 2019 - 7:00 P.M.

Polk County Public Works Department, Planning & Development Division

5885 NE 14th Street, Des Moines, IA.

- A) Roll Call - Bonnie Thorn, Michael McCoy, Ron Fisher, Paul Kruse and David Kinsley
- B) Acceptance of the Minutes from the Tuesday, January 22, 2019 meeting
- C) Opening Statement
- D) Unfinished Business - None
- E) New Business

Item 1 19/7646 Conditional Use Permit Application

Request by Chris Gorman (Property Owner) for a Conditional Use Permit to allow an Agri-Tourism use at the subject property of 5987 NE 88th Street, Altoona. The subject property is located within Section 9 of Beaver Township.

Item 2 19/7647 Variance Appeal Application

Request by Blake Nicolay and Mark Breon (Owner Representatives) of Northwest Respiratory Services LLC for a paving and curbing variance to allow an existing driveway consisting of a crushed rock base without curbing to be utilized for egress purposes to the rear of the property. The subject property is located at 2726 NE Norwood Lane, Des Moines, Section 19 of Delaware Township.

Item 3 19/7648 Variance Appeal Application

Request by Karl Anderson (Property Owner) for a front setback Variance to reduce the northern front setback from 50 feet to 38 feet to allow the construction of a single-family dwelling. The subject property is located at 6425 NE Rising Sun Drive, Pleasant Hill, Section 2 of Fourmile Township.

Item 4 19/7658 Variance Appeal Application

Request by Easter Seals (Property Owner), represented by McClure Engineering Company for a building separation Variance to reduce building separation for a new office from 30 feet to approximately 23 feet in one location and to approximately 22 feet in another location. The subject property is located at 401 NE 66th Avenue, Des Moines, Section 2 of Saylor Township.

- F) Communications/Discussion Items
- G) Zoning Administrator Report
- H) Adjournment.

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact the Polk County Public Works Department, Planning and Development Division, 5885 N.E. 14th Street, Des Moines, Iowa 50313, 515-286-3705.

Polk County Public Works Department
Planning & Development Division
5885 NE 14th Street
Des Moines, IA 50313

NOTICE OF HEARING

DATE: February 1, 2019

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that an application has been filed before the Polk County Board of Adjustment by Chris Gorman, owner of the subject property at 5987 NE 88th Street, Altoona, Iowa 50009, requesting approval of a Conditional Use Permit for Agri-Tourism and Special Events uses at the subject property. The subject property is approximately 10.71 acres in size and is legally described as Parcel 'G' from the plat of survey recorded in Book 10296, Page 917 in the Office of the Polk County Recorder, being a Part of the SW¹/₄ of the NW¹/₄, Section 9 of Township 79 North, Range 22 West of the 5th P.M. (Beaver Township). The property is zoned "AT" Agricultural Transition District.

The Polk County Zoning Ordinance, *Article 4 Use Regulations, Division 2 Table of Uses* permits Agri-Tourism and Special Events uses within the "AT" Agricultural Transition District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. *Article 4 Use Regulations, Division 4 Use Categories and Standards, Section 4 Commercial Uses (A)*, defines Agri-Tourism as, "Uses associated directly to growing operations include the growing of fruits, vegetables, flowers, and combinations thereof and raising of livestock on a site or adjacent property." The section further defines the use as, "Activities planned or provided on an agricultural property that are accessory and/or share reasonable linkages with agricultural crop and livestock production and/or related agricultural processes occurring on the agricultural property that are intended for the general public education and participation." The Appellant is requesting approval of a pick your own produce use, involving outdoor growing of seasonal fruits and vegetables with public access to the property to pick and purchase the items.

Article 4 Use Regulations, Division 4 Use Categories and Standards, Section 4 Commercial Uses (Y), defines Special Events uses as including, "carnivals, circuses, outdoor religious meetings, rodeos, outdoor concerts, and special outdoor activities that are different from the primary use of the property. Included are both profit and non-profit groups." The Appellant is requesting approval to allow a limited number of Special Events at the subject property, including wine tastings and weddings.

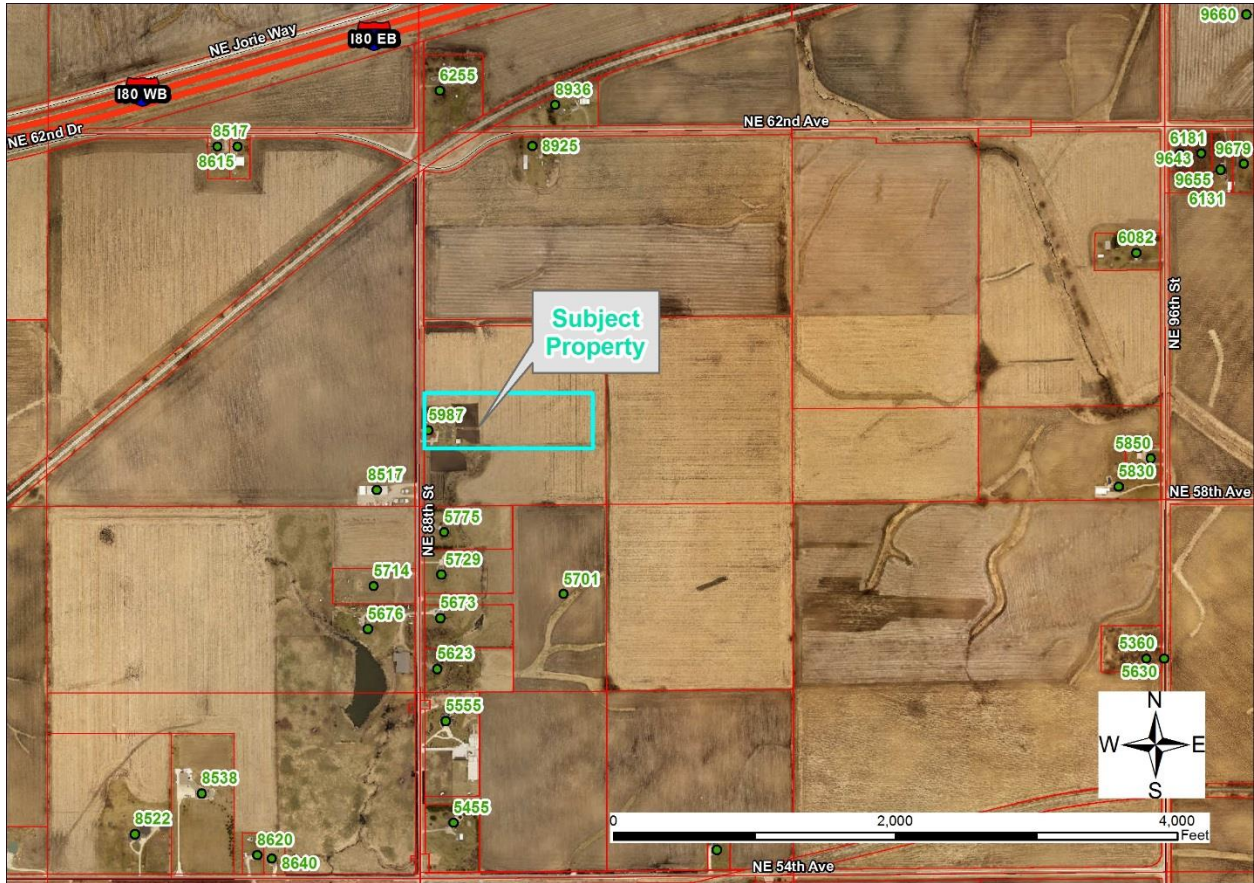
A public hearing will be held before the Polk County Board of Adjustment on **Tuesday, February 19, 2019, at 7:00 P.M.** in the meeting room of the Polk County Public Works Building, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa. ALL INTERESTED PROPERTY OWNERS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD WITH REFERENCE TO THE MATTER SET OUT ABOVE. The Conditional Use Permit information is available for review during normal business hours 8:00am – 4:30pm at the Polk County Public Works Department, Planning & Development Division, located at 5885 NE 14th Street. The information identified on this notice may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact Polk County Public Works, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa 50313, 515-286-3705.

POLK COUNTY BOARD OF ADJUSTMENT

Bonnie Thorn, Chairperson
Kelli Munoz, Secretary

Aerial/Vicinity Map

5987 NE 88th Street; Geo Parcel: 7922/09/100/006



If you wish to be shown approving or disapproving of the Conditional Use Permit email Brian McDonough at Brian.McDonough@polkcountyiowa.gov or call him at (515) 286-2291 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-07646, Upstream Gardens. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my:

support for opposition to

Print Name: _____

Address: _____

Signature: _____

Polk County Public Works Department
Planning & Development Division
5885 NE 14th Street
Des Moines, IA 50313

NOTICE OF HEARING

DATE: February 1, 2019

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that a variance appeal has been filed before the Polk County Board of Adjustment by Blake Nicolay and Mark Breon (owner representatives) with WJM LLC and Northwest Respiratory Services LLC, for a paving and curbing variance for the subject property located 2735 NE Broadway Avenue, Des Moines, Iowa 50313. The subject property is located within part of the NE ¼ NE ¼ of Section 19 in Delaware Township. The property is zoned “NB” Neighborhood Business District.

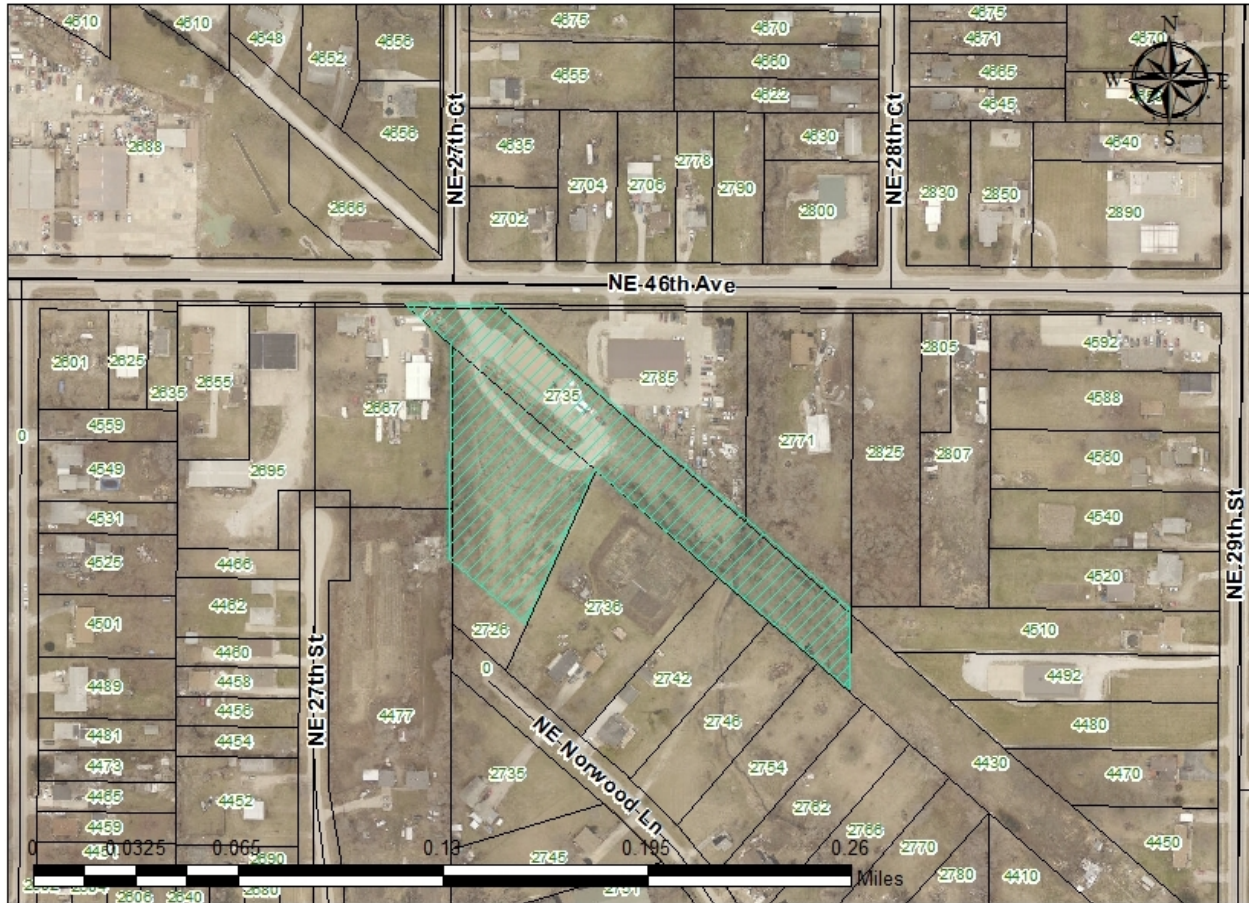
The Polk County Zoning Ordinance, *Article 15: Construction Standard* states in part, “All developments, except conventional single-family and uses which have an average daily traffic count fewer than forty-nine (49) vehicles in the AG, AT, and OS Districts, are required to pave their drives, parking, loading and display areas. Curbs and/or wheel stops are required in parking areas and curbs are required in paved drive areas. The approach, drive and parking areas for nonresidential uses shall meet a minimum thickness as identified in SUDAS – current edition.” The Appellant proposes to utilize an existing gravel drive, and requests a curbing and paving Variance to utilize the gravel drive lieu of improving the access drive with pavement for egress to the rear portion of the property.

A public hearing will be held before the Polk County Board of Adjustment on **Tuesday, February 19, 2019, at 7:00 P.M.** in the meeting room of the Polk County Public Works Building, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa. ALL INTERESTED PROPERTY OWNERS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD WITH REFERENCE TO THE MATTER SET OUT ABOVE. The Variance Appeal information is available for review during normal business hours 8:00am – 4:30pm at the Polk County Public Works Department, Planning & Development Division, located at 5885 NE 14th Street. The information identified on this notice may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact Polk County Public Works, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa 50313, 515-286-3705.

POLK COUNTY BOARD OF ADJUSTMENT

Bonnie Thorn, Chairperson
Kelli Munoz, Secretary

Aerial / Vicinity Map – 2735 NE Broadway Avenue, Des Moines



If you wish to be shown approving or disapproving of the Variance Appeal email Jennifer Ellison at Jennifer.Ellison@polkcountyiowa.gov or call her at (515) 286-2280 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-07647, Northwest Respiratory Services. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my:

support for opposition to

Print Name: _____

Address: _____

Signature: _____

Polk County Public Works Department
Planning & Development Division
5885 NE 14th Street
Des Moines, IA 50313

NOTICE OF HEARING

DATE: February 1, 2019

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that a Variance Appeal has been filed before the Polk County Board of Adjustment by Karl Anderson, 6584 NE Rising Sun Drive, Pleasant Hill, Iowa 50327, requesting a front yard setback variance to allow a future house to extend into the required front yard setback 12 additional feet, thus reducing the front yard setback from the required 50 feet to 38 feet. The subject property is located at 6425 NE Rising Sun Drive, being legally described as the Northern 8 feet of Alley South and Adjacent, and Lots 3 and 4, Block 1, Rising Sun, Section 2 of Fourmile Township. The subject property is vacant, approximately 0.424 acres in size and is zoned "RR" Rural Residential District.

The Polk County Zoning Ordinance, *Article 6. Bulk and Use Standards Division 2. Table 6.1 Single-Family Bulk Standards*, states that the minimum front setback for single-family dwellings in the "RR" Rural Residential District is 50 feet. The variance is requested to allow the future construction of a house to be located approximately 38 feet from the northern property line.

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POLK COUNTY BOARD OF ADJUSTMENT

Bonnie Thorn, _____ Chairperson
Kelli Munoz, _____ Secretary

Aerial / Vicinity Map - 6425 NE Rising Sun Drive



If you wish to be shown approving or disapproving of the Variance Appeal email Seana Perkins at Seana.Perkins@polkcountyiowa.gov or call her at (515) 286-3355 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-07648, Anderson. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my

support for opposition to

Print Name: _____

Address: _____

Signature: _____

Polk County Public Works Department
Planning & Development Division
5885 NE 14th Street
Des Moines, IA 50313

NOTICE OF HEARING

DATE: February 1, 2019

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that a Variance Appeal has been filed before the Polk County Board of Adjustment by Easter Seals, 401 NE 66th Avenue, Des Moines, Iowa 50313, represented by McClure Engineering Company, 1360 NW 121st Street, Clive, Iowa 50325, requesting a Variance to allow a new office building to be less than 30 feet from surrounding, existing, buildings. The separation is proposed to be reduced from the required 30 feet to approximately 23 feet from the existing northern building and to approximately 22 feet from the existing southern building. The subject property is the Easter Seals campus located at 401 NE 66th Avenue, being legally described as part of the NE ¼, SW ¼, of Section 2 in Saylor Township. The subject property includes approximately 19.5 acres and is zoned “MDR” Medium Density Residential District.

The Polk County Zoning Ordinance, *Article 6. Bulk and Use Standards, Division 5. Table 6.9 Nonresidential Bulk Standards*, states that the Minimum Building Spacing for structures in the “MDR” Medium Density Residential District is 30 feet. The variance is requested to allow the future construction of an office to be located approximately 23 feet from an existing building to the north and approximately 22 feet from an existing building to the south.

A public hearing will be held before the Polk County Board of Adjustment on **Tuesday, February 19, 2019, at 7:00 P.M.** in the meeting room of the Polk County Public Works Building, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa. ALL INTERESTED PROPERTY OWNERS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD WITH REFERENCE TO THE MATTER SET OUT ABOVE. The Variance Appeal information is available for review during normal business hours 8:00am – 4:30pm at the Polk County Public Works Department, Planning & Development Division, located at 5885 NE 14th Street. The information identified on this notice may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact Polk County Public Works, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa 50313, 515-286-3705.

POLK COUNTY BOARD OF ADJUSTMENT

Bonnie Thorn, Chairperson
Kelli Munoz, Secretary

Aerial / Vicinity Map – 401 NE 66th Avenue



If you wish to be shown approving or disapproving of the Variance Appeal email Seana Perkins at Seana.Perkins@polkcountyiowa.gov or call her at (515) 286-3355 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-07658, Easter Seals. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my

support for opposition to

Print Name: _____

Address: _____

Signature: _____