

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Tuesday, January 16, 2024, at 7:00 P.M. in Conference Room A of the Polk County Public Works Department, Planning & Development Division, 5885 NE 14<sup>th</sup> 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: Bindy Brown, Paul Kruse, Mike McCoy, Kay Frye, and Kurt Bailey. Absent: None. Present from the Polk County Public Works Department: Brian McDonough, Planning and Development Manager; Tommy Howard, Planner; and Kendra Glider, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Election of 2024 Officers:

It was moved by McCoy and seconded by Baily to elect Frye as Chairperson.

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

It was moved by Kruse and seconded by McCoy to elect Bailey as Vice Chairperson.

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

C) Acceptance of the Minutes of the Monday, December 18, 2023 Meeting.

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

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

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

E) Unfinished Business: None

F) Consent Public Hearing Items – New Business:

**Item 1            23/13494 Variance Appeal Application**

Request by Nadia Clark and Todd Sharp (property owners), for a Variance to allow an existing accessory structure to remain located five (5) feet from the principal residence, in lieu of the required ten (10) feet. The subject property is located at 11469 NW 116th Court, Granger, within Section 5 of Jefferson Township, and is zoned "RR" Rural Residential District.

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

Let the record show that appellant Nadia Clark was in attendance virtually.

A motion was made by McCoy and seconded by Kruse to approve Docket #23/13494 in accordance with the staff report and recommendation.

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

G) Action Public Hearing Items – New Business:

**Item 1 23/13476 Conditional Use Permit Application**

Request by Jennifer K. Nelson Living Trust (property owner), represented by Jennifer and David Nelson, 2734 NE 96th Place, Ankeny, IA 50021, for a Conditional Use Permit to allow an Agri-tourism use of a flower farm with public access for flower cutting and on-farm education. The subject property is located approximately one (1) mile northwest of the City of Elkhart at the northeast corner of the intersection of NE 38th Street and NE 142nd Avenue, within Section 16 of Elkhart Township, and is zoned “AG” Agricultural District.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 8 (eight) notices were mailed, with one (1) response received in support, and one (1) response received in opposition, of the request.

Let the record show that David Nelson, 2734 NE 96<sup>th</sup> Place, Ankeny, IA 50021, was present to represent the request.

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

A motion was made by Kruse and seconded by Brown to approve Docket #23/13476 in accordance with the staff report and recommendation, including staff’s recommended conditions of approval.

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

**Item 2 23/13491 Variance Appeal Application**

Request by Matt and Shanda Carstens (property owners), represented by John Larson of J. Larson Homes, P.O. Box 267, Johnston, IA 50131, for a Variance to allow a proposed accessory building to be located in front of the principal residence with a separation distance from the principal residence of approximately 420 feet, in lieu of the maximum allowable separation distance of 150 feet. The subject property is located at 12340 NW 89th Place, Grimes, within Section 20 of Jefferson Township, and is zoned “ER” Estate Residential District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that 7 (seven) notices were mailed, with zero (0) responses received in support, and three (3) responses received in opposition, of the request.

Let the record show that Steve Nielsen, attorney, on behalf of Matt and Shanda Carstens, 507 NW 10<sup>th</sup> Place, Ankeny, IA 50023, was present to represent the request.

Let the record show that Carl Meyer was present and Beth Meyer was present virtually in opposition, 8810 NW 121<sup>st</sup> Street, Grimes, IA, 50111.

Let the record show that Nate Milone, 9627 Marnewood Drive, Johnston, IA, 50131, was present in opposition. Property owner of 12344 NW 98<sup>th</sup> Place, Grimes, IA, 503111.

Let the record show that Ryan and Allison Marsh, 8806 NW 121<sup>st</sup> Street, Grimes, IA, 50111, were present virtually in opposition.

Let the record show that John Larson, J. Larson Homes, 10585 Canterbury Place, Johnston, IA, 50131, on behalf of Matt and Shanda Carstens, was given the time for rebuttal and provided additional responses. There were discussions between board members and staff.

A motion was made by Frye and seconded by Brown to deny Docket #23/13491 Variance Appeal Application.

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

H) Communications/Discussion Items: None.

I) Zoning Administrator Report: None.

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

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