

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Tuesday, February 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: Kay Frye, Paul Kruse, Bindy Brown and Kurt Bailey. Absent: Mike McCoy. Present from the Polk County Public Works Department: Bret Vandelune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Chris Meeks, Planner; Tommy Howard, Planner; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania. Bindy Brown and Dominic Anania were attending the meeting virtually.

B) Election of 2023 Officers

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

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

It was moved by Brown and seconded by Kruse to elect Frye as Vice Chairperson.

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

C) Acceptance of the Minutes of the Monday November 21, 2022 Meeting.

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

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

D) Opening Statement – Vice Chairperson Frye gave the opening statement.

E) Unfinished Business: None

F) Consent Public Hearing Items:

Items 1 & 2 23/12480 and 23/12488 Variance Appeal Application

Request by Thomas and Linda Dake (property owners), for a Variance to allow a proposed addition to the principal residence with a rear yard setback of 27 feet, in lieu of the required 35 feet. The request also includes a Variance of approximately three (3) feet for an existing accessory structure to remain seven (7) feet away from the principal residence, in lieu of the required ten (10) feet. The subject property is located at 5824 Oak Street, Berwick, Section 9 of Delaware Township, and is zoned "LDR" Low Density Residential District.

Let the record show that seven (7) notices were mailed, with one (1) response received in support, and zero (0) in opposition, of the request.

Board Member Frye asked if anyone was present in opposition to the request. Hearing none, a motion was made by Kruse and seconded by Bailey to approve consent Dockets #23/12480 & 23/12488 in accordance with staff's recommendations.

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

G) Action Public Hearing Items – New Business:

Item 1 23/12469 Variance Appeal Application

Request by Steven and Lana Watne (property owners), represented by Adam Sieren of Premier Construction Services, for a Variance to allow a proposed accessory building to be located in front of the principal residence at a front yard setback of approximately 33 feet. The request also includes a Variance of approximately three (3) feet to allow the proposed accessory building with a separation from the principal residence of seven (7) feet, in lieu of the required ten (10) feet. The subject property is located at 3496 NW 75th Place, Ankeny, Section 32 of Crocker Township, and is zoned “RR” Rural Residential District.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 18 notices were mailed, with one (1) response received in support, and zero (0) in opposition, of the request.

A motion was made by Kruse and seconded by Bailey to approve Docket #23/12469 in accordance with staff’s recommendation, including both variances.

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

Items 2 & 3 23/12483 and 23/12484 Variance Appeal Applications

Request by Lamar Outdoor Advertising (Lessee) represented by Jason Pomrenke, under contract from the Pamela L Wagner Family Trust (Property Owners) for a Variance to allow light from an illuminated billboard to project over property boundaries, and for a gravel access driveway without curbing to be utilized in lieu of a paved and curbed access driveway. The subject property is located northeast of the intersection of NE 56th Street and E Douglas Avenue, legally described as a portion of the SW ¼ of the SW ¼ of Section 23, Clay Township, and is zoned “LI” Light Industrial District.

Let the record show that Jason Pomrenke, Lamar of Des Moines, 4131 109th St, Urbandale, IA, was present to represent the item.

Chris Meeks gave the staff presentation and recommendations.

Let the record show that six (6) notices were mailed, with no responses received in support or opposition of the request.

Vice Chairperson Frye asked if anyone was present in opposition to the request. Hearing none, and after discussion by Board members, a motion was made by Kruse and seconded by Bailey to approve Docket #23/12483 & #23/12484 in accordance with staff’s recommendations.

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

H) Communications/Discussion Items: None

I) Zoning Administrator Report:

Bret Vandelune spoke in regards to upcoming Ordinance amendments. He stated the Zoning Commission will be having a work session in March on the proposed amendments, and that staff will provide information on the proposed changes to the Board of Adjustment members as the process moves forward.

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

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