

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, May 17, 2021, at 7:00 P.M. **Due to the COVID-19 public health emergency, the meeting was held by voice and video conference. The Public Works building is currently closed to the public. All Board of Adjustment members, staff, applicants and the public were invited to join the meeting by using the meeting link or phone number that was provided on the agenda.**

A) Roll Call - Members Present: Paul Kruse, Mike McCoy, Ron Fisher and Kay Frye. Absent: None. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Jennifer Ellison, Planner; Chris Meeks, Planner; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, April 19, 2021 Meeting.

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

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

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

D) Unfinished Business: None

E) Consent Public Hearing Items – New Business:

**Item 1 21/10243 Variance Appeal Application**

Request by Daniel Lee (Appellant), represented by Jake West of Van Wall Energy, for a Variance to allow a solar array accessory structure to be located in front of the principal building with a separation distance greater than 150 feet. The subject property is located at 12226 NW 142<sup>nd</sup> Avenue, Polk City, Section 20 of Union Township.

**Item 2 21/10244 Variance Appeal Application**

Request by Lisa Clark (Appellant) for a Variance to allow an accessory structure to be located in front of the principal residence with a front yard setback of less than 100 feet. The subject property is located at 7430 NE 108<sup>th</sup> Place, Bondurant, Section 7 of Franklin Township.

**Item 3 21/10271 Variance Appeal Application**

Request by Rod Meek (Appellant), for a Variance to increase the maximum building coverage from 15% to approximately 15.2% for a property located in the "AG" Agricultural District and a Variance to reduce the rear yard setback for a principal dwelling from 50-feet to approximately 38-feet. The subject property is located at 16494 NE 112<sup>th</sup> Street, Maxwell, Section 2 of Washington Township.

It was moved by McCoy and seconded by Kruse to **APPROVE** the Consent Agenda Public Hearing items, including Item 1 – 21/10243, Item 2 – 21/10244, and Item 3 – 21/10271, in accordance with staff's recommendations.

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

F) Action Public Hearing Items – New Business:

**Items 1 - 4 21/10224 - 21/10227 Variance Appeal Applications**

Request by Mark Vinz of Kwik Trip, Inc. (Appellant), represented by Sarah Austin of Nagle Sings, Inc., requesting the following variances related to proposed signage for a new gas station/convenience store use at the subject property of 5145 NE 14<sup>th</sup> Street, Des Moines, Section 13 of Saylor Township:

**21/10224** – A Variance to increase the amount of allowable freestanding signage from 60 square feet to 225 square feet for a gas station/convenience store use.

**21/10225** – A Variance to allow a total of two (2) freestanding signs for a gas station/convenience store use.

**21/10226** – A Variance to increase the allowable sign height from 10 feet to 25 feet for a proposed freestanding sign.

**21/10227** – A Variance to increase the allowable sign height from 10 feet to 60 feet for a proposed freestanding sign.

Brian McDonough gave the staff presentation and recommendation. He explained that staff is supportive of three (3) of the variances, but is recommending denial of the freestanding sign height variance to 25 feet. He also explained that in recent conversations with the appellant, staff is now supportive of the full 225 SF of freestanding signage, not the modified recommendation of 180 SF contained in the staff report. The presentation included examples and photos of similar businesses and past sign variances. Staff's recommendations on these requests are consistent with previous requests for similar businesses.

Let the record show that Wade Dumond, with Kwik Trip, Inc, of 1626 Oak Street, La Crosse, WI 54602, was present to represent the Variance Appeal Applications.

Let the record show that twenty-two (22) notices were mailed, with zero (0) responses received in opposition, and two (2) responses received in support, of the Variance Appeal Applications.

Let the record show that no one was in attendance to speak in opposition of the Variance Appeal Application.

A motion was made by Kruse and seconded by McCoy to **APPROVE** the Variance Appeal Application #21/10224 in accordance with staff's recommendation and condition of approval.

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

A motion was made by Kruse and seconded by McCoy to **APPROVE** the Variance Appeal Application #21/10225 in accordance with staff's recommendation and condition of approval as contained in the staff report.

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

A motion was made by Kruse and seconded by Frye to **DENY** the Variance Appeal Application #21/10226 in accordance with staff's recommendation.

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

A motion was made by Kruse and seconded by McCoy to **APPROVE** the Variance Appeal Application #21/10227 in accordance with staff's recommendation and condition of approval as contained in the staff report.

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

**Item 5            21/10242 Variance Appeal Application**

Request by Bret Nehring (Property Owner), for a Variance to allow an accessory building to be located in front of the principal dwelling with a separation distance greater than 150 feet. The subject property is located at 8977 NE Hubbell Road, Bondurant, Section 21 of Franklin Township.

Brian McDonough gave the staff presentation and recommendation. Staff recommends denial of the request for the reasons outlined in the staff report. There appear to be flat, buildable areas on the subject property where the structure could be located without the need for a variance, or at least requiring less of a variance. The request is not consistent with the intent of the accessory structure regulations.

Let the record show that Bret Nehring of 8991 NE Hubbell Rd, Bondurant, IA 50035, was present to represent the Variance Appeal Application.

Let the record show that seventeen (17) notices were mailed, with three (3) responses received in support and zero (0) responses received in opposition of the Variance Appeal Application.

Let the record show that no one was in attendance to speak in opposition of the Variance Appeal Application.

A motion was made by McCoy and seconded by Fisher to **APPROVE** the Variance Appeal Application as requested.

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

**Items 6 - 8    21/10272 - 21/10274 Conditional Use Permit & Variance Appeal Applications**

Request by SBA Towers X, LLC. (Applicant/Appellant) for the following:

**21/10272** – A Conditional Use Permit to allow a communication tower on property located in the “MU” Mixed Use District.

**21/10273** – A Variance to allow an access lane to a communication tower to be constructed of gravel in lieu of the required paving and curbing on property located in the “MU” Mixed Use District.

**21/10274** – A Variance to allow a communications tower to be constructed with a height of 310 feet in lieu of the maximum permitted height of 180 feet on property located in the “MU” Mixed Use District.

The subject property is located at 6181 NE 27<sup>th</sup> Avenue, Altoona, Section 26 of Clay Township.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that Alex Novak, with GSS, Inc., of 132 S Delphia Ave, Park Ridge, IL 60068, Paul Dugan, with Millennium Engineering, of 42 Old Barn Drive, West Chester, PA 19382, Jessica Ross, with SBA Communications Corporation of 8051 Congress Avenue, Boca Raton, FL 33487, and Ari Rosenthal, with, Ginsberg Jacobs LLC, of 300 South Wacker Drive, Suite 2750, Chicago, IL 60606, were present to represent the Conditional Use Permit Application and Variance Appeal Applications.

It was moved by Frye and seconded by Kruse to **APPROVE** the introduction of new findings, as presented by the applicant.

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

Let the record show that eight (8) notices were mailed, with four (4) responses received in opposition, and zero (0) response received in support, of the Conditional Use Permit Application and Variance Appeal Applications.

Let the record show that Shane Johnson of 6212 NE 27<sup>th</sup> Ave, Altoona, IA 50009, was present in opposition of the Conditional Use Permit Application and Variance Appeal Applications.

A motion was made by McCoy and seconded by Kruse to **APPROVE** the Conditional Use Permit Application #21/10272 in accordance with staff's recommendation and conditions of approval as contained in the staff report.

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

A motion was made by McCoy and seconded by Kruse to **APPROVE** the Variance Appeal Application #21/10273 in accordance with staff's recommendation and conditions of approval as contained in the staff report.

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

A motion was made by McCoy and seconded by Kruse to **APPROVE** the Variance Appeal Application #21/10274 , based on the submittal of new evidence demonstrating the need for the variance.

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

- G) Communications/Discussion Items – Bret VandeLune stated that the tentative plan for the June 21, 2021 meeting is to have the option of in person participation.
- H) Zoning Administrator Report – None.
- I) Adjournment

A motion was made by Frye and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on June 21, 2021.

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