

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, May 20, 2024, 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: Bindy Brown, Paul Kruse, Mike McCoy, Kurt Bailey, and Kay Frye. Absent: None. Present from the Polk County Public Works Department: Brian McDonough, Planning and Development Manager; Tommy Howard, Land Use Planning Coordinator; Justin Peterson, Planner; Johnathon Waskow, Planner; and Kendra Glider, Recording Secretary. Present virtually from the County Attorney's Office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, April 15, 2024 Meeting.

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

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

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

D) Unfinished Business: None.

E) Consent Public Hearing Items – New Business:

Item 1 24/ 14630 Variance Appeal Application

Request by Brian Fischer (property owner) for a variance to allow a proposed accessory structure to be located in front of the principal structure, within the secondary front yard, with a setback of 11 feet, in lieu of the required minimum building setback of 35 feet. The subject property is located at 5495 NE 3rd Street, Des Moines, within Section 11 of Saylor Township, and zoned "LDR" Low Density Residential.

A motion was made by Kruse and seconded by Brown to approve Docket #24/14630 in accordance with the staff report and recommendation.

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

F) Action Public Hearing Items – New Business:

Item 1 24/ 14625 Conditional Use Permit Application

Request by 47 Partners LLC (property owner), represented by Ward Phifer, 3155 SE Miehle Drive, Grimes, IA 50111, for a Conditional Use Permit to allow select Light and Moderate Industry uses on property located in the "MU" Mixed Use District. The subject property consists of four properties addressed as 724 & 736 NE 46th Avenue and 725 & 745 NE 47th Place, Des Moines, within Section 14 of Saylor Township.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that thirty-one (31) notices were mailed, with one (1) response received in support and zero (0) responses in opposition of the request.

Let the record show that Ward Phifer 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 #24/14625 in accordance with the staff report and recommendation.

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

Item 2 24/ 14632 Variance Appeal Application

Request by 47 Partners LLC (property owner), represented by Ward Phifer, 3155 SE Mieke Drive, Grimes, IA 50111, for a Variance to allow a proposed commercial building to be constructed 15 feet from the western property line, in lieu of the required 30 feet. The subject property consists of four properties addressed as 724 & 736 NE 46th Avenue and 725 & 745 NE 47th Place, Des Moines, within Section 14 of Saylor Township.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that thirty-one (31) notices were mailed, with one (1) response received in support and zero (0) responses in opposition of the request.

Let the record show that Ward Phifer 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 #24/14632 in accordance with the staff report and recommendation.

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

Item 3 24/14629 Conditional Use Permit Application

Request by Darrell Beem (property owner) for a conditional use permit to allow for a Light Industry use of a Lawn and Garden Services and Ornamental Shrub and Tree Services within a "MU" Mixed Use zoning district. The subject property is located at 4554 NE 3rd Street, Des Moines, within Section 23 of Saylor Township and zoned "MU" Mixed Use.

Justin Peterson gave the staff presentation and recommendation.

Let the record show that thirty-five (35) notices were mailed, with zero (0) responses received in support and zero (0) responses opposition of the request.

Let the record show that Scott Jane, represent STJ Investments, 155 NE Broadway Avenue, Iowa, 50313 was present in opposition to the item.

Let the record show that Seth Sunderman, Bishop Engineering, 3501 104th Street, Urbandale, Iowa, 50322 was present to represent the item.

A motion was made by Kruse and seconded by McCoy to approve Docket #24/14629 in accordance with the staff report and recommendation.

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

Item 4 24/ 14628 Variance Appeal Application

Request by Darrell Beem (property owner), for a Variance to allow a proposed commercial building to be constructed approximately 15 feet from the northern property line, in lieu of the required 30 feet. The subject property is located at 4554 NE 3rd Street, Des Moines, within Section 23 of Saylor Township and zoned “MU” Mixed Use.

Justin Peterson gave the staff presentation and recommendation.

Let the record show that thirty-five (35) notices were mailed, with zero (0) responses received in support and zero (0) responses opposition of the request.

Let the record show that Scott Jane, represent STJ Investments, 155 NE Broadway Avenue, Iowa, 50313 was present in opposition to the item.

Let the record show that Seth Sunderman, Bishop Engineering, 3501 104th Street, Urbandale, Iowa, 50322 was present to represent the item and answer questions.

A motion was made by Kruse and seconded by McCoy to approve Docket #24/14628 in accordance with the staff report and recommendation.

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

Item 5 24/14700 Variance Appeal Application

Request by Stephen Erickson (property owner), for a Variance to allow an existing accessory building to remain located approximately four (4) feet from the southern side property line, in lieu of the required five (5) feet. The subject property is located at 5788 NE 3rd Street, Des Moines, within Section 11 of Saylor Township.

Johnathon Waskow gave the staff presentation and recommendation.

Let the record show that eleven (11) notices were mailed, with one (1) response received in support and zero (0) responses opposition of the request.

Let the record show that Stephen Erickson 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 #24/14700 in accordance with the staff report and recommendation.

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

Item 6 24/14673 Variance Appeal Application

Request by Stephen Erickson (property owner), for a Variance to allow a proposed covered front porch addition to the principal dwelling to be located approximately 23.58 feet from the front property line, in lieu of the required 35 feet. The subject property is located at 5788 NE 3rd Street, Des Moines, within Section 11 of Saylor Township

Let the record show that this item was withdrawn.

Let the record show that Dominic Anania advised the Board of Adjustment members that a vote should be taken to acknowledge the withdrawn status of Docket #24/14673.

A motion was made by Kruse and seconded by Brown to approve the withdrawn status of Docket #24/14673.

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

G) Communications/Discussion Items: None.

H) Zoning Administrator Report:

Brian McDonough, Planning and Development Manager, gave an update to the Board of Adjustment regarding recent staff changes. John Waskow, planner was introduced to the Board of Adjustment Members.

Dominic Anania from the County Attorney's Office offers the Board of Adjustment Members a workshop was scheduled for July 15 meeting.

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

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