

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, October 17, 2022, 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: Mike McCoy, Kay Frye, Paul Kruse, and Bindy Brown. Absent: None. 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 was attending the meeting virtually. Dominic Anania asked Brown if there were circumstances making it impossible or impracticable for her to attend the meeting in person. Brown answered yes.

- B) Acceptance of the Minutes of the Tuesday September 20, 2022 Meeting.

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

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

- C) Opening Statement – Chairperson McCoy gave the opening statement.
D) Unfinished Business: None
E) Consent Public Hearing Items: None
F) Action Public Hearing Items – New Business:

Item 1 22/12071 Variance Appeal Application

Request by BJB Trust (Property Owner), represented by Richard Gosselink, and Deer Road, LLC (Property Owner), represented by Brent Gosselink, for a Variance to allow four (4) residential properties to share a common driveway and access point. The subject property is comprised of two (2) separate properties located directly north of the intersection of SE 32nd Avenue and SE 82nd Street and at the northeast corner of the intersection of SE 32nd Avenue and SE 78th Street, Sections 18 and 13 of Fourmile Township. The properties are zoned "AT" Agricultural Transition District.

Let the record show that Richard Gosselink, 8455 SE 32nd Avenue, Runnells, was present to represent the item.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 27 notices were mailed, with two (2) responses received in support, and zero (0) in opposition, of the request.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by McCoy and seconded by Kruse to approve Docket #22/12071

in accordance with staff's recommendation, including the conditions of approval as contained in the staff report.

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

Item 2 22/12094 Variance Appeal Application

Request by Dawn Hill (Property Owner) for a Variance to allow two accessory buildings to be located with a front yard setback of less than 50 feet. The subject property is addressed as 11500 NE University Avenue, Mitchellville, within Section 36, Beaver Township. The subject property is zoned "AG" Agricultural District.

Let the record show that Dawn Hill was present to represent the item.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that five (5) notices were mailed, with zero (0) responses received in support, and zero (0) received in opposition, of the request.

Chairperson McCoy asked if anyone was present in opposition to the request. None.

A motion was made by Frye and seconded by Kruse to approve Docket #22/12094 in accordance with staff's recommendation, including the condition of approval as contained in the staff report.

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

Item 3 22/12106 Variance Appeal Application

Request by Brian and Elizabeth Wilkinson (Property Owners) for a Variance to allow an accessory building to be located in front of a principal dwelling with a separation distance of greater than 150-feet. The subject property is addressed as 14537 NE White Oak Drive, Elkhart, within Section 16, Elkhart Township. The subject property is zoned "ER" Estate Residential District.

Let the record show Brian and Beth Wilkinson, 14537 NE White Oak Dr, Elkhart, IA 50073, were present to represent the application.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that six (6) notices were mailed, with three (3) responses received in support, and two (2) received in opposition, of the request.

No one was present in the audience or on the call to speak in support or opposition. Following further discussion between the Board, staff and appellant, a motion was made by McCoy and seconded by Kruse to approve a modified request of Docket #22/12106, to allow a 56x72 accessory building to be located in front of the principal structure with a setback distance from the front property line of greater than 100-feet, but a separation distance from the principal building of no more than 160-feet.

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

Item 4 22/12107 Variance Appeal Application

Request by Brian and Elizabeth Wilkinson (Property Owners) for a Variance to allow an accessory building to be located in front of a principal dwelling with a separation distance

of greater than 150-feet. The subject property is addressed as 14537 NE White Oak Drive, Elkhart, within Section 16, Elkhart Township. The subject property is zoned "ER" Estate Residential District.

Let the record show Brian and Beth Wilkinson, 14537 NE White Oak Dr, Elkhart, IA 50073, were present to represent the application.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that six (6) notices were mailed, with three (3) responses received in support, and two (2) received in opposition, of the request.

No one was present in the audience or on the call to speak in support or opposition. Following further discussion between the Board, staff and appellant, a motion was made by McCoy and seconded by Kruse to approve Docket #22/12107, to allow a 36x30 accessory building to be located in front of the principal structure with a setback distance from the front property line of greater than 100-feet, but a separation distance from the principal building of no more than 170-feet.

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

Item 5 22/12108 Variance Appeal Application

Request by Brian and Elizabeth Wilkinson (Property Owners) for a Variance to allow the number of livestock animals to exceed the one (1) per acre maximum, allowing eighteen (1) livestock animals in lieu of the maximum four (4) livestock animals for the subject property. The subject property is addressed as 14537 NE White Oak Drive, Elkhart, within Section 16, Elkhart Township. The subject property is zoned "ER" Estate Residential District.

Let the record show Brian and Beth Wilkinson, 14537 NE White Oak Dr, Elkhart, IA 50073, were present to represent the application.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that six (6) notices were mailed, with one (1) responses received in support, and four (4) received in opposition, of the request.

No one was present in the audience or on the call to speak in support or opposition. Following further discussion between the Board, staff and appellant, a motion was made by McCoy and seconded by Kruse to approve Docket #22/12108, subject to the following conditions:

1. Permits shall be obtained prior for all livestock barns and any other unpermitted accessory structures on the property prior to additional animals being brought to the site.
2. The variance shall only apply to the children of Brian and Elizabeth Wilkinson as 4-H of FFA Project animals. When the children are no longer actively involved in 4-H or FFA the variance shall become null and void.
3. On-site animals shall be limited to four (4) horses, cattle, or animals of, with the additional fourteen (14) permitted livestock animals being limited to sheep, goats, or pigs.

4. The livestock barn shall be constructed in conformance with all accessory structure regulations, as well as Keeping of Animal regulations, as set forth in the Polk County Zoning Ordinance.

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

G) Communications/Discussion Items: None

H) Zoning Administrator Report: None

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

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