

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, April 15, 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: Kay Frye, Paul Kruse, Bindy Brown and Kurt Bailey. Absent: Mike McCoy. Present from the Polk County Public Works Department: Brian McDonough, Planning and Development Manager; Tommy Howard, Land Use Planning Coordinator; Justin Peterson, Planner; and Kendra Glider, Recording Secretary. Present from the County Attorney's Office was Dominic Anania and Jason Wittgraf.

B) Acceptance of the Minutes of the Tuesday, February 20, 2024 Meeting.

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

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

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

D) Unfinished Business: None.

E) Consent Public Hearing Items – New Business:

Item 1 24/14358 Variance Appeal Application

Request by Jason Boozell (property owner) for a front yard setback variance of approximately 15.5 feet to allow for an accessory building to be located in the secondary front yard providing a setback of 34.5 feet where a minimum of 50 feet is required. The subject property is located at 6420 NE Rising Sun Drive, Pleasant Hill, within Section 2 of Fourmile Township, and is zoned "RR" Rural Residential District.

A motion was made by Kruse and seconded by Brown to approve Docket #24/14358 in accordance with the staff report and recommendation.

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

F) Action Public Hearing Items – New Business:

Item 1 24/14280 Variance Appeal Application

Request by Lee Michael (applicant) 1805 SE 60th Street, Pleasant Hill, with consent from Melvin & Debra Thomas Family Trust (property owners), being represented by Vic Piagentini of Associated Engineering Company of Iowa, 1520 NW Irvinedale Drive, Ankeny, Iowa, 50023, for a Variance to allow an existing horse barn accessory structure to remain located approximately 54.48 feet from a neighboring dwelling unit, in lieu of the required 150 feet. The subject property is Outlot X of Deer Ridge Run, located at 1805 SE 60th Street, Pleasant Hill, within Section 10 of Fourmile Township, and is zoned "LDR" Low Density Residential District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that twelve (12) notices were mailed, with three (3) responses received in support and one (1) response in opposition of the request.

Let the record show that Vic Piagentini of Associated Engineering Company of Iowa, 1520 NW Irvinedale Drive, Ankeny, Iowa, 50023 was present to represent the request.

Let the record show that Melvin Thomas, 1975 SE 60th Street, Pleasant Hill, Iowa, 50327 was present in support to the item.

Let the record show that Randy Colyn, 2015 SE 60th Street, Pleasant Hill, Iowa, 50327 was present in support to the item.

Let the record show that Jason Steele, 1845 SE 60th Street, Pleasant Hill, Iowa, 50327 was present in support to this item.

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 #24/14280 in accordance with the staff report and recommendation.

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

Item 2 24/14369 Variance Appeal Application

Request by 1 Red Hotel LLC (property owner) represented by Mike Hannam, being represented by Daniel L. Manning Sr. with Lillis O'Malley Law Firm, 505 5th Avenue, Suite 1005, Des Moines, IA 50309, for a Variance to allow an 18-foot freestanding sign on the subject property, in lieu of the Ordinance-permitted maximum height of 10 feet. The subject property is located at 412 NE Broadway Avenue, Des Moines, within Section 14 of Saylor Township, and is zoned "MU" Mixed Use District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that twenty-three (23) notices were mailed, with two (2) responses received in support and one (1) response opposition of the request.

Let the record show that Daniel L. Manning Sr. with Lillis O'Malley Law Firm, 505 5th Avenue, Suite 1005, Des Moines, Iowa, 50309, was present to represent the request.

Let the record show that Mike Hannam, property owner, 5790 SE 116th Street, Runnells, Iowa, 50237, was present in support of the item.

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

Let the record show that Dominic Anania from the County Attorney's Office, advised the Board of Adjustment Members regarding Docket #24/14369.

Let the record show that Jason Wittgraf from the County Attorney's Office, provided information to the Board of Adjustments Members regarding a past variance request.

A motion was made by Brown and seconded by Kruse to approve Docket #24/14369.

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

Item 3 24/14375 Variance Appeal Application

Request by Clara Alarcon (property owner) and represented by Steve Iverson for a front yard setback variance of approximately 40 feet 7 inches to allow for an accessory building to be located in the front yard, or closer to the street than the principal building on the property. The subject property is located at 2811 NE 80th Street, Altoona, within Section 29 of Clay Township, and is zoned "AT" Agricultural Transition District.

Justin Peterson gave the staff presentation and recommendation.

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

Let the record show that Steve Iverson, 2811 80th Street, Altoona, Iowa, 50009, was present virtually to represent the request.

Let the record show that Clara Alarcon, 2811 NE 80th Street, Altoona, Iowa, 50009, property owner was present virtually in support of this item.

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 #24/14375 in accordance with the staff report and recommendation.

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

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. Justin Peterson, planner was introduced to the Board of Adjustment Members. The new planner, John Waskow started on April 15, 2024.

Dominic Anania from the County Attorney's Office offers the Board of Adjustment Members an opportunity for a workshop time for before the June or July meeting.

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

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