

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Tuesday, September 20, 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: Kay Frye, Paul Kruse, and Bindy Brown. 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.

B) Acceptance of the Minutes of the Monday July 18, 2022 Meeting.

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

Vote: Yea: Frye, Kruse, and Brown. 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 22/11983 Variance Appeal Application

Request by Michael & Tracey Ihle (property owners) for a front yard setback Variance for an existing deck attached to the principal residence. The subject property is located at 5265 NW 158th Avenue, Polk City, Section 6 of Lincoln Township. The property is zoned "AG" Agricultural District.

Item 2 22/11999 Variance Appeal Application

Request by John and Marlys Stefl (Property Owners) for a front yard setback Variance to allow an attached garage to be added to the principal dwelling with a front yard setback of 40.5-feet in lieu of the required fifty (50) foot front yard setback. The subject property is addressed as 618 NE 108th Street, Runnells, within Section 3, Camp Township. The property is zoned "RR" Rural Residential District.

It was moved by Kruse and seconded by Brown to APPROVE the Consent Agenda Public Hearing items in accordance with staff's recommendations.

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

F) Action Public Hearing Items – New Business:

Item 1 22/11814 Variance Appeal Application

Request by Nancy Lamb (property owner) for a Variance to allow a previously constructed above-ground swimming pool and deck, both attached to the principal structure, to remain with a four and one-quarter inch (4 ¼") side yard setback for the pool and a 10.4-

foot side yard setback for the deck in lieu of the required fifteen (15) foot side yard setback. The subject property is located at 7491 SE Vandalia Drive, Runnells, within Section 24 of Camp Township. The property is zoned "RR" Rural Residential District.

Let the record show that Nancy Lamb, 7491 SE Vandalia Drive, Runnells, was present but did not speak.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that 11 notices were mailed, with three (3) responses received in support, and zero (0) in opposition, of the request.

Chairperson Frye asked if anyone was present in opposition to the request. Hearing none, a motion was made by Kruse and seconded by Brown to APPROVE Docket #22/11814 in accordance with staff's recommendation.

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

Item 2 22/11904 Variance Appeal Application

Request by Royce and Katie Schwienebart (property owners) for a rear yard setback Variance to allow a proposed single-family dwelling with an attached garage with a rear yard setback of 50- feet in lieu of the required seventy-five (75) foot rear yard setback. The subject property is located at 6235 NE 130th Avenue, Elkhart, within Section 26 of Elkhart Township. The property is zoned "ER" Estate Residential District.

Let the record show that Royce Schwienebart was present but did not speak.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that seven (7) notices were mailed, with three (3) responses received in support, and zero (0) received in opposition, of the request.

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

A motion was made by Kruse and seconded by Brown to Approve Docket #22/11904 in accordance with staff's recommendation.

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

Item 3 22/12011 Variance Appeal Application

Request by Casey's Marketing Company (property owner) for two (2) Variances to relocate an existing freestanding sign. The request includes a Variance to increase the amount of allowable freestanding signage from 60 square feet to 80.37 square feet, and a Variance to increase the allowable freestanding sign height from 10 feet to 23 feet. The subject property is located at 2890 NE 46th (Broadway) Avenue, Des Moines, Section 18 of Delaware Township. The property is zoned "NB" Neighborhood Business District.

Let the record show that James Skloda, Assistant General Counsel for Casey's Marketing Company, 1 SE Convenience Blvd, Ankeny, IA 50021, was present to represent the application.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 31 notices were mailed, with zero (0) responses received in support, and zero (0) 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 Brown and seconded by Kruse to DENY Docket #22/12011, including both variance requests, in accordance with staff's recommendation.

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

G) Communications/Discussion Items: None

H) Zoning Administrator Report: None

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

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