

POLK COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, September 21, 2020, 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 Commissioners, 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.**

House File 2512 was signed into law by Governor Reynolds dated Monday, June 1, 2020. This law no longer allows Board of Adjustment members to reside inside city limits. All Board of Adjustment members must now live in the unincorporated area of the County. House File 2512 became effective on June 1, 2020. This removed two (2) of our Board of Adjustment members, Bonnie Thorn and David Kinsley, leaving the three (3) members needed for a quorum.

Each item on the Board of Adjustment agenda requires three (3) affirmative votes by the Board to approve an applicant's appeal. Due to the approval of the recent House File, Polk County only has three (3) members that are available to vote.

A) Roll Call - Members Present: Mike McCoy, Ron Fisher and Paul Kruse. 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; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, August 17, 2020 Meeting.
It was moved by Kruse and seconded by Fisher, to **APPROVE** the minutes as presented.
Vote: Yea: Kruse, Fisher, and McCoy. Nay: None. Absent: None

C) Opening Statement – Chairman McCoy gave the opening statement.

D) Unfinished Business: None

E) Consent Public Hearing Items – New Business:

Item 1 20/9421 Variance Appeal Application

Request by Dennis Gibson (Property Owner) for a Variance to allow a new residential accessory building to be located in front of the principal dwelling at a front yard setback of less than 100 feet. The subject property is located at 12741 NE 14th Street, Alleman, Section 25 of Lincoln Township.

Let the record show that Dennis Gibson, property owner, 912 SW Elm St, Ankeny, IA, 50023, was present to represent the Variance Appeal Application.

Let the record show that Jeremy and Teresa Nefzger, adjacent property owners of 1558 NE 126th Avenue, Alleman, IA, 50007, were present in support of the Variance Appeal Application.

Let the record show that eight (8) notices were mailed, with one (1) response received in support and zero (0) responses received in opposition of the Variance Appeal Application.

Item 2 20/9423 Variance Appeal Application

Request by John Kujac (Property Owner) for a front yard setback Variance of approximately three feet and 11 inches (3' 11") to allow a proposed porch addition to encroach into the existing western front yard setback established by the front building line of the existing principal dwelling. The subject property is located at 15771 NW Madrid Drive, Madrid, Section 7 of Union Township.

Let the record show that John Kujac, property owner, 15771 NW Madrid Drive, Madrid, IA, 50156, was present to represent the Variance Appeal Application.

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

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

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

F) Discussion Public Hearing Items – New Business:

Item 1 20/9420 Variance Appeal Application

Request by Todd Stewart (Property Owner) for a Variance to allow an existing residential accessory building to remain located in front of the principal dwelling, at what is presently a nonconforming front yard setback. The subject property is located at 9150 NE 94th Avenue, Bondurant, Section 16 of Franklin Township.

Let the record show that Todd Stewart, property owner, 9150 NE 94th Ave, Bondurant, IA 50035, was present to represent the Variance Appeal Application.

Let the record show that five (5) notices were mailed, with one (1) response 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 at the meeting in opposition of the request.

A motion was made by McCoy and seconded by Kruse to waive the staff presentation and **APPROVE** the Variance Appeal Application in accordance with staff's recommendation and conditions of approval.

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

Item 2 20/9436 Variance Appeal Application

Request by Tanam Des Moines, LLC (Property Owner), represented by Bill Rosener with InRoads, LLC, for a sign area Variance. The subject property is located at 4756 NE 20th Lane, Des Moines, Section 13 of Saylor Township.

Let the record show that Bill Rosener with InRoads, LLC, 4224 Hubbell Avenue, Des Moines, IA 50317, was present to represent the Variance Appeal Application.

Let the record show that 15 notices were mailed, with one (1) response 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 at the meeting in opposition of the request.

A motion was made by McCoy and seconded by Kruse to waive the staff presentation and **APPROVE** the Variance Appeal Application in accordance with staff's recommendation and conditions of approval.

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

Item 3 20/9437 Variance Appeal Application

Request by STJ Properties, Inc. represented by Scott Jayne (Property Owner) for a front yard setback Variance for a proposed residential accessory building. The subject property is located at 310 NE 43rd Avenue, Des Moines, Section 23 of Saylor Township.

Let the record show that Scott Jayne, property owner, 1627 18th Street, West Des Moines, IA 50265, was present to represent the Variance Appeal Application.

Let the record show that 31 notices were mailed, with two (2) responses received in support and one (1) response received in opposition of the Variance Appeal Application.

Brian McDonough gave the staff presentation. He explained staff is recommending approval to allow a front yard setback of 20 feet instead of the 11 feet and 9 inches (11' - 9") requested. He also explained staff has been in communication with the appellant regarding the recommendation and options for modifying the proposed building to meet a front yard setback of 20 feet.

Let the record show that no one was in attendance at the meeting in opposition of the request.

Following discussion between Board Members, staff and the appellant, a motion was made by Kruse and seconded by McCoy to **APPROVE** the Variance Appeal Application in accordance with staff's recommendation.

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

G) Communications/Discussion Items – None.

H) Zoning Administrator Report – None.

I) Adjournment

A motion was made by McCoy and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on October 19, 2020.

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