

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, March 20, 2023, 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, Bindy Brown and Kurt Bailey. 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. Dominic Anania was attending the meeting virtually.

B) Acceptance of the Minutes of the Tuesday, February 21, 2023 Meeting.

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

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

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

D) Unfinished Business: None

E) Consent Public Hearing Items:

Item 1 & 2 23/12521 and 23/12522 Variance Appeal Applications

Request by Travis Sisson (property owner) for two (2) Variances to allow for the construction of an accessory building, and to permit two (2) existing storage containers to remain located in front of the principal structure, with a separation distance from the principal structure greater than the allowed maximum of 150 feet. The subject property is located at 10461 NW 121st Street, Granger, Section 8 of Jefferson Township, and is zoned "ER" Estate Residential.

Board Member McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by Kruse and seconded by Frye to approve consent Dockets #23/12521 & 23/12522 in accordance with staff's recommendations.

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

F) Action Public Hearing Items – New Business:

Item 1 23/12518 Conditional Use Permit Application

Request by GSS Midwest (Applicant), represented by Albert Aguirre, on behalf of the Bruce L. Johnson Revocable Trust, Jorjan Johnson Revocable Trust, and Terry Ray Johnson Revocable Trust (Property Owners) requesting a Conditional Use Permit for a new 194-foot monopole communication tower. The subject property is identified as GeoParcel #8024.32.476.003 and is located in the Southeast ¼ of Section 32, Crocker Township, and is zoned "AG" Agricultural District.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that 30 notices were mailed, with zero (0) responses received in support, and two (2) in opposition, of the request.

Let the record show that Albert Aguirre & Shaun Hemsted, GSS Midwest, Inc., 3311 109th St, Urbandale, IA, were present to represent the item.

Let the record show that George Bloodgood, 7085 NW Fisher Ln, Ankeny IA, was present to speak in opposition of the item. Mr. Bloodgood expressed concerns that his water well and water lines are located on the subject property. He did not have a copy of an easement or other legal documents regarding this issue.

Let the record show that Steve Kline, 2977 NW 66th Avenue, Des Moines, IA, was present to ask questions of GSS Midwest, Inc.

Let the record show that Josh Hofer, 7171 Fisher Lane, Ankeny, IA, was present to speak in opposition of the item.

A motion was made by Brown and seconded by Frye to postpone action on Docket #23/12518 until all legal obligations are fulfilled.

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

Anania provided legal counsel regarding a deadline for the Board of Adjustment to render a decision on the application. After discussion with Staff and Anania it was determined the Zoning Ordinance requires the Board of Adjustment to take action on a Conditional Use Permit within 45 days of the public hearing, otherwise the item is automatically approved.

A new motion was made by Frye and seconded by Brown to re-address Docket #23/12518 at the April 17, 2023 Board of Adjustment meeting.

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

Item 2 23/12519 Conditional Use Permit Application

Request by TowerCo 2013 LLC., represented by David Hockey of TowerCo, 5000 Valleystone Drive, Cary, NC 27519, and with consent from property owners Del B. Stall and Robyn R. Stall., for approval of a Conditional Use Permit for the construction of a 157-foot tall communication tower. The subject property is located at 2241 NE 142nd Avenue, Elkhart, within Section 19 of Elkhart Township, and is zoned "AG" Agricultural District.

Let the record show that David Hockey, Tower Co, 5000 Valleystone Dr, Cary, NC, was present to represent the item.

Tommy Howard gave the staff presentation and recommendations.

Let the record show that six (6) notices were mailed, with no responses received in support or opposition of the request.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, and after discussion by Board members, a motion was made by McCoy and

seconded by Kruse to approve Docket #23/12519 in accordance with staff's recommendation and conditions of approval.

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

Item 3 23/12526 Conditional Use Permit Application

Request by Godwin Family Trust, represented by Joel Godwin (property owner), 6400 NW 6th Drive, Des Moines, IA 50313, being represented by Brent Culp with Snyder & Associates, Inc., 2727 SW Snyder Blvd., Ankeny, IA 50023, to amend an existing Conditional Use Permit for sand and gravel extraction. The subject property is located at 1560 NW 66th Avenue, Des Moines, within Section 3 of Saylor Township, and is zoned "AG" Agricultural District.

Let the record show that John Hanson, Snyder & Associates, 2727 SW Snyder Blvd, Ankeny IA, was present to represent the item.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 73 notices were mailed, with six (6) responses received in support and two (2) in opposition of the request.

Let the record show that Doug Sassman, 6297 NW 6th Dr, Des Moines IA, was present to speak in favor of the item.

Let the record show that Gary Rassmussen, 6395 NW 6th Dr, Des Moines IA, was present to speak in favor of the item.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, and after discussion by Board members, a motion was made by McCoy and seconded by Kruse to approve Docket #23/12526 in accordance with staff's recommendation and conditions of approval.

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

G) Communications/Discussion Items: None

H) Zoning Administrator Report:

Bret Vandelune spoke in regards to upcoming Ordinance amendments. He stated the Zoning Commission will be having a work session on proposed amendments at their upcoming March 27, 2023 meeting, and staff will provide information on the proposed changes to the Board of Adjustment members as the process moves forward.

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

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