

Final Agenda

Polk County Board of Adjustment
Monday, July 20, 2020 - 7:00 P.M.
Polk County Public Works Department, Planning & Development Division
5885 NE 14th Street, Des Moines, IA.

Due to the COVID-19 public health emergency, the meeting will be held by voice and video conference only. The Public Works building is currently closed to the public. All Board members, staff, appellants and public are invited to join the meeting by using the link below or calling the number below and inputting the meeting ID.

Participate by phone by calling +1 312 626 6799

Participate by desktop/laptop/smartphone/tablet at:

<https://zoom.us/j/94677057459?pwd=MWk3VVhiUVErVmJPS3ZLcnI1R1ZUQT09>

Meeting ID: 946 7705 7459

Password: 241231

Several public hearings will be on the Board of Adjustment agenda. Please plan to join the meeting at 7:00 P.M., but wait to speak until the Chairperson asks for testimony on your item.

- A) Roll Call - Michael McCoy, Ron Fisher and Paul Kruse
- B) Acceptance of the Minutes from the Monday, June 29, 2020 Special Meeting
- C) Opening Statement
- D) Unfinished Business – None
- E) Consent Public Hearing Items – New Business:

Item 1 20/9155 Variance Appeal Application

Request by Jeff Meislahn (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 7775 NE 110th Avenue, Bondurant, Sections 6 & 7 of Franklin Township.

Item 2 20/9193 Variance Appeal Application

Request by Des Moines Water Works (Property Owner), represented by Nathan W. Casey of Des Moines Water Works (Applicant), for a street setback Variance of 9-feet (from 50-feet to 41-feet) for a proposed public service water booster station. The subject property is located at 2567 NW 72nd Place, Ankeny, Section 33 of Crocker Township.

Item 3 20/9198 Variance Appeal Application

Request by Dan Lundberg (Property Owner) for a Variance to allow three (3) residential properties to share a common driveway and access point. The subject property is located at 9850 SE Vandalia Drive, Runnells, Section 33 of Camp Township.

- F) Discussion Public Hearing Items – New Business:

Item 1 20/9068 Conditional Use Permit Application – Request to table indefinitely

Request by SBA Towers IX, LLC (Prospective Lessee), represented by Alex Novak of GSS, Inc., and with consent from property owners Clinton E., Betty J., and Roy E. Mills Jr., for approval of a Conditional

Use Permit for construction of a new 300-foot tall communication tower. The subject property is located at 1563 NE 64th Street, Pleasant Hill, Section 36 of Clay Township.

Item 2 20/9221 Variance Appeal Application – Request to table indefinitely

Request by SBA Towers IX, LLC (Prospective Lessee), represented by Alex Novak of GSS, Inc., and with consent from property owners Clinton E., Betty J., and Roy E. Mills Jr., for approval of a Variance to the paving and curbing standards for a proposed communication tower access drive. The subject property is located at 1563 NE 64th Street, Pleasant Hill, Section 36 of Clay Township.

Item 3 20/9145 Variance Appeal Application

Request by Jane K. Snyder Trust (Property Owner), represented by Don Snyder (Applicant) for an approximate 0.5% Maximum Building Coverage increase (from 15% to 15.5%) to complete the construction of a proposed 1,450 sq. ft. swimming pool on the subject property. The subject property is located at 10026 NW Lake Drive, Polk City, Section 18 of Crocker Township.

Item 4 20/9186 Conditional Use Permit Application

Request by AT&T Mobility (Prospective Lessee), represented by Curt Walter of Powder River Development Services, LLC., and with consent from property owners, Woodland Hills Church of Christ, for a Conditional Use Permit to construct a 180-foot tall monopole communication tower within a proposed 100' x 100' fenced lease area to include an AT&T 6' x 6' equipment cabinet and generator. The subject property is located at 2484 SE 68th Street, Pleasant Hill, Section 14 of Fourmile Township.

Item 5 20/9225 Variance Appeal Application

Request by AT&T Mobility (Prospective Lessee), represented by Curt Walter of Powder River Development Services, LLC., and with consent from property owners, Woodland Hills Church of Christ, for approval of a Variance to the paving and curbing standards for a proposed communication tower access drive. The subject property is located at 2484 SE 68th Street, Pleasant Hill, Section 14 of Fourmile Township.

Item 6 20/9228 Variance Appeal Application

Request by Daniel Marquis (Property Owner) for a front yard setback Variance to construct a new residential accessory building in front of the principal dwelling at a front yard setback of approximately three (3) feet. The subject property is located at 10621 NW 107th Street, Granger, Section 9 of Jefferson Township.

- G) Communications/Discussion Items
- H) Zoning Administrator Report
- I) Adjournment

POLK COUNTY BOARD OF ADJUSTMENT

The Zoning Board of Adjustment has the power under Iowa law and the Polk County Zoning Ordinance to hear requests and make decisions on matters such as Variances from the regulations in the Zoning Ordinance, Conditional Use Permits and Appeals of the decisions of County staff in the administration of the Zoning Ordinance.

MEETING PROCEDURE:

The Board members receive copies of the agenda and staff recommendations before the meeting. Copies of the agenda and staff recommendations are available to the public.

The Board is required to base its decision on each case upon the criteria established by law for the type of relief sought by the applicant. The criteria is identified in the written staff report. All speakers at the public hearing are requested to focus their comments upon those facts that demonstrate whether or not the criteria has been satisfied.

Items listed on the Consent Public Hearing Items portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Board requests that the Item be removed from the Consent Public Hearing Items portion agenda and separately considered under the Discussion Public Hearing Items portion of the agenda.

All speakers are requested to speak from the podium and to start their presentation by giving their name and address. After a County staff representative introduces the item, the applicant or a representative is allowed to speak first to present their request. Anyone else present in support of the appeal will then each be allowed to present their comments, followed by anyone in opposition to the appeal who will then be allowed to present their comments. The applicant/representative will then be allowed time for rebuttal or other closing comments. The hearing will then be closed to public comment and the Board will make a verbal decision.

The Board has 5 members. It takes the affirmative vote of at least 3 members to grant any appeal or request, regardless of the number of members actually present at any meeting. If 3 or fewer members of the Board are present when the Chair calls an Item, the applicant may request that the Item be continued until the next monthly meeting to have the opportunity to present the matter to a full Board. The request should be made as soon as the Chair calls the Item and before the staff report is given. The Board has discretion to grant or deny any such request. If a continuance is granted, there is no guarantee that more members of the Board will be present at the next meeting.

Following the meeting, any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.