

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, August 19, 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: Bindy Brown, Paul Kruse, Kurt Bailey, and Mike McCoy. Absent: Kay Frye. Present from the Polk County Public Works Department: Brian McDonough, Planning and Development Manager; Tommy Howard, Land Use Planning Coordinator; Johnathon Waskow, Planner; Justin Peterson, Planner; and Kendra Glider, Recording Secretary. Present from the County Attorney's Office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, June 17, 2024 Meeting.

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

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

C) Opening Statement – Vice Chairperson Bailey gave the opening statement.

D) Unfinished Business: None.

E) Consent Public Hearing Items:

Item 1 24/15265 Variance Appeal Application

Request by Jerry Samo (property owner) for a variance to allow for a proposed accessory structure to be constructed 28 feet closer to the street than the principal structure providing a setback of approximately 51 from the front property line, where the existing residence is currently set back 79 feet. The subject property is located at 9923 NW 44th Street, Polk City, within Section 17 of Crocker Township and is zoned "RR" Rural Residential District.

A motion was made by Kruse and seconded by McCoy to approve Docket #24/15265 in accordance with the staff report and recommendation.

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

F) Action Public Hearing Items – New Business:

Item 1 24/15141 Variance Appeal Application

Request by Jim Christensen of Karl Emergency Vehicles (applicant), represented by David Bentz with Bishop Engineering for a variance to the minimum Open Space Ratio (OSR) in the amount of 1% to allow for an overall site open space ratio of 34% where a minimum of 35% open space is required. The subject property is located at 5983 NE Industry Drive, Des Moines, within Section 12 of Saylor Township and is zoned "LI" Light Industrial District.

Justin Peterson gave the staff presentation and recommendation.

Let the record show that six (6) notices were mailed, with zero (0) responses received in support or opposition of the request.

Let the record show that Tony Mills, 1110 NW Ashland Court, Ankeny, Iowa, 50023 was present to represent the request.

Let the record show that no one was present in support of the item.

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

A motion was made by McCoy to approve with the condition that the approval is limited to the current operator, at such time Karl Emergency Vehicles no longer operates at this location, the property shall be brought back into conformance with the open space requirements. The motion was seconded by Kruse to approve Docket #24/15141.

Vote: Yea: McCoy, Kruse, and Bailey. Nay: Brown. Absent: Frye.

Item 2 24/15260 Variance Appeal Application

Request by Steven and Shanlyn Seivert (property owners) for a Variance to allow a fence to be constructed 2 feet higher than the maximum of 6 feet that is allowed. The subject property is located at 3343 NW 89th Avenue, Ankeny, within Section 20 of Crocker Township and is zoned "RR" Rural Residential District.

Johnathon Waskow gave the staff presentation and recommendation.

Let the record show that ten (10) notices were mailed, with three (3) responses received in support and zero (0) responses in opposition of the request.

Let the record show that Steve Seivert, 3343 NW 89th Avenue, Ankeny, Iowa, 50023 was present to represent the request.

Let the record show that no one was present in support of the item.

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

Let the record show that Board of Adjustment Members asked questions to staff and applicant.

Let the record show that Steve Seivert was given an opportunity to answer questions.

A motion to approve was made by McCoy referencing the distance the proposed fence would be located from the street, the existing topography of the site, the sandy soil in the area making it difficult to develop roots for taller plants, and the adjacent neighbor being okay with the height of the proposed fence. The motion was seconded by Brown to approve Docket #24/15260.

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

G) Communications/Discussion Items:

Vice Chairperson Bailey discussed the bylaws and the need for updates noting the time of the meetings. Dominic Anania and Brian McDonough will get the document updated and then present a draft to board. There was discussion between board members and staff regarding changing the time of the Board of Adjustment Meetings.

H) Zoning Administrator Report:

Brian McDonough, Planning and Development Manager, reviewed the work session from the previous meeting, specifically approval and denial procedures. Moving forward he encouraged Board members to review the five (5) questions/standards for approval at the end of the staff report in their motion if going against the staff recommendation, and provide updated findings of fact to support their stance. If following staff's recommendation, the motion may simply adopt the staff report and recommendation as the findings of fact.

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

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