

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, June 20, 2022, at 7:00 P.M. in Conference Room A of the Polk County Public Works Department, Planning & Development Division, 5885 NE 14<sup>th</sup> 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.

Bindy Brown was attending the meeting virtually. Dominic Anania asked Brown if there were circumstances making it impossible or impracticable for her to attend the meeting in person. Brown answered yes.

- B) Acceptance of the Minutes of the Monday May 16, 2022 Meeting.

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

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

- C) Opening Statement – Vice Chairperson Frye gave the opening statement. Frye stated that whenever only three (3) Board members are present applicants have the option to request a deferral of their case to the next available meeting when more members may be present. Ryan Ferris, Ferris Construction, requested a deferral of Variance Appeal 22/11635 until July 18, 2022. The Board accepted the deferral request.

- D) Unfinished Business: None

- E) Consent Public Hearing Items – New Business:

**Item 1            22/11620 Variance Appeal Application**

Request by Curtis Thompson (property owner) for a side yard setback Variance to allow for the reconstruction of a substantially damaged single-family dwelling on an existing foundation. The subject property is located at 1471 SE 78<sup>th</sup> Street, Runnells, Section 12 of Fourmile Township. The property is zoned "AT" Agricultural Transition District.

**Item 2            22/11636 Variance Appeal Application**

Request by Rick and Marci Brown (property owners) for a rear yard setback Variance to allow for the construction of an attached garage addition to the existing single-family dwelling. The subject property is located at 9378 NW 41<sup>st</sup> Court, Polk City, Section 20 of Crocker Township. The property is zoned "RR" Rural Residential District.

It was moved by Kruse and seconded by Frye 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 22/11561 Variance Appeal Application**

Request by Duy Dang and Vivian Pham (property owners) for a Variance to allow a driveway, within a mapped floodplain, with an elevation less than one (1) foot above the 1% Annual Chance flood elevation. The subject property is located directly adjacent to the south of 720 NW 45<sup>th</sup> place, Des Moines, Section 20 of Saylor Township. The property is zoned “LDR” Low Density Residential District.

Let the record show that Steve Klocke, Snyder & Associates, 2727 SW Snyder Blvd, Ankeny, IA 50023, was present to represent the application. Vivian Pham and Duy Dang were attending virtually.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that 15 notices were mailed, with one (1) responses received in support, and zero (0) in opposition, of the request.

Vice Chairperson Frye asked if anyone was present in opposition to the request. Hearing none, and confirming that the applicant was in agreement with the staff conditions, a motion was made by Kruse and seconded by Frye to APPROVE Docket #22/11561 as recommended by staff, including the conditions of approval.

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

**Item 2 22/11563 Variance Appeal Application**

Request by Harold Phipps (property owner) for Variances to allow existing accessory structures to remain located in front of a new proposed single-family residence. One of the accessory structures requires a variance to remain located at a front yard setback of less than 100 feet, and the other accessory structure requires a variance to remain located at a separation distance of greater than 150 feet from the new residence. The subject property is located at 5295 NW 134<sup>th</sup> Avenue, Polk City, Section 19 of Lincoln Township. The property is zoned “AG” Agricultural District.

Let the record show that Dawn & Harold Phipps, 5295 NW 134<sup>th</sup> Ave, Polk City, IA 50226, were present to represent the application.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 3 notices were mailed, with one (1) response received in support, and zero (0) received in opposition, of the request.

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

Following brief discussion, a motion was made by Brown to Deny Docket #22/11563 as recommended by staff. The motion died due to lack of a second.

A motion was made by Kruse and seconded by Frye to Approve Docket #22/11563 - to allow the existing pole building structure to remain located in front of a new proposed single-family residence at a front yard setback less than 100 feet.

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

A motion was made by Kruse and seconded by Frye to Approve the additional variance under Docket #22/11563 – to allow the accessory pool structure to remain located in front of the proposed new single-family residence with greater than 150 feet of separation.

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

**Item 3            22/11580 Conditional Use Permit Application**

Request by Ross Sorensen (Property Owner) for a Conditional Use Permit to allow Special Events for Iowa Flower Farm. The subject property is located at 11520 NE 110<sup>th</sup> Avenue, Maxwell, Section 1 of Franklin Township. The subject property is zoned “AG” Agricultural District.

Let the record show that Russ Sorenson, 11520 NE 110<sup>th</sup> Ave, Maxwell, IA 50161, was present to represent the application.

Brian McDonough gave the staff presentation and recommendation.

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

Hearing no opposition and confirming that the applicant was in agreement with the staff conditions, a motion was made by Kruse and seconded by Brown to APPROVE Docket #22/11580 as recommended by staff, including the conditions of approval.

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

**Item 4            22/11635 Variance Appeal Application**

Request by Martin and Anjana Olson (property owners), represented by Ryan Ferris of Ferris Construction for a Variance to allow a principal structure to be located with a nine-foot six-inch (9’6”) rear yard setback and a six-foot six-inch (6’6”) side yard setback in lieu of the required fifty (50) foot rear yard setback and fifteen (15) foot side yard setbacks. The subject property is addressed as 3230 NW 84<sup>th</sup> Avenue, Ankeny, within Section 29 of Crocker Township. The property is zoned “RR” Rural Residential District.

Let the record show that Ryan Ferris, Ferris Construction, PO Box 1112, Johnston, IA 50131, was present to represent the application.

Let the record show that during the Opening Statement Ryan Ferris requested a deferral of this item until July 18, 2022. The Board accepted this request, and the item will be heard at the next Board of Adjustment meeting.

**Item 5            22/11639 Conditional Use Permit Application**

Request by Toland Properties, LLC (Property Owner), represented by Jeremy Toland, for a Conditional Use Permit to allow the Moderate Industry use of “Fabricated Metal” for a proposed tenant to operate a powder coating business within an existing warehouse building. The subject property is located at 4370 NW 4<sup>th</sup> Street, Des Moines, Section 22 of Township 79 North, Range 24 West of the 5<sup>th</sup> P.M. (Saylor Township). The subject property is zoned “LI” Light Industrial District.

Let the record show that Steve Chase, Toland Properties, LLC, 1616 20<sup>th</sup> Ave SE, Altoona, IA 50009, was present to represent the application.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that 30 notices were mailed, with two (2) responses received in support, and four (4) received in opposition, of the request.

Hearing no opposition and confirming that the applicant was in agreement with the staff conditions, a motion was made by Kruse and seconded by Brown to APPROVE Docket #22/11639 as recommended by staff, including the conditions of approval.

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

G) Communications/Discussion Items: None

H) Zoning Administrator Report: Bret Vandelune spoke in regards to the Final Draft of the 2050 Comprehensive Plan being presented at the June 27<sup>th</sup>, Zoning Commission meeting. He also introduced Andrea Duong as the 2022 Summer Intern for the Planning and Development Division.

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