

Agenda

Polk County Board of Adjustment
Monday, March 15, 2021 - 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://polkcountyiowa-gov.zoom.us/j/99223773000?pwd=NFpUbG1KeHNFMFlpb3hBV3BEeW1jUT09>

Meeting ID: 992 2377 3000

Password: 368163

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, Paul Kruse, Ron Fisher and Kay Frye
- B) Acceptance of the Minutes from the Tuesday, February 16, 2021 meeting
- C) Opening Statement
- D) Unfinished Business: None
- E) Consent Items, Public Hearing – New Business: None
- F) Action Items, Public Hearing – New Business:

Item 1 21/10018 Conditional Use Permit Application

Request by Martin Marietta Materials, Inc. (Property Owner) to amend an existing Conditional Use Permit for sand and gravel extraction to permit an additional approximately 55.23 acres of land for future extraction. The subject property is located at 1591 NW 54th Avenue, Des Moines, Sections 9 and 10 of Saylor Township.

Item 2 21/10020 Variance Appeal Application

Request by Martin Marietta Materials, Inc. (Property Owner) for a Variance of 150 feet to reduce the extraction setback adjacent to certain open space properties from 200 feet to 50 feet, and waiving backfill requirements. The subject property is located at 1591 NW 54th Avenue, Des Moines, Sections 9 and 10 of Saylor Township.

Item 3 21/10021 Variance Appeal Application

Request by Martin Marietta Materials, Inc. (Property Owner) for a Variance of 150 feet to reduce the extraction setback adjacent to certain residential properties from 200 feet to 50 feet, and waiving backfill requirements. The subject property is located at 1591 NW 54th Avenue, Des Moines, Sections 9 and 10 of Saylor Township.

Item 4 21/10022 Variance Appeal Application

Request by Martin Marietta Materials, Inc. (Property Owner) for a Variance to eliminate the landscape bufferyard requirements adjacent to certain residential properties. The subject property is located at 1591 NW 54th Avenue, Des Moines, Sections 9 and 10 of Saylor Township.

Item 5 21/10023 Variance Appeal Application

Request by Martin Marietta Materials, Inc. (Property Owner) for a Variance of 75 feet to reduce the extraction setback from public street right-of-way in certain locations from 125 feet to 50 feet, and waiving backfill requirements. The subject property is located at 1591 NW 54th Avenue, Des Moines, Sections 9 and 10 of Saylor Township.

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

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact the Polk County Public Works Department, Planning and Development Division, 5885 N.E. 14th Street, Des Moines, Iowa 50313, 515-286-3705.

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.