

POLK COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, July 20, 2020, at 7:00 P.M. **Due to the COVID-19 public health emergency, the meeting was held by voice and video conference. The Public Works building is currently closed to the public. All Commissioners, staff, applicants and the public were invited to join the meeting by using the meeting link or phone number that was provided on the agenda.**

House File 2512 was signed into law by Governor Reynolds dated Monday, June 1, 2020. This law no longer allows Board of Adjustment members to reside inside city limits. All Board of Adjustment members must now live in the unincorporated area of the County. House File 2512 became effective on June 1, 2020. This removed two (2) of our Board of Adjustment members, Bonnie Thorn and David Kinsley, leaving the three (3) members needed for a quorum.

Each item on the Board of Adjustment agenda requires three (3) affirmative votes by the Board to approve an applicant's appeal. Due to the approval of the recent House File, Polk County only has three (3) members that are available to vote.

- A) Roll Call - Members Present: Mike McCoy, Ron Fisher and Paul Kruse. Absent: None. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Jennifer Ellison, Planner; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania.
- B) Acceptance of the Minutes of the Monday, June 29, 2020 Special Meeting.

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

Vote: Yea: McCoy, Fisher, and Kruse. Nay: None. Absent: None
- C) Opening Statement – Chairman McCoy gave the 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.

It was moved by McCoy and seconded by Kruse, to **APPROVE** the Consent Agenda items in accordance with staff's recommendations.

Vote: Yea: McCoy, Kruse, and Fisher. Nay: None. Absent: None

F) Discussion Public Hearing Items – New Business:

Item 1 20/9068 Conditional Use Permit Application

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 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.

Brian McDonough introduced the item and explained that staff has been in communication with the applicant, and they would like to table this item indefinitely until they identify a permanent location or renew their current lease at the existing tower in this area. McDonough explained that any reinstatement of this request would be treated as a new application in terms of notifying property owners and scheduling for a future meeting.

A motion was made by McCoy and seconded by Kruse to table indefinitely Discussion Public Hearing Items 1 and 2.

Vote: Yea: McCoy, Fisher, and Kruse. Nay: None. Absent: None

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.

Let the record show that Andrew Snyder, 9937 NW 46th Ct., Polk City, IA 50226, was present to represent the Variance Appeal Application.

Jane & Don Snyder, owners, 5151 SE Rio Ct., Ankeny, IA 50021, were present to represent the Variance Appeal Application.

Let the record show that ten (10) notices were mailed, with two (2) responses received in support and zero (0) responses received in opposition of the Variance Appeal Application.

A motion was made by McCoy and seconded by Kruse to waive the staff presentation and **APPROVE** the Variance Appeal Application.

Vote: Yea: McCoy, Kruse, and Fisher. Nay: None. Absent: None

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.

Let the record show that Curt Walter with Powder River Development Services, LLC. Representing AT & T Mobility, 2897 Lake Vista Drive NW, Rochester, MN, was present to represent the Conditional Use Permit Application.

Jennifer Ellison gave the staff presentation and recommendation.

Let the record show that no one from the general public was present in support of the Conditional Use Permit Application.

Let the record show that Scott Kacher, 6544 SE Vandalia Dr, Pleasant Hill, IA 50327, was present in opposition to the Conditional Use Permit Application.

Let the record show that eighteen (18) notices were mailed, with zero (0) responses received in support and five (5) responses received in opposition of the Conditional Use Permit Application.

Following discussion by the Board a motion was made by McCoy and seconded by Fisher to **APPROVE** the Conditional Use Permit Application in accordance with staff's recommendation and conditions.

Vote: Yea: McCoy, Fisher, and Kruse. Nay: None. Absent: None

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.

Let the record show that Curt Walter with Powder River Development Services, LLC. Representing AT & T Mobility, 2897 Lake Vista Drive NW, Rochester, MN, was present to represent the Variance Appeal Application.

Jennifer Ellison gave the staff presentation and recommendation.

Let the record show that Scott Kacher, 6544 SE Vandalia Dr, Pleasant Hill, IA 50327, was present in opposition to the Variance Appeal Application.

Let the record show that eighteen (18) notices were mailed, with zero (0) responses received in support and five (5) responses received in opposition of the Variance Appeal Application.

Following discussion by the Board a motion was made by McCoy and seconded by Kruse to **APPROVE** the Variance Appeal Application in accordance with staff's recommendation and conditions.

Vote: Yea: McCoy, Fisher, and Kruse. Nay: None. Absent: None

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.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that Ursula & Dan Marquis, owners, were present to represent the Variance Appeal Application.

Let the record show that thirteen (13) notices were mailed, with zero (0) responses received in support and one (1) response received in opposition of the Variance Appeal Application.

Let the record show that no one from the general public was present in opposition of the Variance Appeal Application.

Following discussion, a motion was made by McCoy and seconded by Kruse to **APPROVE** the Variance Appeal Application, revised to allow the accessory building at a front yard setback of six (6) feet from the western, front property line, subject to the condition that the first 12 feet of the structure shall be an open air lean-to.

Vote: Yea: McCoy, Fisher, and Kruse. Nay: None. Absent: None.

- G) Communications/Discussion Items – None.
- H) Zoning Administrator Report – Bret VandeLune provided an update on the County's process to update the Comprehensive Plan.

I) Adjournment

A motion was made by McCoy and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on August 17, 2020.

Vote: Yea: McCoy, Fisher, and Kruse. Nay: None. Absent: None