

POLK COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, August 17, 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; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, July 20, 2020 Meeting.

It was moved by McCoy and seconded by Kruse, 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 –

Item 1 20/9095 Conditional Use Permit Application

Review and Rehearing of an existing Conditional Use Permit previously granted by the Board of Adjustment for certain Special Events within a Commercial Stable building. The property owner is Sondra K. Feldstein Revocable Trust, represented by Sondra K. Feldstein. The subject property is located at 11045 NE 56th Street, Elkhart, Section 2 of Douglas Township.

Let the record show that Sondra Feldstein (property owner) 9095 NE 72nd St, Bondurant, IA 50035, and her counsel Christine Long of Bradshaw, Fowler, Proctor & Fairgrave, P.C., were present to represent the Conditional Use Permit Application.

Brian McDonough gave the presentation of the Conditional Use Permit Application.

Discussion was held between the Board, applicant, applicant's representative and staff regarding the added structure, landscaping, restroom facilities, and garbage collection.

Let the record show that seven (7) notices were mailed, with one (1) response received in support and zero (0) responses received in opposition of the Conditional Use Permit Application.

Following discussion by the Board a motion was made by McCoy and seconded by Kruse to **APPROVE** the Conditional Use Permit Application in accordance with staff's recommendation and conditions, amended to remove conditions #7 and #12 as well as clarifying condition #8 to account for the fact that there are now permanent restrooms within the building.

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

E) Consent Public Hearing Items – None:

F) Discussion Public Hearing Items – New Business:

Item 1 20/9334 Variance Appeal Application

Request by John Gurwell (Prospective Buyer) for a front and rear yard setback Variance of 15 feet to reduce the front and rear yard setbacks from 50 feet to 35 feet for a new single-family dwelling. The subject property is located at 10805 SE Miller Drive, Runnells, Section 10 of Camp Township.

Let the record show that seven (7) notices were mailed, with one (1) response received in support and one (1) response received in opposition of the Variance Appeal Application.

Let the record show that no one was in attendance at the meeting in opposition of the request.

A motion was made by McCoy and seconded by Kruse to waive the staff presentation and **APPROVE** the Variance Appeal Application in accordance with staff's recommendation.

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

Item 2 20/9335 Variance Appeal Application

Request by Robert Parish (Property Owner) for a front yard setback Variance of 15 feet and a rear yard setback Variance of 5 feet to reduce the front yard setback from 50 feet to 35 feet and the rear yard setback from 50 feet to 45 feet for a new single-family dwelling. The subject property is located at 10800 SE Miller Drive, Runnells, Section 10 of Camp Township.

Let the record show that six (6) notices were mailed, with one (1) response received in support and one (1) response received in opposition of the Variance Appeal Application.

Let the record show that no one was in attendance at the meeting in opposition of the request.

A motion was made by McCoy and seconded by Kruse to waive the staff presentation and **APPROVE** the Variance Appeal Application in accordance with staff's recommendation.

Vote: Yea: McCoy, Kruse, and Fisher. 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 September 21, 2020.

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