

## Agenda

Polk County Board of Adjustment

Tuesday, January 21, 2020 - 7:00 P.M.

Polk County Public Works Department, Planning & Development Division

5885 NE 14<sup>th</sup> Street, Des Moines, IA.

- A) Roll Call - Bonnie Thorn, Michael McCoy, Ron Fisher, Paul Kruse and David Kinsley
- B) Election of 2019 Officers
- C) Acceptance of the Minutes from the Monday, November 18, 2019 meeting
- D) Opening Statement
- E) Unfinished Business - None
- F) New Business

### **Item 1            19/8591 Variance Appeal Application**

Request by Polk County Conservation (Property Owner), represented by Adam Fendrick, Park Planner with Polk County Conservation for a Variance to allow the construction of a bridal cottage approximately 25 feet at its closest point from the existing Jester Park Lodge, in lieu of the minimum building separation distance of 30 feet. The subject property is located at 11121 NW Jester Park Drive, Section 33 of Jefferson Township.

### **Item 2            19/8624 Variance Appeal Application**

Request by McRoberts Properties, LLC (Property Owner) represented by Adam McRoberts, being represented by Seth Sunderman with Bishop Engineering, for a setback variance for a proposed commercial accessory building to be located at a front yard setback of approximately 32.79 feet, in lieu of the minimum required 50 feet. The subject property is located at 5571 NW 2<sup>nd</sup> Street, Des Moines, Section 11 of Saylor Township.

### **Item 3            19/8673 Variance Appeal Application**

Request by McKee Auto Center, Inc., represented by Theodore W. Craig, with Dickinson Law Firm, requesting a Variance to allow a reduction to the Open Space Ratio (OSR) decreasing the required open space from 35 percent to 10 percent. The subject property is located at 5095 NE 14<sup>th</sup> Street, Des Moines, Section 13 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 Public Works Department  
Planning & Development Division  
5885 NE 14th Street  
Des Moines, IA 50313

NOTICE OF HEARING

DATE: January 3, 2020

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that a Variance Appeal has been filed before the Polk County Board of Adjustment by Polk County Conservation, represented by Adam Fendrick, Park Planner with Polk County Conservation, 11407 NW Jester Park Drive, Granger, Iowa 50109, requesting a Variance to allow a bridal cottage to be constructed at a location that is less than 30 feet from the existing lodge building. The separation is proposed to be reduced from the required 30 feet to approximately 25 feet at its closest point. The subject property is part of the Jester Park complex located at 11121 NW Jester Park Drive, being legally described as Government Lot 1 and the Western 639.54 feet of Government Lot 5 and the Northern 412.5 feet of the Southwest 1/4 , Southwest ¼, of Section 33 in Jefferson Township. The subject property includes approximately 101.97 acres and is zoned "OS" Open Space District.

The Polk County Zoning Ordinance, *Article 6. Bulk and Use Standards, Division 5. Table 6.9 Nonresidential Bulk Standards*, states that the Minimum Building Spacing for nonresidential structures in the "OS" Open Space District is 30 feet. The Variance is requested to allow the future construction of a bridal cottage to be located approximately 25 feet from an existing building at its closest point.

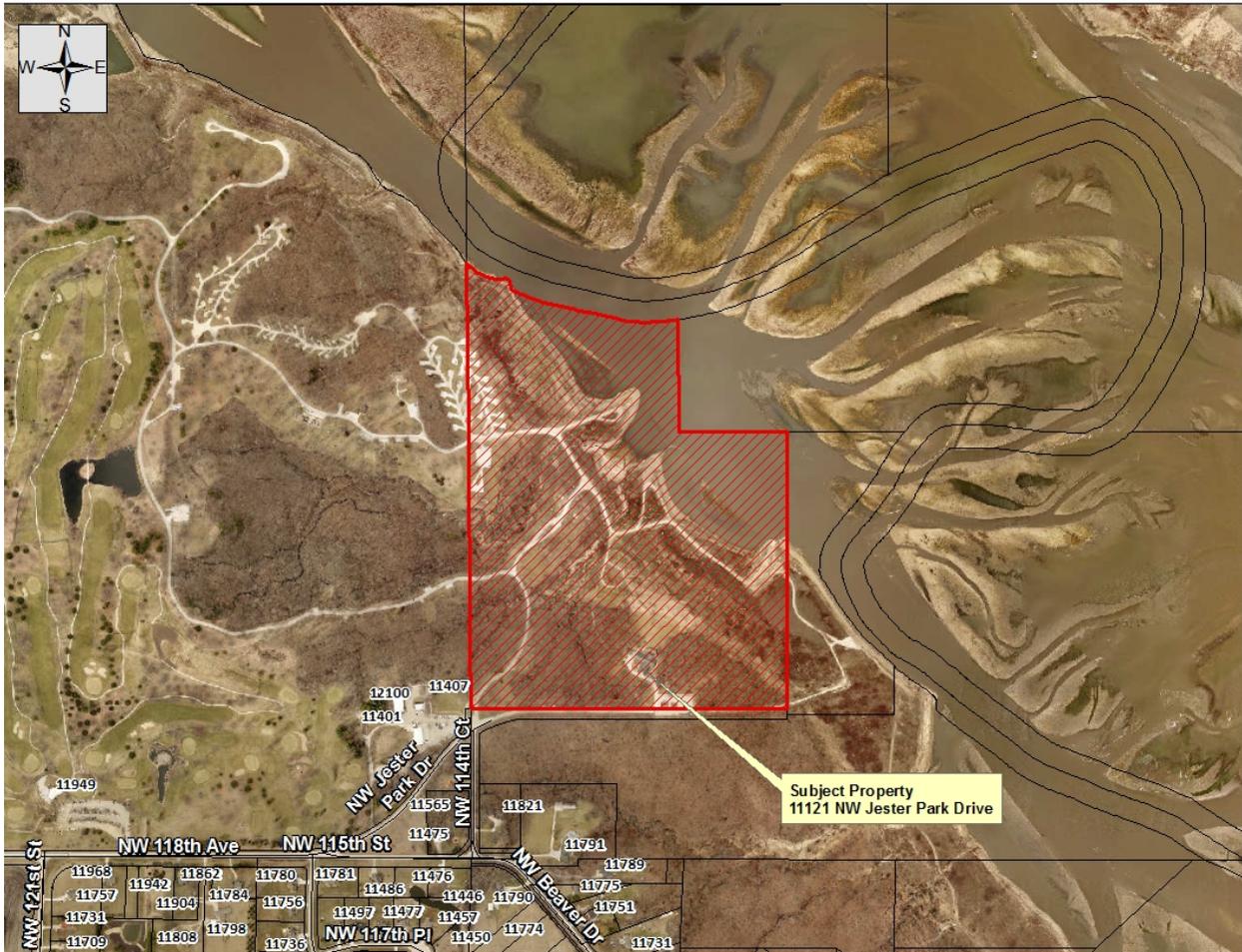
A public hearing will be held before the Polk County Board of Adjustment on **Tuesday, January 21, 2020, at 7:00 P.M.** in the meeting room of the Polk County Public Works Building, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa. ALL INTERESTED PROPERTY OWNERS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD WITH REFERENCE TO THE MATTER SET OUT ABOVE. The Variance Appeal information is available for review during normal business hours 8:00am – 4:30pm at the Polk County Public Works Department, Planning & Development Division, located at 5885 NE 14<sup>th</sup> Street. The information identified on this notice 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 Polk County Public Works, Planning & Development Division, 5885 NE 14<sup>th</sup> Street, Des Moines, Iowa 50313, 515-286-3705.

POLK COUNTY BOARD OF ADJUSTMENT

Bonnie Thorn, \_\_\_\_\_ Chairperson

Ashley Davidson, \_\_\_\_\_ Secretary

**Aerial / Vicinity Map – 11121 NW Jester Park Drive**



If you wish to be shown approving or disapproving of the Variance Appeal email Seana Perkins at [Seana.Perkins@polkcountyiowa.gov](mailto:Seana.Perkins@polkcountyiowa.gov) or call her at (515) 286-3355 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-08591, Polk County Conservation. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my

support for

opposition to

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Polk County Public Works Department  
Planning & Development Division  
5885 NE 14th Street  
Des Moines, IA 50313

NOTICE OF HEARING

DATE: January 3, 2020

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that a variance appeal has been filed before the Polk County Board of Adjustment by McRoberts Properties, LLC represented by Adam McRoberts, owner of the subject property located at 5571 NW 2<sup>nd</sup> Street, Des Moines, IA 50313, requesting a setback variance for a proposed commercial accessory building to be located at a front yard setback of approximately 32.79 feet. The property owner is represented by Seth Sunderman with Bishop Engineering, 3501 104<sup>th</sup> Street, Urbandale, IA 50322. The subject property is approximately 39,120 square feet (0.90 acres) in size, and is legally described as Lot 47 of Northacre, being an Official Plat of the West ½ of the SW ¼ of Section 11, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M. (Saylor Township) in Polk County, Iowa. The property is zoned "GC" General Commercial District.

The Polk County Zoning Ordinance, *Article 6: Bulk and Use Standards, Division 5: Non-Residential Bulk Standards, Table 6.9* stipulates that non-residential buildings shall be a minimum of 50 feet setback from locally classified roadways. The property owner operates an existing commercial auto body repair shop on the subject property known as Ted's Body Shop. The owner is proposing to construct a new 200 square foot (20' x 10') cold storage commercial accessory building within the eastern portion of the subject property. The subject property is a double frontage lot, with frontage to the west onto NW 2<sup>nd</sup> Street (Hwy 415) as well as to the east onto NW 1<sup>st</sup> Street. The building is proposed at a front yard setback of approximately 32.79 feet from the eastern front property line parallel to NW 1<sup>st</sup> Street, in lieu of the minimum required front yard setback of 50 feet.

A public hearing will be held before the Polk County Board of Adjustment on **Tuesday, January 21, 2020, at 7:00 P.M.** in the meeting room of the Polk County Public Works Building, Planning & Development Division, 5885 NE 14th Street, Des Moines, Iowa. ALL INTERESTED PROPERTY OWNERS WILL BE GIVEN AN OPPORTUNITY TO BE HEARD WITH REFERENCE TO THE MATTER SET OUT ABOVE. The Variance Appeal information is available for review during normal business hours 8:00am – 4:30pm at the Polk County Public Works Department, Planning & Development Division, located at 5885 NE 14<sup>th</sup> Street. The information identified on this notice 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 Polk County Public Works, Planning & Development Division, 5885 NE 14<sup>th</sup> Street, Des Moines, Iowa 50313, 515-286-3705.

POLK COUNTY BOARD OF ADJUSTMENT  
Bonnie Thorn, Chairperson  
Ashley Davidson, Secretary

**Aerial / Vicinity Map** – 5571 NW 2<sup>nd</sup> Street, Des Moines; Geo Parcel: 7924-11-351-002



If you wish to be shown approving or disapproving of the Variance Appeal email Brian McDonough at [Brian.McDonough@polkcountyiowa.gov](mailto:Brian.McDonough@polkcountyiowa.gov) or call him at (515) 286-2291 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-08624, McRoberts. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my:

support for                       opposition to

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Polk County Public Works Department  
Planning & Development Division  
5885 NE 14th Street  
Des Moines, IA 50313

NOTICE OF HEARING

DATE: January 3, 2020

TO THE OWNER OR OCCUPANT:

NOTICE IS HEREBY GIVEN that a Variance Appeal has been filed before the Polk County Board of Adjustment by McKee Auto Center, Inc., represented by Theodore W. Craig, with Dickinson Law Firm, 699 Walnut, Suite 1600, Des Moines, Iowa 50309, requesting a Variance to allow a reduction to the Open Space Ratio (OSR) decreasing the required open space from 35% to 10%. The subject property is located at 5095 NE 14<sup>th</sup> Street and includes approximately 29,744 square feet and is zoned "GC" General Commercial District. The parcel is legally described as:

A part of the Northwest ¼ of Section 13, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., Polk County, Iowa, described as follows: Beginning at the intersection of the South Right-of-Way line of 51<sup>st</sup> Street, extended (Lot "E" of the recorded plat of Iowa Fund, Inc., Polk County, Iowa) and the East Right-of-Way line of Northeast 14<sup>th</sup> Street (U.S. Highway No. 69), said point being 614.27 feet North and 108.73 feet East of the Southwest corner of the Northwest ¼ of Section 13-79-24 West of the 5<sup>th</sup> P.M., Polk County, Iowa; thence N 89° 39' E, 225.27 feet along said South Right-of-Way line extended to the West Right-of-Way line extended of Northeast 15<sup>th</sup> Street (Lot "A" of the recorded plat of Iowa Fund, Inc.); thence S 00° 00' E, 135.0 feet along said West Right-of-Way line extended; thence S 89° 39' W, 216.19 feet to the East Right-of-Way line of Northeast 14<sup>th</sup> Street (U.S. Highway 69); thence N 3° 50' W, 135.3 feet along said East Right-of-Way line to the point of beginning.

The Polk County Zoning Ordinance, *Article 5. District Performance Standards, Division 4. Table 5.2 Nonresidential Development Performance Standards*, states that the Minimum Open Space Ratio for nonresidential structures in the "GC" General Commercial District for commercial uses is 35%. The Variance is requested to allow the future expansion of parking area to the east and increase the number of used autos for sale on the property.

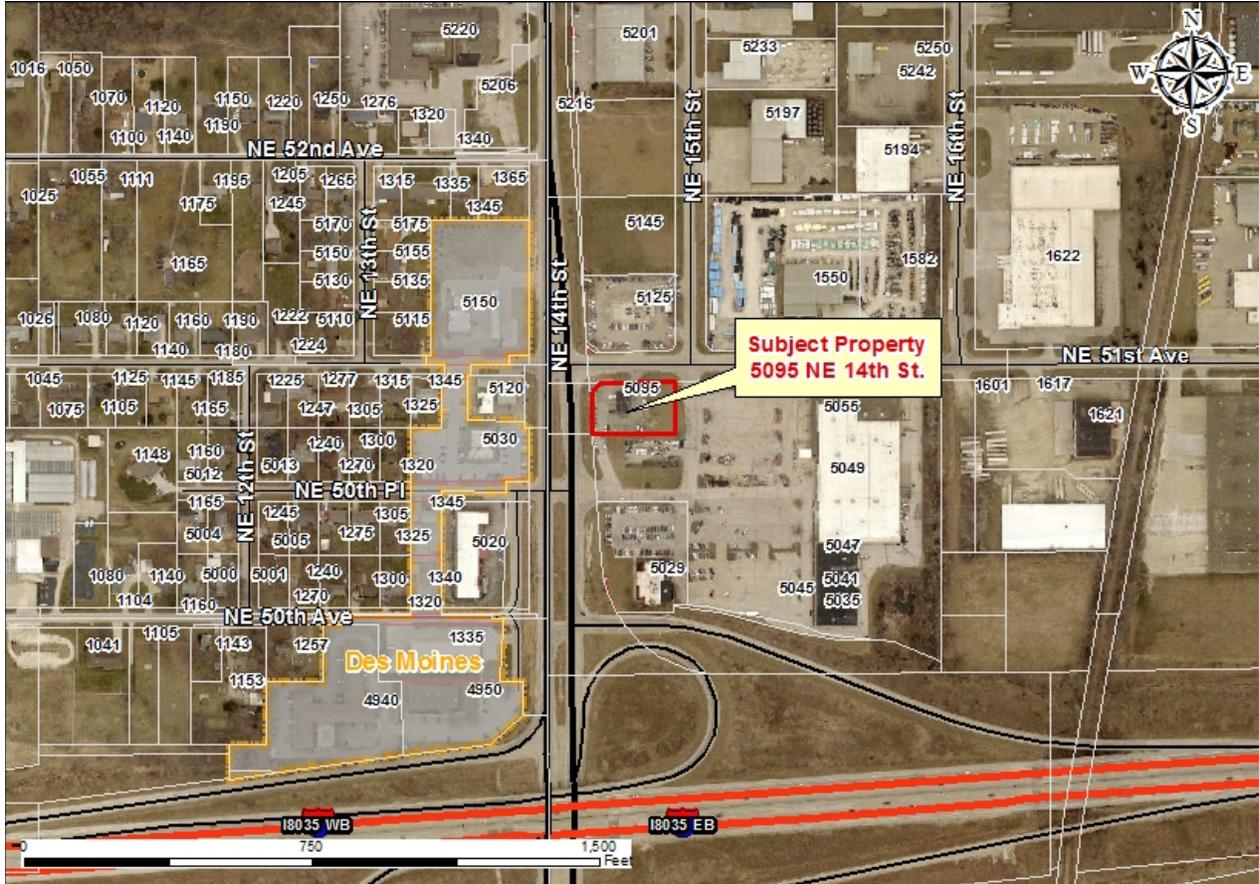
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POLK COUNTY BOARD OF ADJUSTMENT

Bonnie Thorn, Chairperson

Ashley Davidson, Secretary

**Aerial / Vicinity Map** – 5095 NE 14<sup>th</sup> Street, Des Moines



If you wish to be shown approving or disapproving of the Variance Appeal email Jennifer Ellison at [Jennifer.Ellison@polkcountyiowa.gov](mailto:Jennifer.Ellison@polkcountyiowa.gov) or call her at (515) 286-2280 or complete the information below and mail to Polk County Public Works Department, Planning & Development Division, 5885 NE 14th Street, Des Moines, IA 50313 at least 4 days prior to the meeting date.

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Case #2019-08673, McKee Auto Center, Inc. Please provide your name and address. If the property does not have an address please provide a parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my

support for  opposition to

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_