

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, March 21, 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: Mike McCoy, Paul Kruse, and Bindy Brown. Absent: Kay Frye and Ron Fisher. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Chris Meeks, Planner and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Tuesday, January 18, 2022 Meeting.

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

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

C) Opening Statement – Chairperson McCoy gave the opening statement.

D) Unfinished Business: None

E) Consent Public Hearing Items – New Business: None

F) Action Public Hearing Items – New Business:

**Item 1 22/11250 Variance Appeal Application**

Request by Jarod and Amy Fleck (property owners), represented by Matthew Hovda with Cooper Crawford & Associates, LLC, for variance to allow greater than five (5) feet of fill within a mapped floodplain. The subject property is located directly adjacent to the south of 3950 NE Casebeer Drive, Altoona, within Section 23 of Clay Township.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 12 notices were mailed, with two (2) responses received in support, and zero (0) received in opposition, of the request.

Let the record show that Matthew Hovda with Cooper Crawford & Associates, LLC, 6201 EP True Parkway, West Des Moines, IA 50266, was present to represent the application.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by McCoy and seconded by Kruse to APPROVE Docket #22/11250 as recommended by staff, including the condition of approval.

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

**Item 2 22/11278 Conditional Use Permit Application**

Request by Pomp's Tire Service (prospective tenant), represented by Don Read, within consent from Elidan, LLC (property owner), for a Conditional Use Permit to allow the

Moderate Industry uses of tire retreading and wheel reconditioning at the subject property, which is zoned "LI" Light Industrial District. The subject property is located at 5990 NE Industry Drive, Des Moines, Section 12 of Saylor Township.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 14 notices were mailed, with two (2) responses received in support, and zero (0) received in opposition, of the request.

Let the record show that Don Reed with Pomp's Tire Service, 1123 Cedar Street, Green Bay, WI 54305, was present to represent the application.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by McCoy and seconded by Kruse to APPROVE Docket #22/11278 as recommended by staff, including the conditions of approval.

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

**Item 3            22/11282 Conditional Use Permit Application**

Request by Kristopher Stapes (applicant/property owner) for a Conditional Use Permit to allow certain Light and Moderate Industry uses of a Lawn and Garden Services Contractor and a Concrete Construction Contractor shop on the subject properties, which are zoned "MU" Mixed Use District. The subject properties are addressed as 4815 and 4825 NE 3<sup>rd</sup> Street, Des Moines, and are located within Section 14, Saylor Township.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that 37 notices were mailed, with three (3) responses received in support, three (3) received in opposition, and one (1) received in conditional support of the request.

Let the record show that Kristopher Stapes, 4815 NE 3<sup>rd</sup> St, Des Moines, IA 50313, was present to represent the application.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by McCoy and seconded by Kruse to APPROVE Docket #22/11282 as recommended by staff, including the conditions of approval, with clarification on Condition #4 that the existing shipping container can remain on site until construction of the subject property has been completed and the contents can be moved to the proposed building.

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

**Item 4            22/11283 Variance Appeal Application**

Request by Larry Plotzke (property owner), for variance to allow a residential privacy fence to exceed the maximum allowable height of four and one-half (4 ½) feet within the front yard setback. The subject property addressed as 3523 NW 93<sup>rd</sup> Avenue, Polk City, within Section 20 of Crocker Township.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that 23 notices were mailed, with two (2) responses received in support, and zero (0) received in opposition, of the request.

Let the record show that Larry Plotzke, 3523 NW 93<sup>rd</sup> Ave, Polk City, IA 50226, was present to represent the application.

Chairperson McCoy asked the applicant for clarification on the actual height of the fence being built. Mr. Plotzke stated that a six and one-half (6 ½) foot fence will be sufficient as recommended by staff.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by McCoy and seconded by Kruse to APPROVE Docket #22/11283 as recommended by Staff for a six (6) foot tall privacy fence, with the maximum height not to exceed six and one half (6 ½) feet in height in sloped areas or areas of changing grade within the northern frontage areas of the subject property.

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

**Item 5            22/11287 Conditional Use Permit Application**

Request by Nova Enterprises (property owner), represented by Robert Briles Jr., for a Conditional Use Permit to allow certain Light and Moderate Industry uses at the subject property, which is zoned “MU” Mixed Use District. The subject property is located at 749 & 751 NE 46<sup>th</sup> (Broadway) Avenue, Des Moines, Section 23 of Saylor Township.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that 45 notices were mailed, with two (2) received in support, and zero (0) received in opposition, of the request.

Let the record show that Robert E Briles Jr, 1205 NE 52<sup>nd</sup> Ave, Des Moines, IA 50313, was present to represent the application.

Chairperson McCoy asked if anyone was present in opposition to the request. Hearing none, a motion was made by McCoy and seconded by Kruse to APPROVE Docket #22/11287 as recommended by staff, including the conditions of approval.

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

**G)            Communications/Discussion Items:**

Bret Vandelune spoke on the following items:

- Change in the planning staff – Jennifer Ellison left in February and we are working on replacing her currently
- Change in the building inspection area
- The tornado on March 5, 2022, Public Works is helping with the clean-up of vegetation removal due to the storm. Also we’re coordinating with other agencies to help the affected citizens obtain assistance where it may be needed.

**H)            Zoning Administrator Report:**

Bret Vandelune spoke in regards to the 2050 Comprehensive Plan. There will be an update at the March 28, 2022 Zoning Commission meeting. The consulting company will be releasing draft chapters soon. One of the districts, as an example, is changing from Agriculture Transition to Urban Fringe. In April there will be an Open House for the public on the progress of the 2050 Comprehensive Plan.

l) Adjournment – A motion was made by McCoy and seconded by Kruse to adjourn the meeting.

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