

POLK COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES

The Polk County Board of Adjustment held a special meeting on Monday, June 29, 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.

The regularly scheduled meeting on Monday, June 15, 2020, was cancelled due to lack of quorum. All three members were not able to be present which mandated cancellation of the meeting.

- 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; Seana Field, Land Use Planning Coordinator; Brian McDonough, Planner; 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, May 18, 2020, meeting and Monday, June 15, 2020 meeting.

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

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

- C) Opening Statement
- D) Consent Public Hearing Items – New Business:

Item 1 20/9086 Variance Appeal Application

Request by Adam Knepper (Property Owner) for a front yard setback Variance to allow a new residential accessory building to be located in front of the principal dwelling at a front yard setback of approximately 25 feet. The subject property is located at 8424 NE 56th Street, Bondurant, Section 27 of Douglas 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

E) Unfinished Business:

Item 1 19/8673 Variance Appeal Application

Request by McKee Auto Center, Inc., represented by Theodore W. Craig, with Dickinson Law Firm, for a Variance to allow a reduction to the Open Space Ratio (OSR) decreasing the required open space from 35 percent to approximately 10 percent. The subject property is located at 5095 NE 14th Street, Des Moines, Section 13 of Saylor Township.

Let the record show that Ted Craig, Dickinson Law, 699 Walnut Street Suite 1600, Des Moines, IA 50309, was present to represent the Variance Appeal application.

Let the record show that no one from the public was present in opposition to the Variance Appeal application.

Let the record show that 10 notices were mailed and one (1) response was received in support and with zero (0) in opposition to 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 **not** in accordance with staff's recommendation.

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

F) Discussion Public Hearing Items – New 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 subject property is located at 11045 NE 56th Street, Elkhart, Section 2 of Douglas Township.

Brian McDonough introduced the item and explained that staff has been in communication with the applicant, and they were unable to attend the special meeting this evening. They are also unavailable for the July 20, 2020 meeting, and therefore the item has been tentatively placed on the August 17, 2020 agenda. Staff's opinion is that no action is required by the Board of Adjustment on this item. Dominic Anania from the County Attorney's office concurred.

Item 2 20/9112 Variance Appeal Application

Request by Nermin Jusufovic (Property Owner) for a side yard setback Variance to allow a pool deck to be located in the side yard setback, reducing the setback from 10 feet to approximately 1-foot from the southern side property line. The subject property is located at 4635 NW 51st Street, Des Moines, Section 18 of Webster Township.

Let the record show that Nermin Jusufovic, 4635 NW 51st Street, Des Moines, IA 50310, was present to represent the Variance Appeal Application.

Let the record show that twenty-five (25) notices were mailed, with five (5) 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 staff presentation in the absence of opposition and to **APPROVE** the Variance Appeal Application in accordance with staff's recommendation and the condition of approval as outlined in the staff report.

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

G) Communications/Discussion Items - None

H) Zoning Administrator Report – Comprehensive Plan and staff update.

I) Adjournment

A motion was made by McCoy and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on July 20, 2020.

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