

POLK COUNTY BOARD OF ADJUSTMENT  
MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, October 19, 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; 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 Monday, September 21, 2020 Meeting.  
It was moved by Fisher and seconded by McCoy, to **APPROVE** the minutes as presented.  
Vote: Yea: Kruse, Fisher, and McCoy. Nay: None. Absent: None
- C) Opening Statement – Vice Chairperson Kruse gave the opening statement.
- D) Unfinished Business: None
- E) Consent Public Hearing Items – New Business:

**Item 1            20/9473 Variance Appeal Application**

Request by Jill Brady, Trustee of Jack and Beth Miller Family Trust (Property Owner), for a Variance to construct a residential privacy fence at eight (8) feet in height within portions of the front yard setback and rear yard, in lieu of the maximum height permitted of four and one-half (4½) feet and six (6) feet, respectively. The subject property is located at 7404 SE Vandalia Drive, Runnells, Section 24 of Fourmile Township.

Let the record show that Jill Brady, Trustee of Jack and Beth Miller Family Trust (Property Owner), 7559 SE 32<sup>nd</sup> Ave, Runnells, IA, 50237, was present to represent the Variance Appeal Application.

Let the record show that fifteen (15) notices were mailed, with four (4) responses received in support and zero (0) responses received in opposition of the Variance Appeal Application.

**Item 2            20/9521 Variance Appeal Application**

Request by Clara Alarcon (Property Owner), represented by Steve Iverson, for a side yard setback Variance for a proposed addition to the principal dwelling. The subject property is located at 2811 NE 80<sup>th</sup> Street, Altoona, Section 29 of Clay Township.

Let the record show that Clara Alarcon (Property Owner), 2811 NE 80<sup>th</sup> St, Altoona, IA 50009, was present to represent the Variance Appeal Application.

Let the record show that Steve Iverson, 3950 SE Casebeer Dr., Altoona, IA 50009, was present to represent the Variance Appeal Application.

Let the record show that eighteen (18) notices were mailed, with one (1) response received in support and zero (0) responses received in opposition of the Variance Appeal Application.

It was moved by McCoy and seconded by Fisher 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            20/9447 Variance Appeal Application**

Request by Paul Madison (Property Owner) for a front yard setback Variance of 15-feet (from 30-feet to 15-feet) along the northern property line and a front yard setback Variance of eight (8) feet (from 30-feet to 22-feet) along the western property line for a proposed new single family home. The subject property is located at 3621 NE 56<sup>th</sup> Place, Berwick, Section 8 of Delaware Township.

Let the record show that Paul Madison, property owner, 917 S Kennedy Ave Unit #110, Madrid, IA 50156, was present to represent the Variance Appeal Application.

Let the record show that seventeen (17) notices were mailed, with two (2) responses received in support and two (2) responses received in opposition of the Variance Appeal Application.

Let the record show that Dave Henderson, neighboring property owner, 3641 NE 56<sup>th</sup> Pl, Berwick, IA 50032, was in attendance at the meeting in opposition of the request.

Jennifer Ellison gave the staff presentation. She explained staff is recommending approval with conditions and outlined the specific conditions as they relate to the requirements of the Zoning Ordinance and compliance of the site.

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

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

**Item 2            20/9522 Conditional Use Permit Application**

Request by Bret Nehring (Prospective Buyer), represented by Eric Cannon with Snyder & Associates, Inc., for a Conditional Use Permit to allow for redevelopment of the subject property with certain Light and Moderate Industry uses. The subject property is located at 4475 NE 3<sup>rd</sup> Street, Des Moines, Section 23 of Saylor Township.

Let the record show that Eric Cannon with Snyder & Associates, Inc., 2727 SW Snyder Blvd, Ankeny, IA 5023, was present to represent the Conditional Use Permit Application.

Let the record show that eighty-two (82) notices were mailed, with one (1) response received in support and zero (0) responses received in opposition of the Conditional Use Permit Application.

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

Let the record show that Mark and Rhonda Dilsaver of 660 NE 43<sup>rd</sup> Avenue, Des Moines, IA 50313, were present and asked about the future traffic impacts of the proposed uses. The applicant's representatives, Eric Cannon with Snyder & Associates, Inc. and Blake Pagliai of Caliber Realty, responded that traffic would be largely employee vehicles and business trucks similar to the historic uses on the site, including minimal customer traffic.

Brian McDonough gave the staff presentation. He explained staff is recommending approval with conditions. He discussed the proposed condition requiring the nonconforming expanded gravel parking area at the north end of the site be cleaned up prior to any future redevelopment.

Following discussion between Board Members, Staff and the Applicant, a motion was made by Fisher and seconded by Kruse to **APPROVE** the Conditional Use Permit Application in accordance with staff's recommendation and conditions of approval.

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

G) Communications/Discussion Items – None.

H) Zoning Administrator Report – None.

I) Adjournment

A motion was made by Fisher and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on November 16, 2020.

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