

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, October 18, 2021, at 7:00 P.M. in Conference Room A of the Polk County Public Works Department, Planning & Development Division, 5885 NE 14th 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: Paul Kruse, Mike McCoy, and Kay Frye. Absent: 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. Mike McCoy was participating electronically via telephone. Dominic Anania asked Mike McCoy if there were circumstances making it impossible or impracticable for him to attend the meeting in person. McCoy answered yes.
- B) Acceptance of the Minutes of the Tuesday, September 21, 2021 Meeting.
It was moved by McCoy and seconded by Frye, to **APPROVE** the minutes as presented.
Vote: Yea: Kruse, McCoy, and Frye. Nay: None. Absent: Fisher
- C) Opening Statement – Chairperson Kruse gave the opening statement.
- D) Unfinished Business: None
- E) Consent Public Hearing Items – New Business:

Item 1 21/10858 Variance Appeal Application

Request by Joseph Evenson (Property Owner) for a Variance to allow an existing residential privacy fence to remain located within the front yard setback at six (6) feet in height, in lieu of the maximum allowable height of four and one-half (4 ½) feet. The subject property is located at 10420 NW Saylorville Drive, Granger, Section 9 of Jefferson Township.

Item 2 21/10883 Variance Appeal Application

Request by Cecelia and Anthony Jones (Property Owners) for a Variance to allow an existing residential privacy fence to remain located within the front yard setback at six (6) feet in height, in lieu of the maximum allowable height of four and one-half (4 ½) feet. The subject property is located at 10170 NW 106th Avenue, Granger, Section 9 of Jefferson Township.

It was moved by Frye and seconded by Kruse to **APPROVE** the Consent Agenda Public Hearing items in accordance with staff's recommendations.

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

F) Action Public Hearing Items – New Business:

Item 1 21/10890 Variance Appeal Application

Request by James and Melissa Brittain (Property Owners) for a Variance to allow a proposed accessory building to be located in front of the principal dwelling at less than the required front yard setback of 100 feet. The request also includes a side yard setback Variance of five (5) feet to allow the proposed accessory building to be located approximately five (5) feet from the western, side property line, in lieu of the required ten (10) feet. The subject property is located at 8073 NE 94th Avenue, Bondurant, Section 20 of Franklin Township.

Brian McDonough gave the staff presentation and recommendation. McDonough clarified that staff is not supportive of the original request to allow the proposed accessory structure at a front yard setback of 55 feet, but is recommending approval of a modified request to permit the accessory structure at a front yard setback of 75 feet. Staff does support the requested side yard setback variance of five (5) feet to permit the accessory structure at a side yard setback of five (5) feet from the western, side property line, in lieu of the required ten (10) feet.

Let the record show that five (5) notices were mailed, with zero (0) responses received in support, and zero (0) responses received in opposition, of the Variance Appeal Application.

Let the record show that James Brittain, 8073 NE 94th Ave, Bondurant, IA 50125 was present to represent the application.

A motion was made by Kruse to approve as the Variance Appeal Application as originally requested by the appellant. The motion died for lack of a second.

A motion was made by Frye and seconded by Kruse to **APPROVE** Docket #21/10890 as recommended by staff, including the following condition:

- 1) Due to uncertainty regarding the precise location of the subject property pins and boundaries, the appellants shall hire a licensed land surveyor or engineer to prepare the site plan drawing required at time of building permit application. The site plan shall verify compliance with the setbacks approved under this request.

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

Item 2 21/10896 Variance Appeal Application

Request by 2nd Avenue Business Park, LLC (Property Owners), represented by Mark Bockenstedt, for a sign area Variance to increase the allowable wall signage for an existing and a future multi-tenant commercial building. The appellant proposes to increase the amount of wall signage based on the number of bays rented per tenant to 60-square feet for a single bay (currently 19 bays), with additional allowance for renters of multiple bays,

in lieu of the current maximum of 144-square feet of signage per building. The subject property is located at 5548 NW 2nd Street, Des Moines, in Section 10, Saylor Township.

Chris Meeks gave the staff presentation and recommendation. Meeks stated that staff is not supportive of the original request, but is supportive of a variance to allow one (1) square foot of signage for each lineal foot of building frontage (or 30-square feet for each rented bay), with a maximum signage allowance of 120-square feet for each individual tenant.

Let the record show that twenty-nine (29) notices were mailed, with three (3) responses received in support, and four (4) responses received in opposition, of the Variance Appeal Application.

Let the record show that Mark Bockenstedt, 1003 NW Ridge Rd, Ankeny, IA 50023 was present to represent the application.

A motion was made by Frye and seconded by McCoy to **APPROVE** Docket #21/10896 as originally requested by the appellant, and including the following condition of approval:

- 1) No lighted signs shall permitted for Building #2.

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

- G) Communications/Discussion Items – None
- H) Zoning Administrator Report – Bret Vandelune updated the Board members regarding upcoming public input meetings for the 2050 Comprehensive Plan update and corridor studies. He stated staff would continue to inform the Board of the progress on this project.
- I) Adjournment – A motion was made by Kruse and seconded by Frye to adjourn the meeting.

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