

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, May 15, 2023, 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: Mike McCoy, Kay Frye, Paul Kruse, Bindy Brown and Kurt Bailey. Absent: None. Present from the Polk County Public Works Department: Brian McDonough, Land Use Planning Coordinator; Chris Meeks, Planner; Tommy Howard, Planner; Kendra Glider, Recording Secretary and Debbie Wagner, Administrative Supervisor. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, April 17, 2023 Meeting.

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

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

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

D) Unfinished Business: None

E) Consent Public Hearing Items: None

F) Action Public Hearing Items – New Business:

Item 1 23/12677 Variance Appeal Application

Request by Mark and Minda Dearden (property owners) for a Variance to allow a proposed accessory building to be located in front of the principal residence at a front yard setback of approximately 11.99 feet and 29.49 feet. The subject property is located at 5716 SE 14th Place, Pleasant Hill, Section 10 of Fourmile Township, and is zoned "LDR" Low Density Residential District.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that eight (8) notices were mailed, with three (3) responses received in support, and two (2) in opposition, of the request.

Let the record show that property owners/appellants Mark and Minda Dearden, 9320 NE 83rd Street, Bondurant, IA 50035, were present to represent the item.

Let the record show that Donald Somers, 5721 SE 14th Pl, Pleasant Hill, IA 50327 was present to speak in opposition to the item.

A motion was made by McCoy and seconded by Kruse to approve Docket # 23/12677 according to the staff report and recommendation of approval.

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

Item 2 23/12678 Conditional Use Permit Application

Request by McAninch Corp (Applicant) on behalf of Harold Lande (Property Owner) requesting a Conditional Use Permit to allow for an extraction use of a borrow pit on property located within the “AG” Agricultural District. The subject property is located at 15171 NE 22nd Street, Huxley, Section 7 of Elkhart Township.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that six (6) notices were mailed, with one (1) response received in support, and zero (0) in opposition, of the request.

Let the record show that John McMullen of McAninch Corp (Representative) 100 E Grand, Suite 350, Des Moines, IA 50309 was present to represent the item.

Let the record show that no one was present in opposition to the item.

A motion was made by McCoy and seconded by Kruse to approve Docket # 23/12678 according to the staff report, recommendation and conditions of approval.

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

Item 3 23/12679 Conditional Use Permit Application

Request by McAninch Corp. (Applicant) on behalf of Upper Midwest Properties LLC (Property Owners) requesting a Conditional Use Permit to allow for an extraction use of a borrow pit on property located within the “AG” Agricultural District. The subject property is located in the North ½ of the NE ¼ of Section 31, Elkhart Township at the Southeast corner of the intersection point of NE 126th Avenue and Interstate 35.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that ten (10) notices were mailed, with zero (0) responses received in support, and zero (0) in opposition, of the request.

Let the record show that Seth Sunderman with Bishop Engineering (Representative), 3501 104th Street Des Moines, IA 50322 was present to represent the item.

Let the record show that no one was present in opposition to the item.

A motion was made by McCoy and seconded by Kruse to approve Docket # 23/12679 according to the staff report, recommendation and conditions of approval.

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

Item 4 23/12680 Variance Appeal Application

Request by McAninch Corp. (Appellant) on behalf of Upper Midwest Properties LLC (Property Owners) requesting a Variance to allow extraction within the required 150-foot setback between an agriculturally use and an extraction use. The subject property zoned “AG” Agricultural District is located in the North ½ of the NE ¼ of Section 31, Elkhart Township at the Southeast corner of the intersection point of NE 126th Avenue and Interstate 35.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that ten (10) notices were mailed, with zero (0) responses received in support, and zero (0) in opposition, of the request.

Let the record show that John McMullen of McAninch Corp (Representative) 100 E Grand, Suite 350, Des Moines, IA 50309 was present to represent the item.

Let the record show that no one was present in opposition to the item.

A motion was made by McCoy and seconded by Kruse to approve Docket # 23/12680 according to the staff report, recommendation and conditions of approval.

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

Item 5 23/12681 Conditional Use Permit Application

Request by McAninch Corp. (Applicant) on behalf of Larson Brothers LLC (Property Owners) requesting a Conditional Use Permit to allow for an extraction use of a borrow pit on property located within the "AG" Agricultural District. The subject property is located in the NE ¼ of Section 6, Elkhart Township at the Southwest corner of where NE 166th Avenue terminates on the West side of Interstate 35.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that eight (8) notices were mailed, with one (1) response received in support, and zero (0) in opposition, of the request.

Let the record show that Cody Malloy of McAninch Corp (Representative) 100 E Grand, Suite 350, Des Moines, IA 50309 was present to represent the item.

Let the record show that no one was present in opposition to the item.

A motion was made by McCoy and seconded by Kruse to approve Docket # 23/12681 according to the staff report, recommendation and conditions of approval.

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

- G) Communications/Discussion Items: None
- H) Zoning Administrator Report: None
- I) Adjournment – A motion was made by McCoy and seconded by Kruse to adjourn the meeting.

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