

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, October 16, 2023, 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, Kay Frye, Paul Kruse, Bindy Brown and Kurt Bailey. Absent: None. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Chris Meeks, Planner; Tommy Howard, Planner and Kendra Glider, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Tuesday, September 19, 2023 Meeting.

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

Vote: Yea: Kruse, McCoy, Frye, 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 – New Business: None.

F) Action Public Hearing Items – New Business:

**Item 1            23/13231 Variance Appeal Application**

Request by Christopher Cox (property owner), being represented by Vic Piagentini of Associated Engineering Company requesting a western front yard setback Variance of approximately 29 feet to construct a building to be used as an auto repair business with a 46-foot setback from the western front property line along NW 2<sup>nd</sup> Street, in lieu of the required 75 feet. The subject property is located at 5670 NW 1<sup>st</sup> Street, Des Moines, within Section 11 of Saylor Township, and is zoned "GC" General Commercial District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that eight (8) notices were mailed, with no responses received in support or opposition of the request.

Let the record show that Vic Piagentini of Associated Engineering Company on behalf of Christopher Cox, 1830 SE Princeton Drive, Grimes, IA 50111, was present to represent the request.

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 #23/13231 in accordance with the staff report and recommendation.

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

**Item 2            23/13240 Variance Appeal Application**

Request by Jessica and Mark Cochrane (property owners) for a Variance to allow a total of six (6) livestock on the subject property, in lieu of the Ordinance-permitted maximum total of four (4) livestock. The subject property is located at 2240 SE 116<sup>th</sup> Street, Runnells, within Section 14 of Camp Township, and is zoned “RR” Rural Residential District.

Brian McDonough gave the staff presentation and recommendation.

Let the record show that nine (9) notices were mailed, with one (1) response received in support, and three (3) in opposition, of the request.

Let the record show that Jessica and Mark Cochrane, property owners, 2240 SE 116<sup>th</sup> Street, Runnells, IA 50237, were present to represent the request.

Let the record show that Kristin Beattie-Brekelmans, 9704 SE 40<sup>th</sup> Avenue, Runnells, IA 50237, was present in support of the request. She submitted a document to staff regarding additional support for the request.

Let the record show that Roger Bauer, 2198 SE 116<sup>th</sup> St, Runnells, Iowa 50237 was present in opposition to the item.

Let the record show that Jessica and Mark Cochrane, property owners, 2240 SE 116<sup>th</sup> Street, Runnells, IA 50237, were given the time for rebuttal and provided additional responses.

Let the record show that Dominic Anania, Assistant County Attorney, provided advice to the Board of Adjustment members regarding the request. In particular, he provided advice and background regarding the topic of emotional support animals, the Polk County Zoning Ordinance, and the purview/authority of the Board of Adjustment as it relates to the requested variance in this case.

A motion was made by McCoy and seconded by Kruse to deny Docket #23/13240 in accordance with the staff report and recommendation.

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

**Item 3            23/13246 Variance Appeal Application**

Request by Rodney and Sarah Carsten (property owners) for a Variance to allow a residential accessory structure to be constructed with a front yard setback of 41-feet in lieu of the required 75-foot front yard setback. The subject property is located at 12077 NE 64<sup>th</sup> Steet, Elkhart, within Section 36, Elkhart Township, and is zoned “ER” Estate Residential District.

Chris Meeks gave the staff presentation and recommendation.

Let the record show that thirteen (13) notices were mailed, with three (3) responses received in support, and zero (0) in opposition, of the request.

Let the record show that Rodney Carsten, property owner, 12077 NE 64th Steet, Elkhart, IA 50073, was present to represent the request.

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 #23/13246 in accordance with the staff report and recommendation.

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

G) Communications/Discussion Items: None.

H) Zoning Administrator Report:

Bret VandeLune, Planning & Development Manager, gave an update to the Board of Adjustment, including the resignation of Chris Meeks, Planner and the retirement of Bob Rice, Polk County Public Works Department Director. VandeLune reported that two (2) new residential subdivisions, Ironwood Heights and The Reserve at Rock Creek, have been approved or are in process of being approved this Fall and are driving new single-family home permits. Bret also informed the Board of Adjustment that building permits/revenue are steady in comparison to past years.

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

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