

## Final Agenda

Polk County Board of Adjustment  
Monday, April 20, 2020 - 7:00 P.M.  
Polk County Public Works Department, Planning & Development Division  
5885 NE 14<sup>th</sup> Street, Des Moines, IA.

**Due to the COVID-19 public health emergency, the meeting will be held by voice and video conference only. The Public Works building is currently closed to the public. All Commissioners, staff, appellants and public are invited to join the meeting by using the link below or calling the number below and inputting the meeting ID.**

**Participate by phone by calling +1 312 626 6799**

**Participate by desktop/laptop/smartphone/tablet at <https://zoom.us/j/227299592>**

**Meeting ID: 227 299 592**

*Several public hearings will be on the Board of Adjustment agenda. Please plan to join the meeting at 7:00 P.M., but wait to speak until the Chairperson asks for testimony on your item.*

- A) Roll Call - Michael McCoy, David Kinsley, Bonnie Thorn, Ron Fisher and Paul Kruse
- B) Acceptance of the Minutes from the Monday, March 16, 2020 meeting
- C) Opening Statement
- D) Consent Public Hearing Items – New Business

**Item 1            20/8856 Variance Appeal Application**

Request by Russell Harrison (Property Owner) for a Variance to allow a new residential accessory building to be located in front of the principal dwelling at a front yard setback of less than 100 feet. The subject property is located at 6171 NW 78<sup>th</sup> Avenue, Johnston, Section 25 of Jefferson Township.

**Item 2            20/8864 Variance Appeal Application**

Request by Joseph Tollari (Property Owner) for a Variance to the side yard setback requirement for an existing residential accessory building. The subject property is located at 10564 NE 46<sup>th</sup> Avenue, Mitchellville, Section 14 of Beaver Township.

- 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, requesting 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 14<sup>th</sup> Street, Des Moines, Section 13 of Saylor Township.

- F) Discussion Public Hearing Items – New Business

**Item 1            20/8858 Variance Appeal Application**

Request by Carney Land Properties, LLC (Property Owner / Appellant), represented by Matthew Gardner with Gardner Law Firm, P.C., 2900 100<sup>th</sup> Street, Ste. 207, Urbandale, IA 50322, with consent

from property owner Mary L. Davis, for a Variance to the rear yard setback requirements for an existing single-family dwelling and accessory structure. The subject property is located at 13755 NE 96<sup>th</sup> Street, Maxwell, Section 22 of Washington Township.

- G) Communications/Discussion Items
- H) Zoning Administrator Report
- I) Adjournment

## **POLK COUNTY BOARD OF ADJUSTMENT**

The Zoning Board of Adjustment has the power under Iowa law and the Polk County Zoning Ordinance to hear requests and make decisions on matters such as Variances from the regulations in the Zoning Ordinance, Conditional Use Permits and Appeals of the decisions of County staff in the administration of the Zoning Ordinance.

### **MEETING PROCEDURE:**

The Board members receive copies of the agenda and staff recommendations before the meeting. Copies of the agenda and staff recommendations are available to the public.

The Board is required to base its decision on each case upon the criteria established by law for the type of relief sought by the applicant. The criteria is identified in the written staff report. All speakers at the public hearing are requested to focus their comments upon those facts that demonstrate whether or not the criteria has been satisfied.

Items listed on the Consent Public Hearing Items portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Board requests that the Item be removed from the Consent Public Hearing Items portion agenda and separately considered under the Discussion Public Hearing Items portion of the agenda.

All speakers are requested to speak from the podium and to start their presentation by giving their name and address. After a County staff representative introduces the item, the applicant or a representative is allowed to speak first to present their request. Anyone else present in support of the appeal will then each be allowed to present their comments, followed by anyone in opposition to the appeal who will then be allowed to present their comments. The applicant/representative will then be allowed time for rebuttal or other closing comments. The hearing will then be closed to public comment and the Board will make a verbal decision.

The Board has 5 members. It takes the affirmative vote of at least 3 members to grant any appeal or request, regardless of the number of members actually present at any meeting. If 3 or fewer members of the Board are present when the Chair calls an Item, the applicant may request that the Item be continued until the next monthly meeting to have the opportunity to present the matter to a full Board. The request should be made as soon as the Chair calls the Item and before the staff report is given. The Board has discretion to grant or deny any such request. If a continuance is granted, there is no guarantee that more members of the Board will be present at the next meeting.

Following the meeting, any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.