

Final Agenda

Polk County Board of Adjustment

Monday, October 21, 2019 - 7:00 P.M.

Polk County Public Works Department, Planning & Development Division

5885 NE 14th Street, Des Moines, IA.

- A) Roll Call - Bonnie Thorn, Michael McCoy, Ron Fisher, Paul Kruse and David Kinsley
- B) Acceptance of the Minutes from the Monday, September 16, 2019 meeting
- C) Opening Statement
- D) Unfinished Business – None
- E) Consent Public Hearing Items – New Business

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.

Item 1 19/8414 Variance Appeal Application

Request by Mark Kruse (Property Owner) for a Variance to reduce the 15-foot Peripheral Bufferyard to 5 feet to allow the replacement of an existing building in the same place. The subject property is located at 5465 NW 1st Street, Des Moines, Section 11 of Saylor Township.

- F) Discussion Public Hearing Items - New Business

Item 1 19/8404 Conditional Use Permit Application

Request by Robert Dvorak (Property Owner) and Brent Thompson, Elder Corporation (Applicant) to amend an existing Conditional Use Permit to continue extracting dirt from an existing borrow pit for an additional 8-years and extend the boundaries of the extraction to the north on the subject property located at 7605 NE 46th Street, Section 34 of Douglas Township.

Item 2 19/8424 Variance Appeal Application

Request by Randy Childs (Property Owner) for a Variance to allow existing outdoor exercise areas, utilized for Animal Services, to be located four (4) feet from the rear property line, in lieu of the required 15 feet. The subject property is located at 5555 NE 88th Street, Section 9 of Beaver Township.

Item 3 19/8437 Variance Appeal Application

Request by Todd and Shelli Doran, President and Vice President of the Doran Investment Group, Inc. (Property Owners) for a Variance to allow the construction of an accessory structure that is 26 feet 3 inches in height, in lieu of the maximum height of 24 feet. The subject property is located at 3424 SE 104th Street, Runnells, Section 21 of Camp Township.

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

The information identified on this agenda may be obtained in accessible formats by qualified persons with a disability. To receive more information or to request an accommodation to participate in a meeting, hearing, service, program, or activity conducted by this department, please contact the Polk County Public Works Department, Planning and Development Division, 5885 N.E. 14th Street, Des Moines, Iowa 50313, 515-286-3705.

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.

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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.