

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Monday, November 18, 2024, 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: Kay Frye, Kurt Bailey, Bindy Brown, Mike McCoy, and Paul Kruse. Absent: None. Present from the Polk County Public Works Department: Brian McDonough, Planning and Development Manager; Tommy Howard, Land Use Planning Coordinator; Johnathon Waskow, Planner; and Kendra Glider, Recording Secretary. Present from the County Attorney's Office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, October 21, 2024 Meeting.

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

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

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

D) Unfinished Business: None.

E) Consent Public Hearing Items:

Item 1 24/15750 Variance Appeal Application

Request by Ronald Meeker (property owners) for a variance to allow for a proposed detached accessory structure to be constructed 25 and 7/8 feet high (25' 7/8"), 1 and 7/8 feet over the maximum allowed height of 24 feet for detached accessory buildings. The subject property is located at 2767 NE 126th Street, Elkhart, Iowa and is zoned "AG" Agricultural District.

A motion was made by Kruse and seconded by Brown to approve Docket #24/15750 in accordance with the staff report and recommendation.

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

F) Action Public Hearing Items – New Business:

Item 1 24/15681 Conditional Use Permit Application

Request by SC IOWA LLC (property owners) for a Conditional Use Permit to allow a Special Events use on a property located in the "AG" Agricultural District. The subject site is addressed 11125 NE 134th Avenue, Maxwell, Iowa and the applicant proposes to use the existing schoolhouse for paranormal investigative tours, which will be limited to twenty (20) people per session and expected to last 4 hours each, with no more than two (2) tours per day.

John Waskow gave the staff presentation and recommendation.

Let the record show that twenty (20) notices were mailed, with two (2) responses received in support and four (4) responses in opposition of the request.

Let the record show that Michael Kauzlarich, property manager/grounds keeper, 1313 E 23rd Street, Unit 3, Des Moines, Iowa, 50317 was present to represent the request on behalf of SC Iowa LLC, and Michael Eder the property owner.

Let the record show that Norman McCoy, 11395 NE Hubbell Way, Maxwell, Iowa, 50161 was present in support of the item. Norman stated he is involved with the Farrar Methodist Church at 11180 NE 134th Avenue, Maxwell and has interacted with the applicants since their recent purchase of the property. He also clarified that the owner's representative and operator of the proposed use, Mike Eder, was unexpectedly hospitalized today and unable to attend the meeting.

Let the record show that Linda Peppers, 825 SE 2nd Street, Ankeny, Iowa, 50021 was present in opposition of the item. Linda represents the Farrar Cemetery Association citing concerns of adverse impacts on the cemetery.

Let the record show that Janean Faux, 12246 Nevada Road, New Boston, Missouri, 63557 was present in opposition of the item. Citing concerns of adverse impacts on the cemetery.

Let the record show that Michael Kauzlarich, property manager/grounds keeper, 1313 E 23rd Street, Unit 3, Des Moines, Iowa, 50317 was allowed rebuttal time, answered questions and addressed concerns of the Board of Adjustment and opposition testimony.

Let the record show that Board of Adjustment members discussed the item.

Let the record show that Norman McCoy, 11395 NE Hubble Way, Maxwell, Iowa, 50161 requested rebuttal time and provide context to opposition testimony.

A motion was made by Kruse and seconded by McCoy to approve Docket #24/15681 in accordance with the staff report and recommendation.

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

Item 2 24/15756 Variance Appeal Application

Request by Mike Ihle of Ihle Fabrications LLC (property owner) for a Variance to allow an increase to the amount of total site signage allowed from 120 feet to 150 feet and to increase the allowed maximum height for freestanding sign from 10 feet to 13.3 feet for an existing freestanding sign. The subject property is located at 4780 NW 158th Avenue, Polk City, within Section 7 of Lincoln Township and is zoned "AG" Agricultural District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that eleven (11) notices were mailed, with two (2) response received in support and zero (0) responses in opposition of the request.

Let the record show that no one was present in support of the item.

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

A motion was made by McCoy and seconded by Kruse to approve Docket #24/15756 in accordance with the staff report and recommendation.

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

Item 3 24/15758 Variance Appeal Application

Request by Daniel Willrich of Pelds Design Services representing Stuart Oxer of Red Boot Beverage (property owner) for a Variance to increase the maximum allowable floor area ratio from 35% to 42.4% for a proposed building addition. The subject property is located at 1587 NE 67th Place, Des Moines, within Section 1 of Saylor Township and is zoned "LI" Light Industrial District.

Tommy Howard gave the staff presentation and recommendation.

Let the record show that twelve (12) notices were mailed, with zero (0) responses received in support and two (2) responses in opposition of the request.

Let the record show that by Daniel Willrich of Pelds Design Services, 2323 Dixon Street, Des Moines, Iowa 50316 was present to represent the request.

Let the record show that Stuart Oxer, owner, 12792 Lincoln Circle, Clive, Iowa 50325 was present in support of the item. Citing economic growth for the community.

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

A motion was made by Kruse and seconded by Frye to approve Docket #24/15758 accordance with the staff report and recommendation.

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

G) Communications/Discussion Items: None.

H) Zoning Administrator Report:

Brian McDonough, Planning and Development Manager, gave an update to the Board of Adjustment regarding recent staff changes. It was noted that there is open Planner position left vacant by the recent departure of Justin Peterson. The hiring process to fill this vacancy is in the final stages. Brian McDonough and the Board of Adjustment members discussed the December 16 meeting attendance to decide if there would be a quorum. The Board of Adjustment rules and procedure updates will be ready for the December meeting for approval. Brian McDonough stated that one of those items would be changing the Board of Adjustment meeting start time to 5:30 PM.

I) Adjournment – Chairperson Frye adjourned the meeting.