

## Final Agenda

Polk County Board of Adjustment

Tuesday, February 18, 2020 - 7:00 P.M.

Polk County Public Works Department, Planning & Development Division

5885 NE 14<sup>th</sup> Street, Des Moines, IA.

- A) Roll Call - Michael McCoy, David Kinsley, Bonnie Thorn, Ron Fisher and Paul Kruse
- B) Acceptance of the Minutes from the Tuesday, January 21, 2020 meeting
- C) Opening Statement
- D) Unfinished Business - None
- E) Consent Public Hearing Items – New Business – None
- F) Discussion Public Hearing Items - New Business:  
**Item 1            20/8694 Variance Appeal Application**

Request by John Teig (Property Owner) for two (2) Variances to allow an increase in the maximum height for an accessory building by approximately two (2) feet, six (6) inches (from 24-feet to 26-feet 6-inches), and for an approximate 160-foot Variance (from 150-feet to 310-feet) to allow the accessory building placement in front of the principal building with greater than 150-feet of separation between the structures on the subject property located at 14431 NE 46<sup>th</sup> Street, Section 15 of Elkhart Township.

### **Item 2            20/8709 Conditional Use Permit Application**

Request by LMO Investments, LLC / Bret Nehring (Property Owner), represented by Erik Nikkel with Snyder & Associates, Inc., for a Conditional Use Permit to establish a Moderate Industry use of a Heavy Construction Contractor. The subject property is located at 5582 NE 14<sup>th</sup> Street, Des Moines, Section 11 of Saylor Township.

### **Item 3            20/8710 Variance Appeal Application**

Request by Quik Trip Corporation (Property Owner), represented by Miranda Cassens with Chesnut Signs, for a variance to allow a third freestanding sign, a freestanding sign height variance, and a sign area variance. The subject property is located at 4801 NE 14<sup>th</sup> Street, Des Moines, Section 13 of Saylor Township.

### **Item 4            20/8741 Conditional Use Permit Application**

Request by InRoads, LLC, represented by Bill Rosener (Prospective Buyer) with permission from D&M Partners, LLC (Property Owner) for a Conditional Use Permit to construct and operate an Asphalt Batch Plant, a Heavy Industrial Use along with associated Disposal Uses, Asphalt and Concrete Recycling, on the subject property located at 4756 NE 20<sup>th</sup> Lane, Section 13 of Saylor Township.

**Item 5            20/8742 Variance Appeal Application**

Request by InRoads, LLC, represented by Bill Rosener (Prospective Buyer) with permission from D&M Partners, LLC (Property Owner) of four (4) Variances for the subject property is located at 4756 NE 20<sup>th</sup> Lane, Section 13 of Saylor Township.

- a) To allow an increase in the maximum height in the “HI” Heavy Industrial Zone from 45 feet to 75 feet;
- b) To allow an alternative to hard surface and eliminate curbs from the non-hard surfaced areas;
- c) To remove parking lot landscaping in the non-hard surfaced parking lot; and,
- d) To allow gravel to be replaced by hard surface and an asphalt alternative surface within one (1) year of the proposed use being operational.

- G) Communications 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.