

Final Agenda

Polk County Board of Adjustment

Monday, March 16, 2020 - 7:00 P.M.

Polk County Public Works Department, Planning & Development Division

5885 NE 14th 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, February 18, 2020 meeting
- C) Opening Statement
- D) Unfinished Business - None
- E) Consent Public Hearing Items – New Business:

Item 1 20/8770 Variance Appeal Application

Request by Lucas Howrey, Trustee of the LBH Trust (Property Owner) for an approximate 150-foot Variance (from 150-feet to 300-feet) to allow an accessory building to be constructed in front of the principal building with greater than 150-feet of separation on the subject property located at 4201 SE 98th Street, Section 21 of Camp Township.

- F) Discussion Public Hearing Items - New Business:

Item 1 20/8782 Variance Appeal Application

Request by Anthony P. Schmalz, APS DM, LLC. (Property Owner), represented by Dustin Creech with Engineering Resource Group, Inc., for a building separation Variance to reduce the building separation of a new warehouse building to be constructed at a location that is less than 30-feet from existing accessory buildings on the subject property located at 4175 NE 43rd Court, Section 21 of Delaware Township.

Item 2 20/8788 Variance Appeal Application

Request by Larry and Linda Killam (Property Owners) for a front yard setback Variance to allow a new residential accessory building to be located in front of the principal dwelling at a front yard setback of approximately two (2) feet. The subject property is located at 144 NW 72nd Place, Section 35 of Crocker Township.

Item 3 20/8791 Variance Appeal Application

Request by Adam Olson, (Property Owner), represented by Ed Pelds with Pelds Design Services, for a Variance to construct a new commercial building at less than the required front setbacks from NW 48th Place and Interstate 35/80. The subject properties are located at 435 and 445 NW 48th Place, Section 15 of Saylor Township.

Item 4 20/8798 Conditional Use Permit Application

Request by Northwest Steel Erection, represented by Shaun O'Tool (Prospective Buyer) with permission from DRA Properties, LC (Property Owner) for a Conditional Use Permit to operate a Moderate Industry Use, General Building Contractors – Non-Residential Buildings, in a "LI" Light Industrial District zone on the subject property located at 6285 and 6335 NE Industry Drive, Section 1 of Saylor 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.