

POLK COUNTY BOARD OF ADJUSTMENT

MEETING MINUTES

The Polk County Board of Adjustment held a meeting on Tuesday, September 21, 2021, 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: Paul Kruse, Mike McCoy, and Ron Fisher. Absent: Kay Frye. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Brian McDonough, Land Use Planning Coordinator; Chris Meeks, Planner; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania. Ron Fisher was participating electronically via telephone. Dominic Anania asked Ron Fisher if there were circumstances making it impossible or impracticable for him to attend the meeting in person. Fisher answered yes.
- B) Acceptance of the Minutes of the Monday, August 16, 2021 Meeting.
It was moved by McCoy and seconded by Kruse, to **APPROVE** the minutes as presented.
Vote: Yea: Kruse, McCoy, and Fisher. Nay: None. Absent: Frye
- C) Opening Statement – Chairperson Kruse gave the opening statement.
- D) Unfinished Business: None
- E) Consent Public Hearing Items – New Business:

Item 1 21/10765 Variance Appeal Application

Request by United Services of Des Moines (Appellant) on behalf of Kenneth Kulisky (Property Owner), for a Variance to allow an existing uncovered deck addition and deck steps to remain located approximately 21-feet from the southern, front property line. The subject property is located at 4015 NE 44th Drive, Des Moines, Section 21 of Delaware Township.

Item 2 21/10774 Variance Appeal Application

Request by William and Martha Watson (Property Owners) for a Variance to allow an existing deck attached to the principal dwelling to remain located at 5'-5" (five-feet and five-inches) from the northern, side property line. The property is addressed as 4310 NW 11th Court, Des Moines, in Section 22 of Saylor Township.

It was moved by McCoy and seconded by Kruse to **APPROVE** the Consent Agenda Public Hearing items in accordance with staff's recommendations.

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

F) Action Public Hearing Items – New Business:

Item 1 21/10697 Variance Appeal Application

Request by Maynard Oxenreider (Property Owner) for a Variance to allow a residential privacy fence to exceed the maximum allowable height of four and one-half (4 ½) feet within the front yard setback. The subject property is located at 5205 W. 1st Street, Ankeny, Section 20 of Crocker Township.

Brian McDonough gave the staff presentation and recommendation. McDonough clarified that staff is not supportive of the original request to allow an eight (8) foot tall fence within the front yard setback, but is recommending approval of a modified request to permit a six (6) foot tall fence within the front yard setback.

Let the record show that seventeen (17) notices were mailed, with four (4) responses received in support, and zero (0) responses received in opposition, of the Variance Appeal Application.

Let the record show that Maynard Oxenreider, 5205 W 1st Street, Ankeny, IA 50023 was present to represent the application.

Let the record show that Brent Culp, 3551 NW 92nd Place, Polk City, IA 50226 was present to speak in support of the Variance Appeal Application.

Let the record show that Nancy Watts-Heyer, 3601 NW 92nd Place, Polk City, IA 50226 was present to speak in opposition of the Variance Appeal Application.

A motion was made by McCoy and seconded by Kruse to **APPROVE** Docket #21/10697 as requested.

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

Item 2 21/10698 Variance Appeal Application

Request by Brent Culp (Property Owner) for a Variance to allow a residential privacy fence to exceed the maximum allowable height of four and one-half (4 ½) feet within the front yard setback. The subject property is located at 3551 NW 92nd Place, Polk City, Section 20 of Crocker Township.

Brian McDonough gave the staff presentation and recommendation. McDonough clarified that staff is not supportive of the original request to allow an eight (8) foot tall fence within the front yard setback, but is recommending approval of a modified request to permit a six (6) foot tall fence within the front yard setback.

Let the record show that twelve (12) notices were mailed, with three (3) responses received in support, and zero (0) responses received in opposition, of the Variance Appeal Application.

Let the record show that Brent Culp, 3551 NW 92nd Place, Polk City, IA 50226 was present to represent the application.

A motion was made by McCoy and seconded by Kruse to **APPROVE** Docket #21/10698 as requested.

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

Item 3 21/10769 Variance Appeal Application

Request by Lisa Montgomery (Property Owner) for a Variance to allow an addition to an existing single-family dwelling with a five (5) foot side-yard setback. The subject property is addressed as 4650 NW 50th Street, Des Moines, in Section 18, Township 79 North, Range 24 West of the 5th P.M. (Webster Township).

Chris Meeks gave the staff presentation and recommendation.

Let the record show that twenty-eight (28) notices were mailed, with four (4) responses received in support, and zero (0) responses received in opposition, of the Variance Appeal Application.

Let the record show that Lisa Montgomery, 4650 NW 50th St, Des Moines, was present to represent the application.

A motion was made by McCoy and seconded by Kruse to **APPROVE** Docket #21/10769.

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

G) Communications/Discussion Items – None

H) Zoning Administrator Report –

Bret Vandelune spoke in regards to the efforts to keep improving the technology for the meetings. He also mentioned upcoming meetings regarding corridor studies for the 2050 Comprehensive Plan update, and that staff would continue to inform the Board of the progress on this project. He also responded to a question from Chairman Kruse regarding the status of finding another Board of Adjustment member.

I) Adjournment –

A motion was made by Kruse and seconded by McCoy to adjourn the meeting.

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