

Polk County
Board of Adjustment
October 23, 2015

Call to Order: 9:15 a.m.

Members in Attendance: Robert Franks, Donovan Wright, Mike Powers, Courtney Pulkrabek, and Rolland Gagner

Members Absent: None

Also Present: Polk County Environmental Services' staff: Josh Holte & Michelle Erdmann.

Minutes: A motion was made by Wright to approve the minutes from the August 28, 2015 meeting. Second by Powers. All in favor.

Public Hearing: Variance Kenneth Johnson Parcel #18.00048.01

Gagner read the notice, without the full legal description and turned the meeting over to Holte.

Holte stated the applicant is requesting a variance to construct a 40' x 80' storage shed .4' above the effective base flood elevation.

Holte stated that zoning requirements found in PCZO 17.5200 and 5.3030 pertain to this request.

Holte stated that the property is 7.26 acre in size. The applicant wishes to construct a 40'x 80' shed to replace buildings that were destroyed by fire. The base flood elevation on the site is 820' NGVD 1929. The new shed is proposed to be built to 820.4' NGVD 1929. The ordinance requires that the new shed be built 1.5' above the base flood elevation. That would mean the shed should be built to 821.5' NGVD 1929 without a variance.

The reason for requesting the variance is a result of Polk County going through the map modernization process in which the new maps have been preliminary released and should be finalized within the next year. The new maps will be in a different Datum, NAVD 1988. This Datum shift in Polk County results in 1.1' shift in elevation.

Based on the preliminary maps the new base flood elevation will be 820' NAVD 1988. But because of the elevation shift between the 1929 and 1988 Datum, the base flood elevation will be decreasing by 1.1'. Once the new maps are approved, the new shed would meet the RFPE requirement and would be 1.5' above the new base flood elevation.

Since this area of the County is a detailed study area, the County can't use the new information until the maps are officially adopted, which results in the need for the variance. The Township has joint permitting and has already signed off on the application.

The applicant stated that the practical difficulty is that the new proposed maps have the BFE decreasing by 1.0'. Without the variance the applicant would have to bring in an additional 1.1' of fill, which won't be required once the new maps become effective.

Without the variance the applicant would have to raise his shed another 1.1' and that would be impractical and out of place with the rest of the yard. The alternative to the variance would be to wait until the new maps go into effect.

Stephanine Klamm, DNR Area Hydrologist, stated in a letter: Thanks for giving us the opportunity to comment on the variance request for Kenneth Johnson on the proposed building of a 40 x 80 shed .4 feet above the effective base flood elevation. Based on the best available data, it appears that the new preliminary maps will have base flood elevation reduced by 1.1'. Since the new maps are not adopted by the County, the variance is needed. Per discussions with the Floodplain Hydrologist, we would like to see the structure use flood resistant materials up to the current Regulatory Flood Protection Elevation (RFPE) and elevate the utilities above the RFPE.

Holte then went over slides showing the application, property location, the property and proposed shed location. Staff feels that this variance request is practical since the applicant would meet all setbacks and standards once the new floodplain maps are approved (which will hopefully be next year). Staff recommends approval of this variance request with the following conditions:

1. The floor of the new shed is built to 821.5' NAVD 1988.
2. All utilities are elevated to the current RFPE (821.5' NGVD 1929).
3. A final Certificate of Elevation is submitted upon completion of the shed.

Gagner asked if there was any chance that the proposed changes would not go through? Holte said very slim chance, but he believes they will go through as proposed.

The Board had no further questions for Mr. Johnson. Holte asked the board the hardship questions.

Question	Pulkrabek	Powers	Franks	Wright	Gagner
1.	No	No	No	No	No
2.	Yes	Yes	Yes	Yes	Yes
3.	No	No	No	No	No
4.	Yes	No	No	No	No
5.	No	No	No	No	No
6.	No	No	No	No	No

7.	No	No	No	No	No
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Holte stated with 29 no's and 6 yes's the criteria has been met for the Board to either grant or deny the variance request.

Pulkrabek made a motion to approve the variance request with the three staff conditions. Second by Powers. Before the vote, Gagner asked Johnson if there were any plans for a bathroom in the shed? Johnson said no, it will be mostly for storage. Gagner then called for the vote, All in favor.

Holte presented to those still in attendance a copy of "Jay's Top Ten". This is something that Holte and Snyder got at a recent training and felt that should be shared with the PC and BOA members. Discussion from the handout ensued.

It was suggested that we have a sign in sheet at all meetings and that we draft/adopt a list of meeting procedures that are followed.

Meeting adjourned.