

*\*Due to the COVID-19 concerns and social distancing recommendations, a virtual meeting is being offered. Participants wishing to speak on a topic should message the meeting moderator. All participants are asked to mute their individual computers at times when they are not speaking to minimize background noise. Join: <https://us02web.zoom.us/j/81685862398>*

**NOTICE OF A REGULAR MEETING  
BONDURANT BOARD OF ADJUSTMENT  
MAY 14, 2024**

**NOTICE IS HEREBY GIVEN** that a Regular Meeting of the City Council will be held at 5:00 PM on May 14, 2024, in the Bondurant City Center, 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open and the public is encouraged to attend.

**AGENDA**

1. Call to Order
2. Roll Call
3. Perfecting and Approval of the Agenda
4. Approval of Minutes
  - a. April 9, 2024 Minutes
5. **Action Items**
  - a. PUBLIC HEARING - Case Number 101 - request for a variance to Sections 181.07 and 181.08.04. of the Zoning Code to allow for four wall signs and two monument signs.
  - b. Resolution BA-240514-03 - Case Number 101 - request for a variance to Sections 181.07 and 181.08.04. of the Zoning Code to allow for four wall signs and two monument signs.
  - c. PUBLIC HEARING - Case Number 102 - request for a variance to Section 177.04. of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13th Street SE.
  - d. Resolution BA-240514-04 - Case Number 102 - request for a variance to Section 177.04. of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13th Street SE.
  - e. PUBLIC HEARING - Case Number 103 - request for a conditional use for a automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.
  - f. Resolution BA-240514-05 - Case Number 103 - request for a conditional use for a automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.
6. Adjournment

# City of Bondurant

Board of Adjustment  
200 2<sup>nd</sup> St NE, PO Box 37  
Bondurant, IA 50035



## Meeting Minutes

**DATE:** April 9, 2024

### 1. Call to Order 5:02 p.m.

Board Members and City Staff gave brief introductions.

**Place** Bondurant City Hall (200 2nd St NE, PO Box 37)

**Special Note:** Due to concerns of the COVID-19 virus and social distancing recommendations, access to the meeting was also provided through a virtual meeting

### 2. Roll Call

**Members Present:** Greg Hanson, Diane VanWyk, Jolita Uthee, Matt Farver, Jon Klein

**Members Absent:**

**City Officials Present:** City Planner, Isaac Pezley

### 3. Perfecting and Approval of the Agenda

Motion by Member VanWyk, seconded by Member Uthee to approve of the April 9, 2024, meeting agenda. Vote on Motion 4-0-0. Motion carried.

### 4. Approval of Minutes

Motion by Member VanWyk, seconded by Member Farver to approve of the March 12, 2024 meeting minutes. Vote on Motion 5-0-0. Motion carried.

### 5. Action Items

- a. **PUBLIC HEARING:** for consideration of a variance request to Section 178.02.01. of the Zoning Code to allow for an increase in maximum allowable fence height in a street-side yard to allow the construction of a 6'-tall fence.

Public Hearing opened at 5:04 p.m.

Pezley presented the variance request to the Board. VanWyk asked if other such variances had been approved in the past. Pezley stated there have been five variances approved for fences placed in the street side yard that exceed the maximum height and one variance that was denied. The last approved variance was in August of 2005 and the denied variance was in March 2017.

Cameron Hainer, applicant, addressed the Board. Hainer stated the proposed fence would not cause a line-of-sight issue but would be open to moving the fence further back on the property if that is a concern. Hainer stated he would like the fence to be placed in the street side yard to allow for more use of his yard and it be 6-feet in height for added protection and privacy.

Farver asked how close the fence will be to the sidewalk, Hainer stated 1.5' currently. Farver stated he would prefer the fence to be at least 5' from the sidewalk. This would help address the line-of-sight issue and also allow for easier access to those walking on the sidewalk. Hainer stated he had no objections to this.

Hainer stated there are other fences in his neighborhood with 6' tall fences located in the street side yard. Pezley stated two of the approved variances from the early 2000s were for properties in this area. The Board discussed the through-lots across Deer Ridge Drive NW with 6'-tall fences along the sidewalks. Board asked staff if these fences were allowed, Pezley stated they are as they are considered rear yards not street-side yards.

Hanson expressed concern with how close the proposed fence would be located to the applicant's accessory structure. Hanson asked staff to ensure that is in compliance, Pezley stated the variance request is only for the street-side yard and the fence will be required to meet all other fence requirements.

Public Hearing was closed at 5:28 p.m.

- b. RESOLUTION NO. BA-240409-02: Motion granting a variance request to Section 178.02.01. of the Zoning Code to allow for an increase in maximum allowable fence height in a street-side yard to allow the construction of a 6'-tall fence

Hanson asked how this variance came about, was the fence permit applied for and denied? Pezley and Hainer provided the Board with the history of this property. The applicant submitted a fence permit in 2020 and the fence permit was denied because the fence in the street-side yard was 6' in height. At that time the applicant did not have the means to submit a variance request. The applicant has submitted a new fence permit application and a variance request knowing the fence permit can only be approved with an approved variance.

Utsee stated there are fences located in street-side yards in this neighborhood and believes by setting the fence back 5' from the sidewalk would address the line-of-sight issue.

Hanson stated each variance request should be treated individually and previously approved variances should not be taken into account. Hanson stated he is having a hard time seeing anything unique about this property that would warrant a variance.

Klein stated there is nothing unique about this property, he understands the applicant would like to utilize more of their yard but he needs to also abide by the Code. There are other properties meeting the street-side yard requirements and if more property owners submit variance requests for fences in the street-side yard staff should look at changing the code at that time.

Farver stated backing fence 5' from the sidewalk reduces line-of-sight issues and precedence has already been set in this neighborhood and he has no issue approving this variance request.

VanWyk stated she is struggling seeing anything unique with the property but also believes a precedence has already been set in the neighborhood allowing for fences in the street-side yard.

Motion by Member Farver, seconded by Member Utsee, for approval of Resolution No. BA-240409-02.

Roll Call – Ayes: Member Utsee, Member VanWyk, , Member Farver, Nays: Member Hanson, Member Klein Absent: None. Vote on Motion 3-2-0. Motion carried.

## 8. Adjournment

Motion by Member VanWyk, seconded by Member Farver to adjourn the April 9, 2024, meeting.  
Vote on Motion 5-0-0. Motion carried.

Meeting adjourned.



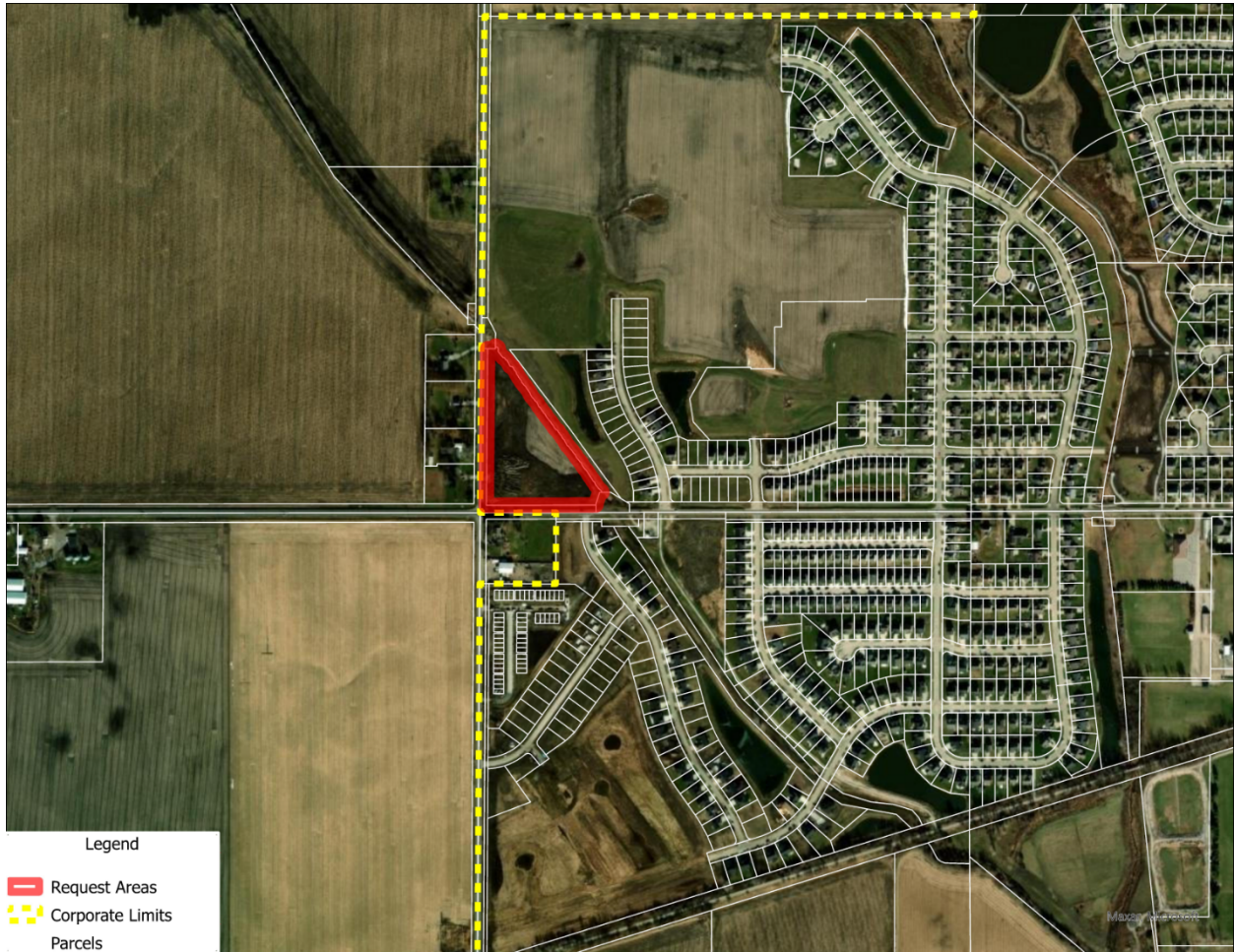
**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.a.  
For Meeting of 5/14/2024  
**Public Hearing**

**TITLE:** PUBLIC HEARING - Case Number 101 - request for a variance to Sections 181.07 and 181.08.04. of the Zoning Code to allow for four wall signs and two monument signs.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** The City has received a variance request for property located at 1130 2<sup>nd</sup> Street NW. The submitted variance request is to allow for a variance to Section 181.07. and 181.08.04. of the Zoning Code to allow for an increase in the number of allowable signs on a property. The variance request is to have a total of four building or canopy signs and two monument signs on the property. The applicant is proposing to place one building sign on the convenience store building and three building signs on the canopy over the fueling stations. The applicant is also proposing to place a monument sign on the property and another multi-tenant monument sign near the intersection of 2<sup>nd</sup> Street NW and Franklin Street NW.



Casey's Services Company is requesting a variance to allow for four wall signs and two monument signs, one being placed on site and one being placed off-site and serving as a multi-tenant monument sign. Section 181.07 states multi-tenant monument signs are allowed on a lot or tract under single ownership in lieu of other permitted monument signs. Section 181.08.04 states convenience can have no more than two building or canopy signs per site.

The applicant is proposing one building sign to be placed on the convenience store building, this sign is proposed to be 37.85 square feet. The applicant is also proposing to place three building signs on the canopy over the fueling stations. These building signs will be located on the south, east and west faces of the canopy. Each of these building signs will be 6.14 square feet. In total the applicant is requesting 56.27 square feet of building signage, this is an allowable amount of building signage as regulated by Section 181.08.1..

The applicant is also proposing two monument signs, one monument sign will be located on site and one monument sign will be located off-site, near the intersection of 2<sup>nd</sup> Street NW and Franklin Street, and will be a multi-tenant monument sign. The

monument sign located on-site will be located in the southeast corner of the site and will be 11' from the south property line. This monument sign will be 27.24 square feet. The monument sign being located off-site will have 54.44 square feet of advertisement for Casey's and will be at least 15' from all property lines.

The applicant has submitted a sign package detailing the size and located of each sign.

**Analysis:**

Chapter 27.02 of the City Code provides the required review criteria by the Board of Adjustment for variance requests. The City Code notes that a variance cannot be granted unless the Board finds that all of the following five questions can be answered favorably for this request. These review criteria are referred to as Findings of Fact. If a board member cannot answer all of these findings favorably for the request, then the board member must vote for denial of the variance. Below is a summary of staff's comments on the required findings of fact relative to this request. Uploaded as an attachment is the applicant's statements on these findings relative to this request.

**1. Can the land in question still yield a reasonable return if the variance was not granted?**

The land in question would still yield a reasonable return if the variance was not granted. A convenience store would still be allowed to operate at this located if the variance was denied.

**2. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved?**

Staff feels that special conditions and circumstances do not exist which are peculiar to the property involved. This lot has frontage and access from one public street unlike other properties that have been granted similar variances in the past.

**3. Do the special conditions and circumstances of Question 2 result from the actions of the applicant, or are they beyond the applicant's control?**

Staff does not feel there are special conditions and/or circumstances that exist which are peculiar to the building involved.

**4. Will granting the variance confer on the applicant any special privilege that is denied to other lands, structures, or buildings?**

Staff does feel that granting a variance will confer on the applicant a special privilege due to the answers listed in Questions 2 and 3. There have been variances approved regarding signage for convenience stores in the past, these past variances were for convenience stores with multiple street frontages.

**5. Will granting the variance alter the essential character of the land in question?**

Staff does not feel that granting this variance will alter the essential character of the land in question.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:**

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. Casey's - Variance Application
2. Casey's - Applicant Findings of Fact
3. Casey's Submitted Sign Packet



**City of Bondurant**

Planning and Community Development  
200 2nd St NE, Bondurant, Iowa 50035  
(515) 967-2418 • planning@cityofbondurant.com

# BOARD OF ADJUSTMENT APPLICATION

### Property Owner

Full Name **Kimberley Development Corporation**  
Address **2785 N. Ankeny Blvd, Suite 22**  
City **Ankeny** State **Iowa** Zip **50023**  
Phone **(515) 963-8335** Email **jenna@kimdev.com**

### Applicant (if not Property Owner)

Full Name **Casey's Services Company**  
Address **3305 SE Delaware Avenue**  
City **Ankeny** State **Iowa** Zip **50021**  
Phone **(515) 381-5722** Email **Erik.Nikkel@caseys.com**

### CONDITIONAL USE PERMIT

**Submittal Requirements:**

*All submittal requirements must be completed. Incomplete applications will not be considered.*

Property Address or Parcel ID Number:

[Redacted]

- Completed Application
- Filing Fee: \$350
- Written narrative indicating the conditional use sought and response to criteria outlined for said conditional use.
- Legal Description of Subject Parcel(s)
- Other information as required

### VARIANCE

**Submittal Requirements:**

*All submittal requirements must be completed. Incomplete applications will not be considered.*

Property Address or Parcel ID Number:

**1130 2nd Street NW**

- Completed Application
- Filing Fee: \$350
- Site plan and Elevations (when applicable)
- Written narrative indicating justification for the proposed variance in relation to findings of fact outlined in the City of Bondurant's Code of Ordinances in Section 27.02.2. (see page 2)
- Legal Description of Subject Parcel(s)
- Other information as required

The undersigned hereby certifies that all information provided is complete and accurate to the best of the undersigned's knowledge, and that all information required by this application or by the Board's staff on its behalf has been provided.

Signature **Erik Nikkel**

Date **4.17.24**

FOR OFFICE USE ONLY

BOA Agenda Date

Case No.

Received Date

Findings of Fact Narrative

Casey's – Store #4396 – 1130 2<sup>nd</sup> Street NW – Bondurant

April 17, 2024

1. Can the land in question still yield a reasonable return if the variance was not granted?

Answer:

The land in question will not be able to yield a reasonable return if all the Sign Code requirements are met. The site is unique in that while it only has frontage on NE 78<sup>th</sup> Ave., it is very close to the intersection with NE 64<sup>th</sup> Street. Without signage along both roads, adequate traffic cannot be captured to justify the expense of the development. This is especially true of the proposed use of the property as a gas station. Unlike any other business, consumers expect to be able to see the price of fuel before deciding whether to stop at a business that sells motor fuel. Adequate signage viewable from both roads is necessary to allow for a customer to view and react safely.

2. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved?

Answer:

The site is unique in that while it only has frontage on NE 78<sup>th</sup> Ave., it is very close to the intersection with NE 64<sup>th</sup> Street. Because there isn't frontage on two roads, the Sign Code doesn't provide for adequate signage for the peculiar layout of this parcel of land. The property also has a gas canopy has the potential to screen the view of the signage. Given the expectation of the public when it comes to signage for gas prices, without signage along both roads, adequate traffic will not be captured. An additional freestanding sign, and additional fuel canopy signs would allow for the traveling public to identify the property as a gas station and convenience store, and to view the price of fuel, in time to safely react.

3. Do the special conditions and circumstances of Question 2 result from the actions of the applicant, or are they beyond the applicant's control?

Answer:

The special conditions and circumstances are not a result of the direct actions of the applicant and are beyond the control of the applicant. The parcel in question and the larger property from which the subject parcel was formed are triangles, which results in a lot shape that would have insufficient signage if a variance of the Signage Code was not allowed.

4. Will granting the variance confer on the applicant and special privilege that is denied to other lands, structures, or buildings relative to the property?

Answer:

Granting the variance does not grant any special privileges that is denied by other lands, structures, or buildings. Other businesses in the same M-1 District have similar sizes and quantities of signage. Granting the increase in the number of building and freestanding signage is for safety and visibility purposes.

5. Will granting the variance alter the essential character of the land in question?

Answer:

Granting of the variance will not alter the essential character of the land in question. All of the proposed signs are in harmony with the intent of a development and signage standards.



*Casey's*

**SIGN  
PACKET**

**JACOB CLARK**

[jacob.clark@caseys.com](mailto:jacob.clark@caseys.com)

**Bondurant, IA #4396**

**New Store**

**04-01-24**

### Building & Wall Signs (U4 Flat Roof)

Sign #	Sign	Type	Location	Illumination	Dimensions				
					Height	Width	Bottom	Top	Area Ft <sup>2</sup>
1	"Casey's"	Surface	Building Front	Internal	6'-0"	15' 4-1/4"	12' 7"	18' 7"	37.85
2	<b>DO NOT INSTALL</b>								
3	Snap Frame	Advertising	Building Front	N/A	3' 0"	8' 0"	3' 4"	6' 8-1/2"	24
4	Snap Frame	Advertising	Building Front	N/A	3' 8"	2' 4"	2' 10"	6' 10-1/2"	8.56
								<b>Total</b>	<b>70.41</b>

### Canopy

Sign #	Sign	Type	Location	Illumination	Dimensions				
					Height	Width	Bottom	Top	Area Ft <sup>2</sup>
5	"Casey's"	Surface	Canopy Front	Internal	2' 5"	6' 2-3/16"	17' 3"	19' 8"	6.14
5	"Casey's"	Surface	Canopy Side	Internal	2' 5"	6' 2-3/16"	17' 3"	19' 8"	6.14
5	"Casey's"	Surface	Canopy Side	Internal	2' 5"	6' 2-3/16"	17' 3"	19' 8"	6.14
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
4	Snap Frame	Advertising	Canopy Column	N/A	3' 8"	2' 4"	3' 0"	7' 0-1/2"	8.56
								<b>Total</b>	<b>86.9</b>

### Monument (Custom)

Sign #	Sign	Type	Location	Illumination	Dimensions				
					Height	Width	Bottom	Top	Area Ft <sup>2</sup>
6	Price Sign	Freestanding	Street	Internal	4' 5"	6' 2"	5' 7"	10' 0"	27.24
	Product Tag	Freestanding	Street	N/A	1' 1"	3' 3-1/2"	4' 0"	5' 1"	3.56
								<b>Total</b>	<b>30.8</b>

### Monument (Development)

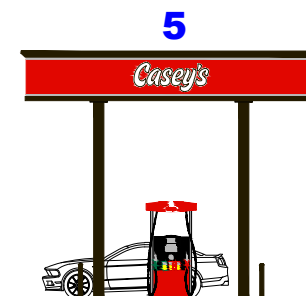
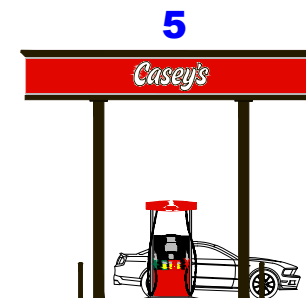
Sign #	Sign	Type	Location	Illumination	Dimensions				
					Height	Width	Bottom	Top	Area Ft <sup>2</sup>
	Price Sign	Freestanding	Street	Internal	5' 7"	9' 9"	8' 7"	14' 2"	54.44
	Tenant Panel	Freestanding	Street	Internal	4' 0"	9' 0"	4' 0"	8' 0"	18
								<b>Total</b>	<b>72.44</b>



**4**

**3**

**SIGNS 4, 5**

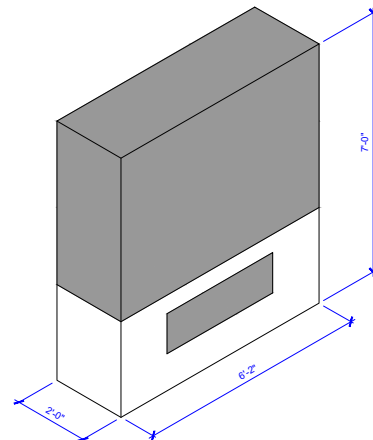
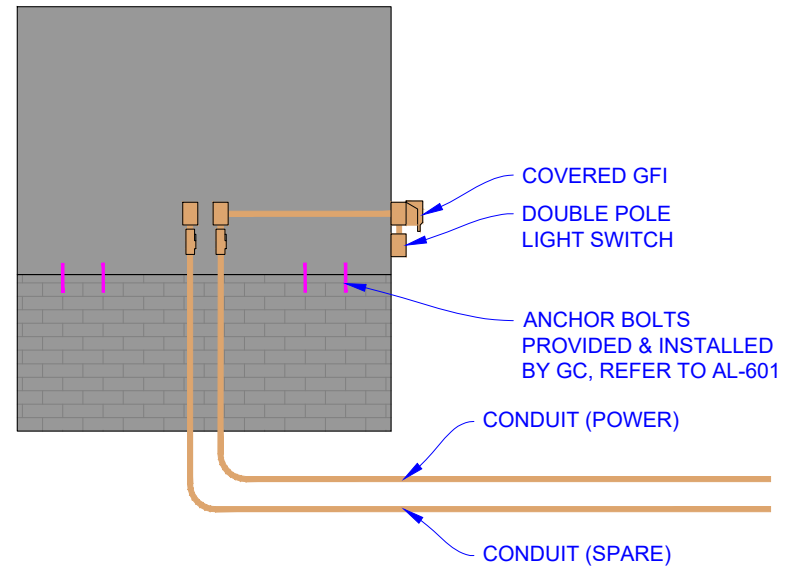
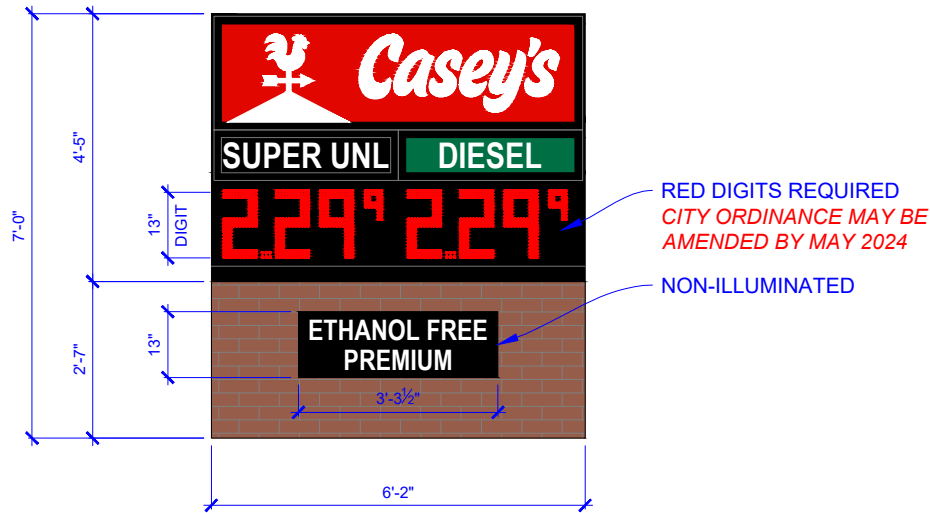


**GAS CANOPY**  
4 IN A ROW HEAD-IN

DRAWN BY:  
J. CLARK

DATE:  
02-08-21

STORE SIDE



**PRICER NOTES:**

- 13" RED LED DIGITS
- STATIC LABELS, NON-INTERCHANGEABLE
- DIESEL ON THE RIGHT, BOTH SIDES

**OTHER NOTES**

- PRODUCT "TAG" IS NON-ILLUMINATED
- CABINET IS BLACK IN COLOR
- 300' WIRELESS KEYPAD RANGE

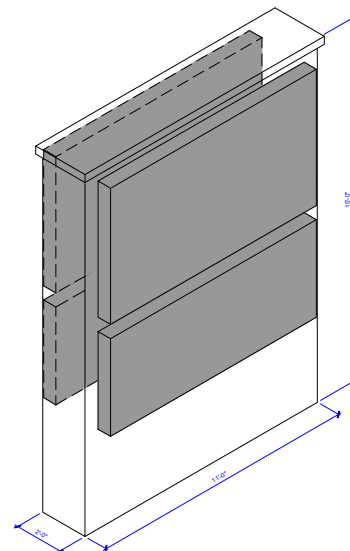
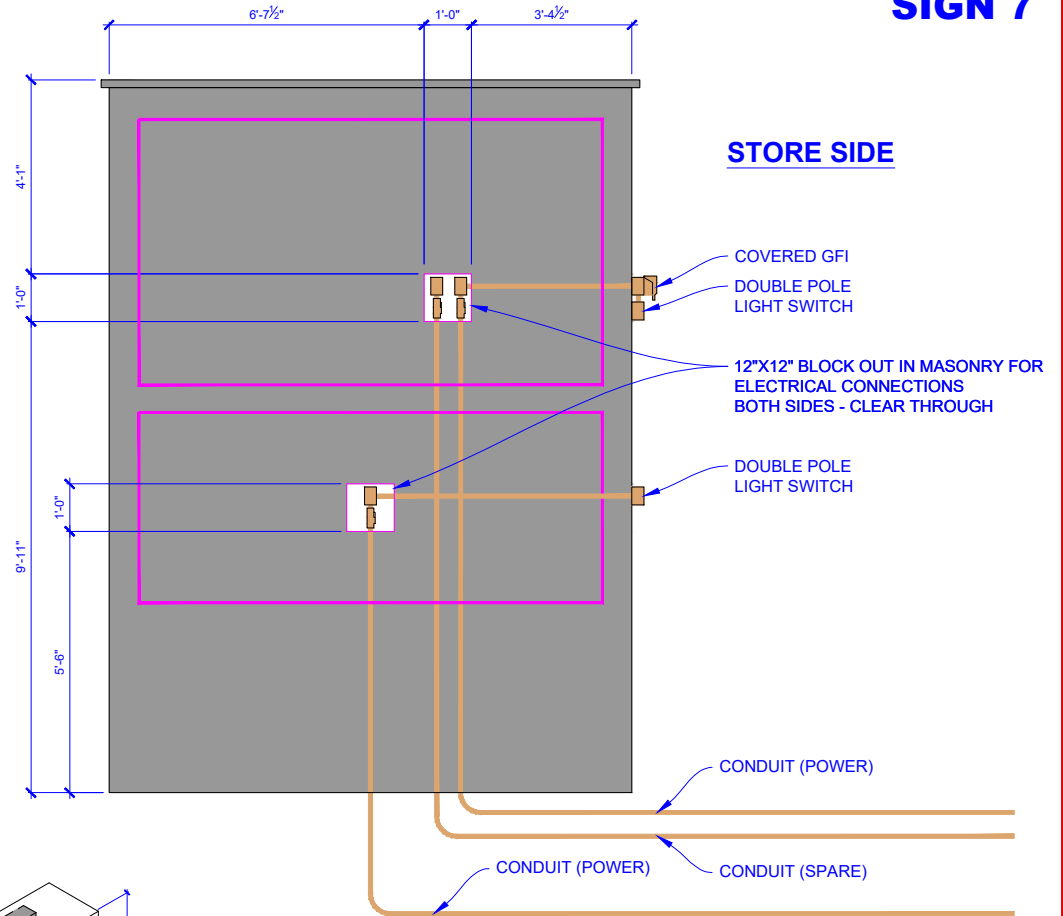
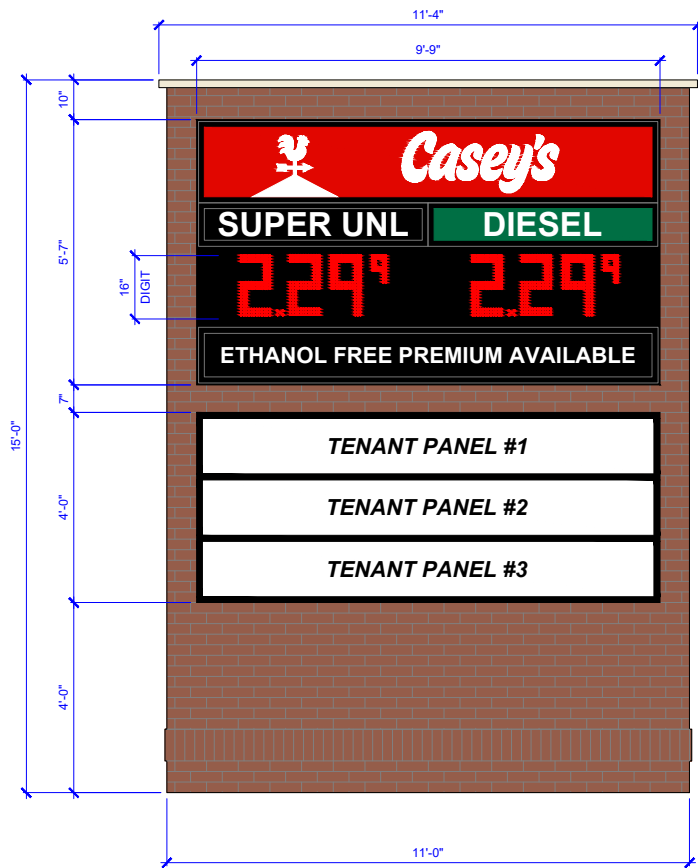


**BONDURANT, IA #4396**  
**MONUMENT SIGN**

**DRAWN BY:**  
 J. CLARK

**DATE:**  
 04-01-24

# SIGN 7



**PRICER NOTES:**

- 16" RED LED DIGITS
- STATIC LABELS, NON-INTERCHANGEABLE
- DIESEL ON THE RIGHT, BOTH SIDES

**OTHER NOTES**

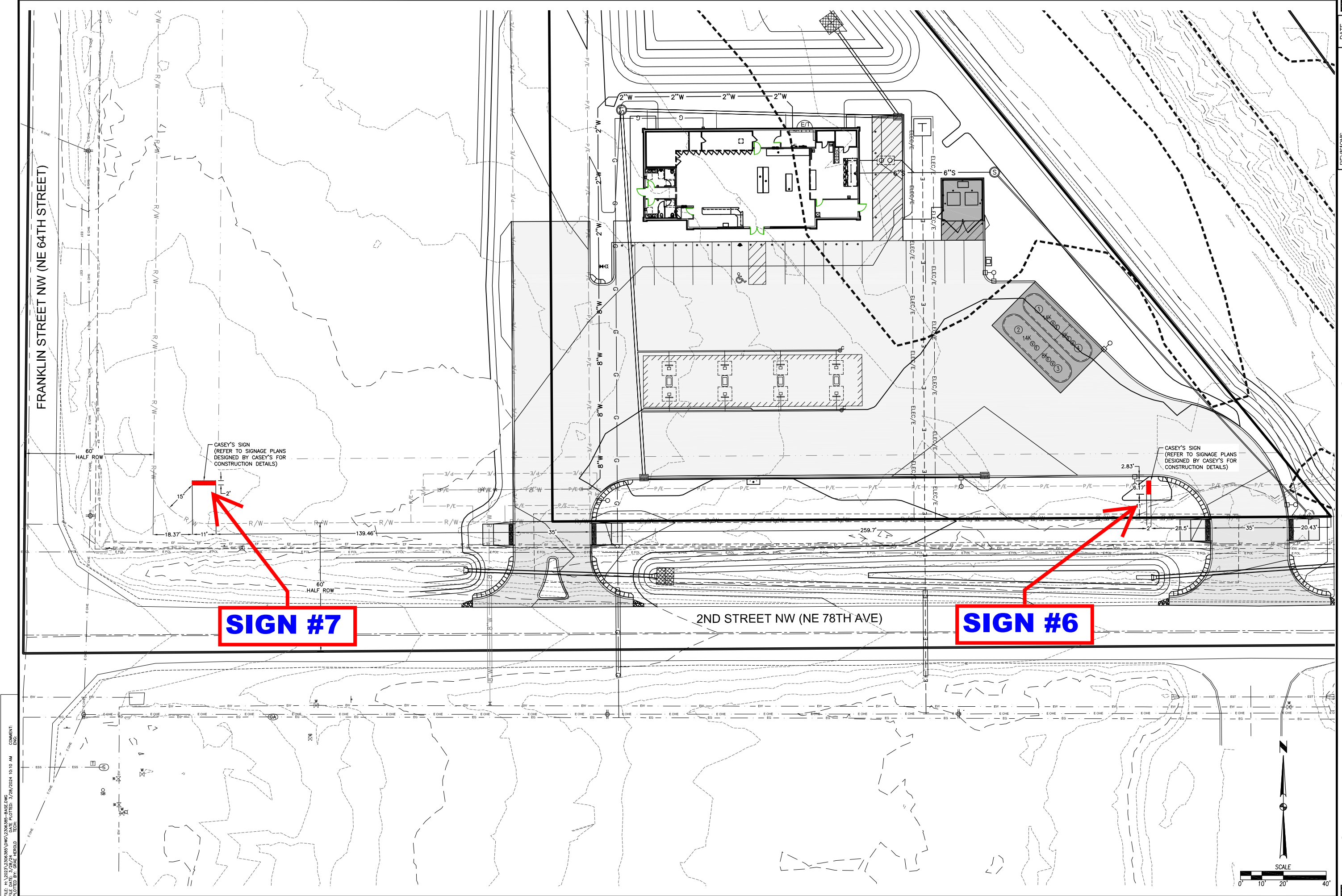
- TENANT CABINET FED BY SEPARATE ELEC.
- CABINETS ARE BLACK IN COLOR



**BONDURANT, IA #4396**  
**MONUMENT SIGN**

**DRAWN BY:**  
 J. CLARK

**DATE:**  
 04-01-24



FILE: H:\2023\2306385\WORK\2306385-BASE.DWG  
 COMMENT: 2306385-BASE.DWG  
 PLOTTED BY: GAC HEROLD  
 DATE: 3/29/2024 10:10 AM  
 TECH:

DATE	REVISIONS
03/28/2024	PREPARED

4121 NW URBANDALE DRIVE  
 URBANDALE, IA 50322  
 PHONE: (515) 369-4400

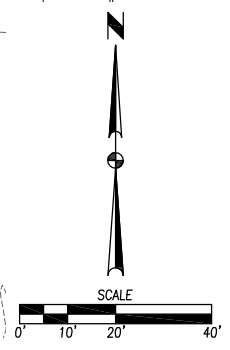


BONDURANT, IOWA  
 ENGINEER: EKO  
 ENGINEER: GH

# CASEY'S - STORE #4396

## SIGN EXHIBIT

1/1  
 2306.385  
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**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.b.  
For Meeting of 5/14/2024  
**Resolution**

**TITLE:** Resolution BA-240514-03 - Case Number 101 - request for a variance to Sections 181.07 and 181.08.04. of the Zoning Code to allow for four wall signs and two monument signs.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** Please see item 5.a.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:**

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. Resolution BA-24-0514-03 - Case #101

**BOARD OF ADJUSTMENT PERMIT  
VARIANCE**

**Date:** May 14, 2024      **Case Number:** BA-240514-03 (#101)

**Name:** City of Bondurant

**Address:** 1130 2<sup>nd</sup> Street NW

**Legal Description:** A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF BONDURANT, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 89°38'28" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 247.24 FEET; THENCE NORTH 00°21'32" WEST, 60.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°21'32" WEST, 305.14 FEET; THENCE SOUTH 89°25'05" EAST, 117.79 FEET; THENCE SOUTH 39°20'19" EAST, 390.04 FEET; THENCE SOUTH 89°38'28" WEST, 363.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.68 ACRES (73,020 SQUARE FEET).

THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

**IS HEREBY GRANTED A VARIANCE** to Section 181.07. and 181.08.04. of the Zoning Code to allow for four wall signs, one on the building and three on the canopy, and two monument signs, one being an off-premise multi-tenant monument sign.

All construction activities covered by this Variance Permit shall be done in strict accordance with the written application.

---

Greg Hanson, Chairperson



**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.c.  
For Meeting of 5/14/2024  
**Public Hearing**

**TITLE:** PUBLIC HEARING - Case Number 102 - request for a variance to Section 177.04. of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13th Street SE.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** The City has received a variance request for property located at 806 13<sup>th</sup> Street SE. The submitted variance request is to allow for a variance to Section 177.04. of the Zoning Code to allow for an accessory structure to be located in the side yard. The proposed accessory structure would be 120 square feet and meet required setbacks.



Tyler Trecker is requesting a variance to place a 120 square foot accessory structure in his side yard. Section 177.04 states no accessory structure shall be located in any other yard than the rear yard.

The applicant states the proposed accessory structure will be at least 6' from the primary structure and at least 10' from the side property line. The proposed accessory structure's maximum height would also be less than 12'. The applicant has submitted a site plan showing where the proposed accessory structure would be placed.

**Analysis:**

Chapter 27.02 of the City Code provides the required review criteria by the Board of Adjustment for variance requests. The City Code notes that a variance cannot be granted unless the Board finds that all of the following five questions can be answered favorably for this request. These review criteria are referred to as Findings of Fact. If a board member cannot answer all of these findings favorably for the request, then the board member must vote for denial of the variance. Below is a summary of staff's comments on the required findings of fact relative to this request. Uploaded as an attachment is the applicant's statements on these findings relative to this request.

**1. Can the land in question still yield a reasonable return if the variance was not granted?**

The land in question would still yield a reasonable return if the variance was not granted. The applicant has a sufficient space in the rear yard to construct an accessory structure.

**2. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved?**

Staff feels that special conditions and circumstances do not exist which are peculiar to the property involved. The applicant has a 5' public utility easement along his rear yard. Individuals may place accessory structures within public utility easements.

**3. Do the special conditions and circumstances of Question 2 result from the actions of the applicant, or are they beyond the applicant's control?**

Staff does not feel there are special conditions and/or circumstances that exist which are peculiar to the building involved.

**4. Will granting the variance confer on the applicant any special privilege that is denied to other lands, structures, or buildings?**

Staff does feel that granting a variance will confer on the applicant a special privilege due to the answers listed in Questions 2 and 3.

**5. Will granting the variance alter the essential character of the land in question?**

Staff does not feel that granting this variance will alter the essential character of the land in question.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:** The following options exist for the Board of Adjustment:

1. Approval of BA-240514-04 regarding approval of the variance request to Section 177.04. of the Zoning Code to allow for an accessory structure to be placed in the side yard.
2. Approval of BA-240514-04 regarding approval of the variance request to Section 177.04. of the Zoning Code to allow for an accessory structure to be placed in the side yard., subject to appropriate conditions and safeguards as allowed by Chapter 27 of the City Code.
3. Deny BA-240514-04 regarding approval of the variance request to Section 177.04. of the Zoning Code to allow for an accessory structure to be placed in the side yard.
4. Table BA-240514-04 pending additional input.

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. Case 102 - Trecker - Variance Application Packet





**City of Bondurant**  
 Planning and Community Development  
 200 2nd St NE, Bondurant, Iowa 50035  
 (515) 967-2418 • planning@cityofbondurant.com

# BOARD OF ADJUSTMENT APPLICATION

## Property Owner

Full Name **Tyler Trecker**  
 Address **One SE Convenience Blvd**  
 City **Bondurant** State **IA** Zip **50035**  
 Phone **712-830-5598** Email **tyler.trecker@gmail.com**

## Applicant (if not Property Owner)

Full Name  
 Address  
 City State Zip  
 Phone Email

### CONDITIONAL USE PERMIT

**Submittal Requirements:**

*All submittal requirements must be completed. Incomplete applications will not be considered.*

Property Address or Parcel ID Number:

Completed Application

Filing Fee: \$350

Written narrative indicating the conditional use sought and response to criteria outlined for said conditional use.

Legal Description of Subject Parcel(s)

Other information as required

### ✗ VARIANCE

**Submittal Requirements:**

*All submittal requirements must be completed. Incomplete applications will not be considered.*

Property Address or Parcel ID Number:

**231/00220-092-019**

- ✓ Completed Application
- ✓ Filing Fee: \$350
- ✓ Site plan and Elevations (when applicable)
- ✓ Written narrative indicating justification for the proposed variance in relation to findings of fact outlined in the City of Bondurant's Code of Ordinances in Section 27.02.2. (see page 2)
- ✓ Legal Description of Subject Parcel(s)

Other information as required

The undersigned hereby certifies that all information provided is complete and accurate to the best of the undersigned's knowledge, and that all information required by this application or by the Board's staff on its behalf has been provided.

Signature

Date

4/26/2024

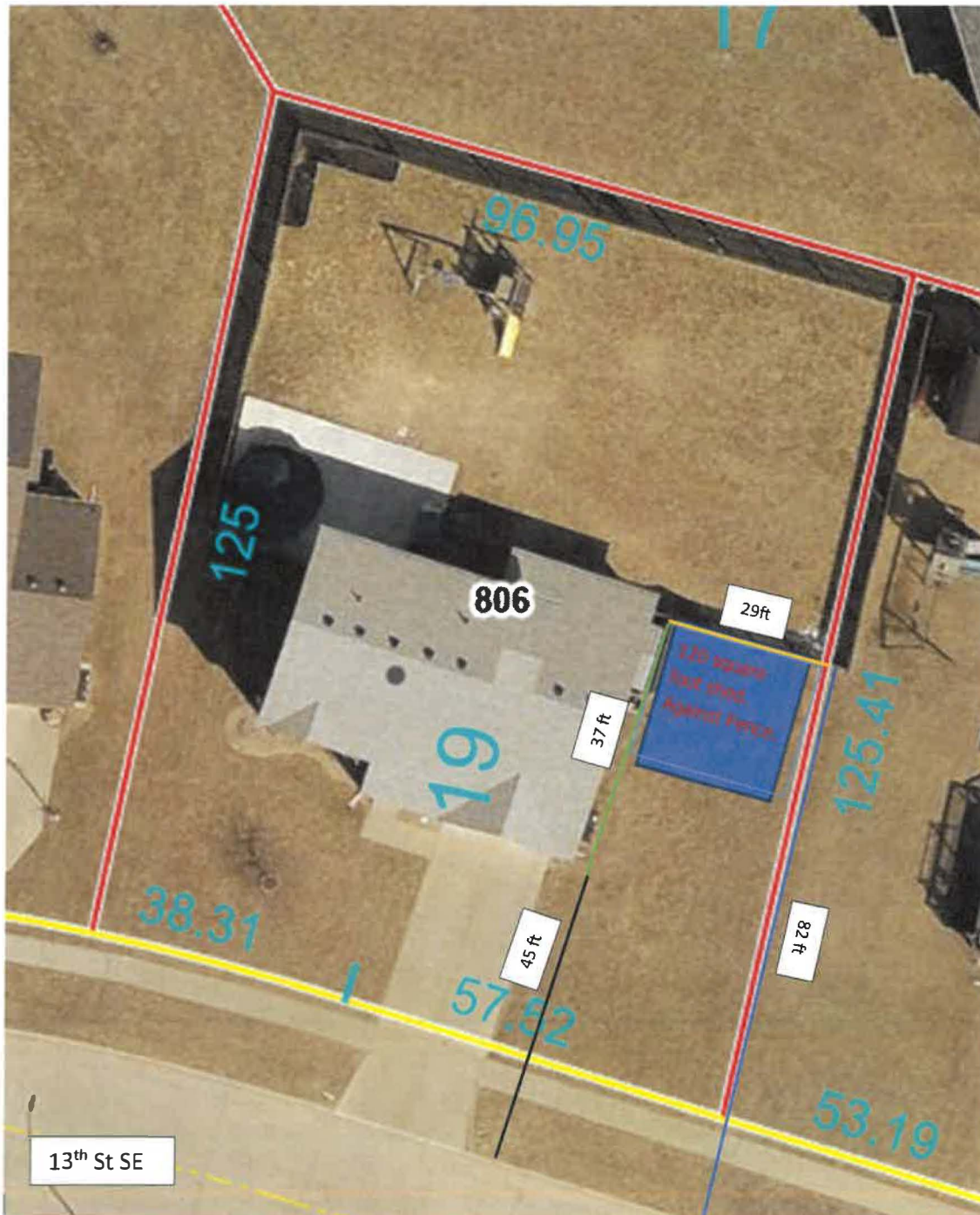
FOR OFFICE USE ONLY

BOA Agenda Date

Case No.

Received Date

**Site Plan-**



- Proposed 120 square foot shed in blue box. Will stay under the 12-foot maximum height.
- Will be 6 feet from house and 10 feet from property line as required. Will also be backed up against the current fence (orange line 29ft).
  - Fence to road 82 ft (blue line).
  - Fence to front of house 37 ft (green line).
  - Front of house to road 45ft (black line).

**Finding of Facts-**

1. Can the land in question still yield a reasonable return if the variance was not granted?  
Yes.
  
2. Do special conditions and circumstances exist which are peculiar to the land, structure or building involved?  
Would like to keep space in back yard as it is fenced in and safer for my kids to play but have plenty of room to fit this shed in my side yard. Fence would also make it difficult to get a prebuilt shed in back yard.
  
3. Do the special conditions and circumstances of Question 2 result from the actions of the applicant or are they beyond the applicant's control?  
Yes, applicant's desire to put shed in side yard.
  
4. Will granting the variance confer on the applicant any special privilege that is denied to other lands, structures or buildings relative to the property?  
No, others have sheds in side yard and can request same variance.
  
5. Will granting the variance alter the essential character of the land in question?  
No.

# Polk County Assessor

111 Court Avenue #195  
Des Moines, IA 50309-0904

(515) 286-3014 Fax (515) 286-3386  
[polkweb@assess.co.polk.ia.us](mailto:polkweb@assess.co.polk.ia.us)

Location					
<b>Address</b>	806 13TH ST SE				
<b>City</b>	BONDURANT	<b>Zip</b>	50035	<b>Jurisdiction</b>	Bondurant
<b>District/Parcel</b>	231/00220-092-019	<b>Geoparcel</b>	8022-31-451-008	<b>Status</b>	<u>Active</u>
<b>School</b>	Bondurant-Farrar	<b>Nbhd/Pocket</b>	BN01/E3	<b>Tax Authority Group</b>	BON-C-BOF-770004
<b>TIF</b>	25/BONDURANT UR	<b>Submarket</b>	Northeast Des Moines	<b>Appraiser</b>	Todd Griffith 515-286-2213

### Map and Current Photos - 1 Record

Use Cyclomedia Panorama -

**Click on parcel to get a new listing**

[Bigger Map](#) [County GIS](#) [Auditor](#)  
[Google Map](#) [Pictometry](#)

**Photo Processed on photodate=2012-09-18 label=a**

Historical Photos

### Ownership - 2 Records

Ownership	Num	Name	Recorded	Book/Page
Title Holder	1	TRECKER, TYLER J	2014-02-18	<u>15107/49</u>
Title Holder	2	PERRY, MAGGIE L	2014-02-18	<u>15107/49</u>

### Legal Links For Subdivisions, Condominiums, and Plats of Survey

[CLARENCE OLESON VISTA ESTATES PLAT 4](#)

### Legal Description and Mailing Address

LOT 19 CLARENCE OLESON VISTA ESTATES PLAT 4	TYLER J TRECKER 806 13TH ST SE BONDURANT, IA 50035-4433
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### Current Values

Type	Class	Kind	Land	Bldg	Total
2023 Value	Residential	Full	\$58,900	\$228,400	\$287,300

[Market Adjusted Cost Report](#)

### Auditor Adjustments to Value

Category	Name	Information
2023 Homestead Credit	TRECKER, TYLER J	Application #310934

### Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning

**Anna Johnson**

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**From:** noreply@incode.tylerhosting.cloud  
**Sent:** Friday, April 26, 2024 8:18 AM  
**To:** Anna Johnson  
**Subject:** Receipt #R00097333

+  
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DATE : 4/26/2024 8:16 AM  
OPER : Front Desk  
TKBY : Front Desk  
TERM : 1  
REC# : R00097333  
PZREV2 BOA VARIANCE  
806 13TH ST SE TYLER TRECKER BOA FEE 350.00  
  
Paid By:806 13TH ST SE TYLER TRECKER BOA FEE Check 350.00 REF:564



**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.d.  
For Meeting of 5/14/2024  
**Resolution**

**TITLE:** Resolution BA-240514-04 - Case Number 102 - request for a variance to Section 177.04. of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13th Street SE.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** See item 5.c.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:**

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. Resolution BA-240514-04 - Case #102

**BOARD OF ADJUSTMENT PERMIT  
VARIANCE**

**Date:** May 14, 2024      **Case Number:** BA-240514-04 (#102)

**Name:** City of Bondurant

**Address:** 806 13<sup>th</sup> Street SE

**Legal Description:**

LOT 19 CLARENCE OLESON VISTA ESTATES PLAT 4.

**IS HEREBY GRANTED A VARIANCE** to Section 177.04. of the Zoning Code to allow for the placement/construction of an accessory structure in the side yard on property located at 806 13<sup>th</sup> Street SE and located in a Medium Density Residential (R-2) District.

All construction activities covered by this Variance Permit shall be done in strict accordance with the written application.

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Greg Hanson, Chairperson



**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.e.  
For Meeting of 5/14/2024  
**Public Hearing**

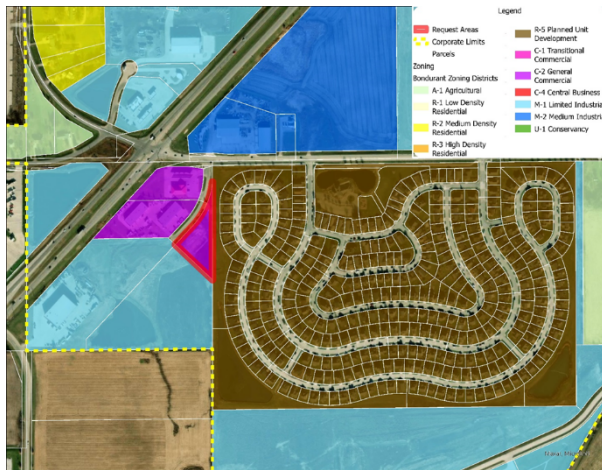
**TITLE:** PUBLIC HEARING - Case Number 103 - request for a conditional use for a automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** The City of Bondurant is in receipt of a conditional use permit request to allow for an automotive and farm implement display, sales, service and repair or like business at 3410 Henry Street SW, Lot 3 Clement Estates Plat 2. The site is currently developed and has a commercial building on-site, no business has occupied this space to date. The area highlighted below shows the proposed location.



The figure below shows the property outlined in red with the current City zoning map. .



The site is currently zoned General Commercial (C-2). A site plan for this site was approved by the Planning and Zoning Commission at their August 11, 2022 meeting and approved by City Council at their August 15, 2022 meeting. The property has been unoccupied to date. The applicant, Mid Country Property Management LLP, is proposing to use the building for office space with incidental storage of equipment on site. Some of this storage may be temporary placed outside, any outdoor storage must be properly screened. The applicant’s proposal is considered a like business to automotive and farm implement display, sales, service and repair as defined by Section 178.08.3.D. of the Zoning Code. Public hearing notice was mailed to all properties within 200-feet of the subject property, any correspondence from neighbors will be relayed at the Board of Adjustment meeting.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:** After review and discussion of the conditional use permit request, the Board may take any of the following actions:

1. Approve Resolution BA-240514-05 regarding a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located at 1410 Henry Street SW in a General Commercial (C-2) District.
2. Approve Resolution BA-240514-05 regarding a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located at 1410 Henry Street SW in a General Commercial (C-2) District., with conditions of approval established by the Board..
3. Deny Resolution BA-240514-05 regarding a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located at 1410 Henry Street SW in a General Commercial (C-2) District.
4. Table the request pending additional information or comment from the public.

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:** None



**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.f.  
For Meeting of 5/14/2024  
**Resolution**

**TITLE:** Resolution BA-240514-05 - Case Number 103 - request for a conditional use for a automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** See item 5.e.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:**

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. Resolution BA-240514-05 - Case 103

**BOARD OF ADJUSTMENT PERMIT  
CONDITIONL USE PERMIT**

**Date: May 14, 2024 Case Number: 103**

**Name: Mid Country Property Management LLP**

**Address: 3410 Henry Street SW**

**Legal Description: LOT 3 CLEMENT ESTATES PLAT 2.**

**IS HEREBY GRANTED A CONDTIONAL USE PERMIT** to allow for the conditional use of automotive and farm implement display, sales, service and repair or like business on property located at 3410 Henry Street SW and located in a General Commercial (C-2) District.

All construction activities covered by this Conditional Use Permit shall be done in strict accordance with the written application.

\_\_\_\_\_  
Greg Hanson, Chairperson

ATTEST: I, Isaac Pezley, City Planner, hereby certify that at a meeting of the Board of Adjustment held on May 14, 2024, among other proceedings the above was approved.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

\_\_\_\_\_  
Isaac J. Pezley, City Planner