

**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/>*

**NOTICE OF A REGULAR MEETING
BONDURANT BOARD OF ADJUSTMENT
AUGUST 13, 2024**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 5:00 PM on August 13, 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. July 11, 2024 Minutes
5. **Action Items**
 - a. Public Hearing - BA-240813-06 regarding approval of the variance request to Section 177.02 of the Zoning Code to allow for a 6-foot tall wood fence to be placed in the street-side yard and front yard.
 - b. Resolution - BA-240813-06 regarding approval of the variance request to Section 177.02 of the Zoning Code to allow for a 6-foot tall wood fence to be placed in the street-side yard and front yard.
6. Adjournment

City of Bondurant

Board of Adjustment
200 2nd St NE, PO Box 37
Bondurant, IA 50035



Meeting Minutes

DATE: June 11, 2024

1. Call to Order 5:00 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, Matt Farver, Jon Klein

Members Absent: Jolita Uthee

City Officials Present: City Planner, Isaac Pezley

3. Perfecting and Approval of the Agenda

Motion by Member Farver, seconded by Member VanWyk to approve of the July 11, 2024, meeting agenda. Vote on Motion 4-0-0. Motion carried.

4. Approval of Minutes

Motion by Member Klein, seconded by Member VanWyk to approve of the May 14, 2024 meeting minutes. Vote on Motion 4-0-0. Motion carried.

5. Action Items

- a. Public Hearing – Case Number 103 – request for a conditional use for an automotive and farm implement display, sales, service and repair or like business on property located in a General Commercial (C-2) District.

Public Hearing opened at 5:01.

Cole Ruge, on behalf of Mid-Country, addressed the Board. Ruge stated the building would be used primarily for office staff with indoor storage of equipment. This equipment will mostly be scissor lifts, which are currently located outside. Ruge stated Mid-Country is experiencing growth and needs additional space for staff and this building works well for office staff. Ruge added the larger site located at 3509 Franklin Street will continue to be where their equipment is stored.

Isaac Brekke, 3312 Locust St SW, and Andrew Trau, 3502 Linden Dr SW, were both in attendance online. Due to technical difficulties, they were unable to hear the conversation or speak to the Board. Trau stated he had concerns regarding heavy equipment noise

and the potential for mechanic-type noise coming from this property. Trau stated if the intention is to use the building for office staff he has no issues with the request.

Board asked staff if they would be allowed to store equipment outside. Pezley stated if the applicant's conditional use is approved they would be allowed to perform any of the uses stated in the "automotive and farm implement display, sales, service and repair or like business" unless the Board placed further restrictions on the request. Pezley stated any outdoor storage would be subject to outdoor storage screening requirements in the Zoning Code. Pezley stated if Mid-Country were to change uses or leave the site they, or the new property users, would need to come back and apply for another conditional use.

Public Hearing closed at 5:21.

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

Motion by Member Klein, seconded by Member VanWyk, to approve Resolution No. BA-240514-05.

Roll Call – Ayes:, Member VanWyk, Member Farver, Member Hanson, Member Klein
Nays: None. Absent: Member Uthee. Vote on Motion 4-0-0. Motion carried.

8. Adjournment

Motion by Member VanWyk, seconded by Member Hanson to adjourn the July 11, 2024, meeting. Vote on Motion 4-0-0. Motion carried.

Meeting adjourned at 5:23.



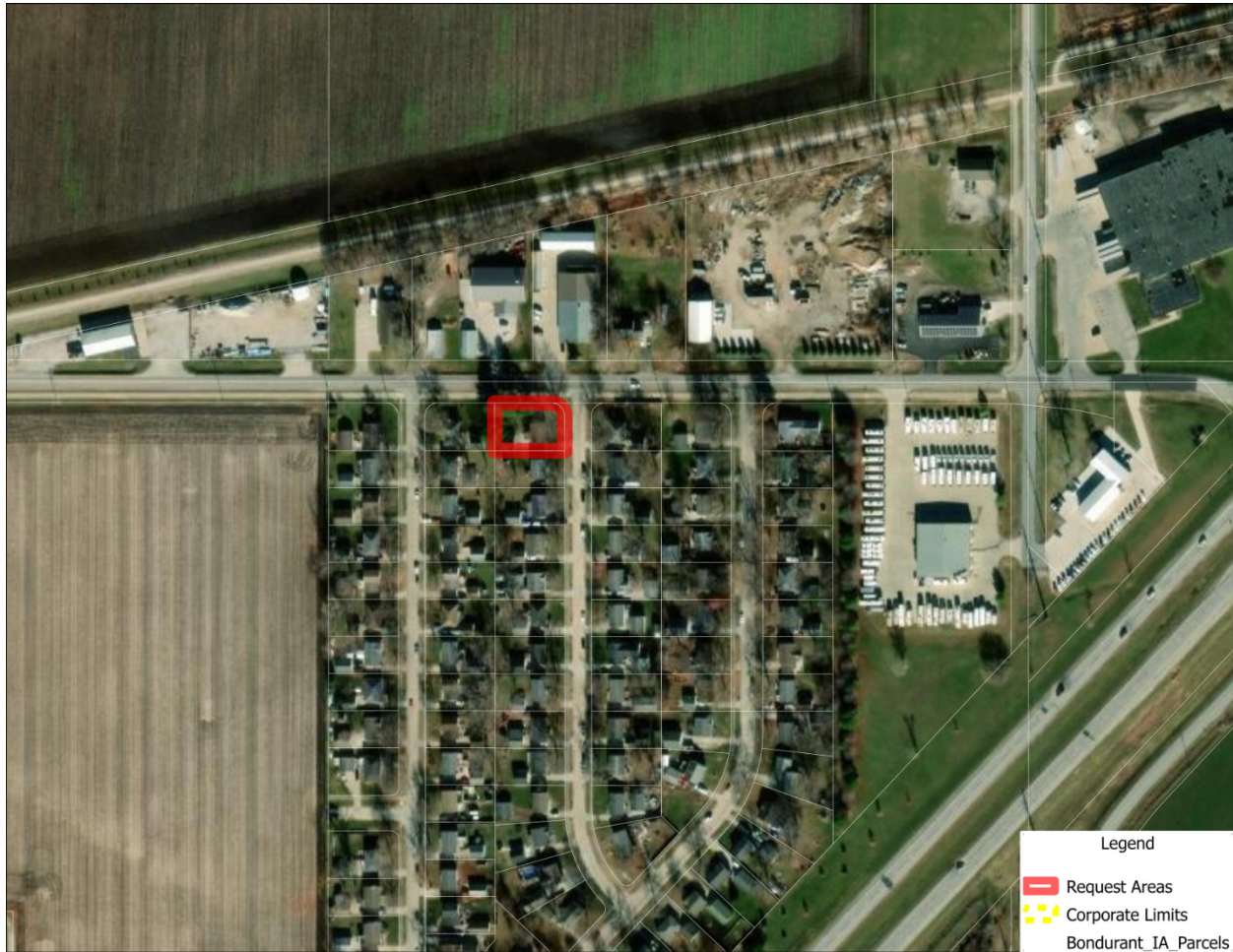
**BUSINESS OF THE BOARD OF ADJUSTMENT
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 5.a.
For Meeting of 8/13/2024
Public Hearing

TITLE: Public Hearing - BA-240813-06 regarding approval of the variance request to Section 177.02 of the Zoning Code to allow for a 6-foot tall wood fence to be placed in the street-side yard and front yard.

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS: The City has received a variance request for property located at 148 Patterson Street SE. The submitted variance request is to allow for a variance to Section 177.02. of the Zoning Code to allow for a 6-foot tall wooden fence to be located in the street-side yard and front yard. The property in questions is highlighted in red below.



Steve Apland is requesting a variance to place a 6-foot tall wooden fence in his street-side yard adjacent to 2nd Street NE. Section 177.02.01 states no fence shall exceed 48-inches in height when located in the street side yard of a corner lot or a front yard area.

The applicant states the proposed fence will be at least 16' from the street-side yard that is adjacent to 2nd Street NE. The proposed fence would also partially extend into the front yard. The applicant has submitted a site plan showing where the proposed fence would be placed as well as how far the proposed fence will be located from the northern property line and the primary structure.

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 available land located in the rear yard where a 6' privacy fence could be placed. The code also allows for the construction of a 4' fence in the street-side yard and front yard areas.

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. 2nd Street NE is a major thoroughfare through Bondurant. Staff acknowledges most residential properties located on corner lots are not subject to the amount of traffic 2nd Street NE carries. This does not constitute a special condition as numerous other residential properties either front or abut 2nd Street NE/NW and have constructed fences that meet City Code requirements.

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 property 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. However, previous property owners have submitted variance requests to construct fences in the street-side yard that have been approved by the Board of Adjustment.

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. This area is an established residential district and the construction of the requested fence will not alter the character of the subdivision. It is staff's opinion that the construction of the requested fence will not alter the ability to safely navigate the intersection of Patterson Street SE and 2nd Street SE, nor will it affect a driver's ability to view pedestrians along the existing walking trail along 2nd Street SE.

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. BOA Permit - Case #104

2. 148 Patterson St SE - Fence Permit Application
3. 148 Patterson St SE - Variance Application
4. Variance Applicant Written Narrative
5. Applicant Picture #1
6. Applicant Picture #2
7. Applicant Picture #3
8. Applicant Picture #4
9. Applicant Picture #5

**BOARD OF ADJUSTMENT PERMIT
VARIANCE**

Date: August 13, 2024 **Case Number:** BA-240813-04 (#104)

Name: City of Bondurant

Address: 148 Patterson St SE

Legal Description:

LOT 24 PAINE HEIGHTS PLAT 2.

IS HEREBY APPROVED/DENIED A VARIANCE to Section 177.02. of the Zoning Code to allow for the placement/construction of a fence in the street side yard on property located at 148 Patterson 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.

Greg Hanson, Chairperson

Submit Application to: info@cityofbondurant.com



City of Bondurant

FENCE PERMIT

\$65.00

200 Second St NE, PO Box 37 Bondurant, IA 50035 | Ph: 515-967-2418

Bondurant

TYPE OF FENCE: Wooden Chain Link Metal PVC-Plastic DATE: 6-10-2024

FENCE HEIGHT: 4' 6' Other: _____

See Page 2 for information on the Zoning Code's allowable fence height requirements.

LOCATION

CONTRACTOR

ADDRESS: 148 Patterson St SE
 NAME: Steve Apland
 PHONE: 515-249-0431
 EMAIL: Steve.Apland@gmail.com
 RESIDENTIAL NON-RESIDENTIAL

COMPANY: Bos Fencing
 ADDRESS: 309 Court Ave #247
Des Moines IA 50309
 PHONE: 515-238-2671
 EMAIL: bosfencing@gmail.com
 CONTACT NAME: Travis Bos

Drainage Easement Yes No
 If yes then a 3" gap is required between the ground and the bottom of solid wood, PVC, and metal fencing to allow for water flowage (in the easement area). Questions? Email planning@cityofbondurant.com

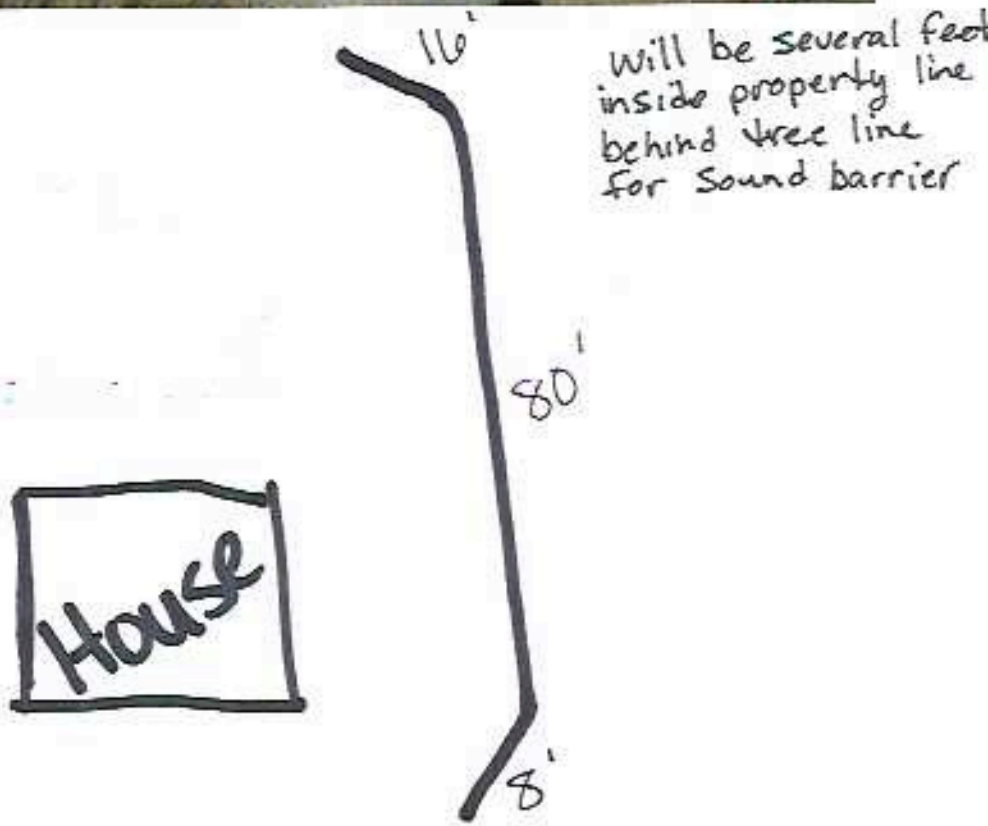
City Code Requirement Notes (Chapter 177.02):
 A site plan must be included as part of your fence permit application. You may use Page 2 for this requirement.
 Confirming property lines, easements, and private restrictive covenants are strictly the responsibility of the property owner and/or contractor.
 The finished surfaces of the fence shall face out toward adjacent properties and street frontages; meaning the supporting posts, rails, and other such supporting elements must face the property on which the fence is located.
 If there is a transformer or utility pedestal proposed for enclosure within the fencing area, a gate or removable panel shall be incorporated into the design of the fence to ensure continued access back to such utility.
 The following minimum fence setbacks shall be required for any existing electrical transformers or utility pedestals either on the property or within close proximity: at least 10' away from the front panels of such utilities and at least 3' away from the remaining sides. Alternatively a removable panel may be installed to meet these setback requirements.
 Easements - fences constructed within utility easement areas are at risk; meaning the City is not responsible for repair/ replacement should access ever be needed to the utilities within the easement area. See Drainage Easement section above for requirements specific to this type of easement.
 Per State law, a property owner and/or contractor shall notify Iowa One Call by calling "811" or 1-800-292-8989 prior to digging.
 Upon completion of project, a property owner and/or contractor shall contact Veenstra & Kimm to at (515) 225-8000 or at Jvan@v-k.net to schedule the required inspection.

Acknowledgment: I, the undersigned, declare that to the best of my knowledge all of the information given in this application is true and correct, and further agree that all work done under this permit will be done in compliance with all applicable City Code fence requirements.

Travis Bos
Signature of Owner/Contractor

X _____
Building Official Approval

6-10-2024
Date





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 Steven Apland
 Address 148 Patterson St SE
 City Bondurant State IA Zip 50035
 Phone 515 2490431 Email Steve.Apland@gmail.com

Applicant (if not Property Owner)

Full Name Bos Fencing LLC
 Address 3225 Birch St SW
 City Bondurant State IA Zip 50035
 Phone 5152382671 Email BosFencing@yahoo.com

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: _____

148 Patterson St SE Bondurant IA 50035

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

[Handwritten Signature]

Date

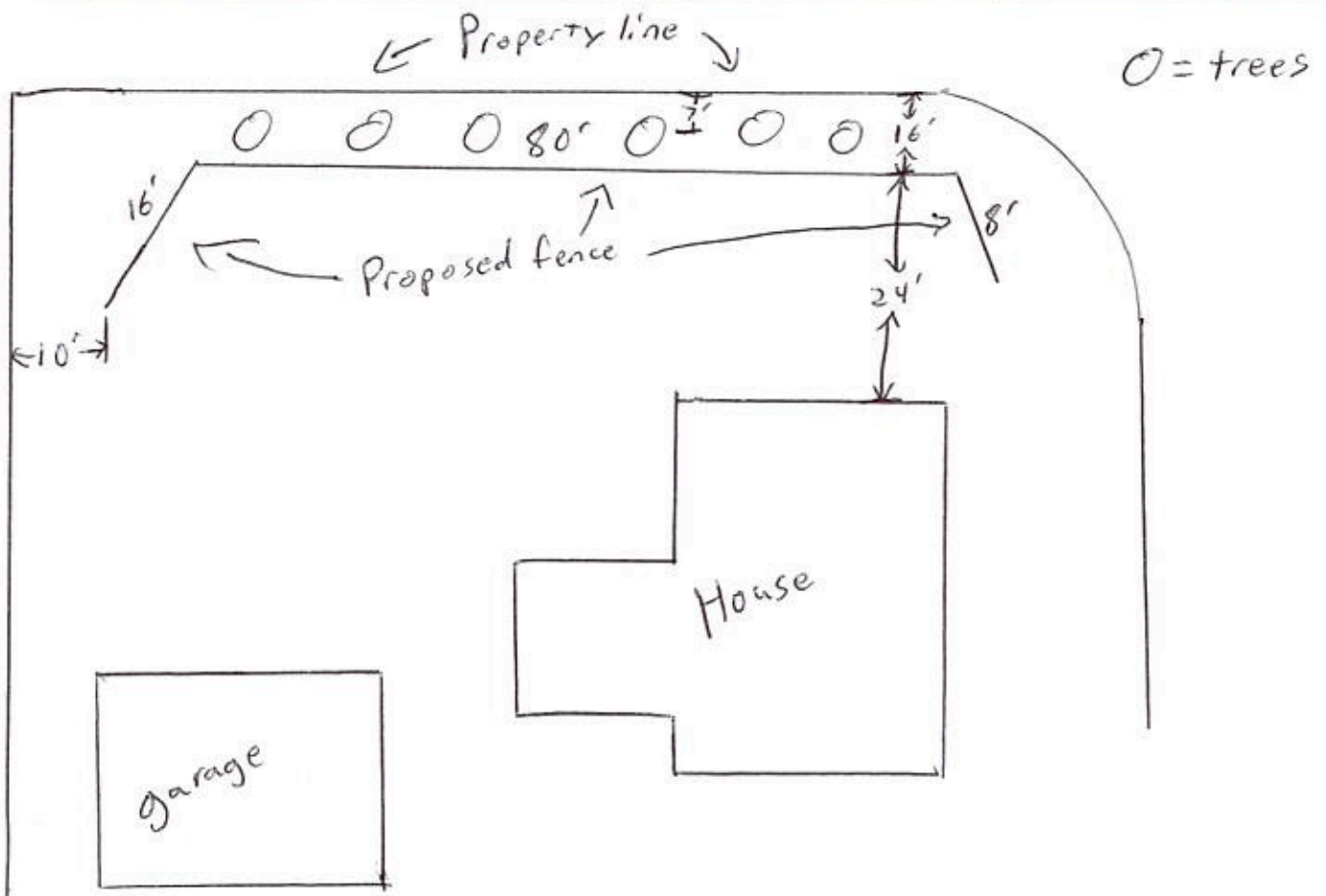
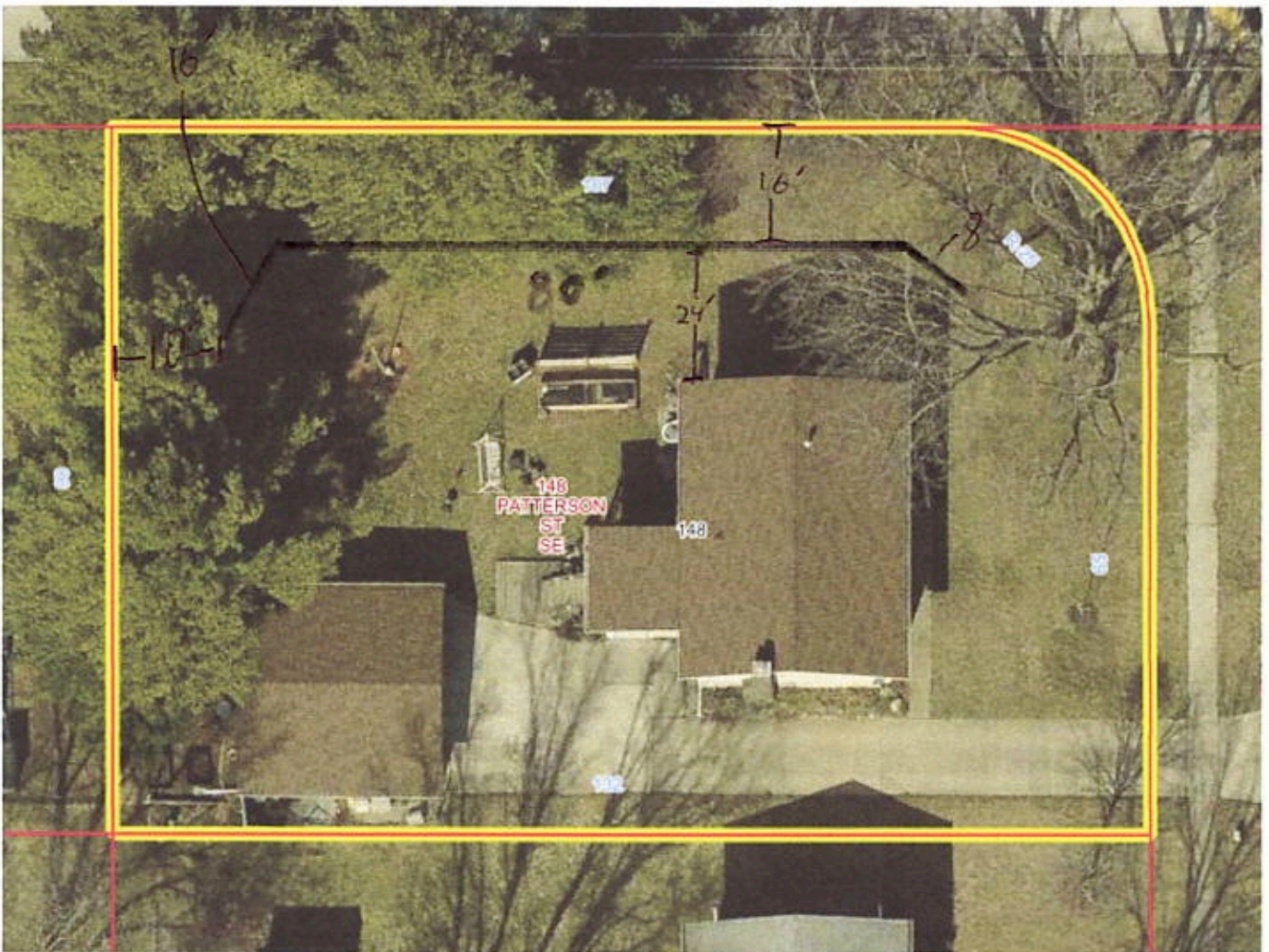
07/11/24

FOR OFFICE USE ONLY

Received Date

Case No.

BOA Agenda Date



Variance Narrative Statement

Property owner – Steven Apland
Address – 148 Patterson St SE, Bondurant, IA 50035
Property owner number – 5152490431
Property owner email – Steve.Apland@gmail.com

Contractor – Bos Fencing LLC
Address – 3225 Birch St SW, Bondurant, IA 50035
Contractor phone number – 5152382671
Contractor email – bosfencing@gmail.com

To whom it concerns,

Steven Apland is asking to install his fence on the north side of his property in his second frontage lot, but within his property lines and within his trees on his property. The fence does not affect any visibility triangles and is along a major roadway through Bondurant known as 2nd St NE. There is a lot of noise from the traffic that passes by and from the commercial buildings to the north. Along with the traffic and not having any privacy on his property there are the commercial buildings that hold gatherings or are rented out to people/ organizations through the community that involve children and adults. Some of those events do last later into the night and have a clear view of his property and his family enjoying their evenings.

This fence is not a perimeter fence and is well within his yard. The fence would add privacy to his own property and reduce the noise from 2nd st NE. It would help keep his family safer and able to keep people from looking in on his property allowing his family to enjoy their evenings without unnecessary stress from neighboring properties or traffic. In my professional opinion it would also add value to his property as any new buyer would

appreciate the privacy and noise reduction from the road and commercial lots across 2nd St NE.

Also the amount of traffic that goes down 2nd St NE a lot. There are empty trailers from small companies to the large commercial company down the road. The evening add more traffic of people going to and from baseball/soccer games and practice at Lake Petocka. Please grant this as it will add privacy from the road, potentially add value to the property when sold, and also give the property a better appearance from the road adding to the cities care for their citizens and frontage lots along major roadways throughout the city. Other cities do allow fences like proposed along major roads inlet/outlets of the city.

Thank you,

Bos Fencing LLC

Travis Bos – Owner

5152382671

bosfencing@gmail.com













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

Item No. 5.b.
For Meeting of 8/13/2024
Resolution

TITLE: Resolution - BA-240813-06 regarding approval of the variance request to Section 177.02 of the Zoning Code to allow for a 6-foot tall wood fence to be placed in the street-side yard and front yard.

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS: Please see Item 5.a.

FUNDING SOURCE:

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

1. Approval of BA-240813-06 regarding approval of the variance request to Section 177.02. of the Zoning Code to allow for 6-foot tall wood fence to be placed in the street-side yard and front yard.
2. Approval of BA-240813-06 regarding approval of the variance request to Section 177.02. of the Zoning Code to allow for 6-foot tall wood fence to be placed in the street-side yard and front yard, subject to appropriate conditions and safeguards as allowed by Chapter 27 of the City Code.
3. Deny BA-240813-06 regarding approval of the variance request to Section 177.02. of the Zoning Code to allow for 6-foot tall wood fence to be placed in the street-side yard and front yard.
4. Table BA-240813-06 pending additional input.

APPROVED FOR SUBMITTAL:

ATTACHMENTS: None