

**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/87451433209>*

**NOTICE OF A REGULAR MEETING
BONDURANT BOARD OF ADJUSTMENT
OCTOBER 8, 2024**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 5:00 PM on October 8, 2024, in the Bondurant Community Library, 104 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. August 13, 2024 Minutes
5. **Action Items**
 - a. Case 103 - MidCountry Machinery Conditional Use Permit
6. Adjournment

City of Bondurant

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



Meeting Minutes

DATE: August 13, 2024

1. Call to Order 5:22 p.m.

Board Members and City Staff gave brief introductions.

Place Bondurant City Library (106 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: Diane VanWyk, Matt Farver, Jolita Uthee

Members Absent: Greg Hanson, Jon Klein

City Officials Present: City Planner, Isaac Pezley

3. Perfecting and Approval of the Agenda

Motion by Member Uthee, seconded by Member VanWyk to approve of the August 13, 2024, meeting agenda. Vote on Motion 3-0-0. Motion carried.

4. Approval of Minutes

Motion by Member VanWyk, seconded by Member Uthee to approve of the July 11, 2024 meeting minutes. Vote on Motion 3-0-0. Motion carried.

5. Action Items

- a. Public Hearing – Case Number 104 – request for a variance 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.

Public Hearing opened at 5:24.

Travis Bos with Bos Fencing, contractor and representative for the applicants, provided the Board an overview of the variance request. Pezley stated it is staff's opinion this property does not have a unique aspect as there are corner lots all over town. However, Pezley acknowledged the Board of Adjustment recently approved a variance request to allow for a fence to be placed in the street side yard setting a precedence. Pezley stated if the Board were to make a similar motion staff would request the portion of the fence extending into the front yard should be required to meet current fence height requirements. The applicants stated they had no issue building this section at 4-feet.

Farver stated he would prefer the fence to be closer to the north property line as it would look more in line with the fences of adjacent properties. Farver asked if there was a

reason the fence is proposed to be placed 16' from the property line. Bos stated there are existing mature trees along the northern property line, the fear is placing the fence closer to these trees may result in hitting tree roots and killing these trees. Farver stated that made sense and asked staff if a zoning code change to allow for fences in the street side yard would set a standard for setbacks. Pezley stated yes, if this variance is approved, staff would look at how other communities regulate fences in the street-side yard.

VanWyk asked for clarification of which portion of the fence was located in the front yard. Bos pointed out the portion located in the front yard. Uthee asked for clarification that the proposed fence was not enclosing the rear yard. Bos stated that is correct, the fence is serving more as a sound barrier.

Public Hearing closed at 5:39.

- g. Resolution BA-240813-06 – Case Number 104 – Motion on request for a 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.

VanWyk stated she has no issue with approving the variance but does not want to allow for the 6' fence to be placed in the front yard, Uthee and Farver agreed. The applicant stated they have no issue building that portion of the fence at 4-feet.

Motion by Member VanWyk, seconded by Member Uthee, to approve the amended Resolution No. BA-240813-06.

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

8. Adjournment

Motion by Member Farver, seconded by Member Uthee to adjourn the August 13, 2024, meeting. Vote on Motion 3-0-0. Motion carried.

Meeting adjourned at 5:43.



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

Item No. 5.a.
For Meeting of 10/8/2024
Discussion Item

TITLE: Case 103 - MidCountry Machinery Conditional Use Permit

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS: The Board of Adjustment voted to approve a Conditional Use Permit for the applicant, MidCountry Machinery, at 3410 Henry Street SW. The approved permit allows for the use of automotive and farm implement display, sales, service and repair or like business on the above-mentioned property. The Conditional Use Permit also included three conditions:

1. Any outdoor storage shall be limited to the existing paved area located in the rear yard;
2. Any outdoor storage area shall be screened from view of the public right-of-way and residential properties by a Type C screen;
3. Any outdoor storage may not exceed 6 feet in height.

Since the Conditional Use Permit has been approved, the applicants have occupied the building and are storing equipment in the front parking lot area. The applicant has stated this equipment should not be considered outdoor storage and should rather be considered equipment display. The applicant states the equipment being stored in the front parking lot area is available for rent and is cycled in and out of the parking lot area on a regular basis. Staff were under the impression the Board's decision was for no outdoor storage or display of equipment anywhere on site other than the paved and screened area behind the building. For this reason, the applicant has requested clarification from the Board.

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. BOARD OF ADJUSTMENT PERMIT - MidCountry - Case 103
2. Meeting Minutes 7.11.2024

**BOARD OF ADJUSTMENT PERMIT
CONDITIONL USE PERMIT**

Date: June 11, 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. All construction activities covered by this Conditional Use Permit must adhere to regulations detailed in the approved site plan for 3410 Henry Street SW including but not limited to:

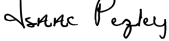
1. Any outdoor storage shall be limited to the existing paced area located in the rear yard.
2. Any outdoor storage area shall be screened from view of the public right-of-way and residential properties by a Type C screen.
3. Any outdoor storage may not exceed 6 feet in height.

Signed by:


 4F5B6BB9A11846D...
 Greg Hanson, Chairperson

ATTEST: I, Isaac Pezley, City Planner, hereby certify that at a meeting of the Board of Adjustment held on June 11, 2024, among other proceedings the above was approved.

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

DocuSigned by:


 064AD5744D46441...
 Isaac J. Pezley, City Planner

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.