

**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/85747169463>*

**NOTICE OF A REGULAR MEETING
BONDURANT BOARD OF ADJUSTMENT
DECEMBER 9, 2025**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 5:00 PM on December 9, 2025, 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 8, 2025 Minutes
5. **Action Items**
 - a. Public Hearing - Resolution BA-251209-02 - Consideration of a variance request to Section 177.02.1. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence located in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW.
 - b. Variance - Resolution BA-251209-02 - Consideration of a variance request to Section 177.02.1. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence located in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW.
6. Adjournment

City of Bondurant

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



Meeting Minutes

DATE: July 8, 2025

1. Call to Order 5:04 p.m.

Board Members and City Staff gave brief introductions.

Place Bondurant City Council Chambers (200 2nd St NE)

2. Roll Call

Members Present: Greg Hanson, Jon Klein, Jolita Uthee

Members Absent: Matt Farver, Diane VanWyk

City Officials Present: City Planner, Isaac Pezley

3. Perfecting and Approval of the Agenda

Motion by Member Uthee, seconded by Member Hanson to approve of the July 8, 2025, meeting agenda. Vote on Motion 3-0-0. Motion carried.

4. Approval of Minutes

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

5. Action Items

- a. Public Hearing– consideration of a variance request to Section 177.02.1. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence in the street-side yard to construct a 6-foot tall fence at 1001 Westridge Street SW.

Public Hearing opened at 5:05.

Pezley provided the Board an overview of the variance request. The applicant is requesting a variance from 177.02.1. of the Zoning Code. Section 177.02.1. states 4-foot tall fences are allowable in the front yard and street-side yard. The Applicant is requesting to place a 6-foot tall fence in the street side yard.

Pezley stated it is staff's opinion there is no special circumstance for this property that warrants a variance. There are many corner lots throughout town that have adhered to the maximum height requirement. Pezley stated staff does recognize the Board has recently approved multiple variance requests to allow 6-foot tall fences in the street-side yard. The Board has required these fences to be at least 10-feet from the street side-yard property line. Pezley stated if the Board approves a variance, staff recommends applying the same setback requirement. If this the Board approves the variance with that stipulation, staff feels the fence would not have a negative impact on the neighborhood.

Pezley stated staff received two phone calls in regard to the variance request. The first phone caller asked questions regarding what the variance request was in regard to, they did not indicate if they were for or against the variance request. The second caller asked questions regarding the placement of the fence in relation to the primary structure, they wanted to ensure the proposed fence would meet the homeowner association's fence requirements. This phone caller also did not state if they were for or against the variance request.

Dillon, with ReVamp Fence and Deck, spoke to the Board on behalf of the applicant. Dillon described the proposed fence job. Dillon stated the fence would come 18-feet off the house. If the variance request is not approved, half of the rear yard (street side yard) would be cut off. The property owner has large dogs that require a 6-foot fence.

Pezley stated if the fence, as proposed, would come 18-feet off the house and leave approximately 13-feet between the fence and the street side-yard property line. Board members had some clarifying questions regarding the diagram submitted to the Board and the dimensions shown on the diagram.

Hanson stated there is a curve in the street (Creekside Drive SW), is there any concern about the placement of a 6-foot tall fence in the street side yard becoming a visual barrier for traffic? Pezley stated it is staff's opinion the proposed fence would be set back far enough that it would not impact traffic visibility on the intersection of Creekside and Westridge.

Public Hearing closed at 5:20.

- b. Resolution BA-250708-01– consideration of a variance request to Section 177.02.1. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence in the street-side yard to construct a 6-foot tall fence at 1001 Westridge Street SW.

Klein stated he is normally against variance request such as this because the Board should not substitute their judgement for the judgement of elected officials. However, the Board has granted similar variances which creates a certain expectation. Klein stated he is also sympathetic of dog owners.

Motion by Member Klein, seconded by Member Uthee, to approve Resolution No. BA-250708-01.

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

- c. Election of Officers

Motion by Member Klein to table, seconded by Hanson.

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

8. Adjournment

Motion by Member Hanson, seconded by Member Uthee to adjourn the July 8, 2025, meeting. Vote on Motion 3-0-0. Motion carried.

Meeting adjourned at 5:25.



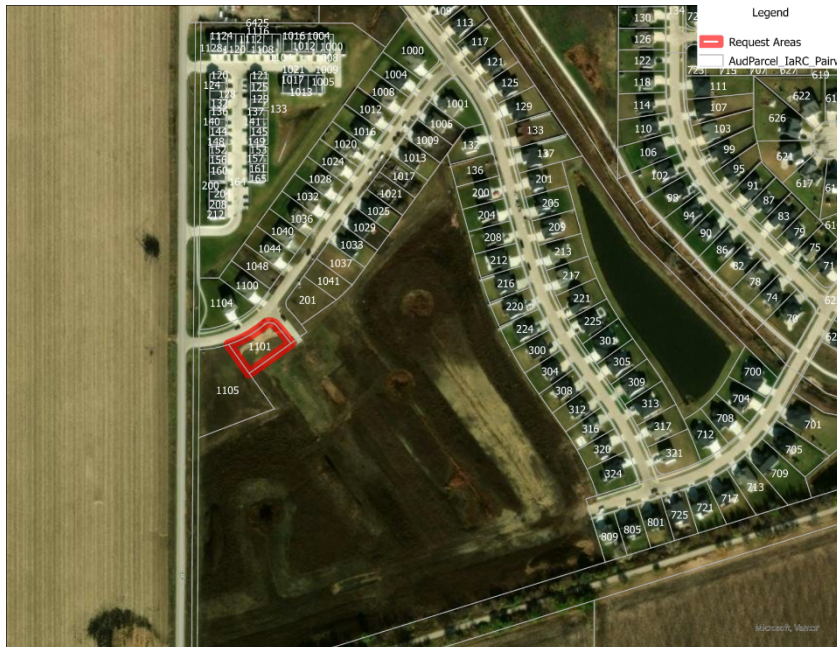
**BUSINESS OF THE BOARD OF ADJUSTMENT
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 5.a.
For Meeting of 12/9/2025
Public Hearing

TITLE: Public Hearing - Resolution BA-251209-02 - Consideration of a variance request to Section 177.02.1. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence located in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW.

CONTACT PERSON:

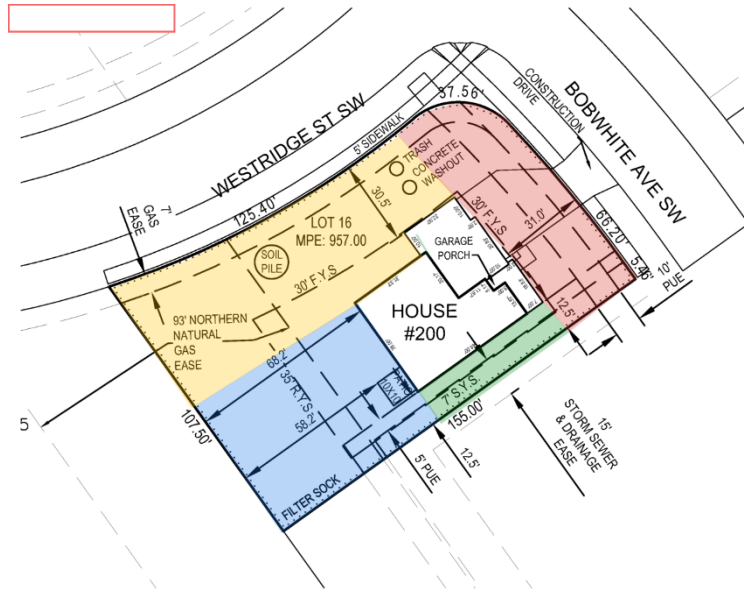
BRIEF HISTORY & ANALYSIS: The City has received a variance request for property located at 200 Bobwhite Avenue SW and described as Lot 16 in Quail Run Plat 4. The submitted variance request is to allow for a variance to Section 177.02. of the Zoning Code to allow for an increase of the maximum fence height requirement in a street-side yard. The variance request is for the construction of a fence with a maximum height of 6' located in the rear and street-side yard of 200 Bobwhite Avenue SW. Section 177.02.1. states a fence maximum height of 4' in street-side yards.



Todd Gaff, 200 Bobwhite Avenue SW, is requesting a variance to allow for the

construction of a 6' fence that will be located in the rear and street-side yard. Section 177.02.01. states the maximum height of fences in a street-side yard is 4'.

The proposed fence would be located in both the rear yard and street side yard of 200 Bobwhite Avenue SW. Gaff is proposing to place a 6-foot tall opaque fence that will partially be located within the street side yard. The proposed fence located in the street side yard would extend 20-feet from the primary structure and be located 10-feet from the street side yard property line. Gaff has indicated he has pets and children and would like the fence to enclose more of property than just the rear yard.



Above is an aerial map showing each yard type at 200 Bobwhite Avenue SW. The red shaded area is the front yard of the property. Green shaded represents the side yard, blue represents the rear yard, and the yellow shaded area represents the street-side yard. Per Section 177.02.01., no fence located in the red- or yellow-shaded areas can be greater than 4' in height. Fences located in the green- and blue-shaded areas may be a maximum of 6' in height.

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?

While the property could still yield a reasonable return without the variance, the existing fence limitations significantly restrict the functional and secure use of the yard due to the lot's layout and the home's placement. Allowing the proposed 6-foot fence would provide a reasonable and practical use of the property—consistent with what would be permitted under the City's draft zoning code update, which anticipates allowing this type of fence configuration.

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

The site's constraints are not common to most properties and are further highlighted by the fact that the City's zoning code update, currently in late-stage drafting, identifies this type of fence placement as acceptable, indicating that the property's current limitations are tied to an outdated standard that is in the process of being corrected.

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?

The following is out of the applicant's control - the City is in the late stages of a complete zoning code update, anticipated for early 2026 adoption, which would allow the proposed fence as currently drafted. The timing of the code update is outside the applicant's influence.

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

No. The forthcoming zoning code update also this configuration, meaning approval would not grant a special privilege but would align the property with standards the City is already preparing to adopt.

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

While each variance request should be treated independently, it is worth noting the Board of Adjustment has approved variances allowing 6-foot fences in the street side-yard as long as said fence is located at least 10-feet from the street side yard property line. This precedence has led staff to include this provision in the upcoming Zoning Code rewrite. It is staff's opinion, that if a variance is granted for this property to allow a 6-foot fence to be located in the street side yard, the fence should be located at least 10' from the street side-yard property line. If this variance is approved, it is staff's opinion that the essential character of the land in question will not be altered.

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

- 1. Variance Application
- 2. Bobwhite Ave SW, 200 - Fence



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 **Todd GAFF**
 Address **200 Bobwhite Ave SW**
 City **Bondurant** State **IA** Zip **50035**
 Phone **(501) 259-4009** Email **TGaff@tgaaff.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: _____

200 Bobwhite Ave SW

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

11/21/25

FOR OFFICE USE ONLY

Received Date

Case No.

BOA Agenda Date

request variance due to highly active dog and children



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: 11/21/25

FENCE HEIGHT: 4' 6' Other: _____

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

LOCATION

CONTRACTOR

ADDRESS: 200 Bobwhite ave SW

NAME: Todd Gaff

PHONE: (501)259-9099

EMAIL: tvgaff1@yahoo.com

RESIDENTIAL NON-RESIDENTIAL

COMPANY: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

CONTACT NAME: _____

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

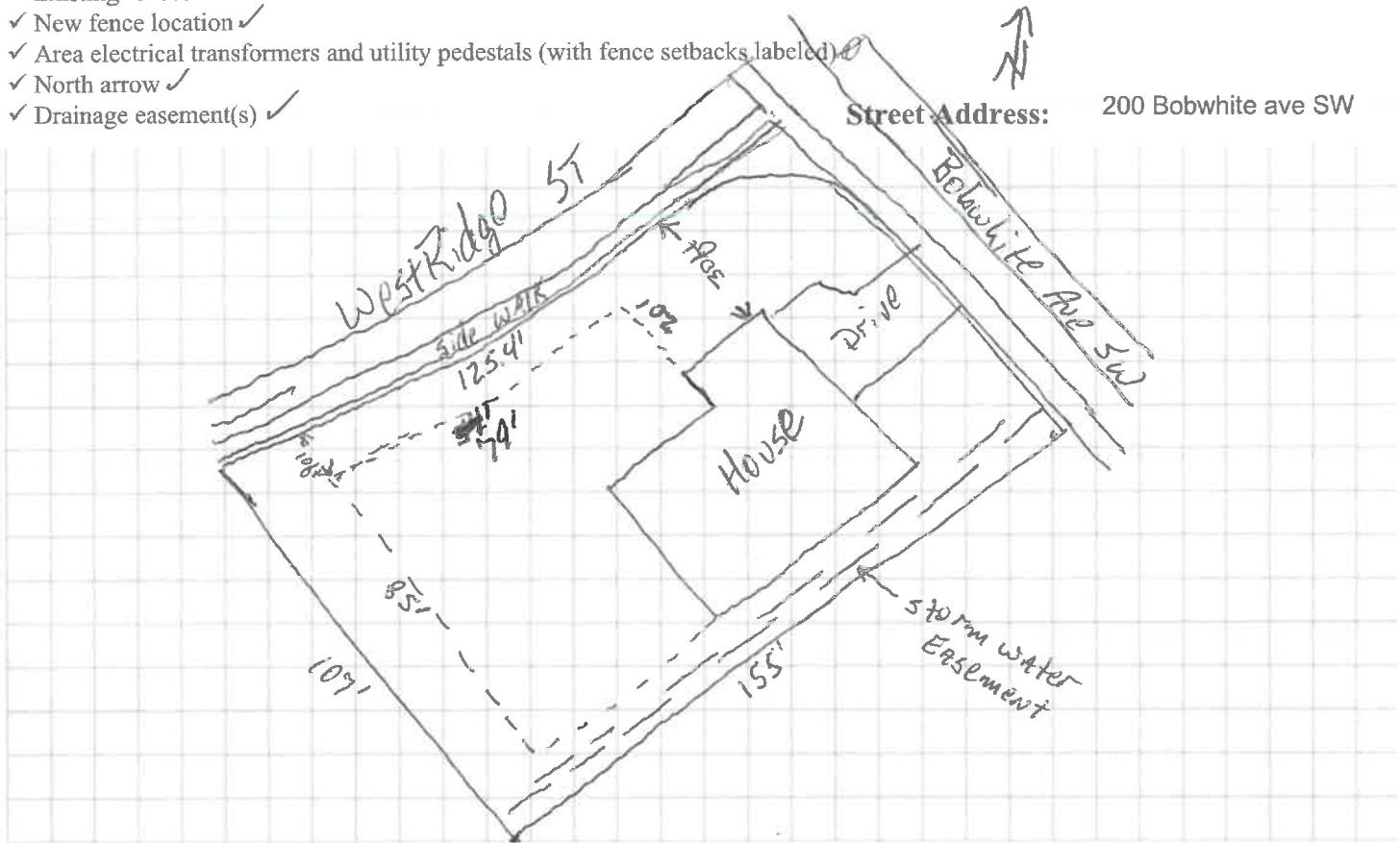

Signature of Owner/Contractor

X _____
Building Official Approval Date

SITE PLAN (REQUIRED)

A site plan must be included as part of your fence permit application. You may use the template below for this required site plan. Alternatively, you may use an aerial view from an online website when generating your required site plan. Confirming property lines and easement areas is the responsibility of the property owner and/or contractor. **Site plan drawing to indicate:**

- ✓ Property lines ✓
- ✓ Streets ✓
- ✓ Existing buildings and structures *besides house* ✓
- ✓ Existing fences *NONE* ✓
- ✓ New fence location ✓
- ✓ Area electrical transformers and utility pedestals (with fence setbacks labeled) ✓
- ✓ North arrow ✓
- ✓ Drainage easement(s) ✓



Allowable Fence Height Information - Residential

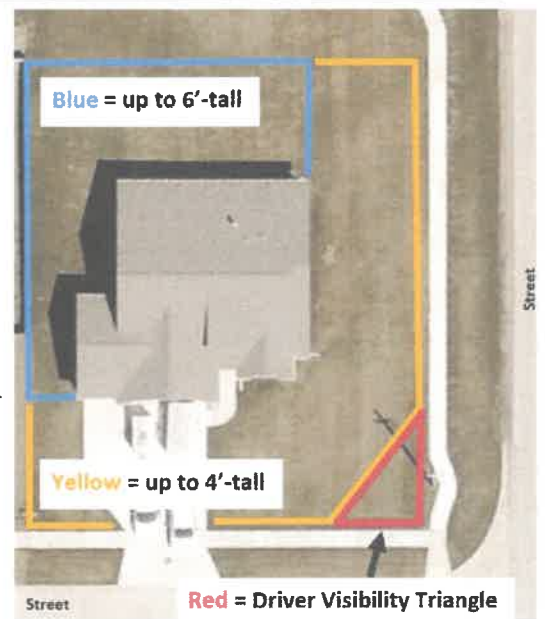
Non-Corner Lots

Fencing may be up to 4'-tall in areas closer to street than house. Fencing may be up to 6'-tall in areas even with/further back from street than house. See example allowable fence height map at right for non-corner lots.



Corner Lots

Fencing within 25'x25' driver visibility triangle dependent on area grades; contact planning@cityofbondurant.com. Fencing may be up to 4'-tall in areas closer to either street area than the house when outside of 25'x25' driver visibility triangle. Fencing may be up to 6'-tall in areas even with/further back from street areas than the house. See example allowable fence height map at right for corner lots.



For questions on allowable fence heights, please contact planning@cityofbondurant.com



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

Item No. 5.b.
For Meeting of 12/9/2025
Resolution

TITLE: Variance - Resolution BA-251209-02 - Consideration of a variance request to Section 177.02.1. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence located in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW.

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS:

FUNDING SOURCE:

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

1. Approval of BA-251209-02 regarding approval of the variance request to Section 177.03.4.H. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW.
2. Approval of BA-251209-02 regarding approval of the variance request to Section 177.03.4.H. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW, subject to appropriate conditions and safeguards as allowed by Chapter 27 of the City Code.
3. Denial BA-251209-02 regarding approval of the variance request to Section 177.03.4.H. of the Zoning Code to allow for an increase in maximum allowable fence height for a fence in a street-side yard to construct a 6'-tall fence at 200 Bobwhite Avenue SW.
4. Table 251209-02 pending additional input.

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. BOA Permit - Case #106

**BOARD OF ADJUSTMENT PERMIT
VARIANCE**

Date: December 9, 2025 **Case Number:** BA-251209-02 (#106)

Name: City of Bondurant

Address: 200 Bobwhite Avenue SW.

Legal Description:

LOT 16 QUAIL RUN PLAT 4.

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 Bobwhite Avenue SW and located in a Planned Unit Development (PUD) District.

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

Greg Hanson, Chairperson