

*\*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/86090625420>*

**NOTICE OF A REGULAR MEETING  
BONDURANT BOARD OF ADJUSTMENT  
NOVEMBER 8, 2022**

**NOTICE IS HEREBY GIVEN** that a Regular Meeting of the City Council will be held at 5:00 PM on November 8, 2022, 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 19, 2022
5. **Action Items**
  - a. Election of Officers
  - b. PUBLIC HEARING: for consideration of a variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building materials required by the Overlay District for street-facing building elevations at 2340 Hubbell Avenue SW
  - c. RESOLUTION NO. BA-221108-02: a motion granting/denying a variance for the request described in Public Hearing Agenda Item #5.b.
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 19, 2022

### 1. Call to Order 5:00pm

**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, Jason Vore, Jon Klein

**Members Absent:** Kelsi Jurik

**City Officials Present:** Planning and Community Development Director, Maggie Murray  
Associate Planner, Emily Rizvić

**3. Annual Election of Officers.** The Board discussed tabling the annual election of officers to the next Board of Adjustment meeting because member Jurik is absent and has historically been the chair for the board. Member Hanson motioned to table the annual election of officers to the next meeting. Vore seconded. Motion 4-0-0.

### 4. Perfecting and Approval of the Agenda

Motion by Member Hanson, seconded by Member VanWyk to approve of the April 19, 2022, meeting agenda. Vote on Motion 4-0-0. Motion carried.

### 5. Approval of Minutes

Motion by Member Hanson, seconded by Member Klein to approve of the December 14th, 2021 meeting minutes. Vote on Motion 4-0-0. Motion carried.

### 7. Action Items

- a. **PUBLIC HEARING:** For consideration of a variance request to Section 179.01.2.1.2.b.ii.4.a of the Zoning Code to allow for an increase in the maximum garage door frontage percentage allowed for the residential development at Outlot R of Quail Run Plat 3.

Director Murray introduced the variance request. The code currently requires townhome developments to have a maximum of 50% of garage frontage on the structures. The developer is in attendance to speak about the request. Director Murray explained that the development has two access points, and the streets will be privately owned and that the buildings will only face towards the private streets and would not face any publicly owned corridors. Director Murray speculated that the intent of the original code may have been to reduce the sight of garages from publicly owned streets.

Director Murray went over the findings of fact one by one. Each of the findings of fact could be viewed favorably for each of the findings of fact. No special privilege would be provided to other R-5 Planned Unit Development districts if the variance request was granted, nor would it alter the essential character of the neighborhood. No public comment has been received regarding the variance request. Director Murray went through the alternatives that the Board may have on the request. Director Murray noted to the Board that the applicant requesting the variance request is attending in the audience.

Member Klein inquired about the uses that the R-5 Planned Unit Development District allows, as this is their first meeting as a Board of Adjustment member. Director Murray answered, noting that residential and commercial is permitted for Planned Unit Development. The Quail Run Planned Unit Development was permitted prior to being pulled into the City of Bondurant's corporate limits. Director Murray showed the preliminary plat of the development when it was approved. Member Klein asked if it was south of Second. Director Murray noted that it is.

Member VanWyk inquired about who was notified of the request. Director Murray showed the general area of property owners that were notified of the variance request. She noted that a lot of the lots shown in the preliminary plat have yet to be platted out. Director Murray noted that the notification radius is two-hundred (200) feet from the property.

Director Murray noted that the City is in the process of updating the Comprehensive Plan and that it would cover housing and design. She is anticipating a recommendation within the Comprehensive Plan regarding updating the City of Bondurant's zoning code, which would reevaluate the city code requirements. Director Murray also indicated that the permitted uses are reviewed at the Planning and Zoning level and are not generally considered by the Board of Adjustment.

Member Klein asked to see the bulk regulations for the site. Director Murray showed the bulk regulations and explained that it shows row housing and townhomes for the subject property. Member Klein asked if the Board of Adjustment has to vote on each of the findings of fact. Director Murray explained that the Board of Adjustment votes on the findings of fact collectively and explained the rules of procedure.

Director Murray noted that the City Council has approved the site plan for the site with the condition that the subject property will have increased building design standards for the backs of the buildings and that those areas will also be landscaped. She also noted that the site plan was reviewed by the Planning and Zoning Commission.

Member VanWyk asked if approving this variance would set a precedent for the other similar shaped Outlot within this development. Director Murray indicated that it may, though a site plan has not been submitted yet for the referenced triangle, known as Outlot W. Member Klein asked about the location of the other triangular parcel within Quail Run. Director Murray showed the location of Outlot W.

Member Vore stated that the variance request seemed appropriate for this location and proposal due to the nature of the request. Member Hanson asked if this zoning code is typical for other towns. Director Murray noted that the staff report only reviews for this subject property and that staff has not reviewed other zoning codes, but that it would likely be reviewed when an overall zoning code update is initiated and researched.

Motion by Member Vore, seconded by Member Hanson, to close the public hearing. Roll Call – Ayes: Member Hanson. Member VanWyk. Member Vore. Member Klein. Absent: Member Jurik. Vote on Motion 4-0-0. Motion carried. The Board of Adjustment closed public hearing at 5:24PM

- b. RESOLUTION NO. BA-220419-01: For consideration of a variance request to Section 179.01.2.1.2.b.ii.4.a of the Zoning Code to allow for an increase in the maximum garage door frontage percentage allowed for the residential development at Outlot R of Quail Run Plat 3.

Motion by Member Hanson, seconded by Member Klein, for recommended approval of Resolution No. PZ-220324-09 "*For consideration of a variance request to Section 179.01.2.1.2.b.ii.4.a of the Zoning Code to allow for an increase in the maximum garage door frontage percentage allowed for the residential development at Outlot R of Quail Run Plat 3.*"

Roll Call – Ayes: Member Hanson. Member VanWyk. Member Vore. Member Klein. Absent: Member Jurik Vote on Motion 4-0-0. Motion carried.

## **8. Adjournment**

Motion by Member Klein, seconded by Member Vore to adjourn the April 19, 2022, meeting. Vote on Motion 4-0-0. Motion carried.

Meeting adjourned at 5:26 PM



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

Item No. 5.a.  
For Meeting of 11/8/2022  
**Resolution**

**TITLE:** Election of Officers

**CONTACT PERSON:**

Maggie Murray, Planning & Community Development Director

**BRIEF HISTORY & ANALYSIS:** Kelsi Jurik, former Chair of the Board of Adjustment, has resigned due to moving outside of Bondurant's city limits. The Board of Adjustment will need to appoint a new Chair Person and potentially also a new Vice Chair Person, depending on who is appointed Chair. Greg Hanson currently serves as Vice Chair.

**FUNDING SOURCE:** N/A

**STAFF RECOMMENDATION:** Staff recommends a discussion and vote by the Board of Adjustment.

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:** None



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

Item No. 5.b.  
For Meeting of 11/8/2022  
**Public Hearing**

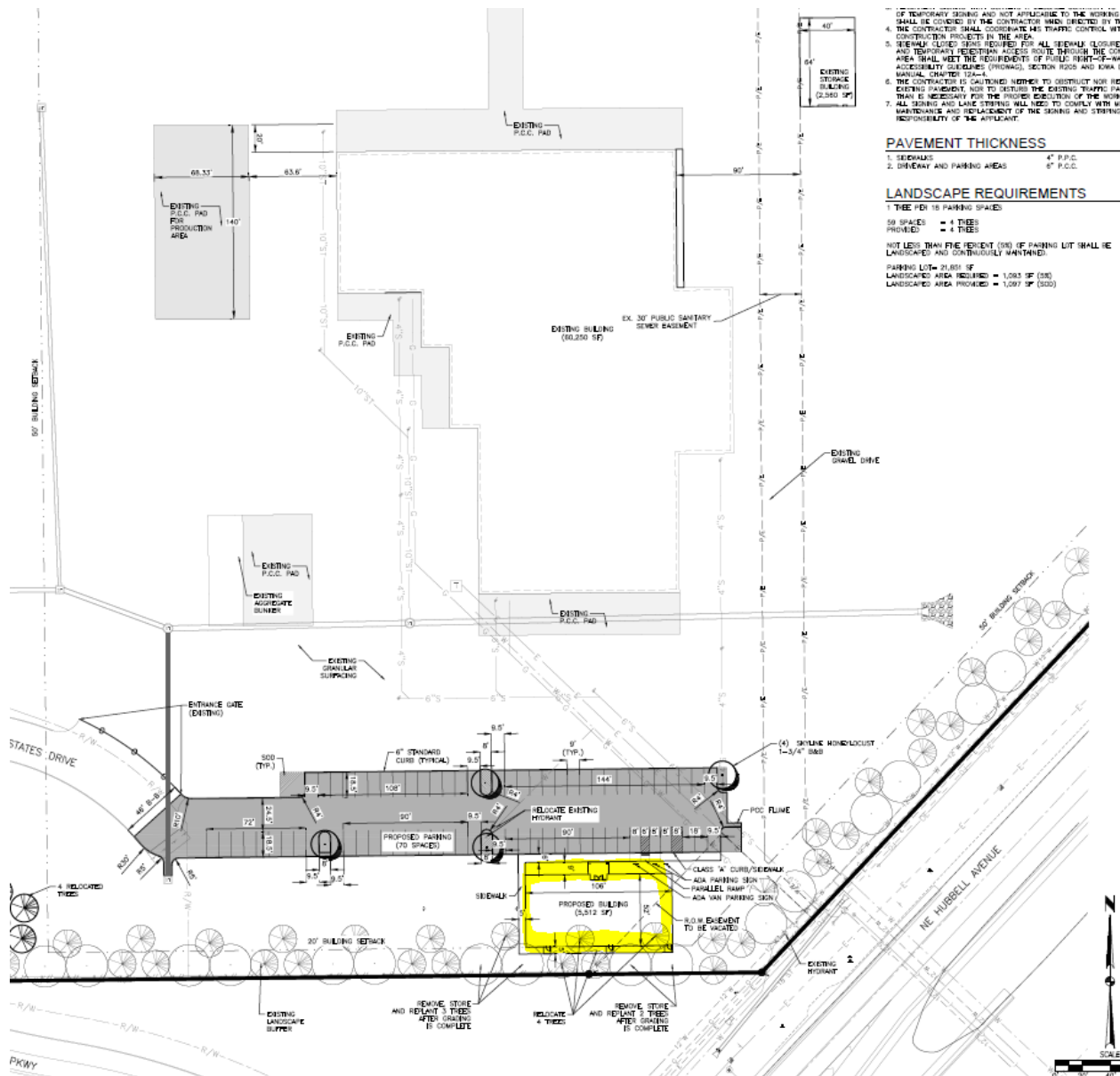
**TITLE:**

**PUBLIC HEARING:** for consideration of a variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building materials required by the Overlay District for street-facing building elevations at 2340 Hubbell Avenue SW

**CONTACT PERSON:**

Maggie Murray, Planning & Community Development Director

**BRIEF HISTORY & ANALYSIS:** The City of Bondurant is in receipt of a variance request for the Midstates Precast Products property at [2340 Hubbell Avenue SW](#). The submitted variance request is to allow for a variance to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building materials required by the Overlay District for the street-fronting building elevations of a proposed 5,512 SF office building toward the front of this Midstates Precast Products site (see highlighted portion of site plan except below). Attached are the proposed building elevations - these building elevations label the building materials proposed. The proposed building is situated within the City's Arterial Corridor Overlay District, as it falls within 500' of the Highway 65 corridor.



The Overlay District notes that all public street-fronting building facades must incorporate no less than 2 different primary building materials, together comprising no less than 50% of the total facade surface area for each public street fronting building elevation. Primary building materials are defined in the Zoning Code as being:

1. Brick
2. Stone
3. Glass (clear or slightly tinted but not heavily mirrored/tinted)
4. Burnished/ground-faced block
5. Architectural-quality precast concrete panels (high finish precast concrete panels, textured or burnished, and integrally colored - not painted)

6. Architectural-quality, metal wall panel systems (high quality metal panels for decorative surface application with concealed fasteners)
7. Materials of similar quality, appearance, and durability as determined by the Zoning Administrator.

It should be noted too that the Overlay District also regulates non-street facing facades by requiring that a minimum 80% of non-street facing elevations be comprised of at least one primary or secondary building material. Secondary building materials are defined as being:

1. Wood or cement fiber siding
2. Split-faced block
3. Traditional stucco
4. Architectural-quality, metal wall panel systems (high quality metal panels for decorative surface application with exposed fasteners)
5. Exterior Insulation and Finish System (EIFS)
6. Materials of similar quality, appearance, and durability as determined by the Zoning Administrator.

The street-fronting building elevations of the proposed building are the west and west building elevations, as the east building elevations faces Highway 65 and the west elevations faces Shiloh Rose Parkway SW/Midstates Drive. The south elevation is considered a non-street facing building elevation, as there is another development lot between Midstate Precast Product's south property line and the Highway 65 corridor.

While the proposed non-street facing elevations will be meeting the minimum 80% primary or secondary building material requirements of the Overlay District, the east and west street facing elevations will not be meeting all Overlay District building material requirements, as only 1 primary building material (windows) is proposed when the Code requires 2 primary building materials, and the primary building material will not comprise at least 50% of each street-facing building elevation. Midstates Precast Products is instead proposing that their street facing building elevations be comprised of a majority secondary building materials. Their proposed secondary building material is the following: architectural-quality, metal wall panel systems (high quality metal panels for decorative surface application with exposed fasteners).

**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?**

Staff feels that a variance denial could impact potential future building projects at this location at 2340 Hubbell Avenue SW due to the answers listed in Questions 2 & 3 below. The applicant is currently proposing to match what was previously approved by the City.

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

Staff feels that special conditions and circumstances exist which are peculiar to the buildings involved.

First, the applicant is proposing that this new 5,512 SF office building match the exposed fasteners building material of the primary structure. When the original site plan for the 59,200 SF primary Midstates Precast Products building was approved by the Planning & Zoning Commission and City Council in 2017, the primary building was approved with exposed fasteners, which is a secondary building material and not a primary building material. At the time of original site plan approval in 2017, it appears that the Overlay section of the Zoning Code was overlooked when reviewing building elevations.

Second, views of this new building are currently partially screened from the Highway 65 corridor due to an existing landscaping berm. Further, a undeveloped parcel to the south which could be developed out in the future could further block the views of this office building in the future.

**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 feels that the special conditions and circumstances of Question 2 are beyond the applicant's control, as the exposed fasteners were approved by the City back in 2017. The applicant is currently proposing to match what was previously approved by the City.

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

Staff does not feel that granting a variance will confer on the applicant any special privilege due to the answers listed in Questions 2 and 3. All other lands, structures, or buildings within the Overlay District must meet minimum primary and secondary building material requirements as required by the Zoning Code unless granted a variance by the Board of Adjustment if it is determined that all five findings of fact can be answered favorably for a request.

**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. The elevations show that the applicant is proposing to enhance the

design of this 5,512 SF office building by incorporating overhangs, cupolas, offset walls, and windows/doors.

**FUNDING SOURCE:** N/A

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

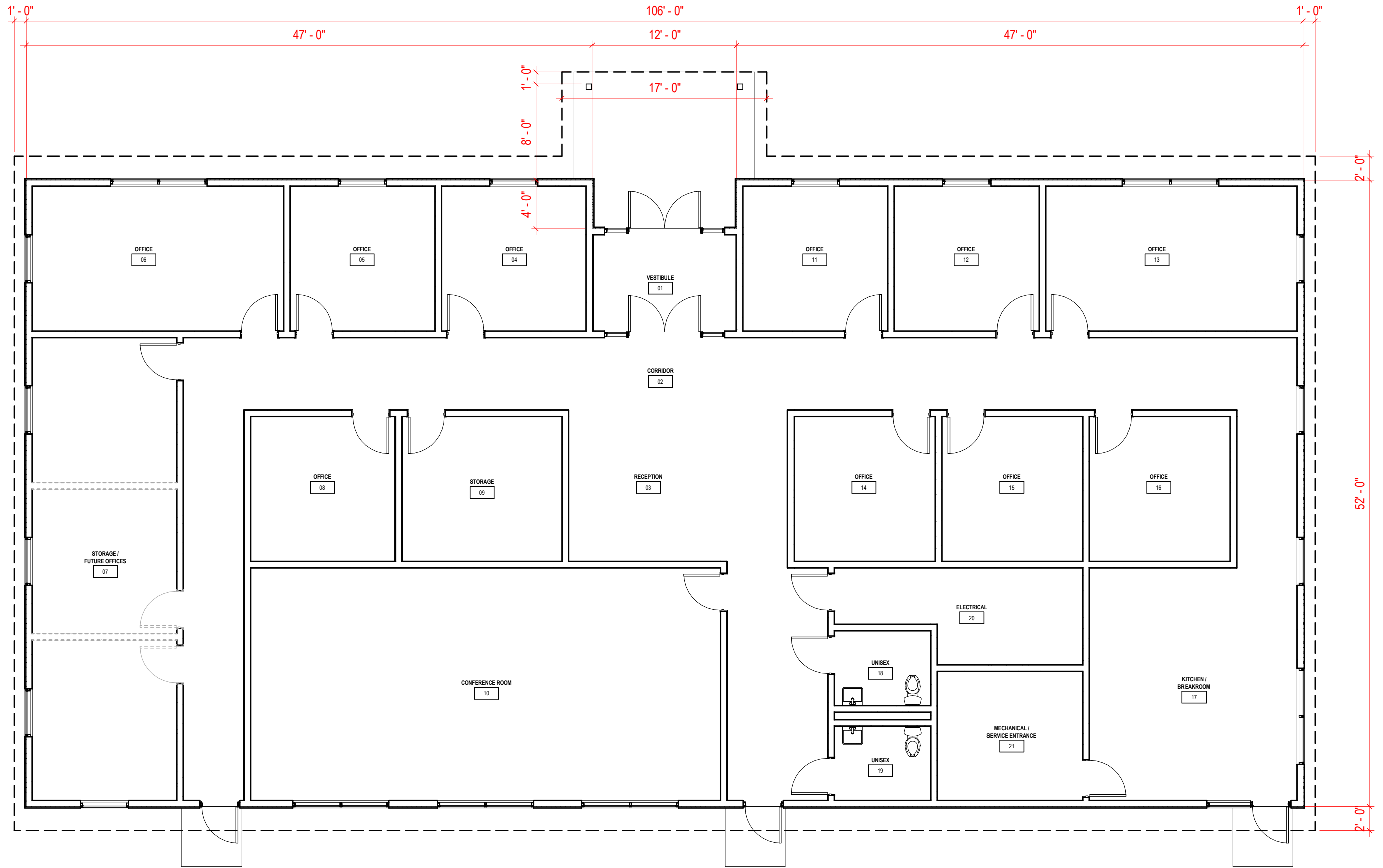
1. Approval of BA-221108-02 regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW.
2. Approval of BA-221108-02 regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW, subject to appropriate conditions and safeguards as allowed by Chapter 27 of the City Code.
3. Denial BA-221108-02 regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW.
4. Table BA-221108-02 pending additional input.

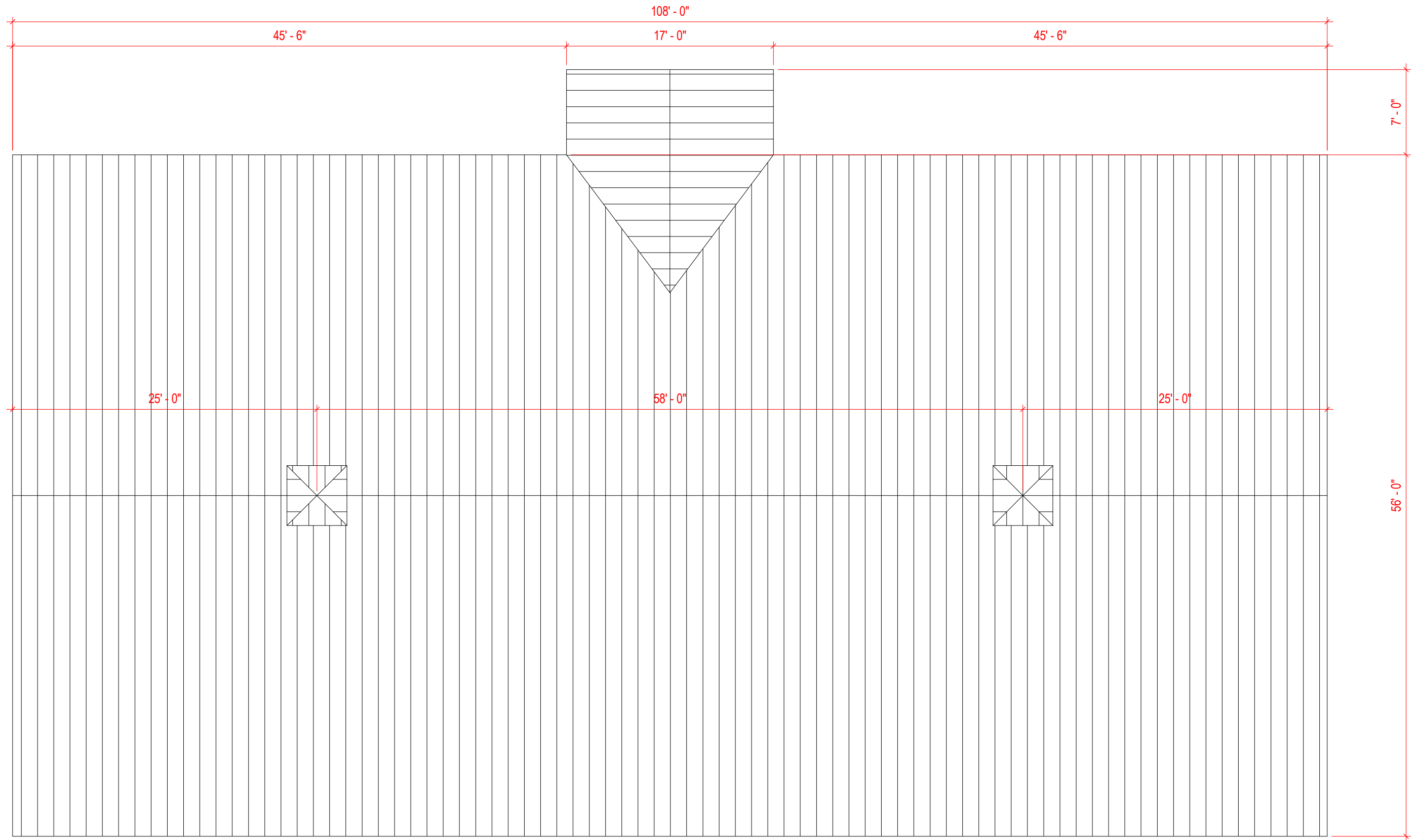
Staff recommends approval of BA-221108-02, regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW. Staff feels the finding of fact questions can be answered favorably relative to this request.

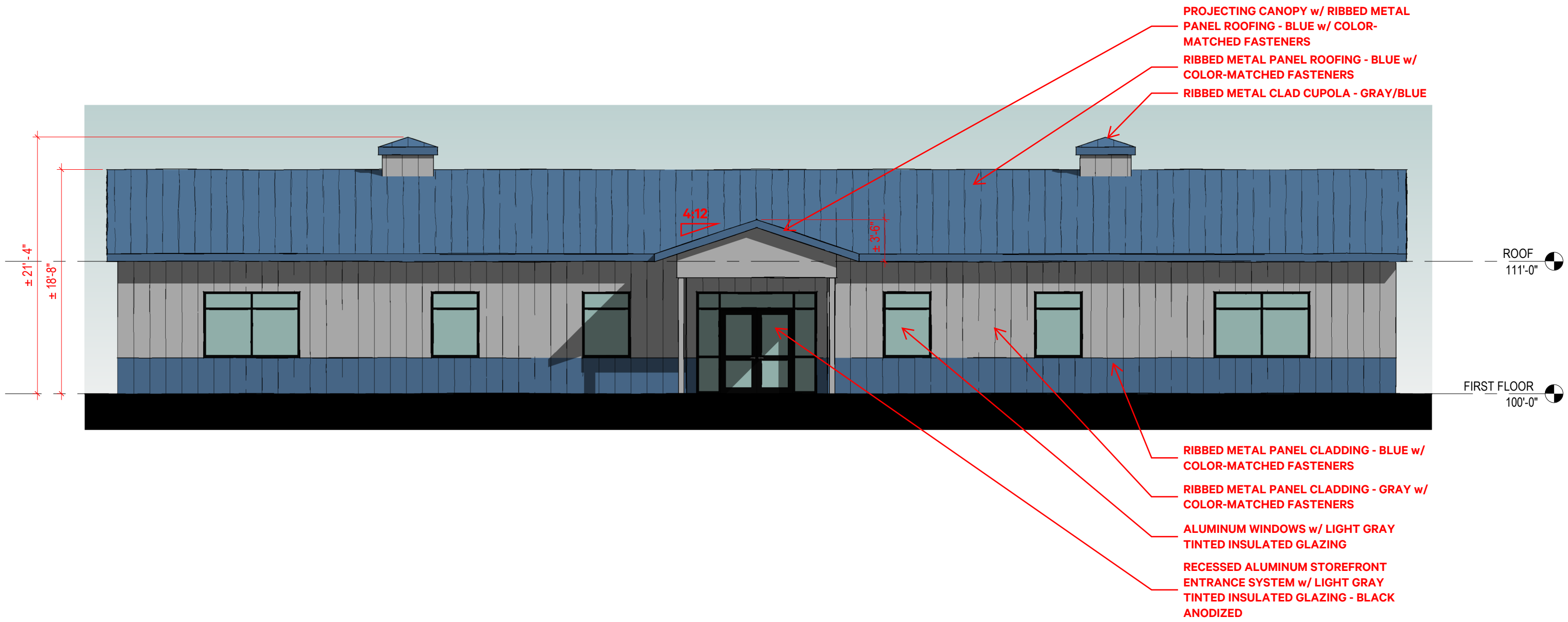
**APPROVED FOR SUBMITTAL:**

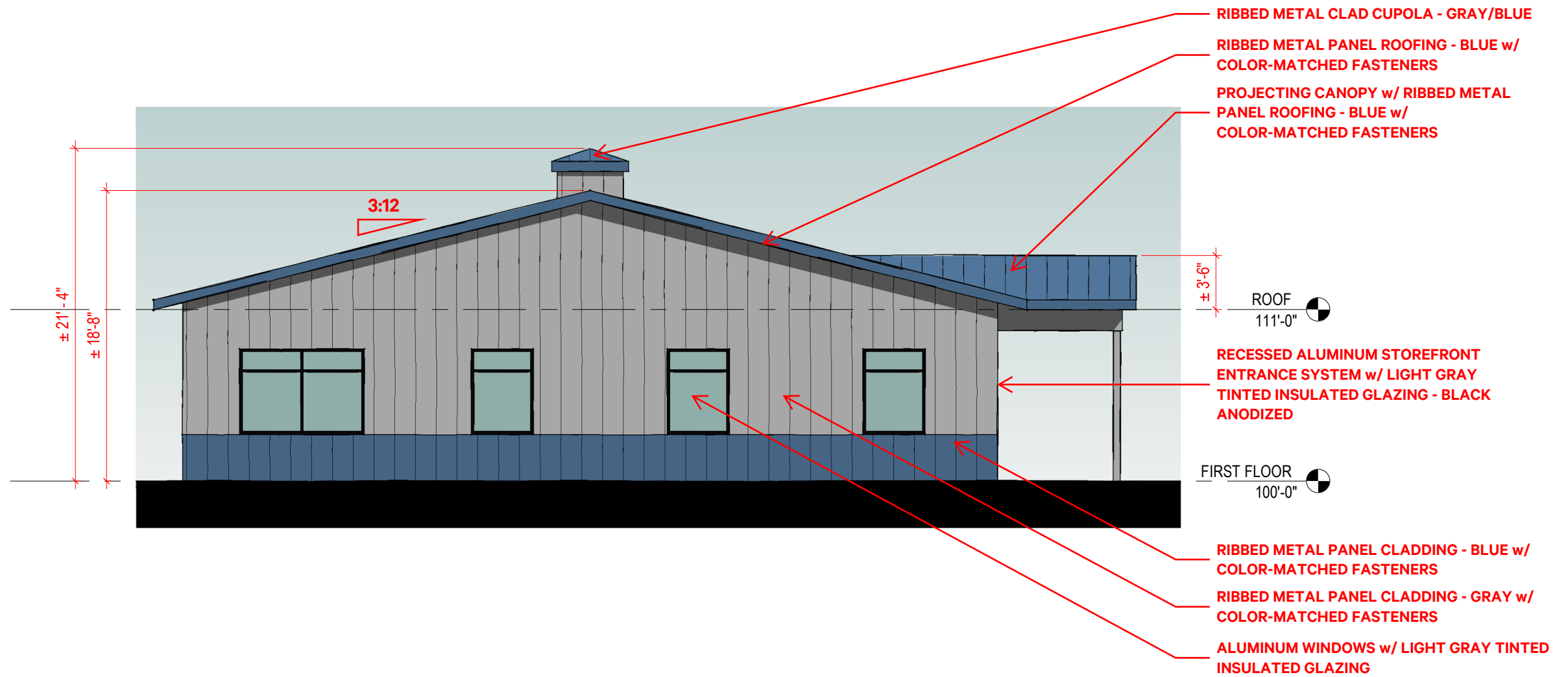
**ATTACHMENTS:**

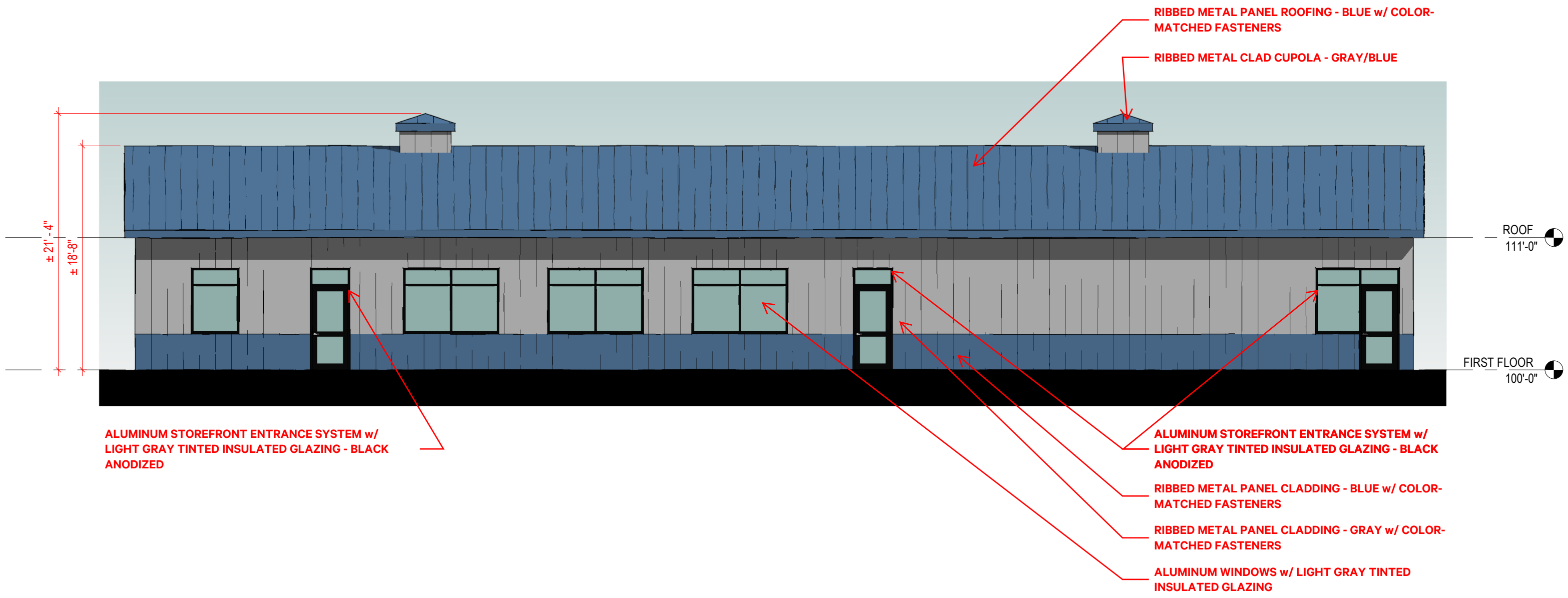
1. Elevations
2. Board of Adjustment Letter











RIBBED METAL CLAD CUPOLA - GRAY/BLUE

RIBBED METAL PANEL ROOFING - BLUE w/  
COLOR-MATCHED FASTENERS

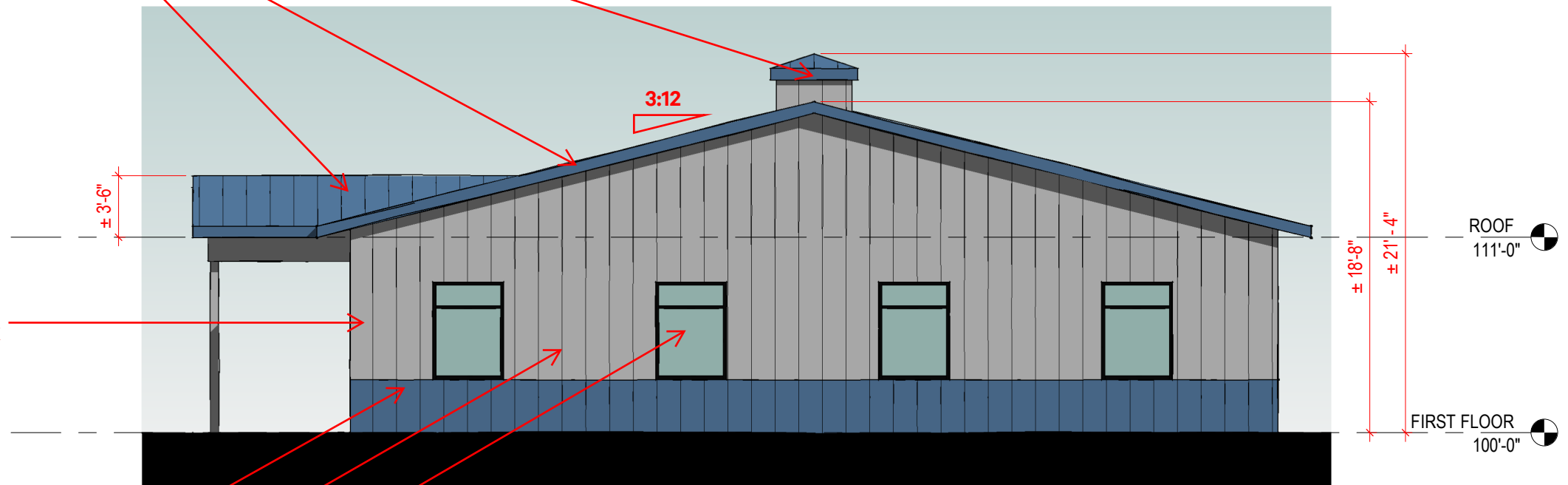
PROJECTING CANOPY w/ RIBBED METAL  
PANEL ROOFING - BLUE w/ COLOR-  
MATCHED FASTENERS

RECESSED ALUMINUM STOREFRONT  
ENTRANCE SYSTEM w/ LIGHT GRAY  
TINTED INSULATED GLAZING - BLACK  
ANODIZED

RIBBED METAL PANEL CLADDING - BLUE w/  
COLOR-MATCHED FASTENERS

RIBBED METAL PANEL CLADDING - GRAY w/  
COLOR-MATCHED FASTENERS

ALUMINUM WINDOWS w/ LIGHT GRAY  
TINTED INSULATED GLAZING





52739 220<sup>th</sup> Ave  
Chariton, IA 50049  
(641) 217-4010

The following request for variance involves the roof/ siding material on the proposed new 5,500 sqft office building for Midstates Precast Products Bondurant, IA. Lakeview is requesting permission to use a high quality metal cladding system which DOES HAVE some color matched fasteners exposed for item 9/e/viii.

Per the letter sent to us on 8/03/22 by Maggie Murray, Item 9/e states that this proposed “building falls within 500’ of the Overlay District and is subject to the following Zoning Code Requirements”. We are concerned, in particular, with Item 9/e/viii. Portions of this clause state: “Primary Building Materials:”, “architectural quality, metal wall panel panel systems (high quality metal panels for decorative surface application with concealed fasteners)” In short – you can’t have any screws showing, they have to be covered up by the cladding system.. This would not allow the use of the “Panel-Loc Plus” style metal we wish to use for cladding on this entire building, would add a minimum of \$ 60,000 to the budget for a style that wouldn’t match the existing structures, could force us into using inferior materials that DO meet criteria but are less attractive and don’t have the same longevity, or, could put the project over budget enough that Midstates simply won’t move forward. Panel-Loc Plus steel cladding panels DO require a minimum amount of exposed fasteners, however, said fasteners ARE color matched to the panels and are very inconspicuous – especially from the distance any general public will be from the building.

We would also like to add that there will be a soil berm of various height between the public (HWY 65) and this building. There will be trees and shrubbery planted on this berm – to the extent that very little of the building will even be visible from anywhere other than Midstates property.

**Per BOARD OF ADJUSTMENT APPLICATION:**

1. “Can the land in question still yield a reasonable return if the variance was not granted?”  
A: Yes, of course it can. Midstates Precast is a successful business in the city of Bondurant. However, sometimes successful, means growth. Growth can be inhibited with a lack of proper space for people to work. “Successful” and “Growth” also mean more tax dollars and permit dollars for city improvements and wages of those that are employed by the city, as well as local money spent by employees and owners. Again, Midstates could opt out of future projects if they can’t keep them cost effective.
2. “Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved?”  
A: Yes. Although this building would be nicer and of a classier design, other existing buildings on site are clad with similar systems. Midstates wishes to continue with this system to avoid abstract aesthetics and maintain a pleasing amount of uniformity within their site.
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?”  
A: Beyond the applicant’s control. Either the Overlay District zoning requirements didn’t exist when Midstates built the previous buildings, or they were far enough from the (road?), that they weren’t affected.



52739 220<sup>th</sup> Ave  
Chariton, IA 50049  
(641) 217-4010

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?”**

**A: Every situation and every property is most likely unique in it’s values. This variance is not asking for any rights superior to those who may have the exact same circumstances, or different circumstances that would incur a different variance request on their behalf. Other entities may have far greater needs which require far greater variances. We just want to use screws (color matched) to put our siding and roof on.**

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

**A: Quite the opposite. The Code is in place to maintain a level of class and overall aesthetics for the community of Bondurant – now as well as in the future. We believe that by adding additional architectural elements (overhangs, cupolas, offset walls, nicer windows and doors), but maintaining the use of similar cladding materials, we will be providing good balance which supports the overall purpose of the Code.**

**John J Finarty Jr  
President, Lakeview Construction Services LLC**



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

Item No. 5.c.  
For Meeting of 11/8/2022  
**Resolution**

**TITLE:** RESOLUTION NO. BA-221108-02: a motion granting/denying a variance for the request described in Public Hearing Agenda Item #5.b.

**CONTACT PERSON:**

Maggie Murray, Planning & Community Development Director

**BRIEF HISTORY & ANALYSIS:** For Brief History & Analysis, see corresponding public hearing agenda statement.

**FUNDING SOURCE:** N/A

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

1. Approval of BA-221108-02 regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW.
2. Approval of BA-221108-02 regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW, subject to appropriate conditions and safeguards as allowed by Chapter 27 of the City Code.
3. Denial BA-221108-02 regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW.
4. Table BA-221108-02 pending additional input.

Staff recommends approval of BA-221108-02, regarding approval of the variance request to Section 179.01.2.1.6 of the Zoning Code to allow for a reduction in the amount of primary building material requirements for street facing facades at 2340 Hubbell Avenue SW. Staff feels the finding of fact questions can be answered favorably relative to this request.

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. BOA Permit - Case #97

**BOARD OF ADJUSTMENT PERMIT  
VARIANCE**

**Date:** November 8, 2022      **Case Number:** BA-1108-02 (#97)

**Name:** GSC Properties LLC

**Address:** 2340 Hubbell Avenue SW, Bondurant, IA 50035

**Legal Description:** THAT PART OF THE SOUTH 81.50 ACRES OF THE NE FRACTIONAL ¼ OF SECTION 1, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5<sup>TH</sup> P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF BONDURANT, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS PARCEL "A" ON THE PLAT OF SURVEY FILED JULY 30, 1979 IN BOOK 4937 AT PAGE 244 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA.

**IS HEREBY GRANTED A VARIANCE** to Section 179.01.2.I.6 of the Zoning Code to allow for a reduction in the amount of primary building materials required by the Overlay District for street-facing building elevations at 2340 Hubbell Avenue SW.

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