

**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/87406556436?pwd=dUxNZkUxUGlhcWt5S1YwQjQ0b0l1Zz09>

**NOTICE OF A REGULAR MEETING
BONDURANT BOARD OF ADJUSTMENT
JUNE 1, 2021**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 5:00 PM on June 1, 2021, 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. March 9, 2021 BOA Minutes
5. **Public Hearing**
 - a. Notice of Public Hearing
6. Action Items
 - a. RESOLUTION NO. BOA-210601-02 - Resolution regarding Ramms Construction Variance Request related to Property at 1120 Second Street, NE
7. Adjournment

BONDURANT BOARD OF ADJUSTMENT

Minutes

March 9, 2021

Due to COVID-19 – this was a virtual meeting hosted from Bondurant City Hall

1. Call to Order

Acting Board Chair Hanson called the meeting to order at 5:05 p.m.

2. Roll Call

Present: Acting Board Chair Greg Hanson, Board Member Kelsi Jurik, Board Member Chad Driscoll

Absent: Board Member Dave McGrath

City Officials

Present: Maggie Murray, Planning & Community Development Director

3. Perfecting and Approval of Agenda

Motion made by Jurik, seconded by Driscoll, to approve the agenda. Vote on Motion 3-0. Motion declared carried unanimously.

4. Approval of the Board of Adjustment Meeting Minutes of September 1, 2020, subject to Murray correcting the minutes to show Hanson was present and McGrath was absent for the variance vote.

Motion made by Hanson, seconded by Driscoll, to approve the minutes. Vote on Motion 3-0. Motion declared carried unanimously.

5. **PUBLIC HEARING** – For consideration of a request for a variance to Municipal Code – Chapter 181 of the Sign Code, Sections 181.06, 181.08, and 181.11. The request is to allow for increased business signage at 2300 Shiloh Rose Parkway SW.

Murray presented the staff report. Staff feels the findings can be answered favorably for this request. Murray noted that staff is recommending approval of the variance.

Jurik noted this request is similar to the request considered last year for the first Amazon site.

Jurik asked for clarification on the location of the signage proposed? Murray explained the wall signage and the monument signage will face east toward the Shiloh Rose Parkway SW street frontage. This street frontage is along an industrial area, with an industrial development site that exists just east of the street.

6. **RESOLUTION NO. BA-210309-01** – A motion granting / denying a variance for the request as described in Agenda Item #5.

Jurik made a motion to approve the variance per staff's recommendation in the staff report. Hanson seconded the motion. A roll call vote was taken as follows:

Hanson: aye

Driscoll: aye

Jurik: aye

McGrath was absent.

The variance request was approved with 3 ayes.

7. Adjournment

Moved by Hanson, seconded by Jurik, to adjourn the meeting at 5:14 p.m. Vote on Motion 3-0. Motion declared carried unanimously.

Maggie Murray, Planning & Community Development Director

ATTEST:

Greg Hanson, Acting Board Chair



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

Item No. 5.a.
For Meeting of 6/1/2021
Public Hearing

TITLE: Notice of Public Hearing

CONTACT PERSON:

Marketa Oliver, City Administrator

BRIEF HISTORY & ANALYSIS: NOTICE OF PUBLIC HEARING

The Board of Adjustment for the City of Bondurant will meet virtually at 5:00 p.m. on June 1, 2021 to consider a variance request from the property owner at 1120 2nd Street NE, Bondurant, IA for a 10-foot variance of the required 20-foot side-yard setback for the construction of a building addition to the existing building. All interested parties are encouraged to attend. For further information on how to access this meeting, please view the City's website at www.cityofbondurant.com or call City Hall at (515) 967-2418.

COMMISSION REVIEW/RECOMMENDATION:

FUNDING SOURCE: NA

STAFF RECOMMENDATION: NA

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. Notice of Public Hearing

NOTICE OF PUBLIC HEARING

The Board of Adjustment for the City of Bondurant will meet virtually at 5:00 p.m. on June 1, 2021 to consider a variance request from the property owner at 1120 2nd Street NE, Bondurant, IA for a 10-foot variance of the required 20-foot side-yard setback for the construction of a building addition to the existing building. All interested parties are encouraged to attend. For further information on how to access this meeting, please view the City's website at www.cityofbondurant.com or call City Hall at (515) 967-2418.



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

Item No. 6.a.
For Meeting of 6/1/2021
Reports and Comments

TITLE: RESOLUTION NO. BOA-210601-02 - Resolution regarding Ramms Construction Variance Request related to Property at 1120 Second Street, NE

CONTACT PERSON:

Marketa Oliver, City Administrator

BRIEF HISTORY & ANALYSIS: From: Marketa Oliver, City Administrator

To: Board of Adjustment

RE: Ramms Construction request for a 10-foot variance of the 20-foot, side yard setback for construction of an addition to an existing building

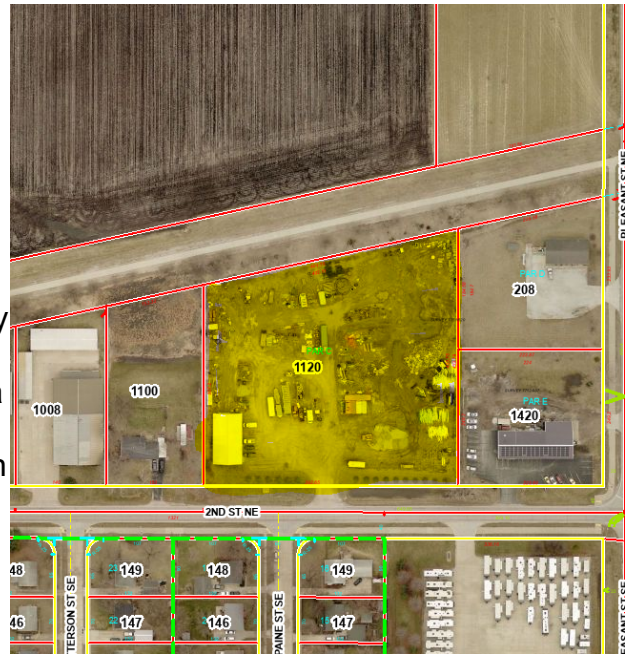
Action: For Board of Adjustment vote on June 1, 2021

Brief History

The City of Bondurant is in receipt of a variance request for property at 1120 Second St NE in Bondurant. This property is highlighted in yellow on the map to the right.

This site is Ramms Construction. The variance application was submitted by Ramms Construction (owner). This property is zoned as being within the City's Medium Industrial (M-2) District. The request is for a 10-foot variance of the 20-foot, side yard setback for construction of an addition to an existing building.

Ramms Construction LLC is a locally family-owned successful company specializing in concrete work. They purchased the property in May of 2020. They propose to construct a building



addition on the north side of their building. The existing 40'x80' building is oriented with the 80' dimension running north-south. It is located 10.0 feet east of the west lot line and 39.8 feet north of the Right-of-Way of 2nd Street NE. The proposed addition will be on the north end of the existing building, thus most of it will not be seen from 2nd Street NE. Staff also feels it will improve the appearance from the trail side of the property.

Analysis:

Chapter 27.02.2 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 is satisfied that all of the following five questions can be answered favorably for this request. These review criteria are referred to as Findings of Fact in this staff report. If a Board member cannot answer all of the below Findings favorably for the request, then the Board member must vote for denial of the variance. Below is a summary of staff's opinion on the required Findings relative to this request. The applicant's opinion of the Findings of Fact is uploaded as a separate attachment.

1. Can the land in question still yield a reasonable return if all Code requirements of the Medium Industrial (M-2) District are met for this request?

Staff feels this question can be answered favorably for this request. Denial of this variance could impact this development site's overall functionality. The applicant is requesting a side yard setback. Staff notes that this property is an unusual shape, which can impact the functionality of the overall site.

2. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same Medium Industrial (M-2) District?

Staff feels this question can be answered favorably for this request and again notes the slightly-trapezoidal shape of the property.

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

Staff feels this question can be answered favorably for this request, as explained in the previous answer.

4. Will granting the variance confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same Medium Industrial (M-2) District?

Staff feels this question can be answered favorably for this request. This site differs

from other M-2 sites due to its shape and location between a street on one side and trail on another.

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

Staff does not believe that granting the variance alters the character of the land, which is favorable for this request. As previously noted, the development area of this site is zoned for industrial use and is situated between the trail and an arterial street. The building addition will serve to enhance the site's visual appeal. Staff would also encourage more trees on the north side of the site, similar to the south side.

Public Comment Received:

As required by Chapter 27.02 of the City Code, property owners within 200' of the property requesting such variance were notified of this request. 16 neighbors were mailed public hearing notices. At the time of writing this report, no public comment has been received. The Board will be updated on any public comments at its meeting.

Alternatives:

The following options exist for the Board of Adjustment:

1. Approve the variance as requested;
2. Deny the variance;
3. Approve the variance with reasonable conditions, such as the requirement for additional trees on the north side of the property.

COMMISSION REVIEW/RECOMMENDATION:

FUNDING SOURCE:

STAFF RECOMMENDATION: Consider approving variance, potentially conditioned upon the addition of trees on the north side of the property

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. RESOLUTION NO. BOA-210601-02
2. Application
3. Site Plan
4. Plat of Survey
5. Ramms Construction, LLC Agreement

CITY OF BONDURANT
BOARD OF ADJUSTMENT
RESOLUTION BA210601-02

RESOLUTION REGARDING RAMMS CONSTRUCTION VARIANCE REQUEST RELATED TO
PROPERTY AT 1120 SECOND STREET NE, BONDURANT

WHEREAS, Ramms Construction submitted a variance request for property located at 1120 Second St NE in Bondurant; AND

WHEREAS, the variance request is for a 10-foot adjustment to the 20-foot side yard setback; AND

WHEREAS, this property is zoned as being within the City's Medium Industrial (M-2) District; AND

WHEREAS, Ramms proposed to construct an addition to the existing building.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the City of Bondurant, Iowa, finds:

1. Without the variance, the land in question **can/cannot** yield a reasonable return if all Code requirements are met; and
2. There **are/are not** special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district; and
3. The above-referenced special conditions or circumstances **were/were not** created by the applicant; and
4. Granting the variance **would/would not** confer special privilege denied to other lands, structures, or building in the same zoning district; and
5. Granting the variance **will/will not** alter the essential character of the land.

BE IT FUTHER RESOLVED, by the Board of Adjustment of the City of Bondurant, Iowa, that the Rams Construction variance is requested with the following conditions:

1. **State condition(s) on which the variance would be granted, if any.**

Passed this 1st day of June 2021,

By: _____
Kelsi Jurik, Chair

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the City Council held on the above date, among other proceedings the above was adopted.

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

Shelby Hagan, City Clerk

Name	Yay	Nay	Abstain	Absent
Driscoll				
Hansen				
McGrath				
Jurik				
Vacant				



City of Bondurant, Iowa APPLICATION FOR VARIANCE

APPLICATION FOR VARIANCE

City of Bondurant, Iowa

A Variance request filed with the City will be scheduled for Board of Adjustment review once all documents and the filing fee are received. The Board of Adjustment will review the application, receive information from City staff, and hear testimony. (Please note that the Board of Adjustment is the adjudicating authority and no one is allowed to contact members of the Board of Adjustment to discuss a Variance request, not an appellant nor neighboring property owner, since the Board is a quasi-judicial body.) Questions or filings intended for the Board should be directed to the City Administrator. All communications must take place in the open meeting during the public hearing. The Board can require sworn testimony and can issue a "finding of fact" that is somewhat similar to a court opinion.

A Variance is not a zoning change, but rather a project-specific change in the requirements, usually in bulk regulations, allowed on a specific property. Variances do not involve the establishment of new codes, regulations, or policies. Instead, a Variance allows a deviation from certain provisions of the zoning ordinance and its standards due to specific circumstances. If a Variance is approved, it may require that the applicant adhere to certain "conditions of approval". Alternatively, the Board may deny the Variance, if a project is not found to meet the standard of burden required to find that there is a hardship on the property owner, a necessary element to justify a Variance or if the Variance would render the property incompatible with the surrounding neighborhood.

If you have any questions about the process, please contact the City Administrator at 515.967.2418.



City of Bondurant, Iowa APPLICATION FOR VARIANCE

Applicant Information, Notification List, Fee, Consent

- Provide contact information for applicant, property owner, contract purchaser, tenant, and authorized agent in following table (complete as appropriate to the application, attaching additional sheets if necessary).
- Provide names and mailing addresses of all surrounding property owners (for communication towers, provide names and addresses within 300 feet of the property but not more than 1,300 feet from the tower site). An Abstractor must certify accuracy of the ownership list within thirty (30) days of the application date.
- Submittal fee payable to the City of Bondurant. The fee is not refundable.
- If the Applicant is not the Title Holder of record, the Title Holder must authorize the appeal by submitting a written consent with the application.

	Applicant	Record Owner Same as Applicant	Authorized Agent (Attorney, engineer, architect, etc.)
Name:	Ramms Construction		Engineering Resource Group, Inc.
Mailing Address:	POB 582, Marshalltown, IA 50158		2413 Grand Ave, Des Moines, IA 50312
Telephone No.	515-332-3608		515-288-4823
Fax No.	--		--
Email Address:	joel@rammsconstruction.com		doug@ergcorp.com



City of Bondurant, Iowa APPLICATION FOR VARIANCE

TO THE CHAIRPERSON OF THE BONDURANT BOARD OF ADJUSTMENT:

The undersigned hereby applies to the Bondurant Board of Adjustment for a Variance on property legally described as follows:

See attached sheet

The Variance is requested to allow the above property to be used in the manner described in this application and shown on the Conceptual Site Plan, by reference incorporated in and made a part of this application together with any and all other information and materials referenced in or attached to this application, and in full conformance with all City ordinances and any conditions that may be required by the Board of Adjustment in approving this application.

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

(Signature on line, type or print name below)

Miguel Chavarria
By: Miguel Chavarria

Submittal Date: 04-09-21

Note: The Applicant or an authorized agent must personally present the appeal before the Board of Adjustment. Meetings of the Bondurant Board of Adjustment are held in the City Council Chambers.

Please contact the City Hall, 200 2nd Street NE, to obtain a list of meeting dates and submittal deadlines.



City of Bondurant, Iowa APPLICATION FOR VARIANCE

Application for Variance Accompanying Information: Detailed Explanation of Proposed Use and Development and Conceptual Site Plan

Provide a detailed explanation of the proposed use and development on this page and/or attachments. Please note that this information together with the Conceptual Site Plan and any conditions of approval by the Board of Adjustment constitute the Variance and cannot be altered except by approval of an amendment to the Variance. Development must also conform to the Site Plan Ordinance, if applicable, and other City regulations and ordinances, so it may be appropriate to take development design beyond the minimum requirements of the Conceptual Site Plan to ensure all requirements can be met.

Please note that applications for some Variances may require additional information not fully covered by this standard application form, meaning that there are some requests that spark questions at the Board of Adjustment meeting that require follow up and an additional meeting. Therefore, the applicant should be aware that a decision might not always be rendered at a particular meeting.

The owner and occupant of the property, Ramms Construction LLC, requests a variance for 10 feet of the required 20 foot side yard setback for the construction of a building addition to an existing building.

Ramms Construction LLC is a locally family-owned successful company specializing in concrete work. They purchased the property in May of 2020.

They propose to construct a building addition on the north side of their building. The existing 40'x80' building is oriented with the 80' dimension running north-south. It is located 10.0 feet east of the west lot line and 39.8 feet north of the Right-of-Way of 2nd Street NE.

The proposed addition will be on the north end of the existing building, thus most of it will not be seen from 2nd Street NE.

We ask for your support on this variance for the west side yard setback.



City of Bondurant, Iowa APPLICATION FOR VARIANCE

Application for Variance Accompanying Information: Checklist for Conceptual Site Plan

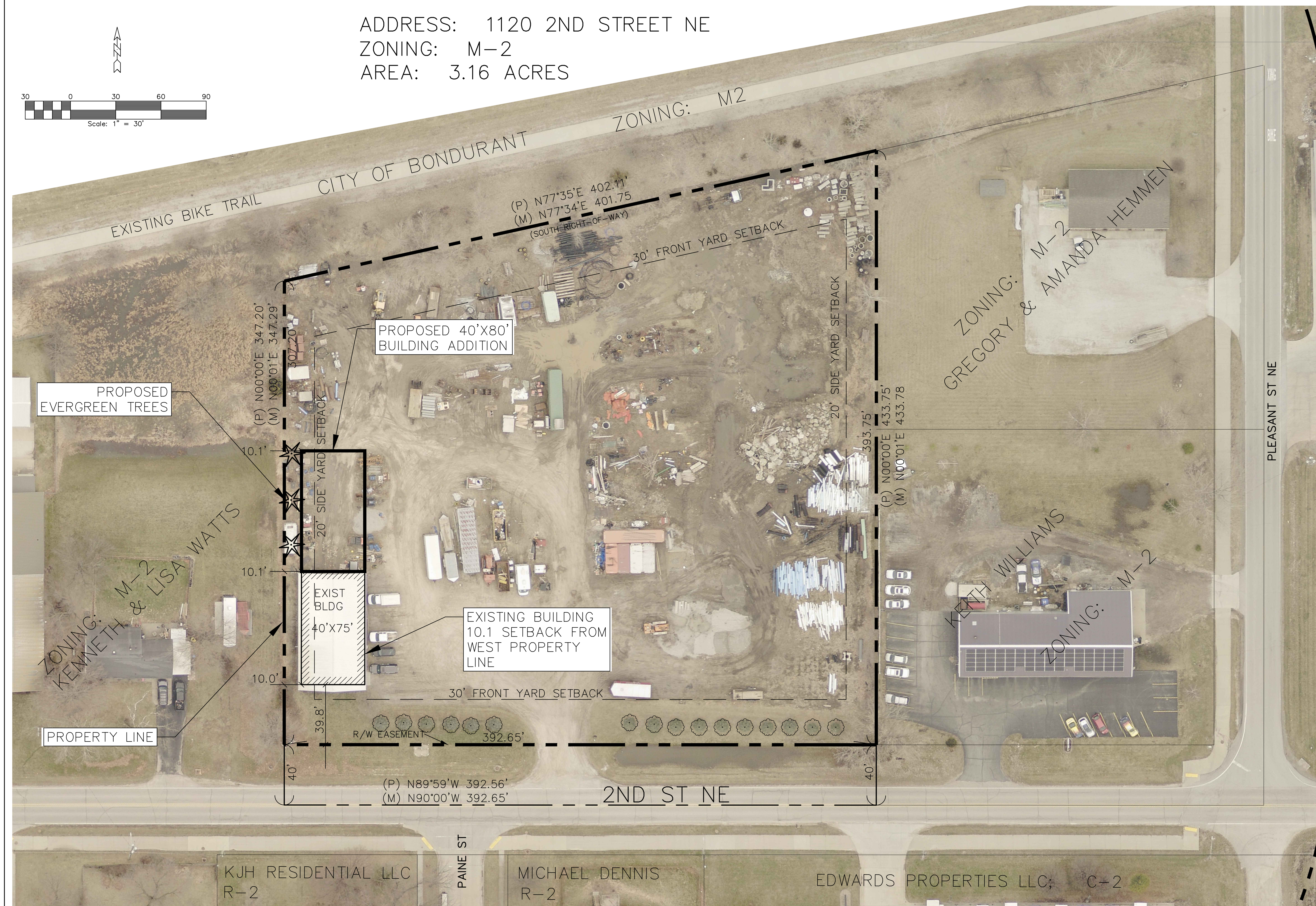
This column for Applicant		These columns for City use	
		Approved	Insufficient
1. X	Two (2) copies of Conceptual Site Plan folded to maximum size of 8" x 14", plus one electronic copy in PDF format (emailed)		
2. X	Scale, not more than one inch (1") equals fifty (50) feet.		
3. X	Date, revision dates, and north arrow.		
4. X	Legal description of the property. If not platted, a certified Plat of Survey shall be submitted.		
5. X	Zoning classification of the site.		
6. X	Boundaries of the site indicated by a heavy line.		
7. X	Property lines and ownership of adjoining properties.		
8. X	Building setback lines, area of the site.		
9. X	Screening to be provided, including location and height of fences and berms, and location and names of trees and shrubs (both common and botanical names) and height and spread at maturity, if appropriate.		

Legal Description (TRACT "C")

All that part of the East 649.65 feet of the Southeast Quarter of Section 30, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa, lying South of and adjacent to the Chicago Great Western Railroad Right-of-Way more particularly described as:

Commencing at the Southeast Corner of Section 30, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa, thence North 90°00' West 257.00 feet along the South line of the SE Quarter (SE 1/4) of said Section 30 to the Point of Beginning; thence North 90°00' West 392.65 feet along the South line of the SE Quarter of said Section 30; thence North 00°00' East 347.20 feet to the South Right-of-Way line of the Chicago Great Western Railroad; thence North 77°35' East along said Right-of-Way line 402.11 Feet; thence South 00°00' West 433.75 feet to the Point of Beginning, all in Section 30, Township 80 North, Range 22, West of the 5th P.M., Polk County, Iowa, containing 3.52 acres including 0.36 acres of Road

ADDRESS: 1120 2ND STREET NE
ZONING: M-2
AREA: 3.16 ACRES



RAMMS CONSTRUCTION - BOA

ERG
Engineering Resource Group, Inc.
Engineers and Surveyors
2413 GRAND AVENUE
DES MOINES, IOWA 50312
(515) 288-4823

21-028

NO.	REVISION	DATE	BY	FOR:	LOCATION:	SCALE: 1" = 30'	DESIGNED BY: DJS	DRAWN BY: BGH
						DWG: 21-028-BOA.dwg	CHECKED BY: DJS	DATE: 04/12/2021
						FIELD BOOK:	SHEET 1 OF 1	FILE NO.: 21-028

Plat of Survey

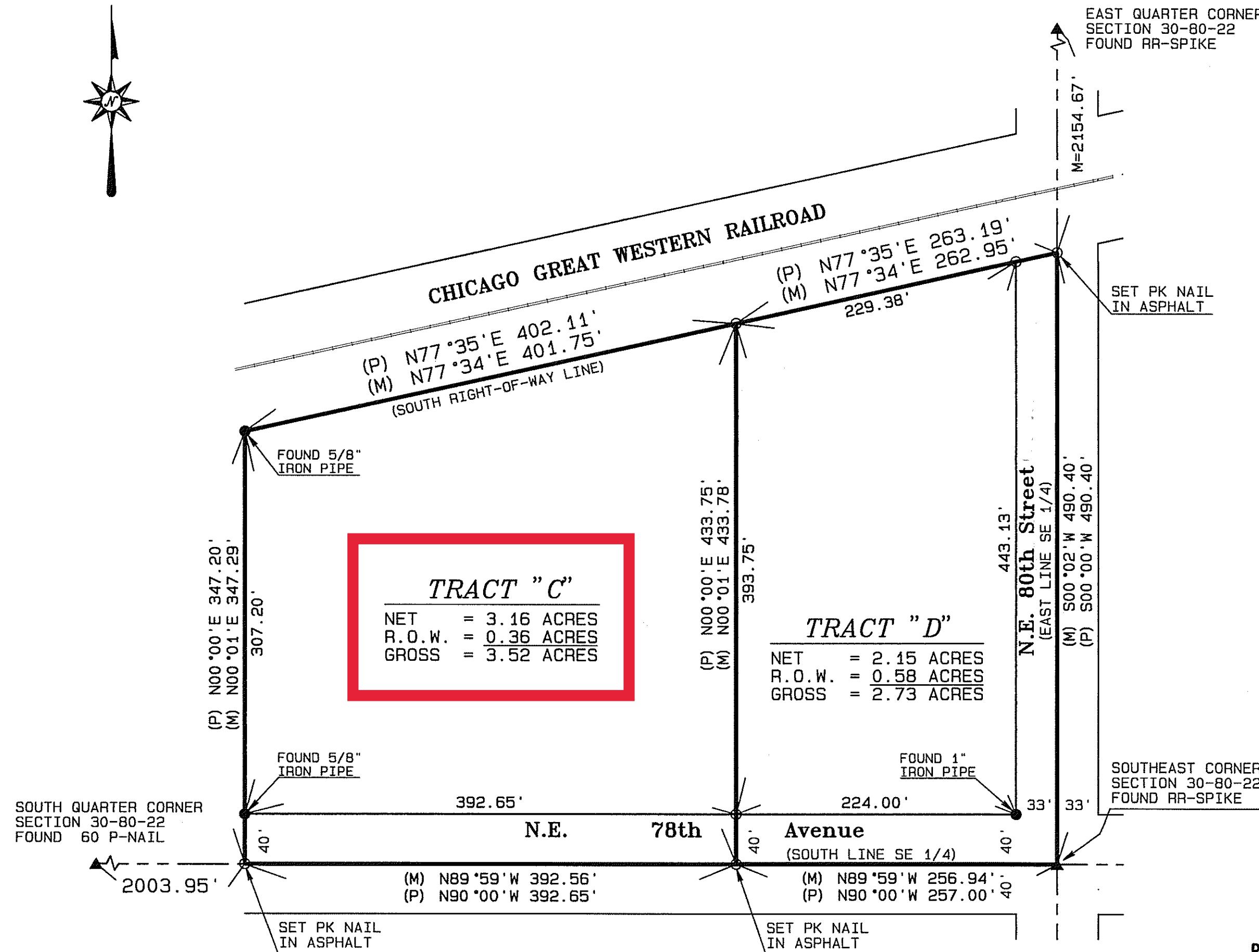
FILED FOR RECORD
POLK COUNTY, IOWA

97 OCT 22 A 11:44 AM

TIMOTHY J. BRIEN
RECORDER

INST # 031910
RECORDING FEE 21.00
AUDITOR FEE

Doc ID: 002277660001 Type: PLT
Recorded: 10/22/1997 at 12:00:00 AM
Fee Amt: Page 1 of 1
Polk County Iowa
TIMOTHY J. BRIEN RECORDER
BK 7751 PG 520



Legal Description (TRACT "D")
All that part of the East 257.00 feet of the Southeast Quarter of Section 30, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa, lying South of and adjacent to the Chicago Great Western Railroad Right-of-Way more particularly described as:

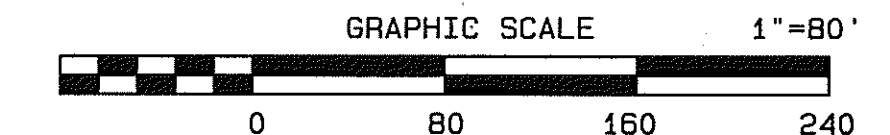
Beginning at the Southeast Corner of Section 30, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa, thence North 90°00' West 257.00 feet along the South line of the SE Quarter (SE 1/4) of said Section 30; thence North 00°00' East 433.75 feet to the South Right-of-Way line of the Chicago Great Western Railroad; thence North 77°35' East along said Right-of-Way line 263.19 Feet to a point on the East line of said Southeast Quarter (SE 1/4) of said Section 30; thence South 00°00' West 490.40 feet to the Point of Beginning, all in Section 30, Township 80 North, Range 22, West of the 5th P.M., Polk County, Iowa, containing 2.73 acres including 0.58 acres of Road Right-of-Way.

Legal Description (TRACT "C")
All that part of the East 649.65 feet of the Southeast Quarter of Section 30, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa, lying South of and adjacent to the Chicago Great Western Railroad Right-of-Way more particularly described as:

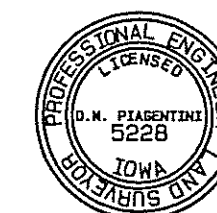
Commencing at the Southeast Corner of Section 30, Township 80 North, Range 22 West of the 5th P.M., Polk County, Iowa, thence North 90°00' West 257.00 feet along the South line of the SE Quarter (SE 1/4) of said Section 30 to the Point of Beginning; thence North 90°00' West 392.65 feet along the South line of the SE Quarter of said Section 30; thence North 00°00' East 347.20 feet to the South Right-of-Way line of the Chicago Great Western Railroad; thence North 77°35' East along said Right-of-Way line 402.11 Feet; thence South 00°00' West 433.75 feet to the Point of Beginning, all in Section 30, Township 80 North, Range 22, West of the 5th P.M., Polk County, Iowa, containing 3.52 acres including 0.36 acres of Road

PROPERTY OWNER: Arlene Lewis

Parcel Letter Designation
Approved by Polk County Auditor
MICHAEL A. MAURO
Dated This 22 Day of October, 1997
MICHAEL A. MAURO, POLK COUNTY AUDITOR



I hereby certify that this plat, plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer and Land Surveyor, under the laws of the State of Iowa.
Signed: *D.M. Piagentini* Date: 10-22-97
D.M. PIAGENTINI, P.E., L.S. Iowa Reg. No. 5228
MY LICENSE RENEWAL DATE IS - DECEMBER 31, 1997
PAGES OR SHEETS COVERED BY THIS SEAL: 1



- SURVEY MARKER FOUND
- SET 1/2" ROD W/CAP #5228
- M=95.0' AS MEASURED DISTANCE
- P=95.0' AS PLATTED OR DESCRIBED
- C=95.0' AS COMPUTED FROM OTHER DATA

DATE:	REVISIONS BY:
Computer File:	

ASSOCIATED ENGINEERING CO. OF IOWA
DES MOINES, IOWA

Plat of Survey

2917 MARTIN LUTHER KING, JR. PARKWAY
PHONE (515) 255-3156

SCALE:
1"=80'
DATE:
10-9-97
DRAWN BY:
CHECKED BY:
APPROVED BY:
PROJECT #:
200393B

AUDITOR TO COPY

Agreement

THIS AGREEMENT made effective as of the 1st day of April, 2021.

Between:

RAMMS CONSTRUCTION, LLC

1120 2nd St NE, Bondurant, IA 50035

“Party 1”

-and-

Kenneth R. Watts and Lisa M. Watts

1100 2nd St. NE, Bondurant, IA 50035

“Party 2”

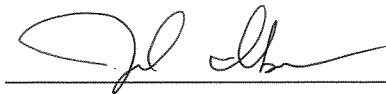
WHEREAS Party 1 is the owner of “Parcel 1” located in the City of Bondurant, State of Iowa, County of Polk designated as:

PARCEL C BEG 257F W OF SE COR THN W 392.65F N
347.2F NE 402.11F S 433.75F TO POB SE 1/4 SE 1/4
LESS .36A RD SEC 30-80-22

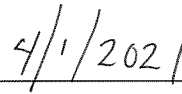
AND WHEREAS Party 2 is the owner of “Parcel 2” located in the City of Bondurant, State of Iowa, County of Polk designated as:

-EX RD- E 153.32 F W 693.52 F N LN & E 150 F W
677.15 F S LN SE 1/4 SE 1/4 S OF C G W RY ROW SEC
30-80-22

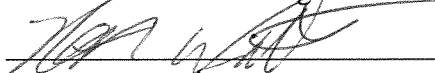
AND WHEREAS both parties come to an agreement that an addition to the building located on “Parcel 1” will not cause an inconvenience to the owner(s) of “Parcel 2”.



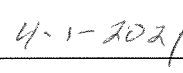
Parcel 1 Authorized Signature



Date



Parcel 2 Authorized Signature



Date