

*\*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/88238735219>*

**NOTICE OF A REGULAR MEETING  
BONDURANT BOARD OF ADJUSTMENT  
MARCH 12, 2024**

**NOTICE IS HEREBY GIVEN** that a Regular Meeting of the City Council will be held at 5:00 PM on March 12, 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. November 14, 2023 Minutes
5. **Action Items**
  - a. Public Hearing - Consideration of a variance request to Section 178.03.4.H. of the Zoning Code to allow for an increase in maximum allowable accessory building height for a structure in a Medium Density Residential (R-2) District to construct a 13'2"-tall accessory structure.
  - b. Resolution- Consideration of a variance request to Section 178.03.4.H. of the Zoning Code to allow for an increase in maximum allowable accessory building height for a structure in a Medium Density Residential (R-2) District to construct a 13'2"-tall accessory structure.
6. Adjournment

# City of Bondurant

Board of Adjustment  
200 2<sup>nd</sup> St NE, PO Box 37  
Bondurant, IA 50035



## Meeting Minutes

**DATE:** November 14, 2023

### 1. Call to Order 5:02 p.m.

Board Members and City Staff gave brief introductions.

**Place** Bondurant City Hall (200 2<sup>nd</sup> 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, Ethan Pitt

**Members Absent:** Jon Klein, Jolita Uthee

**City Officials Present:** City Administrator, Marketa Oliver  
Planning and Community Development Director, Maggie Murray

### 3. Perfecting and Approval of the Agenda

Motion by Member VanWyk, seconded by Member Pitt to approve of the November 14, 2023, meeting agenda. Vote on Motion 3-0-0. Motion carried.

### 4. Approval of Minutes

Motion by Member VanWyk, seconded by Member Klein to approve of the March 14, 2023 meeting minutes. Vote on Motion 3-0-0. Motion carried.

### 5. Action Items

- a. **PUBLIC HEARING:** for consideration of a conditional use for a gas station at 1130 2<sup>nd</sup> Street NW.

Public Hearing opened at 5:03 p.m.

Staff provided the Board with an overview of the proposed development. All gas stations are approved through the conditional use process to ensure an oversaturation of gas stations does not take place in the community. Murray stated the Planning and Zoning Commission and City Council have been reviewed and approved the Site Plan.

VanWyk asked staff if the Board's role is to ensure there saturation does not happen. Murray stated the Board is reviewing for that, but if they have safety concerns that can be factored into their decision as well. VanWyk expressed concern with traffic safety in this area with the inclusion of a gas station. VanWyk accessed about access to the site and if there will be any improvements of 2<sup>nd</sup> Street. Murray detailed the widening of 2<sup>nd</sup> Street NW. Pitt agreed there is a lot of traffic in this area but did state it could be a good use in this area.

The Board asked if this was a new store or if it was replacing an existing Caseys store. Erik Nikkel, with Caseys, stated the current plan is to relocate the existing gas station at 302 2<sup>nd</sup> Street.

Brad Swenson, 408 Fireside Drive NW, stated he has concerns with extra traffic generation a gas station could produce and asked if the traffic study will look at speed limit. Murray stated the study would look at that. Swenson asked about trees and buffer area between the Caseys and the residential properties to the east, Murray state there will be a buffer area with the ditch.

Mark Travis, 200 Fireside Drive NW, stated he has concerns with traffic on 2<sup>nd</sup> Street NW as well. Travis asked what the hours of operation would be, Nikkel stated hours have not been determined but would likely be similar to the hours of the existing two Caseys in Bondurant. Nikkel was asked why the Caseys was being placed on the eastern portion of this lot and not closer to the intersection. Nikkel stated he does not have a good answer other than this is the property negotiated for with the property owner. Nikkel reviewed the precautions being taken to ensure the least amount of environmental impact as possible. Travis reiterated his concern with traffic in this area.

Public Hearing was closed at 5:23 p.m.

- b. RESOLUTION NO. BA-231114-02: Motion granting/denying a conditional use request for a gas station at 1130 2<sup>nd</sup> Street NW.

Motion by Member Pitt, seconded by Member VanWyk, for approval of Resolution No. BA-231114-02 *“For consideration of a condition use request for a gas station at 1130 2<sup>nd</sup> Street NW with condition related to 2<sup>nd</sup> Street NW street improvements”*.

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

- c. Election of Officers.

Motion by Member VanWyk, seconded by Member Pitt, to elect Member Hanson as Chairperson and Member Klein as Vice-Chairperson.

## **8. Adjournment**

Motion by Member Hanson, seconded by Member VanWyk to adjourn the November 14, 2023, meeting. Vote on Motion 3-0-0. Motion carried.

Meeting adjourned.



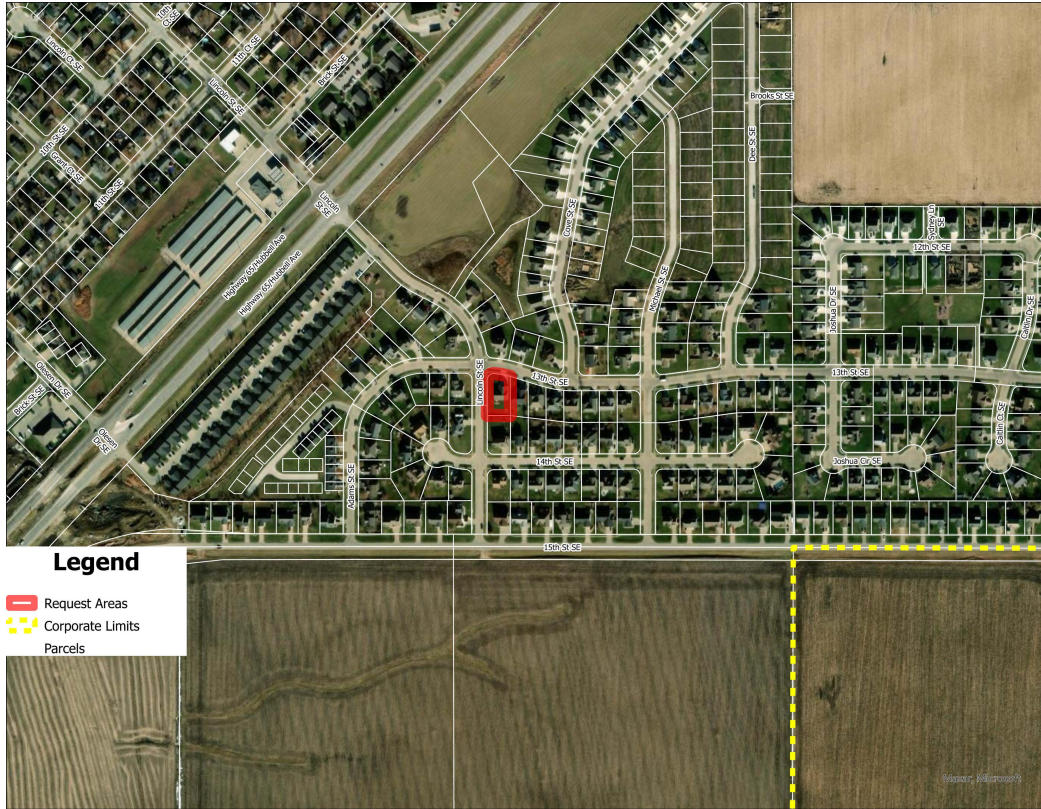
**BUSINESS OF THE BOARD OF ADJUSTMENT  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 5.a.  
For Meeting of 3/12/2024  
**Public Hearing**

**TITLE:** Public Hearing - Consideration of a variance request to Section 178.03.4.H. of the Zoning Code to allow for an increase in maximum allowable accessory building height for a structure in a Medium Density Residential (R-2) District to construct a 13'2"-tall accessory structure.

**CONTACT PERSON:**

**BRIEF HISTORY & ANALYSIS:** The City has received a variance request for property located at 801 13<sup>th</sup> Street SE and described as Lot 6 in Clarence Oleson Vista Estates Plat 4. The submitted variance request is to allow for a variance to Section 178.03.4.H. of the Zoning Code to allow for an increase of the Medium Density Residential (R-2) District's maximum accessory building height requirement. The variance request is for the construction of an accessory structure with a peak height of 13'2". Section 178.03.4.H states accessory structure maximum height of 12'.



Erik Nikkel, 801 13<sup>th</sup> Street SE, is requesting a variance to allow an additional 2' in maximum height of an accessory structure. Section 178.03.04.H. states the maximum height of accessory structures in Medium Density Residential (R-2) District is 12'. Nikkel is requesting to construct an accessory structure with a maximum height of 13'2". The proposed accessory structure would be located in the southeastern corner of the property and would meet all required setbacks.

The proposed accessory structure would have 8' side walls allowing for a garage door to be located on the front of the structure. Nikkel is proposing 5/12 roof pitch to match the primary structure. Nikkel notes reducing the roof pitch to 4/12, the maximum height would still exceed 12'. Nikkel has provided a mock draw-up of the proposed structure, which is attached to the agenda packet.

**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. An accessory structure would be able to be installed on the property and meet setback and height requirements.

**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 buildings involved.

The applicant is proposing to construct an accessory structure with 8' side walls and a 5/12 pitch. These dimensions are standard building sizes and pitches and would match the architectural design of the primary structure. However, it is staff's opinion these are not special conditions or circumstances, as the applicant can opt to construct the accessory structure with different dimensions. Section 177.04 of the Zoning Code states "...Accessory structures exceeding 160 square feet in area shall be constructed of materials that are the same or similar to the principal building...". This code requires the materials should be the same or similar, but the design of the accessory structure is not required to match the primary structure.

**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 building 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. All other lands, structures, or buildings within Medium Density Residential (R-2) Districts must meet bulk standards 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.

Granting the requested variance would allow the applicant to construct an accessory structure with a maximum height greater than what is allowed in R-2 Districts. This sized structure is not an allowable use and would require a variance for any property owner who wishes to construct a similar sized accessory structure in a R-2 District.

**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. Approving the variance request would result in the accessory structure matching the existing architectural design of the primary structure.

**FUNDING SOURCE:**

**STAFF RECOMMENDATION:**

**APPROVED FOR SUBMITTAL:**

**ATTACHMENTS:**

1. BA 240312-1 - Variance Application
2. BA 240312-1 - Variance Applicant Statement
3. BA 240312-1 - Variance Accessory Structure Mock-Up



**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 Erik Nikkel  
Address 801 13th St SE  
City Bondurant State IA Zip 50035  
Phone 515-238-2657 Email nikkel1221@hotmail.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:

801 13th St SE

- 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

*Erik Nikkel* Erik Nikkel

Date

2/21/24

BOA Agenda Date

Case No.

FOR OFFICE USE ONLY

Received Date



**City of Bondurant**

Planning and Community Development  
200 2nd St NE, Bondurant, Iowa 50035  
(515) 967-2418 • [planning@cityofbondurant.com](mailto:planning@cityofbondurant.com)

# BOARD OF ADJUSTMENT APPLICATION

## CONDITIONAL USE PERMITS

*Conditional uses require closer scrutiny and analysis to the subject property and its surroundings due to the special impacts or uniqueness of these types of developments. Each conditional use may have specific requirements for the type of use proposed. Please review your zoning districts permitted conditional use section within the city of Bondurant’s Code of Ordinances under Chapter 178 ‘District Regulations’.*

### Notifications

Notice of a public hearing is provided to the owner of the property via mail or email and to the public through a publication in a local newspaper. Properties within two-hundred (200) feet will receive a mailing from the city.

## VARIANCES

*A variance is not a zoning change, but instead a project –specific change in requirements 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 code and its standards due to specific circumstances.*

### Notifications

Notice of a public hearing is provided to the owner of the property via mail or email and to the public through a publication in a local newspaper. Properties within two-hundred (200) feet will receive a mailing from the city.

### Findings of Fact

*The following questions must be answered and submitted by the applicant as part of a submittal for a variance. A variance cannot be granted unless all findings of fact can be answered favorably for the request.*

**1. Can the land in question still yield a reasonable return if the variance was not granted?**

This asks whether the property owner could establish any beneficial use on their property without a variance.

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

Special conditions or platting features peculiar to the lot itself must be precluding the applicant from complying with the zoning code. This may include physical features such as steep slopes or floodplains. These conditions and circumstances must be unique to the parcel in question.

**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?**

Provide evidence that the hardship is not self-imposed.

**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?**

Explain how the variance is not advocating for rights superior to neighboring properties or those in the same zoning district.

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

Though granting the variance allows deviation from the zoning code, the variance must not change the intent of the Code or change the character of neighbors who are in the same zoning district.

## BOARD OF ADJUSTMENT MEETINGS

The Board of Adjustment meets the 2nd Tuesday of each month at 5:00pm at the City Hall. Agenda packets are posted to the City of Bondurant’s website for each meeting. Please visit the following link for all agendas and meeting minutes:

[CityofBondurant.com/Minutes-and-Agendas](http://CityofBondurant.com/Minutes-and-Agendas)

## PAYMENT OF APPLICATION FEES

Permit application fees can be paid by a check made payable to the City of Bondurant or through our online payment portal:

[MunicipalOnlinePayments.com/Bondurantia](http://MunicipalOnlinePayments.com/Bondurantia)

## Variance Application

Date: 2/21/24  
Name: Erik Nikkel  
Address: 801 13<sup>th</sup> St SE  
Parcel ID: 8022.31.454.009  
Legal Description: Clarence Oleson Vista Estates Plat 4, Lot 6

### Variance Request:

Requesting relief from the 12' maximum peak height for garages / accessory buildings by an additional 2 feet. Based on conversations with city staff prior to application submission, it is understood that a paved driveway is not required (nor proposed) for the garage / accessory building.

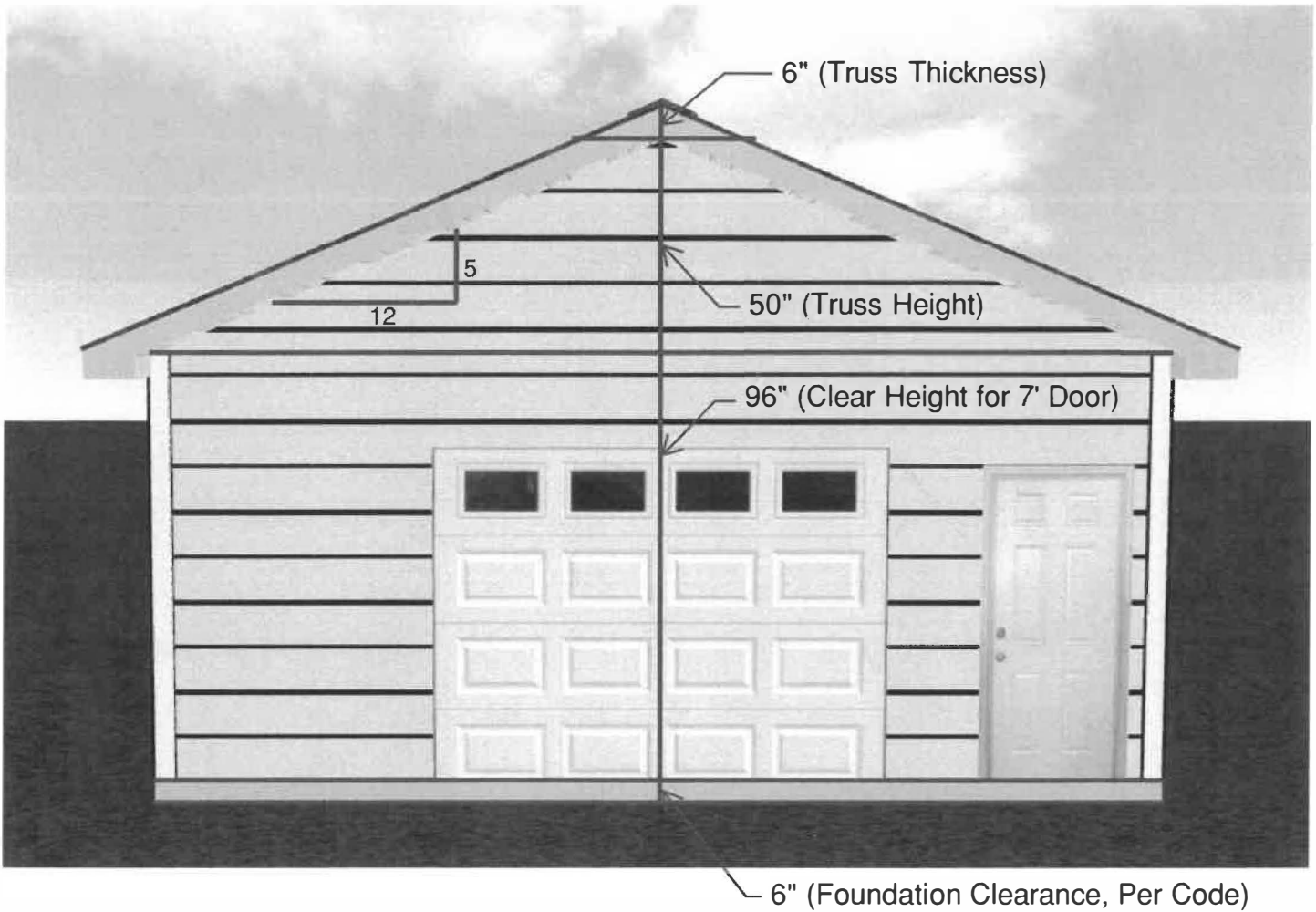
### Justification:

Per code, the city allows garages up to 1000 sf in size. I plan to build a 400 sf (20'x20') garage in the rear yard of my property. The garage would be built on a paved slab, have an 8' ceiling height (to allow for a garage door) with a 5/12 roof pitch to match the primary dwelling. Based on these parameters, the proposed peak height would be 13'-2" (See elevation and calculations provided), which exceeds the allowable height. Note, reducing the roof pitch to a 4/12 pitch would still exceed the allowable height by 4" and would no longer match the primary dwelling.

See next page for FINDINGS OF FACT

Findings of Fact:

1. Can the land in question still yield a reasonable return if the variance was not granted?  
Yes.
2. Do special conditions and circumstances exist which are peculiar to the land, structure, or building involved?  
Yes, based on the code (30% max. allowable accessory building) and the current layout of my property I am allowed to build up to a 792 sf garage. Based on the dimension of a proposed structure's width and roof pitch, the height allowed can be an issue and require a variance.
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?  
Yes, based on the desire to build a garage, the desired size and the roof pitch, it is an action of the applicant.
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?  
No, others would have the opportunity to request the same variance.
5. Will granting the variance alter the essential character of the land in question?  
No, in this case the proposed accessory building will simulate the primary structure (roof pitch) on the property.



Approximate Height

6" - Clearance from Grade to Top of Slab, Per Code

96" - Interior Ceiling Height

50" - Rafter Height for 20'x20' @ 5/12 Rafter Slope (To Match Primary Dwelling)

6" - Truss Thickness for 2"x6" (Pre-Engineered Truss)

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13'-2" - Total Structure Height (Minimum, Request 14'-0")