

Posting Date: January 23, 2019

**NOTICE OF A MEETING
BONDURANT BOARD OF ADJUSTMENT
FEBRUARY 12, 2019**

NOTICE IS HEREBY GIVEN that a meeting of the Board of Adjustment will be held at 5:00 p.m., on Tuesday, February 12, 2019, in the Bondurant City Center at 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 the Board of Adjustment Meeting Minutes of October 9, 2018
5. **PUBLIC HEARING** – For consideration of a request for a variance to Municipal Code – Chapter 179 of the Zoning Code, Section 179.01. The property owner is requesting a variance to seek relief of the 100% stone, brick or glass requirement adjacent to the Highway 65 corridor as well as the ability to face overhead doors adjacent to the corridor
6. **RESOLUTION NO. BA-190107-01** – A Resolution granting / denying a variance for Outlot W, V and Z of Clement Estates Plat 2, being an official plat including in and forming a part of the City of Bondurant, Polk County, Iowa and the south 210 feet, west 416 feet of the NW ¼ of the NW 1/4 , Section 12, Township 79N, Range 23W
7. Adjournment

BONDURANT BOARD OF ADJUSTMENT

Minutes

October 9, 2018

Bondurant City Center

1. Call to Order

Board Member Hanson called the meeting to order at 5:00 p.m.

2. Roll Call

Present: Board Member Greg Hanson, Board Member Dave McGrath, Board Member Judi Mendenall

Absent: Board Chair Kelsi Jurik, Board Member Daniel Hoffman-Zinnel

City Officials

Present: City Administrator Marketa Oliver, City Clerk Shelby Hagan

3. Perfecting and Approval of Agenda

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

4. Approval of the Board of Adjustment Meeting Minutes of September 10, 2018

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

Board Member Hanson opened the public hearing at 5:01 p.m.

5. **PUBLIC HEARING** –For consideration of a request for a variance to Municipal Code – Chapter 178 of the Zoning Code, Section 178.03. The property owner is requesting a variance to allow a seventeen foot rear yard setback for a proposed addition

Machelle Godwin, 206 7th Court, Southeast, presented her proposed addition to the Board. The addition is a 14x12 four-season room. The addition would be eight feet into the twenty-five foot setback requirement.

Board Member Hanson closed the public hearing at 5:06 p.m.

6. **RESOLUTION NO. BA-18-05** – A Resolution granting / denying a variance from setback requirements for 206 7th Court, Southeast, Bondurant, Iowa, Polk County, Iowa

Motion by McGrath, seconded by Mendenhall, approving RESOLUTION NO. BA-18-05 granting a variance for 206 7th Court, Southeast. Roll Call: Ayes: Mendenhall, McGrath, Hanson. Nays: None. Absent: Jurik, Hoffman-Zinnel. Motion Carried 3-0.

7. Adjournment

Moved by Mendenhall, seconded by McGrath, to adjourn the meeting at 5:18 p.m. Vote on Motion 3-0. Motion declared carried unanimously.

Shelby Hagan, City Clerk

ATTEST:

Greg Hanson, Board Member

NOTICE OF PUBLIC HEARING

The Board of Adjustment for the City of Bondurant will meet at 5:00 p.m. on February 12, 2019, in the Community Room of the City Center, 200 2nd St. NE, Bondurant, Polk County, Iowa, to consider a request for a variance from City Code Chapter 179, Section 179.01 for Outlot W, V and Z of Clement Estates Plat 2, being an official plat including in and forming a part of the City of Bondurant, Polk County, Iowa and the south 210 feet, west 416 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 12, Township 79N, Range 23W. The variance is requested to seek relief of the 100% stone, brick or glass requirement adjacent to the Highway 65 corridor as well as the ability to face overhead doors adjacent to the corridor. All interested parties are encouraged to attend.

Marketa Oliver
City Administrator



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	Authorized Agent (Attorney, engineer, architect, etc.)
Name:			
Mailing Address:			
Telephone No.			
Fax No.			
Email Address:			



**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:

Outlot W, V and Z of Clement Estates Plat 2, being an official plat including in and forming a part of the City of Bondurant, Polk County, Iowa and the south 210 feet, west 416 feet of the NW 1/4 of the NW 1/4, Section 12, Township 79N, Range 23W

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)

By:

Submittal Date: _____

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 applicant would request relief from the requirement of Arterial Corridor Overlay zoning requirement of 100% stone, brick or glass being required for the subject property. As shown on the attached architectural elevations the applicant is proposing to use a horizontal architectural metal panel in combination with the glass curtain wall at the main entrance to the building to frame the entrance with a consistent look on both the south side of the building adjacent to Ziegler Drive as well as the west side adjacent to Hwy 65. This will result in 28% glass on the south side and 10% glass on the west side of the building. The balance of the walls will utilize a vertical architectural panel to provide a variable look to the external portion of the building in conjunction with overhead doors.

We are also seeking relief for the ability to provide overhead doors facing the Hwy 65 corridor. This is necessary to allow for the building to function with the necessary drive thru capability of the building. The orientation of the building on this site is necessary due to the limited space between the Hwy 65 corridor and the existing pond.



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.	Two (2) copies of Conceptual Site Plan folded to maximum size of 8" x 14", plus one electronic copy in PDF format		
2.	Scale, not more than one inch (1") equals fifty (50) feet.		
3.	Date, revision dates, and north arrow.		
4.	Legal description of the property. If not platted, a certified Plat of Survey shall be submitted.		
5.	Zoning classification of the site.		
6.	Boundaries of the site indicated by a heavy line.		
7.	Property lines and ownership of adjoining properties.		
8.	Building setback lines, area of the site.		
9.	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.		



City of Bondurant, Iowa APPLICATION FOR VARIANCE

CITY OF BONDURANT BOARD OF ADJUSTMENT 2018 MEETING SCHEDULE

<u>BOARD MEETING DATE</u>	<u>PUBLICATION DATE</u>	<u>PUBLICATION DEADLINE DATE</u>	<u>APPLICATION DEADLINE DATE</u>
January 9, 2018	December 20, 2017	December 13, 2017	December 11, 2017
February 13, 2018	January 24, 2018	January 17, 2018	January 15, 2018
March 13, 2018	February 21, 2018	February 14, 2018	February 12, 2018
April 10, 2018	March 21, 2018	March 14, 2018	March 12, 2018
May 8, 2018	April 18, 2018	April 11, 2018	April 9, 2018
June 12, 2018	May 23, 2018	May 16, 2018	May 14, 2018
July 10, 2018	June 20, 2018	June 13, 2018	June 11, 2018
August 14, 2018	July 18, 2018	July 11, 2018	July 9, 2018
September 11, 2018	August 22, 2018	August 15, 2018	August 13, 2018
October 9, 2018	September 19, 2018	September 12, 2018	September 10, 2018
November 13, 2018	October 24, 2018	October 17, 2018	October 15, 2018
December 11, 2018	November 21, 2018	November 14, 2018	November 12, 2018