

Posting Date: June 7, 2019

**NOTICE OF A MEETING  
BONDURANT BOARD OF ADJUSTMENT  
JUNE 11, 2019**

**NOTICE IS HEREBY GIVEN** that a meeting of the Board of Adjustment will be held at 5:00 p.m., on Tuesday, June 11, 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 February 12, 2019
5. **PUBLIC HEARING** – For consideration of a request for a variance to Municipal Code – Chapter 177 of the Zoning Code, Section 177.08. The property owner is requesting a variance to allow Motor Vehicle Dealers in a C-2 Zone
6. **RESOLUTION NO. BA-18-02** – A Resolution granting / denying a variance from to allow Motor Vehicle Dealers in a C-2 Zone
7. Adjournment

BONDURANT BOARD OF ADJUSTMENT

Minutes

February 12, 2019

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 Amy Campbell-Lamb, Board Chair Kelsi Jurik, Board Member Daniel Hoffman-Zinnel

Absent:

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 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

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

6. **RESOLUTION NO. BA-18-05** – 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

Motion by McGrath, seconded by Mendenhall, approving RESOLUTION NO. BA-18-05 granting a variance for 206 7<sup>th</sup> 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.

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Shelby Hagan, City Clerk

ATTEST:

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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 June 11, 2019, in the Community Room of the City Center, 200 2nd St. NE, Bondurant, Polk County, Iowa, to consider a request for a Conditional Use Permit to allow motor vehicle dealers in a C-2 zone. The property is located at 108 Hubbell Road, Northeast, Bondurant, Polk County, Iowa. David Cummins is listed as the property owner, and the application was submitted by Nathan Kannegieter. The Board will also consider a request from City Code Chapter 177, Section 177.08 for 120 Main Street, Southeast. The property owner is requesting a variance from hard-surface parking requirements. All interested parties are encouraged to attend.

BOARD OF ADJUSTMENT  
RESOLUTION NO. BOA-190611-02

RESOLUTION GRANTING A VARIANCE FROM CITY ZONING CODE  
CHAPTERS 177.08 TO ALLOW MOTOR VEHICLE DEALERS IN A C-2 ZONE

WHEREAS, pursuant to Chapter 27 of Bondurant Municipal Code, the applicant, Nathan Kannegieter, 1201 Pleasant Street, Northeast, Bondurant, Iowa, 50035, on behalf of A3 Auto, has requested a variance to allow motor vehicle dealers in a C-2 zone; AND

WHEREAS, the proposed Plat will require the following variance:

1. Section 177.08, a variance to allow motor vehicle dealers in a C-2 zone at 108 Hubbell Road, Northeast

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the City of Bondurant, Iowa, that the variance is hereby granted for 108 Hubbell Road, Northeast, based upon the concept layout, project description, applicable law, and findings of fact and conclusions.

Moved by \_\_\_\_\_ Second by \_\_\_\_\_ to adopt.

Passed this 11<sup>th</sup> day of June, 2019,

By: \_\_\_\_\_  
Kelsi Jurik, Board Chair

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the Board of Adjustment 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.

ATTEST:

\_\_\_\_\_  
Shelby Hagan, City Clerk

Comm. Action	Yeas	Nays	Abstain	Absent
Hanson				
Jurik				
McGrath				
Campbell-Lamb				
Hoffman-Zinnel				



## City of Bondurant, Iowa APPLICATION FOR CONDITIONAL USE PERMIT

### APPLICATION FOR CONDITIONAL USE PERMIT City of Bondurant, Iowa

A conditional use permit (CUP) request filed with the City and will be scheduled for a Planning and Zoning Commission review once all documents and the filing fee are received. The Planning and Zoning Commission reviews the application and creates recommendations that are then forwarded to the Board of Adjustment. (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 CUP 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 CUP is not a zoning change, but rather a project-specific change in the uses allowed on a specific property. CUP's do not involve the establishment of new codes, regulations, or policies. Instead, a CUP applies the provisions of the zoning ordinance and its standards to the specific circumstances, which characterize a proposed land use. If a CUP is approved, it will usually require that certain "conditions of approval" be adhered to by the applicant. Alternatively, the Board may deny uses, which do not meet local standards or cannot be made compatible with the surrounding neighborhood pending certain conditions of approval.

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

### 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:	Nathan Kannegieter	David Cummings	Laura Luetje, attorney
Mailing Address:	1201 Pleasant St. NE Bondurant, IA 50035	1281 NE 66th St. Bondurant, IA 50035	210 NE Delaware Ave Ankeny, IA 50021

Telephone No.	319.231.0339	515.975.9858	515.964.8777
Fax No.			
Email Address:	A3AutoLoan@gmail.com		www.ankenyaw.com

**TO THE CHAIRPERSON OF THE BONDURANT BOARD OF ADJUSTMENT:**

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

*See attached*

The Conditional Use Permit 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)

*Nathan Kamm*  
By: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

*4.29.19*

**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 2<sup>nd</sup> Street NE, to obtain a list of meeting dates and submittal deadlines.**



## **Application for Conditional Use Permit Accompanying Information: Detailed Explanation of Proposed Use and Development**

**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 will govern the development and operation of the Conditional Use if approved, and cannot be altered except by approval of an amendment to the Conditional Use. Development must also conform to the Site Plan Ordinance 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 Conditional Use Permits, such as communication towers, require additional information not fully covered by this standard application form. Refer to the Zoning Ordinance for such additional submittal requirements.

Legal Description

-EX W 33F RD EASM- & -EX W 162F N 170F- & -EX PRT  
BEG AT PT 162F E NW COR THN E 170.17F SELY 75.2F  
SWLY 184F NWLY 108.4F SWLY 28.35F THN N 132.9F TO  
BEG- & -EX BEG 307.2F S OF NW COR THN S 257.4F NE  
773.1F W 198.88F SE 75.2F SW 450.2F NW 106.8F TO  
POB- PRT LYG N & W HWY 65 NW 1/4 SEC 32-80-22

And

W 162F N 170F NW 1/4 LESS RD SEC 32-80-22





