Posting Date: September 19, 2019

#### NOTICE OF A MEETING BONDURANT BOARD OF ADJUSTMENT OCTOBER 8, 2019

**NOTICE IS HEREBY GIVEN** that a meeting of the Board of Adjustment will be held at 5:00 p.m., on Tuesday, October 8, 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 July 9, 2019
- PUBLIC HEARING For consideration of a request for a variance to Municipal Code Chapter 177 of the Zoning Code, Section 177.06. The property owner is requesting a variance for 612 Mulberry Drive, Northwest
- 6. <u>RESOLUTION NO. BA-190910-04</u> A Resolution granting / denying a variance for 612 Mulberry Drive, Northwest
- 7. <u>PUBLIC HEARING</u> 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 for Road Side Machinery & Supplies Company
- 8. <u>RESOLUTION NO. BA-191008-05</u> A Resolution granting / denying a variance for Road Machinery & Supplies Company
- 9. Adjournment

# BONDURANT BOARD OF ADJUSTMENT Minutes July 9, 2019 Bondurant City Center

#### 1. Call to Order

Board Chair Jurik called the meeting to order at 5:01 p.m.

2. Roll Call

Present: Board Member Greg Hanson, Board Chair Kelsi Jurik, Board Member Daniel

Hoffman-Zinnel

Absent: Board Member Dave McGrath, Board Member Amy Campbell-Lamb

City Officials

Present: City Clerk Shelby Hagan, Planning Intern Nelson Loring

3. Perfecting and Approval of Agenda

Motion made by Hanson, seconded by Hoffman-Zinnel, to approve the agenda. Vote on Motion 3-0. Motion declared carried unanimously.

4. Approval of the Board of Adjustment Meeting Minutes of June 11, 2019

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

Board Chair Jurik opened the public hearing at 5:02 p.m.

5. <u>PUBLIC HEARING</u> – For consideration of a request for a variance to Municipal Code – Chapter 177 of the Zoning Code, Section 177.02 and Chapter 178 of the Zoning Code, Section 178.03. The property owner is requesting a variance to allow a fence extension and porch addition to 100 3<sup>rd</sup> Street, Southeast

BJ & Kristy Olesen, 100 3<sup>rd</sup> Street, Southeast, presented their proposal to the Board. They are only requesting a variance for the front porch. Veenstra & Kimm, Inc. approved the fence permit.

Board Chair Jurik closed the public hearing at 5:09 p.m.

6. <u>RESOLUTION NO. BA-190709-03</u> – A Resolution granting / denying a variance from to allow a fence extension and porch addition to 100 3<sup>rd</sup> Street, Southeast

Motion by Jurik, seconded by Hoffman-Zinnel, to amend RESOLUTION NO. BA-190709-03 striking the fence variance. Roll Call: Ayes: Jurik, Hoffman-Zinnel, Hanson. Nays: None. Absent: McGrath, Campbell-Lamb. Motion Carried 3-0.

Motion by Hoffman-Zinnel, seconded by Jurik, approving RESOLUTION NO. BA-190709-03 granting a variance to allow the front porch addition. Roll Call: Ayes: Jurik, Hoffman-Zinnel, Hanson. Nays: None. Absent: McGrath, Campbell-Lamb. Motion Carried 3-0.

#### 7. Adjournment

Moved by Hanson,	seconded by	Hoffman-Zinnel,	to adjourn	the meet	ting at !	5:11 p.m	ı. Vote on
Motion 3-0. Motion	declared carri	ed unanimously.					

	Shelby Hagan, City Clerk
ATTEST:	
Kelsi Jurik Board Chair	

#### BOARD OF ADJUSTMENT RESOLUTION NO. BOA-190910-04

#### RESOLUTION GRANTING A VARIANCE FROM CITY ZONING CODE CHAPTERS 177 ALLOWING BUILDING LINES ON APPROVED PLATS TO 612 MULBERRY DRIVE, NORTHWEST

WHEREAS, pursuant to Chapter 27 of Bondurant Municipal Code, the applicant, Mark Arentsen, 612 Mulberry Drive, Northwest, Bondurant, Iowa, 50035, has requested a variance to allow a Building Lines on Approved Plats; AND

WHEREAS, the proposed Plat will require the following variance:

1. Section 177.06, a variance to allow a Building Lines on Approved Plats.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the City of Bondurant, Iowa, that the variance is hereby granted for 612 Mulberry Drive, Northwest, based upon the concept layout, project description, applicable law, and findings of fact and conclusions.

to adopt.	Second by	by	Move
Passed this 10 <sup>th</sup> day of September, 2019,			
	Ву:		
Kelsi Jurik, Board Chair			
y certify that at a meeting of the Board of gs the above was adopted.	•	•	•
and year above written.	set my hand the day	OF, I have hereunto	IN WITNESS WHER
ATTEST:			
Shelby Hagan, City Clerk			
	Abstain Absent	Yeas Navs	Comm. Action

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

#### NOTICE OF PUBLIC HEARING

The Board of Adjustment for the City of Bondurant will meet at 5:00 p.m. on October 8, 2019, in the Community Room of the City Center, 200 2nd St. NE, Bondurant, Polk County, Iowa, to consider a request from City Code Chapter 177, Section 177.06 regarding Building Lines on Approved Plats. The property is located at 612 Mulberry Drive, Northwest, Bondurant, Polk County, Iowa. The application was submitted by the listed property owner, Mark Arentsen. All interested parties are encouraged to attend.

### ZONING BOARD OF ADJUSTMENT APPLICATION FOR APPEAL



Applicant is a: Property Owner	☐ Tenant ☐ Other
Applicants Name: Meek	trenten
Address: 612 Mulber	
*	
Phone: 513-681-060 6	Email: mark-arenten 3@ gmail. Co
Property Owner:	0
Owners Address:	City/State/Zip:
	Email:
Location of proposed variance: 612	Zoning Administrator rendered on 24th day of July 2019 Mulberry Dr. NW Arbor Plidage Plat 3
Zoning: PUN Principal Use of	of Property: Residence
request a variation from the current req	quirement for:
□ Front Yard 🗡 Side Yard 🗀 Rear Y	/ard □ Fence □ Sign □ Parking □ Height
Other:	
City Zoning Code Section # 177.0	which state(s)
propose the following in lieu of that req	wired: See attached statement
ttached hereto and made part of this appeal,	
A statement indicating the reason for my app	
) A drawing showing proposed variance reque	
A letter of authorization from the owner or le	essee, if applicable.
FFIDAVIT	
ate of)ss	
ounty of)	
neveby deposit and say that all of the above st	atements and the statements contained in the papers submitted herewith are true.
The all he was	China and China and China
Signature of applicant	Signed and sworn before me, this
Signature of applicant	Signed and sworn before me, this day of Alywh, 201
Signature of applicant  Signature of applicant  Paid	day of Hyvst, 201.  d: Cash Check# 433 (Notary Public)
8/0/10	day of Hynst, 201

RECEIP	DATE 8/13/19	_No.		
DECEMED EBOM	WHY HIMMULL	\$	100.00	
RECEIVED FROM	the popular	The same of the sa	DOLLARS	
OFOR RENT	Tyles			
ACCOUNT	CASH CHECK FROM			
PAYMENT	C MONEY	TO		
BAL. DUE	ORDER OCREDIT CARD BY	9	3-11	
			<b>≠</b>	

MARK J OR MARIBETH ARENTSEN	500 <del>1383</del> <b>4253</b>
612 MULBERRY DR NW BONDURANT, IA 50035	us +7,2019
PAY TO THE ORDER OF ORDER OF ORDER OF ORDER OF ORDER OF ORDER ORDE	S (80, 80)
ALTOONA, IOWA 50008 BONDURANT, IOWA 50036	DOLLARS B Details on Back.
Bank CLIVE, IOWA 50325 MITCHELLVILLE, IOWA 50169	Chindren .
**************************************	

DATE: AUGUST 5, 2019

TO: JASON VAN AUSDALL, BUILDING OFFICIAL, CITY OF BONDURANT

FROM: MARK ARENTSEN

**RE: VARIANCE** 

I understand that someone has questioned the installation and location of the steps to my 2<sup>nd</sup> story deck and the landing which connects the steps to the deck. I believe that the cantilevered 6 X 6 posts which support the landing are being challenged as a non-standard type of construction.

I originally intended to install the posts directly into the ground to support the landing. The electric service line to the house was located so that I could be sure I wouldn't drill the holes for the posts into the electric line. I was informed that the marks for the line could vary by about 16 inches. I measured the distance from the paint marking the line to the proposed location of the post holes. The distance was about 24 inches. Since I was drilling outside of the variance area I assumed I was ok. I proceeded to drill the first support post hole. After drilling down several feet, a section of the red marking tape that's placed in the trench over the electric line came up with the dirt from the auger. I immediately stopped since it was clear that I was very close to the house electric service line. Installing cantilevered support posts was the only option. These are anchored with heavy duty steel angle iron to the 6 X 6 posts supporting the deck. This work was completed at least 10 years ago. I have never needed to fix any of this original work. The original work supports the landing very well and has never moved from its installed location.

I understand that there may also be a question about the location of the steps and landing. These are entirely within the property boundary of the lot. We checked that location before proceeding with the work. I was told that as long as there was no roof structure over this work, we could build out to the lot line.

At the time this work was done the house under construction to the north was in an unplatted area. Our house was built in the 2006. It was the furthest north platted lot on the west side of Mulberry Dr. NW. Our lot is lot 7, Arbor Ridge Plat 3, platted in 2006. The house to the north is lot 14, Arbor Ridge Plat 5, platted in 2011. The deck and stairs work was completed in 2008 or 2009, prior to the platting of Arbor Ridge Plat 5. When we did the work on the deck and stairs we had no way of knowing whether this property would ever be platted. Regency Builders had owned the property but was no longer in business. There was a significant grade difference between our house and the property to the north when our house was built, and we had no

way of knowing if this grade difference would make the cost to develop the property to the north too expensive.

Also, the purchasers of lot 14, Plat 5 and their builder certainly knew of the existence of the deck and stairs prior to purchasing the property and siting the house on the lot. I'm confused about why this issue was not raised until the new house was approximately 50% complete. If this was an issue for them, they should not have proceeded with their project.

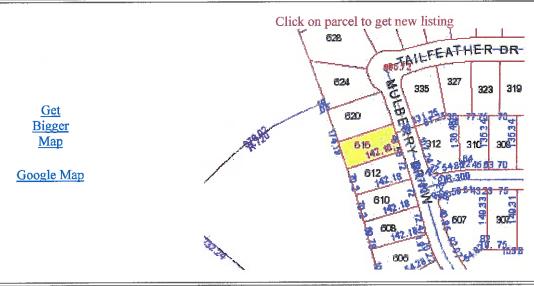
I believe that the location of the electric service line, the fact that this work was done prior to platting Arbor Ridge lot 14 Plat 5 and the fact that the purchaser and builder knew of the existence of the deck and stairs qualifies this work for a variance.

Thank you.



[ Home ] [ General Query ] [ Legal Query ] [ HomeOwner Query ] [ Book/Page Query ] [ Commercial Query ] [ Res Sales Query ] [ Comm Sales Query ] [ Help ]

District/Parcel	GeoParcel	Мар	Nbhd	Jurisdiction	Status
231/00072-314- 000	8023-25-402-019	0710	BN01/A1	BONDURANT	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
4/Bondurant-Farrar					
Street Address City State Zipcode					
616 MULBERRY DR NW			BONDURANT IA 50035		



Mailing Address		
HEIDI N RIAL 218 6TH ST NW BONDURANT, IA 50035	Lot Ruted 2011	

# Legal Description LOT 14 ARBOR RIDGE PLAT 5

Ownership	Name	Recorded	Book/Page	RevStamps
Title Holder #1	RIAL, HEIDI N	2019-04-23	17301/88	
Title Holder #2	RIAL, PATRICK J			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential	Full	38,200	0	0	38,200

#### Assessment Roll Notice

Land					
SQUARE FEET	10,063	ACRES	0.231	YR PLATTED	2011
SHAPE	RT/Rectangular	TOPOGRAPHY	N/Normal		

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
ARENTSEN, MARK	RIAL, HEIDI N	2019-04-15	70,000	D/Deed	17301/88
ARBOR RIDGE LLC	ARENTSEN, MARK	2011-09-08	33,000	D/Deed	14001/757

Year	Туре	Status	Application	Permit/Pickup Description
2017	U/Pickup	CP/Complete	2016-08-30	RV/PLAT LAW EXPIRED

Year	Type	Class	Kind	Land	Bldg	AgBd	Total
2019	Assessment Roll	Residential	Full	38,200	0	0	38,200
2017	Assessment Roll	Residential	Full	35,100	0	0	35,100
2015	Assessment Roll	Residential	Full	330	0	0	330
2013	Assessment Roll	Residential	Full	330	0	0	330
2012	Assessment Roll	Residential	Full	330	0	0	330

#### email this page

Room 195, 111 Court Avenue, Des Moines, IA 50309 Phone 515 286-3140 / Fax 515 286-3386 polkweb@assess.co.polk.ia.us



[ Home ] [ General Query ] [ Legal Query ] [ HomeOwner Query ] [ Book/Page Query ] [ Commercial Query ] [ Res Sales Query ] [ Comm Sales Query ] [ Help ]

District/Parcel	GeoParcel	Мар	Nbhd	Jurisdiction	Status
231/00072-100- 077	8023-25-402-005	0710	BN01/A1	BONDURANT	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
4/Bondurant-Farrar			The state of the s		
Street Address			City State Zipcode		
612 MULBERRY DR NW BONDURANT IA 50035			ANT IA 50035-3	207	





Approximate date of photo 08/28/2012

#### Mailing Address

MARK ARENTSEN 612 MULBERRY DR NW BONDURANT, IA 50035-3207



#### Legal Description

#### LOT 7 ARBOR RIDGE PLAT 3

<u>Ownership</u>		Recorded	Book/Page	RevStamps
Title Holder #1	ARENTSEN, MARK	2006-06-29	11729/404	64.80
Title Holder #2	ARENTSEN, MARIBETH			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Residential		52,600	243,700	0	296,300
Assessment Roll Notice						

Land	A JAMES CONTROL OF THE CONTROL OF TH	10 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -		
SQUARE FEET	10,114 <b>DEPTH</b>	142.2	ACRES	0.232
YR PLATTED	2006 SHAPE	RC/Rectangle	TOPOGRAPHY	N/Normal

Residence # 1	·				
OCCUPANCY	SF/Single Family	RESID TYPE	S1/1 Story	BLDG STYLE	RN/Ranch
YEAR BUILT	2006	# FAMILIES	1	GRADE	3
GRADE ADJUST	-10	CONDITION	NM/Normal	TSFLA	1,710
MAIN LV AREA	1,710	AKEA	784	BSMT AREA	1,682
FIN BMT AREA	1,210	FIN BMT QUAL	LQ/Living Quarters	OPEN PORCH	124
DECK AREA	120	PATIO AREA	402	VENEER AREA	408
FOUNDATION	P/Poured Concrete	EXT WALL TYP	CC/Concrete Board	ROOF TYPE	H/Hip
ROOF MATERL	A/Asphalt Shingle		1	HEATING	A/Gas Forced Air
AIR COND	100	BATHROOMS	3	TOILET ROOMS	1
XTRA FIXTURE	1	WHIRLPOOLS	1	WALKOUT BSMT	38
BEDROOMS	3	BSMT BEDROOM	2	ROOMS	9

#### BOARD OF ADJUSTMENT RESOLUTION NO. BOA-191008-05

# RESOLUTION GRANTING A VARIANCE FROM CITY ZONING CODE CHAPTERS 179.01 TO ALLOW A VARIANCE FROM SETBACK REQUIREMENTS FOR XXXXX, BONDURANT, IOWA, POLK COUNTY, IOWA

WHEREAS, pursuant to Chapter 27 of Bondurant Municipal Code, the applicant, Joe Schmidtlein of Road Machinery & Supplies Company, 100 Sheridan Avenue, Des Moines, Iowa, 50313, has requested a variance from setback requirements for her proposed addition; AND

WHEREAS, the proposed Plat will require the following variance:

1. Section 179.01, a variance to allow a variance from 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 for Ex N 2 F E 597.44F & Ex McCleary Acres – Outlot X McCleary Meadows Industrial Park

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

Moved by	Second by	to adopt.
		Passed this 08th day of October, 2019,
	Ву:	
		Kelsi Jurik, Board Chair
ATTEST: I, Shelby Hagan, City Clerk Adjustment held on the above date, ar	•	ertify that at a meeting of the Board of the above was adopted.
IN WITNESS WHEREOF, I have hereunt	o set my hand the day a	nd year above written.
		ATTEST:
		Shelby Hagan, City Clerk

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

#### NOTICE OF PUBLIC HEARING

The Board of Adjustment for the City of Bondurant will meet at 5:00 p.m. on October 8, 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 Ex N 2 F E 597.44F & Ex McCleary Acres – Outlot X McCleary Meadows Industrial Park. 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. All interested parties are encouraged to attend.

Marketa Oliver City Administrator



#### 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.

Page **1** of **6** Form last updated May 14, 2018



#### **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.)
	Applicant	Applicant Record Owner

Page **2** of **6** Form last updated May 14, 2018



#### 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:

Ex N 2 F E 597.44F & Ex MC Clearly Acres - Outlot X McCleary Meadows Industrial Park

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

Page **3** of **6** Form last updated May 14, 2018



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

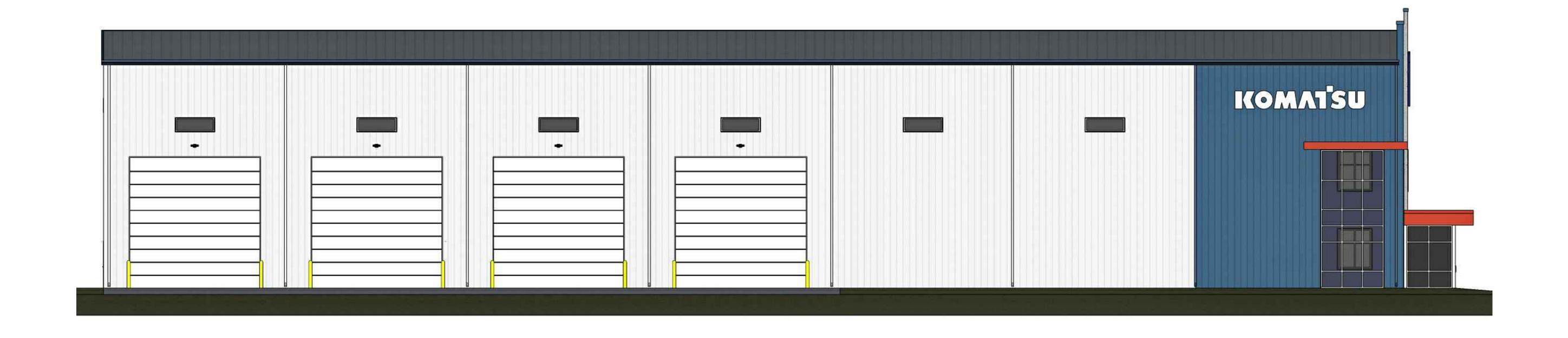
Provide a detailed explanation of the proposed use and development on this page and/or attachments. Please note that this information together with the Conceptual Site Plan and any conditions of approval by the Board of Adjustment constitute the Variance and cannot be altered except by approval of an 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 wall panel (42%) in combination with the painted precast (42%) and aluminum framed curtainwall glass system (16%) at the main entrance to the building along the east side adjacent to Hwy 65.

Page **4** of **6** Form last updated May 14, 2018





Limited
BUILDERS

JENSEN BUILDERS, LTD.

Design-Build General Contractor

1175 South 32nd Street Fort Dodge, IA 50501 Phone: (515) 573-3292 Fax: (515) 573-5146

2097 NE 60th AVENUE DES MOINES, IA 50313 Phone: (515) 292-5000 Fax: (515) 292-5100

www.jensenbuilders.com

ry & Saleslowa Proposed New F Road Machinery Bondurant, low

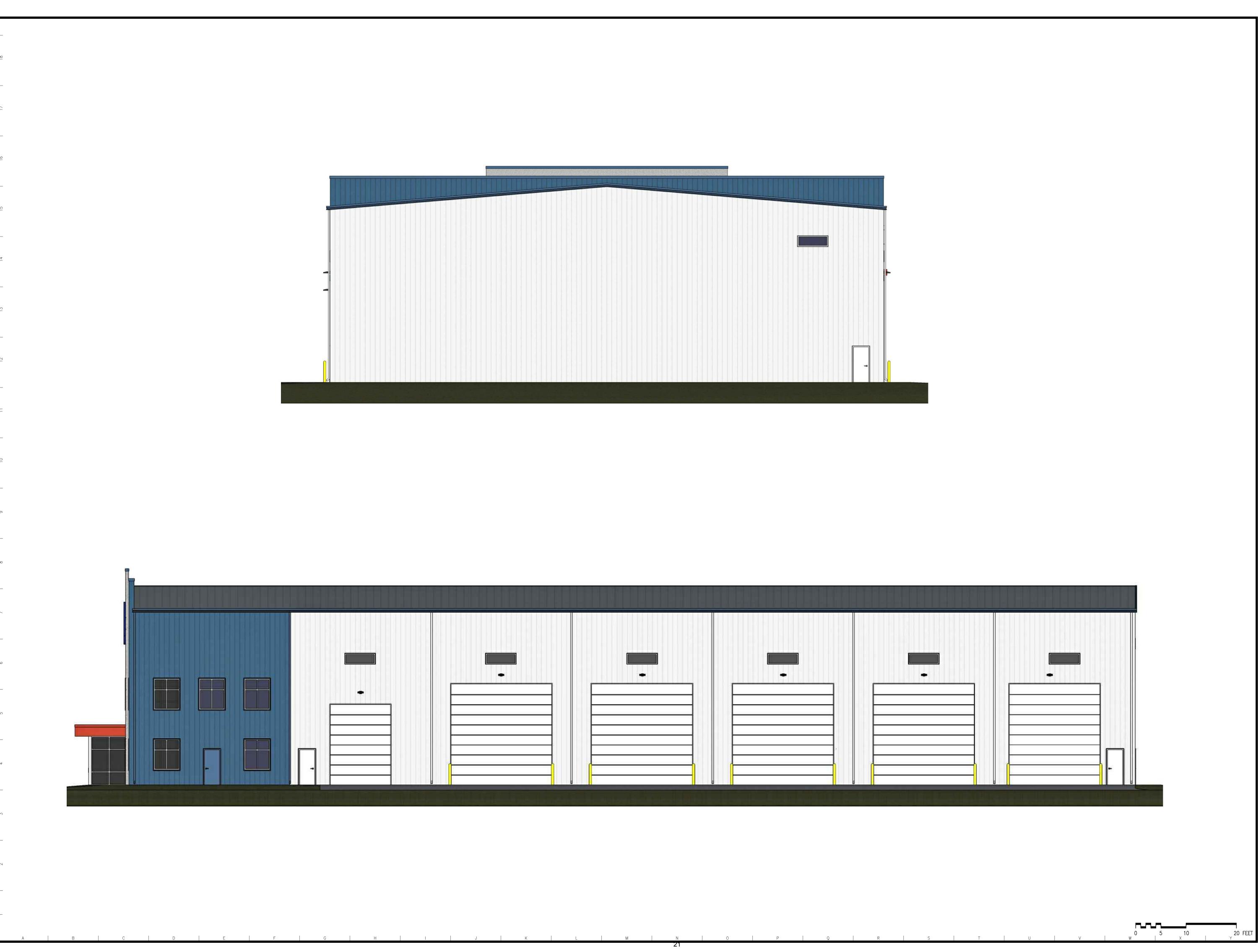
DESCRIPTION PRELIMINARY

RMS

PROJECT NO: 19-XXX DRAWN BY: TRV
CHECKED BY: CHECKED BY: COPYRIGHT: © JENSEN BUILDERS, LTD

**ELEVATIONS** 

A\_203





### JENSEN BUILDERS, LTD.

Design-Build General Contractor

1175 South 32nd Street Fort Dodge, IA 50501 Phone: (515) 573-3292 Fax: (515) 573-5146

2097 NE 60th AVENUE DES MOINES, IA 50313 Phone: (515) 292-5000 Fax: (515) 292-5100

www.jensenbuilders.com

Proposed New Facility
Road Machinery & Sales (
Bondurant, lowa RMS

DESCRIPTION PRELIMINARY

PROJECT NO: 19-XXX DRAWN BY: TRV CHECKED BY: CHECKED BY:

COPYRIGHT: @ JENSEN BUILDERS, LTD SHEET TITLE

**ELEVATIONS** 

**A\_204**