



# Board of Adjustment Agenda

**Grimes Board of Adjustment  
March 19, 2025 @ 5:30 PM  
In Person at Grimes Community Center, 410 SE Main Street**

Public Comment: If you would like to address the Board of Adjustment during the Public Comment portion of the meeting, please sign up upon entrance to the meeting. Participants must be recognized by the presiding officer and must state their full name and address before addressing the Board of Adjustment. The presiding officer will recognize you for 3 minutes of comment, and your microphone will be turned on. Pursuant to §21.4(2) of the Code of Iowa (2019), the City has the right to amend this agenda up until 24 hours before the posted meeting time. For any additional assistance or questions in attending the meeting, please call 515-986-3036. Meetings will be recorded.

## **GENERAL AGENDA ITEMS**

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes from Previous Meeting

## **PUBLIC AGENDA ITEMS**

1. Variance Request to Increase Height and Reduce Setback for Communication Tower at 1000 NE Heritage Drive
2. Adjournment



101 NE Harvey Street, Grimes, Iowa 50111 | P: 515.986.3036

This meeting of the Grimes Board of Adjustment was called to order Wednesday, November 20, 2024, at 5:36 P.M.

Roll Call: Present: Charles Strutt, Trevor Brown, Joshua Stott

Staff: Alex Pfaltzgraff, Evann Martin, Alivia Hoodjer, Rachel Greving, Stephanie Moss

Absent: NA

**A. GENERAL AGENDA ITEMS**

**1. APPROVAL OF THE AGENDA**

Motion by Stott, Second by Strutt, to approve the agenda

Roll Call: Ayes-All; Nays-0 Motion passes: 3-0

**2. APPROVAL OF THE MINUTES**

Motion by Brown, Second by Stott, to approve the minutes from the July 17, 2024 meeting

Roll call: Ayes-All: Nays-0 Motion passes: 3-0

**B. PUBLIC AGENDA ITEMS**

1. Vote for Chair and Vice Chair of the Board

Motion by Brown, Second by Strutt to appoint Brown as Chair of the Board

Roll Call: Aye-All Nay-0 **Motion Passes 3-0**

Motion by Stott, Second by Strutt to appoint Stott as Vice Chair of the Board

Roll Call: Aye-All Nay-0 **Motion Passes 3-0**

2. Public Hearing request for Variance to Increase Outdoor Sales Area at 4400 W 1<sup>st</sup> Street.

Staff member Martin provided a staff report on the request to increase the outdoor sales area for a plant-staging area to an amount larger than what is permitted. In 2018, the original site was approved, and at that time the outdoor sales regulations were not in place. Staff ask that conditions be applied to the variance to ensure the variance is specific to the subject situation.

Applicant Jim Durgens along with Dean Roghair of Civil Design Advantage presented more details of the request. The larger area is needed and the site is not close to any residents. This is

a unique situation with commercial and agricultural zoning, and the sales area would be for staging trees and landscaping.

The Board discussed the request and asked questions of the applicant and staff.

Motion by Brown, Second by Strutt to approve Variance Request to Increase Outdoor Sales Area at 4400 W 1<sup>st</sup> Street limiting the variance in this particular case to outdoor sales for permanent nursery businesses, not temporary garden sales such as those at home improvement stores.

Roll Call: Aye-All Nay-0 **Motion Passes 3-0**

**C. ADJOURNMENT**

Meeting is adjourned at 5:57 p.m.

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Chairperson Signature

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Clerk Signature

Location Map



**DATE**

March 19, 2025

**APPLICANT**

Nevco, Inc.

**LOCATION**

1000 NE Heritage Drive

**REQUESTED ACTION**

Request to increase communication tower height from 100' to 150'

Request to reduce communication tower setback to less than the height of the tower

**ZONING**

R-4  
Hope Commercial PUD

**PLANNER**

Evann Martin  
emartin@grimesiowa.gov  
515-986-4050

Zoning Map



# Case History

## LAND USES & ZONING

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Sports Complex	Mixed Use 1	R-4
North	Single-Family	Low-Density Residential	R-4
South	Commercial	General Commercial	R-4/C-2
East	Commercial	General Commercial	R-4
West	Single-Family/Park	Low-Density Residential/Park	R-2

Two special use permits were granted for communication towers in 2002.

- 13751 NW 42nd Avenue – The property was zoned A-1. The request was for a special use permit to allow the construction of a 300 foot communication tower. The special use permit was required because there were no specific requirements for communication towers in the Grimes Code of Ordinances.
- 303 SE 2nd Street – The property was zoned M-1A. The request was for a special use permit to allow the construction of a 150 foot monopole tower. The special use permit was required because there were no specific requirements for communication towers in the Grimes Code of Ordinances.

In 2023, the zoning ordinance was amended to establish regulations regarding communication towers. The current zoning ordinance for communication towers establishes these key requirements pertaining to the case. However, there are more regulations established in the ordinance.

- Towers can be approved through the site plan approval process.
- Towers are permitted on property zoned M-1A and on City-owned property.
- The maximum permitted tower height is 100 feet.
- Towers are required to be setback from all property lines a distance equal to the height of the tower. This keeps towers from falling into neighboring properties should a failure of the tower occur.
- The City can require collocation to limit the total number of towers in the City.

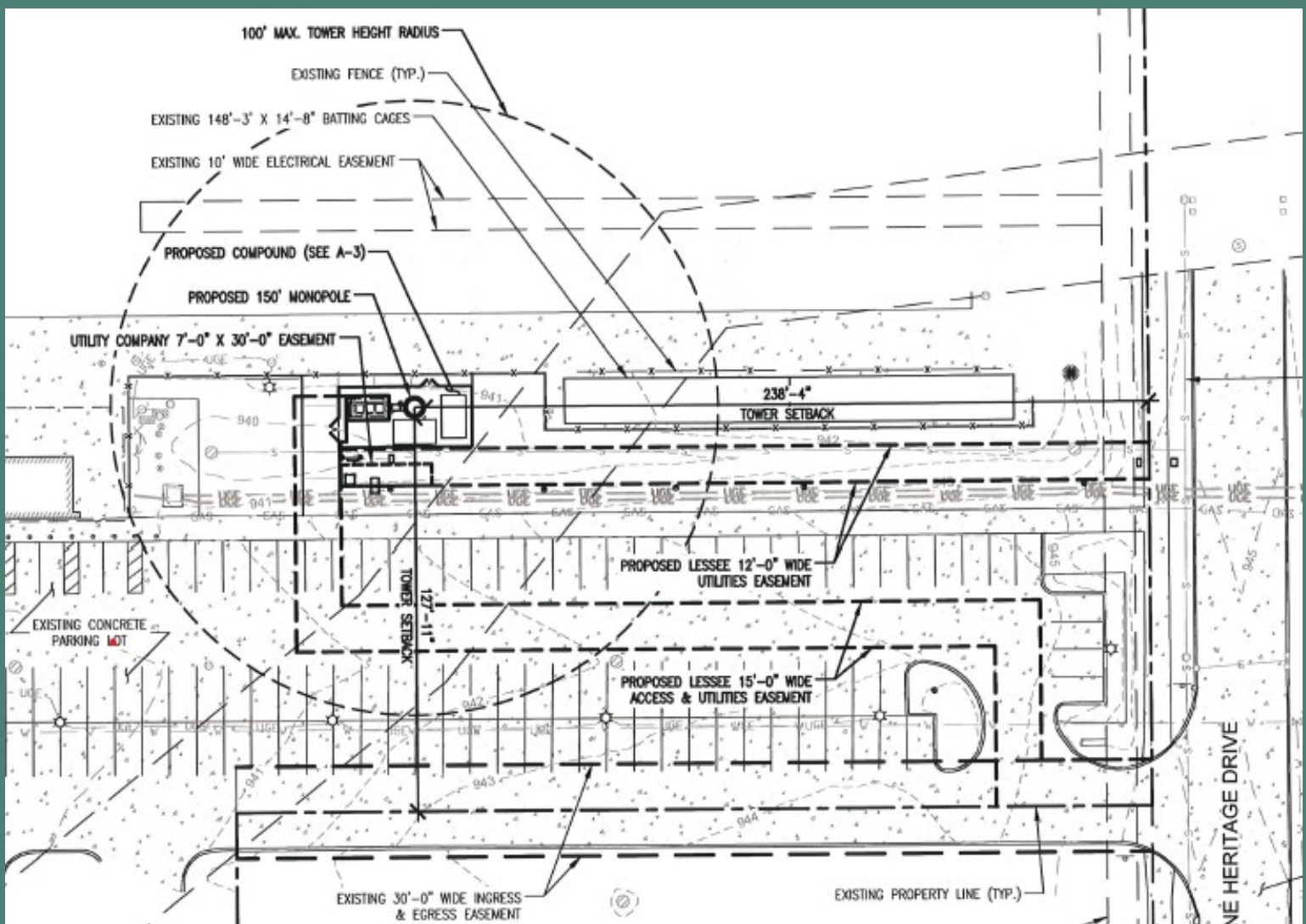


# Background Continued

## VARIANCE REQUEST

Two variances are requested for the communication tower.

- Height
  - Ordinance Requirement – 100 feet maximum
  - Applicant Request – Increase height to 150 feet
- Setback
  - Ordinance Requirement – Setback equal to the height of the tower
  - Applicant Request – Reduce setback to less than the tower height. The current proposal is 127 feet 11 inches.



# Analysis

## ANALYSIS

Based upon the approved ordinance, the Board of Adjustment may grant a Variance provided the Board can make a finding on the following factors:

1. A showing of good and sufficient cause; and
2. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant; and
3. A determination that the hardship is not self-imposed; and
4. A determination that the granting of the variance will not be contrary to the public interest or neighborhood integrity; and
5. A determination that the granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance.

Notice of the variance request was mailed to surrounding property owners within a 250-foot radius.

## GOOD AND SUFFICIENT CAUSE

The applicant desires to make the tower as aesthetically pleasing as possible, while allowing additional communication carriers on the tower. The increased tower height and reduced setback would allow collocation on the tower.

## SUBSTANTIAL HARDSHIP

A structure at 100 feet or less would be too low for Verizon and future carriers to provide proper network performance.

## SELF-IMPOSED HARDSHIP

The 100-foot maximum height does not accommodate the desired flush mounted antenna design and does not align with the City's desire for towers to provide collocation for future tenants.

## PUBLIC INTEREST

The tower structure would be built to rigorous engineering standards to ensure the safety of property and people, much like the existing pole lights in the Hy-Vee Multiplex. The tower would be designed to control damage due to catastrophic failure. The applicant does not believe the tower would have an impact to property values.

## PRESERVING SPIRIT OF ORDINANCE

The applicant has considered lesser tower heights. However, due to the desire for flush-mounted antenna design and the City's desire for collocation for future tenants or the City, the tower would need to be 150 feet tall.

# Conclusion

## ALTERNATIVES TO REQUEST

1. Reduce the tower height to 100 feet to meet the ordinance. This would remove the need for a variance for the setback as well. In this situation, collocation would not be possible and the tower would have one tenant.
2. Reduce the tower height to be equal to the smallest setback. This would remove the need for a variance for the setback but would reduce the applicant's desired height. Based on the current site plan, the height of the tower would be about 128 feet tall under this option. A variance would still be required for tower height. This option would also reduce the number of possible tenants to two.

## SUMMARY

Two special uses permits were granted for communication towers in 2002.

Regulations for communication towers were established in 2023.

The structure is proposed to be a monopole structure with fencing around the base to screen the equipment cabinets.

A site plan will be required to be approved by City Council for the proposed communication tower.

The applicant is requesting two variances.

- Increase tower height to 150 feet
- Reduce tower setback to be less than the tower height

The variances have been requested to accommodate collocation as requested and encouraged by the City , and to accommodate the tower location within the existing sports complex site.



# CITY OF GRIMES

DEVELOPMENT SERVICES

410 SE Main Street, Suite 102 , Grimes, Iowa 50111

P: 515.986.4050 | F: 515.986.4480

## **BOARD OF ADJUSTMENT** **APPLICATION FOR** **VARIANCE REQUEST**

Applications are due the first of the month at  
12:00 p.m. to be added to the next BOA agenda.

You are required to attend your hearing—by agent or  
in person. Please read application thoroughly. The  
City has the right to refuse an incomplete application.

## INSTRUCTIONS FOR REQUIRED INFORMATION

***NO REQUEST FOR VARIANCE CAN BE ACCEPTED FOR FILING UNLESS ALL OF THE REQUIRED INFORMATION IS PRESENTED***

**1. GENERAL INFORMATION.** The Grimes Board of Adjustment (BOA) is empowered by Iowa law and by Ordinance to hear requests for variance(s) and to make decisions on said requests pertaining to the Zoning Ordinance, Chapter 165.37 and for certain exceptions to the district regulations. The BOA is a five-member quasi-judicial body with authority to grant variances in exceptional cases and is limited to such cases that are consistent with the general purpose and spirit of the zoning regulations. The BOA has no authority to allow a variance that would have the effect of establishing a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance.

**2. MEETING DATES.** The Board of Adjustment meets at 5:30 p.m. on the third Wednesday of each month. Submittal of all the information does not in any way guarantee that the application will be placed on the next available BOA agenda. All BOA meetings are open to the public and are held in the Council Chambers of City Hall, 101 NE Harvey Street, Grimes, Iowa.

**3. FILING DEADLINE:** The deadline to file an application for variance with the BOA is 12:00 p.m. the first day of the month of the board meeting. All materials must be filed in the Development Services Department office at 410 SE Maine Street Suite 102, Grimes, Iowa.

**NOTE:** Be sure that you have all required materials at that time. Failure to do so may result in your request for variance being delayed to the next regularly scheduled meeting.

**4. FILING FEE:** A filing fee is required at the time the materials are filed with the Development Services Department office. The fee covers administrative expenses and legal notification of surrounding property owners within 250 feet of the property in question. No request for variance is to be considered filed until this fee is received. The fee is \$150.00 to request a variance and payment must be submitted with the application. The fee shall be paid at the Development Services Department office, 410 SE Main Street Suite 102. Make all checks payable to the City of Grimes. The fee is nonrefundable.

**5. SITE PLAN:** The applicant must submit a site plan that clearly shows the variance being requested. The site plan should be drawn to scale, and should be a reproducible, black line drawing or free hand drawing on a sheet of paper no larger than 24" x 36" *{Use of an actual property survey is suggested but not required}*. The applicant may submit the same site plan that was submitted for a building permit. The site plan shall include the following information:

- a) Property lines and dimensions

- b) Location and size of all existing and proposed structures (buildings, driveways, parking lots, sidewalks, fences, etc.)
- c) Required setback and buffer location(s)
- d) Any other pertinent information necessary to fully understand the need for a variance (e.g. significant change in topography, location and size of mature trees, etc.)

**NOTE: If the request for variance is for a sign, the request must be accompanied by both a fully dimensioned, to-scale elevation drawing of the sign, as well as a fully dimensioned to-scale site plan showing the exact location of the sign whether it is a free standing or a building sign.**

**6. SUPPORTING INFORMATION FORM:** The Board of Adjustment may grant a variance provided that "unnecessary hardship" exists; that the variance is not contrary to the public interest; and that the spirit of the Zoning Ordinance is upheld. The Supporting Information form addresses these issues and asks for responses to each of the "tests" in order to grant a variance. The Supporting Information form must be completely filled out in order to process the application for a variance.

**7. ADDITIONAL INFORMATION:** If you have questions about this form, or should you require additional information regarding the variance process, please contact the Development Services Department at (515)986-4050.

## APPLICATION FOR VARIANCE

All required information must be presented before acceptance of application.

**The applicant must complete all sections in bold for review to begin.**

Please type or print:

1. **Date:** 3/3/2025
  
- Applicant Name:** Nevco, Inc. on behalf of Verizon Wireless
  
- Address:** 12106 Ridgeview Drive, Urbandale IA 50323  
(Street) (City) (State) (Zip)
  
- Telephone Number:** 515-720-6361 515-720-6361  
(Home) (Work)
  
- E-Mail Address:** chadskinner@nevcowireless.com
  
2. **Location of Property**
  
- Street Address:** 1000 NE Heritage Drive, Grimes, IA 50111
  
- Legal Description:** Lot 14 in Hope Commercail Plat 4, an Official Plat, now  
included in and forming a part of the City of Grimes, Polk County, Iowa
  
- Zoning Classification:** R-4

**This request for variance cannot be processed until all required materials are submitted. In addition to this application, the following information is required for submission. On a separate sheet of paper please type or print the following:**

**3. Response to the attached supporting information form**

**4. Site plan drawn to scale**

This plan shall be no larger than 24" x 36" and easily reproducible.

**5. Application fee**

An application is not considered filed until filing fee is paid.

The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

The Board of Adjustment may grant a variance provided the BOA can make a finding of unnecessary hardship and can determine that the variance will not be contrary to the public interest and the spirit of the Zoning Ordinance.

This request for variance will not be granted unless sufficient facts are presented in this application and at the BOA hearing to support a positive finding by the BOA. In support of this request, a Supporting Information form shall be completed by the applicant(s).

Approval of this request for variance by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary development approvals, such as site plan, building permits, etc. from the City of Grimes or any other applicable agency.

**I (We) certify that I (We) have been denied a Building/Zoning permit and I (We) have submitted all the required information to request for a variance and that such information is factual.**

Signed by: \_\_\_\_\_ on date: \_\_\_\_\_  
(Owner)

Or: Chad M. Skinner on date: March 03, 2025  
(Owners Agent)

## SUPPORTING INFORMATION FORM

The Board of Adjustment is authorized to grant a variance provided all the following requirements are satisfied. Use a separate sheet of paper if desired, and address each issue below:

- I. A finding showing of good and sufficient cause. **The applicant must show that there is a reason for applying.**

The City of Grimes has a maximum communication tower height requirement of one hundred (100) feet as per section 12-5-19 Communication Equipment. The desire to make the structure as aesthetically pleasing as possible coupled with the ability to add additional communications carriers result in a structure taller than the 100 feet allowable by code & the 1:1 setback requirement.

- II. A determination that a literal enforcement of the ordinance would result in a substantial hardship to the applicant. **The applicant must show that there is a hardship (utilities, parking, etc.).**

Based upon the desired flush mount antenna design for the installation, Verizon will need multiple antenna locations on the tower. A structure of 100 feet or less would result in the Verizon antenna systems and any future carrier antennas being too low for proper network performance. In addition it is understood that the City of Grimes may wish to add equipment on the tower for emergency use.

- III. The hardship is not self-imposed. **The applicant must show that the proposed hardship is being caused by the strict interpretation of the Zoning Ordinance and not self-imposed by the applicant.**

The 100 foot height maximum when coupled with the desired antenna design of flush mounted antennas and a colocatable structure for future tenants does not align with installing a tower structure at 100 feet or less.

- IV. The variance will not be contrary to the public interest or neighborhood integrity. **The applicant must present information to indicate that the variance will not result in injury or endangerment to other property or persons nor will it devalue nearby property.**

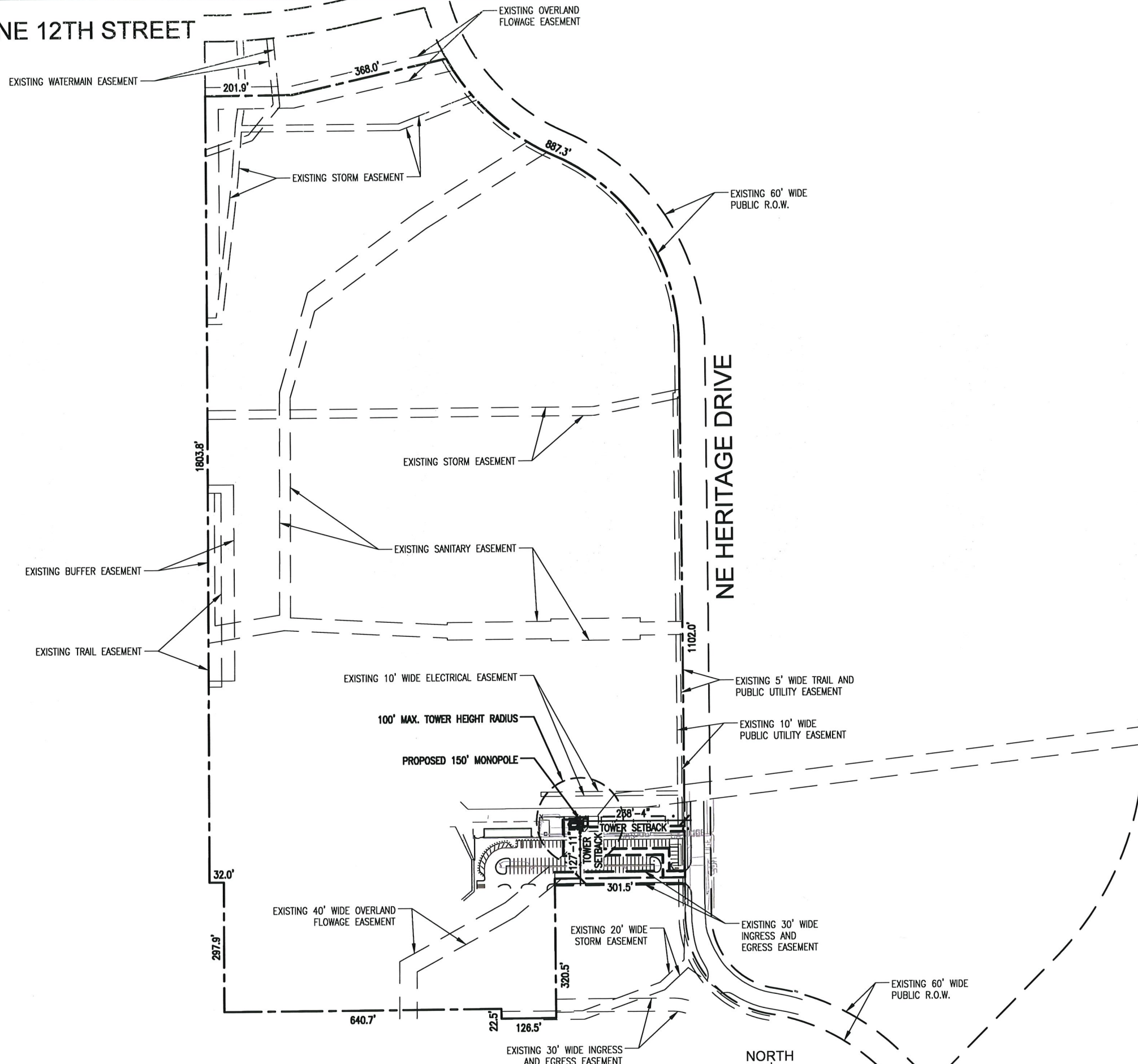
Much like the numerous light poles surrounding the REC Plex complex, the tower structure would be built to rigorous engineering standards to ensure the safety of property and persons. Verizon can and will engineer the tower to ensure a design to contain the pole on the City property in the event of a catastrophic failure. Verizon does not believe the tower would have any impact to property values.

- V. The granting of a variance is the minimum necessary to afford relief from this Code of Ordinances while preserving the spirit of the zoning ordinance. **The applicant must list other options that have been considered in lieu of granting a variance.**

A lesser tower height was considered on the site. As noted above, multiple factors with City of Grimes input have led to a tower structure height of one hundred fifty (150) feet. Those main factors are the desire for a flush mounted antenna design and the code requirement to make the pole colocatable for future tenants and or the City of Grimes.



NE 12TH STREET



1 SITE PLAN  
SCALE: 1" = 250'-0"



**DESIGN 1**  
9973 VALLEY VIEW RD.  
EDEN PRAIRIE, MN 55344  
(952) 903-9299  
WWW.DESIGN1EP.COM

**verizon**  
10801 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
(952) 946-4700

PROJECT  
LOC. CODE: 573148

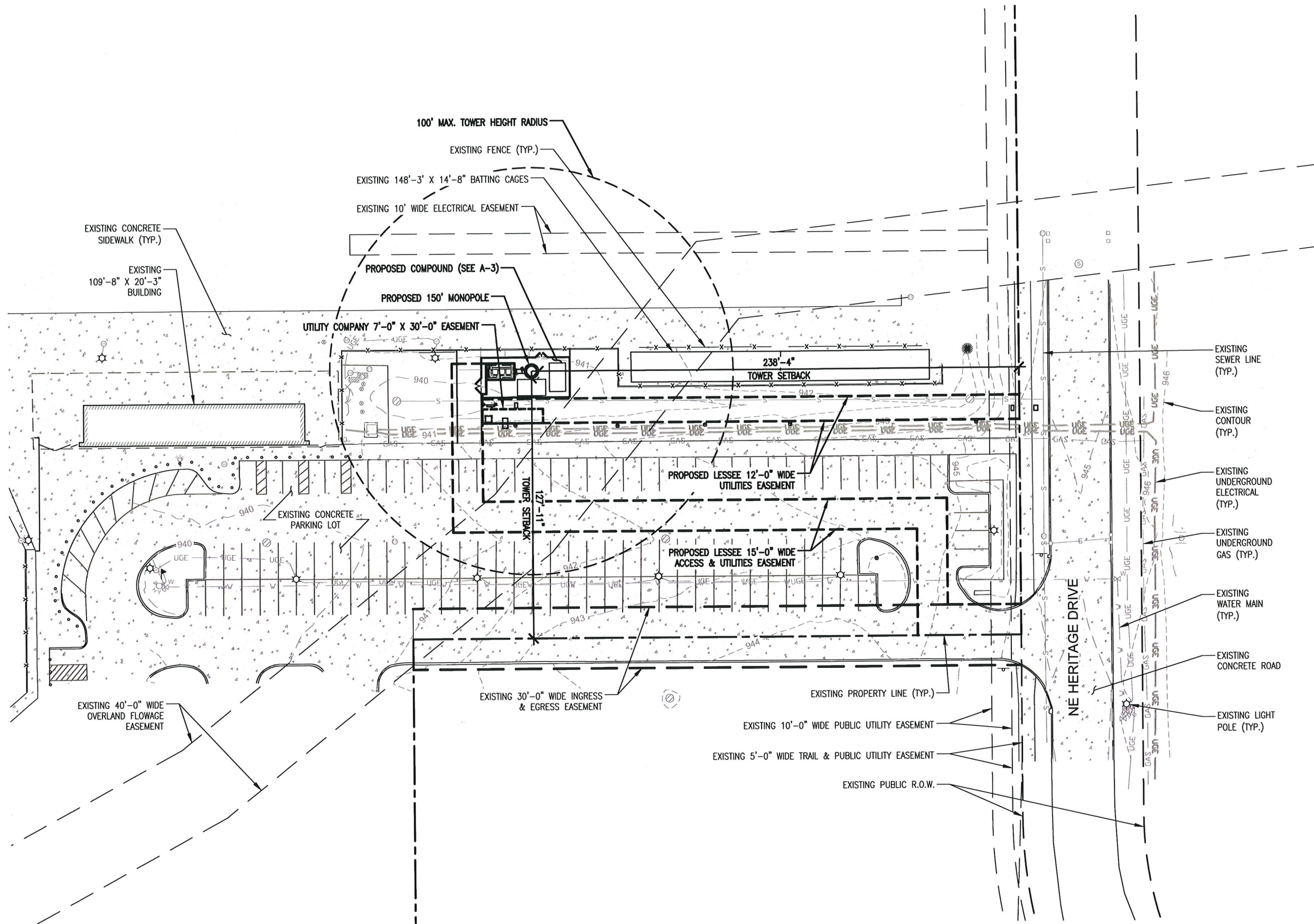
DES  
BEAVER CREEK

NE HERITAGE DR  
GRIMES, IA 50111

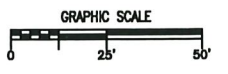
SHEET CONTENTS:  
SITE PLAN

DRAWN BY: JP  
CHECKED BY: TRB  
03-03-25

A-1



**1 ENLARGED SITE PLAN**  
SCALE: 1" = 50'-0"



**DESIGN 1**

9973 VALLEY VIEW RD.  
EDEN PRAIRIE, MN 55344  
(952) 903-9299  
WWW.DESIGN1EP.COM

**verizon**

10801 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
(952) 946-4700

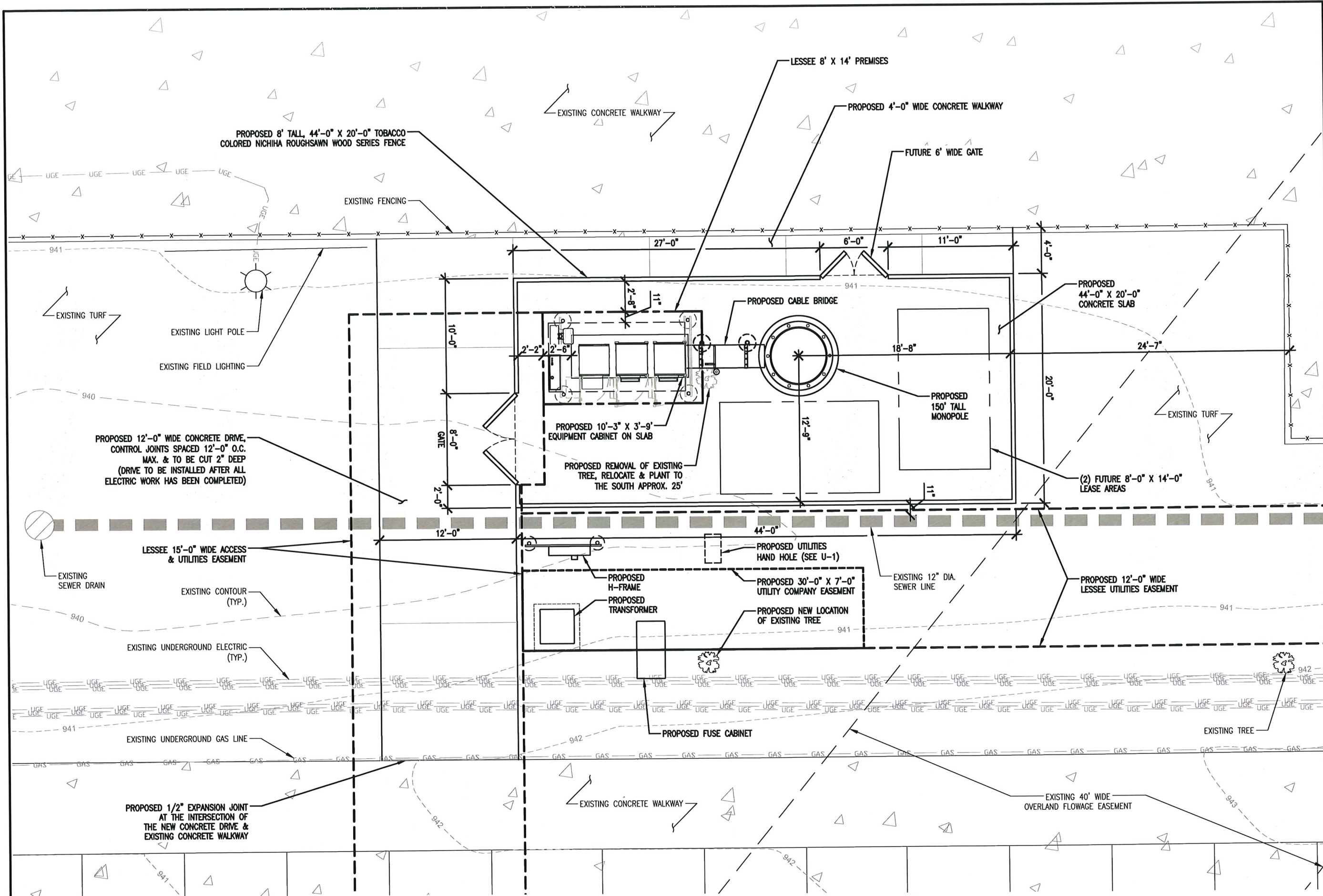
**PROJECT**  
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LOC. CODE: 573148

**DES  
BEAVER CREEK**

NE HERITAGE DR  
GRIMES, IA 50111

**SHEET CONTENTS:**  
ENLARGED SITE PLAN

DRAWN BY: JP  
CHECKED BY: TRB  
03-03-25



**1** COMPOUND PLAN  
SCALE: 1/8" = 1'-0"



**DESIGN 1**

9973 VALLEY VIEW RD.  
EDEN PRAIRIE, MN 55344  
(952) 903-9299  
WWW.DESIGN1EP.COM

**verizon**

10801 BUSH LAKE ROAD  
BLOOMINGTON, MN 55438  
(952) 946-4700

PROJECT  
LOC. CODE: 573148

**DES  
BEAVER CREEK**

NE HERITAGE DR  
GRIMES, IA 50111

SHEET CONTENTS:  
COMPOUND PLAN

DRAWN BY: JP  
CHECKED BY: TRB  
03-03-25

**A-3**