



# Board of Adjustment Agenda

**Grimes Board of Adjustment  
July 24, 2025 @ 5:30 PM  
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 Section 3-13A of the Heritage at Grimes PUD to allow an above ground non-permanent pool greater than 24" depth
2. Variance Request to Section 12-5-11 of the Grimes Code of Ordinances to allow chainlink with slats for animal run
3. 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, March 19, 2025 at 5:38 P.M.

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

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

Absent: NA

Strutt Joins meeting via Zoom at 5:38PM

**A. GENERAL AGENDA ITEMS**

**1. APPROVAL OF THE AGENDA**

Motion by Brown, Second by Stott, 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 November 20, 2024 meeting

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

**B. PUBLIC AGENDA ITEMS**

**Public Hearing request to increase communication tower height from 100' to 150' and to reduce communication tower setback to less than the height of the tower at 1000 NE Heritage Dr.**

Staff member Pfaltzgraff provided a staff report to the Board of Adjustment. Multiple variances requested for one property. The first request is to increase the communication tower height from 100' to 150'. The city owns the property and Verizon Wireless is going to construct the tower and dedicate it to the city. To accommodate collocation, the tower height would need to reduce the communication tower setback to less than the height of the tower. The second request is to reduce communication tower setback to less than the height of the tower. The applicant is requesting to reduce the setback to less than the tower height. The current proposal is 127 feet 11 inches.

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

Motion by Brown, Second by Stott to approve request for variance to allow increase communication tower height from 100' to 150' at 1000 NE Heritage Dr.

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

MOVED BY BROWN TO APPROVE REQUEST FOR VARIANCE TO ALLOW COMMUNICATION TOWER HEIGHT TO INCREASE FROM 100' TO 150' AT 1000 NE HERITAGE DR WITH THE CONDITION OF THE COLOCATION ABILITY BEING A REQUIREMENT OF ANY FUTURE VARIANCE FOR INCREASED HEIGHT. SECONDED BY STOTT  
AYE: UNANIMOUS

Motion by Brown, Second by Stott to approve reduce communication tower setback to less than the height of the tower.

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

MOVED BY BROWN TO APPROVE REQUEST FOR VARIANCE TO REDUCE COMMUNICATION TOWER SETBACK TO LESS THAN THE HEIGHT OF THE TOWER AT 1000 NE HERITAGE DR. SECONDED BY STOTT  
AYE: UNANIMOUS

**C. ADJOURNMENT**

Meeting is adjourned at 6:03 p.m.

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Chairperson Signature

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Clerk Signature

**DATE**

July 24, 2025

**APPLICANT**

Timothy Mawdsley

**LOCATION**

1101 NE 22nd St

**REQUESTED ACTION**

The applicant is requesting a variance to allow an above-ground pool between May and September, with a depth between 42" and 48".

**ZONING**

R-4

Heritage at Grimes Plat 7

**PLANNER**

Alivia Hoodjer  
ahoodjer@grimesiowa.gov  
515-986-4050



Location Map



Zoning Map

# Case History

LAND USES & ZONING			
Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Single Family	Low-Density Residential	R-4
North	Single Family	Low-Density Residential	R-4
South	Single Family	Low-Density Residential	R-4
East	Single Family	Low-Density Residential	R-4
West	Single Family	Low-Density Residential	R-4

No variances have been granted for above-ground pools.

In 2014, the Heritage at Grimes PUD zoning ordinance was adopted with additional amendments from 2016 through 2020. Within the regulations for the PUD, above-ground pools with the depth over 24" are not permitted.

Section 3 Land Use and Bulk Regulations. – Single Family Residential. – 13. Swimming Pool.

- A. No above ground (or non-permanent) swimming pools capable of holding water at greater than a 24" depth shall be permitted.
- B. In ground pools are allowed. In addition to the City of Grimes Zoning requirements for pools, construction of such pools must also follow all applicable State and Federal guidelines for safety and installation.

However, the City of Grimes Code of Ordinances does allow pool structures over 24" in depth in other residential zoning districts. The general Code of Ordinances regulations are as follows:

12-5-11 – 4. Pools and Hot Tubs.

- A. Permit required. No person shall construct or allow to be constructed any alteration, addition, remodeling or other improvements to a swimming pool without a permit.
- B. Permitted pools and hot tubs shall not be constructed in the front yard or the front portion of the secondary front yard.
- C. Additional requirements related to construction and safety standards shall comply with the building code.

12-5-11 – 5. Fences and Walls. – C. Fencing and Walls for Accessory Structures.

- II. Pools and Hot Tubs. Pools and hot tubs within the capability of holding water at least 24 inches in depth shall be surrounded by a fence at least four feet in height. Pools with a power safety cover or spas with a safety cover complying with ASTM F 1346 shall not be required to be surrounded by a fence.

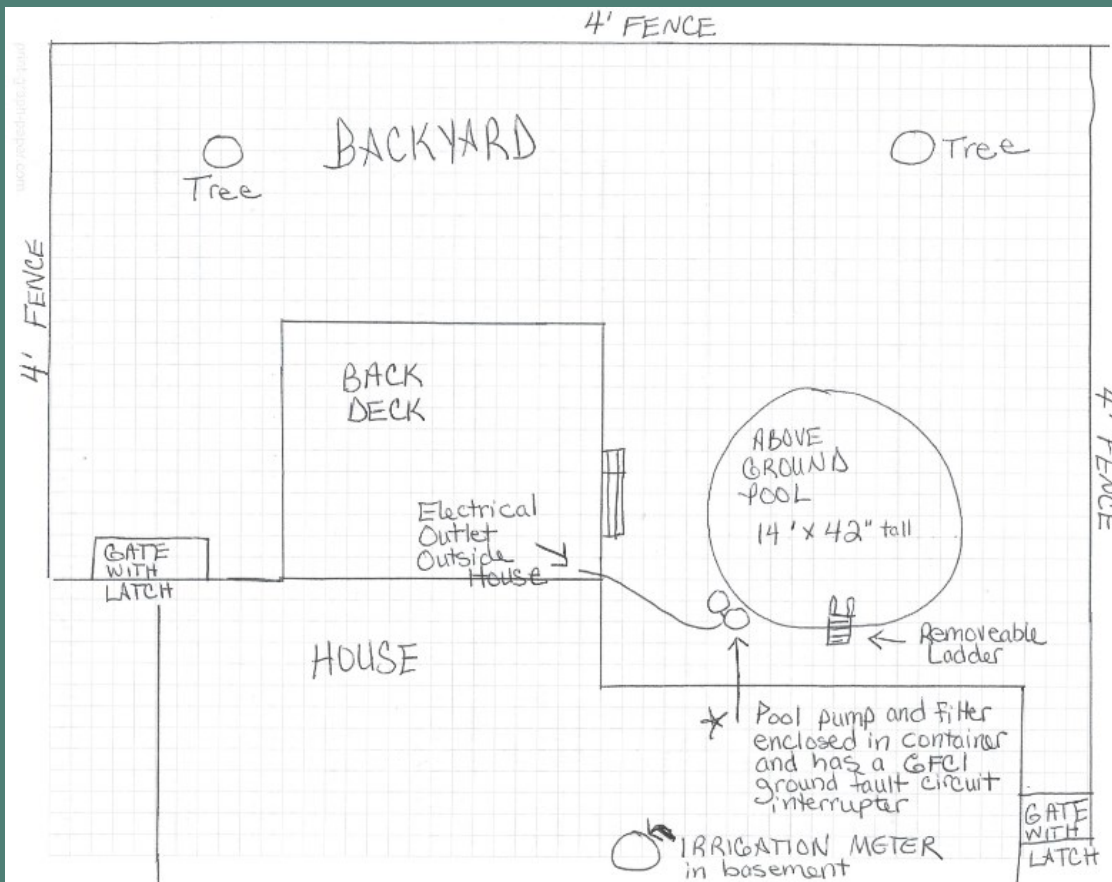
# Background

## BACKGROUND

The applicant is proposing to keep an existing above-ground pool on the property that was installed without a permit. The pool is located on the east side of the backyard on the property. The pool is 42 inches tall and 14 feet wide with removeable ladders.

The City had received complaints about the non-permitted above-ground pool that resulted in contacting the applicant for code enforcement purposes. The City code enforcement officer has had contact with the applicant throughout the process of enforcement which has resulted in requesting a variance for the proposed pool.

Upon review of the property, there is a 15 foot drainage easement on the north property line. This easement would not be affected by the location of the proposed above-ground pool. The applicant is requesting a variance for the allowance of an above-ground pool greater in 24" in depth and to keep the existing pool installation as is.



# Background Continued

## VARIANCE REQUEST

The applicant is requesting a variance to allow an above-ground pool between May and September, with a depth between 42" and 48".

The Heritage PUD requirements do not allow above-ground pools over 24" in depth.

# 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 have the PUD code allow for above-ground pools of 42" -48" in depth. The applicant claims that the neighborhood is full of families and with the proper safety measures and aesthetics guidelines, pools could easily be included in the landscape.

## SUBSTANTIAL HARDSHIP

The current code within the PUD allows for 24" depth pools. The applicant's children are older and Grimes does not have a pool. The applicant would like the children to be outside enjoying their backyard. The requirement restricting above-ground pools applies to all properties within the Heritage at Grimes PUD.

## SELF-IMPOSED HARDSHIP

The applicant states that the current code does not state safety concerns, but the code is rather concerned with aesthetic. The applicant states that the proposed pool is the same aesthetics as a 24" depth pool and hot tubs, which are both allowed. The applicant installed the pool without a permit.

## PUBLIC INTEREST

The applicant has proposed a pool that is the same color as the primary residence. The property also has a fenced backyard. The applicant states that the PUD encourages creative solutions and unique structures and that the primary residence on the property is a major investment. Multiple homes in the neighborhood also have varying house colors, fencing, and décor. The reference in the PUD to "unique structures" and "creative solutions" are in regard to architecture and not specific to accessory structures like pools.

## PRESERVING SPIRIT OF ORDINANCE

The applicant has considered the option that above ground pools can be considered temporary structures, if necessary,

# Conclusion

## ALTERNATIVES TO REQUEST

1. Install an in-ground pool with a depth over 24”.
2. Install an above-ground pool with a depth of 24” or less.
3. Remove and don't replace the existing pool.
4. Install other permitted amenities in the back yard for the family to enjoy.

## SUMMARY

No variances have been granted for above-ground pools within the Heritage at Grimes PUD.

Regulations for the Heritage at Grimes PUD were adopted in 2014 with amendment made between 2016 and 2020.

The applicant installed a pool without a permit in 2025.

The existing pool is an above-ground pool that is 3.5 feet in depth, which is out of compliance with the Heritage PUD requirements.

The Heritage PUD does not permit above-ground pools with a depth above 24”.

The pool regulations in the Heritage PUD apply to all residential properties within the PUD.

The applicant is requesting a variance to permit an above-ground pool over 24” in depth.

A pool permit will be required to be approved for an above-ground or in-ground pool.

# Pool/Hot Tub Permit



## Application Form

### Project Information:

Project Address: 1101 NE 22nd St. Grimes, IA 50111 County: Polk

Pool Depth: 42" Pool Square Footage: 14' 38" water level

Above Ground  In-Ground |  Locking Cover  Fenced-in Area with Self-Closing Gate

Please include all items listed below to ensure permit is completed and processed in a timely fashion.

Completed Pool Permit Application  Location of pool equipment and electrical equipment

Detailed site plan drawing, including all pool features, showing setbacks from property lines in relation to any existing building and structures, fences, alleys, sidewalks, trails, streets, utility boxes, and easements

Pool specifications and any safety features (locking cover, safety cover, exiting methods)

Electrical grounding plan we have an irrigation meter already

### Property Owner:

Name: Tim & Lisa Mawdsley

Address: 1101 NE 22nd St.  
Grimes, IA 50111

Phone: 515-537-0848

Email: haylow22@yahoo.com

Point of Contact

### Contractor/Applicant:

Name: same

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Point of Contact

**Sub Contractors:** Trade permits are paid with the base permit. Please provide Sub Contractor contact information below, or write "N/A" if not applicable to the project.

Trade permit applications will be completed and applied for by the trade contractors.

### Electrical:

Name: n/a

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Plumbing:

Name: n/a

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Approval by the City of a permit does not override any restrictions or approvals that may be required under any covenants of record.**

I understand all work must be inspected and approved by the City of Grimes prior to concealing any installation and that I must call for a final inspection. I understand that all the items listed in the checklist included in this application must be reviewed and fees paid before a permit will be issued. I further understand that construction work cannot begin until the building permit has been issued. All information supplied by me is true and correct, and to the best of my knowledge and belief. I agree to comply with all City ordinances and state laws regulating building construction.

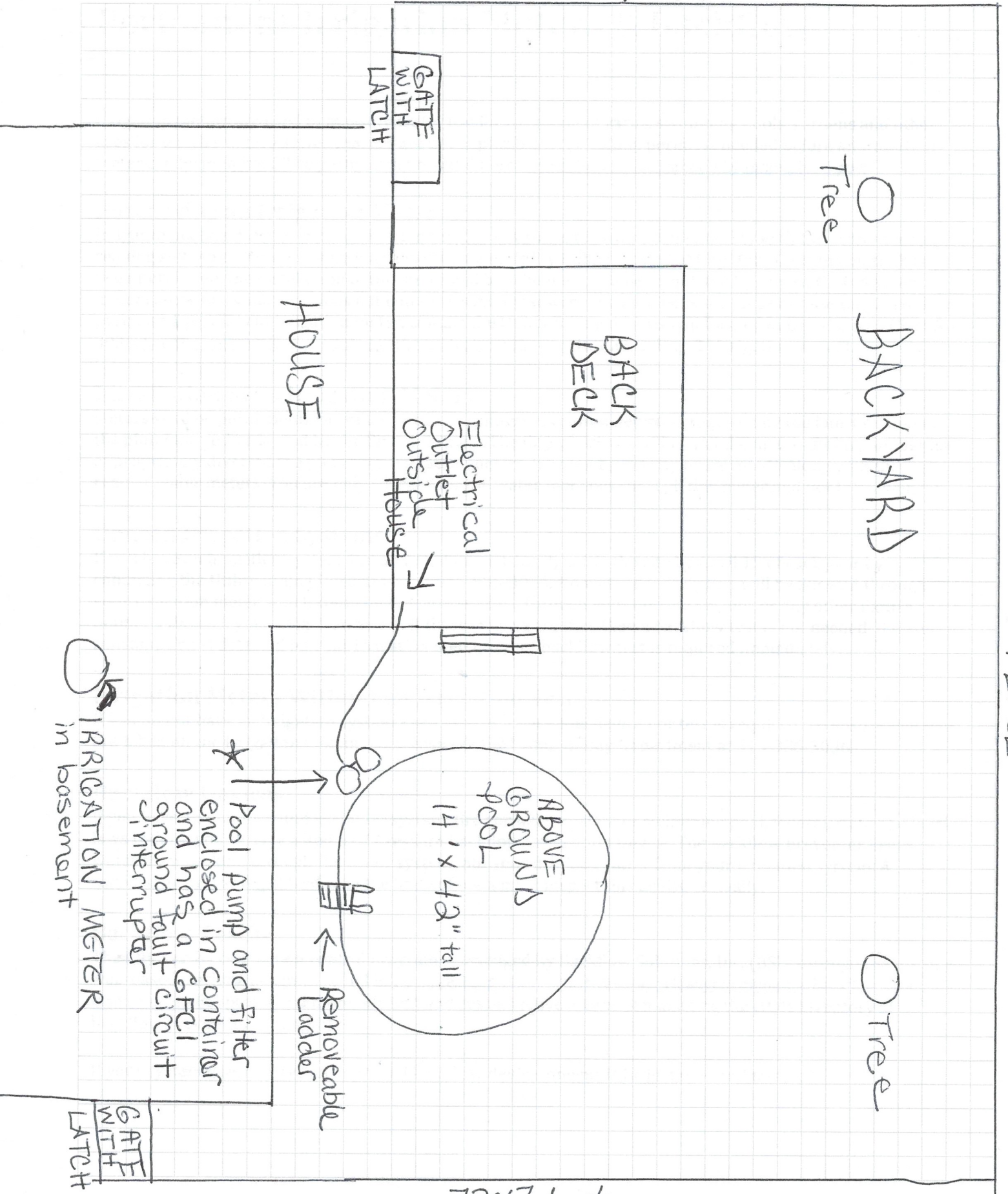
[Signature]  
Signature of Property Owner or Applicant

7/1/25  
Date

4' FENCE

4' FENCE

4' FENCE



# Permanent Irrigation Meters & Backflow

Irrigation meters are used to measure water use for irrigation of yards, swimming pools, gardens and other uses for which sanitary sewer charges are not applicable. A plumbing permit is needed before an irrigation meter can be plumbed. The permit can be found here. [Trade-Permit-Application-PDF \(grimesiowa.gov\)](#)

## Purchasing an Irrigation Meter

Irrigation meters must be purchased from the City of Grimes to ensure compatibility with the current meter reading software. Meters can be purchased through Utility Billing located at City Hall. Once the meter has been purchased, the installation of the meter will be scheduled and be completed by City staff. Irrigation meters allow for water that does not enter the sanitary sewer system to be billed for water use only. To purchase a permanent irrigation meter, contact the Utility Billing department located in City Hall at 515-986-3036. [See the current fee schedule for the meter cost](#) (under Utilities Billing: 1" irrigation meter).

## Installation of an Irrigation Meter

Meters shall be permanently installed with a backflow prevention device as required by the latest edition of the plumbing code adopted by the City of Grimes. The City of Grimes will install the meter after a plumber has appropriately diverted the plumbing. Irrigation meters are read by the city every month along with the regular water meters. You are only charged for the water that goes through this meter and not the sewer.

## Unused Irrigation Systems

If you have an irrigation system and do not plan on using it, notify the city by April 15 of each year by contacting the Utility Billing Department at 515-986-3036. No water consumption will be allowed through your irrigation meter which could include water usage through your outside spigots, or any other fixture plumbed through your irrigation meter. If these criteria are met, then a backflow test is not needed. If water consumption is detected on your irrigation meter, then a backflow test is required immediately.

## Irrigation Meters Without an Irrigation System

If you do not have an irrigation system, then neither a backflow device nor test is required. To ensure that you are taken off the irrigation system list, please call the Utility Billing Department at 515-986-3036.

## Backflow Devices

If you have an underground sprinkler system, fire sprinkler system or swimming pool, federal, state and local laws require you to have a Reduced Pressure Backflow Prevention Device. The backflow preventer keeps water from backing through the water system into your drinking water from your irrigation system. A certified inspector registered with the State of Iowa must inspect this device annually.

## Backflow Testing

The City's cross connection control program is managed by Backflow Solutions, Inc. (BSI), through the use of a web-based tracking program called [BSI Online](#). [BSI Online – North America's leader in municipal backflow data management](#). BSI provides a more efficient and cost-effective means of managing the city's inventory of backflow prevention assemblies.

If your system doesn't have an approved backflow device, one must be installed and tested.

## 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:** 7/1/25
- Applicant Name:** Tim and Lisa Mawdsley
- Address:** 1101 NE 22nd St. Grimes, IA 50111  
(Street) (City) (State) (Zip)
- Telephone Number:** 515-537-0848 Lisa  
(Home) (Work)
- E-Mail Address:** haylow22@yahoo.com
2. **Location of Property**
  - Street Address:** 1101 NE 22nd St. Grimes, IA 50111
  - Legal Description:** Lot 18 Heritage at Grimes,  
Plot 7
  - Zoning Classification:** Single Family Residential

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: 7/1/25  
(Owner)

Or: \_\_\_\_\_ on date: \_\_\_\_\_  
(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.

We request to amend the current Heritage PUD to allow for above-ground pools of 42-48" in depth. This neighborhood is full of families. With the proper safety measures and aesthetic guidelines, pools could easily be included in the landscape.

- 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.).

The current restrictions in the PUD allow for a 24" pool - which is for toddlers. My children are older & Grimes does not have a pool. I would like my children to be outside enjoying their own backyard.

- 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 current PUD allows hot tubs and toddler pools. It does not state safety concerns, but rather aesthetic. An above-ground pool is literally the same as a item's currently allowed.

- 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.

Our pool is the color of our house. We have a fenced yard. We use during daytime hours. The PUD states creative solutions and unique structures are encouraged and that our homes are a major investment. Multiple houses in the neighborhood have varying house colors, fencing and decor.

- 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.

Above ground pools can be considered temporary structures if necessary - During the months of May - September.

Please see attached email we sent to the City of Grimes with more details.

Grimes Development Services | 410 SE Main St, Suite 102 | P: (515)986-4050 | F: (515)986-4480

Thank you



## Request to amend pool guidelines in Heritage neighborhood

From: Lisa Mawdsley (haylow22@yahoo.com)

To: ahoodjer@grimesiowa.gov; jbrittenon@grimesiowa.gov

Cc: tlmawdz@yahoo.com

Date: Friday, June 27, 2025 at 01:07 PM CDT



Please include this  
Email for supporting  
documentation.

Addendum to Application  
For Variance request.

Dear Heritage Review Committee:

I am a nearly 20 year resident and business owner in Grimes. I am currently living in the Heritage at Grimes neighborhood on NE 22nd St. We received a notice from the city that a neighbor had complained about our above ground pool. I have reviewed the current Heritage PUD online and spoken with several neighbors & local city employees. I would ask you to reconsider this current ban on above-ground pools in our neighborhood for the following reasons.

- 1 - Above ground pools are far more affordable - they are temporary structures that are up only a few months of the year. In-ground pools are no safer than any other pool just because they are permanent. Hot tubs are allowed, and almost identical in appearance. A lot of adults use these into the night hours. Pools are more for daytime use and primarily children.
- 2 - Our pool is the same color as our house, it is clean, there are not toys all over & we are out at night time. There are no parties or loud nuisances.
- 3 - Our yard is fenced.
- 4 - Grimes does not have a pool - we recently opened a splash pad, which my children would have loved when they were younger. But is meant for younger kids.
- 5 - I want my children to be OUTSIDE in the summertime. This neighborhood is full of families. Grimes is trying to reach people as the "family friendly" place to live. **We followed all the other pool rules for the rest of the city of Grimes.** We had a pool in our previous house for 5-6 years.
- 6 - Your guidelines in the Heritage PUD (which I highlighted below) state that creativity matters. It also states that "Our homes are a big investment, and flexibility in design matters. This was the original and true intent of the PUD. There are neighbors all over this area that have the "improper" fence, the "improper" house color. There are families with large play structures in their backyards. Families with literally hundreds of plants or flowers in their yard. Some would consider these "unaesthetic" But truly, it brings diversity and creativity to each house. Their are older neighbors and young families. We all want different things in our homes. This neighborhood can still be aesthetic and family friendly with some simple additions. It is our home, and a large investment. We have children who want to be outside in their own backyard and enjoy their time. Our pool appears to be a problem because it does not follow the rules, not because it is a nuisance. The letter we received in the mail from the city said a pool is not considered "aesthetic." However, this simply isn't consistent with the neighborhood and other yards and homes.

I am respectfully asking for that original rule to be amended. With some simple changes to the PUD, the neighborhood can still be aesthetic and have guidelines.

**I would propose that:**

- **above ground pools be temporarily allowed between May-September.**
- **the height of the pool be amended to 42" - 48" (to allow older children to also enjoy the pool - as the current rule is meant for a toddler pool).**
- **That a permit be obtained from the city for a temporary structure every year.**

We appreciate your time and careful consideration for our families.

Respectfully,

Lisa Mawdsley

Below are excerpts from the PUD.

### **Single Family Residential**

#### Swimming Pool

A. A.

No above ground (or non-permanent) swimming pools capable of holding water at greater than a 24" depth shall be permitted.

### **GENERAL GUIDELINES**

Single family residential homes can be variable in overall aesthetic appearance depending on the setting within the development and the changing styles that buyers are interested in. Because the purchase of a home is such a major investment and decision for a family, Heritage at Grimes allows more flexibility of design style with single family residential construction than with multi-family and commercial plans.

While preferred home construction still contains certain design elements including hip roofs, front porches, two car (minimum) garage stalls, and durable materials (as outlined in general guidelines), the HRC will consider house plans on an individual basis.

Accessory structures must be built in the same style as the primary structure with similar materials and colors.

### **INTENT**

These guidelines are meant to establish a palette of materials and design standards from which all architectural elements within Heritage at Grimes will draw. They are not intended to discourage creative solutions, rather to allow as much creativity as possible within set parameters so as to create buildings which are unique, yet similarly themed to the overall development. In this manner, Heritage will stand apart from other projects in overall form.

Effective on: 10/27/2020

Location Map



DATE

July 24, 2025

APPLICANT

JELOH LLC

Dogwoods Lodge

LOCATION

2960 SE Grimes Blvd

REQUESTED ACTION

Variance request to allow for installation of a non-opaque fence type for animal run.

Variance request to allow for chain-link with slats fence type.

ZONING

M-1A

Zone 1 of Highway 141 Mixed Use Development Corridor District

PLANNER

Alivia Hoodjer

ahoodjer@grimesiowa.gov

515-986-4050

Zoning Map



# Case History

## LAND USES & ZONING

Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Commercial	Business Park	M1-A; HWY 141 Zone 1 Overlay
North	Commercial	Mixed Use-2/Business Park	M1-A; HWY 141 Zone 1 Overlay
South	Commercial/Industrial	Business Park	M1-A; HWY 141 Zone 1 Overlay
East	Mobile Home Park	Mobile Home Residential	R-5
West	Industrial	Business Park	M1-A; HWY 141 Zone 2 Overlay

No variances have been granted for chain-link fences with slats. No variances have been granted for non-opaque fence type for an animal run.

In 2020, the City of Grimes Code of Ordinances was updated to not permit chain-link with slats as a viable material and method of privacy screening. Privacy, opaque screening is required for animal run uses.

### 12-5-11 – 2. Accessory Structures on Multi-Family, Commercial, and Industrial Property. – B-3. Fencing and Walls for Accessory Structures.

b. Domesticated animal exercise yards in commercial or industrial districts may be indoors or outdoors. If outdoors, the structure shall be screened with solid fencing, 8 feet in height, and shall be setback at least 10 feet from any adjacent property line.

### 12-5-11 – 2. Accessory Structures on Multi-Family, Commercial, and Industrial Property. – B-2. Fence Design Regulations.

f. Materials. Fences are to be constructed out of customarily used materials such as chain link, wrought iron, aluminum, wood, PVC, ornamental woven wire, stone, masonry, or other similar materials. Chain link type fences or ornamental woven wire fences shall not include plastic or wood slats or strips, bamboo, or reed that are intended to make the fence opaque.

Previously to the updated code, chain-link with slats was permitted as a type of opaque screening material.



# 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 replace the existing wood fence that is degrading and causing safety concerns and creates a wind tunnel during wind gusts.

## SUBSTANTIAL HARDSHIP

The applicant states that if they were to install wood material again, it would need to be replaced in 5-10 years and the quality of the existing wood fence has significantly diminished in quality. The applicant believes that if metal fencing were to be installed, the metal would reflect heat and sunlight and be costly to repair if damaged.

## SELF-IMPOSED HARDSHIP

The applicant believes the materials available to them via the code would all have specific challenges as it relates to their animal run use. Applicant states that vinyl fencing is too brittle, composite fencing is too expensive, metal fencing does not fit the aesthetics of the building and is too reflective and hard to repair, and wood fencing is expensive and degrades quickly.

## PUBLIC INTEREST

The applicant states that the dogs in their care and the people around the property, including drivers on Hwy 141, would be put at risk due to the potential of dogs escaping.

## PRESERVING SPIRIT OF ORDINANCE

The applicant has considered replacing the fence with a wood material, but wood does not hold up in Iowa weather. The applicant has also considered a metal material option, but it is not feasible due to heat, sun reflections, repairability, and aesthetics. The applicant cannot afford to install brick or stone material.

# Conclusion

## ALTERNATIVES TO REQUEST

1. Replace the wooden fence with an approved solid privacy material such as wood, PVC, stone masonry, and other similar materials, or Trex as is proposed along the east fence line.
2. Install “hit and miss” style privacy fencing where the boards alternate on either side of the cross posts to allow more air flow through the fence. See example photo below.
3. Keep the existing fence in place and provide maintenance to the fence boards and posts that are damaged and/or reinforce the fence line with metal posts, concrete footings, and/or bracing.
4. Do not install slats in the chainlink fence to remove the need for one of the variances.



## SUMMARY

No variances have been granted for chain-link fences with slats.

No variances have been granted for non-opaque fence type for an animal run.

In 2020, the fencing requirements were amended to require opaque fencing for animal runs and prohibited the use of slats in chainlink fences.

The applicant is requesting a variance to permit chain link with slats for the purposes of screening and fencing an animal run.

## 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:** 6/30/25
  
- Applicant Name:** Jessica Lohry Tapper
  
- Address:** 2960 SE Grimes Blvd, Grimes IA 50111  
(Street) (City) (State) (Zip)
  
- Telephone Number:** 515-868-3647  
(Home) (Work)
  
- E-Mail Address:** Jessica@dogwoodslodge.com
  
2. **Location of Property**
  
- Street Address:** (Same)
  
- Legal Description:** Dog Lodging/Daycamp/Training/Grooming
  


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- Zoning Classification:** Zone 1

**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.

### 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.**

See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.).**

See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.**

Correct.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.**

To the contrary, if we are forced to use the mandated sub-par fencing materials, the dogs in our care and the people around us, including the drivers on 141, would be put at risk, due to potential for dogs to escape. The neighborhood integrity would be enhanced, not hurt, by allowing us to do the proposed plan. Dogwoods Lodge is the nicest building in the entire zone, and will continue to look that way after the proposed change.  
\_\_\_\_\_

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.**

We have considered just redoing the fence in wood, as was the original code, but it just doesn't hold up well to the Iowa weather. We have had pieces and entire sections blown off in our normal yearly wind storms. We have considered the new metal fence code option, but it is not a feasible one due to heat, sun-reflections, repairability, and looks (definitely doesnt fit in with our lodge look). We cannot afford to do brick/stone all the way around, as i believe that was another option.

## Variance Request Application

Dogwoods Lodge 6/30/25

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

Our current fencing permit from the city allowed us to do half chainlink, half wood fencing. (See drawings of current layout.) I am requesting that we be allowed to replace our wood fencing along the south and north sides with slatted chain link. On the front, i will replace the current wood with the expensive faux-wood alternative that is used on decks. Note: the yards that these fences surround are used as potty yards for dogs, as well as all-day play spaces for dogs.

Here are my arguments of why this should be allowed:

1. Safety: We have to have a secure boundary to keep the dogs in and safe. Unfortunately, wood degrades, splits, and warps quickly. This causes large gaps, sometimes loose or missing boards, and other unsafe conditions. We have reinforced it over the years with countless cross braces, etc, but it is a constant safety concern. We have never had any safety concerns about our chain link fence. With our current wood getting more brittle, too, I'm just waiting for the day a big dog runs into it and the wood just splits open. I do NOT want this to ever happen.
  - A. Side note regarding chain link with slats: the importance of the slats themselves is huge. They have kept our dogs from barking at people going into and out of neighboring businesses, and they have kept people from harassing the dogs. The slats also thwart climbers from being able to scale the fences. And, while they perform these important functions, they still let enough wind through that the chainlink fences have been unscathed by 13 years of violent wind, including the derecho and multiple close tornados. This makes chainlink with slats the ideal fencing material our yards.
2. Wind: Wind is one of the main issues with wood/solid fencing. It is EXTREMELY windy (especially between our building and the Many Hands building). This wind tunnel effect has caused our enormous wood gate to fly off due to wind gusts a few times (which is dangerous because it could impale someone, as well as allow a dog to escape if our backup gate wasn't there.) As you can see from the photos taken of the North and South wood fences, many of the wood posts are warped and pushed out from years of wind. Our Chainlink fencing hasn't been the least bit affected.

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.).**

1. If we are forced to adhere to the new code of setting our fence line back 10 ft from the property line, we would lose about \$100k of high-end artificial turf, as well as vital play space for our Daycamp dogs, which is a large chunk of our business income. It would also cost us about \$80k at a minimum to do that sort of yard/fence reconstruction, plus another \$50-100k for the fencing--all because we simply wanted to upgrade our wood fence to a better quality, longer lasting (but identical) faux-wood fence.
2. The Grimes city development staff suggested metal fencing, but that is not realistic for several reasons, the main one of which is it would create a hot-box. Metal is very reflective, both of sunlight and heat. The dogs use these fenced in yards to play and potty in all day long. It would create a very unsafe environment where they could literally be cooked on a daily basis. The reflections would also make the turf hot, which could easily burn paw pads. It is also very costly to repair should it get scratched or dented.
3. If we are forced to put stone around our trash enclosure, it will not match the building well. Alternately, if we moved the fence line out to the front of the trash enclosure, in an effort to get around the new masonry code requirement, we would lose an enormous tree and have to redo a large segment of yard, which would cost a significant amount of money.
4. If we simply do wood fence again in order to get "grandfathered in" under our original permit, we will just have to replace it again in another 5-10 years. Wood in recent years has significantly diminished in quality, and therefore is not a recommended material among fence contractors, especially at 8' lengths. This creates ongoing safety and maintenance concerns.

Thank you for your time and consideration. We have run one of the nicest dog facilities in the country for 13 years now, and plan to continue to do so. Please help me to keep my facility safe for the dogs and attractive for the humans, while making it feasible for me to afford by approving my requests.



DEVELOPMENT SERVICES  
410 SE Main Street, Suite 102, Grimes, Iowa 50111  
P: 515.986.4050

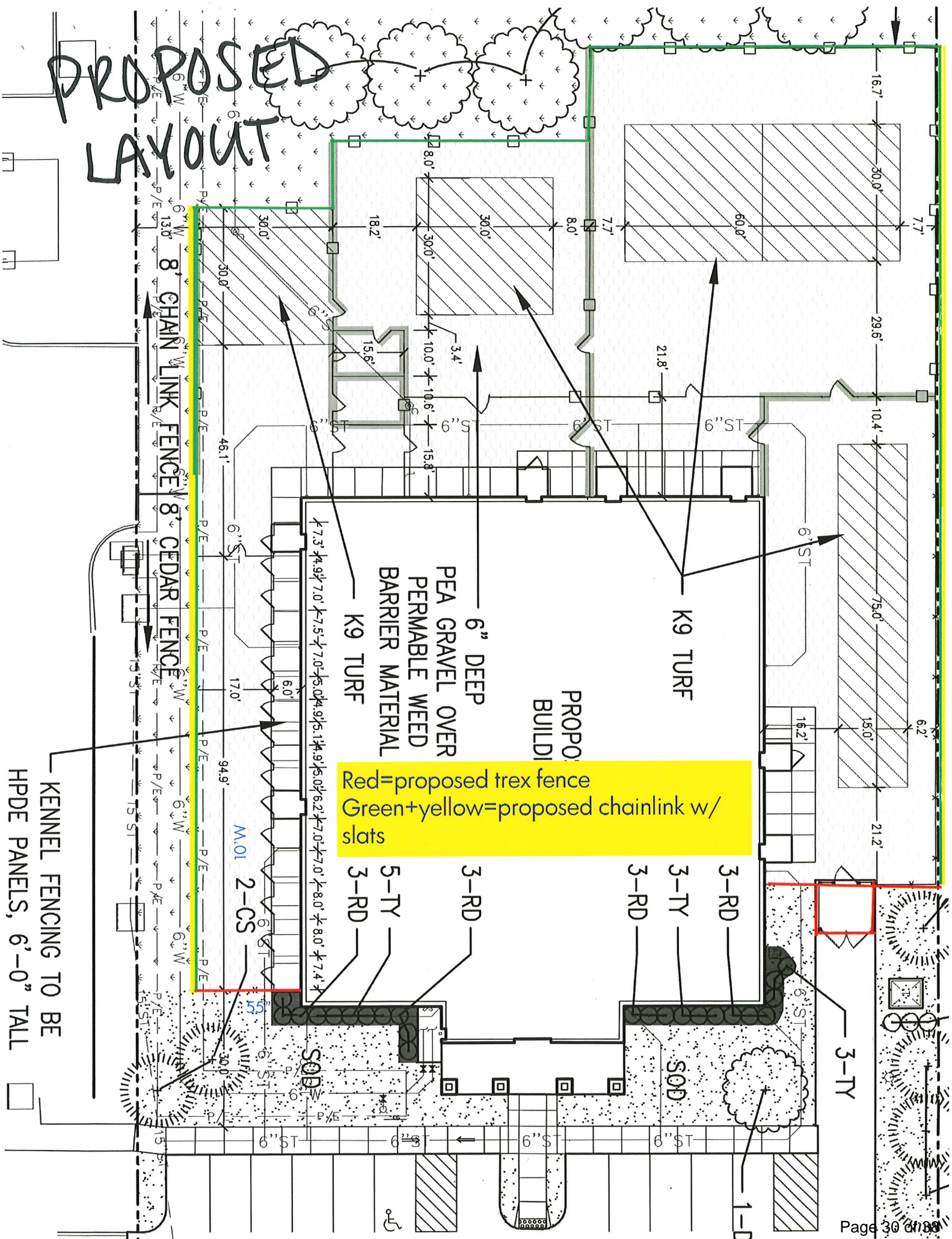
**BOARD OF ADJUSTMENT  
APPLICATION FOR  
VARIANCE REQUEST**

Applications are due the first of the month at 12:00p.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.



# PROPOSED LAYOUT



Red = proposed trex fence  
 Green + yellow = proposed chainlink w/ slats

KENNEL FENCING TO BE HPDE PANELS, 6'-0" TALL

6" DEEP  
 PEA GRAVEL OVER  
 PERMABLE WEED  
 BARRIER MATERIAL  
 K9 TURF

PROPO  
 BUILDING

K9 TURF

- 3-RD
- 3-TY
- 3-RD
- 3-RD
- 5-TY
- 3-RD
- 2-CS

SOD

3-TY

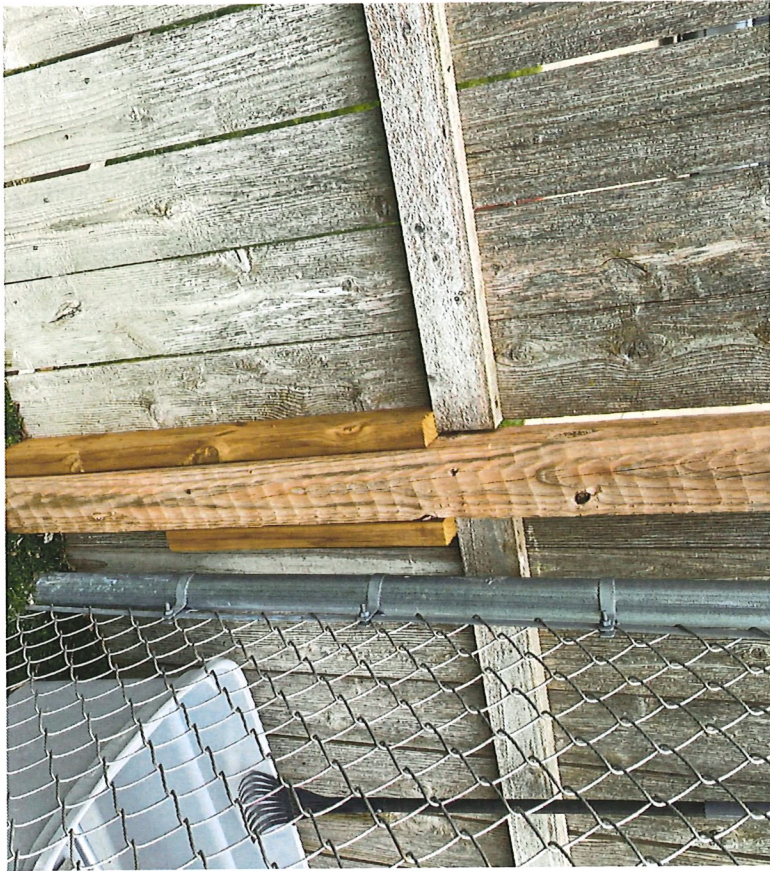


Showing warping of wood over the years



NOTICE  
FENCE  
WRAPPING  
on  
wood  
fence

→  
Showing expl. of constant  
files to ensure no gaps.





↖  
Expl. of constant  
fixes up keels

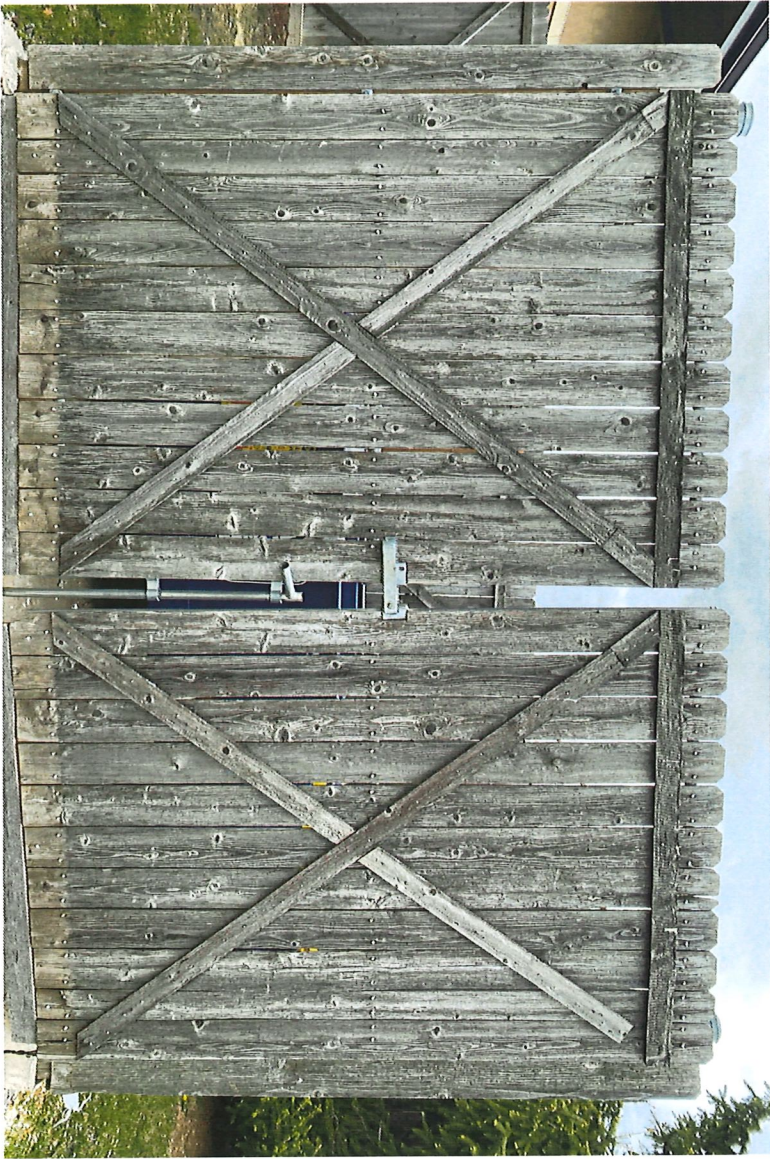


↙ Expl. of gap that is

forming

(Note: Some of our dogs are the size of gerbils!)

Showing how worn real wood looks after 13 years  
(which is why I'm proposing the much more  
expensive, but long lasting, wood alternative instead).





↑  
UP

Shows where the neighbor's mud has slid into our fence. This is causing it to rot at the base.

### III. "Hardship is not self imposed"

Garbage area: if moved to adopt the new code, it would cost us a significant amount in construction costs (possibly upwards of \$100k) to redo that NE play yard, and/or to demolish that large tree on the NE side. If forced to use stone around it, it would look bad/out of place.

Side fencing (which we are proposing using chain link w/slats): if we use the materials available to us via the code, each material would have it's challenges:

- Vinyl fencing is too brittle. Would not hold up to large dogs running into it, especially in winter

- Composite fencing is too expensive. We can't afford to replace all of the wood fencing with composite.

- Metal fencing does not fit our "lodge look", and it gets way too hot from sun reflections. It would cook the dogs in the yards. It also can have unsafe edges. It also looks bad the moment it gets dinged (If/when it gets dented, there's no affordable way to fix it. You have to replace the whole panel. This would happen frequently.)

- Wood fencing is expensive and also terrible quality these days. It degrades extremely quickly and becomes unsafe for our guests. It also doesn't hold up to the wind or neighbor issues (see responses to #1 and #2), and looks old/worn after only a few years.