



Board of Adjustment Agenda

**Grimes Board of Adjustment
December 15, 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 Chapter 3-19 of the Heritage at Grimes PUD to Allow Type 1 (Chain Link) Fence in the Type 2 (Ornamental Steel) Fence Area of Area J
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, October 1, 2025 at 5:30 P.M.

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

Staff: Evann Coffey, Alivia Hoodjer, Rachel Greving

Absent: NA

A. GENERAL AGENDA ITEMS

1. APPROVAL OF THE AGENDA

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

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

2. APPROVAL OF THE MINUTES

Motion by Stott, Second by Strutt, to approve the minutes from the August 20, 2025, meeting

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

B. PUBLIC AGENDA ITEMS

Public Hearing request for Variance to Chapter 3 of the Heritage at Grimes PUD for Reduced Setback Within the Rear Yard for the Installation of a Building Addition

Staff member Hoodjer provided a staff report to the Board of Adjustment. The residents of 1408 NE Aspen Court have requested a variance. The proposed addition would encroach 10 feet into the rear yard setback. Similar cases have been brought before the board in 2004, 2005, and 2020 that were denied, or the applicant pulled their application. Hoodjer presented some alternatives including making the covered deck an accessory by not attaching it to the primary building.

The applicants, Rachel and Jacob Eslick of 1408 NE Aspen Court, presented the request to the Board of Adjustment. Due to the rear yard facing the west, the applicants deal with hot afternoons in their yard. This pushed them to apply for a permit to build a covered deck attached to their home.

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

Motion by Strutt, Second by Stott to approve Variance to Chapter 3 of the Heritage at Grimes PUD for Reduced Setback Within the Rear Yard for the Installation of a Building Addition in this case up to the sill allowing 16 feet in the setback with stipulations of all other standards in the ordinance must be met and that the space can never be enclosed to transition this into a four-seasons space, it has to be a covered deck and remain outside of the square footage calculation of the primary structure and maintain the openness.

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

C. ADJOURNMENT

Meeting is adjourned at 6:09 p.m.

Chairperson Signature

Clerk Signature

Per Alex P. will accept this week
12/15/25 for 12/17/25 meeting.



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.

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:** 12/5/2025
- Applicant Name:** Christina + Joe Nabernaus
- Address:** 1113 NE 21st St Grimes IA 50111
(Street) (City) (State) (Zip)
- Telephone Number:** 515-250-8413
(Home) (Work)
- E-Mail Address:** cgolight@msn.com
2. **Location of Property**
- Street Address:** 1113 NE 21st St Grimes IA 50111
- Legal Description:** Lot 7 in HERITAGE AT
GRIMES PLAT 5, an official plat, now included
in^a 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: Christina Weberhaus on date: 12/5/25
(Owner)

Or: _____ on date: _____
(Owners Agent)

[Signature] 12-5-25
(owner)

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.**

Heritage PUD - Type 2 fencing verbiage - Type 2 fencing is reserved for northern lots of area J. reviewing section J, I am the very southern lot in "J". Additionally NE 21st St to the west is considered "northern". 3 properties already have type 2 fencing. 1st is 2 doors to the east of me →

- 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 enforcement of type 2 will not allow a fence project to be completed this year yet. Additionally, the fencing would be 2x the cost. This fencing has previously been approved @ permitting. As such I would also req. refund of the unnecessary \$150⁰⁰ fee.

- 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.**

Zoning / permitting has already allowed 3 properties as indicated in I. within the neighborhood already - section J. It was unknown at application for permit that black steel chainlink was not permitted.

- 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.**

This will not devalue property as it will match the fence in backyard we are connecting to. 1112 NE 22nd with their permission. This is still in alignment with black fencing and doesn't devalue neighborhood as consistent with others.

- 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 moving to type 2 fencing, however due to the delay it would cause (special order 3-4 weeks) we would definitely not be able to put fence in yet this year. Additionally, with the size of dog + fact she won't get much larger there is too much risk of her getting out even with smaller spacing. Additionally, fence type 2 is double the cost, which is not feasible

to risk her getting out. Without approval we will look to temporary portable fencing.

I. ① 1205 NE heritage
application date for permit. 9/30/2021. fence.

② 1209 NE heritage
application date 8/18/2021. fence

③ property in which my fence will connect with
to the NORTH. 1112 NE 22nd Street.
application date 11/3/2021.

The effective date of the heritage PUD shows
as 10/27/2020.

The fact that the reason for fencing types is
to be for "aesthetics" it makes no sense to have
2 different fencing types connecting.

Additionally, our dog is 7lbs and can fit through
the proposed fence types. The city has had
our application for permit since 11/10/2025 +
only on 12/2/2025 did we get notice of type 1
This ^{approved.} has already delayed our project. With
approval denial, as we were planning 12/3 ins

The proposed fencing would NOT contain the
dog + additionally is a 3-4 week order
timeline, which results in no fence till spring.

Supporting Evidence 1



Supporting Evidence 2



Supporting Evidence 3



For Reference: Heritage at Grimes PUD fence code section

FENCING

Fencing is discouraged throughout Heritage at Grimes. In the Single Family Residential areas (as delineated in Figure 3.3), only fence types specified in this section are allowed. Wood privacy fences are specifically prohibited anywhere within the Heritage at Grimes development.

TYPE 1 FENCING

Type 1 fencing is allowed throughout Area B, D, and K, and the southern portion of Area J. See Figure 3.3 for delineation of the boundary. Basis for design is 48" overall height, black vinyl coated chain link (as shown). No other fence type is allowed within the limits of Type 1 fencing.

TYPE 1



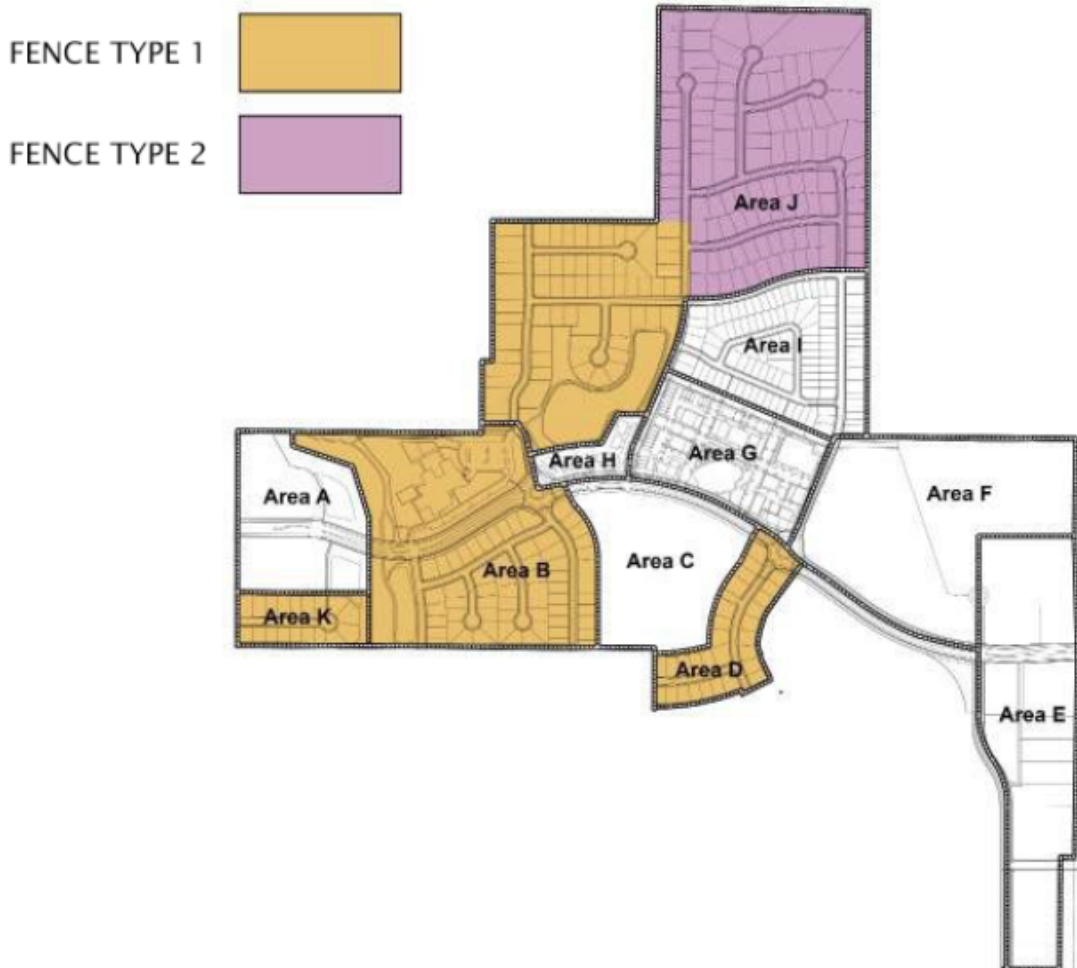
TYPE 2 FENCING

Type 2 fencing is reserved for the northern lots of Area J as shown in Figure 3.3. Basis for design is Ameristar "Montage" fencing, 48" or 72" overall height, black, single bottom rail, and dual top rail. This is the only type of fencing allowed in the area described.

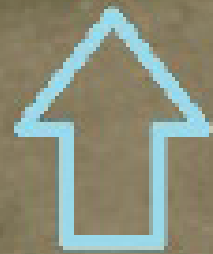
TYPE 2



FIGURE 3.3



neighbor existing fence



41'

54'

Will maintain 3 feet from drain pipe location

59'

19'

8'

gate

gate

9998



Board of Adjustment Staff Report

DATE

December 15, 2025

APPLICANT

Christina Naberhaus

Joe Naberhaus

LOCATION

1113 NE 21st Street

REQUESTED ACTION

Variance to Chapter 3-19 of the Heritage at Grimes PUD to allow Type 1 (chain link) fence in the Type 2 (ornamental steel) fence area of Area J.

ZONING

R-4 PUD (Heritage at Grimes PUD)

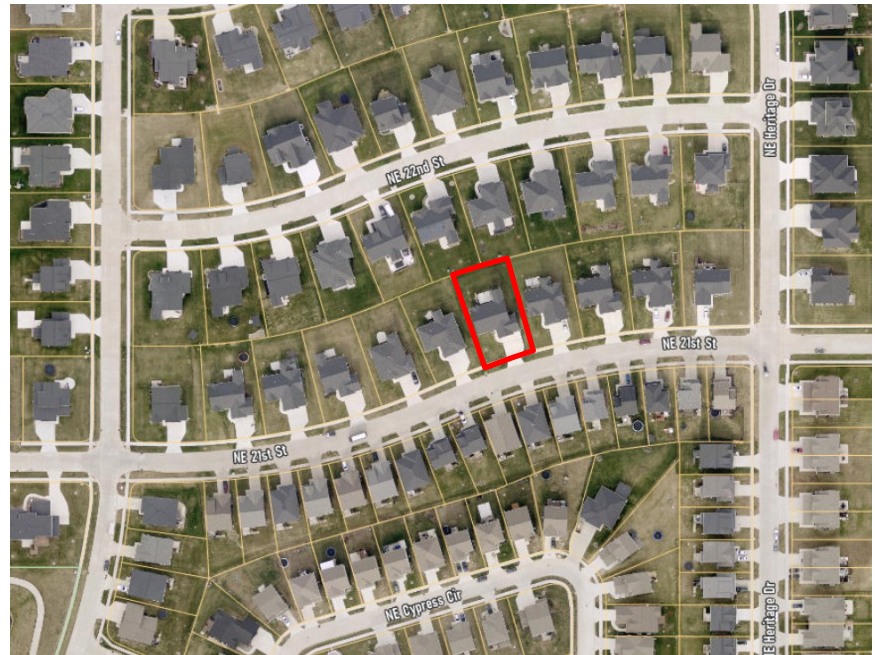
Heritage at Grimes Plat 5

PLANNER

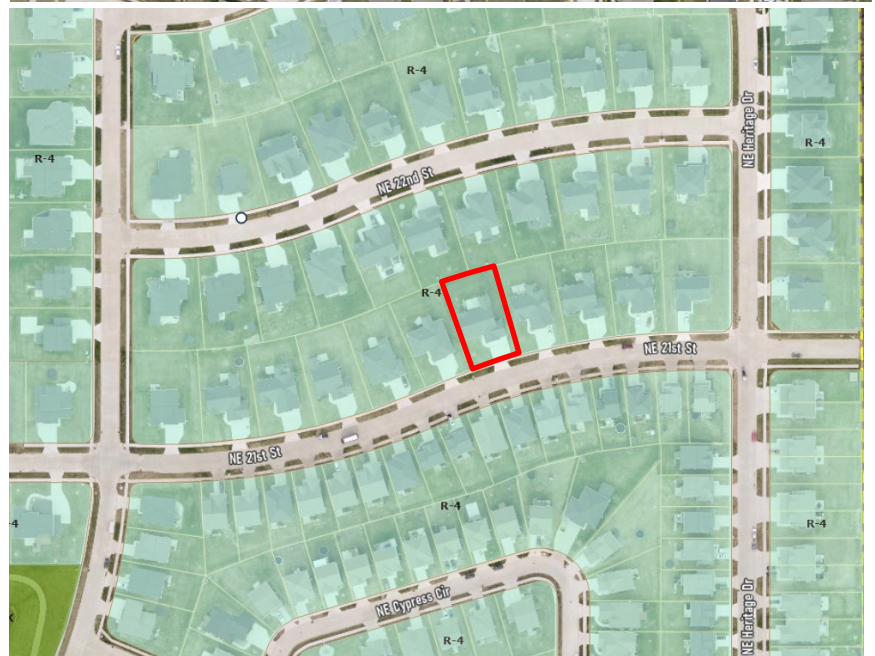
Alivia Hoodjer

ahoodjer@grimesiowa.gov

515-986-4050



Location Map



Zoning Map

LAND USES & ZONING			
Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Site	Single Family Residential	Low Density Residential	R-4 (Heritage at Grimes PUD)
North	Single Family Residential	Low Density Residential	R-4 (Heritage at Grimes PUD)
South	Single Family Residential	Medium Density Residential	R-4 (Heritage at Grimes PUD)
East	Single Family Residential	Low Density Residential	R-4 (Heritage at Grimes PUD)
West	Single Family Residential	Low Density Residential	R-4 (Heritage at Grimes PUD)

Case History

No variances have been granted to allow alternative fence types in the Heritage at Grimes PUD.

In 2014, the Heritage at Grimes PUD zoning ordinance was adopted with additional amendments from 2016 through 2020. The fencing regulations within Heritage at Grimes PUD fence code have been used as standards of design in the PUD since 2017. Within the regulations for the PUD, chain link fencing is not permitted in designated areas of the PUD. The following fence regulations were effective in 2020:

Section 3 Land Use and Bulk Regulations. – Single Family Residential. – 19. Fences.

- A. Fencing is discouraged throughout Heritage at Grimes. In Single Family Residential areas, only fence types specified (Type 1 and 2) are allowed.
- B. Type 1 fencing is allowed throughout Area B, D, and K, and the southern portion of Area J. The design basis for Type 1 fencing is fencing that is 48" in height, black vinyl coated chain link. No other fence type is allowed within the limits of Type 1 fencing.
- C. Type 2 fencing is reserved for the northern portion of Area J. The design basis for Type 2 fencing is fencing similar to the Ameristar "Montage" fencing that is 48" or 72" in height, black, single bottom rail, and a dual top rail. No other fence type is allowed within the limits of Type 2 fencing.

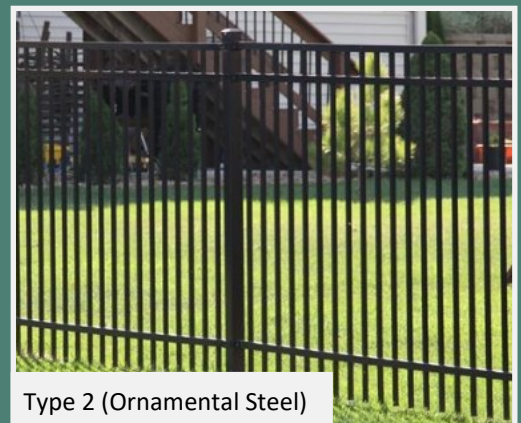
The City of Grimes Code of Ordinances does allow various specific material types in other residential zoning districts. The general Code of Ordinances regulations are as follows:

12-5-11 5. Fences and Walls

b.vi. Permitted Materials: Fences shall 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. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.

b.viii. Temporary Fencing. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing.

ix. Prohibited Materials: A fence shall not be constructed or covered with paper sheets or strips; cloth or fabric tarps, sheets or strips; plastic or vinyl tarps, sheets, mesh, or strips; bamboo; reed; or plywood sheeting.



Case History

Figure 1: Heritage at Grimes Fencing Type Map

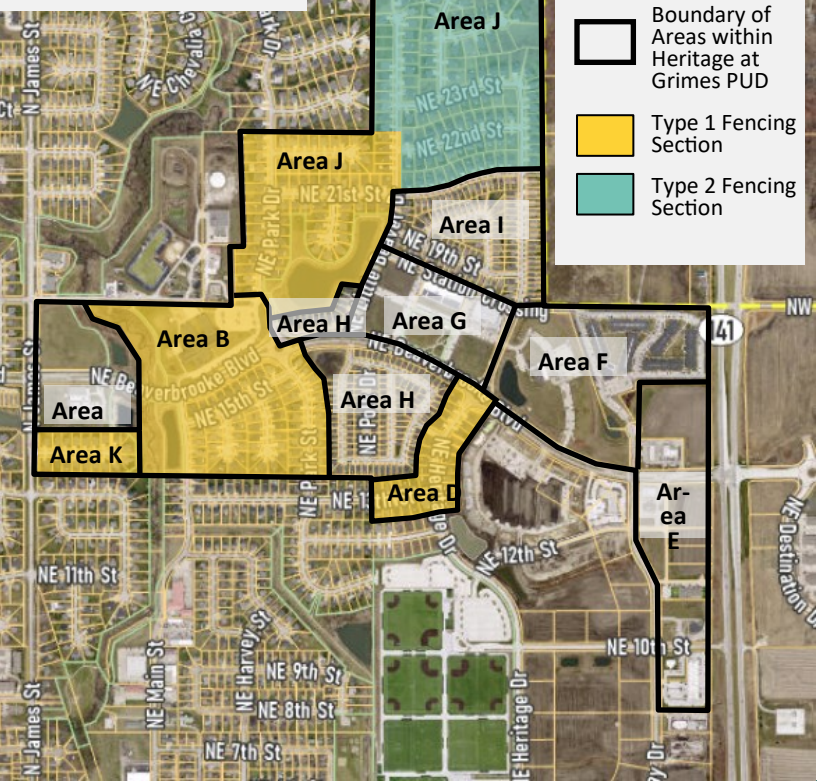
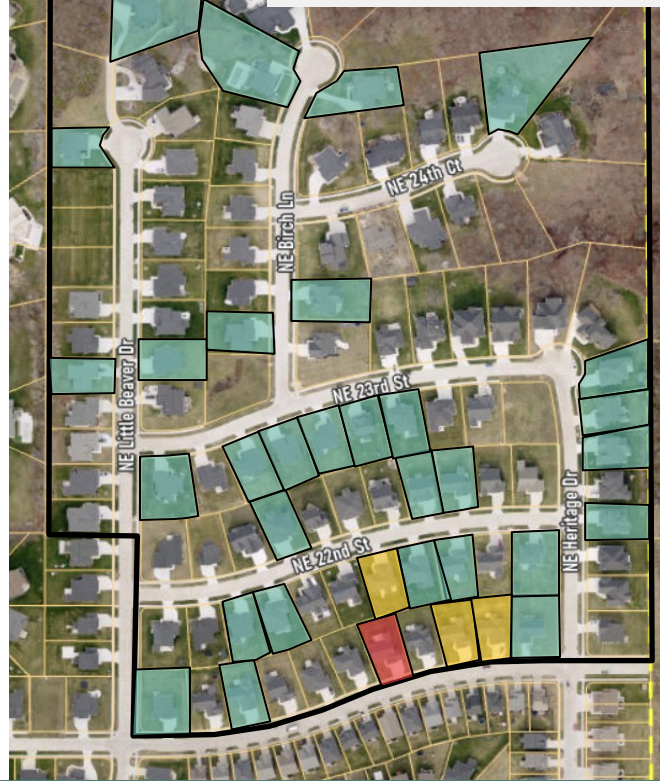


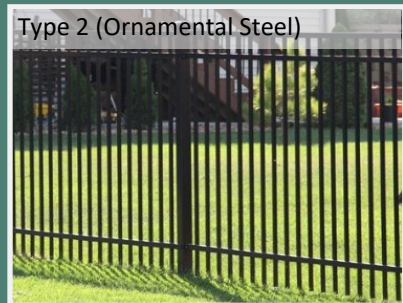
Figure 2: Heritage at Grimes Area J Type 2 Section Fencing Type Map



Area J of the Heritage at Grimes PUD has two different fence type sections (Type 1 section and Type 2 section), shown in Figure 1. The only area in the PUD that is restrictive to only allow ornamental steel fencing material is the northern half of Area J. All other areas of the PUD, that have fencing regulations differing from the City's standard fence code in the Code of Ordinances, follow the Type 1 fencing regulations. The intent of the Heritage at Grimes PUD fencing regulations were to provide a standard aesthetic throughout the neighborhoods if the property owner were to seek installing a fence and to provide open site lines, avoid compartmentalized residential lots, and closed off pedestrian ways. Overall, fences are discouraged throughout the neighborhood.

Within the Type 2 area of Area J, a total of 30 property owners out of 102 have installed the permitted Type 2 fencing material, shown in Figure 2.

In 2021, three properties with Type 1 fencing materials within the designated Type 2 section of Area J were mistakenly approved. These properties are highlighted in yellow shown on Figure 2. There have been no other mistakes related to Type 1 and Type 2 fencing since the time period in which all three permits were approved.



Background

BACKGROUND

The applicant is proposing to install a 4-foot chain link fence on the property. The fence is proposed to be located along the edges of the property and to connect to an existing fence owned by the neighboring property owner.

Upon review of the fence permit application, staff located a 10' storm sewer and overland flowage easement on the west property line. The fence is proposed to be within the easement with a 3-foot minimum setback from the existing storm sewer pipe. The property owners are required to obtain a consent to improvements agreement with the City prior to permit approval and fence construction. The easement does not affect the variance request.

SITE PLAN



Background Continued

VARIANCE REQUEST

The applicant is requesting a variance to allow Type 1 (chain link) fencing in the Type 2 (ornamental steel) area of Area J of the Heritage at Grimes PUD.

The Heritage at Grimes PUD requirements does not allow for Type 1 fencing in the Type 2 area of Area J.

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 the surrounding property owners within a 250-foot radius.

GOOD AND SUFFICIENT CAUSE

The applicant states that, according to the Heritage PUD, Type 2 fencing is reserved for the northern lots of Area J; however, after reviewing Area J, the applicant notes that their property is located at the very southern end of the area. The applicant states that it makes little sense to them to be required to have Type 2 fencing when three nearby properties were permitted to have Type 1, including one adjacent fence that their fence will connect to. The applicant also expresses that the reason for fencing types is related to aesthetics and it seems illogical to require them to have Type 2 when their backyard fence would connect to a Type 1 fencing, creating a mismatch in material.

The applicant further explains that their dog weighs seven pounds and would easily fit through the spacings of the standard Type 2 fence. The applicant also notes that the City's permitted process has disrupted their project timeline and the installation of a Type 2 fence would cause a three to four week wait time in order to receive the material.

SUBSTANTIAL HARDSHIP

The applicant states that the enforcement of requiring a Type 2 fence will prevent the project from being completed this year and will double the overall cost compared to the originally planned Type 1 fence. The applicant notes that the Type 1 fencing had previously been approved through permitting and requests that they are refunded the unnecessary \$150 fee.

SELF-IMPOSED HARDSHIP

The applicant states that there is a hardship being caused by the strict interpretation of the Zoning Ordinances due to the City mistakenly approving three properties to have Type 1 fencing within the Type 2 area of Area J. The applicant also states at the time of submitting for a permit, it was unknown to them that Type 1 fencing was not allowed within their neighborhood.

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 the surrounding property owners within a 250-foot radius.

PUBLIC INTEREST

The applicant states that allowing Type 1 fencing will not devalue the property as it will match the neighboring fence that they are connecting to. The applicant also states that Type 1 fencing is still black in color and does not devalue the neighborhood as is consistent with other properties.

PRESERVING THE SPIRIT OF THE ORDINANCE

The applicant explains that they have considered installing Type 2 fencing but notes that doing so would cause a three to four week delay that would prevent the project from being completed this year. The applicant further expresses that given the size of their dog and the fact that she will not grow much larger, the wider spacing of the standard Type 2 fence would create too great of a risk for the dog to escape.

Additionally, the applicant states that Type 2 fencing is nearly twice the cost of the Type 1 fencing, making it not feasible to install if it does not effectively contain their dog. The applicant states that without approval of their proposed fence, they will pursue a portable temporary fencing solution.

Conclusion

ALTERNATIVES TO REQUEST

1. Install the permitted Type 2 fencing (ornamental steel).
2. Install the permitted Type 2 fencing (ornamental steel) that has smaller spacing widths between the iron bars to avoid animals escaping.
3. Install the permitted Type 2 fencing (ornamental steel) along with puppy panels that attach to the bottom of the fence. Staff has previously approved this for pet owners installing Type 2.
4. Install an invisible fence to contain animals within the yard instead of a physical barrier.
5. Install Type 1 fence (chain link) along the rear (north) property line to provide one consistent fence type along the rear property line (the rear neighbor has one of the mistakenly approved chain link fences). Install the required Type 2 fence (ornamental steel) to enclose the rest of the yard.

SUMMARY

No variances have been granted to allow alternative fence types in the Heritage at Grimes PUD.

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

The fencing regulations within Heritage at Grimes PUD fence code have been used as standards of design in the PUD since 2017.

The Heritage at Grimes PUD does not allow for Type 1 fencing in the northern portion of Area J.

The applicant is requesting a variance to allow Type 1 (chain link) fence in the Type 2 (ornamental steel) fence area of Area J in the Heritage at Grimes PUD.