

## **Meeting Minutes**

### **Zoning Board of Adjustment**

Tuesday, December 20, 2016

Ankeny City Hall – City Council Chambers  
410 W. First Street, Ankeny, Iowa

#### **CALL TO ORDER**

The December 20, 2016 regular meeting of the Zoning Board of Adjustment was called to order at 5:00 pm by Vice Chair N.Sungren. Members present: N.Sungren, K.Tomlinson, B.Walker. Absent: J.Baxter, M.Ott. Staff present: E.Jensen, E.Carstens, E.Bodeker, D.Silverthorn, B.Fuglsang.

#### **AMENDMENTS TO THE AGENDA**

There were no amendments.

#### **MINUTES OF THE NOVEMBER 8, 2016 MEETING**

Motion by K.Tomlinson to approve the November 8, 2016 meeting minutes as submitted. Second by N.Sungren. Motion carried 3 – 0.

#### **COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

#### **PUBLIC HEARINGS:**

**#16-24      Wanda Manor Apartments, LLC**  
**810 E. 1<sup>st</sup> Street**  
**Lot 2, Wanda Manor Plat 1**  
**RE: Off-premise Sign - Variance**

Vice Chair N.Sungren opened the public hearing.

Bill Kusy, 902 E. 1<sup>st</sup> Street, Ankeny. Mr. Kusy stated he is a partner in the subject property, referred to as the outlot on 1<sup>st</sup> Street, a partner in the apartments directly north which is one of the two off-premise users and a neighbor of the property directly to the east which is currently occupied by Stuff, Etc. Mr. Kusy stated two years ago he came before the Board requesting the exact same two off-premise sign users for what is now the existing, non-conforming pole sign. He stated at that time they did not have any plans for the outlot and wanted to preserve the existing sign. The Board approved to divide the existing sign into four quadrants. Stuff, Etc. placed their sign on one panel, Lakeshore Apartments placed their sign on the building and decided not to place anything on the pole sign and the other two panels have never been used. Mr. Kusy stated they have been working diligently over the last few months on a building for the outlot and have re-platted the parcels. Their site plan was approved by the Plan & Zoning Commission and they are currently working with two prospective users for the outlot building. Mr. Kusy said they would like to tear down the existing pole sign and place up a new monument sign. One change he would like to make in the original submission to the Board is to not limit the number of panels allowed on the new monument sign. Mr. Kusy's request is to limit the sign to two off-premise users and not limit the number of panels.

**Staff Report:** E.Bodeker reported the property owner of 810 E 1<sup>st</sup> Street requests a variance to Section 195.05(7) to allow two off-premise users in addition to two on site users to advertise on a new monument sign located at 810 E 1<sup>st</sup> Street. The Code section for which the variance is requested stipulates that no sign shall be on property other than the premises on which the business, commodity, service, or entertainment is located. The existing sign located at 810 E 1<sup>st</sup> Street, currently 902 E 1<sup>st</sup> Street, is considered a legal, nonconforming pylon sign. In 2013, the Board of Adjustment granted a variance for off-premise signage to be located on the existing 200 square foot pylon sign. A site plan for 810 E 1<sup>st</sup> Street showing a 6,300 square foot commercial building with a 4,800 square foot restaurant and a 1,500 square foot coffee shop was approved by the Plan and Zoning Commission on December 6<sup>th</sup>. The approved site plan includes the removal of the existing pylon sign and shows a new monument sign location. The applicant is asking that the new monument sign include two off-premise users, Stuff Inc. and Lake Shore Apartments in addition to the two on site users. As the applicant

described he believes that the current building will have two tenants but would like to have the option to include additional on-site users on the sign in the future if needed. The original sign was constructed in 1997 with the development of First Plaza, a proposed final plat and site plan for a larger site plan area that would have included 902 and 906 E 1<sup>st</sup> Street as part of the overall retail development. Staples (the existing Stuff Etc. building at 906 E 1<sup>st</sup> Street) ended up being the only retail tenant that was constructed as part of the First Plaza development. The pylon sign was split into two panels, the top panel included the name of the shopping center and the second panel was for Staples. In 2000 Staples received a sign permit for a single panel due to the First Plaza panel being removed and no longer part of the sign. In 2013 a variance was approved to allow off-premise signage with a total of four tenant panels on the existing pylon sign with the conditions that the existing non-conforming 200 square foot sign cabinet is converted to provide four tenant panels and that no other ground/monument signage along E 1<sup>st</sup> Street will be allowed for any of the users included on the existing pylon sign with the exception of accessory or directional signage as directed by Staff. The staff position for the current variance request is to allow two off-premise users in addition to two on site users to advertise on a new monument sign at 810 E 1<sup>st</sup> Street with the condition that no other monument signs be allowed for those 4 users. The staff position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood and that it is found to be in harmony with the intended spirit and purpose of the Ankeny Code.

K.Tomlinson asked whether the size and design of the sign was approved at the Plan and Zoning meeting. E.Bodeker stated the location was approved but the size and design will be reviewed with the sign permit. She also stated the information provided in the packet to the Board with regard to the size of the sign conforms to the sign code. K.Tomlinson confirmed that they were requesting a total of four users at this time. E.Bodeker stated they are proposing four users today but the applicant wanted the option to add more on-site users if needed on the proposed sign.

Motion by B.Walker to close the public hearing. Second by N.Sungren. All voted aye.  
Motion carried 3 – 0.

#### **Board Action on Filing #16-24 property at 810 E. 1<sup>st</sup> Street**

Motion by K.Tomlinson that the Zoning Board of Adjustment grant a variance to the Ankeny Municipal Code Section 195.05(7) to allow two off-premise users in addition to on-site users on a proposed ground sign at 810 E 1<sup>st</sup> Street with the following condition:

1. No other ground/monument signage will be allowed for any of the uses included on the proposed sign, with the exception of accessory or directional signage as determined by Staff (i.e. drive-thru signage).

The Board's position is based on the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood and that it is found to be in harmony with the intended spirit and purpose of the Ankeny Code. Second by B.Walker. All voted aye. Motion carried 3 – 0.

#### **REPORTS**

##### **Renewed Special Use Permits**

- #12-02 – 1701 North Ankeny Blvd. - Sports Page Grill
- #15-14 – 705 S. Ankeny Blvd. - Benchwarmers

There being no further business, the meeting adjourned at 5:11 pm.

Submitted by Brenda Fuglsang, Recording Secretary



Zoning Board of Adjustment