

Meeting Minutes
Zoning Board of Adjustment
Tuesday, November 6, 2018
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa

CALL TO ORDER

The November 6, 2018 regular meeting of the Zoning Board of Adjustment was called to order at 5:04 p.m. by Vice Chair J.Baxter. Members present: J.Baxter, N.Sungren, K.Tomlinson and B.Walker. Absent: M.Ott
Staff present: E.Jensen, E.Carstens, D.Silverthorn, R.Hulstrom, K.Gorman, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE OCTOBER 16, 2018 MEETING

Motion by K.Tomlinson to approve the October 16, 2018 meeting minutes as submitted. Second by N.Sungren. All voted aye. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

J.Baxter asked to have the record reflect that members of the Board received correspondence regarding Item #18-18 from Arnie and Marcia Fischer and Mary Ann Rice that will be received and filed as part of the public hearing.

PUBLIC HEARINGS:

#18-18

**Brad Wederquist
405 NW Country Club Drive
Lot 15, Golf View Acres Plat 3
RE: Accessory Building**

Vice Chair J.Baxter opened the public hearing.

Brad Wederquist, 405 NW Country Club Drive, Ankeny stated that he is seeking a variance to Section 191.07.01 to place a detached garage/accessory building on what is technically his front yard. He stated his property is unique in that it has a small rear yard and three front yards. He stated there are 35-foot setbacks on the north, west and south side of his property. Brad Wederquist referred to the aerial map showing the location of his property. He stated he would like to place a 1,008 sq. ft. garage, 12-feet away from his house on the north side. He explained that when he spoke to the City's Building Division they stated the only other place he could place it would be in the northeast corner and that is the location of his septic system drain-field. Brad Wederquist then asked the Board for their approval to place the garage 12-feet away from his home on the north side and asked the Board if they had any questions.

N.Sungren asked if there was a reason that he is building a detached over attached. Brad Wederquist replied that the bids he received for the attached were significantly higher than detached.

K.Tomlinson asked what materials he would be using to construct the garage. Brad Wederquist stated it will be a concrete* foundation, wood stick construction, engineered trusses, vinyl siding and asphalt architectural shingles, the same color and brand as his house. K.Tomlinson confirmed that the color would be the same as his house and asked if there would be any windows. Brad Wederquist stated it will be the same color as his house and there will be a couples windows on the north side of the garage.

Board Member M.Ott arrived at 5:10 p.m.

The Board had no further questions.

Staff Report: R.Hulstrom reported that the appellant is requesting a variance to allow a 1,008 sq. ft. detached garage to be located in the front yard at 405 NW Country Club Drive. She stated the subject property is located east of NW Country Club Drive and south of NW 5th Street; and is legally described as

Lot 15, Golf View Acres Plat 3 and is zoned R-1, One-Family Residence District. R.Hulstrom shared that the properties to the north of the subject property are zoned R-3A and are part of the Rock Creek Townhomes Association and the properties to the west, east and south are all zoned R-1 and are one- or two-story single family residences. R.Hulstrom explained that the primary structure is a one-story single-family residence built in 1986. She shared that at the time the primary structure was built, City sanitary sewer was not available to the site and stated that there is a septic drain field located in the northeast corner of the property. R.Hulstrom stated the overall subject site is 25,264 square feet with the existing footprint of the primary structure consuming over 1,800 square feet and the lot is unique because it technically has three front yards. R.Hulstrom presented photos of the property from each street frontage. R.Hulstrom explained that the property owner submitted a building permit for a 1,008 sq. ft. detached garage and City staff informed the owner that a detached garage could not be placed in the proposed location because it needed to be located in the rear yard. He then chose to submit a variance request in order to allow the proposed detached garage to be located in the front yard.

R.Hulstrom stated the site plan provided by the appellant shows the proposed 1,008 sq. ft. detached garage to be located on the north side of the lot, approximately 12 feet from the existing house and 51 feet from the north property line. She shared that a driveway addition is proposed with the detached garage and is shown to connect to the existing drive located on the west side of the lot. R.Hulstrom stated the proposed detached garage is considered an accessory building because it is not attached to the primary structure. R.Hulstrom stated that per Ankeny Municipal Code Section 190.03.02 the detached garage would be allowable without a variance in the location it is proposed if it were attached to the primary structure. R.Hulstrom then explained to the Board different scenarios as to where the detached garage could possibly be located on the property and the disadvantages to those locations. She explained that the subject site is unique in comparison to other lots in the neighborhood. She shared that the property located just west of the subject property was approved for a detached structure and has a drive access off NW 5th Street. This was allowed per Code because the structure was located behind the façade of the house along NW 5th Street, which is considered the rear yard. R.Hulstrom stated the staff position is to grant the requested variance to Ankeny Municipal Code Section 191.07.01 to allow a 1,008 sq. ft. detached garage to be placed in the front yard at 405 NW Country Club Drive, subject to the applicant acquiring all necessary building permits. Staff's position is based on a determination that the subject site has a number of unique factors, including street frontage on three sides and other site constraints, which make locating the proposed detached garage in the rear yard difficult. Staff also believes that the location of the proposed structure does not impair adequate supply of air and light, does not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

K.Tomlinson asked how big the accessory structure across the street is compared to what this structure will be. R.Hulstrom replied that she does not have that information.

B.Walker confirmed with staff that the City does not have any requirements for garage materials in the permitting process and that materials would be addressed by covenants. R.Hulstrom stated that is correct.

The Board had no further questions.

There was no one in the audience to speak for or against the request.

Motion by B.Walker to receive and file documents received from Arnie and Marcia Fischer and Mary Ann Rice. Second by K.Tomlinson. Motion carried 4 – 0 – 1. (Abstain: M.Ott)

Motion by K.Tomlinson to close the public hearing. Second by N.Sungren. Motion carried 4 – 0 – 1. (Abstain: M.Ott)

K.Tomlinson commented that she would like the materials of the garage to be the same as the house. J.Baxter commented that the appellant has already indicated that his plan is to make them the same so including it as a condition, in his opinion, should not be an issue. B.Walker agrees and does not see a problem with the appellant's request. N.Sungren asked if the covenants would cover the materials used to construct the garage. J.Baxter stated that the Board would have to add it to the Board's motion.

Board Action on Filing #18-18 property located at 405 NW Country Club Drive

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.07.1 to allow a 1008 square foot detached garage to be placed in the front yard at 405 NW Country Club Drive, subject to the applicant acquiring all necessary building permits.

The Board's position is based on a determination that the subject site has a number of unique factors, including street frontage on three sides and other site constraints, which make locating the proposed detached garage in the rear yard difficult. The Board also believes that the location of the proposed structure does not impair adequate supply of air and light, does not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. The approval is subject to the conditions that the materials and character of the garage match the character of the existing home in terms of the siding, windows, doors, shingles and color. Second by N.Sungren. Motion carried 4 – 0 – 1. (Abstain: M.Ott)

REPORTS

1. Renewed Special Use Permits
 #12-15 1425 SW Vintage Parkway – Jethro's BBQ Lakehouse
2. Zoning and Subdivision Code Rewrite Discussion

E.Jensen provided the Board with an introduction of the Zoning and Subdivision Code Rewrite process and introduced Chris Shires with Confluence, the consultant contracted by the City of Ankeny to lead the Zoning and Subdivision Code Rewrite for the City of Ankeny.

Mr. Chris Shires, Confluence, Des Moines, Iowa provided a presentation to the Board that included information regarding the project team, the goals, objectives and the process related to the zoning and subdivision rewrite. He then opened it up to the Board for questions, initial input and discussion.

Board Member J.Baxter left the meeting at 6:05 p.m.
Board Member B.Walker left the meeting at 6:08 p.m.

There being no further business, the meeting adjourned at 6:18 p.m.

Submitted by Brenda Fuglsang, Recording Secretary



Zoning Board of Adjustment