

## **Meeting Minutes**

### **Zoning Board of Adjustment**

Tuesday, May 19, 2020  
Ankeny Public Services Building – Electronic Meeting  
Ankeny, Iowa

#### **CALL TO ORDER**

Chair M.Ott called the May 19, 2020 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

Due to the COVID-19 pandemic, no public location was possible. The meeting was conducted as an electronic meeting. The Zoning Board of Adjustment, City staff and the public participated by electronic conferencing.

#### **ROLL CALL**

Members present: J.Baxter, M.Ott, N.Sungren K.Tomlinson and B.Walker. Staff present: E.Jensen, E.Carstens, J.Heil, R.Hulstrom, B.Fuglsang.

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

There were no amendments to the agenda.

#### **MINUTES OF THE MARCH 17, 2020 MEETING**

Motion by J.Baxter to approve the March 17, 2020 meeting minutes as submitted. Second by N.Sungren.  
Motion carried 4 – 0 – 1. Abstain: K.Tomlinson

#### **COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

#### **BUSINESS ITEMS**

##### **PUBLIC HEARINGS:**

**#20-03**

**Bryce and Laura Duckett  
533 SW Southlawn Drive  
Lot 32 & 33, Southlawn Place Replat  
RE: Variance – Fence**

Chair M.Ott opened the public hearing.

Laura Duckett, 533 SW Southlawn Drive, Ankeny stated that they purchased the home about two years ago and their home sits on a double corner lot. She said that they are requesting a variance to place a fence on their property as shown on their submittal to the Board. She shared that they have two large breed dogs and would like to enclose the back yard with a 6-foot privacy fence. This would not only keep the dogs in the yard, but it would also keep them from barking since there is a lot of foot traffic around their home. She also shared that they currently have two concrete pads, one that they currently have their camper on, and if they were not allowed to have the fence per their request, the concrete pads would be outside of the fence. Laura Duckett then explained to the Board the setback requirements for their lot and said that they would end up losing about half of their backyard if they had to meet the setback requirement. She shared that all the neighbors to the north, have existing 6-foot privacy fences on their property line and they would like their fence to match what the neighbors already have. It would provide some visual harmony to the neighborhood. She stated that in their initial request they had asked to put the fence right on the property line where their bushes are currently located, but have reconsidered their request and would be satisfied with a 33-foot variance, keeping the bushes and placing the fence just west of the bushes.

The Board had no questions.

R.Hulstrom reported that the appellant has requested a variance to allow a 6-foot tall privacy fence to be built along the east property line, and encroach 35-feet into the 35-foot front yard setback. She shared that the property is located at 533 SW Southlawn Drive, Lots 32 and 33, Southlawn Place Replat. R.Hulstrom shared that Lots 32 and 33 are both corner lots, which means that the property technically has three front yards. She explained that the property is zoned R-1, Single Family Residence District, the properties north, south and west of the subject property are also zoned R-1 and the east property line is adjacent to S Ankeny Boulevard. R.Hulstrom shared that a fence permit application was received for the property and was placed on hold because the new fence was too tall based on its proposed location. She shared that the maximum height

allowable for an opaque fence in the front yard is 42 inches and in this case would apply to the frontages along SW Southlawn Circle, SW Southlawn Drive and S Ankeny Boulevard. R.Hulstrom explained that the appellant had intended to remove the shrubs on the east side of the property and connect their proposed fence directly to their neighbor's fence to the north. They later shared in an email to staff that they would be willing to keep the shrubs and move the fence one or two feet west from the east property line, which would then encroach approximately 33-feet into the front yard setback. Staff does not believe that the proposed fence poses any safety concerns for the public and is not anticipated to inhibit visibility on the corner of S Ankeny Boulevard and SW Southlawn Drive. The proposed fence would not obstruct the required 30-foot vision clearance triangle on that corner since the fence is proposed to be connected to the garage and the garage is setback approximately 43 feet from SW Southlawn Drive. Staff shared that the Board has granted other similar requests in the past. The Staff position is to grant a variance to Ankeny Municipal Code Section 191.14(2), allowing a 6-foot tall privacy fence to encroach approximately 33 feet into the front yard setback along the east property line adjacent to S Ankeny Boulevard at 533 SW Southlawn Drive subject to the existing shrubs remaining in their current location. Staff's position is based on a determination that the shape of the specific property is exceptional; that the decreased front yard setback from the resulting fence would not impair adequate supply of air and light, would not increase public danger of visibility, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter asked if there is any concern of the lots being split in the future and if so, should there be a lot tie agreement tying the two lots together. E.Jensen shared that when there is a situation such as this, where a building is physically constructed across the lot line, the lots are physically tied together without the lot tie agreement and feels it would not be necessary.

There were no further questions from the Board.

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

Motion by M.Ott to close the public hearing, and receive and file documents. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

All Board members agreed that there were no concerns with this request.

#### **Board Action on Filing #20-03 property located at 533 SW Southlawn Drive**

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), allowing a 6-foot tall privacy fence to encroach approximately 33 feet into the front yard setback along the east property line adjacent to S Ankeny Boulevard at 533 SW Southlawn Drive, subject to the existing shrubs being maintained and remaining in their current location. The Board's position is based on a determination that the shape of the specific property is exceptional; that the decreased front yard setback from the resulting fence would not impair adequate supply of air and light, would not increase public danger of visibility, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by N.Sungren. All voted aye. Motion carried 5 – 0.

#### **NEW BUSINESS**

There was no new business.

#### **REPORTS**

Renewed Special Use Permits

#16-03 1375 Vintage Parkway, District 36 Wine Bar & Grille

#08-20 2414 SE Tones Drive, On the Waterfront Seafood Restaurant

#16-21 716 SW 3rd Street, Firetrucker Brewery

There being no further business, the meeting adjourned at 5:21 p.m.

Submitted by Brenda Fuglsang, Recording Secretary

  
Zoning Board of Adjustment