

# Meeting Minutes

## Zoning Board of Adjustment

Tuesday, February 21, 2023

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

### CALL TO ORDER

Chair Matt Ott called the February 21, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

### ROLL CALL

Members present: Jeff Baxter, Matt Ott, Kristi Tomlinson, and Nichole Sungren. Absent: Brett Walker.

Staff: E.Jensen, E.Carstens, D.Silverthorn, J.Heil, B.Morrissey, L.Hutzell, R.Kirschman, B.Fuglsang

### AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

### MINUTES OF THE FEBRUARY 7, 2023 REGULAR MEETING

Motion by J.Baxter to approve the February 7, 2023 meeting minutes as submitted. Second by K.Tomlinson.

Motion carried. 3 – 0 – 1 (Abstain: N.Sungren).

### COMMUNICATIONS / CORRESPONDENCE

There were no communications.

### BUSINESS ITEMS

#### PUBLIC HEARINGS:

**#23-03, #23-04, #23-05**

**Randy Dickson**

*for property located at*

**1204 SE 16th Court**

**Lot 3, Ankeny Business Park Plat 5**

**RE: #23-03 Sign Variance – Height**

**#23-04 Sign Variance – Print Area**

**#23-05 Sign Variance – Base Size**

Chair M.Ott opened the public hearing.

Randy Dickson, 6310 Douglas Avenue, Urbandale, Iowa said that their proposed sign does not meet the sign code so they are seeking approval for three variances. He shared that brand recognition is important for them and have used the U-Haul basic modular sign design since 1964. He commented especially with being located on the interstate, their basic modular sign design would provide the customer adequate time to exit the interstate safely. He respectfully asked the Board to approve all three variances and said he would answer any questions they may have.

M.Ott confirmed with Mr. Dickson that the sign would be placed along Interstate 35. He replied, yes.

N.Sungren referenced the reader board at the bottom of the sign, and asked how often does the message get changed. Mr. Dickson said that it is changed regularly. He commented that if you leave the message up too long, the message becomes stale and no one will pay attention to it.

R.Kirschman reported that the applicant has proposed a sign that is 35-feet tall with three print areas totaling 249 square feet and a base composed of two metal poles with a width smaller than the proposed sign. He stated the subject property is located at 1204 SE 16<sup>th</sup> Court, east of Delaware Avenue and west of Interstate 35 in the southeast quadrant of Ankeny. He noted that the property is zoned C-2 General Retail, Highway Oriented and Central Business Commercial District and abuts Interstate 35 to the east. R.Kirschman explained that the proposed sign does not meet the Ankeny Municipal Code due to the sign being 5-feet taller than allowed, the print area is 169 square feet larger than allowed; and the base is smaller than the sign and is not constructed with stone, brick, or similar material to the surrounding buildings. Ankeny Municipal Code Section 195.04(3)(C) states the base structure shall be constructed with the width greater than or equal to the sign, Code Section 195, Appendix B, states ground signs can have up to 80 square feet of print area and Code Section 195, Appendix C, states pylon signs shall have a maximum height of 30 feet. He said that the sign code was adopted in 2008 and a similar variance request was considered by the Zoning Board of Adjustment in the past,



which was denied. Staff recommends that the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Section 195, Appendix C to allow a 35-foot sign for a modified pylon sign, deny a variance to Ankeny Municipal Code Section 195, Appendix B to allow 249 square feet of print area on a modified pylon sign; and deny a variance to Ankeny Municipal Code Section 195.04(3)(C) to allow a modified base for the proposed pylon sign. Staff's position is based on the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property.

M.Ott confirmed that the topographical area does not necessitate a taller sign. R.Kirschman said that there is no topographical disadvantage of the property, as it is not higher or lower than any of the surrounding properties. J.Baxter said, relating to the print area, what is the square footage of just the U-Haul portion of the sign? E.Carstens responded 127 square feet. M.Ott asked staff for clarification regarding the base of the sign. E.Jensen reviewed with the Board the sign code update in 2008, where the city determined that it would no longer allow pylon signs but would allow a modified pylon sign, along the interstate. He explained the different requirements for a modified pylon sign versus the monument signs that are allowed within the city.

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

J.Baxter asked Mr. Dickson if there is anything, from his perspective, that would identify the property itself as having special circumstances that would give rise to the Board granting a variance on the sign. Mr. Dickson said, no. Mr. Dickson further noted that visibility is good. There is a little bit of ground level change from Slumberland, so the additional height would be useful, but there are no topographical challenges.

Motion by M.Ott to close the public hearing, and receive and file documents. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

J.Baxter shared that the Board has been in this situation before where there are no special or exceptional circumstances that would give rise to the variance. Under the Code, the Board's allowance for granting a variance is by reason of exceptional narrowness, shallowness, or special circumstances on the property. Staff and the applicant have both indicated that there is no special circumstance for this property that would give rise to grant a variance. J.Baxter said he does not know how the Board could justify allowing the requested variances. K.Tomlinson, M.Ott and N.Sungren agreed.

**Board Action on Filing #23-03 (Height) property located at 1204 SE 16<sup>th</sup> Court**

Motion by J.Baxter that the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Chapter 195 Appendix C, allowing a 35-foot-tall modified pylon sign at 1204 SE 16<sup>th</sup> Court. This position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by M.Ott. All voted. Motion carried to deny 4 – 0.

**Board Action on Filing #23-04 (Print Area) property located at 1204 SE 16<sup>th</sup> Court**

Motion by J.Baxter that the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Chapter 195 Appendix B, allowing a 249 square foot sign at 1204 SE 16<sup>th</sup> Court. This position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by N.Sungren. All voted. Motion carried to deny 4 – 0.

**Board Action on Filing #23-05 (Base Size) property located at 1204 SE 16<sup>th</sup> Court**

Motion by J.Baxter that the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code Chapter 195.04(3)(C), allowing a modified base pylon sign at 1204 SE 16<sup>th</sup> Court. This position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by K.Tomlinson. All voted. Motion carried to deny 4 – 0.

**NEW BUSINESS**

There was no new business.

**REPORTS**

There were no reports.

There being no further business, meeting adjourned at 5:19 p.m.



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment