

Meeting Minutes
Zoning Board of Adjustment
Tuesday, July 2, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the July 2, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Matt Ott, Nichole Sungren, Kristi Tomlinson and Brett Walker. Absent: Jeff Baxter.
Staff: E.Jensen, E.Carstens, R.Kirschman, and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE APRIL 16, 2024 REGULAR MEETING

Motion by K.Tomlinson to approve the meeting minutes as submitted. Second by B.Walker. Motion carried 3 – 0 – 1 (Abstain: N.Sungren).

MINUTES OF THE JUNE 18, 2024 REGULAR MEETING

Motion by N.Sungren to approve the meeting minutes as submitted. Second by K.Tomlinson. Motion carried 3 – 0 – 1 (Abstain: B.Walker).

COMMUNICATIONS / CORRESPONDENCE

Chair Matt Ott noted that correspondence was received for Appeal #24-08 from Tom Hay, 2014 SW Sage Circle in favor; and correspondence was received for Appeal #24-09 from Joseph and Lois Dullard, 201 NW Westwood Street, in opposition and Doug and Rachel Bladine, 114 NW Westwood Street, in favor. He stated that all correspondence will be received and filed during each public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-08

Kyle Anderson
for property located at
2009 SW Sage Circle
Lot 19, Sawgrass Park Plat 3
RE: Variance – Covered Deck

Chair M.Ott opened the public hearing.

Kyle and Allison Anderson, 2009 SW Sage Circle, said they are requesting a variance to encroach 14-feet into the 35-foot setback to allow them to cover a portion of their existing deck. He commented that it is facing south and they get a lot of sun.

M.Ott confirmed that only a portion of the deck would be covered. Kyle responded, yes. Kyle said that they are going to cover 22 feet of the existing deck.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing for a 19-foot rear yard setback for a covered deck at 2009 SW Sage Circle and presented pictures of the existing deck. He stated that the subject property is located south of SW Oralabor Road and west of SW State Street within the southwestern quadrant of Ankeny. R.Kirschman noted that the home sits on a .204-acre lot that is zoned R-3, Multiple Family Residence District restricted to single family homes. He explained that the applicant is requesting a variance to encroach approximately 16-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. He noted that should the variance for the covered deck be approved, a 19-foot rear yard setback will be the resulting setback on the south side of the property. Staff is not concerned with the covered deck extending into the rear-yard setback as the property backs to Sawgrass Park and the covered deck should not have any measurable impact on surrounding residences. The staff position is to grant a variance to Ankeny Municipal Code Section

192.05(3)(E) to allow a 19-foot rear yard setback for the construction of a covered deck at 2009 SW Sage Circle. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would 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.

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

M.Ott said that there was one piece of correspondence received from a neighbor in favor. He asked R.Kirschman to note the location of the neighbor's property on the aerial map for the Board.

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

K.Tomlinson commented that she has no concerns with the request since the property backs up to open space.

Board Action on Filing #24-08 for property located at 2009 SW Sage Circle

Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 19-foot rear yard setback for a covered deck at 2009 SW Sage Circle. The Board's decision is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would 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.

Second by M.Ott. Motion carried 4 – 0.

#24-09

Great Barrier Fence Co.
on behalf of Terry Ubben
for property located at
110 NW Westwood Street
Lot 35, Golfview Terrace Plat 1
RE: Variance – Fence

Chair M.Ott opened the public hearing.

Terry Ubben, 110 NW Westwood Street, Ankeny and Emmett Tyler, Great Barrier Fence Co., 5550 Wild Rose Lane, Ste. 400 West Des Moines. Terry Ubben shared that they would like to replace their current fence with a 6-foot fence. They have dogs and would like the privacy of a 6-foot fence.

K.Tomlinson inquired whether the fence would be going in the exact same place as the current fence. Terry Ubben responded, yes. He said they are only increasing the height so that the dogs cannot jump over it.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 191.14(2), that limits the height of fences located within front yard setbacks on corner lots to 42 inches, allowing a 6-foot tall privacy fence to be constructed within the required 35-foot front yard setback along the east property line at 110 NW Westwood Street. He presented pictures of the existing property and fence. He stated that the subject property is located north of W 1st Street, west of NW State Street and east of NW Irwindale Drive and is zoned C-2, General Retail, Highway-Oriented, and Central Business Commercial District. The property is approximately .302 acres in size and is considered a corner lot with two front yards. R.Kirschman explained that the applicant is requesting a variance to allow for a 6-foot tall privacy fence to remain approximately 34 feet into the 35-foot front yard setback adjacent to the eastern property line. He noted that per Code, privacy fences located within front yards on corner lots that exceed 42 inches in height must conform to the building setback requirements of the Code. Staff does not believe the proposed fence poses any safety concerns to the public, more specifically, the fence would not obstruct the required 30-foot vision clearance triangle at that specific intersection. He presented pictures, which exhibited different street views of the property and the existing fence. He noted that in the past the Board has required additional landscaping between the fence and the street as a condition of the approval but in this case, there are existing mature trees between the street and the location of the proposed fence. Staff recommends that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall privacy fence to encroach approximately 34 feet into the 35-foot front yard setback along the east property line adjacent to NW Westwood Street, subject to maintaining the existing landscaping along NW Westwood Street. Staff's position is based on a determination 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 fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

M.Ott said that there were two pieces of correspondence received from neighbors regarding this appeal, one in favor and one in opposition. He asked R.Kirschman to note the location of the neighbor's property on the aerial map for the Board.

Doug and Ann Wright, 123 NW Westwood Street, said that they are in favor of the variance. He stated that they have lived in their home for twenty years and said the line of sight issues are not a problem. Ann Wright stated that they did their due diligence by driving and walking from both directions to confirm that they were comfortable with the request. They thanked the Board for their time.

Mary Bennett, 103 NW Westwood Street, said that the fence is far enough back from the corner so she is in favor of their request.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by B.Walker. All voted aye. Motion carried 4 – 0.

M.Ott said that City staff did a great job providing information on the safety concerns along with the surrounding property owners that spoke. He has no concerns with the request.

Board Action on Filing #24-09 for property located at 110 NW Westwood Street

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall privacy fence to encroach approximately 34 feet into the 35-foot front yard setback along the east property line adjacent to NW Westwood Street at 110 NW Westwood Street, subject to maintaining the existing landscaping between the proposed privacy fence and NW Westwood Street. The Board's position is based on a determination 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 fire, 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. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits

#18-04 (2019) Who's on First, 810 E 1st Street

There being no further business, meeting adjourned at 5:24 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment