



## Meeting Agenda

### Zoning Board of Adjustment

Tuesday, April 2, 2024

5:00 PM

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

Zoning Board of Adjustment regular meetings are the first and third Tuesday of each month at 5:00 p.m. All Board of Adjustment meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing.

#### CALL TO ORDER

##### A. ROLL CALL

##### B. AMENDMENTS TO AGENDA

##### C. MINUTES

Minutes of the March 19, 2024 regular meeting.

##### D. COMMUNICATIONS/CORRESPONDENCE

##### E. BUSINESS ITEMS

**PUBLIC HEARINGS** Public Hearings are held during the Zoning Board of Adjustment's regular meetings. Those who wish to speak will be requested to provide their name and address for the record when called upon. The order of proceedings for each application will be as follows: 1). The applicant will present testimony and evidence regarding their request; 2). City staff will summarize the project and present their findings; 3). Testimony may be heard from any members of the audience who wish to speak in support of or in opposition to the appeal; 4). The Board will give the applicant and the city staff an opportunity to present concluding summaries and arguments. At the conclusion of all public testimony, the Board will close the public hearing. The Board will discuss the issues and evidence and come to a decision. The applicant or appellant may withdraw their application or appeal at any time prior to the decision by the Zoning Board of Adjustment.

**#24-03**

**Hope Agency**

***for property located at***

**217 S Ankeny Boulevard**

**Lot 14, Triplett Village & S 30F N 659.6F W 289F N ½ NW ¼ NW 1/4SEC 24-80-24**

**RE: Variance - Permitted Uses**

**#24-04**

**Neil Brankis**

***for property located at***

**522 SW Maple Street**

**Lot 8, Ankeny Village Plat 3**

**RE: Variance - Accessory Structure**

**F. OLD BUSINESS:**

**G. NEW BUSINESS**

**H. REPORTS**

**Renewed Special Use Permits**

**#21-13(2022) Fiesta Jalapeno Mexican Restaurant, 1975 N Ankeny Blvd. Unit 113**

**I. ADJOURNMENT**



ZONING BOARD OF ADJUSTMENT

April 2, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the March 19, 2024 regular meeting.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

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[ZBOA Minutes 2024-03-19](#)

**Meeting Minutes**  
**Zoning Board of Adjustment**  
Tuesday, March 19, 2024  
Ankeny City Council Chambers  
1250 SW District Drive, Second Floor, Ankeny, Iowa

**CALL TO ORDER**

Chair Matt Ott called the March 19, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

**ROLL CALL**

Members present: Jeff Baxter, Matt Ott, Nichole Sungren, Kristi Tomlinson and Brett Walker. Staff: E.Jensen, E.Carstens, B.Morrissey, D.Gervais, J.Heil, L.Hutzell and B.Fuglsang.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**MINUTES OF THE FEBRUARY 20, 2024 REGULAR MEETING**

Motion by K.Tomlinson to approve the February 20, 2024 meeting minutes as submitted. Second by N.Sungren. Motion carried 5 – 0.

**COMMUNICATIONS / CORRESPONDENCE**

There were no communications/correspondence.

**BUSINESS ITEMS**

**PUBLIC HEARINGS:**

**#24-02**

**Buresh Home Solutions, Inc.**

***on behalf of Amanda Cooney***

for property located at

**408 NE 51<sup>st</sup> Court**

**Lot 7, North Prairie Bend Plat 4**

**RE: Variance – Covered Deck**

Chair M.Ott opened the public hearing.

Amanda Cooney, 408 NE 51<sup>st</sup> Court, Ankeny said they have a deck and would like to place a cover over it. They have hired Buresh Home Solutions, Inc. to complete the work. Their request is for a 14-foot variance allowing for a covered deck.

There were no questions from the Board.

B.Morrissey reported that the request is for a variance to Ankeny Municipal Code Section 192.03(3)(E) that requires Rear Yard: 35-feet, allowing a 21-foot rear yard setback for a covered deck at 408 NE 51st Court. He stated the subject property is generally located east of N Ankeny Boulevard and south of NE 54th Street within the northeastern quadrant of Ankeny. The property is zoned R-1, One-Family Residence District. B.Morrissey stated that the house was constructed in 2013, which included a 12'x12' deck attached to the rear of the property. The deck was expanded in 2018 and is currently 16'x18' and at the deck's furthest point, it extends approximately 14-feet into the rear yard setback, leaving 21-feet of open space between the existing deck and the shared property line to the west. He said staff is not real concerned with the applicant converting the unenclosed deck to a covered deck, primarily because the structure will be staying in its current location and will not be expanded upon. Additionally, the rear of the property backs up to a four-acre neighboring property, where the structures on the neighboring property are situated towards the north end of the parcel, away from the existing deck. Staff feels that covering the deck while keeping it in its current location, should not have a measurable impact on the surrounding properties. All required notifications were met and, to-date, staff has not received any correspondence either for or against the request. The staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 21-foot rear yard setback for a covered deck at 408 NE 51st Court. 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.

The Board had no concerns with the request.

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


**Board Action on Filing #24-02 for property located at 408 NE 51<sup>st</sup> Court**

Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 21-foot rear yard setback for a covered deck at 408 NE 51st Court. 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. All voted aye. Motion carried 5 – 0.

**REPORTS**

There were no reports.

There being no further business, meeting adjourned at 5:09 p.m.



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

April 2, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:  
Planning and Building

COUNCIL GOAL:  
Ensure Economic Vitality

ACTION REQUESTED:  
Public Hearing

LEGAL:

SUBJECT:

**#24-03**

Hope Agency

*for property located at*

217 S Ankeny Boulevard

Lot 14, Triplett Village & S 30F N 659.6F W 289F N ½ NW ¼ NW 1/4SEC 24-80-24

RE: Variance - Permitted Uses

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:



ACTION REQUESTED:

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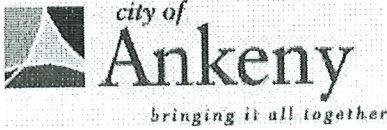
ADDITIONAL INFORMATION:

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ATTACHMENTS:

<b>Click to download</b>
 <a href="#">#24-03 Applicant Submittal</a>
 <a href="#">#24-03 Staff Report</a>

24-03



# APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is:  Property Owner  Tenant  Other \_\_\_\_\_

Applicant Hope Agency

Address / Phone # 1230 8th Street Suite 201, West Des Moines, IA 50265

E-mail amywm@hopeagencydsm.org

Property Owner JLL

Address / Phone # 801 Grand Ave, Suite 330, Des Moines, IA 50309

E-mail marcus.pitts@jll.com

*(Owner must sign the application or submit a letter of authorization)*

### To the Members of the Board of Adjustment:

I hereby appeal from the decision of the Zoning Administrator rendered on 8th day of March, 2024

Location (address) of the proposed variance 217 S Ankeny Blvd

Legal description (Plat & Lot #) S 30F N 659.6F E 256F W 289F N 1/2 NW 1/4 NW 1/4 SEC 24-80-24; AND LOT 14 TRIPLETT VILLAGE

Zoning C-2 Principal Use of property Doggy Daycare

### I request a variation from the current zoning requirement for:

- Front Yard  Side Yard  Rear Yard  Fence  Sign  Parking  Height
- Other \_\_\_\_\_

Ankeny Zoning Code Section # 192.09(1)B(1) which state(s) \_\_\_\_\_

exercising runway is at least 200 feet from any residential district boundary.

I would propose the following in lieu of that required: the approximation of 130 feet from residential boundary be approved for outdoor use for the dogs

Attached hereto and made a part of this appeal, I submit the following:

- a) A written statement addressed to the Board of Adjustment indicating the reasons for my appeal.
- b) A drawing showing proposed variance requested.
- c) A letter of authorization from the owner or lessee, if applicable.

Complete submittals are required for review.

### AFFIDAVIT

State of Iowa )ss  
County of \_\_\_\_\_ )

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Joe Ferin  
Print Name (Signature of Applicant) OWNER

Melby Camp  
Print Name (Signature of Property Owner) MLC APPLICANT

Signed and sworn to before me, this 11th day of March, 2024.  
Stacia Lazear  
(Notary Public)

--Notary seal--

Paid <input type="checkbox"/> CC <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check # <u>1007</u> \$ <u>260.00</u>
Date received <u>3-12-2024</u>
Filing # <u>24-03</u>
Scheduled Meeting Date <u>4-2-2024</u>





To: Members of the Zoning Board of Adjustment  
From: Hope Agency  
Meeting Date: April 2, 2024  
Address: 217 S. Ankeny Blvd.

APPLICANT REQUEST:

A variance to Ankeny Municipal Code Section 192.09(1)B(1) requires: animal hospitals, clinics or kennels, provide an exercise runway to be at least 200 feet away from residential boundary. We are asking to allow exercise runway within 200 feet from residential boundary from 217 S Ankeny Blvd.

PROJECT SUMMARY:

HOPE Agency is a nonprofit, 501 (c ) 3 that empowers individuals with special needs to live independent, productive lives. One of the ways in which HOPE Agency accomplishes its mission is through supporting individuals to find meaningful employment in the community.

The project proposal is to build a doggie daycare, PawsAbilities, on the existing property, 217 S. Ankeny Blvd, Ankeny, IA. The purpose of this venture is threefold.

1. **Employment Skills Training.** HOPE Agency would use this opportunity to offer jobs to individuals with special needs to help them learn skills to further their career journey. Community employment can be intimidating to individuals that have never worked before. At PawsAbilities, employees will have an opportunity to work, learn skills and earn a paycheck in an inclusive, supportive environment.
2. **Youth Involvement.** Due to funding restrictions, HOPE Agency is not allowed to hire anyone under the age of 18 to work in its programs. We feel this is a missed opportunity for youth to be exposed to a fulfilling career pathway. HOPE Agency envisions hiring youth between the ages of 15 – 18 to work alongside individuals with special needs to create an experience that can foster understanding, compassion and perhaps an introduction to working in human services.
3. **Community Involvement.** HOPE Agency relies on volunteers and donations to continue its primary mission of supporting and empowers individuals with special needs. PawsAbilities is a way to offer a service, increase community involvement and help spread the word about HOPE Agency.

PawsAbilities will operate from 7 am – 6 pm, Monday through Friday. The maximum number of dogs for the daycare would be no more than 25 a day. The number of employees would be two at any given time to stay within required ratios.

The required ratio is 15 dogs per one staff member. We will have a lead management person to oversee the daily activities and requirements for the daycare. PawsAbilities will share administrative support with HOPE Agency that includes: technology, human resources, quality assurance, accounting and leadership. The one additional need is a separate technology dashboard, DoggieDashboard, for scheduling, documents, waivers, and required dog information.

PawsAbilities will be a place for the community to bring their loved dogs to be carefully taken care of, loved, and played with while they are at work or away for the day. Given the therapeutic nature of animals, PawsAbilities will also be an opportunity for community members to volunteer and get something in return, feeling a part of something that is helping others find success.

**Day to day operations overview:**

- Designated drop off time (7-10am) and pick up time (3-6pm), limiting time of traffic and parking needs.
- Designated areas for larger dogs, smaller dogs and separation for dogs that don't do well with other dogs.
- Variety sizes of kennels to fit the dogs and allow for their rest time.
- Area for limited grooming to include: bathing, nail clipping, brushing
- Structured days
- Two different fenced in areas for different personality dogs

Funding for this project will be through grants, donations, and partnerships with area businesses initially, with the intent to be self-sustaining within the first year.

**CAUTION:** This email is from an **EXTERNAL** sender. Look closely at the **SENDER** address. Do not open **ATTACHMENTS** unless expected. Check for **INDICATORS** of phishing. Hover over **LINKS** before clicking. When uncertain, use caution and reach out to the sender from a known trusted communication method before proceeding. Just because you know the sender, does not mean this specific email is safe.

Eric,

Hope all is well. We have another group that has inquired about 217 S. Ankeny Blvd that we would like to entertain as a Tenant. I have copied them on this email and here is a little narrative on their business:

About Our Business:

Hope Agency works with people with special needs to develop work skills to create a pathway to independence. Our Doggy Daycare will offer the dual benefit of providing a work opportunity with the added benefit of the comfort a dog can provide.

We are a small, local non-profit, but have sufficient financial support to maintain the premises.

We feel this could be a great fit for the Ankeny community and welcome your thoughts on their use in this building.

Thanks!

**Marcus R. Pitts, CCIM, SIOR**

Senior Managing Director

JLL

Jones Lang LaSalle Brokerage, Inc.

801 Grand Avenue, Suite 330

Des Moines, IA 50309

M +1 515 556 4727

[marcus.pitts@jll.com](mailto:marcus.pitts@jll.com)

[jll.com](http://jll.com)

[www.linkedin.com/in/marcuspitts](http://www.linkedin.com/in/marcuspitts)

Licensed in the States of Iowa & Nebraska



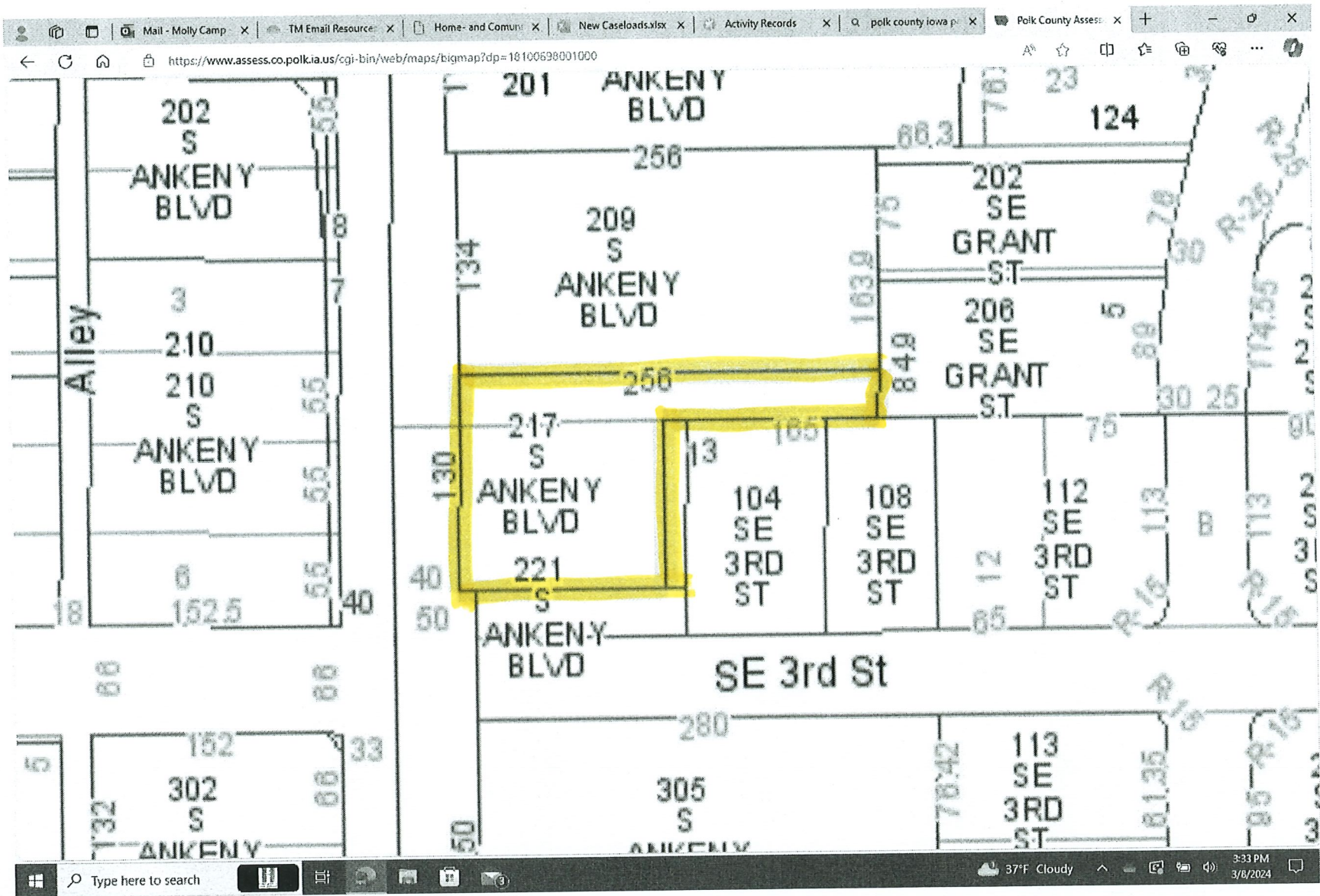
[One of the 2023 World's Most Ethical Companies®](#)

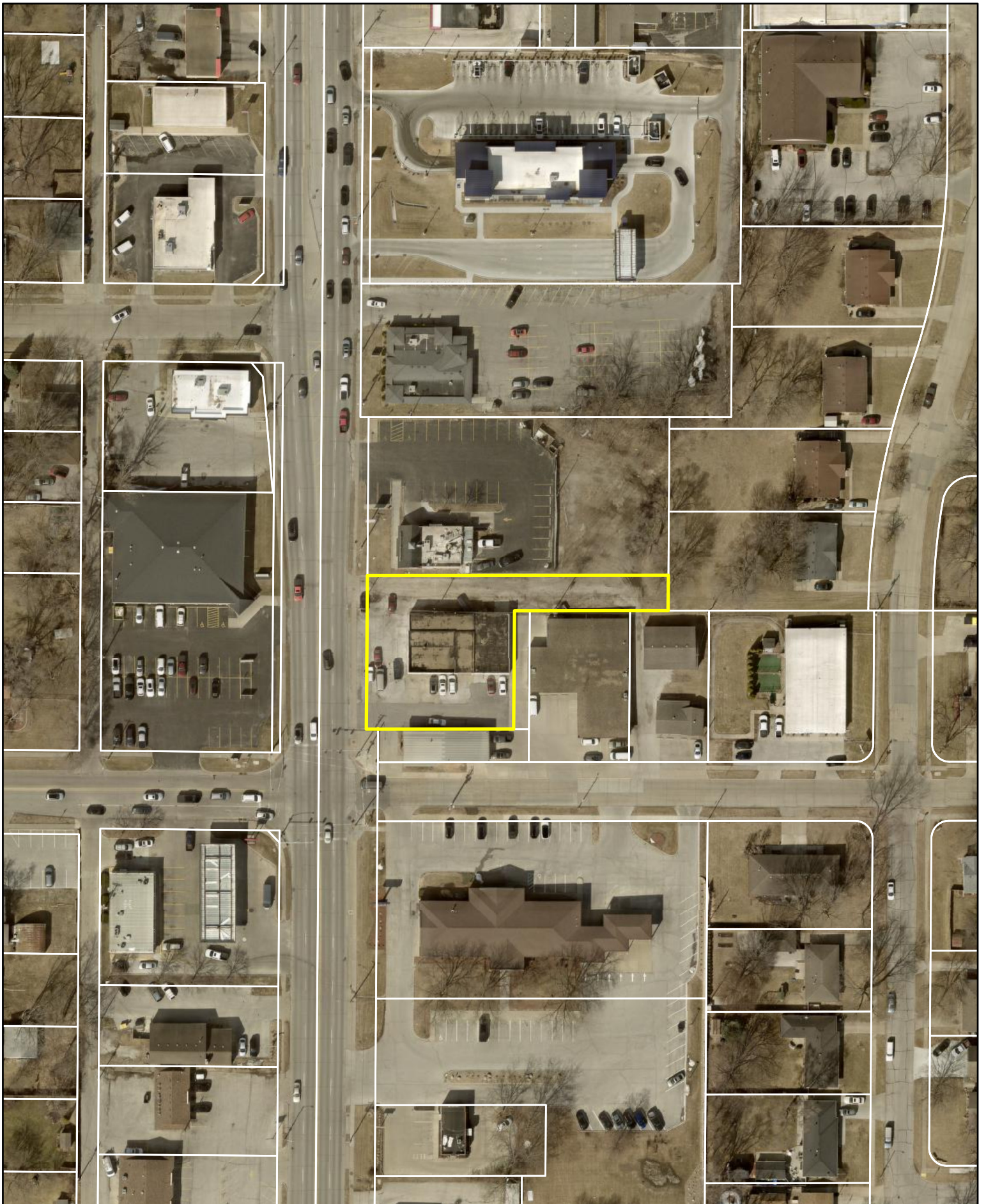
24-03



Approximately fencing 8ft x 50 ft just north of building and 8ft by 100ft north east of building

24-03





N



1 inch = 104 feet

Date: 3/21/2024

**217 S Ankeny Boulevard  
Aerial Map**

**CITY OF ANKENY  
ZONING BOARD OF ADJUSTMENT  
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

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**To:** Members of the Zoning Board of Adjustment  
**From:** Ryan Kirschman, Planner I  
**Filing #:** 24-03 *EJC*  
**Meeting Date:** April 2, 2024  
**Address:** 217 S Ankeny Boulevard

**APPELLANT REQUEST**

A variance to Ankeny Municipal Code Section 192.09(1)B(1) requires: *Animal hospitals, veterinary clinics or kennels, provided that any exercising runway is at least 200 feet from any R District boundary*, allowing an exercise area for pets within 200 feet of a R District boundary at 217 S Ankeny Boulevard.

**STAFF POSITION**

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the proposed use of an outdoor animal exercise area on the north side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.

The staff position is based on a determination that an animal grooming and boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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.

**PROJECT SUMMARY**

The subject property at 217 S Ankeny Boulevard is owned by Ankeny Futures LLC. The zoning for the area is C-2, General Retail and Highway Oriented Commercial District. Hope Agency has requested a variance to allow the use of an outdoor animal exercise area on the north side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed annually and/or in response to a complaint related to the outdoor animal exercise area.

## **CRITERIA FOR VARIANCE**

197.01(4) Powers and Duties.

B. *To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.*

## **FINDINGS OF FACT**

The subject property at 217 S Ankeny Boulevard is owned by Ankeny Futures LLC and is generally located east of S Ankeny Boulevard and north of SE 3<sup>rd</sup> Street. The property is legally described as Lot 14 Triplett Village & S 30F N 659.6F W 289F N ½ NW ¼ NW 1/4SEC 24-80-24. The zoning for the area is C-2, General Retail and Highway Oriented Commercial District, and the surrounding properties to the north, west, and south are also zoned C-2. Property to the east is zoned C-2 and R-2, One- Family and Two Family Residence District.

The proposed outdoor exercise area would be located on the north side of the existing building. The proposed enclosure would be approximately 150 feet from the house to the northeast of the site. Ankeny Municipal Code Section 192.09(1)(B)(1) requires any animal outdoor exercise runway to be a minimum of 200 feet from a residential zone. It is staff's understanding that noise from animals using the outdoor exercise area is the reason for the 200-foot required separation from a residential zone. It should be noted that an animal boarding use is allowed within the C-2 zone as a principal permitted use, therefore it is only the enclosure that necessitates the need for this variance application.

The property has frontage on two public streets, SE 3<sup>rd</sup> Street to the south and S Ankeny Boulevard to the west. Residential zoning and residential uses are located directly northeast of the site. There are existing mature trees that will screen the residence from the outdoor exercise area.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being in May of 2021, which allowed an outdoor dog run to be within 200' of a residential area. As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff has not received any correspondence either for or against the variance.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the continued use of the existing outdoor animal exercise area on the west side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.



The staff position is based on a determination that an animal grooming and boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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.



ZONING BOARD OF ADJUSTMENT

April 2, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:  
Planning and Building

COUNCIL GOAL:  
Ensure Economic Vitality

ACTION REQUESTED:  
Public Hearing

LEGAL:

SUBJECT:

**#24-04**

Neil Brankis

*for property located at*

522 SW Maple Street

Lot 8, Ankeny Village Plat 3

RE: Variance - Accessory Structure

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:



ACTION REQUESTED:

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ADDITIONAL INFORMATION:

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ATTACHMENTS:

<b>Click to download</b>
 <a href="#">#24-04 Applicant Submittal</a>
 <a href="#">#24-04 Staff Report</a>



bringing it all together CITY OF ANKENY

RECEIVED

MAR 15 2024

APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

24-04

Applicant is:  Property Owner  Tenant  Other Contractor

Applicant NEIL BRANKS - Mowest Builder of IA

Address / Phone # 1451 NELSON PL #44 ANKENY 515-2890100

E-mail Neil@MowestBuilders.com Call 515 249-1735

Property Owner Larry Hogue

Address / Phone # 522 SW MAPLE ST

E-mail \_\_\_\_\_

(Owner must sign the application or submit a letter of authorization)

To the Members of the Board of Adjustment:

I hereby appeal from the decision of the Zoning Administrator rendered on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Location (address) of the proposed variance \_\_\_\_\_

Legal description (Plat & Lot #) \_\_\_\_\_

Zoning \_\_\_\_\_ Principal Use of property \_\_\_\_\_

I request a variation from the current zoning requirement for:

- Front Yard
- Side Yard
- Rear Yard
- Fence
- Sign
- Parking
- Height
- Other \_\_\_\_\_

Ankeny Zoning Code Section # \_\_\_\_\_ which state(s) \_\_\_\_\_

I would propose the following in lieu of that required: Remove Present Storage Bldg  
And Build 14x22 detached garage

Attached hereto and made a part of this appeal, I submit the following:

- a) A written statement addressed to the Board of Adjustment indicating the reasons for my appeal.
- b) A drawing showing proposed variance requested.
- c) A letter of authorization from the owner or lessee, if applicable.

Complete submittals are required for review.

AFFIDAVIT

State of Iowa )ss  
County of Polk )

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Larry Hogue Larry Hogue  
Print Name (Signature of Applicant)

Signed and sworn to before me, this 14th day of March, 2024.

Larry Hogue LARRY HOGUE  
Print Name (Signature of Property Owner)

Brandon Jensen  
(Notary Public)

--Notary seal--

Office Use Only

Paid  CC  Cash  Check # 430.00

Date received 3-15-24

Scheduled Meeting Date 4-2-24 Filing # 24-04

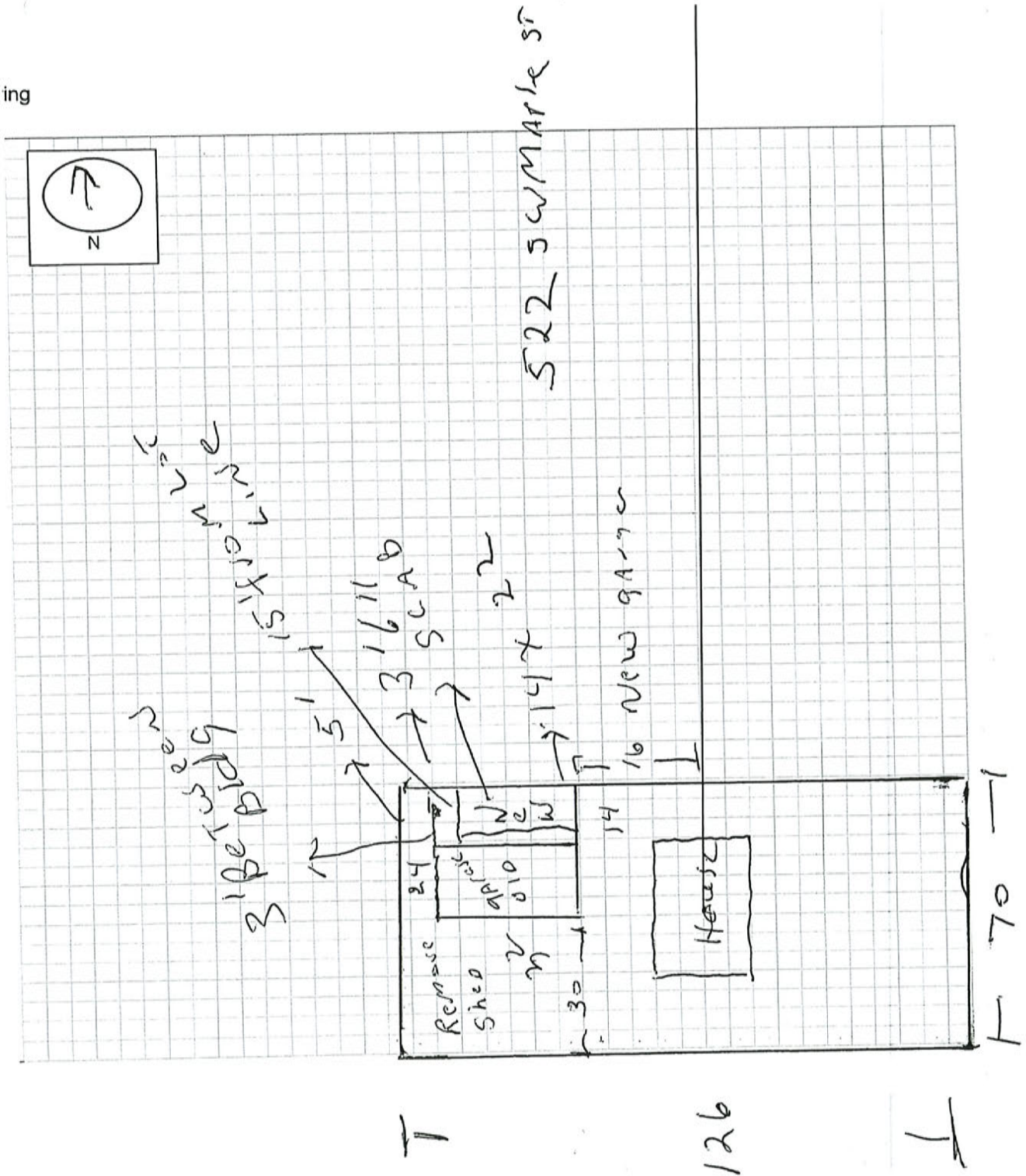


24-04

RE: 522 SW Maple Ankeny IA 50023

I, Larry Hogue, would like to add a one car garage on my property that would allow me to park my vehicle in a covered structure. I am unable to access my current garage due to the location. I would build my new garage to match my existing home which I feel would only benefit the neighborhood. I am also willing to remove my existing storage shed on the property to improve my home and neighborhood there again.

ing



126

Cancel

Done

24-04

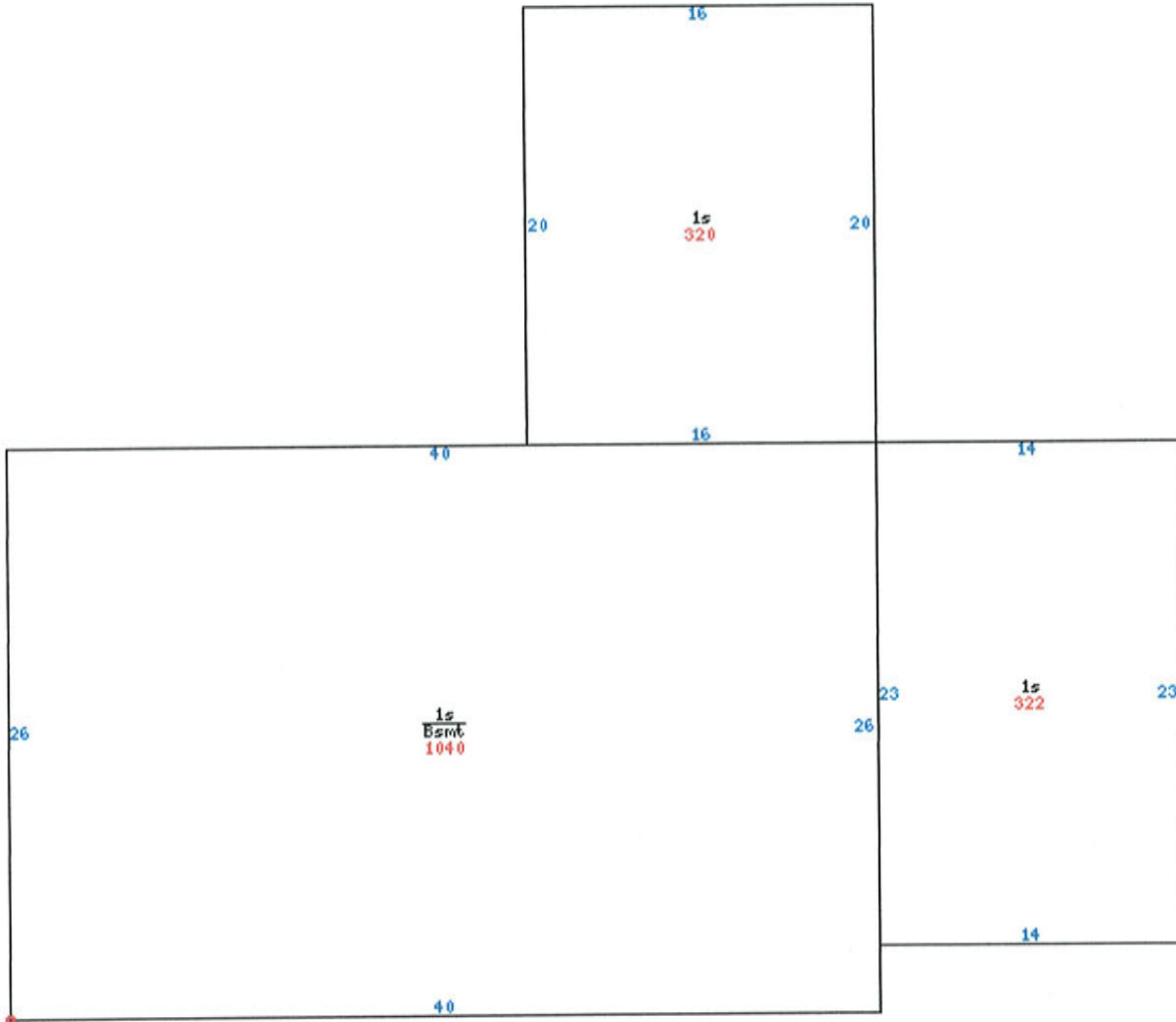


ADJUST



24-04

**Sketch 181/00209-033-001 - residence 1**



**Sketch Vector**

L1B:SR40U26/L:R40U3SR14U23/L:U26R40SU20L16Z

**Polygons**

Label	Story Height	Basement%	Base Area	Perimeter
L	1	100	1,040	132
L	1	0	322	74
L	1	0	320	72

**Areas**

Name	Area
basemnt_area	1,040
main_lv_area	1,682
tsfla	1,682

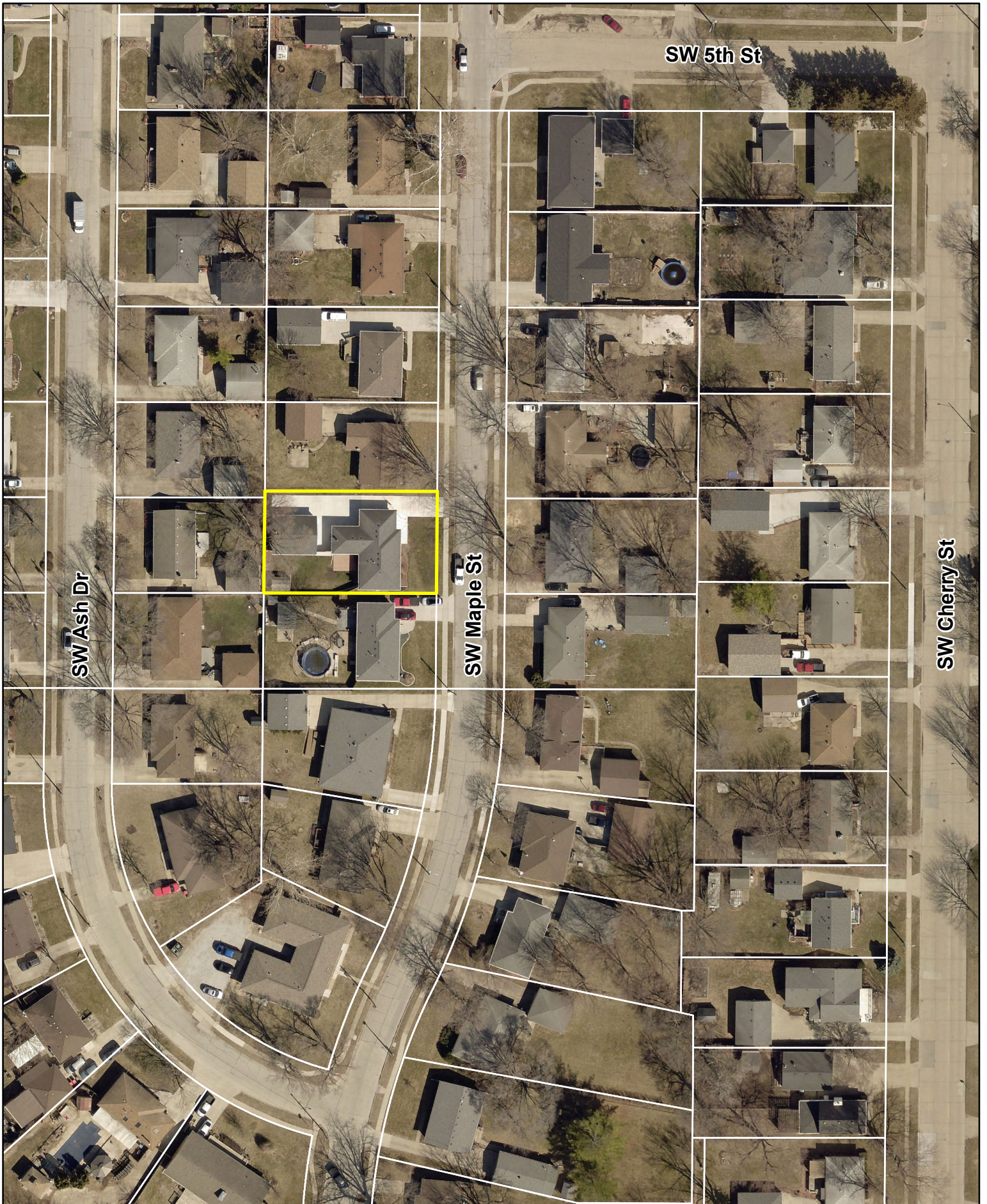












SW 5th St

SW Ash Dr

SW Maple St

SW Cherry St

N



1 inch = 90 feet

Date: 3/26/2024

### 522 SW Maple Street Aerial Map

**CITY OF ANKENY  
ZONING BOARD OF ADJUSTMENT  
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

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**To:** Members of the Zoning Board of Adjustment  
**From:** Laura Hutzell, Associate Planner  
**Filing #:** 24-04  
**Meeting Date:** April 2, 2024  
**Address:** 522 SW Maple Street

ESL

**APPELLANT REQUEST**

A variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street. The total accessory structure square footage would exceed the maximum allowable 10% (945 square feet) of the total lot area for the property located at 522 SW Maple Street.

**STAFF POSITION**

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street, subject to the property owner removing the existing shed. This position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

**PROJECT SUMMARY**

The appellant is requesting a variance to the maximum allowable square footage of accessory structure(s) of 10% of the total lot area, in order to construct a second accessory building on the subject property. The proposed accessory building is a 14' x 22' garage that would result in an excess of 131 square feet of the maximum allowable square footage for accessory structures on the subject lot.

**CRITERIA FOR VARIANCE**

*197.01.4 Powers and Duties. The Board of Adjustment shall have the following powers and duties:*

- B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Zoning Ordinance actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.*

**FINDINGS OF FACT**

The property at 522 SW Maple Street is located north of SW Ordnance Road, east of SW Ash Drive, west of SW Cherry Street and South of SW 5<sup>th</sup> Street, on Lot 8, Ankeny Village Plat 3. The subject property is zoned R-2, One-Family and Two-Family Residence District, and the surrounding properties to the north, east, south, and west of the subject property are also zoned R-2, One-Family and Two-Family Residence District. The home on the subject property was built in 1958 as a single-story ranch home with an attached one car garage. Per the permit records for this address; in 1973, a family room addition was added to the rear of the home. In 1978, a 24'x32' garage was added, and in 1981, the attached one car garage was remodeled into a dining room. Mr. & Mrs. Hogue then purchased the property in 1993.

The subject lot is 9,450 square feet, and is currently developed with the primary structure and detached garage. In addition to the garage, there is also an existing 96 square-foot shed in the southwest corner of the property. If approved, the homeowner has agreed to remove the shed to lessen the number of accessories structures on the property. Ankeny Municipal Code Chapter 191.07.1 states, "...*Accessory buildings on one and two-family residential lots shall not occupy more than ten percent (10%) of the total square footage of the lot...*" In this case, the 9,450 square-foot lot would allow for 945 square feet to be occupied by accessory structure(s). The appellant is proposing to remove the existing 96 square-foot shed, and construct a 308 square-foot garage in addition to the existing 768 square-foot garage, which would result in 1,076 square feet of the total lot area. Because the total square footage of accessory structures would exceed the maximum allowable 945 square feet by 131 square feet, a variance is required to construct the additional garage as submitted.



The subject property is located within a neighborhood platted in 1958, when the trend for single-family residential development included smaller homes with one car attached garages or two car detached garages. The primary constraint of this property is that the existing 768 square-foot garage consumes nearly 81% of the maximum allowable square-footage for accessory structures on this property because it is detached. The existing detached garage is also located directly behind the home, making it difficult to maneuver a vehicle in and out. A second garage would allow the homeowner easier vehicle access. If the existing garage was attached to the home, like most single-family residential development today, the property owner would still have all 945 square feet of allowable area for accessory structures. To help lessen the amount of accessory structures on the property, the homeowner has agreed to remove the existing 96 square foot shed on the property if the additional garage is permitted.

The Board has considered a similar variance request on February 20, 2024 for the property located at 206 NE Oak Drive. The Board determination at that time was to allow the construction of a shed that would result in an excess of 28 square feet of accessory structures for the property, resulting in a 3% overage. Now, the proposed variance for the property located at 522 SW Maple Street is to construct a 308 square-foot garage in addition to the existing 768 square-foot garage, which would result in 1,076 square feet of the total lot area. This equates to an excess of 131 square feet to the maximum allowable 945 square feet for accessory structures, resulting in an overage of 13.8%.

#### **SUMMARY**

The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Drive, subject to the property owner removing the existing shed. This position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.





ZONING BOARD OF ADJUSTMENT

April 2, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:  
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

**Renewed Special Use Permits**

#21-13(2022) Fiesta Jalapeno Mexican Restaurant, 1975 N Ankeny Blvd. Unit 113

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

[Click to download](#)





City of Ankeny  
Outdoor Service Area Renewal Application

\*Special Permit Resolution # 21-13 (2022)

Issued April 5, 2022

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: ANKENY FIESTA LLC (NEW LEGAL ENTITY)  
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): FIESTA JALAPENO MEXICAN RESTAURANT

Address of Premise: 1975 N ANKENY BLVD, UNIT 113

➤ Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

Yes  No

If yes, what changes have been made. (Please include a sketch)

\_\_\_\_\_

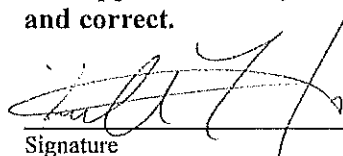
➤ Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

Yes  No

*Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)*

**I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.**

**The applicant hereby swears or affirms that all statements set forth herein are true and correct.**

  
\_\_\_\_\_  
Signature

William Thompson  
\_\_\_\_\_  
Name of Applicant (printed)

3/13/2024  
Date

ADMINISTRATIVELY  
 APPROVED

3/15/24 EJC