



Meeting Agenda

Zoning Board of Adjustment

Tuesday, August 6, 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 July 2, 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.

#24-10

Jeffery & Lisa Damman

for property located at

2105 NE Garland Court

Lot 11, Northbrook Plat 3

RE: Variance - Covered Deck

#24-11

Bos Fencing LLC

on behalf of Justin and Emily Allen

for property located at

2426 NE Park Meadows Drive

Lot 13, Ashland Meadows Plat 2

RE: Variance - Fence

F. REPORTS

G. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

August 6, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the July 2, 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 2024-07-02](#)

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



ZONING BOARD OF ADJUSTMENT

August 6, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:
Ensure Economic Vitality

ACTION REQUESTED:

LEGAL:

SUBJECT:

#24-10

Jeffery & Lisa Damman

for property located at

2105 NE Garland Court

Lot 11, Northbrook Plat 3

RE: Variance - Covered Deck

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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<input type="checkbox"/> #24-10 Applicant Submittal
<input type="checkbox"/> #24-10 Staff Report



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

#24-10

Applicant is: Property Owner Tenant Other _____

Applicant Jeffery D. Damman

Address / Phone # 2105 NE Garland Ct. Ankeny, IA 50021;

RECEIVED

E-mail jeffdamman@gmail.com

JUN 21 2024

Property Owner Jeffery D. Damman and Lisa A. Damman

CITY OF ANKENY

Address / Phone # 2105 NE Garland Ct. Ankeny, IA 50021;

E-mail jeffdamman@gmail.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 17th day of June, 2024

Location (address) of the proposed variance 2105 NE Garland Ct. Ankeny, IA

Legal description (Plat & Lot #) Lot 11 Plat 3 Northbrook

Zoning R-1 Principal Use of property Single Family Residence

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 # 192.03(3)E: which state(s) Minimum Rear Yard Setback 35'

I would propose the following in lieu of that required: We be allowed to construct 14' x 20' Deck Covered with Roof.

Present Deck that has no roof is 12' x 16'. New deck will be 28' from back of lot; old deck 30' from back of lot

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.

Jeffery D. Damman

Jeffery D. Damman
(Signature of Applicant)

Print Name

Signed and sworn to before me, this 18 day of June, 2024.

Jeffery D. Damman & Lisa A. Damman

Lisa A. Damman
(Signature of Property Owner)

Print Name

Mark Heffernan
(Notary Public)

Office Use Only

--Notary seal--

Paid CC Cash Check # 1243
Date received 6-20-24
Filing # 24-10
Scheduled Meeting Date 7-16-24



#24-10

June 18, 2024

Zoning Board of Adjustment
City of Ankeny
1210 Northwest Prairie Ridge Drive
Ankeny, Iowa 50023

Re: Damman-2105 NE Garland Ct.

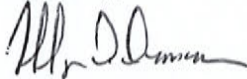
Dear Board of Adjustment:

We would like to improve our home at 2105 NE Garland Ct. by removing the existing 12' by 16' deck and replacing it with a covered deck with a gabled roof that will measure 14' x 20'. The existing deck is 30' from the back lot line. The proposed deck will be 28' from the back lot line. The effect on the neighboring lot is negligible as our deck will be only 2' closer and the use of the improvement is virtually the same

This application is accompanied by a letter of approval from the owners of the lot to the back of our lot, Mr. & Mrs. Gary McConeghey.

Thank you for your consideration.

Sincerely,



Jeffery D. Damman



Lisa A. Damman

RECEIVED

JUN 20 2024

CITY OF ANKENY
Ankeny, Iowa

#24-10

June 18, 2024

Zoning Board of Adjustment
City of Ankeny
1210 Northwest Prairie Ridge Drive
Ankeny, Iowa 50023

Re: Damman-2105 NE Garland Ct.

Dear Board of Adjustment:

Please accept this letter to document our support of the zoning variance application by Jeff and Lisa Damman. The deck they propose to build puts it only 2' closer to the existing back lot line. The effect on our neighboring lot is negligible as this lot is used for gardening purposes. Our home adjoins the gardening lot and the Damman's lot.

Sincerely,

Gary McConeghey

Gary D McConeghey

S. Ruth McConeghey

S. Ruth McConeghey 😊

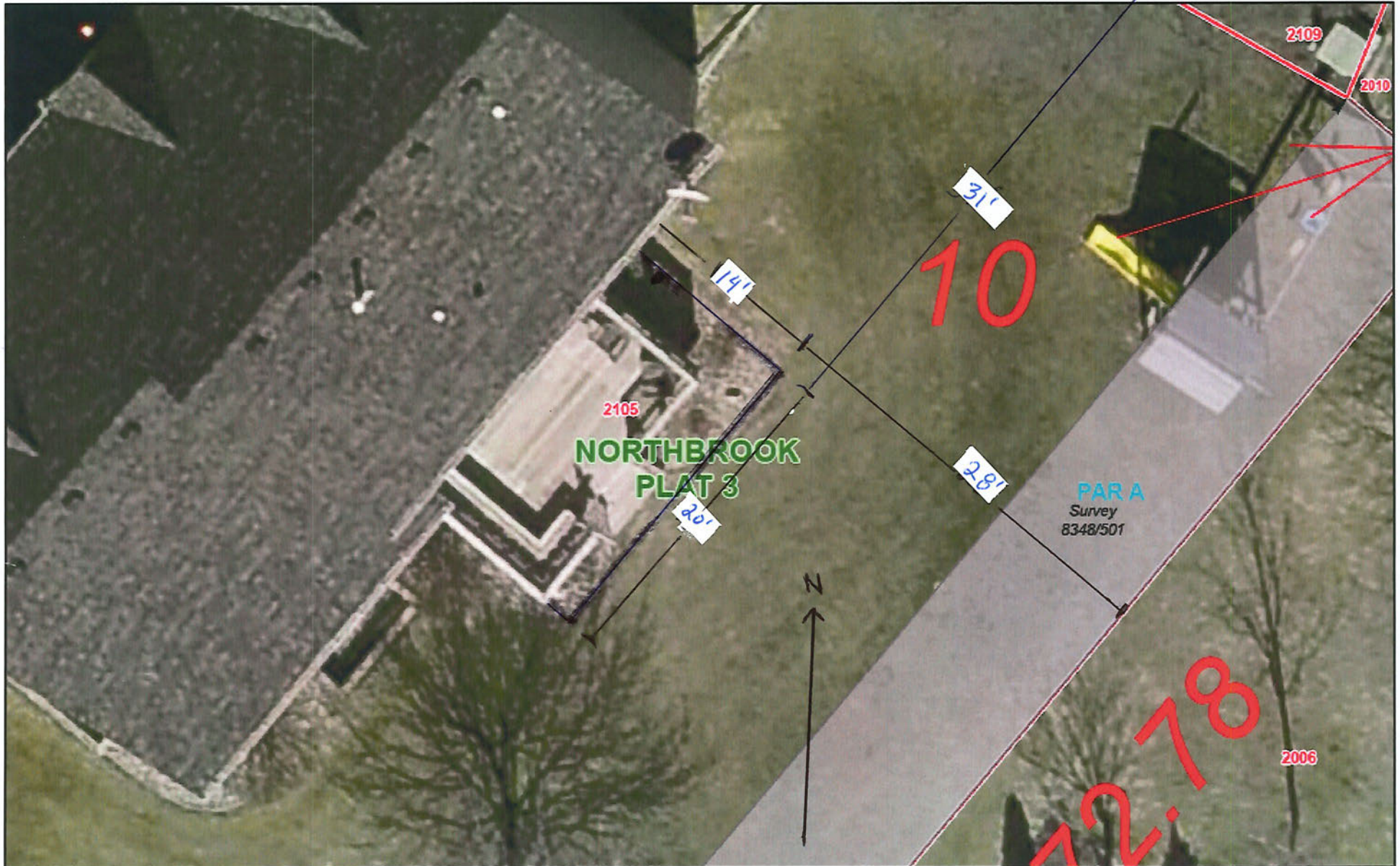
@ 2003 NE Garland Ct.

P.S.

They are awesome neighbors!
Please honor their request!

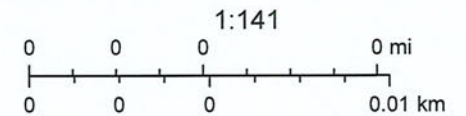
ArcGIS Web Map

#24-10



6/18/2024, 2:51:53 PM

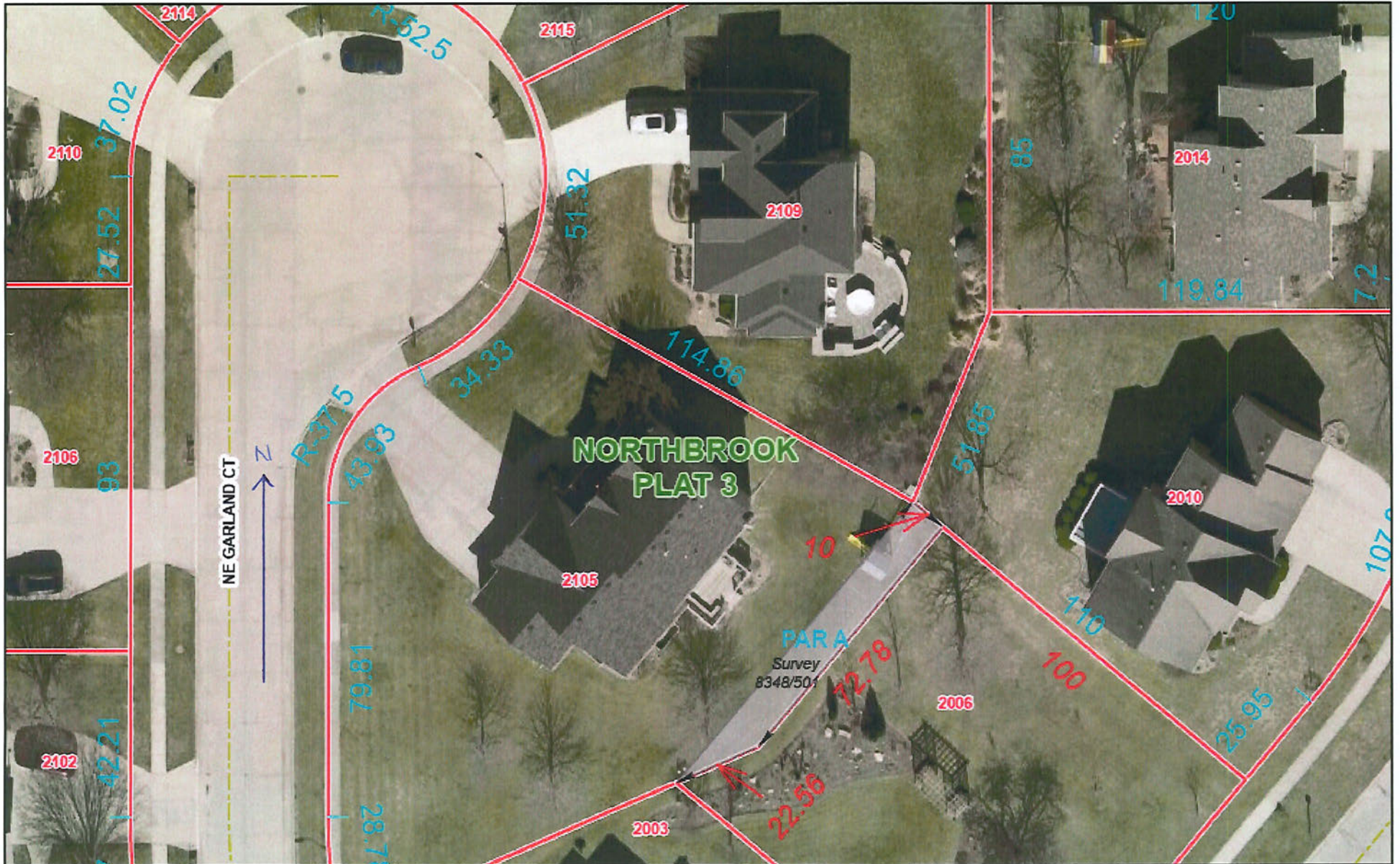
- Tax Parcels
- Survey Footprint
- Parcel Cartography
- Subdivision
- Survey Lines



Auditor's Office, Polk County, Iowa

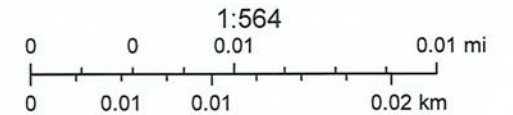
ArcGIS Web Map

#24-10

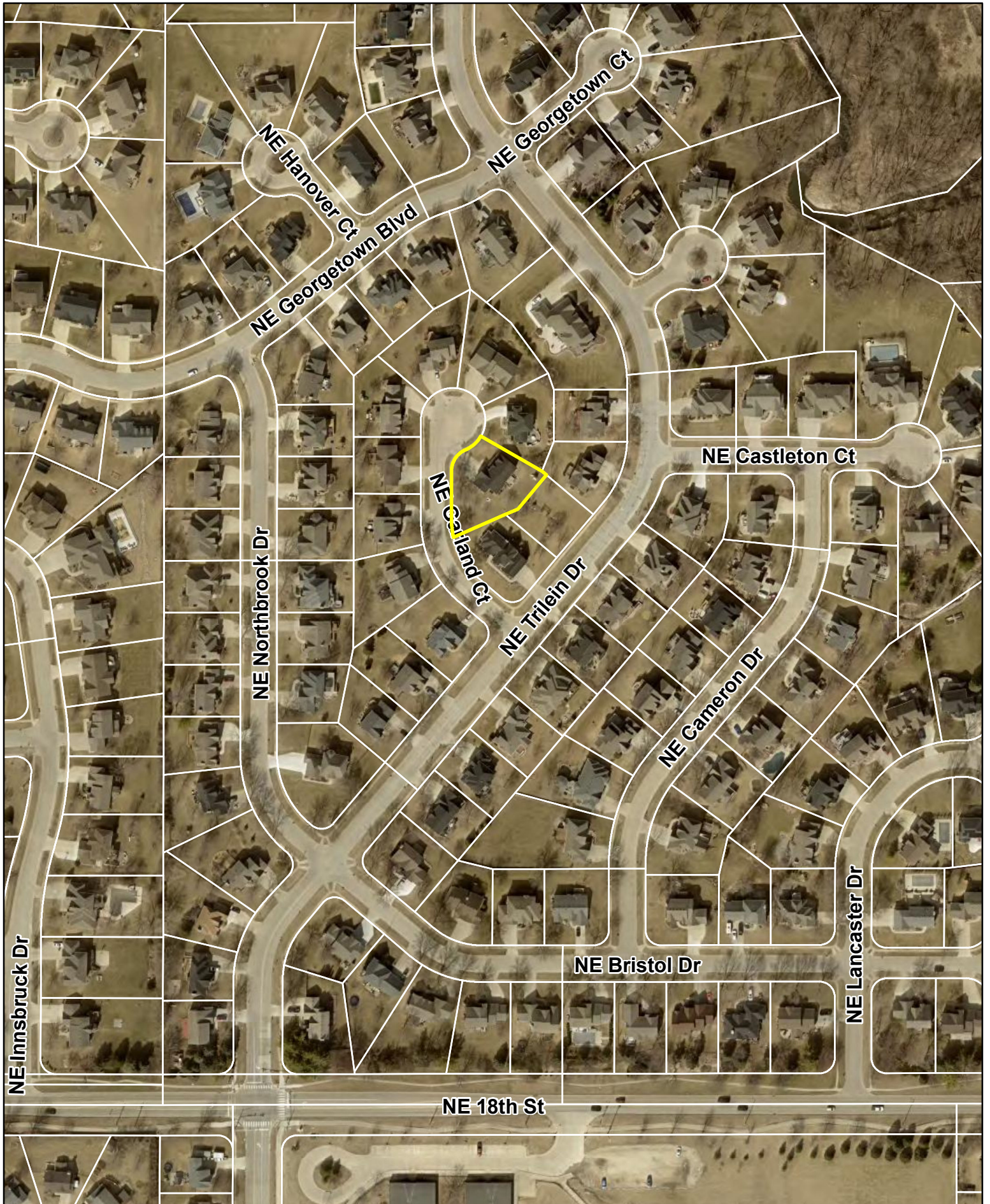


6/18/2024, 11:32:52 AM

- Tax Parcels
- Survey Lines
- Streets
- Subdivision
- Parcel Cartography
- Survey Footprint
- Lot Cartography



Auditor's Office, Polk County, Iowa



N



1 inch = 200 feet

Date: 7/2/2024

2105 NE Garland Court



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

To: Members of the Zoning Board of Adjustment
From: Jake Heil, Associate Planner
Filing #: 24-10 *EJC*
Meeting Date: August 6, 2024
Address: 2105 NE Garland Court

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.03(3)(E) that requires Rear Yard: 35-feet, allowing a 28-foot rear yard setback for a four seasons porch at 2105 NE Garland Court.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 28-foot rear yard setback for a covered deck at 2105 NE Garland 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.

PROJECT SUMMARY

The subject property at 2105 NE Garland Court is situated on Lot 11, Northbrook Plat 3 and is generally located north of the intersection of NE Trilein Drive and NE Garland Ct. The subject property is zoned R-1, One-Family Residence District, and the surrounding properties are similarly zoned. Northbrook Plat 3 was platted in 1996, and the principle structure was then constructed in 2001.

The applicant is requesting a variance to encroach approximately 7 feet into the 35 foot rear yard setback, to allow the owners to replace the existing deck with a covered deck attached to the rear of the home. The covered deck the applicant is requesting to replace was originally constructed with the house. The porch totals 280 square feet in size (14'x20') and as previously mentioned, extends 7 feet into the 35 foot rear yard setback. Per Code, unenclosed decks are allowed to extend into setbacks, however, once the deck is covered it is considered a part of the primary structure on the lot, and therefore needs to comply with the setback requirements of the Code. Should the request for the variance be approved, a 28 foot rear yard setback would be the resulting setback on the south side of the subject property.

PROJECT REPORT

Criteria for Variance

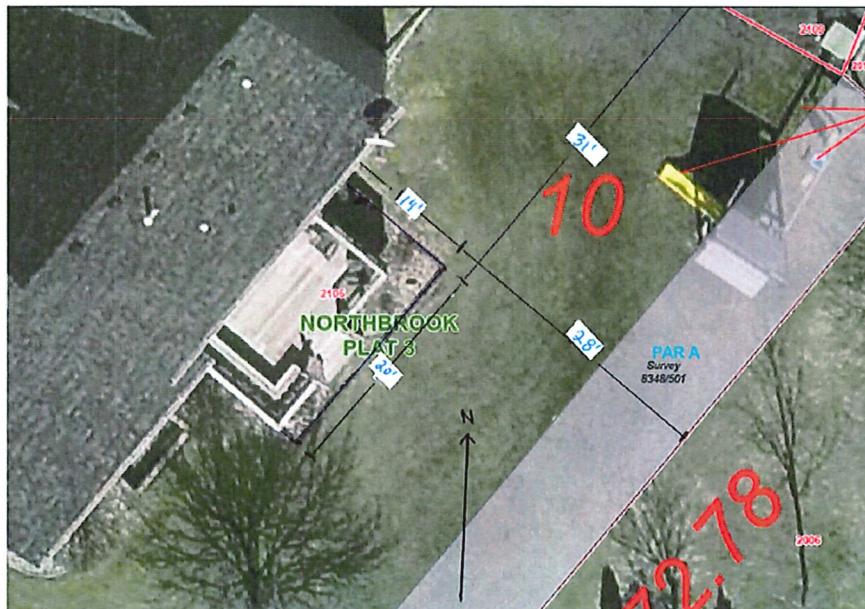
197.01(4) Powers and Duties.

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 2105 NE Garland Court is situated on Lot 11, Northbrook Plat 3 and is generally located near the intersection of NE Trilein Drive and NE Garland Ct. The subject property is zoned R-1, One-Family Residence District and contains a single-family home with a deck attached to the rear of the property. Neighboring properties in all directions are similarly zoned and contain single family homes as well.

In June 2024, an applicant on behalf of the property owners, submitted a permit application to City Staff requesting to replace the existing 12'x16' deck and build a new 14'x20' covered deck. After reviewing the application, staff informed the applicant that the covered deck was located within the rear yard setback, and would require it to comply with the setback requirements of the Code, as the covered deck encroaches 12 feet into the rear yard setback. Staff informed the applicant that their best option moving forward would be to apply for a variance.



As indicated by the applicant on their application, the existing deck projects south towards the rear property line. At its furthest point, the porch extends approximately 7 feet into the rear yard setback, leaving 28 feet of open space between the covered deck and the shared property line to the south. Staff is not overly concerned with the applicant constructing a covered deck, primarily because the structure will be staying in its current location and is minimally expanded upon. Additionally, the lot just south of the covered deck was

purchased by a neighboring property and is used primarily as a back yard and open space. Therefore, staff is confident that the covered deck while keeping it in its current location, should not have a measurable impact on the surrounding properties.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being in July 2024, which allowed a covered deck to extend 16 feet into a rear yard setback. As is standard procedure for variance 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 request. However, a letter of support from the neighboring property to the south was part of the applicant's original submittal.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 28-foot rear yard setback for a covered deck at 2105 NE Garland Court. Staff's position is based on a determination that the decreased rear yard setback from the 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.



ZONING BOARD OF ADJUSTMENT

August 6, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#24-11

Bos Fencing LLC

on behalf of Justin and Emily Allen

for property located at

2426 NE Park Meadows Drive

Lot 13, Ashland Meadows Plat 2

RE: Variance - Fence

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
<input type="checkbox"/> #24-11 Applicant Submittal
<input type="checkbox"/> #24-11 Staff Report



#24-11
APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT

Applicant is: Property Owner Tenant Other Contractor Bos Fencing LLC

Applicant Bos Fencing LLC

Address / Phone # 3225 Birch St SW Bondurant, IA 50035 / 515-238-2671

E-mail tbos0311@gmail.com

Property Owner Justin Allen, Emily Allen

Address / Phone # 2426 NW Park Meadows Dr Ankeny, IA 50023/

E-mail Allenhawks07@gmail.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 28th day of June, 2024

Location (address) of the proposed variance 2426 NW Park Meadows Dr

Legal description (Plat & Lot #) LT 13 Ashland Meadows Plat 2

Zoning PUD Principal Use of property Residential

I request a variation from the current zoning requirement for:

Front Yard Side Yard Rear Yard Fence Sign Parking Height

Other Secondary Frontage for Fence

Ankeny Zoning Code Section # 192.15 which state(s) No Fence taller than 42"

can be installed in any frontage

I would propose the following in lieu of that required: 6' tall Privacy Fence and proposing that the fence is off the property line/sidewalk 2-3 feet

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)

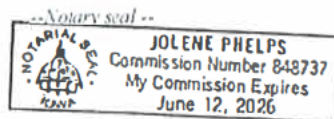
I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Travis Bos
Print Name (Signature of Applicant)

Justin Allen
Print Name (Signature of Property Owner)
Emily Allen
Office Use Only

Signed and sworn to before me, this 18 day of July, 2024.
Jolene Phelps
(Notary Public)

Paid <input checked="" type="checkbox"/> CC <input type="checkbox"/> Cash <input type="checkbox"/> Check # <u>130.00</u>
Date received _____
Scheduled Meeting Date <u>Aug 6, 2024</u> Filing # <u>24-11</u>



RECEIVED

JUL 19 2024

CITY OF ANKENY

#24-11

Variance Narrative Statement

Property owner – Justin and Emily Allen
Address – 2426 NW Park Meadows Dr. Ankeny, IA 50023
Property owner number –
Property owner email – allenhawks07@gmail.com

Contractor – Bos Fencing LLC
Address – 3225 Birch St SW, Bondurant, IA 50035
Contractor phone number – 5152382671
Contractor email – bosfencing@gmail.com or tbos0311@gmail.com

To the Board of Adjustments,

Justin and Emily Allen have just recently moved to their new home at 2426 NW Park Meadows Dr. Ankeny, IA 50023. They are wanting to install a 6' western red cedar privacy fence on their property and go into the 2nd frontage lot. They understand that it is not within code to build a 6' privacy fence on corner lots, but their yard is unique and along a very busy road that has a lot of traffic.

Justin and Emily have a corner lot on the corner of NW Ash Dr. and NW Park Meadows Dr. On that corner they have the very large sign to the neighborhood Ashland Meadows. It is accompanied by three very large pine trees that sit just outside of the visibility triangle for a corner lot.

With the corner of their property having that on it, the cedar fence would not impede anything or be visible from the corner until after you drive around that corner. The Trees are way taller than what a 6' privacy fence would.

To include the property directly southeast of the intersection has a 6' privacy fence that does have a variance on file. That property is known as 2414 NW Cherry St. Ankeny, IA 50023. Their fence is around 1-2 feet from the sidewalk that butts up to the road NW Ash Dr.

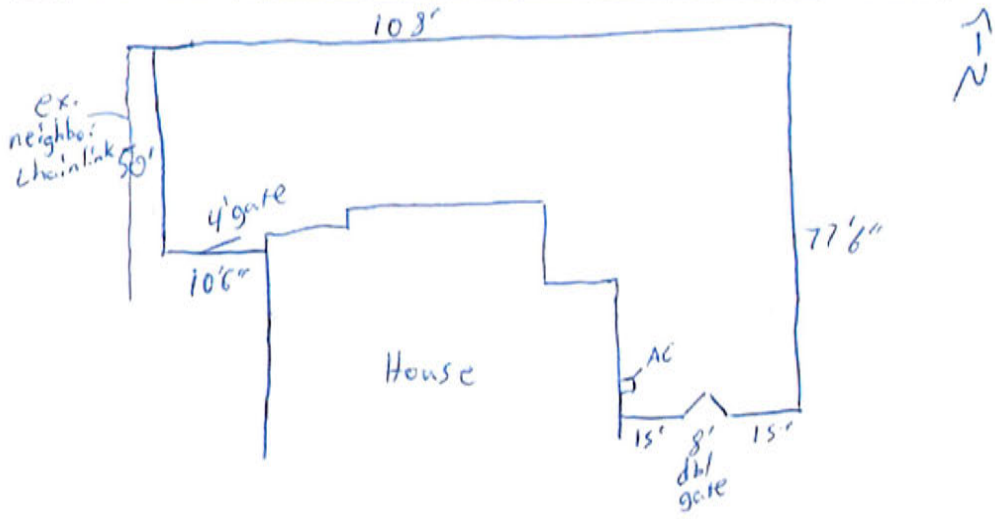
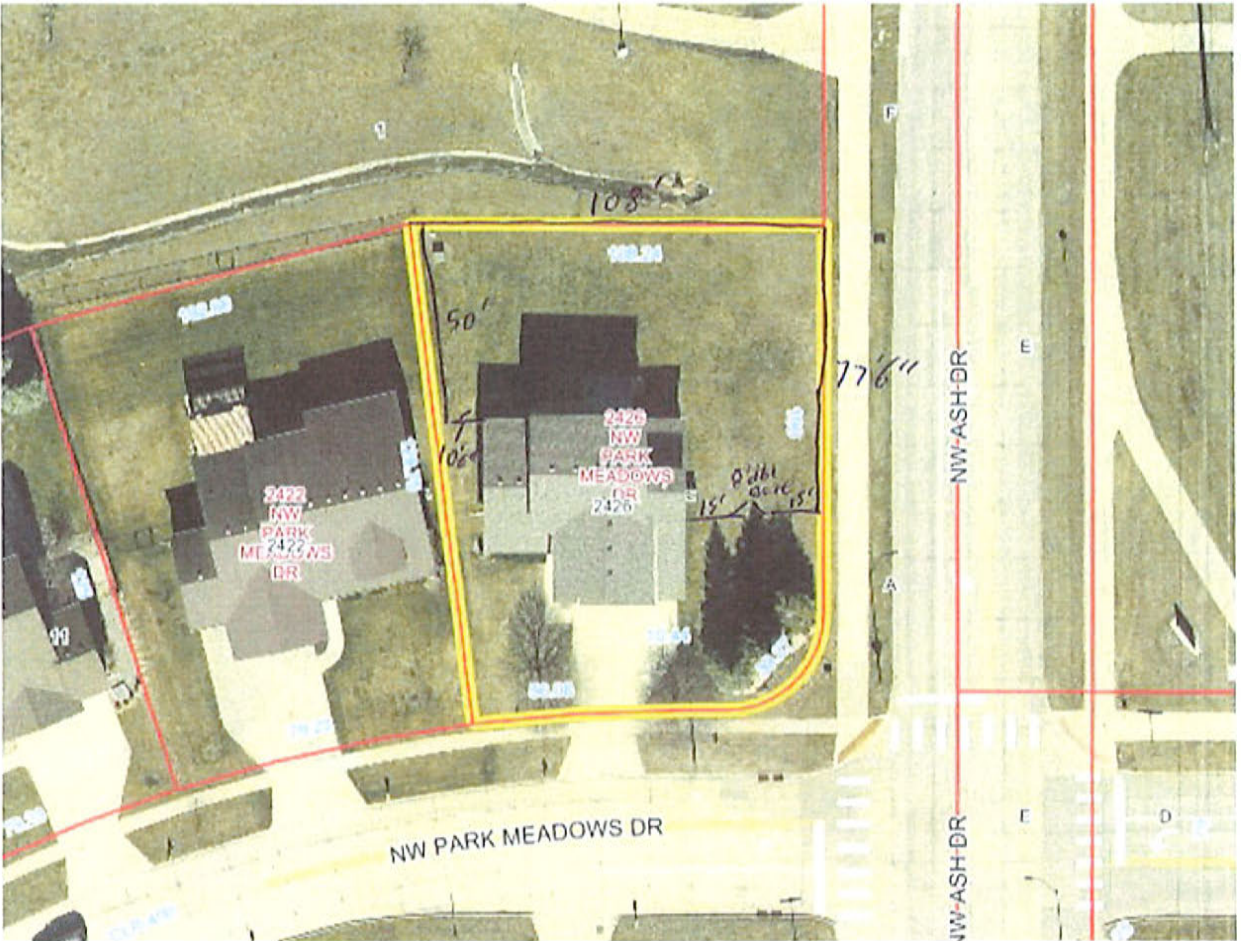
To the north of 2426 NW Park Meadows Dr. Ankeny, IA 50023 is Ashland Meadows Elementary school. There are lots of kids and families that walk down the sidewalk along NW Ash Dr. past their property and they are wanting to make sure their property has the privacy they would like, would keep their kids and animals safe from anyone walking down the street and from the amount of traffic that goes down NW Ash Dr. The amount of traffic is way busier during the school year when parents are picking up and dropping off children at Ashland Meadows Elementary School.

We are asking that you please approve a variance for their property that allows them to build into the 2nd frontage lot giving them relief of their property, kids, and animals are safe from anyone walking along NW Ash Dr and/or driving down NW Ash Dr. Thank you for your time and consideration.

Thank you,
Bos Fencing LLC

Travis Bos – Owner
5152382671
bosfencing@gmail.com

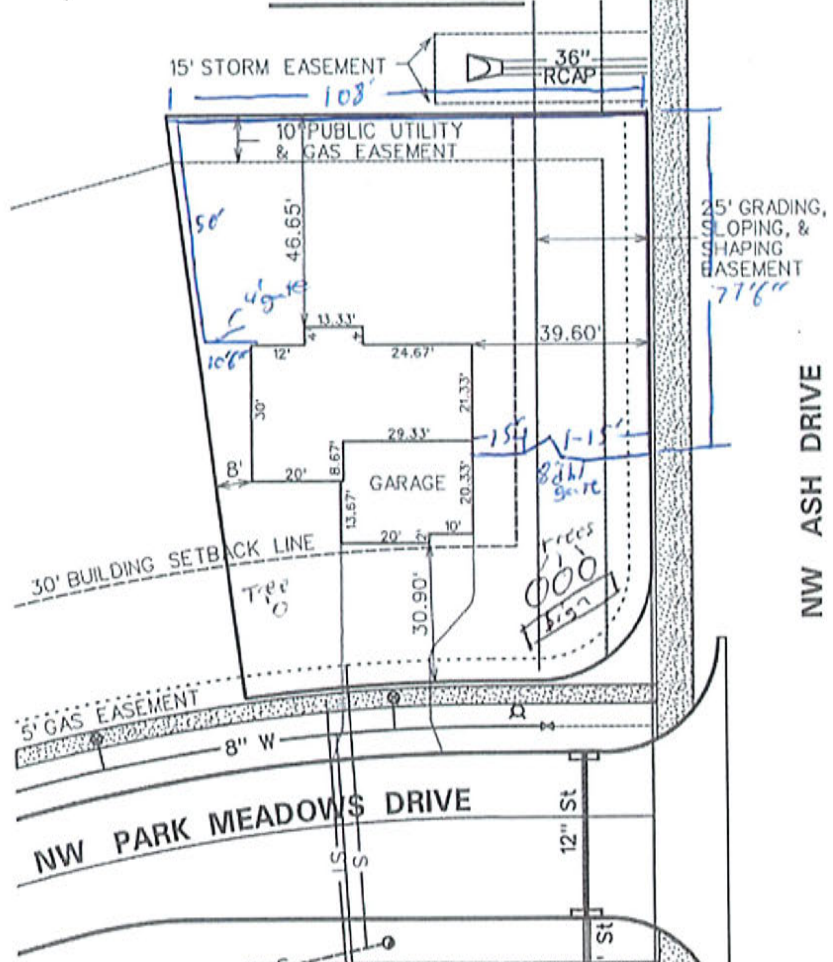
#24-11



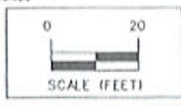
6' Cedar Privacy Fence
 Steel posts
 #1 grade Cedar Pickets + 2x4s

#24-11

SITE PLAN



MIN. PROTECTION ELEV. AT OPENING	973.20
FINISH FLOOR	975.61
BASEMENT	966.55
FINISH FLOOR	966.55
AREA OF SOD	9,665 SQ. FT.
AREA OF DRIVE AS SHOWN	1,162 SQ. FT.
SIDE YARD MIN.	15'
SIDE YARD TOTAL MIN.	7'



HUBBELL HOMES		SHEET / OF /
LOT 13, ASHLAND MEADOWS PLAT 2		PN01050 FNA
SNYDER & ASSOCIATES ENGINEERS PLANNERS	501 S.W. DRALABOR ROAD ANKENY, IA 50021 (515) 964-2020	
	DATE: 07/26/01	TRCU: F11

#24-11

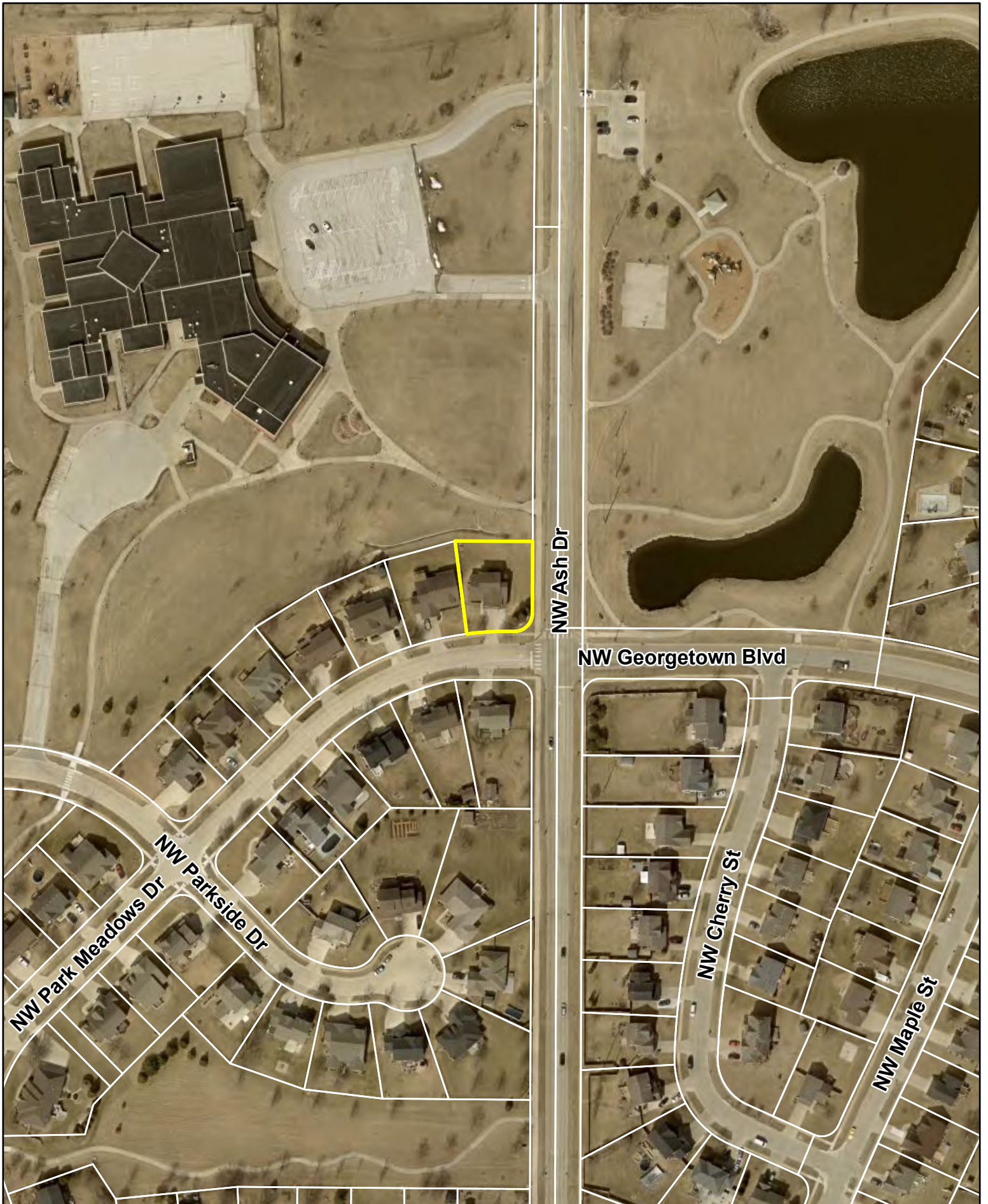


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N



1 inch = 170 feet

Date: 7/25/2024

**2426 NW Park Meadows Drive
Variance - Front Yard Setback
Aerial Map**

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

To: Members of the Zoning Board of Adjustment
From: Ryan Kirschman, Planner
Filing #: 24-11
Meeting Date: August 6, 2024
Address: 2426 NW Park Meadows Drive

APPELLANT REQUEST

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 30-foot front yard setback along the east property line at 2426 NW Park Meadows Drive.

STAFF POSITION

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 26 feet into the 30-foot front yard setback along the east property line adjacent to NW Ash Drive at 2426 NW Park Meadows Drive, subject to additional landscaping between the proposed privacy fence and NW Ash Drive.

The staff 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.

PROJECT SUMMARY

The subject property is located at 2426 NW Park Meadows Drive, north of NW 18th Street, east of NW State Street, south of NW 36th Street, and west of N Ankeny Boulevard. The property is zoned PUD, Ashland Meadows PUD and contains a single-family house on the lot. The property is approximately .286 acres (+/-) in size and is considered a corner lot with two front yards; one to the east adjacent to NW Ash Drive and the other to the south adjacent to NW Park Meadows Drive. The applicant is requesting a variance to allow for a 6-foot tall privacy fence to remain approximately 26 feet into the 30-foot front yard setback adjacent to the eastern property line. 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.

CRITERIA FOR VARIANCE

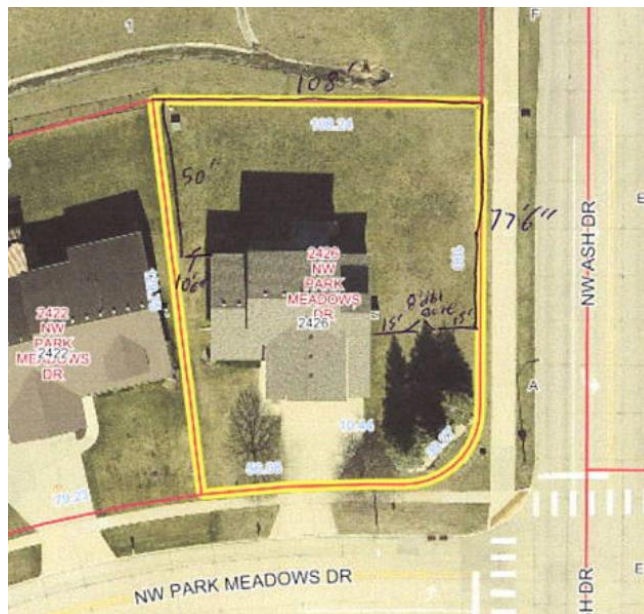
197.01(4) Powers and Duties.

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 is located at 2426 NW Park Meadows Drive and is legally described as Lot 13 Ashland Meadows Plat 2. The property is situated on a corner lot, which subjects the site to two front yards; one to the east adjacent to NW Ash Drive and the other to the south adjacent to NW Park Meadows Drive. The project site is approximately .286 acres (+/-) in size, is zoned PUD, Ashland Meadows PUD, the surrounding properties are similarly zoned PUD, Ashland Meadows PUD. The residence on the property was constructed in 2003. As of today, there is not currently a fence on the property.

A fence permit was received in June by city staff requesting to construct a 6-foot wooden privacy fence. The fence permit was denied and the applicant was informed that the proposed privacy fence would not be allowed due to the property being on a corner lot with two front yards. The proposed fence location is indicated in the image below that was submitted by the applicant.



Ankeny Municipal Code Section 191.14(2) states, "Residential fences shall be permitted in any yard in residential zoning districts or residential use areas. Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements."

As mentioned previously, the required front yard setback for properties in the Ashland Meadows PUD is 30 feet. Because the property is considered a corner lot, the front yard setback requirements apply to the frontages along the property's frontages on NW Ash Drive and NW Park Meadows Drive. The maximum height for installing a privacy fence along one of these frontages without conforming to the front yard setback requirements is 42 inches. Since the proposed privacy fence is six feet (72 inches) in height, it must either conform to the 30-foot setback requirement for the frontage along NW Ash Drive or the applicant will need to obtain a variance.

Staff does not believe the proposed fence poses any safety concerns to the public, as staff does not anticipate the fence inhibiting visibility at the intersection of NW Ash Drive and NW Park Meadow Drive. More specifically, the fence would not obstruct the required 30-foot vision clearance triangle at that specific intersection. Below is a view from the intersection of NW Ash Drive and NW Park Meadows Drive. The subject property is also unique due to the monument sign for the development being located in the southeast corner of the property. Additionally, Ashland Ridge Elementary abuts the subject property to the north.



Typically, in the past, the Board has required additional landscaping between the fence and the right-of-way as a condition of approval. Since receiving the application, city staff has reached out to the applicant and property owner to inform them of this being a standard condition of approval. The applicant agreed to move the fence back from the originally proposed location to allow for landscaping to be installed between the proposed fence and the sidewalk along NW Ash Drive.

In September of 2023 the board approved a similar variance allowing for a privacy fence to encroach 16.5 feet into the 30-foot front yard setback resulting in a 13.5-foot front yard setback. That variance was approved with the condition that landscaping is installed and maintained between the fence and the street.

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, and to date, staff has not received any correspondence either for or against the variance at 2426 NE Park Meadow Drive.

Therefore, 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 26 feet into the 30-foot front yard setback along the east property line adjacent to NW Ash Drive, subject to additional landscaping along NW Ash Drive. 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.