



Meeting Agenda

Zoning Board of Adjustment

Tuesday, February 20, 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 December 5, 2023 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.

#24-01
Justin Campbell
for property located at
206 NE Oak Drive
Lot 16, Henderson Park Plat 3
RE: Variance - Accessory Building

F. OLD BUSINESS:

G. NEW BUSINESS

Zoning Board of Adjustment 2023 Annual Report

Election of Chair and Vice Chair

H. REPORTS

Renewed Special Use Permits

#12-02 The Sports Page, 1701 N Ankeny Blvd.

#15-01 Main Street Cafe & Bakery, 2510 SW White Birch Dr., Suites 1 & 2

#23-01 Dough Co. Pizza, 2405 SW White Birch Dr., Suite 100

#15-19 Hy-Vee Market Cafe, 410 N Ankeny Blvd.

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

February 20, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the December 5, 2023 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 2023-12-05](#)

Meeting Minutes
Zoning Board of Adjustment
Tuesday, December 5, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the December 5, 2023 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. Absent: Brett Walker. Staff: E.Jensen, E.Carstens, B.Morrissey, L.Hutzell and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE NOVEMBER 7, 2023 REGULAR MEETING

Motion by K.Tomlinson to approve the November 7, 2023 meeting minutes as submitted. Second by N.Sungren. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

Correspondence received for Appeal #23-20:

Erik & Mary Gjullin, 4510 SW Sawgrass Parkway, Ankeny

Travis & Traci Trumper, 4529 SW Bluegrass Drive, Ankeny

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-20

Randy & Denise Shoeman

for property located at

4533 SW Sawgrass Parkway

Lot 25, Sawgrass Park Plat 4

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Randy and Denise Shoeman, 4533 SW Sawgrass Parkway said that they are asking for approval of a variance for their pergola that was constructed over their deck. He said they are hardworking people and keep a meticulous property. They are very cautious and respectful of all their neighbors. Randy Shoeman presented current pictures of their home to the Board showing the pergola as it stands today. He commented that the pergola does not intrude on any of the neighbor's view of the Sawgrass property. Randy and Denise Shoeman, respectively, asked the Board to approve their request.

M.Ott questioned Randy Shoeman as to how long they have owned the home, whether they hired a contractor to build the deck and if the deck was existing. Randy Shoeman responded that they have lived in the house three-plus years and hired a contractor to rebuild the existing deck to the same size. M.Ott referencing the staff's findings, said that the contractor requested a permit for the deck and pergola, and only the deck permit was approved by City staff, not the pergola, as it would need a variance before it could be constructed. M.Ott asked for some insight as to when the pergola was built? Randy Shoeman responded saying that the pergola was built at the same time as the deck. Randy Shoeman said that how it fell through the cracks was because he was on the road all the time, and they were dealing with substantial water damage in their master bath, along with cabinetry problems in the kitchen, while the deck was being reconstructed. There was a lot going on at once. M.Ott asked if the contractor told him that it was approved and wondered how the pergola was built without approval. Randy Shoeman said he honestly doesn't remember and does not have a good, honest excuse for how it happened. The people who built the deck are very good builders.

There were no further questions from the Board.

L.Hutzell reported the request is for a variance to allow a 25-foot rear yard setback for an existing pergola. She stated that the subject property is located at 4533 SW Sawgrass Parkway, south of SW Oralabor Road and west of SW State Street within the southwestern quadrant of Ankeny. The subject property is zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes and is situated on a .387-acre lot. She said that the neighboring properties to the north and east are similarly zoned R-3 with restrictions, neighboring properties to the south are located in the County and zoned Low Density Residential, and Sawgrass Park is immediately west. L.Hutzell explained that in May 2021, City staff received a permit application to allow a deck with pergola to be built at the subject property and informed the contractor applying for the permit that the permit for the pergola could not be issued because a pergola is considered a covering, and per code, covered decks are not allowed to encroach into the rear yard setback. The contractor decided to proceed with just a permit for the deck, which was approved on May 20, 2021. She noted that City Staff noticed the pergola in November 2023 while out inspecting a neighboring property and a letter was then sent to the homeowner informing them that they were in violation of Ankeny Municipal Code because the pergola structure was unpermitted and encroaches 10-feet into the rear yard setback. L.Hutzell stated the homeowner is now seeking a variance to correct the situation. She noted, that as shown on the site plan, at its furthest point the pergola extends approximately 10-feet into the rear yard setback leaving approximately 25' between the structure and the rear property line. Staff is not concerned with the pergola extending into the rear-yard setback as the property backs to Sawgrass Park and does not have any measurable impact on surrounding residences. L.Hutzell stated that given the lot shape coupled with the position of the home at the bulb of the cul-de-sac and the fact that this property backs to Sawgrass Park, staff's position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for a pergola over an existing deck at 4533 SW Sawgrass Parkway, subject to the applicant acquiring all necessary building permits. 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.

M.Ott asked that when notices were sent out regarding the public hearing, were they sent to the unincorporated county properties? L.Hutzell responded, yes.

J.Baxter inquired about the portion of staff's recommendation subjecting them to acquiring all necessary building permits. E.Jensen responded that the applicant needed to obtain a variance before a building permit could be issued for the pergola.

Travis Trumper, 4529 SW Bluegrass Drive, Ankeny said they live to the east of the Shoeman's and have no problems with the pergola. He said it does not obstruct anyone's view, and it is a beautiful addition to the property. He respectively asked the Board to approve the request.

M.Ott shared that the Board received correspondence from two neighboring properties in favor of 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 4 – 0.

M.Ott said the consensus of the Board is that they do not appreciate the request being brought before the Board after the fact, especially after they were denied the permit when they applied to have it built.

M.Ott further stated that had this request come before the Board prior to the pergola being built, he would have had zero concern about approving it, and since there was no opposition. All Board members agreed with M.Ott's statement.

Board Action on Filing #23-20 for property located at 4533 SW Sawgrass Parkway

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for a pergola over an existing deck at 4533 SW Sawgrass Parkway, subject to the applicant acquiring all necessary building permits. This 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 K.Tomlinson. All voted aye. Motion carried 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#12-02 Sports Page Grill, 1701 N Ankeny Blvd.

#10-06 Lindo Jalisco Mexican, 1810 SW White Birch Cir., Ste. 118

There being no further business, meeting adjourned at 5:20 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

February 20, 2024

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#24-01

Justin Campbell

for property located at

206 NE Oak Drive

Lot 16, Henderson Park Plat 3

RE: Variance - Accessory Building

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:



PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 24-01 Applicant Submittal
 24-01 Staff Report

24-01

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Justin Campbell

Address / Phone # 206 NE OAK DR, ANKENY, IA 50021

E-mail part of the post 01 @ gmail.com

Property Owner Justin A Campbell

Address / Phone # same as above

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 206 NE OAK DR, ANKENY IA 50021

Legal description (Plat & Lot #) Lot 16 Henderson Park Plat 3

Zoning R-2 Principal Use of property residence

I request a variation from the current zoning requirement for:

☐ Front Yard ☐ Side Yard ☒ Rear Yard ☐ Fence ☐ Sign ☐ Parking ☐ Height

☒ Other additional square footage

Ankeny Zoning Code Section # 192.04(3) (4) which state(s) _____

I would propose the following in lieu of that required: I would like an additional 28 sq ft beyond the 10% already allowed so that I may obtain a 10x16 storage shed

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

- A written statement addressed to the Board of Adjustment indicating the reasons for my appeal.
- A drawing showing proposed variance requested.
- 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.

Justin Campbell)
Print Name (Signature of Applicant)

Justin Campbell)
Print Name (Signature of Property Owner)

Signed and sworn to before me, this
2nd day of February, 20 24.
Brenda Fuqhsang
(Notary Public)

--Notary seal--

Office Use Only
Paid <input type="checkbox"/> CC <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check # <u>5099</u> \$ <u>8130.00</u>
Date received <u>2-20-2024</u>
Filing # <u>24-01</u>
Scheduled Meeting Date <u>2-20-2024</u>



FEB 02 2024

24-01

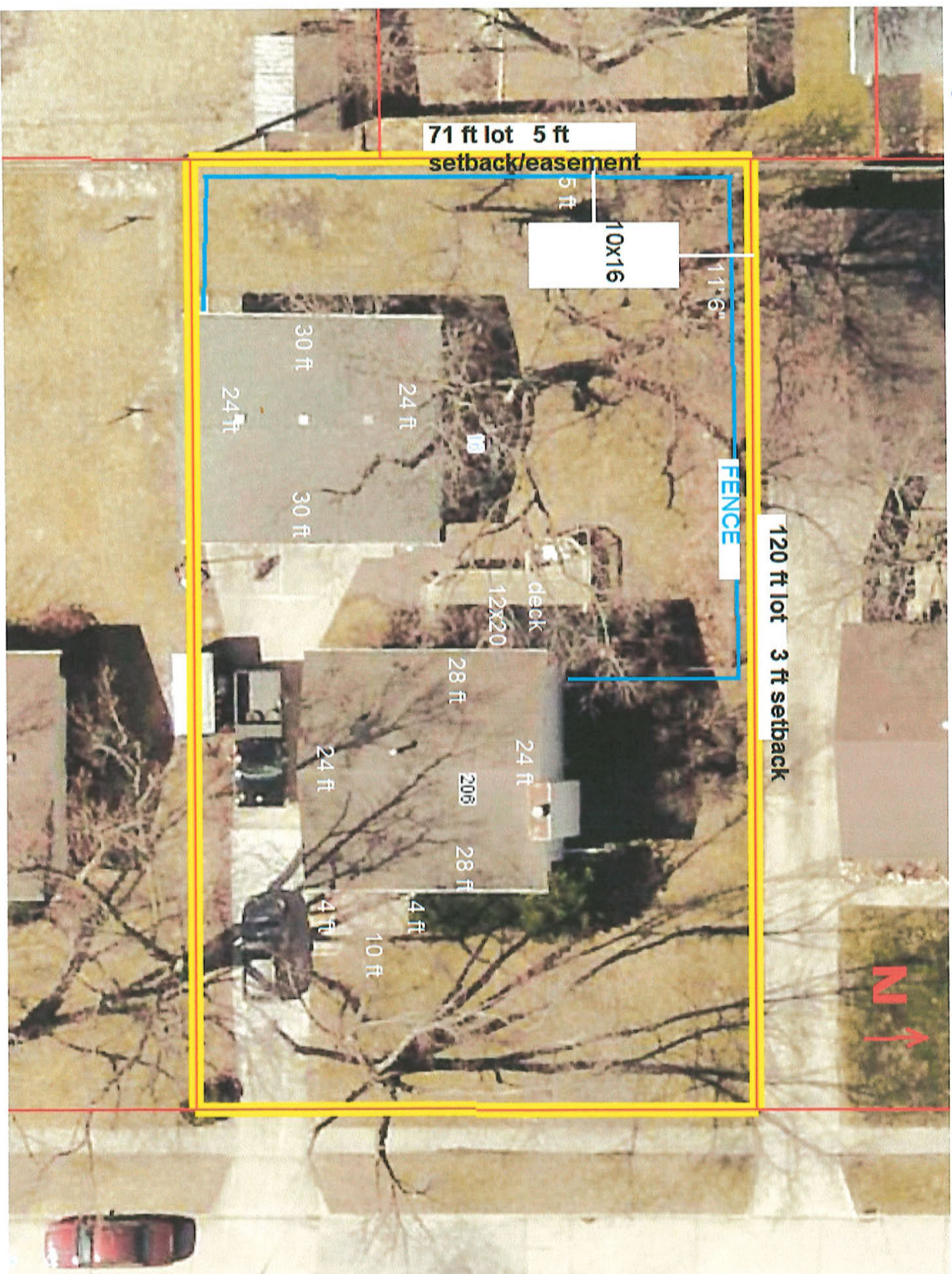
To the Zoning Board of Adjustment,

My wife and I are the current owners/residents of the property located at 206 NE Oak Dr. here in Ankeny. For further reference, this is Lot 16 Henderson Park Plat 3. As my wife and I have been able to improve some of the tools of our daily life(snowblower instead of scooping, riding mower vs push mower, etc) and our son has grown, we find ourselves with less and less space. This despite our regular donation of the items we no longer have need for. Additionally, our garage being detached very much detracts from the space allowed to provide for ourselves additional storage. As such, we are requesting permission to add a 10x16 storage building in our rear yard. This would require a variance for an additional 28 square feet of storage beyond the already permitted 10% of our lot size(8520 sq ft). Thank you very much for your consideration of this matter.

Sincerely,

Justin A Campbell

24-01





N



1 inch = 100 feet

Date: 2/6/2024

206 NE Oak Drive

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

To: Members of the Zoning Board of Adjustment
From: Derek Silverthorn, Associate Planner
Filing #: 24-01
Meeting Date: February 20, 2024 *ETC*
Address: 206 NE Oak Drive

APPELLANT REQUEST

A variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 160 square-foot shed, resulting in 880 square feet of accessory structures for the property located at 206 NE Oak Drive. The total accessory structure square footage would exceed the maximum allowable 10% of the total lot area for the property located at 206 NE Oak Drive.

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 160 square-foot shed, resulting in 880 square feet of accessory structures for the property located at 206 NE Oak Drive. 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 10' x 16' shed that would result in an excess of 28 square feet of the maximum allowable square footage for accessory structures on the subject lot.

CRITERIA FOR VARIANCE

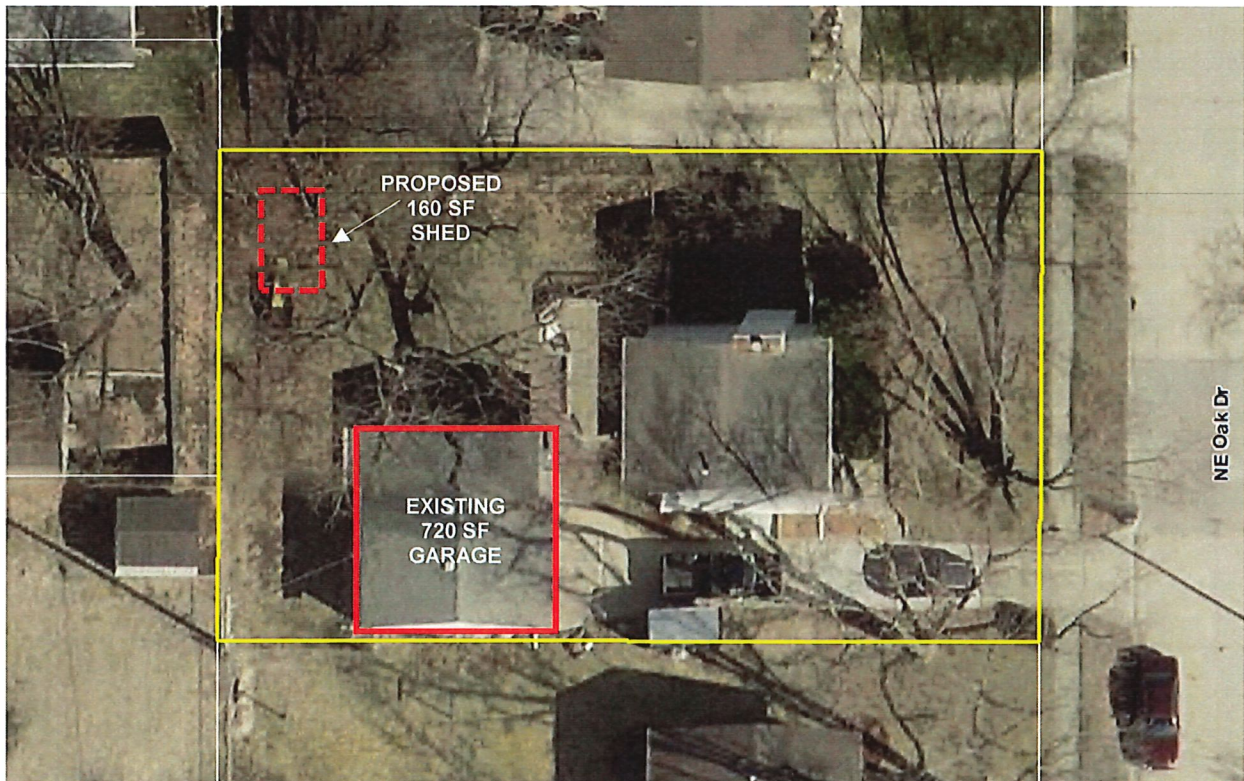
197.01.4 Powers and Duties. The Board of Adjustment shall have the following powers and duties:

- 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 206 NE Oak Drive is located north of E 1st Street and west of NE Oak Drive, on Lot 16, Henderson Park 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. Henderson Park Plat 3 was platted in 1967—as was the principle structure, and the existing detached garage was constructed in 1992.

The subject lot is 8,520 square feet, and is currently developed with the primary structure and detached garage. 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 8,520 square-foot lot would allow for 852 square feet to be occupied by accessory structure(s). The appellant is proposing to construct a 160 square-foot shed in addition to the existing 720 square-foot garage, which would result in 880 square feet of the total lot area. Because the total square footage of accessory structures would exceed the maximum allowable 852 square feet by 28 square feet, a variance is required to construct the additional shed as submitted.



Existing and Proposed Accessory Structures

The subject property is located within a neighborhood platted in 1967, when the trend for single-family residential development included smaller homes than what are typically developed today, as well as detached garages rather than attached garages that are common today. The primary constraint of this property is that the 720 square-foot garage consumes nearly 85% of the maximum allowable square-footage for accessory structures on this property because it is detached. If the garage was attached like most single-family residential development today, the property owner would still have all 852 square feet of allowable area for accessory structures.

To Staff's knowledge, the Board has considered one other similar variance request in 2011 for the property located at 1502 NW 9th Street. The Board determination at that time was to allow the construction of a second accessory structure that would result in an excess of 485 square feet of accessory structures for the property, resulting in a 33% overage. Now, the proposed variance for the property located at 206 NE Oak Drive is to construct a 160 square-foot shed in addition to the existing 720 square-foot garage, which would result in 880 square feet of the total lot area. This equates to an excess of 28 square feet to the maximum allowable 852 square feet for accessory structures, resulting in an overage of 3%.

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 160 square-foot shed, resulting in 880 square feet of accessory structures for the property located at 206 NE Oak Drive. 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

February 20, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Zoning Board of Adjustment Department

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Zoning Board of Adjustment 2023 Annual Report

Election of Chair and Vice Chair

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 2023 Annual Report](#)

CITY OF ANKENY ZONING BOARD OF ADJUSTMENT 2023 REPORT

Board Members

Matt Ott, Chair
Jeffrey Baxter, Vice Chair
Nichole Sungren
Kristi Tomlinson
Brett Walker

Original Appointment

05-05-2008
02-01-2016
03-05-2012
09-06-2005
10-19-2015

2023 Board Activity

January 4, 2023

Docket: #23-01

Applicant: Orvis Horatio Group, LLC dba Dough Co. Pizza
Location: 2405 SW White Birch Drive, Suite 100
Request: to allow an outdoor service area that will serve alcohol
Code Section: 130.07 & 196.02(1)(I)
Decision: Granted, with conditions

**Special Use Permit
PUD**

Renewed Special Use Permits

#15-01 Main Street Café & Bakery – 2510 SW White Birch Dr., Suites 1 & 2

January 18, 2023

Meeting cancelled due to lack of quorum.

February 7, 2023

Docket: #23-02

Applicant: Kimley-Horn
Location: 7310 SE Crosswinds Drive
Request: to allow three separate twenty square-foot directional signs
Code Section: 195.03(3)(A)
Decision: [Applicant requested public hearing be postponed indefinitely](#)

**Variance – Directional Signage
PUD**

**Received 2022 Zoning Board of Adjustment Annual Report
Elected Matt Ott as Chairperson; Jeff Baxter as Vice Chair**

February 21, 2023

Docket: #23-03

Applicant: Randy Dickson
Location: 1204 SE 16th Court
Request: to allow a 35-foot pylon sign
Code Section: 195 Appendix C
Decision: Denied

**Variance – Sign - Height
C-2**

February 21, 2023 meeting continued on page 2

February 21, 2023 meeting continued

Docket: #23-04

**Variance – Sign – Print Area
C-2**

Applicant: Randy Dickson
Location: 1204 SE 16th Court
Request: to allow three print areas totaling 250 sq. ft. for a pylon sign
Code Section: 195 Appendix B
Decision: Denied

Docket: #23-05

**Variance – Sign – Base Size
C-2**

Applicant: Randy Dickson
Location: 1204 SE 16th Court
Request: to allow a modified base using a two-pole design composed of metal
Code Section: 195.04(3)(C)
Decision: Denied

March 7, 2023

Meeting Cancelled

March 21, 2023

Docket: #23-02

**Variance – Directional Signage
PUD**

Applicant: Kimley-Horn
Location: 7310 SE Crosswinds Drive
Request: to allow three separate twenty square-foot directional signs
Code Section: 195.03(3)(A)
Decision: Granted, with conditions

April 4, 2023

Meeting Cancelled

April 18, 2023

Docket: #23-06

**Variance – Covered Deck – Rear Yard Setback
R-3**

Applicant: MJ Properties
Location: 2712 NW Beechwood Street
Request: to allow a 32-foot rear yard setback for a covered deck
Code Section: 195.03(3)(E)
Decision: Granted

Docket: #23-07

**Special Use Permit
R-1**

Applicant: Concrete Technologies, Inc.
Location: Outlot Y, Four Mile Four
Request: to allow a portable concrete ready-mix batch plant
Code Section: 196.02(1)
Decision: Granted, with conditions

May 2, 2023

Docket: #23-08

Variance – Main Structure – Front Yard Setback

Applicant: Kara Bixby Rodriguez & Joel Rodriguez
Location: 2943 SW 3rd Street
Request: to allow the existing home to encroach 12-feet into the 35-foot setback
Code Section: 192.09(3)(D)
Decision: Granted

C-2

Docket: #23-09

Variance – Sunroom – Rear Yard Setback

Applicant: Ralph Grout
Location: 1101 NE Trilein Drive
Request: to allow for a 25-foot rear yard setback for an existing sunroom
Code Section: 192.03(3)(E)
Decision: Granted

R-1

Docket: #23-10

Variance – Deck – Rear Yard Setback

Applicant: Ralph Grout
Location: 1101 NE Trilein Drive
Request: to allow for an unenclosed deck to encroach 2-feet beyond the allowed 12-feet by code
Code Section: 192.03(2B)(2)
Decision: Granted

R-1

May 16, 2023

Meeting Cancelled

June 6, 2023

Meeting Cancelled

June 20, 2023

Docket: #23-11

Variance – Water Tower – Height

Applicant: City of Ankeny
Location: 3755 NW Irvinedale Drive
Request: to allow a 165-foot water tower with antennas to be 180-feet in height
Code Section: 192.08(3)(G)
Decision: Granted

C-1

Docket: #23-12

Variance – Covered Patio – Rear Yard Setback

Applicant: Bryon and Larissa Weyer
Location: 2506 NE 17th Street
Request: to allow for a 29-foot rear yard setback for a covered patio
Code Section: 192.04(3)(E)
Decision: Granted

R-2

Renewed Special Use Permits

#10-06 Lindo Jalisco Mexican, 1810 SW White Birch Circle, Ste. 118
#21-06 El Molcajete, 301 E 1st Street
#16-16 Guadalajara Mexican Restaurant, 202 SE Delaware Avenue
#18-04(2019) Who's on First, 810 E 1st Street

July 5, 2023

Meeting Cancelled

July 18, 2023

Docket: #23-13

**Variance – Fence – Front Yard Setback
PUD**

Applicant: Great Barrier Fence Co.
on behalf of Winsome Hays
Location: 3410 SW Applewood Street
Request: to allow a 6-foot wooden privacy fence approximately 23-feet into the 25-foot front yard setback
Code Section: 191.14(2)
Decision: Granted, with conditions

Renewed Special Use Permits

#17-02 Luddy's Tavern, 106 SW State Street, Suite 100 (formerly Wheelhouse)
#20-07 Tavern 180, 1975 N Ankeny Blvd., Suite 117

August 8, 2023

Meeting cancelled due to lack of quorum.

August 22, 2023

Docket: #17-02(2023)

**Special Use Permit
C-1**

Applicant: Brandon J Wheelock,
Wheelock & Family, Inc., dba Luddy's Tavern
Location: 106 SW State Street, Ste 100
Request: to allow an outdoor service area that will serve alcohol
Code Section: 130.07 & 196.02(1)(I)
Decision: Granted, subject to conditions

Renewed Special Use Permits

#16-02 Filet Steakhouse, LLC – 1802 N Ankeny Blvd., Ste 100

September 6, 2023

Docket: #23-14

**Variance – Covered Deck – Rear Yard Setback
R-1**

Applicant: Dilpreet and Puja Singh
Location: 1701 NE Lowell Court
Request: to allow a 22-foot rear yard setback for a covered deck
Code Section: 192.03(3)E
Decision: Granted

Docket: #23-15

**Variance – Fence – Front Yard Setback
R-2**

Applicant: Prestige Fencing, LLC
Location: 841 SE Wanda Drive
Request: to allow a 6-foot privacy fence to encroach 15-feet into the 30-foot front yard setback
Code Section: 191.14(2)
Decision: Granted

September 19, 2023

Docket: #23-16

**Variance – Fence – Front Yard Setback
R-2**

Applicant: Connor Milligan, Halcyon Fencing
Location: 3902 NW 14th Court
Request: to allow a 6-foot privacy fence to encroach 16.5-feet into the 30-foot front yard setback
Code Section: 191.14(2)
Decision: Granted, with conditions

Renewed Special Use Permits

#16-13 Cabaret – 2785 N Ankeny Blvd.
#16-18 The Whiskey House – 2510 SW White Birch Drive, Suite 8 & 9

October 3, 2023

Docket: #23-17

**Variance – Open Space
C-1**

Applicant: Casey's Retail Company
Location: 1602 W 1st Street
Request: to allow a minimum of 12% open space
Code Section: 191.15
Decision: Granted, with conditions

Renewed Special Use Permits

#08-23 Buffalo Wild Wings Grill & Bar – 1690 SE Delaware Avenue
#15-14 Benchwarmers Ankeny Inc. – 705 S Ankeny Boulevard

October 17, 2023

Meeting Cancelled

November 7, 2023

Docket: #23-18

**Variance – Covered Deck – Rear Yard Setback
R-3**

Applicant: Kristine and Brock Ford
Location: 4402 SW Sawgrass Parkway
Request: to allow a 25-foot rear yard setback for a covered deck
Code Section: 192.05(3)E
Decision: Granted

Docket: #23-19

**Variance – Covered Deck – Rear Yard Setback
R-1**

Applicant: Andrea Dose
Location: 2202 NE Trilein Drive
Request: to allow a 32-foot rear yard setback for a covered patio
Code Section: 192.03(3)E
Decision: Granted

Renewed Special Use Permits

#21-20 Vintage Brewhouse – 1300 NW 36th Street, Suite 101
#22-03 Silk Elephant – 2410 SW White Birch Drive, Suite 108

November 21, 2023

Meeting Cancelled

December 5, 2023

Docket: #23-20

**Variance – Pergola – Rear Yard Setback
R-3**

Applicant: Randy & Denise Shoeman
Location: 4533 SW Sawgrass Parkway
Request: to allow a 25-foot rear yard setback for a pergola over an existing deck
Code Section: 192.05(3)(E)
Decision: Granted, with conditions

Renewed Special Use Permits

#12-02 Sports Page Grill – 1701 N Ankeny Blvd.
#10-06 Lindo Jalisco Mexican – 1810 SW White Birch Cir., Suite 118

December 19, 2023

Meeting Cancelled

2023 Attendance at Zoning Board of Adjustment Meetings

MEMBER	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC		TOTAL	
	4	18	7	21	7	21	4	18	2	16	6	20	5	18	8	22	6	19	3	17	7	21	5	19		
Kristi Tomlinson	1	No Meeting	1	1	No Meeting	1	No Meeting	1	1	No Meeting	No Meeting	1	No Meeting	0	No Meeting	1	1	0	0	No Meeting	1	No Meeting	1	No Meeting	11	
Nicole Sungren	1		0	1		1		1	1			1		1		1	1	1	1		13					
Matt Ott - c	1		1	1		0		1	1			1		0		1	1	1	1		12					
Brett Walker	1		1	0		0		0	0			1		1		1	0	0	0		1		0		0	6
Jeffrey Baxter - v	1		1	1		1		1	1			1		1		1	1	1	1		1		1		1	14
TOTAL	5		4	4		3		4	4			5		3		5	4	3	3		5		4			

Zoning Board of Adjustment Activity 2019 – 2023

CY	# of Cases	# of Meetings
2019	14	10
2020	21	12
2021	27	15
2022	23	13
2023	21	14

2023 Variance Summary

Fence Variance

- 3410 SW Applewood Street
- 841 SE Wanda Drive
- 3902 NW 14th Court

Height Variance

- 1204 SE 16th Court – Sign
- 3755 NW Irvinedale Drive – Water Tower

Setback Variance

Front Yard

- 2943 SW 3rd Street

Rear Yard

- 2712 NW Beechwood Street – Covered Deck
- 1101 NE Trilein Drive – Sunroom
- 1101 NE Trilein Drive – Deck
- 2506 NE 17th Street – Covered Patio
- 1701 NE Lowell Court – Covered Deck
- 4402 SW Sawgrass Parkway – Covered Deck
- 2202 NE Trilein Drive – Covered Deck
- 4533 Sw Sawgrass Parkway - Pergola

Directional Signage Variance

- 7310 SE Crosswinds Drive

Sign - Print Area Variance

- 7310 SE Crosswinds Drive

Sign - Base Size Variance

- 7310 SE Crosswinds Drive

Open Space Variance

- 1602 W 1st Street

Variance Requests by Type 2019 – 2023

CY	Fence	Setback	Height	Sign	Parking / Paving	Open Space/ Landscaping	Zoning Line Adjust.	Accessory Building	Permitted Accessory/ Principal Uses
2019	1	2	0	0	0	0	0	0	0
2020	4	11	1	2	0	0	1	1	0
2021	5	4	2	1	0	0	0	1	3
2022	1	14	2	2	0	0	0	0	0
2023	3	9	2	3	0	1	0	0	0

2023 Special Use / Conditional Use Summary

Special Use Permit

- 2405 SW White Birch Drive, Suite 100
- Outlot Y, Four Mile Four
- .106 SW State Street, Suite 100

Annual Reviews (administratively approved)

#15-01 Main Street Café & Bakery – 2510 SW White Birch Dr., Suites 1 & 2
#10-06 Lindo Jalisco Mexican, 1810 SW White Birch Circle, Ste. 118
#21-06 El Molcajete, 301 E 1st Street
#16-16 Guadalajara Mexican Restaurant, 202 SE Delaware Avenue
#18-04(2019) Who's on First, 810 E 1st Street
#17-02 Luddy's Tavern, 106 SW State Street, Suite 100 (formerly Wheelhouse)
#20-07 Tavern 180, 1975 N Ankeny Blvd., Suite 117
#16-02 Filet Steakhouse, LLC – 1802 N Ankeny Blvd., Ste 100
#16-13 Cabaret – 2785 N Ankeny Blvd.
#16-18 The Whiskey House – 2510 SW White Birch Drive, Suite 8 & 9
#08-23 Buffalo Wild Wings Grill & Bar – 1690 SE Delaware Avenue
#15-14 Benchwarmers Ankeny Inc. – 705 S Ankeny Boulevard
#21-20 Vintage Brewhouse – 1300 NW 36th Street, Suite 101
#22-03 Silk Elephant – 2410 SW White Birch Drive, Suite 108
#12-02 Sports Page Grill – 1701 N Ankeny Blvd.
#10-06 Lindo Jalisco Mexican – 1810 SW White Birch Cir., Suite 118

Special/Conditional Use Requests 2019 – 2023

CY	#
2019	10
2020	2
2021	10
2022	5
2023	3



ZONING BOARD OF ADJUSTMENT

February 20, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

#12-02 The Sports Page, 1701 N Ankeny Blvd.

#15-01 Main Street Cafe & Bakery, 2510 SW White Birch Dr., Suites 1 & 2

#23-01 Dough Co. Pizza, 2405 SW White Birch Dr., Suite 100

#15-19 Hy-Vee Market Cafe, 410 N Ankeny Blvd.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:


PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Special Use Permit Renewal



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 12-02**

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: SPG-Ankeny, Inc
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): The Sports Page

Address of Premise: 1701 North Ankeny Blvd.

- 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

12/4/23
Date

Jacob Hudson
Name of Applicant (printed)

ADMINISTRATIVELY
 **APPROVED**

12/7/23 ESC



City of Ankeny
Outdoor Service Area Renewal Application
*Special Permit Resolution # 15-01

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: Main Street Café & Bakery, Inc.
(Sole Proprietorship, Partnership, Corporation)
Name of Business (d/b/a): Main Street Café & Bakery
Address of Premise: 2510 SW White Birch Dr., Suite 1 & 2

- 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

Ryan McInnes
Name of Applicant (printed)

Date

12/5/23

ADMINISTRATIVELY
☒ **APPROVED**
12/7/23 EJC



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 23-01**

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: **Orvis Horatio Group**

(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **Dough Co. Pizza**

Address of Premise: **2405 SW White Birch Dr., Ste. 100**

- 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

Alec Davis

Name of Applicant (printed)

1/9/2024

Date

ADMINISTRATIVELY
 **APPROVED**

1/11/24 EJC



City of Ankeny
Outdoor Service Area Renewal Application
*Special Permit Resolution #15-19

Approved July 21, 2015

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: Hy-Vee, Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Hy-Vee Market Cafe

Address of Premise: 410 N. Ankeny Blvd.

- 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

1/17/24
Date

Name of Applicant (printed)
ANDREW SCHROEDER
Senior Vice President,
Accounting, Controller

ADMINISTRATIVELY
 **APPROVED**

1/18/24 ESC