



## Meeting Agenda

### Zoning Board of Adjustment

Tuesday, March 19, 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 February 20, 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.

**#24-02**

**Buresh Home Solutions, Inc.**

***for property located at***

**408 NE 51st Court**

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

**RE: Variance - Covered Deck**

**F. OLD BUSINESS:**

**G. NEW BUSINESS**

**H. REPORTS**

**I. ADJOURNMENT**



ZONING BOARD OF ADJUSTMENT

March 19, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the February 20, 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 2024-02-20](#)

**Meeting Minutes**  
**Zoning Board of Adjustment**  
Tuesday, February 20, 2024  
Ankeny City Council Chambers  
1250 SW District Drive, Second Floor, Ankeny, Iowa

**CALL TO ORDER**

Chair Matt Ott called the February 20, 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, D.Silverthorn, B.Morrissey, R.Kirschman and B.Fuglsang.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**MINUTES OF THE DECEMBER 5, 2023 REGULAR MEETING**

Motion by J.Baxter to approve the December 5, 2023 meeting minutes as submitted. Second by K.Tomlinson. Motion carried 4 – 0 – 1 (Abstain: B.Walker).

**COMMUNICATIONS / CORRESPONDENCE**

There were no communications/correspondence.

**BUSINESS ITEMS**

**PUBLIC HEARINGS:**

**#24-01**

**Justin Campbell**

for property located at

**206 NE Oak Drive**

**Lot 16, Henderson Park Plat 3**

**RE: Variance – Accessory Building**

Chair M.Ott opened the public hearing.

Justin Campbell, 206 NE Oak Drive said he is requesting a variance in order to place a storage shed on the rear portion of his lot. He stated that it would be 28 square-feet over what is permitted by Ankeny Municipal Code. He feels it is justified because his garage is detached and the garage takes up the vast majority of the accessory storage space that is allowed per code.

There were no questions from the Board.

D.Silverthorn reported that the request is for 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. He stated that the total accessory structure square footage would exceed the maximum allowable 10% of the total lot area for the subject property. He noted that the property is zoned R-2, One-Family and Two-Family Residence District, and the surrounding properties to the north, east, south, and west are also zoned R-2. D.Silverthorn noted that the Henderson Park Plat 3 was platted in 1967 and the existing detached garage was constructed in 1992. He further commented that the 8,520 square-foot lot allows for 852 square feet to be occupied by accessory structures. He stated that 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. He said the variance is required due to the total square footage of accessory structures on the subject property, including the proposed shed, would exceed the maximum allowable 852 square feet by 28 square feet. D.Silverthorn stated that 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. 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.

There were no questions from the Board.

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

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

**Board Action on Filing #24-01 for property located at 206 NE Oak Drive**

Motion by J.Baxter 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. The Board's 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. Second by N.Sungren. All voted aye. Motion carried 5 – 0.

**NEW BUSINESS**

The Zoning Board of Adjustment 2023 Annual Report was provided to the Board.

J.Baxter placed into nomination Matt Ott to serve as Chair. Second by M.Ott. All voted aye.

M.Ott placed into nomination Jeff Baxter to serve as Vice Chair. Second by K.Tomlinson. All voted aye.

**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.

There being no further business, meeting adjourned at 5:11 p.m.



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

March 19, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#24-02

Buresh Home Solutions, Inc.

*for property located at*

408 NE 51st Court

Lot 7, North Prairie Bend Plat 4

RE: Variance - Covered Deck

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>
<input type="checkbox"/> <a href="#">24-02 Applicant Submittal</a>
<input type="checkbox"/> <a href="#">24-02 Staff Report</a>



bringing it all together

APPLICATION FOR APPEAL  
ZONING BOARD OF ADJUSTMENT

#24-02

Applicant is:  Property Owner  Tenant  Other Contractor

Applicant Jason Smothers (Buresh Home Solutions)

Address / Phone # 9379 Swann Blvd suite D Clive IA, 50325 515-491-0729

E-mail Jason@Bureshhome.com

Property Owner Amanda Cooney

Address / Phone # 408 NE 51st Ct

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 16th day of February, 2024

Location (address) of the proposed variance 408 NE 51st Ct

Legal description (Plat & Lot #) Lot 7 North prairie Bend Plat 4

Zoning R-1 Principal Use of property SF home

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) 35' Rear yard setback

I would propose the following in lieu of that required: 21' Rear yard setback

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 a authorization from the owner or lessee, if applicable.

Complete submittals are required for review.

AFFIDAVIT

State of Iowa )  
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.

\* Jason Smothers )  
Print Name )  
(Signature of Applicant)

\* Amanda Cooney )  
Print Name )  
(Signature of Property Owner)

Signed and sworn to before me, this 29th day of February, 2024  
Brenda Fuglsang  
(Notary Public)

Office Use Only

**RECEIVED**

Paid  CC  Cash  Check # cc 8130.00

Date received FEB 29 2024

Scheduled Meeting Date CITY OF ANKENY 3-19-2024

--Notary seal--

**NOTARIAL SEAL**  
BRENDA FUGLSANG  
Commission Number 745861  
My Commission Expires May 13, 2025



#24-02

## Board of Adjustment

We are requesting permission to cover our backyard deck. The deck faces west and gets extremely hot in the summer. It makes it difficult to enjoy our back yard with our young children during the afternoon because there is little shade available. Our property backs up to an acreage and the deck faces a pasture so we would not be affecting our neighbor's backyard privacy or obstructing any other neighbors view or affecting their property.

Thank you for your consideration

Sincerely

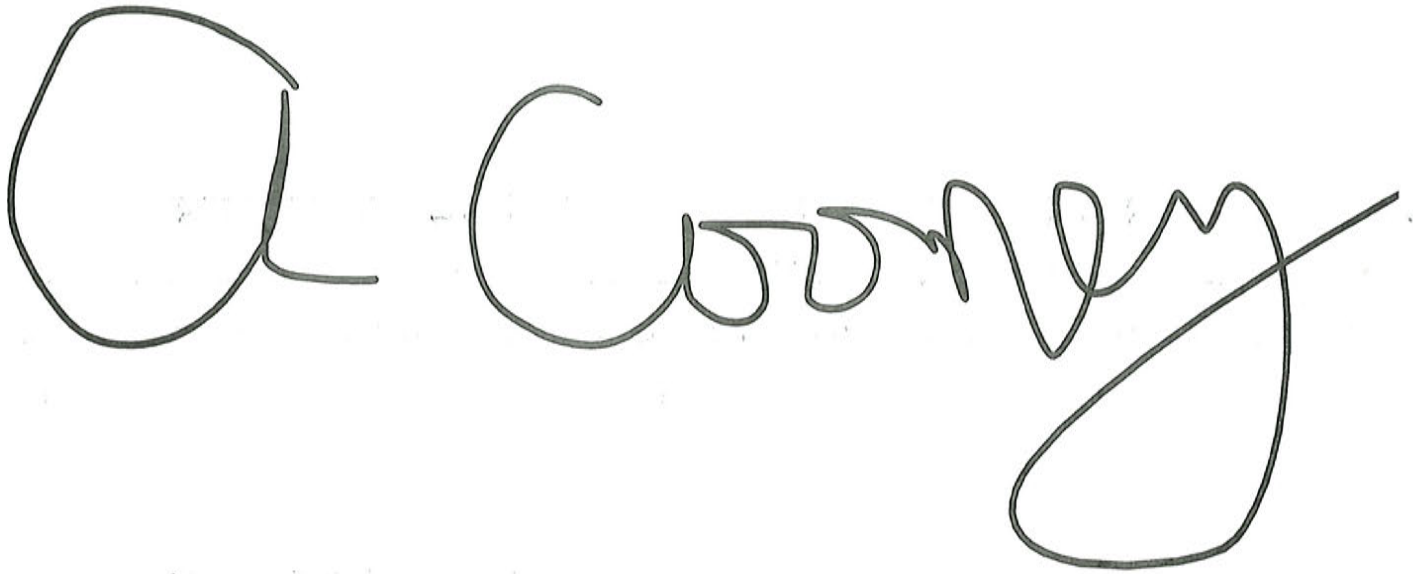
Adam and Amanda Cooney

#24-02

To whom it may concern,

I, Amanda Cooney, authorize Jason Smothers, with Buresh Home Solutions, to apply for a permit to cover and update our deck.

Thank you

A handwritten signature in black ink that reads "Amanda Cooney". The signature is written in a cursive, flowing style. The first letter "A" is large and loops back. The "C" is also large and loops. The "ooney" part is written in a more compact, cursive script. The signature ends with a long, sweeping horizontal stroke that loops back under the "y".

Amanda Cooney



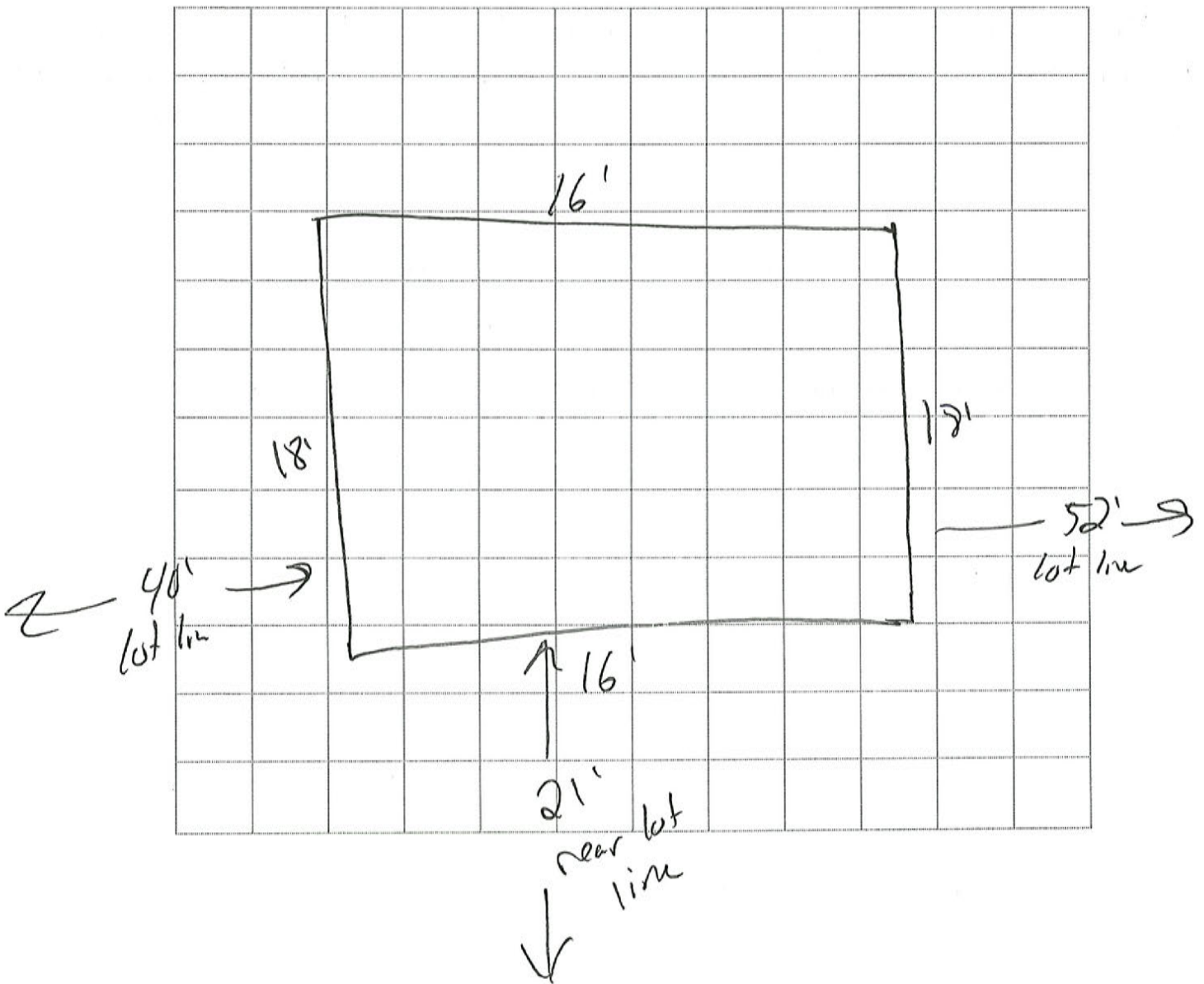
#24-02

Site Drawing:

Address: 408 NE 51<sup>st</sup> Ct

Sketch diagram indicating:

- ✓ Existing structures
- ✓ North arrow
- ✓ Dimensions of any additions or accessory structure
  - Width
  - Length
  - Height
- ✓ Distance from property lines for any addition or accessory structure
- ✓ Easements
- ✓ Water Meter Location

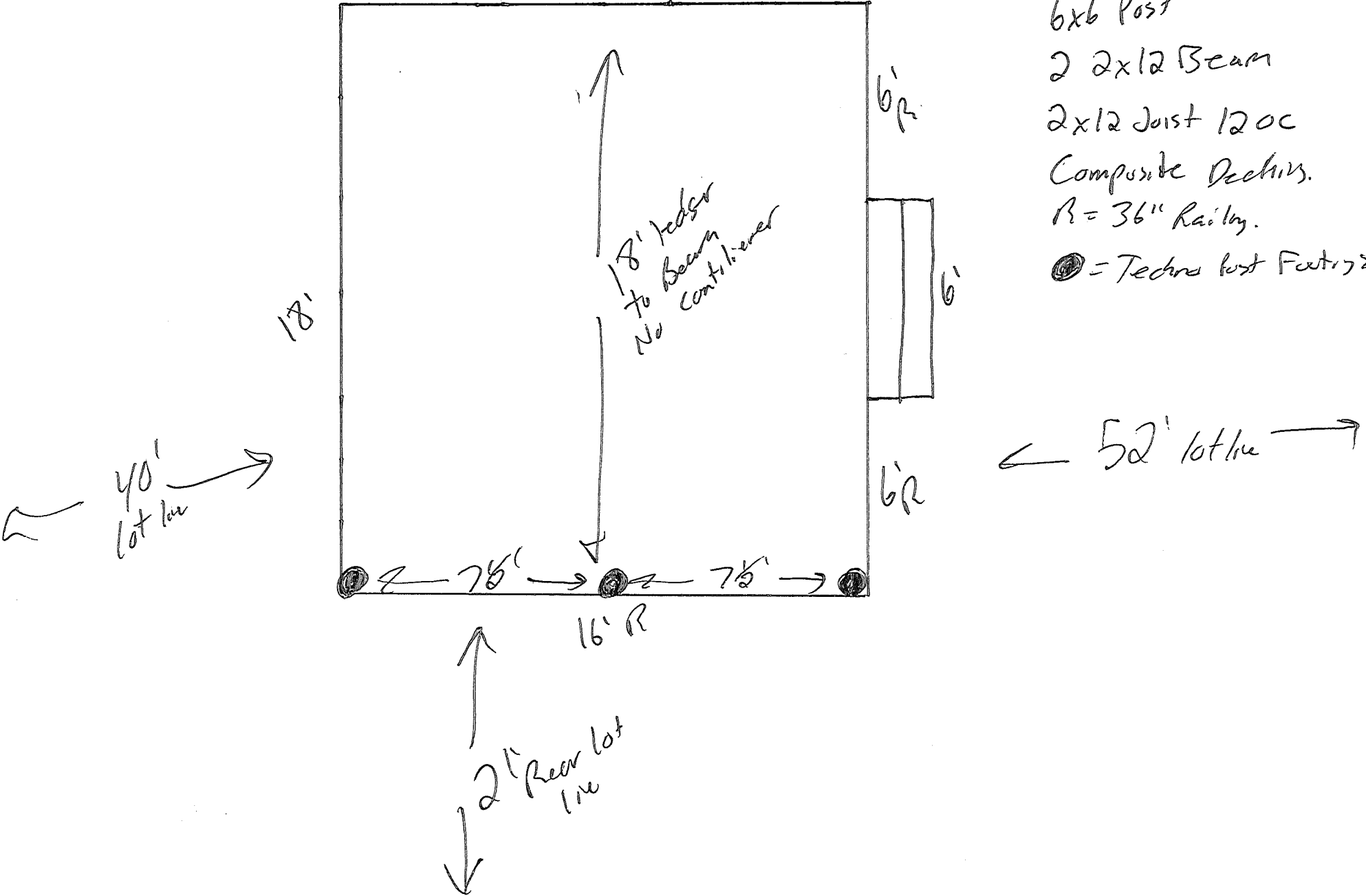


408 NE 51<sup>st</sup> St

Deck

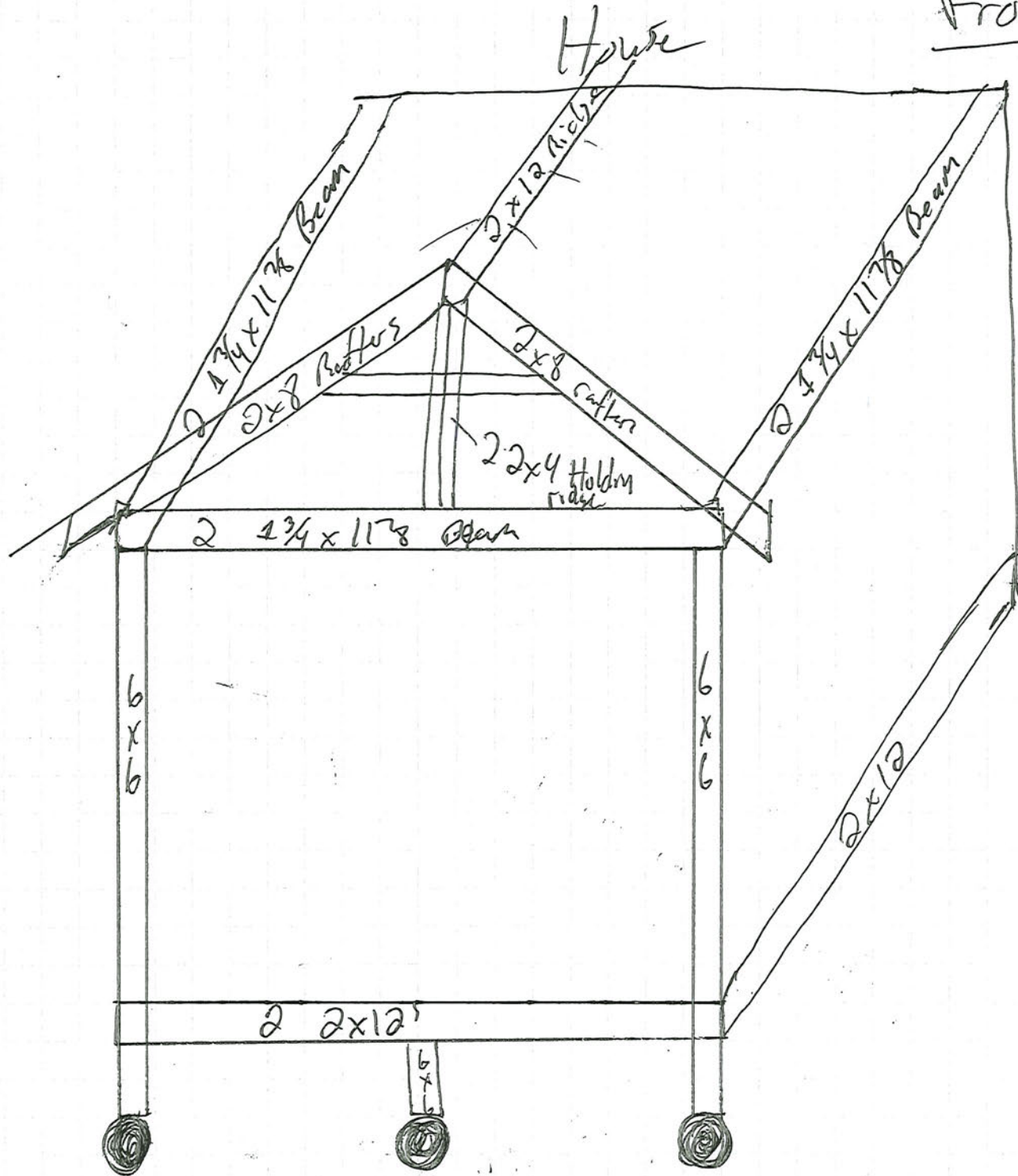
#24-02

House  
16'



Front View / Roof

#24-02



2 1 3/4 x 11 7/8 Beam  
all 3 sides.

2 x 12 Ridge

2 x 8 rafters 2406

2 x 4 collar Ties  
Top 3rd.

6 x 6 Post

⊙ = Techno Post  
Footings.

1/2 OSB sheathing

Shingles on Roof.



N




1 inch = 200 feet

Date: 3/4/2024

**408 NE 51st Court**

**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:** Bryan Morrissey, Associate Planner   
**Filing #:** 24-02  
**Meeting Date:** March 19, 2024  
**Address:** 408 NE 51<sup>st</sup> Court

**APPELLANT REQUEST**

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 51<sup>st</sup> Court.

**STAFF POSITION**

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 51<sup>st</sup> 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 408 NE 51<sup>st</sup> Court is generally located east of N Ankeny Boulevard and south of NE 54<sup>th</sup> Street within the northeastern quadrant of Ankeny. The property is zoned R-1, One-Family Residence District and is situated on Lot 7 of North Prairie Bend Plat 4.

The applicant is requesting a variance to encroach approximately fourteen feet into the thirty-five-foot rear yard setback to allow the owners to cover the existing deck attached to the rear of the home. The deck the applicant is requesting to cover was originally constructed with the house in 2013; before it was expanded in 2018. The deck totals 288 square feet in size (16'x18') and as previously mentioned, extends fourteen feet into the thirty-five-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 twenty-one-foot rear yard setback would be the resulting setback on the west 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 408 NE 51<sup>st</sup> Court is generally located south of NE 54<sup>th</sup> Street and east of N Ankeny Boulevard on Lot 7 of North Prairie Bend Plat 4. The 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 zoned R-1, One Family Residence District and contain single family homes as well. Permit records indicate that the house on the property was constructed in 2013, which included a 12'x12' deck attached to the rear (west side) of the property. The deck was expanded in 2018 and is currently sixteen feet wide by eighteen feet deep and projects into the thirty-five-foot rear yard setback. Per Code, unenclosed decks are allowed to extended into rear yard setbacks, however, once a deck is covered, it must adhere to the setback regulations of the Code.

In February 2024, the applicant on behalf of the property owners, submitted a permit application to City Staff requesting that they cover an existing 16'x18' deck on the west side of the property. After reviewing the application, staff informed the applicant that the deck was located within the rear yard setback, and covering said deck would require it comply with the setback requirements of the Code, as the deck encroaches fourteen 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 288 square-foot deck projects west towards the rear property line. At its furthest point, the deck extends approximately fourteen feet into the rear yard setback, leaving twenty-one feet of open space between the existing deck and the shared property line to the west. Staff is not overly 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 larger neighboring property four acres in size, where the structures on the neighboring property are situated towards the north end of the parcel, away from the existing deck (see aerial map). Therefore, staff is confident that covering the 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 December of 2023, which allowed a covered deck to extend 10 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.

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 51<sup>st</sup> 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.