



Meeting Agenda

Zoning Board of Adjustment

Tuesday, April 16, 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 April 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.

#24-05

Ryan Nurnburg

for property located at

537 NE 5th Street

Lot 8, Henderson Park Plat 19

RE: Variance - Covered Deck

F. OLD BUSINESS:

G. NEW BUSINESS

H. REPORTS

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

April 16, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the April 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 2024-04-02](#)

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

CALL TO ORDER

Chair Matt Ott called the April 2, 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, L.Hutzell, R.Kirschman, J.Heil, B.Morrissey and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MARCH 19, 2024 REGULAR MEETING

Motion by K.Tomlinson to approve the March 19, 2024 meeting minutes as submitted. Second by N.Sungren.
Motion carried 5 – 0.

COMMUNICATIONS / CORRESPONDENCE

Chair Matt Ott noted that correspondence was received from Matt Schilling, Owner of Luke Brothers Flooring that will be received and filed during the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-03

Hope Agency

for property located at

217 S Ankeny Boulevard

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

RE: Variance – Permitted Uses

Chair M.Ott opened the public hearing.

Board member Jeff Baxter recused himself from public hearing #24-03.

Brent Culp, Snyder & Associates, Inc., 2727 SW Snyder Boulevard, Ankeny representing property at 217 S Ankeny Boulevard, said that the commercial property is currently zoned C-2. The requested use is for an animal daycare and their understanding is that the current use is allowed on this property. He noted that the variance request is required to allow for an outdoor dog run area.

Amy Wallman Madden, Co-founder, Hope Agency, 1230 8th Street, Suite 201, West Des Moines, said Hope Agency has been around since 2004. She stated their mission is to support individuals with special needs to be able to live independent and productive lives. It would support community living through learning life skills such as cleaning and cooking. Hope Agency also has a wrap-around service for employment, which is really where they see the magic happen when individuals with special needs find meaningful employment. She explained that their hope is to employ people with special needs but also young people in the area under the age of 18 to help teach them life skills. It will encourage more understanding for young people as well as give them an introduction to human services. Amy Wallman Madden said she feels it would be great for the community.

Marcus Pitts, JLL, one of the property owners, said he is excited about this project. He said it would give this property an opportunity to phase into the next generation of its life. He said with Hope Agency as a tenant, this would allow them to transform this building into a usable space that gives back to the community. He shared that from a personal standpoint, his sister that passed away had special needs and often wondered what this type of opportunity would have done for her. He thanked the Commission.

M.Ott asked whether the outdoor dog run would extend the entire length of the north portion of the parcel. Brent Culp responded, yes. M.Ott asked how close the dog run would be to the property line of the Luke Brothers Flooring. Brent Culp was unsure of the exact footage.

B.Walker said he assumes there will be some aesthetic changes to the building with this project. Marcus Pitts shared that Hope Agency has their own contractor for the interior. Ankeny Futures, LLC has currently been doing some tuck pointing as they want the building to look great. He noted that this is an investment not only in the building but also in the community.

M.Ott shared that the Board received correspondence from Luke Brothers Flooring in opposition of the request. M.Ott further asked if there were any prior discussions with Luke Brothers Flooring about the plans or any encroachment on easements within the property directly behind the Luke Brothers Flooring building. Marcus Pitts said not on this particular project.

E.Carstens shared that the city's development engineering department reviewed the area for easements. It was determined that there is not an easement today, but the city would like one, but where the fence would be located, would not encroach on the area where the city may want an easement.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.09(1)B(1) requires: *Animal hospitals, veterinary clinics or kennels, provided that any exercising runway is at least 200 feet from any R District boundary*, allowing for an exercise area for pets within 200 feet of a R District boundary at 217 S Ankeny Boulevard. He stated the subject property is owned by Ankeny Futures LLC and the zoning for this area is C-2, General Retail and Highway Oriented Commercial District. He said that the surrounding properties to the north, west, and south are also zoned C-2 and the property to the east is zoned C-2 and R-2, One- Family and Two-Family Residence District. R.Kirschman stated that the proposed outdoor exercise area would be located on the north side of the existing building and the proposed enclosure would be approximately 150 feet from the house to the northeast of the site. Ankeny Municipal Code Section 192.09(1)(B)(1) requires any animal outdoor exercise runway to be a minimum of 200 feet from a residential zone. He noted that animal boarding use is allowed within the C-2 zone as a principal permitted use. Therefore, it is only the enclosure that necessitates the need for this variance application. He said all property owners within 250' of the subject property were notified of the proposed variance by mail. The staff position is to grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the continued use of the existing outdoor animal exercise area on the west side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

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

The staff position is based on a determination that an animal grooming and boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

M.Ott clarified the use allowed in C-2 zoning. E.Jensen responded that animal boarding is allowed in C-2. The only thing that is not allowed is the outdoor portion, as it can not be within 200 feet of residential-zoned property. M.Ott further confirmed that if there are issues and/or complaints, this could be brought back to the Board for further review. Staff responded, yes. N.Sungren asked if the sight and sound barrier was included in previous appeals that the Board had acted upon. R.Kirschman responded that there were similar conditions in previous appeals. E.Carstens said the sight and sound barrier is the responsibility of the developer and said the Board has the right to change or add conditions with regard to the staff recommendation. K.Tomlinson asked whether the residential property owners reached out to staff. E.Carstens responded, no. Amy Wallman Madden shared that they provide daycare only, there is no overnight boarding, and she does not see it as a concern for the residential properties.

Scott Luke, Luke Brothers Flooring, 102 SE 3rd Street, Ankeny, on behalf of Matt Schilling said that their concerns were addressed in the letter that they provided to the Board. He said they can appreciate what they are doing but Luke Brothers Flooring are not overly excited about the fenced-in area being located directly behind their building to the north. He noted that there is already a dog run as part of the business to the east of their property and felt that there is too much of this type of use in this area.

M.Ott responded that if the residential property to the northeast was commercial, not residential, this request would not have been required to come before the Board of Adjustment for approval. This use is allowed in C-2 zoning. E.Carstens stated that if there are complaints in the future, this request for the dog run would come back before the Board for review.

Brent Culp, Snyder & Associates, Inc. shared that the difference between this and other boarding businesses, is that this business would be open in the morning and closed in the evening. The use would be during normal business hours.

The Board's discussion included allowable uses in C-2, conditions that would be set, if approved, and understanding the concerns that were brought to the Board from the neighboring business.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by B.Walker. Motion carried 4 – 0 – 1 (Abstain: J.Baxter).

Board Action on Filing #24-03 for property located at 217 S Ankeny Boulevard

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

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

The Board's position is based on a determination that an animal grooming and animal boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

Second by M.Ott. Motion carried 4 – 0 – 1 (Abstain: J.Baxter).

#24-04

Neil Brankis

for property located at

522 SW Maple Street

Lot 8, Ankeny Village Plat 3

RE: Variance – Accessory Structure

Chair M.Ott opened the public hearing.

Neil Brankis, Midwest Builders of Iowa, 1451 NE 69th Place on behalf of Mr. and Mrs. Larry Hogue, 522 SW Maple Street, Ankeny said the Hogue's would like to add a one, car garage to their property. They currently have a garage, but it is off-set behind the house and Mrs. Hogue is having difficulty making the turn to get in and out. Neil Brankis said they are willing to remove the small storage building from their property to allow for this additional garage to be built next to the current garage.

There were no questions from the Board.

L.Hutzell reported that the request is for a variance to Ankeny Municipal Code Chapter 191.07.1, for property located at 522 SW Maple Street, allowing for the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property. It is located north of SW Ordinance Road, east of SW Ash Drive, west of SW Cherry Street and south of SW 5th Street. 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. L.Hutzell provided a brief history of the property and presented current pictures of the property while explaining the changes that have been made over the years. She stated that the subject lot is 9,450 square feet, and is currently developed with the primary structure, detached garage and an existing 96 square-foot shed located in the southwest corner of the property. She noted that in this case, the 9,450 square-foot lot would allow for 945 square feet to

be occupied by accessory structures. L.Hutzell stated the appellant is proposing to remove the existing 96 square-foot shed, and construct a 308 square-foot garage in addition to the existing 768 square-foot garage, which would result in 1,076 square feet of the total lot area. Due to the total square footage of accessory structures exceeding the maximum allowable 945 square feet by 131 square feet, a variance is required to construct the additional garage as submitted. She shared that the primary constraint of this property is that the existing 768 square-foot garage consumes nearly 81% of the maximum allowable square-footage for accessory structures on this property because it is detached. L.Hutzell commented that a second garage would allow the homeowner easier vehicle access. She explained that if the existing garage was attached to the home, like most single-family residential development today, the property owner would still have all 945 square feet of allowable area for accessory structures. The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street, subject to the property owner removing the existing shed. This position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter asked for clarification on the size of the shed. L.Hutzell responded that it is 96 square-feet. M.Ott confirmed that if the garage was attached to the primary structure, a variance would not be required. E.Jensen said that if the current garage and the new garage were attached to the home, a variance would not be required, but further clarified that attaching the garage brings in question their bulk regulations, such as rear yard and side yard setbacks. He said that they would not be able to have a garage this size if it was attached to the house due to the setbacks.

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 J.Baxter. All voted aye. Motion carried 5 – 0.

Board Action on Filing #24-04 for property located at 522 SW Maple Street

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street subject to the property owner removing the existing shed. 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 K.Tomlinson. All voted aye. Motion carried 5 – 0.

REPORTS

There were no reports.

There being no further business, meeting adjourned at 5:46 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

April 16, 2024

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#24-05

Ryan Nurnburg

for property located at

537 NE 5th Street

Lot 8, Henderson Park Plat 19

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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 #24-05 Applicant Submittal
 #24-05 Staff Report



#24-05
APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Ryan Nurnberg

Address / Phone # 573 NE 5th St. Ankeny IA 50021 /

RECEIVED

E-mail Ryan.Nurnberg@GMX.com

MAR 29 2024

Property Owner Ryan Nurnberg

CITY OF ANKENY

Address / Phone # Same

E-mail Same

(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 25th day of March, 2024

Location (address) of the proposed variance 537 Ne 5th St

Legal description (Plat & Lot #) LOT 8 HENDERSON PARK PLAT 19

Zoning R-2 Principal Use of property Single Family Dwelling

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 # 192.04(3)(3) which state(s) Area and Size Regulations. The following minimum requirements shall be observed in the R-2 District, subject to the height limitations found in Section 191.11 and the modifications contained in Section 196.03:

I would propose the following in lieu of that required: Replacing back enclosed porch currently within the 35' of property line
with proper documentation and permit.

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.

Ryan Nurnberg

Print Name

(Signature of Applicant)

Signed and sworn to before me, this

29th day of March, 20 24

Ryan Nurnberg

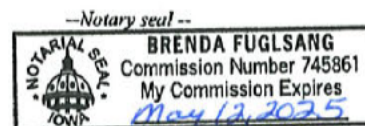
Print Name

(Signature of Property Owner)

(Notary Public)

Office Use Only

Paid <input type="checkbox"/> CC <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check # <u>113</u> <u>\$130.00</u>
Date received <u>3-29-2024</u>
Filing # _____
Scheduled Meeting Date <u>April 16, 2024</u>



24-05

March 28th 2024

Ryan Nurnberg
537 NE 5th St
Ankeny IA, 50021

Dear Board of Adjustment,

I am writing to request your approval for a variance for the replacement of an existing sunroom. I purchased the property in 2021, and one of its most appealing features was the sunroom located on the southwest corner. Unfortunately, during the heavy snowstorm on January 15th, the roof of the sunroom buckled under the weight of the snow. I promptly filed a claim with my insurance carrier for repair, and upon their approval to replace the sunroom, I sought to obtain a permit from the city for the construction.

However, my application for the permit was denied because the original owners of the property failed to apply for the initial permit to build the sunroom. Nevertheless, it's worth noting that the sunroom is listed as a structure on the state assessors' site.

Given these circumstances, I kindly request that a variance be granted to allow for the replacement of the current sunroom. Unfortunately, the materials required to repair the sunroom to its original state, as constructed in the 1990s, are no longer available. Therefore, replacing the sunroom is the most feasible and practical solution.

Thank you for considering my request. I am hopeful that the Board will understand the necessity of this variance and grant approval for the replacement of the sunroom.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Nurnberg", followed by a long horizontal line extending to the right.

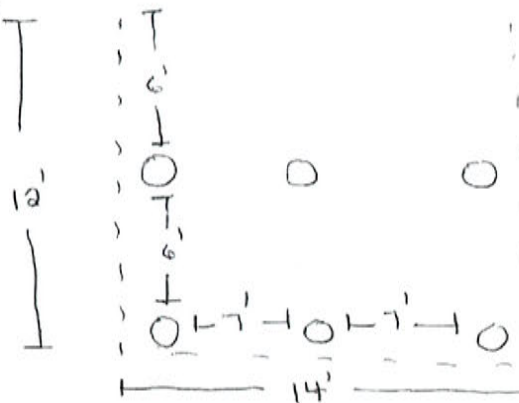
Ryan Nurnberg
537 NE 5th Street
Ankeny, Iowa 50021

#24-05

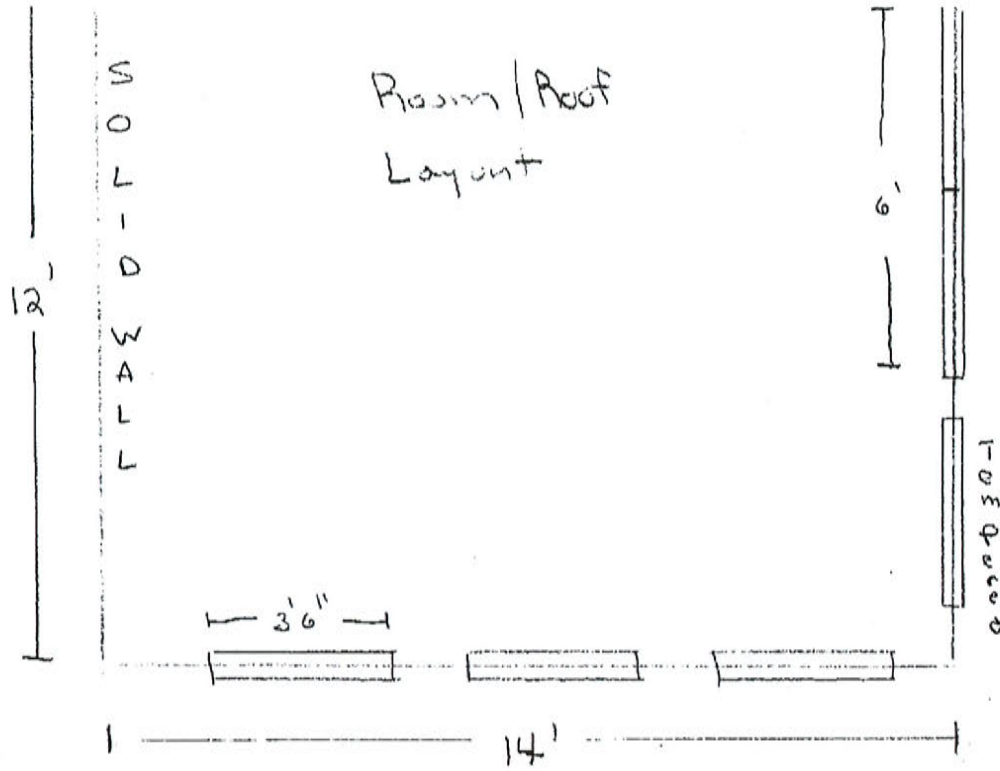


Floor Layout

(T/C old room & dispose)
- Building new on same site



- - Engineered Helical Piers
- 2x8 Joists / 16" OC
- Treated Sheathing below
- 3/4" T+G Top
- R25 Insulation in floor
- skirt floor (cement board)
- 6x6 Posts
- 2x10 Beams (bottle)



53 / NE 5th St

Stickbuilt
Addition

#24-05

- 2x6 Walls
- R19 Insulation
- (4) 3'6" x 5'4" Gerkin Sliding Windows
- (1) 6' x 6'8" Gerkin Sliding Door
- 2x8 Headers above the windows/door
- Siding to match house
- Drywall/Trim to match interior

Roof

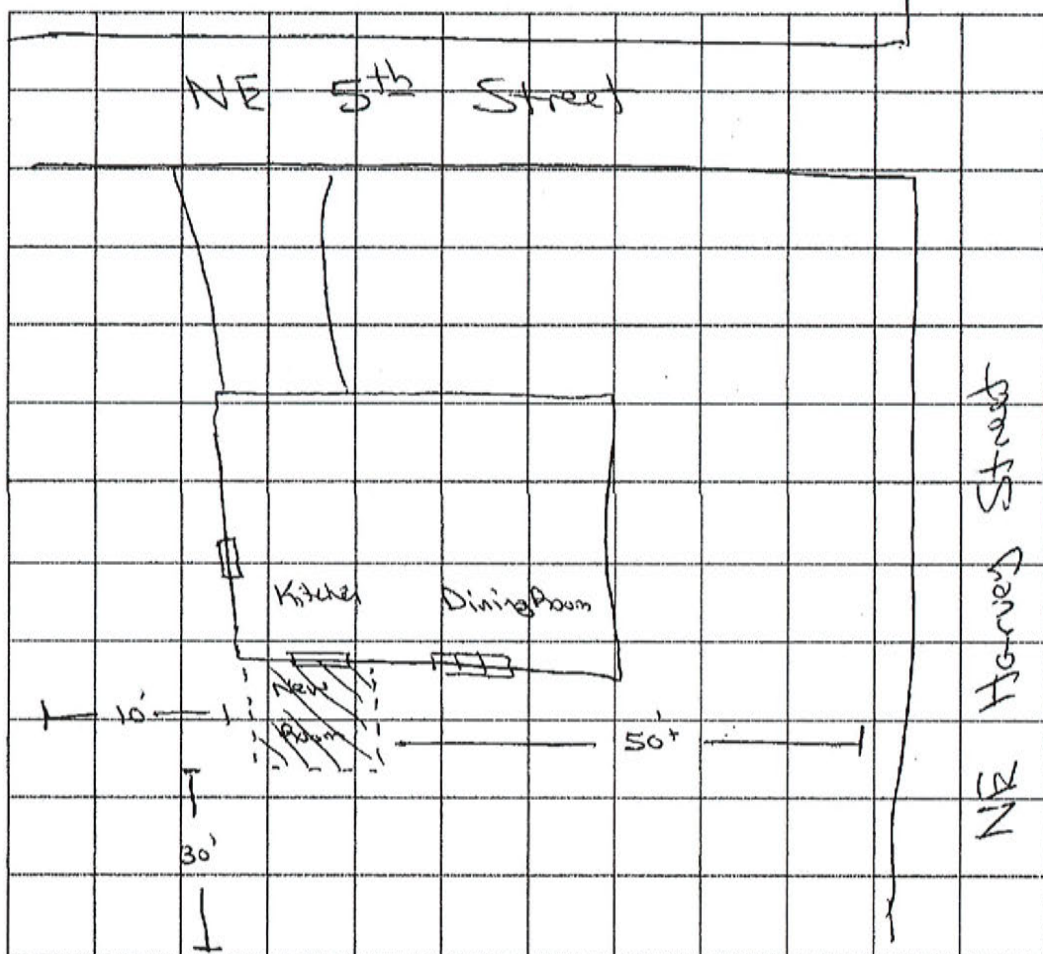
- Engineered hip truss package
- 3/12 pitch
- 1/2" sheathing / felt
- Shingles to match house
- Gutters to match
- Same size overhangs on house
- Pot Vents

#24-05

Site Drawing (required for additions):Address: 537 NE 5th Street

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
- ✓ Electrical Service Location (specify overhead or underground)





**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 #: 24-05
Meeting Date: April 16, 2024
Address: 537 NE 5th Street

EJC

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.04(3)(E) that requires Rear Yard: 35-feet, allowing a 23-foot rear yard setback for a four seasons porch at 537 NE 5th Street.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 23-foot rear yard setback for a four seasons porch at 537 NE 5th Street.

Staff's position is based on a determination that the decreased rear yard setback from the resulting four seasons porch 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 537 NE 5th Street is generally located south of NE 5th Street and west of NE Innsbruck Drive within the northeastern quadrant of Ankeny. The property is zoned R-2, One-Family and Two-Family Residence District and is situated on Lot 8 of Henderson Park Plat 19.

The applicant is requesting a variance to encroach approximately 12 feet into the 35 foot rear yard setback, to allow the owners to replace the existing four seasons porch attached to the rear of the home. The four seasons porch the applicant is requesting was originally constructed with the house. Due to heavy snowfalls in January 2024, the roof of the four seasons porch collapsed. The porch totals 168 square feet in size (12'x14') and as previously mentioned, extends 12 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 23 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 537 NE 5th Street is generally located south of NE 5th Street and west of NE Innsbruck Drive on Lot 8 of Henderson Park Plat 19. The property is zoned R-2, One-Family and Two-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 March 2024, an applicant on behalf of the property owners, submitted a permit application to City Staff requesting the replacement of the existing 12x14 foot four seasons porch. After reviewing the application, staff informed the applicant that the porch was located within the rear yard setback, and would require it to comply with the setback requirements of the Code, as the four seasons porch 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 four seasons porch projects south towards the rear property line. At its furthest point, the porch extends approximately 12 feet into the rear yard setback, leaving 23 feet of open space between the existing four seasons porch and the shared property line to the south. Staff is not overly concerned with the applicant reconstructing the four seasons porch, primarily because the structure will be staying in its current location and will not be expanded upon. Therefore, staff is confident that the four seasons porch 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 March of 2024, which allowed a covered deck to extend 14 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 192.04(3)(E) to allow a 23-foot rear yard setback for a four seasons porch at 537 NE 5th Street. Staff's position is based on a determination that the decreased rear yard setback from the four seasons porch 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.