



Meeting Agenda

Zoning Board of Adjustment

Tuesday, August 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 August 6, 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.

#24-12

Central Iowa Contractor Services

on behalf of Matthew Grgurich

for property located at

2211 NW Abilene Road

Lot 7, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback - Covered Deck

#24-13

Larry and Nadeen Parman

for property located at

2102 NW 31st Street

Lot 27, Centennial Pointe Plat 5

RE: Variance - Rear Yard Setback - Four Seasons Porch

F. REPORTS

Renewed Special Use Permits

#15-14 Benchwarmers, 705 S Ankeny Blvd.

G. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

August 20, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the August 6, 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 2024-08-06](#)

Meeting Minutes
Zoning Board of Adjustment
Tuesday, August 6, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 6, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JULY 2, 2024 REGULAR MEETING

Motion by K.Tomlinson to approve the meeting minutes as submitted. Second by M.Ott. Motion carried 3 – 0 – 1
(Abstain – J.Baxter).

COMMUNICATIONS / CORRESPONDENCE

Chair Matt Ott noted that correspondence was received for Appeal #24-11 from Alex Lundquist, 2414 NW Park Meadows Drive and from Joe Wiltgen, 2410 NW Park Meadows Drive. He stated that all correspondence will be received and filed during the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-10

Jeffery & Lisa Damman
for property located at
2105 NE Garland Court
Lot 11, Northbrook Plat 3
RE: Variance - Covered Deck

Chair M.Ott opened the public hearing.

Jeffery Damman, 2105 NE Garland Court, Ankeny said that he and his wife have lived in their home for 24 years. They would like to remove their existing deck and build a new 14' x 20' deck with a gabled roof. He said his application included a letter of support from the neighbor behind their home, and he presented an additional letter of support from their neighbors to the north, Todd and Vicki Beveridge. He shared that there would be no change in how they plan to utilize their deck. He asked if the Board had any questions.

J.Heil reported that the applicant is requesting 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. He stated that the subject property is situated on Lot 11, Northbrook Plat 3 and is generally located north of the intersection of NE Trilein Drive and NE Garland Court and is zoned R-1, One-Family Residence District, with the surrounding properties being similarly zoned. J.Heil stated that 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. He noted that 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. 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. He commented that the lot to the south of the covered deck was purchased by a neighboring property and is used primarily as a backyard and open space. He noted that 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.

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 4 – 0.

J.Baxter asked for some clarification as it related to the lot that was purchased from a neighboring property, which provides the extra open space to the south. J.Heil responded that an extra lot was purchased by the neighboring property from the developer and 10-feet of the purchased lot was transferred to the applicant.

Board Action on Filing #24-10 for property located at 2105 NE Garland Court

Motion by K.Tomlinson 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 four seasons porch at 2105 NE Garland Court. The Board's decision is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by J.Baxter. Motion carried 4 – 0.

#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

Chair M.Ott opened the public hearing.

Travis Bos, Bos Fencing LLC, 3225 Birch Street, Bondurant, Iowa on behalf of Justin and Emily Allen, said that he typically does not request variances for the fences that he installs unless it is a unique situation. The Allen's home is located on a corner lot, which has a very large sign with three tall evergreen trees in the southeast corner. They are requesting a 6-foot privacy fence along NW Ash Drive 26-feet into the front yard setback. He noted that they received a letter in support of their request and one in opposition. Travis Bos provided information addressing the concerns that the neighbor in opposition stated in their letter. He said the fence would allow the Allen family privacy and the ability to keep their children and animals safe from elementary school children/parents walking or driving along NW Ash Drive. He asked if the Board had any questions.

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 for a 6-foot tall privacy fence to be constructed within the required 30-foot front yard setback along the east property line. He stated that 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. He explained that 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. R.Kirschman stated that the applicant is requesting a variance to allow for a 6-foot tall privacy fence approximately 26 feet into the 30-foot front yard setback adjacent to the eastern property line. He noted 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. R.Kirschman presented multiple pictures of the intersection of NW Ash Drive and NW Park Meadows Drive. 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 nor would the fence obstruct the required 30-foot vision clearance triangle at that specific intersection. Staff has received two pieces of correspondence regarding this request, one in favor and the second one sharing their concerns, which include covenants. He commented that the subject property is also unique due to the monument sign for the development being located in the southeast corner of the property and Ashland Ridge Elementary School abutting the subject property to the north. 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.

M.Ott clarified the fence setback from the sidewalk. R.Kirschman confirmed that it would be 5-feet off the sidewalk. K.Tomlinson asked if the Board approved a variance request for the fence on the corner of NW Georgetown and NW Ash Drive. R.Kirschman said he was not aware of one. M.Ott asked if city staff provided criteria for the type of landscaping the homeowner is to place between the fence and the sidewalk. R.Kirschman responded, yes. E.Carstens said there are standards for landscaping on collector streets and staff works with the homeowners for each situation.

Travis Bos noted that the homeowners have agreed to place landscaping in between the fence and the sidewalk.

There was further discussion between the Board and city staff regarding the covenants for Ashland Meadows Plat 2 final plat that the opposing neighbor provided in his letter. J.Baxter informed the Board that he would be abstaining from the vote.

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

M.Ott noted that there were two pieces of correspondence received from neighbors regarding this appeal, one in favor and one in opposition.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by B.Walker. Motion carried 3 – 0 – 1 (Abstain – J.Baxter).

M.Ott said he does not have any concerns as the visibility and landscaping requirement have been addressed. The covenants are the homeowner's risk.

Board Action on Filing #24-11 for property located at 2426 NE Park Meadows Drive

Motion by B.Walker 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 Board's decision 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 K.Tomlinson. Motion carried 3 – 0 – 1 (Abstain – J.Baxter).

REPORTS

There were no reports.

There being no further business, meeting adjourned at 5:32 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

August 20, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

#24-12

Central Iowa Contractor Services

on behalf of Matthew Grgurich

for property located at

2211 NW Abilene Road

Lot 7, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback - 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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 #24-12 Applicant Submittal
 #24-12 Staff Report

#24-12

Applicant is: Property Owner Tenant Other Contractor

Applicant Hoss Kolbehndari - Central Iowa contractor services

Address / Phone # 3212 56th St Des Moines IA 50310 - 515-419-6241

E-mail All Iowa contractor@gmail.com

Property Owner Matthew Grgurich

Address / Phone # 2211 NW Abilene rd Ankeny IA 50023 -

E-mail Matt.Jgrgurich@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 _____ day of _____, 20____

Location (address) of the proposed variance 2211 NW Abilene rd Ankeny, IA 50023

Legal description (Plat & Lot #) Centennial pointe west plat 3 - Lot 7

Zoning R-2 Principal Use of property One-family and two family Residence District

I request a variation from the current zoning requirement for:

Front Yard Side Yard Rear Yard Fence Sign Parking Height
 Other _____

Ankeny Zoning Code Section # _____ which state(s) _____

I would propose the following in lieu of that required: _____

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.

Hoss Kolbehndari [Signature]
Print Name (Signature of Applicant)

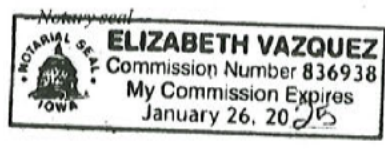
Matthew Grgurich [Signature]
Print Name (Signature of Property Owner)

Signed and sworn to before me, this 2nd day of August, 2024.
[Signature]
(Notary Public)

Office Use Only

Paid <input type="checkbox"/> CC <input checked="" type="checkbox"/> Cash	Check # <u>1115</u>	<u>6130.00</u>
Date received	<u>AUG 02 2024</u>	Filing # <u>24-12</u>
Scheduled Meeting Date	<u>8-20-24</u>	

CITY OF ANKENY



#24-12

To whom it may concern,

I, Matthew Grgurich, at 2211 NW Abilene Road, authorize Hoss Kolbehdari to apply for a zoning variance on my behalf.

This variance is for a covering to our existing deck. The cover will match the same footprint of our current deck.



Signature

8/1/2024
Date

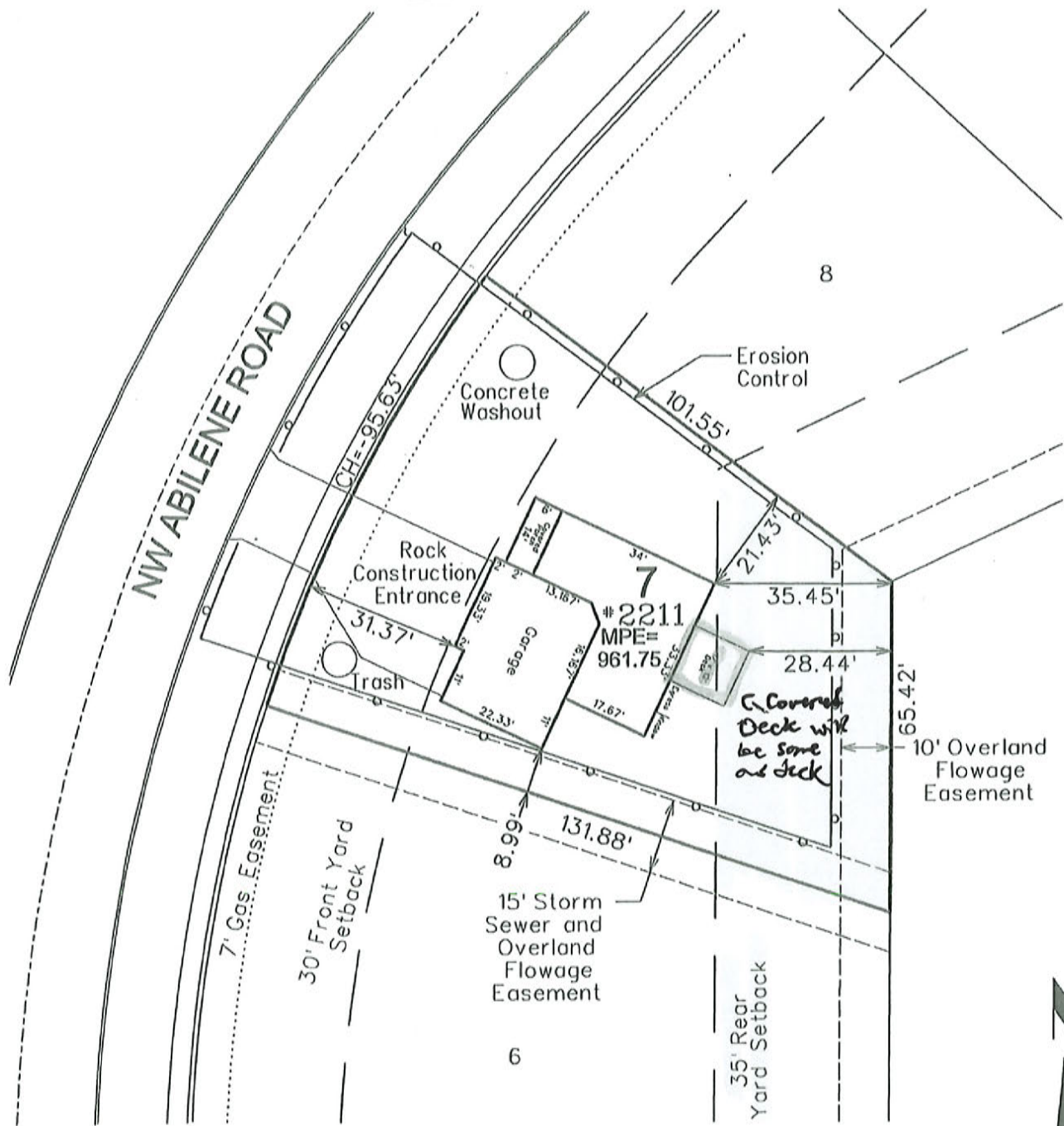
#24-12

2211 NW Abilene Dr Ankeny Iowa Variance Description

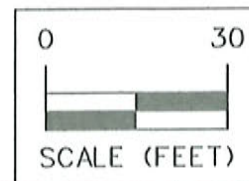
We are requesting a variance to be able to install a 12'x12' deck cover above the existing deck of the home. This cover will have the same footprint as the existing deck. The corner posts will be incorporated into the outside corner of the deck so once again the cover will have the exact same footprint of the existing deck. This cover will be a gable roof with 12' span trusses protruding from the backside of the house. Inside the structure it will be 8' from deck floor to flat ceiling. The total height of the structure to the top of the roof will be 12' tall. The shingles of the structure will be matching the existing structure as with the siding for the gable end. This cover will be seamless with the house. Over half of this structure is beyond the 35' requirement we are only asking for a variance to be able to build this cover to match the existing deck. We are not asking to extend the size by any means only to provide a cover for the existing deck. This cover will be built to modern building standards and will add additional value to the home itself and the area as a whole.

SITE PLAN

#24-12



ZONING: R-2
 MINIMUM REQUIREMENTS:
 FRONT YARD - 30'
 REAR YARD - 35'
 SIDE YARD - 8/17'
 ADDRESS: 2211 NW ABILENE ROAD
 ANKENY, IA
 HOUSE PLAN: STONEHAVEN 2-STORY



CLASSIC BUILDERS

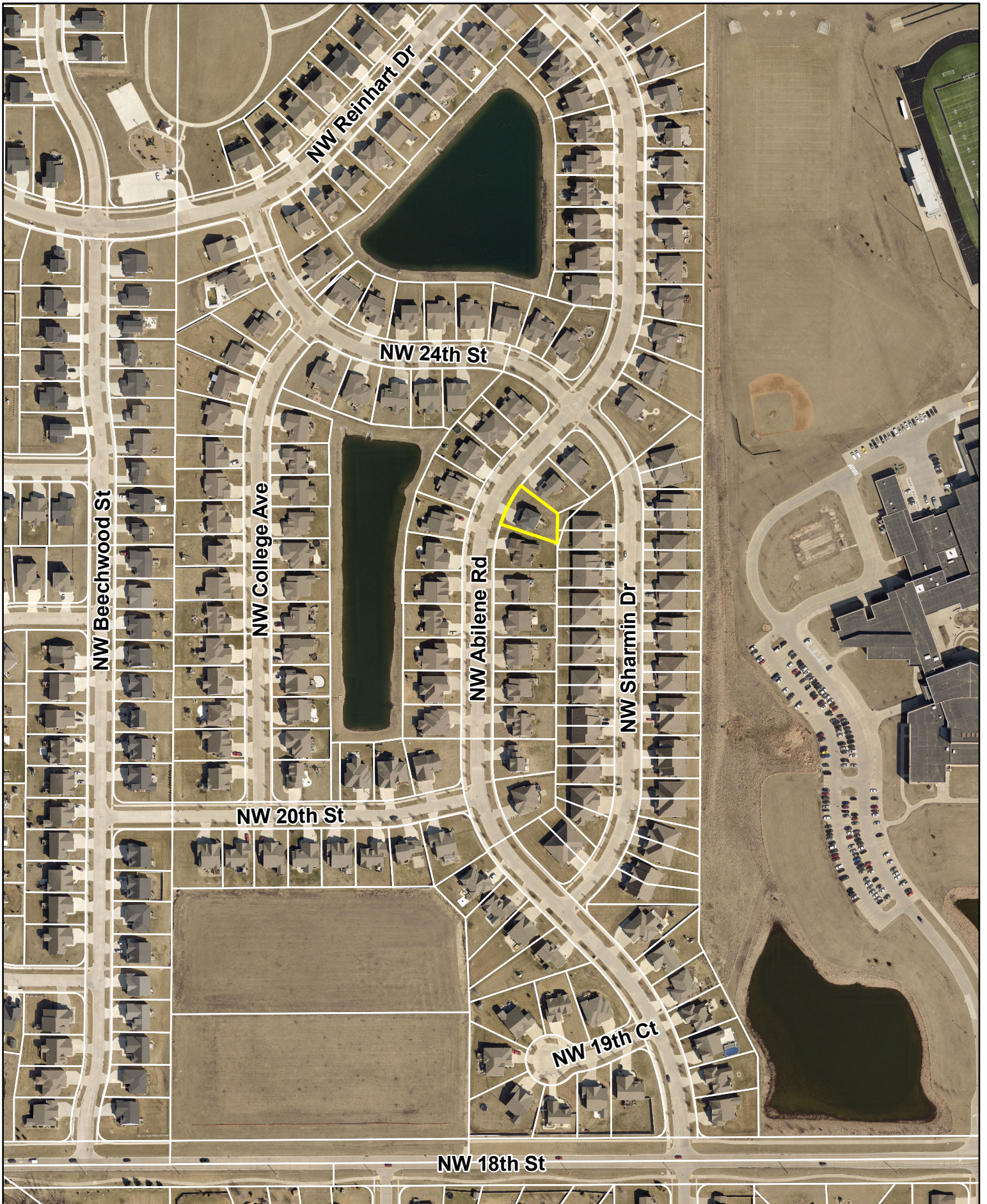
CENTENNIAL POINTE WEST PLAT 3, LOT 7



SNYDER & ASSOCIATES
 Engineers and Planners

2727 S.W. SNYDER BLVD.
 ANKENY, IA 50023 (515) 964-2020

SHEET	1 OF 1
PN:	116.0044
PM:	GAC
DATE:	2-4-15
TECH:	SDB



N



1 inch = 272 feet

Date: 8/7/2024

**2211 NW Abilene Drive
Aerial Map**

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

To: Members of the Zoning Board of Adjustment
From: Laura Hutzell, Associate Planner
Filing #: 24-12
Meeting Date: August 20, 2024 EJC
Address: 2211 NW Abilene Rd

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 covered deck at 2211 NW Abilene Rd.

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 2211 NW Abilene Rd.

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 2211 NW Abilene Road is generally located north of NW 18th Street and west of NW State street situated just west of Ankeny Centennial High School within the NW quadrant of the City. The property is zoned R-2, One and Two-Family Residence District and is situated on Lot 7 of Centennial Pointe West Plat 3.

The applicant is requesting a variance to encroach approximately seven 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 2016 and totals roughly 144 square feet in size (12'x12') and as previously mentioned, extends roughly seven 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-eight-foot rear yard setback would be the resulting setback on the east 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 2211 NW Abilene Rd is generally located north of NW 18th Street and west of NW State street situated just west of Ankeny Centennial High school on Lot 7 of Centennial Pointe West Plat 3. The property is zoned R-2, One 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 zoned R-2, One and Two-Family Residence District and contain single family homes as well. Permit records indicate that the house on the property was constructed in 2016, which included a 12’x12’ deck attached to the rear (east side) of the property 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 July 2024, the applicant on behalf of the property owners, submitted a permit application to City Staff requesting that they cover an existing 12x12' deck on the backside of their home. The proposed cover would not change the footprint of the existing deck, and would consist of a gable roof with a total height of 12' and seamless with the house. 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 to comply with the setback requirements of the Code, as the deck encroaches roughly seven 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 144 square-foot deck projects east towards the rear property line. At its furthest point, the deck extends approximately seven feet into the rear yard setback, leaving twenty-eight feet of open space between the existing deck and the shared property line to the east. 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 lot on the east end is somewhat irregularly shaped. 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 August 6, 2024, which also allowed a covered deck to extend 7 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 28-foot rear yard setback for a covered deck at 2211 NW Abilene Rd. 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.



ZONING BOARD OF ADJUSTMENT

August 20, 2024

5 : 00 PM

Print

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#24-13

Larry and Nadeen Parman

for property located at

2102 NW 31st Street

Lot 27, Centennial Pointe Plat 5

RE: Variance - Rear Yard Setback - Four Seasons Porch

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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 [#24-13 Applicant Submittal](#)

 [#24-13 Staff Report](#)



APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT

#24-13

Applicant is: Property Owner Tenant Other _____

Applicant/owner Larry & Nadeen Parman

Address / Phone # 2102 NW 31st St

E-mail LKP50@yahoo.com

~~Contractor~~
Property Owner MIDWEST CONSTRUCTION

Address / Phone # 1601 South TAFE, Mason City, Ia 50401 515 986-3545

E-mail Troy@MWCINC.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 _____ day of _____, 20____

Location (address) of the proposed variance 2102 NW 31st. st.

Legal description (Plat & Lot #) Central Pointe Plat 5, Lot 27

Zoning _____ Principal Use of property _____

I request a variation from the current zoning requirement for:

- Front Yard Side Yard Rear Yard Fence Sign Parking Height
- Other _____

Ankeny Zoning Code Section # _____ which state(s) _____

I would propose the following in lieu of that required: _____

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 POIK)

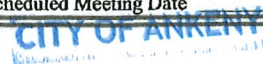
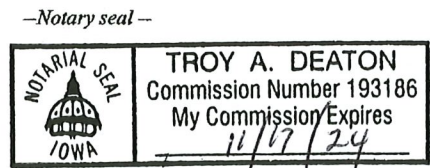
I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Larry Parman
Print Name (Signature of Applicant)

Signed and sworn to before me, this
30 day of July, 2024
Troy A. Deaton
(Notary Public)

LARRY PARMAN
Print Name (Signature of Property Owner)
& Applicant

Office Use Only
Paid CC Cash Check # 4212 \$ 130.00
Date received AUG 02 2024
Filing # 24-13
Scheduled Meeting Date 8-20-24



August 30,2024

#24-13

City of Ankeny Zoning Board

To whom it may concern:

My wife and I are asking for relief to the rear setback for our home, with an approval of variance on rear yard setback. We are wanting to build a 4-season sunroom on the rear of our home for more living space off the main floor. Our dining area is very small and having our family and grandchildren together is very important to us. I have undergone knee surgery and then a broken foot, so doing stairs is now difficult for me. This is why we want the sunroom to be off the main floor of our home. To eliminate us from having to do stairs.

The sunroom would be on our main floor just off the kitchen where our previous deck was. The deck was a 12 x 12 and are asking to build a 16 x 12 sunroom. The room will be heated and cooled, so we will be able to enjoy it year-round.

As you may see from the photos provided, we have an apartment complex to the rear of us with some landscaping trees. The sunroom would not cause a site or viewing issue for rear neighbors. Both neighbors to the east and west along with our association have given their blessings for the new build. (see support letter)

Midwest Construction has been chosen to complete the installation of our room. They have been in business for over 66 years and have a great reputation for their sunrooms.

Again, we are requesting approval for a variance for our rear yard setback.

Thank you for your consideration and assistance.

Kind Regards,

Larry & Nadeen Parman



#2413

Regarding the 16 x 12 proposed sunroom to be built at 2102 NW 31st Street, Ankeny IA

As a neighbor of Larry & Nadeen Parman, we are in favor of the Variance to be approved!

We believe the sunroom will have a positive impact on our neighborhood.

Full Name: Scott R. Stoerckel Date: 7/30/24

Address: 2028 NW 31st St

Full Name: Doug Stoutenberg Date: 7/30/2024

Address: 2106 NW 31st St

Full Name: Rose Frimpong Date: 7/30/2004

Address: 2110 NW 31st street

Full Name: Claire Conlon Date: 7/30/2024

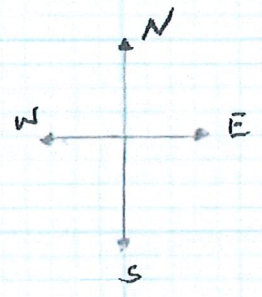
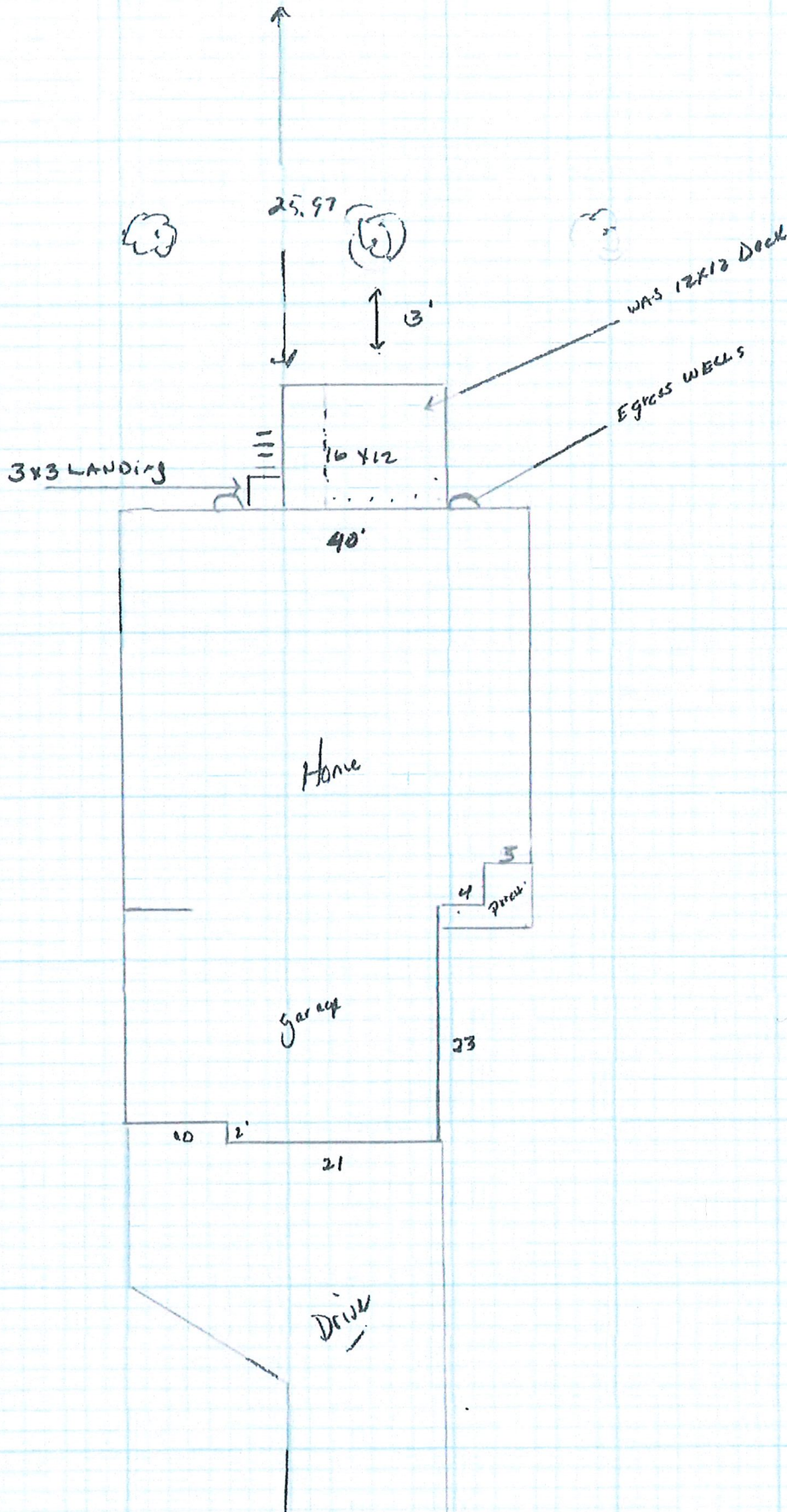
Address: 2101 NW 31st Ankeny IA 50022

Full Name: APARTMENT COMPLEX BEHIND HOME Date: 7/30/24

Address: _____

#24-13

Larry PARMAN
2102 NW 31st St
ANKENY -



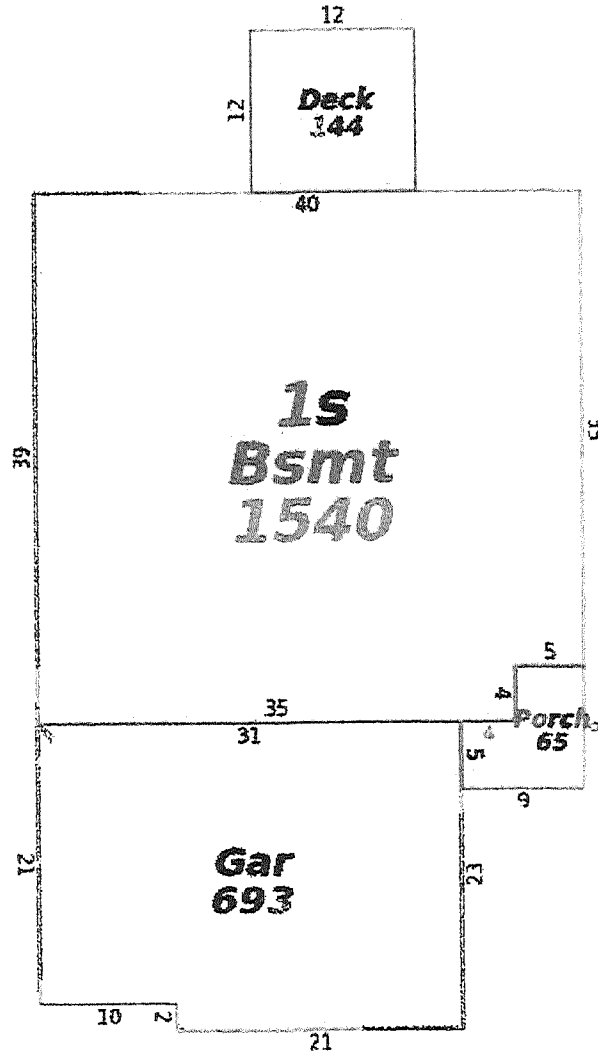
Polk County Assessor

111 Court Avenue #195
Des Moines, IA 50309-0904

#24-13
(515) 286-3014 Fax (515) 286-3386
polkweb@assess.co.polk.ia.us

Larry Parman

Sketch 181/06500-027-000 - residence 1



Existing layout

Sketch Vector

L1B:SU39R40D35L5D4L35/W:U39R16SU12R12/P:R31SD5R9U9L5D4L4/G:SD21R10D2R21U23L31Z

#24-13



From home looking North rear yard view

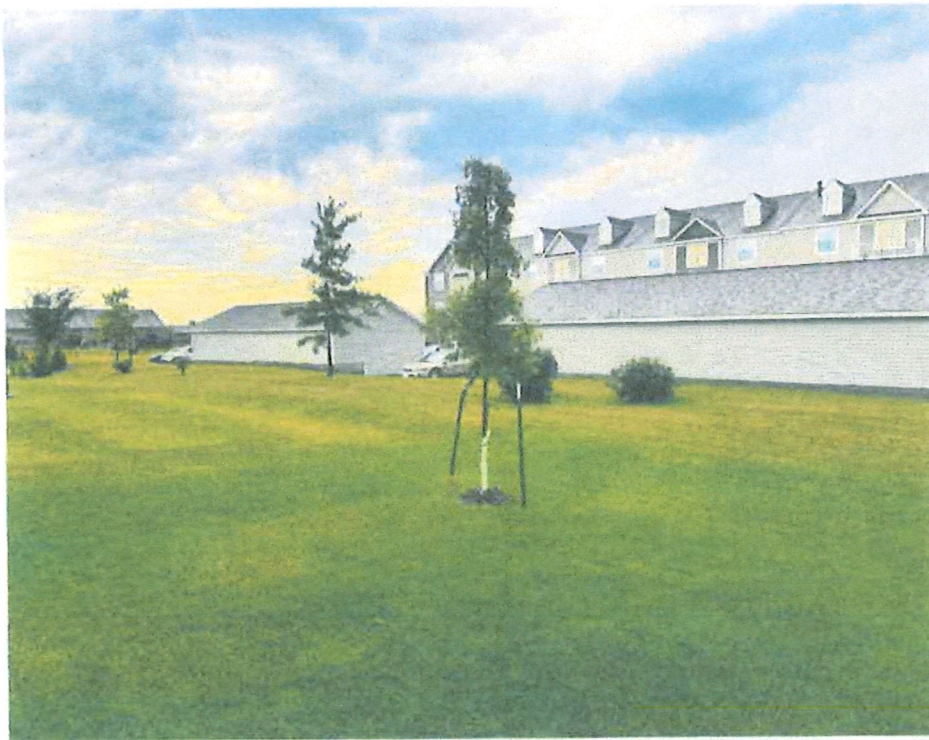


East view, Neighbor approves

#24-13



West view, Neighbor approves



Northwest rear view

#24-13



Rear yard view of natural tree line between rear yard and proposed sunroom



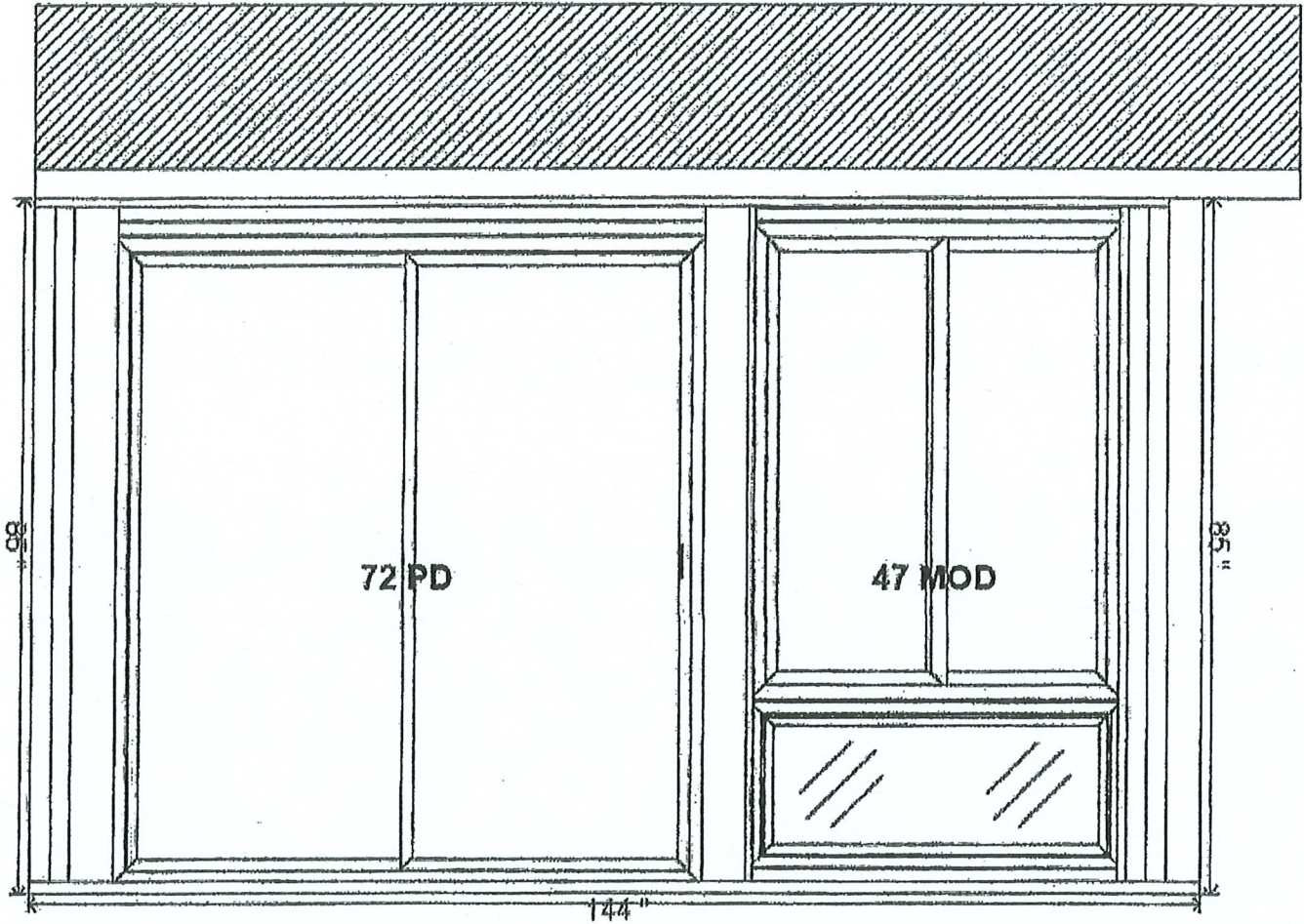
Northeast view rear

#24-13

CONTACT INFORMATION

ORDER: 202404606
LINE ITEM: 2
DATE: 6/5/2024

Left Wall

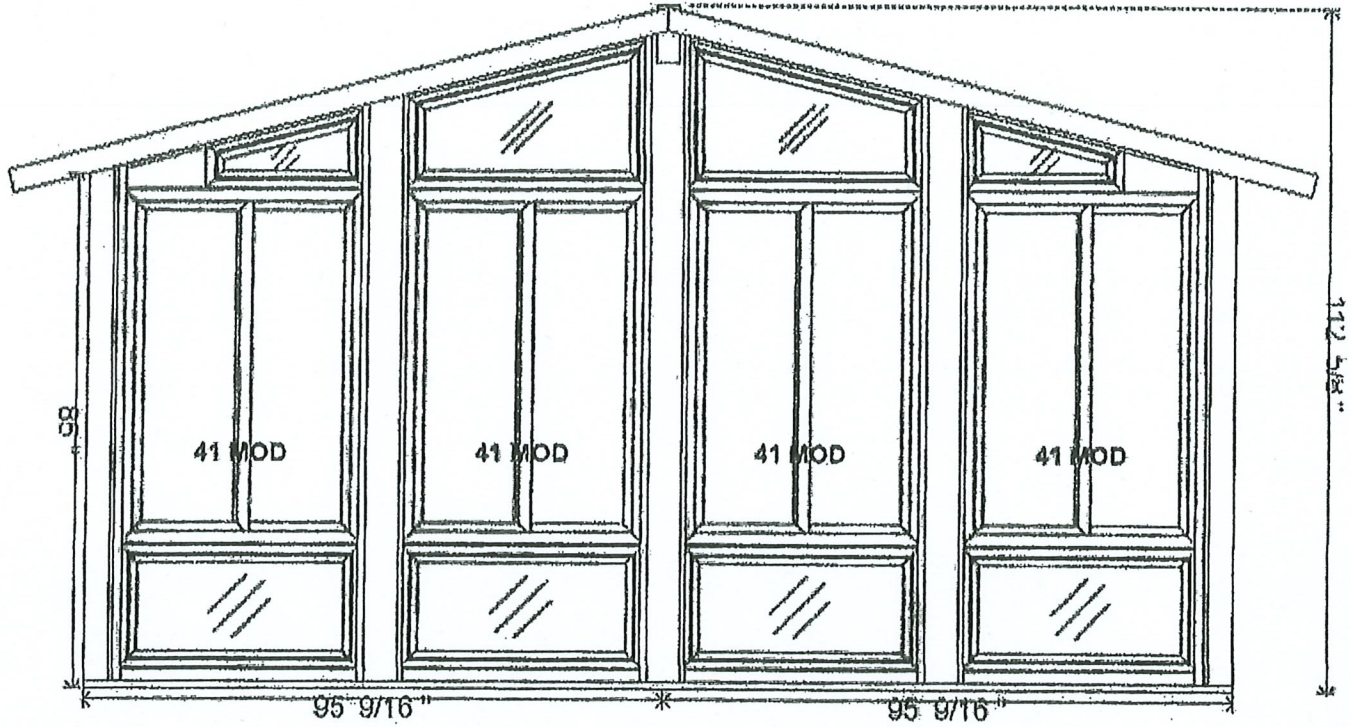


#2413

CONTACT INFORMATION

ORDER: 202404606
LINE ITEM: 2
DATE: 6/5/2024

Front Wall

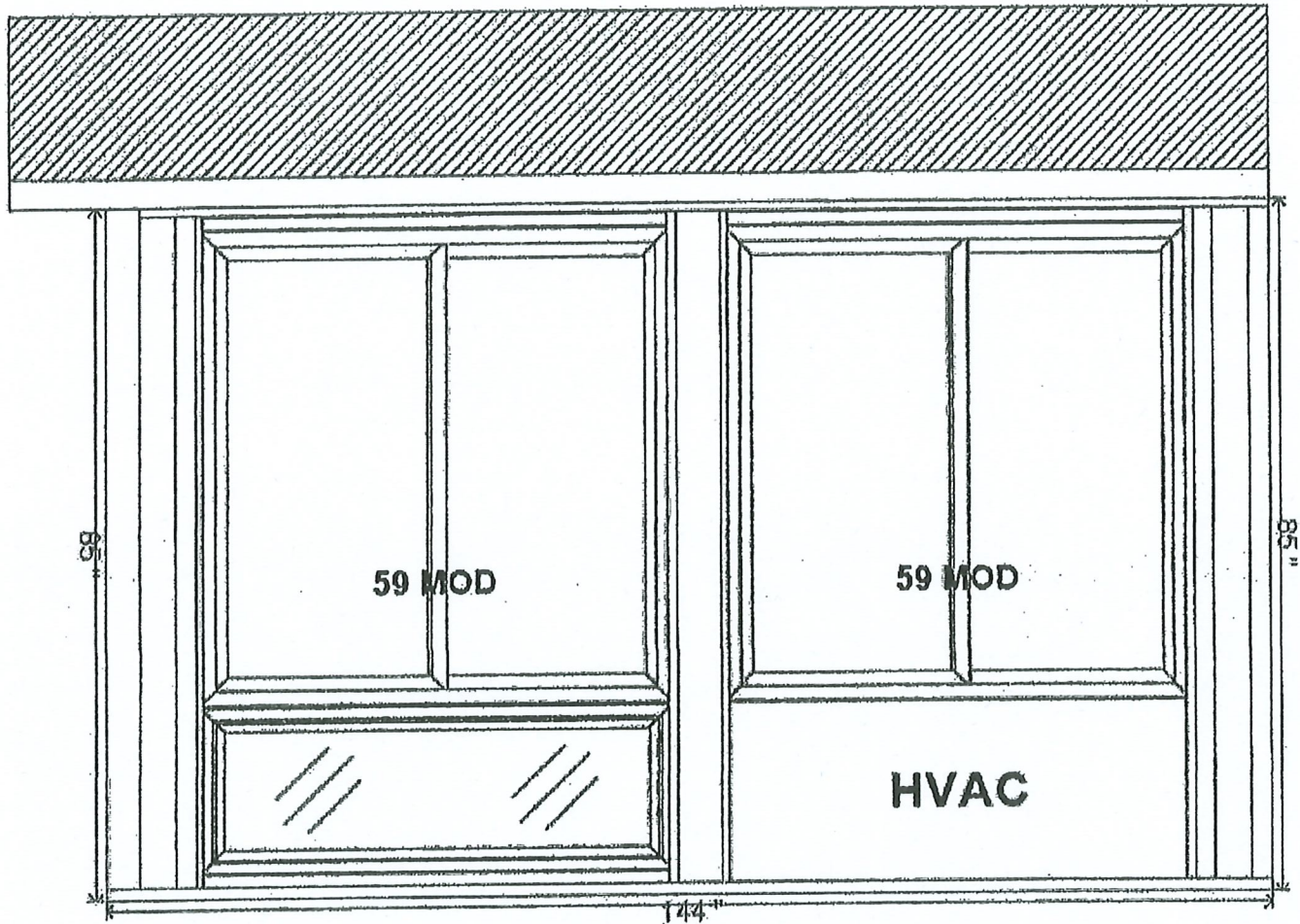


#24-13

CONTACT INFORMATION

ORDER: 202404606
LINE ITEM: 2
DATE: 6/5/2024

Right Wall

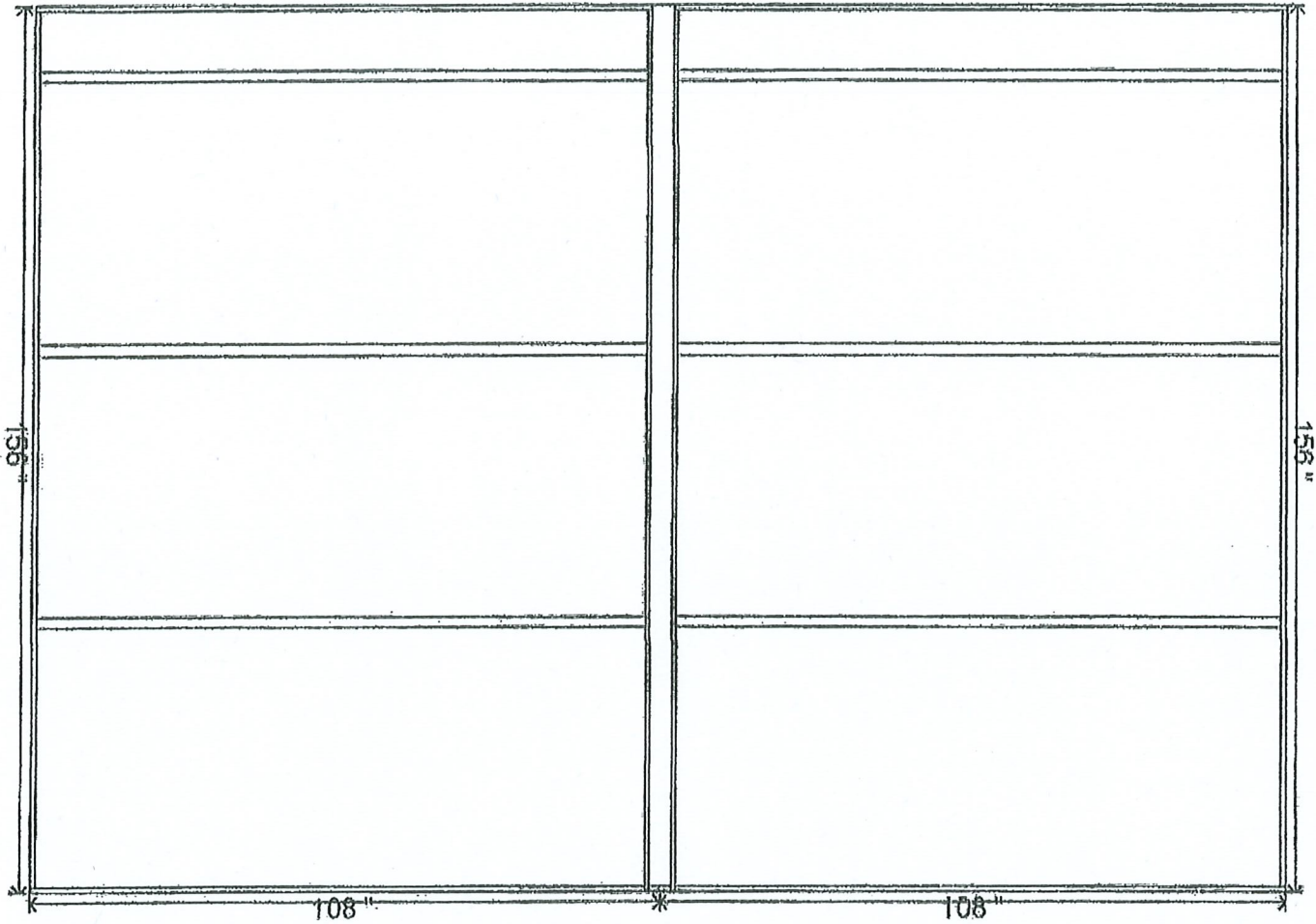


#24-13

CONTACT INFORMATION

ORDER: 202404606
LINE ITEM: 2
DATE: 6/5/2024

Roof

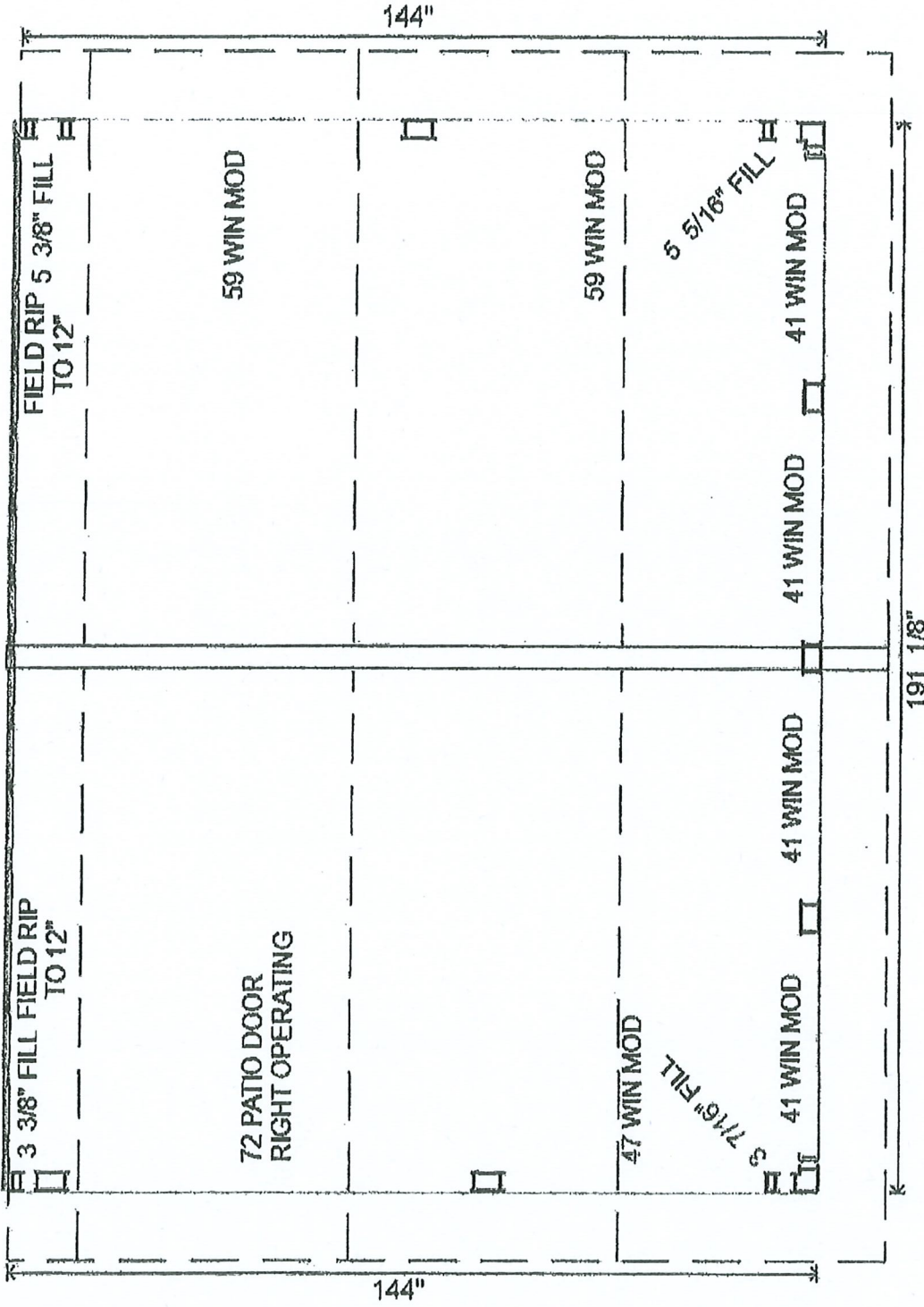


#24-13

CONTACT INFORMATION

ORDER: 202404606
LINE ITEM: 2
DATE: 6/5/2024

Floor Plan



**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 #: 24-13
Meeting Date: August 14, 2024 EJC
Address: 2102 NW 31st Street

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 25-foot rear yard setback for a four seasons porch at 2102 NW 31st Street.

STAFF POSITION

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 four seasons porch at 2102 NW 31st 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 2102 NW 31st Street is situated on Lot 27, Centennial Pointe Plat 5 and is generally located north of NW 31st Street and east of NW Abilene Road. The subject property is zoned PUD, Planned Unit Development and the surrounding properties to the north, east and west are similarly zoned, while properties to the south are zoned R-3, Multiple-Family Residence District with restrictions. Centennial Pointe Plat 5 was platted in 2014, and the principle structure was then constructed in 2018.

The applicant is requesting a variance to encroach approximately 10 feet into the 35-foot rear yard setback, to replace the existing deck with a four seasons porch attached to the rear of the home. The covered deck the applicant is requesting to replace was originally constructed with the house. The deck totals 144 square feet in size (12'x12') and as previously mentioned, extends 10 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 25-foot rear yard setback would be the resulting setback on the north 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 2102 NW 31st Street is situated on Centennial Pointe Plat 5 and is generally located north of NW 31st Street and east of NW Abilene Road. The subject property is zoned PUD, Planned Unit, with properties to the north east and west are similarly zoned, while properties to the south are zoned R-3, Multiple-Family Residence District with restrictions. The property is approximately 0.19 (+/-) acres and contains a single-family home with a deck attached to the rear of the property.

In July 2024, an applicant on behalf of the property owners, submitted a permit application to City Staff requesting to replace the existing 12'x12' deck and build a new 16'x12' four seasons porch. After reviewing the application, staff informed the applicant that the four seasons 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 10 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 north towards the rear property line. At its furthest point, the porch extends approximately 10 feet into the rear yard setback, leaving 25 feet of open space between the covered deck and the shared property line to the north. Staff is not overly concerned with the applicant constructing a four seasons porch, primarily because the structure will be staying in its current location, and is minimally expanded upon. The new four seasons porch will be expanded to the east and west and not any further into the rear yard setback. 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 August 2024, which allowed a covered deck to extend 7 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, signatures of support from a few of the neighboring properties were part of the applicant's original submittal.

The staff 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 four seasons porch at 2102 NW 31st 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.



ZONING BOARD OF ADJUSTMENT

August 20, 2024

5 : 00 PM



ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

#15-14 Benchwarmers, 705 S 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 # 15-14

Originally approved May 19, 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: BRE Group, LLC (New Legal Entity)
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Benchwarmers

Address of Premise: 705 S. 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 (checkboxes)

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 (checkboxes)

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.

DocuSigned by: Eric Laclair
Signature

8/13/2024
Date

BRE Group, LLC - D. Eric LaClair
Name of Applicant (printed)

ADMINISTRATIVELY
APPROVED
8/14/24 EJC