

**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