

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

**CALL TO ORDER**

Chair Matt Ott called the August 20, 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, J.Heil, B.Morrissey, R.Kirschman, and B.Fuglsang.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**MINUTES OF THE AUGUST 6, 2024 REGULAR MEETING**

Motion by J.Baxter to approve the meeting minutes as submitted. Second by K.Tomlinson. Motion carried 4 – 0.

**COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

**BUSINESS ITEMS**

**PUBLIC HEARINGS:**

**#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**

Chair M.Ott opened the public hearing.

Hoss Kolbehdari, Central Iowa Contractor Services, 3212 56<sup>th</sup> Street, Des Moines, Iowa on behalf of Matthew Grgurich at 2211 NW Abilene Road said the request is for a variance to place a cover over the deck.

J.Baxter asked if it was over the current footprint of the existing deck. Hoss Kolbehdari responded, yes.

L.Hutzell 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 covered deck at 2211 NW Abilene Road. She stated that the subject property is generally located north of NW 18th Street and west of NW State Street and is zoned R-2, One and Two-Family Residence District. L.Hutzell said 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 12x12' deck that is attached to the rear of their home. 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. She noted that 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. L.Hutzell said that 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 and the lot on the east end is somewhat irregularly shaped. 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.

J.Baxter asked if the covered deck on the house to the south of the subject property was located in the setback. L.Hutzell said that it appears it could be, but was uncertain whether the cover on the deck was built with the house or built later.

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 K.Tomlinson. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

**Board Action on Filing #24-12 for property located at 2211 NW Abilene Road**

Motion by M.Ott 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. The Board'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. Second by B.Walker. Motion carried 4 – 0.

**#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**

Chair M.Ott opened the public hearing.

Troy Deaton, Midwest Construction, 1601 South Taft Avenue, Mason City, Iowa on behalf of Larry Parman, 2102 NW 31<sup>st</sup> Street, Ankeny said that they are requesting a 25-foot setback to construct an all seasons sunroom, which will be heated and cooled. He stated that this is to maintain additional space on the main floor as they have experienced some medical issues that makes getting downstairs not much of an option anymore. This sunroom will provide them more living space on the main floor of their home. Troy Deaton said in their application they did provide approvals from their adjacent neighbors, neighbors from across the street and approval from their Association. He noted that directly behind the home is an apartment complex.

There were no questions from the Board.

J.Heil reported that the applicant is requesting 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. J.Heil stated the subject property is situated on Lot 27, Centennial Pointe Plat 5 and is generally located north of NW 31st Street and east of NW Abilene Road and is zoned PUD, Planned Unit Development. He noted that 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. J.Heil said that the applicant is requesting a variance to encroach approximately 10 feet into the 35-foot rear yard setback, to replace the existing 12x12' deck with a 16x12' four seasons porch attached to the rear of the home. 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. He noted that 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. J.Heil stated that 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 will be minimally expanded to the east and west and not any further into the rear yard setback. 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.

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. Motion carried 4 – 0.

The Board had no concerns.

**Board Action on Filing #24-13 for property located at 2102 NW 31<sup>st</sup> Street**

Motion by J.Baxter 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. The Board'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. Second by K.Tomlinson. Motion carried 4 – 0.

**REPORTS**

Renewed Special Use Permits  
#15-14 Benchwarmers, 705 S Ankeny Blvd.

There being no further business, meeting adjourned at 5:17 p.m.



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment