

Meeting Minutes
Zoning Board of Adjustment
Tuesday, February 4, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the February 4, 2025 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

Chair Matt Ott read the Zoning Board of Adjustment Opening Statement.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE DECEMBER 17, 2024 REGULAR MEETING

Motion by N.Sungren to approve the meeting minutes as submitted. Second by M.Ott. Motion carried 3 – 0 – 1 (Abstain: E.Strom).

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#25-01

Stubbs Engineering
on behalf of Bill Kimberley
for property located at
2834 NW 29th Street
Lot 40, Centennial Estates Plat 2
RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

The applicant, Stubbs Engineering, was not in attendance to represent Bill Kimberley.

R.Kirschman 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 31-foot rear yard setback for a proposed single-family dwelling. He stated that the subject property is located at 2834 NW 29th Street, east of NW Irvinedale Drive and south of NW 36th Street in the northwest quadrant of Ankeny. The property is zoned R-3, Multiple-Family Residence District restricted to one and two-family residences, and is situated on Lot 40 Centennial Estates Plat 2. He explained that the subject property is located with frontage on a corner "knuckle", which reduces the depth of the lot. The east property line has a depth of only 98.63 feet, while standard lots to the east have lot depths of 130 feet. He noted that the property backs to a private street so there would be very little impact on the homes to the north. Staff recommends that the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 31-foot rear yard setback for a proposed single-family dwelling. The staff position is based on a determination that the decreased rear yard setback from the proposed single-family dwelling 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 confirmed that the properties to the north are all individually owned and each property would have received the notice of the request from the City. R.Kirschman responded, yes. M.Ott also confirmed that the properties are not all the same owner. Staff responded, correct.

N.Sungren asked if there are any concerns that in a year or two, the applicant/owner will come back to the Board for an additional rear yard setback variance for the patio/deck to be covered. R.Kirschman said the applicant did not share that as part of their plan. Staff is currently working with the builder instead of an individual property owner, so staff can not guarantee that there will not be a future request.

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

Motion by M.Ott to close the public hearing, receive and file documents. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

M.Ott commented that it was noted that the homes behind the property were notified of the request. He feels that the motion, if the Board would approve it, should include details relating to the shape of the lot.

Board Action on Filing #25-01 for property located at 2834 NW 29th 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 31-foot rear yard setback for a proposed single-family dwelling. The Board's position is based on a determination that:

1. The decreased rear yard setback from the proposed single-family dwelling would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values;
2. The property was acquired in good faith;
3. Due to the exceptional shallowness of the lot caused by the knuckle, the literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship to the owner of this lot; and
4. This request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

Second by M.Ott. Motion carried 4 – 0.

Chair M.Ott stated that any person desiring to appeal this decision to a court of record may do so within 30 days after the filing of this decision.

NEW BUSINESS

Chair M.Ott noted that Board member Eric Strom was given the Oath of Office prior to the meeting.

Nomination of Chair and Vice Chair

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

The Zoning Board of Adjustment 2024 Annual Report was provided to the Board.

REPORTS

Renewed Special Use Permits
#23-01 Dough Co. Pizza, 2405 SW White Birch Drive, Ste. 100

ADJOURNMENT

Request for Closed Session under Code Section 21.5.1(c)

Motion by J. Baxter to go into Closed Session, pursuant to the provisions of Iowa Code Section 21.5.1, subparagraph (c) "To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." Second by M.Ott. All voted aye. Motion carried 4 – 0.

Chair Matt Ott, Vice Chair Jeff Baxter, Board Members Nichole Sungren and Eric Strom went into closed session with Attorney Tom Henderson, Attorney Megan Happe and Attorney Patrick Burk at 5:17 p.m. and returned to the Council Chambers at 5:34 p.m.

Motion by M.Ott to close the Closed Session and reopen the public meeting. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

There being no further business, motion was made by M.Ott to adjourn the meeting. Second by J.Baxter. All voted aye. Motion carried 4 – 0. Meeting adjourned at 5:35 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment