

Meeting Minutes
Zoning Board of Adjustment
Tuesday, May 20, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the May 20, 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 FEBRUARY 4, 2025 REGULAR MEETING

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

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#25-02

Stephanie Nguyen & David Xu

for property located at

1802 NE Trilein Drive

Lot 1, Northbrook Plat 1

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

M.Ott state that the applicant had not yet arrived and requested that staff move forward in providing their report to the Board.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.03(3)(E) requiring a 35-foot rear yard setback in R-1. The subject property is located at 1802 NE Trilein Drive, east of N Ankeny Boulevard and north of NE 18th Street in the northeast quadrant of Ankeny and is zoned R-1, One-Family Residence District. He shared that the surrounding properties are similarly zoned R-1 but commented that the property is somewhat shallow when compared to the neighboring properties. He commented that there is a constraint to the literal enforcement of the Ankeny Municipal Code with the setback due to this property not having the depth like the surrounding properties. R.Kirschman stated that the home on the subject property was constructed in 1994 and it is unknown when the deck was originally constructed due to the previous owner building it without a permit. The current home owner has since rectified this and received the approved permit for the deck. R.Kirschman said that the homeowner is requesting to attach a pergola to their existing deck, which would encroach 3 feet into the rear yard setback resulting in a covered deck and the need for a variance. He said their intention was to provide more shade in the area since they lost some of the tree cover that was previously on the property. He stated that all property owners within 250' of the subject property were notified of the proposed Variances by mail, and to date, staff has not received any correspondence in support or against the proposed Variance. Staff recommends the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 32-foot rear yard setback to attach a pergola to an existing deck resulting in a covered deck. The staff 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.

M.Ott asked if there is any differentiation between attaching the pergola to the main structure and the pergola being free standing. R.Kirschman responded that it is determined by how close the pergola is located to the principal structure on the property, which creates the need for the variance.

J.Baxter confirmed that if it was in the back yard it wouldn't be an issue but because it is on the deck it becomes an issue. E.Jensen responded, yes. He further stated the building division made the determination that due to its proximity to the main structure, it is technically considered attached. It is actually attached to the deck, which is attached to the house. If it were free standing in the backyard it would just be another accessory structure that would only need to be 3-foot from the principal structure.

Stephanie Nguyen, 1802 NE Trilein Drive, apologized for being late. She said she moved into the home about 3 to 4 years ago. She was looking at different sized gazebos and purchased a 10' x 14' gazebo from Sam's Club. When she went to apply for the permit, city staff shared that adding the gazebo to the deck would place the gazebo 2'8" into the rear yard setback. She is asking the Board for the 3-foot variance so they can attach the gazebo to her deck.

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 he has no concerns on the request. If the pergola was out further into the yard, free standing, there would be no need for a variance. He also noted that there was no opposition from any surrounding homeowners.

J.Baxter agreed. He does not have any concerns with the request. He additionally noted with the unique nature of the lot being extremely narrow makes this a little more important to the property owner to utilize it the way she wants.

Board Action on Filing #25-02 for property located at 1802 NE Trilein Drive

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 32-foot rear yard setback to attach a pergola on an existing deck, resulting in a covered deck. 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 due to the exceptional narrowness and shallowness of the lot compared to surrounding properties. Second by N.Sungren. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits

#15-19 Hy-Vee Market Cafe, 410 N Ankeny Boulevard

#21-13(2022) Fiesta Jalapeno Mexican Restaurant, 1975 N Ankeny Boulevard, Unit 113

ADJOURNMENT

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 5:16 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment