

Meeting Minutes
Zoning Board of Adjustment
Tuesday, July 22, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the July 22, 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. Absent: Eric Strom and Brett Walker. Staff: E.Jensen, E.Carstens, J.Heil, L.Hutzell, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JUNE 3, 2025 REGULAR MEETING

Motion by J.Baxter to approve the meeting minutes as submitted. Second by N.Sungren. All voted aye. Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#25-04

Phillip and Linda Rogers

for property located at

801 NW 22nd Street

Lot 37, Ashland Meadows Plat 2

RE: Variance - Rear Yard Setback - Sunroom

Chair M.Ott opened the public hearing.

Matt Kloberdanz, Midwest Construction and Supply, Inc., on behalf of Phillip and Linda Rogers, 801 NW 22nd Street, Ankeny stated that their request is for a variance, which would provide for an additional 2-feet into the 35' rear yard setback for an all seasons sunroom. He said that this will take the place of their existing 13'x16' deck, which currently has a pergola on it.

J.Baxter confirmed that the sunroom will be entirely within the footprint of the existing deck. Matt Kloberdanz responded, yes.

There were no further questions from the Board.

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 33-foot rear yard setback for a proposed sunroom. She said that the subject property is located at 801 NW 22nd Street, west of NW Ash Drive, and south of NW Park Meadows Drive in the northwest quadrant of Ankeny and is zoned PUD, Planned Unit Development. Surrounding property to the north, west and south is also zoned PUD, while property to the east, across NW Ash Drive is zoned R-2, One-Family and Two-Family Residence District. L.Hutzell stated that it is assumed that the existing deck was originally constructed with the home as it was present when the applicant purchased the home in 2018. She noted that the lot is heavily landscaped, which shields the sunroom from view on all three sides. She explained that the applicant is requesting to tear down the existing deck and construct a 12'x12' enclosed sunroom with a 4'x6' landing in place of the deck. Per the current Ankeny Municipal Code Section 192.03(3)(E) the property must have a 35-foot rear yard setback. L.Hutzell noted that staff is currently working on a zoning code update, this includes an update to the requirements, which would allow enclosed or covered decks, porches, sunrooms and building additions, which project not more than 12 feet into the required rear yard and provided they are not more than 20 feet in width. If this code update is approved, this addition would be allowed without a variance. L.Hutzell stated that City staff's analysis of the proposed Variance with the adopted criteria necessary for approving any Variance request is as follows: 1) The applicant owns the subject property. The existing conditions of the lot were in place at the time that the applicant acquired the property; 2) The subject property is on the corner of NW 22nd Street and NW Ash Drive. This property is considered shallow compared to other corner lots; 3) The subject property is somewhat shallow when compared to neighboring properties given this is a corner lot. It's also important to note, the proposed amendment to the zoning code, if approved, would allow this addition without the need of a variance; and 4) The property has trees along the south, east and west property lines, effectively screening the property and proposed sunroom from NW Ash Drive and the neighboring properties. This would minimize any potential impact on the neighboring properties. Staff recommends the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 33-foot rear yard setback to construct a 12x12 sunroom to replace the existing uncovered deck. The staff position is based on a determination that the decreased rear yard setback from the resulting sunroom 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, receive and file documents. Second by J.Baxter. All voted aye. Motion carried 3 – 0.

The Board had no concerns with the request.

Board Action on Filing #25-04 for property located at 801 NW 22nd Street

Motion by J.Baxter that the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 33-foot rear yard setback to construct a 12x12 sunroom to replace the existing uncovered deck. The Board's position is based on a determination that the decreased rear yard setback from the resulting sunroom 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. Municipal Code. Second by N.Sungren. All voted aye. Motion carried 3 – 0.

#25-05

Arthur C. Rice Jr.

for property located at

1328 SW 37th Street

Lot 13, Somersby West Plat 1

RE: Variance - Front Yard Setback - Fence

Chair M.Ott opened the public hearing.

Arthur C. Rice, 1328 SW 37th Street, Ankeny stated he has a unique situation where his fence is encroaching on the city's property and is asking for a variance to allow him to place his privacy fence in the front side yard since his lot is a corner lot. Arthur Rice said he is asking for the fence to be 15-feet off the property line in the side yard. He also asked for direction on how he could keep his current fence in place, but is unsure how to ask for that. Arthur Rice said he and his neighbor have used the property for as long as they have lived in their homes, which has been 17 years. They believed it to be their property and recently found out that it is not. They would like to know how they go about purchasing the property.

M.Ott said once city staff present their findings, it will provide the Board with more information on the situation. J.Baxter stated that the Board probably can not approve any type of encroachment approval as they would not have jurisdiction over that request.

M.Ott said that purchasing the property is something he would need to discuss with the city at another time.

J.Baxter clarified with Mr. Rice the exact location of where he is intending to place his privacy fence.

There were no further questions from the Board.

R.Kirschman reported 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 a 6-foot tall, wood, privacy fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southwest property line adjacent to SW Westview Drive. He stated that the subject property is located at 1328 SW 37th Street, south of SW Oralabor Road, east of SW State Street, and west of S Ankeny Boulevard and the property is zoned R-3, Multiple-Family Residence District. He shared that the site is a total of .244 acres and is a corner lot with two front yards facing to the southwest and the southeast. R.Kirschman stated that in July of 2024, it came to staff's attention that the existing privacy fence on the property was constructed beyond the rear property line and into the right-of-way and the property owner was notified that they would need to remove the portions of the fence that were in the right-of-way, prompting this variance request. He explained that the applicant has requested a variance to allow a 6-foot tall, wood, privacy fence to be installed approximately 15 feet into the 30-foot front yard setback along SW Westview Drive. He noted that the proposed fence would extend off the middle of the house, just north of the porch in the front of the residence and shared that

extending the fence to be in line with the middle of the home will not restrict visibility or violate the required 30-foot vision triangle. R.Kirschman shared that staff is currently working on a zoning code update, which includes an update to the requirements for fences over 48-inches in the front side yard of corner lots. The new code would reduce the front side yard setback for fences over 48-inches to 15 feet. City staff's analysis of the proposed Variance with the adopted criteria necessary for approving any Variance request is as follows: 1) The applicant owns the subject property. The existing conditions of the lot were in place at the time that the applicant acquired the property; 2) The subject property is on a corner lot with frontage on SW Westview Drive and SW 37th Street, which results in the property having two front yards; 3) This home being on a corner lot, subjects it to two front yards, meaning a large portion of the backyard is considered a front yard; and 4) In the proposed location, the fence would have minimal to no impact on neighboring properties and would not impair visibility in the area. R.Kirschman noted, if the zoning code update is passed and approved, the proposed fence would be allowed without a variance. Staff recommends the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall wood privacy fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southwest property line adjacent to SW Westview Drive at 1328 SW 37th Street. 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.

Justin Woods, 1324 SW 37th Street, Ankeny said he lives right next door to Mr. Rice and is in support of the variance 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 3 – 0.

J.Baxter commented that he does not have any concerns with the requested variance. He said with those types of sight lines, it is not going to affect the visibility. N.Sungren shared that she does not have any issues with the request. M.Ott said for consistency, he would like to include installing and maintaining a landscape buffer between the fence and the sidewalk.

J.Baxter informed Mr. Rice that the Board has generally required in the past when they have these types of variance requests, that the homeowner place plantings in between the fence and sidewalk to break up the fence, which would need city staff's approval. J.Baxter confirmed with the applicant that he would be open to the stipulation? Mr. Rice responded, yes.

Board Action on Filing #25-05 for property located at 1328 SW 37th Street

Motion by M.Ott that the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 191.14(2) to allow a 6-foot tall wood privacy fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southwest property line adjacent to SW Westview Drive at 1328 SW 37th Street, subject to the applicant working with city staff to install and maintain an adequate landscape buffer at the city's discretion. The Board's position is based on a determination that the decreased front yard setback from the 6-foot privacy 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 N.Sungren. All voted aye. Motion carried 3 – 0.

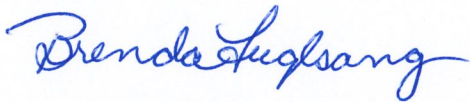
REPORTS

Renewed Special Use Permits

#18-04 (2019) Who's on First, 810 E. 1st Street

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 3 – 0. Meeting adjourned at 5:43 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment