



ZONING BOARD OF ADJUSTMENT

Meeting Agenda
Tuesday, August 5, 2025
5:00 PM

City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

Zoning Board of Adjustment regular meetings are held at 5:00 p.m. on the first and third Tuesday of each month, following the Monday City Council meetings. All Board of Adjustment meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing.

CALL TO ORDER

A. ROLL CALL:

B. AMENDMENTS TO AGENDA:

C. MINUTES:

Minutes of the July 22, 2025 regular meeting.

D. COMMUNICATIONS:

E. PUBLIC HEARINGS:

Public Hearings are held during the Zoning Board of Adjustment's regular meetings. Those who wish to speak will be requested to step forward to the podium and must state their name and address. The order of the hearing shall be as follows: 1). The applicant's or appellant's presentation of the case; 2). The City staff position; 3). Any interested property owner's opinions; 4). The applicant's rebuttal. At the conclusion of all public testimony on a subject, the Board closes the public hearing. After the hearing, the Board shall deliberate the case. The applicant or appellant may withdraw his or her application or appeal at any time prior to the decision by the Zoning Board of Adjustment.

#25-06

Lonnie Norgaard

for property located at

1009 NE 25th Court

Lot 11, Nicholas Heights

RE: Variance - Side Yard Setback

#25-07
Bonfire Restaurant & Bar, LLC
for property located at
410 S Ankeny Blvd.
Lt 1, Elview Place
RE: Special Use Permit

F. ADJOURNMENT:

Motion to adjourn the meeting.



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 5, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Minutes of the July 22, 2025 regular meeting.

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. ZBOA Minutes 2025-07-22

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 Klobberdanz, 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 Klobberdanz 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.

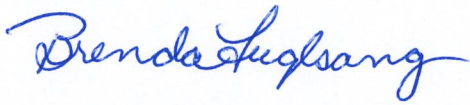
REPORTS

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



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 5, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#25-06
Lonnie Norgaard
for property located at
1009 NE 25th Court
Lot 11, Nicholas Heights
RE: Variance - Side Yard Setback

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
LEGAL

EXECUTIVE SUMMARY

See attached staff report.

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

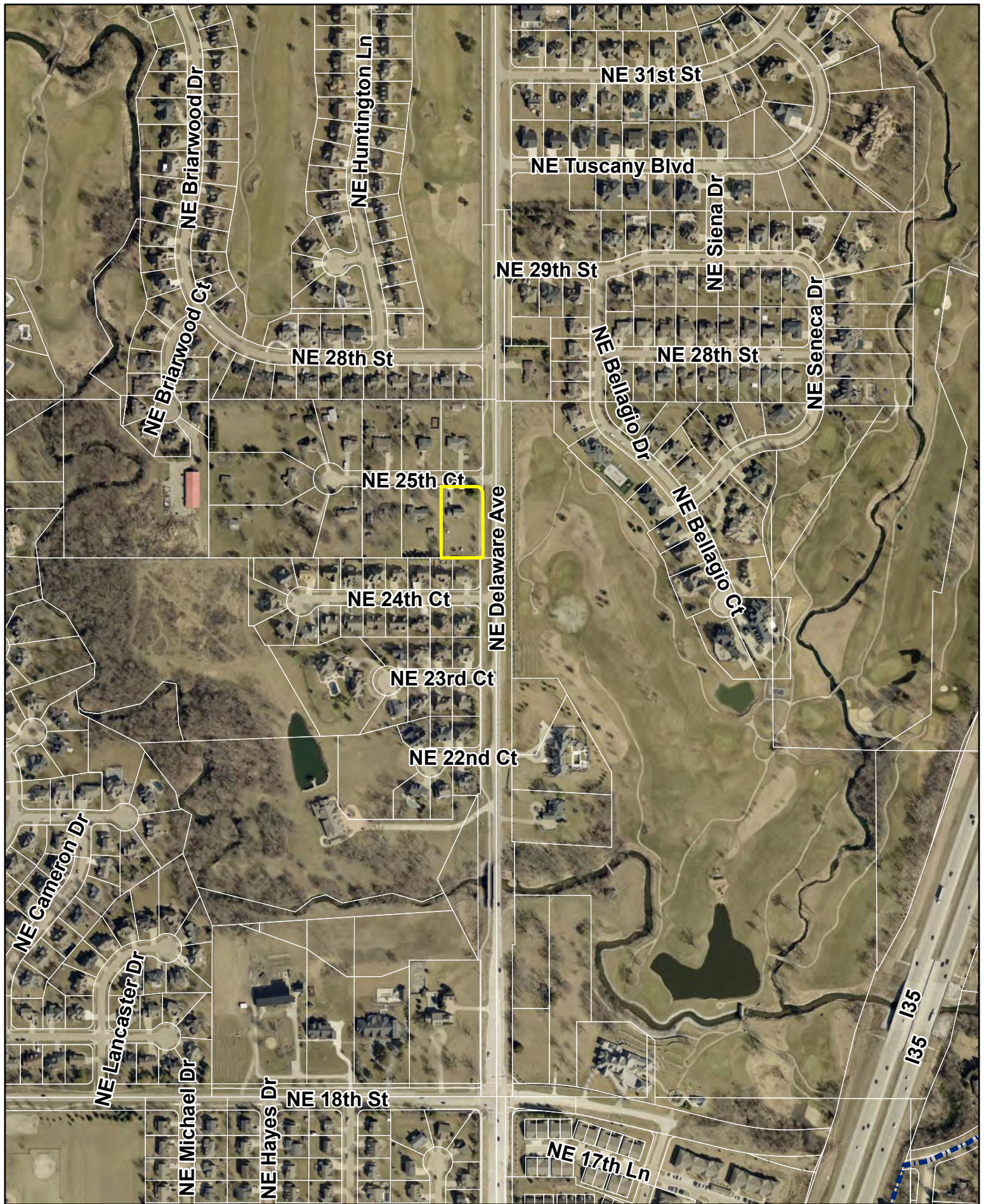
FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #25-06 Applicant Submittal
2. Aerial Map
3. #25-06 Staff Report



**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Ryan Kirschman, AICP, Planner I
Filing #: 25-06
Meeting Date: August 5, 2025 *ESC*
Address: 1009 NE 25th Court

APPELLANT REQUEST

A Variance to Ankeny Municipal Code Section 192.03(3)(D) that requires Side Yards: Total side yard – 20 feet; Minimum on one side – 10 feet, allowing an 8-foot side yard setback to construct an addition to the existing garage.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.03(3)(D) to allow an 8-foot side yard setback for the construction of an addition to the existing garage.

The staff position is based on a determination that the decreased side yard setback from the garage addition 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.

PROJECT SUMMARY

The subject property is located at 1009 NE 25th Court, west of NE Delaware Avenue and north of NE 18th Street in the northeast quadrant of Ankeny. The property is zoned R-1, One-Family Residence District and is situated on Lot 11 Nicholas Heights. The site is a total of 0.979 acres and is a corner lot with two front yards, one to the east along NE Delaware Avenue and one to the north along NE 25th Court. The applicant is requesting a Variance to add a third parking stall to the existing garage, this proposal would encroach 2 feet into the 10-foot side yard setback on the west side of the property.

PROJECT REPORT

Criteria for Variance

197.01(4) Powers and Duties.

B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.

FINDINGS OF FACT

The subject property is located at 1009 NE 25th Court, currently there is a single-family home on the property. The site is located west of NE Delaware Avenue and north of NE 18th Street in the northeast quadrant of Ankeny. The property is zoned R-1, One-Family Residence District and is situated on Lot 11 Nicholas Heights. The subject property is a corner lot, located at the corner of NE Delaware Avenue and NE 25th Court. Surrounding properties are similarly zoned R-1, One-Family Residence District. The home on the subject property was constructed in 1986.

Per Ankeny Municipal Code Section 192.03(3)(D) the property has a two-story single-family dwelling so it is subject to a 10-foot side yard setback and a minimum total of 20 feet for both sides. Single story homes in the district are required to have a minimum of an 8-foot side yard setback on one side and minimum of 18 feet total. The subject property is subject to two front yard setbacks due to it being a corner lot, the zoning district requires a 35-foot front yard setback.

Staff is currently working on a zoning code update, this includes an update to the setback. The new code would reduce the side yard setback for this property to 8 feet.

STAFF ANALYSIS

The following is City staff's analysis of the proposed Variances with the adopted criteria necessary for approving any Variance request.

197.01.4.B. To grant a variation in the regulations the Zoning Board of Adjustment shall find that:

1. This property was acquired in good faith.

- The property owner owns the subject property. The existing conditions of the lot were in place at the time that the applicant acquired the property.

2. By reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Zoning Ordinance actually prohibits the use of this property in the district.

- The subject property is on a corner lot with frontage on NE Delaware Avenue and NE 25th Court, which results in the property having two front yards. This additional front yard subjects the property to a 35-foot setback on the east side of the property which is larger than the required side yard setback.

3. A literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.

- The subject property is similar in size to neighboring properties, however, it is located on a corner lot which subjects it to a larger setback on the east property line than the other properties in the neighborhood.

4. Such Variance shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.

- In the proposed location, the addition would have minimal to no impact on neighboring properties and would not impair visibility in the area. Additionally, if the zoning code update is passed and approved, the proposed addition would be allowed without a variance.

The subject property is unique due to it being a corner lot, impacting the useable area of the lot when comparing it to other properties in the neighborhood. The current zoning code requires a minimum of 10 feet per side and 20 feet total for side yards for two story homes in the R-1 zoning district. With the property being on the corner lot, it is subject to an additional front yard along NE Delaware Avenue which requires a 35-foot setback. Between the additional front yard setback and the required side yard setback, the property effectively has 45 feet of side yard setbacks.

Additionally, the zoning code has different bulk regulations for single story homes in the zoning district. Single story homes have a minimum side yard setback of 8 feet on one side and 18 feet total. The home on the subject property is two stories, however, the garage and proposed garage addition is only one story.

SUMMARY AND STAFF POSITION

As is standard procedure for these kinds of requests, 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)(D) to allow an 8-foot side yard setback for the construction of an addition to the existing garage. The staff position is based on a determination that the decreased side yard setback from the resulting addition 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



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 5, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#25-07
Bonfire Restaurant & Bar, LLC
for property located at
410 S Ankeny Blvd.
Lt 1, Elview Place
RE: Special Use Permit

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #25-07 Applicant Submittal
2. Aerial Map
3. #25-07 Staff Report
4. East Side Patio - Applicant Email



1 inch = 225 feet

Date: 7/22/2025

#25-07 410 S Ankeny Blvd - Special Use Permit



**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Bryan Morrissey, Associate Planner
Filing #: 25-07
Meeting Date: August 5, 2025 *EJC*
Address: 410 South Ankeny Boulevard

APPELLANT REQUEST

A Special Use Permit to allow for two outdoor service areas for T&B Properties/Bonfire Restaurant & Bar, LLC, at 410 South Ankeny Boulevard.

STAFF POSITION

That the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to T&B Properties/Bonfire Restaurant & Bar, LLC, at 410 South Ankeny Boulevard for two outdoor service areas to run concurrently and terminate with a liquor license for said establishment provided that the following conditions are met:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours shall be specifically set out in the Noise Permit.
2. All appropriate building permits and building code regulations need to be reviewed and met.
3. The barrier or fence enclosing the outdoor seating areas shall be a minimum of thirty-six (36) inches in height.
4. Seating on the patio for up to 10 tables.
5. Hours of operation are Monday-Thursday, 11am-10pm, Friday-Saturday, 9am-10pm, and Sunday, 9am-9pm.
6. This Special Use Permit may be reviewed annually by staff for approval.

PROJECT SUMMARY

Bonfire Restaurant & Bar, LLC, is requesting a Special Use Permit to allow alcohol to be served on two proposed outdoor patios at 410 South Ankeny Boulevard. The subject property has two separate zoning classifications that divide the property; however, the area where the outdoor patios are proposed is zoned C-2, General Retail, Highway Oriented, and Central Business Commercial District. The west portion of the subject property where additional parking is located is zoned R-1, One-Family Residence District, as are the properties that neighbor the subject site to the west. Due to the proposed patio's proximity to the residential properties to the west and northwest, a Special Use Permit is required to serve alcohol within the outdoor service area.

PROJECT REPORT

196.02 SPECIAL USE PERMITS.

- (1) **Zoning Board of Adjustment Authorization:** The Zoning Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Zoning Ordinance:

I. With the exception of properties located within Entertainment Districts as defined and regulated in Chapter 143 of the Ankeny Municipal Code, premises with a beer permit or liquor control license not contained within a completely enclosed and covered structure and located less than five hundred feet from a residential zoning district; provided the following standards are met:

- (1) The applicant meets all other requirements listed in Chapter 130 of this Code of Ordinances.
- (2) The special permit, if granted, shall expire one year after the grant thereof, subject to renewal...
- (3) Sound levels emanating from the outdoor seating area shall not be at a level greater than is necessary to reach the audience and shall not be of such a volume so as to interfere with normal conversation on adjacent properties.
- (4) The Board may exact any other regulations and assurances, covenants, and warranties as may be necessary to protect the rights of the neighboring residents, including but not limited to the following: (a) hours of operation; (b) lighting; and (c) screening.

130.07 OUTDOOR SEATING AREAS.

1. With the exception of properties located within Entertainment Districts as defined and regulated in Chapter 143 of the Ankeny Municipal Code, the premises for which a beer permit or liquor control license is sought shall require a special use permit for an outdoor service area as described in paragraph 196.02(1)(I) if it is less than five hundred (500) feet from a residential zoning district. This requirement may be waived by the City Council upon showing that the applicant for such license conforms to the requirements of Section 130.05 of this chapter.
2. The outdoor seating area shall be delineated by a barrier that is a minimum of thirty-six (36) inches in height and discourages the free movement of people between the outdoor service area and non-licensed areas and shall conform to all physical requirements of the State Code of Iowa as well as all Building Code requirements of the City of Ankeny.
3. Emergency exits, sized and spaced in accordance with the Building Code, must be provided with a clear and unobstructed access to the public way.
4. The site shall meet the parking requirements listed in Section 194.01 of this Code of Ordinances.

196.02(2) Pre-Issuance Review: Before issuing any Special Use Permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture. The Zoning Board of Adjustment may approve the Special Use Permit as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Zoning Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this Zoning Ordinance to promote public health, safety, morals and the general welfare.

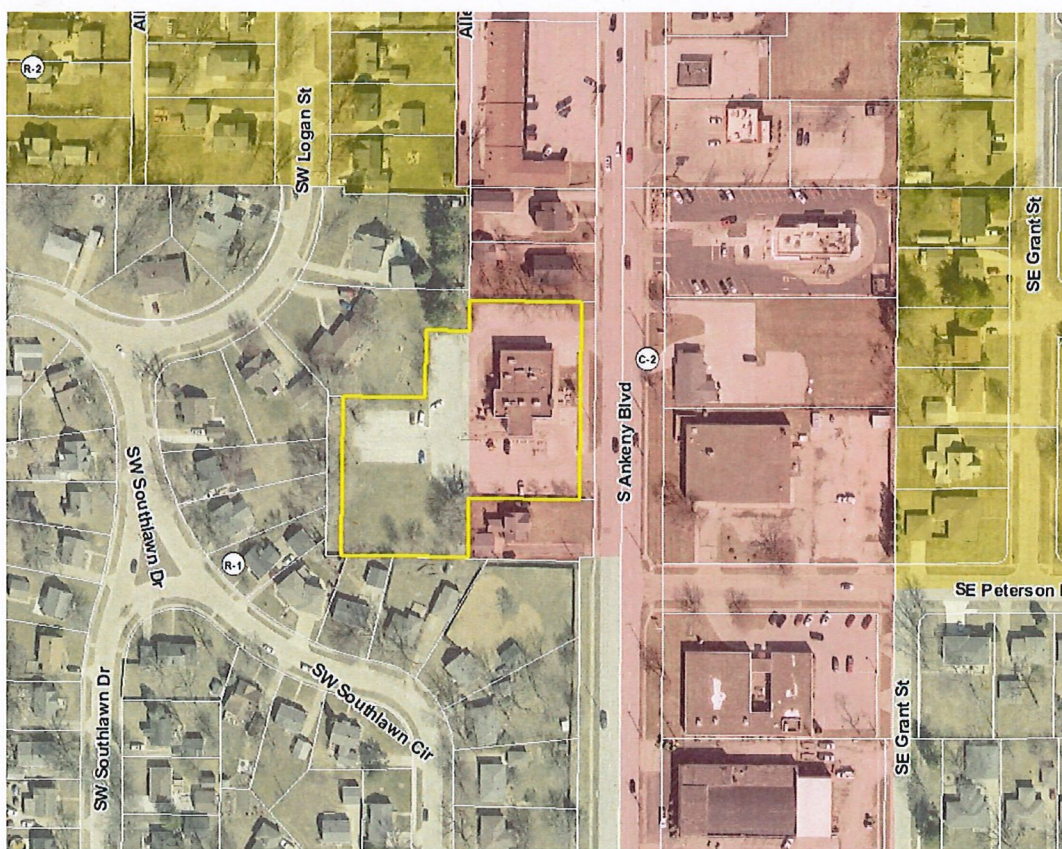
196.02(3) Application; Feasibility Evidence and Site Plan Required: Application for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property; and shall include a site plan defining the areas to be developed for

buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.

196.02(4) Changes; Resubmittal Required: In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

Findings of Fact

The subject property is located at 410 South Ankeny Boulevard and is divided by two separate zoning classifications. The east side of the property where the lone building is located is zoned C-2, General Retail, Highway Oriented, and Central Business Commercial District, while the west side of the property where an additional parking area is located is zoned R-1, One-Family Residence District. Although the subject property is located along a major commercial corridor, the property is bordered by properties to the north, west, and south that are residential in nature. Because these residential properties are within 500 feet of the subject property, Code requires the tenant to obtain a Special Use Permit to serve alcohol on any outdoor service area.



Zoning Map showing the divided zoning on the subject property

The applicant is proposing two separate outdoor service areas on the site, one along the north side of the building and the other along the east side. The service area on the north side of the building is approximately 456 square feet in size while the service area on the east side is approximately 696 square feet. The outdoor service areas will be enclosed via an ornamental fence that will need to be permitted in the future to meet the exit criteria of the Code. The pedestrian walkway along the east side of the building will not be inhibited by the outdoor service area as it will be aligned similarly to the adjacent Dairy Queen patio. The service area on the north side of the

building will inhibit the walkway that borders the building; however, the entrances on the northeast corner and west side of the building will still be accessible to pedestrians.

The parking requirements of the Code are satisfied with the parking stalls that currently exist on the property. Additional outdoor seating does require additional parking, but the site clears the parking requirements of the Code when factoring in the additional outdoor service areas. Staff is not concerned with how the service areas may impact the surrounding residential properties, as the service area along the east side of the building is adjacent to South Ankeny Boulevard, while the service area on the north side will be screened with a solid wall and mature landscaping that is currently on the property.



Screening along the north side of the subject property

The operating hours of the outdoor service areas will be Monday-Thursday, 11am-10pm, Friday-Saturday, 9am-10pm, and Sunday, 9am-9pm. Bonfire Restaurant & Bar, LLC will need to obtain a Liquor License from the Iowa Alcohol Beverages Division before use of the outdoor service area begins. The outdoor service area will also need to comply with Municipal Code Chapter 44, Noise Control.

The staff position is that Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to T&B Properties, LLC/Bonfire Restaurant & Bar, LLC at 410 South Ankeny Boulevard for an outdoor service area to run concurrently and terminate with a liquor license for said establishment provided the following conditions are met:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours shall be specifically set out in the Noise Permit.
2. All appropriate building permits and building code regulations need to be reviewed and met.
3. The barrier or fence enclosing the outdoor seating areas shall be a minimum of thirty-six (36) inches in height.
4. Seating on the patio for up to 10 tables.
5. Hours of operation are Monday-Thursday, 11am-10pm, Friday-Saturday, 9am-10pm, and Sunday, 9am-9pm.
6. This Special Use Permit may be reviewed annually by staff for approval.

From: [Samuel Perdomo](#)
To: [Bryan Morrissey](#)
Subject: Re: [External] Bonfire - Special Use Permit
Date: Tuesday, July 29, 2025 4:26:31 PM

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Hello Bryan

Yes. We will leave the sidewalk alone. It is going to look like the patio next to it. Like Dairy Queen. I am sorry we did not mention it on the information sheet we brought up. Thank you, Sammy



On Tue, Jul 29, 2025 at 4:17 PM Bryan Morrissey <BMorrissey@ankenyiowa.gov> wrote:

Samuel,

Based on the drawing you submitted, it appears that the patio(s) will inhibit parts of the sidewalk that surrounds the building on the north and east sides. Will there be any space in between the building and the patio that allows for pedestrians to still use the sidewalks?

Bryan Morrissey | Associate Planner



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 5, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Motion to adjourn the meeting.

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

None