



ZONING BOARD OF ADJUSTMENT

Meeting Agenda
Tuesday, May 20, 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 February 4, 2025 regular meeting.

D. COMMUNICATIONS:

E. 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

F. 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

G. ADJOURNMENT:

Motion to adjourn the meeting.



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5:00 PM

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ITEM NAME

Minutes of the February 4, 2025 regular 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

1. ZBOA Minutes 2025-02-04

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



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

May 20, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#25-02
Stephanie Nguyen & David Xu
for property located at
1802 NE Trilein Drive
Lot 1, Northbrook Plat 1
RE: Variance - Rear 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

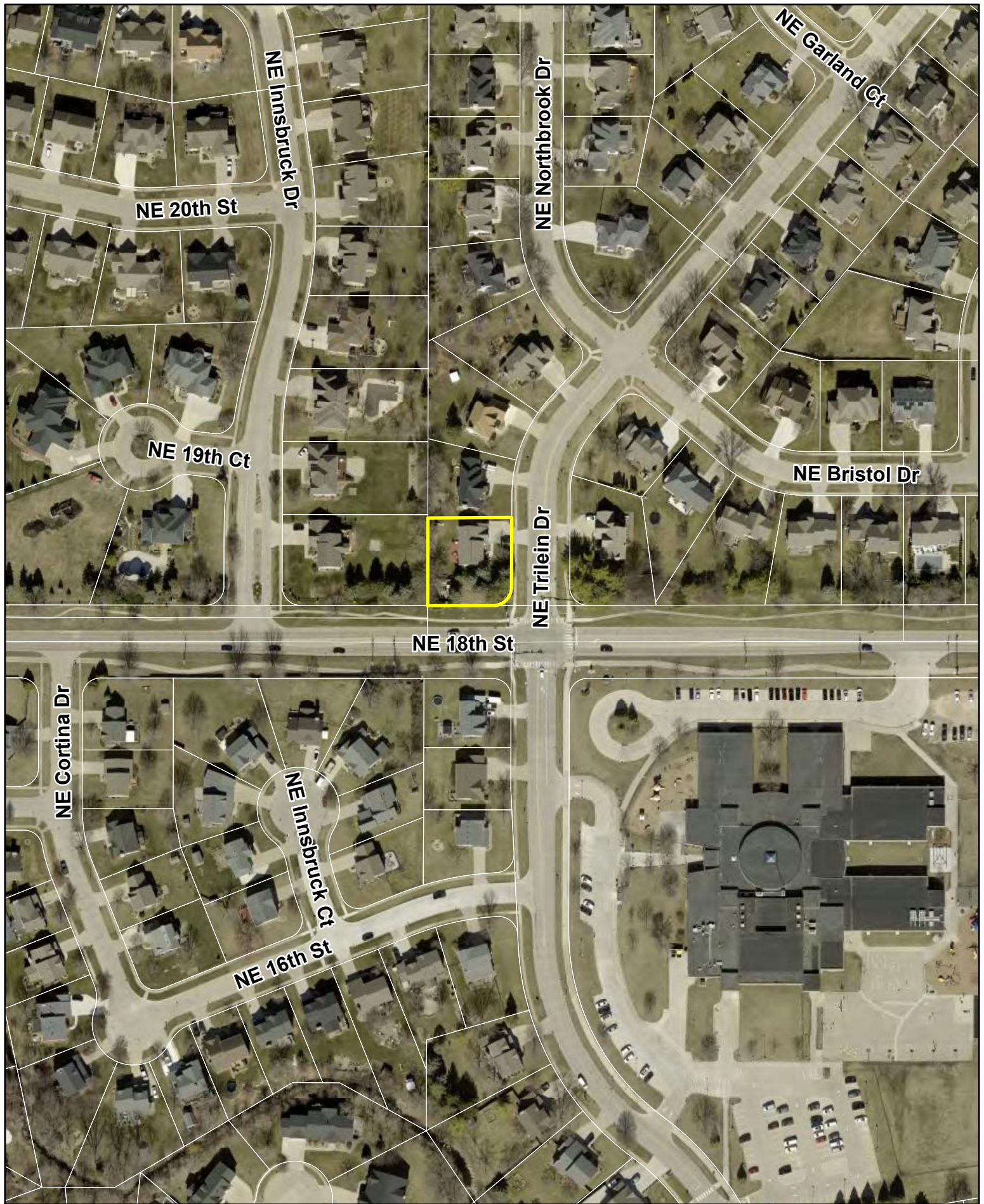
PUBLIC OUTREACH EFFORTS

All property owners within 250' of the subject property were notified of the proposed variance.

ACTION REQUESTED

ATTACHMENTS

1. #25-02 Applicant Submittal
2. Aerial Map
3. Staff Report



N

1 inch = 167 feet

Date: 5/7/2025

**1802 NE Trilein Drive
Variance Request
Aerial Map**

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

To: Members of the Zoning Board of Adjustment
From: Ryan Kirschman, AICP-C, Planner I
Filing #: 25-02
Meeting Date: May 20, 2025 *ETC*
Address: 1802 NE Trilein Drive

APPELLANT REQUEST

A Variance to Ankeny Municipal Code Section 192.03(3)(E) that requires Rear Yard: 35 Feet, allowing a 32-foot rear yard setback to attach a pergola to an existing deck, resulting in a covered deck.

STAFF POSITION

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 on 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.

PROJECT SUMMARY

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. The property is zoned R-1, One-Family Residence District and is situated on LOT 1 NORTHBROOK PLAT 1.

The applicant is requesting a Variance to encroach 3 feet into the rear yard setback to attach a pergola to their existing deck resulting in a covered deck.

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 1802 NE Trilein Drive, currently there is a single-family home with an existing deck on the property. The site is located east of N Ankeny Boulevard 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 1 NORTHBROOK PLAT 1. Surrounding properties are similarly zoned R-1, One-Family Residence District. The home on the subject property was constructed in 1994. It is unknown when the deck was originally constructed due to the previous owner building it without a permit. However, the current home owner has since rectified this and received the approved permit for the deck.

The applicant submitted a permit application for the pergola on April 23, 2025, and staff denied the permit due to the proposed encroachment into the rear yard setback. On May 2, 2025 staff received a Variance request for a 32-foot rear yard setback to allow the applicant to attach the pergola to the existing deck.

Per Ankeny Municipal Code Section 192.03(3)(E) the property must have a 35-foot rear yard setback.

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 applicant 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 on the corner of NE Trilein Drive and NE 18th Street. This contributes to the shallowness of the lot.
- 3. A literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.**
 - The subject property is somewhat shallow when compared to neighboring properties.

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

- The property has trees along the south and west property lines, effectively screening the property and proposed covered deck from NE 18th Street and the neighboring property to the west. This would minimize any potential impact on the neighboring properties.

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)(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



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May 20, 2025
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ITEM NAME

Renewed Special Use Permits

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

#15-19 Hy-Vee Market Cafe, 410 N Ankeny Boulevard
#21-13(2022) Fiesta Jalapeno Mexican Restaurant, 1975 N Ankeny Boulevard, Unit 113

ATTACHMENTS

1. 2025 Renewal - HyVee Market Cafe
2. 2025 Renewal - Fiesta Jalapeno Mexican Restaurant



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution #15-19**

Approved July 21, 2015

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: Hy-Vee, Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Hy-Vee Market Cafe

Address of Premise: 410 N. Ankeny Blvd.

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made? (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)

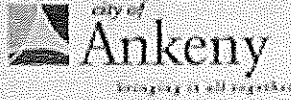
I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.

Andrew Schroeder
Signature
Andrew Schroeder
Name of Applicant (printed)

2/9/2025
Date

ADMINISTRATIVELY
☒ APPROVED
2/11/25 EJC



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 21-13 (2022)**

Issued April 5, 2022

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3559) regarding the required Board of Adjustment approval.

Name of Applicant: ANKENY FIESTA LLC (NEW LEGAL ENTITY)
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): FIESTA JALAPENO MEXICAN RESTAURANT

Address of Premise: 1975 N ANKENY BLVD, UNIT 113

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes ☒ No

If yes, what changes have been made. (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes ☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08 100 G paragraph 5)

I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.


Signature

William Thompson
Name of Applicant (printed)

4/3/25
Date

ADMINISTRATIVELY
☒ **APPROVED**
4/10/25 EIC



ZONING BOARD OF ADJUSTMENT

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ITEM NAME

Motion to adjourn the meeting.

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Community Development

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ATTACHMENTS

None