



ZONING BOARD OF ADJUSTMENT

**Meeting Agenda
Tuesday, November 5, 2024
5:00 PM**

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

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

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 October 22, 2024 regular meeting.

D. COMMUNICATIONS:

Correspondence received October 24, 2024 from Patricia Battani requesting to withdraw her application for Appeal #24-18, Accessory Building Variance.

E. PUBLIC HEARINGS:

#24-19
Patricia Battani
for property located at
306 SE Park View Drive
E 1/2 LT 16 & ALL LT 17 EAST LAWN PLACE
RE: Variance - Side Yard Setback

F. REPORTS:

Renewed Special Use Permits

#22-03 Silk Elephant, 2410 SW White Birch Dr., Suite 108

#21-20 36th Street Tavern, 1300 NW 36th St., Suite 101

G. ADJOURNMENT:

Motion to adjourn the meeting.



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

November 5, 2024
5:00 PM

Matt Ott, Chair
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Kristi Tomlinson

Brett Walker

ITEM NAME

Minutes of the October 22, 2024 regular meeting.

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL
Enhance Quality of Life

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 2024-10-22

Meeting Minutes
Zoning Board of Adjustment
Tuesday, October 22, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the October 22, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Matt Ott, Jeff Baxter, Nichole Sungren and Brett Walker. Absent: Kristi Tomlinson. Staff: E.Jensen, E.Carstens, Derek Silverthorn, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE SEPTEMBER 17, 2024 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:

#24-18

Patricia Battani

for property located at

306 SE Park View Drive

E 1/2 LT 16 & ALL LT 17 EAST LAWN PLACE

RE: Variance - Accessory Building

Chair M.Ott opened the public hearing.

Patricia and Dan Battani, 306 SE Park View Drive, Ankeny. Patricia said they are asking for a variance to add an addition to their existing garage, which would cause their garage to be over 1,010 square feet in size. She said they have lived in their home 42 years. Patricia stated that the letter they submitted to the Board provided options that they have considered, and decided that this was the best option. Patricia shared that in the staff report, it was noted that their application did not identify why there is a need for the addition. She then explained that they use their garage for a gathering space when their grandchildren come to their home. Also, they have a workshop in the basement of the home that they want to move into the garage. She further said that they also have a large lawn mower that her husband Dan utilizes as he is a volunteer for the Ankeny Historical Society.

M.Ott asked the applicants to reference on an aerial map the location of the neighboring properties who provided written support of their requested variance.

Patricia Battani then shared with the Board that they have a huge lot for their neighborhood as it is 14,000 square feet where most of the lots are between 9,625 and 10,500 square feet. She further said that the lot to the west is also 14,000 square feet. Patricia Battani explained that their detached garage is on the same plane as their home. The depth of their house is 40-feet so if they extend their garage to 48-feet, it will only extend 8.75-feet behind the back of their home.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 191.07.1 that restricts: No single accessory building for one-family and two-family lots shall exceed 1,010 square feet in size..., to allow a 478.5 square-foot addition to an existing 780 square-foot garage totaling 1,267.5 square feet. He stated that the subject property is a single-family home located at 306 SE Park View Drive with 2 accessory structures on the property. He said the site is located south of E 1st Street and east of S Ankeny Boulevard in the southeast quadrant of Ankeny and is zoned R-1, One-Family Residence District. The property is generally large in size when compared to surrounding properties. Surrounding properties are similarly zoned R-1, One-

Family Residence District. R.Kirschman stated that the subject property was constructed in 1947 and the original detached garage was constructed in 1957. In 1985, it was then demolished and a new garage was constructed, which exists on the property today. He stated that the proposed garage addition and the existing garage would be approximately 1,267.5 square feet. Currently on the property there is a 780 square-foot garage and a 168 square-foot shed towards the rear of the property, totaling 948 square feet of the allowable 1,438 square feet. Per Ankeny Municipal Code Section 191.07.1, states that Accessory buildings on one and two-family residential lots shall not occupy more than ten-percent (10%) of the total square footage of the lot. No single accessory building for one-family and two-family lots shall not exceed 1,010 square feet in size. Staff does not find any apparent exceptional or extraordinary circumstances that would prohibit the use of the property by conforming with Code. He stated that all property owners within 250' of the subject property were notified by mail and to date, staff has not received any correspondence from the notification in support or against the proposed variance. The staff position is to deny a Variance to Ankeny Municipal Code Section 191.07.1 to allow a 478.5 square-foot addition to an existing 780 square-foot garage totaling 1,267.5 square feet. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

M.Ott asked if the request for the additional 478.5 square-feet would be allowed if the garage was attached to the primary structure. E.Carstens responded yes, but a variance would be required as they would not meet the side yard setback.

J.Baxter asked if there is a limit on the number of accessory structures? His example was that if they built a 478.5 third utility structure, would that be allowed? E.Jensen said that they could build multiple accessory structures as long as they don't exceed 10% of the lot area. J.Baxter noted that their options could be to build a third structure as long as it was not attached to the garage or expand the existing garage to not exceed the 1,010 square-foot rule. E.Jensen responded, yes.

Patricia Battani asked that if they decided to attach the garage to the house, is there a chance that a side yard setback variance request could be approved? She said that the measurement from the side of their garage to their neighbor's house is 19-feet. J.Baxter confirmed that the side yard setback for the property is 8-feet. Patricia Battani said the best scenario for them would be to attach the garage to the house.

M.Ott said the matter before the Board is the size, not the setback so the applicant would have to re-apply for the side yard setback variance.

E.Jensen commented that if the applicant wanted to consider a side yard setback by attaching the garage to the home, the Board could table action on this item and let the applicant work with City staff to see if it looks like a viable option. The applicant could then come back with a new application, or if not, come back to the Board on this request. E.Jensen shared with the Battani's that the chances of getting a side yard setback variance may be greater than a variance for exceeding the 1,010 square feet in size.

M.Ott asked Patricia and Dan Battani if they were fine with the Board making a motion to table the matter. They responded, yes.

Motion by M.Ott to table the requested variance, #24-18, to a future Zoning Board of Adjustment meeting. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits
#08-23 Buffalo Wild Wings Grill & Bar, 1690 SE Delaware Avenue

There being no further business, meeting adjourned at 5:20 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

November 5, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

ITEM NAME

Correspondence received October 24, 2024 from Patricia Battani requesting to withdraw her application for Appeal #24-18, Accessory Building Variance.

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. #24-18 Applicant Withdrawal



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

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ITEM NAME

#24-19
Patricia Battani
for property located at
306 SE Park View Drive
E 1/2 LT 16 & ALL LT 17 EAST LAWN PLACE
RE: Variance - Side Yard Setback

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED
Motion
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EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

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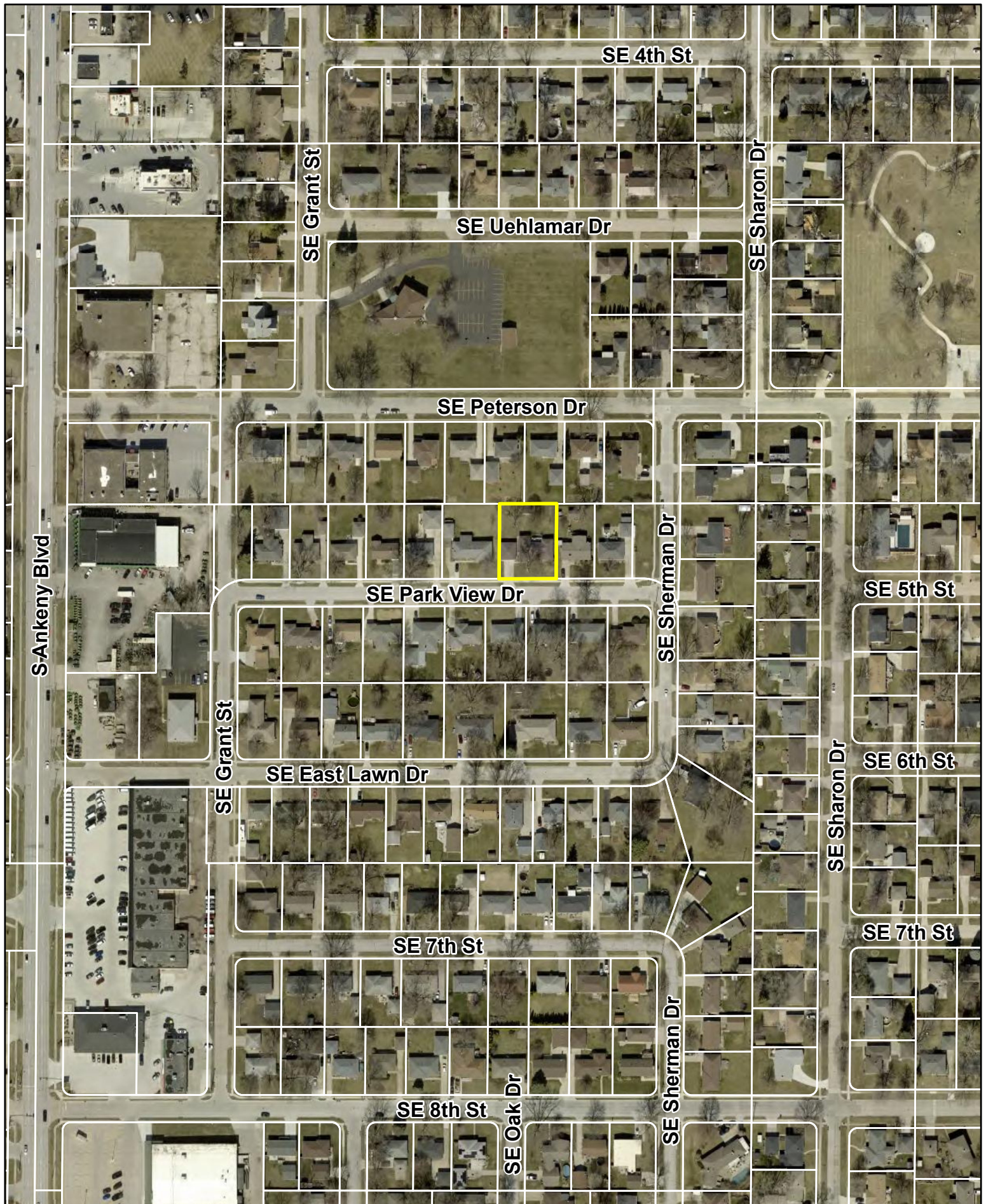
FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #24-19 Applicant Submittal
2. Aerial Map
3. 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, Planner I
Filing #: 24-19 *ESC*
Meeting Date: November 5, 2024
Address: 306 SE Park View Drive

APPELLANT REQUEST

A Variance to Ankeny Municipal Code Section 192.03(3)(D) that requires Side Yard: 8 Feet, allowing a 2-foot side yard setback to connect an existing detached garage to the existing single-family dwelling.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.03(3)(D) to allow a 2-foot side yard setback for the connection of an existing detached garage to the existing single-family dwelling, as well as an addition to the garage which will not encroach any further into the current setback.

The staff position is based on a determination that the decreased side yard setback from the resulting connection of the existing detached garage to the existing 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.

PROJECT SUMMARY

The subject property is located at 306 SE Park View Drive, east of S Ankeny Boulevard and south of E 1st Street in the southeast quadrant of Ankeny. The property is zoned R-1, One-Family Residence District and is situated on E ½ LT 16 & ALL LT 17 East Lawn Place.

The applicant is requesting a Variance to encroach 6 feet into the side yard setback to connect their existing detached garage to the single-family dwelling on 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 306 SE Park View Drive, currently there is a single-family home with 2 accessory structures on the property. The site is located south of E 1st Street and east of S Ankeny Boulevard in the southeast quadrant of Ankeny. The property is zoned R-1, One-Family Residence District and is situated on E ½ LT 16 & ALL LT 17 East Lawn Place. Surrounding properties are similarly zoned R-1, One-Family Residence District. The subject property was constructed in 1947. The original detached garage was constructed in 1957 then demolished in 1985. Later in 1985 the existing garage was constructed. Lastly, the shed currently on the property was constructed in 1994 per City of Ankeny building permit records.

The applicant submitted a permit application on September 20, 2024, staff denied the permit due to the proposed addition taking the garage over the 1,010 square foot limit for detached accessory structures. On October 4, 2024 staff received a Variance request for a detached accessory structure to be more than 1,010 square feet. The proposed garage addition and the existing garage are approximately 1,267.5 square feet. This request was later withdrawn and staff received a new variance request to encroach 6 feet into the side yard setback to allow the applicant to connect the existing detached garage to the existing single-family dwelling.

Per Ankeny Municipal Code Section 192.03(3)(D) the property must have an 8-foot side yard setback and a minimum total of 18 feet for both sides. The subject property is setback 11 feet from the east property line.

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.

- There are no conditions of exceptional narrowness, shallowness, or shape or any exceptional topographical conditions or any other extraordinary or exceptional situations associated with this property that a strict application of the Zoning Ordinance would prohibit the use of this property. The property is generally large in size when compared to surrounding properties.

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

- Again, the property is large in size when compared to the surrounding properties. There is nothing unique about this property that a literal enforcement of this Zoning Ordinance would result in an unnecessary hardship.

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

- The garage has existed for nearly 40 years. As such, the safeguards intended by a required setback would appear to be satisfied.

Currently, the detached garage is 2 feet off of the west property line, where it was permitted and constructed in 1985. The applicant is requesting to maintain the current conditions in regard to the side yard setback with this proposal, therefore there is not believed to be any new measurable impact on adjacent property owners. Building and fire code requirements will need to be met in regards to proximity to the property line and the proposed connection of the garage to the house.

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 a 2-foot side yard setback for the connection of an existing detached garage to the existing single-family dwelling, as well as an addition to the garage which will not encroach any further into the current setback. The staff position is based on a determination that the decreased side yard setback from the resulting connection of the existing detached garage to the existing 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



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

November 5, 2024
5:00 PM

Matt Ott, Chair
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Kristi Tomlinson

Brett Walker

ITEM NAME

Renewed Special Use Permits

#22-03 Silk Elephant, 2410 SW White Birch Dr., Suite 108

#21-20 36th Street Tavern, 1300 NW 36th St., Suite 101

ORIGINATING DEPARTMENT

Community Development

COUNCIL GOAL

ACTION REQUESTED

Approve

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. Silk Elephant Renewal
2. 36th Street Tavern Renewal



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 22-03**

Approved March 8, 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 (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: PO Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Silk Elephant

Address of Premise: 2410 SW White Birch Dr., Suite 108

- 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.

Orathai Sae Lao
Signature

10/18/24
Date

ORATHAI SAE LAO
Name of Applicant (printed)

ADMINISTRATIVELY
☒ **APPROVED**
10/21/24 EJC



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 21-20**

Originally approved September 8, 2021

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: **Lunabeau LLC**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **36th Street Tavern** (Formerly d/b/a Vintage Brewhouse)

Address of Premise: **1300 NW 36th St., Suite 101**

- 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
Bethany Olson

Name of Applicant (printed)

10/28/2024

Date

ADMINISTRATIVELY
 **APPROVED**
10/29/24 EJC



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

November 5, 2024
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

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)

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None