



ZONING BOARD OF ADJUSTMENT

**Meeting Agenda
Tuesday, August 19, 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 and August 5, 2025 regular meetings.

D. COMMUNICATIONS:

Appeal #25-09: Correspondence received from:
Lawrence Clark - 510 NE 9th Street
Peggy and Terry O'Kane - 502 NE 9th Street
Member of Neighborhood - August 13, 2025
Neighborhood Property Owner - August 13, 2025

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.

#25-08
Robert Hamlin
for property located at
1705 NW Wagner Boulevard
Lt 1, Parkview Campus Plat 8
RE: Variance - Front Yard Setback - Fence

#25-09
Bos Fencing, LLC
on behalf of **Richard and Athena Puski**
for property located at
530 NE 9th Street
Lt 10, Henderson Park Plat 17
RE: Variance - Front Yard Setback - Fence

F. ADJOURNMENT:

Motion to adjourn the meeting.



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 19, 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 and August 5, 2025 regular meetings.

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 2025-07-22
2. ZBOA Minutes 2025-08-05

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.

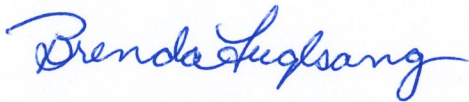
REPORTS

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

Meeting Minutes
Zoning Board of Adjustment

Tuesday, August 5, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 5, 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 and Jeff Baxter. Board Member Brett Walker attended the meeting electronically. Absent: Nichole Sungren and Eric Strom. Staff: E.Jensen, E.Carstens, B.Morrissey, L.Hutzell, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JULY 22, 2025 REGULAR MEETING

Chair M.Ott motioned to table the minutes for July 22, 2025 until the next Board of Adjustment meeting. Second by J.Baxter. All voted aye. Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

PUBLIC HEARINGS:

#25-06

Lonnie Norgaard

for property located at

1009 NE 25th Court

Lot 11, Nicholas Heights

RE: Variance - Side Yard Setback - Garage Addition

Chair M.Ott opened the public hearing.

Due to the applicant not being in attendance for the meeting, Vice Chair J.Baxter motioned to table Item #25-06 to later in the meeting and proceed with Appeal #25-07. Second by Chair M.Ott. All voted aye. Motion carried 3 – 0.

#25-07

Bonfire Restaurant & Bar, LLC

for property located at

410 S Ankeny Boulevard

Lt 1, Elview Place

RE: Special Use Permit

Chair M.Ott opened the public hearing.

The applicant was not in attendance to speak on behalf of the request.

B.Morrissey reported that the applicant is requesting a Special Use Permit for 410 South Ankeny Boulevard. He stated that the property contains two restaurants on the property, the existing Dairy Queen and the new upcoming Bonfire Restaurant & Bar. The property is located south of 1st Street and west of S Ankeny Boulevard. He said the area where the outdoor patios are proposed is zoned C-2, General Retail, Highway Oriented, and Central Business Commercial District and the west portion of the property where additional parking is located is zoned R-1, One-Family Residence District. B.Morrissey stated that 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. He explained that the applicant is requesting two separate service areas where they can serve alcohol on the property and presented pictures that were provided by the applicant showing the location of the proposed outdoor patios. He noted that the service area on the north is approximately 456 sq. ft. in size and the east side service area is approximately 696 sq. ft. in size. B.Morrissey said that the north/northwest sides of the building face residential areas but noted that there currently is a screened wall on the north side along with mature landscaping for separation. He said 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 and the parking requirements of the Code are satisfied with the parking stalls that currently exist on the property. B.Morrissey stated that 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. B.Morrissey said that he received one phone call from a neighboring property owner asking general questions about the public hearing but no further correspondence has been received in support or against the request. 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.

J.Baxter inquired whether the property to the north is a single-family residence. B.Morrissey responded yes, it is a residence and there is a music studio north of that residence.

J.Baxter confirmed that the request is for the 10 tables to be split between the two patio areas. He also asked whether the north patio area will be on the existing sidewalk. B.Morrissey responded that his understanding is that there will be 10 tables total, given the size of the patios. He further said that the north patio area will exist on the current sidewalk.

Ginny Anderson, 411 SW Logan Street, Ankeny shared that she was in support of the request for the Special Use Permit. She does not see any issue with allowing the outdoor seating areas. She did note that there is always a line of cars in the drive-up lane for Dairy Queen.

Motion by M.Ott to close the public hearing, receive and file documents. Second by J.Baxter. All voted aye. Motion carried 3 – 0.

M.Ott said he does not have any concerns especially with the neighboring property owner in support of the request. He does wish that the applicant had been in attendance. He commented that generally he likes to see these come back before the Board in one year, but it looks to be mainly food service with ancillary alcohol sales. He also noted the seating area is small.

J.Baxter said the only two people who could potentially have a significant problem with it was the person who spoke in support of it tonight, and the property to the north who did not attend. He does not have any issues with the request.

B.Walker shared that he does not have any issue with the request. He felt the hours set out for the patios are reasonable, so he does not feel the hours will be an issue.

Board Action on Filing #25-07 for property located at 410 S Ankeny Boulevard

Motion by M.Ott 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.

Second by J.Baxter. All voted aye. Motion carried 3 – 0.

The applicant for #25-07, Samuel Barrera Perdoma, Bonfire Restaurant & Bar, LLC, 410 S Ankeny Boulevard, Ankeny arrived at 5:21 p.m. Chair M.Ott shared with him that the Board has approved his request.

#25-06

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

Chair M.Ott opened the public hearing.

The applicant was not in attendance to speak on behalf of the request.

R.Kirschman reported the applicant requested 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 an existing garage. He stated 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 and is zoned R-1, One-Family Residence District. He noted that the surrounding properties are similarly zoned R-1. R.Kirschman stated that 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. He explained that the applicant is requesting to add a third parking stall to the existing garage, which if approved, would encroach 2 feet into the 10-foot side yard setback on the west side of the property. R.Kirschman stated that in an R-1 zoning district the side yard setbacks are determined upon the stories of the home. He noted that a single-story home allows for an 8-foot side yard setback and a two-story home would be allowed a 10-foot side yard setback. He commented that Staff is currently working on a zoning code update, which includes an update to the setback. The new code would reduce the side yard setback for this property to 8 feet. R.Kirschman presented an aerial map showing the site plan for the garage addition and commented that the home on the subject property is two stories, however, the garage and proposed garage addition is only one story. All property owners within 250' of the subject property were notified of the proposed variance, and to date, staff has not received any correspondence in support or against the request. 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.

J.Baxter confirmed that it is not an RV garage and will not be extra tall. R.Kirschman responded, no. He presented the elevations and shared that the height will remain the same but they will be increasing the depth of the whole garage.

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.

M.Ott shared that he generally has no concerns with the request, but said it would have been nice to have the applicant at the meeting. He would have liked to know whether the applicant visited with his neighbor about the addition, but will default to the public notification sent by city staff to the neighbors. Also, this setback would meet the new proposed code.

J.Baxter agreed. He further commented that given the size of the lots in the neighborhood, they look to be significantly bigger and the addition appears to be appropriately sized to the rest of the homes. B.Walker agreed.

Board Action on Filing #25-06 for property located at 1009 NE 25th Court

Motion by M.Ott that 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 Board's position is based on a determination that:

1. 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
2. That this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

Second by B.Walker. All voted aye. Motion carried 3 – 0.

ADJOURNMENT

There being no further business, motion was made by M.Ott to adjourn the meeting. Second by J.Baxter. Meeting adjourned at 5:32 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 19, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Appeal #25-09: Correspondence received from:
Lawrence Clark - 510 NE 9th Street
Peggy and Terry O'Kane - 502 NE 9th Street
Member of Neighborhood - August 13, 2025
Neighborhood Property Owner - August 13, 2025

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. Lawrence Clark - Board of Adjustment Appeal 25-09
2. Peggy & Terry O'Kane - ZBOA Appeal 25-09
3. Member of Neighborhood - ZBOA Appeal 25-09
4. Neighborhood Property Owner - ZBOA Appeal 25-09 8-13-2025



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 19, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#25-08
Robert Hamlin
for property located at
1705 NW Wagner Boulevard
Lt 1, Parkview Campus Plat 8
RE: Variance - Front Yard Setback - Fence

ORIGINATING DEPARTMENT
Community Development

COUNCIL GOAL

ACTION REQUESTED

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

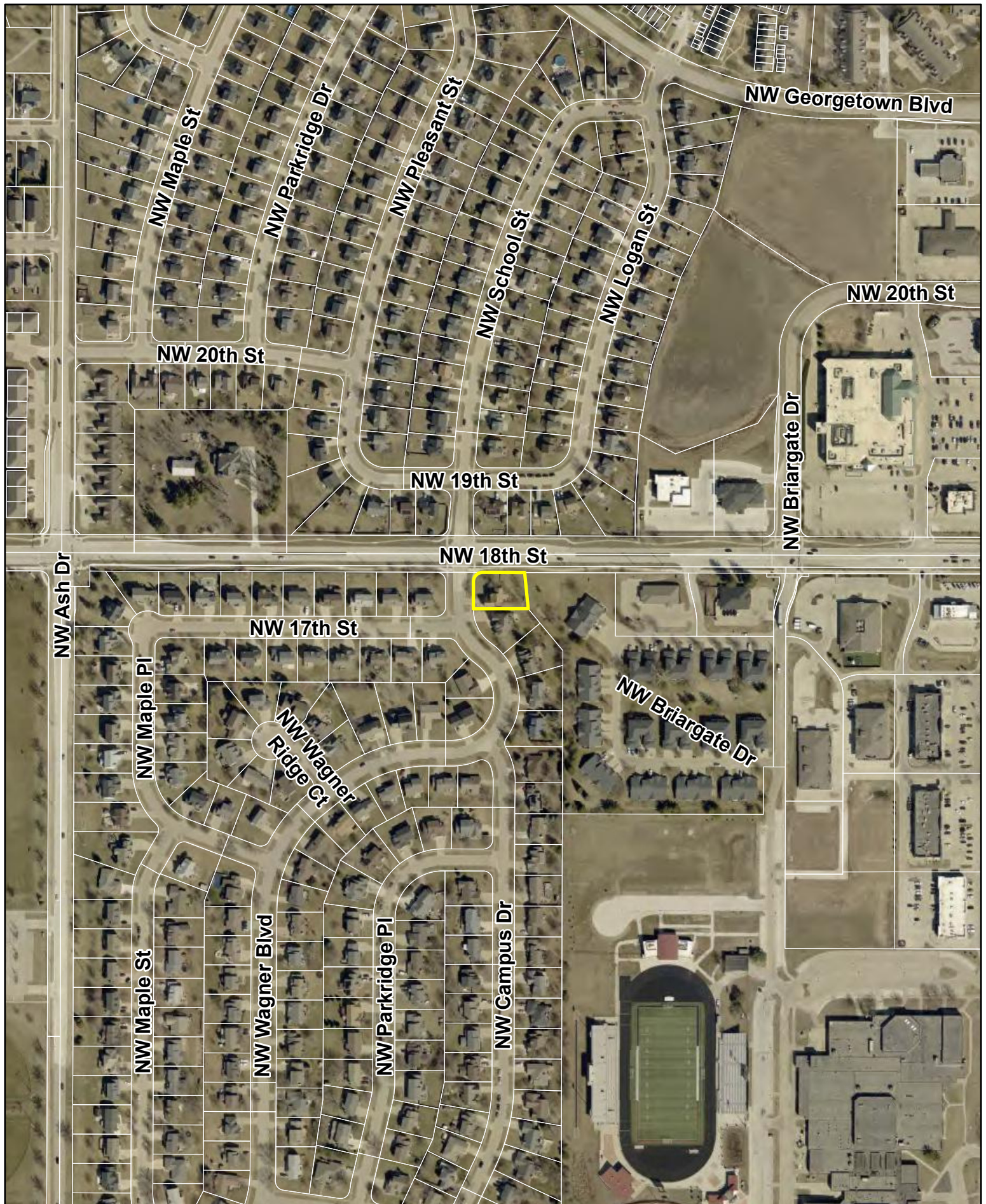
FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

1. #25-08 Applicant Submittal
2. #25-08 Aerial Map
3. #25-08 Staff Report



1 inch = 333 feet

Date: 8/6/2025

**1705 NW Wagner Boulevard
Front-Yard 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, Planner I
Filing #: 25-08
Meeting Date: August 19, 2025
Address: 1705 NW Wagner Boulevard

ESC

APPELLANT REQUEST

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 14 feet into the required 30-foot front yard setback along the north property line adjacent to NW 18th Street at 1705 NW Wagner Boulevard.

STAFF POSITION

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 14 feet into the required 30-foot front yard setback along the north property line adjacent to NW 18th Street at 1705 NW Wagner Boulevard, subject to additional landscaping between the proposed privacy fence and NW 18th Street.

The staff 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.

PROJECT SUMMARY

The subject property is located at 1705 NW Wagner Boulevard, south of NW 18th Street, east of NW State Street, and west of N Ankeny Boulevard. The property is zoned R-2, One-Family and Two-Family Residence District. The site is a total of .326 acres and is a corner lot with two front yards facing to the north and the west. The applicant has requested a variance to allow a 6-foot tall, wood, privacy fence to be installed approximately 14 feet into the 30-foot front yard setback along NW 18th Street. Currently, there is a 4-foot tall wooden fence on the property that runs along the north property line adjacent to NW 18th Street. The applicant is requesting a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot wooden privacy fence to be constructed 16 feet off of the north property line along NW 18th Street.

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 address for the subject property is 1705 NW Wagner Boulevard and is legally described as LT 1 PARKVIEW CAMPUS PLAT 8. The subject property is on a corner lot and is subject to two front yards. The two front yards are located along the north property line adjacent to NW 18th Street and along the west property line adjacent to NW Wagner Boulevard. The subject property is zoned R-2, One-Family and Two-Family Residence District. Properties to the east, south and west are also zoned R-2, but the properties to the north are zoned R-3, Multiple-Family Residence District restricted to single family homes.

The subject property is a .326-acre lot that contains a single-family, detached home, built in 1998 that is setback approximately 30 feet off the property line. Surrounding properties are also single-family, detached homes on similarly sized lots. Permit records indicate the existing wrought iron fence was constructed in 2011.

Staff is currently working on a zoning code update, this 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.

In similar cases previously, staff has usually recommended landscaping be installed and maintained between the right-of-way and the proposed 6-foot privacy fence. The applicant has agreed to install and maintain screening between the proposed fence and NW 18th Street.

Ankeny Municipal Code Section 191.14(2) states, "Residential fences shall be permitted in any yard in residential zoning districts or residential use areas. Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements."

STAFF ANALYSIS

The following is City staff's analysis of the proposed Variance 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 with frontage on NW 18th Street and NW Wagner Boulevard, which results in the property having two front yards.
- 3. A literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.**
 - 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.
- 4. Such Variance shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.**
 - In the proposed location, the fence 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 fence would be allowed without a variance.

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.

Therefore, 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 14 feet into the required 30-foot front yard setback along the north property line adjacent to NW 18th Street at 1705 NW Wagner Boulevard, subject to additional landscaping between the proposed privacy fence and NW 18th 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.



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 19, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#25-09
Bos Fencing, LLC
on behalf of Richard and Athena Puski
for property located at
530 NE 9th Street
Lt 10, Henderson Park Plat 17
RE: Variance - Front Yard Setback - Fence

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. #25-09 Applicant Submittal
2. #25-09 Additional Applicant Letter 8-15-2025
3. #25-09 Aerial Map
4. #25-09 Staff Report



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

To: Members of the Zoning Board of Adjustment
From: Jake Heil, Associate Planner
Filing #: 25-09
Meeting Date: August 19, 2025 *EJC*
Address: 530 NE 9th Street

APPELLANT REQUEST

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 28-feet into the required 30-foot front yard setback along the east property line adjacent to NE Innsbruck Drive at 530 NE 9th Street.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment deny a Variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall wood privacy fence to encroach approximately 28-feet into the required 30-foot front yard setback along the east property line adjacent to NE Innsbruck Drive at 530 NE 9th Street.

The staff position is based on a determination that the proposed wood fence may impact neighboring properties, the public right-of-way leading to the park, would reduce visibility at the park entrance, and would not conform with the proposed Zoning Code amendment.

If the Board would choose to grant a variance, staff would recommend that the encroachment be limited to 15 feet, which would be in line with more recent actions by the Board on similar request and would conform with staff's recommended Zoning Code amendment regarding these types of front yard fences.

PROJECT SUMMARY

The subject property at 530 NE 9th Street is situated on Lot 10, Henderson Park Plat 17; and is generally located in the northwest corner of the NE 9th Street and NE Innsbruck Drive intersection. The subject property is zoned R-2, One- and Two-Family Residence District, with all of the surrounding properties being similarly zoned. The property is approximately 10,847 sq. ft. in size and contains a single-family house on the lot. The lot is considered a corner lot with two front yards facing to the south along NE 9th Street and to the east facing NE Innsbruck Drive. The applicant has requested a variance to allow a 6-foot tall, wood, privacy fence to be installed approximately 28-feet into the 30-foot front yard setback along NE Innsbruck Drive. Currently, there is no fence located on the property. The applicant is requesting a variance to Ankeny Municipal Code Section 191.14(2), to allow the fence to be relocated 2-feet off of the east property line along NE Innsbruck Drive.

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 address for the subject property is 530 NE 9th Street and is legally described as Lot 10, Henderson Park Plat 17. The subject property is on a corner lot and is subject to two front yards; one facing south along NE 9th Street and one facing east along NE Innsbruck Drive. The subject property is zoned R-2, One- and Two-Family Residence District, with all of the surrounding properties being similarly zoned.

The subject property is a 10,847 sq. ft. lot that contains a single-family, detached home built in 1977 that is setback approximately 31-feet on both the east and south property lines. Surrounding properties are also single-family, detached homes on similarly sized lots.

In July of 2025, an applicant on behalf of the property owners, submitted a permit application to City Staff to install a new 6-foot wood privacy fence on the property. After reviewing the application, staff informed the applicant that the 6-foot wood privacy fence was located within the front yard setback along NE Innsbruck Drive, and would require it to comply with the 30-foot setback requirement of the Code, as the 6-foot wood privacy fence encroaches 28-feet into the rear yard setback. The applicant applied for a variance.

Ankeny Municipal Code Section 191.14(2) states, "Residential fences shall be permitted in any yard in residential zoning districts or residential use areas. Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements."

Currently, the proposed fence would extend east off the middle of the house, just south of the A/C unit attached to the residence, and would extend 28-feet into the 30-foot front yard setback. Leaving 2-foot gap between the property line (western edge of the sidewalk) and the wood fence. From there the proposed fence would extend north to the rear property line, where it will transition to a 5-foot black aluminum fence that is not opaque. This black aluminum fence would then enclose the rest of the back yard to the west property line and go south to the back wall of the garage.

STAFF ANALYSIS

The following is City staff's analysis of the proposed Variance 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. According to the Assessor's data the property owners purchased the property in January of 2024. 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 9th Street and NE Innsbruck Drive, which results in the property having two front yards.
- 3. A literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship.**
 - 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.
- 4. Such Variance shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.**
 - Staff does not support the current request of a 6-foot wood privacy fence to encroach 28-feet into the 30-foot front yard setback along NE Innsbruck Drive. The primary reasons for this are: the proposed wood fence may impact neighboring properties, the public right-of-way leading to the park, would reduce visibility at the park entrance, and would not conform with the proposed Zoning Code amendment.

Staff does however support a 6-foot tall, wood, privacy fence to encroach approximately 15-feet into the required 30-foot front yard setback along the east property line adjacent to NE Innsbruck Drive at 530 NE 9th Street.

In the proposed recommended locations; the wood privacy fence being setback 15-feet 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 fence would be allowed without a variance.

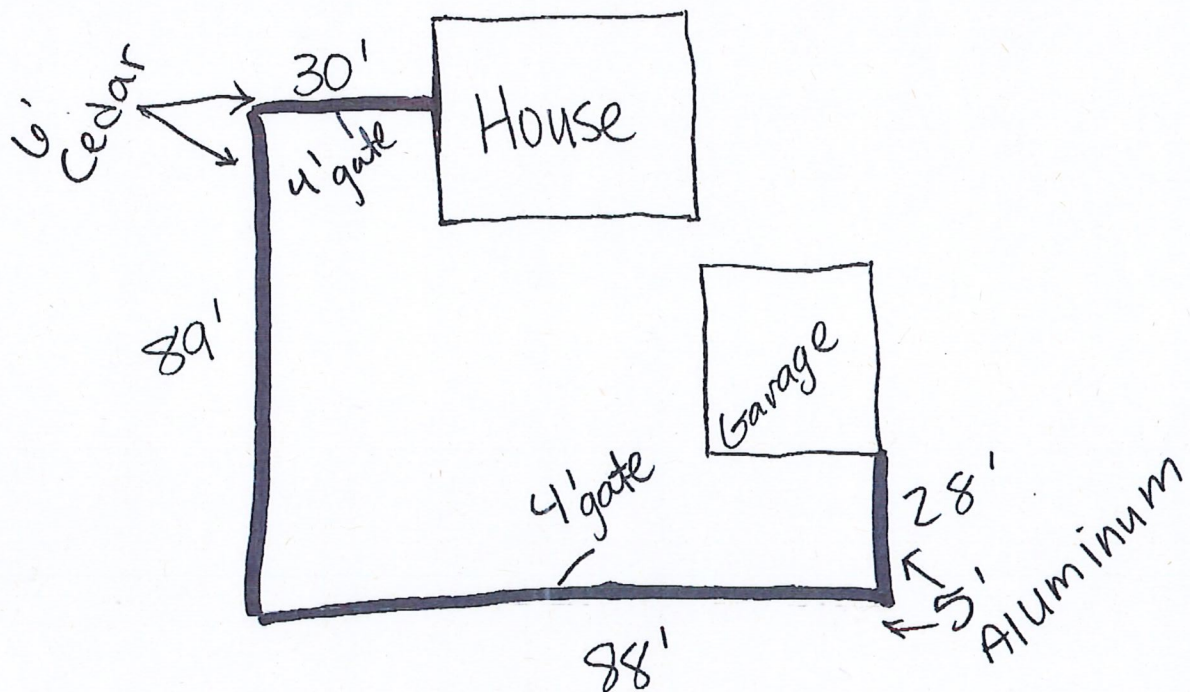
SUMMARY AND STAFF POSITION

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 received correspondence against the proposed Variance; stating visibility concerns

Therefore, staff recommends the Zoning Board of Adjustment deny a Variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall wood privacy fence to encroach approximately 28-feet into the required 30-foot front yard setback along the east property line adjacent to NE Innsbruck Drive at 530 NE 9th Street.

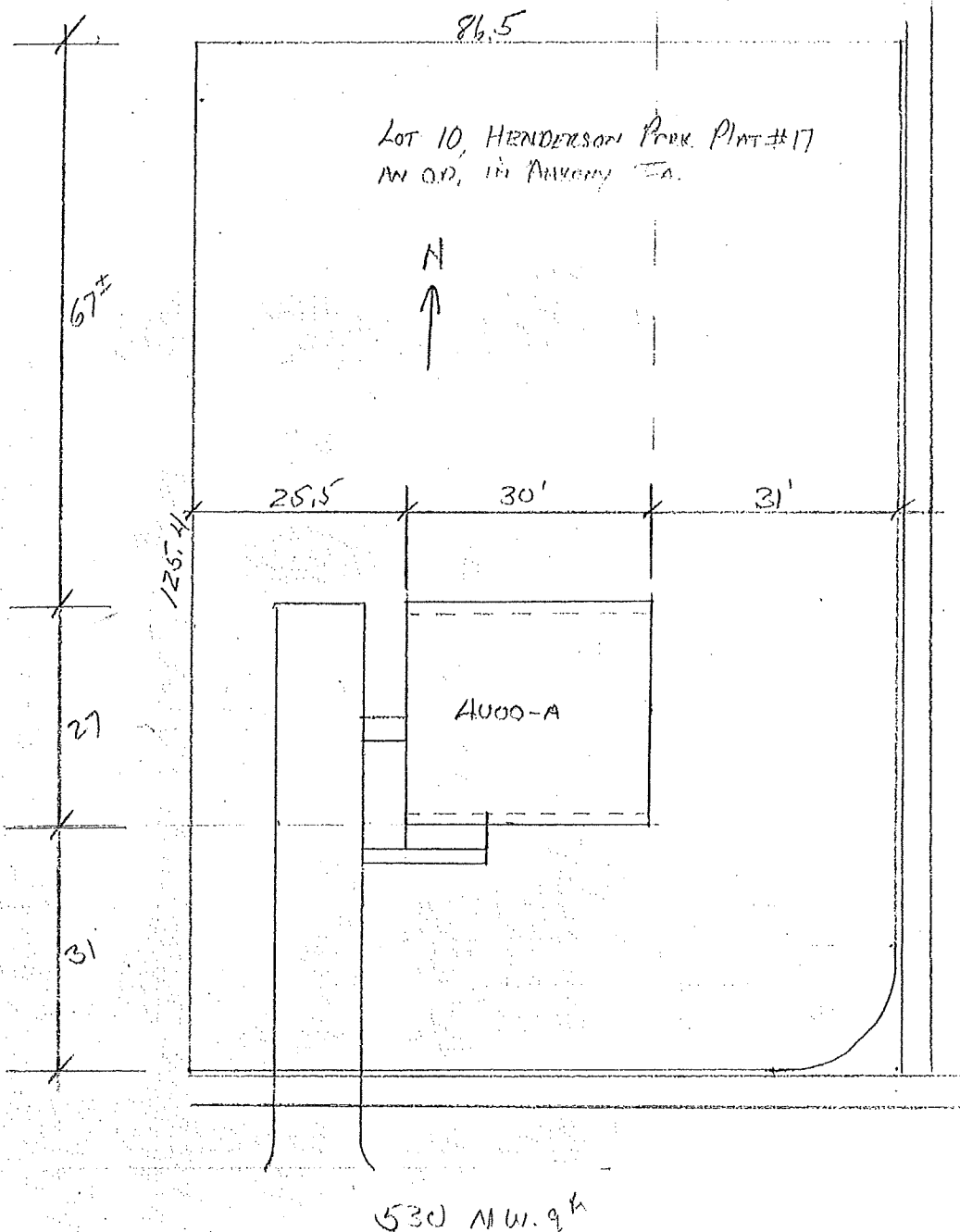
The staff position is based on a determination that the proposed wood fence may impact neighboring properties, the public right-of-way leading to the park, would reduce visibility at the park entrance, and would not conform with the proposed Zoning Code amendment.

If the Board would choose to grant a variance, staff would recommend that the encroachment be limited to 15 feet, which would be in line with more recent actions by the Board on similar request and would conform with staff's recommended Zoning Code amendment regarding these types of front yard fences.



ORIGINAL FENCE PERMIT

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ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

August 19, 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