

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