



ZONING BOARD OF ADJUSTMENT

Meeting Agenda
Tuesday, October 7, 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 August 19, 2025 regular meeting.

D. COMMUNICATIONS:

E. PUBLIC HEARINGS:

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

#25-10

Bos Fencing LLC

on behalf of Jacob Newell

for property located at

1007 NE Forest Ridge Drive

Lot 2, The Crossings at Deer Creek Plat 4

RE: Variance - Front Yard Setback - Fence

#25-11
Central Iowa Contractor Services LLC
on behalf of Brian and Shannon Knight
for property located at
1332 NE 55th Street
Lot 30, Kimberley Crossing Plat 1
RE: Variance - Rear Yard Setback - Covered Deck

F. REPORTS:

Renewed Special Use Permits

#19-10 Cancun Grill and Cantina 2, 2785 N Ankeny Boulevard, Suites 11 & 12
#16-13 Cabaret, 2785 N Ankeny Boulevard
#20-07 Birdies Tavern, 1975 N Ankeny Boulevard, Suite 117

G. ADJOURNMENT:

1. Request for Closed Session under Code Section 21.5.1 (c)

Consider motion 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."

2. Motion to adjourn.



Zoning Board of Adjustment

October 7, 2025

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Minutes of the August 19, 2025 regular meeting.

ORIGINATING DEPARTMENT

Community Development

Meeting Minutes
Zoning Board of Adjustment
Tuesday, August 19, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 19, 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 and Brett Walker. Absent: Nichole Sungren and Eric Strom. Staff: E.Jensen, E.Carstens, J.Heil, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JULY 22, 2025 REGULAR MEETING

Motion by M.Ott to approve the meeting minutes as submitted. Second by J.Baxter. Motion carried 3 – 0.

MINUTES OF THE AUGUST 5, 2025 REGULAR MEETING

Motion by M.Ott to approve the meeting minutes as submitted. Second by B.Walker. Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

Chair M.Ott announced that the Board received correspondence concerning Public Hearing #25-09. He said the Board will formally receive and file the correspondence during the public hearing.

PUBLIC HEARINGS:

#25-08

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

Chair M.Ott opened the public hearing.

Travis Tuttle, Clanton Creek Fence & Gate, on behalf of Robert Hamlin, 1705 NW Wagner Boulevard, Ankeny stated that the request is for a 6-foot privacy fence to be located 16-feet from the north property line.

J.Baxter referenced a picture to confirm the proposed location of the fence.

R.Kirschman reported the request is for 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. He said the property is zoned R-2, One-Family and Two-Family Residence District with the surrounding properties to the west, south and east being similarly zoned. R.Kirschman noted that the site is a total of .326 acres and is a corner lot with two front yards facing to the north and the west. Currently, there is a 4-foot tall wooden fence on the property that runs along the north property line adjacent to NW 18th Street. He stated that 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. R.Kirschman noted that 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. He said that if this code would be adopted, this request would meet code. 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. All property owners within 250' of the subject property were notified of the proposed Variance 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 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.

J.Baxter confirmed that the existing fence would be removed and the new 6-foot wooden fence would be placed approximately 14 feet into the setback. R.Kirschman responded, yes. The current fence would not serve the purpose and noted that the applicant was also very aware of protecting the visibility triangle with a 6-foot privacy fence.

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 shared that he has no concerns given the double front setback, the pending change to the code and the applicant is voluntarily moving it in from its current location. M.Ott asked that the additional landscaping be subject to staff approval and that it be maintained.

Board Action on Filing #25-08 for property located at 1705 NW Wagner Boulevard

Motion by J.Baxter 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 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 and maintenance thereof, between the proposed privacy fence and NW 18th Street. The Board's position is based on a determination that:

1. 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
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.

#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**

Chair M.Ott opened the public hearing.

Travis Bos, Bos Fencing, LLC, 1267 SE 68th Street, Pleasant Hill, Iowa on behalf of Richard and Athena Puski, 530 NE 9th Street, Ankeny, stated the original request was for a 29-foot variance into the 30-foot front yard setback off of NE Innsbruck Drive. He shared that they are now asking for a 26-foot front yard setback, offsetting it 4 feet from the sidewalk, with adding additional landscaping between the fence and the sidewalk. He shared that the homeowners had stated that they would bring the fence down from 6-feet to 5-feet tall. He commented that their dog can jump

over a 4-foot fence and the intersection has become busy with people and vehicles. Travis Bos, presented pictures showing the fence materials, the approximate location of the proposed fence and shared the discussions he had with City staff regarding the request. M.Ott verified with the applicant the modified requested location and height of the wooden fence along NE Innsbruck Drive. Travis Bos shared that the fence would be located outside of the visibility triangle. He noted that with the fence being 4-feet off of the sidewalk, it would require the homeowner to trim the pine tree on the property. Travis Bos further stated that if they are required to be 15 feet, they would have to remove the oak trees as they would be right in-line with where the fence would need to be located. He further presented various scenarios.

M.Ott asked if they have had discussions with City staff regarding their modified proposal. Travis Bos responded, no. M.Ott asked if there is landscaping currently between the sidewalk and the curb. Travis Bos responded, yes. M.Ott asked why they were utilizing two different materials to build the fence. Travis Bos said the homeowners want to be able to see their children while they play in the park behind them, which is why they have the aluminum fence proposed for the backyard. The wood fence is for privacy along NE Innsbruck Drive.

The Board had no further questions.

J.Heil 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 28-feet. He stated that the applicant has now presented a modified request of 26-feet, into the required 30-foot front yard setback along the east property line adjacent to NE Innsbruck Drive at 530 NE 9th Street. He stated the property is generally located in the northwest corner of the NE 9th Street and NE Innsbruck Drive intersection and is zoned R-2, One- and Two-Family Residence District, with all of the surrounding properties being similarly zoned. J.Heil said the property is approximately 10,847 sq. ft. in size and contains a single-family house on the lot with a detached garage and currently no fence on the property. The lot is considered a corner lot and the house is setback approximately 31-feet on both the east and south property lines. He explained that in July of 2025, an applicant on behalf of the property owners, submitted a permit application to install a new 6-foot wood privacy fence on the property and staff informed the applicant that the 6-foot wood privacy fence along NE Innsbruck Drive, would be required to comply with the 30-foot setback requirement of the Code, which prompted the request for the Variance. J.Heil said the submitted Variance was a request for a 6-foot tall, wood, privacy fence to encroach approximately 28-feet, into the required 30-foot front yard setback. The original submittal was two feet off of the property line. Staff and the applicant had communications regarding the requested location of the fence on the property and the result of the discussions was that staff would not support their original request. Staff does however support a 6-foot tall, wood, privacy fence to encroach approximately 15-feet into the required 30-foot front yard setback and 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. J.Heil stated that all property owners within 250' of the subject property were notified of the proposed Variance by mail, and to date, staff has received correspondence against the proposed Variance; stating visibility concerns. 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 requests and would conform with staff's recommended Zoning Code amendment regarding these types of front yard fences.

M.Ott confirmed that all correspondence received were in opposition of the request. J.Heil responded, yes. J.Baxter commented that they were all in opposition to the original plan, but the Board has no idea what their position would be on the amended request. M.Ott noted that City staff was unaware of the amended request since the applicant did not present it to them before this public hearing.

There was no one in the audience to speak for or against the request.

E.Jensen explained that the existing Code today says no fence taller than 42-inches is allowed in that setback. Staff have proposed a new code that would allow a fence taller than 42 inches up to 6-feet and extend 15-feet into that setback. The proposed new code is not on the books today; the current code says 42 inches. He shared that staff has to look at these requests and be consistent with their recommendations. If the Board sees circumstances that they believe are unique and difficult to this property, such as trees, and wants to work around those, that is within the Board's purview to do. For consistency, Staff's recommendation is still to deny it and ask for 15-feet. The Board can make their own decisions.

E.Jensen further stated that the proposed new code is not approved, it would have to be vetted by the Council and approved. It would allow a 6-foot tall fence at 15-feet, there would be no landscaping standards required. Anything beyond the 15-foot setback would need to be 42-inches. E.Jensen provided examples of prior fence cases over the last ten years, on corner lots, that have been brought before the Board as a reference.

B.Walker asked whether the neighboring fence was granted a Variance. E.Jensen shared, yes. He presented an overview of that case noting that the fence is located approximately 5 feet off of the sidewalk with shrubs planted between the fence and the sidewalk. J.Baxter inquired as to how many years ago it was. E.Jensen share it was approved in 2015.

Travis Bos responded to the staff recommendation, stating that fences do not typically diminish property values, he does not understand how the fence could impede the entrance to the park or reduce visibility, and that 529 NE 9th Street was granted a privacy fence similar to their request. He said earlier correspondence with staff made him believe that staff would support their request and he found out later that staff were no longer going to support their proposal, which is why they brought a new proposal to the meeting. He further reviewed and rebutted the neighboring properties' communication that was provided to the Board. He then provided closing comments to the Board. He thanked the Board for their time.

Richard Puski, 530 NE 9th Street, Ankeny, said they are originally from Boone, Iowa but moved to Ankeny from Iowa City to be closer to extended family. He said they chose their current home in Ankeny due to it being next to the beautiful Crestbruck Park. He said the sheer busyness of being next to the park entrance did give them some hesitation initially. Richard Puski stated as they explored the lot, they noticed their neighbors at 529 NE 9th Street had a privacy fence along NE Innsbruck Drive. He saw the potential of having the same thing, which alleviated their concerns. He explained that they would like to build a 6-foot tall privacy fence 2-feet away from the sidewalk, but are willing to move the privacy fence to 4-feet away from the sidewalk, to match their neighbors, and to reduce the height from 6-feet to 5-feet, if it would make their request more acceptable. The need for the privacy fence is due to the busyness of the sidewalk as it is a main pedestrian entrance to Crestbruck Park and that portion of their yard is their children's primary outdoor play space. He said there have been pedestrians who have started conversations with their children, which makes them feel uncomfortable. A privacy fence would set a clear boundary and help protect their children, giving them a safe place to play without intrusion and also provide a safe place for their dog. They believe the sheer volume of pedestrians next to their property justifies a privacy fence. He believes the fence being 4-feet from the property line would actually improve the visibility going into the park by trimming the evergreen tree. M.Ott asked what their intentions were in trimming the evergreen tree. Richard Puski said they currently do not have a confirmed plan on how it will be trimmed. Richard Puski stated that installing a fence 15-feet from the sidewalk will not be a viable alternative to them. They believe that the busyness from the entrance of the park is a unique hardship on the property and their request for a variance is in line with several nearby houses. He noted 529 NE 9th Street, 910 NE Trilein Drive and 1002 NE Trilein Drive all have privacy fences installed. They hope that the amendments to their original proposal, the large setback from the corner of NE 9th Street and Innsbruck Drive, the willingness to install and maintain landscaping between the sidewalk and fence are seen as good-faith overtures to strike a balance between our family's privacy needs, the aesthetics and the safety of the neighborhood. He thanked the Board for the time.

M.Ott said the applicant indicated that previous discussions with city staff indicated recommendation for approval of the Variance. He asked staff to provide some background.

J.Heil shared that originally the Variance request was to place the fence right on the property line. He responded that normally, staff would not recommend it right on the line, that it would need to be set back a couple feet and include landscaping to be placed between the fence and sidewalk. He said staff further discussed the request, and provided the options of installing the flat aluminum picket fence all the way around or installing the cedar wood fence at 15-feet.

M.Ott asked staff for clarification on their reason for not recommending the applicant's original request. J.Heil said staff had some concern about the fence being only 2-feet in from the sidewalk with landscaping and the 4-foot sidewalk as it would be quite narrow for a busy sidewalk that includes kids on scooters.

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 held a discussion regarding the information that was presented to them, which included issues with the placement of the fence due to the existing landscaping and that cutting down trees for the fence does not make sense. They also noted that the trees were an existing condition when the property was purchased, the visibility triangle does not present an issue with the applicant's request, NE Innsbruck Drive north of 9th Street, is probably a less used street, but it is still a public street according to the code; and that the homeowner not realizing the differences between their request, and the decision made by the Board in 2015, for the placement of the fence 5 feet from the sidewalk across at 529 NE 9th Street.

E.Jensen commented that the approval does not have to be a hard line. E.Carstens presented a drawing with a north/south line drawn in between the pine tree and the oak trees.

The Board commented that they would not be in favor of the original request or the modified request. The Board moved forward with their motion.

Board Action on Filing #25-09 for property located at 530 NE 9th Street

Motion by M.Ott that the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code 191.14(2) to allow a 5-foot-tall wood privacy fence to encroach into the required 30-foot front yard setback along the east property line adjacent to NE Innsbruck Drive at 530 NE 9th Street; and work with city staff locating the fence somewhere between five and ten feet from the east property line, between the evergreen and oak trees, with the intention being generally along the line depicted in the attached drawing.

The Board's position is based on a determination that the proposed wood privacy fence would not impact neighboring properties or the public right-of-way leading to the park, nor would it reduce visibility at the park entrance, and that this would be in general conformance 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 6:18 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Agenda

October 7, 2025

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

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.

ORIGINATING DEPARTMENT

Community Development

COUNCIL GOAL

ACTION REQUESTED

LEGAL

EXECUTIVE SUMMARY

CITY MANAGER/STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S)

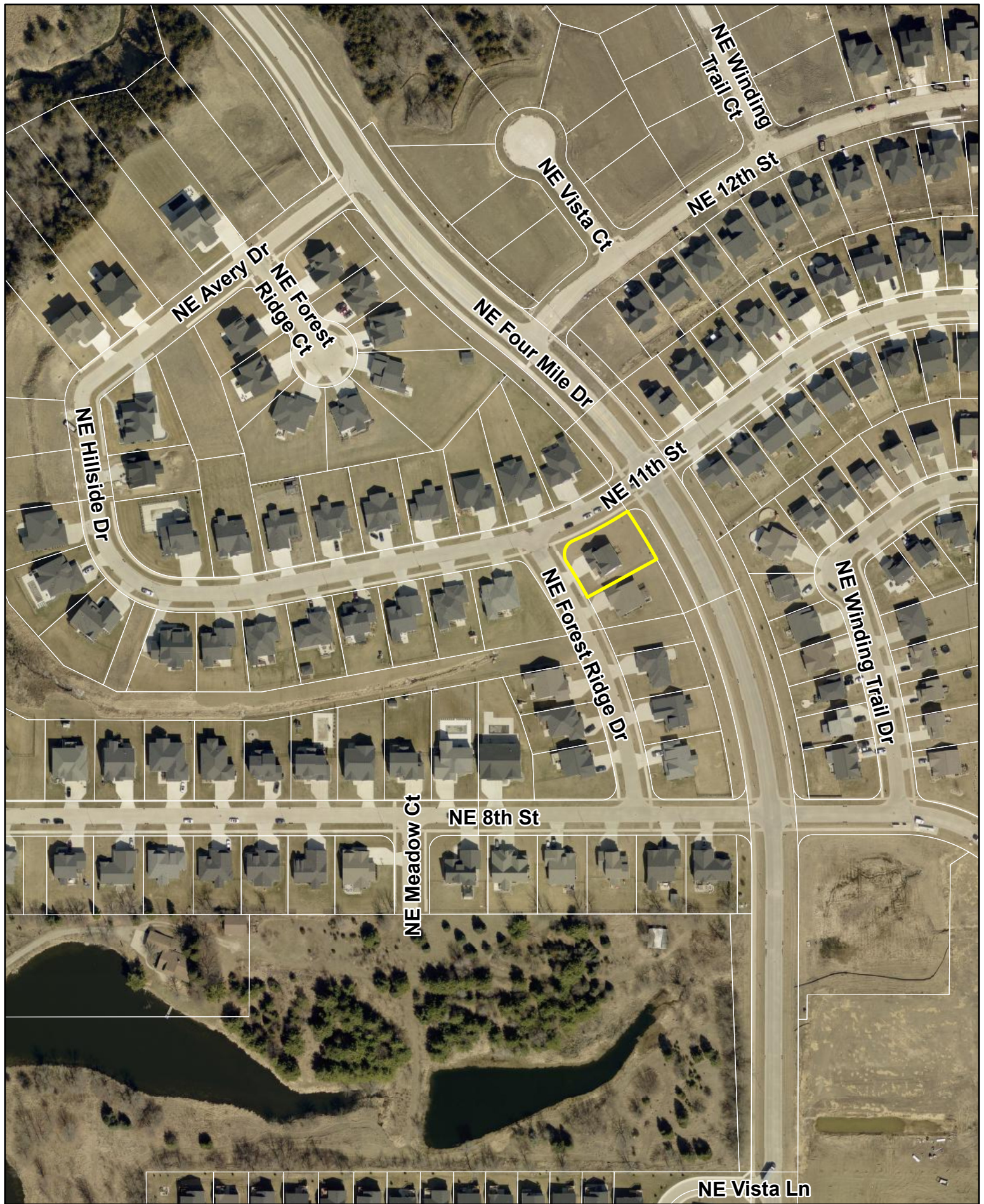
FISCAL IMPACT

PUBLIC OUTREACH EFFORTS

ACTION REQUESTED

ATTACHMENTS

None



1 inch = 209 feet

Date: 9/4/2025

**1007 NE Forest Ridge 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, Planner I
Filing #: 25-10
Meeting Date: October 7, 2025 *ESC*
Address: 1007 NE Forest Ridge Drive

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, steel fence to encroach approximately 25 feet into the required 30-foot front yard setback along the north property line adjacent to NE 11th Street at 1007 NE Forest Ridge Drive.

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 ornamental steel fence to encroach approximately 25-feet into the required 30-foot front yard setback along the north property line adjacent to NE 11th Street at 1007 NE Forest Ridge Drive.

The staff position is based on a determination that the proposed ornamental steel fence may impact neighboring properties, the public right-of-way along NE Four Mile Drive, 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 requests and would conform with staff's recommended Zoning Code amendment regarding these types of front yard fences.

PROJECT SUMMARY

The subject property is located at 1007 NE Forest Ridge Drive, east of Interstate-80, west of NE Four Mile Drive, and north of E 1st Street. The subject property is situated on the corner of NE 11th Street and NE Forest Ridge Drive. The property is zoned PUD, Deer Creek PUD. The site is a total of .29 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, ornamental steel fence to be installed approximately 25 feet into the 30-foot front yard setback along NE 11th Street. The applicant is requesting a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot ornamental steel fence to be constructed 5 feet off of the north property line along NE 11th 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 1007 NE Forest Ridge Drive and is legally described as THE CROSSINGS AT DEER CREEK PLAT 4, LOT 2. 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 NE 11th Street and along the west property line adjacent to NE Forest Ridge Drive. The subject property is zoned PUD, Deer Creek PUD. All surrounding properties are also a part of the Deer Creek PUD.

The subject property is a .29-acre lot that contains a single-family, detached home, built in 2021 that is setback approximately 31 feet off the west property line and 33 feet off of the north property line. Surrounding properties are also single-family, detached homes on similarly sized lots. There is an outlot to the east of the subject property for landscape buffering along NE Four Mile Drive.

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 a proposed 6-foot privacy fence. In this case, the request is for an open steel fence. The applicant included landscaping in their proposal if the fence was allowed five feet from the property line. There is a tree on the property that is approximately 17-feet off of the property line.

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 NE 11th Street and NE Forest Ridge 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 ornamental steel fence to encroach 25-feet into the 30-foot front yard setback along NE 11th Street. The primary reasons for this are: the proposed ornamental steel fence may impact neighboring properties, the public right-of-way along NE Four Mile Drive, and would not conform with the proposed Zoning Code amendment.

Staff does however support a 6-foot tall ornamental steel fence to encroach approximately 15-feet into the required 30-foot front yard setback along the north property line adjacent to NE 11th Street at 1007 NE Forest Ridge Drive.

In the proposed recommended locations; the ornamental steel 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.

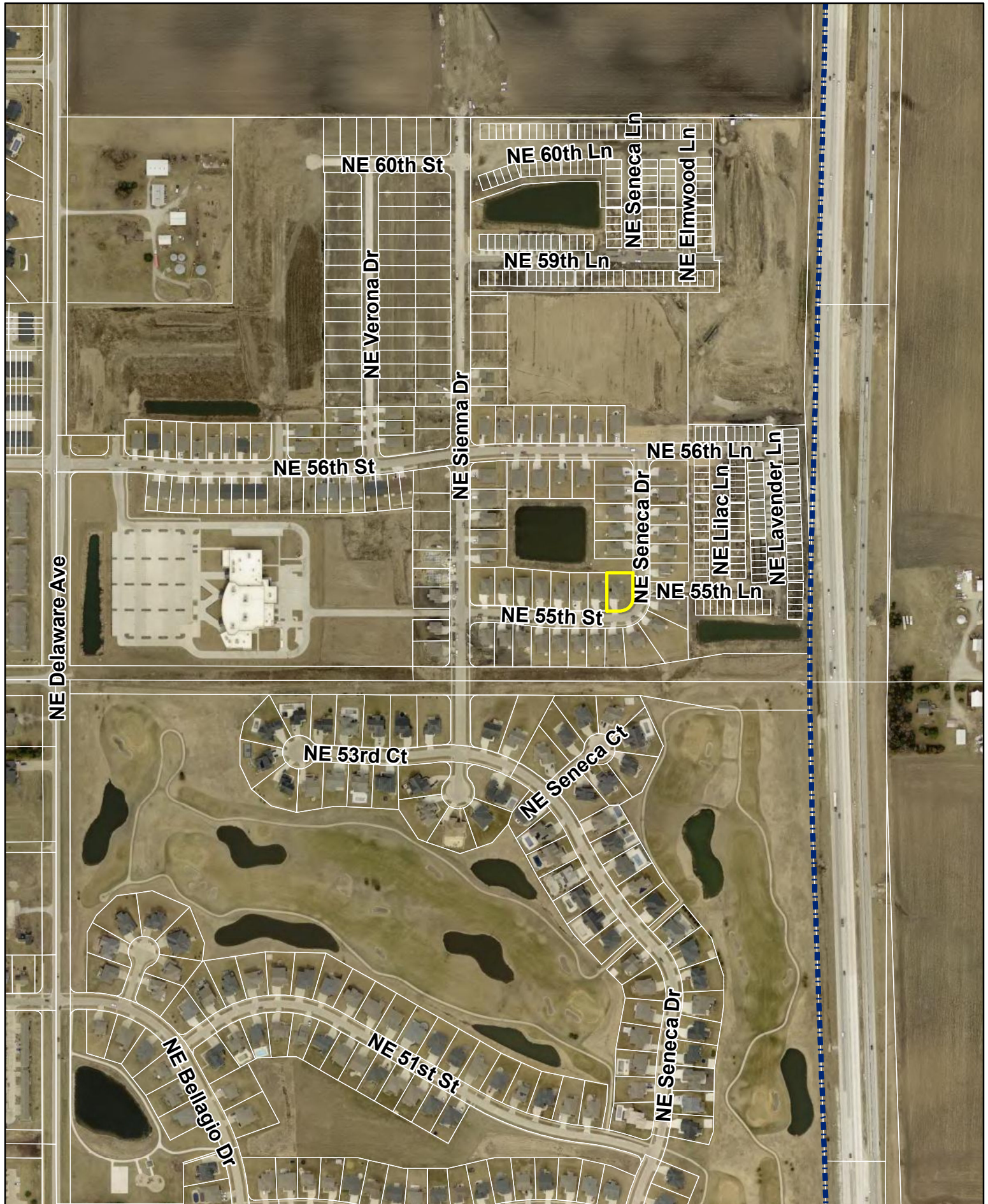
SUMMARY AND STAFF POSITION

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 not received any correspondence in support or against the proposed Variance.

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 ornamental steel fence to encroach approximately 25-feet into the required 30-foot front yard setback along the north property line adjacent to NE 11th Street at 1007 NE Forest Ridge Drive.

The staff position is based on a determination that the proposed ornamental steel fence may impact neighboring properties, the public right-of-way along NE Four Mile Drive, 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 requests and would conform with staff's recommended Zoning Code amendment regarding these types of front yard fences.





1 inch = 86 feet
Date: 9/24/2025

**1332 NE 55th Street
Aerial Map**

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

To: Members of the Zoning Board of Adjustment
From: Laura Hutzell, Associate Planner
Filing #: 25-11
Meeting Date: October 7, 2025 *ESC*
Address: 1332 NE 55th Street

APPELLANT REQUEST

A Variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35 Feet, allowing a 31-foot rear yard setback to construct a covered deck.

STAFF POSITION

Staff recommends 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 14x12 cover over the proposed deck at 1332 NE 55th Street.

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 1332 NE 55th Street, east of NE Delaware Avenue, south of NE 56th Street just west of Interstate 35 in the northeast quadrant of Ankeny. The subject property is a corner lot and is zoned R-3, Multiple Family Residence District restricted to Single Family and is situated on Lot 30 Kimberley Crossing Plat 1.

The applicant is requesting a Variance to encroach approximately 4 feet into the required 35-foot rear yard setback to construct a 14x12 cover over a proposed 14x16 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 located at 1332 NE 55th Street consists of a single-family, one story home with a small patio located at the north (rear) side. The property is located east of NE Delaware Avenue, south of NE 56th Street, and just west of Interstate 35 in the northeast quadrant of Ankeny. The property is zoned R-3, Multiple-Family Residence District Restricted to Single Family and is situated on Lot 30 Kimberley Crossing Plat 1. Surrounding properties in all directions are zoned R-3, Multiple-Family Residence District Restricted to Single Family. The home on the subject property was constructed in 2024 without a deck. The home currently has a 10x10 patio at the rear.

In September 2025, the applicant submitted a permit application for a 14X16 deck with a 14x12 portion of it being covered. The permit request shows the covered portion of the deck extending 14-feet to the north (rear side of the home) and 12-feet to the east, leaving an additional four feet uncovered. City staff denied the permit due to the covered portion of the deck encroaching approximately 4-feet into the rear yard setback. Per Ankeny Code:

196.032(B)2 Rear Yard

2. *Unenclosed, above and below, decks which project not more than 12-feet into the required rear yard.*

On September 10, 2025, staff received a Variance request for the 14X12 covered portion of the deck to encroach approximately 4 feet into the required 35-foot rear yard setback. It's important to note, there is no need for a variance on the uncovered portion extending east an additional four feet into the front yard setback, as this portion of the deck is uncovered and not projecting more than 10 feet into the required setback allowed by Code:

196.032(B)(1) Front Yard

2. *Decks less than 36-inches in height which project not more than 10-feet into the required yard.*

Per the current Ankeny Municipal Code Section 192.05(3)(E) the subject property must have a 35-foot rear yard setback. Staff is currently working on a zoning code update that 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 request would be allowed without a variance.

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 the corner of NE 55th Street and NE Seneca Drive. This property is considered shallow compared to other corner lots.

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

- The curved right-of-way and corner setback made it necessary to site the house further north than it would have needed to be if it were an interior 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.

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

- The property has multiple shrubs along the east end of the property effectively screening a majority of the deck from NE Seneca Drive. It is the intention of the homeowner to keep these shrubs, which would help minimize any potential impact on the neighboring properties. In addition, the rear yard backs up to an outlot for storm water detention.

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 192.05(3)(E) to allow a 31-foot rear yard setback for a 14x12 cover over the proposed deck at 1332 NE 55th Street. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered portion of the 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.



Zoning Board of Adjustment

October 7, 2025

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Renewed Special Use Permits

ORIGINATING DEPARTMENT

Community Development



City of Ankeny
Outdoor Service Area Renewal Application

*Special Permit Resolution # 19-10

Passed September 4, 2019

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: Cancun Grill and Cantina 2 Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Cancun Grill and Cantina 2

Address of Premise: 2785 N Ankeny Boulevard, Suites 11 & 12

- 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.

Candace Cedillo L
Signature

Candace Cedillo L
Name of Applicant (printed)

07/28/25

Date

ADMINISTRATIVELY
☒ **APPROVED**

8/22/25 EJC



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 16-13,**

Issued: September 5, 2018

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: CABARET ANKENY, LLC
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): CABARET

Address of Premise: 2785 NORTH ANKENY BLVD., ANKENY, IOWA 50023

- 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.

Laura Murphy
Signature
Laura Murphy
Name of Applicant (printed)

8/29/25
Date

ADMINISTRATIVELY
☒ **APPROVED**
9/8/25 EJC



City of Ankeny

Outdoor Service Area Renewal Application***Special Permit Resolution # 20-07****Issued July 7, 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: Jumbo LLC
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Birdies Tavern (Formally JJ's Tavern)

Address of Premise: 1975 N ANKENY BLVD, SUITE 117

- 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

Mike Bink

Name of Applicant (printed)

9-4-25

Date

ADMINISTRATIVELY
☒ **APPROVED**

9/8/25 EJC



Zoning Board of Adjustment

October 7, 2025

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

1. Request for Closed Session under Code Section 21.5.1 (c)

ORIGINATING DEPARTMENT

Community Development



Zoning Board of Adjustment

October 7, 2025

5:00 PM

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

2. Motion to adjourn.

ORIGINATING DEPARTMENT

Community Development