



ZONING BOARD OF ADJUSTMENT

Meeting Agenda
Tuesday, October 21, 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, and October 7, 2025, regular meetings.

D. COMMUNICATIONS:

E. PUBLIC HEARINGS:

#25-12
MDF Holdings II, LLC
on behalf of Prairie Trail Commercial, LLC
for property located at
Outlot H, Prairie Trail Park Plat 1
RE: Conditional Use Permit

F. REPORTS:

Renewed Special Use Permits
#08-23 Buffalo Wild Wings Grill & Bar, 1690 SE Delaware Avenue
#15-14 Benchwarmers, 705 S Ankeny Boulevard
#22-03 Silk Elephant, 2410 SW White Birch Dr., Suite 108

G. ADJOURNMENT:

Motion to adjourn



Zoning Board of Adjustment
October 21, 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, and October 7, 2025, regular meetings.

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

Meeting Minutes
Zoning Board of Adjustment
Tuesday, October 7, 2025
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the October 7, 2025 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

Vice Chair Jeff Baxter read the Zoning Board of Adjustment Opening Statement.

ROLL CALL

Members present: Jeff Baxter, Nichole Sungren and Eric Strom. Absent: Matt Ott and Brett Walker. Staff: E.Jensen, E.Carstens, L.Hutzell, B.Morrissey, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE AUGUST 19, 2025 REGULAR MEETING

Vice Chair Jeff Baxter stated that the Board will table the August 19, 2025 regular meeting minutes until the next Zoning Board of Adjustment meeting on October 21, 2025.

COMMUNICATIONS / CORRESPONDENCE

Vice Chair Jeff Baxter announced that the Board received correspondence in opposition regarding Public Hearing #25-10. He said the Board will formally receive and file the correspondence during the public hearing.

PUBLIC HEARINGS:

#25-10

Travis Bos, 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

Vice Chair J.Baxter opened the public hearing.

Travis Bos, Bos Fencing, LLC, 1267 SE 68th Street, Pleasant Hill, Iowa, on behalf of Jacob Newell, is requesting a 6-foot ornamental steel fence to be placed 5-feet off the sidewalk on the east side of the property. He stated that the homeowner's concerns are the amount of traffic and pedestrians on NE Four Mile Drive. The Deer Creek Crossing development is quite large. He commented that living close to the interstate they have concerns that, with a 4-foot-tall fence, it would be easy for someone to grab their children. He also said that the homeowner is trying to maximize the usage of their property. Travis Bos stated in his opinion, the property is unique because it is a triple frontage lot. He presented a picture of the proposed fence and explained where they intend to place the fence, if approved. Pictures of the current layout of the property were presented. Travis Bos noted that the fence would be outside the visibility triangle and that the homeowner said they would install vegetation or landscaping, if it is required. He feels that the ornamental

steel fence provides street value and shared that the HOA will allow the requested fence if it is approved by the Board.

E.Strom asked if there was a fence on the property directly to the south of Mr. Newell's property. Travis Bos, responded, no. He shared that there are chain link fences about three properties to the south. E.Strom asked why they wanted 6-feet versus 4-feet. Travis Bos said that they want a safer play area for their children.

J.Baxter confirmed that their intention is to build the fence 5-feet from the sidewalk. Travis Bos, responded yes. J.Baxter asked if the parcel behind this property and adjacent to NE Four Mile is an HOA parcel? E.Carstens responded, yes. E.Jensen said the 6-foot-high fence is allowed to go all the way to the property line to the east. Where the fence is in violation, is in the front yard setback, on the north side of the property.

R.Kirschman reported the applicant is a requesting variance to Ankeny Municipal Code Section 191.14(2), at 1007 NE Forest Ridge Drive, that limits the height of fences located within front yard setbacks on corner lots to 42 inches, allowing a 6-foot tall, steel ornamental fence to encroach approximately 25 feet into the required 30-foot front yard setback along the north property line adjacent to NE 11th Street. He stated the property is located east of Interstate-35, west of NE Four Mile Drive, and north of E 1st Street. The property is a total of .29 acres and is a corner lot with two front yards facing to the north and the west. R.Kirschman noted that the property is zoned Deer Creek PUD with surrounding properties also being single-family, detached homes on similarly sized lots; and the outlot to the east along NE Four Mile Drive of the subject property is a landscape buffer owned by the HOA. He said that 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. He stated that the applicant also included landscaping in their proposal, which staff has usually recommended be installed and maintained, if the fence was allowed to be built 5-feet from the property line. R.Kirschman stated 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. If approved, the new code would reduce the front side yard setback for fences over 48-inches to 15 feet. He shared that staff feels that 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. He commented that notices were mailed out to neighboring properties within 250' and staff had only received one piece of correspondence in opposition to the request. Staff recommends that 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 chooses 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.

J.Baxter asked staff to confirm on the map where the homeowner who submitted the letter in opposition lives in relation to Mr. Newell's property.

E.Strom confirmed that if they installed a 4-foot-tall fence on the north side of the property and installed the remainder of the fence at 6-foot, it would be within the current code requirements? R.Kirschman responded yes, but it would have to be 4-feet inside the setback to be allowed by code.

Jacob Newell, 1007 NE Forest Ridge Drive, Ankeny stated this is a matter of security. They have four children under the age of eight, are very active, and a 4-foot fence would be very easy for their children to climb over and easy for anyone walking or driving by to access their property. He noted that a 6-ft fence is very prevalent in their neighborhood. Jacob Newell said that there was no data or studies provided in the staff report on the fact that it could hurt property value or take away from the public right-of-way on NE Four Mile Drive. He said as it relates to the letter that was sent in from the property owner in their neighborhood, his main concern seems to be the 6-foot tall fence to the east and not the 6-ft fence being in the setback on NE 11th Street. He also commented that the property owner seems to be concerned about continuity of the fences on NE Forest Ridge Drive road. He stated that they could build a 6-foot fence on the south and east; and a 4-foot fence on the north side which would be well within code. He shared that he does have letters in support of his request but was unable to get them in time for the meeting.

J.Baxter asked Jacob Newell to show the location of the homes that were in support on the aerial map. E.Strom asked if there was any comment from the homeowner to the north of his property. Jacob Newell responded, not in writing, but verbally they were in support of the request.

Jacob Newell said with the recommended 15-foot setback, the fence would run down the middle of their side yard, which cuts off almost 900 square feet of usable space in their yard. The tree that was planted with the home is at 17 feet, which would not allow room for the tree to grow with the fence at 15 feet. He said that they want to maximize the usage of the space in their yard that they purchased, along with the security they feel is necessary for their family.

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

Discussion was held by the Board and it was noted that the homeowner to the north did not provide any opposition to the request, the public comment that the Board received was mainly concerned about having a contiguous 4-foot chain link fence on the entire eastern side of the properties on NE Forest Ridge Drive. They also commented that there are a lot of properties with two front yards, so it is not necessarily a special case or a hardship since the home was purchased with two front yards. The Board agreed that they would be willing to do a variance at the 15-feet stating that it would be consistent with what they presume city code will be when or if the new zoning code is adopted.

Board Action on Filing #25-10 for property located at 1007 NE Forest Ridge Drive

Motion by N.Sungren that the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 191.14(2) to allow 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. The Board's position is based on a determination that the proposed ornamental steel fence would not impact neighboring properties, the public right-of-way along NE Four Mile Drive, and would conform with the proposed Zoning Code amendment.

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

#25-11

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

Vice Chair J.Baxter opened the public hearing.

Shannon Knight, 1332 NE 55th Street, Ankeny stated that they are asking for a covered deck to be built onto the back of their home. She said that they are asking for a 4-foot variance in the rear yard setback. She reviewed the drawing and provided the Board with details pertaining to the construction of the covered deck, noting that there will be a portion of the deck that will remain uncovered.

The Board had no questions.

L.Hutzell reported the applicant is requesting a Variance to Ankeny Municipal Code Section 192.05(3)(E) to construct a 14x12 deck cover over a proposed deck at 1332 NE 55th Street. She stated that the subject property is located in the NE Quadrant of Ankeny, east of NE Delaware Avenue, south of NE 56th Street and just west of Interstate 35. She said the property is zoned R-3, Multiple Family Residence District, restricted to single family and neighboring properties in all directions are also zoned R-3, restricted to single family. L.Hutzell stated that to the north there is a detention pond and there are no neighbors directly behind this property. The area to the north is part of the storm water detention outlot and contains a storm sewer easement leading to the detention pond. She explained that staff received a variance request for the 14x12 covered portion of the deck to encroach approximately four feet into the required 35-foot rear yard setback, leaving approximately 31 feet of open space between the proposed structure and the property line to the north. The home currently has a 10x10 patio at the rear of the home. L.Hutzell said the requested variance is specifically for the covered 14x12 portion of the 14x16 deck and that there is no need for a variance on the uncovered portion extending east, an additional four feet. She noted that this portion of the deck is uncovered and not projecting more than 10 feet into the required front yard setback allowed by Code. She said that staff is not concerned with the applicant constructing the covered portion of the proposed deck primarily because, when built, the home had to be sited further north than it would have needed to be if it were an interior lot due to the curved right-of-way and the corner setback, creating what could be considered an unnecessary hardship. She also commented that the subject property also does not have any immediate neighbors to the north. L.Hutzell explained that staff is currently working on a zoning code update. This includes an update to the requirements, which would allow the construction of enclosed or covered decks, as long as they are not more than 12 feet into the required setback and provided they are not more than 20 feet in width. She said that notices were mailed out to neighboring properties within 250' and staff has not received correspondence for or against the request. 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 deck cover 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.

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

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

Discussion was held by the Board noting that there is a sizable outlot north of the property so they would not be impeding on any property owner to the north. They also shared that there was no comment from the HOA, who owns the outlot regarding the requested variance and made note that the size and shape of the lot makes the lot unique. All Board members had no concerns about this request.

Board Action on Filing #25-11 for property located at 1332 NE 55th Street

Motion by J.Baxter that the Zoning Board of Adjustment grant a Variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 31-foot rear yard setback for a 14x12 cover over the proposed deck at 1332 NE 55th Street. The Board's position is based on a determination that:

1. The decreased rear yard setback from the covered deck 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 N.Sungren. All voted aye. Motion carried 3 – 0.

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

ADJOURNMENT

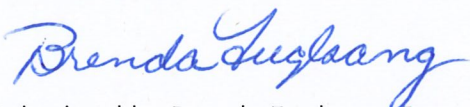
1. Request for Closed Session under Code Section 21.5.1 (c)

Motion by J.Baxter to go into Closed Session, pursuant to the provisions of Iowa Code Section 21.5.1, subparagraph (c) "To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." Second by E.Strom. All voted aye. Motion carried 3 – 0.

Vice Chair Jeff Baxter, Board Members Nichole Sungren and Eric Strom went into closed session with Attorney Tom Henderson at 5:48 p.m. and returned to the Council Chambers at 6:03 p.m. Vice Chair Jeff Baxter reopened the public meeting.

2. Motion to Adjourn

There being no further business, motion was made by J.Baxter to adjourn the meeting. Second by N.Sungren. Meeting adjourned at 6:05 p.m.



Submitted by Brenda Fuglsang, Recording Secretary
Zoning Board of Adjustment



Zoning Board of Adjustment
October 21, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

#25-12
MDF Holdings II, LLC
on behalf of Prairie Trail Commercial, LLC
for property located at
Outlot H, Prairie Trail Park Plat 1
RE: Conditional Use Permit

ORIGINATING DEPARTMENT
Community Development



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

To: Members of the Zoning Board of Adjustment
From: Deb Gervais, Senior Planner
Filing #: 25-12 *ESC*
Meeting Date: October 21, 2025
Address: Outlot H, Prairie Trail Park Plat 1

APPELLANT REQUEST

A Conditional Use Permit to allow a drive-in restaurant at Outlot H, Prairie Trail Park Plat 1, for MDF Holdings II, LLC on behalf of Prairie Trail Commercial.

STAFF POSITION

That the Zoning Board of Adjustment grant a Conditional / Special Use Permit in accordance with Prairie Trail PUD Section 9 to MDF Holdings II, LLC / Prairie Trail Commercial, LLC for Outlot H, Prairie Trail Park Plat 1 for a drive-in restaurant.

PROJECT SUMMARY

The subject property, Outlot H, Prairie Trail Park Plat 1, is 3.20 acres located south of SW Prairie Trail Parkway and west of S Ankeny Boulevard. The subject property is zoned Prairie Trail Planned Unit Development (PUD) and the Prairie Trail Land Use Map designates the subject property as being in the Neighborhood Commercial Precinct.

The property is owned by Prairie Trail Commercial, LLC and is for sale. MDF Holdings II, LLC has an interest in constructing a Dairy Queen restaurant with a drive-thru on the property. Due to the subject property's location in Prairie Trail's Neighborhood Commercial Precinct, a Conditional / Special Use Permit is required to allow a restaurant with a drive-thru.

PROJECT REPORT

Prairie Trail PUD Section 9. Allowable Uses

Within the precincts in Prairie Trail, different uses are permitted with different conditions. These are displayed in the following table, the Use Matrix. Levels of permission include:

- A. *Uses which are permitted by right.* These uses are permitted subject to issuance of a building permit by the Building Official, subject only to compliance with all regulations of this Ordinance and other applicable regulations. Uses permitted by right might be subject to supplemental regulations contained in this Ordinance. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- B. *Conditional uses.* These uses are subject to approval of a Conditional Use Permit by the Zoning Board of Adjustment, following the procedure set forth in the Municipal Zoning Code. These uses are indicated in the Use Matrix by a "C" in the applicable cell.

Use Matrix:

Restaurants (Drive-in) – Neighborhood Commercial – “C”

196.02 SPECIAL PERMITS.

(1) Zoning Board of Adjustment Authorization: The Zoning Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Zoning Ordinance:

196.02(2) Pre-Issuance Review: Before issuing any special permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture. The Zoning Board of Adjustment may approve the special permit as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Zoning Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this Zoning Ordinance to promote public health, safety, morals and the general welfare.

196.02(3) Application; Feasibility Evidence and Site Plan Required: Application for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property; and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.

196.02(4) Changes; Resubmittal Required: In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

FINDINGS OF FACT

The subject property, Outlot H, Prairie Trail Park Plat 1, is 3.20 acres located south of SW Prairie Trail Parkway and west of S Ankeny Boulevard. The subject property and surrounding properties are zoned Prairie Trail Planned Unit Development (PUD). The Prairie Trail Land Use Map designates the subject property as being in the Neighborhood Commercial Precinct. Due to the subject property's location in Prairie Trail's Neighborhood Commercial Precinct, a Conditional / Special Use Permit is required to allow a restaurant with a drive-thru.

The property is owned by Prairie Trail Commercial, LLC and is for sale. MDF Holdings II, LLC has an interest in constructing a Dairy Queen restaurant with a drive-thru on the property. The Dairy Queen site will take 1.16-acres of the lot, while the use of the remaining 2.05-acre balance of Outlot H is unknown. Existing neighboring property uses include: north – vacant Neighborhood Commercial ground, northwest – single-family residential, west – Heritage Elementary School, south – open space owned by the City of Ankeny.

Vehicle access to the site is from SW Prairie Trail Parkway at the intersection with SW School Street. The 2,684 SF single-story Dairy Queen building is proposed in the center of the site. The drive-thru

ordering is proposed to occur north of the building. The drive-thru queue is proposed to wrap along the north and east property lines. The proposed menu board and speaker are approximately 74-feet from the nearest single-family property.

The applicant has proposed approximately 53-feet of black iron fencing with stone columns adjacent to the street. There is an opening in the fence for a sidewalk leading from the public sidewalk to the patio and a side door. The proposed landscape plan shows two crabapple trees and 80 shrubs between the drive-thru and the street with other landscaping on site.

As is standard procedure, all property owners within 250' of the subject property were notified of the proposed Conditional / Special Use by mail, and to date, staff has not received any correspondence in support or against the proposed project.

STAFF ANALYSIS

Prairie Trail is an 1100-acre Planned Unit Development that was rezoned in 2007. The PUD includes five different precincts including: Residential Mixed-Use Precinct, Mixed-Use Urban Corridor Precinct, Neighborhood Commercial Precinct, Prairie Trail Mixed-Use Town Center Precinct, and Business Park Precinct. In 2016, Ordinance 1890 amended the PUD revising the Land Use Plan Map to show the subject property as Neighborhood Commercial.

The PUD has two definitions for restaurants in PUD Section 6(C)(5)(T).

Definitions – Restaurants - A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

- Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
- Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

There are two principle differences in the definitions of Restaurants (General) and (Drive-in or Fast Food) from a site development perspective, specifically how long the customer stays and automobile accessibility. The customer stay duration is longer for Restaurants (General) and shorter stays with quick turnover for Restaurants (Drive-in or Fast Food). Restaurants (General) typically have a moderate traffic and walkability impact, while Restaurants (Drive-in or Fast Food) may typically have a higher impact.

The following are statements based off of the PUD Use Matrix. Restaurants (General) are not an allowable use in the Residential Mixed-Use Precinct. Restaurants (General) are a use which is permitted by right in the Neighborhood Commercial Precinct. There are no precincts in which a conditional use permit is required for Restaurants (General).

On the other hand, Restaurants (Drive-in or Fast Food) are a use which is not permitted by right in any district. Restaurants (Drive-in or Fast Food) are not an allowable use in the Residential Mixed-Use Precinct or Prairie Trail Mixed-Use Town Center. A conditional use permit is required for Restaurants

(Drive-in or Fast Food) in the following precincts: Mixed Use Urban Corridor, Neighborhood Commercial, and Business Park Precinct.

The Municipal Code and PUD do not specifically prescribe considerations for reviewing a Conditional /Special Use permit of this type. From staff's perspective, there are two elements that if handled correctly can mitigate the use from a site planning perspective.

The first element is site planning for traffic with a safe number of vehicle access points, no cause for traffic backups, and safe pedestrian movements. Too many vehicle access points can disrupt a walkable area, but the single vehicle access onto SW Prairie Trail Parkway is aligned with the intersection of SW School Street.

The drive-thru should not cause traffic backups that block other streets or create safety issues. The building being proposed in the center of the site allows for the drive-thru service and queue to wrap over 283-feet around the length of the building, the north frontage, and east sides of the site. This design routes the carline away from main roads and includes a separate waiting area for delayed orders to keep the line moving.

There are public sidewalks proposed along SW Prairie Trail Parkway and there is a connection from the public walk to a building entrance. Pedestrians will have to cross the drive thru carline at a point where vehicles are stopped at the menu board.

The second element to mitigate the use from a site planning perspective is screening. A compatible drive-thru will have sufficient landscaping to buffer noise, and light, and visual impact from the drive-thru lane and menu boards. The applicant has proposed three layers of screening for the drive-thru, first a row of shrubs, then black iron fencing with stone columns, and lastly another row of shrubs. The quantity of landscaping and fencing proposed between the drive-thru and the street is suitable for screening the use.

SUMMARY AND STAFF POSITION

The Prairie Trail PUD allows for a drive-in or fast food restaurant use within the framework of the zoning for the Neighborhood Commercial Precinct. The differences between Restaurants (General) and Restaurants (Drive-in or Fast Food) have been mitigated through site planning for traffic and screening.

Staff recommends the Zoning Board of Adjustment grant a Conditional / Special Use Permit in accordance with Prairie Trail PUD Section 9 to MDF Holdings II, LLC / Prairie Trail Commercial, LLC for Outlot H, Prairie Trail Park Plat 1 for a drive-in restaurant.



Zoning Board of Adjustment
October 21, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Renewed Special Use Permits

#08-23 Buffalo Wild Wings Grill & Bar, 1690 SE Delaware Avenue

#15-14 Benchwarmers, 705 S Ankeny Boulevard

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

ORIGINATING DEPARTMENT

Community Development



City of Ankeny
Outdoor Service Area Renewal Application

*Special Permit Resolution # 08-23

Originally issued October 7, 2008

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: Blazin Wings, Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Buffalo Wild Wings Grill & Bar

Address of Premise: 1690 SE Delaware Avenue, Ankeny, Iowa 50021

- 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.

John D. Bowie
Signature
John Bowie
Name of Applicant (printed)

10.2.2025
Date

ADMINISTRATIVELY
☒ **APPROVED**
10/6/25 EJC



City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 15-14**

Originally approved May 19, 2015

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

Name of Applicant: **BRE Group, LLC (New Legal Entity)**

(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **Benchwarmers**

Address of Premise: **705 S. Ankeny Blvd.**

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

Signature

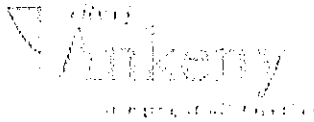
ELL LACLAIR

Name of Applicant (printed)

9/24/2025
Date

ADMINISTRATIVELY
☒ **APPROVED**

10/6/25 EJC



City of Ankeny
Outdoor Service Area Renewal Application

*Special Permit Resolution # 22-03

Approved March 8, 2022

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

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

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

Orathai Sae Lao
Signature

10/07/25
Date

ORATHAI SAE LAO
Name of Applicant (printed)

ADMINISTRATIVELY
☒ **APPROVED**
10/9/25 ESC



Zoning Board of Adjustment
October 21, 2025
5:00 PM

Matt Ott, Chair
Jeffrey Baxter, Vice Chair

Nichole Sungren

Eric Strom

Brett Walker

ITEM NAME

Motion to adjourn

ORIGINATING DEPARTMENT
Community Development