

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-feet 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