

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

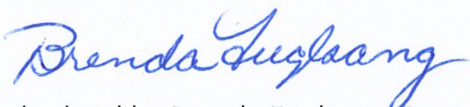
1. Request for Closed Session under Code Section 21.5.1 (c)

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