

Meeting Minutes

Zoning Board of Adjustment

Tuesday, November 8, 2022

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the November 8, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Jeff Baxter, Matt Ott, Nichole Sungren, and Brett Walker. Absent: Kristi Tomlinson.

Staff present: E.Jensen, B.Morrissey, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE SEPTEMBER 7, 2022 REGULAR MEETING

Motion by J.Baxter to approve the September 7, 2022 meeting minutes as submitted. Second by N.Sungren.

Motion carried. 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-19

JNM Development Holdings, LLC

for property located at

3607 NE Otterview Circle

Lot 1, Otter Creek Commercial Plat 3

RE: Variance – Rear Yard Setback

Chair M.Ott opened the public hearing.

Jared Murray, Civil Design Advantage, 4121 NW Urbandale Drive, Urbandale, on behalf of the applicant JNM Development Holdings, LLC said that they are asking for a variance to the zoning for a rear yard setback in the C-2 zoning district. He presented the site plan exhibit, which showed the proposed location of the open-air deck/patio on the NE side. He said their request would reduce the rear yard setback from 40-feet to 20-feet and commented that the developer has a potential restaurant tenant that would like to use the space for a patio.

J.Baxter asked if the deck is ground level. Jared Murray stated, yes.

N.Sungren asked what the high-water elevation is of the swale. Jared Murray responded that he did not have an exact elevation but it is less than one-foot. He said that it would back up into the overflow that is located on the north side before it would flow into that area.

There were no further questions from the Board.

B.Morrissey reported the subject property is located at 3607 NE Otterview Circle, generally located west of I-35 and north of NE 36th Street. He stated the property is zoned C-2, General Retail and Highway Oriented Commercial District with restrictions and the majority of the surrounding properties are zoned C-2, with the exception of the Otter Creek Golf Course. He said the project site contains an approximate 10,000 sq. ft. commercial structure that contains restaurant and office space. B.Morrissey commented that the original site plan approved by the Commission did not include any type of patio or deck on the site. He stated the

applicant contacted staff regarding the addition of a deck style patio along the east side of the building that would extend into the rear yard setback, which is not allowed in commercial districts. B.Morrissey explained that the applicant is requesting that the current rear yard setback be reduced to 20-feet to allow for the construction of the deck. He said the proposed deck is approximately 600 sq. ft. in size and extends east towards an existing retaining wall and fence on the site and will extend just under 20-feet into the existing 40-foot rear yard setback. The outdoor dining area does require additional parking stalls on the site, therefore, staff is recommending that a shared parking agreement be obtained with the site to the north, as there appears to be excess parking on their site. Public notices were mailed to neighboring properties and, to date, staff has not received any correspondence for or against the request. Staff recommends that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(3)(F) to allow a 20-foot rear yard setback for construction of a deck style patio at 3607 NE Otterview Circle, subject to the applicant acquiring a shared parking agreement. Staff's position is based on a determination that the decreased rear yard setback from the resulting deck style patio 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 were no questions from the Board.

Motion by M.Ott to close the public hearing, and receive and file documents. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

Board Action on Filing #22-19 property located at 3607 NE Otterview Circle

Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(3)(F) to allow a 20-foot rear yard setback for construction of a deck style patio at 3607 NE Otterview Circle, subject to the applicant acquiring a shared parking agreement.

The Board's position is based on a determination that the decreased rear yard setback from the resulting deck style patio 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.

Second by N.Sungren. All voted aye. Motion carried. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#16-13 Cabaret - 2785 N Ankeny Blvd.

#16-18 The Whiskey House - 2510 SW White Birch Drive, Ste. 8 & 9

#08-23 Buffalo Wild Wings Grill & Bar - 1690 SE Delaware Ave.

#15-14 Benchwarmers Ankeny Inc. - 705 S Ankeny Blvd.

#21-20 Vintage Brewhouse - 1300 NW 36th St., Ste. 101

#22-03 Silk Elephant - 2410 SW White Birch Drive, Ste. 108

E.Jensen provided information to the Board on the letter that Mayor Holm and the Ankeny City Council has sent to Alleman City officials regarding their proposed annexation.

There being no further business, motion by J.Baxter to adjourn the meeting. Second by M.Ott. Meeting adjourned at 5:14 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment