

Meeting Minutes
Zoning Board of Adjustment
Tuesday, November 7, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the November 7, 2023 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, Kristi Tomlinson and Brett Walker. Staff: E.Jensen, E.Carstens, D.Silverthorn, J.Heil, B.Morrissey, R.Kirschman and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE OCTOBER 3, 2023 REGULAR MEETING

Motion by J.Baxter to approve the October 3, 2023 meeting minutes as submitted. Second by N.Sungren.
Motion carried 3 – 0 – 2 (Abstain: K.Tomlinson and B.Walker).

COMMUNICATIONS / CORRESPONDENCE

Correspondence received for Appeal #23-18:

Tom Hay, 2014 SW Sage Circle, Ankeny

Gregory Brumm, 4401 SW Sawgrass Parkway, Ankeny

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-18

Chris Mortale, Amazed Construction Services

on behalf of Kristine and Brock Ford

for property located at

4402 SW Sawgrass Parkway

Lot 30, Sawgrass Park Plat 4

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Brock Ford, 4402 SW Sawgrass Parkway, Ankeny said they would like to put a roof over their deck, which will be the same dimensions as the deck. He shared that it would sit 10 feet into the rear yard setback. He explained that the roof would provide shelter for them so they could enjoy their west-facing deck and the Sawgrass Parkway. Brock Ford said they do have a unique backyard and would prefer not to put up temporary canopies and/or umbrellas to shield the sun. He commented that he did visit with his neighbors about the plans for the covered deck. He respectfully asked the Board for approval of the request.

M.Ott asked if any of the neighbors had issues or concerns. Brock Ford responded, no. An aerial map was presented and Chair Matt Ott asked Brock Ford to point out which neighbors he spoke to regarding the plans for the covered deck.

There were no further questions from the Board.

R.Kirschman reported that the request before the Board is for a variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 25-foot rear yard setback for a covered deck at 4402 SW Sawgrass Parkway. He said the property contains a single-family home with an attached deck on the west side of a .204-acre lot. It is located south of SW Oralabor Road and west of SW State Street within the southwestern quadrant of Ankeny. The subject property is zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes and neighboring properties to the north, south and east are similarly zoned R-3 with restrictions; and Sawgrass Park is located west of the subject property. The subject parcel is unique due to Sawgrass Park being located directly behind the home. He said that similar variance

requests have been approved by the Zoning Board of Adjustment in the past, with the most recent being in September of 2023, which allowed a covered deck to extend 13-feet into the rear yard setback. He commented that the staff's opinion is that the covered deck will have minimal impact on the neighboring properties. R.Kirschman stated that all property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff have only received correspondence from two property owners, one in favor and one in opposition. The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for the construction of a covered deck at 4402 SW Sawgrass Parkway. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

M.Ott asked if the individual who contested the request provided any reasons, as there is nothing provided in the correspondence presented to the Board. R.Kirschman responded, no.

James Crabb, 4302 SW Sawgrass Parkway, Ankeny said that he is the only neighbor where the cover over the deck could impede the line-of-sight, which it will not if built as shown. He commented that the only thing it blocks is the view of the neighbor's yard. He said that he will still have a full view of the greenspace, if the request is granted. He is in favor of the request.

Chair Matt Ott informed the audience that two pieces of correspondence were received, one in favor and one against. The one who contested did not provide their concerns.

Motion by M.Ott to close the public hearing, and receive and file documents. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

The Board had no concerns.

Board Action on Filing #23-18 for property located at 4402 SW Sawgrass Parkway

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 25-foot rear yard setback for the construction of a covered deck at 4402 SW Sawgrass Parkway. The Board's decision is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by K.Tomlinson. All voted aye. Motion carried 5 – 0.

#23-19

Andrea Dose

for property located at

2202 NE Trilein Drive

Lots 1 & 2, Northbrook Plat 6

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Andrea Dose, 2202 NE Trilein Drive, Ankeny said they have lived at this address for more than seven years and have been a part of the Ankeny Community for 12 years. She thanked the Board for their leadership. Andrea Dose stated that she is requesting a variance for a pergola to be placed in their back yard, which will be attached to their home. She said that they have taken good care of their home and are adding a pool on the west side. She explained that the patio faces the west and is extremely hot in the summer, and by adding the pergola, it would provide a more comfortable experience to their patio. The pergola is a quality product and an investment. Andrea Dose stated the pergola would have zero impact on their neighbors as they have trees that line the back-property line and by having the double lot it would not impede on anyone else. She also commented that they have visited with some of their neighbors and they are in support of this request. She respectively asked the Board for approval of the request for a 3-foot variance.

D.Silverthorn reported that the request is for a variance to Ankeny Municipal Code Chapter 192.03.3.E allowing a 32-foot rear yard setback for the property located at 2202 NE Trilein Drive. He stated that the appellant is requesting a variance to the minimum required rear yard setback of 35 feet within the R-1, One-

Family Residence Zoning District, in order to construct a pergola over the existing patio. The proposed pergola will be attached to the house, and is therefore considered a part of the principal building and subject to the required setbacks. D.Silverthorn said that the proposed pergola would encroach approximately three feet into the required minimum 35-foot rear yard setback, resulting in a 32-foot rear yard setback. The home is situated on Lots 1 & 2, Northbrook Plat 6, which is generally located near the intersection of NE Trilein Drive and NE Georgetown Boulevard. The subject property is zoned R-1, One-Family Residence District, and the surrounding properties to the north, east, south, and west of the subject property are also zoned R-1, One-Family Residence District. D.Silverthorn presented an aerial map showing the current distance between the rear property line and the home. D.Silverthorn explained that the appellant is currently constructing an in-ground swimming pool and related patio improvements, which include the required fence for the swimming pool as well as additional landscaping surrounding the pool and along the rear property line. He commented that the existing mature landscaping will also provide additional screening for the house that would be most impacted by the variance request, if approved. The Board has granted five such variances requests this year, resulting in setbacks of 33, 32, 29, 22 and 10 feet. The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.03.3.E, allowing a 32-foot rear yard setback for the property located at 2202 NE Trilein Drive. This position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter confirmed with staff the location and size of the pergola as shown on the drawing, as it looks rectangular versus square (16'x16'). D.Silverthorn provided the location and shared that the drawing is not to scale. J.Baxter then confirmed that had the pergola not been attached to the home, it could have been placed in the rear yard without a variance. D.Silverthorn responded yes, but further clarified that if detached, it would need to be located at least six (6) feet from the principal structure and may be allowed anywhere in the rear yard, as long as it is located outside of any existing easements and at least three (3) feet from a property line.

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

Motion by M.Ott to close the public hearing, and receive and file documents. Second by K.Tomlinson. All voted aye. Motion carried 5 – 0.

Board Action on Filing #23-19 for property located at 2202 NE Trilein Drive

Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.03.3.E, allowing a 32-foot rear yard setback for the property located at 2202 NE Trilein Drive. The Board's position is based on a determination that the variance would adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, would not impair an adequate supply of light and air to adjacent property, would not increase public danger of fire or endanger the public safety, and would not diminish or impair established property values in the surrounding area; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by M.Ott. All voted aye. Motion carried 5 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#21-20 Vintage Brewhouse - 1300 NW 36th Street, Suite 101

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

There being no further business, meeting adjourned at 5:27 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment