

Meeting Minutes
Zoning Board of Adjustment
Tuesday, September 19, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the September 19, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE SEPTEMBER 6, 2023 REGULAR MEETING

Motion by N.Sungren to approve the September 6, 2023 meeting minutes as submitted. Second by J.Baxter.
All voted aye. Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-16

Connor Milligan, Halcyon Fencing

for property located at

3902 NW 14th Court

Lot 8, Rock Creek Crossing Plat 6

RE: Variance - Front Yard Setback

Chair M.Ott opened the public hearing.

Connor Milligan, Halcyon Fencing, 2914 Oxford Street, Des Moines said he is requesting to leave the fence that they built at 3902 NW 14th Court where it is currently located, which is not at the appropriate setback. He stated that the fence does not impact the visibility of the corner of NW 14th Court. He commented that from the very back of the lot on NW Seasons Drive; you are able to see the stop sign at NW 14th Court. Connor Milligan said they are asking to allow the fence to remain, as it is not impeding the visibility of the corner.

R.Kirschman reported that the subject property is located at 3902 NW 14th Court, south of NW 18th Street, west of NW Irvinedale Drive, and east of NW Weigel Drive. The property is zoned R-2 with restrictions, One-Family and Two-Family Residence District restricted to single-family homes. He said the property is approximately .387 acres in size and is considered a corner lot with two front yards. R.Kirschman stated that the applicant is requesting a variance to allow for a 6-foot tall privacy fence to remain approximately 16.5 feet into the 30-foot front yard setback adjacent to the eastern property line. He noted that per Code, privacy fences located within front yards on corner lots that exceed 42 inches in height must conform to the building setback requirements of the Code. He stated the fence was installed when the home was built, which permit records indicate the fall of 2021, and that the fence was not installed at the appropriate setback. Staff does not believe the existing fence poses any safety concerns to the public, as the fence is not inhibiting visibility at the intersection of NW Seasons Drive and NW 14th Court and does not obstruct the required 30-foot vision clearance triangle at that specific intersection. Staff recommends that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall privacy fence to encroach approximately 16.5 feet into the 30-foot front yard setback along the east property line adjacent to NW Seasons Drive at 3902 NW 14th Court, subject to additional landscaping between the fence and NW Seasons Drive. 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.

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

J.Baxter commented that he does not like that the request came to the Board after the fence has been built, but in this case, he would have recommended approval if the request came first. He does believe there should be landscaping. M.Ott and N.Sungren agreed. There was discussion on the requirement for the amount and type of landscaping amongst the Board and staff.

Board Action on Filing #23-16 property located at 3902 NW 14th Court

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 privacy fence to encroach approximately 16.5 feet into the 30-foot front yard setback along the east property line adjacent to NW Seasons Drive at 3902 NW 14th Court, subject to additional landscaping between the fence and NW Seasons Drive intended to soften the fence, to be approved by City staff. The Board'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. Second by M.Ott. All voted aye. Motion carried 3 – 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, Suite 8 & 9

There being no further business, meeting adjourned at 5:12 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment