

Meeting Minutes
Zoning Board of Adjustment
Tuesday, August 18, 2026
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the August 18, 2026 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: Jeff Baxter, Matt Ott, Eric Strom, Brett Walker. Absent: Nichole Sungren
Staff: E. Jensen, E. Carstens, B. Morrissey, and A. Middleton

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JULY 7, 2026 REGULAR MEETING

Motion by B. Walker to approve the meeting minutes as submitted. Second by M.Ott. Baxter Abstained.
Motion carried 3-1-0.

COMMUNICATIONS / CORRESPONDENCE

Staff received no communications

BUSINESS ITEMS:

There were no business items.

PUBLIC HEARINGS:

#26-09

Mitch Diede

for property located at

3208 SE Elkwood Ct.

RE: Variance – Fence

Chair M. Ott opened the public hearing.

Mitch Diede, 3208 SE Elkwood Court, explained that he is requesting a variance to put up a 72-inch fence beyond the 30-foot setback requirement.

B. Morrissey presented the staff report, and began by detailing the location of the property, which is situated on a corner lot, making it subject to two front yard setbacks, one adjacent to SE 30th Street and the second to SE Elkwood Court. He continued by explaining that the property is zoned Planned Urban Development (PUD) and is part of the Berwick Estates PUD.

B. Morrissey described the variance request, explaining that the applicant applied for a fence permit in July which was denied by City of Ankeny staff due to a conflict with Ankeny Municipal Code section

191.14(2), which states that, *“Residential fences shall be permitted in any yard in residential zoning districts or residential use areas. Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements.”* In this case, a 72-inch-tall fence, such as was requested by the applicant, would need to be set back 30 feet from the SE property line adjacent to SE 30th Street. Due to the denial of his fence permit application, the applicant requested a variance to this code requirement.

B. Morrissey gave additional background on the Zoning and Subdivision update to the Ankeny Municipal Code, currently under consideration by Ankeny City Council and anticipated to be adopted and in place by October 1, 2026. Under the update, the code would be altered to state: *“Front and side yards adjacent to a street (corner lots) in Agriculture and Residential Districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height; except that a six-foot tall fence may be constructed in a front side yard along the street if it is set back a minimum of 15 feet from the property line. Said six-foot tall fence shall not extend beyond the front wall line of the front façade of the dwelling (See Chapter 191.05, Corner Lots).”*

B. Morrissey explained that City of Ankeny staff is recommending the variance be granted, but with the alteration that the fence be allowed to encroach 15 feet into the existing 30-foot setback, rather than the requested 19 feet, as the 15-foot encroachment would be in line with the wording in the proposed code update. Morrissey also mentioned that a portion of the fence would be constructed within a public utility easement, which city staff does allow at the property owner’s risk.

Morrissey described the process by which City of Ankeny Staff notified surrounding property owners within 250 feet of the property in question of the public hearing for this proposed variance. He told the Board that no communications, either for or against the variance, were received.

In conclusion, B. Morrissey explained that City of Ankeny Staff is recommending that the Zoning Board of Adjustment grant a modified variance to Ankeny Municipal Code Section 191.14(2) to allow a 72-inch-tall wood fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southeast property line adjacent to SE 30th Street at 3208 SE Elkwood Court.

The staff 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 the revised 15-foot front yard setback would be in harmony with the rules and regulations proposed in the Zoning and Subdivision Code Update that is being considered by the Ankeny City Council.

B. Walker questioned the fact that the fence was 25-feet away from the rear setback, which hadn’t been mentioned in the presentation.

B. Morrissey responded that a variance is not needed for that portion of the fence, as it would be allowed in regards to the rear setback.

J. Baxter asked a follow-up question, wondering if this proposal is encroaching 5-feet into a required 30-foot setback.

E. Jensen further clarified that a 30-foot setback is required for front yard setbacks. There isn't a 30-foot setback requirement for rear yard fences.

J. Baxter asked if that was true even though the property backs up to SE Berwick?

E. Jensen responded that yes, a 30-foot setback is not required in this case. He further elaborated that in the proposed code update, rear setbacks like this would just require that the fence is outside of a landscape buffer.

Marlis Backus, 7403 NE Berwick Drive, asked if this fence would need to be approved by the neighborhood homeowners association.

M. Ott responded that the HOA requirements and approval would be separate and apart from what the Zoning Board of Adjustments might approve tonight. If it contradicts the HOA, that issue would be between the HOA and the property owner.

J. Baxter added that the city has different layers of requirements from the HOA.

M. Backus had no further questions.

M. Diede stated he had no further comments.

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

Board Action on Filing #26-09 for property located at 3208 SE Elkwood Ct.

Motion by M. Ott that the Zoning Board of Adjustment grant a modified variance to Ankeny Municipal Code Section 191.14(2) to allow a 72-inch-tall wood fence to encroach approximately 15 feet into the required 30-foot front yard setback along the southeast property line adjacent to SE 30th Street at 3208 SE Elkwood Court. Second by J. Baxter. All voted aye. Motion carried 4-0.

REPORTS

Renewed Special Use Permits

#25-07 Bonfire Restaurant and Bar, 410 S Ankeny Blvd.

E. Jensen updated the Board on the approval process for the code update. He explained that the update is on track to be approved by the end of September and go into effect on October 1, 2026. He mentioned that there are three key pieces of the updated code that would particularly impact the Zoning Board of Adjustments. Jensen explained that he will present to the Board about these changes at their next meeting.

ADJOURNMENT

There being no further business, M.Ott adjourned the meeting at 5:18pm.