

Meeting Minutes
Zoning Board of Adjustment
Wednesday, September 6, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the September 6, 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, and Kristi Tomlinson. Absent: Brett Walker. Staff: E.Jensen, E.Carstens, D.Silverthorn, J.Heil, B.Morrissey, L.Hutzell, R.Kirschman, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE AUGUST 22, 2023 REGULAR MEETING

Motion by K.Tomlinson to approve the August 22, 2023 meeting minutes as submitted. Second by N.Sungren. All voted aye. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-14

Dilpreet and Puja Singh
for property located at
1701 NE Lowell Court
LOT 20, BARCLAY PLAT 8
RE: Variance – Rear Yard Setback

Chair M.Ott opened the public hearing.

Dilpreet Singh, 1701 NE Lowell Court, Ankeny said they are requesting a variance to build a cover over their deck in the rear yard. The cover would extend approximately one foot beyond their deck. He commented that they do have trees behind them so it should not cause any visibility issue.

R.Kirschman reported that the applicant is requesting a variance to allow a 22-foot rear yard setback for a covered deck. He said the property is located south of NE 18th Street and west of NE Delaware Avenue within the northeastern quadrant of Ankeny. He shared the property is zoned R-1, One Family Residence District. The properties to the east are zoned R-3A, properties to the north, south and west are zoned R-1, One-Family Residence District, containing single-family residences on similarly sized lots. R.Kirschman stated, per Ankeny Municipal Code Section 196.03(2)(B), unenclosed decks are allowed to extend up to twelve feet into the rear yard setback, while covered decks are not permitted in the rear yard setback. He said as indicated by the applicant, at its furthest point, the proposed covered deck extends approximately 13' into the rear yard setback, leaving approximately 22' between the deck and the rear property line. Staff is not concerned with the covered deck extending into the rear-yard setback, as the property backs to a tree line that screens the property from NE Delaware Avenue. The staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 22-foot rear yard setback for the construction of a covered deck at 1701 NE Lowell Court. 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.

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 4 – 0.

Board Action on Filing #23-14 property located at 1701 NE Lowell Court

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 22-foot rear yard setback for the construction of a covered deck at 1701 NE Lowell Court. The Board'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. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

#23-15

Prestige Fencing, LLC
for property located at
841 SE Wanda Drive
LOT 10, RICHLAND ESTS PLAT NO 9
Variance – Front Yard Setback

Chair M.Ott opened the public hearing.

Ashley Swanson, Owner, 841 SE Wanda Drive, Ankeny said that Prestige Fence is the company that will be installing her fence if the variance request is approved. Her request is for a 6-foot privacy fence to be set back 15-feet from the sidewalk on the south side of her home. She believes that it will not impede anyone's view as they approach the two-way stop sign at the corner of their lot. Ashley Swanson shared that they have two small boys and SE 9th Street has a lot of traffic. There are many instances where people are speeding as they approach the stop sign or they go right through it. They would like to protect their young boys.

M.Ott confirmed that they are requesting a 6-foot privacy fence, not a 48-inch fence. Ashley Swanson confirmed that it is for a 6-foot fence.

M.Ott asked for clarification on the aerial photos that were submitted by the applicant. He wanted to know whether the trees depicted in the photos would be inside or outside the proposed fence. Ashley Swanson said the trees would be on the inside of the fence. J.Baxter asked if they have an existing fence. She stated, no.

B.Morrissey reported the subject property is located at 841 SE Wanda Drive, north of SE Magazine Road and west of SE Delaware Avenue. He stated it is a .298-acre lot and is zoned R-2, One-Family and Two-Family Residence District. He commented that the surrounding single-family homes are also zoned R-2. B.Morrissey said the property is a corner lot, which subjects it to two front yards. He stated that the fence permit for a 6-foot tall privacy fence that the contractor had requested, on behalf of the homeowner, could not be permitted along the south property line according to Code Section 191.14(2) of the Ankeny Municipal Code. The north and east sections of the fence do meet Code and have already been permitted by staff. B.Morrissey stated that front yard setbacks for R-2 property are 30 feet and the proposed fence along SE 9th Street extends 15-feet into the front yard setback. Staff does not have concerns with this request as the proposed fence will not inhibit visibility on SE 9th Street or SE Wanda Drive. He noted that it clears the required 30-foot vision clearance triangle at the intersection. He stated that in the past, as a condition of approval, the Board has typically required additional landscaping between the fence and the adjacent right-of-way. He noted that there are two mature trees that are near the proposed fence that will remain on the inside of the fenced in area, that the Board may want to take into consideration. The staff position is to grant a variance to Ankeny Municipal Code Section 191.14(2), to allow a 6-foot tall privacy fence to encroach approximately 15-feet into the 30-foot front yard setback along the south property line adjacent to SE 9th Street at 841 SE Wanda Drive, subject to additional landscaping between the fence and SE 9th Street. 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.

J.Baxter asked what the distance would be between the trees and the fence line. B.Morrissey responded, about one foot. J.Baxter asked if the basketball hoop would remain outside of the fence. B.Morrissey assumed that it would. K.Tomlinson understands that the reason for requiring landscaping is to provide elements to a plain wooden fence; and questioned whether the overhang of the existing trees could provide the elements needed if the fence is approved.

Harold Zarr, 834 SE Michael Drive, Ankeny said he does not have any problem with the requested fence. He said that Ashley has two very young children and understands why she would want a fence. He is in favor of the Board granting the request.

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

The Board discussed whether there should be a landscaping requirement or not, if approved. The Board unanimously agreed there was not a need to require landscaping outside of the fence.

Board Action on Filing #23-15 property located at 841 SE Wanda Drive

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 15 feet into the 30-foot front yard setback along the south property line adjacent to SE 9th Street at 841 SE Wanda Drive. The Board's decision 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 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#16-02 Filet Steakhouse, LLC, 1802 N Ankeny Blvd., Suite 100

There being no further business, meeting adjourned at 5:23 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment