

Meeting Minutes
Zoning Board of Adjustment
Tuesday, July 18, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the July 18, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JUNE 20, 2023 REGULAR MEETING

Motion by B.Walker to approve the June 20, 2023 meeting minutes as submitted. Second by N.Sungren. All voted aye. Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-13

Great Barrier Fence Co.

on behalf of

Winsome Hays

for property located at

3410 SW Applewood Street

Lot 1, Diamond Hills Plat 2

RE: Variance - Front Yard Setback

Vice Chair J.Baxter opened the public hearing.

Winsome Hays, 3410 SW Applewood Street, said that their variance request is to construct a 6-foot wooden privacy fence. She said they would like to get a swimming pool and the privacy fence would make it safe for their family. Winsome Hays stated that they have a lot of people walk past their home since they live on a corner lot. She commented that they love their location, they just would like a little more privacy in their backyard. She said that the Great Barrier Fence Company is the contractor.

There were no questions from the Board.

L.Hutzell reported that the applicant is requesting a variance for a 6-foot tall privacy fence located at 3410 SW Applewood Street. The property is located east of SW State Street and south of SW Polk City Drive. It is a corner lot approximately .241-acres in size and contains a single-family home. She stated the property is zoned PUD, along with the surrounding properties. L.Hutzell said the property is subject to two front yards since it is a corner lot. The front yard setback on both SW 35th Street and SW Applewood Street is 25-feet. She stated the applicant has requested a variance to Ankeny Municipal Code Section 191.14(2), to install a 6-foot, wood, privacy fence to replace the existing 4-foot chain-link fence for the purpose of installing a pool in the backyard and for privacy. The proposed fence would be installed approximately 23-feet into the 25-foot front yard setback along the south property line adjacent to SW 35th Street. The applicant has indicated that they intend to keep the street trees along SW 35th Street intact if the fence is approved. Staff do not believe that the privacy fence poses any safety concerns for the public. The proposed fence is not anticipated to inhibit visibility on the corner of SW Applewood Street and SW 35th Street. More specifically, the fence would not obstruct the required 30-foot vision clearance triangle on that specific corner. Notices were sent to all residents within 250 feet from the

property and to date, there has not been any correspondence received for or against the request. The staff position is to grant a variance to Ankeny Municipal Code Section 191.14(2), allowing a 6-foot tall privacy fence to encroach approximately 23 feet into the 25-foot front yard setback along the south property line adjacent to SW 35th Street at 3410 SW Applewood Street, subject to the property owner agreeing to keep the existing trees along SW 35th 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, inhibit visibility, 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 J.Baxter to close the public hearing, and receive and file documents. Second by B.Walker. All voted aye. Motion carried 3 – 0.

The Board had no concerns with the request.

Board Action on Filing #23-13 property located at 3410 SW Applewood Street

Motion by B.Walker 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 23 feet into the front yard setback along the south property line adjacent to SW 35th Street, at 3410 SW Applewood Street, subject to the property owner agreeing to keep the existing trees along SW 35th Street. 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, inhibit visibility, 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 3 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

- #17-02 Luddy's Tavern, 106 SW State Street, Suite 100 (formerly Wheelhouse)
- #20-07 Tavern 180, 1975 N Ankeny Blvd., Suite 117

There being no further business, meeting adjourned at 5:11 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment