



Meeting Agenda

Zoning Board of Adjustment

Tuesday, June 21, 2022

5:00 PM

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

Matt Ott, Chair

Jeffrey Baxter, Vice Chair

Nichole Sungren

Kristi Tomlinson

Brett Walker

Zoning Board of Adjustment regular meetings are the first and third Tuesday of each month at 5:00 p.m. All Board of Adjustment meetings are open to the public. Assistive Listening Devices (ALD) are available for persons with impaired hearing.

CALL TO ORDER

A. ROLL CALL

B. AMENDMENTS TO AGENDA

C. MINUTES

Minutes of the June 7, 2022 regular meeting.

D. COMMUNICATIONS/CORRESPONDENCE

E. BUSINESS ITEMS

PUBLIC HEARINGS Public Hearings are held during the Zoning Board of Adjustment's regular meetings. Those who wish to speak will be requested to provide their name and address for the record when called upon. The order of proceedings for each application will be as follows: 1). The applicant will present testimony and evidence regarding their request; 2). City staff will summarize the project and present their findings; 3). Testimony may be heard from any members of the audience who wish to speak in support of or in opposition to the appeal; 4). The Board will give the applicant and the city staff an opportunity to present concluding summaries and arguments. At the conclusion of all public testimony, the Board will close the public hearing. The Board will discuss the issues and evidence and come to a decision. The applicant or appellant may withdraw their application or appeal at any time prior to the decision by the Zoning Board of Adjustment.

#22-11

Polk County Aviation Authority
for property located at
3700 SE Convenience Boulevard
S 1/2 NE 1/4 SEC 30-80-23
RE: Variance - Side Yard Setback

#22-12

Nicholas Blocker
for property located at
2212 NW Abilene Road
Lot 38, Centennial Pointe West Plat 3
RE: Variance - Rear Yard Setback

F. OLD BUSINESS:

G. NEW BUSINESS

H. REPORTS

Renewed Special Use Permits
#20-07 Tavern 180 - 1975 N Ankeny Blvd. Suite 117

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

June 21, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the June 7, 2022 regular meeting.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

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[ZBOA Minutes 2022-06-07](#)

Meeting Minutes

Zoning Board of Adjustment

Tuesday, June 7, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the June 7, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MAY 3, REGULAR MEETINGS

Motion by M.Ott to approve the May 3, 2022 meeting minutes as submitted. Second by K.Tomlinson. Motion carried 3 – 0 – 1 (Abstain: N.Sungren).

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#21-06 (2022)

El Molcajete Mexican Restaurant & Cantina
for property located at
301 East 1st Street
Lot 5 & -EX E 75F- Lot 6 NAPA Manor
RE: Special Use Permit

Chair M.Ott opened the public hearing.

Associate Planner Jake Heil read the Applicant's statement to the Board. The statement read as follows:

The applicant is requesting a permit to comply with Ankeny Municipal Code Chapter 44, Noise control for an outdoor serve area with hours of operation from 11:00 a.m. – 10:30 p.m., 7 days a week, with seating for 8 tables up to 34 chairs, with amplified sound utilized solely to provide light background music. The variance is being requested for the business entity "El Molcajete Restaurant" located at 301 E 1st Street in Ankeny, Iowa 50021. We appreciate your consideration and time. Sincerely, Abraham Murguia.

There were no questions from the Board.

J.Heil reported El Molcajete Restaurant and Cantina located at 301 East 1st Street is requesting a Special Use Permit to allow alcohol to be served and a speaker for sound on their proposed outdoor patio. He said that the patio was installed approximately one year ago and the property is zoned C-1, Neighborhood Retail Commercial District. J.Heil stated that the subject property is within 500 feet of residentially zoned property, with properties directly to the north and south of the subject property zoned R-1, One-Family Residential District. He commented that the proximity of the outdoor service area to a residential zoning district is the condition which requires the establishment to obtain a Special Use Permit. J.Heil presented a drawing showing the patio's location on the north side of the building, in-front of El Molcajete Restaurant and Cantina, and along E 1st Street. The drawing submitted shows a patio area with seven tables and seats for 28 patrons. There is a 36-inch fence that surrounds the patio. He stated that the original request was for seating of 28 patrons and the applicant is now asking for seating up to 34 people with their renewal, which is the only change from their original request. Staff confirmed that there is ample parking to accommodate the additional table and was informed by City Police and Fire that there have been no complaints or issues since the patio was installed. The staff position for the request of a

Special Use Permit for an outdoor service area for El Molcajete Restaurant and Cantina is to recommend approval by the Board of Adjustment with the following conditions:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours shall be specifically set out in the Noise Permit.
2. Seating on the patio for 34 persons.
3. Hours of operation 11:00 a.m. to 10:30 p.m. daily.
4. This Special Use Permit may be reviewed annually by staff for approval.

The Board had no questions.

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 N.Sungren. All voted aye. Motion carried 4 – 0.

The Board had no concerns.

Board Action on Filing #21-06 (2022) property located at 301 East 1st Street

Motion by B.Walker that the Zoning Board of Adjustment grant a Special Use Permit for an outdoor service area in accordance with Sections 130.07 and 196.02 (1) (I) to El Molcajete Mexican Restaurant and Cantina at 301 E 1st Street, to run concurrently and terminate with a liquor license for said establishment provided the following conditions are met:

1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours shall be specifically set out in the Noise Permit.
2. Seating on the patio for 34 persons.
3. Hours of operation 11:00 a.m. to 10:30 p.m. daily.
4. This Special Use Permit may be reviewed annually by staff for approval.

Second by M.Ott. All voted aye. Motion carried. 4 – 0.

#22-09

Rodney Knox

for property located at

809 NE Vail Court

Lot 22, Fountain View Estates Plat 3

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Rodney Knox, 413 SW Cherry Street, said they are proposing to place an addition on the back side of their home. He said the angle of their property lines along with where the home is placed on the lot, the addition would be encroaching 2.9-feet into the rear yard setback. He asked the Board to consider granting the variance for the addition.

There were no questions from the Board.

L.Hutzell reported the variance request is for property located at 809 NE Vail Court located within the Fountain View Estates development located in the NE quadrant of Ankeny. She said the subject property, along with neighboring properties are zoned R-1, One-Family Residence District. L.Hutzell stated the applicant is proposing to remove the existing deck and construct a 348 square foot four seasons porch at the rear of the home. She said the four seasons porch will encroach into the 35-foot rear yard setback approximately 1.6 feet at the rear, east most corner, and 2.9 feet at the rear southeast most corner. She explained that after review, Staff determined that asking for one variance for the larger of the two at 2.9-feet is a more appropriate request as it encompasses the entirety of this project. She stated that since the proposed porch will be enclosed and connected to the primary residence on the site, the structure will need to adhere to the building setback requirements of the Code; and

should the 2.9-foot variance for the four seasons porch be granted, a 32-foot 1-inch setback will be the resulting rear yard setback. L.Hutzell noted that the lot is somewhat unique, the rear property lines back up to a trail and pond, and the property sits on a cul-de-sac. Staff has not received any correspondence from any neighboring property owners regarding the request. Staff's position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 32-foot 1-inch rear yard setback for the construction of a four seasons porch at 809 NE Vail Ct, subject to the applicant acquiring all necessary building permits. Staff's position is based on a determination that the decreased rear yard setback from the resulting four seasons porch 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 were no questions from the Board.

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 4 – 0.

The Board had no concerns.

Board Action on Filing #22-09 for property located at 809 NE Vail Court

Motion by K.Tomlinson that the Zoning Board of Adjustment grant a 2.9-foot variance to Ankeny Municipal Code Chapter 192.04.3.E, allowing a 32.1-foot rear yard setback for the construction of a four seasons porch at 809 NE Vail Court. 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 N.Sungren. All voted aye. Motion carried. 4 – 0.

#22-10

Screenbuilders

for property located at

2514 NW Abilene Road

Lot 25, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Dave Brunell, 2514 NW Abilene Road said that they are proposing to build a four seasons room on the back of their home, which would replace their existing deck. They would like the Board's consideration on their 2'6" variance request.

There were no questions from the Board.

D.Silverthorn reported that the appellant is requesting a variance to the minimum required rear yard setback of 35-feet within an R-2 zoning district, in order to enclose the existing deck creating an addition to the house for property located at 2514 NW Abilene Road. He stated that the proposed addition would encroach 2'6" into the minimum required 35-foot rear yard setback, resulting in a 32'6" rear yard setback. He said all the surrounding properties are also zoned R-2. He presented the current zoning map and an aerial map showing the subject property. D.Silverthorn stated that the house is set back from the rear property line approximately 44 feet, and the existing deck, including the staircase, projects 7'6" into the minimum required 35-foot rear yard setback, which is allowed by code. He noted that the property is surrounded by single-family residences to the north and south and the rear property line abuts a stormwater detention pond. He explained that the property currently provides a 9'8" setback from the closest point of the house to the southern property line, and a 7'6" setback from the closest point of the deck to the southern property line. He stated the proposed building addition, if approved, would result in a 7'6" setback from the southern property line, which would provide a minimum side yard setback of 7 feet, and a total side yard setback of 15 feet from the north and south property lines, as required in the R-2 zoning district. The neighboring house to the south, closest to the proposed building addition, is currently located 19 feet from the subject house, and, if approved, the proposed building addition would provide 18 feet of separation between the

two. He further said the appellant is also proposing to construct a new deck, which will be located along the rear of the existing home and north of the proposed building addition. Staff has not received any correspondence from any neighboring property owners regarding the request. Staff's position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.04.3.E, allowing a 32'6" rear yard setback for the property located at 2514 NW Abilene Road. 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.

There were no questions from the Board.

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 B.Walker. All voted aye. Motion carried 4 – 0.

K.Tomlinson commented that the addition seems too close to the neighbor's home to the south, but if it is allowed by Code she has no concern. M.Ott agreed. There were no further questions from the Board.

Board Action on Filing #22-10 for property located at 2514 NW Abilene Road

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.04.3.E, allowing a 32'6" rear yard setback for the property located at 2514 NW Abilene Road. 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 B.Walker. All voted aye. Motion carried. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#16-16 Guadalajara Mexican Restaurant - 202 SE Delaware Avenue

There being no further business, the meeting adjourned at 5:28 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

June 21, 2022

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-11

Polk County Aviation Authority

for property located at

3700 SE Convenience Boulevard

S 1/2 NE 1/4 SEC 30-80-23

RE: Variance - Side Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-11
 Staff Report



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Polk County Aviation Authority

Address / Phone # 410 West First Street - Ankeny, Iowa 50023 / 515-965-6428

E-mail pmoritz@ankenyiowa.gov

Property Owner Polk County Aviation Authority

Address / Phone # Same as above

E-mail Same as above

(Owner must sign the application or submit a letter of authorization)

To the Members of the Board of Adjustment:

I hereby appeal from the decision of the Zoning Administrator rendered on _____ day of _____, 20____

Location (address) of the proposed variance 3700 SE Convenience Boulevard - Ankeny

Legal description (Plat & Lot #) S 1/2 NE 1/4 SEC 31-80-23

Zoning U-1 Principal Use of property General Aviation Reliever Airport

I request a variation from the current zoning requirement for:

☐ Front Yard ☒ Side Yard ☒ Rear Yard ☐ Fence ☐ Sign ☐ Parking ☐ Height
☐ Other _____

Ankeny Zoning code Section # 192.16, Para. 3.C. which state(s) Area and Size Regulations. The following minimum area and size requirements shall be observed in the U-1 District: 50 feet all sides.

I would propose the following in lieu of that required: Allow for a 40-foot building setback instead of the required 50-foot setback along the north property line to facilitate the construction of additional box hangars on the airport.

Attached hereto and made a part of this appeal, I submit the following:

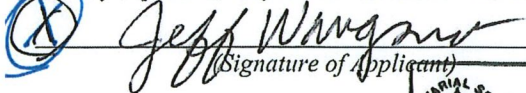
- A statement indicating the reasons for my appeal.
- A drawing showing proposed variance requested.
- A letter of authorization from the owner or lessee, if applicable.

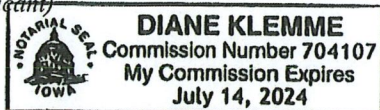
Complete submittals are required for review.

AFFIDAVIT

State of IOWA)ss
County of POLK)

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.


(Signature of Applicant)



Signed and sworn to before me, this 9th day of June, 2022.
Diane Klemme
(Notary Public)

Date received _____ Paid ☐ Cash ☐ Check # _____
Filing # 22-11 Scheduled Meeting Date 6-21-22

Office Use Only

RECEIVED

JUN 14 2022

CITY OF ANKENY

December 2020

June 3, 2022



ADDRESS

3700 SE Convenience Blvd
Ankeny, IA 50021

PHONE

(515) 965-1020

FAX

(515) 965-5954

Zoning Board of Adjustment
Community Development Department
City of Ankeny
1210 NW Prairie Ridge Drive
Ankeny, Iowa 50023

**RE: Appeal to the Zoning Board of Adjustment
Ankeny Regional Airport – North Box Hangars Development**

On behalf of the Polk County Aviation Authority (PCAA), I am submitting this letter of authorization to facilitate a variance in the building setback limit on the north property line of the Ankeny Regional Airport. This variance is needed to allow for the development of a new row of box hangars on the north end of the airport.

Aviation activity at the airport is very robust, as it has grown in lockstep with the growth of the City of Ankeny. There currently are very limited hangar spaces available, given the number of aircraft owners who need hangar space. The development and construction of this row of box hangars will help address the need for hangars for a larger class of aircraft than what is currently accommodated.

Our specific request is to allow for a 40-foot setback instead of the required 50-foot setback. FAA design requirements dictate that a certain distance be maintained between the front of the hangars and the centerline of the adjacent taxilane. Thus, our request is to vary the setback by 10 feet.

On behalf of the PCAA Board of Directors, thank you for the consideration of this variance request. Please advise if additional information is needed at this time.

Sincerely,
Polk County Aviation Authority

Paul Moritz, PE
Airport Board Manager

June 3, 2022



ADDRESS

3700 SE Convenience Blvd
Ankeny, IA 50021

PHONE

(515) 965-1020

FAX

(515) 965-5954

To whom it may concern:

Reasoning for an Appeal to the Zoning Board of Adjustment
Ankeny Regional Airport – North Box Hangars Development

On behalf of the Polk County Aviation Authority (PCAA), I am submitting this statement indicating the reasons for a variance from the current zoning requirements on the Ankeny Regional Airport property. This variance is needed to facilitate the development of a new row of box hangars on the north end of the airport as shown on the attached aerial plan view.

Aviation activity at the airport is very robust, as it has grown in lockstep with the growth of the City of Ankeny. There currently are very limited hangar spaces available, given the number of aircraft owners who need hangar space. The development of this row of box hangars will help address the need for hangar spaces for a larger class of aircraft than what is currently accommodated by the existing tee hangars.

- The 42-foot deep hangars are needed to address an especially underserved class of aircraft that could be stored at the airport if hangars were available.
- Placing the row of box hangars at this location would be the most efficient and economical location, given the adjacent taxilane pavement, the nearby proximity to the runways, the location of nearby utilities, and proximity to the existing tee hangar buildings.
- FAA requirements stipulate the distance from the face of the box hangars to the centerline of the taxilane needs to be a minimum of 36 feet as shown on the aerial plan view. Given this requirement, the largest building setback from the north property line is 40 feet.

Our specific request is to allow for a 40-foot building setback from the north property line of the airport. The required setback for the U-1 zoned airport property is 50 feet. On behalf of the PCAA Board of Directors, thank you for the consideration of this variance request.

Polk County Aviation Authority
Paul Moritz, PE
Airport Board Manager



SPAL USA, Inc.
1731 SE Oralabor Road
Ankeny, IA 50021-9412
Phone: (800) 345-0327
Fax: (800) 654-7725
Web: www.spalusa.com

June 1, 2022

Paul Moritz, Airport Manager | Airport Manager
City Manager's Office
410 W. First St.
Ankeny, IA 50023-1557
PMoritz@AnkenyIowa.gov

RE: Setback Variance Request

Dear Paul,

From our discussions and the proposal outlined in your letter dated May 24, 2022 and related emails regarding the request for a variance in the City code setback requirements from 50' to 40', on behalf of SPAL USA, we support the request to proceed as proposed to build the new North Box Hangars at the Ankeny Regional Airport.

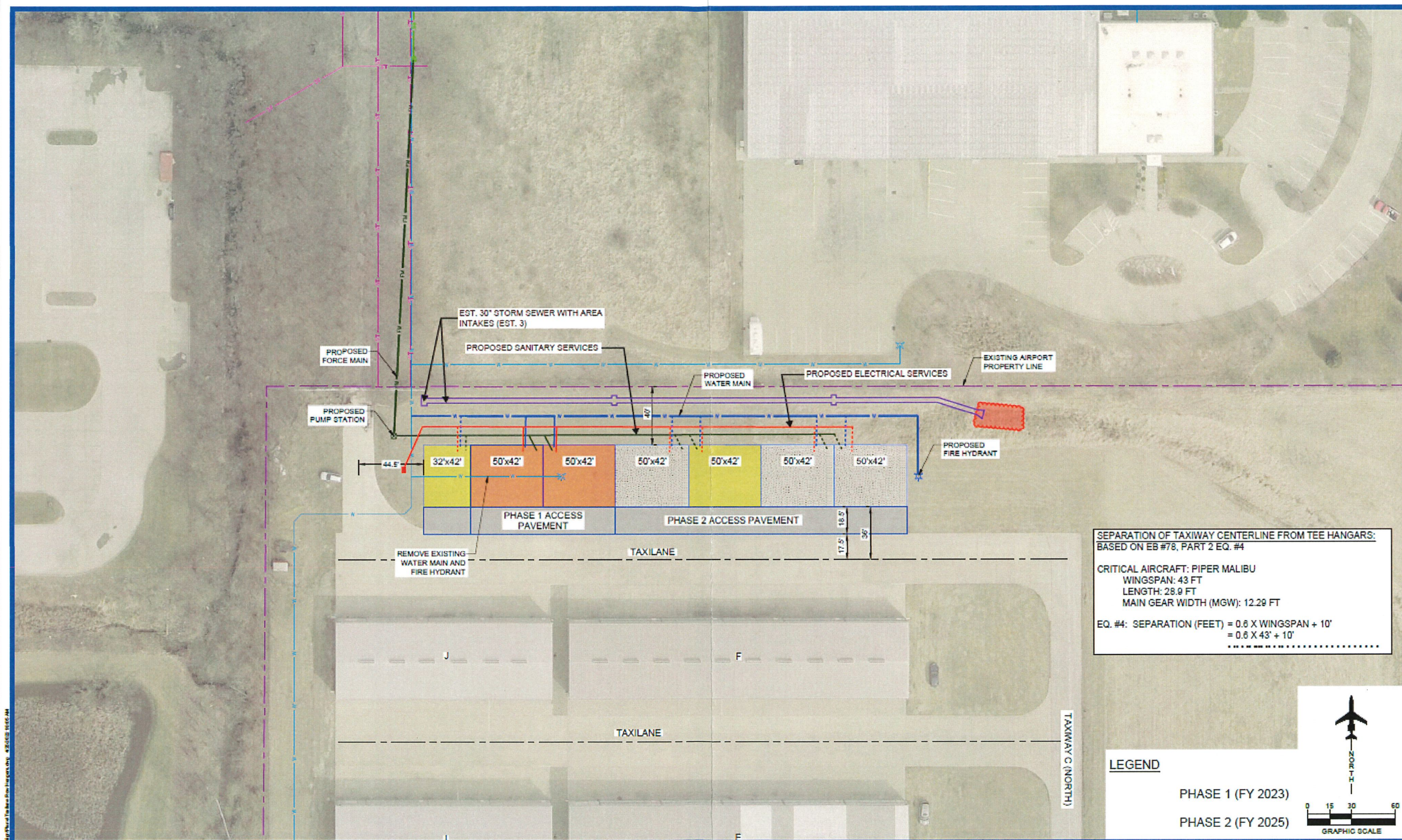
Please don't hesitate to contact me with any questions you may have.

Best regards,

A handwritten signature in black ink that reads 'Tom Phillips'.

Tom Phillips
President

SPAL USA • 1731 S.E. Oralabor Road • Ankeny, IA 50021-9412
Tel: (515) 289-7023 | Fax: (515) 289-7004 | Cell: (515) 707-6478



SEPARATION OF TAXIWAY CENTERLINE FROM TEE HANGARS:
BASED ON EB #78, PART 2 EQ. #4

CRITICAL AIRCRAFT: PIPER MALIBU
WINGSPAN: 43 FT
LENGTH: 28.9 FT
MAIN GEAR WIDTH (MGW): 12.29 FT

EQ. #4: SEPARATION (FEET) = 0.6 X WINGSPAN + 10'
= 0.6 X 43' + 10'

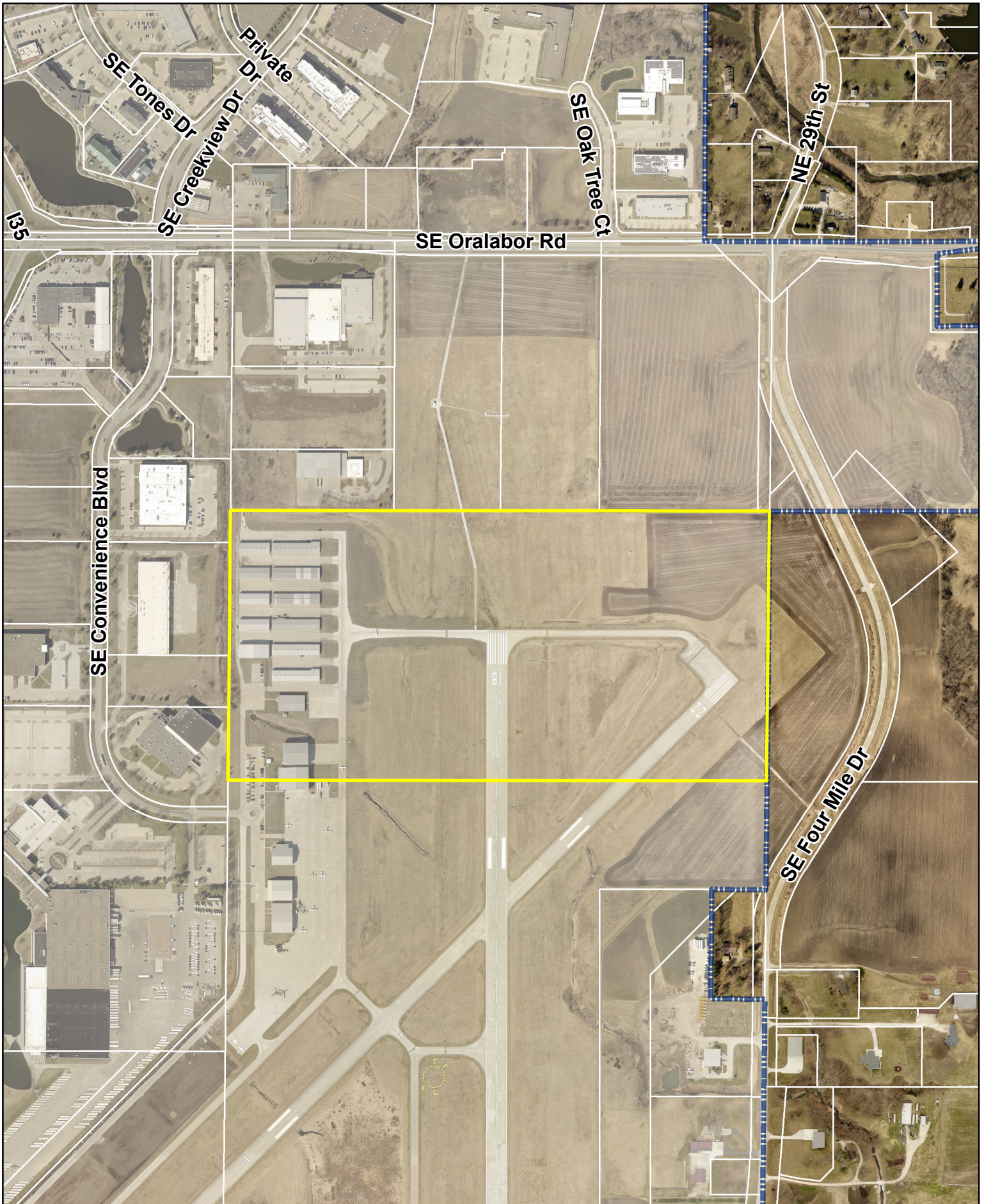
LEGEND

PHASE 1 (FY 2023)

PHASE 2 (FY 2025)

NORTH

0 15 30 60
GRAPHIC SCALE



N



1 inch = 600 feet

Date: 6/8/2022

3700 SE Convenience Boulevard
Ankeny Regional Airport

 **Ankeny**
bringing it all together.

**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Derek Silverthorn, Associate Planner
Filing #: 22-11 *Etc*
Meeting Date: June 21, 2022
Address: 3600 SE Convenience Boulevard

APPELLANT REQUEST

A variance to Ankeny Municipal Code Chapter 192.16.3.B allowing a 40-foot side yard setback for the property located at 3700 SE Convenience Boulevard.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.16.3.B, allowing a 40-foot side yard setback for the property located at 3700 SE Convenience Boulevard. 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.

PROJECT SUMMARY

The Polk County Aviation Authority is requesting a variance to the minimum required side yard setback of 50 feet within the U-1, Conservation and Public Utility District, in order to construct a new row of box hangars at the north end of the Ankeny Regional Airport. The proposed hangars would encroach 10 feet into the minimum required 50-foot side yard setback, resulting in a 40-foot side yard setback.

CRITERIA FOR VARIANCE

197.01.4 Powers and Duties. The Board of Adjustment shall have the following powers and duties:

- B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Zoning Ordinance actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.*

FINDINGS OF FACT

The Ankeny Regional Airport is located at 3700 SE Convenience Boulevard—east of I-35, south of E 1st Street, and west of SE Four Mile Drive. The property is zoned U-1, Conservation and Public Utility District, as is additional airport property to the south. Other surrounding properties to the north are zoned R-1, One-Family Residence District, and M-1, Light Industrial District; while properties to the west are also zoned

M-1, Light Industrial District. Property to the east is currently undergoing annexation into the City of Ankeny, and, if approved, would be zoned R-1, One-Family Residence District by default.

Chapter 192.16 of the Ankeny Municipal Code states that the U-1 zoning district "... is intended to provide for the development of major public utility facilities where required to serve the needs of the community." The Ankeny Regional Airport has been in operation since 1994, with numerous expansions as the community, metro, and aviation demand has grown since its inception that have made it the third-busiest airport in the state, as well as the designated reliever airport for Des Moines International. The airport currently provides more than 80 occupied T-hangars, plus additional limited private and public box hangar space, with a waiting list of nearly half that amount. The northernmost portion of the airport in the vicinity of the requested variance was constructed in 1999, with several hangar additions later constructed in 2003 and 2013, respectively.

The bulk regulations within the U-1 zoning district state a 50-foot setback for the front, rear, and side yards. The neighboring property to the north, most affected by the requested variance, is zoned M-1, Light Industrial District. Chapter 192.12.4 outlines the bulk regulations for the M-1 zoning district as follows:

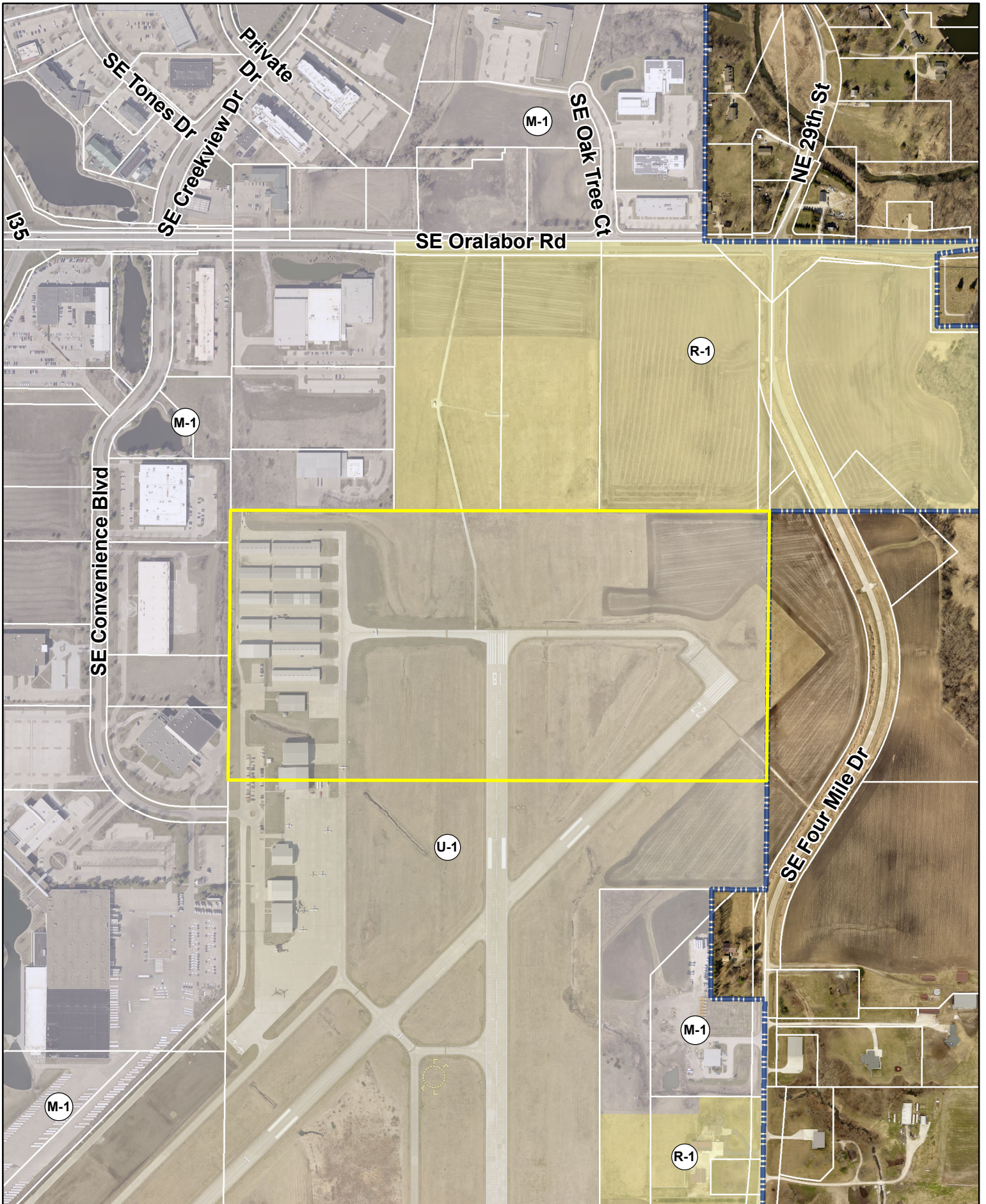
- A. Front Yard: 50 feet.
- B. Side Yard: None required, except when adjacent to any Residential district or street right-of-way line, in which case – 50 feet.
- C. Rear Yard: 40 feet. Where a railroad right-of-way line lies immediately adjacent to the rear of a lot, the rear yard requirements need not apply.

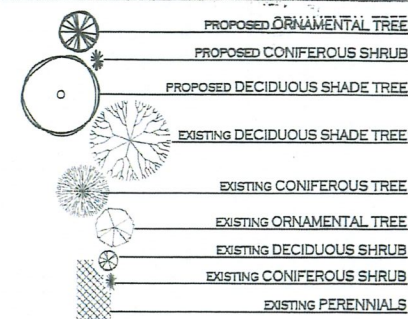
The SPAL-USA site plan, approved in 2004, reflects a building addition which is the current configuration of the site today. That site plan also includes subsequent phases of development for future warehouse and hangar space. The property, at that time, was intended to continue adding on to the existing building. The additions would expand west to the feasible limits of the site, and south to provide a 40-foot setback from the south property line adjacent to the airport property and subject variance. If these plans were to come to fruition, coupled with approval of the requested variance, both properties would provide 40-foot setbacks from the subject property line, totaling 80 feet of separation between structures. In contrast, if the airport property was zoned M-1 like the surrounding properties, the buildings could provide a 0-foot setback requirement, and would only be subject to fire-resistant construction requirements.

The appellant has contacted the adjoining property owner to the north, SPAL-USA, in regard to the requested variance, and SPAL-USA has provided their support as the directly impacted surrounding property.

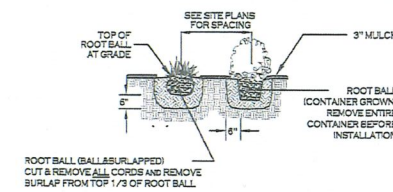
SUMMARY

The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 192.16.3.B, allowing a 40-foot side yard setback for the property located at 3700 SE Convenience Boulevard. 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.

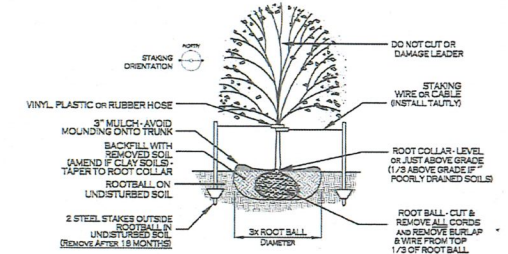




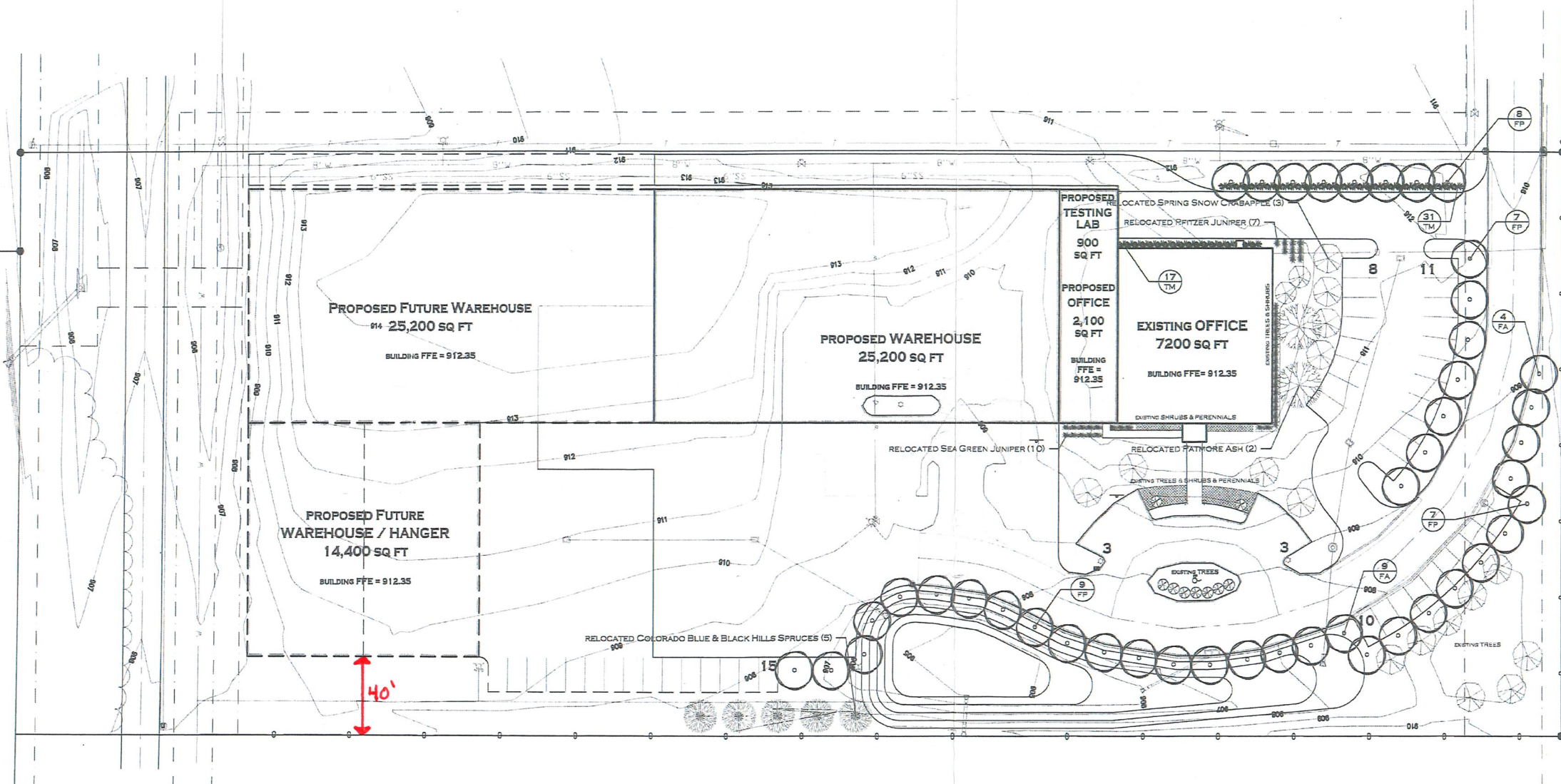
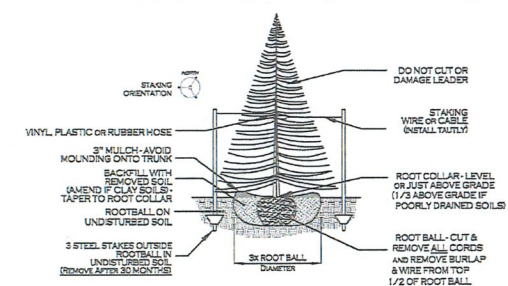
SHRUB PLANTING DETAIL



DECIDUOUS TREE PLANTING DETAIL



CONIFEROUS TREE PLANTING DETAIL



STREET ADDRESS

SPAL USA
 1731 SE ORALABOR ROAD
 ANKENY, IOWA 50021

LEGAL DESCRIPTION

LOT 5, METRO NORTH AIR PARK, BEING AN OFFICIAL PLAT OF THE CITY OF ANKENY, POLK COUNTY, IOWA.

SITE DATA

REQUIRED TREES = 22 TOTAL
 1 PER 706 SQ FT OF TOTAL REQUIRED SHADED AREA
 TOTAL EXISTING & PROPOSED TREES = 22
 REQUIRED SHRUBS = 96 TOTAL
 6 PER 3,000 SQ FT OF TOTAL REQUIRED OPEN SPACE
 TOTAL EXISTING & PROPOSED SHRUBS = 96
 REQUIRED OPEN SPACE = 47,942.16 SQ FT
 20% OF SITE AREA
 239,710.79 SQ FT
 REQUIRED TREES = 32 TOTAL
 2 PER 3,000 SQ FT OF TOTAL REQUIRED OPEN SPACE
 TOTAL EXISTING & PROPOSED TREES = 47
 REQUIRED TREES = 32 TOTAL
 2 PER 3,000 SQ FT OF TOTAL REQUIRED OPEN SPACE
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 REQUIRED TREES = 32 TOTAL
 2 PER 3,000 SQ FT OF TOTAL REQUIRED OPEN SPACE
 TOTAL EXISTING & PROPOSED TREES = 47

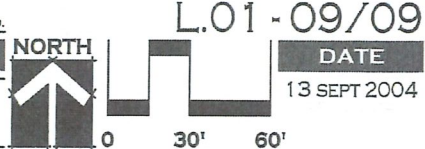
PROPOSED PLANT MATERIAL

SYMBOL	QUANTITY	NAME	SIZE	MATURE SIZE
SHADE TREES				
FP	22	FRAXINUS PENNSYLVANICA LANCEOLATA 'PATMORE' ('PATMORE' GREEN ASH)	2-2.5" CAL.	30'x50'
FA	22	FRAXINUS AMERICANA 'AUTUMN PURPLE' ('AUTUMN PURPLE' WHITE ASH)	2-2.5" CAL.	30'x50'
SHRUBS				
TM	48	TAXUS X MEDIA 'TAUNTONII' ('TAUNTONII' ANGLOJAP HYBRID YEW)	18" HT.	3'x6'

SITE LANDSCAPE PLAN

SPAL USA WAREHOUSE EXPANSION - ANKENY, IOWA
 METRO NORTH AIR PARK LOT 5

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 COPYRIGHT INFORMATION



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 URBAN DESIGN LAND DEVELOPMENT
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 PHONE 515/273-1111 OR 273-1113 FAX 515/273-1112
 MOBILE 515/240-5310 EMAIL LUDWIG@CIGROUP.COM



ZONING BOARD OF ADJUSTMENT

June 21, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Zoning Board of Adjustment Department

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-12

Nicholas Blocker

for property located at

2212 NW Abilene Road

Lot 38, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-12
 Staff Report



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Nicholas Blocker

Address / Phone # 2212 NW Abilene Rd Ankeny, IA 50023

E-mail blockern1022@gmail.com

Property Owner Nicholas Blocker

Address / Phone # 2212 NW Abilene Rd Ankeny, IA 50023

E-mail blockern1022@gmail.com

(Owner must sign the application or submit a letter of authorization)

To the Members of the Board of Adjustment:

I hereby appeal from the decision of the Zoning Administrator rendered on 1 day of June, 2022

2212 NW ABILENE DR. ANEKNY, IA 50023

Location (address) of the proposed variance _____

Legal description (Plat & Lot #) Lot 38 Centennial Pointe West Plant 3

Zoning R-2 Principal Use of property Residential

I request a variation from the current zoning requirement for:

☐ Front Yard ☐ Side Yard ☒ Rear Yard ☐ Fence ☐ Sign ☐ Parking ☐ Height
☐ Other _____

Ankeny Zoning code Section # 191 and Setback Regulations which state(s) Rear yard setback is 35' in R-2 single story house.

I would propose the following in lieu of that required: I request a variance to the rear yard setback.

Attached hereto and made a part of this appeal, I submit the following:

- A statement indicating the reasons for my appeal.
- A drawing showing proposed variance requested.
- A letter of authorization from the owner or lessee, if applicable.

Complete submittals are required for review.

AFFIDAVIT

State of Iowa)ss
County of polk)

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

RECEIVED

JUN 03 2022



Signed and sworn to before me, this

1st day of June, 2022

[Signature]
(Notary Public)

CITY OF ANKENY

Date received _____

Paid ☐ Cash ☐ Check # _____

Office Use Only

Filing # 22-12

Scheduled Meeting Date 6-21-22

1) Property cannot yield reasonable return or use.

The property is located in the Northwest corner of Ankeny. There has been exponential growth in our area and most of these homes have been built with covered decks. The reason we are asking for this variance is that we want to cover our existing deck shape and size but cannot since the set back does not allow for the structure to be covered. The property cannot be enjoyed throughout the year like other properties in our neighborhood can that have a covered deck. With a covered deck, you are able to still be outside when it is raining. New features of covered decks also allow for heaters to be used during chillier times. Most families have been spending more time together, outside enjoying their home this year than ever before. We want to be able to use and enjoy our space more. Additionally, the space will be professionally finished with lighting, composite decking, aluminum railing, etc. All these items will add additional value to our home.

2) The variance will not devalue nearby properties.

The variance would not devalue nearby properties. Our home valuation would come back higher with a professionally finished covered deck and increase the market value.

3) Other options that have been considered in lieu of granting a variance.

Other options that we have considered before applying for this variance include:

- Pergola - This would not add the value of a permanent attached structure. It also does not provide us with the opportunity to get out of the sun, rain, and snow.
- Partial Covering – The amount, if any, that could be covered within the setback requirement would be so minimal that it would not be worth the expense.

SECTION 1 GENERAL REQUIREMENTS

1.1 Construction Means and Methods

A. Contractor Agrees To Assume Full Responsibility For Job Site Conditions During The Course Of The Work, Including Safety Of All Persons And Property That This Requirement Shall Apply Continuously And Not Be Limited To Normal Working Hours And That Contractor Shall Define, Identify, And Hold Owner And Structural Engineer harmless From Any And All Liability, Real Or Imputed, In Connection With The Performance Of The Work On This Project.

B. The Contract Documents Represent The Planned Structure. They Do Not Include The Method Of Construction. Contractor Shall Provide All Measures Necessary To Protect The Structure During Construction. Such Measures Shall Include, But Not Be Limited To, Bracing, Shoring For Loads Due To Construction Equipment, Temporary Structures, And Partially Completed Work. Observation Visits To The Site By Structural Engineer Shall Not Include Inspection Of The Above Items.

C. An Iron Group Shall Not Have Control Over, Or Charge Of, And Shall Not Be Responsible In Any Way For Construction Means, Methods, Techniques, Sequence Or Procedures, Or For Safety Or Safety Procedures And Programs In Connection With Any Construction Activities, Once These Are Contractor's Responsibility Under The Contract.

D. An Iron Group Shall Not Be Responsible For Contractor's Schedule Or Failure To Carry Out Any Construction Activities In Accordance With The Contract Documents. An Iron Group Shall Not Have Control Over Or Charge Of Actions Of Contractor, Subcontractor, Or Any Of Their Agents, Or Employees, Or Any Other Persons Performing Portions Of Any Construction Activities.

E. The Structure Is Stable Only In Its Completed Form. Temporary Supports Required For Stability Of The Structure During All Intermediate Stages Of Construction Shall Be Designed And Provided By Contractor.

1.2 Submittals

A. Submittals Presented By Subcontractors Shall Be Reviewed By Contractor Prior To Submitting To Architect Or Engineer.

B. Reproduction Of The Contract Documents For Site Drawings Is Not Permitted. Customary Copying Fees Will Not Be Provided To Contractor.

C. Contractor Shall Verify The Structural Supported Equipment Weights, Opening Sizes, And Locations Indicated On The Structural Drawings With Documents From Other Disciplines And Verify Against All Other Disciplines.

D. Contractor Shall Submit Shop Drawings Showing Size And Method Of Anchorage, Weight, Openings, And Location Of Equipment Not Indicated On The Structural Drawing Prior To Ordering For Review By Structural Engineer To Determine Adequacy Of The Structure.

E. All Submittals Reviewed By Structural Engineer Are Reviewed For General Conformance With Design Concept Only And Does Not Relieve The Fabricator / Vendor Of Responsibility For Conformance With Design Drawings, Site Conditions, Field Verifications And Specifications, All Of Which Have Priority Over Submittals.

F. Submittals Shall Be Reviewed Within 10 Working Days After Being Received By Structural Engineer.

1.3 Quality Requirements

A. References To Standard Specification Or Codes Of Any Technical Society, Organization, Or Association Or To Codes Of Local Or State Authorities, Shall Mean The Standards In Effect As Of Date Of The Contract Documents, Unless Otherwise Noted.

B. Contract Documents Shall Govern In The Event Of A Conflict With Standard Specifications Or Codes Of Any Technical Society, Organization, Or Association. Contract Documents Are Being Released Prior To Documents Of Other Disciplines Contractor Shall Coordinate Structural Documents With Other Portion Of The Contract Documents As They Are Released, Report Any Discrepancy Or Conflict To Architect And Engineer Throughout The Project.

C. No Provision Of Any Released Standard Specification Or Code, Whether Or Not Specifically Incorporated By Reference In The Contract Documents, Shall Be Effective To Change The Duties And Responsibilities Of Owner, Architect, Structural Engineer, Contractor, Or Any Of Their Consultants, Agents, Or Employees From Those Set Forth In The Contract Documents. Nor Shall It Be Effective To Assign To Structural Engineer, Or Any Of Structural Engineer's Consultants, Agents, Or Employees Any Duty Or Authority To Supervise Or Direct The Performance Of The Work Or Any Duty Or Authority To Undertake Responsibilities Contrary To The Provisions Of The Contract Documents.

D. All Drawings And Conditions Within The Contract Documents Shall Be Brought To The Attention Of Architect Prior To Proceeding With The Work And Fabrication.

E. Contractor Shall Verify Drawings And Conditions At The Job Site. Any Discrepancies Between The Conditions Found And Those Indicated In The Contract Documents Shall Be Brought To The Attention Of Architect Prior To Proceeding With The Work And Fabrication.

F. New Documents By Other Disciplines For Floor, Wall, And Roof Coverings, Trusses, Pile, Pipe Sheets, Equipment Pads, Metal Pier Bents, Miscellaneous Iron Etc.

G. New Pipes, Ducts, Chases, Etc. Shall Be Placed In Structural Beams And Column Members Not Shown Any Structural Member Be Cut For Pipes, Ducts, Etc. UNLESS NOTED OTHERWISE BY OTHER DISCIPLINES SHOW COVERINGS, PENETRATION, ETC. NOT INDICATED IN THE STRUCTURAL DRAWINGS, BUT ARE LOCATED IN STRUCTURAL MEMBERS. CONTRACTOR SHALL OBTAIN PRIOR APPROVAL FROM STRUCTURAL ENGINEER FOR INSTALLATION OF SUCH PIPES, DUCTS, CHASES, ETC.

H. Details Labeled "Typical" On The Structural Drawings Apply To All Situations Occurring On Project That Are The Same Or Similar To Those Locations Specifically Indicated, Where A Detail Is Not Indicated, The Detail Shall Be The Same As For Other Similar Conditions.

I. The Contractor is responsible for confirming and controlling all quantities, dimensions, tolerances, clearances, dimensions, fabrication processes, techniques and sequences of construction - including means and methods, excavation, shoring, scaffolding, temporary bracing, temporary site and logs, erection, temporary structural members required for each erection procedure, formwork, etc - compatibility of materials and methods, coordination of their work with other trades and subcontractors, performance of work in a safe and satisfactory manner and for full compliance with the Construction Drawings, Construction Documents, Specifications, Project Manual, all Federal, State, Municipal and Local requirements including OSHA.

J. General Contractor and higher Sub-Contractors are responsible for the coordination of all work from all trades, consultants, designers, etc and must report any discrepancy in writing to the Architect of Record within 24 hours and must not progress until an agreed written resolution is obtained from Architect of Record.

1.4 Disclaimer

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BLOCKER RESIDENCE DECK REMODEL

2212 NW ABILENE ROAD
ANKENY, IA 50023



- S1 - COVER SHEET
- S2 - SITE PLAN
- S3 - FOUNDATION PLAN
- S4 - DECK FRAMING PLAN
- S5 - CEILING FRAMING PLAN
- S6 - ROOF FRAMING PLAN
- S7 - DECK ELEVATIONS
- S8 - DECK SECTIONS
- S9 - CONNECTION DETAILS
- S10 - DETAILS



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Exp. Date 12/31/2022

PROJECT:

BLOCKER RESIDENCE
2212 NW ABILENE ROAD
ANKENY, IA 50023

AIG PROJECT #22.268.01

CONTRACTOR:

BETTER BUILDERS
2767 86th ST.
URBANDALE, IA 50322

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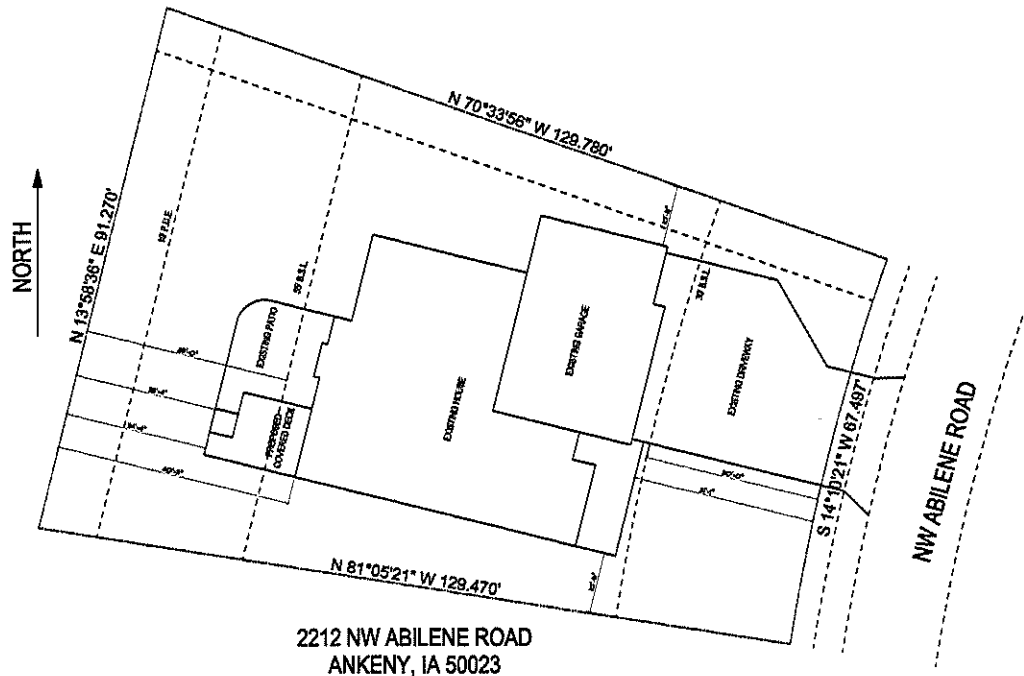
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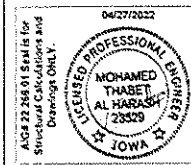
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PAPER SIZE: 11 x 17
SCALE: 3/8" = 1'-0"



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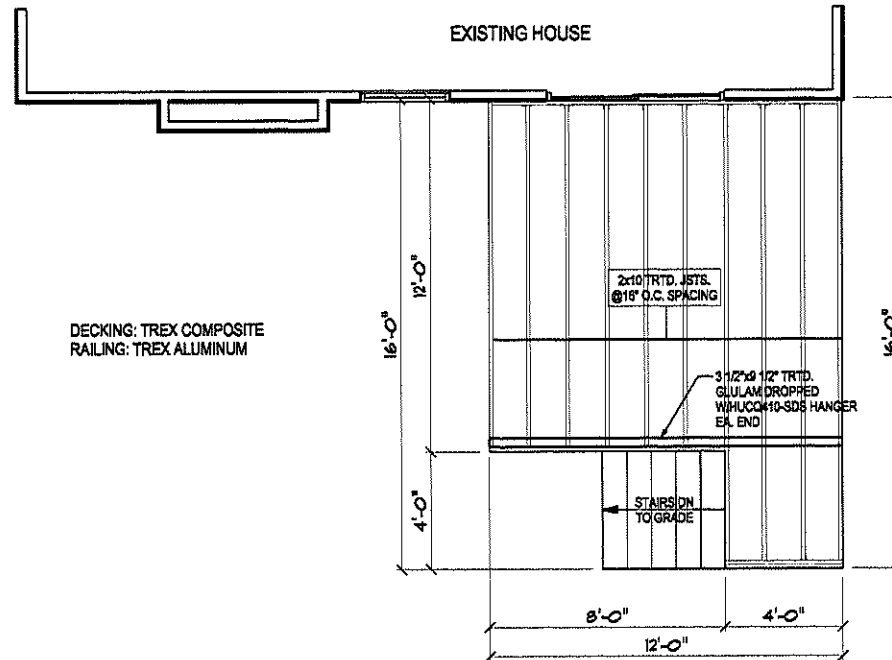
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URBANDALE, IA 50322

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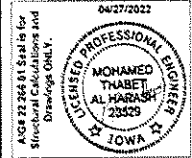
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DECK FRAMING PLAN

1/4" = 1'-0"

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PROJECT:

BLOCKER RESIDENCE
2212 NW ABILENE ROAD
ANKENY, IA 50023

AIG PROJECT #22286.01

CONTRACTOR:

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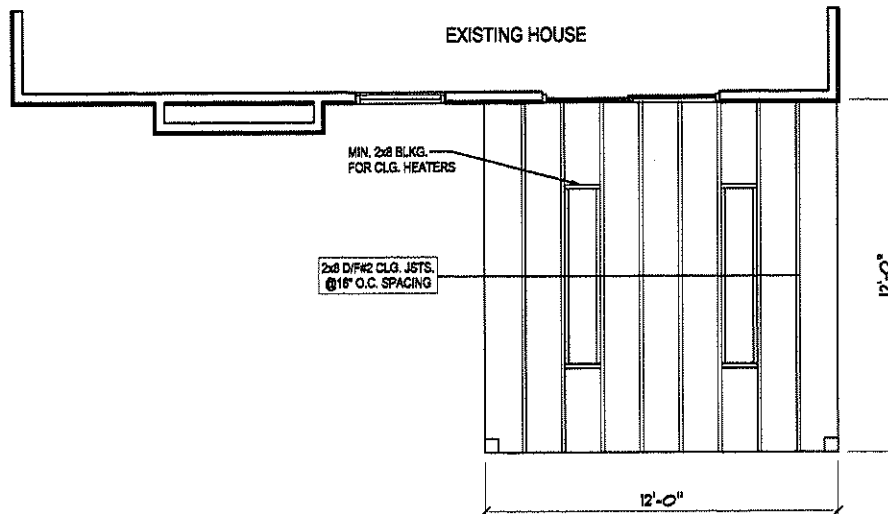
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SHEET TITLE:

DECK FRAMING PLAN

S4

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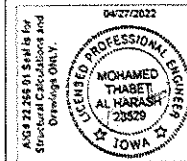


CEILING FRAMING PLAN

1/4" = 1'-0"

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Exp. Date 12/31/2022

PROJECT:

BLOCKER RESIDENCE
2212 NW ABILENE ROAD
ANKENY, IA 50023

AIG PROJECT #22.288.01

CONTRACTOR:

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URBANDALE, IA 50322

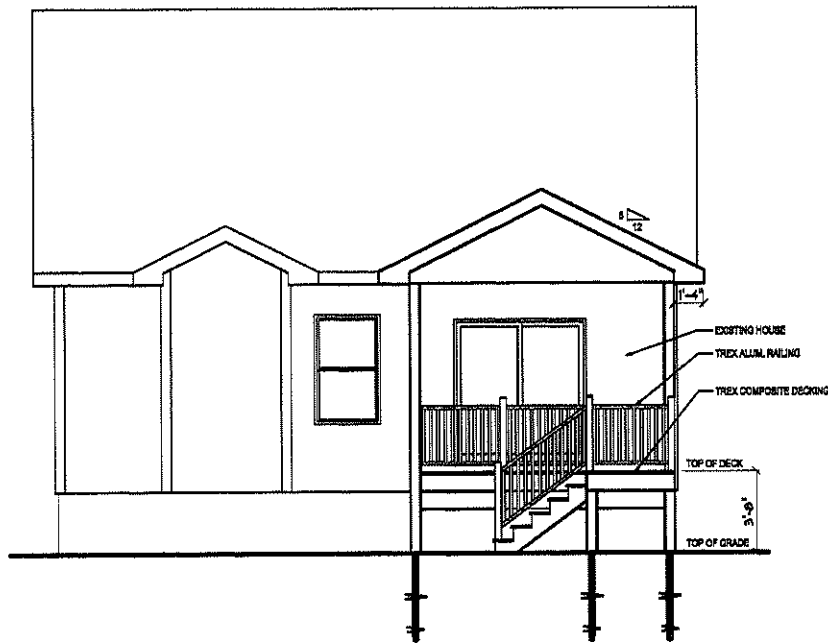
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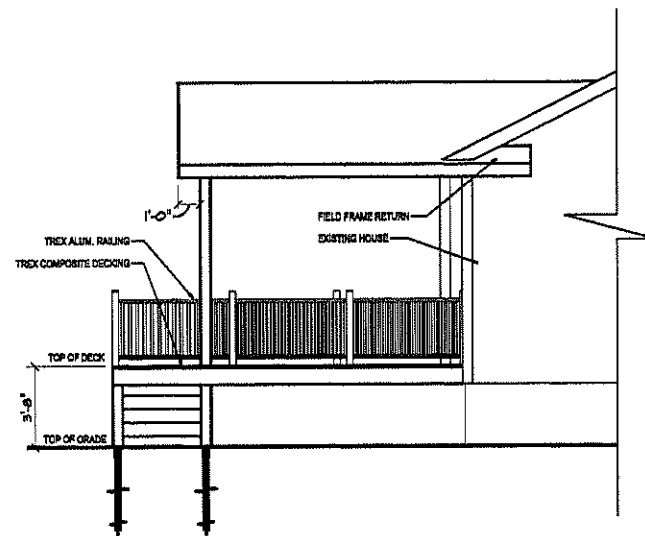
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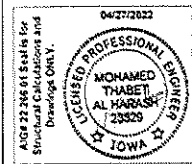
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FRONT ELEVATION
3/16" = 1'-0"



SIDE ELEVATION
3/16" = 1'-0"



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License #2012024255
Exp. Date 12/31/2022

PROJECT:
BLOCKER RESIDENCE
2212 NW ABILENE ROAD
ANKENY, IA 50023
AIG PROJECT #22.288.01

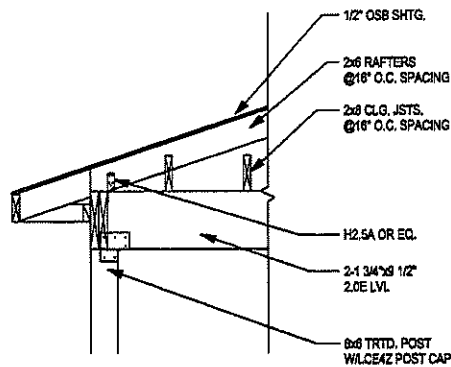
CONTRACTOR:
BETTER BUILDERS
2787 88th ST.
URBANDALE, IA 50322

ISSUE HISTORY:	
NO.	DATE
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2	5/16/2022
GENERAL RELEASE UPDATED WITH PLAN	

SHEET TITLE:
DECK ELEVATIONS
S7

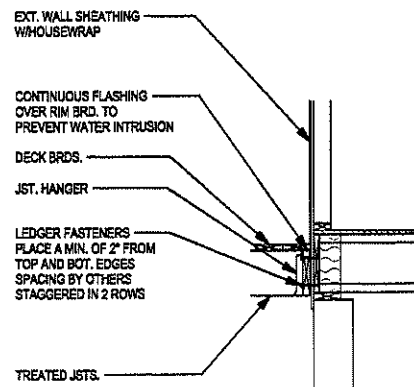
DESIGNED BY: M.T.A.
PAPER SIZE: 11 x 17
SCALE: 3/16" = 1'-0"

1.4. Disclaimer:
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The structural Engineer of record is not responsible for means and methods of construction including techniques of fabrication and safety at the construction site. The contractor is responsible for design and installation of all the temporary shoring, bracing, bracing, tying, lugs, and anchors, etc. to safely construct the project. The contractor is to coordinate between Architectural, Structural and other discipline drawings and to bring any discrepancy to the attention of the Architect and Engineer.
When engineering is required for any part not shown or defined on structural drawings or specifications, the services shall be provided by an engineer registered in the state where the project is to be constructed and employed by the contractor. Contractor shall accept all terms and conditions herein. Contractors to comply with all governing regulations and requirements including OSHA regulations 29CFR part 1926.
For architectural liability, reproduction of this drawing for shop drawings is not permitted. The Professional seal affixed to this sheet indicates that the named Engineer has prepared or directed the preparation of the structural design shown only on this sheet. Other drawings and documents not exhibiting this seal shall be considered prepared by or the responsibility of the perspective indication and AL-IMAN Group, LLC.



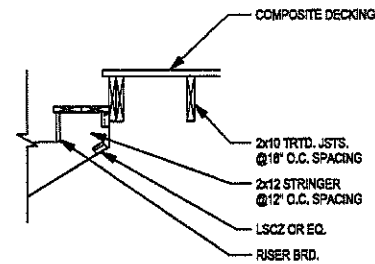
SIDE BEAM CONNECTION DETAIL

1/2" = 1'-0"



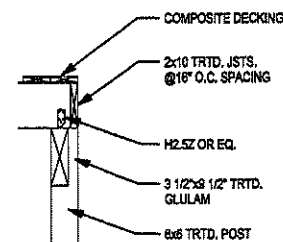
DECK LEDGER DETAIL

1/2" = 1'-0"



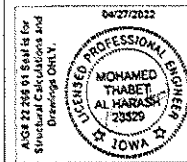
STAIR STRINGER CONNECTION DETAIL

1/2" = 1'-0"



DECK RIM DETAIL

1/2" = 1'-0"



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al_imangroup@yahoo.com
www.al-imangroup.com
License #2012024255
Exp. Date 12/31/2022

PROJECT:

BLOCKER RESIDENCE
2212 NW ABILENE ROAD
ANKENY, IA 50023

AIG PROJECT #22.288.01

CONTRACTOR:

BETTER BUILDERS
2787 88th ST.
URBANDALE, IA 50322

ISSUE HISTORY:

NO.	DATE	DESCRIPTION
1	8/16/2021	GENERAL RELEASE
2	8/16/2022	UPDATED SITE PLAN

SHEET TITLE:

CONNECTION DETAILS

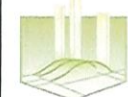
S9

DESIGNED BY: M.T.A.
PAPER SIZE: 8.5 x 11
SCALE: 1/2" = 1'-0"

1.A. Disclaimer:
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2212 NW ABILENE ROAD
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AIG PROJECT #22-288.01

CONTRACTOR:

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2767 86th ST.
URBANDALE, IA 50322

ISSUE HISTORY:

NO.	DATE	DESCRIPTION
1	8/16/2022	GENERAL RELEASE
2	8/22/2022	UPDATED SITE PLAN

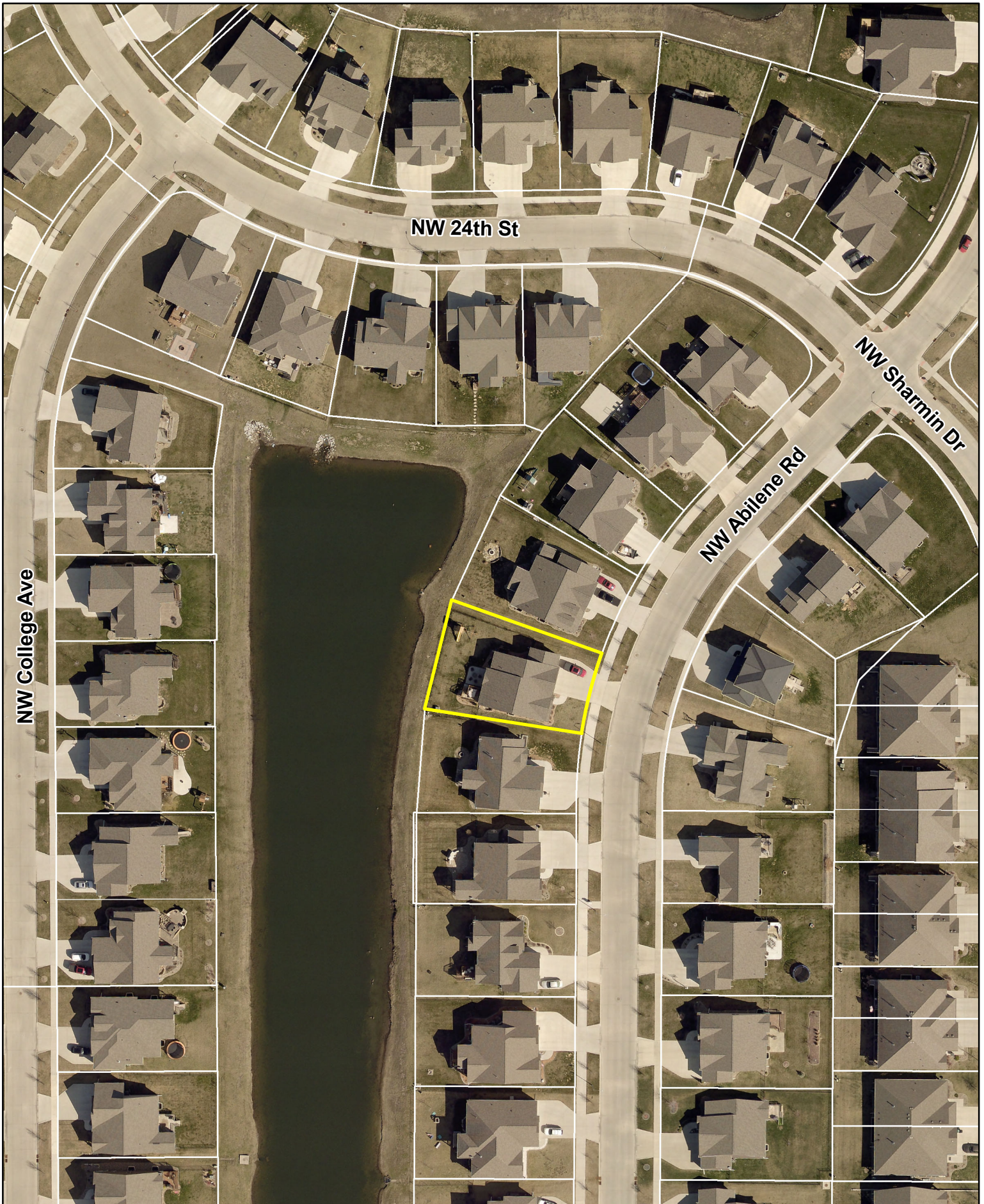
SHEET TITLE:

DETAILS

S10

DESIGNED BY: M.T.A.
PAPER SIZE: B - 11 X 17
SCALE: As Noted

1A. Disclaimer:
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N



1 inch = 100 feet

Date: 6/7/2022

2212 NW Abilene Road - Variance Request

**CITY OF ANKENY
ZONING BOARD OF ADJUSTMENT
COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

To: Members of the Zoning Board of Adjustment
From: Bryan Morrissey, Associate Planner
Filing #: 22-12
Meeting Date: June 21, 2022
Address: 2212 NW Abilene Road

EJC

APPELLANT REQUEST

A variance to Ankeny Municipal Code section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 24-foot 4-inch rear yard setback for a covered deck at 2212 NW Abilene Road.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 24-foot 4-inch rear yard setback for the construction of a covered deck at 2212 NW Abilene Road, subject to the applicant acquiring all necessary building permits.

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.

PROJECT SUMMARY

The subject property is located at 2212 NW Abilene Road, north of NW 18th Street and west of Ankeny Centennial High School within the northwestern quadrant of Ankeny. The subject property is zoned R-2, One-Family and Two-Family Residence District, and is situated on Lot 38 of Centennial Pointe West Plat 3.

The applicant is requesting a variance to encroach approximately 10-feet 8-inches into the 35-foot rear yard setback. A variance is needed as the property owners are looking to cover the existing deck on the west side of their property that backs up to the rear lot line. Because the owners are proposing to cover the existing deck, it must conform to building setback regulations of the Code. Should the variance for the covered deck be granted, a 24-foot 4-inch rear yard setback will be the resulting setback on the west side of the subject property.

PROJECT REPORT

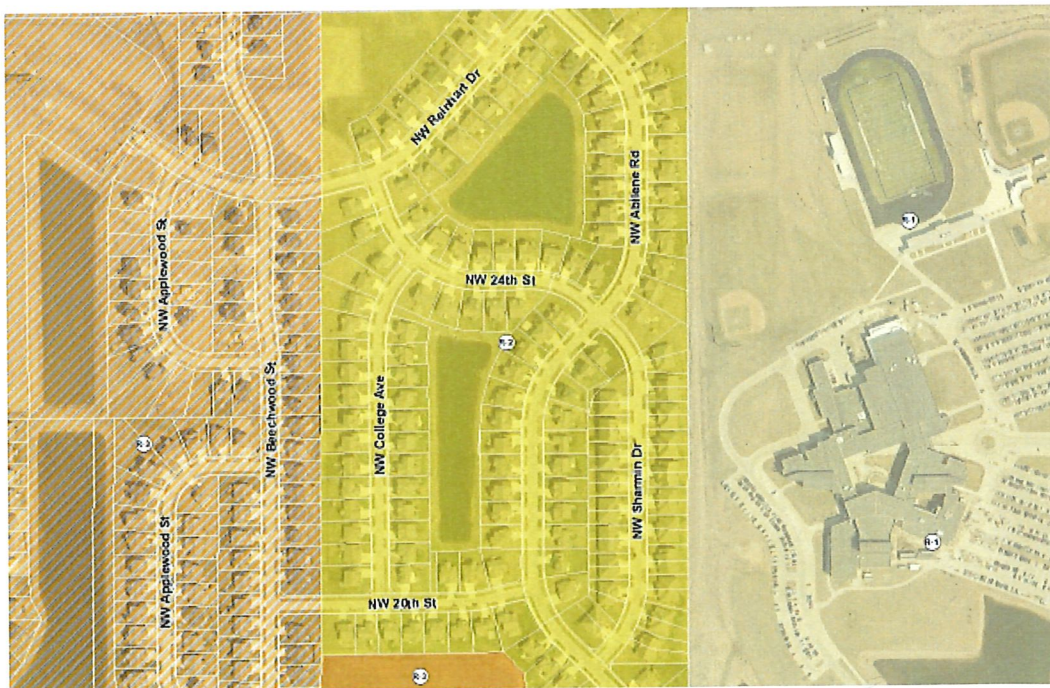
Criteria for Variance

197.01(4) Powers and Duties.

B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this title actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this title would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this title.

FINDINGS OF FACT

The subject property at 2212 NW Abilene Road is located north of NW 18th Street and west of Ankeny Centennial High School on Lot 38 of Centennial Pointe West Plat 3. The subject property is zoned R-2, One-Family and Two-Family Residence District and contains a single-family home on a 10,177 square-foot lot. Neighboring properties in the area are zoned R-2 as well, and contain either single family homes or townhomes on similarly sized lots. Permit records indicate that the house on the subject property was constructed in 2015 and included an approximate 144 square-foot deck attached to the west side of the home. The deck extends approximately 10-feet 8-inches into the rear yard setback; however, this is permitted per Code as uncovered decks are allowed to extend up to 12 feet into rear yard setbacks.



Zoning districts surrounding the subject property

Recently, the subject property owners inquired about covering their existing deck to get more use out of it throughout the year. Shortly after looking into the process of covering the deck, it was realized that a variance would be needed as the deck in its existing location encroaches within the rear yard setback. As mentioned previously, unenclosed decks are allowed to extend up to 12 feet into the rear yard setback; however, once the deck is covered it must conform to the building setback regulations of the Code. The subject property owners did indicate that other options in lieu of covering the deck were explored, but the alternatives were not as practical as requesting a variance from the Board.

As indicated by the applicant on their submitted site plan, the existing deck totals 144 square feet in size and extends west towards the rear property line. At its furthest point, the existing deck extends approximately 10-feet 8-inches into the 35-foot rear yard setback. Although the proposed covered deck will extend west into the setback, the subject lot itself backs up to a detention pond that's owned by the Centennial Pointe West Homeowners Association. The detention pond being positioned between the subject property and the neighbors to the west relieves any concerns that staff may have had that the covered deck would negatively impact neighboring property owners. Should the variance be approved, there will be approximately 200 feet of space separating the covered deck from the neighboring properties on the west side of the detention pond.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being on May 3, 2022 which allowed a covered deck to extend 3-feet 5-inches into a rear yard setback. Staff has notified all property owners within 250' of 2212 NW Abilene Road by mail, and to date, staff has not received any correspondence either for or against the request.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 24-foot 4-inch rear yard setback for the construction of a covered deck at 2212 NW Abilene Road, subject to the applicant acquiring all necessary building permits. 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.



ZONING BOARD OF ADJUSTMENT

June 21, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

#20-07 Tavern 180 - 1975 N Ankeny Blvd. Suite 117

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [Renewed Special Use Permit](#)



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 20-07**

Issued July 7, 2021

If the conditions of your approved Special Use Permit do not allow for administrative approval of the Outdoor Service Area, or if you plan to make any changes or would like to alter the conditions of your Outdoor Service Area, please contact the Planning & Building Department (963-3550) regarding the required Board of Adjustment approval.

Name of Applicant: **T180 DEVELOPMENT, LLC.**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **TAVERN 180**

Address of Premise: **1975 N ANKENY BLVD, SUITE 117**

- Have there been any changes made to the Outdoor Service Area since last year in location, size, or type of fencing?

☐ Yes

☒ No

If yes, what changes have been made. (Please include a sketch)

- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ Yes

☒ No

Examples of sound uses requiring a special use permit shall include but not be limited to use of speakers to page patrons, use of a sound system to play music and the playing of live music. (Ord. 1426 Sec 1 Sub-section 5.08.100 G paragraph 5)

I hereby swear and affirm that I have complied and will continue to comply with all the requirements and attached conditions issued for the above identified property and with any subsequent modifications required by the Board of Adjustment.

The applicant hereby swears or affirms that all statements set forth herein are true and correct.

Signature

Brett Clure
Name of Applicant (printed)

Date

6.7.22

ADMINISTRATIVELY
 **APPROVED**
6/8/22 EJC