

Meeting Minutes

Zoning Board of Adjustment

Tuesday, June 21, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the June 21, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE JUNE 7, 2022 REGULAR MEETINGS

Vice Chair J.Baxter tabled the June 7, 2022 regular meeting minutes until the next Zoning Board of Adjustment meeting due to not having a quorum for the vote.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#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

Vice Chair J.Baxter opened the public hearing.

Paul Moritz, Airport Board Manager for the Polk County Aviation Authority, Ankeny Regional Airport, 410 W 1st Street, stated that the Airport Capital Improvements Plan provides for the development of a new row of box hangars on the north end of the airport and he said there is a huge need for box hangars at the airport. He explained that they have worked with the FFA on a preliminary layout and a plan on how to get seven box hangars to fit on the property along the north taxi lane. He noted that the proposed hangars are approximately 50-feet wide and 42-feet deep. He said that the current zoning setback for this property is 50-feet; and to make the project work, they would need to build the hangars 40-feet from the north property line, which is their reason for requesting the variance. Paul Moritz commented that he contacted Tom Phillips, President of SPAL USA, Inc. about their variance request and after some discussions, President Tom Phillips provided a letter of support. He said he would appreciate the Board's consideration of their request and would answer any questions they may have.

There were no questions from the Board.

D.Silverthorn reported 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. 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. He further noted that the 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.

D.Silverthorn stated that 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." He noted that the Ankeny Regional Airport has had 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. He said there is a waiting list for hangar space so there is a demonstrated need to fulfill the needs of the community. D.Silverthorn explained the bulk regulations within the U-1 and M-1 zoning districts. He presented a site plan drawing of the neighboring SPAL property, which represented future warehouse and hangar space. D.Silverthorn stated that if SPAL would proceed to expand in the future, and this variance request is approved, there would be a total of 80 feet of separation between the two structures. Staff finds that it is sufficient for this purpose and this would be more than what is normally provided within the surrounding M-1 zoning districts. 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.

J.Baxter asked staff that if SPAL came back with a new site plan showing the new addition located right up to the property line, which he understands is allowed in an M-1 zoning district; and this variance request is approved allowing the 40-foot side yard setback, would the 40 feet setback be sufficient. D.Silverthorn said it would be allowed for this purpose. With an adjacent M-1 district, they both could be butted up to the property line as long as they meet fire resistant control measures.

The Board had no further questions.

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 K.Tomlinson. All voted aye. Motion carried 3 – 0.

The Board had no concerns.

Board Action on Filing #22-11 property located at 3700 SE Convenience Boulevard

Motion by K.Tomlinson 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. 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. 3 – 0.

#22-12 Nicholas Blocker

for property located at

2212 NW Abilene Road

Lot 38, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback

Vice Chair J.Baxter opened the public hearing.

Nicholas Blocker, 2212 NW Abilene Road, stated that their request is for a 10-foot 8-inch variance to add a roof over their existing deck. He said their plan is to replace the existing deck with composite and add a roof over the deck. He shared that by adding the roof, they would be encroaching 10-feet 8-inches into the 35-foot rear yard setback. He asked the Board for consideration on his request.

There were no questions from the Board.

B.Morrissey reported that the subject property is located at 2212 NW Abilene Road, generally north of NW 18th Street and west of Ankeny Centennial High School in the northwest quadrant of Ankeny. He stated the property is zoned R-2, One-Family & Two-Family Residence District, as is the neighboring properties. He said the unenclosed existing deck is approximately 144 square-feet, on the west side of the home and it backs up to the rear property line. He explained that the existing deck extends approximately 10-feet 8-inches into the 35-foot rear yard setback; however, this is allowed by Code as unenclosed decks are allowed to extend up to 12 feet into the rear yard setback. B.Morrissey noted that because the property owners are proposing to cover the deck, the enclosed structure will need to adhere to the building setback requirements of the Code. He said should the variance for the covered deck be granted, a 24-foot 4-inch setback will be the resulting rear yard setback for the subject property. He commented that the lot backs up to a detention pond and leaves approximately 200 feet between the deck and the neighboring properties on the west side of the detention pond. Staff does not feel that this would be an issue for the neighboring properties on the west side of the detention pond due to the distance. He said staff has not received any correspondence from neighboring property owners. 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.

There were no questions from the Board.

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.

Board Action on Filing #22-12 for property located at 2212 NW Abilene Road

Motion by J.Baxter 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. 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 B.Walker. All voted aye. Motion carried. 4 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

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

There being no further business, the meeting adjourned at 5:21 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment