

Meeting Minutes
Zoning Board of Adjustment
Tuesday, June 20, 2023
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the June 20, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Jeff Baxter, Matt Ott, Kristi Tomlinson, Nichole Sungren and Brett Walker.

Staff: E.Jensen, E.Carstens, J.Heil, B.Morrissey, R.Kirschman, B.Fuglsang

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MAY 2, 2023 REGULAR MEETING

Motion by K.Tomlinson to approve the May 2, 2023 meeting minutes as submitted. Second by N.Sungren. All voted aye. Motion carried 4 – 0 – 1 (Abstain: B.Walker).

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#23-11

City of Ankeny

for property located at

3755 NW Irvinedale Drive

PARCEL 2018-156 COM NW COR PARC E THN E 50F TO POB THN E 422.24F

S 170.36F W 127.57F W 295.16F N 172.57F TO POB BNG PRT PARCEL E

BK 15735 PG 812 SW 1/4 SW 1/4 SEC 3-80-24

RE: Variance - Height

Chair M.Ott opened the public hearing.

Don Clark, Director of Municipal Utilities, City of Ankeny, 1210 NW Prairie Ridge Drive, stated that their request is for a 2.5-million-gallon elevated water tower to be located at 3755 NW Irvinedale Drive, which was land that the city purchased about two and one-half years ago. He said the water tower will be similar in size and height to the Ash Drive water tower; and the overall height with the antennas will be 180-feet and 165-feet without the antennas. Don Clark stated that the water tower will be well above the maximum height allowed of 35-feet, so they are requesting a variance to allow the city to build the new water tower.

There were no questions from the Board.

B.Morrissey reported that the subject property is located at 3755 NW Irvinedale Drive, north of the NW 36th Street and NW Irvinedale Drive intersection. The property is currently undeveloped and zoned C-1, Neighborhood Retail Commercial District. He stated that there are residential properties to the north and east; and Casey's is the neighboring property to the south. The city acquired the 1.6-acre property in 2018, anticipating the site to be the location of a future water tower. B.Morrissey said the final plat and site plan for the property is currently under review; however, before the plans can be approved, a variance is needed for the height. He stated the City of Ankeny is requesting a variance to the height restrictions on the site to allow for the construction of a 180-foot tall water tower. B.Morrissey presented a copy of the site plan, which showed the proposed landscaping and fencing, which would provide separation between the site and the neighboring properties. He noted that notice requirements for this hearing have been met, 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 192.08(3)(G) to allow for the construction of a 180-foot-tall water tower at 3755 NW Irvinedale Drive. This decision is based on a determination that the increased maximum height allowance from the resulting water tower 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.

M.Ott asked if the color and branding will be similar to the water tower on SW Irvinedale Drive. Don Clark stated, yes.

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 5 – 0.

The Board had no concerns with the request.

Board Action on Filing #23-11 property located at 3755 NW Irvinedale Drive

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.08(3)(G) to allow for the construction of a 180-foot-tall water tower at 3755 NW Irvinedale Drive. The Board's decision is based on a determination that the increased maximum height allowance from the resulting water tower 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 5 – 0.

#23-12

Bryon and Larissa Weyer

for property located at

2506 NE 17th Street

Lot 21, Deer Creek Estates Plat 13

RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Bryon Weyer, 2506 NE 17th Street, said they are requesting a variance for the construction of a covered patio on the rear of their home. He said the rear yard setback would be 29-feet from the rear property line instead of the required 35-feet.

There were no questions from the Board.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 29-foot rear yard setback for a covered patio at 2506 NE 17th Street. The property is located south of NE 18th Street and west of NE Four Mile Drive within the northeastern quadrant of Ankeny. R.Kirschman stated the subject property is zoned R-2 with restrictions, One and Two-Family Residence District restricted to single-family homes and is situated on Lot 21, Deer Creek Estates Plat 13, which has a rear yard setback requirement of 35-feet. He commented that the neighboring properties to the north are zoned R-1, Single-Family Residence District, properties to the east, south, and west are also zoned R-2 with restrictions and contain single-family homes on similarly sized lots. R.Kirschman said that the applicant is requesting a variance to encroach approximately 6-feet into the 35-foot rear yard setback, which would allow the owners to convert their patio into a covered patio resulting in a 29-foot rear yard setback on the west side of the property. Staff is not concerned with the covered patio extending into the rear-yard setback as the property backs to a 30' wide buffer of open space owned by the homeowner's association and then NE 18th Street. He noted that notice requirements for this hearing have been met, 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 29-foot rear yard setback for the construction of a covered patio at 2506 NE 17th Street. Staff's position is based on a determination that the decreased rear yard setback from the resulting covered patio 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 correspondence received. Second by B.Walker. All voted aye. Motion carried 5 – 0.

The Board had no concerns with the request.

Board Action on Filing #23-12 property located at 2506 NE 17th Street

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 29-foot rear yard setback for the conversion of a covered patio at 2506 NE 17th Street. The Board's decision is based on a determination that the decreased rear yard setback from the resulting covered patio 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 5 – 0.

NEW BUSINESS

There was no new business.

REPORTS

Renewed Special Use Permits

#10-06 Lindo Jalisco Mexican, 1810 SW White Birch Circle, Ste. 118

#21-06 El Molcajete, 301 E 1st Street

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

#18-04(2019) Who's on First, 810 E 1st Street

There being no further business, meeting adjourned at 5:18 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment