Meeting Agenda

Zoning Board of Adjustment

Tuesday, June 18, 2024
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 April 2, 2024, April 16, 2024 and June 4, 2024 regular meetings.

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.

#24-07
Buresh Home Solutions
for property located at
1619 NW 27th Court
Lot 22, Centennial Pointe Plat 19
RE: Variance - Covered Patio

F. OLD BUSINESS:

G. NEW BUSINESS

H. REPORTS

Renewed Special Use Permits
#16-16 Guadalajara Mexican Restaurant, 202 SE Delaware Avenue

I. ADJOURNMENT

ZONING BOARD OF ADJUSTMENT
June 18, 2024
5 : 00 PM
Print

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:
Motion

LEGAL:

SUBJECT:
Minutes of the April 2, 2024, April 16, 2024 and June 4, 2024 regular meetings.

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
ZBOA Minutes 2024-04-02
ZBOA Minutes 2024-04-16
ZBOA Minutes 2024-06-04

Meeting Minutes

Zoning Board of Adjustment

Tuesday, April 2, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER
Chair Matt Ott called the April 2, 2024 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, Kristi Tomlinson and Brett Walker. Staff: E.Jensen, E.Carstens, L.Hutzell, R.Kirschman, J.Heil, B.Morrissey and B.Fuglsang.

AMENDMENTS TO THE AGENDA
There were no amendments to the agenda.

MINUTES OF THE MARCH 19, 2024 REGULAR MEETING
Motion by K.Tomlinson to approve the March 19, 2024 meeting minutes as submitted. Second by N.Sungren. Motion carried 5 – 0.

COMMUNICATIONS / CORRESPONDENCE
Chair Matt Ott noted that correspondence was received from Matt Schilling, Owner of Luke Brothers Flooring that will received and filed during the public hearing.

BUSINESS ITEMS
PUBLIC HEARINGS:

#24-03
Hope Agency
for property located at
217 S Ankeny Boulevard
Lot 14, Triplett Village & & S 30F N 659.6F W 289F N ½ NW ¼ NW 1/4SEC 24-80-24
RE: Variance – Permitted Uses

Chair M.Ott opened the public hearing.

Board member Jeff Baxter recused himself from public hearing #24-03.

Brent Culp, Snyder & Associates, Inc., 2727 SW Snyder Boulevard, Ankeny representing property at 217 S Ankeny Boulevard, said that the commercial property is currently zoned C-2. The requested use is for an animal daycare and their understanding is that the current use is allowed on this property. He noted that the variance request is required to allow for an outdoor dog run area.

Amy Wallman Madden, Co-founder, Hope Agency, 1230 8th Street, Suite 201, West Des Moines, said Hope Agency has been around since 2004. She stated their mission is to support individuals with special needs to be able to live independent and productive lives. It would support community living through learning life skills such as cleaning and cooking. Hope Agency also has a wrap-around service for employment, which is really where they see the magic happen when individuals with special needs find meaningful employment. She explained that their hope is to employ people with special needs but also young people in the area under the age of 18 to help teach them life skills. It will encourage more understanding for young people as well as give them an introduction to human services. Amy Wallman Madden said she feels it would be great for the community.

Marcus Pitts, JLL, one of the property owners, said he is excited about this project. He said it would give this property an opportunity to phase into the next generation of its life. He said with Hope Agency as a tenant, this would allow them to transform this building into a usable space that gives back to the community. He shared that from a personal standpoint, his sister that passed away had special needs and often wondered what this type of opportunity would have done for her. He thanked the Commission.

M.Ott asked whether the outdoor dog run would extend the entire length of the north portion of the parcel. Brent Culp responded, yes. M.Ott asked how close the dog run would be to the property line of the Luke Brothers Flooring. Brent Culp was unsure of the exact footage.

B.Walker said he assumes there will be some aesthetic changes to the building with this project. Marcus Pitts shared that Hope Agency has their own contractor for the interior. Ankeny Futures, LLC has currently been doing some tuck pointing as they want the building to look great. He noted that this is an investment not only in the building but also in the community.

M.Ott shared that the Board received correspondence from Luke Brothers Flooring in opposition of the request. M.Ott further asked if there were any prior discussions with Luke Brothers Flooring about the plans or any encroachment on easements within the property directly behind the Luke Brothers Flooring building. Marcus Pitts said not on this particular project.

E.Carstens shared that the city's development engineering department reviewed the area for easements. It was determined that there is not an easement today, but the city would like one, but where the fence would be located, would not encroach on the area where the city may want an easement.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.09(1)B(1) requires: *Animal hospitals, veterinary clinics or kennels, provided that any exercising runway is at least 200 feet from any R District boundary,* allowing for an exercise area for pets within 200 feet of a R District boundary at 217 S Ankeny Boulevard. He stated the subject property is owned by Ankeny Futures LLC and the zoning for this area is C-2, General Retail and Highway Oriented Commercial District. He said that the surrounding properties to the north, west, and south are also zoned C-2 and the property to the east is zoned C-2 and R-2, One- Family and Two-Family Residence District. R.Kirschman stated that the proposed outdoor exercise area would be located on the north side of the existing building and the proposed enclosure would be approximately 150 feet from the house to the northeast of the site. Ankeny Municipal Code Section 192.09(1)(B)(1) requires any animal outdoor exercise runway to be a minimum of 200 feet from a residential zone. He noted that animal boarding use is allowed within the C-2 zone as a principal permitted use. Therefore, it is only the enclosure that necessitates the need for this variance application. He said all property owners within 250' of the subject property were notified of the proposed variance by mail. The staff position is to grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the continued use of the existing outdoor animal exercise area on the west side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.

The staff position is based on a determination that an animal grooming and boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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 clarified the use allowed in C-2 zoning. E.Jensen responded that animal boarding is allowed in C-2. The only thing that is not allowed is the outdoor portion, as it can not be within 200 feet of residential-zoned property. M.Ott further confirmed that if there are issues and/or complaints, this could be brought back to the Board for further review. Staff responded, yes. N.Sungren asked if the sight and sound barrier was included in previous appeals that the Board had acted upon. R.Kirschman responded that there were similar conditions in previous appeals. E.Carstens said the sight and sound barrier is the responsibility of the developer and said the Board has the right to change or add conditions with regard to the staff recommendation. K.Tomlinson asked whether the residential property owners reached out to staff. E.Carstens responded, no. Amy Wallman Madden shared that they provide daycare only, there is no overnight boarding, and she does not see it as a concern for the residential properties.

Scott Luke, Luke Brothers Flooring, 102 SE 3rd Street, Ankeny, on behalf of Matt Schilling said that their concerns were addressed in the letter that they provided to the Board. He said they can appreciate what they are doing but Luke Brothers Flooring are not overly excited about the fenced-in area being located directly behind their building to the north. He noted that there is already a dog run as part of the business to the east of their property and felt that there is too much of this type of use in this area.

M.Ott responded that if the residential property to the northeast was commercial, not residential, this request would not have been required to come before the Board of Adjustment for approval. This use is allowed in C-2 zoning. E.Carstens stated that if there are complaints in the future, this request for the dog run would come back before the Board for review.

Brent Culp, Snyder & Associates, Inc. shared that the difference between this and other boarding businesses, is that this business would be open in the morning and closed in the evening. The use would be during normal business hours.

The Board's discussion included allowable uses in C-2, conditions that would be set, if approved, and understanding the concerns that were brought to the Board from the neighboring by business.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by B.Walker. Motion carried 4 – 0 – 1 (Abstain: J.Baxter).

Board Action on Filing #24-03 for property located at 217 S Ankeny Boulevard
Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the proposed use of an outdoor animal exercise area on the north side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.

The Board's position is based on a determination that an animal grooming and animal boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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. Motion carried 4 – 0 – 1 (Abstain: J.Baxter).

#24-04
Neil Brankis
for property located at
522 SW Maple Street
Lot 8, Ankeny Village Plat 3
RE: Variance – Accessory Structure

Chair M.Ott opened the public hearing.

Neil Brankis, Midwest Builders of Iowa, 1451 NE 69th Place on behalf of Mr. and Mrs. Larry Hogue, 522 SW Maple Street, Ankeny said the Hogue's would like to add a one, car garage to their property. They currently have a garage, but it is off-set behind the house and Mrs. Hogue is having difficulty making the turn to get in and out. Neil Brankis said they are willing to remove the small storage building from their property to allow for this additional garage to be built next to the current garage.

There were no questions from the Board.

L.Hutzell reported that the request is for a variance to Ankeny Municipal Code Chapter 191.07.1, for property located at 522 SW Maple Street, allowing for the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property. It is located north of SW Ordnance Road, east of SW Ash Drive, west of SW Cherry Street and south of SW 5th Street. The subject property is zoned R-2, One-Family and Two-Family Residence District, and the surrounding properties to the north, east, south, and west of the subject property are also zoned R-2, One-Family and Two-Family Residence District. L.Hutzell provided a brief history of the property and presented current pictures of the property while explaining the changes that have been made over the years. She stated that the subject lot is 9,450 square feet, and is currently developed with the primary structure, detached garage and an existing 96 square-foot shed located in the southwest corner of the property. She noted that in this case, the 9,450 square-foot lot would allow for 945 square feet to

be occupied by accessory structures. L.Hutzell stated the appellant is proposing to remove the existing 96 square-foot shed, and construct a 308 square-foot garage in addition to the existing 768 square-foot garage, which would result in 1,076 square feet of the total lot area. Due to the total square footage of accessory structures exceeding the maximum allowable 945 square feet by 131 square feet, a variance is required to construct the additional garage as submitted. She shared that the primary constraint of this property is that the existing 768 square-foot garage consumes nearly 81% of the maximum allowable square-footage for accessory structures on this property because it is detached. L.Hutzell commented that a second garage would allow the homeowner easier vehicle access. She explained that if the existing garage was attached to the home, like most single-family residential development today, the property owner would still have all 945 square feet of allowable area for accessory structures. The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street, subject to the property owner removing the existing shed. 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 for clarification on the size of the shed. L.Hutzell responded that it is 96 square-feet. M.Ott confirmed that if the garage was attached to the primary structure, a variance would not be required. E.Jensen said that if the current garage and the new garage were attached to the home, a variance would not be required, but further clarified that attaching the garage brings in question their bulk regulations, such as rear yard and side yard setbacks. He said that they would not be able to have a garage this size if it was attached to the house due to the setbacks.

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. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

Board Action on Filing #24-04 for property located at 522 SW Maple Street
Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street subject to the property owner removing the existing shed. 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 K.Tomlinson. All voted aye. Motion carried 5 – 0.

REPORTS
There were no reports.

There being no further business, meeting adjourned at 5:46 p.m.

Brenda Fuglsang

Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

Meeting Minutes

Zoning Board of Adjustment

Tuesday, April 16, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER
Vice Chair Jeff Baxter called the April 16, 2024 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: E.Jensen, L.Hutzell, J.Heil, and B.Fuglsang.

AMENDMENTS TO THE AGENDA
There were no amendments to the agenda.

MINUTES OF THE APRIL 2, 2024 REGULAR MEETING
Vice Chair J.Baxter commented that he will table the minutes until the next Board of Adjustment meeting since he will need to abstain.

COMMUNICATIONS / CORRESPONDENCE
There were no communications.

BUSINESS ITEMS
PUBLIC HEARINGS:

#24-05
Ryan Nurnburg
for property located at
537 NE 5th Street
Lot 8, Henderson Park Plat 19
RE: Variance – Covered Deck

Chair M.Ott opened the public hearing.

Ryan Nurnburg, 537 NE 5th Street, Ankeny said that there is a sunroom on the back of his house, which was there when he purchased the home in 2021. The assessor's page also showed that the home had a sun-room. In January 2024, the roof was damaged by the snow, and when they went to get a permit to replace the sunroom they found out that the previous owners did not get a permit to do so. They would like to be allowed to get a permit to replace the sunroom.

J.Baxter asked if the sunroom was going to be located in the same spot. Ryan Nurnburg responded that the size and location of the sunroom would remain the same. The only difference is that it will have a hip roof that will match the shed and the house.

There were no further questions from the Board.

J.Heil reported that the applicant is requesting a variance to encroach approximately 12 feet into the 35-foot rear yard setback, to allow the owners to replace the existing four-seasons porch attached to the rear of the home. He stated that the property at 537 NE 5th Street is generally located south of NE 5th Street and west of NE Innsbruck Drive and is zoned R-2, One-Family and Two-Family Residence District. The neighboring properties contain single family homes and are similarly zoned. J.Heil said that the four-seasons porch was originally constructed with the house and is 12x14 feet in size. He noted that due to heavy snowfalls in January 2024, the roof of the four-seasons porch collapsed. He said that if the requested variance is approved, a 23-foot rear yard setback would be the resulting setback on the south side of the subject property. He explained that staff is not overly concerned with the applicant reconstructing the four-seasons porch, primarily because the structure will be staying in its current location and will not be expanded. Staff is confident that keeping the four-seasons porch in its current location should not have a measurable impact on the surrounding properties. He noted that all legal notifications have been made 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 23-foot rear yard setback for a four-seasons porch at 537 NE 5th Street. Staff's position is based on a determination that the decreased rear yard setback from the 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.

J.Baxter asked if there is any distinction from a Code standpoint for a covered deck versus a four-seasons porch. J.Heil responded, no. J.Baxter asked what a four-seasons porch is versus a covered deck. J.Heil responded that it is enclosed on all four sides. E.Jensen explained that the only distinction in the Code is that an unenclosed deck can extend into the setback and anything that has a roof on it, whether it has walls or not, cannot.

Motion by J.Baxter to close the public hearing, and receive and file correspondence. Second by K.Tomlinson. Motion carried 3 – 0.

The Board had no concerns with the request.

Board Action on Filing #24-05 for property located at 537 NE 5th Street
Motion by K.Tomlinson that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 23-foot rear yard setback for a four-seasons porch at 537 NE 5th Street. The Board's decision 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. Second by B.Walker. Motion carried 3 – 0.

REPORTS
There were no reports.

There being no further business, meeting adjourned at 5:10 p.m.

Brenda Fuglsang
Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

Meeting Minutes
Zoning Board of Adjustment
Tuesday, June 4, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER
Chair Matt Ott called the June 4, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

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

AMENDMENTS TO THE AGENDA
There were no amendments to the agenda.

MINUTES OF THE APRIL 2, 2024 REGULAR MEETING
Chair M.Ott motioned to table the minutes for April 2, 2024 and April 16, 2024 until the next Board of Adjustment meeting due to not having a full Board in attendance.

COMMUNICATIONS / CORRESPONDENCE
There were no communications.

BUSINESS ITEMS
PUBLIC HEARINGS:

#24-06
Tony Law
for property located at
103 SW Stonegate Drive
Lot 23, Camden Woods Plat 1
RE: Variance – Covered Deck

Chair M.Ott opened the public hearing.

Tony Law, 103 SW Stonegate Drive, Ankeny said he is requesting a variance as he would like to place a cover over his existing deck.

There were no questions from the Board.

L.Hutzell reported that the applicant is requesting a variance to encroach approximately 6-feet into the 35-foot rear yard setback to allow for a covered deck to the rear of the home. The property is located at 103 SW Stonegate Drive and is south of W. 1st Street and east of SW Weigel Drive. She stated the property is zoned R-1, One-Family Residence District. The neighboring properties to the north are zoned R-2, One and Two-Family Residence District, as are the neighboring properties to the west, south and east. L.Hutzell explained that records show that the house was constructed in 2006, which included the 15'x20' attached unenclosed deck to the rear of the property. Per Code, unenclosed decks are allowed to extended into rear yard setbacks, however, once a deck is covered, it must adhere to the setback regulations of the Code. She explained that at its furthest point on the northeast corner, the deck extends approximately 6-feet into the rear yard setback, leaving 29-feet between the existing deck and the shared property line to the east. Staff is not overly concerned with the applicant converting the unenclosed deck to a covered deck, primarily because the structure will be staying in its current location, it will not be expanded upon and that the rear of the property backs

up to a larger neighboring property. She noted that all legal notifications have been met, and to date, staff has not received any correspondence either for or against the request. Staff position is to grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 29-foot rear yard setback for a covered deck at 103 SW Stonegate Drive. 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 correspondence. Second by J.Baxter. Motion carried 3 – 0.

The Board had no concerns with the request.

Board Action on Filing #24-06 for property located at 103 SW Stonegate Drive
Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 29-foot rear yard setback for a covered deck at 103 SW Stonegate Drive. The Board's decision 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. Motion carried 3 – 0.

REPORTS
Renewed Special Use Permits
#21-06 El Molcajete, 301 E. 1st Street

There being no further business, meeting adjourned at 5:08 p.m.

Brenda Fuglsang
Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

ZONING BOARD OF ADJUSTMENT
June 18, 2024
5 : 00 PM
Print

ORIGINATING DEPARTMENT:	COUNCIL GOAL:
Planning and Building	Ensure Economic Vitality

ACTION REQUESTED:
Public Hearing

LEGAL:

SUBJECT:

#24-07

Buresh Home Solutions

for property located at

1619 NW 27th Court

Lot 22, Centennial Pointe Plat 19

RE: Variance - Covered Patio

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
#24-07 Applicant Submittal
#24-07 Staff Report
Aerial Map Closeup

city of Ankeny
bringing it all together

APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT

#24-07

Applicant is: ☐ Property Owner ☐ Tenant ☒ Other Contractor

Applicant Buresh Home Solutions (Jason)

Address / Phone # 9379 Swenson Blvd suite D Clive, IA, 50325 515.418.0729

E-mail Jason@BureshHomeSolutions.com

Property Owner Kate Cisney

Address / Phone # 1619 NW 27th ct Ankeny, IA, 50023

E-mail Katecisney@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 _____ day of _____, 20___

Location (*address*) of the proposed variance 1619 NW 27th ct Ankeny, IA, 50023

Legal description (*Plat & Lot #*) _____

Zoning _____ Principal Use of property _____

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 # _____ which state(s) _____

I would propose the following in lieu of that required: Asking for 2.5' for rear set back to install a motorized Pergola

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

a) A statement indicating the reasons for my appeal.
b) A drawing showing proposed variance requested.
c) 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.

Jason Suthers
Print Name

(Signature of Applicant)

Signed and sworn to before me, this 21st day of May, 2024.

Katherine Cisney Katherine Cisney
Print Name (Signature of Property Owner)

Brenda Fuglsang
(Notary Public)

Notary seal
BRENDA FUGLSANG
Commission Number 745861
My Commission Expires
5-12-2025

RECEIVED
MAY 20 2024
CITY OF ANKENY

Office Use Only

Paid ☒ CC ☐ Cash ☐ Check # #130.00

Date received 5-20-24 Filing # 24-07

Scheduled Meeting Date 6-18-2024

#24-07

May 21, 2024

City of Ankeny,

We are filing a variance so that we can add a pergola on top of our existing concrete pad. My husband has had incidences of skin cancer and while none of it has been serious, we have become extremely cautious about our exposure to the sun. Our backyard faces the south and we would like to be able to enjoy time outside, in our backyard, as a family. This motorized pergola is our best solution, as it can block out 100 percent of the sun. This structure will not extend further than the original decking that existed when the house was built.

We give permission to Jason Smothers, from Buresh Home Solutions, to represent us in this request.

Thank you,

Mike and Kate Cisney

Zoning - 1 Record

Zoning	Description	SF	Assessor Zoning
R-3	Multiple Family Residence District		Multi-Family Residential

City of Ankeny Planning & Building Planning & Building Department 515 963-3550 (2011-05-25)

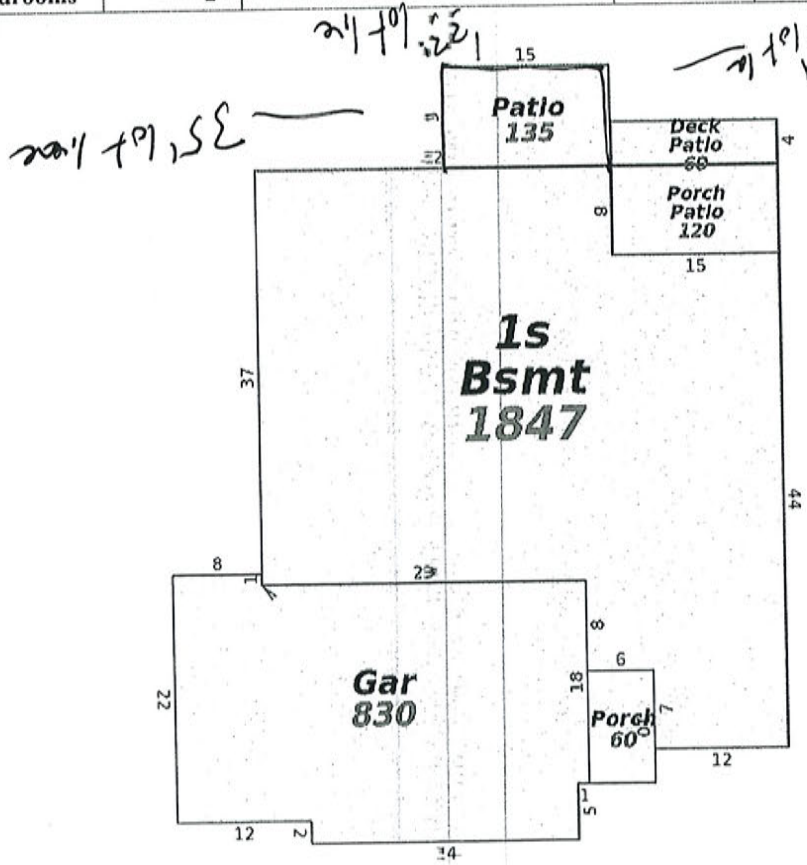
Land

Square Feet	11,911	Acres	0.273	Year Platted	2013
Topography	Normal	Shape	Rectangular	Vacancy	No
Unbuildable	No	Amenities	Walk Out Lot		

Residences - 1 Record

Residence #id=1

Occupancy	Single Family	Residence Type	1 Story	Building Style	Ranch
Year Built	2014	Number Families	1	Grade	2+05
Condition	Normal	Total Square Foot Living Area	1847	Main Living Area	1847
Attached Garage Square Foot	830	Basement Area	1847	Finished Basement Area 1	1325
Finished Basement Quality 1	Living Quarters	Total Basement Finish	1325	Open Porch Area	180
Deck Area	60	Patio Area	315	Veneer Area	274
Foundation	Poured Concrete	Exterior Wall Type	Concrete Board	Roof Type	Hip
Roof Material	Asphalt Shingle	Number Fireplaces	2	Heating	Gas Forced Air
Air Conditioning	100	Number Bathrooms	3	Number Toilet Rooms	1
Number Extra Fixtures	3	Basement Walkout	55	Bedrooms	2
Basement Bedrooms	2	Rooms	4		



LO-Ref#

Sales - 2 Records

Seller	Buyer	Sale Date	Sale Price	Instrument	Book/Page
KIMBERLEY DEVELOPMENT CORP	CISNEY, MICHAEL D.	2015-07-01	$427,580	Deed	15651/44

#24-07

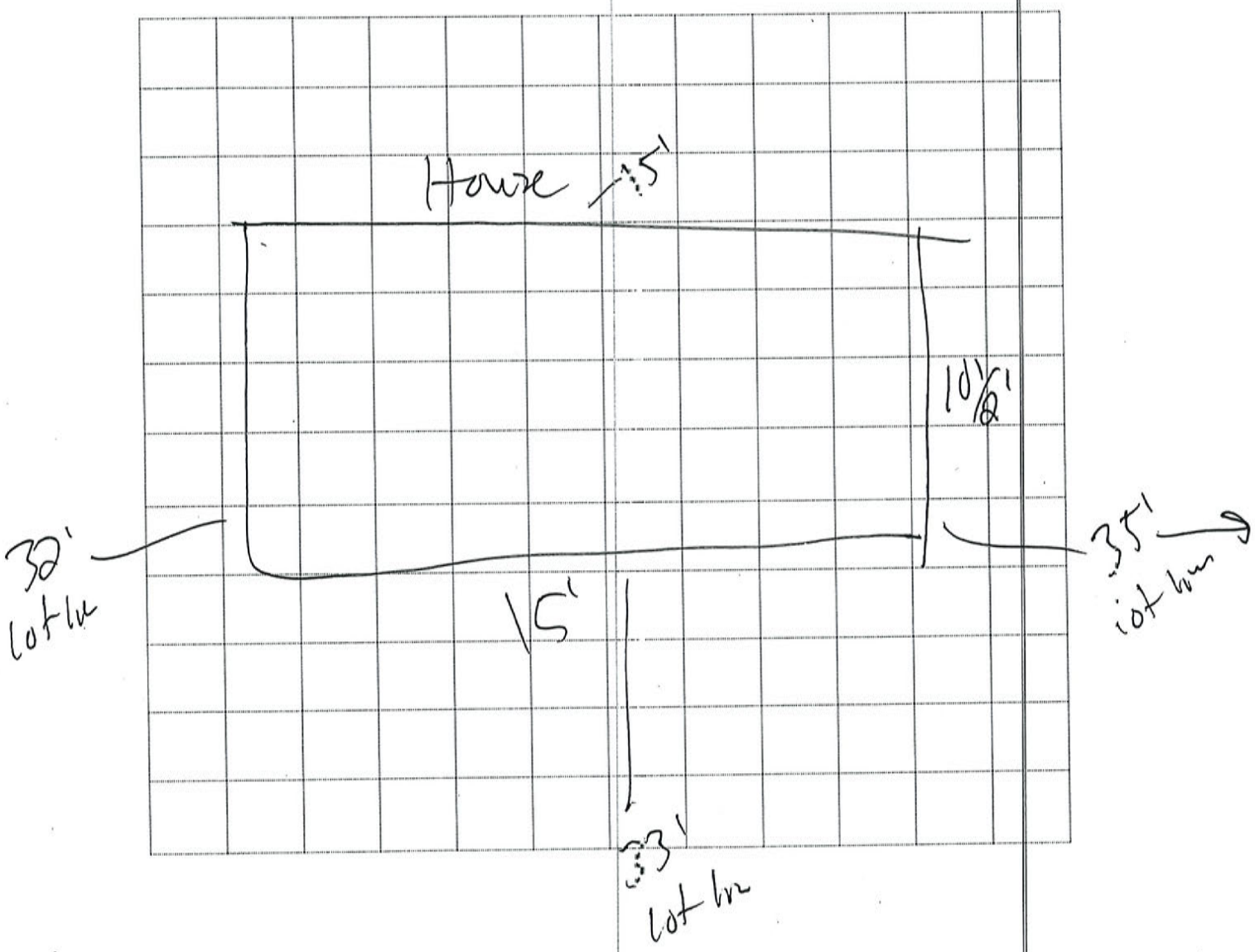
#24-07

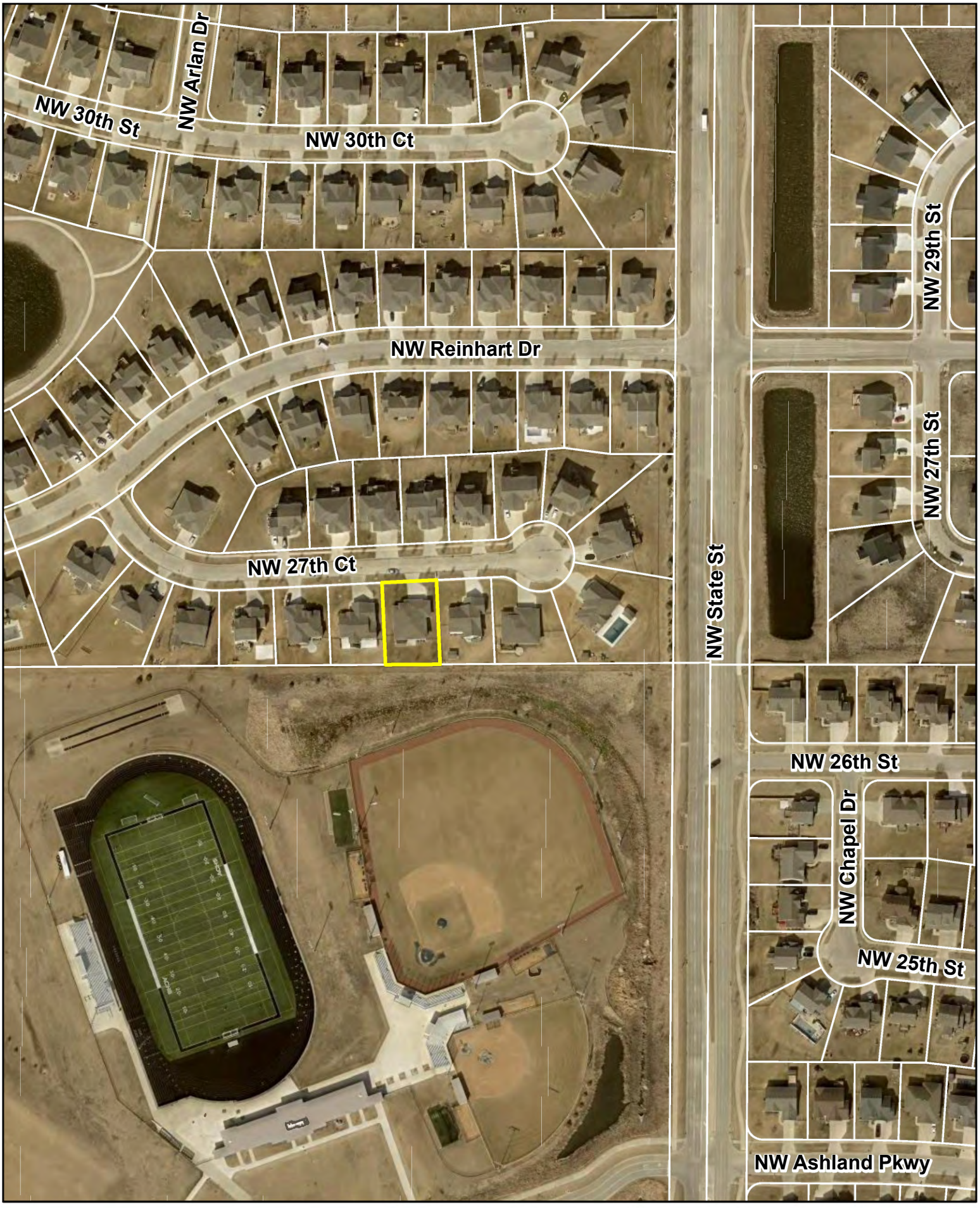
Site Drawing:

Address: 1619 NW 27th ct

Sketch diagram indicating:

- ✓ Existing structures
- ✓ North arrow
- ✓ Dimensions of any additions or accessory structure
  - Width
  - Length
  - Height
- ✓ Distance from property lines for any addition or accessory structure
- ✓ Easements
- ✓ Water Meter Location
- ✓ Electrical Service Location (specify overhead or underground)





N

1 inch = 196 feet

Date: 6/6/2024

1619 NW 27th Court
Aerial Map

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:	Ryan Kirschman, Planner
Filing #:	24-07
Meeting Date:	June 18, 2024
Address:	1619 NW 27th Court

EJC

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.05(3)(E) that requires Rear Yard: 35-feet, allowing a 32-foot rear yard setback for a covered patio at 1619 NW 27th Court.

STAFF POSITION

Staff recommends the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 32-foot rear yard setback for the construction of a covered patio at 1619 NW 27th Court.

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.

PROJECT SUMMARY

The subject property is located at 1619 NW 27th Court, north of NW 18th Street and west of NW State Street within the northwestern quadrant of Ankeny. The subject property is zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes and is situated on Lot 22 Centennial Pointe Plat 3.

The applicant is requesting a variance to encroach approximately 3-feet into the 35-foot rear yard setback that will allow the owners to convert their patio into a covered patio. The patio is already constructed. Should the variance for the covered patio be approved, a 32-foot rear yard setback will be the resulting setback on the south side of the 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 is located at 1619 NW 27th Court, north of NW 18th Street and west of NW State Street within the northwestern quadrant of Ankeny. The subject property is zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes and contains a single-family home with a patio on the south side of the home. The existing residence is situated on a .273-acre lot. Neighboring properties to the north, east and west are similarly zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes. Property to the south is Ankeny Centennial High School which is zoned R-1, One-Family Residence District. Permit records show the house was constructed in 2016. Per Ankeny Municipal Code Section 196.03(2)(B) unenclosed patios are allowed to extend up to twelve feet into the rear yard setbacks, while covered patios are not permitted in rear yard setbacks.

As indicated by the applicant on their submitted site plan, at its furthest point the proposed covered patio extends approximately 3' into the rear yard setback leaving approximately 32' between the patio and the rear property line. Staff is not concerned with the covered patio extending into the rear-yard setback as the property backs to Ankeny Centennial High School. Additionally, the covered patio should not have any measurable impact on surrounding residences.

Furthermore, similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being in June of 2024, which allowed a covered deck to extend 6-feet into the rear yard setback. As is standard procedure for these kinds of requests, all property owners within 250' of the subject property were notified of the proposed variance by mail, and to date, staff has not received any correspondence either for or against the variance.

The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 32-foot rear yard setback for the construction of a covered patio at 1619 NW 27th Court. 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.

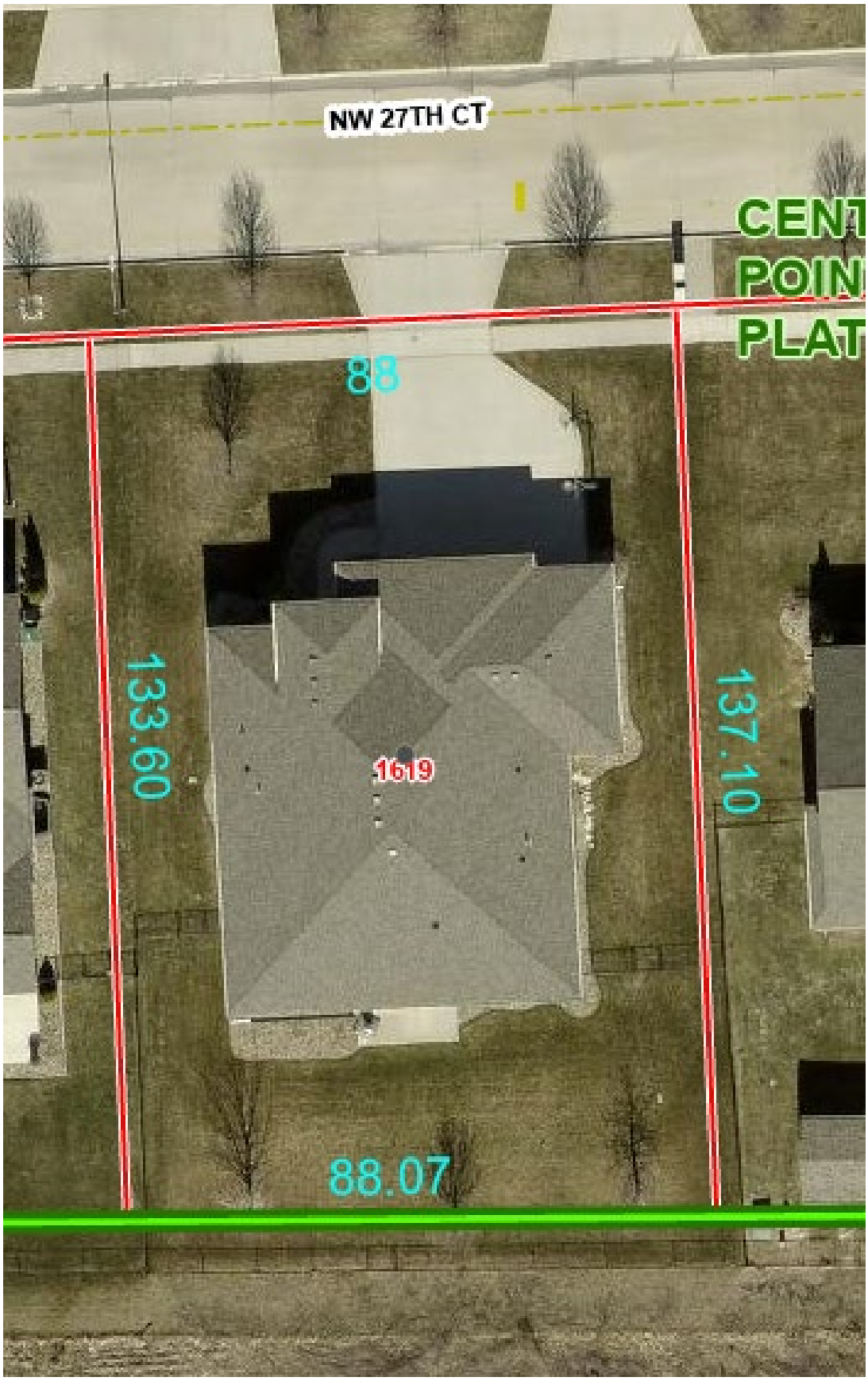
192.05(3)(E) Size and Area Regulations.

C. Rear Yard: 35 feet

196.03(2)(B) Yard Setback Exceptions

(2) Rear Yard. Unenclosed, above and below, decks which project not more than 12-feet into the required rear yard.

1619 NW 27th Court



ZONING BOARD OF ADJUSTMENT
June 18, 2024
5 : 00 PM
Print

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

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

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
Special Use Permit Renewal

city of Ankeny
bringing it all together

City of Ankeny

Outdoor Service Area Renewal Application

***Special Permit Resolution # 16-16**

Originally issued August 16, 2016

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: **Guadalajara, LLC**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **Guadalajara Mexican Restaurant**

Address of Premise: **202 S. E. Delaware Ave.**

- 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 _____ Date 05/24/2024

Jose Lopez
Name of Applicant (printed)

ADMINISTRATIVELY APPROVED
5/29/24 EJC