

Meeting Minutes
Zoning Board of Adjustment
Tuesday, June 18, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the June 18, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

Staff: E.Jensen, E.Carstens, R.Kirschman, and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE APRIL 2, 2024 REGULAR MEETING

Motion by M.Ott to approve the meeting minutes as submitted. Second by K.Tomlinson. Motion carried. 3 – 0 – 1 (Abstain: J.Baxter).

MINUTES OF THE APRIL 16, 2024 REGULAR MEETING

Chair M.Ott motioned to table the minutes for April 16, 2024 until the next Board of Adjustment meeting.

MINUTES OF THE JUNE 4, 2024 REGULAR MEETING

Motion by J.Baxter to approve the meeting minutes as submitted. Second by M.Ott. Motion carried. 3 – 0 – 1 (Abstain: N.Sungren).

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-07

Buresh Home Solutions

on behalf of Mike and Kate Cisney

for property located at

1619 NW 27th Court

Lot 22, Centennial Pointe Plat 19

RE: Variance – Covered Patio

Chair M.Ott opened the public hearing.

Jason Smothers, Buresh Home Solutions, 9379 Swanson Blvd., Suite D, Clive, on behalf of Mike and Kate Cisney, said he is requesting a variance to construct a pergola over a patio that will encroach 2'6" into the rear yard setback.

J.Baxter inquired if there was an existing pergola or only a concrete pad. Jason Smothers responded, only a concrete pad. K.Tomlinson asked for clarification on the retracting portion of the pergola. Jason Smothers responded that it has louvers that open and close.

There were no further questions from the Board.

R.Kirschman reported that the applicant is requesting a 32-foot rear yard setback for the construction of a covered patio. He stated that 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. He shared that the subject property is zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes. Neighboring properties to the north, east and west are similarly zoned R-3 with restrictions, Multiple Family Residence District restricted to single family homes and the property to the south is Ankeny Centennial High School, which is zoned R-1, One-Family Residence District. R.Kirschman stated that 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. R.Kirschman noted that at its furthest point, the proposed covered patio extends approximately 3-feet into the rear yard setback, leaving approximately 32 feet 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. He commented that all legal notifications were met and to date, staff has not received any correspondence for or against the request. 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.

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 3 – 0.

The Board had no concerns with the request.

Board Action on Filing #24-07 for property located at 1619 NW 27th Court

Motion by J.Baxter that 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. The Board'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. Second by N.Sungren. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits

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

There being no further business, meeting adjourned at 5:12 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment