



Meeting Agenda

Zoning Board of Adjustment

Tuesday, June 7, 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 May 3, 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.

#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

#22-09

Rodney Knox
for property located at
809 NE Vail Court
Lot 22, Fountain View Estates Plat 3
RE: Variance - Rear Yard Setback

#22-10

Screenbuilders
for property located at
2514 NW Abilene Road
Lot 25, Centennial Pointe West Plat 3
RE: Variance - Rear Yard Setback

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 7, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the May 3, 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 2022-05-03](#)

Meeting Minutes

Zoning Board of Adjustment

Tuesday, May 3, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the May 3, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MARCH 22, REGULAR MEETINGS

Motion by K.Tomlinson to approve the April 5, 2022 meeting minutes as submitted. Second by J.Baxter. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-07 **MJ Properties**
 for property located at
 2805 NW Westwood Court
 Lot 42, Centennial Estates Plat 1
 RE: Variance - Rear Yard Setback

Chair M.Ott opened the public hearing.

Robert Herrera, MJ Properties, 1450 SW Vintage Parkway, Suite 230, said that they are requesting a variance for a rear yard setback. The setback for this property is 35-feet and they are requesting a 31-foot 7-inch rear yard setback.

There were no questions from the Board.

B.Morrissey reported that the subject property is located at 2805 NW Westwood Court in the NW quadrant of Ankeny, east of NW Irwindale Drive and south of NW 36th Street. The property is zoned R-3, Multiple-Family Residence District restricted to One-Family Residences. He explained that the neighboring properties are zoned R-3 with conditions and contain either single-family homes or vacant lots that will contain single-family homes in the future. B.Morrissey said the applicant is in the process of building a two-story single-family detached home on the lot and is requesting to construct an approximate 166 square-foot covered deck that will encroach approximately 3-feet 5-inches into the 35-foot rear yard setback. He noted that the proposed covered deck will be attached to the east side of the home, which backs up to the rear lot line. Due to the covered deck being connected to the primary residence on the site, they need to adhere to the building setback requirements of the Code. B.Morrissey shared that although the proposed covered deck lies within the setback, only a small portion of the actual deck will encroach into the 35-foot rear yard setback. He noted that the rear lot line is somewhat unique as it backs up to open space to the east, which is owned by the HOA and will not be developed. To date, there have not been any correspondence from any neighboring property owners concerning the request. The staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 31-foot 7-inch rear yard setback for the construction of a covered deck at 2805 NW Westwood Court, 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.

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 J.Baxter. All voted aye. Motion carried 4 – 0.

There were no concerns from the Board.

Board Action on Filing #22-07 property located at 2805 NW Westwood Court

Motion by K.Tomlinson that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)(E) to allow a 31-foot 7-inch rear yard setback for the construction of a covered deck at 2805 NW Westwood Court, 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 M.Ott. All voted aye. Motion carried. 4 – 0.

#22-08 Edge Commercial, LLC
for property located at
3175 SE Delaware Avenue
Lot 1, Ankeny Land, LLC Plat 1
RE: Variance - Ground Sign

Chair M.Ott opened the public hearing.

Branson Ropp, 1309 NW 8th Street, Grimes on behalf of Dewey Chrysler Dodge Jeep Ram in Ankeny. They are requesting to install a rock that a Jeep Wrangler will sit on with the engraved letters J, E, E, P. He said that it will have four small lights shining onto the vehicle and is similar to the Karl Chevrolet rock.

There were no questions from the Board.

D.Silverthorn reported the appellant's request is for a variance to Ankeny Municipal Code Chapter 195.04.8, allowing a third ground sign on the property for Dewey Chrysler Dodge Jeep Ram, located at 3175 SE Delaware Avenue. The property is located east of SE Delaware Avenue, west of Interstate 35, and 1/3-mile south of SE Oralabor Road. He said the property is zoned C-2, General Retail, Highway-Oriented, and Central Business Commercial District, as are the neighboring dealership properties to the north and south of the subject property. Properties west of SE Delaware Avenue are zoned M-1, Light Industrial District. D.Silverthorn stated that the current Sign Ordinance in Chapter 195 of the Ankeny Municipal Code allows single-occupancy commercial properties such as this to have one ground sign; however, Chapter 195.04.8 states that a second ground sign may be allowed if certain conditions are met. He said the property meets all the conditions required and currently has two ground signs allowed by Code. He presented a map showing the locations of the two existing ground signs and the proposed location of the third sign. He explained that at the time the property received a variance for their second ground sign in 2007, the Code only allowed one ground sign with no conditions for allowing a second sign. D.Silverthorn explained that the request for a variance for the third ground sign meets all the conditions in Ankeny Municipal Code Chapter 195.04.8. He said the third ground sign would be a rock structure with up-lighting, on top of which a vehicle could be parked, and engraved with "Jeep." Staff advised the appellant that if the rock structure did not have the engraved business identification, the proposed structure would not be considered signage. Staff finds that special circumstances exist in that the subject property has a significant presence along the SE Delaware Avenue and Interstate 35 corridors; and the proportional amount of signage to the overall scale of the site. The staff position for this request is that Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 195.04.8, allowing a third ground sign for Dewey Chrysler Dodge Jeep Ram on the property for Dewey Chrysler Dodge Jeep Ram, located at 3175 SE Delaware Avenue. This position is based on a determination that the additional ground sign would not impair an adequate supply of light and air to adjacent property, endanger the public safety, or diminish or impair established property values in

surrounding areas; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

M.Ott asked if the current code allows two ground signs. D.Silverthorn responded that as long as the five conditions are met, a business is allowed a second ground sign without a variance. He further said that this request serves as the second ground sign, now that the new code is in place.

J.Baxter asked how the sign along interstate I-35 is treated. D.Silverthorn said the second ground sign has to be located on the interior roadway. In this case, I-35 is primary and SE Delaware is considered the interior roadway.

M.Ott wondered if there were any prohibitions from future ground signs when the variance was granted for the second ground sign in 2007. D.Silverthorn responded, no.

There were no further 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 J.Baxter. All voted aye. Motion carried 4 – 0.

There were no concerns from the Board.

Board Action on Filing #22-08 for property located at 3175 SE Delaware Avenue

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 195.04.8, allowing a third ground sign for Dewey Chrysler Dodge Jeep Ram on the property for Dewey Chrysler Dodge Jeep Ram, located at 3175 SE Delaware Avenue. The Board's position is based on a determination that the additional ground sign would not impair an adequate supply of light and air to adjacent property, endanger the public safety, or diminish or impair established property values in surrounding areas; 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.

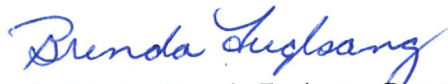
NEW BUSINESS

There was no new business.

REPORTS

There were no reports.

There being no further business, the meeting adjourned at 5:20 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

June 7, 2022

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#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

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 #21-06(2022)
 Staff Report

21-06(2022)



APPLICATION FOR ZONING BOARD OF ADJUSTMENT SPECIAL USE PERMIT

Applicant is: ☐ Property Owner ☒ Tenant ☐ Other _____
Applicant EL MOLCAJETE MEXICAN RESTAURANT AND CANTINA (ABRAHAM MURGUIA)

Address / Phone # 301 E 1ST ST ANKENY IOWA 50021 515-964-3322 CEL 406-830-5771

E-mail ELMOLCAJETE1ST@HOTMAIL.COM MOLTOCOMBO@ME.COM

Property Owner DENNY ELWELL COMPANY

Address / Phone # 2401 SOUTH EAST TONES DRIVE, SUITE 17 ANKENY, IOWA 50021 515-964-8749

E-mail JDINGMAN@DENNYELWELLCOMPANY.COM

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

To the Members of the Board of Adjustment:

I hereby request authorization for a Special Use Permit:

For (description of use) PATIO OUTSIDE SITTING

Location (address) of the proposed special use 301 EAST 1ST STREET

Legal description (Plat & Lot #) LOT 5 &-EX E 75F- LOT NAPA MANOR

Zoning C-1 Principal use of property (existing) RESTAURANT

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

- a) A statement indicating the reasons for my request, evidence concerning the feasibility of the proposed request and its effect on surrounding property.
- b) A site plan drawing defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.
- 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.

Abraham Murguia F
(Signature of Applicant)

Signed and sworn to before me, this 13th day of May, 20 22.



Brenda L. Sang
(Notary Public)

RECEIVED		Office Use Only	
Date received _____	Paid ☐ Cash ☒ Check # <u>2406</u> \$ <u>180.00</u>		
Filing # <u>21-06(2022)</u>	Scheduled Meeting Date <u>6-7-2022</u>		

MAY 13 2022
CITY OF ANKENY

May 20th, 2022

To the Variance Board:

The applicant is requesting a permit to comply wit Ankeny Municipal Code Chapter 44, Noise control; For outdoor service area with hours of operation from 11:00 AM - 10:30 PM, 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 Murguía
Abraham Murguía
(406) 830-5771

21-06(2022)

DENNY ELWELL COMPANY

Commercial Real Estate & Development

To whom it may concern,

Mi Pueblo 15, LLC dba El Molcajete Restaurant, located at 301 E 1st Street in Ankeny has recently built a patio with full landlord permissions. Since that time the building owner has been pleased with the work done and has not encountered a single complaint. This has provided a great improvement to the building and seems so far to have great compatibility with the neighborhood. For any additional questions or inquiries, please do not hesitate to call me direct at 515-559-4624.

Best regards,

Jenevieve York

Property Manager/Lease Administrator

Denny Elwell Company | 2401 South East Tones Drive, Suite 17 | Ankeny, Iowa 50021

O: 515-964-1587 | F: 515-964-8749 |

www.dennyelwellcompany.com | Jyork@dennyelwellcompany.com

[illegible][illegible]

SCALE 1"=3'

MANHOLE FOUND AS NOTED	10	TRANSFORMER AS NOTED
SECTION FOUND AS NOTED	11	EXISTING WATER VALVE
SECTION FOUND AS NOTED	12	EXISTING WATER VALVE
SECTION FOUND AS NOTED	13	CUM INTAKE AS NOTED
SECTION FOUND AS NOTED	14	AREA INTAKE AS NOTED
SECTION FOUND AS NOTED	15	MANHOLE FOUND AS NOTED
SECTION FOUND AS NOTED	16	ELECTRIC TRANSFORMER BOX AS NOTED
SECTION FOUND AS NOTED	17	UTILITY BOX AS NOTED
SECTION FOUND AS NOTED	18	EXISTING SPOT ELEVATION
SECTION FOUND AS NOTED	19	PROPOSED SPOT ELEVATION
SECTION FOUND AS NOTED	20	PROPOSED SPOT ELEVATION
SECTION FOUND AS NOTED	21	RECORDED DISTANCE OF BEARING

100	EXISTING CONDUIT
100	PROPOSED CONDUIT
100	FENCE LINE AS NOTED
100	RUNNED TELEPHONE AS NOTED
100	BURIED ELECTRIC AS NOTED
100	OVER-HEAD ELECTRIC & UTILITIES
100	GAS MAIN AS NOTED
100	WATER MAIN AS NOTED
100	STORM DRAIN AS NOTED
100	SANITARY SEWER AS NOTED
100	RUNNED TELEPHONE
100	BURIED CABLE/UTILITIES AS NOTED

ENGINEERING CERTIFICATION

I HEREBY CERTIFY THAT THIS ENGINEERING
DESIGN WAS PREPARED BY ME OR UNDER
MY CLOSE PERSONAL SUPERVISION AND THAT
I AM A LICENSED PROFESSIONAL ENGINEER UNDER
THE LAWS OF THE STATE OF IOWA.

SIGNATURE OF CERTIFYING ENGINEER

DATE: _____
PLG 100/75

DATE SUBMITTED	07-0-2020
DATE PRINTED	Mon Mar 29, 2021
AEC #:	209939

21-06 (2022)

CONTACT INFORMATION		SITE LOCATION INFORMATION	
DONGLE KENNETH & CATHY ECHOLS FOUNDATION 2407 DL 10N1/2 DR S1E 1/4 ANKENY, IOWA 50003		SITE ADDRESS 300 LAM 1ST STREET ANKENY, IOWA 50003	
BUILDER: BUILDERMAIL JOHN HENDERSON ANKENY, IOWA 50003 PHONE: M 503-300-1310 EMAIL: JHENDER@BUILDERMAIL.COM		LOCAL JURISDICTIONS LAM 1/4 - 1/4 S 1/4 S 1/4 N MAPA WAGNER	
EXISTING/PROPOSED ADJACENT ZONING AND/OR DISTRICTS Existing: Residential, Single-Family, Single-Family 15000 Residential, Single-Family, Single-Family Proposed: Residential, Single-Family, Single-Family Email: VICTORIA@VICTORIA.COM PHONE: M 503-300-1310 ext. 2			
ZONING INFORMATION ZONING: C-1 NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT			
PRINCIPAL USE OF SITE RESTAURANT			
PARKING REQUIREMENTS PARKING REQUIRED BUILDING 15000 sq. ft. 100 square feet of gross floor area PARKING REQUIRED FOR BUILDING: 60 STALLS PARKING PROVIDED FOR BUILDING: 20 STALLS			
AREA SUMMARY			
EXISTING	27,200 SF		
ASPHALT PAVING	1,500 SF		
P.C.C. PAVING	1,500 SF		
BUILDING	0.740 SF		
PROPOSED	1,500 SF		
PAVED PATIO	1,500 SF		
OPEN SPACE	21,500 SF		
TOTAL SITE	46,950 SF		
OSR	20 %		
FAIR	10 %		

**ASSOCIATED ENGINEERING
COMPANY OF IOWA**
1150 22d Polkinton Drive, Suite M, Oskaloosa, Iowa 50511
Phone (515) 255-3154 Fax (515) 255-3137

ed arXiv:1407.0001v1 [math.CO] 1 Jul 2014

El Molcajete - Patio Addition
COVER SHEET

COVER SHEET



N



1 inch = 100 feet

Date: 5/24/2022

**#21-06 (2022) 301 E 1st Street
El Molcajete Restaurant & Cantina**

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: Jake Heil, Associate Planner
Filing #: 21-06 (2022)
Meeting Date: June 7, 2022 *ESC*
Address: 301 E 1st Street

APPELLANT REQUEST

A Special Use Permit to allow an outdoor service area with background music and sound for El Molcajete Restaurant and Cantina at 301 E 1st Street.

STAFF POSITION

That the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1) (I) to El Molcajete Restaurant and Cantina for an outdoor service area 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.

PROJECT SUMMARY

El Molcajete Restaurant and Cantina, is requesting a Special Use Permit to allow alcohol to be served and a speaker for sound on their proposed outdoor patio. The property is zoned C-1, Neighborhood Retail Commercial District. The properties located directly east and west of the subject property are also zoned C-1. However, 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.

PROJECT REPORT

196.02 SPECIAL PERMITS.

- (1) Zoning Board of Adjustment Authorization:** The Zoning Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Zoning Ordinance:

(I) With the exception of properties located within Entertainment Districts as defined and regulated in Chapter 143 of the Ankeny Municipal Code, premises with a beer permit or liquor control license not contained within a completely enclosed and covered structure and located less than five hundred feet from a residential zoning district; provided the following standards are met:

(1) The applicant meets all other requirements listed in Chapter 130 of this Code of Ordinances.

(2) The Special Use Permit, if granted, shall expire one year after the grant thereof, subject to renewal. The applicant shall file a letter of request for renewal at least 60 days prior to the expiration date of the granted permit. The applicant shall set forth that said permittee has and will continue to comply with all the requirements of this Zoning Ordinance and with the conditions attached to the issuance of the original permit or subsequent modifications or such other information as may be required by said Board. At any time within the 60 days prior to said anniversary date and after notice to the permittee, the Board may hold a hearing on whether or not such permit shall be amended, modified or revoked for any reasons which would cause the Board to deny or attach conditions to the grant of such permit the same as if the application were first being heard. In the event such hearing is not held and the statement herein is filed as required, such shall be automatically renewed for an additional period of one year on the same conditions. Nothing contained in this section shall prevent the Board, after notice and hearing, from at any time revoking a permit because of violations of its terms. Notice hereunder shall be in writing and mailed by certified mail to the permittee at the address of the premises concerned in the permit, such mailing to be at least ten days prior to the hearing.

(3) Any permittee issued a Special Use Permit in accordance with 196.02(I) must comply with, and enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. When a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours approved by the Special Use Permit and those hours shall be specifically set out in the Noise Permit.

(Ord. 1859 - Oct. 15 Supp.)

(4) The Board may exact any other regulations and assurances, covenants, and warranties as may be necessary to protect the rights of the neighboring residents, including but not limited to the following: (a) hours of operation; (b) lighting; and (c) screening.

(5) Notwithstanding anything contained elsewhere in this Code, a Special Event Permit does not need to be obtained from the Board of Adjustment for a one-time event that is otherwise required to obtain a Special Event Permit in accordance with Chapter 11 of this Municipal Code.

130.07 OUTDOOR SEATING AREAS.

1. With the exception of properties located within Entertainment Districts as defined and regulated in Chapter 143 of the Ankeny Municipal Code, the premises for which a beer permit or liquor control license is sought shall require a special use permit for an outdoor service area as described in paragraph 196.02(1)(I) if it is less than five hundred (500) feet from a residential zoning district. This requirement may be waived by the City Council upon showing that the applicant for such license conforms to the requirements of Section 130.05 of this chapter.
2. The outdoor seating area shall be delineated by a barrier that is a minimum of thirty-six (36) inches in height and discourages the free movement of people between the outdoor service area and non- licensed areas and shall conform to all physical requirements of the State Code of Iowa as well as all Building Code requirements of the City of Ankeny.
3. Emergency exits, sized and spaced in accordance with the Building Code, must be provided with a clear and unobstructed access to the public way.
4. The site shall meet the parking requirements listed in Section 194.01 of this Code of Ordinances.

196.02(2) Pre-Issuance Review: Before issuing any special permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture. The Zoning Board of Adjustment may approve the special permit as submitted or, before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Zoning Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this Zoning Ordinance to promote public health, safety, morals and the general welfare.

196.02(3) Application; Feasibility Evidence and Site Plan Required: Application for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property; and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping, and the location, size and number of signs.

196.02(4) Changes; Resubmittal Required: In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

Findings of Fact

The subject property, located at 301 E 1st St, is zoned C-1, Neighborhood Retail Commercial District. The legal description for the site is Lot 5 & -Ex E 75F- Lot 6 NAPA Manor. The properties located directly east and west of the subject property are also zoned C-1. However, 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. 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.

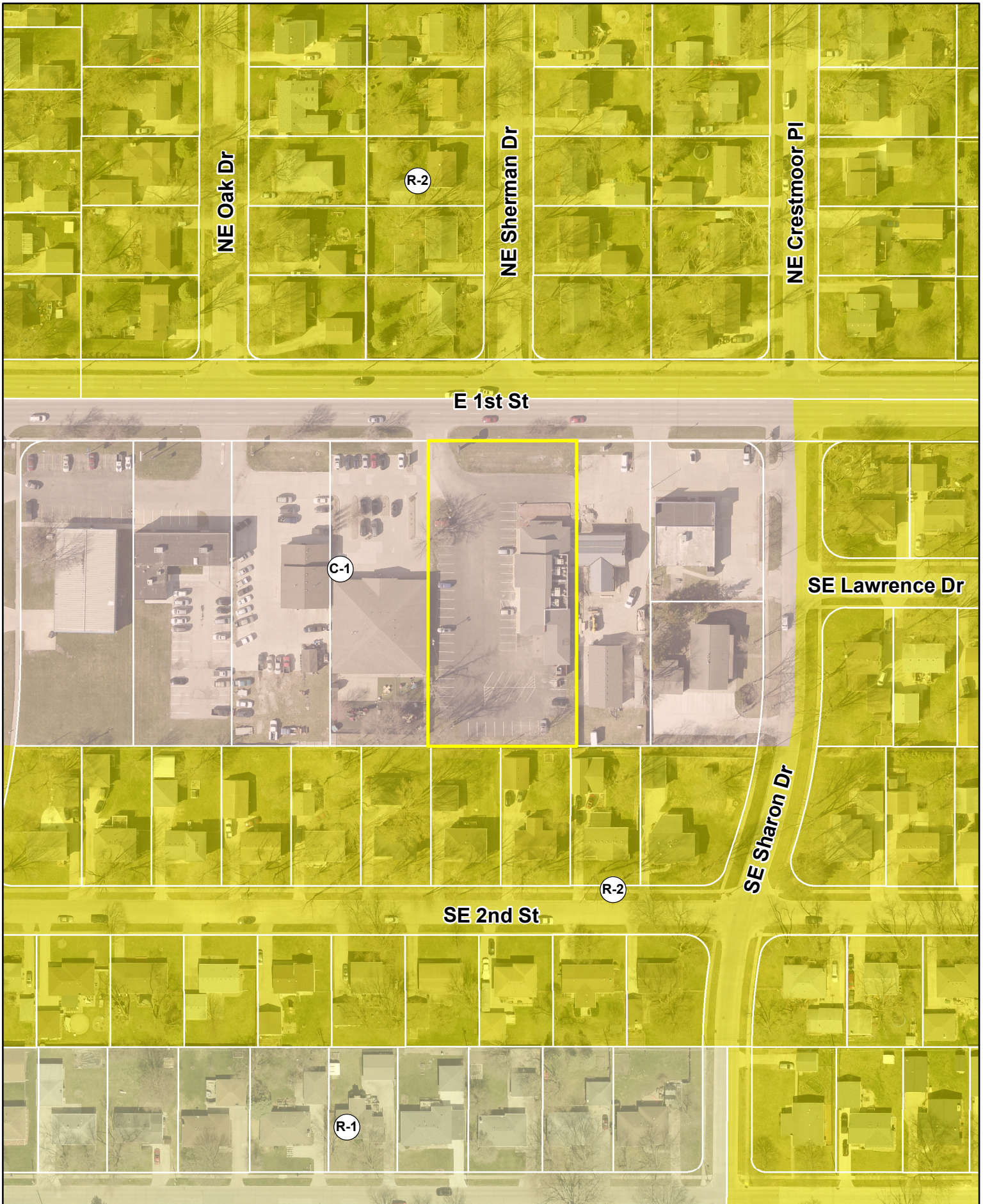
The patio is located on the north side of the building, in-front of El Molcajete Restaurant and Cantina, and along E 1st Street. The drawing submitted shows a patio area with seven tables and seats for 28 patrons. There is a 36-inch fence that surrounds the patio.

The applicant's original request was for seating up to 28 people. After discussions with staff, the applicant has requested seating up to 34 people with their renewal. The additional parking spaces they added for the patio during their previous request would accommodate this additional table. The applicant installed additional trees and shrubs to the property with the patio construction last year. Staff checked with City Police and Fire, which reported that there had been no complaints or issues with the patio since it was installed.

El Molcajete Restaurant and Cantina has applied for a Liquor License with the Iowa Alcohol Beverages Division. The operating hours of the outdoor service area will be 11:00 a.m. to 10:30 p.m. daily, these are the same hours as previously approved by the Board. The owner is also requesting that the outdoor service area have an outdoor speaker, which will play background music. There is no live music planned at this time.

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:

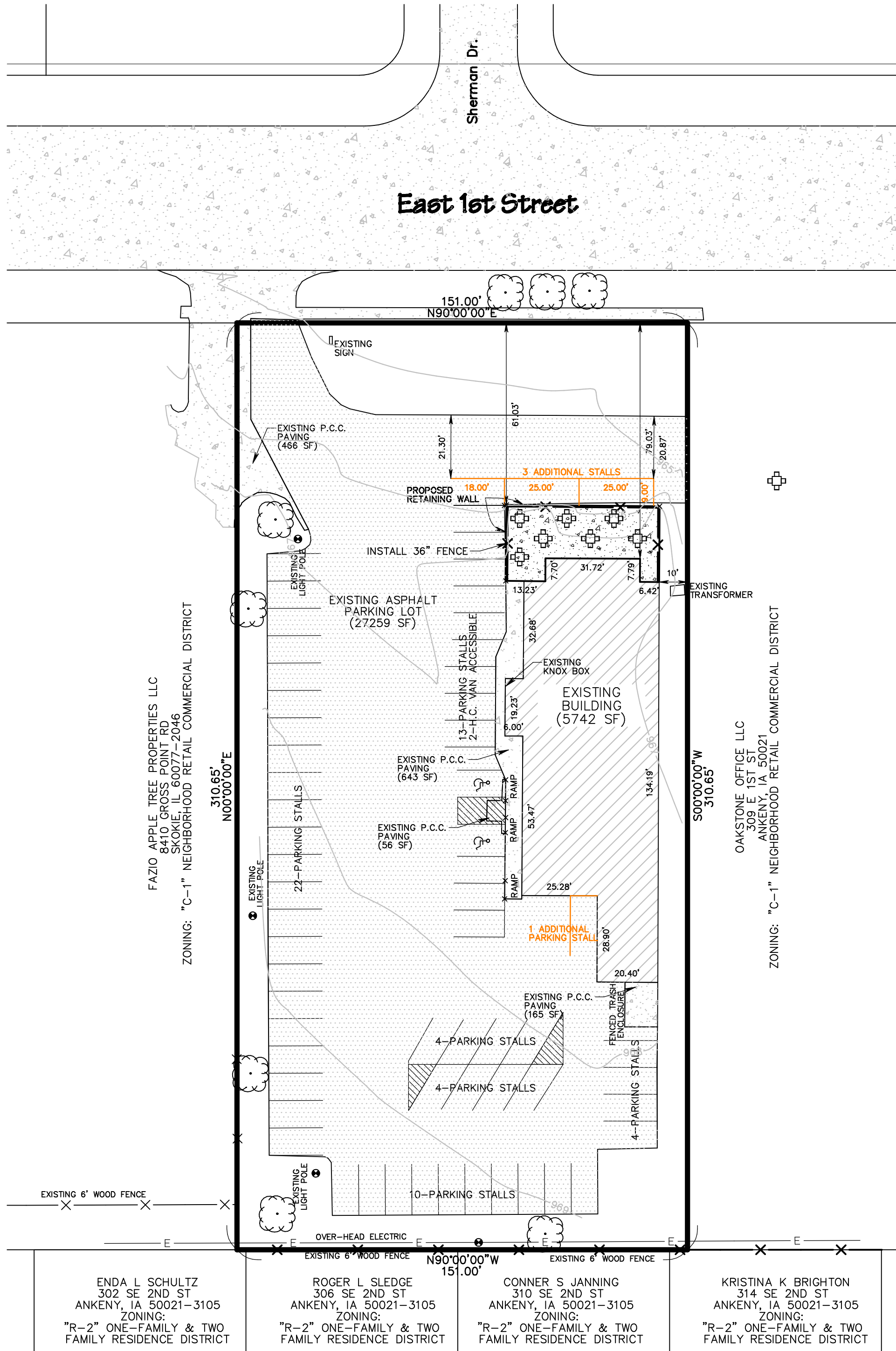
1. The permittee must comply with, and noise enforcement will be in accordance with, Municipal Code Chapter 44, Noise Control. If a Noise Permit is issued in accordance with Chapter 44, hours of operation for the event shall be consistent with the hours set out in this Special Permit and those hours 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.



El Molcajete - Patio Addition

GENERAL NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURRENT O.S.H.A. CODES AND STANDARDS. NOTHING INDICATED ON THESE PLANS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH THE APPROPRIATE SAFETY REGULATIONS.
- ALL CONSTRUCTION PROCEDURES AND MATERIALS TO MEET OR EXCEED MINIMUM REQUIREMENTS OF THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
- THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL REQUIRED PERMITS FOR PERFORMING THE WORK.
- THE URBAN DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS SHALL APPLY TO GRADING, EROSION CONTROL AND ASSOCIATED WORK FOR THE PROJECT.
- THE OWNER/DEVELOPER IS RESPONSIBLE FOR MEETING ALL STATE OF IOWA DEPARTMENT OF NATURAL RESOURCES, APPLICABLE CITY, URBAN DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS, OR ANY OTHER CODES, REGULATIONS, OR RESTRICTIONS SET FORTH BY ANY AND ALL GOVERNING AGENCIES.
- NOTIFY OWNER, ENGINEER, AND CITY AT LEAST 48 HOURS PRIOR TO BEGINNING WORK.
- ALL PROPOSED CONTOURS AND SPOT ELEVATION SHOWN ARE FINISHED GRADES AND/OR TOP OF PAVING SLAB, UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL FURNISH AND PLACE ALL NECESSARY SIGNS AND BARRICADES DURING CONSTRUCTION IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
- POST DEVELOPMENT RUNOFF SHALL NOT ADVERSELY AFFECT DOWNSTREAM DRAINAGE FACILITIES OR PROPERTY OWNERS.
- ANY DAMAGE DONE TO THE EXISTING FENCES, YARDS OR OTHER STRUCTURES OUTSIDE THE CONSTRUCTION LIMITS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- GRADING
 - A. OWNER/DEVELOPER IS RESPONSIBLE FOR ALL COMPACTION, DENSITY OR ANY OTHER TEST.
 - B. ALL DEBRIS SPILLED ON THE STREETS OR ADJACENT PROPERTY SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
 - C. ALL PROPOSED CONTOURS AND SPOT ELEVATION SHOWN ARE FINISHED GRADES AND/OR TOP OF PAVING SLAB, UNLESS OTHERWISE NOTED.
- EROSION CONTROL
 - A. IF MORE THAN ONE ACRE OF SOIL IS DISTURBED COMPLY WITH THE STORM WATER POLLUTION PREVENTION PLAN.
 - B. EXCEPT AS PRECLUDED BY SNOW COVER, STABILIZATION MEASURES SHALL BE INITIATED ON ALL DISTURBED AREAS NO LATER THAN THE 14TH DAY AFTER NO CONSTRUCTION ACTIVITY HAS TAKEN PLACE AND ON AREAS WHERE CONSTRUCTION ACTIVITY WILL NOT OCCUR FOR A PERIOD OF ANOTHER 21 DAYS.
 - C. THE EROSION CONTROL MEASURES SHALL BE CHECKED REGULARLY, ESPECIALLY AFTER EACH SIGNIFICANT STORM, TO LOCATE DAMAGE AND CONDUCT MAINTENANCE OPERATIONS.
 - D. THE CONTRACTOR SHALL PLACE SILT FENCE AROUND ALL STORM SEWER INLET LOCATIONS, STEEP SLOPES OR AS DIRECTED BY THE CITY.
- ANY NEW ROOFTOP MECHANICAL EQUIPMENT MUST BE SCREENED ON ALL SIDES WITH SCREENING EQUAL TO THE HEIGHT OF THE EQUIPMENT.
- MECHANICAL EQUIPMENT SHALL NOT BE LOCATED IN THE FRONT YARD OR STREET SIDE YARD, AND SHALL BE SCREENED FROM VIEW FROM ANY PUBLIC WAY WITH LANDSCAPING, FENCING, OR WALLS CONSISTENT WITH THE BUILDING DESIGN, COLORS, AND MATERIALS.
- ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- NO FENCE WILL BE CONSTRUCTED WITHOUT PRIOR APPROVAL OF A BUILDING PERMIT.
- THE OWNER/DEVELOPER IS RESPONSIBLE FOR MEETING ALL STATE OF IOWA DEPARTMENT OF NATURAL RESOURCES, APPLICABLE CITY, URBAN DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS, OR ANY OTHER CODES, REGULATIONS, OR RESTRICTIONS SET FORTH BY ANY AND ALL GOVERNING AGENCIES.
- ANY AMENDMENTS OR CHANGES TO THE PROJECT SITE THAT DO NOT MEET WHAT IS SHOWN ON THE SITE PLAN NEED TO BE APPROVED WITH THE PERMIT AND DEVELOPMENT CENTER PRIOR TO INSTALLATION/CONSTRUCTION.
- IF ROOF TOP MECHANICAL EQUIPMENT IS INSTALLED AT ANY TIME THE OWNER IS TO PROVIDE A ROOF PLAN AND DETAILS FOR HOW IT WILL BE SCREENED.
- THIS SITE SHALL BE MAINTAINED IN COMPLIANCE WITH ALL CITY CODE APPLICABLE ON THE DATE OF SITE PLAN APPROVAL.
- LIGHTING MUST BE LOW GLARE CUT OFF TYPE FIXTURES TO REDUCE THE GLARE OF LIGHT POLLUTION ON SURROUNDING PROPERTIES.
- THE REQUIRED LANDSCAPING, BOTH EXISTING AND PROPOSED, SHALL BE MAINTAINED FOR THE LIFE OF THE CERTIFICATE OF OCCUPANCY.
- ALL DISTURBED AREAS SHOULD BE RESTORED BY SEEDING OR SODDING UNLESS NOTED OTHERWISE.



- MONUMENT FOUND AS NOTED
 - SET 5/8" RE-ROD W/CAP 8228
 - SECTION CORNER FOUND AS NOTED
 - SECTION CORNER SET AS NOTED
 - SANITARY MANHOLE AS NOTED
 - STORM MANHOLE AS NOTED
 - TRAFFIC MANHOLE AS NOTED
 - UTILITY MANHOLE AS NOTED
 - PHONE MANHOLE AS NOTED
 - ELECTRIC MANHOLE AS NOTED
 - GAS METER AS NOTED
 - GAS VALVE AS NOTED
 - UTILITY POLE AS NOTED
 - WELL AS NOTED
- FIREHYDRANT AS NOTED
 - EXISTING WATER VALVE
 - PROPOSED WATER VALVE
 - CURB INTAKE AS NOTED
 - AREA INTAKE AS NOTED
 - HANDICAPT PARKING AS NOTED
 - ELECTRIC TRANSFORMER BOX AS NOTED
 - UTILITY BOX AS NOTED
 - PLER TEST SITE AS NOTED
 - EXISTING SPOT ELEVATION
 - PROPOSED SPOT ELEVATION
 - MEASURED DISTANCE OR BEARING
 - RECORDED DISTANCE OF BEARING
- 100 EXISTING CONTOUR
 - PROPOSED CONTOUR
 - TVC BURIED TELEVISION AS NOTED
 - UT BURIED UTILITY AS NOTED
 - UC BURIED CABLE/UTILITIES AS NOTED

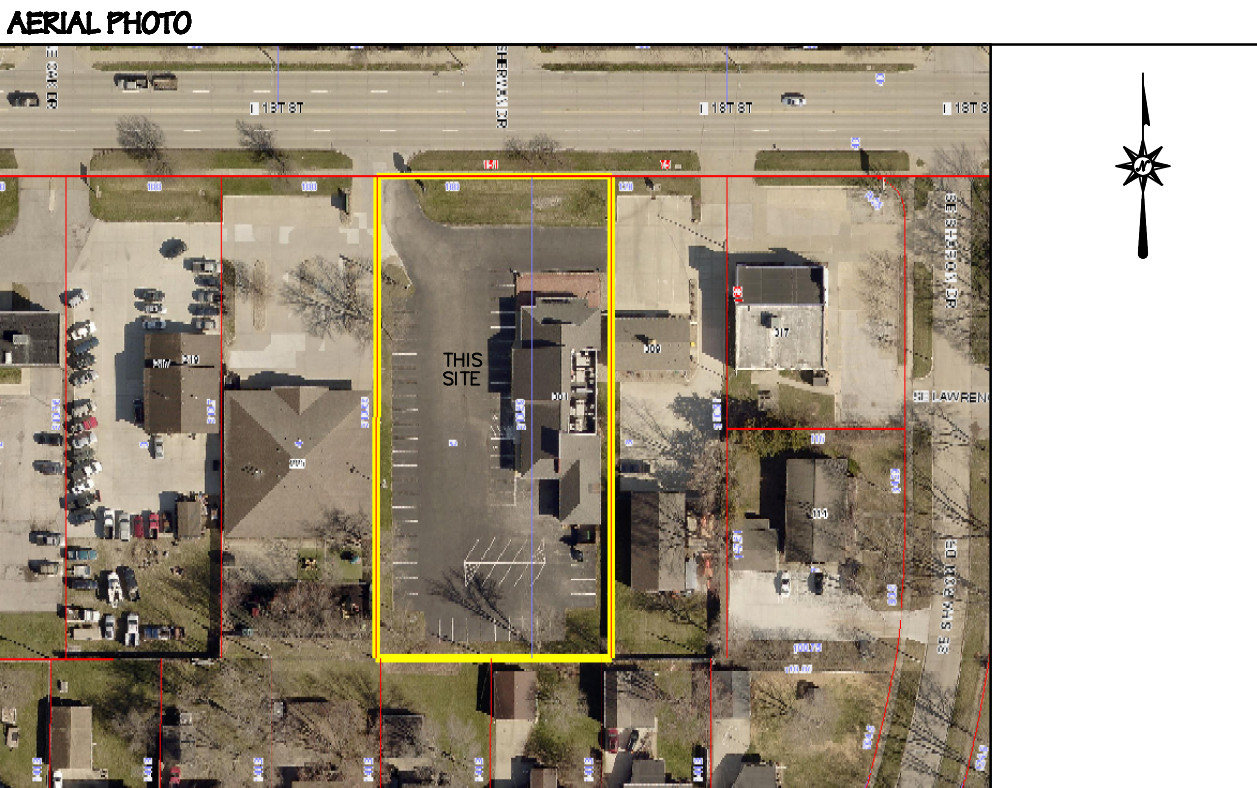
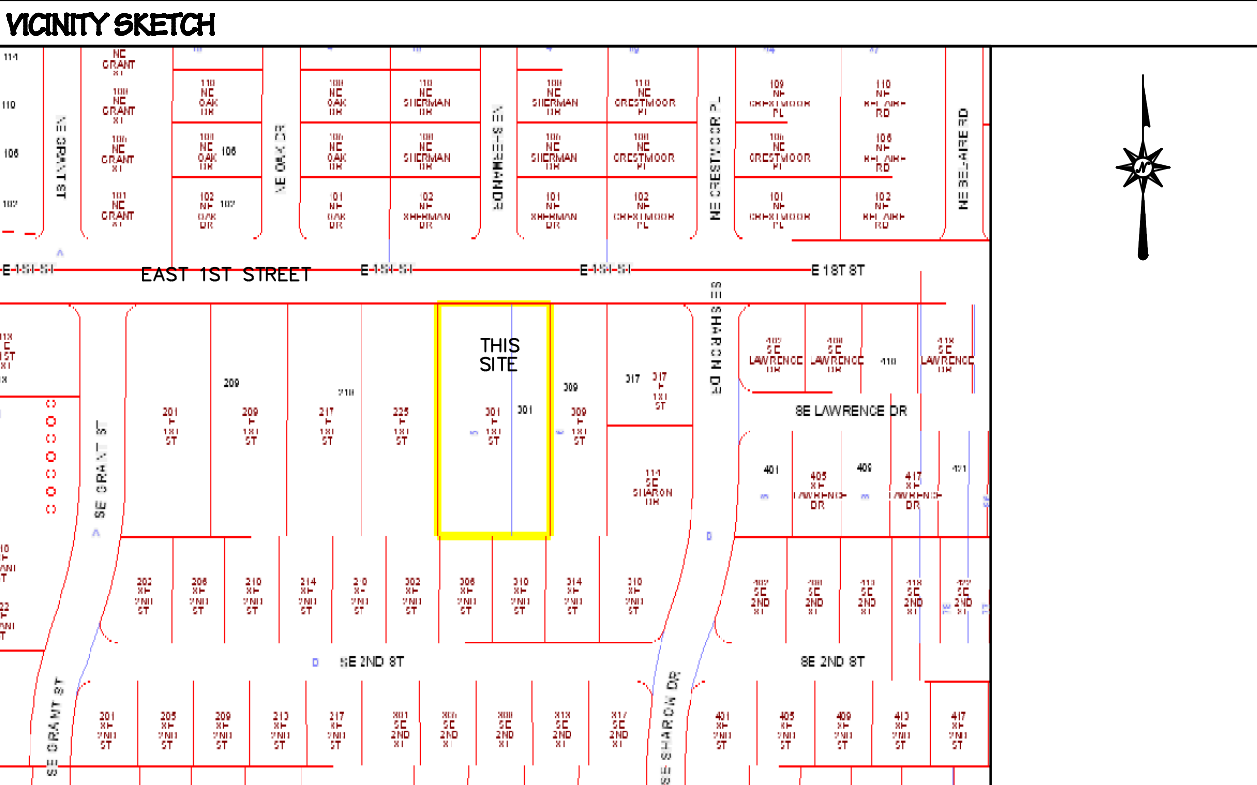
CONTACT INFORMATION	SITE LOCATION INFORMATION
OWNER DENNY & CANDY ELWELL FOUNDATION 2401 SE TONES DR STE 17 ANKENY, IOWA 50021	SITE ADDRESS 301 EAST 1ST STREET ANKENY, IOWA 50021
RENTERS CONTACT JOSH JENSEN P.O. BOX 1151 ANKENY, IOWA 50023 PHONE #: (515) 865-1310 EMAIL: JJENSEN.BUILDER@GMAIL.COM	LEGAL DESCRIPTION LOT 5 & 6 - EX E 75F - LOT 6 NAPA MANOR
ENGINEERING COMPANY PROJECT MANAGER Victor Pagentini 1830 SE Princeton Drive, Suite M Grimes, Iowa 50111 Email: Vic@AECofIowa.com Phone #: (515) 255-3156 ext. 2	

ZONING INFORMATION
ZONING: C-1 NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT

PRINCIPAL USE OF SITE
RESTAURANT

PARKING REQUIREMENTS
PARKING REQUIRED
(Minimum 1 space per 100 square feet of gross floor area)
PARKING REQUIRED FOR BUILDING 58 STALLS
PARKING PROVIDED FOR BUILDING 59 STALLS

AREA SUMMARY	
EXISTING ASPHALT PAVING	27,259 SF
P.C.C. PAVING	1,330 SF
BUILDING	5,742 SF
PROPOSED P.C.C. PATIO	1,084 SF
OPEN SPACE	11,546 SF
TOTAL SITE	46,961 SF
OSR	25 %
FAR	12 %



ENGINEERING CERTIFICATION

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

SIGNED: NICHOLAUS COFFELT P.E. # 16973
DATE: 03/15/2021
PROJECT: EL MOLCAJETE - PATIO ADDITION

DATE SUBMITTED
07-15-2020

DATE PRINTED
Mon Mar 29, 2021

AEC # : 2099939

SHEET 1

ASSOCIATED ENGINEERING
COMPANY OF IOWA

1830 SE Princeton Drive, Suite M, Grimes, Iowa 50111
Phone: (515) 255-3156 Fax: (515) 255-3157

El Molcajete - Patio Addition

COVER SHEET



ZONING BOARD OF ADJUSTMENT

June 7, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Zoning Board of Adjustment Department

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-09

Rodney Knox

for property located at

809 NE Vail Court

Lot 22, Fountain View Estates Plat 3

RE: Variance - Rear Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

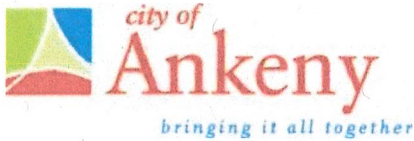
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-09
 Staff Report



#22-09
APPLICATION FOR APPEAL
ZONING BOARD OF ADJUSTMENT

Applicant is: ☐ Property Owner ☐ Tenant ☒ Other CONTRACTOR

Applicant Rodney E. Knox

Address / Phone # 413 SW Cherry St., Ankeny, IA 50023 515-964-3449

E-mail rod@contractorsgroup.com

Property Owner MIKE HAWS

Address / Phone # 809 NE Vail Ct., Ankeny, IA 50021 515-250-3500

E-mail mghaws@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 809 NE Vail Ct., Ankeny, IA 50021

Legal description (Plat & Lot #) Fountain View Estates PLNT 3 - LOT 22

Zoning R-1 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 # 192.03.3D which state(s) 35' REAR YARD sit back

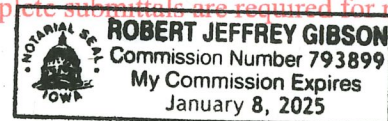
NOTE: REAR yard Variances Approved in 2008 (see Attached)

I would propose the following in lieu of that required: A 1.6 variance from the EAST REAR
YARD sit-back & 2.9 variance from the Southeast REAR yard

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]
(Signature of Applicant)

Signed and sworn to before me, this
15th day of May, 2022

[Signature]
(Notary Public)

RECEIVED		Office Use Only	
Date received	<u>MAY 13 2022</u>	Paid ☐ Cash ☒ Check # <u>31290</u> \$ <u>120.00</u>	
Filing #	<u>22-09</u>	Scheduled Meeting Date	<u>6-7-2022</u>
CITY OF ANKENY			

Contractors

Group, Inc.

May 13, 2022

City of Ankeny
Zoning Board of Adjustment
Ankeny, IA 50023

RE: Variance request for 809 NE Vail Court, Ankeny.

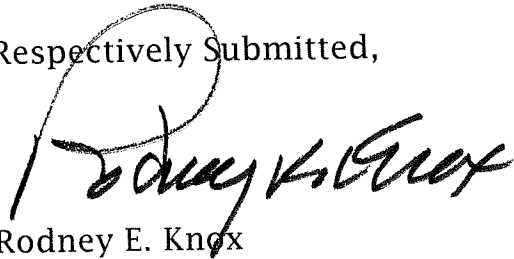
Board Members,

We are requested these variances to the rear yard setback due to the irregular shape of the lot for our proposed addition to this home.

This small addition of 348 square feet for a 4 season porch and because of the extreme angle that is the rear boundary, it runs through the two outside corners of the proposed addition.

It is for that reason we are requesting these variances.

Respectively Submitted,



Rodney E. Knox

REK/jg

Enclosures

Cc: Mike Haws

#22-09

13-May-2022

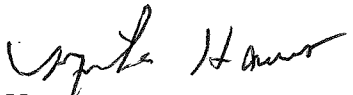
City of Ankeny
Zoning Board of Adjustment
220 West First Street
Ankeny, IA 50023

Board Members,

I am requesting the variances in the rear yard sit back as per my application.

I authorize Rodney E. Knox to represent me in the pursuit of these variances with the City of Ankeny.

Respectfully submitted,



Mike Haws
809 NE Vail Court
Ankeny, IA 50021

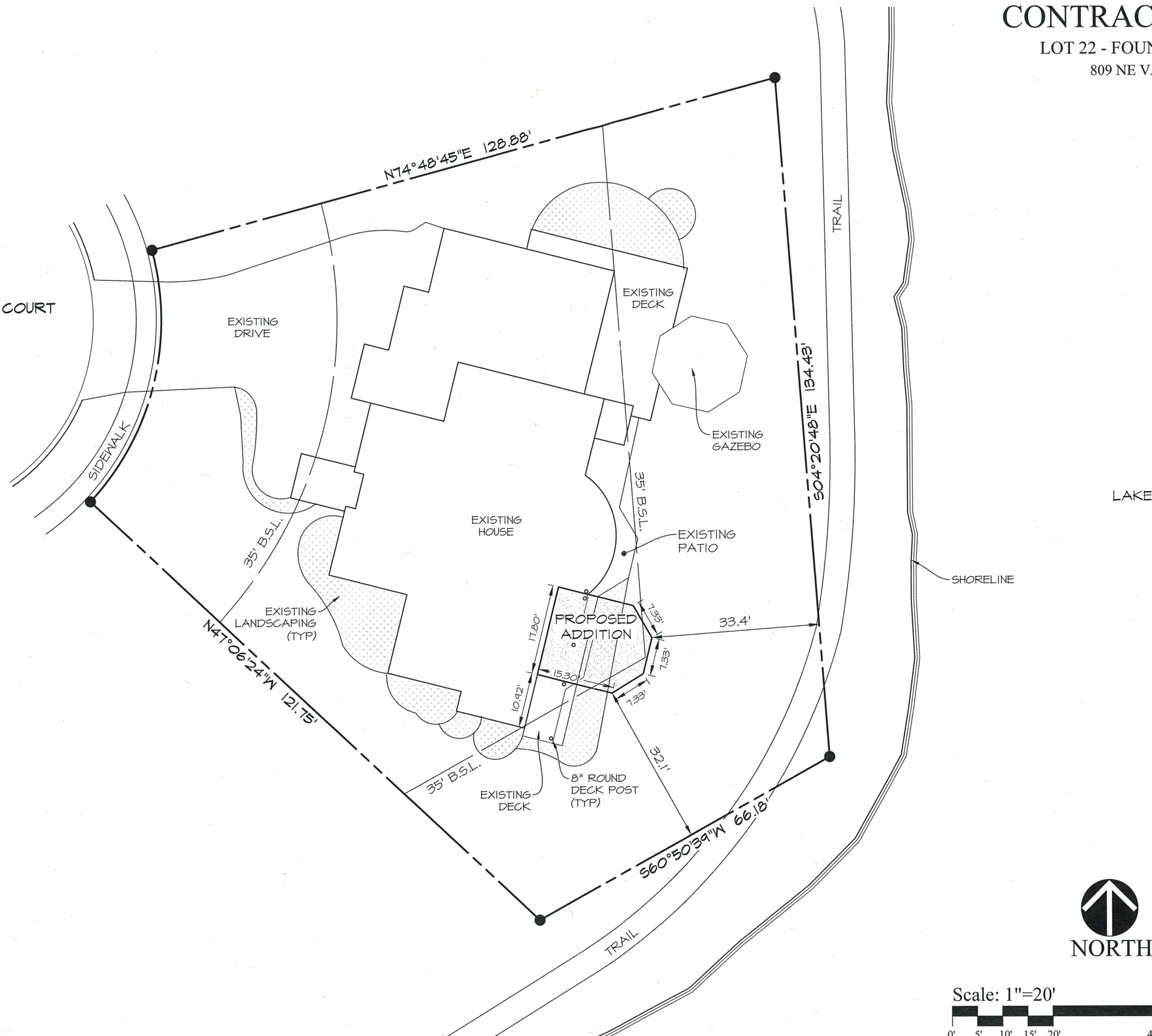
#22-09

CONTRACTORS GROUP, INC.

LOT 22 - FOUNTAIN VIEW ESTATES PLAT 3

809 NE VAIL COURT, ANKENY, IOWA

$D = 58^{\circ}21'14''$
 $R = 52.50'$
 $L = 53.47'$
 $T = 29.31'$
 $CH = 51.19'$
 $CB = N14^{\circ}02'35''E$

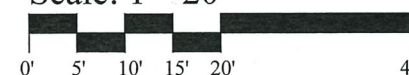


SETBACKS:
35' - FRONT YARD
35' - REAR YARD
8' MIN. SIDE (18' TOTAL)



NORTH

Scale: 1"=20'



CEC

Civil Engineering Consultants, Inc.

2400 86th Street . Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com

S7422 5-12-2022

RECEIVED

MAY 13 2022

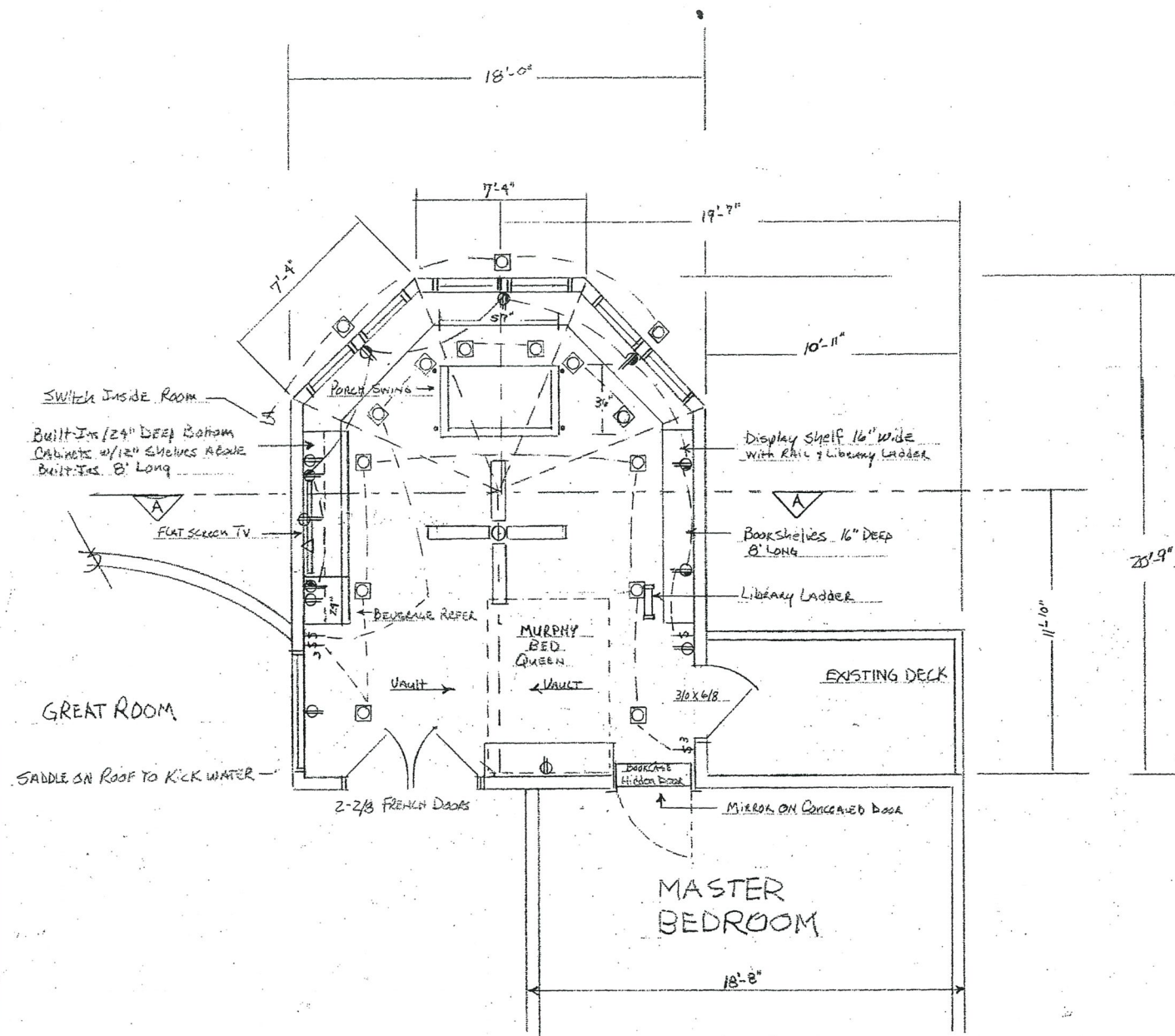
CITY OF ANKENY

LEGEND -

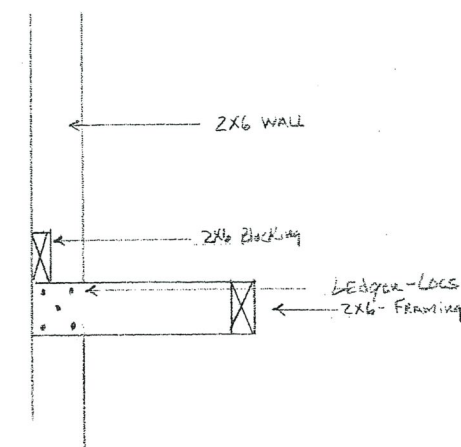
- Switch Single Pole
- Switch 3WAY
- DATA / TV
- OUTLET - ALL TO BE 4-PHASE
- ACCESS LIGHT
- Half Switched OUTLET - ALL ABOVE Display Shelf

NOTES :

- All outlets 4 PLEX devices
- Outlets ABOVE THE Display shelf to be switched
- HEATED FLOOR



FLOOR PLAN-SCALE $\frac{1}{4}"=1'-0"$



Display Shelf FRAMING Detail - Scale 1"=1'-0"



TOWER CROSS SECTION A-A - SCALE $\frac{1}{4}" = 1'-0"$

CITY OF ANKENY

Cientis-

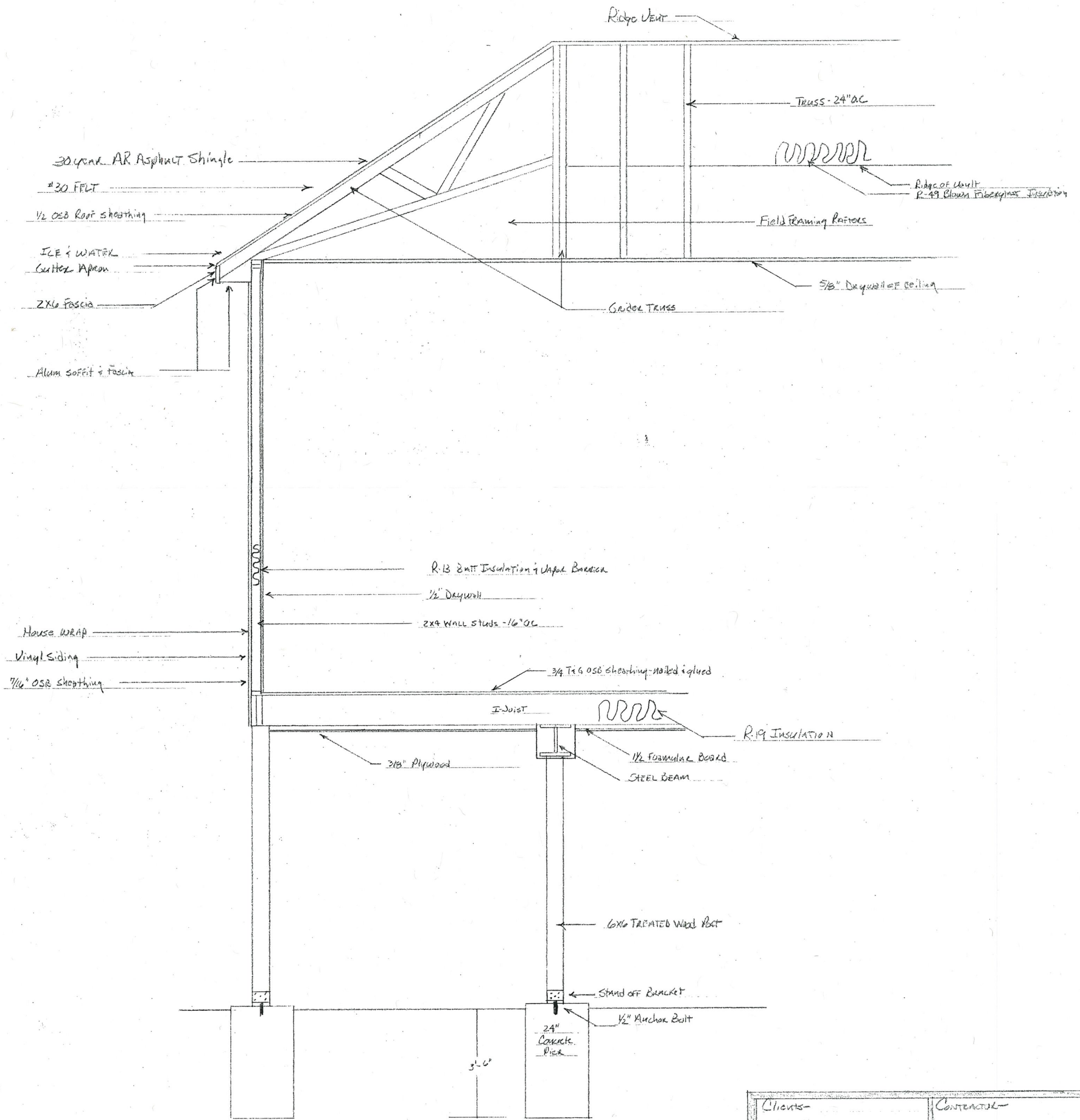
AKENY, IA 50021

CONTRACTOR-

ANKENY, IA 50023

REAR ELEVATION - SCALE $\frac{1}{4}" = 1'-0"$

CLIENTS-	CONTRACTOR-
MIKE & JOYCE HAYS	CONTRACTORS GROUP, INC.
809 NE YAIL COURT	413 SW CHERRY STREET
ANKENY, IA 50021	ANKENY, IA 50023



WALL SECTION - SCALE 1/2" = 1' 0"

Clients-	Contractor-
Mike & Joyce HAWES	Contractors Group, Inc.
809 NE VAIL COURT	413 SW Cherry St.
Ankeny, IA 50021	Ankeny, IA 50023

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

To: Members of the Zoning Board of Adjustment
From: Karen S. Countryman
Filing #: 08-30
Meeting Date: October 7, 2008
Address: 809 NE Vail Court

APPELLANT REQUEST

Variances for a proposed addition to the house at 809 NE Vail Court also known as Lot 22, Fountain View Estates Plat 3 of 1.1 feet to the north side yard setback, of 1.25 feet to the rear yard setback and of 1.5 feet to the height specified in Sections 192.03.3.D, E. and F. which stipulate respectively the total side yard setback for more than one story is 20 feet with a minimum per side of 10 feet, the rear yard setback is 35 feet, and the maximum height is 35 feet in a R-1 One-Family Residence District.

STAFF POSITION

Grant a one-and-one-tenth-foot (1.1') north side yard variance to Section 192.03.3.D, and a one-and-a-half-foot (1.5') height variance to Section 192.03.3.F based on an exceptional situation of a previously compliant side yard and established floor height and a one-and-a-quarter-foot (1.25') rear yard setback variance to Section 192.03.3.E based on a finding of hardship due to the irregular shape of the lot for the proposed sunroom addition only at 809 NE Vail Court. The variances are found to be in harmony with the intended spirit and purpose of the Ankeny Zoning Code.

PROJECT SUMMARY

Lot 22, Fountain View Estates Plat 3 is located at 809 NE Vail Court at the end of a cul-de-sac. The Appellant has an irregularly shaped lot with the rear (east) lot line adjacent to Fountain View Pond. The Appellant wishes to add a two-story (three from the rear) sunroom to the back of the house. The proposed sunroom changes the house from a one-story to a three-story home which increases the required side yard setback, encroaches up to 1.25-feet into the required rear yard setback, and exceeds the maximum height as defined in the Zoning Code in a R-1 zone district by 1.5-feet. The Appellant requests a variance for all three of the areas where the proposed addition would cause the structure to not meet the Zoning Code. Each of the three requested variances encroach 1.5-feet or less.

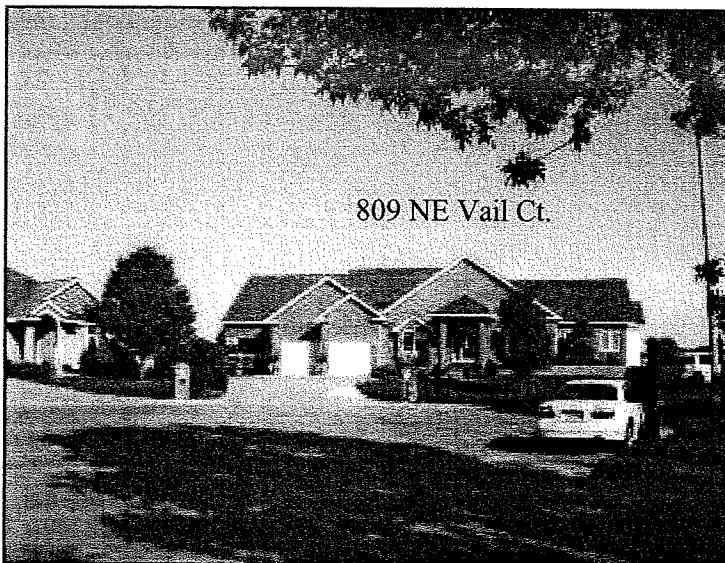
PROJECT REPORT

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 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."



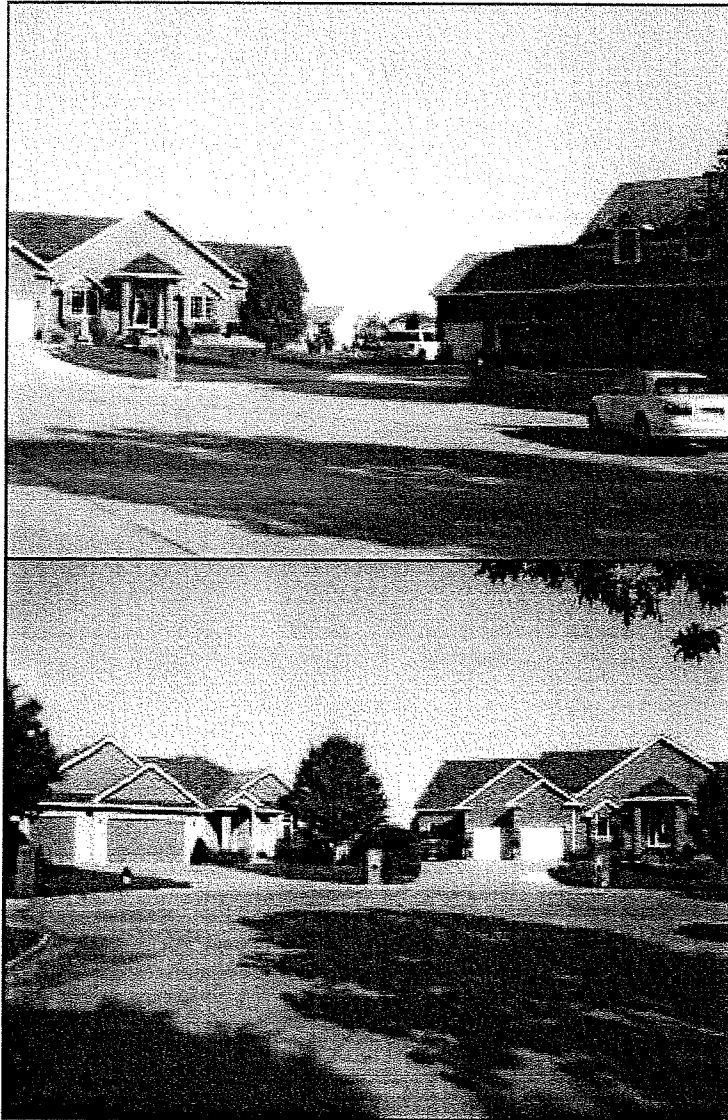
Findings of Fact

Side Yard Variance Request

The proposed sunroom would be added to the rear of the house replacing a deck that has been dismantled. The house is a walkout with the front of the home appearing to be a ranch and the rear a two-story home. At the time the house was constructed, the side setbacks met the criteria for a single story home. With the proposed sunroom addition the minimum setbacks increase from 18-feet total and a minimum per side of 8-feet to 20-feet total with a minimum per side of 10-feet. The south side yard setback is 15.5-feet and exceeds the minimum, but the north side yard setback is only 8.75-feet which is 1.25-feet shy of the minimum for one side. The total side yard setback is 24.25-feet and exceeds the minimum of 20-feet.

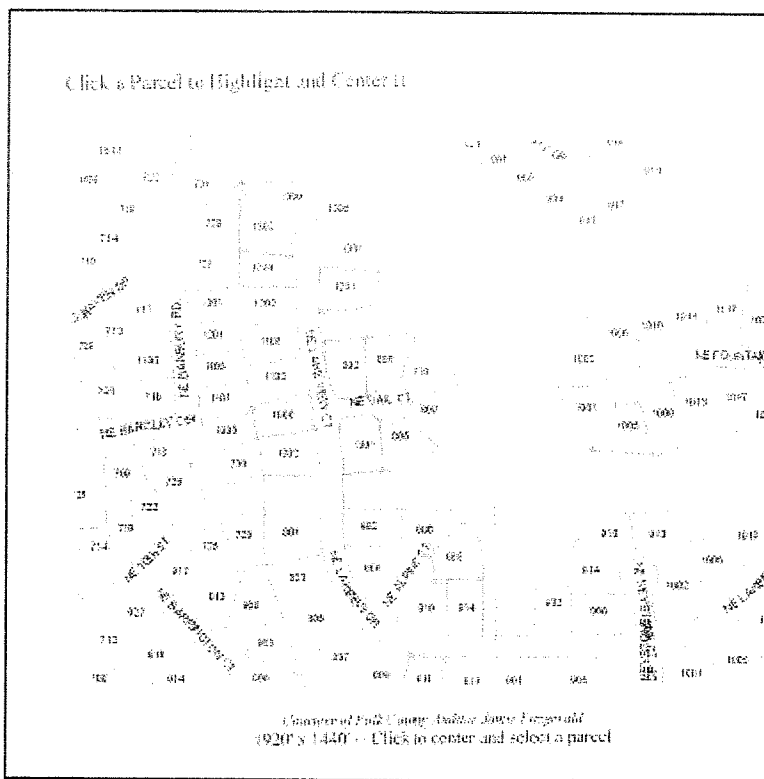
The photo above left shows the front of 809 NE Vail Ct as a

ranch and the bottom photo on the previous page shows the walkout area with the pond to the right. The proposed sunroom is planned to be located between the deck and the first rounded house extension where the yellow arrow indicates.



Height Variance Request The proposed sunroom height is estimated to physically extend 5-feet to 6-feet taller than the chimney which is visible on the previous page in the bottom photo. Roof height is measured as the average of the highest roof surface and the starting point on the ground is the average of the ground surface. In the case before the Board, the front of the house to the peak of the roof measures 24-feet and the roof on the proposed sun room addition measures 6-feet 11-inches placing the height from the front of the structure at 31-feet. However, the definition of height includes the average of the ground elevation and the average of roof height surface, so by definition the overall height with the proposed sunroom addition is an additional 5.5-feet or an overall house height of 36.5-feet. The Appellant requests a 1.5-foot height variance to allow the sunroom to have a third floor with a roofline matching those of the house.

The top photo shows the front of 809 NE Vail Court and the house to the south of it, and the bottom photo shows 809 NE Vail Ct. and the neighboring house to the north. The proposed sunroom additional height would be on the south side or right of the house when looking at it from NE Vail Court which is the side adjacent to the neighboring house with the taller roof lines. The closest neighbors to the east are across the pond and the roof line to the north would not change. The peak of the sunroom addition would be visible to the right of the peak over the entryway and approximately five feet taller than the entry roof peak.



The Appellant submitted a petition signed by neighborhood residents which states the signatories do not have a problem with the height of the sunroom addition. All the neighbors on NE Vail Ct. signed but the neighbor to the north who Mr. Haws reported was not home when signatures were being collected. The map to the left shows the location of the persons who signed the petition outlined in green. The yellow property is 809 NE Vail Ct.

Rear Yard Variance Request In the enforcement of the Zoning Code, setbacks are measured to the

foundation and up to a two-foot cantilever over the foundation is determined to be compliant. A two-foot cantilever over the foundation is anticipated for the proposed sunroom at 809 NE Vail Ct. which would effectively reduce the rear yard directly behind the sunroom structure to 33-feet in depth. The long, short, long, short dashed line on the floor plan depicted inside the proposed structure is the rear building setback line (see floor plan included with packet materials). The proposed sunroom addition with a two foot cantilever would meet the rear yard setback except for the SE and ENE sections with the former extending a half foot and the latter a foot to 1.25-feet into the rear yard setback. The total area of encroachment would be approximately 8 SF. The sunroom is being structurally engineered with a two-foot cantilever according to the Appellant and a 1.25-foot rear yard variance would allow the proposed sunroom to be constructed as shown on the floor plan.

The curve in the cul de sac bulb shortens the lot at the approximate location of the sunroom by an estimated three feet. Were the front of the lot straight, the house could have been set three feet further west toward the lot front which would allow the proposed sunroom addition to meet the rear yard setback. With the rear lot line adjacent to the pond instead of another lot, the impact on adjacent property and the neighborhood would appear to be minimal if at all.

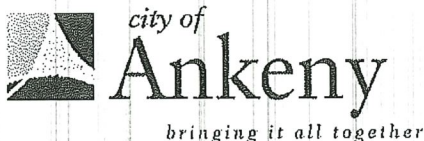
Staff finds the requested variances could meet the extraordinary circumstances and hardship criteria established in the variance guidelines. The north side yard of 809 NE Vail Court meets the criteria for a one-story home creating a unique circumstance since the north side yard will not be altered physically. If the requested variance for the proposed three-story sunroom is approved the home becomes a three-story dwelling requiring a

greater north side yard setback. Technically the house becomes a three-story dwelling, but the north side of the house is physically not changed so there should be no impact on the neighborhood and adjacent properties from keeping the north side yard setback the same.

The height variance requested is located at the rear (east side) of the property. The closest neighbor with a direct line of sight to the proposed sunroom is 350 feet away across the pond and most likely would not appreciably notice an additional three feet of height. The floor elevations are set by the current structure and could be considered an exceptional situation since the floor elevation of the proposed sunroom should correspond with the floor elevation of the existing house. The peak of the proposed sunroom addition should be five or six feet taller than the tallest peak at the front of the house and visible from NE Vail Court.

The rear yard setback variance request could be considered a hardship attributable to the irregular lot shape. Specifically, the concave curve at the front of Lot 22, Fountain View Estates Plat 3 caused by the cul de sac bulb required the entire structure to be set back approximately three additional feet. Were the lot frontage straight, allowing the existing house to be set three feet to the west, the proposed sunroom could meet the rear yard setback. The irregular lot shape, in particular the concave curve into the lot front, could be considered a hardship that would justify a 1.25-foot rear yard setback variance.

The staff position is in favor of the variances requested based on extraordinary circumstances for the north side yard setback and height and a hardship related to the irregular shape of the lot for the rear yard setback and finds the requested variances in harmony with the intended spirit and purpose of the Ankeny Code.



Notice of Disposition of Zoning Board of Adjustment Case

Filing #: 08-30
Appellant: Mike Haws
Address: 809 NE Vail Ct
Meeting Date: October 7, 2008 & October 14, 2008

Board Action on Filing #08-30 for property located at 809 NE Vail Ct:

Motion by G.Hunter to grant a 1.25 rear yard setback variance to Section 192.03.3.E based on a finding of hardship due to the irregular shape of the lot for the proposed sunroom addition only at 809 NE Vail Court. The variance is found to be in harmony with the intended spirit and purpose of the Ankeny Zoning Code. Second by B.Friest. All voted aye. Motion carried 5 – 0.

Motion by M.Holm to deny the requested 1.5 foot height variance to Section 192.03.3 F based on a finding of no hardship. Second by K.Tomlinson. All voted aye. Motion carried 5 – 0. With the denial of the height variance, G.Hunter suggested that no action needs to be taken on the side yard variance request.

RESOLUTION # (ATTACHED)

-
- No construction is allowed until a building permit is issued. Once the permit application and accompanying plans have been submitted to the Planning & Building Department, it will take approximately three days to review and process the plans. Following approval of the plan and payment of fees, a permit will be mailed.
 - Building permit applications are available at the Planning & Building Department, 220 W. First Street or on the City web site at www.ci.ankeny.ia.us.

Cc: address file
docket file

RECEIVED

MAY 13 2022

CITY OF ANKENY

RESOLUTION #08-30

RESOLUTION GRANTING A VARIANCE TO SECTION 192.03.3.E. FOR A REAR YARD SETBACK; DENYING A VARIANCE TO SECTION 192.03.3.F. TO EXCEED THE MAXIMUM HEIGHT, AND TAKING NO ACTION ON A VARIANCE REQUEST TO SECTION 192.03.3.D FOR RELIEF FROM THE NORTH SIDE YARD SETBACK FOR A RESIDENTIAL ADDITION ON THE PROPERTY AT 809 NE VAIL COURT.

WHEREAS, on the 7th day of October, 2008, the Zoning Board of Adjustment held a public hearing continued to October 14th, 2008 for variance requests to Sections 192.03.3.D., E., and F. which stipulate respectively the total side yard setback for more than one story is 20 feet with a minimum per side of 10 feet, the rear yard setback is 35 feet, and the maximum height is 35 feet in an R-1 One-Family Residence District; and

WHEREAS, after due notice and hearing provided by law, the Zoning Board of Adjustment of the City of Ankeny, Iowa deemed it reasonable and appropriate to grant a rear yard setback variance, to deny the requested height variance, and to take no action on the north side yard requested setback variance for the property described as follows:

LEGAL DESCRIPTION:

Lot 22, Fountain View Estates Plat 3

LAY DESCRIPTION:

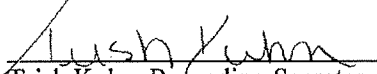
809 NE Vail Court

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF ANKENY, IOWA:

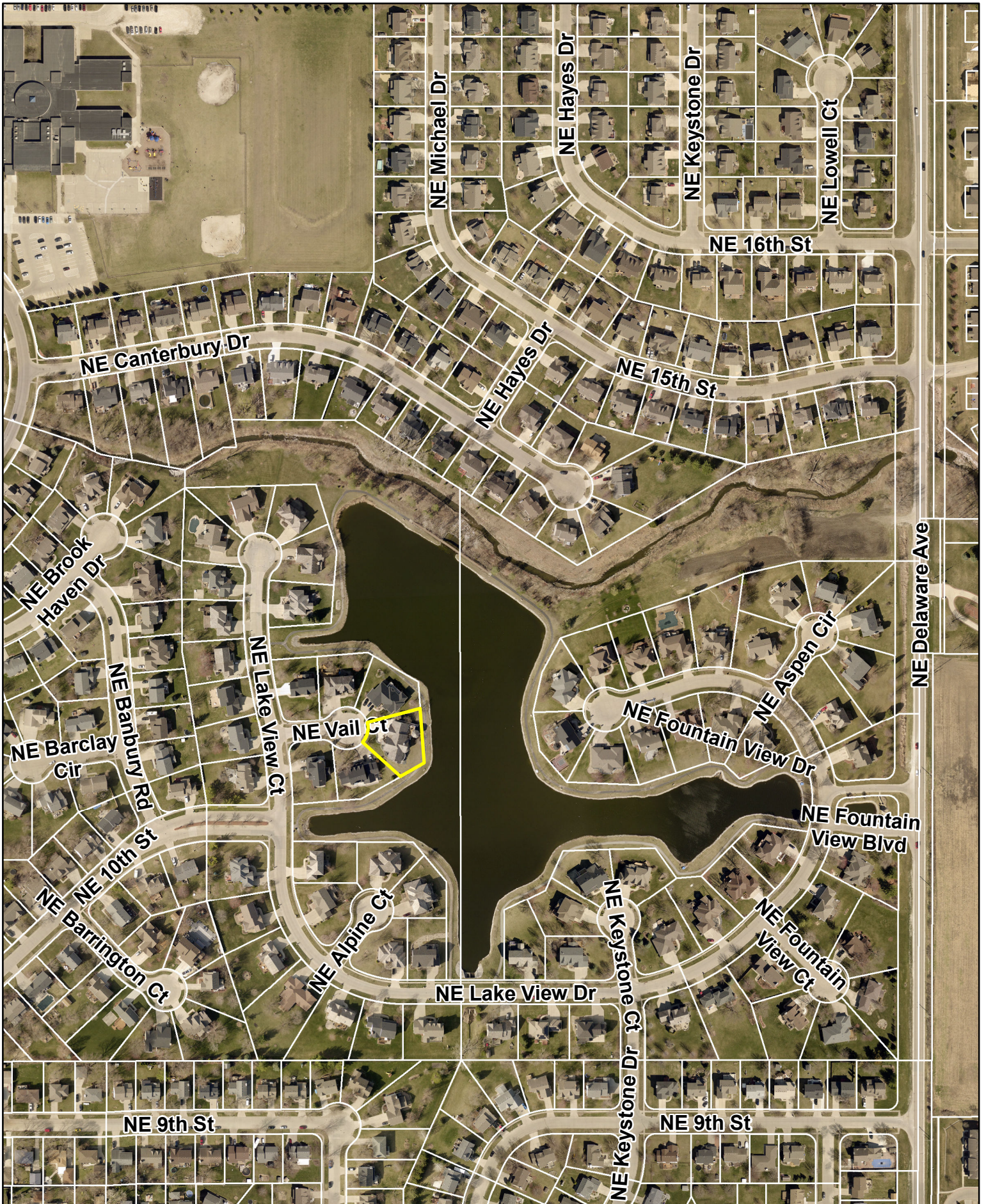
That a 1.25-foot rear yard setback variance to Section 192.03.3.E be granted for the foundation footprint of the proposed sunroom only based on a hardship due to the irregular shape of the lot; that a 1.5-foot height variance to Section 192.03.3.F. be denied based on a finding of no hardship; and that no action be taken on the variance request to Section 192.03.3.D. based on denial of the requested height variance obfuscating the request for a north side yard variance. The granted rear yard setback variance is found to be in harmony with the intended spirit and purpose of the Ankeny Zoning Ordinance while the height variance denied was found to be not in harmony with the intended spirit and purpose of the Ankeny Zoning Ordinance.

PASSED at Ankeny, Iowa, this 14th day of October, 2008.

ATTEST:


Trish Kuhn, Recording Secretary


Glenn Hunter, Chair



N



1 inch = 300 feet

Date: 5/24/2022

809 NE Vail Court

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

To: Members of the Zoning Board of Adjustment
From: Laura Hutzell, Associate Planner
Filing #: 22-09 *ETC*
Meeting Date: June 7, 2022
Address: 809 NE Vail Court

APPELLANT REQUEST

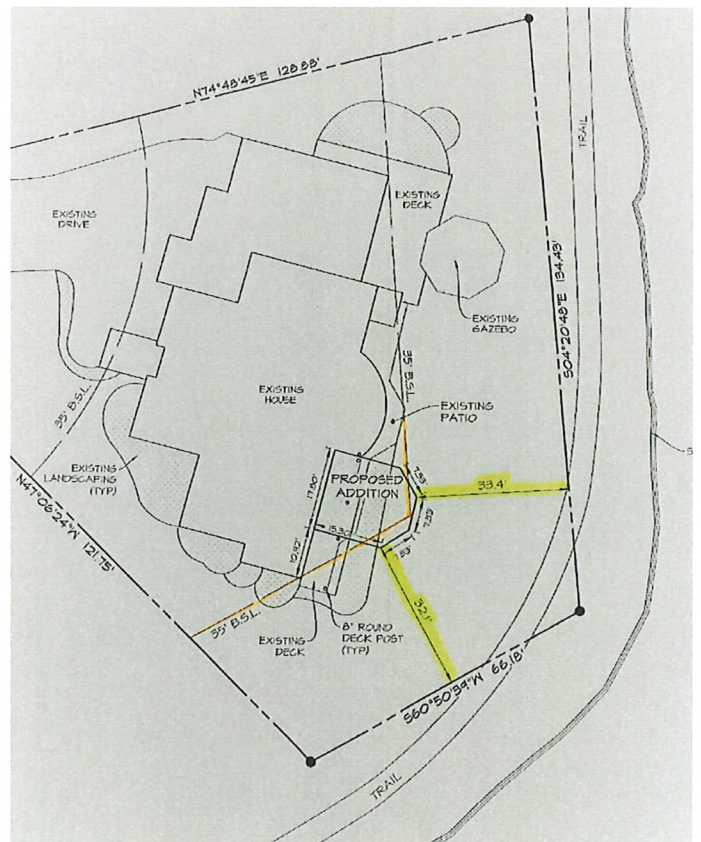
A variance to Ankeny Municipal Code Chapter 192.04.3.E allowing a 32.1-foot rear yard setback for the property located at 809 NE Vail Court also known as Lot 22, Fountain View Estates Plat 3.

STAFF POSITION

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. 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.

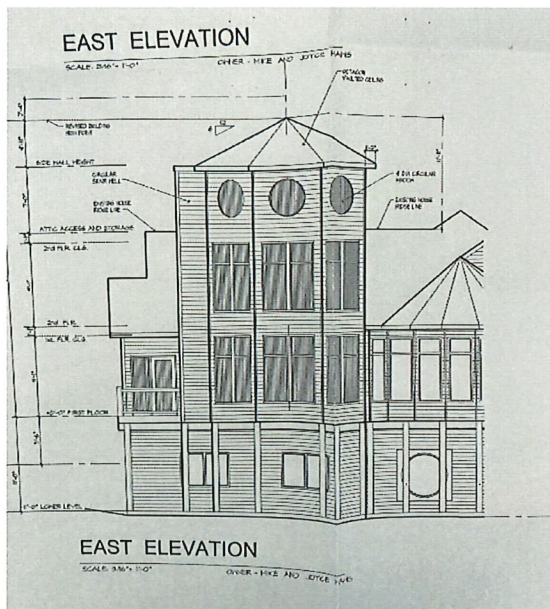
PROJECT SUMMARY

The appellant's submittal requests two variances to the rear yard setback. A 2.9-foot variance from the southeast rear yard setback, and a 1.6-foot from the east rear yard setback for the construction of a 348 square foot four seasons porch at the rear of the home. After reviewing the request, Staff has determined that granting one variance for the larger of the two

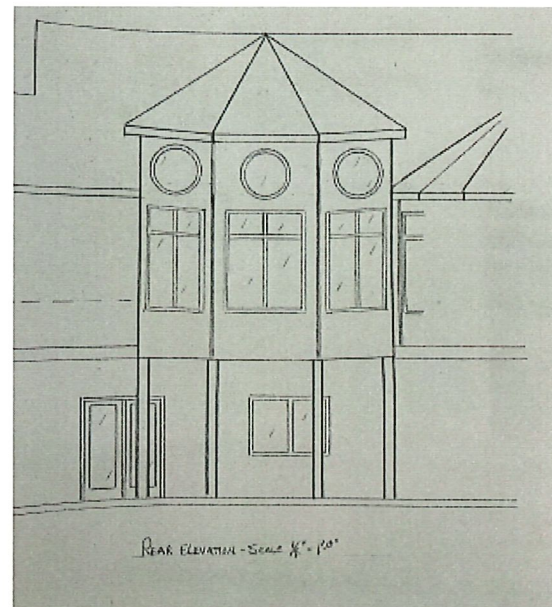


(2.9-foot) is a more appropriate request for this project. The change has been communicated with the appellant.

It should also be noted that in 2008, this address was granted a 1.25-foot rear yard setback variance and was denied a 1.5-foot height variance for a similar project that never came to fruition. The appellant is now ready to construct the project with changes from the 2008 submittal as shown below. The original building permit for the home describes it as a one-story dwelling. The 2008 submittal would have changed this designation to a three-story dwelling due to the height of the proposed structure. The height was also going to affect the side yard setback requirements. Unlike in the 2008 submittal, the height of the proposed four seasons porch in the current submittal will not exceed the current roofline of the home and will not affect the side yard setbacks.



2008 submittal



2022 submittal

CRITERIA FOR A 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 title.

FINDINGS OF FACT

The property at 809 NE Vail Court is located west of NE Delaware Avenue and south of NE 18th Street, within Fountain View Estates Plat 3; and is zoned R-1, One-Family Residence District. Surrounding properties to the north, east, south and west are also zoned R-1, One-Family Residence District. The home is a 2,489 square foot ranch with a walkout basement at the end of a cul-de-sac.

The proposal is to remove the existing deck and construct a 348 sf four seasons porch at the rear of the home. The addition of this four seasons porch will reduce the actual rear yard setback by 1.6-feet at the rear, east most corner, and 2.9-feet at the rear, southeast most corner. Staff has determined that the maximum encroachment is not more than 2.9-feet into the minimum required 35-foot rear yard setback, resulting in a 32.1-foot rear yard setback.

The curve in the cul-de-sac bulb creates an irregularly shaped lot, shortening the lot at the approximate location of the four seasons porch by an estimated three feet. If the front of the lot was straight, the house could have been set three feet further west toward the lot front, which would have allowed the proposed four seasons porch to meet the rear yard setback.



Other similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being February 8, 2022, which allowed a sunroom to encroach 7.5 feet into the 35-foot rear yard setback at 4611 NE Wanda Drive.

Staff notified all property owners within 350 feet (includes right-of-way) of 809 NE Vail Court of this appeal by mail on May 25, 2022. To date, staff has not received any communication expressing concern or disapproval, nor communication endorsing the variance.

The staff position is to recommend that the Zoning Board of Adjustment grant a variance for the property at 809 NE Vail Court, to allow a 32.1-foot rear yard setback for the construction of a four seasons porch, which would encroach not more than 2.9 feet into the 35-foot rear yard setback at 809 NE Vail Court. The staff position is based on a determination that the location of the proposed structure does not impair adequate supply of air and light, does 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 7, 2022

5 : 00 PM

 [Print](#)

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

Ensure Economic Vitality

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-10

Screenbuilders

for property located at

2514 NW Abilene Road

Lot 25, Centennial Pointe West Plat 3

RE: Variance - Rear Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

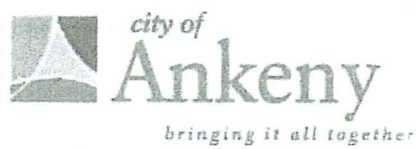
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-10
 Staff Report



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☐ Property Owner ☐ Tenant ☒ Other Contractor

Applicant Screenbuilders - Chris Perrin

Address / Phone # 1450 NE 69th Place Suite 54 | 289-2790

E-mail chrisperrin12@yahoo.com

Property Owner Dave Brunelle

Address / Phone # 2514 NW Abilene Road

E-mail dpbrunelle@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 16th day of May, 20 22

Location (address) of the proposed variance 2514 NW Abilene Road

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) 35' rear yard setback.

I would propose the following in lieu of that required: (working) we are building an addition over the existing deck. The setback is 32' 6" to the existing deck.

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.

Chris Perrin
(Signature of Applicant)

Signed and sworn to before me, this
16 day of May, 20 22.
Jamie Roof
(Notary Public) 8/14/22

RECEIVED		cc \$120.00		Office Use Only
Date received	<u>MAY 18 2022</u>	Paid ☐ Cash ☐ Check #		
Filing #	<u>22-10</u>	Scheduled Meeting Date	<u>6-7-2022</u>	
CITY OF ANKENY				

Board of Adjustment-

I am speaking for the property owner. My name is Chris Perrin with Screenbuilders. I have had an office in Ankeny for the last 22 years.

My request for a variance is on an addition the homeowner wants to put on the existing deck. The deck setbacks are 35' and an addition set back is 30'. Right now, how the existing deck sits I am asking for 2'6" (into the setback requirement) to convert the deck to an addition and eliminate the steps in the front of the new addition. The houses next to them won't lose any view and are actually set closer to the rear yard because of the layout around the pond that sits in the backyard.

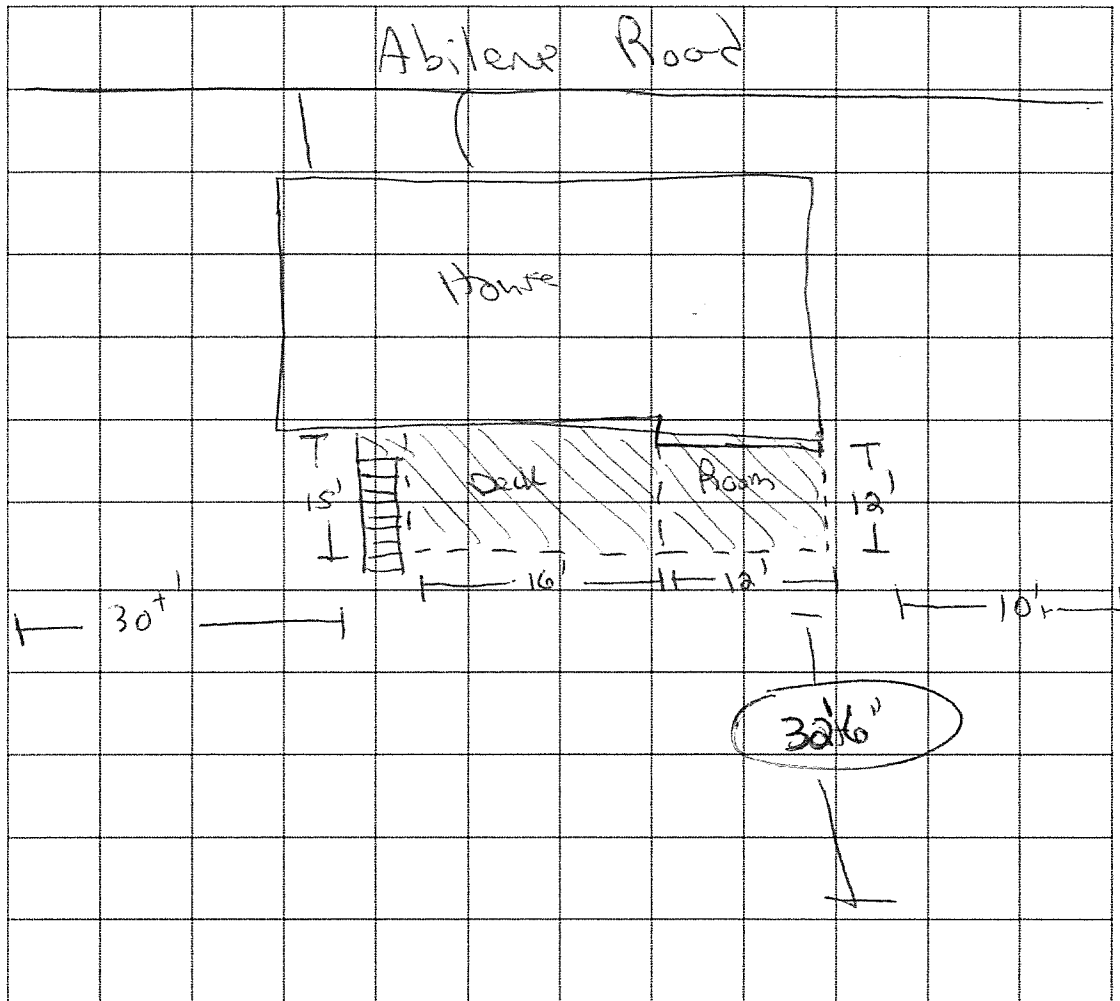
Please consider my request and thank you for your time.

Chris Perrin
Screenbuilders

Site Drawing (required for additions):Address: 2514 NW Abilene Road

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)



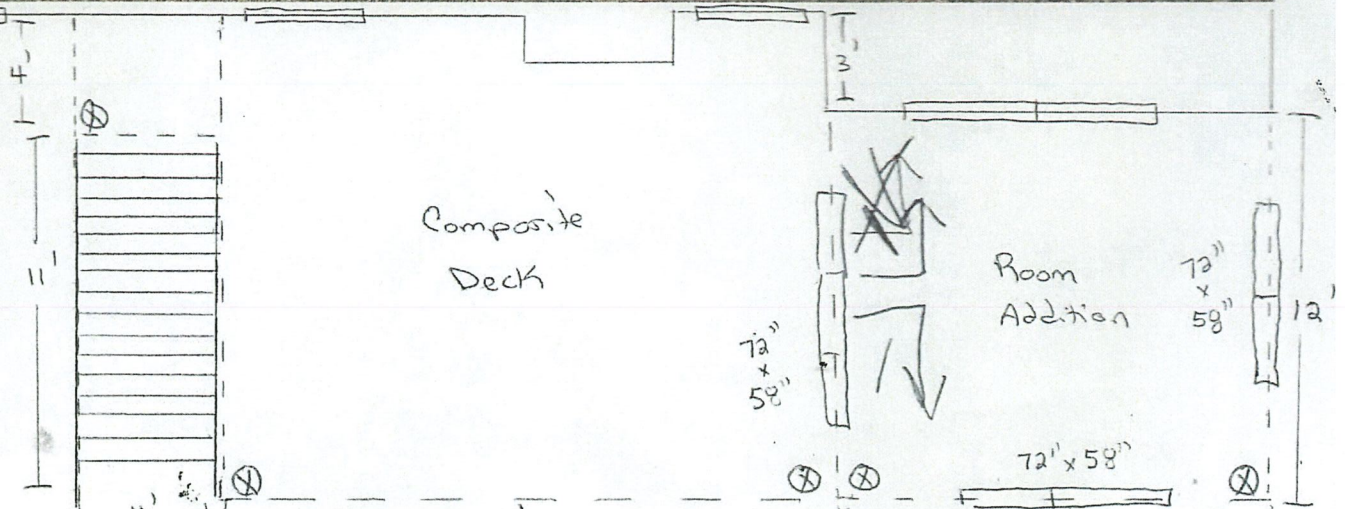
Not going any further in backyard (existing deck)

- We are 32'6" to existing deck -

2514 NW Abilene Road

#22-10

(Gable Roof 5/12 Pitch)



2514 NW Abilene Road

#22-10

Floor of room

2x8 Joist | 16" oc

1 1/2" Double LVL around the perimeter

6x6 Posts in corners

Helical Piers

Deck

Timbertech Decking | Westbury Railing

2x12 Joists | 16" oc

6x6 Post

5 1/2' x 12" x 16' Glue-lam to span front bay



Walls

2x4 Walls

Siding to match

Drywall interior

(2) Double Windows

(1) French Door

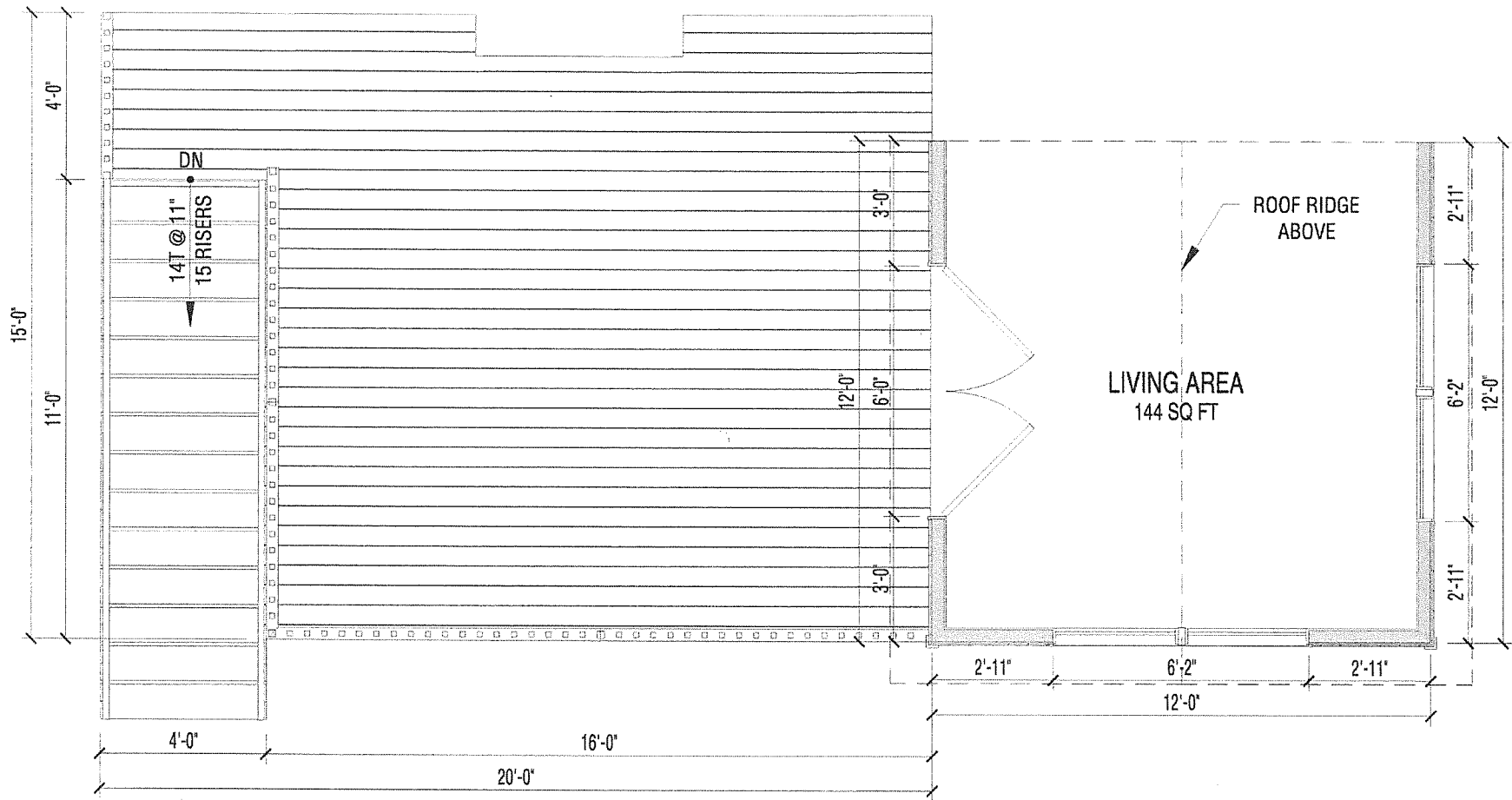
Roof

Regular 5/12 Eng Trusses | 2' oc

Shingles | Gutters to match

Match overhang on house

#22-10



FLOOR PLAN

SCALE: 1/4"=1'-0"

**BAUMANN
DESIGN**

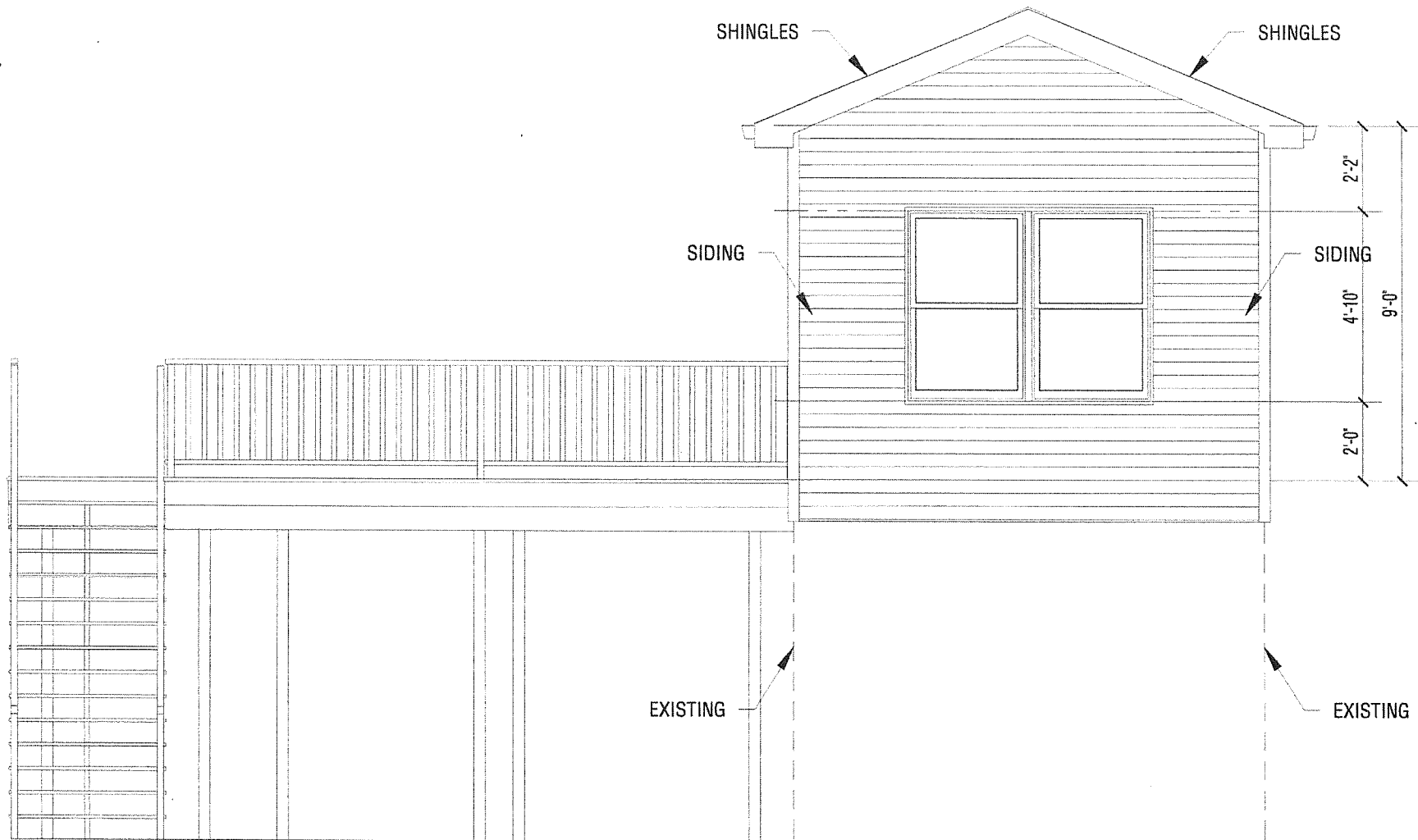
Mark W. Baumann B.Arch
515.664.2434
baumannndesign@gmail.com

Screenbuilders
1450 NE 69th Pl., Ankeny, IA 50021
Brunelle Addition

Project Date:
04-13-2022
Project No:
N/A

A1

#22-10



FRONT SIDE

SCALE: 1/4"=1'-0"

**BAUMANN
DESIGN**

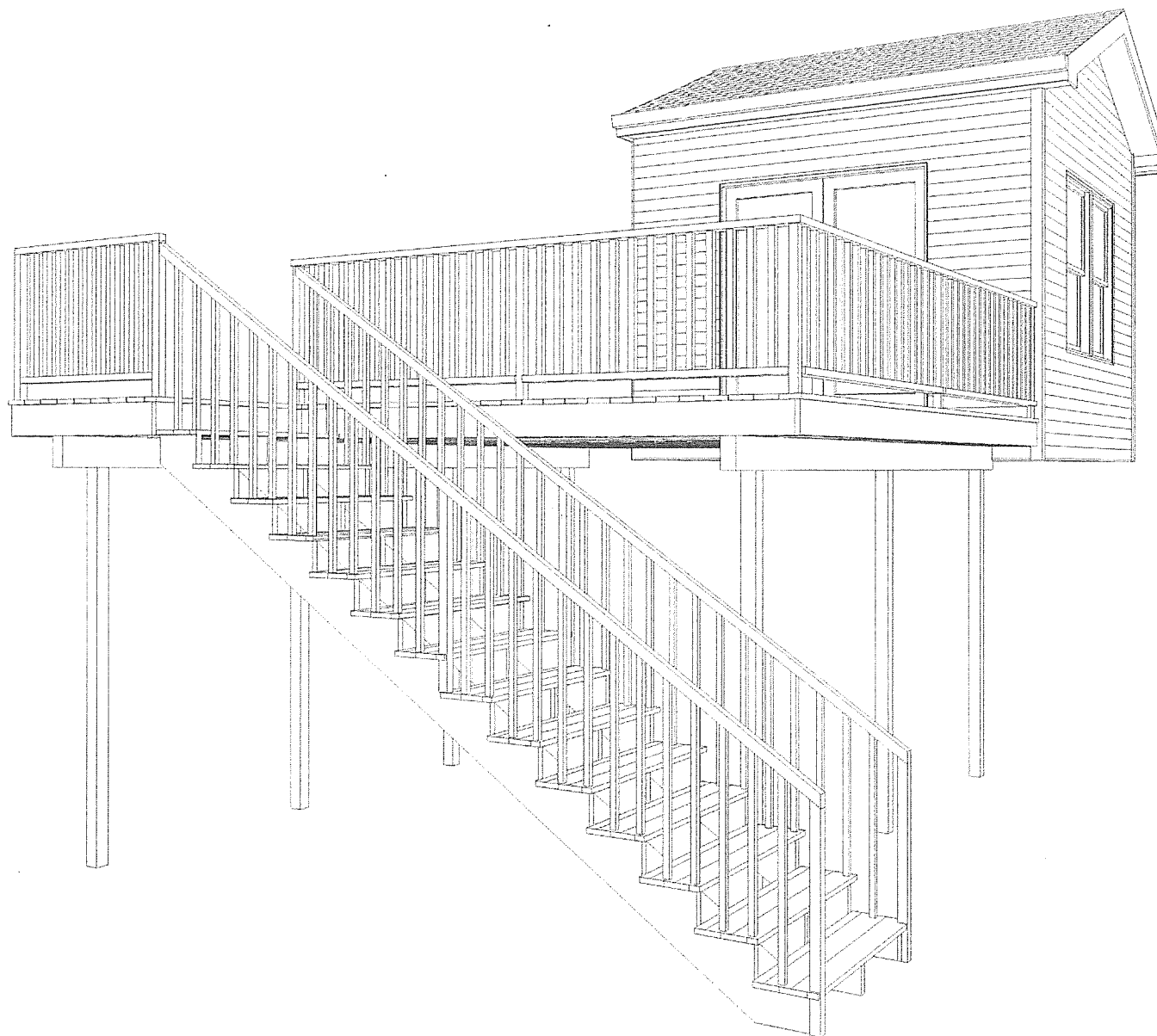
Mark W. Baumann B.Arch
515.664.2434
baumannndesign@gmail.com

Screenbuilders
1450 NE 69th Pl., Ankeny, IA 50021
Brunelle Addition

Project Date:
04-13-2022
Project No:
N/A

A3

#22-10



**BAUMANN
DESIGN**

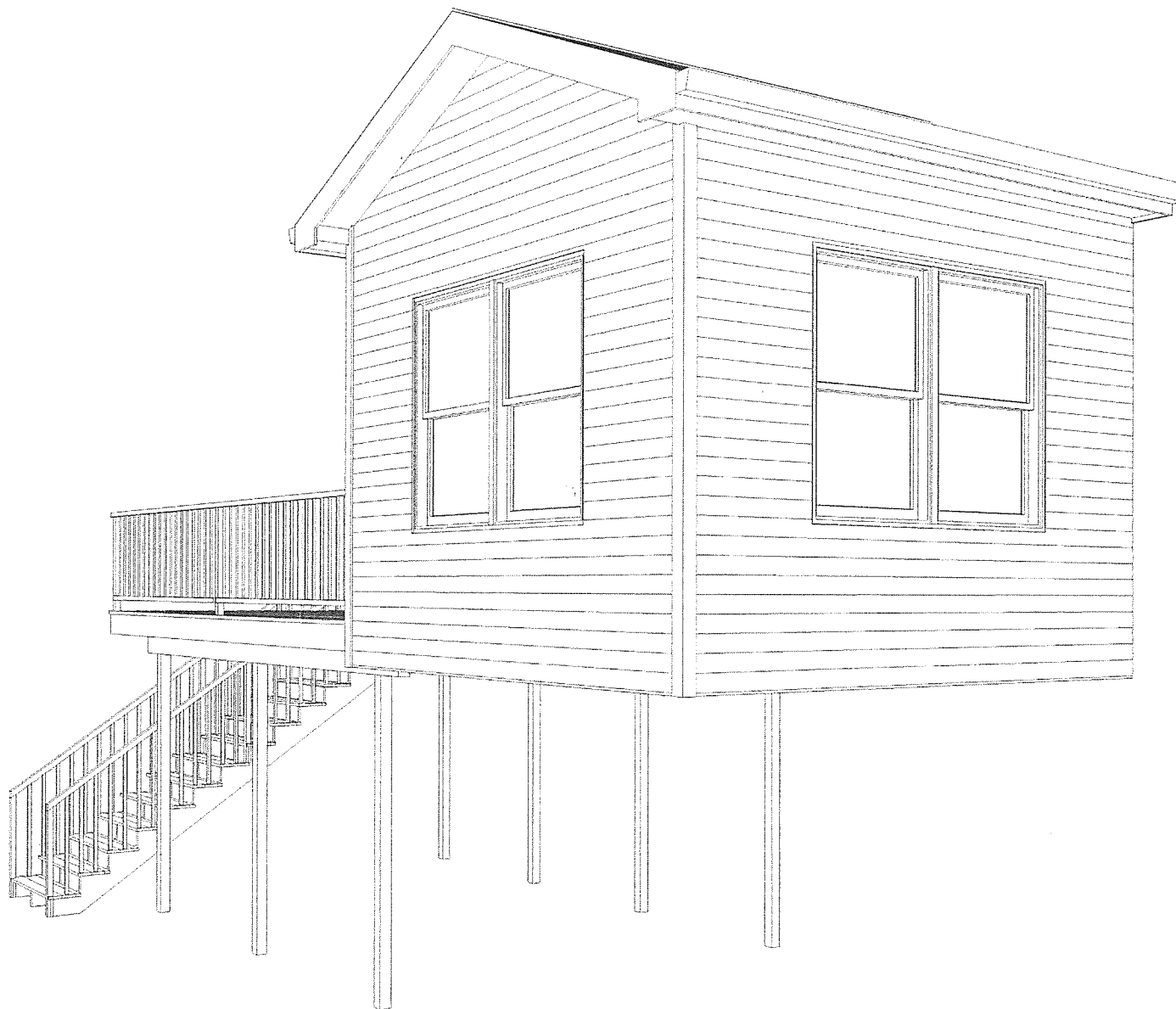
Mark W. Baumann B.Arch
515.664.2434
baumannndesign@gmail.com

Screenbuilders
1450 NE 69th Pl., Ankeny, IA 50021
Brunelle Addition

Project Date:
04-13-2022
Project No:
N/A

A6

#22-10



**BAUMANN
DESIGN**

Mark W. Baumann B.Arch
515.664.2434
baumannndesign@gmail.com

Screenbuilders
1450 NE 69th Pl., Ankeny, IA 50021
Brunelle Addition

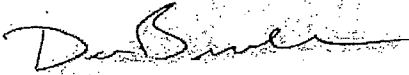
Project Date:
04-13-2022
Project No:
N/A

A7

To Whom it May Concern,

I approve of, and authorize, the variance request submitted by Chris Perrin of Screenbuilders who is asking for 2'6" of allowance on a project at our home.

Thank you,

A handwritten signature in dark ink, appearing to read "David Brunelle", with a stylized, flowing script.

David Brunelle (homeowner)



**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 #: 22-10 *ESC*
Meeting Date: June 7, 2022
Address: 2514 NW Abilene Road

APPELLANT REQUEST

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.

STAFF POSITION

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.

PROJECT SUMMARY

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. The proposed addition would encroach 2'6" into the minimum required 35' rear yard setback, resulting in a 32'6" rear 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 property at 2514 NW Abilene Road is located south of NW Reinhart Drive and west of NW Abilene Road, within Centennial Pointe West Plat 3; and is zoned R-2, One-Family and Two-Family Residence District. 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. Centennial Pointe West Plat 3 was platted in 2014; and the primary structure, including the deck, were then constructed in 2016.

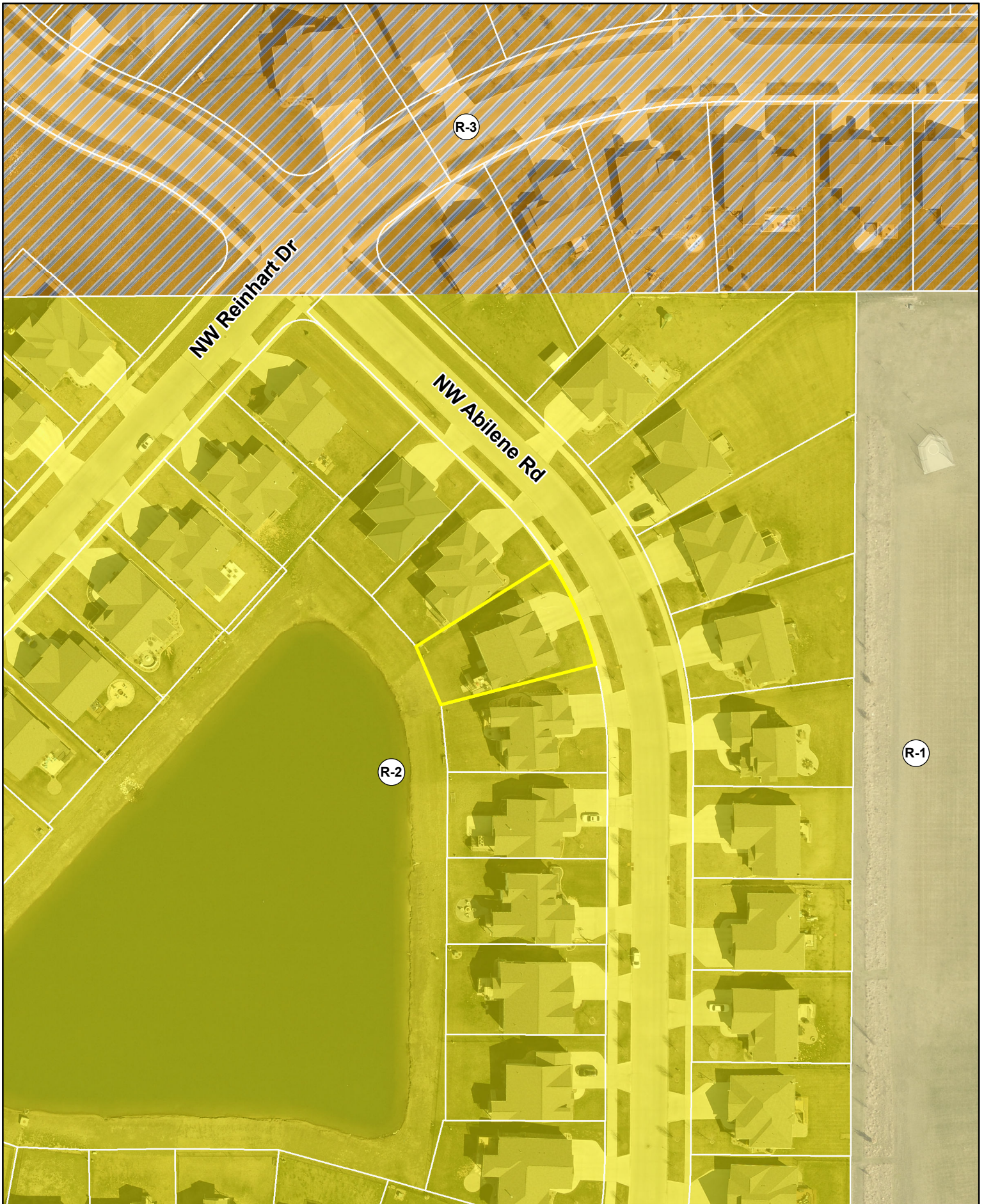
The house is set back from the rear property line approximately 44 feet, and the existing deck, including the staircase, projects 7'6" into the minimum required 35-foot rear yard setback. The deck is considered a legal conforming structure, permissible under Chapter 196.03.2.B(2) of the City of Ankeny Zoning Ordinance, which allows exceptions to the required setbacks, stating, "*Rear Yard. Unenclosed, above and below, decks which project not more than 12 feet into the required rear yard.*" The appellant is now proposing to enclose the existing deck to create additional living area within the primary structure, which would then be considered part of the primary structure. Because the principal structure is required to conform to the minimum rear yard setback of 35 feet, a variance is needed to enclose the existing deck.

The subject property is surrounded by single-family residences to the north and south, while the rear property line abuts a stormwater detention pond. 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. Accordingly, the proposed building addition, if approved, would result in a 7'6" setback from the southern property line—providing 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.

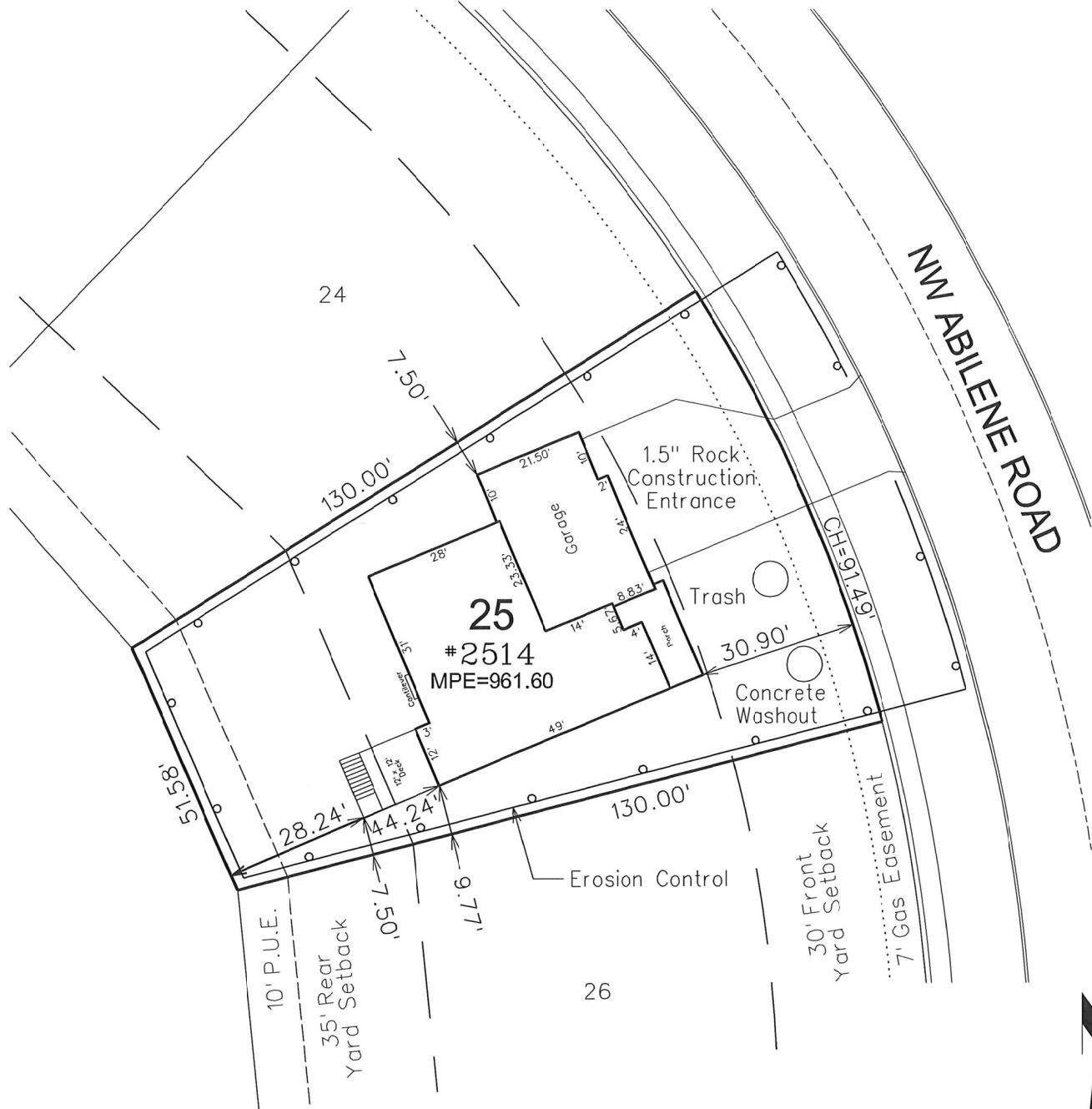
In lieu of the existing deck to be enclosed for additional living space, the appellant is also proposing to construct a new deck, which will be located along the rear of the existing house and north of the proposed building addition. The new deck will be unenclosed, above and below, extending from the existing house in line with the outer edge of the proposed building addition. The resulting deck would be located 32'6" from the rear property line, which is allowed by Code.

SUMMARY

The staff 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.



SITE PLAN



ZONING: R-2
MINIMUM REQUIREMENTS:

FRONT YARD - 30'

REAR YARD - 35'

SIDE YARD - 7/15'

ADDRESS: 2514 NW ABILENE ROAD

ANKENY, IA

HOUSE PLAN: HUFF/WALLACE RESIDENCE



CLASSIC BUILDERS

Revised 2-1-16

SHEET 1 OF 1

CENTENNIAL POINTE WEST PLAT 3, LOT 25

PN: 115.0044

PM: GAC

DATE: 4-9-15

TECH: RSN



SNYDER & ASSOCIATES

Engineers and Planners

2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020



ZONING BOARD OF ADJUSTMENT

June 7, 2022

5 : 00 PM



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:

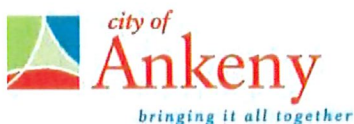
ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [Renewed Special Use Permit](#)



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

Jose Lopez

Name of Applicant (printed)

05/16/2022

Date

ADMINISTRATIVELY
 APPROVED

5/23/22 EJC