

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.

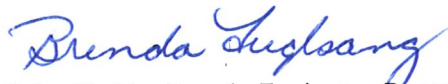
NEW BUSINESS

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