

**Meeting Minutes**  
**Zoning Board of Adjustment**  
Tuesday, May 2, 2023  
Ankeny City Council Chambers  
1250 SW District Drive, Second Floor, Ankeny, Iowa

**CALL TO ORDER**

Chair Matt Ott called the May 2, 2023 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

**ROLL CALL**

Members present: Jeff Baxter, Matt Ott, Kristi Tomlinson, and Nichole Sungren. Absent: Brett Walker.  
Staff: E.Jensen, E.Carstens, D.Gervais, L.Hutzell, R.Kirschman.

**AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

**MINUTES OF THE APRIL 18, 2023 REGULAR MEETING**

Motion by K.Tomlinson to approve the April 18, 2023 meeting minutes as submitted. Second by N.Sungren. All voted aye. Motion carried 4 – 0 .

**COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

**BUSINESS ITEMS**

**PUBLIC HEARINGS:**

**#23-08**

**Kara Bixby Rodriguez & Joel Rodriguez**

*for property located at*

**2943 SW 3rd Street**

**-EX W67F & N 67F ON W LN & N70.59F ON ELN RD EASS140F N 798.1F**

**W 356.14F NW 1/4 SEC 22-80-24**

**RE: Variance - Front Yard Setback**

Chair M.Ott opened the public hearing.

Kara Bixby, 2943 SW 3<sup>rd</sup> Street said that they purchased their home last month and are requesting a variance to allow a front yard setback of 23-feet from the roadway easement instead of a 35-foot setback. She noted that the home was built in the 1970's. She stated that they were under contract to purchase the home and when they started the process to purchase, they were notified that there was a zoning issue with the property. Kara Bixby further stated that they decided to continue with the purchase and work towards resolving the zoning issue. She respectfully asked for the Board to approve the request.

D.Gervais reported that the applicant is requesting a variance to allow the existing home to encroach approximately 12-feet into the 35-foot front yard setback for the subject property at 2943 SW 3rd Street, which is located south of SW 3rd Street and east of SW Irvinedale Drive. She noted that the subject property is not a platted lot. She stated that the subject property is zoned C-2, General Retail, Highway-Oriented, and Central Business Commercial District with neighboring properties to the north, east, and south being zoned C-2. The neighboring properties west of SW Irvinedale Drive are unincorporated and under Polk County jurisdiction, zoned Rural Residential. D.Gervais provided the Board with the history of the property and home starting back in 1973, which was when the home was to be constructed on the property. She said that during staff's research; they found that the home was partially constructed in the Roadway Easement area for SW 3<sup>rd</sup> Street. She stated that after much discussion with other City departments, including public works and municipal utilities, the recommendation was that at least 30-feet of the Roadway Easement should be retained and the private utility companies required an additional 3-feet for a total of 33-feet for the south side of the Roadway Easement, measured from the street centerline of SW 3<sup>rd</sup> Street. D.Gervais stated that on May 1, 2023, City Council approved the ordinance vacating this portion of the Roadway Easement, allowing for a free and clear 23-foot front yard setback. All property owners within 250-feet of the subject property were notified and to date, staff has not received any correspondence either for or against the request. Staff does not have concern about the future impact of this variance request on the existing neighborhood; and recommend that the Zoning Board of

Adjustment grant a variance to Ankeny Municipal Code Section 192.09(3)(D) to allow a 23-foot front yard setback for the existing home at 2943 SW 3rd Street. Staff's position is based on a determination that the existing front yard setback from home 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.

There was no one in the audience to speak for or against the requests.

Motion by J.Baxter to close the public hearing, and receive and file documents. Second by M.Ott. All voted aye. Motion carried 4 – 0.

The Board has no concerns with the request.

**Board Action on Filing #23-08 property located at 2943 SW 3<sup>rd</sup> Street**

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(3)(D) to allow a 23-foot front yard setback for the existing home at 2943 SW 3rd Street. The Board's decision is based on a determination that the existing front yard setback from home 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. Second by N.Sungren. All voted aye. Motion carried 4 – 0.

**#23-09 and #23-10**

**Ralph Grout**

*for property located at*

**1101 NE Trilein Drive**

**Lot 9, Barclay Plat 1**

**RE: #23-09 Variance - Rear Yard Setback, Sunroom**

**#23-10 Variance - Rear Yard Setback, Deck**

Chair M.Ott opened the public hearing.

Ralph Grout, 1101 NE Trilein Drive, said that they bought the house last August and decided this year to add a deck. He stated that they were not aware that there was no permit pulled to screen in the deck, which is currently fully enclosed. Ralph Grout said that they are asking for a variance for the screened in deck since it was not approved by the City and a variance for the deck that they would like to build off of the screened in area. He said he would answer any questions the Board may have.

L.Hutzell reported that the subject property is located at 1101 NE Trilein Drive, east of N Ankeny Boulevard and South of NE 18th Street within the northeastern quadrant of Ankeny. She said the property is zoned R-1, One-Family Residence District and contains a single-family home with an attached sunroom on the east side of the .234-acre lot. Neighboring properties in all directions are also zoned R-1, while properties further to the west are zoned R-2. L.Hutzell stated that the home, as it sits today, has a sunroom that sits 12-feet off the east side of the house, creating a 10-foot encroachment into the required 35-foot rear yard setback. She noted that permit records indicate that the house on the subject property was constructed in 1990; however, original plans indicate that the home was built without a sunroom and is setback 37-feet from the rear property line. The existing sunroom also has an exterior staircase 4-feet. She shared that a contractor, on behalf of the property owners, submitted a permit application to construct an uncovered deck attached to the existing sunroom and at that time City staff realized the existing sunroom was never properly permitted and encroaches 10-feet into the required 35-foot rear yard setback. She said that the proposed deck is 216 square feet in size and would sit on the north side of the sunroom with access to the sunroom's existing rear door via a proposed 4-foot wide walkway. L.Hutzell stated that per City code, unenclosed decks are allowed to extend up to twelve feet into the rear yard setback, however staff realized that the sunroom's 10-foot encroachment results in the deck also encroaching 2-feet beyond the 12-feet allowed by code. Staff then informed the applicant that a second variance would be needed to approve the plans for the deck. The staff position is to grant a 10-foot variance to Ankeny Municipal Code Section 192.03(3)(E) to allow a 25-foot rear yard setback for an existing sunroom at 1101 NE Trilein Drive. Staff's position is based on a determination that the decreased rear yard setback from the existing sunroom 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. It is also staff's position to grant a 2-foot variance to Ankeny Municipal Code Section

196.03(2B)(2), to allow an unenclosed deck to encroach two-feet beyond the allowed 12-feet by code at 1101 NE Trilein Drive. Staff's position is based on a determination that the decreased rear yard setback from the unenclosed deck would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

There was no one in the audience to speak for or against the request.

Motion by M.Ott to close the public hearing, and receive and file correspondence received. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

The Board had no concerns with the requests.

**Board Action on Filing #23-09 property located at 1101 NE Trilein Drive**

Motion by J.Baxter that the Zoning Board of Adjustment grant a 10-foot variance to Ankeny Municipal Code Section 192.03(3)(E), to allow for a 25-foot rear yard setback for an existing sunroom at 1101 NE Trilein Drive. The Board's position is based on a determination that the decreased rear yard setback from the existing sunroom 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. Second by N.Sungren. All voted aye. Motion carried 4 – 0.

**Board Action on Filing #23-10 property located at 1101 NE Trilein Drive**

Motion by J.Baxter that the Zoning Board of Adjustment grant a 2-foot variance to Ankeny Municipal Code Section 196.03(2B)(2), to allow for an unenclosed deck to encroach two-feet beyond the allowed 12-feet by code at 1101 NE Trilein Drive. The Board's position is based on a determination that the decreased rear yard setback will not impair adequate supply of air and light, will not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

**NEW BUSINESS**

There was no new business.

**REPORTS**

There were no reports.

There being no further business, meeting adjourned at 5:26 p.m.



Submitted by Eric Carstens, Planning Manager  
Zoning Board of Adjustment