

Meeting Minutes
Zoning Board of Adjustment
Tuesday, April 16, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the April 16, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Jeff Baxter, Kristi Tomlinson and Brett Walker. Absent: Matt Ott and Nichole Sungren.
Staff: E.Jensen, L.Hutzell, J.Heil, and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE APRIL 2, 2024 REGULAR MEETING

Vice Chair J.Baxter commented that he will table the minutes until the next Board of Adjustment meeting since he will need to abstain.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-05

Ryan Nurnburg

for property located at

537 NE 5th Street

Lot 8, Henderson Park Plat 19

RE: Variance – Covered Deck

Vice Chair J.Baxter opened the public hearing.

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

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

There were no further questions from the Board.

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

for or against the request. The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 23-foot rear yard setback for a four-seasons porch at 537 NE 5th Street. Staff's position is based on a determination that the decreased rear yard setback from the four-seasons porch would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

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

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

The Board had no concerns with the request.

Board Action on Filing #24-05 for property located at 537 NE 5th Street

Motion by K.Tomlinson that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 23-foot rear yard setback for a four-seasons porch at 537 NE 5th Street. The Board's decision is based on a determination that the decreased rear yard setback from the resulting four-seasons porch would not impair adequate supply of air and light, would not increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by B.Walker. Motion carried 3 – 0.

REPORTS

There were no reports.

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



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment