

Meeting Minutes
Zoning Board of Adjustment
Tuesday, April 2, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the April 2, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE MARCH 19, 2024 REGULAR MEETING

Motion by K.Tomlinson to approve the March 19, 2024 meeting minutes as submitted. Second by N.Sungren.
Motion carried 5 – 0.

COMMUNICATIONS / CORRESPONDENCE

Chair Matt Ott noted that correspondence was received from Matt Schilling, Owner of Luke Brothers Flooring that will be received and filed during the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-03

Hope Agency

for property located at

217 S Ankeny Boulevard

Lot 14, Triplett Village & S 30F N 659.6F W 289F N ½ NW ¼ NW 1/4 SEC 24-80-24

RE: Variance – Permitted Uses

Chair M.Ott opened the public hearing.

Board member Jeff Baxter recused himself from public hearing #24-03.

Brent Culp, Snyder & Associates, Inc., 2727 SW Snyder Boulevard, Ankeny representing property at 217 S Ankeny Boulevard, said that the commercial property is currently zoned C-2. The requested use is for an animal daycare and their understanding is that the current use is allowed on this property. He noted that the variance request is required to allow for an outdoor dog run area.

Amy Wallman Madden, Co-founder, Hope Agency, 1230 8th Street, Suite 201, West Des Moines, said Hope Agency has been around since 2004. She stated their mission is to support individuals with special needs to be able to live independent and productive lives. It would support community living through learning life skills such as cleaning and cooking. Hope Agency also has a wrap-around service for employment, which is really where they see the magic happen when individuals with special needs find meaningful employment. She explained that their hope is to employ people with special needs but also young people in the area under the age of 18 to help teach them life skills. It will encourage more understanding for young people as well as give them an introduction to human services. Amy Wallman Madden said she feels it would be great for the community.

Marcus Pitts, JLL, one of the property owners, said he is excited about this project. He said it would give this property an opportunity to phase into the next generation of its life. He said with Hope Agency as a tenant, this would allow them to transform this building into a usable space that gives back to the community. He shared that from a personal standpoint, his sister that passed away had special needs and often wondered what this type of opportunity would have done for her. He thanked the Commission.

M.Ott asked whether the outdoor dog run would extend the entire length of the north portion of the parcel. Brent Culp responded, yes. M.Ott asked how close the dog run would be to the property line of the Luke Brothers Flooring. Brent Culp was unsure of the exact footage.

B.Walker said he assumes there will be some aesthetic changes to the building with this project. Marcus Pitts shared that Hope Agency has their own contractor for the interior. Ankeny Futures, LLC has currently been doing some tuck pointing as they want the building to look great. He noted that this is an investment not only in the building but also in the community.

M.Ott shared that the Board received correspondence from Luke Brothers Flooring in opposition of the request. M.Ott further asked if there were any prior discussions with Luke Brothers Flooring about the plans or any encroachment on easements within the property directly behind the Luke Brothers Flooring building. Marcus Pitts said not on this particular project.

E.Carstens shared that the city's development engineering department reviewed the area for easements. It was determined that there is not an easement today, but the city would like one, but where the fence would be located, would not encroach on the area where the city may want an easement.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 192.09(1)B(1) requires: *Animal hospitals, veterinary clinics or kennels, provided that any exercising runway is at least 200 feet from any R District boundary*, allowing for an exercise area for pets within 200 feet of a R District boundary at 217 S Ankeny Boulevard. He stated the subject property is owned by Ankeny Futures LLC and the zoning for this area is C-2, General Retail and Highway Oriented Commercial District. He said that the surrounding properties to the north, west, and south are also zoned C-2 and the property to the east is zoned C-2 and R-2, One- Family and Two-Family Residence District. R.Kirschman stated that the proposed outdoor exercise area would be located on the north side of the existing building and the proposed enclosure would be approximately 150 feet from the house to the northeast of the site. Ankeny Municipal Code Section 192.09(1)B(1) requires any animal outdoor exercise runway to be a minimum of 200 feet from a residential zone. He noted that animal boarding use is allowed within the C-2 zone as a principal permitted use. Therefore, it is only the enclosure that necessitates the need for this variance application. He said all property owners within 250' of the subject property were notified of the proposed variance by mail. The staff position is to grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the continued use of the existing outdoor animal exercise area on the west side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.

The staff position is based on a determination that an animal grooming and boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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.

M.Ott clarified the use allowed in C-2 zoning. E.Jensen responded that animal boarding is allowed in C-2. The only thing that is not allowed is the outdoor portion, as it can not be within 200 feet of residential-zoned property. M.Ott further confirmed that if there are issues and/or complaints, this could be brought back to the Board for further review. Staff responded, yes. N.Sungren asked if the sight and sound barrier was included in previous appeals that the Board had acted upon. R.Kirschman responded that there were similar conditions in previous appeals. E.Carstens said the sight and sound barrier is the responsibility of the developer and said the Board has the right to change or add conditions with regard to the staff recommendation. K.Tomlinson asked whether the residential property owners reached out to staff. E.Carstens responded, no. Amy Wallman Madden shared that they provide daycare only, there is no overnight boarding, and she does not see it as a concern for the residential properties.

Scott Luke, Luke Brothers Flooring, 102 SE 3rd Street, Ankeny, on behalf of Matt Schilling said that their concerns were addressed in the letter that they provided to the Board. He said they can appreciate what they are doing but Luke Brothers Flooring are not overly excited about the fenced-in area being located directly behind their building to the north. He noted that there is already a dog run as part of the business to the east of their property and felt that there is too much of this type of use in this area.

M.Ott responded that if the residential property to the northeast was commercial, not residential, this request would not have been required to come before the Board of Adjustment for approval. This use is allowed in C-2 zoning. E.Carstens stated that if there are complaints in the future, this request for the dog run would come back before the Board for review.

Brent Culp, Snyder & Associates, Inc. shared that the difference between this and other boarding businesses, is that this business would be open in the morning and closed in the evening. The use would be during normal business hours.

The Board's discussion included allowable uses in C-2, conditions that would be set, if approved, and understanding the concerns that were brought to the Board from the neighboring business.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by B.Walker. Motion carried 4 – 0 – 1 (Abstain: J.Baxter).

Board Action on Filing #24-03 for property located at 217 S Ankeny Boulevard

Motion by B.Walker that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.09(1)B(1) to allow the proposed use of an outdoor animal exercise area on the north side of the building at 217 S Ankeny Boulevard as shown on the attached site plan with three conditions:

1. That any animal in the outdoor exercise enclosure have constant staff attendance;
2. That a sight/sound barrier must be present and maintained for the exercise enclosure as approved by city staff; and
3. That the variance shall be reviewed in response to a complaint related to the outdoor animal exercise area.

The Board's position is based on a determination that an animal grooming and animal boarding business would utilize an outdoor animal exercise area and that the approval is conditioned partially upon constant staff attendance while animals are outside. Constant attendance when animals are outside addresses the noise concerns that the 200-foot separation required by the Code is intended to satisfy and, therefore, 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. Motion carried 4 – 0 – 1 (Abstain: J.Baxter).

#24-04

Neil Brankis

for property located at

522 SW Maple Street

Lot 8, Ankeny Village Plat 3

RE: Variance – Accessory Structure

Chair M.Ott opened the public hearing.

Neil Brankis, Midwest Builders of Iowa, 1451 NE 69th Place on behalf of Mr. and Mrs. Larry Hogue, 522 SW Maple Street, Ankeny said the Hogue's would like to add a one, car garage to their property. They currently have a garage, but it is off-set behind the house and Mrs. Hogue is having difficulty making the turn to get in and out. Neil Brankis said they are willing to remove the small storage building from their property to allow for this additional garage to be built next to the current garage.

There were no questions from the Board.

L.Hutzell reported that the request is for a variance to Ankeny Municipal Code Chapter 191.07.1, for property located at 522 SW Maple Street, allowing for the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property. It is located north of SW Ordinance Road, east of SW Ash Drive, west of SW Cherry Street and south of SW 5th Street. The subject property is zoned R-2, One-Family and Two-Family Residence District, and the 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. L.Hutzell provided a brief history of the property and presented current pictures of the property while explaining the changes that have been made over the years. She stated that the subject lot is 9,450 square feet, and is currently developed with the primary structure, detached garage and an existing 96 square-foot shed located in the southwest corner of the property. She noted that in this case, the 9,450 square-foot lot would allow for 945 square feet to

be occupied by accessory structures. L.Hutzell stated the appellant is proposing to remove the existing 96 square-foot shed, and construct a 308 square-foot garage in addition to the existing 768 square-foot garage, which would result in 1,076 square feet of the total lot area. Due to the total square footage of accessory structures exceeding the maximum allowable 945 square feet by 131 square feet, a variance is required to construct the additional garage as submitted. She shared that the primary constraint of this property is that the existing 768 square-foot garage consumes nearly 81% of the maximum allowable square-footage for accessory structures on this property because it is detached. L.Hutzell commented that a second garage would allow the homeowner easier vehicle access. She explained that if the existing garage was attached to the home, like most single-family residential development today, the property owner would still have all 945 square feet of allowable area for accessory structures. The staff position for this request is that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street, subject to the property owner removing the existing shed. 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.

J.Baxter asked for clarification on the size of the shed. L.Hutzell responded that it is 96 square-feet. M.Ott confirmed that if the garage was attached to the primary structure, a variance would not be required. E.Jensen said that if the current garage and the new garage were attached to the home, a variance would not be required, but further clarified that attaching the garage brings in question their bulk regulations, such as rear yard and side yard setbacks. He said that they would not be able to have a garage this size if it was attached to the house due to the setbacks.

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

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by J.Baxter. All voted aye. Motion carried 5 – 0.

Board Action on Filing #24-04 for property located at 522 SW Maple Street

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 191.07.1, allowing the construction of an additional 308 square-foot garage, resulting in 1,076 square feet of accessory structures for the property located at 522 SW Maple Street subject to the property owner removing the existing shed. The Board's 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. Second by K.Tomlinson. All voted aye. Motion carried 5 – 0.

REPORTS

There were no reports.

There being no further business, meeting adjourned at 5:46 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment