



## **Meeting Agenda**

### **Zoning Board of Adjustment**

**Tuesday, March 22, 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 February 8, 2022 and March 8, 2022 Regular Meetings**

##### **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.

**#22-05**

**Timothy Spicer**

**1710 NE Crestmoor Place**

**Lot 20, Winbury Place Plat 2**

**RE: Variance - Front Yard Setback - Fence**

**F. OLD BUSINESS:**

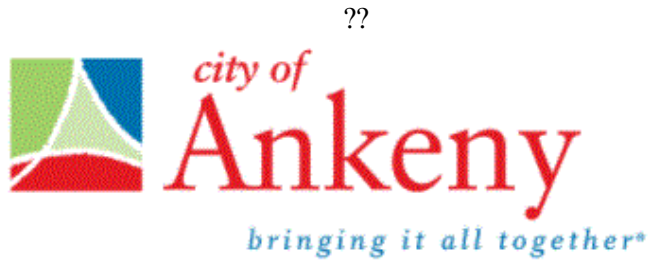
**G. NEW BUSINESS**

**H. REPORTS**

**Renewed Special Use Permits**

**#17-02 Wheel House Pizza Pub - 106 SW State Street, Suite 100**

**I. ADJOURNMENT**



ZONING BOARD OF ADJUSTMENT  
March 22, 2022  
5 : 00 PM

Print

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?? ORIGINATING DEPARTMENT:  
Planning and Building

COUNCIL GOAL:

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ACTION REQUESTED:  
Motion

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LEGAL:

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SUBJECT:  
Minutes of the February 8, 2022 and March 8, 2022 Regular Meetings

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EXECUTIVE SUMMARY:

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FISCAL IMPACT: ??No

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STAFF RECOMMENDATIONS:

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PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

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PUBLIC OUTREACH EFFORTS:

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ACTION REQUESTED:

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ADDITIONAL INFORMATION:

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ATTACHMENTS:

|                                         |
|-----------------------------------------|
| Click to download                       |
| <a href="#">ZBOA Minutes 2022-02-08</a> |
| <a href="#">ZBOA Minutes 2022-03-08</a> |

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# **Meeting Minutes**

## **Zoning Board of Adjustment**

Tuesday, February 8, 2022  
Ankeny City Council Chambers  
1250 SW District Drive, Second Floor, Ankeny, Iowa

### **CALL TO ORDER**

Chair Matt Ott called the February 8, 2022 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

### **ROLL CALL**

Members present: Matt Ott, Kristi Tomlinson and Brett Walker. Absent: Jeff Baxter and Nichole Sungren. Staff present: E.Jensen, E.Carstens, R.Hulstrom, B.Fuglsang.

### **AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

### **MINUTES OF THE JANUARY 4, 2022 REGULAR MEETINGS**

Motion by K.Tomlinson to approve the January 4, 2022 meeting minutes as submitted. Second by B.Walker.  
Motion carried 3 – 0.

### **COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

### **BUSINESS ITEMS**

#### **PUBLIC HEARINGS:**

**#22-02**                      **Elizabeth and James Chrisinger**  
**4611 NE Wanda Drive**  
**Lot 30, Avondale Trace Plat 2**  
**RE: Variance – Rear Yard Setback**

Chair M.Ott opened the public hearing.

James Chrisinger, 4611 NE Wanda Drive said they are asking for a variance to build a sunroom on their existing deck. He shared that they moved to Ankeny approximately four years ago and said part of the decision to purchase their current home was the fact that it backs up to greenspace, Four Mile Creek and the deck. He said their enjoyment on the deck has been inhibited by wind and bugs. James Chrisinger said if they would be allowed to enclose the deck, they would be able to get more enjoyment out of it. He stated that they hired a contractor to build a sunroom on the existing deck and became aware that they would need a 7.5-foot variance before the City could issue a building permit to build the sunroom on the existing deck. He said they would appreciate the Board's consideration to allow the requested variance.

The Board had no questions or comments.

R.Hulstrom reported that the property is located at 4611 NE Wanda Drive, in the northeast quadrant of Ankeny and is zoned PUD. It is identified as Area "D" in the Avondale Trace PUD and the rear yard setback for residences in Area "D" is 35 feet. R.Hulstrom stated the appellant is requesting a 7.5-foot variance to the Avondale Trace Planned Unit Development (PUD) bulk regulations, to allow a 27.5-foot rear yard setback in order to construct a sunroom on top of their current deck. She stated the 16' wide and 14' deep deck was built with the existing home and is located on the east side of the home. There is a considerable amount of open space located east of the subject property, which is owned by the City of Ankeny. The closest residence to the east is approximately 675 feet from the proposed sunroom location. City staff does not anticipate any negative consequences to public safety or access to air and light should the 7.5-foot variance be granted and the sunroom built. She provided details of how the proposed sunroom would be erected on the existing deck.

Notifications were mailed to property owners within 250-feet of the subject address and to date, City staff has not received any communication for or against the request. The staff position is to recommend that the Zoning Board of Adjustment grant a variance to the Avondale Trace PUD bulk regulations, to allow a 27.5-foot rear yard setback for the construction of a sunroom, which would encroach 7.5 feet into the 35-foot rear yard setback at 4611 NE Wanda Drive. 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.

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 K.Tomlinson. All voted aye. Motion carried 3 – 0.

M.Ott had no concerns with the request since the footprint would not be changing. K.Tomlinson also had no concerns due to the amount of greenspace behind their property. B.Walker agreed.

**Board Action on Filing #22-02 property located at 4611 NE Wand Drive**

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to the Avondale Trace PUD bulk regulations, to allow a 27.5-foot rear yard setback for the construction of a sunroom, which would encroach 7.5 feet into the 35-foot rear yard setback at 4611 NE Wanda Drive. The Board's 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. Second by B.Walker. All voted aye. 3 – 0.

**NEW BUSINESS**

The Zoning Board of Adjustment 2021 Annual Report was provided to the Board.

K.Tomlinson placed into nomination M.Ott to serve as Chair. Second by B.Walker. The nomination was accepted by M.Ott. All voted aye.

B.Walker placed into nomination J.Baxter to serve as Vice Chair. Second by M.Ott. All voted aye.

**REPORTS**

Renewed Special Use Permits

#15-19 Hy-Vee Market Café, 410 N Ankeny Blvd.

#18-04 Grumpy Goat Tavern, 810 E 1<sup>st</sup> Street

There being no further business, the meeting adjourned at 5:19 p.m.



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment

# **Meeting Minutes**

## **Zoning Board of Adjustment**

Tuesday, March 8, 2022  
Ankeny City Council Chambers  
1250 SW District Drive, Second Floor, Ankeny, Iowa

### **CALL TO ORDER**

Chair Matt Ott called the March 8, 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 Nichole Sungren. Absent: Brett Walker. Staff present: E.Jensen, E.Carstens, R.Hulstrom, B.Morrissey, B.Fuglsang.

### **AMENDMENTS TO THE AGENDA**

There were no amendments to the agenda.

### **MINUTES OF THE FEBRUARY 8, 2022 REGULAR MEETINGS**

Motion by M.Ott to approve the February 8, 2022 meeting minutes as submitted. Second by K.Tomlinson. Motion failed 2 – 0 – 2 (Abstain: J.Baxter and N.Sungren). The February 8, 2022 meeting minutes were tabled until the Tuesday, March 22, 2022 meeting.

### **COMMUNICATIONS / CORRESPONDENCE**

There were no communications.

### **BUSINESS ITEMS**

#### **PUBLIC HEARINGS:**

**#22-03**

**DRA Properties/Silk Elephant  
2410 SW White Birch Drive, Suite 108  
Lot 6, Plaza Shops at Prairie Trail Plat 1  
RE: Special Use Permit**

Chair M.Ott opened the public hearing.

Orathai Sae Lao, 2410 SW White Birch Drive, Suite 108, Ankeny said they are requesting a Special Use Permit to sell alcohol on the patio along with food at the Silk Elephant restaurant. She said they will be open seven days a week from 11:00 a.m. – 2:30 p.m. and 4:30 p.m. to 9:00 p.m. She stated that the patio will not have any music, they only plan to service food and beverages.

K.Tomlinson commented that the staff report stated 2:00 p.m., and asked whether the hours will be 2:00 p.m. or 2:30 p.m. Orathai Sae Lao said 11:00 a.m. to 2:30 p.m., they will have a breaktime and come back at 4:30 p.m. to 9:00 p.m.

B.Morrissey reported the property is located at 2410 SW White Birch Drive Suite 108 and contains a restaurant named the Silk Elephant. He said it is located at the intersection of SW Plaza Parkway and SW White Birch Drive and is zoned Prairie Trail PUD. He stated all neighboring properties are also part of the PUD. B.Morrissey said the applicant is requesting a Special Use Permit for the restaurant to allow for an outdoor service area that will serve alcohol. He noted that although they are under the same zoning classification, there are properties to the north and west that are within 500 feet and residential in nature, which requires a Special Use Permit. B.Morrissey explained that the proposed outdoor service area is located on the north side of the property adjacent to SW Plaza Parkway. He commented that the patio is approximately 49-feet long and 19-feet deep and will not encroach on any public sidewalks. The patio area will need to be retained via a perimeter that will separate it from surrounding features in the area. He said the proposed hours of operation for the patio are 11:00 a.m. - 2:00 p.m. and 4:30 p.m. - 9:00 p.m. Monday-Sunday and the patio will need to adhere to noise requirements of the Municipal Code Chapter 44, Noise Control and obtain a liquor license from the state.

B.Morrissey stated that Staff has not received any correspondence in support or against the request. Staff recommends that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to DRA Properties/Silk Elephant at 2410 SW White Birch Drive, Suite 108 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. All appropriate building permits and building code regulations need to be reviewed and met.
3. Seating on the patio for 20 persons.
4. Hours of operation are from 11:00a.m.-2:00p.m. and 4:30p.m.-9:00p.m. Monday-Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

J.Baxter said the hours of operation stated by the applicant are different from the Staff recommendation. E.Jensen responded that the applicant's letter does state 2:00 p.m., but she now requested 2:30 p.m., so he recommended that the Board set the hours of operation from 11:00 a.m. to 9:00 p.m. Monday-Sunday, which would allow them to set their own breaktime hours.

Orathai Sae Lao informed the Board that the fence has been installed around the patio.

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.

The Board had no concerns with the request.

#### **Board Action on Filing #22-03 property located at 2410 SW White Birch Drive, Suite 108**

Motion by J.Baxter that the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to Silk Elephant at 2410 SW White Birch Drive, Suite 108 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. All appropriate building permits and building code regulations need to be reviewed and met.
3. Seating on the patio for 20 persons.
4. Hours of operation are from 11:00a.m. - 9:00p.m. Monday-Sunday.
5. This Special Use Permit may be reviewed annually by staff for approval.

Second by K.Tomlinson. All voted aye. 4 – 0.

#### **#22-04**

**Chestnut Signs/Horizon Hotels Iowa LLC  
2602 SE Hulsizer Road  
Lot 1, Hulsizer Commercial Plat 1  
RE: Variance - Off-Premise Sign**

Chair M.Ott opened the public hearing.

Donovan Chestnut, Chestnut Signs, 971 NE Broadway Avenue, Des Moines representing the Holiday Inn Express and Staybridge Suites hotels. He said they are requesting a variance to the Code for an off-premise sign. He presented a drawing and explained the basic site layout for both the Holiday Inn Express and Staybridge Suites hotels. He stated that they are proposing one monument sign on the Staybridge Suites property to advertise both hotels. Donovan Chestnut stated that the Code does allow them to have two monument signs, but they would like to forgo the right to have a monument sign on the Holiday Inn Express

property. He feels the proposed placement is the best location for visibility coming from SE Oralabor Road heading northbound. He asked the Commission if they had any questions.

J.Baxter confirmed with the applicant the location of the monument sign. Donovan Chestnut confirmed the location and said the other notations on the site plan are for building signs.

The Board had no further questions or comments.

R.Hulstrom reported the subject property is located at 2602 SE Hulsizer Road, west of SE Hulsizer Road and north of SE Oralabor Road. The property is zoned M-1, Light Industrial District and is the anticipated future location for a Staybridge Suites hotel. She stated the variance request from the applicant is to allow another business, Holiday Inn Express, located north of the subject site at 2502 SE Hulsizer Road to utilize a panel within a proposed monument sign located at 2602 SE Hulsizer Road to advertise their business. R.Hulstrom stated the Ankeny Municipal Code Section 195.05(7) states, *"No sign shall be on property other than the premises on which the business, commodity, service, or entertainment is located"*. The Holiday Inn Express panel within the proposed ground sign would be considered off-premise signage. Public notices were sent to property owners within 250-feet of the subject site, a notice was published in the Des Moines Register and staff has not received any comments from the public in opposition or support of the proposed variance request. The Staff position is to grant a variance to Ankeny Municipal Code Section 195.05(7), to allow for an off-premise user to advertise on a panel as part of a monument ground sign at 2602 SE Hulsizer Road subject to the following conditions:

1. No other ground or monument signage will be allowed for the uses included on the proposed sign, with the exception of accessory or directional signage as determined by staff and
2. The total sign area cannot exceed 100 square feet.

Staff's position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood, and that it is found to be 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 documents. Second by K.Tomlinson. All voted aye. Motion carried 4 – 0.

The Board had no concerns with the request.

#### **Board Action on Filing #22-04 property located at 2602 SE Hulsizer Road**

Motion by N.Sungren that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 195.05(7), to allow for an off-premise user to advertise on a panel as part of a monument ground sign at 2602 SE Hulsizer Road subject to the following conditions:

1. No other ground or monument signage will be allowed for the uses included on the proposed sign, with the exception of accessory or directional signage as determined by staff and
2. The total sign area cannot exceed 100 square feet.

The Board's position is based upon the determination that the sign complies with all other sections of the sign code, that the variance would not adversely affect the neighborhood, and that it is found to be in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by M.Ott. All voted aye. 4 – 0.

#### **NEW BUSINESS**

There was no new business.

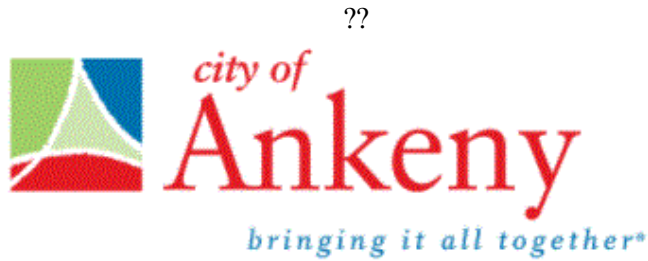
#### **REPORTS**

There were no reports.

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



Submitted by Brenda Fuglsang, Board Secretary  
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT  
March 22, 2022  
5 : 00 PM

Print

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?? ORIGINATING DEPARTMENT:  
Planning and Building

COUNCIL GOAL:

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ACTION REQUESTED:  
Public Hearing

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LEGAL:

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SUBJECT:

#22-05

Timothy Spicer

1710 NE Crestmoor Place

Lot 20, Winbury Place Plat 2

RE: Variance - Front Yard Setback - Fence

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EXECUTIVE SUMMARY:

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FISCAL IMPACT: ??No

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STAFF RECOMMENDATIONS:

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PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

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PUBLIC OUTREACH EFFORTS:

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ACTION REQUESTED:

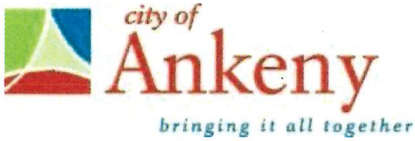
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ADDITIONAL INFORMATION:

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ATTACHMENTS:

|                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------|
| Click to download                                                                                                                   |
|  <a href="#">Applicant Submittal Docket #22-05</a> |
|  <a href="#">Staff Report</a>                      |



22-05

# APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other \_\_\_\_\_

Applicant Timothy Spicer

Address / Phone # 1710 NE Crestmoor Pl, Ankeny 50021/ 248-910-0086

E-mail \_\_\_\_\_

Property Owner Timothy Spicer and Laura Ingleby

Address / Phone # 1710 NE Crestmoor Pl, Ankeny 50021/ 248-910-0086

E-mail \_\_\_\_\_

(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 2nd day of July, 2021

Location (address) of the proposed variance 1710 NE Crestmoor Pl, Ankeny, IA 50021

Legal description (Plat & Lot #) Plat 2 & Lot 20

Zoning R-2 Principal Use of property Single Family Primary Residence

### 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 # 191.14 (2) which state(s) \_\_\_\_\_  
...fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements...

If your commission would allow our family to build a fence 12' beyond our setback requirements, towards the bike path. This would not only provide us with a

### I would propose the following in lieu of that required:

semblance of privacy, which has been hard to come by considering we are right off the bike path along 18th street, but it would also enclose and let us enjoy our single mature tree in our backyard instead of fencing it out. We would keep it in line with the fence line of the home that is 2 homes down from us (just West), thus keeping a look of continuity and not limit any sight lines in any significant ways. We appreciate your consideration to help us add privacy for our family.

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.

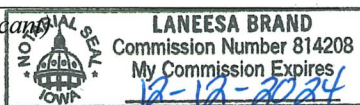
Complete submittals are required for review.

### 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 of Applicant)



Signed and sworn to before me, this

25th day of February, 2022

[Signature]  
(Notary Public)

|                       |                                                                                                     |                 |  |
|-----------------------|-----------------------------------------------------------------------------------------------------|-----------------|--|
| RECEIVED              |                                                                                                     | Office Use Only |  |
| Date received _____   | Paid <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check # <u>1119</u> \$/20.00 |                 |  |
| Filing # <u>22-05</u> | Scheduled Meeting Date <u>8-22-2022</u>                                                             |                 |  |
| CITY OF ANKENY        |                                                                                                     |                 |  |

## Statement for Appeal

To Whom It May Concern:

My family and I moved to Ankeny a little over 2 years ago. Though we have greatly appreciated having a bike path so close, that bike path also proves to provide a constant stream of citizens near to any backyard activity we may be having. Though this was an obvious concern when moving to a corner lot, though we assumed we would be able to build a fence sufficient to provide the privacy and space we would cherish. The current code allows us to install a fence, but at its current approved placement for a 6' fence, it would not only cut off additional backyard space, but more importantly it would put the only backyard tree that we have outside that fence. A shorter fence further out would not provide the privacy we would appreciate. Hence, we are appealing for a variance to allow us to include the tree in our fenced in backyard to help provide enjoyably shaded space to spend time with my family in more privacy and comfort. As seen in the pictures it would give a little more space to enjoy our deck and other activities that otherwise would feel constrained. Also, we feel that these additional feet encroachment on the setback from the easement extending from our house northward towards 18th, would not be any sort of a line sight hinderance looking from Crestmoor Pl street.

We are requesting a 10-foot encroachment on the required 30-foot setback. Our house is set 34 back from the edge of the easement (on the north side facing 18<sup>th</sup> street), thus the total distance from our house would be 14 feet (10 being the encroachment).

We greatly appreciate your consideration of this variance request.

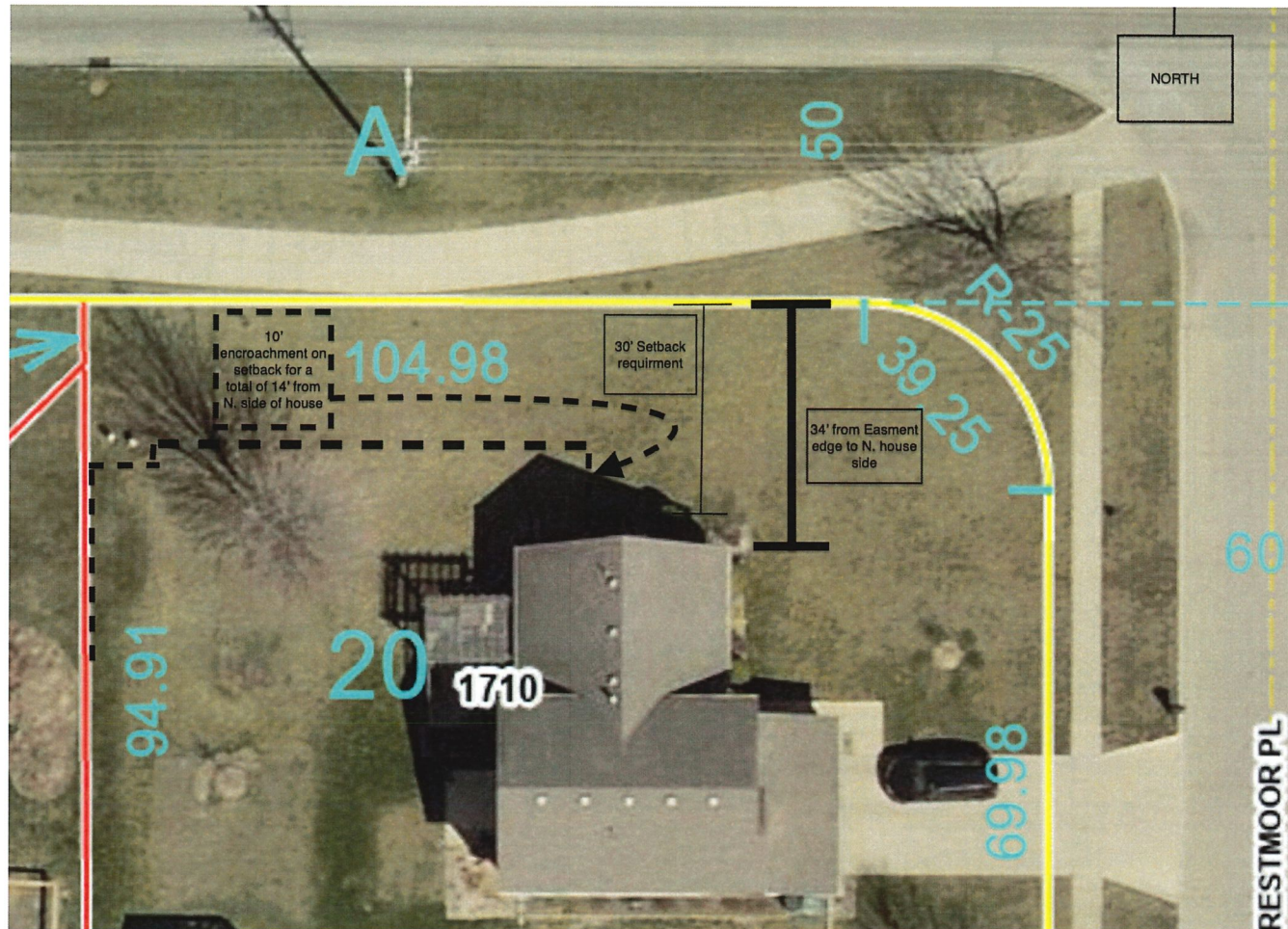
Sincerely,

Timothy Spicer and Family

22-05



22-05





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

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**To:** Members of the Zoning Board of Adjustment  
**From:** Ruth Hulstrom, Associate Planner  
**Filing #:** 22-05 *EJC*  
**Meeting Date:** March 22, 2022  
**Address:** 1710 NE Crestmoor Place

**APPELLANT REQUEST**

A variance to the Ankeny Municipal Code Section 191.14(2) that limits the height of fences in required front yards, allowing a 6-foot tall privacy fence to be built and encroach 10 feet into the front yard setback along the north property line at 1710 NE Crestmoor Place.

**STAFF POSITION**

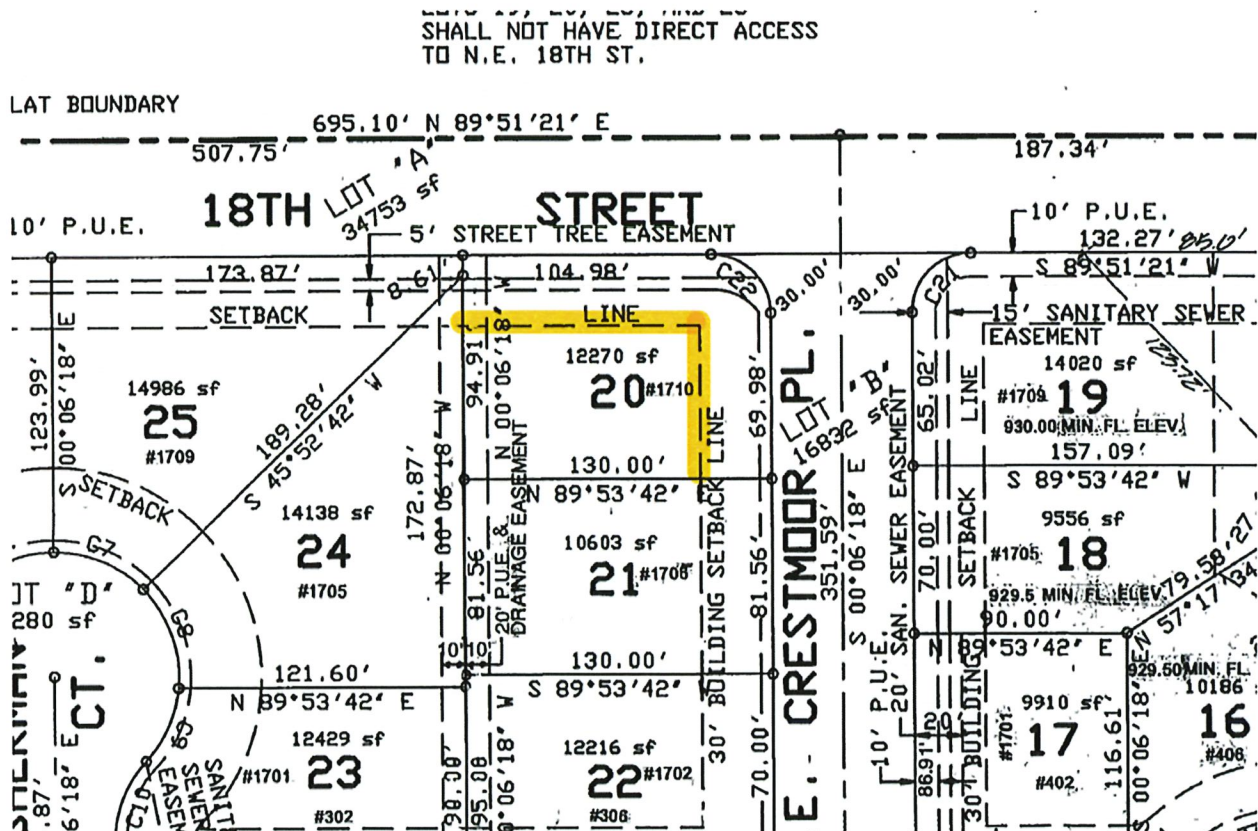
That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), allowing a 6-foot tall privacy fence to encroach approximately 10 feet into the front yard setback adjacent to NE 18<sup>th</sup> Street at 1710 NE Crestmoor Place, subject to additional landscaping being installed between the fence and the property line along NE 18<sup>th</sup> Street.

Staff's position is based on a determination that the decreased front yard setback from the resulting fence would not impair adequate supply of air and light, would not increase public danger of visibility, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

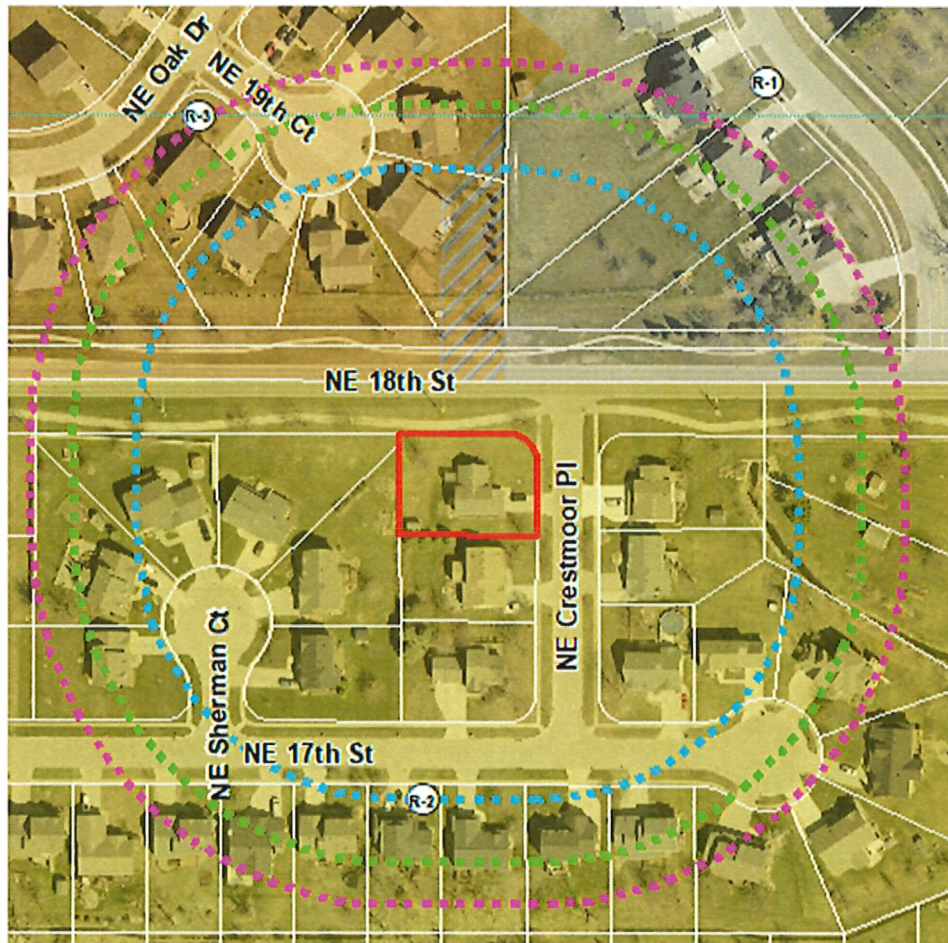
**PROJECT SUMMARY**

The subject property is located at 1710 NE Crestmoor, in an established residential neighborhood, which is zoned R-2, One-Family and Two-Family Residence District. The site is legally described as Lot 20 of Winbury Place Plat 2, which requires a 30-foot front yard setback. The site is considered a corner lot and front yard regulations apply to both the north and east sides of the property.

Ankeny Municipal Code Section 191.14(2) states, "*Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements*". The appellant has requested a variance to allow for a 6-foot tall privacy fence to be built adjacent to the north property line and encroach 10 feet into the 30-foot required front yard setback adjacent to NE 18<sup>th</sup> Street.



The subject property, outlined in red below, is zoned R-2, One-Family and Two-Family Residence District (identified in darker yellow). The majority of properties within 250 feet of the subject property are also zoned R-2. There are a few properties located on the north side of NE 18<sup>th</sup> Street that are zoned either R-3, Multiple-Family Residence District or R-1, One-Family Residence District. When calculating properties within 250 feet of an appeal, City staff generally excludes right-of-way. The image below outlines the subject property and includes various buffers based on the right-of-way that needs to be excluded. The blue circle identifies properties that are exclusively within 250 feet of the subject property. The green circle identifies properties within 310 feet of the subject property and accounts for the 60 feet of right-of-way created by NE Crestmoor Place or NE 17<sup>th</sup> Street. A 350-foot buffer is shown in pink and compensates for the 100 feet of right-of-way created by NE 18<sup>th</sup> Street to the north.



The subject property is a split-level detached house on a 12,270 square foot lot. Adjacent properties are two-story or split-level detached homes. The Polk County Assessor's records show that the house was built in 1998. The building permit issued by the City for the subject house shows a 34-foot setback on the north side of the property. Laura Ingleby and Timothy Spicer, the appellants, were deeded the subject property November 14, 2019.

On June 8, 2021, City staff received an application requesting a fence permit for a 6-foot tall wooden fence that would encroach into the front yard setback adjacent to NE 18<sup>th</sup> Street. City permitting staff informed the applicant that the fence permit could not be approved because it exceeded the 42 inches allowed by Code.

More specifically, Ankeny Municipal Code Section 191.14(2) states, *“Residential fences shall be permitted in any yard in residential zoning districts or residential use areas. Front and side yards adjacent to a street in residential zone districts shall be considered front yards and fences in front yards shall not exceed 48 inches in height if chain link and 42 inches in height for all other fence materials. On corner lots fences that exceed 48 inches in height if open chain link and 42 inches in height for all other fence materials shall conform to principal building setback requirements”*

On June 16, 2021, the appellant called City permitting staff and staff provided the appellant information about requesting a variance. After not hearing anything regarding the permit for four months, City permitting staff closed the permit. If the Board chooses to grant the variance, the appellant will need to submit a new fence permit application.

On February 28, 2022, City staff received a Zoning Board of Adjustment application requesting a variance to allow a 6-foot tall wooden fence to be installed and encroach a maximum of 10 feet into the required 30-foot front yard setback adjacent to NE 18<sup>th</sup> Street. A site drawing of the subject property is provided with the submittal items from the appellant. The proposed fence is shown to attach to the north edge of the house and run 14 feet north and then run west to the rear property line. The fence would then head south along the rear property line. As noted before, a 10-foot PUE and drainage easement exist on the west or rear property line. Since the fence is proposed to be a wooden privacy fence, the appellant will need to make sure that the fence is raised slightly on the west side of the property so that water can properly drain along this area.

City staff visited the subject property on March 10, 2022 and collected photographs of the existing site, see images below.



Looking west towards the subject property from the east side of NE Crestmoor Place.



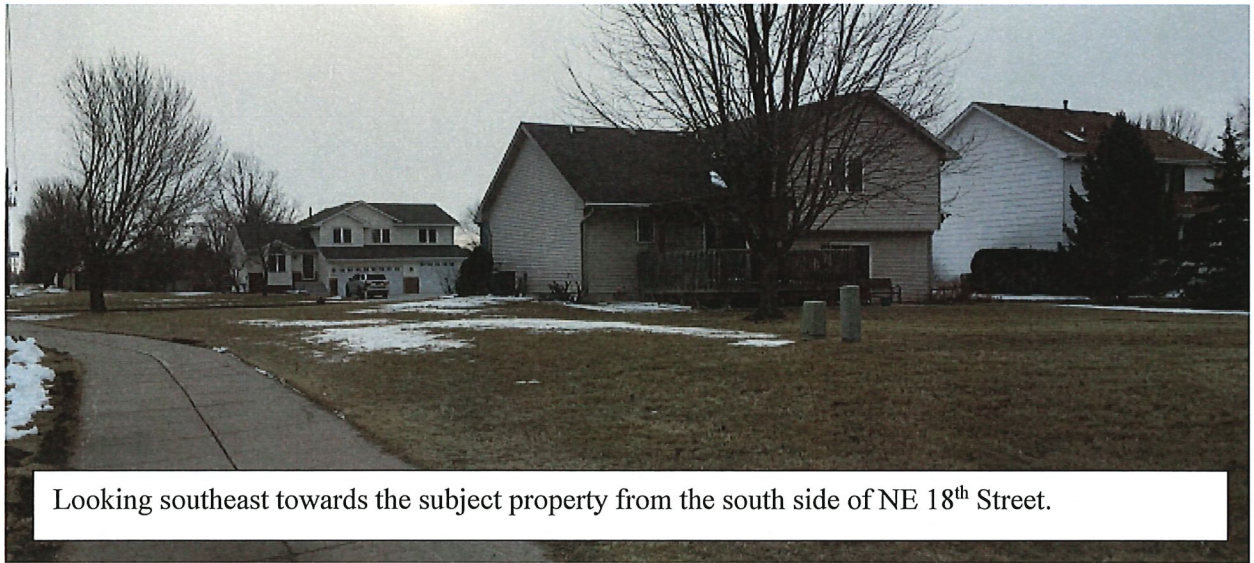
Looking southwest towards the subject property from the southeast corner of NE 18<sup>th</sup> Street and NE Crestmoor Place.



Looking southwest towards the subject property from the north side of NE 18<sup>th</sup> Street.



Looking south towards the subject property from the north side of NE 18<sup>th</sup> Street.



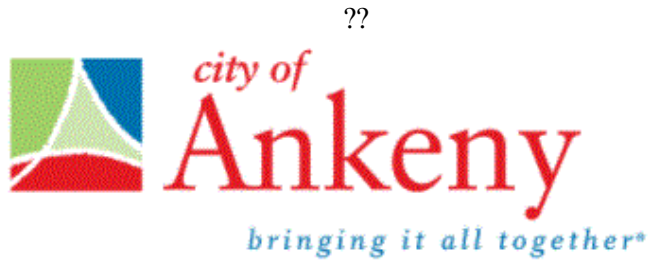
Looking southeast towards the subject property from the south side of NE 18<sup>th</sup> Street.

Given how far back the proposed fence is anticipated to be located, City staff has limited concern that the fence would create any visibility issues.

The Board has granted other similar requests in the past. The most recent appeal being #21-17 at 2417 NW Boulder Ridge Court. A variance was approved on August 17, 2021 to allow a 6-foot tall privacy fence to encroach 6 feet into the 30-foot required front yard setback at this address.

City staff's position is to recommend that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 191.14(2), allowing a 6-foot tall wooden fence to encroach approximately 10 feet into the front yard setback adjacent to NE 18<sup>th</sup> Street at 1710 NE Crestmoor Place, subject to additional landscaping being installed between the fence and the property line along NE 18<sup>th</sup> Street.

Staff's position is based on a determination that the decreased front yard setback from the resulting fence would not impair adequate supply of air and light, would not increase public danger of visibility, 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  
March 22, 2022  
5 : 00 PM

Print

??

?? ORIGINATING DEPARTMENT:  
Planning and Building

COUNCIL GOAL:

??

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ACTION REQUESTED:

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LEGAL:

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SUBJECT:

Renewed Special Use Permits

#17-02 Wheel House Pizza Pub - 106 SW State Street, Suite 100

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EXECUTIVE SUMMARY:

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FISCAL IMPACT: ??No

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STAFF RECOMMENDATIONS:

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PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

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PUBLIC OUTREACH EFFORTS:

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ACTION REQUESTED:

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ADDITIONAL INFORMATION:

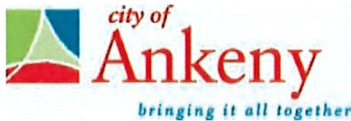
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ATTACHMENTS:

Click to download

[Renewed Special Use Permits](#)





City of Ankeny  
Outdoor Service Area Renewal Application

**\*Special Permit Resolution # 17-02**

Approved May 2, 2017

**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: Crankie's Inc.  
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Wheel House Pizza Pub

Address of Premise: 106 SW State Street, Suite 100

- 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

Mason C. Evans

Name of Applicant (printed)

3/2/22

Date

ADMINISTRATIVELY  
 **APPROVED**

3/7/22 EJC