

Meeting Minutes

Zoning Board of Adjustment

Tuesday, March 22, 2022

Ankeny City Council Chambers

1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the March 22, 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, Nichole Sungren and Brett Walker. Staff present: E.Jensen, E.Carstens, R.Hulstrom, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE FEBRUARY 8, 2022 and MARCH 8, 2022 REGULAR MEETINGS

Motion by K.Tomlinson to approve the February 8, 2022 meeting minutes as submitted. Second by B.Walker.

Motion carried 3 – 0 – 2 (Abstain: J.Baxter and N.Sungren).

Motion by J.Baxter to approve the March 8, 2022 meeting minutes as submitted. Second by N.Sungren. Motion carried 4 – 0 – 1 (Abstain: B.Walker).

COMMUNICATIONS / CORRESPONDENCE

Chair M.Ott asked to have the record reflect that the members of the Board received correspondence, from Barbara Meckstroth, Chris Gilroy and Linda Schanus, which will be received and filed as part of the public hearing for Appeal #22-05.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-05

**Timothy Spicer
1710 NE Crestmoor Place
Lot 20, Winbury Place Plat 2
RE: Variance – Front Yard Setback – Fence**

Chair M.Ott opened the public hearing.

Timothy Spicer, 1710 NE Crestmoor Place, said they moved into their home in 2019 and knew that with it being located on a corner lot and next to the bike path that they would want to build a fence for privacy. He stated that after they moved in they learned that per City code, the fence would have to be much lower or a see-thru fence, which would not allow them any privacy in their back yard. Timothy Spicer said their request is for a 6-foot high fence encroaching 10-feet into the setback to provide more privacy in their back yard and also keep the one shade tree that is in their back yard. They feel the distance of the fence from the NE corner of their lot will not be a sight line hinderance for people turning from or onto NE Crestmoor Place. He thanked the Commission for their time.

M.Ott asked if Mr. Spicer was aware of Staff's recommendation and inquired whether he had any concerns with the requirement of adding additional landscaping, if approved. Timothy Spicer said they are okay with the requirement but will work with the City as he believes there is a fiber line that runs through the area to NE Elementary School.

R.Hulstrom reported that the applicant is requesting a variance to construct a 6-foot tall wooden fence that would encroach into the front yard setback adjacent to NE 18th Street for the subject property located at 1710 NE Crestmoor Place. It is generally located south of NE 18th Street and west of NE Crestmoor Place. The required front yard setback for the lot is identified as 30-feet, with a 10-foot PUE and 5-foot tree easement on the north

side of the subject property and a 10-foot PUE and drainage easement along the west edge of the property. She stated the property is zoned R-2, One-Family and Two-Family Residence District and noted that the majority of the properties surrounding the property are zoned R-2. She presented a map identifying the zoning areas. R.Hulstrom referenced Ankeny Municipal Code Section 191.14(2), which is the reason the applicant is requesting a variance. The request is for the 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 18th Street. 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. R.Hulstrom said that given how far back the proposed fence is anticipated to be located from the intersection of NE Crestmoor Place and NE 18th Street, City staff has limited concern that the fence would create any visibility issues. 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 18th Street at 1710 NE Crestmoor Place, subject to additional landscaping being installed between the fence and the property line along NE 18th 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.

N.Sungren commented that since the Board has received some feedback from the neighbors, she inquired as to what is included in the notice that is mailed to the public. R.Hulstrom explained that the public notice includes the location of the property, a general outline of the request and the code section related to their request along with an aerial map. She said it also provides contact information for Staff, and has a website link for them to view the entire agenda packet on the Friday prior to the meeting, which is the same information the Board is provided.

K.Tomlinson asked what staff's thoughts are regarding the landscaping requirement if there is a fiber line running through that area. E.Carstens said there should be at least 10-feet from where they want to place the fence to the utility easement.

The Board had no further questions.

Marcia Smith, 1902 NE Bel-Aire Drive said she did receive the notice with the information regarding the request. She commented that at first, they had concerns as NE 18th Street is very busy and they live around a lot of schools. Marcia Smith stated that due to her not being aware of where they were going to locate the fence, she came to the meeting in opposition. Now that she sees the proposed location, she understands there is no danger to city utilities, traffic or pedestrians. She now supports the request.

Chair M.Ott shared the concerns that were stated in the correspondence received by the Board.

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

M.Ott asked that there be a specific amount of landscaping stipulated in the motion.

E.Carstens shared Staff's standard landscaping comment for fences that don't require a variance, particularly rear yard fences. They require two trees.

J.Baxter addressed the sight line questions, most of the cars that will be at the stop sign and would actually have to look back to see the fence and does not feel there are any potential blockage of view on NE 18th Street.

Board Action on Filing #22-05 property located at 1710 NE Crestmoor Place

Motion by J.Baxter 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 18th Street at 1710 NE Crestmoor Place, subject to additional landscaping being installed between the fence and the property line along NE 18th Street, a minimum of two trees. The Board'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. Second by N.Sungren. All voted aye. Motion carried. 5 – 0.

NEW BUSINESS

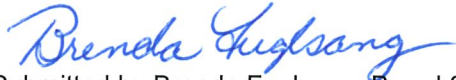
There was no new business.

REPORTS

Renewed Special Use Permits

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

There being no further business, the meeting adjourned at 5:28 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment