



Meeting Agenda

Zoning Board of Adjustment

Tuesday, February 8, 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 January 4, 2022 regular meeting

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.

#22-02

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

F. OLD BUSINESS:

G. NEW BUSINESS

- **Zoning Board of Adjustment 2021 Annual Report**
- **Election of Chair and Vice Chair**

H. REPORTS

**Renewed Special Use Permits
#15-19 Hy-Vee Market Cafe, 410 N Ankeny Blvd.
#18-04 Grumpy Goat Tavern, 810 E 1st Street**

I. ADJOURNMENT



ZONING BOARD OF ADJUSTMENT

February 8, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Motion

LEGAL:

SUBJECT:

Minutes of the January 4, 2022 regular meeting

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [ZBOA Minutes 2022-01-04](#)

Meeting Minutes

Zoning Board of Adjustment

Tuesday, January 4, 2022
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the January 4, 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, L.Hutzell, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE NOVEMBER 16, 2021 and DECEMBER 7, 2021 REGULAR MEETINGS

Motion by K.Tomlinson to approve the November 16, 2021 meeting minutes as submitted. Second by N.Sungren. Motion carried 3 – 0 – 2. (Abstain: J.Baxter and B.Walker)

Motion by J.Baxter to approve the December 7, 2021 meeting minutes as submitted. Second by B.Walker. Motion carried 3 – 0 – 2. (Abstain: M.Ott and N.Sungren)

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#22-01 **Tyler Christowski**
2103 NW Reinhart Drive
Lot 14, Centennial Pointe Plat 6
RE: Variance – Rear Yard Setback

Chair M.Ott opened the public hearing.

Tyler Christowski, Downing Construction, 509 E Scenic Valley Avenue, Indianola representing the homeowner at 2103 NW Reinhart Drive, Ankeny. He said there is an existing 12x12-foot deck on the backside of the home. He is requesting to place a roof over the existing deck, which would encroach into the 35-foot setback by 3-feet.

The Board had no questions or comments.

L.Hutzell reported the subject property at 2103 NW Reinhart Drive is owned by Jerry and Jeanne Zwald. The proposal is to construct a 12x12-foot roof to cover the existing deck. She said the zoning for the area is R-2, One-Family and Two-Family Residence District. L.Hutzell stated the applicant has requested a variance to allow the required 35-foot rear yard setback be reduced to 32-feet. She shared that a building permit to cover the existing 12x12-foot deck was submitted and was placed on hold since construction of the roof would extend into the 35-foot rear yard setback. She noted Code Section 192.05(3)E and presented a diagram showing the proposed roof over the existing deck. L.Hutzell said construction of the proposed roof will not infringe on the properties to the east or west. Notification was sent regarding this appeal to all property owners within 250' of the subject property and to date, staff has not received any communication expressing concern or disapproval, nor communication endorsing the variance. The Staff position is to grant a variance to Ankeny Municipal Code Section 192.05(3)E to allow a 32-foot rear yard setback for construction of a 12x12-foot portion of a covered deck at 2103 NW Reinhart Drive. Staff's position is based on a determination that the decreased rear yard

setback from the resulting covered deck would not impair adequate supply of air and light, would not decrease 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.

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 5 – 0.

There were no comments or concerns

Board Action on Filing #22-01 property located at 2103 NW Reinhart Drive

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)E to allow a 32-foot rear yard setback for construction of a 12x12-foot portion of a covered deck at 2103 NW Reinhart Drive, subject to the applicant acquiring all necessary building permits. The Board's position is based on a determination that the decreased rear yard setback from the resulting covered deck would not impair adequate supply of air and light, would not decrease 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 B.Walker. All voted aye. 5 – 0.

NEW BUSINESS

Board Secretary B.Fuglsang reviewed the Boardview Novus Agenda program with Board members. The Boardview Novus Agenda will be utilized in future Board meetings.

REPORTS

J.Baxter asked staff about the status of the code rewrite. E.Jensen provided the Board with an overview of the progress that has been made to date.

E.Jensen shared with the Board the 2021 calendar year-end building permit numbers for Ankeny.

There being no further business, the meeting adjourned at 5:29 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment



ZONING BOARD OF ADJUSTMENT

February 8, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-02

Elizabeth and James Chrisinger

4611 NE Wanda Drive

Lot 30, Avondale Trace Plat 2

RE: Variance - Rear Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

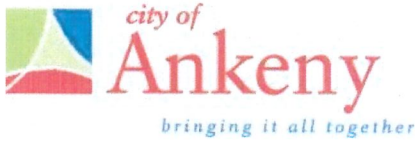
ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-02
 Staff Report

#22-02



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Elizabeth & James CHRISINGER

Address / Phone # 4611 NE Wanda Drive, Ankeny IA 50021 James (515) 321-2142
Liz (206) 643-0693

E-mail jimchrisinger@gmail.com lizchrisinger@gmail.com

Property Owner Elizabeth & James CHRISINGER

Address / Phone # 4611 NE Wanda Drive, Ankeny, IA 50021 James (515) 321-2142
Liz (206) 643-0693

E-mail jimchrisinger@gmail.com lizchrisinger@gmail.com
(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 _____ day of _____, 20____

Location (address) of the proposed variance 4611 NE Wanda Drive

Legal description (Plat & Lot #) Avondale Trace Plat 2 Lot:30

Zoning PUD Principal Use of property Residential

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 # _____ which state(s) _____

I would propose the following in lieu of that required: a ~~5.5~~ 5.5 foot variance, enabling us
to build a 12 foot projection sunroom

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.

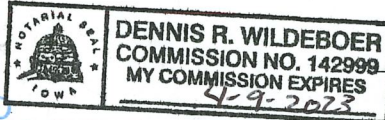
AFFIDAVIT

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.

Sarah D. Christy
(Signature of Applicant)

Signed and sworn to before me, this
6th day of January, 2022.
Dennis R. Wildeboer
(Notary Public)



RECEIVED

Date received <u>JAN 12 2022</u>	Paid ☐ Cash ☒ Check # <u>1105 \$120.00</u>	Office Use Only
Filing # <u>22-02</u> CITY OF ANKENY	Scheduled Meeting Date <u>2-8-2022</u>	

TO: The City of Ankeny Zoning Board of Adjustment

FROM: James and Elizabeth Chrisinger, Joint Tenants with Rights of Survivorship, of 4611 NE Wanda Drive, Ankeny, Iowa

RE: Request for a Seven and a Half Foot Variance to Build a Sunroom on top of an Existing Open Deck at the Above Property

DATE: January 12, 2022, amended January 26, 2022

Dear Board Members,

Action Requested:

We request a variance in order to build a four season sunroom on top of our current, open deck, which projects 14' from the back of the house and is 27.83' from the rear property line. The house is 41.5 feet from the rear property line. The setback is 35". In order to make our deck into a sunroom, we are requesting a 7.5' variance.

Proposed Project:

Attached as Exhibit A is a site plan of the current house and deck. The structure will be 12' by 12', smaller than the current deck of 12' deep and 16' wide. Attached is Exhibit B, a computer mock up of the proposed sunroom. The roofline will follow the current roofline but be a foot below it. The south side of the sunroom will be snug up against the south side of the current deck. On the north side, there will be about four and a half to five feet of new decking. We will move the steps from the south side of the deck to the north side or have them run parallel to the house on the east side. The entire structure except the roof and structural beams will be a special double paneled glass. We will also have shades for privacy when dark outside.

Steps Taken:

We have gone to some length select a builder for this project and decided to hire a company, City Builders, located in Cedar Falls, which is the local affiliate of Four Seasons Sunrooms and Windows, a national expert in the design and building of sunrooms. Mr. Wildeboer, our proposed contractor, came to our home, surveyed the site and discussed options with us. We visited City Builder's showroom. Mr. Wildeboer took us to two homes where they had constructed sunrooms similar to the one we are hoping to build. The workmanship on both was excellent. In talking to these clients it was clear they were very happy with the end product, the process and working with Mr. Wildeboer. We then met with Mr. Wildeboer to finalize our plans and give a downpayment, with the understanding that he would be applying for a building permit.

City Builders did apply for a building permit. On December 15, 2021, the permit was denied by Kathy Dozier, because of the setback requirement.

Mr. Wildeboer then traveled to Ankeny to meet us in our home and walked us through this appeals process. In addition, we visited with Kathy Dozier, Deb Gervais, and Ruth Hulstrom who assisted us further with this process. All three were quite responsive and helpful.

The Impact of Addition on Us and on our Community:

Impact on Us:

Being able to use our deck has been very important for our sanity during COVID. It has given us a place to retreat to from the confines of our home, a place to entertain, get together in a safe way and get fresh air. We are both high risk for COVID so we must be extra careful. But we have been driven off the deck more often than not because of the high winds and biting

bugs. We have tried a number of things to no avail. Having a place where we could sense the outdoors, be free of bugs and wind, getting together with others in a well-ventilated environment would be so therapeutic in these difficult times.

Impact on the Community:

View, Air, Space:

The rear of our house backs up to our back yard, then a green space, then a bike trail, then a green space (also known as a "flood plain"), then trees, then Four Mile Creek, then trees, another flood plain, and then some houses. So our proposed sunroom will have absolutely no impact on the light, enjoyment or space of those behind us.

We have houses to the north and south of us. To the north, the back of that house is set back about 15 feet from the back edge of our house. That neighbor will probably only be able to see the edge of the sunroom. The sunroom would not be impacting his light and space that much because his house sits on the corner of NE 47 and NE Wanda Drive, giving him much space and air around him, not to mention the bike trail etc. as stated above.

To our south is a home that backs to the bike trail, Four Mile Creek, etc. as stated above. Their view to their north would be impacted to some extent. This, however, is not of great concern because their view to their north past our house is NE 47th. But the view to the south of their house is the lovely bike path disappearing into a lush stand of trees. I suspect they don't gaze out onto NE 47th with much regularity as it is.

The second house to our south is set on an angle facing south to the stand of trees mentioned in the previous paragraph. As the house sits, I don't think they can see our deck at all.

Property Values:

In talking about property values, I will focus on the value of the homes that back up to the bike trail because that is where the sunroom will be and the houses along the bike trail form kind of a "street" of homes. I believe that the sunroom on our home would increase the value of the NE Wanda Dr. homes that back up to the bike trail. The bike trail curves a bit and for quite a ways borders the backs of very nice, large three story homes with large decks and sunrooms, and are much more expensive than those on NE Wanda Dr. By putting a sunroom on our home, we will significantly improve the cost profile of homes next to us, making it appear much grander than it is. And it would fit with the homes just down the bike trail. This would give the impression that the high priced neighborhood extends and includes all the homes including ours all the way to NE 47th.

Thank you for your consideration.

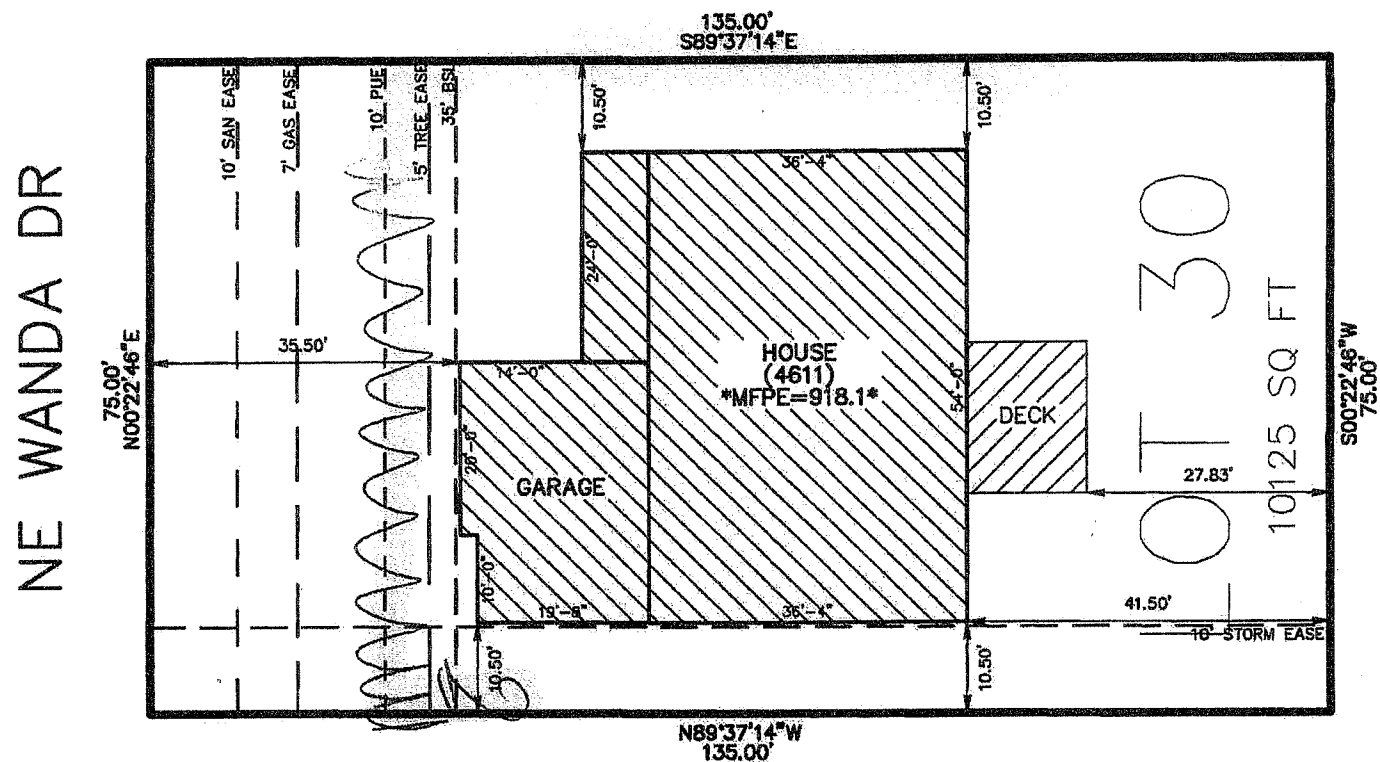
Elizabeth S. and James D. Chrisinger
4611 NE Wanda Drive
Ankeny, Iowa 50021

Liz: (206) 643-0693
Jim: (515) 321-2142

FOR: Jerry's Homes Inc
ADDRESS: 4611 NE Wanda Dr. Ankeny
LEGAL: Lot 30, AVONDALE TRACE PLAT 2



DATE: 09/26/2007
SCALE: 1"=20'

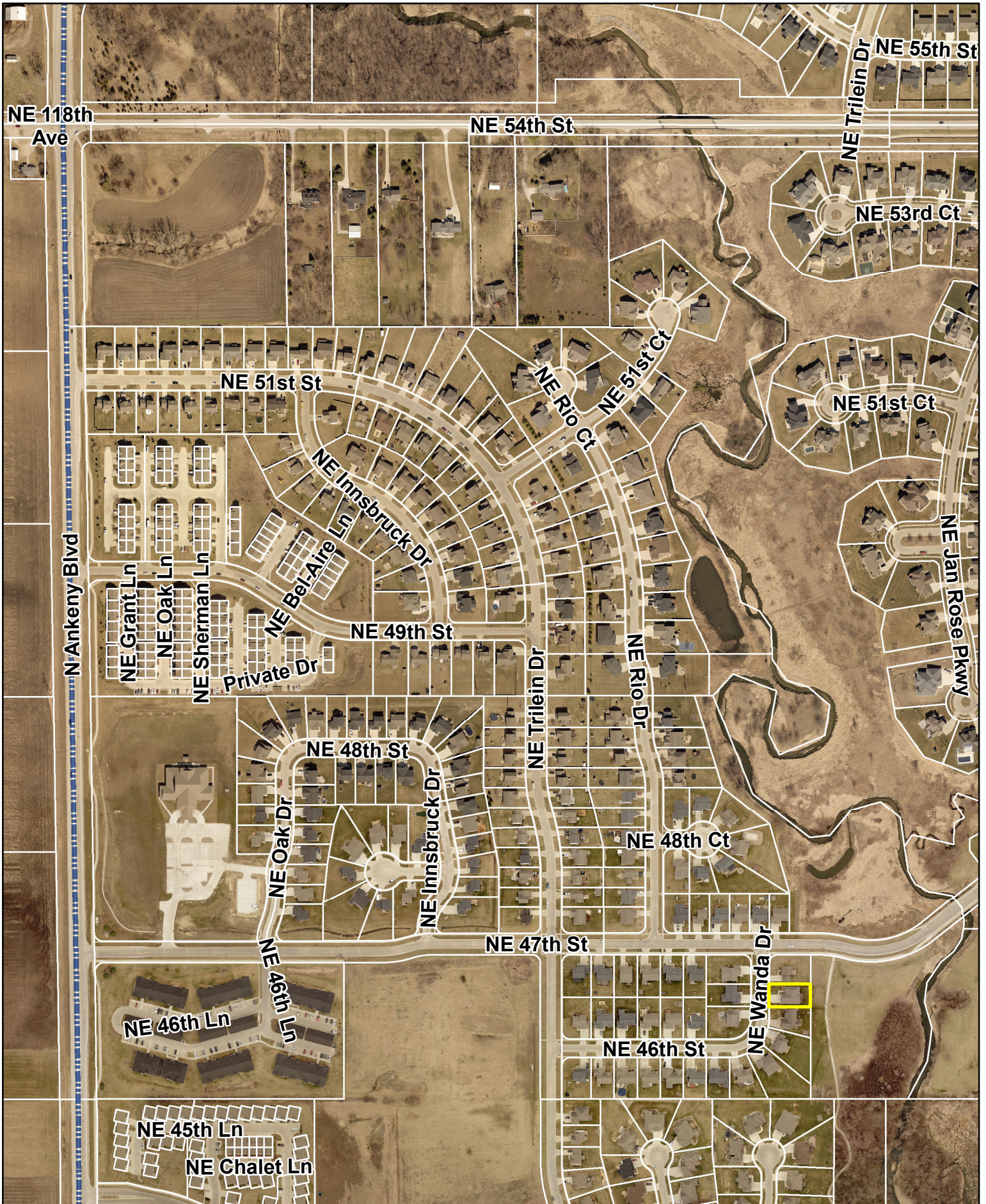


PROJECT #: 500321

Exhibit B







N



1 inch = 400 feet

Date: 1/20/2022

4611 NE Wanda Drive

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

To: Members of the Zoning Board of Adjustment
From: Ruth Hulstrom, Associate Planner
Filing #: 22-02
Meeting Date: February 8, 2022
Address: 4611 NE Wanda Drive

ESL

APPELLANT REQUEST

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 for the appellant to construct a sunroom at 4611 NE Wanda Drive.

A letter written by the appellant states:

"We request a variance in order to build a four season sunroom on top of our current, open deck, which projects 14' from the back of the house and is 27.83' from the rear property line. The house is 41.5 feet from the rear property line. The setback is 35'. In order to make our deck into a sunroom, we are requesting a 7.5' variance."

STAFF POSITION

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.

Staff'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.

PROJECT SUMMARY

The subject property is located at 4611 NE Wanda Drive, in the northeast quadrant of Ankeny. More precisely, east of NE Trilein Drive and south of NE 47th Street. The property is zoned PUD and is identified as Area "D" in the Avondale Trace PUD. The rear yard setback for residences in Area "D" is 35 feet.

The appellant is requesting a 7.5-foot variance to the 35-foot rear yard setback to allow a sunroom to cover a majority of the existing uncovered deck. The proposed sunroom would back up to a considerable amount of open space owned by the City of Ankeny. There is limited concern that construction of the proposed sunroom in this location would increase the risk of fire or decrease public safety.

CRITERIA FOR VARIANCE

197.01.4 Powers and Duties. The Board of Adjustment shall have the following powers and duties:

- B. To grant a variation in the regulations when a property owner can show ...that by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Zoning Ordinance actually prohibits the use of this property in the district; and that the board is satisfied under the evidence before it that a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this Zoning Ordinance.*

FINDINGS OF FACT

The subject property address is 4611 NE Wanda Drive and the legal description is Lot 30, Avondale Trace Plat 2. The property is located east of N Ankeny Boulevard and south of NE 54th Street. More specifically, east of NE Trilein Drive and south of NE 47th Street. The subject property is zoned PUD and located within Area “D” of the Avondale Trace PUD.

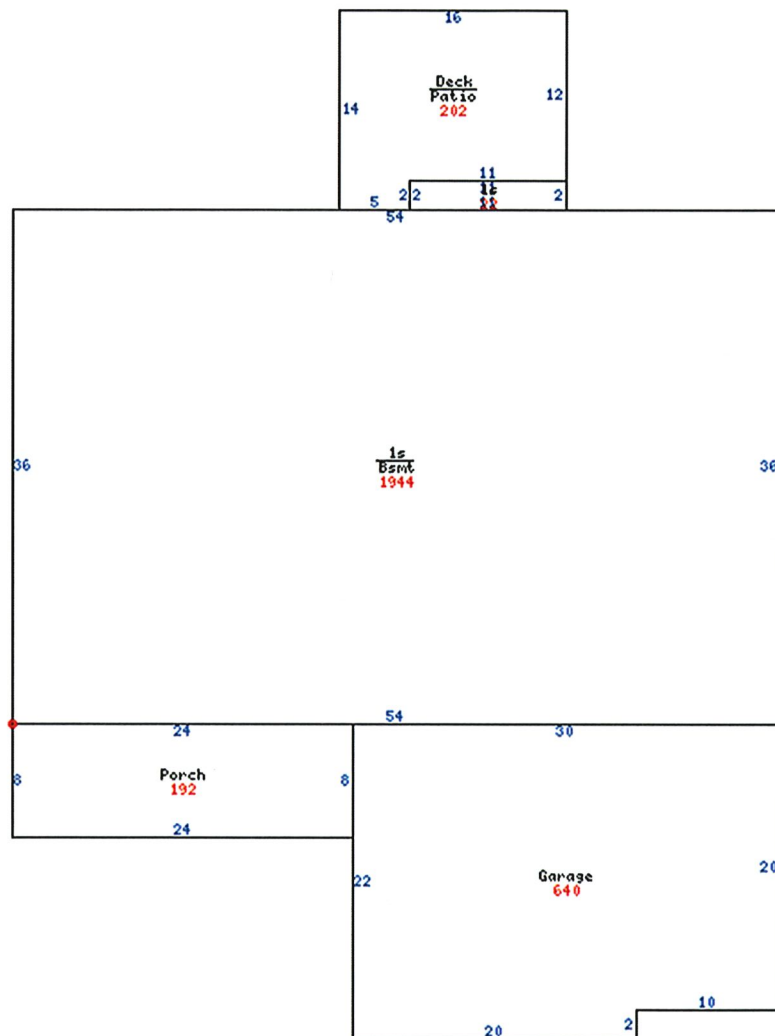
The original Avondale Trace PUD and Master Plan was approved by City Council on May 16, 2005. The PUD is divided into Areas “A”, “B1”, “B2”, “C” and “D”, the Ankeny School site and open space. An amendment to the PUD occurred in 2013 that made changes to Area “A”. The Master Plan included with the original PUD and 2013 amendment define Area “D” as a Single Family Detached Residential District and require a 35-foot rear yard setback.

The subject property is a single-story detached residence with a walkout basement. Properties within 250 feet of the subject address are either single-family detached residences or open space. Below is an image outlining those properties within 250 feet (properties within the blue circle) of the subject address (outlined in red).



The majority of these properties are part of the Avondale Trace PUD. A few lots to the very south of the 250 foot buffer are located within The Woodland Reserve PUD.

A building permit was filed with the City of Ankeny in 2007 for the subject address that included the existing footprint of the residence with an approximately 224 square foot open deck located on the east side of the home. The site plan filed with the building permit showed the deck 27.83 feet from the east or rear property line. This would mean that the uncovered deck encroaches 7.17 feet into the required rear yard setback and extends approximately 13.67 feet from the east edge of the home. The Polk County Assessor's website outlines the existing uncovered deck as being 16' wide and 14' deep, see image below.



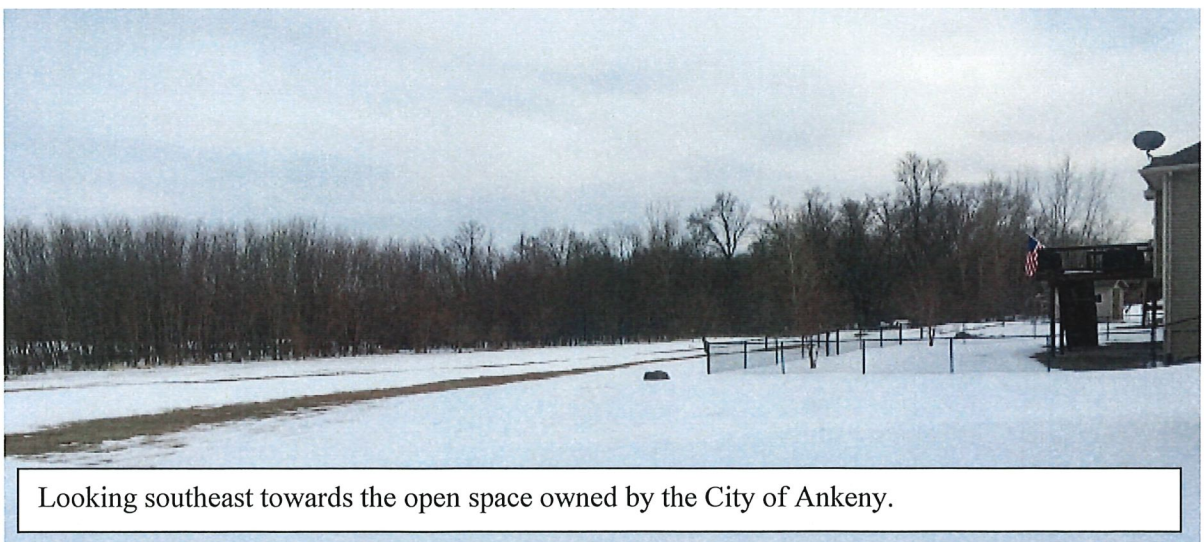
Thus, City staff has assessed that the existing uncovered deck encroaches approximately 7.5 feet into the rear yard setback.

Ankeny Municipal Code Section 196.03(2)(B) allows unenclosed decks in residential districts to encroach up to 12 feet into a rear yard setback. On December 13, 2021 a building permit was submitted to the City by Al Carpenter of City Builders. This permit proposed to replace a majority of the existing uncovered deck with an approximately 12' x 12' sunroom. The permit was placed on hold because City staff discovered that a portion of the proposed sunroom encroached into the rear yard setback.

On January 12, 2022, City staff received a variance request from Elizabeth and James Chrisinger, the appellants and property owners of 4611 NE Wanda Drive. The request was for a 7.5-foot variance to the Avondale Trace PUD rear yard setback requirement of 35 feet. The request letter from the appellants is included with this packet.

The appellants are proposing to remove and replace the existing decking and erect a 12' wide by 12' deep sunroom on the south end of the existing deck area. New decking and rail will be placed on the north side of the sunroom. The old stairway on the south side of the existing deck is anticipated to be removed and relocated to either the north or east edge of the deck.

City staff visited the subject site on Monday, January 31, 2022. Below are pictures of the subject site.





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.

Furthermore, a number of similar variance requests have been granted by the Zoning Board of Adjustment in the past. The most recent being January 4, 2022, which granted a 3-foot variance to allow a covered deck to encroach into the 35-foot rear yard setback at 2103 NW Reinhart Drive.

All properties owners within 250 feet of the subject address were mailed notices about the appeal on January 28, 2022. To date, City staff has not received any communication supporting or opposing the variance 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.



ZONING BOARD OF ADJUSTMENT

February 8, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

- Zoning Board of Adjustment 2021 Annual Report
- Election of Chair and Vice Chair

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [ZBOA Annual Report](#)

CITY OF ANKENY ZONING BOARD OF ADJUSTMENT 2021 REPORT

Board Members

Matt Ott, Chair	05-05-2008
Jeffrey Baxter, Vice Chair	02-01-2016
Nichole Sungren	03-05-2012
Kristi Tomlinson	09-06-2005
Brett Walker	10-19-2015

2021 Board Activity

January 5, 2021

Docket: #21-01

**Variance – Fence – Front Yard Setback
R-3**

Applicant: Mike and Chris Hatfield

Location: 1706 NW Spruce Drive

Request: to allow a 6-foot tall privacy fence to encroach approximately 20 feet into the 30-foot front yard setback

Code Section: 191.14(2)

Decision: Granted, subject to conditions.

Renewed Special Use Permits

#07-08 312 SW Maple Street – Yankee Clipper

#12-02 1701 North Ankeny Boulevard – Sports Page Grill

January 19, 2021

Meeting Cancelled

February 2, 2021

Meeting Cancelled

February 16, 2021

Docket: #21-02

**Variance –Off-Premise Sign
C-2**

Applicant: Hurd Ankeny, LLC

Location: 1005 SW Oralabor Road

Request: to allow for two off-premise users to advertise on two panels as part of a 100 square-foot monument sign

Code Section: 195.05(7)

Decision: Granted

Renewed Special Use Permits

#08-03 Wig & Pen Pizza Pub – 2005 S Ankeny Blvd., Suite 300

#15-01 Main Street Café & Bakery – 2510 SW White Birch Dr., Suite 1 & 2

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

#18-04 Grumpy Goat Tavern – 810 E 1st Street

Received 2020 Zoning Board of Adjustment Annual Report

Elected Matt Ott as Chairperson; Jeff Baxter as Vice Chair

March 2, 2021

Meeting Cancelled

March 16, 2021

Docket: #21-03 & #21-04

Variance – Accessory Building – Square Footage

Variance – Accessory Building - Height

R-2

Applicant: Alejandro Vazquez

Location: 1601 NE Hillside Court

Request: to allow a 1,536 square foot and 18-foot tall accessory building

Code Section: 191.07(1) and 192.04(3)(F)

Decision: Applicant withdrew request

Renewed Special Use Permits

#16-03 1375 Vintage Parkway – District 36 Wine Bar & Grille

April 6, 2021

Docket: #19-05(2021)

Special Use Permit – Outdoor Service Area

C-2A

Applicant: Trailhead Ventures, LLC

Trailside Tap

Location: 710 SW 3rd Street

Request: expansion of the outdoor seating area from 2,400 sq. ft. to 3,600 sq. ft.

Code Section: 130.07 & 196.02

Decision: Granted, subject to conditions.

Docket: #21-05

Variance – Fence – Front Yard Setback

R-3

Applicant: Brian and Barbara Burnham

Location: 3003 SE 20th Street

Request: to allow a 72-inch privacy fence approximately 25-feet into the 30-foot front yard setback

Code Section: 191.14(2)

Decision: Granted, subject to conditions.

Docket: #21-07

Variance – Fence – Front Yard Setback

R-3

Applicant: Sean Shafer

Location: 501 NW 19th Street

Request: to allow a 6-foot privacy fence to encroach 25-feet into the front yard setback

Code Section: 191.14(2)

Decision: Granted, subject to conditions.

Docket: #21-06

Special Use Permit – Outdoor Service Area

C-1

Applicant: El Molcajete Mexican Restaurant & Cantina

Location: 301 East 1st Street

Request: to allow an outdoor service area with seating up to 21 patrons with background music

Code Section: 130.07 & 196.02

Decision: Granted, subject to conditions.

April 20, 2021

Docket: #21-08

Variance – Accessory Building – Height

R-1

Applicant: John and Darla Smith

Location: 214 NW Somerset Court

Request: to allow for a 15-foot 10-inch tall detached garage

Code Section: 192.03(3)(F)

Decision: Granted, subject to conditions.

Docket: #21-09 **Variance – Front Yard Setback**
Applicant: Pons Enterprise, Inc. **M-1**
Location: 2575 SE Hulsizer Road
Request: to allow a front yard setback of 45-feet
Code Section: 192.12(4)A
Decision: Granted

May 4, 2021

Docket: #21-10 **Variance – Fence – Front Yard Setback**
Applicant: Jason Shreve **R-1**
Location: 616 NE Mission Court
Request: to allow a 6-foot tall steel ornamental fence to encroach approximately 24 feet into the 35-foot front yard setback
Code Section: 192.14(2)
Decision: Granted

May 18, 2021

Docket: #21-11 **Variance – Permitted Accessory Uses**
Applicant: Mary Bartels **C-2**
Location: 1204 SE Belmont Drive
Request: to allow the use of two detached garages and outdoor exercise area for a home occupation
Code Section: 192.04(2)B(1)
Decision: Denied

Docket: #21-12 **Variance – Principal Permitted Uses**
Applicant: Mary Bartels **C-2**
Location: 112 SE 3rd Street
Request: to allow the continued use of the existing outdoor animal exercise area
Code Section: 192.09(1)B(1)
Decision: Granted, subject to conditions.

Docket: #21-13 **Special Use Permit – Outdoor Service Area**
Applicant: Ohio Investments Group LLC/Georgetown LLC/Fiesta Jalapenos **C-2**
Location: 1975 N Ankeny Boulevard, Suite 113
Request: to allow an outdoor service area with up to 60 persons with background music
Code Section: 130.07 and 196.02(1)(I)
Decision: Granted, subject to conditions.

Docket: #21-14 **Variance – Front Yard Setback**
Applicant: Metro Fibernet, LLC **M-1**
Location: 1317 SW Ordinance Road
Request: to allow unmanned communication shelters to encroach 25 feet into the required 50-foot front yard setback
Code Section: 192.12(4)(A)
Decision: Granted

Docket: #21-15 **Variance – Rear Yard Setback**
Applicant: Metro Fibernet, LLC **M-1**
Location: 1317 SW Ordinance Road
Request: to allow unmanned communication shelters to encroach 29 feet into the 40-foot rear yard setback
Code Section: 192.12(4)(C)
Decision: Granted

Docket: #21-16**Special Use Permit – Unmanned Communication Shelters****Applicant:** Metro Fibernet, LLC**M-1****Location:** 1317 SW Ordinance Road**Request:** to allow the construction of unmanned communication shelters used solely for the purpose of the transmission or relay of telephone utility service**Code Section:** 196.02(1)(H)**Decision:** Granted**June 8, 2021**

Meeting Cancelled

June 22, 2021**Docket: #16-02(2021)****Special Use Permit – Outdoor Service Area****Applicant:** The Fletcher Restaurant**C-2****Location:** 1802 N Ankeny Boulevard, Suite 100**Request:** to allow an outdoor service area with amplified sound where patrons may be served alcohol**Code Section:** 130.07 and 196.02(1)(I)**Decision:** Granted, subject to conditions.**Renewed Special Use Permits**

#08-20 2414 SE Tones Drive – On the Waterfront Seafood Restaurant

#16-16 202 SE Delaware Avenue – Guadalajara Mexican Restaurant

July 7, 2021**Docket: #20-07(2021)****Special Use Permit – Outdoor Service Area****Applicant:** T180 Development, LLC/dba Tavern 180**C-2****Location:** 1975 N Ankeny Boulevard, Suite 117**Request:** to allow an existing outdoor service area with background music where patrons may be served alcohol**Code Section:** 130.07 and 196.02(1)(I)**Decision:** Granted, subject to conditions.**Renewed Special Use Permits**

#08-01 2732 SE Delaware Avenue – Old Chicago Pizza and Taproom

#19-01 305 SW Walnut Street – Uptown Garage Brewing Company

July 20, 2021

Meeting Cancelled

August 3, 2021**Docket: #18-09(2021)****Special Use Permit – Outdoor Service Area****Applicant:** Mistress Brewing Company**C-2****Location:** 1802 N Ankeny Boulevard, Suite 108**Request:** to allow an outdoor service area with amplified sound where patrons may be served alcohol**Code Section:** 130.07 and 196.02(1)(I)**Decision:** Granted, subject to conditions.**Renewed Special Use Permits**

#19-08 1610 SW Main Street, Suite 107 – Magee's Irish Pub

#19-07 1515 SW Main Street – Residence Inn Ankeny

#13-09 2510 SW State Street – Hy-Vee Market Grille

#19-10 2785 N Ankeny Blvd, Suites 11 & 12 – Cancun Grill and Cantina 2

August 17, 2021**Docket: #21-17****Variance – Fence – Front Yard Setback**

Applicant: Jeremiah Thorius **R-3**
Location: 2417 NW Boulder Ridge Court
Request: to allow a 6-foot tall privacy fence to encroach approximately 6 feet into the 30-foot front yard setback
Code Section: 191.14(2)
Decision: Granted

Docket: #21-18**Conditional Use Permit**

Applicant: David Lane **PUD**
Location: Part of Outlot X, Vintage Business Park at Prairie Trail Plat 7
Request: to construct an indoor youth sports facility on part of Outlot X, Vintage Business Park at Prairie Trail Plat 7 in the Business Park Precinct of Prairie Trail
Code Section: PUD Requirement for certain uses depending on the location within designated precincts.
Decision: Granted

Docket: #21-19**Variance – Principal Permitted Uses**

Applicant: Angela Trier, Dogs Inn, Inc. **C-2**
Location: 423 S Ankeny Boulevard
Request: to allow the use of an outdoor animal exercise runway within 200 feet of a residential zoning district boundary
Code Section: 192.09.1.B(1)
Decision: Applicant Withdrew Request

September 8, 2021**Docket: #21-20****Special Use Permit – Outdoor Service Area**

Applicant: Lunabeen LLC **C-1**
Location: 1300 NW 36th Street, Suite 101
Request: to allow for an outdoor service area that will serve alcohol
Code Section: 130.07 and 196.02(1)(I)
Decision: Granted, subject to conditions

Renewed Special Use Permits

- #16-18 The Whiskey House – 2510 SW White Birch Drive, Suite 8 & 9
- #16-14 Whiskey River – 1350 SW Vintage Parkway
- #16-13 Cabaret – 2785 N Ankeny Boulevard

September 21, 2021

Meeting Cancelled

October 5, 2021

Meeting Cancelled

October 19, 2021

Meeting Cancelled

November 2, 2021**Docket: #21-21****Appeal the Decision of the Zoning Administrator - Sign**

Applicant: Chance Chestnut **R-2**
Location: 213 SW State Street
Request: Subject sign classified as a Non-Commercial Sign and per Appellant, should be classified as a Political Sign
Code Section: 195.02.33 and 195.02.35

Renewed Special Use Permits

#15-14 705 S Ankeny Boulevard - Benchwarmers Ankeny Inc.
 #08-23 1690 SE Delaware Avenue - Buffalo Wild Wings Grill & Bar
 #12-15 1425 SW Vintage Parkway - Jethro's BBQ Lakehouse

November 16, 2021**Docket: #21-22****Special Use Permit – Outdoor Service Area
PUD****Applicant:** Toast Ankeny**Location:** 1345 SW Park Square Drive, Suite 300**Request:** to allow alcohol to be served and speakers for music and sound on their third floor, rooftop patio**Code Section:** 130.07 and 196.02(1)(I)**Decision:** Granted, subject to conditions**Renewed Special Use Permits**

#07-08 312 SW Maple Street – Yankee Clipper

December 7, 2021**Docket: #21-23****Variance – Carport – Side Yard Setback
R-2****Applicant:** Teri Walker**Location:** 1218 SW 2nd Street**Request:** to allow for a carport to extend into the minimum seven-foot side yard setback**Code Section:** 192.04(3)(D)**Decision:** Granted, subject to conditions**December 21, 2021**

Meeting Cancelled

2021 Attendance at Zoning Board of Adjustment Meetings

MEMBER	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC		TOTAL
	5	19	2	16	2	16	6	20	4	18	8	22	7	20	3	17	8	21	5	19	2	16	7	21	
Kristi Tomlinson	1			1		1	1	0	1	1		1	1		1	1	1				1	1	1		14
Nicole Sungren	1			1		1	1	1	1	1		1	0		1	0	1				1	1	0		12
Matt Ott	1	No Mtg	No Mtg	1	No Mtg	1	1	1	1	1	No Mtg	0	1	No Mtg	1	0	1	No Mtg	No Mtg	No Mtg	1	1	0	No Mtg	12
Brett Walker	1			1		0	1	1	1	0		1	1		1	1	1				1	0	1		12
Jeffrey Baxter	0			1		1	1	1	1	1		0	0		1	1	1				1	0	1		11
TOTAL	4			5		4	5	4	5	4		3	3		5	3	5				5	3	3		

Zoning Board of Adjustment Activity 2017 – 2021

	# of Cases	# of Meetings
2017	11	7
2018	20	14
2019	14	10
2020	21	12
2021	27	15

2021 Variance Summary

Fence Variance

- 1706 NW Spruce Drive
- 3003 SE 20th Street
- 501 NW 19th Street
- 616 NE Mission Court
- 2417 NW Boulder Ridge Court

Setback Variance

- 2575 SE Hulsizer Road (*Front Yard*)
- 1317 SW Ordnance Road (*Front Yard*)
- 1317 SW Ordnance Road (*Rear Yard*)
- 1218 SW 2nd Street (*Side Yard*)

Height Variance

- 1601 NE Hillside Court – Withdrew
- 214 NW Somerset Court

Off-Premise Sign Variance

- 1005 SW Oralabor Road

Accessory Structure

- 1601 NE Hillside Court - Withdrew

Permitted Accessory Uses

- 1204 SE Belmont Drive – Denied

Principal Permitted Uses

- 112 SE 3rd Street
- 423 S Ankeny Boulevard - Angela Trier, Dogs Inn, Inc. - Withdrawn

Variance Requests by Type 2017 – 2021

	Fence	Setback	Height	Sign	Parking / Paving	Zoning Line Adjust.	Accessory Building	Permitted Accessory/Principal Uses
2017	1	5	1	1	2	0	0	0
2018	3	9	0	1	0	1	1	0
2019	1	2	0	0	0	0	0	0
2020	4	11	1	2	0	1	1	0
2021	5	4	2	1	0	0	1	3

2021 Appeal Decision of Zoning Administrator Summary

- 213 SW State Street – Decision Affirmed

2021 Special Use / Conditional Use Summary

Special Use Permit

- 710 SW 3rd Street – Trailhead Ventures, LLC
- 301 East 1st Street – El Molcajete Mexican Restaurant & Cantina
- 1975 N Ankeny Boulevard – Fiesta Jalapenos
- 1317 SW Ordinance Road – Metro Fibernet, LLC
- 1802 N Ankeny Boulevard – The Fletcher Restaurant
- 1975 N Ankeny Boulevard, Suite 117 – Tavern 180
- 1802 N Ankeny Boulevard, Suite 108 – Mistress Brewing Company
- 1300 NW 36th Street, Suite 101 – Lunabean, LLC
- 1345 SW Park Square Drive, Suite 300 – Toast Ankeny

Conditional Use Permit

- Part of Outlot X, Vintage Business Park at Prairie Trail Plat 7

Annual Reviews (administratively approved)

- #07-08 312 SW Maple Street – Yankee Clipper
- #12-02 1701 North Ankeny Boulevard – Sports Page Grill
- #08-03 2005 S Ankeny Blvd., Suite 300 – Wig & Pen Pizza Pub
- #15-01 2510 SW White Birch Dr., Suite 1 & 2 - Main Street Café & Bakery
- #15-19 410 N Ankeny Blvd. – Hy-Vee Market Café
- #18-04 810 E 1st Street – Grumpy Goat Tavern – 810 E 1st Street
- #16-03 1375 Vintage Parkway – District 36 Wine Bar & Grille
- #08-20 2414 SE Tones Drive – On the Waterfront Seafood Restaurant
- #16-16 202 SE Delaware Avenue – Guadalajara Mexican Restaurant
- #08-01 2732 SE Delaware Avenue – Old Chicago Pizza and Taproom
- #19-01 305 SW Walnut Street – Uptown Garage Brewing Company
- #19-08 1610 SW Main Street, Suite 107 – Magee's Irish Pub
- #19-07 1515 SW Main Street – Residence Inn Ankeny
- #13-09 2510 SW State Street – Hy-Vee Market Grille
- #19-10 2785 N Ankeny Blvd, Suites 11 & 12 – Cancun Grill and Cantina 2
- #16-18 2510 SW White Birch Drive, Suite 8 & 9 – The Whiskey House
- #16-14 1350 SW Vintage Parkway – Whiskey River – 1350 SW Vintage Parkway
- #16-13 2785 N Ankeny Boulevard - Cabaret
- #15-14 705 S Ankeny Boulevard - Benchwarmers Ankeny Inc.
- #08-23 1690 SE Delaware Avenue - Buffalo Wild Wings Grill & Bar
- #12-15 1425 SW Vintage Parkway - Jethro's BBQ Lakehouse
- #07-08 312 SW Maple Street – Yankee Clipper

Special/Conditional Use Requests 2017 – 2021

	#
2017	3
2018	5
2019	10
2020	2
2021	10



ZONING BOARD OF ADJUSTMENT

February 8, 2022

5 : 00 PM



ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

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

#18-04 Grumpy Goat Tavern, 810 E 1st Street

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

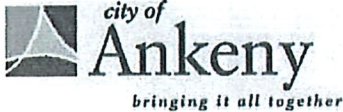
PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

[Click to download](#)



City of Ankeny
Outdoor Service Area Renewal Application

*Special Permit Resolution #15-19

Approved July 21, 2015

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: Hy-Vee, Inc.
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Hy-Vee Market Cafe

Address of Premise: 410 N. Ankeny Blvd.

- 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)

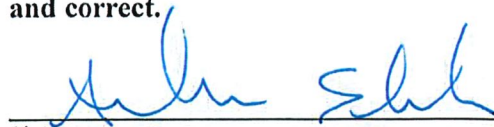
- Has any use of sound been added since last year or changed from what was approved by the Zoning Board of Adjustment?

☐ 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

Andrew Schroeder

Name of Applicant (printed)

1/4/21

Date

ADMINISTRATIVELY
 **APPROVED**
1/14/22 EJC



City of Ankeny
Outdoor Service Area Renewal Application
*Special Permit Resolution # 18-04 (2019)

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: Calbateg3 LLC
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): Grumpy Goat Tavern

Address of Premise: 810 E 1st St.

- 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

Steven McFadden

Name of Applicant (printed)

1/18/2022
Date

ADMINISTRATIVELY
 APPROVED

1/24/22