



Meeting Agenda

Zoning Board of Adjustment

Tuesday, January 4, 2022

5:00 PM

Ankeny City Council Chambers - TEST Meeting

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 November 16, 2021 regular meeting

Minutes of the December 7, 2021 regular meeting

D. COMMUNICATIONS/CORRESPONDENCE

Correspondence received December 7, 2021 from David Ashby, 1000 SW 2nd Street.

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.

#22-01

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

#21-23

**Teri Walker
1218 SW 2nd Street
Lot 39, Westlawn Place
RE: Variance - Side Yard Setback**

F. OLD BUSINESS:

Special Events Permits - Discussion

G. NEW BUSINESS

- **Election of Chair and Vice Chair**
- **2020 Zoning Board of Adjustment Annual Summary**

H. REPORTS

**Renewed Special Use Permits
#12-02 1701 N Ankeny Blvd. - Sports Page Grill**

I. ADJOURNMENT

ZONING BOARD OF ADJUSTMENT
January 4, 2022
5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:
Motion

LEGAL:

SUBJECT:

Minutes of the November 16, 2021 regular meeting

Minutes of the December 7, 2021 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 2021-11-16](#)

 [ZBOA Minutes 2021-12-07](#)

Meeting Minutes

Zoning Board of Adjustment

Tuesday, November 16, 2021
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the November 16, 2021 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Matt Ott, Kristi Tomlinson, and Nichole Sungren. Absent: Jeff Baxter 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 2, 2021 REGULAR MEETING

Motion by K.Tomlinson to approve the November 2, 2021 meeting minutes as submitted. Second by N.Sungren.
Motion carried 3 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#21-22

**Toast Ankeny
1345 SW Park Square Drive, Suite 300
Lot 1, District at Prairie Trail Plat 8
RE: Special Use Permit**

Chair M.Ott opened the public hearing.

Maggie Pforts, Toast Ankeny, 1525 NE 36th Street, Ankeny said that their request is for a Special Use Permit so they can have alcohol service and music on an outdoor patio. She said that it will be a rooftop patio attached to Toast Ankeny, which is a new wedding venue in The District at Prairie Trail. Their plan is to have speakers for background music for their events, which will be during their operating hours. Maggie Pforts said the use will be on a rental basis and they are anticipating that most of the venue hours will be Friday through Sunday.

The Board had no questions.

L.Hutzell reported the applicant's request is for a Special Use Permit for Toast Ankeny, a wedding and event venue, located at 1345 SW Park Square Drive, Suite 300. The property and surrounding properties are all within the Prairie Trail PUD with the exception of the property to the far southeast, which is zoned R-3, Multiple Family Residence District. She stated the proximity to residential property, and the request to serve alcohol and use of speakers for sound are the conditions which require the establishment to obtain a Special Use Permit. L.Hutzell said that Toast Ankeny's request is for the inclusion of alcohol service, speakers for background music, as well as, one television on their third floor, rooftop patio. She shared that the site is within the Mixed-Use Town Center Precinct, which has the option for residential uses on the upper stories of town center buildings and allows for properties within 500 feet of the subject property to be developed residentially. The applicant submitted a drawing, which shows the rooftop patio area measuring 2,413 square-feet with a seating capacity of approximately 150 patrons. The operating hours of the business will be 10 a.m. – 11 p.m. however, the venue would only be open on days that it is scheduled to be rented. All music would cease no later than 11 p.m. At this time, staff has not received any correspondence, either for or against the request from neighboring property owners. The staff position is to recommend the Zoning Board of Adjustment grant a Special Use Permit in accordance with Sections 130.07 and 196.02(1)(I) to Toast Ankeny at 1345 SW Park Square Drive, Suite 300 for

a rooftop patio 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. Patio capacity for 150 patrons.
4. Hours of operation 10:00 a.m.-11:00 p.m.
5. This Special Use Permit may be reviewed annually by staff for approval.

There were no comments or questions from the Board.

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.

The Board had no concerns with the request.

Board Action on Filing #21-22 property located at 1345 SW Park Square Drive, Suite 300

Motion by N.Sungren that the Zoning Board of Adjustment grant a Special Use Permit for an outdoor service area in accordance with Sections 130.07 and 196.02(1)(I) to Toast Ankeny at 1345 SW Park Square Drive, Suite 300 for a rooftop patio 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. Patio capacity for 150 patrons.
4. Hours of operation 10:00 a.m. – 11:00 p.m.
5. This Special Use Permit may be reviewed annually by staff for approval.

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

REPORTS

Renewed Special Use Permits

#07-08 312 SW Maple Street – Yankee Clipper

There being no further business, the meeting adjourned at 5:09 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

Meeting Minutes

Zoning Board of Adjustment

Tuesday, December 7, 2021
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Vice Chair Jeff Baxter called the December 7, 2021 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

Members present: Jeff Baxter, Kristi Tomlinson, and Brett Walker. Absent: Matt Ott and Nichole Sungren.
Staff present: E.Jensen, E.Carstens, Bryan Morrissey, D.Silverthorn, J.Heil, B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE NOVEMBER 16, 2021 REGULAR MEETING

The Board tabled the approval of the November 16, 2021 meeting minutes to the next Zoning Board of Adjustment meeting.

COMMUNICATIONS / CORRESPONDENCE

J.Baxter asked to have the record reflect that members of the Board received correspondence from David Ashby, 1221 SW 2nd Street, William and Gwynne Burke, 1217 SW 2nd Street, and David Zubradt, 1214 SW 2nd Street regarding Item #21-23 that will be received and filed as part of the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#21-23	Teri Walker 1218 SW 2nd Street Lot 39, Westlawn Place RE: Variance – Side Yard Setback
---------------	--

Vice Chair J.Baxter opened the public hearing.

Teri Walker, 1218 SW 2nd Street, Ankeny said she bought her property in 1988 with her husband. Her husband has since passed away leaving her responsible for the property the last 30 years. She relies on other people's judgment when having to handle repairs to the property. She is asking the Board for a variance to allow her carport to remain as constructed on her property. Teri Walker stated the old carport was deteriorating and five years ago determined it was best to replace the complete carport. She said the consensus of her neighbors was that if she was replacing a structure she would not need a permit. The carport was removed and a replacement was built in September 2017. She provided details to the Board on the size and construction of the new carport and stated that there were no issues with the newly built carport until after the Derecho. Teri Walker explained that the Derecho caused her carport to lean about one foot to the west and eventually had neighbors come to assist her in straightening up the carport. She said that a call was made to the City regarding the condition of the carport and that it may fall on the neighbor's fence. The City Zoning Administrator visited her property and stated the carport was not in compliance with the current zoning code and needed to be 7-foot from the lot line. She was told that since the old carport was removed and no permit was issued to build the new carport, it had to meet current codes. She does not understand how new codes can be applied to older properties where previous older requirements were approved. The neighbor who lodged the complaint has moved and would appreciate the Board's consideration to let the carport stand as it does currently. Teri Walker provided her written statement for the record.

The Board had no questions or comments.

B.Morrissey reported the applicant is requesting a variance to Ankeny Municipal Code section 192.04(3)(D) that requires a minimum side yard setback of 7 feet. He said the subject property is located at 1218 SW 2nd Street and contains a single-family detached home on an approximate .189-acre lot. It is located south of W 1st Street and east of SW State Street near the Uptown District. B.Morrissey stated the applicant is requesting this variance to allow an already-constructed carport to stay in its current location as right now it is only 23-inches from the west lot line, which makes it in violation of the 7-foot side yard setback requirement. He noted the property is zoned R-2, One-Family & Two-Family Residence District and the surrounding properties are also R-2. B.Morrissey explained that the City Zoning Administrator was notified in the summer of 2020 about a carport that had begun to lean towards neighboring properties after the Derecho. Staff inspected the structure to find that it did not have a permit and potentially was not legal. He said that a similar structure had been permitted in the 1970's but that structure had since been replaced with the current one without the property owner obtaining a permit. Code Enforcement had many discussions with the property owner regarding the structure and informed them that they needed to submit a permit application to the City Building Division for a review of the structure. B.Morrissey explained that in May of 2021, a permit application was received from the property owner and it was determined that the structure would be classified as an attached structure due to the proximity to the home; and it being located in the side yard. He stated that upon reviewing this case, Staff has concluded that there are not any unique conditions or hardships with the property that would justify granting a variance. Additionally, the prior concerns from neighbors about the structure leaning into their property reinforces staff's position to not grant a variance in this case. He noted the City adopted these regulations to foster the health, safety, and welfare of the community and allowing this structure in its current condition would go against some of those principals. The staff position is to recommend the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code section 192.04(3)(D) allowing a 23-inch side yard setback for a carport at 1218 SW 2nd Street. This position is based on a determination that the shape or shallowness of the subject property is not exceptional, extraordinary situations do not exist, and that the decreased side yard setback for the carport is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

J.Baxter asked if the 23-inches is measured from the roof edge of the carport or the pillars. E.Carstens stated that typically it is measured from the foundation. E.Jensen said it sounded like the applicant indicated that the pillars are at the 23-inch line. J.Baxter asked that if Staff had decided that the structure was unattached, not attached, would the result still be that it does not meet code. B.Morrissey said it would be considered an accessory structure and are not allowed in a side yard. E.Jensen said generally detached accessory structures in the side yard, that have come before the Board, have not been approved. The Board has granted side yard variances for attached structures. E.Jensen explained that a detached accessory structure has a minimum 3-foot setback, but is required to be in the rear yard behind the rear façade of the house and are not permitted in the side yard.

B.Walker asked that if the replacement of the carport would have been the exact dimensions as the previous one, would it be permissible. E.Carstens said the building permit applications were a little different in the 1970's and said based on the permit presented, it indicates a 7-foot side yard setback but Staff is unsure as to whether it was actually built as shown. E.Carstens also noted that if it was considered a detached structure, there would be a firewall requirement due to the proximity of the existing carport to the house. B.Walker further asked that had the applicant received a building permit to rebuild the carport, would the permit govern the materials that needed to be used. E.Jensen said, not with single family homes.

Carla Rose, 1222 SW 2nd Street, said she has lived in her home about one year. She does not care if the carport stays, as long as it is safe and meets code. She shared that her concerns are with the plastic flapping in the wind and does not feel it should be used as a storage area. Carla Rose further stated that they have also placed rock on her property in the front of her home to park their vehicles. She explained that she had told them that if there was a need for some temporary parking for visitors, they could park on her grass. She stated that the rock needs to be removed from her property and the carport should be used for a car not a storage area.

J.Baxter informed Carla Rose he understands the concerns she presented but the Board can only consider the appeal for the carport.

Teri Walker responded saying that she was not aware that Carla Rose had concerns and has been trying to get everything cleaned up under the carport. Teri Walker further said that if the 1973 building permit showed a 7-foot setback, how did the permit get approved, as the original carport would have never fit. Teri Walker said that if the carport cannot stay in its current status, would there be consideration for her to come back and ask for a

variance for the carport to be reconstructed back to its original size. She noted it provides extra parking and safety for her.

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

K.Tomlinson said since the exact size of the original carport is unknown, would Staff need to rely on the aerial photos. E.Jensen agreed that Staff has no idea how the carport would have been approved as it is shown on the permit with a 7-foot setback. B.Morrissey provided an aerial photo from 2017, which showed the size and setbacks of the original carport. K.Tomlinson said that if the Board requested that it be removed; and the applicant came back before the Board requesting approval of a new carport, there is no guarantee that it would be approved.

E.Jensen responded with a scenario that the Board could motion to grant a variance allowing a carport to be rebuilt that would be consistent in size with what was existed in the aerial photo of 2017. J.Baxter said the original carport was in place for approximately 40 years without the city noticing that it was in violation. Teri Walker bought the house in 1988 with the carport in place. J.Baxter commented that if they had come to the Board prior to rebuilding it, he would have not granted a variance to enlarge the size of the carport, but he would not have objected to the carport being rebuilt to its existing size. He does not feel it was an intentional attempt to circumvent the rules. K.Tomlinson agreed with J.Baxter. K.Tomlinson said that the current size of the carport is way too large and it does affect the neighbor's property.

The Board had further discussion on the original permitted size of the carport before it was rebuilt; along with determining what method could be used to make sure it was rebuilt to the original permitted size, if the Board chose to make a motion to grant a variance. E.Jensen said if the Board's position is to allow a variance for Teri Walker to reconstruct the carport as it generally existed in 2017, he said Staff would work with her to get the correct dimensions especially if the footings are still in place. B.Walker noted he doesn't like the teardown scenario but does not feel the current situation is acceptable.

Board Action on Filing #21-23 property located at 1218 SW 2nd Street

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(D) to allow a side yard setback for a carport at 1218 SW 2nd Street to be consistent with the dimensions as shown on the aerial photograph (attached) from 2017. Second by K.Tomlinson. All voted aye. 3 – 0.

REPORTS

There were no reports.

There being no further business, the meeting adjourned at 5:40 p.m.

Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment

ZONING BOARD OF ADJUSTMENT
January 4, 2022
5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Correspondence received December 7, 2021 from David Ashby, 1000 SW 2nd 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
 David Ashby Letter

12-6-21

To Whom It May Concern

The House belonging to Teri Walker has a carport that goes past the 7 foot variance. The carport that is there now is ~~can~~^a replacement of the original carport that was damaged in a storm a couple of years ago. The carport doesn't bother me what-so-ever.

David Ashley

RECEIVED AND FILED BY THE
ZONING BOARD OF ADJUSTMENT
DATE: 12-7-2021

D. Lugsong

Rec'd
12-7-2021

ZONING BOARD OF ADJUSTMENT

January 4, 2022

5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:

Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

Public Hearing

LEGAL:

SUBJECT:

#22-01

Tyler Christowski

2103 NW Reinhart Drive

Lot 14, Centennial Pointe Plat 6

RE: Variance - Rear Yard Setback

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

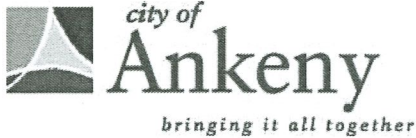
ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Applicant Submittal Docket #22-01
 Staff Report

#22-01



APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☐ Property Owner ☐ Tenant ☒ Other Contractor

Applicant Tyler Christowski

Address / Phone # 509 E. Scenic Valley Ave 515-783-7501

E-mail tylerc@downingconstruct.com

Property Owner Jerry Zwald

Address / Phone # 2103 NW Reinhart Dr

E-mail jzwald51@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 2103 NW Reinhart Drive

Legal description (Plat & Lot #) Plat 6 Lot 14

Zoning Residential Principal Use of property Residential home

I request a variation from the current zoning requirement for:

☐ Front Yard ☐ Side Yard ☒ Rear Yard ☐ Fence ☐ Sign ☐ Parking ☐ Height
☐ Other 35' front rear set back I would be roughly 32' from rear set back.

Ankeny Zoning code Section # _____ which state(s) Iowa

I would propose the following in lieu of that required: I would like to put a roof over the existing deck. The deck extends from the house roughly 12' which puts me around 32' from the set back.

The neighboring property's have roof lines that encroach the rear set back by quite a bit more than what I'm proposing to do. I'm not sure if they pulled permits or not but either way I feel as a roof over this existing deck will fit in with the neighboring properties.

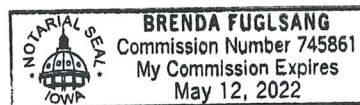
Attached hereto and made a part of this appeal, I submit the following:

- 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.

Tyler Christowski

(Signature of Applicant)

Signed and sworn to before me, this
13th day of December, 20 21.

Brenda Fuglsang
(Notary Public)

RECEIVED

DEC 13 2021

Date received

CITY OF ANKENY

Paid ☐ Cash

☒ Check #

80996 \$/30.00

Office Use Only

Filing #

22-01

Scheduled Meeting Date

1-4-2022

Jerry Zwald deck roof requested variance

2103 NW Reinhart Dr Ankeny.

I request that we are allowed to build a roof over top of the existing 12' deck. I would like to build the roof so that the roofline edge is inline with the edge of the existing deck. After requesting my permit I was informed that we would be roughly two and a half feet over the required 35' rear yard setback. I would like to request that we are able to build the roof to align with the existing deck.

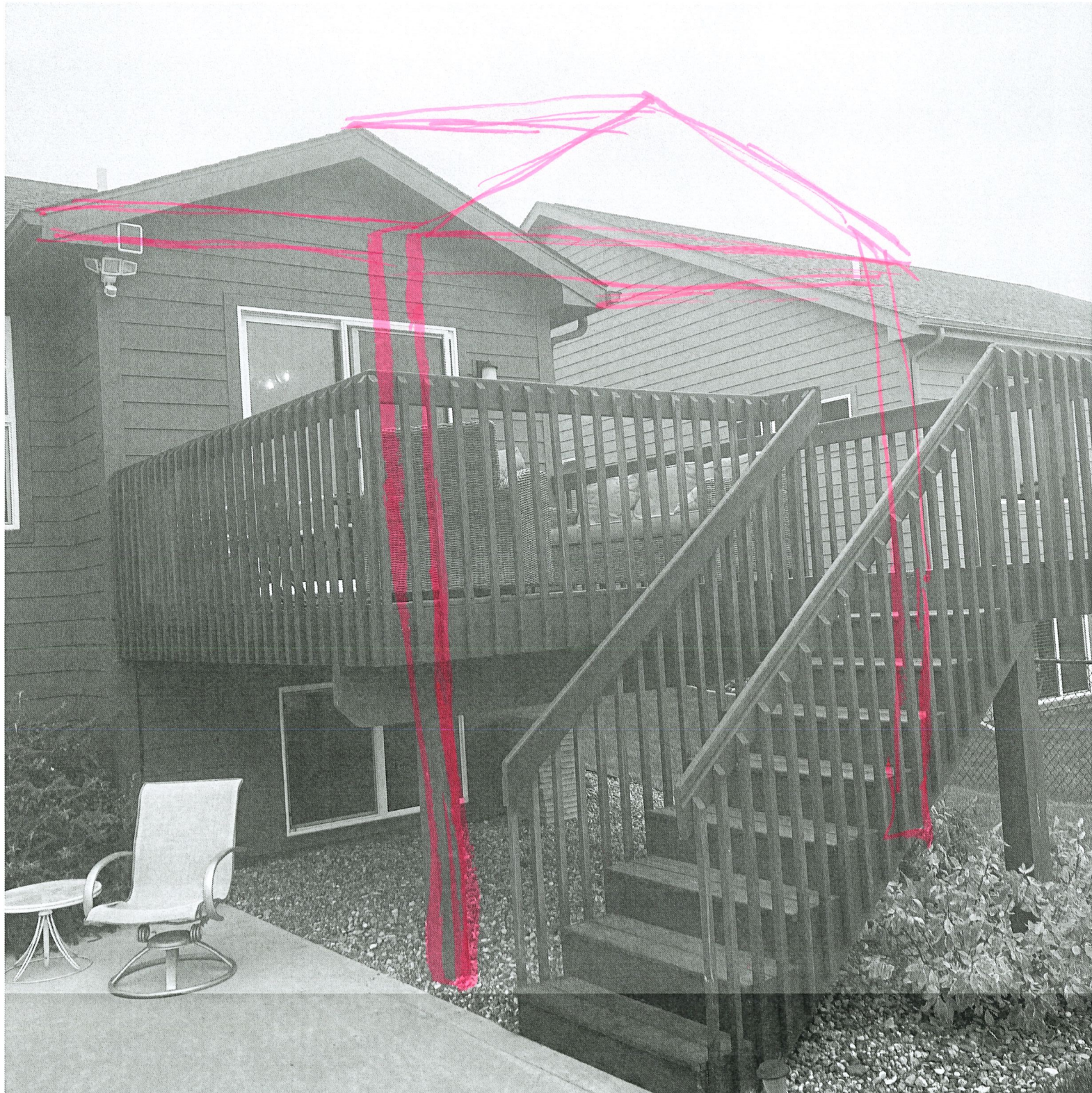
When standing in the back yard multiple neighboring properties have very similar deck/roof setups and this one would match those and increase the aesthetics of the back deck on this property.

I've attached a photo of the current deck for your reference.

Homeowners contact
if needed

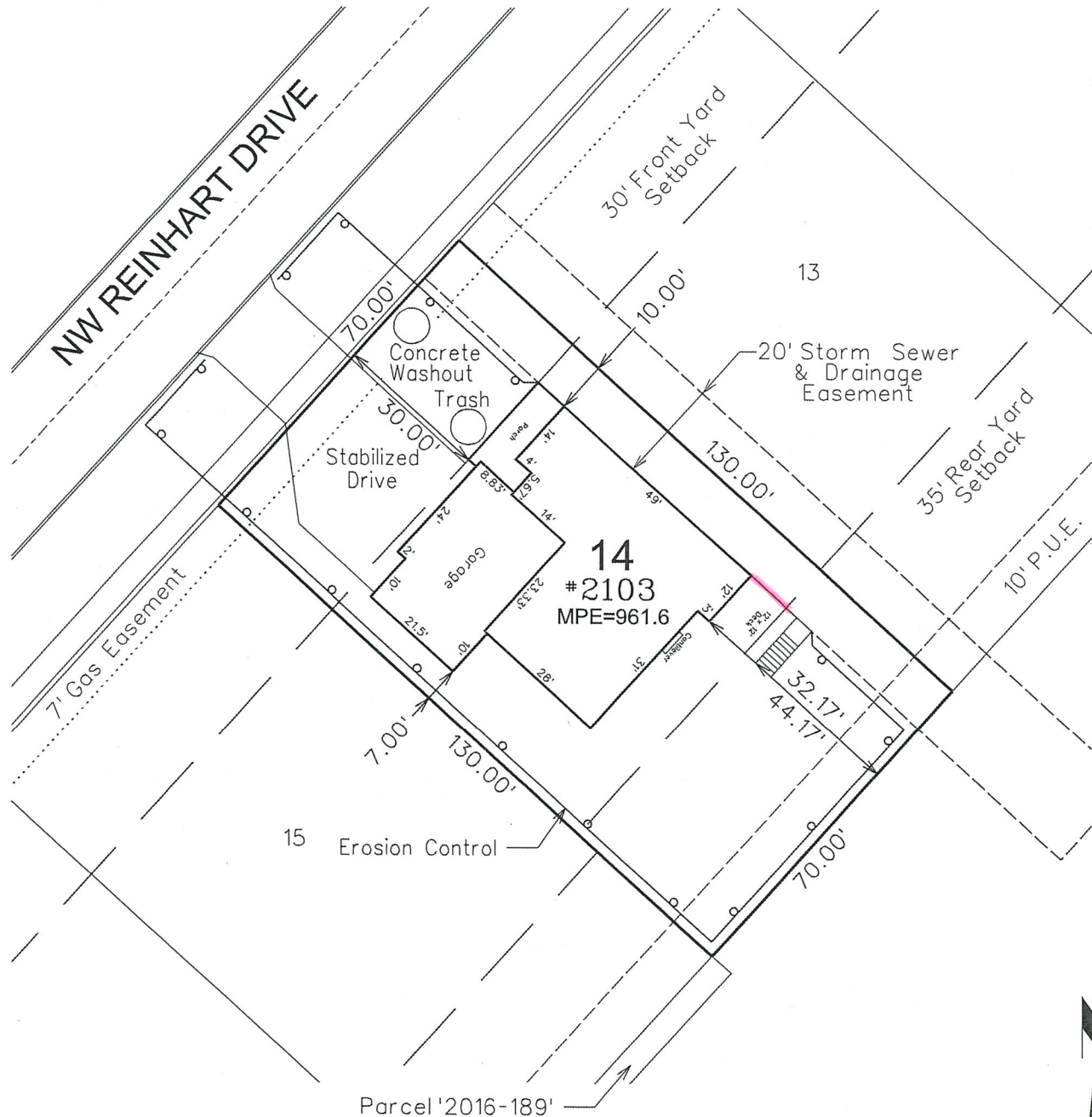
Jerry Zwald 641-425-3119

#22-01

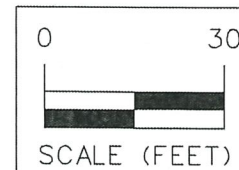


#22-01

SITE PLAN



ZONING: R-2
MINIMUM REQUIREMENTS:
FRONT YARD - 30'
REAR YARD - 35'
SIDE YARD - 7/15'
ADDRESS: 2103 NW REINHART DRIVE
ANKENY, IA
HOUSE PLAN: MADISON



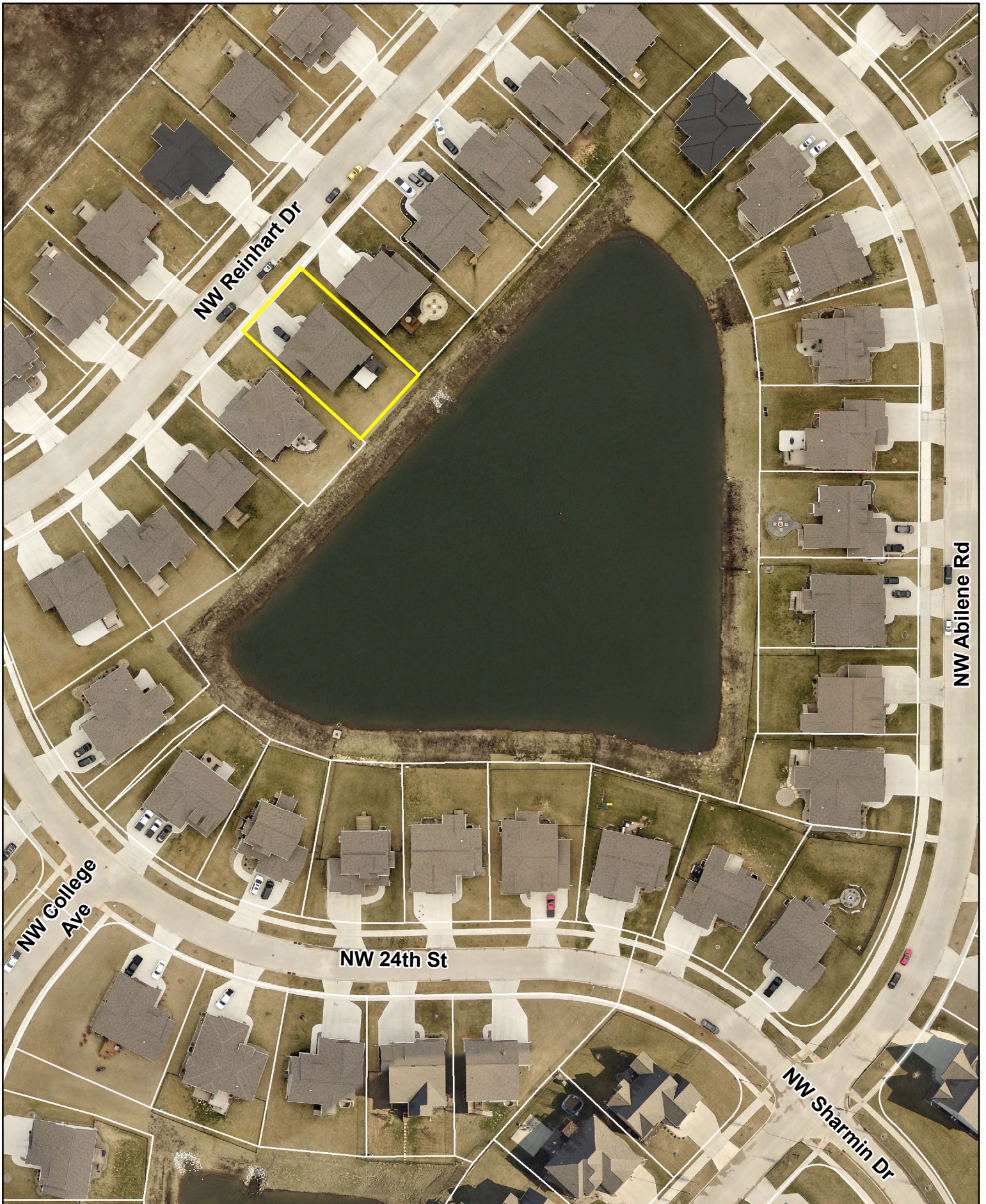
CLASSIC BUILDERS

CENTENNIAL POINTE PLAT 6, LOT 14



2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

SHEET	1 OF 1
PN:	117.0044
PM:	GAC
DATE:	10-3-17
TECH:	RSN



N



1 inch = 100 feet

Date: 12/14/2021

**#22-01 - 2103 NW Reinhart Drive
Variance - Rear Yard Setback**

 **Ankeny**
bringing it all together.

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

To: Members of the Zoning Board of Adjustment
From: Laura Hutzell, Planner 1
Filing #: 22-01
Meeting Date: January 4, 2022
Address: 2103 NW Reinhart Dr

APPLANT REQUEST

A variance to the City of Ankeny Municipal Code Section 192.05(3)E that requires Rear Yard: 35-feet, allowing a 32' rear yard setback for a covered deck at 2103 NW Reinhart Dr.

STAFF POSITION

That the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.05(3)E to allow a 32' rear yard setback for construction of a 12x12-foot portion of a covered deck at 2103 NW Reinhart Dr, subject to the applicant acquiring all necessary building permits.

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.

PROJECT SUMMARY

The subject property at 2103 NW Reinhart Dr is owned by Jerry and Jeanne Zwald. The proposal is to construct a 12x12-foot roof to cover the existing deck. The zoning for the area is R-2, One-Family and Two-Family Residence District. The applicant has requested a variance to allow a 12x12-foot portion of a covered deck and allow the required 35-foot rear yard setback be reduced to 32'.

PROJECT REPORT

Criteria for Variance:

197.01(4) 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 title 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 title 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 title.

FINDINGS OF FACT

The subject property at 2103 NW Reinhart Dr is owned by Jerry and Jeanne Zwald. The property is legally described as Lot 14, Centennial Pointe Plat 6. The property is zoned R-2, One-Family and Two-Family Residence District. Neighboring properties to the north, south, east and west are also zoned R-2.

The original building permit describes the home as a one-story, single-family dwelling with 1,594 finished sf, 823 sf finished basement, 729 sf garage, and a 144 sf deck. Easements for the property include a left, 10-foot storm sewer and drainage easement, and a rear 10-foot public utility easement. A certificate of occupancy for the home was obtained June 18, 2018. There is an existing 12'x12' deck that currently encroaches approximately three feet into the 35-foot rear yard setback.

A building permit to cover the existing 12'x12' deck was submitted on November 30, 2021. The permit was placed on hold since construction of the roof would extend into the 35-foot rear yard setback. Prior to the official permit being submitted, City staff had corresponded with the appellant regarding verification on the distance between the proposed covered deck and the rear property line. City staff then provided variance request information to the home owner.

The rear yard setback is measured from the property line to the footings of the home or deck if there is a roof. According to Ankeny Municipal Code Section 196.03(2)B; *Rear Yard. Unenclosed, above and below, decks which project not more than 12-feet into the required rear yard.* It is only when the roof is added that the structure needs to meet the setback requirements of the house.

The proposal is to construct a 12x12-foot roof over the existing 12x12-foot deck. The addition of a 12x12 covered deck will reduce the actual rear yard setback to 32'- when measured to the rear property line. By and large, the addition does not decrease the "backyard" of the property and does not seem to infringe upon the properties to the east, west or south.

Furthermore, other similar variance requests have been approved by the Zoning Board of Adjustment in the past. The most recent being August 18, 2020, which allowed a covered deck to encroach 12 feet into the 35-foot rear yard setback.

Staff notified all property owners within 250' of 2103 NW Reinhart Dr of this appeal by mail on December 21, 2021. 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' 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.

ZONING BOARD OF ADJUSTMENT
January 4, 2022
5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:
Public Hearing

LEGAL:

SUBJECT:

#21-23

Teri Walker

1218 SW 2nd Street

Lot 39, Westlawn Place

RE: Variance - Side 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 #21-23
 Staff Report



#21-23

APPLICATION FOR APPEAL ZONING BOARD OF ADJUSTMENT

Applicant is: ☒ Property Owner ☐ Tenant ☐ Other _____

Applicant Teri Lynn Walker

Address / Phone # 1218 SW 2nd St Ankeny, Iowa 50023

E-mail teri.lynn.20@outlook.com

Property Owner Teri Lynn Walker

Address / Phone # 1218 SW 2nd St.

E-mail teri.lynn.20@outlook.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 1218 SW 2nd St Ankeny IA 50023

Legal description (Plat & Lot #) Westlawn Place Lot # 39

Zoning R2 Principal Use of property personal home

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: Allow current carport

Structure to remain intact. Replaced previous deteriorating structure.

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.

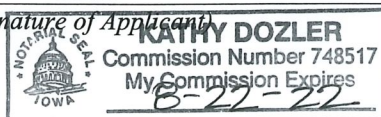
AFFIDAVIT

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.

Teri Lynn Walker

(Signature of Applicant)



Signed and sworn to before me, this

19th day of November, 2021.

Kathy Dozler
(Notary Public)

Date received 11-19-2021

Paid ☐ Cash ☒ Check # 4120.00

Office Use Only

Filing # 21-23

Scheduled Meeting Date 12-7-2021

#21-23

November 19, 2021

To: City of Ankeny Zoning Board of Adjustment
Re: Carport Replacement

Dear Board,

My name is Teri Walker and I live at 1218 SW 2nd St in Ankeny.

I am asking for a variance to be approved for a carport that was replaced in September 20

The old carport was deteriorating, so we replaced it. I did not realize a permit was required to replace an existing structure.

I allowed my boyfriend to build it, however, he made it taller, longer, and wider than the previous structure. During the derecho of August 2020, the carport was leaning about a foot to the west. This caused a neighbor to call with concerns it might fall on her fence. The carport never fell. It was returned to an upright position and was reinforced. The original carport was approved 9-17-73 and was 3 inches from the lot line. The new carport

is 23 inches from the property line.
This is a difference of 8 inches
from the original approval.

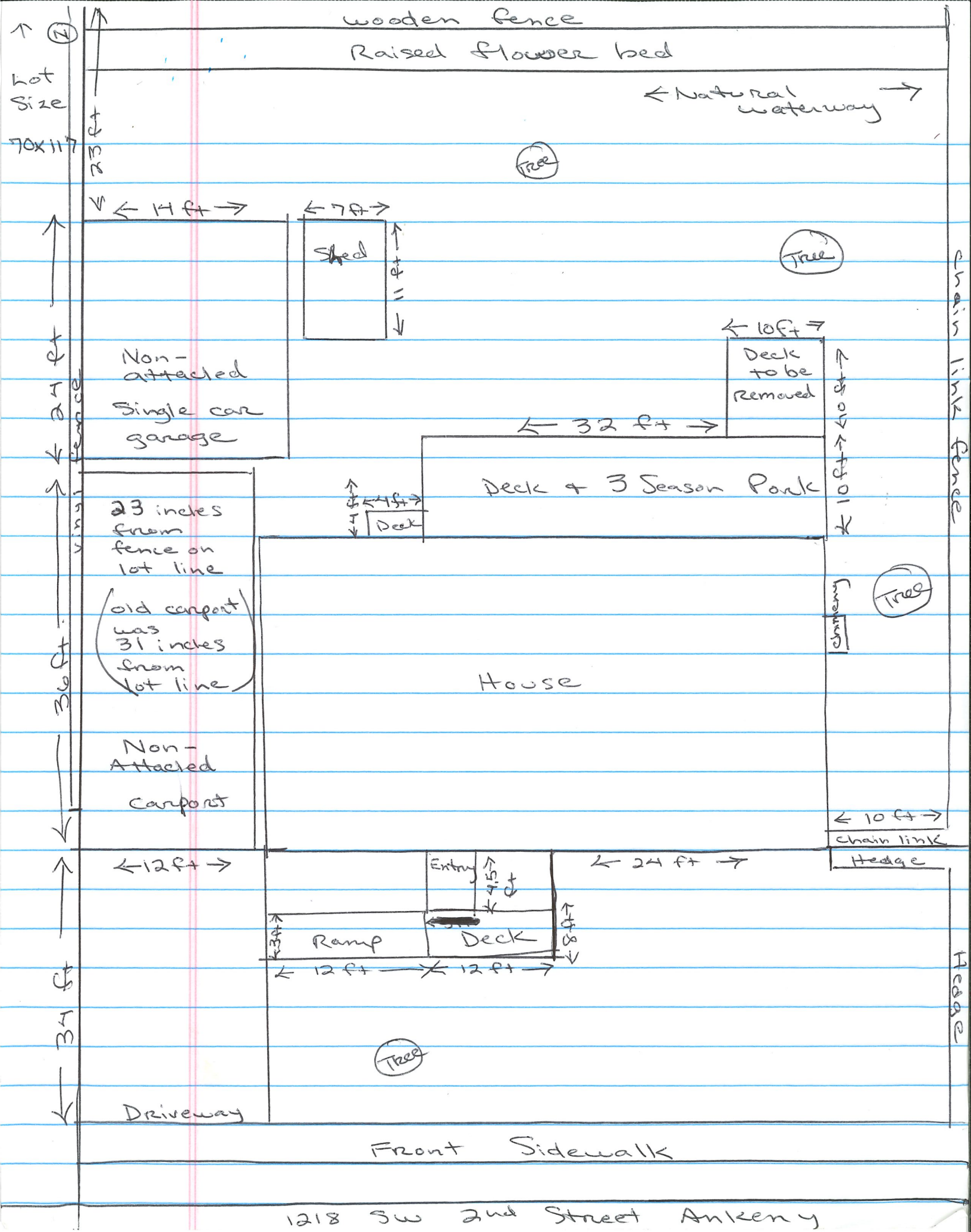
I am asking that the current
structure be allowed to remain.
It cost approximately \$2,000 to
build and \$500 to reinforce.

Thank you for your consideration.

Respectfully,

Teri Walker

A handwritten signature in cursive script, appearing to read "Teri Walker". The signature is written in dark ink on lined paper.



1218 SW 2nd Street Ankeny

APPLICATION FOR PERMIT

BUILDING

ANKENY, IOWA

#21-23

DEPARTMENT OF SAFETY
DIVISION OF BUILDINGS

1218 Second

3986

Use Zone <i>R-2</i>	Height & Area	Received by <i>Albert Anderson</i>	Date of Appl. <i>9/17/73</i>	Date Issued <i>9/17/73</i>	Permit No. <i>9-17-73</i>
------------------------	---------------	---------------------------------------	---------------------------------	-------------------------------	------------------------------

TO BE FILLED IN BY APPLICANT

ARCHITECT OR ENGINEER	Name		Lot No. <i>39</i>	Block
	Address		Addition <i>Westlawn Place</i>	
	City		Size of Lot <i>70 X 11.7</i>	No. of Bldgs. Now on Lot
	State License No.	Tel. No.	Use of Bldgs. Now on Lot	
CONTRACTOR	Name		Building Address	
	Street		Nearest Cross St.	
	City		OWNER Name <i>Mr M. Vitchens</i>	
	State	Tel. No.	Mail Address <i>1218 Second</i>	
			City <i>Ankeny</i>	Tel. No.

DESCRIPTION OF WORK

Use of Building	<i>Car Port</i>
-----------------	-----------------

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all city ordinances and state laws regulating building construction.

Signature of Owner _____

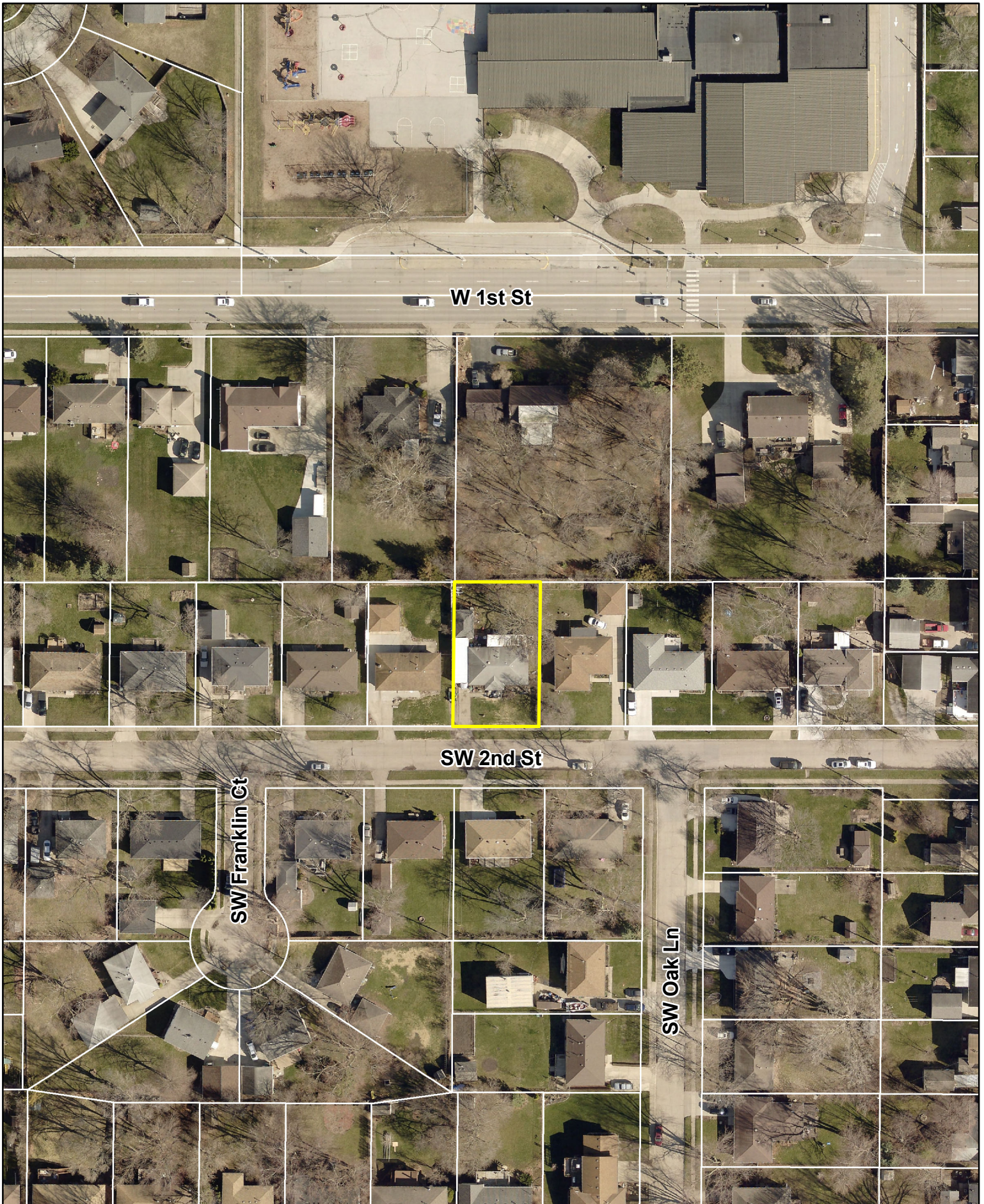
Authorized Agt. _____

Dwelling	One Family	Two Family
Garage	Attached	Unattached
Basement	Cantilever	
New	Type	
Alteration	No. of Rooms	No of Families
Addition	Size	
Repair	Stories	
Moving	Wall Covering	
Demolish	Roof Covering	

PLOT PLAN



Valuation <i>\$ 300</i>	Bldg. Permit Fee \$ <i>3.00</i>	FINAL APPROVAL	
	Driveway Permit \$	Date	Inspector's Name
Square Feet Area	Total Fee \$ <i>3.00</i>		



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

To: Members of the Zoning Board of Adjustment
From: Bryan Morrissey, Associate Planner
Filing #: 21-23
Meeting Date: December 7, 2021
Address: 1218 SW 2nd Street

ESC

APPELLANT REQUEST

A variance to Ankeny Municipal Code Section 192.04(3)(D) that requires Side Yard: Minimum on one side – 7 feet, allowing a 23-inch side yard setback for a carport at 1218 SW 2nd Street.

STAFF POSITION

That the Zoning Board of Adjustment deny a variance to Ankeny Municipal Code section 192.04(3)(D) allowing a 23-inch side yard setback for a carport at 1218 SW 2nd Street.

This position is based on a determination that the shape or shallowness of the subject property is not exceptional, extraordinary situations do not exist, and that the decreased side yard setback for the carport is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

PROJECT SUMMARY

The subject property is located at 1218 SW 2nd Street, south of W 1st Street and east of SW State Street, just west of the Uptown District. The property is zoned R-2, One-Family and Two-Family Residence District and sits on an approximate .189-acre lot. The applicant has requested a variance to allow for an approximate 23-inch side yard setback, which will allow the property owners to keep their already-constructed carport in its current location. Ankeny Municipal Code Section 192.03(3)(D) requires a minimum 7-foot side yard setback for properties in the R-2 zoning district, which currently is not being observed due to the carport's proximity to the west lot line.

CRITERIA FOR VARIANCE

197.01(4) 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 title 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 title 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 title.

FINDINGS OF FACT

The address for the subject property is 1218 SW 2nd Street and is legally described as Lot 39 Westlawn Place. The property is zoned R-2, One-Family and Two-Family Residence District with all of the surrounding properties being zoned R-2 as well. The image below shows nearby properties in the area and their applicable zoning. Properties in the translucent shade of yellow are zoned R-2.



The subject property has a single-family detached home situated on an approximate .189-acre lot. The Polk County Assessor's records indicate that the residence was constructed in 1959. Neighboring properties in the area all have single-family homes on similar sized lots as well.

In the summer of 2020 City staff was notified about a carport at 1218 SW 2nd Street by a neighbor who was concerned that the structure had begun to lean towards their property after a storm. After inspecting the carport, staff learned that the structure did not have a permit and may not be legal per Ankeny Municipal Code. There had been a similar carport on the property previously that had been permitted in 1973, but that structure had been removed and replaced with a larger carport that was not permitted. Staff requested that the property owners submit a permit application to begin the review process that would determine if the structure was legal or not. After multiple discussions between city staff and the property owners, a permit application was submitted in May of 2021.

Upon the initial review process, the City's Building Division pondered whether to consider the carport a detached accessory structure, separate from the primary residence or an attached structure. After discussion, it was determined that it'd be best to classify the carport as an attached structure for two reasons. First, although the carport is not physically attached to the primary residence, one can see from the photos below

that the carport is extremely close to the primary structure; much closer than an accessory structure typically is in these circumstances. The other reason the carport was classified as an attached structure was due to the fact that it's located in the side yard, as detached accessory structures are required to be in the rear of the property in this zoning district. It was important for staff to make this classification to determine what section of the Code the property owners may be in violation of before completing the review. Shortly after classifying the structure as being attached to the primary structure, it was determined that the carport was in fact not legal as it was only 23-inches away from west lot line, impeding on the minimum seven-foot side yard setback. City staff informed the owners that a variance would be needed to keep the structure and assisted them in beginning the process for applying for said variance.

Ankeny Municipal Code Section 192.04(3)(D) – Side Yards: One story: Total side yard – 15 feet, Minimum on one side – 7 feet



*View of the carport visible from SW 2nd Street.
Arrow pointing towards the space between the carport and the neighboring fence.*



*View of the carport visible from SW 2nd Street.
Arrow pointing towards the distance between the carport and the primary structure on the property.*



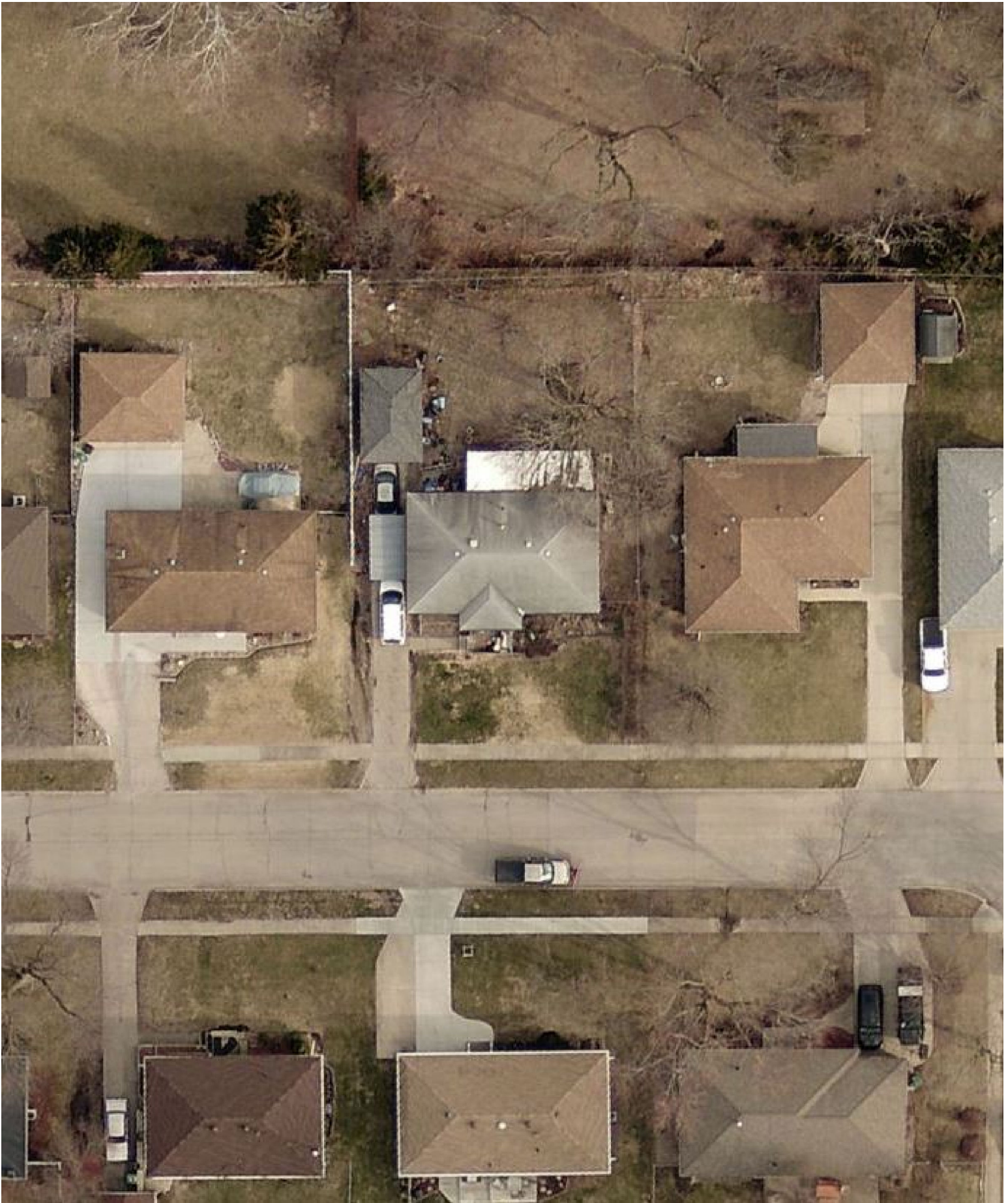
View of the carport visible from SW 2nd Street

Staff does not believe that any topographical conditions or extraordinary situations exist on the property that would justify granting a variance to section 194.04(3)(D) of the Ankeny Municipal Code. Additionally, the concern from neighboring property owners that the structure had begun to lean towards other properties is further reason staff does not believe that it's appropriate to grant a variance in this case. The Ankeny Municipal Code adopted these regulations specifically to protect the peace, health, safety, and welfare of

the community. Staff believes that this structure in its current location and condition would go against the primary principals of the Code and therefor should not be permitted.

Per Code, staff mailed public notices to property owners within 250 feet of the subject property and published notice in the local paper. To date, staff has received multiple calls about the variance request, but no official correspondences have been filed.

The staff position is to deny a variance to Ankeny Municipal Code section 192.04(3)(D) allowing a 23-inch side yard setback for a carport at 1218 SW 2nd Street. This position is based on a determination that the shape or shallowness of the subject property is not exceptional, extraordinary situations do not exist, and that the decreased side yard setback for the carport is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.



1218 SW 2nd Street*

*2017 aerial imagery showing the original carport
referenced in the filing #21-23 staff report

ZONING BOARD OF ADJUSTMENT
January 4, 2022
5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Special Events Permits - Discussion

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

[Click to download](#)

No Attachments Available

ZONING BOARD OF ADJUSTMENT
January 4, 2022
5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

- Election of Chair and Vice Chair
- 2020 Zoning Board of Adjustment Annual Summary

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download

 [2020 ZBOA Annual Summary](#)

CITY OF ANKENY ZONING BOARD OF ADJUSTMENT 2020 REPORT

Board Members

Matt Ott, Chairperson
Jeffrey Baxter, Vice Chairperson
Nichole Sungren
Kristi Tomlinson
Brett Walker

Original Appointment

05-05-2008
02-01-2016
03-05-2012
09-06-2005
10-19-2015

2020 Board Activity

January 7, 2020

Meeting Cancelled

January 21, 2020

Meeting Cancelled

February 4, 2020

Meeting Cancelled

February 18, 2020

Meeting Cancelled

March 3, 2020

Docket: #20-01

Applicant: ATI Group, LLC / Grove Development, LLC

Location: The Grove Development

Request: exception to the district regulations to move the rear R-3 zoning line 5 feet south of the proposed lots 1-6 and move the R-1 zoning line 30.5 feet north of the proposed lot 17, in The Grove Plat 6 final plat

Code Section: 197.01.4(C)(3)

Decision: Granted

**Exception – Zoning Line Adjustment
R-1 to R-3 and R-3 to R-1**

Received 2019 Zoning Board of Adjustment Annual Report

Elected Matt Ott as Chairperson; Jeff Baxter as Vice Chair

Renewed Special Use Permits

#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
#12-02 – 1701 N Ankeny Boulevard – Sports Page Grill
#15-01 – 2510 SW White Birch Drive, Ste. 1 & 2 – Main Street Café & Bakery
#08-03 – 2005 S Ankeny Boulevard – Wig & Pen Pizza Pub
#15-19 – 410 N Ankeny Boulevard – Hy-Vee Market Café
#18-04 – 810 E 1st Street – Grumpy Goat Tavern

March 17, 2020

Docket: #20-02

Variance – Second Ground Sign

C-2

Applicant: Elwell, Inc.

Location: 110 N Ankeny Boulevard
Lot 4, School Street Commons Plat 1

Request: a variance to allow a second ground sign

Code Section: 195.04(8)

Decision: Granted

Renewed Special Use Permits

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

April 7, 2020

Meeting Cancelled

April 21, 2020

Meeting Cancelled

May 5, 2020

Meeting Cancelled

May 19, 2020

Docket: #20-03

Variance – Front Yard Setback - Fence

R-1

Applicant: Bryce and Laura Duckett

Location: 533 SW Southlawn Drive
Lot 32 & 33, Southlawn Place Replat

Request: a variance to allow 6-foot tall privacy fence to encroach 33-feet into the 35-foot front yard setback

Code Section: 191.14(2)

Decision: Granted, subject to the existing shrubs being maintained & remaining in their current location.

Renewed Special Use Permits

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

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

#16-21 716 SW 3rd Street, Firetrucker Brewery

June 2, 2020

Docket: #20-04

Variance – Rear Yard Setback - Covered Deck

R-3/rst

Applicant: Ed Kaufman and Randi Wolf Kaufman

Location: 1616 SE Coralberry Drive
Lot 7, Clover Ridge West Plat 3

Request: a variance to allow a covered deck with a 31-foot' rear yard setback

Code Section: 192.05(3)E

Decision: Granted

Docket: #20-05

Variance – Rear Yard Setback - Fence

PUD

Applicant: Absolute Fence/Homeowner Danielle Johnson

Location: 4403 NE Trilein Drive
Lot 93, Woodland Reserve Plat 1

Request: a variance to allow 6-foot tall privacy fence 15-feet into the 30-foot front yard setback

Code Section: 191.14(2)

Decision: Granted

Renewed Special Use Permits

#15-14 705 S. Ankeny Blvd. – Benchwarmers
#15-20 2732 SE Delaware Ave., Ste 310 – Ankeny – Fuzzy's Taco Shop
#16-16 202 SE Delaware Ave. – Guadalajara Mexican Restaurant

June 16, 2020

Docket: #19-01(2020)

Special Use Permit
C-2A

Applicant: Marcus Pitts
Uptown Garage Brewing Company
Location: 305 SW Walnut Street
Lot 7, OP Outlot 1 Town of Ankeny
Request: a special use permit to allow an outdoor service area with sound
Code Section: 130.07 and 196.02(1)(I)
Decision: Granted

Renewed Special Use Permits

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

July 7, 2020

Docket: #20-06

Variance – Rear Yard Setback - Covered Deck
R-2

Applicant: Elwell, Inc.
Location: 5009 NE Trilein Drive
Lot 11, North Prairie Bend Plat 2
Request: a variance to allow a covered deck with a 29-foot 8-inch rear yard setback
Code Section: 192.04(3) E
Decision: Granted

Docket: #20-07

Special Use Permit
C-2

Applicant: T180 Development, LLC/dba Tavern 180
Location: 1865 N Ankeny Boulevard, Suite 117
Part Lot 7, Northpointe Village Center Plat 1
Request: a special use permit to allow an outdoor service area with sound
Code Section: 130.07 and 196.02(1)(I)
Decision: Granted, subsequent Special Use Permits must come before the Board

July 21, 2020

Docket: #20-08

Variance – Rear Yard Setback - Covered Deck
R-3

Applicant: Zachary Bodensteiner
Location: 2709 NW 23rd Street
Lot 40, Trestle Crossing Plat 3
Request: a variance to allow a covered deck with a 31-foot 6-inch rear yard setback
Code Section: 192.05(3)E
Decision: Granted

Docket: #20-09

Variance – Rear Yard Setback - Covered Deck
R-1

Applicant: Robert and Dalene Norgaard
Location: 2821 NW 3rd Street
Lot 16, Golfview Terrace Plat 6
Request: a variance to allow a covered deck with a 27-foot rear yard setback
Code Section: 192.03(3)E
Decision: Granted

Renewed Special Use Permits

#18-09 1802 N Ankeny Blvd., Ste. 108-110 – Mistress Brewing Company

August 4, 2020

Docket: #20-10

Variance – Rear Yard Setback - Covered Deck
R-1

Applicant: Baltazar Leiva

Location: 1216 NE Tuscany Boulevard
Lot 8, Briar Creek Plat 2

Request: a variance to allow a covered deck with a 22-foot rear yard setback

Code Section: 192.03(3)E

Decision: Granted

Docket: #20-11

Variance – Rear Yard Setback - Covered Deck
PUD/R-2

Applicant: Josee Salamone

Location: 416 SW 30th Street
Lot 1, Siena Hills Plat 3

Request: a variance to allow a covered deck with a 33-foot 6-inch rear yard setback

Code Section: 192.04(3)E

Decision: Granted

August 18, 2020

Docket: #20-12

Variance – Height & Side Yard Setback – Accessory Building
C-2

Applicant: Michael Westbrook

Location: 2843 SW 3rd Street

-EX N 70.59F ON W LN & N 72.79F ON E LN RD EAS-BEG 658.1F S & 356.14F E OF NW COR THN E 174.6F S 140F W 175.06F N 140F TO POB NW 1/4 SEC 22-80-24

Request: a variance to allow an 884 square foot detached garage to be located in the side yard and also exceed the 14 foot maximum height allowed per Code.

Code Section: 191.07(1) & 192.05(3)(F)

Decision: Granted, Side Yard Variance
Denied, Height Variance

Docket: #20-13

Variance – Rear Yard Setback - Covered Deck
R-3

Applicant: Josee Salamone

Location: 1505 NE Kari Ann Court
Lot 8, Terrell Manor Plat 7

Request: a variance to allow a covered deck with a 23-foot rear yard setback

Code Section: 192.05(3)E

Decision: Granted

Docket: #20-14

Variance – Rear Yard Setback - Covered Deck
PUD/R-2

Applicant: Darla Oldenburger

Location: 317 SW Carriage Drive
Lot 5, Siena Hills Plat 6

Request: a variance to allow a covered deck with a 23-foot rear yard setback

Code Section: 192.04(3)E

Decision: Granted

Renewed Special Use Permits

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

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

September 9, 2020

Docket: #20-15

Variance – Side Yard Setback
R-3/with restrictions

Applicant: Brian Campbell, Campbell Engineering & Surveying, Inc.
For Nicholas and Amanda Nelson

Location: 3519 SE 18th Court
Lot 24, Clover Ridge East Plat 2

Request: to allow the existing single-family house to be located within the required 7-foot side yard setback and allow the required side yard setback be reduced to 2-feet 1-inch.

Code Section: 192.05(3)D

Decision: Granted

Docket: #20-16

Variance – Rear Yard Setback - Covered Patio
PUD/R-2

Applicant: Lance Hanna

Location: 4215 SW Snyder Boulevard
Lot 25, Sienna Falls Plat 1

Request: to allow a 26-foot rear yard setback for construction of a covered patio

Code Section: 192.04(3)(E)

Decision: Granted

Docket: #20-17

Variance – Rear Yard Setback - Pergola
PUD

Applicant: Julia Wulf

Location: 4712 NE Briarwood Drive
Lot 37, Creekside Plat 3

Request: to allow an 18-foot, 8-inch rear yard setback for a pergola over an existing deck

Code Section: Creekside PUD bulk regulations

Decision: Granted

Docket: #20-18

Variance – Front Yard Setback – Fence
R-2

Applicant: Joel Vulgamott

Location: 504 NW Applewood Street
S 2F LT 12 & ALL LT 13 College Park Plaza Northwest Plat 5

Request: to allow a 6-foot tall privacy fence to encroach approximately 25 feet into the 30-foot front yard setback along the south property line

Code Section: 191.14(2)

Decision: Granted, subject to additional landscaping between the fence and NW 5th Street

Renewed Special Use Permits

#16-18 2510 SW White Birch Drive, Suite 8 & 9 – The Whiskey House

#16-14 1350 SW Vintage Parkway – Whiskey River

September 22, 2020

Docket: #20-19

Variance – Fence
R-2

Applicant: Jesse Denker

Location: 107 SW Springfield Drive
Lot 1, Siena Hills Plat 1

Request: to allow a 6-foot tall privacy fence to encroach approximately 15 feet into the 30-foot front yard setback along the north property line and 10 feet into the 30-foot front yard setback along the east property line

Code Section: 191.14(2)

Decision: Granted, subject to Resolution 2014-243, which necessitates the planting of two trees in the remaining setback area along S Ankeny Boulevard and additional landscaping between the remaining setback area and SW Springfield Drive.

Renewed Special Use Permits

#16-13 2785 N Ankeny Boulevard – Cabaret

October 6, 2020
Meeting Cancelled

October 20, 2020
Meeting Cancelled

November 3, 2020
Meeting Cancelled

November 17, 2020

Docket: #20-20

**Variance – Off Premise Sign
C-2**

Applicant: Buyers Realty Inc.

Location: 1965 SE Delaware Avenue
S13F LT 6 & ALL LT 7 KOHLS PLAZA PLAT 1

Request: to allow an off-premise user to advertise on a panel as part of a 100 sq.ft. monument sign and to rescind Resolution 02-12(2)(b) for Lot 7, Kohls Plaza Plat 1

Code Section: 195.05(7)

Decision: Granted, subject to the following condition: 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.

Renewed Special Use Permits

#19-05 710 SW 3rd Street – Trailside Tap

#08-23 1690 SE Delaware Avenue – Buffalo Wild Wings Grill & Bar

#12-15 1425 SW Vintage Parkway – Jethro's BBQ Lakehouse

December 8, 2020
Meeting Cancelled

December 22, 2020
Meeting Cancelled

Attendance at Zoning Board of Adjustment Meetings

MEMBER	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC		TOTAL
	7	21	4	18	3	17	7	21	5	19	2	16	7	21	4	18	9	22	6	20	3	17	8	22	
Kristi Tomlinson					1	0			1		1	1	1	1	1	1	1	1			1				11
Nicole Sungren					1	1			1		1	1	1	1	1	1	1	1			1				12
Matt Ott	No Mtg	No Mtg	No Mtg	No Mtg	1	1	No Mtg	No Mtg	No Mtg	1	1	1	1	1	1	1	1	1	No Mtg	No Mtg	No Mtg	1	No Mtg	No Mtg	12
Brett Walker					1	1			1		1	1	1	1	1	1	0	1			1				11
Jeffrey Baxter					1	1			1		1	1	0	1	1	1	1	1			1				11
TOTAL					5	4			5		5	5	4	5	5	5	4	5			5				

2020 Variance Summary

Setback Variance

- 1616 SE Coralberry Drive
- 5009 NE Trilein Drive
- 2709 NW 23rd Street
- 2821 NW 3rd Street
- 1216 NE Tuscany Boulevard
- 416 SW 30th Street
- 1505 NE Kari Ann Court
- 317 SW Carriage Drive
- 4215 SW Snyder Boulevard
- 4712 NE Briarwood Drive

Exception Zoning Line Adjustment

- The Grove Development

Second Ground Sign Variance

- 110 N Ankeny Boulevard

Height Variance

- 2843 SW 3rd Street - Denied

Accessory Building Side Yard Setback Variance

- 2843 SW 3rd Street

House Side Yard Setback Variance

- 3519 SE 18th Court

Off-Premise Sign Variance

- 1965 SE Delaware Avenue

Fence Variance

- 533 SW Southlawn Drive
- 4403 NE Trilein Drive
- 504 NW Applewood Street
- 107 SW Springfield Drive

2020 Special Use Summary

Special Use Permit

- 305 SW Walnut Street – Uptown Garage Brewing Company/ Outdoor Service Area
- 1865 N Ankeny Boulevard, Suite 117 – Tavern 180/Outdoor Service Area

Annual Reviews (administratively approved)

- #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
- #12-02 – 1701 N Ankeny Boulevard – Sports Page Grill
- #15-01 – 2510 SW White Birch Drive, Ste. 1 & 2 – Main Street Café & Bakery
- #08-03 – 2005 S Ankeny Boulevard – Wig & Pen Pizza Pub
- #15-19 – 410 N Ankeny Boulevard – Hy-Vee Market Café
- #18-04 – 810 E 1st Street – Grumpy Goat Tavern
- #17-02 – 106 SW State Street, Suite 100 – Wheel House Pizza Pub
- #16-03 – 1375 Vintage Parkway, District 36 Wine Bar & Grille
- #08-20 – 2414 SE Tones Drive, On the Waterfront Seafood Restaurant
- #16-21 – 716 SW 3rd Street, Firetrucker Brewery
- #15-14 – 705 S. Ankeny Blvd. – Benchwarmers

#15-20 – 2732 SE Delaware Ave., Ste 310 – Ankeny – Fuzzy’s Taco Shop
 #16-16 – 202 SE Delaware Ave. – Guadalajara Mexican Restuarant
 #08-01 – 2732 SE Delaware Avenue – Old Chicago Pizza and Taproom
 #18-09 – 1802 N Ankeny Blvd., Ste. 108-110 – Mistress Brewing Company
 #13-09 – 2510 SW State Street – Hy-Vee Market Grille
 #19-10 – 2785 N Ankeny Blvd., Suites 11 & 12 – Cancun Restaurant and Cantina
 #16-18 – 2510 SW White Birch Drive, Suite 8 & 9 – The Whiskey House
 #16-14 – 1350 SW Vintage Parkway – Whiskey River
 #16-13 – 2785 N Ankeny Boulevard – Cabaret
 #19-05 – 710 SW 3rd Street – Trailside Tap
 #08-23 – 1690 SE Delaware Avenue – Buffalo Wild Wings Grill & Bar
 #12-15 – 1425 SW Vintage Parkway – Jethro’s BBQ Lakehouse

Zoning Board of Adjustment Activity 2016 – 2020

	# of Cases	# of Meetings
2016	24	13
2017	11	7
2018	20	14
2019	14	10
2020	21	12

Variance Requests by Type

	Fence	Setback	Height	Sign	Parking / Paving	Zoning Line Adjust.	Accessory Structure
2016	3	8	1	3	1	1	0
2017	1	5	1	1	2	0	0
2018	3	9	0	1	0	1	1
2019	1	2	0	0	0	0	0
2020	4	11	1	2	0	1	1

Special/Conditional Use Requests

	#
2016	9
2017	3
2018	5
2019	10
2020	2

ZONING BOARD OF ADJUSTMENT
January 4, 2022
5 : 00 PM

 **Print**

ORIGINATING DEPARTMENT:
Planning and Building

COUNCIL GOAL:

ACTION REQUESTED:

LEGAL:

SUBJECT:

Renewed Special Use Permits

#12-02 1701 N Ankeny Blvd. - Sports Page Grill

EXECUTIVE SUMMARY:

FISCAL IMPACT: **No**

STAFF RECOMMENDATIONS:

PREVIOUS COUNCIL/COMMISSION/BOARD ACTION(S):

PUBLIC OUTREACH EFFORTS:

ACTION REQUESTED:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Click to download
 Renewed Special Use Permits



City of Ankeny
Outdoor Service Area Renewal Application

***Special Permit Resolution # 12-02**

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: **The SP Grill, Inc.**
(Sole Proprietorship, Partnership, Corporation)

Name of Business (d/b/a): **Sports Page Grill**

Address of Premise: **1701 North 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

Name of Applicant (printed)

Date

11/10/2021



APPROVED

ADMINISTRATIVELY

12/7/21 EJC