

Meeting Minutes
Zoning Board of Adjustment
Tuesday, September 17, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the September 17, 2024 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: E.Jensen, E.Carstens, L.Hutzell, R.Kirschman, B.Morrissey, J.Heil and B.Fuglsang.

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE AUGUST 20, 2024 REGULAR MEETING

Motion by K.Tomlinson to approve the meeting minutes as submitted. Second by J.Baxter. Motion carried 5 – 0.

COMMUNICATIONS / CORRESPONDENCE

Chair Matt Ott noted that correspondence was received for Appeal #24-15 and #24-16 from Chris Murray, Denny Elwell Company/Denny Elwell Family LC, 2401 SE Tones Drive, Ste. 17 in support of the requests. He stated that all correspondence will be received and filed during the public hearing.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-14

Matt Pullen

for property located at

4118 SW Snyder Boulevard

Lot 43, Sienna Falls Plat 1

RE: Variance - Rear Yard Setback - Covered Deck

Chair M.Ott opened the public hearing.

Matt Pullen, 4118 SW Snyder Boulevard, Ankeny said they have been an Ankeny resident for about 10 ½ years. He said in the evening when eating dinner the sun comes directly into their dining room. They are requesting a variance to allow them to place a cover over the deck, which will give them some relief from the sun and provide some privacy.

R.Kirschman reported the applicant is requesting a variance to Ankeny Municipal Code Section 192.04(3)(E) that requires Rear Yard: 35-feet, allowing a 31 ½ foot rear yard setback for a covered deck at 4118 SW Snyder Boulevard. He stated that the subject property is located south of SW Oralabor Road and west of S Ankeny Boulevard and is a .22-acre lot that is zoned PUD, Siena Hills PUD (Planned Unit Development). He said the neighboring properties in all directions are similarly zoned PUD. The requested variance is to encroach approximately 3 ½ feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. He noted that according to the permit records the deck was constructed with the home in 2014. Per Ankeny Municipal Code Section 196.03(2)(B) unenclosed decks are allowed to extend up to twelve feet into the rear yard setbacks, while covered decks are not permitted in rear yard setbacks. R.Kirschman stated that as indicated by the applicant on their submitted site plan, at its furthest point the proposed covered deck extends approximately 3 ½ feet into the rear yard setback leaving approximately 31 ½ feet between the deck and the rear property line. He commented that the covered deck should not have any measurable impact on surrounding residences. He said that all legal notifications were met for this request and noted that to date, staff has not received any correspondence for or against the proposed variance. The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 31.5-foot rear yard setback for the construction of a covered deck at 4118 SW Snyder Boulevard. 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 increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

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

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

The Board had no concerns.

Board Action on Filing #24-14 for property located at 4118 SW Snyder Boulevard

Motion by M.Ott that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 31 ½ foot rear yard setback for the construction of a covered deck at 4118 SW Snyder Boulevard. 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 increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by K.Tomlinson . Motion carried 5 – 0.

#24-17

Randy and Christina Hass

for property located at

2115 NW Reinhart Drive

Lot 17, Centennial Pointe Plat 6

RE: Variance - Rear Yard Setback - Covered Deck

Chair M.Ott opened the public hearing.

Randy Hass, 2115 NW Reinhart Drive, Ankeny said they purchased their home back in March. They are requesting a variance to place a cover over their deck. He commented that his wife has a skin condition and is advised to stay out of the sun. In addition to adding the roof, they are planning to expand the deck lengthwise but not further towards the rear of the yard. He noted that the plans have been submitted and approved by the Centennial Pointe Association. He said the neighbors are aware of their plan and provided a letter of support.

M.Ott confirmed that they were only covering the existing deck, not the expanded portion of the deck. Randy Hass responded, yes. Randy Hass further said the deck will not expand any further into the rear yard. M.Ott asked Randy Hass to note on the aerial map the location of the neighbor's property who wrote the letter of support.

R.Kirschman reported the applicant is requesting a variance to Ankeny Municipal Code Section 192.04(3)(E) that requires Rear Yard: 35-feet, allowing a 28-foot rear yard setback for a covered deck at 2115 NW Reinhart Drive. He stated the subject property is located north of NW 18th Street, south of NW 36th Street, and west of NW State Street and is a .213-acre lot that is zoned R-2, One-Family and Two-Family Residence District. He noted that the neighboring properties in all directions are similarly zoned R-2, One-Family and Two-Family Residence District. R.Kirschman stated that the applicant is requesting a variance to encroach approximately 7-feet into the 35-foot rear yard setback that will allow the owners to convert their existing deck into a covered deck. He shared that according to permit records the deck was constructed with the home in 2019. Per Ankeny Municipal Code Section 196.03(2)(B) unenclosed decks are allowed to extend up to twelve feet into the rear yard setbacks, while covered decks are not permitted in rear yard setbacks. He stated that as indicated by the applicant on their submitted site plan, at its furthest point the proposed covered deck extends approximately 7 feet into the rear yard setback leaving approximately 28 feet between the deck and the rear property line, which staff's opinion is that it should not have any measurable impact on surrounding residences. He said that all legal notifications were met for this request, and to date, staff has not received any further correspondence for or against the proposed variance. The staff position is to grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 28-foot rear yard setback for the construction of a covered deck at 2115 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 increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

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

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

The Board had no concerns.

Board Action on Filing #24-17 for property located at 2115 NW Reinhart Drive

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Section 192.04(3)(E) to allow a 28-foot rear yard setback for the construction of a covered deck at 2115 NW Reinhart Drive. 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 increase public danger of fire, or diminish property values; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code. Second by N.Sungren. Motion carried 5 – 0.

#24-15 and #24-16

**Kwik Trip, Inc (Kwik Star)
for property located at
6155 SE Delaware Avenue
Lot 1, Kwik Trip 1707 Plat 1
RE: #24-15 Variance - Sign Height
#24-16 Variance - Sign Copy Area**

Chair M.Ott opened the public hearing.

Kacie Bonjour, Kwik Trip, Inc., 1626 Oak Street, La Crosse, WI said their request is for two variances, one for sign height (60-feet) and the second for sign copy area (195 sq. ft.). She said they do their best to design their site per code to avoid asking communities for variances. In regards to the site, they have explored different locations on the site to place their interstate signage by having a professional sign survey completed. Due to the shape of the Corporate Woods Drive interchange, and the northeast corner of the property being at a lower grade than the Peterbilt building, a 30-foot tall sign can not be seen clearly by southbound traffic until you are past the exit ramp and northbound traffic would have limited visibility due to the Corporate Woods Drive overpass. She stated that a travel center is dependent on vehicle and truck traffic, not just in the general area, but on the interstate as well. Local traffic may be more familiar with the store but there is a lot of traffic on the interstate that would not know there is a Kwik Star at this location without signage visibility. She commented that it is not just bringing visitors to their store, it is bringing visitors to Ankeny, which would then potentially visit other businesses as well. Kacie Bonjour stated that the signage is important for safety reasons as it allows interstate traffic to easily see the signage to avoid having to use a phone while driving. While the blue interstate signs are helpful, they are not ideal for Kwik Star for multiple reasons such as their size, people tune them out after driving long distances and they do not demonstrate where businesses are actually located with proximity to the interstate. Particularly for vehicle-oriented businesses it is imperative for drivers to see where they are headed and they do so by the signage. Kacie Bonjour said that the City of Ankeny has created this as a logistic area for the community, and their requested sign regulations fits within the environment and context of other truck-oriented businesses in the area. A truck center has a unique need for effective and safe signage that warehouses nor logistic companies really need. She stated that Denny Elwell Company who owns property to the south of the subject site is in support of both signage variances. In addition, Peterbilt provided a letter of support as part of Kwik Trip, Inc.'s application. Kacie Bonjour commented that the process, which included having a professional sign survey completed, analyzing the findings, the FAA process to confirm allowable height and preparing the materials for the Board of Adjustment meeting unfortunately pushed these two variance requests to the end of their entitlement process. Kacie Bonjour said the staff report reads that they have closed on the property, which is not entirely accurate as they have only closed on one of the two parcels due to the owner being unwilling to extend a contingency date and closing date. She stated that they have waived contingencies on the other property, so they cannot legally back out of closing, however, they can close on the property and not build. She noted that if the variances get denied, they will have a hard conversation with management on whether they move forward with this development. She further said, that buying the land and not building may be a better decision than building the store and not making their sales expectations and losing money because interstate traffic is unable to see them. She strongly urges the Board to approve both reasonable variance requests so that Kwik Star and the City of Ankeny can provide travelers with safe access to interstate-oriented services to the community. She thanked the Board for their time.

Matthew Lepke, Kwik Trip, Inc., 1318 Kramer Street, La Crosse, WI said both Kacie and himself are lowans and both live in the metro. He provided the Board his professional background. He asked the Board if they were able to review the sign survey document that staff distributed to them today, September 17, 2024. The Board acknowledged, yes. Matthew Lepke said they hired a sign survey company to examine the site for their proposed sign. He stated the company travels all over the country to complete this type of survey for Love's and other national and regional travel center companies. He said the FAA has reviewed the sign survey and has provided approval for up to a 70-foot tall sign. He explained the process that the surveyor takes to provide his findings. Videos were presented showing what travelers would see traveling northbound and southbound on the interstate if the sign was placed at 30-feet, 50-feet and 70-feet. Matthew Lepke said that traffic traveling southbound is the major issue, as there are multiple obstacles, such as trees, road signs and the Peterbilt building immediately to the north. Northbound traffic does have a better view before they get to the Corporate Woods overpass, then the overpass becomes an obstacle. He stated that they had to analyze all videos to determine what the numbers should be for the sign to be seen in both directions. He said that 60-feet seemed appropriate with a 195 square foot of copy area, as 30-feet was too low, and 70-feet was too high. Matthew Lepke referenced the special conditions in terms of the Code, such as the site is unique due to the Corporate Woods interchange, the adjacent buildings, trees, and other signage affecting the site, which are out of the applicant's control. Those conditions do not affect sites such as Fleet Farm, Karl Chevrolet, Dewey, and Sam's Club and that the conditions are not the applicant's creation. Referencing the list that was put together by City staff for the Casey's sign, Matthew Lepke noted that their request would be the second smallest sign of any of the signs along the corridor, if it was approved. He stated 60-feet is necessary for seeing over the obstacles and is not a special privilege as several sites have signs greater than their request. He provided comparisons between the Casey's sign and the proposed Kwik Star sign, understanding that Casey's process was different from this process, he feels that they have demonstrated that the request for the sign height and sign copy area do satisfy all the variance findings. Matthew Lepke stated that one key difference between them is that this site is zoned C-2, which is entitled for a gas station, but commented that code does not provide appropriate signage for something that fronts the interstate. Matthew Lepke said a vehicle traveling at almost 400-feet per second, needs advance notice to be able to read a sign. That is why they are proposing the requested sign size. He presented the sign area table prepared by City staff for the Casey's project and commented that the proposed sign is the second smallest in the corridor. He explained that in the Staff report it mentioned the blue interstate signs may be an alternative to approving the requested sign. He said that he measured on Google Maps and the sign is only 621-feet from the southbound exit ramp, which would give a semi in the left lane, 6 seconds to cross two lanes of traffic and exit the interstate safely. He noted that the northbound traffic has 1250-feet from the blue interstate signage from the exit ramp, which he believes is reasonable. In his mind, the blue interstate signage is not a viable alternative. He further commented that the Staff report mentions the use of GPS, which is a distraction to drivers and not all vehicles have GPS. In summary, Matthew Lepke said that they feel the requested sign is appropriate for interstate-oriented use, the property is zoned C-2; and that the requested sign is much smaller than the Casey's sign and the request for both the sign copy area and sign height satisfies each test in code. He asked the Board if they had any questions.

J.Baxter asked that given the distance that the Casey's sign is from the interstate, almost three times as much as the proposed Kwik Star sign would be, did he know what the relative comparative size is from that distance. A bigger sign from farther away is going to seem smaller. Matthew Lepke responded that in the sign survey document, the sign surveyor overlays images of what the sign would look like from the different advantage points.

M.Ott asked if they currently own the property. Matthew Lepke responded that they own one of the parcels. Kacie Bonjour responded that they do own the residential property and that is because they would not extend their closing date. They still have the other property under contract.

K.Tomlinson asked if they looked at other properties. Kacie Bonjour responded that there is not a lot of property for a travel center like this. Matthew Lepke said it takes a decent amount of land for semi-trailer parking and fueling stations. K.Tomlinson asked if the satellite map presented was current. L.Hutzell responded yes. K.Tomlinson then inquired about the vacant lot to the north. L.Hutzell responded that it is Kenworth's property.

M.Ott asked if the overall grade of this property is consistent with the other properties in the area. Kacie Bonjour shared that from the Peterbilt property it slopes toward the south. M.Ott confirmed that the sign is to be built on the north end of the property. Kacie Bonjour said the sign would be in the northeast corner of the property. M.Ott asked if it was fair to say that the general size is consistent with the surrounding properties. Matthew Lepke responded, he believes so. That is why they reduced the size of their sign compared to Casey's as they thought

it would be reasonable and would still be legible. M.Ott asked if it is correct to say that Kwik Trip does not believe that GPS and the blue interstate signage is sufficient for people to know when to pull off and find the subject property along with signage that meets Code. Matthew Lepke responded, correct. Trucks who are not familiar with the area need to know ahead of time where they are going otherwise they will miss the exit.

M.Ott asked if they know how often semis are taking immediate breaks that are not already preplanned in their routes. Matthew Lepke responded that he does not have a CDL and would not know that information. M.Ott commented that if they are needing fuel, wouldn't they already be in the right-hand lane looking for an exit and signage. Matthew Lepke said that would be an assumption about driving behaviors. He responded that they are trying to do the least amount of sign copy area and height as possible for this site.

There were no further questions from the Board.

L.Hutzell reported that the applicant, Kwik Trip, Inc. is requesting a variance to Ankeny Municipal Code Section 195 Appendix C that restricts: Maximum Height: 30 feet, allowing a 60-foot height for a pylon sign and a variance to Ankeny Municipal Code Section 195 Appendix B that restricts: Copy Area: 80 square feet, allowing a 195 square foot copy area on a pylon sign. She stated that the subject property is located at 6155 SE Delaware Avenue, east of SE Delaware Avenue, north of SE Corporate Woods Drive and west of I-35 in the southeast quadrant of Ankeny. The property is zoned C-2 General Retail, Highway Oriented and Central Business Commercial District and is situated on Lot 1 Kwik Trip 1707 Plat 1. She noted that the properties to the north are zoned C-2, west of the subject property are zoned M-1, Light Industrial and properties to the south are zoned R-1, One Family Residence District. The proposed location for the sign is the far northeast corner of the site. L.Hutzell stated that a site plan for this location was brought before the Plan and Zoning Commission on July 11, 2024. As is the case with most site plans that go before the Plan and Zoning Commission, no details of renderings or signage were provided at that time. A sign is a separate permit application and details for ordinance signage is provided at the time of permitting. L.Hutzell said that the applicant is requesting a variance to increase the height of a pylon sign to be located along the Interstate 35 right-of-way to increase the maximum height of 30 feet, to a height of 60 feet. The applicant is also seeking a second variance to increase the copy area maximum from 80 square feet to allow for a copy area totaling 195 square feet. L.Hutzell commented that the applicant has referred to a number of signs within the I-35 corridor that do not meet code. Staff believes that it is important to know that these signs, which include a shared sign between Target and Home Depot, Karl Chevrolet, Mills Fleet Farm, Bob Brown and Kohl's were all permitted or granted variances between 1983 and 2008, before the current sign code was adopted. It is also important to know that the majority of these signs could not be rebuilt today, if they would be removed or destroyed and would need to be replaced with conforming signs. She further said that a comparison has also been made between the Kwik Star sign request and Casey's sign constructed at 1515 SE Corporate Woods Drive. She said that staff believes this is not a comparable example as the Casey's sign was approved as a PUD rezoning request before the Plan and Zoning Commission and City Council, and not part of a variance request before the Board of Adjustment. She presented a map showing the two locations, Casey's and the proposed Kwik Star site. L.Hutzell explained that when elevation and distance from the interstate are compared between the two sites, there is a significant distance. She presented the comparison information to the Board. L.Hutzell then provided comparable requests, that were brought before the Board of Adjustment and in each case, the Board denied the requests. She noted that since the adoption of the current sign code in 2008, the Board has not approved any variances to the maximum height or copy area for a proposed pylon sign in the I-35 corridor. Staff believes there are additional means in locating the Kwik Star site in addition to the pylon sign, including the use of interstate informational signs and GPS. While staff does take into consideration the bend in the interstate, the nearby overpass, and the proximity of neighboring commercial sites, staff does not believe these hardships warrant granting a variance request as all were characteristics of the site prior to the applicant committing to the property. L.Hutzell stated that all legal notifications were met and to date, staff has received one piece of correspondence supporting the variance.

The staff position is to deny a variance to Ankeny Municipal Code Section 195 Appendix C to allow a 60' tall modified pylon sign. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

The staff position is to also deny a variance to Ankeny Municipal Code Section 195 Appendix B to allow 195 square feet of copy area on a modified pylon sign. Staff's position is based off the determination that there are no exceptional or extraordinary circumstances nor any unnecessary hardships accompanying the property; and that this request is not in harmony with the intended spirit and purpose of the Ankeny Municipal Code.

B.Walker questioned how Ankeny's sign code for interstate frontage compares to other municipalities. E.Jensen responded that an interstate sign code evaluation has not been done for the various surrounding communities. E.Jensen further provided some history on how the 2008 sign code was created and adopted.

J.Baxter asked that if a variance was granted for this request and the sign was damaged, would the property owner have to come back to the Board for approval. E.Jensen responded, no. An unconditional variance runs with the land so they would be allowed to rebuild it. E.Jensen then provided history on the Karl Chevrolet sign. He said the code used to allow 200 sq. ft. copy area in the commercial districts.

K.Tomlinson said it seems to her that a travel center is more of an immediate use and a public service, as opposed to a Home Depot or a Target. She would think that this type of service would have a different threshold than retail stores. E.Jensen said it is hard to regulate a sign based on the message. Signage codes regulate signs and zoning districts regulate use. K.Tomlinson also commented that the applicant knew the layout of the land prior to purchasing. She said this seems to be the case with everything that comes before the Board.

J.Baxter asked the applicant if the photographs that the Board received, unlike the videos with the blimp, actually show the relative sign size if the sign was built. Matthew Lepke responded, yes.

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

Matthew Lepke, acknowledged that some of the signs in the corridor were approved before the sign code change. He appreciated the discussion related to the Karl Chevrolet sign as he now understands how it became what it is today. He referenced the Kum & Go on NE 36th Street and said that when it was built the area was not a predominately commercial area, until Costco came. Also, the Kum & Go is not oriented toward serving traffic of this volume and size, it is more local usage. He commented that with this site there are several C-2 zonings in the corridor up to SE Oralabor Road. He reiterated that the focus needs to be on the use, Hobby Lobby and U-Haul are local uses where the subject property is not a local use. Also, these travel centers serve a certain public function. He said that he does understand that the process took a long time, but the fact that they are now asking for the variances, he believes, is not relevant to the findings that are before the Board. He appreciated the Board's consideration and thanked them for their time.

Motion by M.Ott to close the public hearing, and receive and file correspondence. Second by K.Tomlinson. Motion carried 5 – 0.

M.Ott said he was part of the Kum & Go request where he voted to deny. He understands the service is different but does not think there is anything unique about the subject property where it is exceptional. He commented they purchased the site knowing what the elevations were and what the sign codes were. He does not feel there is a need for the sign to be larger or higher. He said that there is DOT signage, which provides travelers the information that is needed. He believes that the truck drivers know where they are stopping and in his opinion, there is not anything that warrants a variance.

J.Baxter said he disagrees with M.Ott. He reviewed section 195.08.6(A)1-5 Variances; Conditions to Granting. He said as he looked at each one of them, he thinks in his mind that this fits those requirements as stated below:

- (1) Special conditions exist which are peculiar to the land, structure, and building involved and which are not applicable to other lands, structures, or buildings in the same district;

Baxter's analysis is that the distance of the property, because the exit pushes it away from the highway forcing it to be set back further and the elevation of the ground being lower than the property to the north of it, he considers those to be special conditions which are peculiar to the land.

- (2) The special conditions and circumstances do not result from the actions of the applicant;

J.Baxter said he appreciates the fact that they could have gotten this done sooner, he does not think that is what this code section is referring to. He said the special conditions are referring to the distance from the highway and the elevation. He commented whether they bought it or they were just under contract and could not get out of their due diligence period; that is not the actions of the applicant. He noted that in a previous request where the applicant subdivided the property, it was by their own actions that caused the sign issue.

- (3) A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district and the terms of these sign regulations;

J.Baxter said as it relates to the literal interpretation provisions, the applicant showed on the videos with a sign at 30-feet and smaller copy area, they will not get the same kind of benefits that the other properties are receiving that run along the interstate.

- (4) That granting the variance requested would not confer on the applicant any special privilege for a use not common to other lands, structures or buildings in the same district; and

J.Baxter said that looking through the affected images proposal and the visual pictures, the sign that they have superimposed, which shows the actual signage, does not look out of place to him in terms of its relative size to the other signs. He said that this is especially true when you look at the southbound images. It seems to be granting them basically the same size or relative size because of the distance from the highway as the other signs. He does not think it grants them any kind of special privileges.

- (5) The proposed use of the property shall have an appearance that will not have an adverse effect upon adjacent properties and there will be no deterrence to development of vacant land.

J.Baxter does not think that this sign would be significantly different. The Board has seen two applications, in support, from the adjacent property owners.

J.Baxter stated that his analysis comes from 195.08.6(A)1-5. He feels that they have met all five of the requirements. He is in favor of approving this request. He commented that unlike the U-Haul sign when he voted no, he did not believe that any special conditions existed where in this case, he believes there are.

B.Walker said that J.Baxter covered every point that he would have and he does agree the request meets 1-5. He said holding them to the standard that they should have known these conditions before purchasing the property is difficult. He does feel the special conditions still apply to it being a peculiar lot.

N.Sungren said when the Board looked at the Sam's Club sign it was a similar situation and the Board denied it originally because of the intended placement. Sam's Club encountered the same tree issue along with the Fleet Farm building to the north. She said that Sam's Club was able to make it work in the end. Sam's Club was allowed more copy area due to the size of the building, but the height variance was not granted. The Sam's Club request was similar regarding the size and shape of the land to the proposed Kwik Star property. In her opinion, she does not see any difference in the two properties.

Referencing the Sam's Club property, K.Tomlinson said that traffic would have more time to see the sign before exiting than with the proposed site. N.Sungren commented that for the most part, the highway signage can be seen ahead of time.

M.Ott confirmed with staff that there is no special interstate zoning district. E.Jensen responded, correct. The Board and Staff discussed zoning versus the sign code as it relates to C-2 districts and interstate frontage.

K.Tomlinson said she agrees with both sides. She said that it comes back to that Kwik Trip, Inc. should have known the lay of the land ahead of time but that is every case that comes before the Board. She commented that she does think they should have chosen a different property but does not see that as a reason.

The Board continued their discussion regarding Kwik Trip, Inc.'s variance requests in relation to Code Section 195.08.6(A)1-5.

Board Action on Filing #24-15 (Sign Height) for property located at 6155 SE Delaware Avenue

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 195 Appendix C, allowing a 60-foot-tall modified pylon sign at 6155 SE Delaware Avenue. This position is based off the determination that there is exceptional or extraordinary circumstances and hardships accompanying the property; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code; and in conformance with Ankeny Municipal Code Section 195.08.6(A)1-5. Second by B.Walker. Motion carried 3 – 2 (Nay: M.Ott and N.Sungren)

M.Ott commented prior to the Board making a motion on the copy area that the two requests are not tied together. J.Baxter agreed.

Board Action on Filing #24-16 (Sign Copy Area) for property located at 6155 SE Delaware Avenue

Motion by J.Baxter that the Zoning Board of Adjustment grant a variance to Ankeny Municipal Code Chapter 195 Appendix B, allowing 195 square feet of copy area on a modified pylon sign at 6155 SE Delaware Avenue. This position is based off the determination that there is exceptional or extraordinary circumstances and unnecessary hardships accompanying the property; and that this request is in harmony with the intended spirit and purpose of the Ankeny Municipal Code; and in conformance with Ankeny Municipal Code Section 195.08.6(A)1-5. Second by B.Walker. Motion carried 3 – 2. (Nay: M.Ott and N.Sungren)

REPORTS

Renewed Special Use Permits

#17-02 Anchors Away, 106 SW State Street, Ste 100

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

#16-13 Cabaret, 2785 N Ankeny Blvd.

There being no further business, meeting adjourned at 6:39 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment