

Meeting Minutes
Zoning Board of Adjustment
Tuesday, October 22, 2024
Ankeny City Council Chambers
1250 SW District Drive, Second Floor, Ankeny, Iowa

CALL TO ORDER

Chair Matt Ott called the October 22, 2024 regular meeting of the Zoning Board of Adjustment to order at 5:00 p.m.

ROLL CALL

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

AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

MINUTES OF THE SEPTEMBER 17, 2024 REGULAR MEETING

Motion by N.Sungren to approve the meeting minutes as submitted. Second by J.Baxter. Motion carried 4 – 0.

COMMUNICATIONS / CORRESPONDENCE

There were no communications.

BUSINESS ITEMS

PUBLIC HEARINGS:

#24-18

Patricia Battani

for property located at

306 SE Park View Drive

E 1/2 LT 16 & ALL LT 17 EAST LAWN PLACE

RE: Variance - Accessory Building

Chair M.Ott opened the public hearing.

Patricia and Dan Battani, 306 SE Park View Drive, Ankeny. Patricia said they are asking for a variance to add an addition to their existing garage, which would cause their garage to be over 1,010 square feet in size. She said they have lived in their home 42 years. Patricia stated that the letter they submitted to the Board provided options that they have considered, and decided that this was the best option. Patricia shared that in the staff report, it was noted that their application did not identify why there is a need for the addition. She then explained that they use their garage for a gathering space when their grandchildren come to their home. Also, they have a workshop in the basement of the home that they want to move into the garage. She further said that they also have a large lawn mower that her husband Dan utilizes as he is a volunteer for the Ankeny Historical Society.

M.Ott asked the applicants to reference on an aerial map the location of the neighboring properties who provided written support of their requested variance.

Patricia Battani then shared with the Board that they have a huge lot for their neighborhood as it is 14,000 square feet where most of the lots are between 9,625 and 10,500 square feet. She further said that the lot to the west is also 14,000 square feet. Patricia Battani explained that their detached garage is on the same plane as their home. The depth of their house is 40-feet so if they extend their garage to 48-feet, it will only extend 8.75-feet behind the back of their home.

R.Kirschman reported that the applicant is requesting a variance to Ankeny Municipal Code Section 191.07.1 that restricts: No single accessory building for one-family and two-family lots shall exceed 1,010 square feet in size..., to allow a 478.5 square-foot addition to an existing 780 square-foot garage totaling 1,267.5 square feet. He stated that the subject property is a single-family home located at 306 SE Park View Drive with 2 accessory structures on the property. He said the site is located south of E 1st Street and east of S Ankeny Boulevard in the southeast quadrant of Ankeny and is zoned R-1, One-Family Residence District. The property is generally large in size when compared to surrounding properties. Surrounding properties are similarly zoned R-1, One-

Family Residence District. R.Kirschman stated that the subject property was constructed in 1947 and the original detached garage was constructed in 1957. In 1985, it was then demolished and a new garage was constructed, which exists on the property today. He stated that the proposed garage addition and the existing garage would be approximately 1,267.5 square feet. Currently on the property there is a 780 square-foot garage and a 168 square-foot shed towards the rear of the property, totaling 948 square feet of the allowable 1,438 square feet. Per Ankeny Municipal Code Section 191.07.1, states that Accessory buildings on one and two-family residential lots shall not occupy more than ten-percent (10%) of the total square footage of the lot. No single accessory building for one-family and two-family lots shall not exceed 1,010 square feet in size. Staff does not find any apparent exceptional or extraordinary circumstances that would prohibit the use of the property by conforming with Code. He stated that all property owners within 250' of the subject property were notified by mail and to date, staff has not received any correspondence from the notification in support or against the proposed variance. The staff position is to deny a Variance to Ankeny Municipal Code Section 191.07.1 to allow a 478.5 square-foot addition to an existing 780 square-foot garage totaling 1,267.5 square feet. 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.

M.Ott asked if the request for the additional 478.5 square-feet would be allowed if the garage was attached to the primary structure. E.Carstens responded yes, but a variance would be required as they would not meet the side yard setback.

J.Baxter asked if there is a limit on the number of accessory structures? His example was that if they built a 478.5 third utility structure, would that be allowed? E.Jensen said that they could build multiple accessory structures as long as they don't exceed 10% of the lot area. J.Baxter noted that their options could be to build a third structure as long as it was not attached to the garage or expand the existing garage to not exceed the 1,010 square-foot rule. E.Jensen responded, yes.

Patricia Battani asked that if they decided to attach the garage to the house, is there a chance that a side yard setback variance request could be approved? She said that the measurement from the side of their garage to their neighbor's house is 19-feet. J.Baxter confirmed that the side yard setback for the property is 8-feet. Patricia Battani said the best scenario for them would be to attach the garage to the house.

M.Ott said the matter before the Board is the size, not the setback so the applicant would have to re-apply for the side yard setback variance.

E.Jensen commented that if the applicant wanted to consider a side yard setback by attaching the garage to the home, the Board could table action on this item and let the applicant work with City staff to see if it looks like a viable option. The applicant could then come back with a new application, or if not, come back to the Board on this request. E.Jensen shared with the Battani's that the chances of getting a side yard setback variance may be greater than a variance for exceeding the 1,010 square feet in size.

M.Ott asked Patricia and Dan Battani if they were fine with the Board making a motion to table the matter. They responded, yes.

Motion by M.Ott to table the requested variance, #24-18, to a future Zoning Board of Adjustment meeting. Second by J.Baxter. All voted aye. Motion carried 4 – 0.

REPORTS

Renewed Special Use Permits
#08-23 Buffalo Wild Wings Grill & Bar, 1690 SE Delaware Avenue

There being no further business, meeting adjourned at 5:20 p.m.



Submitted by Brenda Fuglsang, Board Secretary
Zoning Board of Adjustment