



BOARD OF ADJUSTMENT

AGENDA

July 1, 2020

6:00 P.M.

City Council Chambers

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. June 3, 2020
5. Old Business
 - A. Consider request from Brad and Carmen Eveland for a variance to permit construction of a driveway at 1609 West 5th Avenue, to which if permitted as requested, would not be in conformity with Section 165.10.12.D and Section 165.11.8.
6. New Business
 - A. Consider request from Michael Christensen for a variance to permit construction of a driveway located at 1600 West 3rd Avenue that does not meet the requirements of Section 165.10 (12) (D) of the Code of Ordinances, Indianola, Iowa.
 - B. Consider request from Jeff Stickfort of One Site Development, LLC, for a variance to permit construction of a commercial retail building located at 1508 North Jefferson Way that does not meet the minimum required off-street parking requirement of Section 165.09, Number 36 of the C-2 Highway Commercial District, of the Code of Ordinances, Indianola, Iowa.
 - C. Consider request from Dan Flaherty for a variance to permit construction of garage addition located at 603 Scott Felton Road that does not meet the minimum required front, side and rear yards of Section 165.09, R-1 Single-Family Residential District, of the Code of Ordinances, Indianola, Iowa.
7. Comments
 - A. Board Members
 - B. Staff
8. Adjournment

Distribution:

Board of Adjustment
Mayor/ City Council
City Manager
City Clerk
IMU General Manager
City Attorney

Bulletin Board
KNIA/KRLS
Record Herald
Business Leader
Independent Advocate



BOARD OF ADJUSTMENT

Minutes

June 3rd, 2020

The meeting was called to order at 6:01pm by Chairperson Wes Sharp and on roll call the following members were present:

Bill Mettee (via Zoom)
James Sullivan
Wes Sharp (via Zoom)

Members not present: Rene Soldwisch

Also present: Charlie Dissell, Cortney Marmon, Tim Little, Michael Greubel 106 N Kenwood, Brad Eveland (via Zoom)

The agenda of the June 3rd, 2020 meeting was approved on a motion by James Sullivan seconded by Bill Mettee. On voice vote: All ayes

The minutes of the March 4th, 2020 meeting were approved on a motion by Bill Mettee seconded by James Sullivan. On voice vote: All ayes.

Consider request from Michael Greubel for a variance to permit construction of an accessory building on a vacant lot between 106 North Kenwood Boulevard and 202 North Kenwood Boulevard to which if permitted as requested, would not be in conformity with Section 165.03.1 and Section 165.10.2.

Board Member Sullivan asked about building height. Mr. Greubel stated it would be 12 feet

Board Member Mettee asked why they didn't just combine the lots. Mr. Grubel said it would be taxed differently

Chairman Sharp asked for plans and Mr. Greubel provided pictures to the Board.

Chairman Sharp asked about square footage. Mr. Little stated it does not take up 30 percent of the lot

Chairman Sharp asked for mean roof height. Mr. Greubel said 16 or 17 feet.

Motion was made by Board Member Mettee to approve request from Michael Greubel for a variance to permit construction of an accessory building on a vacant lot between 106 North Kenwood Boulevard and 202 North Kenwood Boulevard to which if permitted as requested, would not be in conformity with Section 165.03.1 and Section 165.10.2. This motion was seconded by Board member Sullivan.

On voice vote: All ayes. Motion to approve was carried unanimously.

Consider request from Brad and Carmen Eveland for a variance to permit construction of a driveway at 1609 West 5th Avenue, to which if permitted as requested, would not be in conformity with Section 165.10.12.D. and Section 165.11.8.

Mr. Eveland said he can't lay cement because of easements so he will need to put gravel down.

Chairman Sharp asked if flags in the yard indicate where the driveway would be. Mr. Eveland said yes.

Board Member Mettee asked what final square footage of the gravel pad would be and Mr. Eveland said 55 square feet Mr. Dissell said there is a 15-foot utility easement but there is nothing stating you can't put hard surfaces over it but if it needs to be removed it would be at the owner's expense.

Board Member Mettee asked if there would be a way to contain the gravel. Mr. Eveland said the gravel wouldn't start at the road

Chairman Sharp asked if this would be seasonal storage or year-round. Mr. Eveland said year-round or when it is not in use

Mr. Eveland stated there are two easements in the yard. Mr. Dissell said there may be something there, but it is not showing on GIS, GIS is only showing the public utility easement.

Mr. Eveland said they had to move the house six feet when they were having it built because of the storm sewer easement and he can provide a copy of the easement

Chairman Sharp said the flags are at an angle but if added wouldn't be over 25 percent

Mr. Eveland said then they would be on top of a storm sewer

Mr. Dissell said there is a storm sewer line exactly halfway between the house and the lot line, but he doesn't show an easement.

Mr. Dissell said it's an option to delay the decision of this item to get more information from the applicant.

Mr. Eveland said he was told if he is too close to the sewer line, he would be in violation. Mr. Dissell stated GIS isn't always completely current.

Mr. Eveland asked if one of the main concerns is gravel moving down the driveway. Mr. Dissell said yes that is one of the concerns as well as trying to reduce gravel driveways in town.

Chairman Sharp said you could put the camper parallel and not take up 25 percent of the driveway

Motion was made by Board Member Mettee to choose option 4 allowing for further review of the request from Brad and Carmen Eveland for a variance to permit construction of a driveway at 1609 West 5th Ave, to which if permitted as requested, would not be in conformity with Section 165.10.12 D. and Section 165.11.8 and submittal of additional documentation from the applicant. This motion was seconded by Board Member Sullivan.

On voice vote: All ayes. Motion to approve was carried unanimously

Consider request from William Bussanmas for a variance to permit construction of an accessory building on a currently vacant lot located between 1411 West 6th Avenue and 1109 South K Street to which if permitted as requested, would not be in conformity with Section 165.10.2.

Mr. Dissell advised this lot is currently vacant, but a single-family home is being built this will just be an accessory building Board Member Sullivan asked if this would be a two-story home

Mr. Dissell advised it would be zoned A1 and there is no physical address yet but there is frontage on K street and 6th Ave.

Mr. Dissell added they can take access from any public right of way.

Chairman Sharp asked if West 6th must be extended and Mr. Dissell said no

Chairman Sharp asked for overall size of the building and Mr. Dissell advised we haven't received specific plans on it yet, but the height will be around 18 feet

Chairman Sharp asked if we could approve with a height restriction and Mr. Dissell advised they could

Mr. Little said the accessory building would be behind the house

Motion was made by Board Member Sullivan to approve the request with an 18 foot height requirement from William Bussanmas for a variance to permit construction of an accessory building on a currently vacant lot located between 1411 West 6th Avenue and 1109 South K Street to which if permitted as requested, would not be in conformity with Section 165.10.2. This motion was seconded by Board Member Mettee.

On voice vote: All ayes. Motion to approve was carried unanimously

Comments:

Mr. Dissell advised Community Development is still working on updating apps. He also advised that Marty Miller's term is up and there will be an opening on the Board of Adjustment.

Meeting adjourned at 6:51pm

Wes Sharp, Chairperson

Charlie E. Dissell



— BOARD OF ADJUSTMENT —

To: Board of Adjustment
From: Charlie E. Dissell, Community and Economic Development Director
CC: Tim Little, Building and Zoning Official
Date: June 25, 2020
Re: 5.A. Consider request from Brad and Carmen Eveland for a variance to permit construction of a driveway at 1609 West 5th Avenue, to which if permitted as requested, would not be in conformity with Section 165.10.12.D and Section 165.11.8.

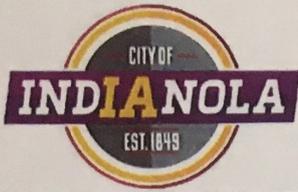
As the Board will recall, at its last meeting on June 3, a request for a variance was reviewed from Brad and Carmen Eveland for a variance to allow for a gravel drive that would exceed more than twenty-five percent (25%) of the front yard. At its June 3 meeting, the Board of Adjustment remanded the variance request back to the applicant and staff for further review to find a suitable alternative.

On June 18, staff meet with Mr. Eveland on site to evaluate the site and identify the location of the storm sewer that was discussed at the June 3 meeting. While staff was not able to televise the storm sewer line to trace its exact location, it was estimated that the line is approximately 20' east of the home. It was also determined that there is significant landscaping on the east side of the house that would prohibit a driveway to be placed adjacent to the east side of the house.

Staff has continued to have further discussion with Mr. Eveland regarding this variance request. With the additional information, staff would recommend the variance request be approved, with the following conditions:

1. The pad for the camper parking be allowed on rock bed.
2. The rock bed pad shall be surrounded with walls on all four sides. The material of the walls shall be approved by the Building and Zoning Official.
3. The approach between the existing driveway and rock bed shall be hard surfaced, with a surface approved by the Building and Zoning Official.

Staff will attend your July 1st meeting if you have any questions.



Community Development

PO Box 299, Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 phone • 515.961.9402 fax

APPLICATION FOR HEARING BEFORE THE BOARD OF ADJUSTMENT AND APPEALS

The undersigned does hereby request a variance under the terms of the Zoning Ordinances of the City of Indianola, Iowa to permit the construction of a double wide driveway, extending up to

the single car attached garage. At that point going North
the new driveway would become a single wide drive extending to (New Garage)
the backyard.

which, if constructed as requested, would not be in conformity with the requirements of the said Zoning Ordinance in the following particulars: The new driveway approach would be wider

than the usual 20 feet. The new approach would be
approximately 25 feet + or -

The following special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

There is currently a single wide driveway approach that is
used to enter the current single wide driveway and the
gravel side driveway

The literal interpretation of the provisions of the Zoning Ordinance of the City of Indianola would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the said ordinance because of the following conditions: Due to the width of the current driveway being

11 feet wide, adding the additional concrete would
exceed the normal 20 feet wide

The undersigned affirmatively states that the special conditions and circumstances set out above did not result from the actions of the applicant and that the granting of this variance would not confer on the applicant and special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

Dated this 1 day of June, 2020 Michael E. Christensen



Community Development

110 N. First St., Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 • comdev@indianolaiowa.gov

Staff Report

Board of Adjustment

Date of Meeting: July 1st, 2020

Agenda Item: 6.A. Consider request from Michael Christensen for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the a new driveway and approach, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (12, D) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the new driveway and approach be approximately 25' wide.

Application Type: Variance

Applicant: Michael Christensen

Property Address: 1600 West 3rd Ave

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow for a new driveway and approach be constructed approximately 25' wide, where code states that no one- or two-family dwelling with a one- or two-car garage shall have more than twenty-five percent (25%) of the front yard used for driveway parking purposes. However, this restriction shall not prohibit the construction of a twenty (20) foot wide driveway.

AERIAL MAP



APPLICABLE CODE SECTIONS

The following sections of the Code of Ordinances of Indianola, Iowa apply to this request:

165.03 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Yard, front" means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, permitted overhangs, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front the building on the street parallel to the lot line having the greater dimension.

165.10(12)(D). No one- or two-family dwelling with a one- or two-car garage shall have more than twenty-five percent (25%) of the front yard used for driveway parking purposes. However, this restriction shall not prohibit the construction of a twenty (20) foot wide driveway. One- and two-family dwellings that have a three (3) or more car garage shall be subject to the discretion of the Director of Community Development.

165.35 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

3. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

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

- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. Notice of public hearing shall be given as in subsection 2(B) above.
 - C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
 - D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.
 - E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

ANALYSIS

Mr. Christensen is asking for a variance to allow a new driveway and approach be constructed at approximately 25’ wide. Zoning Ordinance states that that no one- or two-family dwelling with a one- or two-car garage shall have more than twenty-five percent (25%) of the front yard used for driveway parking purposes. However, this restriction shall not prohibit the construction of a twenty (20) foot wide driveway. Mr. Christensen is also building a garage behind the primary structure. There is already a driveway alongside the house going to the backyard. However, this driveway is gravel and Mr. Christensen would like to have a paved drive going back to his new garage to avoid dragging gravel into the garage but more importantly into the street.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) The City of Indianola Board of Adjustment approves the variance request, as submitted.
- 2) The City of Indianola Board of Adjustment approves request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 1, approving the variance request as submitted.



Community Development

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Staff Report

Board of Adjustment

Date of Meeting: July 1, 2020

Agenda Item: 6.B- Consider request from Jeff Stickfort of One Site Development, LLC, for a variance to permit construction of a commercial retail building located at 1508 North Jefferson Way that does not meet the minimum required off-street parking requirement of Section 165.09, Number 36 of the C-2 Highway Commercial District, of the Code of Ordinances, Indianola, Iowa.

Application Type: Variance

Applicant: Jeff Stickfort of One Site Development, LLC,

Property Address: 1508 North Jefferson Way

Zoning: C-2, Highway Commercial Zoning District

Application Summary: A variance is requested to allow a proposed 10,000 square foot retail building to be constructed with 31 off-street parking spaces. As the building is proposed to be just under 10,000 square feet in size, the C-2 Highway Commercial Zoning District requires 60 off-street parking spaces (one (1) parking space per 100 square feet of floor area for the first 2,000 square feet of floor area, and one (1) space per 200 square feet for the floor area in excess of 2,000 square feet).

AERIAL MAP



APPLICABLE CODE SECTIONS

The following sections of the Code of Ordinances of Indianola, Iowa apply to this request:

165.35 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

3. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

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

- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. Notice of public hearing shall be given.
 - C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
 - D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.
 - E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

165.09 SCHEDULES OF DISTRICT REGULATIONS.

The following schedules of district regulations are hereby adopted and declared to be a part of this chapter:

C-2	HIGHWAY COMMERCIAL	C-2
PERMITTED PRINCIPAL USES AND STRUCTURES		MINIMUM REQUIRED OFF-STREET PARKING
Grocery, apparel, appliances, hardware, toy, drug, gift and specialty shops and retail stores similar in nature		1 space per 100 square feet of floor area for the first 2,000 square feet of floor area, and 1 space per 200 square feet for the floor area in excess of 2,000 square feet

ANALYSIS

The site, located at 1508 North Jefferson Way, is known currently as the Destiny Bible Church. This site, while 2.5 acres in size, has about 1 acre of area on the east side of the property that is undevelopable because of grade and a sewer easement. Additionally, there is a drainage way on the east and north sides of this parcel. As noted by the applicant, and shown on the attached site plan, the retailer's programming requires 30 parking spaces and loading space to support their business and based on preliminary design, the site will support adequate loading and up to 31 parking stalls. Due to the size of building needed by the proposed retailer, the amount of undevelopable ground, detention and the loading area, the remaining portions of the site are unable to yield the required number of parking spaces.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) The City of Indianola Board of Adjustment approves the variance request, as submitted.
- 2) The City of Indianola Board of Adjustment approves request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 1, approving the variance request, as submitted.

June 4, 2020

Charlie E. Dissell, AICP
Director of Community & Economic Development
City of Indianola
110 North 1st Street
Indianola, Iowa 50125
O- (515) 962-5276

Dear Mr. Dissell:

We are considering a project to redevelop the former House of Praise and World Outreach Center site located at 1508 North Jefferson Way in Indianola. We are proposing a 9,997 SF retail building with off-street parking and loading. The retailer's programming requires 30 parking spaces and loading space to support their business and based on our preliminary design, the site will support adequate loading and up to 34 parking stalls.

In looking at the current city ordinances we find in Chapter 165 that under C-2 Highway Commercial, Permitted use #36 indicates 1 space per 100 square feet of floor area for the first 2000 SF. of floor area and 1 space per 200 SF of floor area in excess of 2000 SF. This would yield 60 required spaces.

Before we proceed with additional consideration for this development, we would like to inquire about a variance related to the off-street parking requirement. Attached is an exhibit to accompany this variance request showing the building and parking configuration we are considering.

Please consider this correspondence an official request for variance and advise us of the schedule of a future hearing with the Zoning officials or Board of Adjustment where we can discuss this request. Please feel free to contact me with any questions.

Sincerely,

Jeff Stickfort
One Site Development, LLC
3759 Ranchero Road
Cedar Falls, Iowa 50613
319 290-4357

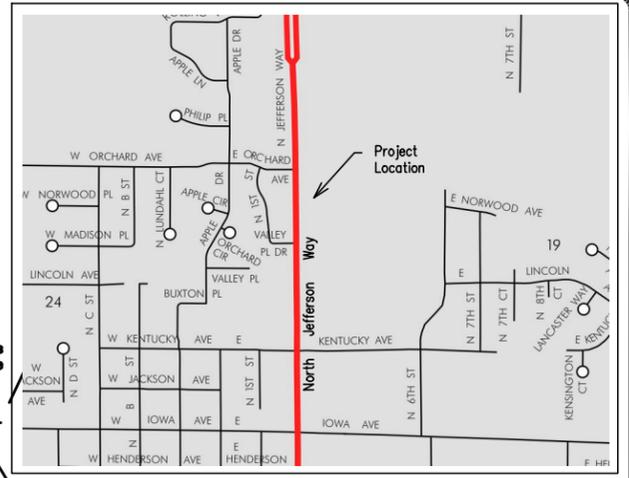
Site Re-Development Plan 1508 North Jefferson Way Building

Site Address
1508 North Jefferson Way
Indianola, IA 50125
2.52 acres

Site Requirements (C-2 Zoning)
Building Setbacks: Front 15ft, Side-None, Rear - 20
Parking: 1 Stall/300 SF
34 Stalls Required
31 Stalls provided
by Variance.

Site Notes

- Trash Enclosure to be Chain Link Fence with Vertical Slat Screening.
- Landscape plan will be submitted by others in accordance with City Requirements.
- All Open Space to be Grass
- New building will re-use existing sewer and water service



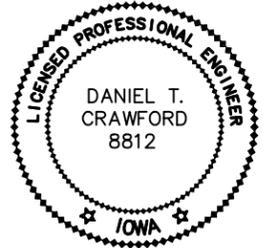
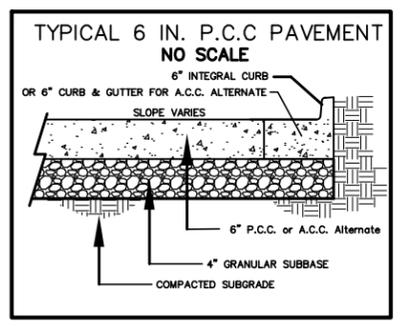
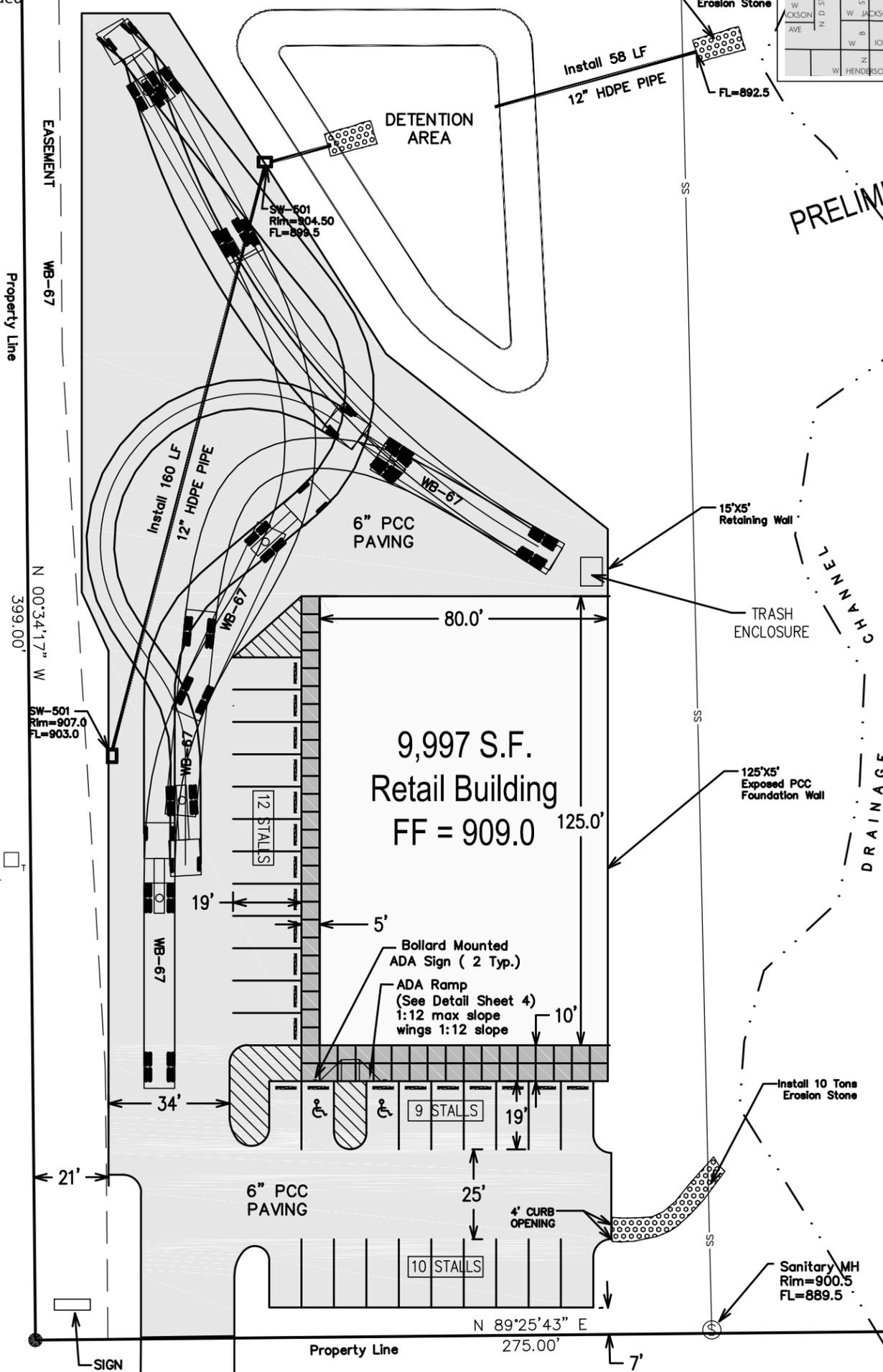
VICINITY MAP



Scale: 1" = 40'

OWNER/DEVELOPER:
One Site Development L.L.C.
3759 Ranchero Road
Cedar Falls, Ia 50613
Contact: Jeff Stickfort
Ph: (319) 290-4357

PREPARED BY:
Crawford Engineering
205 2nd Avenue NE
Independence, Iowa 50644
Contact: Brian M. Crawford
Ph: (319) 334-7077



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH SUDAS STANDARD SPECIFICATIONS EXCEPT WHERE ALTERED OR AMENDED BY THIS PLAN.

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA
LICENSE RENEWAL DATE: 12-31-20 IOWA LICENSE NO. 8812
4-29-20
DANIEL T. CRAWFORD DATE



THE CONTRACTOR SHALL NOTIFY IOWA ONE CALL NO LESS THAN 48 HRS. IN ADVANCE OF ANY DIGGING OR EXCAVATION.

WHERE PUBLIC UTILITY FIXTURES ARE SHOWN AS EXISTING ON THE PLANS OR ENCOUNTERED WITHIN THE CONSTRUCTION AREA, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE OWNERS OF THOSE UTILITIES PRIOR TO THE BEGINNING OF ANY CONSTRUCTION. THE CONTRACTOR SHALL AFFORD ACCESS TO THESE FACILITIES FOR NECESSARY MODIFICATION OF SERVICES. UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS, AND THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THERETO. NO CLAIMS FOR ADDITIONAL COMPENSATION WILL BE ALLOWED TO THE CONTRACTOR FOR ANY INTERFERENCE OR DELAY CAUSED BY SUCH WORK.

WALMART ENTRANCE

1508 North Jefferson Way Building
Site Re-Development Plan
Indianola, Iowa

DRAWN	BMC	CRAWFORD ENGINEERING & SURVEYING, INC. 205 2nd Ave NE Independence, Iowa 50644
CHECKED	DTC	
PROJ NO	19310	
CADD FILE		



Community Development

110 N. First St., Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 • comdev@indianolaiowa.gov

Staff Report

Board of Adjustment

Date of Meeting: July 1st, 2020

Agenda Item: 6.C. Consider request from Dan Flaherty for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit to permit construction of an accessory building located at 603 Scott Felton Road that does not meet the minimum required front, side and rear yards of Section 165.09, R-1 Single-Family Residential District, of the Code of Ordinances, Indianola, Iowa.

Application Type: Variance

Applicant: Dan Flaherty

Property Address: 603 Scott Felton Road

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow for a to permit construction of an accessory building located at 603 Scott Felton Road that does not meet the minimum required front, side and rear yards of Section 165.09, R-1 Single-Family Residential District, of the Code of Ordinances, Indianola, Iowa.

AERIAL MAP



APPLICABLE CODE SECTIONS

The following sections of the Code of Ordinances of Indianola, Iowa apply to this request:

165.09 SCHEDULES OF DISTRICT REGULATIONS.

The following schedules of district regulations are hereby adopted and declared to be a part of this chapter:

R-1SINGLE-FAMILY RESIDENTIAL

MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS

Dwellings and other non-institutional uses:

Front: 30 feet

Rear: 35 feet

Side:

- one story: 10 feet
- two or more stories: 10 feet

Side street, corner lot 25 feet

165.35 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

3. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. Notice of public hearing shall be given as in subsection 2(B) above.
 - C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
 - D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.
 - E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

ANALYSIS

Mr. Christensen is asking for a variance to allow for construction of an additional side garage, which would be attached to the existing garage, attached to the primary structure. If constructed as proposed, it would be approximately 2' into the required setback of 30'. Mr. Flaherty's lot does not have a distinct front vs. side yard as Scott Felton Road curves back south to intersect with Country Club Road. If Scott Felton did not curve back south along Mr. Flaherty's lot, there would be no need for a variance.

ALTERNATIVES

The City of Indianola Board of Adjustment may consider the following alternatives:

- 1) The City of Indianola Board of Adjustment approves the variance request, as submitted.
- 2) The City of Indianola Board of Adjustment approves request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 1, approving the variance request as submitted.