



BOARD OF ADJUSTMENTS

March 4, 2020

6:00 P.M.

City Council Chambers

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. November 6, 2019
5. New Business
 - A. Consider request from Kourtney Jackson for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the existing placement of an accessory structure at 606 North Kenwood Blvd, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the existing shed to remain in the side yard.
6. Comments
 - A. Board Members
 - B. Staff
7. Adjournment

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BOARD OF ADJUSTMENTS

November 6th, 2019
6:00 P.M.
City Council Chambers

Minutes

The meeting was called to order by Chairperson Sharp at 6:00 PM and on roll call the following members were present:

Wes Sharp
Jim Sullivan
Rene Soldwisch
Bill Mettee
Marty Miller

Also present: Charlie Dissell

The November 6th, 2019 meeting agenda was approved on a motion by Jim Sullivan and seconded by Renee Soldwisch.
On voice vote: Motion carried unanimously.

The minutes of the October 2nd, 2019, meeting was approved on a motion by Bill Mettee and seconded by Marty Miller.
On voice vote: Motion carried unanimously.

Consider request from Lee Adam of DanLee Corporation for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, IA, to permit the construction of a commercial structure at 506 North Jefferson Way, to which if constructed as requested, would not be in conformity with the minimum required off-street parking requirements of Section 165.09 (c-2 Highway Commercial) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow a proposed hardware store to be constructed with the 54 off-street parking spaces where 70 off-street parking spaces are required.

Jim Sullivan asked if Ace would be utilizing greenhouses in the spring. Lee Adams noted that there would be none and they would utilize the sidewalk in front of the store.

Marty Miller asked if the variance was just for this use or if it went with the land. Charlie noted it went with the land. Lee Adams noted he has tried to get more land from Warren County Oil.

Motion to approve was made by Bill Mettee and seconded by Jim Sullivan. On voice vote: Motion approved unanimously.

Motion to adjourn the meeting at 6:09 PM was made by Bill Mettee, seconded by Jim Sullivan. Meeting was adjourned.

Wes Sharp, Chairperson

Charlie Dissell, Community Development Director



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 ADJUSMENT 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 Storage Shed

6006 N Kenwood Blvd

which, if constructed as requested, would not be in conformity with the requirements of the said Zoning Ordinance in the following particulars: Storage shed in front yard

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.

We live on a corner lot, so we have very little
useable backyard space.

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: We would not be able to own a storage

shed if we were required to put it behind the house.

There is not enough room.

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 27 day of January, 20 20.



Community Development

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Staff Report

Board of Adjustment

Date of Meeting: March 4th, 2020

Agenda Item: 5.A. Consider request from Kourtney Jackson for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the existing placement of an accessory structure at 606 North Kenwood Blvd, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the existing shed to remain in the side yard.

Application Type: Variance

Applicant: Kourtney Jackson

Property Address: 606 North Kenwood Blvd.

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow an existing accessory structure to remain in the side yard of the property, where code states that all accessory structures shall be in the rear yard.

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

Mrs. Jackson is asking for a variance to allow the existing placement of her shed to remain in the side yard. Zoning Ordinance states that an accessory structure cannot be constructed or placed in any front or side yard and shall only be allowed in the rear yard. However, Mrs. Jackson lives on a corner lot and does not have a rear yard with the capacity to support any accessory structure and still comply with Zoning Ordinance. Therefore, the shed was placed in the side yard. This shed is a pre-built shed with a square footage under what would require a building permit; however, its placement outside of the rear yard, without a variance, is against the City's zoning code. The shed has a chain link fence built up to its current placement and has electrical ran to it. The shed is also not on skids which doesn't necessarily make relocating it impossible but does make it more difficult.

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. However, the Board does have the option to approve a variance with conditions (alternative 2) if it believes the accessory structure should be located further back from North Kenwood Boulevard.



Charlie Dissell

From: Gwen Schroder
Sent: Tuesday, February 18, 2020 10:29 AM
To: Charlie Dissell
Cc: Ryan Waller
Subject: Re: Code Enforcement Issues

Hi Charlie,

I'm checking in on 706 N Kenwood, because of the pending meeting regarding their variance. Please relay the following to the Board of Adjustments: They have plenty of room in their backyard/side yard but would have to remove part of their fence to do it, and then repair the fence. This shed is very large (larger than most), red and unsightly. There is a solution, hoping the Board realizes this and does not approve a variance. It would seem if they are allowed a variance, others might pursue the same exception.

Thanks,
Gwen

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From: gschroder@indianolaiowa.gov
Sent: Wednesday, February 5, 2020 3:40 PM
To: Charlie Dissell
Cc: Ryan Waller
Subject: Re: Code Enforcement Issues

Thanks so much!!

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From: gschroder@indianolaiowa.gov
Sent: Wednesday, February 5, 2020 1:53 PM
To: Charlie Dissell
Cc: Ryan Waller
Subject: Re: Code Enforcement Issues

Great, thanks!

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From: Charlie Dissell <cdissell@indianolaiowa.gov>
Sent: Wednesday, February 5, 2020 8:10 AM
To: Gwen Schroder
Cc: Ryan Waller
Subject: RE: Code Enforcement Issues