



— BOARD OF ADJUSTMENT —

AGENDA

August 5, 2020

6:00 P.M.

City Council Chambers

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. July 1, 2020
5. New Business
 - A. Consider request from Gregory D. and Christina A. Wilbur of 2300 West Euclid Avenue for a variance to permit construction of an accessory structure to be constructed that would not be in conformity to Section 165.10(2) of the Code of Ordinances, Indianola, Iowa.
 - B. Consider request from Dianna and Eric Lane of 640 North N Street for a variance to permit an accessory structure to be constructed that would not be in conformity to Section 165.10(2) of the Code of Ordinances, Indianola, Iowa.
6. Comments
 - A. Board Members
 - B. Staff
7. Adjournment

Distribution:

Board of Adjustment
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City Manager
City Clerk
IMU General Manager
City Attorney

Bulletin Board
KNIA/KRLS
Record Herald
Business Leader
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BOARD OF ADJUSTMENT

Minutes July 1st, 2020

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

Wes Sharp
James Sullivan
Rene Soldwisch

Members not present: Bill Mettee

Also present: Cortney Marmon, Tim Little, Brad Eveland 1609 W 5th Indianola, IA, Dustin Whitehead of Cushman and Wakefield via phone conference, Stephanie Poole of Simonson and Associates Architects via phone conference.

The agenda of the July 1st, 2020 meeting was approved on a motion by James Sullivan seconded by Rene Soldwisch. On voice vote: All ayes.

The minutes of the June 3rd, 2020 meeting were approved on a motion by Rene Soldwisch seconded by James Sullivan. On voice vote: All ayes.

(Old Business) 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.

Chairperson Sharp provided an overview of a letter from Brad Eveland.

Mr. Eveland stated he was unable to scope the sewer line to see where it runs.

Mr. Little said he walked the property to see where the sewer line was and gravel would be ok with a cement approach and containment for the gravel.

Mr. Eveland asked if he could leave the grass as containment.

Mr. Little said he would recommend cement as discussed.

Motion was made by Board Member Jim Sullivan to approve 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 with the condition that there is a cement containment for the gravel. This motion was seconded by Board Member Rene Soldwisch.

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

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.

Mr. Little provided an overview of the request.

Mike Christensen spoke about the project. He stated his current driveway is 11 x 42 and the new driveway will be 12 x 42.

Board Member Sullivan asked if variance is only on the approach. Mr. Little confirmed it was.

Chairperson Sharp asked what would prevent water from going onto neighbor's property.

Mr. Little said there could be a slope and asked if there was storm water on 3rd Avenue. Mr. Christensen said there was not.

Chairperson Sharp stated was concerned about this and Mr. Christensen stated he would channel this to the street.

Motion was made by Board Member Jim Sullivan approve 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. This motion was seconded by Board Member Rene Soldwisch.

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

Consider request from Dan Flaherty for a variance to permit construction of a 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.

Mr. Little provided an overview of the variance request.

Motion was made by Board Member Jim Sullivan approve request from Dan Flaherty for a variance to permit construction of a 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. This motion was seconded by Board Member Rene Soldwisch.

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

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

Chairperson Sharp went over the request for variance for 30 parking spots possibly 40

Dustin Whitehead provided an overview of the project.

Stephanie Poole introduced herself and stated this project was in line with other projects they have done.

Chairperson Sharp advised parking is currently limited and paving will improve the parking lot.

Board Member Sullivan asked for clarification on the number of stalls. Ms. Poole said it would be a reduction of 29 stalls.

Board Member Sullivan asked what the traffic flow would be on a normal day. Ms. Poole advised they have not yet done a traffic study.

Mr. Whitehead added that there would be 3-4 employees and all stalls wouldn't be full.

Motion was made by Board Member Jim Sullivan to approve the 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. This motion was seconded by Board Member Rene Soldwisch.

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

Comments:

None.

Meeting adjourned at 6:27pm

Wes Sharp, Chairperson

Charlie E. Dissell



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 30 X 40 FOOT GARAGE / SHOP LOCATED AT 2300

WEST EUCLID AVE, INDIANOLA, IOWA

which, if constructed as requested, would not be in conformity with the requirements of the said Zoning Ordinance in the following particulars: BUILDING WILL BE 1200 SQ FOOT, 10 FT WALL HEIGHT,

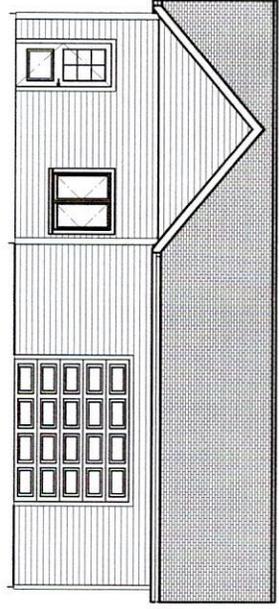
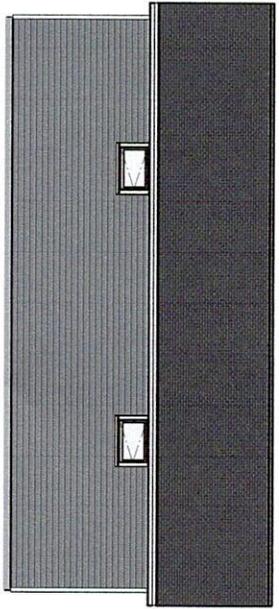
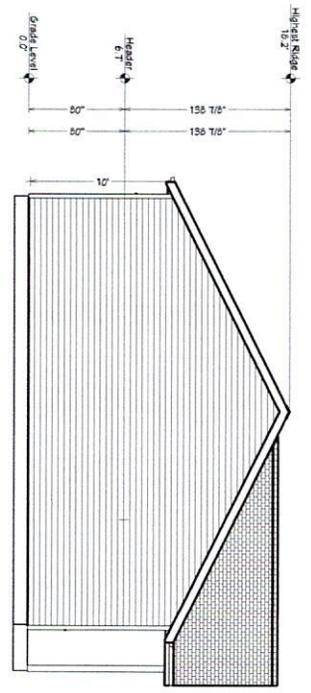
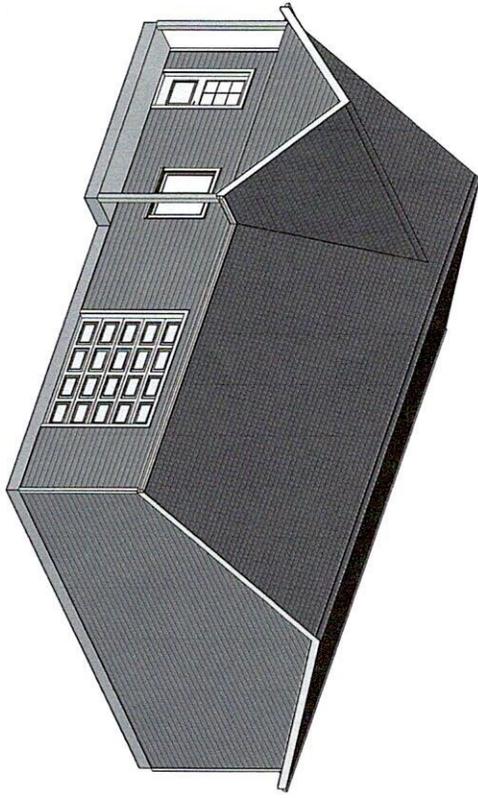
AND 6/12 ROOF PITCH

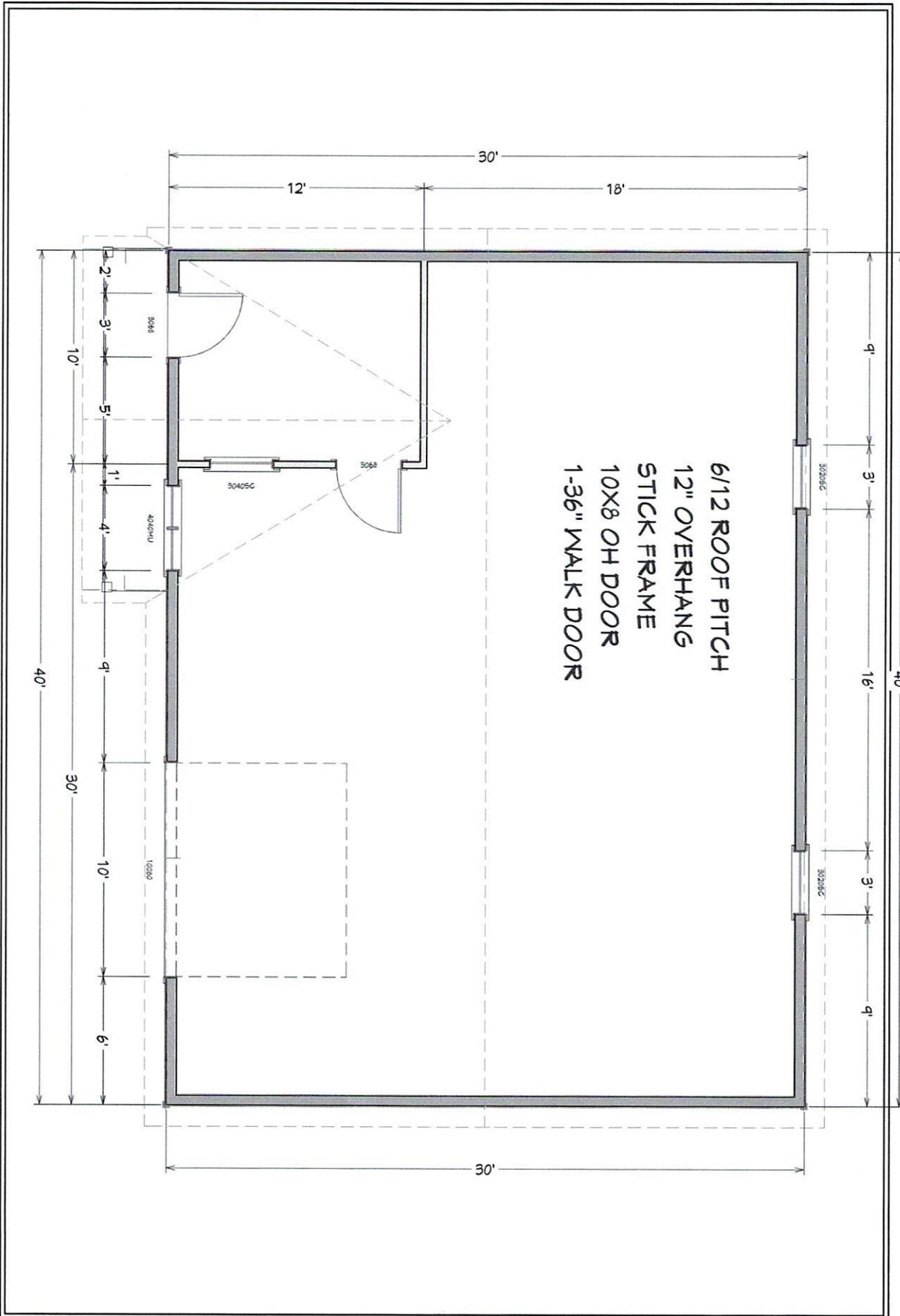
The following special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

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:

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 14 day of JULY, 2020.





6/12 ROOF PITCH
 12" OVERHANG
 STICK FRAME
 10X8 OH DOOR
 1-36" WALK DOOR

		<p align="center">FLOOR PLAN</p> <p>DRAWN BY: _____ DATE: _____</p>	<p align="center">SHEET NUMBER 1 REVISION #</p>
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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: August 5th, 2020

Agenda Item: 5.A. Consider request from Greg Wilbur for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory building with a mean roof height over 12' which 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 accessory building's mean roof height to be approximately 13'-9" above grade.

Application Type: Variance

Applicant: Greg Wilbur

Property Address: 2300 West Euclid Ave

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow construction of an accessory building with a mean roof height of 13'-9" above grade where code states mean roof height shall be 12' max.

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. "Accessory use or building" means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land. However, for purposes of this chapter, an enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar shall not be used as an accessory use or building to a principal structure, unless (i) the enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar is used in conjunction with construction work and is promptly removed upon completion of the construction work, (ii) the enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar is on the premises to be unloaded and is, in fact, unloaded and removed within thirty days, or (iii) the enclosed trailer, part of an enclosed trailer or an enclosed storage cubicle is licensed, road worthy and moved from the premises for at least ten consecutive days during every six-month period. For purposes of this chapter, an enclosed trailer is a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways, enclosed to provide protection from the weather and having an overall area of more than one hundred twenty (120) square feet.

165.10 SUPPLEMENTARY DISTRICT REGULATIONS. Subject to Section 165.09, the following provisions, regulations, or exceptions may apply equally to all districts except as hereinafter provided:

2. Accessory Buildings. No accessory building shall be erected in any required front or side yard and no separate accessory building shall be erected within five (5) feet of any main buildings or any property line. No separate accessory building shall occupy more than thirty percent (30%) of the required rear yard or exceed twelve (12) feet in height.

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. Wilbur is seeking to construct an accessory building with 10' sidewalls which will put the mean roof height approximately 1'-9" taller than what code allows for. Mr. Wilbur is wanting the 10' sidewalls simply because of the amount of woodworking he does and the equipment he has to where 9' sidewalls are aren't tall enough to adequately and safely store the extensive equipment consistently used. Also, the accessory building Mr. Wilbur is proposing will not have its roof height taller than the primary structure on his lot or any other surrounding lots, nor will it look out of place with any other structures seeing how the existing accessory building across the street from Mr. Wilbur appears to have a mean roof height above 12' as well.

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.

BOARD OF ADJUSTMENT APPLICATION

Community Development

110 North 1st Street, Indianola, Iowa 50125-0299
 (515) 961-9430 • comdev@indianolaiowa.gov



PROPERTY OWNER

(Last Name) Lane
 (First Name) Dianna & Eric
 (Address) 640 N. N. St
 (City) Indianola (State) IA (Zip) 50125
 (Phone) 515330-5938 (Email) dianna.lane17@gmail.com

APPLICANT (if not Property Owner)

(Last Name) _____
 (First Name) _____
 (Address) _____
 (City) _____ (State) _____ (Zip) _____
 (Phone) _____ (Email) _____

APPEAL

Submittal Requirements:

All submittal requirements must be completed.
 Incomplete applications will not be considered

- Completed Application
- Filing Fee: \$150 per request
- Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa .
- Other Information as required by Director

SPECIAL EXCEPTION

Submittal Requirements:

All submittal requirements must be completed.
 Incomplete applications will not be considered

- Property Address: _____
- Completed Application
- Filing Fee: \$150 per request
- Site Plan and Elevations
- Written narrative indicating the Section of Chapter 165 of the Code of Ordinances of Indianola, Iowa under which the special exception is sought and stating the grounds on which it is requested.
- Other Information as required by Director

VARIANCE

Submittal Requirements:

All submittal requirements must be completed.
 Incomplete applications will not be considered

- Property Address: 640 N. N. St. (SHED)
- Completed Application
- Filing Fee: \$150 per request
- Site Plan and Elevations
- Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.35(3)(A) of the Code of Ordinances of Indianola, Iowa
- Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature Dianna Lane
 Name (printed) Dianna Lane Date 7-21-20

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____
 Receipt No: _____
 Receipt Amount: _____
 BOA Agenda Date: _____



Community Development

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Staff Report

Board of Adjustment

Date of Meeting: August 5th, 2020

Agenda Item: 5.B. Consider request from Dianna Lane 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 640 North N Street, 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: Dianna Lane

Property Address: 640 North N Street

Zoning: R-3C, Mixed 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.

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. "Accessory use or building" means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land. However, for purposes of this chapter, an enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar shall not be used as an accessory use or building to a principal structure, unless (i) the enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar is used in conjunction with construction work and is promptly removed upon completion of the construction work, (ii) the enclosed trailer, part of an enclosed trailer, an enclosed storage cubicle or a railcar is on the premises to be unloaded and is, in fact, unloaded and removed within thirty days, or (iii) the enclosed trailer, part of an enclosed trailer or an enclosed storage cubicle is licensed, road worthy and moved from the premises for at least ten consecutive days during every six-month period. For purposes of this chapter, an enclosed trailer is a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways, enclosed to provide protection from the weather and having an overall area of more than one hundred twenty (120) square feet.

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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

Mrs. Lane is asking for a variance to allow the existing placement of her shed to remain in the side yard. The 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, the lot does not have a rear yard with the capacity to support any accessory structure due to the terrain. 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 is sitting in the best possible place within the lot that it can be. There is no alternative placement for the shed due to the steep terrain on both sides and rear of the house. If it were to be moved closer to the back yard, then an extensive amount of concrete block, footing pad and anchoring would have to be completed just to make it level and keep the wind from picking it up and moving it down into the creek. Even at that, the shed will still be in the side yard.

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 deems necessary to have the shed located in an alternate location.