



— BOARD OF ADJUSTMENT —

AGENDA

September 2, 2020

6:00 P.M.

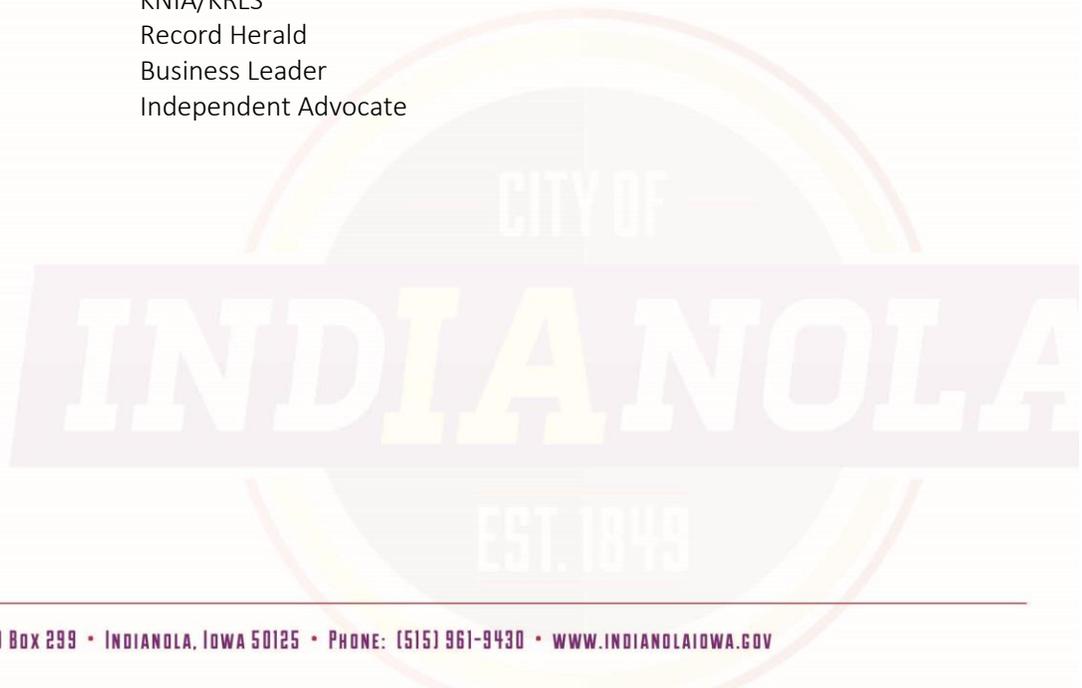
City Council Chambers

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. August 5, 2020
5. New Business
 - A. Consider request from Adam Sholes of 1308 East Euclid Avenue for a variance to permit construction of a driveway to be constructed that would not be in conformity to Section 165.10.12.D of the Code of Ordinances, Indianola, Iowa.
6. Comments
 - A. Board Members
 - B. Staff
7. Adjournment

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BOARD OF ADJUSTMENT

Minutes August 5th, 2020

The meeting was called to order at 6:02pm by Chairperson Wes Sharp and on roll call the following members were present:

Wes Sharp
James Sullivan
Rene Soldwisch
Bill Mettee

Members not present: N/A

Staff Present: Cortney Marmon, Tim Little, Charlie Dissell

Public Present: Gregory Wilbur 2300 W Euclid, Stan and Phyllis McConnell

The agenda of the August 5th, 2020 meeting was approved on a motion by James Sullivan seconded by Bill Mettee. On voice vote: All ayes.

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

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.

Mr. Wilbur discussed the project.

Mr. Little stated the garage would still be in the rear yard.

Mr. Mette asked about the front yard and the lay out. Mr. Dissell said there is a front and side yard and the setback is 30 feet in R1 and side yard is 25 Feet.

Mr. Wilbur said he wanted to make the structure match the house and the rest of the neighborhood

Motion was made by Board Member Bill Mettee to approve the 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. This motion was seconded by Board Member James Sullivan.

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

Consider request from Dianna and Eric Lane of 640 N 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 Cod of Ordinances, Indianola, Iowa.

Chairperson Sharp went over the request.

Mr. Little stated it would be difficult to put the shed in the backyard.

Chairperson Sharp said it could be moved back but that it would still be in the front yard.

Stan and Phyllis McConnell stated they liked the shed.

Mr. Dissell stated that there was no good way to move it.

Motion was made by Board Member Jim Sullivan approve request from Dianna and Eric Lane of 640 N 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 Cod of Ordinances, Indianola, Iowa. This motion was seconded by Board Member Rene Soldwisch.

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

The meeting was adjourned on a motion by James Sullivan seconded by Rene Soldwisch. On voice vote: All ayes.

Meeting adjourned at 6:18pm

Wes Sharp, Chairperson

Charlie E. Dissell



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: September 2nd, 2020

Agenda Item: 5.A. Consider request from Adam Sholes for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit a driveway extension 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.

Application Type: Variance

Applicant: Adam Sholes

Property Address: 1308 E Euclid Ave

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow an existing driveway approach be widened an additional 3' (1'-6" on each side) to 24'; and drive way to be widened an additional 11'-6" to 29'-6" where code states no one- or two-family dwelling with a one- or two-car garage shall have more than 25 percent of the front yard used for driveway parking purposes. The proposed driveway at 29'-6" in width would use approximately 39% of the front yard.

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 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.

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.

ANALYSIS

Mr. Sholes is asking for a variance to allow for a wider driveway and approach. Zoning ordinance states that no one or two-family dwelling with a one- or two-car garage shall have more than 25 percent of the front yard used for driveway parking purposes; up to 20'. The existing 18' wide driveway currently takes up 25% of the front yard; therefore, adding an additional 11'-6" in width will take up approximately 39.25% of the front yard. The purpose of adding the additional width to the driveway and approach is for parking a travel trailer.

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) Sholes
(First Name) Adam
(Address) 1308 E Euclid Ave
(City) Indianola (State) IA (Zip) 50125
(Phone) 636.399.6705 (Email) adamsholes@hotmail.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:

- 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 Adam Sholes

Name (printed) Adam Sholes

Date 07/27/2020

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

Charlie Dissell

From: Adam Sholes <adamsholes@hotmail.com>
Sent: Thursday, July 30, 2020 10:05 AM
To: Tim Little
Cc: Community Development
Subject: 1308 E Euclid Ave Driveway Variance
Attachments: image0.jpeg; ATT00001.htm; image1.jpeg; ATT00002.htm; Board-of-Adjustment-Application.pdf; ATT00003.htm; 1308 E Euclid Ave 1.pdf; ATT00004.htm; 1308 E Euclid Ave East Side Easement.pdf; ATT00005.htm

Hello Tim, Charlie and whom else this may concern,

First, thank you Tim and Charlie for meeting with me this morning and educating me on the codes and why a variance is necessary. It is very much appreciated.

We are replacing our current driveway and would like to add an additional slab to the east that extends to the back of the garage. There will also be a patio added behind the garage. The additional slab will allow us to park our camper beside the garage and get it out from in-front of the house. Please see attached photos.

No. 10
2010-4307

Claude J. Williams Jr. and
Karen L. Williams
to
City of Indianola

EASEMENT
Dated May 26, 2010
Filed June 8, 2010

That Williams, Claude J. Jr./Karen L. hereinafter called "Grantor", in exchange for valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the City of Indianola, hereinafter called "Grantee", the right to install, replace, remove, maintain and use any and all public utilities together with the right of ingress and egress thereto over real estate described as:

Parcel ID: 48210020030 Warren County, Iowa
Section, Township, Range: 19-76-23
Brief Tax Description: Easton Park Add Lot 3 Blk 2

Easement area in legal description: Beginning at a point in the Southeast corner of Lot 3, Block 2, of the Easton Park Addition, thence 140' North along Lot 3, thence West 5' thence South 140', thence East 5' to Point of Beginning all within Lot 3, Block 2, of the Easton Park Addition, Indianola, IA 50125

Grantor shall have the right to use said strip for purposes not inconsistent with the Grantee's full enjoyment of the rights hereby created, provided that the Grantor shall not erect or construct any building or other structure within the described area. The easement granted shall be perpetual and shall be binding on the parties and their assigns. The Grantor herein covenants that they have full and lawful right to convey the interest created by this instrument.

No. 11
2010-8904

Claude J. Williams Jr. and
Karen L. Williams,
husband and wife,
as joint tenants with
full rights of survivorship
and not as tenants in common
to
Wells Fargo Bank, N.A.

MORTGAGE \$132,857.00
Dated September 29, 2010
Filed November 4, 2010

Conveys: Lot 3, Block 2, EASTON PARK ADDITION to Indianola, Warren County, Iowa.

Secures the payment of \$132,857.00 payable according to a promissory note of even date herewith, payable in installments.