



BOARD OF ADJUSTMENTS MEETING  
October 7, 2020  
6:00 p.m.  
City Council Chambers  
Agenda

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes for 09/02/2020
5. New Business
  - A. Consider request from Steve Meyer of 1708 East Detroit Place 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.
  - B. Consider request from Corbin Rinard of 3102 West 4th Avenue for a variance to permit construction of an accessory building that would not be in conformity to Section 165.10.2 of the Code of Ordinances, Indianola, Iowa.
  - C. Consider request from David and Jamie Morawski of 110 Buxton Place 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.
  - D. Consider request from Ben Carpenter for a variance at 506 and 508 West 2nd Avenue to permit construction of three two-family dwellings to be constructed that would not be in conformity to Section 165.09 (R-2 Single and Two-Family Residential) of the Code of Ordinances, Indianola, Iowa.
  - E. Consider request from Tim McFarland of 1708 West Euclid Avenue for a variance to permit construction of an accessory building 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. Adjourn

**Board of Adjustments**

**3.**

**Meeting Date:** 10/07/2020

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**Subject**

Approval of Agenda

**Information**

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**Attachments**

Agenda

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**Board of Adjustments**

**4.**

**Meeting Date:** 10/07/2020

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**Subject**

Approval of Minutes for 09/02/2020

**Information**

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**Attachments**

09022020 Mins

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## BOARD OF ADJUSTMENT

# Minutes September 2<sup>nd</sup>, 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  
Amy Mitchell

Members not present: Bill Mettee

Staff Present: Cortney Marmon, Tim Little, Charlie Dissell

Public Present: Adam Sholes 1308 E Euclid

The agenda of the August 5th, 2020 meeting was approved on a motion by Rene Soldwisch seconded by Amy Mitchell. On voice vote: All ayes.

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

**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.**

Adam Sholes provided an overview

James Sullivan asked if it would all be concrete

Adam advised it would be

Rene Soldwisch asked how close to the sidewalk it would be

Adam advised it would be up to the sidewalk

Tim Little advised only asking for the variance because of the percentage of yard that will be taken up

Amy Mitchell advised she drove by and saw the tree separation and it looks good

Wes Sharp asked how close to the property line it was

Adam advised up to the property line

Rene Soldwisch asked about encroaching on the neighbor's property

Adam advised no survey has been done but has a general idea of property line

Charlie Dissell said that if he has discussed it with the neighbor that is a good start

Wes Sharp said Beacon is not always accurate

Tim Little said the setback should be accurate  
Wes Sharp asked about water run off  
Adam said where concrete meets is low spot on both properties

Motion was made by Board Member Rene Soldwisch to approve the request from Adam Sholes of 1308 E 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 with the condition that the property line is located for future neighbors. This motion was seconded by Board Member Amy Mitchell.

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

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

Comments: Charlie Dissell introduced Amy Mitchell

Meeting adjourned at 6:12pm

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Wes Sharp, Chairperson

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Charlie E. Dissell

**Board of Adjustments**

**5. A.**

**Meeting Date:** 10/07/2020

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**Subject**

Consider request from Steve Meyer of 1708 East Detroit Place 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.

**Information**

**Application Summary:** A variance is requested for an addition to an existing driveway which will put it several feet over the 20' allowed maximum width per city ordinance.

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**Attachments**

Staff Report

BOA App

Plan

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# Community Development

110 N. First St., Indianola, IA 50125-0299 • [www.indianolaiowa.gov](http://www.indianolaiowa.gov)  
515-961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)

## Staff Report

## Board of Adjustment

**Date of Meeting:** 10/7/2020

**Agenda Item:** 5.A. Consider request from Steve and April Meyer for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit an addition to an existing driveway, 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

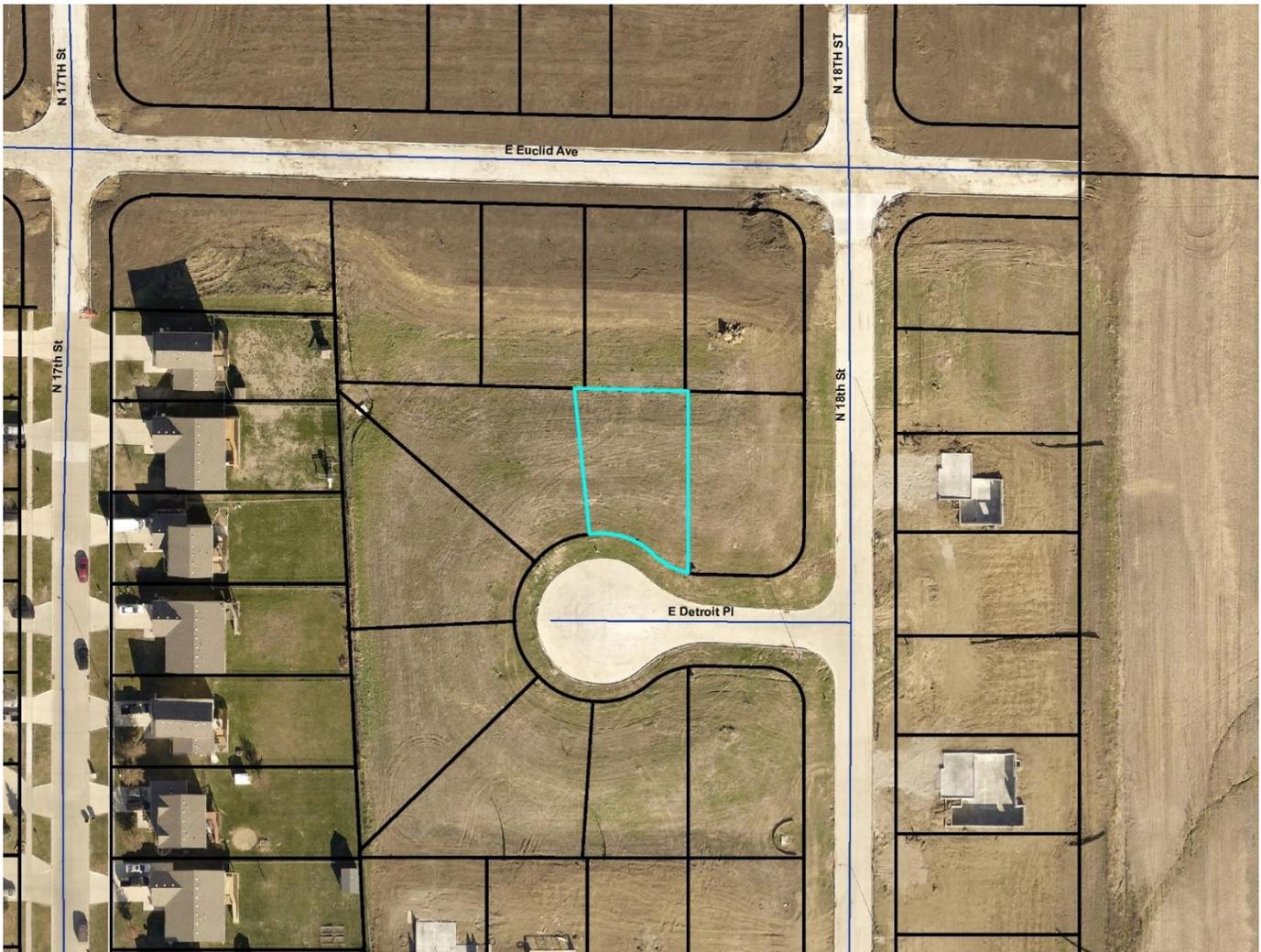
**Applicant:** Steve and April Meyer

**Property Address:** 1708 East Detroit Place

**Zoning:** R-3C, Mixed Residential

**Application Summary:** A variance is requested for an addition to an existing driveway which will put it several feet over the 20' allowed maximum width per city ordinance.

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

**(12)(D).** Parking Regulations. 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. and Mrs. Meyer are asking for a variance to allow for a driveway wider than 20'. The Zoning Ordinance states that driveways can only take up to 25% of the front yard up to 20'. However, the Meyer's live on a cul-de-sac which does not have the capacity to support their vehicles in addition to the neighboring property owner's vehicles as well, therefore they are asking for a wider driveway to support multiple vehicles and not have to take up any parking in the street. Having the ability to park all vehicles in their driveway will also be extremely helpful during the winter months and it means less vehicles for the snow-plow drivers to have to potentially maneuver around due to lack of parking in the neighborhood.

**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 1<sup>st</sup> Street, Indianola, Iowa 50125-0299  
(515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)



### PROPERTY OWNER

(Last Name) Meyer  
(First Name) Steve  
(Address) 1708 E Detroit PLC  
(City) Indianola (State) IA (Zip) 50125  
(Phone) 660-998-2302 (Email) avmeyer1991@gmail.com  
573-239-4931

### 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: 1708 E. Detroit PLC, Indianola IA
- 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 [Handwritten Signature]  
Name (printed) STEVE MEYER

Date 8-31-20

#### FOR OFFICE USE ONLY:

Code to 45180

Date Received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Receipt Amount: \_\_\_\_\_  
BOA Agenda Date: \_\_\_\_\_

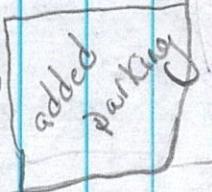
W

N

EE



1 ft.  
off of  
property



S

To: Community Development Director

We would like to request a variance

for our driveway. We live on a

cul-de-sac and only have a

Two car garage. We would

like to extend our driveway

to the west of our house

to provide additional parking

for another vehicle. We have

4 vehicles at this time and could

potential have a 5<sup>th</sup> one if my

daughter moves back in with us.

The cul-de-sac we live on

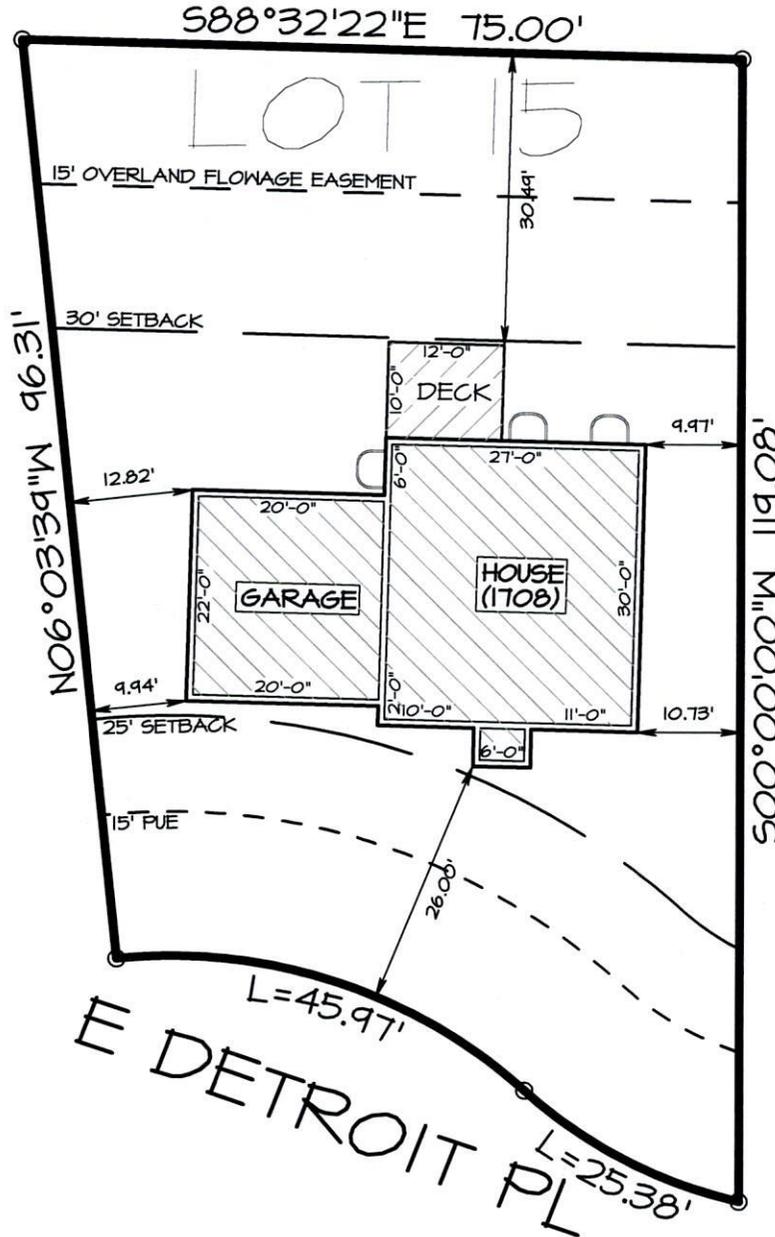
is here small and we don't

to take up all the parking with  
our vehicles. The developers will  
start building 3 additional homes  
on the road which will take  
up parking space with their  
work vehicles. We would like  
to extend the drive way to the  
west of the house a foot  
off the property line. Please  
see attached drawings.  
We have also attached the  
\$ 150 application fee.

please let us know  
if you have questions  
April & Steve Meyer 573-239-4931

# JERRY'S HOMES INC.

1708 E DETROIT PL. INDIANOLA  
 LOT 15 IN ASHTON PARK PLAT 6



**AEC** ASSOCIATED ENGINEERING  
 COMPANY OF IOWA  
 1830 SE Princeton Dr. Ste M Grimes, IA 50111  
 Phone: (515) 255-3156 Fax: (515) 255-3157



DATE: 12/6/17

**Board of Adjustments**

**5. B.**

**Meeting Date:** 10/07/2020

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**Subject**

Consider request from Corbin Rinard of 3102 West 4th Avenue for a variance to permit construction of an accessory building that would not be in conformity to Section 165.10.2 of the Code of Ordinances, Indianola, Iowa.

**Information**

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

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**Attachments**

Staff Report  
BP App  
BOA App  
Letter

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# Community Development

110 N. First St., Indianola, IA 50125-0299 • [www.indianolaiowa.gov](http://www.indianolaiowa.gov)  
515-961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)

## Staff Report

## Board of Adjustment

**Date of Meeting:** 10/7/2020

**Agenda Item:** 5.B. Consider request from Corbin Rinard for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit a fraction of an accessory structure be constructed in the side yard at 3102 West 4<sup>th</sup> Ave, 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.

**Application Type:** Variance

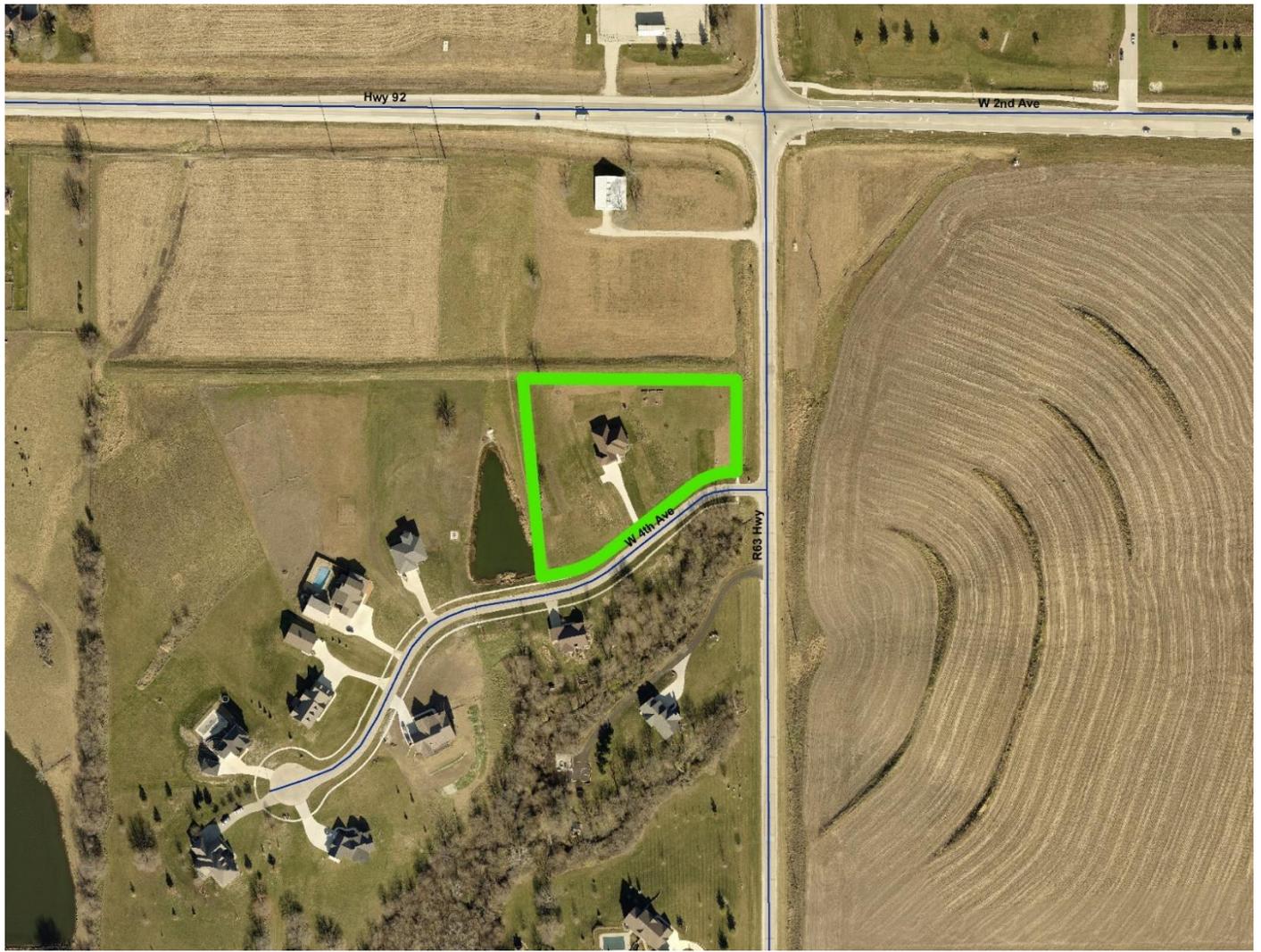
**Applicant:** Corbin Rinard

**Property Address:** 3102 W 4<sup>th</sup> Ave

**Zoning:** A-1, Agricultural

**Application Summary:** A variance is requested to allow a fraction of an accessory structure to be constructed 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:

**165.35 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 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.

## **ANALYSIS**

Mr. Rinard is asking for a variance to allow an accessory structure to be partially constructed 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. Mr. Rinard lives on a large corner lot, technically having two front yards, and where the home is setback towards the back side of the lot. However, Mr. Rinard's lot is of sufficient size to support this accessory structure where proposed and not look out of place. Additionally, only a portion of the shed will encroach the side yard line with its longest dimension being in the rear yard.

## **ALTERNATIVES**

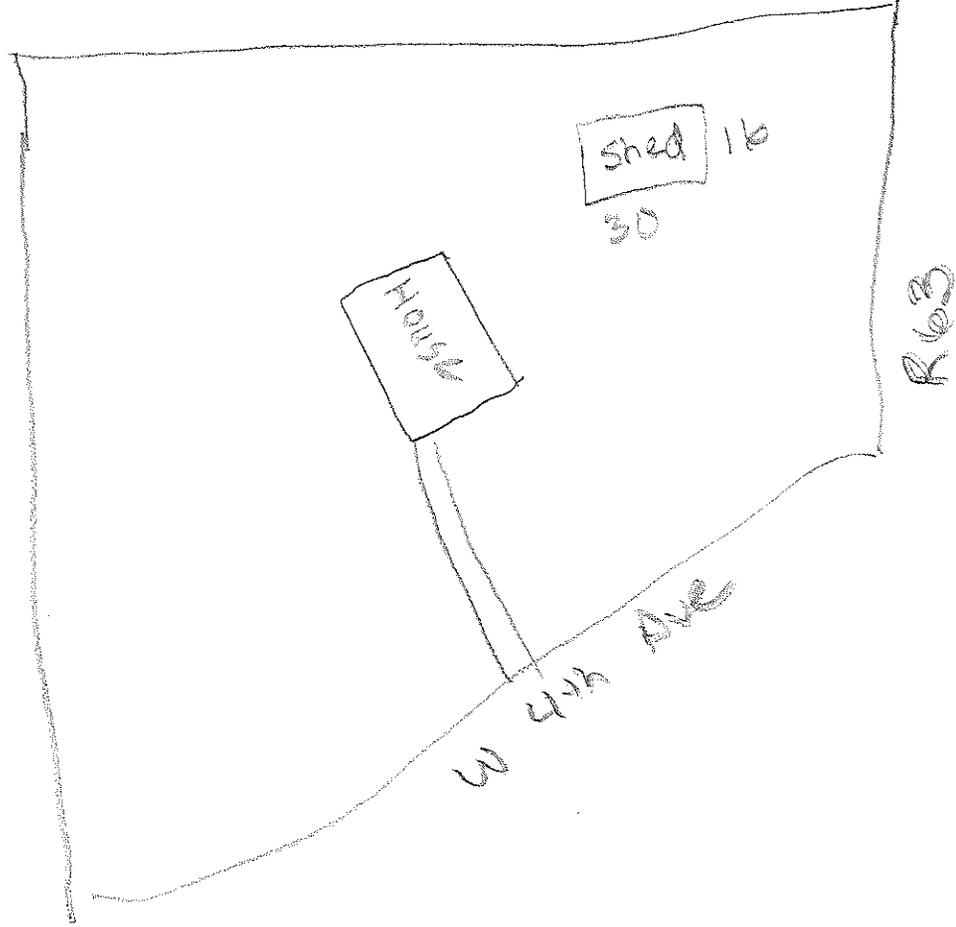
The City of Indianola Board of Adjustment may consider the following alternatives:

- 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.

2



# BOARD OF ADJUSTMENT APPLICATION

**Community Development**  
110 North 1<sup>st</sup> Street, Indianola, Iowa 50125-0299  
(515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)



## PROPERTY OWNER

(Last Name) Rinard  
(First Name) Corbin  
(Address) 3102 W 4th Ave  
(City) Indianola (State) IA (Zip) 50125  
(Phone) 515-442-6004 (Email) Corbin-rinard@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: 3102 W 4th Ave
- 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 Carl Rinard  
Name (printed) Corbin Rinard

Date 9-10-20

#### FOR OFFICE USE ONLY:

Code to 45180

Date Received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Receipt Amount: \_\_\_\_\_  
BOA Agenda Date: \_\_\_\_\_

**Charlie Dissell**

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**From:** Steve Kirby <emeraldkirby@q.com>  
**Sent:** Tuesday, September 29, 2020 11:57 AM  
**To:** Community Development  
**Subject:** Re: Variance request for 3102 West 4th Avenue

Mr. Dissell,

We received your letter advising us of the variance request by Corbin Rinard at 3102 West 4th Avenue. We have no objection to this variance request.

Sincerely,

Steve and Judy Kirby  
3111 West 4th Avenue  
Indianola 50125

**Board of Adjustments**

**5. C.**

**Meeting Date:** 10/07/2020

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**Subject**

Consider request from David and Jamie Morawski of 110 Buxton Place 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.

**Information**

**Application Summary:** A variance is requested for an addition to an existing driveway which will put it several feet over the 20' allowed maximum width per city ordinance.

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**Attachments**

Staff Report

BOA App

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# Community Development

110 N. First St., Indianola, IA 50125-0299 • [www.indianolaiowa.gov](http://www.indianolaiowa.gov)  
515-961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)

## Staff Report

## Board of Adjustment

**Date of Meeting:** 10/7/2020

**Agenda Item:** 5.C. Consider request from Mr. and Mrs. Morawski for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit an addition to an existing driveway, 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

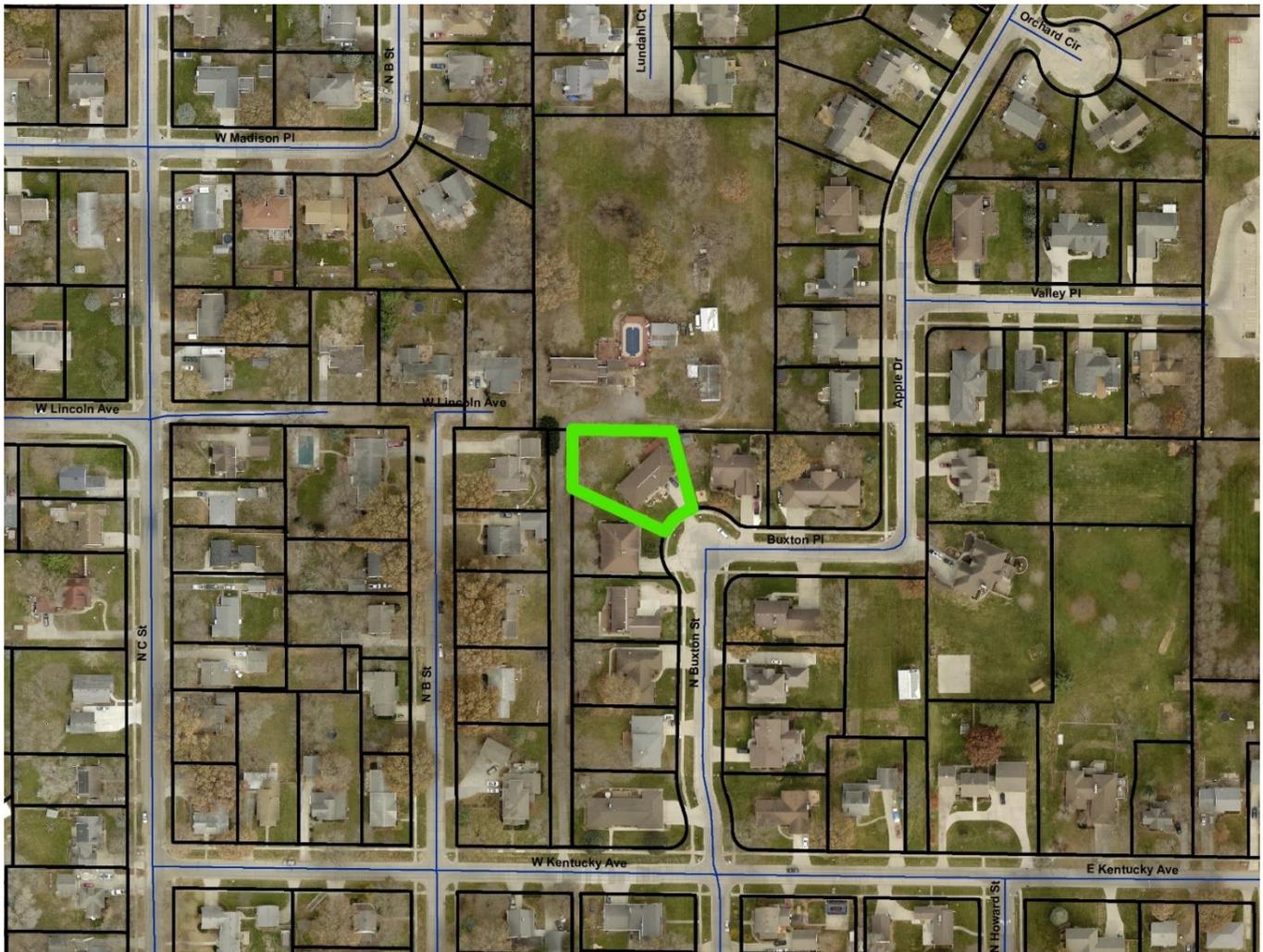
**Applicant:** David and Jamie Morawski

**Property Address:** 110 Buxton Place

**Zoning:** R-1, Single Family Residential

**Application Summary:** A variance is requested for an addition to an existing driveway which will put it several feet over the 20' allowed maximum width per city ordinance.

## AERIAL MAP



## APPLICABLE CODE SECTIONS

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

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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:

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  - (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.

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**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:

**(12)(D).** Parking Regulations. 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. and Mrs. Morawski are asking for a variance to allow for a driveway wider than 20'. The Zoning Ordinance states that driveways can only take up to 25% of the front yard up to 20'. However, the Meyer's live on a half cul-de-sac which does not have the capacity to support their vehicles in addition to the neighboring property owner's vehicles as well, therefore they are asking for a wider driveway for parking additional vehicles and not have to take up any parking in the street. Having the ability to park all vehicles in their driveway will also be extremely helpful during the winter months which means less vehicles for the snow-plow drivers to have to potentially maneuver around due to lack of parking in the neighborhood.

**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 1<sup>st</sup> Street, Indianola, Iowa 50125-0299  
(515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)



### PROPERTY OWNER

(Last Name) Morawski  
(First Name) Jamie  
(Address) 110 Buxton Pl  
(City) Indianola (State) IA (Zip) 50125  
(Phone) 515 202 3341 (Email) haileczmom@outlook.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: 110 Buxton Pl Indianola
- 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 Extend driveway

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 [Handwritten Signature]  
Name (printed) Jamie Morawski

Date 9.15.20

#### FOR OFFICE USE ONLY:

Code to 45180

Date Received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Receipt Amount: \_\_\_\_\_  
BOA Agenda Date: \_\_\_\_\_



We are on what I assume was a cul de sac in the past. By granting our variance, it will allow us more room to park vehicles. There is not much on street parking in front of our home. When we have visitors, they have to be careful of not blocking mail boxes, parking too far from the curb (because of the circular edges), or blocking our neighbors' driveways.

The pink highlighted area is the area we would like to add to our driveway. The curb will not need to be cut.

*Julie Morawski*  
110 Buxton Pl  
Indianola IA 50125  
515 202 3344

**Board of Adjustments****5. D.****Meeting Date:** 10/07/2020

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**Subject**

Consider request from Ben Carpenter for a variance at 506 and 508 West 2nd Avenue to permit construction of three two-family dwellings to be constructed that would not be in conformity to Section 165.09 (R-2 Single and Two-Family Residential) of the Code of Ordinances, Indianola, Iowa.

**Information**

**Application Summary:** A variance is requested to allow three two-family dwellings to be constructed on non-conforming lots of record that would not be in conformity to the current minimum lot area (8,400 square feet), minimum lot width (70 feet) and side setback (10 feet) of the R-2 Single and Two-Family Residential. The variance is requested to allow each two-family dwelling to be constructed on these non-conforming lots of records that are 6,000 square feet in size and have a width of 50 feet. The proposed variance also requests a side yard setback of 8 feet. Although the property is currently zoned C-2, Highway Commercial Zoning District, the applicant has requested a rezoning to the R-2 Single and Two-Family Residential Zoning District.

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**Attachments**

Staff Report

BOA App

Written Narrative

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# Community Development

110 N. First St., Indianola, IA 50125-0299 • [www.indianolaiowa.gov](http://www.indianolaiowa.gov)  
515-961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)

## Staff Report

## Board of Adjustment

**Date of Meeting:** October 7<sup>th</sup>, 2020

**Agenda Item:** 5.D. Consider request from Ben Carpenter for a variance at 506 and 508 West 2nd Avenue to permit construction of three two-family dwellings to be constructed that would not be in conformity to Section 165.09 (R-2 Single and Two-Family Residential) of the Code of Ordinances, Indianola, Iowa.

**Application Type:** Variance

**Applicant:** Ben Carpenter

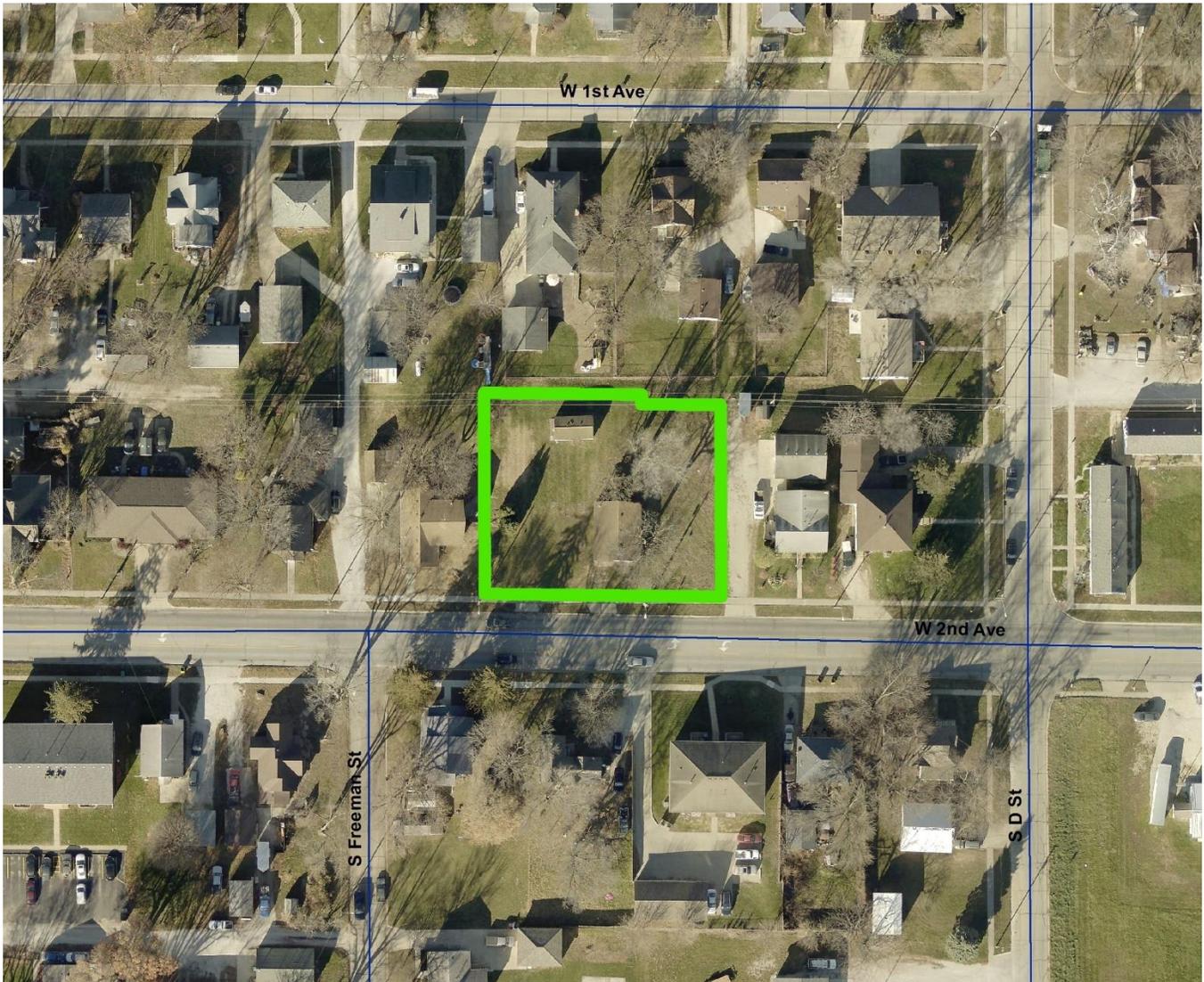
**Property Address:** 506 and 508 West 2nd Avenue

**Current Zoning:** C-2, Highway Commercial Zoning District

**Current Zoning:** R-2, Single and Two-Family Residential Zoning District

**Application Summary:** A variance is requested to allow three two-family dwellings to be constructed on non-conforming lots of record that would not be in conformity to the current minimum lot area (8,400 square feet), minimum lot width (70 feet) and side setback (10 feet) of the R-2 Single and Two-Family Residential. The variance is requested to allow each two-family dwelling to be constructed on these non-conforming lots of records that are 6,000 square feet in size and have a width of 50 feet. The proposed variance also requests a side yard setback of 8 feet. Although the property is currently zoned C-2, Highway Commercial Zoning District, the applicant has requested a rezoning to the R-2 Single and Two-Family Residential Zoning District.

## 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.

**165.09 SCHEDULES OF DISTRICT REGULATIONS.**

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

R-2	SINGLE- AND TWO-FAMILY RESIDENTIAL	R-2
MINIMUM LOT AREA, WIDTH AND DEPTH	MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS	MAXIMUM HEIGHT
Single-family Dwelling: Area: 7,200 square feet Width: 60 feet  Two-family Dwelling: Area: 8,400 square feet Width: 70 feet	Dwellings and other non-institutional uses: Front: 25 feet Rear: 30 feet Side: 10 feet Side street, corner lot 20 feet  Schools, Churches or Other Public or Institutional Buildings:  Front: 35 feet Rear: 35 feet Side: 15 feet Side street, corner lot 30 feet	2 1/2 stories or 35 feet  <hr/> <b>MINIMUM WIDTH</b>  All permitted dwellings: 20 feet  For the purpose of determining the minimum width of a dwelling unit, the shortest dimension of the dwelling unit shall be used, excluding non-habitable spaces.
<hr/> <b>MINIMUM FLOOR AREA</b>  1 story 660 square feet 1½ stories 780 square feet 2 stories 900 square feet 2-family 600 square feet per unit		

### **165.13 NONCONFORMING LOTS OF RECORD.**

In any district in which single-family dwellings are permitted the single-family dwelling and customary accessory buildings may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations for the district in which the lot is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment.

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### **ANALYSIS**

On August 27, 2020, the City received a proposed purchase agreement for its last remaining lot in the Dangerous and Dilapidated (D&D) Building Program. This vacant lot is located at 506 West 2<sup>nd</sup> Avenue. The purchase agreement was contingent upon the two vacant lots west of this location being purchased by the applicant, and contingent upon a successful rezoning of the subject lot to a residential zoning district. The applicant proposes to purchase these three lots and place a duplex on each lot. Subsequently, also on August 27, 2020, the City received a rezoning application for the subject lots. Upon review of the rezoning application by the Planning and Zoning Commission on September 15, 2020, it was discovered that the current lots do not meet the minimum lot size and the minimum lot width requirements of both the R-2 and R-3 zoning districts. At their meeting, the Planning and Zoning Commission remanded the application back to the applicant and staff for further review.

Upon further review, staff determined that the subject lots were likely platted sometime in the early 1900's, well before the City had any adopted zoning regulations (the State of Iowa did not adopt zoning provisions until 1923). As such, these lots are considered to be nonconforming, meaning that there exist lots which were lawful before the Zoning Ordinance was passed, but which would be prohibited, regulated or restricted under the terms of the Zoning Ordinance.

Section 165.13 of the Zoning Ordinance states that in a district where single-family dwellings are permitted the single-family dwelling may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment. Although this section focuses solely on single-family dwellings, staff would interpret it to extend to all types of dwelling rather than just limit it to a single-family dwelling. If this variance was approved by the Board of Adjustment, it would create lots that were buildable at 6,000 square feet in size with a width of 50 feet, which is 2,400 square feet less in area that currently required, and 20 feet less in width that currently required. This would allow the three lots to remain in their current configuration. Additionally, the applicant seeks a variance to the side setback requirement to allow an 8 feet side setback, which is 2 feet less that currently required.

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### **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.

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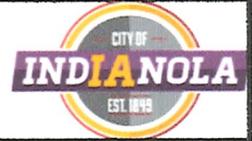
### **RECOMMENDATION**

Staff recommends that the City of Indianola Board of Adjustment move alternative 2, approving the variance request with the condition that the variance be effective upon the City Council's approval of a rezoning request to the R-2 Single and Two-Family Residential Zoning District.

# BOARD OF ADJUSTMENT APPLICATION

## Community Development

110 North 1<sup>st</sup> Street, Indianola, Iowa 50125-0299  
(515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)



### PROPERTY OWNER

(Last Name) JK Management / City of Indianola  
(First Name) \_\_\_\_\_  
(Address) 601 W. 1<sup>st</sup> Ave  
(City) Indianola (State) IA (Zip) 50125  
(Phone) 515 962-5664 (Email) Kappy1@Q.com

### APPLICANT (if not Property Owner)

(Last Name) Carpenter  
(First Name) Ben  
(Address) 208 N. B St.  
(City) Indianola (State) IA (Zip) 50125  
(Phone) 515 4420977 (Email) ben@integrals-electrical.com

#### 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: 506, 508 W. 2<sup>nd</sup> Ave
- 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 \_\_\_\_\_

Name (printed) \_\_\_\_\_

Date \_\_\_\_\_

#### FOR OFFICE USE ONLY:

Code to 45180

Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Receipt Amount: \_\_\_\_\_

BOA Agenda Date: \_\_\_\_\_



# VANDERPOOL

## CONSTRUCTION, INC.

1100 N 14th STREET \* INDIANOLA, IA 50125-1506  
 PH: 515-961-4682 \* FX: 515-961-8813  
 www.vanderpoolinc.com

# BUDGET PROPOSAL

8/17/2020  
 7:14 AM

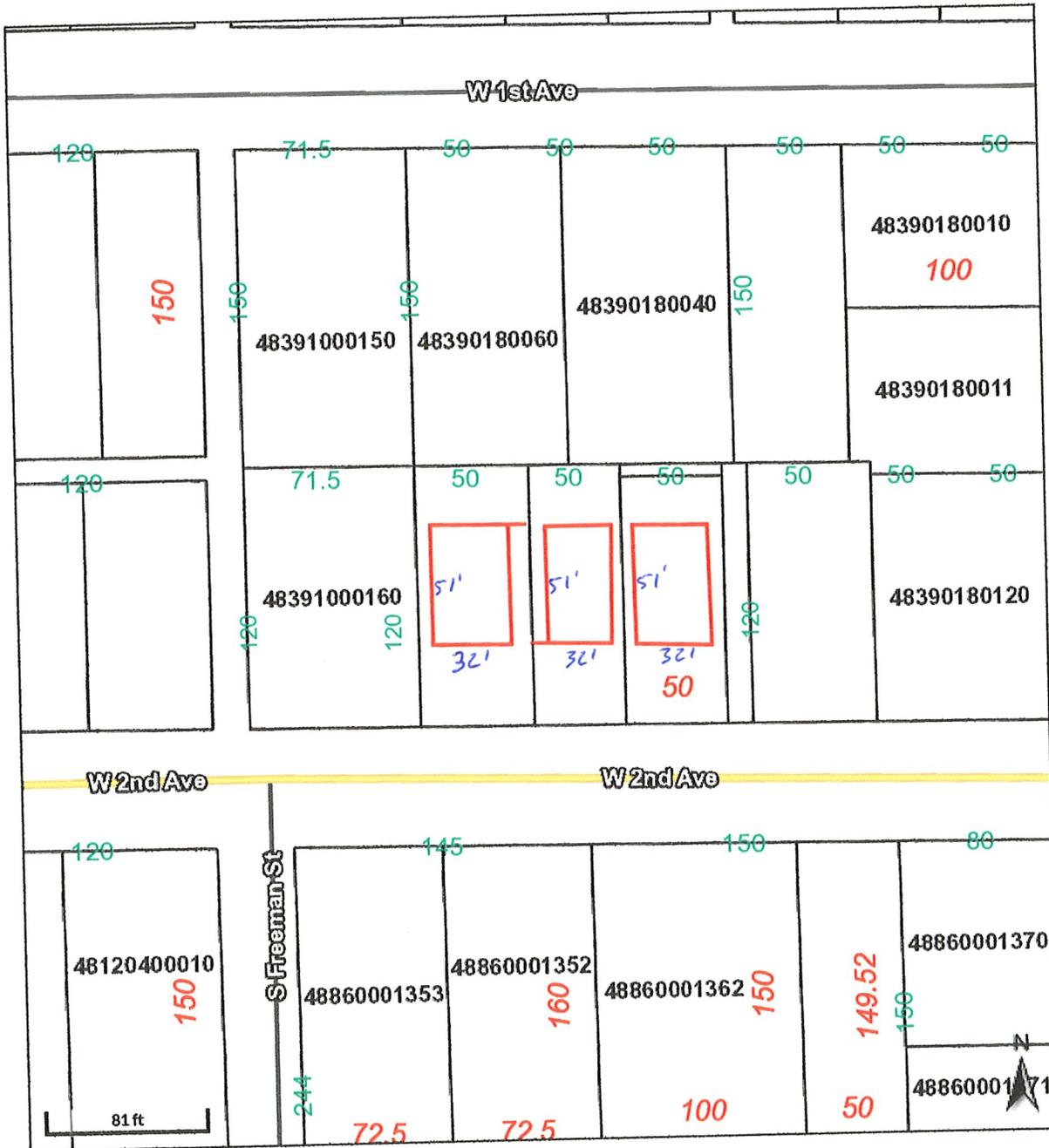
QUOTE TO: Ben Carpenter

Sales Tax Included  
 Bond Not Included  
 No Addenda Acknowledged  
 Davis Bacon Wages Not Included

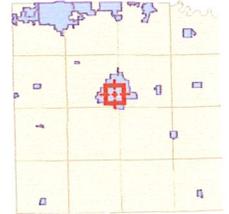
ATTN: Ben Carpenter  
 ben@intergraelectrical.com

JOB		LOCATION			BID DATE
Indianola 506/508 W. 2nd Ave. Services		Indianola, IA			08/17/2020
ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXT PRICE
	Connection to Existing Sanitary Main	2.000	EA	\$3,900.00	\$7,800.00
	Sanitary Sewer Service, PVC, 4"	80.000	LF	\$ 109.00	\$8,720.00
	Connection to Existing Water Main	2.000	EA	\$1,300.00	\$2,600.00
	Water Service, Copper, 1"	30.000	LF	\$ 46.00	\$1,380.00
	Curb Stop Box and Rod, 1"	2.000	EA	\$ 425.00	\$ 850.00
	Remove and Replace Highway Pavement	1.000	LS	\$10,500.00	\$10,500.00
	Traffic Control	1.000	LS	\$2,000.00	\$2,000.00
	Mobilization and Permits	1.000	LS	\$2,000.00	\$2,000.00
<b>TOTAL FOR SERVICES TO TWO LOTS</b>					<b>\$35,850.00</b>
<b>ALTERNATE FOR THIRD LOT IF REQUIRED</b>					
	Connection to Existing Sanitary Main	1.000	EA	\$3,900.00	\$3,900.00
	Sanitary Sewer Service, PVC, 4"	40.000	LF	\$ 109.00	\$4,360.00
	Connection to Existing Water Main	1.000	EA	\$1,300.00	\$1,300.00
	Water Service, Copper, 1"	15.000	LF	\$ 36.00	\$ 540.00
	Curb Stop Box and Rod, 1"	1.000	EA	\$ 425.00	\$ 425.00
	Remove and Replace Highway Pavement	1.000	LS	\$10,100.00	\$10,100.00
<b>ADD ALTERNATE FOR SERVICE TO THIRD LOT IF REQUIRED</b>					<b>\$20,625.00</b>
<b>TOTAL:</b>					<b>\$56,475.00</b>

If you have any questions, please don't hesitate to contact me.



**Overview**



**Legend**

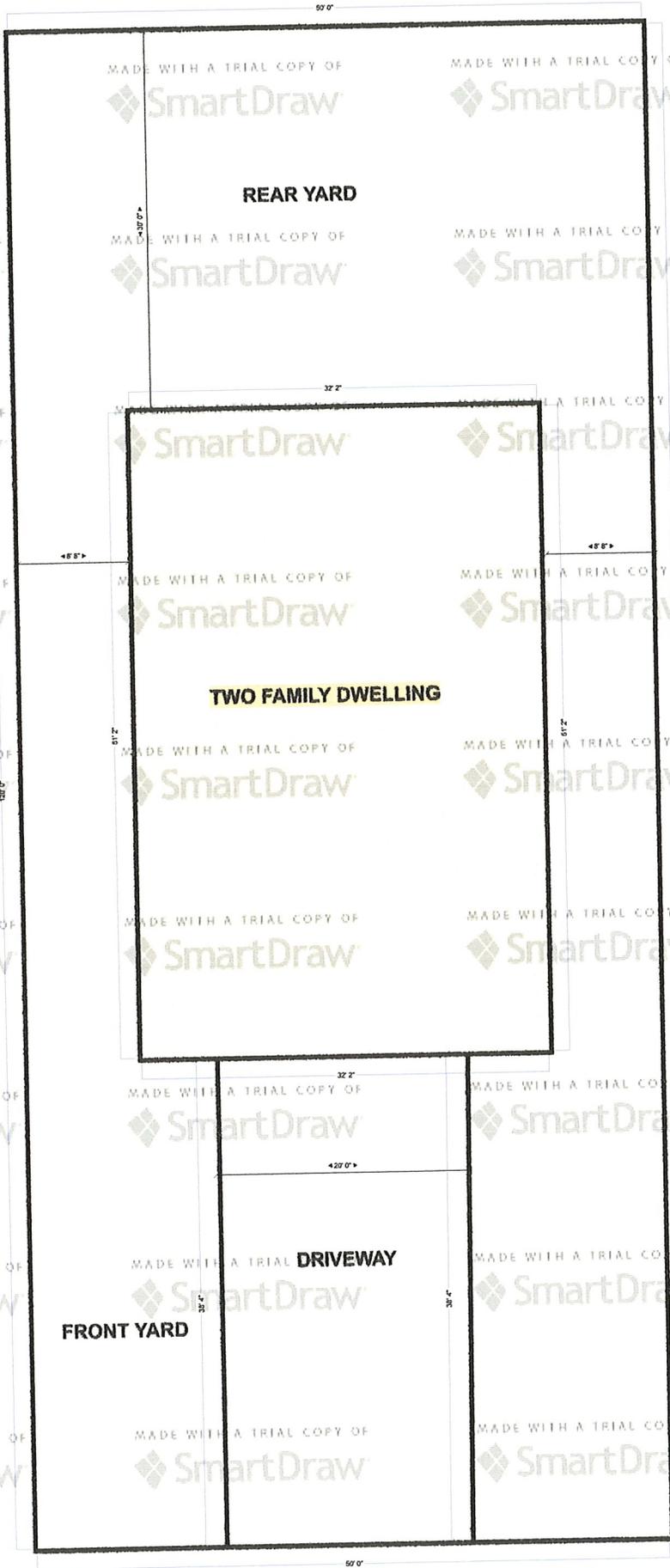
- Roads**
- <all other values>
  - Interstate
  - Highway
  - Ramp
  - County Gravel
  - County Level B
  - County Level C
  - City Gravel
  - City Street
  - Private Street
- Corporate Limits**
- Corporate Limits
  - Parcels
  - Political Township
- Major Roads**
- County Hwy
  - State Hwy
  - US Hwy
  - Interstate

**Disclaimer:**

The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Warren County assumes no responsibility for use or interpretation of the data. Any person that relies on any information obtained from this site does so at his or her own risk. All critical information should be independently verified.

The 2,000 Foot Buffers layer is for law enforcement guidance only, and is based on the best information available at the time it was prepared. This layer should not be considered to be a complete and accurate representation of the locations of every school or child care facility, and will be changed as new information is available. The registered offender is responsible for ensuring that proposed residence is in compliance with the law, and may not rely solely on this layer. The registered offender should seek legal advice from a licensed attorney if needed.

Date created: 9/19/2020  
Last Data Uploaded: 9/18/2020 9:17:00 PM



MADE WITH A TRIAL COPY OF  
SmartDraw

WEST SECOND AVENUE



We are requesting a variance per Indianola Zoning Code 165.13 to allow the development of and consideration of the following:

1. Build 3- two family dwellings at 506 and 508 on 3 plats at these addresses.
2. Permission to have the two westerly lots (508 West Second Avenue) platted at 50' wide each per the original development. Currently Lot 7 (western most lot) is platted at 55' and lot 8 (center lot) is platted at 45'.
3. A variance to allow us to build the proposed two-family dwellings on existing plats that are only 6000 square feet when new plats are a required 8400 square feet.
4. A variance to allow us to build the proposed two-family dwellings with side yards of 8 feet wide in R2 zoning requiring a 10 foot side yard.

These addresses are currently zoned C2. The Zoning Commission reviewed a rezoning request to R3 Mixed Residential on September 15, 2020. The Zoning Commission recognized that the surrounding properties were zoned R2 and seemed the most comfortable rezoning to R2 as opposed to R3. The Commission delayed our rezoning request, encouraging us to request a variance review by the Board of Adjustment.

We propose the installation of 3 - two family dwellings, one on each of 3 plats at 506, 508 West 2<sup>nd</sup> Avenue. Each two-family home will be 32' wide by 51' deep, sitting centrally on each plat, with driveway access to West 2<sup>nd</sup> Avenue. Each two-family dwelling will maintain the minimum required 25' set back and minimum rear yard of 30' per R3 zoning.

R2 zoning mandates a 70' wide lot for a two-family dwelling, and 60' wide lot for a single family dwelling. R2 zoning district also mandate a minimum area of 8400 square feet.

These existing plats satisfy none of these mandates at only 50' wide and 6,000 square feet in size. The following rule, with the Boards approval, could grant us the opportunity to substantially improve these plats.

Indianola Zoning Code in 165.13 says

*In any district in which single-family dwellings are permitted the single-family dwelling and customary accessory buildings may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations for the district in which the lot is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment.*

At 506 there is one sewer connection, of which there is not a sewer connection available to 508. To develop the two plats at 508 a sewer connection will need to be established, of which we have received a quote of \$35,850 from Vanderpool Construction because the sewer is under West 2<sup>nd</sup> Avenue.

Unfortunately, the investment to install sewer to these lots is not justifiable unless we can spread the cost out over the 3 plats, thereby building 3 - two family dwellings. Because of the sheer cost of this installation, we are deprived the right to affordably develop these lots, especially when considering other similar developments in other parts of the city.

The decision to build two family dwellings lies two-fold; 1. There is substantial demand in Indianola for updated non-apartment type housing and 2. Two-family dwellings allows us to maximize the development potential when weighing the investment to improve said property, especially in light of the substantial investment with the sewer connection.

**Board of Adjustments**

**5. E.**

**Meeting Date:** 10/07/2020

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**Subject**

Consider request from Tim McFarland of 1708 West Euclid Avenue for a variance to permit construction of an accessory building that would not be in conformity to Section 165.10.2 of the Code of Ordinances, Indianola, Iowa.

**Information**

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

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**Attachments**

Staff Report

BOA App

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# Community Development

110 N. First St., Indianola, IA 50125-0299 • [www.indianolaiowa.gov](http://www.indianolaiowa.gov)  
515-961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)

## Staff Report

## Board of Adjustment

**Date of Meeting:** 10/7/2020

**Agenda Item:** 5.E. Consider request from Tim McFarland 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 1708 West Euclid Ave, 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.

**Application Type:** Variance

**Applicant:** Tim McFarland

**Property Address:** 1708 West Euclid Ave

**Zoning:** R-1, Single Family Residential Zoning District

**Application Summary:** A variance is requested to allow an existing accessory structure to remain in the front 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:

**165.10 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. McFarland is asking for a variance to allow the existing placement of his shed to remain in the front 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, Mr. McFarland has a backyard with uneven terrain making it challenging to place in the rear yard without having to build a 3-wall foundation for support at the very least. However, this type of terrain is not a special condition or circumstance which is peculiar to this lot and not applicable to other lots in the same district. This shed has 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. There are 2 other sheds in the area that were allowed variances for the same location; however, those two locations were approved due to the small size of total rear 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 3, denying the variance request as submitted.

<b>BOARD OF ADJUSTMENT APPLICATION</b>		<b>Community Development</b> 110 North 1 <sup>st</sup> Street, Indianola, Iowa 50125-0299 (515) 961-9430 • comdev@indianolaiowa.gov	
<b>PROPERTY OWNER</b> (Last Name) <u>Tim McFarland</u> (First Name) _____ (Address) <u>1708 West Euclid</u> (City) <u>Indianola</u> (State) <u>IA</u> (Zip) <u>50125</u> (Phone) <u>515-314-0679</u> (f) _____		<b>APPLICANT (if not Property Owner)</b> (Last Name) _____ (First Name) _____ (Address) _____ (City) _____ (State) _____ (Zip) _____ (Phone) _____ (f) _____	
<input type="checkbox"/> <b>APPEAL</b> <b>Submittal Requirements:</b> <i>All submittal requirements must be completed. Incomplete applications will not be considered.</i> <input type="checkbox"/> Completed Application <input type="checkbox"/> Filing Fee: \$150 per request <input type="checkbox"/> 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. <input type="checkbox"/> Other Information as required by Director	<input type="checkbox"/> <b>SPECIAL EXCEPTION</b> <b>Submittal Requirements:</b> <i>All submittal requirements must be completed. Incomplete applications will not be considered.</i> <input type="checkbox"/> Property Address: <u>1708 West Euclid</u> <input checked="" type="checkbox"/> Completed Application <input checked="" type="checkbox"/> Filing Fee: \$150 per request <input type="checkbox"/> Site Plan and Elevations <u>w/ pics</u> <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Other Information as required by Director	<input type="checkbox"/> <b>VARIANCE</b> <b>Submittal Requirements:</b> <i>All submittal requirements must be completed. Incomplete applications will not be considered.</i> <input type="checkbox"/> Property Address: _____ <input type="checkbox"/> Completed Application <input type="checkbox"/> Filing Fee: \$150 per request <input type="checkbox"/> Site Plan and Elevations <input type="checkbox"/> 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. <input type="checkbox"/> 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: <u>[Signature]</u> Name (printed): <u>Tim McFarland</u>		<b>FOR OFFICE USE ONLY:</b> Code to 45180 Date Received: _____ Receipt No.: _____ Receipt Amount: _____ BOA Agenda Date: _____	
		Date: <u>9-18-2020</u>	



← NEIGHBORS LOT

BACK YARD FROM THE EAST



710 of WEST SIDE

40 degree slope

NEIGHBORS LOT



· WEST SIDE PICTURE TO BACK  
YARD. 2 SLOPES.



- CURRENT LOCATION - LEFT OF DRIVE -  
ONLY FIAT SPOT WE HAVE.  
FOR LAWN MOWERS ETC. SNOW BLOWERS  
ETC. THANKS FOR YOUR TIME.

TIM

**Board of Adjustments**

**6. A.**

**Meeting Date:** 10/07/2020

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**Subject**

Board Members

**Information**

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**Board of Adjustments**

**6. B.**

**Meeting Date:** 10/07/2020

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**Subject**

Staff

**Information**

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