



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

9/1/2021

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Minutes Approval**
 - A. Meeting Minutes from the 08/04/2021 Board of Adjustment Meeting
- 5. New Business**
 - A. Consider request from Adam Voigts, on behalf of First United Methodist Church, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, located at 307 West Ashland Avenue, that would not be in conformity to the location requirements found in Section 165.04(2)(D) of the Code of Ordinances of Indianola, Iowa, which states accessory buildings and structures shall only be erected to the rear of any principal building.
 - B. Consider request from Brad Butler, on behalf of Brett Wright, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition to the existing deck at 608 West Orchard Ave, to which if allowed as requested, would not be in conformity with the requirements of found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow a portion of the addition be constructed inside the 35-foot rear yard setback.
 - C. Consider request from Robert and Betsey Freese for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, for a variance to permit a division of ground for the dwelling at 603 East Hillcrest Avenue that would not be in conformity to the lot size requirements for the A-1, Agricultural/Open Space Zoning District found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa.
- 6. Comments**
- 7. Adjourn**



BOARD OF ADJUSTMENT

Minutes August 4th, 2021

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

Wes Sharp
Bill Mettee (via phone)
Lee Bash

Members not present: Amy Mitchell, Renee Soldwisch

Staff Present: Charlie Dissell, Cortney Marmon, Tim Little

Public Present: N/A

The agenda for the 08/04/2021 meeting was approved on a motion by Bill Mettee and seconded by Lee Bash.
On voice vote: All ayes.

The minutes for the 07/07/2021 meeting were approved on a motion by Wes Sharp and seconded by Lee Bash.
On voice vote: All ayes.

Consider request from Scott Ourth, on behalf of David Kragaskow, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, for a variance to permit the reconstruction of a porch on an existing single-family dwelling, located at 907 West Boston Avenue, that would not be in conformity to the front yard setback for single-family dwellings, found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa.

Mr. Dissell provided an overview.

Motion was made by Board Member Bill Mettee to approve the request from Scott Ourth, on behalf of David Kragaskow, for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, for a variance to permit the reconstruction of a porch on an existing single-family dwelling, located at 907 West Boston Avenue, that would not be in conformity to the front yard setback for single-family dwellings, found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. This motion was seconded by Board Member Lee Bash. On voice vote: All, ayes. Motion passed unanimously.

Comments: N/A

The meeting was adjourned on a motion by Lee Bash and seconded by Bill Mettee. On voice vote: All Ayes.

Meeting adjourned at 6:07 pm

Wes Sharp, Chairperson

Charlie E. Dissell, Director



MEMORANDUM

To: Board of Adjustment

From:

Date: September 1, 2021

Subject: Consider request from Adam Voigts, on behalf of First United Methodist Church, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, located at 307 West Ashland Avenue, that would not be in conformity to the location requirements found in Section 165.04(2)(D) of the Code of Ordinances of Indianola, Iowa, which states accessory buildings and structures shall only be erected to the rear of any principal building.

Recommendation: Staff recommends that the City of Indianola Board of Adjustment adopt alternative number 1, approving the variance as submitted.

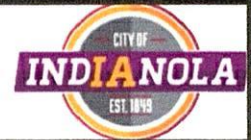
Attachments:

1. Methodist Church Request
2. Staff Report First United Methodist Church

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) First United Methodist Church
(First Name) _____
(Address) 307 West Ashland Ave
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-961-5317 (Email) Ellen@indfunc.org

APPLICANT (if not Property Owner)

(Last Name) Voigts
(First Name) Adam
(Address) _____
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-238-5488 (Email) adam.voigts@drobe.edu

☐ 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: 307 West Ashland 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) Adam Voigts, FUMC church member Date 7/29/2021

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

Church building

Patio

AC

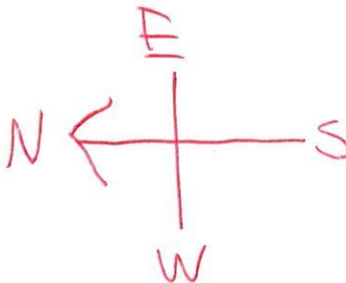
AC

AC

Staff
Parking

10' x 12'
Shed
option
A

10' x 12'
Shed
option
B



side walk

Street



July 29, 2021

City of Indianola
Community Development
110 North 1st St
Indianola, IA 50125-0299

RE: Board of Adjustment Variance Application for First United Methodist Church of Indianola for shed

Board of Adjustment:

The First United Methodist Church of Indianola would like to purchase a shed to be placed on church property for use as storage of outdoor equipment and youth-related programming items. The church would like to place the shed on the west side of the building just off the patio. The shed would be 10 feet by 12 feet and 8 feet 2 inches high.

Please accept this application for a variance to code requirements that all sheds be in the rear yard in a residential zoning district. The church is in the R-3 district. The church takes up nearly the full block and unfortunately does not have a rear yard, which is the special condition under which this variance is requested. The proposed shed location on the west side of the building near the patio would be considered a side yard. All spaces around the church were considered for this shed but the placement near the patio is the most convenient for the storage needs and connection to youth activities. Under the code requirements, the church would not be allowed to have a shed, which would deprive the church of rights commonly enjoyed by other properties in the district.

While not professionally drawn or to scale, the attached drawing attempts to depict the west side of the church property. Two options for the shed placement are being considered but both are next to a brick knee wall surrounding the concrete patio. The shed will be more than 5 feet from all property lines and the church building.

On behalf of the First United Methodist Church of Indianola, we request the Board of Adjustment grant this variance request. Granting this variance request will not confer on the church any special privilege that is denied to other properties in the same district.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Ellen Wright".

Ellen Wright
FUMC Director of Christian Education & Life Groups

A handwritten signature in black ink, appearing to read "Adam Voigts".

Adam Voigts
FUMC Church Member



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 1, 2021

Agenda Item: 5.A. Consider request from Adam Voigts, on behalf of First United Methodist Church, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, located at 307 West Ashland Avenue, that would not be in conformity to the location requirements found in Section 165.04(2)(D) of the Code of Ordinances of Indianola, Iowa, which states accessory buildings and structures shall only be erected to the rear of any principal building.

Application Type: Variance

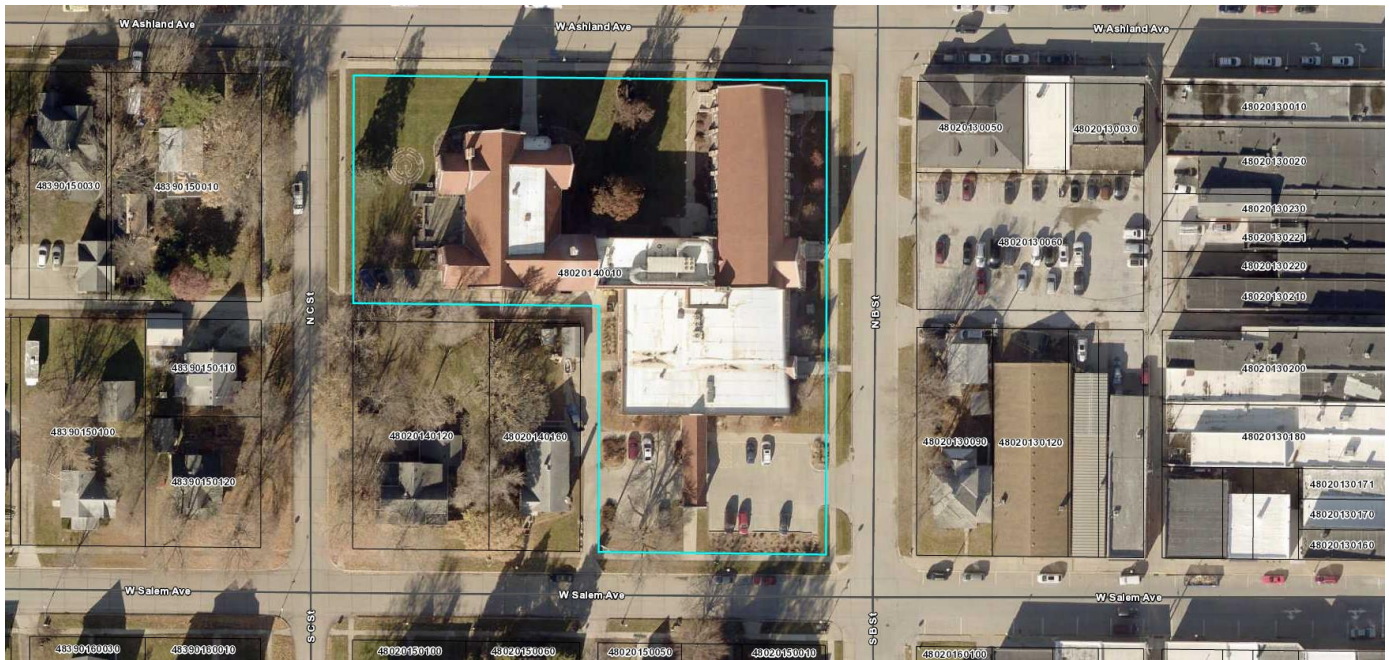
Applicant: Adam Voigts, on behalf of First United Methodist Church

Property Address: 307 West Ashland Ave

Zoning: R-2 Single-Family Residential Attached Zoning District

Application Summary: A variance is requested to allow the placement of an 8'-2"H X 10'W X 12'L shed in the side yard to the west of the building just off the patio and withing 10' of the principal building.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02 (3)(B)(3) Power and Duties: The Board shall have the following powers and duties:

b. Variances - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

- i. 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;
- ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- iii. That the special conditions and circumstances do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning

Ordinance in said district. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

165.04(2)(D) Location and Setbacks.

The following location and setback requirements shall apply to all accessory buildings and structures:

- (1) Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.
- (2) Accessory buildings and structures shall not be erected within any required buffer or easement.
- (3) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.
- (4) When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.
- (5) No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line.
- (6) Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.
- (7) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.
- (8) All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.

ANALYSIS

The First United Methodist Church is requesting a variance for the placement of a shed in the side yard to the west of the building, just off the patio. The church takes up nearly the entire city block and unfortunately does not have a rear yard. The location where the shed also does not comply with setback requirements from a principal structure as it would be inside of 10' from the building. 10' is the required separation distance from primary structures for all accessory buildings. From a Building Code perspective, the church's building construction is considered Type III in which the exterior walls are of non-combustible materials (brick), and the shed is considered Type V in which the entire building is constructed of any materials permitted by code. Placement of a type VB building is allowed inside 10' but no closer than 5' from a building of Type III construction.

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 adopt alternative number 1, approving the variance as submitted.



MEMORANDUM

To: Board of Adjustment

From:

Date: September 1, 2021

Subject: Consider request from Brad Butler, on behalf of Brett Wright, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition to the existing deck at 608 West Orchard Ave, to which if allowed as requested, would not be in conformity with the requirements of found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow a portion of the addition be constructed inside the 35-foot rear yard setback.

Recommendation: Staff recommends alternative number 1; that the City of Indianola Board of Adjustment approve the variance as proposed.

Attachments:

1. Wright Request
2. Wright Staff Report

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) WRIGHT
(First Name) BRETT
(Address) 602 W ORCHARD
(City) INDIANOLA (State) IA (Zip) 50125
(Phone) 515-681-8842 (Email) _____

APPLICANT (if not Property Owner)

(Last Name) BUTLER
(First Name) BRAD
(Address) 307 S FREEMAN ST
(City) INDIANOLA (State) IA (Zip) 50125
(Phone) 515-249-6125 (Email) bradbutlerconstruction@gmail.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: 602 W ORCHARD
- ☐ 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.

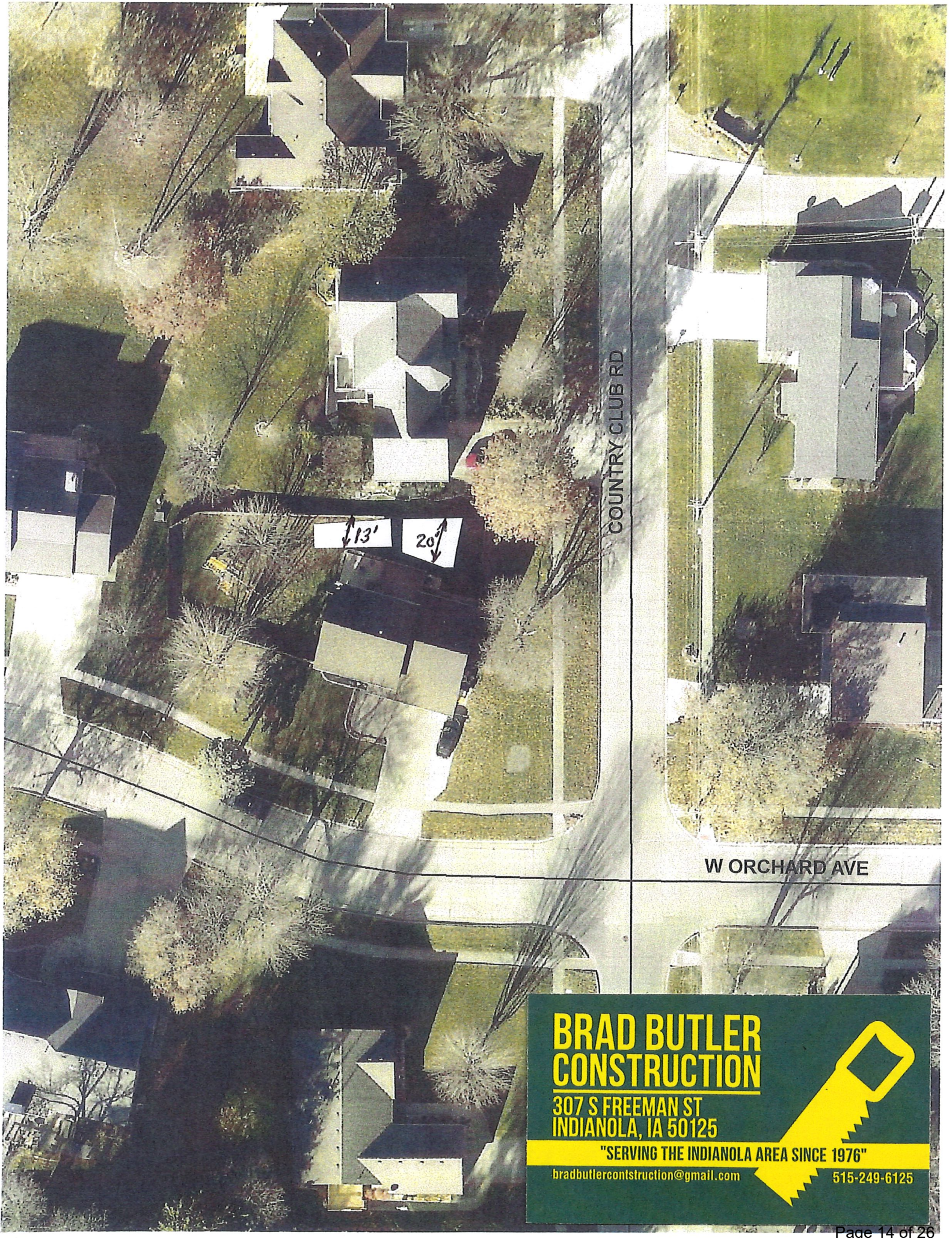
Signature Bradley K Butler
Name (printed) BRADLEY K BUTLER

Date 8/12/21

FOR OFFICE USE ONLY:

Code to 45180

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



COUNTRY CLUB RD

W ORCHARD AVE

BRAD BUTLER CONSTRUCTION

307 S FREEMAN ST
INDIANOLA, IA 50125

"SERVING THE INDIANOLA AREA SINCE 1976"

bradbutlerconstruction@gmail.com

515-249-6125





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 1, 2021

Agenda Item: 5.B. Consider request from Brad Butler, on behalf of Brett Wright, for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition to the existing deck at 608 West Orchard Ave, to which if allowed as requested, would not be in conformity with the requirements of found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow a portion of the addition be constructed inside the 35-foot rear yard setback.

Application Type: Variance

Applicant: Brad Butler on behalf of Brett Wright

Property Address: 608 West Orchard Ave

Zoning: R-1 Single-Family Residential Detached Zoning District

Application Summary: A variance is requested to allow the proposed covered portion of the deck to be constructed 20' into the rear yard setback and the uncovered portion be constructed 13' into the rear yard setback.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02 (3)(B)(3) Power and Duties: The Board shall have the following powers and duties:

b. Variances - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

- i. 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;
- ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- iii. That the special conditions and circumstances do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning

Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

165.05(2) RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling (Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	15 acres	7,200 sq ft	8,400 sq ft	n/a	n/a	40,000 sq ft
Min. Lot Width ¹	300 ft	60 ft	70 ft	24 ft.	80ft	100 ft
Min. Lot Street Frontage ²	20 ft	20 ft	20 ft	20 ft	20 ft	40 ft
Front Yard Setback ³	40 ft	30 ft	25 ft	25 ft	30 ft.	35 ft.
Side Yard Setback ⁴	10 ft	8 ft min one side, 18 ft total sum of both side yards	10 ft ⁶	8 ft. ⁶	30 ft	30 ft
Rear Yard Setback ⁵	35 ft	35 ft	30 ft	30 ft	30 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	35 ft	35 ft	35 ft	35 ft	50 ft	40 ft
Min. Open Space	n/a	20%	20%	25%	25%	25%
Max. Dwelling Units Per Acre	0.067	n/a	n/a	8	20	n/a
¹ Measured at the front yard building setback line						
² Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line						
³ Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback						

⁴ Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line

⁵ Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback

⁶ Zero feet from common lot lines of attached structures

ALTERNATIVES

Mr. Butler is proposing an addition to an existing deck. Part of the addition will be covered where the other will not. The covered portion will extend approximately 20' into the rear yard setback and the uncovered portion will be 13' into the rear yard setback. There is currently a deck that was constructed into the setback originally when the house was built which is allowed as long as it is not covered. Since Mr. Butler is proposing to cover a portion of the deck, it will no longer be in compliance with setbacks. The reason for this is the lot is a corner lot and due to its positioning, the primary structure was built approximately 6-7' into the rear yard setback.

One of the concerns whenever anything is built into the required setback is fire separation distance. 10' is all that is required for fire separation. The addition at its closest point will be at least 10' away from the wooden privacy fence which is approximately 12-13' away from the neighboring properties garage for a total separation distance of around 22-23'.

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 alternative number 1; that the City of Indianola Board of Adjustment approve the Variance as proposed.



MEMORANDUM

To: Board of Adjustment

From:

Date: September 1, 2021

Subject: Consider request from Robert and Betsey Freese for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, for a variance to permit a division of ground for the dwelling at 603 East Hillcrest Avenue that would not be in conformity to the lot size requirements for the A-1, Agricultural/Open Space Zoning District found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa.

Recommendation: Staff recommends alternative number 2; that the City of Indianola Board of Adjustment approve the variance with the following conditions:

1. This property is included in any rezoning application for the balance of the property, bringing the property into compliance with the zoning regulations at that time.

Attachments:

1. 1- 20210823125200243
2. 2- Freese Exhibit
3. 3- Narrative
4. 4- Staff Report

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Freese
(First Name) Robert and Elizabeth
(Address) 10660 G24 Hwy
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-229-8050 (Email) betsy.freese@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 USE PERMIT

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 as outlined in 165.06
- ☐ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director



VARIANCE

Submittal Requirements:

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

- ☐ Property Address: 603 E Hillcrest 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 165.02(3)(B)(3)(b) 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 [Signature]
Name (printed) Elizabeth Freese

Date 8-20-21

FOR OFFICE USE ONLY:

Code to 45180

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

501 E Hillcrest Ave

603 E Hillcrest Ave

Parcel B

Parcel A

FREESE, ROBERT L REV TST
FREESE, ELIZABETH H REV TST

Charlie Dissell

From: Betsy Freese <betsyfreese@gmail.com>
Sent: Friday, August 20, 2021 10:13 AM
To: Charlie Dissell
Subject: Narrative

Charlie —

Bob and I are asking for a variance to remain A-1 for our farm homestead (house, two barns, and about 3 acres) at 603 E. Hillcrest Ave, Indianola. We have signed a contract with a developer to sell the remaining 47 acres (approximately). That could be rezoned by the developer after the closing. Once the parcels are surveyed and the sale to the developer takes place, we would work on rezoning the homestead parcel of 3 acres.

You should have information from the surveyor showing the approximate parcels. Let me know if you need anything else. I will come to the office this morning with the application and fee. Thank you.

Betsy and Bob Freese
betsyfreese@gmail.com
515-229-8050 (Betsy)
515-681-3460 (Bob)



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:

Agenda Item: 5.C. Consider request from Robert and Betsey Freese for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, for a variance to permit a division of ground for the dwelling at 603 East Hillcrest Avenue that would not be in conformity to the lot size requirements for the A-1, Agricultural/Open Space Zoning District found in Section 165.05(2) of the Code of Ordinances of Indianola, Iowa.

Application Type: Variance

Applicant: Robert and Betsey Freese

Property Address: 603 East Hillcrest Avenue

Zoning: A-1, Agricultural/Open Space Zoning District

Application Summary: A variance is requested to allow for a division of ground for the dwelling at 603 East Hillcrest Avenue on approximately two (2) acres of ground.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02 (3)(B)(3) Power and Duties: The Board shall have the following powers and duties:

b. Variances - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

- i. 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;
- ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

- iii. That the special conditions and circumstances do not result from the actions of the applicant;
- iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district. If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

165.05(2) RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	15 acres	7,200 sq ft	8,400 sq ft	n/a	n/a	40,000 sq ft
Min. Lot Width ¹	300 ft	60 ft	70 ft	24 ft.	80ft	100 ft
Min. Lot Street Frontage ²	20 ft	20 ft	20 ft	20 ft	20 ft	40 ft
Front Yard Setback ³	40 ft	30 ft	25 ft	25 ft	30 ft.	35 ft.
Side Yard Setback ⁴	10 ft	8 ft min one side, 18 ft total sum of both side yards	10 ft ⁶	8 ft. ⁶	30 ft	30 ft
Rear Yard Setback ⁵	35 ft	35 ft	30 ft	30 ft	30 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	35 ft	35 ft	35 ft	35 ft	50 ft	40 ft

Min. Open Space	n/a	20%	20%	25%	25%	25%
Max. Dwelling Units Per Acre	0.067	n/a	n/a	8	20	n/a
¹ Measured at the front yard building setback line						
² Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line						
³ Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback						
⁴ Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line						
⁵ Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback						
⁶ Zero feet from common lot lines of attached structures						

ALTERNATIVES

Mr. and Mrs. Freese are seeking a variance to the 15-acre minimum lot size required by the A-1, Agricultural/Open Space Zoning District to facilitate the division of the existing house at 603 East Hillcrest Avenue from the 50-acre property. This is proposed as part of a real estate contract with a Developer who has agreed to purchase the remaining ground. Prior to development of the balance of the ground, a rezoning would be necessary.

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 alternative number 2; that the City of Indianola Board of Adjustment approve the Variance with the following condition:

1. This property is included in any rezoning application for the balance of the property, bringing the property into compliance with the zoning regulations at that time.