



BOARD OF ADJUSTMENTS MEETING
January 6, 2021
6:00 p.m.
City Council Chambers
Agenda

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes for 12/16/2020
5. New Business
 - A. Consider request from Sandquist Investments LLC 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.
 - B. Discussion and Direction on Permitting Exception for Accessory Structures.
 - C. Discussion and Direction on Board of Adjustment Rules of Procedure.
 - D. Election of Officers for 2021
6. Adjourn
7. Comments

Board of Adjustments

4.

Meeting Date: 01/06/2021

Subject

Approval of Minutes for 12/16/2020

Information

Attachments

Meeting Mins



BOARD OF ADJUSTMENT

Minutes December 16, 2020

The meeting was called to order at 6:05 pm by Chairperson Wes Sharp and on roll call the following members were present:

Wes Sharp
Bill Mettee
Rene Soldwisch
Amy Mitchell
James Sullivan

Members not present:

Staff Present: Charlie Dissell, Cortney Marmon

Public Present: Dallas Hoover 600 Brookwood Drive Indianola, IA 50125

The agenda of the December 16th, 2020 meeting was approved on a motion by Bill Mettee and seconded by Amy Mitchell. On voice vote: All ayes.

Consider request from Dallas Hoover 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 600 Brookwood Dr, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the existing shed to remain in the side yard.

Dallas Hoover provided an overview of the project.

Amy Mitchell asked how Charlie Dissell interpreted the Code.

Charlie Dissell provided a breakdown of the interpretation of the Code.

Wes Sharp asked if the set back if from the road.

Charlie Dissell said yes.

Wes Sharp said that when you have a corner lot you have two front yard setbacks and building something in the side yard is visually unappealing.

Dallas Hoover said that where the shed is located has been leveled out by 4 feet and if it moved it will raise it 8 feet.

Charlie Dissell said most cities will identify corner lots as two front yards but that will be getting updated. He also said that 6.14 of the Admin Code has more to do with the State and not the City. He could be wrong but that's the way it read.

Dallas Hoover said he did all he could to make it appealing and that there are other sheds in violation, but he is the one being singled out.

Wes Sharp told Dallas Hoover we were not trying to single him out that there are different sheds in different areas with different variances and hardships.

Bill Mettee said the fence was a good buffer for the shed.

Tim agreed that the fence would be a good buffer if the shed were smaller.

James Sullivan asked if Dallas had considered attaching the shed to the garage.

Tim Little said that was an option

Dallas Hoover said that would make the house look unbalanced.

Motion was made by Board Member James Sullivan to approve the request from Dallas Hoover 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 600 Brookwood Dr, 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.

This motion was seconded by Board Member Amy Mitchell. On voice vote: Bill Mette and Rene Soldwisch, ayes. Amy Mitchell and Wes Sharp, James Sullivan nay. Motion did not pass.

Comments: Charlie Dissell discussed including finding of facts documents in agenda items.

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

Meeting adjourned at 7:06 pm

Wes Sharp, Chairperson

Charlie E. Dissell

Board of Adjustments**5. A.****Meeting Date:** 01/06/2021

Subject

Consider request from Sandquist Investments LLC 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

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.

Attachments

Staff Report

Application

Letter

Narrative

Site Plan

Elevation



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: January 6th, 2021

Agenda Item: 5.A. Consider request from Sandquist Investments LLC 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

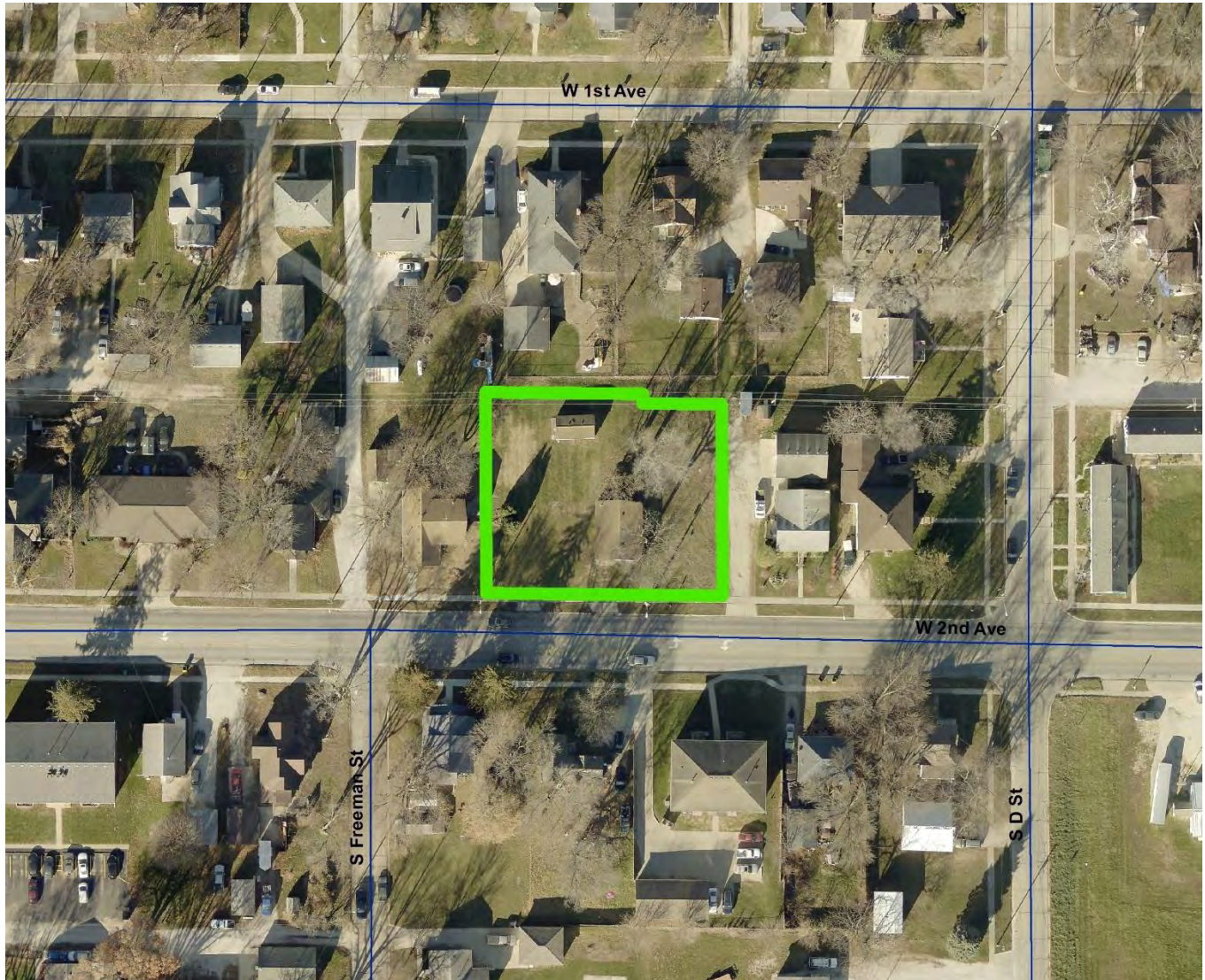
Applicant: Sandquist Investments LLC

Property Address: 506 and 508 West 2nd Avenue

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.

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 MINIMUM WIDTH 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.
MINIMUM FLOOR AREA 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.

ANALYSIS

On December 14th, 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 2nd Avenue. The applicant proposes to purchase these three lots and place a duplex on each lot. As the Board will recall, this same request was made during a previous purchase offer, and that variance was approved at the Boards October 2020 meeting. Subsequently, also on August 27, 2020, the City received a rezoning application for the subject lots.

Researching the history of these lots, 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 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 foot side setback, which is 2 feet less that currently required.

ALTERNATIVES

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

- 1) The City of Indianola Board of Adjustment approves the variance request, as submitted.
- 2) The City of Indianola Board of Adjustment approves request, with conditions.
- 3) The City of Indianola Board of Adjustment denies the variance request.
- 4) The City of Indianola Board of Adjustment remands the variance request back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Board of Adjustment agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 1, approving the variance request as submitted.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) JK MANAGEMENT / City of Indianola
(First Name) _____
(Address) 601 W. 1st Ave
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-962-5664 (Email) kayl@a.com

APPLICANT (if not Property Owner)

(Last Name) SANDQUEST INVESTMENTS
(First Name) _____
(Address) 600 S.K ST
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-707-3232 (Email) SANDQUESTINV@MSN.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 2nd 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 _____

Date _____

Name (printed) _____

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____



December 23, 2020

BOARD OF ADJUSTMENT

«DEEDHOLD»
«DEEDADDR1»
«DEEDADDR3»

Dear Property Owner:

YOU ARE HERBY NOTIFIED that Sandquist Investments, LLC has requested a variance for 506 and 508 West 2nd Avenue from the Board of Adjustment of the City of Indianola, Iowa. As you are a property owner within 200 feet of a proposed variance, you are being notified. A map of the property is included on the back of this notice.

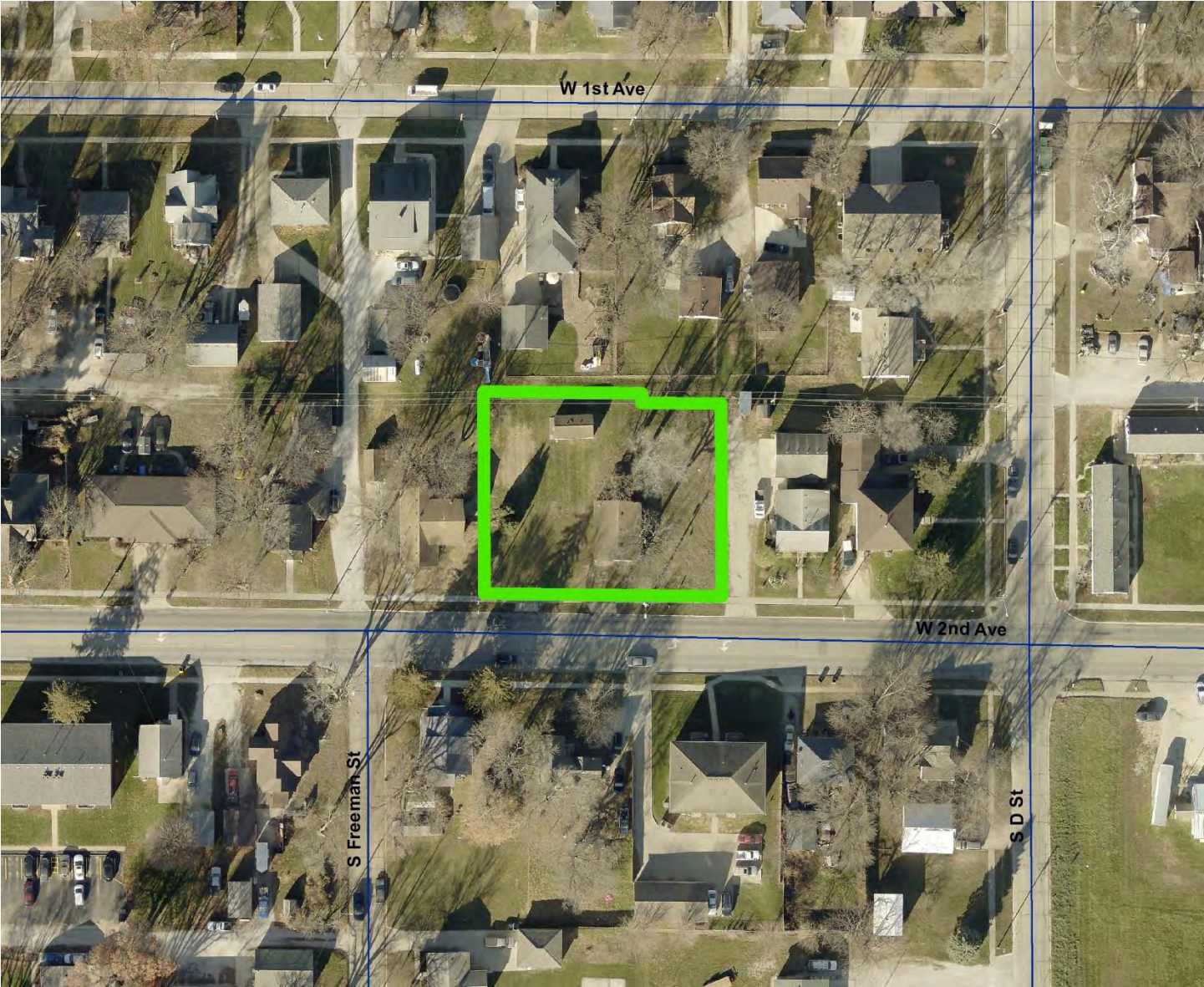
The variance is requested under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa. The variance would permit three two-family dwellings to be constructed that would not be in conformity to Section 165.09 (R-2 Single and Two-Family Residential) which states that two-family dwellings should have a minimum area of 8,400 square feet, 60 feet of width, and a side setback of 10 feet. The variance is requested to allow each two-family dwelling to be constructed on non-conforming lots of records that are 6,000 square feet in size and have a width of 50 feet. Additionally, the proposed two-family dwellings would have a proposed side setback of eight feet.

The variance request will be considered by the Board of Adjustment at its hearing at 6:00 P.M. on January 6th, 2021, held in the Council Chambers of the Municipal Building of the City of Indianola, Iowa, located at 110 North 1st Street.

If you have any questions regarding this notification, please contact the Department of Community Development at (515) 961-9430 or by email at ComDev@indianolaiowa.gov.

Regards,

Charlie E. Dissell, AICP
Director of Community & Economic Development
City of Indianola



Charlie Dissell

From: Russ <sandquistin@msn.com>
Sent: Tuesday, December 22, 2020 1:36 PM
To: Charlie Dissell
Subject: Re: Hwy 92 duplex lots

Charlie,

We are proposing the construction of 3 - two family dwellings, one on each of the three plats at 506 and 508 W 2nd Avenue. Each two family dwelling will be 32' wide by 51' deep, sitting centrally on each plat, with driveway access to West 2nd Avenue. Each two family dwelling will maintain the minimum required 25' set back and minimum rear yard of 30'.

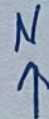
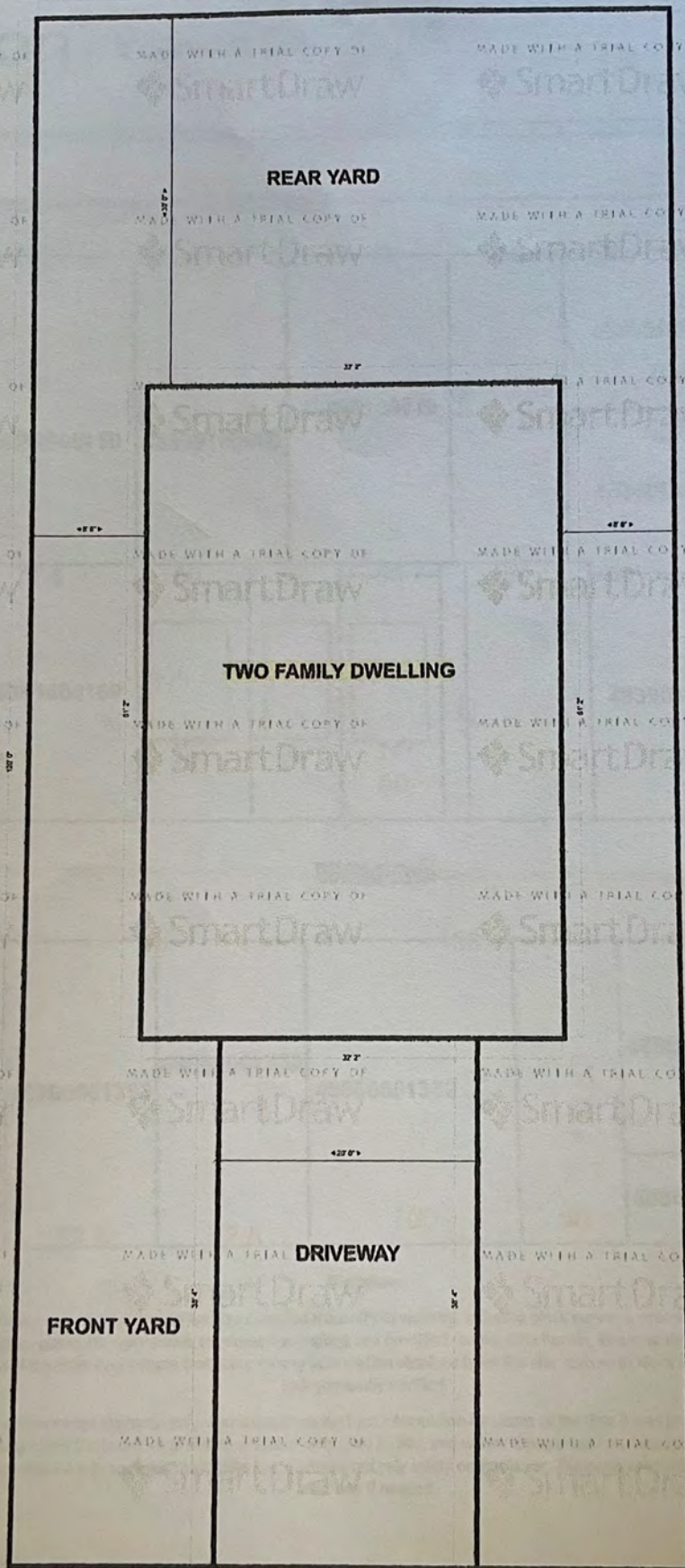
R2 zoning mandates a 70' wide lot for a two family dwelling and a minimum area of 8,400 square foot. These existing plats satisfy none of these mandates at only 50' wide and 6,000 square foot in size. Under Indianola zoning code 165.13, with the Boards approval, they could grant us the opportunity to substantially improve the plats. Independent of the approval, the project is not financially viable.

We are requesting a variance per Indianola zoning code 165.13 to allow the development of and consideration for the following:

1. Build 3 - two family dwellings at 506 and 508 W 2nd Avenue on the three plats at these addresses.
2. Permission to have the two west lots (508 W 2nd Avenue) platted 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 6,000 sq feet when new plats are required to be 8,400 sq feet.
4. A variance to allow us to build the proposed two-family dwellings with side yards of 8 feet wide in R2 zoning which currently requires 10' side yards.

Attached you will find images of the Board of Adjustment application, site plan, and frontage view for your reference.

Thank you for your consideration,
Russ Sandquist
Sandquist Investments
515-707-3232



WEST SECOND AVENUE



Board of Adjustments

5. B.

Meeting Date: 01/06/2021

Subject

Discussion and Direction on Permitting Exception for Accessory Structures.

Information

Attachments

Memo



COMMUNITY DEVELOPMENT

To: Board of Adjustment
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Date: December 30, 2020
Re: Discussion and Direction on Permitting Exception for Accessory Structures

At its January 6th meeting, the Board of Adjustment will be asked to discuss and provide direction on a possible amendment to the City's adopted Residential Code, which currently exempts one-story detached accessory structures from requiring a building permit, provided that the floor area does not exceed 200 square feet. The Code further states that exemption from permit requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Indianola's zoning regulations require that 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. Additionally, no separate accessory building shall occupy more than 30 percent of the required rear yard or exceed 12 feet in height.

As the Board is aware, in calendar year 2020, the Board of Adjustment reviewed four (4) variance cases where a property owner had constructed an accessory structure in the side or front yard. In each case, the accessory structure was constructed at a size that did not require a permit but was constructed in violation of the City's zoning regulations.

To decrease violations of code, as well as unforeseen expenses to property owners, staff is recommending a decrease to the size of accessory structures that are exempted from permitting. Staff has researched what size of structure is exempted by other surrounding communities. The research is provided below:

Community	Exempted Sq. Ft.
Altoona	40
Ankeny	0
Clive	0
Grimes	0
Johnston	0
Norwalk	0
Pleasant Hill	40 (must be movable, if not, 0)
Urbandale	120 (unless of permanent foundation, then 0)
Waukee	200
West Des Moines	120 (unless of permanent foundation, then 0)

Staff would recommend that the exemption language in the code be amended to state “One-story detached accessory structures of 80 square feet or less, no taller than 12 feet in height and of a movable design.” By doing such, the City will continue to exempt smaller structures, but assure that if they are placed in violation of the zoning code, they are of a movable design thus decreasing the potential cost to a property owner.

The Board of Adjustment does not have the authority to change code language. However, as the Board has dealt with multiple variances related to this section of Code, it is appropriate for the Board to make recommendations on possible amendments to the City Council. Building and Zoning Official Tim Little and myself will attend your January 6th meeting to discuss and answer any questions you may have.

Board of Adjustments**5. C.****Meeting Date:** 01/06/2021

Subject

Discussion and Direction on Board of Adjustment Rules of Procedure.

Information

Attachments

Memo

Rules and Regs



COMMUNITY DEVELOPMENT

To: Board of Adjustment
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Date: December 30, 2020
Re: Discussion and Direction on Board of Adjustment Rules of Procedure

Section 165.32 of the Code of Ordinances of the City of Indianola, Iowa stipulates that the Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of Chapter 165. Staff has reviewed Chapter 165, as well as the Iowa Code, and prepared draft rules and regulations for the Board of Adjustment to review and discuss at its January 6, 2021 meeting. Staff will gather feedback from the Board of Adjustment on January 6th and bring back a final draft for approval at a later meeting.





BOARD OF ADJUSTMENT

Rules and Regulations

Section 1: Creation. Pursuant to the provision of statutes and regulations of the *Iowa Code*, Section 165.31 of the Code of Ordinances of Indianola, Iowa, and as hereinafter set forth, there is hereby created and established a Board of Adjustment consisting of five (5) members appointed by the City Council. All members of the Board of Adjustment shall serve without compensation.

Section 2: Membership and Terms of Office. All members shall be residents of the City of Indianola. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. The term of office of the members of the Board shall commence on July 1 beginning with appointments made in 2020 and shall be five (5) years, or until a successor is appointed but in no event more than six (6) months following the end of the term. The terms shall be staggered terms of five years, with one term expiring each year. Vacancies shall be filled in the same manner as the original appointee for the unexpired term.

Section 3: Officers. The Board of Adjustment shall annually elect a Chairperson and a Vice-Chairperson from among its members at first calendar meeting of the year.

Section 4: Quorum. Three (3) members shall constitute a quorum and a quorum shall be required to conduct the business of the Board of Adjustment. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. At the request of a member of the Board of Adjustment and with approval of the Chairperson, the City may make provisions for members of the Board of Adjustment to participate in a meeting via a conference call or other telecommunication device.

Section 5: Meetings. The Board of Adjustment shall meet monthly on the first Wednesday of each month at 6:00 PM in the Indianola City Council Chambers. However, the Chairperson, as needed, may revise the time and/or place of meeting, or may call a special meeting, and such changes noted in accordance with the notification procedures contained herein. The Chairperson may request from the Mayor a meeting with the City Council to discuss the Board of Adjustment's proceedings and activities, suggestions for policy and zoning ordinance revisions and other items relating to the Board of Adjustment's duties. All meetings of the Board shall be open to the public.

Section 6: Meeting Cancellation

A Board of Adjustment meeting may be canceled due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City's control. It is the responsibility and prerogative of the Chairperson of the Board of Adjustment to cancel such meeting, and the Chairperson will notify the Community and Economic Development Director or his/her designee who will assume responsibility for notifying the media and persons affected by the cancellation, posting notice of the cancellation as appropriate, and rescheduling the meeting as appropriate. If a scheduled meeting is canceled, the Chairperson may schedule a special meeting of the items scheduled to be conducted at the canceled meeting shall be deferred until such rescheduled meeting.

Section 7: Procedure of Meetings. The Board of Adjustment shall follow the following procedure for each meeting.

1. Call to Order

- a. The Chairperson calls the meeting to order.

2. Roll Call

- a. The recording secretary states each member's name, who responds in turn with "present".

3. Approval of Agenda

- a. The Chairperson determines if there are any changes or additions to the draft agenda. The Chairperson calls for a vote by roll call and the recording secretary calls each name, and the vote is recorded.

4. Approval of minutes

- a. The Chairperson determines if there are any changes or additions to the draft minutes. The Chairperson calls for a vote by roll call and the recording secretary calls each name, and the vote is recorded.

5. Old Business

- a. This includes review of motions and business not settled at the last meeting when it was adjourned.
- b. If there is old business, each item is acted upon individually.
- c. The Chairperson may administer oaths and compel attendance of witnesses.

6. New Business

- a. At this point, the Board of Adjustment is considering new business. Each item listed on the agenda is addressed separately. The Chairperson may administer oaths and compel attendance of witnesses.
 - i. The Chairperson first directs staff to present the case.
 - ii. Once staff is finished, the Chairperson asks the Board of Adjustment members if there are any questions for staff.
 - iii. Once all questions have been reviewed, the Chairperson then allows the applicant to present.
 - iv. Once applicant is finished, the Chairperson asks the Board of Adjustment members if there are any questions for the applicant.
 - v. Once all questions have been reviewed, the Chairperson asks whether any members of the public wish to address the Board of Adjustment regarding the application. Any letters or other communication received from the public prior to the hearing will be entered into the record. The Chairperson may rule repetitious comments out of order and may limit the amount of time each member of the public has to speak.
 - vi. Once all public members have been given the opportunity to speak, the Chairperson asks the Board of Adjustment if there are any additional questions of staff or the applicant.

- vii. Once all questions have been answered, the applicant can make a closing statement.
- viii. After all questions are answered and/or a closing statement is made, the Chairperson will ask the Board to discuss the draft findings of fact and analysis of code criteria
- ix. After the Board has agreed on the draft findings of fact and analysis of code criteria, the Chairperson will ask for a motion. Once a motion has been stated, the Chairperson asks for a second to the motion. After motion has been made and seconded, the Chairperson restates the motion for the record.
- x. The motion may be changed through an amendment. If no amendments are proposed, and the discussion has ended, the Chairperson calls for a vote by roll call and the recording secretary calls each name, and the vote is recorded.
- xi. Once the recording secretary has completed roll call vote, the Chairperson announces the results.
- xii. The Chairperson may address the applicant with an overview of the result of the motion (i.e., "the Board of Adjustment has approved your application. Please coordinate the next steps with the staff.")

7. Comments

- a. This item on the agenda allows Board of Adjustment members to note any announcements or offer comments regarding items not on the agenda.
- b. This item on the agenda allows the staff to note any announcements or offer comments regarding items not on the agenda.

8. Adjournment

- a. The Chairperson asks if there is any further business, and if not, the Chairperson may adjourn the meeting. If the Board of Adjustment wishes to adjourn the meeting before all business is completed, the meeting must be adjourned by motion, and a second is required.

Section 8: Amending Motions. Motions can be amended only by the following:

- 1) Inserting or adding a word, phrase or sentence;
- 2) Striking out a word, phrase or sentence;
- 3) Striking out and inserting (substituting) words, phrases, sentences or paragraphs.

After a main motion has been made and seconded, any member can propose an amendment, after being recognized by the Chairperson, by stating, "I move to amend the motion by...". Each proposed amendment must be seconded by another member to proceed. If there is a statement, the Chairperson states the main motion and the amendment, so members will understand how the proposed amendment will change the main motion. The Chairperson then ask for Board of Adjustment discussion on the proposed amendment. After the discussion has ended, a vote on the proposed amendment is taken. A roll call vote is then taken, and the Chairperson announces the outcome of the vote.

Section 9: Records

The recording secretary shall keep minutes of the Boards proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Community Development Department. Each action of the Board shall be accompanied by a Findings of Fact document which shall be signed by the Chair and filed in the office of the Community Development Department.

Section 10: Ex Parte Contacts. Any contact though e-mail, phone, in-person, or in such similar fashion that a Board of Adjustment member may have with a party involved, or potentially involved, in a matter before the Board of Adjustment and outside of the meeting is known as an "ex parte" contact. Any substantive information or facts that a Board of Adjustment member may receive during those contacts that relates to the matter at hand shall be made a part of the public record so that it can be available for consideration or challenge by all interested parties. This shall be done by way of a public statement by the Board of Adjustment member prior to the presentation of the matter under consideration at the Board of Adjustment's meeting.

Section 11: Conflict of Interest. A Board of Adjustment member shall abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature or otherwise. A member who elects to abstain from voting shall discuss the reason for the abstention with the Board of Adjustment prior to the presentation of the matter under consideration. During the presentation and discussion of the matter under consideration, a member who plans to abstain from voting should remove him/herself from the proceedings and from taking any action on the issue or attempting to persuade any other member of the Board of Adjustment to act in any specific direction. Board of Adjustment members may not receive any type of gift for their own personal use or enjoyment related to transaction of their official Board of Adjustment duties.

Section 12: Continuances. The Board of Adjustment may continue a case until the next scheduled meeting to enable additional testimony to be heard, a site visit, or for other good cause by an affirmative vote of a majority of the members present and voting.

Section 13: Removal of Board of Adjustment Members. Board of Adjustment members are appointed by the City Council and may be removed at any time in accordance to Section 5.09 of the Code of Ordinances of Indianola, Iowa, but only after a public hearing by the City Council. The Chairperson may recommend to the City Council that a Board of Adjustment member be removed for failure, (1) to attend three consecutive meetings or (2) to attend at least 1/2 of the meetings within any 12-month period.

Section 14: Notification Procedures. Notice of the time and place of the meetings shall be posted in the display case at the north entrance of City Hall, the bulletin board at the south entrance of City hall and shall also be posted on the City's website. Notice shall be posted no later than twenty-four hours before the scheduled meeting, but every effort shall be made to post the agenda once it has been finalized by staff and meeting packets have been dispersed to the Board. If a member of the news media has filed a request for notice with the City, they should also be notified in the same manner as outlined in this section.

ADOPTED: January 6, 2021
REVISED:

Wes Sharp, Chairperson

Charlie Dissell, Director

Board of Adjustments

5. D.

Meeting Date: 01/06/2021

Subject

Election of Officers for 2021

Information

Attachments

Memo



COMMUNITY DEVELOPMENT

To: Board of Adjustment
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Date: December 30, 2020
Re: Election of 2021 Officers

At its January 6th meeting, the Board of Adjustment will be holding its annual election of officers. I will attend your January 6th meeting to answer any questions you may have.

