



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

January 5, 2022

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Minutes Approval**
 - A. Approval of December minutes
- 5. New Business**
 - A. Consider a request from Michael Spores for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit of an accessory building at 511 North Y Street. Such accessory building would not in conformity to the height/area requirements found in Section 165.04(2)(E) of the Code of Ordinances of Indianola, Iowa.
- 6. Comments**
- 7. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: January 5, 2022
Subject: Approval of December minutes

Recommendation:

Attachments: 1. BOA Meeting Minutes



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

December 1, 2021

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:02

2. Roll Call

Present: Lee Bash, Renee Soldwisch, Bill Mettee

Absent: Amy Mitchell, Wes Sharp

Staff Present: Charlie Dissell, Mike Visser, Tim Little

Public Present: Rosemary & Dennis Thiel 804 N W. St.

Rick & Patricia Miller 812 N W. St.

3. Agenda Approval

Board Member Renee Soldwisch moved to approve the agenda for the 12/1/2021 Board of Adjustment meeting and Lee Bash seconded the motion. On roll call the votes were

AYES: Mettee, Bash, Soldwisch. Opposed: None. Whereupon the Chairperson declared the motion carried unanimously.

4. Minutes Approval

Board Member Lee Bash moved to approve the minutes from the 11/10/2021 Board of Adjustment meeting and Renee Soldwisch seconded the motion. On roll call the votes were

AYES: Mettee, Bash, Soldwisch. Opposed: None. Whereupon the Chairperson declared the motion carried unanimously.

A. Approval of Minutes from November 10, 2021

5. New Business

Mr. Little discussed the variance request.

Mr. Bash asked how the issue came to us?

Mr. Little noted it was a complaint.

Mrs. Miller noted the complaint was not from a neighbor.

Mr. Little noted a letter was submitted in support of the fence.

Mr. Thiel stated that he did not notice the fence until his wife said there was a complaint.

Mr. Bash noted that he disagreed with the complaint coming from so far away.

Mr. Mettee noted that at his day job he makes exceptions like this, so he supports it.

Board Member Lee Bash moved to approve the variance. Renee Soldwisch seconded the motion. On roll call the votes were AYES: Soldwisch, Mettee, Bash. Opposed: None

A. Consider request from Rick and Patricia Miller for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an

existing six-foot fence constructed in the front yard to remain in place at 812 North W Street, which is not in conformity to the height/location requirements found in Section 165.04(4)(A)(1) of the Code of Ordinances of Indianola, Iowa.

B. Approval of 2022 Calendar

Board Member Renee Soldwisch moved to approve the 2022 calendar for the Board of Adjustment meetings and Lee Bash seconded the motion. On roll call, the votes were AYES: Soldwisch, Mettee, Bash
Opposed: **None**

6. Comments

Mr. Dissell noted that the admin position had been filled.

7. Adjourn

The meeting was adjourned at 6:17 pm.



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director

Date: January 5, 2022

Subject: Consider a request from Michael Spores for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit of an accessory building at 511 North Y Street. Such accessory building would not in conformity to the height/area requirements found in Section 165.04(2)(E) of the Code of Ordinances of Indianola, Iowa.

Recommendation:

Attachments:

1. 1- Staff Report 511 N. Y - Emilys Analysis
2. 2- BOA Application



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: 01/05/2022

Agenda Item: 5.A. Consider request from Michael Spores for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit of an accessory building at 511 North Y Street. Such accessory building would not in conformity to the height/area requirements found in Section 165.04(2)(E) of the Code of Ordinances of Indianola, Iowa.

Application Type: Variance

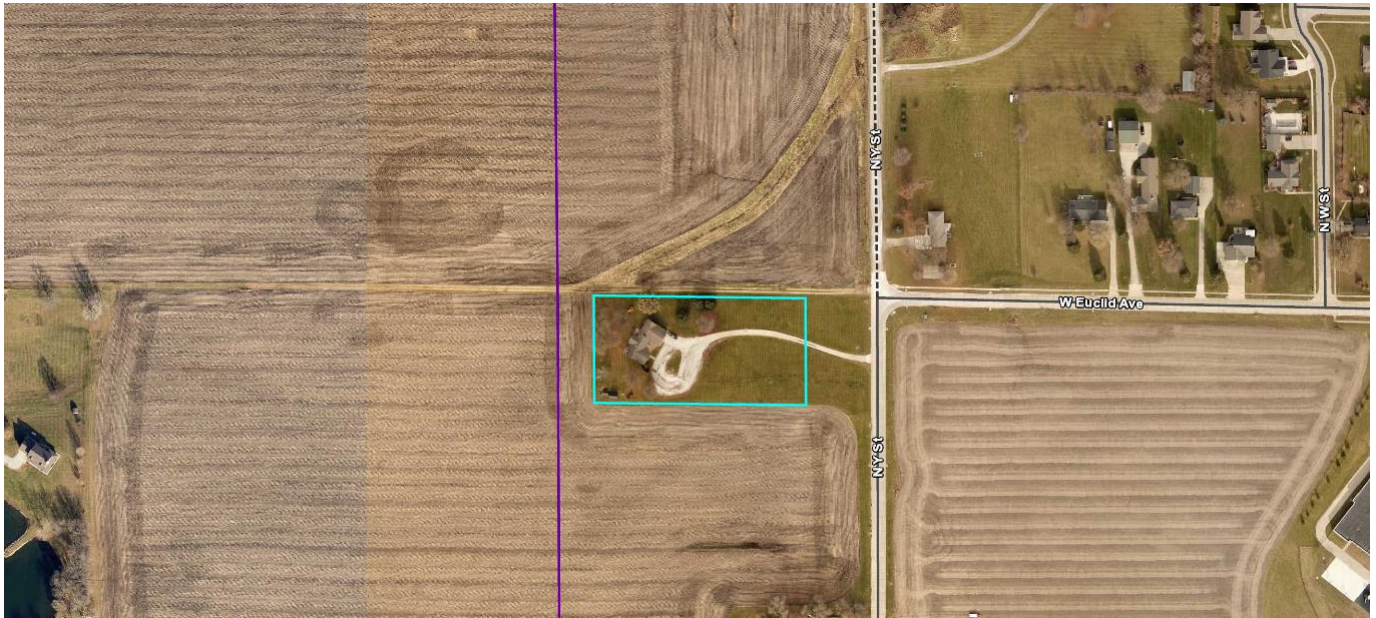
Property Owner: Michael and Hope Spores

Property Address: 511 North Y Street

Zoning: A-1 Agricultural/Open Space

Application Summary: A variance is requested to permit of an accessory building at 511 North Y Street. Such accessory building would not in conformity to the height/area requirements found in Section 165.04(2)(E) of the Code of Ordinances of Indianola, Iowa. This section restricts accessory buildings to not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet and restricts accessory buildings to not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case be more than one and one-half (1.5) stories in height and shall not exceed a height of 24-feet.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

Section 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.

SECTION 165.04 (2)(E) Area and Height Limit

- 1) Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.
- 2) Accessory buildings and structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case more than one and one-half (1.5) stories in height and shall not exceed a height of 24-feet.

ANALYSIS

Michael Spores is requesting a variance to permit the construction of an accessory structure at 511 North Y Street. The proposed use of the 60 x 100 foot (6,000 sq. ft.) shop would allow the storage of a truck and trailer utilized for hauling livestock, as well as maintaining and servicing these vehicles. If approved, the variance would also permit the accessory structure to be twenty (20) feet in height.

The subject property currently contains one single family dwelling built in 1974 that is approximately 3,300 square feet in size and is 1 story tall. Additionally, there is one accessory shed structure located on the southwest corner of the lot. The existing single family dwelling and proposed structure would be set back from North Y Street by approximately 400 feet. If the variance is approved, the accessory structure would be required to match the design and style of the existing dwelling.

The subject property, zoned A-1 Agricultural, is located East of Wilder Elementary School and is approximately 2.8 total acres. Adjacent properties are currently zoned as A-1 Agricultural and are in row crop production. There are forty-six (46) properties within a quarter-mile of the subject property and three residential (3) subdivisions: Clark 1, Newsome, and Newsom 2 and zoning generally consists of A-1 Agricultural, R-1 Single-Family Residential Detached, and R-2 Single-Family Residential Attached. There are no other accessory structures within a quarter-mile radius that are of this size.

According to the "Elevate Indianola" Comprehensive Plan, the future land use of this area is designated as low to medium density residential. Additionally, the future land use map anticipates a park to be constructed to the West of the subject property.

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 one, approving the variance as submitted.

Dear Ladies & Gentleman of the Board,

I am here to ask you for a variance on area & height code 165.04.2 (E, 1, 2) to build a 60 x 100 x 20 shop on our property at 511 N Y Street in Indianola. I haul livestock for a living, owning my own truck and trailer, and need a place to be able to work on both no matter the season or weather conditions. We have close to 3 acres of land surrounded on three sides with farm ground, we have plenty of room to add this building. As shown in the picture, our property is long and narrow and our home sits towards the back of the land. Our goal is to place the building in the southwest corner of our property. This building will allow us to keep our yard and driveway clear by having all vehicles parked inside including storing our camper during the off season.

This building would give us the ability to not only perform any maintenance and services either would require but we could also store parts as they are becoming more difficult to find such as tires, oil, etc. As we all know, vehicles need maintenance and repairs at any time. I don't get to pick when the issues happen. I hope for perfect weather when I need to rotate tires or change the oil but that doesn't get to stop me when it's snowing, raining or the temperatures drop below freezing. With shop rates skyrocketing, I am aiming to perform more maintenance on my own. The FMCSA, federal motor carrier safety administration, doesn't care if it's too cold for me to replace a cracked fuel tank or blown wheel seal or worn brakes, they require me to comply at all times. In the winter when temperatures drop significantly, having the building will also save me the cost of additional fuel and wear & tear on the truck due to having to keep it running while I'm home. Sometimes additives and even plugging it in to keep the block warm isn't enough to stop the fuel from gelling up and to cause it not to start. Having a safe and warm building will help stay on the road and stay providing for my family.

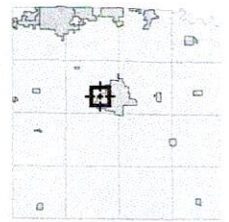
I appreciate your consideration in our request and hope you find it in our favor to grant us this variance.

Thank you,

Mike & Hope Spores



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
- ☐ Parcels
- ☐ Political Township

Major Roads

- County Hwy
- State Hwy
- US Hwy
- Interstate
-  Water

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.

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Developed by  **Schneider**
GEOSPATIAL

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Spores
(First Name) Michael
(Address) 511 W 4th St
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-975-8838 (Email) Spores83@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: 511 W 4th St Indianola IA 50125
- ☐ 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 _____

Name (printed) Michael Spores

Date 12-12-21

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____