



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

June 1, 2022

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval of the BOA agenda for June 1st, 2022.
- 4. Minutes Approval**
 - A. Approval of May 4th, 2022 meeting minutes.
- 5. New Business**
 - A. 5.A. Consider request from David Lanning for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition at 411 W Ashland Ave, to which if allowed as requested, would not be in conformity with the requirements of Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the addition of an underground attached garage.
 - B. 5.B. Consider request from Michael Greubel for a variance under the terms of Section 135.14(6) of the Code of Ordinances of Indianola, Iowa, to permit a driveway entrance off North Kenwood Boulevard, to which if allowed as requested, would not be in conformity to the separation requirements found in Section 135.14(4) and the design standards in Section 135.14(5) of the Code of Ordinances of Indianola, Iowa.
- 6. Comments**
- 7. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: June 1, 2022
Subject: Approval of the BOA agenda for June 1st, 2022.

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

May 4, 2022

6:00 PM

City Council Chambers

Minutes

1. Call to Order

Meeting called to order 6:00 pm

2. Roll Call

Attended: Amy Mitchell, Jane Whalen, Rene Soldwisch, Lee Bash

Staff: Charlie Dissel, Tim Little, Miranda Chadwick

3. Agenda Approval

A. Approval of the BOA agenda for May 4th, 2022.

Lee Bash makes a motion to approve the agenda.

Amy Mitchell seconds that motion.

Passed unanimously.

4. Minutes Approval

A. Approval of February 2nd, 2022 meeting minutes due to recording issues at the last BOA.

Lee Bash makes a motion to approve the meeting minutes.

Amy Mitchell seconded the motion.

Passed unanimously.

B. Approval of April 5th, 2022 BOA meeting minutes.

Lee Bash makes a motion to approve the meeting minutes.

Amy Mitchell seconded the motion.

Passed unanimously.

5. New Business

A. Consider the request from Eric Miller of Bishop Engineering, acting on behalf of Missouri Valley Line Constructors Apprenticeship and Training Program, for a special use permit, under the terms of Section 165.02 (3)(B)(3)(c) of the Code of Ordinances of Indianola, Iowa, that would permit the use of a trades school located at 1600 East Iowa Avenue

Charlie gave an overview of the reason for the special use permit and how this eliminates the need to send it through Planning and Zoning since they are already using the current facility for this use.

Lee Bash makes a motion to approve the special permit with alternate 1.

Amy Mitchell seconded that motion.
Passed unanimously.

- B. Consider the request from Jeremy Phillips for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit shed at 2405 W. Girard Ave, which if allowed as requested, would not be in conformity with the requirements of Section 165.04 (D) (1.) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the placement of a shed in the front yard of a corner lot, opposite site of the primary addressed structure.

Tim gave a brief overview of the reason behind needing a variance.
Jane Whalen put for a motion to approve the request.
Lee Bash seconded the motion.
Unanimously passed.

6. Comments

7. Adjourn

Meeting was adjourned at 6:12



MEMORANDUM

To: Board of Adjustment

From:

Date: June 1, 2022

Subject: 5.A. Consider request from David Lanning for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition at 411 W Ashland Ave, to which if allowed as requested, would not be in conformity with the requirements of Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the addition of an underground attached garage.

Recommendation:

Attachments:

1. 1 Variance Lanning
2. 2 Lanning Letter
3. 3 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) LANNING
(First Name) DAVID
(Address) 411 W Ashland Ave.
(City) INDIANOLA (State) IA (Zip) 50125
(Phone) 515.480.9661 (Email) DAVID.C.LANNING@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: 411 W 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 165.02(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) DAVID LANNING

Date 5/5/22

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

5/3/2022

Lanning Family Trust
411 W Ashland Ave
Indianola, IA 50125

Re: 411 W Ashland Variance Application

Dear Commission Members,

Thank-you for reviewing and considering our variance application in order to build a garage on our family home property. My family purchased our current residence at 411 W Ashland in November 2014 which sits in a historic part of Indianola equal parts distance from our town square and Simpson College. At the time of purchase, the property had been sitting empty, in disrepair and in foreclosure. We embarked on a radical transformation of the property from both the exterior, including landscaping, painting, & a new roof, in addition to the interior making an improvement to both the neighborhood in addition to the city scape as the corner of W Ashland and D Street shares as a main thoroughfare to staple destinations such as the Indianola town square, Simpson College, Simpson College's President's home, Highway 92 and Overton Funeral Home.

With a house and neighborhood over 140 years old there are items that are non conforming to modern amenities and variances. One such item is a garage, which today is considered an important part of a house and a standard feature of new construction homes. Given our home resides on a corner lot, we have strived to find a mutually beneficial solution to continue to update our home while respecting current code & variances while also respecting our neighbors historic property and safety. What has made our corner lot and land more difficult is evidenced by the current property lines. Every other house on our block of W Ashland backs up to the alley on the South providing room for our neighbors to build garages, however, at some point over the course of the last 142 years, the property to the south of our home has been partitioned off and our home does not back up to the alley.

We are seeking approval to add additional value to our home and the neighborhood by building a structurally safe underground garage which both protects our neighbor's safety given the close property lines, but also protects the historic views and character of the neighborhood while optimizing the amount of green space and yard our family and pets can enjoy. My wife grew up on this block of W Ashland and we love being part of this historic neighborhood in addition to having our daughters so close to their grandparents - we ask for approval to make these enhancements to the house in order to continue to be able to stay in our home and accommodate our growing family.

Sincerely,

The Lanning Family, David, Bailey, Campbell & Lochlan



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.A. Consider request from David Lanning for a variance under the terms of Section 165.02 (3)(B) of the Code of Ordinances of Indianola, Iowa, to permit an addition at 411 W Ashland Ave, to which if allowed as requested, would not be in conformity with the requirements of Section 165.05(2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the addition of an underground attached garage.

Application Type: Variance

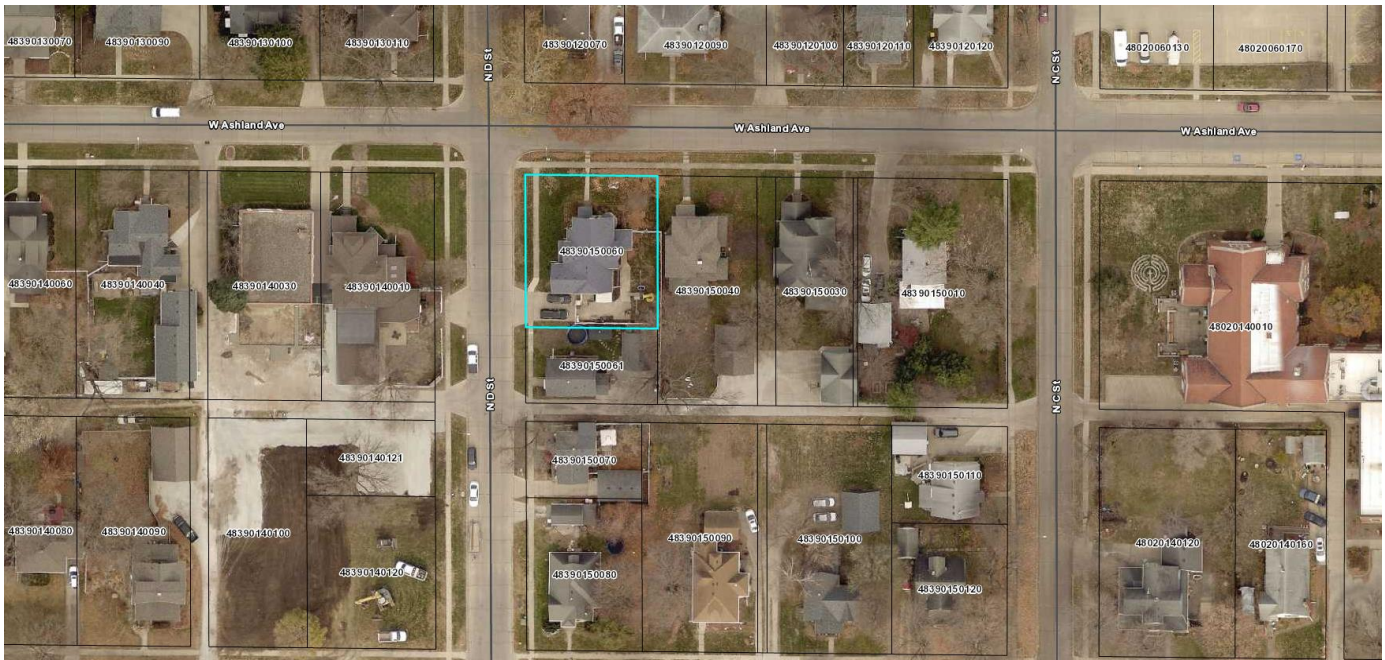
Applicant: David Lanning

Property Address: 411 W Ashland Ave

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

Application Summary: A variance is requested to allow an addition to be constructed 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:

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 165.05 (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						

ANALYSIS

The Lannings are seeking to construct an addition to their single-family dwelling in the form of an attached garage. The property is located on a corner lot where they have very limited options due to setback regulations. The proposed location of the garage is in the rear yard, on the SW corner of the primary structure. The rear yard setback is 35'. The primary structure does not conform to this setback regulation due to its construction predating the adoption of zoning ordinance. However, since the garage will be attached, the primary structure must now conform with setbacks. Setbacks are in place for many reasons. One of which is to keep all properties symmetrical with one another and everybody stays in line. Due to this property being within an older subdivision, things aren't exactly in line or perfectly straight.

Another area of concern whenever a structure is built into a setback is fire separation. The residential code requires a 10' minimum amount of separation required between any structure regardless of a setback regulation. This is also the owner and contractors primary concern as well which is why they have designed this garage addition underground. The design shows the addition on the SW corner of the structure, within the driveway. Although they do have ample room on the South and East sides of the property to construct a garage, it still would not comply with setbacks and would need to be constructed above ground as there would be no access from the garage into the primary dwelling if it were constructed underground on that side of the property since the SE corner of the structure is a crawl space. And again, constructing it above ground will heighten the level of concern from a fire separation standpoint, therefore, the current design is the greatest option in terms of fire separation and structural attachment. The design of the roof structure will be of steel scissor trusses to support a landscaped patio above, further indicating the owners desire for greenspace and keeping the rear yard as close and functional to the existing rear yard as possible. This design is very unique with respect and consideration for setbacks, greenspace and fire protection.

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 approve the variance, as submitted.



MEMORANDUM

To: Board of Adjustment

From:

Date: June 1, 2022

Subject: 5.B. Consider request from Michael Greubel for a variance under the terms of Section 135.14(6) of the Code of Ordinances of Indianola, Iowa, to permit a driveway entrance off North Kenwood Boulevard, to which if allowed as requested, would not be in conformity to the separation requirements found in Section 135.14(4) and the design standards in Section 135.14(5) of the Code of Ordinances of Indianola, Iowa.

Recommendation:

Attachments:

1. 1 Mike Gruebel Driveway Variance
2. 2- Greubel Staff Report2

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) GREUBEL
(First Name) MIKE
(Address) 106 N KENWOOD
(City) INDIANOLA (State) IA (Zip) 50125
(Phone) 515 490 9925 (Email) M.GREUBEL@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



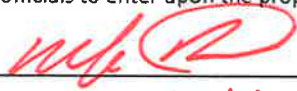
VARIANCE

Submittal Requirements:

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

- ☐ Property Address: 202 1/2 N KENWOOD
- ☐ 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) MIKE GREUBEL

Date 5/13/22

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

202 ½ N KENWOOD DRIVEWAY

I WOULD LIKE TO PUT CONCRETE IN THE EXSITING DRIVE

THE STREET HAS A CUT OUT AND JUST NEEDS PAVED





Michael Greubel

From: Tim Little <tlittle@indianolaiowa.gov>
Sent: Thursday, May 12, 2022 4:08 PM
To: Michael Greubel
Subject: RE: 202 1/2 kenwood drive way
Attachments: BOA Application.pdf

EMAIL SENT FROM OUTSIDE CASEY'S

Please exercise extra caution when clicking links or opening attachments.

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Mike,

Sorry for the late reply. I've been in and out of the office all week. I will forward your email to AP, our public works director. I don't have a problem with installing the drive there because it should technically be "grandfathered" in since the curb was cut and drive was installed when that area was developed. I consider it existing but non-conforming. Existing because it was installed prior to new zoning code adoption, therefore, it can remain as long as it complied with zoning code at time of installation. Nonconforming because it does not comply with current zoning code due to distance from neighboring driveways and gravel surface but is allowed to remain a gravel driveway of its original dimensions as long as it is maintained as such and is not altered or extended. And since the city does not allow gravel surface for any installation after 2015, I think they'd much rather see concrete surface rather than gravel but AP is who has to approve it.

If he still does not allow it, you again have the option of going before the Board of Adjustment and asking for a variance which may be the best route anyhow. If you do wish to ask for a variance, the application (attached) must be submitted by tomorrow to be on the June 1st BOA agenda.

Respectfully,

Tim Little

Building and Zoning Official
City of Indianola
Office: (515) 962-5278
Cell: (515) 829-0122
tlittle@indianolaiowa.gov



From: Michael Greubel <mike.greubel@caseys.com>
Sent: Monday, May 9, 2022 8:52 AM
To: Tim Little <tlittle@indianolaiaowa.gov>
Subject: 202 1/2 kenwood drive way

Tim

Just curious if I leave the street alone with existing curb cut can I finish the drive?

That drive was used for over 30 years by the old owner and myself if the grass was removed it has a solid gravel drive under it.

I get zoning, but the lot has had a drive for 70 years used by the county and a caterpillar repair shop since the early 50's.

If you look at the street light layout they moved the one to the south because of the driveway (I know this because the previous owner complained and made sure the drive wasn't blocked)

Any help would be great .

Thanks Mike



Mike "JR" Greubel
Construction Project Manager

Casey's

3305 SE Delaware Ave. | Ankeny, IA 50021

PO Box 3004

Office: 515-965-6562 | Fax: 515-289-5606

mike.greubel@caseys.com | www.caseys.com

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Community Development

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Staff Report

Board of Adjustment

Date of Meeting:

Agenda Item: 5.B. Consider request from Michael Greubel for a variance under the terms of Section 135.14(6) of the Code of Ordinances of Indianola, Iowa, to permit a driveway entrance off North Kenwood Boulevard, to which if allowed as requested, would not be in conformity to the separation requirements found in Section 135.14(4) and the design standards in Section 135.14(5) of the Code of Ordinances of Indianola, Iowa.

Application Type: Variance

Applicant: Michael Greubel

Property Address: N/A

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

Application Summary: A variance is requested to allow placement of a driveway on an arterial street at less than 150' of separation and to allow more than one residential driveway for each platted lot.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

Section 135.14(6). Appeals.

A. After reviewing a driveway design, the Zoning Administrator or designee may:

- (1) Approve design as submitted; or
- (2) Approve design with corrections to conform the design to the requirements of this Chapter; or
- (3) Approve design with variations from the requirements of this Chapter, provided that the roadway drainage can still be designed without adversely affecting private properties and driveway design with variations will not adversely affect public safety.

B. If the applicant disagrees with the final decision of the Zoning Administrator or designee, the applicant shall have the right to appeal such decision in writing, along with the appropriate studies and justification to support the variance request. The variance request will be submitted to the Board of Adjustment created under the Zoning Code. The appeal shall be made by the applicant within five business days of the final decision and filed with the City of Indianola Community Development Department. Procedures for administrative hearings as provided in Section 165.02-3(B) of the City of Indianola Zoning Code shall govern appeals made pursuant to this paragraph. The decision of the Board of Adjustment shall be the final decision of the City of Indianola.

Section 135.14(4). Driveway Spacing Standards

A. Purpose. Driveway spacing simplifies driving by reducing the amount of information a driver must process and react to. Adequate spacing between driveways and roadways or other driveways can reduce confusion, decreases the potential for congestion and accidents for both through traffic and vehicles using the driveway. Inadequate spacing requires drivers to watch for ingress and egress traffic at several points, while simultaneously trying to control their vehicle and monitor other traffic ahead of and behind them.

B. Driveway spacing:

- 1) Driveways shall be located to limit undue interference with the free movement of road traffic and to provide the required sight distance.
- 2) Driveways, including the radii and tapers, shall be located entirely within the subject property's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and/or when the city has determined that such encroachment is necessary to preserve safe roadway conditions.
- 3) Access points to the property shall be limited based on the adjacent public roadway's functional classification as identified in the Indianola Comprehensive Plan.
- 4) Driveway spacing from street intersections and between driveways shall be one hundred fifty feet (150') on arterial streets, one hundred feet (100') on collector streets, and fifty feet (50') on all other streets.
 - a. The driveway spacing between a driveway and a street intersection will be measured at the curb line from the beginning of the radius of a street intersection to the beginning of a driveway curb cut.
 - b. The driveway spacing between two driveways will be measured at the curb line between driveway curb cuts.
- 5) The city may adjust the driveway spacing standards so that driveways line up with existing driveways across the street.
- 6) To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset to meet the minimum spacing requirements on Section 135.14-4-B-4 from those on the opposite side of the roadway. Longer offsets may be required depending on the expected, inbound left-turn volumes of the driveways.

5. Driveway Design Standards

A. Purpose: The design features described herein shall be used by the applicant in designing proposed driveways or driveway systems. These standard dimensions shall be used, unless the city determines that conditions require a deviation or the applicant can demonstrate cause for deviation. The city reserves the right to determine whether this deviation shall be granted. In addition, based upon anticipated traffic volumes on the driveway(s) and the roadway, type of traffic to use the driveway, type of development, and other safety and operational considerations, the city may request changes or specify particular dimensions to ensure safe operations.

B. Single-family residential, Two-family residential, Utility, and Field driveways:

- 1) Number of access points allowed:
 - a. One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than one hundred feet (100') of frontage.
 - b. One additional residential driveway may be permitted along a local street for residential property with more than one hundred feet (100') of frontage. If two (2) access points are approved for a single lot, the primary access drive must be from the lower classified street.
 - c. In lieu of the above, two residential driveways may be permitted on the same property to serve as a one-way circle driveway if the frontage of the property is one hundred feet (100') or more along a local street.
 - d. Field entrance and utility structure driveways will be reviewed on a case-by-case basis. The city review will take into the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
- 2) Shared Driveways: Dwellings may, and are encouraged to, share drives and aisles; provided, that a shared access easement is secured from the owners of each property sharing the drive or aisle. The easement must be recorded and proof of such recording must be submitted prior to issuance of a driveway permit.
- 3) Paving Standards:
 - a. All residential and utility driveways shall be paved in their entirety, using either concrete, asphalt, or permeable pavers.
 - b. Field driveways shall only be required to be paved from the roadway edge of pavement to the roadway right-of-way line.

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.

ANALYSIS

Mr. Greubel currently owns the lot located at 106 North Kenwood Boulevard, which contains an 810 square foot single-family dwelling that was built in 1971. Mr. Greubel also owns the lot north of 106 North Kenwood Boulevard, which contains a 2,464 square foot accessory structure, which was built in 2021. This accessory structure was allowed to be built on a separate lot under the previous zoning ordinance that allowed for accessory structures to be located on the same lot or a contiguous lot under the same ownership of the principal structure. The new zoning regulations adopted in July 2021 requires that accessory buildings only be constructed on the same lot as the principal structure.

Currently, there is a curb cut on the lot to the north in which Mr. Greubel would like to construct a new driveway for his accessory structure. This curb cut is located approximately 15' north of the driveway entrance to 106 North Kenwood Boulevard, and directly across the street from the driveway entrance to 105 North Kenwood Boulevard. As North Kenwood is an arterial street, the minimum driveway separation is required to be 150'.

As the building on the subject property is accessory to the principal structure at 106 North Kenwood, it is staff's opinion that one driveway from North Kenwood should be sufficient to provide access to both structures. Staff further believes that this can be easily achieved with these properties. Creating a secondary access point creates an opportunity to sell the accessory building and its land separate from the principal structure, which would be in violation of the zoning code.

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 deny the variance as requested.