



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

July 6, 2022

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval of July 2022 BOA Meeting Agenda
- 4. Minutes Approval**
 - A. Approval of Meeting Minutes for June 1st, 2022
- 5. New Business**
 - A. Consider the request from Brian Daleske for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit a gravel addition to an existing concrete driveway to which if allowed as requested, would not be in conformity with 135.14(5) and 165.07(2)(B)(1) of the Code of Ordinances of Indianola, Iowa. (WITHDRAWN)
 - B. Consider appeal from Manuel Cornell representing Optimae Lifeservices, Inc. under the terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding the Zoning Administrators determination that a violation is occurring at 604 South E Street.
- 6. Comments**
- 7. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: July 6, 2022
Subject: Approval of July 2022 BOA Meeting Agenda

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

June 1, 2022

6:00 PM

City Council Chambers

Minutes

1. Call to Order

This meeting was called to order at 6:00 PM

2. Roll Call

All board members are present.

Staff members present Tim Little and Miranda Chadwick

Public present Shawn Kimball, David Lanning, Mike Greubel, Katie Stanfield

3. Agenda Approval

A. Approval of the BOA agenda for June 1st, 2022.

Rene Soldwisch made a motion to approve the agenda. Jane Whalen seconded. Motion passed.

4. Minutes Approval

A. Approval of May 4th, 2022 meeting minutes.

Amy Mitchell made a motion to approve the minutes. Rene Soldwisch seconded the motion. Motion passed.

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.

Tim presented why this is the most feasible option for putting a garage on the property. Shawn explained the specifics, answering all the board's questions. The neighbor, Katie Stanfield, states that she supports this being constructed.

Jane Whalen makes a motion to approve the request for a variance.

Amy Mitchell seconded the motion.

Motion passed unanimously.

- 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.

Tim explains the reason behind the request for a variance and, without it, Micheal Gruebel would need to take a driveway across the two parcels to get to his building. With the variance, he is able to take the driveway right to his building.

Amy Mitchell made a motion to approve the variance.

Jane Whalen seconded the motion.

The motion is passed.

6. Comments

7. Adjourn

The meeting is adjourned at 6:27.



MEMORANDUM

To: Board of Adjustment

From:

Date: July 6, 2022

Subject: Consider the request from Brian Daleske for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit a gravel addition to an existing concrete driveway to which if allowed as requested, would not be in conformity with 135.14(5) and 165.07(2)(B)(1) of the Code of Ordinances of Indianola, Iowa. (WITHDRAWN)

Recommendation:

Attachments: None



MEMORANDUM

To: Board of Adjustment

From:

Date: July 6, 2022

Subject: Consider appeal from Manuel Cornell representing Optimaes Lifeservices, Inc. under the terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding the Zoning Administrators determination that a violation is occurring at 604 South E Street.

Recommendation:

Attachments:

1. 1- Staff Report_Appeal
2. 2_BOA-Application-Signed
3. 3_EMail1_Re_ South E. St. New residents.
4. 4_414.22
5. 5_EMail2_Re_ 604 S E Street
6. 6_GeoPermitsSummary
7. 7_Zoning_Enforcement_Notice_of_Violation
8. 8_USPS.com® - USPS Tracking® Results



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: July 6, 2022

Agenda Item: 5. A. Consider appeal from Manuel Cornell representing Optimae Lifeservices, Inc. under the terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding the Zoning Administrators determination that a violation is occurring at 604 South E Street.

Application Type: Appeal

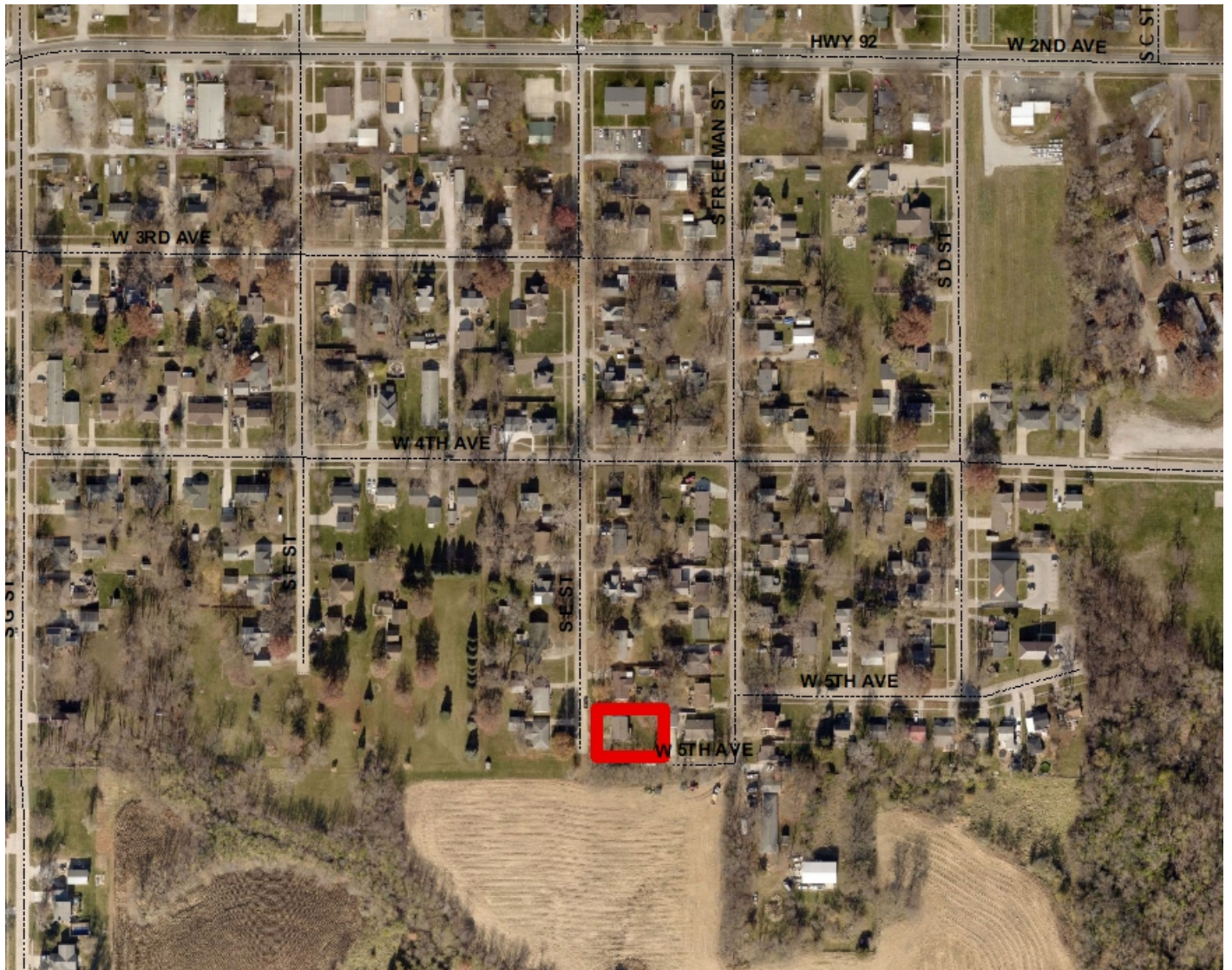
Appellant: Optimae LifeServices, Inc. by and through its attorney Manuel A. Cornell of the law firm Dorsey & Whitney LLP

Property Address: 604 South E Street

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

Application Summary: The Zoning Administrator has determined that a violation of Chapter 165.05(4) is occurring on the property as a use of a Supervised Group Residence is occurring at 604 South E Street, which is located in the R-2 Zoning District. Supervised Group Residences are only allowed through a Special Use Permit in the R-3 and C-3 Zoning Districts. Appellant submits that the Code of Ordinances of Indianola, Iowa is discriminatory of persons with disabilities such as the persons currently residing at 604 S. E St.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02(3)(B) Board of Adjustment

- 2) Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with the Zoning Administrator, that by reason of the facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown. The Board shall fix a reasonable time for the hearing on the

appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the City Clerk the fee as established by resolution of the City Council.

3) **Power and Duties:** The Board shall have the following powers and duties:

- a. Appeals - To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Zoning Administrator in enforcement of the Zoning Ordinance.
- e. Decisions of the Board.
 - i. In exercising the above powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as it believes proper, and to that end shall have all of the powers of the Zoning Administrator. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter on which it is required to pass under this chapter.
 - ii. No act of the Board shall become effective until after the decision of the Board has been filed. Such decision may be contained within the minutes of the Board.
 - iii. Each variance granted by the Board shall contain a date upon which it shall be effective.
 - iv. Every appeal, variance, or Special Use Permit granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
 - v. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to Iowa Code 17A.19, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

165.03 DEFINITIONS

9. Assisted living residential facility: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.
58. Elder group home: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa. In accordance with the Code of Iowa, elder group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. (See "Family home.")
61. Family home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.
80. Group care facility: (See "Family home.")
115. Nursing or convalescent home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.
154. Supervised group residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their

functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

165.05(4) PERMITTED AND SPECIAL USES. The following table identifies the allowable uses within each zoning district. A use identified with a “P” within a given zoning district column is a Permitted use. A use identified with a “S” within a given zoning district column requires approval of a Special Use Permit from the Board of Adjustment in accordance with city code. A blank space indicated that use is not permitted within the given zoning district. Uses not listed shall be considered not permitted uses.

The definitions for each listed use shall coincide first with the definition contained within Chapter 165.03 of the Zoning Code, second as may be defined elsewhere in the City Code, and finally the commonly understood definition as determined by the Zoning Administrator.

A proposed use may follow under more than one category; however, for the purposes of this section, the proposed use shall follow the closest, most similar or specific use as listed in the Use Matrix.

It shall be the sole discretion of the Zoning Administrator to make the determine as to where a proposed use falls within the Uses Table, whether it fits within or is similar to a use listed within the Uses Table or is otherwise not listed and therefore not permitted. The determination by the Zoning Administrator is appealable to the Board of Adjustment per the procedures as provided in city code.

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
RESIDENTIAL USES										
Group Residential										
Family home / Group care facility	P	P	P	P						
Elder group home	P	P	P	P						
Assisted living residential facility		P	P	P			P	P		
Nursing or convalescent home		P	P	P			P	P		
Supervised group residence				S				S		

ANALYSIS

On Saturday, May 28, 2022, a complaint was received by a City Council member from a citizen regarding the residence at 604 South E Street and a “extreme increase in police activities...” taking place at this residence. The complaint noted that the home was a “multi residential property for assisted living individuals”. The Council member noted that this was not the first complaint that was received regarding this issue, and the property in question was at 604 South E Street.

On June 1, 2022, the Community Development Director, Charlie Dissell, was included in on an e-mail regarding the operation of the house at 604 South E Street and if it was a legal use under the City’s zoning code and the State code. In a response to this e-mail, Mr. Dissell noted it was difficult to determine what type of group residence was taking place without additional information. In a response to that e-mail, Doug Fulton, City Attorney, had also noted that Iowa Code section 414.22 governs how cities can zone for family home. If the use is a group home for brain injured or developmentally disabled individuals, it is allowed in any zoning district if there is not another home on a contiguous block. There also are regulations for elder care group homes in Chapter 231B of the code allowing those facilities in areas zoned for single-family or multi-family. Doug concurred that more information was needed before determining if a zoning violation existed.

On June 2, 2022, the Mayor was able to contact Optimae LifeServices to find out additional information regarding this property. In summary, the information the mayor gathered was:

- Optimae has four (4) tenants (all non-related).
- Each of the individuals have an individual lease agreement with Optimae.
- Optimae calls the home a “habilitation community” but, according to Optimae, it is not a group home since the residents have individual leases. Therefore, Optimae stated they do not need a state license because they are not a group home.
- The tenants suffer from a variety of mental illnesses. Optimae provides services for these tenants through their Home-Based Habilitation Services (HBHS) program. Optimae’s website states the focus of this program is to “assists individuals with serious and persistent mental illness with the acquisition, retention, and improvement in skills for living in the community. Services are provided in the individual’s home or community.”
- There is not a 24-hour caregiver. Optimae stated they can provide care for 17 - 24 hours a day, typically during daytime hours.
- Medicaid is their primary payor and according to Optimae, none of the residents were on a health and disability waiver, ID waiver, or physical disability waiver to their knowledge.

Based on the information gathered by the Mayor, the Zoning Administrator was able to determine that the use taking place was a supervised group residence. By definition, a supervised group residence is a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition. Mr. Fulton concurred with this opinion noting that if it is not a licensed facility under (State Code) Chapters 135C or 237, it is considered a supervised group residence. Mr. Fulton also noted it would be up to the property owner (or leases) to show that there is some other provisions of the Code or other factors that would exempt them from the applicable zoning regulations or to attempt to obtain a zoning change.

On June 6, 2022, a Notice of Violation was sent to the property owner, DARALEE LLC, who rents the home to Optimae. The certified mail was received by the property owner on June 13, 2022. On June 17, 2022, the appeal to the determination was received by City staff.

ALTERNATIVES

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

- 1) The City of Indianola Board of Adjustment sustains the Zoning Administrators determination that a violation does exist at 604 South E Street.
- 2) The City of Indianola Board of Adjustment reverses the determination made by the Zoning Administrator finding that a violation does not exist at 604 South E Street.
- 3) The City of Indianola Board of Adjustment continues the hearing to 6 PM on Wednesday, August 3, requesting further information from staff and/or the appellant.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) _____
(First Name) _____
(Address) _____
(City) _____ (State) _____ (Zip) _____
(Phone) _____ (Email) _____

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: _____
- ☐ 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) _____

Date _____

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

Board of Adjustment Application
CASE-2022-111
Date of Notice: 06/07/2022
Compliance Deadline: 07/09/2022

Written Narrative for Appeal Request

Applicant Optimae LifeServices, Inc. ("Applicant" or "Optimae"), by and through its attorney Manuel A. Cornell of the law firm Dorsey & Whitney LLP, hereby submits its written narrative to supplement its Board of Adjustment Application, and in support thereof states as follows:

1. Daralee LLC received a Notice of Violation ("Notice"), Case-2022-111, dated June 7, 2022, whereby the Indianola Code Enforcement Officer, Mike Visser, alleges that the property located at 604 S. E St. and legally described as 25-76-24 SINDERSONS SUB DIV S 90' LOT 7 is in violation of the City of Indianola Code of Ordinances 165.05(4).

2. The Notice states that failure to comply with this Notice by the Compliance Deadline of July 9, 2022, or to request a hearing within ten days of the date of the Notice, "the City of Indianola may issue a municipal infraction to the property owner, as set forth in Chapter 4 of the Code of Ordinances of the City of Indianola, Iowa."

3. Applicant requests this appeal because there is error in the requirement, decision, or determination made by the Indianola Code Enforcement Officer and by the ordinance cited in the Notice itself.

4. Specifically, Optimae submits that the ordinance restrictions are discriminatory of persons with disabilities such as the persons currently residing at 604 S. E St. The City is maintaining and enforcing a discriminatory zoning code by narrowly and strictly limiting where such persons can reside within the City as compared to other persons who do not suffer from a disability. Such unreasonable restrictions are in violation of state and federal laws.

5. Applicant hereby requests that the Notice of Violation be withdrawn in its entirety and that 604 S.E St. be permitted to be used in the manner in which is currently being used.

6. Moreover, Applicant requests the City amend its Ordinances to remove this discriminatory restriction.

From: [Doug Fulton](#)
To: [Charlie Dissell](#); [Ben Reeves](#)
Cc: [Doug Fulton](#); [Amy Beattie](#)
Subject: Re: South E. St. New residents.
Date: Wednesday, June 1, 2022 1:46:59 PM

Ben and Charlie:

The biggest issue is Iowa Code section 414.22 (attached to the end of the email). If this is a group home for brain injured or developmentally disabled individuals, they are allowed in any zoning district as long as there is not another home on a contiguous block. There also are some regulations for Elder care group homes in Chapter 231B of the code allowing those facilities in areas zoned for single-family or multi-family, but from the complaint email it sounds more like a home covered by 414.22. I think more information is necessary to know exactly what the regulations are for the type of facility it is.

Let me know if you get more information.

Ben, my instructions in the past were to only attend regular council meetings and others as invited so I wasn't going to attend. If you want me there tonight I am glad to come.

Douglas A. Fulton
Attorney at Law



6701 Westown Parkway, Ste 100
West Des Moines, IA 50266-7703
Phone: 515-274-1450 x 316
Facsimile: 515-274-1488

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On Jun 1, 2022, at 11:49 AM, Charlie Dissell <cdissell@indianolaiaowa.gov> wrote:

Brian Sher and I discussed this a few weeks ago, but we were unsure of exactly what type of group home this was. Without knowing particulars about the type of group home, I am not sure if it is compliant with zoning.

604 S E St is in the R-2 zoning district. This district allows for Family homes/Group care facilities, Elder group homes, Assisted living residential facilities and Nursing or convalescent homes as permitted uses. Supervised group residences are not allowed in R-2, and are only allowed in the R-3 and C-3 districts through a special use permit approved by the Board of Adjustment. Here are the definitions in our Code for each use:

Family home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.

Group care facility: (See "Family home.")

Elder group home: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa. In accordance with the Code of Iowa, elder group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. (See "Family home.")

Assisted living residential facility: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.

Nursing or convalescent home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.

Supervised group residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

To me, this seems like it is likely a supervised group residence, which would mean it is non-compliant with zoning. For the record, it looks like the property owner, DARALEE LLC, purchased this property in February, and I am not aware of anyone calling our office to see if this type of home was allowed.

Hope this helps!

Thanks!

Charlie E. Dissell, AICP
Director of Community & Economic Development
City of Indianola
110 North 1st Street
Indianola, Iowa 50125
O- (515) 962-5276
cdissell@indianolaiowa.gov

-----Original Message-----

From: Ben Reeves <breeves@indianolaiowa.gov>
Sent: Wednesday, June 1, 2022 11:06 AM
To: Charlie Dissell <cdissell@indianolaiowa.gov>; Doug Fulton
<Doug.Fulton@brickgentrylaw.com>
Subject: FW: South E. St. New residents.

Good Morning Charlie and Doug, (Doug, I look forward to meeting you this afternoon)

I have been invited to visit with the Mayor and Council Member Beach tonight after council meeting to discuss the issues with the group home outlined below. Without doing a ton of research at this point, from an off the cuff perspective...could you help me to better understand the following:

Charlie - Do you know if the operation of this home is a legal use under our code and do they have the necessary permits?

Doug - Am I correct in assuming that "group homes" has special legal protections (federal/or/Iowa specifi...or was that just a Utah thing?)

Please let me know your thoughts if you have a moment.
Thank you both!

Benjamin A. Reeves, ICMA-CM
Indianola City Manager
110 N 1st Street
Indianola, IA 50125
breeves@indianolaiowa.gov
(515) 961-9410 Office
(801) 420-3052 Cell

-----Original Message-----

From: Ben Reeves

Sent: Tuesday, May 31, 2022 1:00 PM

To: Christina Beach <cbeach@indianolaiowa.gov>; Stephanie Erickson

<serickson@indianolaiowa.gov>

Subject: RE: South E. St. New residents.

Good Afternoon Cristina,

Thanks for your email. I will reach out to the Chief and the Mayor to see if we can coordinate a meeting and so that I can be brought up to speed on this issue. In many instances, group homes like this are considered "protected" under federal legislation...but I am not sure if this specific home falls under this type of designation and what rights we have with regard to enforcement. Irrespective of authority, we can certainly reach out to communicate and extend an invitation to address these types of issues. As I learn more, I can be in a better position to address the issues properly.

Thanks again. I will get back with you shortly.

Warm Regards,

Ben

-----Original Message-----

From: Christina Beach <cbeach@indianolaiowa.gov>

Sent: Tuesday, May 31, 2022 11:04 AM

To: Stephanie Erickson <serickson@indianolaiowa.gov>; Ben Reeves

<breeves@indianolaiowa.gov>

Subject: Re: South E. St. New residents.

Correction its 15 times since April 21st.

Per Brians email to me since April 21, 2022, the police department has been called to 604 S. E St. 15 times. The types of calls have been: "Mental subject" 8 times, "Assistance of any kind" 3 times, "Assault" 1 time, "Miscellaneous" 2 times, and "Missing adult" 1 time.

Just wanted to get you the corrected info.

Christina

From: Christina Beach

Sent: Tuesday, May 31, 2022 10:52:06 AM

To: Stephanie Erickson; Ben Reeves

Subject: Fw: South E. St. New residents.

Hi Stephanie and Ben,

Just wanted to fwd this email I recieved regarding a new group home on S. E st. In Ward 4. This is the 2nd person to reach out via email and about the 5th person to complain on it.

I spoke to Chief Sher about 1 1/2 weeks ago and he advised me that as of then

there had been 14 police calls to that residence since April 1. I imagine that number has since increased since I am getting more emails now. Can we figure out who runs that halfway house, what services they are providing there and see if we can set up a meeting with them. Chief Sher has said the number of calls to that residence are becoming an issue for the PD and the sheer # for one group home is not sustainable. He is willing to meet with them (the company running the facility) along with us as well. I think setting up a meeting with the facility management, myself as the ward 4 rep, Ben being the city manager, and Chief Sher for the PD, and if Stephanie is available as the mayor, to meet as a group with them to discuss solutions for the issues is a must at this point. I know there are state regulations for group homes, and most cities have their own ordinances regarding them as well but I am not finding anything for Indianola where we require group homes to register with the city and to follow certain guidelines. So we may need to look at adding an ordinance as well. Others in the neighborhood have reported a rise in package thefts and even a riding mower theft since that house became occupied by the group home as well. Please let me know your thoughts on how to address this issue. Thank you
Christina Beach

From: Frank Johnson <johnsonfe62@gmail.com>
Sent: Saturday, May 28, 2022 10:37:24 PM
To: Christina Beach
Subject: South E. St. New residents.

We have noticed an extreme increase in police activities in our neighborhood at one particular residence. We have now discovered that the home right across the street from us is a multi residential property for assisted living individuals. I am not up on the laws for this but I would think that people should be notified of such homes coming to the neighborhood especially if the individuals are mentally handicapped. Please do not get me wrong I am a strong advocate for mental health as I have suffered from bipolar affective type II disorder for most of my life but I also know that not all are as lucky as I am and can keep it under control. We have always had a nice quite neighborhood where young children could play with no fear and we all look out for each other. We are asking for your help in this matter and I appreciate your time.

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

414.22 Zoning for family homes.

1. It is the intent of [this section](#) to assist in improving the quality of life of persons with a developmental disability or brain injury by integrating them into the mainstream of society by making available to them community residential opportunities in the residential areas of this state. In order to implement this intent, [this section](#) shall be liberally construed.

2. a. "Brain injury" means brain injury as defined in [section 135.22](#).

b. "Developmental disability" means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

- (1) Attributable to an intellectual disability, cerebral palsy, epilepsy, or autism.
- (2) Attributable to any other condition found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with an intellectual disability or requires treatment and services similar to those required for the persons.
- (3) Attributable to dyslexia resulting from a disability described in either subparagraph (1) or (2).
- (4) Attributable to a mental or nervous disorder.

c. “Family home” means a community-based residential home which is licensed as a residential care facility under [chapter 135C](#) or as a child foster care facility under [chapter 237](#) to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under [chapter 237](#).

d. “Permitted use” means a use by right which is authorized in all residential zoning districts.

e. “Residential” means regularly used by its occupants as a permanent place of abode, which is made one’s home as opposed to one’s place of business and which has housekeeping and cooking facilities for its occupants only.

3. Notwithstanding any provision of [this chapter](#) to the contrary, a city, city council, or city zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city. A city, city council, or city zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. [Section 135C.23, subsection 2](#), shall apply to all residents of a family home.

4. Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property in a city which permits residential use of property but prohibits the use of property as a family home for persons with a developmental disability or brain injury, to the extent of the prohibition, is void as against the public policy of this state and shall not be given legal or equitable effect.

[83 Acts, ch 11, §2; 93 Acts, ch 90, §4; 94 Acts, ch 1023, §110; 94 Acts, ch 1170, §9; 96 Acts,](#)

[ch 1129, §113; 2012 Acts, ch 1019, §128](#) Referred to in [§135C.9, 414.30, 414.31, 504C.1](#)

Similar provision, see [§335.25](#)

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Referred to in [§135C.9, 414.30, 414.31, 504C.1](#)

Similar provision, see [§335.25](#)

From: Doug Fulton
To: Charlie Dissell
Cc: Christina Beach; Brian Sher; Ben Reeves; Stephanie Erickson; Greg Chia; Doug Fulton; Amy Beattie
Subject: Re: 604 S E Street
Date: Friday, June 3, 2022 1:37:52 PM

All:

We have taken a look at the Mayor's emails regarding the background for this property, the requirements of Iowa Code section 414.22, and the city zoning ordinances. Based upon those factors and the fact that it does not appear that this is a licensed facility under Chapters 135C or 237, we would concur with Charlie's analysis. It would be up to the property owner (or leases) to show that there is some other provisions of the Code or other factors that would exempt them from the applicable zoning regulations or to attempt to obtain a zoning change (which as Charlie has appropriately shown would be a very difficult process).

Let me know if there is anything we have missed.

Douglas A. Fulton
Attorney at Law



6701 Westown Parkway, Ste 100
West Des Moines, IA 50266-7703
Phone: 515-274-1450 x 316
Facsimile: 515-274-1488

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Circular 230 Disclaimer: To ensure compliance with Treasury Regulations governing written tax advice, please be advised that any tax advice included in this communication, including any attachments, is not intended, and cannot be used, for the purpose of (i) avoiding any federal tax penalty or (ii) promoting, marketing, or recommending any transaction or matter to another person.

On Jun 3, 2022, at 9:13 AM, Charlie Dissell <cdissell@indianolaiaowa.gov> wrote:

I think we are getting into semantics here, but I just want to make sure we are clear in our terminology here. This is considered a supervised group residence, not multi family housing. Multi family housing would require separate units with separate cooking and housekeeping facilities for each unit.

I just want to be consistent in our wording and communication to those involved, mainly because a supervised group residence and a multi family dwelling have separate requirements to be allowed.

Thanks!

Charlie E. Dissell, AICP
Community and Economic Development Director
City of Indianola
110 North 1st Street
Indianola, Iowa 50125
O- (515) 962-5276

From: Christina Beach <cbeach@indianolaiaowa.gov>
Sent: Friday, June 3, 2022 9:01:02 AM
To: Charlie Dissell <cdissell@indianolaiaowa.gov>; Brian Sher <bsher@indianolaiaowa.gov>; Ben Reeves <breeves@indianolaiaowa.gov>; Stephanie Erickson <serickson@indianolaiaowa.gov>; Greg Chia <gchia@indianolaiaowa.gov>
Cc: Doug Fulton <Doug.Fulton@brickgentrylaw.com>
Subject: Re: 604 S E Street

Hi all,
Thank you for all of your work on this issue. As the rep for ward 4 I would agree that they are in violation. With there being no mental health or disability waivers in place for these residents I feel the use of this home would fall under multi family housing and or boarder house and is not suitable for that neighborhood. I also would not support the rezoning of this home and As someone who deals in multi family housing, I don't feel that home would meet the standards required by state law or local regulations. All of that being said I ask that pending legal review, we move forward with zoning enforcement violations.
In the very short time they have been in that home it has severely affect the home owners and their families in that neighborhood. I feel something must be done.
Thank you
Christina Beach

From: Charlie Dissell
Sent: Thursday, June 2, 2022 9:03:38 PM
To: Brian Sher; Ben Reeves; Stephanie Erickson; Christina Beach; Greg Chia
Cc: Doug Fulton
Subject: RE: 604 S E Street

Hey all-

Thanks for the information. I'll give my opinion on this, but will leave it pending Doug's legal interpretation.

In reviewing, it would be my opinion that this is still a "supervised group residence" as defined in our zoning code. I don't believe it matters what lease arrangements Optima has with these residents, or what State licensing is required (or not). Our zoning code still considers it a supervised group residence. By definition, a supervised group residence is a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

Supervised group residences are allowed through a special use permit in the R-3 and C-3 zoning districts.

PERMITTED AND SPECIAL USES TABLE									
USE	ZONING DISTRICT								
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1
Supervised group residence				S				S	

So for this use to be allowed, they would first need to rezone the property through the Planning and Zoning Commission and City Council. If that was successful, they would then need to receive a Special Use Permit through the Board of Adjustment. All of these processes would require notification to property owners within 200'. In order to approve a Special Use Permit, the Board shall make the following findings:

1. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
2. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
3. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
4. The proposed use and site improvements shall not unduly increase traffic congestion;
5. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
6. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
7. The issuance of the Special Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.

That being said, from the start, there would be no support from staff regarding a rezoning of this property. First, it would be considered spot zoning, and second, the underlying comprehensive plan designation intends that this property be used for low-density residential. The R-2 district (the current zoning district) is supported by this designation, but the R-3 (or C-3) is not.

Lastly, the property at 601 N 1st Street is in the same boat here. It is zoned R-2, and likely would not have any support from staff on a rezoning. However, with this one, there is at least multi-family zoning in the vicinity.

Pending what Doug's opinion comes back as, we most likely will need to start a zoning enforcement case on this as it is (in my opinion) an illegal use of the property.

Thanks!

Charlie E. Dissell, AICP
Director of Community & Economic Development
City of Indianola
110 North 1st Street
Indianola, Iowa 50125
O- (515) 962-5276
cdissell@indianolaiaowa.gov

<image001.png>

From: Brian Sher <bsher@indianolaiaowa.gov>
Sent: Thursday, June 2, 2022 7:15 PM
To: Ben Reeves <breeves@indianolaiaowa.gov>; Stephanie Erickson <serickson@indianolaiaowa.gov>; Christina Beach <cbeach@indianolaiaowa.gov>; Charlie Dissell <cdissell@indianolaiaowa.gov>; Greg Chia <gchia@indianolaiaowa.gov>
Cc: Doug Fulton <Doug.Fulton@brickgentrylaw.com>
Subject: RE: 604 S E Street

Ben-

The only update I have is that inspections and appeals sent me an email and would like to have a phone conversation tomorrow. With the mayor's email, I have enough information to have this phone call.

Brian

Sent from my Galaxy

----- Original message -----

From: Ben Reeves <breeves@indianolaiaowa.gov>
Date: 6/2/22 7:12 PM (GMT-06:00)
To: Stephanie Erickson <serickson@indianolaiaowa.gov>, Christina Beach <cbeach@indianolaiaowa.gov>, Charlie Dissell <cdissell@indianolaiaowa.gov>, Brian Sher <bsher@indianolaiaowa.gov>, Greg Chia <gchia@indianolaiaowa.gov>
Cc: Doug Fulton <Doug.Fulton@brickgentrylaw.com>
Subject: RE: 604 S E Street

Mayor,

Thank you for your work on this and the detailed documentation that you have provided. Great work! However, I think it may be best for us to engage our

legal counsel in this discussion as we consider “next steps”. As such, I am copying him in on this email. Being new to Iowa, I am not familiar enough with the laws as of yet, but I would also be interested in anything that Charlie, Brian, or Greg may be able to offer as well.

Thanks!

Benjamin A. Reeves, ICMA-CM
Indianola City Manager
110 N 1st Street
Indianola, IA 50125
breeves@indianolaiowa.gov
(515) 961-9410 Office
(801) 420-3052 Cell

From: Stephanie Erickson <serickson@indianolaiowa.gov>
Sent: Thursday, June 2, 2022 5:48 PM
To: Christina Beach <cbeach@indianolaiowa.gov>; Charlie Dissell <cdissell@indianolaiowa.gov>; Ben Reeves <breeves@indianolaiowa.gov>; Brian Sher <bsher@indianolaiowa.gov>; Greg Chia <gchia@indianolaiowa.gov>
Subject: 604 S E Street

I apologize in advance for the length of this email. Proceed with caution...and time on your hands.

We didn't know much in regards to 604 S E Street. What we knew from the police calls was that Optimae LifeServices (caller) provides services within the home for at least one resident. So I began by calling Optimae to see if I could get a contact name and number for the property owner.

8:04 AM: I called and spoke with Jenny Sanda with Optimae LifeServices - she did not know who the owner was and said I would need to speak with her supervisor, Lacey Nydle, as she would know. She took my number and said Lacey will call me by the end of the day.

8:16 AM: Chief Sher spoke with Sandy at the Department of Inspections and Appeals while I was in his office. He asked her to see if this property has a license or if there is any information she has for the property.

10:36 AM: I called the Warren County Assessor and spoke with Tim. He said all they had on file for the property owner was Daralee, LLC, no name or phone information. Even a basic google search of the address didn't get me very far.

10:42 AM: I called and spoke with Donald Schild at his office. A google search said Donald is the attorney agent for Daralee, LLC. I explained to him we were trying to get in contact with the property owner to find out more about how this property is being utilized. He was hesitant to give me the owner's information and said he would pass my phone number along to the property owner.

12:30 PM: I received a call from Mike Allen, he stated he is the property owner of 604 S E St. Mike explained to me that he purchased the house in February 2022 and Optimae LifeServices rents the house from him. That lease began in April 2022. He has similar agreements with Optimae on other properties he owns in Iowa and has never had a problem. He agrees we have a problem here. He told me that 1 police or fire call would be acceptable but 17 police calls and 4 fire calls is 100% unacceptable and he had no idea this was happening. He seemed sincere in that statement and stated he was going to call the other police departments and request the call logs to his addresses.

He explained that Optimae has 4 tenants (all non-related) in the Indianola property and Optimae provides care during the day and there is not a 24-hour caregiver. The tenants suffer from a variety of mental illnesses. I explained to him that this property is zoned R2 and intended to accommodate single-family attached residential dwellings, duplexes, etc. I also noted that the way the property is currently being utilized would make it a multi-family dwelling since its intent is to be exclusively occupied by three or more families. The property would also be required to go through our rental inspection process. Mike stated he is currently considering buying another property in town with the intention of leasing it to Optimae, as well. The property he is looking at is: 601 N 1st Street. I told him it would need to be zoned appropriately to operate as he intends. **Charlie, would you mind looking up that zoning for me?** It is a former duplex converted into a single-family home. I told Mike I would let him know what it is zoned currently as.

2:53 PM: Lacey Nydle, Program Director with Optimae LifeServices called and left me a voicemail while I was at the orthodontist with my daughter. She stated on the voicemail: “I was calling to speak with you in regards to our habilitation site home that is in Indianola.”

3:20 PM: I returned Lacey's call. She told me some of what the property already told me. Mike is the homeowner and Optimae rents the home and subleases out to tenants. There are currently 4 residents residing in the home. Each of these individuals has an individual lease agreement with Optimae. Optimae calls the home a “habilitation community” but is not a group home since the residents have individual leases. “Therefore they do not need a license because they are not a group home” she added. Optimae provides services for these tenants through their Home-Based Habilitation Services (HBHS) program. Their website states the focus of this program is to “assists individuals with serious and persistent mental illness with the acquisition, retention, and improvement in skills for living in the community. Services are provided in the individual's home or community.” Lacey stated Optimae can provide care for 17 - 24 hours a day, however, Lacey was reluctant to tell me how many hours they staff at the residence on a given day. She did say it does fluctuate each day and is not staffed 24 hours.

Medicaid is their primary payor. I asked if any residents were on the brain injury waiver and she said no. To her knowledge, no resident has a health and disability waiver, ID waiver, or physical disability waiver. However, she is going to double-check this and get back to me.

She said she was en route to Indianola while we were on the phone with a lease termination for a resident who has been a habitual caller to the police department. Out of the 17 calls: one tenant has called 7 times and another tenant has called 5 times. The staff has called twice for a "missing adult". **Lacee was EXTREMELY complimentary regarding our police officers and department as a whole in their approach to helping to deescalate situations with these tenants and their training on mental illness. She said that as a program manager she deals with several cities and different police departments throughout Iowa and ours is one of the best she has ever worked with. Way to go Chief and team!**

My question here is how do we proceed? I would like to get back to the property owner and Lacee with the next steps. At minimum, they would need to go through the rezoning process. I would also be interested in finding out more about the state regulations and/or requirements/licenses regarding Optima running this type of site. Below is a similar scenario to ours that recently happened in SW Des Moines. I followed it quite closely as it happened, as an Indianola resident had his wife, who suffers from dementia, residing there.

<https://iowacapitaldispatch.com/2021/07/01/iowa-nurse-accused-of-running-an-illegal-unlicensed-assisted-living-facility/>

I would welcome feedback on any other items I should make them aware of. I will follow up with a phone call to Mike and Lacee. Followed by an email with a summary of what I went over on our call and an introduction to Charlie as their point of contact to work through the rezoning process.

Thank you!
Stephanie

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Applicant

Charlie Dissell

515-962-5276

cdissell@indianolaiowa.gov

Parcel search Completed On 6/6/2022 8:33 AM EST by cdissell



ParcelID	Address	City	OwnerName	Acres
48630000070	604 S E ST	INDIANOLA	DARALEE LLC (Deed)	0.000

Complainant Information Completed On 6/6/2022 8:34 AM EST by cdissell

Complainant Information

Name

Address

Phone Number

Email Address

Details of Your Complaint

Supervised Group Residence on property zoned R-2

Please upload any pictures or other attachments

Property Information

Location Address or describe location

604 S E ST

City

INDIANOLA

Zip

50125

Parcel ID

48630000070

Zone

R-2 Single-Family Residential Attached Zoning District

Legal Description

25-76-24 SINDERSONS SUB DIV S 90' LOT 7

Subdivision

Lot

Block

Frequently used sketch tools. Holding the mouse over the tools on the left will describe them:

- The "draw a point" tool will place an X on the map;
- Will let you "add text" to the map;
- Arrow to select items to move or rearrange;
- The ruler is a measure tool that will draw a line and show the distance.

Optional - Use Interactive Map to provide site information

☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy

+

-



Powered by Esri

Check this box if entered in by City Staff

Entered in by City Staff

Click **NEXT** to submit this to the City for review.

Complaint Review Completed On 6/6/2022 8:34 AM EST by cdissell

Location Address or describe location

604 S E ST

Details of Your Complaint

Supervised Group Residence on property zoned R-2

Action

Zoning Enforcement

Confirm Violation Code Enforcement Completed On 6/6/2022 8:34 AM EST by cdissell

Location Address or describe location

//

604 S E ST

Details of Your Complaint

Supervised Group Residence on property zoned R-2

Is there a violation?

Yes

Violation Information Code Enforcement Completed On 6/6/2022 8:43 AM EST by cdissell

Date Case Established

06/06/2022

Date of Notice

06/06/2022

Compliance Deadline

07/08/2022

Location Address or describe location

604 S E ST

Parcel Owner Name

DARALEE LLC (Deed)

Mailing Address

542 462ND AVE

City, State, Zip

GRINNELL, IA 50112

Violation Section Code List

Other Violation Description ⓘ

165.05(4) PERMITTED AND SPECIAL USES in R-2. Supervised Group Residence not allowed in R-2 Zoning District.

Supervised Group Residence is a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

Remedy Description ⓘ

Bring property into compliance with zoning, or have a schedule for compliance approved, by July 8, 2022

//

Upload any pictures or other information in regard to this violation

604 S E St.pdf

Was a door hanger left?

No

Staff Name

Mike Visser

Zoning Enforcement Notice of Violation Completed On 6/6/2022 8:43 AM EST by cdissell

[Zoning Enforcement Notice of Violation](#)

External Notes

Documents

Internal Notes

Documents



City of Indianola, Iowa
Community Development
Department
110 North First Street
Indianola, Iowa 50125
Phone (515) 961-9430

CITY OF INDIANOLA, IOWA

VS.

VIOLATOR: DARALEE LLC (Deed)

NOTICE OF VIOLATION

Date Case Established:

06/06/2022

Case Number:

CASE-2022-111

Date of Notice:

06/06/2022

Compliance Deadline:

07/08/2022

DARALEE LLC (Deed)
542 462ND AVE
GRINNELL, IA 50112

Notice of Violation:

You are hereby notified that, upon an inspection of property under your ownership located at 604 S E ST and legally described as 25-76-24 SINDERSONS SUB DIV S 90' LOT 7, the following violation(s) were identified:

Violation(s):

165.05(4) PERMITTED AND SPECIAL USES in R-2. Supervised Group Residence not allowed in R-2 Zoning District.

Supervised Group Residence is a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

To comply with City Code, the following corrective actions shall be taken:

Bring property into compliance with zoning, or have a schedule for compliance approved, by July 8, 2022

If the above-described violation is not abated as directed, and no request for hearing is made within ten (10) days from the date of this notice, the City of Indianola may issue a municipal infraction to the property owner, as set forth in Chapter 4 of Code of Ordinances of the City of Indianola, Iowa.

Appeals to the Board of Adjustment may be taken by any person aggrieved by an alleged violation. Such appeal shall be taken within ten (10) days from the date of this notice by filing with the Community Development Department a notice of appeal specifying the grounds thereof. The Community Development Department shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Community Development Director certifies to the Board of Adjustment, after notice of appeal shall have been filed with the Community Development Department, that by reason of the facts stated in the certificate, a stay would, in the Community Development Directors opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Community Development Director, and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay the fee as established by resolution of the City Council.

Mike Visser

Indianola Code Enforcement Officer

Track Another Package +

Tracking Number: 70220410000245911691

Remove X

Your item was picked up at the post office at 11:01 am on June 13, 2022 in GRINNELL, IA 50112.

USPS Tracking Plus® Available ∨

✓ Delivered, Individual Picked Up at Post Office

June 13, 2022 at 11:01 am
GRINNELL, IA 50112

Get Updates ∨

Feedback

Text & Email Updates



Tracking History



June 13, 2022, 11:01 am
Delivered, Individual Picked Up at Post Office
GRINNELL, IA 50112
Your item was picked up at the post office at 11:01 am on June 13, 2022 in GRINNELL, IA 50112.

June 13, 2022
Reminder to Schedule Redelivery of your item

June 8, 2022, 11:45 am
Notice Left (No Authorized Recipient Available)
GRINNELL, IA 50112

June 8, 2022, 6:39 am
Out for Delivery
GRINNELL, IA 50112

June 8, 2022, 6:28 am
Arrived at Post Office
GRINNELL, IA 50112

June 7, 2022, 11:19 pm
Departed USPS Regional Facility
DES MOINES IA DISTRIBUTION CENTER

June 6, 2022, 7:19 pm
Arrived at USPS Regional Facility
DES MOINES IA DISTRIBUTION CENTER

USPS Tracking Plus®



Product Information



Feedback

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Go to our FAQs section to find answers to your tracking questions.

FAQs