



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

August 3, 2022

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approve the Agenda for Aug 3rd's 2022 BOA meeting
- 4. Minutes Approval**
 - A. Approve the Minutes from July 6th's 2022 BOA meeting
- 5. Old Buisness**
 - A.
 - A. 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.
- 6. New Business**
 - A. Consider request from Jake Doering 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 public or private elementary, middle, or high school located at 2205 West 2nd Avenue.
 - B. Consider request from Gerald Truitt for a variance under the terms of Section 165.2(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, to which if allowed as requested, would not be in conformity with the requirements of Section 165.04.2.D(1) of the Code of Ordinances of Indianola, Iowa.
- 7. Comments**
- 8. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: August 3, 2022
Subject: Approve the Agenda for Aug 3rd's 2022 BOA meeting

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

July 6, 2022

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:00 PM.

2. Roll Call

Commission members present: Amy Mitchell, Lee Bash, Jane Whalen, Bill Mettee

Staff Present: Charlie Dissell, Emily Rizic, Miranda Chadwick

Citizens: Manuel Cornell Dorsey and Whitney LLP for Optimea

Susan Martin COO of Optimea

Doug Fulton City Attorney

3. Agenda Approval

A. Approval of July 2022 BOA Meeting Agenda

Motion for approval by Jane Whalen

Seconded by Lee Bash

4. Minutes Approval

A. Approval of Meeting Minutes for June 1st, 2022

Motion to approve minutes made by Amy Mitchell

Seconded by Jane Whalen

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 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.

The origination began with a complaint from a resident in regards to the increase in police traffic. Charlie then got involved with when our city attorney looked into the type of residence this is. In summary, optimea has individual leases with each of the tenants. Optimea provides home-based assistance to these residents. There is not a 24 care giver.

Charlie then determined that it is a group residence based on the definition.
Manuel Cornell is here to address the case.

Requesting the overturn of the staff's determination on the use of the residence.

Susan Martin Speaks about what Optimea offers to the individuals that utilize their services. They have over a 140 homes just like the one here in Indianola. Partnering with those communities. Mentioning the waivers that those homes fall under. They provide support services with two large outpatient health clinics and two health care programs striving to provide a continuum of care. They were requested to provide care here in Indianola. They had two individuals that were having issues in the home and are no longer in the home. The state of Iowa has had issues with the DOJ. Opimea is trying to help with that and wants to partner with the community to make it a win for the people they are supporting and the community as well.

Jane- Did you make sure that the homes were in the proper zone before providing residents with this option?

Susan- They do not believe that the crew on the ground did the leg work because they have not had issues in other towns.

Manuel- This is not a building of individual units.

They believe that this falls under the family definition. The arrangement is not temporary. They are there till they want to move out. Under this definition, it is not in violation. It is a home and community service-based home. It falls under such a waiver. The waiver is defined as a home and community-based waiver approved by the federal government and paid for by Medicaid. Manuel sites case law that supports the use of the home. Regardless how often police are at the home they should be treated whether it falls in the proper zoning for residential use. They are asking that the board reverse the decision made by the city staff.

Jane- Does each individual have a separate lease and how does that not allow them to fall under the "family" category?

Is there supervision for the residents?

Manuel- The legal definition does not state that they must be under one lease in order to qualify as family.

Susan- It depends on the individual and their goals. We are not sure of the amount of services that are provided.

Susan -We wish we would have known about the police calls so that we could have had a conversation with the community to address these issues before it got to this point.

Doug Fulton

We take a different view. The qualifier for the waiver exception 414.32.

When you are looking at the waiver issue, we were informed that there were no waivers until today nor have we seen them. Nevertheless, the community waiver section applies to the residence being rented to the recipient. The next part limits it to 4 residents. We were told that they rent from the property owner and now we are finding out that optimea rents to each resident. We do think that it does fall in the group home category. It is not a well-written statute.

Jane- Do the residents rent from Optimea or from the owner of the home?

Manuel- They rent from Optimea. If they do fall under the waiver

Lee makes a motion to continue to discuss this to August 3rd so that we can gather more information to make an informed decision.
Amy seconds the motion.

6. Comments

7. Adjourn

Meeting is adjourned at 7:00



MEMORANDUM

To: Board of Adjustment

From:

Date: August 3, 2022

Subject: Consider request from Jake Doering 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 public or private elementary, middle, or high school located at 2205 West 2nd Avenue.

Recommendation:

Attachments:

1. 1. Staff Report
2. 2. Application
3. 3. Site Plan
4. 4. Letter of Explanation



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: August 3, 2022

Agenda Item: 5.A. Consider request from Jake Doering, 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 public or private elementary, middle, or high school located at 2205 W 2nd Avenue.

Application Type: Special Use permit

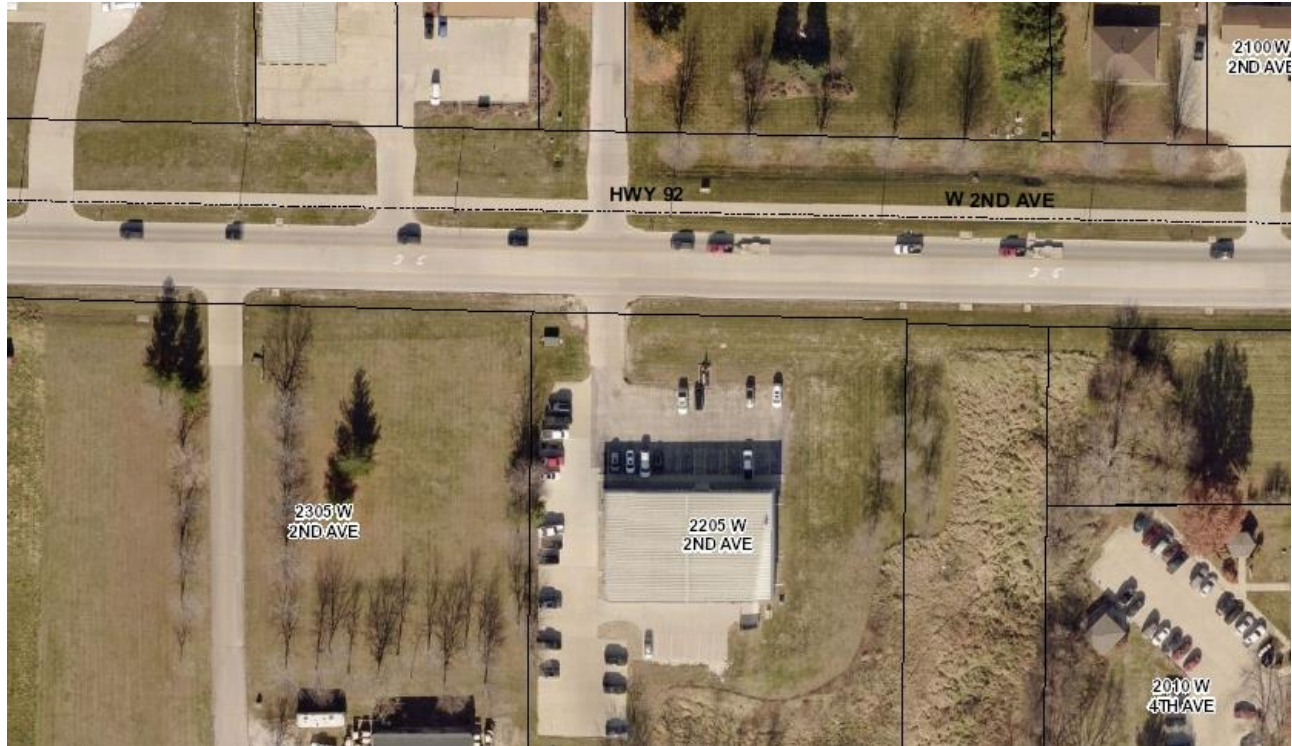
Applicant: Jake Doering, on behalf of Doering Properties LLC

Property Address: 2205 W 2nd Avenue

Zoning: C-2 Highway Commercial Zoning District

Application Summary: A special use permit is requested to permit the use of a public or private elementary, middle, or high school at an existing building located at 2205 W 2nd Avenue.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

C. ***Special Use Permits*** - To review and consider approval of a Special Use Permit for a Special Use as identified Permitted and Special Uses Table contained in CHAPTER 165.05 of the Zoning Regulations. The following shall be required:

- i. Special Use Permit Application - A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Special Use Permit Application fee as established by resolution of the City Council.
- ii. Special Use Permit Procedure - The Special Use Permit Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
- iii. Special Use Permit Review by Board of Adjustment - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Board a copy of the Special Use Permit Application along with a written recommendation as to the application's conformity with the rules and regulations of the city.
- iv. The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Special Use Permit Application.

165.05(1)(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 USE TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
PUBLIC AND CIVIC USES										
Public or private elementary, middle, or high school	S	S	S	S	S	S	S	S		

ANALYSIS

Jake Doering, on behalf of Doering Properties LLC, is requesting a special use permit to permit the use of a public or private elementary, middle, or high school at an existing building located at 2205 W 2nd Avenue. The property is located within the C-2 Highway Commercial Zoning District. Public or private elementary, middle, or high schools are permitted through a special use permit request in the C-2 Highway Commercial Zoning District.

The property currently takes access off of W 2nd Avenue (Highway 92). According to the 2016 Iowa Department of Transportation (Iowa DOT) Annual Average Daily Traffic (AADT) Maps, this portion of W 2nd Avenue has an AADT count of 10,000. This data is the latest traffic data the city has from the Iowa DOT. The City’s comprehensive plan classified W 2nd Avenue as a major arterial street, where driveways must be either aligned with the existing driveways or have a setback of 150 feet from existing driveways. The existing driveway meets this minimum separation distance.

Chapter 165.07 Off-Street Parking Table stipulates that there must be one (1) parking space per four (4) student desks or seats at max capacity plus one (1) per max number of employees concurrently on the site. The parking lot currently provides for sixty (60) parking spaces. The existing parking lot also provides for three (3) ADA accessible parking spaces. The facility anticipates one hundred and ten (110) students once the use is established and operating, and projects one hundred and thirty (130) as a projected growth in the future. The largest working shift will consist of twenty (20) staff members. When calculating for the future projected growth, a minimum of fifty-three (53) parking spaces are required for the facility. A total of sixty (60) is provided, meeting the minimum parking requirements required for the site. The site does not propose any bus services or parking at this time.

Off-street parking areas which front along a public street require one (1) deciduous shade tree and two (2) deciduous ornamental trees for every 50 feet within the parking lot setback area. A minimum of five (5) deciduous shade trees and a minimum of ten (10) deciduous ornamental trees is required within this parking lot setback area. Additionally, a minimum three (3) foot tall vehicle headlight screen must be installed between the parking lot and adjoining street, utilizing any combination of prairie plantings, shrubs, ornamental grasses, earth berming, and low masonry walls. A grassed, fenced in playground will be considered in the future to be placed in a grassed area of the lot.

Parcels located in the C-2 ‘Commercial Highway’ Zoning District are required a minimum open space requirement of twenty percent (20%). The minimum amount of open space required for the site is 14,415 square feet. The code

stipulates that for every 2,000 square feet of required open space, one (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs is required to be planted. The site plan shows a total of six (6) existing trees that will remain on site. Seven (7) deciduous shade trees, fourteen (14) deciduous ornamental trees, and fourteen (14) shrubs are required to be placed on the site. A credit of two (2) trees toward the required number of trees required is given for each existing tree to remain on the site. The applicant may gain twelve (12) trees in credit as a result, so long as they are in good condition, is an approved tree type listed in Chapter 165.08(6)(A) and is over ten (10) inch caliper in size, measured six (6) inches above the immediate ground level.

Because the subject property is an existing site with no site modifications proposed, a site plan will not be required at this time. Should a site plan or building permit for any exterior site modifications occur, the property will need to be brought into full compliance with the site plan requirements. Additionally, a stormwater management plan was not submitted nor required at this time.

FINDINGS OF FACT

165.02(V) FINDINGS FOR APPROVAL. 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

The applicant has provided a site plan with their application which shows the existing site features at the property. The site currently meets the minimum requirements of the C-2 Highway Commercial Zoning District. The site plan was reviewed by the Community Development department. No proposed site modifications are proposed.

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

The total square footage of the property is 72,075 square feet. The existing building located on the property is approximately 9,000 square feet. The facility will be sufficient to meet proposed use. The site plan meets minimum off-street parking requirements that are required for the proposed use. A stormwater management plan is not required at this time as no site modifications have been proposed for the site. Staff has no concerns regarding the size of the property and its proposed use.

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 areas

Based on the proposed use, the health, safety, and welfare of citizens would not be impacted.

4. The proposed use and site improvements shall not unduly increase traffic congestion

Traffic congestion may increase some with the proposed use, but not unduly. W 2nd Avenue (Highway 92) is a paved road that is classified as a major arterial on the City's Comprehensive Plan. Major arterials are high-capacity roadways that primarily provide for the movement of through traffic and limit access to adjacent lands. This road is part of a state road system and serves to move regional through traffic. Major arterials typically provide four to five lanes for traffic and turn lanes, are often spaced one-mile to two-miles apart and have a higher speed limit ranging from 35 to 55 miles per hour (mph). Major arterials also have limited access spacing with lower capacity roads and site entrances, generally between ½ to ¾ mile spacing. Facilities for biking and walking, when deemed necessary, should have a comfortable buffer from vehicle travel lanes.

5. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding

No exterior site improvements are proposed at this time that would 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

As this is an existing site with an existing structure that is not proposing any exterior modifications, its compatibility with the surrounding neighborhood will not diminish established property values in the surrounding area.

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

As previously mentioned, the proposed use and site improvements will not endanger or harm the health safety and welfare of properties or the community.

ALTERNATIVES

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

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

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 2, approve the special use permit request, with the following conditions:

1. That a total of five (5) deciduous shade trees and ten (10) deciduous shade trees be planted within the parking lot setback area. These required plantings must be of approved planting materials and sizes outlined in Chapter 165.08(6)(A).
2. That a minimum three (3) foot tall vehicle headlight screen be installed between the parking lot and W 2nd Avenue. These required plantings must be of approved planting materials and sizes outlined in Chapter 165.08(6)(A).
3. That a minimum of one (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs be planted for every 2,000 square feet of required open space for the site. Existing trees and tree preservation credits outlined in Section 165.08(6)(B) may be applied to meet this minimum planting requirement.
4. That should any exterior site modifications be proposed in the future, a site plan application, review, and approval will be required.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Doering Properties, LLC / Jake Doering
(First Name) _____
(Address) 9028 Harding St
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-205-9115 (Email) jake@jakeslawnandlandscape.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: 2205 W 2nd Avenue
- ☐ 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) Jake Doering

Date

4/24/22

FOR OFFICE USE ONLY:

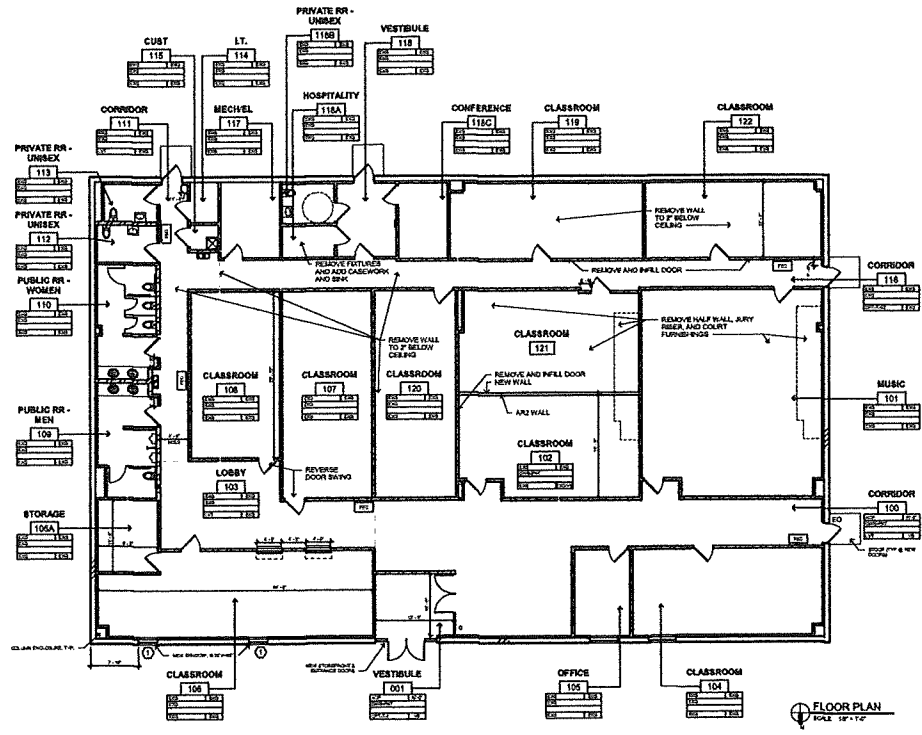
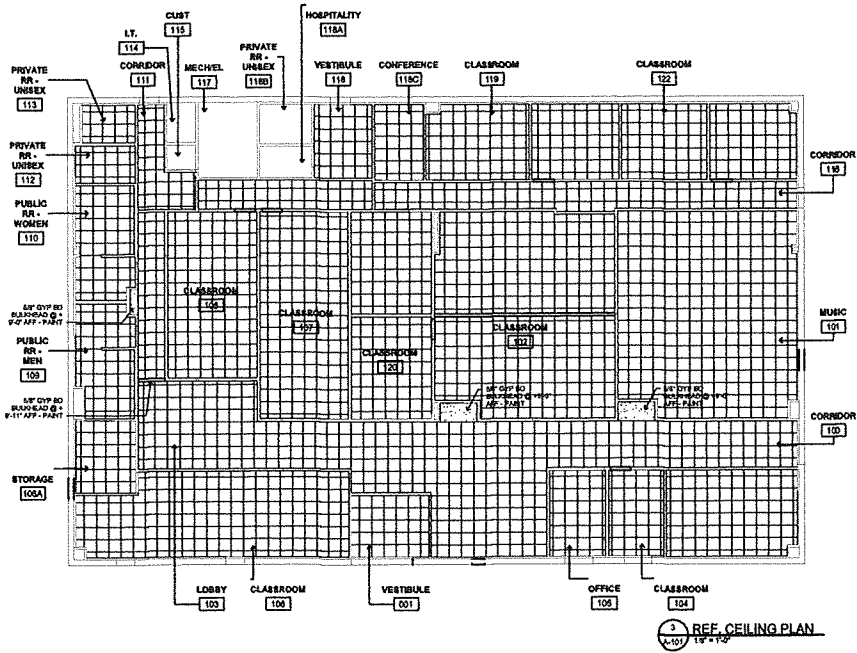
Code to 45180

Date Received: _____

Receipt No: _____

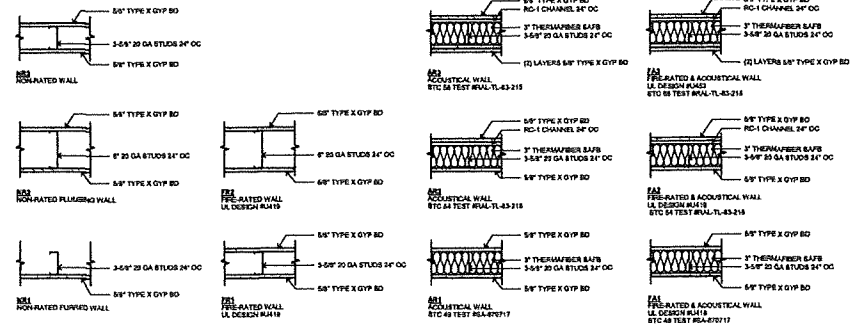
Receipt Amount: _____

BOA Agenda Date: _____



WALL TYPES

1. AT RESTROOMS, OUTSIDE CLOSETS AND SIMILAR WET LOCATIONS, PROVIDE MORTAR- AND MOISTURE-RESISTANT GYPSUM BOARD PANELS, FINISH WITH FIRE-RESISTANT CORE AT FIRE-RATED ASSEMBLY.



Doering Properties, LLC
Jake Doering
9028 Harding Street
Indianola, IA 50125
Ph: 515-205-9115

June 22, 2022

CITY OF INDIANOLA – BOARD OF ADJUSTMENT
ATTN: CHARLIE DISSELL, DIRECTOR OF COMMUNITY & ECONOMIC DEV.

To Whom It May Concern:

This letter is intended to accompany other documents relating to my desire to attain a special use permit, permitting the use of the building at 2205 W 2nd Avenue as a private school facility within a C-2 zoned area of Indianola.

All modifications to the building necessitated by the change in occupant/tenant at 2205 W 2nd, per attached plan, will be minor in nature and performed primarily on the interior of the building. The square footage of the building is not changing, the pavement/asphalt surface area is not changing, and the amount of greenspace is not changing. Thus, it is my desire and the desire of my prospective tenant to avoid the expense of a new storm water evaluation or new comprehensive site plan.

I strongly believe the Christian School that hopes to take tenancy at 2205 W 2nd Avenue beginning this Fall will be a great addition to the community and their tenancy at this address will in no way negatively effect the community, the city, or neighboring property owners in any measurable way. I respectfully request Doering Properties, LLC and/or our tenant “Strong Roots Christian School” be granted a Special Use Permit.

Should you have any questions, please feel free to contact me at the address or phone number above.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jake Doering', with a stylized flourish at the end.

Jake Doering, President
Doering Properties, LLC



MEMORANDUM

To: Board of Adjustment

From:

Date: August 3, 2022

Subject: Consider request from Gerald Truitt for a variance under the terms of Section 165.2(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, to which if allowed as requested, would not be in conformity with the requirements of Section 165.04.2.D(1) of the Code of Ordinances of Indianola, Iowa.

Recommendation:

Attachments:

1. 1 - Staff Report (Truitt)
2. 2 - Application
3. 3 - Site Plan
4. 4 - 2ft Contour Map
5. 5 - Pictometry
6. 6 - Site Images
7. 6 - Site Images



Community Development

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Staff Report

Board of Adjustment

Date of Meeting: August 3, 2022

Agenda Item: 5.C. Consider request from Gerald Truitt for a variance under the terms of Section 165.02(3)(B) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure, to which if allowed as requested, would not be in conformity with the requirements of Section 165.04.2.D(1) of the Code of Ordinances of Indianola, Iowa. The variance is requested to permit the construction of a lean-to shed in the side yard.

Staff Project Manager: Emily Rizvić

Application Type: Variance

Applicant: Gerald Truitt

Property Address: 802 West Iowa Avenue

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow for the construction of an accessory structure in the side yard area, where code states that accessory buildings and structures shall only be erected to the rear or any principal building.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.03 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Yard, front" means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, permitted overhangs, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front the building on the street parallel to the lot line having the greater dimension.
2. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building.
3. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building line.

165.04(2)(D)(1). Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.

165.04(2)(D)(6). Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.

165.04(2)(D)(6). Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.

165.02(3)(B) POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

3. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

- A. A written application for a variance is submitted demonstrating:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - (3) That the special conditions and circumstances do not result from the actions of the applicant;
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. Notice of public hearing shall be given as in subsection 2(B) above.
- C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.
- E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

ANALYSIS

The property owner, Gerald Truitt is asking for a variance to allow a new 6'x12' lean-to shed to be constructed in the side yard area at his property 802 W Iowa Avenue. The proposed accessory structure would be used to store yard equipment such as a lawnmower and snow blower. The subject property currently contains a single-family dwelling built in 1962 that is approximately 1,008 square feet in size and is 1 story tall. Additionally, there is one existing accessory shed structure located in the rear yard and a garden bed.

The subject property, zoned for the R-1 '*Single-family Residential Detached*' zoning district, is located north of McBride Field and is approximately 0.5 acres. Adjacent properties are currently zoned as R-1 Single-family Residential detach to the east and west, R-2 Single-family Residential Attached to the south where McBride Field exists, and Planned Unit Development (PUD) to the north, which is the location of the Wesley Retirement Community.

The property does not contain FEMA designated floodplain; however, an unnamed, meandering creek/stream does run east-west through the property near the rear property line. A canopy of trees is located adjacent, on both sides of the creek. Additionally, the site does feature slopes which may prevent the siting of an accessory structure or shed in particular locations adjacent to the home though contour maps show level/flatter areas that may be suitable for an accessory structure in the rear yard.

The property is located within the Dwight Williams Subdivision (Plat 2). Several properties within the subdivision, including the abutting property to the east of 802 W Iowa Avenue, contain accessory shed structures that are located in the rear yard area. The recorded final plat for the subdivision does show a 10' sanitary sewer easement which runs through the middle of the property.

According to the "Elevate Indianola" Comprehensive Plan, the future land use of this area is designated as low to medium density residential.

LEGAL PRINCIPLES

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

Staff Comment: This finding of fact could be viewed favorably as topographic elements could limit suitability for a structure and additionally restricted by an easement, however there is an area of the parcel that is located in the rear yard that could lend itself to the construction of an accessory structure that is flatter and is free of easement. For that reason, staff finds that this finding of fact cannot be answered favorably.

Applicant Comment: The property has more slopes than flat space. The front yard on the west side of the driveway is somewhat level. I definitely do not want a shed in the front yard. The west side of the house has a rock flower bed and hedge that takes up a majority of the west side space. The east side of the house has more slope past the 6-foot required for the lean-to shed we would like to construct. The backyard has a patio on the flat portion before the steep hill heading to the north part of our lot. The lean-to shed would not work in the center of the backyard. It would be very difficult to get a truck and trailer down the hill to set up the shed.

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

Staff Comment: The second finding of fact asks that the Board find that the literal interpretation of the code would deprive the applicant of rights that are enjoyed by other properties within the same zoning district. Staff finds that this finding of fact cannot be answered favorably as there is room near the rear property line to site an accessory structure.

Applicant Comment: Denial of the application would deprive us of having a convenient shed to store the items that are up the hill. The shed would be more attractive than the junk numerous households store next to their homes.

(3) That the special conditions and circumstances do not result from the actions of the applicant;

Staff Comment: This finding of fact asks the Board to consider if any special conditions or circumstances have resulted from the applicants' actions. The existing slopes and easements are not a direct result from any actions by the applicant. The applicant does currently utilize some portions of the property for an existing accessory structure and uses that are incidental to the principal structure, such as a garden bed, though there is additional space near this area and near the rear property line that would be suitable for an accessory structure. As a result, this finding of fact could be viewed unfavorably.

Applicant Comment: The property has more steep slopes than flat usable space. We have an east to west sewer easement at the back of our property (located over 100 ft to the north of the house that is marked by a manhole).

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Staff Comment: Granting the variance request would confer a special privilege that is otherwise denied to other lands, structures, and buildings in the same district. Abutting and neighboring properties within Plat 2 of the Dwight Williams

Subdivision currently have sited their accessory structures in the rear yard of the property, where topographic conditions allow. For that reason, staff finds that this finding of fact could be answered unfavorably.

Applicant Comment: The applicant is not asking to have a large shed put on the side of the house to ruin the looks of the property. The shed will not completely block entrance to the back of the property.

ALTERNATIVES

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

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

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 3, deny the variance request.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Truitt
(First Name) Gerald
(Address) 802 W Iowa Ave
(City) Indianola (State) IA (Zip) 50125
(Phone) (515) 991-2681 (Email) gatrutt2011@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: 802 W Iowa Ave. Indianola IA
- ☒ 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 Gerald Truitt
Name (printed) Gerald Truitt

Date Jul 12, 2022

FOR OFFICE USE ONLY:

Code to 45180

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

A variance is requested to place a shed at the side of my house. The shed would be located on the east side of the house abutting it. It will be 12 ft long and 6 ft deep. It is needed to house yard equipment (lawnmower, snowblower, etc). The lay of the land makes this the best place for the shed. The back yard has a strong downward slope of approximately 15 ft drop just north of the house making it difficult to place a shed up at the house. The lay of the land and lot limitations make it needed to have the shed right next to the house. The house is vinyl sided so upkeep of the house wall is minimal.

The shed itself will be built and installed by "Tuff Sheds" in Ankeny with wind anchoring. It will be painted to a color near that of the color of the house with white trim.

802 W Iowa Ave



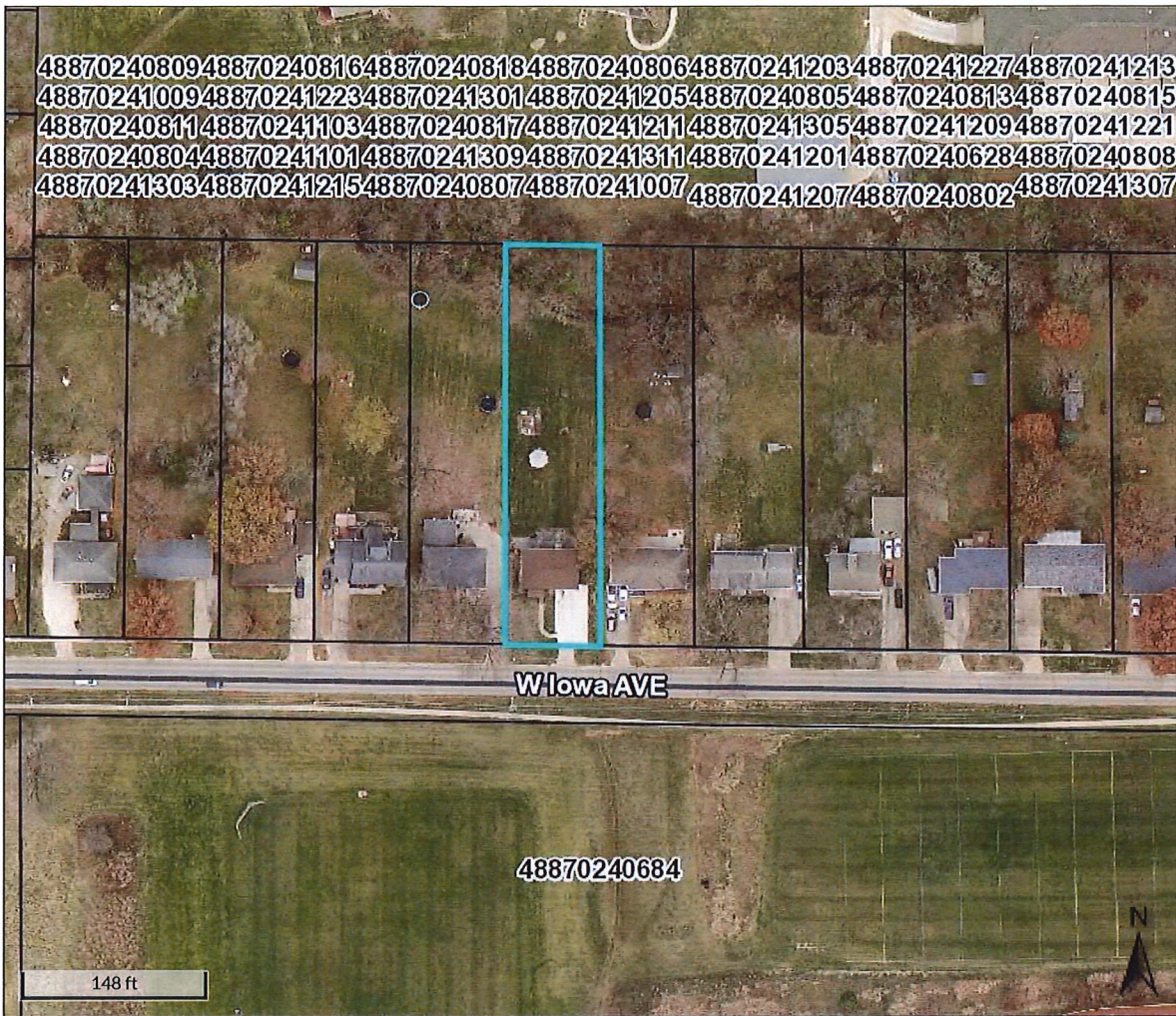
Image capture: Jun 2021 © 2022 Google

Indianola, Iowa

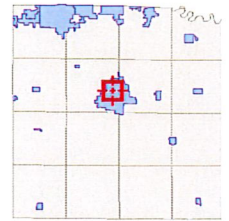
Google

Street View - Jun 2021





Overview



Legend

Roads

- <all other values>
- Interstate
- Highway
- Ramp
- County Gravel
- County Level B
- County Level C
- City Gravel
- City Street
- Private Street
- Corporate Limits
- Parcels
- Political Township
- Major Roads
- County Hwy
- State Hwy
- US Hwy
- Interstate
- Water

Parcel ID	48790000100	Alternate ID	n/a	Owner Address	TRUITT, GERALD A/GENELLE K
Sec/Twp/Rng	n/a	Class	R		802 W IOWA AVE
Property Address	802 W IOWA AVE	Acreage	n/a		INDIANOLA, IA 50125
	INDIANOLA				
District	48300				
Brief Tax Description	24-76-24 WILLIAMS SUB DIV -C J D- PLAT 2 LOT 10				
	(Note: Not to be used on legal documents)				

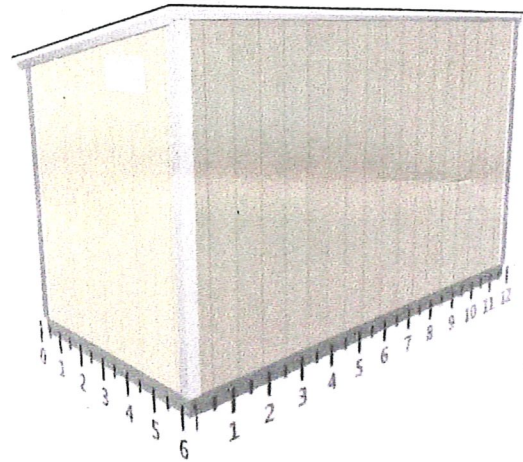
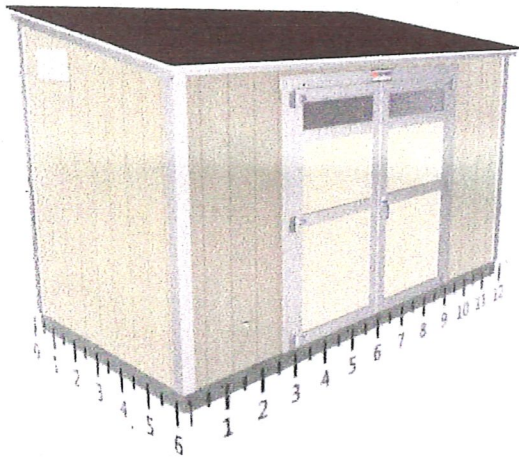
Disclaimer:

The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Warren County assumes no responsibility for use or interpretation of the data. Any person that relies on any information obtained from this site does so at his or her own risk. All critical information should be independently verified.

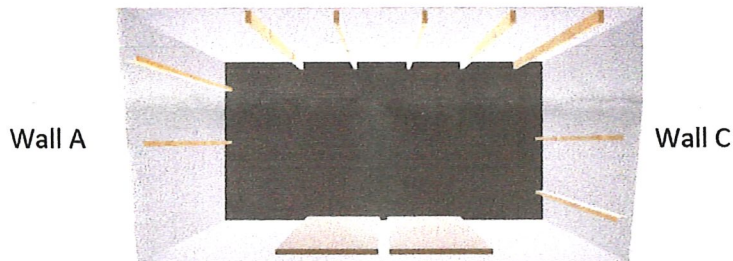
The 2,000 Foot Buffers layer is for law enforcement guidance only, and is based on the best information available at the time it was prepared. This layer should not be considered to be a complete and accurate representation of the locations of every school or child care facility, and will be changed as new information is available. The registered offender is responsible for ensuring that proposed residence is in compliance with the law, and may not rely solely on this layer. The registered offender should seek legal advice from a licensed attorney if needed.

Date created: 7/11/2022
 Last Data Uploaded: 7/8/2022 11:44:58 PM

Developed by  Schneider
 GEOSPATIAL



Wall D



Wall B

Base Details

Building Size & Style

Premier Lean-To - 6' wide by 12' long

Paint Selection

Base: Southern Breeze, Trim: Delicate White

Roof Selection

Autumn Brown 3 Tab

Drip Edge

White

Is a permit required for this job?

Yes, Engineering fees still apply

Who is pulling the permit?

Customer

Options Details

Doors

3' x 6' Double Shed Door (6'), In Door Horizontal Transom (3' door)

Vents

2 Ea 16"x8" Wall Vent - White

Jobsite/Installer Details

Do you plan to insulate this building after Tuff Shed installs it?

No

Is there a power outlet within 100 feet of installation location?

Yes

The building location must be level to properly install the building. How level is the install location?

Within 4" of level

Will there be 18" of unobstructed workspace around the perimeter of all four walls?

Yes

Can the installers park their pickup truck & trailer within approximately 200' of your installation site?

Yes

Substrate Shed will be installed on?

Dirt/Gravel

Signature: _____ Date: _____



TUFF SHED[®]

Quote

Location: Ankeny | #090 | 515-289-1973

Scheduled Date:

Factory Location: Omaha | #090 | 402-592-8833

Created Date: 07/09/2022

Prepared by: Jason Johnson | | jjohnson8@tuffshed.com

Customer
Gerald Truitt
p. | c. 5155563316
gatrutt2011@gmail.com

Special Instructions:

JDE SO
SF Quote Q-1753811

Ship to Address 802 West Iowa Avenue
Indianola, IA 50125

Line Item Description	Sales Price	Quantity	Promo	Add'l Disc	Total Price
Premier Lean-To 6 x 12	\$3,608.00	1.00	(\$0.00)	\$0.00	\$3,608.00
Paint 10% of building base price	\$361.00	1.00	(\$0.00)	\$0.00	\$361.00
Upgrade - 3' x 6' Double Shed Door (6')	\$499.00	1.00	(\$200.00)	\$0.00	\$299.00
Horizontal Transom Window in Door -3' Door	\$99.00	2.00	(\$0.00)	\$0.00	\$198.00
Engineering Fees	\$2.08	72.00	(\$0.00)	\$0.00	\$149.76
16"x8" Wall Vent - White	\$23.00	2.00	(\$0.00)	\$0.00	\$46.00
Fuel Surcharge	\$20.00	1.00	(\$0.00)	\$0.00	\$20.00
Paint - Delicate White	\$0.00	1.00	(\$0.00)	\$0.00	\$0.00
Autumn Brown 3 Tab	\$0.00	78.00	(\$0.00)	\$0.00	\$0.00
Leveling 0"-4"	\$0.00	1.00	(\$0.00)	\$0.00	\$0.00
Paint - Southern Breeze	\$0.00	242.00	(\$0.00)	\$0.00	\$0.00
Credit for Removal of Default Door	(\$299.00)	1.00	(\$0.00)	\$0.00	(\$299.00)
Delivery Fee	\$99.00	1.00	()	\$0.00	\$99.00

Gross Total	\$4,681.76
Discount	(\$200.00)
Net Total	\$4,481.76
Estimated Tax	\$296.31
Grand Total	\$4,778.07

The price quoted is valid through the expiration date of the promotion, but in no case shall be valid longer than seven days. Once an order has been placed, pricing is guaranteed for up to 6 months. If the installation is not completed within 6 months for any reason, Tuff Shed has the right to modify the order pricing. You will be notified regarding any price adjustment prior to installation or incurring any additional charges.





802 W Iowa Ave

