



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

October 5, 2022

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval of October 2022 Board of Adjustment Agenda.
- 4. Minutes Approval**
 - A. Approval of August's Board of Adjustment meeting minutes.
- 5. New Business**
 - A. Consider variance request to reduce required building separation from 10 feet to 3'6" and 1.B Consider variance request to allow the construction of a second driveway.
 - B. Consider a variance request to permit the construction of an accessory structure within the front yard.
- 6. Comments**
- 7. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: October 5, 2022
Subject: Approval of October 2022 Board of Adjustment Agenda.

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

August 3, 2022

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:00 P.M.

2. Roll Call

Board Present: Amy Mitchell, Bill Mettee, Jane Whalen

Staff Present: Charlie Dissell, Miranda Chadwick, Doug Fulton

Public Present: Geral Truitt, Jake Doering

3. Agenda Approval

A. Approve the Agenda for Aug 3rd's 2022 BOA meeting

Amy Mitchell made a motion to approve the agenda. Jane Whalen seconded the motion.

4. Minutes Approval

A. Approve the Minutes from July 6th's 2022 BOA meeting

Amy Mitchell makes a motion to approve the minutes for July's meeting. Jane Whalen seconds the motion.

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.

The staff is recommending that they reverse the decision and that they are confident that the violation no longer exists.

Doug- The zoning commission was correct with the information that they were given at the time.

They filed an appeal and Doug talked with Iowa Medicad. With the new information, they are recommending the use of the property.

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.

This is an existing site. There are several things that do not fall in line with existing requirements.

The staff does recommend that there is additional landscaping on the property.

Amy Mitchell makes a motion to approve the request. Jane Whalen seconds the motion.

- 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.

Jane makes a motion to approve with conditions that the structure is pushed back as far as possible. Amy Mitchell seconds the motion.

7. Comments

8. Adjourn

The meeting is adjourned at 6:33.



MEMORANDUM

To: Board of Adjustment

From:

Date: October 5, 2022

Subject: Consider variance request to reduce required building separation from 10 feet to 3'6" and 1.B Consider variance request to allow the construction of a second driveway.

Recommendation:

Attachments:

1. 1. Staff Report
2. 2. Application
3. 3. Narrative
4. 4. Site Plan
5. 5. Site Alternatives



COMMUNITY DEVELOPMENT

110 N. First Street, Indianola IA 50125-0299 • www.indianolaiowa.gov
(515) 961-9430 • comdev@indianolaiowa.gov

STAFF REPORT

BOARD OF ADJUSTMENT

Date of Meeting: October 5, 2022

Agenda Item: 1.A Consider variance request to reduce required building separation from 10 feet to 3'6" and 1.B Consider variance request to allow the construction of a second driveway.

Application Type: Variance

Applicant: Ryan Cambron

Property Owner: Cambron Investments LLC

Property Address/Parcel: 704 S G Street

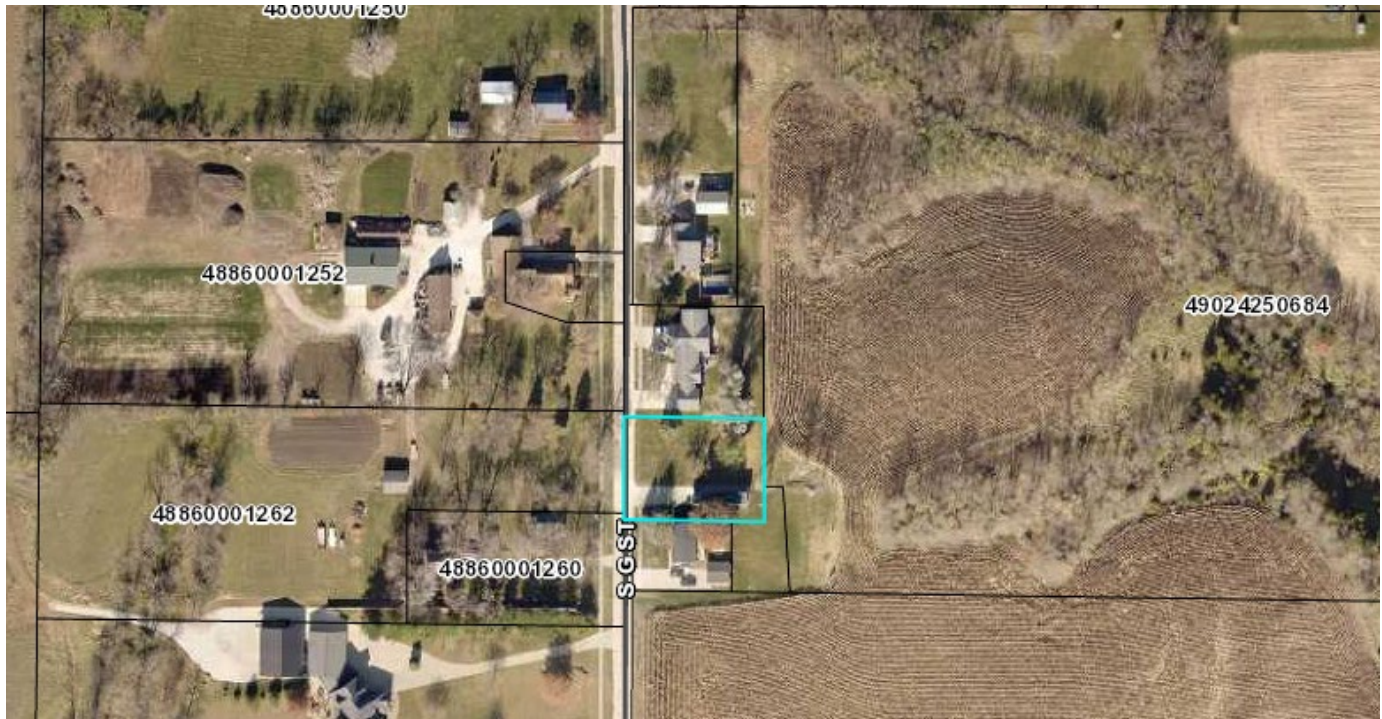
Zoning: R-2, Single-Family Residential Attached Zoning District

Application Summary

Ryan Cambron is requesting two (2) variance requests for a property located at 704 S G Street. The first request is to reduce the required building separation from 10 feet to 3'6". The second is to allow for a second access off of S G Street for the property.

Agenda Item: 1.A to consider a variance request to reduce required building separation from 10 feet to 3 feet and 6 inches; and 1.B to consider a variance request to allow the construction of a second driveway

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.03 DEFINITIONS

Accessory use or structure: A use or structure on the same lot with the principal use or structure and serving a purpose customarily incidental and subordinate to the principal use or structure. An accessory use shall not be taller than, encompass more floor area or use a greater part of the lot than the principal permitted use or as further limited within this Zoning Regulations. A prohibited principal use is also a prohibited accessory use in the same district.

Driveway: A privately owned roadway giving access from a public street to a building lot or abutting property

Dwelling, two-family: A dwelling designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and erected on one lot. Each dwelling shall have a minimum width of twenty feet for more than 65% of the length of the building exclusive of garages.

Nonconforming Structure: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Regulations, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

165.04(2) ACCESSORY BUILDINGS AND STRUCTURES

D. Locations and Setbacks. The following location and setback requirements shall apply to all accessory buildings and structures:

- (1) Accessory buildings and structures shall only be erected to the rear or any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be

Agenda Item: 1.A to consider a variance request to reduce required building separation from 10 feet to 3 feet and 6 inches; and 1.B to consider a variance request to allow the construction of a second driveway

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.

(7) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.

165.07(3) PARKING AREA DESIGN REQUIREMENTS

A. Access Drive and Driveways. An access drives (or driveway) is required to provide access to all off-site parking areas and to any garage.

(1) Location and Spacing. All access drives, driveways, driveway approaches shall be located and designed according to the standards as established in this Chapter and elsewhere within City Code.

135.14(4) DRIVEWAY SPACING STANDARDS

B. Driveway Spacing.

(4) Driveway spacing from street intersections and between driveways shall be one hundred fifty feet (150') on arterial streets, one hundred feet (100') on collector streets, and fifty feet (50') on all other streets.

135.14(5) DRIVEWAY DESIGN STANDARDS

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

(1) Number of access points allowed:

- a. One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than one-hundred feet (100') of frontage.
- b. One additional residential driveway may be permitted along a local street for residential property with more than one hundred feet (100') of frontage. If two (2) access points are approved for a single lot, the primary access drive must be the lower classified street.

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 Applications; 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 of 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.

Agenda Item: 1.A to consider a variance request to reduce required building separation from 10 feet to 3 feet and 6 inches; and 1.B to consider a variance request to allow the construction of a second driveway

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

Subject Property

The property owner, Ryan Cambron (Cambron Investments LLC), is requesting two (2) variances for their property located at 704 South G Street. The first, which will be identified as request 1.A., requests a reduction in building separation requirements from the required ten (10) feet by seven (7) feet for a minimum building separation of three feet and six inches (3'6"). The second, which will be identified as request 1.B., considers the request to allow a secondary driveway at the subject parcel.



Figure 1. Street view of the subject property (June 2021)

The subject property is zoned for R-2 '*Single-Family Residential Attached*' zoning district and is located at 704 S G Street. The subject property does not contain a primary structure; however, it contains a legal, non-conforming 20' x 64' detached structure built in the 1950s and currently utilized to store equipment and supplies for the applicant's investment rental properties. This includes items for lawn care, snow removal, and supplies for miscellaneous repairs. The structure currently doesn't conform to the zoning code as it is an accessory structure located on a lot without a primary structure. The applicant has indicated that they plan to construct a two-family dwelling on the property. Two-family dwellings are a permitted use for the R-2 '*Single-Family*

Residential Attached zoning district. If variance 1.A. were to be approved, it would allow for a minimum building separation of three feet and six inches between the existing accessory structure and the proposed two-family duplex.

To the north of the property exists a 0.47-acre lot that contains a two-family duplex owned by the applicant. To the east exists a 17.66 acre-lot which is currently in row-crop production. The previous two lots are zoned for the R-2 '*Single-Family Residential Attached*' zoning district. To the south of the property is a 0.22-acre lot zoned for the R-1 '*Single-Family Residential Detached*' zoning district. Currently, this lot contains a single-family dwelling built in 1974. To the west exists two lots zoned for the R-1 zoning district. The first is a 0.78-acre lot and contains a single-family dwelling. The second is a 2.76-acre lot that contains an accessory structure.

The property takes access off of South G Street, a paved local street, and provides access to the garage door to the accessory structure. South G Street was last counted by the Iowa Department of Transportation (IDOT) in 1998 and estimated an average annual daily traffic (ADT) of 640 vehicles. If variance 1.B were to be approved, it would allow for a second driveway to the property for the proposed two-family duplex, which would be less than the required 50-foot minimum driveway separation distance.

Future Land Use

According to the "Elevate Indianola" Comprehensive Plan, the future land use of this area is designated as Low-Density Residential. The low-density land use designation guides for 2-5 dwellings per gross acre, single-family detached dwellings, accessory dwelling units (not included in the density calculation), innovative/non-traditional single-family forms if compatible, civic uses and places of worship, and lastly, parks, open spaces, and trails.

The comprehensive plan also guides for a future road connection to Plainview Avenue for a major collector road, within this general area, from W 12th Avenue (located south of the property).

FINDINGS OF FACT

According to Section 165.02.3.B.(3)b. of Indianola's Zoning Code, in deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. **All legal principles shall be satisfied in order for the Board of Adjustment to grant a variance.**

- i. **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;**

Staff Comment: The parcel was divided in the early-mid to late 2000s through a plat of survey requested by the applicant, Ryan Cambron. Before subdividing, the parcel contained a detached accessory structure built in the 1950s. The accessory structure does not preclude the applicant from constructing a single-family dwelling on the parcel; however, it does limit the siting of a two-family dwelling unit on the property. No known recorded easements exist on the site that limits building siting on the property. Staff feels that this finding of fact may be answered favorably.

Applicant Comment: The 122' x 165' lot for the proposed duplex has an existing building that was constructed in the 1950s. The existing driveway to this building will not allow for an additional driveway to the proposed duplex due to the 50' between driveways ordinances. The existing accessory building will not be 10' from proposed duplex. The alternatives to the proposed duplex or driveway would not be aesthetic pleasing to the neighborhood.

- ii. **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: Duplexes are permitted within the R-2 zoning district. North of the subject property is an existing duplex property that the applicant in question owns. As it is situated, the property does not allow for a second driveway, as it would not meet separation requirements from the existing driveway to the north. The applicant has considered alternatives for the driveway configuration; however, these alternatives have resulted in the design of the proposed building being built sideways.

The subject property meets minimum lot size requirements to permit a two-family structure, including a minimum 70-foot lot width requirement and a minimum 20-foot lot street frontage requirement. Due to the existing accessory structure, which was constructed in the 1950s, minimum building separation setbacks cannot be made for the site. If the structure were to meet these minimum setbacks, the structure would be 55' in width. For these reasons, this finding of fact could be answered favorably.

Applicant Comment: Denial of the application would result in building a duplex and driveway not aesthetic pleasing to the neighborhood.

- iii. **That the special conditions and circumstances do not result from the actions of the applicant;**

Staff Comment: The existing accessory structure was constructed on the property in the 1950s, before the applicant's ownership. However, the applicant did subdivide the property to create two lots, one to the north, which contains a duplex residential structure, and the subject property, which currently contains no primary structure but instead an accessory structure.

The applicant could attach the future duplex structure to the existing accessory structure; however, the structure would not meet minimum rear yard setbacks for the proposed residential use. A minimum of 30 feet would be required, whereas the existing accessory structure is setback by approximately 16 feet.

Applicant Comment: The existing building was constructed in the 1950's. The building is aesthetic pleasing to the neighborhood with a new roof, siding, doors, and window.

- iv. **That granting the variance request 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**

Agenda Item: 1.A to consider a variance request to reduce required building separation from 10 feet to 3 feet and 6 inches; and 1.B to consider a variance request to allow the construction of a second driveway

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 will not confer on the applicant any special privilege that is denied to other land and structures within the R-2 zoning district.

Applicant Comment: The neighborhood was developed over a long period of time from the early 1900's through the 1990's. This has allowed the neighborhood to have large lots or acreages along with larger buildings that have been constructed over the years. There are 3 duplexes on this block and this proposed duplex would be higher end of neighboring properties.

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 approved the variance 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 Indianola Board of Adjustment move alternative 1, to approve the variance request as submitted.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

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

APPLICANT (if not Property Owner)

(Last Name) Cambron
(First Name) Ryan
(Address) 821 S G ST
(City) Indianola (State) IA (Zip) 50125
(Phone) (515)480-0985 (Email) ryan@constructionbycambron.com

☐ APPEAL

Submittal Requirements:

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

- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa.
- ☐ Other Information as required by Director

☐ SPECIAL 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: 704 S G ST
- ☒ 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 Ryan Cambron

Name (printed) Ryan Cambron

Date 9-7-22

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

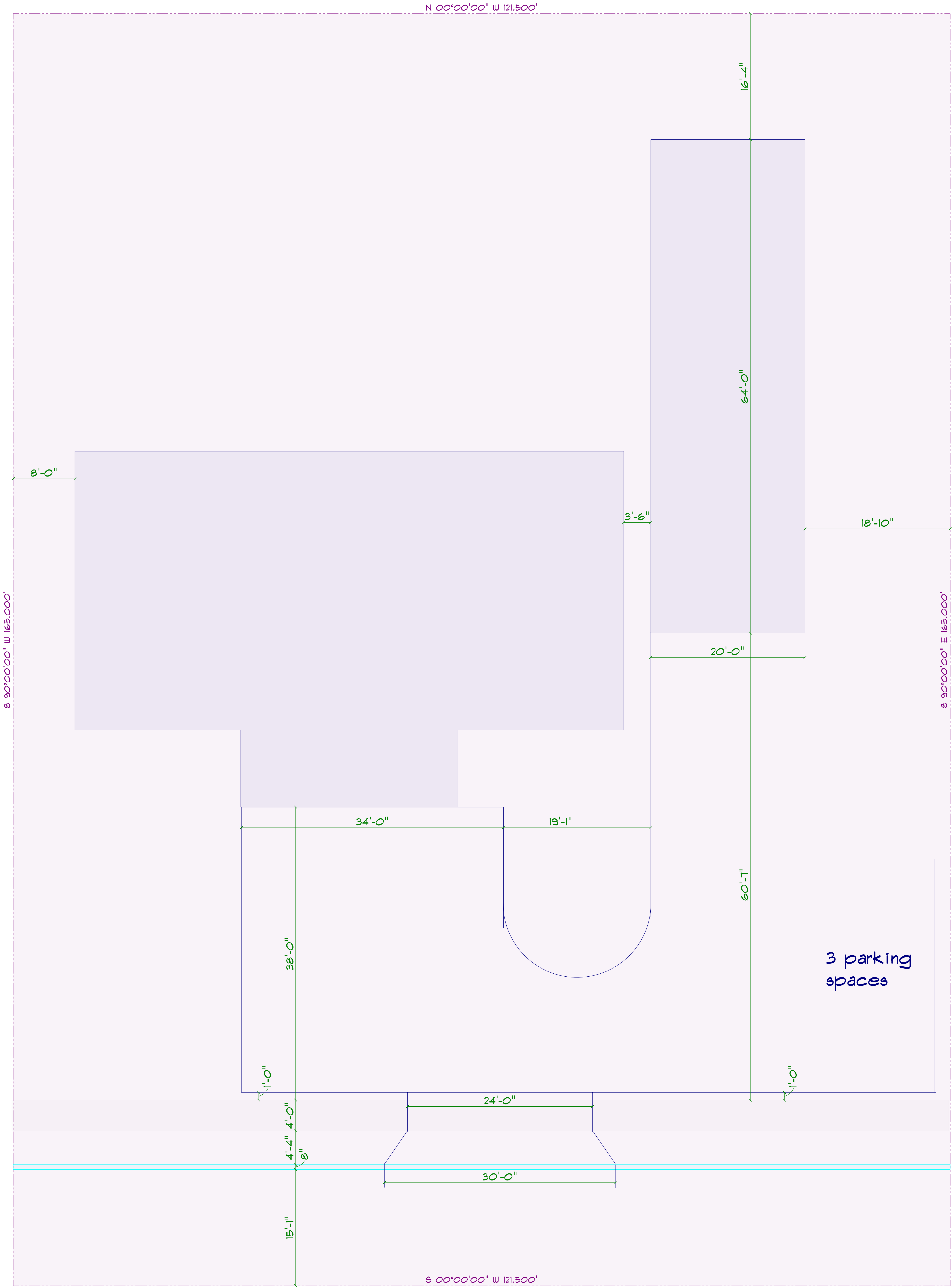
BOA Agenda Date: _____

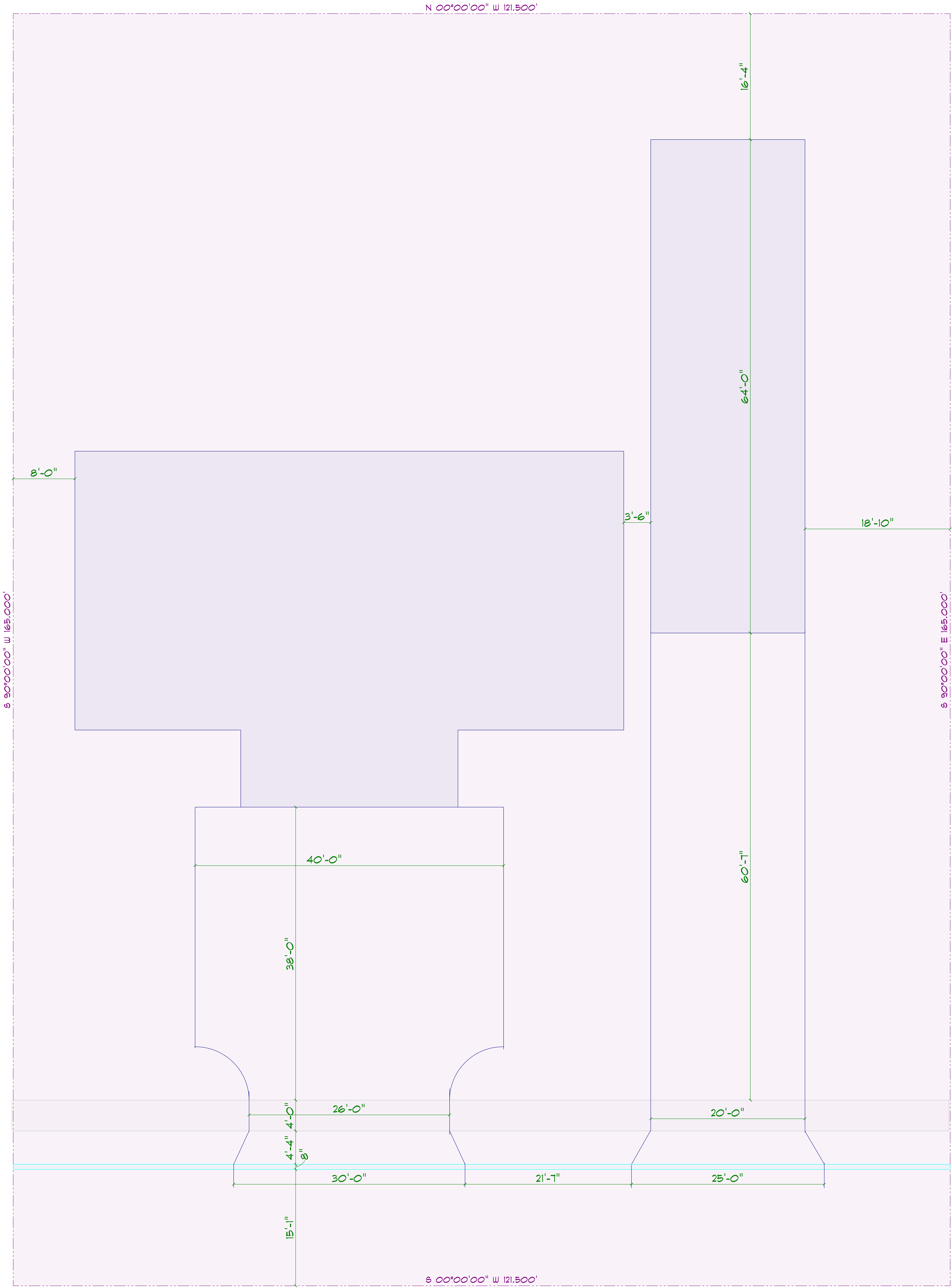
Two variance is requested to allow for a duplex to be constructed at an existing lot. The yet to be determined address of the duplex is 704 S G ST in Indianola. The two variances are both due to an existing 20' x 64' building located on property. The existing building was built in the 1950's and has a 60' 6" set back from the back edge of the city sidewalk. The proposed duplex would have more than required setbacks from the front, side, and back property lines. The first variance would be to build the duplex within 3'6" of an existing accessory building. The zoning ordinance requires 10'. This would require taking 7' of the width off of the proposed duplex. The proposed duplex would be within 3'6" of the existing building for 23' 6". The second variance would be to have a 2nd driveway to service the duplex. The variance request would be for a driveway that is not the required 50' from the existing driveways. The requested driveway would have a 30' curb cut and be 26' wide at the city sidewalk. There is no parking on this side of the street and on the opposite side of the street where parking is permitted the first curb cut to the South from the center of proposed driveway is 120'. Then to the North the first curb cut from proposed driveway is 222'.

Findings of fact

- 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** – *The 122' x 165' lot for the proposed duplex has an existing building that was constructed in the 1950's. The existing driveway to this building will not allow for an additional driveway to the proposed duplex due to the 50' between driveways ordinances. The existing accessory building will not be 10' from proposed duplex. The alternatives to the proposed duplex or driveway would not be aesthetic pleasing to the neighborhood.*
- 2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.** *Denial of the application would result in building a duplex and driveway not aesthetic pleasing to the neighborhood.*
- 3. That the special conditions and circumstances do not result from the actions of the applicant** – *The existing building was constructed in the 1950's. The building is aesthetic pleasing to the neighborhood with a new roof, siding, doors, and window.*
- 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for issuance of a variance** *The neighborhood was developed over a long period of time from the early 1900's through the 1990's. This has allowed the neighborhood to have large lots or acreages along with larger buildings that have been constructed over the years. There are 3 duplexes on this block and this proposed duplex would be higher end of neighboring properties.*









MEMORANDUM

To: Board of Adjustment

From:

Date: October 5, 2022

Subject: Consider a variance request to permit the construction of an accessory structure within the front yard.

Recommendation:

Attachments:

1. 1. Staff Report
2. 2. Application
3. 3. Narrative
4. 4. Site Plan
5. 5. 2 ft Contours



COMMUNITY DEVELOPMENT

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STAFF REPORT

BOARD OF ADJUSTMENT

Date of Meeting: October 5, 2022

Agenda Item: 1.C Consider a variance request to permit the construction of an accessory structure within the front yard.

Application Type: Variance

Applicant: Tamme & Daniel Klutman

Property Owner: Tammera & Daniel Klutman

Property Address/Parcel: 1707 Apple Lane ([Parcel #486/ 1700-0240](#))

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

Application Summary

Tamme & Daniel Klutman are requesting a variance for a property located at 1707 Apple Lane. The request is to permit the construction of an accessory structure in the front yard, which would not conform to accessory structure requirements in 165.04(2)(1) of the Zoning Code.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.03 DEFINITIONS

Accessory use or structure: A use or structure on the same lot with the principal use or structure and serving a purpose customarily incidental and subordinate to the principal use or structure. An accessory use shall not be taller than, encompass more floor area or use a greater part of the lot than the principal permitted use or as further limited within this Zoning Regulations. A prohibited principal use is also a prohibited accessory use in the same district.

Corner lot: A lot located at the intersection of two or more streets and having the street right-of-way abut the front lot lines of the lot.

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided however, fences, walls, signs, poles, posts, and other customary yard accessories, ornaments, and furniture more than thirty (30) inches in height may be permitted in any yard subject to requirements limiting obstruction of visibility and other provisions of the Zoning Regulations.

Yard, front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof.

Yard, side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the building line. For corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

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 Applications; 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 of a variance is submitted demonstrating:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Notice of public hearing shall be given as in subsection 2(B) above.

C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

165.04(2) ACCESSORY BUILDINGS AND STRUCTURES

D. Locations and Setbacks. The following location and setback requirements shall apply to all accessory buildings and structures:

- (1) Accessory buildings and structures shall only be erected to the rear or 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.
- (3) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.

E. Area and Height Limit.

- (1) Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, or which all total accessory buildings shall not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.

ANALYSIS

Subject Property

The property owners, Tamme and Daniel Klutman, are requesting a variance for their property located at 1707 Apple Lane (Lot 24 of the Scenic Pointe Subdivision) to permit the construction of a detached accessory structure within the front yard. The subject property is a corner lot, zoned for R-1 '*Single-Family Residential Detached*' zoning district. The property contains a single-family dwelling built in 2015. The property does not contain any detached accessory structures, such as a shed or detached garage.



Figure 1. Street view of the Subject Property (June 2021)

To the north of the property is a 0.46-acre lot containing a single-family dwelling. To the east exists two single-family dwellings, an undeveloped 0.26-acre lot zoned for single-family detached residential and a 3.06-acre split-zoned lot. An area of 0.46 acres of this lot, which faces Apple Drive, is zoned for the R-1 district. The remaining area of the parcel is zoned for C-2 '*Highway Commercial*' and takes access off of North Jefferson Way. To the south of the subject parcel exists two single-family dwellings. To the west exists one single-family dwelling.

The subject property currently takes access off of Apple Lane, a paved local street that is publicly owned. Apple Lane was last counted by the Iowa Department of Transportation (IDOT) in 2004 and estimated an average annual daily traffic (ADT) of 181 vehicles. The proposed accessory structure would take access off of Apple Drive, which had an estimated ADT of 101 in 2004.

Topographic elements exist on the property, including a distributary of Cavitt Creek, which meanders through the property's rear yard. No floodplain is identified on the site around this

distributary. In addition to the creek, there are also slopes that become steeper the closer to the creek. A map showing 2-foot contour intervals is provided in the meeting packet.



Figure 2. Historical Aerial Imagery showing the creek which runs through 1707 Apple Lane. The image is sourced from the Iowa Department of Natural Resources (IDNR) Historical Aerial Photo Project (1960)

In addition to topographic elements, there are easements on the property that also may limit the siting of an accessory structure, including a fifty-foot (50') wide drainage easement which runs over the meandering creek and a twenty-foot (20') wide sanitary sewer easement.

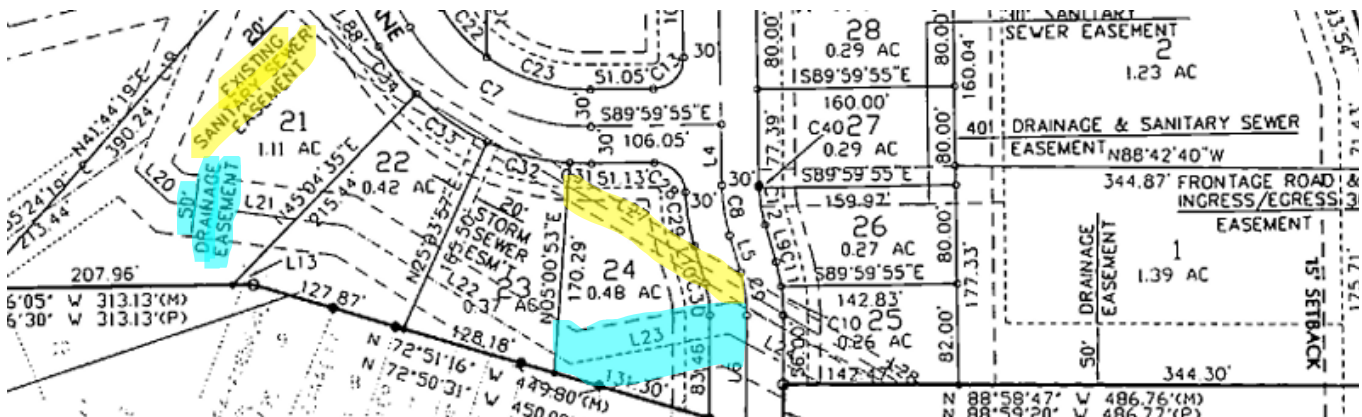


Figure 3. Scenic Pointe Final Plat. The subject property is Lot 24 of the subdivision. This image shows the locations of recorded easements.

Future Land Use

According to the "Elevate Indianola" Comprehensive Plan, the future land use of this area is designated as Low-Density Residential. The low-density land use designation guides for 2-5 dwellings per gross acre, single-family detached dwellings, accessory dwelling units (not included in the density calculation), innovative/non-traditional single-family forms if compatible, civic uses and places of worship, and lastly, parks, open spaces, and trails.

The proposed garage would be a secondary use incidental and subordinate to the existing primary structure on the property (single-family dwelling). It would not increase the number of dwellings per gross acre. The applicant has indicated that the proposed structure would be a one-level garage and that architectural elements would match the existing dwelling.

FINDINGS OF FACT

According to Section 165.02.3.B.(3)b. of Indianola's Zoning Code, in deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. **All legal principles shall be satisfied in order for the Board of Adjustment to grant a variance.**

- i. **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;**

Staff Comment: This finding of fact asks for the Board to find whether special conditions or circumstances exist which are peculiar to the land and which are not applicable to other lands in the R-1 '*Single-Family Residential Detached*' zoning district. The subject property is a corner lot with topographic elements that limit the siting of a detached accessory structure, including a meandering creek, a distributary of Cavitt Creek and steep slopes. Additionally, easements on the property further limit the siting of an accessory structure on the site. For these reasons, staff finds that this finding of fact may be answered favorably.

Applicant Comment: According to city code, additional garages for a corner lot, would have to go in the backyard. Unfortunately, the property has too small of a backyard for a garage to be installed and a rather large hill right outside the backyard area. We also have a creek that runs just 5 feet outside of our backyard fence line with steep banks that has some erosion, thus making the backyard susceptible to erosion over time, putting any structure, like the garage, at risk. (Just so you are aware, we also looked at possibly putting the garage on the west side of our property, but the neighbor's property line is too close for that to happen).

- ii. **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: Residential properties within the R-1 zoning district are allowed up to two (2) accessory buildings and garages. Currently, the property does not contain any accessory structures, such as a shed or detached garage. Staff finds that this finding of fact may be answered favorably, as topographic features, as well as lot characteristics, limit the siting of an accessory structure on the property, which is a right commonly enjoyed by other properties within the same zoning district.

Applicant Comment: Currently, we have a 2 stall attached garage. After our 2 vehicles are in there, there isn't much space left over for many typical garage items such as a work bench or normal garage-stored items such as mowers, snowblowers, garbage cans, lawn and garden equipment, holiday decorations, and miscellaneous tools. Currently, many of those listed items are being stored under our deck, or elsewhere around the outside of the house, where they are open to the elements, thus accelerating wear and tear and depreciation of owned property, in addition to making a "cluttered" look. An because these items are out in the open, rather than being in a safe, secured location, although it is probably a low risk, these items are also at risk for possible theft, vandalism, or damage.

In our neighborhood, there are many 3 stall garages, even a 4 stall on our street. If denied we would be deprived of basic storage, but also safe, and secure storage of normal garage items and we would clean up the “cluttered” look.

iii. That the special conditions and circumstances do not result from the actions of the applicant;

Staff Comment: Special conditions and circumstances occurring on the subject property are not a result of any actions from the applicant and are outside of the applicant's control. For this reason, staff feels that this finding of fact can be answered favorably.

Applicant Comment: The property was purchased by us last October. Upon purchase, we could see that the lay of the land had slopes, hills, a very small backyard, and a risky creek. So no... none of these things were a result of our doing, as they were already part of the property at time of purchase.

iv. That granting the variance request 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: No special privilege would be granted to the applicant that is otherwise denied to other lands, structures, or buildings within the same zoning district as other properties within the R-1 zoning district are allotted two (2) accessory structures within their property. Though accessory structures are required to be sited in the rear yard, topographic elements and lot characteristics, such as being a corner lot, limit the siting of an accessory structure. Staff finds that the variance request would provide the applicant and property a right commonly enjoyed by other residential properties within the R-1 zoning district while not conferring any special privileges that are denied to other lands. For that reason, staff finds that this finding of fact can be found favorably.

Applicant Comment: We do not feel that we would be treated with special privilege if this is approved, for two reasons: 1.) Another neighbor of ours on a corner has a garage pad built, on the same side of his corner lot as we are proposing; and 2.) mainly, we are simply trying to attain a level of use for our property that many of our current neighbors already have and so although we aren't looking for “special privileges”, we are just wanting the “same privilege” as many of our neighbors; when it comes to safe & secure storage of garage items, and work spaces for woodworking, painting, and normal projects.

COMMENTS FROM THE GENERAL PUBLIC

Notification letters were mailed to surrounding property owners regarding the variance request the week of September 19, 2022. Two (2) property owners within two hundred feet (200') of the subject property have inquired about the variance request, though no comments were received at the time of the writing of this report.

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 approved the variance 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 Indianola Board of Adjustment move alternative 1, to approve the variance request, as submitted.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Klutman
(First Name) Tammera or Daniel
(Address) 1707 Apple Ln
(City) Indianola (State) IA (Zip) 50125
(Phone) 605-553-5159 (Email) tammef@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: 1707 Apple Ln, Indianola, IA 50125
- ☒ Completed Application
- ☒ Filing Fee: \$150 per request
- ☒ Site Plan and Elevations
- ☒ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

Signature 

Name (printed) Tamme Klutman

Date 9-20-2022

FOR OFFICE USE ONLY:

Code to 45180

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

Indianola, IA 50125

Variance Request

To whom it may concern –

Our names are Tamme & Daniel Klutman. We live at 1707 Apple Ln in Indianola. Our request & proposal to you today is for approval on a single stall garage on the east side of our house.

The city first guided us through the policies on such matters and said for corner lots the only option is to place an additional garage in the backyard because corner lots don't technically have a "side yard".

When attempting to locate a good placement for this garage, these & other options were considered:

- *Backyard*: Unfortunately, this is not a good option because the backyard is so small, and very narrow. And that's because of the creek that runs right along the backyard. We also didn't want to contend with possible erosion concerns being so close to said creek.
- *The WEST side*: Unfortunately, the West side of our property is not an option because the neighbor's house is too close

In talking with the city again, feeling we were out of options, they suggested that we ask for a variance to see if we could acquire this variance to get the garage approved for what I will call our *East side*. The East side has a large, flat, wide open space, perfect for such a structure. The city provided us with suggested criteria of where to build, how many feet in from the road to be, how many feet away from the house to be and so forth.

We have provided a site plan for you with all that in mind. Essentially it would be a 16x20 foot, single stall, one level garage that will match our house for paint & trim. There would be a 12x40 foot driveway that encroaches Apple Dr (and would be directly opposite the neighbor across Apple Dr).

Tamme is also a horticulturist & landscape designer. Plans for a large landscaping will take place right after this build, if approved. Items will include a water feature, a vegetable garden, a patio with landscaping, and a large corner landscaping with flowers & bushes. We feel, coming down the Apple Dr hill from the North, that our property is positioned in a way that it is a focal point for the neighborhood. Right now, it's a wide open space with grass. With this variance, we would be increasing the aesthetics of the neighborhood with a nicely built structure and landscaping all around that structure.

For the reasons of: 1) no other good options for placement and 2) for increasing the aesthetics of the neighborhood are why we are asking for a variance. We greatly appreciate the consideration!

Thanks for your time,

Tamme & Daniel Klutman



