



BOARD OF ADJUSTMENT MEETING

March 3, 2021

6:00 p.m.

City Council Chambers

Agenda

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes for 02/03/2021
5. New Business
 - A. Consider request from Kim Abild for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure at 1312 East Euclid Avenue, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow for a detached accessory structure be constructed with an actual roof height of 20' (8' over what is allowed by code) and a concrete driveway leading from the existing driveway in front yard, through the side yard and into the rear yard to the location of the proposed detached accessory structure
6. Comments
7. Adjourn

Board of Adjustment

4.

Meeting Date: 03/03/2021

Subject

Approval of Minutes for 02/03/2021

Information

Attachments

Mins



BOARD OF ADJUSTMENT

Minutes February 3rd, 2021

The meeting was called to order at 6:05 pm by Chairperson Bill Mettee and on roll call the following members were present:

Amy Mitchell
Bill Mettee
Rene Soldwisch
James Sullivan

Members not present: Wes Sharp

Staff Present: Charlie Dissell, Cortney Marmon, Tim Little

Public Present: Steve Richardson 611 N 6th Pl

The minutes for the 01/06/2021 meeting were approved on a motion by James Sullivan and seconded by Renee Soldwisch. On voice vote: All ayes.

Consider request from Steven and Debra Richardson for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an addition to the North side of their garage at 611 North Street Place to which if allowed as requested, would not be in conformity with Section 165.09 (MINIMUM REQUIRED FRONT, SIDE and REAR YARDS of R-2 SINGLE-FAMILY RESIDENTIAL)

Tim Little provided an overview.

James Sullivan asked how the request looked to Tim.

Tim said everything looked good.

Bill Mettee asked if there were any plans to remove parks to build homes.

Mr. Dissell said no.

Bill Mettee asked if the height would be the same.

Tim Little said yes.

Steve Richardson spoke about the variance request.

James Sullivan asked if they were just adding to the side of the garage.

Steve Richardson said yes.

Bill Mettee asked when they want to build.

Steve Richardson said mid to late summer.

James Sullivan if it would change the driveway approach.

Steve Richardson said no.

Motion was made by Board Member James Sullivan to approve the request from Steven and Debra Richardson for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an addition to the North side of their garage at 611 North Street Place to which if allowed as requested, would not be in conformity with Section 165.09 (MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS of r-1 SINGLE FAMILY RESIDENTIAL) that requires a 10' side setback.

This motion was seconded by Board Member Amy Mitchell. On voice vote: All, ayes. Motion passed unanimously.

Approval of the Board of Adjustment Rules of Procedure

Mr. Dissell provided an overview.

Discussion and Direction on Board of Adjustment Rules of Procedure

Mr. Dissell provided an overview.

Amy Mitchell said the document looks good and is in line with the procedures that she is aware of.

Wes Sharp stated it was nice to have it laid out.

Amy Mitchell asked if the document could be provided to applicants.

Mr. Dissell said we could provide it to applicants.

Wes Sharp wanted something announcing when public comments are closed.

Mr. Dissell said we would add that.

Motion was made by Board Member James Sullivan to approve the request for the approval of the Board of Adjustment Rules of Procedure.

This motion was seconded by Board Member Amy Mitchell. On voice vote: All, ayes. Motion passed unanimously.

Comments: N/A

The meeting was adjourned on a motion by James Sullivan seconded by Renee Soldwisch. On voice vote: All ayes.

Meeting adjourned at 6:14 pm

Wes Sharp, Chairperson

Charlie E. Dissell

Board of Adjustment**5. A.****Meeting Date:** 03/03/2021

Subject

Consider request from Kim Abild for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure at 1312 East Euclid Avenue, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow for a detached accessory structure be constructed with an actual roof height of 20' (8' over what is allowed by code) and a concrete driveway leading from the existing driveway in front yard, through the side yard and into the rear yard to the location of the proposed detached accessory structure

Information

A variance is requested to allow for a detached accessory structure be constructed in the rear yard with an actual roof height of 20' which is 8' over what is allowed by code. Additionally, a variance is requested for the driveway leading to the accessory structure from the existing driveway in the front yard which will take up to much of a percentage of the front yard and be over the maximum width of 20'.

Attachments

Staff Report

Application



Community Development

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

Staff Report

Board of Adjustment

Date of Meeting: March 3rd, 2021

Agenda Item: 5.A. Consider request from Kim Abild for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure at 1312 East Euclid Avenue, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow for a detached accessory structure be constructed with an actual roof height of 20' (8' over what is allowed by code) and a concrete driveway leading from the existing driveway in front yard, through the side yard and into the rear yard to the location of the proposed detached accessory structure.

Application Type: Variance

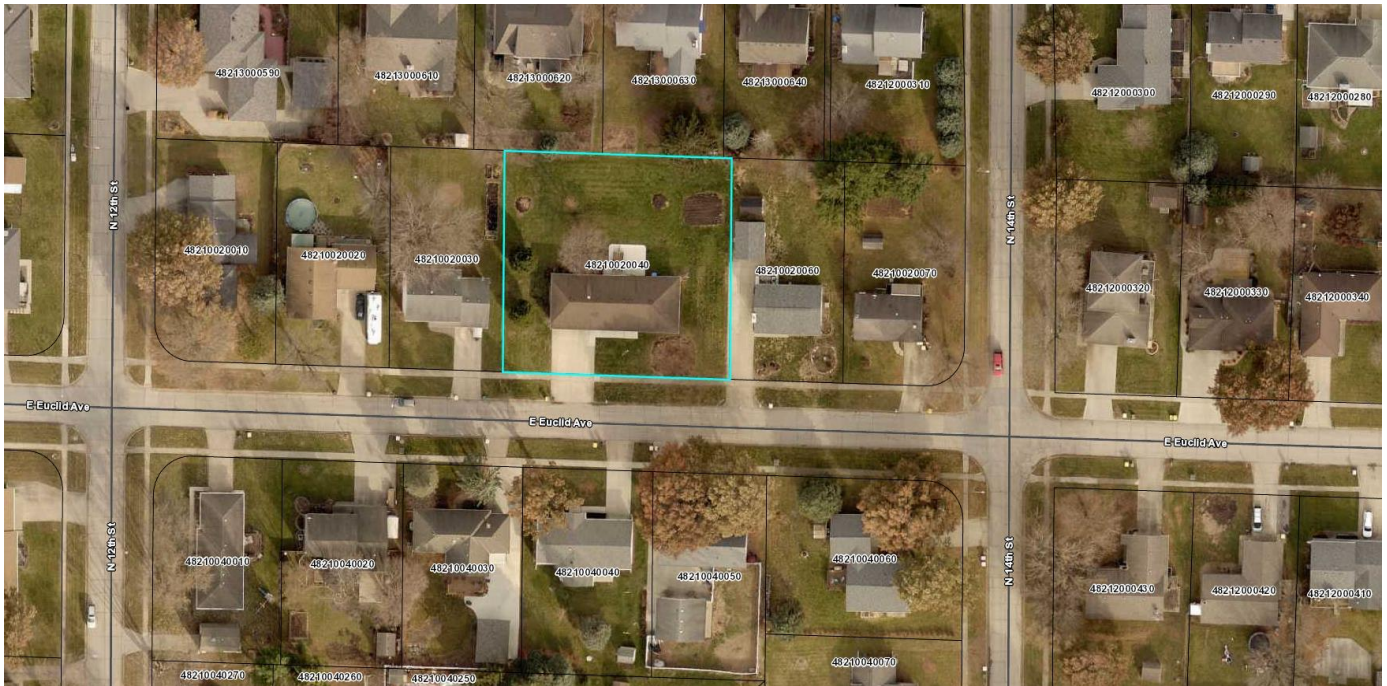
Applicant: Kim Abild

Property Address: 1312 East Euclid Avenue

Zoning: R-1 Single Family Residential

Application Summary: A variance is requested to allow for a detached accessory structure be constructed in the rear yard with an actual roof height of 20' which is 8' over what is allowed by code. Additionally, a variance is requested for the driveway leading to the accessory structure from the existing driveway in the front yard which will take up to much of a percentage of the front yard and be over the maximum width of 20'.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.35 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.

165.10 SUPPLEMENTARY DISTRICT REGULATIONS.

165.10(2). Accessory Buildings. No accessory building shall be erected in any required front or side yard and no separate accessory building shall be erected within five feet of any main buildings or any property line. No separate accessory building shall occupy more than 30 percent of the required rear yard or exceed 12 feet in height.

165.10(12)(D). No one- or two-family dwelling with a one- or two-car garage shall have more than twenty-five percent (25%) of the front yard used for driveway parking purposes. However, this restriction shall not prohibit the construction of a twenty (20) foot wide driveway. One- and two-family dwellings that have a three (3) or more car garage shall be subject to the discretion of the Director of Community Development.

ANALYSIS

Mr. and Mrs. Abild are seeking two variances. One variance is for the roof height of their proposed accessory structure. The second variance is for a driveway to the proposed accessory structure making connection with the existing driveway through the front yard which will exceed the maximum allowable width of 20'.

Mr. and Mrs. Abild have designed this accessory structure not only with their own needs in mind, but future occupants as well. The request for a variance to the height is simply for their own personal storage and potential future storage of an RV. An accessory building constructed at the proposed height will make that possible and keep an RV from being stored in such a manner with which it would have to be moved every 48 hours. The request for a variance to the maximum allowable width of a driveway is for the purpose of gaining access to the accessory structure by way of hard surface.

While Mr. and Mrs. Abild have ample room in the rear yard to support an accessory structure of this size and still meet setback and separation distance requirements, it can be constructed regardless of either variance being granted or denied. However, it would have to be constructed with a mean roof height not to exceed 12' and without a hard surface driveway connecting to the existing driveway through a portion of the front yard.

Therefore, the accessory structure would be accessed by continually driving through approximately 25' of the front yard until the hard surface leading to the accessory structure begins in the side yard. Paving that section is a much better alternative to tire tracks through grass.

In conclusion, the conversations I've had with Mr. Abild the drawings provided lead me to believe this accessory structure's appearance is at the forefront of their design and consideration given to how neighboring property owners will perceive such a structure with regards to how well it blends in with surrounding properties. Even though a variance to the height requirement is not necessary since there is room in the rear yard to extend horizontally rather than vertically, granting the variance makes the structures intended use much more universal.

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 to grant both variances as requested. However, the Board may opt for alternative 2 if they feel a change or conditions are necessary.

BOARD OF ADJUSTMENT APPLICATION

Community Development

110 North 1st Street, Indianola, Iowa 50125-0299

(515) 961-9430 • comdev@indianolaiowa.gov



PROPERTY OWNER

(Last Name) ABILD
(First Name) Kim & Patricia
(Address) 1312 E. EUCLID AVE
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-961-6644 (Email) kabil2@msn.com
515-975-1337

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 EXCEPTION

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 the Section of Chapter 165 of the Code of Ordinances of Indianola, Iowa under which the special exception is sought and stating the grounds on which it is requested.
- ☐ Other Information as required by Director

☒ VARIANCE

Submittal Requirements:

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

- ☐ Property Address: 1312 E. EUCLID AVE
- ☒ Completed Application
- ☒ Filing Fee: \$150 per request
- ☒ Site Plan and Elevations
- ☒ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.35(3)(A) 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 Kim Abild

Name (printed) Kim Abild

Date 2/11/2021

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

Kim C. Abild

1312 E Euclid Ave
Indianola, IA 50125

515-975-1337 Cell
kabild@msn.com

February 10, 2021

Indianola Board of Adjustment
110 North 1st Street
Indianola, IA 50125

RE: Proposed Garage
1312 E Euclid Ave.
Indianola, IA

Dear Board of Adjustment,

I wish to construct a garage on our property that we have owned and lived on for 41 years.

To better understand the project, I have enclosed a site plan and elevation for the garage. The Garage will be used for personal storage and not a business. We are thinking about how to design a garage that will have value to the next occupant as we are getting up in age and retirement. I am thinking that the next buyer may want storage for some type of camper to store inside during the winter.

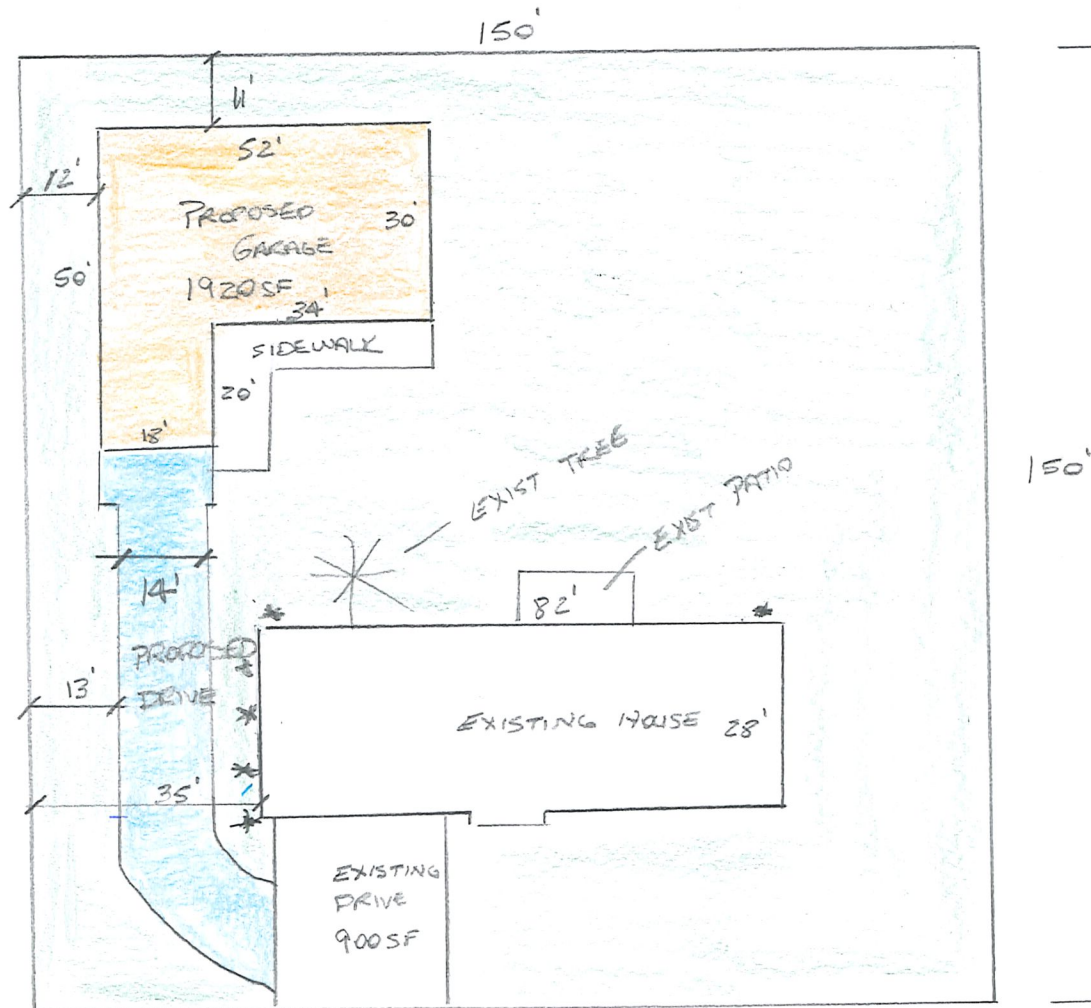
In order to accomplish my goal, the door width and height need to be considered and the garage constructed around that criteria. Thus, the height of the structure is over the 12' allowance and closer to 20'. Due to the lay of the land and water flow from the roof, I propose a single slope roof. This will probably be a steel framed structure with a metal standing seam roof. I want to match the exterior color to our brick house.

The concrete drive is over the allowed front yard area also. I am allowed 1125 sf of hard surface and propose 1380 sf of hard surface for garage access.

Therefore, I request a variance for height and hard surface in the front yard. I would be happy to appear before the Board if that is allowed. Thank you for your consideration!

Sincerely yours,


Kim Abild



PROPOSED GARAGE & PAVING

OWNER: Kim & PATRICKA REV TRUST

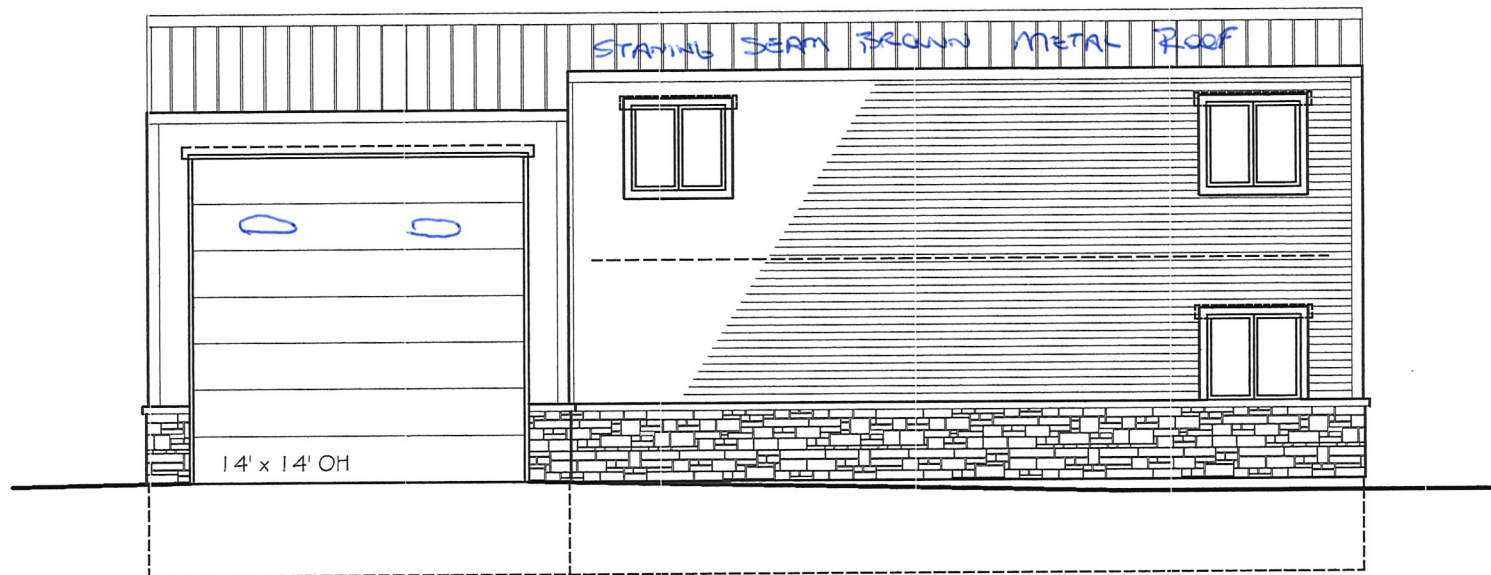
ADDRESS: 1312 E. EUCLID AVE
INDIANOLA, IA 50125
515-961-6644

LEGAL: LOTS 4 & 5, BLK 2,
EASTON PARK ADDITION

CONSTRUCTION: GARAGE ADDITION: 1920 SF

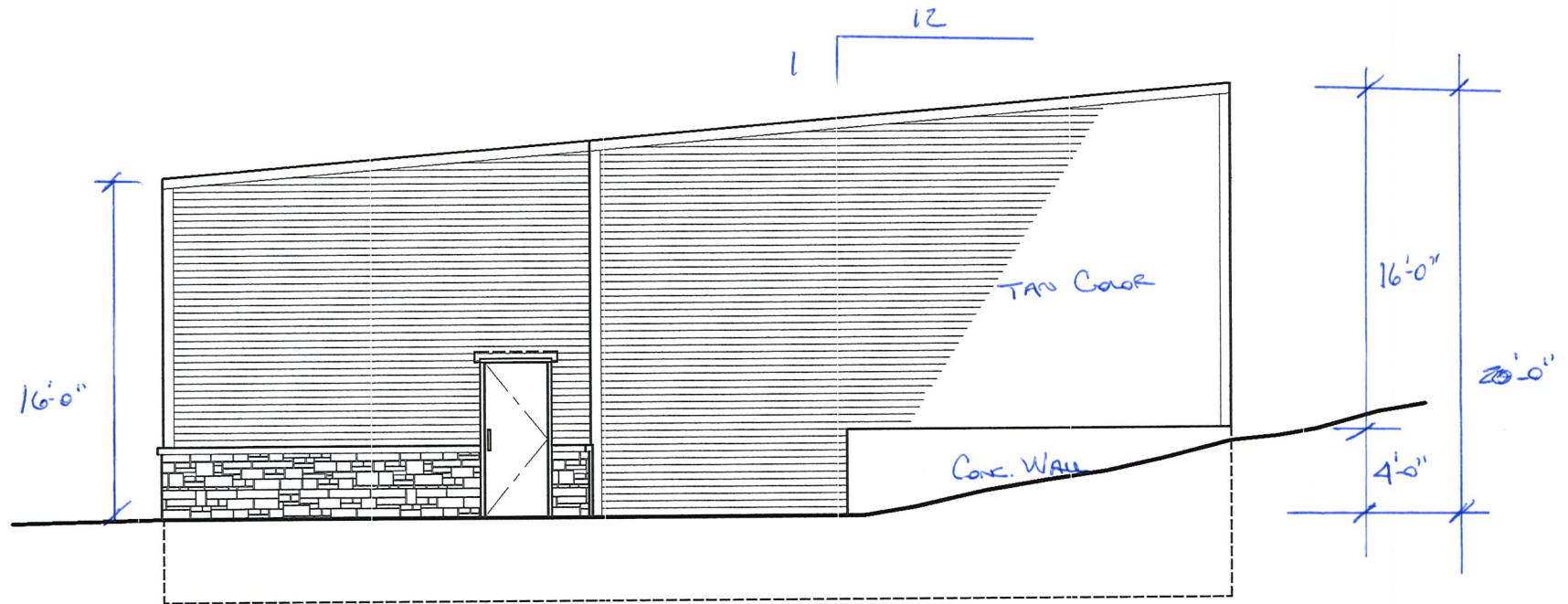
PAVING ADDITION: 1290 SF

SCALE: 1" = 30'



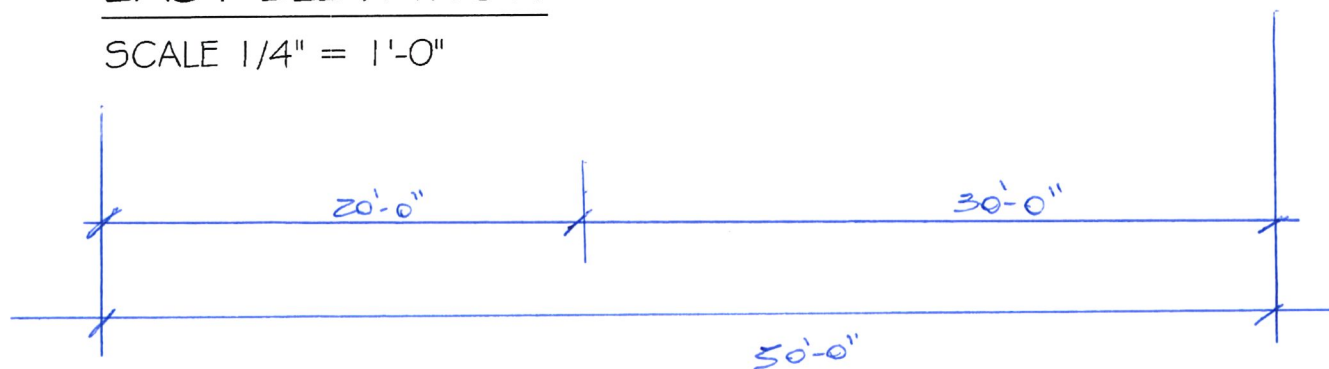
SOUTH ELEVATION

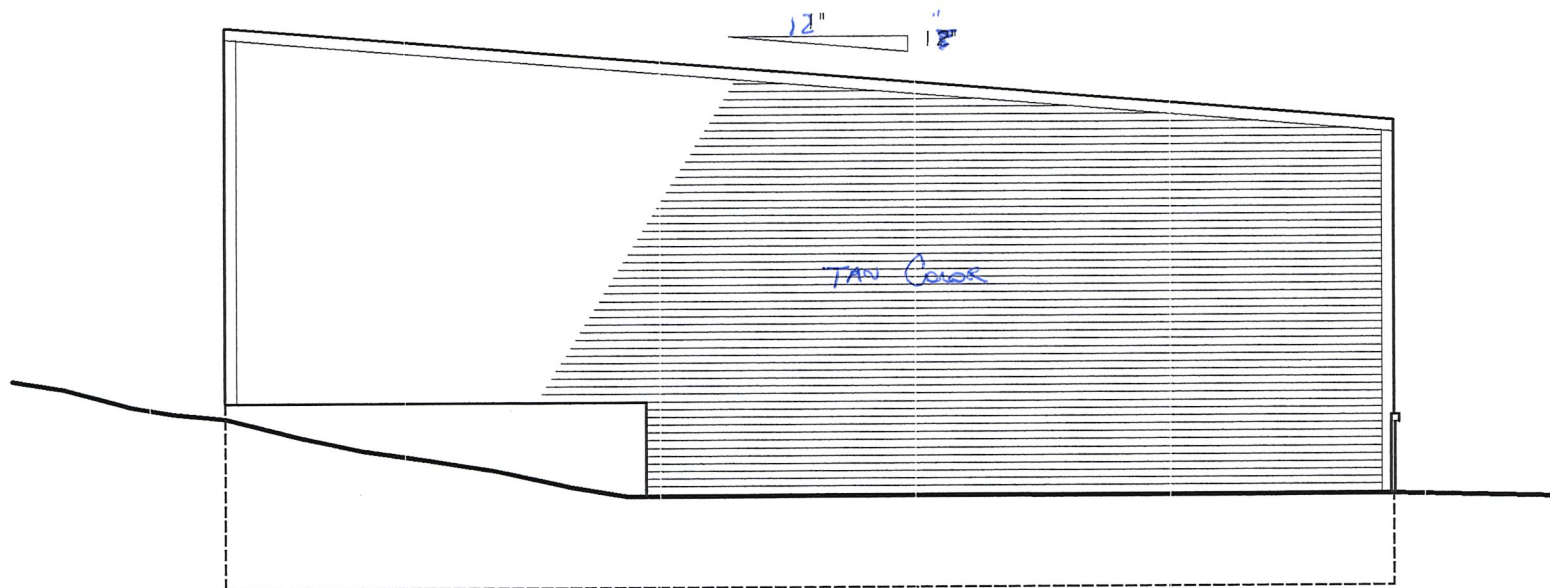
SCALE 1/4" = 1'-0"



EAST ELEVATION

SCALE $1/4" = 1'-0"$





WEST ELEVATION

SCALE 1/4" = 1'-0"