



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

April 5, 2023

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval of the agenda.
- 4. Minutes Approval**
 - A. Approval of the meeting minutes from February.
- 5. Old Business**
 - A. Election of officers
- 6. New Business**
 - A. Consider appeal from Taylor Smothers under terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding determination of multiple violations occurring at 107 ½ West Salem Ave
 - B. Consider appeal from Rod and Angela McKelvey under terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding determination of a violation occurring at Lot 62 of the Millbrook Plat 2 Subdivision.
- 7. Comments**
- 8. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: April 5, 2023
Subject: Approval of the agenda.

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

February 1, 2023

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:00.

2. Roll Call

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

Staff members present: Charlie Dissell, Emily Rizvic

3. Agenda Approval

A. Approval of February's meeting agenda.

Jane Whalen made a motion to approve the agenda.

Lee Bash seconded the motion.

Motion was passed.

4. Minutes Approval

A. Approval of January's meeting minutes.

Lee Bash made a motion to approve the meeting minutes.

Jane Whalen seconded the motion.

Motion was passed.

5. New Business

A. Consider request from Scott Huston for a rear-yard setback variance for a property located at 1313 Stephen Ct

Lee Bash made a motion to approve the request.

Amy Mitchell seconded the motion.

The motion was passed.

B. Election of Officers

Amy Mitchell made a motion to continue the election of officers to the next meeting.

Jane Whalen seconded the motion.

Motion is passed.

6. Comments

7. Adjourn

The meeting was adjourned at 6:13 PM.



MEMORANDUM

To: Board of Adjustment

From:

Date: April 5, 2023

Subject: Consider appeal from Taylor Smothers under terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding determination of multiple violations occurring at 107 ½ West Salem Ave

Recommendation:

Attachments:

1. 1. Staff Report
2. 2. Application
3. 3. Narrative
4. 4. Email Correspondence
5. 5. Means of Egress Visualized



COMMUNITY DEVELOPMENT

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

STAFF REPORT

BOARD OF APPEALS

Date of Meeting: April 5, 2023

Agenda Item: 5.A Consider appeal from Taylor Smothers under terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding determination of a violations occurring at 107 ½ West Salem Avenue

Application Type: Appeal

Applicant: Taylor Smothers

Property Owner: Taylor Smothers

Property Address/Parcel: 107 ½ West Salem Avenue

Zoning: C-3, Downtown Mixed-use Zoning District

Application Summary

Taylor Smothers has filed an appeal contesting the validity of the notice of violation due to an incorrect address and the interpretation of building codes and how they are enforced regarding violations present at his property identified as 107 ½ West Salem Avenue.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02.03.B(2) Appeals

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

The following code sections of the International Building Code (2018), apply to this request:

**TABLE 1006.2.1
SPACES WITH ONE EXIT OR EXIT ACCESS DOORWAY**

OCCUPANCY	MAXIMUM OCCUPANT LOAD OF SPACE	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)		
		Without Sprinkler System (feet)		With Sprinkler System (feet)
		Occupant Load		
		OL < 30	OL > 30	
A ^c , E, M	49	75	75	75 ^a
B	49	100	75	100 ^a
F	49	75	75	100 ^a
H-1, H-2, H-3	3	NP	NP	25 ^b
H-4, H-5	10	NP	NP	75 ^b
I-1, I-2 ^d , I-4	10	NP	NP	75 ^a
I-3	10	NP	NP	100 ^a
R-1	10	NP	NP	75 ^a
R-2	10	NP	NP	125 ^a
R-3 ^e	10	NP	NP	125 ^a
R-4 ^e	10	75	75	125 ^a
S ^f	29	100	75	100 ^a
U	49	100	75	75 ^a

NP = Not Permitted.

a. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems are permitted in accordance with Section 903.3.1.2. No other footnotes apply.

**TABLE 1006.3.3(1)
STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES**

STORY	OCCUPANCY	MAXIMUM NUMBER OF DWELLING UNITS	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE
Basement, first, second or third story above grade plane	R-2 ^{a, b}	4 dwelling units	125 feet
Fourth story above grade plane and higher	NP	NA	NA

NP = Not Permitted

a. Buildings classified as group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1030.

b. This table is used for R-2 occupancies consisting of dwelling units. For R-2 occupancies consisting of sleeping units, use Table 1006.3.3(2).

**TABLE 1006.3.3(2)
STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR OTHER OCCUPANCIES**

STORY	OCCUPANCY	MAXIMUM OCCUPANT LOAD PER STORY	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)
First story above or below grade plane	A, B ^b , E F ^b , M, U	49	75
	H-2, H-3	3	25
	H-4, H-5, I, R-1, R-2 ^{a, c}	10	75
	S ^{b, d}	29	75
Second story above grade plane	B, F, M, S ^d	29	75
Third story above grade plane and higher	NP	NA	NA

NP = Not Permitted.

NA = Not Applicable.

a. Buildings classified as group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1030.

b. Group B, F and S occupancies in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall have a maximum exit access travel distance of 100 feet.

c. This table is used for R-2 occupancies consisting of sleeping units. For R-2 occupancies consisting of dwelling units, use Table 1006.3.3(1).

d. The length of exit access travel distance in a Group S-2 open parking garage shall not be more than 100 feet.

TABLE 1006.3.2
MINIMUM NUMBER OF EXITS OR
ACCESS TO EXITS PER STORY

OCCUPANT LOAD PER STORY	MINIMUM NUMBER OF EXITS OR ACCESS TO EXITS PER STORY
1-500	2
501 - 1,000	3
More than 1,000	4

ANALYSIS

Background

On approximately January 23, 2023, the Community Development Department received a call from a tenant residing at 107 ½ West Salem. The purpose of their call was complaint regarding existing living conditions and other life safety issues occurring at the unit. A complaint-based inspection was scheduled for 2pm, on January 24th, 2023. Code Enforcement Officer Visser and Building Official Little met with the tenant at 107 ½ West Salem who proceeded to show them the areas of concern within the dwelling. The apartment is considered a studio style apartment. The inspection that was conducted was to address the areas of concern that the tenant had reported. Within the apartment the inspectors observed the following:

- Several holes in walls with a dimension of 4-inches in circumference.
- Inadequate ventilation – Ducts were undersized and insufficient.
- Inoperable thermostat – likely due to dead batteries.
- Openings on each side of the “window air conditioner” larger than 4” in diameter.
- The unit did not contain smoke or CO detection alarms.

Upon completing this inspection, the inspectors then inspected the common areas of the property, located on the second floor, where additional violations of concern were observed:

- Only one exit for egress is provided.
- R-2 occupancy located on the second floor is not sprinkled.
- The travel distance from the most remote portion of the R-2 occupancy exceeds 75’, impacting emergency evacuation.
- No exit signs or emergency egress lighting located anywhere within the means of egress.
- Lack of smoke or CO detection alarms within the common areas.
- Lack of fire extinguisher throughout the common areas.
- Occupancy does not contain a KNOX box.
- Building does not contain an FACP (Fire Alarm Control Panel).

Following the inspections, staff carefully reviewed each of the code violations present at the property. Given the severity of the violations, the Building Official determined that the property should be condemned, and occupants vacated from the premises within 30 days from the date of the notice sent to the property owner. A notice of condemnation and an order to vacate was sent on February 8th, 2023, via both regular mail and certified mail and. Regular mail was received on February 11th, 2023, and certified on February 28th, 2023.

On February 12th, Mr. Smothers responded indicating concern regarding the notice that was sent (please refer to packet attachments with email correspondence). On February 13th, Building Official Little provided a response clarifying the reasons for the notice of violation, highlighting concerns for occupant safety. Mr. Smothers applied for a formal appeal on February 24th, 2023 (Please see attachments for this correspondence).

CODE ANALYSIS

International Building Code (IBC)

1. **1003.6 Means of egress continuity.** The minimum The or required capacity of a means of egress system shall not be diminished along the path of egress travel.
 - This code pertains to the rear door and how it could be used as a secondary exit but does not satisfy code requirements due to width, door size and no egress from roof top or area of refuge a minimum of 50' away. Egress from rooftop is not currently possible as no stairway provided, and the existing parapets interrupt continuity for means of egress.
2. **1005.5 Distribution of minimum width and required capacity.** Where more than one exit, or access to more than one exit, is required, the means of egress shall be configured such that the loss of any one exit, or access to one exit, shall not reduce the available capacity or width to less than 50 percent of the required capacity or width.
 - Only one exit is provided within the R-2 occupancy, which is the front, North facing door. There is a rear door on the south side of the R-2 occupancy that could be utilized as a second exit; however, it currently does not comply with width, size or continuity required for means of egress components.
3. **1006.2.1 Egress based on occupant load and common path of egress travel distance.** Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in table 1006.2.1. The cumulative occupant load from adjacent rooms, areas or spaces shall be determined with Section 1004.2.
 - The Travel distance exceeds the maximum allowable (75-feet), therefore, a second exit is required.

International Fire Code (IFC)

4. **506.1 Key Boxes where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.
 - A key box, or otherwise known as a 'Knox Box', is required for businesses/properties within the City of Indianola. A Knox Box is a secured and locked key box that only the Fire Department has a key for. It saves valuable time in gaining access inside of a building in the event of an emergency such as a fire and prevents additional and potentially unnecessary damage to doorways and window openings by axes and other breaching measures.
5. **903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.
 - This primarily pertains to new construction; however, if any part of the building undergoes a level 3 alteration, then the building in its entirety must be sprinkled. If any part of the building undergoes a level 2 alteration, then everything within

the work area (up to 50% of that occupancies floor area) must comply with current code, therefore, must be sprinkled. The amount of work involved spans more than 50% of the occupancies floor area. Additionally, the work will likely rise to a minimum level II alteration in which case the building must be sprinkled.

City of Indianola, Iowa Code of Ordinances

6. 163.07 Abandoned or Unsafe Buildings. Service of Notice and Orders. The notice and order, and any amendment or supplemental notice and order, shall be served upon all owners of record at the mailing address last listed at the County Assessor's office or as may be of record in the County Recorder's office or elsewhere, either by certified mail or personal service. Additionally, the property shall be placarded as an unsafe or abandoned building. Should all reasonable attempts consist with due process of law to serve, locate, or ascertain all owners of record fail, placarding the property shall be deemed adequate and legal notice to all such persons. The inability of the Building Inspector to serve any owner or owners of record shall not invalidate any proceedings hereunder as to any other person duly served or relieve any person not served from any duty or obligation imposed by the provisions of this chapter.

- Proper notice was provided to Mr. Smothers regarding his property and Mr. Smothers was reasonably aware of the property or portion of the property being served with the notice and order. Furthermore, the County Assessor's Office and does not have a record on file for a property addressed as '107 ½ West Salem'; the building/property in question is recorded as 107 ½ West Salem.

The following points should be considered with this request:

- 1) A tenant residing at the property filed a complaint based on housing conditions at 107 ½ West Salem Avenue.
- 2) Following a complaint-based housing inspection, it was determined that multiple violations exist at the property which were of significant concern to health and safety.
- 3) The concerns posed by the Community Development Department and the Fire Department relate to life-safety in the event of an emergency, such as a fire.
- 4) If the violations are not addressed, tenants residing in the rental units would be severely impacted in the event of an emergency in their ability to safely egress.
- 5) Proper notice was provided to Mr. Smothers regarding the violations occurring at the property and Mr. Smothers was reasonably aware of the property or portion of property being served with the notice and order.

ALTERNATIVES

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

- 1) The City of Indianola Board of Appeals sustains the Building Officials determination that a violation does exist at 107 ½ West Salem Avenue.
- 2) The City of Indianola Board of Adjustment reverses the determination made by the Building Official finding that a violation does not exist at 107 ½ West Salem Avenue.

- 3) The City of Indianola Board of Appeals continues the hearing to 6PM on Wednesday, May 3rd, 2023, requesting further information from staff and/or the appellant.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

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

APPLICANT (if not Property Owner)

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

☐ APPEAL

Submittal Requirements:

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

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

☐ SPECIAL USE PERMIT

Submittal Requirements:

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

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Site Plan and Elevations as outlined in 165.06
- ☐ Written narrative indicating the special use permit sought and response to the criteria outlined in Section 165.02(3)(B)(3)(c)(v) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

☐ VARIANCE

Submittal Requirements:

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

- ☐ Property Address: _____
- ☐ Completed Application
- ☐ Filing Fee: \$150 per request
- ☐ Site Plan and Elevations
- ☐ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.02(3)(B)(3)(b) of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

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

Signature _____
Name (printed) _____

Date _____

FOR OFFICE USE ONLY:

Code to 45180

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



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

NOTICE OF VIOLATION

Date Case Established:

02/08/2023

Case Number:

CASE-2023-6

Date of Notice:

02/08/2023

Compliance Deadline:

09/02/2023

CITY OF INDIANOLA, IOWA

VS.

VIOLATOR: SMOTHERS COMMERCIAL LLC

SMOTHERS COMMERCIAL LLC (Deed)
PO BOX 356
CARLISLE, IA 50047

Notice of Violation:

You are hereby notified that, upon an inspection of a building located on property under your ownership located at 107 W SALEM AVE,

and legally described as 25-76-24 INDIANOLA OTP W 20' LOT 3 & E 19' LOT 4 BLK 17,
the Building Official has found the building to be dangerous for the following reason(s):

1003.6 Means of Egress Continuity
1005.3.1 Stairways
1005.5 Distribution of minimum width and required capacity
1006.2.1 Egress based on occupant load and common path of egress travel distance
Table 1006.2.1 Spaces with one exit or exit access doorway
Table 1006.3.2 Minimum number of exits or access to exits per story
Table 1006.3.3(1) Stories with one exit or access to one exit for R-2 occupancies, footnote (a)
Section 1008 Means of egress illumination

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

R-2 Occupancy must be vacated and all permits secured within the time specified. The R-2 occupancy must comply with, but is also not limited to the codes referenced in the violation or code description section of this notice and order.
The improvements must comply Chapter 9 ALTERATIONS LEVEL 3 of the 2018 International Existing Building Code and the 2018 International Building Code. Both the IEBC and the IBC require R-2 Occupancies within a non-separated, mixed-use building to be protected by an automatic sprinkler system.
The R-2 occupancy is now posted as "CONDEMNED". Until compliance with this notice and order is achieved, occupancy is prohibited. Posting (placard) shall not be removed by anyone other than the Building Official or Code Enforcement Officer. Any person who willfully destroys or defaces the placard shall be subject to penalties as prescribed by law.

- ☒ Building or structure shall be repaired. All required permits shall be secured, and the work physically commenced by 03/02/2023 and completed by 09/02/2023.
- ☒ Building or structure shall be vacated by 03/01/2023.
- ☐ Building or structure shall be demolished. All required permits shall be secured by ## and demolition shall be completed by ##.

If the required repair or demolition work is not commenced within the time specified above, the City of Indianola may issue a municipal infraction to the property owner, as set forth in Chapter 4 of Code of Ordinances of the City of Indianola, Iowa, or the Building Official may order the building vacated and posted to prevent further occupancy until the work is completed or may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

Any person having record title or other legal interest in the building may appeal from the notice and order or any action of the Building Official to the Building Appeals Board, provided the appeal is made in writing as provided in Chapter 163 and filed with the Building Official within 15 days from the date of service of such notice and order and or posting of said building. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Indianola Building Official
Tlittl@indianolaiowa.gov

Attention:

City of Indianola Building Official Tim Little and
City of Indianola Building Appeals Board

Per Indianola Code of Ordinances 163.08, I am respectfully filing a formal appeal for a Notice of Violation dated 2/8/2023 in regards to 107 W Salem Ave, Indianola, Iowa 50125.

Per the Notice of Violation dated 2/8/2023 and our on-site meeting, 2/22/2023, to discuss the violation, it was stated that the following items are in violation of Indianola City Code as well as in violation of the International Existing Building Code. It was stated that the following corrections shall be made to be in compliance:

- The building shall be condemned due to the unsafe conditions below.
- Exit lighting - two illuminated exit lighting shall be installed.
- Egress - a means of egress shall be installed for the South exit of the building to a public way.
- Pest control services in the common area.
- Knox box installation.
- Sprinkler and alarm installation.

My appeal is based on the following items:

1. It is my opinion that the Notice of Violation is invalid due to the address listed as being 107 W Salem Ave, Indianola, Iowa 50125 in reference to an R-2 Occupancy. Per an email from Tim Little on 2/13/23, the violations are present at an R-2 Occupancy and "have nothing to do with that occupancy (Business Group B)". On 9/1/2016, a Certificate of Compliance and Occupancy was issued with the provisions of building permit number 124-16 for 107 W Salem Ave. It is my understanding that the R-2 Occupancy in question is located at 107 ½ W Salem Ave, Indianola, Iowa 50125. Therefore, it is my opinion that the legal requirement of notification is invalid.
2. I agree that the following items are in violation and I intend to make the following alterations to the R-2 Occupancy in the building located at 107 ½ W Salem Ave:
 - a. Installation of illuminated exit lighting,
 - b. Installation of a secondary means of egress to a public way,
 - c. Pest control in the common areas as needed.
3. It is my opinion that the following items are above and beyond code compliance and are not required to be remediated due to Indianola City Code and the International Existing Building Code:
 - a. The building to be condemned,
 - b. Knox box installation,
 - c. Sprinkler installation in the R-2 Occupancy and/or Business Group B.
4. IEBC Compliance - Per an email from Tim Little on 2/13/23, Tim stated "Chapter 1 of the International Existing Building Code grants the Building Official the authority to force compliance as deemed necessary for the general safety and welfare of the occupants and the public." I agree this is true but it does not allow the Building Official to require alterations above and beyond or outside of the IEBC requirements as stated in IEBC

104.1 "The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. **Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.**" Furthermore, unsafe conditions, per IEBC 115.1 states "inadequate means of egress facilities, inadequate light. Unsafe structures shall be taken down and removed or made safe as the code official deemed necessary **and as provided for in this code.**"

5. Sprinklering and alarming - Per Indianola Code of Ordinances Section 152 Existing Building Code, It references:

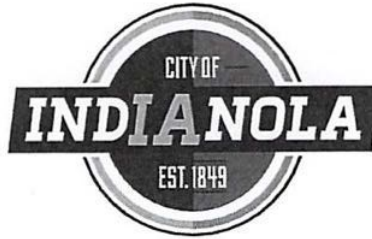
"Section 302.7 Fire Protection. Existing buildings containing R-2 occupancies shall be made to comply with the International Building Code section 903.2.8 within two years of any of the following situations:

1. Fire damage to three or more dwelling units, not including smoke or water damage or other damage from fire-fighting operations.
2. Issuance of a building permit for a Level III alteration as identified in Chapter 6 of the International Existing Building Code.
3. Delete Code Section: IEBC 1106. Replace with the following language (Sections 1106.1, 1106.1.2, & 1106.1.3)"

Since the R-2 Occupancy does not meet any of the above conditions per the Indianola Code of Ordinances or the IEBC, it is my opinion that the sprinklering requirement is invalid.

It is my intent to correct the violations mentioned under Item 2 in a reasonable amount of time in coordination with Building Official Tim Little. I ask that the remaining items included in the Notice of Violation and listed under Item 3 be disregarded due to compliance with the Indianola Code of Ordinances and IEBC. I intend to work together to come to a resolution.

Regards,
Taylor Smothers
Smothers Commercial, LLC
(515) 975-3904



— COMMUNITY DEVELOPMENT —

110 N. FIRST STREET • PO BOX 299 • INDIANOLA, IOWA 50125 • PHONE: (515) 961-9430 • WWW.INDIANOLAIA.GOV

Having completed construction and complied with the provision as set out in this application for building permit number 124-16. Date issued 09/01/2016, this

Certificate of Compliance and Occupancy

is issued to:

Taylor Smothers

for the following described property:

West 20' Lot 3 & East 19' Lot 4 Block 17, Indianola OTP

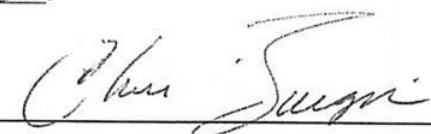
Address: 107 West Salem Avenue

Indianola, IA

Work Completed: Commercial Alteration

This certificate permits the occupancy of the above described property for any purpose provided in Chapter 165.28 in the City of Indianola Code of Ordinances and section 110 of the International Building Code and International Residential Code as adopted.

Issued this 14th day of October 2016.



Director of Community Development

From: [Tim Little](#)
To: [Charlie Dissell](#)
Subject: FW: Appeal - Notice of Violation CASE-2023-6
Date: Friday, February 24, 2023 10:48:08 AM

Respectfully,

Tim Little

Building and Zoning Official
110 N. 1st Street
Indianola, IA 50125
O: 515.962.5278
C: 515.829.0122
tlittle@indianolaiowa.gov



From: Taylor Smothers <taylor@smothersproperties.com>
Sent: Friday, February 24, 2023 9:51 AM
To: Tim Little <tlittle@indianolaiowa.gov>
Subject: Appeal - Notice of Violation CASE-2023-6

Attention:
City of Indianola Building Official Tim Little and
City of Indianola Building Appeals Board

Per Indianola Code of Ordinances 163.08, I am respectfully filing a formal appeal for a Notice of Violation dated 2/8/2023 in regards to 107 W Salem Ave, Indianola, Iowa 50125.

Per the Notice of Violation dated 2/8/2023 and our on-site meeting, 2/22/2023, to discuss the violation, it was stated that the following items are in violation of Indianola City Code as well as in violation of the International Existing Building Code. It was stated that the following corrections shall be made to be in compliance:

- The building shall be condemned due to the unsafe conditions below.
- Exit lighting - two illuminated exit lighting shall be installed.
- Egress - a means of egress shall be installed for the South exit of the building to a public way.
- Pest control services in the common area.

- Knox box installation.
- Sprinkler and alarm installation.

My appeal is based on the following items:

1. It is my opinion that the Notice of Violation is invalid due to the address listed as being 107 W Salem Ave, Indianola, Iowa 50125 in reference to an R-2 Occupancy. Per an email from Tim Little on 2/13/23, the violations are present at an R-2 Occupancy and “have nothing to do with that occupancy (Business Group B)”. On 9/1/2016, a Certificate of Compliance and Occupancy was issued with the provisions of building permit number 124-16 for 107 W Salem Ave. It is my understanding that the R-2 Occupancy in question is located at 107 ½ W Salem Ave, Indianola, Iowa 50125. Therefore, it is my opinion that the legal requirement of notification is invalid.
2. I agree that the following items are in violation and I intend to make the following alterations to the R-2 Occupancy in the building located at 107 ½ W Salem Ave:
 - a. Installation of illuminated exit lighting,
 - b. Installation of a secondary means of egress to a public way,
 - c. Pest control in the common areas as needed.
3. It is my opinion that the following items are above and beyond code compliance and are not required to be remediated due to Indianola City Code and the International Existing Building Code:
 - a. The building to be condemned,
 - b. Knox box installation,
 - c. Sprinkler installation in the R-2 Occupancy and/or Business Group B.
4. IEBC Compliance - Per an email from Tim Little on 2/13/23, Tim stated “Chapter 1 of the International Existing Building Code grants the Building Official the authority to force compliance as deemed necessary for the general safety and welfare of the occupants and the public.” I agree this is true but it does not allow the Building Official to require alterations above and beyond or outside of the IEBC requirements as stated in IEBC 104.1 “The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. **Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code.**” Furthermore, unsafe conditions, per IEBC 115.1 states “inadequate means of egress facilities, inadequate light. Unsafe structures shall be taken down and removed or made safe as the code official deemed necessary **and as provided for in this code.**”
5. Sprinklering and alarming - Per Indianola Code of Ordinances Section 152 Existing Building Code, It references:

“Section 302.7 Fire Protection. Existing buildings containing R-2 occupancies shall be made to comply with the International Building Code section 903.2.8 within two years of any of the following situations:

1. Fire damage to three or more dwelling units, not including smoke or water damage or other damage from fire-fighting operations.
2. Issuance of a building permit for a Level III alteration as identified in

Chapter 6 of the International Existing Building Code.

3. Delete Code Section: IEBC 1106. Replace with the following language (Sections 1106.1, 1106.1.2, & 1106.1.3)”

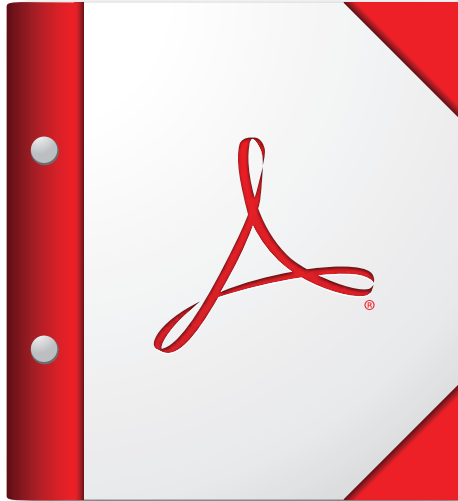
Since the R-2 Occupancy does not meet any of the above conditions per the Indianola Code of Ordinances or the IEBC, it is my opinion that the sprinklering requirement is invalid.

It is my intent to correct the violations mentioned under Item 2 in a reasonable amount of time in coordination with Building Official Tim Little. I ask that the remaining items included in the Notice of Violation and listed under Item 3 be disregarded due to compliance with the Indianola Code of Ordinances and IEBC. I intend to work together to come to a resolution.

Regards,
Taylor Smothers
Smothers Commercial, LLC
(515) 975-3904

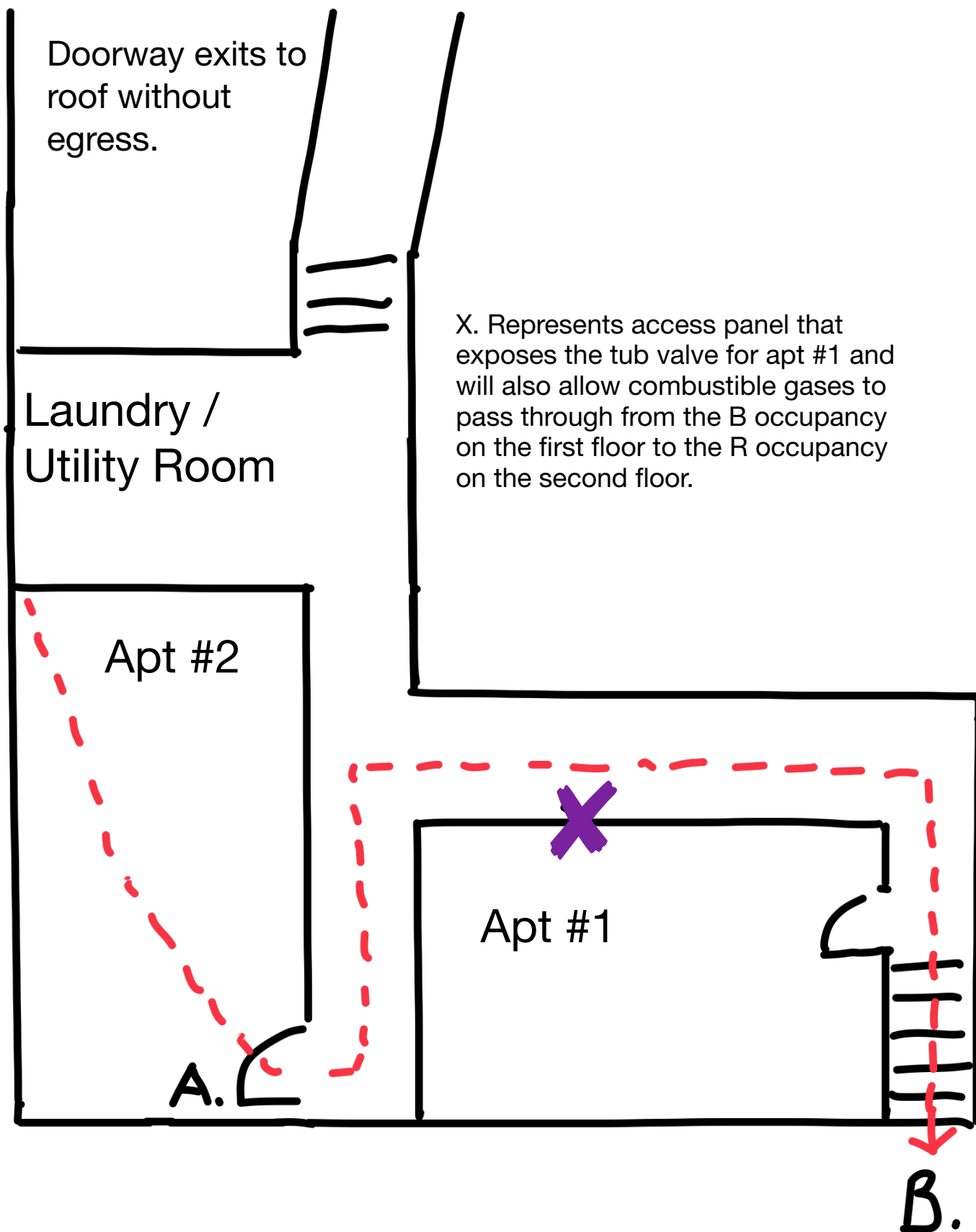
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Taylor M. Smothers
President
Smothers Properties, LLC
www.SmothersProperties.com
(515) 789-0202



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Path of egress travel exceeds 75'
from point A to point B.



MEMORANDUM

To: Board of Adjustment

From:

Date: April 5, 2023

Subject: Consider appeal from Rod and Angela McKelvey under terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding determination of a violation occurring at Lot 62 of the Millbrook Plat 2 Subdivision.

Recommendation:

Attachments:

1. 1. Staff Report
2. 2. Application
3. 3. Applicant's Attachments
4. 4. Letter of Intent
5. 5. Zoning Information sent February 27, 2023
6. 6. Notice of Violation sent March 2, 2023
7. 7. Notice of Violation Recieved March 9, 2023
8. 8. Millbrook Plat 2 Subdivision
9. 9. EagleView of Property in 2019 and 2021
10. 11. Aerial Image
11. 10. Image taken in March



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: April 5, 2023

Agenda Item: 5.B Consider appeal from Rod and Angela McKelvey under terms of Section 165.02(3)(B)(2) of the Code of Ordinances of Indianola, Iowa regarding determination of a violation occurring at Lot 62 of the Millbrook Plat 2 Subdivision.

Application Type: Appeal

Applicant: Rod and Angela McKelvey

Property Owner: Rod and Angela McKelvey

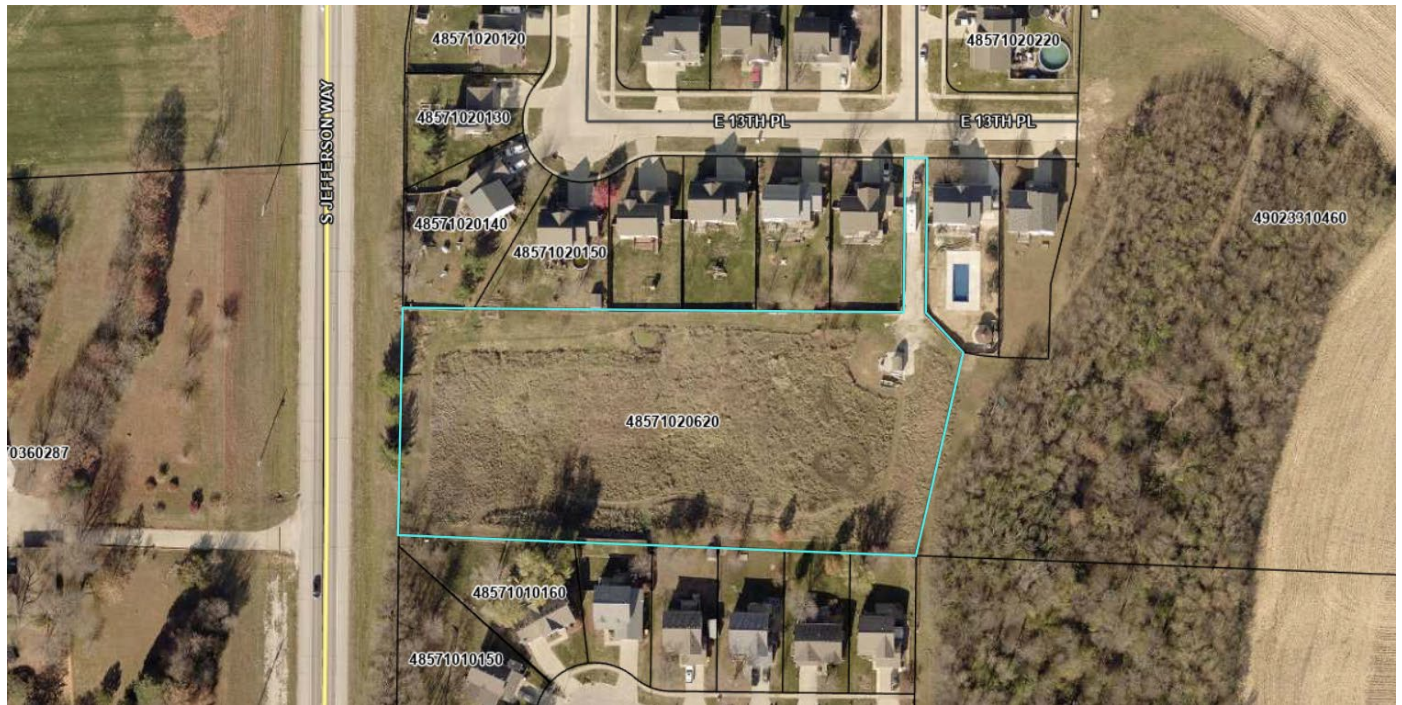
Property Address/Parcel: Lot 62 of the Millbrook Plat 2 Subdivision (Parcel ID #485/7102-0620)

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

Application Summary

Rod and Angela McKelvey have filed an appeal in regards to a determination of a code violation occurring at their property identified as Parcel #485/7102-0620 (Lot 62 of the Millbrook Plat 2 Subdivision).

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02.03.B(2) Appeals

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

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

a. *Appeals* – To hear and decide appeals where it is alleged there is any error in any order, requirements, decision or determination made by the zoning administrator in enforcement of the Zoning Ordinance:

Section 165.04(2) ACCESSORY BUILDINGS AND STRUCTURES.

B. General Provisions. No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

Section 165.07(2)(B) Off-Street Parking Spaces

(1) All parking and storage of vehicles, trailers, recreational vehicles, campers, boats, and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this Chapter. Unlicensed or inoperable vehicles and equipment shall not be stored outside unless part of an approved storage area on a property located within the M-1 or M-2 zoning districts. In all zoning districts space for parking and storage of vehicles and trailers shall be provided in accordance with the Off-Street Parking Required Table and the standards contained herein this Chapter. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served.

Section 165.07(3)(A) PARKING AREA DESIGN REQUIREMENTS. Access Drive and Driveways.

(4) All driveways, access drives, and off-street parking and loading areas shall be paved with hot mix asphalt (HMA), Portland cement concrete (PCC), or pavers (including permeable pavement and paver systems). The design and construction of said pavement or pavers shall be of sufficient thickness, reinforcement, and sub-base necessary to provide a durable, dustless surface designed and rated for the traffic it is anticipated to carry. All paved areas shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. No vehicles or trailers shall be parked or storage upon an unpaved surface except as may be permitted within a designated and approved outdoor storage area. See Chapter 165.06, Section 4 for specific design standards.

ANALYSIS

Background

On February 17, 2023, Rod McKelvey submitted a building permit application for an accessory structure to be placed on their property identified as #485/7102-0620 (Lot 62 of the Millbrook Plat 2 Subdivision). On February 22, 2023, the application was denied by staff as the application did not meet minimum zoning code requirements. These requirements included Zoning Code 165.04.2.B which states that accessory buildings and structures may not be permitted on a lot until a main structure or principal building exists and Zoning Code 165.04.2.E which limits the total size of all accessory structures to 1,800 square feet – the application exceeded the maximum square footage permitted by 200 sq. ft.

On February 23, 2023, McKelvey spoke with staff regarding the denied building permit application. Staff communicated that accessory structures may not be placed on vacant parcels without an established primary/main structure. A follow-up letter with zoning code information was provided to McKelvey through email on February 27, 2023. This letter included information that indicated that the property contained an accessory structure and a gravel drive which does not meet zoning code requirements and would need to be removed. This letter instructed the applicant to coordinate with staff on creating a compliance schedule in order to get the property back into compliance with zoning code regulations and provided the applicant with alternative options.

McKelvey visited the Community Development office after the follow-up letter was sent. Staff communicated verbally the zoning code requirements and that the existing shed structure and gravel would need to be removed to meet zoning code requirements.

On March 2, 2023, Code Enforcement Officer Visser sent a notice of violation through certified mail to Rod and Angela McKelvey regarding their property. The notice of violation directed the property owners the following actions in order to comply with City Code:

- Remove all gravel
- Remove shed
- Park RV/Camper on paved surface.

The certified mail was scheduled for delivery on March 6th however no authorized recipient was available to receive the mailing on this date. The mailing was then picked up at the post office on March 9, 2023.

Subject Property and Surrounding Area

Lot 62 of the Millbrook Plat 2 Subdivision (parcel #485/7102-0620) is a buildable, flag-lot currently zoned for the R-2 'Single-Family Residential Attached' Zoning District. The lot contains one access-way off of East 13th Place. The subject property is a 2.55-acre lot containing an approximate 10' x 10' shed structure and a gravel drive which leads to and surrounds the structure.

Though it is unclear the exact date that the accessory structure and gravel had been placed on the lot, aerial imagery shows that the accessory structure and gravel drive had been placed on the vacant lot between November 19, 2019, and November 18, 2021. Rod and Angela McKelvey had taken ownership of the lot on August 29, 2019. Submitted documents from McKelvey shows that gravel was placed on or around April 3, 2021.

The parcel contains several easements located on the western portion of the lot. Along South Jefferson Way, a 15-foot public utility easement and 30-foot sanitary sewer easement exists. East of these easements exists a 20-foot storm sewer and overland flowage easement. Near the middle portion of the lot exists a 15-foot water main easement. Along the west property line is a 5-foot public utility easement which becomes a 10-foot easement along the southern portion of the east property line. Lastly, there is a 230' x 120' storm sewer, overland flowage, and detention pond easement that exists on the property.

To the north of the property exists seven (7) single-family residential dwellings. To the east exists a 11.78-acre property currently in row-crop production. To the south exists six (6) single-family residential dwellings. To the west is a single-family residential dwelling that exists on an 8.89-acre lot.

Future Land Use

According to the "Elevate Indianola" Comprehensive Plan, the future land use of this lot is designated as Low/Medium Density Residential. The low/medium density land use designation

guides up to 15 dwelling units per gross acre, single-family detached dwellings, accessory dwelling units, single family attached (townhomes and row houses), multi-family (condos and apartments), and student housing, civic uses and places of worship, and lastly, parks, open spaces, and trails.

CODE ANALYSIS

Gravel

Section 165.07(3)(A)(4) explicitly states that driveways, access drives, and off-street parking/loading areas shall be paved. Gravel is not a permitted form of pavement. Exceptions to this code would include pre-existing gravel that dates prior to 2015. The gravel placed on the property appears to have been placed on or after April 3, 2021, and therefore, is not pre-existing and would require removal.

Off-street Parking

Section 165.07(2)(B)(1) explicitly states that the parking and storage of vehicles, trailers, recreational vehicles, campers, boats, and similar recreation equipment may only occur on paved surfaces. The RV/Camper and/or other vehicles that are located on the site is not parked/stored on such paved surface.

Structure

Section 165.04(2)(B) explicitly states that accessory structures cannot be located on a lot without a main/principal building, or unless the construction of such building has been commenced. No main/principal building exists on the parcel.

The current zoning code was adopted in July of 2021. The previous zoning code allowed for permitted accessory uses and structures when clearly incidental and necessary to the permitted principal uses or structures of this district when located on the same lot or a contiguous lot under the same ownership. Using aerial imagery, staff can determine that the structure was placed on the property between November 19, 2019, and November 18, 2021.

The following points should be considered with this request:

- 1) The parcel does not contain a primary use. Primary uses are required before an accessory structure may be placed on a parcel.
- 2) The parcel is considered a buildable parcel that may accommodate future dwelling(s) or future development.
- 3) The structure located on the site was placed between November 19, 2019, and November 18, 2021.
- 4) Gravel located on the site was not permitted and does not pre-exist city codes that prohibit it.
- 5) Campers and Recreational Vehicles cannot be parked/stored on the surface.
- 6) A variance from the Board of Adjustment would be required from the above items to vary from zoning code requirements. The parcel/identified property does not have an approved variance from the Board of Adjustment allowing for said activities or conditions to exist on the site. The City is in receipt of a partial variance application that is tentatively scheduled for May 3, 2023.

ALTERNATIVES

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

- 1) The City of Indianola Board of Adjustment sustains the Zoning Administrators determination that a violation does exist at Lot 62 of the Millbrook Plat 2 Subdivision.
- 2) The City of Indianola Board of Adjustment reverses the determination made by the Zoning Administrator finding that a violation does not exist at Lot 62 of the Millbrook Plat 2 Subdivision.
- 3) The City of Indianola Board of Adjustment continues the hearing to 6PM on Wednesday, May 3rd, 2023, requesting further information from staff and/or the appellant.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) McKelvey
(First Name) Rod
(Address) 501 East 13th Place
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-669-0448 (Email) rodmcKelvey@icloud.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: _____
- ☐ 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) Rod McKelvey

Date 3-23-2023

FOR OFFICE USE ONLY:

Code to 45180

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

E. Manufactured Home Park Zoning District (R4)

iii. Maximum Building Height: 35 feet.

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Fences and Walls: (See Chapter 165.04.)

(5) Site Plan Required: Each petition for a change to the R-4 zoning classification submitted to the City shall be accompanied by a manufactured home park site plan. Said site plan shall show each manufactured home space, or platted lot, the water, electrical and sewer lines serving each manufactured home space, the location of water hydrants, community shelter building or buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping. The plan shall be considered by the Planning and Zoning Commission and the City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Ordinance and the General Provisions contained hereinbelow. All changes to the R-4 classification shall be made in accordance with the provisions of Chapter 165 of this Zoning Ordinance.

(6) General Provisions: The manufactured home park shall conform to the following requirements.

a. Drainage. The park shall be located in a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

b. Signs. One permanent identification sign shall be required at any main entrance to a manufactured home park.

c. Streets. The entrance road connecting the park driveways with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior driveways shall be not less than twenty-five (25) feet in width, measured back to back of curbs. All streets and driveways, including driveways to and within individual manufactured home spaces, shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Gravel or unpaved streets, driveways, and parking areas shall not be permitted.

d. Skirting. Skirtings of a permanent type material and construction shall be installed within thirty (30) days from the date the manufactured home is set and leveled. The skirting shall enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home lot. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home park.

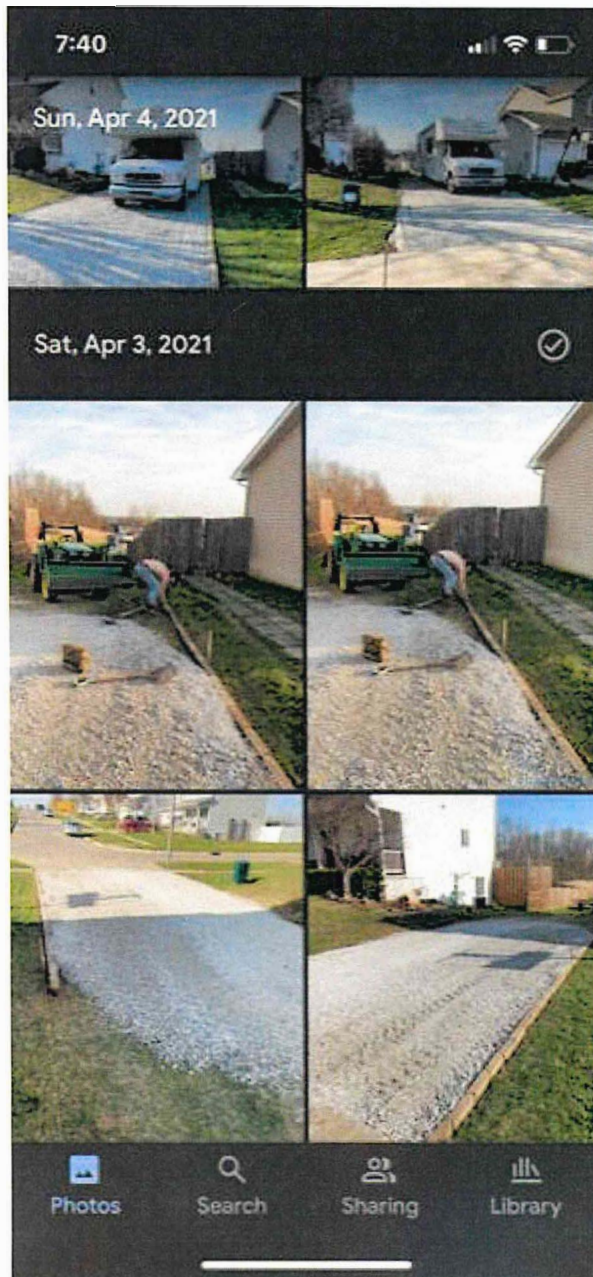
e. Parking Spaces Required for Each Manufactured Home. Each manufactured home shall be provided a minimum of 2 paved parking spaces.

f. Walkways. Walkways not less than six (6) feet wide shall be provided from the

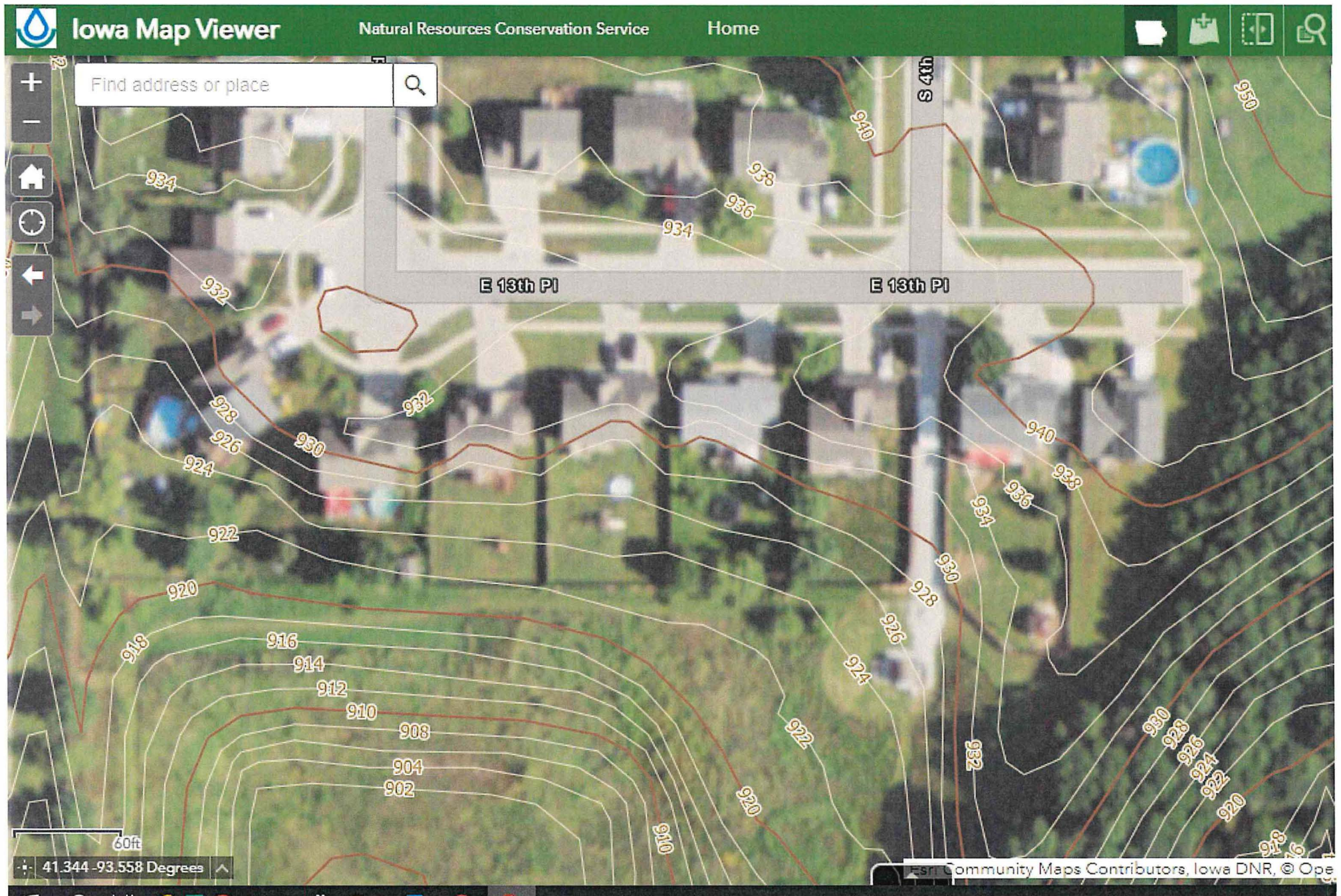


* 165.05 (6,C) refers to R4 manufactured home Parks.

* Current chapter 165.05 was Drafted 4-27-2021 - Gravel drive was in place prior to Draft



Photos taken the first week of April 2021, after the gravel drive was started.
Sent from my iPhone



Water Flows away from Street,



STORMWATER MANAGEMENT

Strategies

IMPACTS OF STORMWATER

During storms, impervious surfaces such as roadways, parking lots and compacted soils cause accumulated pollutants to flow into storm drains without treatment. The contaminated water then makes its way into streams and rivers.

Rainwater should naturally soak into the soil to be filtered, but impervious areas prevent that from happening. This causes an increase in the volume and rate of polluted stormwater runoff into local waterbodies. As communities grow, they often experience even more stormwater runoff problems.



Without proper stormwater management, developed areas negatively impact their surroundings. There is increased water runoff which damages stream channels, pollutes water resources, and causes flooding.

Stormwater from roads and buildings can impact private property. Unlike common public infrastructure such as roads, sewers, or electricity, stormwater is often left for citizens to repair when damage occurs on private property.

UPDATED DESIGN STRATEGIES

Better site design is the first step to improved communities. Urban areas should be designed to:

- preserve natural drainage in open spaces
- reduce flow of additional stormwater
- reduce pollutants
- reduce flooding
- reduce impervious surfaces

This approach is used with management of both small and large storm events to:

- improve water **quality**
- reduce water **quantity**

WATER QUALITY PROTECTION *Small Storms*

These are methods that target the small rainfall events. They provide treatment for the dirtiest portion of the runoff. The methods will help water soak into the ground, limit runoff in small rains, and reduce runoff that is causing erosion and damage in streams.



FLOOD PROTECTION *Large Storms*

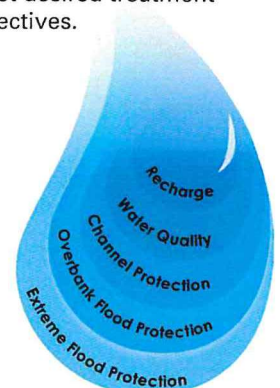
These are methods to manage the large and infrequent storms that cause infrastructure damage and the catastrophic floods that threaten public safety.



UNIFIED SIZING CRITERIA

Unified Sizing Criteria is a comprehensive approach to design stormwater management systems.

It uses measurement standards to meet flooding, health, safety, and water quality goals. These criteria are used to design best management practices that meet desired treatment objectives.



OBJECTIVES OF UNIFIED SIZING CRITERIA

The Unified Sizing Criteria is used to manage stormwater with engineering techniques that protect our streams, rivers, and lakes. This approach mimics how Iowa's original native prairie landscape and soils were able to soak in rainfall.



This pond is part of a series of natural treatment areas for stormwater. It was designed using the unified sizing criteria and it creates an open, park-like setting for residents to enjoy.



Permeable pavers (top) and bioretention cells (bottom) also soak in rainfall and manage stormwater where it falls instead of shedding polluted water.

SMALL STORM *Criteria for Water Quality:*

RECHARGE VOLUME (Rev)

- Absorbs rainfall and replenishes groundwater
- Reduces surface runoff and improves stream low-flow
- Infiltrates or reuses up to 1.0" of rainfall

WATER QUALITY VOLUME (WQv)

- Captures runoff from the most common storm events
- Provides water quality treatment and reduced pollutant loads
- This amount of runoff results from a 1.25" rainfall (includes 90% of all storms in Iowa)

CHANNEL PROTECTION VOLUME (CPv)

- Stabilizes streams by reducing flow rates and stream erosion
- Slowly releases the amount of rainwater from a 1-year storm over 24 hours (approximately 2.7" rain)

LARGE STORM *Criteria for Water Quantity:*

OVERBANK FLOOD PROTECTION (Qp)

- Reduces local flash flooding from overloaded storm drains
- Reduces streams from overflowing their banks within communities
- Manages approximately 3.0" to 4.5" rainfall from a 2-year to 10-year storm

EXTREME FLOOD PROTECTION (Qf)

- Prevents flood damage to downstream properties and infrastructure
- Prevents increases in high water elevation during a flood
- Manages up to and beyond a 100-year storm (approximately 8.0" rain)

For more information, refer to:

Iowa Stormwater Management Manual (ISWMM) – a statewide stormwater resource that provides design information on the Unified Sizing Criteria as well as stormwater best management practices.

Visit this site to view the ISWMM:

www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Storm-Water/Storm-Water-Manual



*Portable Shed***165.03 DEFINITIONS.**

The following terms are defined for the purposes of this chapter:

1. 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.
2. Addition: An extension or increase in floor area or height of a building or structure.
3. After Hours Business: Any business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.
4. Agriculture: The use of land for agricultural purposes, including those forms of row- crop farming, horticulture, floriculture, forestry, groves, orchards, and viticulture and limited animal husbandry, apiculture, dairying, poultry husbandry, ranching as specified herein appropriate for operation in an urban and urbanizing area, and also those necessary accessory uses for packing, treating or storing the produce. The operation of the accessory uses shall be subordinate to that of the normal agricultural activities. This definition does not include any animal feeding operations, confined animal feeding operations, open feedlots, and similar operations containing 12 or more animals. Furthermore, this definition does not include any processing of animal products.
5. Amusement arcade: A building or part of building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
6. Animal shelter: A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity, including (but not limited to) a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.
7. Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building. (Also see "satellite dish antenna" and "communications tower.")
8. Apartment house or building: Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building. Said buildings have dwelling units that are both vertically and horizontally attached to one another. (See "Dwelling, multiple-family.")
9. Assisted living residential facility: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.
10. Automobile sales and storage lot: An open, off-street area where 100 or more new and used operable motor vehicles are stored or offered or displayed for sale or advertising purposes. No motor vehicle may be sold or stored in any location other than an automobile sales and storage lot.
11. Automobile service center: Any building or premises where at least fifty percent (50%) of the business is derived from retail sales of auto parts and accessories. Major work, including (but not limited to) engine and transmission overhauls and/or changes, shall not be permitted.
12. Bar: Any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such

(Also see "buffer.")

138. **Short-Term Rental:** Any dwelling that is leased or rented for a period of less than 31-days. This definition includes any dwelling leased or rented through an online marketplace such as Airbnb. This definition does not include Bed and Breakfast Inns, Boarding or Rooming Houses, and Extended Stay Hotels or Apartment Hotels.

139. **Sign:** (See Signage, Section 165.10, for sign definitions.)

140. **Single Family Attached Residential** (See "Dwelling, row," "Dwelling, single-family, semi-detached," "Dwelling, townhouse," and "Dwelling, two-family.")

141. **Single Family Detached Residential** (See "Dwelling, single-family.")

142. **Site improvements:** Includes all improvements to a site plan in addition to proposed buildings, and including but not limited to utilities, storm water management, parking, loading areas, landscaping, buffers, and freestanding signs.

143. **Site plan:** A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land. (For detailed requirements of a site plan see Chapter 166.)

144. **Smoking Lounge:** An establishment where patrons can purchase and consume tobacco products on site or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Cigarette, Vape, or Vapor Lounge or Bar.

145. **Start of construction:** Occurs when footings or structural support columns are installed or constructed. For a "factory-built home," actual start will occur when it is placed on a site or foundation is constructed.

146. **Story:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than five (5) feet above grade, such basement shall be considered a story.

147. **Street line:** The right-of-way line of a street.

148. **Street, public:** Any thoroughfare or public way not less than twenty-six (26) feet in width, which has been dedicated to the public or deeded to the City for street purposes; and also any such public way as may be created after enactment of the Zoning Regulations, provided it is fifty (50) feet or more in width.

149. **Structural alterations:** Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

150. **Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, antenna, mobile homes, billboards, poster panels, factories, sheds, cabins, factory-built homes, satellite dish antenna, storage tanks, towers, and other similar uses.

151. **Subdivision:** A division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use; provided, however, this definition of a subdivision does not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes.

Rod A. McKelvey

From: Rod McKelvey <rodmckelvey@icloud.com>
Sent: Thursday, March 23, 2023 1:54 PM
To: Rod A. McKelvey
Subject: Fwd: Shed and gravel drive

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

Sent from my iPhone

Begin forwarded message:

From: Rod McKelvey <rodmckelvey@icloud.com>
Date: March 22, 2023 at 8:07:24 PM CDT
To: Billy Mallory <bmallory@mallorylawiowa.com>
Subject: Shed and gravel drive

The shed is not on concrete nor tied down, it can be moved easily with my compact tractor. This shed currently houses the lawn mower used to mow around the lot and a couple paths across for the neighbor kids to commute between the neighborhoods. It will be taken elsewhere at the time the garage build starts.



Shed in question will be
removed prior to Dirt work
starts for build.





BILLY J. MALLORY

T: 515-207-2365
billy@mallorylawiowa.com

March 13, 2023

City of Indianola, Iowa
Community Development Dept.
110 North First Street
Indianola, IA 50125
mvisser@indianolaiowa.gov
Via US Mail and E-mail

Re: McKelvey – Case No. CASE-2023-11

Dear Whoever It May Concern:

This firm and the undersized represent Rod and Angela McKelvey.

We are in receipt of the Notice of Violation in the above-mentioned Case Number.

The McKelveys file this appeal based upon the fact that the condition of the property and its current use does not violate chapter 165 of the City Code. Pursuant to the Indianola City Code we request that all enforcement action be stayed and that a copy of the file on this matter be transmitted to the Board of Adjustment so that a hearing may be held.

Please understand that no statement herein is intended as a limitation or waiver of any rights of my clients. This correspondence, as well as all prior and subsequent correspondence, is sent with a full reservation of all rights and defenses which my clients have or may have under law, equity, and the terms and provisions of any applicable ordinance.

Finally, all further communications on these matters should be directed to my attention at the address below.

Sincerely,

BILLY J. MALLORY



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

CITY OF INDIANOLA, IOWA

VS.

VIOLATOR: MCKELVEY, ROD/ANGELA D (Deed)

NOTICE OF VIOLATION

Date Case Established:

03/02/2023

Case Number:

CASE-2023-11

Date of Notice:

03/02/2023

Compliance Deadline:

03/16/2023

MCKELVEY, ROD/ANGELA D (Deed)
501 E 13TH PL
INDIANOLA, IA 50125

Notice of Violation:

You are hereby notified that, upon an inspection of property under your ownership located at Parcel #485/7102-0200 and legally described as 31-76-23 MILLBROOK PLAT 2 LOT 62, the following violation(s) were identified:

Violation(s):

165.05 (6, C) All streets and driveways, including driveways to and within individual manufactured home spaces, shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Gravel or unpaved streets, driveways, and parking areas shall not be permitted.

165.04 (2,B) No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

165.07 (B) (1)- All parking and storage of vehicles, trailers, recreational vehicles, campers, boats and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this Chapter

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

Remove all gravel
Remove Shed
Park RV/Camper on paved surface

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

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


Indianola Code Enforcement Officer
mvisser@indianolaiowa.gov

From: [Emily Rizvic](#)
To: rodmckelvey@icloud.com
Cc: [Charlie Dissell](#); [Tim Little](#)
Subject: Additional Zoning Information | Parcel #485/7102-0620
Date: Monday, February 27, 2023 3:16:00 PM
Attachments: [image001.png](#)
[Additional Zoning Information - #485-7102-0620.pdf](#)
[image003.jpg](#)

Good afternoon Rod,

Hope that all is well. Please see attached for additional zoning information regarding your property identified as #485/7102-0620.

Please let me know if you have any questions or if you would like to set up a time to discuss further.

Thank you,
Emily

EMILY RIZVIC

ASSOCIATE PLANNER

P: (515) 962-5270

E: erizvic@indianolaiowa.gov | IndianolaIowa.gov



COMMUNITY DEVELOPMENT

Rod McKelvey
501 E 13th Pl
Indianola, IA 50125
(515) 669-0448
rodmckelvey@icloud.com

RE: Additional Zoning Information for Parcel #485/7102-0620 / Rod McKelvey

Dear Mr. McKelvey,

Thank you for speaking with staff on February 23rd, 2023 regarding a building permit application that was denied for an accessory structure to be placed on a property without an existing primary structure. The application in question included a proposed 40' x 50' building with office space and shower/toilet area. The applicant had noted on this date that the building would be used to host regular organizational meetings, as well as office space.

Parcel ID Number: #485/7102-0620

The property listed above is in the R-2 'Single-family Residential Attached' Zoning District. This zoning district is intended to accommodate single-family attached residential dwellings including duplex and two-family dwellings, townhomes, and rowhouses and certain non-residential uses common with single-family residential areas. Permitted uses within the Single Family Residential Attached Zoning District are included in Attachment A of this letter. This includes: Single-family dwellings, townhouses, and duplexes/two-family dwellings. Office-type uses are not a permitted use within this zoning district, and as such, the building would not be able to be used in the manner as described on February 23rd.

Your permit application for the accessory structure was denied as it did not meet the following code regulations:

"No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter"

(Zoning Code 165.04.2.B)

Reviewer notes: The application does not meet this zoning code regulation as no primary/main building exists for the site. Accessory structures and buildings cannot be built on a vacant lot with no primary building established.

“Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of 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.”

(Zoning Code 165.04.2.E)

Reviewer notes: The application exceeds the maximum allowable size for an accessory structure. The zoning code states that the total amount of all accessory structures on a lot cannot exceed 1,800 square feet. This application proposes a 40' x 50' garage steel building with office space with shower and toilet area (2,000 square foot building). The structure itself exceeds the total amount allowable by 200 square feet. The parcel also contains unpermitted accessory structures.

The applicant may apply for a variance from the Board of Adjustment to these zoning code regulations. however, it is highly unlikely that this application would receive a favorable recommendation from staff as this application would not meet the required four (4) findings of fact. All four of these findings of fact must be found favorably in order for a variance request to be approved. Those findings of fact are listed below:

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.

This asks if there are special conditions or platting features that are peculiar to the lot itself which precludes the property owner from complying to zoning code requirements. From a preliminary review, while the property does contain easements that limit development to the western portion of the lot, the lot itself is still buildable and may lend itself in its current state to development of a permitted use outlined in Attachment A. Additionally, other options exists where the property owner could consider a boundary line adjustment through plat of survey.

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.

From a preliminary review, it appears that no right is being deprived of the applicant of any rights that are commonly enjoyed by other properties in the R-2 Zoning District.

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

This finding of fact asks that you provide evidence and explanation that the hardship experienced is not self-imposed. Not seeking out viable, alternative measures would mean that the actions of the applicant are self-imposed.

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.

This asks for an explanation of how the variance is not advocating for a right that is superior to neighboring properties or properties within the same zoning district. From a preliminary review, if this variance were to be granted, it would confer a right to the applicant that other property owners within the R-2 zoning district do not have. This includes both allowing accessory structures to be placed on vacant properties and having a larger accessory structure that other properties are not allowed to have.

With this preliminary review and the information known at this time, a variance request would not be supported by staff. As such, staff will likely recommend denial of a variance request. The Board of Adjustment is their own adjudicating body and may adopt staff's recommendation or rule differently. Please also note that a variance application includes a \$150 application fee that would be non-reimbursable.

Alternatives that the applicant may consider is a boundary line adjustment between this subject property and 501 E 13th Place and place the accessory structure on this property. The accessory structure would still need to meet all applicable zoning code requirements including size and use of the structure. The structure cannot be used to host regular organizational meetings as the R-2 zoning district does not allow for this type of use.

The applicant can also appeal the zoning decision if the applicant feels that there is any error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of City Zoning Codes. Similar to a variance application, an appeal requires a \$150 application fee that is non-reimbursable.

Lastly, the property currently contains an unpermitted shed structure that does not meet zoning code requirements and will need to be removed. Additionally, the property currently contains a gravel drive which also does not meet zoning code requirements. These items/conditions will need to be removed in order for the property to be back into compliance with zoning code regulations. Please coordinate with staff on creating a compliance schedule in order to get the property back into compliance with these regulations.

If you have any questions regarding this letter, please do not hesitate to contact me at (515) 962-5270 or at erizvic@indianolaiaowa.gov. If you have additional questions regarding this letter or zoning code requirements, please contact me directly to arrange an appointment with relevant staff members to discuss in depth.

Regards,

Emily Rizvic
Associate Planner
City of Indianola

Attachment A:

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

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

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

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

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
AGRICULTURAL USES											
Commercial Farm Operation											
	Farming (row crop, vegetables, greenhouse, vineyards, orchards)	P									
	Animal Husbandry (raising of livestock including animal feeding operations)										
	Truck gardening and nurseries	P									
	Farm Support Housing	S									
Horse boarding and riding stables		P									
Residential Animal Raising (see definition)		P									
Kennel		P									
RESIDENTIAL USES											
Household Living											
	Single-family dwelling, detached	P	P	P							
	Single-family dwelling, semi-detached (traditional duplex on two lots)		S	P	P						

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
	Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single-family home into 2 dwelling units)			P	P						
	Townhouse dwelling (3+ units)			P	P						
	Multiple family dwelling (3+ apartment or condo units)				P				S		
	Manufactured Home Park					P					
	Accessory dwelling (includes the conversion of an existing single family detached dwelling into 2 units such as converting a basement or attached garage space into a separate dwelling unit)	S	S	S							
	Dwelling units located above the ground floor only (mixed use building)								P		
Group Residential											
	Family home / Group care facility	P	P	P	P						
	Elder group home	P	P	P	P						
	Assisted living residential facility		P	P	P			P	P		
	Nursing or convalescent home		P	P	P			P	P		
	Supervised group residence				S				S		
PUBLIC AND CIVIC USES											
College, university, vocational and trades schools		S	S	S	S	S	S	S	S	S	S
Cultural exhibit, museum, or library							P	P	P		
Membership or religions organization, social club or lodge, and other place of public assembly		S	S	S	S	S	S	S	S	S	S
Public or private elementary, middle, or high school		S	S	S	S	S	S	S	S		
Public or private parks, golf courses, golf driving ranges, country clubs, swimming pools, playgrounds, and indoor or outdoor recreational facilities and ball fields		P	P	P	P	P	P	P	P	P	P
Public Utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)		P	P	P	P	P	P	P	P	P	P
Government buildings and properties		P	P	P	P	P	P	P	P	P	P
Hospital								P	P	P	P

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
COMMERCIAL USES											
After hours business											
Agricultural Sales and Services								P		P	P
Animal services											
	Kennel (including day kenneling)										P
	Veterinary services (without overnight kenneling)						P	P	P	P	P
Art gallery							P	P	P		
Banks and financial services											
	Banks, not including delayed deposit service business						P	P	P		
	Delayed deposit service business (including check cashing, payday lending, car title loan business)								S		
	Pawnshop								S		
	Freestanding automated teller machine (ATM)						P	P	P		
Body piercing studio or tattoo studio									S		
Child Care Center (<i>child care home and child development home are addressed under the home occupations chapter</i>)			S	S	P		P	P	P	S	S
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use											
	No outdoor storage							P		P	P
	With outdoor storage										P
Drive-in or drive-thru facilities							S	P			
Eating and drinking establishment											
	Restaurant							P	P		
	Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales	S						P	P	P	P
	Tavern / Bar							P	P		
Entertainment											
	Movie theater, performance hall, performing arts studio						P	P	P		

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
	Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P	P	P	
	Outdoor: drive-in theater, waterpark, miniature golf, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P		P	P
Funeral and interment services											
	Cemetery, mausoleum, columbarium	P	P	P	P		P	P		P	P
	Cremation services										S
	Funeral Home including funeral services and retail sales with no outdoor display or storage			S	S		P	P	P	P	P
	Retail sales with outdoor displays and storage							P		P	P
Lodging											
	Bed & breakfast inn	P	S	S	P		P	P	P		
	Boarding or rooming house				S						
	Extended stay or apartment hotel							S	S		
	Hotel or motel							P	P		
	Campground	P							S	S	
	Short-term rental	P	P	P	P	P			P		
	Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use						P	P	P		
Mini warehouse or self-storage facility											
	In-door only									P	P
	Out-door storage including vehicle, boat, camper, recreational vehicle										P
Motor vehicle and motor equipment-oriented businesses											
	Automobile service center (auto parts sales)							P		P	
	Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							P		P	P

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
	Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P		P	P
	Electric vehicle charging stations (not ancillary to a principal use)						P	P	P	P	P
	Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)							P		P	P
	Automobile sales, rental, storage lot, and off-street parking							P		P	P
	Automobile, truck and equipment auction facilities									P	P
	Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P		P	P
	Light equipment sales, rental, or repair service							P		P	P
	Heavy equipment sales, rental or repair service										P
	Truck Stop, not including trailer washout										P
	Commercial parking lots and parking structures (not ancillary to a principal use)							P	S	P	P
	Personal and consumer service										
	Beauty salon, barbershop						P	P	P		
	Dry cleaner and laundry service								P	P	P
	Dry cleaner and laundry service (pick-up/drop-off service only)						P	P	P	P	P
	Laundry (self-serve laundromat)						P	P	P	P	P
	Massage therapy establishment, state licensed						P	P	P		
	Fitness center, gym, health spa						P	P	P	P	P
	Tailor						P	P	P		
	Print shop, copy center, retail shipping store							P	P	P	P

PERMITTED AND SPECIAL USES TABLE										
USE		ZONING DISTRICT								
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1 M-2
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)							P	P	P	
Television and radio broadcast studio, offices, and production facilities							P	P	P	
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)							P	P	P	
Retail sale - intensive										
	Convenience store with fuel sales							P	P	P
	Fireworks retail sales facility							P		P
	Hardware store, lawn and garden store, or similar use with outdoor storage							P	P	P
	Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)							P		
	Liquor store							S	S	
	Lumber yard and Construction Sales and Services							S		P
	Medical cannabidiol dispensary							S	S	
	Can and bottle redemption facility							P		P
	Smoking lounge or hookah lounge							S	S	
	Tobacco store (including vape shop)							S	S	
Adult oriented establishment										S
Spectator sports										
	Indoor	S								P
	Outdoor	S								P
Sports and recreation, participant										
	Outdoor	S								P
	Indoor	S								P
INDUSTRIAL USES										
Animal feedlots, processing of animals or animal by-products										
Electrical power generation (utility scale for off-site use, distribution, or sale)		S								S
Manufacturing, production and industrial services										

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
	<u>Limited</u> (no food related processing and manufacturing, all activities wholly contained within a building)									P	P
	<u>General</u> (limited food processing, outdoor storage limited)									P	P
	<u>Intensive</u> (may include outdoor storage of materials and activities not contained within a building) and includes:										
	Auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)										S
	Truck or trailer washout										S
	Cement, lime, gypsum, or plaster manufacture										S
	Explosive and ammunition manufacture or storage										S
	Junk or garbage processing, recycling, storage, or transfer station (indoor only)										S
	Petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage										S
	Rubber goods manufacture										S
	Sand or gravel pits, mining, and crushing										S
	Smelting and processing of ore, metal and scrap metal										S
	Medical cannabidiol manufacturer										S
	Repair service										
	Electronics, appliance, household goods, furniture or similar							P		P	P
	Small engine										P
	Research laboratory and testing										P
	Storage of equipment, data and records, electronic data center, furniture and similar										P
	Trucking/freight terminal										P
	Wholesale fuel storage, sales, or distribution										S
	Grain storage and distribution										P

PERMITTED AND SPECIAL USES TABLE										
USE		ZONING DISTRICT								
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1 M-2
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)										P
Waste related use										
	Junkyard including auto, truck and machinery wrecking and recycling									S
	Recycling facility									S
	Sanitary landfill									S
OTHER USES										
Gas and electrical power distribution station		S								S
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)		S								S
Wireless telecommunications facility										
	Tower	S	S	S	S	S	S	S	S	S
	Co-located	S	S	S	S	S	S	S	S	S
	Commercial broadcast antennas, towers, and satellite dishes	S	S	S	S	S	S	S	S	S



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

CITY OF INDIANOLA, IOWA

VS.

VIOLATOR: MCKELVEY, ROD/ANGELA D (Deed)

NOTICE OF VIOLATION

Date Case Established:

03/02/2023

Case Number:

CASE-2023-11

Date of Notice:

03/02/2023

Compliance Deadline:

03/16/2023

MCKELVEY, ROD/ANGELA D (Deed)
501 E 13TH PL
INDIANOLA, IA 50125

Notice of Violation:

You are hereby notified that, upon an inspection of property under your ownership located at Parcel #485/7102-0200 and legally described as 31-76-23 MILLBROOK PLAT 2 LOT 62, the following violation(s) were identified:

Violation(s):

165.05 (6, C) All streets and driveways, including driveways to and within individual manufactured home spaces, shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Gravel or unpaved streets, driveways, and parking areas shall not be permitted.

165.04 (2,B) No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

165.07 (B) (1)- All parking and storage of vehicles, trailers, recreational vehicles, campers, boats and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this Chapter

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

Remove all gravel
Remove Shed
Park RV/Camper on paved surface

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

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

Indianola Code Enforcement Officer
mvisser@indianolaiowa.gov

Tracking Number:

Remove X

70220410000245882595

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at the post office at 1:19 pm on March 9, 2023 in INDIANOLA, IA 50125.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Individual Picked Up at Post Office

INDIANOLA, IA 50125
March 9, 2023, 1:19 pm

Notice Left (No Authorized Recipient Available)

INDIANOLA, IA 50125
March 6, 2023, 2:33 pm

Out for Delivery

INDIANOLA, IA 50125
March 6, 2023, 7:59 am

Arrived at Post Office

INDIANOLA, IA 50125
March 6, 2023, 7:48 am

Departed USPS Regional Facility

DES MOINES IA DISTRIBUTION CENTER
March 6, 2023, 3:59 am

In Transit to Next Facility

March 5, 2023

Arrived at USPS Regional Facility
DES MOINES IA DISTRIBUTION CENTER
March 2, 2023, 8:02 pm

Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less

Track Another Package

Enter tracking or barcode numbers

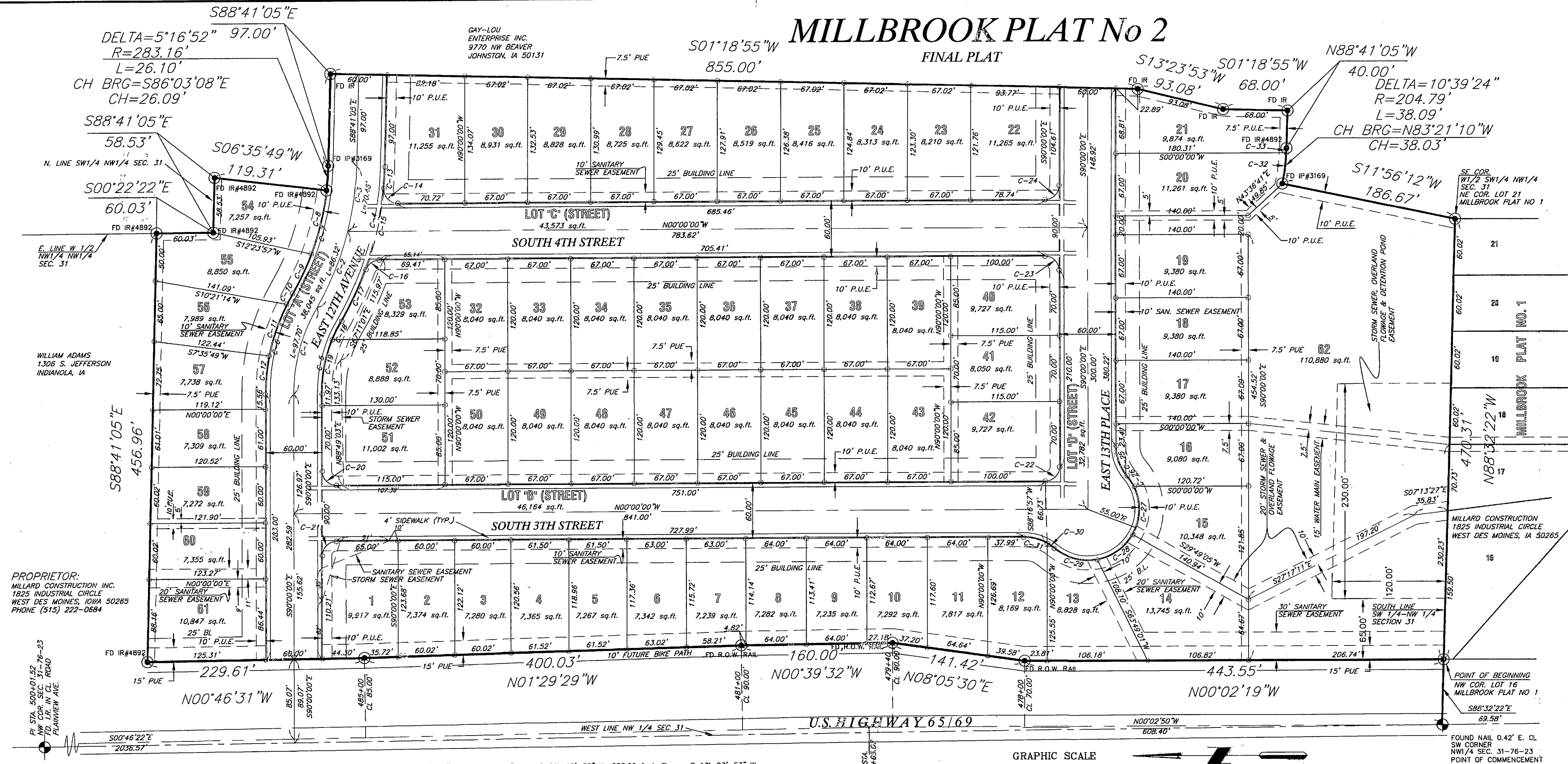
Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

MILLBROOK PLAT No 2

FINAL PLAT



PROPERTY DESCRIPTION

A portion of the S.W. 1/4 of the N.W. 1/4 and the N.W. 1/4 of the N.W. 1/4 of Section 31, Township 76 North, Range 23 West of the 5th P.M., Indianola, Warren County, Iowa is described as follows:

Beginning at the S.W. corner of the N.W. 1/4 of said Section 31; Thence S 85°-32'-22" E, along the South line of the S.W. 1/4 of the N.W. 1/4 of said Section 31, 69.58 feet to a point on the East Right-of-Way line of U.S. Highway No. 65-69, as it is presently established, said point being the N.W. corner of Lot 16, Millbrook Plat No. 1, an Official Plat, and to the Point of Beginning; Thence N 00°-02'-18" W along the East Right-of-Way line of said U.S. Highway No. 65-69, +43.55 feet to a point 79.00 feet East of low D.O.T. Centerline Station #49+00.00; Thence S 85°-30' E, along the East Right-of-Way line of said U.S. Highway No. 65-69, 141.42 feet to a point 90.00 feet East of low D.O.T. Centerline Station #79+40.00; Thence N 00°-39'-32" W along the East Right-of-Way line of said U.S. Highway No. 65-69, 183.00 feet to a point 90.00 feet East of low D.O.T. Centerline Station 481+40.00; Thence N 01°-29'-29" W along the East Right-of-Way line of said U.S. Highway No. 65-69, 405.63 feet to a point 85.00 feet East of low D.O.T. Centerline Station 485+00.00; Thence S 88°-41'-05" E, 456.98 feet to a point on the East line of the W 1/2 of the N.W. 1/4 of the N.W. 1/4 of said Section 31; Thence S 00°-22'-22" E along the East line of the W 1/2 of the N.W. 1/4 of the N.W. 1/4 of said Section 31, 60.03 feet to a point on the North line of the S.W. 1/4 of the N.W. 1/4 of said Section 31; Thence S 86°-03'-08" E, 58.53 feet to a point on the S.E. 1/4 of the N.W. 1/4 of said Section 31; Thence S 06°-35'-49" W, 115.31 feet; Thence Southeastly along a 283.16 foot radius curve concave Northeastwardly, whose chord has a bearing of S 86°-03'-08" E and a chord length of 26.09 feet, for a distance of 26.10 feet; Thence

S 88°-41'-05" E, 97.00 feet; Thence S 07°-18'-55" W, 855.00 feet; Thence S 13°-23'-53" W, 40.00 feet; Thence S 01°-18'-55" W, 68.00 feet; Thence N 88°-41'-05" W, 48.00 feet; Thence Northeasterly along a 29.79 foot radius curve concave Northeasterly, whose chord has a bearing of N 83°-21'-10" W and a chord length of 38.03 feet, for a distance of 38.09 feet; Thence S 11°-56'-12" W, 186.67 feet to the S.E. corner of the W 1/2 of the S.W. 1/4 of the N.W. 1/4 of said Section 31, said point being the N.E. corner of Lot 21 in said Millbrook Plat No. 1; Thence N 88°-32'-22" W along the South line of the S.W. 1/4 of the N.W. 1/4 of said Section 31, and along the North line of Lots 21, 20, 19, 18, 17, and 16 in said Millbrook Plat No. 1, 470.31 feet to the Point of Beginning.

Said tract of land being subject to and together with all its easements of record.

Said tract of land contains 18.150 acres more or less.

NOTE:

All corners have been marked with iron pipe or are found as noted. Plastic identification caps have been placed on all set iron pipe.

This plat has an error of closure of less than 1.00 foot in 10,000.00 feet. Each lot within this plat has an error of closure of less than 1.00 foot in 5,000.00 feet.

This Plat contains all of Parcel "A" that lies in the SW 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 31776NR23 and contains 18.150 acres total. 17.520 acres lies within the SW 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4 of the NW 1/4.

LEGEND

SECTION CORNER - FOUND AS NOTED

PLAT CORNER - FOUND AS NOTED

PROPERTY CORNER - SET IRON PIPE
I.D. CAP No. 12

CURVE #	DELTA	TANGENT	RADIUS	LENGTH	CHORD	CHORD BEARING
C-1	30°00'00"	50.00'	186.60'	97.70'	96.59'	N75°00'00"W
C-2	15°47'35"	43.44'	313.16'	86.32'	86.05'	N67°53'47"W
C-3	12°53'30"	35.39'	313.16'	70.46'	70.31'	N82°14'20"W
C-4	28°41'05"	87.74'	343.16'	171.80'	170.01'	N74°20'33"W
C-5	30°00'00"	41.96'	156.60'	82.00'	81.06'	N75°00'00"W
C-6	30°00'00"	58.04'	216.60'	113.41'	112.12'	N75°00'00"W
C-7	28°41'05"	72.40'	283.16'	141.76'	140.29'	N74°20'33"W
C-8	14°08'13"	35.03'	283.16'	69.70'	69.93'	N76°21'07"W
C-9	09°18'00"	23.03'	283.16'	45.96'	45.91'	N64°39'00"W
C-10	03°27'17"	6.53'	216.60'	13.06'	13.06'	N61°43'39"W
C-11	15°38'13"	29.74'	216.60'	59.11'	58.93'	N71°16'23"W
C-12	10°54'30"	20.68'	216.60'	41.24'	41.18'	N84°32'45"W
C-13	03°47'16"	11.35'	343.16'	22.69'	22.68'	N86°47'27"W
C-14	95°06'11"	16.40'	150.00'	24.90'	22.14'	S47°33'05"W

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft

CURVE	DELTA	TANGENT	RADIUS	LENGTH	CHORD	CHORD BEARING
C-15	14°47'17"	44.53'	343.16'	88.57'	88.32'	N77°30'11"W
C-16	7°06'32"	10.52'	15.00'	18.35'	17.83'	N35°03'16"W
C-17	10°06'32"	30.35'	343.16'	60.54'	60.47'	N45°03'16"W
C-18	08°15'08"	11.30'	156.60'	22.35'	22.34'	N64°07'34"W
C-19	21°44'52"	30.08'	156.60'	59.44'	58.08'	N79°07'34"W
C-20	90°00'00"	15.00'	15.00'	23.56'	21.21'	S45°00'00"W
C-21	90°00'00"	15.00'	15.00'	23.56'	21.21'	N45°00'00"W
C-22	90°00'00"	15.00'	15.00'	23.56'	21.21'	N45°00'00"W
C-23	90°00'00"	15.00'	15.00'	23.56'	21.21'	N45°00'00"E
C-24	90°00'00"	15.00'	15.00'	23.56'	21.21'	N45°00'00"W
C-25	40°22'03"	18.38'	50.00'	35.23'	34.50'	S69°48'58"W
C-26	14°00'26"	6.76'	55.00'	13.45'	13.41'	N56°38'10"E
C-27	56°10'42"	29.35'	55.00'	53.93'	51.79'	N88°16'16"W
C-28	49°40'23"	25.46'	55.00'	47.68'	46.20'	N35°20'44"W
C-29	50°52'36"	26.16'	55.00'	48.84'	47.25'	S14°55'45"W
C-30	10°21'28"	4.53'	50.00'	9.04'	9.03'	N35°11'19"E
C-31	30°00'35"	13.40'	50.00'	26.19'	25.89'	N15°00'17"E
C-32	09°12'34"	16.50'	204.79'	32.92'	32.88'	N82°37'46"W
C-33	01°26'47"	2.59'	204.79'	5.17'	5.17'	N87°57'28"W

990478-53-DBB

REFERENCE
DRAWING NO.
97-12-P

Bishop Engineering Company
3501 104th Street
Des Moines, Iowa

UTILITY SYMBOLS

WATER MAINS	— W —
SANITARY SEWERS	— S —
STORM SEWERS	— SS —
TELEPHONE CABLES	— T —
ELECTRIC CABLES	— E —
FENCE LINES	— + — + — + —

I HEREBY CERTIFY THAT THIS LAND SURVEY DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2001.

BY: _____
DATE: AUGUST 24, 2000
SCALE: 1" = 50'
FOR: GARY MILLARD

SIGNED: Jack R. Romney
PH. (515) 276-0467

3			
2			
1	REVISED	11/7/00	DSE
NUMBER	REVISIONS	DATE	BY
PROJECT: <i>MILLBROOK PLAT No 2</i> <i>INDIANOLA, IOWA</i>			

'00-
4-P

WARREN COUNTY, IOWA
FILED FOR RECORD

01 DEC 19 PM 12:23

BOOK 2001 PAGE 13528
JUDITH K. LATHROP, RECORDER

DEPUTY

APPROVED BY WARREN COUNTY AUDITOR

DATE THIS 19th DAY OF December 20 01
Traci VanderLinde AUDITOR
 _____ DEPUTY

[Signature] DEPUTY

JMR Romo 11/29/01

Image taken November 19, 2019



Image taken November 20, 2019



Image taken November 18, 2021

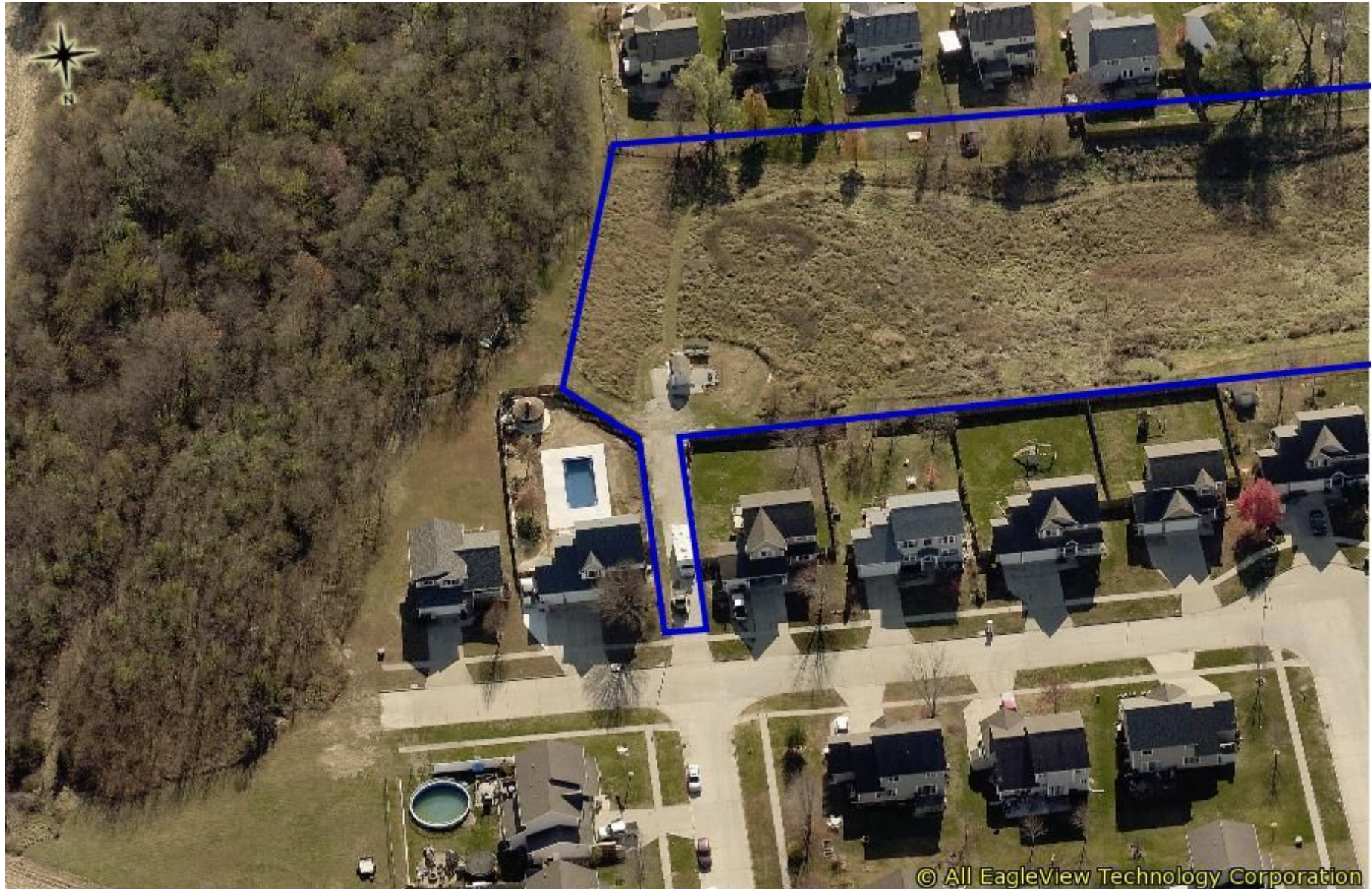
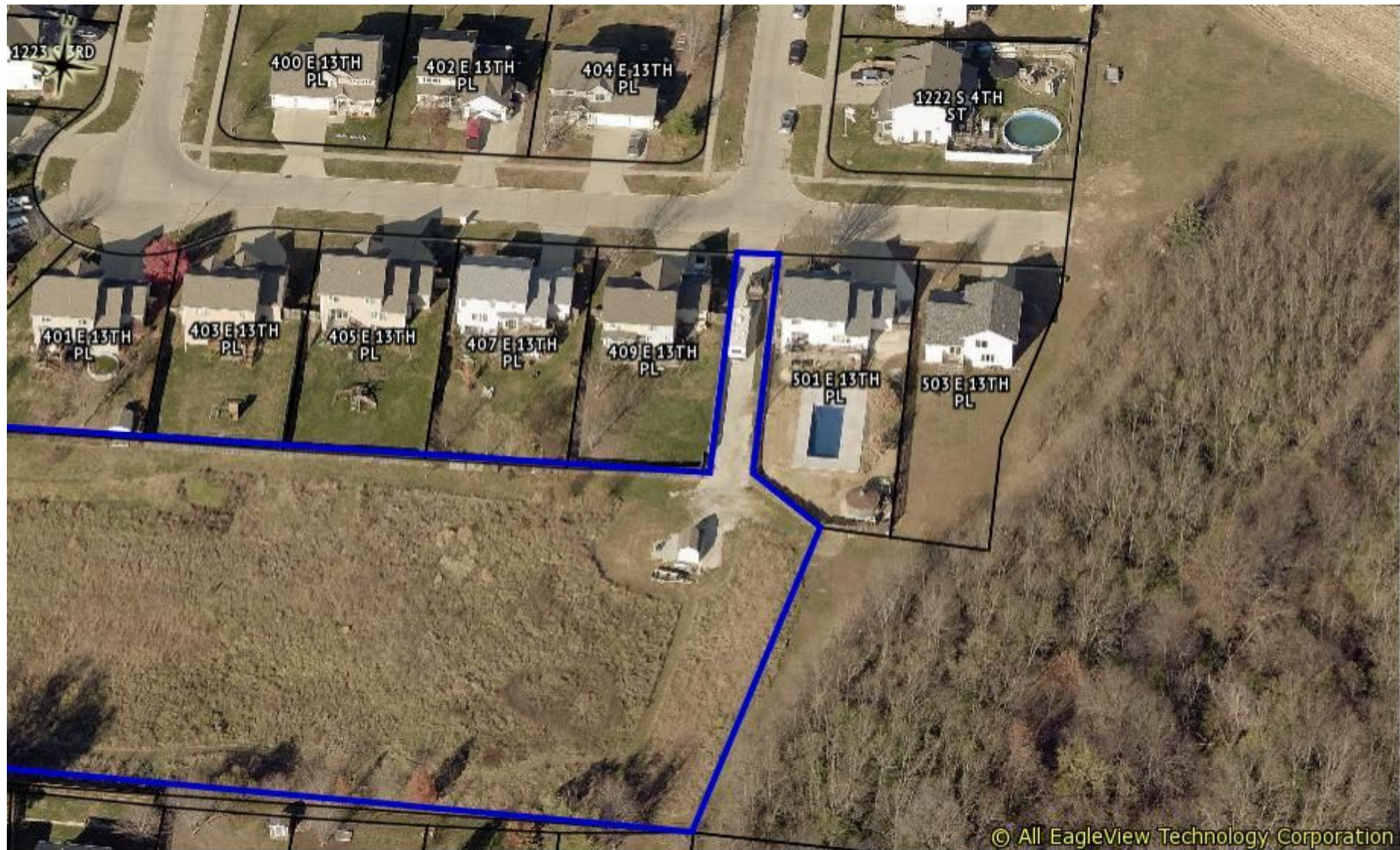
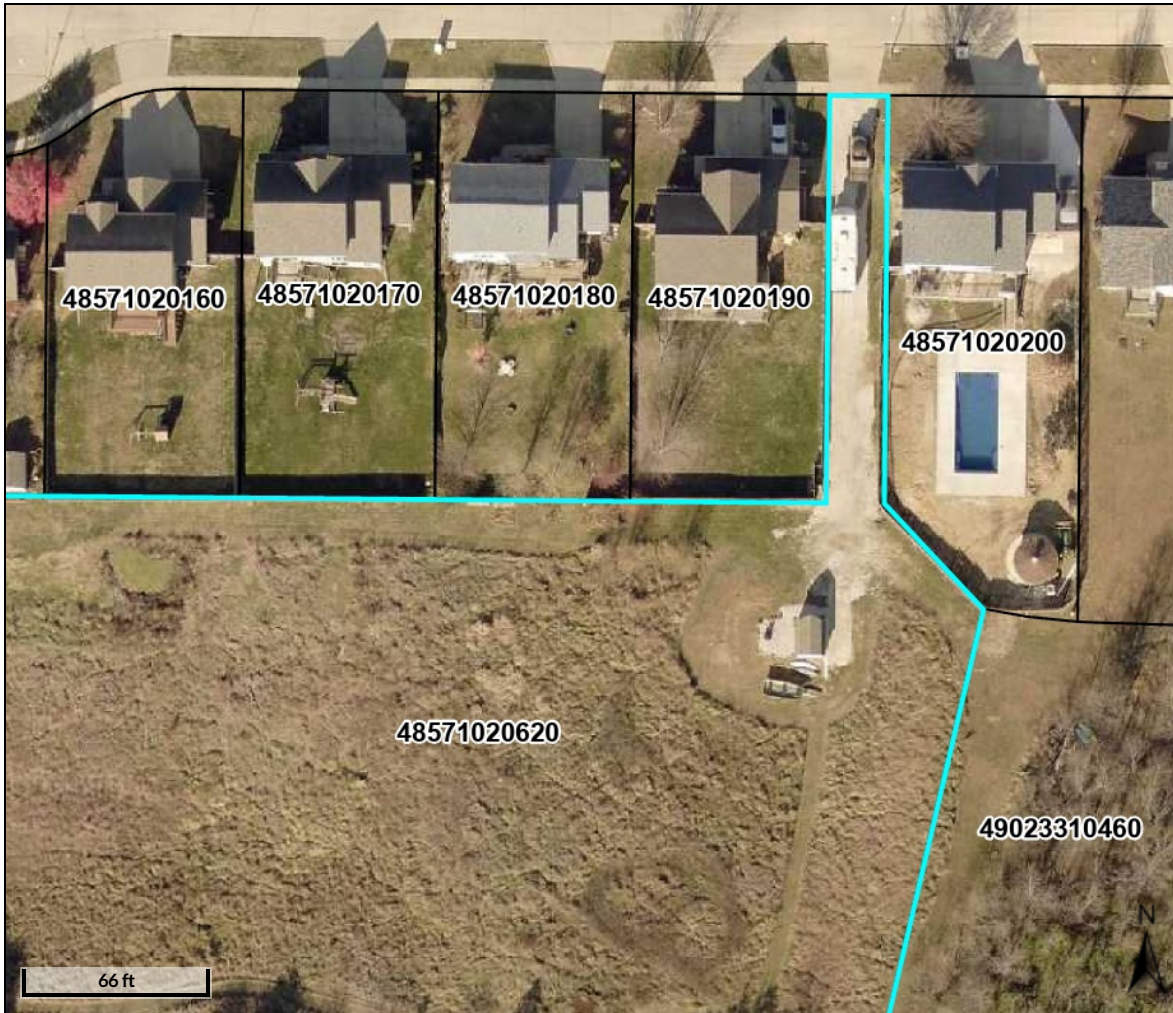
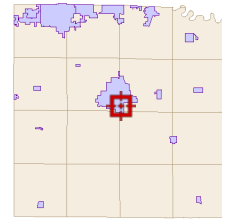


Image taken November 18, 2021





Overview



Legend

Roads

-  Interstate
-  Highway
-  Ramp
-  County Gravel
-  County Level B
-  County Level C
-  City Gravel
-  City Street
-  Private Street
-  <all other values>

-  Corporate Limits
-  Parcels
-  Political Township

Major Roads

-  County Hwy
-  State Hwy
-  US Hwy
-  Interstate
-  Water

Parcel ID	48571020620	Alternate ID	49571020620	Owner Address	MCKELVEY, ROD/ANGELA D
Sec/Twp/Rng	n/a	Class	R		501 E 13TH PL
Property Address		Acreage	n/a		INDIANOLA, IA 50125
District	48300				
Brief Tax Description	31-76-23 MILLBROOK PLAT 2 LOT 62				
	(Note: Not to be used on legal documents)				

Disclaimer:

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