



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

August 2, 2023

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Minutes Approval**
 - A. Approval of the June 7th, 2023 Board of Adjustment Meeting Minutes
- 5. New Business**
 - A. Consider request from Nick Horstman on the behalf of Dave Rosenberger for a variance for property located at 1315 South Jefferson Way.
 1. Variance request to allow for the construction of an accessory structure within the front yard area.
 2. Variance request to allow for the construction of a 2,688 square foot accessory structure.
 - B. **Consider request from Austin Sanford and Aline Da Costa for a variance for a property located at 1101 West 12th Avenue.**
- 6. Comments**
- 7. Adjourn**



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

June 7, 2023

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:02.

2. Roll Call

Board members present: Amy Mitchell, Rene Soldwisch, Lee Bash

Staff Members present: Charlie Dissell, Emily Rizvic

3. Agenda Approval

A. Approval of June 7th's meeting agenda.

Lee Bash made a motion to approve the agenda.

Amy Mitchell seconded the motion.

Motion passed.

4. Minutes Approval

A. Approval of May 3rd's meeting minutes.

Amy Mitchell made a motion to approve the meeting minutes.

Lee Bash seconded the motion.

Motion was passed.

5. New Business

A. Consider request from Josiah Robinson for a variance to driveway paving standards to permit a gravel driveway at 1003 South 1st Street

Rene Soldwisch made a motion to approve the request as written.

Lee Bash seconded the motion.

Approval for the variance was unanimously denied.

6. Comments

7. Adjourn

The meeting was adjourned at 6:29.



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: August 2, 2023

Subject: Consider request form Nick Horstman on the behalf of Dave Rosenberger for a variance for property located at 1315 South Jefferson Way.

Recommendation:

In regards to permitting **the construction of an accessory structure within the front yard area**, staff recommends approval of the variance request, with the following conditions:

1. That an opaque landscape screen be installed and maintained to screen the accessory structure from visibility along South Jefferson Way. Landscaping must comply with Chapter 165.08 titled 'Open Space, Landscaping, and Buffering' of the City of Indianola Zoning Code.
2. That the architectural style and design of the accessory structure must match that of the main, principal structure located on the site, including exterior building materials (such as siding, roofing, and trim) which must be of similar and identical quality of that found on the principal structure.

In regards to permitting **the construction of an oversized accessory structure**, staff recommends denial of the variance request.

Attachments:

1. Staff Report
2. Application
3. Narrative
4. Subject Property and Site Plan
5. Elevations
6. Building Plans
7. Site Pictures



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: August 2, 2023

Agenda Item: 5.A Consider request from Nick Horstman on behalf of Dave Rosenberger for a variance for property located at 1315 South Jefferson Way

Application Type: Variance

Applicant: Nick Horstman

Property Owner: Dave Rosenberger

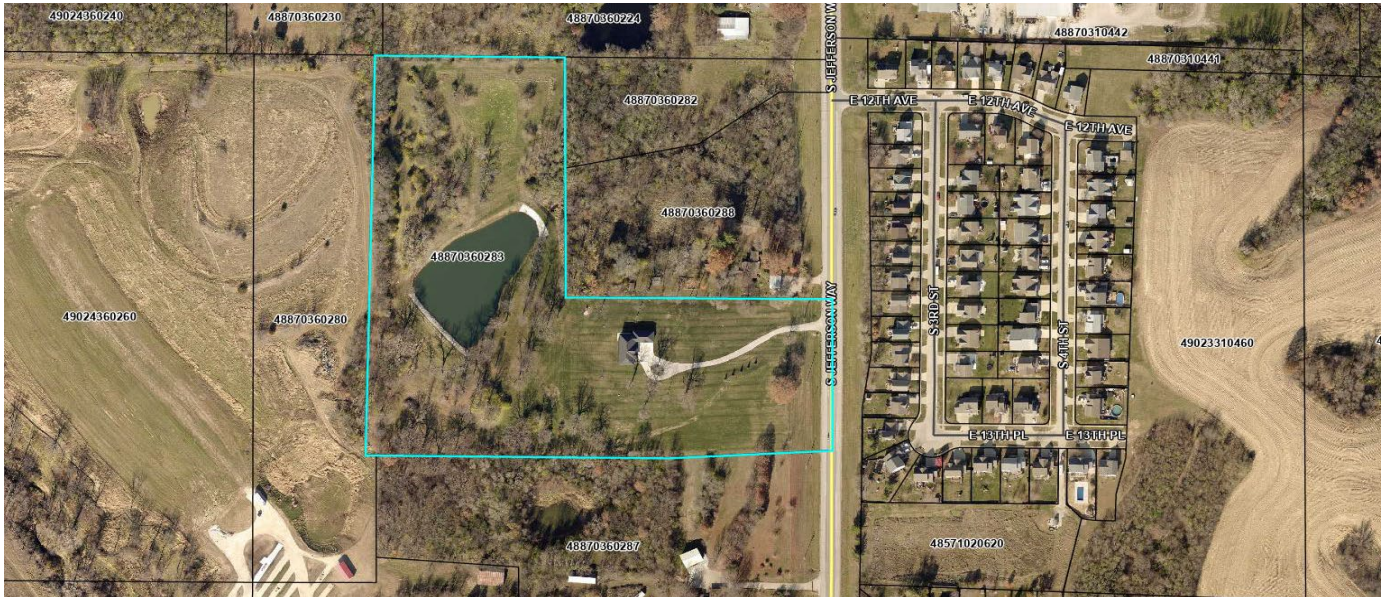
Property Address/Parcel: 1315 South Jefferson Way (Parcel ID #488/7036-0283)

Zoning: A-1, Agricultural / Open Space Zoning District

Application Summary

Nick Horstman on behalf of Dave Rosenberger is requesting a variance for the property at 1315 South Jefferson Way. The request is to vary from two zoning code requirements. The first is to allow the construction of an accessory structure that would be 2,688 square feet in size and would be located on front yard area. Such proposal would not conform to city zoning codes, which do not allow for detached accessory structures over 1,800 square feet, nor for accessory structures to be located in the front yard area.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.02(3)(B) POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment has the following powers and duties:

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

A. A written application of a variance is submitted demonstrating:

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

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

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

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

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

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

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

165.04(2) ACCESSORY BUILDINGS AND STRUCTURES.

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

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

E. Area and Height Limit. 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.

ANALYSIS

Subject Property and Surrounding Land Uses

Nick Horstman, on the behalf of Dave Rosenberger, is requesting two variances for the property at 1315 South Jefferson Way (Parcel ID #488/7036-0283) relating to the construction of an accessory structure. The subject property is a 15-acre lot and contains a single-family dwelling, which is on a septic tank system. This septic tank and field is located immediately to the southwest of the house. The subject property is currently zoned for the A-1 'Agricultural / Open Space' Zoning District.

As far as surrounding land uses to the property, to the North exists two (2) single-family residential dwellings. To the East exists single-family dwellings that are within the Millbrook plat 1 and 2 subdivisions. To the South exists a single family residential dwelling on an 8.89-acre lot. To the West is the crows Nest RV park.

The property fronts along South Jefferson Way (US HWY 65). In 2021, the Iowa Department of Transportation (IDOT) estimated the Average Annual Daily Traffic (AADT) for South Jefferson Way (US HWY 65) was 7900 vehicles. South Jefferson Way is considered a main arterial road for main traffic entering into and out of the City.

The subject parcel contains heavy/dense woodlands towards the west and south property line and contains a water body. Steeper slopes are located to the west of the single-family dwelling. There are no floodplains on the property.

Future Land Use

According to the “Elevate Indianola” Comprehensive Plan, the future land use of this area is designated as Low Density Residential and Regional Mixed Use. The Low Density Residential land use designation guides for 2-5 dwelling units per gross acre with residential building types including single-family detached dwellings, accessory dwelling units, and innovative or non-traditional single-family forms. Civic uses and places of worship are permitted if compatibility standards are met.

The Regional Mixed Use land use designation guides for retail, office, restaurants, bars, personal and business services, and similar commercial uses, generally of a large scale. They may incorporate multi-family residential uses of up to 25 dwelling units per gross acre, if compatibility standards are met through a special exemption review. Uses are generally automobile oriented and may include overnight accommodations.

FINDINGS OF FACT

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

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

Staff Comment: This finding of fact asks for the Board to find whether special conditions or circumstances exist which are peculiar to the land and which are not applicable to other lands in the A-1 'Agricultural/Open Space' Zoning District.

The applicant and property owner are seeking a variance to build an accessory building on his property in the front yard. In staffs review of the site, certain topographic and environmental conditions appear to limit the siting of an accessory structure in the rear yard. These conditions include steep slopes and water bodies. In addition to environmental conditions, the existing dwelling is connected by septic, with the septic field also contributing as a limiting factor of properly siting the accessory structure in the rear.

The applicant further requests a variance to the maximum allowable size of an accessory structure which is 1,800 square feet. The applicant proposes a 2,688 square foot accessory structure This exceeds the permitted amount of the A-1 Agricultural Zoning District by 888 square feet.

In reviewing the submitted plans, the applicant shows that the building would accommodate several vehicles, including recreational vehicles and hobby motorcycles, in addition to equipment that they alledge is for maintenance of the property. The additional space for hobby equipment is not necessary and could decrease the accessory structure size. If the variance regarding the size of the structure were to be approved, it would not

meet neighborhood expectations of enforcement and compliance with city zoning code regulations. Likewise, it would establish a precedent for future development and subsequently alter the character of residential neighborhoods that would not be in harmony with the general purpose and intent of the zoning code or the comprehensive plan.

The criteria for a variance to permit the location of an accessory structure in the front yard area is met.

The criteria for a variance to permit an oversized accessory structure is not met.

Applicant Comment: a.) Seeking variance to build in front/ side yard of property. Dave wants to build an accessory building on his property. He would like to put it West of his attached garage lining up the back wall of the garage with the front wall of this new building (see site plan). This location is needed for efficient use of building, proximity, ease of use with existing driveway and utilities. The rest of the property is unbuildable with septic location, elevation issues, existing trees, and use of building. b.) Seeking a variance of 888 sqft over the 1,800 sqft. Dave's property is technically an Ag area but zoned and taxed residential. Dave manages and take care of 15 acres here now and is looking into buying more land from his neighbors. This requires a lot of equipment for property upkeep. For example, Dave has a John Deere tractor, brush-hog, tiller, rotary motor, box blades, forks, sprayer, water wagon etc. A lot of his equipment is sitting outside currently and he want it under roof protected. As well as some hobby equipment such as an RV and a few collected Harley Davidsons are needing a place to be.

ii. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

Staff Comment: In regards to the request to allow for an oversized accessory structure, the applicant is not being deprived of a right that is otherwise commonly enjoyed by other properties within the A-1 Zoning District. First, other properties within this established zoning district are not allowed to build an oversized accessory structure that exceeds the maximum allowable size for all accessory structures (1,800 square feet). If this application was approved, this applicant would have a right that other properties do not have. Secondly, an accessory structure of this size and magnitude is not a right that neighboring properties within the District have.

Likewise, the strict application of the size requirement does not constitute an unnecessary hardship upon the applicant, but more so an inconvenience, as the property owner can still make reasonable and economically viable use of the property, if required to conform to zoning code requirements relating to maximum allowable accessory structure size.

Third, the applicant may reduce the size of the accessory structure but is making the choice not to. The proposed application and blue prints of the structure shows that the structure would have additional space used for hobby items rather than maintenance equipment as the applicant alledges is needed.

The purpose and intent of this related code section is to outline standards and regulations for accessory structures that are necessary and customarily associated with and are

appropriate, incidental, and subordinate to principal uses. An approval of the variance would adversely affect the order, convenience, and/or general welfare of the neighborhood, as the oversized structure would not meet neighborhood expectations of enforcement and compliance with City Zoning Code Regulations. The purpose of these regulations is to maintain the character and integrity of the neighborhood while ensuring that accessory structures do not become disproportionately large or intrusive.

In regards to the siting of an accessory structure in the front yard area, site conditions limit the applicant from meeting zoning code requirements to locate the accessory structure to the rear yard. Denial of this specific request would deny the applicant a right to an accessory structure.

The criteria for a variance to permit the location of an accessory structure in the front yard area is met.

The criteria for a variance to permit an oversized accessory structure is not met.

Applicant Comment: a.) Everything on my property drops toward the pond in the back, septic is located on the South side of the house main power is located on the North side of the house, with trees all around. b.) Dave has no other accessory buildings and needs a place to store and maintain his equipment, other properties in his district have buildings on their properties.

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

Staff Comment: This finding of fact asks whether conditions or hardship experienced by the applicant are self-imposed. As mentioned in the second finding of fact, the strict application of the size requirement does not constitute an unnecessary hardship upon the applicant, but more of an inconvenience, because the property owner can still make reasonable and economically viable use of the property, if required to conform to zoning code requirements.

While the property owner is not responsible for topographic and environmental conditions on the site, the property owner can control, by choice, the size of accessory structure being proposed on the site. Considering that all space proposed for the accessory structure will not be used for maintenance items, the applicant can reduce the size to what is required in code to fit items and materials needed.

The criteria for a variance to permit the location of an accessory structure in the front yard area is met.

The criteria for a variance to permit an oversized accessory structure is not met.

Applicant Comment: a.) In 2019 when my house was planned and built this, this building site was constructed. City/ IMU recommended location of the meter box knowing future intent of adding this accessory building in this location. Dave has 3 neighboring properties that have accessory buildings located in front or side yards. b.) The larger size buildings requested is needed due only being able to build 1 accessory building, where neighboring

properties again have multiple. 1800 sqft just isn't a big enough. When Dave bought and cleaned up this property, he demoed a couple old existing farm structures.

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

Staff Comment: This finding of fact asks whether a special privilege would be granted to the applicant that is otherwise denied to other lands, structures, or buildings within the same zoning district. Variances are granted when a hardship for a property owner occurs, which simultaneously disenfranchises the property owner from a right that other property owners within the same zoning district commonly have. If the variance were to be granted, to allow for an oversized accessory structure, it would confer a right or special privilege to this property that other buildable properties within the A-1 Zoning District do not have and would be administratively denied.

The applicant argues that granting this variance would not be a special case and that it would be similar to neighboring properties and other accessory buildings in the district. However, it is essential to emphasize that the decision to grant a variance should not be solely based on comparisons with neighboring properties or the actions taken in the past. Each variance request should be evaluated on its own merits, considering the specific conditions and circumstances of the property in question.

In regards to allow the accessory structure to be located in the front yard area, seeing that the site is limited in available sites for the accessory structure, and that generally similar properties do have the right to such size for an accessory structure, this finding of fact may be viewed favorably in regards to siting the structure in the front yard, as long as visual screening is provided.

It is essential to uphold the integrity and consistency of zoning regulations to ensure that each property owner is treated fairly and equally within the established guidelines. Granting a variance that deviates from the zoning code would set a precedent that may lead to future development deviations and ultimately alter the character of residential neighborhoods, which may not be in harmony with the general purpose and intent of the zoning code.

The criteria for a variance to permit the location of an accessory structure in the front yard area is met.

The criteria for a variance to permit an oversized accessory structure is not met.

Applicant Comment: a.) Grant this variance would not be a special case. It would be par for neighboring properties. As well as other accessory buildings in his district overall. Dave is not going to misuse this building nor his property with this variance. What he is looking to do is a "common sense" accessory building location. b.) Other variances of similar size buildings have been approved with smaller lot sizes, within city limits. In our opinion granting this variance would not be special treatment, due to circumstances and previous precedents set. If these variances are approved, again Dave will not misuse the variance

granted, this size and location will not cause harm to anyone and give Dave a chance to use his property as needed.

SUMMARY OF FINDINGS

The following summary of findings are provided as reasonings to deny a variance to permit an oversized accessory structure on the subject property:

- 1) The request is not favorable towards one or more findings of fact, outlined in the Zoning Code.
- 2) The variance is not created by the regulations and arises from an action (desire) of the applicant to construct an oversized accessory structure.
- 3) The location of the proposed structure would be visible from adjacent streets, including South Jefferson Way (US HWY 65). This visibility would impact local neighborhood aesthetics as well as entering into the city from the south.
- 4) Granting the variance would provide a right and privilege that other properties do not have under the City of Indianola's Zoning Code Regulations.
- 5) Deviation from the Zoning Code Regulations would not be in harmony with the intent and purpose of the zoning code.
- 6) An unnecessary hardship does not exist if the request is denied, as the applicant has other options and the property owner can still build an accessory structure that is up to code requirements.

The following summary of findings are provided as reasonings to approve a variance to permit an accessory structure within the front yard area, on the subject property:

- 1) The request is favorable towards all findings of fact, outlined in the Zoning Code.
- 2) Topographic conditions, including steep slopes and bodies of water on the site limit the property owner in siting an accessory structure on the property.
- 3) In addition to environmental factors, the property is serviced by septic, of which the septic field also is a limiting factor to the location of a septic system.
- 4) Granting the variance would not provide a right and privilege that other properties do not have under the City of Indianola's Zoning Code Regulations.
- 5) Deviation from the Zoning Code Regulations would be in harmony with the intent and purpose of the zoning code, if conditions are placed
- 6) An unnecessary hardship does not exist if the request is denied, as the applicant has other options and the property owner can still build an accessory structure that is up to code requirements.

If the variance were to be granted, the Board of Adjustment should be prepared to summarize, for inclusion in the minutes of the meetings, its reasons to approve, which will serve as the applications decision and order.

COMMENTS FROM THE GENERAL PUBLIC

Notification letters were mailed to surrounding property owners regarding the variance request the week of July 21, 2023. Staff received one phone call inquiring about the request, however no comments were received at the time of the writing of this report.

ALTERNATIVES

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

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

RECOMMENDATION

In regards to permitting the construction of an accessory structure within the front yard area, staff recommends that the Indianola Board of Adjustment move alternative 2, to approve of the variance request, with the following conditions:

- 1) That an opaque landscape screen be installed and maintained to screen the accessory structure from visibility along South Jefferson Way. Landscaping must comply with Chapter 165.08 titled 'Open Space, Landscaping, and Buffering' of the City of Indianola Zoning Code.
- 2) That the architectural style and design of the accessory structure must match that of the main, principal structure located on the site, including exterior building materials (such as siding, roofing, and trim) which must be of similar and identical quality of that found on the principal structure.

In regards to permitting the construction of an oversized accessory structure, staff recommends that the Indianola Board of Adjustment move alternative 3, to deny the variance request.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Rosenberger
(First Name) Dave
(Address) 1315 S Jefferson Way
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-491-8853 (Email) _____

APPLICANT (if not Property Owner)

(Last Name) Horstman
(First Name) Nick
(Address) 1021 Hinkle Dr Unit 1
(City) Tiffin (State) IA (Zip) 52340
(Phone) 641-203-4674 (Email) nicholas.horstman@mortonbuildings.com

APPEAL

Submittal Requirements:

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

- ☐ Completed Application
- ☐ Filing Fee: \$300 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: \$300 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: 1315 S Jefferson Way
- ☒ Completed Application
- ☒ Filing Fee: \$300 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

J David Rosenberger

Name (printed)

J DAVID ROSENBERGER

Date

7-17-23

FOR OFFICE USE ONLY:

Code to 45180

Date Received: _____

Receipt No: _____

Receipt Amount: _____

BOA Agenda Date: _____

Nick Horstman
morton buildings

Nick Horstman
morton buildings

7/17/23

A. 165.04.2.D (1) Location

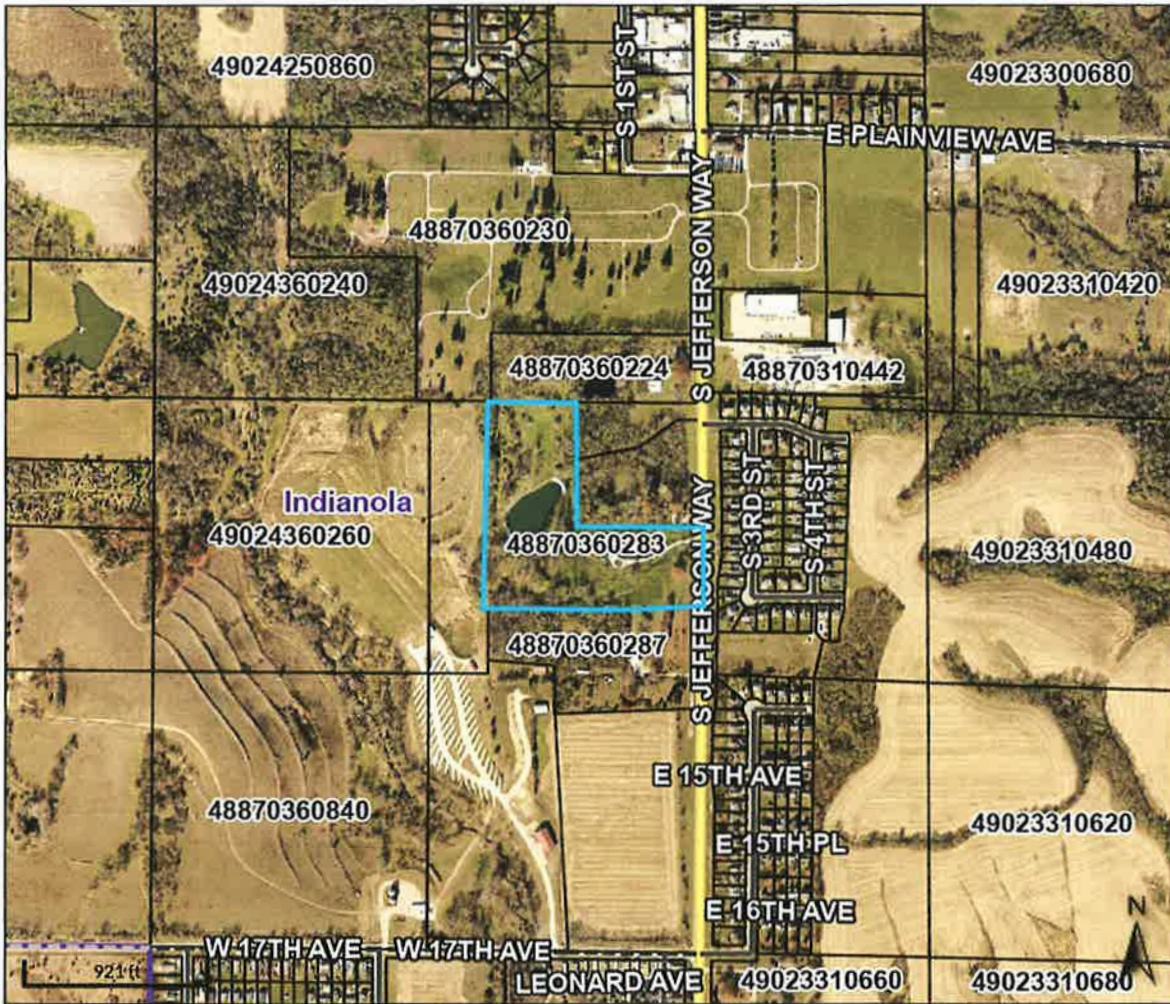
- a. In 2019 when my house was planned and built this, this building site was constructed.
 - i. City / IMU recommended location of the meter box knowing future intent of adding this accessory building in this location.
- b. This location is needed for efficient use of building, proximity, ease of use with existing driveway and utilities.
- c. Rest of property is unbuildable with septic location, elevation changes, and use of building.
- d. 3 Neighboring properties have accessory buildings located in front or side yards.
- e. Granting this variance would not be special to me, only be par for neighboring properties.
 - i. If needed addiotnal information can be provided.
 - ii. Pictures and information of neighboring properties can be available as request if needed.
 - iii. Elevation measurements can be provided as well.

B. 165.04.2.E (1) Size

- a. Proposed Building sqft 2,688(42x64) requesting 888 sqft over the 1800.
- b. My property is technically an Ag area – but zoned and taxed residential.
- c. I take care of 15 acres and am looking into buying more land from my neighbors.
- d. This requires a lot of equipment for property upkeep. For example, my John Deere tractor, brush-hog, tiller, rotary motor, box blades, forks, sprayer, water wagon etc. I have equipment sitting outside currently and want it under roof protected.
- e. As well as some hobby equipment such as an RV and a few collected Harley Davidsons
- f. Other variances of similar size buildings have been approved with smaller lot sizes, within city limits.
- g. The larger size building requested is needed due only being able to build 1 accessory building, were neighboring properties again have multiple.
- h. In my opinion granting this variance would not be special treatment, due to circumstances and previous presidents.
 - i. If requested further information can be provided.
 - ii. I am flexible and willing top work with the city on recommendations and advisements.

C. 165.04.2.E (2) Height

- a. Conforming Peak height 23'10" Eave height 15'4" – 24' allowed.



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 Townships
- ##### Major Roads
- County Hwy
 - State Hwy
 - US Hwy
 - Interstate
 - Water

Parcel ID	48870360283	Alternate ID	49024360281	Owner Address	ROSENBERGER, JAMES DAVID
Sec/Twp/Rng	36-74-24	Class	R		1315 S JEFFERSON WAY
Property Address	1315 S JEFFERSON WAY	Acreage	n/a		INDIANOLA, IA 50125
	INDIANOLA				
District	48300				
Brief Tax Description	36-76-24 INDIANOLA LAND IN SEC PCL P SE NE				
	(Note: Not to be used on legal documents)				

Disclaimer:

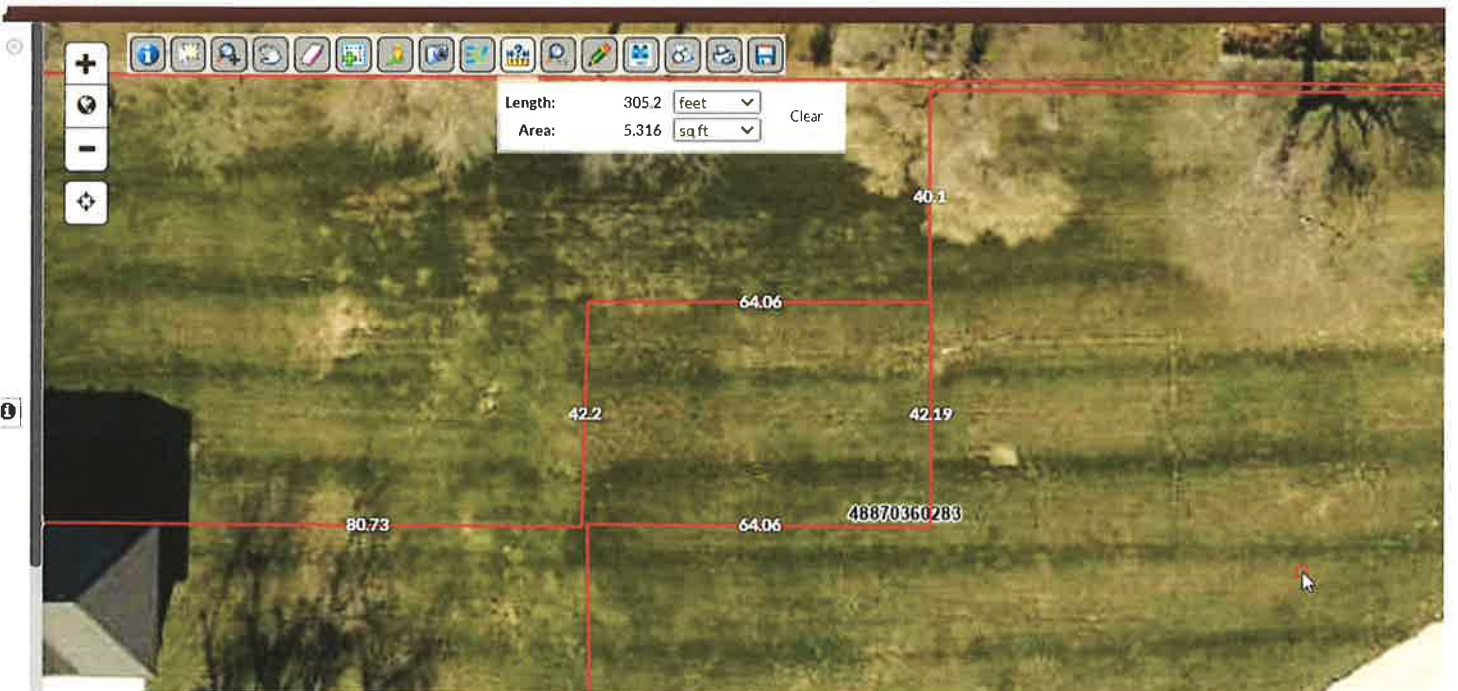
The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. No warranties, expressed or implied, are provided for the data herein, its use or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

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

Date created: 7/17/2023

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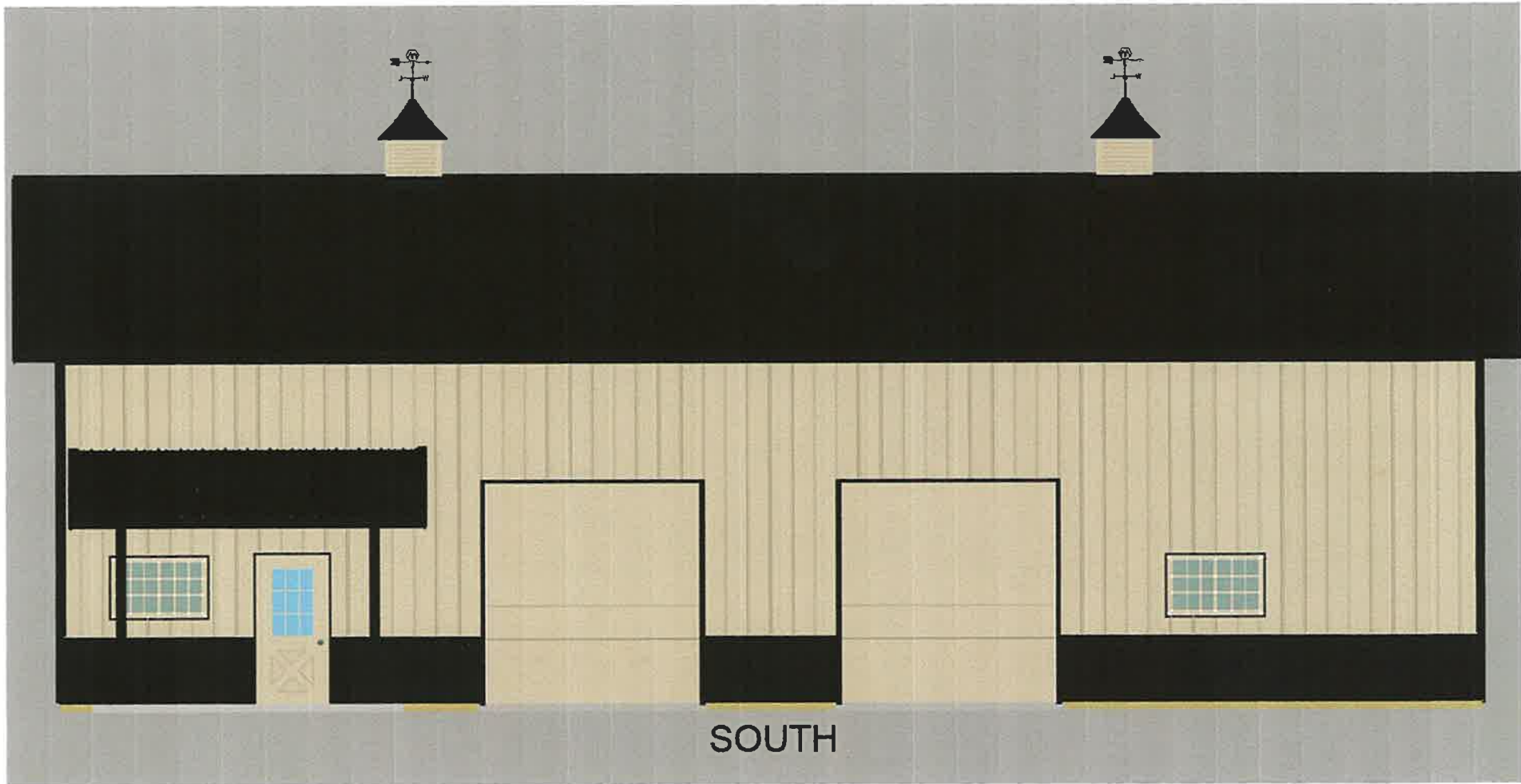
Developed by  **Schneider**
GEOSPATIAL

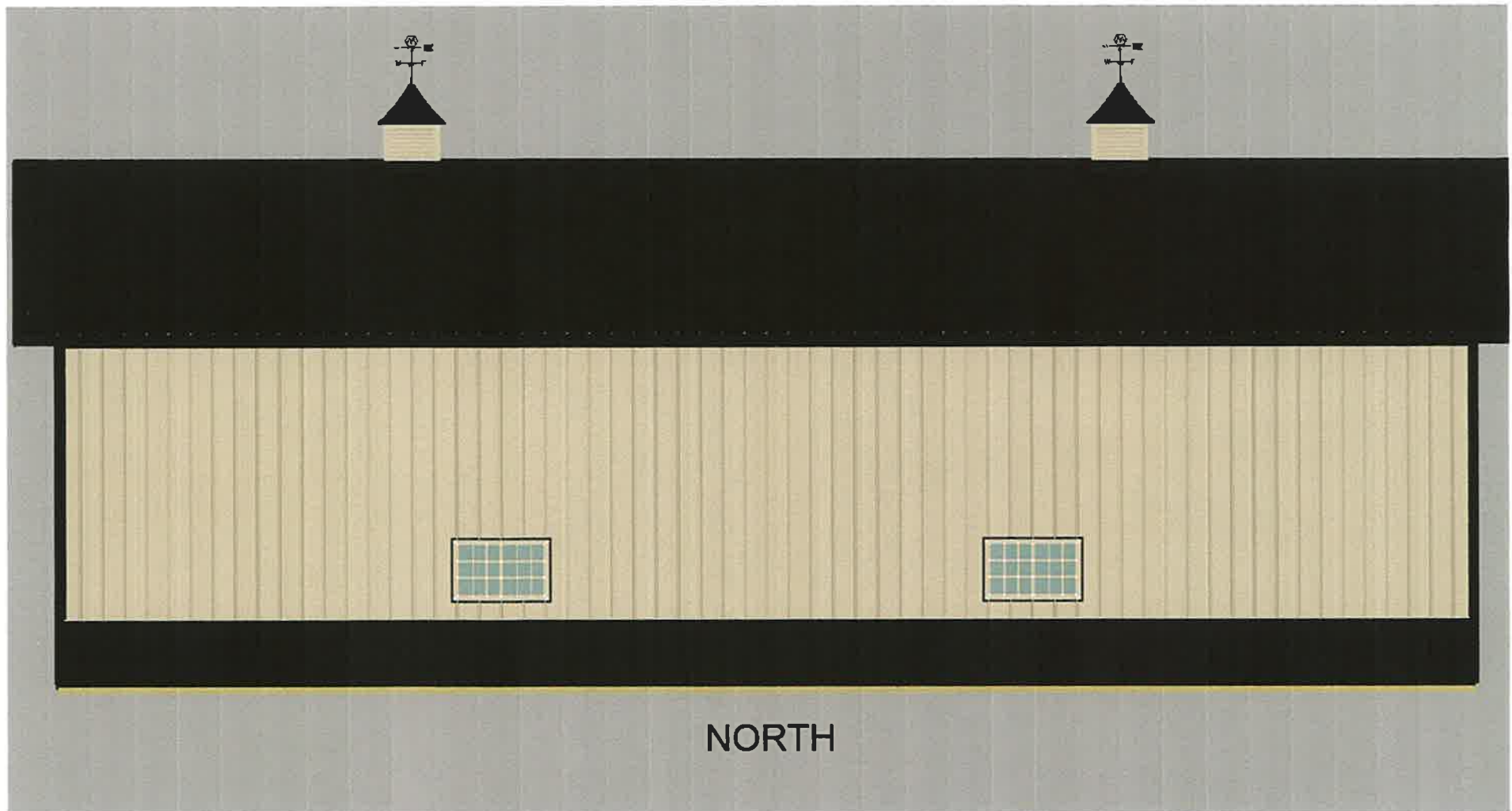


Dave R
site plan



Owner AddressROSENBERGER, JAMES DAVID
1315 S JEFFERSON WAY



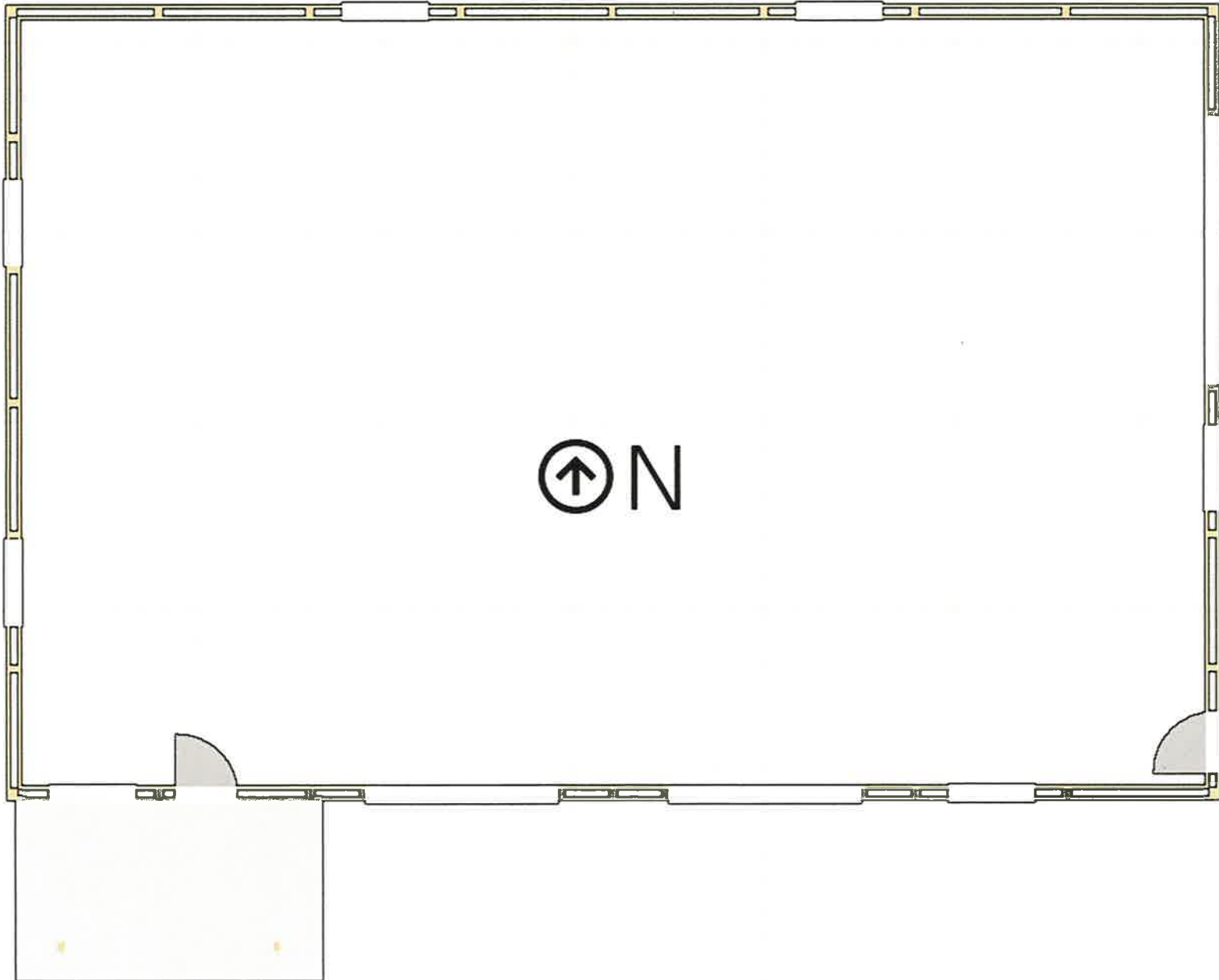


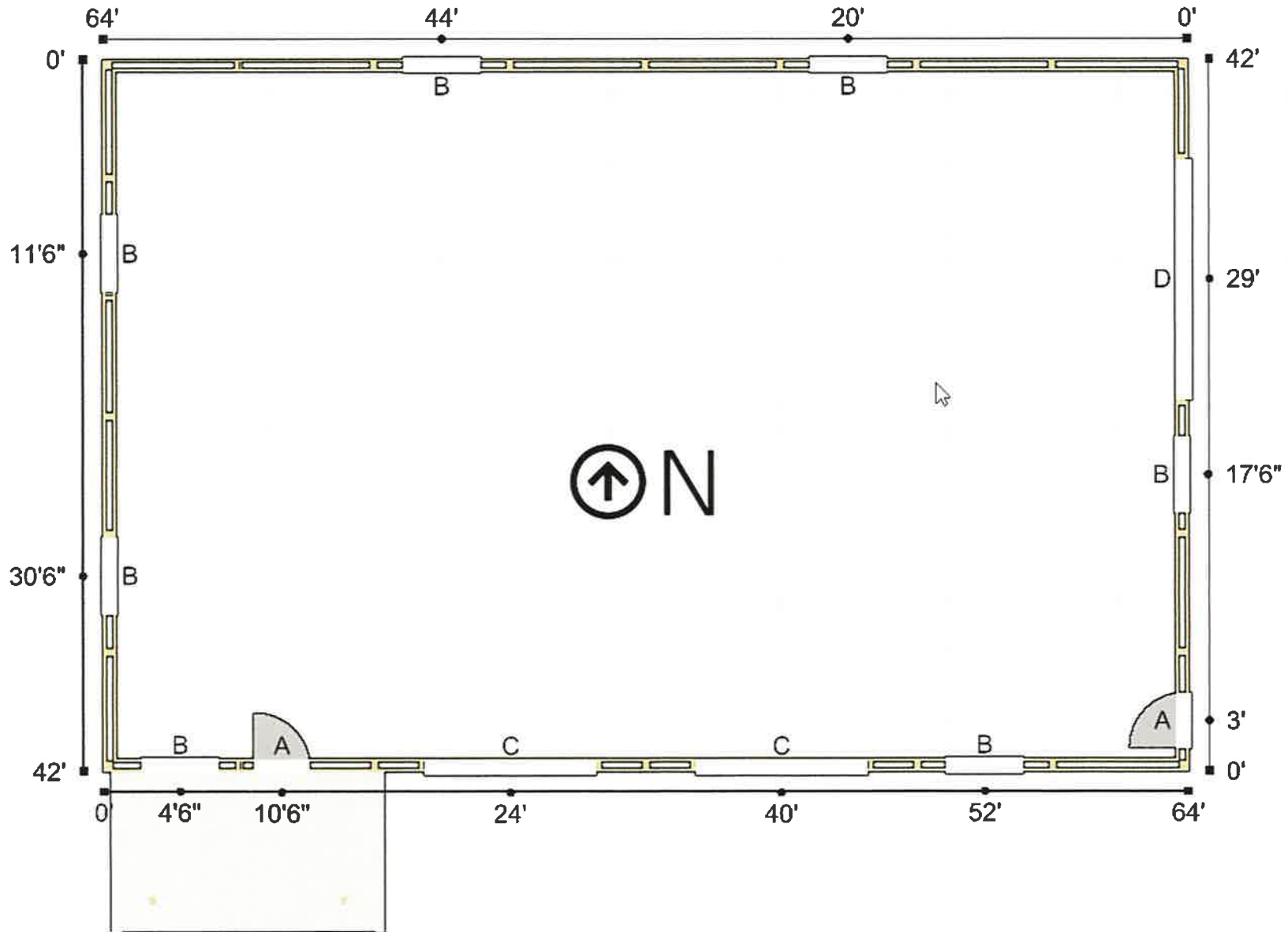






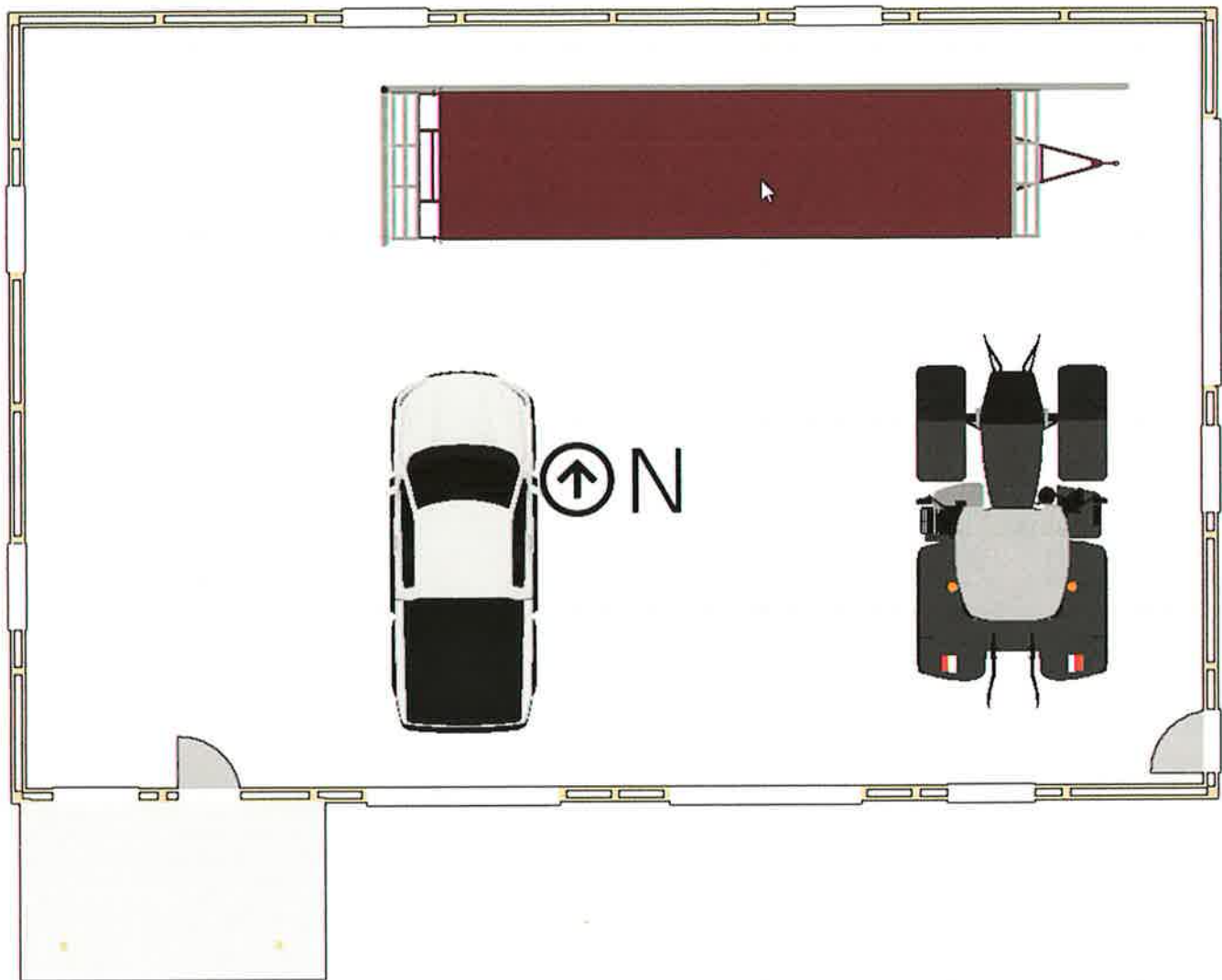






Building Info	Style	Width	Height	Length	Truss Spacing	Roof Pitch	Lower Chord	Peak Height	Soffit Height
	306	42'	15' 4"	64'	8'	4/12	1/12	23' 10.5"	15' 9"

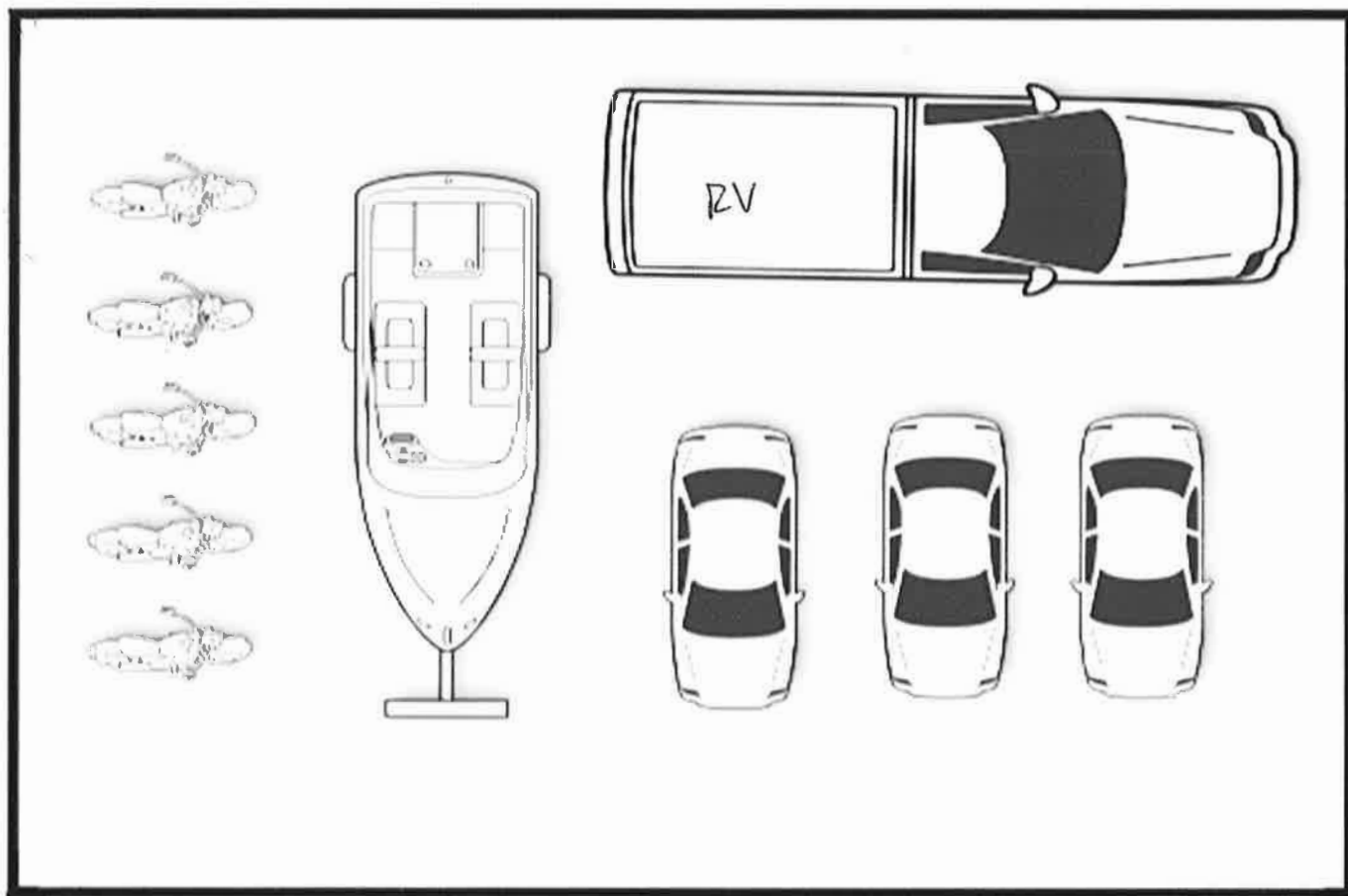
306 42'x15' 4"x64' (#1) - Building Use: Suburban - Storage



62 FPS



N
↑
3



24

64





Dave R
Site photos



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: August 2, 2023

Subject: Variance request to allow for the construction of an accessory structure within the front yard area.

Recommendation: Staff recommends that the Indianola Board of Adjustment move alternative 2, to approve the variance request, with the following conditions:

1. That an opaque landscape screen be installed and maintained to screen the accessory structure from visibility along South Jefferson Way. Landscaping must comply with Chapter 165.08 titled 'Open Space, Landscaping, and Buffering' of the City of Indianola Zoning Code.
2. That the architectural style and design of the accessory structure must match that of the main, principal structure located on the site, including exterior building materials (such as siding, roofing, and trim) which must be of similar and identical quality of that found on the principal structure.

Attachments: None



MEMORANDUM

To: Board of Adjustment

From: Emily Rizvic, Associate Planner, Charlie Dissell, Community and Economic Development Director

Date: August 2, 2023

Subject: Variance request to allow for the construction of a 2,688 square foot accessory structure.

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

Attachments: None



MEMORANDUM

To: Board of Adjustment

From: Charlie Dissell, Community and Economic Development Director, Emily Rizvic, Associate Planner

Date: August 2, 2023

Subject: **Consider request from Austin Sanford and Aline Da Costa for a variance for a property located at 1101 West 12th Avenue.**

Recommendation: Staff recommends that the Indianola Board of Adjustment move alternative 1, to approve the variance request, as submitted.

- Attachments:**
- 1. Staff Report
 - 2. Application
 - 3. Narrative
 - 4. Site Layout



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: August 2, 2023

Agenda Item: 5.B Consider request from Austin Sanford and Aline Da Costa for a variance for property located at 1101 West 12th Avenue

Application Type: Variance

Applicant and Property Owner: Austin Sanford and Aline Da Costa

Property Address/Parcel: 1101 West 12th Avenue (Parcel ID #490/2436-0444)

Zoning: A-1, Agricultural / Open Space Zoning District

Application Summary

Austin Sanford and Aline Da Costa are requesting a variance for a property addressed as 101 West 12th Avenue. The request is to allow the construction of a driveway along West 12th Avenue. Such proposal would not conform to the minimum required 100' driveway separation distance required on a road designated as a Residential Collector. The request is to vary from the 100-foot minimum driveway separation distance by 30-feet, for a total driveway separation of 70-feet.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

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

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

A. A written application of a variance is submitted demonstrating:

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

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

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

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

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

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

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

135.14 STREET USE AND MAINTENANCE - DRIVEWAY AND CURB CUT STANDARDS.

1. **Purpose.** Driveway spacing simplifies driving by reducing the amount of information a driver must process and react to. Adequate spacing between driveways and roadways or other driveways can reduce confusion, decreases the potential for congestion and accidents for both through traffic and vehicles using the driveway. Inadequate spacing requires drivers to watch for ingress and egress traffic at several points, while simultaneously trying to control their vehicle and monitor other traffic ahead of and behind them.

B. Driveway spacing:

- (1) Driveways shall be located to limit undue interference with the free movement of road traffic and to provide the required sight distance.
- (2) Access points to the property shall be limited based on the adjacent public roadway's functional classification as identified in the Indianola Comprehensive Plan.
- (3) Driveway spacing from street intersections and between driveways shall be one hundred fifty feet (150') on arterial streets, one hundred feet (100') on collector streets, and fifty feet (50') on all other streets.

ANALYSIS

Subject Property and Surrounding Land Uses

Austin Sanford and Aline Da Costa have submitted a variance request for property located at 1101 West 12th Avenue (Parcel #490/2436-0444). The subject parcel is currently a 4.96-acre parcel with no primary structure or accessory structures established on the site.

To the north of the subject property exists two properties: The first is a vacant 4.63-acre agriculturally zoned property. The second is a R-1 zoned property containing a single-family dwelling. To the east exists one single-family dwelling. To the south exists a 15-acre vacant property zoned for the A-1 zoning district. To the west exists two residential properties.

The property fronts along West 12th Avenue and South K Street. According to the Iowa Department of Transportation (IDOT), South K Street has an Annual Average Daily Traffic (AADT) of 730 vehicles as of 2016. West 12th Avenue has an AADT of 399 vehicles as of 1998.

The parcel does contain steep slopes and elevations near the property line, which are preexisting conditions on the property. No floodplain or other environmentally sensitive features exist for the property.



Figure 1. Image taken by applicant showing slopes near the northwest corner of the parcel.

Future Land Use

The 'Elevate Indianola' Comprehensive Plan shows the subject parcel's future land use is Low Density Residential. Low density residential calls for a density of 2-5 residential dwelling units per gross acre and uses including single-family detached dwellings, accessory dwelling units, civic uses and places of worship, and parks, open spaces, and trails.

The applicants have submitted a plat of survey request to section of Parcel 'A', a 0.60-acre lot. They have also submitted a rezoning request to rezone the property from A-1 Agricultural to the R-1 "Single-Family Residential Detached" Zoning District. These applications were recommended to the city council favorably by the Planning and Zoning Commission, under the condition that the applicants obtain a variance for the driveway separation.

The applicant has also requested in conjunction with the plat of survey application and rezoning request, to vary from driveway separation requirements outlined in Chapter 135.14 titled 'Driveway and Curb Cut Standards'. The request would reduce the required 100-feet of driveway separation by 30-feet, for a driveway separation of 70-feet.

Currently, the code requires driveways to be separated by one hundred (100) feet on Collector streets. The City of Indianola's Comprehensive Plan classifies West 12th Avenue as a Major Residential Collector. Major Collectors are defined as moderate-capacity streets that primarily serve to connect the local street network to arterials. Such roadways will typically have two lanes for traffic with a speed limit ranging from 25 to 35 miles per hour and may provide for on-street parking on one side of the street.

FINDINGS OF FACT

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

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

Staff Comment: This finding of fact asks for the Board to find whether special conditions or circumstances exist which are peculiar to the land and which are not applicable to other lands in the A-1 'Agricultural/Open Space' Zoning District / R-1 Zoning District. The property presents unique characteristics such as steep slopes along W 12th Avenue spanning 30-feet from the North West corner of the property. Given the distinct characteristics of the land, the limited number of available access points with no steep slopes make it challenging to comply strictly with the standard driveway spacing requirements.

The city code mandates that access points to a property should be limited based on the adjacent public roadway's functional classification, as specified in the Indianola Comprehensive Plan. However, due to the unique layout and limited accessible land due to steep slopes create practical limitations in adhering to these predetermined access points. Additionally, the driveway spacing requirements from street intersections and between driveways, which are set at one hundred feet (100') on collector streets may not be feasible on this parcel due to its exclusive topography.

Furthermore, the city code allows adjustments to driveway spacing standards to align with existing driveways across the street. However, given the secluded nature of the parcel and the limited number of neighboring access points, such alignment is not practical.

Considering these special topographic conditions and circumstances staff finds that this finding of fact may be found favorably.

This criterion is met.

Applicant Comment: Indeed, Parcel #490/2436-0444 possesses special conditions and circumstances that are distinctive to its land. During its initial platting and division from the original parcel, unique features were incorporated, resulting in a situation that significantly differs from neighboring residences. An outstanding characteristic of the property is the limited number of access points where there are no steep slopes. Unlike other properties within the same district, Parcel #490/2436-0444 enjoys only a few entry points, creating a more secluded and private environment. This distinct aspect sets it apart from neighboring properties, which typically have a more interconnected layout with multiple access points. Moreover, the division of the parcel has left only a small section of accessible land where the slope is less steep. Consequently, adhering strictly to the provisions of the Zoning Code poses notable challenges when considering our driveway and the residential building plan. The constrained access points and the presence of steeper slopes make the parcel in discussion truly unique and significantly impact the possibilities for development on the property. We recognize that these special conditions are exclusive to this property and are not applicable or evident in any of the neighboring residences. The property's layout creates a distinctive and challenging situation that calls for thoughtful consideration and flexibility in zoning regulations to enable responsible and harmonious development.

- ii. **That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter. This finding of fact asks if the applicant would be deprived of a right commonly enjoyed by other properties within the zoning district;**

Staff Comment: This finding of fact asks whether the applicant would be deprived of a right that is commonly enjoyed by other properties within the same zoning district, under the terms of this chapter. The site contains topographic challenges that may impact the applicants ability to site an access and driveway to the site. Generally, properties within the A-1 and R-1 Zoning Districts, are permitted reasonable access point into the property for new construction. The denial of this variance may impact the developability of the site and the appropriate siting of a driveway.

This criteria is met.

Applicant Comment: Yes: the literal interpretation of this ordinance would hinder us, as property owners, from fully enjoying our parcel. We face significant challenges in establishing an accessible point for constructing an outbuilding that complies with city regulations while maintaining functionality for our needs. Even an attached garage (as per our build plans) would be difficult to access. In addition, any modification would require a driveway to be placed along the entire front yard obstructing the utility of said yard and causing visual clutter in the parcel. In this case, environmental factors such as steep slopes restrict us as residential property owners from placing an accessory structure in the yard that could be accessible from the driveway and W. 12th Street.

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

Staff Comment: This finding of fact asks whether conditions or hardship experienced by the applicant are self-imposed. As mentioned in the first and second finding of fact, the topographic characteristics of the land constitutes a challenge to properly site an access and driveway, while maintaining compliance to the city code.

The property, due to unique topographic characteristics, including steep slopes and challenging topography, are pre-existing, natural conditions which are out of the applicants direct control. For this reason, staff finds that this finding of fact may be viewed favorably.

This criteria is met.

Applicant Comment: Yes, this is out of our control. These are environmental and natural factors unique to this property that have not been touched by us. We are dealing solely with the property in its current state as it was purchased.

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

Staff Comment: This finding of fact asks whether a special privilege would be granted to the applicant that is otherwise denied to other lands, structures, or buildings within the same zoning district. Variances are granted when a hardship for a property owner occurs, which simultaneously disenfranchises the property owner from a right that other property owners within the same zoning district commonly have. If this variance were to be granted, it would not confer a right or special privilege to this property that other buildable properties within the A-1 or R-1 Zoning District do not have.

Access to a developable property is a right most properties within the A-1 and R-1 have. Not being able to have reasonable access when presented with challenges in site characteristics may disenfranchise the property owner from such right.

This criteria is met.

Applicant Comment: Yes, granting the requested variance will not bestow upon us, as property owners, any special privileges that are denied by this ordinance to other lands, structures, or buildings within the same district. It is crucial to emphasize that the variance request is not advocating for rights superior to those of neighboring properties or any other property within the zoning district. The ordinance expressly states that no nonconforming use of neighboring lands, structures, or buildings in different districts shall be considered as grounds for the issuance of a variance. Therefore, the variance will not confer upon us any rights that are not equally applicable to others in the same area or district. In essence, the purpose of the variance is not to grant preferential treatment to our property but rather to address the unique challenges and circumstances specific to our land while still adhering to the principles of fairness and equitable development within the zoning district as our driveway would be comparable and conforming to the neighboring ones. By considering the variance, the Board of Adjustment ensures that our property rights align with the framework established by the ordinance, without creating any disparities or granting us privileges beyond what others in the neighborhood or district are entitled to. The variance serves as a means to find a balanced solution that allows responsible development while maintaining the integrity of the zoning regulations for all properties within the same district.

SUMMARY OF FINDINGS

The following summary of findings are provided as reasonings to deny the variance request:

- 1) The variance request is favorable towards all findings of fact, outlined in the Zoning Code.
- 2) Topography on the site, specifically near the Northwest corner of the parcel, presents a challenge to the property owners in maintaining full driveway separation requirements.
- 3) Granting the variance would not provide a right and privilege that other properties do not have under the City of Indianola's Zoning Code Regulations.
- 4) A hardship does exist if the request is denied, as the applicants would not be able to make reasonable economical use of the land.

If the variance were to be denied, the Board of Adjustment should be prepared to summarize, for inclusion in the minutes of the meetings, its reasons to deny, which will serve as the applications decision and order.

COMMENTS FROM THE GENERAL PUBLIC

Notification letters were mailed to surrounding property owners within 200-feet of the subject property regarding the variance request on July 21, 2023. No comments were received at the time of the writing of this report.

ALTERNATIVES

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

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

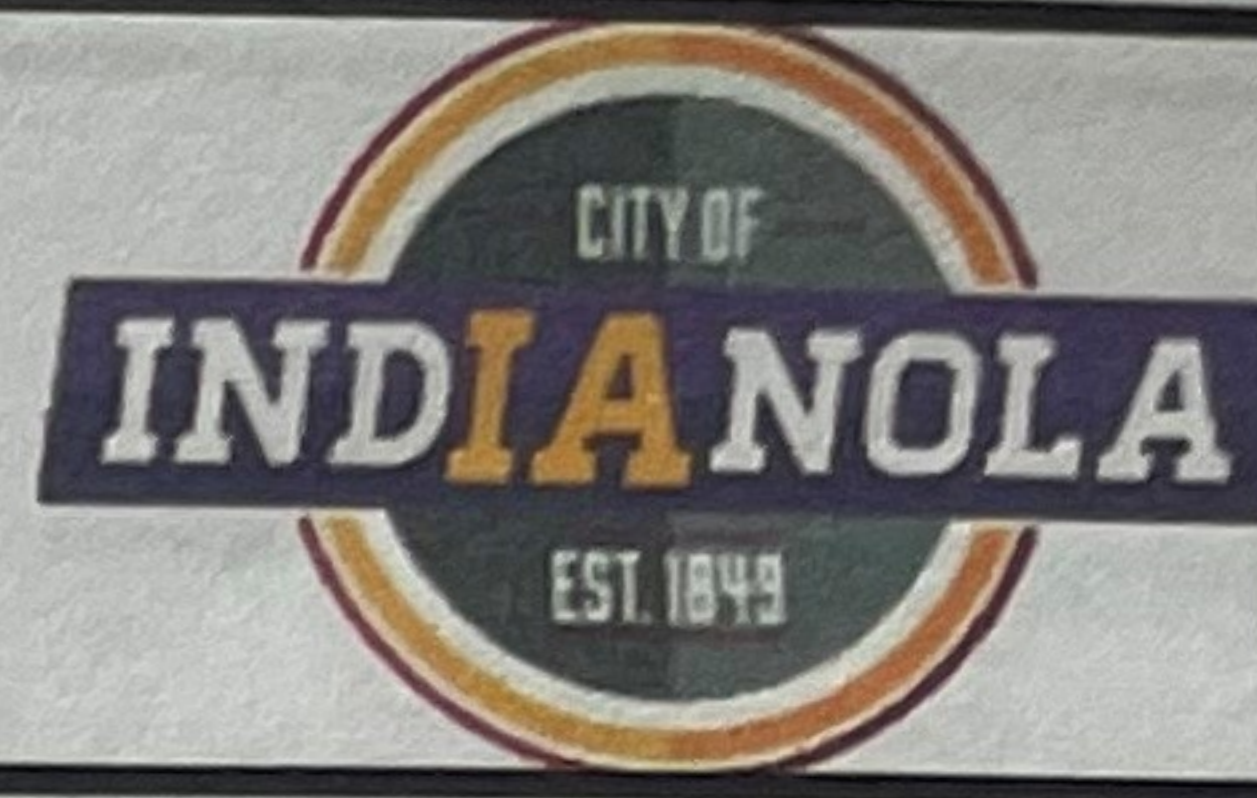
RECOMMENDATION

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

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Alves da Costa
(First Name) Aline
(Address) 1503 NE Williamsburg Drive
(City) Ankeny (State) IA (Zip) 50021
(Phone) 3072560724 (Email) alineschleifer90@gmail.com

APPLICANT (if not Property Owner)

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

☐ APPEAL

Submittal Requirements:

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

- ☐ Completed Application
- ☐ Filing Fee: \$300 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: \$300 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: \$300 per request
- ☒ Site Plan and Elevations not required
- ☒ 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 Aline Alves da Costa
Name (printed) Aline Alves da Costa

Date 7/19/2023

FOR OFFICE USE ONLY:

Code to 45180

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

Austin Sanford and Aline Alves da Costa
1503 NE Williamsburg Dr
Ankeny, Iowa 50021
(307)256-0724
July 19, 2023

City of Indianola, Iowa
Board of Adjustment
Indianola, Iowa

Re: Variance Application for 1101 West 12th Street

Dear Members of the Board of Adjustment,

I hope this letter finds you in good health and spirits. My name is Aline, and my husband Austin Sanford and I are the property owners of [Parcel #490/2436-0444](#)—1101, West 12th Street—located within the City of Indianola (at the corner of W. 12th and K Street). I am writing to respectfully submit a variance application to the esteemed Board of Adjustment, seeking your kind consideration for the unique challenges we face in building our residential property on this lot.

As you are aware by reading about this lot, our property presents certain unusual conditions that hinder our ability to comply fully with the provisions of the Zoning Code. The land is characterized by very steep slopes, and gradient elevations, making it exceptionally challenging to adhere to the existing zoning regulations while pursuing a meaningful and feasible development plan to build the house in a way it will allow us to enjoy the property in its entirety.

Additionally, the property is situated in an area of elevation (unique to that lot and not affecting the neighboring lots and residences). These natural features, though emphasizing the location of the lot and in our opinion making it beautiful and significant in their own right, pose considerable limitations on how the land can be effectively utilized. As responsible property owners, we understand the importance of preserving the environment and ensuring that any development aligns with the city's sustainable growth objectives.

While we fully appreciate the need for zoning regulations to maintain the overall cohesion and character of Indianola, we believe that enforcing strict adherence in our case would deprive us of rights commonly enjoyed by other properties within the same zoning district. Our desire is to contribute meaningfully to the city's growth and prosperity while respecting the concerns and best interests of the broader community.

In light of the unique challenges we face, we humbly request a variance from certain provisions of the Zoning Code. This variance will allow us the flexibility needed to develop our property responsibly and in harmony with the existing natural surroundings. It is our firm belief that a

variance in this circumstance would not compromise the city's vision for controlled development but, instead, enable us to contribute to the diverse and vibrant landscape of Indianola.

We assure the Board of Adjustment that we approach this application with sincerity and a genuine commitment to the welfare of our community. We seek the opportunity to work collaboratively with the city and ensure that any development on our property aligns with the city's long-term goals and enhances the overall appeal and functionality of the neighborhood.

Thank you for considering our variance application. See below for Findings of Fact Sheet. We are more than willing to provide any additional information or participate in further discussions, should you require it. Your decision holds immense importance for us, and we eagerly await the opportunity to contribute positively to the City of Indianola.

Sincerely,

Aline and Austin.

Findings of Facts

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

Indeed, [Parcel #490/2436-0444](#) possesses special conditions and circumstances that are distinctive to its land. During its initial platting and division from the original parcel, unique features were incorporated, resulting in a situation that significantly differs from neighboring residences.

An outstanding characteristic of the property is the limited number of access points where there are no steep slopes. Unlike other properties within the same district, [Parcel #490/2436-0444](#) enjoys only a few entry points, creating a more secluded and private environment. This distinct aspect sets it apart from neighboring properties, which typically have a more interconnected layout with multiple access points.

Moreover, the division of the parcel has left only a small section of accessible land where the slope is less steep. Consequently, adhering strictly to the provisions of the Zoning Code poses notable challenges when considering our driveway and the residential building plan. The constrained access points and the presence of steeper slopes make the parcel in discussion truly unique and significantly impact the possibilities for development on the property.

We recognize that these special conditions are exclusive to this property and are not applicable or evident in any of the neighboring residences. The property's layout creates a distinctive and challenging situation that calls for thoughtful consideration and flexibility in zoning regulations to enable responsible and harmonious development.

ii. 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.

Yes: the literal interpretation of this ordinance would hinder us, as property owners, from fully enjoying our parcel. We face significant challenges in establishing an accessible point for constructing an outbuilding that complies with city regulations while maintaining functionality for our needs. Even an attached garage (as per our build plans) would be difficult to access. In addition, any modification would require a driveway to be placed along the entire front yard obstructing the utility of said yard and causing visual clutter in the parcel. In this case, environmental factors such as steep slopes restrict us as residential property owners from

placing an accessory structure in the yard that could be accessible from the driveway and W. 12th Street.

iii. That the special conditions and circumstances do not result from the actions of the applicant. This asks that you provide evidence and explanation that the hardship or conditions of the property were not self-imposed and were out of the applicant's control.

Yes, this is out of our control. These are environmental and natural factors unique to this property that have not been touched by us. We are dealing solely with the property in its current state as it was purchased.

iv. 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 finding of fact asks for an explanation on how the variance is not advocating for rights that would be superior to neighboring properties or within the same zoning district. In other words, the variance cannot give a property owner a right that others do not have.

Yes, granting the requested variance will not bestow upon us, as property owners, any special privileges that are denied by this ordinance to other lands, structures, or buildings within the same district. It is crucial to emphasize that the variance request is not advocating for rights superior to those of neighboring properties or any other property within the zoning district. The ordinance expressly states that no nonconforming use of neighboring lands, structures, or buildings in different districts shall be considered as grounds for the issuance of a variance. Therefore, the variance will not confer upon us any rights that are not equally applicable to others in the same area or district.

In essence, the purpose of the variance is not to grant preferential treatment to our property but rather to address the unique challenges and circumstances specific to our land while still adhering to the principles of fairness and equitable development within the zoning district as our driveway would be comparable and conforming to the neighboring ones. By considering the variance, the Board of Adjustment ensures that our property rights align with the framework established by the ordinance, without creating any disparities or granting us privileges beyond what others in the neighborhood or district are entitled to. The variance serves as a means to find a balanced solution that allows responsible development while maintaining the integrity of the zoning regulations for all properties within the same district.

Closing Statement:

We want to extend our heartfelt gratitude to the esteemed members of the Board of Adjustment in Indianola for dedicating your time and careful consideration to review our variance application. We are genuinely enthusiastic about the prospect of becoming part of this welcoming community, which has already shown us such warmth and hospitality.

While we seek a variance to address the unique challenges on our property, we want to assure you that we are fully committed to interpreting and implementing the code of ordinances in all our endeavors while calling Indianola our home. It is our sincere belief that responsible and harmonious development is essential in preserving the character and integrity of this wonderful city that we chose to develop as professionals, forge meaningful relationships and to raise our children.

Once again, we thank you for your time and consideration, and we eagerly look forward to contributing positively to the vibrant community of Indianola. If there are any additional details or information needed to support our application, please do not hesitate to reach out. We are thrilled at the opportunity to be a part of this remarkable city and to make a meaningful impact while respecting the values and regulations that shape its unique identity.

Thank you for welcoming us into the Indianola family.

Sincerely,

Austin and Aline.

Photos



Driveways in neighboring residences.



Steep terrain to the right, where a flat section of property suitable for building is located.



Road and ditch area, as it can be seen in this photo, the buildable fat area is not visible from the street as you drive from K St onto W 12th St, because the parcel is elevated.

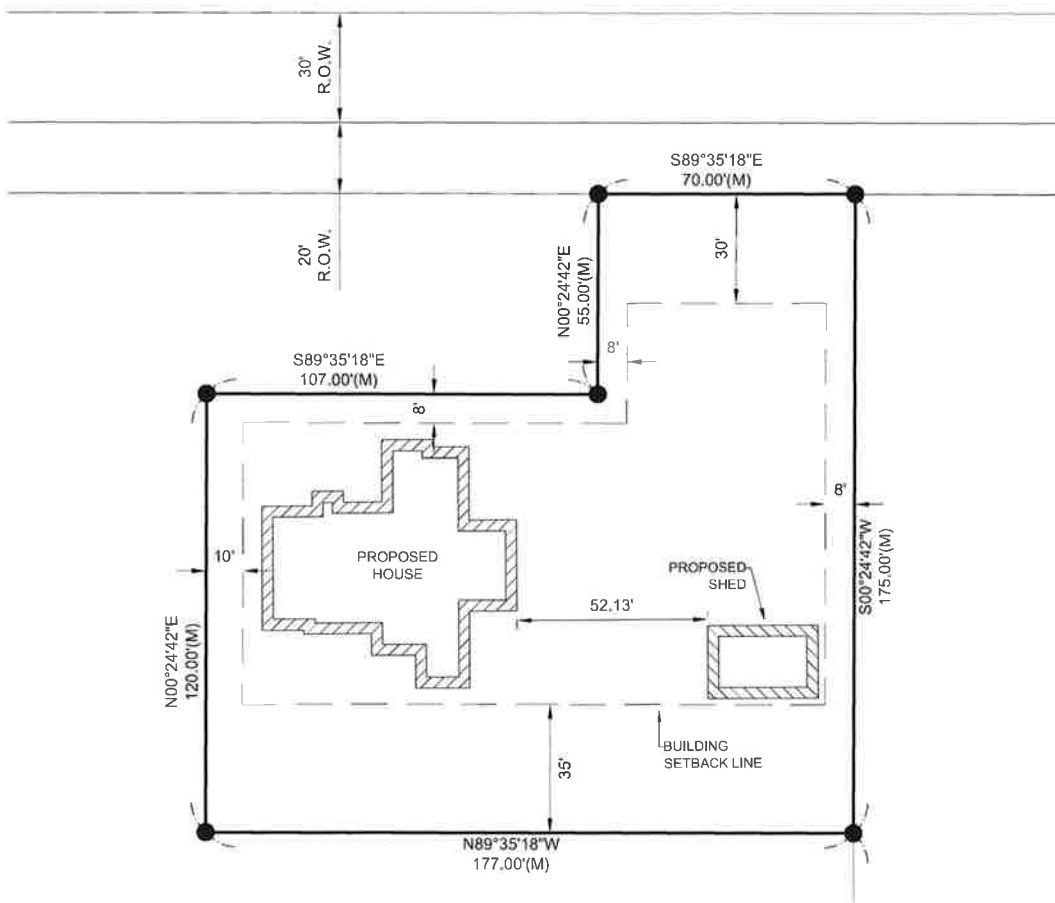


Again, another photo to showcase the ditch area.

Index Legend	
Location:	PT NW1/4 OF THE NW1/4 36-76-24
	WARREN COUNTY
Requestor:	
Proprietor:	
Surveyor/ Prepared By:	DANIEL L. MARTI 1615 SW MAIN ST STE 205, ANKENY, IOWA 50023 PH # 515-964-5310
Surveyor Company:	JEO CONSULTING GROUP INC.
Return To:	1615 SW MAIN ST STE 205, ANKENY, IOWA 50023

FOR RECORDER'S USE ONLY

HOUSE EXHIBIT



FIELD WORK COMPLETED BY: MAY 2, 2023

DATE: 5/31/2023	 JEO CONSULTING GROUP 800.723.8567 Ankeny, IA 515.964.5310 www.jeo.com
SCALE: 1" = 40'	
DRAWN: MDM	
JOB NO. 230799	
FIELD BOOK: MIS 29	
FIELD WORK: DLM / SY / DM	
SHEET: 1 OF 1	
FILE NO.	



- LEGEND**
- ▲ MONUMENT SET (MAG NAIL)
 - MONUMENT SET (5/8" REBAR W)
 - ▲ PURPLE PLASTIC CAP #22021
 - ▲ MONUMENT FOUND
 - M MEASURED DISTANCE
 - R RECORDED DISTANCE
 - Y.P.C. YELLOW PLASTIC CAP
 - R.O.W. RIGHT-OF-WAY
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT