



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

October 2, 2024

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval of the October 2, 2024 agenda.
- 4. Minutes Approval**
 - A. Approval of the August 7, 2024 meeting minutes.
- 5. New Business**
 - A. Consider request from Clint and Dawn Welling for a variance for property located at 2000 East 2nd Ave.
- 6. Comments**
- 7. Adjourn**



MEMORANDUM

To: Board of Adjustment
From:
Date: October 2, 2024
Subject: Approval of the October 2, 2024 agenda.

Recommendation:

Attachments: None



CITY OF INDIANOLA BOARD OF ADJUSTMENT MEETING

August 7, 2024

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:01 PM.

2. Roll Call

Board members present: Amy Mitchell, Jane Whalen, Lee Bash.

Staff members present: Emily Rizvic, Kristen Hoss, Tara Bosteder.

3. Agenda Approval

A. Approval of the August 7, 2024 agenda.

Board Member Whalen made a motion to approve the agenda.

Board Member Mitchell seconded the motion.

Motion was passed.

4. Minutes Approval

A. Approval of the July 3, 2024 meeting minutes.

Board Member Whalen made a motion to approve the July 3, 2024 meeting minutes.

Board Member Mitchell seconded the motion.

Motion was passed.

5. New Business

A. Consider request from Michael Schumacher to vary from maximum fence height requirements for fencing located in the front yard at 601 N Kenwood Blvd.

Associate Planner Rizvic presented the variance request and related staff report.

Board Member Whalen asked questions regarding the date of the code change, the current requirements of the code, and the existing location of the fence.

Board Member Mitchell further clarified the existing location of the fence.

Applicant Schumacher described his request. He alleged a miscommunication with the city in 2021 when the fence was constructed and that no permit or inspections are required for fencing is what generated this variance. He stated his fence did not create any visibility issues. He answered questions from the board about the location of his current and proposed accessory structures.

Chairperson Bash stated that the primary consideration is the visibility of the intersection, and the secondary consideration is who is best served with the decision that is made. Bash also considered whether there's a precedent that's being set for others or if special considerations are taken into the decision-making process for extenuating circumstances that would not set a

precedent.

Board Member Whalen discussed the time frame of the code updates that were occurring around the time of the construction of the fence and that there is no permit required to construct a fence. She stated the reasoning for her motion is that at the time of the construction of the fence, the code was being overhauled, which created confusion of the ordinance.

Board Member Whalen made a motion to approve the request as submitted.

Board Member Mitchell seconded the motion.

Motion was passed with a unanimous vote.

Board Member Whalen added that this case contained extenuating circumstances due to the dates and timeline of code changes.

Board Member Mitchell added further that there were no safety issues with this request.

Chairperson Bash concluded that if there were any safety issues, the decision would have been different and that there were extenuating circumstances unique to this case.

- B. Consider request from Michael Schumacher to vary from accessory structure location requirements.

Associate Planner Rizvic presented the variance request and related staff report.

Applicant Schumacher answered a question from the board about the desired location of the new accessory structure and the location of the current accessory structure.

Board Member Whalen made a motion to approve the request as submitted.

Board Member Mitchell seconded the motion.

Motion was passed with a unanimous vote.

- C. Consider request from Jay Clark to vary from the 40-foot minimum required front yard setback by 25-feet for a total front yard setback of 15-feet and to vary from the 40-foot required rear yard setback by 10-feet, for a total rear yard setback of 30-feet.

Planning Intern Hoss presented the variance request and related staff report.

A community member asked the board for clarification of the type of business that will be occupying this address. Hoss explained it would be therapy services.

Board Member Whalen made a motion to approve the request as submitted.

Board Member Mitchell seconded the motion.

Motion was passed with a unanimous vote.

- D. Consider request from John and Tammy Hoyman for a variance for property located at 1301 Country Club Rd.

Planning Intern Hoss presented the variance request and related staff report.

John Hoyman answered a question from the board regarding the construction of the accessory structure.

Discussion was had between the board, John Hoyman, Tammy Hoyman, and staff to clarify the related code as well as the current size and locations of their accessory buildings. Tammy Hoyman also commented that they are wanting to construct this accessory structure so that it was aesthetically pleasing for the surrounding neighborhood.

Troy Porter, representing WesleyLife, spoke in support of the variance request.

John Hoyman, the board, and staff discussed the two adjacent parcels under the same ownership and how a lot tie agreement would work.

Further discussion was had between the board and the Hoymans about enclosing the accessory structure and the type of flooring that would be allowed.

Board Member Whalen made a motion to approve the request with the following conditions: the accessory structure must have solid flooring, be enclosed on two sides with walls complete to the ground and is the size that was stipulated in the request.

Board Member Mitchell seconded the motion.

Motion was passed by a unanimous vote.

6. Comments

7. Adjourn

Board Member Mitchell made a motion to adjourn.

Board Member Whalen seconded the motion.

The meeting was adjourned at 7:11 PM.



MEMORANDUM

To: Board of Adjustment

From:

Date: October 2, 2024

Subject: Consider request from Clint and Dawn Welling for a variance for property located at 2000 East 2nd Ave.

Recommendation:

- Attachments:**
- 1. Staff Report
 - 2. BOA Application Packet



Staff Report

Board of Adjustment

Date of Meeting: October 2, 2024

Prepared By: Kristen Hoss, Planning Intern

Agenda Item: Consider request from Clint and Dawn Welling for a variance for property located at 2000 East 2nd Ave.

Application Type: Variance

Applicant and Property Owner: Clint and Dawn Welling

Property Address/Parcel: 2000 E. 2nd Ave (Parcel ID #488/6000-0350)

Zoning: R-2 '*Single-Family Residential Attached*' Zoning District

Application Summary

Clint and Dawn Welling are requesting a variance for the property at 2000 E. 2nd Ave. The request is to allow the construction of an accessory structure that would be 2,160 square feet in size (36' x 60'). Such proposal would not conform to Section 165.04.2.E(1) of the City of Indianola Code of Ordinances.

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.

E. Area and Height Limit.

- (1) 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

Clint and Dawn Welling are requesting a variance for the property at 2000 E. 2nd Ave (Parcel ID #488/6000-0350) relating to the construction of an accessory structure. The request would allow for an oversized accessory structure at the property. The request would not conform to Section 165.04.2.E(1) of the City of Indianola Code of Ordinances.

The subject property is a 13.26-acre lot and contains a single-family dwelling. The lot is 577,606 square feet with a 3,390 square foot principle structure. The subject property is currently zoned for the R-2 'Single-Family Residential Attached' Zoning District.

The property is surrounded by R-2 'Single-Family Residential Attached' zoned properties to the North, East, and West. To the South exists A-1 'Agricultural/Open Space' Zoning Districts.

The property fronts along E. 2nd Ave. According to the Iowa Department of Transportation (IDOT), the Annual Average Daily Traffic (AADT) for E. 2nd Ave is 7,700 vehicles, as of 2023.

The subject area does appear to contain an environmentally sensitive feature. The property contains a stream on the North side of the lot.

Future Land Use

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

designation guides for up to 15 dwelling units per gross acre with a mix of housing types including single-family detached dwellings, single family attached dwellings, multi-family dwellings, and student housing. Civic uses and places of worship are permitted if compatibility standards are met.

If the variance were to be approved, it would allow the applicant to vary from maximum size limitations for accessory structures. The proposed accessory structure would be 2,160 square feet. This would exceed the maximum allowable size for an accessory structure on this property by 360 square feet. The maximum allowable square footage of accessory structure for this site would be 1,800 square feet.

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 same zoning district.

The applicant is seeking a variance to the maximum allowable size of an accessory structure which is 1,800 square feet. The applicant proposes a 2,160 square foot accessory structure which exceeds the maximum size by 360 square feet. The lot has an abnormal characteristic for a residential lot, which is the 13.26-acre lot size.

The applicant indicates that the building would be used to accommodate equipment used for the upkeep of the property and its land. The equipment needed includes tractors, mowers, snow removal equipment, and their accessories.

Applicant Comment: We are requesting the variance in size in order to accommodate the needed equipment to maintain the larger parcel of ground that is not typical for a parcel of ground within the city limits. The needed equipment including tractors, mowers, snow removal equipment and their accessories will take the extra space.

- 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. Other properties within this established zoning district are not allowed to build an oversized accessory structure that exceeds the maximum allowable size (1,800 square feet).

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. The purpose and intent outlined in Chapter 165 as it relates to accessory structures is to regulate the size and number of these structures, in order to protect general welfare and to encourage the most appropriate use of land.

Applicant Comment: This property is unique and is not easily comparable to other properties within the city limits due to its size.

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.

The accessory structure is proposed to be 2,160 square feet in order to store equipment like tractors, mowers, and snow removal equipment. An accessory structure that still meets the 1,800 square feet maximum size requirement could still be used for the same purpose. If more space is desired from the property owners, there are other viable options, while conforming to zoning code requirements.

Applicant Comment: The need for the type and size of equipment to maintain the acreage create the condition needed for the extra space and needed variance that would be different from a typical city residential lot.

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 disenfranchise the property owner from a right that other property owners within the same zoning district commonly have.

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 variance that deviated 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.

Applicant Comment: We feel that this variance would not grant any special privilege due to the size of acreage within the city limits.

Staff Recommendation

Generally speaking, staff would always be in the position of recommending against variance requests because the request does not meet the requirements of the Zoning Ordinance of which staff is obligated to carry out. Because of that, staff will not make a recommendation on the requested variance and will leave the decision to the Board of Adjustment based upon the merits and criteria of the requested variances. In lieu of making a recommendation, staff will provide the following list of items that staff feels are pertinent to the request and will aid the Board in making their decision:

- 1) The applicant wishes to build an accessory structure that is 2,160 square feet. The maximum allowable size of an accessory structure is 1,800 square feet.
- 2) The lot is an R-2 "Single-Family Residential Attached" Zoned District and is 13.26 acres.
- 3) The applicant will use this accessory structure for the storage of equipment like tractors, mowers, and snow removal equipment. The equipment would be used for the upkeep and maintenance of the lot.
- 4) The property owners plan to build the accessory structure on the Southeast side of the lot and it will be visible from E. 2nd Ave.

If the variance were to be approved, 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.

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.

BOARD OF ADJUSTMENT APPLICATION

Community Development

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



PROPERTY OWNER

(Last Name) Welling
(First Name) Clint & Dawn
(Address) 2000 E 2nd Ave
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-778-3511 (Email) clint.welling@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: 2000E2ndAve
- ☒ 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 _____

Name (printed) Clint Welling

Date 9/9/24

FOR OFFICE USE ONLY:

Code to 45180

Date Received: 9/9/24
Receipt No: #2591
Receipt Amount: \$300
BOA Agenda Date: October 2, 2024

Indianola Board of Adjustments Variance Request

Clint & Dawn Welling
2000 E 2nd Ave
Indianola, IA 50125

Variance Request:

We are requesting a variance to build an accessory structure on our 13.26 acre parcel within the Indianola city limits. The structure we are requesting to build is a 36' x 60' building that is 360 sq ft outside of the allowed size.

Findings of Fact:

- (i.) We are requesting the variance in size in order to accommodate the needed equipment to maintain the larger parcel of ground that is not typical for a parcel of ground within the city limits. The needed equipment including tractors, mowers, snow removal equipment and their accessories will take the extra space.
- (ii.) This property is unique and is not easily comparable to other properties within the city limits due to it's size.
- (iii.) The need for the type and size of equipment to maintain the acreage create the condition needed for the extra space and needed variance that would be different from a typical city residential lot.
- (iv.) We feel that this variance would not grant any special privilege due to the size of acreage within the city limits.

Please see the attached site plan with the current residence and the applicable location of the building. We appreciate the consideration of the variance.

Clint & Dawn Welling
515-778-3511











