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.