



BOARD OF ADJUSTMENTS MEETING

December 2, 2020

6:00 p.m.

City Council Chambers

Agenda

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes for 11/04/2020
5. New Business
 - A. Consider request from Dallas Hoover for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the existing placement of an accessory structure at 600 Brookwood Dr, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the existing shed to remain in the side yard.
6. Adjourn
7. Comments

Board of Adjustment**5. A.****Meeting Date:** 12/02/2020

Subject

Consider request from Dallas Hoover for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the existing placement of an accessory structure at 600 Brookwood Dr, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the existing shed to remain in the side yard.

Information

A variance is requested to allow an existing accessory structure to remain in the side yard of the property, where code states that all accessory structures shall be in the rear yard.

Attachments

Staff Report

BOA Application

Variance Request



Community Development

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

Staff Report

Board of Adjustment

Date of Meeting: December 2nd, 2020

Agenda Item: 5.A. Consider request from Dallas Hoover for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the existing placement of an accessory structure at 600 Brookwood Dr, to which if allowed as requested, would not be in conformity with the requirements of Section 165.10 (2) of the Code of Ordinances of Indianola, Iowa. A variance is requested to allow the existing shed to remain in the side yard.

Application Type: Variance

Applicant: Dallas Hoover

Property Address: 600 Brookwood Drive

Zoning: R-1, Single Family Residential Zoning District

Application Summary: A variance is requested to allow an existing accessory structure to remain in the side yard of the property, where code states that all accessory structures shall be in the rear yard.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

165.10 SUPPLEMENTARY DISTRICT REGULATIONS. Subject to Section 165.09, the following provisions, regulations, or exceptions may apply equally to all districts except as hereinafter provided:

2. Accessory Buildings. No accessory building shall be erected in any required front or side yard and no separate accessory building shall be erected within five (5) feet of any main buildings or any property line. No separate accessory building shall occupy more than thirty percent (30%) of the required rear yard or exceed twelve (12) feet in height.

165.35 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

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

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

lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

- B. Notice of public hearing shall be given as in subsection 2(B) above.
- C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.
- E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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

ANALYSIS

Mr. Hoover is asking for a variance to allow the existing placement of his shed to remain in the side yard. The Zoning Ordinance states that an accessory structure cannot be constructed or placed in any front or side yard and shall only be allowed in the rear yard. Mr. Hoover lives on a corner lot and compares it to a property that was previously granted a variance for the placement of an existing shed to remain in the side yard; however, the only thing the two have in common is they're both corner lots. The rear yard at 600 Brookwood drive is much larger and certainly capable of supporting a shed of a lesser dimension than what Mr. Hoover is currently constructing. Also, while the mean roof height of the shed may be under what is allowed by ordinance, it's not by much. It is over the 6-foot privacy fence and is nearly the same height as the roof of the primary structure.

What does compare with Mr. Hoover's lot is the neighboring property to the east. The owner of that property constructed his shed in the front yard for the same reasons Mr. Hoover has constructed his in the side yard, terrain and telecommunications running through Mr. Hoover's side yard to the north and the south side of the neighboring property to the east. Mr. Hoover's neighbor was denied the variance and has until April 2021 to move it.

Lastly, the Building Official sent an email to Mr. Hoover on November 5th, 2020 informing him that we received his application for a Variance. In the email, Mr. Hoover was told that he must not continue work on the shed until the Board has made its decision on whether they will allow the shed to remain in its current location. At the time of the email, the shed was merely a skeleton. On the morning of November 9th, Community Development was informed that Mr. Hoover did not abide by what he was directed to do and continued making substantial progress on the shed, therefore, the building official issued a Stop Work order and placed the placard on the front door of 600 Brookwood Drive.

ALTERNATIVES

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

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

RECOMMENDATION

Staff recommends that the City of Indianola Board of Adjustment move alternative 3, denying the variance request as submitted. However, the Board does have the option to approve a variance with conditions (alternative 2) if it believes the accessory structure should be relocated and/or constructed of a smaller dimension.

BOARD OF ADJUSTMENT APPLICATION

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



PROPERTY OWNER

(Last Name) Hoover
(First Name) Dallas
(Address) 600 Brookwood Dr.
(City) Indianola (State) IA (Zip) 50125
(Phone) 515-318-2571 (Email) dallas Hoover 7@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: \$150 per request
☐ Written narrative indicating where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Code of Ordinances of Indianola, Iowa.
☐ Other Information as required by Director

☐ SPECIAL EXCEPTION

Submittal Requirements:

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

- ☐ Property Address: _____
☐ Completed Application
☐ Filing Fee: \$150 per request
☐ Site Plan and Elevations
☐ Written narrative indicating the Section of Chapter 165 of the Code of Ordinances of Indianola, Iowa under which the special exception is sought and stating the grounds on which it is requested.
☐ Other Information as required by Director

☒ VARIANCE

Submittal Requirements:

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

- ☒ Property Address: 600 Brookwood Dr. Indianola IA 50125
☒ Completed Application
☒ Filing Fee: \$150 per request
☒ Site Plan and Elevations
☒ Written narrative indicating justification for proposed variance and response to the criteria outlined in Section 165.35(3)(A) of the Code of Ordinances of Indianola, Iowa
☐ Other Information as required by Director

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

Signature [Signature]
Name (printed) Dallas Hoover

Date 03 Nov 2020

FOR OFFICE USE ONLY: Code to 45180

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

VARIANCE REQUEST SUBMITTAL REQUIREMENTS

SITE ELEVATION OF BACKYARD



SITE ELEVATION OF SIDEYARD



SITE ELEVATION OF FRONTYARD



OVERHEAD VIEW



November 3, 2020

To Whom It May Concern,

I am requesting a variance for a shed located in the side yard of the property located at 600 Brookwood Dr. Indianola, IA 50125. The request for variance is due to my house being located on a corner lot with a small amount of space available in my backyard and a steep grade therein. Placing a shed in my backyard would require excessive excavation in order to obtain a level grade, which is not available due to telecom and gas line locations, and would place the shed within 5 feet of my main dwelling's finish exterior and the shared property line. I would also like to call your attention to the variance granted to Kourtney Jackson located at 606 N Kenwood Blvd in Indianola, IA 50125 on March 4, 2020. This homeowner and I have almost identical circumstances, and I am requesting that I be given the same considerations as they were. Not allowing my shed to be in my side yard would place undue hardship on my wife and I, and not allow us to enjoy the same rights commonly enjoyed by my neighbors. Thank you for your time, and I look forward to hearing from you.

Thank you,

Dallas Hoover
600 Brookwood Dr.
Indianola, IA 50125
Cell: 515-318-2571
Email: dallashoover7@gmail.com