



## BOARD OF ADJUSTMENTS

October 2, 2019  
6:00 P.M.  
City Council Chambers

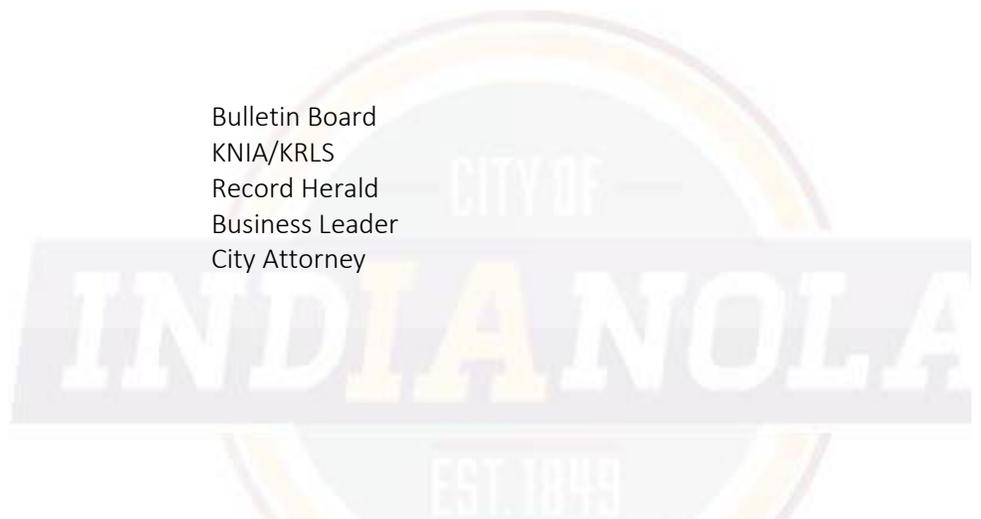
### AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
  - A. September 4, 2019
5. New Business
  - A. Consider request from Shelly A. Spooner for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure at 509 South Freeman Street, to which if constructed 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 proposed detached accessory structure to be constructed with a mean roof height of 14 feet, 8 inches above finished grade.
6. Comments
  - A. Board Members
  - B. Staff
7. Adjournment

#### Distribution:

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**BOARD OF ADJUSTMENTS**

September 4th, 2019  
6:00 P.M.  
City Council Chambers

**Minutes**

The meeting was called to order by Chairperson Sharp at 6:11 PM and on roll call the following members were present:

Wes Sharp  
Jim Sullivan  
Rene Soldwisch  
Bill Mettee  
Marty Miller

Also present: Charlie Dissell, Cortney McAlexander, Cheryl Geurts, Kerry Stecker, and John Meaet

The September 4th, 2019 meeting agenda was approved on a motion by Renee Soldwisch and seconded by Marty Miller. On voice vote: Motion carried unanimously.

The minutes of the July 2, 2019, meeting was approved on a motion by Wes Sharp and seconded by Marty Miller. On voice vote: Motion carried unanimously.

**Consider request from Cheryl Geurts of Indianola Preschool for a special exception under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the use of a preschool or day care in the C-2 Highway Commercial and located at 1508 North Jefferson Way.**

Cheryl Geurts spoke to her request. Charlie Dissell spoke on the request for Indianola Preschool.

Jim Sullivan spoke on concerns for child safety around the preschool. Cheryl Geurts addressed these concerns.

Wes Sharp spoke on pick up/drop off lanes and parking requirements.

Motion to approve was made by Jim Sullivan and seconded by Marty Miller. On voice vote: Motion approved unanimously.

Motion to adjourn the meeting at 6:18 PM was made by Bill Mettee, seconded by Renee Soldwisch. Meeting was adjourned.

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Wes Sharp, Chairperson

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Charlie Dissell, Community Development Director



# Community Development

PO Box 299, Indianola, IA 50125-0299 • www.indianolaiowa.gov  
515-961-9430 phone • 515.961.9402 fax

## APPLICATION FOR HEARING BEFORE THE BOARD OF ADJUSMENT AND APPEALS

The undersigned does hereby request a variance under the terms of the Zoning Ordinances of the City of Indianola, Iowa to permit the construction of a three car garage measuring 38'x48'x12' with a peak height of 17'6"

which, if constructed as requested, would not be in conformity with the requirements of the said Zoning Ordinance in the following particulars: structure will exceed the 12" maximum height restriction.

The following 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. property is located mid-block and structure would not cause any visual impediments

The literal interpretation of the provisions of the Zoning Ordinance of the City of Indianola would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the said ordinance because of the following conditions: Current structure does not support owner's needs which causes hardship during snow ordinance. New structure would provide adequate off-street parking

The undersigned affirmatively states that the special conditions and circumstances set out above did not result from the actions of the applicant and that the granting of this variance would not confer on the applicant and special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

Dated this 11<sup>th</sup> day of September, 20 19.

Shelly A. Spooner  
Applicant Signature

Fee \$100.00 Receipt # \_\_\_\_\_

Applicant Full Name Printed: Shelly A Spooner

Applicant Mailing Address: 509 S. Freeman St., Indianola

Email Address: Shelly.a.bevard@gmail.com

Contact Number: 515-442-3134





Backyard size  
66 x 64  
4224 SF

66 feet

6 ft

6 ft

64 feet

GARAGE  
48 x 38  
1488 SF

20 feet

10 feet

HOUSE  
26 x 41  
1066 sq

15 feet

51 feet

25 feet

Lot size  
66 x 115  
7590 SF

Backyard  
Lot size  
with alley  
78 x 64  
4992 SF

Alley

12 x 115  
1380 SF

Lot size with  
alley  
78 x 115  
8970 SF



# Community Development

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## Staff Report

## Board of Adjustment

**Date of Meeting:** October 2, 2019

**Agenda Item:** 5.A. Consider request from Shelly Spooner for a variance under the terms of Section 165.35 (3) of the Code of Ordinances of Indianola, Iowa, to permit the construction of an accessory structure at 509 South Freeman Street, to which if constructed 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 proposed detached accessory structure to be constructed with a mean roof height of 14'-8" above finished grade and a total of 1,488 square feet.

**Application Type:** Variance

**Applicant:** Shelly Spooner

**Property Address:** 509 South Freeman Street

**Zoning:** R-2, Single and Two-Family Residential Zoning District

**Application Summary:** A variance is requested to allow the proposed detached accessory structure to be constructed with a mean roof height of 14'-8" above finished grade and a total of 1,488 square feet.

## AERIAL MAP



## APPLICABLE CODE SECTIONS

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

**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**

Mrs. Spooner is seeking to construct an accessory structure with a mean roof height of 14’-8” above finished grade. The accessory structure is also proposed at 1,488 square feet which if constructed will take up approximately 35% of the rear yard if the alley is not considered as part of the rear yard. Ms. Spooner is in the process of requesting the alley be vacated and Council is considering this request. If the alley is considered as part of the rear yard then the structure will take up only 29% of the rear yard. Mrs. Spooner’s property is located mid-block therefore would not create any visual impediments and would also provide adequate off-street parking during snow ordinance and storage of equipment.

**ALTERNATIVES**

The City of Indianola Planning and Zoning Commission 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 2, under the condition that the alley is vacated.