

Board of Adjustment
Minutes
October 19, 2021

Meeting was called to order at 5:02 p.m. by Roch Player. Those in attendance: Board members Terry Elam, Mark Andresen, and Roch Player. Absent: Johnathon Brinson and Lori Boren. Also in attendance: City Planner, Laura Eckles, applicants Denise and Warren Havill and contractor Dave Rega. The meeting was held in person at City Hall with a Zoom option also available with the ID 826 2816 5587 and password 834443.

1. Approval of Agenda. Motion made by Elam, seconded by Andresen to approve agenda. Carried all. Brinson and Boren absent.
2. Approval of minutes from March 25, 2021. Motion made by Elam, seconded by Andresen to approve. Carried all. Brinson and Boren absent.
3. Public hearing, discussion, and possible action on request for a variance to reduce the rear and side yard setback at 716 8th Street NW, Mount Vernon, IA 52314. The applicants, Denise and Warren Havill are requesting a variance to add a detached garage to the rear of their existing structure. Laura Eckles, City Planner, explained that the way the house is set on the lot, it is set back 78 feet, so it is currently a non-conforming structure, but the lot itself is conforming. The maximum front yard setback is 25 feet and minimum is 15 feet. The current side yard setback is only a few feet but normally should be 5 feet. Adding a garage on the back creates problems since the rear yard needs to be 30 feet. Right now, the rear yard setback is closer to 20 feet and the applicants are requesting it be changed to 12 feet. City staff cannot recommend approval of this variance because there are other locations that a garage could be placed that would follow city code. It could be placed more in the front yard and there are no topography or grading issues that would prevent that from happening. If the rear yard is reduced, there would need to be a good reason as to why an ordinance change was not being done in order for other properties to have the option of having their rear yard reduced.

Applicants Denise and Warren Havill explained that the current garage is single stall with access from the alley and part of the current living space of the house would be removed to allow for the new garage. Elam questioned why the garage couldn't be placed at the front of the property. Denise Havill explained there would be aesthetic issues if that was done. Player explained that there is a list of strict criteria that needs to be met in order to approve the variance. Havill said that this is a unique property in Mount Vernon because every other house in the area sits close to the street and their house sits so far back and doesn't sit close enough to the street to allow for a garage in the back. Putting the garage in the front would

drastically change the neighborhood. Andresen agreed that the property was very unique with the structures as they are on it. Player said a variance wouldn't be required if the garage was placed in the side yard, which would require access from the other alley. Denise Havill said that would change the inside function of the house if that was done.

Board members then went over the Facts for the Record and requirements for granting a variance.

Does the property have an unusual shape or topography that creates exceptional difficulties for using the property for its zoned use? (Exceptional narrowness, unusual shape, or topography) The answer is no, this is a rectangular shaped lot.

(a) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance. The reason for hardship given by the applicant was that their neighbors have multiple garage bays with alley's used as approaches to garages. Player explained that this was not really a hardship, just a fact. He asked for input on what the actual hardship would be. Dave Rega, contractor for the applicants, said that by putting a garage on the front of the property, the "look" would not be one of the best options. By changing the structure and putting the garage in a conforming spot would adversely affect the use of the property, light access (view) and resale value of the property.

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity. All other properties in the area face the street and meet setbacks in the front and back. Views from the other properties in the area would be affected if the garage was placed in the front of the lot.

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance. By granting the variance, it would preserve the character of the neighborhood and would not impact the neighbors.

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. Player said realistically they could put the garage somewhere else on the lot but agreed that the hardship would completely change the character of the house. Player also asked for input from Eckles on this requirement. She explained from the City's standpoint,

the decision would need to go strictly from the code and she would still recommend voting no because it can still be done on another area of the property. If a variance was granted, other properties would need to be allowed to do the same thing. Elam agreed with Eckles and said if there was a way to do it by the code then that is the way it should be done. Andresen said he could see this hardship being one of convenience, balanced by the usage hardship.

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
All agreed that this statement was correct.

(f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution. All agreed that this statement was correct.

Andresen made a motion to approve the request for a variance to reduce the rear and side yard setback at 716 8th Street NW, Mount Vernon, IA 52314. Seconded by Elam. Voting yes: Andresen and Elam. Voting no: Player. Carried all.

Meeting adjourned at 6:04 p.m. on October 19, 2021

Respectfully submitted,
Marsha Dewell
Deputy Clerk