

Board of Adjustment
Meeting Minutes
City Hall, Conference Room
October 27, 2022 – 4:30 PM

The meeting was called to order at 4:30 p.m. by Chairperson Roch Player. Board members in attendance: Roch Player, Mark Andresen, and Terry Elam. Absent: Jonathon Brinson and Lori Boren. Also in attendance: City Planner, Laura Eckles; and applicants, Thomas and Sonia Redmond.

Approval of Agenda. Motion made by Elam, seconded by Andresen to approve agenda. Carried all. Brinson and Boren absent.

Approval of Minutes from August 09, 2022. Motion made by Elam, seconded by Andresen to approve minutes. Carried all. Brinson and Boren absent.

Public hearing, discussion, and possible action on the request for a variance to allow an accessory building in the front yard setback at 200 4th St SW, Mount Vernon, IA 52314. Eckles explained that the reason for the denial of this building permit is due to the accessory structure not meeting setback requirements. Eckles went on to explain that the lot in question is a normal lot, but the typical front yard is the applicant's street side yard, and the typical street side yard is the applicant's front yard. Player noted that one of the first bullet points provided in the packet states that the zoning code does not allow any accessory structures built within the front yard setback. Player asked Eckles whether this code only applied to permanent structures and Eckles stated that it applies to all accessory structures even if it is not considered permanent. Player asked Eckles to read the specific code language and read the following definitions out loud so that everyone has the same understanding: accessory building, building, and structure. Player went on to explain that the purpose of reading the definitions verbatim from the code of ordinances was to clarify why this shed is considered an accessory structure. Elam stated that another code of concern is that the shed would be over 10 feet which is the maximum height of accessory structures. The Redmonds stated that they could adjust the height of the shed to meet the code. The Redmonds stated that by following the requirements set forth in the code, their proposed shed would be in the middle of their backyard for recreational and enjoyment purposes. The Redmonds also stated that it would reduce site lines from the house to the garage resulting in a safety concern. Elam asked if the Redmonds would be able to place it on the southwest side of their lot. The Redmonds stated that they have a clothesline and a patio in that area, and they wanted to be mindful of the city's code to not obstruct neighboring properties' views.

The Board Members have reviewed the §1310(d) requirements for the grant of variance and find that:

[Lot shape or topography §1310(d)]

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)

No

(a) [Hardship §1310(d)(1)(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.

No

(b) [Hardship §1310(d)(1)(b)]

Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

No

(c) [Effect on Adjacent Property §1310(d)(1)(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.

Yes

(d) [Hardship §1310(d)(1)(d)]

The granting of such variance is based upon the reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

No

(e) [Unique Property Condition/Zoning Amendment not appropriate §1310(d)(1)(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.

No

(f) [Detriment to Public Good / Intent of the Ordinance §1310(d)(1)(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.

Yes

Elam made a motion to approve the request for a variance to allow an accessory building in the front yard setback at 200 4th St SW, Mount Vernon, IA 52314. Motion not seconded; motion failed. Voting yes: Elam. Voting no: Andresen and Player. Absent: Brinson and Boren.

Public hearing, discussion, and possible action on the request for a variance to reduce the required separation for an accessory structure from other buildings at 200 4th St SW, Mount Vernon, IA 52314.

The Board Members have reviewed the §1310(d) requirements for the grant of variance and find that:

[Lot shape or topography §1310(d)]

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)

No

(a) [Hardship §1310(d)(1)(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.

No

(b) [Hardship §1310(d)(1)(b)]

Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

No

(c) [Effect on Adjacent Property §1310(d)(1)(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.

Yes

(d) [Hardship §1310(d)(1)(d)]

The granting of such variance is based upon the reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

No

(e) [Unique Property Condition/Zoning Amendment not appropriate §1310(d)(1)(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.

No

(f) [Detriment to Public Good / Intent of the Ordinance §1310(d)(1)(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.

Yes

Andresen made a motion to deny the request for a variance to reduce the required separation for an accessory structure from other buildings at 200 4th St SW, Mount Vernon, IA 52314. Voting yes: Andresen and Player. Voting no: Elam. Absent: Brinson and Boren. Motion carries. Variance denied.

The meeting adjourned at 5:34 p.m. on October 27, 2022

Respectfully submitted,
Laura Eckles
City Planner I