

Board of Adjustment
Minutes
November 18,2020

Meeting was called to order at 5:02 p.m. by Roch Player. Those in attendance: Board members Lori Boren, Terry Elam and Roch Player. Absent: Johnathon Brinson. Also in attendance: City Planner, Laura Eckles and property owner, Charles Williams. The meeting was held remotely via Zoom and with the following meeting information: Meeting ID: 854 3251 9763; Password: 162231.

1. Approval of Agenda. Motion made by Boren, seconded by Elam to approve agenda. Motion carries.
2. Approval of minutes from September 3, 2020. Player moved to table this item until the next meeting. Seconded by Elam. Motion carries.
3. Discussion and possible action on election of chairperson for Board of Adjustment. Player made a motion to table this item until there was a full board available. Seconded by Elam. Motion carries.
4. Public hearing, discussion, and possible action on request for a variance to reduce the rear yard setback at 219 5th Avenue NW, Mount Vernon, IA 52314. City Planner, Laura Eckles, explained that the applicant is requesting a variance to reduce the rear yard setback from 30 feet to 13 feet to build an enclosed porch onto their pre-existing deck. Because the property is on a corner lot, the placement of the existing deck is considered to be in the “rear yard”. Property owner, Charles Williams, said that he would essentially build up from the existing footprint of the deck and have it look the way it did in the 1950’s, but with more windows and will allow for an enclosed entryway before entering the house. There was a question about why this application required a variance. Eckles explained that the house a non-conforming structure (20 feet or less from the back yard setback) so in order to do any type of maintenance or improvement, it would require a variance.

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) Yes, some areas with unusual topography and shape.

- (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.*** Yes, because strict application eliminates the entire back yard and the ability to maintain and keep the value up because of the arbitrary nature of where the property line is.
- (b) ***Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*** Yes, agreed.
- (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.*** All agreed.
- (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.*** All agreed, this enclosure would not just be for convenience as it is serving the purpose of providing additional enclosed entrance into the home.
- (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.
- (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.

Elam made a motion to approve the request for a variance to reduce the rear yard setback at 219 5th Avenue NW, Mount Vernon, IA 52314. Seconded by Boren. Carried all.

Player made a motion to adjourn the meeting at 5:22 p.m. on November 18, 2020. Seconded by Boren. Motion carries.

Respectfully submitted,
Marsha Dewell
Deputy Clerk