

Board of Adjustment  
Minutes  
April 25, 2018

Meeting was called to order at 5:02 p.m. by Chairperson Moe Richardson. Those in attendance: Board members Moe Richardson, Lori Boren, Gary Ulch, Roch Player and Wade Squiers. Also in attendance: Mike and Jill Ripke and Brenda Broulik.

1. Approval of Agenda. Motion made by Player, seconded by Boren to approve agenda. Carried all.
2. Approval of minutes from November 21, 2017. Motion made by Player, seconded by Ulch to approve minutes. Carried all.
3. Public Hearing and discussion and possible action on request for a Variance for an addition at 518 8<sup>th</sup> Street NW, Mount Vernon, Iowa. Public hearing opened. Zoning Administrator, Matt Siders, explained that at 518 8<sup>th</sup> Street NW, Mike and Jill Ripke are requesting to add an addition to the front of their property, facing north. The proposed addition would be 14 feet long and 24 feet wide. Currently, the house itself does not meet setback requirements, so it is a non-conforming structure at this time. The setbacks for this is twenty percent of the lot width, which would be 14.5 feet. The one side of the house has a setback of 7' 1" and the other side is 5' 1". The total of 12' 2" falls a little short of the required setback. Siders referenced section 1204(b), Non-Conforming Structures, in the Code of Ordinances, which states "A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions: (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking and landscaping requirements". Siders said at the moment the proposed addition was not going to meet the setbacks because it was flush with the house. The second condition is "The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district". Siders said the nonconforming building and impervious surface coverages on the side are not increased. The impervious surface coverage is increased. They are seeking a variance to be able to build the addition forward within the setback where their current structure is.

Squiers asked if there was any leeway in the zoning ordinance that gives Board of Adjustment to make judgment calls on these items. In his opinion, he would allow it and feels it is ridiculous to force someone to offset an addition when it affects the architecture of a building just because the letter of the law says so. Player said that is the reason that they look at the criteria that must be met to approve a variance. Jill Ripke said in their application they have set forth some details about why they feel

they meet the criteria. She also explained that their lot was originally set to face 6<sup>th</sup> Avenue and at some point it was turned, which changes the topography. The house was built in the 1950's before any of these rules were in place. Their home is unusual in that they have a large front setback and is different from what you would see in the normal Traditional Residential district, which is typically characterized as relatively shallow front setbacks. The topography is also sloped a little which creates problems for where they can put things. Ripke also explained that they would like to match the existing roof pitch and doing anything else would not be able to match and not be aesthetically pleasing. They are also on a corner lot which makes it unique in addition to all of the other items.

There was a discussion on whether there would be undue hardship in this case and it was the consensus of the board that there would not because there would be a solution for the addition to be built within the requirements, therefore there is no hardship.

The board went over the wording in section 1204(b)(1)(a) and determined that the addition could be allowed within these provisions. Player referenced section 1310(e) of the Zoning Code of Ordinances that authorizes the Board of Adjustment to overturn the decisions of the Zoning Administrator.

Player then made a motion to reverse the decision of the Zoning Administrator regarding the addition to 518 8<sup>th</sup> Street NW, dated April 4, 2018, because it is the finding of the board, per code section 1204 Nonconforming Structures, subsection (b)(1)(a) the addition, when considered independently of the existing building, meets the code requirements for setbacks. Motion seconded by Squiers. Carried all.

4. Public Hearing and discussion and possible action on request for a Conditional Use Permit for a winery with tasting room at 103 1<sup>st</sup> Street NW, Mount Vernon, Iowa. Siders explained that the owners of the property, Dale and Brenda Broulik, are renovating space below Czech Feather and Down store. They received a grant through Main Street Iowa to do this project where they will have a wine tasting and event center. Siders categorized the use of the facility as "cocktail lounge", which requires a Conditional Use Permit. Brenda Broulik stated that she and her husband own the building and are doing the renovations. The business that she is co-owner of is a licensed, native winery that carries a Class C wine permit that allows them to produce and sell by the bottle and sell by the glass, on and off premises. This would be in the bar area in the lower level of this property, the outside patio and upper deck. There will not be a full kitchen but there will be a light menu and they will be fully equipped for catering.

After discussion it was determined that the property met all of the criteria in Table 13-1 on page 13-13 of the Zoning Ordinance for a Conditional Use Permit. Player made a motion that for the property located at 103 1<sup>st</sup> Street NW, Mount Vernon,

Iowa, the Board of Adjustment shall grant the Conditional Use Permit to Glyn Mawr Vineyard and Winery, LLC for so long as he/she owns the property under the “cocktail lounge” usage. This Conditional Use Permit shall expire upon sale of the property. Motion seconded by Boren. Carried all.

Meeting adjourned at 5:52 p.m. with the unanimous consent of the board on April 25, 2018.

Respectfully submitted,  
Marsha Dewell  
Deputy Clerk