

Board of Adjustment  
Minutes  
June 3, 2019

Meeting was called to order at 5:01 p.m. by Board of Adjustment Chairperson, Wade Squiers. Those in attendance: Board members Lori Boren, Johnathon Brinson and Terry Elam. Absent: Roch Player. Also in attendance: Zoning Administrator, Heather Flynn and John Walz and Darin Vig from Lynch Properties.

1. Approval of Agenda. Motion made by Boren, seconded by Brinson to approve agenda. Carried all.
2. Approval of minutes from May 8, 2019. Motion made by Boren, seconded by Brinson to approve minutes. Carried all.
3. Discussion and possible action on request for a Variance for a new structure at 410 Hwy 30 SW, Mount Vernon, Iowa. (Public Hearing held on May 8, 2019). Lynch Properties would like to add a 40x40 building to the rear of their property. The application was initially denied for a couple of reasons, one of them being the impervious coverage. However, the applicant has decided to combine the lots so they will no longer be subject to the impervious coverage restrictions. The location of the building is still an issue. They would like it to be located at the SE corner of the property, zero feet from the property line on the south and two feet from the property line on the east. It is being brought to Board of Adjustment for a variance for the location. Wells explained that if it is moved over any further, vehicles wouldn't be able to go in and out of the main building. Flynn asked if there was a reason that it couldn't be moved to the front of the property. Wells said this would not be aesthetically pleasing, along with the fact that this is the only area for service customer parking and the proposed location is really the only viable option that they have. The requested variance would allow the building to be built zero feet from the back lot line (code currently requires 20) and 2 feet from the side lot line (code currently requires 10 feet).

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, if the building were to be moved, they would not be able to build it and still have room for vehicles to enter and exit the main building.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.** Yes. This is a different type of business than anywhere else in Mount Vernon.
- (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.
- (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) 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.** No.

Wade Squiers made a motion to approve the request for a variance for a new structure at 410 Hwy 30 SW in Mount Vernon, Iowa. Seconded by Lori Boren. Carried all. Subject to the parcels being combined into a single lot.

Meeting adjourned at 5:22 p.m. on June 3, 2019.

Respectfully submitted,  
Marsha Dewell  
Deputy Clerk