

Board of Adjustment
Minutes
June 07, 2022

The meeting was called to order at 5:06 p.m. by Roch Player. Those in attendance: were Board members Roch Player, Mark Andresen, and Lori Boren. Absent: Jonathon Brinson and Terry Elam. Also in attendance: City Planner, Laura Eckles. Applicants in attendance: Ken and Lisa Hinrichs, Loren Hoffman, and Shane Amundson. Members of the public in attendance: Tim Kelley, Pat Ouverson, Stan Crocker, Susan Hargus, and Sara Kelley.

1. **Approval of Agenda.** Motion made by Boren, seconded by Andresen to approve agenda. Carried all. Brinson and Elam absent.
2. **Approval of Minutes from May 12, 2022.** Motion made by Boren, seconded by Andresen to approve minutes. Carried all. Brinson and Elam absent.
3. **Public hearing, discussion, and possible action on the request for a variance for lighting regulations at Mount Vernon High School, 731 Palisades Road SW, Mount Vernon, IA 52314.** Eckles explained that the applicant was seeking a variance on Outdoor Lighting Regulations- Chapter 165- Article 1111.3 Luminaires shall be aimed no greater than a distance of two mounting heights or less from the base of the pole (a maximum angle of 63 degrees up from nadir or a minimum of 27 degrees down from horizontal). The applicant is requesting that the minimum of 27 degrees down from horizontal be changed to 24 degrees down from horizontal. The applicant received a recommendation from the planning and zoning commission on their site plan with the city council's approval of their site plan. Eckles explained that to meet city code, the applicant would need to raise their light poles to 90 feet rather than 80 feet. The applicant is seeking a variance though to reduce the negative impacts on the neighboring properties. If the applicant increases the pole height the lighting source will need to be increased too to maintain the same foot candle reading on the playing surface; and, there would be potential for the glare to increase due to the intensity of the source being higher. Hoffman explained that the higher the light pole is, the more likely you are to see the lens of the light, even though they are shielded. Hoffman explained that the candela reading is not mentioned in the code; so, by raising their light poles to meet the code, there will be negative impacts on the neighbors with the glare. Player asked about 1111.4 in the code referencing light trespass and Hoffman explained that they do comply with that part of the code. Hoffman also explained that the foot candles at the adjacent properties will be virtually dark. Hoffman proceeded to explain the lighting exhibits that show the glare impact from the 80-foot versus the 90-foot pole. Kelley asked if there were any requirements for verification that those readings are indeed what they are represented as, and he requested that there be a follow-up inspection with documentation. Player explained that depending on which way the board votes, they can always make stipulations on the variance. After further discussion, the board decided that they would table this agenda item due to not having a majority of their board in attendance. Motion made by Player, seconded by Boren. Carried all. Brinson and Elam absent.
4. **Public hearing, discussion, and possible action on the request for a variance for a decreased minimum lot width for the Amundson Addition Final Plat, Mount Vernon, IA 52314.** Eckles explained that this lot in question was originally platted as two separate lots that were 56 feet in width in the Ash Park Historic District but were combined in the past. The way the zoning code is written now the minimum buildable lot width is 60 feet for the traditional residential district. The applicant has tried to get the lot width as close to the zoning code regulation as possible at 54 feet and 59 feet. If this variance is approved the lot subdivided will be a buildable lot since it meets all other zoning code requirements. Eckles also explained that any future building on this lot will still have to abide by all

requirements of the zoning code including setbacks. Subdividing the lot as presented will make the detached garage on the property a nonconforming structure, but the applicant has shared that he hopes to tear down the garage in the future. Amundson has been in touch with the historic preservation commission about this being in a historic district.

Board members then again 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.

- (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, other properties have the same structures on the same size or smaller lot, and the lot already existed and was platted.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*** Yes, because of the area that it is in, a historic neighborhood.
- (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.*** Correct, it will stay with the historic design of the neighborhood.
- (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.*** Correct, it is not just for profit.
- (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.*** Correct.

Boren made a motion to approve the request for a variance for a decreased minimum lot width for Amundson Addition Final Plat, Mount Vernon, IA 52314. Seconded by Andresen. Voting yes: Player. Voting no: None. Absent: Brinson, Elam. Carried all. Variance approved.

- 5. Public hearing, discussion, and possible action on the request for a variance for a decreased street-side yard setback at 418 4th Ave NW, Mount Vernon, IA 52314.** Eckles explained that the applicant was requesting to reduce their street-side yard setback from 15 feet to under 5 feet. The Hinrichs proposed detached garage would be in line with their neighbor's garage. The Hinrichs explained that they are wanting to keep their garage design consistent with the neighborhood. The Hinrichs explained that they also wanted to reduce the amount of concrete used to reduce water runoff into the street.

Board members then again 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.

- (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, there are several other houses in this area that have done what the applicant is trying to do.
- (b) ***Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*** No.
- (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.*** No.
- (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) ***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.***
Correct, not crowding street- consistent with other homes.

Boren made a motion to approve the request for a variance for a decreased street-side yard setback at 418 4th Ave NW, Mount Vernon, IA 52314. Seconded by Andresen. Voting yes: Player. Voting no: None. Absent: Elam, Brinson. Carried all. Variance approved.

The meeting adjourned at 6:20 p.m. on June 07, 2022

Respectfully submitted,
Laura Eckles
City Planner I