

## **BOARD OF ADJUSTMENT – AGENDA**

July 14, 2025 5:30 PM  
Mount Vernon City Hall  
213 1<sup>st</sup> St. NW

1. Approval of Agenda.
2. Approval of minutes from October 24, 2024, meeting.
3. Conditional Use Permit Application – 113 2<sup>nd</sup> Ave NW

Public hearing, discussion, and possible action on an application for Conditional Use Permit.

4. Adjournment.

**Mount Vernon  
Board of Adjustment  
Minutes – October 24, 2024**

**Mount Vernon City Hall**

**Meeting was called to order at 5:30 p.m. by Roch Player. Those in attendance: Board members Roch Player, Johnathon Brinson and Terry Elam; City Planner Leigh Bradbury and applicant Doug Berner. Board Member Mosier absent.**

**1. Approval of Agenda.**

Motion to approve the agenda by Elam, seconded by Brinson, carried with all in favor.

**2. Approval of minutes from May 25, 2023.**

Motion to approve the minutes by Elam, seconded by Brinson, carried with all in favor.

**3. Public Hearing, discussion and consideration of an Application for Conditional Use for Trade Services at 520 1<sup>st</sup> Street SW.**

Summary of staff report provided by City Planner Leigh Bradbury. Board members discussed conditional approval of the application, subject to the following requirements:

- An approved photometric plan,
- No increase in non-conformance of impervious paving or stormwater runoff
- Potential increase in bufferyard / screening along First Street as deemed necessary by staff to protect cemetery uses.

Motion to approve a Conditional Use Permit for Trade Services at 520 1<sup>st</sup> Street SW with the afore-mentioned conditions moved by Elam, seconded by Brinson, carried with all in favor.

**4. Meeting adjourned at 5:53 p.m., October 24, 2024.**

Minutes by Leigh Bradbury, City Planner

**STAFF REPORT**  
**BOARD OF ADJUSTMENT**  
**Prepared by:** Leigh Bradbury, City Planner  
**Date:** July 14, 2025

**AGENDA ITEM:** Conditional Use Permit Application

**APPLICANT:** Marjorie K. Martel  
**LOCATION:** 113 2<sup>nd</sup> Ave NW  
**ZONING:** Town Center (TC)  
**REQUESTED USE:** Trade Services

*The Conditional Use Permit procedure, defined in Article 1309 of the Mount Vernon Code of Ordinances, provides Board of Adjustment (BOA) discretion on the approval of certain uses due to potential site development and/or operating characteristics that could adversely affect surrounding properties.*

Applicant proposes a “Fresh Air” nature-based childcare center for preschool children ages 3-5 years, with enrollment targeted between 6-8 students. Operating characteristics Monday through Friday, from 8:00 a.m. to 4:00 p.m.

This land use falls under the definition of Daycare Services, defined in CH165 as:

*“a facility regulated by the State of Iowa that provides care for children, inclusive of nursery schools, preschools, day care centers for children, and similar uses; but excluding public and private primary and secondary educational facilities.”*

Daycare Services require a Conditional Use Permit in the Town Center District.

*The Board is to review the proposed land use, evaluate potential impacts utilizing criteria outlined in Table 1313-A of the Code of Ordinances, have a public hearing and then act upon the application.*

**Zoning & Land Use Types - Adjacent Properties**

- Northwest & Northeast corners: Town Center / Single Family Residential
- West: Town Center / Restaurants (general)
- South: Town Center / Governmental Facilities
- Southeast: Central Business District / Smoke Shop ( Note: This is a pre-existing non-conforming use)



### **Staff Recommendation:**

A plan for customer parking, loading and pedestrian crossing is recommended. Traffic flow on 2<sup>nd</sup> Avenue NW is constricted directly south (and uphill) of 113 2<sup>nd</sup> Ave NW. The narrowed roadway, combined with the steep grade on the hill, has the potential to limit visibility of pedestrians on both sides of the street. In addition, the property abuts a well-traveled alleyway that services government facilities, a restaurant and one private garage.

### **Action Required:**

*The Board may: 1) approve the Conditional Use Permit without condition, 2) deny the permit, or 3) establish special site development and operational regulations as a condition for approval of a Conditional Use Permit. The Board may also apply the permit to a specific owner or applicant.*

**TABLE 1313-A: Criteria For Site Plan Review And Conditional Use Permits**

**Land Use Compatibility**

	Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	
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**Height and Scale**

	Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	
	Setbacks	Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics..	
	Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities..	

**Site Development**

	Frontage	Project frontage along a street should be similar to lot width..	
	Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles. All structures must be accessible to public safety vehicles. Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	
	Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	
	Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.	

**Operating Characteristics**

	Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations	
	External Traffic Effects	Project design should direct non-residential traffic away from residential areas	
	Operating hours	Projects with long operating hours must minimize effects on surrounding residential areas	



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## Mount Vernon Board of Adjustment Application for Conditional Use Permit

Mount Vernon Zoning Regulation §1309(3) requires the Applicant to provide the following information:

Owner: Marjorie K. Martel  
Address: 113 2nd Ave NW Mount Vernon, IA 52314  
Year Property Acquired by Owner: 2025  
Applicant Name (if other than owner): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: 563 508 2908 Email: marjoriek.martel@gmail.com

Describe the nature and operating characteristics of the proposed use:

Retired school teacher/librarian owner.  
Home childcare center caring  
for pre school children ages 3-5 years  
Enrollment of (6) students & max of (8)  
Operating M-F 8am-4pm  
Fresh Air Childcare a nature  
based pre school.

### Attachments

Application should include all documentation required for a building permit: a site plan – drawn to scale, complete with elevations and dimensions, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

### NOTICE:

#### Scope of Board of Adjustment's Approval §1309(6)

The Board of Adjustment may, at its discretion, apply a Conditional Use Permit to a specific owner or applicant. The Board of Adjustment may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit.



**Lapse and Revocation of Permit §1309(8)**

A Conditional Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period, or sooner if so conditioned by the Board of Adjustment.

The Board may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

Margorie K. Martel  
Owner's signature (REQUIRED)

Date 6/20/2025

An application fee of \$200 is due and payable to the City of Mount Vernon at the time application. Please allow 3-5 weeks for posting of the Notice of Public Hearing. Applicant will receive notification of the meeting date via email (unless otherwise requested) and is encouraged to attend.

**Return to Attn: Zoning Admin., 213 First St. NW, Mount Vernon, 52314**

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To be completed by the Zoning Administrator:

Legal description: \_\_\_\_\_

Present Zoning Classification: TC

Overlay District (if applicable): \_\_\_\_\_

Present Use: \_\_\_\_\_

Code sections relative to Conditional Use Permit:

CH 165 SEC. 408 (TG) TOWN CENTER DISTRICT

3. CONDITIONAL USE D. DAYCARE

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