

BOARD OF ADJUSTMENT – AGENDA

July 28, 2025 5:30 PM
Mount Vernon City Hall
213 1st St. NW

1. Approval of Agenda.
2. Conditional Use Permit Update - 113 2nd Ave NW
3. Adjournment.

STAFF REPORT BOARD OF ADJUSTMENT

Prepared by: Leigh Bradbury, City Planner
Date: July 28, 2025

AGENDA ITEM: **Conditional Use Permit Application - Update**

APPLICANT: Marjorie K. Martel
LOCATION: 113 2nd Ave NW
ZONING: Town Center (TC)
REQUESTED USE: Daycare 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. 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.

Background: A Conditional Use Permit was issued by the Board of Adjustment on July 14, 2025, with two requirements. First, the applicant is to prevent use of the front door during business hours. Second, the applicant is to apply for and secure designated loading zones in front of the building and in the alley.

Request for Loading Zones

The applicant's request for designation of two temporary loading zones was on the City Council agenda for July 21, 2025.

City Administrator Chris Nosbisch recommended against the designation noting that they are public areas and many similar requests for designated loading and parking have been received from uptown businesses over the years. Designating a zone for one business would set a precedent and require undifferentiated consideration of all requests from all businesses. Staff did note that evening hours 4-6 p.m., Thursday through Saturday may present more of a challenge.

Comment was received from the Public Works Director, who noted that winter snow removal, established residential use of the alleyway and the pending development of a restaurant / bar at the Old Fire Station with end-of-day traffic are concerns that he would have.

Comments from council members noted that the requirement places a barrier on a service where there is a gap in the community, that City employees park primarily on the west lot, there is increased traffic levels Thursday-Saturday and an expressed desire to avoid setting a problematic precedent on loading zones.

A motion was made by Rose, recommending against designation of loading zones in connection with the Conditional Use Permit for 113 2nd Ave NW. Motion was seconded by Tuerler and carried by a unanimous vote of City Council.

Use of Front Door:

The applicant has received comment from state that she must maintain two points of egress. Restricting use of the front door would be in violation of this requirement.

Request for Relief:

The applicant has submitted a request for relief and /or reconsideration by the Board of Adjustment for both of the conditions placed on the permit.

Staff Recommendation:

A plan for customer parking, loading and pedestrian crossing is recommended that identifies recommended pathways and encourages patrons to avoid mid-block crossings.

Action Required:

The Board may: 1) Amend the existing Conditional Use Permit and/or 2) create a new one.



From: [Margie Martel](#)
To: [Leigh Bradbury](#)
Subject: Appeal
Date: Monday, July 28, 2025 12:01:10 PM

External Sender - From: (Margie Martel
<marjoriek.martel@gmail.com>)

[Learn More](#)

This message came from outside your organization.

Hello Leigh Bradbury

I would like to appeal the conditions placed on my permit by the council

The Iowa Department of Health and Human Services requires two viable exits to meet safety standards in a childcare home. I will be using the front door and back door for safety exits during business hours.

AGENDA ITEM # J - 13

AGENDA INFORMATION MT. VERNON CITY COUNCIL COMMUNICATION

DATE: July 21, 2025

AGENDA ITEM: Loading Zone Request

ACTION: Motion

SYNOPSIS: The Board of Adjustment met on Monday, July 14th to review a Conditional Use Permit application for Daycare Services at 113 2nd Ave NW. One of the conditions for recommending approval was to “apply for and secure a loading zone in front of the business and alley. Unfortunately, staff cannot recommend in favor of a loading zone in an active alley. A number of businesses use the parking area behind city hall throughout the day and blocking the alley for child loading and unloading will cause a number of conflicts. Parents dropping off and/or picking up their children would be allowed to park in the public parking, but designating parking spots and/or loading zones would not be isolated to this one request. The City often receives and denies requests to designate parking for individual businesses.

BUDGET ITEM: N/A

RESPONSIBLE DEPARTMENT: City Administrator

MAYOR/COUNCIL ACTION: Motion

ATTACHMENTS: None

PREPARED BY: Chris Nosbisch

DATE PREPARED: 7/18/2025

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 2nd 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 2nd Avenue NW is constricted directly south (and uphill) of 113 2nd 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.



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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

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

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	