# City of Mt. Vernon
# Board of Adjustment
# September 15, 2026 6:30 PM
# City Hall, 213 1st Street NW

## MEETING PACKET

**Remote / Zoom Access**:

For those who are unable to attend please log onto Zoom 5-10 minutes prior to the meeting. Contact staff member Leigh Bradbury at (319) 929-6541 for a link to be emailed to you, or log on utilizing the meeting ID#: **687 626 2505**

**City of Mount Vernon**
**Board of Adjustment**
**City Hall 213 First St NW**
**September 15, 2026 6:30 PM**

# AGENDA

1. Call to Order / Roll Call
2. Approval of Minutes: July 28, 2025
3. Memorandum - House File 652 (2025)
4. Variance Request – 130 Joseph Lane SE – Accessory Structure
5. Conditional Use Permit – 421 1st Street NW / Alternative Energy Production

# Mount Vernon
# Board of Adjustment
# Minutes – July 28, 2025

## Mount Vernon City Hall

**Meeting 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 Marjorie Martel. Board member Rachel Mosier absent.**

1. **Approval of the Agenda.**

   Staff noted minutes were available for review from the July 14, 2025, meeting, if the Board would like to add approving them to the agenda. Motion to add said minutes and approve the agenda by Brinson, seconded by Elam, motion carried with all in favor.

2. **Approval of the minutes from July 14, 2025**.

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

3. **Conditional Use Permit Update - Daycare Services at 113 2nd Ave NW**

   Applicant Martel noted that she will be operating as a licensed in-home daycare, although it is not required. A safety plan is required for licensing, and she will include some of the safety information in a handbook that will be given to the parents. Parents are required to accompany the children into and out of the home each day. Weather permitting, clients will be encouraged to utilize the rear alley approach (currently in grass), and the rear entry will remain the primary entrance. During inclement weather, families will utilize the front sidewalk approach. Staff requested discouraging mid-block crossings in favor of using the intersections, due to congestion of parking and traffic along the 100 block of 2nd Ave NW.

   Motion to rescind the Conditional Use Permit issued on July 14, 2025, for 113 2nd Ave NW by Elam, seconded by Brinson, all in favor.

   Motion by Elam to approve a new Conditional Use Permit assigned to owner Majorie Martel for Daycare Services at 113 2nd Avenue NW, with the condition that the business owner shall maintain and communicate a safety plan to customers for loading and pickup. Seconded by Brinson, motion carried with all in favor.

4. **Meeting adjourned at 5:54 p.m., July 28, 2025.**

   Minutes prepared by Leigh Bradbury, City Planner

# MEMORANDUM

**Date:** September 15, 2026
**To:** Board of Adjustment
Planning & Zoning Commission
City Council
**From:** Leigh Bradbury, Planner I
**Re:** House File 652 (2025)

**The purpose of this memo is provide an update on the standard used by Boards of Adjustment in consideration of requests for variance from the zoning ordinance.**

An amendment was passed by the Iowa legislature in 2025 which affects city Boards of Adjustment in their consideration and authorization of variances. Signed by Governor Kim Reynolds on April 25, 2025, House File 652 (2025) took effect July 1, 2025. This law amended Iowa Code §414.12.

**What changed?**

Prior to HF 652, Iowa Boards of Adjustment generally applied the long-established **"unnecessary hardship"** standard when granting variances. This standard came from Iowa statutes and decades of court decisions and was often difficult for applicants to satisfy. HF 652 created a separate, more flexible standard for **area, dimensional, and other numerical variances**. Instead of proving "unnecessary hardship," an applicant may now obtain certain variances by demonstrating **"practical difficulties."**

**What did not change?**

HF 652 did not eliminate the "unnecessary hardship" test for all variances. According to guidance from Iowa State University Extension and Outreach and the Iowa League of Cities, the traditional hardship standard continues to apply to:

- Use variances where allowed by local ordinance, and
- Other variance requests outside of the new area/dimensional category.

**Application of this Amendment to Variance Requests**

Before HF 652, many Iowa communities relied on a single hardship standard for all variance requests. After July 1, 2025, cities must distinguish between:

| Variance Type | Standard |
|---|---|
| Area, dimensional, setback, height, parking, lot-size, and similar numerical variances | Practical Difficulties |
| Other variances still governed by traditional law | Unnecessary Hardship |

To grant an area or dimensional variance, the board must find that:

1. Literal enforcement of the ordinance will result in practical difficulties which prevent beneficial use of the property, and that said difficulties are not self-created.
2. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.
3. The variance is not contrary to the public interest and is consistent with the spirit of the ordinance.

Examples of area, dimensional and other numerical variances identified in the legislation include:

- Minimum lot size
- Setbacks
- Yard widths
- Building height
- Building bulk
- Sidewalk requirements
- Fencing requirements
- Signage requirements
- Off-street parking requirements

**Amendment Required**

Chapter 165, Section 1307 of Mount Vernon's Code of Ordinances defines the Board of Adjustment Powers and Duties, with specific requirements outlined for granting a variance. An ordinance amendment will be prepared for consideration and recommendation by the Planning and Zoning Commission to City Council in October, 2026.

# Board of Adjustment
# September 15, 2026
# Staff Report

**Prepared by:** Leigh Bradbury, City Planner

## AGENDA ITEM #4 130 Joseph Lane SE – Variance Request

| | |
|---|---|
| **Owner / Applicant:** | Justine & Nathanuel Haas |
| **Parcel:** | #17151-51001-00000 |
| **Zoning District:** | Suburban Residential (SR) |
| **Existing Land Use:** | Single Family Dwelling |
| **Accessory Use & Bldgs:** | Private Garage |

This application for variance seeks relief from a maximum size restriction placed on accessory buildings, as found in Chapter 165, Section 710.2.C., which states the following:

> ***The maximum square feet of any detached garage*** *or accessory dwelling unit* ***shall not exceed 100% of the primary dwelling unit's ground floor square feet, alone or in combination, excluding any attached garage square feet.*** *Dwelling space which may occupy a half story is not subject to this limit, however, the area limit applied for an accessory dwelling unit between this section and section 610 shall be the most restrictive limit. (Note: bold indicating the section under consideration)*

### EXISTING CONDITIONS

The primary dwelling unit at 130 Joseph Lane SE is reported by the Linn County Assessor to be **1,028 square feet (SF).** Based on the afore-mentioned code, 1,028 square feet becomes the limiting factor for sizing of any accessory building(s) on the property.

In addition to the primary dwelling unit, the parcel has an existing detached garage totaling 672 square feet.

Taking the language from 165.710.2.C. which states “alone or in combination”, staff provides the following formula:

| Primary Dwelling Unit Ground Floor | Existing Accessory Buiiiding | | Additional Square Footage Available |
|---|---|---|---|
| 1028 SF | less: | 672 SF | = 356 square feet |

Based on this understanding, **the parcel has capacity for additional accessory building space of 356 SF**, just in excess of 18’ x 18’ (as an example).

## REQUEST FOR VARIANCE

The applicant is requesting a variance from 165.710.2.C, to allow for construction of a 40' x 40' building (1,600SF). This would exceed the allowable square footage for 130 Joseph Lane SE by 1,244 square feet.

## APPLICATION OF STATE CODE

***In view of the 2025 amendment to Iowa State Code section 414.12, Board members will need to take into consideration that the language use on the form for Application for Variance reflects the state's prior use of a single standard for establishing unnecessary hardship. As Maximum Allowed Square Footage is the limiting factor in this application, the "practical difficulty" standard applies.***

As discussed earlier in the prior memorandum, the board must find the following to be true, in order to grant a**n area or dimensional variance**:

1. **Literal enforcement of the ordinance will result in practical difficulties** which prevent beneficial use of the property, and that said difficulties are **not self-created**.

   *The applicant needs to establish that a practical difficulty exists which is not self-created that relates specifically to the maximum size restriction.*

   *The location of existing septic and a significant grade decline along the side and front of the house are demonstrated as limiting factors for construction of an attached garage. These features are unique to the property and existed prior to the applicants' purchase of the property in 2026.*

2. Granting the variance will **not significantly alter the essential character of the surrounding neighborhood**.

   *Chapter 165.403 of the Mount Vernon Code of Ordinances defines Suburban Residential (SR) zoning districts as intended to accommodate conventional, contemporary residential development, characterized by low densities and relatively large front-yard setbacks.*

   *Building Coverage: The parcel at 130 Joseph Lane SE is 3.05 acres. Bulk regulations place the maximum building coverage for individual parcels at 35%. The total square footage of the existing structures at 130 Joseph Lane SE is between 1-2% of the parcel's total area.*

   *Setbacks: The required setbacks for Suburban Residential (SR) are as follows:*

   - *Front Yard: 35'*
   - *Side Yard: 15'*
   - *Rear Yard: 35'*

   *This parcel is an existing non-conformance without frontage to a public right of way. (The owners utilize Joseph Lane SE to access Country Club Drive SE). The front of the dwelling unit is 30' from the southeast-facing property line along Joseph Lane and the detached garage is 30' from*

*west-facing property line. Both structures are over 375' from the nearest residence and 550' from Country Club Drive SE.*

3. The variance is **not contrary to the public interest** and is consistent with the spirit of the ordinance.

   *Should a variance be granted, staff does not anticipate any result which would be contrary to the public interest. The spirit of the ordinance is interpreted to be for prevention of oversized accessory buildings which, if allowed, could dominate the landscape and alter the character of individual neighborhoods and districts in which they lie, thereby impacting other property owners' ability to enjoy the use of their property as intended for those uses which are permitted within the zoning district. Given the size of the parcel at 130 Joseph Lane, strict application of MV Code section 165.710.2.C. could be viewed as having an unintended effect.*

## CONDITIONS AND SAFEGUARDS

*In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance.* [MV CH165.1308.C(a)]

## REQUIRED ACTION

*A concurring vote of three members of the board is required to authorize a variance from the zoning ordinance. (IA Code §414.14)*

# Board of Adjustment
# Application for Variance

Address of Property for which a variance is requested: __130 Joseph Ln SE Mount Vernon, IA 52314 _____ Owner: Justine and Nathanuel Haas

Phone: ___319-560-9551_____ Email: Justine.Ann.Haas@Gmail.com_____

Applicant Name (if different):_____

Address:_____

Phone: _____ Email: _____

Year Acquired by Owner: _____2026_____

Present Zoning Classification: ____Suburban Residential__

Present Use of Property: __Residential_____

Zoning regulation from which you are seeking relief: 710 Accessory Buildings

_____

(Search available on the Code of Ordinances for Mount Vernon, Iowa, 2002; at www.cityofmtvernon-ia.gov)

Reason for Variance request (what you want to do that is prohibited by the zoning regulation):

**We would like to request approval to build a detached garage that is larger than the footprint of our home. Due to the way our home is situated on the property, constructing an attached garage would be difficult, if not impossible, because of the location of our septic system and the significant grade decline along the side and front of the house. Our home has a footprint of 1484 square feet, which significantly limits the size of a garage we could build if we were required to stay within the footprint of our home. We have a large property that would accommodate a larger garage easily without an impact on our neighbors. A larger detached garage would allow us to meet our needs while also providing a more practical solution given the existing site conditions.**

Owner's signature

(required)_____Justine Haas_____Date:___8/13/2026

The Board of Adjustment will not grant a variance from the Zoning Regulations unless the Board finds all of the requirements of Chapter 165 §1308.4.A (a-f) of the Code of Ordinances for Mount Vernon, Iowa, 2002; to have been met. ***It is up to the Applicant to demonstrate that all of the following requirements are met.***

***§1308.4.A (a): Undue hardship Exists***

State how the zoning regulation imposes an undue hardship on you by depriving you of rights commonly enjoyed by other properties in your zoning district.

**The zoning regulation imposes an undue hardship on us by limiting our ability to make reasonable and customary use of our 3 acre property in a manner commonly available to other properties in the same zoning district. Our property is substantially larger than a typical residential lot, providing adequate land for a larger detached garage. Our property is private and a larger garage would not impact any of our neighbors. Other properties in the zoning district with more favorable site conditions may be able to enjoy the customary right to construct attached structures without facing the same physical limitations imposed by our septic system and topography. Our current detached garage is not able to accommodate our vehicles and mowing equipment. Without approval of a larger detached garage, we would be required to leave vehicles and equipment exposed to the elements rather than having reasonable covered storage. We currently do not have the practical means of providing the amount of covered space reasonably needed for a property of our size. This would limit our ability to safely and practically use and maintain our vehicles and lawn/property maintenance equipment that are associated with maintaining multiple acres of property.**

***§1308.4.A (b): Hardship is unique and not generally shared by other properties***

Have other properties in the same zoning district had the same or similar situation?

Yes No

If yes, please explain: _____

***§1308.4.A (c): No substantial detriment to adjacent property and preservation of the district's character***

If you are given a variance, how will you avoid any negative impact on your neighbors?

**Our property is located on Joseph Ln SE, which only has one other resident. Our property is surrounded by woods on three sides and is not in the line of sight of our neighbors from their home. Due to the size of our lot, the addition of a structure on our property would not impact our neighbors because of the distance between us and the wooded perimeter. The garage will only be used for personal use (non-commercial).**

If you are given a variance, how will you ensure that your property continues to be consistent with the character of your district?

**We would build the structure to match the style of our home. We intend to re-side our home to match after it is built. The house behind us has many structures on their property, so we do not feel that having two garages would be inconsistent with the only other property on our private lane.**

***§1308.4.A (d): Hardship vs. Convenience, Profit or Caprice***

Granting of a variance must be based on demonstrable and exceptional hardship and not related to inconvenience, profit or caprice. A preference to do things differently, the ability to attain greater enjoyment or a desire to benefit financially is not an undue hardship.

***§1308.4.A (e): Condition or Situation is not General or Recurring in Nature***

The condition or situation is not common enough that a general regulation should be adopted as an amendment to this Zoning Ordinance.

***§1308.4.A (f): Public Good & Integrity of the Municipal Code***

Zoning regulations are adopted for to ensure the public's safety and welfare, and to accomplish specific land use purposes. The granting of a variance should not cause substantial detriment to the public good or undermine the intent and purpose of any ordinance or resolution.

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Attach any information that illustrates your intent for the property and why you need a variance in order to accomplish it (such as: maps, site plans, architectural drawings, and drawings of the property showing lot measurements, shape of lot, set-backs, buildings, topography of site, elevations, measurements to relevant adjoining lots or structures; etc.)

**APPLICATION, FEE ($150.00, PAYABLE TO CITY OF MOUNT VERNON), AND ATTACHMENTS SHOULD BE SUBMITTED TO THE ZONING ADMINISTRATOR AT 213 1ST ST NW, MOUNT VERNON 52314.**

**INCOMPLETE APPLICATIONS WILL NOT BE SUBMITTED TO THE BOARD OF ADJUSTMENT.**

**FOR COMPLETION BY STAFF:**

Meeting Date: _____

Notice to Board & Applicant: _____

NPH Sent: _____ Published: _____

Date of Final Review / Decision: _____

Approved Denied

Notice to Applicant _____

Notice to Linn County _____

Other Notes: _____

_____

_____

_____

_____

_____

_____

**From:** Justine Haas
**To:** Leigh Bradbury
**Subject:** Re: building size
**Date:** Sunday, September 13, 2026 3:00:02 PM

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**External Sender** - From: (Justine Haas <justine.ann.haas@gmail.com>)
Learn More
This message came from outside your organization.

Hi Leigh,

We would like the dimensions on the building we would like to construct would be 40x40x20.

Justine Haas

On Sun, Sep 13, 2026 at 2:56 PM Leigh Bradbury <LBradbury@cityofmtvernon-ia.gov> wrote:

> Leigh Bradbury
>
> Planning & Zoning Admin
>
> City of Mount Vernon
>
> 213 First St NW
>
> Mount Vernon, IA 52314
>
> (319) 895-8742 x102

# PLANNING & ZONING COMMISSION
# September 15, 2026
# Staff Report

**Prepared by:** Leigh Bradbury, City Planner

## AGENDA ITEM #5 Conditional Use Permit

| | |
|---|---|
| **Applicant:** | T-Mobile / Generator Installation |
| **Owner:** | City of Mount Vernon |
| **Parcel:** | #17103-26006-00000 / Memorial Park |
| **Zoning District:** | Traditional Residential (TR) / Cornell College Historic District |
| **Land Use:** | Alternative Energy Production |

**The Conditional Use Permit Procedure provides Board of Adjustment approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties. Following publication and public hearing, the Board of Adjustment shall review, evaluate, and act upon all applications submitted to this procedure (MV165.1309)**

### Background Information:

T-Mobile has a lease with the City of Mount Vernon for space on the water tower in Memorial Park. As part of a national network hardening effort, T-Mobile has requested to install a diesel-powered generator on site.

The site plan has been reviewed by V&K Engineering and determined to comply with Iowa DNR policy for diesel storage within 200 feet of a wellhead located within the park. An enclosure is required and currently under design. This structure remains subject to review by the Historic Preservation Commission.

Alternative Energy Production is identified as a Conditional Use for Traditional Residential (TR) zoning districts, which makes it subject to Board of Adjustment approval.

The City of Mount Vernon has a diesel generator in this same location, east of the water tower, northwest of the Visitor's Center. The generator would be located in the same area of the park.

### Staff Recommendation:

Alternative Energy Production is an established use upon the property at this time. Network hardening serves a public purpose by supporting communications during natural disasters and other emergency situations.

Operating characteristics would include periodic testing and cycling of the equipment, which can be accomplished during established business hours. An alleyway immediately east of the intended location, provides an access point for maintenance staff, vehicles and equipment.

**Action Required:**

Public Hearing

The Board is to review and act upon the request, based on the criteria established in Table 1313-A (attached).

The Board may:

- Apply a permit to a specific owner or applicant.
- Establish special site development or operation regulations as a condition for approval.

| 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. | |
| **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.<br>All structures must be accessible to public safety vehicles.<br>Development must have access to adjacent public streets and ways.<br>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 | |
| | Outside Storage | Outside storage areas must be screened from surrounding streets and less intensive land uses. | |
| **Public Facilities** | | | |
| | Sanitary Waste Disposal | Developments within 100 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare. Sanitary sewer must have adequate capacity to serve development. | |

| | | | |
|---|---|---|---|
| | Storm Water Management | Development should handle storm water adequately to prevent overloading of public storm water management system.<br>Development should not inhibit development of other properties.<br>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects. | |
| | Utilities | Project must be served by utilities.<br>Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health. | |
| | Comprehensive Plan | Projects should be consistent with the City of Mount Vernon's Comprehensive Plan. | |

# 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: City of Mount Vernon

Address: 421 1st St, Mount Vernon, IA 52314

Year Property Acquired by Owner: _____

Applicant Name (if other than owner): Concordia Wireless c/o T-Mobile

Address: 361 Randy Rd. Ste 101. Carol Stream, IL 60188

Telephone: 224-775-3353 Email: cjames@concordiawireless.com

**Describe the nature and operating characteristics of the proposed use:**

**The generator features a factory-engineered, sound-attenuated acoustic enclosure. The rated sound output is quiet at 65 dB(A) measured at a distance of 23 feet. Other than during active utility power outages, the generator will operate exclusively during brief, periodic maintenance test cycles. This exercise cycle can be scheduled to run during standard weekday business hours to prevent any neighborhood disruption.**

**This site provides an oversized 400-gallon containment capacity to ensure total leak prevention. T-Mobile personnel will inspect the site periodically and hand-pump any captured rainwater out of the containment structure. Refueling and regular maintenance visits will occur via the established 16.5-foot utility access easement, requiring no structural changes to public right-of-ways or vehicle traffic patterns.**

**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.

**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.

Cherrelle James Authorized Agent _____ **Date** 8/31/2026

**Owner's signature (REQUIRED)**

**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:** _____

**Overlay District (if** applicable):_____

**Present Use:** _____

**Code sections relative to Conditional Use Permit:**

_____

_____

_____

_____

_____

_____