

Board of Adjustment
Minutes
November 10, 2021

Meeting was called to order at 5:30 p.m. by Roch Player. Those in attendance: Board members Terry Elam, Roch Player, Johnathon Brinson and Lori Boren. Absent: Mark Andresen. Also in attendance: City Planner, Laura Eckles, applicants Denise and Warren Havill.

1. Approval of Agenda. Motion made by Boren, seconded by Brinson to approve agenda. Carried all. Andresen absent.
2. Approval of minutes from October 19, 2021. Motion made by Boren, seconded by Brinson to approve minutes. Carried all. Andresen absent.
3. Discussion and possible action on request for a variance to reduce the rear and side yard setback at 716 8th Street NW, Mount Vernon, IA 52314, after being remanded back to Board of Adjustment by Mount Vernon City Council at their November 1, 2021 meeting. City Planner, Laura Eckles, explained that after further discussion with other City staff and the City Administrator, it was decided that this needed to be looked at one more time due to possible future lawsuits if it was approved with the current ordinance in place. The purpose of this meeting is to refer back to the evidence and if the board is to approve this, the City will need to change the ordinance to allow others to have the same benefits. There are a lot of other properties in Mount Vernon that have the same circumstances, where the lots are conforming but the structures are not. The City felt there was a lack of hardship and granting the variance was more for convenience.

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) The answer is no, the property itself is conforming.

(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. Player went back to the comment made by the contractor at the last meeting of

