

Mount Vernon Board of Adjustment  
Minutes  
June 27, 2012  
City Hall Conference Room

Meeting was called to order at 6:00 p.m. Members present: Moe Richardson, Lori Boren, Pat Charboneau and Liz Sparks. Absent: Gary Ulch. also in attendance: Interim Zoning Administrator, Michael Beimer, Dave Krogmann, Don and Deb Homer, Karin Capri and Brian Bohr.

1. Approval of Agenda. Motion made by Charboneau, seconded by Boren to approve agenda. Carried all.
2. Discussion and possible action: Variance for front setbacks on new construction at 590 13<sup>th</sup> Avenue SW. Dave Krogmann, contractor for Don and Deb Homer, explained that lots #4 and #5 of this plotted area have a very abrupt tip in between them, which was done to bring the streets to a perpendicular manner. By doing this, the homes on those lots need to be within 30 feet of the property line. If that is the case, each house is going to sit at a very abrupt angle opposite of each other. What they are asking is to keep their house in line with the existing homes that are there now. The garage can be 20-25 feet back but the house must be within 30 feet of the property line. Liz Sparks said her interpretation was that the house can be set back no more than 30 feet from the property line. The way the house is situated on the lot, the closest corner of the house to the lot line would be 55 feet. The house would need to be moved 25 feet to get the corner of the house within the allowed setbacks. The corner of the garage would then be on the lot line. Krogmann explained that the code reads that the garage must be 20-25 feet from the property line. The next part of the code reads that the house portion of the structure can be no more than thirty feet from the property line. Moving it closer to the street does not solve the problem. Without a variance, turning the home on the lot would be the only option to comply with the code. Boren agreed. Richardson read some variance criteria that he received from the City of Cedar Rapids and said that the general rule of thumb is that a variance should prevent a hardship, not grant a special privilege. Krogmann said that if they were required to follow the code as written, he didn't think the side setbacks would be met. And because the house would be at such an angle, it would be very close to the house on the next lot. As there was no further discussion, members went through the following list of requirements for granting a variance.

- 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.***

Because of the very unusual shape of this lot that was approved in the plat, Board of Adjustment is required to grant a variance because you cannot situate a normal house on this lot in the way the zoning ordinance would require.

- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.***

All members were in agreement with this item. There are other curved lots in this development but none of them with the extreme curve such as this. In the other curved lots the houses are able to be situated to in such a way to satisfy the zoning ordinance, in this lot it is not.

- (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.***

All members were in agreement with this item. Not granting the variance could actually be a detriment to adjacent properties.

- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.***

All members were in agreement with this item. The variance is necessary to ensure the aesthetics of the residential neighborhood, the line of site on the street and to do what the ordinance is trying to accomplish.

- (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.***

All members were in agreement with this item. The lot shape is very unusual.

- (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.***

All members were in agreement with this item. Granting the variance would make it better for the neighborhood as a whole.

Motion made by Sparks to override the denial of the building permit and grant the variance for 590 13<sup>th</sup> Avenue SW, having found that all of the criteria have been met. Seconded by Charboneau. Carried all. Variance granted.

3. Discussion and possible action: Variance for front setbacks on a ramp/deck at 212 3<sup>rd</sup> Avenue SW. Beimer said that this was a setback issue. The code requires a minimum of 15 feet, no more than 30 feet from the property line. The current structure is at the 15 feet setback right now. With the proposed structure, the setback would be 9 feet instead of 15. Karin Capri stated that her mother fell and broke her hip and is confined to a wheelchair. She cannot step up one step. Brian Bohr, contractor for Karen Capri, said that there isn't any other area to cut in a door and this is the only spot that will work. Liz Sparks asked Beimer if they could grant a renewable, temporary variance. He said it was possible to grant a variance until such time that the variance was no longer necessary. Bohr said that it wasn't going to be so permanent that it couldn't be removed. Richardson was concerned about the aesthetics of the property but because of the setup of the property, a very small amount of the ramp/deck can

be seen. As there was no further discussion, members went through the following list of requirements for granting a variance.

*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.*

Not applicable.

*(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*

Not applicable.

*(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.*

All members were in agreement with this item.

*(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.*

Not applicable.

*(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.*

All members were in agreement with this item.

*(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.*

All members were in agreement with this item. The fact that the front yard and side yard or not very visual.

Motion made by Sparks to override the denial of the building permit and grant the variance until such time as the need for the handicap ramp is no longer needed by the residents of the property for 212 3<sup>rd</sup> Avenue SW, having found that all of the criteria have been met. Seconded by Boren. Carried all.

Variance granted.

Meeting adjourned at 6:40 PM.

Respectfully submitted,  
Marsha Dewell  
Administrative Assistant