

Board of Adjustment
Minutes
November 1, 2017

Meeting was called to order at 5:00 p.m. by Chairperson Moe Richardson. Those in attendance: Board members Moe Richardson, Lori Boren, Gary Ulch and Wade Squiers. Absent: Roch Player. Also in attendance: Zoning Administrator, Matt Siders, Amy Scallon Geis, owner of Palisades Dental and Vince Geis, Loren Hoffman representing the Mount Vernon Booster Club and Courtney Kleppe with Allegra Marketing.

1. Approval of Agenda. Motion made by Boren, seconded by Ulch to approve the agenda. Carried all.
2. Approval of minutes from October 19, 2017. Motion made by Boren, seconded by Ulch to approve the minutes. Carried all.
3. Public Hearing and discussion and possible action on request for a variance for a sign at 417 1st Avenue SE. Matt Siders explained that in Urban Corridor, the front setback and side yard setback are 10 feet, the maximum height is 6 feet and the maximum size is 100 square feet for a ground sign. The proposed sign is approximately five feet from the property line. There is no issue with the size of the sign, only the setback, which is what they are seeking a variance for. Amy Scallon Geis, owner of 417 1st Avenue SE, said that they had discussed various places to put the sign to fit within the setback regulations. They do own the property to the north of the building and the parking lot but felt that the best place for the sign to be placed for recognition purposes was in front of the building. They are limited in space between the sidewalk and building to begin and that is how they ended up with the sign where it is. Courtney Kleppe with Allegra Marketing said if you look down the street there are a couple of businesses that have signs in front of their buildings and this proposed sign does follow the location of the other signs. It does make sense to put it where they want it because it is in front of the business and if placed in any other location, trees would be in the way of viewing the sign.

Wade Squiers asked if there were separate setbacks specific to signs. Siders said it is specific to signs and there is a table on page 10-15 that shows the requirements. There is approximately 14.5 feet between the building and the sidewalk so if the sign was within the setback it would be very close to the building.

Board members then went over the questions 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 lot is not odd shaped but where the building sits on the lot is odd and very close to the setback line.

- (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.*** Yes, there are several businesses in the same area that have signs within the same setback.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*** Yes.
- (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.*** Yes.
- (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.*** Yes.
- (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.*** Yes, the building setbacks in this area create a problem for signage.
- (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.*** Yes.

It was the consensus of the board that all requirements for granting a variance in section 1310 (d) have been met. Motion made by Squiers that the variance for the sign location for 417 1st Avenue SE, Mount Vernon, be reduced from 10 feet to a five foot setback from the back side of the sidewalk. Motion seconded by Ulch. All in favor. Motion carries.

4. Public Hearing and discussion and possible action on request for a variance for a sign at 1170 1st Avenue NE. Matt Siders explained that the sign on Highway 1 needs to be relocated due to the bypass and they are looking for a location.

The process started with the location being north of the City limits on Highway 1 but the DOT had issues with it being an advertising sign. Another location looked at was in a residential location but the current residents did not want to allow it there. In another location was more restrictive in regards to size and height of the sign so it came back to looking at a district that was more receptive to having a sign. Mark and Pam Kraus own the property at 1170 1st Avenue NE which is located in the Limited Industrial district. The front yard setback for a sign in this district is zero and the maximum sign height is 20 feet. The maximum square footage allowed is 150 and the proposed sign is 256 square feet. Per code, Siders cannot approve the sign because of the square footage size. Squiers asked if this sign would prevent the owner from putting in a business sign. Loren Hoffman said they are currently asking for two things, a variance for the size of the sign and they are asking that this be considered exempt so it doesn't hinder the owner's ability to put up a business sign.

Board members then went over the questions and 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.*** Yes. They are being forced by the DOT to move the sign and they have no other place to put it.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.*** Yes.
- (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.*** Yes.
- (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.*** No.
- (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.*** No.

(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. Yes.

Ulch said the only thing he could see down the road was the fact that there could be two signs allowed on the property and could be a hindrance. He wondered if there was a way that the Board could make this sign exempt so that it is one of a kind. Squiers said that is what the Board would be doing if they approved the variance due to the language in the request that the City not restrict future signs on the property. Richardson felt they were not addressing that issue and the board just has a general opinion and could vote how they want. Siders said he wished there was something written in the code specific to civic signs that would allow the sign to be placed there. Because of the size of the sign it does not meet the requirements in the code for an exempt sign. Squiers felt that there were specialties (forced in being located, the size and what it contains) to this sign that make it impractical to comply with the size requirements.

Boren made a motion to table this request for a variance for a sign at 1170 1st Avenue NE on the Kraus property until a future date after consultation with the City Administrator and legal counsel. Motion seconded by Ulch. Carried all.

Motion made by Boren, seconded by Ulch to adjourn the meeting at 5:55 p.m.

Respectfully submitted,
Marsha Dewell
Deputy Clerk