

**NOTICE OF DECISION
OF THE PANORA ZONING BOARD OF ADJUSTMENT**

On October 28th at 5:00 P.M., a duly noticed meeting of the Panora Zoning Board of Adjustment, there appeared Sheila Allen of 620 W Main Street, with Andrew Wicket. Ms. Allen had previously presented her request to the board on October 21st, 2024. She was seeking a variance to chapter 165.40 (4A) Supplementary District Regulations, Accessory Buildings: No accessory building may be erected in any required front yard and no separate accessory building may be erected within five (5) feet of a main building. In addition, Allen was requesting a variance to the setbacks in chapter 165.22 (7) Agricultural District (AG), Bulk Regulations: Minimum front yard setback of 40 feet and side yard setback of 25 feet. Ms. Allen requested to build a detached garage with the proposed front yard setback of 23 feet and a side yard setback of 6-7 feet

A variance is an approval of the size of a lot, or the size or location of a building or structure, that does not meet the requirements of the Panora Zoning Ordinance. It does not change the Ordinance itself, but changes how it applies to a specific property. The Board of Adjustment is authorized to grant a variance if they find that, because of some unusual and unique characteristic of a property, a strict application of the Zoning Ordinance would result in a hardship so severe for the owner that it would be almost the same as taking the property. The Board may not grant a variance that is contrary to the purpose of the Zoning Ordinance.

Before a variance can be granted, the applicant must show the zoning regulations "actually prohibit or unreasonably restrict" the use of the property. In other words, it must be impossible or unreasonable to use the property without a variance. Mere convenience, or a desire to maximize profit does not justify a variance. Furthermore, if the applicant caused the hardship, or was aware of it when they purchased the property, a variance is not justified. Before a variance can be granted, the Board must find beyond a reasonable doubt that all of the following conditions exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district; and
- (2) That such a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district in the vicinity; and
- (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the ordinance or the public interest.

A copy of the application for variance submitted by Allen is attached hereto. Based upon the variance application submitted, and the comments provided at the meeting, the Board makes the following findings of fact:

1. There are no are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or class of uses in the same zoning district.
2. The homeowner has alternative options available to them; and
3. That approving the variance would set a precedent that directly conflicts with the ordinance.

As a result of the above findings of fact, documentation, and testimony, the Board concludes:

DECISION: It is the decision of the Panora Zoning Board of Adjustment on a motion by Fitzgerald, second by Campbell, and a unanimous vote of the members present that the application for variance submitted by Sheila Allen is denied.

By:


Mark Humphreys, Chairperson