

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

On March 10<sup>th</sup> at 5:15 P.M., a duly noticed meeting of the Panora Zoning Board of Adjustment, there appeared Gregg Hall HTH Residential Construction, representing Mike and Rhonda Stark of 219 W Clay Street, seeking a variance to the City Zoning Ordinance, Chapter 4 Zoning Regulations, section 5-4-23 Supplementary District Regulations, specifically 4.A.."no separate accessory building may be erected within five (5) feet of a main building. Starks are requesting a variance to allow the accessory building to be located and attached to the main garage structure.

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 the Starks is attached hereto.

Regarding Stark's variance request, based upon the variance application submitted, and the comments provided at the meeting, the Board makes the following findings of fact:

1. The accessory building was moved next to the new garage with a concrete pad poured by Stark's builder who had thought he gotten prior approval from the building

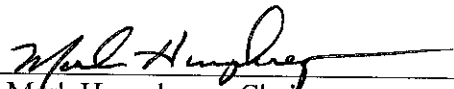
inspector.

2. The accessory structure would encroach on the neighbor if it were moved 5 feet from the primary structure and not meet side yard setbacks.
3. That approving this variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the ordinance or the public interest.

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 3-1 vote of the members present, (Fitzgerald, Olson, Campbell – for, Humphreys – against) that the application for variance submitted by Mike and Rhonda Stark is approved with the following condition:

The property owner will obtain a building permit for the addition to the garage and comply with all building codes for a primary structure with the addition.

BY:   
Mark Humphreys, Chairperson

ATTEST:

  
Lisa Grossman, City Administrator