

**ZONING BOARD OF ADJUSTMENT  
& BLUE GRASS CITY COUNCIL  
BLUE GRASS CITY HALL  
AUGUST 28, 2024  
6:00 P.M.**

The Zoning Board of Adjustment met in regular session at 6:00 p.m. with the City Council present in the City Council Chambers of City Hall at 6:00 p.m., 114 N. Mississippi Street, Blue Grass, Iowa on this 28<sup>th</sup> day of August, 2024, pursuant to law followed by the Pledge of Allegiance and a moment of reflection.

**CALL TO ORDER:** Chair Rick Porter called the meeting to order at 6:00 p.m. noting that this meeting was a joint meeting with the City Council.

The City Clerk read aloud the “Opening Statement of the Zoning Board of Adjustment”

**ROLL CALL:** Board Members present: Rick Porter, Matt Sampson, Maria Sampson and Justin Box. Josh Brus was absent. City Council members present: Tim Brandenburg, Schuyler Bowman, Mike Hermann, Robert Blok and Cheryl Smith with Mayor Brad Schutte also being present. Other’s Present: Building Commissioner Jim Meyrer, City Attorney William McCullough, applicant Nichelle Drake and several other residents.

**APPROVAL OF AGENDA:** Box moved to approve the agenda as presented, seconded by Maria Sampson. All ayes, motion carried.

**NEW BUSINESS:**

**VARIANCE:** The Board at their July 31, 2024, reviewed a Variance application from Nichelle Drake requesting a rear yard setback of 7-foot in order to construct a 30-foot by 40-foot detached metal garage totaling 1,200 square foot at her residence located at 306 Prairie Meadow Drive, located in a R-1 Single-Family Residence District; therefore, the Board concurred that a hardship exists not of Ms. Drake’s making and granted Ms. Drake a Variance.

City Attorney William McCullough explained that according to Section 17.64.180 Council review of Grants and Variances, each decision of the Board granting a Variance shall be referred to the City Council for review; however, the Council may affirm or remand it to the Board for further study. He said that the Council at their August 5, 2024 meeting, reviewed the Board’s decision to grant Ms. Drake a Variance; however, the Council was unclear as to what the Board determined was Ms. Drake’s hardship; therefore, the Council remanded the Variance back to the Board.

McCullough explained to the Board that they need to decide whether to affirm their decision or grant a re-hearing and vacate their earlier decision. Meyrer reported that according to Section 17.24.060 Frontage and Yard Requirements, Ms. Drake would have to meet three 30-foot rear yard setbacks as for corner lots, it requires two rear yard setbacks and Ms. Drake’s hardship is that she would have to meet three 30-foot setbacks due to the fact that she has three street frontages. Brandenburg expressed concerns on the City Attorney’s letter to the Board as he stated that “in summary, he suggested that the Board carefully consider whether under the facts and circumstances given by the applicant that a hardship exists in this instance and that it was his opinion that under the facts presented that there may not be a legal hardship to grant the Variance”; therefore, the Council wanted further clarification from the Board as to what Ms. Drake’s hardship was. McCullough said that his letter was drafted prior to Ms. Drake’s public hearing at which meeting it was determined that Ms. Drake had a unique situation as she had three street frontage requirements to meet reporting that at Ms. Drake’s hearing there was a lot of opposition in regards to the subdivision’s covenants as an accessory building is not allowed reminding the Board and Council that the City does not enforce covenants they only enforce the Municipal Code.

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The Board reviewed their previous discussions at their July 31, 2024 meeting reviewing their options as they had previously determined that the proposed detached accessory building would pose no hazards or issues and that due to the fact that Ms. Drake has to meet three 30-foot rear yard setbacks, a hardship exists not of Ms. Drake's own making; therefore, Box moved to affirm the Board's decision from their July 31, 2024 meeting and approve Ms. Drake's Variance request, seconded by Matt Sampson. Roll call: Box-aye, Matt Sampson-aye, Maria Sampson-aye and Porter-aye. Motion carried.

**RESOLUTION ZBA 24-01 REF: APPROVING A VARIANCE REQUEST** – Matt Sampson made a motion to adopt Resolution ZBA 24-01 approving a Variance for a 7-foot rear yard setback to Ms. Drake to construct a 30-foot by 40-foot detached metal garage totaling 1,200 square foot in an R-1 Single Family District with the stipulation that the water drainage be addressed, seconded by Maria Sampson. Roll call: Matt Sampson-aye, Maria Sampson-aye, Porter-aye and Box-aye. Motion Carried.

**ADJOURNMENT:** Matt Sampson made a motion to adjourn, seconded by Box. All ayes, motion carried. The meeting adjourned at 6:20 p.m.

**Submitted by:** Ann M. Schmidt, City Clerk/Financial Officer