

RESOLUTION 03-25 (BOA)

*RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED
AT 1505 NORTH GRAND AVENUE, CHARLES CITY, IA*

WHEREAS, the Board of Adjustment received a request from the Veterans of Foreign Wars (VFW) Post 3914 for a Conditional Use Permit for the purpose of use of the property as Community Services/Civic Uses specifically a fraternal organization- Family Residential in accordance with Section 2.1.6 of the Charles City Unified Development Ordinance, located at 1505 North Grand Avenue and legally described as:

Commencing at a point 1284 feet South and 33 feet West of the Northeast corner of Section One (1), Township Ninety-five (95) North, Range Sixteen (16), West of the 5th P.M., thence running South 269 feet, thence West 453 feet, thence North 269 feet, thence East 453 feet to the point of beginning, being the same tract of land described and set forth in a certain survey recorded on September 3, 1969, in Book "3" of Surveys at page 216 of the records of Floyd County, Iowa;

Locally known as 1505 North Grand Avenue.

WHEREAS, notice of hearing was duly published in the Charles City Press on August 15, 2025, and appropriate notice was provided to property owners located within two-hundred feet of the boundaries of the Property, and a hearing was held on the 25th day of August, 2025, and

WHEREAS, there were no oral objections filed and no written objections filed, and

WHEREAS, the Board engaged in deliberation and fact-finding during the hearing and thereafter granted the conditional use permit and requested that its findings and conclusions be incorporated into the written decision; and

WHEREAS, a written Findings of Fact have been prepared for review by the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Charles City, Iowa that the conditional use permit described above is hereby approved and the Findings of Face attached hereto are approved and such decision shall be posted by the Board Secretary on the city website in compliance with Iowa law.

BOARD MEMBER Kloberdanz moved the adoption of the foregoing Resolution;

BOARD MEMBER Hammond seconded the motion, and on roll call the voting was as follows:

AYES: Kloberdanz, Hammond, LaBounty

NAYS: none

Passed and approved this 25th day of August, 2025.

Gene LaBounty
Gene LaBounty, Acting Chair

Brittney Lentz
Brittney Lentz, Secretary

**Findings of Fact
For Conditional Use Permit for Property located at
1505 North Grand Avenue**

Criteria to be considered by Board of Adjustment in granting or denying a special use permit:

- A. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property. *Yes.*
 - B. That such use shall not impair an adequate supply of light and air to the surrounding property. *Yes.*
 - C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety. *Yes.*
 - D. That such use shall not diminish or impair established property values in adjoining or surrounding property. *Yes. The Board determined that this is an appropriate use for R-2 Medium Density Residential, to B-3 Highway Commercial District.*
 - E. That such use will not unduly burden public utilities. *Yes.*
5. Conditions/safeguards which should be imposed upon a permit recipient:
- A. The property uses shall be subject to the requirements of Section 2.1.15, Highway Commercial District B-3.
 - B. The current condition of the off-street parking areas are legal non-conforming and not subject to the paving requirements in Section 3.4 of the Unified Development Ordinance.
 - C. That transfer of title to a new owner or buyer, other than Veterans of Foreign Wars, Post #3914, will require resubmission and reapproval of the conditional use permit.

If any of these foregoing questions are answered in the negative, the special use cannot be granted.

6. Decision by the Board of Adjustment:
Approved X Disapproved _____ Date: 8/25/2025

Gene A. Labounty
Chairperson

Brittney Lentz
Secretary