

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of June 6, 2018

Steve Johnson, as vice-chair called the meeting to order at 5:15pm and the following answered roll: Carol Hagen, Janelle Pavlovec, Sue Sander, and John Jenkins.

Also in attendance: Zoning Administrator Chad Bird

Consider election of Board Chair and Vice-Chair

Bird reminded the board that now the board is fully staffed, they should elect a chair and vice-chair per the board rules and policies.

**Sander moved and Hagen seconded nominating Johnson as chair of the board.
Roll call vote: Unanimously approved.**

**Hagen moved and Johnson seconded nominating Sander as vice-chair of the board.
Roll call vote: Unanimously approved.**

Approval of Minutes of the April 4, 2018 meeting

**Sander moved and Pavlovec seconded approval of the minutes as presented.
Roll call vote: Unanimously approved.**

Shea Rea for 205 Valley View Drive requesting permission to replace a detached garage contrary to the R-1 Zoning regulations

The owner / applicant, Mr. Rea, presented his application and noted he is requesting permission to construct an accessory structure, detached garage contrary to the codes. He stated he had purchased a garage and moved it to his lot in pieces and he wished to assemble it on the existing foundation of an old garage on his lot.

The applicant desires to retain the foundation and be at the existing structure's two-foot (2') setback. Mr. Rea noted the new structure would utilize the existing foundation but that he would raise the floor level to prevent flooding and thus have a final finish height above the maximum 14 feet allowed in codes. He is requesting a height variance to 15'.

Bird reviewed section 17.24.040 of the code, relating to non-conforming structures in his notes to the board.

Sander noted she thought using the existing foundation structure was wise. Hagen agreed.

Johnson closed the public discussion.

**Sander moved and Hagen seconded a motion to approve the application for variance for Shea Rea for an accessory structure detached garage allowing for a 2' setback on the side and rear-yard and for a height to 15'.
Roll call vote: Unanimously approved.**

Clifford Holthaus for 1304 Big Sky Lane requesting permission to attach a storage shed to the attached garage contrary to the R-1 Zoning regulations

The owner's son, Ryan Holthaus and Lois Holthaus presented the application and noted they are requesting permission to construct an attached storage area to the north side of the existing attached garage. The proposed addition to the existing principal structure is 10' x 26'. The applicant proposes to encroach into the required 12' setback to within 3' of the property line. The purpose is to install a third garage bay to store lawn equipment.

Jenkins asked about the overall lot size, Sander noted it is 10,800 square feet. Hagen asked the owner about renting a storage unit. Mrs. Holthaus noted that would be very inconvenient as her husband travels and moving equipment to a storage unit would be difficult when he is away.

Johnson also spoke about the general need for space, light, and air around buildings.

Johnson closed the public discussion.

Jenkins asked about non-conforming lots and non-conforming uses. Bird noted this is a non-conforming principal structure and non-conforming lot size. He noted the code states the intent is that they not be allowed to survive or be expanded.

**Sander moved and Pavlovec seconded a motion to approve the application for variance for Clifford Holthaus for an attached garage addition to the existing garage allowing for a 3' setback on the side-yard.
Roll call vote: Unanimously approved.**

Dawn Iverson for 1016 Mechanic Street requesting permission to construct a house addition contrary to the R-3 Zoning regulations

Ms. Iverson, the owner / applicant presented her proposal to substantially remodel her existing principal structure and noted she is requesting permission to construct an addition to the front of the residence, adding a front porch and second story. Ms. Iverson noted the proposed construction will encroach into the front-yard 16 feet leaving a 9' front-yard setback.

She also noted the average front-yard determination using code section 17.16.050 is around 12 feet.

Johnson closed the public discussion.

Sander noted that the proposed improvements would really improve the residence and the neighborhood. She also noted that the height would not appear to be an obstacle since the residence is in the middle of the block.

Johnson expressed his agreement to the proposed improvements also.

**Sander moved and Hagen seconded a motion to approve the application for variance for Dawn Iverson for an addition to the principal structure allowing for a 9' setback on the front-yard.
Roll call vote: Unanimously approved.**

Jim Berg for 701 East Water Street requesting permission to construct a new front porch and attached garage contrary to the R-3 Zoning regulations

Jim Berg presented his application and noted he is requesting the addition of a front porch and attached garage structure contrary to code provisions. He noted the existing side-yard (Oak St) garage is at approximately 2' from the property line and the front-yard is at approximately 20'. He is proposing to add a 28' x 32' garage and improve the porch. He is proposing setbacks of 8' for the side-side and 18' for the front-yard.

Jenkins asked how close the east neighbor is to the property line and Berg noted that it was about 1 or 2 feet off the line.

Bird provided a brief overview of how corner lot setbacks are established in the code.

Johnson closed the public discussion.

**Johnson moved and Hagen seconded a motion to approve the application for variance for Jim Berg for an addition of a front porch and a new garage allowing for an 8' side-yard setback and an 18' front-yard setback.
Roll call vote: Unanimously approved.**

Shaun Hoyme for 813 South Mill Street requesting permission to construct a detached garage addition contrary to the R-3 Zoning regulations

Shaun presented his application and stated he is requesting the addition of an attached structure to the north side of his existing garage.

He reviewed the current code and his proposal and said a detached structure / garage requirement are for a 5' setback from any property line and no more than 14' in height. He proposed adding on to his existing structure and requested a 1' side-yard and less than 1' foot (11") on the rear-yard yard (west). He also proposed a height of 15' 8" contrary to the 14' maximum for accessory structures.

Hoyme stated he wanted to park a vintage camper and other equipment in the garage to prevent any vandalism or theft.

Johnson closed the public discussion.

Johnson stated that he believed the project would add value to the home.

**Hagen moved and Johnson seconded a motion to approve the application for variance for Shaun Hoyme for an addition to the accessory structure garage allowing for a 1' setback on the North side-yard, a less than 1' setback on the West rear-yard and for a variance from the height limitations and allow for a 15' 8" height on the structure.
Roll call vote: Unanimously approved.**

Stanley Engineered Fastening for 1304 Kerr Drive requesting permission to construct an Industrial addition contrary to the M-2 Zoning regulations

Scott Milburn, representing Stanley Fasteners, presented the application to request a variance on the front-yard. The owner controls all the property in this area is seeking a variance only because the public ROW was installed and creates a unique front-yard situation.

Milburn noted the company is expanding and adding several thousand square feet of space to the plant. He noted the business is growing.

Sander noted she is pleased to learn the business is still very viable locally and wishes to continue to support their efforts to expand.

Bird noted that the city may consider vacating a portion of the ROW in this area which may eliminate the need for the variance in the future. There was a brief discussion on the unique layout and why the public street is in this location.

Johnson closed the public discussion.

Sander moved and Johnson seconded a motion to approve the application for variance for Stanley Fasteners allowing for a 4' setback on the South side-yard. Roll call vote: Unanimously approved.

Triad Property Group for 509 North Street requesting permission to separate the property into two parcels contrary to the R-2 Zoning regulations

Dan Spilde, representing Triad Property Group is requesting permission to subdivide this lot into two separate lots in separate ownership.

He noted the current conditions are a master lot of 90' x 132' and 11,900 square feet. The lot contains two single family dwellings but is otherwise zoning code compliant for R-2 residential zoning.

Spilde noted he is requesting to subdivide to be able to separate the lots for individual ownership.

Bird noted the proposed subdivision of lots would create two non-conforming. As indicated on the submitted proposed plat of survey, lot A would be 8,535 sq ft and lot B would be 3,385 sq ft. The minimum lot size for R-2 is 10,000 sq ft for a single-family lot / structure. The minimum lot width is 80 feet.

Bird conclude by saying this proposed subdivision creates two non-conforming lots, one with non-compliant lot dimensions.

Johnson noted that a 3,385 square foot lot is small for a non-conforming lot. Sander asked if there were other similar lots in the community. She noted a couple she had seen on the County GIS site.

Jenkins asked if there were other legal remedies that could persevere the intended outcomes other than a subdivision. Spilde noted he was not sure.

Johnson closed the public discussion.

Sander moved and Hagen seconded a motion to deny the application.

Roll call vote: Unanimously failed.

The board urged the applicant to consider other legal remedies to solve the issues and to let the zoning administrator and board know of the outcome.

Johnson moved and Sander seconded a motion to table the application until and unless the applicant needs to come back to the board having otherwise exhausted all other legal remedies.

Roll call vote: Unanimously approved.

Other Business

Bird distributed a copy of the board's rules and regulations and asked them to review for any possible changes.

The board set the next meeting for Wednesday, July 11, 2018 due to the July 4 holiday.

There being no other business, the meeting was adjourned at 6:41pm.

Respectfully submitted,

