

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of July 11, 2018

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

Absent: Carol Hagen.

Also in attendance: Zoning Administrator Chad Bird.

Approval of Minutes of the June 6, 2018 meeting

Sander moved and Jenkins seconded approval of the minutes as presented.

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 (*tabled from June 6, 2018*)

The applicant Mr. Raney, provided a letter from attorney Jim Burns. The letter was entered into the record and is available in the zoning office. The letter primarily spoke about the zoning and nonconforming uses of the lot.

Jenkins asked about other Triad properties and when the LLC purchased this parcel, by a date, and did they know it was a nonconforming use?

Mr. Raney indicated he did not know it at the time.

Pavlovec stated she believes the LLC should address any legal issues.

Tade Kerndt, 709 Decorah Avenue stated that he supports the variance application and doesn't see why it cannot be subdivided. He sees the legal avenue through the LLC as unnecessarily expensive.

Johnson noted he does not support expanding a nonconforming use.

Sander said she doesn't see the harm, stating it is no less egregious than other nonconforming lots in the community. She believed no one else would see value in this property if the lot is not divided. If the lot is not divided, there would be little or no interest in the property and sees this action as an improvement.

Pavlovec noted the board should be thinking of the future and future uses of the land.

Jenkins said he wants to do all he can to keep the property with Raney. He stated he doesn't see how anything else can be built on the land or proposed lots. He also believes the LLC should be able to work out a legal remedy.

Johnson moved and Johnson seconded a motion to table the application until a better legal study of other actions is completed.

Roll call vote: Unanimously approved.

New Minowa Players for 906 South Mill Street requesting permission to install a fascia sign on the side of the building contrary to the C-1 Zoning regulations

Bird explained the variance application is seeking a variance from the limitation of commercial signs on the street frontage of buildings only. Bird noted he is interpreting the sign code to mean signs are only allowed on street frontages. The applicant is seeking to install two signs, one on the Mill Street frontage of the building and the other on the south side of the building, which is not a street frontage. The applicant is seeking a variance to allow the sign to be installed.

Bird noted the Mill Street sign meets all the requirements and has been approved and the proposed side sign also meets all other requirements.

The sign proposed for the side of the building meets other code requirements. It is proposed at 4' x 5' and 20 sq ft; less than 10% of the side elevation of the building.

For the sake of full disclosure, the zoning administrator serves on the board of directors for New Minowa Players.

Carl Peterson and Don Arendt, New Minowa Players board of directors members spoke in favor of the project and noted it would also be lite from above with a "goose neck" style light.

Sander noted she sees no reason to not allow the sign as the alley seems to function as a street and gives the appearance of a street for this side of the building.

Pavlovec also noted she doesn't see any issues with allowing the sign.

**Sander moved and Pavlovec seconded a motion to approve the application for variance for New Minowa Players for a side mounted sign.
Roll call vote: Unanimously approved.**

Other Business

The board asked Bird about electronic meetings and members participating via an electronic means. Bird responded that the state rules required an unavoidable reason be given why meeting in person was not possible. He also noted that the city council's rules did not allow for members to participate electronically.

The board set the next meeting for Wednesday, August 8, 2018.

There being no other business, the meeting was adjourned at 5:54pm.

Respectfully submitted,

