

CITY OF DECORAH  
BOARD OF ADJUSTMENT  
Minutes of September 5, 2018

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

Absent: Janelle Pavlovec.

Also in attendance: Zoning Administrator Chad Bird.

Approval of Minutes of the July 11, 2018 meeting

**Sander moved and Jenkins seconded approval of the minutes as corrected.  
Correction notes Jenkins moved and Johnson seconded the motion to table the Triad application.  
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 July 11, 2018*)

*Leslie Smith and Dan Raney presented the application to the Board from the tabled discussion on July 11, 2018. Mrs. Smith noted the desired outcome is to allow Mr. Raney to stay on this property and to secure it as his primary residence.*

*Mrs. Smith stated they have explored all other legal options.*

*Jenkins inquired about keeping the larger lot in Raney's name and Johnson asked if the owner knew about the two dwellings on the one lot at the time of purchase.*

*Raney and Smith stated they knew of the two dwellings but not of the zoning issues it created.*

*Hagen questioned some of the LLC issues and concerns and asked about other options. Smith stated the time-of-sale transfer would cause the greater concern.*

*At this time Johnson closed the public hearing portion of the meeting.*

*Johnson noted he is supportive of splitting the lot and creating the non-conforming lots.*

*Jenkins stated he leans towards approval because of the existing conditions and added the lot and conditions certainly are unusual and the utilities are unusual as well.*

*Jenkins noted he would supported the application if the owners would provide a corporate resolution from the LLC stating the newly created property parcel is being conveyed to Mr. Raney and acknowledging the non-conforming use of both the properties and that Dan Raney is the new owner.*

*Hagen appreciates the hardship presented in this case and recognizes the need for a residence and need for a home for Mr. Raney. She also noted the topography creates some unique issues in this application.*

*She expressed concern about creating a non-conforming and she expressed concern about selling either property in the future. She also noted concern for any future expansions etc that may be in conflict with the non-conforming property.*

*Sander stated she doesn't see much in the record about the how and why this property is in its current state. She said she sees the hardship created here and possible future loss in the event of property sales.*

*Johnson asked about the board's interest in Jenkins statement about a corporate resolution and there was general agreement with this idea.*

**Johnson moved and Sander seconded a motion to approve pending submittal of a corporate resolution stating the newly created property parcel is being conveyed to Mr. Raney and acknowledging the non-conforming use of both the properties and that Dan Raney is the new owner.  
Roll call vote: Unanimously approved.**

Lewis and Cathy Blair for 306 Ohio Street requesting permission for placement of a driveway contrary to the Zoning regulations (*section 17.52.020 D 1*)

Mr. and Mrs. Blair, the owners and applicants are requesting permission to construct a driveway closer than five-feet to the side property line contrary to the zoning codes. They presented a layout of the proposed driveway.

Zoning administrator Bird noted city code provides for a five-foot property line setback on the side-yard per the zoning code listed below.

The Smiths are requesting a two-foot setback. There is a curb cut already in place and is approximately two-feet from the lot line.

**Hagen moved and Sander seconded a motion to approve a variance to allow for placement of a driveway contrary to the zoning regulations.  
Roll call vote: Unanimously approved.**

County Wide Plumbing for 107 William Street requesting permission to construct a commercial garage contrary to the M-2 Zoning regulations

*The owner / applicant is requesting an accessory structure in this industrial M-2 zoning. Upon review of the parcel and information, the zoning administrator determined the parcel is actually in R-3 residential zoning. In further review, it was determined the city council approved an ordinance amending the zoning and placing a stipulation on it that it would remain conforming and no non-conforming uses would be considered.*

*Jenkins asked if the applicant would consider a voluntary application and review of the C-3 zoning design guidelines. Mr. Lemke noted he would so consider and work with Bird on submittal.*

**Johnson moved and Hagen seconded a motion to table the application until such time that the council conditions on the ordinance to rezone could be resolved.  
Roll call vote: Unanimously approved.**

**Other Business**

The board set the next meeting for Wednesday, October 10, 2018.

There being no other business, the meeting was adjourned at 6:18pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. A. Perry".