

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of April 3, 2019

John Anderson, called the meeting to order at 5:15 p.m. and the following answered roll: Kraig Tweed, Sue Sander, Carol Hagen, and Janelle Pavlovec.

Absent: John Jenkins.

Also in attendance: City Attorney John Anderson sitting in for Zoning Administrator Chad Bird.

The Board welcomed Kraig Tweed to the Board, Kraig was appointed by the City Council on January 7, 2019.

Consider Election of Board Chair and Vice Chair.

**Hagen nominated Sander to be Chair and Tweed seconded.
Roll call vote: Unanimously approved.**

**Sander nominated Hagen to be Vice Chair and Pavlovec seconded.
Roll call vote: Unanimously approved.**

There was discussion on whether to appoint a Secretary pursuant to Section 1.4 of the Board of Adjustment Rules and Regulations. The Board declined to take further action on a Secretary at this time.

The Board reviewed the City of Decorah Board of Adjustment Rules and Regulations adopted October 4, 2004, and affirmed January 6, 2014. After discussion,

Sander moved to amend Section 2.0 in regards to meetings, so that regular meetings of the Board of Adjustment shall be held at 5:15 p.m. on the first Wednesday of each month. If the first Wednesday of the month is a holiday then the Board shall meet on the second Wednesday of that month and to affirm the rest of the remainder of the Rules and Regulations as currently provided.

Tweed seconded Sander's motion.

Roll call vote: Unanimously approved.

Approval of Minutes of the November 7, 2018 meeting.

Hagen moved to approve the minutes subject to correcting the spelling of "Sander" in the last paragraph regarding the variance request for 205 East Broadway.

Pavlovec seconded the same.

Roll call vote: Unanimously approved.

Luther College for 700 College Drive requesting special exception to place fill in the F-1 Floodplain District (Section 17.120.040).

Anderson verified that notice of the public hearing was published as required.

Jay Uthoff Director of Facilities for Luther College and Lindsay Erdman of Erdman Engineering reviewed Luther's request for special exception. Uthoff and Erdman explained that the improvements to Dike Road and other levee areas on the Luther Campus are for the purpose of protecting Luther facilities and facilitating levee accreditation through the U.S. Army Corps of Engineers. The project, which has been ongoing for several years, involves upgrading the levee to meet FEMA standards for accreditation as well as reconstructing Dike Road. The improvements, which include raising Dike Road two to six feet higher, will also result in the Dike Road being further moved to the East away from the Floodplain zone.

Erdman explained that Luther College has received permits to construct levee and roadway improvements for the entire length of the project. Erdman advised the Board that due to changes in the project plans, there is an additional application has been submitted to the Iowa Department of Natural Resources to approve the placement of fill. The College is working with the Army Corps of Engineers Offices in St. Paul and Rock Island to review Luther's request to place fill. In summary, an additional Iowa DNR fill permit is still pending, as is a response of the U.S. Army Corps of Engineers in regard to review of the request to place fill.

Anderson reviewed with the Board the special exception process under City Code Sections 17.28.060 and 17.120.040 and the requirements that must be met for the granting of a special exception.

Sander asked how will raising the elevation of Dike Road affect property down stream from the college. Erdman explained that it should have little to no affect on property down stream due to the patterns of flooding and pooling of water.

The Board reviewed various plans provided to the Board by Luther College with Erdman to show the proposed changes in elevation and location of Dike Road. Erdman explained that the primary low point is currently south of Storre Theatre in the parking lot area below the facilities building and that raising Dike Road would hopefully prevent the need to sandbag in that area. As part of the process, Luther College would also come up with a plan for pumping any water that does pool east of the levy.

Hagen noted that while she is not an employee of Luther College, she does have contractual relationship with Luther College and she would, therefore, abstain from voting on Luther's request.

Sander asked if there were any comments from the public and there were none and she closed the public hearing.

**Pavlovec moved and Tweed seconded a motion to approve Luther College's application for special exception to place fill in the F-1 Floodplain District, subject to and conditioned on Luther College receiving all appropriate approval, permitting, and review from the Iowa Department of Natural Resources and the U.S. Army Corps of Engineers.
Roll call vote: Tweed, Sander, Pavlovec - Aye.
Hagen – Abstained.**

Annette Laithinen for 504 Jefferson Street requesting variance to construct an addition to a principle structure contrary to regulations in the R-3 Zoning District (Section 17.76.040).

Mark Webber and David Wadsworth were present on behalf of Annette Laitinen of 504 Jefferson Street in regards for a request for a variance regarding front yard setback.

Webber explained that on behalf the applicant, he and Wadsworth had designed an addition to an existing house that is in keeping with the character of the original structure and that will be aesthetically pleasing. Webber explained that the front yard setback is 25 feet and that the new structure would be setback 21 feet.

Anderson verified that notice of the public hearing was published as required. Anderson briefly reviewed the criteria for a variance under Section 17.28.070 of the City Code, as well as the necessary findings of fact under Section 17.28.080 and the setback requirement for R-3 Zoning Districts.

Hagen and Sander asked about the general nature of the addition to the existing house and its placement on the lot. Webber and Wadsworth explained that the design is intended to have the addition blend-in with the current house and mimic many of the features of the existing house.

Anderson asked whether there was anything peculiar in regard to the land structure or buildings involved. Webber explained that the lot is fairly standard for the area, however, because of the interior of the existing house and its roofline, in an attempt to make the flow of the addition with the inside of the existing house work and also the roof lines match up, it was decided to have the addition sit further south on the lot.

Sander asked why the proposed addition is not flush with the front of the current house. Webber explained it was important to the property owners to preserve the current porch design and also the roof structure made it preferable to have the new addition further south.

Sander asked if there were any comments from the public and there were none and she closed the public hearing.

**Tweed moved Hagen seconded a motion to approve the request for a variance to construct an addition to the principle structure contrary to the setback requirements in an R-3 Zoning District for the front yard.
Roll call vote: Unanimously approved.**

Jered Bourquim for 403 Oak Street requesting permission to construct a detached garage contrary to regulations in the R-e Zoning District (Section 17.76.040).

Jared Bourquim intends to build a detached garage on his lot. Bourquim explained to the Board that due to the topography and steepness of the lot, he cannot place the proposed garage either closer to his house, or further away from Terrace Street. The proposed location is the most practical site for the detached garage based on the existing driveway and topography of the lot. An 18.75-foot setback from Terrace Street on the north lot line would prohibit him from improving the property with a garage. Bourquim has talked with the property owners to the west and they do not have any issues with the location of the proposed structure.

Anderson briefly reviewed the criteria for a variance, as well as the setback requirements for R-3 Zoning Districts.

Hagen asked if all adjoining property owners have been contacted. Anderson confirmed publication of notice. Sander explained that signs would have gone up around the property to notify adjoining property owners of the variance request. Bourquim stated that he has spoken with many of the surrounding property owners. Bourquim explained that he had not been able to personally speak with the owners of 508 Terrace Street, which is directly north of the proposed garage location. Bourquim believes that the owners may be either new or using the property as a vacation rental by owner. In looking at the information on Beacon, Anderson explained that 508 Terrace Street had been sold in May, 2018. Hagen said that in that case the owner should be on notice of the variance request. Hagen stated that she then felt satisfied that the nearby property owners would have sufficient notice of the variance request.

Sander asked about the height of the proposed structure and Bourquim explained that he is not asking for any type of variance in regard to the height and it would be within the code requirements. Bourquim also explained that his neighbors to the west have not expressed concern about the height of the proposed structure.

No comments have been received by the public. Sander asked if there were any comments from the people in attendance at the public hearing and there being none she closed the public hearing.

**Hagen moved, and Tweed seconded a motion to approve Jered Bourquim of 403 Oak Street the request for a variance to construct a detached garage contrary to the side yard setback requirements in an R-3 Zoning District.
Roll call vote: Unanimously approved.**

Other Business:

Sander noted that there is a document in Dropbox listing all the 2018 variance request actions. It was noted that many of the variances had to do with the building of new garages, but that the request for variances of the height of accessory buildings had declined.

Sander noted that the next Board of Adjustment meeting would normally be on May 1, 2019 at 5:15 p.m. Tweed noted that he will be out-of-town that day, but he intends to be back by 5:15 p.m. Sander noted that she is not available the evening of May 1, 2019.

*None of the Board Members present knew of any scheduling conflicts with May 8, 2019. As such, the four members present agreed to set the next Board of Adjustment meeting for **May 8, 2019 at 5:15 p.m.***

There being no other business, the meeting was adjourned at 6:16 p.m.

Respectfully prepared,



Respectfully submitted,

John Anderson
City Attorney