

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of August 7, 2019

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

Also, in attendance: Zoning Administrator Chad Bird.

Approval of Minutes of the June 3, 2019 meeting

Tweed moved and Pavlovec seconded a motion to approve the minutes of June 3, 2019. Jenkins noted a typo in the June 3, 2019 minutes regarding the previous month's date. Bird noted he would correct the error.

Roll call vote: Ayes: Tweed, Pavlovec, Sander, Hagen, and John Jenkins. Motion was approved.

CTI Towers Assets for 1017 Park Street requesting permission to replace an existing tower with a 250' one contrary to the R-2 zoning district regulations

Bird presented the application for CTI Towers, working for T-Mobile.

Tony Peduto, CEO of CTI Towers presented the application and stated CTI is proposing to remove and replace the existing cell tower at this location. Peduto noted the existing tower was installed circa 2000 and is 102' tall. CTI proposes a 250' tower.

Peduto was joined by Matthew Bertolino and Gary Van Cleve, all representing CTI Towers.

Peduto further stated there is an existing 175' tower on an adjoining parcel at this location owned by another company.

Bird noted City code for towers in residential districts limits their height to 150' and provided the reference.

Peduto continued that this new tower will be the single sole tower for T-Mobile in the Decorah area. He also noted the tower will accommodate four carriers' equipment and T-Mobile will offer space on the tower to the area's 911 and emergency response agencies at no charge. He also stated co-locating on the existing adjoining 175' tower is not feasible as there is not adequate space above 150' for additional equipment rendering the exiting tower unsuitable for their needs.

He noted the new structure will be relocated to the rear of the current lot. Jenkins raised the question of who owned the lot in front of, or to the East of the tower lot as it appeared the city code required a 62.5-foot setback it adjacent to non-residential property. Bird noted the property to the East is privately owned and zoned residential, though it is not used as residential property. The Board determined the property would have no use for development given its size and shape. The Board determined the tower should be setback the 62.5 feet given the location and proximity to residential property.

There was also discussion regarding lighting and Peduto noted there would be a flashing white light during day-time hours and a solid red light during night-time hours. Both lights would be positioned to flash or shine in an upward trajectory.

Hagen raised the issue of FAA regulations and local flight paths and Peduto noted the tower is going through an FAA review. Hagen wanted Bird to engage the local airport commission in this application review, so they were fully aware of the application and proposed tower.

Sander asked if there were any comments from the public; hearing no further comments, she closed the public hearing.

**Sander moved to approve the application.
The motion died for lack of a second.**

**Jenkins moved and Tweed seconded a motion to approve the CTI Tower application contingent on FAA approval and that city code section 17.136.130 - Abandoned or unused towers or portions of towers be adhered to.
Roll call vote: Unanimously approved.**

Winneshiek County Historical Society for 509 W. Broadway requesting permission to hang a sign on front porch overhang (302 S. Mill Street) contrary to the R-2 zoning district regulations

Elizabeth Lorentzen presented the Winneshiek County Historical Society's application and noted they are proposing a sign for this home occupation. Bird noted home occupation signs shall not exceed three square feet in total area. This sign is proposed for nine square feet.

Lorentzen reviewed the sign location. Sander voiced some concern over the clearance under the sign and there was discussion on this matter. Lorentzen noted the concern and stated the Society would review the final location to avoid an issue.

Sander asked if there were any comments from the public; hearing no further comments, she closed the public hearing.

**Jenkins moved and Hagen seconded a motion to approve the Winneshiek County Historical Society's application for a variance for a sign.
Roll call vote: Unanimously approved.**

Eric Runestad for 1105 Mechanic Street requesting permission to construct a ground solar array on home owner's adjacent empty lot contrary to the R-3 zoning district regulations

Anna Runestad was present and reviewed the application. She noted the proposal is to place ground mounted solar panels, as accessory structures, on a vacant lot contrary to 17.16.030 of the code / accessory structures. She noted the panels would be fixed mounted and not a "pivot" style panel.

Sander asked if there were any comments from the public; hearing no further comments, she closed the public hearing.

**Hagen moved and Tweed seconded a motion to approve Eric Runestad's application for a variance for a ground mounted solar array.
Roll call vote: Unanimously approved.**

Dylan Reed-Maxfield for 205 St. Lawrence Street requesting permission to construct a portable shed on an existing cement slab contrary to the R-3 zoning district regulations
Reed-Maxfield presented his application and stated he is proposing to install a shed / accessory structure on the existing concrete pad. He noted the pad is 3 feet from rear property line. Bird noted city code requires all accessory structures be placed five feet from any property line.

Reed-Maxfield stated he would like to use this existing concrete pad / foundation for the shed and noted it most likely would be smaller than the previous structure.

There was a brief conversation regarding the maximum allowable height of the shed and Bird noted it is 14'.

Sander asked if there were any comments from the public; hearing no further comments, she closed the public hearing.

**Pavlovec moved and Jenkins seconded a motion to approve Dylan Reed-Maxfield's application for a variance for a shed to be three feet from the property line.
Roll call vote: Unanimously approved.**

Greg Jesson for 206 Center Street requesting permission to construct a front dormer contrary to the R-2 zoning district regulations

Mr. Jesson appeared and reviewed his application and noted he is proposing to expand and intensify a non-conforming use on this premise. He stated the existing home is already encroaching beyond the front-yard setback line to 14 feet from the required 35 feet front-yard setback. He proposes to add a dormer on the south front of the home and Bird stated this intensifies the non-conforming use. The applicant is also proposing to add a dormer over the front entry.

Jenkins asked if the new dormer over the entryway would be gabled or another style, the applicant noted it was a gable styled design.

Sander asked if there were any comments from the public; hearing no further comments, she closed the public hearing.

**Hagen moved and Tweed seconded a motion to approve Greg Jesson's application for a variance for entryway dormer and front façade work on this property.
Roll call vote: Unanimously approved.**

Other Business:

The board set Wednesday, September 4, 2019 at 5:15pm as their next meeting date.

There being no other business, the meeting was adjourned at 5:56pm.

Respectfully submitted,

