

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of May 6, 2020

This meeting was an electronic meeting pursuant to Iowa Code section 21.8 – In circumstances where such a meeting is impossible or impractical due to concerns about COVID-19 and social distancing for the safety of commission members and the public.

In support of Iowa Governor Kim Reynolds' proclamation declaring a State of Public Health Disaster Emergency in Iowa, the current COVID-19 situation makes it "impossible and impractical" to meet in one location. Due to this the Decorah City Hall was closed to the public for the May 6, 2020 Zoning Board of Adjustment meeting. However, the meeting was made available telephonically. The public was able to hear and participate in the board meeting.

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

Also, in attendance: Zoning Administrator Chad Bird.

Approval of Minutes of the March 4, 2020 meeting

No April 2020 meeting was held.

Tweed moved and Jenkins seconded a motion to approve the minutes of March 4, 2020.

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

Bruce Ventura & Christine Hall for 301 Winneshiek Avenue requesting permission to construct a fence on a residential lot contrary to the R-3 Zoning District regulations (section 17.76.030a, 17.68.030i)

Bruce Ventura and Chris Hall spoke about their application noting they are proposing a higher than allowed fence on the West side of their property to help protect their yard from deer.

Ventura is proposing to install a fence around the perimeter of the rear-yard on a corner lot. They intend for the entire fence structure to be 7' tall, with a trellis type structure on the top 3' of the fence as a decorative feature.

Bird noted city code limits fence heights on street side of corner lots to 4'.

Hagen asked if the applicant is proposing to allow vines or vegetation to grow on the fence and trellis sections. The applicant responded no, they do not intend for vegetation to grow on the fence facing the street or alley.

Pavlovec asked about whether the fence would interfere with future sidewalks. Bird noted there are three city trees that would, for now, prevent the installation of a sidewalk. Also, the fence is proposed for the property, not to be in the public right-of-way.

Sander read a letter from Ruth and Dennis Green, 309 First Street that noted they did not have any issues with the proposed application and suggested the Board approve the request.

There were no additional public comments.

The Board had no further questions or comments.

Pavlovec moved and Tweed seconded a motion to approve a variance for the height restrictions of a fence on this street side lot to exceed four feet to the requested seven feet.

Roll call vote: Unanimously approved.

James Fritz for 311 Riverview Drive requesting permission to place fill in the floodplain and construct an accessory structure on a residential lot contrary to the R-2 Zoning District regulations (*section 17.76.030a, 17.16.030a*)

Jim Fritz presented his application and noted there are several projects on proposed for this vacant lot. The lot previously contained a single-family residence, which has been moved. Mr. Fritz stated he wished to use the lot as an extension of his single-family dwelling adjacent to this lot at 315 Riverview Drive.

Mr. Fritz proposed to construct an accessory on a lot without the principle structure, contrary to 17.16.030; accessory structures.

Due to this proposed structure, Mr. Fritz is seeking a variance from the zoning code for placement of an accessory structure on a vacant lot and that said structure exceed the maximum height for such structure by one-foot to a proposed 15' average mean height.

Mr. Fritz also requested to place a minimum amount of fill in the floodplain so as to regrade, shape, and make usable the lot as it slopes to the river. He shared a permit approval letter from the Iowa DNR and indicated the fill in the floodplain issue has been reviewed and approved by the IaDNR.

Bird noted, if approved by this board, the project will require a local floodplain permit as well. Bird further clarified Mr. Fritz is not proposing to place structures or fill in the Floodway.

Jenkins asked for clarification and differentiation of floodplain and floodway, which Bird explained. He noted his concerns with placing any amount of fill in a floodplain.

Fritz noted the structure would be at the same level as the previous residential structure.

Hagen asked about the orientation of the proposed garage / accessory structure and Fritz noted it would be oriented towards the street. She noted this application appears to meet the special use requirements.

There were no additional public comments.

The Board had no further questions or comments.

Hagen moved and Tweed seconded a motion to approve variances for the accessory structure to be placed on a vacant lot, for said structure to exceed the maximum for height and for a permit to place fill in the floodplain.

Roll call vote:

Ayes: Hagen, Tweed, Pavlovec, Sander

Nays: Jenkins

Motion was approved.

Kole Quandahl for Quandahl Investment Properties, LLC for 105 St. Lawrence Street requesting permission to construct a multi-family, multi-unit on a residential lot contrary to the R-3 Zoning District regulations (*section 17.52.020*)

Mr. Quandahl reviewed his application with the Board and started by noting the Planning & Zoning Commission has approved the site plan application contingent on the Board of Adjustment approving variances for parking provisions.

Quandahl is requesting permission to have less than the 16 required parking spaces. He requested 12 spaces. He then reviewed the overall site plan with the Board. He also presented a modified site plan for parking as amended from the P&Z meeting held April 13, 2020.

Hagen asked for clarification of the parking space dimensions.

Jenkins asked for a review of the amended parking options presented, option A and option B. Quandahl noted Option A is with the proposed 12 parking spaces and option B is with all required code requirements.

Pavlovec asked about ADA accessible units and said the developer can't only say one space per unit is allowable. Bird noted the ADA requirements are per parking spaces required and not related to the size or number of residential units.

Tweed asked if the developer had considered underground parking. In further discussions it was determined this would be cost prohibitive.

Gary Ronnie, 504 Washington Street said this project is much too large for the space. He noted it is much too difficult to review the plans just submitted. He also noted parking space #12 is too tricky and marginal for use.

Piper Hall, 202 St. Lawrence Street asked about access to public files and records. She also expressed concerns over the maps presented.

Jeremy Jostand, representing 600 Washington Street, "The Washington Street Apartments", stated he had reservations about the parking lot size and its impact on the neighborhood.

Kari Hanson, 504 Washington Street said no one can make the assumption that ADA needs fewer parking spaces.

Karl Knudson, a local attorney representing several adjoining land owners expressed concerns over the application process and due notice, an apparent change in the application, and he stressed this application should be referred back to Planning & Zoning.

Ron Moffitt, 508 Washington Street noted there are inconsistencies with the submitted drawings.

Emily Neal, 811 Ravine Street noted she would like to see the proposed development referred back to P&Z for consideration.

Jenkins though the Board could continue this discussion until May 13, 2020 pending a review by P&Z.

There were no additional public comments.

In board discussion, Jenkins believes the project should be held to the two parking spaces per unit requirement.

Jenkins also noted the situation at the Lloyd Street apartments and Hagen stressed the Board should consider each application on its own merits.

The Board had no further questions or comments.

**Hagen moved and Tweed seconded a motion to table the discussion for a later date, tentatively May 13, 2020 at 7:00pm.
Roll call vote: unanimously approved.**

Joshua Salaz for 814 South Mill Street requesting permission to construct a deck and place an accessory structure / shed on a residential lot contrary to the R-3 Zoning District regulations (section 17.76.040, 17.16.030a)

Mr. Salaz presented his application and noted he is seeking variances for fencing, a deck, and an accessory structure at his residence. Salaz stated he is proposing several modifications to his residence at this address, all contrary to the R-3 zoning code.

- 1) *Front-yard to 8' for the addition of a deck on the front of the structure where a 25' front-yard setback is required.*
- 2) *Proposed accessory structure presented in two configuration options,*
 - a. *That the accessory structure become part of the rear-yard fence and situated in a "landscape" layout parallel to the alley.*
 - b. *That the accessory structure become part of the rear-yard fence and situated in a "portrait" layout perpendicular to the alley.**Salaz stated both instances will require a setback variance from the zoning code which requires a setback of 5 feet from any property line for accessory structures.*
- 3) *Finally, Mr. Salaz said he is proposing to use a storage / shipping container as the shed / accessory structure.*

Bird noted current city code is silent on the use of storage containers. He said there are no known such uses in residential districts in the community at this time.

Tweed asked about the shipping container as storage and why Salaz is proposing that type of unit. Salaz replied they are water tight and very solid structures.

There was general discussion regarding the deck in the front and the fence along the side of the property.

In public comments, Anthony Olson, 816 South Mill Street wrote a letter voicing opposition to the storage / shipping container being used as an accessory structure. He noted the container will be in full view from his residence even with the fence.

**Hagen moved and Tweed seconded a motion to approve the variance request for the deck on the front of the residence to 8 feet.
Roll call vote: unanimously approved.**

Tweed noted he was not in support of the use of the shipping container being used as an accessory structure. Tweed and Jenkins asked about the costs of using a traditional shed or stick built and conventional shed versus this option.

Salaz stated he already had access to a container so there would be no additional costs and he noted extra fencing and a shed would be expensive.

The Board had no further questions or comments.

**Hagen moved and Tweed seconded a motion to deny the use of a shipping container as part of a fence and to deny the variance requested for the fence in the rear-yard.
Roll call vote: unanimously approved.**

Decorah Municipal Airport / Rowley Aviation Properties for 1705 State Hwy 9 requesting permission to construct a private corporate aviation hangar on an agricultural lot contrary to the A-1 Zoning District regulations (*section 17.64.040d, e*)

Bird presented this application on behalf of the airport and the private hangar owners.

Bird stated Rowley Aviation Properties is proposing to construct a private corporate hangar on the South side of the Decorah Airport Property. He explained the in A-1 zoning building setbacks are required to be 50 feet. The proposed project has the hangar at 20 feet from the side and rear-yards.

Bird provided an aerial overlay of the site and noted the hangar would not be closer than the access road which separates the hangar and the property line to the West.

The Board had no further questions or comments.

**Jenkins moved and Sander seconded a motion to approve the requested variance to 20 feet off the West property line for the corporate hangar.
Roll call vote: unanimously approved.**

Other Business:

The board set Wednesday, June 3, 2020 at 5:15pm as the next meeting.

There being no other business, the meeting was adjourned at 7:10pm.

Respectfully submitted,

