

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of February 3, 2021

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. The Decorah City Hall was open. However, seating was limited to ensure proper social distancing. Seating was available on a first-come, first served basis for the February 3, 2021 Board of Adjustment meeting. However, the meeting was 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:
Janelle Pavlovec, Kraig Tweed, and Carol Hagen.

Absent: John Jenkins

Consider election of Board Chair and Vice-Chair

Hagen moved and Tweed seconded a motion to appoint Sue Sander as chair of the board of adjustment.

Roll call vote: Ayes: Hagen, Tweed, Pavlovec, and Sander.

Motion was approved.

Sander moved and Hagen seconded a motion to appoint Kraig Tweed as vice-chair of the board of adjustment.

Roll call vote: Ayes: Sander, Hagen, Pavlovec, and Tweed.

Motion was approved.

Review of Rules and Regulations

Sander asked if there were any suggestions for revisions to the Board rules and regulations. Bird noted he did not have suggestions for changes.

There were no other comments for amendments.

Bird asked the Board to consider a motion of affirmation to let the rules and regulations remain in place until such time the Board may choose to amend.

Sander moved and Tweed seconded a motion to affirm the Board's rules and regulations as they are with no amendments for 2021.

Roll call vote: Ayes: Sander, Tweed, Pavlovec, and Hagen.

Motion was approved.

Approval of Minutes of the December 2, 2020 meeting

Sander moved and Tweed seconded a motion to approve the minutes of December 2, 2020.

Roll call vote: Ayes: Sander, Tweed, Pavlovec, and Sander.

Motion was approved.

Andrew & Amanda Bailey for 104 Sunset Drive requesting permission to construct a room addition on the principal structure contrary to the R-1 Residential Zoning District regulations (17.68.040)

Bird introduced the Bailey's application and noted they are seeking to add a master bedroom and second story to their single-family residence. The application for the proposed addition seeks a side-yard setback from the required 12' side-yard setback.

The application asks for a setback to 5' 6" due to the angled nature of the lot. Application and diagram are in the packet.

Bird noted and clarified city code section 17.40.010, which allows for up to a 30" eaves overhang so the required setback is measured from the structure's foundation at grade.

With that information, the Baileys asked for a side-yard variance to 5' 6" from the 12-foot side-yard setback.

Andrew Bailey noted the purpose for the addition, and the request, is to add additional living space to their home. He noted the neighbors did not have an issue with the addition.

There were no public comments.

There were no additional comments or questions from the Board.

**Tweed moved and Hagen seconded a motion to approve a variance request from Andrew Bailey for a side-yard setback to 5' 6" for an addition to the principal residential structure. Roll call vote: Unanimously approved.
Absent: John Jenkins**

~~Michelle and Brent Barnes for 408 Washington Street requesting permission to construct a detached garage contrary to the R-3 Residential Zoning District regulations (17.16.030)~~

Bird noted this application, as originally published and posted, had been withdrawn by the applicant.

Deneen Hovden & Michelle Barth for Mill Street Mocha, 909 South Mill Street requesting permission to construct a commercial building contrary to the R-3 Residential and C-1 Commercial Zoning District regulations.

Bird introduced the application for this commercial site plan with the requested variances. He stated the applicant is proposing a commercial drive-thru coffee facility on this lot.

Bird stated the applicant has submitted a rezoning application to consider rezoning from R-3 Multi-Family to C-1 Hwy Commercial, Bird said it is appropriate and his recommendation to consider any possible variance request in the context of C-1 and contingent on it being formally and finally rezoned. A commercial facility such as proposed is not a permitted use in R-3 residential zoning.

Ms. Hovden and Ms. Barth reviewed the variance requests as: a front-yard setback is required for each of the East and West yards due to the fact the lot is a double frontage lot, there is no rear-yard. The requirement is 25 feet and the applicant is proposing 29' 9", approximately on the West and 53' on the East.

The side-yard requirements are zero on the South and 25 feet on the North. They are proposing 8' on the South and 18' 10" on the North.

The required off-street parking is four spaces for this type of use. Hovden noted they are proposing three spaces owing to the small lot and nature of the drive-thru business.

Bird said depending on the final angle of the diagonal parking on the East side of the lot, the code may require from 13 – 18 feet for an aisle width. The final layout is not determined and would be based on the allowed number of parking spaces. The plan shows 13' 5" aisle with the two parking spaces on the East of the site.

Bird recapped and clarified the requests as:

- 1) Side-yard setback – North side; requires 25'. Applicant is proposing 18'10"
- 2) Driveway width requirement is 18'. Applicant is proposing 13' 5"
- 3) Parking spaces, requirement is 4 off-street parking spaces. Applicant is alright with 4 but is asking for 3 to allow for more green space.
- 4) Parking and drive area setback from property line, requirement is 10'. East side shows 7.25 feet and West side shows 4.36 feet.
- 5) Driveway is required to be 15' from property line, plans show 6' from property line.

There were no public comments.

In Board discussion, Hagen expressed concern with the potential for automobile exhaust and how it may affect the residences to the North. There was some general discussion about this concern.

Pavlovec inquired about the business hours of operation. Hovden noted they propose being open early in the morning to early- to mid-afternoon on most days.

There was sufficient concern with the exhaust and the pending P&Z Commission actions regarding rezoning and site plan that the Board considered tabling the application until after the zoning commission's actions.

There were no additional comments or questions from the Board.

**Pavlovec moved and Hagen seconded a motion to table the application for variances for 909 South Mill Street until Wednesday, February 10, 2021 at 5:15pm.
Roll call vote: Unanimously approved.
Absent: John Jenkins**

Other Business:

Sander announced Wednesday, February 10, 2021 at 5:15pm as the next meeting and confirmed member in-person attendance.

There being no other business, the meeting was adjourned at 5:55pm.

Respectfully submitted,

