

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of April 4, 2016

John Moeller called the meeting to order at 5:00pm and the following answered roll.
Present: Jon Christy, Janelle Pavlovec and Steve Johnson. Absent: Sue Sander

Also in attendance: Zoning Administrator Chad Bird

Moeller asked for consideration of the minutes of the March 7, 2016 meeting.

**Johnson moved and Pavlovec seconded approval of the minutes as presented.
Roll call vote: Unanimously approved.**

The first item on the agenda was a request from Philip Hemesath for 105 St. Lawrence Street requesting permission to construct a residential structure contrary to the R-3 zoning regulations.

Mr. Hemesath and Mike Kelly presented the applicant and noted the need for the variance. Mr. Hemesath indicated they are looking to construct a four-plex multi-family structure on this lot and are requesting a variance due to the existing lot's odd shape in the rear-yard. The application is seeking an 8.75' side-yard variance and a 10' 1" rear-yard variance.

Kari Hanson, 504 Washington Street expressed concern with the trees and if they would be removed to make room for such a large project. She expressed concern that perhaps this project was too large for the lot. She also worried about increased traffic and concern about neighborhood property values. Ms. Hanson expressed concern about the City's notification process and didn't believe it to be timely.

There were no other public comments.

In board discussion Christy clarified that the request is for a 10' 11" side-yard and a 13' 11" rear-yard. Mr. Hemesath agreed. Bird asked the applicant why he desired a four-plex unit as it appeared a three-plex would better fit the lot size and lessen the need for a variance. Mr. Hemesath noted that to help with the economy of the project, a four-plex was the best financial alternative.

**Johnson moved and Christy seconded a motion to approve the variance application for a 10' 11" side-yard setback and a 13' 11" rear-yard setback.
Pavlovec abstained citing a family relationship
Roll call vote: Aye – Johnson, Christy, Moeller. Nays – none. Application is approved.**

The next item on the agenda was a request from David Haugo for 601 Valley View Drive requesting permission to construct an accessory structure contrary to the R-1 zoning regulations.

Mr. Haugo presented the application and noted the need for the variance to construct the garden shed on this lot. Mr. Haugo noted that the lot essential does not have a rear-yard due to the rise of the bluffs in the rear. He asked for a variance to place an accessory structure in the front-yard and noted it would be covered mostly by the row of hedges in the front-yard.

There were no other public comments. There was no board discussion.

**Pavlovec moved and Johnson seconded a motion to approve the variance application for an accessory structure to be located in the front-yard.
Roll call vote: Unanimously approved.**

The third item on the agenda was a request from Lee Allen Hackman for 500 Washington Street requesting permission to construct a residential addition and attached garage contrary to the R-3 zoning regulations.

Mr. Hackman and his contractor, Travis Grewin, were present to review the application with the commission. Mr. Hackman is requesting a 3' setback on the side-yard and 8' feet in the rear-yard. He is also asking for a variance from the height requirements of 12' to a height of 20'.

Johnson expressed concern about the height and general size of this project on such a small lot.

**Johnson moved and Christy seconded a motion to table this application and instruct the zoning administrator to work with the applicant on a more suitable site plan.
Roll call vote: Unanimously approved. The item is tabled.**

At this point in the meeting the time had reached 5:45pm and it was time for the scheduled regular city council meeting to be held in the city council chambers.

The Board of Adjustment meeting was continued to Tuesday, April 5th, 2016t at 5:00pm and noticed was provided.

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of April 5, 2016

John Moeller called the meeting to order at 5:00pm and the following answered roll.
Present: Jon Christy, Janelle Pavlovec, Sue Sander and Steve Johnson. Absent: none.

Also in attendance: Zoning Administrator Chad Bird.

At the appointed time of 5:00pm, Moeller called the meeting to order and asked if the board wished to reconsider the Hackman application or leave it tabled. The board noted they wished it to remain tabled.

The fourth item on the agenda was a request from Darwin and Jacqueline Kupka for 1502 Small Street requesting permission to construct a covered deck and gazebo structure contrary to the R-2 zoning regulations.

Mr. Kupka was present to review the application. Mr. Kupka noted that he is requesting a 25' setback on the front-yard. He is proposing to construct a deck and covered gazebo. Bird noted that for the tied in roof structure, there structure is required to have the 35' front-yard setback in this district.

There were no public comments. There was no board discussion.

**Johnson moved and Pavlovec seconded a motion to approve the variance for a front-yard setback to 25' for a covered deck and gazebo.
Roll call vote: Unanimously approved.**

The fifth item on the agenda was a request from Luther College for 711 Ridge Road requesting permission to construct solar arrays as accessory structures contrary to the A-1 zoning regulations.

Mr. Jay Uthoff, represented Luther College and presented the application. He noted the college wished to construction ground mounted solar array panels in the front and side-yards of the college president's residence at 711 Ridge Road. Bird noted this is contrary to the zoning regulations for ground mounted arrays and noted they could only be in rear-yards.

Mr. Uthoff noted the size and shape and exact proposed location of the arrays.

Renee Smock, 706 Ridge Road, expressed concern about the size of the proposed solar arrays and provided exhibits to show size context. Mike Smock asked why the need for more solar at this location.

Richard Valley, 700 Ridge Road, expressed his concerns to the board about the size of the project and believed it to be too large for the lot.

Frances Peterson, 710 Ridge Road, noted that he believed this location and the arrangement of the solar on the lot site was not good planning.

Uthoff offered a rebuttal and noted that the college had received several financial gifts for solar to be installed at the President's residence. He also expressed concerns about mounting the arrays in the rear and the potential impact to the prairie for doing so.

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There were no other public comments.

In board discussion Johnson stated he believed the arrays to be too overpowering in this front, they are too large and not appropriate for the sized lot. Others on the board agreed.

**Sander moved and Johnson seconded a motion to deny the application to mount ground solar arrays in the front and side-yard at 711 Ridge Road.
Roll call vote: Unanimous. Application is denied.**

Other Business

There being no other business, the meeting was adjourned at 5:40pm.

Respectfully submitted,

