

CITY OF DECORAH
BOARD OF ADJUSTMENT
Minutes of October 27, 2014

Chair John Moeller called the meeting to order at 5:00 p.m. and called roll. Present: John Moeller, Sue Sander, Jon Christy, Janelle Pavlovec and Steve Johnson.
Also in attendance: Chad Bird

Moeller asked for consideration of the minutes of the October 6, 2014 meeting.

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

Dean and Lois Humpal for 402 Vernon Street requesting permission to construct a new detached garage contrary to R-3 Zoning requirements

This item was tabled from the October 6th meetings. Humpal came in with a different set of plans for the structure than had been previously discussed. Ms. Humpal proposed an attached garage with a request for a 3 foot rear-yard variance. Ms. Humpal is proposing an attached garage. The garage measures 34 long (north south) and 32 deep (east west). She notes there would be 6.5 feet between her new proposed structure and the existing detached garage to the north.

Sue Sander arrived at 5:08pm

Bird noted that the square footage of the garage does meet the zoning requirement for rear-yards at 26% of the 30% regulation.

There was also discussion about the need for an access easement in the future and how that may lead to difficult conditions in the future.

Moeller closed the public comment portion of the meeting.

There was discussion by the Board that they were concerned about the size of the proposed garage and the location.

**Sander moved and Pavlovec seconded a motion to deny the request based on size and location of the garage.
Roll call vote: Unanimously approved. Application was denied.**

The second item on the agenda was a request from Black Hills Energy Company requesting permission to construct commercial communications towers contrary to the R-2 zoning requirements

Steve Sweet and Sandy Koenig, representing Black Hills Energy proposed to construct several communication towers in the community. Five of them are in the city corporate limits. Four of them are proposed for residential zoning. Bird noted the current telecommunications code section (17.136) does not allow towers in residential zoning, except via special permit and with exclusions. The locations are in proximity to: 136 Pleasant Hill, 408 High Street, 1301 Laurel Drive and 1605 Division Street.

The proposed locations of the four towers would be in the public right-of-way and Not on private property. The addresses provided are to provide approximate locations. The towers are proposed at 29 feet in height. Sweet noted that the poles will not be lit in any way nor will they provide any type of interference with existing communication equipment.

During the public comments, several residents spoke to the Board.

Marvin Cooper, 1601 Division Street, spoke about the height of the proposed poles and site lines. He does not see the need for the poles given the technology already in place. He thought that just pulling one truck off the road was not a reason to install the poles.

Jean Daywitt, 1503 Division, complained that she did not receive a notice and wondered about the notification process. She asked the Board to consider changing their notification process.

Darla Thorton, 1603 Division, wondered where the actual location of the pole was.

Tex Sordahl, 1507 Division, asked where the final location would be if the Board negotiated appropriate spots.

Mark Goulson, 131 Pleasant Hill Drive, said the situation was not as bad as originally thought and thanked the Board for their work. He did say the proposed poles are not the best looking but better than what could have been.

Greg Murphy, 1503 Division, urged the Board to open up the notification process. He feels this was shoved through with no public response or notification.

Bird read a statement of concern from Heather Weigle, 202 James Court, who is concerned about radio waves and interference with cellular devices.

Moeller closed the public comment portion of the meeting. There was general discussion regarding the project.

Moeller noted he was unsure about the poles themselves.

Sue Sander left the meeting at 6:06pm

Pavlovec noted she would have liked to have received the information on the transmission waivers prior to the meeting. *Blacks Hills Representatives brought information with them to the meeting.*

Christy noted that he feels the community needs to keep up with technology and trends in business.

**Moeller moved and Johnson seconded a motion to table the action until the Board has a chance to visit the possible sites. Representatives from Black Hills Energy agreed to remark or ensure marks are at the appropriate locations.
Roll call vote: Unanimously approved.**

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Other Business
Discussion on next meeting date

The Board agreed to meet as soon as possible given publication times. Possibly November 6, 2014. Bird indicated he would confirm and let the Board know. He also asked about notifications and the Board directed Bird to send notifications as normally done.

There being no other business, the meeting was adjourned at 6:37pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. A. Bird", is written below the text "Respectfully submitted,".