

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

April 8, 2015

Present: Charles Block, Tim Wondra, Donna Amandus, Tiffany Siefken
Absent: none
Staff: Doug Krogmeier, Emily Britton, Council Liaison Chris Greenwald
Visitors: Mayor Brad Randolph, City Manager David Varley, Council Member Brian Wright, Matt Hirschman, Larry Wright, Robert Morowitz, Lyle Brown, Gwen Brown, Stephanie Knock, Jillian Mohrfeld, Anjie Sodey, Ric Roxlau, Neva Peak, Tom Frantz, Carol Foss, Jody Dodson, Michael Brockman, Gary Pilkington, Michelle Young

Charles Block called the meeting to order at 5:30. A quorum was declared with four members present.

Minutes from the March 11, 2014 meeting were approved as written on a motion by Amandus; seconded by Wondra. Approval was unanimous.

NON-AGENDA ITEMS: none

Case File 15-03: Variance request to reduce required off street parking for three rehabilitation project at 801 Ave G, 702 Ave G and 614 7th St. for Frantz Community Investors.

Staff reviewed case report.

Block opened public hearing at 5:34pm.

City Manager David Varley began the discussion by explaining that the city has met with the downtown and main street groups to come up with a consensus and work on an agreement that will work for everyone. Those groups seemed to be fine with the leasing of bank parking spaces. The city also discussed repairing the retaining wall for the city-owned lot on Ave F which would help. Varley assured the city is in favor of the project, but it seems like people want to see some long term solutions. The goal is to work with main street and the downtown businesses to find out what those long term solutions may be.

Tom Frantz pointed out that one variance would not ultimately solve the parking issue. All parties need to sit down and look at the big picture and plan for 10-15 years in the future to see what kind of solutions there are. However, in the meantime Fort Madison Bank and Trust and Lee County Bank and Trust have agreed to lease spaces in their lots for use of the potential tenants. This is a temporary solution, but he assured the board they would also like to be a part of a long term solution. Wondra asked for clarification, and Frantz indicated there is roughly one space per unit accounted for by leasing the bank lots. Amandus then questioned the time frame of the lease, such as only for nights and weekends, and Frantz confirmed that would be the case, however he anticipates his tenants will be working during the weekdays and if they aren't they would still have to abide by the 2 hour parking restriction. Amandus then questioned the plans for the first floor commercial spaces and Frantz said he doesn't know for sure yet but plans on retail business, and Amandus then pointed out there would be additional impact on parking due to the added business. Krogmeier then explained that the retail space would be a continuation of the previous use of the building as opposed to a new use such as the apartments, therefore the parking for that does not need to be addressed. Amandus also asked if the bank parking lots would be within 200feet from the apartment buildings, and Frantz suggested there are few options to be completely within the 200 feet but the lots are close. Amandus then expressed her concern that tenants will want to park closer and disregard the leased spaces to take up closer parking on the street. Frantz pointed out they could park closer but would have to obey the 2 hour parking anyway.

Siefken asked if there had been any progress on the 2 hour parking enforcement. Jill Mohrfeld said they had been discussing what they want, particularly if it should remain 2 hours or if the time limit needs to change. She said they are trying to get with the downtown partners to see what would work best for everyone. Amandus then explained her disappointment in the fact that such a major project came down to this parking variance for approval, and it was not

considered prior to starting. Chris Greenwald pointed out that council did discuss this issue prior and they were all in favor of the project. He said some council members had changed since then but the current council seems to also be in favor of the project as a whole and think the parking issue can be dealt with. He admitted they could have had him add the parking into his grant applications but it was not considered at the time. Amandus then asked Frantz why it was not included in his grant paperwork and he said it was not something included in the grants they got. He continued to say they obviously want to provide parking for their tenants because it makes the units more attractive but their best option at this point is to make use of the nearby lots.

Gary Pilkington spoke in favor and explained, as a business owner and landlord downtown, he does not allow his tenants to park on the street. He said when he sees their vehicles parked there he tells them to move and it is something that is explained to them when signing a lease. Having additional people living downtown, enough to create a parking issue, seems like a good problem to have as it will increase downtown traffic for businesses.

Angie Sodey also spoke in favor, as a downtown business owner, she believes it is a tremendous opportunity and the benefits will far outweigh this concern that simply cannot be addressed. She believes if the board wants to do what's best for Fort Madison it should be allowed.

Wondra explained that although downtown parking has been an issue for many years, enforcing the 2 hour parking would help alleviate a lot of the issue. However he was concerned that it would be enforced for a while then it would gradually fall back again, but he also pointed out that is not Frantz's problem. Greenwald agreed that it is not Frantz's fault and it should be enforced better.

Carol Foss, of 412 Ave F, spoke in favor as well, and insisted the board should not allow a great opportunity to fall through the cracks due to a few parking spaces. She remembered when downtown was so busy that people fought for parking spaces and she would love to see that kind of business again.

Block requested anyone in opposition to speak, but there was no comments.

Amandus asked what happens later if no spaces are ever added, and Greenwald said it is something that the developer will have to address as it becomes a problem, but he should not be blamed for not wanting to spend money on something until it actually becomes a problem. Amandus showed concern that the only solutions being discussed are temporary and do not address the long term. Greenwald again pointed out that the overall issue is not Frantz's fault. Block then pointed out that by securing those leases Frantz is showing a good faith effort, and asked if amending the request to one space per unit would work. Krogmeier explained that although the initial request was to require 0 spaces per unit, the board can adjust it as they feel necessary, and can add stipulations to approve the variance. For example they can require Frantz to maintain the leases until it's not an issue anymore. Block also mentioned the variance approval for Todd Schneieder at the old Middle School where his off-street parking requirement was reduced. Amandus then asked Frantz how he will make his tenants park in the leased spaces or how they will be sure the spaces are available for his tenants. He said he cannot make them park there but they discussed issuing stickers for the vehicles that are allowed to park in the leased spaces. She then asked if he plans to maintain ownership of the buildings or if he might sell them in a couple years and how that will the parking be dealt with in the event of a new owner. Frantz said they have no intention of selling and can't for at least 5 years as a condition of the grants.

Mayor Randolph said a combination of Frantz leasing the lots and adding enforcement for the 2 hour parking will help and the city will do what they can to help. Although new staff may not be feasible, there can be more of an emphasis put on the enforcement of the 2 hour parking with the current staff. He explained that has yet to hear someone speak out against the project. If parking is truly an issue there is significant cost involved with creating spaces. He continued to say if the city and downtown ultimately come together to eliminate the issue in the long run, and Frantz keeps his lease agreements until then, hopefully there will be a solution in the future. The buildings are not in great shape and this is an opportunity to have them fixed up, but if we don't allow it to happen now they will continue to deteriorate and at some point will become a nuisance that nobody will want to try fixing.

Amandus stated that everyone seems to be for the project, including this board, and suggested blocking off 42 spaces near those buildings for a couple weeks to see if it truly will create a problem. Several people in the audience showed clear disagreement with that idea. Block then asked if Frantz would be comfortable with 1 space required

per unit, which would not matter where they come from as long as it's off street parking. Frantz agreed that would be acceptable, and it was clarified that the leased spaces would count toward that requirement.

Block closed the public hearing at 6:08pm.

Wondra moved, seconded by Block, to amend and approve the variance request to reduce required off street parking to one space per unit for three rehabilitation project at 801 Ave G, 702 Ave G and 614 7th St. for Frantz Community Investors.

Vote: 4-yes, 0-no. Motion passed.

Case File 15-04: Variance request to reduce front yard setback from 25 feet to 13 feet for Jody Dodson at 3001 Ave C.

Staff reviewed case report.

Block opened public hearing at 6:13pm.

Jody Dodson explained that with little back yard he would simply like a place to sit and enjoy being outside to watch his child play. He did not believe it would impede anyone's vision from the street.

Block closed the public hearing at 6:15pm.

Amandus stated that after driving past the property she did not see any issues with vision or otherwise and she had no objections.

Block moved, seconded by Amandus, to approve the variance request to reduce front yard setback from 25 feet to 13 feet for Jody Dodson at 3001 Ave C.

Vote: 4-yes, 0-no. Motion passed.

Case File 13-07: Board review/consideration of a previously approved variance to allow a reduction in front yard setback at 1117 Ave C. Previously approved front yard setback of 15 feet, new request to reduce to 13 feet.

Staff reviewed case report.

Block opened public hearing at 6:17pm.

Matt Hirschman began by providing pictures of the proposed deck to the board and explained there must have been a misunderstanding about the size of the deck initially. He confirmed that the deck is being built the same size and location as before and is being rebuilt because it was destroyed when hit by a truck. He said the footings are in the same places and when the inspector showed up to check on a building permit he informed them it was in violation of the setback requirements even with the variance. Block asked if he had applied for a permit, and he said he did not realize he needed one for the repair until Krogmeier informed him it was necessary and he had since applied for one. Brian Wright said, as a neighbor, the deck seems to him to be in the same location as it was before. Amandus asked about other decks and porches in the neighborhood and Hirschman said there are and this deck will not stick out any further than any of the others on the block.

Block closed the public hearing at 6:22pm.

Siefken moved, seconded by Amandus, to approve the variance to allow a reduction in front yard setback at 1117 Ave C to 13 feet instead of the previously approved 15 feet.

Vote: 4-yes, 0-no. Motion passed.

Old Business: None

Other/New Business: None

Wondra made a motion, seconded by Siefken, to adjourn the meeting.

Vote: 4-yes, 0-no.

Meeting adjourned at 6:23pm.

Charles Block