

office space and a construction business office out of the existing lower part of the structure at 805 W. Bremer Ave. Mr. Lee stated the required off-street parking spaces for the uses he outlined in accordance with the City Code and indicated they would be able to be accomplished on the church lot and requested a variance without conditions to share parking in the existing St. Andrews parking area. Mr. Lee indicated an agreement with the church has been reached and discussions with the church include provisions which indicate the agreement between the two parties may be discontinued at any time with a thirty day notice after negotiations between he and St. Andrew's church concluded. Mr. Lee stated he thinks the previous uses of the building utilized the on-street parking on 8th St. SW and there were no issues with parking, even though he understands it does not meet the City Code. Mr. Lee clarified for Member Charlson there are off-street covered parking for the upstairs apartments and three uncovered spaces on the property.

Mr. Lee confirmed for Member Shea the parking agreement with the church is a standing agreement as long as there are no negative issues raised by the church over the use of the shared parking situation. He continued that as long as the church was happy, the agreement would stand.

Mr. Lee confirmed for Member Brown he did not have an available copy of the agreement as much of the discussion was emails and no one from the church was present to answer any of the Board's questions, after Mr. Lee had informed them of the meeting.

Secretary Kohout confirmed for Mr. Charlson a conditional approval by the Board would be permanent on the property and would be transferred to future property owners with the same use. Mr. Lee confirmed for Mr. Charlson it would cost too much money to tear down the house he owns adjacent to the property to provide for parking. Mr. Charlson stated he thinks the variance could be granted on the basis of an agreeable condition. Ms. Shea and Mr. Kohout clarified this property has never had an approved variance for office use previously.

Ms. Shea stated the requirement for off-street parking on side streets off of Bremer Avenue help to alleviate sight-line problems and street congestion for commercial uses in similar applications in Waverly. Ms. Shea continued that she thinks the future tenants that could occupy Mr. Lee's building would want a long term contract with the church to provide for securing of the required off-street parking. She added that based on the details provided by Mr. Lee on the terms of the contract with the church, this could compel some tenants to not sign a lease to occupy the commercial property based on that requirement. Ms. Shea proposed the idea of requiring as a condition for approval of this variance the recording of the contract to the Board once the two parties have agreed to terms. She clarified for the Board that if the owners of the church property change, the property owner of 805 W. Bremer Ave. must come before the Board again for another variance with a revised contract.

Member Gidley stated he thinks there is ample parking on the street. Mr. Lampe confirmed for Mr. Gidley the statutes of granting variances by the Board and the other options in C-2A would all necessitate off-street parking regulations.

Mr. Gidley stated he was in favor of a contingency to allow for granting of a variance as he thinks the property has lost all uses in C-2A otherwise due to no available off-street parking provided for any of the proposed uses out of the existing structure specified in the Code.

Mr. Lampe reviewed the conditions for granting a variance to the Board from State Code and indicated it would be nice to see something in writing from the church.

Mr. Lee stated he thinks he qualified for the variance without the contingency originally proposed to the Board and would like to see a motion approved without any conditions because he meets the requirements of a hardship.

Ms. Shea outlined that the public notice and advertisement for the variance was advertised as parking being provided on St. Andrew's church property so there is no option to vary the request at this meeting. Ms. Shea also stated that granting this variance while requiring extra parking as outlined to be in conjunction with the church parking lot is a reasonable request because she thinks it is feasible to accommodate the required off-street parking regulations.

There being no other persons in attendance wishing to speak, Mr. Lampe closed the public hearing.

e) *Motion by the Board:*

Motion By: Charlson

Seconded By: Shea

Move that a variance to allow the proposed parking area for 805 W. Bremer Ave. to be on the adjacent church parking lot at 717 W. Bremer Ave. be approved with the following conditions:

1. Property owner obtain and maintain a contract for parking with St. Andrew's Church.
2. When said parking contract is no longer in place, the variance will be null and void.
3. The parking contract will be consistent with fulfilling the off-street parking space requirements in the City Code for any of the proposed uses.
4. The parking contract shall be recorded and tied to 805 W. Bremer Ave.

Yes: 5

No: 0

Absent: 0

E. Old Business:

Secretary Kohout confirmed for the Board there was a Planning and Zoning Workshop for local officials held in Decorah, Iowa, on March 30, 2010. He noted that Mr. Hank Bagelmann, Mr. Tim Kangas, and he attended. Iowa State University Extension presented information to update City and County Board and Commission members on updates in State law and other information and found it to be a well-run seminar.

F. New Business:

G. Adjournment:

Motion By: Shea

Seconded By: Gidley

That the Board of Adjustment meeting be adjourned.

Yes: 5

No: 0

Absent: 0