

# BOARD OF APPEALS

Monday, October 12, 2020  
**Electronic Meeting – 4:00 PM**  
**Zoom Meeting Platform**

## Electronic Meeting

*(Pursuant to Iowa Code section 21.8)*

An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

*You can participate in the meeting and can comment on an agenda item by going to:*

*[https://zoom.us/meeting/register/tJMscOivrDkvGNce0pJ\\_DtQnJrBaOwyPKkP](https://zoom.us/meeting/register/tJMscOivrDkvGNce0pJ_DtQnJrBaOwyPKkP)*

*to visit the Zoom meeting's registration page and submitting the required information. Once approved, you will receive an email message with a link to join the meeting. If you are asked for a meeting or webinar ID, enter the ID number found in the email. If you have no computer or smartphone, or a computer without a microphone, you can call in by phone by dialing (312) 626-6799 and entering the meeting ID 971 7172 2524 when prompted. Providing comment in person is not an option.*

## Agenda:

1. Call to Order
2. Roll Call
3. Consideration of Meeting Minutes: September 9, 2020
4. Adjournment

If you will need disability-related accommodations to participate in this meeting, please contact Tim Hennes, Building Inspection Services, at 319-356-5211 or [tim-hennes@iowa-city.org](mailto:tim-hennes@iowa-city.org). Early requests are strongly encouraged to allow sufficient time to meet your access needs.

MINUTES  
IOWA CITY BOARD OF APPEALS  
WEDNESDAY, SEPTEMBER 9, 2020  
**ELECTRONIC MEETING**

**Electronic Meeting**  
*(Pursuant to Iowa Code section 21.8)*

An electronic meeting was being held because a meeting in person was impossible or impractical due to concerns for the health and safety of Commission members, staff and the public presented by COVID-19.

MEMBERS PRESENT: Andrea French, Scott McDonough, Andrew Martin (arrived 4:07pm), Jim Walker

MEMBERS ABSENT: John Gay

STAFF PRESENT: Tim Hennes (Sr. Building Inspector), Stan Laverman (Senior Housing Inspector), Sue Dulek (Assistant City Attorney), Brian Greer (Fire Marshal)

OTHERS PRESENT: Crissy Caganelli, Dan Broffit, Catherine Gerlach

RECOMMENDATIONS TO COUNCIL: None.

CALL TO ORDER:

Tim Hennes called the meeting to order at 4:00 PM

ELECTION OF OFFICERS:

MOTION: McDonough moved to elect Andrea French as chairperson of the Board of Appeals. Walker seconded.

VOTE: French was elected as chairperson of the BOA by a 3-0 unanimous vote (Martin not present for the vote).

MOTION: Walker moved to elect Scott McDonough as vice-chair of the Board of Appeals. French seconded.

VOTE: McDonough was elected vice-chair of the BOA by a 3-0 unanimous vote (Martin not present for the vote).

CONSIDERATION OF MINUTES:

Hennes noted that in the minutes there were two recommendations to Council that were not actually

recommendations, so those should be omitted or deleted.

MOTION: McDonough moved to approve the minutes from the July 1, 2019 meeting with revisions. Walker seconded.

VOTE: The motion was approved by a 3-0 unanimous vote. (Martin not present for the vote)

REQUEST FOR A VARIANCE FROM HOUSING CODE SECTIONS 17-5-17 F. 1. f. AND 17-5-17 G.1. (PROPOSED BUILDING ON PARCEL# 1022133012 [EAST OF SHELTER HOUSE AT 429 SOUTHGATE AVE AND WEST OF 505 - 509 SOUTHGATE AVE]):

Hennes explained the request, there's two provisions in the Housing Code that the appellant would like to have the Board review and give a variance on. First is the escape and rescue window in every sleeping room requirement and also that every habitable room shall have a window or skylight directly to the outdoors. He also noted that Assistant City Attorney Sue Dulek provided a memo to the Board outlining the four conditions that must be met to grant this variance.

Dan Broffitt (Neumann Monson Architects) began by noting the building as they are proposing it will fully meet Building Code, they are not seeking any kind of a variance there. He also said if this application sounds familiar, it is because they sought a variance to the exact two same Housing Code provisions a couple of years ago when they constructed Cross Park Place. Broffitt explained that was the permanent supportive housing that Shelter House constructed and manages over on the southeast side of town and that application was approved. Therefore, this time they have the benefit of having those units in place and can understand how those have functioned in practice. Broffitt stated for this development the unit layout which is attached to the packet shows it's a relatively small unit and is intended for single occupants only and none of these units will be occupied by more than one person at a time. There is a separate living room/kitchen area and then a separate bedroom area that is divided by a bathroom that sits in between and they are open to each other. There's no door or anything to close off those spaces since it's just a single occupant however, it was determined back when they did this the first time that since that corridor between the two spaces does not meet the minimum habitable space dimensions, it would be considered a one bedroom unit. Due to the size of the units and the nature of the site, much as it was with Cross Park Place, it makes it difficult to develop the site due to the space constraints and to get the number of units that was desired and is allowed by the special zoning for this particular use type. Broffitt stated they are asking that the window into the living room and kitchen area essentially function as both the required rescue window for the unit that is required by provision 17-5-17 F. 1 and as the minimum glazed area for the unit required by provision 17-5-17 G. Broffitt noted there are a few reasons why this particular unit design is desirable with the bedroom not having a window directly to the exterior and separated from that one which the Shelter House folks can speak to more but having a separate bedroom is preferred for privacy concerns and to have the unit design follow trauma informed design principles by trying to remove excess stimuli from the sleeping area and providing them with a place where they can voluntarily withdraw from the public facing spaces. It does offer an advantage for federal grant applications that that they are in process for, and also since this housing development will be funded long term, largely by housing vouchers, it does provide an advantage there. Broffitt stated the feedback they received from the units constructed at Cross Park Place is that the units have functioned very well as intended so those are the reasons why they would like to proceed with this variance.

Broffitt next addressed some of the concerns about making sure that this meets the intent of the Code and is going to provide adequate life safety. This building is being proposed to be developed as I-1 Condition 1 occupancy, not a R occupancy, a one occupancy per unit and the rescue windows are triggered in the Building Code only when it is R2 or R3 or R4 occupancies. The provision that is in the Housing Code does not make a distinction between R occupancies and I occupancies; it just

simply says dwelling units which these would be dwelling units. But going to the I occupancy offers a few extra levels of life safety protection, first and foremost being that it would require a full NFPA13 sprinkler system. There are also some additional provisions that are required for fire alarm and detection systems that go along with that I occupancy and the Building Code is more restrictive on heightened area. Additionally, this building will be staffed 24/7 and so if there is any kind of an emergency, there will be staff on site that is able to sound the alarm. Broffitt believes that provides a basis for why they don't feel that the rescue window is necessary to be directly into the bedroom however they will be providing a rescue window it will just be in the living room and there's very little barrier being that the unit is open to get from the bedroom area to the rescue window that will be provided.

As far as the natural daylight provision, they do have some reasons why they would like to have the bedroom area be in a place where one is able to withdraw. The minimum glazing area is 8% of the floor area typically for habitable spaces in dwelling units, they would propose that the glazed area that they provide for the unit be at minimum 8% of the total floor area of habitable space that would be the living room/kitchen area, the corridor between the two rooms and the bedroom. They would consider all of that space when figuring the minimum glazed area. To illustrate examples Broffitt showed some photos of what the units at Cross Park Place look like.

Crissy Caganelli (Shelter House) stated they are happy to answer any questions but noted that Broffitt did a very good job of explaining the logic behind and the desire to have the floor space or the floor plan that they propose. She added they have about a year and a half of track record now of the units being occupied over at Cross Park Place and it is working really well. She also noted it is a very delicate issue as far as not wanting those windows directly in the sleeping area, certainly for the trauma informed aspect of it, but also because it is a preventive measure for not only the tenants and for the staff, but for the neighborhood. She explained that other providers that they worked with years ago when they were developing this concept noted that was the major concern that they had and what they would change in the properties that they had developed and working with the population. They are housing entirely a population that meets HUDs definition of chronically homeless and that means that individuals health is very deteriorated, there is a chronic mental illness, chronic substance abuse, and frankly, their brain chemistry is permanently changed. A lot of impulsivity issues result from that and so other providers in the country that they reached out to having a standard floor plan with the bedroom facing the windows caused a lot of problems with neighborhood complaints. This proposed floorplan avoids that. It is a protective measure, it is a preventative measure, and it is not compromising people's enjoyment of their units or their safety.

McDonough asked Fire Marshal Greer if he had any issues or concerns, which he did not noting with the I occupancy, they are getting a much stronger and fuller sprinkler system and an alarm system.

Stan Laverman stated the building will be compliant with the current Building Codes and he had no concerns with the Board granting a variance.

MOTION: Walker moved to grant the variance from Housing Code sections 17-5-17 F.1 and 17-5-17 G based on the unnecessary hardship in carrying out the strict letter of the Code and the particular circumstances presented, specific application of the provisions would be arbitrary in this case. Extending the time would not solve the issue. The variance is in harmony with the general purpose and intent of the code and public health, safety and welfare are maintained. McDonough seconded.

VOTE: The variance was approved unanimously 4-0.

ADJOURNMENT:

MOTION: Walker to adjourn the meeting. Martin Seconded.

Meeting adjourned at 4:32 PM

\_\_\_\_\_  
Chairperson, Board of Appeals

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Date