



CITY OF IOWA CITY MEMORANDUM

Date: June 17, 2016
To: Geoff Fruin, Interim City Manager
From: John Yapp, Development Services Coordinator *JY*
Re: 101 Lusk Ave – proposed house

Introduction: Staff has been receiving questions regarding a proposed house at 101 Lusk Ave, due to the house being designed to reflect Kinnick Stadium. 101 Lusk Ave is a vacant residential lot (an unoccupied house was recently demolished) in an RS-5 (Single Family) residential zone. The lot is an existing single-family lot – no subdivision or rezoning is proposed. The property is not in a historic or conservation district, and staff has no authority to constrain the design of the structure other than existing building and zoning codes.

Discussion: When staff received building plans for the house, we questioned the use of the house due to its design. The owner sent an email stating they intend to use the structure as a second home in order to spend time with their son and grandchildren in Iowa City, and potentially as a permanent home in the future.

Staff also prepared an affidavit of use (attached), which the owner willingly signed. The affidavit states that the use of the property is a single family dwelling, and the use must be maintained as such; the sale of alcohol and/or charging a fee for admission to the property is prohibited; renting the property for commercial tailgating or other group gatherings is prohibited; and the maximum occupancy of the house is a single household (or three unrelated people) that occupy the dwelling as a single housekeeping unit. The parameters in the affidavit mimic existing City Code – staff solicited the affidavit and recorded it with the property in anticipation of subsequent owners so they are fully aware of the rules and regulations associated with a dwelling in a single family zone.

Staff has also received questions regarding the extension of Lusk Ave. With the initial set of plans for the house, a driveway was shown on the south side of the property which would have required the extension of Lusk Ave. The designer has let us know they are revising their plans to place the driveway on the north side of the house, consistent with the existing driveway to the old house, to connect to Lusk Ave. No extension of Lusk Ave is being contemplated.

Enforcement: Many of the questions and concerns we have received are related to enforcement of parking regulations, lights, and noise. We would treat this property consistent with other residential properties in the City. On-street parking is permitted unless it is signed as 'No Parking.' If residents wish to petition to have a street designated as 'No Parking,' our practice has been to survey the neighborhood and if a majority of affected households wish to limit parking on their street we would place the action item on the City Council consent calendar for approval – staff may initiate establishment of 'No Parking' if there is a significant and documented safety concern. Regarding lighting, City Code limits the height of private lights in a residential zone to 15-feet in height; bulbs greater than 2,000 lumens must be fully shielded; and any floodlights used to illuminate private outdoor recreational facilities (such as swimming pools, tennis courts, etc.) must be turned off by 10:00 PM (City Code Section 14-5G-3). Lighting concerns are enforced on a complaint basis. Regarding noise and disturbance, the

City has adopted a disorderly house ordinance that restricts "loud, raucous, disagreeable noises to the disturbance of the neighborhood" (City Code Section 8-5-5); this ordinance also allows Police to restore order on the subject property, including the authority to order the dispersal of persons on the property. 'Disorderly house' is a criminal offense with a penalty between \$65.00 to \$625.00 as determined by the Magistrate and is also a civil offense subject to a \$750 municipal infraction for the first offense, and up to \$1,000 for the second and subsequent offenses.

Status of Building Permit: The building plans have been reviewed and approved. Pending resolution of the driveway location and submittal of a plan that shows the driveway connecting to the existing segment of Lusk Ave, the building permit will be issued. It should be reiterated that issuance of a building permit for a single family house on an existing single family property does not require any rezoning or subdivision action. Staff has no authority to control the design of a single family house in an area that is not a historic or conservation district, other than for code compliance.

Conclusion: With the affidavit of use in hand and recorded with the property, staff is treating the proposed house as a single family structure, and Building Inspections staff will conduct inspections to ensure the structure meets building code. Any concerns or complaints about the use of the property will be treated consistent with how we treat complaints related to other residential properties in the City – including investigation of nuisance and criminal complaints, and citations if warranted.

Attachments:

1. Location Map
2. Elevations of proposed 101 Lusk Ave house
3. 101 Lusk Ave affidavit of use

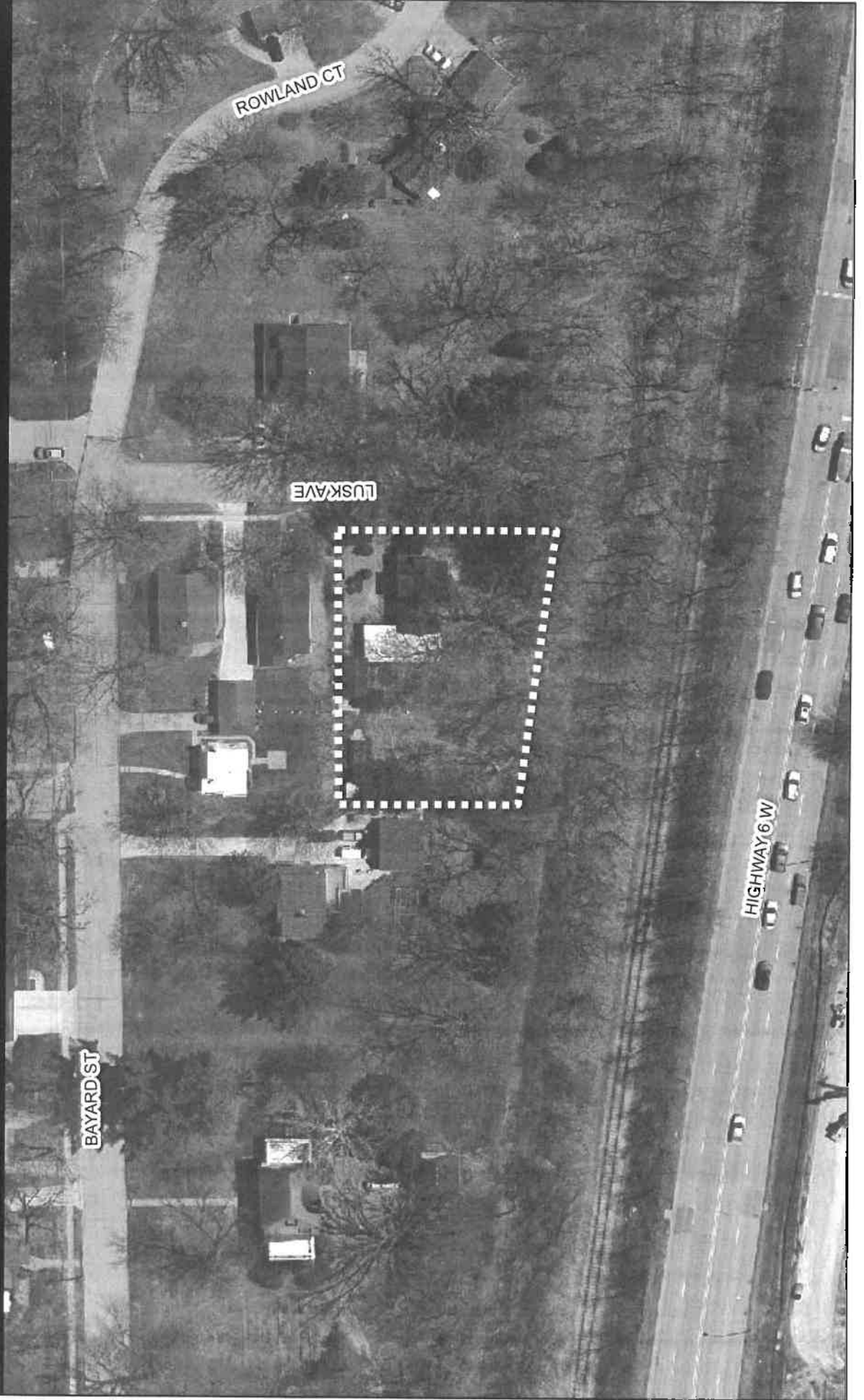
Cc: Doug Boothroy, Director, NDS
Sara Hektoen, Assistant City Attorney
Bob Miklo, Senior Planner
Sarah Walz, Associate Planner



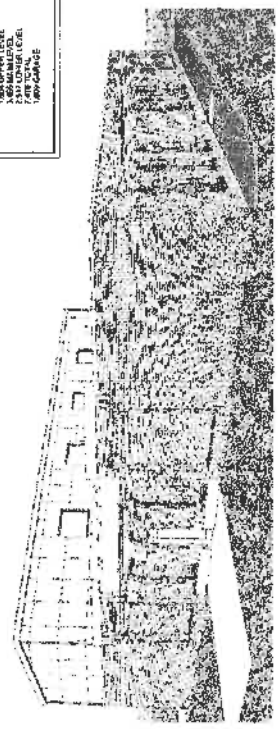
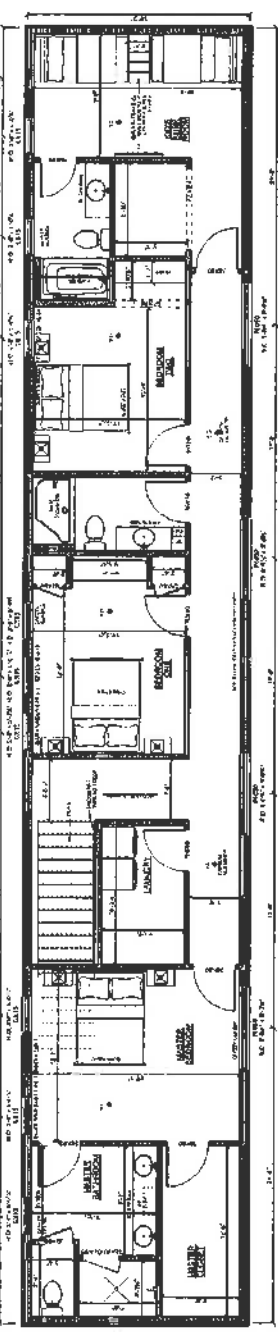
Prepared By: Marti Wolf
Date Prepared: June 2016

City of Iowa City

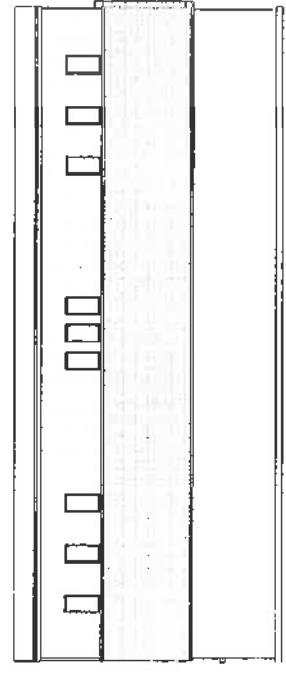
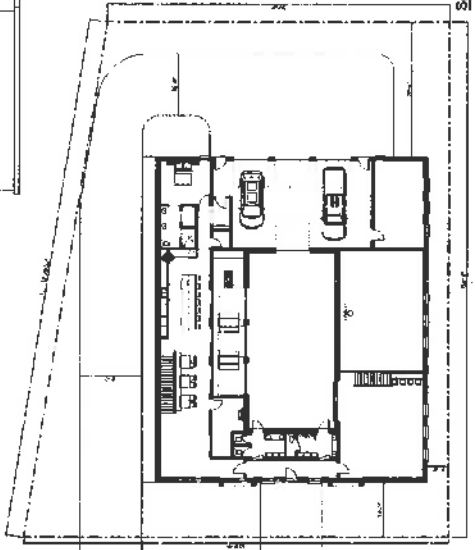
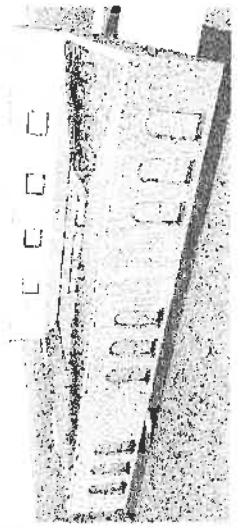
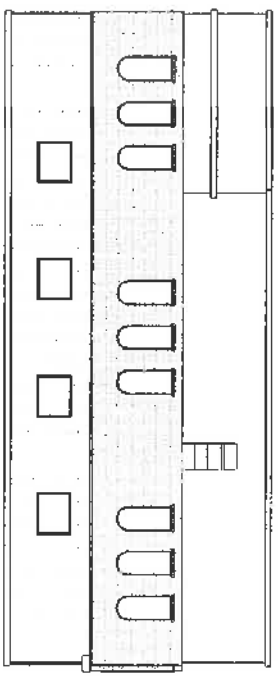
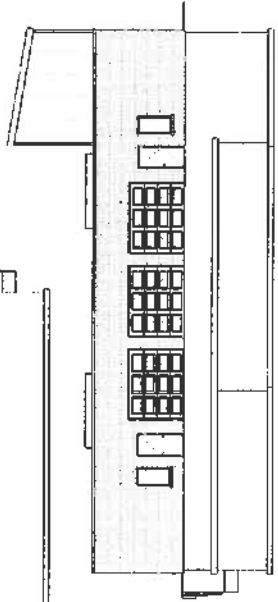
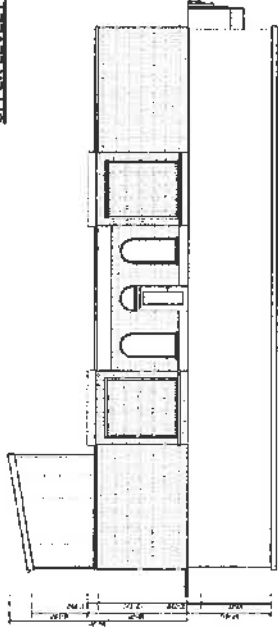
101 Lusk Avenue



FOR PLANS & SPECIFICATIONS CONTACT THE ARCHITECT
 1111 Exchange & Greenway, Des Moines, IA 50319
 515-281-2222
 FOR ALL OTHER INFORMATION CONTACT THE ARCHITECT
 1111 Exchange & Greenway, Des Moines, IA 50319
 515-281-2222



FINISHED SQ. FT. INFO
 1st FLOOR: 2,300 SQ. FT.
 2nd FLOOR: 2,300 SQ. FT.
 3rd FLOOR: 2,300 SQ. FT.
 4th FLOOR: 2,300 SQ. FT.



Clark

Prepared by and return to Jann Ream, Code Enforcement Specialist, City of Iowa City, 410 Washington Street, Iowa City, Iowa 52240 319.356.5120

AFFIDAVIT OF USE

The undersigned is owner of the following-described property located in Iowa City, Johnson County, Iowa, to-wit :
Manville Addition
Lot 1, Block 14

The street address of the property is **101 Lask Avenue**

In consideration of the City's forbearance in the enforcement of its Code of Ordinances,

1. The undersigned hereby acknowledges the current zoning of the property as RS-5.
2. The undersigned agrees that in accordance with the provisions of the Iowa City Zoning Ordinance in effect on this date, the use of this property is a single family dwelling and that the single family use must be maintained as such. Commercial uses which include the sale of alcohol or admission to the property are not permitted. Tailgating on the property must conform to definition of tailgating found in the Iowa City Zoning Code - 14-9A - "TAILGATING: A home football game day informal social gathering that is noncommercial and may include eating and drinking beverages (alcoholic or nonalcoholic) as part of the activities. Temporary parking on unimproved surfaces located on private property is allowed during tailgate events. No alcohol is sold at a tailgate, nor is any admission fee charged, goods sold or given away, nor services provided for a fee." Renting the property for commercial tailgating or other large group gatherings is prohibited.
3. The undersigned agrees that the maximum occupancy for the single family dwelling in this zone is a household (family) plus one (1) unrelated person or a maximum of three (3) unrelated people. A household occupies a single family dwelling as a single housekeeping unit.
4. The undersigned agrees that the property, if not owner occupied, can only be let or rented after obtaining a valid rental permit from the City of Iowa City and can only be rented on a month to month or longer basis.
5. The undersigned agrees that, if the property is owner-occupied and owner obtains a Bed & Breakfast rental permit, that no more than 3 bedrooms can be provided to guests who stay for periods not to exceed 14 days.
6. This affidavit must be recorded with the Johnson County Recorder, and a copy of the recorded document maintained with the City of Iowa City Department of Housing and Inspection Services.

This declaration shall be binding upon and shall inure to the benefit of the heirs, legal representatives, successors and assigns of the undersigned, and shall be binding on and shall run with the title to the property.

Dated this 11TH day of MAY, 2016.
Frederic R. Carlson *Sandra M. Carlson*

STATE OF IOWA
JOHNSON COUNTY) Winnebleshirek
On this 12 day of May, 2016, before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Frederic & Sandra Carlson to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

 **JAMES LILLIBRIDGE**
Commission Number 165495
My Commission Expires
6-22-19

[Signature]
Notary Public in and for the State of Iowa
My commission expires: