

## **CEDAR FALLS BOARD OF RENTAL HOUSING APPEALS**

### **Regular Meeting**

**June 3, 2019**

**Mayor's Conference Room**

**City Hall**

**220 Clay Street**

### **MINUTES**

The Cedar Falls Board of Rental Housing Appeals met on Monday, June 3rd, 2019 at 4:30 p.m. in the Mayor's Conference Room, City Hall, 220 Clay Street, Cedar Falls, Iowa. Dan Berregaard called the meeting to order. Board members present included: Berregaard, Wiles, Kranz, McCollum, and Espersen. Applicant Angela Stahle and City Planner Iris Lehmann were also present.

1. The first item on the agenda was the consideration of the Minutes from the April 29th, 2019 regular meeting. Ms. Wiles made a motion to approve the Minutes as is with a second from Ms. McCollum. The motion was approved with 5 ayes (Berregaard, Wiles, Kranz, McCollum, and Espersen) and 0 nays. The Board welcomed their newest member Isaak Espersen.
2. Old Business – None.
3. New Business – Mr. Berregaard introduced the first item on the agenda, 2204 Tremont Street. Ms. Lehmann outlined the staff report and indicated that this request is for an existing rental occupancy to increase back to four individuals aged 18 years or older at transfer. Ms. Lehmann provided some history and noted that this was a unique case. 2204 Tremont Street was reviewed and approved as a new rental for an occupancy of four (4) by the Group Rental Committee when it was purchased by David and Salina Durr in in 2016. The applicant used the same floor plan as originally submitted in 2016. In the submitted floor plan Bedroom 2 does not meet the minimum bedroom size requirements. In 2016 it was determined that the other three bedrooms were large enough to house two occupants and when the rental was approved for an occupancy of four one of the stipulations of approval was that: "Two of the four unrelated individuals must occupy the same room." The fourth bedroom indicated in the floor plan could not be used as a bedroom. Based on the interior images provided by the applicant it appears that the current tenants are not abiding by this stipulation and are using bedroom 2 as a bedroom. Staff is concerned that this stipulation is not being enforced and as it is not typical for adult tenants to share a bedroom this just invites the violation of this restriction. Seeing how the space is being used in violation of the previous approval, staff has concerns with continuing to allow the property to operate at an occupancy of four at transfer. Staff recommends that 2204 Tremont Street drop to an occupancy of three (3) individuals aged 18 years or older at transfer, subject to the following stipulations in the staff report.

Ms. Wiles needed to leave the meeting.

Ms. Lehmann asked if the applicant had any comments. The applicant provided the board with some background on her situation, her intention being to use this property as a rental for her two sons, their cousin, and a family friend as they go through college. She noted that she has no intention of using this property as a “money maker”. She also made it clear that her two boys were already planning to share the larger room and to turn the smaller room into a study area. The Board expressed concerns about enforcement. Strategies were discussed. The applicant noted that she comes from a construction family; she asked if the Board would consider allowing her to increase the size of Bedroom 2 so that it meets the minimum size requirements. The Board agreed that that approach and noted that however, ultimately the building department will have final say on whether this room can function as a bedroom. Ms. Lehmann will provide the applicant with the Building Official’s information. Other potential modifications to the house were discussed. After discussion, the Board agreed that punishing the new buyer didn’t make sense for the current owner’s violation. Mr. Berregaard noted that if bedroom 2 did not exist and it was just the three larger bedrooms he would have had no concerns and he felt four was appropriate. There were no other questions or comments.

Ms. McCollum made a motion to approve the appeal to increase the occupancy of this rental back to four (4) individuals aged 18 years and older at transfer, with the stipulations in the staff report and a note that bedroom 2 may not be used as a bedroom as it is now. Mr. Berregaard seconded. The motion was approved with 4 ayes (Berregaard, Kranz, McCollum, and Espersen).

4. Adjournment – Ms. McCollum made a motion to adjourn at 5:20 p.m. Ms. Kranz seconded the motion. The motion was approved with 4 ayes (Berregaard, Kranz, McCollum, and Espersen).

Respectfully Submitted,



Iris Lehmann, Planner II