

**CITY BOARD OF ADJUSTMENT**

MINUTES: June 3, 2015

| Name              | Title         | 01/07/15 | 02/04/15 | 03/04/15 | 04/01/15 | 05/06/15 | 06/03/15 | 07/01/15 | 08/05/15 | 09/02/15 | 10/07/15 | 11/04/15 | 12/02/15 |
|-------------------|---------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Jeff Bollman      | Chairman      | 1        | 1        | 1        | 1        | 1        | 1        |          |          |          |          |          |          |
| James Olson       | Board member  | 1        | E        | 1        | 1        | 1        | 1        |          |          |          |          |          |          |
| Paul Hagen        | Board member  | 1        | 1        | E        | 1        | E        | 1        |          |          |          |          |          |          |
| Frank Chesarek    | Board member  | 1        | 1        | 1        | 1        | 1        | 1        |          |          |          |          |          |          |
| Matthew McDonnell | Vice Chairman | 1        | E        | 1        | 1        | 1        | 1        |          |          |          |          |          |          |
| Martin Connell    | Board member  | 1        | 1        | 1        | 1        | 1        | 1        |          |          |          |          |          |          |
| Mark Noennig      | Board member  | 1        | 1        | 1        | 1        | 1        | 1        |          |          |          |          |          |          |

| TOTAL NUMBER OF APPLICATIONS<br>2015 | 01/07/15 | 02/04/15 | 03/04/15 | 04/01/15 | 05/06/15 | 06/03/15 | 07/01/15 | 08/05/15 | 09/02/15 | 10/07/15 | 11/04/15 | 12/02/15 | TOTAL     |
|--------------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| <b>Variance</b>                      | <b>1</b> | <b>1</b> | <b>2</b> | <b>4</b> | <b>2</b> | <b>2</b> |          |          |          |          |          |          | <b>10</b> |

Chairman Bollman called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the first floor conference room of the Miller Building located at 2825 3<sup>rd</sup> Avenue North.

Chairman Bollman asked Zoning Coordinator Nicole Cromwell to introduce the City Board of Adjustment members and Planning Department staff. Attending Staff members are Wyeth Friday, Planning Division Manager; Nicole Cromwell, Zoning Coordinator, and Tamara Deines, Planning Clerk.

Attending: Ken Kunkel, Sandy Kunkel, Lucinda Battenschlag, Crystal Hopper

**Public Comment**

Chairman Bollman opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There was none. Chairman Bollman closed the public comment period.

**Approval of the May 6, 2015 Meeting Minutes**

Chairman Bollman called for approval of the May 6, 2015 minutes.

**Board member Connell made a motion and Board member Hagen seconded to approve the May 6, 2015 meeting minutes as submitted.**

**The motion carried with a unanimous voice vote, 6-0.**

**Disclosure of Conflict of Interest**

Chairman Bollman asked for disclosures of conflict of interest.

| Board member      | Yes | No       | Not Present |
|-------------------|-----|----------|-------------|
| Jeff Bollman      |     | <b>1</b> |             |
| James Olson       |     | <b>1</b> |             |
| Paul Hagen        |     | <b>1</b> |             |
| Frank Chesarek    |     | <b>1</b> |             |
| Matthew McDonnell |     | <b>1</b> |             |
| Martin Connell    |     | <b>1</b> |             |
| Mark Noennig      |     | <b>1</b> |             |

**Disclosure of Outside Communication**

Nicole Cromwell explained there are times applicants communicate directly with Board members and this should be communicated to the Board members in a public forum.

| Board member      | Yes | No       | Site visit? | Not Present |
|-------------------|-----|----------|-------------|-------------|
| Jeff Bollman      |     | <b>1</b> |             |             |
| James Olson       |     | <b>1</b> |             |             |
| Paul Hagen        |     | <b>1</b> |             |             |
| Frank Chesarek    |     | <b>1</b> | Yes         |             |
| Matthew McDonnell |     | <b>1</b> |             |             |
| Martin Connell    |     | <b>1</b> | Yes         |             |
| Mark Noennig      |     | <b>1</b> | Yes-1216    |             |

**Public Hearings**

Chairman Bollman asked Ms. Cromwell to review the procedure, she stated the Board will open a public hearing and allow public comment this evening. Ms. Cromwell reviewed the hearing process and presentation process for the meeting for reviewing and acting on each variance. She stated four votes in favor of the Board of Adjustment are required to pass a variance. This evening there are 7 Board members attending. A simple majority will approve requests.

Zoning Coordinator Nicole Cromwell reviewed the application for Variance request #1216 and presented the Board with the staff report for this request.

**Item #1 Variance 1216 –1934 Poly Drive – Garage Setback to Street - A variance from 27-310(i) requiring a minimum front setback of 20 feet (Dahlia Lane) to allow a minimum 10-foot front setback for a new detached garage of 840 square feet in a Residential 9,600 (R-96) zoning district on Lot 6 (Less 10 feet), Block 3 Sweeney-Carlson Subdivision, a 19,248 square foot parcel of land. Tax ID: A16889.**

**RECOMMENDATION**

The Planning Division is recommending conditional approval with the following conditions:

1. The variance is to allow a 10 foot setback from the east property line for the purpose of constructing a new 840 square foot detached garage. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 6, (less south 10 feet), Block 3, of Sweeney-Carlson Subdivision, generally located at 1934 Poly Drive.
3. The detached garage shall be constructed in substantial conformance to the drawings submitted to the Planning Division with this application.
4. No construction activity will be done before 7 a.m. or after 8 p.m.
5. The owner will complete the Building Permit process for BP-15-01355 within 3 months of Board of Adjustment approval. The owner will complete the construction within 18 months of Board of Adjustment approval.
6. The owner will not park or store any vehicle on the driveway so it extends over the pavement of Dahlia Lane.
7. If sidewalks are constructed in the future on the west side of Dahlia Lane, the owner will not park or store any vehicle on the driveway so it extends over the pavement of the sidewalk.
8. Failure to begin or complete the approved actions on the variance will void the approved variance.
9. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**Discussion**

Chairman Bollman asked the members of the Board for questions and discussion. . Board member Olson asked if Conditions of approval #6-7 apply to any other lots. Nicole Cromwell said these are standard requirements under City Code.

**Public Hearing**

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1216. There was none. Chairman Bollman closed the public hearing, and called for a motion.

**Motion**

**Board member Olson made a motion and Board member McDonnell seconded the motion to conditionally approve City Variance #1216 with the conditions and Findings of Fact presented by Staff.**

**Discussion**

Chairman Bollman called for discussion on the motion. There was none.

| Board member      | Yes      | No | Abstain | Not Present |
|-------------------|----------|----|---------|-------------|
| Jeff Bollman      | <b>1</b> |    |         |             |
| James Olson       | <b>1</b> |    |         |             |
| Paul Hagen        | <b>1</b> |    |         |             |
| Frank Chesarek    | <b>1</b> |    |         |             |
| Matthew McDonnell | <b>1</b> |    |         |             |
| Martin Connell    | <b>1</b> |    |         |             |
| Mark Noennig      | <b>1</b> |    |         |             |

**The motion passed 7-0. City Variance #1216 is conditionally approved.**

## **Item #2:**

Variance 1217 – 3402/3404 and 3406/3408 Gallatin Place – Lot area – A variance from 27-308 requiring a minimum lot area of 9,600 square feet for a duplex dwelling to allow a minimum lot area of 8,540 square feet (3402/3404) and 8,099 square feet (3406/3408) for 2 existing duplex dwellings in a Residential 7,000 (R-70) zone, Lots 1 & 2, Block 2 of Patricia Subdivision. No new construction is planned but if the variance is approved, the duplexes could be re-built in the future if damaged or destroyed. Tax IDs: C02163 and C01264.

## **REQUEST**

Item #2 - Variance 1217 – 3402/3404 and 3406/3408 Gallatin Place – Lot area – A variance from 27-308 requiring a minimum lot area of 9,600 square feet for a duplex dwelling to allow a minimum lot area of 8,540 square feet (3402/3404) and 8,099 square feet (3406/3408) for 2 existing duplex dwellings in a Residential 7,000 (R-70) zone, Lots 1 & 2, Block 2 of Patricia Subdivision. No new construction is planned but if the variance is approved, the duplexes could be re-built in the future if damaged or destroyed. Tax IDs: C02163 and C01264.

## **RECOMMENDATION**

The Planning Division is recommending conditional approval and adoption of the findings of the 7 criteria for Variance 1217.

Staff is recommending the following conditions for the variance request:

1. The variance is to allow a duplex or 2 units on Lot 1, Block 2 (8,450 square feet) and a duplex or 2 units on Lot 2, Block 2 (8,099 square feet), Patricia Subdivision. No other variance is intended or implied with this approval.
2. The variance is limited to Lots 1 & 2 of Block 2 Patricia Subdivision, generally located at 3402/3404 and 3406/3408 Gallatin Place.
3. Any future re-construction of the existing structure will require compliance with other all other zoning regulations and city ordinances that apply at the time of re-construction.
4. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

## **Discussion**

Chairman Bollman asked the members of the Board for questions and discussion.

Chairman Bollman opened the public hearing and asked if there was anyone wishing to speak in favor or against City Variance #1217. There was none.

Chairman Bollman closed the public hearing, and called for a motion.

## **Motion**

**Board member Chesarek made a motion and Board member Connell seconded the motion to conditionally approve City Variance #1217 with the conditions and Findings of Fact presented by Staff.**

## **Discussion**

Chairman Bollman called for discussion on the motion. There was none.

| Board member      | Yes      | No | Abstain | Not Present |
|-------------------|----------|----|---------|-------------|
| Jeff Bollman      | <b>1</b> |    |         |             |
| James Olson       | <b>1</b> |    |         |             |
| Paul Hagen        | <b>1</b> |    |         |             |
| Frank Chesarek    | <b>1</b> |    |         |             |
| Matthew McDonnell | <b>1</b> |    |         |             |
| Martin Connell    | <b>1</b> |    |         |             |
| Mark Noennig      | <b>1</b> |    |         |             |

**The motion passed 7-0. City Variance #1217 is conditionally approved.**

**Other Business/Announcements:**

- The next City Board of Adjustment meeting will be held on **Wednesday July 1, 2015.**
- The Planning office will be closed on Wednesday, on Monday July 6, 2015 to observe Independence Day.

Adjournment: 7:00 p.m.

**ATTEST: DRAFT. To be Approved by a motion on July 1, 2015**

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**Jeff Bollman, Chairman**

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**Tamara L. Deines, Planning Clerk**