

CITY BOARD OF ADJUSTMENT

MINUTES: April 6, 2016

Name	Title	01/06/2016	02/03/2016	03/02/2016	04/06/2016	05/04/2016	06/01/2016	07/06/2016	08/03/2016	09/07/2016	10/05/2016	11/02/2016	12/07/2016
Jeff Bollman	Chairman	-	-	1	E								
James Olson	Board member	-	-	1	1								
Paul Hagen	Board member	-	-	1	1								
Frank Chesarek	Board member	-	-	1	1								
Oscar Heinrich	Board member	-	-	1	1								
Martin Connell	Board member	-	-	1	1								
Mark Noennig	Board member	-	-	1	1								

TOTAL NUMBER OF APPLICATIONS 2016	01/06/16	02/03/16	03/02/16	04/06/16	05/04/16	06/01/16	07/06/16	08/03/16	09/07/16	10/05/16	11/02/16	12/07/16	TOTAL
Variance	0	0	2	1									3

Board member Noennig, Chairman pro tem, 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 3rd Avenue North.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; and Robbin Bartley, Administrative Support.

Attending: Kolten Knatterud and Mark Wright

Public Comment

Mark Noennig, Chairman pro tem, opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none. Chairman pro tem Noennig closed the public comment period.

Approval Meeting Minutes

Board member Connell made a motion for the approval of March 2, 2016, minutes. Board member Heinrich seconded the motion. Minutes were approved by unanimous voice vote 6-0.

Disclosure of Conflict of Interest

Chairman pro tem Noennig, asked for disclosures of conflict of interest.

Board member	Yes	No	Not Present
Jeff Bollman			x
James Olson		x	
Paul Hagen		x	
Frank Chesarek		x	
Oscar Heinrich		x	
Martin Connell		x	
Mark Noennig		x	

Disclosure of Outside Communication

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

Board member	Yes	No	Site visit?	Not Present
Jeff Bollman				x
James Olson		x		
Paul Hagen		x	yes	
Frank Chesarek		x		
Oscar Heinrich		x	yes	
Martin Connell		x	yes	
Mark Noennig		x		

Public Hearings

Zoning Coordinator Nicole Cromwell reviewed the procedures for public hearings and stated the Board will open a public hearing and allow public comment this evening. She reviewed the hearing and presentation processes 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 6 Board members attending. A simple majority will approve requests.

Nicole Cromwell read the legal description for **Variance request #1225** and Karen Husman presented the Board with the staff report for this request.

Variance 1225 – 1048 N 23rd St – Lot Area – A variance from Section 27-308 requiring a minimum lot area of 20,000 square feet for 2 four-plexes (8 dwelling units) in a Residential Multi-family-Restricted (RMF-R) zoning district on the North 100 feet of Lot 1, Block 8, Sunnyside Subdivision, 2nd Filings to allow a minimum lot area of 14,000 square feet for 1 existing four-plex and 1 proposed four-plex and to allow the creation of two 7,000 square foot lots. Tax ID: A16392

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of conditional approval for the variance for the existing four-plex on a 7,000 square foot lot (proposed lot 1B). Staff is not recommending a variance for allowing a new four-plex on the proposed lot 1A as there is no existing structure that creates a hardship under the criteria. Other variances in the neighborhood have been for existing multi-family structures. The new vacant lot would be in conformance with the zoning regulations as a 7,000 square foot parcel of land and would allow two dwelling units by right.

There are other lots in the neighborhood that have this same allowance under zoning. Allowing the variance as proposed by staff would allow for 6 dwelling units total on the two parcels.

Staff is recommending the following conditions for the variance request for the existing four-plex:

1. The variance from 27-308 requiring a minimum lot area of 10,000 square feet for 4 dwelling units to allow 7,000 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to the proposed lot 1B, Block 8, Sunnyside Subdivision, 2nd Filing generally located at 1048 North 23rd Street.
3. Any future construction or re-construction of the existing structure will require compliance with all other zoning regulations and city ordinances that apply at the time of construction or 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 pro tem Noennig asked the members of the Board for questions and discussion.

Board member Chesarek asked why a variance is needed. Ms. Husman replied in order to add on to the existing 4 plex, all current codes would have to be brought to current standards. The existing building was built in 1936. Also off street parking for 6 units would be required. No off-street parking spaces are currently provided. If the lot is split a new structure can be built on the second "vacant" lot.

Board member Heinrich asked what is staff recommending. Ms. Husman explained the recommendation is to allow the variance to split the lot but not to allow an additional 4-plex be built on the new "vacant" lot.

Board member Heinrich clarifies that Lot B is being created, reducing the existing lot size from 14,000 square feet to 7,000 square feet for the existing 4-plex and allows the other Lot B to build a duplex.

Public Hearing

Chairman pro tem Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1225**.

Mark Wright, owner

Mr. Wright stated he is the owner and wishes to fulfill the renter's needs in the area.

Board member Olson asked what you will do if request is not granted to build a new a 4-plex. Board member Connell expressed concerns regarding parking on the street. Mr. Wright explains his parking plan stating that parking will be provided on the property for the new 4-plex. Board member Connell inquires as to how many parking spaces are being added. Mr. Wright stated 4 spots are being added.

Chairman pro tem Noennig asked what you would rather do - leave it the same or except the recommendation. Mr. Wright replied he would accept a triplex or duplex conditional approval.

Board member Chesarek asked why he is splitting the property. Ms. Cromwell reminded the board they can grant less than the request but not more. Board member Olson asked if the Board voted against the recommendation, what findings would have to be made. Ms. Cromwell replied the board would need to use the criteria given and make a different finding.

Kolten Knatterud, 3333 2nd Ave N Suite 100, agent

Mr. Knatterud stated the applicant is comfortable with the proposal for the new 4-plex because of other properties in the area. A 4-plex becomes a commercial building, so additional site development requirements would apply. A duplex is a residential review and does not incur storm water requirements

Board member Chesarek asked about existing 6-plexes, 2 duplexes, 4-plexes and another duplex all on 7000 foot lots in the close proximity.

Board member Olson then inquired about the applicant’s rent structure.

One Ex parte letter was written by a neighbor and is in the notebook. The property owner to the south expressed concerns about parking and traffic as well as noise.

At 6:27 p.m. Chairman pro tem Noennig, chairman pro tem, closed the public hearing, and called for a motion.

Board members chose to have a discussion before the motion.

Board member Heinrich asked for clarification about how many variances were applied for in this situation. He is confused about the recommendation and then not recommending the requested variance for a new 4-plex. Ms. Husman clarified the recommendation to split the lot and not recommend the approval of a 4-plex on the new lot.

Discussion, happened before the motion

Chairman pro tem Noennig called for a motion. Board members Connell, Heinrich, and Noennig asked Ms. Husman and Ms. Cromwell to explain the hardships involved. Board member Olson is concerned about changing the neighborhood. He also expressed concerns about parking.

Motion

Board member Heinrich made a motion and Board member Hagen seconded the motion to conditionally approve **City Variance #1225** with the conditions and Findings of Fact presented by Staff.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman				x
James Olson		x		
Paul Hagen	x			
Frank Chesarek		x		
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

The motion passed 4-2. City Variance #1225 is conditionally approved.

Other Business/Announcements:

There is a meeting next month. There are 2 variances and 1 land use contrary to zoning.

Election of officers for the 2016.

Board member Olson made a motion to elect Jeff Bollman for Chairman. Board Member Heinrich seconded the motion.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman				x
James Olson	x			
Paul Hagen	x			
Frank Chesarek		x		
Oscar Heinrich	x			
Martin Connell		x		
Mark Noennig		x		

Board member Marty Connell made a motion to elect Mark Noennig for Chairman. Board member Frank Chesarek seconded the motion.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman				x
James Olson		x		
Paul Hagen	x			
Frank Chesarek	x			
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

Board member Noennig was elected Chairman with a 5-1 vote.

Board member Marty Connell nominated Board member Chesarek as Vice Chairman. Board member Noenning seconded.

Board member	Yes	No	Abstain	Not Present
Jeff Bollman				x
James Olson	x			
Paul Hagen	x			
Frank Chesarek	x			
Oscar Heinrich	x			
Martin Connell	x			
Mark Noennig	x			

Board member Chesarek was elected Vice Chairman with a roll call vote, 6-0.

Adjournment: 6:44 p.m.

ATTEST: DRAFT. To be approved by a motion on May 4, 2016

Robbin Bartley, Administrative Support I

Mark Noenning, Chair pro tem