

**CITY BOARD OF ADJUSTMENT**

MINUTES October 4, 2017

Name	Title	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	07/06/2017	08/02/2017	09/06/2017	10/04/2017	11/01/2017	12/06/2017
Jeff Bollman	Board member	1	1	E	1	E	1	1	1	1	E		
Dave Hagstrom	Board member	1	1	1	1	1	1	1	1	1	E		
Paul Hagen	Board member	1	1	1	1	1	1	1	1	1	E		
Frank Chesarek	Vice Chairman	1	1	E	1	1	1	1	1	1	1		
Oscar Heinrich	Board member	1	1	E	1	1	1	1	1	E	1		
Martin Connell	Board member	1	1	1	1	E	1	1	1	1	1		
Mark Noennig	Chairman	1	1	1	E	1	E	1	1	1	1		

TOTAL NUMBER OF APPLICATIONS 2017	01/04/2017	02/01/2017	03/01/2017	04/05/2017	05/03/2017	06/07/2017	07/06/2017	08/02/2017	09/06/2017	10/04/2017	11/01/2017	12/06/2017	TOTAL
Variance	1	1	7	2	1	3	1	3	1	1			20

Chairman Noennig 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.

The City Board of Adjustment members and Planning Department staff introduced themselves. Attending Staff members are Monica Plecker, Planning Division Manager, Karen Husman, Planner I and Robbin Bartley, Administrative Support.

**Attending:** Trina White

**Public Comment**

Chairman Noennig 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 Noennig closed the public comment period.

**Approval Meeting Minutes**

Board member Connell made a motion for the approval of September 6, 2017 minutes. Board member Chesarek seconded the motion to approve. Minutes were approved by unanimous voice vote 4-0.

**Disclosure of any Conflict of Interest, Ex Parte Communications and Site Visits**

A new form has been implemented for any disclosures. If any Board member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here.

**Public Hearings**

Chairman Noennig 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 and acting on each variance.

Karen Husman read the legal description for **Variance #1267**:

**Return Item - City Variance 1267 –2409 Rosewyn Lane** - A variance from Section 27-308 requiring a minimum 3-foot side setback for a detached accessory structure to allow a 0-foot side setback in a Residential 9,600 (R-96) zone, on Lot 3A of Srite Acres Subdivision, a 7,309 square foot parcel of land. The purpose of the variance is to allow a detached accessory building under construction to remain in its current location. Tax ID: A14554

**RECOMMENDATION**

Planning Staff is recommending denial of the findings for granting a variance.

**The applicant has asked to withdraw the Variance application.**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1267**.

**Discussion**

BOARD MEMBER Chesarek made a motion and BOARD MEMBER Connell seconded the motion to approve withdrawal of **City Variance #1267**.

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

The motion to approve withdrawal of **City Variance #1267** passed 4-0.

Karen Husman presenting:

**City Variance 1268 –919, 919 ½, 921 N 25<sup>th</sup> Street – Lot Area** - A variance from Section 27-308 requiring a minimum lot area of 16,600 square feet for a two-family dwelling and a single family dwelling on an undivided parcel to allow a minimum lot area of 10,410 square feet and from Section 27-308 requiring a 20-foot rear setback to allow a 6-foot rear setback in a Residential 7,000 (R-70) zone, on a portion of Lot 3, Block 10 Sunnyside Subdivision 2<sup>nd</sup> Filing. The purpose of the variance is to allow the financing and sale of an existing property and no construction or reconstruction is proposed at this time. Tax ID: A16441

**RECOMMENDATION**

Planning Staff is recommending conditional approval of the variance, based on the criteria for granting a variance.

1. The variance is to allow a lot area of 16,600 square feet for a two-family dwelling and a single family dwelling on an undivided parcel to allow a minimum lot area of 10,410 square feet and from Section 27-308 requiring a 20 foot rear setback to allow a 6 foot rear setback in a Residential 7,000 (R-70) zone. No other variance is intended or implied with this approval.
2. The variance is limited to a portion of Lot 3, Block 10 Sunnyside Subdivision 2nd Filing generally located at 919 and 921 N 25<sup>th</sup> St.
3. Any future re-construction of the existing structures 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.

**Questions for Staff:**

Board member Heinrich asked if all 3 apartments are legal. Staff explained the structures were built prior to zoning and are legally non-conforming without the variance approval. The variance will allow them to rebuild what is existing on the property.

**Public Hearing opened at 6:09pm**

Chairman Noennig opened the public hearing and asked if there was anyone wishing to speak in favor or against **City Variance #1268**.

**Trina White, agent and possible buyer**

A rebuild letter is necessary for financing. She is the agent for this property and the potential buyer.

**OPPOSED**

NONE

**The public hearing was closed at 6:11 PM.**

**Discussion**

BOARD MEMBER Chesarek made a motion and BOARD MEMBER Connell seconded the motion to approve **City Variance #1268**.

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

The motion to approve **City Variance #1268** passed 4-0.

**Other business:**

The next meeting will be on November 1, 2017.

**The meeting adjourned at 6:13PM.**

**ATTEST: DRAFT. To be approved by a motion November 1, 2017.**