

CITY BOARD OF ADJUSTMENT

MINUTES November 1, 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	1	
Dave Hagstrom	Board member	1	1	1	1	1	1	1	1	1	E	1	
Paul Hagen	Board member	1	1	1	1	1	1	1	1	1	E	1	
Frank Chesarek	Vice Chairman	1	1	E	1	1	1	1	1	1	1	1	
Oscar Heinrich	Board member	1	1	E	1	1	1	1	1	E	1	1	
Martin Connell	Board member	1	1	1	1	E	1	1	1	1	1	1	
Mark Noennig	Chairman	1	1	1	E	1	E	1	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	1		21

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 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: Stephen and Charlene Brown

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 October 4, 2017 minutes. Board member Chesarek seconded the motion to approve. Minutes were approved by unanimous voice vote 7-0.

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

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 and acting on each variance.

Nicole Cromwell read the legal description for **Variance #1269**:

City Variance 1269 –719 Terry Avenue – Lot Area - A variance from Section 27-308 requiring a minimum lot area of 13,000 square feet for a two-family dwelling and a single family dwelling on an undivided parcel to allow a minimum lot area of 7,000 square in a Residential 6,000 (R-60) zone, on Lots 9 & 10 and the east 22.3 feet of Lot 11, Block 5, Yellowstone Addition, a 7,000 square foot parcel of land. 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: A18926

RECOMMENDATION

Staff recommends conditional approval of the variance, based on the criteria for granting a variance.

1. The variance is to allow a minimum lot area of 7,000 square feet for a two-family dwelling & a single family. No other variance is intended or implied with this approval.
2. The variance is limited to the legally described property
3. Any future re-construction of the existing structures will require compliance with other all other regulations, ordinances & codes that apply at the time of re-construction.
4. These conditions shall run with the land

Questions for Staff:

Board Member Heinrich asked if there had been any comments from surrounding property owners. Staff's reply was no. He also asked if setback requirements would have to be met on a rebuild. Yes, all setbacks would have to be met. Zoning was implemented after the build of these structures.

Chairman Noennig **opened the public hearing at 6:06 PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1269**.

Charlene Brown, owner: In 1992 she and her husband bought the 3 dwellings and refinanced it in 2001 with a conventional 30-year mortgage. The property was then in line for legal conforming lending. Since that time, bank regulations and new zoning has been implemented making our investment a "legal non-conforming" property. We are ready to sell the property and retire but potential buyers are unable to get financing, thus the Variance request. We need a rebuild letter so that our property is more saleable and valuable on the market.

OPPOSED

None

Discussion- NONE

BOARD MEMBER Chesarek made a motion and BOARD MEMBER Bollman seconded the motion to approve **City Variance #1269**.

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

The motion to approve with conditions, City Variance #1269 passed 7-0.

The public hearing was closed at 6:10 PM.

Other business:

The next meeting will be on December 6, 2017.

The meeting adjourned at 6:12 PM.

ATTEST: DRAFT. To be approved by a motion December 6, 2017.