

CITY BOARD OF ADJUSTMENT

MINUTES January 3, 2018

Name	Title	01/03/2018	02/07/2018	03/07/2018	04/04/2018	05/02/2018	06/06/2018	07/05/2018	08/01/2018	09/05/2018	10/03/2018	11/07/2018	12/05/2018
David Mitchell	Board member	1											
Dave Hagstrom	Board member	1											
Paul Hagen	Board member	1											
Frank Chesarek	Vice Chairman	1											
Oscar Heinrich	Board member	1											
Martin Connell	Board member	1											
Mark Noennig	Chairman	1											

TOTAL NUMBER OF APPLICATIONS 2018	01/03/2018	02/07/2018	03/07/2018	04/04/2018	05/02/2018	06/06/2018	07/05/2018	08/01/2018	09/05/2018	10/03/2018	11/07/2018	12/05/2018	TOTAL
	Variance	2											

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: Maxine Allman, Clay Schwartz

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 December 6, 2017 minutes. Board member Hagen 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 #1271**:

City Variance 1271 –802/804 Lewis Avenue – Lot Area - A variance from Section 27-308 requiring a minimum lot area of 9,600 square feet for 2 existing dwellings on an undivided parcel to allow a minimum lot area of 8,028 square in a Residential 7,000 (R-70) zone, on Lot 3 & that part of Lot 2 north of the alley, Block 1 of Rickman Subdivision and the 5 feet of the abandoned adjacent alley on the west. The purpose of the variance is to allow the re-financing of an existing property and no construction or reconstruction is proposed at this time. Tax ID: A13277

Recommendation: Conditional approval.

Staff is recommending the following conditions for the variance request:

1. The variance from 27-308 requiring a minimum lot area of 9,600 square feet for 2 existing single family dwellings to allow a lot area of 8,028 square feet in a Residential 7,000 (R-70) zone. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 3 & that part of Lot 2 north of the alley, Block 1 of Rickman Subdivision and the 5 feet of the abandoned adjacent alley on the west generally located at 802/804 Lewis Avenue.
3. Any future re-construction of the existing structure will require compliance with 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 this Variance was for the purpose of obtaining a rebuild letter. He asked Staff to please explain what a rebuild letter is.

Chairman Noennig **opened the public hearing at 6:11 PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1271**.

Thomas J. Grimm, owner –not present

OPPOSED

None

Discussion

The public hearing was closed 6:12 PM.

BOARD MEMBER Chesarek made a motion and BOARD MEMBER Heinrich seconded the motion to approve **City Variance #1271**.

Board member	Yes	No	Not Present
David Mitchell	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 #1271 passed 7-0	Not Present
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_____ the legal description for **Variance #1272**:

City Variance 1272 – 802 Avenue B, 1420/1424 8th St West – Lot Area & Setback - A variance from Section 27-308 requiring a minimum lot area of 7,000 square feet for a duplex to allow a minimum lot area of 6,201 square feet (proposed Lot 2B) and from 27-308 requiring a 15-foot front setback (8th St West) to allow a minimum front setback of 8 feet (proposed Lots 2B and 2A) in a Residential 6,000 (R-60) zone, on the east 87.5 feet of Lot 2, Block 1 of Algeo Subdivision. The purpose of the variance is to allow the subdivision of the property so the existing up/down duplexes can be sold separately. No construction or reconstruction is proposed at this time. Tax ID: A02167

Recommendation: Conditional approval.

Planning staff has reviewed this application & is recommending conditional approval of Variance #1272. Based on the determinations for granting a variance.

1. The variance is to allow a minimum lot area 6,201 sf for an existing duplex & allow a 15-foot front setback & a minimum front setback of 8 feet. No other variance is intended or implied with this approval.
2. The variance is limited to the legally described property at 1420 and 1424 8th St W.
3. Any future re-construction will require compliance with other all other codes & ordinances that apply
4. These conditions of approval shall run with the land described

Questions for Staff:

Board member Heinrich –asked if the applicant wishes to split the lot for resale. Staff indicated the Variance request is to split the property, obtain a rebuild letter and explained that setback requirements would still have to be met. Will there be future problems if Ave B were widened. In that case the City would buy right of way.

Chairman Noennig **opened the public hearing at 6:20 PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1272**.

Maxine P. Allman, owner
Clay Schwartz, agent

OPPOSED
 None

Discussion

The public hearing was closed at 6:21 PM.

BOARD MEMBER Chesarek made a motion and BOARD MEMBER Hagen seconded the motion to approve **City Variance #1272**.

Board member	Yes	No	Not Present
David Mitchell	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 #1272 passed 7-0				Not Present
The next meeting will be on February 7, 2018.				
<u>The meeting adjourned at 6:22 PM.</u>				

ATTEST: DRAFT. APPROVED by a motion February 7, 2017.

