

CITY BOARD OF ADJUSTMENT

MINUTES September 5, 2018

Name	Title	0	0	0	0	0	0	0	0	0	0	1	1	1
		1	2	3	4	5	6	7	8	9	0	0	1	2
		/	/	/	/	/	/	\	/	/	/	/	/	/
		0	0	0	0	0	0	1	0	0	0	0	0	0
		3	7	7	4	2	6	1	1	5	3	7	5	
		/	/	/	/	/	/	\	/	/	/	/	/	
		2	2	2	2	2	2	2	2	2	2	2	2	2
		0	0	0	0	0	0	0	0	0	0	0	0	0
		1	1	1	1	1	1	1	1	1	1	1	1	1
		8	8	8	8	8	8	8	8	8	8	8	8	8
David Mitchell	Member	1	1	1	E	1	E	1	-	1				
Dave Hagstrom	Member	1	1	A	1	1	1	1	-	1				
Paul Hagen	Member	1	1	E	1	1	1	1	-	1				
Frank Chesarek	Member	1	E	1	E	E	E	1	-	E				
Oscar Heinrich	Member	1	1	1	1	1	1	E	-	1				
Martin Connell	Member	1	1	1	1	1	1	1	-	E				
Mark Noennig	Chair	1	1	1	1	1	1	E	-	1				

TOTAL NUMBER OF APPLICATIONS 2018	0	0	0	0	0	0	0	0	0	0	1	1	1	TOTAL
	1	2	3	4	5	6	7	8	9	0	0	0	0	
	/	/	/	/	/	/	/	/	/	/	/	/	/	
	0	0	0	0	0	0	1	0	0	0	0	0	0	
	3	7	7	4	2	6	1	1	5	3	7	5		
	/	/	/	/	/	/	/	/	/	/	/	/	/	
	2	2	2	2	2	2	2	2	2	2	2	2	2	
	0	0	0	0	0	0	0	0	0	0	0	0	0	
	1	1	1	1	1	1	1	1	1	1	1	1	1	
	8	8	8	8	8	8	8	8	8	8	8	8	8	
Variance	2	2	3	2	3	1	1	-	1					15

Chair 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: Brit Romain, Ken Peterson

Public Comment

Chair Noennig opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting. Chair Noennig recognized Frank Chesarek and announced his passing.

Approval Meeting Minutes

Member Heinrich made a motion for the approval of July 11, 2018 minutes. Member Hagen seconded the motion to approve. Minutes were approved by unanimous voice vote 5-0.

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

A new form has been implemented for any disclosures. If any 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 #1285**.

Karen Husman presenting:

City Variance 1285 – Multiple addresses on 11th Ave N and N 24th St – Lot area; front, rear, side and side adjacent to street setbacks - A variance from Section 27-308 requiring a minimum lot area of 17,000 square feet for one (1) 4-plex and one (1) duplex to allow 7,000 square feet; requiring a minimum front setback of 15 feet to allow a minimum front setback of 4 feet (2316 11th Ave N); requiring a minimum side adjacent to street setback of 10 feet to allow 2 feet (2320 11th Ave N & 1045/1047 N 24th St) and 4 feet (2316 11th Ave N); requiring a minimum rear setback of 15 feet to allow 0 feet (2316 11th Ave N); and requiring a side setback of 5 feet to allow 2 feet (2320 11th Ave N & 1045/1047 N 24th St) on the north 50 feet of the north 100 feet of Lot 2, Block 8, Sunnyside Subdivision, 2nd filing in a Residential Multi-family-Restricted (RMF-R) zone - Tax ID A16402.

A variance from Section 27-308 requiring a minimum lot area of 13,000 square feet for one (1) duplex and one (1) single family dwelling to allow 7,000 square feet; requiring a minimum rear setback of 15 feet to allow 4 feet (1043 ½ N 24th St); and requiring a side setback of 5 feet to allow 4 feet (1043 ½ N 24th St) on the south 50 feet of the north 100 feet of Lot 2, Block 8, Sunnyside Subdivision, 2nd filing in a Residential Multi-family-Restricted (RMF-R) zone – Tax ID A16401. The purpose of these variances is to allow the issuance of a re-build letter for the purposes of financing or sale in the future.

Recommendation:

Staff recommends conditional approval of the variance.

1. The variance from Section 27-308 requiring a minimum lot area of 17,000 square feet for one (1) 4-plex and one (1) duplex to allow 7,000 square feet; requiring a minimum front setback of 15 feet to allow a minimum front setback of 4 feet (2316 11th Ave N); requiring a minimum side adjacent to street setback of 10 feet to allow 2 feet (2320 11th Ave N & 1045/1047 N 24th St) and 4 feet (2316 11th Ave N); requiring a minimum rear setback of 15 feet to allow 0 feet (2316 11th Ave N); and requiring a side setback of 5 feet to allow 2 feet (2320 11th Ave N & 1045/1047 N 24th St) and A variance from Section 27-308 requiring a minimum lot area of 13,000 square feet for one (1) duplex and one (1) single family dwelling to allow 7,000 square feet; requiring a minimum rear setback of 15 feet to allow 4 feet (1043 ½ N 24th St); and requiring a side setback of 5 feet to allow 4 feet (1043 ½ N 24th St). No other variance is intended or implied with this approval.
2. The variance is limited to the north 50 feet of the north 100 feet of Lot 2, Block 8, Sunnyside Subdivision, 2nd filing and the south 50 feet of the north 100 feet of Lot 2, Block 8, Sunnyside Subdivision, 2nd filing.
3. Any future re-construction of the existing structures 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:

There are residential structures on this site. A 4 plex, 2 duplexes and a single family dwelling. Member Hagstrom asked why is the property described this way? Staff replied they are legally defined and taxed with 2 different tax id numbers. North 100 feet of lot 2, could be a result of ownership.

Member Heinrich confirms this is for a rebuild letter and asks when the zone change is effective.

Chair Noennig **opened the public hearing at 6:15 PM** and asked if there was anyone wishing to speak in favor or against **City Appeal Variance #1285**.

Ken Peterson, agent

Properties are non conforming. A zone change is approved but not yet in effect. The owner has applied for a variance for set backs. This is for financing purposes.

Chair Noennig stated this is a unique property because there are so many buildings.

Britt Romain, owner

A safety issue ensued and now it is being brought into conformance so permits can be issued to correct the problem.

OPPOSED

None

Discussion

The public hearing was closed at 6:20 PM.

Member Heinrich made a motion and Member Hagen seconded the motion to approve **City Variance #1285 with conditions listed by Staff.**

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 #1285**, passed 5-0.

Other business: next meeting October 3,2018/Paul Hagen, Mark Noennig -out

The meeting adjourned at 6:23 PM.

ATTEST: DRAFT. To be approved by a motion October 3, 2018.