

CITY BOARD OF ADJUSTMENT

MINUTES June 5, 2019

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

TOTAL NUMBER OF APPLICATIONS 2019	0	0	0	0	0	0	0	0	0	1	1	1	T
	1	2	3	4	5	6	7	8	9	0	1	2	O
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	2	6	6	3	1	5	3	7	4	2	6	4	L
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	2	2	2	2	2	2	2	2	2	2	2	2	
	0	0	0	0	0	0	0	0	0	0	0	0	
	1	1	1	1	1	1	1	1	1	1	1	1	
	9	9	9	9	9	9	9	9	9	9	9	9	
Variance	-	-	-	1	1	2							4

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.

Chair Noennig introduced the City Board of Adjustment members and Planning Department staff.

Attending Staff members are Karen Husman, Planner I and Robbin Bartley, Administrative Support.

Attending: Mary Lou Miller, Clifton Miller, Jacquelyn Kelly, Sharon Limberhand, Wade Kelly

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.

Approval Meeting Minutes

Member Heinrich made a motion for the approval of May 1, 2019 minutes. Member Connell seconded the motion to approve. Minutes were approved by unanimous voice vote 6-0.

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

A 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

Chair 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.

City Variance – #1293 – 4302 Ryan Ave – A variance from Section 27-308 requiring a maximum of 30 % lot coverage to allow 36% for the existing structure and a proposed addition in a Residential - 7000 (R-70) zone, on Block 4, Lot 11 of Orchard Lane Subdivision, a 6,600 square foot parcel of land. The purpose of the variance is to allow the existing structures currently at 33% and a new proposed additional living space of 221 square feet. Tax ID: A12373., City Ward 3

Recommendation:

Staff recommends conditional approval of the proposed variance.

Staff proposes the following conditions of approval:

1. The variance from 27-308 requiring a maximum lot coverage of 30% to allow a maximum lot coverage of 36% based on the lot area of 6,600 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 11, Block 4, Orchard Lane Subdivision, 2nd filing, generally located at 4302 Ryan Ave.
3. The applicant will submit a building permit application within six months of Board approval.
4. Construction will be completed within eighteen months of variance approval.
5. There will be no construction activity before 7 am or after 8 pm.
6. Failure to start or complete actions required in this approval will void the variance.
7. 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.

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:

Member Heinrich asked if any objections had been received. No correspondence was received from the surrounding property owners.

Chair Noennig **opened the public hearing at 6:08PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1293**.

Jacquelyn Kelly, 4302 Ryan Ave, owner

Ms. Kelly needs additional living space, a bedroom, Her 90 year old mother is coming to stay. No access will be restricted. Stevens Lane is not maintained.

Close hearing 6:11pm

Member Bollman made a motion to approve and Member Connekk seconded the motion to **approve** **City Variance #1293 with staff recommendations.**

Member	Yes	No	Not Present
David Mitchell			X
Dave Hagstrom	X		
Paul Hagen	X		
Jeff Bollman	X		
Oscar Heinrich	X		
Martin Connell	X		
Mark Noennig	X		

The motion to approve **City Variance #1293**, passed 6-0 with staff recommendations.

City Variance – #1294 – 2229 Burlington Ave –A variance from Section 27-308 requiring a minimum lot size of 7,000 sf to allow minimum lot size of 6,979 sf in a Residential-7000 (R-70) zone, on Lot 8, of amended lots 3 & 4, Arnold Sub 2nd Filing, S06, T01 S, R26 E, an 7,976 sf parcel of land. The purpose of the variance is to allow a lot line relocation for a property to be reduced to 6,979 sf. Tax ID: A02415. City Ward 5.

Recommendation:

Staff recommends conditional approval of the proposed variance.

Staff proposes the following conditions of approval:

1. The variance is to allow a minimum lot area of 6,979 square feet. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 8, of amended lots 3 & 4, Arnold Subdivision 2nd Filing, generally located at 2229 Burlington Avenue.
3. The applicant shall meet all other city code requirements with the exception of this variance.
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:

Member Heinrich asked if any complaints had been received. How does this affect things? The site plan would show the setbacks would comply.

Chair Noennig asked how far will the property line be moved. Staff indicated 10 feet.

Chair Noennig **opened the public hearing at 6:19PM** and asked if there was anyone wishing to speak in favor or against **City Variance #1294**.

Cliff Miller, 4615 Palisades Park Drive, owner

Mr. Miller’s father built both houses but did not move the property line. One house is built on the property line. The larger home will be sold and the smaller home will be kept as a rental.

Member Bollman asked if there is a chimney on the west side of the original house. YES

Rebuttal

Close hearing 6:21pm

Member Hagstrom made a motion to approve and Member Hagen seconded the motion to **approve** **City Variance #1294 with staff recommendations.**

Member	Yes	No	Not Present
David Mitchell			X
Dave Hagstrom	X		
Paul Hagen	X		
Jeff Bollman	X		
Oscar Heinrich	X		

Martin Connell	X		
Mark Noennig	X		

The motion to approve **City Variance #1294**, passed 6-0 with staff recommendations.

Other Business:

2 variances next month

Paul Hagen will not attend.

Jeff Bollman will not attend..

The meeting adjourned at 6:25 PM.

ATTEST: APPROVED. by a motion August 7, 2019.

