

**CITY BOARD OF ADJUSTMENT**

MINUTES March 4, 2020

Name	Title	Applications												
		01/01/2020	02/05/2020	03/04/2020	04/01/2020	05/06/2020	06/03/2020	07/01/2020	08/05/2020	09/02/2020	10/07/2020	11/05/2020	12/02/2020	
David Mitchell	Member	-	-	A										
Dave Hagstrom	Member	-	-	1										
Paul Hagen	Member	-	-	1										
Jeff Bollman	Member	-	-	E										
Oscar Heinrich	Member	-	-	E										
Martin Connell	Member	-	-	1										
Mark Noennig	Chair	-	-	1										
<b>TOTAL NUMBER OF APPLICATIONS 2020</b>		<b>01/01/2020</b>	<b>02/05/2020</b>	<b>03/04/2020</b>	<b>04/01/2020</b>	<b>05/06/2020</b>	<b>06/03/2020</b>	<b>07/01/2020</b>	<b>08/05/2020</b>	<b>09/02/2020</b>	<b>10/07/2020</b>	<b>11/05/2020</b>	<b>12/02/2020</b>	<b>TOTAL</b>
<b>Variance</b>		-	-	2										2

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 3<sup>rd</sup> 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 Assistant.

**Attending:**

**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. There was none.

## **Approval of Meeting Minutes**

Meeting minutes for December 4, 2019

## **Motion**

Board Member Hagstrom moved and Board Member Connell seconded the motion to approve the December 4, 2019 minutes. The motion carried with a unanimous voice vote.

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

A form has been implemented for disclosures. If any Member circled yes to a Conflict of Interest or Ex Parte Communication, it will be explained here. There was none.

## **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.

**City Variance 1305 – 1324 O’Malley Dr. –Setback for an Attached Garage** - A variance from Section 27-308 requiring a minimum front setback of 20 feet to allow a 12-foot front setback and requiring a minimum rear setback of 20 feet to allow a 4-foot rear setback in a Residential 9,600 (R-96) zone, on Lots 11 & 12 of Block 1, Carlson Subdivision, a 9,980 square foot parcel of land. The purpose of the variance is to allow the construction of a new attached garage. Previously, the board approved this request under Variance 1284 on November 8, 2018.

## **RECOMMENDATION**

Planning staff has reviewed this application & is recommending conditional approval of Variance #1305. Based on the Determinations for granting a variance.

1. This approval allows a 12’ front setback 4’ rear setback for an attached garage. No other variance.
2. Limited to Lots 11 & 12 of Block 1, Carlson Subdivision generally located at 1324 O’Malley Drive.
3. Submit & obtain a building permit within 1 year/ complete const. within 2. Failure will void the variance.
4. Construction shall be in conformance to the site plan submitted.
5. No construction or demolition activity, prior to 7 am or after 8 pm daily.
6. The applicant shall meet all other requirements.
7. These conditions of variance approval shall run with the land .

## **Questions for staff:**

**None**

## **Discussion**

Chair Noennig called for questions and discussion from the members of the Board

## **Public Hearing**

Chairman Noennig opened the public hearing at 6:10 PM and asked if there was anyone wishing to speak in favor or against City Variance #1305.

**Joel Parker, 1324 O'Malley**

Lives on the site, requesting the variance to setbacks because of pie shaped property.

**Opposed**

**Kelly Holmes,**

Is here on behalf of her parents, she explains this is a business, not a residence. The Affiliated Medical Agency. the property is not used as a residential property. The offices are in the basement. The traffic has increased significantly. The neighbors with children are posting “kids at play” signage to slow traffic. This property is being used in a commercial capacity.

Board member Connell advised Ms. Holmes we are the BOA, you are in the wrong venue for your complaint.

Staff member Nicole Cromwell will refer this complaint to Code Enforcement.

Chair Noennig stated neighbors must be 300 feet from the property line to receive notice

**Rebuttal**

Mr Parker states it is a busy place. Yes, he does insurance. The bulk of my business is done at the Walmart. This is my primary residence.

Chair Noennig asked are you directing people to come to your basement office. Mr. Parker answered “It is possible”.

At 6:24 pm, Chairman Noennig closed the Public Hearing and called for a motion.

**Motion**

Board Member Connell made a motion to and Board Member Hagen seconded the motion to conditionally approve City Variance #1305 with the seven conditions of approval and Findings of Fact

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

The motion to conditionally approve **City Variance #1305 passed** with a unanimous roll call vote.

**City Variance 1306 – Hogan Homestead Sub. Blk. 3, Lot 4B-1 – Height variance for hotel** - A variance from 27-309 requiring a maximum building height of 45 feet to allow 55 feet in a Highway Commercial (HC) zone, on Lot 4B-1, Block 3, Hogan Homestead Subdivision, a 3.5 acre parcel of land. The purpose of the variance is to allow a new four-story hotel.

### **RECOMMENDATION**

Planning staff has reviewed this application & is recommending conditional approval of Variance #1306 based on the Determinations for granting a variance.

1. Variance allow a height of 55' in an HC zone
2. It is limited to Lt 4B-1, Blk. 3, Hogan Homestead Sub.
3. The owner will apply for a building permit within 12 months of Board approval.
4. No construction activity before 7 am or after 8 pm daily.
5. Completion of construction within 6 years of approval
6. The site plan will be modified to show pedestrian connections from the public sidewalk to the interior sidewalks at not more than 300 feet between connection points.
7. Pedestrian crossings of any drive aisle will have pavement markings and signage to alert drivers.
8. The site plan will be modified to show tree plantings along both sides of any sidewalk – public or private
9. Signage on the property or buildings will not exceed 30 feet above grade.
10. Will meet all required codes applicable at the time of Building Permit application.
11. Failure to begin or complete the actions required will void the variance.
12. These conditions of variance approval shall run with the land.

### **Questions for staff:**

None

### **Discussion**

Chair Noennig called for questions and discussion from the members of the Board

### **Public Hearing**

Chairman Noennig opened the public hearing at 6:31 PM and asked if there was anyone wishing to speak in favor or against City Variance #1306.

### **Tim Purit, Simonsen Architect**

There were no letters of opposition

Board member Hagen asked if the old theater will be an event center in conjunction with the Hotel. Mr. Puritt indicatd it will be used in conjunction with the hotel, but different ownership. Chair Noennig asked if the existing theater will be renovated. Yes.

There was none. At 6:35 pm, Chairman Noennig closed the Public Hearing and called for a motion.

**Motion**

Board Member Hagstrom made a motion to conditionally approve and Board Member Hagen seconded the motion to conditionally approve City Variance #1306 with the twelve conditions of approval and Findings of Fact.

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 conditionally approve **City Variance #1306** passed with a unanimous roll call vote.

**Other Business:**

**ADJOURNMENT:** The meeting adjourned at 6:42 PM.

**ATTEST: APPROVED BY UNANIMOUS VOTE MAY 6, 2020.**



*Robbin Bartley, Administrative Assistant.*