

**CITY BOARD OF ADJUSTMENT**

MINUTES August 5, 2020

Name	Title	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	-	1	-	1	E					
Dave Hagstrom	Member	-	-	1	-	1	-	1	1					
Paul Hagen	Member	-	-	1	-	1	-	1	1					
Jeff Bollman	Vice Chair	-	-	E	-	1	-	1	1					
Oscar Heinrich	Member	-	-	E	-	1	-	1	1					
Martin Connell	Member	-	-	1	-	1	-	1	1					
Mark Noennig	Chair	-	-	1	-	1	-	1	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	-	5	-	5	2**					<b>12</b>

\*\*1 Item continued and 1 postponed both from 7/1/2020 meeting.

Chair Noennig called the meeting to order at 6:00 p.m. The City Board of Adjustment met virtually thru Zoom <https://zoom.us/j/95905224215>.

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:** Scott Aspenlieder, Robert Ybarra

**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 July 1, 2020.

## **Motion**

Board Member Heinrich moved and Board Member Hagstrom seconded the motion to approve the July 1, 2020 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.

## **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.

**Continued item City Variance 1313 - City Variance 1313 – 521 Judith Lane – Detached structure size, and height** - A variance from 27-310(i) requiring the side wall height of a detached structure be no greater than the side wall height of the existing residential structure to allow 12-foot side walls, and from 27-310(i) requiring a maximum detached structure footprint of 1,386 square feet to allow maximum footprint of 1,575 square feet in a Residential-7000 (R-70) zone, on Lot 10 and the East ½ of Lot 11, Block 2, Broadmoor Subdivision, a 36,124 square foot parcel of land. The purpose of the variance is to allow construction of a new detached garage. Tax ID: A03255

## **RECOMMENDATION**

Staff is recommending the following conditions for the variance 1313 request;

1. The variance from 27-310(i) to allow 12-foot side walls, and allow maximum footprint of 1,575 square feet in a Residential-7000 zone. The purpose of the variance is to allow construction of a new detached garage. No other variance is intended or implied with this approval.
2. The variance is limited to Lot 10 and the East ½ of Lot 11, Block 2, Broadmoor Subdivision, a 36,124 square foot parcel of land. Any future construction will require compliance with all other zoning regulations and city ordinances that apply at the time of construction or re-construction.
3. The applicant will submit and obtain a building permit for the garage within 1 year of variance approval and have the addition completed within 2 years.
4. The applicant will construct the garage in substantial conformance to the drawings submitted with this variance request.
5. Construction or demolition activity will not occur prior to 7am or after 8pm daily.
6. The applicant shall meet all other city code requirements for the proposed garage with the exception of this variance.
7. Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.
8. 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:** NONE

**Public Hearing**

Chairman Noennig opened the public hearing at 6:09PM and asked if there was anyone wishing to speak in favor or against City Variance 1313.

**Applicant:**

**Robert Ybarro II, 521 Judith Lane**

The intent of the new garage is to keep his investments secure from weather and other theft. This will improve the neighborhood and keep my surroundings neat.

**Favor**

NONE

**Opposed**

NONE

**Discussion**

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

At 6:12PM, Chairman Noennig closed the Public Hearing and called for a motion.

**Motion**

Board Member Heinrich made a motion to and Board Member Hagen seconded the motion to conditionally approve **City Variance 1313** with Staff recommendations.

<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 approve City Variance 1313 passed with a 6-0 vote.**

**Postponed item City Variance 1315 – 1053 Lincoln Lane – Lot area -** A variance from 27-308 requiring a minimum lot size of 19,200 square feet to allow a minimum lot size of 18,290 square feet in a Residential-7000 (R-70) zone, on Parcel F of Certificate of Survey 537 a 18,290 square foot parcel of land. The purpose of the variance is to allow two new duplex structures on the property. Tax ID: D05547

## **RECOMMENDATION**

Planning staff has reviewed this application & is recommending conditional approval of Variance #1315. Based on the Determinations for granting a variance.

1. The variance is to allow a lot area of 18,290 sf to construct a second duplex. No other variance is intended or implied with this approval.
2. Limited to Parcel F of Certificate of Survey 537, generally located at 1053 Lincoln Lane.
3. Shall meet all other code requirements with the exception of this variance.
4. Will be developed in substantial conformance to the site plan submitted.
5. No construction activity prior to 7 a.m. or after 8 p.m. daily.
6. Apply for & receive approval of a building permit within 1 year & complete construction within 2 yrs of BOA approval. Failure will void the variance.
7. Annexation must be completed prior to any construction activity on the property.
8. These conditions shall run with the land described

## **Questions for staff:**

Board member Hagen asked if a letter was received complaining about the fence being too close. Staff replied regarding letters received. There is a complaint regarding persons climbing the fence. Staff reads a letter from Jim Olmhausen. Chairman Noennig asked staff to address the 4 plex comment. Staff replied the approval is not for a 4 plex but for a duplex. R-7000 zoning does not allow a 4 plex. The lot variance is very specific and will allow 2 duplex units.

## **Public Hearing**

Chairman Noennig opened the public hearing at 6:21PM and asked if there was anyone wishing to speak in favor or against City Variance #1315.

## **Applicant:**

Scott Aspenlieder, Performance Engineering

The applicant intends to renovate the existing building.

Member Heinrich asked if there is adequate parking and if the trees will be preserved. Scott replied there will be parking in the garage, the proposed duplex has a 2 car garage. The trees will be kept as much as possible.

Board member Bollman asked if it will be 1 or 2 story. Scott replied the plans have not been made yet, usually the developer builds 1 story units. All height requirements will be met.

## **Favor**

## **Opposed**

Susan Hayes, 1039 Lincoln Lane

Ms. Hayes read a letter into the record written by her parents who are neighbors to this property.

Chairman Noennig closed the public hearing at 6:35PM and called for a motion.

Board member Hagstrom knows of this property and stated it is an extremely blighted. This will be a definite improvement in the area.

**Motion**

Board Member Heinrich made a motion to approve and Board Member Connell seconded the motion to approve **City Variance 1315 with staff recommendations and Finding 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 approve City Variance #1315 passed with a 6-0 vote.**

**Other Business:**

September 2, 2020 meeting, 1 application.

**ADJOURNMENT: The meeting adjourned at 6:38 PM.**

**ATTEST: DRAFT. To be approved by a motion at the next regularly scheduled meeting.  
Robbin Bartley, Administrative Assistant.**