

CITY BOARD OF ADJUSTMENT

MINUTES October 7, 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	11/04/2020	12/02/2020	
David Mitchell	Member	-	-	A	-	1	-	1	E	1	1			
Dave Hagstrom	Member	-	-	1	-	1	-	1	1	E	1			
Paul Hagen	Member	-	-	1	-	1	-	1	1	1	1			
Jeff Bollman	Vice Chair	-	-	E	-	1	-	1	1	1	1			
Oscar Heinrich	Member	-	-	E	-	1	-	1	1	1	1			
Martin Connell	Member	-	-	1	-	1	-	1	1	1	1			
Mark Noennig	Chair	-	-	1	-	1	-	1	1	1	1			
TOTAL NUMBER OF APPLICATIONS 2020		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	11/04/2020	12/02/2020	TOTAL
Variance		-	-	2	-	5	-	5	2**	1	2			15

**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:

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 September 2, 2020.

Motion

Board Member Heinrich moved and Board Member Connell seconded the motion to approve the September 2, 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.

City Variance – 1319 – 4749 Gold Creek Trail – Lot coverage - A variance from Section 27-308 requiring a maximum 30% lot coverage in a Residential – 9600 (R-96) zone to allow 38% on Lot 14, Silver Creek Estates Sub., a 9,600 square foot parcel of land. The purpose of the variance is to allow minimum ADA requirements to build a single level home. Tax ID: A35940

RECOMMENDATION

Planning staff has reviewed this application & is recommending denial of Variance #1319. Based on the Determinations for granting a variance.

Questions for staff:

Board member Heinrich asked about the ADA requirements. Staff deferred to the Applicant. Board member Mitchell inquired as to how Project Re:Code will effect this lot. Staff indicated if the applicant should wait until approved and adopted, the zoning would allow 40% lot coverage. Chair Noennig asked if any public comments had been received. Staff replied an email was received in support from Laura Boyer.

Public Hearing

Chairman Noennig opened the public hearing at 6:12PM and asked if there was anyone wishing to speak in favor or against **City Variance 1319**.

Applicant: Jackie Clement

When the lot was purchased they were not made aware of the 30% lot coverage restriction. They have purchased the building plans for the home of their dreams. It is a one level home with zero entry and accommodating living space. They are being proactive regarding their senior years and retirement. They would like to start building right away.

Board member Heinrich asked what was meant by the ADA requirement. 1 level, no basement. He then asked why the variance is necessary. They wish to use the building plans they purchased.

Board member Hagstrom asked why the real estate agent had not disclosed this restriction and if said realtor is in on this conversation.

Board member Mitchell asked about the current homes built around this lot.

Board member Hagstrom asked why the house plan could not be reduced. To achieve the necessary square footage a basement would be added, applicant does not want a basement.

Board member Bollman asked if they were willing to reduce the footage to comply with the 30 percent restriction.

Board member Hagstrom stated there are larger lots in the same subdivision, have they inquired with the seller to make a change.

Chair Noennig stated the real estate agent knows now.

Favor

Jake Nienaber, Contractor, 4643 Elk Ridge

The Clements do not want a large lot requiring care in their senior years. The home planned is wheelchair accessible, the bathrooms are enlarged, it is one level. The square footage includes all covered areas, garage and patio.

Board member Heinrich asked about the entryway from the garage. It is zero entry.

Opposed

NONE

Discussion

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

Board member Heinrich struggles with the future ADA designation. If they would wait for Re:Code adoption, the variance would be unnecessary.

Chair Noennig stated this is not literally ADA but merely a desire to have a large single level home.

Board member Mitchell suggested they buy additional land or wait for Re:Code adoption.

Board member Connell stated on one hand the variance should be granted because it will be compliant after Re:Code however there is no criteria for allowing this variance.

Chairman Noennig and other staff and board members then explained the withdrawal option to the applicants.

At 6:29PM, Chairman Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Heinrich made a motion and Board Member Bollman seconded the motion to deny **City Variance 1319** with staffs 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 deny City Variance 1319 passed with a 5-2 vote.

City Variance – 1320 – 1119 Pepper Lane – Wall height and size of a detached garage- 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 1,000 square feet to allow maximum footprint of 1,008 square feet in a Residential 7,000 (R-70) zone, on Block 1, Lot 10 & 11 Marilyn Sub., a 8,875 square foot parcel of land. The purpose of the variance is to allow construction of a new detached garage. Tax ID: A10870.

RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of Variance #1320. Based on the Determinations for granting a variance.

1. Variance from 27-310(i) to allow 12-foot side walls, & 27-310(i) to allow maximum footprint of 1,008 square feet in a Residential 7,000 (R-70) zone. To construct a new detached garage. No other variance
2. Limited to Block 1, Lot 10 & 11 Marilyn Sub., a 8,875 square foot parcel of land.
3. will submit & obtain a building permit within 1 year of variance approval & completed within 2 years.
4. 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 7 am or after 8 pm daily.
6. Shall meet all other city code requirements for the proposed garage with the exception of this variance.
7. Failure to begin or complete actions within the time limits set forth shall void this variance.
8. These conditions of variance approval shall run with the land

Questions for staff:

Board member Heinrich asked how many other garages in the area have 12 foot walls, he saw 3 others.

Public Hearing

Chairman Noennig opened the public hearing at 6:51PM and asked if there was anyone wishing to speak in favor or against **City Variance 1320**.

Applicant: Brian Zweegman, 1119 Pepper Lane

He needs the additional height for his truck and camper, it is located in the alley and not blocking.

Favor

NONE

Opposed

NONE

Discussion

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

At 6:53PM, Chairman Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Hagstrom made a motion to and Board Member Mitchell seconded the motion to conditionally approve **City Variance 1320** 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 1320 passed with a 7-0 vote.

Other Business: November meeting will be Wednesday November 4, 2020, there is one item on the agenda.

ADJOURNMENT: The meeting adjourned at 6:56PM.

ATTEST: APPROVED NOVEMBER 4, 2020.

Robbin Bartley, Administrative Assistant.

