

CITY BOARD OF ADJUSTMENT

MINUTES May 5, 2021

| Name | Title | 2021 | | | | | | | | | | | | |
|--|------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|--------------|
| | | 01/06/2021 | 02/03/2021 | 03/03/2021 | 04/07/2021 | 05/05/2021 | 06/02/2021 | 07/07/2021 | 08/04/2021 | 09/01/2021 | 10/06/2021 | 11/03/2021 | 12/01/2021 | |
| David Mitchell | Member | 1 | E | 1 | - | 1 | | | | | | | | |
| Dave Hagstrom | Member | 1 | | 1 | - | 1 | | | | | | | | |
| Paul Hagen | Member | 1 | 1 | 1 | - | 1 | | | | | | | | |
| Jeff Bollman | Vice Chair | 1 | 1 | 1 | - | 1 | | | | | | | | |
| Oscar Heinrich | Member | 1 | 1 | E | - | 1 | | | | | | | | |
| Martin Connell | Member | 1 | 1 | E | - | 1 | | | | | | | | |
| Mark Noennig | Chair | 1 | 1 | 1 | - | 1 | | | | | | | | |
| TOTAL NUMBER OF APPLICATIONS 2021 | | 01/06/2021 | 02/03/2021 | 03/03/2021 | 04/07/2021 | 05/05/2021 | 06/02/2021 | 07/07/2021 | 08/04/2021 | 09/01/2021 | 10/06/2021 | 11/03/2021 | 12/01/2021 | TOTAL |
| Variance | | 4 | 5* | 1 | - | 1 | | | | | | | | 11 |

One return Variance from January 6, 2021 meeting.

Chair Noennig called the meeting to order at 6:11 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: Jeff Aspenlieder, Jeff Essman

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 January 6, 2021 and February 3, 2021 and March 3, 2021.

Board member Mitchell motioned for approval of the January 6, 2021 minutes, Board member Hagen seconded. Approved by unanimous voice vote.

Board member Hagstrom motioned for approval of the February 3, 2021 minutes, Board member Bollman seconded. Approved by unanimous voice vote.

Board member Hagen motioned for approval of the March 3, 2021 minutes, Board member Mitchell seconded. Approved by unanimous voice vote.

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

Board member Hagstrom had no ex parte communications, has no conflicts of interest and visited no sites.

Board member Hagen had no ex parte communications, has no conflicts of interest and visited 1 site.

Vice Chair Bollman had no ex parte communications, has no conflicts of interest and visited no sites.

Board member Connell had no ex parte communications, has no conflicts of interest and visited no sites.

Chairman Noennig had no ex parte communications, has no conflicts of interest and visited no sites.

Board member Mitchell had no ex parte communications, has no conflicts of interest and visited no sites.

Board member Heinrich had no ex parte communications, has no conflicts and visited 1 site.

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 1331 – Intersection of Santiago Blvd and Blue Creek Rd – Build-to area - A variance from Section 27-406 requiring a Front Build-To zone of 5 to 20 feet to allow an 80-foot setback from the front property line on Blue Creek road to accommodate a Floodplain Boundary for a new 5,400 square-foot commercial structure in a Corridor Mixed Use 1 (CMU1) zone, on Lot 1 of Essman Subdivision, an 27,907 square-foot parcel of land. The purpose of the variance is to allow a new building outside of the Floodplain Boundary. Tax ID: D01951A

RECOMMENDATION

The Planning staff is recommending conditional approval and adoption of the findings of the variance criteria for this application.

Planning Staff is recommending the following conditions of approval:

1. The variance is limited to Lot I of Essman Subdivision generally located on the northeast corner of the intersection of Blue Creek Road and Santiago Boulevard.
2. The variance is from Section 27-406 requiring a maximum setback of 20 feet from the front property line - Blue Creek Road - to allow a maximum setback of 80 feet from the front property line. No other variance is intended or implied.
3. The applicant or developer will install 8 street frontage trees along the Blue Creek Rd property line and 5 street frontage trees along Santiago Blvd. No evergreen trees may be used in these locations. All other minimum requirements of the Landscaping regulations (Section 27-1300) shall be met.
4. All outdoor lighting, with the exception of signage, shall have full cutoff shields so no part of the fixture or lens projects below the cutoff shield. Light pole standards must be 15 feet in height or less. Height includes the fixture, the base and the supporting pole.
5. No fascia on the building or canopy may be internally illuminated.
6. There shall be no construction activity prior to 7 am or after 8 pm daily.
7. The applicant/developer shall apply for a building permit within 12 months of Board approval and complete the development within 3 years of Board approval. Completion includes all buildings, landscaping, parking and other site structures and amenities.
8. Failure to begin or complete the project according to the time periods within this approval will void the variance.
9. 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:

Board member Mitchell asked if this property is outside the City limits. Staff replied, no, it is very close to the outskirts.

Board member Bollman inquired about conditions 3, 4 and 5. Is that different than what is allowed in the new zoning regulations? Why are those conditions? Staff replied the street trees are required as listed, it is an added condition as a reminder of requirements for street frontage. The cut off shields and fascia would not normally apply so for a variance of this type this would be an appropriate condition.

Chair Noennig asked if the applicant was in agreeance with the conditions. Staff said she has not heard from them regarding the conditions.

Chair Noennig asked for clarification on the 80 foot verses 20 foot maximum setback requirement. The new code addressed the issue of bringing the buildings to the street.

Public Hearing

Chair Noennig opened the public hearing at 6:26PM and asked if there was anyone wishing to speak in favor or against **City Variance 1331**.

Applicant: Scott Aspenlieder, agent

Scott Aspenlieder explained the variance requested was to address the flood plain issues. He thinks the additional tree requirements is going to be confusing. Let's just meet the code.

Board member Heinrich asked who is going to be confused by the conditions.

Staff clarified the additional tree requirements.

Jeff Essman, 3130 McMasters

He explained he built the water station at this location. Blue Creek is a slow developing area. I am just now putting a building on this site. He would like condition #3 removed completely. It is challenging to grow trees in this area. The soil is clay.

Board member Hagstrom asked about the storage units in the area and how many trees were required there. Staff replied the project was built well before the new landscaping code. The previous code had no tree requirements.

Favor

NONE

Opposed

NONE

Discussion

At 6:21PM, Chair Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Bollman made a motion and Board Member Connell seconded the motion to approve **City Variance 1331**, with staff recommendations and removing condition #3 and changing condition #7 from 12 to 24 months.

| MEMBER | YES | NO | ABSTAINED | 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 1331 passed with a 7-0 vote.

Other Business: No June meeting.

ADJOURNMENT: The meeting adjourned at 6:51PM.

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