

CITY BOARD OF ADJUSTMENT

MINUTES July 7, 2021

Name	Title	Applications												
		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	-	E						
Dave Hagstrom	Member	1		1	-	1	-	1						
Paul Hagen	Member	1	1	1	-	1	-	1						
Jeff Bollman	Vice Chair	1	1	1	-	1	-	1						
Oscar Heinrich	Member	1	1	E	-	1	-	E						
Martin Connell	Member	1	1	E	-	1	-	1						
Mark Noennig	Chair	1	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	-	2						13

One return Variance from January 6, 2021 meeting.

Chair Noennig called the meeting to order at 6:05 p.m.

Nicole Cromwell introduced the City Board of Adjustment members and Planning Department staff. Attending Staff members are Nicole Cromwell, Zoning Coordinator and Robbin Bartley, Administrative Assistant.

Attending: Shawna Olson, Scott Atwood, Monty Braunstadter, Dave Mehling, Lorri Hurry, JW Papez, Davis Rand

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 May 5, 2021.

Board member Hagstrom motioned for approval of the May 5, 2021 minutes, Board member Bollman seconded. Approved by unanimous voice vote.

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

Board member Hagstrom had no exparte communications, has no conflicts of interest and visited 1 site.

Board member Hagen had no exparte communications, has no conflicts of interest and visited 2 sites.

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

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

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

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.

Variance 1332 - Reda Lane - width of ground floor dwelling units - This is a variance request to one of the new zone district requirements for the Mixed Residential zones that limits the width of ground-floor units to 16 feet. The unit width requirement was intended to guide development to a denser multi-family pattern with multi-story buildings rather than single-story side-by-side apartments. Choosing the maximum ground-floor unit width was a starting point. Planning staff is monitoring this provision as implementation of the new code moves forward. We believe we will need to modify this code provision.

RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of **Variance 1332** based on the proposed findings of the review criteria.

Planning Staff is recommending the following conditions of approval:

1. Limited to this legally described lot
2. To allow a 24-ft maximum ground floor unit width
3. Install 3 street trees along Reda Lane, minimum planting bed width of 10 feet, no turf grass allowed. Meet all other landscape code requirements.
4. Full cut-off shields on all outdoor lighting
5. B1 bufferyard on south and west property lines with 1 tree/70 linear feet
6. No construction before 7 am or after 8 pm
7. Apply for building permit within 12 months; complete project within 3 years
8. Failure to begin or complete shall void the variance
9. Conditions will run with the land

Questions for staff: Board member Bollman asked about the maximum length requirement. Are both dimensions required. Staff replied the current reading of the table is this understanding. A 16 foot maximum width on ground floor units is required, side by side units 172 feet. This is a part of the code that requires watching and figure out if it is working or needs to be edited out.

Chair Noennig stated it seems inconsistent depending on if they are townhome styles or stacked. Chair Noennig asked if the tree requirements listed here are different from the current landscaping requirements. Staff replied the 3 trees indicated is the current code requirement for the street length. The condition listed is to reiterate the code.

Public Hearing

Chair Noennig opened the public hearing at 6:21PM and asked if there was anyone wishing to speak in favor or against **City Variance 1332**.

Applicant: JW Papez, agent, 5420 Molo Rd

He has been working with the developer on this project. Since Re:Code the project needed new considerations.

James Wilson, 17270 Apache Ct

Favor

NONE

Opposed

Shawna Olson

Discussion

At 6:43 PM, Chair Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Bollman made a motion and Board Member Hagstrom seconded the motion to approve **City Variance 1332**, with staff recommendations.

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 1332 passed with a 5-0 vote.

Variance 1334 - 2910 3rd Ave S - reduce front build-to area from 5 feet to 0 feet for an addition on an existing building at 2910 3rd Ave S. in a Neighborhood Mixed Use (NMU) zone district.

RECOMMENDATION

Planning staff has reviewed this application & is recommending conditional approval of Variance 1334 based on the proposed findings of the review criteria.

Planning Staff is recommending the following conditions of approval:

1. Limited to this legally described lot
2. To allow a 0-ft setback on S 29th St.
3. Install 1 street tree on 3rd Ave S.
4. Full cut-off shields on all outdoor lighting
5. Follow all applicable section of 27-403.L – Neighborhood Manners
6. No construction before 7 am or after 8 pm
7. Apply for building permit within 12 months; complete project within 3 years
8. Failure to begin or complete shall void the variance
9. Conditions will run with the land.

Questions for staff:

Public Hearing

Chair Noennig opened the public hearing at 6:53PM and asked if there was anyone wishing to speak in favor or against **City Variance 1334**.

Applicant: Scott Atwood, 207 Yellowstone
Dave Brand, 2910 3rd Ave S.

Favor
NONE

Opposed
NONE

Discussion

At 6:57PM, Chair Noennig closed the Public Hearing and called for a motion.

Motion

Board Member Hagstrom made a motion and Board Member Connell seconded the motion to approve **City Variance 1334**, with staff recommendations & conditions.

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 1334 passed with a 5-0 vote.

Other Business: August meeting, 2 Variances for consideration.

ADJOURNMENT: The meeting adjourned at 7:00PM.

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