

CITY BOARD OF ADJUSTMENT
MINUTES June 7, 2023

Name	Title	2023												TOTAL
		01/04/2023	02/01/2023	03/01/2023	04/05/2023	05/03/2023	06/07/2023	07/05/2023	08/02/2023	09/06/2023	10/04/2023	11/01/2023	12/06/2023	
David Mitchell	Member	1	E	-	R	E	S	I	G	N	E	D	-	
Dave Hagstrom	Member	1	1	1	1	-	1							
George Warmer	Member	E	1	1	1	-	E							
Jeff Bollman	Vice Chair	1	1	E	E	-	1							
Oscar Heinrich	Chair	Z	1	1	Z	-	1							
Chris Hayes	Member	1	E	1	1	-	1							
Josh Sayer	Member	1	1	1	1	-	1							
TOTAL NUMBER OF APPLICATIONS 2023		01/04/2023	02/01/2023	03/01/2023	04/05/2023	05/03/2023	06/07/2023	07/05/2023	08/02/2023	09/06/2023	10/04/2023	11/01/2023	12/06/2023	TOTAL
Variance		1	4	3	4*	-	2							13
Appeal					1	-								1

* Returning variance

Chair Heinrich called the meeting to order at 6:00p.m.

Chair Heinrich 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: Mitch Bucsis, Lisa, Bucsis, Scott Aspenlieder, Marla Reed, Jim Wooljhuud, Tim Hayes

Public Comment

Chair Heinrich opened the public comment period and asked if there was anyone wishing to speak during the public comment portion of the meeting.

Approval of Meeting Minutes

Meeting minutes for April 5, 2023 -APPROVED

Disclosure of Exparte Communications: NONE

Disclosure of Site Visits: HEINRICH ALL

Disclosure of Conflict of Interest: NONE

Public Hearings

City Variance 1366 – 2280 Richards Rd. – Allow a detached accessory structure in the front yard - A variance from Section 27-305, Table 27-300.4 – A.7 (Rear Yard Location for Accessory Building) in a Residential Manufactured Home (RMH) zone, on Lots 23-24 of Lakeview Subdivision, an 11,491 square foot parcel of land. The purpose of the variance is to allow construction of a detached garage in the front yard of the property.

Recommendation:

Planning Staff is recommending conditional approval based on draft findings of the review criteria for variances:

- 1) **There is a hardship with the property** that is not applicable to other lands in the same district. The lot is oddly shaped and narrow with the residential home almost centered. The rear yard is not easily accessible or practical for the placement of a detached garaged.

- 2) **Denying the variance might deprive this owner of similar rights** enjoyed by others in the area. There are other detached structures within the surrounding area, that are in the front or side yard. Granting this variance would be consistent with limitations placed on other lots in the same zoning district.

- 3) **Granting the building location variance will not confer a special privilege to this applicant.** Any variance has the potential to grant a special privilege to an owner. Based on the analysis of the surrounding zoning history, and the existing development pattern in the area, staff does not find the variance to be a special privilege.

- 4) **Granting the variance will be in harmony with the purposes of zoning and growth policy.** Granting of this variance application is compatible with the goals of the 2016 Growth Policy. Allowing continued investment in residential property supports a use that is compatible with the neighborhood. Granting this variance should also be in harmony with the general purpose and intent of the Zoning Regulations.

Section 27-1627.E

Planning staff recommends the following conditions:

1. This approval is to allow the placement of a detached garage in a front yard. No other variance is intended or implied.
2. The variance is limited to Lots 23-24 of Lakeview Subdivision, generally located at 2280 Richards Rd.
3. The applicant will apply for and receive approval for a building permit within 6 months and complete construction within 1 year of BOA approval. Failure to meet the time limits of this condition will void the variance.
4. There will be no construction activities before 7 a.m. or after 8 p.m. daily.
5. The applicant shall meet all other city code requirements in place at the time of construction except for the variance granted herein.

6. 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, leaseholders, heirs and assigns.

A time limit for action on the variance shall be prescribed.

See conditions above

No variance may allow a use not otherwise allowed or be inconsistent with other limits on uses in the district.

The proposed use –detached garages are allowed in the district.

Questions for staff: NONE

Public Hearing opened at 6:05 PM

Applicant: NONE

Questions for Applicant:

In Favor: None

Opposed: None

Public Hearing closed at 6:06 PM

Discussion:

Motion

Board Member Sayer made a motion and Board Member Bollman seconded the motion to **approve** the **City Variance 1366 with staff conditions and recommendations.**

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
Vacant				
Dave Hagstrom	X			
George Warmer				X
Jeff Bollman	X			
Oscar Heinrich	X			
Chris Hayes	X			
Josh Sayer	X			

The motion to **approve** City Variance 1366 passed with a 5-0 vote.

Public Hearings

City Variance 1367 – Ping Circle – Allow a a variance from max garage width on the front façade and from the build-to zone - A variance from Sec. 27-305 (Table 27-300.4) from the required Front Build-To zones to allow the front door and living area of a new residence to be more than 50 feet from the front property line, and allow garage entry door width cover more than fifty percent (50%) of the front façade in an N2 zone, on Lots 5, 6, 10 & 11, Block 1, Founders Park Subdivision. These four lots total 35,689 square feet of land. The purpose of the variance is to allow construction of homes on four unique shaped parcels in the Founders Park Sub.

Recommendation:

Planning staff recommends conditional approval of Variance 1367 and adoption of the findings of the review criteria.

Recommended Conditions:

1. The build-to zone variance is limited to Lots 5, 6, 10 & 11, Block 1, Founders Park Subdivision, located on Ping Circle.
2. The variance is from Section 27-305 (Table 27-300.4) requiring a build-to zone range of 10 feet to 20 feet from the front property line to allow a portion of the front facade of the new residences to be more than 50 feet from the front property line in an N2 district. No other variance is intended or implied.
3. The structure will be built in substantial conformance to the site drawings submitted with this variance request.
4. Construction activity will not occur prior to 7 am or after 8 pm daily.
5. The applicant/developer shall apply for the first building permit within six months of Board approval and complete construction of the first unit within one year of Board approval.
6. Failure to begin or complete the project according to the time periods within this approval will void the variance.
7. The applicant shall meet all other city code requirements for the proposed single family homes, with the exception of 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, leaseholders, heirs and assigns.

Questions for staff: NONE

Public Hearing opened at 6:16 PM

Applicant: Scott Aspenlieder, PEC, Agent
Triangular lots have difficulty meeting code

Questions for Applicant: NONE

In Favor: NONE

Opposed: NONE

Public Hearing closed at 6:23 PM

Discussion:

Motion

Board Member Bollman made a motion and Board Member Hagstrom seconded the motion to **approve City Variance 1367 with staff findings and recommendations, AMENDING #2, TO INCLUDE GARAGE ENTRY DOOR MORE THAN 50% OF FRONT, AND AMEND #5, PERMITS IN 6 MONTHS, FINISHED IN 10 YEARS.**

MEMBER	YES	NO	ABSTAINED	NOT PRESENT
Vacant				
Dave Hagstrom	X			
George Warmer				X
Jeff Bollman	X			
Oscar Heinrich	X			
Chris Hayes	X			
Josh Sayer	X			

The motion to approve City Variance 1367 passed with a 5-0 vote.

Other Business: NO MEETING IN JULY 2023

ADJOURNMENT: The meeting adjourned at 6:27 PM.

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