

Minutes of Meeting Zoning Board of Adjustment Regular Meeting

June 7, 2023

ROLL CALL: Board members present: Billingsley, Birkenholz, Hanson, Otto,
Board members absent: Rossow

STAFF PRESENT: Brian Dunkelberger, City Planner
Melvin Duncan, Building Official
Craig Armstrong, Development Specialist

A quorum being present, Chair Rossow called the meeting to order at 4:32 PM

Minutes

The Board reviewed the minutes of the previous meeting from May 3, 2023. **Motion** by Billingsley, **seconded** by Birkenholz to approve the minutes as written. **Voice vote:** approved, 4-0.

Public Hearing

- A. CU23-2: Addition to an accessory building with a footprint exceeding 1,000 sq. ft. at 710 E. 20th St. S. Scott Walker, applicant.

Dunkelberger reviewed the prepared staff report and shared maps and images of the subject property along with a plot plan provided by the applicant. Dunkelberger shared that no comments or questions were submitted by neighbors or residents in advance of the meeting.

Joe Kent, owner of 708 E. 20th St. S., shared that he had previous conversations with the applicant about a land “swap” to allow for the project, but he had not heard from him recently about the project. He confirmed that he would be willing to sit down to discuss the matter further, but was confused why he received the meeting notice. Dunkelberger shared that the conditional use permit was the first step in a sequence of actions needed for the project. If approved, the applicant would need to confirm the transaction with Mr. Kent and then involve the services of a professional land surveyor. If and after that was approved, then a building permit application could be submitted. Discussion about the project ensued.

Hearing no additional questions or comments, Vice Chair Otto called for a motion to close the public hearing.

Motion by Billingsley, **seconded** by Hanson. **Voice vote:** Approved 4-0.

Otto expressed support for the conditional use permit application with the understanding that the applicant would follow the appropriate procedures and acquire the necessary approvals. Recognizing that no neighborhood opposition was presented before or at the meeting and since the approval only represented a proposed use of the land, she felt that the criteria for granting conditional use permits was satisfied. Billingsley concurred and stated that at this point, an approved conditional use permit represented a theoretical project and did not guarantee anything would happen in the immediate future. Birkenholz shared that with the location being in the rear yard and difficult to see from the public right-of-way, there would also be minimal aesthetic impacts to the neighborhood.

Motion by Birkenholz to approve CU23-2: a conditional use permit application authorizing an accessory building addition with a footprint exceeding 1,000 sq. ft. with the understanding that all subsequent requirements would be satisfied, **seconded** by Billingsley. **Roll call vote:** Approved 4-0.

B. V23-3: 6' privacy fence in front yard at 905 S. 6th Ave. W. Wayne & Jennifer Mann, applicant.

Dunkelberger reviewed the prepared staff report and shared maps and images of the fence panel and subject property. Billingsley asked about past approved fence variances and inquired about the location of the fence. Dunkelberger answered. Dunkelberger also reviewed a submitted comment received via email on 6/6/2023 from Barb Versteegh. In summary, her email described frustrations and displeasure with the applicants but did not oppose the fence panel.

Wayne Mann, applicant, spoke about the situation and provided additional historical context regarding the two properties. He described their family's desire to use the fence panel to serve as a physical separation on the shared drive between his property and the property to the south. Considering the concrete surface, no natural options such as plantings were a viable option. Mann described the fence panel as high-end and felt that it does not diminish the neighborhood, nor was there any opposition from the neighborhood. He then provided the Board additional photos and a petition from the neighborhood with 11 signatures. He and his wife could have acquired more but stopped when they had more than 50% of those who received a notice about the meeting.

Birkenholz shared that she liked the appearance of the fence and felt the panel does not pose a problem in terms of traffic safety. Hanson agreed. Discussion about front yards on corner lots (double frontages) and fence regulations.

Hearing no additional questions or comments, Vice Chair Otto called for a motion to close the public hearing.

Motion by Birkenholz, **seconded** by Billingsley. **Voice vote:** Approved 4-0.

Discussion about front yards on corner lots (double frontages) and fence regulations. Billingsley appreciated the photos provided. Otto recognized the unique hardship with the shared drive and double frontages and felt the answers provided were sufficient. Birkenholz agreed and believed the answers provided were sufficient and had no issue with the fence panel.

Motion by Birkenholz to approve the V23-3: a variance application authorizing a 6' privacy fence panel to remain in the front (east) yard of 905 S. 6th Ave. W. at its current location, **seconded** by Billingsley. **Roll call vote:** Approved 4-0.

C. CU23-3: 30' x 40' cold storage building at 4221 S. 22nd Ave. E. Scott Shover, applicant.

Dunkelberger reviewed the prepared staff report and shared maps and images of the subject property along with a plot plan provided by the applicant. Dunkelberger shared that no comments or questions were submitted by neighbors or residents in advance of the meeting.

Otto stated that she felt comfortable with supporting the application given the fact that no opposition was presented before or during the meeting and with staff support. Billingsley asked about the potential downside or implications of approval. Dunkelberger described how the area was a gateway to the community and this property could serve as a "first impression" for visitors and tourists. Aesthetic impacts and compatibility with the intent of the C-T: Tourism-Oriented Commercial zoning district were considerations. However, the property is well-maintained.

Scott Shover, applicant, provided additional information about the accessory storage building and shared that it would substantially match the appearance of the primary building. They intended to store trailers, equipment, and materials inside and it would also benefit their company considering the added security with everything stored inside rather than outside as it is currently.

Hearing no additional questions or comments, Vice Chair Otto called for a motion to close the public hearing. **Motion** by Birkenholz, **seconded** by Billingsley. **Voice vote:** Approved 4-0.

Otto articulated how she felt aesthetic concerns were addressed by the applicant, and if anything, erecting the additional structure will provide a more aesthetically pleasing and safer way of storing equipment they need so she had no issues with approving the conditional use permit. Billingsley agreed and expressed support. He shared that the accessory building was a better option than storing everything outside which could look like a junkyard.

Motion by Birkenholz to approve CU23-3: a conditional use permit application authorizing a 30' x 40' cold storage accessory building at 4221 S. 22nd Ave. E., **seconded** by Hanson. **Roll call vote:** Approved 4-0.

Old Business

None.

New Business

None.

Motion by Birkenholz to adjourn the meeting, **seconded** by Billingsley. **Voice Vote:** approved, 4-0. The meeting was adjourned at 5:17 PM.