

CITY BOARD OF ADJUSTMENT

MINUTES: August 6, 2008

Leon Pattyn, Chairman called the meeting to order at 6:00 p.m. The City Board of Adjustment met in the City Council Chambers.

Name	Title	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08
Leon Pattyn	Chairman	Cancelled	1	A	1	1	1	Cancelled	1				
Barbara Walborn	Boardmember		1	A	1	1	A		1				
Lyn McKinney	Boardmember		1	A	1	A	1		1				
Troy Boucher	Vice Chair		1	1	1	1	A		A				
Daniel Eggen	Boardmember		A	1	1	1	1		A				
Brent Nelson	Boardmember		1	1	A	A	1		A				
Paul Cox	Boardmember		1	1	1	A	1		1				

TOTAL NUMBER OF APPLICATIONS 2008	01/03/08	02/06/08	03/06/08	04/02/08	05/02/08	06/04/08	07/02/08	08/06/08	09/03/08	10/08/08	11/06/08	12/03/08	TOTAL
Variance	0	2	2	2	2	2	3	3					

Chairman Pattyn asked Nicole Cromwell, Zoning Coordinator to introduce the City Board of Adjustment Members and Planning Department Staff. The following staff was in attendance:

Nicole Cromwell, Planner II/Zoning Coordinator

Dave Green, Planner I

Elizabeth Allen, Planning Clerk

Public Comment:

There were none.

Approval of minutes:

On a motion by Boardmember McKinney, seconded by Boardmember Cox and approved with a 4-0 voice vote the minutes of June 4, 2008 were approved.

PUBLIC HEARINGS:

Chairman Pattyn asked Ms. Cromwell to read the determinations for granting a variance as well as review the rules for the procedure by which the public hearings will be conducted.

Ms. Cromwell reviewed the procedures by which the meeting is conducted. She read the determinations for granting a variance.

Public Hearing:

Item #1: - **City Variance #1030 – 1407 Lake Elmo Road** - A variance from BMCC 27-308 requiring a maximum 30% lot coverage to allow a maximum of 32% lot coverage to allow the construction of an addition to an existing single family home on Lot 15, Block 3 Arrowhead Subdivision in a Residential 7,000 (R-70) zone. Tax ID: A02571. David Harris is the owner.

*The board could not hear this variance because they did not have a quorum. **Boardmember Walborn** recused herself from discussing this variance because she has a conflict of interest.*

Discussion:

Item #2: **City Variance #1031 – 2203 Dallas Drive** - A variance from BMCC 27-308 requiring a minimum 5 foot side yard setback to allow a 2 foot side yard setback to re-construct an attached carport on Lot 7 and the East 3 feet of Lot 8 of Block 9, Central Heights Subdivision 5th Filing in a Residential 7,000 (R-70) zone. Tax ID: A04701. Gregory and Dianne Capron are the owners.

Ms. Cromwell read the legal description and **Dave Green** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. He said staff is forwarding a recommendation of conditional approval.

Discussion:

Boardmember Pattyn asked if the car port will be open or closed. Dave stated that it will have a solid wall.

Applicant:

Greg Capron, 2203 Dallas Drive, they are not sure if the fire wall will allow for the carport will be able to be constructed in a useful way because it will be so narrow.

Proponents:

Tom Frisbi, 2169 Dallas Dr, the Capron's have continued to add value to their property over the past years and they have made the neighborhood a better place to live. He would like to see the variance approved.

Opponents:

Rebuttal:

The public hearing closed at 6:16 p.m.

Motion:

On a motion by Boardmember McKinney, seconded by Boardmember Walborn and approved with a 4-0 voice vote, Variance #1031 was approved with the following conditions:

1. The applicant must secure a building permit for the carport by February 6, 2009
2. The applicant must construct the carport no closer than 2 feet from the side property line as requested by the variance application
3. A one hour fire wall must be constructed from grade though the roof of the new structure.
4. Only a 4 inch drip edge will be allowed along the east side of the structure and a rain gutter with downspout must be installed to direct drainage on to the subject property.

Motion:

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn	X			
Barbara Walborn	X			
Lyn McKinney	X			
Troy Boucher				X
Daniel Eggen				X
Brent Nelson				X
Paul Cox	X			

Discussion:

Boardmember Pattyn asked if there is any way to get around the need for a fire wall. **Ms. Cromwell** stated that the authority for that lies with Building Official.

Item #3: - City Variance #1032

Ms. Cromwell read the legal description and **Dave Green** reviewed the staff report with an overhead PowerPoint presentation for the audience and reviewed the surrounding properties while explaining the existing zoning of the subject property. He said staff is forwarding a recommendation of approval.

Discussion:

Boardmember Pattyn asked if this property is being taxed as a commercial property. **Ms. Cromwell** stated that this property is taxed as a single family residential. They do pay the fees for garbage, street and other utilities as a triplex.

Applicant:

Mike Frigon, 215 Wyoming Ave, they would like to refinance the home to put in rain gutters and egress windows. They have put a lot of work into the property. They would ask for the variance to be approved.

Proponents:

Opponents:

Rebuttal:

The public hearing closed at 6:26 p.m.

Motion:

On a motion by Boardmember Cox, seconded by Boardmember Walborn and approved with a 4-0 voice vote Variance #1032 was approved.

Motion:

Boardmember	Yes	No	Abstain	Not Present
Leon Pattyn	X			
Barbara Walborn	X			
Lyn McKinney	X			
Troy Boucher				X
Daniel Eggen				X
Brent Nelson				X
Paul Cox	X			

Discussion:

Other Business:

Adjournment:

The meeting was adjourned at 6:39 p.m.

Leon Pattyn, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk