

CITY BOARD OF ADJUSTMENT

MINUTES: April 2, 2008

Leon Pattyn, Chairman called the meeting to order at 6:02 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								
Barbara Walborn	Boardmember		1	A	1								
Lyn McKinney	Boardmember		1	A	1								
Troy Boucher	Vice Chair		1	1	1								
Daniel Eggen	Boardmember		A	1	1								
Brent Nelson	Boardmember		1	1	A								
Paul Cox	Boardmember		1	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									

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
 Aura Lindstrand, Planner II/Subdivision Coordinator
 Elizabeth Allen, Planning Clerk

Public Comment:

There were none.

Boardmember Walborn arrived at 6:03 p.m.

Approval of minutes:

On a motion by Boardmember Eggen, and approved with a 6-0 voice vote the minutes of March 6, 2008 were approved with the following corrections:

Add to the title of Major

Add to the proponents for the Conoco variance

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 #1025 – 1430 Lynn Avenue - A variance from BMCC 27-309 requiring a minimum lot size of 10,000 square feet for a four-plex multifamily dwelling to allow a lot size of 7,482 square feet for an existing four-plex multifamily dwelling in a Residential 6,000 (R-60) zone on Lot 6 and the West 11.77 feet of Lot 5, Block 3 of Laird Subdivision. Tax ID A09979. Kenneth & Cynthia Petersen are the owners.

Ms. Cromwell read the legal description and **Aura Lindstrand** 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. She said staff is forwarding a recommendation of approval.

Discussion:

Proponents:

Kenneth Petersen, 230 Foster, they would like to sell the property and they lost a potential buyer for this property because they are not in compliance with zoning and they are unable to receive financing.

Ken Brannon, agent for the buyer of the property and for Mr. Petersen. They do have a potential buyer for this property but they are unable to finance the property because it is not in compliance with zoning. This property fits in well with the surrounding properties which are also 4-plexes.

Opponents:

Rebuttal:

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

Motion:

On a motion by Boardmember Cox, seconded by Boardmember McKinney and approved with a 6-0 voice vote Variance #1025 was approved.

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 Boucher asked if it is possible for planning to issue a rebuild letter for this property without a variance.

Ms. Cromwell stated that planning cannot issue a letter because it is not in compliance with zoning.

Item #2: City Variance #1026 – 2900 & 3038 Central Avenue - A variance from BMCC 27-310(i)1. requiring a 3 foot side setback for detached accessory structures to allow a zero side setback for a proposed detached garage on the southern 3.4 acres of Tract 1B C/S 2991 and the southern 3.4 acres of Tract 1C of C/S 2991 in a Residential Multi-family-Restricted (RMF-R) zone. Tax IDs D12498 & D12499. Legacy Homes and Lydia Kramer Real Estate Management Trust are the owners and Engineering, Inc. is the agent.

Ms. Cromwell read the legal description and **Aura Lindstrand** 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. She said staff is forwarding a recommendation of denial.

Discussion:

Boardmember Eggen asked for clarification on where the garage would sit on the lot.

Ms. Lindstrand clarified.

Boardmember Boucher asked if it would be possible to adjust the property line.

Ms. Lindstrand stated that the properties are owned by different people at this time. They could have a minor boundary line adjustment if the property owners wished to.

Proponents:

Dave Kapstrom, Engineering, Inc. 1300 North Transtech Way, handed out a copy of the site plan to the board. He feels that this is a good variance that makes sense for the development. The mirrored garages will serve the proposed apartment buildings. The site plan may vary a little but they have plans to put in a sanitary sewer. A separation between the garages will provide for a catch all for garbage.

Boardmember Cox asked if the garages would require a fire wall. He also asked if moving the garages out to the set backs would impede the driving lane.

Dave stated that it will have a fire wall and this would impede on the driving lane if moved out.

Miles Egan, representative of the Kramer Family, this would be a difficult property to maintain if they are required to have a setback between the garages. The Kramer family would like to ask that the variance be approved.

George Wormer, Coldwell Banker Commercial, representative of Bill Hanser who will be purchasing tract 1C of C/S 2991, they are planning on creating an upscale complex here with heated garages.

Bill Hanser 2916 Thousand Oaks, they have put a lot of effort into designing a pleasing complex. Having an “alley way” between the garages will collect garbage and look bad when entering the complex. He stated that they are looking at about 24 months before they would begin building.

Opponents:

John Huntington, 247 Danburry Court, is against having a variance for the garages. This apartment complex is too big for the lot that they have and if they took sometime to plan out the site they would be able to fit everything onto the lot.

Rebuttal:

Dave Kapstrom explained that they have tried many different designs for this property and they think that this is the best one.

Boardmember Eggen asked if there will be screening between this property and the property to the south.

Dave stated that they do not have plans to screen at this time.

Boardmember Walborn asked what type of commitment the two land owners have to keep this plan.

The Kramer’s and Bill Hanser have committed to the garage plan and they really feel that this is a good plan. They have worked to address the look of this project for the single family to the south.

Ms. Lindstrand explained that the sewer line hookup is not positive as of right now. They would need to tie into a private sewer.

Miles Egan stated that they do have a verbal commitment from the owner of the private sewer stating that they can hookup to the line.

Ms. Lindstrand stated that the problem is hooking the two together, a public sewer is problematic to connect to private sewer. The public works department is having some trouble with the connection.

Boardmember Boucher asked if the sewer line was a factor in planning’s recommendation of denial.

Ms. Lindstrand stated that it was not.

The public hearing closed at 6:39 p.m.

Motion:

On a motion by Boardmember Cox, seconded by Boardmember Eggen to approve with no conditions was amended and then approved with a 5-1-1 voice vote.

On an amendment to the motion by Boardmember Walborn to require the property be built exactly as the submitted site plan shows on both properties and requiring a building permit be submitted within 24 months, seconded by Boardmember Eggen and approved with a 5-1-1 voice vote.

Amendment:

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			

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 Cox asked for clarification if this variance is for both properties.

Ms. Cromwell stated that it is.

Boardmember Pattyn asked if they would be required to stick to

the sight plan that has been submitted.

Ms. Cromwell stated that they would have to. **Ms. Cromwell** stated that they can build one garage or another.

Boardmember Boucher stated that he cannot support a variance without conditions.

Other Business:

Election of Officers:

On a motion by **Boardmember McKinney**, seconded by **Boardmember Cox** to nominate **Boardmember Pattyn** as chairman

On a motion by **Boardmember Walborn**, seconded by **Boardmember McKinney** to nominate **Boardmember Boucher** as vice chairman

Both motions were approved by a 6-0 voice vote.

Adjournment:

The meeting was adjourned at 7:00 p.m.

Leon Pattyn, Chairman

ATTEST:

Elizabeth Allen, Planning Clerk