

COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF NOVEMBER 6, 2014

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Wessling at 6:41 p.m. on Thursday, November 6, 2014, in the Council Chambers.

Members Present: Chairman Gary Wessling, Commissioners Trish Thorup and Aaron Vande Linde

Members Absent: Teri Spano-Madden

Staff Present: Housing and Zoning Coordinator Cheryl Bennett and Assistant City Attorney Melissa Westervelt

CALL TO ORDER

Chairman Wessling called the meeting to order at 6:41 p.m.

APPROVAL OF THE NOVEMBER 6, 2014, AGENDA

MOTION BY COMMISSIONER VANDE LINDE, SECOND BY COMMISSIONER THORUP, TO APPROVE THE NOVEMBER 6, 2014, AGENDA AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE SEPTEMBER 4, 2014, MEETING MINUTES

Commissioner Thorup noted on page four, paragraph three, last sentence should state "...he was oversees overseas..." and on page eight, paragraph six, first sentence should state, "...and did what he could do to address..."

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER VANDE LINDE, TO APPROVE THE SEPTEMBER 4, 2014, MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

1. CASE PC 14-27V – THOMAS BODEN – 12221 OLIVE STREET – REAR YARD SETBACK

Housing and Zoning Coordinator Cheryl Bennett reviewed the background on the case. She stated the property is a large lot in a subdivision platted in 1984. She stated that the property owner has petitioned to subdivide the property; she noted that the Planning Commission has reviewed the request and recommended approval, subject to the approval of the variances being requested for reduced rear yard setbacks for the existing home and deck. She stated that staff is recommending the variances be granted with the condition that they be granted for the existing home and attached deck only. She explained that if the structure were to be removed, any new structure would need to meet the codes in existence at that time.

Chairman Wessling confirmed that the new lot would meet all the requirements. He also confirmed the condition that if the existing home were to be removed, a new home would need to be built within the codes existing at the time it is constructed.

Chairman Wessling opened the public hearing at 6:47 p.m.

As no one wished to speak, Chairman Wessling closed the public hearing at 6:48 p.m.

Commissioner Vande Linde believed that this item was pretty straightforward.

Chairman Wessling reviewed the variance criteria and the findings included in the staff report.

MOTION BY COMMISSIONER VANDE LINDE, SECOND BY COMMISSIONER THORUP, IN CASE PC 14-27V, TO ADOPT THE FOLLOWING SIX FINDINGS, TO BE ENTERED INTO THE RECORD AS THE FINDINGS OF FACT IN CONFORMANCE WITH CITY CODE SECTION 11-304.9(2):

1. THE GRANTING OF THE VARIANCE WOULD ALLOW THE CREATION OF TWO LOTS THAT MEET THE DIMENSIONAL REQUIREMENTS OF THE LDR2 ZONING DISTRICT AND ARE IN HARMONY WITH OTHER LOTS ON THE BLOCK.
2. THE COMPREHENSIVE PLAN HAS GUIDED THIS AREA AS LOW DENSITY SINGLE FAMILY RESIDENTIAL LOTS AND THE GRANTING OF THE VARIANCE WOULD ALLOW THE CREATION OF LOTS THAT ARE CONSISTENT WITH LOT SIZES IDENTIFIED IN THE COMPREHENSIVE PLAN.
3. TO UTILIZE THE PROPERTY IN A REASONABLE MANNER A LOT SPLIT IS NECESSARY AND, UNLESS THE VARIANCE IS GRANTED, THE LOT SPLIT CANNOT BE APPROVED. THE SUBDIVISION WOULD RESULT IN TWO PARCELS THAT ARE IN CHARACTER WITH THE OTHER LOTS ON 122ND AVENUE NW AND OLIVE STREET.
4. THE VARIANCES REQUESTED ARE THE MINIMUM NEEDED TO SUBDIVIDE THE LOT IN A MANNER THAT IS CONSISTENT WITH THE SUBDIVISION REGULATIONS.
5. THE CONFIGURATION OF THE NORTH PROPERTY LINE IS UNIQUE TO THIS LOT AND CREATES THE CIRCUMSTANCE THAT TRIGGERS THE NEED FOR THE VARIANCES. IF THE NORTH PROPERTY LINE WAS STRAIGHT, AND DID NOT HAVE A JOG, THE DIVIDING LINE COULD BE SHIFTED TO THE EAST WITHOUT RESULTING IN AN IRREGULAR SHAPED LOT, AND THE STRUCTURE ON PARCEL 1 WOULD COMPLY WITH THE SETBACK REQUIREMENTS.
6. THE VARIANCE WOULD NOT ALTER THE CHARACTER OF THE AREA. THE VARIANCE WOULD ALLOW THE SUBDIVISION OF A LARGE LOT INTO TWO PARCELS THAT ARE SIMILAR IN CHARACTER TO THE SURROUNDING LOTS.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER VANDE LINDE, IN CASE PC 14-27V, BASED UPON THE FINDING THAT THE REQUEST MEETS THE REQUIREMENTS OF CITY CODE SECTION 11-304.9(2), STANDARDS FOR APPROVAL FOR GRANTING VARIANCES AS EVIDENCED BY THE SIX FINDINGS OF FACT PREVIOUSLY ADOPTED, TO APPROVE AN EIGHT-FOOT REAR YARD SETBACK VARIANCE FOR THE EXISTING SINGLE-FAMILY STRUCTURE FROM CITY CODE SECTION 11-603.2(12)(a) TO ALLOW THE PROPERTY TO BE SUBDIVIDED INTO TWO SINGLE FAMILY RESIDENTIAL LOTS, SUBJECT TO THE FOLLOWING CONDITION:

1. THE VARIANCE IS GRANTED FOR THE EXISTING SINGLE-FAMILY STRUCTURE ONLY.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER VANDE LINDE, IN CASE PC 14-27V, BASED UPON THE FINDING THAT THE REQUEST MEETS THE REQUIREMENTS OF CITY CODE SECTION 11-304.9(2), STANDARDS FOR APPROVAL FOR GRANTING VARIANCES AS EVIDENCED BY THE SIX FINDINGS OF FACT PREVIOUSLY ADOPTED, TO APPROVE A FOUR-FOOT REAR YARD VARIANCE FOR THE EXISTING ATTACHED DECK FROM CITY CODE SECTION 11-603.2(12)(a) TO ALLOW THE PROPERTY TO BE SUBDIVIDED INTO TWO SINGLE FAMILY RESIDENTIAL LOTS, SUBJECT TO THE FOLLOWING CONDITION:

1. THE VARIANCE IS GRANTED FOR THE EXISTING ATTACHED DECK ONLY.

THE MOTION PASSED UNANIMOUSLY.

2. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER VANDE LINDE, TO ADJOURN THE MEETING AT 7:00 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Amanda Staple
Board of Adjustment and Appeals Secretary