

ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
JUNE 5, 2008

The meeting was called to order at 7:00 p.m., Chairman Nagel presiding.

Members Present: Grabitske, Haggemiller, Kramer, Kreft, Mielke, Chairman Nagel, Pinske, Councilmember Curt Reetz

Members Absent: Hislop

Also Present: P&Z Administrator Cynthia Smith-Strack, Leslee Miller

It was the consensus of the Planning & Zoning Committee that the agenda stood approved with the following addition:

9a) Director's Report.

Motion by Kreft, seconded by Pinske, and passed by unanimous vote to approve the minutes from the May 1, 2008 meeting as presented.

Chairman Nagel recessed the regular meeting to hold a public hearing.

Corner Lot Side Yard Variance: 701 East Main Street

Chairman Nagel called to order the public hearing regarding the corner lot side yard variance request from Leslee Miller, 701 East Main Street. It was noted that the property owner was present. Smith-Strack explained that the property is a corner lot and the property owner would like to construct a 15' x 26' (390 s.f.) addition onto their home. She reviewed the zoning setbacks for corner lots (2 front yards having a depth of not less than 25 feet) and 3-factor test for proving undue hardship. The findings of the hardship test were determined as follows:

The property cannot be put to a reasonable use without the variance.

The property owner proposes a 390 s.f. addition to an existing dwelling to make the dwelling more habitable. The proposed addition cannot be accommodated in the rear yard (larger setback encroachment), interior side yard (existing garage), or the front yard (larger setback encroachment). The existing structure has a foundation 26' long by 21.5' wide for 559 total ground floor s.f. The addition would bring the ground floor area to 949 s.f. The proposed addition will make the existing dwelling more habitable.

The landowner's situation is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property and economic considerations alone cannot create an undue hardship.

The situation is due to circumstances created by the shape of the property, time of dwelling unit construction, and enforcement of different zoning standards. The property is addressed (fronts) on Main Street but the existing structure is oriented toward 7th Avenue. The lot was platted as part of the Original Townsite and then replatted and added to Streissguth's Subdivision. Base lots within the Original Townsite typically measured 50' (wide) by 120' (deep) for total lot area of 6,000 sf. Corner lots, as in the case of the subject parcel, therefore typically faced the longer frontage. Additional residential structures were constructed on lots adjacent to the subject parcel in accordance with less restrictive standards in effect at the time of their construction. The result is that when current zoning regulations are imposed, the subject parcel is prohibited from enjoying the rights commonly afforded to others within the same zoning classification by virtue of

being more in compliance with a required standard (front yard depth) than the others which are allowed an alternate setback requirement.

That the variance, if granted, will not alter the essential character of the locality. This factor generally contemplates whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

If granted the variance will not alter the essential character of the locality. The resulting structure will not be out of place or inconsistent in scale with the surrounding mixed uses. The variance, if granted, will bring the subject structure to the same setback line as existing single family dwellings in the vicinity of the subject property. The lot coverage will be similar to that of adjacent single family residential units.

Smith-Strack read a letter from Roger & Karen Schatz as follows: “Electrical and phone lines go across our home (103 7th Ave. NW) and would like to see this dug in ground, since she is building on”.

Chairman Nagel adjourned the public hearing and reconvened the regular meeting.

Reetz introduced the following resolution and moved for its adoption:

PZ RESOLUTION NO. 6-2008

RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FROM CORNER LOT SETBACK REQUIREMENT FOR 701 WEST MAIN STREET

WHEREAS, Leslee Miller has submitted a request for a variance from Section 5, Subd. 4 (2)(B) of Ordinance 169, the Arlington Zoning Ordinance relating to corner lot street side setback requirements; and

WHEREAS, notice of a public hearing to accept input on the variance request was published in the official newspaper on May 22, 2008 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning and Zoning Committee acting as the Board of Zoning Adjustment conducted a public hearing on the variance request on June 5, 2008 and accepted input on the variance request; and

WHEREAS the Planning Committee has reviewed the variance request and has made the following findings:

1. The property owner proposes a 390 sf addition to an existing dwelling to make the dwelling more habitable. The proposed addition cannot be accommodated in the rear yard (larger setback encroachment), interior side yard (existing garage), or the front yard (larger setback encroachment). The existing structure has a foundation 26’ long by 21.5’ wide for 559 total ground floor s.f. The addition would bring the ground floor area to 949 s.f. The proposed addition will make the existing dwelling more habitable.
2. The situation is due to circumstances created by the shape of the property, time of dwelling unit construction, and enforcement of different zoning standards. The property is addressed (fronts) on Main Street but the existing structure is oriented toward 7th Avenue. The lot was platted as part of the Original Townsite and then replatted and added to Streissguth’s Subdivision. Base lots within the Original Townsite typically measured 50’ (wide) by 120’ (deep) for total lot area of 6,000 sf. Corner lots, as in the case of the subject parcel, therefore typically faced the longer frontage. Additional residential structures were constructed on lots adjacent to the

with living quarters, i.e. garage with living quarters above it). She was not favorable to the idea of a second (detached) dwelling unit on one lot. Various points were discussed in detail about allowing a structure of this type, such as: water and sewer/utilities, height requirement, rental issues, parking, addressing, safety (fire) issues, etc. It was the consensus of the Committee that this would not be permitted, unless the structure would be attached to the primary structure (house).

Discussion was held on changing the dates of the July and August meetings due to holiday and/or vacations. It was the consensus that both meetings would be held one week later (July 10th & August 14th).

Smith-Strack updated the Committee on the Hennen property. Hennen has asked the Council for permission to go to the County with a proposed plat (including an engineered septic system) for the area currently outside city limits. Smith-Strack explained that the City does not have zoning control outside city limits, but because there is an existing Orderly Annexation Agreement between the City and Township, the City has to be notified and give permission for development within the orderly annexed area. She stated that the Council tabled the discussion until their June 16th meeting. She was recommending that the property be annexed into city limits and then it can be developed.

Smith-Strack commented that she has been trying to set up a meeting with Lisa Pfarr (County Auditor) and Darrel Alsleben (Arlington Township Chair) to discuss revising the Orderly Annexation Agreement.

Motion by Grabitske, seconded by Pinske, and passed by unanimous vote to adjourn the meeting at 7:50 p.m.

PZ Adm. Cynthia Smith-Strack

Chairman Lowell Nagel