

ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
JULY 1, 2010

The meeting was called to order at 7:00 p.m. by Chairperson Nagel.

Members Present: Grabitske, Kreft, Mielke, Chairperson Nagel, Pinske, Councilmember Reetz

Members Absent: Haggenmiller

Also Present: PZ Adm. Smith-Strack, Gary St. John, Mike & Julie Scharping

Motion by Reetz, seconded by Pinske, and passed by unanimous vote to approve the agenda as presented.

Motion by Grabitske, seconded by Kreft, and passed by unanimous vote to approve the minutes from the June 3rd meeting as presented.

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

Ordinance 251: B-1 Service Business District Setbacks:

Chairman Nagel called to order the public hearing regarding proposed Ordinance No. 251-An Ordinance Amending Ordinance 169, The Arlington Zoning Ordinance by Replacing Section 7, Subd. 4 (2-4) Relating to Setbacks Within the B-1 Service Business District. Smith-Strack reviewed the current setbacks as: front-60 ft.; side-none, unless has common lot line with a residential district, then 50 ft.; rear-20 ft., unless has common lot line with a residential district, then 50 ft. She stated that several lots within the B-1 District are non-buildable under the current setbacks. It was her recommendation, after reviewing setbacks in surrounding communities, to change the setbacks to: front-30 ft.; side-10 ft. with buffer yard if has a common lot line with a residential district; and rear-20 ft. with a buffer yard if has a common lot line with a residential district. She also defined the term "buffer zone".

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

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 5-2010

**A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE ORDINANCE 251,
AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE
BY REPLACING SECTION 7, SUBD. 4 (2-4) RELATING TO SETBACKS WITHIN THE B-1
SERVICE BUSINESS DISTRICT**

WHEREAS, the City of placed Ordinance 169 into effect several years ago; and

WHEREAS, the Arlington Planning Commission finds a need to update portions of Ordinance 169 relating to setbacks in the B-1 Service Business District; and

WHEREAS, the City of Arlington Planning Commission initiated a amendment Ordinance 169, the Arlington Zoning Ordinance to provide for reduced setbacks within the B-1 Service Business District so as to minimize the number of existing nonconforming structures; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the issue, has compared setback requirements with those in other communities, and has developed text to be included in Ordinance 251; and,

WHEREAS, the Planning Commission held a public hearing following property notice on July 1, 2010; and

WHEREAS, following the public hearing the Planning Commission discussed Ordinance 251.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Arlington hereby recommends the City Council approve Ordinance 251, entitled An Ordinance Amending Ordinance 169, the Arlington Zoning Ordinance by Replacing Section 7, Subd. 4 (2-4) Relating to Setbacks within the B-1 Service Business District.

The motion for the adoption of the foregoing resolution was duly seconded by Grabitske and upon poll being taken thereon the following voted in favor thereof: Grabitske, Kreft, Mielke, Nagel, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Haggemiller.

Adopted by the Planning & Zoning Committee of the City of Arlington this 1st day of July, 2010.

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack
Planning & Zoning Administrator

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

Variance: 703 Horseshoe Drive:

Chairman Nagel called to order the public hearing regarding a request from Gary St. John, 703 Horseshoe Drive, for a variance from the required front yard setback. Smith-Strack stated that St. John was proposing a deck/landing on the front of his house, which would encroach into the setbacks. She reviewed the undue hardship test and recommended approval of the variance based on the following:

- The purpose of the R-1 One and Two Family District is to “provide low density residential areas and restrict incompatible commercial and industrial uses”. The integrity of a residential neighborhood is characterized by its suitability for dwelling unit habitation. Inherent in the concept of suitability for habitation is convenient and safe access to the structure. Without safe and convenient access to the existing structure’s front entry the value of the property for habitation could be impacted which, in turn, could negatively impact the use of the property for dwelling purposes.
- The landowner’s situation is unique to the property as it is a pie shaped lot at the top of a curvilinear street cul-de-sac terminus; the fact there is 25’ right of way from the back of the curb to the property line which is unusually large within the City of Arlington; the fact the lot depth is shallow; and the fact the existing front entry that is being replaced previously encroached onto the setback.
- If granted the variance will not alter the essential character of the locality. The resulting porch/deck/entry the lot is adjacent to a cul-de-sac curve and will not abnormally protrude into a consistent the front yard setback adjacent to a grid-like street pattern. There is abundant volume of boulevard between the proposed porch/deck/entry and the street curb which makes the front yard appear larger than that in other adjacent dwellings.

It was noted that Gary St. John was present and handed out some proposed drawings. It was also noted that Nagel and Kreft did a site visit prior to the meeting. St. John commented that he had talked with the neighbors, who had no objections.

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

Kreft introduced the following resolution and moved for its adoption:

RESOLUTION NO. 4-2010

A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FROM FRONT YARD SETBACK REQUIREMENT FOR 703 HORSESHOE DRIVE, PARCEL #310720050

WHEREAS, Gary St. John has submitted a request for variance from the required front yard setback under Section 5, Subd. 4(2)(a) of the Arlington Zoning Ordinance; and

WHEREAS, the purpose of the variance is to accommodate a 12-foot wide front porch/deck entry for existing structure on the property legally described as Lot 2, Block 1, Matz Trocke First Addition, City of Arlington, Sibley County MN; and

WHEREAS, notice of a public hearing to accept input on the variance request was published in the official newspaper on June 17, 2010 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 July 1, 2010 and accepted input on the variance request; and

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

- The purpose of the R-1 One and Two Family District is to “provide low density residential areas and restrict incompatible commercial and industrial uses”. The integrity of a residential neighborhood is characterized by its suitability for dwelling unit habitation. Inherent in the concept of suitability for habitation is convenient and safe access to the structure. Without safe and convenient access to the existing structure’s front entry the value of the property for habitation could be impacted which, in turn, could negatively impact the use of the property for dwelling purposes.
- The landowner’s situation is unique to the property as it is a pie shaped lot at the top of a curvilinear street cul-de-sac terminus; the fact there is 25’ right of way from the back of the curb to the property line which is unusually large within the City of Arlington; the fact the lot depth is shallow; and the fact the existing front entry that is being replaced previously encroached onto the setback.
- If granted the variance will not alter the essential character of the locality. The resulting porch/deck/entry the lot is adjacent to a cul-de-sac curve and will not abnormally protrude into a consistent the front yard setback adjacent to a grid-like street pattern. There is abundant volume of boulevard between the proposed porch/deck/entry and the street curb which makes the front yard appear larger than that in other adjacent dwellings.

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT: The Planning Commission acting as the Board of Zoning Adjustment does hereby recommend the City Council of the City of Arlington approve a request for a variance to the front yard setback requirement for the property at 703 Horseshoe Drive.

The motion for the adoption of the foregoing resolution was duly seconded by Grabitske and upon poll being taken thereon the following voted in favor thereof: Grabitske, Kreft, Mielke, Nagel, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Haggemiller.

Adopted by the Planning & Zoning Committee of the City of Arlington this 1st day of July, 2010.

Signed: /s/ Lowell Nagel _____
Chairperson Lowell Nagel

Attested: /s/ Cynthia Smith-Strack _____
Planning & Zoning Administrator

It was noted that there was no unfinished business.

Motion by Pinske, seconded by Reetz, and passed by unanimous vote to change the date of the August meeting from the 5th to the 12th.

The June Building Permit Report was not ready in time for the meeting.

Brief discussion was held on fence permits and also people in violation of city ordinance in that they are not applying for the necessary permits and then getting caught after construction starts.

Brief discussion was held on a Supreme Court decision regarding a variance.

Nagel commented that the problem continues to get worse (unsightliness, old appliances, etc.) at the nuisance property discussed at the previous meeting. Smith-Strack commented that a complaint needs to be lodged with the City Administrator. She added that she knows the Police Chief has been to the property and is working on the situation. Concern was also expressed that a daycare is run out of the home.

Motion by Pinske, seconded by Grabitske, and passed by unanimous vote to adjourn the meeting at 7:22 pm.

PZ Adm. Cynthia Smith-Strack

Chairman Lowell Nagel