

**PLANNING & ZONING COMMITTEE MEETING AGENDA
THURSDAY, SEPTEMBER 1, 2011
ARLINGTON COMMUNITY CENTER @ 7:00 P.M.**

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Agenda.
4. Approve the Minutes.
 - A. August 11, 2011.
5. Public Hearings.
 - A. None.
6. Unfinished Business.
 - A. Conditional Use Permit and Variance Requests: Roger and Karen Schatz.
7. New Business.
 - A. Attached garage size limits.
8. Review Building Permit Reports.
9. Other Business.
10. Adjourn.

**ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
SEPTEMBER 1, 2011**

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

Members Present: Haggenmiller, Kreft, Mielke, Pinske
Members Absent: Grabitske, Nagel, Reetz
Also Present: PZ Adm. Smith-Strack, Roger & Karen Schatz

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

Motion by Pinske, seconded by Haggenmiller, and passed by unanimous vote to approve the minutes from the August 11th meeting as presented.

It was noted that there were no public hearings scheduled.

Discussion was held on the proposed Schatz garage. Smith-Strack explained that the City Council had sent this back to the Planning Committee for reconsideration as a smaller size (24x26) attached garage was being contemplated. She stated that a variance was still needed for structural coverage. She added that the encroachment in the rear yard and/or separation between the principal and accessory structures were not applicable any longer, nor was there a need for a CUP as the garage was being attached. It was noted that the structural coverage sought was now 40%. Smith-Strack also reviewed the dimensions of the lot and noted a discrepancy with the front dimensions (with all property pins located). It was noted that a survey of the property had not been done. It was the consensus that the attached concept was a much better one than the detached plan.

Mielke introduced the following resolution and moved for its adoption:

RESOLUTION NO. 10-2011

**A RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FOR AN ATTACHED GARAGE
AT 103 7TH AVENUE NW IN THE CITY OF ARLINGTON**

WHEREAS, Karen and Roger Schatz (Applicants) have submitted a request for a variance and a conditional use permit to allow the construction of a detached garage at 103 7th Avenue NW in the City of Arlington (PID #310324000); and legally described as: *The North 52' of Lot 5, Block 9, Streissguth's Subdivision, City of Arlington*; and

WHEREAS, the Applicants initial request required: (a) a variance to allow additional lot coverage under Section 5, Subd. 4, Subs. 5(E) of the Zoning Ordinance; (b) a variance to allow encroachment into the rear yard setback under Section 5, Subd. 4, Subs. 4(A) and/or to allow the construction of an accessory structure closer than ten feet from a principal structure as required under Section 13, Subd. 6(B) of Ordinance 169; and, (c) a conditional use permit to allow an accessory structure to be greater than 10% of the subject lot size under Section 13, Subd. 6, G of Ordinance 169; and

WHEREAS, notice of a public hearing to accept input on the CUP and variance requests were published in the official newspaper on July 28, 2011 and sent to property owners within 350 feet of the property; and

WHEREAS, the Planning and Zoning Commission conducted individual public hearings on the CUP and variance requests on August 11, 2011; and

WHEREAS, subsequent to consideration by the Planning Commission and a request for more information redirect to the Planning Commission from the City Council, the Applicants have submitted a revised schematic illustrating an attached garage resulting in the need only for a variance for relief of a lot coverage; and

WHEREAS, following discussion on the initial request at the August 11, 2011 meeting the Planning and Zoning Commission approved Resolution 05-2011 recommending the City Council approve the CUP and variance requests conditioned on a number of factors; and

WHEREAS, the Applicants submitted a revised request at the August 15, 2011 Regular meeting of the City Council at which the City Council was to take action on the initial request and subsequent recommendation of the Planning Commission; and

WHEREAS, the City Council declined to take action on the request, returning the request to the Planning Commission for additional review; and

WHEREAS, the Applicants submitted a second revised request on August 22, 2011 illustrating an attached garage meeting all requirements of the Zoning Ordinance with the exception of Section 5, Subd. 4, Subs. 5(E) relating to lot coverage restrictions; and

WHEREAS, the Planning and Zoning Commission has reviewed the variance request and has made the following findings:

1. The proposed project will replace a non-conforming structure (side and rear yard setback encroachment) that has exceeded its useful life, resulting in a positive impact the architectural appearance and functional design of the residential use and site. The proposed attached garage shall meet all setback requirements. All sides of the dwelling and attached garage will have essentially the same or coordinated, harmonious exterior finish materials and treatment.
2. Practical difficulties exist with the subject parcel based on the lot size of 3,900 square feet as compared to a typical base lot of 6,038 sf. The practical difficulty is not the result of action taken by the property owner.
3. The variance request is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE ARLINGTON PLANNING AND ZONING COMMITTEE THAT: The Planning Committee does hereby rescind Resolution PC 05-2011 approved on August 11, 2011 and the Planning Committee does hereby recommend the City Council of the City of Arlington approve a variance to allow the construction of an attached garage at 103 7th Avenue NW subject to the following:

1. The garage shall not exceed 624 square feet in area.
2. No other accessory structures shall be permitted at the subject property.
3. The variance issuance does not excuse the property owner from obtaining required building permits or complying with building code requirements.
4. This variance is in effect for the property at 103 7th Avenue NW and assigned to the current and/or any future owner of the property.
5. If approved a resolution executed by the City Council related to the variance request shall be recorded at the Sibley County Recorder's Office.

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

Adopted by the Planning & Zoning Committee of the City of Arlington this 1st day of September, 2011

Signed: /s/ Lowell Nagel
Chairperson Lowell Nagel

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

Discussion was held on amending the accessory building standards within the zoning ordinance, more specifically limiting an attached garage when being added to an existing principal structure to a percentage of the existing principal structure. Smith-Strack proposed 60%, as this was the same percentage for new construction projects.

Motion by Mielke, seconded by Haggemiller, and passed by unanimous vote to hold a public hearing at the October meeting to consider an amendment to the zoning ordinance regarding accessory structure size limitations.

The August Building Permit Report was not available for the meeting.

Smith-Strack provided an update on the Neisen property on Hwy 5. She stated that the property was in non-compliance again, which he was charged for, along with a probation violation and a trial will be held in October. The property is in foreclosure. It was noted that the property will continue to be charged with a new violation weekly until the property is compliant.

Motion by Mielke, seconded by Pinske, and passed by unanimous vote to adjourn the meeting at 7:25 pm.

PZ Adm. Cynthia Smith-Strack

Vice Chairperson Arden Kreft