

## **OFFICIAL MINUTES**

Acting Chairperson Jeremy Scott called the Board of Adjustment meeting to order on Thursday, September 2, 2021 at 5:00 PM in the Chamber's Room of the City & County Government Center. Members present were Justin Borns via phone, alternate-Matt Chandler, Dustin Edmison, alternate-Jake Russell, and Scott. Absent were George Houtman and Nick Schmeichel. Others present were Community Development Director Mike Struck, City Planner Ryan Miller, Daniel Bielfeldt, Jacob Mills, and Mike Riley.

### **Item #1 – Roll Call**

**Item #2 –** (Edmison / Chandler) Motion to approve the agenda. All present voted aye.  
**MOTION CARRIED.**

**Item #3 –** (Edmison / Russell) Motion to approve the August 19, 2021 minutes. All present voted aye. **MOTION CARRIED.**

**Item #4a** – Daniel Bielfeldt made a request for a variance on Sublots “A” and “B” of Lot 9, Block 10, Morehouse Addition, also known as 928 7<sup>th</sup> Ave. The request was to establish boulevard parking.

(Chandler / Edmison) Motion to approve the variance request. Borns, Edmison, Russell, and Scott voted aye, Chandler voted naye. **MOTION CARRIED.**

**Item #4b** – Prairie Hills LLC made a request for a variance on Block 6 of Prairie Hills Addition specifically pertaining to 806 and 813 Sunflower Road. The request is for reduced front and side yard setbacks. Minimum setbacks in the Residential R-3 Apartment District include seven-foot side yard and twenty-foot front yard setbacks.

(Edmison / Borns) Motion to approve the variance request. All present voted aye. **MOTION CARRIED.**

The meeting was adjourned at 5:40 p.m.

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Ryan Miller  
City Planner

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Jeremy Scott  
Acting Chairperson

### **OFFICIAL SUMMARY**

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**Item #4a** – Daniel Bielfeldt explained that they converted a single stall garage to an office. According to the zoning ordinance, when a garage is converted to living space, the driveway and approach leading to the garage is required to be removed. Bielfeldt was unaware of the zoning ordinance requirement and did remove the driveway from the sidewalk to the house, but kept the approach between the street and the sidewalk. Bielfeldt explained there are four or five other boulevard parking areas in his neighborhood and there are quite a few rental properties. With the rental properties, there comes issues with on-street parking and he feels the boulevard parking is justified as it provides one parking space for visitors to his home.

Scott asked if a similar boulevard parking request was approved by the Board a few months ago. Struck explained the boulevard parking previously considered by the Board was located southeast of Bielfeldt and it was determined the establishment of the office in a residential district would be better served by the existing boulevard parking and be less detrimental to the neighborhood than converting the green space to parking.

Scott asked if the boulevard parking spot is or would be occupied much. Bielfeldt stated it is hardly ever occupied.

Edmison asked if the boulevard parking spot is in good condition. Bielfeldt stated that it is.

Chandler asked who approves boulevard parking permits. Miller stated that the City Engineer reviews and approves or denies boulevard parking permits. If the permit is denied, the applicant can appeal the decision to the Board of Adjustment.

Chandler asked why the boulevard parking permit was denied. Miller stated that due to the conversion of the garage and removal of the driveway, approving the boulevard parking space would be counter to the spirit of the ordinance that requires driveways to be removed after converting garage spaces.

**Item #4b** – Jacob Mills, representing Prairie Hills, LLC, explained the variance request is based upon changes that occurred within their development company, new contractors, and staff changes at the city in the past couple of years and there was a mix-up in the application of the setbacks. The Landing area in Prairie Hills Addition consists of private streets, common areas, and residents only own the footprint of their homes. The curvilinear streets create a unique challenge for measuring setbacks. Platting of the footprints occurs once the foundation is constructed.

Scott asked if there will be more requests in the future. Miller explained there could be a couple in the future as additional foundations have been constructed.

Chandler said from experience, the side yard setbacks can be challenging in developments like the Landing as there are not traditional side lot lines, rather the area surrounding the footprint of the units are platted as common area.

Mike Riley, 2133 Goldenrod Trail, was opposed to the variance request. Mr. Riley feels that the process is broken and that all parties can and should do better. Does not feel it is right to build and ask for forgiveness after the fact.

Chandler suggested Mills look at the other building sites that may need variances and explore avenues to adjust now so variances would not be needed in the future.

The meeting was adjourned at 5:40 p.m.

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Ryan Miller  
City Planner

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Jeremy Scott  
Acting Chairperson