

Board of Adjustment

Minutes

City Council Chambers
Wednesday, August 07, 2019

Boardmembers Present:

Chair Chris Jones
Vice Chair Kathy Tolman
Boardmember Adam Gunderson
Boardmember Ken Rembold
Boardmember Nicole Lynam
Boardmember Steven Curran
Boardmember Wade Swanson

Boardmembers Absent:

Staff Present:

Rachel Prelog, Senior Planner
Lisa Davis, Planner II
Ryan McCann, Planner I
Heather Omta, Planning Assistant

Others Present:

Margaret Robertson, City Attorney

The study session began at 5:00 p.m. and concluded at 5:10 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:34 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 5:00 p.m.

2. Zoning Administrator's Report

Senior Planner, Rachel Prelog, followed up on last month's topic of staff continuing to work on Quality Design Guidelines. A public open house is planned for August 27th, 2019 from 6 p.m. to 7:30 p.m.; location: To Be Determined. In the coming months, staff plans to have a refresher course for Board to go over bylaws, conditions of approval, and function of Board of Adjustment.

Board collectively asked that the refresher course be conducted before a study session for time efficiency.

3. Review and discuss items listed on the Public Hearing agenda for August 7, 2019.

The items scheduled for the Board's Public Hearing were presented and discussed.

BOA10-00307 Staff Planner I, Ryan McCann, presented the request for a Substantial Conformance Improvement Permit (SCIP) at 308 and 310 South Extension.

- **Vice Chair Tolman:** Question- Will there be changes to the signs?
 - **Mr. McCann:** Applicant is not proposing a change to the signs.
- **Boardmember Lynam:** Noted a typo on the staff report. Staff report states three conditions however five conditions are listed on the Staff Report. Clarifying that five conditions apply.
 - **Mr. McCann:** Confirms five conditions apply for approval. Record noted.

The number of conditions of approval were clarified and entered into the record to include five conditions outlined on the staff report.

- **Boardmember Curran:** Verifying fence conditions, will the chain link fencing be going away?
 - **Mr. McCann:** Yes, a new CMU wall will go in place of chain link fence.
- **Boardmember Swanson:** Question- Does the parcel extend to Broadway Road?
 - **Mr. McCann:** The parcel to the south that is on the corner of Broadway Road and Extension Road is owned by an unrelated party.

Other items

- **Boardmember Rembold:** A general question- Is there an expiration for approval of Board of Adjustment cases?
 - **Staff Planner II, Lisa Davis:** There is a one-year expiration with the option to request (one) one-year extension from the Zoning Administrator.

Adjournment

Boardmember Swanson motions to adjourn, Boardmember Rembold seconds the motion.

Study Session adjourned at 5:10 p.m.

Board of Adjustment Public Hearing

Call meeting to order at 5:30 p.m.

Public Hearing began at 5:30 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the July 17, 2019 meeting

On a motion by Boardmember Wade Swanson and seconded by the Steve Curran unanimously approved the July 17, 2019 minutes and Consent Agenda as read by Vice Chair Tolman.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman, Swanson, Lynam, Rembold, Curran, Gunderson

NAYS – None

3. Take action on the following cases:

A motion to approve the following case with noted change to the number of conditions on the consent agenda as read by Vice Chair Tolman was made by Boardmember Swanson and seconded by Boardmember Rembold.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman, Swanson, Lynam, Rembold, Curran, Gunderson

NAYS – None

***3-a Case No.: BOA19-00307 (Approved with Conditions)**

Location: 308 and 310 South Extension Road. (District 3)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to certain development standards for expansion of an existing industrial development in the GI District.

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BOA19-00307 was made by Boardmember Swanson as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Rembold to approve the following conditions:

1. Compliance with the site plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of ZON19-00308.
5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman, Swanson, Lynam, Rembold, Curran, Gunderson

NAYS – None

The Board's decision is based upon the following Findings of Fact:

FINDINGS

- A. The subject site does not meet current MZO development standards and is therefore non-conforming.
- B. Existing buildings and site were originally designed and constructed in the 1960's for industrial uses.
- C. Full compliance with current code would require significant alterations to site circulation, parking and/or removal of existing buildings.
- D. Improvements to the site include installation of landscape material and CMU wall adjacent to Extension Road and removal of chain link fence from public view.
- E. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current standards.
- F. The proposed improvements will not create any new non-conformities and will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Items not on the Consent Agenda

4. Take action on the following cases:

None.

5. Other business

None.

6. Items from citizens present

None.

7. Adjournment

A motion to adjourn was made by Boardmember Swanson and seconded by Boardmember Curran.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman, Swanson, Lynam, Rembold, Curran, Gunderson

NAYS – None

Public Hearing adjourned at 5:34 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Prelog". The signature is fluid and cursive, with a large loop at the end.

Rachel Prelog,
On behalf of Zoning Administrator (Nana Appiah)