

**MINUTES
CITY OF LONSDALE
BOARD OF ADJUSTMENTS AND APPEALS MEETING
October 30, 2008**

1. CALL TO ORDER

Mayor Rud called a meeting of the Lonsdale Board of Adjustments and Appeals to order at 6:33 pm in the Council Chambers at 415 Central Street West.

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. ROLL CALL

Present: Daleiden, Kodada, Rud, Smith, and Furrer

Staff Present: City Administrator Joel Erickson, City Planner Benjamin Baker, Public Works Director Russ Vlasak, and City Engineer Kevin Kawlewski

4. AGENDA

A motion was made by Kodada and seconded by Smith to approve the agenda as presented. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

5. APPROVAL OF MINUTES

None

6. PUBLIC HEARINGS

- a. Land Use Application V2-2008, a Variance Request to Construct a 30 Feet by 26 Feet Accessory Building (780 Square Feet) Within the Required Side Yard Setback Area – Steve Jacobitz, 218 3rd Avenue SE

Rud read the official public hearing notice. Baker stated that Steve Jacobitz's originally applied for two variances: (1) a variance from the required side yard setback and (2) a variance from the required 800 sq. ft. maximum size for residential accessory structures. Baker stated that after listening to the recommendation of the Planning Commission and advice from the building inspector, Jacobitz decided to no longer pursue a variance for a larger than 800 sq. ft. garage. Baker summarized the staff report. Baker explained that typically streets have at least 50 to 60 feet of right-of-way width, but Arizona Street SE has only 33' of right-of-way width. Baker stated that the applicant was now requesting a 26' x 30' detached garage to be located 5 feet from the southern property line and within the required side yard setback. He said that the subject property currently consists of two accessory structures, a detached garage and shed. He mentioned that the applicant was planning to remove the shed located in the southwest portion of the property from the site. Baker reviewed the applicable sections from the City Code and provided an overview of the project details. Baker also provided a chart showing required setback regulations, existing setbacks, and proposed setbacks. Baker also referred the Board to

review the attachments including: an existing survey, proposed survey, building elevations, floor plan, criteria for granting variances questions and answers, and pictures of the site.

Steve Jacobitz stated that he has been a resident of Lonsdale for 12 years and that his garage was originally built in the 1940s. He said that the garage has been through its useful life. Kodada asked what the height of the retaining wall would be. Jacobitz stated that he wasn't sure of the exact height, but it would eventually be tiered so that his wife can do plantings. Kodada reminded Jacobitz that retaining walls over 4 feet tall need to be engineered. Daleiden stated that the drop off should be secured and safe for kids. Rud asked if anyone from the audience would like to commit on the issue. No one came forward. Rud also staff if any comments had been submitted. Baker stated that staff did not receive any verbal or written comments regarding the variance request. Rud asked if the Planning Commission had any comments. Furrer said that Commission stood firm on the 800 sq. ft. rule, and they suggested that the south side of the new garage , along Arizona Street SE, be constructed with durable windows and siding. Baker stated that a hold harmless agreement was included in Resolution 2008-48. Baker stated that front elevation sketch was not completely accurate. He said that the applicant is proposing to have 2 nine foot garage doors and a service door on the right side.

A motion was made by Kodada and seconded by Furrer to close the public hearing. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried. The public hearing closed at 6:33 pm.

7. OLD BUSINESS

None

8. NEW BUSINESS

- a. Consider approval of Resolution 2008-48, a Resolution Approving Land Use Application V2-2008, Variance Request – Steve Jacobitz, 218 3rd Avenue SE
Baker read through Resolution 2004-48 along with the stipulations recommended by the Planning Commission. Baker suggested changing the setback variance agreement so that the City would be covered all year round and not just through the winter months. He stated that the Planning Commission recommend approval of the variance request.

A motion was made by Kodada and seconded by Daleiden to approve Resolution 2008-48, a variance request by Steven Jakobitz to erect a new 26' x 30' detached garage 5' from the southern property line and within the required side yard setback. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

9. OTHER BUSINESS

None

10. ADJOURNMENT

A motion was made by Kodada and seconded by Furrer to adjourn the meeting. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried. The meeting ended at 6:55 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator