

Kindred Planning & Zoning Commission Meeting Minutes

Wednesday, June 17th, 2020 at 6:30pm

1. Call to Order at 6:35pm

Members present: Lammers, Mauch, Kersting, Thompson, Erickson.

Others present: PWS Schock, Auditor Arnaud, guests Cody Rutherford, Leslie Guerrero, Joel & Lydia Ronningen.

2. Approval of previous meeting minutes

Motion to approve the meeting minutes of 05-20-2020 by Mauch, second by Thompson; RCV – MP

3. Public Hearings – Variance on setbacks: Rutherford (60 7th Ave S) & Ronningen (221 Elm St)

Mr. Lammers opened both public hearings

Discussion on a variance application from Cody Rutherford for 60 7th Ave S requesting reduced setbacks for new construction. The current dwelling structure is technically sitting on the front/east property line and they would like to demolish all structures on the lot and rebuild a new residential dwelling; considering a slab on grade foundation, 2-story home and a 2-stall garage with overhead doors on the north. Mr. Rutherford technically owns two parcels of land and is in the process of combining them; one is 45'x50' and the other is 5'x50'. The variance request is for the 45'x50' parcel only. On a SFR-3 property, the current setbacks of 25' front and rear, make the lot unbuildable. So, he is requesting the following: front setback reduced from 25' to 15', rear setback reduced from 25' to 5', and the South side setback reduced from 8' to 0'. This would allow new construction of a 30'x35' structure on the 45'x50' lot. Mr. Rutherford owns the 5' parcel to the south so there would be a 5' greenspace area between the structure and the next property line (see site plan with application). Mr. Rutherford is also continuing to explore purchasing additional land from the neighboring property owners so the lot could be larger at some point.

No surrounding property owners were present for discussion. Auditor Arnaud did talk to adjacent property owner Ryan Solomon who has no issues with the request, and MLGC owner Tyler Kilde who asked if 15' front setback on 7th Ave S would be sufficient if there is future development in the area and 7th Ave S becomes more traveled. PWS Schock stated it would be sufficient for street maintenance and would be an improvement from the current situation.

Mr. Lammers closed the public hearing for Rutherford (60 7th Ave S)

Motion to approve the 60 7th Ave S variance request for reduced setbacks of 15' front, 5' rear, 0' South/side by Mauch, second by Kersting; RCV – MP

Discussion on a variance application for Joel & Lydia Ronningen at 221 Elm St requesting a reduced alleyway setback for a new fence from 10' to 5'. The ordinance for fencing setbacks on the alleyway is 10'. Ronningen's have measured out their lot numerous times and feel they have a good idea of where the property lines are located, but a survey has not been completed. The Ronningen's stated their current detached garage was constructed in 2016 and was moved further south off the alleyway than the previous garage, because they felt it was crowding the alleyway then. They believe the current garage is 5' from the north/alleyway property line, and they would like to place the new fence with a 5' north/alleyway setback so it is in-line with the garage. Installing the fence with a 10' set back would cause an odd "knockout" of greenspace outside the fenced area, by the garage, that would need to be maintained and would result in 200 sq ft of yard space lost. Due to this, the Ronningen's are requesting the alleyway fence setback be reduced from 10' to 5'.

PWS Schock discussed snow removal or street maintenance concerns. Without knowing where the property line is, it is difficult to say what distance from the line is safe for the fence to be installed. The detached garage has caused some issues with clearing of snow and then drifting depending on wind direction. Typically, snow is removed with the tractor blower in the alleyways but plowing has been needed at times in the past. If the plow is used, a snow ridging effect is created and depending on the weight/water-content of the snow, there is concern the fence could become bowed or damaged as a fence does not have the same structural integrity as a 4-walled garage/structure.

It was discussed that there are a number of fencings/structures in the same alleyway that appear to be within a similar distance from the alleyway (in line with the north side of Ronningen's garage). Ronningen's stated that those do not seem to be an issue for the City. Auditor Arnaud shared that there are a number of issues with alleyway encroachments within the city. These do cause a variety of issues throughout the year; snow removal, alley rehabbing, tree/shrub overgrowth, room for garbage/recycling services, etc. One reason for this is that overtime, grass/trees have reclaimed the alley right-of-way and property owners will often assume their property line extends to the grassed area. Mr. Erickson stated many property owners are often surprised to find the property lines are not where they believed them to be after having a survey completed. He strongly suggested the Ronningen's obtain a survey to locate the property lines ahead of construction. Auditor Arnaud noted there was just a survey for another property owner in the same alleyway, so that could decrease the cost of a survey for their lot.

No surrounding property owners were present for discussion.

Mr. Lammers closed the public hearing for Ronningen (221 Elm St)

Motion to approve the 221 Elm St variance request for reduced North/alleyway fencing setback from 10' to 5' with the caveat that the City is not responsible for damages to the fence due to snow removal by Erickson, second by Kersting; RCV – MP

4. **Permit Report** – Since last month's meeting there have been 11 building permits for new construction and 2 new fence permits issued.
5. **Additions**
 - Upcoming public hearing to discuss adding in a "storage" item into the conditionally permitted uses of the General Commercial zone.
 - Discussed the renaissance zone and special assessment committees.
6. **Adjournment**

Motion to adjourn at 7:15pm by Thompson, second by Kersting; RCV – MP

Tabitha Arnaud, City Auditor

P&Z Board Member

Date approved