

**WALKER PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING & PUBLIC HEARING  
January 30, 2012  
6:00 p.m. 701 Elm Street Walker Fire Hall Meeting Room**

1. **Call to Order** 6:00 p.m. by Chair Wilkening

2. **Roll Call**

Members Present: Jane Ekholm, Rich Hansen, Greg Smith, Gary Wilkening.

Members Arriving during meeting: Jeff Holly

Members Absent: Char Moore (excused)

Staff: Edy Asell, Zoning Administrator (ZA)

Others: Terry Freeman, Ivar Peterson, Les Spitzack, Grant Thayer

1. **Public Hearing Call to Order LU-2011-06 Variance Application**

The Zoning Administrator (ZA) introduced application LU-2011-06, submitted by Thayer for the property located at 431 Walker Bay Boulevard. The Variance is to replace an existing non-conforming structure, expanding the height of the structure by 15.5 feet to accommodate standard ceiling heights and a pitched roof. A letter from Jeri Striebel, a city property owner on 5<sup>th</sup> Street South, in support of the application. Terry Freeman of NEC, Inc, representing the applicant, described the project. And added that they would comply with the City Engineer recommendation of two layers of silt fence. Notifications were sent to 14 property owners in the 350 ft. radius of the property, and to the DNR. NO written comments were received. There being no further comments, the public hearing was closed at 6:20

2. **Additions or deletions to the agenda:**

None

3. **Announcements by Chair:** None

4. **Motion to approve minutes from December 19th, 2011 Planning Commission/Board of Adjustment.**

M/S/A of minutes: Smith/Hansen (4-0) (Chair did not vote)

5. **Consideration of LU-2011-06 Variance ~432 Walker Bay Blvd.**

Commissioner Wilkening stated that he felt the major impact would be visual, that the run-off issues were addressed with the gutters and rain gardens.

Commissioner Ekholm expressed concerns about the structure stability, being so close to the lake.

Commissioner Smith stated that he felt the submittal looked better, and trusted the professionals to do it right. It is the homeowner's responsibility to protect their investment.

Commissioner Hansen commented that he felt a good job had been done on the plans with the rain gardens and 2 rows of silt fence.

Commissioner Ekholm wished to see a no-mow zone. Zoning Administrator commented that the City would use Cass County's resource personnel to develop a vegetative plan, should the application be approved.

A motion was made by Ekholm to include a no-mow zone in the conditions.

Motion failed for lack of a second.

Terry Freeman of NEC, Inc. asked that the condition #5 be amended to reference the Erosion Control Plan as submitted.

Commissioner Wilkening called for a motion to recommend approval of the variance with findings 1, 2, 3, 5, 6, 7,8, 12, 13, 14, and adding as #15 a finding that the design of the existing structure with sub-standard ceiling heights and flat roof presented a practical difficulty, not created by the owner; and calling for conditions 1-12, with # 5 amended to show the Erosion Control Plan as submitted.

Motion by Hansen, second by Holly. (3/1) Chair Wilkening did not vote.  
M/S/A Ayes (3) Hansen, Holly, Smith  
Nayes (1) Ekholm

6. **Discussion on Proposed Ordinance Amendments from December meeting.**  
LU-2011-09 615 Minnesota Avenue W, Blake, Conditional Use of a structure in the CBD as a residence. The Planning Commission had recommended a condition of the residential use being owner-occupied. Staff questioned the legality of the condition. The City Attorney advised that a reasoning would have to be shown to restrict the occupancy. Commissioner Hansen stated that the reason behind the requirement is that there were a number of vacant street-level store fronts along Minnesota Avenue in the Central Business District. If these locations were filled with residential use, it would adversely impact the viability of a connected business district.  
  
LU-2011-10 708 Fourth St W, Verizon Wireless. The Council determination was tabled pending an explanation of the Commissions recommendation to approve the application with no findings and no conditions, feeling the ordinance did not intend to require a conditional use permit. The Zoning Administrator stated that based on the text, and consulting other communities' tower ordinances, that the conditional use permit process was appropriate, as were the findings and conditions.
7. **Building/Zoning Report.** The November/December report was reviewed with no comment.
8. **Adjourn.** The meeting of the Planning Commission was adjourned at 6:36 p.m.

9. **Adjourn.** The Board of Adjustment adjourned at 7:10 p.m.

Approved by:

Submitted by:

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Gary Wilkening, Chair

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Edy Asell, Zoning Administrator