

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING & PUBLIC HEARING
December 17, 2012
6:00 p.m. 701 Elm Street Walker Fire Hall Meeting Room**

- 1. Call to Order** 6:05 p.m. by Chair Wilkening

Roll Call

Members present: Jeff Holly, Char Moore, Gary Wilkening, Greg Smith, and Rich Hansen

Members Absent: Jane Ekholm

Staff: Terri Bjorklund (City Administrator) and Pamela Smith

Others: Michael Cronin (Holiday), John and Amy Knowles, Paul Fairbanks, Jim and Alex Rogen.

- 2. Additions or deletions to agenda:**

None

- 3. Public Hearing: LU-2012-12 Knowles, request for variance for and addition to one of the two current structures on the property.**

Knowles explained that this request for a variance was submitted because the house had preexisting issues that didn't cohere with a growing family.

Paul- I live at 505 5th street and I have no objection for this variance and I urge you to approve it.

Chair Wilkening read a letter stating that there were three other inquiries from the community regarding this variance. An email from Gayle Yarrington, 511 5th Street stating that she had no problem for this request, a phone call from Elsie Nelson, 510 4th Street saying that she had no issue to the variance request, and another phone call from Deb Tufts, 404 5th Street who was questioning the variance but had no comments.

Public Hearing closed at 6:10 p.m.

- 4. Announcements by Chair: Council approval to work on ordinances that may impede growth.**

Chair Wilkening stated that this Board will take a look at City Ordinances with possible revisions to areas that may impede growth within the City of Walker.

- 5. M/S/A of minutes:** Moore/Holly (5-0) Motion to approve minutes of October 29, 2012.

- 6. Consideration of LU-2012-12**

Hanson wanted clarification on the buildings on the property whether or not it was 2 stories or if they were going higher than that. Knowles stated that they will not be going higher than that. He also asked if there were any utility issues on the property to be concerned about. Neil stated that there may be issues. Wilkening mentioned the ordinance 154.05 regarding non-conforming issues not including the expansion of the house. Because of the size requirements they cannot divide the house. But it was also stated that this house was built possibly in the 1970's, before any zoning requirements were needed. Holly mentions that the expansion is less than a 4ft difference than the required measurements. He also states that there are too many rentals on that street and that they should strive to keep it owner-occupied from a tax standpoint for the City of Walker. Wilkening then reminds that the ordinance states you cannot expand a nonconformity.

Paul-In regards to rental in the 10 years I've lived here I've never had an issue in who rents there.

Chair Wilkening asks for more reasons to support this. Moore states that it would have a positive impact for the City of Walker regarding taxes. Holly notes that it would help keep owner occupied.

M/S Smith/Moore Motion to recommend approval of LU-2012-12 with the following conditions. 1) Expansion not to exceed the plan presented. Reasons to support request. 1) Not increasing the current nonconformity. 2) It is a legally nonconforming use at present. 3) No negative impact to the neighborhood. 4) To help keep owner occupied homes within the City limits.

Motion passed 5-0

7. Discussion/recommendation on Holiday request LU-2012-11- Variance-CUP

Chair Wilkening reviewed why this was tabled, because of the vegetation growing where a proposed sign was to be erected and to be sure they got MNDOT approval for this project of removal of trees and surrounding vegetation. Cronin asks for permission to remove 2 of the trees which are located on City Property. There will be a total of 4 trees removed. He stated that Holiday would replace the vegetation in another area of the City of Walker's choice or make a donation of money of equal value to be dispersed as the City felt appropriate. It was mentioned by Holly that Chumley Park might an appropriate destination for a donation to be dispersed to. It was noted that the sign will be moved and replaced where the removal of vegetation is taking place. Cronin submitted a 2 page application, a picture of the proposed sign, and a summary page for the Dynamic Display sign. Clarification on the timer on the brightness of lights on the sign will be turned down as far as they can go at night. Wilkening made a motion with conditions.

M/S Wilkening/Hanson Motion to recommend removal of previous variance request from Holiday.
Motion passed 5-0

M/S Wilkening/Hanson Motion to recommend approval of LU-2012-11 a revised CUP for a Dynamic Display sign at 712 Minnesota Avenue West. Referencing the findings of fact in the Staff report and propose conditions A) All trees removed will be grubbed. B) The removal of vegetation will require replanting of the disturbed area and will be accomplished with best practices to control erosion. Plan to be approved by the City prior to starting the project. C) Holiday will apply for Minnesota Department of Transportation approval of the proposal to cut vegetation and provide documentation of approval of the City prior to any work in the state right-of-way. D) The Blue Border on the dynamic sign will have a brightness dimmer system installed and the brightness will be cut in ½ at night.

Motion passed 5-0

8. Presentation by Jim & Alex Rogen in regards to "Therapeutic Hobby Farm".

Alex began by explaining that in the past they have had "therapeutic chickens" and this is an expansion on the same idea. This provides entertainment and education and a reason for the clients to get out of bed. This was an opening discussion with Planning Commission on the concept. The Planning Commission will move forward with the help of the Rogens in creating a draft ordinance if feasible to be presented to the City Council.

9. Adjourn. The meeting of the planning commission was adjourned at 7:15 p.m.