

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
December 18th, 2017
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

1. Call to Order 6:01 p.m. by Wilkening

Roll Call-

Members Present: Susan Ostlund, Annie McMurrin, Gary Wilkening, Rich Hansen and Randy Carlson

Members Absent:

Public: Sue Standeven, Ron Dvoracek, Marjorie Reinke, Jon Knowles, Carl Berg, Jeff Holly

Staff: Pamela Smith

2. Additions or Deletions to the Agenda.

Randy Carlson would like to add a discussion regarding adding more crosswalks at the Holiday Store. Chair Wilkening noted that it would be added to the agenda as line item 10.5.

3. Announcements by Chair.

None.

4. M/S Hansen/Ostlund to recommend approval of Minutes for November 27th, 2017. Motion passed (5-0)

5. Planning/Zoning –Report for November 2017.

Smith reviewed the zoning report with the board stating that the permit from Brad and Julia is related to the VRBO they approved at the last meeting. Wilkening added that it is notable that the valuation of permits to date in November is \$1,708,005, it hasn't been that high in several years.

6. Public Hearing 6:05 pm. To hear public comment for a Variance request to allow for an 8.7 foot setback of the front yard (city street) deviating from the 20 foot setback to allow for a lean-to roof over their garbage dumpster.

Public Hearing opened at 6:05 pm

Dvoracek noted that the street is not where the survey says it should be. So the street is off as well. Wilkening responded that he was aware that where that particular street runs is not where it is actually located on surveys. The public questioned if there is any plan to move the street. Wilkening stated that he does not anticipate that, adding that there are many areas of the City where the street is not where it is supposed to be. Reinke specified that they are not proposing on going out towards the street any more than their current dumpster sits. All they want to do is to be able to keep the snow off the top of the dumpster and to do that they would like to add a roof over their dumpster. The public noted that there is a chain-link fence around the dumpster and it is hard to shovel the snow out from there. Knowles questioned if the structure would be permanent. Wilkening

stated that there is a requirement in the conditions if this is adopted, that would not allow it to become a building; it would not allow it to become permanently framed in and enclosed on the sides. It would remain a roof with support beams only. Berg added that Park Place was intended for the elderly to have services convenient to them; you can't expect those older people to come out and shovel off the snow from their dumpster roof. Having the roof over the top of the dumpster will solve that problem. The Board clarified that the chain-link fence was staying. Holly stated that he was disappointed in the last variance that we gave out to Ross Place that was for the folks that built the big garage between them. Holly added that he has been complaining about it but the City never documented it. They needed to move their LP tank to the other side of the garage and part of what they were supposed to do was add shrubs and put up a green barrier and they never did. They never documented it so it just fell through. Part of the Variance approval was that they were supposed to put up some green screening and the City never followed through with making them do that. Wilkening requested that Smith look into the Variance that he is speaking of and bring it back to the Planning Commission for the January meeting.

Ostlund added that she lives across the street and had wondered how the residents shoveled the snow out; she thinks it will be a good thing. Knowles added that he thinks it is needed also. He stated that there are things that have been built over the years that probably did not have everything figured out or were done improperly. Reinke announced to the board that she appreciated the Boards time.

No other public comment or questions were heard.

Public Hearing closed at 6:12 pm

7. M/S Ostlund/Hansen to recommend LU-2017-05, a Variance request for an 8.7 foot setback of the front yard (city street) deviating from the 20 foot setback with the proposed findings of fact and conditions:

Findings of Fact:

1. The applicant establishes that there are practical difficulties, as defined in this ordinance, would render conformity necessarily burdensome due to the current location of the dumpster which has been in place since 1996 and a majority of the land owners are elderly and unable to shovel the snow off their dumpster.
2. The plight of the landowner is not created by the landowner but due to the location of the building entrance in accordance with the location constructed for the dumpster on the western side of the garage.
3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood and consistent with the 2016 Walker Area Comprehensive Plan to implement the goals and policies and to enact the following strategy to continue to maintain and enforce ordinances for handling garbage and outside storage so as to keep properties neat.
4. The variance will not alter the essential character of the locality.
5. The variance is not for economic reasons alone.
6. The variance would not allow or create a use not provided for in a zoning district.

Conditions:

1. Erosion control measures are used during installation.
2. Reestablish any disturbed turf after project.
3. Structure is to remain a lean-to for the dumpster only at the current location of the garage and not be enclosed at any time in the future.

Motion passed (5-0)

8. M/S Wilkening/Ostlund to recommend LU-2017-06, a Lot Split Metes and Bounds Subdivision of 201 Michigan Avenue West.

Findings of Fact:

1. The property is zoned Transitional Commercial and is suitable in its natural state for commercial uses as permitted in the TC zone.
2. Tract A will have 15,079 ± sq. ft. remaining and both Tracts B and C combined will have 16,188±sq. ft. of buildable area although at this time will be used for water retention purposes.
3. Tract B and C contain no structures. Tract A contains structures that do not meet the setbacks but the current structures are considered legally non-conforming. Tract A does continue to meet impervious surface coverage requirements with the reconfigured lot lines.
4. Tract A currently has water and sewer connections.
5. Tract B and C have no water or sewer connections.
6. The proposed lot layouts are compatible with the existing layout of adjoining properties and the proposed lot lines are parallel and perpendicular to existing lot lines. Future development will not be constrained by the proposed lot layouts.
7. The appropriate surveys and descriptions have been provided by and reviewed by the City Surveyor.

Conditions:

1. Tract B and C will be used for water retention and the land management of Tract B and C will be consistent with land used as and for water retention.

Wilkening explained that when they fixed the infrastructure and resurfaced the streets they ended up diverting additional water down in the space that is located in the swap area below. That area is getting more water than it ever used to. Wilkening stated that Council has already approved this and this is the legal portion of the subdivision of that property. Knowles questioned if the lots were 10,000 square feet. Wilkening answered that everything that is split does meet minimum guidelines. Wilkening explains legal non-forming lots and lot splits. The public discusses lot size requirements. Knowles stated that he would like to do a lot split at his property and there is about 7,500 square feet split. The Board confirmed that he would have to go through a variance process if he chose to split. Ostlund asked for clarification if the City was just trading land. Wilkening explained that the request came from Carol Smith after the assessment came through who felt that her land was more unusable now because of the detrement of water into her property. The Board looked at and agreed that it should be used for water retention purposes. Hansen clarified that she is giving the land to the City in lieu of the

assessments on that portion. Wilkening stated they are not writing her a check for the property; they are taking over the assessment on that portion and in return the City will acquire that portion of the land. Holly questioned what the assessment amount was. Wilkening stated that it is based off of linear footage and could not come up with the exact number. The Board and the public discuss how the influx of water was there this year and how Third Street used to absorb that excess water and now it doesn't.

Motion passed (5-0)

9. Discussion on draft driveway ordinance.

Wilkening requested that once they get a reply from the engineer regarding the wording they can review it at that time.

10. Discussion on Tiny Houses.

Carlson would like to see the City of Walker be a forerunner with setting regulations allowing for Tiny Houses. Wilkening believes it would be a beneficial housing component adding that we are in short supply of affordable housing. Wilkening stated that a few things that he liked from some of the Ordinances are that they utilized lots that were inappropriately sized or nonconforming lot sizes; if it is on wheels it is considered an RV and if it is on a foundation it is considered a tiny home. Wilkening added that a place that this could work is the 26 acres behind Dave Cochran by 13th Street and Terri and Jay Faggerman's house. Wilkening stated that the property is owned by Dave. The Board discussed several possibilities that included allowing for a development to be started in that area allowing for tiny houses or allowing smaller lot sizes in that area if they are to put tiny houses there. Wilkening stated that another component would be that a mortgages may be more attainable for people purchasing a tiny house. Much input was received by the public supporting this idea. The Board discussed many different variations of regulations. Wilkening suggested making a goal for themselves of 6 months to draft regulations that would work. They will review this as a line item on the future agendas with a goal to have something completed by the June meeting.

10.5 Discussion regarding adding more crosswalks by the area of the Holiday Store.

Carlson brings up the need of more crosswalks by the Holiday Store adding there is only one safe crosswalk that goes from Holiday to the swamp area. He questioned whom to ask the City or DOT to install more crosswalks. Wilkening stated that he would bring to the next Public Works meeting. Rich clarified that this request is for the addition of three more walk lights at the other intersections.

11. Wilkening adjourned the meeting at 6:47 p.m.