

Public Hearing

May 19, 2005

Eureka Township

Dakota County

Zoning Board of Adjustment and Appeals

Public Hearing on a request for a variance by Jim Larson- 24720 Ipava Ave Lakeville, MN 55044
Lot 1, Plot 1 Eureka Estates 2nd Addition. Property ID# 13-24660-010-11

1. Call to Order:

Meeting was called to order at 7:00PM by Connie Anderson

Members Present: Connie Anderson, Dan Rogers, Cheryl Monson and Gloria Belzer and Clerk/
Treasurer Nanett Leine to record the minutes.

2. Address the Applicant:

The Zoning Board reviewed the application forwarded from the planning commission. Mr. Larson is requesting an addition to the garage attached to his home. If the addition is located as presented the setback from the road will be 95 feet. The required setback per the zoning ordinance is 100 feet. He is asking for a variance of the setback requirement of 100 feet by five feet.

Mr. Larson presented the board with a letter signed by neighbors who can visibly see his property (adjacent property owners), they had no objection to the proposed variance request.

The current setback of the garage is 103'. In the proposed construction plan eight feet will be added to the existing garage, moving the face of the building towards the road to a setback of 95'. He would also be placing an addition of 14' x 32' to the north side of the garage, with the same setback.

The existing garage size does not accommodate the vehicles that he owns. He cannot put a 4 door long box pickup in the garage, his expedition barely fits. He currently has 3 drivers at the residence; he does not want his vehicles sitting outside. He owns three pickup and a small car.

3. Public Comments

Francie Madden The planning commission heard Jim's request. He did not build the house, so this condition was set up before he ever got there. It was beyond his control where the house was placed on the lot. He did not put the house there and then come back and add on. It was an existing home when he bought it.

Jim Larson- The house was built in 1990-91. It was the fifth or sixth house built in the addition.
When they built the house they were allowed to place it anywhere on the lot. They had it built by MW Johnson. The house across the street is closer to the road than his.

Francie Madden She misunderstood; she thought that they had purchased the house already built. She misspoke, she apologized for the misunderstanding.

Jim is the original owner and placed the house on the lot. Jim stated that there were no setback requirements at that time, you could put it any place on the lot you wanted. Supervisor Connie Anderson stated that there were setback requirements according to the ordinance. Jim was told by MW Johnson that it could be place anywhere on the property.

The clerk tried to locate a building permit and lot layout and was unable to locate any.

Francie Madden Keeping in mind, from the plans presented to the planning commission, it is only a variance of five feet. The clerk sent out 65 letters, none of the neighbors care. From a public stand point we are talking five feet. The house was built legally with the 100 foot setback. He is not asking for 20 feet, he is asking for 5 feet for the addition.

Connie Anderson She does not disagree with any of it, the neighbors do not have a problem, it is not a safety issue that they need to be concerned with. The issue is: does it fulfill the requirements under the ordinance. If we go by the assumption that everything is ok and do not go by the guidance of the ordinance, what do we do with the next case that says you granted this variance, you didn't look at the ordinance and follow the procedures, so you need to do the same for me? The problem is not what he wants to do; they need to up hold the ordinances.

Other options for placement of the addition were discussed. This is not the only option for a garage, he feels this is the best option to keep the house fitting within the neighborhood and aesthetics. He was talked out of putting on a three car garage at the time of construction of the home.

Dan Rogers He has no control over the size of the vehicles that are being manufactured. Also at the time that these properties were built on the back portion of the properties were within the flood plain. The house probably could not be located in the portion of the lot. The house may have been placed in this location because of the flood plain issues in the rear of the lot. A few years later the flood plain status was removed from these properties.

Nanett Leine 30' x 45' pole shed permitted on February 14, 1994 to be used as a garage. 28' x 30' addition to the existing pole shed permitted on May 13, 2002 for cold storage. The pole shed was built for a garage, why can't it be used as a garage now. The pole shed would accommodate the oversize vehicles that do not fit in the house garage.

Jim Larson when he built his home, his property was in a flood plain, so he had to build toward the front of the lot. Since then his property was removed from the flood plain. He could locate the house anywhere outside of the flood plain area.

The zoning board reviewed the definition of a variance and the requirements for granting a variance. Members of the zoning board had conflicting opinions on whether all criteria for granting a variance could be met.

Cheryl Monson She would like to send Building Inspector, Bob Hegner out to measure the distance.

Jim Larson He is relatively sure of his measurements; he would still need a variance of 5 feet.

The public hearing was closed at 7:48 pm.

4. Report of the Zoning board to be presented to the Town board at the Eureka Town board meeting on June 13, 2005

The applicant is asking for a five foot variance of the one hundred foot setback requirement from a structure to the centerline of a township road.

6.61 Criteria for Granting Variances

(In determining circumstances under A. thru E. "same district" Means "Eureka Estates")

The following report will be forwarded to the town board. The following statements were determined by the zoning board to correspond with the Criteria for granting a variance.
(Each letter below corresponds with the same letter in the Zoning Ordinance Section 6.61)

- A. There were flood plain restrictions on his plot when he built his house.**
- B. Other property owners in Eureka Estates were allowed the placement of structures within the 100 foot setback requirement without a variance.**
- C. Flood plain restrictions were not in his control.**
- D. By not granting this variance the zoning board of adjustment and appeals feels that the applicant would be discriminated against in the lack enforcement on the 100 foot setback requirement in the Eureka Estates District.**
- E. Garages are a permitted use.**

A motion by Cheryl Monson to adjourn. Motion seconded by Gloria Belzer.

Meeting Adjourned at 9:42 pm.