

**MINUTES**  
**AUSTIN CITY PLANNING COMMISSION**  
**TUESDAY, FEBRUARY 10, 2015**  
**5:30 P.M.**  
**AUSTIN CITY COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Laura Helle, Steve Kime, Jay Lutz, Lynn Spainhower, and Aaron Stewart

**MEMBERS ABSENT:** Rick Bremner, Jim Mino, Troy Nelson, and Lonnie Skalicky

**OTHERS PRESENT:** Craig Byram, Holly Wallace and public

Commissioner Kime called the meeting to order at 5:30 pm reviewing the agenda. Commissioner Lutz made a motion to approve the January 13, 2015 Planning Commission Meeting minutes as written. Commissioner Spainhower seconded the motion and the motion was carried.

Commissioner Kime and Ms. Wallace requested a change to the agenda order as there would not be a quorum after 6:30PM, due to outside conflicts. A motion was made by Commissioner Spainhower to move the requested fence appeal by I+S Group, on behalf of Austin School District, to the beginning of the agenda. Commissioner Lutz seconded the motion and the motion passed unanimously.

**FENCE APPEAL:** To consider an appeal by I+S Group, on behalf of Austin School District, from the 6 foot fence height restriction in Austin City Code, Section 4.70, Subd. 5. The petitioner is installing a new HVAC system and wishes to have an 8 foot high fence around the perimeter of the system, for safety reasons, as well as allowing greater security and screening.

Ms. Wallace indicated the Austin School District would be installing an above ground HVAC replacing their old underground system. They are requesting the fence appeal to provide an 8 foot coverage around this HVAC system. The system would be 4 foot above the fence height. The location would eliminate eleven parking stalls although the district would still remain in compliance with the regulation.

Commissioner Spainhower made a motion to recommend to the City Council the approval of the fence appeal taking into consideration the staff recommendations.

**OPEN PUBLIC HEARING:** To consider a request from Peter D. Plunkett, 309 21<sup>st</sup> Street SW, Austin, Minnesota, to amend an existing conditional use permit changing the age restriction from age 12 to age 7 and allowing up to 5 guests at one time. The property is located in an R-1 Single Family Residential District. This action is pursuant to Austin City Code 11.56, Subd. 3(A). The existing CUP was approved November 5, 2012.

This requested amendment to the existing conditional use permit would allow five guest and children ages 7 to stay at the Elam House. Notifications of the requested action were mailed out to residents within a 350 foot radius of the property and no communication was received.

Peter Plunkett, Elam House manager and resident, 309 21<sup>st</sup> Street SW, indicated sleeping areas available for the five guests are the bedroom, maid's quarters and a futon that can be placed in the living area or the bedroom. In 2014, there were 50 overnight stays at the Bed & Breakfast with positive reviews.

Patricia Dahl, 311 21<sup>st</sup> Street SW, asked what was coming next. She indicated that a hotel does not fit in their neighborhood and the requests keep expanding. Commissioner Spainhower indicated her feelings of the increase to five guests would be her limit and it does bring tourism to the community. After two years, we have shown this is going to work and to refine it would be acceptable. Mrs. Dahl would like to see a complete hedge to screen between the properties, although there are no other issues from the guest use at the Elam House.

Commissioner Helle commented on there being no complaints received in the two years the Bed and Breakfast has been in operation. She made a motion to approve the conditional use permit increasing the number of guest from three to five and the ages from 12 to 7 following the recommendations from the staff report. Also, all building and safety codes must be met and there will be no change to the hours of operations. Commissioner Lutz seconded the motion and the motion was carried.

**OPEN PUBLIC HEARING:** To consider a request from Jeffrey and David Hunn, 702 36th Drive SW, Austin, MN, for a variance from Austin City Zoning Code Sections 11.33, Subd. 5(c) and 11.60 Subd. 4(h) and (f), requiring separation between buildings and setback from property lines abutting a public street or highway and other property boundary lines.

Ms. Wallace indicated the property requesting the variance is owned by Jeffrey Hunn although David Hunn is the residing resident. Initially there was a 14 x 24 foot garage with a storage shed located on the property. The shed was removed, the 14 x 24 foot garage was moved to the shed location and the second 24 x 36.5 foot garage was moved onto the property.

Mr. Byram indicated if the first storage shed and garage were located in the same area on the property before the zoning ordinance was in place (1975) it would have been grandfathered in and; therefore, in compliance.

Neither of the garages or shed were permitted to be added, moved and/or removed from the property. The garage is located 30 inches from the house and the setback should be 20 feet. At this time the setback from the adjacent property hook ups is approximately 6 feet. The manufactured property owner gave permission to add, move and/or remove these garages/shed as long as the owner obtained the appropriate permits required.

Notices were mailed to neighbors with one complaint received and four calls in favor of the project. There are other properties located in this area who are non-compliant. Three of the 10 garages have permits.

David Hunn, 702 36<sup>th</sup> Drive SW, indicated a neighbor moved their trailer up north and sold him the garage. In his previous conversations with Craig Hoium, he was told a firewall was required

for any structure less than 5 feet from another structure and a 10 foot setback would be needed from the road and from the trailer.

The garage is used for storage of four vehicles and business purposes. Mr. Hunn was unable to explain why permits were not pulled for the builds/moves/removal of these garages and shed. Referring to the staff recommendations, Commissioner Spainhower feels that an undue hardship cannot be met in this variance request.

Commissioner Helle made a motion to continue the hearing until next month's meeting, which would be Tuesday, March 10, 2015 at 5:30 pm in Austin City Council Chambers. Commissioner Lutz seconded the motion with Commissioner Kime in favor and Commissioners Spainhower and Stewart voting against the continuation. With a three to two vote, the motion passed to continue the hearing to the following month's meeting.

**OTHER BUSINESS:**                   Informational training/meeting immediately following the meeting.

Ms. Wallace requested those attending the informational training/meeting to meet in the conference room immediately following adjournment of the Planning meeting.

**ADJOURN**

Commissioner Spainhower made a motion to adjourn the meeting and Commissioner Lutz seconded the motion. The motion passed and the meeting was adjourn at 6:30 pm.