

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

MEMBERS PRESENT: Rick Bremner, Laura Helle, Steve Kime, Jay Lutz, Jim Mino, Troy Nelson, Lonnie Skalicky, Lynn Spainhower, and Aaron Stewart

OTHERS PRESENT: Craig Byram, Holly Wallace and public

Commissioner Kime called the meeting to order at 5:30 pm. Commissioner Spainhower made a motion to approve the February 10, 2015 Planning Commission Meeting minutes as written and Commissioner Lutz seconded the motion. The motion was passed.

Commissioner Kime indicated the first item on the agenda as continued from the February 10, 2015 meeting.

OPEN PUBLIC HEARING: To consider a request, continued from the February Planning meeting, 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 (f), requiring separation between buildings. The issue of street setbacks has been resolved, therefore no variance is needed on that matter.

Ms. Wallace gave an update to the members indicating a narrower interpretation of the code regarding road setbacks, after reviewing the park and mobile home dimensions, requiring a 30 foot setback from the outer boundary of the mobile home park and 10 foot setback from interior streets. The only item remaining to review was the 20 foot separation between structures.

David Hunn, 702 36th Drive SW, referred to a hand drawing on the monitor showing that the 10 foot setback from the street had been met. He indicated that for the new garage he had added concrete to the existing slab and moved the garage there to be used for a shuttle business. He has seen many lots without a 20 foot separation and has obtained 60 signatures from trailer court residents in support of his request.

Mower County taxes 34 structures in the mobile home park. City staff counted less than 20 possible garages that were non-compliant with regard to setbacks and has approximately 3 permits on file. One issue raised is that these permanent structures are constructed by, but not owned by the renters. Another issue regarded moving 80 foot temporary mobile homes located in the park when permanent structures are built amongst them. Ms. Wallace indicated the landowner is responsible for code violations and has been informed of the matter with regard to Mr. Hunn, as well as the requirement that only the landowner may apply for a permit to build permanent structures.

Mr. Byram explained in more detail the conflict between allowing permanent structures to be built by renters on land they do not own. Permanent structures that were contemplated in the original establishment of the mobile home park were structures to operate the park (storm shelter, office, etc). Only a few garages have permits and these permits should not have been

approved unless they were pulled by the property owner. This is an issue that was discovered after Mr. Hunn applied for a variance and he has been allowed to move forward although he is not the landowner.

Mr. Hunn's garage is 7 feet away from the hooks up of the neighboring lot. He indicated that he pays an extra \$100 per month because that lot cannot be used due to the garage being too close to the hook ups. He has constructed a firewall in the garage on the side of his trailer's entry way.

Commissioner Mino made a motion to approve the CUP as a recommendation to the City Council as he feels it meets the three clauses of the staff recommendations.

2. "Undue hardship" corrected by Commissioner Spainhower as "practical difficulties" is shown, meaning:
 - a. The landowner would like to use the property in a reasonable manner that is prohibited by the Ordinance, and
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
 - c. The variance will not alter the essential character of the locality

Commissioner Mino believes that Mr. Hunn did try to do it right and work with the building inspector the best he could. It is obvious that these structures have repeatedly been constructed in the mobile home park and his would not vary from the others. It doesn't make this right and it doesn't really state the case of any others as they may at some point have to come to us for a variance for their garages.

Commissioner Bremner seconded the motion. Commissioners Helle and Spainhower requested more discussion before a motion was made. A business involving shuttle service and used tires is being run out of this garage and Commissioner Spainhower believes the staff recommendations are not being met.

Harold Sibenaller, 705 36th Drive SW brought his approved permit (07-01258) dated October 29, 2007. He indicated his house to be 10.1 feet away from his garage.

The interpretation from the City in the past was not differentiating permanent structures from temporary structures (carport, small utility shed, cabana, etc). The ordinance was put in place in the 1970s.

Mr. Sibenaller questioned who would think a 24 x 32 foot structure would be considered as a carport.

Mr. Byram pointed out that carports, small utility sheds and cabanas are uses that fit the ordinance. In the past, the garages were considered to be carports and we are all at a loss as to when these types of situations began to occur. Setbacks and separation standards set limitations to help move mobile homes in and out of the trailer park and keep owners from crowding trailers into the park in such a way that would make it uncomfortable and unsafe for the residents. If the residents have a nice place to live with setbacks and separation, the landowners make money. In 1999, there was an effort to lessen the setbacks in the mobile home park, but it did not pass.

Ms. Wallace indicated that the city will no longer accept any permits for permanent structures from renters. These permits must be applied for by the landowner.

Scott Hunn, 308 12th Avenue SW, spoke in favor of his father's request for this CUP. He explained his father has been in the construction business for years and knows what he is doing. He feels he did the right thing by going off the existing slab that was there as well.

Heidi Hunn, 204 36th Street SW, David's daughter who bought a mobile home in the trailer park that had an existing two stall garage. She believes her father to be a very good contractor. She indicated there are approximately 217 lots in the mobile home park and 114 are being used. This leaves over 100 lots not being used and feels no one is going to put anything next to his trailer. He did use the existing slab that was there and he did not move any closer to the house than the garage located there previously.

Tina Delcles, 204 36th Street SW, who also lives in the trailer park bought their trailer and it has the garage with it. The owner has passed away and if they move, the garage stays there.

Landon Artherholt, 3611 4th Avenue SW, helped Mr. Hunn with the garage construction corrections and feels he used people who knew what they were doing.

Larry Keefe, 706 37th Street SW, read a letter he had written to Ms. Wallace regarding things he had heard from Mr. Hunn and gave her a copy after the meeting.

Ms. Wallace has discussed this with Mr. Hoium and the understanding of the interpretation seems different between Mr. Hoium's and Mr. Hunn's views.

Commissioner Mino indicated his motion was still open and he would like to add there would be no business operations. Commissioner Bremner indicated his second to the motion. The motion passed with eight yay from Commissioners Nelson, Lutz, Stewart, Bremner, Helle, Mino, Kime and Skalicky and one nay was received from Commissioner Spainhower.

This CUP will be heard at the City Council meeting on Monday, March 16, 2015.

OPEN PUBLIC HEARING: To consider a request, from Sheila and Robert Helmers, 1011 Oakland Place SE, Austin, MN, for a conditional use permit pursuant to Austin City Code Sections 12.14, Subd. 3(C); 12.14, Subd. 4(F)(2); 12.26 Subd. 5 and 7 to display sheds for sale in a flood fringe area.

Ms. Wallace indicated this CUP request for the display of sheds on the Helmer's property located in the flood fringe. This area is the over flow area. From previous knowledge, Old Hickory feels their company could move 30 sheds within an eight hour period. The DNR reviewed the flood plan and recommended limiting the number of buildings. These buildings must be moved in a flood warning to north of the flood/display lot.

Robert Helmers, 1011 Oakland Place SE, commented on the lot size as being 188 x 185 feet. The alternative storage for flood warnings is 188 x 100 feet and there are a few cars sometimes located in the front of that lot.

Commissioner Spainhower made a motion to recommend the approval of the CUP with the following recommendations:

1. That the area shall not be used by employees or the general public or any use other than to display small storage buildings.
2. That a flood response plan be prepared and approved by the planning and zoning administrator and attached to the CUP.
3. Limiting the number of display buildings to a maximum of 20.
4. That the flood response plan be reviewed and updated annually by the petitioners, if requested by the City of Austin.
5. Any other conditions related to this use, that the planning commission deems necessary to protect property and the public in general.
6. No storage is allowed on the alternate site.

Commissioner Bremner seconded the motion and the motion passed unanimously.

Commissioner Mino made a motion to adjourn with a second from Commissioner Skalicky. All were in favor and the meeting was adjourned at 7:13 pm.