

**MINUTES**  
**Austin City Planning Commission**  
**Tuesday, September 11<sup>th</sup>, 2018**  
**5:30 PM**

**MEMBERS PRESENT:** Jay Lutz, Steve Kime, Michael Postma, Jonathan Caporale, Megan Burroughs, Jim Mino

**MEMBERS ABSENT:** Adama Youhn, Melissa Swenson, Aaron Stewart

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

Commissioner Kime called the meeting to order at 5:30 pm.

Commissioner Kime asked if Commissioners had a chance to read minutes. There were three edits, then Commissioner Postma motioned to approve the August 15<sup>th</sup>, 2018 meeting minutes. Commissioner Lutz seconded the motion. All in favor, none opposed. Motion carried.

**SIGN APPEAL:** To consider a Sign Appeal from Mower County Catholic Parishes Credit Union at 307 5<sup>th</sup> St NW in an "R-1" Single Family Residential District.

Ms. Wallace explained that the Credit Union is requesting to replace the existing free standing sign with a larger one. Customers don't seem to notice the existing sign and have difficulty locating them as the building blends in with others in the area. The sign would change orientation to face 5<sup>th</sup> Street instead of 3<sup>rd</sup> Ave. They are currently a legal non-conforming use in a residential zone. The new sign exceeds the current sign size by approximately 12 square feet.

Ms. Wallace stated the following considerations apply to this sign appeal:

1. The sign request is due to unusual conditions pertaining to sign needs for a specific building or lot.
2. The sign would not create a hazard.
3. The sign would not violate Minnesota Statutes or rules and regulations developed pursuant hereto.
4. The sign would not be objectionable to adjacent property owners.
5. The sign would not adversely affect residential property.
6. The sign would be in keeping with the general character of the surrounding area.

Commissioner Postma inquired about the setback of the sign - if it would conform with the current sign location. Ms. Wallace stated the post would be in the same location, so it would stick out less due to facing the other direction. Commissioner Kime asked if the sign would be the same type of sign and Ms. Wallace stated yes.

Commissioner Kime asked for a motion. Commissioner Mino moved to approve the sign appeal as proposed. Commissioner Caporale seconded. All in favor. None opposed. Motion passed.

**OPEN PUBLIC HEARING:** To consider an application from Freeborn/Mower Habitat for Humanity for a frontage variance of approximately 1 ½ feet at 400 12<sup>th</sup> St NE, pursuant to City Code 11.30 Subd. 5A.

Ms. Wallace stated Habitat for Humanity currently has 2 ½ vacant lots that they are proposing to divide into two lots. This would require a 11/2 foot frontage variance from the required 60 feet. One lot would have 60 feet of frontage while the other would be 58 ½ feet, which is more conforming than the existing lots. She used maps to explain where the lots are located and the lengths of the frontages. The area is zoned Residential and surrounded by Residential. Ms. Wallace stated that the petitioner plans to add a small house and is starting construction.

Considerations include:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision:
  - the plight of the landowner is due to circumstances unique to the property not created by landowner
  - the variance will not permit any use that is not allowed in the zoning district where the affected land is located
  - the variance will not alter the essential character of the surrounding area.

NOTE – Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

Ms. Wallace stated that though this creates “a non-conforming lot”, it does open up the opportunity for two new residential homes in a neighborhood that could use redevelopment.

Commissioner Kime asked if someone would intend to build on the lot that no one has started building on. Ms. Wallace stated Habitat does plan to build on both lots.

Commissioner Postma made a motion to recommend to council to approve the frontage variance. Commissioner Mino seconded the motion. All in favor. None opposed.

**OPEN PUBLIC HEARING:** To consider an application from Scott Medgaarden at 1100 23<sup>rd</sup> Dr SW, for a setback variance of approximately 5 ½

feet from the required side yard setback due to buried utility service, pursuant to City Code 11.01 Subd. 93 (D)(2).

Ms. Wallace explained that the petitioner wishes to replace his existing detached garage with a 34' x 28' detached garage and is requesting a variance of approximately 5 ½ feet from the required 12 ½ foot (corner lot) side yard setback due to buried utility service.

Considerations include:

1. The variance is in harmony with the general purposes and intent of the zoning code.
2. The variance is consistent with the comprehensive plan.
3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision:
  - the plight of the landowner is due to circumstances unique to the property not created by the landowner
  - the variance will not permit any use that is not allowed in the zoning district where the affected land is located
  - the variance will not alter the essential character of the surrounding area

NOTE: Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

Ms. Wallace stated the petitioner was at the meeting for any questions.

Commissioner Kime asked if Commissioners had any questions for Ms. Wallace or the petitioners.

Commissioner Mino asked the property owner and builder why the 200 amp service can't be moved. Mr. Medgaarden stated the 200 amp couldn't be moved because of where the house and the garage sit. If he moved it to the South, it would come in the driveway and around the house. Commissioner Mino asked if this was more a problem with access than utilities to which the builder stated yes. Commissioner Mino asked if the road had curb & gutter. Mr. Medgaarden stated no, it is paved without sidewalks or gutter.

Commissioner Lutz asked if letters went out. Ms. Wallace stated yes, we received no response. Commissioner Burroughs asked if the other structure behind the current garage would be removed as well. Mr. Medgaarden stated yes.

Commissioner Lutz recommended to council to approve the setback variance. Commissioner Burroughs seconded. All in favor – none opposed. Motion passed.

Commissioner Burroughs motioned to adjourn. Commissioner Caporale seconded.

Meeting adjourned at 5:50pm.