

M I N U T E S  
Austin City Planning Commission  
Tuesday, March 10<sup>th</sup>, 2020  
5:30 PM

**MEMBERS PRESENT:** Melissa Swenson, Jay Lutz, Aaron Stewart, Michael Postma, Rita Srock, Megan Burroughs, Adam Youhn, Jim Mino

**MEMBERS ABSENT:** Jonathan Caporale

**OTHERS PRESENT:** Holly Wallace, City Attorney Craig Byram, Public

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

Commissioner Postma asked if all commissioners had reviewed the Tuesday, February 11<sup>th</sup>, 2020 meeting minutes. Commissioner Lutz motioned to approve the minutes. Commissioner Swenson seconded. All in favor, none opposed. Motion carried.

The March Agenda was amended to remove the second open public hearing notice for a shore land variance for Jack & Carol McAlister at 1203 34<sup>th</sup> Dr. NE due to a variance not being required.

**OPEN PUBLIC HEARING:** To consider a petition from Shannon A Schewe at 1711 8<sup>th</sup> Ave NW for a variance from City Code Section 11.01 Subd.1 limiting the total aggregate area of all “accessory” structures to 1,584 square feet for properties over one acre.

Ms. Wallace presented the information provided in commissioners’ packets stating that Mr. Schewe plans to add an additional accessory structure. The variance is for 400 square feet of accessory structure in addition to the 1,584 allowed for properties over an acre.

Properties nearby include: North – Riverland which is R-0; and South, East, West all R-1 residential neighborhoods. It was noted that Mr. Schewe’s property is far greater than one acre. One comment was received from a neighbor at the West property line concerned about property lines being accurate, but the garage would be set back from the neighbor’s property about 35-40 feet, greatly exceeding the City’s setback requirement.

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.*

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

Commissioner Postma clarified that the variance is for the extra square feet and not the second accessory structure. Ms. Wallace explained that is true: 2 detached structures are allowed in the current ordinance.

Shannon Schewe the petitioner at 1711 18<sup>th</sup> Ave NW, stated he plans to keep RV's, snow blowers, and ATV's in the new garage.

Commissioner Postma asked if any commercial business would be in this building. The petitioner stated it is all personal equipment used to maintain the lot and a 28 foot RV.

Commissioner Mino asked about the where the driveway to the new structure would be located. The petitioner stated it would stay next the garage on the West side with gravel.

Commissioner Mino also asked what circumstances of his property are unique requiring the extra 400 sq ft.

City Attorney Byram explained that the petitioner could comply with current ordinance requirements if he built a 32' x 31' instead of a 32' x 44' garage. The petitioner stated that in addition to his RV he has mowers and other vehicles for his young drivers. Both mowers are used to maintain his residence.

Commissioner Lutz asked if the garage would house most things currently seen outside on the aerial map. The petitioner stated it would. The current garage houses vehicles and summer equipment and leaves no room for anything else in a garage.

Commissioner Burroughs asked if the equipment was needed because of the large property size. The petitioner stated he has a very large mower and two push mowers, two snow blowers (one riding and one push) and will have more future drivers in the household.

Commissioner Lutz asked if there were any other comments from neighbors and if a residential build would require a survey. Ms. Wallace stated there is no requirement for a survey, and that no other concerns were raised about property lines or setbacks. City Attorney Byram stated the decision of the planning commission doesn't change setback requirements or property lines, so it is up to the property owner to be very certain before he puts in any improvements.

Commissioner Stewart and Commissioner Burroughs asked if the building would be in harmony with the zoning code in regards to building materials, etc. The petitioner stated that it would be a stick build, on slab and footings in harmony with current structures.

Commissioner Stewart asked if building a structure that conforms to the current code seems feasible. The petitioner stated it would need to be one likely not fitting the RV at that point.

Commissioner Mino expressed opposition due to lack of circumstances rising out of the need for a larger structure than what the code allows.

Commissioner Lutz expressed that if he was a neighbor, he'd rather see a slightly larger structure with all outside activity then held inside and expressed approval discussion.

Commissioner Burroughs stated there were several reasons she saw that could show hardship to conform to the existing code: Elevation, location, surrounding nature, a lot vastly over one acre and equipment required to maintain that large of a lot.

Commissioner Postma concurred with Commissioner Burroughs and Lutz about the aesthetics of keeping all items put away in a larger structure verses leaving them outside.

Commissioner Swenson stated she favored Commissioner Burroughs' opinion that a larger structure would still be in harmony with the overall layout due to the heavily wooded area.

City Attorney Byram stated the reasoning behind this ordinance was to attempt to prevent pole sheds from being added and keeping less farm and more urban residential appearances.

Past cases were reviewed but every property and case is unique.

Commissioner Stewart stated that in the spirit of context and knowing that this is not changing sight lines, character of lot and not a pole shed build, that he can see this being approved.

Commissioner Lutz made a motion to recommend council approve the variance, referencing the considerations provided in the staff report. Commissioner Youhn seconded.

8 Ayes 0 Nays. Motion Passed.

Commissioner Rita motioned to adjourn. Commissioner Burroughs seconded. All in favor. None opposed. Meeting adjourned at 6:12pm.