

**VILLAGE OF DRESSER
ZONING BOARD OF APPEALS PROCEEDINGS
WEDNESDAY, JUNE 5, 2019**

The meeting was called to order at 6:30 PM by Attorney Tim Laux. It was announced that the proceedings would be tape recorded. The purpose of the meeting was to consider a request for the following variance: Eric D Hinz, 114 E Dresser Street, for a variance to construct a 16X20 addition to the house. The proposed addition does not meet the side yard: 25 feet combined setback in a R-1 Single-Family and Two-Family Residential District – Section 17.13. Legal Description: Outlot 87 Assessor's Plat Exc S 17.5' of W 26.5' Parcel Number 116-00396-0000.

Laux stated the Zoning Board of Appeals Committee has five regular members and two members are not able to attend tonight's meeting and the two alternates were not available. There is a majority of five which provides just a minimal but legal quorum of attendance. You will need to hold a hearing and vote whether to grant the variance. The issue of a quorum and the ability to continue the hearing has been resolved. This property is in the corporate limits of the Village of Dresser and under jurisdiction of the Board of Appeals you need to appoint a chairman for the rest of the meeting. Motion Loescher/Frandsen to nominate Sam Malm as chairman for this meeting. No other motions to nominate were made. All in Favor. Motion Carried. Sam Malm is chairman for the meeting.

Announcement of Notice Given: Public Notice was posted May 17, 2019 and published in the Inter-County Leader and the property owners within 100 feet were notified.

Members present at the meeting: Sam Malm, Luke Loescher, and Darrin Frandsen. Marian Madsen and Rusty Norlander Absent. Alternates Michael Nelson and Bill Pfannes were also called and they were not able to attend. Also present Attorney Tim Laux, Jodi A Gilbert-Clerk/Treasurer, Eric & Jamie Hinz, Roger Johnson, Adam Schmidt, and Grace Bjorklund.

Review took place of the Variance Application from Eric D Hinz - 114 E Dresser Street. The application was submitted on May 3, 2019. In reviewing the documents there was a discrepancy with the measurements of the addition. I had a misprint on the application - 16X24 is what is correct on the map. So, for consideration it is a 16X24 addition. This addition to his property would be on the East side of the home. The question is does the addition meet the combined 25-foot side yard setback. Code 17.13(3) Side yards: minimum 10 feet; 25 feet combined. Laux asked if it was a corner lot. No. What are the other setbacks on the property? On the west side it is 1 foot. Hinz stated I don't have exact property lines. We did not have a survey done. In talking with the neighbors, it is less than 12 inches on the west side and 16 feet plus 16 to 17 additional feet on the east side. Need a combined total of 25 feet to meet code. Laux stated we have that 25 feet combined and it is not a corner lot. Laux stated if you combine the setbacks on both sides. Page 17:40 of the Municipal Code Book states under Side Yards:side yards on opposite sides of the principal building shall comply with the respective minimum

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combined total side yard setbacks provided in this chapter for the applicable zoning district and use. That is in definitions Section 17.28. They took a look at the sketch. The current house was where it was when it was purchased. The houses in this area I think were there before the zoning was put into place. It would be a combined side setback of 17 feet after the addition was put in place. Laux stated so they would be out of compliance and the setback on the west side existed when you purchased the property. On the east side you have 11 feet for the driveway plus 5 feet plus the 16-foot addition. The driveway is the east line. Malm stated so we have a total side of 16 feet combined 25 is required so a discrepancy of 9 feet. The variance is in front of us. Malm continued do we have any other questions on the variance at this point or do we move on to public comments. No other questions. We can come back to discuss.

Public Comments were given from the following property owners:

1. Roger Johnson – I live on the west side of the property. I was on the city council in South Dakota and dealt with a lot of variances. If the neighbors didn't object and there were no problems with safety, we felt it was good policy and they should get the Variance. Roger continued I have no concerns with it and recommend that it be approved.
2. Adam Schmidt – I live on the east side. We have talked about it. I have talked to the wife and we have no problems and recommend the variance for approval.

Malm asked for any other comments. No other comments were given.

Discussion/decision by the Zoning Board of Appeals. Malm stated we will now go down the list of Standards for variances. This is Section 17.27(6)(a-g) of the Municipal Code. 6(a) – I believe this is met because the lot is only 52 feet. There is limitation on how big of a house can go on it. Noted that the depth of his property is 417 ½ feet is from north to south. 6(b) – Laux stated you have the lot highlighted. Basically, everything on there is in that zone. Look at the shape. If they were carbon copied. In that zone all different shapes. It can be satisfied. 6(c) – Is this property owners' intention to develop and sell it to make a profit. No more room for the family. The applicant lives with his family on the property. C is satisfied. 6(d) – This lot was platted a long time ago and no one from then has an interest in the property. 6(e) – Malm stated I was wondering with this which way is the slope of the roof going to be – Hinz stated to the north/south. I am questioning water drainage. Is there a run off issue? The driveway is tar. I don't believe there is a run off concern. Even if it sloped towards the driveway there is still grass on that side. Laux stated the neighbors have also come forward and testified and they have no objection of this variance. 6(f) – Malm stated I see no concern there. F is satisfied. 6(g) – Malm stated the only condition maybe is the run off. The amount of property to the east shouldn't have a problem – no problems from the neighbors. At the end of the block there is a hydrant. The house sits close to the road. Fire Trucks are not a concern. The garage is in the back. G has been satisfied. Malm stated now we look at Section 7 Authorized Variances. Laux stated 7(a) is what you are addressing tonight. 7B-F are not applicable. Any questions from the board. Any final comments from the neighbors – Roger Johnson stated you can now raise his taxes. Nothing else was stated.

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Motion Malm/Frandsen to approve granting the variance to Eric Hinz for a 16X24 addition to the house to be constructed at 114 E Dresser Street as proposed in the application. Any other discussion. Nothing was stated. Roll Call Vote was taken. Loescher – yes, Frandsen – yes, Malm – yes. Motion Carried. Variance is approved and we are adjourned at 7:00 PM.

Jodi A. Gilbert – Village Clerk

These minutes have not been approved.