

Minutes of Meeting Zoning Board of Adjustment Electronic/Virtual Meeting

December 2, 2020

ROLL CALL: Board members present: Hanson, Rossow, Hollander, and Birkenholz
Board members absent: Billingsley
STAFF PRESENT: Brian Dunkelberger, City Planner

A quorum being present, Chair Hollander called the meeting to order at 4:37 p.m.

In accordance with the Americans with Disabilities Act, Chair Hollander questioned if there was anyone present that may require special assistance in being able to participate in this public meeting: No response.

Minutes

The Board reviewed the minutes of the previous meeting from November 18, 2020.

Motion by Rossow, **seconded** by Birkenholz to approve the minutes from November 18, 2020. Approved, 4-0.

Public Hearing

- A. Consideration and review of conditional uses authorized in 2018 for exterior storage at the property located at 1300 East 8th Street North.

Dunkelberger reviewed the prepared staff report and attachments submitted by the applicant, including images of the property and a plot plan from the fence permit application. Dunkelberger reviewed the options available to the Zoning Board of Adjustment to consider in response to the application. Staff did not provide a recommendation, but did share that if all 6 legal test questions could be answered properly, then Staff found that the variance aligned with the spirit and intent of the Zoning Code given that the request was based on conditions that are not applicable in general to other properties in the same zoning classification.

Kevin Dowling, applicant, shared his reasoning for applying for the variance and the desire to block out the visual and sound pollution caused by the substation. He reviewed the answers he provided to the 6 questions, and emphasized the point that it would not negatively impact any of the abutting properties. Instead, he believed the taller fencing could prove to increase his property's value and appeal.

Birkenholz inquired about the precise location of the proposed fence and discussion ensued regarding the images shared by the applicant. Birkenholz surmised that if she lived at that property, then she would also desire a taller fence to block the view of the electrical substation. Rossow agreed. Hollander asked about the Alliant Energy fence which is a tall, chain-link fence with barbed wire at the top. Dunkelberger highlighted that the discussion was only about the proposed fence at 501 E 26th St N, but did share history about the substation which pursued similar Zoning Board of Adjustment public hearings years ago.

Hearing no additional questions or comments, Chair Hollander called for a motion to close the public hearing.

Motion by Rossow to close the public hearing, **seconded** by Birkenholz. Approved, 4-0.

Birkenholz commended the applicant and thanked him for the detailed answers to the 6 questions and the helpful submission. Hollander reviewed the requirements for variances, and then briefly reviewed the submitted answers. Hollander shared that he could not find a reason to disagree with the answers provided by the applicant. Hanson and Birkenholz agreed. Rossow voiced support as well.

Motion by Birkenholz to approve the variance from 158.115 of the Zoning Ordinance to allow an 8-foot privacy fence along the rear property line at 501 East 26th Street North. **Seconded** by Rossow. Approved 4-0.

New Business

Discussion about an upcoming special meeting scheduled for December 22, 2020.

Adjournment

Motion by Rossow to adjourn the meeting, **Seconded** by Birkenholz. Approved, 4-0. The meeting was adjourned at 4:55 pm.