

Minutes of Meeting Zoning Board of Adjustment Electronic/Virtual Meeting

December 22, 2020

ROLL CALL: Board members present: Rossow, Hollander, Birkenholz, and Billingsley

Board members absent: Hanson

STAFF PRESENT: Brian Dunkelberger, City Planner
Erin Chambers, Community Development Director
Matt Muckler, City Administrator

A quorum being present, Chair Hollander called the meeting to order at 4:33 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 December 2, 2020.

Motion by Billingsley, **seconded** by Birkenholz to approve the minutes from December 2, 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 agenda attachments including images of the property. Images from December 7, 2020, and December 22, 2020 were shared which showed improvements to the fence. Dunkelberger reviewed the options available to the Zoning Board of Adjustment to consider in response to the action taken by the permit holders to bring the property back into compliance. Staff recommended that the Board should provide guidance to the permit holder and property owner regarding expectations for maintaining compliance at the property in the future.

Linda Dalton, neighbor at 1303 E 8th St N, asked about the condition of the fence and specifically about the fencing along the south property line. Dunkelberger confirmed that it was evident that the fencing was repaired and in a vertical position.

Paul Brush, Global Fiberglass Solutions (GFS) Director of Plant Development, thanked the Board for working with them to bring the property back into compliance. Brush described how GFS desired to be an upstanding member of the community. He requested that he be notified directly for any future violations. Board members and Dunkelberger discussed Brush being the primary contact and future communications.

Rossow asked about the 6-month deadline for permanent fencing and if that window of time was based on the November 18, 2020, meeting or the December 22, 2020, meeting. Hollander confirmed that the 6-month deadline was created based on the November 18, 2020, meeting date. In other words, permanent fencing must be installed before May 17, 2021. Dunkelberger requested that the Board advise the permit holder on the type of fencing expected and to remind the permit holder to maintain

the property free of weeds and similar nuisance-related issues. Hollander confirmed that the permanent fencing should be chain-link, similar to what is existing already to the north.

Hearing no additional questions or comments, Hollander called for a motion to close the public hearing. **Motion** by Billingsley to close the public hearing, **seconded** by Rossow. Approved, 4-0.

Hollander stated that it appeared that the permit holder successfully repaired the temporary fencing and it was in an upright position. Birkenholz agreed and described how she had traveled around the perimeter of the fence, and that from her perspective, the fence appeared to be vertical, screened, and as stabled as a temporary fence could possibly be. Rossow concurred, and stated that the temporary fence was in as best a condition as they could probably ask for. Hollander reiterated that Brush would be the direct contact person for compliance until the permanent fencing was installed.

Billingsley asked about what action the Board should take at the meeting. Dunkelberger shared that the Board could either amend the existing conditional use permit to include the 6-month deadline for permanent fencing, or choose not to take action and confirm the progress at a future meeting. Billingsley replied by stating that he felt an amendment was not necessary and that notices should be sent out for such action. Dunkelberger confirmed that notices had been sent to the property owner, permit holder, neighbors, and published. Erin Chambers, Community Development Director, articulated that the Board could choose to entertain a confirmation that the 30-day deadline was met for the temporary fencing, but that the 6-month deadline for permanent fencing would be confirmed in the spring.

Hearing no additional comments, Hollander called for a motion.

Motion by Billingsley to confirm that the permit holder complied with the established 30-day deadline by repairing the temporary fencing, and that the Board would reconvene at a future meeting, after the 6-month deadline (May 17, 2021) had passed, to review the status of the permanent fencing. **Seconded** by Birkenholz. Approved 4-0.

New Business

None.

Adjournment

Motion by Birkenholz to adjourn the meeting, **Seconded** by Billingsley. Approved, 4-0. The meeting was adjourned at 4:58 pm.