

PLANNING & ZONING COMMISSION MINUTES
January 14, 2014 - 6:00 p.m.

CALL TO ORDER

The regular meeting of the Planning and Zoning Commission was called to order at 6:00 p.m.

MEMBERS PRESENT: Commissioners Bob Ryan, Howie Oswald, Steve Lund and Gwen Carleton

MEMBERS ABSENT: Chair Bob Kinzel and Council Liaison/Mayor Darrel Olson.

STAFF PRESENT: CD Director Josh Doty

OTHERS PRESENT: Floyd Jensen, Patrick Kliebusch, Nathan Hall, Kiri McVenes, and Jared Baerger

APPROVAL OF MINUTES

MOTION by Commissioner Oswald, seconded by Commissioner Lund to approve the minutes from the December 10, 2013 as presented. Motion carried unanimously.

PUBLIC HEARINGS

*All items under old and new business items will go to City Council on
January 17, 2014 if not tabled, continued or otherwise noted.*

OLD BUSINESS

None

NEW BUSINESS

1. Appeal of a Zoning Ordinance Interpretation relating to discontinuance of a non-conforming use at 13437 Maplewood Dr.

Requested by: Floyd Jensen 12701 Executive Acres Brainerd, MN 56401

CD Director Doty explained the history of the property to the Commission. He informed the Commission of the city ordinance and State of Minnesota statute regarding non-conforming uses.

Acting Chair Ryan asked if there were any questions of staff.

Acting Chair Ryan opened the public hearing.

Mr. Floyd Jensen, owner of the property approached and stated that the property is over 50 years old and was a motel then a duplex. The property is built as a duplex with a separation wall and two kitchens. He stated that staff requested him to pull a permit so they could determine if the use would be allowed to continue. He stated that there hasn't been anyone living in the property in a year but it has not been abandoned. He stated that the city has told 20 plus people about the repairs and had not mentioned that it would not be a duplex in the future. He had it sold until this situation came up that it cannot be a

duplex. He further stated that he was never told that the 12 months were an issue when the building official was out there and wrote up the repairs needed. Mr. Jensen stated that turning it into a single family home is not affordable and because of the lot size, would need to have variances in order to build on the existing lot.

Commissioner Carleton asked how long Mr. Jensen had owned the property. Mr. Jensen stated roughly 10 years. Commissioner Carleton asked why he didn't make the repairs in a timely fashion. He stated that the property loan is \$230,000.00 and it is now worth \$120,000. He stated that he could not put more money into a property that was already losing money. The repairs were roughly \$40,000.00 and it was more than he could invest in the repairs.

Miss Kari McVenes stated she is interested in purchasing the property. They would like to live in one side and rent the other side. She is asked if that is a possibility. CD Director Doty stated that an accessory apartment use can be approved by conditional use permit but there are conditions attached and that use would need to be approved by the City Council.

Commissioner Lund asked what improvements were needed to be completed. Mr. Jensen said the siding, deck, ceiling, windows and drywall all need to be replaced. Commissioner Lund asked Mr. Jensen for an estimation of how long it would take to complete the repairs. Mr. Jensen stated that he works for Nor-Son and if he hired the repairs, Nor-Son it could be done in a month and if he did the work himself, it could take months of weekends to complete.

Acting Chair Ryan closed the public hearing.

Commissioner Oswald asked if the lot was big enough to build a house on, CD Director Doty stated that any redevelopment of this property would likely require variances. He added that it is an existing lot of record, but is small for a typical home to fit and meet setbacks.

Commissioner Carleton stated that the ordinance does need to be followed but there is the personal side as well. Commissioner Lund agreed that it is a tough situation however ordinances and state law need to be followed. Commissioner Lund stated that he gave a lot of thought into this situation. He purposely asked about the construction timeline because he wanted to know if a permit would have been pulled sooner, if the work would have been completed in a timely fashion.

Motion by Commissioner Lund, second by Commissioner Carleton to recommend City Council deny the appeal at 13437 Maplewood Dr. subject to the findings in the draft resolution. Motion carried unanimously.

After the motion Mr. Jensen commented that the only reason that he submitted his recent building permit was because city staff told him that he needed to pull a permit to get an answer if his non-conforming use could be continued. Staff never made him or anyone aware of the need to pull a permit until the one-year timeframe was past. He added that this isn't right. CD Director stated that his comments would get moved forward in the minutes to the City Council.

Acting Chair Ryan stated that this Commission is advisory and the final approval/denial is given at City Council on January 21, 2014 at 7:00 pm.

OTHER BUSINESS

ADJOURNMENT

MOTION by Commissioner Carleton, seconded by Commissioner Lund to adjourn the meeting at 6:27 p.m. Motion carried unanimously.

Approved by:

Submitted by:

Acting Chair Bob Ryan

Shanna Newman CD Technical Clerk