

**Board of Adjustment**  
**8-15-19**

Members present: Doug Mohr, Al Freidig, Rick Jorgenson, Paul Gutschmidt, Eric Kaeding, Dave Steffan (via phone).

Others present: Mark Lange, Helen Carlson, Ron Knutson, Sonia Knutson.

Vice chairman Doug called the meeting to order. Al made a motion to approve the minutes of the 5-16-19 meeting. Motion 2<sup>nd</sup> by Rick. Carried.

Mark welcomed Eric Kaeding to the meeting and stated that he has agreed to be a member of the Board of Adjustment. Action needs to be taken to recommend the City Commission formally appoint him as a member.

Mark reviewed a request from Ron and Sonia Knutson for two side yard variances to build a 32' X 50' shop at 515 6<sup>th</sup> St SE. This is in an area zoned as highway commercial so there are different regulations compared to building a large garage in a residential zoning district. The shop will be a commercial use rather than a residential use and will be heated. The existing house on the lot will be demolished. Setbacks for this type of use would be 10' side yard setbacks and a minimum 20' front and rear setback. The side yard variance request is for a 2' variance for the east side of the building (proposed 8' from property line) and a 4' variance for the west side of the building (proposed 6' from property line).

Rick asked about the proposed setbacks and asked if the building could be closer to the east property line.

Ron Knutson said he wants to save the trees on the west side of the lot.

Doug suggested a 32' X 48' shop to reduce the side yard variance required.

Rick asked if the entrance to the shop would be from the alley and Ron Knutson replied that it would be.

Mark said the 8' setback adjacent to the residential side would help maintain the residential look of the property if it eventually sold.

Doug asked what the sidewall height would be and was told by Ron Knutson that the sidewall height would be 14', which is allowed in commercial zoning.

Mark noted that the building would be required to have a bathroom. Al asked if it would have to be ADA accessible and Ron Knutson said it would be.

Mark said specifics of the bathroom would be addressed by the building codes.

Rick made a motion to approve side yard setback variances for a commercial shop at 515 6<sup>th</sup> St SE, with a 4' side yard setback variance for the west side of the property and a 2' side yard setback variance for the east side of the property. Motion 2<sup>nd</sup> by Al. On roll call vote, Paul, Doug, Rick, Al and Dave voted in favor. Motion carried.

Al made a motion to recommend the City Commission appoint Eric Kaeding as a member of the Board of Adjustment, with his term expiring June 30, 2022. Motion 2<sup>nd</sup> by Rick. Carried.

Paul made a motion to recommend the City Commission appoint Rick Jorgenson as an alternate member of the Board of Adjustment, with his term expiring June 30, 2020. Motion 2<sup>nd</sup> by Dave. Carried.

Al made a motion to nominate Doug as chairman of the Board and Paul as vice chairman of the Board. Motion 2<sup>nd</sup> by Dave. Carried.

Mark did a quick review of what other cities are doing with variance requests for lot area, sidewall heights and setbacks.

Al asked if discussion is being held on the allowable sidewall heights. Mark replied that a lot of other cities are going with 12' sidewall height for residential garages and it appears the Board is in agreement with going with the same height for Devils Lake.

The Board will need to set up a meeting to formally take action to recommend any changes they would like to see in the City's zoning ordinance, particularly sidewall height for garages, lot area variances, setback variances.

Dave suggested going back over the last 3 years and see how many of the requests to the Board of Adjustment for those variances would not have had to come to the Board if the zoning regulations were adjusted.

Mark said he could put together some sort of summary.

Rick suggested doing a 10 year history of requests that have come to the Board and whether or not they were approved.

Meeting adjourned.

Respectfully submitted,

Helen Carlson  
Recording Secretary