

**MINUTES
ZONING BOARD OF ADJUSTMENT
MAY 7, 2013
5:30 P.M.
CITY HALL COUNCIL CHAMBERS**

Present: Allen Harvey, Jane Reischauer, Larry Wolf, and Rochelle Conway.

Excused: Jim Edgmond,

Staff Present: Steven Boka, Director of Community Development
Andrew Fangman, City Planner
Stephanie Oien, Office Coordinator, Community Development

Chairperson Harvey called the meeting to order at 5:30 p.m.

Minutes: Conway motioned to approve the minutes from the April 2, 2013, meeting, seconded by Harvey. All ayes, motion carried.

Appeal Case No. 903, filed by Steve Welk, to convert the main floor of a commercial building at 1201 Oregon Street to apartments. Steve Welk of 307 Wood Creek Lane was present to discuss his request. Allen Harvey asked staff why the area was zoned M-1 instead of R-3 when it is predominantly residential. Steve Boka replied that zoning classification has been in place since 1973. There were a number of small businesses in the first few blocks west of Oregon Street. Harvey added that the M-1 zoning classification is approximately six blocks long and two blocks deep on Oregon Street. Boka noted that there has been some discussion with neighbors in the past to re-zone the area. He added that people are passionate about both sides. Either zoning classification, M-1 or R-3, would have a large amount of existing non-conforming uses. Mr. Welk explained that there are currently two one-bedroom apartments upstairs. He would like to add two two-bedroom units on the main floor. He intends to have access for the units from the parking area just as the current units. He believes that this remodel would be an improvement in a designated blighted area. He also noted that there should be less traffic with apartments than a commercial use. There is plenty of existing parking. Boka explained that M-1 zoning allows for all uses permitted in C-1 zoning. C-1 zoning does not permit residential uses on the first level. As a result, a variance must be obtained for Mr. Welk to move forward with his request. Andrew Fangman stated that zoning for this area came up during discussions about updating the Comprehensive Plan. He noted that the new Comprehensive Plan draft shows more of a mixed use zoning classification for the area rather than simply commercial or residential. Rochelle Conway thought this request would be an improvement to the property and neighborhood. Mr. Welk stated that a vacant storefront is not good for the neighborhood. He has owned the property since November 2012 and has had no contact from anyone interested in the commercial portion. He explained that the units will have separate utilities, furnaces, and air conditioners. He estimated rent to be \$525 a month. Eric Thomsen, representing Grain Processing Corporation, 1600 Oregon Street, stated that he believed a variance could only be granted if the appellant is able to show special hardship. Thomsen did not think this request showed that. He added that he didn't believe the Board had the authority to grant the variance. Conway asked what concerns GPC had with the project. Thomsen avoided the direct question and stressed that he didn't believe the Board had the authority to grant a variance in this case. He was adamant that the

zoning was appropriate for the property. He added that if the Board thought it was zoned incorrectly it should change the zoning classification. Harvey replied that the Zoning Board of Adjustment cannot change the zoning classification that process goes through the Planning & Zoning Commission. Fangman explained the City is in the process of updating the Comprehensive Plan and subsequently the Zoning Ordinance. He believed there would be a zoning change during this process as the current zoning does not reflect the usage well. Boka acknowledged that the Board had the right to grant a variance. Conway motioned to approve the request as submitted, second by Harvey. All ayes, motion carried.

Adjourned.

ATTEST:

Allen Harvey
Chairperson

Respectfully Submitted,

Steve Boka, Secretary
Director of Community Development