

**HIBBING BOARD OF ADJUSTMENTS & APPEALS – AGENDA AND WORKSHEET**

Monday, July 24, 2017  
5:00 PM, Hibbing City Hall Council Chamber

**1. CALL TO ORDER AND ROLL CALL FOR BOARD OF ADJUSTMENTS AND APPEALS**

Chairperson G. Oie	_____		
Commissioner G. Smith	_____	Ex Officio P.Green	_____
Commissioner J. Petrangelo	_____	Ex Officio M. Galli	_____
Commissioner T. Kautto	_____		
Commissioner D. Hendrickson	_____		
Commissioner J. Paulsen	_____		
Commissioner C. Link	_____		

**2. APPROVAL OF MINUTES:**

Approval of the Board of Adjustments & Appeals Minutes for May 8 , 2017. Note corrections, additions, or deletions, if any:

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_ SECOND: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

**3. ACCEPTANCE OF AGENDA:**

Acceptance of agenda for recording purposes. Note additions, deletions or changes, if any:

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_ SECOND: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

**4. NEW BUSINESS**

Convene the public hearing scheduled for this time to consider the variance request of Cade Raukar, 2614 Diane Lane, Hibbing, MN 55746 to approve a variance request to vary the front yard setback from 25 feet to 19 feet for a 24 by 28 detached garage in the R-1, Single Family District, in the Hibbing City Code of Ordinances on the subject property (Lot 32, Block 3, Graysher Addition, City of Hibbing, 2614 Diane Lane).

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_ SECOND: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

**5. OPEN DISCUSSION:**

*(Continue On Page 2)*

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6. ADJOURNMENT:

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_ SECOND: \_\_\_\_\_ YES: \_\_\_\_\_ NO: \_\_\_\_\_

*(Reminder: Chairperson and Secretary sign approved minutes)*

**COMMISSIONERS PLEASE CALL STAFF IF YOU CANNOT ATTEND: 218-312-9733**

May 8, 2017

The Hibbing Board of Adjustments and Appeals held a meeting on Monday, May 8, 2017 at 5:00 p.m. in the City Hall Council Chambers. Chairperson G. Oie, T. Kautto, J. Paulsen, C. Link, and staff members P. Green and M. Galli were present. Commissioners G. Smith, J. Petrangelo, and D. Hendrickson notified staff members they could not attend the meeting.

#### APPROVAL OF MINUTES

Commissioner C. Link made a motion to approve the minutes of the February 13, 2017 Board of Adjustments and Appeals meeting. Commissioner T. Kautto seconded the motion. The motion carried unanimously.

#### ACCEPTANCE OF AGENDA

It was moved by Commissioner G. Smith to accept the agenda as presented. Commissioner C. Link seconded the motion. The motion carried unanimously.

#### NEW BUSINESS

At this time Chairperson G. Oie convened the public hearing scheduled for this time to consider the variance request of Chris and Jessica Whitney, 617 South Inner Drive, Hibbing, MN 55746 to approve a variance request to vary the setback from 25 feet to 16 feet for a 40 by 30 detached garage in the R-1, Single Family Dwelling District, in the Hibbing City Code of Ordinances on the subject property. (Out lot F Ex that part laying S of a line drawn parallel to the SLY line of Greenhaven Second Addition and the 650 feet Nly therefrom, Greenhaven Second Addition, City of Hibbing, 617 South Inner Drive.) P. Green presented the staff report. Chris Whitney, 617 South Inner Drive, was present. Chairperson G. Oie inquired if it was a stick built garage. Mr. Whitney noted that it was a stick built garage that will match the house. Commissioner C. Link inquired if the fence will be removed and how high the garage walls will be. Mr. Whitney stated that he will be removing the fence and that the garage walls will be 9 feet high. Commissioner J. Paulsen inquired where the driveway for the garage will be located. Mr. Whitney noted that the driveway would be located off of 7<sup>th</sup> Avenue East and that he would be removing two trees for the driveway. P. Green inquired why Mr. Whitney could not move the garage four more feet back. There was no one in the audience to comment on the matter. The Commissioners then went through the finding of fact statements. The Commissioners all agreed with the first finding of fact statement. The Commissioners did not agree with finding of fact three and four. Commissioner J. Paulsen made a motion to deny the request. Commissioner T. Kautto seconded the motion. The motion carried unanimously.

#### ADJOURNMENT

Due to no further discussion Commissioner J. Paulsen made a motion to adjourn until the next meeting. Commissioner C. Link seconded the motion. The motion carried unanimously.

ATTEST:

\_\_\_\_\_  
G. Oie, Chairman

\_\_\_\_\_  
Mandy Galli, Secretary

Staff Report by Pat Green for the Hibbing Board of Adjustments

July 24th 2017 Hibbing Board of Adjustment Meeting.

RE: Cade Raukar 2614 Diane Lane, Hibbing Mn

The applicant in this case is requesting a variance to the front yard setback regulation of 25 feet to 19 feet. The reasons for this requested setback from the property line is to allow building a 24 foot by 28 foot garage. The way the applicant's house is situated on the property there is no accessible access to the rear property. The front yard is the only useable property for an accessory structure and the owner would also like to keep 5 feet between the garage and the house for access between the structures. This appears to be a reasonable request with the way the existing house is situated on the lot and the amount of front yard that would be useable.

Suggested conditions if variance is approved: None

Notice: Approved variances are valid for six months unless a Building Permit is issued and construction begun within that period, and is thereafter diligently pursued to completion, per City Code Section 11.72, Subd.2H

NAME Cade Rauker ADDRESS OF PROPERTY 2614 Diane Ln. Hibbing, MN

**-INSTRUCTIONS-**

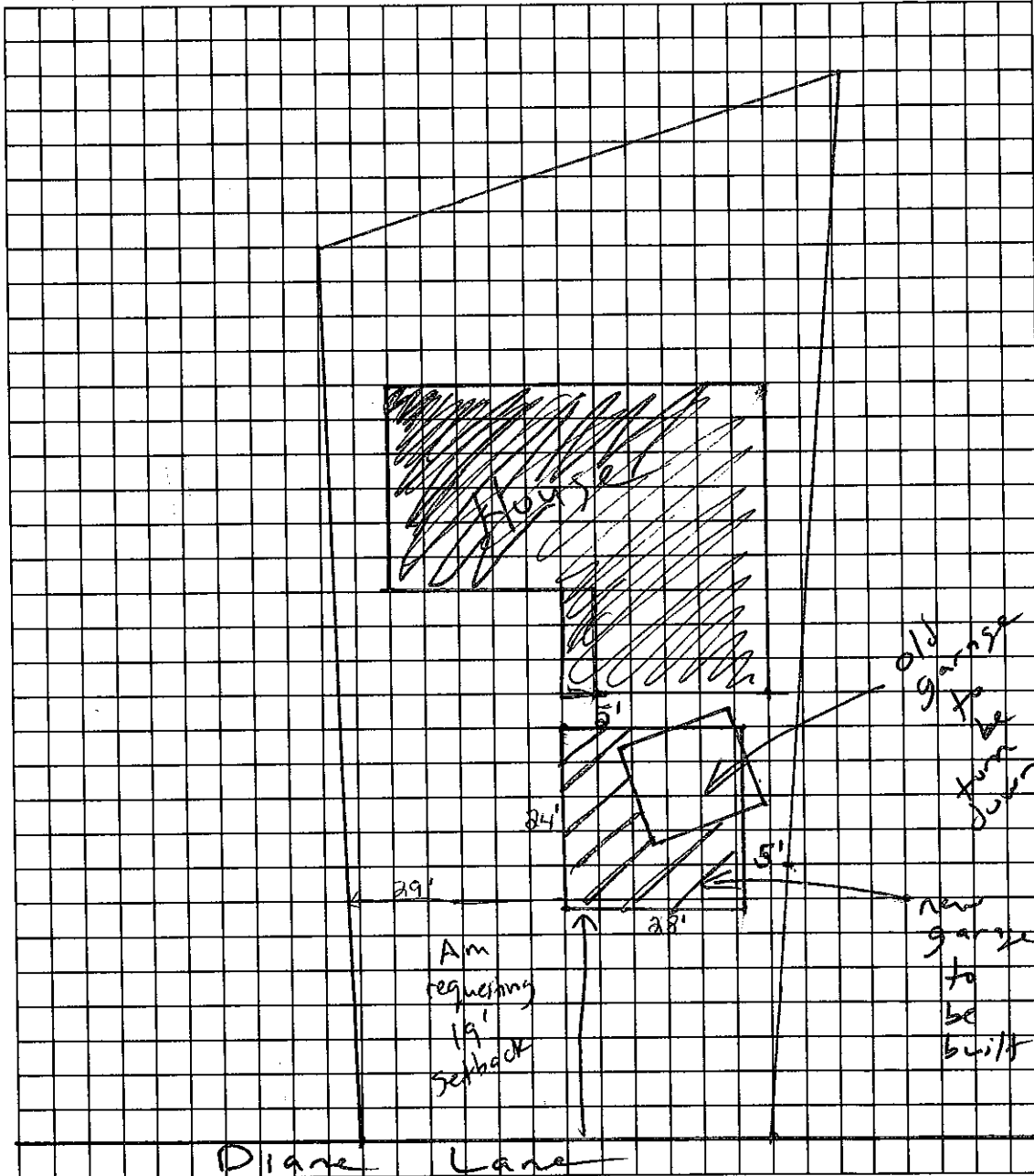
**SITE PLAN DRAWN TO SCALE - SHOW DIMENSIONS OF LOT AND ALL EXISTING AND PROPOSED STRUCTURES. SHOW DISTANCES FROM FRONT, SIDE AND REAR PROPERTY LINES TO ALL EXISTING AND PROPOSED STRUCTURES. SHOW ALLEY AND LIST STREET NAMES ABUTTING LOT. SITE PLANS DRAWN BY FREE-HAND WILL NOT BE ACCEPTABLE.**

IT IS THE OWNER'S AND/OR APPLICANT'S RESPONSIBILITY TO KNOW THE SUBJECT PROPERTY LINES IN ORDER TO FILE FOR THIS PERMIT.



PLACE AN ARROW IN THE CIRCLE TO INDICATE THE DIRECTION OF NORTH

GRAPH SQUARES ARE 5'X5' OR 1"=20', OTHERWISE NOTE SCALE AS FOLLOWS:



I/we as applicant certify that the proposed construction will conform to the dimensions and uses shown above, and that no changes will be made without first obtaining approval.

Applicant's Signature [Signature] Date 6/29/17

Plan Review by \_\_\_\_\_

**OFFICE USE ONLY:**  
This is An Application For:

Building Permit   
  Zoning Permit   
  Moving Permit   
  Demolition Permit  
 Sign Permit

Official's Comments: \_\_\_\_\_

INSTRUCTIONS FOR VARIANCE/APPEAL OR ZONING AMENDMENT APPLICATION (Page Two)

**APPLICANT:** Be sure you have carefully read through both pages of this application before starting. *Print clearly in blue or black ink, or type to complete* application; provide required attachments, signatures and appropriate filing fee (Staff may not accept an incomplete application, or process it for public hearing). **ATTENTION:** *Attachment Of The Deed Recorded For The Subject Property At The Time Acquired By Current Owner/s Is Required – City of Hibbing may not accept your application or process it to be heard without it.* Provide the name(s) of all the property owners (i.e. spouse, co-owners).

**OWNERSHIP:** Applicant *must* have permission of subject property's owner/s to apply and *must* have him/her sign the application, or sign (and attach) a letter of permission. Applicant *shall* include a **SITE PLAN** drawn-to-scale showing all lot dimensions, all existing and proposed buildings/additions, all building dimensions and setbacks (distances from buildings to property lines). Additional information may be required. **Complete both pages of application as instructed and submit original with one copy!** *Please feel free to ask Staff for help if you are having difficulties with completing application.*

The completed application, all required attachments and filing fee must be received by the Zoning Administrator's office no less than (3) three weeks prior to the regular public hearing dates (which are the **SECOND MONDAY** of the month, or **FOURTH MONDAY** if scheduled). The process from acceptance of application to public hearing may take 4 weeks or more. Zoning amendments are heard by the Hibbing City Planning Commission. Legal Notices must be published no less than 10 days before the public hearing.

**NOTICE TO VARIANCE APPLICANT:** City of Hibbing Code of Ordinances, Chapter 11, Sec. 11.72, Variances – the Board of Adjustments is authorized to grant variances when strict enforcement of the zoning ordinances would cause "practical difficulties" as per Sec. 2. Minnesota Statutes, section 462.357, subdivision 6. Per said Sec. 11.72, Subd. 2, Conditions for variances are as follows:

Subd. 2, A – the Board of Adjustments may grant variances from the requirements of Chapters 11, 13, and 16 of this Ordinance **ONLY** when they are in harmony with the general purposes and intent of the ordinance, **AND** when the variances are consistent with the comprehensive plan.

Subd. 2, B – variances may be granted when the applicant for the variance establishes there are practical difficulties in complying with applicable zoning ordinance per practical difficulties as defined in 1 – 3 below. To establish practical difficulties applicant is responsible to provide evidence to the Board of Adjustments for all three as follows (attach additional pages if needed):

1. "The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance" – Evidence (that is explain how): I am limited for space on all sides except for the front toward the street to expand the depth of new garage
2. "The plight of the landowner is due to circumstances unique to the property not created by the landowner" – Evidence (that is explain why): The 25' existing setback won't allow me to create a garage deep enough to even park my truck in the garage but with a 19' setback I will be able to.
3. "The variance, if granted, will not alter the essential character of the locality" – Evidence (that is explain how): The new garage will just be a residential garage that will match the house and will easily fit in with the character of the neighborhood.

**FURTHER NOTICE TO APPLICANT** [Conditions for variances are continued as follows]:

Subd. 2, C. "Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems."

Subd. 2, D. "Variances shall be granted for earth sheltered construction as defined in Minnesota Statute Section 216C.06, Subdivision 14, when in harmony with the official controls."

Subd. 2, E. "No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located." [Note: Underlined by Staff. In such cases variances cannot be requested, and applications may not be accepted.]

Subd. 2, F. "The board of adjustment may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality impact created by the variance."

Subd. 2, G. "A variance may be granted for the temporary use of a one-family dwelling as a two-family dwelling."

Subd. 2, H. "No variances permitting the erection or alteration of a building shall be valid for a period longer than six (6) months unless a building permit is issued and construction actually begun within that period, and is thereafter diligently pursued to completion."

If terms, revisions and/or conditions under which the variance is approved are violated the applicable permit can be held invalid and the City of Hibbing may order work stopped and/or corrected to suit said permit and variance issuance and/or have a citation filed against applicant/owner for possible prosecution. *Variance/Appeal decisions of the Board are final, subject to formal appeal to the City Council by the aggrieved party. [Submit both pages if this form is copied as two separate pages.]*