



HIBBING BOARD OF ADJUSTMENTS & APPEALS – AGENDA AND WORKSHEET

Monday, November 27, 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 July 24, 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

- A. Convene the public hearing scheduled for this time to consider the variance request of Dennis and Gail Nucech, 4722 Hwy 5, Hibbing, MN 55746 to approve a variance request to vary the side yard setback from 50 feet to 15 feet for a 30 by 40 detached garage in the A-R, Agricultural – Rural Residential District, in the Hibbing City Code of Ordinances on the subject property (Nly 330 ft. of Wly 660 ft. of S ½ of SW ¼ of SW ¼, Section 36, Township 58, Range 20, City of Hibbing, 4722 Hwy 5).

MOTION: _____

BY: _____ SECOND: _____ YES: _____ NO: _____

5. OPEN DISCUSSION:

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

July 24, 2017

The Hibbing Board of Adjustments and Appeals held a meeting on Monday, July 24, 2017 at 5:00 p.m. in the City Hall Council Chambers. Chairperson G. Oie, T. Kautto, D. Hendrickson, C. Link, and staff members M. Galli and P. Green were present. Commissioners G. Smith, J. Petrangelo, and J. Paulsen notified staff they could not attend the meeting.

APPROVAL OF MINUTES

Commissioner C. Link made a motion to approve the minutes of the June 12, 2017 Board of Adjustments and Appeals meeting. Commissioner T. Kautto seconded the motion. The motion carried unanimously.

ACCEPTANCE OF AGENDA

Commissioner D. Hendrickson made a motion 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 a variance request of Cade Rauker, 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 Dwelling District, in the Hibbing City Code of Ordinances on the subject property (Lot 32, Block 3, Graysher Addition, City of Hibbing, 2614 Diane Lane. P. Green presented the staff report. Cade Rauker, 2614 Diane Lane, was present. Chairperson G. Oie inquired on how tall the garage would be. Mr. Rauker stated he wasn't exactly sure how tall the garage would be but it would not be over the maximum height of 18 feet. Commissioner C. Link inquired if the old garage would be demolished. Mr. Rauker stated that he will be removing the existing garage. There was no one in the audience to comment on the matter. The Commissioners went through the finding of facts and agreed with all of them. Commissioner T. Kautto made a motion to approve the request. Commissioner D. Hendrickson seconded the motion. The motion carried unanimously.

ADJOURNMENT

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

G. Oie, Chairman
Hibbing Board of Adjustments and Appeals

ATTEST:

Mandy Galli, Secretary

Staff Report by Pat Green for the Hibbing Board of Adjustments

November 27th 2017 Hibbing Board of Adjustment Meeting.

RE: Dennis Nucech Variance Request

The applicant in this case is requesting a variance to the side yard setback regulation in the A-R zone of 50 feet to 13 feet from the north property line. The reasons for this requested setback from the property line is the way the driveway and the house are situated on the existing property would put the new garage directly behind the house. The practical difficulty in this case is the positioning of the new garage because of the wooded property, where the garage would be located and the convenience of having the structure located adjacent to the house and not behind it. The structure would not be seen from the road and has a tree line between it and the neighbor so it would not affect the neighborhood. I did not measure if the building could be moved father then the 13 foot request and still not be behind the house, this can be for discussion with the applicant.

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 Dennis Nuwech ADDRESS OF PROPERTY 4722 Hwy 5

-INSTRUCTIONS-

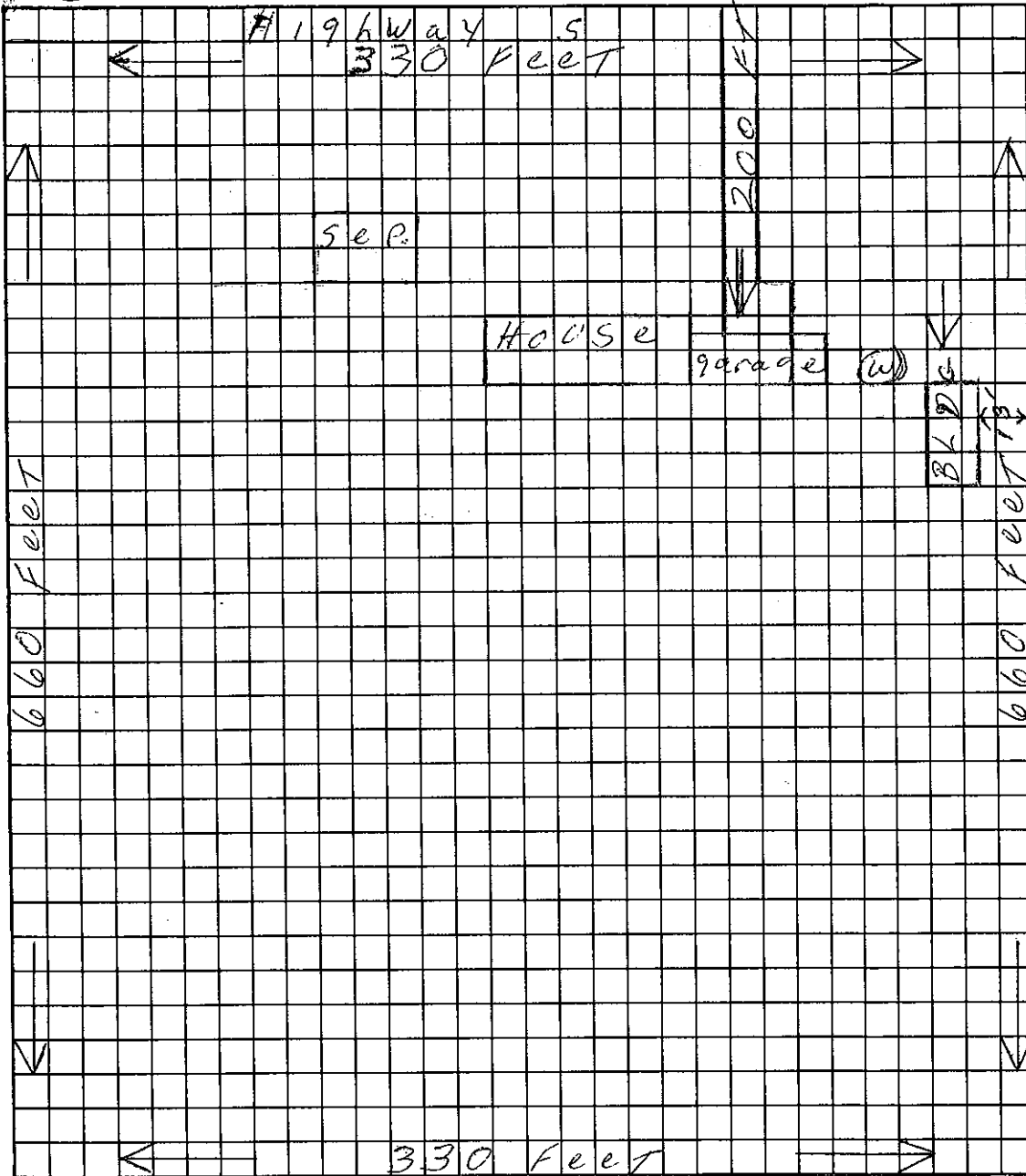
SITE PLAN DRAWN TO SCALE - SHOW DIMENSIONS OF LOT AND ALL EXISTING AND PROPOSED STRUCTURES. SHOW DISTANCES FROM FRONT, SIDE AND REAR PROPERTY LINES TO ALL EXISTING AND PROPOSED STRUCTURES. SHOW ALLEY AND LIST STREET NAMES ABUTTING LOT. **SITE PLANS DRAWN BY FREE-HAND WILL NOT BE ACCEPTABLE.**

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 Dennis Nuwech Date 10/24/19
Plan Review by _____

OFFICE USE ONLY:
This Is An Application For:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building Permit	Zoning Permit	Moving Permit	Demolition Permit
<input type="checkbox"/>			
Sign Permit			

Official's Comments: _____

INSTRUCTIONS FOR VARIANCE/APEAL 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):

Building used as storage for Boat, ETC.

2. "The plight of the landowner is due to circumstances unique to the property not created by the landowner" – Evidence (that is explain why):

Too much woods behind house & other Buildings involved;

3. "The variance, if granted, will not alter the essential character of the locality" – Evidence (that is explain how): will not

distract from area residents' views

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.]*

Applicant's Signature:

Dennis Thurech

(revised 10/24/14)