



City of Northfield

City Hall
801 Washington Street
Northfield, MN 55057
ci.northfield.mn.us

Meeting Minutes - Final Zoning Board of Appeals

Thursday, October 20, 2016

7:00 PM

Rollcall

Present: 5 - Michael Skunes, Richard Schulte, David DeLong, Joe Gasior and Russell Halverson

Absent: 2 - Jay Jasnoch and Kate Stuart

I. Call to Order and Approval of Agenda

Also in attendance: Community Planning & Development Director Chris Heineman, City Planner Scott Tempel, Public Works Director Dave Bennett, Administrative Assistant Mikayla Fischer, Youth Representative Paul Wehling, Lavern Rippley, and several other concerned citizens.

A motion was made by Vice Chair Gasior, seconded by Board Member Skunes, to approve the agenda and call the meeting to order at 7:02pm. The motion carried by the following vote:

Yes: 5 - Board Member Skunes, Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson

II. New Business

Chair Schulte reviewed the order of the meeting and opened the public hearing at 7:10pm.

1. [ZBA Res. 2016-002](#) Resolution - 912 East 5th Street Variance

Attachments: [1 - 2016-002 - 912 E 5th St Variance Resolution \(Approval\)](#)

[2 - Property Photos](#)

[3 - Property Survey](#)

[4 - Public Comments](#)

[5 - Understanding Minnesota Variances & Variance Laws](#)

[6 - 2016-002 - 912 E 5th St Variance Resolution \(Denial\)](#)

Tempel reviewed his staff report on Lavern Rippley's variance request for 912 5th Street East.

Chair Schulte invited the applicant to speak.

Lavern Rippley - 909 Ivanhoe Dr. - stated he has owned and rented the property since 1977. In 1983, he proposed removing the rear houses to build a duplex, but the request was denied. Rippley stated he would like to subdivide the lots to make accounting of the parcels easier. Rippley described a discrepancy between him and his neighbor at 520 Prairie St. S. regarding a fence. Rippley stated a neighbor could buy the property

and tear down the houses to enhance their property value if they wished. He said in other countries, having these small pockets of homes would be valued, but cultural views are different everywhere. Rippley stated the driveway easement and utilities are current.

Chair Schulte invited the public to speak.

Scott Carpenter - 602 Prairie St. S. - stated variances are granted based on practical difficulty and not economic difficulty. He felt in this case, Mr. Rippley was pursuing this variance due to an economic difficulty. Carpenter felt subdividing these lots would have a negative impact on the neighborhood.

Chair Schulte explained in almost every instance of a variance coming forward, the request is to improve their property and/or value for themselves or a potential buyer.

Melody Bierman - 520 Prairie St. S. - stated in 1983 the homeowners at that time were told the homes could not be rebuilt and were considered temporary non-conforming homes, which is the contrary now. Bierman addressed the fence issue, stating the fence is on their property according to the survey. She would like the variance denied and the homes to remain the same size. She is concerned someone will build a larger home on the parcels.

Robin Hart Ruthenbeck - 904 5th St. E. - stated her concerns about the parcel, including the maintenance of the rentals and the driveway easement. Her desire is to have the homes remain one parcel, so a landlord can manage them and structure is available to keep accountability of the tenants. Hart Ruthenbeck stated her appreciation for affordable housing and said she knew these homes existed when she bought her home.

Chair Schulte spoke about the need for affordable housing and how these homes offer a way to provide housing for the working class.

Brian Kenknight - 902 5th St. E. - stated he is opposed to the variance as well, any changes would be detrimental to the property, and any new building would be worse.

Chair Schulte closed the public hearing at 8:08pm.

A motion was made by Board Member Skunes, seconded by Board Member DeLong, to close the public hearing. The motion carried by the following vote:

Yes: 5 - Board Member Skunes, Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson

A motion was made by Board Member Skunes, seconded by Board Member DeLong, to approve ZBA Resolution 2016-002 which would allow the variance request to permit the subdivision of the property legally described in Exhibit A. The motion failed by the following vote:

Yes: 1 - Board Member Skunes

No: 4 - Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson

A motion was made by Board Member DeLong, seconded by Vice Chair Gasior, to deny ZBA Resolution 2016-002 which would allow the variance request to permit the subdivision of the property legally described in Exhibit A. The motion carried by the following vote:

Yes: 5 - Board Member Skunes, Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson

2. [ZBA Res. 2016-003](#) Resolution - 301 Water Street Variance

Attachments: [1 - Resolution](#)
[2 - Basil's Pizza Addition Rendering](#)
[3 - 301 Water Street South Survey](#)
[4 - 301 Water Street Site Map](#)

Chair Schulte opened the public hearing at 8:25pm

Tempel reviewed his staff report on the variance request from Theologia Pitsavas to allow construction of a one story addition to an existing two story building at 301 Water St. S. The Heritage Preservation Committee reviewed the project and felt the design is balanced and the neighboring property owner preferred the one story design as well.

DeLong disagrees with the timing of approving the variance prior to official action from the City Council on the sale of the property. Halvorson asked staff if the property is in the floodplain, which staff clarified it is not. Tempel explained variances are looked for approval first before going ahead with the project itself.

Chair Schulte invited the applicant to speak.

Steve Schmidt, who is representing Mrs. Pitsavas, stated the family has been working very hard to expand their restaurant. He stated a two story building would cut off Mrs. Pitsavas's apartment, which is above the current Basil's Pizza builing. He stated it has been difficult creating a viable solution to meet the building code without having to add sprinkler systems to the building, creating two small apartments and windows would not meet egress and fire code requirements.

Beth Holmes - 12667 Nerstrand Blvd. - stated she would prefer a one story building for the Basil's expansion. She owns the building to the north and having a two story building would impede the view of the three apartments on the second floor. Holmes also stated she preferred having an indoor venue versus a patio to have less noise.

A motion was made by Board Member Halverson, seconded by Board Member Skunes, to close the public hearing at 8:45pm. The motion carried by the following vote:

Yes: 5 - Board Member Skunes, Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson

A motion was made by Vice Chair Gasior, seconded by Board Member Halverson, to approve as amended the ZBA Resolution 2016-003 to include a clause approving the variance contingent upon the sale of the City owned property (adjacent and to the north of 301 Water St. S.) to the Pitsavas family. The motion carried by the following vote:

Yes: 5 - Board Member Skunes, Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson

III. Reports and Discussion Items

- a) Commissioner Comments and Reports
- b) Staff Updates and Reports
- c) Comments from the Chair

IV. Adjournment

A motion was made by Board Member DeLong, seconded by Board Member Skunes, to adjourn the meeting. The motion carried by the following vote:

Yes: 5 - Board Member Skunes, Chair Schulte, Board Member DeLong, Vice Chair Gasior and Board Member Halverson