

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING MINUTES
January 17, 2023**

1. Call to Order: Chair Maurer Called the Meeting to Order at 7:00 PM

2. Roll Call -- Members Present: Baker, Buehl, Furrow, Maurer
Members Absent: Dickinson
Alternates Present: Anger – arrived at 7:03 PM
Alternates Absent: None
Staff Present: King

3. Pledge of Allegiance.

4. A. Maurer empaneled Anger

4. B. Approval/Additions/Deletions to Agenda.

Maurer added the Conflict of Interest Statement as New Business Item A.
Maurer added a hold the date for the March meeting regarding election of officers and possible Planning Consultant training as New Business Item B.

Motion by Furrow, second by Buehl to approve the agenda as amended.

All ayes.

Motion Carried.

5. Approval of the Minutes – September 20, 2022 Meeting.

Motion by Buehl, second by Furrow to approve the minutes of the September 20, 2022, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings:

King introduced the variance request from Kevin Anderson for property located at 221 E. Clinton Street. Mr. Anderson has requested a variance from Section 90-314 (b)(2) and 90-314 (b)(4) regarding front yard and rear yard setbacks. Mr. Anderson is requesting a front yard setback of 19' and a rear yard setback of 19' to allow construction of a two-family dwelling. King stated the public hearing has been properly noticed in the Hastings Banner and property owners within 300' have received letters informing them of the public hearing content, date, location, and time.

Maurer opened the public hearing at 7:12 p.m.

Kevin Anderson discussed his request and read the answers to questions pertaining to the variance request.

Joseph Vann of 328 E. Clinton inquired about the lot coverage and questioned whether it conforms to the district regulations. King stated in the affirmative.

William Cusack, representing St. Rose Church, stated that he is in favor of the ZBA granting the variance due to the shortage of housing options in the City of Hastings.

Maurer closed the public hearing at 7:30 p.m.

Motion was made by Anger and supported by Furrow that the variance will not be a substantial detriment to adjacent property and the surrounding neighborhood and such variance will not impair the public health, safety, or welfare, or the intent and purpose of the Zoning ordinance.

Roll call vote:

Ayes: Anger, Baker, Buehl, Furrow, Maurer

Nays: None

Motion carried.

Motion was made Buehl and supported by Baker that there are exceptional or extraordinary circumstances or conditions applying to the property or the intended use of the property that do not apply generally, to other properties in the same zoning classification and that such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity of the subject property.

Roll call vote:

Ayes: Anger, Baker, Buehl, Furrow, Maurer

Nays: None

Motion Carried.

The applicant, Kevin Anderson, has been approved for the requested variances.

8. New Business:

- A. Maurer requested the members to complete the Conflict of Interest Statement and return to either King or the Clerk's department
- B. Maurer requested the members to hold the regularly scheduled March ZBA meeting date to conduct the annual election of officers and a possible training session by the Planning Consultant.

9. Public Comments: (None)

10. Board Comments: None

Motion by Furrow with support from Anger to adjourn the meeting.

All ayes. Motion carried. Meeting was adjourned at 7:44 p.m.

Thomas Maurer - Chair

Recording Secretary - King

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING MINUTES
March 21, 2023**

1. Call to Order: Chair Maurer Called the Meeting to Order at 7:01 PM

2. Roll Call -- Members Present: Buehl, Dickinson, Furrow, Maurer
Members Absent: Baker
Alternates Present: Anger, Hook
Alternates Absent: None
Staff Present: King

3. Pledge of Allegiance.

4. A. Maurer empaneled Anger

4. B. Approval/Additions/Deletions to Agenda.

Furrow stated the agenda had the incorrect meeting date of February 21, 2023.

Motion by Buehl, second by Dickinson to approve the agenda as amended.

All ayes.

Motion Carried.

5. Approval of the Minutes – January 17, 2023 Meeting.

Motion by Furrow, second by Anger to approve the minutes of the January 17, 2023, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings:

King introduced a variance request from Stephen Huver at 220 W. Muriel Street. Mr. Huver is requesting a variance from Section 90-883 (b)(4) to allow construction of a residential driveway more than the 20' maximum at the property line.

King instructed the applicant on the procedures and conditions the Zoning Board of Appeals must approve as part of the deliberation process.

Maurer explained the approval/denial requirements to the applicant.

Maurer opened the public hearing at 7:15 p.m.

Mr. Huver explained the nature of his request to seek relief from Section 90-883 (b)(4) regarding the maximum width of a residential driveway more than 20' at the property line.

King introduced a letter from a nearby property owner in favor of granting the variance.

Maurer closed the public hearing at 7:42 p.m.

Maurer requested the applicant provide elevation calculations at the proposed garage floor, the center of the proposed driveway, and both the east and west end of the driveway at the property line. Mr. Maurer is concerned the storm water runoff could negatively affect the property owner adjacent to the west. Mr. Maurer is also concerned the City infrastructure for storm water runoff on Muriel Street is compromised by the age of the system in this neighborhood.

Motion by Anger, second by Furrow to table the deliberation until the April 18, 2023 Zoning Board of Appeals to allow the applicant time to gather the elevation calculations requested by Mr. Maurer.

Roll Call

Ayes: Anger, Buehl, Dickinson, Furrow, Maurer

Nays: None

Motion Carried.

7. Old Business: (None)

8. New Business

A. Annual Election of Officers

Anger nominated Maurer as Chair, Buehl as Vice-Chair, and Furrow as Secretary. Maurer closed the nominations.

Motion by Anger, second by Dickinson to elect Maurer as Chair, Buehl as Vice-Chair, and Furrow as Secretary.

Roll Call

Ayes: Anger, Buehl, Dickinson, Furrow, Maurer

Nays: None

Motion Carried.

B. ZBA Training.

Planning Consultant Harvey was unable to attend to conduct training.

9. Public Comments: (None)

10. Board Comments: None

Motion by Anger, second by Furrow to adjourn the meeting.

All ayes.

Meeting was adjourned at 8:23 PM.

Tom Maurer—Chair

Recording Secretary - King

CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING MINUTES
April 18, 2023

1. Call to Order: Chair Maurer Called the Meeting to Order at 7:02 PM

2. Roll Call -- Members Present: Buehl, Dickinson, Furrow, Maurer
Members Absent: Baker
Alternates Present: Anger, Hook
Alternates Absent: None
Staff Present: Harvey, King

3. Pledge of Allegiance.

4. Approval/Additions/Deletions to Agenda.

Motion by Furrow, second by Buehl, to approve the agenda as amended.

All ayes.

Motion Carried.

5. Approval of the Minutes – March 21, 2023 Meeting.

Motion by Buehl, second by Furrow, to approve the minutes of the March 21, 2023, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings: None

7. Old Business

A. Consider Motion to Take from the Table the Deliberation of a Variance Request from Stephen Huver at 220 W. Muriel Street.

Motion by Anger, second by Furrow to take from the table the deliberation of a variance request from Stephen Huver at 220 W. Muriel Street.

Roll call:

Ayes: Anger, Buehl, Dickinson, Furrow, Maurer

Nays: None

Motion Carried

Mr. Huver stated that the building permit for the construction of his new garage was issued with a 15' setback. Mr. Huver explained that 15' setback creates a situation where relief from the ordinance regarding a 20' maximum driveway width at the property line would cause a hardship in accessing his new two stall garage.

Mr. Huver stated that many homes in Hastings now have two stall garages and access to these garages can be challenging with a 20' maximum driveway width.

As requested at the March 21, 2023 Zoning Board of Appeals meeting, Mr. Huver presented the board with elevation drawings of the driveway from the face of the garage to the curb.

Mr. Maurer restated the standards the Zoning Board of Appeals are required to meet in order to approve or deny variance requests.

As to standard #1, the board found the following;

#1 - substantial detriment to adjacent property and the surrounding neighborhood:

- the driveway is located consistent with required building setbacks and offers adequate separation from adjacent property
- the driveway is proposed to be paved and has been presented to adequately direct storm water runoff on site
- no concern was expressed by neighbors of the property

Mauer expressed concern that a driveway width of greater than 20 ft has a greater chance of generating storm water runoff which may negatively affect adjacent property.

As to standard #2, the board found the following:

#2 - spirit/intent of ordinance:

- the proposed driveway will be of a single width that aligns w/ the width of the garage
- the proposed driveway width will not result in a proliferation of paving within the front yard
- the proposed driveway width will allow for necessary turning movements and provide adequate area for off-street parking addressing potential safety issues

Mauer noted that a driveway width greater than the allowed 20 ft will result in a greater front yard impervious surface.

As to standard #1, the board found the following:

#1 - unique physical circumstances:

- it was recognized that the subject site is a double lot in an area of narrow lots, and so does not possess a unique physical circumstance preventing compliance
- it was further noted that the configuration of the driveway is limited by the location of the garage, which is a self-imposed limitation

As to standard #2, the board found the following:

#2 - substantial justice:

- other drives in the immediate area and in other residential areas of the City are provided widths in excess of 20 ft
- where drives exceed 20 ft in width, they are generally serving garages that are wider than 20 ft, similar to the proposal

As to standard #3, the board found the following:

#3 - the situation is of such a recurrent nature that a text amendment is more practical

- the situation is largely created due to the nonconforming location of the house and garage which do not represent a recurrent situation in the City

Based upon findings of #1 and #2 and #2 and #3 of the second set of criteria, motion by Buehl, second by Furrow to grant the applicant the requested variance of constructing a driveway with a 26' maximum width at the property line.

Roll call:

Ayes: Buehl, Dickinson, Furrow

Nays: Anger, Maurer

Motion passed with 3 aye and 2 nay votes.

8. New Business: None

9. Public Comments: (None)

10. Board Comments:

The board agreed that they would like to request the Planning Commission consider a text amendment change to Section 90-87 of the Code of Ordinances to clarify the standards subject to deliberation by the Zoning Board of Appeals.

11. Adjournment:

Motion by Anger, second by Furrow to adjourn the meeting.

All ayes.

Meeting was adjourned at 9:02 PM.

Tom Maurer—Chair

Recording Secretary - King

**CITY OF HASTINGS
ZONING BOARD OF APPEALS
MEETING MINUTES
September 19, 2023**

1. Call to Order: Vice-Chair Buehl Called the Meeting to Order at 7:01 PM

2. Roll Call -- Members Present: Baker, Buehl, Furrow
Members Absent: Dickinson, Maurer
Alternates Present: Anger, Hook
Alternates Absent: None
Staff Present: King

Vice-Chair Buehl empaneled alternates Anger and Hook.

3. Pledge of Allegiance.

4. Approval/Additions/Deletions to Agenda.

Motion by Anger, second by Hook, to approve the agenda as presented.

Roll call:

Ayes: Anger, Baker, Buehl, Furrow, Hook

Nays: None

Motion carried

5. Approval of the Minutes – April 18, 2023 Meeting.

Motion by Furrow, second by Hook, to approve the minutes of the April 18, 2023, ZBA Meeting.

All ayes.

Motion Carried.

6. Public Hearings:

- A. Public hearing to hear comment and make a determination on a variance request from Lifegate Community Church of 301 East State Road to allow placement of two portable temporary signs on the parcel.

King introduced the variance request and reminded the members of revised standards in Section 90-87 that were adopted by City Council on June 26, 2023.

Vice-Chair Buehl opened the public hearing at 7:10 PM

Mr. Scott Price, pastor of Lifegate Community Church, explained the variance request to the members. Mr. Price outlined the responses to the six standards and why he feels the standards to approve the variance request have been met.

Vice-Chair closed the public hearing at 7:35 PM

Mr. Buehl restated the standards the Zoning Board of Appeals are required to meet to approve or deny variance requests.

As to standard #1, the board found the following:

It was the consensus of the five members the standard had been met.

As to standard #2, the board found the following:

The consensus of the five members was the standard was not met. Compliance with the ordinance would not unreasonably prevent the owner from using the property for a permitted purpose.

As to standard #3, the board found the following:

The consensus of the five members was the standard was met.

As to standard #4, the board found the following:

The consensus of the five members was the standard was met.

As to standard #5, the board found the following:

The consensus of the board was the standard was met.

As to standard #6, the board found the following:

The consensus of the board was the standard was met.

Based upon findings of #1, #3, #4, #5, and #6 of the standards criteria, motion by Furrow, second by Hook to grant the applicant the requested variance allowing the placement of two portable temporary signs on the parcel.

Roll call:

Ayes: Anger, Baker, Buehl, Furrow, Hook

Nays: None

Motion passed with 5 aye and 0 nay votes.

7. Old Business: None

8. New Business: None

9. Public Comments: None

10. Board Comments: None

11. Adjournment:

Motion by Anger, second by Furrow to adjourn the meeting.

All ayes.

Meeting was adjourned at 7:47 PM.

Jeff Buehl Vice-Chair

Recording Secretary - King