

**OAKPORT JOINT POWERS BOARD
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 27, 2008 — 7:30 A.M.
BASEMENT EAST CONFERENCE ROOM, MOORHEAD CITY HALL**

I. CALL TO ORDER/ROLL CALL

Chair Campbell called the meeting to order.

Members Present: (5) Kevin Campbell, Carolyn Kastella, Greg Anderson, Mike McCarthy and Nancy Otto

Member Absent: (1) Dan Bohmer

Others Present:

Debra Martzahn	City Planner
Amy Thorpe	Program Assistant
Jeff Voels	Oakport Township
Daryl Bachmeier	ARTEKTA Inc.
Dan Breedon	Oakport Township
Mark Hintermeyer	City Council

II. APPROVAL OF MINUTES

Action taken: McCarthy moved, seconded by Kastella, to table approval of the May 28, 2008, meeting minutes pending review of and possible correction(s) to the conditions set forth for the McConnell / Wendt conditional use permit. Motion carried by unanimous vote.

III. CITIZENS TO BE HEARD

None.

IV. AGENDA AMENDMENT

None.

V. PUBLIC HEARING

1. Request of Jeff Voels for a conditional use permit to allow the construction of a 12-foot by 24-foot detached accessory building at 1940 51st Avenue North,

exceeding the limit on square footage established in Section 10-18-3B-2 of the Moorhead Zoning Ordinance.

Action taken: Anderson moved, seconded by Otto, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn briefed members on the applicant's request. Voels received a conditional use permit in 2002 at the time his 2-story single family home was constructed to allow a garage that exceeded the code limit on square footage. The applicant would like to build an additional 12 foot by 24 foot garage behind the existing attached garage.

Martzahn reported she had received communications from neighbors in the area wishing to remain anonymous, who were not in favor of the applicant's request. Because he already has a large garage on his property, they thought adding more garage space would be out of character for the neighborhood. The neighbors expressed concern about where snow from Voel's large driveway would be stored, if he were allowed to have another building. In addition, neighbors were concerned about the parking of vehicles, including a large trailer used for his work that Voels pulls with his pickup which is parked outside at least three nights per week. At the time the original CUP was approved, the understanding was that the 50 foot long garage would allow for the truck and trailer would be parked inside and out of view of the neighbors.

Martzahn did not make a specific recommendation, but suggested the following conditions, in the event that the conditional use permit is granted:

1. Maximum addition size shall be as shown in the attached elevations
2. The building shall be located as shown in the attached site plan
3. The storage shed shall be removed from the property
4. No business shall be conducted in the structure, the structure shall not be rented to non-residents of the dwelling, and the structure shall not be used for living purposes
5. Building shall be not taller than the house
6. The exterior of the detached garage shall be of materials similar to those on the house and attached garage
7. Screening shall be planted and maintained, as approved by the zoning administrator, to buffer the view of detached garage from neighbors
8. Parking and storage of commercial vehicles and equipment and recreational vehicles and equipment shall be limited by Section 9-8-3 of the Moorhead City Code (attached)
9. All required state and federal permits must be obtained

Discussion of the board determined that condition #8 and the reference to the Moorhead City Zoning Ordinance may not be appropriate. If the board

wanted to limit commercial vehicles, it could do so without the reference.

The board asked Mr. Voels to describe his situation. Voels stated that he owns a dual axel one ton pickup truck that he uses for his work, which has a gross vehicle weight of 12,000. He pulls an aluminum horse trailer, completely enclosed, that is 34 feet in length. Voels stated that he was among the first houses to be built in the area and that the truck and trailer have always been parked outside. According to Voels, Wendt (Construction) signed a paper stating that it was fine to park the truck and trailer outside in the evenings. It is parked there Tuesday, Wednesday, and Thursday evenings. On Fridays, the trailer is unhitched and left downtown for the weekend.

Martzahn stated that the report from 2002 indicated that the reason for the 50 foot garage was to park the trailer in the garage. Voels explained that he would need 65 feet to pull the truck and trailer into the garage.

Martzahn shared an email she received from one of the neighbors opposing the conditional use permit. The neighbor was concerned about the many vehicles, trailers, snow mobiles, etc. on Voels property and snow removal.

In response, Voels stated that he owns five vehicles and that with the exception of the truck and trailer, not one vehicle sits outside. He stated that he has one snowmobile trailer with two snowmobiles on it that sits on the side of the house, and that he stores a pop-up camper for a friend who lives in an apartment.

The board questioned Voels about his intentions for the new garage and his need to park the pickup and trailer in the driveway. Voels described the items he wanted to store in the new garage for the purpose of alleviating some of the space constraints in his current garage. He also explained that the truck and trailer are his personal property and not the property of his employer and would continue to be parked in the driveway no matter the outcome of the request.

Voels described snow removal, and the board agreed that due to the nature of the cul de sac, snow removal would be a problem. According to Voels, because he has a large driveway and the ability to move large amounts of snow with his tractor, he made an agreement with the snow plow operator that the majority of the snow from the cul de sac could be dumped in front of Voels driveway for him to remove. Voels stated that the snow from his driveway is moved to his back yard but that the snow from the cul de sac was moved elsewhere.

Action taken: McCarthy moved, seconded by Anderson, to close the public hearing. Motion carried by unanimous voice vote.

Action taken: McCarthy moved to approve the request of Voels for a conditional use permit, with the exclusion of condition #8, but the motion died for lack of a second.

The board discussed the issues such as crowding of the lot, ground coverage, and impervious surface. Voels reiterated that the garage would be placed on a cement slab that is already in place, the same surface area as there is now.

The board summarized that snow removal and presence of the truck/trailer are not the issues for which the board has been asked to take action. The board made a verbal request that Voels remove the camper trailer belonging to his friend. Voels agreed to return the camper trailer to his friend.

Action taken: McCarthy moved to approve the request for a conditional use permit with the removal of item #8, seconded by Anderson. Motion carried by unanimous voice vote.

2. Request of Daryl Bachmeier on behalf of Dan and Cathy Breedon for a variance from Section 10g of the Oakport Joint Powers Agreement to allow a proposed addition at 305 67th Avenue North to encroach into the required side yard.

Action taken: Anderson moved, seconded by Kastella, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn briefed the board on the proposal. The addition would extend 8 feet into the required 30 foot side yard. From the street, a person would be able to see the second story addition to the garage but would not be able to see the encroachment into the side yard due to the heavily wooded nature of the area.

The following recommendations were made by Martzahn:

1. Addition shall be constructed as shown in the attached elevations and plans, and shall encroach into the required side yard no more than eight feet.
2. Screening shall be planted and maintained, as needed, to buffer the encroachment from neighbors.

3. All required state and federal permits must be obtained.

Daryl Bachmeier, architect representing Dan and Cathy Breedon, gave a detailed summary of the design concept for the addition and answered questions. Martzahn said she had not received correspondence from any of the neighbors.

Action taken: Anderson moved, seconded by Otto, to close the public hearing. Motion carried by unanimous voice vote.

Action taken: Anderson moved to approve the request with the stated three conditions set forth. McCarthy seconded the motion, which carried by unanimous voice vote.

V. OLD BUSINESS

None.

VII. NEW BUSINESS

1. **Zoning Discussion** – The board discussed the idea of allowing multi-family housing (e.g. - River's Edge Condos) to be built in certain areas. Martzahn mentioned one issue to consider for location of multi-family housing development is access to arterial roadways. The board discussed other possible uses for land that is located on the busier streets and therefore less desirable for single-family. Martzahn suggested larger setbacks and heavier buffering to screen from the roadway. The group asked for further discussion will occur in a future meeting.

VIII. ADJOURNMENT

Chair Campbell adjourned the meeting.

Respectfully submitted:

Greg Anderson, Secretary
Oakport Joint Powers Board