

**CITY OF MOORHEAD  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
MEETING MINUTES  
WEDNESDAY, AUGUST 6, 2008 - 5:00 P.M.  
FIRST FLOOR COUNCIL CHAMBERS - CITY HALL**

**I. ROLL CALL**

Members Present: (6) Schulz, Rowell, Dahle, Ingersoll, Gramer, McCarthy.

Members Absent: (1) Stabenow.

Others Present: See attached attendance record.  
Debra Martzahn Planning and Zoning Administrator  
Amy Thorpe Community Services Program Assistant

**II. AGENDA AMENDMENTS**

There were no agenda amendments.

**III. APPROVAL OF JULY 1, 2008, REGULAR MEETING MINUTES**

McCarthy moved, seconded by Schultz, to approve the July 1, 2008, meeting minutes. Motion carried by unanimous voice vote.

**IV. CITIZENS TO BE HEARD**

**V. PUBLIC HEARING – BOARD OF ADJUSTMENTS - None**

- 1. Request of Barbara and Richard Green for a variance from Section 10-19-5 Fences to allow a solid fence in the front yard adjoining Village Green Drive of 2936 35<sup>th</sup> Street South that exceeds the height limitation.**

Action Taken: McCarthy moved, seconded by Schultz, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn explained that the Greens had made a presentation at the July 1 meeting of the Planning Commission and were now going forward with their application for a variance. Martzahn presented location maps and photos to illustrate the Green's situation and their desire to install a privacy fence in what the city, by definition, considers their front yard. She also explained the current visibility requirements for corner lots and the new plan the Greens submitted does conform to these requirements. She acknowledged a letter submitted by Eid Co. in favor of the Green's request to install a privacy fence.

Martzahn reported that she had received several calls from concerned neighbors. In summary, the concerns focused on visibility and the feeling that the fence would look like a "fortress."

Martzahn recommended approval of the variance for the installation of the fence with the following conditions:

1. The fence must meet the current visibility requirement for corner lots.
2. The fence shall be no more than six feet in height.
3. The fence adjoining Village Green Drive shall be buffered with boulevard trees at a ratio of one every 30 feet.

Martzahn also presented alternative styles of fence that were used in the neighborhood and would allow for more visibility while still providing a safe exercise area for their dog.

A member of the board questioned why this situation with the double frontage lot occurred in the first place. Martzahn explained that although this was not a desirable situation, there were several areas in the city where double frontage lots occurred. Developers were trying to fit as many lots as possible in this particular area and did not anticipate the effects of situating the homes in this way.

Barbara Green spoke to the board regarding the conditions as set forth. Green explained that the fence would be angle thereby maintaining visibility on the corner of the lot. She did not feel that she should be required to plant a tree in the boulevard to provide buffering, adding that the other neighbors were not required to purchase a tree.

After discussion, board members agreed to modify the condition to allow the Greens to wait to plant the tree until her adjoining property are also required to purchase buffering.

Action Taken: Ingersoll moved, seconded by Rowell, to close the public hearing. Motion carried by unanimous voice vote.

Action Taken: Rowell moved, seconded by McCarthy to approve the variance to allow a solid fence in the front yard adjoining Village Green Drive of 2936 35<sup>th</sup> Street South that exceeds the height limitation with the following conditions:

1. The fence must meet the current visibility requirement for corner lots.
2. The fence shall be no more than six feet in height.
3. The fence adjoining Village Green Drive shall be buffered with boulevard trees at a ratio of one every 30 feet at the property owner's expense, or planted and assessed, if and only if the neighboring properties have been granted a similar variance and are also required to plant trees.

Motion carried by unanimous voice vote.

**2. Request of Vincent and Marilyn Proulx for a variance from Section 10-12-C-9 Maximum Impervious Surface Coverage to allow for an addition to the dwelling at 1304 4<sup>th</sup> Street South.**

Action Taken: McCarthy moved, seconded by Rowell, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn explained that the Proulx's would like to construct a 12 foot by 18 foot addition off the back of their house. Zoning requirements of RLD-2 would allow for the construction of the addition, except that the code requires a 35% impervious surface coverage limit and the addition would exceed this percentage by a couple of percentage points.

Marilyn Proulx spoke to the board regarding her request and agreed to follow the conditions as set forth in the staff report.

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

Action Taken: Gramer moved, seconded by Rowell to approve with the following conditions:

1. Addition shall be limited to 220 square feet and constructed in the location shown in the attached plan
2. Height shall not exceed the height of the existing house
3. Exterior materials on the addition shall be similar to those on the existing structure
4. All required permits shall be obtained

Motion carried by unanimous voice vote.

**VI. PUBLIC HEARING – PLANNING COMMISSION**

**1. Request of Arista Development for preliminary and final plat approval of a replat of Lots 6, 7,13, 14 of Block 2, Prairie Skies First Addition**

Action Taken: McCarthy moved, seconded by Rowell, to open the public hearing. Motion carried by unanimous voice vote.

Martzahn briefed the board regarding the request of Jeff Schaumann for a replat of Prairie Skies First Addition. The lots in question were platted for twin homes but due

to the changing market needs, Schaumann would like to build smaller lot, detached single family rather than twin homes. This would require minor shifts in lot lines and in an effort to keep legal descriptions from becoming complicated, a new plat was requested.

Martzahn suggested the following conditions:

1. Utilities shall be relocated as approved by the City Engineer, so that water and sewer services connect directly from the public mains to the individual lots. Unused sanitary services shall be abandoned and locatable. Unused water services shall be turned off at the mains. Developer shall pay for any repairs needed as a result of changes to utilities.
2. Applicant obtains all necessary federal, state, and local permits.

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

Action Taken: Rowell moved, seconded by McCarthy to approve the preliminary and final approval of a replat of Lots 6, 7, 13,14, of Block 2, Prairie Skies First Addition with the above conditions as stated. Motion carried by unanimous voice vote.

**VII. OTHER BUSINESS** None.

**VIII. REPORTS/INFORMATION**

1. Justin Kristan – Red River Greenway Study Presentation

Justin Kristan, Fargo-Moorhead Council of Governments, presented the Red River Corridor Study, a joint effort with Fargo and Moorhead prepared with the assistance of SRF Consulting. Kristan described the study's purpose of planning recreational opportunities, floodway mitigation and a safe and efficient transportation corridor.

Action Taken: Rowell moved, seconded by Gramer, to recommend to the City Council that it receive the Red River Greenway Study report. Motion carried by unanimous voice vote.

2. Update on Studies. Martzahn gave an update of the preparation of:
  - a. GAP/AUAR North Moorhead/Oakport
  - b. Active Living
  - c. 1<sup>st</sup> Avenue North

**IX. ADJOURNMENT**