



MINUTES
BOARD OF ADJUSTMENT
July 20, 2023, 6:00 PM
CITY COUNCIL CHAMBERS, 240 LINCOLN STREET

I. CALL TO ORDER / Pledge of Allegiance

This meeting is being recorded electronically. All petitioners will receive a written decision within thirty (30) days of this hearing. The decision will be clearly stated with findings of fact and conclusions of law. Anyone wishing to appeal a decision may do so through District Court.

Anyone wishing to speak tonight, must come to the podium, take the oath and state your name and address prior to speaking. No one is allowed to speak from the audience; you must be recognized and come to the podium prior to speaking.

Attendance: Chair Zach Mahlum, Members Kristin Yannone, Kara Colovich, Dave Fehringer, Tom Russell and Joe Henry. Rob Newsome Absent. Council Liaison Missy White, Recording Secretary RaJean Strube Fossen.

I. APPROVAL OF MINUTES
July 6, 2023

Kara moved to accept the minutes, seconded by Joe. Motion passed.

II. NEW BUSINESS

a. CU 23.08, Short Term Rental, 521 Washington, Bresson

Owner Ryan Bresson took the oath and stated that he rents his house out during his travels out of town. He has owned the house for a year and this is their primary residence. Zach confirmed with the owner that on average the rental may be 2 weekends or about 5 days/month. The limit on the number of people will be 7 persons for a 3 bedroom house.

Kara confirmed that they allow pets and asked if they had a pet policy. Zach confirmed that they do not have a written pet policy. They have rented it since December but just found out about the rules for a conditional use permit. It has not been rented for the past two months. They have talked to their neighbors and realized that pets were an issue in the past on the front of the property. Going forward they will require renters to maintain control of their pets. They may have a fenced back yard in the future.

Kristin asked if there is adequate parking. The owner confirmed that there is one paved off-street spot and a two-car garage drive pad in the rear for a total of 3 renter parking spaces. Kristin asked who will be able to enforce pet rules when they are gone. They will be out of state during the rental times. They will rely on issues being reported by the neighbors who they know well. Kara mentioned that Airbnb site does allow for a local manager. They are willing to consider that option with a close neighbor.



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Joe asked if the neighbors are aware of the rental proposal. Yes, because they rented it in the past and then neighbors had the notification for this process.

RaJean read the City staff comments into the record. The City will require a nonconforming use permit to accompany the short-term rental request due to the existing structures built in 1961 not meeting side yard setbacks of the current codes.

There was one email public comment speaking against the allowance due to the stranger element in the neighborhood.

Elizabeth Schuler, 517 Washington Street took the oath. She lives directly to the east and adjacent to the property. Ms. Schuler feels they have a good relationship with the neighborhood, and they did address the dog waste complaint appropriately. She is concerned about how many people and vehicles will be allowed as it is disruptive with their dogs barking at unknown people with unknown schedules.

Members verified that the owner can add parking restrictions and pet restrictions on the owner's rental on-site application. RaJean stated that the Board can add restrictions to the conditional use permit for the owner's process and property, but nothing can be restricted on the City Streets where public parking is allowed.

Dave asked Ms. Schuler if she was against the rental. She is not opposed if there are restrictions placed as discussed in this meeting.

Kristin moved to approve CU 23.08 subject to the City requirements read in the letter and also with the condition that the owner list parking limitations. Kara seconded. Kara moved to amend the motion to include a required pet policy and appropriate quiet hours. Kristin seconded. Discussions on the amount of pet restrictions lead to the reasonable restriction of leashes and waste removal being required. The owners are a big proponent of quiet hours. Amendment passed. Motion as amended passed unanimously.

b. CU 23.09, Childcare, 153 N 4th, Suite A, Brown

Operator Tara Brown took the oath remotely. She is moving her existing licensed preschool/daycare around the corner to a new location. She has been in business for 10 years. She will have 1-2 classes a day for up to 10 children in each class. She has no employees, and she will be dropped off daily. Parents will shuttle their children in very short timeframes in the shared car park with Dominos. The City staff reported that the DFS licensure has been obtained contingent on this approval and all documents are in order for the transition. There will have to be a new fire inspection of the new location.

Kara verified that there cannot be more than 10 children. Kristin verified that there is no outside area to which the applicant reported that for less than 4 hours of operations none is required.



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RaJean read the city comments. Dave commented that he is a neighbor of the existing operation and has had no issues with the children in the area.

There was no public comment.

Kristin moved to approve CU 23.09 subject to the conditions listed by City Staff and Joe seconded. Motion passed.

Applicants were notified that the Decision Order and inspections will be forthcoming within 30 days.

III. OLD BUSINESS –
a. None

IV. ADJOURNMENT at 6:49