



## **HORACE PLANNING and ZONING COMMISSION MEETING MINUTES**

October 11, 2022 | 6 p.m.

Horace Fire Hall Event Center | 413 Main Street, Horace ND 58047

**Present:** Russell Sahr, Amy Beaton (Via Microsoft Teams), Julie Hochhalter, Lukas Croaker, Jace Hellman, Stephen Hayton, Naomi Burkland (Planning and Zoning Portfolio)

Chair Sahr called the meeting to order at 6:00 p.m.

### **Agenda Item 1: Declare Quorum**

### **Agenda Item 2: Regular Agenda**

Commissioner Hochhalter motioned to approve the Regular Agenda. Seconded by Commissioner Beaton. All in favor, none opposed. Motion carried 3-0.

### **Agenda Item 3: Approve the September 13, 2022 Planning and Zoning Commission Meeting Minutes**

Commissioner Hochhalter motioned to approve the minutes from September 13, 2022. Seconded by Commissioner Beaton. All in favor, none opposed. Motion carried 3-0.

### **Agenda Item 4: 109 Apple Lane Variance | Jace Hellman, Community Development Director**

Mr. Hellman presented the 109 Apple Lane Variance from the Horace City Code 17.3.8 (4). The application was for relief from Horace City Code 17.3.8 (4), which does not permit accessory structures within the front yard setback. The property is zoned R-E (Residential Estate), which requires a front yard setback of 50-feet. The applicant is requesting to build a detached garage which is approximately 20 feet from the property line. Mr. Hellman noted that the applicant received a permit in 2019 to build the detached structure 8-ft away from the front property line, however that permit approval has since expired due to inactivity. City staff are unable to determine how, as it was not compliant at that time. Mr. Hellman stated that the applicant has cited accessibility, distance of potential driveway, limits to aiding in street clearing and overall cost as unnecessary hardships that would occur if strict interpretation of the ordinance is applied. Several of the reasons that were stated are not specific to this property and would be required by many of the other properties zoned R-E within the City. Staff's interpretation is that a hardship must be more than preference or cost to comply with the standard. Following review of the application and site, staff is unable to identify the unnecessary hardship, such as site and topographical constraints, property shape or location, that would prohibit the applicant's ability to place a garage outside of the front yard setback established for the R-E District, and for that reason staff was unable recommend approval of the proposed variance application.

Chairman Sahr opened the public hearing at 6:06 PM and closed the public hearing at 6:22 PM.

Chairman Sahr discussed that the lot was more inline with an R-1 zoned lot in terms of dimensional standards and current setback of the existing house rather than an R-E zoned lot. Chairman Sahr recommended that the setback of the proposed accessory building be limited to 30 feet in order to match the existing residence.

Chairman Sahr recommended approval of the variance application with a 30-foot front yard setback. Seconded by Commissioner Beaton. Motion carried 2-1 (Commissioner Hochhalter was opposed).



**Agenda Item 5: 1030 5<sup>th</sup> St E Conditional Use Permit | Variance | Jace Hellman, Community Development Director**

Mr. Hellman presented the 1030 5<sup>th</sup> St E Conditional Use Permit and Variance. This permit would allow the applicant to operate a plumbing and HVAC office and shop, with all materials stored within the building, and staff would approve this request under that condition.

Chairman Sahr opened the public hearing at 6:28 PM and closed the public hearing at 6:29 PM.

Commissioner Beaton motioned to approve the 1030 5<sup>th</sup> St E Conditional Use Permit with that all materials be stored within the building. Seconded by Commissioner Hochhalter. All in favor, none opposed. Motion carried 3-0.

**Agenda Item 6: Big Erv's Façade Improvement | Jace Hellman, Community Development Director**

Chairman Sahr motioned to table the Big Erv's Façade Improvement Design Review due to lack of information. Seconded by Commissioner Hochhalter. All in favor, none opposed. Motion carried 3-0.

**Agenda Item 7: Willow Grove – Preliminary Concept Introduction | Jace Hellman, Community Development Director**

Jon Youness, with Eagle Ridge Development, presented the Preliminary Concept Introduction for Willow Grove. Roadways, a future roundabout, and landscaping were discussed.

**Agenda Item 5: Adjournment at 6:47 p.m.**