

**Excerpt from the
ZONING BOARD OF ADJUSTMENT MEETING
Community Planning & Economic Development (CPED)**
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The following actions were taken by the Zoning Board of Adjustment on June 25, 2015.

Board Members: Sean Cahill, Anja Drescher, John Finlayson, Eric Johannessen, Dan Ogiba, Matt Perry, Dick Sandberg, Jacob Saufley, Ami Thompson

Committee Clerk: Fatimat Porter 612.673.3153

ITEM SUMMARY

Description:

Item #1- 3213 East Lake Calhoun Parkway (BZZ# 7194, Ward 10) (Janelle Widmeier)

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application(s) by Tim Prinsen for the property located at 3213 East Lake Calhoun Parkway:

A. Variance of the accessory dwelling unit standards.

Action: The Zoning Board of Adjustment **denied** the application for a variance of the accessory dwelling unit standards to increase the maximum size of a detached accessory dwelling unit, including area intended to be used for the parking of vehicles, from 1,000 square feet to 1,563 square feet with the following amendment to finding 2:

- I. The property is not proposed to be used in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Aye: Cahill, Drescher, Finlayson, Johannessen, Ogiba, Sandberg, Saufley, Thompson

Motion passed

TRANSCRIPTION

Staff Widmeier presented the report.

Chair Perry: I think we do have some questions, Mr. Cahill.

Board Member Cahill: Thank you Mr. Chair. Ms. Widmeier, one thousand foot, is that just an arbitrary line drawn in the sand or is that attached to any particular value? Average of apartment size (?????) ties in with regulation.

Staff Widmeier: I believe it is tied to our existing ordinance for garages that are capped at one thousand square feet mainly, because that's really been the cap for a number of years now. So, I'm not aware of any other associations with that cap.

Chair Perry: Any other questions of staff? Mr. Finlayson.

Board Member Finlayson: It has the one staircase, is that sufficient under the ordinance? It doesn't require a second measure of egress?

Staff Widmeier: Not that I'm aware of; and this is getting into building code; so I had some conversations with the plan reviewers, and they also are considering this to not be a separate dwelling unit, so there's some flexibility there; so they're saying that it doesn't have to have a second staircase.

Chair Perry: I'm sorry. Repeat that again.

Staff Widmeier: So, per the building code, when you have a multiple family dwelling there's two points of egress required for safety reasons. But because this is being looked at as an accessory use, it's not being considered a multiple family dwelling; it would just have egress requirements for a single family dwelling which is only required to have like a single staircase.

Chair Perry: I see. So not, you're not talking about this specifically, but ADU's in our code in general only need the one staircase. Ok

Staff Widmeier: Correct.

Chair Perry: Other questions of staff? I see none, so I think you can, I think we've got enough of the background right now. I suspect as we get more into the details of this particular application as well as the other one we're going to hear there will be more questions, but thanks for that background.

Staff Widmeier continued the staff report.

Chair Perry: Thanks Ms. Widmeier for your presentation. And I'm going to ask if board members have questions but I first want to know why we're looking at these other garages. Because we're talking about an ADU and I'm not sure, these are two different things. The ADU has got, I know they're related, maybe in their origin point, in terms of size and mass. But, the code speaks to garages differently than it does ADU's, so I think we; I'm not sure why we're looking at garages here.

Staff Widmeier: This is for character of the area purposes. Just seeing how it fits in with surrounding development.

Chair Perry: Didn't you already say though, that a garage can be bigger by code, than an ADU?

Staff Widmeier: Potentially yes.

Chair Perry: Ok. I got a couple of other questions here before I go to board members. Do you, unfortunately I was not able to go to any of the public meetings on the development of the text amendment. Do you know why a floor to area ratio wasn't considered rather than using the absolute one thousand square feet as a measurement?

Staff Widmeier: I do not know.

Chair Perry: Ok. But it's clear that, that's what the, right now, that's what the code is saying. And related to that, how much can one vary? Is there a limit on how much one can vary the square footage from what is allowed by right?

Staff Widmeier: Because this is a size restriction specific an accessory use, in the accessory use section of the zoning code there is not a limit. And just generally for size there is not a limit for variance request.

Chair Perry: Interesting. Ok. Those are my questions; other board questions? Ms. Thompson.

Board Member Thompson: Yes, thank you. I'm sorry if I'm not seeing it, but I read it a couple of times now, both at home and here. I hear your recommendation to deny but I'm not seeing clearly in findings one and two if you're saying that you're finding for them or not. I understand in finding three you say, there's a sentence that says, um, that it would not be detrimental but I'm assuming that you're not finding for both one and two.

Staff Widmeier: That is correct, we couldn't fulfill those findings.

Board Member Thompson: Ok.

Chair Perry: Other board questions of staff? I see none. Thanks. Is the applicant present? Yes sir; if you want to come up and give your name and address for the record please.

Mr. Tim Prinsen (1621 W 31st St): My presentation is on the computer and it timed out.

Chair Perry: So, Mr. Prinsen, I would appreciate, we've read the material you provided.

Mr. Tim Prinsen: It's not working, I apologize.

Chair Perry: We've read the material you provided, and you've got about, I'll allow you ten minutes to give your argument for why you believe you should be granted this variance. I'd appreciate you highlighting stuff that we have gotten rather than going through it line by line.

Mr. Tim Prinsen: Chair Perry, I appreciate your time and I will be as quickly as I can. I do appreciate everyone's time. As I said earlier I live at 1621 W 31st St, about a block north of the site in question. When the ADU ordinance was passed I was very excited about that. I'm a big proponent

of getting Minneapolis population back to its 1950 levels. And while this is one small effort in that goal, I think it's worthwhile. I live at 1621 W 31st St with my wife and three daughters, Emma, Riley and Lila. We are a very active family. If you've read my application, I guess you understand that so I'll move forward. Um, so as you can see we live about a block away 1621. And we want to move here. This is Lila, Emma and Riley, and they would like to live here as well. 3213 is a very, very long lot. It's about 300 feet deep. When we moved to 1621 in 2001 we became very attached to the East Calhoun neighborhood. I sat on our board for four years. I sat on the Small Area Plan Steering Committee for two years. I sat on the CLIC committee for two years. I give you this background because I'm vested in the City of Minneapolis. And most importantly I think I understand my neighborhood and what options that are available on this site. And why I believe that the option that we presented is the best for the site and the best for my neighborhood and most importantly what's best for my immediate neighbors. The site is about 300 feet long, it's about 42 feet wide, and meaning that it can't be split like a traditional double lot would be split. It can only, really the ADU as its passed from a detached standpoint is a perfect solution for this site. You can have a dwelling at one end and an ADU at the other end. It provides great distance from the neighbors as Ms. Widmeier pointed out. This is a survey of the existing site. The house that sits on there now is about 674 square foot print, about 1200 square feet in total. It's about 25 feet tall. The house that we're proposing to build here is actually shorter than this one and half story structure that sits here today. I point that out because that's important in my neighborhood and important in the Shoreland Overlay District. This shows a 60 foot setback from the west lot line. It's about 15 to 20 feet further back than I would be allowed to build. We did that for a number of reasons. One, our existing neighbor enjoys her views and we wanted to respect those views. We like the setback further from the parkway. And we think it makes better scale, given the fact that the lot is so long, we have the room to push that back. And so keeping it off the parkway, we thought was appropriate and I think the neighborhood is appreciative of that. The ADU is approximately 120 feet from the structure as you see here. And 25 feet off the alley. The 120 foot space is about the depth of most lots in the neighborhood. As previously pointed out, this lot is about the size of two lots, back to back. Most of the lots on Irving are either 119 feet deep or 128 feet. The lots, the five lots, that back up to the property are about 125 deep and range from 40 to 45 feet in width. This site plan illustrates, not just the layout, but the hard area surface coverage which I think is also important to consider when we're talking about FAR or hard surface coverage. What we propose here is approximately 36% below the maximum hard surface coverage. And we're doing that because the structural building is much smaller than what could be built by right. And we're doing that for a number of reasons. One, we've lived in the neighborhood a long time. We think it makes sense for the neighborhood and the site; and two, it cost a lot less. The garage is 26.6 feet wide, 30 feet deep and it goes into the yard as opposed to being wide at the alley. It goes into to the yard to downsize the mass on the alley. Its set 25 feet back, again, to get the mass off the alley. It has an internal staircase which counts against our square footage calculations. We did that for two reasons. One, for aesthetics, having it hang off the side, after feedback, we found that wasn't necessarily; people weren't excited about that necessarily. But more importantly from, at least my wife's prospective, safety was a concern. And so having that completely internal was beneficial from an aesthetic and safety standpoint. But it does count our square footage because we go into the building structure. The mechanicals will be located under the stairs. So this is a two garage, storage, internal stairs and mechanical. When we started this process, we quickly realized that we

would no longer have rafters. And we use a tremendous amount of our rafter space in our current garage for storage. That storage went away. And so what that left us with is a typical two car garage but with storage in front of the two cars, that's why that space is there. The upper level is 780 square feet measured to the outside. That does not include the deck which faces into the yard. It's a flat roof to match the structure of the house which we also thought from an aesthetic standpoint and from a neighborhood standpoint was appealing and appropriate. The size of the second floor was primarily driven by the size of the first floor. The size of the first floor was driven for a need of storage and a two car garage. The cost associated with building an ADU, well may not be a factor here, will drive the future of this ordinance. And that being when you're building footings, foundations, plumbing, sewer, water, separate electrical, separate HVAC, it is expensive to build a detached ADU is what we've discovered. When it happens, the thought of building a suitable garage with storage and then limiting the upstairs, in this instance, to 220 feet or 300 foot minimum size, that the ordinance allows, is by no means, I believe, to be practical. And I think most folks as they go through this ADU process in the future; will find it to be impractical. One of the favorite names for these units is granny flats. And when we talk about moving my parents or my wife's parents into a structure like this, the thought of them downsizing into a 300 square foot unit, I think is, again, impractical from my perspective. The size that we're proposing here, that someone earlier asked, was it based on the size of a typical one bedroom unit. I live in Uptown and have for almost 15 years, sat on our board for four years. Sat on the Small Area Plan for two years, have watched the greenway explode with apartment units. And I think if you ask those developers, or if you went into depth on what their building, their one bedroom units are about 700 square feet; which is about what we're proposing. And I'll just scroll through these elevations. So the foot print of the house is 1,450 square feet. The second floor is roughly 140 square feet bigger, that is mainly because there is a cantilevered section off the south of the structure. That same cantilevered structure on the ADU. That was done, again, from an aesthetics standpoint and to add something other than two Legos stacked on top of each other is how I would phrase it. These are elevations of the proposed house. These are preliminary elevations of the proposed house. It would be the materials we are still working through, cedar, metal accents, stone or board form concrete. Again, it's going to be less than 24 feet tall. Substantially lower than the 28 foot Shoreland midpoint ordinance. The house in question is located just to the right there; you can see that little red chair, that's the existing house in question. And you can also see it on the lower left hand photo next to the 3217 structure. These are all structures that are located within a block of the lot in question. Member Perry, I was asked to take pictures of surrounding garages as part of the application to show different structures. The 1621 32nd St garage is one of the garages that are in the back yard of the home in question. 3144 Irving is a structure that was recently built. 3145 is tall with a rooftop deck. And then you see a number of two story garages or three car garages, all located either a block south or a block north of the lot. 3205 for example has two garages, one two car and one wide single car garage. This is the full panorama; I think may have been cut off in the earlier presentation that shows you what we call the village. This is a very unique lot. Not only for the length but the sheer number of structures and homes that back up to it. There are ten homes, including three across the alley that abut this property. So, it has a very unique situation. To get a little bit into the staff report and the meat of the staff report. The discussion about a typical two car garage, or a garage in the City of Minneapolis the 20 X 22 suggestion, when I asked where I can from, it was cited as a typical over the counter request. I haven't seen this data; I don't believe

that it's typical of my neighborhood. And I don't believe that it's typical of new home construction today. The code allows a 676 square foot, and Janelle can correct me if I'm wrong here, 676 square foot garage in the City regardless of the size of the lot. So the idea of a 440 square foot being typical when the code allows a 676, leads me to believe that at some point the City determined 440 square feet is not always sufficient and that a 676 is not, and that 676 square feet does not include the rafter space, where much of the storage for most families is handled. I did want to show you a few photos of the existing garage that we occupy. We based our square footage calculation on the storage that we needed. We're not hoarders. I feel like I'm a very well organized person and try to keep things in their place. We have maybe more bikes than, we typically would have, but our storage requirements, those are rafter photos of bikes and boards; storage of outdoor furniture in the winter, Christmas, Halloween, Easter stuff. That's the existing situation that we're trying to relocate. All I believe to be reasonable and typical. Staff goes on to say in the report that we have options. The applicant has the option to construct an attached or internal ADU to the new single family dwelling. We don't believe this is practical in this particular instance given the length of the lot, the fact that new construction does require an enclosed garage. The ADU ordinance does not require parking but new construction does require a garage. Obviously a garage is going to be built off the alley. The idea of building a garage with an attached ADU potentially next to the house and using 200 feet of a ten foot wide driveway to get to that garage, to me seems ridiculous and a significant increase in hardscape, which we'd like to avoid. The discussion about building an internal or attached ADU, the City's own handout talks about the internal and attached....It says an attached ADU would be located in a separate addition to an existing home. And I do believe that the spirit of the ADU ordinance as it relates to particularly internal and attached, relates to existing homes. When you look at the handout and you think about turning an existing attic or an existing basement into an internal ADU, it was really I think designed for existing homes. Same with attached. Detached, I would suggest is more inclined to tearing down an existing garage and building new or completely new construction. The report or finding number two also talks about reasonable manner that would be in keeping with spirit of the ordinance and comprehensive plan. We believe that this plan is very much in keeping with the spirit of the ordinance and in particular to the comprehensive plan. The comprehensive plan calls for, to provide more housing opportunities for all ages. To grow the city population, build housing in context with the neighborhood. We believe that this does that. They also suggest that we could build a duplex under the R2B zoning. And while that may be accurate, I don't believe the neighborhood wants, is looking for more rental property. The ADU ordinance requires that the owner of the lives, it live in the home. So at no point can the home and the ADU both become rental like a duplex could. And so that's why I think the neighborhood as supported this project so extensively.

Chair Perry: Mr. Prinsen. You are running out of time. I've given you a generous amount of more time. And staff is in agreement with finding number three, so I don't need you to address that.

Mr. Tim Prinsen: I'll end with, while I may not have staff support. I do have my community support, the neighborhood, which is by no means a push over when it comes to variances and support. They are very engaged in the zoning process. This is a petition that is also in your packet. There has been, in addition to that, which I'm fairly proud of, number 22, Lara Norkus-Crampton.

She is a person in our neighborhood that has fought almost every variance to its death. So having her support was very important to me in the process. I do have more information regarding what an alternate structure on the site could look like. As well as the floor area ratio that you discussed, and what an alternate home and garage could look like, if you'd like to see it. That's information that I just received and that is not part of the slideshow here.

Chair Perry: I gave you a certain amount of time to make your case, thanks for the offer. Are there any questions of the applicant? Ms. Thompson

Board Member Thompson: Thank you for your presentation. We need to make our decision based on the findings. And the first one about practical difficulties states that the practical difficulty was not created by the person or persons presently having an interest in the property. Can you explain to us why your practical difficulties that you say that you have are not created by you?

Mr. Tim Prinsen: I didn't demise the lot. The practical difficulty comes about with the size of the lot and the size of the lot was determined long before I got involved. So the size of the lot is a major part of the practical difficulty. The fact that the City requires a new construction of an enclosed garage when you have new construction and the fact that the new construction will likely be next to the alley and that is that far away. The idea that you'd have an internal or an attached ADU I think is farfetched. You'd have detached ADU; this is the likely place to do that. And so that distance if you follow me, creates a practical difficulty to locate that ADU closer to the home. Or have it attached to the home.

Board Member Thompson: I have a follow up question if I may. I understand your justification about the location of the garage but the variance is for the size.

Mr. Tim Prinsen: The size of the ADU equates to the fact that a typical garage, or even the 676 that is allowed under the ordinance, multiplying that by two gets you to a number that far exceeds the 1000 square foot requirement of the ordinance. Gabe may be able to speak to that more.

Gabriel Keller (1610 W Lake St): With Peterssen/Keller Architecture and we designed the project. When I look at this we're doing a few different ADUs right now and this is the first one and perhaps the only one right now that's going to require a variance. The others are attached and are on sites that are different sizes. And I think, anybody that's doing new house, needs two garage spaces in these neighborhoods. And that's been pretty consistent and something we've gone for variances in different situations before. So once you start with that and you can't have a detached with two spaces and has a reasonable space above. And in this site, which Tim is alluding to, we can't have it attached because it would just cut off the back of this huge beautiful site. So we could have, so to me that's the practical difficulty here. There wasn't a way that we could engage the site reasonably given the surrounding uses and the reasonable use of the property for a property of this quality on the lake in anyway without doing this.

Chair Perry: Any other questions of the applicant? I have a question. You have a lot of stuff. If you didn't have as much stuff, if you just had cars, could you build the unit within the constraints of the code?

Mr. Tim Prinsen: No.

Chair Perry: And why is that?

Mr. Tim Prinsen: Just having two cars and an internal staircase gets you over the thousand square feet. When you think about an internal staircase and the mechanicals associated with operating a one bedroom apartment, mechanical, water heater, furnace, those types of things, you go over that requirement. By way of example, a 25 X 25 garage is 625 square feet. You immediately double that size and you're at 1250. How in the world they arrived at 1000 square feet, I have no idea. But like with most new laws and with most new ordinances that are written on paper, when real world abuts up against something that's new, it's very common place to realize that while a great idea on paper didn't turn out that great in reality. And I think that's what we're finding here. It was not my goal to be the first guy to request an ADU variance, I did not want that to be the case and we struggled with great length to not make that happen. And couldn't make it happen and I find it hard to believe that a lot of people will.

Chair Perry: So detached ADU's allow for staircases to be external as you know. If you did that you're telling me you still couldn't build the unit?

Mr. Tim Prinsen: No, you mean you could build a two car garage with no storage and a unit above. You could do that I suppose. Is it practical? No it's not practical?

Chair Perry: So, you're in someone contending the code isn't right.

Mr. Tim Prinsen: It could use improvement and I think in my conversations with staff, not staff in the royal staff, but in the individual staff, I think there's an understanding that as we go through and learn about this process with ADUs that in most likelihood, that may come down the road. There may be changes to this, the arbitrary 1000 square feet as opposed to looking at a more traditional FAR coverage ratio. Or even what they do for garages, which it says, you can go up to 1000 square feet if your lot is up to 10,000 square feet. Those things are already in the code and it makes sense to draw upon those things as opposed to an arbitrary 1000 square feet.

Chair Perry: Ok, thanks for answering that. Appreciate it. We don't have any other questions for you at this point. Are there any other people who would like to speak in favor of this application? Is there anyone that'd like to speak against this application? We'll close the public hearing. Board comment, I want to start off by saying.....Yes sir what is your question (to a member of the public)?

Inaudible comment from a gentleman of the public.

Chair Perry: Sir. If you have a question about process, I think you need to talk to staff and you need to do that in the hallway. The public hearing is closed. We're not taking any more comment. I asked if anybody wanted to comment on this. So, you can see staff and ask them questions, and I would ask you to do that in the hallway while the board deliberates on this item. So before we talk about this, first and foremost, we are not a policy making body. This board has the code that was, and although I did not go to any of the public community meetings, there's been a lot of engagement on this, what ended up to be the final determination for what the ADU code is. So, we're not here to discuss that. We're here to discuss the variance, as Ms. Thompson said, before us and the three findings of fact. And with that, I will open up to board comment. Mr. Finlayson.

Board Member Finlayson: I appreciate a great deal of time and effort went into planning this project. However, it is new construction. It is a clean slate. I at this point in time have no personal understanding how we can do anything else except follow code and follow staff recommendation. However, I'm certainly willing to listen to arguments to the contrary from my fellow board members. Thank you.

Chair Perry: Thanks for those comments Mr. Finlayson. Mr. Sandberg.

Board Member Sandberg: Thanks Mr. Chair. I agree with the findings of staff on two and three; that this is probably a good project that fits the, even the spirit of the ordinance. I believe we're obligated to make a finding with regard to the first requirement that unique character of the lot prevents the applicant from conforming to the ordinance. I guess at first I believed that there really was nothing with regard to this lot that prevented the applicant from conforming to the ordinance. It's not the lot itself that makes the ADU have to be larger. But I think maybe we could consider the fact that with new construction, parking is required whereas it would not be if it were an ADU on an existing property. And the fact that this property has no structure on it at this point and parking is required makes it somewhat unique with regards to adapting the ADU to include a parking structure. That's the only way I could come up with a finding that would provide this applicant with a finding for finding number one.

Chair Perry: Ok. I'm not sure, maybe my colleagues understand your argument there, I'm not sure I'm following it. So the ADUs don't require parking. The principal dwelling unit does require parking. So those are two pieces of information. What is the connection to a practical difficulty?

Board Member Sandberg: The practical difficulty is that, with this project, parking needs to be built. It's reasonable for this parking to be close to the alley of this long property. And if an ADU is going to be built on this property, it makes sense for it to be a separate structure from the main structure. And with regard to that, it needs to include parking and an ADU.

Chair Perry: Ok. If I may, how do you get to the requirement, or the request that it be over a thousand square feet. Which the code goes into detail about how it is trying to accommodate bot smaller units, no parking for the ADU itself but parking for the principal dwelling unit.

Board Member Sandberg: I think I generally do agree with staff that it is possible to do it. And I'm trying to come up with some way for us to deliberate on the uniqueness of the property that would require it. And I'm not sure that I've gotten there.

Chair Perry: I'm sorry, I'm not trying to grill you either; I'm just trying to follow the logic. Mr. Cahill.

Board Member Cahill: Thank you Mr. Chair, maybe to follow up on Mr. Sandberg's concerns, or maybe express it a different way. This particular project requires parking. The way that the ordinance is currently crafted with a 1000 foot cap, seems to be a little bit of a Hobson's choice between; you can have a nice garage or you can have a nice ADU but you can't have both. Just out of the pure size limitations, you have to have parking; you're not going to be able to put a large ADU unit above your garage. And I think the applicant hit it right on the head. This may not be practical, this may be a difficulty, this is language drawn up from other parts, which on paper may look but practically just don't work. The hard part is as a board that may not be our job, the hard part is we're dealt within; this is why I think the 1000 foot cap is more problematic than otherwise. Elsewhere in the code and on a number of limitations, we have safety valves. We have a do not go larger except, if you do go larger, you can't go larger than 10% or something like that, I forget where else, but we have safety valves saying if we're going to grant variances, there's even a cap on the variance. We don't have that here. We have a hard language and probably the strongest language we can have in the ordinance. With 1,000 feet is the maximum. Looking at the unique circumstances of the property, which is really the focus, I agree absolutely, this is a reasonable project. I think staff I right saying this is an absolutely in keeping with the character of the neighborhood. It is, it makes practical sense in putting a unit above the garage, than on an existing footprint. The problem is the practical difficult is can you do anything with a 1,000 foot cap here. The problem is I think you can. It's not pretty, it doesn't look good, and we may not like those options. But I think they are options are under the law. As a result you can meet the ordinance. In addition, I think the language as it's drafted, it's a hard cap. Now if the intentions are certainly the City Council are different drafting that, they can speak to that on an appeal process about how hard that cap is. But, I think, with this board and our requirements are, we can't get past that language. And given the fact that we may not like the options available, but there are options. I can't see practical difficulties being that. With that I would actually support staff recommendation.

Chair Perry: Thank you Mr. Cahill for those comments. I will point out one clarification. There is a safety valve, the, we can, there's a variance process which is why the applicant is before us. So there actually is a safety valve, however, we do need to find, in three cases, findings of fact, to apply that safety valve. And I think that's where some board members are getting hung up; they can't find the practical difficulty. Mr. Saufley.

Board Member Saufley: Thank you Mr. Chair. Appreciate the comments from the board, and from the applicant and the staff. I don't see any practical difficulty and the result might be an absurd driveway that leads to an attached ADU but that's what the code says the result has to be. I also struggle with the spirit and intent of the ADU ordinance. And while the result may be absurd, that's just the result that I see the code leading us to. So I support staff's finding. Or staff's recommendation I should say.

Chair Perry: Thanks for those comments; any other board comments? Ms. Thompson.

Board Member Thompson: Thank you. I have two questions of staff actually. I found in finding number one it was obvious that you were finding in favor of number one. Or not finding in favor, there were no practical difficulties. But finding two, did you find for or against finding two?

Staff Widmeier: It was, more against finding it. We were trying to put all sides forth. There are different factors to take into account here but it did end up leaning more towards the not being, that finding not being met.

Board Member Thompson: So staff does not think finding two was met.

Staff Widmeier: Right and that was because our understanding of the intent is that having the two stall garage and staircase and the ADU then above was supposed to be accommodated within 1000 square feet. So I think that was the issue that we identified.

Board Member Thompson: Ok. Thank you. And my second question is, an attached ADU does not have to be above a garage. Correct? Like you could have an attached ADU to the main structure and still have a separate garage?

Staff Widmeier: That is correct.

Board Member Thompson: Ok. Thank you.

Chair Perry: Any other board comment?

Board Member Thompson: I just have a follow up comment then. I support staff findings with the understanding that they did not find for finding one and finding two. But that they did find for finding three. And if we chose to make a motion for staff findings, I would like to have a sentence added to finding two, I would suggest that we do just to clarify that it was not found for. So if you recommend staff recommendation I think it needs to be clarified that finding two was not found for.

Chair Perry: If you want to make a motion.

Board Member Thompson: I make that motion.

Chair Perry: To that end you can make a motion to adopt staff finding with the additional language to finding number two.

Board Member Thompson: Yes, I do. I make that motion.

Board Member Finlayson: Second.

Chair Perry: There's a motion and second. Did you get the language Ms. Widmeier? Any other board comments? Will the clerk please call the roll?

Aye: Cahill, Drescher, Finlayson, Johannessen, Ogiba, Sandberg, Saufley, Thompson
Motion passed