

CITY OF APPLE VALLEY  
PLANNING COMMISSION MINUTES  
APRIL 1, 2015

**1. CALL TO ORDER**

The City of Apple Valley Planning Commission meeting was called to order by Chair Melander at 7:00 p.m.

Members Present: Tom Melander, Ken Alwin, Tim Burke, Keith Diekmann, Paul Scanlan and David Schindler.

Members Absent: None

Staff Present: City Attorney Sharon Hills, Community Development Director Bruce Nordquist, City Engineer Colin Manson, Planner Kathy Bodmer and Department Assistant Joan Murphy.

**2. APPROVAL OF AGENDA**

Chair Melander asked if there were any changes to the agenda. Hearing none he called for a motion.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Schindler, approving the agenda. Ayes - 6 - Nays - 0.

**3. APPROVAL OF MINUTES MARCH 18, 2015**

Chair Melander asked if there were any changes to the minutes. Community Development Director Bruce Nordquist stated a revised copy of the minutes had been distributed to the Commission.

MOTION: Commissioner Diekmann moved, seconded by Commissioner Scanlan, approving the revised minutes of the meeting of March 18, 2015. Ayes - 6 - Nays - 0.

**4. CONSENT ITEMS**

- A. Set public hearing for May 6, 2015, 7:00 p.m. to consider rezoning of two properties: Outlot C, Valley Business Park and 5751 - 150th Street W. from "A" (Agricultural) to "BP" (Business Park).

PETITIONER: City of Apple Valley

MOTION: Commissioner Diekmann moved, seconded by Commissioner Alwin, adopting resolution setting a public hearing for May 6, 2015, to consider the rezoning of the following properties from "A" (Agricultural) to "BP (Business Park) for consistency with 2030 Comprehensive Plan designation of "IND" (Industrial):

- a. Parcel 1: Outlot C, Valley Business Park
- b. Parcel 2: 5751 - 150th Street W.

Ayes - 6 - Nays - 0.

## 5. PUBLIC HEARINGS

--NONE--

## 6. LAND USE/ACTION ITEMS

**A. Schesso/Hine Fence Variance** – Request for a variance allowing for increase in fence height from 3.5 feet to 6 feet where a fence is located along a rear property line, which constitutes the side lot line of an abutting lot. **(PC15-12-V)**

LOCATION: 14334 Embry Path

PETITIONER: Troy Schesso and Lisa Hine

Planner Kathy Bodmer stated the applicant is requesting a variance to the maximum height of a fence from 3.5' to 6' within a 17' sight triangle where a rear yard abuts a neighbor's side yard, based upon the practical difficulty that they need to have a six foot (6') fence for a dog and that extending the fence around the corner would allow them to preserve one of four mature evergreen trees on the northeast corner of the property adjacent to Ebony Lane.

The Staff reviews variance applications based strictly upon the requirements of the state statutes and the City Code which require that the applicant establish that there are "practical difficulties" present in order for a variance to be granted, and that logical alternatives are not available. The definition of a practical difficulty is the following: the applicant proposes to use the property in a reasonable manner not permitted by the zoning provisions of the code; the plight of the applicant is due to circumstances unique to the property not created by the applicant; and the variance, if granted, will not alter the essential character of the locality. The City Code also states that economic considerations alone do not constitute practical difficulties. Because the owner has options other than a variance, staff is not recommending approval of the variance.

She stated the applicants wish to extend their 6' privacy fence along the side and rear lot line. However, while the petitioners' fence would be located along their property's rear lot line, it would be located along the side lot line of the neighbor's property to the north. The zoning code states, when a property's rear lot line constitutes the side lot line of the neighbor's property, that the height of a fence within a 17' triangle area may not exceed 3.5' in height. The previous owner of the property installed a 6' privacy fence along Ebony Lane and terminated it when it reached the 17' sight triangle. In its place, the previous owner installed four evergreen trees which are now over 20' tall. The current owners wish to extend the 6' privacy fence along the side lot line around the corner and around the rear lot line. This requires a variance from the fence height requirement through the 17' sight triangle. In the future, the owners plan to construct a detached garage on the northwest corner of the property with a driveway access on the northeast corner of the property off of Ebony Lane.

