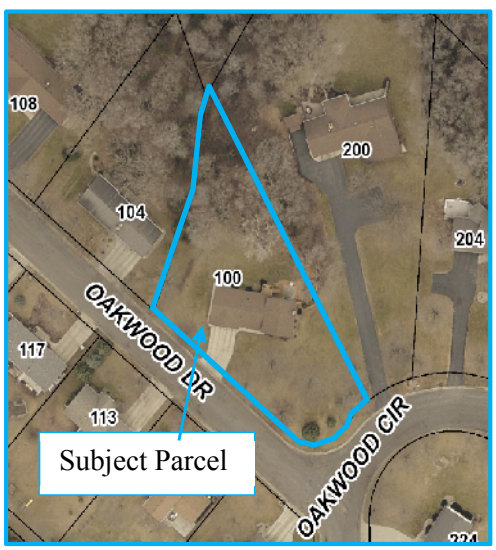
MEMORANDUM

DATE:	May 9, 2016
TO:	Chairperson Hvidsten, Members of the Planning Commission, Administrator Kreft
FROM:	Cynthia Smith Strack, Community Development Director
RE:	Item 4.1 Front Setback Variance: 100 Oakwood Drive

REQUEST SUMMARY

PZ Task: Public hearing and recommended action to City Council.

Overview: Michael Korba, 100 Oakwood Drive requests a variance from Section 1105.05, Subd. 5(3)(a), to reduce the minimum front yard setback 30 feet to 25 feet in the R-1, Single Family Residential District. If approved the variance would permit an addition to an attached garage on the subject property.



Locale: Residential neighborhood; single family detached.

Land Use: Planned and zoned low density residential

Attachments to Report: (a) Staff analysis of request dated May 9, 2016;
(b) Application submittal;
(c) Draft Resolution No. 16-005.

Action Options: Action on Resolution 16-005 recommending approval or denial (specify) of concept plan to City Council. Alternatively the PZ may postpone action pending receipt of additional information.

Staff Recommendation: Approval, with conditions specified in Resolution 16-005.

Notes: Michael Korba is expected to be in attendance.

May 9, 2016

TO: Chairperson Hvidsten, Planning Commission Members, Administrator Kreft

FROM: Cynthia Smith Strack, Community Development Director

SUBJECT: Resolution 16 – 005: Variance Request 100 Oakwood Drive

The purpose of this memo is to provide the Commission with information regarding a front yard setback variance request for 100 Oakwood Drive.

Michael and Lisa Korba request a variance to allow a five (5) foot encroachment into a required thirty (30) foot front yard setback.

Representations by the Applicant

The Applicant represents:

- If granted the variance will allow for the construction of a third garage stall, 15' in width, matching depth of house. The garage door height is proposed at seven feet.
- The proposed third stall will be set in five (5) feet from the front existing garage building wall and tie into the existing roofline.
- The dwelling is positioned atypically on the lot, non-perpendicular to the front lot line.
- A required 30' setback from a bluff/ravine in the rear yard essentially prohibits the development of a detached accessory structure in the rear yard.
- Detached accessory structures are not allowed in front yards, as such placement of such a structure elsewhere on the lot is prohibited.

Consistency with Comprehensive Plan & R-1 Single Family Residential District
The existing residential (single family, detached) use is consistent with planned use and current zoning.

Code Standard – Variance Request
Section 1103.05 of the Code establishes general and review criteria to be address during variance review as follows:

1. Variance must be in harmony with the general purposes and intent of the Code.
2. Variance must be consistent with the Comprehensive Plan.
3. Practical difficulties must exist, meaning:
    a. The property is to be used in a reasonable manner which is not permitted by the Code;
    b. The plight of the property owner is due to circumstances unique to the property and not created by the landowner; and,
    c. The variance, if granted, will not alter the essential character of the locality.

Potential Findings

1. In favor of the request:
    - The use of the property is and will remain single family detached residential, consistent with both planned use and existing zoning. The third garage stall is typical of large lot single family development in the applicable zoning class. Therefore, the proposed resulting project is consistent with Comprehensive Plan and the general purpose/intent of the Code.
    - The proposed variance is to a performance standard and not a property use.
    - The rear yard of the subject parcel is impacted by the presence of a bluff/ravine. A required 30' bluff setback renders the rear yard unsuitable for placement of a detached accessory structure.
    - Detached accessory structures and not allowed in front yards and the present orientation of the existing dwelling is atypically in that it is not perpendicular to the street. These factors restrict development of a detached accessory structure elsewhere on the property.

2. In opposition to the request:
    - The plight of the property owner results from the atypical positioning of the dwelling on the lot and is therefore not unique to the property but the result of a property owner.
    - A third garage stall and/or detached accessory structure is not a requirement of a dwelling and, therefore, the variance request is a result of the property owner.

Staff Recommendation
Staff recommends approval of the variance request supported by the aforementioned sample findings of fact in support of the request, subject to the following conditions:

1. The "Use" is a fifteen (15) foot wide garage stall addition to an existing dwelling at 100 Oakwood Drive.

2. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the attached garage addition.

3. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-16-005

RECOMMENDING THE CITY COUNCIL APPROVE/DENY A VARIANCE TO A REQUIRED FRONT YARD AT 100 OAKWOOD DRIVE

WHEREAS, the City Code §1103.07 provides for the processing of variance requests; and,

WHEREAS, Michael and Lisa Korba, owners of the property at 100 Oakwood Drive (the 'Applicants') have applied for a variance to a required front yard setback; and,

WHEREAS, the subject property is identified as PID #200080080, is legally described as Lot 8, Block 1 Oakwood Subdivision, and is zoned R-1 Single Family Residential; and,

WHEREAS, the Applicants represent:

1. The request is for a five (5) foot encroachment into a required thirty (30) foot front yard setback.
2. If granted the variance will allow for the construction of a third garage stall, 15' in width, matching depth of house.
3. The maximum garage door height will be seven (7) feet.
4. The proposed third stall will be set in five (5) feet from the front existing garage building wall and tie into the existing roofline.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on May 9, 2016 following duly published notice to accept public comment on the proposed preliminary plat; and,

WHEREAS, the Planning Commission accepted public input and discussed the proposed variance; and,

WHEREAS, the Planning Commission finds:

Sample findings in favor of the request:

1. The use of the property is and will remain single family detached residential, consistent with both planned use and existing zoning. The third garage stall is typical of large lot single family development in the applicable zoning class. Therefore, the proposed resulting project is consistent with Comprehensive Plan and the general purpose/intent of the Code.
2. The proposed variance is to a performance standard and not a property use.
3. The rear yard of the subject parcel is impacted by the presence of a bluff/ravine. A required 30' bluff setback renders the rear yard unsuitable for placement of a detached accessory structure.
4. Detached accessory structures and not allowed in front yards and the present orientation of the existing dwelling is atypically in that it is not perpendicular to the street. These factors restrict development of a detached accessory structure elsewhere on the property.

Sample findings in opposition to the request:

1. The plight of the property owner results from the atypical positioning of the dwelling on the lot and is therefore not unique to the property but the result of a property owner.
2. A third garage stall and/or detached accessory structure is not a requirement of a dwelling and, therefore, the variance request is a result of the property owner.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council approve/deny a five (5) foot variance to a required front yard at 100 Oakwood Drive, subject to the following conditions:

1. The "Use" is a fifteen (15) foot wide garage stall addition to an existing dwelling at 100 Oakwood Drive.

2. The "Use" shall be designed and constructed as represented by the Applicant and memorialized in this Resolution.

3. A building permit is required.

4. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the attached garage addition.

5. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

The adoption of the foregoing resolution was duly moved by Commissioner _____ and seconded by Commissioner _____, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted. Dated this 9th day of May, 2016.

_____	_____
Nathaniel Hvidsten	Cynthia Smith Strack
Chairperson	Community Development Director

CITY OF BELLE PLAINE

218 N. MERIDIAN STREET • BELLE PLAINE, MN 56011 •

Permit Type: Z-Variance - Single Family

Parcel No.: 200080080

Work Valuation: $0.00

Permit No.: D-160001

Approved Date: 04/11/16

Expiration Date: 06/11/16

For ELECTRICAL inspections, call 507-665-3205, between 7:00-8:30 a.m.
ALL OTHER inspections call 952-873-5655, 24 hours in advance.

Owner Information:

KORBA, MICHAEL T
100 OAKWOOD DRIVE
Belle Plaine MN 56011

Contractor Information:

Work Description/Requirement:

Type of Inspection	Inspection	Completion	Comment
APPLICATION TO ADMIN ASST.			
VERIFY PROPERTY INFORMATION			
PH NOTICE TO NEWSPAPER			
PH NOTICE MAILED			
APPLICATION TO CD DIRECTOR			
INTERNAL COMMENTS			
EXTERNAL COMMENTS			
PLANNING COMMISSION ACTION			
CITY COUNCIL ACTION			
FINAL DECISION			
FINAL RULING SENT			
OKAY TO ISSUE BUILDING PERMIT			

Fee Description:

Variance, Single Family Fee	$300.00		
TOTAL FEE:	$300.00	PAID:	$0.00

100 OAKWOOD DRIVE

THIS PERMIT MUST BE POSTED AT THE ABOVE WORK ADDRESS AT ALL TIMES

Annex	CUP	Home Occ.	Interim Use	Move Building	Non – Conform	Plan Consid.	PUD	Variance
Driveway	Land Excavation	Land Fill	Rental	ROW	Sign			

City of Belle Plaine
218 N. Meridian Street
P.O. Box 129
Belle Plaine, MN 56011

Community Development Department
Phone: 952-873-5553
Fax: 952-873-5509
www.belleplainemn.com

Fee: $300.00 Single-family Dwellings / $500.00 all other applicants

VARIANCE REQUEST APPLICATION

PROPERTY	Address: 100 Oakwood Drive	Belle Plaine, MN	P.I.N: 200080080
Lot(s): 008	Block(s): 001	Subdivision: Oakwood Subdivision	
Zoning:			

APPLICANT	☒ **Owner**	Name: Michael & Lisa Korba	Phone:
Address: 100 Oakwood Drive Belle Plaine MN 56011			Cell: 952-261-3253
E-mail: korbam@gmail.com			Fax:
OWNER	Name: Michael & Lisa Korba		Phone:
Address: 100 Oakwood Drive Belle Plaine MN 56011			Cell: 952-261-3253
E-mail: korbam@gmail.com			Fax:

Variance is requested to: Allow proposed SW corner of attached garage to be 25' of front property line.

Ordinance in which variance is requested: Section Number: 1105.05 | Subdivision Number: 5

Description: Setback of front yard to principal building = 30 feet.

In your opinion, is the variance consistent with the purpose and intent of the ordinance? ☒ **Yes** ☐ **No**
Explain: It is consistent with the R1 district, and I am not changing the property use

In your opinion, is the variance consistent with the comprehensive plan? ☒ **Yes** ☐ **No**
Explain: I am continuing to use the dwelling as a detached resident

In your opinion, does the proposal put property to use in a reasonable manner? ☒ **Yes** ☐ **No**
Explain: It will remain a residential single family dwelling

In your opinion, are there circumstances unique to the property? ☒ **Yes** ☐ **No**
Explain: The lot is an irregular lot with a ravine in our back yard that leads to the river. The house was not positioned on the property perpendicular to the road; instead it was built angled toward Oakwood Drive. I discussed with my wife building a detached garage in the back yard, but we felt the copious amounts of dirt needed to be hauled in to to level the back yard would have a negative impact on the ravine. The city does not allow detached garages to be built in the front yard, which is why our only option is to add a third stall to our existing garage.

In your opinion, will the variance maintain the essential character of the locality? ☒ **Yes** ☐ **No**
Explain: There are multiple residents in our neighborhood with three stall garages, and many of the rest of our neighbors have detached garages in their back yards.

SUBMISSION OF APPLICATION MUST INCLUDE:

□ Attached site plan (to scale) depicting present and proposed improvements.

Within the time frame established by Minnesota Statutes section 15.99, following receipt of the completed application, the City Council shall render its decision granting or denying the variance. Such decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed variance. Such plans and specifications shall remain a part of the permanent records of the City Council. The findings of fact shall specify the reason or reasons for granting or denying the variance. The terms of relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. In extenuating circumstances, extension of the sixty (60) days may be granted upon receipt of signed request from applicant.

An application for a variance shall be submitted to the Zoning Administrator. A nonrefundable application fee, established from time to time by the City Council to cover administrative costs and costs of the hearing, shall accompany each application. The application shall contain the following information, as well as such additional information as may be required by the Zoning Administrator:

- The applicant's name and address.
- A site plan drawn to scale showing the property dimensions, existing and proposed buildings and other structures, existing and proposed grading, landscaping, easements and location of utilities, as applicable. The Zoning Administrator may require the applicant to obtain a certified survey at the time of application.
- The particular requirements of the Ordinance which prevent the proposed use or construction.
- The characteristics of the subject property which prevent compliance with the said requirements of the Ordinance.
- The minimum reduction of the requirements of the Ordinance which would be necessary to permit the proposed use or construction.
- The practical difficulty which would result if said particular requirements of this Ordinance were applied to the subject property.
- If the variance is part of an application for Commercial, Industrial, or Multiple-Family Residential Site Plan Approval, all of the submittal requirements for a Site Plan, Section 1103.07, shall also apply.

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other documents submitted herewith are in all respects true and accurate to the best of my knowledge and behalf.

APPLICANT SIGNATURE:_____ **DATE:** 4/10/16

OFFICE USE ONLY

Zoning:	Application Fee:	Form of Payment:
		Date:
	□ Site Plan	Transaction Number:
		Collected By:

Reviewed by Community Development Director		□ Application Complete		Date:
Reviewed by Planning Commission	□ Tabled	□ Approved	□ Denied	Date:
Reviewed by City Council	□ Tabled	□ Approved	□ Denied	Date:

April 4, 2016

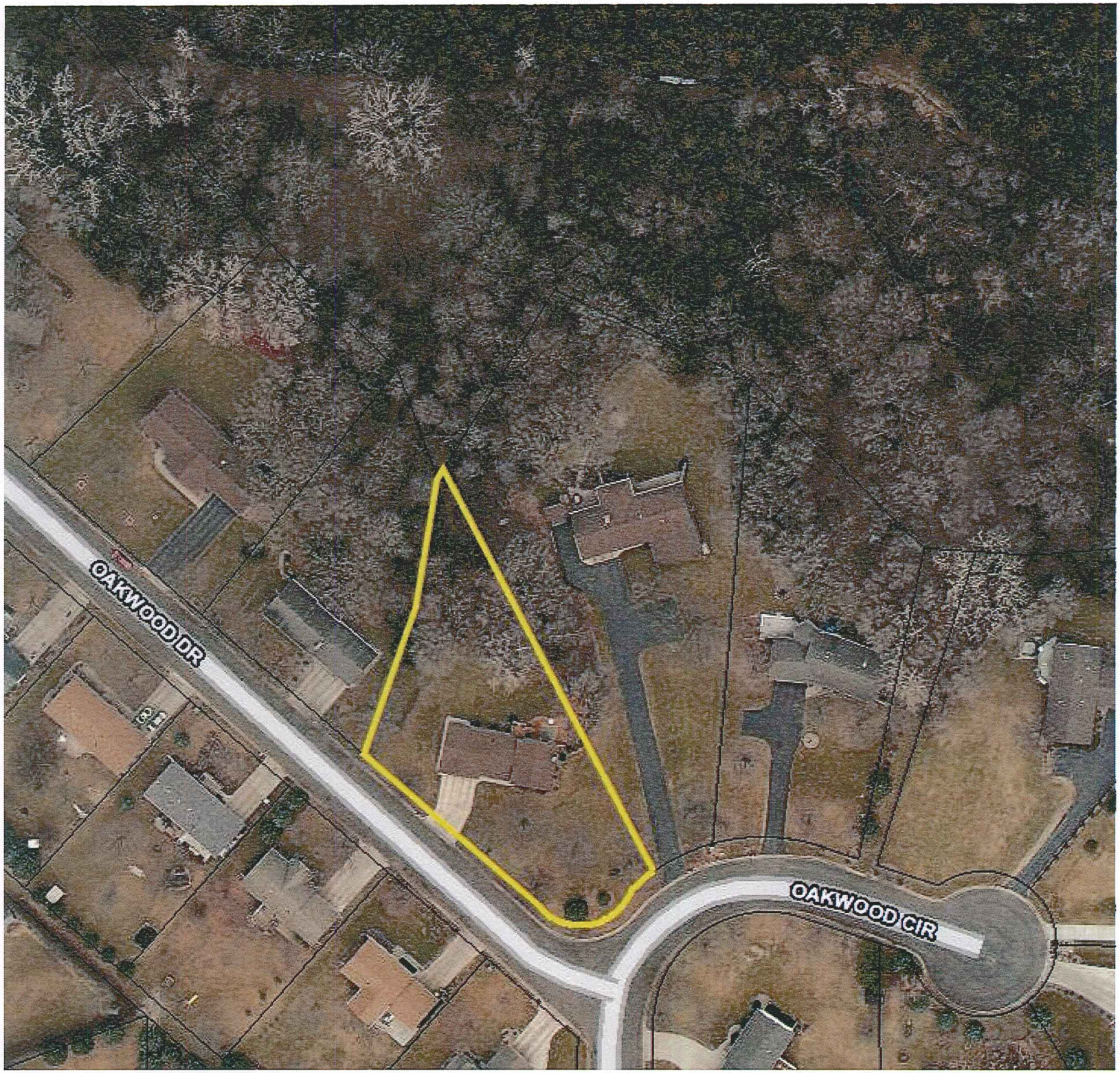
Hello neighbors,

We are in the process of applying for a variance to add a 3rd stall on our attached garage. Due to our irregular shaped lot, and how our house is positioned on it; our proposed addition would have the SW corner of the garage be located 25' from our front property set back, instead of the required 30 feet. As you can see from the attached map; the area that would be inside the 30' setback is approx. the size of a piece of sheetrock cut diagonally. We would like to maintain a friendly neighborhood by assuring that each of you are OK with this IF the city approves our variance request. Please sign by your address if you wouldn't mind the addition.

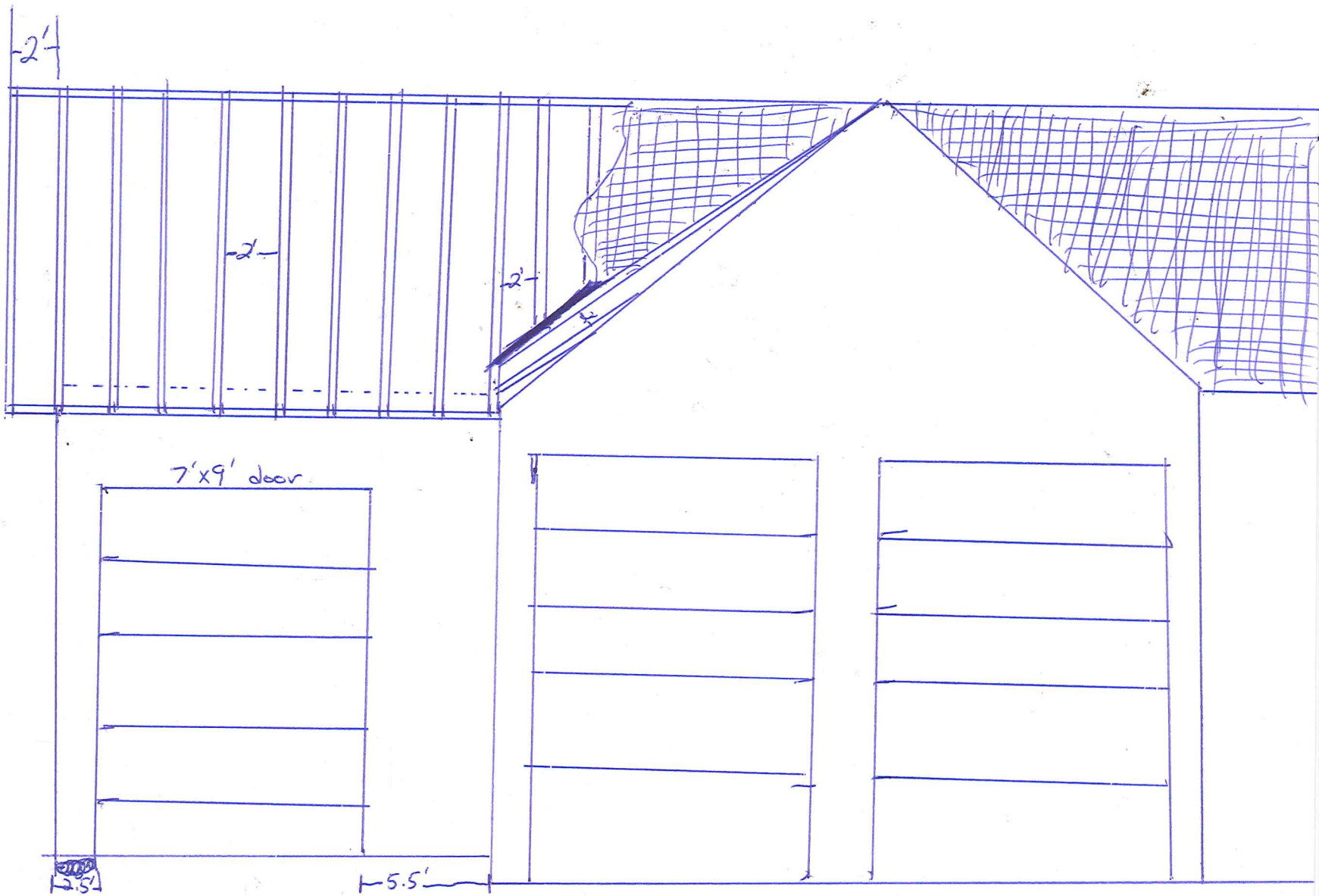
Thank you very much
Mick & Lisa Korba (and kids)
100 Oakwood Drive
952-261-3253 (Mick's cell)

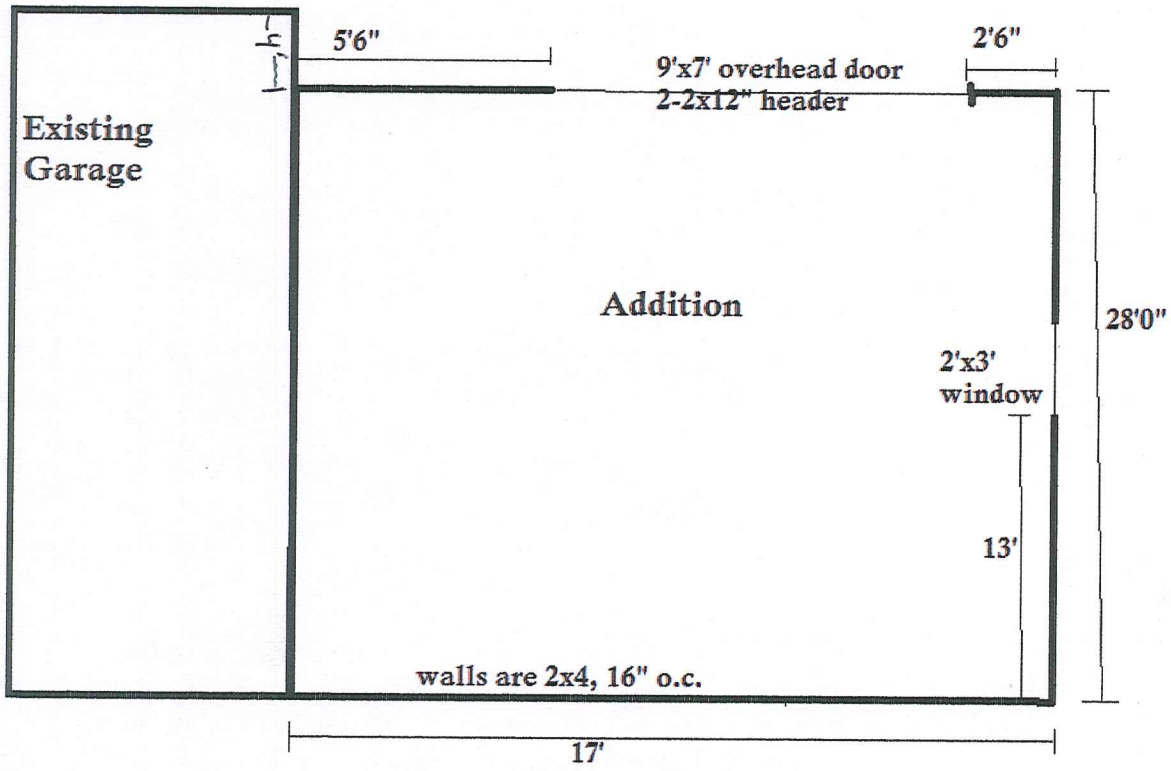
	Signature	Printed Name	Date
104 Oakwood Drive	[illegible]	DAVID M KRUSCHKA	4-10-16
117 Oakwood Drive	Brenda Kelley	Brenda Kelley	4-11-16
113 Oakwood Drive	[illegible]	Paul Jeffrey	4/10/16
109 Oakwood Drive	[illegible]	Aaron Steinborn	4-10-16
105 Oakwood Drive	[illegible]	Daniel Strom	4-10-16
200 Oakwood Circle	[illegible]	GREGORY SCHWICHTENBERG	4/10/2016

30'
17'
28'
25'
OAKWOOD DR

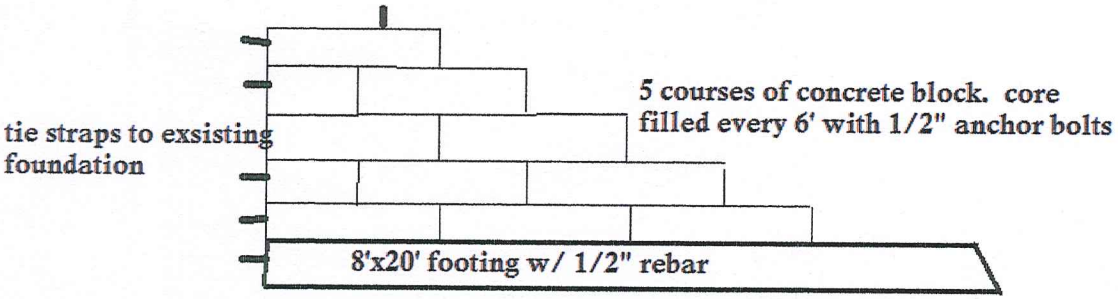

OAKWOOD DR
OAKWOOD CIR

-Asphalt shingles w ice + dam and tar paper





28' x 17' x 9'
-Gable roof with 4/12 pitch, standard trusses 2' o.c., w. hurican straps to each rafter
-12" gable/ 12" eave overhangs
-1/2" 3ply plywood roof sheathing
-1/2" 3 ply plywood wall sheathing
-Typar housewrap.



Belle Plaine

Legend

- City Limits
- Parcels (6-1-2015)
- Lot Lines
- Minnesota River
- Protected Waters
  - Public Water Basin
  - Public Water Wetland
- Protected Waters - Watercourse
- Parks

Korba Aerial

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Belle Plaine is not responsible for any inaccuracies herein contained.

0 66 Feet

© Bolton & Menk, Inc - Web GIS 4/15/2016 8:30 AM