



MEMORANDUM

DATE: October 10, 2016
TO: Chairperson Hvidsten, Members of the Planning Commission, Interim Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
RE: Item 5.1 Side and Rear Yard Setback and Surface Coverage Variance Requests: 148 Meridian Street South

REQUEST SUMMARY

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

Overview: Ryan Schmidt, 148 Meridian Street South has applied for a variance to: side yard (north) setback, rear yard (west) setback, and maximum structural coverage required under Section 1105.07, Subd. 5(3) & (5) in the R-3, Single and Two Family Residential District. If approved the variance requests would allow construction of a 572 square foot attached garage on the subject property.

Locale: Residential neighborhood; single family detached and professional office space.

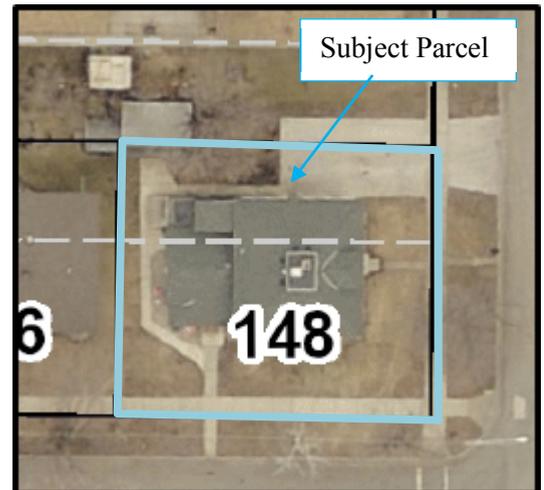
Land Use: Planned and zoned low density residential

Attachments to Report: (a) Staff analysis of request dated October 10, 2016;
(b) Draft Resolution No. 16-019.
(c) Application and site plans

Action Options: Action on Resolution 16-019 recommending approval or denial (specify) of variance requests to City Council. Alternatively, the PZ may postpone action pending receipt of additional information.

Staff Recommendation: Approval, with conditions specified in Resolution 16-019.

Notes: Ryan Schmidt is expected to be in attendance.



October 10, 2016

TO: Chairperson Hvidsten, Planning Commission Members, Interim Administrator Meyer
 FROM: Cynthia Smith Strack, Community Development Director
 SUBJECT: Resolution 16-019: Recommendation on Variances Relating to Side and Rear Yard Setback and Maximum Structural Coverage at 148 South Meridian Street

The purpose of this memo is to provide the Commission with information regarding side and rear yard setback and maximum lot coverage variance requests at 148 Meridian Street South.

Ryan Schmidt requests a variance to allow construction of a 26' X 22' attached two car garage in the R-3 Single and Two Family Residential District. Variances sought include:

Code Standard	Required	Proposed	Extent of Variance
1105.07, Subd. 5(3) side yard	5 feet	4'3"	¾ foot
1105.07, Subd. 5(3) rear yard	30 feet	4'	26 feet
1105.07, Subd. 5(5) coverage max*	30%	35%	5%

* Coverage is limited to structural coverage and not total maximum impervious surface as illustrated in the survey

Representations by the Applicant

The Applicant represents:

- If granted the variance will allow for the construction 572 s.f. attached, two car garage.
- A practical difficulty exists in that the lot is undersized at 5,659 square feet.
- Currently the residential lot doesn't have a garage; a garage is a normal and expected feature of a residential lot and will be in keeping with the residential neighborhood in which the lot is located.
- It is reasonable to expect a garage on a residential lot with a previously established dwelling. The garage will provide for inside storage of vehicles and equipment.
- The existing house encroaches into the rear yard setback approximately 15 feet.



Consistency with Comprehensive Plan & R-3 Single and Two 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. Nearly every residential dwelling is accompanied by a garage. The Code requires new homes in the R-3 District provide at least a minimum 400 square foot garage in conjunction with the dwelling.
 - The proposed variance is to a performance standard and not a property use.
 - The subject parcel lot size is small when compared to other lots in the City.
 - The subject parcel is a corner lot resulting in greater setbacks and fewer options for siting of a garage.
 - The proposed detached garage will add value to the subject parcel and use and remain consistent with the residential nature of the adjacent locale.
 - The attached two car garage will accommodate storage of vehicles and equipment and therefore result in less outdoor storage adjacent to Meridian Street.

2. In opposition to the request:
 - The property owner could choose to build a single car garage on the lot and is therefore not unique to the property but the result of a property owner.
 - A garage 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 572 square foot attached garage at 148 Meridian Street South.
2. The existing accessory structure shall be removed from the subject property.
3. There shall be no additional structures added to the subject parcel.
4. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the attached garage.
5. 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-16-019**

RECOMMENDING THE CITY COUNCIL **APPROVE/DENY A VARIANCE TO REQUIRED SIDE
AND REAR YARD SETBACKS AND MAXIMUM STRUCTURAL COVERAGE AT
148 MERIDIAN STREET SOUTH**

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

WHEREAS, Ryan Schmidt, owner of the property at 148 Meridian Street South (the 'Applicant') has applied for variances to side and rear yard setbacks and maximum lot coverage; 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 Applicant represents:

1. The Applicant requests:
 - a. A four (4) foot side (north) yard setback; the code requirement is five (5) feet.
 - b. A four (4) foot rear (west) yard setback; the code requirement for an attached garage is thirty (30) feet.
 - c. Site structural coverage maximum of thirty-five (35) percent; the code requirement is thirty (30) percent.
2. If granted the variance will allow for the construction of an attached 572 square foot garage.
3. No garage exists on the subject property.
4. An existing storage shed will be removed.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on October 10, 2016 following duly published notice to accept public comment on the proposed variance requests; and,

WHEREAS, the Planning Commission accepted public input and discussed the proposed variance requests; 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. Nearly every residential dwelling is accompanied by a garage. The Code requires new homes in the R-3 District provide at least a minimum 400 square foot garage in conjunction with the dwelling.
2. The proposed variance is to a performance standard and not a property use.
3. The subject parcel lot size is small when compared to other lots in the City.
4. The subject parcel is a corner lot resulting in greater setbacks and fewer options for siting of a garage.
5. The proposed detached garage will add value to the subject parcel and use and remain consistent with the residential nature of the adjacent locale.
6. The attached two car garage will accommodate storage of vehicles and equipment and therefore result in less outdoor storage adjacent to Meridian Street.

Sample findings opposing to the request:

- The property owner could choose to build a single car garage on the lot and is therefore not unique to the property but the result of a property owner.

- A garage 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) a one (1) foot variance to a required side yard at 148 Meridian Street South, (b) a twenty-six (26) foot variance to a required rear yard at 148 Meridian Street South, and (c) a five (5) percent variance to required maximum surface coverage in the R-3 District, subject to the following conditions:

1. The "Use" is a 572 square foot attached garage at 148 Meridian Street South.
2. The existing accessory structure shall be removed from the subject property.
3. There shall be no additional structures added to the subject parcel.
4. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the attached garage.
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 10th day of October, 2016.

Nathaniel Hvidsten
Chairperson

Cynthia Smith Strack
Community Development Director



City of Belle Plaine

218 Meridian Street North • Belle Plaine, MN 56011 • 952-873-5553

Permit Type: Z-Variance - Single Family
Parcel No.: 200014350
Work Valuation: \$0.00

Permit No.: **D-160015**
Approved Date: 09/22/16
Expiration Date: 11/22/16

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:

SCHMIDT, RYAN L
148 MERIDIAN STREET SOUTH
BELLE PLAINE MN 56011
(612) 290-9912

Contractor Information:

Work Description/Requirement:

Fee Description:

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

148 MERIDIAN STREET SOUTH

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: <u>148 South Meridian St.</u>		Belle Plaine, MN	P.I.N: <u>200014350</u>
Lot(s): <u>S 1/2 Lot 22</u>	Block(s): <u>091</u>	Subdivision: <u>Original Plat</u>		
Zoning:				
APPLICANT	<input checked="" type="checkbox"/> Owner	Name:	Phone:	
Address:			Cell:	
E-mail:			Fax:	
OWNER	Name: <u>Ryan Schmidt</u>		Phone:	
Address: <u>148 South Meridian St. Belle Plaine, MN</u>			Cell: <u>612-290-9912</u>	
E-mail: <u>rschmidtmax@aol.com</u>			Fax:	

Variance is requested to: Allow the construction of a necessary 2 stall garage to the property. I has been a struggle not having a garage since I purchased the property in 2007.

Ordinance in which variance is requested: Section Number: Subdivision Number:

Description: (1) Ratio of structure to vacant lot, (2) West wall of addition 4ft from property line, (3) North Wall of addition 4ft 3in from property line (4) Height of addition 15ft 8" from Grade.

In your opinion, is the variance consistent with the purpose and intent of the ordinance? Yes No

Explain: The house is a single family home. Today a ~~single~~ Garage is a necessity for a ~~single~~ single family home.

In your opinion, is the variance consistent with the comprehensive plan? Yes No

Explain: the area of the home is a single-family zone. The property will remain as a single family dwelling.

In your opinion, does the proposal put property to use in a reasonable manner? Yes No

Explain: Having a minimum of a 2 stall garage is a necessity for a home today. The garage will allow for proper storage of My truck, Lawnmower, snowblower, and motorcycle.

In your opinion, are there circumstances unique to the property? Yes No

Explain: I want the garage to fit in with the large current structure. I want some height and size to the garage addition or it wont have the curb appeal im looking for.

In your opinion, will the variance maintain the essential character of the locality? Yes No

Explain: Having the proposed Garage addition will add style to the home without removing charm. The area the proposed garage addition will be located needs attention. The addition will add curb appeal that has been lost for decades.

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: *[Handwritten Signature]*

DATE: 9-22-16

OFFICE USE ONLY

Zoning:	Application Fee:	Form of Payment:	
		Date:	
	<input type="checkbox"/> Site Plan	Transaction Number:	
		Collected By:	
Reviewed by Community Development Director	<input type="checkbox"/> Application Complete	Date:	
Reviewed by Planning Commission	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:	
Reviewed by City Council	<input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date:	

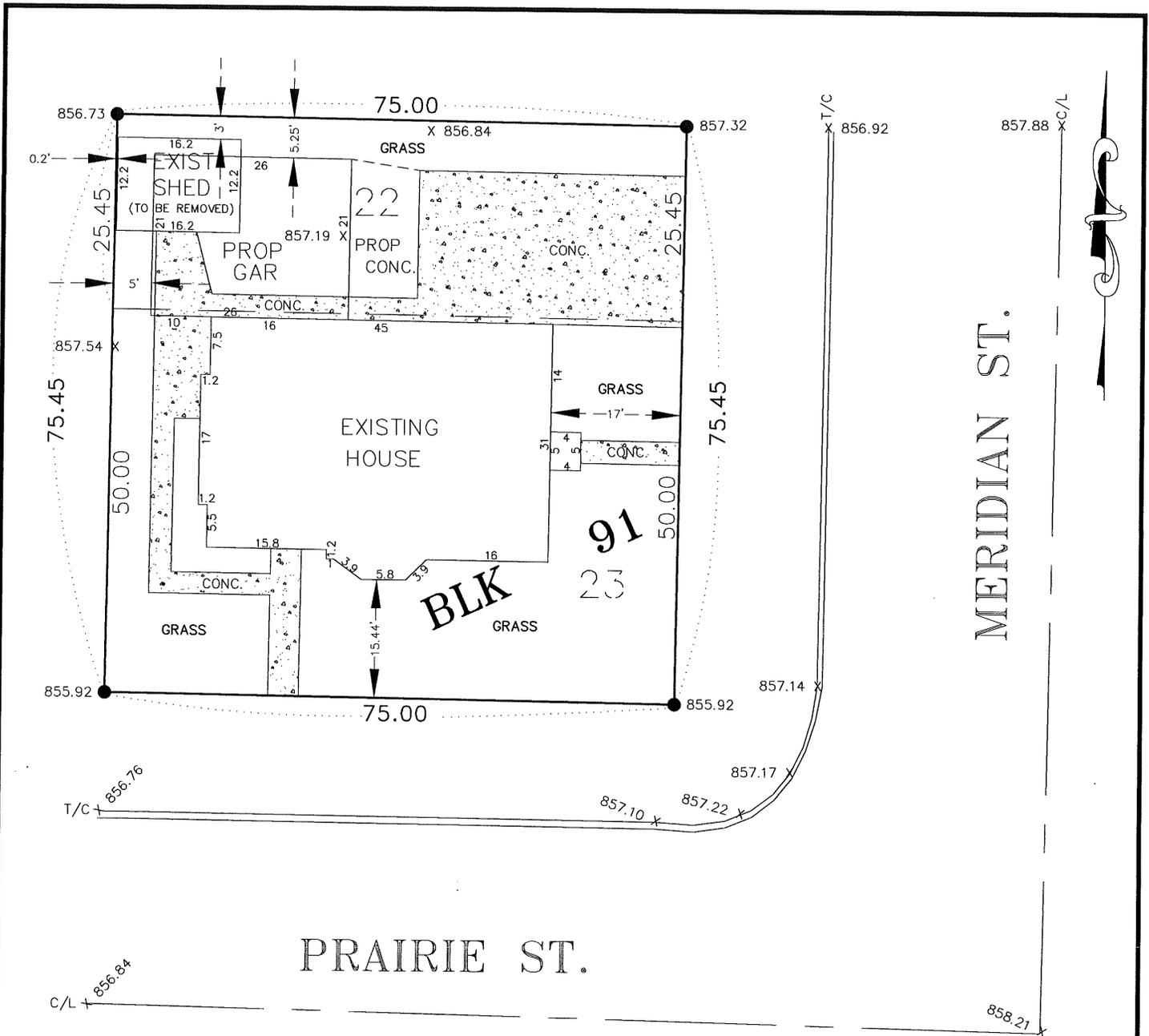


Variance Checklist

APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED
 For a complete list of required guidelines, refer to Section 1103.05 of the City Code

Applicant Check-in		City Check-in
	<p>Electronic file(s) and printed copy (minimum size 11"x17") of the following:</p> <ol style="list-style-type: none"> 1. Written request describing and defining the proposed use. 2. Site plan drawn to scale and illustrated on a certificate of survey which includes the following information: <ol style="list-style-type: none"> a. Required setbacks and proposed setbacks b. Dimensions, square footage, first floor elevation, and location of all existing and proposed structures on any/all lot(s) c. Location of all adjacent buildings located within twenty-five 25 feet of the exterior boundaries of the subject property d. Existing and proposed vehicular and pedestrian circulation and parking: curb cuts, driveways, parking spaces, drive aisles, sidewalks, crosswalks, trails, etc. e. Building architectural elevations (height, dimensions, exterior material type, colors, etc. f. Proposed aggregate square footage of impervious surfaces including building coverage, driveway/parking areas, sidewalks and the like, g. Location of existing easements, h. Other information as required by the City. 3. Complete legal description and property identification number(s) 4. Proof of ownership of property or signature of property owner on the application. 	
	Permit application fee: \$300.00	
	Completed application form	
	Other (if applicable)	

ALL PLANNING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED REVIEW COSTS. LEGAL, ENGINEERING, AND ASSOCIATED REVIEW COSTS ARE THE RESPONSIBILITY OF THE APPLICANT



TOTAL EXISTING IMPERVIOUS AREA ON LOT=2800.51 SQ. FT.

TOTAL PROPOSED IMPERVIOUS AREA ON LOT=3141.23 SQ. FT.

LOT=5,659 SQ. FT

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

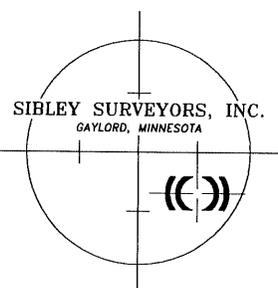
[Signature]
 AVERY GROCHOW, LS
 DATE 9/20/46 REGISTRATION NO. 15475

BUILDING PERMIT FOR
RYAN SCHMIDT
 PART OF LOTS 22 & 23, BLK 91
 ORIGINAL CITY
 BELLE PLAINE, MN

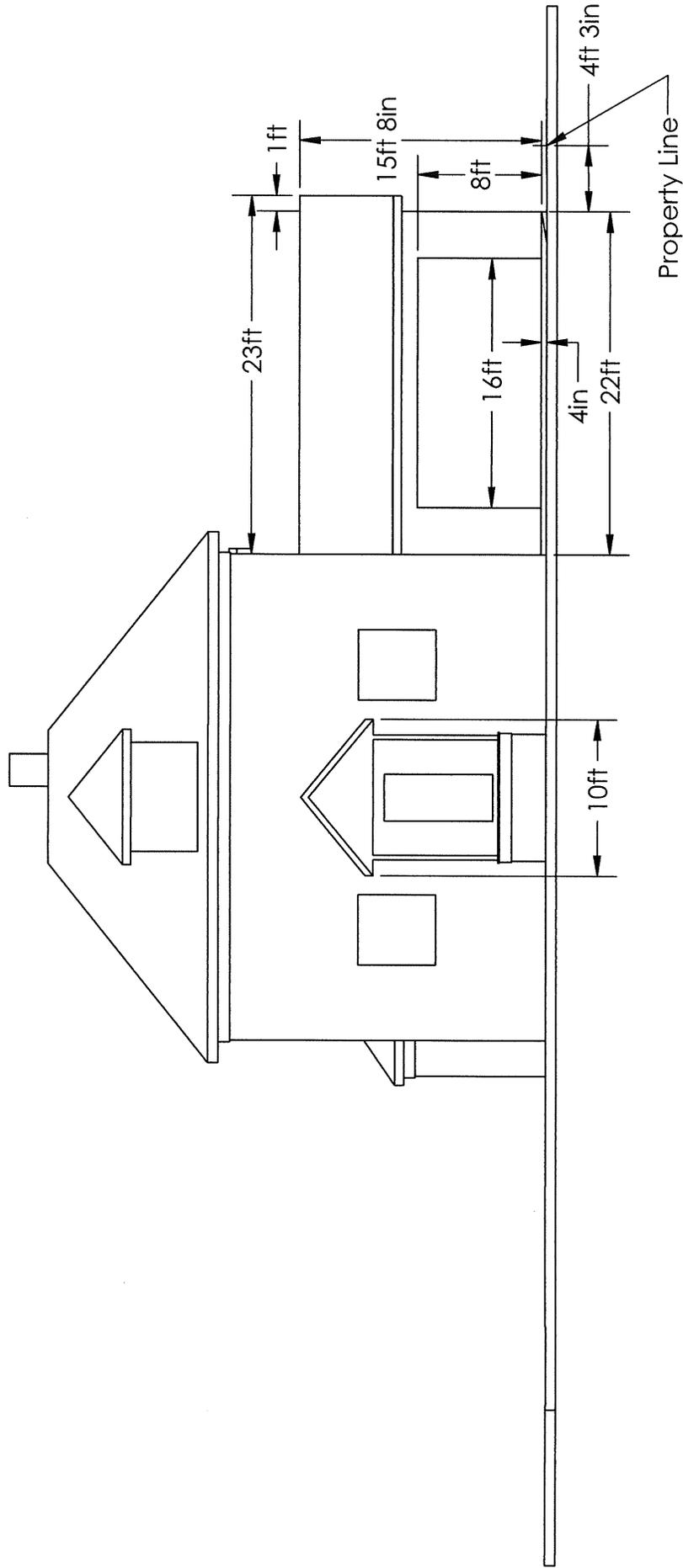
● DENOTES IRON PIPE FOUND
 SCALE: 1 INCH = 20 FEET

SEPT., 2016

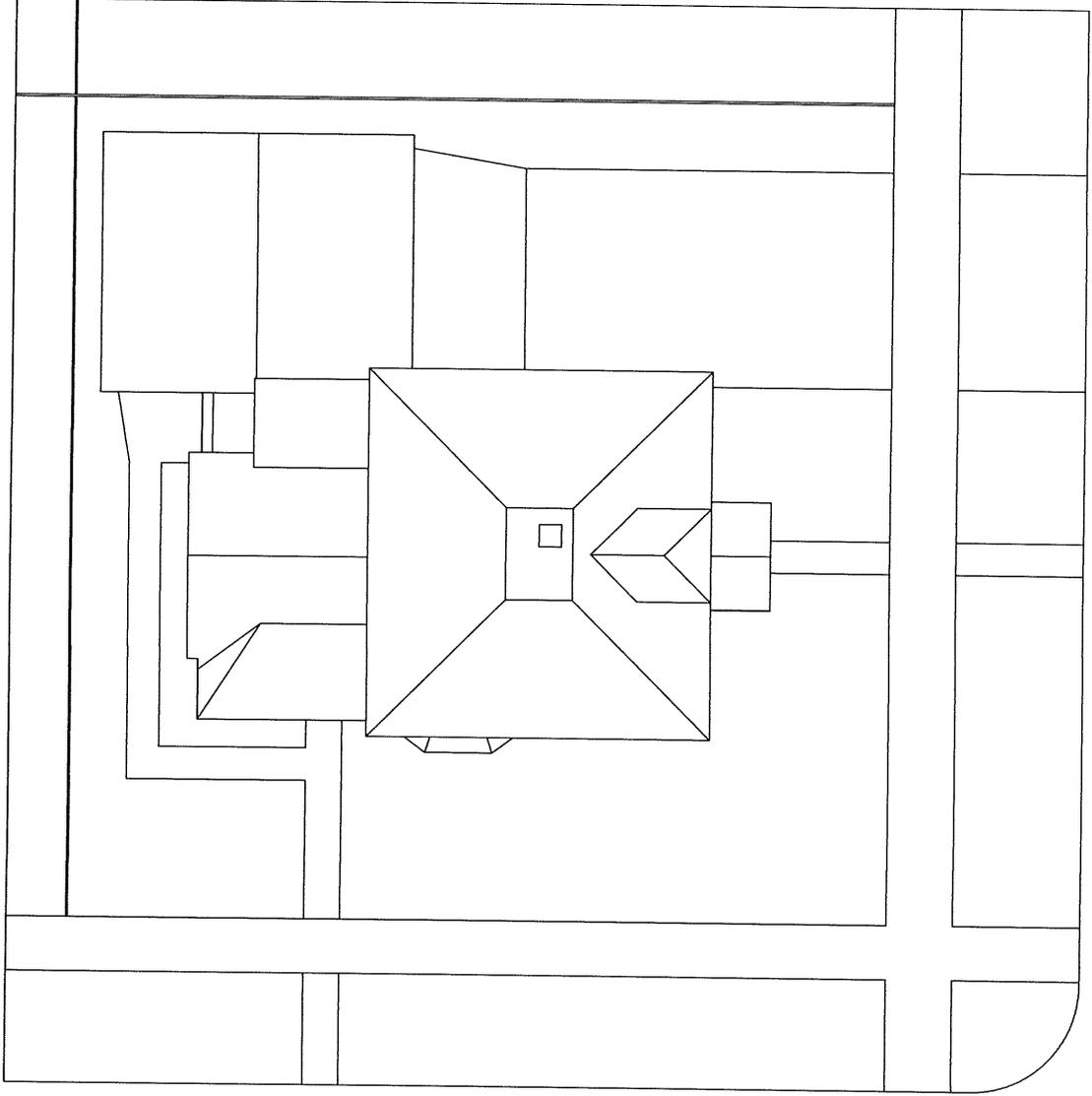
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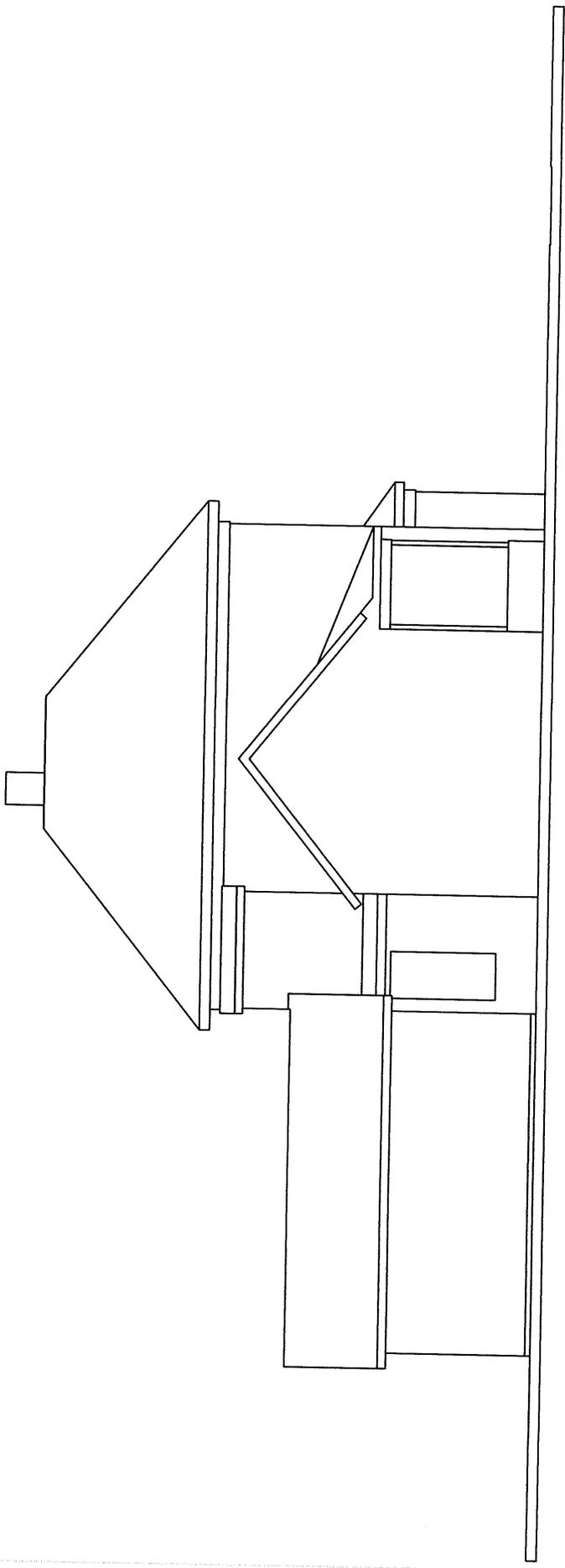
East Side View



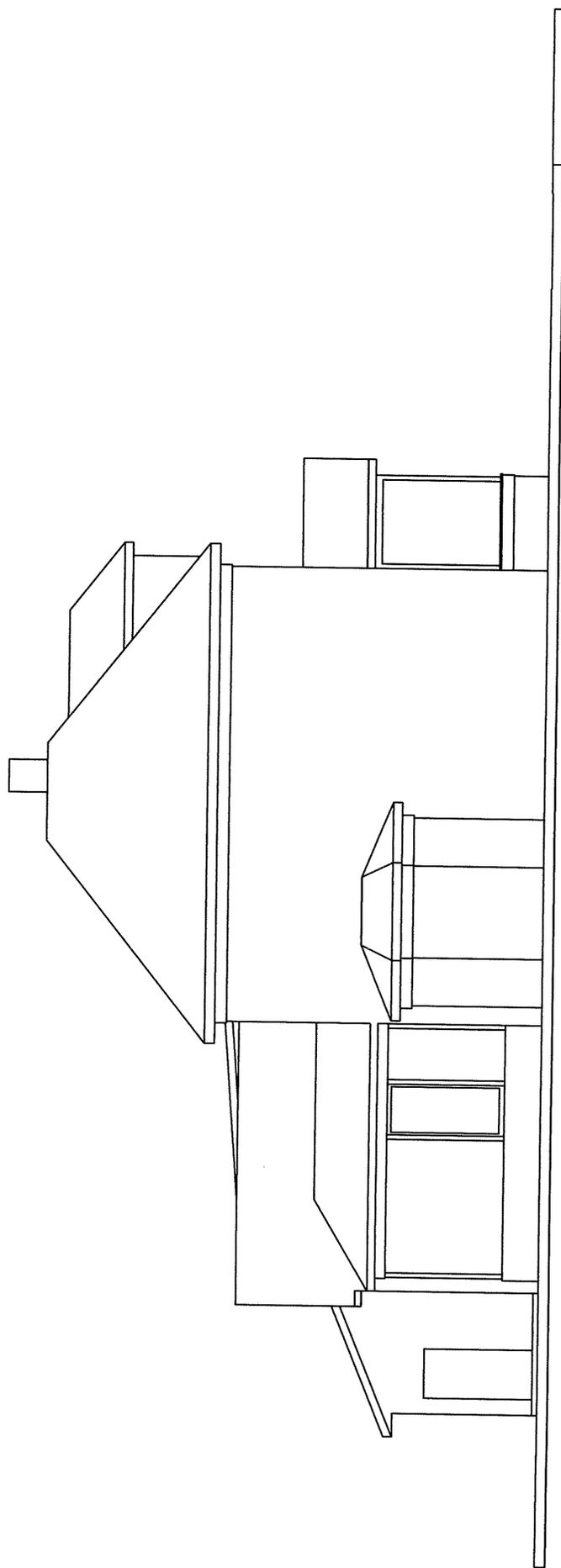
Aerial View



West side view



South Side View



North Side View

