

December 9, 2019

TO: Chairperson Cauley, Planning Commission Members, & Administrator Meyer
 FROM: Cynthia Smith Strack, Community Development Director
 SUBJECT: Variance: Front, Side, and Rear Setback – R-7 Mixed Housing District.

BACKGROUND

The Planning Commission is to hold a public hearing and consider variances to setbacks required under Section 1105.08, Subd. 5(3) of the City Code.

Scott Schmidt is the fee owner of vacant parcels at the southeast quadrant of Meridian and Court Streets. Earlier this year the subject property was rezoned from B-3 Central Business District to R-7 Mixed Housing District as a means of accommodating rental duplexes. Schmidt now requests consideration of setback variances as a means of accommodating a rental duplex on the subject parcels. Schmidt has filed a companion request to combine the two lots.



Surrounding locale is zoned R-7 Mixed Housing, R-3 One and Two Family Residential, and Central Business District. The immediate adjacent use is legal non-conforming light industrial use in the CBD.

The Applicant represents:

- Variances are requested as a means of accommodating one rental duplex on the subject property
- In 2015 a request to allow ministorage on the subject property was denied
- The property was previously rezoned to accommodate a duplex
- Detached single family dwellings are not allowed in the Mixed Housing District
- Without the setback variances the property is not able to accommodate a non-detached single family residential use due to the existing configuration of the lots

REVIEW

Public notice of the requested variances has been published, posted, and mailed. As of the drafting of this memo no public comment for or against the request has been received.

Following are required and proposed setbacks:

	Required	Proposed
Front	30'	16'
Interior Side	10'	5'
Rear	Height of building (i.e. 23')	21'

The proposed use is consistent with planned land use under Destination 2040 and existing zoning.

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 proposed use of the property is consistent with both planned use and existing zoning.
 - Adjacent residential uses in the general locale are of similar intensity.
 - The subject parcels are small existing infill lots with no established use. Code prohibits development of a detached single family dwelling unit, therefore, at a minimum a two family dwelling is required. Two family dwellings must meet minimum dwelling unit square footage requirements prescribed elsewhere in the code.
 - Destination 2040 embraces increases in residential density in close proximity to the Central Business District as a means of supporting commercial establishments and bringing additional activity to the Downtown.
 - The proposed variance is to a performance standard and not a property use.
2. In opposition to the request:
 - The property owner could combine the lots with the parcel to the north and reduce density thereby eliminating the need for a variance.
 - The fact the lots are existing and other code standards apply do not constitute conditions circumstances that are unique to the property.

Review Comments

The DRT has reviewed the variance requests. If the Planning Commission considers a favorable recommendation the following conditions are suggested:

1. The "Use" is limited to a rental duplex in the 300 block of Meridian Street North.
2. The City Council approves a resolution combining the two lots.
3. Residential lease agreements shall contain a notification pertaining to the potential presence of noise, vibration, or similar effects during typical business hours due to preexisting industrial uses located in the same block.
4. A building permit is issued.
5. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the duplex.
6. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.

ACTION

The Planning Commission is to hold a public hearing and make a recommendation to the City Council pertaining to the variance requests.

ATTACHMENTS

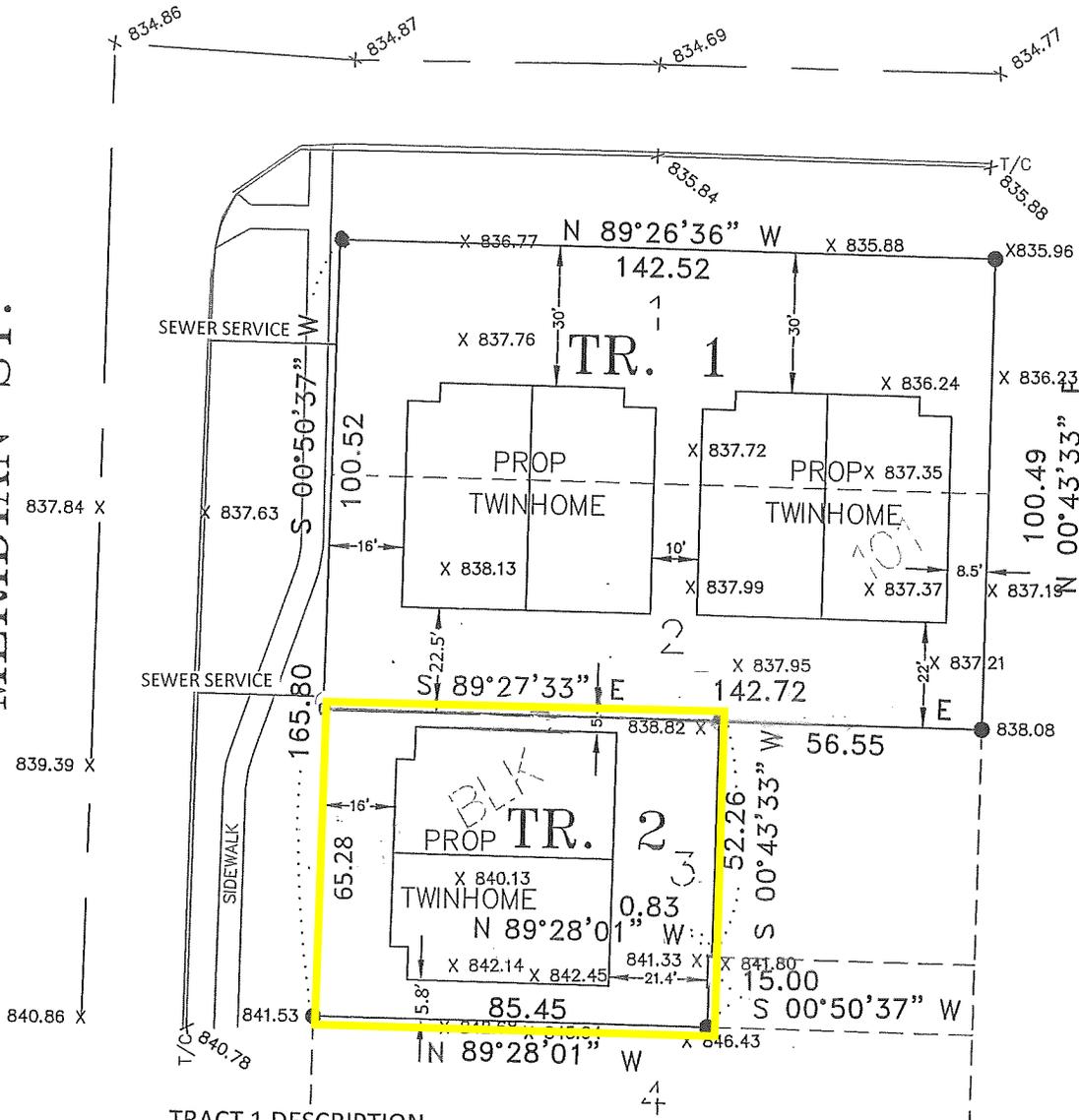
- Two family rental dwelling concept plan.
- Certificate of survey.
- Resolution 19-029(A) recommending approval of front, side, and rear setback variances.
- Resolution 19-029(B) recommending denial of front, side, and rear setback variances.

CERTIFICATE OF SURVEY

COURT ST.

MERIDIAN ST.

ALLEY



TRACT 1 DESCRIPTION

Lots 1 and 2 of Block 101, City of Belle Plaine, Minnesota.

TRACT 2 DESCRIPTION

Lot 3 of Block 101 EXCEPT the East 56.55 feet thereof and the West 85.45 feet of the North 15.00 feet of Lot 4 of Block 101, City of Belle Plaine, Minnesota.

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.

Avery Grochow
 AVERY GROCHOW, LS

DATE 6/10/19 REGISTRATION NO. 15475
 REVISED 6/20/19

MINOR SUBDIVISION FOR
SCOTT SCHMIDT

PART OF LOTS 1-4, BLOCK 101
 ORIGINAL CITY
 BELLE PLAINE, MINNESOTA

- ⊙ DENOTES SCOTT CO. MONUMENT
 - DENOTES IRON PIPE FOUND
 - DENOTES IRON PIPE SET BY RLS NO. 15475
- SCALE: 1 INCH = 40 FEET

Jun., 2019

FILE NO. 1920





FRONT ELEVATION(COURT STREET) (NORTH)

SCALE: 1/4"= 1'-0"

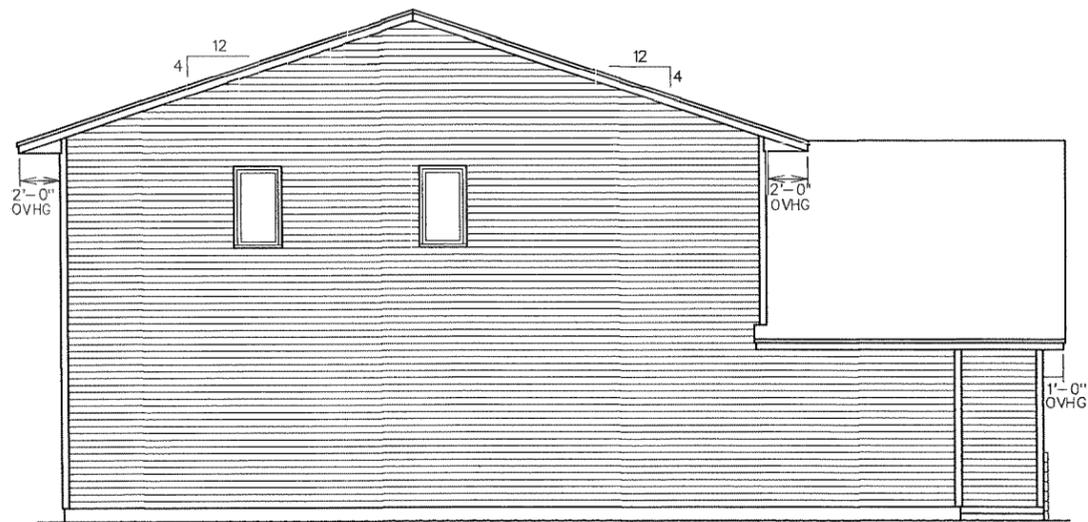
USE: FINAL USER OF THIS SET IS NOT RESPONSIBLE FOR THE COMPLIANCE OF THESE DRAWINGS TO ANY OF THE ESTABLISHED BUILDING CODES. NOR ARE WE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE BUILDING CODES. THE RESPONSIBILITY OF THE CLIENT TO MAKE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR, WRITTEN DIMENSIONS SHALL BE THE RESPONSIBILITY OF THE CLIENT. WE RESERVE THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
SB	PRLM	04 / 30 / 19
	FINAL	
	REV.	
	REV.	

SCOTT SCHMIDT CONST. 1729 SF / UNIT

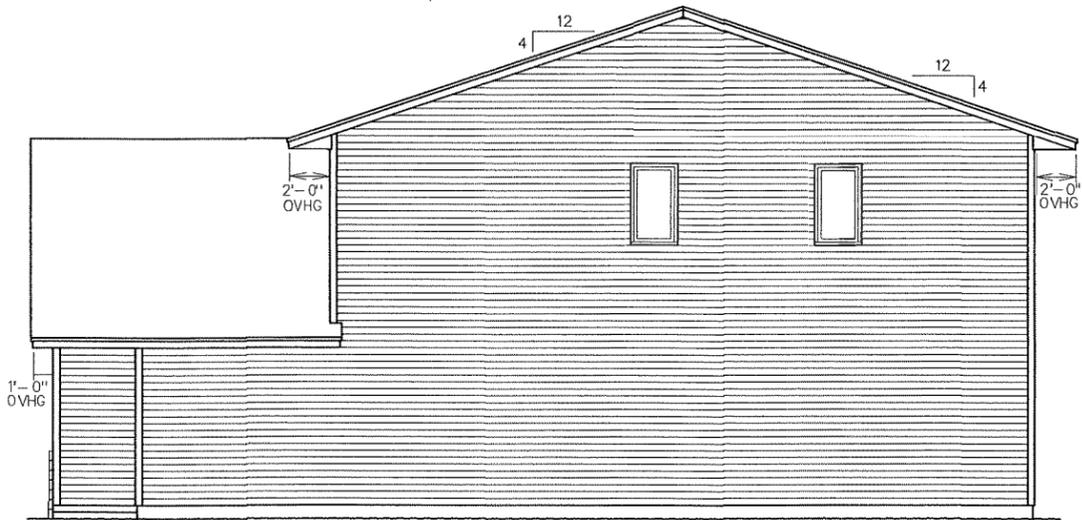
AUTUMN DESIGN
of Minnesota, Inc. (952) 873-4311

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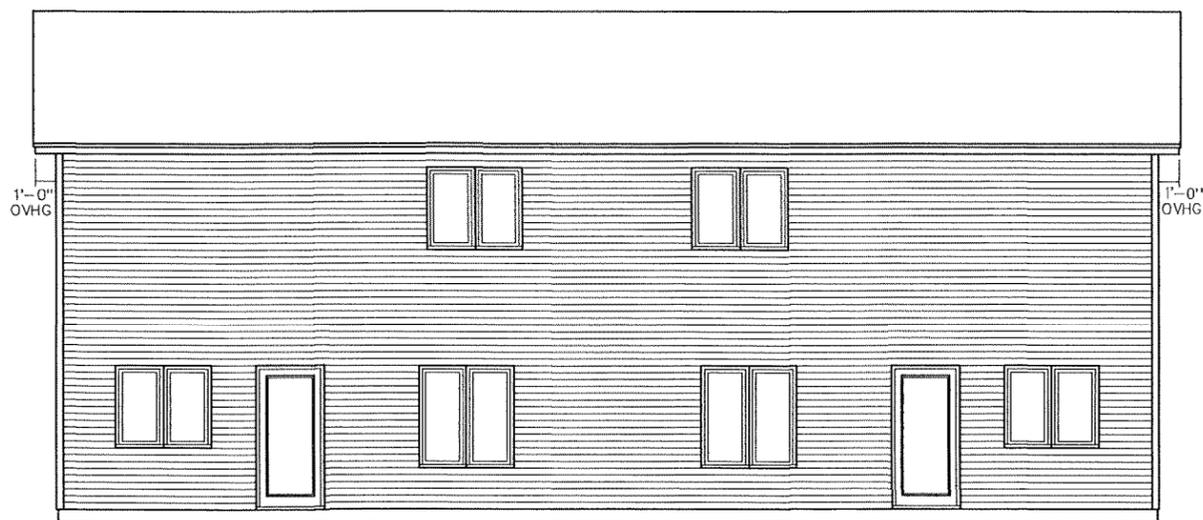
LEFT SIDE ELEVATION(EAST)

SCALE: 3/16"=1'-0"



RIGHT SIDE ELEVATION(WEST)

SCALE: 3/16"=1'-0"



REAR ELEVATION(SOUTH)

SCALE: 3/16"=1'-0"

NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE LOCAL, STATE OR FEDERAL REGULATIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR ANY COSTS INCURRED AS A RESULT OF THESE DRAWINGS. IT IS THE CLIENT'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND INSURANCE. AUTUMN DESIGN OF MN, INC. HAS NO LIABILITY FOR ANY COSTS INCURRED AS A RESULT OF THESE DRAWINGS. AUTUMN DESIGN OF MN, INC. HAS NO LIABILITY FOR ANY COSTS INCURRED AS A RESULT OF THESE DRAWINGS. AUTUMN DESIGN OF MN, INC. HAS NO LIABILITY FOR ANY COSTS INCURRED AS A RESULT OF THESE DRAWINGS.

DRN	TYPE	DATE
SB	PRIM	04 / 30 / 19
	FINAL	///
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	REV.	///

SCOTT SCHMIDT CONST.

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**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-19-029(A)**

**RECOMMENDING THE CITY COUNCIL APPROVE A VARIANCE TO FRONT, SIDE, AND REAR
SETBACKS FOR A DUPLEX IN THE 300 BLOCK OF MERIDIAN STREET NORTH**

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

WHEREAS, Scott Schmidt, fee owner of the property in the 300 Block of Meridian Street North (the 'Applicant') has applied for a variance to Section 1105.08, Subd. 5(3) of the City Code which requires a front setback of 30 feet, an interior side setback of ten feet, and a rear setback equal to the height of the structure; and,

WHEREAS, the subject property is identified as (A) Property number 200015040, legally described as the west 85.45 feet of the North 15 feet of Lot 4, Block 101 City of Belle Plaine Scott County Minnesota and (B) Property number 200015020, legally described as the west 85.45 feet of Lot 3, Block 101 City of Belle Plaine, Scott County, Minnesota; and,

WHEREAS, the Applicant represents:

1. If granted the variance will allow for the construction of a rental duplex on the subject property.
2. Proposed setbacks are front – 16 feet, interior side – five feet, and rear 21 feet.
3. In 2015 a request to allow ministorage on the subject property was denied.
4. The property was previously rezoned to accommodate a duplex.
5. Detached single family dwellings are not allowed in the Mixed Housing District Without the setback variances the property is not able to accommodate a non-detached single family residential use due to the existing configuration of the lots.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on December 9, 2019 following duly published notice to accept public comment; and,

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

WHEREAS, the Planning Commission finds:

1. The proposed use of the property is consistent with both planned use and existing zoning.
2. Adjacent residential uses in the general locale are of similar intensity.
3. The subject parcels are small existing infill lots with no established use. Code prohibits development of a detached single family dwelling unit, therefore, at a minimum a two family dwelling is required. Two family dwellings must meet minimum dwelling unit square footage requirements prescribed elsewhere in the code.
4. Destination 2040 embraces increases in residential density in close proximity to the Central Business District as a means of supporting commercial establishments and bringing additional activity to the Downtown.
5. The proposed variance is to a performance standard and not a property use.

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 a variance Section 1105.08, Subd. 5(3) of the City Code to allow a minimum front yard setback of 16 feet, a minimum side yard setback of five feet, and a minimum rear yard setback of 21 feet for a property in the 300 Block of Meridian Street North, provided:

1. The "Use" is limited to a rental duplex in the 300 block of Meridian Street North.
2. Approval of a City Council resolution combining the two lots.
3. Residential lease agreements shall contain a notification pertaining to the potential presence of noise, vibration, or similar effects during typical business hours due to preexisting industrial uses located in the same block.
4. A building permit is required.
5. This approval shall expire one year after date of approval unless the Applicant has commenced construction of the duplex.
6. 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 December, 2019.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ-19-029(B)**

**RECOMMENDING THE CITY COUNCIL DENY A VARIANCE TO FRONT, SIDE, AND REAR
SETBACKS FOR A DUPLEX IN THE 300 BLOCK OF MERIDIAN STREET NORTH**

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

WHEREAS, Scott Schmidt, fee owner of the property in the 300 Block of Meridian Street North (the 'Applicant') has applied for a variance to Section 1105.08, Subd. 5(3) of the City Code which requires a front setback of 30 feet, an interior side setback of ten feet, and a rear setback equal to the height of the structure; and,

WHEREAS, the subject property is identified as (A) Property number 200015040, legally described as the west 85.45 feet of the North 15 feet of Lot 4, Block 101 City of Belle Plaine Scott County Minnesota and (B) Property number 200015020, legally described as the west 85.45 feet of Lot 3, Block 101 City of Belle Plaine, Scott County, Minnesota; and,

WHEREAS, the Applicant represents:

1. If granted the variance will allow for the construction of a rental duplex on the subject property.
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3. In 2015 a request to allow ministorage on the subject property was denied.
4. The property was previously rezoned to accommodate a duplex.
5. Detached single family dwellings are not allowed in the Mixed Housing District Without the setback variances the property is not able to accommodate a non-detached single family residential use due to the existing configuration of the lots.

WHEREAS, a public hearing was scheduled and held by the Planning Commission, the City's designated Planning Agency, on December 9, 2019 following duly published notice to accept public comment; and,

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

WHEREAS, the Planning Commission finds:

1. The property owner could combine the lots with the parcel to the north and reduce density thereby eliminating the need for a variance.
2. The fact the lots are existing and other code standards apply do not constitute conditions circumstances that are unique to the property.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council deny a variance Section 1105.08, Subd. 5(3) of the City Code pertaining to reduced front, side, and rear yard setbacks for a property in the 300 Block of Meridian Street North.

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 December, 2019.

Ashley Cauley
Chairperson

Cynthia Smith Strack
Community Development Director