

April 8, 2019

TO: Chairperson Carter, Planning Commission Members, & Administrator Meyer
FROM: Cynthia Smith Strack, Community Development Director
SUBJECT: Resolution 19-009: Non-Conforming Expansion Permit Front Yard Setback – 210 Cedar St S

Lavonne Bratsch has applied for a non-conformance expansion permit under Section 1102.03 of the Code. If approved, the non-conformance expansion permit would allow a 1,152 sf expansion to an existing residence consisting of habitable space and an attached garage at 210 Cedar Street South.

The property is within the R-3 One and Two Family Residence District and is legal non-conforming relative to front yard required setback at 24 ½ feet versus 30’ required. The proposed 476 sf house addition and 676 sf attached garage are proposed to be setback 25 feet from the front property line.

The proposed expansion meets other code performance standards including, but not limited to, site coverage which is calculated at 28% of the lot area.

Wayne Schmidt, Bratsch’s Contractor, is expected to be at the meeting to address the request and subsequent questions.



Attachments:

- Application for Non-Conforming Use Expansion Permit
- Site plan and elevation drawings
- Resolution 19-009(A) Resolution Recommending Approval of a Front Yard Setback Non-Conformance Expansion Permit Relating to a Proposed Dwelling Expansion at 210 Cedar Street South in the R-3 One and Two Family Residential District.
- Resolution 19-009(B) Resolution Recommending Denial of a Front Yard Setback Non-Conformance Expansion Permit Relating to a Proposed Dwelling Expansion at 210 Cedar Street South in the R-3 One and Two Family Residential District.

Representations by the Applicant

The Applicant represents:

- The property use is homestead one family residential.
- The existing dwelling is long-stranding and setback 24½ feet from the front property line.
- A 476 sf dwelling addition and a 676 sf attached garage (addition) are proposed at a front yard setback of 25 feet.
- A new driveway would be used to access the detached garage from Cedar Street.
- The property consists of two base lots in the original townsite previously combined under one PID and legal description.
- Exterior materials will closely match and harmonize with the existing dwelling.

Non-Conformance Expansion Permit Review

Section 1102.03, Subd. 2(3) establishes the following review criteria for non-conforming use expansion permits:

1. The proposed expansion is a reasonable use of the property, considering such things as:
 - a. Functional and aesthetic justifications for the expansion;
 - b. Adequacy of off-street parking for the expansion;
 - c. Absence of adverse off-site impacts such as things as traffic, noise, dust, odors, and parking; and
 - d. Improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and
3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Potential Findings in Favor of the Non-Conformance Expansion Permit Request

1. The property is zoned and used for residential purposes.
2. The adjacent locale consists of detached residential dwellings of similar front yard setbacks, dwelling design, dwelling orientation, and dwelling construction. The proposed dwelling addition will not adversely impact the use and enjoyment of other property in the immediate vicinity or alter the essential character of the surrounding neighborhood.
3. Status of the existing use is legal non-conforming.
4. The subject property consists of two lots previously combined under one parcel identification number and legal description. The existing dwelling is situated on the northernmost former base lot. The addition is proposed from the south side of the existing dwelling.
5. The proposed addition is to be setback one-half foot further than the existing front yard non-conforming setback.
6. The proposed dwelling addition is conforming in all other aspects and makes use of a vacant residential parcel in the R-3 District.
7. The proposed dwelling addition and attached garage design harmonizes with the existing structure.
8. The proposed additional habitable space and attached garage will improve the condition of the property, have a positive impact on the value of the property, and increase the livability of the residential use.
9. The adjacent locale is fully developed, the proposed addition will not adversely impact normal and orderly development and improvement of surrounding property.
10. No changes are proposed to existing utilities.

Potential Findings To Deny the Non-Conformance Expansion Permit Request

1. The proposed addition could be stepped back from the existing dwelling to accommodate the required 30-foot front yard setback thereby eliminating the need for a non-conformance expansion permit.
2. The subject parcel consists of two rectangular shaped parcels established in the original plat in a rectilinear grid pattern and oriented perpendicularly to the front street. The lot is void of undevelopable areas such as wetlands, bluffs, and topographical fluctuations. The non-conformance expansion permit is not based on factors that are unique to the subject property but, rather, for the landowner's convenience.

Staff Recommendation

Staff recommends conditional approval of the non-conforming use expansion permit based on aforementioned discussion.

Proposed permit conditions:

1. Use of the subject property shall be limited to the following:
 - a. The principal use shall be defined as the existing dwelling (952 square foot foundation) and the addition of habitable space and an attached garage not to exceed 1,152 square feet in ground-floor area.
 - b. There are four detached accessory structures on the site at this time. No additional detached accessory structures square footage shall be allowed.
 - c. The addition shall feature exterior building and roofing materials that harmonize with existing exterior building and roofing material.
 - d. The dwelling addition shall be placed no closer than twenty-five (25) feet from the front property line. The Contractor shall verify the location of the front property line prior to initial building permit inspection.
2. A professional grading plan establishing and illustrating relationship of garage floor, sidewalk, and curb heights.
3. Driveway access from Cedar Street South requires a right of way permit and is subject to approval of the Public Works Superintendent.
4. The non-conforming use expansion permit is in effect for the property at 210 Cedar Street South and assigned to the current and/or any future owner of the property. The non-conforming use expansion permit may be revoked by the City following written notice to the property owner if the conditions of the permit as listed herein are not met and/or maintained.
5. The non-conforming use expansion permit will expire if a building permit is not secured within one (1) year of the date of issuance of the non-conforming use expansion permit.

Action:

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



CITY OF BELLE PLAINE

218 N. MERIDIAN STREET • BELLE PLAINE, MN 56011 • 999-999-9999

Permit Type: Z-Non-conforming Exp. Permit
Site Address: 210 CEDAR STREET SOUTH
Work Valuation: \$0.00

Permit No.: **D-1980006**
Approved Date: 03/15/19
Expiration Date: 05/15/19

For ELECTRICAL inspections, call 612-643-1838, Mon-Thurs between 7:00-8:30 a.m. To schedule on-line: jdinspectionsmn.com
ALL OTHER inspections call 952-873-5655, 24 hours in advance.



Owner Information:

BRATSCH, LAVONNE E
210 CEDAR ST S
BELLE PLAINE MN 56011

Contractor Information:

Work Description/Requirement:

Fee Description:

Non-Conforming Expan Comm	\$0.00		
Non-Conforming Expan Res	\$100.00		
TOTAL FEE:	\$100.00	PAID:	\$0.00

210 CEDAR STREET SOUTH

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

Annex	CUP	Home Occ.	Interim Use	Move Building		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

Economic Development Authority

Phone: 952-873-5553

Fax: 952-873-5509
www.belleplainemn.com

Fee: \$100.00 Single/Two-family Dwellings \$400.00 all other applicants

PROPER TY	Address: <u>210 South Cedar Street</u> Belle Plaine, MN		P.I.N: <u>200016360</u>
Lot(s): <u>23^d 24</u>	Block(s): <u>110</u>	Subdivision: <u>Original Plot</u>	
Acreage or Square Footage: <u>14000^d</u>		Zoning: <u>R-3 One & Two Family</u>	
APPLIC ANT	<input type="checkbox"/> Owner	Name: <u>Schmidt Building and Dev. Inc.</u>	Phone: <u>952 873 6897</u>
Address: <u>23100 Oak Crest Trail Belle Plaine MN 56011</u>		Cell: <u>612 919 6534</u>	
E-mail: <u>Wayne @ SchmidtBuilding.com</u>		Fax: <u>952 873 3040</u>	
OWNER	Name: <u>Larvonne Bratsch</u>		Phone: <u>952-873-6471</u>
Address: <u>210 South Cedar Street Belle Plaine MN.</u>		Cell: <u>952-451-3402</u>	
E-mail: <u>leb9454@mcHSI.com</u>		Fax: _____	

DESCRIPTION OF NON-CONFORMITY: Front yard setback

NON-CONFORMING EXPANSION IS REQUESTED TO: Expand house + add new garage

OWNER'S STATEMENT
I am the owner of the above described property and I agree to this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the city by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other city approvals that have been granted to me for any matter. (If the owner is a corporation or partnership, a resolution authorizing this action on behalf of the board or partnership must be attached.)

OWNER'S SIGNATURE: Larvonne E. Bratsch **DATE:** 3/13/19

APPLICANT'S STATEMENT
This application should be processed in my name, and I am the party whom the city should contact about this application. I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

APPLICANT SIGNATURE: Wayne Schmidt **DATE:** 3-13-2019

APPLICANT SIGNATURE: _____

DATE: _____

OFFICE USE ONLY

Zoning: <i>R3</i>	Application Fee: <i>\$100.00</i>	Form of Payment: <i>Check # 6191</i>
		Date: <i>3/18/14</i>
	<input checked="" type="checkbox"/> Site Plan	Transaction Number: <i>23454</i>
		Collected By: <i>CLS</i>
Reviewed by Community Development Director	<input checked="" type="checkbox"/> Application Complete	Date: <i>3-16-14</i>
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:

H/COMMUNITY DEVELOPMENT/APPLICATIONS AND FORMS/PLANNING & ZONING/NON-CONFORMING EXPANSION APPLICATION Rev 02/2014

Lavonne Bratsch 210 Cedar St S



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. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County Surveyors Office.



Date: 3/29/2019

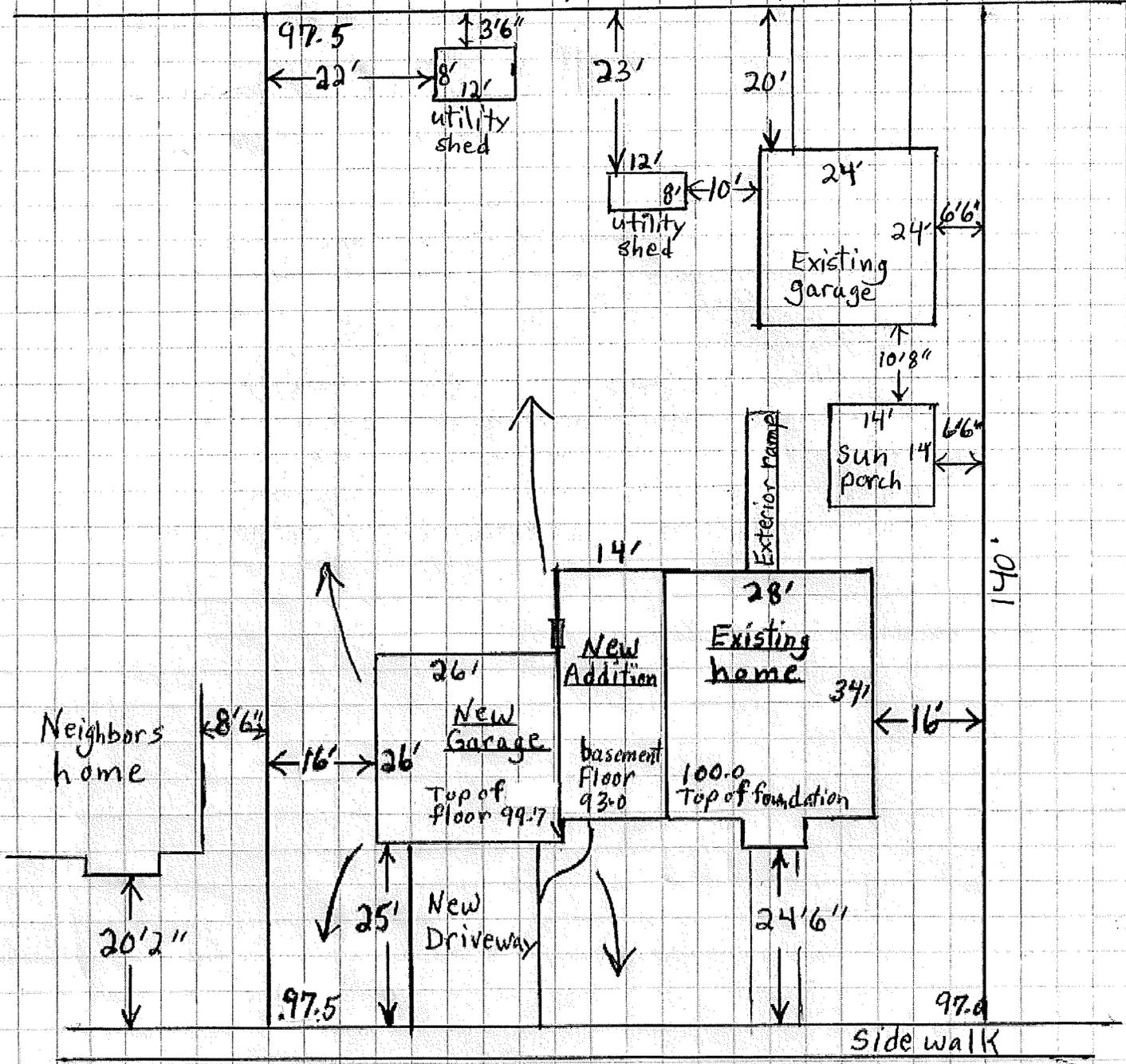
1 in = 47 ft



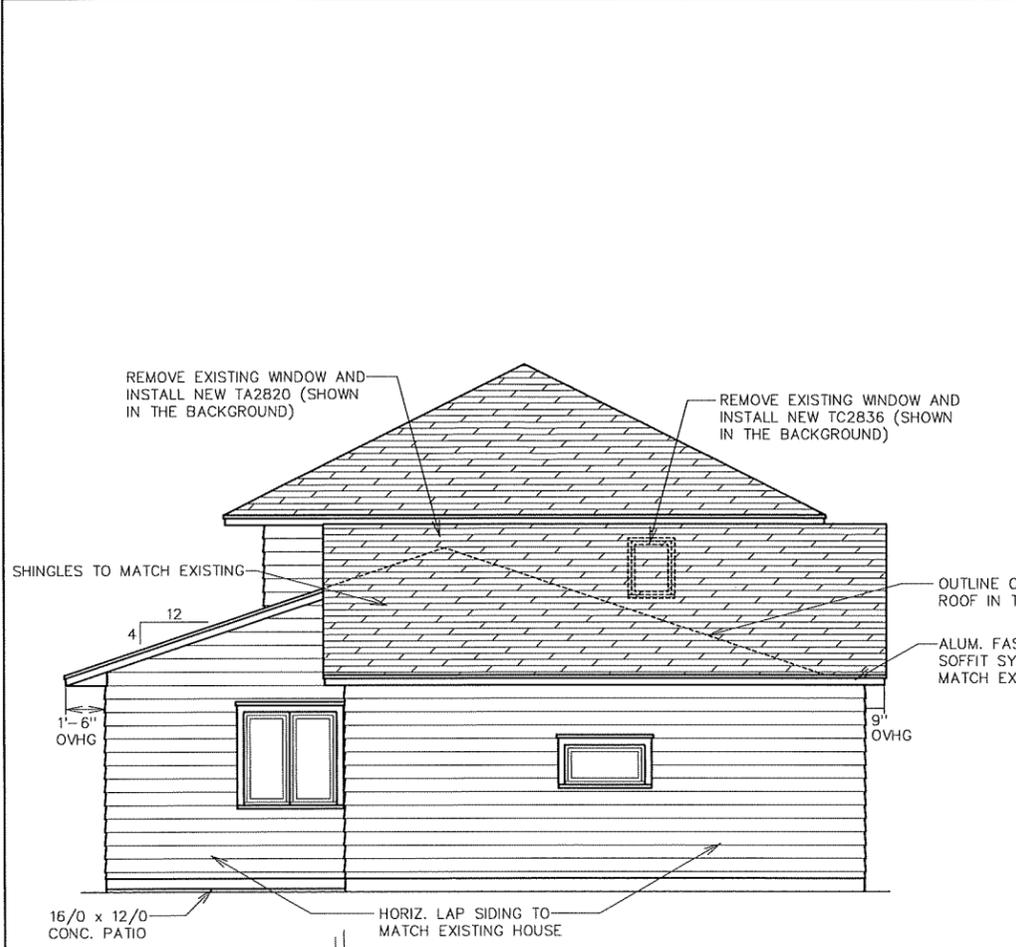
Arrows indicate drainage

North →
Scale 1" = 20'

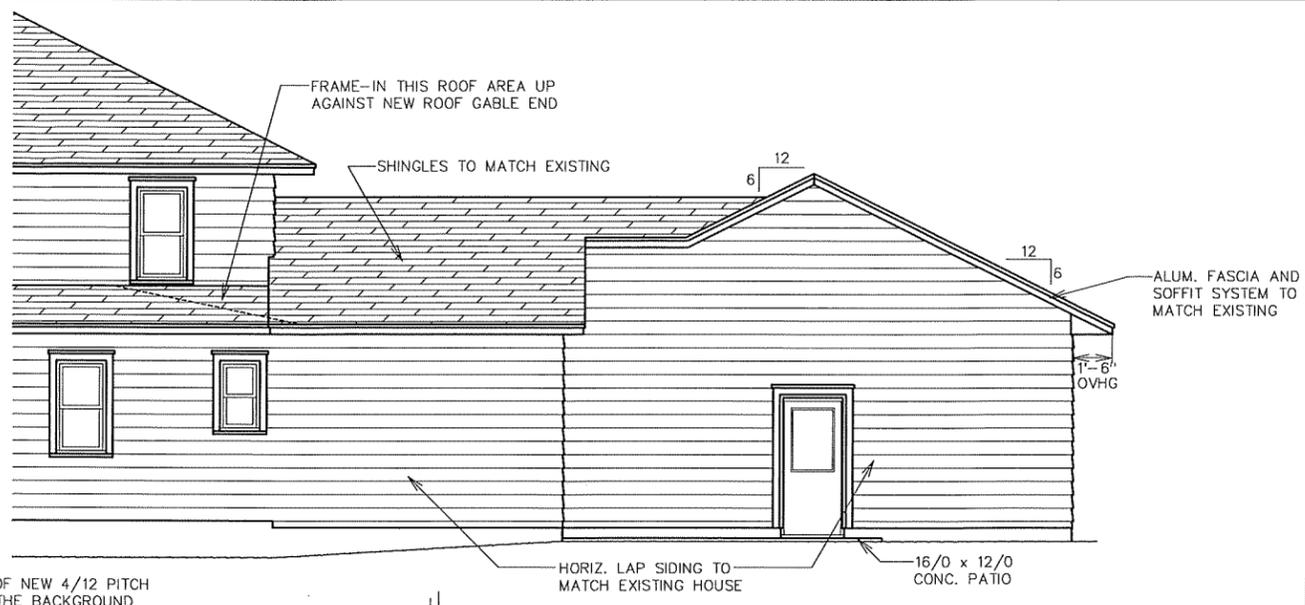
Alley 100'



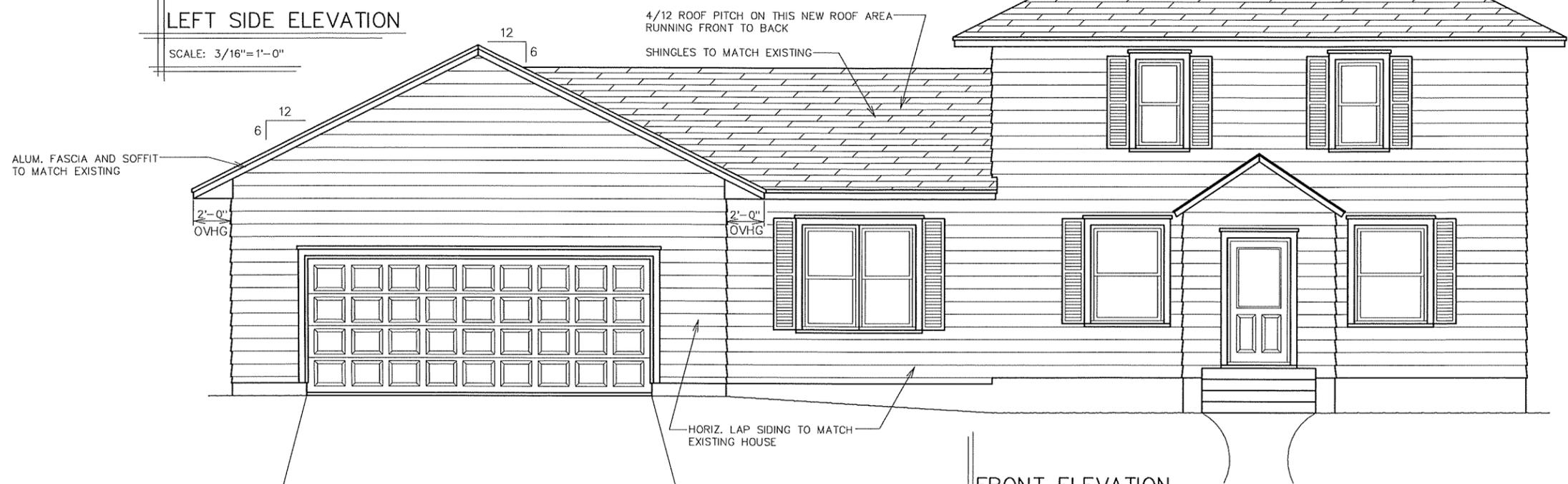
South cedar Street



LEFT SIDE ELEVATION
SCALE: 3/16"=1'-0"



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



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

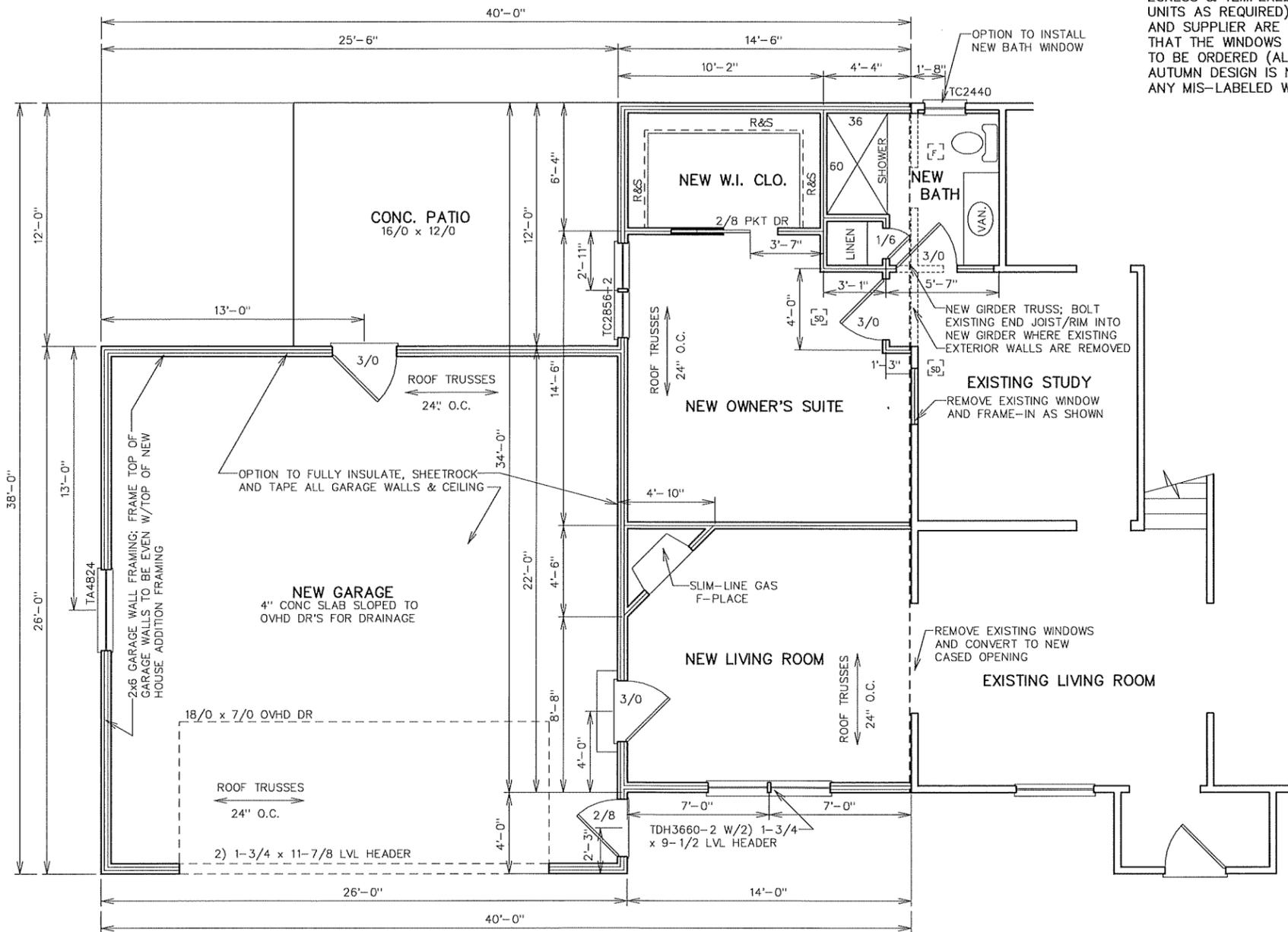
NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY LOCAL, STATE OR FEDERAL REGULATIONS. IT IS THE RESPONSIBILITY OF THE CLIENT TO MAKE THESE DRAWINGS HAVE PRECEDENCE OVER SCALED DIMENSIONS. AUTUMN DESIGN RESERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
SB	PRIM	12 / 27 / 18
SB	FINAL	01 / 14 / 19
	REV.	
	REV.	

SCHMIDT BUILDING & DEV.

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

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NOTE:
 IT IS THE RESPONSIBILITY OF THE WINDOW SUPPLIER TO VERIFY THAT ALL UNITS MEET EGRESS & TEMPERED REQUIREMENTS (ALTER UNITS AS REQUIRED); THE BUYERS, BUILDER AND SUPPLIER ARE RESPONSIBLE TO VERIFY THAT THE WINDOWS SPECIFIED ARE THE UNITS TO BE ORDERED (ALTER AS REQUIRED) AUTUMN DESIGN IS NOT RESPONSIBLE FOR ANY MIS-LABELED WINDOWS ON THESE PLANS

OUR ARCHITECTURAL DESIGN AND DRAWINGS INCLUDE THE NECESSARY NOTES TO MAKE THE DRAWINGS COMPLY WITH THE MINNESOTA BUILDING CODES. WE ARE NOT RESPONSIBLE FOR ANY CHANGES TO THESE DRAWINGS MADE BY ANY OTHER PARTY. THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR, WRITTEN DIMENSIONS SHALL BE THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL SERVE THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
SB	PRLM	12 / 27 / 18
SB	FINAL	01 / 14 / 19
SB	REV.	01 / 14 / 19
SB	REV.	

493 SF NEW ADDITION & 665 SF NEW GARAGE

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

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NOTES:
 ALL INT. & EXT. BEARING OPENINGS SHALL HAVE 2-2x10 HEADERS UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS; VERIFY ALL HEADER CHANGES FROM THE LUMBER CO., TRUSS CO. AND/OR BUILDING OFFICIALS
 ALL GIRDER TRUSS LOCATIONS ARE AT THE DISCRETION OF THE TRUSS CO. AND ARE TO BE STRUCTURALLY ENGINEERED
 ALL LVL. BEAMS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION

FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NOTES:
 ===== DENOTES NEW WALL CONSTRUCTION
 _____ DENOTES EXISTING WALL CONSTRUCTION
 - - - - - DENOTES EXISTING WALLS TO BE REMOVED
 ALL EXISTING CONDITIONS AND DIMENSIONS ARE TO BE FIELD VERIFIED; ALTER AS REQ'D
 FRAME NEW ADDITION TO MATCH HEIGHT OF EXISTING 1st FLOOR (APPROX. 9'-0" HEIGHT)
 WINDOWS LISTED ARE THERMO-TECH DOUBLE-HUNG, CASEMENT & AWNING STYLE UNITS

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ 19-009(A)**

**A RESOLUTION RECOMMENDING APPROVAL OF A FRONT YARD SETBACK NON-
CONFORMANCE EXPANSION PERMIT RELATING TO A PROPOSED DWELLING
EXPANSION AT 210 CEDAR STREET SOUTH IN THE R-3 ONE
AND TWO FAMILY RESIDENTIAL DISTRICT**

PID: 200016360

Legal: Lot 23 and 24, Block 110, City of Belle Plaine

WHEREAS, Lavonne Bratsch has submitted an application for a non-conformance expansion permit to allow a 1,152 square foot expansion to an existing residence consisting of habitable space and an attached garage at 210 Cedar Street South; and,

WHEREAS, the subject property use is existing residential in the R-3 One and Two Family Residential District with an existing legal non-conforming front yard setback of twenty-four and half (24½) feet; and,

WHEREAS, the Applicant represents:

1. The property use is homestead one family residential.
2. The existing dwelling is long-stranding and setback 24½ feet from the front property line.
3. A 476 sf dwelling addition and a 676 sf attached garage (addition) are proposed at a front yard setback of 25 feet.
4. A new driveway would be used to access the detached garage from Cedar Street.
5. The property consists of two base lots in the original townsite previously combined under one PID and legal description.
6. Exterior materials will closely match and harmonize with the existing dwelling.

WHEREAS, the Planning Commission conducted a public hearing on the proposed non-conformance expansion permit request on April 8, 2019 following mailed and published notice; and,

WHEREAS, The Planning Commission has reviewed criteria for granting a non-conformance expansion permit and has found:

1. The property is zoned and used for residential purposes.
2. The adjacent locale consists of detached residential dwellings of similar front yard setbacks, dwelling design, dwelling orientation, and dwelling construction. The proposed dwelling addition will not adversely impact the use and enjoyment of other property in the immediate vicinity or alter the essential character of the surrounding neighborhood.
3. Status of the existing use is legal non-conforming.
4. The subject property consists of two lots previously combined under one parcel identification number and legal description. The existing dwelling is situated on the northernmost former base lot. The addition is proposed from the south side of the existing dwelling.
5. The proposed addition is to be setback one-half foot further than the existing front yard non-conforming setback.
6. The proposed dwelling addition is conforming in all other aspects and makes use of a vacant residential parcel in the R-3 District.
7. The proposed dwelling addition and attached garage design harmonizes with the existing structure.
8. The proposed additional habitable space and attached garage will improve the condition of the property, have a positive impact on the value of the property, and increase the livability of the residential use.
9. The adjacent locale is fully developed, the proposed addition will not adversely impact normal and orderly development and improvement of surrounding property.
10. No changes are proposed to existing utilities.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE THAT: It hereby recommends the City Council approve a front yard setback non-conformance expansion permit as requested by Lavonne Bratsch (Property Owner) to allow front yard setback of twenty-five feet to accommodate a dwelling expansion of 1,152 square feet at 210 Cedar Street South, provided:

1. Use of the subject property shall be limited to the following:
 - a. The principal use shall be defined as the existing dwelling (952 square foot foundation) and the addition of habitable space and an attached garage not to exceed 1,152 square feet in ground-floor area.
 - b. There are four detached accessory structures on the site at this time. No additional detached accessory structures square footage shall be allowed.
 - c. The addition shall feature exterior building and roofing materials that harmonize with existing exterior building and roofing material.
 - d. The dwelling addition shall be placed no closer than twenty-five (25) feet from the front property line. The Contractor shall verify the location of the front property line prior to initial building permit inspection.
2. A professional grading plan establishing and illustrating relationship of garage floor, sidewalk, and curb heights.
3. Driveway access from Cedar Street South requires a right of way permit and is subject to approval of the Public Works Superintendent.
4. The non-conforming use expansion permit is in effect for the property at 210 Cedar Street South and assigned to the current and/or any future owner of the property. The non-conforming use expansion permit may be revoked by the City following written notice to the property owner if the conditions of the permit as listed herein are not met and/or maintained.
5. The non-conforming use expansion permit will expire if a building permit is not secured within one (1) year of the date of issuance of the non-conforming use expansion permit.

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 8th day of April, 2019.

Ashby Carter
Planning Commission Chairperson

Cynthia Smith Strack
Community Development Director

**BELLE PLAINE PLANNING COMMISSION
RESOLUTION PZ 19-009(B)**

**A RESOLUTION RECOMMENDING DENIAL OF A FRONT YARD SETBACK NON-CONFORMANCE
EXPANSION PERMIT RELATING TO A PROPOSED DWELLING EXPANSION AT 210 CEDAR
STREET SOUTH IN THE R-3 ONE AND TWO FAMILY RESIDENTIAL DISTRICT**

PID: 200016360

Legal: Lot 23 and 24, Block 110, City of Belle Plaine

WHEREAS, Lavonne Bratsch has submitted an application for a non-conformance expansion permit to allow a 1,152 square foot expansion to an existing residence consisting of habitable space and an attached garage at 210 Cedar Street South; and,

WHEREAS, the subject property use is existing residential in the R-3 One and Two Family Residential District with an existing legal non-conforming front yard setback of twenty-four and half (24½) feet; and,

WHEREAS, the Applicant represents:

1. The property use is homestead one family residential.
2. The existing dwelling is long-stranding and setback 24½ feet from the front property line.
3. A 476 sf dwelling addition and a 676 sf attached garage (addition) are proposed at a front yard setback of 25 feet.
4. A new driveway would be used to access the detached garage from Cedar Street.
5. The property consists of two base lots in the original townsite previously combined under one PID and legal description.
6. Exterior materials will closely match and harmonize with the existing dwelling.

WHEREAS, the Planning Commission conducted a public hearing on the proposed non-conformance expansion permit request on April 8, 2019 following mailed and published notice; and,

WHEREAS, The Planning Commission has reviewed criteria for granting a non-conformance expansion permit and has found:

1. The proposed addition could be stepped back from the existing dwelling to accommodate the required 30-foot front yard setback thereby eliminating the need for a non-conformance expansion permit.
2. The subject parcel consists of two rectangular shaped parcels established in the original plat in a rectilinear grid pattern and oriented perpendicularly to the front street. The lot is void of undevelopable areas such as wetlands, bluffs, and topographical fluctuations. The non-conformance expansion permit is not based on factors that are unique to the subject property but, rather, for the landowner's convenience.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE THAT: It hereby recommends the City Council deny a front yard setback non-conformance expansion permit as requested by Lavonne Bratsch (Property Owner) to allow front yard setback of twenty-five feet to accommodate a dwelling expansion of 1,152 square feet at 210 Cedar Street South.

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 8th day of April, 2019.

Ashby Carter
Planning Commission Chairperson

Cynthia Smith Strack
Community Development Director