

**CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS**

Agenda
June 9, 2020
5:00 PM

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
3A. March 10, 2020 regular meeting.
- 4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.
- 5. PUBLIC HEARING**
5.A An application by Bryan Hanson of 4966 Thompson Road for a side yard setback variance in order to construct an accessory structure on a R-3, Residential zoned lot.
- 6. CONTINUING BUSINESS**
- 7. NEW BUSINESS**
- 8. COMMUNICATIONS**
- 9. COMMISSION MEMBER REPORTS**
Cyndy Reno –
Joe Peterson –
Gerald Wallace –
Gloria Nelson –
Michael Boese –
James Nelson –

ADJOURN

Beginning shortly before 5:00 p.m. on June 9, 2020, this meeting will be available at:
<https://us02web.zoom.us/j/84922666162?pwd=VVITaEtaS1ZlUlIDR2Q1eExkbWxLUT09> and/or
by calling the number 1-312-626-6799 and utilizing the meeting ID Meeting ID: 849 2266 6162
and the password 019464.

A few important tips regarding the Zoom platform:

If you do not have audio on your computer, but wish to see the meeting and speak at the meeting
– you can log in both on your computer (to see) and call in on your phone (to speak)
It is a new situation for all of us, so grace and understanding are appreciated

**CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS
March 10, 2020 Meeting Summary
5:00 PM**

1. ROLL CALL

Members Present: Cyndy Reno; Councilor Gloria Nelson; Gerald Wallace; Michael Boese; and James Nelson.

Members Absent: Joe Peterson.

Others Present: Gary Gilbert, 3986 Lindahl Rd., Doug Saucier, 4171 Jefferson Dr.; Katie and Kelly Collins; and Eric Johnson, Community Development Director.

2. APPROVAL OF AGENDA

Motion made by Gloria Nelson to approve the March 10, 2020 agenda as presented. Seconded by Cyndy Reno. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Michael Boese to approve the September 11, 2018 minutes as presented. Seconded by Cyndy Reno. Motion carried.

4. PUBLIC DISCUSSION

Eric Johnson, Community Development Director welcomed the two newest members to the Board of Appeals & Adjustments, (Gerald Wallace and James Nelson). Eric presented a power point presentation which covers the purpose of the boards upon which a new member sits, as well as how the boards act and members' responsibilities to that particular board.

5. PUBLIC HEARING

5A. An application by Kelly Lee and Katie Ann Collins of 4186 Jefferson Drive for a front yard setback variance in order to construct a single-family home on a R-3, Residential zoned lot.

Eric presented the board with the applicants' request for a variance. Applicant has purchased a lot within the Jackson Estates 4th Addition and is in the process of designing a home for the property. This lot is approximately 0.56 acres in size however the eastern 0.26 acres of the property is encumbered by an existing wetland which was delineated as part of the plat process. There are no additional wetland impacts allowed within this development as all of the impacts were permitted as part of the plat process.

The configuration of this lot with its required setbacks and existence of the wetland create a small triangular shaped building pad. The maximum width of the building pad is 46 feet and tapers to zero at the southern end of the property. This lot configuration was dictated by the plat for Jackson estates 4th Addition. The City required an additional ingress/egress to this plat and the connection point to Jackson Estates 2nd addition was located to the west of 5354 McKinley Drive, which is located directly north of this lot. The location of this road connection point and the presence of wetlands dictate a smaller, triangular shaped building pad then would typically be seen on a standard ½ acre lot.

BOARD OF APPEALS & ADJUSTMENTS
March 10, 2020 Meeting Summary

Michael Boese asked if the owner at 5354 McKinley Dr. filed for a variance.

Eric stated that he did not because the owner was on a corner lot, which becomes a side yard.

James Nelson asked the homeowners if they knew it was going to be a difficult lot when they purchased it.

Katie Collins and Kelly Collins, current address of 5861 St. Louis River Road in Hermantown. Katie noted that they did not. Katie said that when she looked at the lot last fall with Gary Gilbert (the developer), they gave Gary some ideas of what the house structure would look like. It was through her work with Mindy Sonoman, they came up with the current plan.

Gloria Nelson commented that given the situation of the lot, this would be a good decision to help them develop and build a home on it.

Motion made by Michael Boese to approve the application by Kelly Lee and Katie Ann Collins of 4186 Jefferson Drive for a front yard setback variance in order to construct a single-family home on a R-3 as presented. Seconded by Gerald Wallace. Motion carried.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Cyndy Reno – None.

Joe Peterson – Absent

Gloria Nelson – None.

Michael Boese – None.

Gerald Wallace – None.

James Nelson – None.

ADJOURN

Motion made by Gerald Wallace to adjourn the meeting. Seconded by Michael Boese. Meeting adjourned at 5:22 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant

5A. Variance Application for a 5 foot reduction of the 10 foot side yard accessory structure setback in an R-3, Residential zoning district

Applicant: Bryan Hanson

Case No.: 2020-26-VAR

Staff Contact: Eric Johnson, Community Development Director

Request: Request a 5 foot variance from the side yard accessory structure setback in a R-3, Residential zoned property

RECOMMENDED ACTION:

Board of Appeals consideration of the Variance, subject to included conditions.

DESCRIPTION OF REQUEST:

Requested is approval of a 5' Variance from the 10' side yard accessory structure setback in a R-3, Residential zoning district

SITE INFORMATION:

Parcel Size: 5.0 acres

Legal Access: 4966 Thompson Road

Wetlands: Yes, not affected by project

Existing Zoning: R-3, Residential

Airport Overlay: None

Shoreland Overlay: None

Comprehensive Plan: Suburban

Development Details

The applicant recently purchased this property and is prosing to demolish the existing accessory structure which has structural issues exacerbated by erosion issues on the east side of the structure. The existing accessory structure is approximately 20' x 22' and is located 4' from the eastern property line of the site.

The applicant is proposing to build a new 24' x 36' accessory structure to be located 5' from the eastern property line. The proposed structure is approximately 12' from the existing house. In addition, the applicant is proposing to construct a low retaining wall along the east and south sides of the proposed structure to create a pad for the building. The applicant has spoken to the adjoining property owner to the east who has given their verbal consent to the work.

R-3, District Requirements

The proposed accessory structure is in the R-3, Residential Zoning District. The project is an allowed use under Section 515.02.4 – Dwelling, single family. The District has the following lot requirements:

Dimensional Requirements	R-3, Residential	Proposed Project
Area	21,780 SF (0.5 acres)	5.0 acres
Lot width/frontage	100'	165'
Front yard setback	50'	50'
Rear yard setback	10'	Greater than 10'
Side yard setback	10'	5'

General Variance Requirements

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action.

A variance is requested from Section 515 – R-3, Residential of the Hermantown Zoning Regulations. Subsection 515.04 City Requirements states that the minimum width of side yard for an accessory structure is 10' from the property line.

Justification and Mitigation

1. (Justification) The applicant is proposing the future accessory structure to be located 5' from the eastern property line of the site. The proposed accessory structure requires a 5' variance from the side yard accessory structure setback.
2. (Mitigation) By constructing the accessory structure in the reduced side yard accessory structure setback, the applicant will be able to remove a failing structure and address erosion issues associated with the property. The proposed setback is 1' greater than what currently exists. The nearest neighboring residential structure is 95' from the proposed accessory structure.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code.
The purpose of the building setbacks is to provide a standard for housing within each zoning district. The side yard setback associated with this accessory structure is similar in distance to what is existing. This will provide a similar look to what exists today.
2. The variance is consistent with the Comprehensive Plan.
The variance is consistent with the Goals of the Comprehensive Plan by creating residential home development within the City.
3. There are practical difficulties in complying with the Hermantown zoning code.

- a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed use is similar in use (single family residential with detached accessory structures) and intensity to other existing uses in the zoning district.
- b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The existing garage and driveway have been present on this property for a number of years. The existing garage slab is failing due to erosion on the site that has been occurring over time. The new accessory structure and retaining wall will create a pad for the building and solve an erosion problem.
- c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use (single family residential with detached accessory structures) and intensity to other existing uses in the zoning district.

Findings of Fact and Recommendations

Staff finds the application meets the requirements for a Variance and recommends approval of the Variance, subject to the findings of the Staff Report and the following conditions:

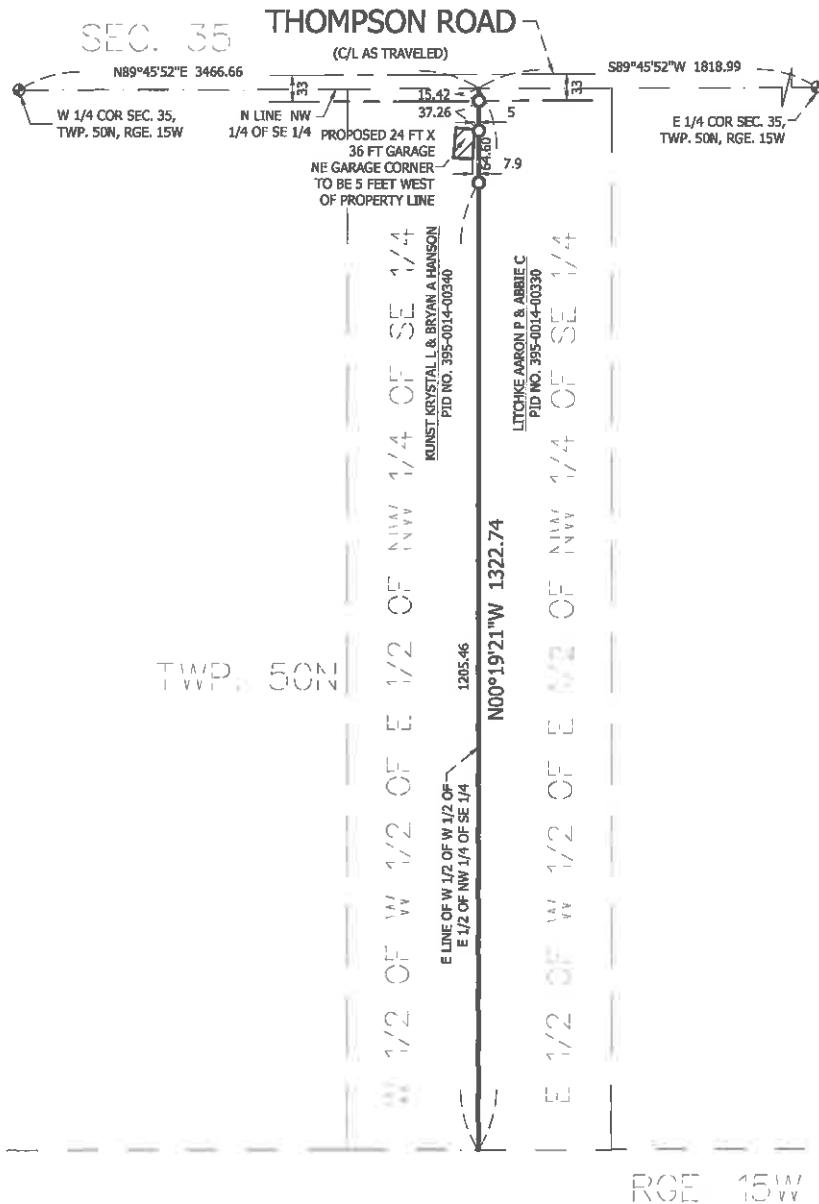
1. The 5' Variance from the 10' side yard accessory structure setback is approved.
2. The proposal meets the requirements of Section 515, "R-3, Residential" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.
4. The applicant shall sign a consent form assenting to all conditions of this approval.
5. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Proposed Site Plan/Survey
- Existing Condition Photos

Location Map





LEGEND

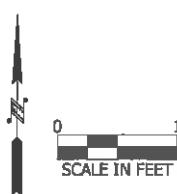
 ALUM CAPPED MONUMENT
 SET CAPPED REBAR RLS. NO. 4950
 CENTER LINE
 SECTION SUBDIVISION LINE
 CENTER LINE
 RIGHT OF WAY LINE
 ADJACENT PARCEL LINE
 BOUNDARY LINE AS SURVEYED

LEGAL DESCRIPTION PER DOCUMENT NO. 1227896

The Westerly Half of the Westerly Half of the Easterly Half of the Northwest Quarter
of the Southeast Quarter, Section 35, Township 50 North, Range 15 West, St. Louis County, Minnesota

SURVEYOR'S NOTES

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
4. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.



<p>I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.</p> <p><i>David R. Hanson</i> David R. Hanson</p> <p>DATE: 05-15-2020</p>		<p>CERTIFICATE OF SURVEY</p> <p>CLIENT: BRYAN HANSON</p> <p>ADDRESS: 4956 THOMPSON ROAD HERMANSTOWN, MN 55811</p> <p>DATE: 05-15-2020</p> <p>JOB NO: 20-120</p> <p>REVISIONS:</p> <p>SHEET 1 OF 1</p>	
<p>PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTAANDSURVEYOUTLAUGH.COM</p>			





