



Hermantown Board of Appeals & Adjustments Meeting May 10, 2022

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's May 10, 2022, Board of Appeals & Adjustments Meeting will be conducted both remotely and with limited access to Council Chambers.

The meeting will utilize the platform "Zoom," which allows the public to view and/or hear the meeting from their phone or computer.

The 5:00 pm Board of Appeals & Adjustments Meeting will be available at:

<https://us02web.zoom.us/j/84616325612?pwd=QU1JY2FSStEcEhQblhCRVNkM2wrdz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 846 1632 5612 and the passcode of 608442.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- It is a challenging situation for all of us, so grace and understanding are appreciated.

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS

Agenda
May 10, 2022
5:00 PM

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**
 - 3A. June 9, 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 Ross Peterson of 535x Truman Drive for a front yard setback variance in order to construct a residential home 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

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS
June 9, 2020 Meeting Summary
5:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Councilor Gloria Nelson; Gerald Wallace; Michael Boese; and James Nelson.

Members Absent: Cyndy Reno.

Others Present: Eric Johnson, Community Development Director, Bryan Hanson, 4966 Thompson Rd.; and Joe Wicklund, Communications & Community Engagement Mgr.

2. APPROVAL OF AGENDA

Motion made by Gerald Wallace to approve the June 9, 2020 agenda as presented. Seconded by Michael Boese. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Michael Boese to approve the March 10, 2020 minutes as presented. Seconded by Gloria Nelson. Motion carried.

4. PUBLIC DISCUSSION

None.

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.

Eric Johnson, Community Development Director informed the Board that the applicant, Bryan Hanson, recently purchased this property and is proposing 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.

Bryan 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, he 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. Bryan has spoken to the adjoining property owner to the east who has given his verbal consent to the work.

Bryan Hanson, 4966 Thompson Rd., agreed with Eric's introduction. Bryan moved into this house 7 years ago and has been making improvements since that time. He's looking at building a functional garage for he and his wife to park their vehicles. He wants to tear down the existing accessory structure, shore up the site that it is currently sitting on, and build a new garage.

Gloria Nelson suggested that Eric contact Mr. Hanson's neighbor at 4960 Thompson Rd. to obtain his approval of the project.

James Nelson asked if the approval of variances is generally approved or denied depending on the approval or disapproval of a neighbor.

Eric stated that anyone within or outside the City has an opportunity to express their support or nonsupport for any given project and that the Board hearing the matter will either approve or deny the request. Eric went on to say that City staff mailed Notice of Public Hearing letters to residents within the 350' radius of Mr. Hanson's home; a public hearing notice was placed in the Hermantown Star; and the agenda is posted on the City's webpage.

James stated that he is comfortable with making a motion to approve this variance based on Mr. Hanson's conversations with his neighbor; his neighbor's approval; the City's direct mailings to all the neighboring property owners; and the notice being placed in the Hermantown Star.

Joe Peterson agreed.

Gloria noted that she is not opposed to the project, she stated that "just within the City, and sometimes the comments we (City Council) hear are in regard to the fact that we have a rather small mailing area." She asked Eric how many mailings were mailed out.

Eric stated that approximately 15-20 residents within the 350' radius had been mailed Public Hearing Notice letters.

Gloria withdrew her initial suggestion regarding the additional verification issue.

James asked if any signage was placed on the subject property.

Eric indicated that signage is only placed on property for plats and PUD (Planned Unit Developments), not on variances.

Motion made by Michael Boese to approve the 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 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 – Absent.

Joe Peterson – None.

Gloria Nelson – None.

Michael Boese – None.

Gerald Wallace – None.

James Nelson – None.

ADJOURN

Motion made by _____ to adjourn the meeting. Seconded by Michael Boese. Meeting adjourned at 5:28 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



Hermantown Board of Appeals and Adjustments

Meeting Date: May 10, 2022

Agenda Item: 5A

5A. Variance Application for a 18 foot reduction of the 50 foot front yard building setback in an R-3, Residential zoning district

Applicant: Ross Peterson

Case No.: 2022-08-VAR

Staff Contact: Eric Johnson, Community Development Director

Request: Request an 20 foot variance from the front yard building 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 an 20' Variance from the 50' front yard building setback in a R-3, Residential zoning district

SITE INFORMATION:

Parcel Size: 0.51 acres
Legal Access: Truman Drive
Wetlands: Yes, delineation approved as part of Jackson Estates 4th Addition
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details

The 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 0.51 acres in size and is pie shaped in configuration. However, the middle portion 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 it's required setbacks and existence of the wetland create a small triangular shaped building pad. The maximum width of the building pad is 76 feet on the east side of the property and tapers to zero at the west side of the property. Traditionally, a pie shaped lot generally works for development and the associated setbacks. However, on this lot the presence of the wetland dictates a smaller, triangular shaped building pad then would typically be seen on a standard ½ acre lot.

R-3, District Requirements

The site 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)	22,215 SF (0.51 acres)
Lot width/frontage	100'	159'
Front yard setback	50'	30' (36'-9" average)
Rear yard setback	40'	40' minimum
Side yard setback	25' aggregate	25' aggregate minimum

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 depth of front yard for the principal structure 50' from the right of way.

Justification and Mitigation

1. (Justification) The applicant is proposing the future home to be located to the west of the existing wetland. The proposed house location requires a 20' variance from the front yard building setback.
2. (Mitigation) By constructing the home in the reduced front yard building setback, the applicant will not disturb any wetland. The wetland impacts were approved as part of the Jackson Estates 4th Addition and no further impacts are allowed.

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 construction within each zoning district. The nearest home is located to the east of this property. The front yard setback associated with this home is approximately 60' with the home to the wets being setback approximately 117'. There are a mixture of housing setbacks on the south side of Truman Drive ranging from 50' to 117'.
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 and protecting wetlands.
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) and intensity to other existing uses in the zoning district.

The variance will protect the existing wetland.

- b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

The presence of a wetland dictate a smaller, triangular shaped building pad area then would be typically seen on a standard ½ acre lot.

- c. The variance, if granted will not alter the essential character of the locality.

The proposed use is similar in use (single family residential) and intensity to other existing uses in the zoning district. The variance will not require wetland impacts.

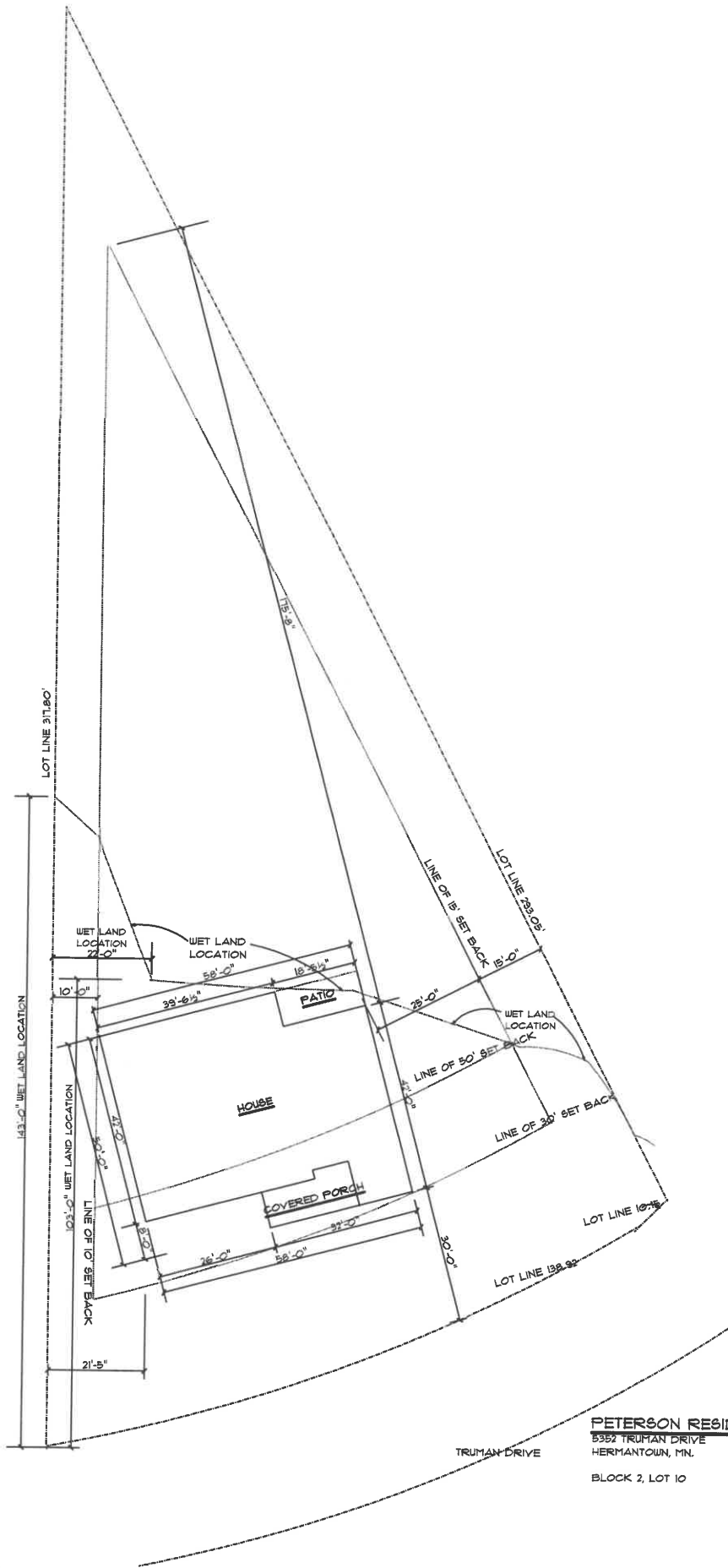
Findings of Fact and Recommendations

Should the Board of Appeals votes in favor of the variance request, the following apply:

1. The 20' Variance from the 50' front yard building setback is approved.
2. No wetland impacts are allowed in the building of the house nor for the creation of yard space.
3. The proposal meets the requirements of Section 515, "R-3, Residential" of the Hermantown Zoning Ordinance.
4. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Proposed Site Plan
- Aerial Overlay



PETERSON RESIDENCE
 5352 TRUMAN DRIVE
 HERMANTOWN, MN.
 BLOCK 2, LOT 10

Location Map

