



Hermantown Board of Appeals & Adjustments Meeting June 13, 2023

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's June 13, 2023, 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=QU1JY2FSSStEcEhQblhCRVNkM2wrdz09>

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
June 13, 2023
5:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. May 10, 2022 regular meeting.

4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.

5. PUBLIC HEARING

5.A An application by Langhals Enterprises, LLC for a variance from Section 525.04.6 of the Hermantown Zoning Code stating that ‘All parking areas drive aisles, and outdoor storage areas shall be paved’. The property is located at 5320 Miller Trunk Highway and is located in a C-1, Office/Light Industrial zoning district.

6. CONTINUING BUSINESS

7. NEW BUSINESS

8. COMMUNICATIONS

9. COMMISSION MEMBER REPORTS

Cyndy Reno –
Joe Peterson –
Gerald Wallace –
Michael Boese –
James Nelson –
Brian LeBlanc –

ADJOURN

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS
May 10, 2022 Meeting Summary
5:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Cyndy Reno; Gerald Wallace; Michael Boese; James Neson; and Councilor Gloria Nelson

Members Absent:

Others Present: Eric Johnson, Community Development Director; Mr. and Mrs. Ross Peterson, 4021 Stebner Rd.; and Gary Gilbert, 3986 Lindahl Rd.

2. APPROVAL OF AGENDA

Motion made by Gerald Wallace to approve the May 10, 2022 agenda as presented. Seconded by Cyndy Reno. Motion carried.

3. APPROVAL OF MINUTES

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

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. 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.

Eric Johnson, Community Development Director, presented the application of Ross Peterson who 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 its 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 than would typically be seen on a standard ½ acre lot.

The applicant and City staff looked at a number of scenarios in order to minimize the variance request, however in each instance, the potential variance became greater.

Gerald Wallace asked about who was notified regarding the application. Eric replied that it was property owners within 350 feet of the property and that no comments or questions had been received.

Motion made by Cyndy Reno to approve the application by of Ross Peterson who has purchased a lot within the Jackson Estates 4th Addition and is in the process of designing a home for the property. Seconded by James Nelson. Motion carried 5 to 0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Cyndy Reno - None

Michael Boese – None

Gerald Wallace – None

James Nelson – None

Gloria Nelson – None

ADJOURN

Motion made by Gerald Wallace to adjourn the meeting. Seconded by James Nelson. Meeting adjourned at 5:13 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



Hermantown Board of Appeals and Adjustments

Meeting Date: June 13, 2023

Agenda Item: 5A

5A. Variance Application for exemption of the paving requirements of Section 525.04.6 of the Hermantown Zoning Ordinance in a C-1, Office/Light Industrial zoning district

<u>Applicant:</u>	Langhals Enterprises, LLC
<u>Case No.:</u>	2023-17-VAR
<u>Staff Contact:</u>	Eric Johnson, Community Development Director
<u>Request:</u>	Request from exemption of the paving requirements of Section 525.04.6 of the Hermantown Zoning Ordinance in a C-1, Office/Light Industrial zoning district

RECOMMENDED ACTION:

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

DESCRIPTION OF REQUEST:

The applicant (Langhals Enterprises, LLC) is requesting an exemption from the paving requirements of Section 525.04.6 of the Hermantown Zoning Ordinance.

SITE INFORMATION:

Parcel Size:	1.38 acres
Legal Access:	5320 Miller Trunk Highway
Wetlands:	None per the National Wetland Inventory
Existing Zoning:	C-1, Office/Light Industrial
Airport Overlay:	Zone 3 – height restrictions only
Shoreland Overlay:	None
Comprehensive Plan:	Commercial

Development Details

The applicant has is proposing to construct a 40' x 50' addition on the west side of the building and a 36.5' x 100' overhang/shed roof on the east side of the existing building.

The previous building on this property was destroyed by fire in 2012. The existing building was constructed in 2013. The existing building received building permits from the City but a Commercial Industrial Development Permit (CIDP) was not issued at the time. As part of CIDP applications, items such as site design, stormwater, site circulation and building design are addressed.

C-1, Office/Light Industrial District Requirements

The site is in the C-1, Office/Light Industrial Zoning District. The building is an existing use and is permitted under Section 525.02.5– Automobile and truck sales, service and repair. The District has the following lot requirements:

Dimensional Requirements	C-1, Office/Light Industrial	Proposed Project
Area	2.5 acres	1.38 acres
Lot width/frontage	200'	200'
Front yard setback	35'	80'
Rear yard setback	40'	120'
Side yard setback	15'	50' minimum

General Performance Standards

Section 525.04.6 All parking areas drive aisles, and outdoor storage areas shall be paved. Prior to issuance of a Zoning Certificate for any uses where a paved area is required, a cash escrow or other financial instrument in a form acceptable to the City shall be provided, to be fully refundable upon completion of the paved area. The cash escrow or financial guarantee shall be in the amount of 25% of the cost of the paving improvements, or \$10,000, whichever is more.

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 525 – C-1, Office/Light Industrial of the Hermantown Zoning Regulations. Subsection 525.04.6 requires that all parking areas drive aisles, and outdoor storage areas shall be paved.

Justification and Mitigation

1. (Justification) The Hermantown zoning ordinance requires that all parking area, drive aisles and outdoor storage areas shall be paved.
2. (Mitigation) City staff has discussed the possibility of the applicant paving the public parking area of the site and leaving the outdoor storage area as gravel. This would allow for the storage areas, which receive heavy traffic to remain in a state which can be easily maintained rather than having to replace pavement due to heavy use.

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 parking and storage area paving is to control stormwater and runoff from the site. This property has wetlands to the east and south of it and appears to have been filled in the

past. In addition, Section 1080 of the City's Ordinance requires that projects which disturb 5,000 square feet or more of land area are required to control post construction stormwater runoff. Paving of the public parking area disturbs approximately 12,000 square feet; paving of the parking and storage areas is approximately 37,000 square feet.

2. The variance is consistent with the Comprehensive Plan.

The existing use of the property is consistent with the Comprehensive Plan in that it 'Develops New Compatible Commercial with Adequate Public Utilities and Facilities, Develop Frontage/Backage Road System, Preserve Wetlands and Natural Features'.

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 applicant has stated that the paving of the parking lot and outdoor storage areas is cost prohibitive.

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

The applicant has stated that the paving of the parking lot and outdoor storage areas is cost prohibitive.

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

The proposed use is similar in use (commercial business) and intensity to other existing uses in the zoning district. The following business locations have either paved or unpaved parking lots:

5249 Miller Trunk Highway: Unpaved

5285 Miller Trunk Highway: Unpaved

5330 Miller Trunk Highway: Unpaved

5340 Miller Trunk Highway: Partially – drive aisle and rear of lot

5393 Miller Trunk Highway: Unpaved

5396 Miller Trunk Highway: Paved

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 applicant is proposing 2,000 square feet of additional building structure. The 3,650 square feet of shed roof covers and existing gravel surface and is not enclosed space. The 2,000 square feet of enclosed building is less than the 5,000 square feet of site impacts.
2. The existing and proposed conditions of the site (gravel parking lot) is similar to the majority of the existing businesses in its close proximity and thus does not change the essential character of the locality.

3. The proposal meets the requirements of Section 525, “a C-1, Office/Light Industrial” 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
- Site Plan

Location Map





PARKING AREA

40' x 50' ADDITION

5320 MILLER TRUNK HWY

EXISTING BUILDING

36' x 100' SHED ROOF

HERMANTOWN

STORAGE AREA