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<h2>Hyland Property, #21-0998-000</h2>	
1:3,988	Date: 3/18/2024
<small>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</small>	



Pro-West and Associates, Inc.

STAFF REPORT

Application:	Variance requests to build a storage shed. Requested with the build are sidewalls of 16 ft (9 ft maximum by ordinance) and doors built to a height of 10 ft (8 ft maximum by ordinance).
Applicant:	Robbie Hyland
Property Owner:	Arden and Shelley Hyland
Agenda Item:	5(b)

Background Information:

- **Proposal:** As described in the attached letter from Robbie Hyland, the request is to build a 68'x40' shed to include a 20'x40' heated shop area that would be used for storage and as a gym space for youth. The shed, as proposed in the plans provided, would have sidewalls that would be 16 feet high and a door 10 feet high.

This would require two variances from R-1 ordinance requirements for accessory structures. Section 153.066 of the zoning ordinance prescribes 9 ft maximum height for sidewalls and doors no higher than 8 feet. Each will require City Commission review and approval.

The Hylands property located at 502 10th Avenue NW is 8.8 acres in size. As shown on the site plan, the nearest property line setback to the new structure is 210 feet. The surrounding properties are similarly large in size, none less than an acre, in this rather hilly and wooded outlying area of the city. The applicant states that the shed would not be in view of the neighbors. A site visit confirmed that the high trees and elevations around the site of the proposed shed would obscure its view from nearby properties.

A building permit for the shed requires City approval with regard to each of the variances. Staff suggests that the variance requests described below be reviewed individually for a recommendation to the City Commission.

1. The height of the shed sidewalls, proposed to be 16 ft (9 ft required).
2. The height of the shed doors requested to be 10 ft (8 ft required).

There is one other small shed on the site. Aside from the variances, all zoning ordinance requirements for accessory structures are met.

- **Location:**
 - Property address: 502 10th Ave NW
 - Sec/Twp/Range: 12-125-35
 - Parcel number(s): 21-0738-000
- **Zoning:** R-1 Urban Residential
- **Lot size:** Approx. 8.8 deeded acres.
 - Existing Impervious Coverage: About 25,608 sq ft (6.7%)
 - Proposed Impervious Coverage: About 28,328 sq ft (7.4%)
- **Sewer/Water Status:** The property is served by a private septic system and a well.

- **Natural Features:** Woods around the perimeter of the property with grass cover around the home.
 - Bluff/Steep Slopes: The lot does not contain a bluff, though there is a rise of over 60 feet of elevation from the south end of the lot to the home site.
 - Wetlands/Water Features: There do not appear to be any wetlands.

Staff Comments:

- 1) For applicable statutes from the Glenwood Land Use Ordinance, see Appendix A.
- 2) In order to grant a variance, the City needs to find that a property owner has met the criteria established in the City Code and/or State Law. In making its decision, the City will need to state its “findings of fact” indicating why those criteria have been met or not met and as such, why the variance request should be approved or denied.
- 3) The primary questions, in Staff’s opinion, that need to be addressed in this request, are:
 - a) If the proposed shed was not permitted because it does not meet the ordinance requirements, would the applicants lose reasonable use of their property?
 - b) Is it reasonable to allow the proposed structure or modify the proposal to better conform to the requirements of the ordinance?
- 4) In granting a variance, state statute 462.357, Subd. 1e (i) states that “In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.”

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Board of Adjustment:

1) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.

The intent of restrictions on the height of doors and sidewalls for accessory structures is to provide a common structural standard appropriate to the zoning and in harmony with the surrounding neighborhood.

Findings Supporting Approval

The variances to the sidewall/garage door height are not inconsistent with similar allowances made for other properties. On this larger outlying lot, neighboring homes are not in close proximity. Allowing for these variances would appear to be in harmony with the intent of the ordinance.

Findings Supporting Denial

The applicants could achieve their desire for a storage shed with a proposal that more closely adheres to the ordinance requirements.

2) Variances shall only be permitted when they are consistent with the comprehensive plan.

The City's 1979 Comprehensive Plan does not address situations relating to the variance issues presented in this application.

3) The property owner proposes to use the property in a reasonable manner not permitted by an official control.

Findings Supporting Approval

The applicants plan to build a large storage shed and shop area is reasonable and common for improvements made to larger residential properties.

Findings Supporting Denial

The shed addition could reasonably be achieved and meet the requirements of the ordinance by altering the structural design.

4) The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Findings Supporting Approval

The requested variances are needed to accommodate storage for boats, fish houses and other items that could not be moved into a smaller space. The shed provides the necessary space to reasonably meet the owners and family's needs.

Findings Supporting Denial

The owners have chosen the design that was presented with their application and could modify the design to better fit the requirements of the ordinance.

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

Findings Supporting Approval

The addition of the shed as proposed will remain in harmony with the overall residential character of this outlying and well dispersed neighborhood.

Findings Supporting Denial

The improvements from the design submitted are not consistent with the community standards for this R-1 neighborhood and may encourage others to seek similar exceptions to the zoning ordinance.

6) Economic considerations alone do not constitute practical difficulties.

Findings Supporting Approval

The need for the variances is not driven by economic factors, rather to reasonably meet the owner's storage needs.

Findings Supporting Denial

None

7) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

Findings Supporting Approval

The proposed use identified is a permitted residential use in the zoning district where the applicant's property is located.

Findings Supporting Denial

None