

---

# ALEXANDRIA TOWNSHIP

---

## BOARD OF ADJUSTMENT

MEETING PACKET FOR  
**December 19, 2016**





**PRELIMINARY AGENDA**  
**Alexandria Township Board of Adjustment**  
**December 19, 2016**  
**6:00 p.m. – Township Conference Room**

**Call to Order**

**Adopt Agenda**

**Public Hearing**

1. Variance request to allow construction of a 50' x 64' addition to the north end of an existing building approximately 3 feet from the side lot line in the Commercial-Rural zoning district (10 ft minimum setback required), DEBS of Alex, LLC, applicant. Property is located at 5111 County Road 82 SE. Partial legal description: Section 23, Township 128, Range 37, Pt of NW4 NW4 (Bordered on the W by 7.6 & 5 AC Tracts) AC 12.16. Parcel No: 03-1831-365.

**Adjournment**

\*\*NOTE: This is a preliminary agenda, subject to change at any time.



## STAFF REPORT

**Application:** Variance request to allow construction of a 50' x 64' addition to the north end of an existing building approximately 3 feet from the side lot line in the Commercial-Rural zoning district (10 ft minimum setback required).

**Applicant:** DEBS of Alex

**Agenda Item:** 4(a)

---

### Background Information:

) **Proposal:** The applicants are proposing to replace construct a 50' x 64' addition to the north side and in line with the existing building on the property. The additional building area would be used for cold storage related to the existing "Budget Auto" salvage yard and retail used auto parts business located on the property.

The proposed addition would be located approximately 3 feet from the side lot line (10 ft minimum side yard setback required).

) **Location:**

- o Property address: 5111 CO RD 82 SE
- o Sec/Twp/Range: 23-128-37
- o Parcel number(s): 03-1831-365

) **Zoning:** C-R - Commercial - Rural

) **Lot size:** Approx. 11.93 acres according to GIS estimate

Existing and Proposed Impervious Coverage: Likely exceeds 75% limit. However, this has been the case for this site since prior to 2007 when the Township began administering zoning and the site of the proposed building addition would already have been considered impervious. As such, the impervious coverage is considered a legal nonconformity that is allowed to continue provided it doesn't expand.

) **Septic System Status:** The property was connected to ALASD sewer in 2010.

) **Natural Features:**

- o Floodplain: The existing and proposed structures are not within an identified floodplain.
- o Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat.
- o Wetlands: There are wetlands located on the property, although none of them would appear to be affected by the construction of the proposed building addition.

) **Permit History:**

- 1984 – Conditional use permit and variance for an auto salvage business and to allow a building zero feet from property line (east). Conditions of approval were:
  - That the ditch on Mr. Fish’s property be plugged to make a holding pond for the settling out process;
  - That an earthen dike be built up to the height of State highway plus an 8 foot steel fence be built on the dike around the complete lot;
  - All fluids be drained and collected prior to dismantling of autos;
  - That all landscaping be sloped toward the holding pond area
- 1984 – 28’ x 40’ automotive salvage building
- 1986 – 40’ x 60’ salvage yard/shop/storage building
- 1987 – Install septic system (tank and drainfield)
- 1987 – Well permit
- 1989 – Permit to construct a 40’ x 146’ storage building
- 1993 – Conditional use permit to allow the processing of scrap metal (including white goods). Conditions of approval were:
  - The same conditions apply as on conditional use 1984 #25
  - No storage of scrap metal/white goods to be stored outside of the fenced area.
- 1996 – Permit to construct a 36’ x 36’ addition to an existing building for office use
- 1998 – Variance to construct a building addition 2 feet from a property line (Granted)
- 1998 – Permit to construct a 50’ x 100’ commercial building addition
- 2004 – Septic system compliance inspection (Failed)
- 2005 – Conditional use permit for retail sales of used cars. Conditions of approval:
  - An ISTS must be installed prior to the dealers license being signed.
  - No vehicles can be stored outside the fence.
  - No expansion without further Board approval.

---

**Applicable Statutes/Ordinances:**

**Minnesota Statutes**

**462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.**

---

**Subd. 6. Appeals and adjustments.**

Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

**Alexandria Township/Douglas County Regulations**

I. VARIANCES.

1. Criteria for Granting of Variances.

a. The Board of Adjustment shall have the exclusive power to order the granting of variances from the terms of this Ordinance, including restrictions placed on nonconformities. Variances shall only be permitted

when the following criteria have been met, as determined by the Board of Adjustment:

- i. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.
- ii. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
- iii. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
- iv. Economic considerations alone do not constitute practical difficulties.
- v. A variance may not permit any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.
- vi. The Township may impose conditions in the granting of variances provided it is directly related to and bears a rough proportionality to the impact created by the variance.
- vii. Variances shall be issued to the property and are not transferable.

---

## **ALEXANDRIA TOWNSHIP COMPREHENSIVE PLAN**

### **Future Land Use Map:**

- ) Rural Commercial/Industrial - The purpose of this land use category is to provide opportunities for commercial and industrial uses that do not require urban sewer infrastructure or substantial water supply. Examples of such uses include those that generate only those wastes typically found in residential wastewater and that do not create nuisance characteristics incompatible with residential uses. Temporary heavy industrial uses, such as gravel extraction and processing may be allowed in these areas provided that they can be operated and closed in a manner that will make the land consistent with residential uses. This category is intended for areas that are outside of the identified future service area of ALASD that are visible or easily accessible from state highways at major intersections. These areas are intended to be located in "nodes" at major intersections rather than in a "strip" design along long sections of a road

corridor. Long-term residential uses that are incompatible with commercial/industrial uses should not be allowed in this district.

### **Goals & Policies - Commercial and Industrial**

- J Alexandria Township will carefully locate commercial and industrial uses in identified industrial parks or other suitable locations – primarily along or near major roadways and intersections – so as to minimize conflicts with surrounding uses and ensure their efficient and orderly expansion.
- J The Township will discourage permanent, heavy industrial development that creates nuisance characteristics inconsistent with the small town, residential nature of the area. Temporary industrial uses, such as gravel extraction and processing may be considered provided they can minimize nuisances on surrounding properties.
- J The Township will seek to enhance regional economic development efforts by encouraging commercial and industrial uses that complement existing businesses in the area and promote further economic development throughout the region.
- J Alexandria Township will have separate and distinct areas within the Township where commercial and industrial uses are served with adequate roadways and other public infrastructure. These areas will be required to develop with appropriate traffic controls, screening, landscaping, or other methods to ensure they are safe and attractive.
- J Alexandria Township will ensure a gradual transition or sufficient barriers between commercial/industrial development and residential development so as to avoid unnecessary conflict and maintain property values for both business and residential properties.

---

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

**1. Can the property in question be put to a reasonable use if used under the conditions allowed by this Ordinance?**

**Needs discussion.** Without the variance, the landowner would have to construct an addition that was shifted over approximately 7-8 feet from the existing building and impinge on their existing driveway area. The other option would be to not construct an addition at all, or to construct a stand-alone building elsewhere on the property where it would meet setback requirements.

**2. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?**

**Yes.** The building to which the proposed addition would be added to has been constructed in multiple stages, each time with approvals or variances from Douglas County. These were done by a previous owner of the property.

Similarly, the layout of the driveway and rear salvage yard were in place prior to the current owner owning the property.

**3. Is the variance necessary to secure a right or rights enjoyed by other owner(s) in the same area?**

**Needs discussion.** The other buildings in the area appear to meet side yard setback requirements (the one exception may be a building on the adjacent property to the west, although the side yard to which it does not meet the setback requirement is owned by the same landowner).

**4. Will the variance, if granted, alter the essential character of the locality?**

**No.** The addition would be in-line with the existing building and should not impact the existing character of the area.

**5. Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?**

**No.** The need for the variance is due to the existing layout of the building and driveway and salvage yard on the property.

**6. Will the variance allow a use that is prohibited in the zoning district in which the subject property is located?**

**No.** The use of the property will remain as a salvage yard and associated office space, which is a permitted use in the Rural Commercial zoning district.

---

**Board of Adjustment Direction:** The Board of Adjustment can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

---

**Staff Recommendation:** Based on the criteria by which the ordinance requires review of variance requests, Staff would recommend approval of the requested variance as presented.

Application # <u>2016-0196</u>	Date Application Rec'd <u>11/21/16</u>	Fee Collected \$ <u>400.00</u>
--------------------------------	--	--------------------------------

(for office use only)

**ALEXANDRIA TOWNSHIP  
VARIANCE APPLICATION**

Name of Applicant Debs of Alex Phone (320) 763-4231

Property Address (E911#) 5111 County Rd 82 SE

Mailing Address budgetofalex@aol.com Local Phone (763) 234-6435  
*(if different than above)* *(if different than above)*

City, State, Zip \_\_\_\_\_

Applicant is: \_\_\_\_\_ Title Holder of Property *(if other than applicant)*

- |                |                                     |                    |
|----------------|-------------------------------------|--------------------|
| Legal Owner    | <input checked="" type="checkbox"/> | _____              |
| Contract Buyer | <input type="checkbox"/>            | (Name)             |
| Option Holder  | <input type="checkbox"/>            | _____              |
| Agent          | <input type="checkbox"/>            | (Address)          |
| Other          | _____                               | _____              |
|                |                                     | (City, State, Zip) |

Signature of Legal Owner, authorizing application *(required)*   
 (By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant *(if different than owner)*: \_\_\_\_\_  
 (By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (9 digit # on Tax Statement) 03-1831-365

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):

sect-23 TWP 128 Range-37 Pt of NW4 (Beaverd  
on the W. by 7.6 + 5 AC Tracts) AC 12.16 Acres

Zoning District \_\_\_\_\_, Lake Name (if applicable) \_\_\_\_\_

What are you proposing for the property? State nature of request in detail: \_\_\_\_\_  
Adding a 50x64 Addition to north end  
of existing Building for storage

What changes (if any) are you proposing to make to this site?

Building: 50x64 Storage Addition

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

Please complete all of the following questions:

1. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the Corinna Township Land Use and/or Subdivision Ordinance (available at [www.alexandriatownship.org](http://www.alexandriatownship.org)).

I believed this variance will not change the way neighboring property is used, also the west side of new addition will take of fence that is now there to keep our property secure

2. Describe why you believe the granting of the variance would be consistent with the Corinna Township Comprehensive Plan (Plan available at [www.hometownplanning.com/alexandria-township.html](http://www.hometownplanning.com/alexandria-township.html)).

by granting the variance for this addition will not impact any environment features of this property the wetlands we have are to the northwest & Northeast of new addition and will not affect its preservation

3. Describe why you feel that your proposal is a reasonable use of the property.

I believe that extending building will not hurt anyone and is the easiest way to get building done

4. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant.

the original building had a variance and adding on to the North end with the same width is the easiest and most cost effective

5. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties.

we are in a commercial area where there already are many building

6. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives?

because of where the existing building was built, it is easiest to extend current build so we can keep complete building secured with current security system

- 
7. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect?

*I don't believe there will be any environmental impact by adding the 30x64 Addition*

---

---

8. Please include any other comments pertinent to this request.

---

---

---

---

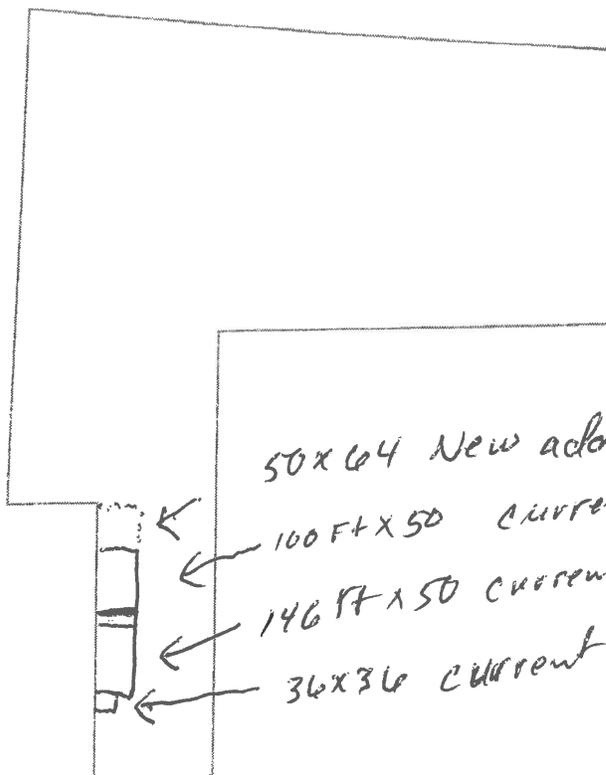
---

---

---

---

↑  
North



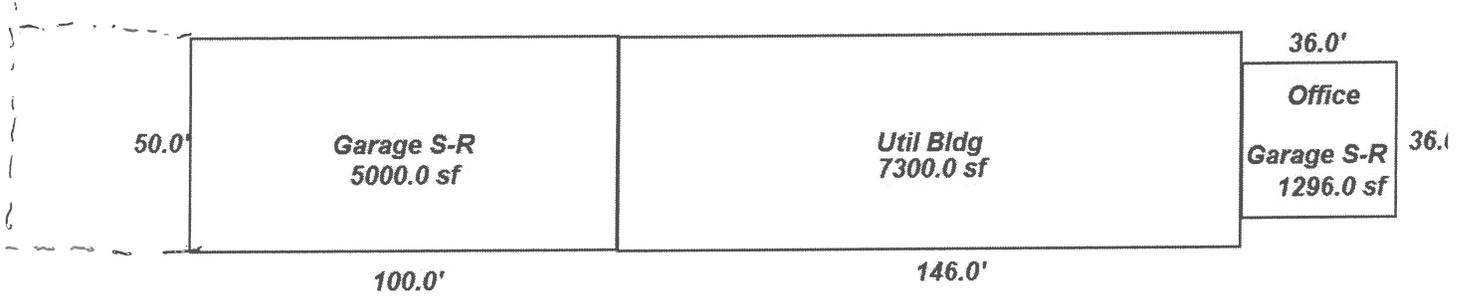
50x64 New addition

100 FT x 50 current Building

146 FT x 50 current Building

36x36 current building

*New Addition*

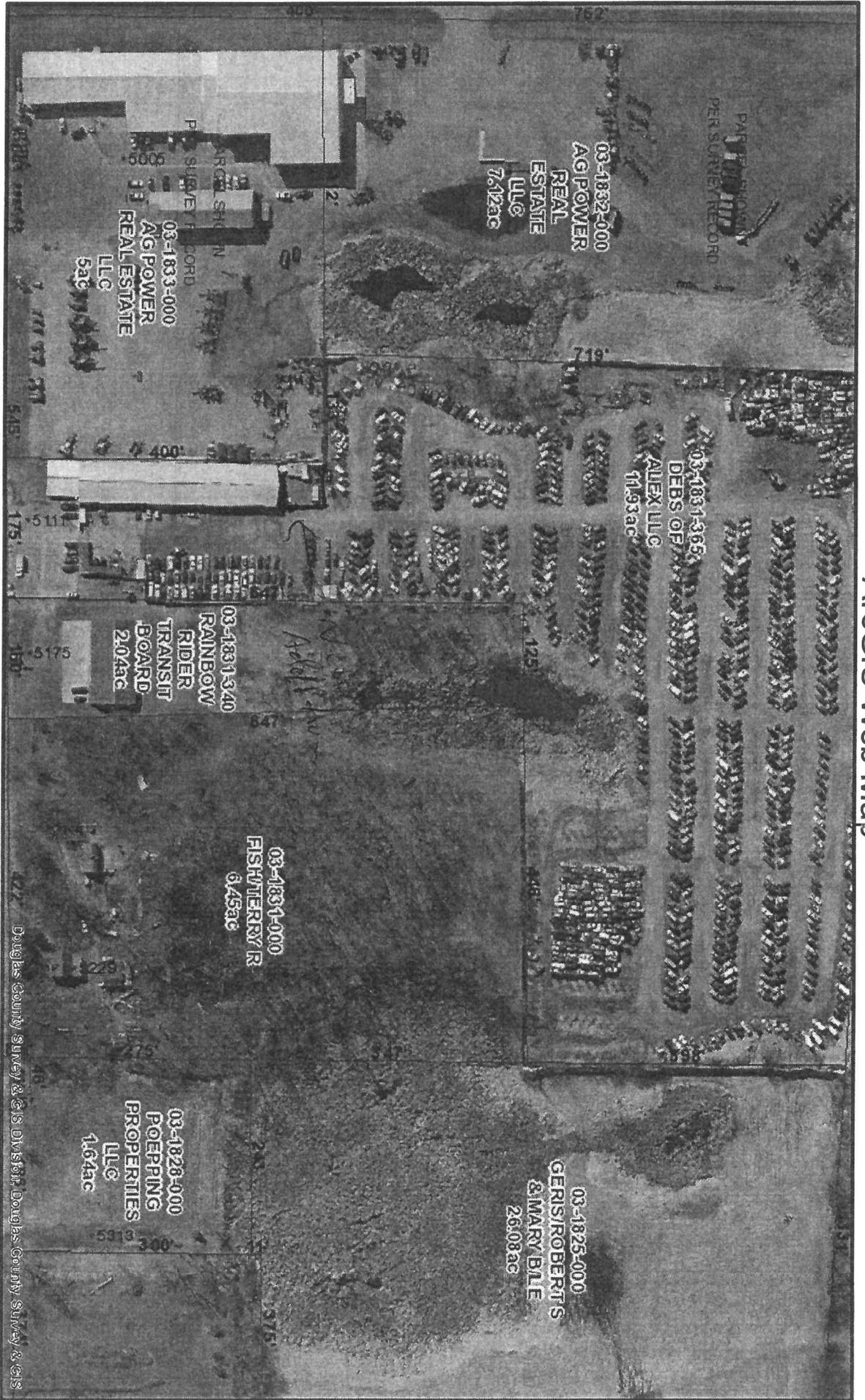


*← North*

Sketch by Apex Sketch



# ArcGIS Web Map



**Douglas County Survey & GIS**  
526 Willow Drive, PO Box 398  
Alexandria MN 56308  
320-762-2999  
survey@co.douglas.mn.us

1 inch = 167 feet  
1:2,000  
Coordinate System:  
NAD 1983 HARN Adf MN Douglas Feet  
November 21, 2016

**Stippling**  
County Parcel  
County Parcel  
Municipal State Aft  
Township 3 Space  
Township 3 Gravel  
City  
Village

**Collocated Features**  
Easements  
Lines  
Right of Way  
Survey Lines  
Text Leader  
Signal Row  
Eruyq Eastmville  
Railroad

**Drainages**  
Water Dct  
Legal County Districts  
Certs  
Leas  
Trail  
Perces

**City & Aobj**  
County Parcel  
County Parcel  
Non-Public Facilities  
Park/Open Space  
Park and Street Land  
Scale Park  
Thoroughfare  
Wildlife Management Areas

Some layers might not appear in the map you have created.