

STAFF REPORT

- Application:** Interim Use Request to allow a temporary second dwelling while constructing a new home in a Residential Shoreland District.
- Applicant:** Scott Dirck
- Property Owner:** Dirck Holdings LLC Darlyn E Keifer Etal
- Agenda Item:** 4(a)

Background Information:

- **Proposal:** The applicants are proposing to continue making use of the existing dwelling on the property as a dwelling while they are constructing their new home on the property. The existing home was originally constructed prior to Douglas County zoning regulations and does not currently meet bluff setback requirements. The existing home is non-winterized and not suitable for year-round living. The new home would be constructed so as to meet bluff and other setback requirements.

The applicant has begun construction of the new home with an approved permit that allows them to begin construction, but not begin living in the home until this interim use permit is granted or until the existing home is torn down or otherwise rendered unlivable.

- **Location:**
 - Property address: 2506 LE HOMME DIEU HTS NE,
 - Sec/Twp/Range: 9-128-37
 - Parcel number(s): 03-1123-000
- **Zoning:** UR Urban Residential/ RS Residential Shoreland, Le Homme Dieu Lake (General Development lake)
- **Lot size:** Approx. 34,412 sq ft (0.79 acres) according to GIS estimate
Proposed Impervious Coverage: About 7,500 sq ft (8,600 sq ft allowed)
- **Septic System Status:** The property is served by ALASD sewer and has a sanitary sewer line easement running through the property that is not impacted by the home being constructed or the existing home; it is located under the existing detached garage.
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The lot does contain a bluff between the existing house and the lake. The new home would meet the required 30 ft bluff setback, where the existing home does not.
 - Wetlands: There do not appear to be any wetlands that would impact this proposal.

- Current Shoreline Conditions: Partially wooded bluff with landscaped plantings near the top.

Applicable Statutes/Ordinances:

Alexandria Township Zoning Ordinance

SECTION III. ZONING DISTRICT REGULATIONS

B. USES PERMITTED.^{1 2}

The following set of tables establishes the uses permitted, permitted by conditional or interim use permit, or not permitted. **All uses are subject to the requirements or performance standards of this ordinance.** Performance standards applicable to uses in all zoning districts are given in Section V.

| RESIDENTIAL USES | RC R | RR | UR | RS | CS | C-U | C-R | I |
|---|-----------------|-----------|-----------|-----------|-----------|------------|------------|----------|
| Dwelling | | | | | | | | |
| Single Family | P | P | P | P | CU | CU | CU | CU |
| Second single family on a parcel (permanent) | X | X | X | X | X | X | X | X |
| Second single family on a parcel (temporary) ³ | IU | IU | IU | IU | IU | IU | IU | IU |

Staff Findings: The following findings of fact are presented by Staff for consideration by the Planning Commission:

- 1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area:**

Yes. No additional burden on parks or schools would be expected as the presence of two dwellings on the property would be temporary and only one would be lived in at a time.

- 2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land:**

Yes. The property abuts residentially-zoned property on both sides and while these homes are located within close proximity, the presence of two dwellings on the property would be very temporary.

- 3. The structure and site shall have an appearance that will not have an**

¹ Amended 7/2/2007 (Resolution #07-09)

² Amended 12/7/2009 (Resolution #09-05) to reflect addition of interim uses

³ Added 8/4/2014 (Resolution #14-02)

adverse effect upon adjacent residential properties:

Yes. While the site will potentially have a negative appearance, it will be for a very temporary period of time.

4. The use in the opinion of the Town Board is reasonably related to the overall needs of the Township and to the existing land use:

Yes. The Township has a general desire to support the improvement of properties that increase the taxable property value and attractiveness of the community. The Township also has an interest in bringing properties and buildings that were previously nonconforming into conformance with current regulations, which this proposal would do.

5. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to located the proposed use:

Yes. The area of the proposed development has been zoned as “Urban Residential (UR)”:

The Urban Residential district is intended to provide opportunities for urban density (two to three dwelling units per acre) residential development in areas that are most readily served by urban infrastructure and services. Areas chosen for this district are within existing or planned public sewer district service areas. Proposed residential developments that would create oversized lots would be reviewed to facilitate an efficient and orderly transition to urban densities at a future date should landowners choose to do so.

The use of the property is, and would remain, single-family residential. The use of the property for two dwellings would be temporary in nature.

6. The use is in conformance with the Comprehensive Plan of the Township:

Yes. The area of the proposed development has been identified in the Comprehensive Plan's Future Land Use Map as appropriate for “Urban Residential” uses. The future land use category description states:

The purpose of this land use category is to provide opportunities for urban density housing in areas that are most readily served by urban infrastructure and services. This category is intended for areas that are currently served by Alexandria Area Sanitary Sewer District (ALASD) infrastructure or are within the identified future service area of ALASD. Within these areas, new residential development will be reviewed to ensure that the proposed density, dimensions, and layout of lots will allow for the efficient use of public infrastructure and the cost-effective provision of public services. A gross urban density of two to three dwelling units per acre or higher is intended for these areas. Proposed subdivisions that would create oversized lots would be reviewed to allow for a transition to urban densities of housing in an

orderly and efficient manner. This may be accomplished through ghost platting, conservation subdivision designs that cluster homes on urban-sized lots, provision of urban sewer or road infrastructure at the time of development, or by other appropriate means.

Typical “lot-block” or “conservation” subdivision designs are both considered appropriate in these areas. Where sensitive or unique natural or cultural resources, such as wetlands, shoreland, etc. are present, a conservation subdivision design with lower densities that protects these resources may be required. Long-term commercial/industrial uses that are incompatible with residential uses should not be allowed in this district.

The proposed use of the property is, and would remain, single-family residential, which is consistent with the intended use of land in the Urban Residential future land use category.

The use will not create a traffic hazard or congestion:

Yes. The only congestion that may occur would be due to construction and demolition activities, which will be temporary in nature and not unusual for what may occur from time to time on other residential properties.

7. The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on buildings or uses:

Yes. The applicant will need to meet all applicable setbacks, height restrictions and other requirements of the ordinance. The existing home would need to be torn down or otherwise come into compliance with the Zoning Ordinance on a timeline to be set by the Planning Commission.

Planning Commission Direction: The Planning Commission may approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions

Staff Recommendation: Based on the findings of fact noted above, Staff recommends approval of the requested use of the existing dwelling on the property as a dwelling while the new dwelling is being constructed. The amount of time that there would be two homes on the property used as dwellings would be very short, if at all.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval (or tabling of the application to allow for review of revised plans consistent with the following):

1. That the existing dwelling must have all water service disconnected within ten (10) days from when the new home is substantially completed and livable.

2. That the existing dwelling must be demolished and removed from the property within 30 days of when the new home is substantially completed and livable.
3. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.