
ALEXANDRIA TOWNSHIP

BOARD OF ADJUSTMENT

MEETING PACKET FOR
July 18, 2016



PRELIMINARY AGENDA
Alexandria Township Board of Adjustment
July 18, 2016
6:00 p.m. – Township Conference Room

Call to Order

Adopt Agenda

Public Hearing

1. Variance Request to construct a dwelling approximately 23.5 feet from a road right-of-way (min. 32 ft required) to bring the dwelling into alignment with neighboring properties., Ryan Grewe, applicant. Property is located at 1185 Vinland Strait NE. Property ID: 03-1207-195.

Adjournment

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

STAFF REPORT

Application: Variance Request to construct a dwelling approximately 23.5 feet from a road right-of-way (min. 32 ft required) to bring the dwelling into alignment with neighboring properties.

Applicant: Ryan Grewe

Agenda Item: 4(a)

Background Information:

) **Proposal:** The applicant is proposing to construct a new dwelling on a previously undeveloped lot that would be approximately 23.5 feet from the road right-of-way (min. 32 feet required).

The lot is large enough to accommodate the proposed home without needing the variance, but due to the layout of the lot and the positioning of homes on the two adjacent lots, it would require that the home be placed further back in the lot that is typical of the rest of the lots in the subdivision. The applicant would like to keep the proposed home in-line with the adjacent homes so as not to block views for themselves or the neighboring properties.

) **Location:**

- o Property address: 1185 Vinland Strait NE
- o Sec/Twp/Range: 10-128-37
- o Parcel number(s): 03-1207-195

) **Zoning:** UR - Urban Residential

) **Lot size:** Approx. 20,081sq ft (0.46 acres) according to original plat survey

Existing Impervious Coverage: None/Minimal

Proposed Impervious Coverage: About 5,000 sq ft (24.9%)

) **Sewer Status:** The property is served by ALASD sewer

) **Natural Features:**

- o Floodplain: The property is not within an identified floodplain.
- o Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat in the building area.
- o Wetlands: There do not appear to be any wetlands that would impact this proposal.

) **Permit History:**

- o None

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

Goals & Policies - Land Use

Agriculture

-) Alexandria Township will follow a policy of phased, orderly growth patterns that discourages costly and scattered development in productive agricultural areas and that allows for the efficient expansion of roads, sewer, and other public infrastructure.

Housing Development

-) Alexandria Township will ensure that new residential developments are designed, constructed, and maintained to provide adequate stormwater controls that protect public safety and prevent damage to public and private property. The Township will explore the feasibility and effectiveness of both neighborhood and regional stormwater controls.
-) Alexandria Township will ensure that all new roads constructed to serve residential housing - including roads within Planned Unit Developments - are of adequate width to ensure space for on-street parking and still maintain space for

the safe passage of pedestrians, vehicles, and emergency service equipment.

Goals & Policies - Infrastructure & Public Services

- J Alexandria Township will develop in an orderly manner that maximizes the use of existing infrastructure and services and provides new infrastructure and services in an efficient, well-planned manner.

SUBDIVISION ORDINANCE

Section 1. General Provisions

1.10 Variances.

1. **Board of Adjustment and Appeals.** The Alexandria Township Board of Adjustment and Appeals 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 they are in harmony with the general purposes and intent of this ordinance, in cases when there are practical difficulties or particular hardships. With the application for a variance, the applicant has the burden of describing the hardship which exists that justifies the variance. Hardship in the granting means:
 - a. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
 - b. The plight of the landowner is due to circumstances unique to his/her property not created by the landowner.
 - c. The variance is proved necessary in order to secure for the applicant a right or rights that are enjoyed by other owner or owners in the same area.
 - d. The variance, if granted, will not alter the essential character of the locality.
 - e. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do, nor for any other reason than a proved hardship. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this ordinance.
 - f. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
2. **Conditions.** The Board of Adjustment and Appeals may impose conditions in granting a variance to insure compliance and to protect adjacent properties and the public interest.

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 be able to construct the same, or similar, home. The home would be out of line, however, with the surrounding properties and potentially block views.

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

Needs discussion. The applicant purchased the property after it was platted and thus had no involvement in creating the lot. The applicant also had no control over where the two adjacent property owners built their homes.

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

Yes. The two adjacent property owners, and other owners in the area, were able to build closer to the actual road surface than what the applicant would be able to do without a variance. This is due primarily to the shape and layout of the lot in relation to the road right-of-way.

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

No. The addition of one residential lot would arguably have less impact on the character of the locality as it would result in a home that is built in-line with the two adjacent properties.

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

No. The shape of the lot and its layout in relation to the right-of-way and actual road surface are the primary factors in the need for the variance.

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 residential, which is a permitted use in the Urban Residential 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 Comments:

1. The original plat creating this lot was approved in 2002 by Douglas County. That approval also included the layout of the road right-of-way.

2. Not all of the proposed home/garage would be within the 32 ft right-of-way setback – just a relatively small portion.
3. The setback, as proposed, would still be 85-90 feet from the centerline of the traveled road surface. In certain instances, the ordinance only requires a 65 foot setback from the centerline. As such, the proposed home location would not appear to create any safety hazards or road maintenance concerns.

Staff Recommendation: Based on the criteria by which the ordinance requires review of variance requests to the Subdivision Ordinance, Staff would recommend approval of the request given that the layout of the road right-of-way is unique compared to other lots in the subdivision and creates an unusually far setback from the actual road surface, the construction of part of the proposed home within the 32 ft right of way setback would still result in a structure that was 85-90 feet from the center of the road surface (the ordinance allows for a 65 ft setback from centerline in certain circumstances) and the because the variance would better preserve the character of the neighborhood.

Application # _____	Date Application Rec'd <u>6/29/2016</u> (for office use only)	Fee Collected \$ <u>400 -</u>
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**ALEXANDRIA TOWNSHIP
VARIANCE APPLICATION**

Name of Applicant Ryan Grewe Ann Sundberg Phone 218-639-5316

Property Address (E911#) 1185 Vinland Strait NE Alex

Mailing Address PO Box 933 Local Phone _____
(if different than above) (if different than above)

City, State, Zip Alexandria MN 56305

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) Ryan Grewe Ann Sundberg
(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) 03-1207-195

Full legal description of property involved in this request, including total acreage (required – attach separate sheet if necessary):
Sect-10 Twp-128 Rang-37 Lot-3 B1K-5
Geneva Estates North Ac. 46

Zoning District _____, Lake Name (if applicable) _____

What are you proposing for the property? State nature of request in detail: would like
to pull house ~~back~~ toward to road 8.5 feet
to put more inline with existing homes
and use string line

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

Building: New home and garage

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).

with current set back it will hold our house behind house on South side and take away from both of our lots

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).

We are past 65' from center of road on north corner and 90' on South corner

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

We are only look to move the north side 8.4' into set back area

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.

Existing houses ~~is~~ farther back on north and south lot is closer to road and our lot is in a curve set back are pushing us back to far

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.

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?

our house will be blocking ~~the~~ views on South side

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?

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

CERTIFICATE OF SURVEY



- INPLACE IRON MONUMENT
- 1/2" IRON REBAR WITH PLASTIC CAP STAMPED "RLS 42620" & "RLS 45335"
- LT RECORD DATA



Imagery Date: 5/11/20

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Micah T. Radach

Date May 18, 2016

License No. 51816

Date: 5/18/2016 • DRAWN BY: MTR • CHECKED: MTR • JOB NO. NONE

REQUESTED BY: **RYAN GREWE**



509 22ND AVE. EAST, SUITE 101
ALEXANDRIA, MINNESOTA 56308
PH. (320) 762-4111 * FAX (320) 762-4112
www.nybergsurveying.com

CERTIFICATE OF SURVEY



- INPLACE IRON MONUMENT
- 1/2" IRON REBAR WITH PLASTIC CAP STAMPED "RLS 42620" & "RLS 45335"
- () RECORD DATA



Imagery Date: 5/11/20

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

 Micah T. Radach
 Date May 18, 2016 License No. 51816

Date: 5/18/2016 • DRAWN BY: MTR • CHECKED: MTR • JOB NO. NONE	
REQUESTED BY: RYAN GREWE	
	Nyberg SURVEYING 509 22ND AVE. EAST, SUITE 101 ALEXANDRIA, MINNESOTA 56308 PH. (320) 762-4111 * FAX (320) 762-4112 www.nybergsurveying.com