

STAFF REPORT

Application: Variance to create a 5 acre lot (max. 2.5 acres allowed) in a General Agricultural zoning district.

Applicant: Scott and Sarah Mavencamp

Agenda Item: 4(e)

Background Information:

- **Proposal:** The applicants are proposing to enlarge their existing 2.5 acre parcel to 5 acres by incorporating parts of the tilled agricultural field around their lot. The purpose of enlarging their lot is to allow or more lot size and to allow for the construction of a larger detached accessory building than would otherwise be allowed.
- **Location:**
 - Property address: None
 - Sec/Twp/Range: 26-121-27
 - Parcel number(s): 206000264101
- **Zoning:** AG General Agriculture
- **Lot size:** Currently a 2.5 acre lot, proposed to be increased to 5 acres.

Existing Impervious Coverage:

- Buildings: About 820 sq ft (7.3%)
- Total: About 820 sq ft (7.3%)

Proposed Impervious Coverage:

- Buildings: About 1,806 sq ft (16.2%)
- Total: About 1,806 sq ft (16.2%)

- **Septic System Status:** The property is to be served with a new septic system.
- **Natural Features:**
 - Floodplain: The property is not located within an identified floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is relatively flat.
 - Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Permit History:**
 - 2018 - 2.5 acre lot created
 - 2018 - permit for new house and septic system

Applicable Statutes/Ordinances:

Minnesota Statutes

462.357 (2016) 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.

Corinna Township/Wright County Regulations

502. APPEALS AND BOARD OF ADJUSTMENT

502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.

- (a) The granting of the variance will be in harmony with the County Land Use Plan.
- (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
- (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
- (d) The proposal does not alter the essential character of the locality.
- (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
- (f) The granting of the variance will not adversely affect the environmental quality of the area.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

604. GENERAL AGRICULTURE AG

604.6 Requirements and Standards for Dwellings and Permitted Divisions

(4) Entitlement Divisions

If a landowner chooses to use an entitlement on an eligible lot of record or quarter-quarter section as a division, the division and remainder of the eligible parcel shall be subject to the following requirements.

(c) Lot Standards

(3) Maximum lot size shall be:

- Five (5) acres for divisions from eligible lots of record
- Two and one-half (2.5) acres for divisions from eligible quarter-quarter sections if the building site is undeveloped cropland classified as prime farmland or farmland of statewide importance as defined in the Land Use Plan
- Ten (10) acres in all other instances

SECTION 7. PERFORMANCE STANDARDS

743 DETACHED ACCESSORY STRUCTURES

Detached accessory structures and garages on lots less than one acre shall not have a second story, must have no more than six (6) feet of headroom in a rafter storage area, and have a maximum 6/12 roof pitch.

Accessory buildings and structures, individually and combined (not to include

attached garages nor decks), on isolated residential parcels (those that are not adjoining other residential parcels/lots) smaller than 10 acres in size shall not exceed the following maximum size limits:

<u>Parcel size</u>	<u>Max. Building area</u>	<u>Max. Sidewall</u>
Less than 20,000 sq. ft.	1000 square feet	14 feet
20,000 sq. ft.-.99 acres	1600 square feet	14 feet
1-2.49 acres	2400 square feet	14 feet
2.5-4.99 acres	3200 square feet	14 feet
5-9.99 acres	4000 square feet	16 feet

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

1. Will the granting of the variance be in harmony with the general purposes and intent of the Corinna Township Land Use (Zoning) and/or Subdivision Ordinance?

Needs discussion: The spirit and intent of the ordinance (maximum lot size) for parcels in the AG General Agricultural District is to help preserve larger tracts of land that are especially well-suited to agricultural use and to limit the loss of productive farmland.

The proposal would encompass an additional 2.5 acres of land that is currently being productively farmed with row crops. The landowner indicates that the land would continued to be farmed, but would allow them to construct additional detached accessory building and address other issues of concern to them.

2. Will the granting of the variance be consistent with the Corinna Township Comprehensive Plan?

Needs discussion: The Comprehensive Plan does not directly address situations such as this, except general statements about preserving agricultural lands.

3. Is the proposed use of the property reasonable?

Needs discussion: The desire to add additional land is reasonable in that it would allow for additional detached accessory building space because of how the ordinance is set up (limiting detached accessory building size based on the size of a parcel). However, it needs to be discussed whether this is reasonable in the context of the intent of the ordinance and Comprehensive Plan to preserve productive farmland from non-farm use.

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

Needs discussion: The need for the variances is due largely to the applicant's desire to add additional detached accessory building space and the ordinance limits on parcel size in the AG district and the size of detached accessory

buildings based on parcel size. The applicant does not have control over these ordinance requirements. However, the addition of detached accessory building space is within the applicant's control.

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

No: The property would remain largely the same in its character (rural housing).

6. 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 other factors mentioned in #4 above.

7. Could the practical difficulty be alleviated by a feasible method other than a variance (taking into account economic considerations)?

Needs discussion: The only way to minimize the need for a variance would be to add less land to the existing 2.5 acre parcel.

8. Will the granting of the variance adversely affect the environmental quality of the area?

No: The property would still remain well below its impervious coverage limits and would not significantly affect any environmental issue.

Board of Adjustment Direction: The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board 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 variance as requested only if the Board of Adjustment finds a practical difficulty relating to exceeding the maximum allowable lot size within the AG district for lots such as this.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

1. That no buildings or other permanent structures be placed or constructed except in a maximum 2.5 acre area of the parcel within a contiguous 2.5 acre area of the property that minimizes the loss of land which could potentially be farmed.