

## STAFF REPORT

---

**Application:** Request related to the construction of a garage and driveway. Approvals required include a variance for approximately 42-43 percent impervious coverage (max. 33 percent allowed) on a 6000 sq ft lot in an R-1 zoning district

**Applicant:** Matt Roach

**Property Owner:** Vertin Holdings LLC

**Agenda Item:** Public Hearing #1

---

### Background Information:

- **Proposal:** The applicants are proposing to construct an 18' x 24' garage and related driveway (approximately 10' x 16') on the rear portion of the subject lot. In doing so, the lot would be caused to exceed the maximum 33% coverage allowed by City Code with a total of approximately 43-43 percent impervious (about 2,520-2,580 sq ft of impervious vs. the maximum 1,980 sq ft allowed). The difference would amount to about 540-600 square feet.

A permit was recently issued to construct a deck on the front part of the existing building. A condition of that approval was that the small shed in the rear of the property be removed so as to ensure the site stayed under the 33% impervious coverage limit.

- **Location:**
    - Property address: 514 3rd Street NE
    - Parcel number(s): 480350000
  - **Zoning:** R1 One and Two Family Residential
  - **Lot size:** Approx. 6,000 sq ft (0.14 acres) according to original plat.
    - Existing Impervious Coverage: About 1,980 square feet (33%)
    - Proposed Impervious Coverage: About 2,520-2,580 square feet (42-43%)
  - **Sewer/Water Status:** The property is served by city sewer and water.
  - **Natural Features:**
    - Floodplain: The existing and proposed structures are not 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.
- 

### 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.

### **Little Falls City Code Regulations**

---

**Findings of Fact:** The following findings of fact that would support either approval or denial 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 Little Falls Land Use (Zoning) and/or Subdivision Ordinance?**

Findings Supporting Approval

While exceedance of the impervious coverage limit would normally not be consistent with the intent of the ordinance, the very small size of this lot and the lack of off-street parking on the lot combine to mean that the intent of the ordinance would be better served allowing for off-street parking for at least two vehicles than to deny the requested variance.

Findings Supporting Denial

Allowing for a site to exceed the maximum impervious coverage limit does not meet the intent of the ordinance to limit such coverage so as to minimize water runoff issues in the

area. While a small off-street parking area for at least two vehicles does make some sense, a garage would essentially represent a permanent improvement to the lot and may set a precedent that would be difficult for the city to back away from on similar applications.

**2. Will the granting of the variance be consistent with the Little Falls Comprehensive Plan?**

The Comprehensive Plan does not directly address issues such as these, except to generally set goals related to the protection of the Mississippi River.

Findings Supporting Approval

The site is relatively far away from the Mississippi River and any concerns regarding the quality of stormwater runoff can be addressed with permanent stormwater best management practices as a condition of any variance approval.

Findings Supporting Denial

The proposal would place more impervious coverage on the parcel than is allowed and ultimately increase the amount of runoff going to the Mississippi River.

**3. Is the proposed use of the property reasonable?**

Findings Supporting Approval

The desire to have a relatively small two-stall garage is reasonable in that it provides for off-street parking in a manner protected from the elements.

Findings Supporting Denial

The proposed exceedance of the impervious coverage limit (up to about 600 square feet or 10% of the total lot size) is significant for the small lot and as such is not reasonable.

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

Findings Supporting Approval

The need for the variances is due largely to the very small size of the lot, the presence of a relatively large pre-existing building on the lot (what used to be a church) and the relatively recent change in the City Code that reduced the amount of impervious coverage allowed significantly.

Findings Supporting Denial

The need for the variance is due primarily to the applicant's desire for off-street parking on the property and to make the property more saleable/rentable.

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

Findings Supporting Approval

The property will remain residential in character and as such no alteration of the area's essential character (which is also residential) will occur.

Findings Supporting Denial

The variance would add significantly more impervious coverage on the lot than would be allowed of other similarly sized lots in the city, and as such will change the character (as it

relates to the amount of impervious surfaces on a lot) of the area.

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

Findings Supporting Approval

The need for the variance is due to non-economic factors mentioned above.

Findings Supporting Denial

The need for the variance is due largely to the relatively large size of the existing building on the lot. That building could be reduced in size so as to allow for the accommodation of a garage on the property within the required impervious coverage limits.

---

**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. Any action by the Board of Adjustment represents a recommendation to the City Council – not a final decision.

---

**Staff Comments:** Staff offers the following additional comments:

1. If the Board of Adjustment feels the need for more exact calculations of impervious coverage, an updated survey would be needed.
2. The ordinance requires 2 off-street parking spaces for each dwelling unit on a residential property.
3. Any stormwater management best-management practices that are implemented on the site would help to mitigate any impacts from the higher impervious coverage.