



Established in 1849
"Where Minnesota History Begins"

MEMO

Date: May 11, 2016
Re: Planning Commission/Board of Adjustment Report
From: Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on May 9, 2016. There were two public hearings - one for a variance and another for an amendment to City Code. The Planning Commission/Board of Adjustment has made a recommendation for approval regarding both applications.

The Commission also reviewed a proposed ordinance amendment that had been recommended for approval last month and tabled by the City Council for further review. They have recommended additional language related to that issue for adoption by the City Council.

AGENDA ITEM #1

Application: Variance application to construct a 15'6" x 20' addition to the existing dwelling approximately 3 feet from a side lot line (min. 5 feet required).

Applicant: Jeff Waldvogel

Background Information:

-) **Proposal:** The applicant is proposing to construct a 15'6" x 20' addition to the south side of the existing dwelling for additional living space. The proposed addition would be in line with the south edge of the existing dwelling and be located approximately 3 feet from the south property line (min. 5 feet required).
-) **Location:**
 - o Partial Legal Description: South 10 feet of Lot 6 and North 35 feet of Lot 7, Block 9, Morrill's Addition No. 1 to Little Falls.
 - o Property Address: 710 4th Street SE.
 - o Parcel number(s): 48.1138.000 and 48.1137.000.

◆ **Property Owner:** Jim and Donna Waldvogel

Board of Adjustment Recommendation: The Board of Adjustment is recommending approval of the requested variance with the following conditions of approval and findings of fact:

1. The two parcels owned by James and Donna Waldvogel should be combined at the County Auditor's/Assessors office so as to ensure compliance with the 70% requirement of the City Code for building on existing lots of record. This could be made a condition of any variance approval.

Findings of Fact: The following findings of fact are presented by the Board of Adjustment in relation to their recommendation for approval:

1) **Current Zoning:**

- Subject Property: R-2 One- and Two-Family Residential District
- Surrounding Properties: R-2 One- and Two-Family Residential District

2) **Current Land Use:**

- Subject Property: Single-family dwelling
- Surrounding Properties: Single-family dwellings

3) **Lot size:** 45' x 150' (including both parcels owned). Approx. 6,750 sq ft.

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.

Wetlands: There do not appear to be any wetlands on the property.

6) **Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

The City's subdivision ordinance does not apply to this application.

The general purposes and intent of the minimum required 5 ft side yard setback in the Zoning Ordinance is to provide some minimum spacing between dwelling units to prevent property line disputes, provide some air and light between buildings and to help prevent the spread of fires from one structure/property to another.

While the proposed addition would be only 3 feet from the property line, it would be no closer than the existing dwelling and would actually be further away as the addition goes further back due to the layout of the dwelling on the lot.

Also, the landowner to the south has provided a letter stating they "have no problem with the variance they are applying for or the addition they need to build."

The zoning ordinance also has provisions that limit expansions on structures located on nonconforming lots to one-time additions that meet certain criteria, including that the

addition will meet all required setbacks. The minimum lot size and width in the R-2 zoning district is 9,000 sq ft and 60 ft width and the subject lot is only 45 feet wide and 6,750 sq ft in size. However, the ordinance also does allow for a lot of record "which does not meet the requirements of this chapter as to area or width" to be "utilized for single-family detached dwelling purposes, provided the measurements of such area and width are within seventy percent (70%) of the requirements of this chapter..." The dimensions of the lot (if combined) meet the 70% requirement (42 feet width and 6,300 sq ft). Thus construction (and in this case, expansion) of an existing dwelling is allowed as it meets the "70% rule".

7) Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?

The Comprehensive Plan does not directly address applications such as these.

8) Is the proposed use of the property reasonable?

The requested variance is reasonable in that the request for an addition to the existing building is for having a bedroom, bathroom and laundry room on the main floor rather than on the 2nd floor and basement as they are now. Further, there are limited locations to add on to the home on this property without requiring some kind of variance or without significant alterations to the layout of the existing dwelling/garage.

9) Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

The need for the variance is largely due to the existing location and layout of the dwelling. According to Assessors' records, the home was built in the late 1800s, although 5 feet on the south end of the originally platted lot has since been transferred to the neighboring property owner. Staff is unaware at this time when this property transfer may have occurred, but it appears very likely that it occurred prior to the City adopting regulations relating to minimum lot size and side yard setbacks.

10) Will the variance, if granted, alter the essential character of the locality?

The use of the property would remain very similar in character to what already exists. The only change would involve a larger dwelling than currently exists.

11) Are economic considerations the only reason the applicant cannot meet the strict requirements of the ordinance?

To applicant has stated that the proposed addition is to allow for a main floor bedroom, bathroom and laundry room to accommodate the needs of the aging and handicapped resident(s).

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

To avoid the need or a variance, it appears the applicant would have to reduce the size of the proposed addition by 2 feet or construct the same size addition at a different location (to the rear of the existing garage) on the property. These are determined to not be feasible given the internal layout of the existing dwelling and the attached garage as well as its configuration on the lot.

AGENDA ITEM #2

Application: Amendment to City Code, Sections 11.03.L (Dwelling Units Prohibited). The purpose of the amendment is to clarify the existing prohibition on the use of recreational vehicles as a dwelling unit and set a limitation on the length of time that they may be used as such.

Applicant: City of Little Falls Planning Commission.

Background Information: Based on discussions and review at previous meetings of the Planning Commission, Staff had prepared proposed ordinance amendments relating to the regulation of the use of recreational vehicles as temporary dwellings on private property within the city.

Planning Commission Recommendation: The Planning Commission is recommending approval of the requested amendments to City Code. A copy of the proposed amendments is listed below.

Proposed Ordinance Amendment: The proposed amendment is to Section 11.03.L of the City Code, as follows (proposed new language is underlined):

L. Dwelling Units Prohibited: No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building, shall at any time be used as a dwelling unit, except trailers located in an approved mobile home park. The basement portion of a finished home or apartment building may be used for normal eating and sleeping purposes, provided it is properly dampproofed, has suitable fire protection and exits, and is otherwise approved by the building inspector.

A recreational vehicle shall not be considered a dwelling unit if it is located on a property that contains a primary dwelling (or where a dwelling is under active construction) for fourteen (14) days or less and is road ready and currently licensed. This time frame may be extended up to 180 days between April 1 and October 31 upon approval by the Zoning Administrator after a written request by the property owner has been made.

AGENDA ITEM #3

Public Hearing: Amendment to City Code, Sections 11.05.D (R-1 One- And Two-Family Residential District), 11.05.F (R-1 One- And Two-Family Residential District), 11.05.G (R-3 Multiple-Family Residential District), 11.05.I (B-1 Limited Business District), 11.05.J (B-2 General Business District), 11.05.L (I-1 Industrial District (Light), 11.05.M (I-2 Industrial District (Heavy)), 11.05.N (Planned Unit Development District (PUD District)). The purpose of the amendments is to allow for certain uses deemed compatible with the relevant zoning districts as a conditional use if they are not otherwise listed.

Applicant: City of Little Falls Planning Commission.

Background Information: Over the past several meetings, the Commission has begun discussing the need to update portions of the zoning ordinance relating to the listing of uses that are allowed within each zoning district – either as allowed (no permit needed), permitted (a permit is necessary) or conditional (a conditional use permit is necessary).

Based on input from the Commission at the March meeting, the attached represents proposed language that can be used in the interim while broader ordinance amendments are drafted and considered over the coming months.

Planning Commission Recommendation: The Planning Commission previously made a recommendation for amended language. The Council tabled action on that recommendation and requested the Commission make some additional changes to the proposed language relating to allowing “Other uses of the same general character” as permitted or conditional uses listed. The new recommended language is as follows (underlined portions added since the last recommendation):

“Other uses of the same general character as permitted or conditional uses listed above, provided they are deemed fitting or compatible to the district by the City Council. In making its determination, the Council shall consider factors related to the intensity of use, parking needs, level and type of traffic generated, hours of operation (including loading/unloading times), noise, odor, glare and other nuisance characteristics, pollution potential and other factors that may be relevant to making a determination as to whether a particular use is of the same general character as a permitted or conditional use.”

The City Attorney has reviewed the above language and indicated she will be recommending that the City amend the City Code to list specific additional uses to be added to the list of permitted or conditional uses, rather than adding the above language at all. In the alternative, if the Council prefers language such as the above, she has suggested the following instead:

“Other uses which result in an impact upon the zoning area that is comparable to the permitted or conditional uses listed above when applying the following factors: intensity of use, parking needs, level and type of traffic generated, hours of operation(including loading and unloading times), noise, odor, glare and pollution potential.”

If approved by the Council, the above language would be repeated in each instance where the “Other uses of the same general character...” phrasing was previously recommended.

If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at oleson@hometownplanning.com.