

## STAFF REPORT

<b>Application:</b>	Variance request to allow the placement and usage of a portable shipping container for storage on a permanent basis, not allowed by ordinance.
<b>Applicant:</b>	Minnewaska Trap Club
<b>Property Owner:</b>	City of Glenwood
<b>Agenda Item:</b>	5(a)

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### Background Information:

**Proposal:** The Minnewaska Trap Club, formerly known as the Glenwood Gun Club, is a nonprofit organization that has about 4 acres of leased property designated as part of the future planned community park system for the City of Glenwood. The site is registered and authorized to provide shooting and training events for the community. The property is classified by Pope County for non-homestead agricultural usage.

The Minnewaska Trap Club, represented by John Stone, is seeking a variance from the City ordinance that would allow the permanent placement and usage of a portable shipping container to replace the current storage building. The container would be in addition to one that is already on the site and used to store ammunition, targets, equipment, and other items. As described in the application, the proposed use of a shipping container would provide a more safe and secure storage facility.

According to Section 130.14 of the City Code, only one shipping container may be allowed for each site. Containers are subject to permitting and restricted to a period of no longer than 14 consecutive days within any 12-month period.

The applicant is asking that for the purpose of providing more safety and security to the operation of the trapshooting range, the added 8 ft x 20 ft shipping container be allowed to be placed permanently on the site leased from the City of Glenwood.

Two variances are needed due to the City's ordinance on portable storage/shipping containers, first, a variance to allow an added storage container and second, a variance from the time restrictions from the ordinance that would allow it to remain permanently.

Setbacks and all other zoning ordinance requirements are met.

- **Location:**
  - Property address: 19006 195<sup>th</sup> Street
  - Sec/Twp/Range: 21-125-37
  - Parcel number(s): 21-1265-000
- **Zoning/Tax Classification:** Non-Residential Ag Use
- **Lot size:** 160 acres with 4.04 acres leased to the Minnewaska Trap Club.
- **Natural Features:** Open field, grass cover.

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### Staff Comments:

- 1) For applicable statutes from the Glenwood Land Use Ordinance, see Appendix A.
- 2) In order to grant a variance, the City needs to find that a property owner has met the criteria established in the City Code and/or State Law. In making its decision, the City will need to state its “findings of fact” indicating why those criteria have been met or not met and as such, why the variance request should be approved or denied.

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**Staff Recommendation:** Based on the relevant findings noted below, Staff would generally recommend consideration be given to whether allowing permanent placement of a shipping container for the usage proposed is reasonable given community standards and the ordinance restrictions on the number and the term of use for such containers.

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

**1) Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control.**

The spirit and intent of the ordinance on portable storage/shipping containers is to regulate the number and limit the term of such containers on properties within the City of Glenwood through a permitting process.

Findings Supporting Approval

In this instance, with a location in a non-residential area with required setbacks, and the added safety and security that a shipping container would provide for potentially dangerous materials, allowing the added container on a permanent basis for this site is consistent with the intent of the ordinance.

Findings Supporting Denial

Allowing more than one shipping containers on a permanent basis is not consistent with the intent of the ordinance.

**2) Variances shall only be permitted when they are consistent with the comprehensive plan.**

Findings Supporting Approval

The City's 1979 Comprehensive Plan does not address situations relating to this request.

Findings Supporting Denial

The City's 1979 Comprehensive Plan does not address situations relating to this request.

**3) The property owner proposes to use the property in a reasonable manner not permitted by an official control.**

Findings Supporting Approval

The permanent usage of a second shipping container for the purpose described is reasonable and necessary to provide needed safety and security for the trapshooting equipment.

Findings Supporting Denial

Reasonable usage may be achieved by using a traditional accessory storage structure.

**4) The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

Findings Supporting Approval

The need for the variance is due to the term restrictions of the ordinance and the need to provide a more secure storage facility for the needs of the shooting facility.

Findings Supporting Denial

The lessee could use a conventional storage facility and meet the ordinance requirements.

**5) The variance, if granted, will not alter the essential character of the locality.**

Findings Supporting Approval

Placing a shipping container on a permanent basis in the location indicated will not change the character of this rural non-residential area.

Findings Supporting Denial

None

**6) Economic considerations alone do not constitute practical difficulties.**

Findings Supporting Approval

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

Findings Supporting Denial

None

**7) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.**

Findings Supporting Approval

Shipping containers are a permitted use in the zoning district where the applicant's property is located.

Findings Supporting Denial

None

## Appendix A

### Applicable Statutes and Ordinances

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#### 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.

#### City of Glenwood Regulations

#### **130.14 PORTABLE STORAGE/SHIPPING CONTAINERS**

**ORDINANCE NO. 9, FOURTH SERIES**

**AN ORDINANCE OF THE CITY OF GLENWOOD, MINNESOTA, AMENDING CITY CODE CHAPTER 130: PUBLIC PROTECTION, CRIMES AND OFFENSES BY ADDING SECTION 130.14 PORTABLE STORAGE/SHIPPING CONTAINERS. THE PURPOSE OF THIS AMENDMENT IS TO REGULATE THE USE OF PORTABLE STORAGE/SHIPPING CONTAINERS WITHIN THE CITY OF GLENWOOD**

**The City Commission of Glenwood, Minnesota ordains:**

**SECTION I.** Chapter 130 of the Glenwood City Code is hereby amended to include Section 130.14 and to read as follows:

**Section 130.14 PORTABLE STORAGE/SHIPPING CONTAINERS.**

**Subd. 1. PURPOSE.**

Portable storage/shipping containers, as defined herein, shall be used for the short-term, temporary storage and transport of property. Portable storage/shipping containers may not be used as accessory buildings and may not impede vehicular access, traffic flow or circulation, or create public safety hazards.

Short-term, temporary portable storage/shipping containers must be placed on private property. If space is not available on private property, a city permit may be sought to place the container(s) within a public right-of-way. Right-of-way permits may be issued by, and at the discretion of, the Glenwood City Administrator.

**Subd. 2. GENERAL REGULATIONS:**

**A. Definition.** For the purposes of this section, portable storage/shipping containers shall be defined as any container designed to store or ship property and which is typically rented or sold to owners or occupants of residences or businesses for commercial and industrial uses and intended to be used temporarily or permanently for the storage and/or transport of property. For purposes of this ordinance, permanent, permitted accessory structures shall not be considered portable storage/shipping containers.

**B. Restrictions.** Notwithstanding any contrary provision of any City ordinance or regulation or relevant provisions of the International Building Code which may allow use as a component of a principal residential use, portable storage/shipping containers located outside of a fully-enclosed building or structure shall be regulated in all zoning districts with the following restrictions:

**1. Permit.** If the portable storage/shipping container is located on private property, a Portable Storage Unit permit shall be obtained from the City of Glenwood. If the portable storage/shipping container is located on public property, a right-of-way permit shall also be obtained from the City of Glenwood.

**2. Maximum number and time limits.** A maximum of one (1) portable storage/shipping container shall be allowed no more than two (2) times on any parcel for a period no longer than fourteen (14) consecutive days within any 12-month period. An extension may be granted by the Glenwood City Administrator for a defined period not to exceed 90 days. In no

event shall a portable storage/shipping container be allowed to be permanently placed within the City of Glenwood.

**3. Location or placement.** Portable storage/shipping containers shall be placed on a paved surface in a driveway or parking space and shall meet all minimum setback requirements of the district. When space is not available on site, with the approval and issuance of a right-of-way permit from the Glenwood City Administrator, no more than one (1) portable storage/shipping container may be placed in a public right-of-way in a legal parking space.

**4. Dimensions.** No portable storage/shipping container shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height.

**5. Signs.** Other than the required city permit(s) and ownership identification, no advertising sign shall be attached to a portable storage/shipping container.

**6. Maintenance.** All portable storage/shipping containers shall be maintained in a condition free from rust, peeling paint, and other visible forms of deterioration.

**C. Penalty.** Any individual, business, or other entity in violation of the foregoing shall be subject to an administrative penalty pursuant to Glenwood City Code **§10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES**, as established by resolution of the Glenwood City Commission.

**D. Additional Penalty.** A violation of the foregoing may, at the discretion of City of Glenwood, be referred for criminal prosecution; and a violator shall be subject to the criminal penalty set forth in Glenwood City Code **§ 10.99 GENERAL PENALTY AND ENFORCEMENT**.

**SECTION II.** This Ordinance shall be in full force and effect from and after its passage and publication.

Passed by the City Commission of Glenwood, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2023.

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**Mayor**

Attested: \_\_\_\_\_

**City Administrator**



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