

DATE: April 10, 2018
TO: Glenwood City Commission
FROM: Ben Oleson/Fred Sandal, Hometown Planning
RE: Planning Commission Recommendations for April 10 Public Hearing Applications

The Planning Commission held their regular meeting on April 2, 2018. They reviewed two variance applications and are providing you with their recommendations as noted in the report below.

Attachments, drawings and photos related to the application are attached for your reference.

PUBLIC HEARING #1

Application: Variances to construct a new detached garage approx. 16 ft from a rear lot line (min. 20 ft required) and 7 feet from a side lot line, with 10 ft sidewalls (max. 9 ft allowed) and a 9 ft garage door (max. 8 ft allowed).

Applicant: Leon & Karen Warner (owners)

Background Information:

- **Proposal:** The Warners are requesting variances to build a second 30'x32' garage for their property at 315 3rd St SE to enclose a fish house and other items that are currently stored outdoors. The proposed accessory use structure would be constructed in the backyard to the north of a driveway access from 4th Ave SE and offset 10 ft from an existing single car (24'x24') garage.

Several variances from the zoning ordinance would be required. The site proposed would have a 16 ft rear yard property setback from a publicly dedicated alleyway where 20 ft is required by ordinance. The alleyway is not currently used as such. The cover is grass matching yards from neighboring properties.

Minimum height standards for accessory uses apply. The proposed sidewall height of the garage is 10 feet, exceeding the 9 feet maximum allowed. The garage door would be at a height of 9 feet, more than the 8 feet maximum allowed by ordinance.

The proposal also does not meet the maximum impervious coverage standard of 30 percent. The calculation of total impervious coverage with the addition of the new garage will be approx. 4,410 sq ft. which would raise the impervious coverage from about 26.8 to about 34.2 percent.

The proposed sideyard setback is 7 feet. As this exceeds the 6 foot minimum required by ordinance, this too is met. The garage and the roof will be of a material and color that matches the existing structures.

With the site of the new garage being offset 10 feet to the north of the existing garage, it will be further than 10 feet from the home of the neighbor to the east which is the minimum allowed by ordinance.

- **Location:**
 - 315 3rd Street SE, Glenwood, Minnesota
 - Sec/Twp/Range: 7/125/37

- Parcel number(s): 21-0634-000

- **Zoning:** R-2 (Urban Residential)
- **Lot size:** Approx. 12,870 sq ft according to the Pope County parcel data.
Existing Impervious Coverage: About 3,450 sq ft (26.8%)
Proposed Impervious Coverage: About 4,410 sq ft (34.2%)
- **Septic System Status:** The property is served by the city sewer system.
- **Natural Features:** Grass cover. There are no trees or other natural features that would be disturbed.

Planning Commission Recommendation: The Planning Commission has unanimously recommended approval of the requested variances for sidewall height, door height, impervious coverage and rear lot line setbacks with no specific conditions of approval.

(Staff Note: The 30% limit on impervious coverage and the relatively restrictive sidewall and garage door height limits that apply throughout much of the City have historically been the source of many variance requests – most or all of which appear to have been granted. Based on discussions with the Planning Commission and City Staff, it appears that these ordinance requirements should be discussed for a possible ordinance amendment – to allow more than 30% coverage and/or increased heights for detached accessory buildings. Staff would recommend that this be done as well.)

City Commission Direction: The City Commission may recommend approval of the variance requests, denial of the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should recommend approval or denial of the request, the Commission should state the findings which support either of these actions. The recommendation of the Planning Commission is to approve all requests.

Findings of Fact: Staff would recommend the following findings of fact, based on the recommendation of the Planning Commission, be considered when determining whether to recommend denial, approval, or approval with conditions:

1. Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

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

The general purposes and intent of rear setbacks are to allow for space between buildings, utility easements and to prevent encroachments of structures onto adjacent properties or towards public road rights-of-way. When abutting an alley, the rear yard setback is also intended to allow for space for alleyway maintenance, garbage trucks, etc. The proposed structure would be located close to a dedicated public alleyway but that does not have an alley in place and the City does not have any current plans to construct an alleyway. The intent of the ordinance would be preserved because the north (rear) property line does not abut an actual constructed road at this time.

The general purposes and intent of the height limitations for detached accessory structures in residential zoning districts is to create some degree of uniformity for such buildings in their appearance and to maintain the character of an area.

The proposed variance to increase the height limitations is relatively minor (the request is to exceed the maximums for sidewall and door height by one foot) and the garage would sit at a slightly lower elevation than the neighboring property, which would minimize the appearance of the garage being taller than others.

2. Is the proposed use of the property reasonable?

Yes. The property owner does have the use of his existing garage, although for the use intended here, to store and protect his fish house and other items, the garage would not be tall enough. The location that is proposed allows the owner to make use of an existing driveway and concrete slab and only with the requested height variance would he be able to store the items. The added height would not appear to affect the view from the neighboring home. The proximity and impact this may have to the neighboring home to east should be considered though the variance requests may be considered reasonable from the standpoint that there is a lack of other options for the intended use.

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

Yes. The need for the variance would appear to primarily be related to the desire to make use of an existing concrete slab and the lack of sufficient door and sidewall height in the existing garage to store items that are taller and not unusual for residential landowners to have on their property

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

No. The use of the property would remain residential and very similar in character to adjacent properties. Also, the color, size and style of the building with vinyl siding and an asphalt roof is typical for this residential area.

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

No. Economic considerations do not appear to play a significant factor in the requested variance. The request is due primarily to the desire to make use of the existing concrete slab and to build the garage to a height that would allow for the storage need.

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.

City of Glenwood Regulations

153.051 LOT, YARD AND DENSITY REQUIREMENTS.

	Minimum Lot Sizes		Minimum Yard Setbacks (ft)			Minimum Site Area Per Unit (sq ft)
	Area (sq ft)	Width (ft)	Front	Rear	Side	
R-2 Urban Residential						
*Single-family dwellings	8,000	75	30	20	6	8,000
*Two-family dwellings	12,000	80	30	25	10	6,000
*Townhouses	5,000/unit	25/unit	30	30	15	5,000
*Multi-family dwellings	15,000	100	30	30	15	3,500
*Other uses	10,000	100	30	30	15	-

153.066 ACCESSORY USES.

The following provisions shall apply to accessory uses.

(D) In the R-1, R-2 and R-3 Districts:

(1) A garage, storage shed or other similar structure may only be constructed in a residential district as an accessory structure. Two adjoining lots shall only be considered a single lot if they have a single parcel identification number;

(2) No more than two accessory structures shall be permitted on a lot;

(3) Accessory structures are limited to the lesser of not more than 1,000 square feet each, or a total building coverage area for all structures of 30% of the lot. In the event the lot size is one acre or greater, the accessory structure may be greater than 1,000 square feet but not more than 5% of the lot area. Accessory structures may be no closer than 10 feet to any other structure;

(4) All accessory structures over 120 square feet in size must be constructed of material and in a style in harmony with the principal structure. No galvanized or unfinished metal, canvas fabric, plastic tarps, tar paper, rolled roofing or straw may be used to cover any structure, sidewall or roof.

(5) The sidewalls on any accessory structure or garage shall not exceed nine feet in height, allowing no larger than an eight-foot high garage door, nor shall any garage or accessory structure exceed the principal building in height. Sidewall height shall be measured from the inside finished floor elevation to the point at which the sidewall top plate adjoining the rafter; and

(6) Accessory structures 120 square feet or smaller shall not require a building permit. A zoning permit shall be required and an application showing the size of the structure, its location on the lot, and the type of construction material utilized in its construction shall be submitted to the Zoning Administrator. Accessory structures 120 square feet or smaller may be placed no closer than five feet to any rear or side lot line.

(1988 Code, ' 11.50-2) (Ord. 73, passed 5-8-2001)

Staff Comments (presented to Planning Commission):

- 1) 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.
- 2) The primary questions, in Staff's opinion, that needs to be addressed in this request, are:
 - a) If the proposed garage was not permitted because it does not meet the setback and height requirements, would the applicant lose reasonable use of their property?
 - b) Does the fact that the relevant public right of way (back alley) does not actually contain a constructed road make the decision regarding the rear setback any different?
- 3) In granting a variance, state statute (462.357, Subd. 1e (i) states that "In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions."
 - a) Does the City feel that conditions of these kinds would be appropriate?
 - b) In this case, the most relevant issue would seem to be stormwater management - to ensure that rainwater falling off the roof of the proposed garage does not negatively impact neighboring properties beyond what already occurs with the existing garage.

Date Received 3-1-18

Application for Planning Request
City of Glenwood

Street address of property: 315 3rd St. S.E. Zoning Dist. _____
Legal Description: Sec. 07 - Twp. 125 - Range 37 Lot 007 Blk 007
TT Offshoots prospect park Glenwood PID# 21-0634.000
Lot 788 Block 7

Property Owner
Name: LENN/KAREN WARVER Phone: 320-634-1922
Address: 315 3rd St. S.E. City: Glenwood State: Mn Zip: 56334

Type of Request:

(☒) Variance () Rezoning () Conditional Use Permit () Plan Review () Preliminary Plat () Final Plat () Other

Description of request 14' setback - 20' required near
10' high side wall w/ 9' door

If this request is for the construction of a structure, a building permit and drawing must also be submitted.

Existing use back yard

Is this a permitted use under the current zoning ordinance ☒ Yes ☐ No

If No, attach a copy of the conditional use permit, variance, or other document permitting use, or attach an explanation of why the use is permitted.

Has a variance, conditional use permit, or rezoning been applied for previously ☐ Yes ☒ No When _____

If and/or when the City is subject to get outside review such as legal, engineering, etc., or there are direct costs for processing the application such as publishing required notices, the costs are billed to the applicant and the applicant, by signing this request agrees to pay such fees.

The undersigned further agrees the City of Glenwood and its administrative staff relied on the accurateness of this application, plans, and specifications relative to this project and holds the City of Glenwood and its employees harmless from all liability arising from the granting of this permit.

[Signature]
Applicant Signature

2-28-18
Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:

Permit Fee: \$ _____
Variance Fee: \$ 150.00
Penalty \$ _____
Other \$ _____

Date Paid: 3-1-18

Request:
☐ Approved Date: _____
☐ Denied

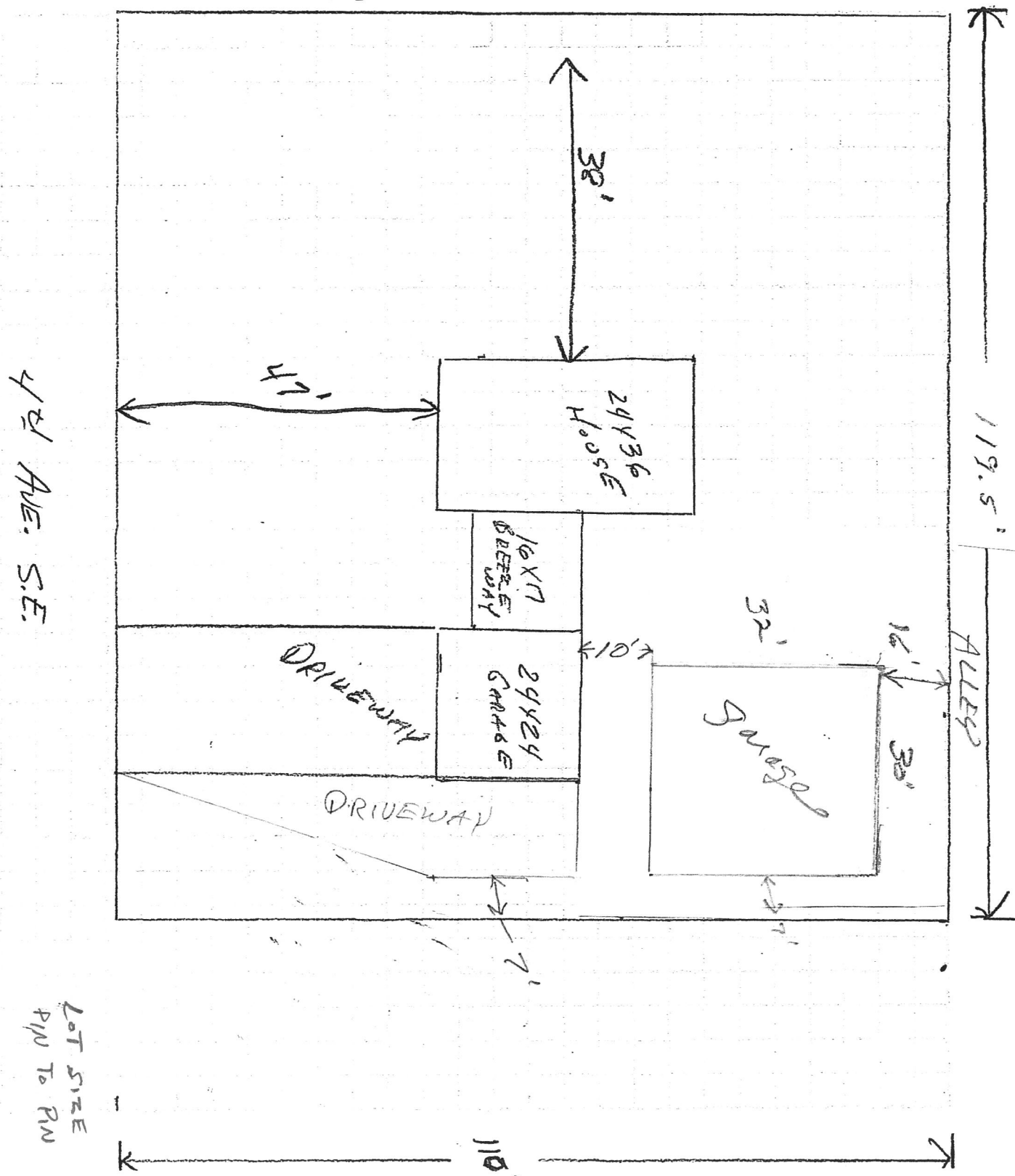
Total Permit Fee: \$ 150.00 Authorized By: _____

Planning Commission Action _____ City Commission Action _____

Signature _____ Date _____ Signature _____ Date _____

To: CITY OF GLENWOOD		Page:
Project: GARAGE		Proj. No:
Calculations for:	Prepared by:	Date:
LEON WARNER	Reviewed by:	Date:
From:	From:	Date:

315 3rd St. S.E.







PUBLIC HEARING #2

Application: Variance to construct a second level above an existing dwelling that will result in a total building height of approx. ~~2729-30~~ feet (max. 25 ft allowed). The improvements to the home will result in additional impervious coverage of approx. 184 square feet.

Applicant: Gary & Doris Loen

Background Information:

- **Proposal:** The request before the Planning Commission was a variance from the Loens to build a second story addition to their current 32'x42' home at 387 North Lakeshore Drive. The proposed addition using the same footprint would require a height variance to allow a total height measured from ground to peak of 29-30 ft where 25 feet is required. Based on the planning commission recommendation, the Loens have since submitted a revised design that would result in a total height of about 27 feet. Measured according to the definition provided in the zoning ordinance, the total height of the dwelling according to the new design is to be approximately 27 feet. While less than originally proposed, this still exceeds the standard. The ordinance does allow for two-story structures in an R-1 district, but imposes a height restriction of 25 feet.

The existing impervious coverage for the lot is a permitted nonconforming use which exceeds the maximum at 30.7 percent. Associated with his home reconstruction is a plan for a new north side entryway into the home, further from the lake and at a higher elevation than the existing east side entry. The new entry and the added roof line together add approx. 184 sq ft to the impervious coverage.

This property is located on Lake Minnewaska. Glenwood's Shoreland Regulations also apply to this request. The lower level walkout on the south side is about 60 feet from Lake Minnewaska and more than 15 feet above the OHW level so the home site meets the lake setback and elevation requirements. All other setback requirements are met.

Erosion control measures currently in place are vegetative seeding and a silt fence.

- **Location:**
 - 387 North Lakeshore Dr., Glenwood, Minnesota
 - Sec/Twp/Range: 12/125/38
 - Parcel number(s): 21-0881-001
- **Zoning:** R-1 (Urban Residential)
- **Lot size:** Approx. 16,202 sq ft according to the Pope County parcel data.
 - Existing Impervious Coverage: About 4,880 sq ft (30.7%)
 - Proposed Impervious Coverage: About 4,978 sq ft (31.3%)
- **Septic System Status:** The property is served by the city sewer system.
- **Natural Features:** Mostly grass cover for the lot. There are no trees or other natural features that would be disturbed.

Planning Commission Recommendation: The Planning Commission has unanimously recommended approval of the requested variance with the following conditions of approval:

1. That the roof pitch for the new building be reduced from 8/12 to no greater than 6/12.
2. That the total height of the dwelling shall be approximately 27 feet.

The Planning Commission discussion centered on whether the applicant has a practical difficulty that necessitates the additional height, or could find a way to reduce the overall height consistent with the

standard and still have a reasonable two-story dwelling. The owner of a neighboring property commented that the pitch of the roof as originally presented (8/12) was "not normal" for the neighborhood. The applicant, in response to these comments, has presented a revised plan that would reduce the height of the second floor and allow for a roof with a 6/12 pitch and an overall height of 27'1 1/8".

Staff had also noted during the meeting that it discovered, after the public notice had been sent, that the applicant was requesting an increase in impervious coverage of the lot. As the lot is already exceeding the maximum 25% coverage allowed (approximately 30-31% existing coverage, 31-32% proposed), this would also require a variance.

At the Planning Commission meeting, the initial determination had been that the increase in impervious coverage would be 98 square feet, which accounted for the enclosed entryway. The Planning Commission, based on that understanding, has recommended the granting of a variance to allow the additional 98 square feet.

After the meeting, based on some of the discussion that arose during the meeting, Staff reviewed the submitted plans further and discovered that there was also a roofed stoop and a 2 ft extension of the upper level over the north side of the lower level. This brings the total increase in impervious coverage to 184 square feet.

Given that the increase in impervious coverage was not noted in the initial public notices, to further increase the impervious coverage would require a separate variance and a new public notice to be sent. *The City Commission may not be able to legally grant the variance for impervious coverage without an additional public notice (it can grant a variance for the height variance, as that was legally noticed).*

Staff had recommended in its report to the Planning Commission, to address the impervious coverage issues, to remove impervious coverage elsewhere on their lot in an amount at least equal to what they are proposing to add (184 sq ft) to ensure that there is not a net increase in impervious coverage that would require a variance. It is unknown whether the Planning Commission would agree with this recommendation given the 184 sq ft of additional impervious being proposed vs the 98 sq ft increase the Planning Commission was presented with.

The recommendation from Staff to the City Commission is that no net increase in impervious coverage be allowed. If the home additions are to be allowed, the Commission can require at least an equal reduction in impervious coverage elsewhere on the lot. Since the existing impervious condition appears to be a legal nonconformity, an agreement to reduce impervious coverage as suggested can eliminate the need for a variance which may be difficult to justify. The Commission could also consider requiring additional reductions in impervious so as to more closely meet, if not meet, the 25 percent limit allowed in ordinance.

Staff would recommend one of three options for the City Commission:

- 1) Approve the height variance, with the conditions as recommended by the Planning Commission (max. 6/12 roof pitch and height of 27' 1 1/8").
- 2) Table any allowance for an increase in impervious coverage until proper legal notice is given in the newspaper and to neighboring property owners **OR** require, as an additional condition of the height variance approval, that the applicant be required to remove impervious surfaces on their lot in an amount at least equal to the amount they are proposing to add (currently approx. 184 sq ft). This will ensure that there is no net increase in impervious coverage and that a variance for impervious coverage is not needed.
- 3) Consider an additional condition of approval that would state "Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch,

erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established."

City Commission Direction: The City Commission may recommend approval of the variance requests, denial of the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should recommend approval or denial of the request, the Commission should state the findings which support either of these actions. The recommendation of the Planning Commission is to approve all requests.

Findings of Fact: Based on the recommendation of the Planning Commission, and the other factors mentioned above, Staff would recommend the following findings of fact be considered when determining whether to recommend denial, approval, or approval of the height variance:

1. Will the granting of the variance be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?

Yes. The general purposes and intent of the City's subdivision and zoning ordinances with respect to the height of structures is to provide some consistency with the residential standards for the district and the neighborhood character.

The intent of the ordinances would be preserved because the plans would allow for a second story structure, which is permitted and is reasonably consistent with other nearby lakeshore homes. Allowing the variance would appear to have minimal impact to the character of the neighborhood or the visual enjoyment of the lake, which has neighboring properties that sit at near or higher in elevation.

2. Is the proposed use of the property reasonable?

Yes. The requested variance is reasonable in that they would be adding another level of about the same height and size as is currently in place. There appear to be no other options without compromising the existing design to add another level to the home and still meet the maximum height requirements.

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

Yes. While the owner seeks to provide additional living space, the need for the height variance would appear to primarily be related to the height and placement of the existing structure and the exposed sublevel.

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

No. The use of the property would remain residential and very similar in character to adjacent properties. The second story addition would be constructed to match the style and standards used with the existing home and would sit at a lower elevation than several neighboring properties. Two story homes like this one are typical for the area and the lakeside setting.

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

No. Economic considerations do not appear to play a significant factor in the requested variance. The request is due primarily to the owners' desire to increase their living space by adding another level to their home.

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.

City of Glenwood Shoreland Use Regulations

151.36 PLACEMENT, DESIGN AND HEIGHT OF STRUCTURES.

(A) *Placement of structures on lots.*

(1) When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

(2) Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

(3) Structures shall be located as follows.

(a) *Structure and on-site sewage system setbacks (in feet) from ordinary high water level.*

<i>Public Water</i>	<i>Structures</i>		<i>Sewage Treatment System</i>
	<i>Unsewered</i>	<i>Sewered</i>	
Lake Minnewaska	75	50	50

(b) *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body:

<i>Setback From:</i>	<i>Setback (in feet)</i>
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state or county highway	50
Right-of-way line of town road, public street or other roads and streets not classified	20

(c) *Bluff impact zones.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(d) *Uses without water-oriented needs.* Commercial, industrial, public and semi-public uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(B) *Design criteria for structures.*

(1) *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

(a) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;

(b) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under these three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

(C) *Height of structures.* All structures in city residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.
(Ord. 31, passed - -1995)

' 151.39 STORMWATER MANAGEMENT.

The following general and specific standards

shall apply.

(B) *Specific standards.*

- (1) Impervious surface coverage of lots must not exceed 25% of the lot area.

City of Glenwood Zoning Code

153.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HEIGHT OF BUILDING OR STRUCTURE. The vertical distance from the average of the highest and lowest point of the portion of a lot covered by a building, to the highest point of the roof.

153.005 HEIGHT REGULATION/SOLAR ACCESS.

(A) *Height regulations.*

(1) All structures in the R-1 Suburban Residential District shall be limited to two stories plus roof or 25 feet in height. Structures in all other districts shall not exceed 35 feet in height above ground level unless approved by the City Commission.

(2) The Commission may authorize a variance to the height regulations in any district if:

(a) All front, side and rear yard depths of buildings are increased one foot for each additional foot of height; or

(b) The structure is among or similar to any of the following: television and radio towers, church spires, belfries, monuments, tanks, water towers, grain elevators, stage towers and scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyers, flagpoles, silos, air conditioning and heating units and windmills.

(3) There is no maximum height to which the Board is limited in granting the variances.

Staff Comments (presented to Planning Commission):

- 4) 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.
- 5) The primary question, in Staff's opinion, that needs to be addressed in this request is whether a denial of the height variance would result in the applicants being denied reasonable use of their property. The Commission should also discuss that the impervious coverage limit already appears to be exceeded and, at a minimum, no net increase in impervious coverage should be allowed.
- 6) In granting a variance, state statute (462.357, Subd. 1e (i) states that "In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions."
 - a) Does the City feel that conditions of these kinds would be appropriate? Particularly in ensuring that, at a minimum, no net increase in impervious coverage is allowed.
 - b) In this case, the most relevant issue would seem to be stormwater management – to ensure that rainwater falling off the roof does not negatively impact the lake.

If you have questions or concerns on the items in this report or any other issues, please do not hesitate to contact us. You can reach us by email at oleson@hometownplanning.com or by phone at 320-759-1560.

Sincerely,



Ben Oleson
Hometown Planning

Fred Sandal
Hometown Planning

Date Received 2-28-18

Application for Planning Request
City of Glenwood

Street address of property: 387 NW Lakeshore Dr Zoning Dist. R-1

Legal Description: Wuests Subd of GLI, Glenwood Pl. Lot 10 PID# 21-0881-001

Property Owner

Name: GARY LOEW Phone: 320-760-2922
Address: 320 120th Ave SE City: BENSEN State: MN Zip: 56215

Type of Request:

☒ Variance () Rezoning () Conditional Use Permit () Plan Review () Preliminary Plat () Final Plat ()
() Other

Description of request Structure Peak at 26'10"

If this request is for the construction of a structure, a building permit and drawing must also be submitted.

Existing use SINGLE Family home

Is this a permitted use under the current zoning ordinance ☒ Yes ☐ No

If No, attach a copy of the conditional use permit, variance, or other document permitting use, or attach an explanation of why the use is permitted.

Has a variance, conditional use permit, or rezoning been applied for previously ☐ Yes ☒ No When _____

If and/or when the City is subject to get outside review such as legal, engineering, etc., or there are direct costs for processing the application such as publishing required notices, the costs are billed to the applicant and the applicant, by signing this request agrees to pay such fees.

The undersigned further agrees the City of Glenwood and its administrative staff relied on the accurateness of this application, plans, and specifications relative to this project and holds the City of Glenwood and its employees harmless from all liability arising from the granting of this permit.

Gary Loew 2-28-18
Applicant Signature Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:

Permit Fee: \$ _____
Variance Fee: \$ _____
Penalty \$ _____
Other \$ _____

Date Paid: _____

Request:

☐ Approved Date: _____
☐ Denied

Total Permit Fee: \$ _____ Authorized By: _____

Planning Commission
Action _____

City Commission

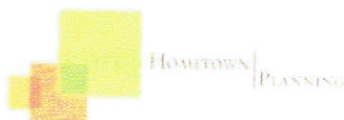
Action _____

Signature

Date

Signature

Date



Permit Application Form - INTERNAL ONLY

Glenwood MN

Date of Application

3/20/2018



Choose your community: *

Glenwood MN



Do you already have an address assigned to your property?

Yes



Property Address *

387 N. Lakeshore Dr.

Street address for your project. Need help? Click on website link to right. If you don't have an address already, enter "None"

[Pope County Interactive Mapping Site](#) (use search tab at top of screen to find your property)

Primary Tax Parcel ID (Glenwood): *

21-0881-001

Tax Parcel ID can be found on your property tax statement. Enter dashes when shown in example. Need help? Click on website link to right.

Other Parcel Numbers (if applicable):

Enter any other Parcel IDs associated with your project (if applicable). Need help? Click on website link to right.

Will your project be within 1000 feet of a lake? *



Permit Application Form - INTERNAL ONLY

Property Owner Information

Enter the name of the property owner. If the applicant is different than the property owner, you will be able to enter that information below.

Property Owner Is: *

Legal Entity



Legal Entity Name *

GARY D and DORIS A LOEW

Property Owner Mailing Address: *

320 20th Av. SE.

Address Line 2

Benson

City/County



56215

Property Owner Preferred Phone:

(320) 760-2922

Property Owner Secondary Phone:

(320) 760-7198

Property Owner Email:

gl@loenelectric.com

By providing an e-mail address, we will be able to send you a copy of your completed permit application and an opportunity to sign your permit electronically rather than having to sign in person or by scan/fax. We do not sell e-mail addresses.

Primary Applicant Information

Enter the name of the permit applicant/main contact in relation to this application.

Primary Applicant is: *

Other



If applicant is not the legal owner, the legal owner may be required to sign the application.

2

Primary Applicant Name:

Loen

Gary

Doris

OR

Primary Applicant Legal Entity Name

Primary Applicant Mailing Address: *

320 20th Av SE

Address Line 2

Benson

Delaware



56215

Primary Applicant Preferred Phone: *

(320) 760-2922

Primary Applicant Secondary Phone:

(320) 760-7198

Primary Applicant Email:

gl@loenelectric.com

Other Applicants

If there are multiple applicants, please enter each one separately.

✦ Applicant 1

Name

Title

First

Last

OR

Legal Entity Name

If applicable

Address

Address Line 1

Address Line 2

City

State



Zip Code

**Preferred
Phone**

**Secondary
Phone**

Email

 Add Applicant

Back

Next

Save



Permit Application Form - INTERNAL ONLY

Type of Application: *

Variance



Select one

Type of Variance (choose all that apply):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Lake or River Setback | <input type="checkbox"/> Rear Yard Setback | <input type="checkbox"/> Side Yard Setback | <input type="checkbox"/> Road Setback |
| <input type="checkbox"/> Bluff Setback | <input type="checkbox"/> Septic System Setback | <input type="checkbox"/> Building or Impervious Coverage | |
| <input type="checkbox"/> Accessory Building Size or Roof Pitch | <input checked="" type="checkbox"/> Height of Structure | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Undersized Lot |
| <input type="checkbox"/> Appeal of Staff Interpretation | <input type="checkbox"/> Other | | |

Describe your proposed project: *

Add a 2nd story addition, same size as the 1st floor
Add a 7ft. x 14ft front Entry on north side of house

Anticipated Project Start Date:

4/23/2018



Anticipated Project Completion Date:

5/11/2018



FLOOD INSURANCE NOTICE: If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property.

INCOMPLETE APPLICATIONS: Incomplete applications, as determined by the Zoning Administrator, will not be accepted or scheduled for a hearing. It is recommended that you work with the Zoning Administrator well before the application deadline to ensure that you have all required information so as to avoid delays in the hearing of your application:



Permit Application Form - INTERNAL ONLY

Variance Applicants: By state law, the applicant needs to show that they have met the following criteria to obtain a variance. Provide answers to as many as you are able (leave blank if you are unsure how to answer) and be aware that the Board of Adjustment will need to find that you have met all of the criteria for your request to be approved.

Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the applicable ordinance requirement:

We believe by adding a 2nd story we minimize the structure change covering our lot to only 98 sq/ft. (new north entrance). The home roof peaks, to our immediate west, are near equal height and the 2nd west is higher.

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

We would like to relocate our east entrance to a north entrance. The north half of our house was built 4ft into the sloping lot towards the lake. As a result, the east entrance has (4) exterior steps built into the ground with a containment wall, which has flooded into the house during a heavy rain, in the past 2 yrs.

Describe what factors contribute to the need for the variance that are not in your control:

There is nothing, not in our control. but we are adding a 2ft floor truss between the 2 floors to accommodate all new duct work, plumbing and electrical, which adds more height.

Describe whether your project would substantially change the character of the neighborhood or be a detriment to nearby properties:

We think it would compliment our neighborhood, in particular, the property to our west, which is presently being remodeled. much like ours.

Describe why it is not feasible for your project to meet the minimum requirements of the ordinance and what options you explored to minimize the variance necessary:

As written above, we would like to add a 2ft. floor truss between the 2 floors, so we could have a place to install HVAC ductwork, plumbing and electrical. Our lot is not as feasible to add on a same floor addition. By adding a second floor addition for. we have

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?

I guess, we feel it wouldn't affect the environmental quality of the area. Some of the structures have similar height and roof pitch.

Describe why you believe the granting of the variance would be consistent with the Comprehensive Plan.

It gives us the most sq. ft. for 2 bedrooms and 1 bathroom and family room, with the least change to the structural footprint covering the lot

Proposed Structure(s)

Enter each structure separately (i.e. an attached garage or deck/porch separately from the main house). Enter as much information as you have available (note that some information not provided may be required before an approval can be issued)

✖ Structure 1

Type of Improvement

Addition to Existing Building or Structure ▼

Type of Structure

Residential Dwelling ▼

Use of Structure

Residential ▼

Type of Foundation

Structure Height

No. of Stories

Walkout Basem ▼

29 ft

2

Do not include crawl spaces or basements.

Dimensions

32 x 42

Enter in length/width or square feet

Roof Pitch of New Structure

8in12 ▼

If roof has multiple pitches, enter the steepest pitch.

Eaves Wider Than 2 Feet?

No ▼

Elevation of Lowest Floor/Crawlspace

Our walkout floor appears to be 15-20' above LAKE level

Structures located within a floodplain or shoreland areas may be subject to minimum elevation requirements. Detailed elevation information may be required before a permit can be issued.

+ Add Structure

Adding Bedroom (s)?

Yes ▼

Adding a Second Story or Basement?

Yes ▼

Number of Bedrooms (after project completed)

3

Type of New Story

Upper Floor

New Upper Floor/Loft, New Basement, or Both

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Permit Application Form - INTERNAL ONLY

Impervious/Lot Coverage

Your property is limited in how much of the property can be covered with buildings and other impervious (hard) surfaces.

The percentage of your lot that may be covered depends on the size of your lot and the zoning district in which it is located. For more information, contact the Zoning Administrator.

Impervious surfaces are any hard surface that sheds water, including, but not limited to, buildings, gravel or paved driveways, sidewalks, patios, decks or any landscaped area with plastic weed barrier.

You will need to attach to your application a listing of your estimate of impervious coverage on the lot if you will be close to these limits. If the percentages appear to be within about 1 percentage point of these limits, you will likely be required to submit a survey of your impervious surfaces and lot boundaries from a professional surveyor.

Impervious Surface Status:

Available within the boundary of the lot. The lot is not covered by any impervious surface. 

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Permit Application Form - INTERNAL ONLY

Erosion/Sediment Control and Stormwater Management

Will your project expose soil to erosion during construction (from use of construction equipment, digging, grading, open trenching, etc.)? *

Yes



Total Area To Be Exposed

Under 400 square feet



Do not include areas exposed for the foundation of any structure or buildings, but do include areas around the foundation.

How many square feet do you estimate exactly?

162 SF

Does not necessarily need to be exact, but please provide as much detail as you can. In some cases, detailed calculations will be necessary.

Will the project involve grading, digging or some other form of altering the landscape (not including building pad/basement excavation or driveway construction)

No



Temporary Erosion/Sediment Control Method:

Silt Fence

Permanent Erosion/Sediment Control Method:

Seeding

Describe what you will be doing to prevent erosion during construction (e.g. silt fence, straw, mulch, erosion blanket, biorolls, berm, temporary sediment basin, etc.)

Describe what you will be doing to revegetate or stabilize any disturbed areas after construction is complete (e.g. sod, seeding, hydroseeding, etc.)

Will the project be likely to direct more water/runoff to a neighboring property, a public right of way or water body than occurred previously?

No



Will you be installing some kind of permanent stormwater management practice on your property with this project?

No



For example, a rain garden, rain barrels, vegetated swale, check dam, permanent infiltration/detention basin, etc.

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Save

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CARLY LOON
387 N. Lake Shore Dr
Glenwood, MN

4-4-18

$\frac{12}{76}$ RICH

ADD 16" TO DIMS

Anderson Lumber - Benson, MN
Paul Anderson
380-815-5102 cell
320-843-3415 office

TOP OF BASEMENT SLAB TO PEAK 9' CEILING

29'-0 1/8"

TOP OF BASEMENT SLAB TO PEAK 8' CEILING

28'-0 1/8"

TOP OF FOUNDATION TO PEAK 9' CEILING

25'-4 1/8"

TOP OF FOUNDATION TO PEAK 8' CEILING

24'-4 1/8"

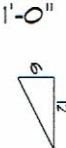
3'-8"

12'-5 1/4"

6'-5 1/4"

6'-10 1/8"

2"x8" FLOOR JOISTS 16" O.C.
FOAM THIS AREA OF FLOOR JOISTS
MIN. R-21
CRAWL SPACE
4" CONC. FLOOR IN CRAWL SPACE



16'-0"

2ND FLOOR NEW

NEW 14" FLOOR TRUSSES TO BE PLACED
DIRECTLY ABOVE EXISTING 2"x10"

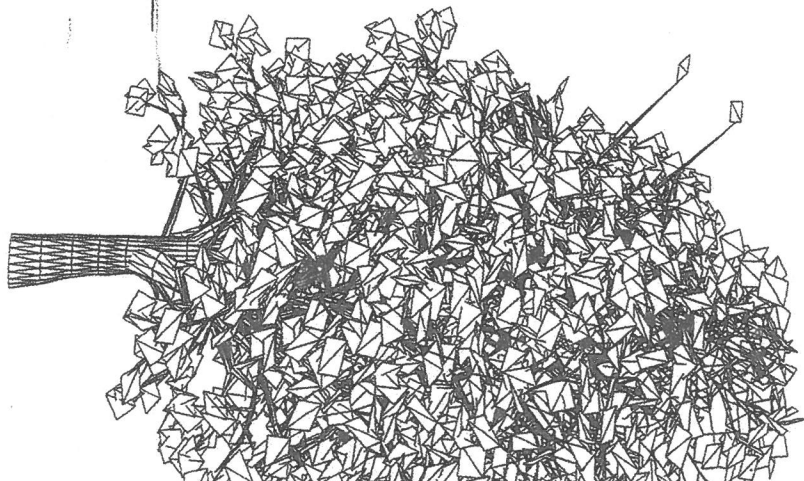
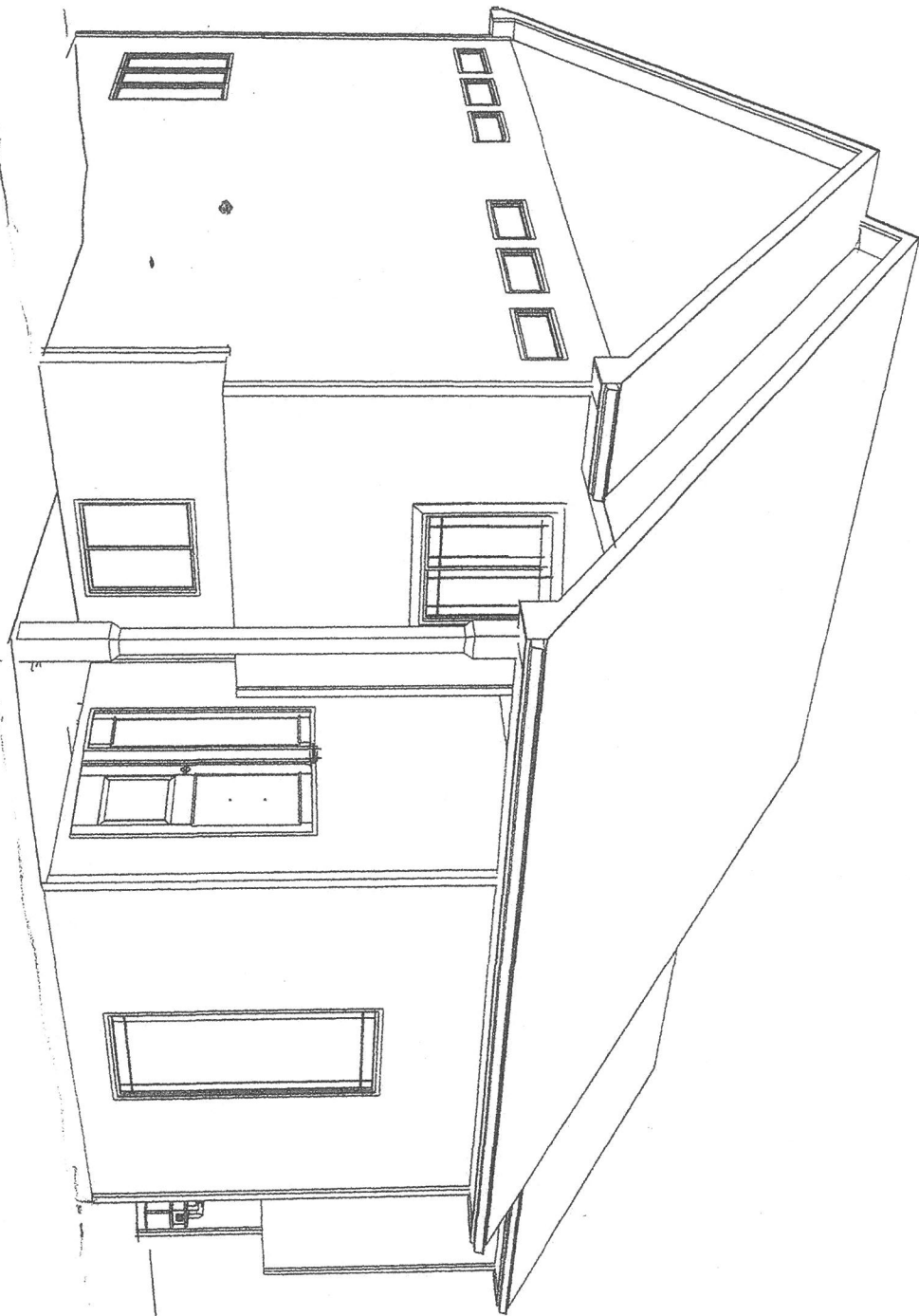
EXISTING LOWER LEVEL

7'-3 1/2"

7'-3 1/2"

24"x8" FOOTING WITH (2) 1/2" REBAR
2" OF FOAM R-10 WITH DRIP AND GROUND BREAKER

WALL CONGT:
1/2" SHEETROCK
4 MIL VAPOR BARRIER
2"x6" STUDS 16" O.C.
R-21 FIBERGLASS INS.
7/16" OSB SHEATHING



81-72-C

LOEN

