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# CITY OF GLENWOOD

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## PLANNING COMMISSION/ BOARD OF ADJUSTMENT

MEETING PACKET FOR  
**April 3, 2017**





## PLANNING COMMISSION MEETING

MONDAY, APRIL 3, 2017

4:30 P.M.

**PLEASE NOTIFY CITY HALL IF UNABLE TO ATTEND**

### AGENDA

#### CALL TO ORDER

#### APPROVAL OF MINUTES– March 6, 2017

#### NEW BUSINESS

- A. **Variance 2017-02** – Mark and Jane Murphy are requesting a variance to install a patio and enlarge their driveway and sidewalk on their property located at 440 1<sup>st</sup> Avenue SE. Currently the property is 29.7% impervious. With the addition, the property is proposed to be 37.1% impervious. Maximum allowed by City Zoning Code is 30%. The property is zoned R-1 (Suburban Residential).
- B. **Variance 2017-03** – Glenwood Plaza has requested a variance to add a 24' x 26' garage to their property located at 470 7<sup>th</sup> Avenue SE. The proposed addition would be constructed at a 3' front yard setback where 30' is required. The 3' setback is proposed for the north side of the building, adjacent to 7<sup>th</sup> Avenue SE. Currently a portion of the building encroaches into the 30' front yard setback area. The property is zoned R-1 (Suburban Residential).
- C. **Variance 2017-04** – Greg and Denise Stoen have requested a variance to add a porch on their home located at 244 1<sup>st</sup> Avenue SW. The proposed addition would be constructed at a 15' front yard property setback where 30' is required. The property is zoned R-3 (Multiple Residential).
- D. **Conditional Use Permit 2017-01**– Greg and Denise Stoen have requested a Conditional Use Permit to operate a short term rental operation at their property located at 244 1<sup>st</sup> Avenue SW. The property is zoned R-3 (Multiple Residential).
- E. **Re-Zone 2017-01**– Pope County HRA has submitted a request to re-zone vacant property from B-1 (Community Business) to R-3 (Multiple Residential). The property, located south and east of Midwest Machinery, is proposed to become the site of a 32 unit apartment complex.
- F. **Preliminary Plat**– Pope County HRA has submitted a request for Preliminary Plat Approval of The Ridge, a site proposed for a 32 unit apartment complex.



**OLD BUSINESS**

**ADJOURN**



## STAFF REPORT

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**Application:** Variance to install a patio and enlarge their driveway and sidewalk on their property.

**Applicant:** Mark and Jane Murphy

**Property Owner:** Mark and Jane Murphy

**Agenda Item:** 20017-02

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### Background Information:

) **Proposal:** The applicant is proposing to install a patio and enlarge their driveway and sidewalk on their property. Currently the property is 29.7% impervious. With the addition, the property is proposed to be 37.1% impervious. The maximum allowed by the City Zoning Code is 30%.

) **Location:**

- o Property address: 440 1st Avenue SE, Glenwood, Minnesota
- o Sec/Twp/Range: 7/125/37
- o Parcel number(s): 21-0592-000

) **Zoning:** R1 - Suburban Residential

) **Lot size:** Approx. 6,435 sq ft according to provided survey/site plan.

Existing Impervious Coverage: About 1,909 sq ft (29.7%)

Proposed Impervious Coverage: About 2366, sq ft (36.8%)

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### Applicable Statutes/Ordinances:

#### Minnesota Statutes

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#### **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**

(F) Board of Adjustment. The Board of Adjustment shall be the City Commission. It shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, take testimony under oath and render decisions in writing. A fee shall be charged in accordance with a schedule as determined from time to time for any appeal filed with the Board of Adjustment.

(1) The Board of Adjustment shall have the power to hear and decide appeals from any other requirement, decision, grant or refusal made by the Zoning Officer in the administration of this chapter.

An appeal shall be in writing and filed in duplicate with the Zoning Officer. Within ten days after filing of the appeal, the Zoning Officer shall transmit to the Board of Adjustment all papers involved in the proceedings. Upon receipt of the appeal from the Zoning Officer, the Board of Adjustment shall set a hearing date and give notice by mail of the time, place and purpose thereof to the appellant and to the Zoning Officer. The Board of Adjustment may reverse or affirm wholly or in part any ruling, decision or determination and may issue or direct the issuance of a permit.

(2) The Board of Adjustment, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purpose of this chapter. A variance may be permitted if all the following requirements are met.

(a) Literal enforcement of this chapter would result in undue hardship because of particular physical surroundings, shape or topographic conditions of



the specific parcel as distinguished from a mere inconvenience, if the regulations were to be carried out.

(b) The unnecessary hardship results from circumstances unique to the parcel of land for which the variance is sought and applicable, generally, to other property with the same zoning classification.

(c) The hardship is caused by provisions of this chapter and is not the result of actions of persons presently or formerly having an interest in the parcel of land.

	<i>Maximum Coverage (%)</i>	<i>Minimum Usable Open Space (%)</i>	<i>Density* (Units)</i>
<i>R-1 Suburban Residential</i>			
Single-family dwellings	30	40	3.5
Two-family dwellings	30	40	3.5
Other uses	30	40	3.5

### Staff Comments

The Planning Commission should consider the necessity of this variance if it chooses to grant it. As it says in Title XV of the Glenwood Zoning Code, it must be demonstrated that “. . . the unnecessary hardship results from circumstances *unique* to the parcel of land for which the variance is sought and applicable, generally, to other property with the same zoning classification.” It needs to be demonstrated whether the characteristics of this particular property result in an unnecessary hardship.

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 should 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.

The primary criteria, in Staff’s opinion, that needs to be addressed in this case, are 1) whether a denial of the variance would cause the property owner to lose reasonable use of their property; and 2) whether the applicant created the situation that leads to the variance being requested. In other words, 1) if the proposed garage addition were not permitted because it does not meet the required setback, would the applicant lose reasonable use of their property and 2) did the applicant create the situation that makes it not possible to meet the required setback.



Date Received 3/6/17

Application for Planning Request V-2017-02  
City of Glenwood

Street address of property: 440 1st Ave SE Zoning Dist. R-1

Legal Description: \_\_\_\_\_  
PID# 21-0592-000

Property Owner  
Name: Mark and Jane Murphy Phone: 479 981-0833  
Address: 440 1st Ave SE City: Glenwood State: MN Zip: 56334

Type of Request:  
( ) Variance ( ) Rezoning ( ) Conditional Use Permit ( ) Plan Review ( ) Preliminary Plat ( ) Final Plat ( ) Other

Description of request Increase impervious to 37.1%  
current impervious 29.7%

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

Existing use residential

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.

Mark Murphy 3/6/17  
Applicant Signature Date

**FOR OFFICE USE ONLY.**

Permit Fee Schedule:

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

Total Permit Fee: \$ \_\_\_\_\_

Date Paid: 3/6/17

Request:  
☐ Approved Date: \_\_\_\_\_  
☐ Denied

Authorized By: \_\_\_\_\_

Planning Commission  
Action \_\_\_\_\_

City Commission  
Action \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



## ADDENDUM TO VARIANCE APPLICATION

1. What facts and conditions demonstrate that the property cannot be put to a reasonable use without the variance? Size of lot

One car garage and drive

South end of home near porch is Attached  
needs to be retained of dirt and landscaped  
to correct water issues (see Attached pictures)

2. State your reasons for believing your situation is due to circumstances unique to the property and not caused by the landowner:

Size of lot

A two car drive will allow for two  
cars to be off of Street.

the Slope of the lot particularly at  
the south end of home

3. State your reasons for believing that the variance, if granted, will not alter the essential character of the locality:

we will improve the character of  
the property

Patio will give it character and improve  
water run off and water issues at south end  
of home by the way it will be landscaped.  
and will give us out only Flat area on the  
property

Location of extended drive will fit into  
property and not alter look.

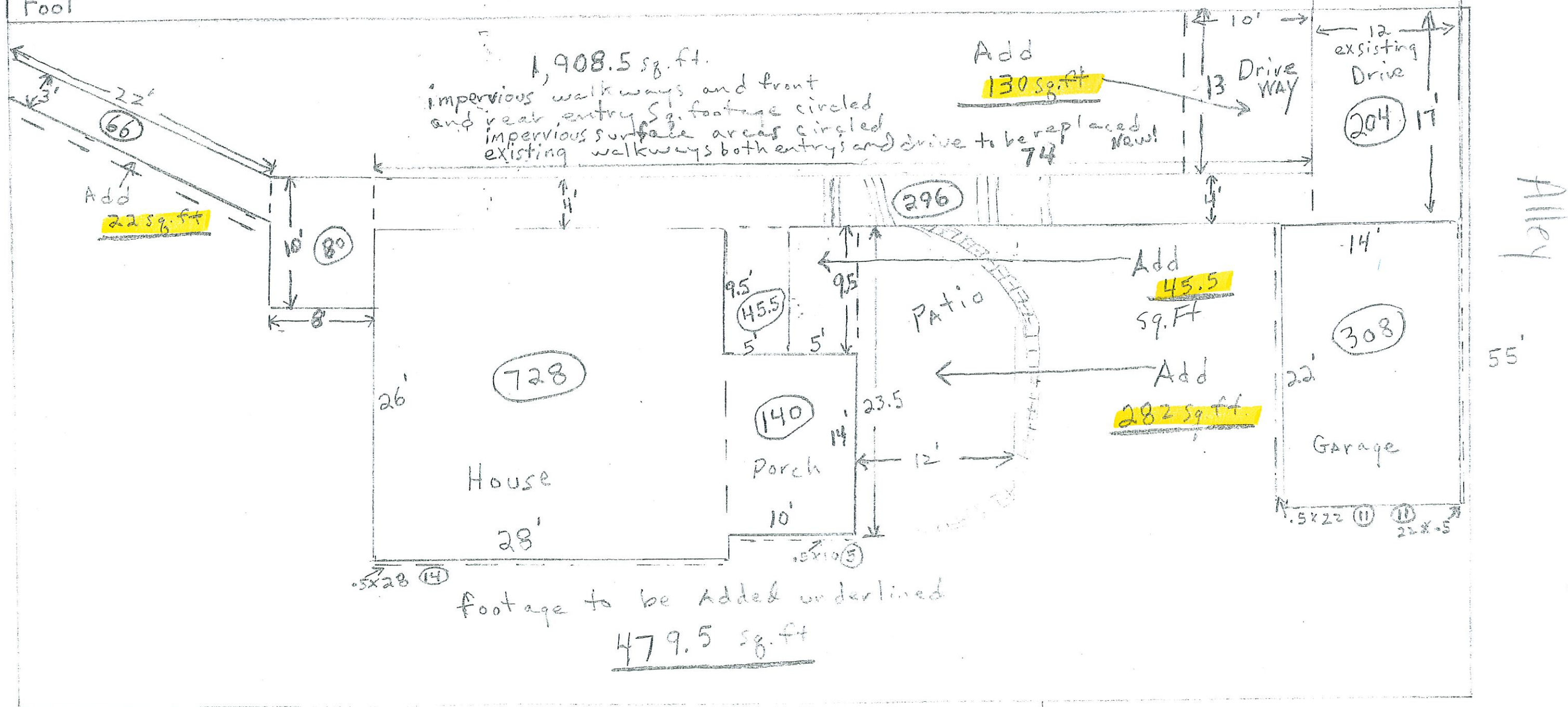
All impervious surface to be removed and replaced new



1440 1st Ave S.E.  
 Glenwood Mn. 56334  
 Submitted by MARK AND JANE MURPHY  
 $\frac{1}{8}'' = 1 \text{ Foot}$

5th Street SE

1st Ave SE



REMARKS:  
 extra driveway footage would Allow us to get two cars off street.

Patio footage Allows us a flat area outdoors (entire lot slopes) this work in the Area around our porch will solve water issues in Area as well

Add Footage  
 Sidewalk  
 Patio  
 Porch Area  
 Driveway

22  
 282  
 45.5  
 130

479.5 total impervious sq. ft.

Lot 117 x 55

existing impervious

footage we would like to Add

6,435 sq. ft.

1,908.5 sq. ft.

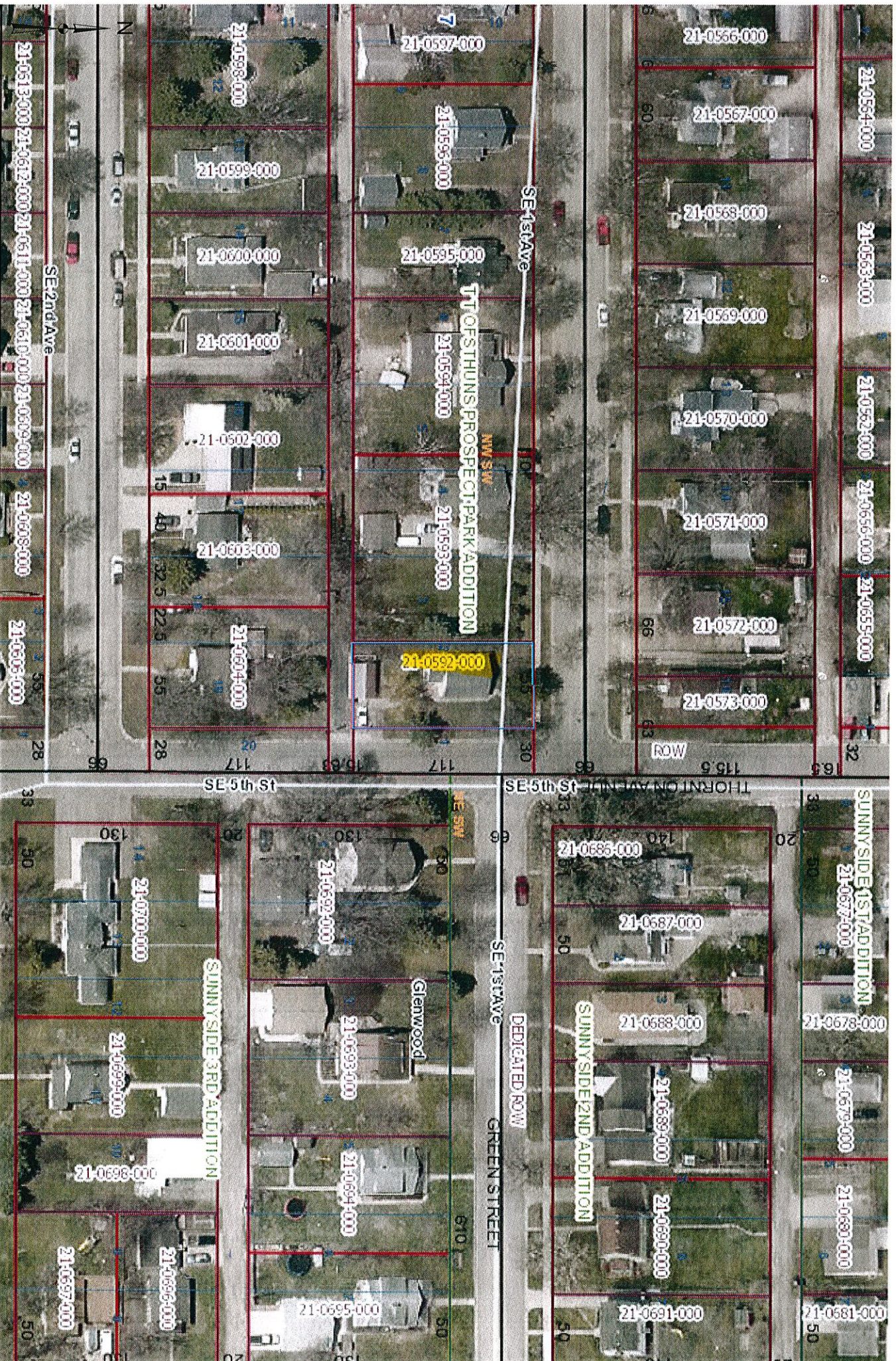
479.5 sq. ft.

2,388 sq. ft.

29.7%

37.1%





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

**Murphy Variance**

April 2017

1:983

**Pope County**

**Minnesota**

Date: 3/16/2017

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.



## STAFF REPORT

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**Application:** Variance to allow a 3 foot setback from a front lot line.

**Applicant:** Glenwood Plaza

**Property Owner:** Glenwood Plaza

**Agenda Item:** New Business - B

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### Background Information:

) **Proposal:** Glenwood Plaza has requested a variance to add a 24' x 26' garage to their property located at 470 7th Avenue SE. The proposed addition would be constructed at a 3' front yard setback where 30' is required. The 3' setback is proposed for the north side of the building, adjacent to 7th Avenue SE. Currently a portion of the building encroaches into the 30' front yard setback area.

) **Location:**

- o 470 7th Avenue SE
- o Sec/Twp/Range: 7/125/37
- o Parcel number(s): 21-2010-024

) **Zoning:** R1 - Suburban Residential

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### Applicable Statutes/Ordinances:

#### Minnesota Statutes

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#### 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**

#### **153.008 ADMINISTRATION AND ENFORCEMENT.**

##### **(F) Board of Adjustment.**

(2) The Board of Adjustment, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purpose of this chapter. A variance may be permitted if all the following requirements are met.

- (a) Literal enforcement of this chapter would result in undue hardship because of particular physical surroundings, shape or topographic conditions of the specific parcel as distinguished from a mere inconvenience, if the regulations were to be carried out.
- (b) The unnecessary hardship results from circumstances unique to the parcel of land for which the variance is sought and applicable, generally, to other property with the same zoning classification.
- (c) The hardship is caused by provisions of this chapter and is not the result of actions of persons presently or formerly having an interest in the parcel of land.
- (d) The proposed variance observes the spirit and intent of this chapter, produces substantial justice and will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the specific parcel of land.
- (e) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion of the public streets, or increase the danger of or from fire, or otherwise endanger the public health, safety or welfare, and is consistent with the City Land Use Program.



' 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-1 Suburban Residential						
*Single-family dwellings	10,000	75	30	20	6	10,000
*Two-family dwellings	15,000	80	30	25	10	7,500
*Other uses	15,000	80	30	30	15	7,500

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**Staff Comments:**

- ) 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 should 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.
- ) The primary criteria, in Staff’s opinion, that needs to be addressed in this case, are 1) whether a denial of the variance would cause the property owner to lose reasonable use of their property; and 2) whether the applicant created the situation that leads to the variance being requested. In other words, 1) if the proposed garage addition were not permitted because it does not meet the required setback, would the applicant lose reasonable use of their property and 2) did the applicant create the situation that makes it not possible to meet the required setback.
- ) Staff is researching the history of this property to help answer the above questions.



Date Received 3/10/17

Variance 2017-03

Application for Planning Request  
City of Glenwood

Street address of property: 470 SE 7<sup>th</sup> St. Zoning Dist. R-1

Legal Description: SECT-07 TWP-125 Rang-37 B1K-004 Brook Park  
Addition, Glenwood PT Block 4 Glenwood Plaza PID# 21-2010-024  
Unit 420

Property Owner

Name: GLENWOOD PLAZA Phone: 320-634-5760

Address: 719 2nd St. S.E. City: Glenwood State: MA Zip: 56334

Type of Request:

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

Description of request Requesting a 12' variance for a 24'x26'  
garage where it will be 3' from property line  
This area/type has a 30' setback

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

Existing use Residential, just extending garage on  
same angle & footprint

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 Not on this unit other units are right on property line

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.

Todd E. Becker Dir of photog 3/10/17  
Applicant Signature Glenwood Village Cae Center Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:

Permit Fee: \$ #55376  
Variance Fee: \$ 150.00  
Penalty \$ 1  
Other \$ 1

Date Paid: 3/10/17

Request:

☐ Approved Date:                       
☐ Denied

Total Permit Fee: \$                     

Authorized By:                     

Planning Commission  
Action                     

City Commission  
Action                     

Signature

Date

Signature

Date



## ADDENDUM TO VARIANCE APPLICATION

1. What facts and conditions demonstrate that the property cannot be put to a reasonable use without the variance?

we are within 3' of property line & there is a 15' setback current garage is too small to accommodate all of residents belonging here, cars, ect. Resident has lived there since unit was built in 1987 good resident neighbor, community person & has expressed that he may move if we cannot build attached garage we are asking for variance to keep buildings in line with existing for better look on property

2. State your reasons for believing your situation is due to circumstances unique to the property and not caused by the landowner:

there is room to expand east to west without infringing on any views by neighbors current garage too small old concrete retaining wall failing so the new garage would fix both problems

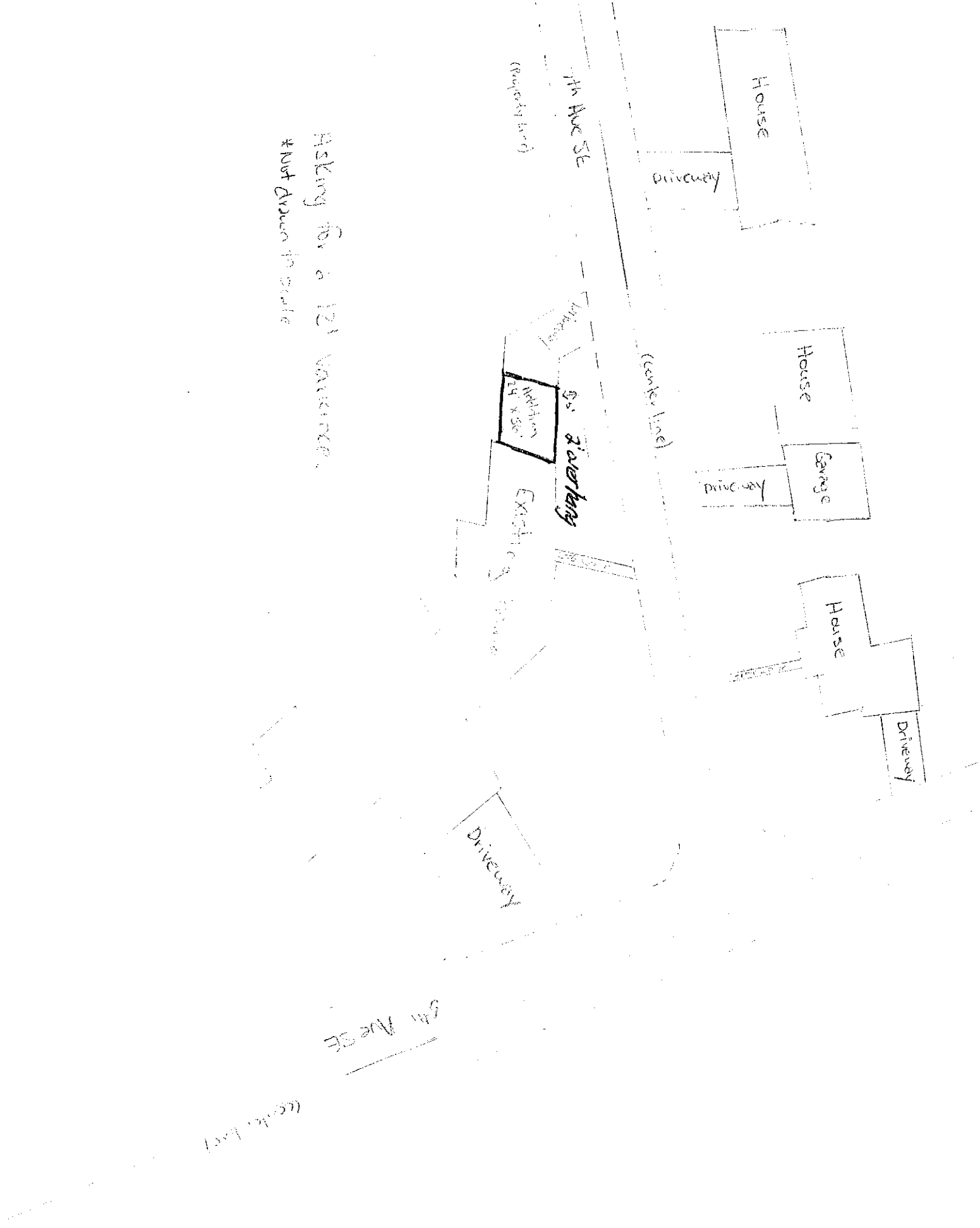
If garage was built to south to meet 15' setback it would not tie in to existing well & would look out of place & much more expense

3. State your reasons for believing that the variance, if granted, will not alter the essential character of the locality:

The garage would follow existing garage and outline of existing house 24' wide 26' long / so looks would not change, would use same siding as existing to match outside aesthetics would not infringe on any views of neighbors relative of existing structures to North & South



Asking for a 12' variance.  
\*Not drawn to scale



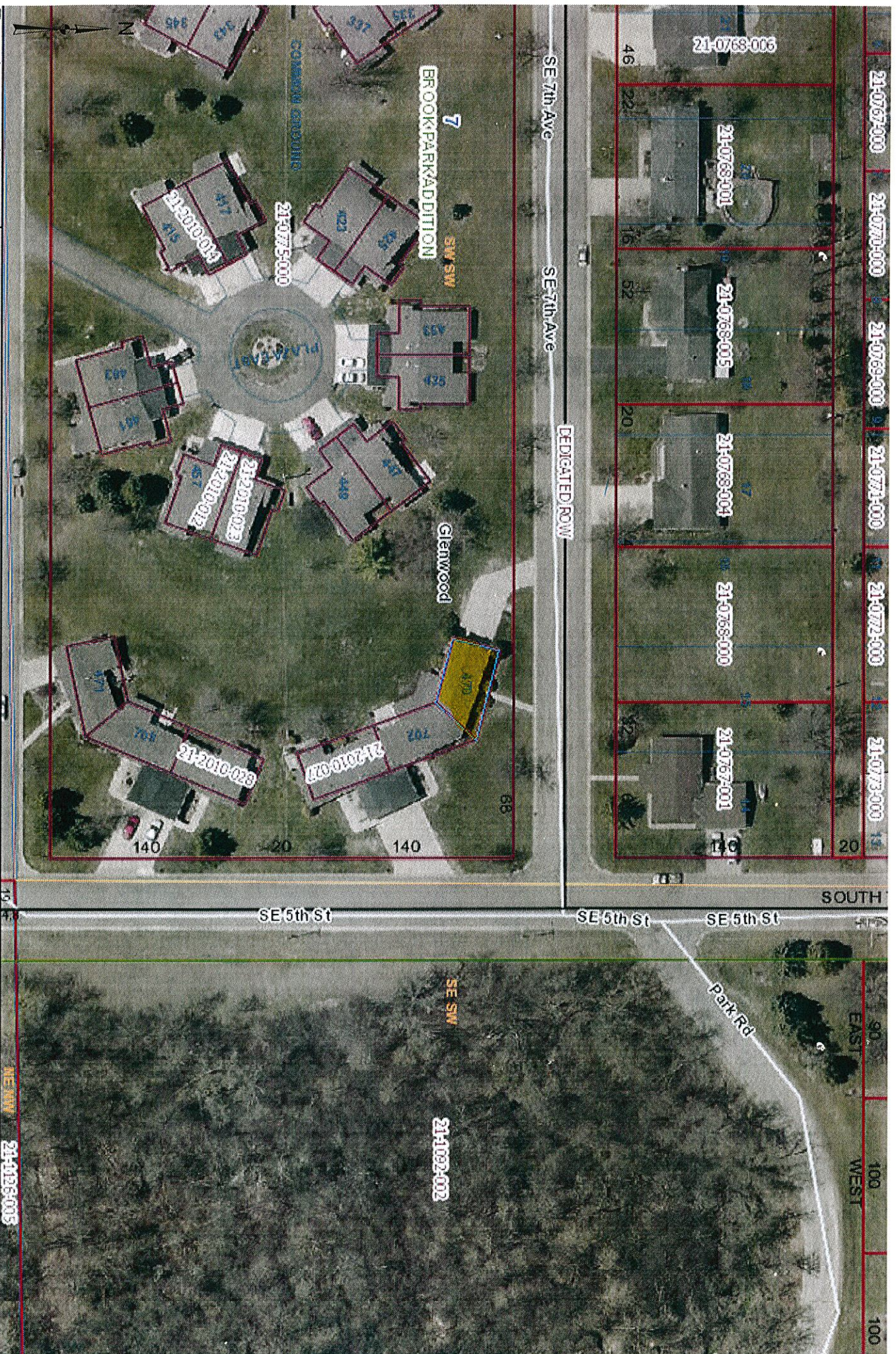


<h1 style="text-align: center;">Glenwood Plaza Variance</h1> <p style="text-align: center;">April 2017</p>		<div style="text-align: center;"> Pope County  <u>Minnesota</u> </div>
1:983		
<p>This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.</p>		
<p style="text-align: right;">Date: 3/13/2017</p>		

Pope County

Date: 3/13/2017

Minnesota





## STAFF REPORT

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**Application:** Variance to allow a covered patio addition 15 feet from the front lot line (30 ft required) and 7 feet from a side lot line (10 feet required).

**Applicant:** Greg and Denise Stoen

**Property Owner:** Greg and Denise Stoen

**Agenda Item:** 2017-04

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### Background Information:

) **Proposal:** Greg and Denise Stoen have requested a variance to add a porch on their home located at 244 1st Avenue SW. The proposed addition would be constructed at a 15' front yard property setback where 30' is required.

) **Location:**

- 244 1st Avenue SW, Glenwood, Minnesota
- Sec/Twp/Range: 12/125/38
- Parcel number(s): 21-0336-000

) **Zoning:** R-3 (Multiple Residential)

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### Applicable Statutes/Ordinances:

#### Minnesota Statutes

#### 462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

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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.

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(1) The Board of Adjustment shall have the power to hear and decide appeals from any other requirement, decision, grant or refusal made by the Zoning Officer in the administration of this chapter.

An appeal shall be in writing and filed in duplicate with the Zoning Officer. Within ten days after filing of the appeal, the Zoning Officer shall transmit to the Board of Adjustment all papers involved in the proceedings. Upon receipt of the appeal from the Zoning Officer, the Board of Adjustment shall set a hearing date and give notice by mail of the time, place and purpose thereof to the appellant and to the Zoning Officer. The Board of Adjustment may reverse or affirm wholly or in part any ruling, decision or determination and may issue or direct the issuance of a permit.

(2) The Board of Adjustment, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purpose of this chapter. A variance may be permitted if all the following requirements are met.

(a) Literal enforcement of this chapter would result in undue hardship because of particular physical surroundings, shape or topographic conditions of the specific parcel as distinguished from a mere inconvenience, if the regulations were to be carried out.

(b) The unnecessary hardship results from circumstances unique to the parcel of land for which the variance is sought and applicable, generally, to other property with the same zoning classification.



(c) The hardship is caused by provisions of this chapter and is not the result of actions of persons presently or formerly having an interest in the parcel of land.

(d) The proposed variance observes the spirit and intent of this chapter, produces substantial justice and will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the specific parcel of land.

(e) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion of the public streets, or increase the danger of or from fire, or otherwise endanger the public health, safety or welfare, and is consistent with the City Land Use Program.

' 153.036 CONDITIONAL USES.

The City Commission may authorize conditional uses as specified below and uses similar in nature which are compatible with the character of the district, if all of the conditions and provisions of this chapter are met.

(C) R-3 Multiple Residential:

(1) Permitted uses:

- (a) Townhouses;
- (b) Multiple-family dwellings;
- (c) Public and parochial schools;
- (d) Public parks and playgrounds; and
- (e) Churches.

(2) Conditional uses:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Nursing homes;
- (d) Hospitals and clinics;
- (e) Public utility buildings;
- (f) Public buildings;
- (g) Private clubs and schools;
- (h) Planned unit development;
- (i) Charitable institutions; and
- (j) Congregate housing.



153.051 LOT, YARD AND DENSITY REQUIREMENTS.

	<i>Minimum Lot Sizes</i>		<i>Minimum Yard Setbacks (ft)</i>			<i>Minimum Site Area Per Unit (sq ft)</i>
	<i>Area (sq ft)</i>	<i>Width (ft)</i>	<i>Front</i>	<i>Rear</i>	<i>Side</i>	
<i>R-3 Multiple Residential</i>						
*Single-family dwellings	8,000	75	30	20	10	8,000
*Two-family dwellings	12,000	80	30	25	15	6,000
*Townhouses	5,000/unit	25/unit	30	30	15	4,000
*Multi-family dwellings	25,000	100	30	30	15	2,600
*Other uses	5,000	50	30	30	15	-

Comments:

1. Impact on view of lake.
2. Others on same block are not as close as 15 feet from front lot line; Stoen's are about as close as anyone right now.
3. Neighbor comments/concerns.



Date Received 3-14-17

Application for Planning Request  
City of Glenwood

Variance 2017-04

Street address of property: 244 1st Avenue SW Zoning Dist. R-3

Legal Description: \_\_\_\_\_ PID# 21-0336-000

Property Owner Denise C. Stoen  
Name: Gregory R. Stoen Phone: 320-293-5918 home  
320-760-8102 cell

Address: 29654 130th Street City: Glenwood State: MN Zip: 56349

Type of Request:

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

Description of request see attached

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

Existing use \_\_\_\_\_

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.

Denise Stoen  
Applicant Signature

3/14/2017  
Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:

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

Total Permit Fee: \$ \_\_\_\_\_

Date Paid: 3/14/17 - # 5726

Request: \_\_\_\_\_  
\_\_\_\_ Approved Date: \_\_\_\_\_  
\_\_\_\_ Denied

Authorized By: \_\_\_\_\_

Planning Commission  
Action \_\_\_\_\_

City Commission  
Action \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_



*done & attached*

### **ADDENDUM TO VARIANCE APPLICATION**

1. What facts and conditions demonstrate that the property cannot be put to a reasonable use without the variance? \_\_\_\_\_

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2. State your reasons for believing your situation is due to circumstances unique to the property and not caused by the landowner:

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3. State your reasons for believing that the variance, if granted, will not alter the essential character of the locality:

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We would like to request to add a 7' open porch at ground level on the front of the house at 244 1<sup>st</sup> Avenue.

The existing roof line is at 19' from property line so the proposed roof line would be at 15' from property line.

We are unable to put a patio on either side of the house because of the lot being so narrow. The back of the house is looking at the backside of DQ and the gas station. Adding it to the front of the house we would be able to take advantage of the lake view.

We also are requesting to make this into a single dwelling short term rental. We've spoke with Jill Solmonson at the Lakeside and asked if there would be any interest for use as a bridal suite or wedding family housing.

It would be a great place for a family to stay for family reunions, Waterama, Winterama, fishing contest or just to vacation; to name a few.

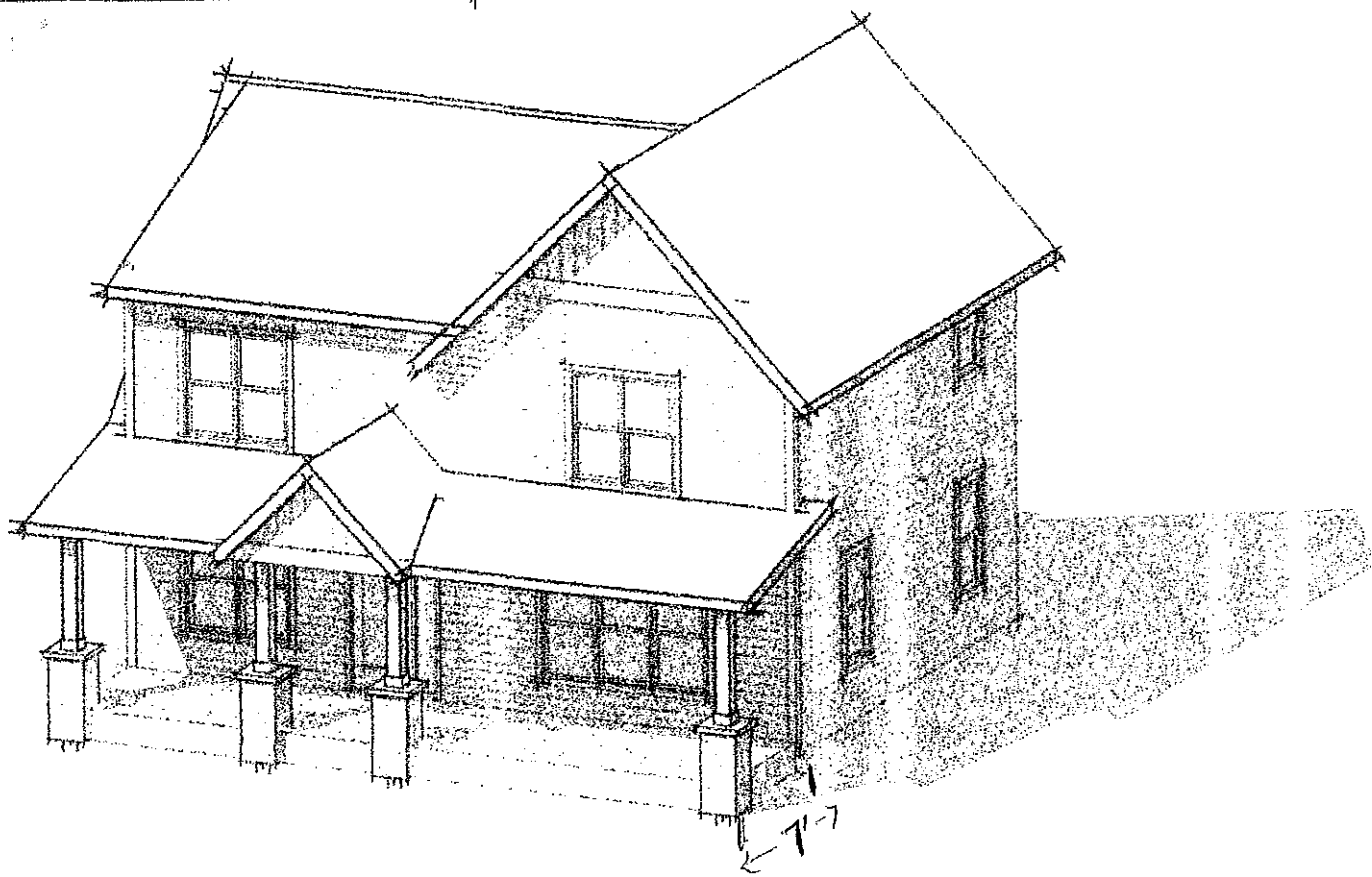
The reason we bought this house is because it was Gregg's grandparents' home. We would like to keep it in the family. We would like to use it for short term rental so when we have family come we can use it as a guest house.

By using it as a short term rental it would help pay some of the monthly expenses and renovation costs.

Gregg and Denise Stoen



32'-0"

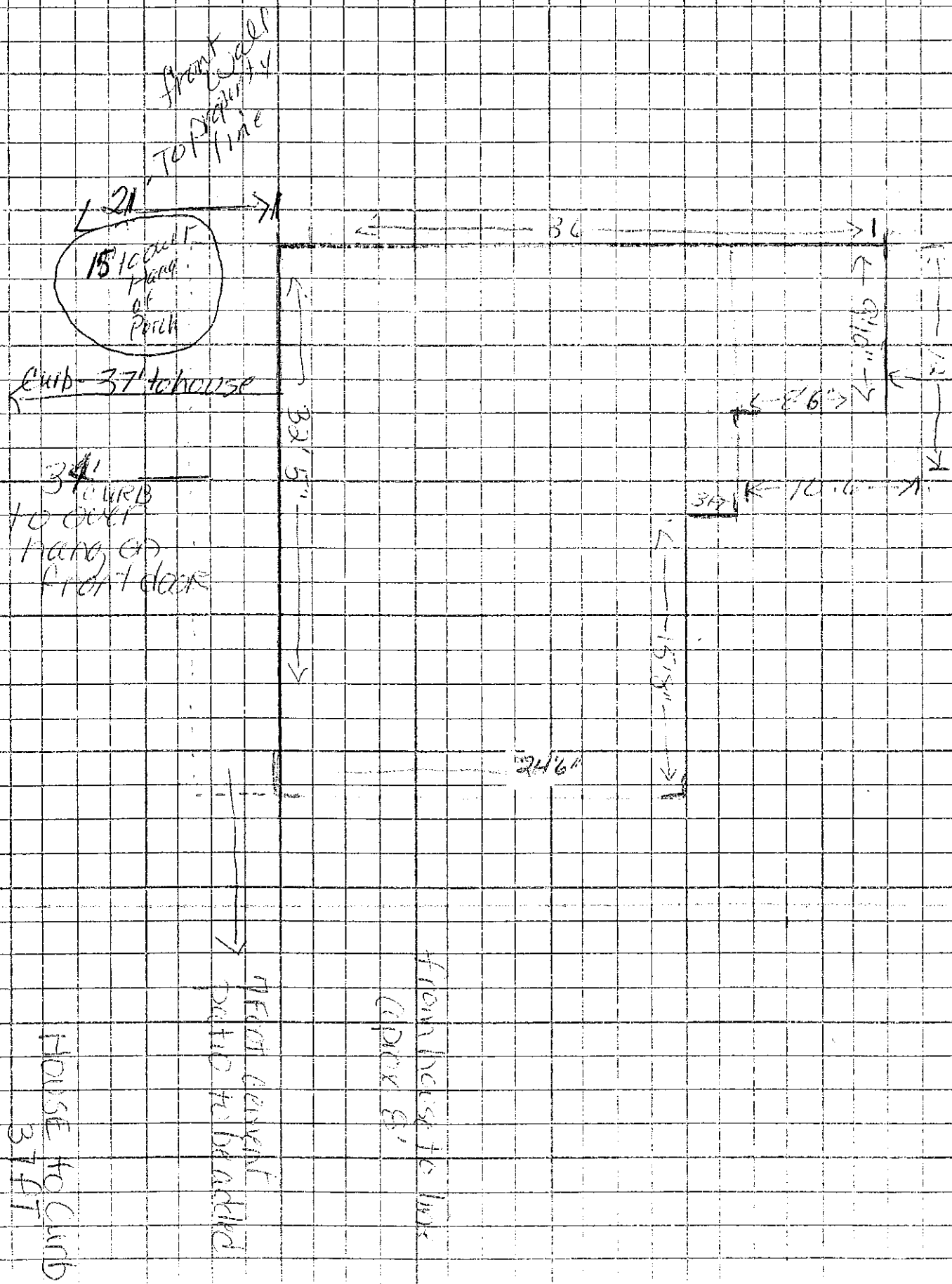


Design  
2/11  
1

This picture shows a step on to porch -  
The porch floor will be flush with ground.



FRONT STREET



HOUSE TO CURB  
34'

FRONT CEMENT  
DRIVE TO BE ADDED

FROM HOUSE TO LOT  
LINE 34'

FRONT YARD  
TOP OF DRIVE  
15' CIRCULAR  
AREA AT  
PORCH

DRIVE 37' TO HOUSE

34' CURB  
TO FRONT  
DOOR  
HANG ON  
FRONT DOOR

32' 5"

34' 6"

15' 8"

34'

26'

10' 6"

30'

1'

9' 10"

26'

10' 6"

1'

15' 8"

34' 6"

1'

15' 8"

34' 6"

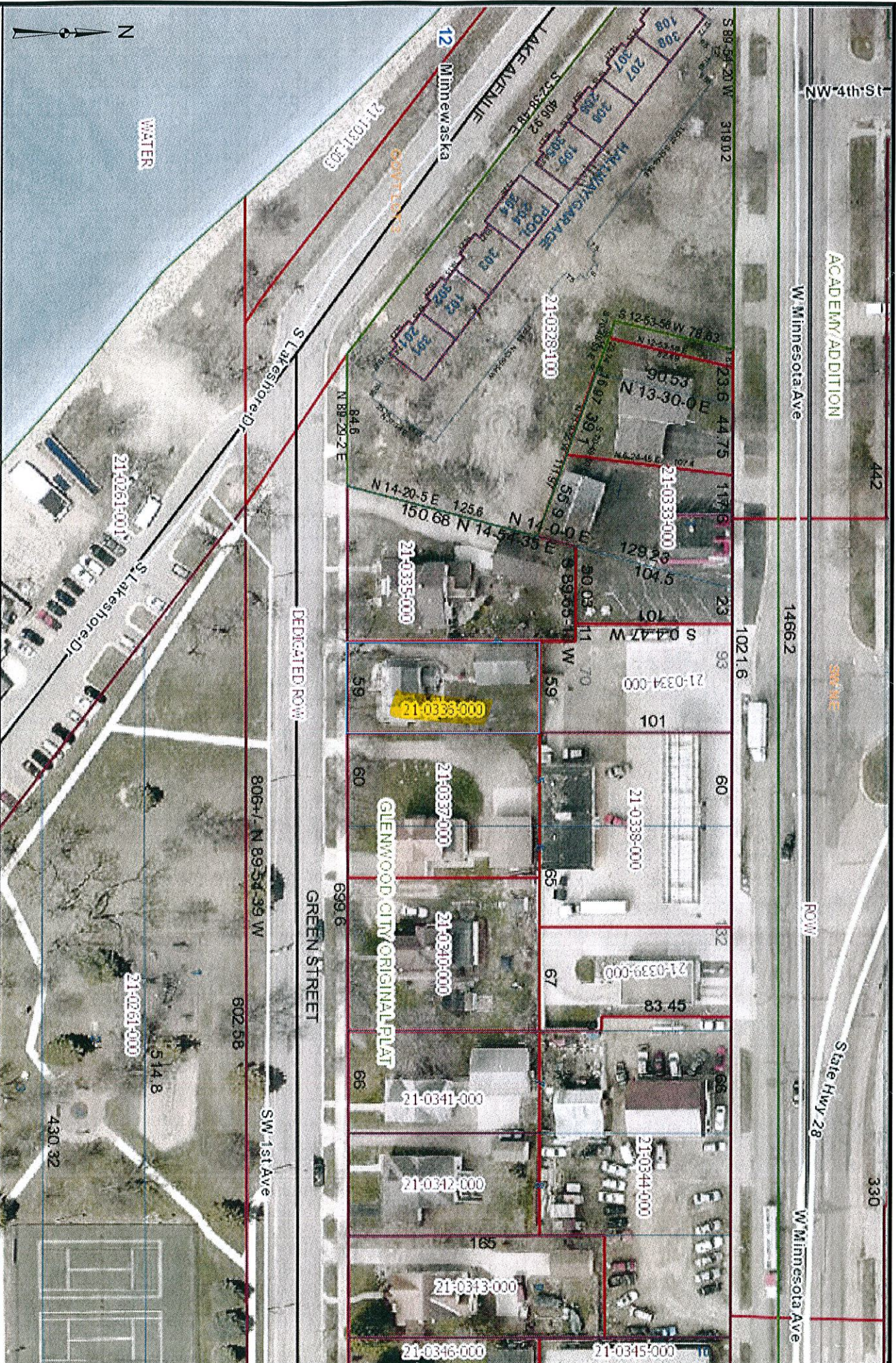
1'

15' 8"

34' 6"

1'





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Stoen Variance/CUP  
April 2017  
1:983  
Date: 3/15/2017

Pope County  
Minnesota



## STAFF REPORT

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**Application:** Conditional Use Permit for a short term rental operation.

**Applicant:** Greg and Denise Stoen

**Property Owner:** Greg and Denise Stoen

**Agenda Item:** 2017-04

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### Background Information:

- ) **Proposal:** Conditional Use Permit 2017-01- Greg and Denise Stoen have requested a Conditional Use Permit to operate a short term rental operation at their property located at 244 1st Avenue SW. The property is zoned R-3 (Multiple Residential).
- ) **Location:**
  - o 244 1st Avenue SW, Glenwood, Minnesota
  - o Sec/Twp/Range: 12/125/38
  - o Parcel number(s): 21-0336-000
- ) **Zoning:** R-3 (Multiple Residential)

### Applicable Regulations

#### Glenwood City Regulations

##### 151.41 CONDITIONAL USES.

(A) Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide.

(B) The following additional evaluation criteria and conditions apply within shoreland areas:



(1) Evaluation criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

limited;

(b) The visibility of structures and other facilities as viewed from public waters is

(c) The site is adequate for water supply and on-site sewage treatment; and

(d) The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) Conditions attached to conditional use permits.

(a) The City Commission, upon consideration of the criteria listed above and the purposes of this chapter, shall attach such conditions to the issuance of the conditional use permits as it

deems necessary to fulfill the purposes of this chapter.

(b) These conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level;



2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

3. Special provisions for the location, design and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(Ord. 31, passed - -1995)

(C) R-3 Multiple Residential:

(1) Permitted uses:

(a) Townhouses;

(b) Multiple-family dwellings;

(c) Public and parochial schools;

(d) Public parks and playgrounds; and

(e) Churches.

(2) Conditional uses:

(a) Single-family dwellings; (b) Two-family dwellings; (c) Nursing homes;

(d) Hospitals and clinics; (e) Public utility buildings; (f) Public buildings;

(g) Private clubs and schools; (h) Planned unit development; (i) Charitable institutions; and (j) Congregate housing.



## STAFF REPORT

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**Application:** Rezoning of a property

**Applicant:** Pope County HRA

**Property Owner:** Pope County HRA

**Agenda Item:** New Business - E

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### **Background Information:**

- )] **Proposal:** Re-Zone 2017-01- Pope County HRA has submitted a request to re-zone vacant property from B-1 (Community Business) to R-3 (Multiple Residential). The property, located south and east of Midwest Machinery, is proposed to become the site of a 32 unit apartment complex.
- )] **Location:**
  - o No address
  - o Sec/Twp/Range: 6/125 /37
  - o Parcel number(s): 21-1044-000
- )] **Current Zoning:** B-1 (Community Business)
- )] **Proposed Zoning:** R-3 (Multiple Residential)
- )] **Lot size:** Approx. 8.03 acres

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### **Applicable Statutes/Ordinances:**

#### **City of Glenwood Regulations**

153.007 REZONING.

(A) General. When allowed, rezoning of a particular parcel of land may be allowed from time to time based upon a showing that the subject property is located adjacent to an alternative zoning district, or a showing that the existing zoning status is no longer appropriate due to a change of circumstances not attributable to the owner of the subject property. Rezoning as specified herein may be allowed or denied by the City Commission after recommendation by the Planning Commission in accordance with the criteria and provisions listed herein.

((2) The City Commission may attach such conditions as they deem necessary to the approval of any re-zoning. The approved site plan and all attached conditions shall be accepted by the petitioner within 30 days of final approval. All developments, construction and use shall be in accordance with the approved zoning. Any development contrary to the approved zoning shall constitute a violation of this chapter.



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**Staff Comments:**

- In order to grant a rezoning request, the City needs to find that a property owner has met the criteria established in the City Code. In making its decision, the City should state its “findings of fact” indicating why those criteria have been met or not met and as such, why the request should be approved or denied.
- The property requested for rezoning is currently zoned B-1 and is surrounded by properties also zoned B-1.
- The proposed use of the property for a 32 unit apartment complex.
- Adjacent properties to the west and south have single-family homes on them. The property to the north contains an agricultural implement dealer and vacant land.



## STAFF REPORT

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**Application:** Preliminary Plat for subdivision of a property

**Applicant:** Pope County HRA

**Property Owner:**

**Agenda Item:** New Business - F

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### Background Information:

) **Proposal:** The proposal is to plat the property and allow for the construction of a 32-unit apartment complex.

) **Location:**

- , Glenwood, Minnesota
- Sec/Twp/Range: 12/125
- Parcel number(s): 21-1044-000, 21-1044-002 and 21-1044-003

) **Zoning:** R-3 (Multiple Residential)

) **Lot size:** Approx. 6,435 sq ft according to provided survey/site plan. ????? Not in app

Existing Impervious Coverage

Buildings: About 1,176 sq ft (18.0%)

- Total: About 1,909 sq ft (29.7.0%)

Proposed Impervious Coverage:

- Buildings: About 1,176 sq ft (14.8%)
- Total: About 4, sq ft (37.1%)

) **Septic System Status:** The application includes the installation of a new Type IV sewer system.

) **Natural Features:**

- Floodplain:
- Bluff/Steep Slopes:
- Wetlands:

) **Permit History:**

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### Applicable Statutes/Ordinances:



## Minnesota Statutes

### 462.357 (2011) OFFICIAL CONTROLS: ZONING ORDINANCE.

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#### **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.

### 394.36 (2016) NONCONFORMITIES.

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Subd. 5. Existing nonconforming lots in shoreland areas. (a) This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of



nonconforming uses and structures in shoreland areas according to this subdivision.

(b) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

(1) all structure and septic system setback distance requirements can be met;

(2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

(f) 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.

(g) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

### **City of Glenwood Regulations**

(F) Board of Adjustment. The Board of Adjustment shall be the City Commission. It shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, take testimony under oath and render decisions in writing. A fee shall be charged in accordance with a schedule as determined from time to time for any appeal filed with the Board of Adjustment.

(1) The Board of Adjustment shall have the power to hear and decide appeals from any other requirement, decision, grant or refusal made by the Zoning Officer in the administration of this chapter.

An appeal shall be in writing and filed in duplicate with the Zoning Officer. Within ten days after filing of the appeal, the Zoning Officer shall transmit to the Board of Adjustment all papers involved in the proceedings. Upon receipt of the appeal from the Zoning Officer, the Board of Adjustment shall set a hearing date and give notice by mail of the time, place and purpose thereof to the appellant and to the Zoning Officer. The Board of Adjustment may reverse or affirm wholly or in part any ruling, decision or determination and may issue or direct the issuance of a permit.

(2) The Board of Adjustment, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variance as it deems necessary to assure compliance with the purpose of this chapter. A variance may be permitted if all the following requirements are met.



- (a) Literal enforcement of this chapter would result in undue hardship because of particular physical surroundings, shape or topographic conditions of the specific parcel as distinguished from a mere inconvenience, if the regulations were to be carried out.
- (b) The unnecessary hardship results from circumstances unique to the parcel of land for which the variance is sought and applicable, generally, to other property with the same zoning classification.
- (c) The hardship is caused by provisions of this chapter and is not the result of actions of persons presently or formerly having an interest in the parcel of land.
- (d) The proposed variance observes the spirit and intent of this chapter, produces substantial justice and will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the specific parcel of land.
- (e) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion of the public streets, or increase the danger of or from fire, or otherwise endanger the public health, safety or welfare, and is consistent with the City Land Use Program.



Date Received 3-14-17

Application for Planning Request  
City of Glenwood

Street address of property: 300 17<sup>th</sup> Avenue NE Zoning Dist. R-1

Legal Description: (SEE ATTACHED)  
PID# 21-1044-000

Property Owner

Name: Pope Comm. HRF Phone: 320-634-7847

Address: 130 Minnesota Ave E City: Glenwood State: MM Zip: 56334

Type of Request:

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

Description of request REZONE PARCEL 21-1044-000 to Residential (R3)  
Multi-family use. Submit Preliminary Plat for development.  
RENEW.

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

Existing use VACANT - UNDEVELOPED

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.

[Signature]  
Applicant Signature

3-14-17  
Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:

Permit Fee: \$ \_\_\_\_\_

Date Paid: \_\_\_\_\_

Variance Fee: \$ \_\_\_\_\_

Penalty \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

Request:

☐ Approved Date: \_\_\_\_\_

☐ Denied

Total Permit Fee: \$ \_\_\_\_\_

Authorized By: \_\_\_\_\_

Planning Commission

Action \_\_\_\_\_

City Commission

Action \_\_\_\_\_

Signature

Date

Signature

Date



- |  |  |  |  |
|--|--|--|--|
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SCALE: 1" = 40'-0"



These data are provided on an "As-Is" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

# Pope County HRA Re-Zone/Preliminary Plat

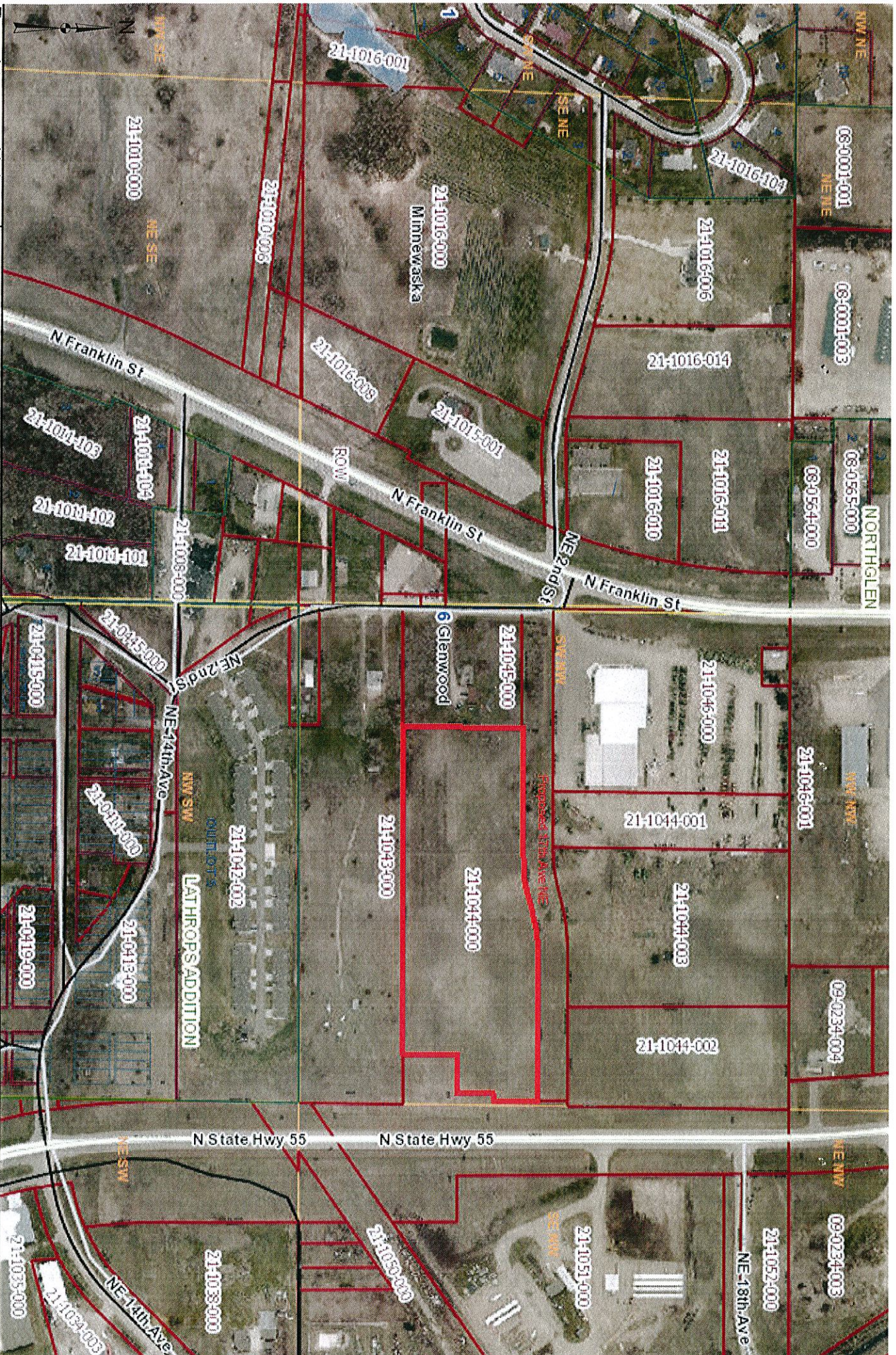
April 2017

1:4,095

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Date: 3/16/2017

Pope County  
Minnesota







DEVELOPMENT DATA:

**SURVEYOR:** Sloeckel-Jahner Surveying Inc.  
1206 3rd Avenue East  
Alexandria MN 56308  
(320) 763-6855

LOCATION: 20± Acres located in the unplatted City of Glenwood  
Section 6, Township 125 North,  
Range 37 West.

ROADS: Road to be built to City Spec.

EXISTING CONDITIONS: open land.

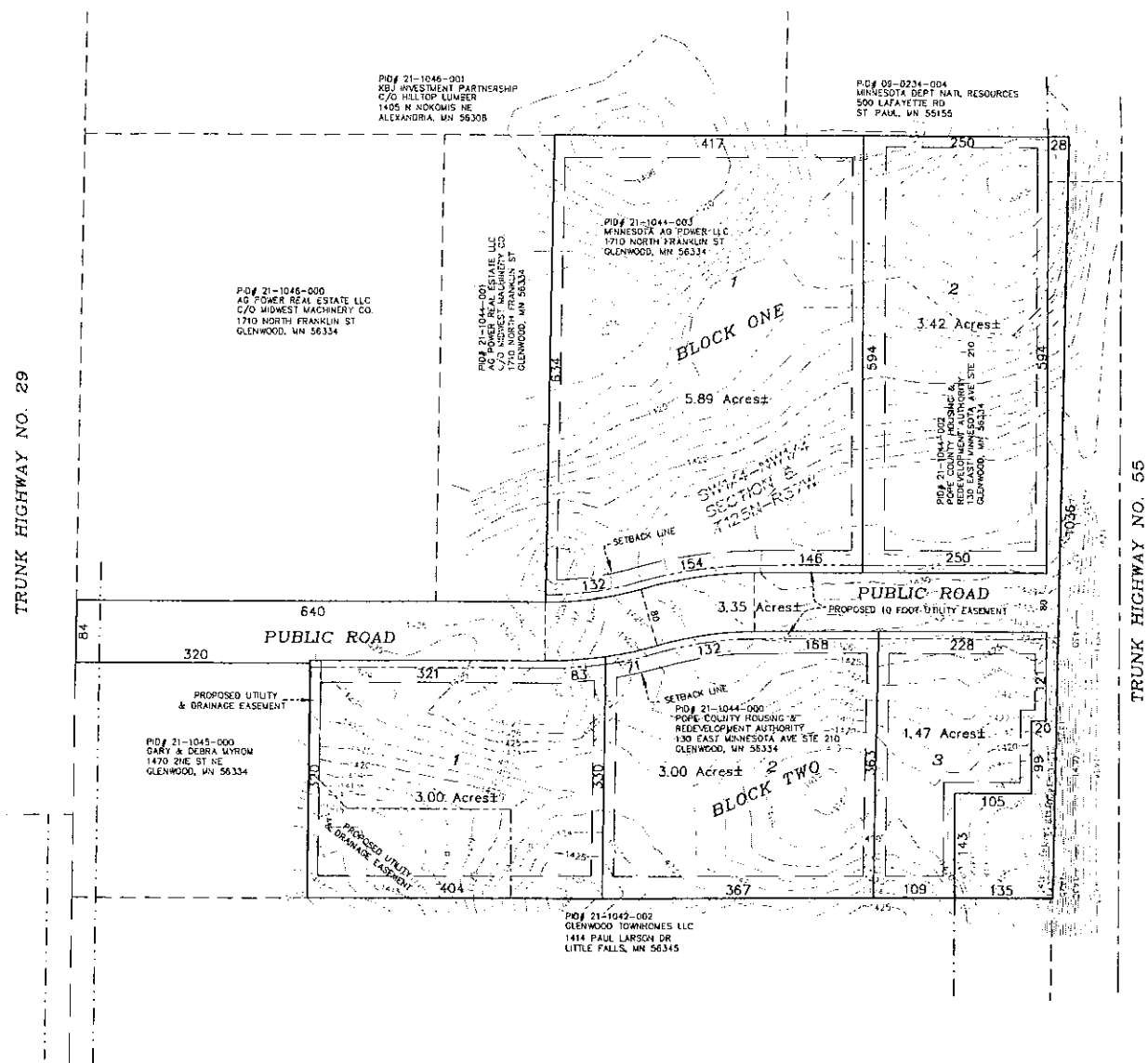
EXISTING ZONING: Commercial

*LEGEND*

7100 INDEX CONTOUR

7394 INTERMEDIATE CONTOUR

NOTE: Contours developed from field work and from Pope County LIDAR.



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

44493 03-13-17  
License No. Date

**STOECKEL  
JAHNER**  
SURVEYING INC.

PREPARED FOR: **D. W. JONES**

MARK F. JAHNER - LICENSE NO. 44493  
1206 3rd Avenue East, P.O. Box 366 Alexandria, MN 56005  
Phone 320-763-6315 Fax 320-763-6341  
Website: [mmsurveying.com](http://mmsurveying.com) Email: [mark@mmsurveying.com](mailto:mark@mmsurveying.com)

SEC. TWP. RNG: 06-125-37  
DATE: 03-07-17  
DRAWN BY: JN  
CHECKED BY: MFJ  
FILE NUMBER: 6369-A