

---

# CITY OF GLENWOOD

---

## PLANNING COMMISSION/ BOARD OF ADJUSTMENT

MEETING PACKET FOR  
**May 1, 2017**





CITY OF GLENWOOD  
AGENDA  
PLANNING COMMISSION  
May 1, 2017  
4:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Approve Previous Meeting Minutes
  - a. April 3, 2017
5. New Business
  - a. Variance request to construct a building addition to connect an existing dwelling with an existing detached garage approx. 9 feet from a front lot line (min. 30 feet required). Construction will increase lot coverage from approx. 36 to 37% (max. 30% allowed).
    - i. Applicant: Mary Melo
    - ii. Property address: 29 6th Ave NE
    - iii. Partial Legal Description: E1/2 Lots 4 and 5, Block 10, Kinney & Days Addition
    - iv. Parcel number(s): 21-0471-000
    - v. Current Zoning: R-3 (Multiple Residential)
  - b. Variance request to construct a 12' x 28' addition to the north side of the existing dwelling where a 12' x 20' open deck currently exists. Construction will increase lot coverage from approx. 37 to 38% (max. 30% allowed).
    - i. Applicant: Bruce and Joann Skogrand
    - ii. Property address: 315 3rd Ave SE
    - iii. Partial Legal Description: E1/2 of Lot 8, all of Lot 9, Block 6, T T Ofsthuns Prospect Park
    - iv. Parcel number(s): 21-0626-000
    - v. Current Zoning: R-2 (Urban Residential)
  - c. Variance request to build a garage with a 1,200 sq ft detached garage with a 10 ft sidewall (max. 9 ft allowed) 15 feet from a front lot line (min. 30 ft required).
    - i. Applicant: James McMahan
    - ii. Property address: 330 14th Ave NE
    - iii. Partial Legal Description: Lots 1-9 and 16-23, Block Three and Vacated Alley Between Lots 4 and 5 and 20 and 21, Lathrops Addition
    - iv. Parcel number(s): 21-0411-000
    - v. Current Zoning: R-1 (Suburban Residential)
6. Old Business

## 7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

## STAFF REPORT

---

**Application:** Variance request to allow a decrease in setback from the front lot line and an increase in the amount of lot coverage.

**Applicant:** Mary Melo

**Property Owner:** Mary Melo

**Agenda Item:** 5a

---

### **Background Information:**

) **Proposal:** Mary Melo has requested two variances:

- o Construct a building addition to connect an existing dwelling with an existing detached garage approx. 9 feet from a front lot line (min. 30 feet required)
- o Construct a building addition to connect an existing dwelling with an existing detached garage that will increase lot coverage from approx. 36 to 37% (max. 30% allowed).

) **Location:**

- o 29 6<sup>th</sup> Avenue NE
- o E1/2 LOTS 4 & 5 BLOCK 10 KINNEY & DAYS ADDITION
- o Parcel number(s): 21-0471-000

) **Zoning:** R1 - Suburban Residential

---

### **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.

**Subd. 1e. Nonconformities.**

(a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(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.

**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.

	<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-1 Suburban Residential</i>						
*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

	<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:**

- ) 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 addition was not permitted because it does not meet the setback and lot coverage requirements, 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 requirements.

---

**Findings of Fact:** Staff would recommend the following findings of fact 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?**

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

The general purposes and intent of the front yard setback is to allow for adequate space between buildings and the traveled road surface and right-of-way to protect property during installation or maintenance of utilities in the right of way and to prevent damage to property or persons from vehicles running off the road. The proposed house/garage addition would be located closer than is allowed by ordinance, but consistent with the existing setbacks of those buildings. The roadway receives medium traffic and vehicle speeds are not such that damage would be likely to occur if a vehicle went off the road.

The general purposes and intent of the limit on impervious coverage is to allow for infiltration of rainwater, prevent pollution of public waters, and prevent flooding or other problems related to surface water runoff. The applicant would be increasing the impervious surface from 36% to 37%.

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

The requested variance is reasonable in that it is not unusual for a residential property to have direct access from residence to garage, in most cases achieved by having an attached garage.

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

The need for the variance would appear to primarily be related to the relatively small size of the lot (approx. 7,500 sq ft – the minimum lot size required by current regulations would be 10,000 sq ft), which inhibits how many improvements can be made to the lot without running into the 30% limit on impervious coverage. Other lots in the area are generally larger and can have additional improvements without needing a variance from the 30% impervious limit.

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

The use of the property would remain residential and very similar in character to adjacent properties. However, it should be noted that the property is situated in a vicinity that has a relatively large proportion of commercial, industrial, and multi-family residential (apartments) development. Most of the single family residential that is similar to the property is to the north and east. The primary change to the subject property would be the addition, which will be located between the house and the garage.

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

Economic considerations do not appear to play a significant factor in the requested variance. The request is due primarily to the small lot size.

Date Received 4-5-17

Application for Planning Request  
City of Glenwood

Street address of property: 29 6th Ave. N.E Zoning Dist. R-1

Legal Description: The E. 1/2 of Lot 4 & the E. 1/2 of Lot 5 Block 10  
PID# 21-0471-000

Property Owner Name: Mary Melo Phone: 507-829-8030

Address: 29 6th Ave. NE City: Glenwood State: MN Zip: 56339

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

Description of request To connect an existing Garage to the ~~porch~~ porch already existing and non conforming. Addition will line up with existing @ 9 feet from

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

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.

Mary Melo  
Applicant Signature

4/5/17  
Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:		
Permit Fee:	\$ _____	Date Paid: _____
Variance Fee:	\$ _____	
Penalty	\$ _____	Request:
Other	\$ _____	___ Approved Date: _____
		___ Denied
Total Permit Fee:	\$ _____	Authorized By: _____

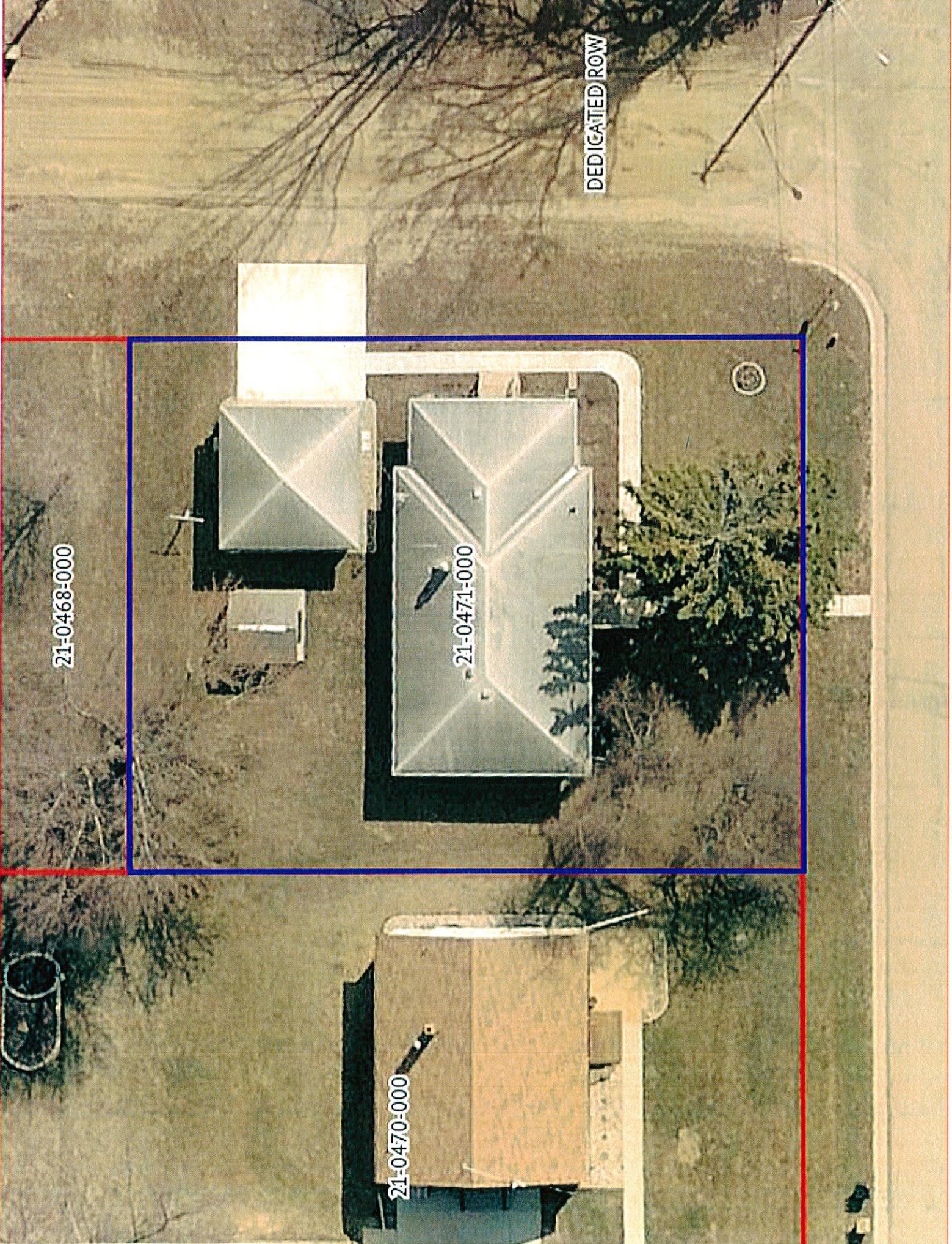
Planning Commission	City Commission
Action _____	Action _____
_____	_____
Signature _____	Signature _____
Date _____	Date _____

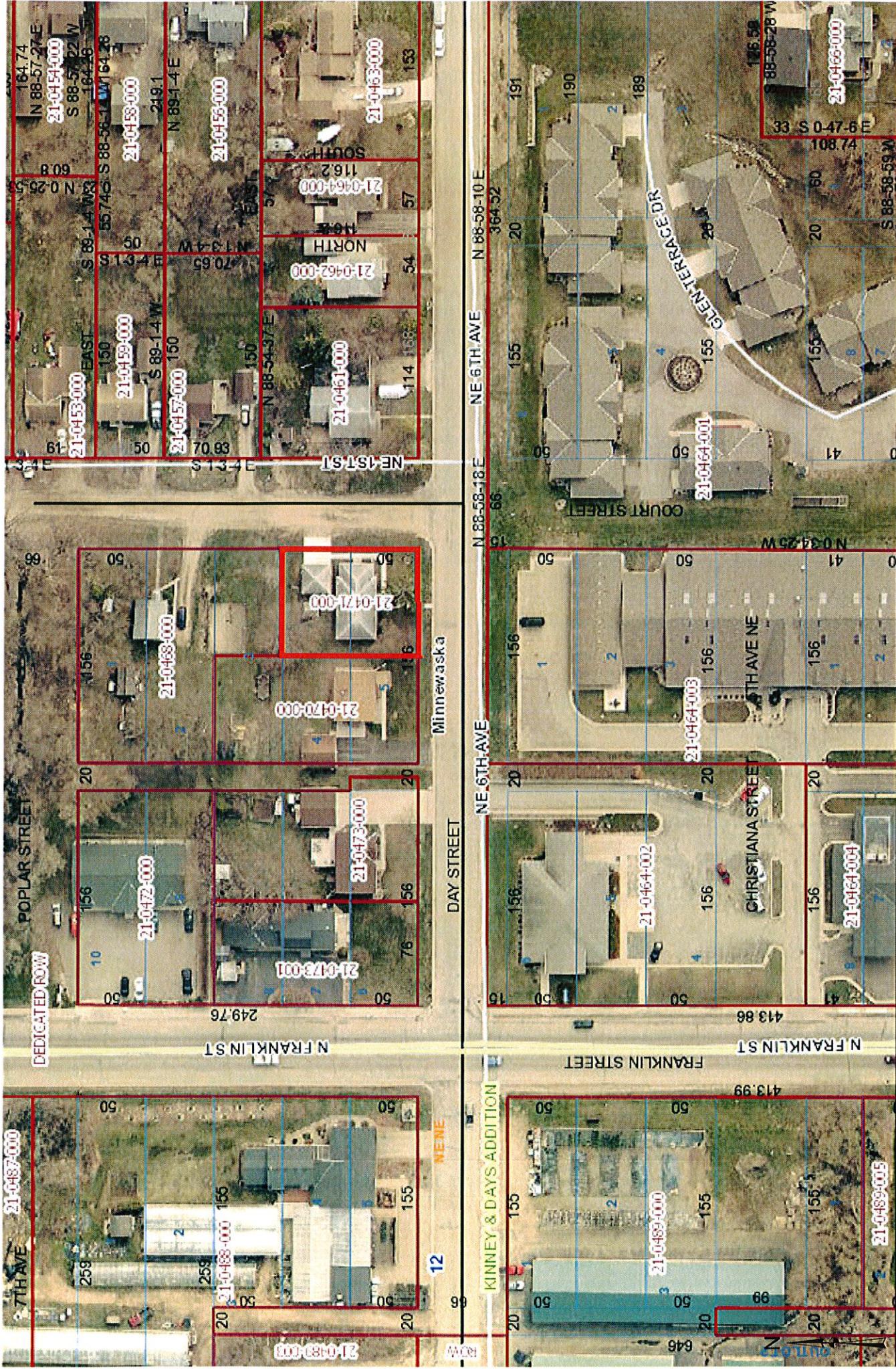
21-0468-000

21-0471-000

21-0470-000

DEDICATED ROW





<p>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.</p>	<p>1:1,123</p>	<p>Date: 3/28/2017</p>	<p>Pope County Minnesota</p>
<p>21-0471-000 MELO</p>		<p>21-0471-000 MELO</p>	

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



## STAFF REPORT

---

**Application:** Variance request to allow an increase in the amount of lot coverage.

**Applicant:** Bruce and Joann Skogrand

**Property Owner:** Bruce and Joann Skogrand

**Agenda Item:** 5b

---

### **Background Information:**

- ) **Proposal:** Bruce and Joann Skogrand have requested a variance to construct a 12' x 28' addition to the north side of the existing dwelling where a 12' x 20' open deck currently exists. Construction will increase lot coverage from approx. 37 to 38% (max. 30% allowed).
- ) **Location:**
- o 315 3rd Ave SE
  - o E1/2 LOT 8, ALL OF LOT 9 BLOCK 6 T T OF STHUNS PROSPECT PARK, GLENWOOD
  - o Parcel number(s): 21-0626-000
- ) **Zoning:** R-2 (Urban Residential)

---

### **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**

#### 153.008 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.

	<i>Maximum Coverage (%)</i>	<i>Minimum Usable Open Space (%)</i>	<i>Density* (Units)</i>
<i>R-2 Urban Residential</i>			
Single-family dwellings	30	40	5
Two-family dwellings	30	40	6
Townhouses	25	50	6
Multi-family dwellings	30	40	6
Other uses	-	-	-

---

**Staff Comments:**

- J 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.
- J 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 addition was not permitted because it does not meet the lot coverage requirements, 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 requirements.

---

**Findings of Fact:** Staff would recommend the following findings of fact 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?**

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

The general purposes and intent of the limit on impervious coverage is to allow for infiltration of rainwater, prevent pollution of public waters, and prevent flooding or other problems related to surface water runoff. The applicant would be increasing the impervious surface from 37 to 38%.

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

The requested variance is reasonable in that it is not unusual for a residential property to have additions made to the residence. In this instance, the addition will be replacing an existing open deck.

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

The need for the variance would appear to primarily be related to the small size of the lot (approx. 9,658 sq ft – the minimum lot size required by current regulations would be 8,000 sq ft), which inhibits how many improvements can be made to the lot without running into the 30% limit on impervious coverage.

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

The use of the property would remain residential and very similar in character to adjacent properties.

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

Economic considerations do not appear to play a significant factor in the requested variance. The request is due primarily to the small lot size.

Date Received 4/17/17

Application for Planning Request  
City of Glenwood

Street address of property: 315 3rd Ave SE Zoning Dist. \_\_\_\_\_

Legal Description: sect 07 TWP 12S Rang 37 Lot 008 B1K-006 TT  
of thurs Prospect Park Glwd E 1/2 Lot 8 PID# 21-0626-000  
All of Lot 9

Property Owner

Name: Bruce & JoAnn Skogran Phone: 320-634-4435 or 320-815-4901

Address: 315 3rd 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 12' x 28' Addition to North side of  
House

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

Existing use Submitted with initial permit request

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 by signing this request agrees to pay such fees.

JoAnn Skogran  
Applicant Signature

4-17-17  
Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:

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

Date Paid: 4/17/17

Permit:  
\_\_\_ 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? \_\_\_\_\_

This addition will assist us in letting us stay in our home as we grow older.

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

The easement for driveway between 319 and 315 3rd Ave SE was in place before either of us bought our properties.

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

1. We are in the middle of the block
2. Addition to face Alley
3. Will have same roof line as existing
4. Replacing a deck that is in need of repair

N  
W + E  
S

82.50'

Alley between 2nd Ave E SE  
3rd Ave SE

Scale =

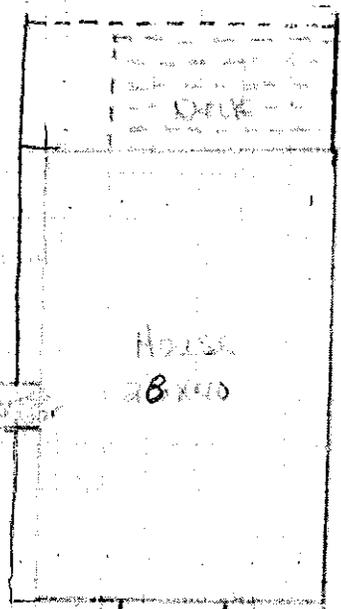
1 Sq = 4'

Kusogly Garage

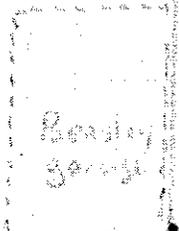
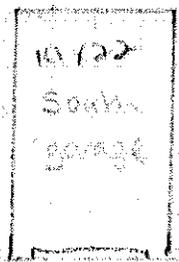
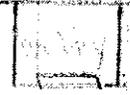
Proposed addition  
12' x 23'



Deck to be removed  
(12' x 30')



(177')



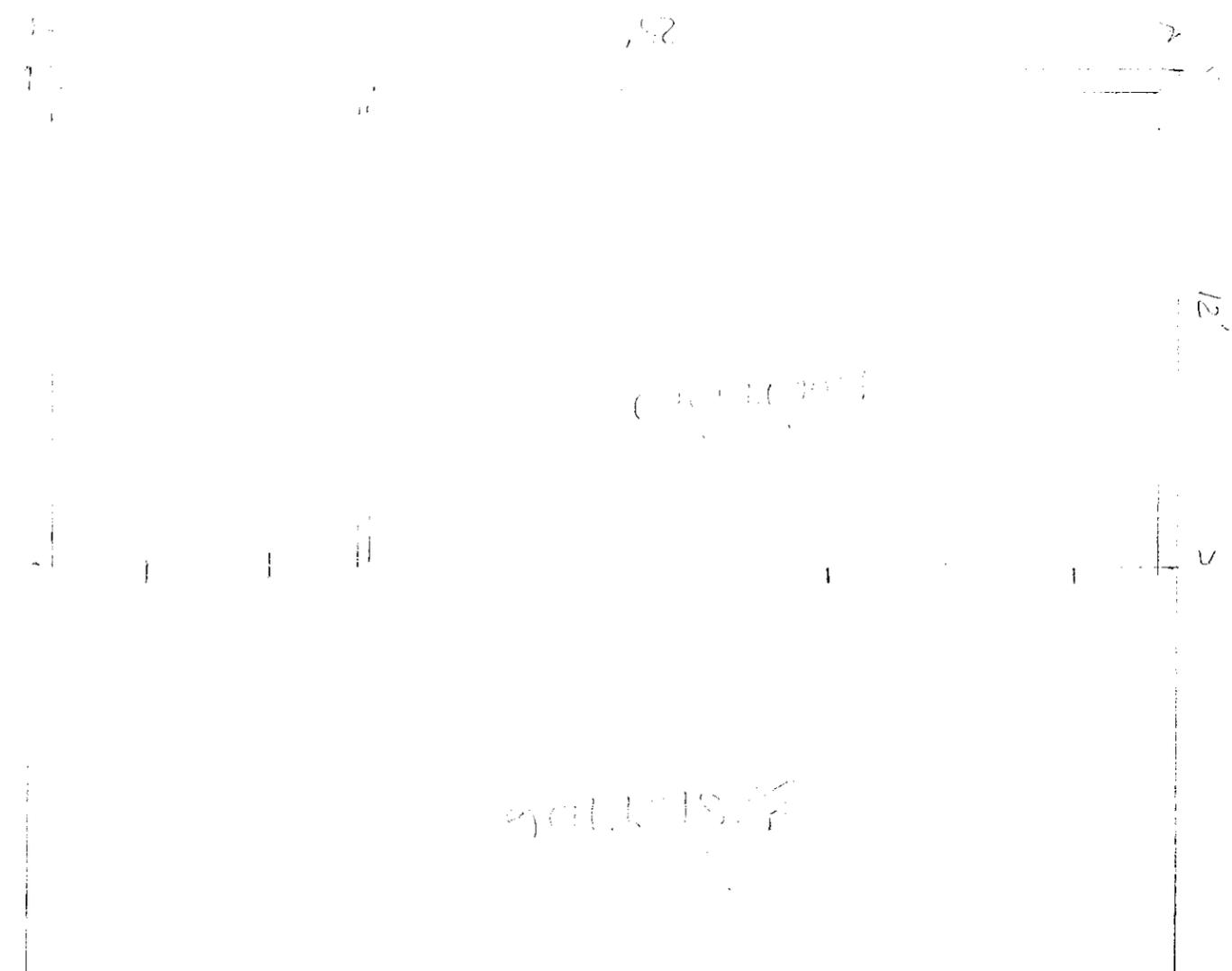
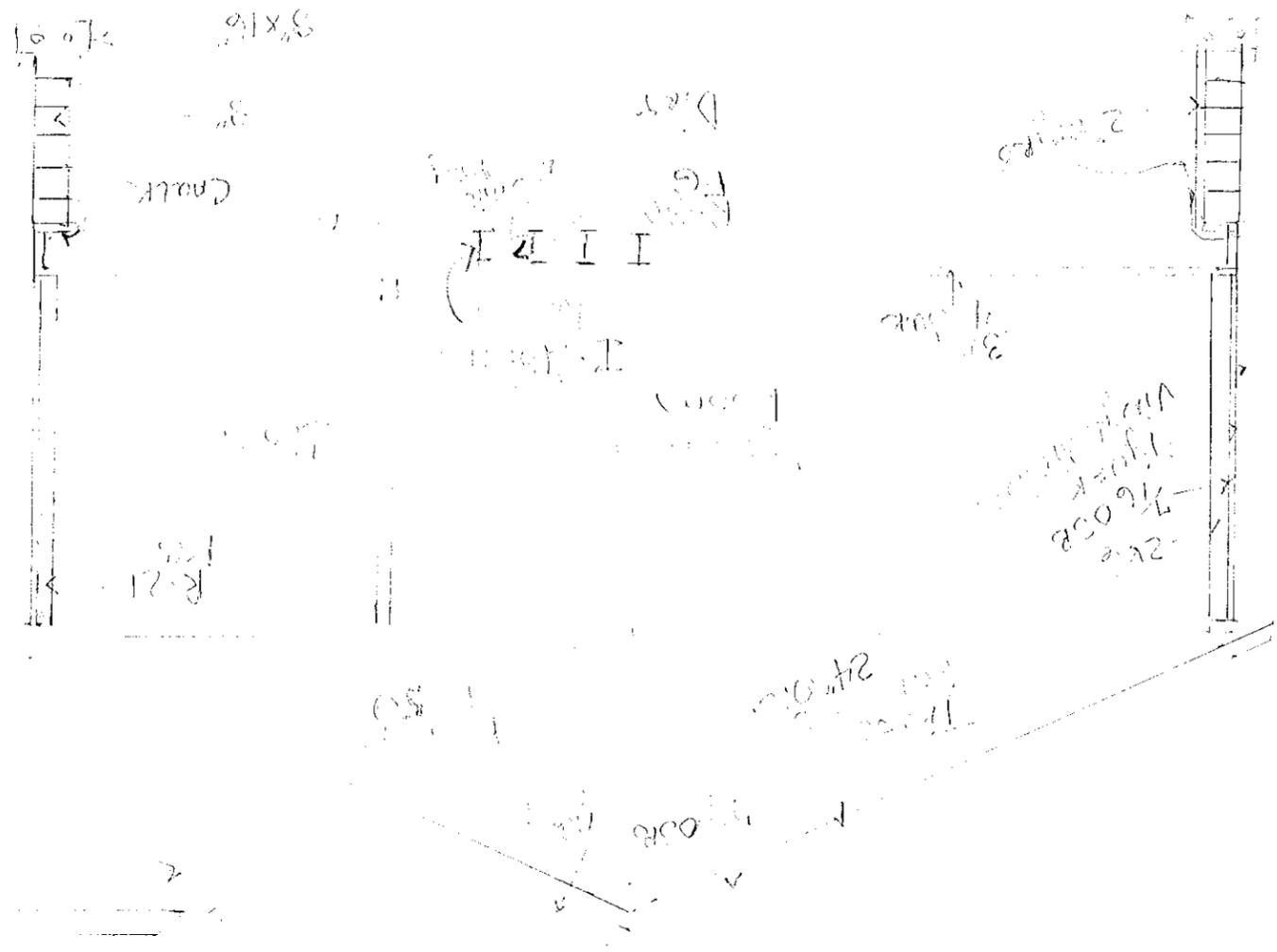
315 3rd Ave SE

DATE

PROJECT

Bruce & JoAnn Skogrand  
315 3rd Avenue SE  
Glenwood, MN 56334

AT SE 4



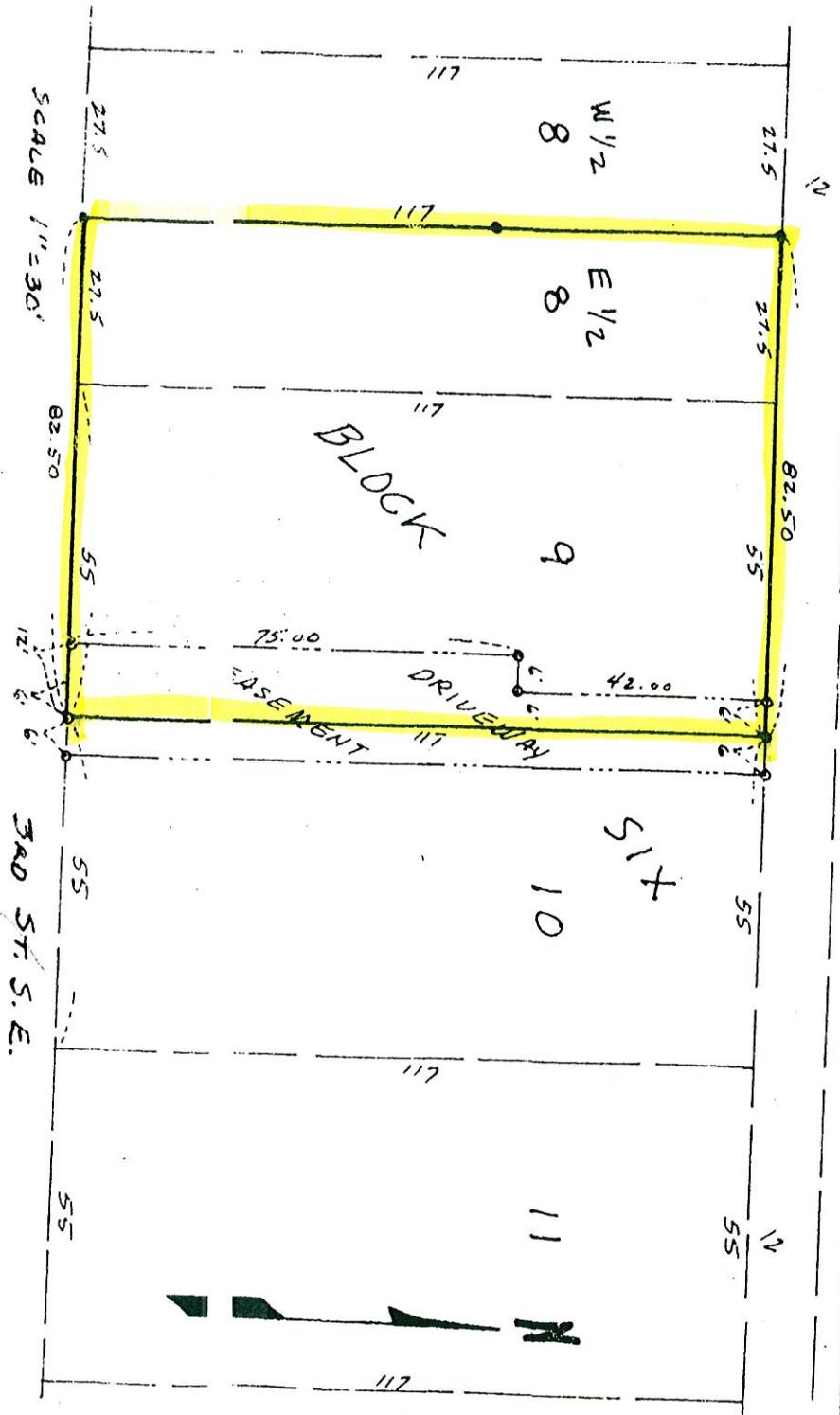
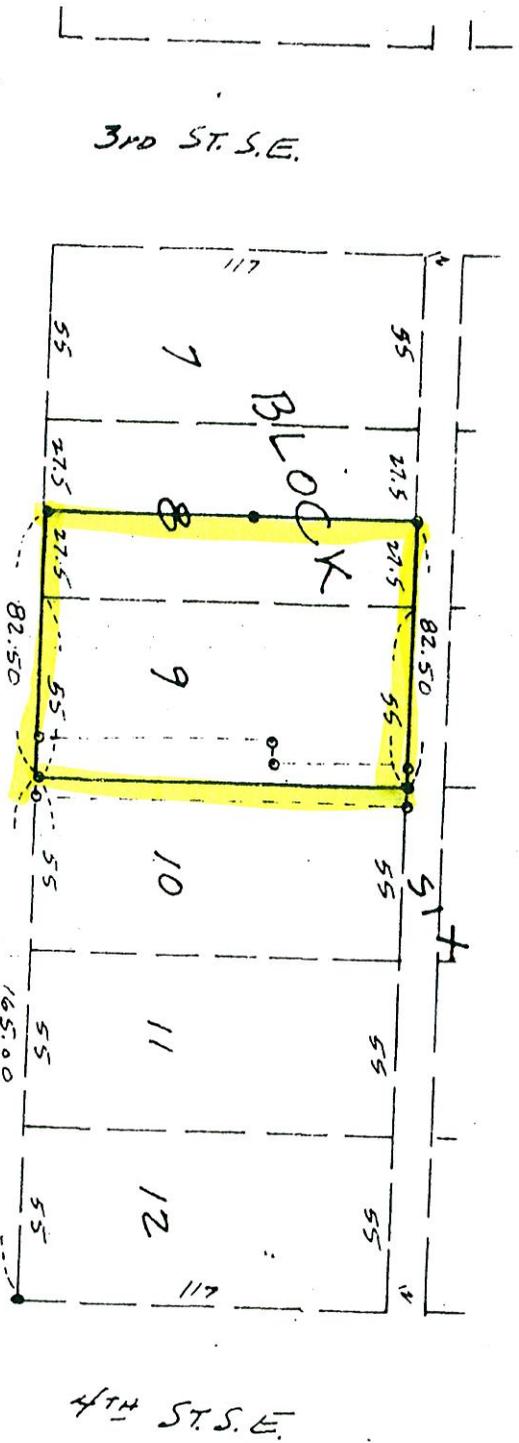
HALLWAY

CERTIFICATE OF SURVEY

For MR. & MRS. BRUCE W. SKOGARD  
315 Third Avenue S. E., Glenwood, Minn., 56334

Lot Nine and the East Half of Lot Eight in Block Six of T. T. Ofstun's Prospect Park Addition to the City of Glenwood, according to the plat thereof on file and of record in the Office of the Pope County, Recorder; together with and subject to easements for driveway purposes.

- MONUMENT FOUND IN PLACE
- MONUMENT SET THIS SURVEY
- CAPPED R. L. S. # 10046



Hogner Surveyor  
28 First Ave S.E.  
Glenwood, Minn. 56334  
612-634-4022

Harold M. Skogard  
March 18, 1983 File No. 10046

## STAFF REPORT

---

**Application:** Variance request to allow an increase in sidewall height and a decrease in setback.

**Applicant:** James McMahan

**Property Owner:** James McMahan

**Agenda Item:** 5c

---

### **Background Information:**

- ) **Proposal:** James McMahan has requested two different variances:
- o To build a garage with a 1,200 sq ft detached garage with a 10 ft sidewall (max. 9 ft allowed)
  - o To build a garage 15 feet from a front lot line (min. 30 ft required).
- ) **Location:**
- o Property address: 330 14th Ave NE
  - o Partial Legal Description: Lots 1-9 and 16-23, Block Three and Vacated Alley Between Lots 4 and 5 and 20 and 21, Lathrops Addition
  - o Parcel number(s): 21-0411-000
- ) **Zoning:** R-1 (Suburban Residential)
- 

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

#### **Minnesota Statutes**

#### **462.357 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.

	<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-1 Suburban Residential</i>						
*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

**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 addition was not permitted because it does not meet the setback and lot coverage requirements, 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 requirements.

**Findings of Fact:** Staff would recommend the following findings of fact 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?**

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

The general purposes and intent of the front yard setback is to allow for adequate space between buildings and the traveled road surface and right-of-way to protect property during installation or maintenance of utilities in the right of way and to prevent damage to property or persons from vehicles running off the road. The proposed garage addition would be located closer than is allowed by ordinance, but consistent with other buildings that have been allowed in the neighborhood. The roadway receives medium traffic and vehicle speeds are not such that damage would be likely to occur if a vehicle went off the road.

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

The requested variance is reasonable in that it is not unusual for a residential property to have a detached garage, and many of the other properties in the area have one.

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

The need for the variance would appear to primarily be related to the topography of the property. The lot slopes to the south, and increases in steepness. Also, the Applicant has expressed a desire to retain the large mature oak trees on the property.

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

The use of the property would remain residential and very similar in character to adjacent properties.

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

Economic considerations do not appear to play a significant factor in the requested variance. The request is due primarily to topography and the desire to preserve mature vegetation.

Date Received 4/12/17

Application for Planning Request  
City of Glenwood

Street address of property: 330 14<sup>TH</sup> AVE NE Zoning Dist. \_\_\_\_\_

Legal Description: \_\_\_\_\_  
PID# \_\_\_\_\_

Property Owner  
Name: Jim McMahon Phone: \_\_\_\_\_

Address: 330 14<sup>TH</sup> AVE NE City: Glenwood State: IN Zip: 56334

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

Description of request to Build A GARAGE MAXIMUM 10' SIDEWALL  
15 FOOT FRONT YARD SETBACK VARIANCE

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.

Jim McMahon  
Applicant Signature

4-12-17  
Date

FOR OFFICE USE ONLY.

Permit Fee Schedule:		
Permit Fee:	\$ _____	Date Paid: <u>4/12/17</u>
Variance Fee:	\$ <u>150.00</u>	
Penalty:	\$ _____	Request:
Other:	\$ _____	___ 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? Slope of Land A Large  
Mature trees

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

the lot slopes steep to the south  
We have Large mature oak trees that  
we want to keep

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

We want a Detached garage on our site  
similar to other properties in town

Date Received 4/17/17

Application for Planning Request  
City of Glenwood

Street address of property: 315 3rd Ave SE Zoning Dist. \_\_\_\_\_

Legal Description: sect 07 TWP 12S Rang 37 Lot 008 B1K-006 TT  
of thurs Prospect Park Glwd E 1/2 Lot 8 PID# 21-0626-000  
All of Lot 9

Property Owner

Name: Bruce & JoAnn Skogran Phone: 320-634-4435 or 320-815-4901

Address: 315 3rd 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 12' x 28' Addition to North side of  
House

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

Existing use Submitted with initial permit request

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 by signing this request agrees to pay such fees.

JoAnn Skogran  
Applicant Signature

4-17-17  
Date

FOR OFFICE USE ONLY.			
Permit Fee Schedule:			
Permit Fee:	\$ _____	Date Paid:	<u>4/17/17</u>
Variance Fee:	\$ <u>150.00</u>	Permit:	
Penalty:	\$ _____	___ Approved	Date: _____
Other:	\$ _____	___ Denied	
Total Permit Fee:	\$ _____	Authorized By:	_____
Planning Commission		City Commission	
Action _____		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? \_\_\_\_\_

This addition will assist us in letting us stay in our home as we grow older.

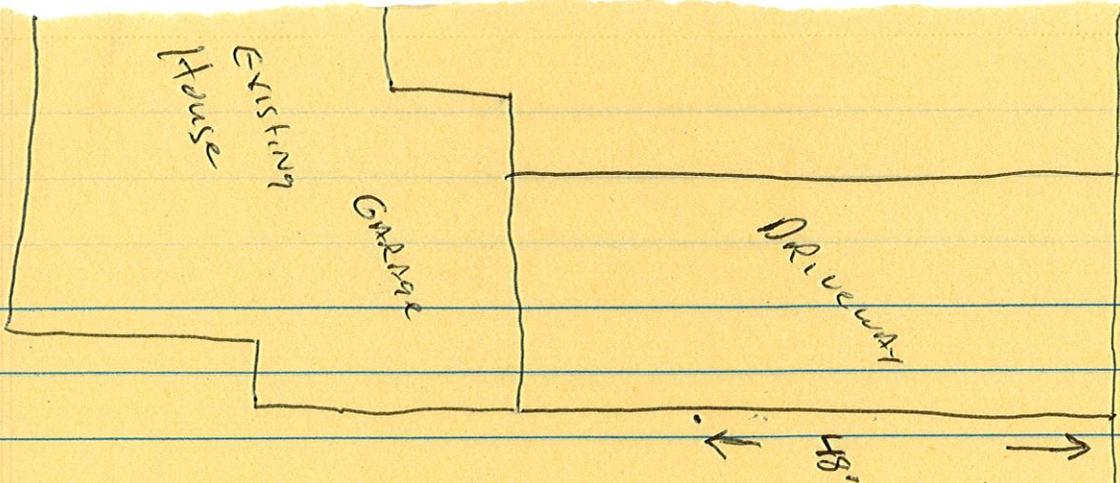
2. State your reasons for believing your situation is due to circumstances unique to the property and not caused by the landowner:

The easement for driveway between 319 and 315 3rd Ave SE was in place before either of us bought our properties.

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

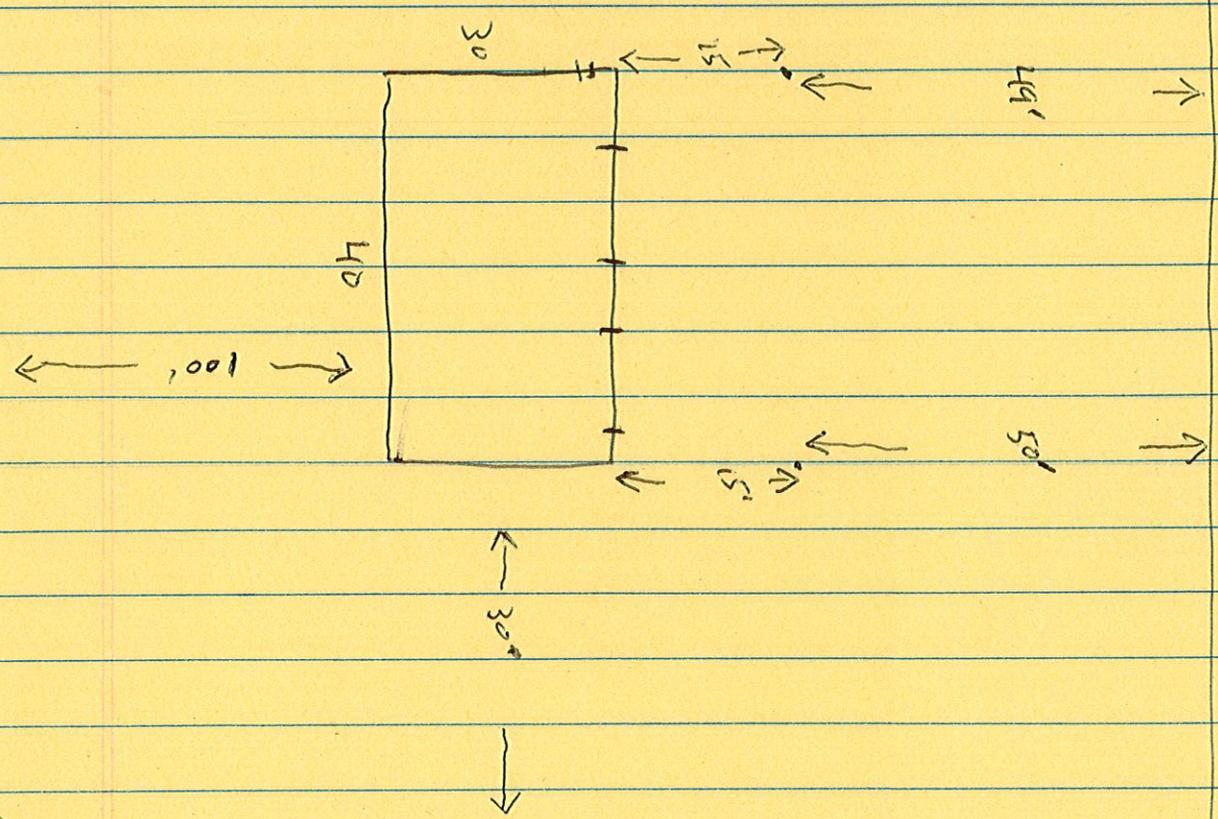
1. We are in the middle of the block
2. Addition to face Alley
3. Will have same roof line as existing
4. Replacing a deck that is in need of repair

20'



14 AVE NE

N

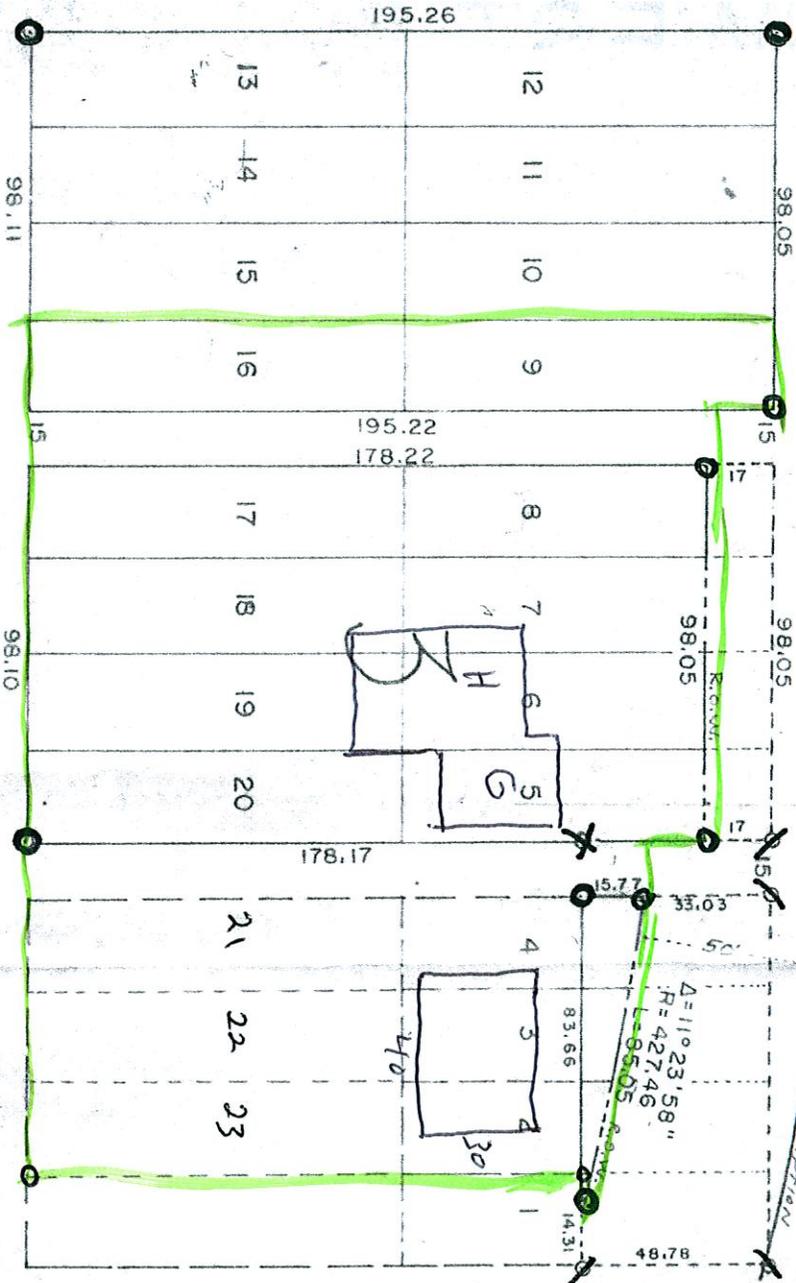


Jim McMahon

20'

CERTIFICATE OF DESCRIPTION  
 HIGHWAY CENTERLINE EFFECTING  
 Lots 1 thru 8, both inclusive  
 OF Block 3, LATHROP'S ADDITION  
 CITY OF GLENWOOD, MINNESOTA

MARIE B. STOLTZ ESTATE  
 JIM McMAHON



1" = 50'

SCALE 1" =

