
CITY OF LONG BEACH

ZONING MEETING PACKET FOR May 9, 2018



CITY OF LONG BEACH
AGENDA
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION
May 9, 2018
6:30 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
 - a. Variance request(s) in relation to the construction of an open-sided porch addition to the west (road side) of the existing dwelling. Approvals requested include, but may not be limited to, a variance for constructing a dwelling addition approx. 36 ft from the right-of-way of State Highway 28 (min. 50 ft required) and a variance for added impervious coverage to a parcel that already exceeds the 25% limit allowed.

Applicant: Mary Jo Wohlwend. Property address: 19054 North Ridge Dr.
Sec/Twp/Range: 22-125-38. Parcel number(s): 24-0171-000. Current Zoning: LD – Low Density Residential.
5. Zoning Administrator's Report
 - a. Various amendments to the City of Long Beach Zoning Ordinance
 - b. Permits
 - c. Correspondence
 - d. Enforcement Actions
6. Other Business
7. Adjournment

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

STAFF REPORT

Application: Variance request(s) in relation to the construction of an open-sided porch addition to the west (road side) of the existing dwelling. Approvals requested include, but may not be limited to, a variance for constructing a dwelling addition approx. 36 ft from the right-of-way of State Highway 28 (min. 50 ft required) and to add approx. 78 square feet of impervious coverage on a lot that currently exceeds impervious coverage limits (max. 25% allowed).

Applicant & Property Owner: Mary Joe Wohlwend

Background Information:

- **Proposal:** The applicant is proposing several improvements to her home. On the north side which faces the road, a wooden deck will be removed to be replaced and added on with a covered 20'x8' porch to the main level of an existing shoreland dwelling. The plans also include new steps and a concrete walkway onto the porch.

The zoning ordinance provides as follows for an LD district: "Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet." We have interpreted this to mean 50 feet from the right-of-way of the highway (as opposed to the centerline of the right-of-way or, perhaps, the edge of the actual constructed highway). With the new porch addition, the north side of the home will be approximately 36 feet from the right of way of State Highway 28. Since this is about 14 feet closer than what would seem to be required by the ordinance, a variance is needed. The distance from the centerline of the highway to the porch is about 116 feet and to the garage about 110 feet.

The ordinance places a limit on total impervious coverage of 25 percent. The amount of current impervious coverage has been identified and shown in an attached surveyors plan to be about 28.3 percent. While it could be argued that the portion of the paved private road which encroaches within the property (about 500 sq ft) should not be included in the calculation of the impervious limit, the impervious coverage even without that piece would appear to exceed the 25 percent limit. Either way, it should be noted the existing condition for impervious is considered an allowable nonconforming use.

The variance need is due to the proposed addition to the current impervious coverage. With the removal of the existing deck and the addition of the proposed patio and walkway, the net increase to the parcel's existing impervious coverage is about 78 square feet.

All other setbacks and requirements of the zoning ordinance for this residential shoreland area are met.

- **Location:**
 - Property Address: 19054 North Ridge Drive
 - Sec/Twp/Range: 22-125-38.
 - Parcel number(s): 24-0171-000
- **Zoning:** LD - Low Density Residential, Lake Minnewaska (General Development Lake)
- **Lot size:** Approx. 15,478 square feet (from provided survey).
 - Existing impervious surface: About 4,383 sq ft (28.3%)
 - Proposed impervious surface: About 4,461 (28.8%)
- **Sewer/Water:** The property is served with City sewer and private water.
- **Natural Features:**

- Floodplain: There are no mapped floodplains in the City of Long Beach. The lowest floor of structures are required to be 3 feet above the highest known water level. On Lake Minnewaska, this would require a lowest floor elevation of 1142.68 (NGVD29) – the HKWL is 1139.68 (June 1972). The proposed addition appears to be at an elevation well above these minimums.
 - Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes.
 - Wetlands: There do not appear to be any wetlands on the property except those associated with the shoreline or lake itself.
- **Current Shoreland Conditions**: Some trees and natural vegetation.

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.

Subd. 1e. Nonconformities.

(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 Long Beach Zoning Ordinance

6.06: LOT AREA AND SETBACK REQUIREMENTS. The following minimum requirements shall be observed in the LD District subject to additional requirements, exceptions and modifications set forth in this Ordinance.

B. Principal Structure Setbacks:

1. Front Yard: Thirty (30) feet.
2. Side Yard (not adjacent to street right-of-ways): Ten (10) feet.
3. Rear Yard: Twenty (20) feet.
10. Corner lots (side yards adjacent to street right-of-ways): Thirty (30) feet.
11. Where a lot is adjacent to a State Highway, the setback shall be fifty (50) feet.
12. Minimum Structure Setback from Ordinary High Water (OHW) mark: Seventy-

five (75) feet.

C. Accessory Structures Setbacks as regulated by Section 11:06 of this Ordinance.

6.07: LOT COVERAGE AND HEIGHT. The following requirements shall be observed in the LD District:

- A. The total impervious surface coverage on a lot shall not exceed twenty-five (25) percent.
- B. All single family detached and attached dwellings not exceeding four attached housing units shall be limited to a maximum height of two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

SECTION 28 - SHORELAND MANAGEMENT OVERLAY DISTRICT

28.05: ZONING, WATER SUPPLY AND SANITARY SEWER PROVISIONS.

B. Placement, Design, and Height of Structures.

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.
 - a. Structure and On-site Sewage System Setbacks from Ordinary High Water Level*.

Setbacks (in feet)*			
Classes of Public Waters Lakes General Development	Structures		Sewage Treatment
	Unsewered	Sewered	System
	75	50	50

*One water-oriented accessory structure designed in accordance with Section 28.05 Letter B Number 2 of this Chapter may be set back a minimum distance of ten (10) feet from the ordinary high water level.

- d. Uses Without Water Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Design Criteria For Structures.

- a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows.

- (1) For lakes, by placing the lowest floor at a level at least three feet (3') above the highest known water level, or three feet (3') above the ordinary high water level, whichever is higher.
- (3) Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

- b. Water Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 28.05 Letter B Number 1 of this Chapter if this water-oriented accessory structure complies with the following provisions.

- (1) The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails, and cannot occupy an area greater than two hundred and fifty (250) square feet. Detached decks must not exceed eight feet (8') above grade at any point.
- (2) The setback of the structure or facility from the ordinary high water level must be at least ten feet (10') and not in the bluff impact zone.
- (3) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
- (4) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
- (5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- (6) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely

for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty feet (20') as measured parallel to the configuration of the shoreline.

3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five feet (35') in height.
- E. Stormwater Management. The following general and specific standards shall apply.
 2. Specific Standards:
 - a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.

Findings of Fact: The following findings of fact are presented by Staff for consideration by the Planning Commission:

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

Needs discussion (road setback): The general intent of the road setback is to provide some separation from current and future traffic and roadway usage. The proposed location of the porch addition place it about 36 feet from the public right-of-way of a State highway. The zoning ordinance is not exactly clear, however, as to whether the setback should be measured from the edge of the right-of-way or from the edge of the constructed highway (measuring from the centerline of the highway would not make sense since 50 ft from the centerline would still be located within the right-of-way). This porch location is about 6 feet further away from the road than the existing garage. Another consideration may be the existing allowable private road access to the property between the dwelling and the highway.

Needs discussion (impervious limit): The general intent of the 25% impervious surface limit is to protect water quality by allowing space for water to infiltrate into the ground or be filtered through vegetation before it enters the lake. The existing impervious coverage is over the 25% limitation, though this may be viewed as a legal nonconforming use.

The proposed increase in impervious coverage on the lot is inconsistent with the ordinance in that the existing coverage already exceeds the maximum allowed. Given that all of the existing impervious coverage is a legal nonconformity that pre-existed the ordinance requirements, it may be possible to argue that adding additional impervious would be consistent with the ordinance provided that an equal amount of impervious that is being added is reduced elsewhere on the lot.

2) Will the granting of the variance be consistent with the City of Long Beach's Comprehensive Plan?

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

3) Is the proposed use of the property reasonable?

The requested variance to the road setback may be reasonable in the sense that the existing garage is actually closer to the road than the porch addition. Other nearby homes are in a

similar proximity to the road right-of-way. With regard to the added impervious coverage, the site already significantly exceeds the impervious limits allowed and any addition could be deemed unreasonable unless the increase in impervious is mitigated.

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

The need for the right-of-way setback variance would appear to be primarily be related to the existing position of the home in relation to State Highway 28.

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

The use of the property would remain very similar in character to what already exists. A further increase in impervious coverage, could however be deemed a change in character.

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

Economic considerations are not a significant factor in the requested variances. They have more to do with the size and location of the existing structures and the size/shape of the lot.

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

In order to avoid the need for the variance, the applicant would need, at a minimum, to have no net increase in impervious coverage. The roadway setback variance appears to be unavoidable if they are to achieve their porch addition.

Planning Commission/City Council Direction: The Commission/Council may approve the request, deny the request, or table the request if it should need additional information from the applicant. If the Commission/Council should approve or deny the request, it should state the findings which support either of these actions.

Staff Recommendation: With respect to the setback from the State highway, allowing the variance would appear to be reasonable given the current location of the home and the limitations of the site.

Staff would recommend that no net increase in impervious coverage be allowed. If the addition is to be allowed, the Commission should consider requiring at least an equal reduction in impervious coverage elsewhere on the lot. The Commission could also consider requiring additional reductions in impervious so as to more closely meet, if not meet, the 25 percent limit allowed in ordinance.

If the application or some version of the application is approved, Staff would recommend consideration for the following conditions of approval:

1. That the applicant must remove at least as much existing impervious coverage on the lot as is being added by the proposed covered entry and walkway.

2. Erosion and sedimentation control measures must be installed and maintained until the construction areas have been stabilized. These shall include at a minimum silt fences between any areas of disturbance (if there will be any) and the lake as well as to any neighboring properties which are downslope of the disturbed areas. Once disturbed areas are no longer being used for construction purposes, these shall be covered with mulch, erosion control blankets, hydroseed or other forms of temporary cover until vegetation is re-established.

Application/File # _____

Date Application Rec'd ____/____/____
(for office use only)

Fee Collected \$ _____

CITY OF LONG BEACH, MN
Variance Application

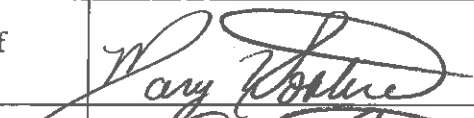

Site Address (E-911#):	Tax Parcel Number (9 digits):
19054 North Ridge Drive Glenwood, MN 56334	24 - 0111 - 000

Applicant Info:

Applicant Is:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Licensed Contractor	<input type="checkbox"/> Design Prof.	<input type="checkbox"/> Contract Buyer	<input type="checkbox"/> Other:
Name: Mary Jo Wohlwend					
Mailing Street Address: 19054 North Ridge Dr					
City: Glenwood		State: MN		Zip Code: 56334	
Preferred Phone: 320-288-6442		Secondary Phone: 320-589-2442		Email: MJO@rentzagency.com	

Property Owner (if different from applicant):

Name: N/A		
Mailing Street Address: N/A		
City: N/A	State: N/A	Zip Code: N/A

Signature of Applicant*:		Date:	4/18/2018
Signature of Title Holder*:		Date:	4/18/2018

* By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all Long Beach and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the Long Beach Zoning Administrator are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to Long Beach's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable local, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

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

Please complete all of the following questions:

1. What type of variance are you requesting?
2. What are you proposing for the property? State nature of request in detail: *Attach a Porch onto the Road Side of the house where a wooden Deck is Now + Add a Concrete Walk*
3. When do you anticipate beginning and completing the project?

Start Date: *June 1 2018*

Completion Date: *Aug 1 2018*

4. Describe why you believe the granting of the variance request would be in harmony with the general purposes and intent of the ordinances. *It will Add Curb appeal to the Property and the Proposed Project. A Detached Garage already Protrudes a greater Distance into the Zone.*
5. Describe why you feel that your proposal is a reasonable use of the property. *It will Not have a negative impact and it will increase Curb appeal helping to maintain Values of Neighboring Property.*
6. Describe what factors contributing to the need for a variance were not in your control. Address factors such as the lot size or shape, topography, location of existing buildings, sewer systems and wells, and any other factors you feel are relevant. *The existing Garage is closer to Property line than the Proposed Project.*
7. Describe the character of the area and why your project will not substantially change the character of the neighborhood or be a detriment to nearby properties. *It will Add Curb Appeal to Neighborhood + will Better align with Neighboring Property.*
8. Describe why it is not feasible for your project to meet the minimum requirements of the ordinance. What options did you explore that would minimize the variance necessary and why did you determine these were not feasible alternatives? *No other option Available*
9. Discuss what impacts, if any, the requested variance may have on the environmental quality of the area. For any potential impacts, how do you intend to eliminate or minimize their effect? *No Foreseen Impacts to Environment*
10. Describe why you believe the granting of the variance would be consistent with the Comprehensive Plan.
11. **Flood Insurance Notice:** If your variance request involves a request to construct a structure below the base flood level, you are hereby notified that this will result in an increased premium rate for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage. Such construction below the base or regional flood level increases risks to life and property. *N/A*

****If you are requesting to construct a structure below the base flood level, please initial here that you have read and understand the above notice:***

mg

12. Will the project involve grading or reshaping of the lot? *None that I am aware of.*

- Amount of material to be moved (cubic yards): *N/A*
- Describe Temporary Erosion Control Measures: *N/A*
- Describe how vegetation will be re-established: *N/A*

13. Please include any other comments pertinent to this request.



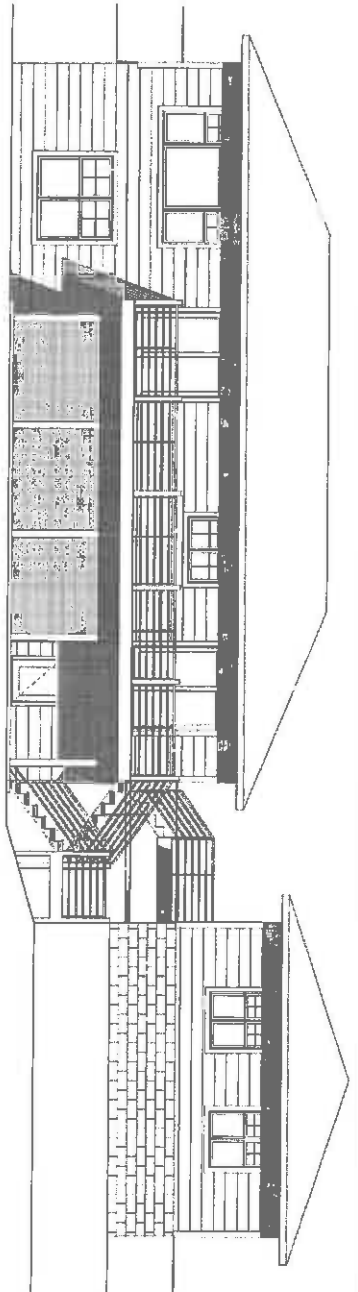
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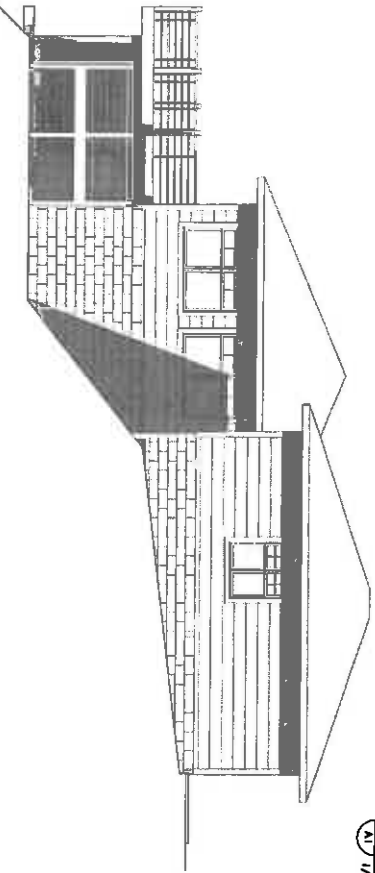
Search Tax Parcels

🔍





4 REAR
1/8" = 1'-0"

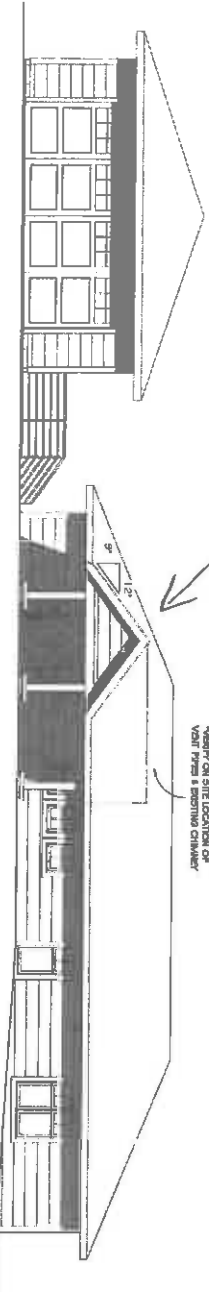
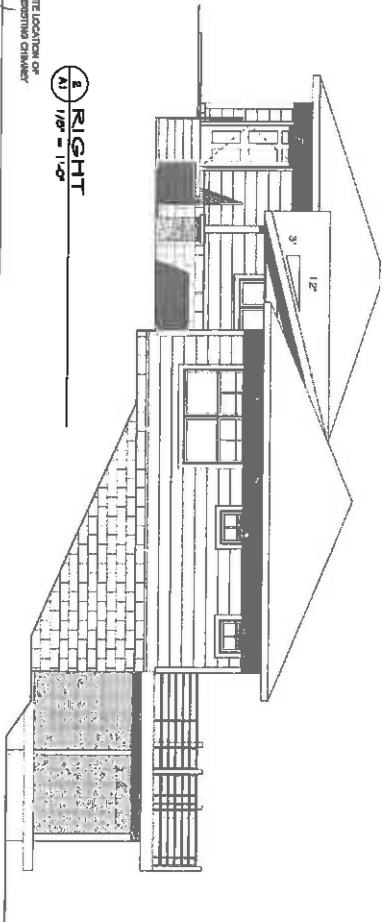


2 LEFT
1/8" = 1'-0"

Project

VERIFY ON SITE LOCATION OF
YOUR TRIPS & SIGHTING CAMERA

1 RIGHT
1/8" = 1'-0"



1 FRONT
1/8" = 1'-0"

*ALL MEASUREMENTS, CONDITIONS, WINDOW PLACEMENTS
& EGRESS NEEDS PER ROOM USAGE TO BE VERIFIED ON
SITE BY G.C. PER CODE

Build It Better With

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ALEXANDRIA - GLENWOOD - PARKERS PRAIRIE
BRANDON - OTTERTAIL

HILLTOP LUMBER
1415 WEST 10TH STREET
ALEXANDRIA, LA 71303
OFFICE 504-754-9553
WWW.HILLTOPLUMBER.COM

**DISCLAIMER OF
WARRANTIES**

This plan is provided for informational purposes only and is not intended to be used as a construction document. The user of this plan is responsible for obtaining all necessary permits and for verifying the accuracy of all information provided. The user of this plan is also responsible for obtaining all necessary insurance and for verifying the accuracy of all information provided. The user of this plan is also responsible for obtaining all necessary permits and for verifying the accuracy of all information provided.

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WWW.HILLTOPLUMBER.COM

MARY WOHLWEND

Drawn by: JAMES
Date: 04-09-16
PRELIMINARY
ELEVATIONS

A1

[illegible]

*ALL MEASUREMENTS, CONDITIONS, WINDOW PLACEMENTS & EGRESS NEEDS PER ROOM USAGE TO BE VERIFIED ON SITE BY G.C. PER CODE

1 BASEMENT PLAN
A2 1/8" = 1'-0"

MARY WOHLWEND

FOUNDATION

A2

HILTOP LUMBER
1405 NORTH KOKOMO RD.
ALEXANDRIA, VA 22306
OFFICE: 320-763-8663
WWW.HILTOPLUMBER.COM

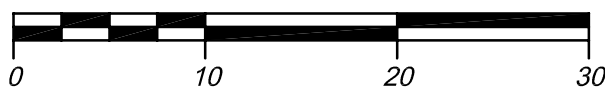
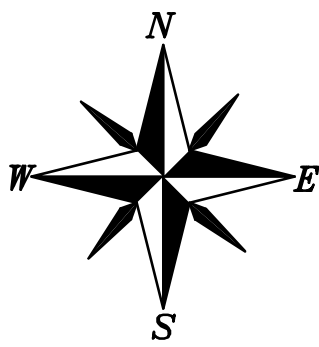
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BRANDON - OTTERTAIL

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CERTIFICATE OF SURVEY
& IMPERVIOUS SURFACE STUDY

STOECKEL-JAHNER SURVEYING FILE NO. 6754



EXISTING LEGAL DESCRIPTION (by others)

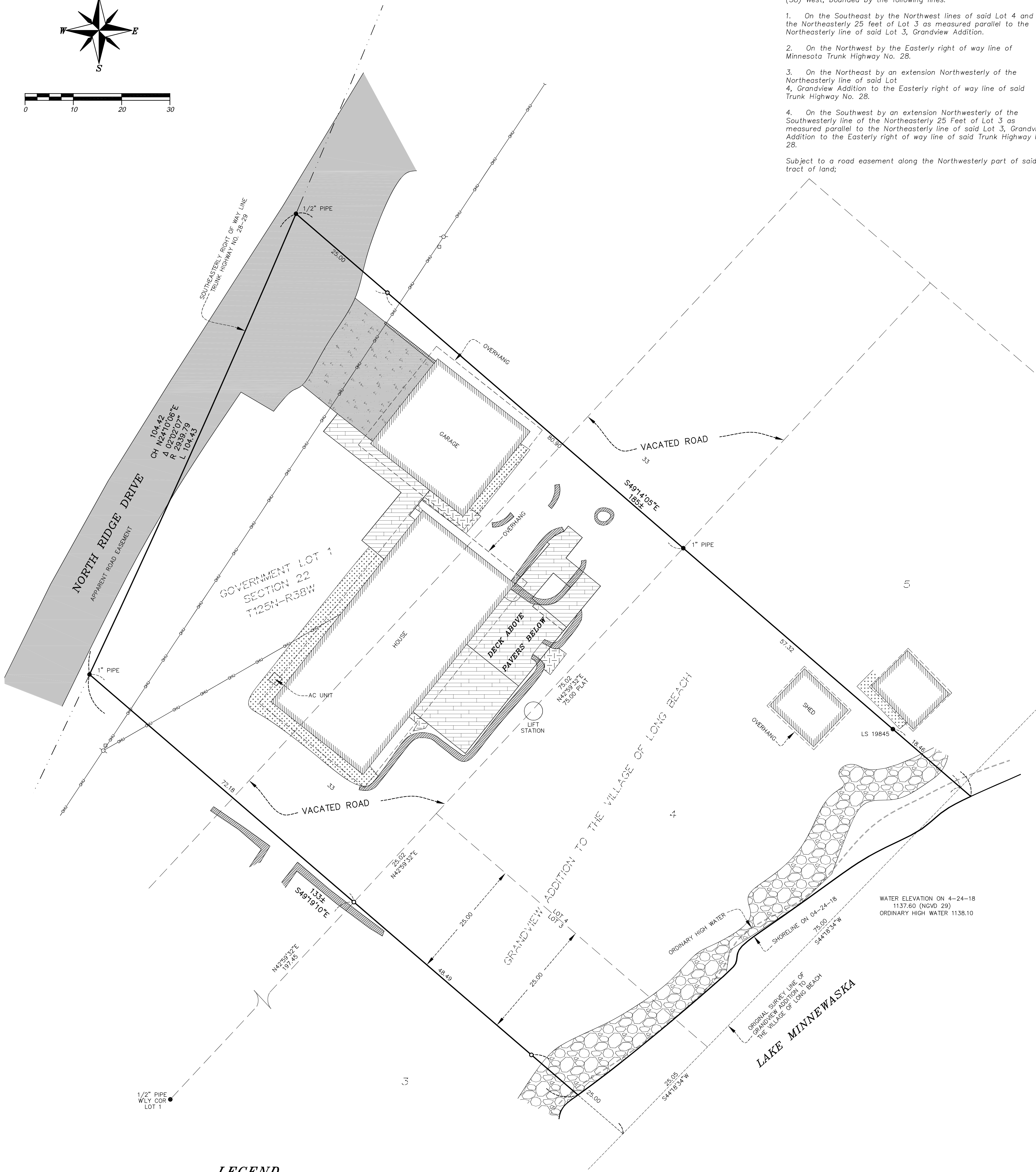
All of Lot Four (4) and the Northeastly 25 feet of Lot Three (3) as measured parallel to the Northeastly line of said Lot Three (3), Grandview Addition;

AND

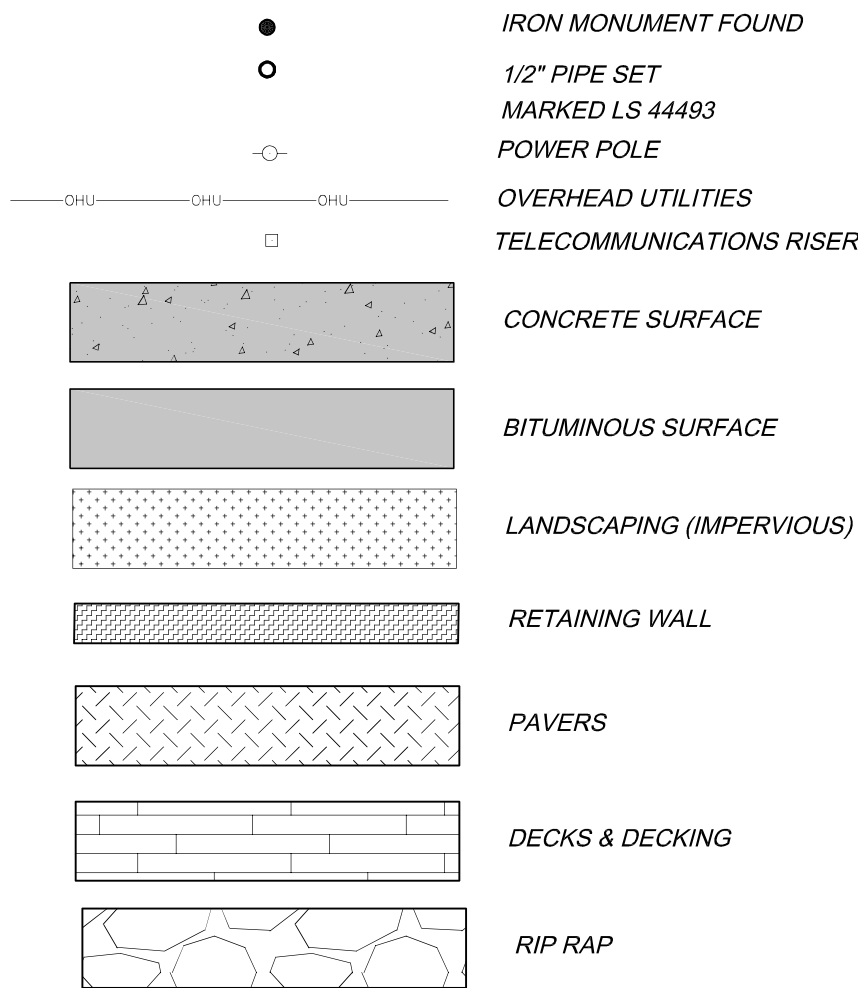
A part of Government Lot One (1), Section Twenty-two (22), Township One Hundred Twenty-five (125) North, Range Thirty-eight (38) West, bounded by the following lines:

- On the Southeast by the Northwest lines of said Lot 4 and the Northeastly 25 feet of Lot 3 as measured parallel to the Northeastly line of said Lot 3, Grandview Addition.
- On the Northwest by the Easterly right of way line of Minnesota Trunk Highway No. 28.
- On the Northeast by an extension Northwestly of the Northeastly line of said Lot 4, Grandview Addition to the Easterly right of way line of said Trunk Highway No. 28.
- On the Southwest by an extension Northwestly of the Southwestly line of the Northeastly 25 Feet of Lot 3 as measured parallel to the Northeastly line of said Lot 3, Grandview Addition to the Easterly right of way line of said Trunk Highway No. 28.

Subject to a road easement along the Northwestly part of said tract of land;



LEGEND



NOTES:

- A Title Opinion and/or Title Commitment were not provided for the benefit of this survey. Easements may exist which are not shown herein.
- Numerous areas have overlapping impervious surfaces. i.e. overhang over landscaping ect.. For the purposes of this impervious surface study, these areas are only listed once.
- Rip-rap along the lake has not been included as impervious surface.

EXISTING IMPERVIOUS SURFACE

Buildings	1,904 Sq. Ft.
Overhangs	487 Sq. Ft.
Sewer Lift	11 Sq. Ft.
Concrete	372 Sq. Ft.
Bituminous	644 Sq. Ft.
Pavers	32 Sq. Ft.
Decks	675 Sq. Ft.
Landscaping	129 Sq. Ft.
Retaining Walls	129 Sq. Ft.
	4,383 Sq. Ft.
Total Area above OHW	15,500 Sq. Ft.

4,383 Sq. Ft. divided by 15,478 Sq. Ft. = 28.28% Total impervious

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 04-26-18
License No. Date

STOECKEL
JAHNER
SURVEYING INC.

PREPARED FOR: MARY JO WOHLWEND

MARK F. JAHNER - LICENSE NO. 44493
1206 3rd Avenue East P.O. Box 366 Alexandria, MN 56308
Phone 320-763-6855 Fax 320-763-6341
Website: mnsurveying.com Email: mark@mnsurveying.com

SEC. TWP. RNG: 22-125-38
DATE: 04-26-18
DRAWN BY: JN
CHECKED BY: MFJ
FILE NUMBER: 6754



