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## MEMO

**Date:** August 16, 2017  
**Re:** Planning Commission/Board of Adjustment Report  
**From:** Ben Oleson, Zoning Administrator

Dear Mayor and City Council,

The Planning Commission/Board of Adjustment held its regular meeting on August 14, 2017. The Commission held five public hearings – one CUP, two variances, and two amendments, (one regarding proposed amendments to the City's zoning map and Chapter 11.05 (Zoning Districts and Map) of the Little Falls City Code and the others to Chapter 5.30 regarding sign regulations). The Planning Commission/Board of Adjustment has made a recommendation to the Council for all of the items where a public hearing was held.

### AGENDA ITEM #1

**Application:** Conditional use for the expansion of a church in a residential zoning district (approx. 3,918 sq ft fellowship hall).

**Applicant:** Zion Evan Lutheran Church

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#### Background Information:

- **Proposal:** The applicant is proposing to construct an approximate 3,918 sq ft fellowship hall addition to the existing church on this property. Churches are listed as a conditional use within the R-1 zoning district and while the church already exists on the property, an expansion also requires a conditional use due to the potential for increased impacts on nearby properties.
- **Location:**
  - 411 3rd Ave NE
  - Legal Description: Lots 5 and 6, Block 58, less North 3 feet of Lot 6, Block 58, Original Plat of Little Falls
  - Parcel number(s): 48.0565.001
- **Zoning:** R-1 One- and Two-Family Residential District

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**Planning Commission Recommendation:** The Planning Commission is recommending, on a unanimous vote (5-0), approval of the requested conditional use with no conditions.

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### **Findings of Fact:**

The following findings of fact are presented by Staff for consideration by the City Council based on the discussion at the public hearing:

#### **1) Current Zoning:**

- Subject Property: R-1 One- and Two-Family Residential District
- Surrounding Properties:
  - North, West and South: R-1 One- and Two-Family Residential District
  - East: I-2 Industrial District (Heavy)

#### **2) Current Land Use:**

- Subject Property: Church
- Surrounding Properties:
  - North and South: Residential
  - West: Church property/Residential
  - East: Vacant industrial buildings

#### **3) Lot size:** Approximately 150' x 157' (23,550 sq ft)

- Existing impervious surface: 13,650 sq. ft. (57.9%)
- Proposed impervious surface: 17,568 sq ft (74.6%)

#### **4) Sewer/Water:** The property has City sewer/water available.

#### **5) Natural Features:**

Floodplain: The property is not within an identified floodplain

Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes. The site is relatively flat.

Wetlands: There are not any wetlands on the property that would impact the proposed use.

#### **6) Will the granting of the conditional use be in harmony with the general purposes and intent of the Zoning and/or Subdivision Ordinance?**

**Yes.** The intent of the requirement that churches (and significant expansions to churches) be reviewed as a conditional use is to allow for review and public input regarding the potential impacts that an addition may have on the neighborhood. Such impacts may include traffic volumes, on- and off-street parking, noise, stormwater issues and others.

The primary issues related to this application, in Staff's opinion, relate to the potential for increased traffic and parking needs and the proper management of stormwater. The traffic concerns are minimized because the addition is intended to better serve the existing congregation and not increase the capacity of the worship area for new congregants. The stormwater concerns are still being reviewed by the City Engineer when he receives additional information, but it appears there will be room on the property to address those due to the church recently having purchased adjacent property for that purpose.

7) **Will the granting of the conditional use be consistent with the City of Little Falls' Comprehensive Plan?**

The Comprehensive Plan does not directly address additions to churches or other uses. The proposed use of the property (church) is anticipated and supported by the Comprehensive Plan and the City Code, which identifies this areas for "Urban (Single-Family)" uses:

**Urban (Single-Family)-** This designation is for primarily single-family residential and compatible, associated uses, e.g. churches. Density would be 3-4 units per acre.

**AGENDA ITEM #2**

**Application:** Variance for the construction of a 39'1" x 34' attached garage approx. 5 ft from a rear property line (min. 30 ft required).

**Applicant:** Timothy J. Houle

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**Background Information:**

- **Proposal:** The applicant is proposing to construct a 39'1" x 34' attached garage 5 ft from a rear lot line (min. 30 ft required).
- **Location:**
  - Property address: 724 1st St SE, Little Falls
  - Legal Description: Lots 16 and 17, Block 17 Morrill's Addition No. 1 to Little Falls
  - Parcel number(s): 48.1323.000
- **Zoning:** R2 - One and Two Family District

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**Planning Commission Recommendation:** The Planning Commission is recommending, on a unanimous vote (5-0), approval of the requested variance with no conditions.

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

1) **Current Zoning:**

- Subject Property: R-2 One- and Two-Family Residential Zoning District
- Surrounding Properties: R-2 One- and Two-Family Residential Zoning District

2) **Current Land Use:**

- Subject Property: Single-family dwelling
- Surrounding Properties: Single-family dwellings

3) **Lot size:** Approx. 86 ft. x 120 ft. (10,320 sq ft).

- Existing impervious surface: Approx. 2,400 sq. ft. (23%)
- Proposed impervious surface: Approx. 3,730 sq. ft. (36%)

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

- Floodplain: The location of the proposed garage does not appear to be within an identified floodplain.
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes in the location of the proposed garage.
- Wetlands: There do not appear to be any wetlands on the property that would impact the proposed garage.

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

The general intent of a rear yard setback for homes and attached garages is to maintain a minimum spacing between homes that back up to each other. This spacing is larger than what would apply to detached accessory structures presumably to allow for greater privacy in rear yards.

In this case, the lot has an alley along the side lot line, rather than the more typical location between rear lot lines. As such, the 30 ft setback applies to the west property line, which is where the garage is proposed to meet only a 5 foot setback. A setback exceeding 30 feet would apply to the south property line after the addition and as such the home/attached garage would be meeting minimum required side and rear yard setbacks that apply to the R-2 zoning district, except not in the yards they are supposed to by definition (i.e. if the front lot line were the north lot line, the proposed structures would meet the required side and rear yard setbacks).

7) **Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?**

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

8) **Is the proposed use of the property reasonable?**

The requested variance is reasonable in that it is not unusual for a landowner to desire or have an attached garage.

9) **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 existing layout of the home on the lot, the lot size and the the layout of the road and alley in relation to the buildings on the lot.

10) **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.

11) **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.

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

To avoid the need for a variance, it appears the applicant would have to locate the garage in a different location on the property – likely to the south of the existing home, which would require another driveway entrance from First Street SE.

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**AGENDA ITEM #3**

**Application:** Variance to construct a new attached garage approx. 6 ft from side lot line abutting 4th Ave SE (min. 15 ft required). Conditional use permit to construct a one-time addition to buildings on a nonconforming lot of record.

**Applicant:** Gary Stachowski

**Property Owner:** Timothy Stachowski Realty LLC

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**Background Information:**

- **Proposal:** The applicant is proposing to construct a new attached garage within the side lot line setback requirement of 15 feet. The addition would be roughly in line with the existing home setback from the corner side lot line abutting 4<sup>th</sup> Ave SE.

Also, as the lot on which the addition would be constructed is nonconforming for width and size, a conditional use permit is required to construct an addition.

- **Location:**
  - Property address: 500 3rd St SE, Little Falls
  - Legal Description: North half of Lot 8, Block 26 Original Plat of Little Falls
  - Parcel number(s): 48.0228.000
- **Zoning:** R1 – One and Two Family District

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**Planning Commission Recommendation:** The Planning Commission is recommending, on a unanimous vote (5-0), approval of the requested variance with one condition:

- 1) Approval of the conditional use subject to City Attorney review, as the conditional use aspect of this application was not specifically mentioned in the public notice (the variance was and the same neighboring property owners were notified of the overall request as would have been had the conditional use been specifically mentioned).

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

- 1) **Current Zoning:**
  - Subject Property: R-1 One- and Two-Family Residential Zoning District
  - Surrounding Properties: R-1 One- and Two-Family Residential Zoning District

2) **Current Land Use:**

- Subject Property: Single-family dwelling
- Surrounding Properties: Single-family dwellings

3) **Lot size:** Approx. 40 ft. x 150 ft. (6,000 sq ft).

- Existing impervious surface: Approx. 1,000 sq. ft. (16.7%)
- Proposed impervious surface: Approx. 2,115 sq. ft. (35.2%)

4) **Sewer/Water:** The property is served with City sewer/water.

5) **Natural Features:**

- Floodplain: The location of the proposed garage does not appear to be within an identified floodplain.
- Bluff/Steep Slopes: The property does not contain any bluffs or steep slopes in the location of the proposed garage.
- Wetlands: There do not appear to be any wetlands on the property that would impact the proposed garage.

6) The average nonimpervious coverage on the subject lot (about 65% with a 16 ft wide proposed driveway) would appear to be slightly more than the average nonimpervious surface percentage average on lots within 100 feet (about 67%). If the driveway were reduced to 14 ft wide (average) the nonimpervious coverage would match the 67% average of properties within 100 feet.

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

The general intent of a corner side yard setback for homes and attached garages is to maintain a minimum spacing between homes and public streets and to avoid damage to persons or property from vehicles leaving the road.

In this case, the proposed garage will be no closer to the corner side lot line than the existing home, and thus the additional potential for damage to persons or property would increase only minimally from what exists now.

8) **Will the granting of the variance be consistent with the City of Little Falls' Comprehensive Plan?**

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

9) **Is the proposed use of the property reasonable?**

The requested variance is reasonable in that it is not unusual for a landowner to desire or have an attached garage. However, the Board should discuss whether the proposed garage size is reasonable given the limitations of the lot.

10) **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 existing layout of the home on the lot, the small lot size and the layout of the lot at an intersection of two streets.

**11) 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.

**12) 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.

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

To avoid the need for a variance, the applicant would have to reduce the width of the garage to no greater than 15 feet (40 ft lot width - 15 ft corner side yard setback - 10 ft interior side yard setback = 15 feet). A 15 ft depth for a garage would not be feasible for its purpose.

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**AGENDA ITEM #4**

**Application:** Amendments to the official City of Little Falls zoning map and Chapter 11.05 (Zoning Districts and Map) of the Little Falls City Code. The purpose of the amendments are to rezone all properties which are currently zoned PUD-CH (Planned Unit Development - Country Homes) to R-1C (Country Homes, One- and Two- Family Residential District) and to eliminate PUD-CH as a zoning district. A total of approximately 81 properties are proposed for rezoning and a map of these properties is available for public inspection at least ten days prior to the public hearing at Little Falls City Hall during normal business hours.

**Applicant:** City of Little Falls Planning Commission

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**Background Information:**

- **Proposal:** Last month, the Planning Commission held a public hearing regarding a number of proposed rezonings across the city in an effort to simplify the regulation of uses within each of the city's zoning districts and to eliminate current zoning districts that were deemed unnecessary.

The current proposal is to add another zoning district to those that would be eliminated - the PUD-CH (Planned unit development - country homes) zoning district. This district is regulated essentially the same as that of the R-1C (Country Homes, One- and Two-Family Residential District) and as such is proposed to be rezoned into R-1C.

The public hearing is for the purpose of reviewing the proposed rezoning of properties only. A public hearing has already been held regarding the specific regulations that would apply within each zoning district, with a recommendation for approval (with a few changes) already made to the City Council.

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**Planning Commission Recommendation:** The Planning Commission is recommending, on a unanimous vote (5-0), approval of the amendments as presented – to rezone all properties currently zoned PUD-CH to R-1C.

**AGENDA ITEM #5**

**Application:** Amendment to Chapter 5.30 (Sign Regulations) of the Little Falls City Code. The purpose of the amendment would be to correct references to zoning districts which have separately been proposed for renaming and/or elimination. A full copy of the proposed amendments will be available for public inspection at least ten days prior to the public hearing at Little Falls City Hall during normal business hours.

**Applicant:** City of Little Falls Planning Commission

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**Background Information:**

- **Proposal:** Several months ago, the Planning Commission held a public hearing regarding a comprehensive update to Chapter 11 of the City Code regarding zoning regulations. Those changes, as recommended to the City Council, would eliminate several zoning districts from the City Code.

Chapter 5.30 of the City Code regulates signs and in a number of places references zoning districts that would be eliminated under the proposed amendments to Chapter 11. In order to assure that the sign ordinances match up with the zoning regulations in terms of the names and types of zoning districts, the attached amendments are proposed.

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**Planning Commission Recommendation:** The Planning Commission has unanimously (5-0) recommended adoption of the proposed amendments.

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If you have any questions, please feel free to contact me. I can be reached by phone at (888) 439-9793 or by email at [oleson@hometownplanning.com](mailto:oleson@hometownplanning.com).