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# CITY OF LITTLE FALLS

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

July 11, 2016





**AGENDA**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 July 11, 2016, 6:30 p.m.

P	A	Member	P	A	Member
		Kleinschmidt, James			Schilling, Kara
		Esse, Robert			Schulte, Ray
		Gosiak, Frank			Silbernick, Keith
		Hanfler, Jeremy			Oleson, Ben (Zoning Administrator)
					Kimman, Greg (City Engineer)

**CALL TO ORDER:** Planning Commission Chairperson

**ADOPT THE AGENDA:** July 11, 2016

**APPROVAL OF MINUTES:** June 27, 2016

**PUBLIC HEARINGS:**

- 1) Conditional use permit to replace an existing approximate 240 sq ft detached garage with a new 30' x 32' detached garage on a nonconforming lot of record. Applicant: David Thompson. Legal Description: Lot 2, Block 36 of Original Plat of Little Falls. Property Address: 608 2<sup>nd</sup> Street NE. Parcel number(s): 48.0324.000.

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1) Comprehensive Plan – Public Survey Initial Results

**NEXT REGULAR MEETING:** Monday, August 8, 2016

**ADJOURNMENT:**



**MINUTES**  
**PLANNING COMMISSION**  
 Conference Room, City Hall  
 June 27, 2016, 6:30 p.m.

P	A	Member	P	A	Member
X		Kleinschmidt, James		X	Schilling, Kara
X		Esse, Robert	X		Schulte, Ray
X		Gosiak, Frank	X		Silbernack, Keith
X		Hanfler, Jeremy	X		Oleson, Ben (Zoning Administrator)
			X		Kimman, Greg (City Engineer)

**CALL TO ORDER:** The meeting was called to order by Gosiak at 6:30pm

**ADOPT THE AGENDA:** Motion was made by Schulte and seconded by Esse to adopt the agenda as presented. Motion Carries

**APPROVAL OF MINUTES:** Motion was made by Silbernack and seconded by Hanfler to approve minutes as presented. Motion carried

**PUBLIC HEARINGS:**

- 1) Conditional use permit to allow for 1,632 sq ft of combined accessory building floor area on a property zoned R-3 Multiple-Family Residential District (max. 1,400 sq ft allowed). Applicant: Sharon and Rich Hogan. Partial Legal Description: Part of SE4 of NW4, Section 17, Township 40, Range 32. Property Address: 1010 6<sup>th</sup> Street SE. Parcel number(s): 48.6411.000. Public hearing was opened at 6:31 pm. After discussion and input by the homeowner the hearing was closed at 6:40. A motion was made to approve the conditional use as stated by Schulte and seconded by Silbernack. In making the motion it was stated that taking into consideration the size of the lot which is about 2.75 times the minimum size required for the R-3 zoning district. Motion carried

**OLD BUSINESS:** None

**NEW BUSINESS:**

- 1) Discussion – Micro Cell Towers. After much discussion it was decided staff would draft an ordinance modeled after the Minneapolis ordinance to be presented to the board for the August meeting.

**NEXT REGULAR MEETING:** Monday, July 11, 2016

**ADJOURNMENT:** Motion was made by Schulte and seconded by Esse to adjourn at 7:15. Motion carried



## STAFF REPORT

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**Application:** Conditional use permit to replace an existing approximate 240 sq ft detached garage with a new 30' x 32' detached garage on a nonconforming lot of record.

**Applicant:** David Thompson

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### **Background Information:**

- Proposal:** The applicant is proposing to replace an existing approx. 240 sq ft detached garage with a new 30' x 32' detached garage. This would occur on a lot that does not meet the minimum required lot size of today's standards, but was created legally at the time it was platted. The minimum lot size required in the R-1 zoning district is 12,000 sq ft with a minimum lot width of 80 feet. The applicant's lot is 40' x 150' or 6,000 sq ft in size.

By city code, a non-conforming lot of record may have an accessory building added to the lot provided a number of conditions are met and a conditional use permit is granted. The conditions are listed below in the "Applicable Regulations" section of the staff report.

This same application was applied for and approved by the City Council in 2011. However, the landowner never acted on the approval within the required one-year time frame and the conditional use permit has since expired.

- Location:**
    - o Legal Description: Lot 2, Block 36 of Original Plat of Little Falls
    - o Property Address: 608 2<sup>nd</sup> Street NE
    - o Parcel number(s): 48.0324.000
  - Property Owner:** David Thompson
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### **Applicable Statutes/Ordinances/Court Decisions:**

#### **Little Falls City Code**

#### 11.04: ADMINISTRATION AND ENFORCEMENT

##### D. Conditional Uses:

1. Purpose: In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be issued for a particular use and not for a particular person or firm. The cancellation of a permit shall be considered equivalent to a rezoning, and the same requirements and procedures shall apply.

2. Application, Referral To Planning Commission, Planning Commission Recommendation And Council Action: Except as otherwise noted in this subsection, the application and presentation requirements for conditional permits shall be the same as those for variances as provided in subsection C of this section.
3. Revocation: A violation of any condition set forth in a conditional use permit shall be a violation of this chapter and automatically terminate the conditional use permit.
4. Use Of Permit: Upon the issuance of a conditional use permit by the council, said permit shall be in force on a temporary basis for a period not to exceed one year from the date of issuance. If, during said one year period, the conditional use authorized by said conditional use permit has not been completed, said conditional use permit shall lapse and become void unless, during said one year period, the city council extends the period of time to complete said authorized use.
5. Lapse Of Conditional Use Permit: A conditional use permit shall lapse and become void if the conditional use for which the conditional use permit has been granted is discontinued for a period of one year, or if the use for which a conditional use permit was granted is changed for a period of one year to a use for which no conditional use permit is required.
6. Cancellation: A conditional use permit may be cancelled by following the requirements and procedures for an amendment to the zoning ordinance. (Ord. 18, 3rd Series, eff. 9-29-1986)

### **11.03: GENERAL PROVISIONS:**

#### **B. Nonconforming Uses And Structures:**

9. As of the date of adoption hereof, onetime alterations and additions may be made to a building located on a nonconforming lot that contains lawful residential units when it will improve the livability thereof. A conditional use permit may be issued, provided the alterations/additions meet all of the following items, and the property owner applies for and is granted a conditional use permit:

- a. No other owner has previously used the onetime addition. Nonconforming structures are only allowed one occasion to expand during the lifetime of the structure and not one occasion per owner.
- b. Any alteration or addition must meet the setback requirements of the zoning district that the nonconforming lot is located in.
- c. The nonimpervious surface percentage must be equal to or greater than the abutting property's nonimpervious surface percentage average after the completion of the addition. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.



d. The size of the addition is less than fifty percent (50%) of the principal structure, as measured in square feet of the outside dimensions of the principal structure.

e. Any alteration or addition cannot create new nonconformities or increase the parking requirements.

10. In addition to the onetime addition or alteration of the principal structure, an accessory structure may be added. A conditional use permit may be issued, provided the accessory structure meets the following items and the property owner(s) applies for and is granted a conditional use permit:

a. Any accessory structure must meet the setback requirements of the zoning district that the nonconforming lot is in.

b. The nonimpervious surface percentage must be equal to or greater than the abutting properties' nonimpervious surface percentage average, after the completion of the accessory structure. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.

c. The type of accessory structure must match the style, type and appearance of the principal structure located on the lot.

d. The enlargement or replacement does not create new nonconformities or increase in parking requirements. (Ord. 151, 5th Series, eff. 12-3-2007)

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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:**

a. Subject Property: One and Two-Family Residential District (R-1)

b. Surrounding Properties: One and Two-Family Residential District (R-1)

2. **Current Land Use:**

a. Subject Property: Single-Family residential

b. Surrounding Properties: Primarily single-family residential.

3. **Lot size:** 6,000 sq ft (40' x 80')

4. **Sewer/Water:** The property is connected to City sewer/water.

5. **Natural Features:**

a. Floodplain: The property is not within an identified floodplain.

b. Bluff/Steep Slopes: There are no steep slopes on the property.

c. Wetlands: There do not appear to be any wetlands on the property that would impact the proposal.

6. **Application Specific conditions:**

- a. Any accessory structure must meet the setback requirements of the zoning district that the nonconforming lot is in.

**Yes.** The proposed structure will need to meet the required setbacks of 5 feet from a side lot line and 10 feet from the rear lot line. The site plan submitted with the application indicates they will meet these and other required setbacks.

- b. The nonimpervious surface percentage must be equal to or greater than the abutting properties' nonimpervious surface percentage average, after the completion of the accessory structure. Abutting properties are those properties that are zoned as residential and are within a one hundred foot (100') radius of the property in question.

**No.** The existing dwelling on the property is approximately 688 sq ft. and the proposed garage would be 960 sq ft, for a total of 1,648 sq ft., or 72.5% nonimpervious coverage. The average of the abutting properties within a 100 ft radius is about 78-79% nonimpervious. (Note: All figures are based on measurements from the County Assessor and aerial photos).

- c. The type of accessory structure must match the style, type and appearance of the principal structure located on the lot.

**Yes.** The applicant has indicated that the structure will meet this requirement.

- d. The enlargement or replacement does not create new nonconformities or increase in parking requirements. (Ord. 151, 5th Series, eff. 12-3-2007)

**Yes.** The proposed garage will meet all setbacks, impervious coverage limits and parking requirements.

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**Planning Commission Action:** The Planning Commission may approve the conditional use request, deny the request, or table the request if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, it should state the findings which support either of these actions. If the application is tabled, the Commission should provide specific direction as to what additional information is needed.

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**Staff Comments:** As the Planning Commission considers this application, Staff would make the following comments:

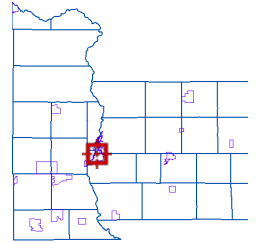
1. A variance would be necessary to construct the proposed garage at the proposed size as it would not meet the requirement relating to nonimpervious coverage compared to nearby properties.
2. In order to avoid the need for the variance, the garage would need to be downsized to approximately 580 sq ft (a 24' x 24' garage would be 576 sq ft).

3. The Comprehensive Plan identifies this area as appropriate for Urban Residential land uses (3-4 dwelling units per acre).
4. The proposed building will need to meet setback requirements (5 ft from side lot line, 10 feet from the rear lot line and 30 feet from the front lot line).
5. The proposed building will need to meet requirements of the Building Code.
6. The proposed building will need to be no taller than 18 feet in height.





**Overview**



**Legend**

- Corporate Limits
- Political Township
- Subdivisions
- Parcels
- Main Roads**
- State Highway
- US Highway
- Road Centerlines
- ACUB Easements
- PZ\_Zoning**
- Agricultural
- Commercial
- Mississippi Headwaters Board
- Manufacturing/Ind
- Residential
- Rural Residential
- Shoreland Commercial
- Shoreland Special Protection
- Shoreland Residential
- PZ\_Flood Plain**
- IN
- OUT, 500yr
- PZ\_Army Compatible Use Buffer
- PZ\_Urban Fringe Zoning
- PZ\_FeedLots

<b>Parcel ID</b>	480324000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	DAVID L THOMPSON
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	1A-Residential Homestead		608 2ND ST NE
<b>Property Address</b>	608 2ND ST NE	<b>Acreage</b>	n/a		LITTLE FALLS MN 56345
	LITTLE FALLS				
<b>District</b>	LITTLE FALLS EAST-#482-HRA				
<b>Brief Tax Description</b>	ORIGINAL PLAT LITTLE FALLS				
	Lot 002 Block 036 of ORIGINAL PLAT LITTLE FALLS				
	S1/2 OF LOT 2 BLK 36 ALSO DESC AS: COM AT WLY COMM COR OF LOTS 2 & 3 BLK 36, NLY ALG WLY LN TO ITS				





Phone: 320-616-5500  
Fax: 320-616-5505

Byo

Fee Paid 325<sup>00</sup>

Date Filed 6/20/16

Receipt Number 82229

**Application For: REZONING, VARIANCE AND CONDITIONAL USE**

Have you reviewed Chapter 11, Section 11.04 of the City Code dealing with zoning laws of the City of Little Falls? (available online: www.cityoflittlefalls.com)

Yes \_\_\_\_\_ No X

Street Address of Property 608 2nd St NE

Legal Description of Property South half of lot 2 Block 36

Parcel Identification Number 48-324

Owner - Name David Thompson Phone 320-630-0699  
Address 608 2nd St NE  
City Little Falls State Mn Zip 56345

Applicant (if other than owner) -

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Request - Rezoning \_\_\_\_\_ Variance \_\_\_\_\_ Conditional Use ✓ Other \_\_\_\_\_

Description of Request To Replace Garage with NEW one

Reason for Request Bigger garage Park inside

Present Zoning Classification Residential

Existing Use of Property Residential

Existing Use and Zoning of the Surrounding Area (two blocks) Residential

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes X No \_\_\_\_\_ When 6-6-11

Signature of Applicant/s [Signature]

Date 6-20-16

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner/s [Signature]

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Planning Commission on \_\_\_\_\_ Date

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the City Council on \_\_\_\_\_ Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345



The following questions must be answered.

1. What changes are you proposing to make to this property?

Building: New garage

Landscaping: \_\_\_\_\_

Parking/Signs: \_\_\_\_\_

2. Describe the character of the area and the existing patterns and use of development in the area. How is the proposal consistent with those patterns and uses? \_\_\_\_\_

Will match house

3. Describe the impact on the character of the neighborhood in which the property is located. will make it look better

4. Describe the impact to the traffic on roads and highways in the vicinity, and the expected traffic generated by the proposed use. Is there adequate off-street parking available to accommodate the proposal? No

5. What part of the City Zoning Ordinance creates an undue hardship to the property in question? What is the undue hardship that prevents the land to be used in a reasonable way? (Read Zoning Ordinance Chapter 11, Sect. 11.04 Sub. 3 (C.- I.) to define "undue hardship")

Use other side of page if necessary.

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345



Date: August 16, 2011

To: David Thompson  
608 Second Street Northeast  
Little Falls, MN 56345

From: Jerry Lochner, Planning and Zoning  
City of Little Falls  
P. O. Box 244  
Little Falls, MN 56345

RE: Conditional Use Request Approved

The City Council accepted the recommendation of the Planning Commission and approved the Conditional Use Request that you had requested, which is to place a 30' x 32' garage on your lot. Since your lot is only 40' x 150' in size and is in a One and Two Family Residential District (R - 1) a conditional use was required.

The conditional use permit is approved with the following conditions 1. framework and header be installed for a future single car garage door on the side of the garage facing the house, 2. the existing garage building be removed, 3. the proposed garage be similar in color to the house, 4. the findings of facts be approved, 5. no future accessory structures be installed/built on said property, 6. the new garage meet the setbacks of five feet from the interior property lines, 7. the green space requirement of 70% impervious be maintained in the future, 8. the Minnesota Building codes be met as required by law.

You, and/or your contractor, will need to get a building permit before construction is started.

Enclosed is a copy of the approved conditional use application for your files. Please call if there are any questions.

Fee Paid 250<sup>00</sup> +  
46<sup>00</sup> record fee

Date Filed 6-6-11

Receipt Number 69738

**Application For: REZONING, VARIANCE AND CONDITIONAL USE**

Have you reviewed Chapter 11, Section 11.04 of the City Code (pages 195-200) dealing with zoning laws of the City of Little Falls? (Copies available at City Offices)

Yes \_\_\_\_\_ No X

Street Address of Property 608 2nd St NE

Legal Description of Property South Half of Lot 2 Block 36

Parcel Identification Number 48-324

Owner - Name David Thompson Phone 320-630-0699  
Address 608 2nd St NE  
City Little Falls State MA Zip 56345

Applicant (if other than owner) -

Name Samuel Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Request - Rezoning \_\_\_\_\_ Variance ~~X~~ Conditional Use X Other \_\_\_\_\_

Description of Request To Replace Garage with New  
one

Reason for Request More Storage + place to park  
Cars

Present Zoning Classification Residential  
Existing Use of Property Residential  
Existing Use and Zoning of the Surrounding Area (two blocks) Residential

Has a request for a variance, special use permit, or rezoning on the subject site - or any part thereof - been previously sought?

Yes \_\_\_\_\_ No X When \_\_\_\_\_

Signature of Applicant/s Dad L. Hryn

Date 6-9-2011

I am the legal fee owner of the property described on this application and I consent to this application

Signature of owner/s Dad L. Hryn

Approved X Denied \_\_\_\_\_ by the Planning Commission on 08/08/2011  
w/conditions Date

Approved X Denied \_\_\_\_\_ by the City Council on 08/15/2011  
with conditions Date

Mailing Address: City of Little Falls, P.O. Box 244, Little Falls, MN 56345

## Findings and Facts

### Conditional Use, David Thompson

Planning Commission Public Hearing 6:30 p.m., July 11, 2011, in Council Chambers, City Hall

David Thompson, 608 Second Street Northeast, Little Falls, MN, requests a Conditional Use Permit to allow construction of an accessory structure on a non-conforming lot.

Owner of the property is David Thompson, 608 Second Street Northeast, Little Falls.

David Thompson's property is legally described as the south half of Lot 2, Block 36, Original Plat to the City of Little Falls, Parcel Identification Number 48.0324.000.

Said property is zoned One and Two Family Residential (R-1). Block 36 of the Original Plat is abutting One and Two Family Residential, (R-1) to the east, west and south; and One and Two Family Residential (R-2) to the north. See enclosed map.

City code states the minimum lot size in a One and Two Family Residential zone (R-1) is 12,000 square feet. The Thompson's lot is 40' x 150' or 6,000 square feet in size. Said lot is a non-conforming lot and any expansion of non-conforming uses is allowed (one time) by conditional use.

**Setbacks:** Mr. Thompson proposes to build a 30' x 32' garage to the west of their house, with access to be off the alley in said Block 36. Said garage is proposed to be 5' from the south interior property line and 5' from the north interior property line. Said garage is to be 12' east of the alley and approximately 64' from his house. The proposed garage will meet the minimum setback requirement of five (5) feet from interior lot lines as an accessory structure.

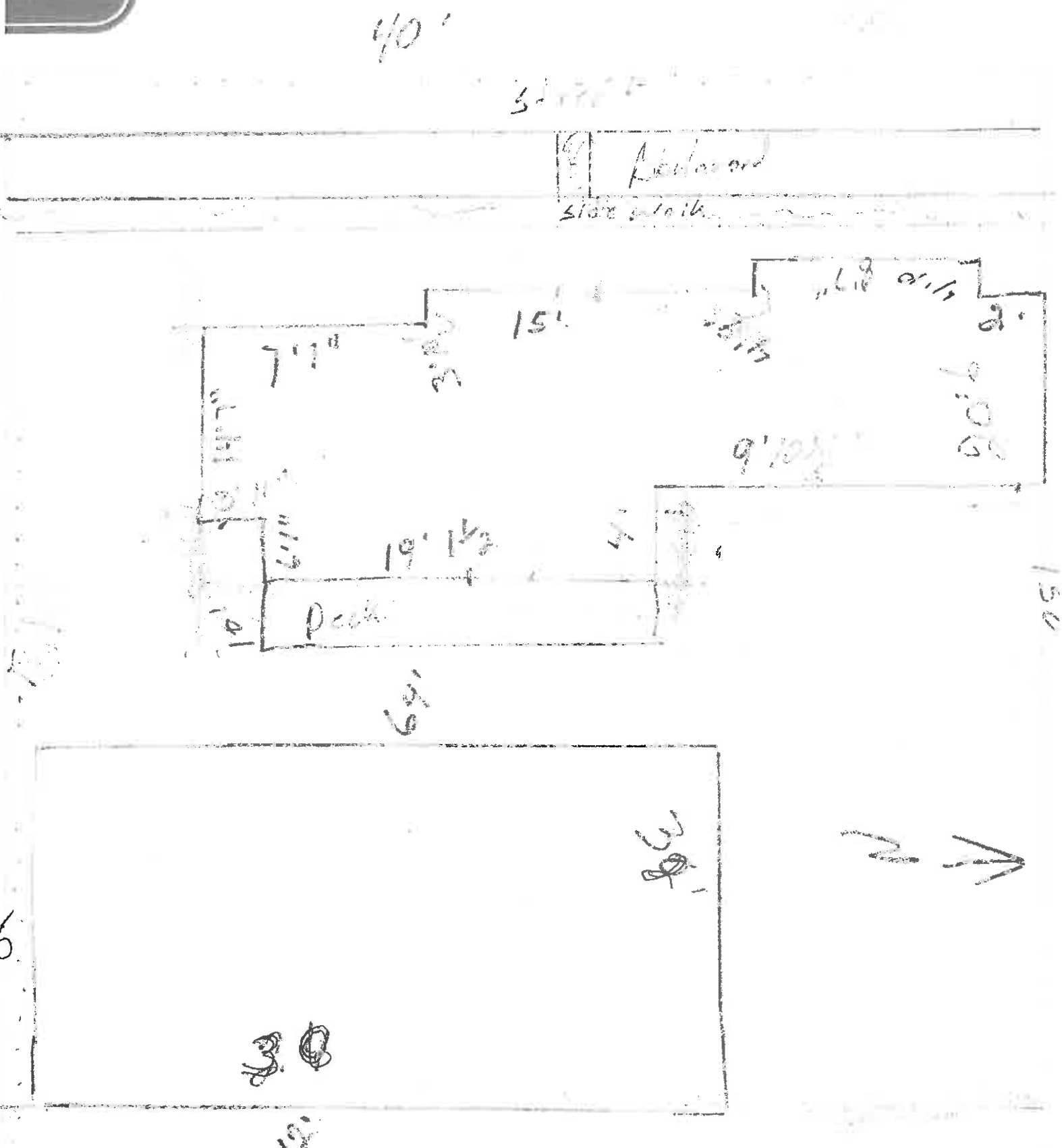
**Green Space:** The existing Thompson house has 711.6 square feet and the proposed garage is 30' x 32' or 960 square feet in size. The driveway surface will remain gravel. The total square footage of impervious surfacing: 712 (house) plus 960 (new garage) for a total of 1,672 square feet. The lot is 6,000 square feet, therefore the percent of impervious surfacing would be at 27.9 percent and the pervious area would be 72.1 percent. Green space or pervious surfacing on residential property needs to be at 70% or more.

On 06/28/2011 there exists an accessory structure on the lot, approximately 240 square feet in size and the existing garage appears to be on or very close to the south property line. Staff has informed Mr. Thompson that the proposed new garage will have to be a minimum of five feet from interior lot lines. Mr. Thompson stated in his application that he intends to remove the existing garage.

**Recommendations/Conditions:** The Planning Commission recommends approval of the Conditional Use Permit for David Thompson, 608 Second Street Northeast, Little Falls, MN with the following conditions 1. framework and header be installed for a future single car garage door on the side of the garage facing the house, 2. the existing garage building be removed, 3. the proposed garage be similar in color to the house, 4. the findings of facts be approved, 5. no future accessory structures be installed/built on said property, 5. the new garage meet the setbacks of five feet from the interior property lines, 6. the green space requirement of 70% impervious be maintained in the future, 7. the Minnesota Building codes be met as required by law.

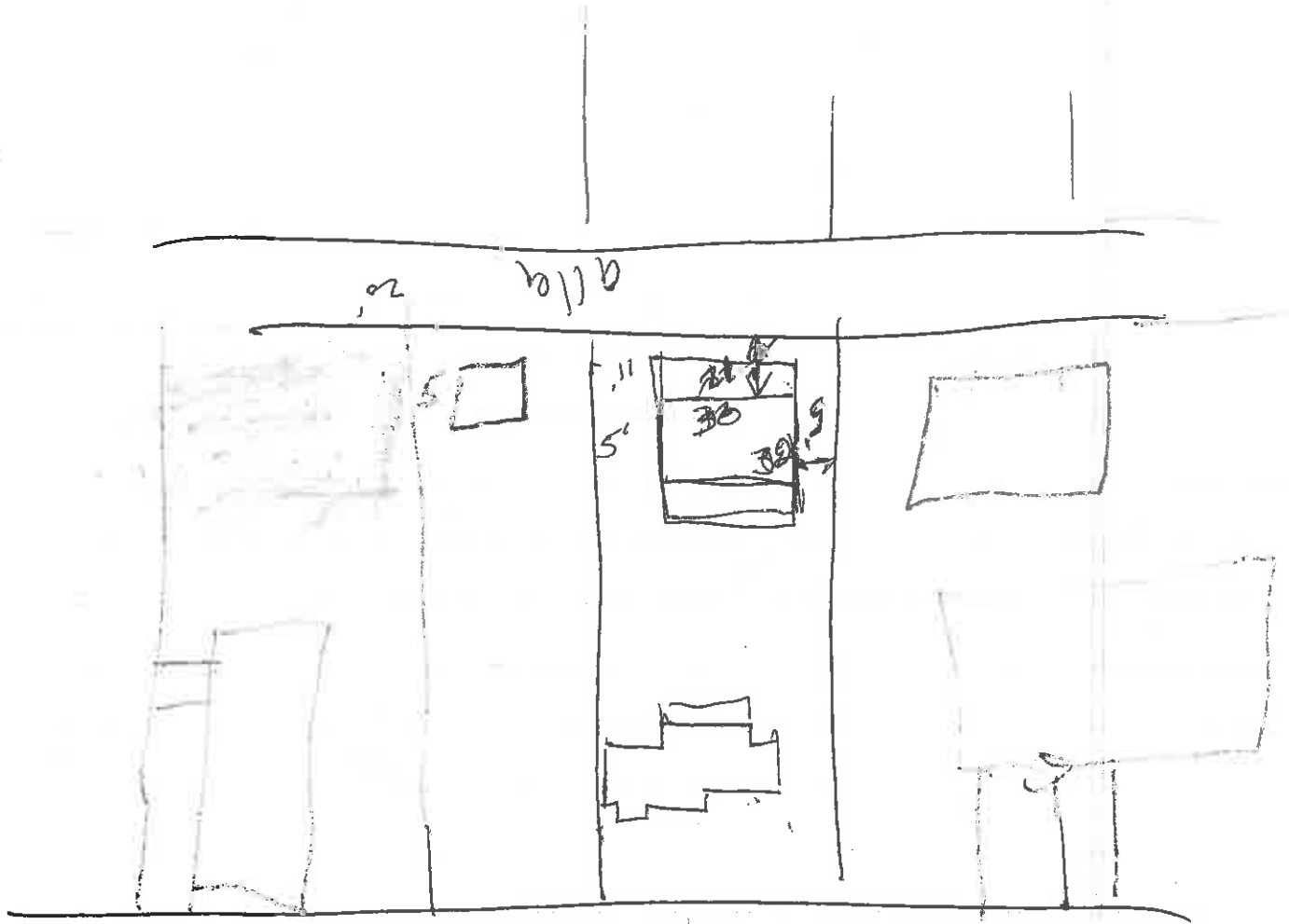
BOX 249 • DODGE CENTER, MINNESOTA 55927 • PHONE 507-374-6336  
TOLL FREE 1-800-733-6336 • FAX 800-254-6660

1531 47TH ST. NW • FARGO, NORTH DAKOTA 58102 • PHONE 701-277-0007  
TOLL FREE 1-888-577-0007 • FAX 701-277-0008



Alloy

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Little Falls N.J.