

## STAFF REPORT

---

<b>Application:</b>	Request related to the construction of a 6750 square foot addition to an existing cold storage building. Approvals required include a variance to construct a building approximately 16 feet from the front lot line (min. 40 feet required) and approximately 7 feet from the rear property line (min. 30 feet required).
<b>Applicant:</b>	Rice Companies (Josh Williams)
<b>Property Owner:</b>	Little Falls Machine, Inc. (Raymond and Dianna Schulte)
<b>Agenda Item:</b>	Public Hearing #1

---

### Background Information:

- **Proposal:** The applicants are proposing to construct a 6,750 square-foot addition to an existing approximate 88' x 125' storage building already on the property. The structure would be built over top of an existing gravel driving/equipment storage area on the north side of the existing building and be used for cold storage.

The proposed building addition would be the same width as the existing building and although it would not extend any closer to the lot lines than the existing building, it would be within the required front and rear lot line setbacks by a significant amount (about 40% of the required front-yard setback and about 23% of the required rear-yard setback).

- **Location:**
  - Property address: 404 3rd Street SW
  - Partial Legal Description: Lots 1 through 6, Block 73 of Thayer's Addition and that part of vacated 3<sup>rd</sup> Avenue SW adjacent to Lot 1. Lot 7 and 8, Block 78, Thayer's Addition and that part of vacated 3<sup>rd</sup> Avenue adjacent to Lot 8.
  - Parcel number(s): 490356000 and 490407000
- **Zoning:** I Industrial
- **Lot size:** Approx. 150' x 380' (57,000 sq ft or 1.31 acres) according to Beacon GIS estimate  
Existing and Proposed Impervious Coverage: Approximately 100%
- **Septic System Status:** The property is served by an existing holding tank that was installed in 2014.
- **Natural Features:**
  - Floodplain: The existing and proposed structures are not within an identified floodplain.
  - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes. It is flat.
  - Wetlands: There do not appear to be any wetlands that would impact this proposal.
- **Relevant Permit History:**
  - 2001 - A variance was granted for a 6,000 square foot addition (48' x 125') to the south side of an existing 5,000 square foot building (40' x 125') that would match the existing front and rear setback of the existing building at that time. That variance was granted with the following findings of fact:

- The City recently vacated Third Avenue Southwest;
- The new building will be exactly the same type as the current structure, with the same setbacks;
- The new construction would improve the area; and
- There was no opposition at the public hearing.

The 2001 variance was approved upon one condition:

- The plans and specifications conform to the plans submitted May 14, 2001.

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

#### **Minnesota Statutes**

#### **462.357 (2016) 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.

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

K. I-1 Industrial District:

1. Permitted Uses:

Warehousing and storage.

4. Lot Area, Height, Lot Width And Yard Requirements:

a. The following minimum requirements shall be observed, subject to additional requirements, exceptions and modifications contained in this chapter:

	Front Yard Setback	Rear Yard Setback	Side Yard Setback Interior Lot	Side Yard Setback Exterior Lot	Side Yard Setback Adjacent To Residential Zoned Property
Principal structure	40 feet	30 feet	30 feet	40 feet	40 feet
Accessory structure	30 feet	10 feet	5 feet	5 feet	20 feet

**Findings of Fact:** The following findings of fact that would support either approval or denial are presented by Staff for consideration by the Board of Adjustment:

1. **Will the granting of the variance be in harmony with the general purposes and intent of the Little Falls Land Use (Zoning) and/or Subdivision Ordinance?**

The general intent of minimum front yard setbacks for buildings is to prevent property line disputes affecting permanent structures, to prevent damage to buildings and promote public safety should a vehicle drive off the road and to ensure that buildings can be maintained from within a property and not block public rights-of-way during such activities.

The general intent of minimum rear yard setbacks for buildings is to prevent property line disputes affecting permanent structures, to prevent damage to buildings and promote public safety should a vehicle drive off an alley (when present) and to ensure that buildings can be maintained from within a property and not block public rights-of-way during such activities.

The proposed building will be within these setbacks, but no closer than a building that is already 88 feet wide within these setbacks.

2. **Will the granting of the variance be consistent with the Little Falls Comprehensive Plan?**

The Comprehensive Plan identifies this property as appropriate for “business park” uses, which is described as “for certain business and industrial uses preferably in a park-like setting”. The current and proposed use of the property for an industrial cold-storage building would remain consistent with this plan.

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

The reasonableness of the variance request hinges on whether the City believes that to further extend a building that does not meet front and rear setback requirements is reasonable because it would not “worsen” the situation from what currently exists, or if it is unreasonable because it would further extend an existing nonconformity in a way that would effectively make that nonconformity permanent.

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

The application is borne out of a desire to have the building addition line up with the existing building on the property.

**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 (industrial cold-storage building, only larger). Presumably, some of the materials currently being stored outdoors could be moved inside the new building addition.

**6. 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 primary driver for the need for the variance is the desire to line up the building addition with the existing building and to maximize the use of space on the property for indoor storage.

---

**Board of Adjustment Direction:** The Board of Adjustment may approve the variance request, deny the request(s), or table the request(s) if the Board should need additional information from the applicant. If the Board should approve or deny the request, the Board should state the findings which support either of these actions.

---

**Staff Comments:** Staff offers the following additional comments:

1. The alternative to the granting of a variance would be for the applicant to meet the required setbacks by reducing the size of the building such that at least the addition meets the setback requirements.