



CITY OF RANIER

P.O. Box 186

Ranier, MN 56668

Telephone: 218.286.3311 Fax: 218.286.2051

Email: cityofranier@frontiernet.net

www.raniermn.govoffice2.com

Gateway City to Voyageur's National Park

**CITY OF RANIER
LAND USE PLANNING COMMISSION
MEETING MINUTES
OCTOBER 6, 2016 @ 6:00 PM**

Present: Candy Bruers Ginter, Planning and Zoning Commissioners: Jeff McHarg, Ladd Koczinski and Ron Wilcox, Land Use Administrator Sherril Gautreaux.

RE: ZONING VARIANCE REQUEST – PARCEL # 98-025-00210 GOVERNMENT LOT 2, SECTION 25, TOWNSHIP 71 NORTH, RANGE 24 WEST. 3500 RIVER STREET

Mr. and Mrs. Tom Bruers have filed a request for a variance from the Shoreland Management Rules. The Bruers propose to remodel and build additions to their existing home which lies within the Shoreland Overlay. The proposal is for a 10 foot x 30 foot addition on the North side of the home and a 10 foot x 30 foot addition on the South side of the home.

The Shoreland Management Rules require a 50 foot setback from the Ordinary High Water Level. The home is an existing nonconformity that was built in the 1920's prior to the institution of the Shoreland Management Regulations. The house is 25 feet from the "Shore Impact Zone" which is defined as 25 feet from the area immediately adjacent to the lake or river.

The lot is narrow, measuring 46 feet wide on its northern boundary and 68 feet wide on its southern boundary and is 206 feet long. The house is situated approximately in the middle of the north/south boundaries leaving a large portion of the lot as pervious surface. The home is connected to city water and sewer.

Following a survey conducted in 1995, it was determined that 5.8 feet of the eastern side of the house encroach onto North Street. The homeowners are also asking for some relief in regards to the North Street encroachment whether it be vacation of that portion of North Street abutting their parcel and granting the City a permanent easement or vacation of that portion of the North Street around the house.

In addition, the house lies within the "flood fringe area". Floodplain Management Regulations require that the finished surface of the first floor or basement floor be erected one foot above the Ordinary High Water Level.

Notice of the public hearing on this matter was e-mailed and post mailed to the MN Department of Natural Resources on September 22, 2016. We did not receive a denial of the

variance from the MNDNR. A notice of the public meeting to hear the variance request was published in the International Falls Journal on September 24, 2016.

The commission finds that:

1. A variance is a means of departure from the literal requirements of the Unified Land Use ordinance where strict adherence would cause practical difficulties due to special conditions or circumstances unique to the property not created by the landowner.
2. Because of the particular surroundings, or the shape, configuration, topography or other conditions of the specific parcel of land involved, strict adherence to the regulations of the land use ordinance would cause practical difficulties: ***Because the lot size is narrow and the house encroaches onto North Street, there are practical difficulties in adhering to the regulations. The homeowners would not be able to remodel the house and expand to the East because of the existing street encroachment.***
3. The conditions upon which the petition for variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification: ***Because the parcel is narrow, the topography is mostly unique to this parcel.***
4. The alleged practical difficulty has not been created by any persons presently having an interest in the parcel of land. ***The practical difficulty was not caused by the property owner but is due to the topography of the parcel and the existing encroachment onto city property.***
5. The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values. ***The proposed building is neither injurious to properties in the vicinity nor anticipated to substantially diminish property values. The addition/remodel would not be built on the west side further into the Shoreland Impact Zone.***
6. The proposed variance will not substantially increase the congestion of the public streets or be detrimental to the public welfare or endanger the public safety. ***The proposed structure will not increase street congestion nor endanger public safety.***
7. It has been demonstrated that the granting of the variance will be in keeping with the spirit and intent of ordinance and is consistent with the Community Plan. ***Granting the variance to permit the remodel/addition within Shoreland Overlay though not within the Shore Impact Zone, would allow the rehabilitation of the home keeping it up to modern standards. The variance would not be a use that is prohibited in the Ranier Town Center zoning district.***

MOTION

A motion was made by Wilcox; seconded by McHarg and carried unanimously to recommend approval of the variance request to the council.

NORTH STREET VACATION ISSUE

The Commission also discussed the issues surrounding the house encroaching on North St. North Street is platted at 35 feet wide though only 10 feet of the platted road are paved. The portion of North Street abutting Block 27 has already been vacated. The eastern portion of the house lies 5.8 feet into the platted North Street. The encroachment onto North Street wasn't discovered until 1995 when the property was surveyed. Commission members reviewed several options to clear up the issue: 1) vacate that portion of North Street between Bruers and Lessard houses; 2) vacate and grant the city an easement to reach the creek; 3) vacate only that portion of the street where the house is encroaching; 4) vacate a 4 foot wide strip along Bruers Property; or 5) grant Bruers an easement on the street.

Though the Land Use Planning Commission has no authority to vacate city property, the commissioners felt it was important for the city to clean up this issue.