

**CITY OF RANIER
LAND USE PLANNING COMMISSION
MEETING MINUTES
RANIER COMMUNITY BUILDING
WEDNESDAY MAY 17, 2017 @ 5:00 PM**

PRESENT: Planning Commission Members - Sherril Gautreaux, Ron Wilcox, Sue Swendsen, Jeff McHarg, Ladd Kocinski.

Karina Joyce-Ham, Robert Ham, Linda and Dan Joyce, Paul Jones, Geoff Tarr

RE: ZONING VARIANCE REQUEST – PARCEL # 98-001-01010 S1/2 LOTS 1, 2, 3, 4, 5 BLOCK 1 RANIER PLAT. 2079 SPRUCE STREET

Mr. Robert Ham and Ms. Karina Joyce-Ham, property owners, have filed a request for a variance from the Ranier Town Center 10 foot side yard setback and the front setback rule requiring the smaller of 25 feet or average of adjacent developed lots. The plan is to build a seating deck onto north side of Rainy Lake Grill.

A notice of the public meeting to hear the variance request was published in the International Falls Journal on May 6, 2017, posted on the Ranier website and at the Ranier Post Office.

- Property owners propose to construct a 30'x24' deck attached to the north side of the restaurant with a 6 foot privacy fence on the deck. The drawing shows the east side of the proposed deck to extend to the sidewalk and extend 24 feet to the north and 24 feet to the west. The fencing around the deck would be natural cedar and a small circular outdoor bar would be constructed on the northwest corner of the deck.

The parcel is 60 feet wide (North/South) and 125 feet long (East/West). The existing restaurant is situated approximately 8 feet from the sidewalk. The wheelchair ramp is built within the 8 foot distance between the restaurant and the sidewalk. The existing restaurant would be considered “non-conforming” because it does not meet the 25 foot setback.

- Property owner Robert Ham (who is an architect) described the proposed deck and the materials that would be used – natural cedar. He would construct the privacy fence so that it would be visually appealing and allow customers to see through the fence towards the lake and Spruce Street but not towards the home that is north of the restaurant (which is owned by Karina’s parents, Dan and Linda Joyce).
- Commission member Councilman Ron Wilcox stated that he wanted the deck pushed back even with the existing restaurant citing snow removal issues. Ham suggested that he would be able to construct the deck even with the restaurant and still have room towards the west to build the deck 30 feet long.
- Neighbor Paul Jones stated that he was in favor of the proposed deck.
- Ham stated that he would get the property surveyed to determine the exact property lines prior to beginning the project. However, he didn’t want to start the survey until he knew he would get approval on the project from the council.

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:

The existing structure is non-conforming to the Uniform Land Use Plan. The existing restaurant does not meet the 25 foot setback. In order to provide for a cohesive look, the deck should follow the lines of the existing restaurant structure. Because the existing structure covers a majority of the parcel lot, the 10 foot side setback would not allow for a functioning deck to be built.

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:

The existing structure and the parcel are non-conforming to the Uniform Land Use plan.

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 existing non-conformity.

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. This area of the Ranier Town Center district is populated with several commercial establishments. Enhancement of the existing structure provides economic opportunity and development.

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.

The purpose of the Ranier Town Center – RTC zoning district is established to provide a mixture of residential and non-residential uses on a neighborhood scale supporting the village center and waterfront. The construction of the seating deck on the restaurant enhances the restaurant's use and is in the appropriate scale for the village center.

8. The Commission unanimously recommends allowing the variance to the Uniform Land Use Ordinance Ranier Town Center zoning district setback to allow Rainy Lake Grill to construct a deck that is 24 feet by 30 feet beginning at the line even with the existing restaurant.

A motion was made by Wilcox; seconded by McHarg and carried unanimously to approve a variance from the setbacks in Ranier's Land Use Ordinance to construct a deck.