



CITY OF RANIER

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CITY OF RANIER LAND USE PLANNING COMMISSION MEETING MINUTES JULY 12, 2017 @ 5:00PM

Present: Candy Bruers Ginter, Tom Bruers, Planning and Zoning Commissioners: Susan Swendsen, Ladd Koczinski, Land Use Administrator Sherril Gautreaux, June and Pat Fulton.

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 and Ranier Uniform Land Use Plan side yard setback rules. The Bruers propose to build a 28'x32' (896 sq ft) garage on their property which lies within the Shoreland Overlay and Floodplain Management Zone.

The lot which abuts Rainy River is narrow, measuring 56' wide on its northern boundary and 78' wide on its southern boundary and 206' long or approximately 13,802 square feet. The 46'x30' (1380 sq ft) house is situated approximately in the middle of the north/south boundaries leaving the remaining portion of the lot as pervious surface. The home is connected to city water and sewer.

The Shoreland Management Rules require a 50 foot setback from the Ordinary High Water Level which is 1108' or the existing dark line on the shoreline rocks. The west side of the current house is at around 35 feet from the "Shore Impact Zone" which is defined as 25 feet from the area immediately adjacent to the lake or river. The proposed garage would be around 45' from the shoreline.

In addition, shoreland management rules allow maximum lot coverage of 25% (3451 sq ft) and building height of 25 ft.

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, i.e. at 1108'. The west side of the house is at approximately 1112' elevation. The area for the proposed garage would be between 1112' and 1114' elevation.

The side yard setback for the Ranier Town Center zoning district is 10' from the east property line abutting North Street. The property owner's propose building the garage in align with the existing house which is approximately 5.5' from the North Street boundary.

Notice of the public hearing on this matter was mailed to the MN Department of Natural Resources on June 26, 2017. 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 June 28th.

The attendees reviewed the plans submitted by Bruers. June Fulton reminded everyone that when the council approved the last variance to allow the Bruers' to remodel their house within the side yard setback zone that any future property developments could not be closer than 10 feet to North Street. Suggestions were made to move the garage at least 4.5 feet to the west so that it would meet the side yard setback of 10 feet. Koczinski suggested that Bruers also move the proposed garage several feet to the south to give more room for parking and maneuvering vehicles. This would give more room to park on their own property and alleviate any parking on North Street, so as not to create a parking nuisance. Additionally, the property widens as it goes south. Therefore, the proposed garage would only encroach a foot or so into the Shoreland Zone (50 feet from OHWL) but would not encroach into the Shore Impact Zone (25 feet from OHWL).

Bruers will resubmit a drawing of the proposed garage moving it so that it is 10 feet from North Street and towards the South several feet.

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 is an existing non-conforming lot, there are practical difficulties in adhering to the regulations.
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 non-conforming 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 garage would not be built into the Shoreland Impact Zone. 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. Moving the proposed garage 10' from North Street and several feet towards the south

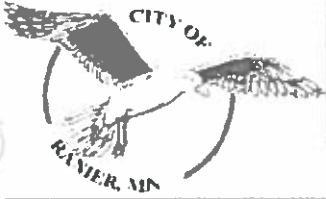
would alleviate the need for a variance from the side yard setback rule. Additionally, it would create more room to park on the Bruers property rather than on North St.

6. 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 garage construction a few feet within Shoreland Overlay though not within the Shore Impact Zone, would allow the accessory structure to be built and not use over 25% of the property. The variance would not be a use that is prohibited in the Ranier Town Center zoning district.

MOTION

There was not a quorum present.



For more information, please visit the City's website at: <http://www.raniermn.govoffice2.com> or contact the City directly by phone: 218-286-3311, by email at: cityofranier@frontiernet.net or through mail at: PO Box 186, Ranier, MN 56668

General Land Use Application

Applicant Information

Applicant Name Candy Bruers
 Mailing Address 112 Hwy Lane, Intl Falls, MN 56649
 Telephone #: 1-218-324-1070
 Email Address:
 Owner, if different from above: Thomas W & Felicidad Bruers
 Mailing Address: P.O. Box 284, Ranier, MN 56668
 Telephone #: 218-286-5476
 Email Address:

Project Information

Location/Street Address: 3500 River St. Ranier, MN
 Legal Description: PT Lot 2 as desc BK 120 PG 248 & Less PT DESC IN INST # 239591
 Parcel #: 98-025-00210
 Property Size: 9000+ Floodplain Overlay Zone: Yes or No
 Zoning District: Residential Shoreland Overlay Zone: Yes or No
 Type of Application: Land Use Permit, Variance, Platting/Subdivision, Zoning Text Amendment, Rezoning, Land Alteration, Interim Use Permit, Conditional Use Permit, Accessory Structure/Additions

Project Description: To build a 2-car garage with storage
 Project Dimensions: Height 30' or less Length 32' Width 28'
 Setbacks: Front - 5' Rear - 5' Side(s) -

APPLICANT: You must attach a plat plan showing the location, dimensions (including height), nature of any structure involved and setbacks from property lines.

The undersigned makes application for a land use permit for the activity described herein. This is only an application and does not represent or guarantee approval.

Candy Bruers 5/24/17
 Applicant Signature Date

City Use Only

Date Complete Application Received: 5/25/17 60 Day Review Deadline: 7/25/2017
 Request for Extension Filed Date: Extension Deadline Date:
 Public Hearing Date: 7/12/17 - NO quorum - to Council
 Approved: Yes or No Decision Date: Date of Notification:
 Approved Conditions:
 Denied Reasons:
 Total Fees Paid by Applicant: \$ 100-
 Land Use Administrator Signature/Date:

