



# CITY OF RANIER

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*Gateway City to Voyageur's National Park*

**CITY OF RANIER  
LAND USE PLANNING COMMISSION  
MEETING MINUTES  
JULY 22, 2021 @ 5:00 PM**

**Present: Rob Badiuk, Badiuk Equipment, June Fulton**

**Planning and Zoning Commissioners: Berta Wilcox, Jeff McHarg, Mary Ann Kasich and JoAnn Kellner, Land Use Administrator Sherril Gautreaux.**

**Absent: Ladd Kocinski**

**RE: ZONING VARIANCE REQUEST – PARCEL #98-005-03041 Riverside Park Lots 4&5 less 165 feet Blk 3**

Rob Badiuk has filed an application for a zoning variance from the rear 35 feet setback for the property at the above address. His intent is to build another commercial storage building 10 feet from the rear property line for storing boats for the Badiuk Equipment business.

McHarg stated that the Commission had originally met in 2019 to grant a conditional use permit for the parcel and discussed how boats would enter and leave. Wilcox stated that she had conversations with Badiuk about using the highway to transport boats rather than using the residential roads. Badiuk stated that he counseled his employees about using the highway rather than the residential roads.

Kasich stated that she walked the property today and is concerned about the 10 feet setback because there is plenty of room on the property.

Badiuk explained that in the future that he wants to build a heated garage in the northeast corner of the property where the utilities are located. He was asked whether he knew the location of the property boundaries. Badiuk stated that there are survey pins on the property. Badiuk asked which setback was appropriate since it is a corner lot?

McHarg stated that he is concerned about disturbing the existing neighbor to the west.

Badiuk stated that he proposed 60'x60' heated building on the northeast corner along with the 60' x 120 commercial storage building behind it. He explained that there would have to be room to maneuver trucks and trailers between the buildings. McHarg stated that if he would make the buildings smaller, he could keep the 35-foot setback.

Kellner asked if he could put in a fence to shelter from the neighbors? Badiuk stated that he would be willing to build a fence.

The commission finds that after review and evaluation of potential impacts on surrounding properties:

1. Because of the particular physical 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. Economic considerations alone do not constitute practical difficulties.

***There are no practical difficulties associated with the parcel. Economic considerations alone do not constitute practical difficulties.***

2. The conditions upon which a 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.

***There is not a uniqueness to the property itself. The uniqueness would be the turning radius of the trucks and trailers in order to move the boats around.***

3. The alleged practical difficulty has not been created by any persons presently having an interest in the parcel of land.

***There are no practical difficulties associated with the parcel. Economic considerations alone do not constitute practical difficulties.***

4. 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 granting of the variance did not seem to diminish property values but the Commission expressed concerns for the privacy of the neighbor to the west.***

5. 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.
6. It has been demonstrated that the granting of the variance will be in keeping with the spirit and intent of this ordinance and is consistent with the Community Plan.

***It could not be demonstrated that the variance would be in keeping with the spirit and intent of the Ordinance. The buildings could be built smaller and still comply with the Ordinance.***

## **MOTION**

A motion was made by McHarg to **not recommend** the variance because the buildings could be made smaller and still comply with the setbacks; Kellner seconded the motion, Wilcox and Kasich voted in favor of the motion.