

PLANNING COMMISSION

Thursday, January 2, 2014

Chairman Mike Jay called the special meeting of the Brainerd Planning Commission to order at 5:30 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Pritschet, Plantenberg, Jay, Lambert, Norwood, and Cole. Commissioner Hayden was noted absent. Also present was City Planner Ostgarden.

#1 NEW BUSINESS

a. Public Hearing – Variance at 1423 South 10th Street – Misty Bayliss – to permit the accessory building to exceed the height of the principal building.

The public hearing was opened at 5:30 p.m.

City Planner Ostgarden stated in August a variance was granted to allow an accessory building to be built in the front yard of the corner lot. The property owner planned to match the pitch of the garage to that of the house (an 8/12 pitch), but when the first truss was put up, the owner realized the height of the garage was going to be taller than the house by 20 inches. The property owner contacted the City.

City Planner Ostgarden stated he reviewed the options with the property owner such as waiting for the regular meeting in January or applying for a special meeting. He stated he also allowed the property owner to continue with the installation of the trusses with a notarized agreement that if the variance was not granted, the trusses will have to be removed.

City Planner Ostgarden stated there is a financial burden on the property owner if they have to order new trusses. He stated the garage will not be out of character for the neighborhood and he has not heard anything from anyone in the neighborhood.

Ms. Misty Bayliss, 1423 South 10th Street, explained what she did when ordering the materials for the garage and when getting quotes had stated the house was an 8/12 pitch and she wanted the garage to match. She was not aware there would be a height difference. She noted they are doing the work themselves.

Commissioner Jay stated he believes the Commission was clear that the garage was to be the same height as the house.

Discussion was held regarding the building permit process and what information must be provided.

Mr. Thomas Cary stated he called the truss company when he realized the trusses were higher than the house. He explained that because the garage is two feet wider, that is where the height difference came in.

The public hearing was closed at 5:45 p.m.

Commissioner Pritschet stated the height difference is not going to be a detriment to the neighborhood and it fits into the intent and purposes of the Zoning Ordinance. He stated the application may need to be reviewed. He feels it was an honest mistake and that the variance should be granted.

Commissioner Plantenberg stated she feels this was an honest mistake, but it will still improve the neighborhood and the variance should be granted.

Commissioner Lambert stated she agrees it will improve the property and the neighborhood. She stated her only concern is granting a variance is it a hardship or an error, but she would agree to grant the variance.

Commissioner Norwood stated he feels the variance should be granted. He stated he agrees the application process should be reviewed to try to prevent this from happening again.

Commissioner Plantenberg read the findings-of-fact into the record as follows: 1. The property is located in an R-1 (Single Family Residential) District; 2. The property is a corner lot with a lot size of 75' x 144' (10,800) sf; 3. A variance was granted in August 2013 to permit an accessory building to be located closer to the front property line than the principle building on the lot; 4. Access to the garage will be off the Summit Street cul-de sac; 5. All setbacks, lot coverage and garage size limit requirements are met; 6. The owner desired to match the 8/12 house pitch and discovered that pitch would make the garage 20" taller than the house; 7. Lot size - the additional garage height and location and its relationship to the house height and location contribute to the property being used in a reasonable manner; 8. In relationship to the neighborhood the additional garage height does not alter its essential character; 9. Granting the variance is consistent with the Comprehensive Plan because it supports the Land Use Strategy of: *Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*

The Commissioner agreed to adding finding-of-fact 10. The property owner spoke in favor, none spoke in opposition.

Commissioner Cole read the practical difficulty "the plight of the landowner is due to circumstances unique to the property not created by the landowner" and questioned what circumstances we are talking about.

Commissioner Lambert stated the variance is consistent with the Comprehensive Plan in it encourages development.

Commissioner Cole stated he is concerned this will continue to occur and we will be hearing this issue again. He stated the processes need to be reviewed to prevent this from happening in the future.

City Planner Ostgarden stated he does not believe this was a break down in the internal process, it was an honest mistake by the property owner.

MOTION AND SECONDED BY COMMISSIONERS PLANTENBERG AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF VARIANCE 382 TO ALLOW THE ACCESSORY BUILDING TO EXCEED THE HEIGHT OF THE PRINCIPAL BUILDING BY TWENTY (20) INCHES WITH THE TEN (10) FINDINGS-OF-FACT.

#2 **Adjournment**

As there was no further business the meeting adjourned at 5:48 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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