

**SPECIAL MEETING
BRAINERD PLANNING COMMISSION**

Wednesday, October 11, 2017

5:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Public Hearing – Request Bruce and Cynthia Thompson for a variance to construct an accessory building (garage) at 113 Carol Lane, Brainerd
3. Adjourn

Any individual needing special accommodations please call 218/828-2309

DRAFT Findings-of-Fact

Bruce and Cynthia Thompson, 113 Carol Lane, Brainerd, MN 56401

Accessory building (garage) street side yard and rear yard encroachments

1. The property is in an R-1A (Single Family Residential) District and the owner desires to construct a 28' x 24' garage in the required street side yard and required rear yard setback areas.
2. The property is 140' x 160' with the narrow frontage on Carol Lane.
3. For zoning setback purposes, the narrower street frontage on a corner lot is considered the front yard.
4. The required street side yard setback is 20' and a 5' encroachment is proposed. The required rear yard setback is 10' and a 3' encroachment is proposed.
5. There is an attached garage located 30' from the front property line. R1-A zoning requires a 30' front yard setback leaving no room to add onto the attached garage.
6. The area of the existing garage and proposed garage will not exceed the maximum area permitted for accessory buildings on the lot.
7. The property is permitted 1 detached accessory building in addition to the attached garage. The garage is permitted, it's the location that is the issue.
8. The site has a ravine and a creek that limits the setback from the side street property line and in the southwest corner of the lot.
9. The Crow Wing Soil and Water Conservation District has submitted a letter with recommendations on how to protect the ravine should the garage be constructed.
10. Letters have been received from the property owners to the west and to the south opposed to the variance.
11. The storm water pipe location identified on the petitioner's diagram, is not accurate. The City Engineering Department has identified it runs directly north and south 10' east of the proposed garage.
12. The existing soils can support the proposed garage.
13. The City Engineer has stated that the pipe is approximately 15' deep, so from an engineering judgement standpoint, placement of a garage in this location would make it extremely difficult to replace the storm sewer pipe.
14. The request is not consistent with the following Comprehensive Plan Goals and Strategy:
LAND USE GOAL #4: *Plan land uses and implement standards to minimize land use conflicts.*
Strategies
Prepare and adopt a land use plan that designates land use areas and guides development to appropriate areas to ensure desirable land use patterns and minimize conflicts.

VARIANCE

STAFF REPORT TO THE PLANNING COMMISSION

September 12, 2017

APPLICANT/LOCATION: Bruce and Cynthia Thompson, 113 Carol Lane; Brainerd, MN 56401

PROPOSED USE: Street side yard and rear yard accessory building encroachments

LOT AREA: 22,400 sf – 140' on Carol Lane and 160' on Buffalo Hills Lane. For building setback purposes, Carol Lane is considered the front yard and Buffalo Hills Lane the street side yard.

CURRENT ZONING: R-1A (Single Family Residential) District

ADJACENT USES: East: Residential
South: Residential
West: Residential
North: Residential

ADJACENT ZONING: North: R-1A (Single Family Residential) District
East: R-1A (Single Family Residential) District
South: R-1A (Single Family Residential) District
West: R-1A (Single Family Residential) District

REPORT

Mr. Thompson desires to construct a 28' x 24' accessory building (garage) in the southwest corner of his property where a creek with a significant ravine runs northwest/southeast across the property. There isn't sufficient room to construct the garage in the southwest corner of the lot to construct the proposed garage, meet minimum setbacks and not have a concern about encroaching on the ravine stability. To construct the garage in a location that should not impact the ravine, 5' encroachment into the 20' street side yard setback is proposed and a 3' encroachment in the 10' rear yard setback is proposed.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the Ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.

- B. *This Ordinance shall divide the City into use districts and establish regulations regarding location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy using alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*
- O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

Is the variance in harmony with the general purposes and intent of the Ordinance?

B. When the Variance is consistent with the Comprehensive Plan.

The Comprehensive Plan Goal and Strategy that may apply is:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategy

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.

C. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used about the granting of a variance means that:

- I. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*

If the ravine was not there, the petitioner would be able to construct the garage at the southwest corner of the lot.

Is it reasonable to permit the garage to be 5' closer to the Buffalo Hills Lane property line and 3' closer to the rear property line?

The petitioner has submitted several Power Point slides for the request. Slide 7 depicts 5 areas where they do not think construction is practical. While areas 1, 4, 5 may not be practical construction areas, more explanation why there are practical construction difficulties are with areas 2, 3 and the area east of 3.

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The creek and ravine are circumstances unique to the property. When the size of the lot and building locations are considered, does the unique circumstance limit the garage placement to require encroachment into required setbacks?

Slide 5 depicts the garage footprint and it lists the garage would encroach 16" – 20" into the ravine. While it may not be the petitioner's desire, is it possible to reduce the width by 2' to not encroach into the ravine?

III. The variance, if granted, will not alter the essential character of the locality.

Will a garage 5' closer to Buffalo Hills Lane property line and 3' closer to the rear property line for a 28' x 24' garage affect the neighborhood's character?

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

The Planning Department has received the attached letter from the Soil and Water Conservation District and from the property owner to the west relating to this request.

A draft copy of Findings of Fact is attached.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on September 20, 2017 and the City Council may consider the Planning Commission's recommendation at its October 2, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner





113 Carol Lane Looking West



113 Carol Lane Looking North



Received
9/11/17
Planning Dept.

To: Mark Ostgarden, City Planner

RE: Variance request by Bruce and Cindy Thompson

113 Carol Lane

Brainerd, MN 56401

I am unable to attend the September 20th meeting but want to be considered as one who opposes this variance.

Brainerd Zoning Ordinance Section 515-55-7 requires a 20" setback from the street and a 10" setback from neighboring property. Rules have not changed and the Thompson's need to adhere to this. He has enough property for other options. Also because of this location for his purposed garage, it would not enhance the value of my property.

Therefore, I am completely opposed to his request.

Thank you.

Sincerely,



Faye Abrahamson

308 Buffalo Hills Lane W.

Brainerd, MN 56401



Crow Wing Soil and Water Conservation District
322 Laurel St. Suite 22 • Brainerd, MN 56401

September 12, 2017

Mark Ostgarden

City Planner

501 Laurel Street

Brainerd, MN 56401

Dear Mr. Ostgarden,

I am writing in regard to the Bruce & Cynthia Thompson variance application for the purpose of constructing a 28 ft x 24 ft accessory structure. The address is 113 Carol Lane, Brainerd, MN. It is in Section 35, T.45N, R.31W, Crow Wing County, Minnesota. The RE # is 092030010110009.

The property is located on a ravine that drains into a wetland complex connected to Little Buffalo Creek and the Mississippi. Increased runoff from the structure has the potential to increase erosion in the ravine with a negative effect to ecosystem health. To minimize impacts, if the variance is granted, I recommend it be on the condition that soil and water resources are protected.

- Install stormwater landscaping practices
- Locate at least 20 feet away from the crest of the ravine and 10 ft from foundations
- Basin less than 9" deep
- Size for a minimum 1.1" rain event.

I can be contacted at 828-6197 if you have additional questions.

Sincerely,

Beth Hippert

Beth Hippert

WCA Administrator

Crow Wing Soil and Water Conservation District

Phone: 218-828-6197

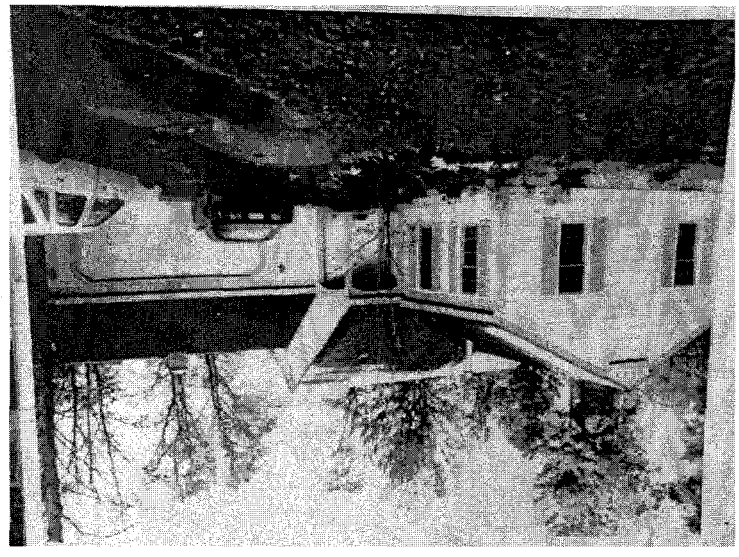
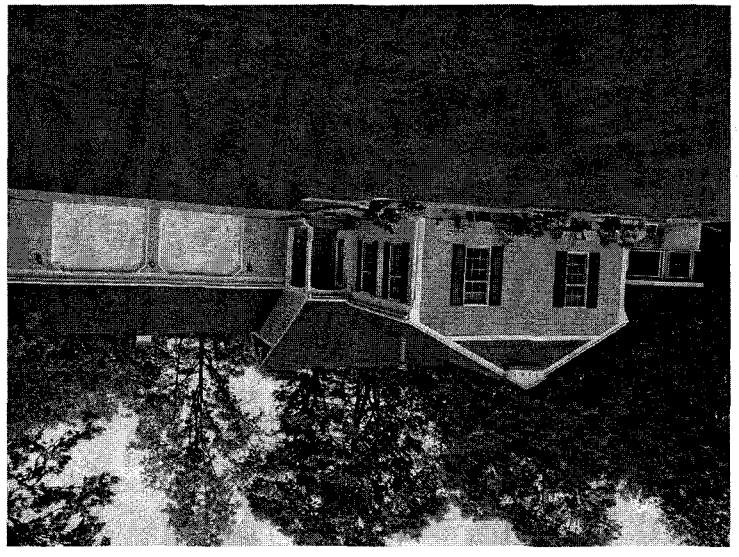
website: www.crowwingswcd.org

CITY OF BRAINERD, MN 2017 VARIANCE APPLICATION

Bruce & Cyndy Thompson
113 Carol Lane
Brainerd, MN

Many improvements have been made to this property over the years. Many permits have been pulled to improve the exterior and interior features of this property.

THE PROPERTY (1987 AND TODAY)



DESCRIPTION OF REQUEST

GARAGE STRUCTURE PROPOSAL: Garage Size 28'w 24'D

Requesting a variance:

- **On the front set back from 20' to 15'** – the ravine being the unique circumstance to the property
- **On the west property line from 10' to 7'** – the storm sewer runs diagonally underground under the property to the ravine
- This is significant to future road or sewer storm water repairs on Buffalo Hills Lane

STORM WATER IN BUFFALO HILLS CREEK

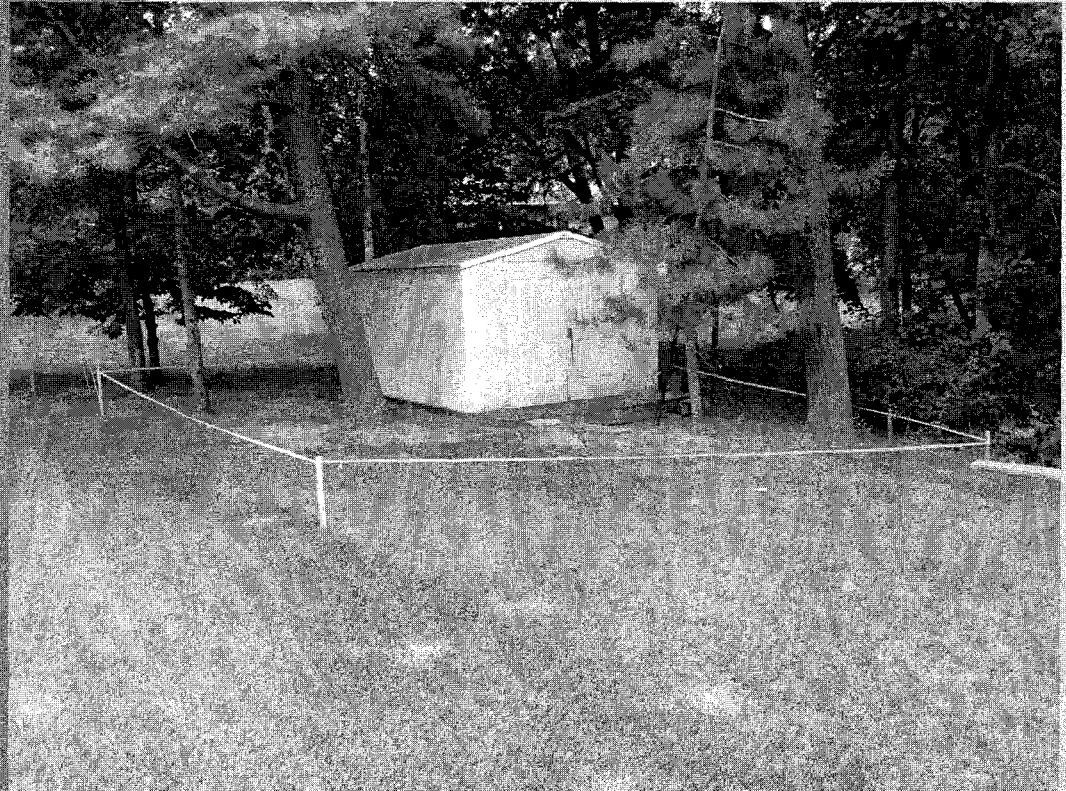


WEST LOT STAKE
WITH YELLOW TAPE
OF GARAGE
PERIMETER

This photo indicates where the garage would be built provided by the city code.

The rear edge of the the garage would be 16"-20 inches into the edge of the ravine.

The soil structure around the edge of the ravine is unstable and often deteriorates.



LEGAL DESCRIPTION:

113 Carol Lane, Brainerd
Lot 11, Block 1, Kriha Addition

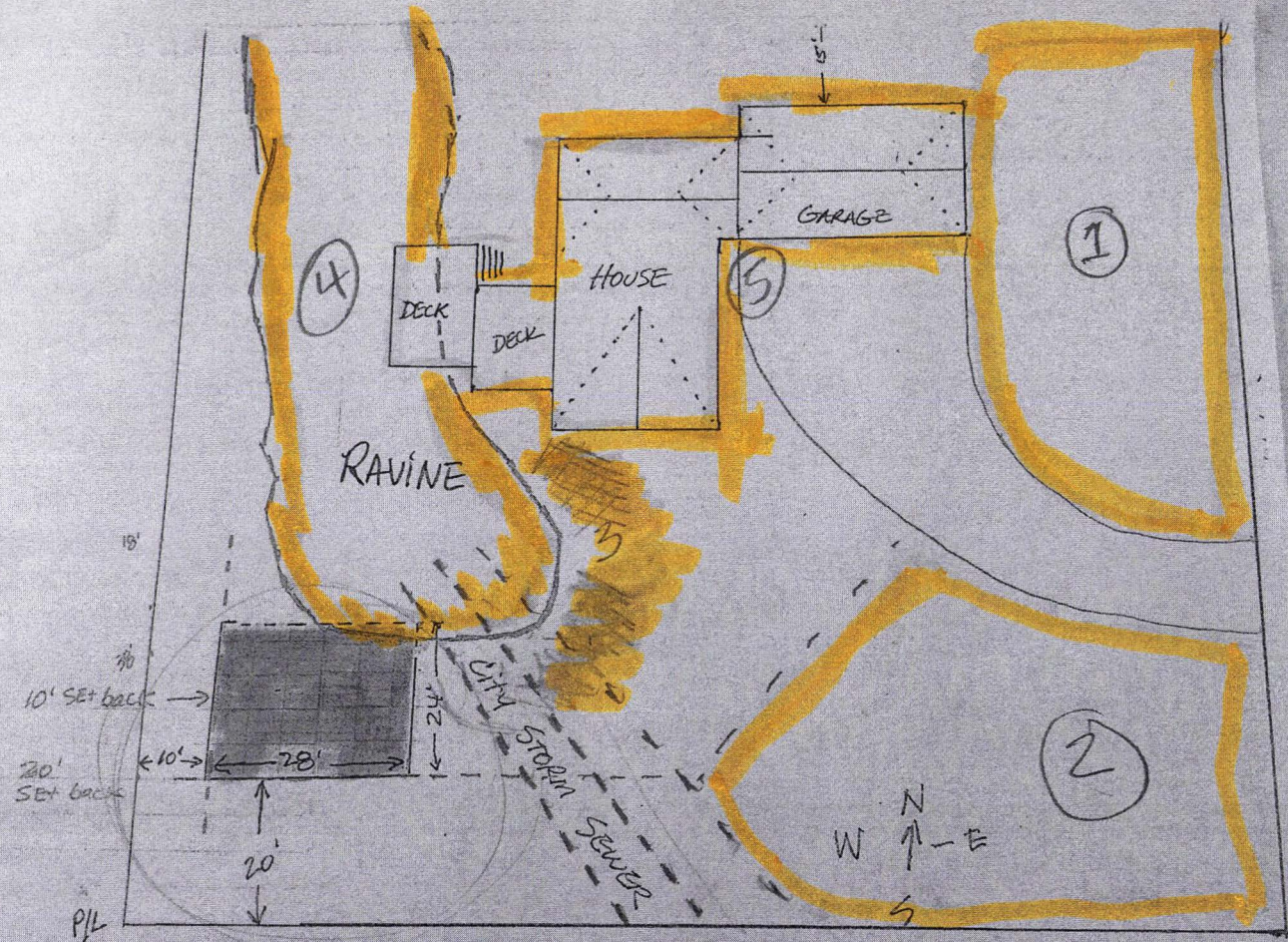
Lot Size: 140' x 160' (22,400 sq. ft. – 0.55 Acres)

Non-usable land on Lot 11 (See next slide for reference)

1. East lot area 3,100 sq. ft.
2. South lot area 3,400 sq. ft.
3. Ravine block retaining wall 200 sq. ft.
4. Ravine 96' x 45'w – 3,800 sq. ft.
5. House area 6,100 sq. ft.

THIS DIAGRAM
INDICATES GREEN YARD
SPACE LOCATED ON
THIS PROPERTY

- Much of this property space can not be used for a garage structure as the ravine dictated much of the development on this property. **If this property was a usable square 1/2 acre I would not be submitting this variance application.**
- The selected location for this proposed garage structure is the optimal space with a fairly undisturbed solid base soil composition.
- The ravine was filled in with soil from the construction of the LDS Church as it crossed from south to north
- Looking at an aerial view of both sides of Buffalo Hills Lane, you will get an idea that much of this lot is "fill" from the LDS construction site.
- **Subdivision 4 indicates "Practical Difficulties" was used in connection with the granting of a variance, that is the purpose of this variance proposal.**



PROPOSED GARAGE: 28' W X 24' Depth

113 CAROL LN.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Bruce and Cynthia Thompson, 113 Carol Lane, Brainerd, MN 56401, have submitted a variance request to construct an accessory building (garage) 5' within the required street side yard setback and a variance to construct the accessory building 3' within the required rear yard setback. By *Zoning Ordinance* definition and for accessory building setback purposes, the Buffalo Hills Lane lot frontage is the street side yard and the Carol Lane lot frontage is the front yard.

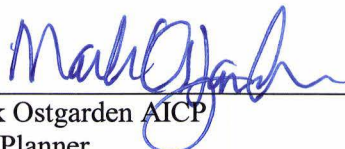
The property is located in an R-1A (Single Family Residential) District and *Brainerd Zoning Ordinance Section 515-55-7: Minimum Lot Area and Setback Requirements* specifies that accessory building required street side yard setback on a corner lot is 20' and 15' is proposed and it specifies that an accessory building rear yard setback is 10' and 7' is proposed.

The City of Brainerd Planning Commission will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, September 20, 2017 to consider the variance request.

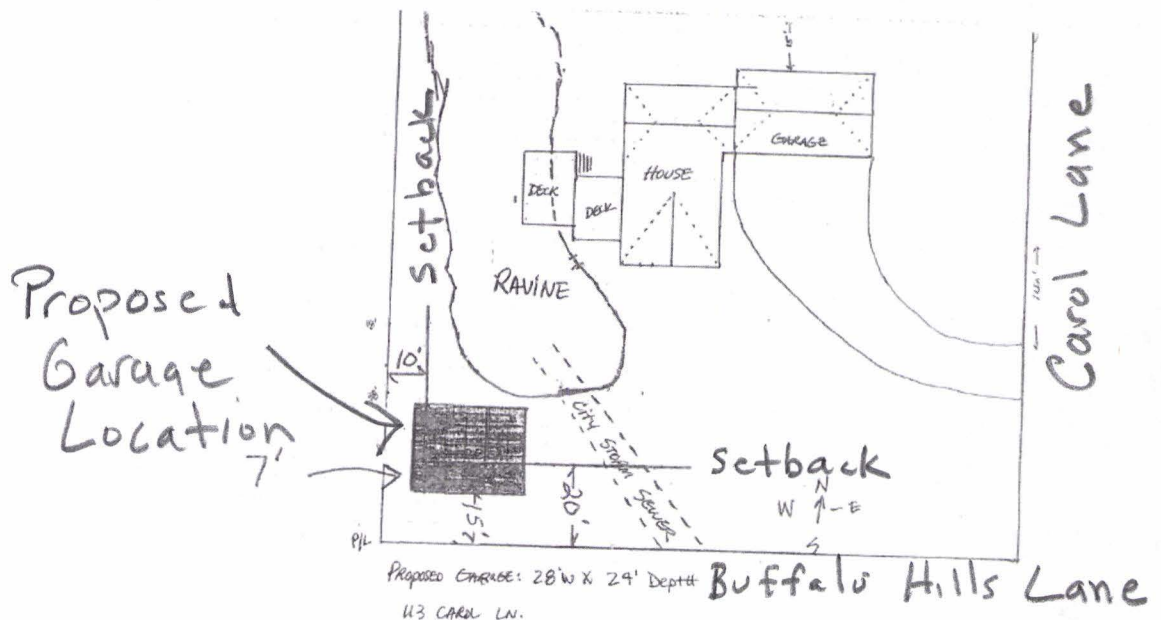
The proposed garage location is depicted in the site plan below and a copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 6th day of September 2017


Mark Ostgarden AICP
City Planner

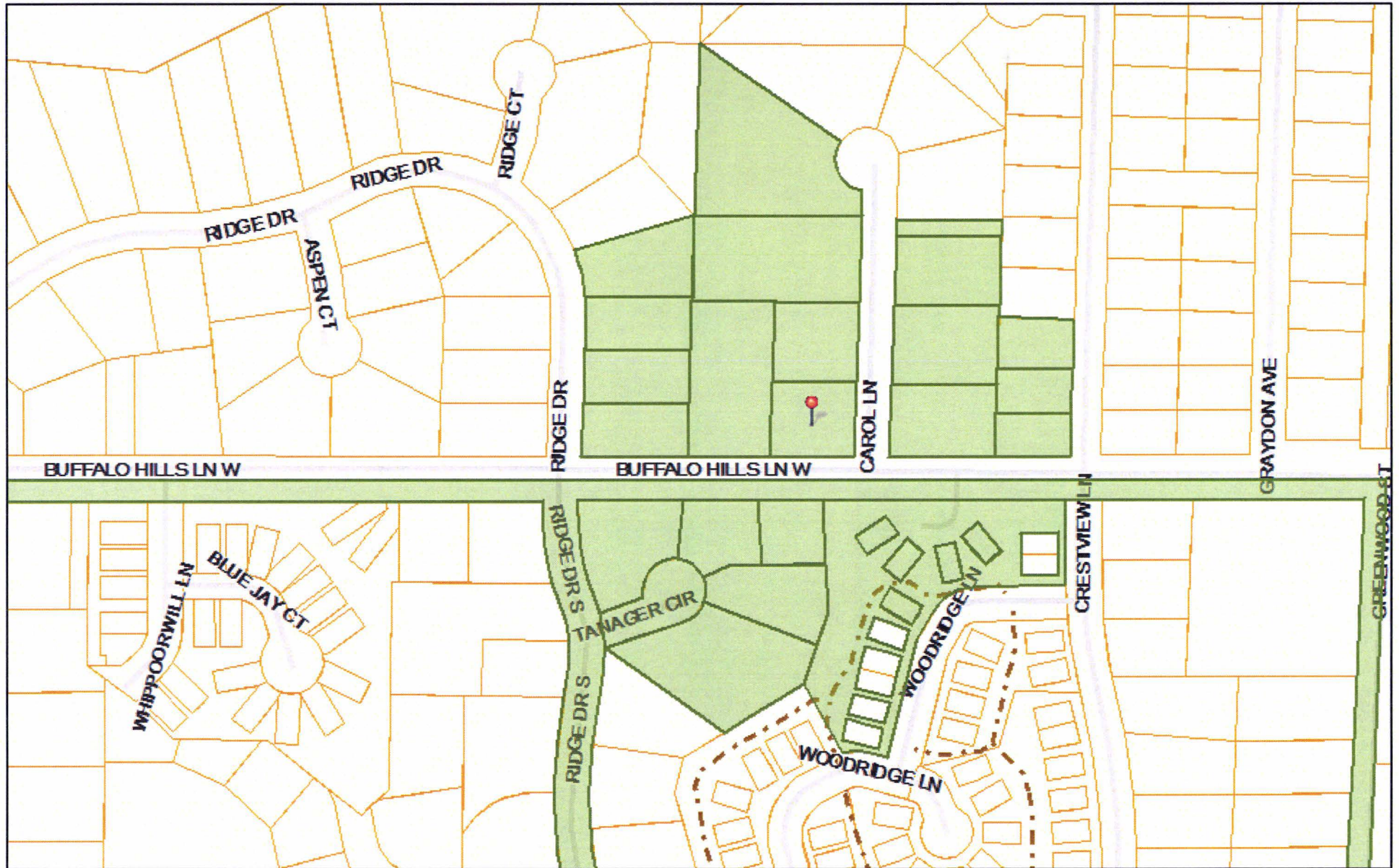
Publication date: September 8, 2017



PIN	TXNAME	TXADR1	TXADR2	Physical Address
091730030150009	UNSER, BRADLEY J & JYNELL D	2120 CRESTVIEW LN	BRAINERD, MN 56401	2120 CRESTVIEW LN
091730030160009	BYE CABLES INC	PO BOX 565	BRAINERD MN 56401	
091730030170009	NELSON, DARREN	2134 CRESTVIEW LN	BRAINERD, MN 56401	2134 CRESTVIEW LN
092030010012009	KRUEGER, PATRICK M & HELEN J	114 CAROL LN	BRAINERD MN 56401	114 CAROL LN
092030010030009	STEINHAUSER, SCOTT & JULIE	124 CAROL LN	BRAINERD, MN 56401	124 CAROL LN
09203001004A009	BRUSSEAU, MICHAEL A & KARI L	144 CAROL LN	BRAINERD MN 56401	
09203001004B009	STEINHAUSER, SCOTT & JULIE	124 CAROL LN	BRAINERD, MN 56401	
092030010080009	LUNDEEN, BENJAMIN J & MELISSA A	143 CAROL LN	BRAINERD MN 56401	143 CAROL LN
092030010090009	PELICAN PLACE LLC	5906 PINE BEACH RD	BRAINERD, MN 56401	133 CAROL LN
092030010100009	COOK, VINCE	123 CAROL LN	BRAINERD, MN 56401	123 CAROL LN
092030010110009	THOMPSON, BRUCE C & CYNTHIA	113 CAROL LN	BRAINERD MN 56401	113 CAROL LN
092030010120009	ABRAHAMSON, FAYE A	308 BUFFALO HILLS LN W	BRAINERD, MN 56401	308 BUFFALO HILLS LN
092100010010009	BERGER, TERRY W & KATHLEEN P	102 RIDGE DR	BRAINERD, MN 56401	
092100010020009	DEHNING, KURT & KELLY	106 RIDGE DR	BRAINERD, MN 56401	106 RIDGE DR
92100010030009	EATON, BRYCE R & MARY JEAN	110 RIDGE DR	BRAINERD MN 56401	110 RIDGE DR
092100010040009	EMBRETSON, LORRAINE E	114 RIDGE DR	BRAINERD, MN 56401	114 RIDGE DR
092360010010009	HAYES, RICHARD L & BETTY J	322 TANAGER CIR	BRAINERD, MN 5640133	322 TANAGER CRT
092360010020009	HUBERT, SCOTT	302 TANAGER CIRCLE	BRAINERD, MN 56401	302 TANAGER CIR
09236001002A009	DITON, ALEXIS	321 BUFFALO HILLS LN	BRAINERD, MN 56401	321 BUFFALO HILLS LN
092360010030009	BREZINKA, CAROLINE M & DAVID BIORN	301 TANAGER CIR	BRAINERD, MN 56401	301 TANAGER CRT
092360010040009	LANGE, GREGORY J & MARY	323 TANAGER CIR	BRAINERD MN 56401	323 TANAGER CIR
092420020030009	OLSEN, WOLFRED A IND TRUST 9-27-93	205 BUFFALO HILLS LN W	BRAINERD, MN 56401	205 BUFFALO HILLS LN W
092420020040009	STRAKA, WALTER B	209 BUFFALO HILLS LN W	BRAINERD, MN 56401	209 BUFFALO HILLS LN
092420020050009	EASTMAN, BRUCE C & DONNA A SALLI	215 BUFFALO HILLS LN W	BRAINERD, MN 56401	215 BUFFALO HILLS LN W
092420020060009	PATRICK, JANE	219 BUFFALO HILLS LN W	BRAINERD, MN 56401	219 BUFFALO HILLS LN W
092420020070009	DOLS, LAWRENCE D & DONNA M	2404 WOODRIDGE LN	BRAINERD MN 56401	2404 WOODRIDGE LN
092420020130009	SOUTHVIEW COURT, PATIO HOME ASSN	1511 NORTHERN PACIFIC RD #101	BRAINERD, MN 56401	

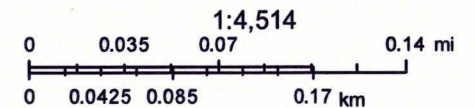
*Mailed
9/7/17*

Variance 113 Carol Ln



September 6, 2017

- Select Parcels _Query result
- City Limits
- Trails
- Roads
- Parcels Crow Wing



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

PROPERTY OWNERS -

Bruce & Cynthia Thompson
113 CAROL lane
BRainerd, MN 56461

Requesting A VARIANCE to ADD A

GARAGE Structure to the proposed

Site on the west side of this lot.

Proposed GARAGE Structure is 28' wide -

24' in Depth. A 2 GARAGE DOOR

Structure - Design; to MATCH

Current Residence -



City Planning Department

City Hall – 501 Laurel Street

Brainerd, MN 56401

218-828-2309/Fax 218-828-2316

www.ci.brainerd.mn.us

Receipt # 2017-00058

Check # 14476

Date Paid: 8-4-17 *g*

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐

(\$250.00)

REZONING

☐

(\$300.00)

VARIANCE

☒

(\$250.00)

☐

(\$400.00 + \$500.00 escrow deposit)

☐

(\$500.00)

☐

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 113 CAROL LN, BRAINERD, MN 56401

LEGAL DESCRIPTION: Lot(s): 1 Block: 1 Addition: KRITA ADDITION
(attach description if lengthy)

Property Owner Name: Bruce & Cynthia Thompson

Street Address: 113 CAROL LN City: BRAINERD State: MN Zip Code 56401

Phone Number: 218.330.8128 Fax: _____ E-mail: bthompson2977@charter.net

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: REQUESTING a variance on the Front Set back
From 20' to 15', requesting A variance on the west property
line set back From 10' to 7'. (GARAGE PROPOSAL)
the Ravine, (city storm water Creek) runs thru this
property causing need for variance. VARIANCE REQUEST
is to ADD A GARAGE ON the west side of this Lot

Bruce C. Thompson

Property Owner Signature

BRUCE C. THOMPSON

(Please print name)

8/3/17

Date

Applicant Signature

Date

(Please print name)

(OVER)