

BRAINERD PLANNING COMMISSION

Wednesday, November 15, 2017
6:00 p.m.
City Hall Council Chambers

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
Regular Meeting Held October 18, 2017

Documents:

[2017-10-18 DRAFT.PDF](#)

4. New Business

- 4.a. Variance Request - Brainerd Laestadian Church (Manor) - 1501 S. 8th St.

Documents:

[LAESTADIAN LUTHERAN CHURCH .PDF](#)

- 4.b. Variance Request - Kelly Bevans, 523 Holly St.

Documents:

[KELLY BEVANS 523 HOLLY STREET .PDF](#)

5. Public Forum
Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission - time limits may be imposed
6. Old Business
 - 6.a. Off Street Parking Requirements For Schools
 - 6.b. Special Meetings, Special Meeting Fees And Tracking / Estimating Time Spent On Applications
 - 6.c. Report On Steering Committee Appointment Process And Upcoming Meetings
7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn

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

PLANNING COMMISSION
Wednesday, October 18, 2017

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Gorham, Headley, Marohn and Wussow; and Council Liaison Lambert. Commissioner Antolak was noted as absent. Also present was City Planner Ostgarden and Administrative Specialist Bestul and 6 others.

#2 Approval of Agenda

Commissioner Gorham requested item 4c. ISD181 Presentation switch places with 4b. Brainerd Zoning Text Amendment on the agenda.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

#3 Approval of Minutes of the Regular Meeting held on September 20, 2017 and of the Special Meeting held on October 11, 2017

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 20, 2017 AND THE SPECIAL MEETING HELD ON OCTOBER 11, 2017 WITH THE FOLLOWING CORRECTIONS:

September 20, 2017 Meeting:

- Page 1 - Under #4 New Business: Add to Paragraph 2: *Commissioner Marohn also asked why the applicant was proposing such a large garage on the site. City Planner Ostgarden quoted Mr. Thompson as saying "nobody ever wants a small garage in the future."*

October 11, 2017 Meeting:

- Page 2 – Under Public Hearing: Change Paragraph: *The Chair recognized the petitioner Mr. Bruce Thompson, 113 Carol Lane. Mr. Thompson has pointed out the area in question is the only logical place to he will construct the garage. Mr. Thompson indicated he believes there are some serious issues with the storm sewer and the ravine regarding erosion. If the garage was constructed in the allowed setback, it would be within 10' to 12' of the storm sewer line into the ravine. Because there is no easement, this garage could be built right from the west property line east which would be pretty close to the storm sewer line and it would be very difficult to trench or dig to make repairs. The variance would allow him to build away from the ravine in order to maintain stability in the structure and crews could access the storm sewer line. The building will match the house and existing garage and the roof will have the same 6' x 12' pitch. Other locations for the placement of the garage were discussed; however, they are not logical places to build. The applicant now agreed there are other locations on the property this size of garage could be located without a variance, but as proposed this was the logical location.*

Members Gorham, Headley, Wussow and Lambert voted “aye”. Members Burslie and Marohn abstained from voting. The Chair declared the motion carried.

#4 NEW BUSINESS

A. Public Hearing – Rezoning Request – Adventure Properties, 110 NW 3rd St. – Rezone from a B-2 to an R-3 District - Approved

City Planner Ostgarden explained Adventure Properties is interested in selling its property to Independent School District 181 (ISD 181). Because school district does not own the property Adventure Properties’ applied for the rezoning which is contingent on the purchase agreement with ISD181.

City Planner Ostgarden described the property has two existing buildings; one being a century old house, which at one time was a Port Group Home facility and is currently the home for Adventure Advertising. The subject parcel is zoned B-2, which is a zoning district that does not permit school uses. ISD 181 is interested in the subject parcel should future improvements to / expansion of the school be needed. Mr. Steve Lund, ISD 181 Director of Business Services describes the near term and long-term interest in the subject parcel as follows:

As part of the acquisition by the current owners in 2009, the school district granted an easement for ingress/egress along the south portion of the vacated Williams Street. Without the easement, the property would have been landlocked.

This acquisition is strategic from several aspects:

- 1. Controlling the use of this property that has a very unique proximity to our school with no other similar properties surrounding it.*
- 2. Providing immediate flexibility for the possibility of expanding staff parking to alleviate parking and circulation congestion that exists in the present parking area.*
- 3. Serves as a cornerstone piece to the possibility of further expansion of the site through the possible acquisition of adjacent property presently owned by BNSF.*

As unlikely as it may be, the petition evaluation needs to be based on the school district purchasing the property and if the rezoning occurs and the school district does not purchase the property. Issues described in the staff report were reviewed. The city planner suggested the best scenario for this property is for the school district to acquire it.

The property is subject to the City’s Shoreland Regulations. In addition to zoning requirements, the Shoreland Regulations specify all lands within 300’ of the river have an additional set of land use requirements to meet. The most significant being impervious coverage, is limited to 25% of the property. Those areas were pointed out and explained on the overhead map.

Commissioner Burslie questioned if a parcel had ever been rezoned and created a non-conforming use and if the City can place conditions on a rezone application. City Planner Ostgarden indicated it has been done in the past; in a larger scale rezoning. The city planner explained that conditions on a rezoning application is not permitted as it is a legislative action by the City Council.

The Chair opened the Public Hearing at 6:18 p.m.

The Chair welcomed Steve Lund, ISD Director of Business Services, 804 Oak St. Brainerd. The parcel has a lot of limitations and it is not viewed as a parcel in and of itself for the district. The need to be

able to control the parcel is of great interest to the school as you don't know who could potentially inhabit the property. Since it is near Riverside Elementary, the need for safety and traffic control creates anxiety for the district. The district has also inquired with BNSF for the additional parcels to the west for possible purchase. The other possibility if the purchase with BNSF went through, there may be the desire to vacate Williams Street and a very small section of NW 3rd Street to the south of Williams Street. A plan for the site would be completed prior to any of these ideas proceeding.

Although the school did remodel in 2013, there are some other issues with congestion at peak times of the day. It is thought that if the properties are acquired and have the ability to include this site, a much better plan would be created for a safer environment and traffic control. This is the first piece to that potential plan. City Planner Ostgarden also mentioned the easement that was granted to Adventure Properties. This would disappear with the acquisition of the property.

Council Liaison Lambert questioned what the plans are for the house on the property. Mr. Lund explained what could happen if the purchase fell through. The purchase agreement has three conditions: 1) Clear Title 2) Soil testing is being completed within the next 30 days 3) Rezoning the property. The current tenants would be given a lease in order to find a new location, and it would probably be spring 2018 before anything proceeds. Mr. Lund indicated the house is not a building the school would be able to use as it is old with many small rooms. The building to the south is inhabitable and the other building to the north is average condition, but all would essentially be demolished.

The Chair closed the Public Hearing at 6:25 p.m.

Council Liaison Lambert read the highlights of the findings of fact as follows:

The property is zoned B-2 (Neighborhood Commercial) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings

The proposed R-3 (High Density Residential) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
 - B. Two family attached dwellings.
- ISD 181 owns the property to the north and west which is developed as an elementary school.
 - ~~ISD 181 is currently studying its district facility needs which include Riverside Elementary School.~~
 - ~~ISD 181 thinks the subject parcel can provide immediate flexibility for expanding staff parking and to alleviate parking and circulation congestion that exists in the present parking area. It can serve as a cornerstone piece to further expansion of the (elementary school) site through the possible acquisition of adjacent property presently owned by BNSF.~~
 - The Future Land Use for the parcel is identified in the 2004 Comprehensive Plan as Public/Semi Public Land Use.
 - The change in zoning would make the existing use non-conforming and the existing use cannot be expanded or enlarged.

- The rezoning is consistent with and compatible with surrounding properties.
- The property is adjacent to others properties zoned R-3 and it does meet the minimum size and requirements of the R-3 zone.

City Planner Ostgarden read the following applicable Comprehensive Plan Goals and Strategies as follows:

- o **GENERAL GOAL #1:** *Maximize Brainerd's potential as a thriving center for business, health care, industry, education and recreation, while maintaining and enhancing its livability.*
 - o Protect both the general welfare and the individual choices of Brainerd residents. Insure that decisions that are made by the community reflect the needs of current residents and business owners.
- o **LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
- o **Strategies**
 - o Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
 - o Only place high-density developments in areas with adequate transportation infrastructure.
 - o 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.
- o **LAND USE GOAL #5:** *Support development that enhances community character and identity.*
 - o Support the redevelopment of vacant and abandoned sites within the urban core.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE, DULY CARRIED, TO APPROVE THE REZONING REQUEST TO AN R-3 DISTRICT BASED ON THE FINDINGS OF FACT WITH THE CORRECTIONS AND ADDITIONS APPLIED AS SHOWN ABOVE INCLUDING THE LAND USE GOAL #3 STRATEGIES.

B. Independent School District 181 Presentation – District Facilities Planning Status

City Planner Ostgarden indicated at the last Planning Commission meeting it was suggested to eliminate off-street parking requirements in our Zoning Ordinance. The city planner recommended a conversation with the school district should occur prior to proceeding on the issue. After meeting with the district representatives on the parking issue, it was determined to have them present an update tonight on the status of the school facilities study.

The Chair welcomed Mr. Lund who has been involved with the study for the last three years. The first couple years was focused on data, fact and information gathering. The Comprehensive Facilities Plan includes:

- Increased Need for Space
- Increase in Enrollment
- Increase in Special Education

- Changing Instructional Best Practices
- Ensuring Quality Instruction and Student Opportunities
- Increasing Maintenance Costs for Aging Buildings
- Energy Savings with Modern Updates
- Operational Efficiencies with Larger Bundled Projects
- Proactive Planning vs. Reactive Decisions
- Strategic Decisions are More Efficient and Effective

The average ages of the buildings are about 46 years old. There need to be improvements to the buildings for energy and operational savings. The need to make larger investments in our buildings is the same as with home and business owners. It usually goes beyond the ability to meet this in the annual budget. If done right and engaged with the community, we can design a plan for the facilities for now and in the future that really begins to reflect how our community values education.

Starting the Process

- Gathering and Understanding Information
- Demographics and Enrollment
- Capacity of our Schools
- Condition of our Schools – Addressing Safety and Security; ADA Compliancy
- Enrollment
- Projections for Enrollment
- Age of our Schools – High School Constructed in 1968 to Forestview in 2004 shows a 35 year gap in new school construction – need to balance the cycle
- Future Maintenance Goals

The Chair welcomed Ms. Laine Larson, Superintendent of ISD181 who started with the district in July 2016. Ms. Larson spoke of the overall goals and phases proposed along with a PowerPoint presentation.

Overall Goal Facilities that Promote Opportunity Innovation and Success

8 Objectives

- Safe and Secure Facilities
- Mechanical and Educational Adequacy Updates
- Space that Fosters Best Practice Instruction and 21st Century Learning Opportunities
- Spaces that Promotes Robust Opportunities in Academics, Arts, Activities and Athletics
- Increased Community Collaboration, Ownership and Workforce Development
- Visionary Technology Integration
- Transparency, Engagement and Community Trust Building
- Highest Quality Educational Opportunities for our Taxpayers' Generous Investment

6 Phase Process

- Communications Planning – Keeping the lines of communication open
- Stakeholder Input – Input from employees in the district and the community as what they believe the strengths of our district are and what some of the needs are so they have say in the decision process based on our community values
- Surveys and Assessments – Provide adequate surveys for the Board
- Develop Options and Alternatives – Gather all information together to present to the Board

- Bond Election Process – If the bond election process is successful, then we would move to the last phase
- Construction Management

Findings from Stakeholder Input

- Great Teachers and Staff
- Diverse and Quality Educational Opportunities
- Neighborhood Schools are Very Important – Smaller, Family Based Elementary Schools
- High School Campus Location is a Valued Part of the Community

Business Community Desires

- o Enhanced Communications
- o Workforce Development Partnerships
- o Robust Offerings of Career Technical Education Opportunities
- o Comprehensive Technology Integration
- Forestview - Quality Facility with Appropriate Amount of Space

All of the schools have significant needs

- Lack of Physical and Functional Space at our Elementary Schools and the Functional Space at our Secondary Schools Results in an Inequality of Educational Delivery
- Facilities Faced with Significant Deferred Maintenance Needs with the Exception of Forestview
- Safety and Security Concerns
- Parking / Drop Off and Pick Up Facilities
- o Developing Options and Alternatives – A Team of Administrative Staff will work with Foster, Jacob, Johnson, Kraus-Anderson and Widseth Smith Nolting (WSN) to bring forth a recommendation to the Board of Education to proceed to the next level of priority.

The Chair welcomes Erica Martinson, Architect at Widseth Smith Nolting. Ms. Martinson indicated that with the listening sessions that have taken place, they have learned of some of the challenges in our elementary schools along with the studies that have been done in each of the buildings.

- Safety and Security
- Inadequate Physical Space
- Classrooms Do Not Reflect Current Instructional Needs
- Age = Significant Deferred Maintenance
- Imaging solutions – discovering opportunities

Ms. Martinson explained several schools will be renewed and “right sized” meaning the building will be brought to the correct size and configurations needed for a functioning school based on enrollment.

Renew and Right Size

- Garfield
- Lowell
- Riverside

- Harrison (Yet to be Determined)
 - Option 1. Right size and expand
 - Option 2. Relocate the school – Potential sites explained
- Baxter – New Location
- Nisswa

Ms. Martinson showed a series of PowerPoint slides indicating the current layout of each school along with the plan of the “right sized” school as proposed. The estimated cost values were included along with some tentative ideas.

Commission discussion took place and questions answered. The Commission thanked the district for the presentation.

C. Brainerd Zoning Text Amendment – Microdistilleries and Cocktail Rooms

City Planner Ostgarden gave a brief overview of the proposed definition of microdistilleries and cocktail rooms in the zoning ordinance as well as the districts that would be affected by the change to allow microdistilleries and cocktail rooms. The districts will be as follows:

- 515-61 – B-2 (Neighborhood Business) District by Conditional Use Permit
- 515-62 – B-3 (Central Business) District as a Permitted Use
- 515-63 – B-4 (General Business) District as a Permitted Use
- 515-64 – B-5 (Commercial Amusement) District as a Permitted Use
- 515-65 – B-6 (Washington Street Commercial) District as a Permitted Use
- 515-70 – I-1 (Light Industry) District as a Permitted Use which by reference it is a permitted use in the MU (Mixed Use) District

Each district will have the following minimum standards:

1. NO OUTDOOR STORAGE.
2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.
4. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE.

The Chair opened the public hearing at 8:52 p.m.

No one came forward.

The Chair closed the public hearing at 8:52 p.m.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE AMENDMENTS AS PROPOSED WITH THE ELIMINATION OF #4 SHOWN ABOVE.

#5 PUBLIC FORUM

None

#6 OLD BUSINESS

A. Report on Steering Committee Appointment Process and Upcoming Ward Meetings

City Planner Ostgarden reported there were two additional nominations from City Council to the Steering Committee. There are still four openings to make the eleven member committee. The process is progressing a lot slower than anticipated and hopefully the November 6, 2017 Council Meeting will be the final meeting for appointments. Commissioner Marohn volunteered to contact members of the council to get the process moving along.

#7 COMMISSIONERS' QUESTIONS/COMMENTS

Commissioner Burslie requested a discussion take place regarding the special meeting policy. He said a special meeting regarding 113 Carol Lane variance occurred between the September and October Planning Commission meetings when it was agreed that it would not be called. City Planner Ostgarden indicated historically, the special meeting process has been very informal. It is up to the Chair to decide if a special meeting is needed. This informal process has not been questioned by past commissions. It has been thought of as a public service, and there have been only a couple of these meetings each year. The city planner said if this commission desires to change this policy and consider fees it can draft language for consideration. Chairman Headley said she called the meeting. The city planner stated the Council President was made aware of the commission's discussion about special meetings and he does not want the process to become more formalized.

Commissioner Wussow wanted clarification on the fees for variance applications and if labor charges or mailings are figured into the fee. The variance is a flat fee charged and it is not adjusted for services or time spent on the project. It was suggested to review the fee schedule for various applications.

Council Liaison Lambert indicated when a special meeting should occur it be for only the one issue for discussion and others not be added to the agenda.

Commissioner Marohn stated he came to the meeting tonight prepared to address with ISD 181 staff and to try to schedule a public hearing regarding the Zoning Code Parking Requirements for Schools. Mr. Marohn has gathered data and is requesting a public hearing be scheduled on the agenda for discussion in November.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURSLIE TO HOLD A PUBLIC HEARING IN NOVEMBER TO CONSIDER ELIMINATING THE PARKING REQUIREMENTS FOR SCHOOLS FROM THE CITY ZONING CODE.

Members Burslie and Marohn voted "aye". Members Gorham, Headley, Wussow and Lambert voted "nay". The Chair declared the motion failed.

Commissioner Wussow suggested that more information should be gathered and reviewed prior to scheduling a public hearing.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM TO ADD THE DISCUSSION OF THE CITY ZONING CODE PARKING REQUIREMENT TO THE AGENDA IN NOVEMBER.

Members Burslie, Gorham, Headley, Wussow, Marohn and Lambert voted "aye". No member voted "nay". The Chair declared the motion passed.

Commissioner Wussow spoke in regards to an action taken for a fencing variance request at 102 Ridge Drive. It has been discovered the fence was relocated as instructed, but it was installed with the “good” side facing in to the property not out to the road. Mr. Wussow indicated the ordinance should be enforced. City Planner Ostgarden responded that he was not aware of this, as he has not been in that area of the city. He will address the issue with the property owner.

Council Liaison Lambert indicated this is also the case at the property Sage on Laurel. The concern will be addressed.

Commissioner Gorham inquired about the variance application for 113 Carol Lane that went to Council on the final decision. The recommended denial was overturned by Council as they approved the variance. Commissioner Burslie requested a copy of the minutes of meeting of City Council October 16, 2017.

#8 CITY PLANNER'S REPORT

City Planner Ostgarden distributed an invitational flyer for a presentation from Brainerd River to Rail on November 1, 2017 at 6:00 p.m. in the Fire Department Meeting Room.

#9 ADJOURNED AT 9:19 P.M.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

VARIANCE

STAFF REPORT TO THE PLANNING COMMISSION

November 6, 2017

APPLICANT/LOCATION: Brainerd Laestadian Church (Manor), 1501 S. 8th Street

PROPOSED USE: Request to construct a non-conforming building (garage) addition that will encroach into the required side yard setback

LOT AREA: 4 Acres

CURRENT ZONING: R-3 (High Density Residential) District

ADJACENT USES: East: Trail/Residential
South: Residential/Nonresidential
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

The Laestadian Church (Manor) has a 150' x 22' garage along its south property line approximately 3' from the property line. They would like to construct a 22' x 36' addition on the east end and match the existing 3' setback. There are 14 senior living apartments and 11 garages. In 2009 when the Zoning Ordinance was rewritten, multifamily zoning accessory building setbacks were established at 15'; meaning to match the existing setback, a 12' variance is required.

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? The highlighted sections appear to be the ones that are related to whether the request will be in harmony with the purposes and intent of the Zoning 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.

The addition will be at the east end of the existing building and be over 300' from S. 8th Street. There is sufficient area to construct a separate building for the additional units without encroaching into setback areas. There would be a cost savings by adding to the existing building, separate from that based on the addition location, and the impact it will/will not have on the adjacent property, is it reasonable property use to allow the addition as proposed.

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

The property is a 4 acre site that was once an elementary school that has been repurposed for church use and apartments. There are no site development limitations such as wetlands, ravines, steep topography, etc.

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

The addition will not be readily visible from S. 8th Street or from the property to the north. The current garage is adjacent to residential property to the south. The addition will be adjacent to the platted right of way and the non-residential use. The addition would affect one residential property to the south, where the dwelling on that property is close to 100' from the addition. It will be visible to the non-residential use to the south.

Will the 36' addition onto the already 150' long building alter the neighborhood 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.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on November 15, 2017 and the City Council may consider the Planning Commission's recommendation at its November 20, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

DRAFT Findings-of-Fact

Brainerd Laestadian Church (Manor), 1501 S. 8th Street

Request to construct a non-conforming building (garage) addition that will encroach into a required side yard setback.

1. The property is in an R-3 (High Density Residential) District and the owner desires to construct a 22' x 36' addition onto an existing row style garage.
2. The site is approximately 4 acres and is a repurposed elementary school.
3. The new garage total area will be 4,092 sq. ft. (186' x 22').
4. There are 14 senior living apartments and 11 garages.
5. The property has frontage on S. 8th Street. The addition will be over 300' from S. 8th Street, there is vacant property and a multiple purpose trail located to the east. The closest building to the east is approximately 200' away.
6. The addition will be adjacent to the platted right of way and the non-residential use. The addition would affect one residential property to the south where the dwelling on that property is close to 100' from the addition. It will be visible to the non-residential use to the south.
7. There is single family use south of the existing garage structure. A nonresidential use is using a platted but undeveloped right of way adjacent to the south of the proposed addition.
8. The required side yard setback is 15'. The existing setback is approximately 3' and the addition is proposed to match the existing setback.
9. Following are the statements from Zoning Ordinance Section 1 – Intent and Purpose that are applicable to this application. The addition location will:
 - 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.*
 - K. *Provide for compatibility of different land uses.*
8. **LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
Strategies

Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.

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.

10/24/2017

This letter is to describe the garage addition requested by the Laestadian Church of Brainerd, 1501 S. 8th Street, Brainerd, MN.

The Church has 14 apartments and only 11 garage spaces for residents' cars. The existing garages are on a line about 4' from the South property line. We would request a permit to allow us to simply add 3 more spaces as per the accompanying plans. They would continue where we already have asphalt paving which would then be removed and the new structure installed. This is the least disruptive to the property and the simplest means to add 3 more garage spaces. Existing gutters could be lengthened to divert water from the parking lot and to the rear property which has a very large undeveloped green space. Allowing this addition would enable us to use the existing parking and drive lanes with very little new hard surfaces.

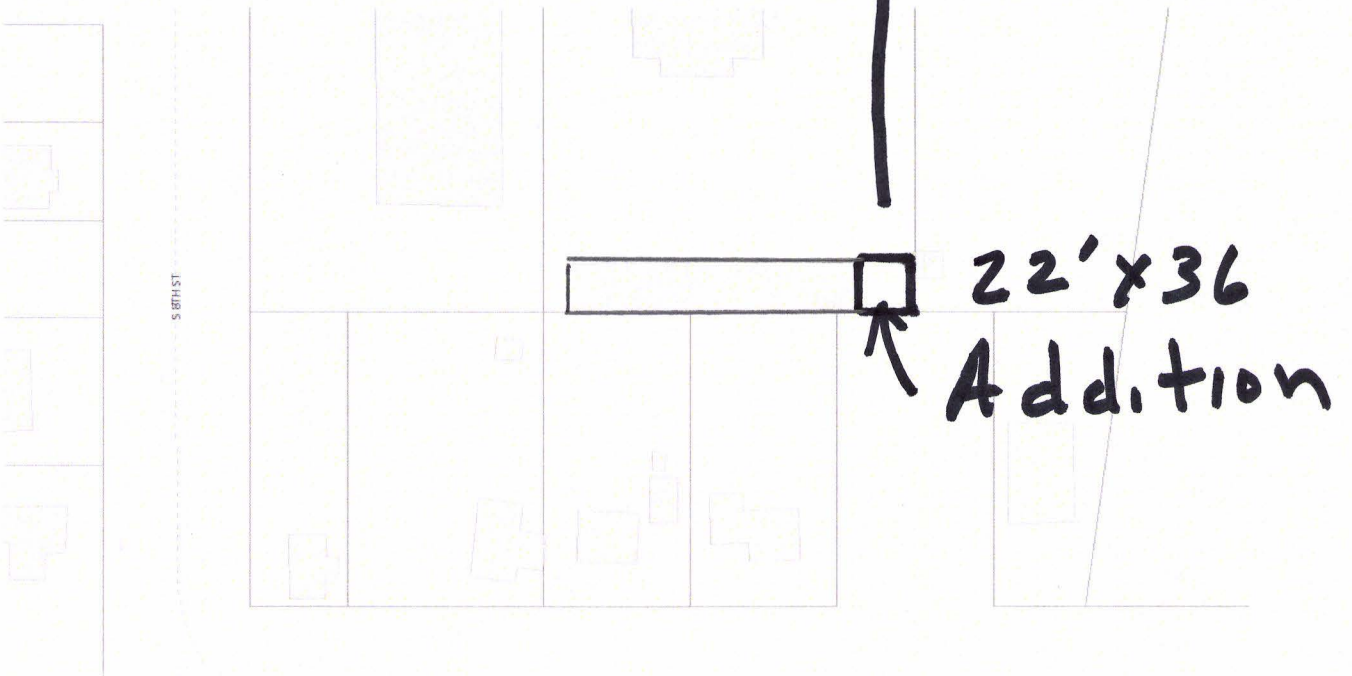
Thanks for considering our application.

Steve Collette

RECEIVED

OCT 24 2017

CITY OF BRAINERD
ADMINISTRATION





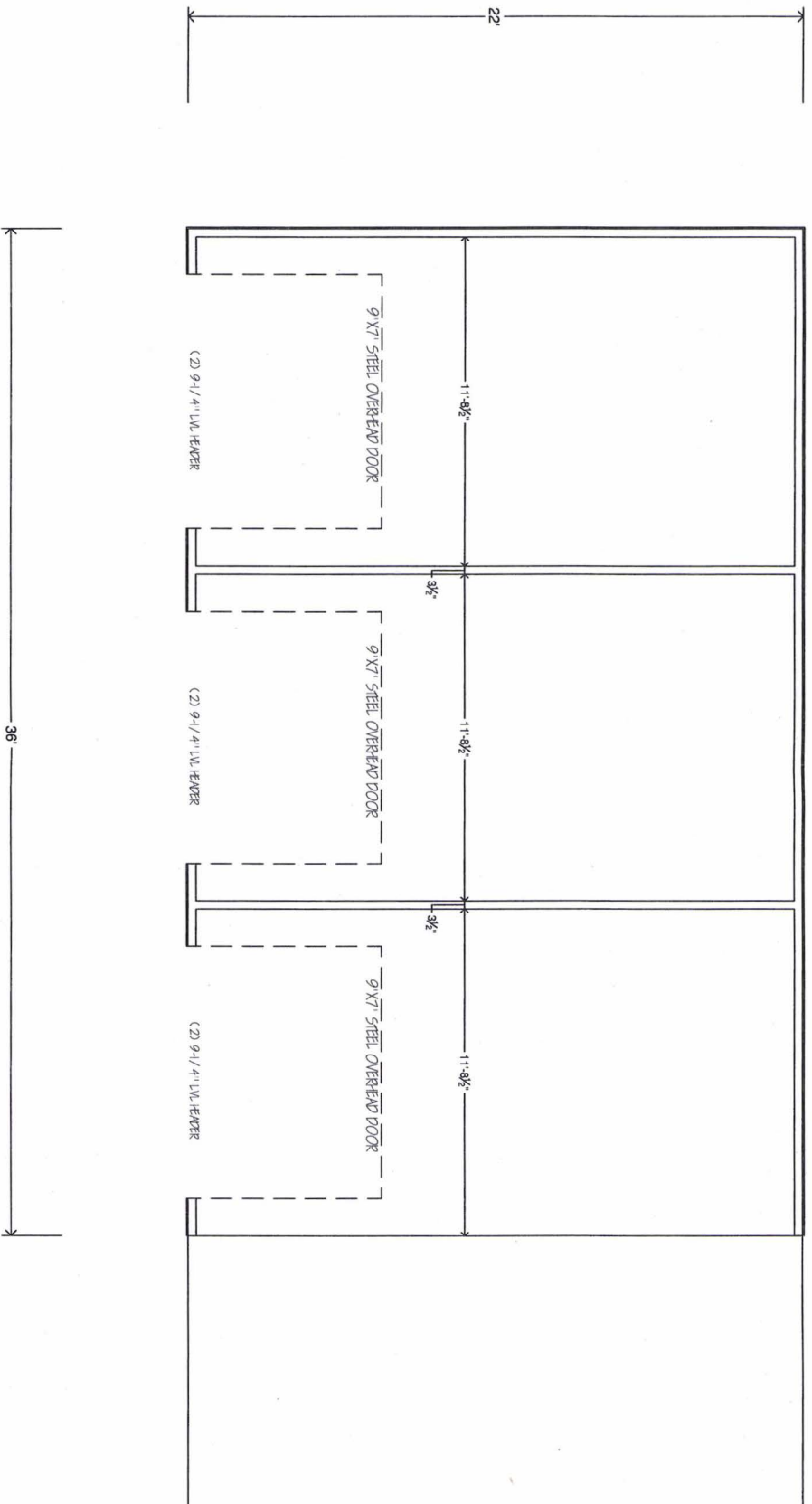
View from S. 8th St.



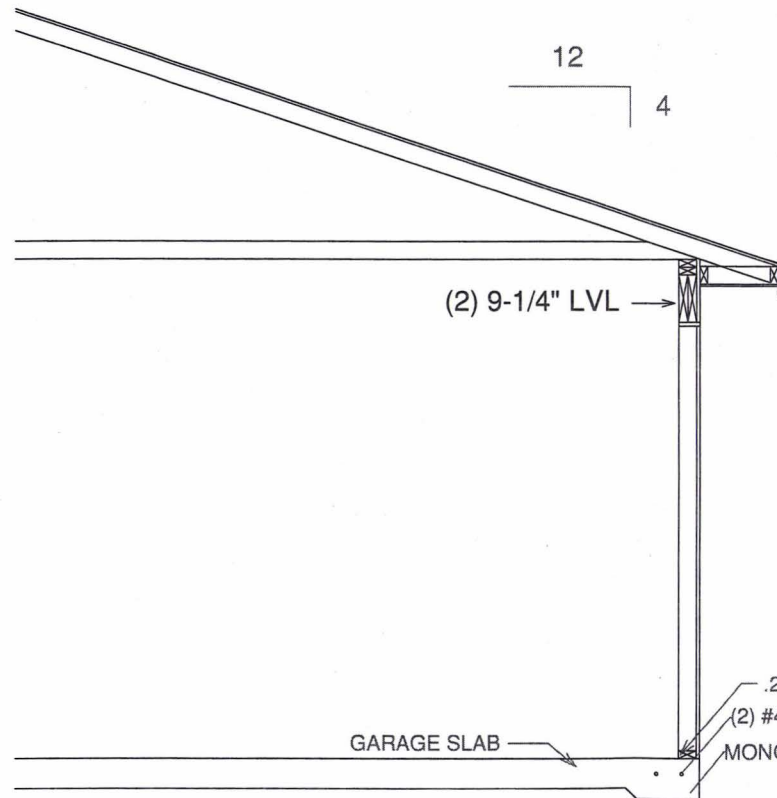
View from Brook St.



Addition Footprint



Addition Roof Pitch



ROOF ASSEMBLY

30 YEAR LANDMARK ASPHALT SHINGLES
#30 SHINGLE UNDERLAYMENT
(2) COURSES WEATHERWATCH @ EAVES
15/32" O.S.B. ROOF SHEATHING
4/12P ENGINEERED ROOF TRUSSES 24"OC

SOFFIT ASSEMBLY

2X4 S-P-F SUBFASCIA AND LOOKOUTS
1X6 CEDAR FASCIA
3/8" ROUGH SAWN FIR SOFFIT

WALL ASSEMBLY

5/8" SYP T1-11 8"OC SIDING
TYVEK HOUSE WRAP
2X4 S-P-F STUDS 16"OC

FOUNDATION ASSEMBLY

.25 TREATED SILL PLATE
(2) #4 REBAR CONTINUOUS
MONOLITHIC FOOTING

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Brainerd Laestadian Church (Manor), 1501 S. 8th Street, Brainerd, MN 56401, has submitted a variance request to construct an addition onto a non-conforming accessory building (garage). The 22' x 36' addition is proposed to be setback 3' from the side yard property line to match the current building setback. The property is zoned R-3 (High Density Residential) and Zoning Ordinance Section 515-57-7: C.2 – (High Density Residential) District Minimum Lot Area and Setback Requirements specifies a 15' side yard setback for a multiple family senior housing accessory building.

The City of Brainerd Planning Commission will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, November 15, 2017 to consider the variance request.

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.

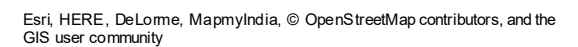
Dated this 1st day of November 2017

Mark Ostgarden AICP
City Planner

Publication date: November 3, 2017

See the reverse side for a site plan of the property.

Parcels Crow Wing



PIN	TXNAME	TXADR1	TXADR2	Physical Address
060360000A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09146008007Z009	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	
09146009003Z009	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	1407 8TH ST S
09146009007Y009	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	
09146009019Y009	GALLANT, MERLE JR & MARCELLA	816 LAWN ST	BRAINERD MN 56401	816 LAWN ST
09146010008Z009	SECRETARY OF HOUSING AND URBAN DEVELOPMENT	2401 NW 23RD ST SUITE 1A1	OKLAHOMA CITY, OK 73107	1417 7TH ST S
09146010011Z009	HELDT, MARCIE & JOSH	1423 7TH ST S	BRAINERD, MN 56401	1423 7TH ST S
09146010013Z009	LENZ, JEFFREY & LISA AND BERNHARD & CAROL PENNER	8998 COUNTY ROAD 45	BRAINERD, MN 56401	1424 8TH ST S
09146010015Z009	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	1420 8TH ST S
09146010018Z009	KAMPEN, KOREY G & SHELLI L	1410 S 8TH ST	BRAINERD MN 56401	1410 8TH ST S
09146011001Z009	JENDRO, SHARON	1501 S 7TH ST	BRAINERD MN 56401	1501 7TH ST S
09146011003Z009	GOODE, KEVIN R	1505 S 7TH ST	BRAINERD, MN 56401	1505 7TH ST S
09146011005Z009	JOHNSON, GUY D	1509 S 7TH ST	BRAINERD MN 56401	1509 7TH ST S
09146011007Z009	JOHNSTON, AMANDA L	1513 S 7TH ST	BRAINERD, MN 56401	1513 7TH ST S
09146011009Y009	RINGSTROM, DAVID C & ANGELA M	20334 LANCELOT LN	BRAINERD, MN 56401	1519 7TH ST S
09146011013Y009	EUE, JENNIFER M	1524 8TH ST S	BRAINERD, MN 56401	1524 8TH ST S
09146011016Z009	LANGER, MARY E	1514 S 8TH ST	BRAINERD MN 56401	1514 8TH ST S
09146011019Z009	VILLWOCK, SCOTT & KRISTI	5213 GULL LAKE DAM RD	BRAINERD MN 56401	1510 8TH ST S
09146011021Z009	FURGALA, CASSANDRA A	1506 S 8TH ST	BRAINERD, MN 56401	1506 8TH ST S
09146011023Z009	JOHNSON, JAMES L & JOAN V	10501 GILBERT SHORES DR	BRAINERD MN 56401	1502 8TH ST S
09146012001Y889	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	1501 8TH ST S
09146012007Y009	ANTUS, MICHAEL	811 BROOK ST	BRAINERD, MN 56401	811 BROOK ST
09146012007Z009	HOLMES, JAYME	1523 8TH ST S	BRAINERD, MN 56401	1523 8TH ST S
09146012013Y009	KOLLARS, MICHAEL	821 BROOK ST	BRAINERD, MN 56401	821 BROOK ST
09146012013Z009	PAULSON, PHILLIP E JR & KATHLEEN	815 BROOK ST	BRAINERD MN 56401	815 BROOK ST
09146012019Y009	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	
09146013001Y009	LAESTADIAN, CONGREGATION OF BRAINER	1501 S 8TH ST	BRAINERD MN 56401	
09146013007Z009	ARTHUR, JAMES R & JOHN E MATICH	5809 CLEARWATER RD	BAXTER, MN 56425	823 BROOK ST
09146019001Z009	NESHEIM, FRANK & LUCY	1702 6TH ST S	BRAINERD MN 56401	
09146019002Z009	CURRAN, ANGELA J	804 BROOK ST	BRAINERD, MN 56401	804 BROOK ST
09146019005Z009	DYREND AHL, MICHELLE AMANDA	810 BROOK ST	BRAINERD, MN 56401	810 BROOK ST
09146019009Z009	DESPOT, ROBERT	1302 POISSANT RD	FORT RIPLEY, MN 56449	830 BROOK ST
09146020000A889	MINNEGASCO PROPERTY ACCOUNTING	P O BOX 59038	MINNEAPOLIS, MN 55459-0038	
09146020002Y009	SEYMOUR, CASSANDRA M & MATTHEW C	1621 S 7TH ST	BRAINERD, MN 56401	1609 7TH ST S
091510010010009	GULL LAKE SANDBLASTING & POWDER COATING LLC	818 BROOK ST	BRAINERD, MN 56401	900 BROOK ST



City Planning Department

City Hall - 501 Laurel Street

Brainerd, MN 56401

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

www.ci.brainerd.mn.us

RECEIVED

OCT 18 2017

CITY OF BRAINERD
ADMINISTRATION

Receipt # 2017-00070

Check # 10274

Date Paid: 10/18/17

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

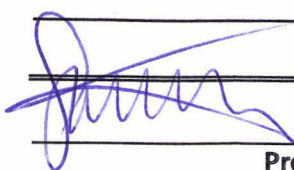
	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1501 S 8th ST.

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: BRAINERD LAESTADIAN LUTHERAN CHURCH
Street Address: 1501 S 8th ST. City: BRAINERD State: MN Zip Code: 56401
Phone Number: 829 5745 Fax: _____ E-mail: cscollette@msn.com
Applicant Name: (If different than Property Owner) STEVE COLLETTE
Street Address: 1126 POPLAR DR. City: EAST GULL LAKE State: MN Zip Code: 56401
Phone Number: 218 821 1483 Fax: 218 828 8033 E-mail: cscollette@msn.com

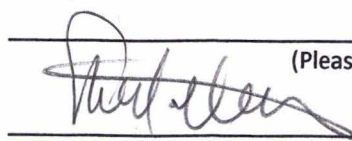
Description of Request: 22X36 GARAGE ADDITION



Property Owner Signature

10/11/17

Date



(Please print name)
Applicant Signature

10/11/17

Date

STEVE COLLETTE

(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;
mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS: robert.q.maroney@usace.army.mil

Attn: Rob Maroney, 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 651-290-5766

VARIANCE
STAFF REPORT TO THE PLANNING COMMISSION
November 6, 2017

APPLICANT/LOCATION: Kelly Bevans, 523 Holly Street 56401

PROPOSED USE: Expand a non-conforming building by adding a deck

LOT AREA: 60' x 82' = 5,000 sf

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

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

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

REPORT

The property owner has requested a variance to expand a non-conforming building that encroaches into the required side street yard setback by constructing a deck onto the top of the attached garage and front porch. Deck construction began because the property owner believed a building permit approved for other work on the house included approval to construct the deck. A review of the building permit identifies that deck construction was not part of the application and therefore its construction was not approved.

R-1 minimum lot size is 7,000 sq. ft. and the petitioner's lot size is 5,000 sq. ft., a non-conforming lot size. The property is zoned R-1 (Single Family Residential) District and Zoning Ordinance Section 515-54-7. C. Single Family Residential District specifies a garage and deck must be setback 15' from the side street property line. The garage and deck are non-conforming because the setback is 12' 9" from the N. 6th Street side street property line. The expansion encroaches 2'3" into the required side street yard setback.

Zoning Ordinance Section 5 – Non-Conforming Lots, Buildings, Structures And Uses 515-15-2 D.: General Provisions reads as follows:

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this Ordinance, may be continued in the same size and manner, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, ...

A variance is required to construct the deck that will encroach 2'3" into the required street side yard on a non-conforming building.

The Planning Department has discussed the addition and the need for a variance with the City Attorney. A question was asked whether removing 2' 3" of the deck back to the setback line would make the deck a permitted addition. His position is there can be NO additions horizontally or vertically to the non-conforming building.

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? The highlighted sections appear to be the ones that are related to whether the request will be in harmony with the purposes and intent of the Zoning 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.

Impervious area on the lot which includes the house footprint, driveway, walkways and other hard surfaces is approximately 60%. Maximum lot coverage in this district is 60%, leaving little or perhaps no lot area for additional impervious lot coverage.

Arguably, a 2nd story deck would provide more privacy for the residents. Due to the size of the dwelling footprint and the dwelling configuration, space available for an at grade outdoor deck/patio area is along the N. 6th Street side street yard and space is available in the front yard along Holly Street. Decks are not considered an impervious surface therefore would not be included in lot coverage calculations. The space along N. 6th Street could also be an area for an at grade patio. A patio area would be considered impervious therefore considered in coverage calculations and most would require maximum lot coverage variance.

Should the property owner desire privacy along N. 6th Street, a 5'-6' tall privacy fence would be desired. A fence variance would be required as a 4' tall fence is permitted in this location.

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

The lot is approximately 5,000 sf; 2,000 sf less than the minimum lot size for the area and the lot coverage is approximately 60%. Due to the size of the dwelling footprint and the dwelling configuration, locations available for a deck or patio are along N. 6th Street and in the front yard along Holly Street.

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

Some may see the addition and think it visually stands out or looks out of balance in relationship to the proportions of the dwelling. The unusual aspect of this construction is the deck is over a pitched roof. The property owner plans to enclose the area under the deck floor so the supports and joists are not visible. This should create a more finished appearance.

Those that think it is not in proportion to the dwelling, may be in part due to the new treated lumber. Over time, it will age and weather, taking on a different look which may help it look like part of the dwelling. The property owner could paint or stain the deck, which will help to create more coordinated deck and dwelling appearance.

Although there may be some question about the deck's visual appearance and its proportion to the dwelling, it would be difficult to argue that it has an impact on the essential character of the locality. The neighborhood is a mix of housing age, styles, sizes, setbacks, materials and color. There are other roof top decks in the area; examples of which are provided in the attached photos. They are above living areas that have a flat roof (almost flat on one dwelling.)

Others arguably may think the deck will add character to the dwelling and the neighborhood.

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.

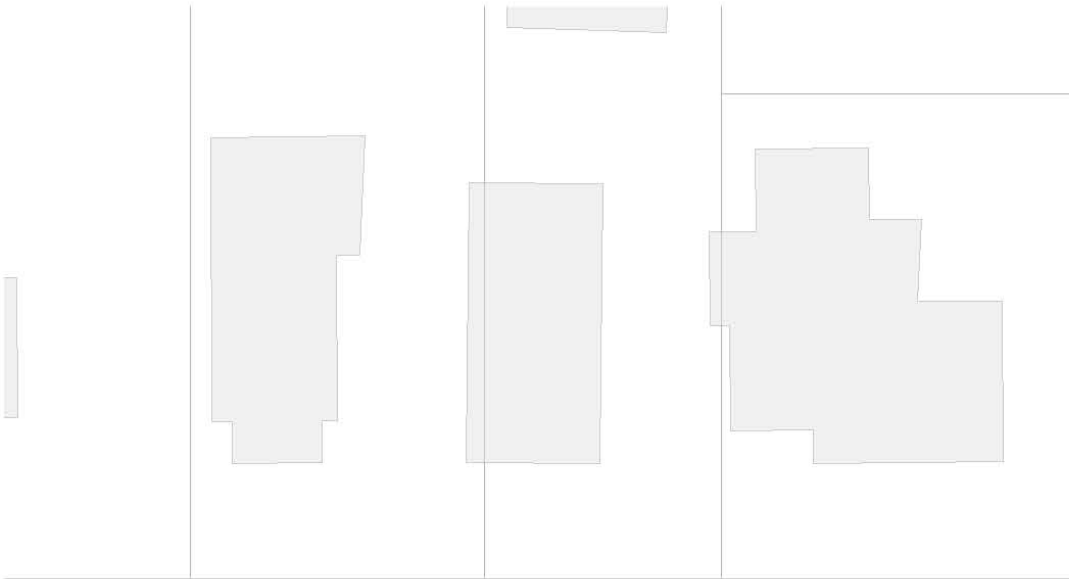
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on November 15, 2017 and the City Council may consider the Planning Commission's recommendation at its November 20, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner







DRAFT Findings-of-Fact

Kelly Bevans, 523 Holly Street, Brainerd, MN 56401

Expand a non-conforming building by adding a deck

1. The property is in an R-1 (Single Family Residential) District and the owner desires to construct a deck onto the dwelling that is non-conforming due to setbacks.
2. The lot size is non-conforming. The lot is approximately 5,000 sq. ft. (60' x 82') and the minimum R-1A lot size is 7,000 sq. ft.
3. Impervious area on the lot which includes the house footprint, driveway, walkways and other hard surfaces is about 60%. Maximum lot coverage in this district is 60%
4. For zoning setback purposes, the N. 6th Street is considered the street side yard.
5. The dwelling is non-conforming in that street side yard setback is 15', it encroaches 2'3" into the street side yard setback area.
6. The deck will be constructed above the attached garage and enclosed front porch. It is also proposed to encroach 2' 7" into the required side street yard setback area.
7. Zoning Ordinance Section 5 – Non-Conforming Lots, Buildings, Structures and Uses 515-15-2 D.: General Provisions reads as follows:
Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this Ordinance, may be continued in the same size and manner, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, ... 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.
8. Following are the statements from Zoning Ordinance Section 1 – Intent and Purpose that appear applicable. The deck location will:
 - E. Permit adequate light, air, and convenience of access to property.
 - I. Encourage the protection of historic and aesthetic resources in the City.
 - K. Provide for compatibility of different land uses.
9. **LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
Strategies
Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.

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.

10. The deck location is efficient land use and will add to the value of the property to support the tax base? The deck will add value to the neighborhood and not negatively impact surrounding property?
11. The property is unique in that it is nonconforming in its size and there is little, if any, area for additional legal expansion of the dwelling.
12. The addition will not alter the neighborhood's character because it is defined by many combinations of housing age, styles, sizes, setbacks, materials and color.
13. Although not many exist, there are other roof top decks in the area.
14. The petitioner has stated the deck bottom will be screened to hide supports and joists.
15. Deck construction has begun based on the property owner thinking a deck permit had been issued. Building Department record verified a permit was not issued.

October 22, 2017

City of Brainerd
Planning & Zoning Commission
Mark Ostgarden Planner

Please accept this variance application to add a deck on top of an existing non-conforming attached garage. The variance is needed as the garage, & therefore the deck we plan to build above it, will encroach 27" into the side yard setback.

Enclosed is a copy of the plot plan map from Crow Wing County website.

The reason for this request is since purchasing this house in 1990 we have had to live with a garage that was added, for practicality, with no thought for the essential character of the property or the neighborhood. For nearly 30 yrs we have tried to come up with a plan to minimize the impact of the addition and better blend it in to the existing architecture. However, without the variance we will be unable to cover the entire existing structure, so then we'll be unable to box/skirt under the deck to the existing structure and also be unable to replace the siding on the garage and restore it to the beautiful 4" cedar (sitting in my garage) to match the rest of the house next summer.

This certainly seems reasonable to me as how else can we enhance the property & maintain the necessity of having a garage in Minnesota.

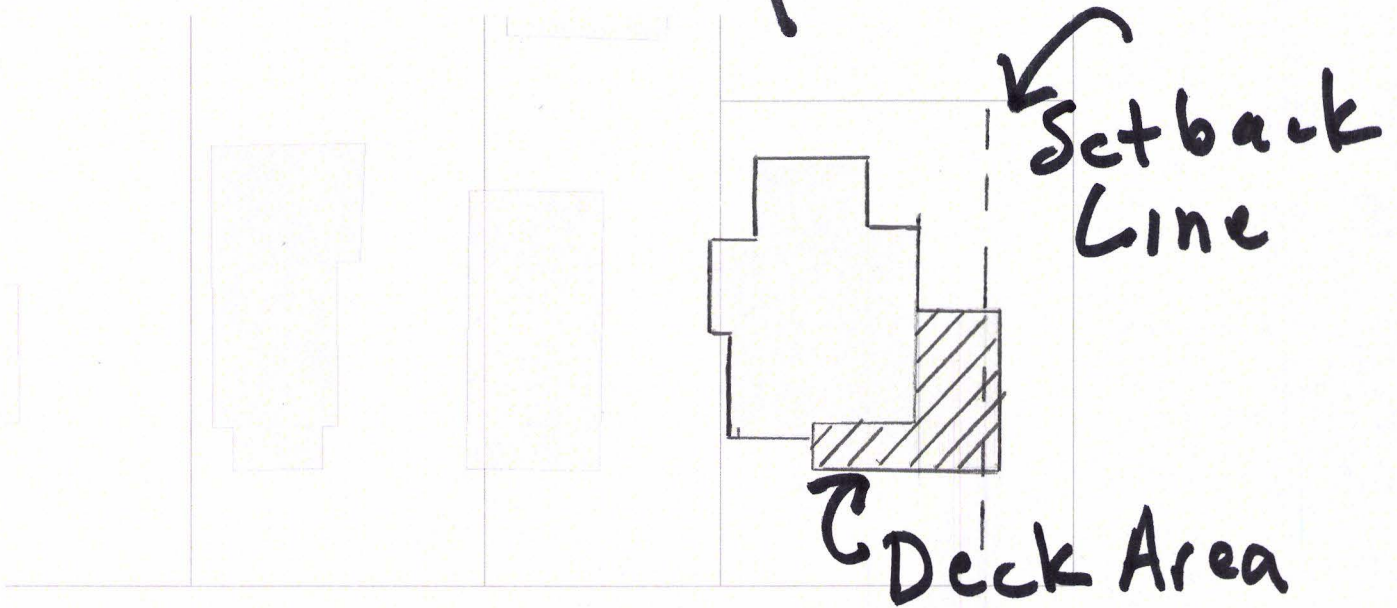
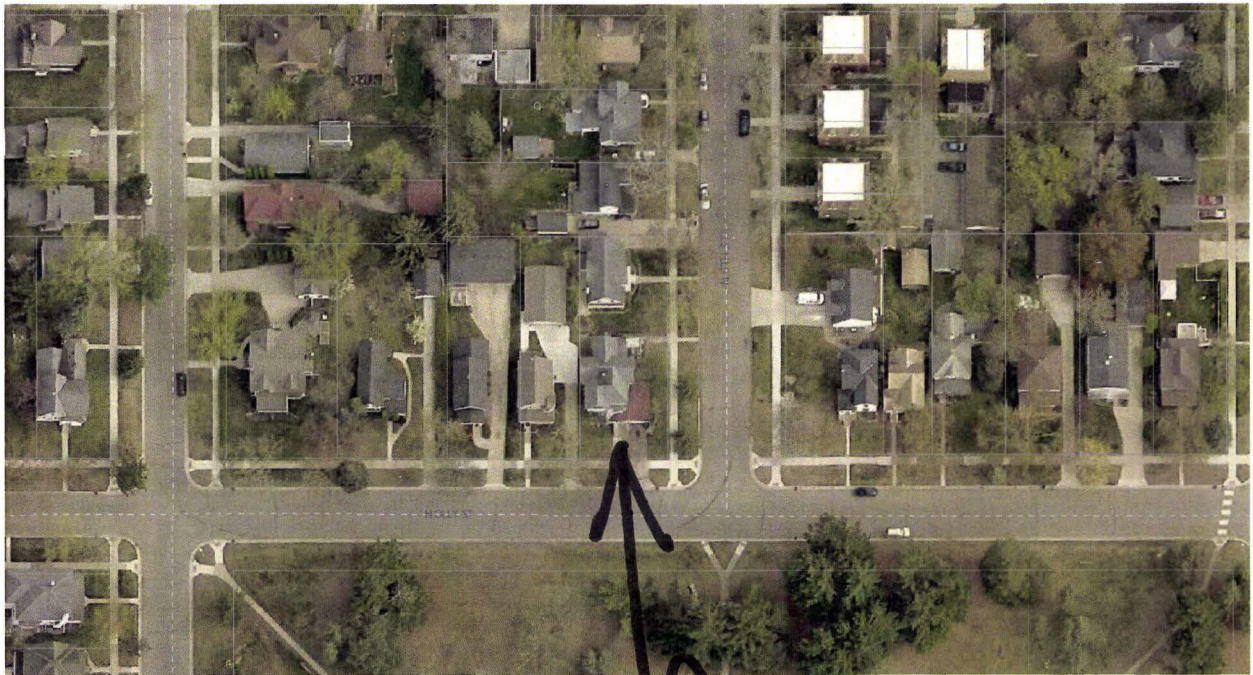
The circumstances of the original encroachment was created by the original builders of the garage back in the early 1970's

I believe this project, once completed, will enhance the essential character of the location as it will help make the ugly addition blend better with existing architecture.

Thank You

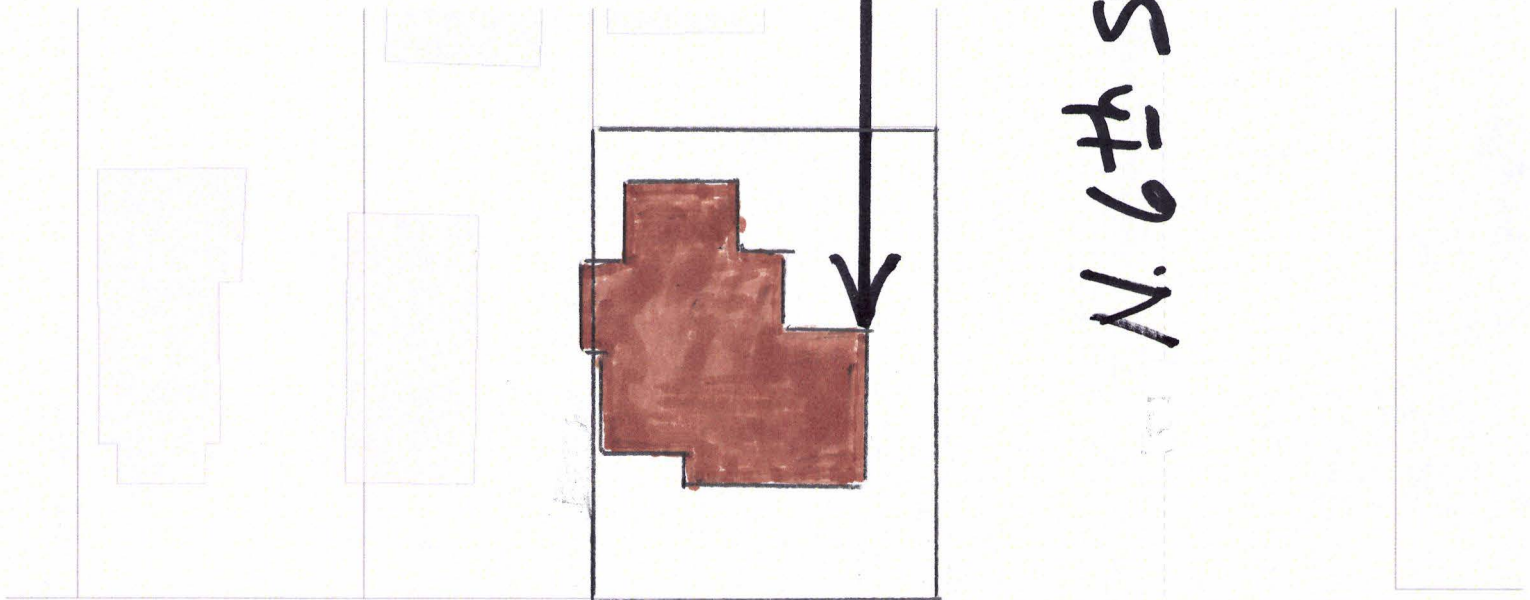


Kelly Bevens
523 Holly St.
Brainerd, MN 56401
(218) 828-9515 (days)





The deck setback is the same as the garage wall which is 2'3" into the required 15' street side yard setback.



Holly St.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Kelly Bevans, 523 Holly Street, Brainerd, MN 56401, has submitted a variance request to expand a non-conforming building (garage portion of the dwelling) by adding onto the garage roof a deck that will encroach into the required side street yard setback. Deck construction began because the property owner believed a building permit approved for other work on the house included approval to construct the deck. A review of the building permit identifies that deck construction was not part of the application and therefore its construction was not approved.

The garage and deck are setback 12' 9" from the N. 6th Street side street property line. The property is zoned R-1 (Single Family Residential) District and Zoning Ordinance Section 515-54-7. C. Single Family Residential District specifies the garage and balcony must be setback 15' from the side street property line.

The City of Brainerd Planning Commission will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, November 15, 2017 to consider the variance request.

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 1st day of November 2017

Mark Ostgarden AICP
City Planner

Publication date: November 3, 2017

See the reverse side for a photo of the deck and a site plan of the property.

Variance 523 Holly Street



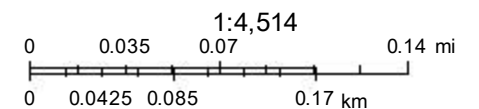
October 31, 2017

Select Parcels _Query result

Parcels Crow Wing

City Limits

Roads



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

PIN	TXNAME	TXADR1	TXADR2	Physical Address
091350000010009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	614 6TH ST N
091350000020009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	616 6TH ST N
091350000030009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	618 6TH ST N
091350000040009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	620 6TH ST N
091350000050009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	622 6TH ST N
091350000060009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	624 6TH ST N
091350000070009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	610 GROVE ST
091350000080009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	612 GROVE ST
091350000090009	DK INVESTMENTS LLC	1107 6TH ST S	BRAINERD, MN 56401	
091961040000009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09196166001Z009	HUMMEL, JERRY K & REBECCA S	24803 COUNTY ROAD 19	MERRIFIELD, MN 56465	617 7TH ST N
09196166004Z009	HOLLOWAY, RONNIE L & KRISTI M	623 7TH ST N	BRAINERD MN 56401	623 7TH ST N
09196166013Z009	FILKINS, MARK B & PATIENCE J	603 HOLLY ST	BRAINERD MN 56401	603 HOLLY ST
09196166015Z009	NICK & JOE'S MOW AND SNOW LLC	2200 PRINCETON AVE	ST PAUL, MN 55105	605 HOLLY ST
09196166017Z009	TONER, JAMES & ANNAMARIE	607 HOLLY ST	BRAINERD MN 56401	607 HOLLY ST
09196166019Z009	JOHNSON, DANNY L & BARBARA L	611 HOLLY	BRAINERD MN 56401	611 HOLLY ST
09196166021Z009	DANZL, LAVONNE M REV TRUST	619 HOLLY ST	BRAINERD, MN 56401	619 HOLLY ST
09196168001Z009	ELLZEY, REBECCA SUE	615 N 6TH ST	BRAINERD, MN 56401	615 6TH ST N
09196168003Z009	BAILEY, CAROL R	619 N 6TH ST	BRAINERD MN 56401	619 6TH ST N
09196168005Y009	MORAN, SANDRA L	621 N 6TH ST	BRAINERD MN 56401	621 6TH ST N
09196168005Z009	BRAUSEN, KAY	514 GROVE ST	BRAINERD MN 56401	514 GROVE ST
09196168007Z009	REABE, ROXANE	624 N 5TH ST	BRAINERD MN 56401	624 5TH ST N
09196168010Z009	ORTON, MARC A	618 5TH ST N	BRAINERD, MN 56401	618 5TH ST N
09196168011Z009	EFTERFIELD, KRYSTAL	614 N 5TH ST	BRAINERD, MN 56401	614 5TH ST N
09196168013Z009	VAN DERWERKER, DIRK C & SUSAN SKARP	604 N 5TH ST	BRAINERD, MN 56401	604 5TH ST N
09196168016Z009	TIPLADY, MARGARET M REV TRUST	509 HOLLY ST	BRAINERD, MN 56401	509 HOLLY ST
09196168019Z009	RITCHIE, MARK A	515 HOLLY ST	BRAINERD, MN 56401	515 HOLLY ST
09196168021Z009	POTVIN, ALLISON B	521 HOLLY ST	BRAINERD, MN 56401	521 HOLLY ST
09196168023Y009	POTVIN, NATALIE S	609 N 6TH ST	BRAINERD, MN 56401	609 6TH ST N
09196168023Z009	BEVANS, KELLY J & SUSAN M	523 HOLLY ST	BRAINERD MN 56401	523 HOLLY ST
09196170001Y009	PICKAR, ANDREW & TERESSA	13957 HARDY LAKE RD SW	PILLAGER, MN 56473	423 HOLLY ST
09196170007Z009	HENDRICKSON, STEVEN & JANSON, STEPHANIE	611 N 5TH ST	BRAINERD, MN 56401	611 5TH ST N
09196170008Z009	AEGERTER, MARY A	615 5TH ST N	BRAINERD, MN 56401	615 5TH ST N
09196194001Z009	523 GROVE STREET LLC	11171 TOWN HALL ST	BRAINERD, MN 56401	523 GROVE ST
09196194022Z009	ROMANO, FRANCES N	702 5TH ST N	BRAINERD, MN 56401	702 5TH ST N
09196196023Z009	MURPHY, GORDON JR & LAURIE	704 6TH ST N	BRAINERD, MN 56401	704 6TH ST N



City Planning Department

City Hall - 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

RECEIVED

OCT 16 2017

CITY OF BRAINERD
ADMINISTRATION

Receipt # 2017-00068
Check # 514
Date Paid: 10/16/17

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 523 Holly St Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Kelly & Sue Beavans

Street Address: 523 Holly St City: Brainerd State: MN Zip Code: 56401

Phone Number: (218) 828-9515 Fax: (218) 829-7175 E-mail: Kelly@kellysservice.biz

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: Variance

Kelly Beavans
Property Owner Signature

Kelly Beavans
(Please print name)

Sue
Applicant Signature

10-16-2017
Date

Date

(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;
mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS: robert.q.maroney@usace.army.mil

Attn: Rob Maroney, 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 651-290-5766