

BRAINERD PLANNING COMMISSION

Wednesday, February 20, 2019
6:00 p.m.
City Hall Council Chambers

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
 1. Regular Meeting Held January 16, 2019

Documents:

[2019-01-16 DRAFT.PDF](#)

4. New Business

4.a. Variance Request - 2910 Oak Street - To Construct A 24'x24' Accessory Structure

- Submitted by Donald Peterson on behalf of Seventh Day Adventist Church to construct a 24'x24' accessory structure with a 13' setback on the west side of the property.

Documents:

[2910 OAK STREET ACCESSORY STRUCTURE VARIANCE.PDF](#)

- 4.b. Discussion On The Planning Commission's Responsibilities In Enforcing Stormwater Regulations On Proposed Projects
- 4.c. Discussion And Direction As To The Application And Enforcement Of Outdoor Dining Areas
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
7. Commissioners' Questions/Comments
8. Community Development Director's Report
9. Adjourn

Any individual needing special accommodations, or that desires more information about the above items, please call 218-828-2309

PLANNING COMMISSION
Wednesday, January 16, 2019

#1 Call to Order

Planning Commission Vice-President Marohn 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, Duval, Gorham, and Marohn; and Council Liaison Lambert. Community Development Director Chanski was noted as present. Also present was City Administrator Torstenson and Administrative Specialist Bestul.

#2 Welcome New Community Development Director – Mr. David Chanski

The Chair welcomed Mr. David Chanski, the new Community Development Director in the City of Brainerd. Mr. Chanski gave a brief update of his first two weeks with the City in the newly created position which combined city planning with community development.

#3 Election of Chairperson and Vice Chairperson

Commissioner Lambert nominated Commissioner Gorham as Chair for 2019 and 2020.

Commissioner Duval seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPOINT COMMISSIONER GORHAM AS CHAIR FOR 2019 AND 2020.

Commissioner Gorham nominated Commissioner Marohn as Vice-Chair for 2019 and 2020.

Commissioner Burslie seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND BURSLIE, DULY CARRIED, TO APPOINT COMMISSIONER MAROHN AS VICE-CHAIR FOR 2019 AND 2020.

#4 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE AGENDA.

#5 Approval of Minutes

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE MINUTES AS PRESENTED.

#6 New Business

A. Public Hearing – Variance Request at 214 2nd Ave NE to Construct a 24' x 20' Accessory Building (garage)

CD Director Chanski stated that Mr. William John Cory has submitted a variance application for constructing a 20' x 24' garage on his property. The lot size is 140' x 25' and is located in an R-2 (Medium Density) Residential District. Based on Section 515-17; General Building Use and Design Provisions are as stated below:

3. A. Building Design Standards

2.a. Single Family Standards. An attached or detached garage is limited in size to sixteen (16) ft. by twenty (20) ft.

The proposed size of the garage and storage building is 20' x 24'.

8. B. Residential Accessory Buildings, Structures and Uses

3.a. Accessory Building Floor Area, Height and Number. The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:

Zoning District

R-2

Maximum Allowable Floor Area

10% of lot area

The lot is 3,500 sq. ft., limiting the accessory building area to 350 sq. ft. The garage and existing storage building total approximately 430 sq. ft.

3.c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.

The roof height of the 14.5' dwelling at the midpoint is approximately 12.2' and the roof height of the 20' proposed garage at the midpoint is approximately 13.5'.

4.b. Setbacks. Side and rear setbacks shall be as provided for in the respective Zoning District.

Accessory Building and Structure side yard setbacks are three feet and a 20" side yard setback along the north property line is proposed.

The Chair opened the public hearing at 6:10 p.m.

The Chair recognized the petitioner, Mr. William John Cory, 214 2nd Ave NE Brainerd. Mr. Cory stated he is requesting to build a larger size than what is currently allowed on his property in order to have a two-stall garage. The utilities are located underground in the south three-foot section, thus the reason to request the setback of 20" on the north side.

Commissioner Duval stated under the evaluation criteria for issuing a variance, subdivision four related to Practical Difficulties reads as shown below:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner; and*
3. *The variance, if granted, will not alter the essential character of the locality.*

Commissioner Duval asked Mr. Cory to describe what practical difficulty he has to make his application valid.

Mr. Cory indicated having a two-car garage, as the current size allowed is too narrow to accommodate two vehicles. He stated he intends on removing the current shed on the property to allow for the garage.

Commissioner Marohn asked the relation of the lot lines to the existing fence line.

Mr. Cory stated the fence is located inside the lot lines.

Commissioner Marohn then asked if the intended garage would be located closer to the neighbor on the north side lot line. Mr. Cory confirmed this is true. Commissioner Marohn asked if Mr. Cory has communicated with that neighbor regarding his request. Mr. Cory indicated he has not, but the lot has been surveyed and marked clearly. Mr. Cory stated he plans on constructing the garage with 12" eaves so the overhang will not extend past the property line. The house is located 18" from the line and the proposal for the garage would be 20" from the line.

Commissioner Marohn asked about the current situation with storm water in the alley behind the property. Mr. Cory indicated the water remains in the alley and runs north to the street. There have been no issues with storm water even in heavy rains.

Commissioner Gorham asked CD Director Chanski if he had a chance to visit the property and neighborhood. Overall, there are many homes in the neighborhood that are very close to one another.

CD Director Chanski indicated the property is located in an older neighborhood. In researching the property, it was discovered that it was originally a full lot which had been reduced to half a lot at some point. He stated most of the homes in this neighborhood do have two-stall garages and Mr. Cory's request would not change the character of the neighborhood.

The Chair closed the public hearing at 6:20 p.m.

Commissioner Lambert expressed a two-stall garage would be more appropriate on the lot rather than the current storage shed. The lot size itself could be considered a practical difficulty.

Commissioner Burslie stated having a small lot with a small house, it makes sense to have a single garage, rather than a two-stall garage. He indicated in subdivision 3 it states, "*Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance*". He feels it is not a practical difficulty, as a single garage could be built to follow the current ordinance as it is stated and should be followed.

Commissioner Marohn stated he is looking at the four separate requests in the application and has no concerns with the first three listed. He stated he is more concerned with the setbacks and the closeness to the north side neighbor.

Commissioner Marohn requested Mr. Cory come forth for additional questions. He asked Mr. Cory to expand on his intentions regarding storm water drainage and how it would impact adjacent properties in being so close to other structures.

Mr. Cory stated the garage will be constructed to slope towards the alley for all overflow. The existing property already drains through the backyard to the alley. He said he would be willing to install gutters on the northside of the garage to direct the rain towards the alley.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL TO RECOMMEND APPROVAL OF THE VARIANCE BASED ON THE FOLLOWING CONDITIONS: 1) INSTALL GUTTERS ON NORTH SIDE OF GARAGE 2) MODIFYING THE SIZE OF THE STRUCTURE TO 17 ½' DEPTH (EAST TO WEST DIRECTION) X 20' WIDTH AND BASED ON THE FOLLOWING FINDINGS OF FACT: 1) THE NARROWNESS OF THE LOT MAKES CONFORMANCE WITH THE CURRENT CODE UNFEASIBLE 2) THE SMALL SIZE OF EXISTING HOUSE MAKES CONFORMING TO THE SIZE REQUIREMENT OF THE GARAGE DIFFICULT 3) UTILITIES ALONG THE SOUTH SIDE OF THE LOT MAKE ENCROACHMENT UNFEASIBLE AND JUSTIFIES A NORTHERN ENCROACHMENT 4) PROPOSED STRUCTURE IS CONSISTENT IN DIMENSION AND CHARACTER TO THE NEIGHBORHOOD.

Commissioners Duval, Gorham and Lambert voted "aye". Commissioners Burslie and Marohn voted "nay". The Chair declared the motion carried.

#7 Public Forum

The Chair opened public forum at 6:49 p.m.

No one came forward.

The Chair closed public forum at 6:49 p.m.

#8 Old Business

None

#9 Commissioner's Questions/Comments

Commissioner Lambert expressed thanks to Commissioner Marohn for arranging the guest speaker at the December meeting.

Commissioner Marohn indicated he would like to have discussion with the commission of what direction to take in 2019 and the concerns and topics that need to be addressed.

It was determined after Commission discussion and input from City Administrator Torstenson that scheduling a retreat is the best option for gathering outside of the scheduled Planning Commission meetings.

#10 Community Development Director's Report

CD Director Chanski gave a brief update to the Comprehensive Plan. He stated the process is moving forward into the second half of the plan with the next Steering Committee meeting scheduled for Monday, February 4, 2019. The public input stage has been completed with the next step of assembling the goals and policies. He indicated that one of the goals presented to him to complete for 2019 is to review all the City's current ordinances for clarity and transparency to the residents.

#11 Adjourn

The Chair adjourned at 7:28 p.m.

David Chanski
Community Development Director

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: February 14, 2019

RE: 2910 Oak St. Accessory Structure Variance

Donald Peterson, 2606 Crestview Lane, Brainerd, MN 56401, has submitted a plan to construct a 24' x 24' accessory building (garage) on the property of Brainerd Seventh Day Adventist Church located at 2910 Oak St., Brainerd, MN 56401. The property is in a B-1 (Residential Office) District.

The applicant is requesting a variance from Section 515-17 General Building, Use and Design Provisions. Section 151-17.8.c states in a commercial district an "accessory building shall meet all the required setbacks of the principal building." The applicant is requesting a variance to construct an accessory building with only a 13-foot setback along the east side of the property.

Findings of Fact

1. Setbacks from adjacent residential zoning in a B-1 Office Residential District will be 30 feet from the property line.
2. A proposed setback of 13 feet along the west side of the property is requested.
3. The western wall of the north section of the principle structure currently sits approximately 20 feet from the property line.
4. Per Section 515-17.8.c., the proposed accessory structure does not exceed 30% of the gross floor space of the principle building
5. The proposed accessory structure will be the third accessory structure to the primary structure constructed on the property. However, there is no limit to the number of accessory structures in a B-1 district.
6. The proposed accessory structure will increase the impervious area of the property by approximately 480 square feet. However, there are no lot coverage requirements in a B-1 district.
7. An estimated 2 parking spots would be removed with the construction of this accessory structure, but the minimum required parking per the Code of Ordinances would still be met.
8. The applicant intends to construct the accessory structure some 24 feet to the south of the primary structure.

As of this writing, no parties have come forward to express their objections to this variance request.

Staff Opinion

As the western wall of the north section of the principle structure already sits approximately 10 feet shorter than the required 30 feet from the property line and as the property is well screened by trees and other vegetation from the adjacent residential property and as the proposed accessory structure would sit over an estimated 150 feet from the closest residential property and as the applicant seeks a reduced setback so as to eliminate as little parking as possible while keeping new impervious space to a minimum, it is the opinion of staff that this variance request be approved.



City Planning Department

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

RECEIVED

JAN 22 2019

CITY OF BRAINERD
ADMINISTRATION

Receipt #	2019-0000
Check #	6858
Date Paid:	1/23/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT
REZONING
VARIANCE

☐ (\$250.00)
☐ (\$300.00)
☐ (\$250.00)

☐ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☒ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 2910 Oak St

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

Property Owner Name: Mr. Crispina A55

Street Address: 7384 Hawkwood Ct City: Maple Grove State: MN Zip Code 55369

Phone Number: 763-424-8923 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) Donald Peterson

Street Address: 2606 Crestview Lane City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-537-0408 Fax: _____ E-mail: _____

Description of Request: to build a 24'x24' garage with a 17' side yard setback adjacent to residential zone. A 30' setback is required.

Not requiring a Conditional Use Permit. MAO 10/25/18

Donald Peterson
Property Owner Signature

Date

(Please print name)

Applicant Signature

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: Chris Pence; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; chris.pence@state.mn.us

CITY OF BAXTER

Attn: Josh Doty; Community Development Director, 13190 Memorywood Dr; Baxter, MN 56425; 218-454-5100

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.org

CROW WING COUNTY SURVEYOR'S OFFICE

322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

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: Steve Voss; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5779; steve.voss@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

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

CITY OF BRAINERD
501 LAUREL STREET
BRAINERD, MN 56401-
(218) 828-2309 FAX: (218) 828-2316



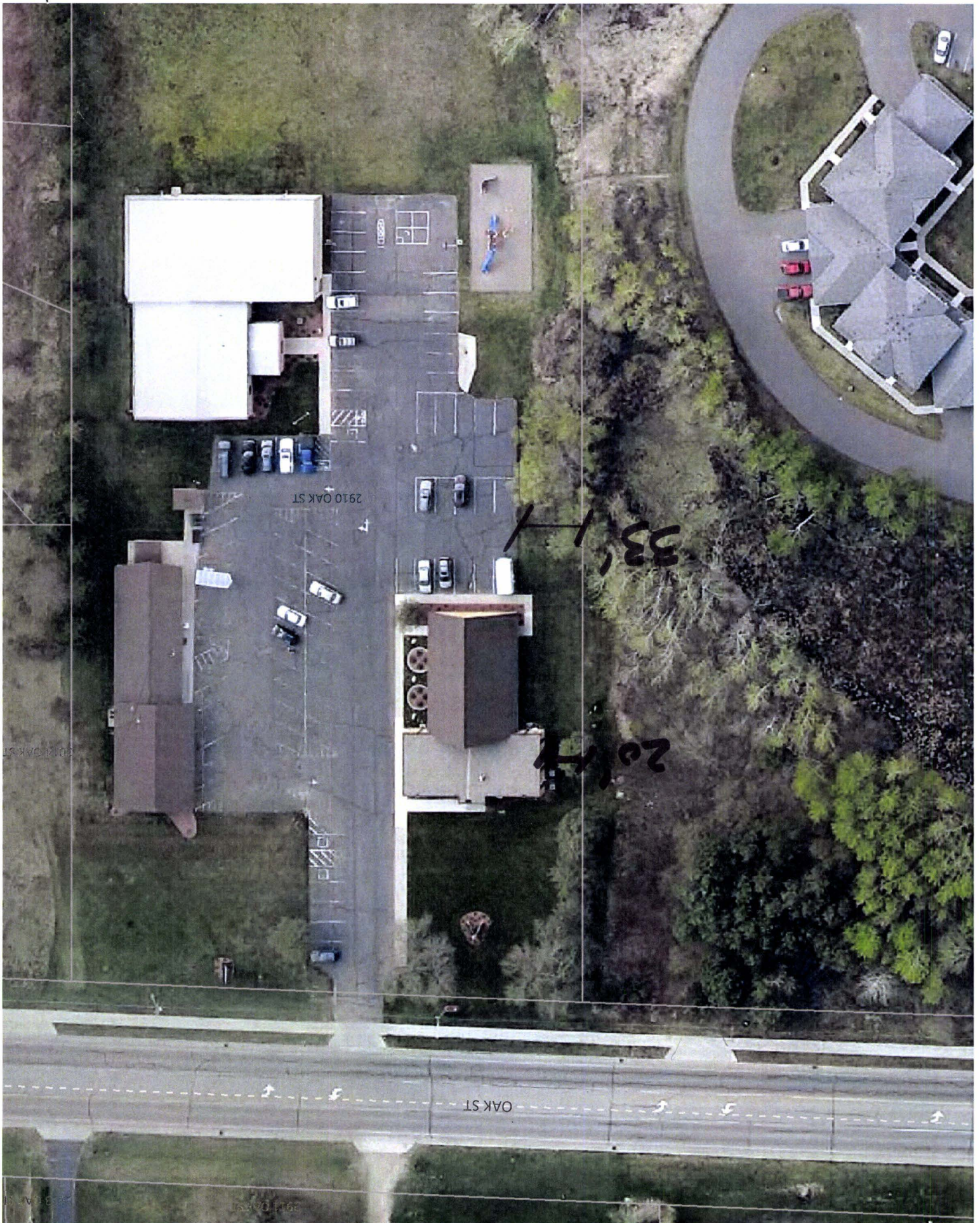
PRINTED WITHOUT ISSUING 1/23/2019

Permit #: 2019-00001

ADDRESS : 2910 OAK ST
PIN : 050293200D00889
LEGAL DESC : SEC 29 TWN 045 RGE 30
: LOT 000 BLOCK 000 PARCEL 0
PERMIT TYPE : VARIANCE FEE - COMMERCIAL
PROPERTY TYPE : COMMERICAL
CONSTRUCTION TYPE : VARIANCE

APPLICANT													
MN CONFERENCE ASSOC OF SEVENTH DAY, ADVENTIST 7384 KIRKWOOD COURT MAPLE GROVE, MN 55369	<table><tr><td colspan="2">VARIANCE - COMMERCIAL</td><td>400.00</td></tr><tr><td colspan="2">TOTAL</td><td>400.00</td></tr><tr><td>Payment(s)</td><td></td><td></td></tr><tr><td>CHECK</td><td>6858</td><td>400.00</td></tr></table>	VARIANCE - COMMERCIAL		400.00	TOTAL		400.00	Payment(s)			CHECK	6858	400.00
VARIANCE - COMMERCIAL		400.00											
TOTAL		400.00											
Payment(s)													
CHECK	6858	400.00											
OWNER													
MN CONFERENCE ASSOC OF SEVENTH DAY, ADVENTIST 7384 KIRKWOOD COURT MAPLE GROVE, MN 55369													
AGREEMENT AND SWORN STATEMENT													
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. Signature of Applicant _____ Date _____ This permit becomes null and void if construction authorized is not commenced within 180 days, or if construction is suspended for a period of 180 days at any time after work is commenced.													

SEPARATE PERMITS REQUIRED FOR WORK OTHER THAN DESCRIBED ABOVE.



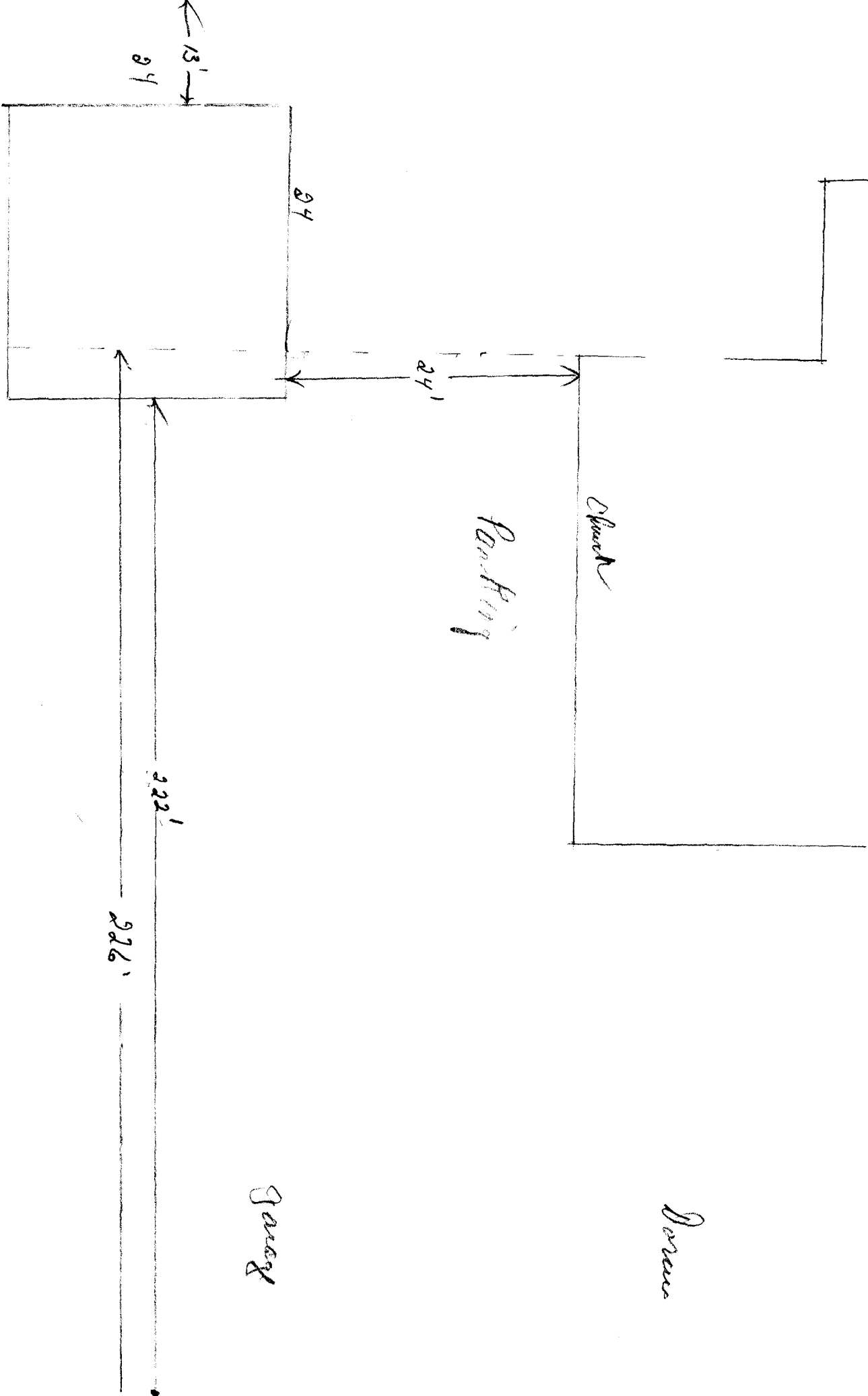
School

Garage

Driveway

Driveway

Parking



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Donald Peterson, 2606 Crestview Lane, Brainerd, MN 56401, has submitted a plan to construct a 24' x 24' accessory building (garage) on the property of Brainerd Seventh Day Adventist Church located at 2910 Oak St., Brainerd, MN 56401. The property is in a B-1 (Residential Office) District.

A variance from the following Zoning Ordinance section is requested: *SECTION 515-17 GENERAL BUILDING, USE AND DESIGN PROVISIONS*

8.c. Commercial. Accessory building shall meet all the required setbacks of the principal building. Setbacks from adjacent residential zoning in a B-1 Office Residential District will be 30 feet from the property line. An accessory building setback of 13' along the west side of the property is requested.

The property is legally described as follows:

*E 8 Acres of W 19 Acres of NW ¼ of SW ¼ & E. 9 FT of E. 10 Acres of W. 11 Acres.
Except Hwy. And Also Except That Part Platted As Brainerd Oaks
P.I.N. No. 050293200D00889
Section 29 Township 45 Range 30*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, February 20, 2019 to consider the request for the Variance.

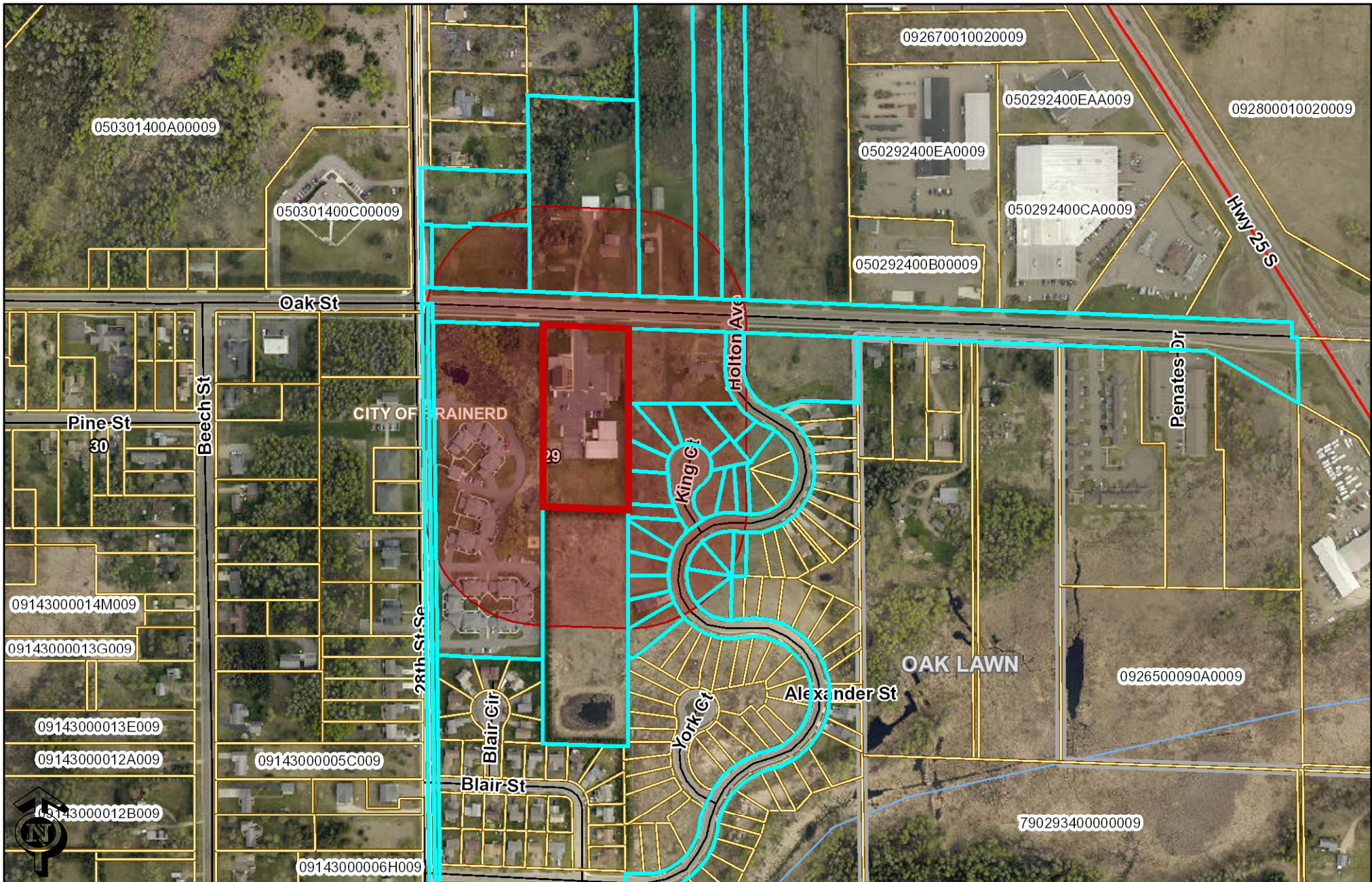
An application is on file for review at the Community Development Department, 501 Laurel Street.

Any individual needing special accommodations, please call (218) 828-2307.

Dated this 4th day of February, 2019

David C. Chanski
Community Development Director

Publication date: February 8, 2019



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Variance 2910 Oak St

Date: 2/1/2019 Time: 1:04:42 PM



Legacy Parcel Number	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Physical Address	Physical City
92710100000000	BOCK, MICHAEL P & DANIELLE S	758 KING CT	BRAINERD MN 56401			
0927100090F0009	BRAINERD HOUSING & REDEVELOPMENT	AUTHORITY	324 EAST RIVER RD	BRAINERD, MN 56401		
92710100000000	CHURCHILL, LOYD D & KAREN	3014 OAK ST	BRAINERD, MN 56401		3014 OAK ST	BRAINERD
92710100000000	CROSS, JEREMY D & SAMI J	700 HOLTON AVE	BRAINERD MN 56401			
92710100000000	FREDRICKSON, BRETT L & KAITLYN C	826 HOLTON AVE	BRAINERD MN 56401		826 HOLTON AVE	BRAINERD
92710100000000	GRAHAM, RANDY J	734 KING CT	BRAINERD MN 56401			
92710000000000	HOUSING & REDEVELOPMENT AUTHORITY	IN AND FOR THE COUNTY OF CROW WING	324 EAST RIVER ROAD	BRAINERD, MN 56401		
92710100000000	JACOBSON, ANGIE & SALEEN, HEATHER	778 KING CT	BRAINERD MN 56401			
92710100000000	JENSEN, DEBORAH S	806 HOLTON AVE	BRAINERD MN 56401			
050292300EC0009	JOHNSON REVOCABLE TRUST 3-20-2011	C/O JAMES D & CHLOE ANN C JOHNSON	2911 OAK ST	BRAINERD, MN 56401	2911 OAK ST	BRAINERD
92710100000000	KOTTKE, DAVID M	818 HOLTON AVE	BRAINERD MN 56401			
790292300B00009	LIBERTY GROUP LLC	C/O BANG PRINTING	3323 OAK ST	BRAINERD, MN 56401	3023 OAK ST	BRAINERD
050292300C00009	LIBERTY GROUP OF BRAINERD LLC	PO BOX 587	BRAINERD, MN 56401			0 BRAINERD
92400000000000	MARSH RUN MN I LLC	3120 GATEWAY RD	BROOKFIELD WI 53045			0 BRAINERD
050293200D00889	MINNESOTA CONFERENCE ASSOC OF	SEVENTH DAY ADVENTISTS	7384 KIRKWOOD COURT	MAPLE GROVE MN 5531	2910 OAK ST	BRAINERD
790293200FA0009	MINNESOTA POWER AND LIGHT	30 W SUPERIOR ST	DULUTH MN 55802			0 BRAINERD
050292300RZ0009	ORTON, JAY D & TERRY J REV TRUST	AGREEMENT DATED 10-15-01	7246 COUNTY ROAD 23	BRAINERD, MN 56401		0 BRAINERD
92710100000000	PAXMAR-BRAINERD LLC	3495 NORTHDAL BLVD NW STE 210	COON RAPIDS, MN 55448			
92710100000000	SCHRAMEL, MICHAEL M & ALYSSA M	740 KING CT	BRAINERD MN 56401			
92710100000000	SCHULZ, JAMES A & CARRIE J	748 KING CT	BRAINERD MN 56401			
92710100000000	SPARROW, ROSS & DOUTHIT, MARY ROSE	812 HOLTON AVE	BRAINERD MN 56401			
92710000000000	SWEET, KENDAHL D	PO BOX 1207	BRAINERD, MN 56401			
9270000000000000	TAX FORFEITED	CROW WING COUNTY LAND SERVICES	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590		
92710100000000	VANG, AN	710 HOLTON AVE	BRAINERD MN 56401			
92710100000000	WILLIAMS, BRIAN & TRACY	730 KING CT	BRAINERD MN 56401			