



ITEM REPORT
PLANNING AND ZONING COMMISSION

Agenda Date: 8/12/2026
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING.** Variances to allow a deck and a patio to be in the bluff and river setback for property located at 6151 Paris Road. (City file 2026-022)

APPLICANT: Dean Renneke, 6151 Paris Road, Baxter, MN 56425
R1, Low Density Residential

ZONING:

1. Application Request

The applicant is requesting variances to allow a deck and patio expansion within the required 150-foot setback from the ordinary high water mark (OHWM) of the Mississippi River and within the required 30-foot setback from a bluff on the Mississippi River.

Specifically, the applicant is proposing to demolish an existing deck and construct a new deck that would extend two additional feet closer to the river and ten additional feet horizontally along the house. Additionally, the applicant is proposing to dress up an existing porch by adding landscaping, including a small boulder retaining wall, that would extend two additional feet toward the river; the porch itself would remain the same. Both the existing deck and the existing porch are within the 150-foot setback to the river and within the 30-foot setback to the top of bluff. The existing porch is over the top of the bluff and the existing deck is very close to it.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Vacant Property	R1, Low Density Residential
South	Mississippi River/Vacant Property	N/A
West	Vacant Property	RS, Residential Staging
East	Vacant Property	R1, Low Density Residential

Characteristics of the Site

The subject property is approximately 13.5 acres and is mostly wooded with a mix of deciduous and coniferous trees, but does contain some open space. The property has significant contours with the land sloping down toward the river from north to south. There is a 45-foot-tall bluff (approximately) near the river. The subject property is a riparian shoreland lot on the Mississippi River meaning it has frontage on the river. The river also acts as a wetland and a FEMA floodway, although the proposed improvements are well outside the flood district. There are no other wetlands on the property. The proposed improvements would not expand the impervious

surface on the property, which is currently well below the maximum 25 percent impervious surface requirement of the shoreland overlay district. This portion of the river is a rural river section which requires a minimum 150-foot setback.

3. Analysis of Request

Variance

The existing deck and patio are modest in size and need to be repaired. The owner is planning on extending the deck two feet closer to the river and 10 feet horizontally along the house line to make it more usable, allowing space for a table and chairs.

The existing patio is trimmed with timber beams that are now rotten and need to be replaced. The patio won't extend any closer to the river as the applicant is looking to replace the deteriorated beams with small boulders that would form a shallow crescent "C" shape along the outside edge of the patio with the deep part of the crescent extending only two feet from the patio. The space between the boulders and the patio would be filled with landscape rock or mulch and would be planted with landscaping.

The house was built within the setback to the river and the bluff and it appears that the existing deck and patio are at, or over, the top of the bluff. The proposed improvements would not extend any closer to the river than a third larger patio that will be left alone. There would be no impact to existing vegetation between the proposed improvements and the river, and no grading or other dirt-work is required to complete the proposed improvements.

The variance standards are established by Minnesota Statute §462.357, Subd. 6.2. The burden of proof is on the applicant to show that the variance standards have been met. Staff has reviewed the application for consistency with the variance standards, as follows:

a) That there are practical difficulties in complying with the Zoning Ordinance.

There are practical difficulties in complying with the Zoning Ordinance because the existing house and the deck are currently within the bluff and river setback. The requested variance is for a reasonable use of the property that is otherwise allowed. The variance is not excessive and is the minimum variance needed to accomplish the applicant's goals.

b) That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.

The conditions are unique to the parcel of the land and were not created by the landowner. The unique conditions include the fact that the existing home, deck, and patio are already in the bluff and river setback. The City issued a building permit in 1991 allow the home where it is currently located; there was no city planner at the time to enforce shoreland setbacks, so the home was allowed to be built in the setbacks at no fault of the owner. The proposed improvements are minimal and reasonable.

c) That the granting of the variation will not alter the essential character of the locality.

The granting of this variance will not alter the essential character of the locality because there is already a house, deck, and patio within the bluff and river setbacks. Additionally, there is a third existing patio that is closer to the river than either the proposed patio or the proposed deck.

d) The proposed variance would be in harmony with the general purposes and intent of the Ordinance.

The variance would be in harmony with the general purposes and intent of the ordinance. Staff finds that, given the existing development pattern of the lot, the variance is reasonable and would meet the intent of the ordinance to protect the river and the bluff from erosion and visual impairment from the river.

e) *The variance is consistent with the Comprehensive Plan.*

The comprehensive plan and zoning ordinance identify this property as a residential use where decks and patios are common and acceptable accessory uses of property.

DNR Review

The DNR was provided a copy of the application and has responded that they have no comments.

4. Recommendation

Staff recommends approval of the variances, subject to the findings and conditions in the draft resolution.

Attachments

1. Draft Resolution Approving Variance Request
2. Site Location Map
3. Site Plan(s)
4. Drawings
5. Images of existing conditions