



ITEM REPORT
PLANNING AND ZONING COMMISSION

Agenda Date: 8/10/2022
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING. Variance** to allow a shed within the required 100-foot setback to Baxter Lake for property located at 4961 Oak Street. (City file 22-30)

APPLICANT: Randy Smelter, 4961 Oak Street, Baxter, MN 56425
R-1, Low Density Residential

ZONING:

1. Application Request

The applicant is proposing to place a “portable” shed on the lakeside of an existing home and has requested a variance to allow it to be placed within the 100-foot setback to the ordinary high-water mark (OHWM) of Baxter Lake.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Single Family Homes	R-1, Low Density Residential
East	Single Family Homes	R-1, Low Density Residential
South	Baxter Lake	Baxter Lake
West	Single Family Homes	R-1, Low Density Residential

Characteristics of the Site

The subject property is lightly wooded primarily with mature deciduous trees located both between the home and the street and between the home and the lake. The property is mostly flat near the road with a mild slope toward the lake dropping approximately 12 feet in elevation. A modest sized home and attached garage are also located on property, as well as an existing shed within the lake setback. The proposed development would expand the impervious surface on the property from approximately 22.75% to 23.2%, which complies with the maximum 25 percent impervious surface requirement of the shoreland overlay district. The property is 20,227 s.f. in size meeting the minimum area standards for a lot within the shoreland overlay district. The property has frontage on Baxter Lake which acts also acts as a wetland and FEMA floodplain. Baxter Lake has an OHWL of 1,191.3.

3. Analysis of Request

Variance

The subject property currently has a 130 s.f. metal shed in the location proposed to place the new shed. The existing shed has a poured concrete floor in it that would remain in place. The applicant is proposing to remove the old metal shed and place a new 225 s.f. stick frame shed in its place on top of the existing concrete. The applicant would place crushed rock around the perimeter of the existing concrete to create the appropriate sized base for the new larger shed. The existing shed is located within the required 100-foot setback to Baxter Lake with an existing 57-foot setback. The new shed would be slightly larger than the existing shed but would not be any closer to the lake than the existing shed. The applicant could replace the existing shed with one of the same size in the same location but since the new shed is proposed to be larger, the applicant needs a variance to place the shed in the location of the existing shed with a 57-foot setback to the lake.

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 shed was placed in the setback by a previous owner of the property prior to current zoning standards and the applicant would like to use the existing concrete in the location of the existing shed for a level pad to place the new shed on. Additionally, there is nowhere on the property that a shed could be placed without requiring a variance due to the fact that the existing house is within the front yard setback and the lake setback comes almost all the way up to the house. For these reasons, staff finds that the variance request is reasonable due to the practical difficulties.

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 there is an existing shed already within the setback with a level concrete pad for the shed to sit on. The existing development pattern of the lot, which leaves nowhere for a shed to be located on the property without a variance, is also a unique condition lending itself to the need for this variance.

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 currently a shed in the location of the proposed shed and has been there for 40+ years. The new shed would be made of upgraded materials and design enhancing its appearance compared to the existing shed.

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 development pattern of the lot and neighborhood, the variance would meet the intent of the ordinance.

e) The variance is consistent with the Comprehensive Plan.

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

The DNR was provided a copy of the application but has not provided any comments to date.

4. Recommendation

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

Attachments

1. Draft Resolution Approving the Variance
2. Site Location Map
3. Site Plan
4. Images of existing shed and site conditions
5. Images of the proposed shed