

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for V-24-008
DATE: August 14, 2024 Regular Meeting



Variance Application V-24-008

Applicant: Robert & Linda Panure

Property Address: 32614 South Bay Lane

Legal Description: N. 100 FT OF S. 500 FT OF GOV. LOT 5

Parcel ID: 10030682

Zoned: R-2 Medium Density

- Applicant has filed the appropriate application for an after-the-fact variance.
- Applicant has paid the appropriate fee for the application.
- Public notice of the Hearing was published in the legal newspaper and all property owners within 350' were mailed a notice of hearing.
- Public notice was given to the DNR, as the property is in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the required 30ft setback from a wetland to a setback distance of 16ft 8 inches to construct 1244SQFT garage.

Summary of the property

This property was subdivided through metes and bounds prior to land use ordinance adoption.

The property is in a lake shore residential neighborhood bisected by South Bay Lane.

The adjacent neighbor's properties are similarly developed with a residence on the lake side of the lot and garage or accessory structure on the opposite side of the road.

The wetland is a unique factor to which requires a variance request on this property because the applicant is proposing a structure encroaching into the wetland setback.

The City has adopted wetland setbacks to keep development out of watershed sensitive areas and discourage the development of substandard land/unsuitable areas.

Crow Wing County is the delegatory authority when it comes to impacting wetlands with such activities like filling them in, building on them and/or directing unfiltered stormwater discharge into them.

Much of the concern the Planning Commission should consider is how the function of this wetland could potentially be affected by the proposed plans.

Staff see's no significant impact as the wetland still has some buffer and the stormwater plan proposed with the application appears to address and improve onsite stormwater management.

Allowing the variance would move the structure to a conforming area with respect to the property line to the north and improve that current condition as well.

If the Commission applies the strict interpretation of Chapter 153 and the Codes of the City, the applicant could keep the non-conforming structure and maintain it as its dimensions currently exist.

Due to the de minimis nature of the encroachment staff recommends the Commission consider approval, based on the information presented at this time.

The following are recommended findings the Commission can adopt.

Notice of Decision and Findings of Fact

The Planning Commission shall consider the following in its decision and make written findings concerning the variance approval or denial.

- (1) The strict interpretation of the ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the land owner;

Yes, the wetland is a unique attribute to this property and adversely effects the development potential of the lot.

- (2) The deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance;

Yes, the encroachment into the setback is minimal.

- (3) The land use created by the variance is permitted in the zoning district where the property is located;

Yes, Seasonal/Year round residential use is allowed in the zoning district.

(4) The variance will not alter the essential character of the locality;

Yes, the proposed request is residential similar to the adjacent neighbors. They have similar sized accessory structures on the roadside parts of their lots.

(5) The variance is not for economic reasons alone, but reasonable use of the property does not exist under the ordinance.

Yes, granting the variance would allow the landowner to comply with today's property line setbacks and improve site drainage/stormwater management.

The following are recommended conditions.

- 1) **Do not direct any unfiltered stormwater pre or post construction to the wetland.**