

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for V-24-007 Schuetz
DATE: August 14, 2024 Regular Meeting



Variance Application V-24-007
Applicant: Michael and Fonda Schuetz
Property Address: 29853 Shoreview Lane
Legal Description: LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES
Parcel ID: 10210840
Zoned: R-2 Residential Sewered (50ft setback)

- The applicant attended the required pre-app meeting with staff.
- Applicant has filed the appropriate application for a 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 road right-of-way setback of 30ft to construct an 8ft x 18ft addition, 7.8ft x 22ft addition and a 6ft x 16.3ft addition onto an existing non-conforming residence located 11ft from the road right-of-way.

Summary of the property

LOT 7, 17TH ADDITION TO BREEZY POINT ESTATES was platted in 1964 is located at 29853 Shoreview Lane. The property is a unit in a duplex in a residential neighborhood bordered by other residential property on the Breezy Point Peninsula. There are other multi-unit dwellings near this property of similar character and commercial zoned properties as well.

The property exceeds the lake setback of 50FT, please see attached survey and building envelope denoted by the dashed lines. The height of the proposed construction is under the allowed 35FT structure height.

The applicant is requesting the variance from the City Road Right of way to add to the existing duplex. The applicant is NOT reducing any existing setback distance with respect to the Road Right of Way.

This applicant was before the Planning Commission at the last meeting and was denied due to the proposed construction not being consistent with the published request.

The applicant has since resubmitted revised drawings to better illustrate the scope of the proposed construction which is now consistent with the request.

The property is over the allowed 25% impervious amounts and is currently at 29.2% and is proposing to reduce that to 29.1%.

Most of the proposed additions are going over existing hardscaped parking areas and additional hardscape is being removed, see TBR area on the attached survey color coded illustration.

If allowed some of the additions could allow the applicant additional indoor parking which seems to be a reasonable request.

The applicant also has dedicated additional stormwater management areas to address any runoff associated with the structural modifications.

Both City and applicant could benefit by this variance which increases interior parking in an already congested area and to mitigate stormwater runoff in a shoreland area.

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 encroachment was created by a prior landowner.

- (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 and pretty much inline with the existing building facade.

- (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.

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

Yes, the existing owners did not create the encroachment, the prior owner did. If the strict application of the ordinance was applied the existing owners would not be allowed to construct the additions as proposed.

The following are recommended conditions.

- 1) **First floor roadside additions granted through this variance are for vehicular parking.**