

TO: Planning Commission

FROM: Jerry Bohnsack

Meeting of November 14, 2023

Conditional Use Permit Application 2023-008

Applicant: Patricia K. Lane Rev. Trust

Property Address: 9069 Apple Lane

Parcel ID: 10150537

Legal Description: Lot 3 Block 1 Copperud First Addition to Breezy Point

Zoned: Medium Density Residential (R-2)

Code §153.032 Medium Density Residential (R-2)

Conditional Use Request:

- Construct detached accessory structure (40' x 40') Height 18' 0"

The Property

Lot 3 Block 1 Copperrud First Addition is a 81,853sq. ft. lot (1.87 acres) located in Copperud 1st Addition NW shore Pelican Lake (Nelson Bay). Lot is served by municipal sewer and access to lot and adjacent lots from Apple Lane (private easement). Zoning of the Area. R-2 Zone.

Applicant has applied for building Permit to construct dwelling on lot south of Apple Lane and is proposing a detached accessory structure north of Apple Lane access to both structures from Apple Lane.

Findings

Upon review of a Conditional Use application the commission needs to consider the findings as required in Section §153.119 (E). In review the commission should state whether or not the finding is acceptable towards granting the CUP, if applicable.

The following findings must be met:

- (a) The use or development is an appropriate conditional use in the land use zone

The property is zoned R-2 and the request is appropriate under Section §153.044 & §153.032.

- (b) The use or development with conditions conforms to the Comprehensive Land Use Plan.
- (c) The use with conditions is compatible with the existing neighborhood.

- (d) The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the city.

The following must be considered:

- (a) The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair property values in the immediate vicinity;

- (b) The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(c) The conditional use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

The use does not require any additional public infrastructure.

(d) The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic on surrounding public thoroughfares;

The proposed use is in keeping with the residential character of the neighborhood creating nominal additional traffic flow.

(e) Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use;

The use is in keeping with the residential character of the neighborhood creating nominal additional parking or loading requirements.

(f) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner that no disturbance to neighboring properties will result;

The proposed use is in keeping with the residential character of the neighborhood. No commercial use of the property is proposed as a condition of the CUP.

(g) The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance; and

(h) The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

The proposed use is in keeping with the residential character of the neighborhood.

- Applicant has filed the appropriate application for CUP.
- Applicant has paid the appropriate fee for the application.
- Public notice of Conditional Use Hearing was published in the legal newspaper and all property owners within 350' were given mailed notice of said hearing.
- Public Hearing was held on Tuesday, November 14, 2023.

Staff has reviewed the following:

- Site Plan
- CUP Application
- Building Code compliance

§153.032 C-3

Accessory Structure Height in excess of 15 to 20 feet in height.

The following may be appropriate conditions for approval of C.U.P.

- 1) Applicant shall obtain Building Permit for Accessory structure.
- 2) Applicant shall comply with all setback requirements.
- 3) Siding and Roofing of principal structure and accessory structure shall be of similar materials and color.
- 4) All structures shall comply with state building code.
- 5) Height of accessory structure shall not exceed 18 feet.