

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for V-24-004 Schuetz
DATE: July 9, 2024 Regular Meeting



Variance Application V-24-004
Applicant: Loren and Melinda Kerfeld
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 not given to the DNR, as the property is in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the maximum allowed impervious surface coverage of 25% to 30.4% and a variance from the required road right-of-way setback of 30ft to 8.3ft to construct an 8ft x 22ft addition and a 7.8ft x 22ft addition onto an existing non-conforming residence located 8.3ft 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 actually exceeds the lake setback of 50FT, please see attached survey and building envelope denoted by the dashed lines. So there is no concern for that as the proposed construction is also under the allowed 35FT structure height.

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

The property is over the allowed impervious amounts and does require a variance from that standard as well. Appears to be going from 29.3% to 30.4%.

Staff would like to ask the Board to ask this applicant why they need to exceed the existing impervious surface amounts. This property is legally different than the neighboring property and the variances are respective of unique time and place with each property. However staff failed to see why the bump out is necessary on the north and westerly side of the proposed addition?

Because the properties are separate the Planning Commission can deny this request based on that merit it seems that lot 7 is getting larger additions. Findings for denial could be met on that criteria.

At the same time the applicant could agree to reduce the size of the addition to match the existing northwest wall and not bump out so there is not net increase in coverage allowances.

Or if the Board feels there is valid justification for the impervious surface increase and the lot is not too crowded. Findings for approval could be met as well.

In either scenario Staff recommends that Board require the applicant establish some reason or nexus for the additional impervious request, aside from just landowner-based preference.

Outside of those concerns most of the proposed additions are actually going over existing hardscaped parking areas and additional hardscape is being removed, see TBR area on the attached survey.

It seems the addition if allowed will let the applicant park their vehicles inside the structure and 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 here by this variance which allow 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.

Pending addressing the northwest bumpout.

Also another question staff would like the Board to ask the applicant if the additions are related to vehicular storage or residential. Meaning will vehicular parking be accomplished within the property and not in the road right of way? As parking in the right of way is potential hazard to public safety for obvious reasons and this area is very congested all ready.

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 proseed 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) **Additions granted through this variance are for vehicular parking.**
- 2) **Eliminate the bump out on the northwest wall and keep the addition inline with the existing structures profile.**
- 3) **Must remain within or less than 29.3% net impervious coverage.**