

TO: Planning Commission
FROM: Peter Gansen, Planning & Zoning Administrator
RE: Staff Report for V-24-011
DATE: September 10, 2024 Regular Meeting



Variance Application V-24-011
Applicant: GREG BRENDemuEHL
Property Address: ASPEN LANE
Legal Description: LOT 3 BLOCK 3 BREEZY POINT ESTATES
Parcel ID: 10162014
Zoned: R-3 Unsewered Original Neighborhood

- Applicant has filed the appropriate application.
- 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 not in a shoreland overlay district.

Variance Request:

- Is requesting a variance from the minimum non-conforming lot width requirement of 75 FT to 65.3 FT to construct a residential dwelling.

Summary of the property

This property was platted\subdivided in 1962 as Breezy Point Estates prior to land use ordinance adoption and minimum lot size requirements.

The property is in a residential neighborhood.

The adjacent neighbor's properties are similarly developed with single-family year-round residences.

The City has established structural setbacks with minimum residential structure sizes and the proposed project appears to meet both these standards.

However, the property does not meet the minimum lot width requirement to be considered for an over-the-counter residence unit allowance.

This means the property will not be allowed a residential structure unless a variance to waive that requirement is granted.

This property did have a prior variance approval for a similar structure. The applicant did not act on the approved variance within the allocated time frame and therefore nullified the prior variance.

This is a common language in city ordinances to restrict the amount of development allowed on substandard lots. It provides a mechanism that allows communities the opportunity to review the property to determine if the size of the property is appropriate for a residential structure. There are many lots that exist in the City that are much more substandard in size and are not considered developable.

This lot based on the application material submitted at this time appears to meet the spirit and intent of ordinance. Meaning the lot appears to have the capacity to support a reasonably sized residential unit.

Staff recommends the Commission consider approval based on the plans submitted in the application.

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 lot would be considered undevelopable due to lot width.

- (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 structure's location is conforming, and the proposed structure dimensions meet residential structure size requirements.

- (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;

The prosed request is residential similar to the adjacent neighbors and shares the same setbacks.

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

Yes, without the variance the landowner would not be allowed develop the property. See findings 1-5.

The following are recommended conditions.

- 1) **None.**