



# CITY OF GRAND RAPIDS

NOTICE OF MEETING  
PLANNING COMMISSION

## Meeting Agenda Full Detail Planning Commission

**COUNCIL CHAMBERS**  
**CITY HALL - 420 N. Pokegama Ave.**  
**Grand Rapids, MN 55744**

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Thursday, September 7, 2017

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

**Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.**

### Approval of Minutes

17-0604 Approve the minutes of the August 3, 2017, 4:00 pm regular meeting.

**Attachments:** [August 3, 2017 Meeting Minutes](#)

### Public Hearings

17-0639 Conduct a Public Hearing to consider a variance petition submitted by Kenneth Larson.

**Attachments:** [Larson Variance Request: Staff Report](#)  
[Larson Variance Request: Area Map & Site Plan](#)  
[Section 30-597 \(Residential Parking Requirements\)](#)  
[Rules for Public Hearing & Variance Considerations](#)  
[Larson Variance Request: Application](#)

### General Business

17-0605 Consider a recommendation to the City Council regarding the vacation of certain public easements located within the City of Grand Rapids.

**Attachments:** [Staff Report: City Easement Vacations](#)  
[Easement Vacation Memo & Map Exhibit A1 from Matt Wegwerth](#)  
[Easement Vacation Considerations](#)

### Public Input

*Individuals may address the Planning Commission about any non public hearing item or*

*any item not included on the Regular Meeting Agenda. Speakers are requested to come to the podium, state their name and address for the record and limit their remarks to three (3) minutes.*

**Miscellaneous\Updates**

**Adjourn**

*NEXT REGULAR PLANNING COMMISSION MEETING IS SCHEDULED FOR:  
October 5, 2017*



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 17-0604      **Version:** 1      **Name:** Approve the minutes of the August 3, 2017, 4:00 pm regular meeting.

**Type:** Minutes      **Status:** Approval of Minutes

**File created:** 8/21/2017      **In control:** Planning Commission

**On agenda:** 9/7/2017      **Final action:**

**Title:** Approve the minutes of the August 3, 2017, 4:00 pm regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [August 3, 2017 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
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Approve the minutes of the August 3, 2017, 4:00 pm regular meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the August 3, 2017, 4:00 pm regular meeting.



# CITY OF GRAND RAPIDS

NOTICE OF MEETING  
PLANNING COMMISSION

## Minutes - Final Planning Commission

**COUNCIL CHAMBERS**  
**CITY HALL - 420 N. Pokegama Ave.**  
**Grand Rapids, MN 55744**

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Thursday, August 3, 2017

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

- Present** 5 - Commissioner Mark Gothard, Chairperson Lester Kachinske, Commissioner Susan Lynch, Commissioner Michelle Toven, and Commissioner Sue Zeige
- Absent** 2 - Commissioner Charles Burress, and Commissioner Paula Johnson

**Setting of Agenda - This is an opportunity to approve the regular agenda as presented or add/delete an agenda item by a majority vote of the Commissioners present.**

**Approved As Presented**

### Approval of Minutes

Approve the minutes of the July 11, 2017, 4:00 pm regular meeting.

**Approved as Presented by Commission**

### General Business

Consider a recommendation to the City Council regarding the rezoning of 5.75 acres of land from SR-1 (Shoreland One-family Residential) to SPU (Shoreland Public Use).

*MN Power has filed a petition, for a Zoning Map Amendment, with the City on July 11, 2017. The petition for rezoning requests the City's consideration of a Zoning Map amendment to the following described parcel from its current SR-1 (Shoreland One-family Residential) designation to that of a SPU (Shoreland Public Use).*

*As the substation has been removed from the property, MN Power no longer has a need for this property. The Zoning Map Amendment, if approved, would allow, potentially for limited recreation opportunities on the property (a snowmobile trail currently crosses a corner of the property), and possibly the sale of the property in the future. The previous use of the property, adjacency to the river, as well as the rail crossing - for access, limits future use of this property.*

**Motion by Commissioner Lynch, second by Commissioner Toven that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby forward to the City Council a recommendation to approve the Zoning Map Amendment, as petitioned by MN**

Power, described within the Staff Report and as shown in the maps presented here today, from SR-1 (Shoreland One-Family Residential) to SPU (Shoreland Public Use);

With the following considerations:

1. Will the change affect the character of neighborhoods?

Why/Why not? No, it fits in with the trail system and with the setbacks it would be difficult to develop single family homes.

2. Would the change foster economic growth in the community?

Why/Why not? It could depending on how it is developed.

3. Would the proposed change be in keeping with the spirit and intent of the ordinance?

Why/Why not? Yes, it is the same as the adjacent properties.

4. Would the change be in the best interest of the general public?

Why/Why not? Yes, the potential development would be in the best interest of the general public.

5. Would the change be consistent with the Comprehensive Plan?

Why/Why not? Yes, preserving green space fits in with the Comprehensive Plan.

The following voted in favor thereof: Gothard, Toven, Kachinske, Zeige, Lynch. Opposed: None, passed unanimously.

Consider a recommendation to the City Council regarding amendments to Division 13 *Shoreland Management* of the Zoning Ordinance that would decrease lot size requirements of General Development lakes.

*On July 13, 2017, Mike Kellin, submitted a petition requesting a text amendment to the Zoning Ordinance that would decrease the current lot size requirements on General Development lakes (Pokegama Lake) for Shoreland Rural Residential zoned lots, which would be more consistent with lot size requirements established and used by the State of Minnesota and Itasca County.*

*As stated within his application, Mr. Kellin would like to subdivide a 12.9 acre parcel into 8 Shoreland Rural Residential lots (3-with direct lake shore frontage (riparian), 5-without lake shore frontage (non-riparian)) and 1 controlled access lot shared by members of the proposed subdivision. Generally, in a draft sketch of the subdivision, the residential lots are desired to be a minimum of 1.25 acres in gross area, and have a minimum width of at least 150 ft.*

*In addition to a reduction in the minimum lot size requirements, Mr. Kellin, in his draft subdivision, has proposed a "controlled access lot" for members of the subdivision, that is less than the required minimum width. Generally, a Controlled Access Lot can be described as: A riparian lot that meets or exceeds the lot dimensions of a conforming riparian lot for the classification of the abutting public waters, does not have a residential dwelling or other buildings, and is owned and intended for controlled access to abutting public waters for the owners of lots in contiguous non-riparian tiers. \*Attached is Section 30-803(c)4 of the Grand Rapids Municipal Code, outlines the requirements of controlled access lots on public waters. – these are generally, standard requirements in MN.*

*After discussion with DNR Staff, staff has proposed addressing the reduced size of the controlled access lot size requirements on General Development Lakes, through the use of a footnote, in Section 30-512 Table 17 C-1, allowing for a minimum width of 100 ft. and a minimum gross area of not less than 20,000 sq. ft., of which both reduced requirements would meet the State of Minnesota minimum standards for a General Development Lake.*

*Additionally, if the Planning Commission would like to move ahead with a recommendation to the City Council amending the Rural Residential lot size requirements, on general development lakes, staff would recommend, for consistency, that the Planning Commission consider a recommendation to amend the non-shoreland Rural Residential lot size requirements as outlined in Section 30-512 Table 2A.*

**Motion by Zeige, second by Lynch that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby forward a favorable recommendation to the City Council regarding the draft text amendment reducing the minimum lot size requirements (gross area and minimum width) for properties on General Development Lakes: Section 30-512 Table 17 C-1 Minimum Lot Size Standards – Shoreland Districts, and additionally, reducing the minimum lot size requirements (gross area and minimum width) for properties with in the Rural Residential zoning district: Section 30-512 Table 2-A District Development Regulations- Principal Structures.**

**With the following considerations:**

- 1. Will the change affect the character of neighborhoods?  
Why/Why not? Yes, it will be developed in an orderly way.**
- 2. Would the change foster economic growth in the community?  
Why/Why not? Yes, the new housing will foster economic growth.**
- 3. Would the proposed change be in keeping with the spirit and intent of the ordinance?  
Why/Why not? Yes, the change won't be that dramatic and it will now be uniform with what the County has.**
- 4. Would the change be in the best interest of the general public?  
Why/Why not? Yes, it will allow for more housing in the area which would be a benefit to the general public.**
- 5. Would the change be consistent with the Comprehensive Plan?  
Why/Why not? Yes, it would provide for diverse housing opportunities while still protecting the environment.**

**The following voted in favor thereof: Lynch, Zeige, Kachinske, Toven, Gothard. Opposed: None, passed unanimously.**

**Public Input**

**Miscellaneous\Updates**

Adjourn

Adjourn



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

<b>File #:</b>	17-0639	<b>Version:</b>	1	<b>Name:</b>	Conduct a Public Hearing to consider a variance petition submitted by Kenneth Larson.
<b>Type:</b>	Public Hearing	<b>Status:</b>		<b>Status:</b>	General Business
<b>File created:</b>	8/30/2017	<b>In control:</b>		<b>In control:</b>	Planning Commission
<b>On agenda:</b>	9/7/2017	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Conduct a Public Hearing to consider a variance petition submitted by Kenneth Larson.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Larson Variance Request: Staff Report</a> <a href="#">Larson Variance Request: Area Map &amp; Site Plan Section 30-597 (Residential Parking Requirements)</a> <a href="#">Rules for Public Hearing &amp; Variance Considerations</a> <a href="#">Larson Variance Request: Application</a>				

Date	Ver.	Action By	Action	Result
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Conduct a Public Hearing to consider a variance petition submitted by Kenneth Larson.

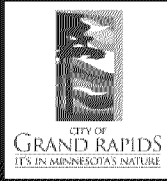
**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

Conduct a Public Hearing to consider a variance petition submitted by Kenneth Larson.





# Planning Commission Staff Report

<b>Agenda Item #2</b>	<b>Community Development Department</b>	<b>Date: 9/7/2017</b>
<b>Statement of Issue:</b>	Conduct a Public Hearing to consider a variance petition submitted by Kenneth Larson.	
<b>Background:</b>	<p>Mr. Larson has applied for two variances, which if granted, would allow for a driveway expansion project located at: 524 NE 8<sup>th</sup> Avenue.</p> <p>The subject property is 7,000 sq. ft. in area, and located within a R-2 (One and two Family Residential) zoning district. The property is legally described as: <i>Lots 23-24, Block 6, Grand Rapids Third Division, Itasca County, Minnesota.</i></p> <p>Mr. Larson has requested the Planning Commission's consideration of two variances from Section 30-597(c) of the Municipal Code, which lists driveway and surface parking standards (for single and two-family residential uses), and establishes maximum widths of 24 ft. at the property line, and 36 ft. within the lot respectively.</p> <p>The requested variances, if approved, would allow for an expansion of the existing driveway providing access to a proposed detached garage on the eastern half of the subject property, having access off of 6<sup>th</sup> Street NE. As proposed, the driveway enlargement would increase the width at the property line to 40 ft. (16 ft. above the maximum permitted width), and would increase the driveway width to 56 ft. within the interior of the lot (20 ft. above the maximum permitted width).</p> <p>The applicant, within the variance petition, cites the ability to back longer recreational equipment trailers conveniently and safely into a garage &amp; parking apron, proposed to be orientated off of 6<sup>th</sup> Street NE, as reasons for the variance requests.</p> <p>Some recent history regarding the one and two family residential parking/driveway requirements:</p> <ul style="list-style-type: none"> <li>• Spring of 2015: Upon receiving complaints from residents, the City Council initiated the process to review guidelines for off-street parking in single and two-family residential areas. <ul style="list-style-type: none"> <li>○ Concerns generally focused on storage of recreational vehicles within the front yard area of a property, parking of personal vehicles in the front yard of a property on an area other than an established driveway, and the trend of ever expanding driveway widths, some as wide a 44'+ (street to home/garage).</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>• May of 2015: at the direction of the City Council, the Planning Commission began to review the issues, and formulate a recommendation to the Council. The Planning Commission formed a Subcommittee to work with staff on the topic.</li> <li>• July of 2015: full Planning Commission reconvenes consideration and provided a recommendation for draft text amendments which provided a definition of a “driveway” and “recreational equipment”, provided additional direction for off-street parking and storage of vehicles in single or two-family residential areas, and further established setback, maximum width, and size requirements for residential driveway and parking areas. <b>Section 30-597 Driveway and Surface Parking Standards (for single and two-family residential uses)</b> is attached.</li> <li>• July 27, 2015: City Council adopts recommended amendments as proposed.</li> </ul> <p><i>The requested variances, only pertain to exceptions from the maximum driveway width requirements, not for the <u>size or setbacks</u> of the proposed <u>accessory building (detached garage) or its adjacent parking apron (proposed west side of garage)</u>.</i></p> <p>The driveway expansion, as proposed, would require the Planning Commission’s approval of two variances, both from Section 30-597(c) of the Zoning Ordinance:</p> <ol style="list-style-type: none"> <li>1. Section 30-597(c) of the Municipal Code which lists which lists driveway and surface parking standards (for single and two-family residential uses), and establishes <u>maximum widths of 24 ft. at the property line, and 36 ft. within the lot respectively.</u></li> </ol>
<b>Considerations:</b>	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.
<b>Recommendation:</b>	<p>Staff recommends that the Planning Commissioners visit the site and look at the situation.</p> <p>Prior to making a motion to approve or deny the request, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or deny the variance(s).</p>
<b>Required Action:</b>	<p>Approve a motion to either: approve, approve with additional conditions, or deny the petitioned variances.</p> <p><u>Example Motion:</u></p>

	<p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby <b>(grant)(deny)</b> the following variances to Mr. Larson, for the property legally described as: <i>Lots 23-24, Block 6, Grand Rapids Third Division, Itasca County, Minnesota, Itasca County, Minnesota;</i></p> <ul style="list-style-type: none"> <li>• to allow a one-time waiver of the requirements of Section 30-597(c) of the Municipal Code, allowing for the expansion of an existing driveway providing access to a proposed detached garage on the eastern half of the subject property, which as proposed, would increase the driveway width at the property line to 40 ft. (16 ft. in excess of the maximum permitted width), and would increase the driveway width to 56 ft. within the interior of the lot (20 ft. in excess of the maximum permitted width), as depicted in the variance application submitted by Mr. Kenneth Larson.</li> </ul> <p><i>(If the Planning Commission wishes to place conditions upon their approval, the following should be added to the motion:)</i></p> <p>and that the following condition(s) shall apply:</p> <ul style="list-style-type: none"> <li>• _____</li> </ul>
<p><b>Attachments:</b></p>	<ul style="list-style-type: none"> <li>• Site Maps</li> <li>• Section 30-597 <i>Driveway and Surface Parking Standards (for single and two-family residential uses)</i></li> <li>• Copy of the variance petition and associated documentation</li> <li>• List of the Planning Commissions Variance Considerations</li> </ul>

# Larson Variance Request



Salem Lutheran Church

6th Street NE

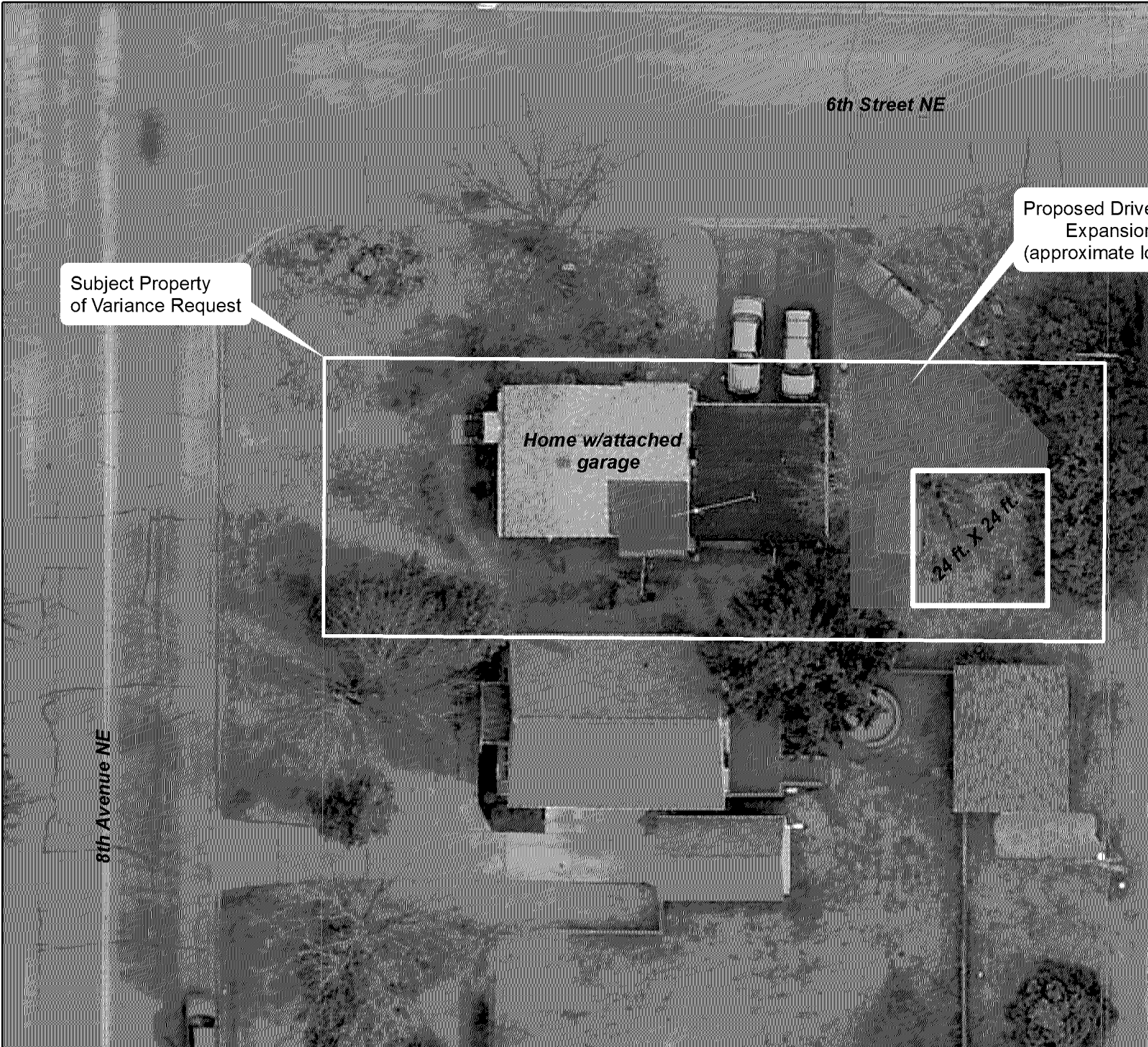
8th Avenue NE

Subject Property of Variance Request

50 25 0 50 Feet



# Larson Variance Request



6th Street NE

Subject Property of Variance Request

Proposed Driveway Expansion (approximate location)

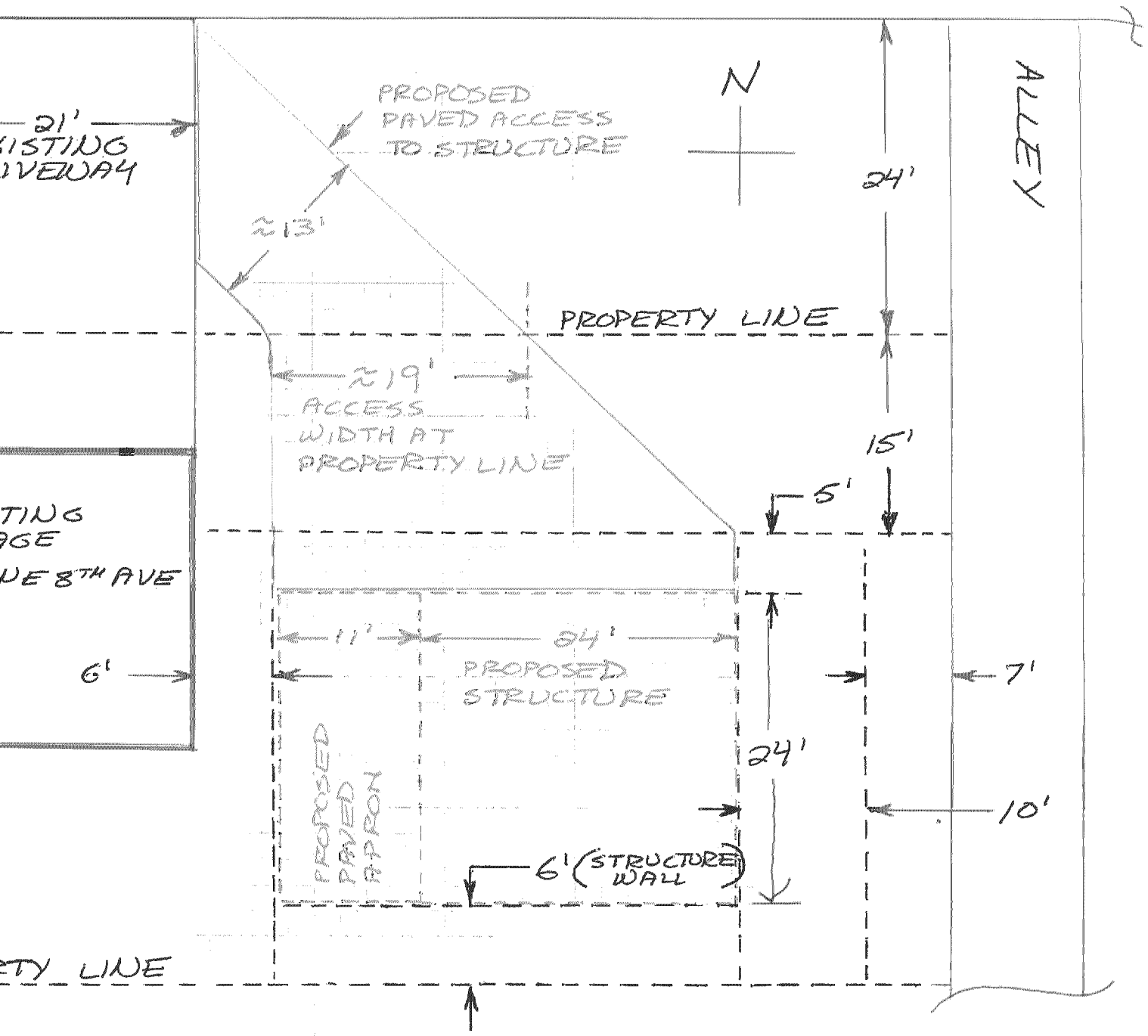
Home w/attached garage

24 ft. X 24 ft.

8th Avenue NE

25 12.5 0 25 Feet

6TH ST NE



**Sec. 30-597. Driveway and surface parking standards (for single and two-family residential uses).**

(a) *Permit requirements.* Unless having been issued a building permit for new residential home construction, all new driveway construction, re-construction or alteration, driveway extensions or parking area construction for vehicles and equipment stored outside must file and receive zoning permit approval by the zoning administrator or their designee.

(b) *Surface parking and driveways in RR, SRR, R-1, SR-1, R-1a, SR-1a, R-2 and SR-2 districts.* Surface parking shall not be permitted within the setbacks required for accessory buildings (refer to Table 2-B in section 30-512) except within a normal driveway area.

(c) *Maximum width.* Residential lots are allowed one driveway with a maximum width of 24 feet at the property line and 36 feet within the lot. Loop or U-shaped driveways are permitted at the discretion of the city engineer or other authorized agent, so long as the total driveway width at the property line does not exceed 24 feet (example: width of 12 feet at the property line for each access point).

(d) *Vehicular turn-around.* One 12-foot by 20-foot hard surfaced area for vehicular turn-around purposes adjacent to the driveway shall be permitted in the front yard. The vehicular turn-around is in addition to the maximum requirement for driveway width within the property, but is not allowed to be built in such a way that would exceed the driveway width at the property line of 24 feet.

(e) *Parking area.* One 400-square-foot hard surfaced area adjacent to a garage or driveway for parking purposes shall be permitted. Such area shall not be located in front of the living area of the dwelling. The parking area is in addition to the maximum requirement for driveway width within the property, but is not allowed to be built in such a way that would exceed the driveway width at the property line of 24 feet.

(Ord. No. 15-07-05, Exh. C, 7-27-2015)

**Secs. 30-598—30-620. Reserved.**

## DIVISION 8. OFF-STREET PARKING

**Sec. 30-621. Purpose and intent.**

It is the intent of the regulations of this division that off-street parking be provided and maintained by each property owner for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage, circulation and channelization of motor vehicles on-site to avoid undue congestion of the public streets.

(Code 1978, § 23.7(A); Ord. No. 07-03-06, § 2(Exh. A), 3-27-2007)



CITY OF  
GRAND RAPIDS  
IT'S IN MINNESOTA'S NATURE

## Grand Rapids Planning Commission

*Grand Rapids, MN – City Hall*

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### **RULES FOR A PUBLIC HEARING**

1. After the Chairperson opens the Public Hearing, background on the issue at hand will be given by our Community Development Department Staff and by other presenters.
2. Anyone who wishes to address the Commission about the issue may do so, and all who wish to speak will be heard. Please step to the lectern to use the microphone, and state your name and address for the public record. **These Proceedings are recorded.** Please keep your comments relative to the issue. Please keep in mind that you are addressing the Planning Commission, not debating others in the audience who may have conflicting viewpoints. At all times, be courteous and refrain from interrupting any other speaker present on the floor.
3. After everyone has spoken, the Public Hearing will be closed. At this point, Planning Commissioners may ask clarifying questions from citizens and presenters.
4. The Chairperson will go through the legal Considerations for the Issue of the Public Hearing, after which the Commissioners will vote on the issue.

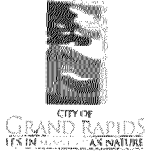


# PLANNING COMMISSION

## Considerations

### VARIANCE

1. Is this an "Area" variance rather than a "Use" variance?
2. Does the proposal put property to use in a *reasonable manner*?  
Why/Why not-
3. Is the owner's plight due to circumstances which are unique to the property and which are not self-created by the owner?  
Why/Why not-
4. Is the variance in *harmony with* the purposes and intent of the *ordinance*?  
Why/Why not-
5. Will the variance, if granted, alter the *essential character* of the locality?  
Why/Why not-
6. Is the variance *consistent with* the *comprehensive plan*?  
Why/Why not-



**Petition for Variance**  
 Community Development Department  
 420 North Pokegama Ave.  
 Grand Rapids, MN 55744  
 Tel. (218) 326-7601 Fax (218) 326-7621  
 Web Site: www.grandrapidsmn.org

The undersigned do hereby respectfully request the following be granted by support of the following facts herein shown:

KENNETH R. LARSON

Name of Applicant\*<sup>1</sup>

504 NE 8TH AVE

Address

GRAND RAPIDS, MN 55744

City State Zip

kenlarsa2010@live.com

Business Telephone/e-mail address

VERA A. LARSON

Name of Owner (If other than applicant)

504 NE 8TH AVE

Address

GRAND RAPIDS MN 55744

City State Zip

218-326-4670

Business Telephone/e-mail address

\*<sup>1</sup> If applicant is not the owner, please describe the applicant's interest in the subject property. SON OF OWNER / WILL INHERIT

**Parcel Information:**

Tax Parcel # 91-425-0650

Property Size: 0.2 ACRE

Existing Zoning: R2

Existing Use: SINGLE FAMILY HOME

Property Address/Location: 524 NE 8TH AVE GRAND RAPIDS, MN 55744

Legal Description: LOTS 23/24 BLOCK 6 / G.R. 3RD DIV.  
 (attach additional sheet if necessary)

I(we) certify that, to the best of my(our) knowledge, information, and belief, all of the information presented in this application is accurate and complete and includes all required information and submittals, and that I consent to entry upon the subject property by public officers, employees, and agents of the City of Grand Rapids wishing to view the site for purposes of processing, evaluating, and deciding upon this application.

Kenneth R. Larson  
 Signature(s) of Applicant(s)

8/14/17  
 Date

Vera A. Larson  
 Signature of Owner (If other than the Applicant)

8/14/17  
 Date

AUG 14 2017 Office Use Only  
 Date Received Certified Complete 8/14/17 Fee Paid \$250.00

Planning Commission Recommendation: Approved \_\_\_\_\_ Denied \_\_\_\_\_

Meeting Date 9/12/2017

Summary of Special Conditions of Approval: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Required Submittals:**

Application Fee - \$252.50 \*<sup>2</sup>

Site Map- Drawn to scale, showing the property dimensions, existing and proposed, building(s)/addition(s) and their size(s) including: square footage, curb cuts, driveways, access roads, parking spaces, sidewalks and wells & septic systems.

*\*<sup>2</sup>The application fees charged are used for postage to mail the required notices to adjacent properties, publication of the public hearing notice in the Grand Rapids Herald Review, and for a small portion of staff time for case review and preparation of documents. It is the policy of the City of Grand Rapids to require applicants for land use approvals to reimburse the City for costs incurred by the City in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the City.*

**Proposed Variance:** *NOTE: PLEASE REFER TO ATTACHED FOR RESPONSES TO PAGES 2 & 3.*

**A.** Please describe in detail the proposed or requested variance:

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**B.** Provide an itemization of the required regulations pertaining to this variance (i.e., setback lines, lot coverage ratios, parking requirements).

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**Justification of Requested Variance:** Provide adequate evidence indicating compliance with the following provisions of the ordinance concerning variances (Section 30-453(e) "Findings for Variances"). Detailed answers are needed because the Planning Commission shall grant a variation only when they have determined, and recorded in writing, that all of the following provisions have been met.

**A.** That the requested variance does not allow a use that is otherwise excluded from the particular zoning district in which it is requested.

Applicant justification (refer to Table of Uses in City Code Section 30-512):

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**B.** Does the proposal put property to use in a reasonable manner?

Applicant justification - Describe how your situation applies to the above statement:

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**C.** The plight of the landowner is due to circumstances unique to the property in question, and not created by the landowner subsequent to the adoption of this ordinance.

Applicant justification - Describe how your situation applies to the above statement:

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**D.** That the variance, if granted, shall be in harmony with purposes and intent of the ordinance, and will not be detrimental to the public welfare or the property or improvements in the neighborhood, and will not alter the essential character of the locality.

Applicant justification - Describe how your situation applies to the above statement:

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**E.** That the variance, if granted, shall be consistent with the comprehensive plan.

Applicant justification - Describe how your situation applies to the above statement:

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**City Process:**

1. Applicant submits a completed application to the Grand Rapids Community Development Department by the 15<sup>th</sup> of the month.
2. Review by staff for completeness of application.
3. Notification of adjoining property owners.
4. Publish Notice of Public Hearing.
5. Prepare Staff Report and background information.
6. Public Hearing and action at Planning Commission Meeting (First Thursday of each month).

**Findings for Approval:**

The Planning Commission, in support of its action, will make findings of fact based on their responses to the following list of considerations:

- Is this an "Area" variance rather than a "Use" variance?
- Does the proposal put property to use in a reasonable manner?
- Are there unique circumstances to the property not created by the landowner?
- Is the variance in harmony with the purposes and intent of the ordinance?
- Will the variance, if granted, alter the essential character of the locality?
- Is the variance consistent with the comprehensive plan?

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

More information may be requested by the City of Grand Rapids Planning Commission, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

## **PROPOSED VARIANCE**

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### **A. Please describe in detail the proposed or requested variance:**

*NOTE: Please refer to the attached scale sketch of the property when reviewing the following justification.*

It is planned at the property location of 524 NE 8<sup>th</sup> Avenue, Grand Rapids, MN 55744 to construct a detached structure essentially adjacent to the existing attached garage. It is also planned as part of that construction to create a paved parking apron located directly adjacent to the proposed detached structure.

The detached structure and parking apron are planned to provide a means of safe, secure, and convenient facilities to accommodate vehicle and general storage.

The dimensions and orientation of the planned structure have been created with the assistance of Community Development Specialist Eric Trast to be within the current guidelines for the city of Grand Rapids as it relates to property lines, setbacks, etc..

To facilitate the intended use, ideal design of the detached structure would orient the entrance door to the north and the parking apron adjacent to the structure on the west side. This orientation would provide the best possible access to back vehicles into the garage from 6<sup>th</sup> Street NE. It would also provide for improved security, and it would maintain a consistent appearance/orientation with the existing attached garage.

Several of the vehicles that would need to be backed into the structure are significantly long, and that backing-up process would be much safer and more convenient with an "access path" that originated at the northeast corner of the existing driveway on 6<sup>th</sup> Street NE (refer to sketch). No additional street driveway frontage would be required, as an angled approach to the structure would provide the required "access path".

It was also considered to locate the entrance door to the proposed structure to the east, which would require alley access to enter/leave the structure. However, it was noted that maneuverability with large trailers would be very limited due to neighboring trees, power poles, utility boxes, etc.

Also, the alley itself even under ideal conditions is significantly narrow, further limiting access ease and safety when attempting to back a trailer into a structure in a perpendicular orientation to the alley. Security of the structure contents and general walk-in access would also be reduced with an east entrance.

The proposed variance in this case involves the request to create a paved "access path" to the planned structure that would meet the existing driveway in the northeast corner. This "access path" approach would angle to the southeast from the existing driveway, meeting the northeast corner of the planned structure on one side and the northwest corner of the planned parking apron on the other.

This "access path" would provide the means to safely and conveniently back vehicles into and next to the planned structure. Note that the requested "access path" is not intended to be a parking facility, but rather a means of entering and exiting the planned structure and adjacent paved apron.

**B. Provide an itemization of the required regulations pertaining to this variance (I.E. setback lines, lot coverage rations, parking requirements).**

Dimensions and orientation of the planned detached structure have been developed with the assistance of Community Development Specialist Eric Trast, and are based on current property line and setback guidelines established by the city of Grand Rapids.

The requested variance pertains to current guidelines that are intended to regulate the driveway width at the property line. The proposed "access path" to the planned structure would require that current driveway coverage guidelines be varied.

**JUSTIFICATION OF REQUESTED VARIANCE**

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**A. That the requested variance does not allow a use that is otherwise excluded from the particular zoning district in which it is requested.**

*APPLICANT JUSTIFICATION*

The requested variance is intended for residential use by the current homeowner. The variance is not being requested for any type of alternate zone use.

**B. Does the proposal put property to use in a reasonable manner?**

*APPLICANT JUSTIFICATION*

If approved, I believe that the "access path" described in this application will provide a safe, convenient access to the planned detached structure. Additionally, it would help to maintain a consistent appearance to similar structures/driveways on the property and likely increase the overall value of the property.

**C. The plight of the landowner is due to circumstances unique to the property in question, and not created by the landowner subsequent to the adoption of this ordinance.**

*APPLICANT JUSTIFICATION*

I believe that the request in this application for an "access path" is reasonable and driven by the desire for a safe, secure, and convenient access of the planned detached structure. The "access path" request has been developed based on consideration of alternate designs and adjacent properties, roadways, or structures that could limit safe and effective use of the planned detached structure.

**D. That the variance, if granted, shall be in harmony with purposes and intent of the ordinance, and will not be detrimental to the public welfare or the property or improvements in the neighborhood, and will not alter the essential character of the locality.**

*APPLICANT JUSTIFICATION*

I believe that the addition of a detached structure with the requested "access path", along with a design consistent with that of the existing structure, will not have any undesirable impact to the appearance and/or character of the area. It would in fact be consistent with several other properties on the block that currently have detached structures.

**E. That the variance, if granted, shall be consistent with the comprehensive plan.**

*APPLICANT JUSTIFICATION*

It is my opinion that the requested variance will be consistent with the comprehensive plan for the city of Grand Rapids.





# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

<b>File #:</b>	17-0605	<b>Version:</b>	1	<b>Name:</b>	Consider a recommendation to the City Council regarding the vacation of certain public easements located within the City of Grand Rapids.
<b>Type:</b>	Agenda Item	<b>Status:</b>			General Business
<b>File created:</b>	8/21/2017	<b>In control:</b>			Planning Commission
<b>On agenda:</b>	9/7/2017	<b>Final action:</b>			
<b>Title:</b>	Consider a recommendation to the City Council regarding the vacation of certain public easements located within the City of Grand Rapids.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report: City Easement Vacations</a> <a href="#">Easement Vacation Memo &amp; Map Exhibit A1 from Matt Wegwerth</a> <a href="#">Easement Vacation Considerations</a>				

Date	Ver.	Action By	Action	Result
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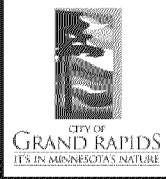
Consider a recommendation to the City Council regarding the vacation of certain public easements located within the City of Grand Rapids.

### **Background Information:**

*See attached Staff Report and Background Information.*

### **Staff Recommendation:**

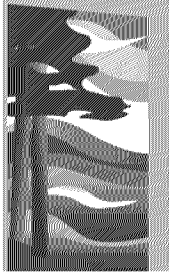
Consider a recommendation to the City Council regarding the vacation of certain public easements located within the City of Grand Rapids.



# Planning Commission Staff Report

<b>Agenda Item # 3</b>	<b>Community Development Department</b>	<b>Date: 9/7/2017</b>
<b>Statement of Issue:</b>	Consider a recommendation to the City Council regarding the vacation of certain public easements located within the City of Grand Rapids.	
<b>Background:</b>	<p>As part of a City street lighting installation project, in the area of Burggraf's Ace Hardware, several public easements were identified as unneeded, as well as two easements needed to be acquired.</p> <p>The attached memo, from City Engineer, Matt Wegwerth, identifies three recommended easement vacations, as well as easements to be both obtained, and retained by the city. The proposed vacations are summarized below and depicted in Exhibit 1A:</p> <ul style="list-style-type: none"> <li>• <i>The N 10 ft. of the S 90 ft. of Lots 1, 4, 5, 8, 9, 12, 13, and 16, in Block 9, Grand Rapids Third Division, Itasca County, Minnesota - (Doc. Listed in Recorders # A000233811).</i> <ul style="list-style-type: none"> <li>○ Utility Easement acquired by Village of Grand Rapids in 1962. (easement is located within parking lot area and the footprint of commercial building and is not needed)</li> </ul> </li> <li>• <i>The W 20 ft. of Lot 19, Block 6, Huhn's Addition to Grand Rapids, Itasca County, Minnesota - (Doc. Listed in Recorders # A000238096).</i> <ul style="list-style-type: none"> <li>○ Right-of-way easement granted for utilities to the Village of Grand Rapids in 1963. (easement is located within the footprint of commercial building and not needed)</li> </ul> </li> <li>• <i>The W 10 ft. of Lot 17, Block 6, Huhn's Addition to Grand Rapids, Itasca County, Minnesota - (Doc. Listed in Recorders # A000363989).</i> <ul style="list-style-type: none"> <li>○ Electric Line easement acquired by the City in 1984. (electric line was never installed)</li> </ul> </li> </ul> <p>There were no concerns or objections regarding the easement vacations, as proposed, from the staff review committee which consists of the Public Works Department, Engineering Department, Community Development Department, and the Grand Rapids Public Utilities Commission.</p> <p>Pursuant to Minnesota Statute 412.851, the City Council initiated the process to review and consider these easement vacations at their August 14, 2017 meeting.</p>	

<b>Considerations:</b>	When considering the vacation of public easements, the Planning Commission must make findings of fact based on the attached list of considerations.
<b>Recommendation:</b>	<p>Staff recommends that the Planning Commissioners visit the sites, review the comments submitted by the Review Committee, and review the relevant sections of the Comprehensive Plan.</p> <p>Prior to making a recommendation to the City Council to approve/not approve the proposed vacations, the Planning Commission should make specific findings to support its recommendation and reference those specific findings in their motion to either approve or not approve the easement vacations.</p>
<b>Required Action:</b>	<p>Pass a motion forwarding a recommendation to the City Council for approval or non-approval of the proposed public easement vacations.</p> <p><u>Example Motion:</u></p> <p>Motion by _____, second by _____ that, based on the findings of fact presented here today, and in the public’s best interest, the Planning Commission does hereby forward to the City Council a recommendation to <b>(approve) (not approve)</b> the vacation of public easements legally described above, and identified within Exhibit 1A.</p> <p><u>Contingent on the following stipulation(s)/recommendations:</u></p> <ul style="list-style-type: none"> <li>• _____</li> </ul>
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• Memo from City Engineer - Site Map/Exhibit</li> <li>• List of the Planning Commissions Vacation Considerations</li> </ul>



# Memo

To: Rob Mattei, Community Development Director  
From: Matt Wegwerth, PE  
City Engineer  
CC: Jeff Davies, Public Works Director  
Date: July 26, 2017  
Re: City Initiated Vacations

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It has come to the City's attention that there are several easements and a section of Right-of-Way (ROW) that are unused and unnecessary as they are located through an existing building. Below is a summary of the locations (also see exhibit 1A) and the recommendations of the Engineering Department.

**Easement 1:**

The easement was recorded in 1962 for the purpose of installing and maintaining public utilities. Said easement currently cuts through the middle of the parking lot and is partially located within the building. Based on the location within the parcel, there is not a need for this easement. The Engineering Department is recommending this easement be vacated.

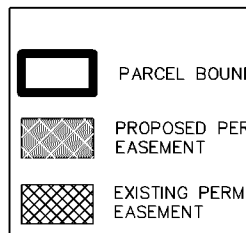
**Right-of-Way 1:**

The public right-of-way was recorded in 1963 for the purpose of public access and for maintaining public utilities. Said right-of-way is located primarily within the existing building footprint and is not usable. The Engineering Department is recommending this right-of-way be vacated.

**Easement 2:**

The easement was recorded in 1984 for the purpose of installing and maintaining an electric line. No electric line is currently located within this easement and the majority of the easement is located with the existing building footprint. The Engineering Department is recommending this easement be vacated.

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PHONE: 218.322.4500  
 21 NE 5TH ST STE 200  
 GRAND RAPIDS, MN 55744-2601  
 www.sehinc.com

FILE NO.  
 GRANR 140263

DATE:  
 07/24/17

**BURGGRAF PROPERTIES LLP  
 PROPOSED EASEMENTS  
 AND VACATIONS  
 GRAND RAPIDS, MINNESOTA**

**EXHIBIT  
 1A**

274

Ma. 233811

DEED RECORD NO. 240

Easement 1

Leonard G. Hedman, et ux  
to  
Village of Grand Rapids

Filed for record on the 13th day of August,  
1962, at 9:05 o'clock A. M.  
Jerome H. Meyers, Register of Deeds  
By: Verladene M. Stabe, Deputy

EASEMENT FOR PUBLIC UTILITIES

THIS INDENTURE, Made this 25th day of July, 1962, by and between Leonard G. Hedman and Olga Hedman, husband and wife, of the Village of Grand Rapids, Itasca County, Minnesota, parties of the first part, and the VILLAGE OF GRAND RAPIDS, a municipal corporation of the State of Minnesota, party of the second part,

WITNESSETH:

That the parties of the first part, being the owners of the premises hereinafter described, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them in hand paid, receipt whereof is hereby acknowledged, do hereby grant, convey and warrant unto said party of the second part, its successors and assigns, a right-of-way and easement described as follows:

The north 10 feet (10') of the south ninety feet (90') of Lots One (1), Four (4), Five (5), Eight (8), Nine (9), Twelve (12), Thirteen (13) and Sixteen (16), in Block Nine (9), Grand Rapids Third Division, according to the plat thereof on file and of record in the office of the Register of Deeds of Itasca County, Minnesota, for the purpose of installing and maintaining public utilities.

Together with the right of the party of the second part, its servants, agents and employees and its Public Utilities Commission, to enter upon said premises for the purpose of constructing, digging, repairing and maintaining said public utilities and for doing all things necessary and expedient for the proper maintenance and operation of said public utilities.

The right is hereby expressly reserved to the first parties to every use and enjoyment of said lands not inconsistent with the maintenance and operation of said public utilities, and this said easement hereby created shall continue for so long as said described premises shall be used for the purposes herein provided.

IN WITNESS WHEREOF, The parties of the first part have hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF:  
Leonard A. Krook  
Malcolm Campbell

Leonard G. Hedman  
Leonard G. Hedman  
Olga Hedman  
Olga Hedman

STATE OF MINNESOTA  
SS  
COUNTY OF ITASCA

On this 25th day of July, 1962, before me, a Notary Public within and for said County, personally appeared

Leonard G. Hedman and Olga Hedman, husband and wife, to me known to be the persons described in, and who executed, the foregoing instrument and acknowledged that they executed the same as their free act and deed.

(Notarial Seal)  
OK

Leonard L. Hedman  
LEONARD L. HEDMAN  
(Notary's Signature)  
Notary Public, Itasca County, Minn.  
My Commission Expires July 7, 1968  
(Notarial Stamp and Seal)

C No. 238096

# DEED RECORD NO. 240

427  
Right-of-Way 1

DC Ben Aultman, et al  
to  
Village of Grand Rapids

Filed for record on the 27th day of August, 1963, at 3:17 o'clock P. M.  
Leonard A. Bengston, Register of Deeds  
By: Doris Burton, Deputy

RIGHT OF WAY GRANT  
KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, hereinafter called grantors, whether one or more, for and in consideration of One Thousand Dollars (\$1,000.00) cash in hand paid, receipt of which is hereby acknowledged, and for covenants and agreements hereinafter stated, does hereby grant and convey unto the Village of Grand Rapids, Minnesota, a municipal corporation, hereinafter called grantee, its successors and assigns, a right of way and easement for the purpose of laying, maintaining, operating, patrolling, altering, repairing, renewing and removing in whole or in part a sewer line known as sanitary sewers and a storm sewer line for the transportation of water and sewage, together with the necessary fixtures, equipment and appurtenances, over through, upon, under and across the following described land situated in the County of Itasca, Village of Grand Rapids, State of Minnesota, to-wit:

The West Twenty Feet (W 20') of Lot Nineteen (19), Block Six (6), Huhn's Addition to Grand Rapids, according to the plat thereof on file and of record in the office of the Register of Deeds of said county and state,

together with the right to clear the right of way and remove or trim trees and brush, and remove other obstruction, for a sufficient distance along both sides of said sewer line so as to prevent damage or interference with its efficient operation and patrol, and together with the right of ingress and egress to and from said right of way through and over said above described land for any and all purposes necessary to the exercise by grantee of the rights herein granted.

The grantee further covenants and agrees that if and when the sanitary sewer is installed upon said right of way, that they will not assess any assessments for the same against Lots Eighteen (18) and Nineteen (19) of Block Six (6), Huhn's Addition to Grand Rapids. Exempt from state deed tax

Grantee further covenants and agrees that it will furnish one sanitary service and bring the same within one foot of the present building on the north side thereof where the present septic tank discharge leaves the building now situated upon said premises, and that there will be no charge made for the one sanitary service or the laying of the necessary service to within one foot of the present building, and should they not install the sanitary sewer on the right of way provided herein, but in lieu thereof, install the sanitary sewer on Fifth Street, that they will furnish the service provided herein regardless of the location of the main sanitary sewer.

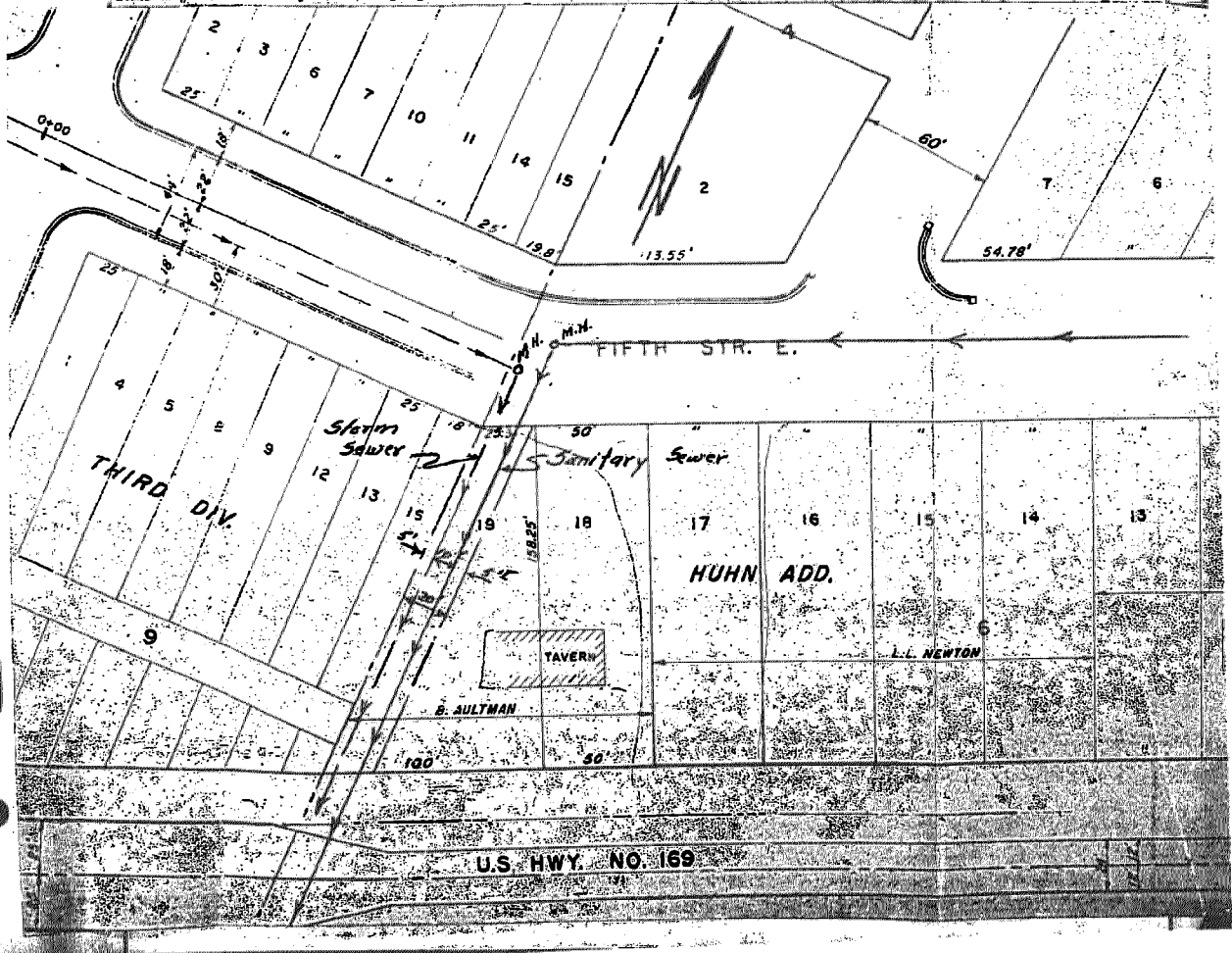
Grantors covenant and agree that there shall be no payment made in addition to the above as stated herein for any destruction of trees or any necessary destruction to the barbecue pit which may be located upon the right of way and which may be damaged in the construction of the sewer lines.

Grantor covenants with grantee that he is the lawful owner of the aforesaid lands, that he has the right and authority to make this grant and that he will forever warrant and defend the title thereto against all claims whatsoever.

The grantee, by the acceptance hereof, agrees to bury said pipe lines through the said property so that they will not interfere with the ordinary cultivation thereof, and specifically, grants to the grantor the right to use the said right of way for parking facilities or other facilities but prohibits the grantor from building any structures over or upon said right of way, but grants the right for the grantor to pave said right of way if he so desires.

Grantee agrees that in the event of any repairs or improvements that shall be made over and across the easement right of way, they shall restore the premises to their original condition as the same were in at the time of the making of said improvements or repairs.

The undersigned grantor reserves the right to the full use and enjoyment of said premises except as the same may be necessary for the purposes herein granted; provided, that said grantor shall not erect any line or



EASEMENT FOR ELECTRIC LINE

THIS INDENTURE, Made 30th day of March, 1984, by

L. L. Newton

of Grand Rapids, County of Itasca, State of Minnesota, parties of the first part, and the Village of Grand Rapids, a municipal corporation, of the State of Minnesota, party of the second part,

WITNESSETH

That the parties of the first part, being the owners of the premises hereinafter described, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, to them in hand paid, the receipt whereof is hereby acknowledged, do hereby grant, convey and warrant unto the said party of the second

part, its successors and assigns, a right-of-way and easement Ten (10) feet in width, being the West Ten (10) feet of Lot Seventeen (17) Block Six (6) Huhn's Addition to Grand Rapids, situated in the City of Grand Rapids, the County of Itasca and the State of Minnesota.

This easement shall be used by the Public Utilities Commission for the purpose of installing and maintaining underground electrical power cables.

Together with the right of the party of the second part, its servants, agents, and employees, to enter upon said premises for the purpose of constructing, digging, repairing, and patrolling said electric line, and for doing all things necessary and expedient for the proper control, maintenance and operation of said electrical power line.

The right is hereby expressly reserved to the first parties to every use and enjoyment of said lands not inconsistent with the maintenance and operation and repair of said electric light and power line.

The Easement hereby created and granted shall continue for so long as said described premises shall be used for the purposes herein provided.

IN WITNESS WHEREOF, The parties of the first part hereunto set their hands and seals the day and year first above written.

[Handwritten signature of L.L. Newton]

STATE OF MINNESOTA }
COUNTY OF ITASCA } SS.

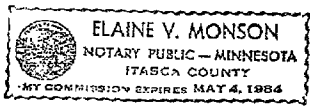
On this 30th day of March, 1984, before me, a Notary Public within and for

said County, personally appeared L.L. Newton and [blank], husband and wife, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

[Handwritten signature of Elaine V. Monson]
Notary Public, Itasca County, Minn.

My commission expires May 4, 1984
(Notarial Seal)

This instrument was drafted by the Public Utilities Commission.





# **PLANNING COMMISSION**

Considerations

## **EASEMENT VACATIONS**

1. Is the easement needed for traffic purposes?

Why/Why not?

2. Is the easement needed for pedestrian purposes?

Why/Why not?

3. Is the easement needed for utility purposes?

Why/Why not?

4. Would vacating the easement place additional land on the tax rolls?

Why/Why not?

5. Would vacating the easement facilitate economic development in the City?

Why/Why not?