

# CITY OF GRAND RAPIDS

*NOTICE OF MEETING  
PLANNING COMMISSION*



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

## **Meeting Agenda Full Detail**

**Thursday, August 7, 2014**

**4:00 PM**

**Council Chambers**

### **Planning Commission**

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

**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**

14-0710 Approve the minutes of the July 8, 2014, 4:00 pm regular meeting.

**Attachments:** [July 8, 2014 Meeting Minutes](#)

**Public Hearings**

14-0712 Conduct a Public Hearing to consider a variance petition submitted by Peter Lyman.

**Attachments:** [Lyman Variance: Staff Report w/map](#)  
[Rules for PH-Variance Considerations](#)  
[Lyman Variance: Application](#)

**General Business**

14-0711 Consider the election of a Planning Commission Officer: Vice Chairperson/Secretary.

**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:  
Thursday, September 4, 2014*



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 14-0710      **Version:** 1      **Name:** Approve the minutes of the July 8, 2014, 4:00 pm regular meeting.

**Type:** Minutes      **Status:** Approved

**File created:** 7/29/2014      **In control:** Planning Commission

**On agenda:** 8/7/2014      **Final action:**

**Title:** Approve the minutes of the July 8, 2014, 4:00 pm regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [July 8, 2014 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
8/7/2014	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the July 8, 2014, 4:00 pm regular meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the July 8, 2014, 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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Tuesday, July 8, 2014

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

- Present** 5 - Chairperson Julie Fedje-Johnston, Commissioner Mark Gothard, Commissioner Marn Flicker, Commissioner Katherine Sedore, and Commissioner Charles Burress
- Absent** 2 - Commissioner Shane McKellep, and Commissioner Michael Twite

**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

Approve the minutes of the June 5, 2014, 4:00 pm regular meeting.

**Motion by Commissioner Sedore, Second by Commissioner Burress to approve the minutes of the June 5, 2014 regular meeting. The following voted in favor thereof: Gothard, Flicker, Burress, Fedje-Johnston, Sedore. Opposed: None, passed unanimously.**

### Public Hearings

Conduct a Public Hearing to consider a variance petition submitted by Clifton Builders.

*Community Development Specialist Trast provided the background information. Mr. David Clifton, d.b.a Clifton Builders has applied for one variance, which if granted, would allow for the construction of a 28 x 38 single family dwelling with a 24 x 24 attached garage, which as proposed would encroach 13 ft. into the required 30 ft. rear yard setback.*

**Motion by Commissioner Flicker, second by Commissioner Sedore to open the public hearing. The following voted in favor thereof: Sedore, Fedje-Johnston, Burress, Flicker, Gothard. Opposed: None, passed unanimously.**

Dave Clifton, President Clifton Builders addressed the Commissioners and stated that the placement of the house would not affect drainage and will save trees and allow for more room between the neighbors to the south.

Community Development Director Mattei discussed the drainage concerns

with the Commissioners.

Motion by Commissioner Flicker, second by Commissioner Sedore to close the public hearing. The following voted in favor thereof: Gothard, Flicker, Burress, Fedje-Johnston, Sedore. Opposed: None, passed unanimously.

Motion by Commissioner Flicker second by Commissioner Burress that, based on the findings of fact presented here today, and in the public's best interest, the Planning Commission does hereby grant the following variance to David Clifton, d.b.a. Clifton Builders for the property legally described as: Lot 2, Block 3, Forest Hills Addition to Grand Rapids, Itasca County, Minnesota;

- to allow a one-time waiver of the requirements of Section 30-512 Table-2A of the Municipal Code for the construction of a single family dwelling, which would encroach 13 ft. (equating to 316 sq. ft. of building) into the required 30 ft. rear yard setback for principal structures, as depicted in the variance application submitted by Mr. Clifton.

Commissioner Flicker cited the following considerations as discussed by the entire Commission.

1. Is this an "Area" variance rather than a "Use" variance?

This is an area variance.

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

Why/Why not-

Yes, it is a reasonable use for the lot.

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-

The circumstances are unique and not created by the owner. The owner is also making efforts to decrease the impact on the trees and natural vegetation of the lot.

4. Is the variance in harmony with the purposes and intent of the ordinance?

Why/Why not-

Yes, the owner will not impact the drainage ditch and it minimizes the impact on the neighbors.

5. Will the variance, if granted, alter the essential character of the locality?

Why/Why not-

No, it will not alter the character of the neighborhood it is all single family homes.

6. Is the variance consistent with the comprehensive plan?

Why/Why not-

Yes, it is a unique case and shows that one size does not fit all. This is the best use of this lot.

The following voted in favor thereof: Sedore, Fedje-Johnston, Burress, Flicker, Gothard. Opposed: None, passed unanimously.

**Public Input**

**Miscellaneous\Updates**

*Community Development Specialist Trast noted that a new vice chair would need to be elected at the next meeting due to the resignation of Commissioner McKellep.*

*Mr. Trast is also working on putting together information for the density sub-committee meeting.*

**Adjourn**

**Adjourn**



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 14-0712      **Version:** 1      **Name:** Conduct a Public Hearing to consider a variance petition submitted by Peter Lyman.

**Type:** Public Hearing      **Status:** PC Public Hearing

**File created:** 7/30/2014      **In control:** Planning Commission

**On agenda:** 8/7/2014      **Final action:**

**Title:** Conduct a Public Hearing to consider a variance petition submitted by Peter Lyman.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Lyman Variance: Staff Report w/map](#)  
[Rules for PH-Variance Considerations](#)  
[Lyman Variance: Application](#)

Date	Ver.	Action By	Action	Result
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8/7/2014	1	Planning Commission		
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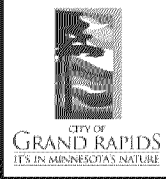
Conduct a Public Hearing to consider a variance petition submitted by Peter Lyman.

**Background Information:**

*See Staff Report and Background Information.*

**Staff Recommendation:**

Conduct a Public Hearing to consider a variance petition submitted by Peter Lyman.



# Planning Commission Staff Report

<b>Agenda Item #2</b>	<b>Community Development Department</b>	<b>Date:</b> 8/7/2014
<b>Statement of Issue:</b>	Conduct a Public Hearing to consider a variance petition submitted by Peter Lyman.	
<b>Background:</b>	<p>Mr. Lyman has applied for two variances, which if granted, would allow for the construction of a 952 sq. ft. detached accessory building located at: 1108 McGuire Lane.</p> <p>The subject property is a .8 acre parcel, and is located within a R-1 (One-Family Residential) zoning district. The property is legally described as: <i>Lot 14, Block 1, Oak Park Heights Addition, Itasca County, Minnesota.</i></p> <p>Mr. Lyman would like to construct a 28' X 34' detached storage building, which as proposed, would be 50.5' nearer the front (west) property line than the single family dwelling on the property. Currently, the home with attached 576 sq. ft. garage, is setback approximately 84' from the front property line (adjacent to 11<sup>th</sup> Avenue NE – <i>By definition the narrowest street dimension on a corner lot is the front yard</i>).</p> <p>Currently, per Section 30-562(2)c of City's Municipal Code, accessory structures are not permitted to be located between the front lot line and the principal building (single family home) within R-1 zoning districts. This requirement also applies to situations in which the principal building is set back greater than the minimum setback (30') required.</p> <p>Additionally, within the four tiers of structural accessory space provided to lots within the city, in which the subject lot qualifies, a maximum of 1,500 sq. ft. of accessory space is permitted. As proposed, the lot would exceed the maximum allowable amount of accessory structure space allocated for the lot by 28 sq. ft.</p> <p>The applicant, within the variance petition, cites the current developed layout of the property (building, propane tank, septic and well location) as reasons for the proposed location and variance request.</p> <p>The construction of the accessory building, as proposed, would require the Planning Commission's approval of two variances.</p> <ol style="list-style-type: none"> <li>1. Section 30-563(2)b &amp; c of the Municipal Code addresses supplementary use regulations for accessory buildings in residential/shoreland residential zoning districts:             <ol style="list-style-type: none"> <li>b) <i>Where the lot size equals or exceeds 15,000 square feet, up to <u>1,500 square feet of structural accessory space, including an attached garage, may be provided, subject to the limitations of subsection (1)b.1a-c. of this section.</u></i></li> </ol> </li> </ol>	



	<p>c) <u>An accessory building shall not be located any closer to the front lot line than the principal building.</u></p>
<b>Considerations:</b>	<p>When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.</p>
<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 variance.</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 variance to Peter Lyman for the property legally described as: <i>Lot 14, Block 1, Oak Park Heights Addition, Itasca County, Minnesota;</i></p> <ul style="list-style-type: none"> <li>• to allow a one-time waiver of the requirements of Section 30-563(2)b &amp; c of the Municipal Code for the construction of a 952 sq. ft. detached accessory building, which would be located closer to the front lot line than the principal building (home), and exceed the maximum allowable amount of accessory structure space allocated for the lot by 28 sq. ft., as depicted in the variance application submitted by Mr. Lyman.</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>
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>• Site Map</li> <li>• Copy of the variance petition and associated documentation</li> <li>• List of the Planning Commissions Variance Considerations</li> </ul>

# Lyman Variance Request



11th Avenue NE

McGuire Lane

Subject Property  
Variance Request

Ridgewood Road

50 25 0 50 Feet



**Grand Rapids Planning Commission**  
Grand Rapids - 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 Chairman will go through the legal Considerations for the Issue of the Public Hearing, after which the Commissioners will vote on the issue.





**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](http://www.grandrapidsmn.org)

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

Peter E. Lyman  
Name of Applicant\*<sup>1</sup>

\_\_\_\_\_  
Name of Owner (If other than applicant)

1108 McGuire Lane  
Address

\_\_\_\_\_  
Address

Grand Rapids                      MN                      55744  
City                                      State                                      Zip

\_\_\_\_\_  
City                                      State                                      Zip

218-256-1276                      plyman@ci.grand-rapids.mn.us  
Business Telephone/Telephone (other)/e-mail

\_\_\_\_\_  
Business Telephone/Telephone (other)/e-mail

\* 1 If applicant is not the owner, please describe the applicant's interest in the subject property. \_\_\_\_\_

**Parcel Information:**

Tax Parcel # 91-648-0170

Property Size: .8 acre 235'x143'

Existing Zoning: R-1

Existing Use: Residential

Property Address/Location: 1108 McGuire Lane

Legal Description: T55N R25W Sec 15 Lot 14 Block 1 Oak Park Heights  
(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.

Plyman  
Signature(s) of Applicant(s)

7-15-14  
Date

\_\_\_\_\_  
Signature of Owner (If other than the Applicant)

\_\_\_\_\_  
Date

**JUL 15 2014**

Date Received \_\_\_\_\_ Certified Complete 7/15/2014 Office Use Only Fee Paid \$252.00

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

Meeting Date 8/7/2014

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

**Required Submittals:**

Application Fee - \$252.50 \*2

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.

\* 2 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 stafftime 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:**

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

We would like to request a variance for a 28'x34' accessory building to be built on the western side of our property at 1108 McGuire Lane. With our present 24x24 attached garage, the square footage of both garages would slightly overrun the 1,500 square foot allotment for garage space by 28 square feet. Due to the conditions of our lot, this location still gives setbacks from both roads of approximately 34.38' from the western property line and approx 35.73' from the northern property line putting it slightly ahead of our present home/garage by approximately 10'.

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

We were given a map that showed that we could only build an accessory building to the south and east of our property. This would be quite difficult as our septic and drain field are located on the south slope of our yard and our well and propane tank are on the eastern side of our home. We are requesting the variance so that the building can be located not only on the western side of our home but just ahead of our home which still allows approximately 53.96' from McGuire Lane and approximately 92.92' from NE 11<sup>th</sup> Ave. In addition to the location, we would like to request a 28'x34' building which will be over the allowable garage square footage parameters.

**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):

The requested variance would be 28 square feet over the parameters of a zoned R-1 property which allows for accessory buildings/garages to be built up to 1,500 total square footage. The usage of the accessory building would be for allowed garage and storage space in R-1.

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

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

Yes, the proposed building will continue to allow the property owner to use the space in a reasonable manner. It will enhance the property and allow the resident to put their vehicles and such necessities as; lawn mowers and snow blowers in the building, away from the winter elements and out of public sight. At this time, vehicles are parked in the driveway and the snow blower and lawnmower are constantly exposed to the Minnesota elements year round because the existing garage space is not sufficient.

**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:

The circumstances of the property in question are unique to the property. The position of the well and septic/drain field do not allow us to erect a garage in our back yard or eastern yard. Either of those sites would change our landscape and require a substantial amount of excavation in comparison to the proposed building site to the west of our existing garage. This proposed garage would allow us to utilize the existing driveway approach with only a small fraction of additional pavement for the purpose of entering and exiting the proposed building.

**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:

Granting the variance would improve our property and leave only a small footprint on our yard. It will serve us well to be able to put our personal property out of sight, thus creating a more beautiful landscape for our neighbors. The proposed garage will duplicate the exterior of the house and allow us to continue the "clean look" of our property. It will not be detrimental to any site issues for our neighbors but will only enhance the character of the local, not take away from it.

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

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

The area of this residence is concurrent with the Rural Residential District which allows for all R-1 and SR-1 uses, with additional uses that are consistent with rural living. Allowing this variance would promote the highest and best use of the land in a transitional area. This would ensure the interest of pursuing a rural lifestyle while protecting the interests of the City.

**City Process:**

1. Applicant submits a completed application to the Grand Rapids Community Development Department by the 15<sup>th</sup> the ..
2. Review by staff for completeness of application.
3. Notification of adjoining property owners.
4. Publish Notice of Public
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 the variance in harmony with the purposes and intent of the ordinance?

Is the variance consistent with the comprehensive plan?

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

Are there unique circumstances to the property not created by the landowner?

Will the variance, if granted, alter the essential character of the locality?

**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.



# Site Map of Proposed Accessory Building: 1108 McGuire Lane



This photo was taken several years ago, showing 1108 McGuire Lane looking south.

building would be located on the west side – right side of the picture, approximately where the “+” is.



photo shows the property looking north. It's slightly difficult to see, but there is quite a slope in the southern yard which runs down to the neighbor's driveway.



Approximate Proposed Accessory Building to be painted to match home with 28'x34' dimensions.





# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

<b>File #:</b>	14-0711	<b>Version:</b>	1	<b>Name:</b>	Consider the election of a Planning Commission Officer: Vice Chairperson/Secretary.
<b>Type:</b>	Agenda Item	<b>Status:</b>		<b>Status:</b>	General Business
<b>File created:</b>	7/29/2014	<b>In control:</b>		<b>In control:</b>	Planning Commission
<b>On agenda:</b>	8/7/2014	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider the election of a Planning Commission Officer: Vice Chairperson/Secretary.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
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Consider the election of a Planning Commission Officer: Vice Chairperson/Secretary.

**Background Information:**

With the resignation of Commissioner McKellep from the Planning Commission, the Officer position of Vice-Chair/Secretary is vacant.

Section 30-31 of the City Code requires the Planning Commission to elect a Chairperson and a Secretary, as well as any other officers it deems necessary. To date, the Planning Commission's slate of officers has consisted of a Chairperson and a Vice Chairperson/Secretary.

**Staff Recommendation:**

Consider the election of a Planning Commission Officer: Vice Chairperson/Secretary.