

# **CITY OF GRAND RAPIDS**

*NOTICE OF MEETING  
PLANNING COMMISSION*



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

## **Meeting Agenda Full Detail**

**Thursday, June 5, 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**

14-0538 Approve the minutes of the May 1, 2014, 4:00 pm regular meeting.

**Attachments:** [May 1, 2014 Meeting Minutes](#)

**Public Hearings**

14-0547 Conduct a Public Hearing to consider a variance petition submitted by Eugene Shadley.

**Attachments:** [Shadley Variance: Staff Report w/site map](#)  
[Rules for PH & Variance Considerations](#)  
[Shadley Variance: Application](#)  
[Shadley Variance: App. Attachment- Property Pictures](#)

**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:  
Tuesday, July 8, 2014*



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

# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

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**File #:** 14-0538      **Version:** 1      **Name:** Approve the minutes of the May 1, 2014, 4:00 pm regular meeting.

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

**File created:** 5/21/2014      **In control:** Planning Commission

**On agenda:** 6/5/2014      **Final action:**

**Title:** Approve the minutes of the May 1, 2014, 4:00 pm regular meeting.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [May 1, 2014 Meeting Minutes](#)

Date	Ver.	Action By	Action	Result
6/5/2014	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the May 1, 2014, 4:00 pm regular meeting.

**Background Information:**

*See attached draft meeting minutes.*

**Staff Recommendation:**

Approve the minutes of the May 1, 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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Thursday, May 1, 2014

4:00 PM

Council Chambers

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### Call To Order

### Call of Roll

**Present** 7 - Chairperson Julie Fedje-Johnston, Commissioner Shane McKellep, Commissioner Michael Twite, Commissioner Mark Gothard, Commissioner Marn Flicker, Commissioner Katherine Sedore, and Commissioner Charles Burress

### 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.

*Add under General Business a discussion regarding creating a sub-committee to review multi family density.*

#### Approved As Amended

Approve the minutes of the April 3, 2014, 4:00 pm regular meeting.

*Delete the motion to adjourn under the approval of minutes from the March 6, 2014 regular meeting.*

#### Approved as Amended by Commission

### Public Hearings

Conduct a Public Hearing to consider a variance petition submitted by Mr. Brandon Elegert (owners civil engineering consultant), on behalf of AutoZone.

*Community Development Specialist Trast provided background information. AutoZone has requested the Planning Commission's consideration of two variances from Section 30-512 Table 2-C of the Municipal Code, which lists the District Development Regulations for Surface Parking, and from Section 30-594(C) which outlines Landscaping and Bufferyard Requirements.*

*Recorder Groom noted a notices required by law had been met.*

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

*Brandon Elegert, Consultant for AutoZone, said the property is a good location and the improvements would provide value.*

*Mitch Eichorn, owner of the property said he fully supports the project.*

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

**Motion by Commissioner McKellep, second by Commissioner Twite 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 variances to AutoZone for the property described as: S 176.1 ft. of the N 196.7 ft. of the E 237 ft. of the NW ¼ NW ¼ of Section 33, Township 55 N, Range 25 W, LESS the S 20 ft. of the N 40.6 ft. of the E 237 ft. of the NW ¼ NW ¼ of Section 33, Township 55 N, Range 25 W, Itasca County, Minnesota;**

- **to allow a one time waiver of the requirements of Section 30-512 Table 2-C and Section 30-594(C) of the Municipal Code for the construction of a 6,446 sq. ft. retail building and associated parking lot, in which the parking lot would encroach approximately 10 ft. into the required 10 ft. street side yard setback area for surface parking, and as such, the required landscaping and bufferyard plantings could not be accommodated in that yard area, as proposed on the petitioners site plan.**

**Commissioner McKellep read his considerations for the record.**

- 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, the property is zoned properly for the use.**
- 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-  
Yes, this plan however allows for the best use of the property.**
- 4. Is the variance in harmony with the purposes and intent of the ordinance?  
Why/Why not-  
Yes, it is not adding to a non-conformity.**
- 5. Will the variance, if granted, alter the essential character of the locality?  
Why/Why not-  
No, the property will look the same.**
- 6. Is the variance consistent with the comprehensive plan?  
Why/Why not-  
Yes, the changes do not conflict with the comprehensive plan.**

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

**General Business**

Consider a recommendation to the City Council regarding the vacation of a portion of the platted N/S alley right-of-way within Block 21, Grand Rapids Third Division.

*Mr. Trast gave the staff report. Grand Rapids State Bank submitted a petition requesting the vacation of a portion of the platted N/S right-of-way within Block 21 Grand Rapids Third Division. The staff review committee had no concerns or objections to the proposed vacation.*

**Motion by Commissioner Twite, second by Commissioner Flicker 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 vacation of public right-of-way described as;**

**N/S ADJ to Lots 16-17, Block 21, Grand Rapids Third Division, Itasca County, Minnesota**

**And additionally if deemed appropriate: the City initiated vacation of the remaining 75’ of the platted (N/S) alley right-of-way. \*Legal description, including expanded alley vacation:**

**N/S alley LYG between 8-12 & Lots 13-17, Block 21, Grand Rapids Third Division, Itasca County, Minnesota**

Commissioner Twite read his considerations for the record.

1. Is the right-of-way needed for traffic purposes?  
 Why/Why not?  
 No, the remainder of the alley and ROW was vacated in 1977. The area has been long developed and traffic patterns are well established.
2. Is the right-of-way needed for pedestrian purposes?  
 Why/Why not?  
 No, again the requested vacation area does not connect any pedestrian walkways.
3. Is the right-of-way needed for utility purposes?  
 Why/Why not?  
 No, PUC, public works and law enforcement all state they have no need.
4. Would vacating the right-of-way place additional land on the tax rolls?  
 Why/Why not?  
 Yes, a minimal amount.
5. Would vacating the right-of-way facilitate economic development in the City?  
 Why/Why not?  
 Possibly the site maybe more desirable for future development.

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

**Public Input**

**Miscellaneous\Updates**

Motion by Commissioner Twite, Second by Commissioner Gothard to establish a sub-committee of Commissioners Sedore, Burress, McKellep, Fedje-Johnston to review the multi family residential density in the zoning ordinance and determine the definition of a unit. The following voted in favor thereof: Gothard, Flicker, Burress, Fedje-Johnston, Twite, McKellep, Sedore. Opposed: None, passed unanimously.

**Adjourn**

Adjourn



# CITY OF GRAND RAPIDS

## Legislation Details (With Text)

**File #:** 14-0547      **Version:** 1      **Name:** Conduct a Public Hearing to consider a variance petition submitted by Eugene Shadley.

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

**File created:** 5/28/2014      **In control:** Planning Commission

**On agenda:** 6/5/2014      **Final action:**

**Title:** Conduct a Public Hearing to consider a variance petition submitted by Eugene Shadley.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Shadley Variance: Staff Report w/site map](#)  
[Rules for PH & Variance Considerations](#)  
[Shadley Variance: Application](#)  
[Shadley Variance: App. Attachment- Property Pictures](#)

Date	Ver.	Action By	Action	Result
6/5/2014	1	Planning Commission		
6/5/2014	1	Planning Commission		

Conduct a Public Hearing to consider a variance petition submitted by Eugene Shadley.

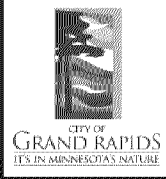
**Background Information:**

*See attached Staff Report and Background Information.*

**Staff Recommendation:**

Conduct a Public Hearing to consider a variance petition submitted by Eugene Shadley.





# Planning Commission Staff Report

<b>Agenda Item #2</b>	<b>Community Development Department</b>	<b>Date:</b> 6/5/2014
<b>Statement of Issue:</b>	Conduct a Public Hearing to consider a variance petition submitted by Eugene Shadley.	
<b>Background:</b>	<p>Mr. Shadley has applied for one variance, which if granted, would allow for the construction of a 240 sq. ft. detached accessory building located at: 209 NW 17<sup>th</sup> Street.</p> <p>The subject property is a 1.9 acre parcel, and is located within a SR-1 (Shoreland One-Family Residential) zoning district. The property is legally described as: <i>Lot 16, Less 189.61 ft. &amp; that part of VAC Division Avenue LYG E of and ADJ to Lot 16, McKinney Lake Addition to Grand Rapids.</i></p> <p>Mr. Shadley would like to construct a 12' X 20' detached storage shed, which as proposed would be 11' nearer the front property line than the single family dwelling on the property. Currently, the home with attached garage, is setback approximately 71' from the front property line (adjacent to 17<sup>th</sup> Street NW).</p> <p>The applicant, within the variance petition, cites the rural character of the property, the desire to retain existing mature trees on the lot, the 71' setback of the principal structure, and the sloping topography , as reasons for the proposed location and variance request.</p> <p>Currently, within the City's Municipal Code, accessory structures are permitted to be located between the front lot line and the principal structure (single family home) in only the RR/SRR (Rural Residential) and AG (Agricultural) zoning districts– <i>subject to five conditions- generally related to: building design, overhead door placement, building sidewall height, setback from right-of-way, and sharing of a common driveway.</i></p> <p>The construction of the accessory building, as proposed, would require the Planning Commission's approval of one variance.</p> <ol style="list-style-type: none"> <li>1. Section 30-563(2)c of the Municipal Code which addresses supplementary use regulations for accessory buildings in residential/shoreland residential zoning districts: <ul style="list-style-type: none"> <li>c) <u><i>An accessory building shall not be located any closer to the front lot line than the principal building.</i></u></li> </ul> </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.	

<p><b>Recommendation:</b></p>	<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>
<p><b>Required Action:</b></p>	<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 Eugene Shadley for the property legally described as: <i>Lot 16, Less 189.61 ft. &amp; that part of VAC Division Avenue LYG E of and ADJ to Lot 16, McKinney Lake Addition to Grand Rapids, 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)c of the Municipal Code for the construction of a 12’ X 20’ detached accessory building, which would be located 11’ closer to the front lot line than the property’s principal building (home), as depicted in the variance application submitted by Mr. Shadley.</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 Map</li> <li>• Copy of the variance petition and associated documentation</li> <li>• List of the Planning Commissions Variance Considerations</li> </ul>

# Shadley Variance Request



100 50 0 100 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.





CITY OF GRAND RAPIDS  
ITS BY MICHIGAN'S NATURE

**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:

Eugene W. Shadley  
Name of Applicant\*1

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

209 NW 17th Street  
Address

\_\_\_\_\_  
Address

Grand Rapids MN 55744  
City State Zip

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

shadleyknives@hotmail.com  
Business Telephone/e-mail address

\_\_\_\_\_  
Business Telephone/e-mail address

218-999-7197

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

**Parcel Information:**

Tax Parcel # 91-620-0160 Property ID: \_\_\_\_\_

Property Size: 1.94 acres

Existing Zoning: Lakeshore/Residential

Existing Use: Residence

Property Address/Location: 209 NW 17th Street Grand Rapids

Legal Description: ON Page 4  
(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.

Eugene W. Shadley  
Signature(s) of Applicant(s)

5/6/14  
Date

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

\_\_\_\_\_  
Date

**MAY 13 2014**

**Office Use Only**

Date Received \_\_\_\_\_ Certified Complete 5/18/2014 Fee Paid \$252.50

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

Meeting Date 6/5/14

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 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:**

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

I am asking to be allowed to build a storage shed on my property. The property is large with a very rural appearance. The shed needs to be located ahead of my existing garage. The property is not very flat and I would need to cut trees to put it in an alternate location.

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

Current zoning Section 30-563(2)c. does not allow additional structures closer to the street than the existing structures. My home is about 80 ft from the right of way. There would be no parking or driveway issues as I would use my current access.

**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):

Section 30-563(2)c. My property is 1.94 acres located in a rural setting. This was a primary reason for my re-locating from my 40 acre country home. After building my new home I concluded I need some storage space. The topography of the property does not allow me to put a shed just anywhere. Please see attached photos.

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

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

I am proposing a building that would be fitting the requested location exemption. There is current tree screening in place and more to be planted this spring. I want to comply with codes without undue excavating or tree removal. I'd like minimal impact to the appearance of my 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 - Describe how your situation applies to the above statement:

Very little of my 1.94 acres is flat enough to accomplish my proposed project. I situated my home more toward the center of my property for both my privacy and that of my neighbors. I would like my storage shed to fit in as well.

**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:

The south Right of way adjacent to my closest neighbors has a nice tree screen already and I have planted trees there as well. My west property line has some trees as well as those I planted 3 years ago, which are coming along nicely. I have good relationships with my neighbors and would like to keep it that way.

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

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

We only removed one large tree in order to build our new home and deck. The proposed structure would be well within the current set back rules from the property lines. The front would be at least 60ft from the front and 45ft from the side of the lot. The proposed shed would allow me space to store my canoe, mower, etc out of sight of my neighbors, thus improving the appearance of the neighborhood.



**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 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**

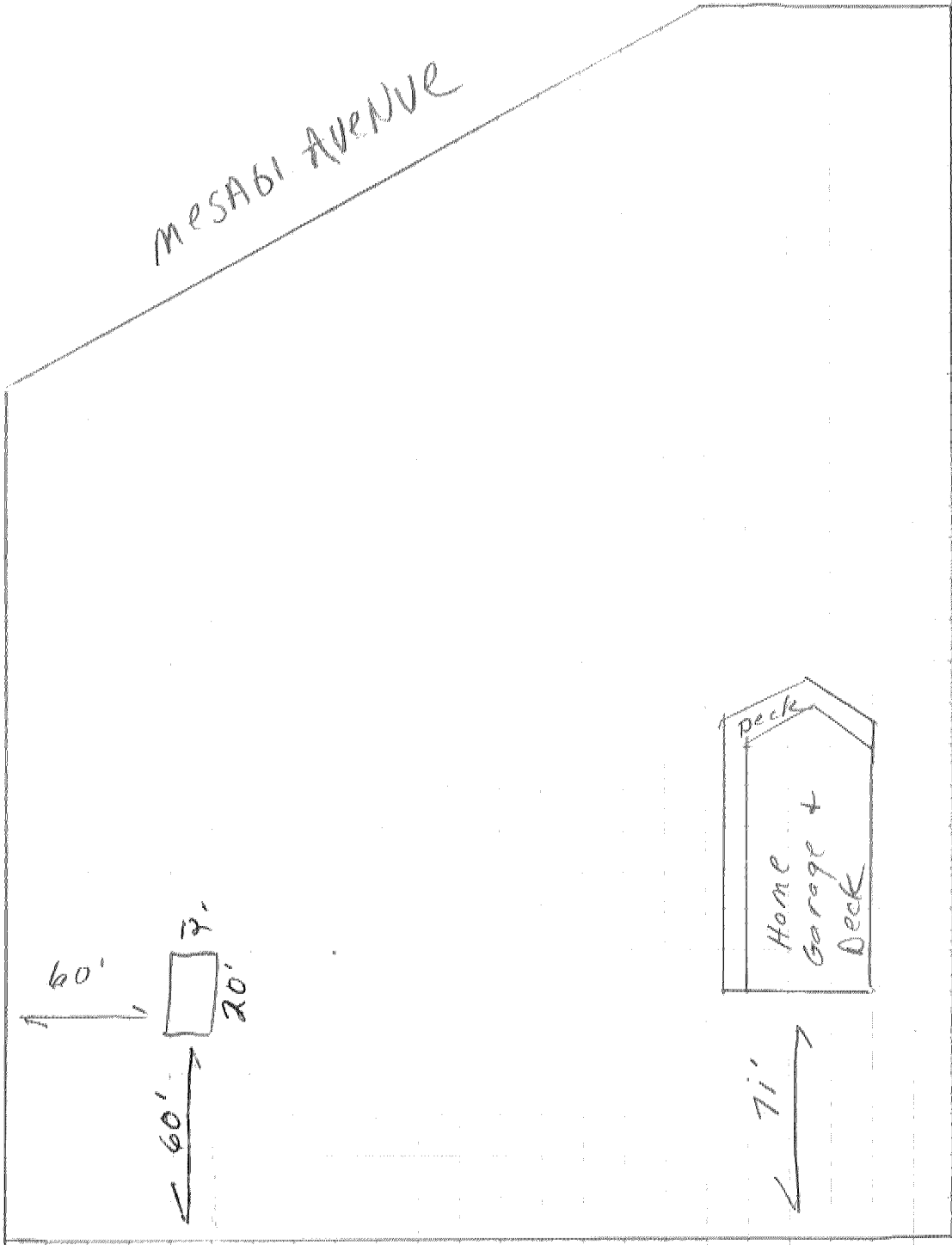
More information may be requested by the City of Grand Rapids Planning Commission, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

Property Description

SEC:16 TWP:55.0 RANGE 25 1.9 acres  
McKinny Lake add to Grand Rapids  
Lot 16 LESS 189.61' + that Pt of Vac Div  
AVE LY9E + adjacent to Lot 16



MESABI AVENUE



Powell Property

17th Street RANDO

R/W

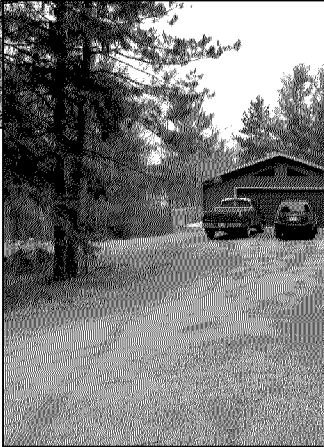
**Property Views:**

209 NW 17<sup>th</sup> Street

*\*Pre-developed property looking north (large)*

*\*Pre-developed property looking east (LL)*

*\*Home setback 71' from lot line looking north (LR)*



**Property Views:**

209 NW 17<sup>th</sup> Street

*\*View looking east (large)*

*\*Mesabi Ave. looking south (LL)*

*\*Property line looking west (LR)*



**Property Views:**

209 NW 17<sup>th</sup> Street

*\*Shed location looking south (large)*

*\*Looking east at shed location- from neighbors deck (LL)*

*\*Elevation change- looking east (LR)*

