

CITY OF GRAND RAPIDS

*NOTICE OF MEETING
PLANNING COMMISSION*



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

Meeting Agenda Full Detail

Tuesday, July 9, 2013

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

[13-0394](#) Approve the minutes of the June 6, 2013, 4:00 pm regular meeting.

Attachments: [June 6, 2013 Planning Commission Mtg. Minutes](#)

Public Hearings

[13-0396](#) Conduct a Public Hearing to consider a variance petition submitted by Michael Newton.

Attachments: [Newton Variance: PC Staff Report-Map-Rules for PH](#)
[Newton Variance- Application](#)
[Variance 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:
Thursday, August 1st, 2013



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CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 13-0394 **Version:** 1 **Name:** Approve the minutes of the June 6, 2013, 4:00 pm regular meeting.

Type: Minutes **Status:** Approved

File created: 6/26/2013 **In control:** Planning Commission

On agenda: 7/9/2013 **Final action:**

Title: Approve the minutes of the June 6, 2013, 4:00 pm regular meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [June 6, 2013 Planning Commission Mtg. Minutes](#)

Date	Ver.	Action By	Action	Result
7/9/2013	1	Planning Commission	Approved as Presented by Commission	

Approve the minutes of the June 6, 2013, 4:00 pm regular meeting.

Background Information:

See attached draft meeting minutes.

Staff Recommendation:

Approve the minutes of the June 6, 2013, 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*

Thursday, June 6, 2013

4:00 PM

Council Chambers

Call To Order

Call of Roll

Present 7 - Commissioner Lee Anderson, Commissioner Julie Fedje-Johnston, Commissioner Shane McKellep, Commissioner Ron Niemala, Chairperson Michael Twite, Commissioner Mark Gothard, and Commissioner Marn Flicker

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.

Motion by Commissioner Twite, Second by Commissioner Flicker to approve the agenda as presented.

The following voted in favor thereof: Flicker, Gothard, Twite, Anderson, Fedje-Johnston, McKellep, Niemala.

Opposed: None, passed unanimously.

Approval of Minutes

Approve the minutes of the May 2, 2013, 4:00 pm regular meeting.

Motion by Commissioner Anderson, second by Commissioner Twite to approve the minutes of the May 2, 2013 Regular Meeting. The following voted in favor thereof: Niemala, McKellep, Twite, Fedje-Johnston, Anderson, Flicker, Gothard.

Opposed: None, passed unanimously.

General Business

Consider the adoption of a resolution finding the TIF Plan for TIF District 1-9 (Majestic Pines Senior Housing) consistent with the development plans for the City of Grand Rapids.

Motion by Commissioner Twite, Second by Commissioner McKellep to adopt resolution 13-01 finding tax increment financing district No.1-9 (Majestic Pines Senior Housing) consistent with the plans for development of the City of Grand Rapids.

The following roll call vote was taken: Yea: Flicker, Anderson, Fedje-Johnston, Twite, McKellep, Niemala. Nay: None, Gothard abstained, motion passed.

Public Input

Miscellaneous\Updates

Adjourn

Motion by Commissioner Flicker, second by Commissioner Niemala to adjourn the meeting at 4:08 p.m.

The following voted in favor thereof: Niemala, McKellep, Twite, Fedje-Johnston, Anderson, Flicker, Gothard



CITY OF GRAND RAPIDS

Legislation Details (With Text)

File #: 13-0396 **Version:** 1 **Name:** Conduct a Public Hearing to consider a variance petition submitted by Michael Newton.
Type: Public Hearing **Status:** PC Public Hearing
File created: 6/27/2013 **In control:** Planning Commission
On agenda: 7/9/2013 **Final action:**
Title: Conduct a Public Hearing to consider a variance petition submitted by Michael Newton.
Sponsors:
Indexes:
Code sections:
Attachments: [Newton Variance: PC Staff Report-Map-Rules for PH](#)
[Newton Variance- Application](#)
[Variance Considerations](#)

Date	Ver.	Action By	Action	Result
7/9/2013	1	Planning Commission		

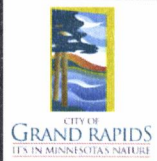
Conduct a Public Hearing to consider a variance petition submitted by Michael Newton.

Background Information:

See attached Staff Report and Background Information.

Staff Recommendation:

Conduct a Public Hearing to consider a variance petition submitted by Michael Newton.



Planning Commission Staff Report

Agenda Item #2	Community Development Department	Date: 7/9/2012
Statement of Issue:	Conduct a Public Hearing to consider a variance petition submitted by Michael Newton.	
Background:	<p>Mr. Newton has applied for two variances, which if granted, would allow for the construction of a 1,008 sq. ft. detached accessory building located at: 2516 Audrey Lane.</p> <p>The subject property is a 0.8 acre parcel, and is located within a SR-1 (Shoreland One-Family Residential) zoning district, having lake frontage on McKinney Lake, and right-of-way frontage on Audrey Lane. The property is legally described as: Lot 43 Less NW 33 1/3' & Lot 44 Less SE 33 1/3', Elm Acres Addition.</p> <p>Mr. Newton would like to construct a 28' X 36' detached garage nearer the front property line than the single family dwelling that exists on the property. Currently, the home with attached 508 sq. ft. garage, is setback approximately 175' from the front property line (adjacent to Audrey Lane). The subject lot averages 275' in length from the right-of-way adjacent to Audrey Lane to the OHWL of McKinney Lake, and is approximately 130' in width.</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 the following residential districts: RR/SRR (Rural Residential) – <i>subject to five conditions</i>. 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 16 sq. ft.</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"> 1. Section 30-563(2)b & c of the Municipal Code which addresses supplementary use regulations for accessory buildings in residential/shoreland residential zoning districts: <ol style="list-style-type: none"> 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> c) <i><u>An accessory building shall not be located any closer to the front lot line than the principal building.</u></i> 	

Considerations:	When reviewing a request for a variance, the Planning Commission must make findings based on the attached list of considerations.
Recommendation:	<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>
Required Action:	<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 (grant)(deny) the following variances to Michael Newton for the property legally described as: Lot 43 Less NW 33 1/3’ & Lot 44 Less SE 33 1/3’, Elm Acres Addition Grand Rapids, Itasca County, Minnesota;</p> <ul style="list-style-type: none"> • to allow a one-time waiver of the requirements of Section 30-563(2)b & c of the Municipal Code for the construction of a 1,008 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 16 sq. ft., as depicted in the variance application submitted by Mr. Newton. <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"> • _____
Attachments:	<ul style="list-style-type: none"> • Site Map • Copy of the variance petition and associated documentation • List of the Planning Commissions Variance Considerations

Newton Variance Request



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Subject Property of
Variance Request

Audrey Lane

MN ST. HWY. #38/McKinney Lake Rd.

McKinney Lake

180 90 0 180 Feet





Legend


 Parcels

2009 Aerial Photo

RGB

 Red: Band_1

 Green: Band_2

 Blue: Band_3

Grand Rapids Planning Commission
Grand Rapids - City Hall

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
LES IN MISSISSOUPA SAVIUM

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:

<u>Michael Newton</u> Name of Applicant*1	_____ Name of Owner (If other than applicant)
<u>34975 Christmas Lane</u> Address	_____ Address
<u>Grand Rapids Mn 55744</u> City State Zip	_____ City State Zip
<u>218-259-8303</u> Business Telephone/e-mail address	_____ Business Telephone/e-mail address
<u>Mdnewton18@gmail.com</u>	

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

Parcel Information:

Tax Parcel # 91-515-6430 Property Size: 35,600^{sq}

Existing Zoning: SR-1

Existing Use: Rental

Property Address/Location: 2516 Audrey Lane Grand Rapids

Legal Description: Elm Acres - lot 43, less 33 1/3' of Lot 44
(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.

Michael Newton _____ Date 6/13/13

Signature(s) of Applicant(s) Date

Signature of Owner (If other than the Applicant) Date

JUN 13 2013 Office Use Only
Date Received _____ Certified Complete 6/13/2013 Fee Paid \$252.50

Planning Commission Recommendation: Approved _____ Denied _____ Meeting Date 7/9/13

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:

1008 sq'

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

28 x 36 unattached garage/siding to match house/roof line lower than existing house. This will be built in a heavily forested area which would not be seen from the street.

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

Existing attached garage is 22' x 24' = 528 sq'. minus an entry in the garage 4' x 5' = 20 sq' (508 sq'). New garage would = 1008 sq'. For a total of 1516 sq' of garage between the two

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(a)C. - Accessory buildings shall not be located any closer to the front lot line than the principal building and Section 30-563(a)B - Maximum of 1,500^{sq} accessory storage space permitted on lots greater than 15,000^{sq} in area.

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

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

Yes - instead of storing boats, lawn mower etc outside they will be stored in a garage. Reduce outside junk look.

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:

This lot is fairly large + well covered in trees. The new garage will be well forested + not seen from the street. During the summer + fall months

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:

This garage will enhance the property with a building that will match the house unlike some of the metal buildings in the neighborhood. It will be very pleasing to the eye in its green color to match the house.

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

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

This is not spot zoning. It is residential with other homes having unattached garages. I can't say it enough that this will nice but will not be seen during the leaf seasons. It will also blend in when leaves are gone

City Process:

1. Applicant submits a completed application to the Grand Rapids Community Development Department by the 15th 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

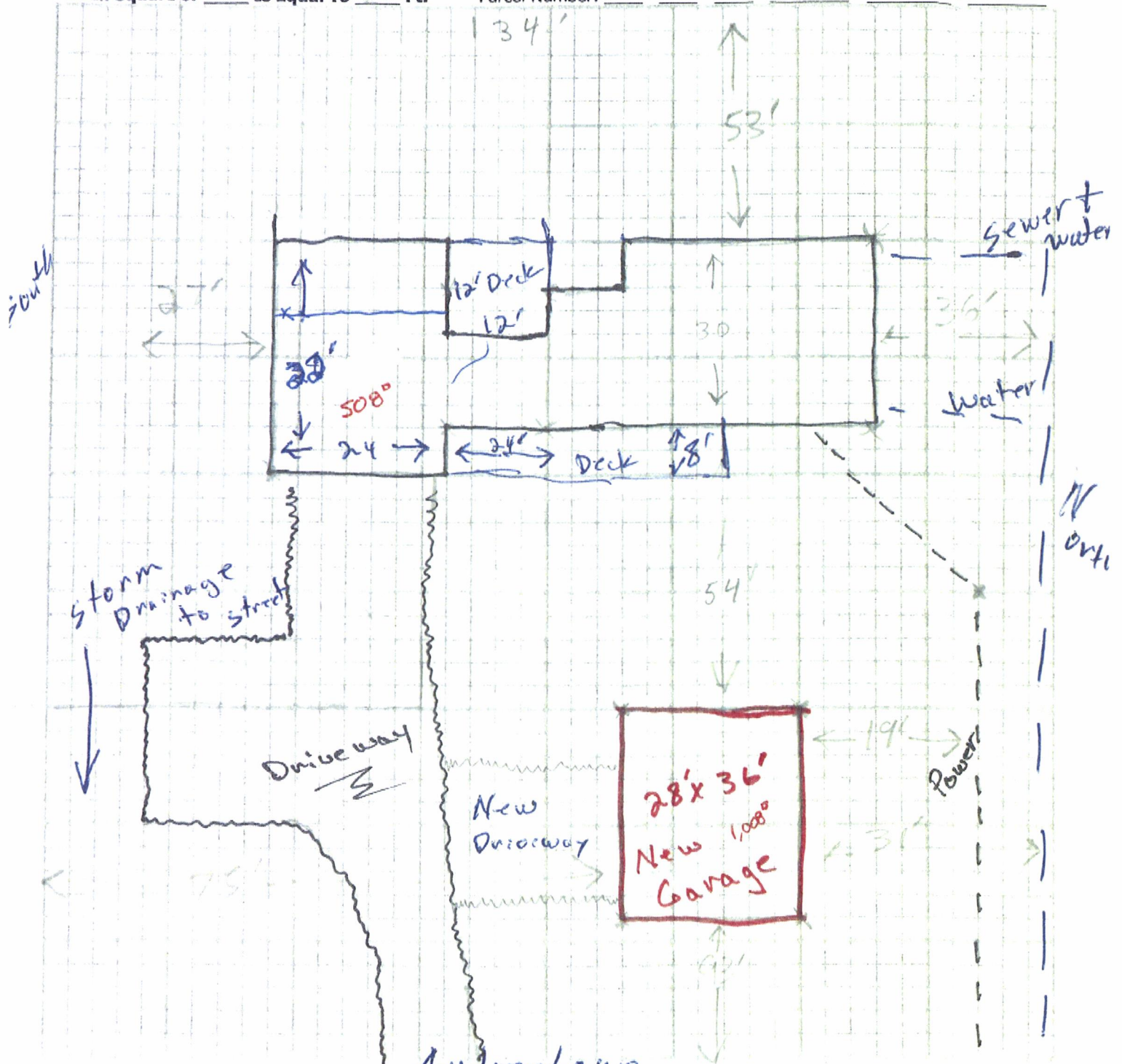
More information may be requested by the City of Grand Rapids Planning Commission, if deemed necessary to properly evaluate your request. The lack of information requested may be in itself sufficient cause to deny an application.

134' x 285' Lot size
West

SITE PLAN

Each Square or _____ Is Equal To 20 Ft.

Parcel Number: _____



Property Owner: Michael Newton Audrey Lane East Address: 34975 Christmas Lane

Name of Preparer (if different than above): _____ Zoning: _____

THIS PLOT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

(Signature of Applicant or Agent) _____ DATE: _____

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*?
3. Is the owner's plight due to circumstances which are unique to the property and which are not self-created by the owner?
4. Is the variance in *harmony with* the purposes and intent of the *ordinance*?
5. Will the variance, if granted, alter the *essential character* of the locality?
6. Is the variance *consistent with* the *comprehensive plan*?