



## **MAYOR & COUNCIL COMMUNICATION**

**DATE:** March 17, 2015  
**REGULAR**  
**ITEM #** 10

**AGENDA ITEM:** Variance – 3033 Inwood Avenue North

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director  
Washington County Public Works

### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** Planning Commission

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City has received a request from Mike and Ellen Frits, 3033 Inwood Ave. N., to allow for the construction of an accessory building that is closer to the front lot line than the principal building and does not meet the required 100-foot front yard setback as required in the Residential Estates (RE) zoning district. To consider the request, the Planning Commission held a public hearing on February 23, 2015. The Planning Commission is unanimously recommending approval of the proposed variance. The motion to take the recommended action on the request is as follows:

***“Move to adopt Resolution No. 2015-20, approving a variance to allow an accessory building that does not meet the 100-foot front yard setback and is closer to the front lot line than the principal building.”***

### **BACKGROUND INFORMATION:**

Mike and Ellen Frits, 3033 Inwood Ave. N., have submitted a variance to allow for an accessory building in the southwest portion of their property. This location would require a variance, as the Residential Estates (RE) zoning district requires a 100-foot front yard setback. In addition, accessory buildings are not permitted closer to the front lot line than the principal building. In the case of the Frits property, the western property line represents the front lot line. In describing the preferred location of the structure, the applicants highlighted the location of the BP pipeline easement and existing septic system drainfield on their property. In addition, the applicant expressed a desire to locate the structure in a manner that would be visible from the front of their home and serve as a visual and noise screen/buffer from the traffic on Stillwater Blvd. (CSAH 6) and Inwood Ave. (CSAH 13). Staff conducted a site visit and confirmed that the described physical barriers or challenges are accurate. The details of the staff review of the variance can be found in Attachment #2, which is the staff report to the Planning Commission.

In addition to the staff review, the proposed variance was reviewed by Washington County, as both Stillwater Blvd. (CSAH 6) and Inwood Ave. (CSAH 13) are County facilities. The County's review comments are found in Attachment #5. The County noted no objection to the proposed variance. However, they County did want to ensure that direct access to Stillwater Blvd. would not be permitted. Staff is recommending a condition of approval for the variance that no access be allowed directly to CSAH 6.

### **PLANNING COMMISSION REPORT:**

The Planning Commission reviewed the proposed variance on February 23, 2015. In addition, a public hearing was held on that date. During the public hearing, Greg McGrath, 1509 15<sup>th</sup> Street Ct. N., spoke in favor of the variance. No other testimony was received and no other written comments were submitted to staff. After discussion of the proposed location of the structure and the requested variance, the Planning Commission unanimously recommended approval of the variance request (Vote: 5-0).

### **STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:**

**Strengths:** In the judgment of the Planning Commission and staff, the circumstances on the property are unique and are not created by the landowner. The request represents a reasonable use of the property. The variance would allow the landowner to locate the accessory building in a location that would not conflict with the drainfield or BP easement, would be visible from the principal building, and provide a visual and noise screen/buffer to two busy County roads.

**Weaknesses:** Some argue that variances set precedent for future cases, and thereby encourage additional variance applications. However, under Statute, each variance case must be evaluated on its own merits, and one case does not set precedent for another.

**Opportunities:** N/A

**Threats:** N/A

**RECOMMENDATION:**

Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed Variance to allow for an accessory building that does not meet the 100-foot front yard setback from the west property line and is located nearer to the front lot line than the principal building. The motion to take the recommended action on the request is as follows:

***“Move to adopt Resolution No. 2015-20, approving a variance to allow an accessory building that does not meet the 100-foot front yard setback and is closer to the front lot line than the principal building.”***

**ATTACHMENTS:**

1. Resolution No. 2015-20
2. Staff Report to the Planning Commission, 2/23/15
3. Location Map
4. Application Packet and Project Narrative
5. Washington County (Public Works) Review