

## ***AGENDA***

### ***ROGERS PLANNING COMMISSION***

***December 18, 2018 - 7:00 PM***

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. OPEN FORUM**
- 3. APPROVE AGENDA**
- 4. CONSENT AGENDA**
  - 4.1 Approval of November 20, 2018 Planning Commission Meeting Minutes
- 5. PUBLIC HEARINGS**
  - 5.1 Public Hearing to Consider a Request for a Preliminary Plat for Edgewater Second Addition
  - 5.2 Public Hearing to Consider a Request for a Variance to Exceed the Allowable Amount of Square Footage for a Detached Accessory Structure
- 6. NEW BUSINESS**
- 7. OTHER BUSINESS**
- 8. ADJOURN**



**REQUEST FOR ACTION  
ROGERS PLANNING  
COMMISSION**

**Meeting Date:** December 18, 2018

**Agenda Item:** No. 4.1

**Subject:** Approval of November 20, 2018 Planning Commission Meeting Minutes

**Prepared  
By:**

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**ATTACHMENTS:**

Description

November 20 2018 Meeting Minutes

**MINUTES**  
**ROGERS PLANNING COMMISSION**  
**November 20, 2018**

**CALL TO ORDER**

The meeting of the Rogers Planning Commission was held on November 20, 2018 at 7:00 p.m. and was called to order with Commissioners Neis, Nei, Binkley, Jullie, Silverstein, Bryan, Kraemer and Terhaar (left early) present.

Member(s) excused: None

Also present were Councilmember Gorecki and Associate Planner Patnode.

**SET AGENDA**

The Agenda was set as corrected; David Nei removed his application for the running of the open Planning Commission seats.

Commissioner Nei moved, Commissioner Kraemer seconded the motion to approve the agenda as corrected.

On the vote, all members voted AYE. Motion carried.

**CONSENT AGENDA**

**4.1 Approval of the October 16, 2018 Planning Commission Meeting Minutes**

Commissioner Binkley moved, Commissioner Nei seconded a motion to approve the October 16, 2018 Planning Commission Minutes.

On the vote, members voted 6-0-1; Neis abstained due to absence from October meeting. Motion carried.

**PUBLIC HEARINGS**

**5.1 Public Hearing to Consider the Request for a Variance and Conditional Use Permit for Outdoor Storage, Display and Tanks for the Property at 14490 Northdale Boulevard.**

Associate Planner Patnode provided background information and commented on the following:

- The property location, square footage of buildings (12,500 sq.ft.) and history of existing CUP for modular homes.
- The conditional use permit is requesting outdoor storage of trucks, trailers and landscaping materials which cannot exceed 20% of building area (2,500sq. ft.).
- CUP requesting outdoor display of farm equipment, not to exceed 50% of the lot. Also requesting storage tanks outdoors.
- Variance request to exceed more than 20% of building area for outdoor storage of trucks, trailers and landscaping materials. Allow 8% building area for landscaping materials and eight (8) trucks and trailers for a total area of approximately 30% of building area.
- Although sewer and water is available on Northdale Boulevard, the applicant plans to utilize his existing septic system. The City needs verification that the use can handle the occupancy load from Hennepin County.

Chairman Neis opened the meeting for public comment.

There were no comments registered.

Commissioner Kraemer moved, Commissioner Jullie seconded a motion to close the public hearing.

On the vote, all members voted AYE. Motion carried.

The Planning Commission discussed the following:

- Questioned if the proposed outdoor storage is enough for the Applicant. It was determined a condition will be added to the variance. Allow six (6) company pickup trucks to be parked overnight in the designated parking stalls and not be counted toward the outdoor storage area.

Commissioner Jullie moved, Commissioner Nei seconded a motion to recommend approval of the Conditional Use Permit allowing the property located at 14490 Northdale Boulevard, to allow outdoor storage, to allow outdoor display of equipment and to allow outdoor storage tanks with the following conditions:

1. The existing heated storage trailer must be removed from the property within eight (8) months of occupancy.
2. The existing gravel surface as shown on the site plan, must be paved within eight (8) months of occupancy.
3. City must get copy of Septic System verification from Hennepin County and confirmation of occupancy hold for the system.
4. Outdoor storage of landscaping materials shall not exceed 8% of building areas.
5. Any construction of a fence on the property must apply for fence permit and must be located as indicated on the provided site plan and completed within one (1) year of occupancy or shall become void.
6. The quantity and type of materials stored in storage tanks is subject to Minnesota Fire Code and Rogers Fire Department approval.
7. Eight (8) trucks and trailers are allowed in the rear yard for outdoor storage.
8. Parking of trucks, trailers and materials must be located in the designated rear yard on a paved surface.

Commissioner Jullie moved, Commissioner Nei seconded a motion to recommend approval of the Variance allowing the Dustin Breiwick to exceed to allowable outdoor storage, with the following conditions:

1. The outdoor storage of landscaping materials shall not exceed 8% of building areas.
2. Eight (8) trucks and trailers are permitted to be located on the property as it contributes to outdoor storage.
3. All outdoor storage of trucks, trailers and materials must be located in the designated rear yard on a paved surface.
4. All outdoor storage shall be organized in a clean matter, in the designated area as shown on the site plan.

5. Up to six (6) company pickup trucks are allowed to be parking in the 38 designated parking stalls overnight.

On the vote, all members voted AYE. Motion carried

## **NEW BUSINESS**

### **6.1 Planning Commissioner Interviews.**

Three (3) Planning Commission seats will be open in the beginning of 2019. Two (2) of the three (3) open seats are seated positions while the remaining seat is an alternate position. Each open position has a term of three years. Six (6) residents submitted an application for the positions. Today, two (2) candidates have made it to the interview process. The recommendations from the Planning Commission for will go forward to the on the December 11, 2018 Council meeting.

Planning Commissioners interviewed Narine Bourgeois and Zachary Plansky individually and came to a conclusion of nominating both applicants for a seated position on the Planning Commission.

Commissioner Nei moved, Commissioner Silverstein seconded a motion to recommend approval of Zachary Plansky and Narine Bourgeois to seated positions on the Planning Commission, and wait to recommend an alternate position at a later date.

On the vote, all members voted AYE. Motion carried.

## **ADJOURN**

Commissioner Kramer moved, Commissioner Nei seconded a motion to adjourn the meeting at 8:30 p.m.

On the vote, all members voted AYE. Motion carried.



## REQUEST FOR ACTION ROGERS PLANNING COMMISSION

Meeting Date: December 18, 2018

Agenda Item: No. 5.1

**Subject:** Public Hearing to Consider a Request for a Preliminary Plat for Edgewater Second Addition

**Prepared By:** Amy Patnode, Associate Planner

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### **Recommended Planning Commission Action**

Motion to recommend to the City Council approval of the Preliminary and Final Plat for Edgewater Second Addition.

### **Overview / Background**

On October 9, 2018, the City Council approved a Land Exchange Agreement and a Purchase Agreement (Agreements) with D & M Scherber Family Limited Partnership (Scherbers) and the City of Rogers (City). This agreement allows the City of Rogers to acquire the necessary road rights-of-way to extend Industrial Boulevard from Edgewater Parkway to CSAH 144 (through Hassan Sand and Gravel). The City is required to prepare, apply and record the final plat for Edgewater Second Addition per the Agreements between the City and the Scherbers.

The Applicant has submitted applications for Preliminary Plat and Final Plat on December 6, 2018. The application was deemed complete on December 7, 2018. The 60-day review period per Minnesota Statute §15.99 ends on February 3, 2018.

### **Primary Issues to Consider**

1. Zoning & Land Use
2. Preliminary & Final Plats

### **Analysis of Primary Issues**

1. Zoning & Land Use

The properties that make up Edgewater Second are all currently zoned Single Family Residential. The 2030 Comprehensive plan guides the area as Mid-Density Residential, and the draft 2040 Comprehensive Plan also guides the area as Mid-Density Residential.

Although we are reviewing the preliminary plat of Edgewater Second Addition, we are not verifying *Performance Standards* because we are platting Outlots. Performance Standards are the guiding principles for plat size and dimensions in a specific zoning district. Outlots do not have specific performance standards but the Outlots in Edgewater Second Addition have the ability to meet Mid-Density performance standards based on the size of each Outlot. It's important to note that development cannot occur on these Outlots without an application to rezone and replat the property. The Edgewater Second Addition is not being platted for any type of housing at this time, rather is being platted to accommodate future development and to provide sufficient roads when the Hassan Sand and Gravel operation no longer mines the property.

There will be seven (7) Outlots in the Edgewater Second Addition. The acreage of each lot is listed below.

Outlot A: 20.98 acres. Northeast of the Industrial Boulevard extension.

Outlot B: 27.63 acres. The City owned parcel will become part of this outlot.

Outlot C: 36.77 acres. Consumes Edgewater Outlot J.

Outlot D: 37.45 acres. East of Willandale Road.

Outlot E: 1.06 acres. This area is designated for ponding.

Outlot F: 2.31 acres. The road right of way for CSAH 144 and Industrial Boulevard.

Outlot G: 0.60 acres. Located between CSAH 144 and Crow River.

## 2. Preliminary & Final Plats

A total of seven (7) parcels will be combined to create the Edgewater Second Addition. Currently, the Scherbers own six (6) parcels along Industrial Boulevard, County State Aid Highway (CSAH) 144, and Willandale Road. The City of Rogers owns one (1) parcel located off Industrial Boulevard, which will be part of the Addition. The proposed Edgewater Second Addition is approximately of 126.8 acres and proposes to have seven (7) outlots, labeled Outlots A through G. The City plans to extend Industrial Boulevard to connect to CSAH 144 for future use and needs to acquire the necessary road rights-of-way. The Scherbers previously dedicated right-of-way (ROW) in 2013, but the City is requesting additional ROW.

The additional right-of-way on the Scherber property will be used for ponding, right of way along CSAH 144 and for the Industrial Boulevard extension. The City has approved the exchange of the City owned parcel with the right-of-way on the Scherber property. The City owned parcel is a smaller area than the requested right-of-way; the Scherbers will be compensated for the remaining area per the Land Exchange Agreement. Below is a table that describes the approved exchange of land.

<b>Description</b>	<b>Area (sq. ft.)</b>
Industrial Blvd Extension (after dedicated right-of-way from 2013)	35,702
Right-of-way along CSAH 144	52,426
Ponding area	40,062
<b>Total ROW Dedicated from Scherbers</b>	<b>128,190</b>
City owned parcel being exchanged	-93,648
Excess right-of-way for City to purchase	34,541

The approval the Preliminary and Final Plat request will enable the City of Rogers and the Scherbers the ability to complete the Agreements approved by the City Council on October 9, 2018.

The Planning Commission recommendation for the Preliminary and Final Plat for Edgewater Second Addition will be presented to the City Council at a special meeting on December 26, 2018.

### **Staff Recommendation**

City staff recommends approval of the Preliminary and Final Plat for Edgewater Second Addition.

### **ATTACHMENTS:**

Description

Final Plat

Land Agreement Map

Narrative  
City Owned Parcel



# EDGEWATER SECOND ADDITION

R.T. DOC. NO. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That City of Rogers, a Minnesota municipal corporation; and Dale and Marlene Scherber Family Limited Partnership, a Minnesota limited partnership, fee owners, of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

That part of the Northwest Quarter of Section 15, Township 120, Range 23, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of said Northwest Quarter; thence South 89 degrees 12 minutes 21 seconds East, assumed bearing, along the south line of said Northwest Quarter a distance of 83.06 feet; thence North 20 degrees 31 minutes 20 seconds East 491 .64 feet; thence North 61 degrees 59 minutes 32 seconds West 29.24 feet; thence westerly along a tangential curve concave to the south, radius 940.00 feet, central angle 15 degrees 16 minutes 10 seconds, 250.51 feet to the west line of said Northwest Quarter; thence South 00 degrees 27 minutes 56 seconds East along the west line of said Northwest Quarter and along a line not tangent to said curve a distance of 559.99 feet to the point of beginning.

ALSO:

That part of the North ¾ of the Northeast ¼ of Section 16, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Commencing at the intersection of the West line of the Northeast ¼ of Section 16 and the center line of Hennepin County State Aid Highway No. 144, Plat 52, according to the plat thereof on file or of record in the office of the County Recorder in and for said County; thence Northeasterly along said centerline 141.87 feet to the actual point of beginning of the land to be herein described; thence continue along said center line 135.46 feet to a point of tangency in said center line; thence North 44 degrees 20 minutes 08 seconds East along said center line a distance of 15.00 feet; thence South 45 degrees 39 minutes 52 seconds East a distance of 1689.24 feet to the South line of said North ¾; thence South 89 degrees 27 minutes 17 seconds West along the South line of said North ¾ a distance of 714.34 feet to its intersection with a line bearing South 29 degrees 07 minutes 27 seconds East from the actual point of beginning; thence North 29 degrees 07 minutes 27 seconds West 1243.44 feet to the actual point of beginning.

ALSO:

That part of the North Three-fourths of the Northeast Quarter (N ¾ NE ¼) in Section Sixteen (16), Township One Hundred Twenty (120), Range Twenty-three (23), Hennepin County, State of Minnesota, described as follows:

Beginning at the intersection of the West line of the Northeast Quarter (NE ¼) and the center line of County Highway, No. 144; thence Northeasterly along said center line a distance of 141.87 feet; thence South 29 degrees 07 minutes 27 seconds East a distance of 1243.44 feet to South line of said North Three-fourths (N ¾); thence South 89 degrees 27 minutes 17 seconds West along said South line 715 feet to the Southwest corner of said North Three-fourths (N ¾); thence North 0 degrees 25 minutes 30 seconds West along the West line thereof a distance of 1013.45 feet to the point of beginning, excepting road.

ALSO:

That part of the NE ¼ Section 16, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Commencing at the intersection of the West line of NE ¼ of Section 16 and the center line of Hennepin County State Aid Highway No. 144, Plat 52, according to the plat thereof on file or of record in the office of the County Recorder and for said County; thence Northeasterly along said centerline 277.33 feet to a point of tangency in said center line; thence North 44 degrees 20 minutes 08 seconds East along said center line a distance of 15.00 feet to a point hereinafter referred to as "Point A"; thence continue North 44 degrees 20 minutes 08 seconds East along said center line 569.29 feet; thence South 45 degrees 39 minutes 52 seconds East 800.00 feet to the actual point of beginning of the land to be described; thence South 45 degrees 39 minutes 52 seconds East 1462.30 feet to the South line of the North ¾ of said NE ¼; thence South 89 degrees 27 minutes 17 seconds West along said South line 806.77 feet to its intersection with a line bearing South 45 degrees 39 minutes 52 seconds East from the aforementioned "Point A"; thence North 45 degrees 39 minutes 52 seconds West 894.23 feet to the intersection with a line bearing South 44 degrees 20 minutes 08 seconds West from the actual point of beginning; thence North 44 degrees 20 minutes 08 seconds 569.29 fed to the actual point of beginning.

ALSO:

That part of the East Half of the Northwest Quarter (E ½ NW ¼) lying Southerly of 141st Avenue North, AND that part of the East Half of the Northwest Quarter (E ½ NW ¼) described as beginning at the intersection of the East line of the West 530 feet thereof and the shore of the Crow River; thence South along said East line to the center line of 141st Avenue North; thence Northeasterly along said center line to a point 250 feet Southwesterly as measured along said center line from its intersection with a line parallel with and 100 feet Southwesterly from a line running North 42 degrees 37 minutes West from a point in said center line distant 174.65 feet Southwesterly as measured along said center line from the East line of the Northwest Quarter (NW ¼); thence North 42 degrees 37 minutes West to the shore of the Crow River; thence Southwesterly along said shore to point of beginning, except roads; all in Section Sixteen (16), Township One Hundred Twenty (120), Range Twenty-three (23), Hennepin County, State of Minnesota.

ALSO:

Outlot I, EDGEWATER ADDITION, Hennepin County, Minnesota.

ALSO:

Outlot J, EDGEWATER ADDITION, Hennepin County, Minnesota.

Containing in all, 131.03 acres, more or less.

Have caused the same to be surveyed and platted as EDGEWATER SECOND ADDITION, and do hereby dedicate to the public for public use forever the public way, and do also dedicate the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said City of Rogers, a Minnesota municipal corporation, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Rogers

By: \_\_\_\_\_, as \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ of City of Rogers, a Minnesota municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Minnesota      Notary Printed Name  
My Commission Expires \_\_\_\_\_

In witness whereof said Dale and Marlene Scherber Family Limited Partnership, a Minnesota limited partnership, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dale and Marlene Scherber Family Limited Partnership

By: \_\_\_\_\_, as \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ of Dale and Marlene Scherber Family Limited Partnership, a Minnesota limited partnership, on behalf of the partnership.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Minnesota      Notary Printed Name  
My Commission Expires \_\_\_\_\_

I Kyle L. Klasen do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this Plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Kyle L. Klasen, Licensed Land Surveyor,  
Minnesota License No. 44606

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Kyle L. Klasen, a Licensed Land Surveyor.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Minnesota      Notary Printed Name  
My Commission Expires \_\_\_\_\_

## ROGERS, MINNESOTA

This plat of EDGEWATER SECOND ADDITION was approved and accepted by the City Council of Rogers, Minnesota, at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30-day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

City Council, Rogers, Minnesota

By: \_\_\_\_\_ Mayor      By: \_\_\_\_\_ Clerk

## RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20\_\_\_\_ and prior years have been paid for land described on this plat, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mark V. Chapin, County Auditor

By: \_\_\_\_\_, Deputy

## SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chris F. Mavis, County Surveyor

By: \_\_\_\_\_

## REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of EDGEWATER SECOND ADDITION was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

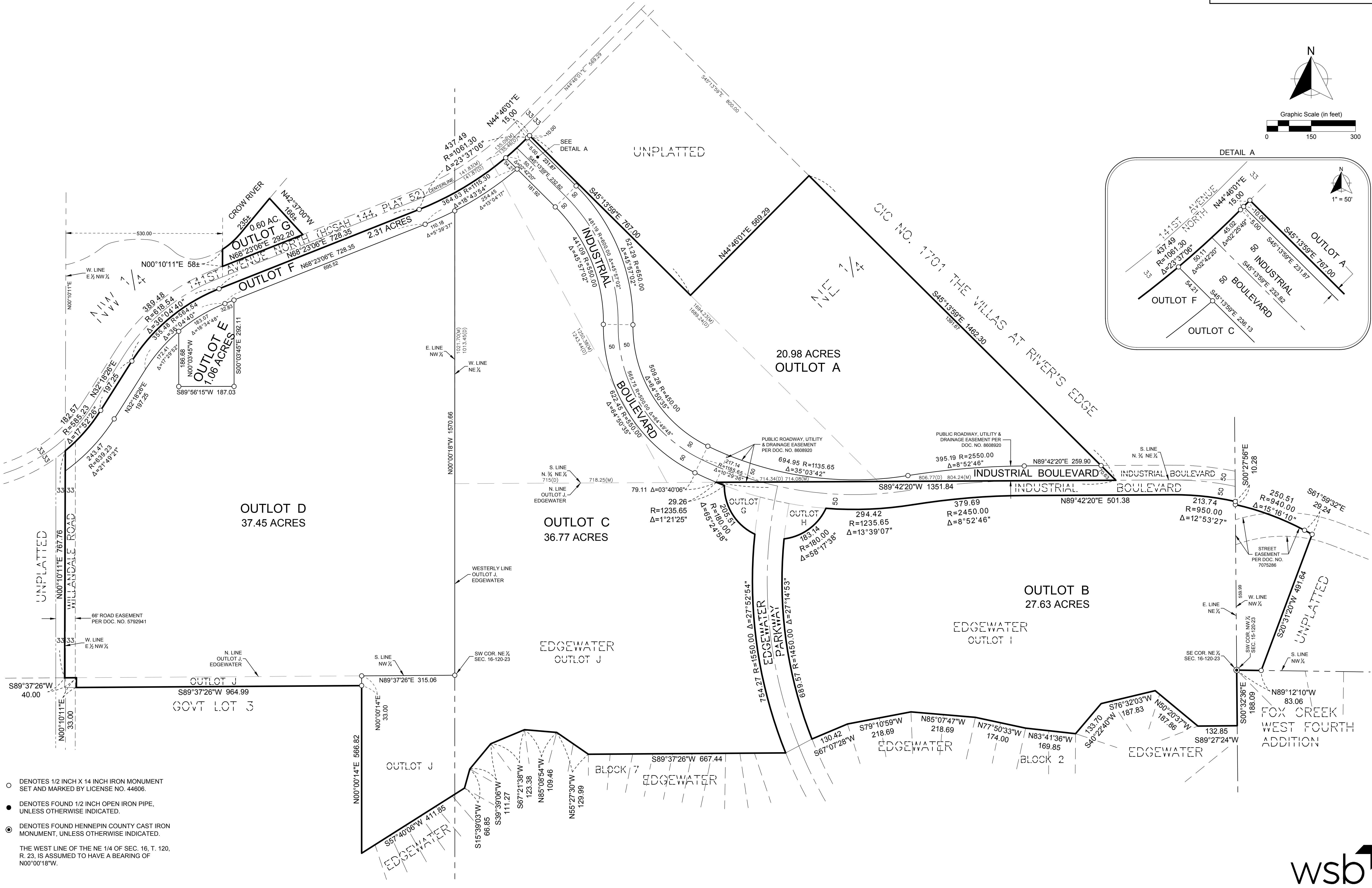
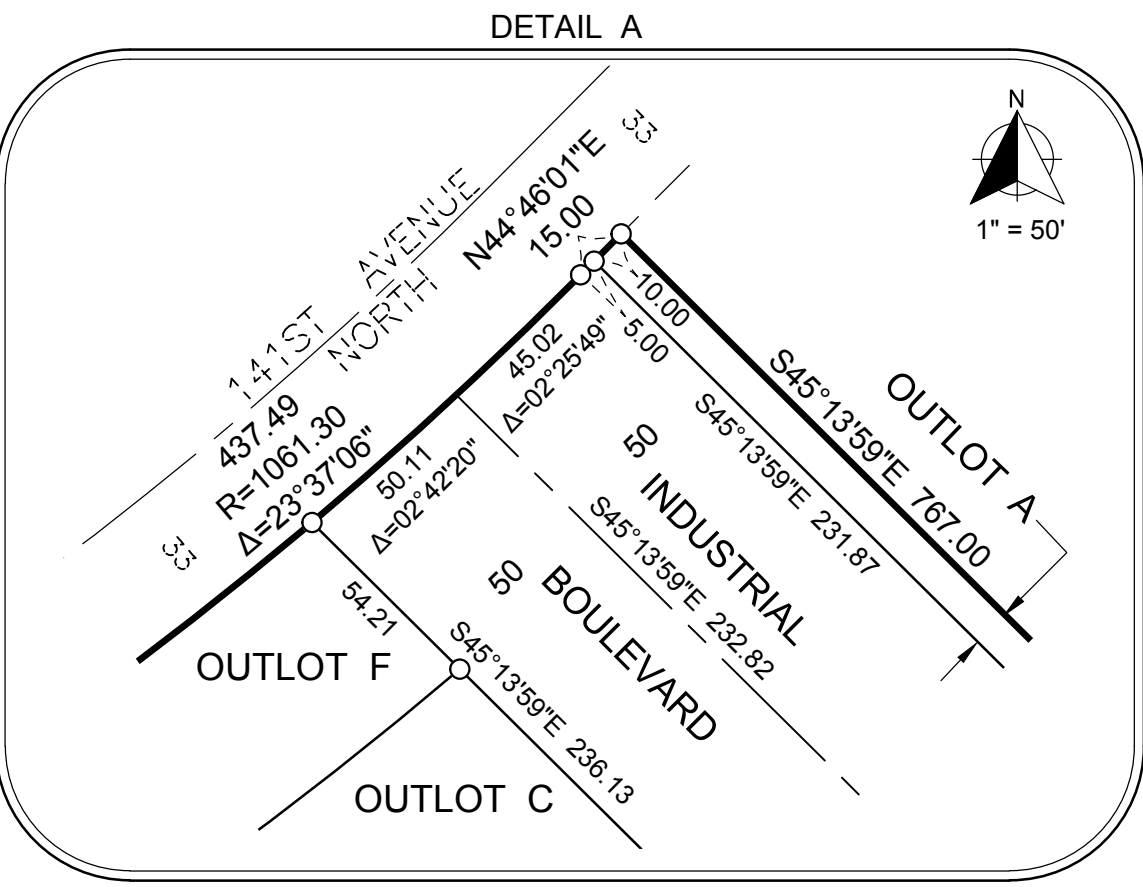
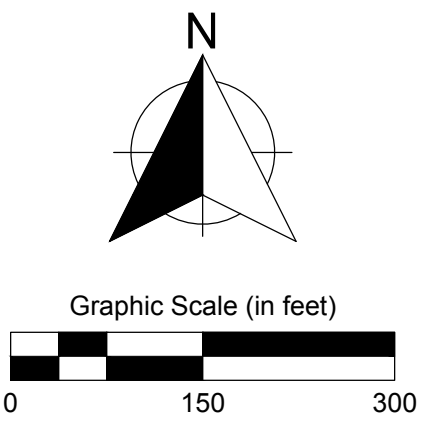
Martin McCormick, Registrar of Titles

By: \_\_\_\_\_, Deputy



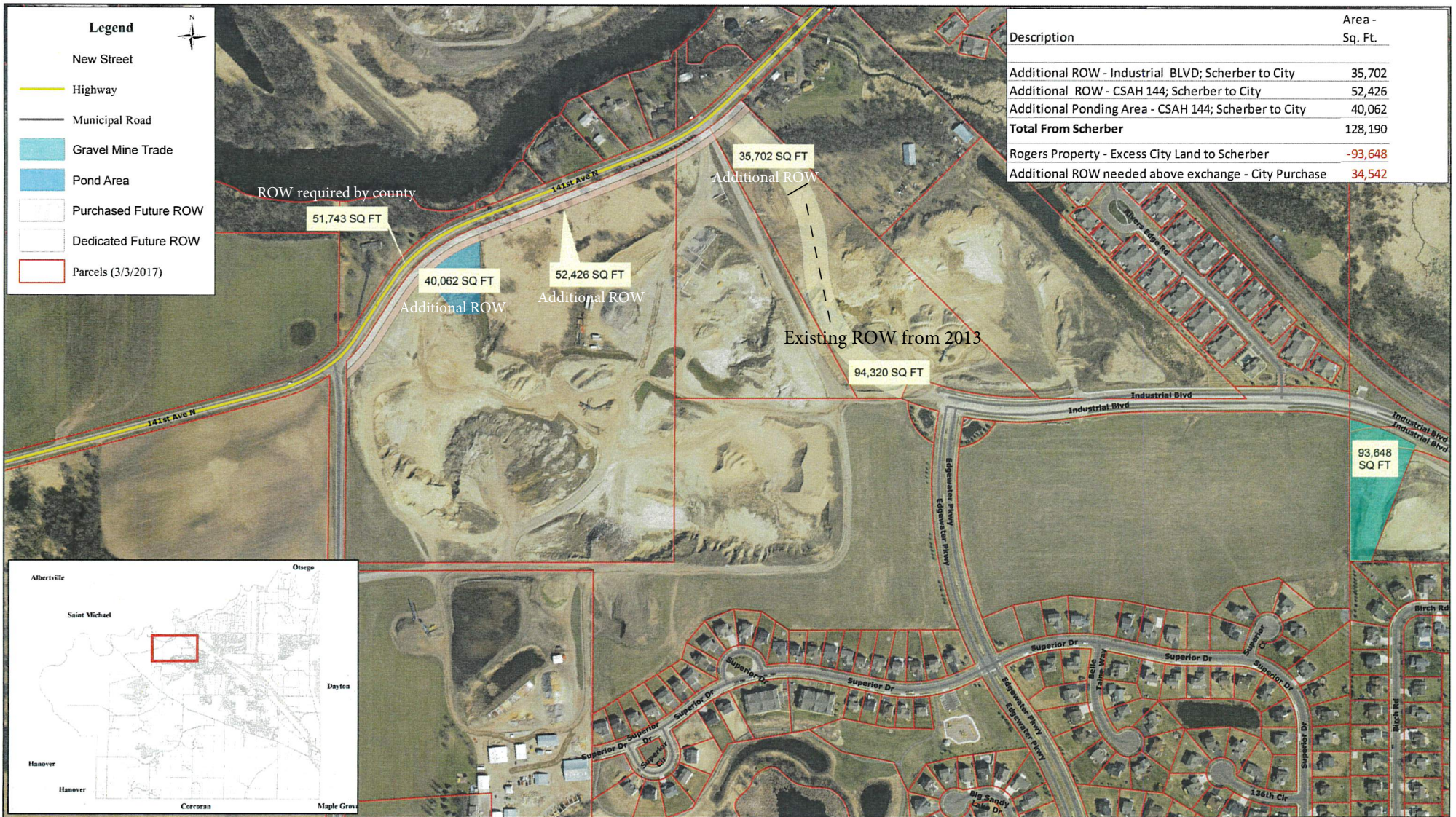
EDGEWATER SECOND ADDITION

R.T. DOC. NO. \_\_\_\_\_



○ DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 44606.  
● DENOTES FOUND 1/2 INCH OPEN IRON PIPE, UNLESS OTHERWISE INDICATED.  
⊙ DENOTES FOUND HENNEPIN COUNTY CAST IRON MONUMENT, UNLESS OTHERWISE INDICATED.  
THE WEST LINE OF THE NE 1/4 OF SEC. 16, T. 120, R. 23, IS ASSUMED TO HAVE A BEARING OF N00°00'18"W.





## Overview and Calculations

0 250 500 1,000 Feet

### **Final Plat Application Project Narrative**

Applicant Name: City of Rogers

Location of Plat: Industrial Blvd PIDs (1512023230008, 1612023140015, 1612023130007, 1612023240006, 1612023130003, 1612023130002, 1612023140002)

Proposed Plat Name: Edgewater Second Addition

Currently, D & M Scherber Family Limited Partnership "Hassan Sand and Gravel" owns several parcels along Industrial Blvd, CSAH 144, and Willandale Road in Rogers. The City of Rogers "Rogers" plans to extend Industrial Blvd to connect to CSAH 144 in the future and needs to acquire the necessary road rights-of-way. Pursuant to the terms of a Purchase Agreement between Hassan Sand and Gravel and the City of Rogers, Hassan Sand and Gravel agreed to dedicate 51,742 square feet of property as ROW to the City. The City agreed to vacate 15,773 square feet of excess ROW and combine with the existing City owned parcel (PID No. 15-120-23-23-0008). The City also agreed to attach the City owned parcel (PID No. 15-120-23-23-0008) to existing Scherber owned parcel (PID No. 16-120-23-14-0015), which is represented by the proposed OUTLOT B of the EDGEWATER SECOND ADDITION PLAT.

At this time there are no requests to rezone any of the properties to facilitate development and the proposed plat provides the necessary ROW for the construction of the Industrial Blvd Extension to CSAH 144.





Industrial Blvd

Edgewater

Edgewater



## REQUEST FOR ACTION ROGERS PLANNING COMMISSION

Meeting Date: December 18, 2018

Agenda Item: No. 5.2

**Subject:** Public Hearing to Consider a Request for a Variance to Exceed the Allowable Amount of Square Footage for a Detached Accessory Structure

**Prepared By:** Amy Patnode, Associate Planner

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### **Recommended Planning Commission Action**

This agenda item is tabled until January 15, 2019, pending receipt of all necessary items are submitted for review and consideration of the variance request.

### **Overview / Background**

Keith Ouellette (Applicant) has submitted a land use application requesting a variance to exceed the allowable square footage of the detached accessory structure by two hundred sixteen (216) square feet. The property is located at 12023 Tucker Road (Subject Property). The Applicant is proposing to construct a lean-to on the east side of the existing shed on the property. This lean-to is intended to store a horse trailer.

The application for the variance was submitted by the Applicant on December 3, 2018. Staff is requiring the Applicant to submit a lot survey to confirm the distance from the existing detached accessory structure to properties lines and road right of way.

### **Primary Issues to Consider**

1. Land Use and Zoning
2. Accessory Structure Standards
3. Site Plan
4. Criteria for Granting Approval

### **Analysis of Primary Issues**

1. Land Use and Zoning

The Subject Property is a single family residence, located on 4.65 acres and has two road frontages; Trail Haven Road and Tucker Road. The property is zoned Rural Estate 5 acre (RE-5). The 2030 Comprehensive Plan established the underlying land use designation as Rural Preservation 5-acre. Detached accessory structures are permitted in the RE-5 zoning district [§125-191 (c)(1)].

***The type of use is allowed by both the Comprehensive Plan and Zoning.***

2. Accessory Structure Standards

The Subject Property is considered a corner lot because it is bordered on at least two (2) adjacent sides

by streets [§121-1]. The Applicant plans to locate the lean-to on the existing shed which is in the side yard. Larger setbacks will if the side yard abuts a public street, therefore locating a structure on the property when abutting to a road right-of-way will cause larger setbacks than if the side yard did not abut a public street. Setbacks for detached accessory structures that are located within the side yard which abut public streets shall meet principle building setback requirements of the applicable zoning district [§125-323 (g)(2)]. The property is located in the RE-5 zoning district and the front yard setback is 50 feet [§125-191 (f)(2)]. The previous property owner had approval from Hassan Township to construct the existing detached accessory structure within the side yard setback of 20 feet, versus the 50 feet that is required today. The Applicant is not requesting a variance to the side yard setback. The proposed location for the lean-to is on the back half of the shed. This leaves 50 feet from the proposed addition to the property boundary.

Detached accessory structures in the RE-5 zoning district has a maximum square footage of 1,700 square feet for properties with 4.00-4.99 acres of land [§125-323 (11)]. Lean-tos, car ports, and open wall structures are to be included in the calculation of total square feet, except gazebos [§125-323 (5) (c)].

### 3. Site Plan

All residential properties in RE-5 developments are required to have their own well and septic. The well on the Subject Property is located to the north of the house, while the septic and tanks are the south of the home. The existing detached accessory structure is to the northeast of the home and the proposed lean-to is away from the well and septic and on the south east side of the existing shed.

The existing detached accessory structure on the property is 1,440 square feet, the proposed detached accessory structure (lean-to) is 476 square feet. The proposed addition would exceed the allowed amount by 216 square feet. Alternatively, the Applicant was using a 'hoop' like structure that was attached the horse trailer on the property to deter harsh winter elements. Those types of structures are not allowed in the City. Staff would prefer a permanent structure for the horse trailer to be stored in.

The detached accessory structure will match the exterior materials of the existing detached accessory structure (steel) [§125-323 (e)(5)]. The side wall heights are proposed to be eleven (11) feet.

### 4. Criteria for Granting Variances

The Planning Commission shall make findings of fact that the proposed variance are pursuant, but not limited to the following considerations [§125-58(a)]:

- (1) Variances shall only be permitted when they are in harmony with the general purpose and intent of city code and consistent with the comprehensive plan.
- (2) Variances may only be permitted when the applicant establishes that there are non-economic practical difficulties in complying with the zoning ordinance, meaning the property owner proposes to use the lot or parcel in a reasonable manner not permitted by the zoning code.
- (3) The plight of the property owner must be due to circumstances that are unique to the lot or parcel and is not created by the property owner.
- (4) The variances must not alter the essential character of the locality including all zoning district and overlay district provisions.

The requests are dealt with on its own merits. The Planning Commission should consider if these requests meet the variance criteria listed above.

**Staff Recommendation**

Staff has pulled this application at this time, rescheduling it for the January 15, 2019 Planning Commission meeting, pending receipt of all materials necessary to complete review of the application request.