

CITY OF WILLMAR

**BOARD OF ZONING APPEALS MEETING
5:15 P.M. ON WEDNESDAY, SEPTEMBER 30, 2020
VIRTUAL
GOTO MEETING**

Chair: Christopher Frank

Vice Chair: Dan Reigstad

Members: Andrew Engan, SanDawna Gualman Ashley, and Josh Monson

AGENDA

1. Call the meeting to order
2. RC Investments Garage Setback Variance
3. Miscellany
4. Adjourn

NOTICE OF HEARING ON AN APPEAL FOR A VARIANCE

Notice is hereby given that the City of Willmar Board of Zoning Appeals will meet on Wednesday, September 30, 2020, at 5:15 p.m. virtually via GoTo Meeting to conduct a public hearing to hear reasons for and against a variance requested by RC Investment, LLC of Willmar, MN, for a 0' side yard setback for a garage with an existing foundation, on property described as follows: Part of Lot 2: Beginning 125 feet North of the Southeast corner, then North 50 feet, West 150 feet, South 50 feet, then East 150 feet to the beginning, Block 7, Thorpe & Lien's Addition to the City of Willmar (511 12th St NW). Being requested is a variance from SECTION 3.E. of the City of Willmar Zoning Ordinance which establishes accessory buildings/structures setbacks to be no closer than five (5) feet from the side or rear lot lines.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing. Due to the COVID-19 health pandemic & local and state emergency declarations, interested parties may participate via GoTo Meeting or be represented by counsel to be heard on this matter. To participate in the public hearing, please connect via internet at <https://global.gotomeeting.com/join/551641021> or via phone at (408) 650-3123, access code 551-641-021. The Planning Commission meeting agenda and packet (including a specific map) can be found on the Calendar on the home page of the City's website (www.willmarmn.gov).

September 15, 2020
Date

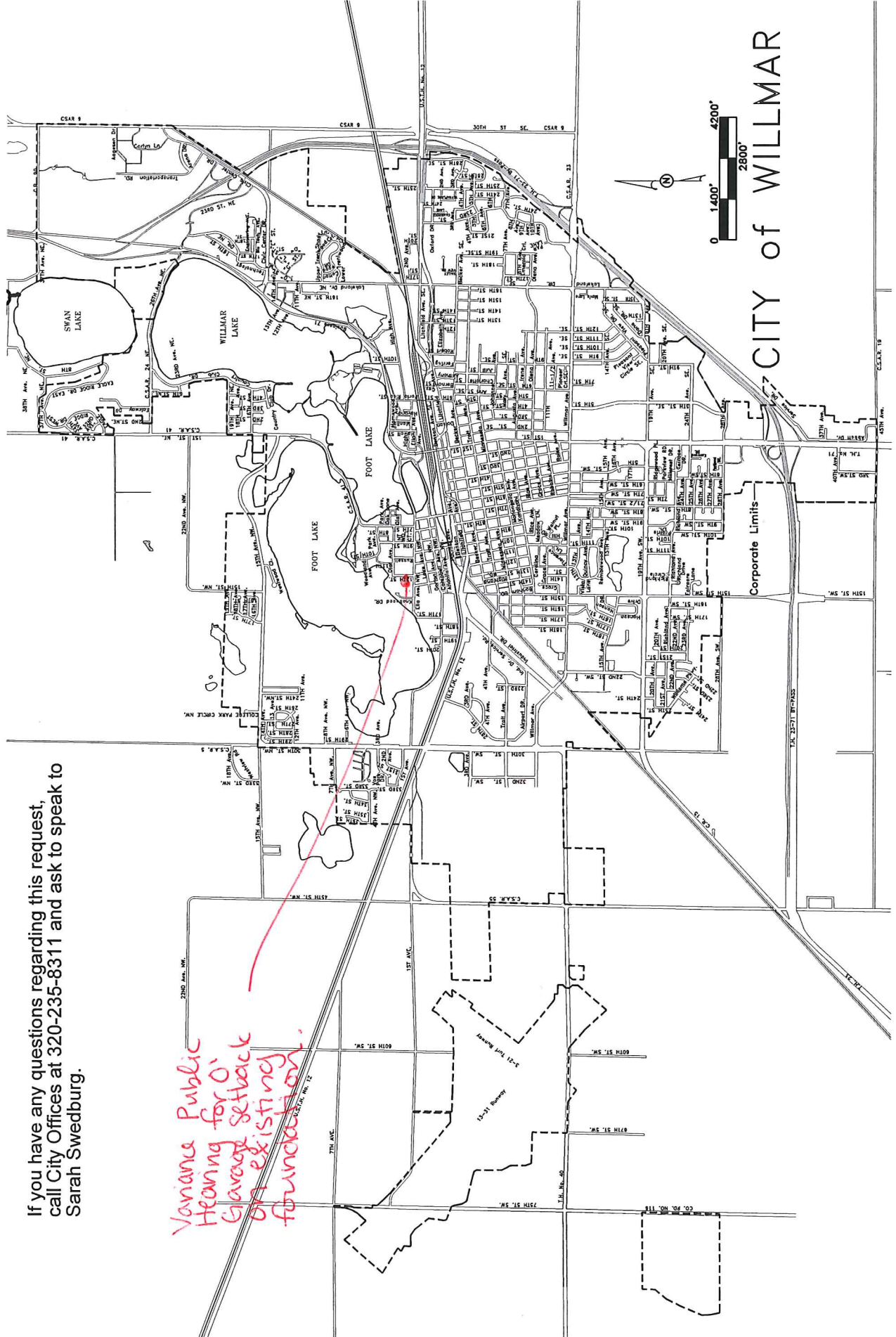
Sarah J. Swedburg
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

If you have any questions regarding this request, call City Offices at 320-235-8311 and ask to speak to Sarah Swedburg.

Vanana Public Hearing for 0' Gravel setback on existing foundation.



CITY of WILLMAR

LEBON LLC 95-820-1320

JENSEN/RICHARD J & LAURA L
95-820-1390

95-820-1370
MCQUEEN/MICAH F
Willmar

95-820-1360

95-820-1350
RO INVESTMENTS, LLC

95-820-1340
PELKEY/ROBERTA & TERESA A

PEARSON/EUNICE
95-820-1330

12th St NW

95-820-1195
CITY OF WILLMAR

Ella Ave NW

BOARD OF ZONING APPEALS - SEPTEMBER 30, 2020

STAFF COMMENTS

1. RC INVESTMENTS GARAGE SETBACK VARIANCE - FILE NO. 20-02:

- The applicant is RC Investments of Willmar, MN.
- The applicant requests to allow a side yard setback of 0' for a detached garage with an existing foundation on property described as follows: Part of Lot 2: Beginning 125 feet North of the Southeast corner, then North 50 feet, West 150 feet, South 50 feet, then East 150 feet to the beginning, Block 7, Thorpe & Lien's Addition to the City of Willmar (511 12th St NW).
- The Zoning Ordinance section 3.E.2 states that "Accessory buildings/structures in the rear yard of a residential lot shall be located no closer than five (5) feet from the side or rear lot line."
- The property is zoned R-2 (One- and Two-Family Residential).
- The applicant is the property owner.
- No other accessory structures currently exist on the property & there are no attached garages.
- The variance is being requested along the north property line to allow for the reconstruction of the garage on the existing foundation. The original size will remain.
- The lot is in an older part of town & is only 50' wide. It does not meet current Zoning Ordinance minimum lot size requirements. Additionally, the backyard topography poses physical relocation challenges.
- Maple Street Construction originally applied for a building permit to simply fix a few of the walls that were compromised. However, after opening up the walls, it became apparent that the original garage was built in a peculiar fashion & the original structure could not be saved due to Building Code restraints.
- The original foundation and driveway remain. The foundation size will not be altered.

RECOMMENDATION: Review variance standards in Section 9.D.3.a.1-4 to examine practicable difficulties, reasonableness, uniqueness, and essential character.

If approved, Staff recommends the following conditions:

- A. A new building permit application shall be submitted to and approved by the Building Inspector prior to construction.

A variance shall be granted only if it is established that it is in harmony with the general purpose and intent of this Ordinance, that it is consistent with the Comprehensive Plan, and that there are practical difficulties in carrying out the strict letter of the provisions of this Ordinance. The Board of Zoning Appeals shall make the following affirmative findings before determining that practical difficulties exist:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
2. The plight of the landowner is due to unique circumstances not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. The variance, if granted, will not be detrimental to nor endanger the public welfare.

Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Variances shall be granted for earth sheltered construction as defined in Minn. Stat. § 216C.04, subd. 14, when in harmony with this Ordinance. The Board of Zoning Appeals may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The Board of Zoning Appeals may permit as a variance the temporary use of a one family dwelling as a two family dwelling. Variances from the provisions of this Ordinance shall otherwise be granted by the Zoning Board of Appeals only in accordance with the preceding provisions, and may be granted only in the following instances:

1. To vary the applicable lot area, lot width, and lot depth requirements.
2. To vary the applicable bulk regulations, including maximum height, lot coverage, floor area ratio, and minimum yard requirements.
3. To vary the applicable off-street parking and loading requirements.
4. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures.

If you have any specific questions regarding the request, call City Offices at (320)235-8311 and ask to speak to Sarah Swedburg, City Planner.