

Planning Memorandum

To: Sunfish Lake Planning Commission

From: Lori Johnson, City Planner

Date: June 15, 2023

Re: **2144 Charlton Road – Minor Site Plan Review and Variance**
WSB Project No. 022540-000
SFL No. 04-2023

GENERAL INFORMATION

Applicant: Patrick Mackey, Mackey Malin Architects

Property Owner: John Prange

Project Location: 2144 Charlton Road – PID 381330001030

Acreage: 2.72 acres

Existing Land Use: Single-Family Residential

Zoning: Zoned R-1 within Shoreland Overlay District

Surrounding Land Use / Zoning: Surrounded by Single Family Homes/R-1 Zoning

Comprehensive Plan: The City of Sunfish Lake (2040) Comprehensive Plan guides this property for Rural Residential land use.

Deadline for Agency Action:	Application Date:	04-28-2023
	60 Days:	07-14-2023
	Extension Letter Mailed:	n/a
	120 Days:	n/a

Attachments: Location Map
Aerial
Resubmittal Letter
Variance Statement
Site Plan (2)
Grading and Erosion Control Plans
Architectural Renderings

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

Patrick Mackey of Mackey Malin Architects, on behalf of John Prange who is the property owner at 2144 Charlton Road, has made an application for a Minor Site Plan Review and Variance to allow for approval to construct an addition to an existing attached garage. The proposed addition would be on the northeast corner of the existing attached garage, and it is to be used as a third stall of garage space (there is currently a two-stall garage on site). The size of the proposed garage addition is 389 square feet. The proposed addition would require a 30-foot 1 inch variance to reduce the side yard setback on the east lot line from 50 feet to 19 feet and 11 inches. Staff notes that the setback between the existing garage and eastern property line is 33 feet 1 inch, and therefore is an existing non-conformity.

The Zoning Ordinance requires that every building expansion in the City under 1,000 square feet obtain minor site/building plan approval. Minor site/building plan approval generally allows for an administrative approval process with notification of the City Council and adjacent property owners. Due to the fact that a variance is required with this garage addition, the public process of the variance is being adhered to, but minor site and building plan approval is still required due to the size of the addition.

Setbacks: The proposed garage addition is set back from the front property line at a distance greater than what is required by the ordinance. Rear and western side setbacks are greater than what is required by the ordinance. The proposed addition is 19 feet and 11 inches away from the eastern property line. This is 30 feet and 1 inch less than the required minimum setback of 50 feet. Please note that the existing setback in this location is 33 feet 1 inch. The setback from the Ordinary High Water Mark is 200 feet 2 inches, and this meets the 200 foot setback requirement in the Shoreland Overlay District.

Impervious Surface and Building Coverage: The total proposed impervious surface coverage for the lot on which the home is to be located is 10.8%. The total impervious surface coverage allowed is 30% and this plan meets this requirement.

The total building coverage allowed on the lot cannot be greater than 10% per ordinance requirements. The building coverage on the home lot is 4.1% which meets ordinance requirements.

Size: The addition that is being constructed is 389 square feet.

Exterior Elevations and Height: Black and white renderings have been provided for the new addition, and the addition matches the existing exterior architecture of the home. The overall height of the addition matches and does not exceed the height of the existing home.

Tree Preservation/Landscaping: No trees will be impacted by this development though there is some concern with the 30-inch oak tree adjacent to the garage on the east side of the site. The applicant has met with the City Forester and has contacted tree care specialists to determine what methods can be used to save this large tree. The applicant will take into account their recommendations for tree protection as construction progresses.

DNR Approval. The Minnesota DNR Area Hydrologist was notified of the proposed request.

Site Plan Review Criteria

The Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision on major projects, shall evaluate the effects of the proposed site and building plans according to the criteria below:

1. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
2. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
3. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.
4. Whether the proposed improvements will not materially adversely affect any natural resources in the community, except when there is no feasible and prudent alternative to the proposed location of the improvements. For purposes of this clause, "natural resources" shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, historical, scenic and aesthetic resources.
5. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
6. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of this Ordinance.
7. Whether the proposed site and improvements are consistent with the purposes of the zoning ordinance.

Additional Shoreland Overlay Evaluation Criteria

A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site shall be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
2. The visibility of structures and other facilities as viewed from public waters is limited.
3. The site is adequate for water supply and on-site sewage treatment.
4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.

Variance Review Criteria

In considering all requests for a variance and in taking subsequent action, the Planning Commission and the Council shall make a finding of fact that the proposed action will not:

1. Impair an adequate supply of light and air to adjacent property.

2. Unreasonably increase the congestion in the public street.
3. Have the effect of allowing any district uses prohibited therein, permit a lesser degree of flood protection than the flood protection elevation for the particular area, or permit standards which are lower than those required by State law.
4. Increase the danger of fire or endanger the public safety.
5. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Title.
6. Violate the intent and purpose of the Comprehensive Plan.
7. Violate any of the terms or conditions of Item 2, below.

Variances/Practical Difficulties

The applicant has provided a narrative that outlines reasoning in support of granting the 30' 1" variance to the side setback. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

1. Practical difficulties will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district. *The practical difficulty in this situation is that of existing lot shape/size and the nonconformity of the current east side yard setback. The house/garage were constructed prior to the ordinance requirements being established. The homeowners cannot reasonably enjoy the use of the home without the addition of a third stall of the garage, which is typical of today's development standards.*
 - a. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property. *The existing house pre-dates the City zoning code and is closer to the property line (33'1") than the current required 50' side yard setback. It is not possible to add onto the opposite side of the garage as it would obstruct the front entry and cover the house's well.*
 - b. Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature if a reasonable use of the property exists under the terms of this Title. *A 3-car garage for personal residential use is common in the surrounding area.*
 - c. Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel. *This parcel is not vacant and the applicant is trying to work within the existing ordinances to the greatest extent possible.*
2. Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner. *Compliance with the ordinance would deprive the owner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, and the property cannot be put to a reasonable use (three stall garage) without a variance. A similar variance was granted for a third stall garage setback in late 2022.*

3. The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant. *The homeowners purchased the home many years ago and they are now wanting to increase the livability of the home by adding a third stall garage. They were not responsible for the original construction.*
4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions. *No special privilege would be gained by building a garage similar to those in the area. There are other nonconforming structures with three car garages in the area.*
5. The request is not a use variance. *This is not a use variance.*
6. The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant. *The applicant has worked to maximize the setback to the extent possible while still being able to construct a 3-stall garage.*
7. The request does not create an inconvenience to neighboring properties and uses. *The property adjacent to the proposed addition has vegetative and built screening in place. The house on the adjacent property is approximately 430 feet from the proposed addition.*
8. The variance requested is in harmony with the purpose and intent of the Ordinance. *Staff finds this to be true of the requested variance.*
9. The variance requested is consistent with the Comprehensive Plan. *Staff finds this to be true of the requested variance.*
10. The variance requested will not alter the essential character of the locality. *Staff finds this to be true of the requested variance.*

The information provided in this staff report and on the proposed plans indicate that all above criteria have been met for major site and building plan approval, variance approval and shoreland considerations. In addition, all necessary criteria have been met for the variance request. No public comments have been received as of the date of the staff report publication.

RECOMMENDATION

Based on the foregoing considerations and applicable ordinances, staff recommends approval of the minor site and building plan review and setback variance for a garage addition subject to the following findings of fact and conditions of approval:

Findings of Fact:

1. The location of the subject property is as follows:
2144 Charlton Road
SUNFISH LAKE, MN 55077
2. The planning report dated June 15, 2023, prepared by WSB is incorporated herein by reference.
3. The Applicant has submitted an application for a minor site and building plan review and a variance request.

4. Requests for major site and building plan review and variances require Planning Commission review and City Council approval.
5. Notices for public hearings regarding requests on lots within the Shoreland Overlay district must be sent to the Department of Natural Resources.
6. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan approval at the June 15, 2023 Planning Commission meeting.
7. Upon review of the planning report and application information, the Planning Commission found that the proposed site and building plan meets Ordinance requirements. The following findings support the Planning Commission's recommendation for approval of the site and building plan and variance:

Variance of 30 feet and 1 inch to the 50 feet side yard setback requirement

- a. The practical difficulty in this situation is that of existing lot shape/size and the nonconformity of the current east side yard setback. The homeowners cannot reasonably enjoy the use of the home without the addition of a third stall of the garage, which is typical of today's development standards.
- b. The existing house pre-dates the City zoning code and is closer to the property line (33'1") than the current required 50' side yard setback.
- c. The applicant has worked to maximize the setback to the extent possible while still being able to construct a 3-stall garage. It is not possible to add onto the opposite side of the garage as it would obstruct the front entry and cover the house's well.
- d. The addition of a third stall to the garage is a reasonable use of the property given the nature and types of garages in the surrounding area.
- e. Compliance with the ordinance would deprive the owner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, and the property cannot be put to reasonable use (3-stall garage) without a variance.
- f. This is not a use variance
- g. The variance is in harmony with the purpose and intent of the ordinance, is consistent with the comprehensive plan, and will not alter the essential character of the locality.

Major Site and Building Plans:

- a. The proposed improvements meet R-1 and Shoreland Overlay District requirements and standards.
- b. The proposed development addresses Ordinance requirements pertaining to grading, drainage and stormwater management, landscaping, and screening.
- c. The proposed home meets Ordinance requirements pertaining to building size, and material use.
- d. The development meets other applicable Zoning Ordinance criteria.

Conditions of Approval:

1. Construction of the garage and all improvements shall occur in substantial conformance with the plans recommended for approval at the June 15, 2023, Planning Commission meeting.
2. The applicant must obtain all other permits as may be required.
3. The applicant shall comply with all applicable federal, state, and local laws, rules and ordinances.
4. The applicant must adhere to and remain in compliance with the requirements of this Resolution, applicable performance standards, and such other requirements as may apply.
5. Staff will need to perform an inspection of the installed erosion controls and tree protection before any construction activities begin on site.