

CALL TO ORDER

Vice Chair Peterson-Biorn called the Regular Meeting of the City of Rockford Planning and Zoning Commission to order on Thursday, May 23, 2019 at 7:01 p.m. The meeting was held in the Council Chambers of City Hall, 6031 Main Street, Rockford, MN.

ROLL CALL

Roll call was taken, and the following members were present: Petersen-Biorn, Morter and Sand. The following members were absent: Cihlar and Werman. Also, in attendance, Planner Scott Richards and Deputy Clerk Etzel.

PUBLIC HEARING – Variance Request -6430 Maple Street

Planner Richards explained, Timothy and Jacqueline Gilder own the property at 6430 Maple Street. The property is zoned R-1, Single Family Residence District. The property is developed with a single-family dwelling and two detached accessory buildings. Mr. and Ms. Gilder are proposing to demolish the detached garage that is adjacent to the house accessed from a driveway to Maple Street. This detached garage is a legal non-conforming structure as it is within the required front yard setback from Maple Street and is closer to the right-of-way than the front line of the house. In order to rebuild a new detached garage at the same location as the existing structure, a variance is required. Mr. and Ms. Gilder have applied for a variance and a public hearing to consider the request has been noticed for the Planning Commission meeting on 23 May 2019 at 7:00pm.

ANALYSIS

Section 1001.07, Subd. 4 of the Zoning Ordinance regulates accessory buildings for residential uses:

- Section 1001.07, Subd. 4. A of the Zoning Ordinance requires that no accessory building be located within a required front yard or be placed in front of the front line of the principal building. The required front yard setback within the R-1 District is 30 feet. Wright County GIS information indicates that the house is setback approximately 10 feet from the front property line and the detached garage that is to be replaced is setback approximately 5 feet from the front property line. The property owner will be required to provide a certificate of survey with application for a building permit to demonstrate the exact location of the proposed detached garage.

Wright County GIS information indicates that there is a steep slope crossing the width of the lot approximately 35 feet back from the front lot line with an elevation change of more than 10 feet. The steep slope creates a practical difficulty in constructing the proposed detached garage at a location that is setback 30 feet from the front lot line and not closer to the front lot line than the house. The physical condition of the property meets the criteria for approval of a variance as outlined by Section 1001.03, Subd. 4.A.1 of the Zoning Ordinance.

Maple Street terminates at the entrance to the cemetery to the northeast of the property. Placement of the proposed detached garage at the same location as the existing structure will not impede traffic visibility along the roadway.

There are other buildings on this section of Maple Street between Plum Street and the cemetery that are within the required 30-foot front yard setback. Approval of a variance to allow construction of the proposed detached garage at the same location as the existing structure will not be incompatible with the character of the neighborhood.

- There is no limit on the number of accessory buildings allowed.
- The area of any accessory building cannot exceed 1,000 square feet in accordance with Section 1001.07, Subd. 4.E The proposed detached garage is to be 32 feet by 26 feet or 832 square feet. The proposed building complies with the area limit of the Zoning Ordinance.
- Section 1001.12, Subd. 7.A of the Zoning Ordinance limits impervious surface coverage within lots zoned R-1 District to 30 percent. The property consists of two lots divided by abandoned public right-of-way. We estimate the impervious surface coverage of the lot upon which the house, existing south detached garage, and proposed garage are to be located to be 22 percent. The impervious surface within the site will comply with the Zoning Ordinance upon construction of the proposed detached garage.
- The height of the accessory building must be 15 feet or less (measured to the midpoint of a pitched roof) as stated by Section 1001.07, Subd. 4.F of the Zoning Ordinance. The height of the proposed detached accessory building will be required to be 15 feet in height or less, subject to review by the Building Official at the time a building permit is applied for.
- The 100-year floodplain of the Crow River is at an elevation of 911.5 feet. Section 1001.22, Subd. 7.A of the Zoning Ordinance requires that the elevation of all structures be at least 1 foot above the 100-year flood elevation. The property owner will be required to demonstrate that the proposed detached garage is to be constructed at an elevation of 912 or higher. The existing south accessory building is located at an elevation between 906 and 908 feet and is a legal non-conforming structure.
- The driveway from Maple Street to the existing detached garage to be removed is not paved. Section 1001.05, Subd. 4.H.12.a of the Zoning Ordinance requires that driveways for single family uses be paved with asphalt, concrete, or paver bricks. The driveway accessing the proposed garage must be improved to comply with the requirements of the Zoning Ordinance.
- There is a considerable amount of outdoor storage on the property. The extent and type of material is in violation of the Zoning Ordinance and nuisance provisions of the City Code. City staff recommends that a condition of the variance approval be that all outdoor storage on the property be removed or stored indoors except as may be allowed by the Zoning Ordinance.

The property owners request for a variance to allow construction of a detached garage within the required front yard and closer to the front lot line than the house on the lot meets the criteria for variance based on the steep topography and floodplain within the property. Our office recommends approval of the requested variance subject to the following conditions:

1. The property owner shall submit a certificate of survey with application for a building permit to accurately depict the location of the proposed detached garage.
2. The proposed detached garage shall be constructed at an elevation of 912 or higher as required by Section 1001.22, Subd. 7.A of the Zoning Ordinance.
3. The driveway from Maple Street accessing the proposed detached accessory building shall be paved as required by Section 1001.05, Subd. 4.H.12.a of the Zoning Ordinance.
4. All outdoor storage on the property shall be removed or stored indoors, except as may be allowed by the Zoning Ordinance, prior to issuance of a building permit for the proposed detached accessory building.

Vice Chair Peterson-Biorn opened the public hearing at 7:05 p.m.

Renee Hafften of 6320 Maple Street stated Mr. Gilder's home is next to the cemetery. Neighbors received the notice and there was no objection. Renee and her husband are in favor of the variance.

Tim Gilder of 6430 Maple Street is the applicant and owns the property. He has Parkinson's and needs his building in the front to be able to access. He has a bid for paving the driveway and ordered a dumpster to clean-up. Staff will provide the ordinance of allowed outside storage. Mr. Gilder noted he is unable to attach to have an attached garage due to the house layout.

Rick Wasserman 6121 Maple Street is representing Elmwood Cemetery and had no objection to the proposed building.

Vice Chair Peterson-Biorn closed the public hearing at 7:14 p.m.

The Planning Commission discussed and agreed with the Planner's recommendation.

MOTION was made by Sand, seconded by Morter approving the Resolution #BA19-01 for a variance for the accessory structure with the four conditions listed.

MOTION CARRIED – VOTING IN FAVOR – PETERSEN-BIORN, MORTER and SAND.

SET AGENDA AND APPROVE CONSENT AGENDA ITEM(S)

MOTION was made by Morter, seconded by Petersen-Biorn to set the agenda and accept the February 14, 2019 Regular Planning and Zoning Commission Minutes.

MOTION CARRIED – VOTING IN FAVOR – PETERSEN-BIORN, MORTER and SAND.

OPEN FORUM

Vice Chair Peterson-Biorn called for open forum, no one from the public spoke.

NEW BUSINESS

Staff Reports

Deputy Clerk Etzel's report included: June 13th meeting will be held if an application is received by May 22nd and the June 27th meeting if by June 5th, Residential New Construction for 2019 is 4 homes as of May 15th, the Council approved the Amendment for Retail Sales at 6700 Bleck Drive at their February 26th meeting, City Hall will be closed May 27th for Memorial Day, City Wide Garage Sales June 13th to June 15th and Movie in the Park will be June 28th.

ADJOURNMENT

MOTION TO ADJOURN was made by Sand, seconded by Morter.

MOTION CARRIED – VOTING IN FAVOR – PETERSEN-BIORN, MORTER and SAND.

Commissioner Sand adjourned the meeting at 7:19 p.m.

Submitted by Audra Etzel, Deputy Clerk