



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

<input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> P&F COMMITTEE <input type="checkbox"/> SPW COMMITTEE <input type="checkbox"/> MAIN AGENDA	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) *provide copy of published hearing notice <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <input type="checkbox"/> Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping \$ _____ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please Explain:</u>	

RESOLUTION

No. ____:21

WHEREAS, on Thursday, February 4, 2021, a letter was issued to Mr. Brad Person of Breen and Person, LTD on behalf of Mr. Chad Schwendeman informing him that the property at 705 19th St. S.E., Brainerd, MN 56401, which is owned by Mr. Schwendeman, may not be relicensed as a rental duplex; and

WHEREAS, the reasoning behind this decision was that the property is in an R-1 (Single Family Residential) District, which does not permit two-family uses; and

WHEREAS, the property's most recent rental license expired on May 31, 2018; and

WHEREAS, Section 515-15-6.B of the Code of Ordinances states, "No nonconforming residential use that had a rental license expire (more than 365 days from the date of license expiration) cannot be reestablished as a nonconforming use;" and

WHEREAS, on Thursday, February 4, 2021, a formal letter of appeal from Breen and Person, LTD was submitted to the Community Development Department on behalf of property owner Chad Schwendeman; and

WHEREAS, per Section 515-3-4 of the City Code, appeals are to be heard by the Board of Zoning Appeals, which is the City Council; and

WHEREAS, the City Council heard the appeal during their regular meeting on Tuesday, February 16, 2021; and

WHEREAS, upon presentation of the facts of the case by Community Development Director David Chanski, hearing the case for appeal by Mr. Brad Person, and rebuttal by City Attorney Joseph Langel, the City Council voted the affirm Mr. Chanski's administrative decision to deny rental licenser as a duplex for 705 19th St. S.E.; and

WHEREAS, the motion passed unanimously,

BE IT RESOLVED, the City Council of the City of Brainerd, Minnesota, hereby sites the following findings-of-fact:

1. The house located at 705 19th St. S.E. is located in a R-1 (Single Family Residential) District.
2. The house is currently arranged and has historically been used as a duplex.
3. Two-family uses are not a permitted in R-1 Districts.
4. The property's most recent rental license expired on May 31, 2018.
5. Section 515-15-6.B of the City Code states "No nonconforming residential use that had a rental license expire (more than 365 days from the date of license expiration) cannot be reestablished as a nonconforming use."

Adopted this ____ day of March 2021

KELLY BEVANS
President of the Council

Approved this ____ day of March 2021

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator