

**PLANNING COMMISSION**  
Wednesday, January 16, 2019

**#1 Call to Order**

Planning Commission Vice-President Marohn called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Duval, Gorham, and Marohn; and Council Liaison Lambert. Community Development Director Chanski was noted as present. Also present was City Administrator Torstenson and Administrative Specialist Bestul.

**#2 Welcome New Community Development Director – Mr. David Chanski**

The Chair welcomed Mr. David Chanski, the new Community Development Director in the City of Brainerd. Mr. Chanski gave a brief update of his first two weeks with the City in the newly created position which combined city planning with community development.

**#3 Election of Chairperson and Vice Chairperson**

Commissioner Lambert nominated Commissioner Gorham as Chair for 2019 and 2020.

Commissioner Duval seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPOINT COMMISSIONER GORHAM AS CHAIR FOR 2019 AND 2020.

Commissioner Gorham nominated Commissioner Marohn as Vice-Chair for 2019 and 2020.

Commissioner Burslie seconded the nomination.

There were no other nominations.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND BURSLIE, DULY CARRIED, TO APPOINT COMMISSIONER MAROHN AS VICE-CHAIR FOR 2019 AND 2020.

**#4 Approval of Agenda**

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE AGENDA.

**#5 Approval of Minutes**

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO APPROVE THE MINUTES AS PRESENTED.

**#6 New Business**

A. Public Hearing – Variance Request at 214 2<sup>nd</sup> Ave NE to Construct a 24' x 20' Accessory Building (garage)

CD Director Chanski stated that Mr. William John Cory has submitted a variance application for constructing a 20' x 24' garage on his property. The lot size is 140' x 25' and is located in an R-2 (Medium Density) Residential District. Based on Section 515-17; General Building Use and Design Provisions are as stated below:

3. A. Building Design Standards

*2.a. Single Family Standards. An attached or detached garage is limited in size to sixteen (16) ft. by twenty (20) ft.*

The proposed size of the garage and storage building is 20' x 24'.

8. B. Residential Accessory Buildings, Structures and Uses

*3.a. Accessory Building Floor Area, Height and Number. The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:*

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-2	10% of lot area

The lot is 3,500 sq. ft., limiting the accessory building area to 350 sq. ft. The garage and existing storage building total approximately 430 sq. ft.

*3.c. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less.*

The roof height of the 14.5' dwelling at the midpoint is approximately 12.2' and the roof height of the 20' proposed garage at the midpoint is approximately 13.5'.

*4.b. Setbacks. Side and rear setbacks shall be as provided for in the respective Zoning District.*

Accessory Building and Structure side yard setbacks are three feet and a 20" side yard setback along the north property line is proposed.

The Chair opened the public hearing at 6:10 p.m.

The Chair recognized the petitioner, Mr. William John Cory, 214 2<sup>nd</sup> Ave NE Brainerd. Mr. Cory stated he is requesting to build a larger size than what is currently allowed on his property in order to have a two-stall garage. The utilities are located underground in the south three-foot section, thus the reason to request the setback of 20" on the north side.

Commissioner Duval stated under the evaluation criteria for issuing a variance, subdivision four related to Practical Difficulties reads as shown below:

*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 circumstances unique to the property not created by the landowner; and*
3. *The variance, if granted, will not alter the essential character of the locality.*

Commissioner Duval asked Mr. Cory to describe what practical difficulty he has to make his application valid.

Mr. Cory indicated having a two-car garage, as the current size allowed is too narrow to accommodate two vehicles. He stated he intends on removing the current shed on the property to allow for the garage.

Commissioner Marohn asked the relation of the lot lines to the existing fence line.

Mr. Cory stated the fence is located inside the lot lines.

Commissioner Marohn then asked if the intended garage would be located closer to the neighbor on the north side lot line. Mr. Cory confirmed this is true. Commissioner Marohn asked if Mr. Cory has communicated with that neighbor regarding his request. Mr. Cory indicated he has not, but the lot has been surveyed and marked clearly. Mr. Cory stated he plans on constructing the garage with 12" eaves so the overhang will not extend past the property line. The house is located 18" from the line and the proposal for the garage would be 20" from the line.

Commissioner Marohn asked about the current situation with storm water in the alley behind the property. Mr. Cory indicated the water remains in the alley and runs north to the street. There have been no issues with storm water even in heavy rains.

Commissioner Gorham asked CD Director Chanski if he had a chance to visit the property and neighborhood. Overall, there are many homes in the neighborhood that are very close to one another.

CD Director Chanski indicated the property is located in an older neighborhood. In researching the property, it was discovered that it was originally a full lot which had been reduced to half a lot at some point. He stated most of the homes in this neighborhood do have two-stall garages and Mr. Cory's request would not change the character of the neighborhood.

The Chair closed the public hearing at 6:20 p.m.

Commissioner Lambert expressed a two-stall garage would be more appropriate on the lot rather than the current storage shed. The lot size itself could be considered a practical difficulty.

Commissioner Burslie stated having a small lot with a small house, it makes sense to have a single garage, rather than a two-stall garage. He indicated in subdivision 3 it states, "*Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance*". He feels it is not a practical difficulty, as a single garage could be built to follow the current ordinance as it is stated and should be followed.

Commissioner Marohn stated he is looking at the four separate requests in the application and has no concerns with the first three listed. He stated he is more concerned with the setbacks and the closeness to the north side neighbor.

Commissioner Marohn requested Mr. Cory come forth for additional questions. He asked Mr. Cory to expand on his intentions regarding storm water drainage and how it would impact adjacent properties in being so close to other structures.

Mr. Cory stated the garage will be constructed to slope towards the alley for all overflow. The existing property already drains through the backyard to the alley. He said he would be willing to install gutters on the northside of the garage to direct the rain towards the alley.

Commission discussion took place.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND DUVAL TO RECOMMEND APPROVAL OF THE VARIANCE BASED ON THE FOLLOWING CONDITIONS: 1) INSTALL GUTTERS ON NORTH SIDE OF GARAGE 2) MODIFYING THE SIZE OF THE STRUCTURE TO 17 ½' DEPTH (EAST TO WEST DIRECTION) X 20' WIDTH AND BASED ON THE FOLLOWING FINDINGS OF FACT: 1) THE NARROWNESS OF THE LOT MAKES CONFORMANCE WITH THE CURRENT CODE UNFEASIBLE 2) THE SMALL SIZE OF EXISTING HOUSE MAKES CONFORMING TO THE SIZE REQUIREMENT OF THE GARAGE DIFFICULT 3) UTILITIES ALONG THE SOUTH SIDE OF THE LOT MAKE ENCROACHMENT UNFEASIBLE AND JUSTIFIES A NORTHERN ENCROACHMENT 4) PROPOSED STRUCTURE IS CONSISTENT IN DIMENSION AND CHARACTER TO THE NEIGHBORHOOD.

Commissioners Duval, Gorham and Lambert voted "aye". Commissioners Burslie and Marohn voted "nay". The Chair declared the motion carried.

#### **#7 Public Forum**

The Chair opened public forum at 6:49 p.m.

No one came forward.

The Chair closed public forum at 6:49 p.m.

#### **#8 Old Business**

None

#### **#9 Commissioner's Questions/Comments**

Commissioner Lambert expressed thanks to Commissioner Marohn for arranging the guest speaker at the December meeting.

Commissioner Marohn indicated he would like to have discussion with the commission of what direction to take in 2019 and the concerns and topics that need to be addressed.

It was determined after Commission discussion and input from City Administrator Torstenson that scheduling a retreat is the best option for gathering outside of the scheduled Planning Commission meetings.

## **#10 Community Development Director's Report**

CD Director Chanski gave a brief update to the Comprehensive Plan. He stated the process is moving forward into the second half of the plan with the next Steering Committee meeting scheduled for Monday, February 4, 2019. The public input stage has been completed with the next step of assembling the goals and policies. He indicated that one of the goals presented to him to complete for 2019 is to review all the City's current ordinances for clarity and transparency to the residents.

## **#11 Adjourn**

The Chair adjourned at 7:28 p.m.

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David Chanski  
Community Development Director