



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

# MEMO



**TO:** Planning Commission  
**FROM:** David Chanski, Community Development Director  
**DATE:** January 20, 2021  
**RE:** Variance – 415 Cedar St.

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Dennis and Erica Marcussen have submitted a request for a variance at 415 Cedar St., Brainerd, MN 56401.

The requested variance is from *Section 515-54-7.B Principal Building Setbacks*. The applicants are requesting a reduced front yard setback from 20 feet to 18 feet 4 inches for the addition of a covered porch.

## Findings of Fact

1. 415 Cedar St. is in an R-1 (Single Family Residential) District.
2. [Section 515-53-7.B](#) lists a minimum front yard setback in R-1 Districts to be 20 feet from the property line.
  - a. The applicant is requesting that the setback requirement be reduced by 1 foot 8 inches to a setback of 18 feet 4 inches.
3. [Section 515-7-2](#), Subdivision 3A – Variances shall only be permitted:
  - a. When they are in harmony with the general purposes and intent of the ordinance
    - i. The purpose of a R-1 (Single Family Residential) District is to “allow and preserve area in the City of quiet neighborhoods of one and two family homes, free from other uses except those which are compatible with residents of such a district.”
  - b. When the variances are consistent with the Comprehensive Plan
    - i. Staff believes this variance request is supported by Goal 3 of Chapter 3 of the Comprehensive plan which states, “ensure quality living conditions for all residents.”
      1. Policy 2 under Goal 3 states, “promote the maintenance and rehabilitation of all properties.”
4. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
  - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
    - i. Single-family dwellings are a permitted use within R-1 districts.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

- i. 415 Cedar St was construction in the 1954 and the front of the house is currently setback approximately 24 feet from the front property line.
- c. The variance, if granted, will not alter the essential character of the locality.
  - i. The property is currently used as a single-family dwelling and will continue to be used as such.

At the time of this writing, Jeff and Lilja Behr have expressed their support for this variance request, stating “We believe the minor setback reduction requested will allow an addition which will enhance the property and our neighborhood as well.”

#### Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-7 of the Code of Ordinances, is supported by the Comprehensive Plan, and the investment made will not only improve this property but will also have peripheral effects on the entire Cedar St. neighborhood and the City as a whole.



**City Planning Department**

City Hall – 501 Laurel Street  
Brainerd, MN 56401  
218-828-2309/Fax 218-828-2316  
[www.ci.brainerd.mn.us](http://www.ci.brainerd.mn.us)

Receipt # \_\_\_\_\_  
Check # \_\_\_\_\_  
Date Paid: \_\_\_\_\_

# CONDITIONAL USE/REZONING/VARIANCE APPLICATION

**RESIDENTIAL**

**COMMERCIAL**

CONDITIONAL USE PERMIT

(\$250.00)

(\$400.00 + \$500.00 escrow deposit)

REZONING

(\$300.00)

(\$500.00)

VARIANCE

(\$250.00)

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_  
(attach description if lengthy)

Property Owner Name: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Applicant Name: (If different than Property Owner) \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Description of Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Owner Signature

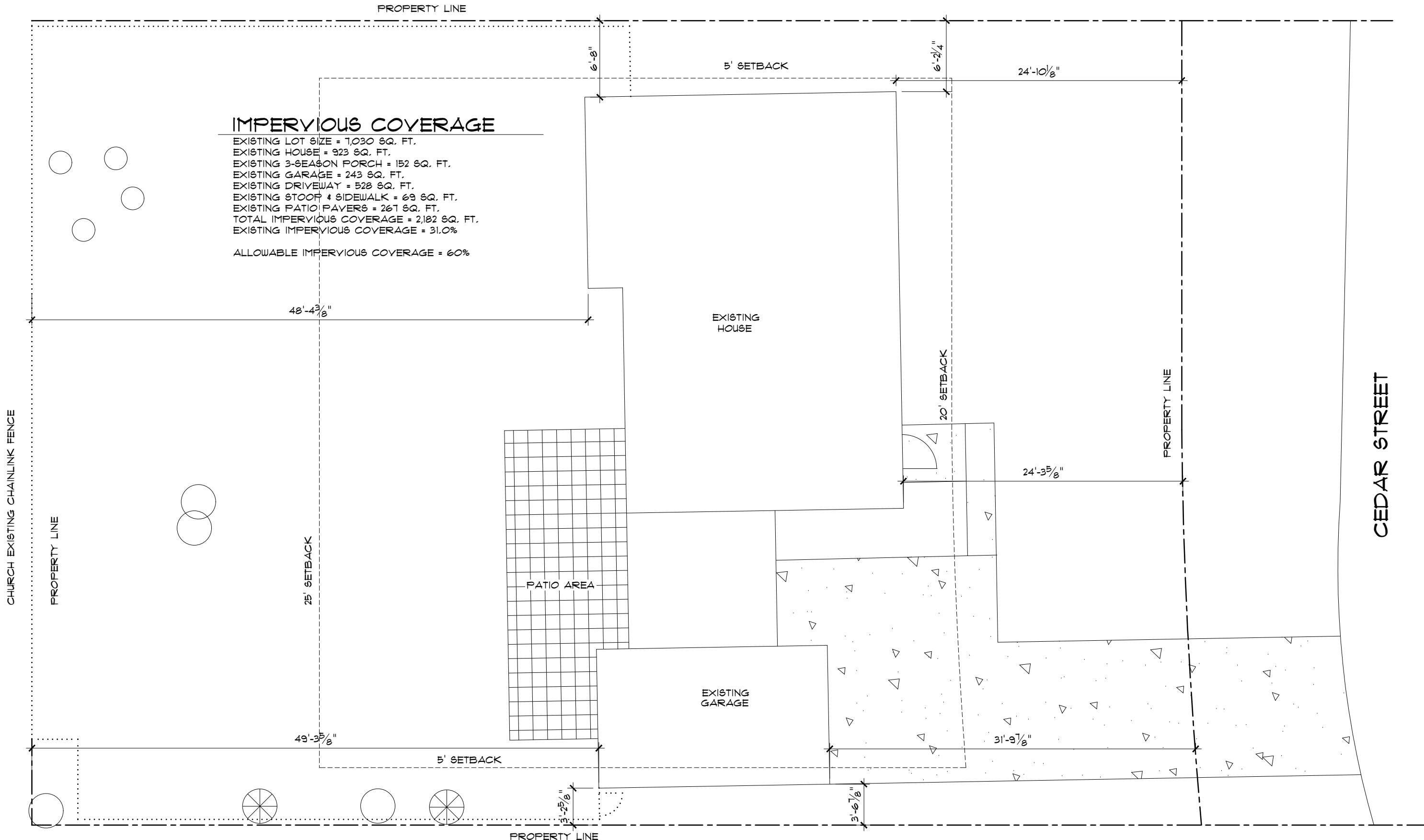
\_\_\_\_\_  
Date

\_\_\_\_\_  
(Please print name)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

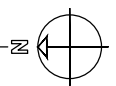
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(Please print name)

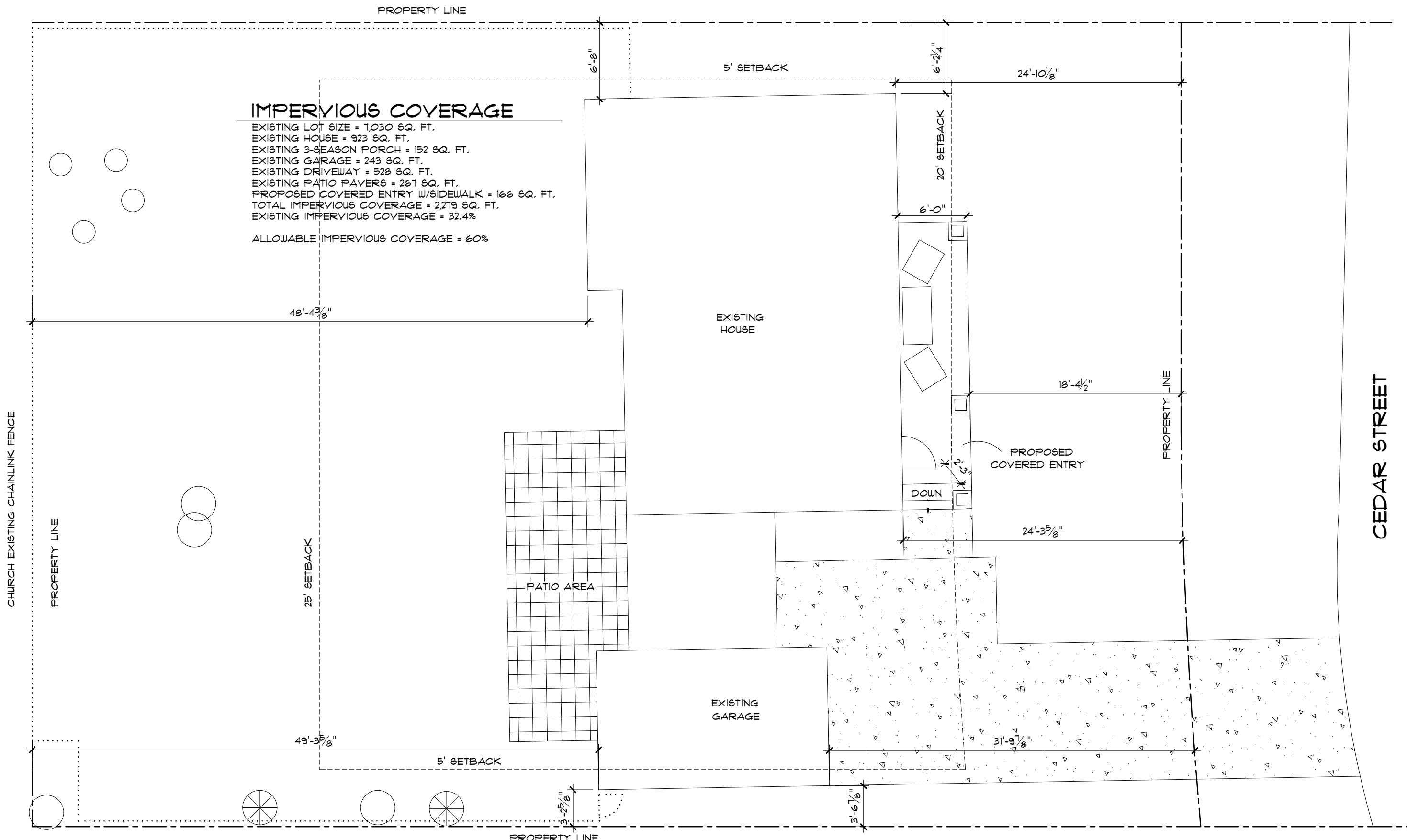


**IMPERVIOUS COVERAGE**

EXISTING LOT SIZE = 1,030 SQ. FT.  
 EXISTING HOUSE = 923 SQ. FT.  
 EXISTING 3-SEASON PORCH = 152 SQ. FT.  
 EXISTING GARAGE = 243 SQ. FT.  
 EXISTING DRIVEWAY = 528 SQ. FT.  
 EXISTING STOOP & SIDEWALK = 69 SQ. FT.  
 EXISTING PATIO PAVERS = 261 SQ. FT.  
 TOTAL IMPERVIOUS COVERAGE = 2,182 SQ. FT.  
 EXISTING IMPERVIOUS COVERAGE = 31.0%  
 ALLOWABLE IMPERVIOUS COVERAGE = 60%

1  
 C1.1 EXISTING SITE PLAN  
 SCALE: 1/8" = 1'-0"





**IMPERVIOUS COVERAGE**  
 EXISTING LOT SIZE = 7,030 SQ. FT.  
 EXISTING HOUSE = 923 SQ. FT.  
 EXISTING 3-SEASON PORCH = 152 SQ. FT.  
 EXISTING GARAGE = 243 SQ. FT.  
 EXISTING DRIVEWAY = 528 SQ. FT.  
 EXISTING PATIO PAVERS = 267 SQ. FT.  
 PROPOSED COVERED ENTRY W/SIDEWALK = 166 SQ. FT.  
 TOTAL IMPERVIOUS COVERAGE = 2,279 SQ. FT.  
 EXISTING IMPERVIOUS COVERAGE = 32.4%  
 ALLOWABLE IMPERVIOUS COVERAGE = 60%

**PROPOSED SITE PLAN**  
 SCALE: 1/8" = 1'-0"  
 1  
 C1.2

## NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Dennis and Erica Marcussen have submitted a request for a variance at 415 Cedar St., Brainerd, MN 56401. The requested variance is from *Section 515-54-7.B Principal Building Setbacks*. The applicants are requesting a reduced front yard setback from 20 feet to 18 feet 4 inches for the addition of a covered porch. The property is legally described as:

*Lot 7, Shady Brook Addition to the City of Brainerd  
P.I.N. 41360702  
Section 36, Township 45, Range 31*

The property is zoned R-1 (Single-Family Residential) District. A copy of the proposed site plan is on file for review with the Community Development Department.

A Public Hearing to consider this variance request will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, January 20, 2021.

In accordance with the requirements of Minn. Stat. Section 13D.021, Jennifer Bergman, the City Administrator, has determined that an in-person meeting is not practical or prudent because of a health pandemic declared under Chapter 12 of the Minnesota Statutes.

Because of the health pandemic, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the health pandemic, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all of the Planning Commission members may be participating by telephone or other electronic means.

Members of the public may monitor the meeting via phone. Information regarding how to attend this virtual meeting will be posted to the City's website ([ci.brainerd.mn.us](http://ci.brainerd.mn.us)) by 4:30pm on Friday, January 15, 2021.

Please submit comments regarding this variance request to Community Development Director David Chanski at [dchanski@ci.brainerd.mn.us](mailto:dchanski@ci.brainerd.mn.us). Comments can also be mail to City Hall at 501 Laurel St., Brainerd, MN 56401 or submitted via the dropbox located on the west side of City Hall.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 7<sup>th</sup> day of January 2021

Publication Date: January 10, 2021



David C. Chanski, MPA  
Community Development Director