

MEMO



TO: Planning Commission
FROM: James Kramvik, Assistant Planner
DATE: April 15, 2022
RE: Variance from Lot Split Standards –PID 41290732

Jacob Lauter has submitted a request for two variances for a proposed lot split at PID 41290732 along Wise Rd., Brainerd, MN 56401.

Findings of Fact

1. The property with PID 41290732 is currently zoned RR (Rural Residential) District. The applicant was waiting for the new proposed zoning code and zoning map for this lot split request. The proposed future zoning for this parcel is RL-2 (Rural Living 2) District. The purpose of RL-2 Districts is for lands served by private well and septic and there are no plans for future expansion of Urban Services to the property.
 - a. This property is located on the north side of Wise Rd. which does not have access to City of Brainerd sewer and water services and there are no plans for future services to this parcel.
2. The applicant is requesting the creation of two parcels, which would be 2.58 acres and a 3.54 acres in size. Parcel A would not have frontage on a public street. Access to the proposed lot would be through a 30-foot wide easement on the east side of the property. The applicant is proposing in the future to build a single family home on each parcel if the variance request for the lot split is approved.
3. The first variance request for the proposed lot split is from Zoning Code Section [515-52-7.A](#) Minimum Lot Area and Setback Requirements.
 - a. The RR District requires that all parcel created shall have a maximum lot size of one acre. The applicant is requesting a variance from this requirement.
 - i. *The property's new proposed zoning district RL-2 has a lot minimum requirement of 0.75 acres with a lot density maximum of 1 dwelling unit per acre. This variance request would not be necessary under the proposed zoning code.*
 - ii. *All other lot size standards for length and width are compliant with both the current Zoning Code and the future proposed zoning code.*
4. The second variance request is from Subdivision Ordinance Section [500-7-4.F](#). Lot Frontage. All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. Flag lots are prohibited.
 - a. The applicant is proposing the creation of a 30-foot wide easement on the east side of the property for access to proposed Parcel A.
 - i. *Proposed Parcel A meets the required lot width minimum standard of 100 feet for the RR District. However, Parcel A does not have direct frontage on Wise Rd.*

- ii. *The City of Brainerd Police Chief and Fire Marshall have reviewed the proposed easement. The Police Chief did not have any concerns with access to Parcel A. The Fire Marshall indicated that there are no code requirements for the access road to Parcel A. However, the Fire Marshall did recommend a minimum driveway width of 16 feet and a Class 5 compacted rating that would support the weight of a fire truck.*
- 5. [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 RR (Rural Residential) District is to “provide for large lot single family residential uses and open space areas in environmentally sensitive and high natural amenity areas. Developments in the R-R District are required to connect to City water and sewer service. Developments to which municipal utilities cannot be extended are prohibited.
 - 1. *Staff believes this variance request supports the purpose and intent of the RR District. The applicant is proposing the creation of two large lots for the purpose of constructing two single family homes.*
 - b. When the variances are consistent with the Comprehensive Plan
 - i. *Staff believes this variance request is supported by Goal 1 of Chapter 3 of the Comprehensive plan which states, “Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.”*
 - 1. *Policy 1 under Goal 1 states, “Complement Brainerd’s entry-level and affordable housing options by encouraging other move-up and mid to upper-end, market-rate housing options.”*
- 6. 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 RR districts.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. *The parcel does have a large wetland area on the west side, delineated on the attached survey, that would make it difficult to split this lot in in a different way than what is currently proposed by the applicant.*
 - c. The variance, if granted, will not alter the essential character of the locality.
 - i. *The property is currently vacant. The applicant is proposing to construct two single family homes in the future if the variance is approved.*

As of this writing, no one has contacted the Community Development Department with concerns about the two variance requests.

Staff Opinion

Staff recommends approval of the two variance requests as staff believes the requested variances meets the requirements as outlined in Section 515-7 of the Code of Ordinances and is supported by the Comprehensive Plan.



City Planning Department

City Hall - 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt #
Check #
Date Paid:

LAND USE APPLICATION

RESIDENTIAL

COMMERCIAL

- CONDITIONAL USE PERMIT (\$250.00)
REZONING (\$300.00)
VARIANCE (X) (\$250.00)
ZONING TEXT AMENDMENT (\$250.00)
PLANNED UNIT DEVELOPMENT (\$250.00 + \$1,000.00 escrow deposit)

- (\$400.00 + \$500.00 escrow deposit)
(\$500.00)
(\$400.00 + \$500.00 escrow deposit)
(\$400.00)
(\$400.00 + \$1,000.00 escrow deposit)

PROPERTY ADDRESS:

SEC: 29, TWP: 134, Range: 28, Acres 6.1

LEGAL DESCRIPTION: Lot(s): Block: Addition: RP41290732
(attach description if lengthy)

Property Owner Name: Jacob Lauter
Street Address: 4407 Harbor Drive, Nisswa, MN Zip Code 56468
Phone Number: 530-448-9493 Fax: E-mail: jpltahoe@yahoo.com

Applicant Name: (If different than Property Owner)
Street Address: City: State: Zip Code:
Phone Number: Fax: E-mail:

Description of Request: split lot as mentioned Above

[Signature]
Property Owner Signature

2-23-22
Date

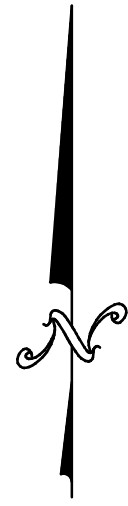
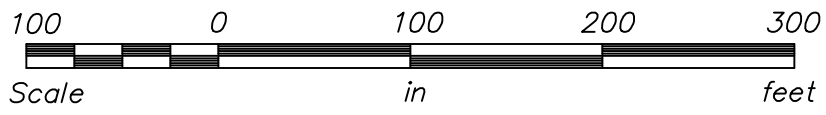
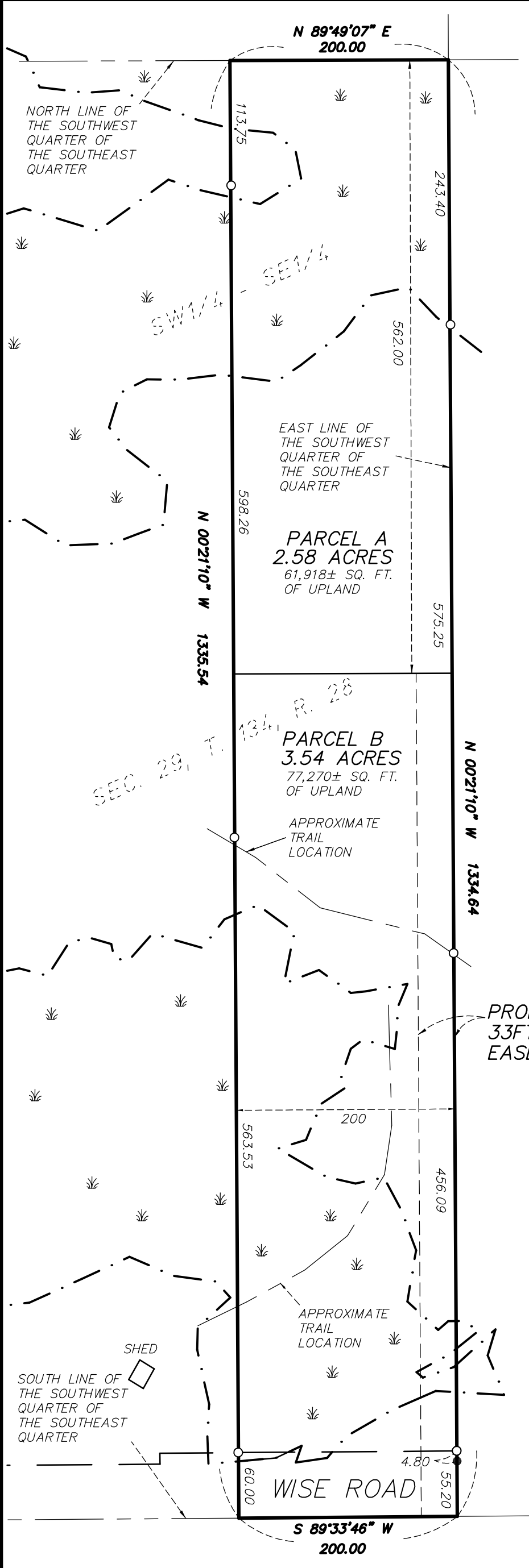
Jacob Lauter
(Please print name)

[Signature]
Applicant Signature

2-23-22
Date

Jacob Lauter
(Please print name)

EXHIBIT



REQUESTED BY: **LAUTER**

Lakes Area
SURVEYING LLC.
24314 SMILEY ROAD, SUITE C
NISSWA, MN 56468
OFFICE (218) 961-0090



Drawn by: PDH Date: 05/25/21 Job No: 21-054

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jacob Lauter has submitted a request for two variances at Parcel Number 41290732 along Wise Rd., Brainerd, MN 56401. The property is legally described as:

*E 200 FT OF SW1/4 OF SE1/4 OF P.I.N. 41290732
P.I.N. 41290732
Section 29, Township 134, Range 28*

The property is zoned RR (Rural Residential) District. The first requested variance is from Subdivision Ordinance Section 500-7-4(F): Lot Frontage. The applicant is requesting a lot split in which one of the proposed lots would not have frontage on a public street. Access to the proposed lot would be through a 30-foot wide easement on the east side of the property. The second variance request is from Zoning Code Section 515-52-7(A): Minimum Lot Area Setback Requirements. The applicant is requesting the creation of a two parcels, which would be 2.58 acres and a 3.54 acres in size. Parcels created in the RR District cannot exceed 1 acre per Section 515-52-7(A). A copy of the proposed lot split is on file for review with the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 20, 2022, in the City Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the variance request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022