



STAFF REPORT

TO: Mayor Keis and Members of the City Council

FROM: Corrin Wendell, Community Development Director

DATE: March 23, 2022

RE: Variance – 209 Ryan Drive – Case #1408

ACTIONS TO BE CONSIDERED

To consider approval a Variance application to allow a reduction in a side yard setback from 20'-0" to 8'-0" to accommodate a new building addition, located at 209 Ryan Drive, PID 313022340011.

BACKGROUND

The City has received a Variance application from Roger Stanke, property owner, for a parcel located on Ryan Drive. The applicant proposes construct a new 1360 square foot building addition (34'-0" x 40'-0") to his existing business. Due to the property size, building layout, and soils, and wet conditions, the new addition will encroach into the required side yard setback to be 8'-0" from the 20'-0" allowed in the Zoning Code for Industrial Districts.

Applicant/Owner:

Roger Stanke, Stanke Motorsports, Inc, 209 Ryan Drive, Little Canada, MN 55117.

Address/Location:

209 Ryan Drive, Little Canada. The property is located west of I-35E and south of I-694W within the Little Canada city limits.

Property Legal Description:

Lot 1, Block 1 of Ryan Industrial Park, Little Canada, Ramsey County, Minnesota. PID: 313022340011.

Property Acreage:

Said parcel contains 0.99 acres, subject to any drainage and utility easements. This property is also subject to any other easement of record.

Zoning:

The property is zoned I-1, Limited Industrial District.

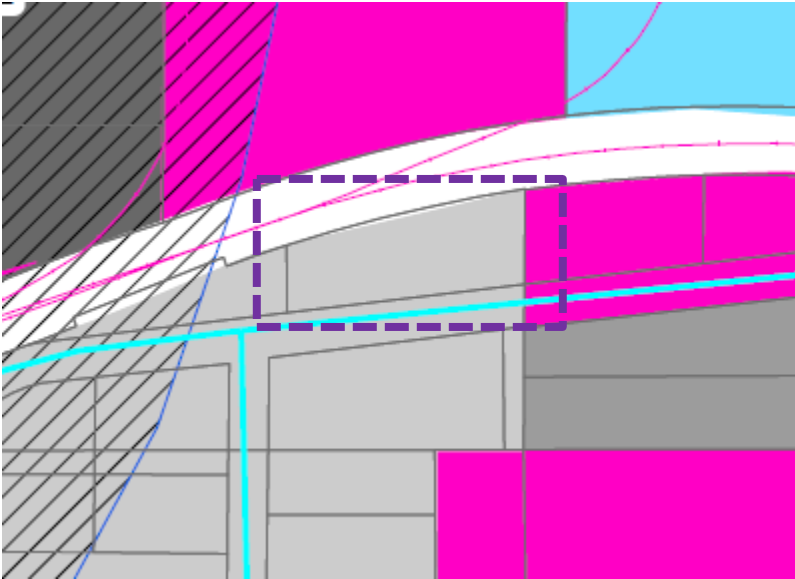
Attachments:

Please see the enclosed site plan.

AERIAL MAP



ZONING MAP



FINDINGS

Zoning Code Section 917.080, Variances:

The variance process is intended to provide limited relief from the strict requirements of this ordinance in those cases where the reasonable conditions of a particular requirement will create practical difficulties because of circumstances unique to the property. It is not intended that variances be granted to allow a use not permitted by the underlying zoning district, nor to merely remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general. Variances are intended to address extraordinary, exceptional or unique situations that were not caused by the applicant's act or omission. Variances may be allowed from restrictions placed on nonconformities.

Criteria for Approving a Variance

1. A variance may be approved only if these criteria are met:

a. The request is in harmony with the purposes and intent of this ordinance.

b. The variance is consistent with the Comprehensive Plan.

c. The applicant can demonstrate that there are "practical difficulties" in complying with the regulation(s) in question. Determination of whether practical difficulties exist shall be based on the following:

1. The property owner proposes to use the property in a reasonable manner permitted by this ordinance;

2. The plight of the land owner is due to circumstances unique to the property not created by the landowner;

3. The variance will maintain the essential character of the locality.

2. Practical difficulties include, but are not limited to, inadequate access to direct sun light for solar energy systems.

3. Economic considerations alone shall not constitute a sufficient basis for a Variance if reasonable use for the property exists under the regulation.

4. Variances shall be granted for earth-sheltered construction as defined in Minnesota Statutes 216C, Subd. 14, when in harmony with this ordinance.

5. The City Council may impose conditions in the granting of a variance. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

The applicant has submitted supplemental information regarding the existing conditions and unique circumstances related to this property, of the 0.99 acres of site area, there are only certain

areas available to be buildable given the challenging soils on the site. The property is found to be of unique circumstance because of these challenging soils and the development configuration is the best and highest use of the site to be able to construct the addition. The applicant stated that he originally planned to build the addition on the east side of the parcel, but after hiring American Engineering to drill 5 test holes to check the soil conditions, he learned from the soil report that there was 45-50 feet of peat and bad soils before good soil conditions were found. There is also high ground water because of the creek. The west side of the parcel is more conducive to building due to stable soils on that side.

The lot configuration of the parcel and building placement also prove to be unique as the rear area of the property is essential unusable leading to the placement of the addition being placed on the west side.

City staff does not find this proposal to be detrimental to the public health, welfare, or injurious to other property in the territory in which the property is situated. The proposed addition development is in keeping with the I-1 District as well as the neighboring areas.

The physical factors of the property are the main reason for the variance request in that it produces an extreme hardship that is limited to the topography and wetland located on the site. In addition, under Minnesota law, we find that practical difficulty has been met, meaning (1) the property owner proposes to use the property in a reasonable manner permitted by the ordinance, (2) the owner's plight is due to circumstances unique to the property not created by the property owner.

The request for variance is not based on an economic hardship and solely based on the physical aspects of the site and is the best and highest use of the property.

E. Dimensional Requirements

Table 906-3: Required Setbacks, I-1 District

	Front	Side	Corner Side	Rear	From Residential District	Any Water Body
Principal Building	20	20	20	20	50	See Chapter 915
Parking	10	10	10	10	30	
Driveway	10	10	10	10	30	
Accessory Building	30	10	30	5	40	

Building Official Comments: The City’s Building Official has reviewed this proposal.

Planning Commission:

The Planning Commission, at their March 10th, 2022 meeting, reviewed the application and recommended unanimous approval to the City Council.

Public Hearing:

A Variance requires a Public Hearing and the City Council will need to open the hearing at their March 23, 2022 meeting to take comment from the public. At that time, they will consider the comments from the public and the Variance application after the hearing has been closed. A public notice has been published in the newspaper and the property owners within 350 feet of the site have been notified of the proceedings.

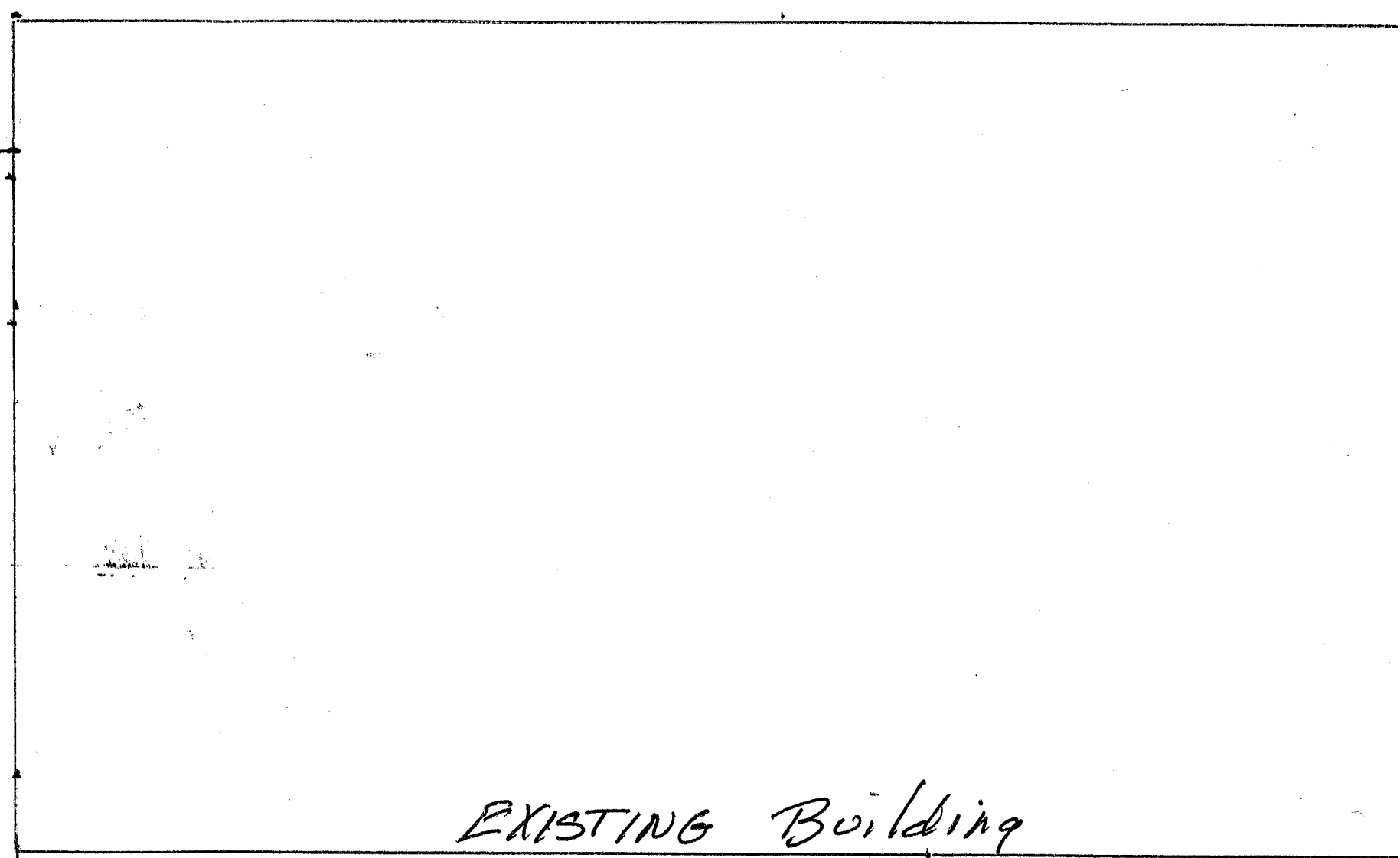
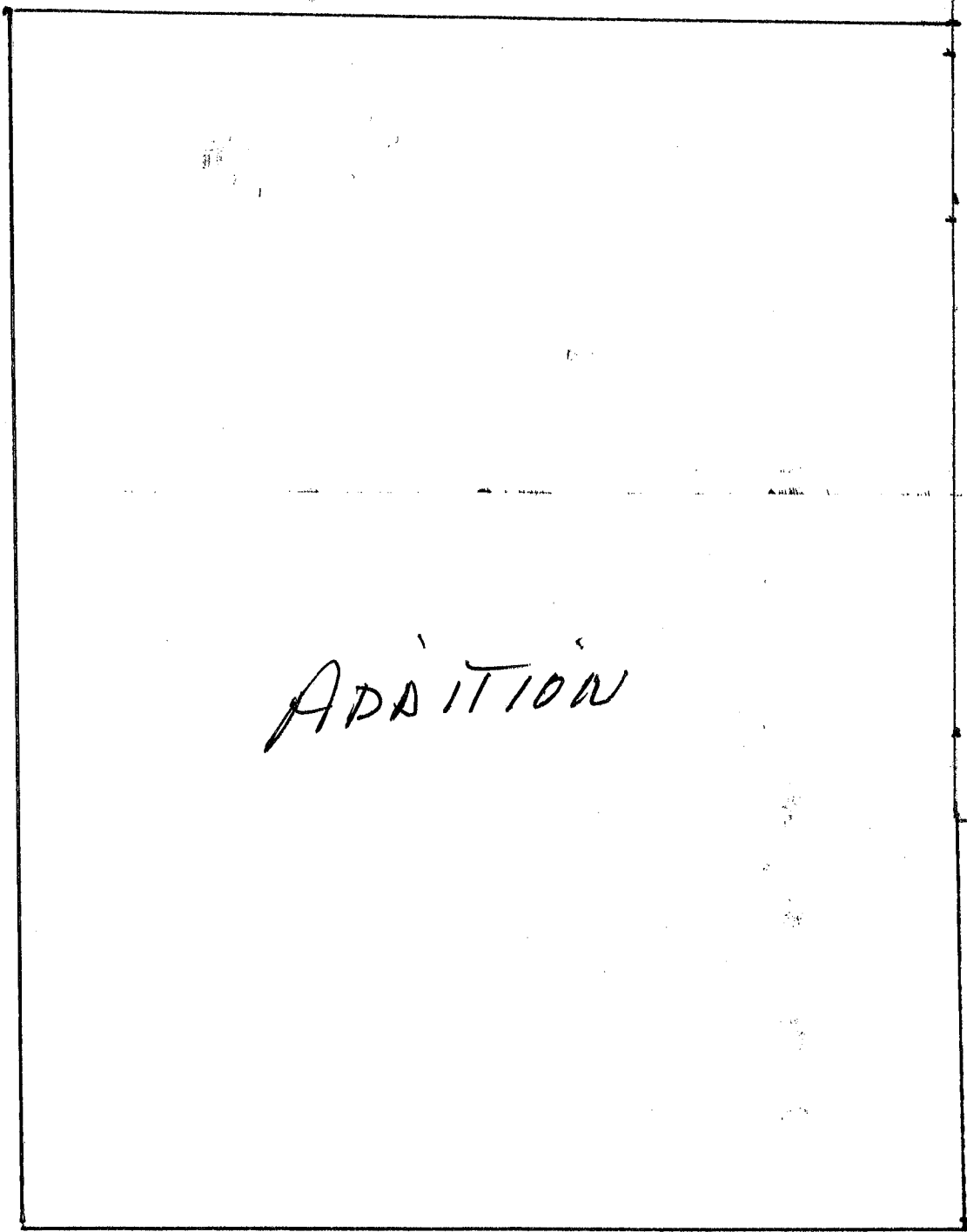
RECOMMENDED ACTION

To consider approval of a Variance application to allow a reduction in a side yard setback from 20'-0" to 8'-0" to accommodate a new building addition, located at 209 Ryan Drive, PID 313022340011, with the following findings:

- 1. The property is found to be of unique circumstance because of the challenging soils, high ground water, and the development configuration is the best and highest use of the site to be able to construct the addition.*
- 2. City staff does not find this proposal to be detrimental to the public health, welfare, or injurious to other property in the territory in which the property is situated.*
- 3. The physical factors of the property are the main reason for the variance request in that it produces an extreme hardship that is limited to the topography and wetland located on the site. In addition, under Minnesota law, we find that practical difficulty has been met, meaning (1) the property owner proposes to use the property in a reasonable manner permitted by the ordinance, (2) the owner's plight is due to circumstances unique to the property not created by the property owner.*
- 4. The request for variance is not based on an economic hardship and solely based on the physical aspects of the site and is the best and highest use of the property.*

North of Property Dr.

West Property Line



Proposed Building Addi
Roger Stanke
209 Ryan Dr.
Little Canada, Mn.

Proposed Building Addition
Roger Stanke
209 Ryan Dr.
Little Canada, Mn.

EXISTING Building

ADDITION

8' 8" 34'

West Property Line

North Property Line

**MINUTES OF THE REGULAR MEETING
PLANNING COMMISSION
LITTLE CANADA, MINNESOTA**

MARCH 10, 2022

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 10th day of March, 2022 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Chris Kwapick called the meeting to order at 5:30 p.m. and the following members of the Planning Commission were present at roll call:

PLANNING COMMISSION: Kulousek, Kwapick, Mitchell, Buesing, and Thorson. Absent: Johnson and Quarles.

ALSO PRESENT: Community Development Director/ Planner Corrin Wendell

ADOPT AGENDA

The agenda was approved as presented.

MINUTES

Commissioner Thorson made a motion to approve the February 10, 2022 Planning Commission minutes as submitted. Commissioner Mitchell seconded the motion. The motion was unanimously approved.

OPEN TO THE PUBLIC

No comments.

PUBLIC HEARINGS

None.

COMMISSION BUSINESS: VARIANCE – 209 RYAN DRIVE – CASE #1408

The Community Development Director presented a variance request to allow for a reduction in a side yard setback from 20 feet to eight feet to accommodate a new building addition. She reviewed the property size and zoning. She highlighted the location of the proposed building addition which would be attached to the existing structures on the site. She reviewed the variance criteria and unique conditions of the site that would support this request which are documented in the variance findings. She stated that no comments were received in response to the required mailed notification to properties within 350 feet. She advised that the City Council will hold a public hearing to consider this request at its March 23rd meeting.

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Roger Stanke, applicant, stated that he had the first building in the industrial park in 1974 and made additions in 1990 and 2000. He commented that he does have renters in portions of the building. He noted that the original plan was to tear down one of the existing building segments and extend that to provide more space but because of the soil conditions and groundwater levels there were unable to expand in that area. He noted that this proposal would provide the necessary additional space to allow business expansion. He identified the other constraints of the site noting that the proposed location is the only viable space for expansion.

Commissioner Mitchell asked the distance to the neighboring building.

Mr. Stanke estimated about 30 feet if the eight-foot setback is approved. He noted that there are several buildings that have four- or five-foot setbacks from the adjoining property. He commented that there is very little vehicle traffic to this portion of the site.

Commissioner Kulousek asked if the neighboring property owner had any objections.

The Community Development Director commented that the neighbor was notified and did not provide comments.

Mr. Stanke commented that he has spoken with all the neighboring properties and did not receive any objections. He explained the problems he has experienced after a recent project completed by the watershed, noting that he is working with City staff to resolve the issue.

Kulousek introduced the following motion:

RECOMMENDING THE APPROVAL OF A VARIANCE TO ALLOW A REDUCTION IN A SIDE YARD SETBACK TO 8'0" LOCATED AT 209 RYAN DRIVE, PID 313022340011.

The foregoing motion was duly seconded by Buesing.

Ayes (5). Nays (0). Motion passed.

COMMISSION BUSINESS: CONDITIONAL USE PERMIT – 2921 CONDIT STREET – CASE #1409

The Community Development Director presented a request for a Conditional Use Permit to allow an attached garage that exceeds 1,000 square feet at 2921 Condit Street. She reviewed the parcel size, noting that the detached structure would be removed in order to support the construction of the attached garage. She reviewed the proposed garage plans noting that windows would be installed in the side to breakup that façade. She stated that the applicant would be open to considering the addition of a dormer if desired. She reviewed the

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considerations for a Conditional Use Permit of this type. She stated that the City Council will hold a public hearing at its March 23rd meeting and notification has been mailed to properties within 350 feet. She asked the Commission to make a recommendation on this request and reviewed condition suggested by staff.

Chair Kwapick stated that he would like to ask the applicant about his comfort level with the recommendations of staff related to breaking up that side façade and therefore was glad to hear the input from staff that the applicant was willing to add windows.

Commissioner Buesing commented on the pitch of the roof and height of the door, noting that the door may require windows as well and perhaps the pitch of the roof be reduced a bit.

The Community Development Director confirmed that there are other similar sized garages in the area.

Thorson introduced the following motion:

RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ATTACHED GARAGE THAT EXCEEDS 1,000 SQUARE FEET LOCATED AT 2921 CONDIT STREET, PID 062922130060, WITH THE FOLLOWING CONDITIONS:

- 1. NO BUSINESS ACTIVITIES SHALL OCCUR WITHIN THE GARAGE STRUCTURE.***
- 2. THE PARCEL SHALL NO LONGER BE ELIGIBLE FOR AN ACCESSORY SHED.***
- 3. BREAK UP THE SCALE OF THE GARAGE WALL THAT FACES YORKTON RIDGE WITH A CHANGE IN MATERIAL, WINDOWS, ARCHITECTURAL FEATURES, OR SIMILAR.***

The foregoing motion was duly seconded by Mitchell.

Ayes (5). Nays (0). Motion passed.

COMMISSION BUSINESS – ZONING MAP AMENDMENT – UPDATE AND DISCUSSION

The Community Development Director presented the draft zoning map which would implement the recent zoning changes. She noted that staff would continue to work on the map with the intention of presenting it to the Commission for formal consideration at its April meeting.

Commissioner Mitchell asked if a property would be restricted when it is rezoned.

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The Community Development Director explained that the property would continue to do what it currently can do today and would not be additionally restricted.

Chair Kwapick commented that this will make it much easier for developers to look at the map to see what is allowed.

REPORTS FROM STAFF

The Community Development Director referenced allowances for garage sizes and accessory structures. She stated that the City has been following the path of using a CUP to allow a garage or accessory structure over 1,000 square feet. She noted that staff drafted potential language that would clarify the intent to eliminate confusion and reviewed the proposed language with the Commission. She welcomed input from the Commission as they read the draft language and noted that she will bring this back for consideration at the next meeting.

Commission Buesing referenced the 30 percent lot coverage language noting that he would interpret that language as each structure could be up to 30 percent and provided a suggestion that would clarify that to read that the combination of cannot exceed 30 percent of the lot coverage.

Chair Kwapick referenced A and B which adds accessory buildings and noted that seems to preclude garages from the setback.

The Community Development Director provided clarification noting that the garage requirements are found in a different section.

Chair Kwapick stated that it would be helpful to add more information to make that as clear as possible. He stated that there have been a few CUP requests for garages over the allowed size which include a condition that a shed is then not allowed. He stated that perhaps language should be added to this section clarifying that additional accessory structures would not be allowed for garages with increased size to make sure applicants are aware from the beginning.

REPORTS FROM COMMISSIONERS

None.

There being no further business, the meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Amanda Staple
TimeSaver Off Site Secretarial, Inc.