

Supplemental Planning Memorandum

DATE: November 14, 2024
 TO: Oronoco Planning & Zoning Commission
 FROM: Phil Carlson, AICP, Stantec
 RE: Barbara Shain, 415 Minnesota Avenue South, Revised Variance Request

The variance request from Barb Shain for a larger accessory building and three vs. two accessory buildings is detailed in my Planning Report of November 14, 2024. Since that report was written and sent out, the applicant has offered two revisions to the request:



- 1) Ms. Shain has agreed to build the middle size accessory structure – 32' x 56' vs. 32' x 64' – therefore not needing a variance to total area of accessory buildings on the lot, and;
- 2) Ms. Shain re-measured the existing garage – it is 20' x 24', not 20' x 28' as noted in the application materials. This reduces the total square footage of accessory buildings on site by 80 sq ft before that building is removed. There is still the need for a variance to total square footage and total number of accessory buildings temporarily. The numbers:

PER CODE:

Allowed sq ft on site **2,103 sq ft**

EXISTING & PROPOSED:

| | |
|---------------------------------|--------------------|
| Existing shed | 260 sq ft |
| Existing garage | 480 sq ft |
| New garage (32' x 56') | + 1,792 sq ft |
| Total sq ft on site (temporary) | 2,532 sq ft |
| Remove existing garage | - 480 sq ft |
| Total sq ft on site (permanent) | 2,052 sq ft |



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REVISED CONCLUSION

Since the applicant has agreed to reduce the size of the new garage there is no longer a variance needed to the total area of the accessory buildings. There is an area variance still needed on a *temporary* basis while the new garage is being built, but that is tied to the number of buildings, also on a temporary basis, so we suggest the Commission make one motion covering both issues. Conditions can be added to variance approvals, as recommended below, to address the temporary nature of the variances being requested.

REVISED RECOMMENDATION

We recommend that the Planning Commission recommend approval of variances to the total area of accessory buildings to allow a new 1,792-square-foot garage on the property at 415 Minnesota Avenue South, for a total of 2,532 square feet of accessory buildings temporarily, and to the number of accessory buildings on site, allowing three instead of two temporarily, with the following condition and findings of fact:

Condition for Approval

- 1) The existing 480-square-foot garage on site will be removed within one year after issuance of a building permit for the new garage.

Findings of Fact for Approval of Variances to Size and Number of Buildings

- 1) Barbara Shain owns the residential property in 415 Minnesota Avenue South in Oronoco, zoned R-1. The property is 0.966 acre in size.
- 2) City of Oronoco Zoning Code standards allow accessory buildings totaling 5% of the lot area, which for the property at 415 Minnesota Avenue South yields 2,103 square feet of allowable area without a variance.
- 3) Oronoco Zoning Code standards allow up to two accessory buildings per lot.
- 4) The structures on the property consist of a house, a detached garage, and a garden shed. The square footage of the existing accessory structures – the garage and shed – is 740 square feet. The applicant proposes to construct a new garage of 1,792 square feet, resulting in 2,532 square feet while all three accessory buildings are still standing. The applicant proposes to demolish the older garage after construction of the new garage, resulting in 2,052 square feet of accessory structures once the existing garage is removed.
- 5) It is reasonable to allow a third accessory building – the existing garage – to remain on site until the new garage is available to move the contents from the existing garage, and to allow the total square footage of accessory buildings to exceed the ordinance maximum during that period. Such an arrangement would alter the essential character of the area for a limited time and then the property would be in compliance again, once the existing garage is removed.



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- 6) There are practical difficulties to meeting the code if the existing garage and its contents must be removed before the new garage is available.
- 7) The request to keep a third accessory building on the property for a limited period of time and to exceed the area maximum during that time meets the standards for approval of a variance in Section 151.401 of the Oronoco Zoning Code.

Denial

The Commission could recommend denial of the variances requested and would need to craft findings supporting the denial, citing the conditions in Section 151.401.

60-DAY DEADLINE

The application was received on October 22, 2024. The 60-day deadline for final action on the variances by the City Council per State statute 15.99 is December 22, 2024.

§ 151.401 VARIANCES.

(A) No variance in the provisions or requirements of this chapter shall be authorized by the City Council following a hearing before the Board of Adjustment unless the Council finds evidence that all the following facts and conditions exist:

- (1) There are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district;
- (2) The extraordinary conditions or circumstances are due to circumstances unique to the property not created by the landowner;
- (3) The variance is necessary to overcome practical difficulties in complying with the zoning ordinance so that the property can be used in a reasonable manner not permitted by the ordinance;
- (4) The variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, and will not alter the essential character of the locality;
- (5) The variance is in harmony with the general purpose and intent of the chapter; and
- (6) The terms of the variance are consistent with the Comprehensive Plan.