

City of Litchfield

PLANNING COMMISSION

AGENDA PACKET – Special Meeting

Monday, October 16th, 2017 at 5:00 p.m.

City of Litchfield – Planning Commission

AGENDA

SPECIAL MEETING

Monday, October 16, 2017 – 5:00 P.M.

Held in the Council Chambers of City Hall

126 N Marshall Avenue

I. **CALL TO ORDER**

A. **ROLL CALL/DETERMINATION OF QUORUM**

II. **SCHEDULED ITEMS**

A. **PUBLIC HEARINGS: (Packet)**

1. **Variance Request** – by White Construction at 663 Cottonwood Avenue
10' variance to the minimum required front yard setback

III. **ADJOURNMENT**

PUBLIC HEARINGS

A. 1.

VARIANCE REQUEST

By White Construction

at 663 Cottonwood Avenue



CITY OF LITCHFIELD MEMORANDUM

To: Planning Commission Members
City Council Members
David Cziok, City Administrator

From: Hannah Rybak, City Planner
Jim Tews, Building Official

Date: Planning Commission Special Meeting for October 16, 2017
City Council Regular Meeting for October 16, 2017

Request: **Request for Approval a variance to allow for a reduction in the minimum front yard setback requirement in the R-1 District at the property located at 663 North Cottonwood Avenue, PID: 27-2876000**

GENERAL INFORMATION

Applicant: White Construction

Owner: Gary Davis

Location: 663 North Cottonwood Avenue

Existing Land Use / Zoning: Single-Family Residential; zoned R-1 Residential District

Surrounding Land Use / Zoning:
 North: Single-Family Residential; zoned R-1 – Residential District
 East: Single-Family Residential; zoned R-1 – Residential District
 South: Single-Family Residential; zoned R-2 – Residential District
 West: Single-Family Residential; zoned R-1 – Residential District

Comprehensive Plan: The Litchfield Comprehensive Plan guides this property for Residential land use.

Deadline for Agency Action: Application Date: 10-09-2017
60 Days: 12-08-2017

CONSIDERATIONS RELATING TO THE REQUEST

- Overview.** The Applicant is requesting a variance of ten (10) feet from the required front yard setback of thirty (30) feet to allow for a new single-family home to sit twenty (20) feet from the property line. The entire basement of the structure has been constructed twenty (20) feet from the property line.

The error was discovered when the City’s Building Official went out to the property for an inspection on October 2, 2017 and noticed that the home looked too close to the property line. Two previous inspections had been conducted and passed.

The site plan that was approved stated that the home would be thirty (30) feet from the property line, but also showed a measurement of forty-five (45) feet from the curb. Litchfield City Code states that all distances are to be measured from the property line, so staff saw the measurement from the curb as extraneous information. The sub-contractor, White Construction, was unaware of the requirement that measurements be from property lines, rather than from the curb.

154.270 Minimum Requirements.

	Minimum	Proposed
Lot Area	9,000 square feet	18,620 square feet
Lot Width	75 feet	127.76 feet
Front Setback	30 feet	20 feet
Rear Setback	35 feet	48 feet
South Side Setback	10 feet	38 feet
North Side Setback	10 feet	23 feet 6 inches

2. **Ordinance Authority.**

Chapter 154, Section 270, provides minimum lot requirements in the R-2 District

Chapter 154, Section 27, 2, D. provides Variance approval requirements. Variances shall only be permitted:

1. When they are in harmony with the general purposes and intent of the Ordinance
2. When the variances are consistent with the Comprehensive Plan
3. Variances *may* be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties", as used in connection with the granting of a variance, means that:
 - i. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - ii. The plight of the landowner is due to circumstances unique to the property not created by the landowners; and
 - iii. The variance, if granted, will not alter the essential character of the locality
 - iv. The purpose is not solely financial

3. **Consistency of the Request with the Standards for Granting a Variance**

a. *The request is in harmony with the general purposes and intent of the Ordinance.*

The intent of setback requirements, in general, is to ensure that adequate buffer space, to allow for light and air to move through, is preserved between structures on adjoining lots. The variance requested in this case is to the front property line, which runs adjacent to North

Cottonwood Avenue. This property is also unique in that it has sixteen to eighteen (16-18) feet of boulevard between the property line and the curb. In comparison, the property across the street has eleven (11) feet of boulevard. This provides additional buffer space between the structure and the street. **Criteria met.**

b. *The request is consistent with the Comprehensive Plan.*

The Comprehensive Plan guides this property for residential use. The proposed variance is consistent with that guidance. **Criteria met.**

c. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

As shown on the submitted site plan, there was adequate space on the property to construct the home without the need for a variance. The variance requested is due to confusion in measurement points. **Criteria not met.**

d. *The plight of the landowner is due to circumstances unique to the property and not created by the landowners.*

As stated before, this property is unique in that it has significantly more boulevard running between the front property line and the curb than the average property in Litchfield. **Criteria met.**

e. *The variance, if granted, will not alter the essential character of the locality.*

Allowing the variance will not have an impact on the character of the overall area. **Criteria met.**

f. *The purpose of the request is not solely financial.*

The request for a variance is not solely financial. **Criteria met.**

FINDINGS OF FACT

Staff offers the following ten (10) findings of fact for this proposal:

1. The applicant is requesting approval of a variance to allow for a ten (10) foot reduction in the minimum front yard setback requirement for the principal structure.
2. The subject property is located at 663 North Cottonwood Avenue.
3. The subject property is located in the R-1 Residence District.
4. The foundation of the home currently sits twenty (20) from the front property line.
5. The request is in harmony with the general purposes and intent of the Ordinance.
6. The request is consistent with the Comprehensive Plan.
7. The property owner proposes to use the property in a reasonable manner, but it would have been permitted by the zoning ordinance had the measurements been from the property line.
8. The plight of the landowner is due to circumstances unique to the property and is not created by the landowners.
9. The variance, if granted, will not alter the essential character of the locality.
10. The purpose of the variance is not solely financial.

RECOMMENDATION

Based on the findings of fact in this report, staff recommends approval of the request. The property has unique characteristics that minimize the impact of the variance, and staff believe it would be punitive

and against the best interests of the resident who owns the property to require that the foundation of the house be removed and relocated.

POTENTIAL ACTION

1. Recommend Approval as Submitted: Motion to recommend approval of the requested Variance at the property located at 663 North Cottonwood Avenue, based on the findings of fact and submitted plans in this report.
2. Recommend Approval with Conditions: Motion to recommend approval of the requested Variance at the property located at 663 North Cottonwood Avenue, based on the findings of fact, submitted plans, and following conditions outlined in this motion...
3. Recommend Denial: Motion to recommend denial of the requested Variance at the property located at 663 North Cottonwood Avenue, based on the following findings of fact.....(provide findings of fact to reflect denial).

ATTACHMENTS

- Exhibit A: Location Map
Exhibit B: Application & Site Plan

663 North Cottonwood Avenue

Location Map



Fee \$ _____
Rec # _____
Date _____

CITY OF LITCHFIELD
126 NORTH MARSHALL AVENUE
LITCHFIELD, MN 55355

VARIANCE APPLICATION

Address of Property 663 Cottonwood Avenue North, Litchfield MN 55355

Legal Description Lot 1 Block 3 ARNOLD'S ADDITION

OWNER:

Name Gary Davis

Address 415 N. Ramsey Ave Apt 2 Litchfield MN 55355

Phone 701-425-4629

APPLICANT:

Name Subcontractor - White Construction

Address 317 Hwy 7 East, Hutchinson MN 55350

Phone 320-583-3963

<u>RESIDENTIAL DISTRICT</u>			<u>BUSINESS DISTRICT</u>				<u>INDUSTRIAL DISTRICT</u>		<u>COUNTY ZONING</u>						
R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2	A-1	A-2	R-1	R-2	C-1	C-2	I-1
Single Family	Residence	Multi- Family	Limited	Retail Shopping	Roadside	General	Limited	General	Agricultural Preservation	General Agricultural	Suburban	Rural Residential	Commercial	Neighborhood Commercial	General Industry

Other: _____

Purpose of Application (Please be specific) Foundation does not meet setback requirements.

Extent of Variance (Please be specific) Variance from setback requirements.

Applicant should submit sufficient information to demonstrate that the request will be compatible with the neighborhood. Such information may include:

- 1. Site and Building Plans
- 2. Landscape Plan
- 3. Parking Plans
- 4. Sign Details

Authentisign
Gary Davis 10/08/2017
10/8/2017 10:26:10 AM CDT
Signature of Property Owner
415 N. Ramsey Ave Apt 2
Street Address
Litchfield, MN 55355
City and State

Date of Application: 10/9/17

Planning Commission Approved _____ Disapproved _____ Date _____
City Council Approved _____ Disapproved _____ Date _____

1063 Cottonwood Ave.
10/6/17

