

City of Hastings

Planning Commission Memorandum

To: Planning Commission
From: John Hinzman, Community Development Director
Date: April 23, 2012
Item: **Variance, Continued** – Sideyard setback – Andy McCoy – 209 7th Street W

REQUEST

Consider the request of Andy McCoy to vary 4.0 feet from the 7 foot sideyard setback requirement (3.0 feet from side property line) to construct a garage at 209 7th Street W. The Planning Commission reviewed the request at the April 9, 2012 Planning Commission and voted 6-0 to recommend tabling of the issue to allow the applicant to modify the application.

MODIFICATIONS

Mr. McCoy has modified the variance request. The home addition meets the seven foot minimum setback requirement; however the attached garage does not.

	4/9 PC Proposal	4/23 PC Proposal
Home Setback	2.5'	7'
Home Addition	460 s.f.	340 s.f.
Garage Setback	2.5'	3'
Garage width	22'	24'
Garage depth	24'	26'
Garage area	528 s.f.	624 s.f.

BACKGROUND INFORMATION

Comprehensive Plan Classification

The 2030 Comprehensive Plan designates the property as Low Density Residential. The proposed use is consistent with the plan.

Zoning Classification

The property is zoned R-2 – Residential Medium Density. The existing residential use conforms to the zoning ordinance

Adjacent Zoning and Land Use

Direction	Property Use	Zoning	Comp Plan
North	7 th Street W Residential	R-2	Low Density Residential
East	Residential	R-2	Low Density Residential
South	Alley St John's Church	R-2	Low Density Residential
West	Residential	R-2	Low Density Residential

Existing Condition

The property contains a 1,920 s.f. house constructed in 1875 and a 528 s.f. detached garage. The existing detached garage is 2.5 feet from the west side property line. The property is 9,198 s.f. (66' x 140').

Proposed Improvements

The applicant proposes to construct a +/- 340 s.f. home addition and +/- 624 s.f. attached garage onto the southwest portion of the existing home. The existing detached garage would be removed to facilitate the addition.

Zoning Setbacks

Setback	Required	Existing	Proposed
Home & Garage - West Side	7'	+/- 12'	3'
Detached Garage – West Side	5'	2.6'*	Removed
Detached Garage - Rear	5'	<5'*	Removed

*Lawfully Non-conforming – garage constructed prior to adoption of Zoning Ordinance.

Notification

Notification of the request was mailed to all adjacent property owners. No comments have been received.

Heritage Preservation Commission Review

The property is subject to Heritage Preservation Commission (HPC) Review. On March 20, 2012 the HPC denied the applicant's request to construct a building addition and attached garage, citing the following:

1. The size of the structure after the addition would not be in scale with the surrounding houses because of its large size.
2. The proposed side setback of 2.5-feet is not consistent with other houses in the area.
3. The proposal includes the demolition or loss of the historic garage, which appears to be in fair condition.
4. The proposal included fake windows because of the proposed substandard setback, which is not a historic feature of a house.

VARIANCE REVIEW

Board of Zoning Adjustment and Appeals

The Planning Commission acts as the Board of Zoning Adjustment and Appeals in consideration of variance requests per Section 30.02 of the Hastings City Code.

Variance Review

The Planning Commission may consider variances to the Zoning Code that are not be contrary to the public interest where owing to special conditions, and where a literal enforcement of the provision of the City Code would result in practical difficulties. Variances may be granted providing the following has been satisfied:

- (1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

Unique conditions or surroundings do not exist. The property is relatively flat and of similar size to surrounding properties.

- (2) The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and one note applicable, generally, to other property with the same zoning classification;

The applicant contends the variance should be granted because the home addition and detached garage would be no closer to the side property line than the existing detached garage (to be removed).

Removal of the detached garage eliminates any grandfather rights to the side yard setback. A garage could be constructed elsewhere on the property and conform to the minimum setback requirements.

- (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

Undetermined. The addition adds value to the property and allows greater use by the owner.

- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located;

Granting of the variance in absence of a unique situation or practical difficulty could unilaterally change the setback of structures to that requested by the applicant.

- (5) The proposed variance will not impair an adequate supply of light and air to property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity; (Prior Code, §11.08)

Granting the variance would have a limited affect on public safety issues. Construction of the addition in close proximity to the property line may negatively affect the abutting property.

- (6) The variance is in harmony with the purposes and intent of ordinance;

The intent of the setback ordinance is to provide adequate separation between structures. The proposed variance is significantly less than the required setback.

(7) The variance is consistent with the comprehensive plan;

The proposed variance would have limited affect on the comprehensive plan.

(8) The proposal puts the property to use in a reasonable manner;

The addition to the home is reasonable.

(9) There are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance means that;

Practical difficulties have not been presented. The applicant could reduce the garage width from 24' to 22' (as originally proposed) and move the garage two feet further to the east and meet the 7' setback without impacting the existing maple tree.

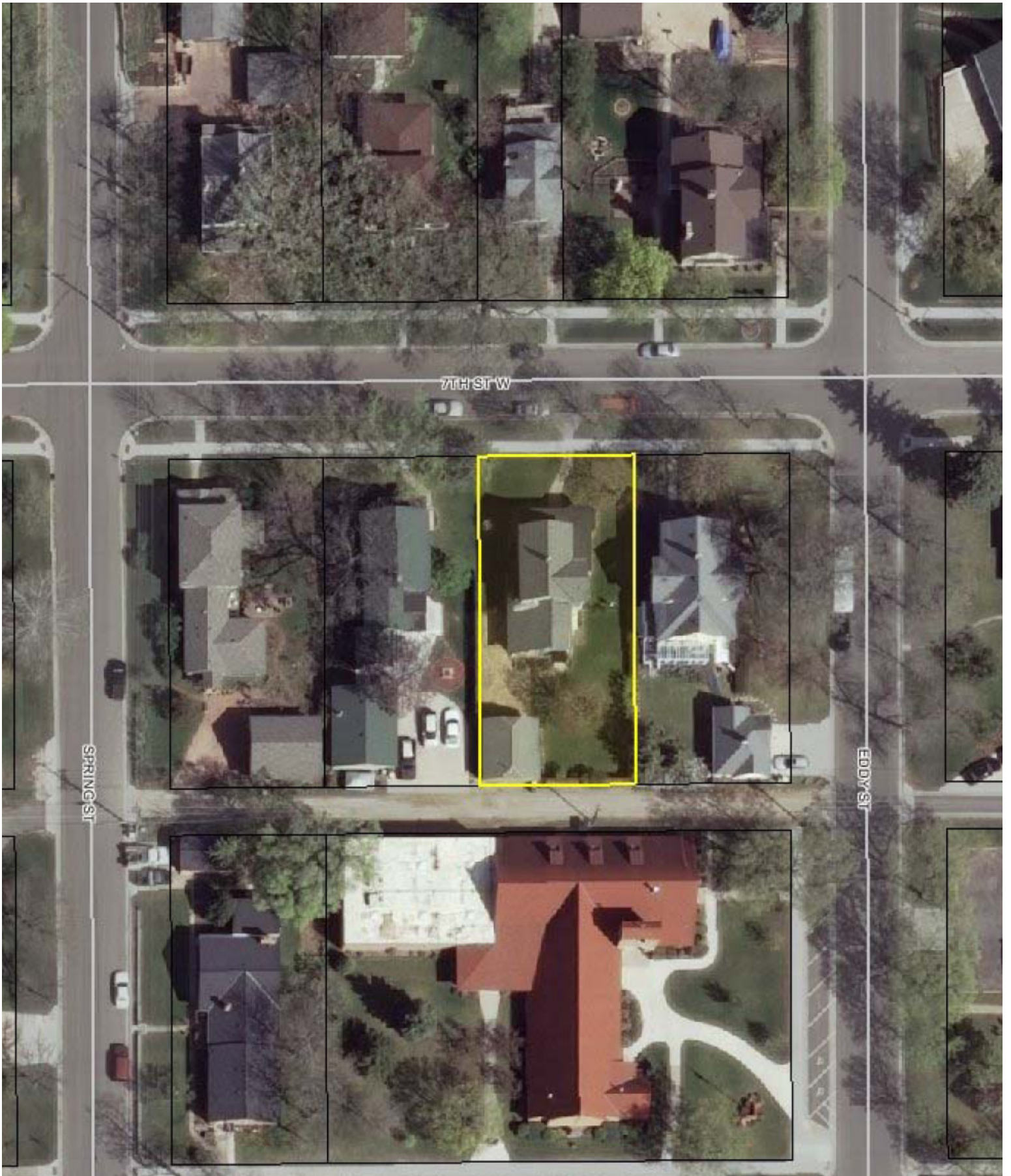
The applicant could rehabilitate the existing garage at its current location, or construct a new garage meeting the setback requirements. The existing home is of similar size to others in the neighborhood. Improvements to the building could be accomplished without a variance.

RECOMMENDATION

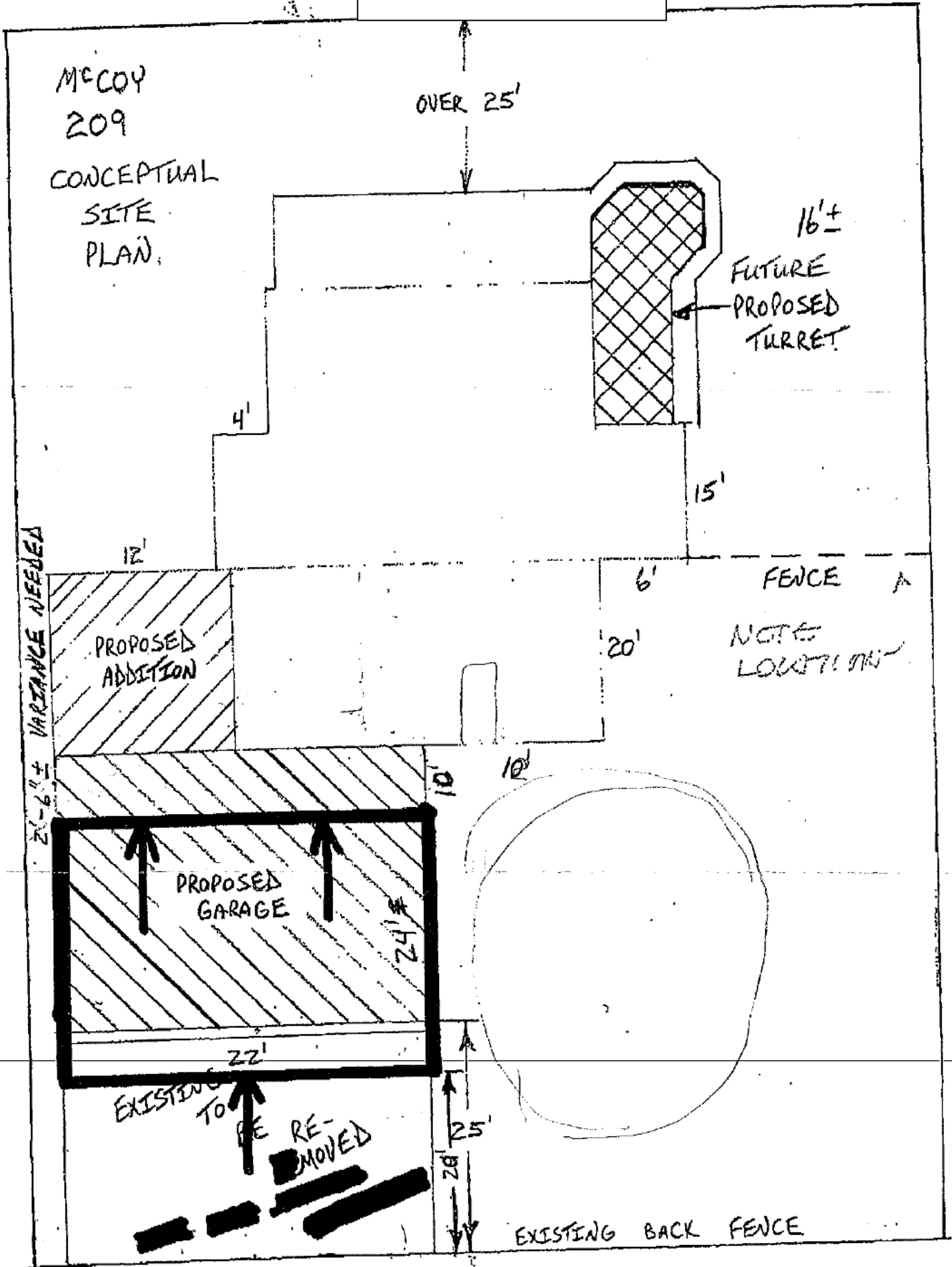
Denial of the variance request is recommended.

ATTACHMENTS

- Location Map
- Site Plan
- Application

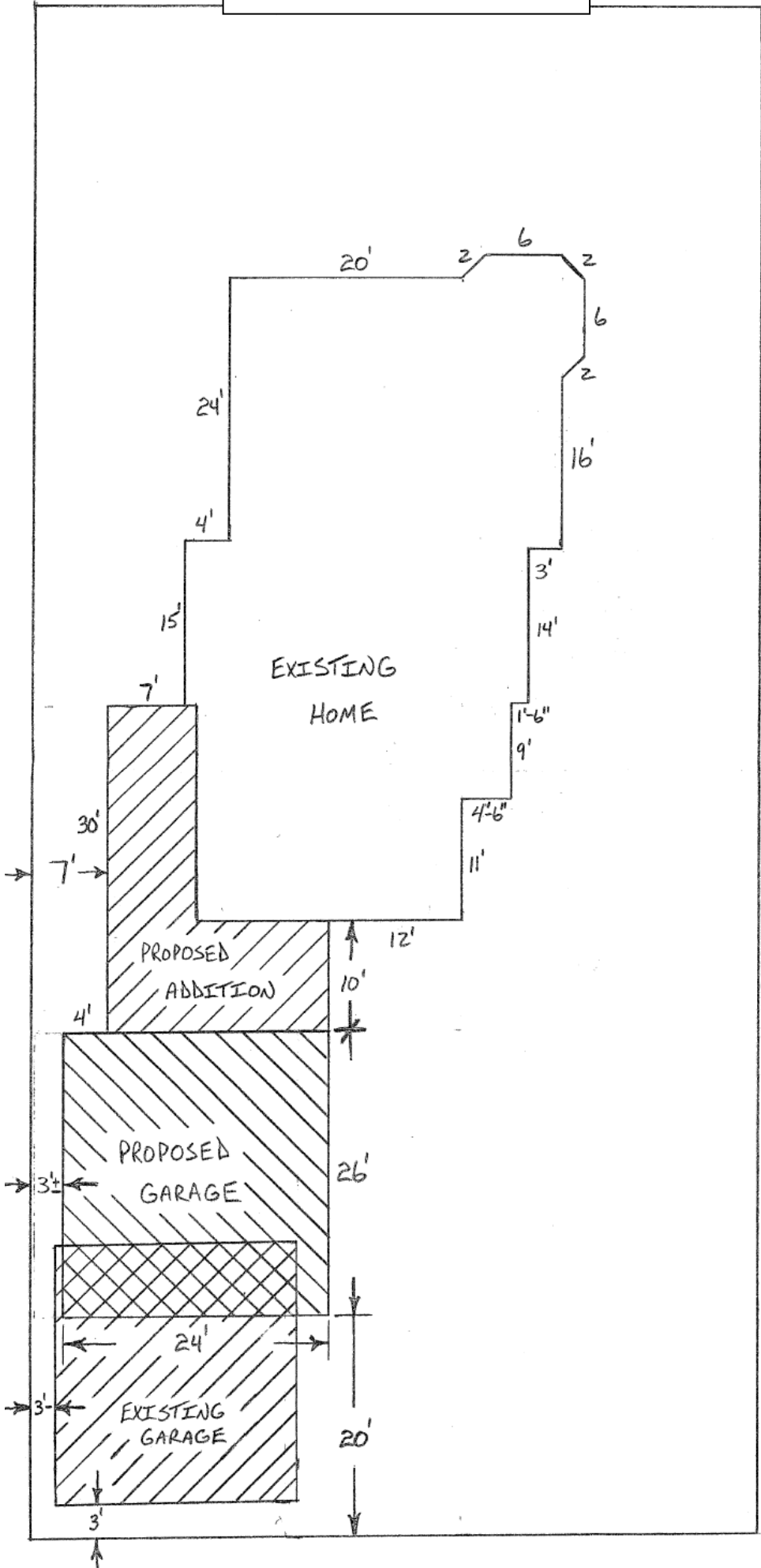


Original Site Plan



APPROX. 10' TO CENTER OF DRIVE

Revised Site Plan





City of Hastings

#2012-15

Department of Planning
101 4th Street East, Hastings, MN
55033

p. 651-480-2350 f. 651-437-7082
www.ci.hastings.mn.us

Land Use Application

Address or PID of Property: 209 7TH STREET WEST

Applicant Name: ANDREW MCCOY
Address: 209 7TH ST W

Property Owner: ANDREW & MARTHA MCCOY
Address: 209 7TH ST W
HASTINGS

Phone: 612-987-2315

Phone: 651-437-2312

Fax: _____

Fax: 651-437-4586

Email: HANDYANDAYMCCOY@LIVE.COM

Email: _____

Description of Request: VARIANCE TO BUILD NEW GARAGE AT SAME SIDEYARD SET BACK AS EXISTING ONLY MOVING ~~AWAY~~ OFF ALLEY TO MEET NORMAL 20' SET BACK WITH HOUSE ADDITION TO FOLLOW SAME LINE OF SET BACK

If requesting site plan review of multi-family units (three or more attached), are the units intended to be for sale or rental units? N/A

Check Applicable Line(s) Please Note: All Fees and Escrows are due at time of application.

<input type="checkbox"/> Rezone	\$500	<input type="checkbox"/> Minor Subdivision	\$500
<input type="checkbox"/> Final Plat	\$600	<input type="checkbox"/> Special Use Permit	\$500
<input checked="" type="checkbox"/> Variance	\$250	<input type="checkbox"/> Comp Plan Amend.	\$500
<input type="checkbox"/> Vacation	\$400	<input type="checkbox"/> Lot Split/Lot Line Adj.	\$50
<input type="checkbox"/> House Move	\$500	<input type="checkbox"/> Annexation	\$500 plus legal expenses
<input type="checkbox"/> Prelim Plat	\$500 + escrow	<input type="checkbox"/> EAW	\$500 + \$1,000 escrow
<input type="checkbox"/> Site Plan	\$500 + escrow	<input type="checkbox"/> Interim Use Permit	\$500

Total Amount Due: \$ 250.00

Make checks payable to City of Hastings.
Credit cards also accepted.

Please ensure that all copies of required documents are attached.

Andrew McCoy 3/30/12
Applicant Signature Date

Andrew McCoy 3/30/12
Owner Signature Date

ANDREW MCCOY
Applicant Name and Title - Please Print

ANDREW MCCOY
Owner Name - Please Print

OFFICIAL USE ONLY

File # 2012-15 Rec'd By: Stinzman
Fee Paid: PAID Receipt # _____

Date Rec'd: 3/30/12
App. Complete _____

PAID
MAR 30 2012