

**CITY OF PEQUOT LAKES
PRELIMINARY AGENDA
PLANNING AND ZONING COMMISSION**

May 19, 2005 at 6:30 PM

1. Call to Order
2. Roll Call
3. Public Hearings

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Variance to Allow Dwelling with Less than Required Width

Gene Hurtig

Application 05-35

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Variance to Construct a Dwelling (continued)

Holley

Application 05-20

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Public Hearing on Adoption of the Updated

Land Use and Subdivision Ordinance

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4. Additions or Deletions to the Agenda
5. Open Forum
6. New Business
 - a. Park Committee, Review of Park Plan
7. Old Business
 - a. Metes and Bounds Subdivision, Jewell, Application 05-17 (continued)
 - b. Review of Bolz-Anolshek CUP On-site Visit
8. Approval of Minutes
 - a. April Minutes
9. P&Z Administrator's Report
 - a. Permits
 - b. Correspondence
 - c. Potential Violations/Enforcement Actions
10. Adjournment

STAFF REPORT

Application: Variance to Allow Dwelling with Less than Required Width

Applicant: Gene Hurtig

Background Information: The Hurtig property is approximately 157 acres in size and is located in the southwestern part of the city on Hurtig Road. The parcel is zoned Forestry and currently has a dwelling and several farm-related buildings to the northwest of Hurtig Road.

The applicant proposes to move a dwelling measuring 12' x 76' onto the property to replace the existing dwelling. The applicant proposes to remove the existing dwelling and farm-related buildings after the new dwelling is in place.

Applicable Statutes: In order to approve or deny a variance, the Planning Commission must make findings of fact. Variances may be granted in instances where extraordinary and unnecessary hardships may result from strict compliance with the Ordinance and allowing a variation will not have the effect of nullifying the intent and purpose of the Ordinance. Variances shall be considered because of circumstances relating to lot size, shape, topography, or other characteristics of the property not created by the landowner.

Specifically, the Planning Commission must show that the following have been met:

1. The variance shall not create a land use not permitted in the zone.
2. The variance will not alter the essential character of the locality.
3. The variance is not for economic reasons alone, but reasonable use of the property does not exist under this Ordinance.

Section 70.070 details the standards for single and two family dwellings and property, stating that all single and two family dwellings shall have a minimum floor area of five hundred (500) square feet, shall be attached to a permanent foundation, and shall have a minimum width of twenty feet.

Staff Findings: Based on the application and the information provided, the Staff provides the following findings:

1. The property is properly zoned for Forestry use, and single-family dwellings are a permitted use in this zone.
2. The proposed dwelling is 12 feet wide, 8 feet short of the minimum 20 foot width requirement.
3. The property has an existing dwelling and several farm-related structures.
4. The proposed dwelling would be compatible with the adjacent properties and surrounding area as it is located in a Forestry zone with no dwellings in the immediate vicinity. Adjacent properties are currently vacant and have tree cover and wetlands.
5. Reasonable use of this property currently exists under the ordinance since a dwelling that conforms to the Ordinance currently exists on the property. There are not any characteristics of the land, such as steep slopes or wetlands, which would prevent the construction or placement of a dwelling meeting the minimum width standard on the property.

Planning Commission Direction: The Planning Commission, when reviewing variances, has the ability to approve the variance with conditions based on findings. The Commission may also deny the variance based on findings. If there is not sufficient information to make a decision, the Commission may table the application and request additional information.

Staff Recommendation: Based on the findings presented, the Staff cannot recommend approval of the variance application. The applicant has not shown that there is an extraordinary or unnecessary hardship that runs with the land and would cause them to need the variance. Reasonable use of the property exists as a dwelling meeting the required size standards currently exists on the property.

STAFF REPORT

Application: Variance to Construct a Dwelling within the Road Setbacks

Applicant: Corliss Holley

Background Information: The Holley property is approximately 14,413 square feet in size and is located on the southeast corner of the intersection of Pequot Boulevard and Brown Street. The applicant proposes to construct a dwelling approximately 1800 square feet with a 1080 square foot attached garage. The applicant also proposes to construct an additional 36 square foot front porch and a 12' x 14' deck. City sewer and water lines currently run along the eastern border of the property.

The applicants have completed a survey of the property, as requested by the Planning Commission, and have found that the proposed structure will fit within the building envelope on the property. The proposed structure will not encroach on any of the setbacks, and the proposed structure meets all other provisions of the Ordinance, making the variance application unnecessary.

The applicants have withdrawn their request.

STAFF REPORT

Application: Metes and Bounds Subdivision

Applicant: Albert and Joyce Jewell

Background Information: The property is located along Hurtig Road just to the southeast of Mayo Lake. The property, consisting of Government Lot 5, is 40 acres in size and is zoned Forestry. There currently are several existing structures located on the northwestern side of Hurtig Road including a house, three sheds, a detached garage, and a barn. The proposed subdivision would create three lots: one of 10.5 acres to the southeast of Hurtig Road, one of 12.1 acres to the east of Hurtig Road, and the third measuring 18.4 acres to the northwest of Hurtig Road.

Applicable Statutes: The process and requirements for subdivisions are currently described under Article IV, Section 140 of the Ordinance. Section 140.020D describes the minimum subdivision design standards as follows:

1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimum alteration. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, nearshore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
2. Each lot shall have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems. New lots requiring mound systems or holding tanks shall not be allowed.
3. Provisions for water-based recreation where near shore aquatic conditions are unsuitable for direct access.
4. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without a variance.
5. Lot layouts shall be compatible with the existing layout of adjoining properties.
6. Each lot shall have a minimum of thirty-three feet frontage on a designated right of way. Commonly owned property or Green Space used for access in a Planned Unit Development shall have a minimum of 33' of frontage on a public right of way.

The rest of Section 140.020D describes minimum design standards for blocks, easements for public utilities, and lakeshore development. Section 140.020 E through I describe survey standards, street improvement standards, sanitary provision standards, water supply standards and drainage/grading standards respectively. Those provisions are not listed here but can be found in the Ordinance. Section 140.030 describes provisions for improvements in subdivisions.

Staff Findings: Based on the application and information provided, the Staff provides the following findings:

1. The property is properly zoned for Forestry use.
2. The land is suitable without significant alteration for development.
3. All tracts meet the minimum lot size of 10 acres, being 10.5 acres, 12.1 acres and 18.4 acres.
4. All tracts exceed the minimum required lot width of 300 feet.
5. Each lot has at least the minimum required 33 feet of access to public right of way.
6. The lot layouts are consistent with the existing layouts of adjoining properties.

Planning Commission Direction: The Planning Commission can develop findings to recommend approval of the metes and bounds subdivision, it can develop findings to recommend denial of the metes and bounds subdivision, or it can table the subdivision request to gather additional information or provide the applicant time to modify the proposal.

Staff Recommendation: Based on the findings of fact in this report, the Staff recommends that the metes and bounds subdivision be approved.