

November 29, 2003

City of Garrison Planning Commission  
P.O. Box 239  
Garrison, MN 56450

**Re: Schmidt Variance Request**

Dear Commission Members:

The City has received a request for a variance from Scott Schmidt. Mr. Schmidt would like to construct a garage off of Jefferson street one block south of Monroe. The required setback from the edge of the property line is 35 feet. The applicants are requesting a variance to allow an encroachment to 10 feet. The encroachment would be on Jefferson Street.

To approve a variance, the Ordinance states in Section 8.4 that the Board of Adjustment must find that the applicant would suffer an undue hardship if the Ordinance were strictly complied with. In Section 8.5, the Ordinance spells out the following standards that would need to be met:

1. The property in question cannot be put to reasonable use if used under conditions allowed by official controls.
2. The plight of the landowner is due to circumstances unique to his property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of this Ordinance.
5. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties.
6. A variance may not be granted for any use that is not permitted under this Ordinance for property located in the zone where the affected persons land is located.
7. Undue hardship, as used in connection with the granting of a variance, includes direct sunlight for solar energy systems.

All of these standards must be met in order to approve a variance.

In examining these standards, we provide the following observations:

1. The decision rests on what the Council considers reasonable use. The property owner does not have a garage for the dwelling.
2. The property is limited by the width of the right-of-way and the location of the sewage treatment system.
3. The character of the locality is single-family homes adjacent to commercial property. The dwelling does already encroach on the right-of-way. This proposal will not encroach any further than the existing dwelling. Granting of this variance will not alter the character of the locality.

4. There are no economic arguments being made in favor of the variance. Economics do not seem to be an issue.
5. Accessory structures are allowable uses in the zone, and so a variance will not permit a use that is not allowed.
6. There are no solar energy systems involved with this project.

As with past variances along Jefferson Street, there are some concerns with potential impacts of some T.H. 169 alignments. This building would not be closer to the right-of-way than either the setback variance given to the church or the Post/Helget townhomes. Even so, the Council should be aware that if Jefferson is used for side-traffic, it would need to be widened and we would be carrying greater traffic volumes.

After reviewing these facts, it is our recommendation that the Board approve the variance. The plan and the request are similar to past variances approved by this body along the same corridor. There are features unique to this property that makes this the only area available for construction.

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The City received a complaint regarding the Elmer and Lillian Becker property. The complaint centered around the living conditions on the property, including lack of proper sewage facilities, burning of garbage and outside storage of old vehicles. I have visited the site in November and it appears, with the onset of winter, that the situation regarding living conditions has been resolved. At least the property did not appear inhabited. There is an outside storage issue, just as there is on a number of properties in this area. We should discuss this issue more after the public hearing as you all understand the situation better than we do.

If you have any questions or concerns on this recommendation or anything contained in this review, please feel free to contact me at 612-701-0352 or by email at [marohn@communitygrowth.com](mailto:marohn@communitygrowth.com).

Sincerely,

COMMUNITY GROWTH INSTITUTE

Charles Marohn  
Garrison Planning and Zoning Administrator

Cc: Sandy Post, Deputy Clerk