



Hermantown Board of Appeals & Adjustments Meeting September 12, 2023

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's September 12, 2023, Board of Appeals & Adjustments Meeting will be conducted both remotely and with limited access to Council Chambers.

The meeting will utilize the platform "Zoom," which allows the public to view and/or hear the meeting from their phone or computer.

The 5:00 pm Board of Appeals & Adjustments Meeting will be available at:

<https://us02web.zoom.us/j/84616325612?pwd=QU1JY2FSSStEcEhQblhCRVNkM2wrdz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 846 1632 5612 and the passcode of 608442.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting
- It is a challenging situation for all of us, so grace and understanding are appreciated.

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS

Agenda
September 12, 2023
5:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. June 13, 2023 regular meeting.

4. PUBLIC DISCUSSION – Public comment on any item not otherwise listed on the agenda.

5. PUBLIC HEARING

5.A An application by James Savre for a 33-foot variance to the 50’ front yard structure setback associated with a R-3, Residential zoned property for the purpose of installing two solar arrays/panels. The property is located at 3649 Ugstad Road.

5B. An application by PPT, LLC for a 5-foot variance to the 35’ front yard structure setback associated with a C, Commercial zoned property for the purpose of constructing a 930 square foot building addition. The property is located at 4490 Sugar Maple Drive.

6. CONTINUING BUSINESS

7. NEW BUSINESS

8. COMMUNICATIONS

9. COMMISSION MEMBER REPORTS

Cyndy Reno –
Joe Peterson –
Gerald Wallace –
Michael Boese –
James Nelson –
Brian LeBlanc –

ADJOURN

CITY OF HERMANTOWN
BOARD OF APPEALS & ADJUSTMENTS
June 13, 2022 Meeting Summary
5:00 PM

1. ROLL CALL

Members Present: Joe Peterson; Cyndy Reno; Gerald Wallace; James Nelson; and Councilor Brian LeBlanc

Members Absent: Michael Boese

Others Present: Eric Johnson, Community Development Director; Craig Saari, 3520 Miller Trunk Hwy; and Ron Krueger

2. APPROVAL OF AGENDA

Motion made by Gerald Wallace to approve the June 13, 2023 agenda as presented. Seconded by Cyndy Reno. Motion carried.

3. APPROVAL OF MINUTES

Motion made by Gerald Wallace to approve the May 10, 2022 minutes as presented. Seconded by James Nelson. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A An application by Langhals Enterprises, LLC for a variance from Section 525.04.6 of the Hermantown Zoning Code stating that 'All parking areas drive aisles, and outdoor storage areas shall be paved'. The property is located at 5320 Miller Trunk Highway and is located in a C-1, Office/Light Industrial zoning district.

Eric Johnson, Community Development Director, presented the application by Langhals Enterprises, LLC, who is proposing to construct a 40' x 50' addition on the west side of the building, located at 5320 Miller Trunk Highway, and a 36.5' x 100' overhang/shed roof on the east side of the existing building.

Eric noted that the previous building on this property was destroyed by fire in 2012. The existing building was constructed in 2013. The existing building received building permits from the City but a Commercial Industrial Development Permit (CIDP) was not issued at the time. As part of CIDP applications, items such as site design, stormwater, site circulation and building design are addressed.

The applicant, Craig Saari that there have been issues with water on both sides of the property. He stated that he would like to grow his business in town.

Motion made by Gerald Wallace to approve the application by Langhals Enterprises, LLC for a variance from Section 525.04.6 of the Hermantown Zoning Code stating that 'All parking areas drive aisles, and outdoor storage areas shall be paved'. Seconded Cyndy Reno. Motion carried 4 to 0.

6. CONTINUING BUSINESS

None

7. NEW BUSINESS

None

8. COMMUNICATIONS

None

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Cyndy Reno – None

Michael Boese – Absent

Gerald Wallace – None

James Nelson – None

Brian LeBlanc – None

ADJOURN

Motion made by Gerald Wallace to adjourn the meeting. Seconded by James Nelson. Meeting adjourned at 5:30 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



Hermantown Board of Appeals and Adjustments

Meeting Date: September 12, 2023

Agenda Item: 5A

5A. Variance Application for a 33 foot reduction of the 50 foot front yard building setback in an R-1, Residential zoning district

Applicant: James Savre

Case No.: 2023-50-VAR

Staff Contact: Eric Johnson, Community Development Director

Request: Request a 33 foot variance from the front yard building setback for the purpose of installing two solar panels in a R-1, Residential zoned property

RECOMMENDED ACTION:

Board of Appeals consideration of the Variance, subject to included conditions.

DESCRIPTION OF REQUEST:

Requested is approval of a 33' Variance from the 50' front yard building setback for the purpose of installing two solar panels in a R-1, Residential zoning district.

SITE INFORMATION:

Parcel Size: 10 acres
Legal Access: 3649 Ugstad Road
Wetlands: Yes, per the National Wetland Inventory
Existing Zoning: R-1, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Suburban

Development Details

The applicant (James Savre) owns a 10 acre parcel at 3649 Ugstad Road as well as an additional 10 acres directly to the north. The applicant is looking to install solar panels in the front portion of his property in an area that is generally free to trees and has favorable exposure.

The proposed project is two sets of panels, installed perpendicular to Ugstad Road with a distance of 25 feet between each panel section with each section being approximately 30 feet in length. The City views the solar panels as structures which requires a 50 setback from the right of way line associated with Ugstad Road.

The applicant states that the contractor (Energy Plus) informed him that a rooftop installation is not feasible as the existing home faces southwest and is shaded by existing trees. Alternative locations within the property are either too hilly, have wetlands, a large number of trees or are too far from the house and electric meter to be practical. Thus, the application for the solar panels to be located in the front yard.

The applicant further states that a location south of the existing driveway, 50 feet from the property line would require the removal of two large shade trees and potentially encroaching on the existing mound system. This location would also receive shade from the trees located on the neighbor’s property to the south.

North of the driveway, 50 feet from the property line, involves removing numerous trees and leveling of the ground surface. In addition, it appears that the existing home would cast shade of the panels in this location.

R-1, District Requirements

The site is in the R-1, Residential Zoning District. The project is an allowed use under Section 505.02.4 – Dwelling, single family. The District has the following lot requirements:

| Dimensional Requirements | R-1, Residential | Proposed Project |
|--------------------------|------------------|-----------------------|
| Area | 2.5 acres | 435,600 SF (10 acres) |
| Lot width/frontage | 200’ | 660’ |
| Front yard setback | 50’ | 17’ |
| Rear yard setback | 50’ | 50’ minimum |
| Side yard setback | 15’ | 15’ minimum |

General Variance Requirements

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action.

A variance is requested from Section 505 – R-1, Residential of the Hermantown Zoning Regulations. Subsection 505.04 City Requirements states that the minimum depth of front yard for the proposed structure 50’ from the right of way.

Justification and Mitigation

1. (Justification) The applicant is proposing to construct two solar panels within the front yard area. The proposed panel location requires a 33’ variance from the front yard building setback.
2. (Mitigation) By installing the solar panels in the reduced front yard area, the panels are generally screened from views from the south by existing trees. In addition, the location utilizes open area on the property and would require minimal tree removal.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code.
The purpose of the building setbacks is to provide a standard for housing construction within each zoning district. The following properties in the vicinity of the subject property have the current existing conditions:
 - 3550 Ugstad Road – garage approximately 14 feet from the right of way of Ugstad Road
 - 5291 Morris Thomas Road - garage approximately 10 feet from the right of way of Morris Thomas Road
 - 3738 Ugstad Road – house and garage approximately 27 feet from the right of way of Ugstad Road
 - 3504 Ugstad Road - house is approximately 30 feet from the right of way of Ugstad Road
 - 3656 Ugstad Road - garage approximately 30 feet from the right of way of Ugstad Road

2. The variance is consistent with the Comprehensive Plan.
The variance is consistent with the Goals of the Comprehensive Plan as this is an existing single family home.

3. There are practical difficulties in complying with the Hermantown zoning code.
 - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed construction of solar panels is an allowed use in the R-1, Residential zoning district.

 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The property is generally wooded with the presence of wetlands to the north and west of the existing house. The land area associated with the house and driveway are generally the only cleared area on the property.

 - c. The variance, if granted will not alter the essential character of the locality.
The proposed construction of solar panels is an allowed use in the R-1, Residential zoning district.

Findings of Fact and Recommendations

Should the Board of Appeals vote in favor of the variance request, the following apply:

1. The 33' Variance from the 50' front yard building setback is approved.

2. No wetland impacts are allowed in the building of the house nor for the creation of yard space.

3. The proposal meets the requirements of Section 505, "R-1, Residential" of the Hermantown Zoning Ordinance.

4. The proposal meets the requirements of Chapter 6, “Variances” of the Hermantown Zoning Ordinance.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Proposed Site Plan and Image

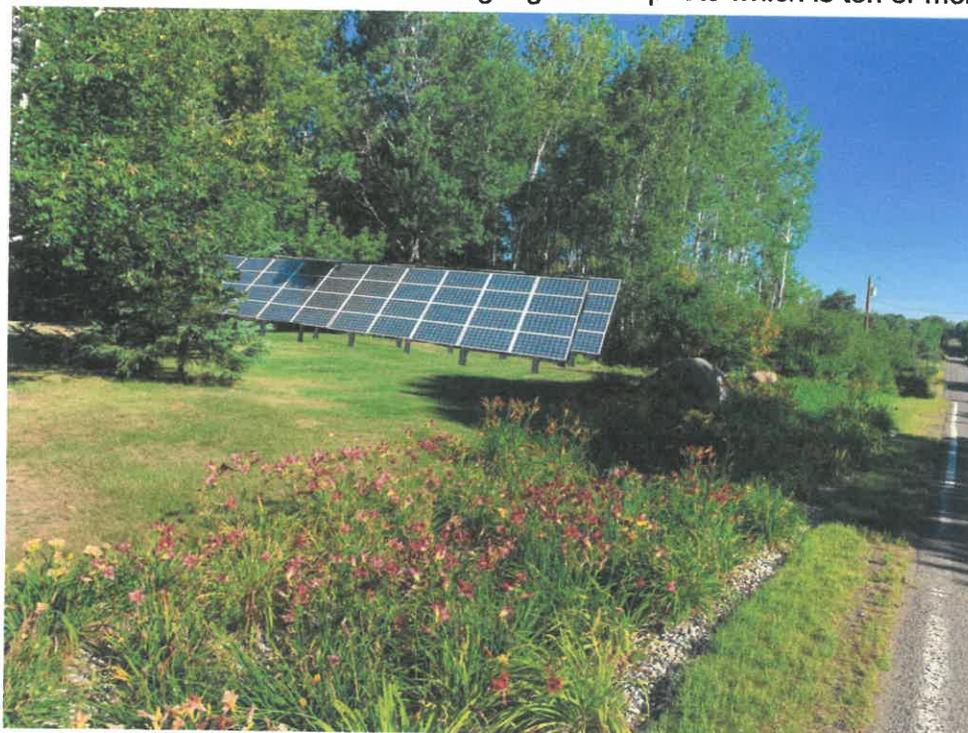
Location Map



Here are some photos to help with visualization:



This photo is from the City of Hermantown website and is at least three years old (our driveway was blacktopped three years ago), but shows the corner of our yard which was cleared several years ago which is not visible on the google earth photo which is ten or more years old.



This is a mock up of what the array should look like if placed in my yard with a 40 foot variance. (view looking north down Ugstad Road).



Hermantown Board of Appeals and Adjustments

Meeting Date: September 12, 2023

Agenda Item: 5B

5B. Variance Application for a 5 foot reduction of the 35 foot front yard building setback in an C, Commercial zoning district

Applicant: PPT, LLC
Case No.: 2023-53-VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Request a 5 foot variance from the front yard building setback in a C, Commercial zoned property

RECOMMENDED ACTION:

Board of Appeals consideration of the Variance, subject to included conditions.

DESCRIPTION OF REQUEST:

Requested is approval of a 5' variance from the 35' front yard building setback in a C, Commercial zoning district for the purpose of constructing a 930 square foot addition to an existing commercial building.

SITE INFORMATION:

Parcel Size: 2.9 acres
Legal Access: 4490 Sugar Maple Drive
Wetlands: No
Existing Zoning: C, Commercial
Airport Overlay: Zone 3 – height restrictions only
Shoreland Overlay: None
Comprehensive Plan: Commercial

Development Details

The applicant (PPT, LLC) owns the property located at 4490 Sugar Maple Drive. The applicant has been in discussion with his tenant, Valentini's on a possible building expansion for their restaurant. The proposed expansion consists of a dedicated entry and waiting area, a meeting room and additional storage. The existing building meets Sugar Maple Drive at an angle with the proposed building expansion requiring a 5' variance from the 35' front yard building setback and the area of building within the variance area being approximately 6' x 14' (45 square feet).

C, Commercial, District Requirements

The site is in the C, Commercial Zoning District. The project is an allowed use under Section 520.02.43 – Retail store, general, specialty. The District has the following lot requirements:

| Dimensional Requirements | C, Commercial | Proposed Project |
|--------------------------|---------------|-------------------|
| Area | None | 2.9 acres |
| Lot width/frontage | None | 315' |
| Front yard setback | 35' | 30' (40' average) |
| Rear yard setback | 40' | 110' |
| Side yard setback | 10' | 50' |

General Variance Requirements

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action.

A variance is requested from Section 520 – C, Commercial of the Hermantown Zoning Regulations. Subsection 520.04 City Requirements states that the minimum depth of front yard for the structure is 35' from the right of way.

Justification and Mitigation

1. (Justification) The applicant is proposing a 5' variance from the 35' front yard building setback for the purpose of constructing a building expansion.
2. (Mitigation) As part of the construction of the expansion, the applicant is proposing to remove a portion of the existing pavement on the NW side of the building and replace with landscaping and sod, thus reducing the impervious surface on the property.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code.
The purpose of the building setbacks is to provide a standard for building construction within each zoning district. The following properties in the vicinity of the subject property have the current existing conditions:
 - 4969 Miller Trunk Highway – building is located along the right of way of Cirrus Drive with no apparent setback.
 - 4956 Miller Trunk Highway – building is approximately 25 feet from the right of way of Miller Trunk Highway.
2. The variance is consistent with the Comprehensive Plan.
The variance is consistent with the Goals of the Comprehensive Plan by creating commercial development within the City.

3. There are practical difficulties in complying with the Hermantown zoning code.
 - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.
The proposed use is similar in use and intensity to other existing uses in the zoning district.
 - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
The Sugar Maple Drive roadway has a curve in this location. As the existing building is not parallel to Sugar Maple Drive, there is an existing building setback ranging from 45 to 62 feet with the average setback being 54 feet. The proposed variance brings the setback area from 30 feet to 50 feet with the average being 40 feet.
 - c. The variance, if granted will not alter the essential character of the locality.
The proposed use is similar in use and intensity to other existing uses in the zoning district.

Findings of Fact and Recommendations

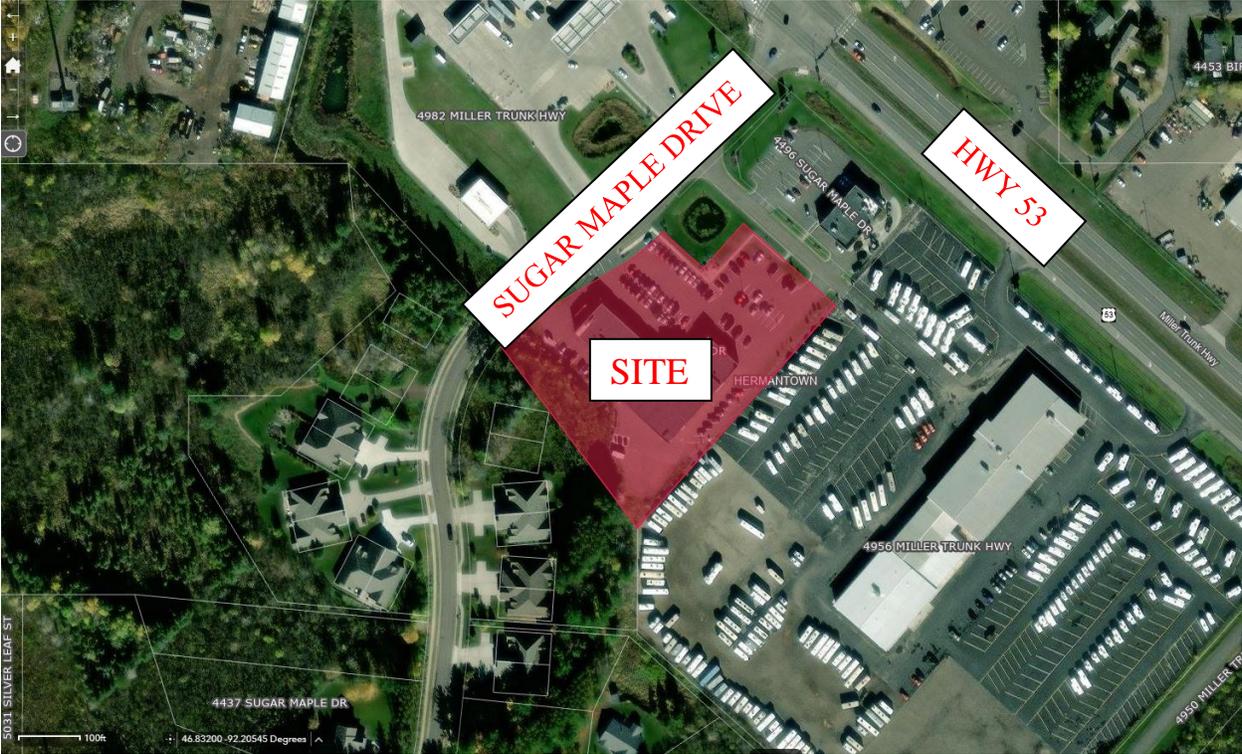
Should the Board of Appeals vote in favor of the variance request, the following apply:

1. The 5' Variance from the 35' front yard building setback is approved.
2. No wetland impacts are allowed in the building of the house nor for the creation of yard space.
3. The proposal meets the requirements of Section 520, "C, Commercial" of the Hermantown Zoning Ordinance.
4. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

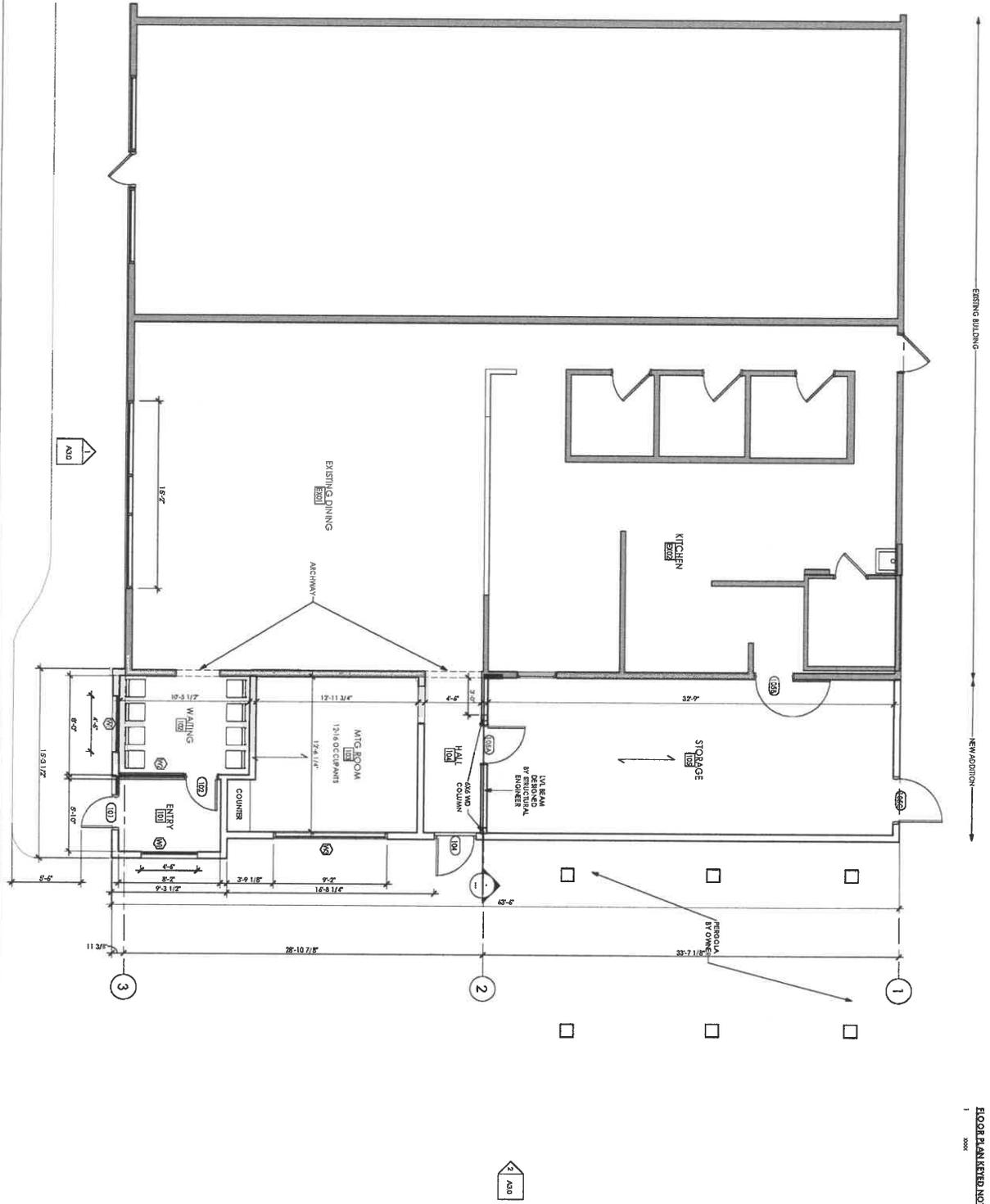
ATTACHMENTS:

- Location Map
- Proposed Site Plan
- Variance Site Plan
- Floor Plan
- Building Elevation

Location Map



① LEVEL 1 FLOOR PLAN
1/4" = 1'-0"



ECOA PLANNED NOTES (1)

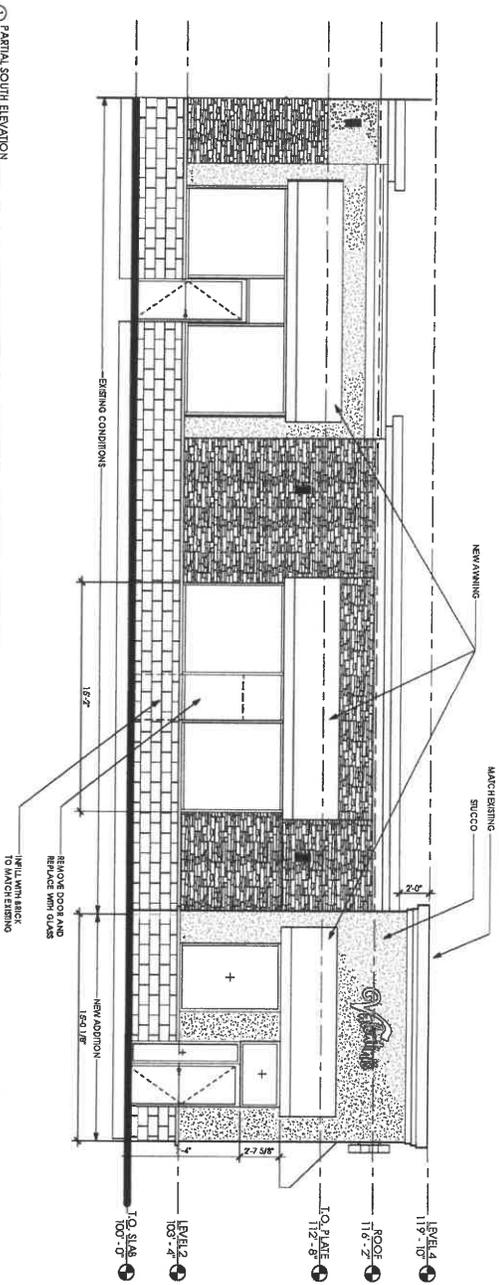
AROLA
ARCHITECTURE STUDIO, LLC
501 LAKE AVE. SOUTH - SUITE 205 - DULUTH, MINNESOTA 55802

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: Paper Status

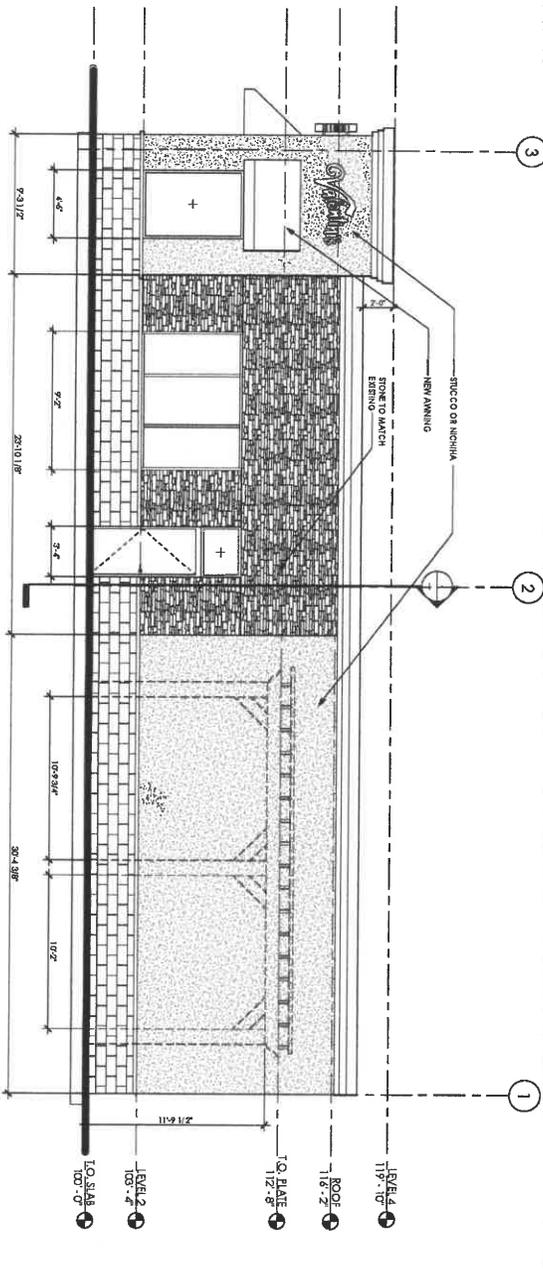
VALENTINI'S EXPANSION
4960 MILLER TRUNK HWY, HERMANTOWN, MN
55811

ISSUE DATE: 6/20/2023
PROJECT NO.: 2322
REVISIONS: A

SHEET NO.
A2.0



① PARTIAL SOUTH ELEVATION
1/4" = 1'-0"



② EAST ELEVATION
1/4" = 1'-0"