



Hermantown Board of Appeals & Adjustments Meeting November 12, 2024

Because of attendance limitations at the regular meeting location due to the health pandemic, Hermantown's November 12, 2024, 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
November 12, 2024
5:00 PM

1. ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

3A. September 10, 2024 regular meeting.

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

5. PUBLIC HEARING

5A. An application by Jackie VanValkenburg for a 5-foot variance request from the 10- foot structure setback associated with the construction of a new driveway. The property is located at 5167 W. Arrowhead Road and is located in a R-3, Residential zoning district.

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
September 10, 2024 Meeting Summary
5:00 PM

1. ROLL CALL

Members Present: Joe Peterson; James Nelson; Michael Boese; and Councilor Brian LeBlanc

Members Absent: Cyndy Reno and Gerald Wallace

Others Present: Eric Johnson, Community Development Director; and Todd Pelkey

2. APPROVAL OF AGENDA

Motion made by James Nelson to approve the September 10, 2024 agenda as presented. Seconded by Brian LeBlanc. Motion carried.

3. APPROVAL OF MINUTES

Motion made by James Nelson to approve the September 12, 2023 minutes as presented. Seconded by Brian LeBlanc. Motion carried.

4. PUBLIC DISCUSSION

None.

5. PUBLIC HEARING

5A. An application by Todd Pelkey/Northwoods Sod for a 100-foot variance request from the 200-foot building setback associated with a Natural Environment Shoreland Area. The property is located at 3688 Midway Road and is located in a BLM, Business Light Manufacturing zoning district.

Eric Johnson, Community Development Director, presented the application of the applicant (Northwoods Sod/Todd Pelkey) who owns the property located at 3688 Midway Road and operates Northwoods Sod at the property. The applicant is seeking 100-foot variance request from the 200-foot building setback associated with a Natural Environment Shoreland Area. Applicant purchased this property in 2018 and moved his business to the property with its existing building.

The Natural Environment Shoreland Area identifies a 200-foot building setback from the ordinary high water level (OHWL) of the tributary. The applicant contacted the City in early 2024 to discuss the construction of a 6,750 square foot building on the property for the purpose of storing vehicles and supplies. This building expansion is proposed on the graded pad area originally done in 2019 and within the shoreland area and is approximately 100 feet from the OHWL.

The 5.0-acre property contains an existing building located in the northwest corner of the property. There is an existing unmapped tributary of the Midway River with a corresponding wetland area which is located approximately 100' to the north of the tributary with the majority of the southeast portion of the site being wetland. The location of the proposed structure is in an upland area with no new wetland impacts being proposed as part of this project.

Motion made by Michael Boese to approve the application by Todd Pelkey/Northwoods Sod for a 100-foot variance request from the 200-foot building setback associated with a Natural Environment Shoreland Area. The property is located at 3688 Midway Road and is located in a

BLM, Business Light Manufacturing zoning district. Seconded by James Nelson. Motion carried 3 to 0.

6. CONTINUING BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

None.

9. COMMISSION MEMBER REPORTS

Joe Peterson – None

Cyndy Reno – Absent

Michael Boese – None

Gerald Wallace – Absent

James Nelson – None

Brian LeBlanc – None

ADJOURN

Motion made by Michael Boese to adjourn the meeting. Seconded by James Nelson. Meeting adjourned at 5:18 pm.

Officiated by:

Transcribed by:

Joe Peterson, Chairman

Mary Melde, Administrative Assistant



Hermantown Board of Appeals and Adjustments

Meeting Date: November 12, 2024

Agenda Item: 5A

5A. Variance Application for a 5 foot reduction of the 10 foot structure (driveway) setback in a R-3, Residential zoning district

Applicant: Jackie VanValkenburg
Case No.: 2024-59-VAR
Staff Contact: Eric Johnson, Community Development Director
Request: Request a 5 foot variance from the structure (driveway) setback within a R-3, Residential zoning district

RECOMMENDED ACTION:

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

DESCRIPTION OF REQUEST:

Requested is approval of a 5 foot variance from the side yard structure (driveway) setback within a R-3, Residential zoning district

SITE INFORMATION:

Parcel Size: 3.0 acres
Legal Access: 5167 W. Arrowhead Road
Wetlands: None per the National Wetland Inventory (NWI)
Existing Zoning: R-3, Residential
Airport Overlay: None
Shoreland Overlay: None
Comprehensive Plan: Residential

Development Details

The applicant (Jackie VanValkenburg) owns the property located at 5167 W. Arrowhead Road and has been approved for a parcel split in order to create two new residential lots.

As part of this lot subdivision, the driveway and utilities which currently serve the house are from W. Arrowhead Road and need to be relocated to Grouse Ridge Drive. Section 200.01.99 of the City's Zoning Ordinance defines "Structure" as anything constructed or erected on the ground, including but not limited to walls, fences, driveways, signboards, billboards, buildings, factories, sheds, detached garages, cabins, mobile homes and other similar items.

Given the classification of a driveway as a structure, it is subject to the City's side yard setback requirement of 10 feet.

The applicant is requesting a variance of 5 feet to accommodate the proposed driveway which will be located on the south side of the existing structure. The length of the proposed variance is approximately 90 feet which includes the two tapers as the driveway shifts to the south and then back to the north where it terminates at the west side of the parcel.

R-3, District Requirements

The site is in the R-3, Residential Zoning District, which identifies single family residential structures as a permitted use.

Dimensional Requirements	R-3, Residential	Proposed Project
Area	0.5 acres	0.69 acres
Lot width	100'	147'
Front yard	50'	Greater than 50'
Rear Yard	40'	Greater than 40'
Side yard	10'/aggregate of 25'	5' minimum - driveway

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 515.04 – City Requirements of the Hermantown Zoning Regulations states that the structure setback is 10’ from the side lot line.

Existing Conditions

The 3.0 acre property contains an existing house and garage structure. The driveway and utilities for the house come from W. Arrowhead Road. As part of the future lot split, the driveway and utilities will be disconnected and will be available for the future development of Parcel B, with the new utilities and driveway for the existing home (Parcel A) being from Grouse Ridge Drive.

Justification and Mitigation

1. (Justification) The applicant is proposing a new driveway and utility connections from Grouse Ridge Drive. The proposed driveway location is 5 feet from the side yard for a length of 50 feet with the driveway tapers an average of 7.5 feet for 40 feet for a total of 90 feet.
2. (Mitigation) By constructing the structure (driveway) closer to the required structure setback, the applicant will only be affecting the abutting property to the south which is also owned by the applicant. In addition, in this 90 foot segment, the applicant would reduce the proposed driveway width from 12 feet to 10 feet.

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 R-3, Residential district is for single family residential structures. The overall 3.0 acre parcel can be dimensionally split in order to create an additional two building lots but necessitates the relocation of an existing driveway and City utilities.

2. The variance is consistent with the Comprehensive Plan.

The variance is consistent with the Goals of the Comprehensive Plan by creating residential 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 (residential) and intensity to other existing uses in the zoning district.

The variance will allow the applicant to better utilize their property as well as potentially minimize/avoid buried rock/boulders on the north portion of the property as well as utilize higher topography area on the property.

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

The entry to the existing residence is on the south side of the structure. By locating the driveway in this location it prevents bisecting the property to the north which maximizes the yard area associated with the property.

There is also the possibility of encountering rock/boulders the further north of the subject parcel.

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

The proposed use is similar in use (residential) and intensity to other existing uses in the zoning district.

Properties located at 4318, 4331, 4341, 4351 and 4379 Grouse Ridge Drive all have structures that are closer than the required 10 foot side yard setback.

Findings of Fact and Recommendations

Staff finds the application meets the requirements for a Variance and recommends approval of the Variance, subject to the findings of the Staff Report and the following conditions:

1. The 5' Variance from the 10' structure (driveway) setback is approved.
2. The proposal meets the requirements of Section 515, "R-3, Residential" of the Hermantown Zoning Ordinance.
3. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.

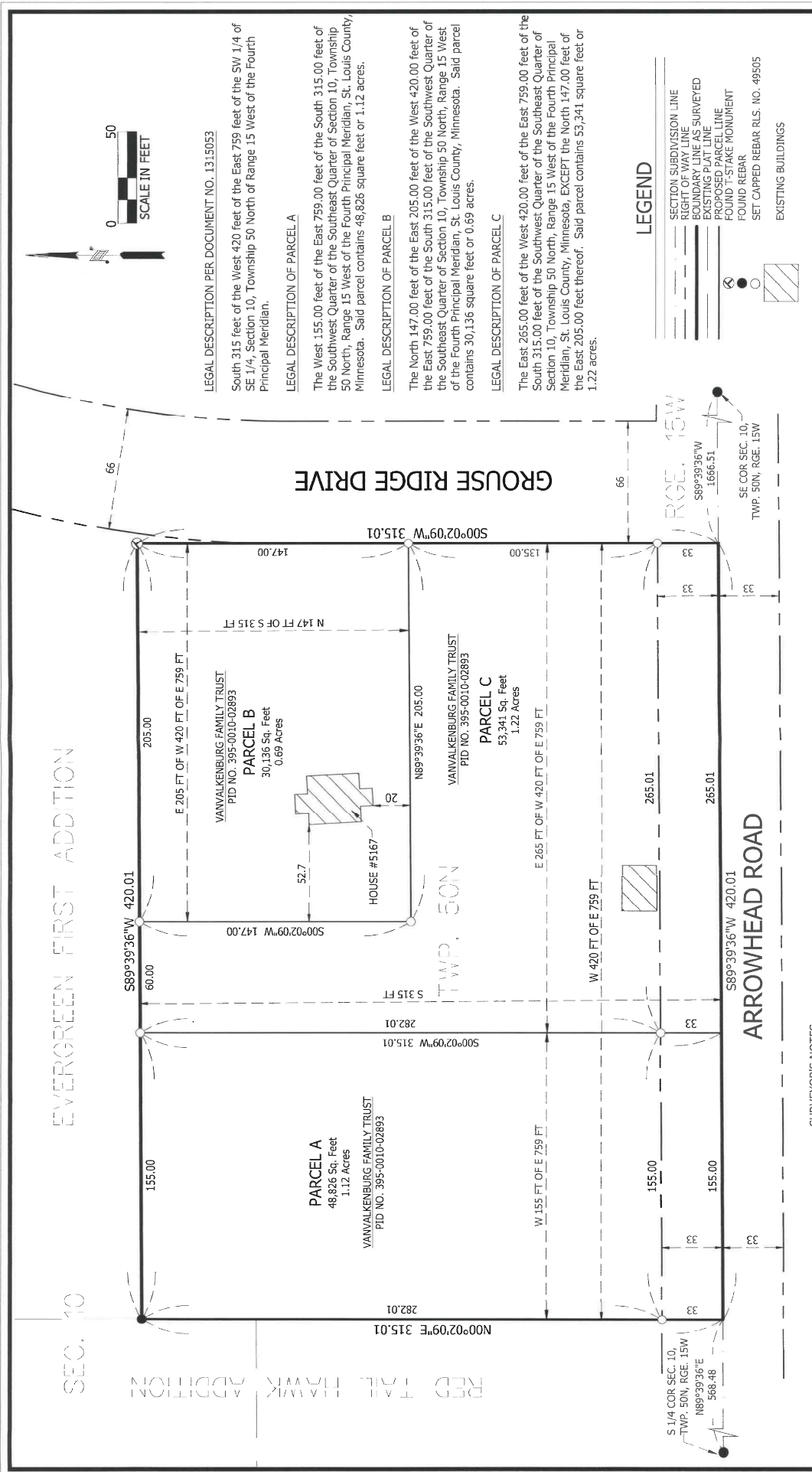
4. The applicant shall maintain a minimum of a 5 foot side yard setback for the structure (driveway) as shown on the attached Proposed Driveway/Utility Plan.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

ATTACHMENTS:

- Location Map
- Proposed Parcel Split
- Proposed Driveway/Utility Plan

Location Map





LEGAL DESCRIPTION PER DOCUMENT NO. 131.5053

South 315 feet of the West 420 feet of the East 759 feet of the SW 1/4 of SE 1/4, Section 10, Township 50 North of Range 15 West of the Fourth Principal Meridian.

LEGAL DESCRIPTION OF PARCEL A

The West 155.00 feet of the East 759.00 feet of the South 315.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota. Said parcel contains 48,826 square feet or 1.12 acres.

LEGAL DESCRIPTION OF PARCEL B

The North 147.00 feet of the East 205.00 feet of the West 420.00 feet of the East 759.00 feet of the South 315.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota. Said parcel contains 30,136 square feet or 0.69 acres.

LEGAL DESCRIPTION OF PARCEL C

The East 265.00 feet of the West 420.00 feet of the East 759.00 feet of the South 315.00 feet of the Southwest Quarter of the Southeast Quarter of Section 10, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota, EXCEPT the North 147.00 feet of the East 205.00 feet thereof. Said parcel contains 53,341 square feet or 1.22 acres.

LEGEND

- SECTION SUBDIVISION LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE AS SURVEYED
- BOUNDARY LINE AS PROPOSED
- PROPOSED PARCEL LINE
- FOUND T-STAKE MONUMENT
- FOUND REBAR
- SET CAPPED REBAR R.L.S. NO. 49505
- EXISTING BUILDINGS

- SURVEYOR'S NOTES**
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
 - BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
 - BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
 - NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

CERTIFICATE OF SURVEY

ALTA
LAND SURVEY COMPANY
PHONE: 218-207-8111
WWW.ALTA.LANDSURVEY.COM

CLIENT: VAN VALKENBURG FAMILY TRUST
ADDRESS: 5167 WEST ARROWHEAD ROAD
HERMANTOWN, MN 55811
DATE: 11-08-2022

REVISIONS:
David R. Evans
DATE: 11-08-2022
Mn License #99255

JOB NO: 22-345 SHEET 1 OF 1

6" W 420.01

205.00

E 205 FT OF W 420 FT OF E 759 FT

VANVALKENBURG FAMILY TRUST
PID NO. 395-0010-02893

PARCEL B
30,136 Sq. Feet
0.69 Acres

S00°02'09"W 147.00

52.7

HOUSE #5167
185'
Total Length
Driveway

90' Total Var.
Request
50' at 5' from
Property line
W/ at 5'-10'
Frontline

VANVALKENBURG FAMILY TRUST
PID NO. 395-0010-02893

PARCEL C
53,341 Sq. Feet
1.22 Acres

E 265 FT OF W 420 FT OF E 759 FT

N 147 FT OF S 315 FT

147.00

S00°02'09"W 315.01

Water
Mn Energy
Sewer
Mn Power

GROUSE RIDGE DRIVE

SON

N 89°39'36"E 205.00
95'
150'
130'
20' at 5'-10' from line

Driveway
20' at 5'-10'

135.00