



City of
BRAHAM

"Building A Better Tomorrow"

201 Broadway Avenue South
PO Box 521
Braham, MN 55006
Phone: 320.396.3383
Fax: 320.396.3478

Planning Commission Meeting
Date/Time: April 12, 5:30 pm
Location: Braham City Hall Council Chambers

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. 214 2nd St SW Variance Request to Construct 24x28 garage
 - A. Staff presentation
 - B. Public Hearing - Testimony
 - C. Commission Member discussion and decision
4. Adjourn



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Braham Planning Commission Public Hearing Notice
April 12, 2022 at 5:30 pm

Braham's Planning Commission will hold a public hearing on April 12, 2022 at 5:30 pm on a variance request for 214 2nd Street SW, Braham, Minnesota. The variance request is to construct a 24' x 28' garage on the parcel. The parcel is over its impervious surface limit. The public hearing will be held at Braham City Hall in Council Chambers, 201 Broadway Ave. S., Braham, Minnesota.

ATTEST:

Linda J. Woulfe
Interim Administrator



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Variance Request Staff Report

Prepared by: Linda J. Woulfe, Interim City Administrator

Background - 214 2nd St SW Variance Request

The applicant would like to construct a 24' x 28' garage on this parcel. This parcel is over the permitted impervious surface calculation.



Zoning Code Language

154.280 ACCESSORY BUILDINGS; USES, EQUIPMENT.

- (A) *General statements.* An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a structured passageway.
- (B) *Location.* No detached accessory building shall be located in the front yard.
- (C) *Height.* Accessory building sidewalls shall not exceed ten feet in height.
- (D) *Setbacks.* Accessory buildings shall:
 - (1) Be located five feet or more from all lot lines of adjoining lots; and
 - (2) Not be located within a utility easement or drainage easement.

- (E) *Size.* Maximum accessory building square footage shall be:
- (1) One thousand and eight square feet for a lot greater than, or equal to, zero acres, and less than, or equal to, 0.59 acres;
 - (2) One thousand, two hundred square feet for a lot greater than, or equal to, 0.60 acres, and less than, or equal to, 0.74 acres;
 - (3) One thousand, four hundred and forty square feet for a lot greater than, or equal to, 0.75 acres; and/or
 - (4) Where residents own two or more contiguous lots, the acreage may be combined.
- (F) *Building design standards.* The architectural design and appearance of all buildings and structures shall comply with the following standards:
- (1) Designed to the State Building Code;
 - (2) The wall or walls that face a street must have siding of like material to the principal structure, or consistent with residential structures. Buildings on a corner lot must comply with § 154.277(C) on both sides of the structure that face the street;
 - (3) Metal lawn or storage sheds 120 square feet or less in floor area shall be exempt from these standards; and
 - (4) No tarp like structures.

§ 154.047 MAXIMUM GROUND COVERAGE; GROUND FLOOR AREA.

- (A) The sum total of the ground area covered by all structures and impervious areas shall not exceed 33% of the lot on which the structures are located.

Why is a variance needed?

This parcel has exceeded its maximum ground coverage area as allowed by ordinance. This makes it a non-conforming parcel in terms of city ordinance and non-conforming parcels need express permission to increase the non-conformity.

Variance Criteria

The City's zoning code addresses variances as follows:

§ 154.397 CONDITIONS FOR GRANTING VARIANCES.

- (A) The City Council, acting as the Board of Adjustments and Appeals, may not permit, as a variance, any use that is not permitted under this chapter for property in the zone where the affected person's land is located.
- (B) A variance may be granted only when there exists a non-economic hardship in the reasonable use of a specific parcel of property. A non-economic hardship shall exist by reasons of one, or any, of the following:
- (1) Narrowness, shallowness, or shape of a specific parcel of property or a lot existing, and of record, upon the effective date of this chapter;
 - (2) Exceptional topographic or water conditions of a specific parcel of land or lot;

- (3) The property cannot be put to reasonable use if used under the conditions allowed by this chapter;
- (4) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (5) Granting the variance will not alter the essential character of the locality.
 - (a) Economic considerations alone do not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter.
 - (b) A variance may be granted for in divisions (B)(1) through (B)(4) above when the strict application of the provisions of this chapter would result in exceptional difficulties in developing the property in a legally permissible manner. The Board of Adjustment and Appeals may impose conditions in granting the variance to ensure compliance to protect adjacent properties.

According to the League of Minnesota Cities “State law says, ‘Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan’ ([Minn. Stat. § 462.357, subd. 6](#)). This is in addition to the three-factor practical difficulties test. So, a city evaluating a variance application should make findings on whether:

- The variance is in harmony with the purposes and intent of the ordinance.
- The variance is consistent with the comprehensive plan.
- The proposal puts the property to use in a reasonable manner.
- There are unique circumstances to the property not created by the landowner.
- The variance, if granted, will not alter the essential character of the locality.”

Next steps

The Planning Commission should discuss the variance criteria and determine whether to grant the variance.

Once Planning Commission makes their decision, staff will prepare official findings of fact to be sent to City Council for their consideration on the variance request.

Items to Consider

The garage siding and shingles should match the principal structure

Existing accessory structures must be removed

Garage should have gutters installed to ensure water run off stays on their parcel.