

Rec. 6/22/20
2020-21



112 West Washington Avenue
Fergus Falls, MN 56537
Phone: 218-332-5434
e-mail: building.zoning@ci.fergus-falls.mn.us
www.ci.fergus-falls.mn.us

Variance Application

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: _____
Last name: Michael First name: Walls
Address: 1002 East Summit Avenue City/State/Zip: Fergus Falls, MN 56537
Phone number: (218) 731-3550 Email address: wallsmi019@gmail.com or mwalls@otpc.com

2. Applicant Information: (if different from above) Same as above

Company name: _____
Last name: _____ First name: _____
Address: _____ City/State/Zip: _____
Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above) Same as above

4. Zoning Designation: R1 / R4

5. Comprehensive Plan Designation: _____

6. Statement of Intent: State exactly what is intended to be done on or with the property which does not conform to City Code requirements.

We are seeking a variance to replace a 12' x 24' garage on a concrete slab in the front yard with a 24' x 24' garage on a concrete slab over the same footprint as the existing 12' x 24' garage except extended 12 more feet to the west; and for an additional variance because the existing garage is within the setback area from a northern property line we share with land owned by the city. (Section 7.11(E)(3)(b) and setback requirements.)

In the alternative, if city administration determines a utility easement prevents us from expanding 12' to the West, we are seeking a variance to build the same 24' x 24' garage in front-yard locations marked as "Plan B" and "Plan C" in the attached diagram/map.

7. b. Written Narrative

We live at 1002 East Summit Avenue in Fergus Falls along the Otter Tail river. My wife and I purchased this property as our primary residence late last summer 2019 and call it home to us and our 10-month old daughter. It's a small house built in the early 1950s and at some point a small 12' x 24' garage was added where the original farmstead must have been, and later a small metal shed used by the previous owner as a doghouse.

The garage was unsalvageable when we bought the property. It looks like snow was banked against the side of the garage for years and tree roots started growing under the mud sill which caused the building to lean and a couple studs to buckle. We knew we would need to replace it the following summer 2020 but we planned to build a 2-stall (24 feet wide) garage in the same location. Nothing too fancy, just big enough to keep the snow off both of our vehicles.

The location of the existing garage is south of a property owned by the city; the city property is wooded and appears to be the historical "boneyard" of the neighborhood before the land was developed. The existing garage is tucked away near the property line we share with the city and is mostly out of sight due to tree cover.

To our surprise, we learned from the city that the garage is considered to be in the "Front Yard" of our property. Because of this classification, our existing garage is considered to be a more restrictive accessory building because it is characterized as a "front-yard accessory building." Our position, however, is that it remains the most suitable location to have a garage because it is located the farthest away from our neighbors, has been the historical site for a garage, and causes the least disruption to the neighborhood, as opposed to the two other locations determined by city code which would place the garage in a more visible, obtrusive, location for our neighbors and create questionable access issues.

For the reasons below, you will see that finding a suitable building location in the "Back Yard" of the home creates a practical difficulty because building sites in the Back Yard would be inaccessible from our historical easement access from East Mount Faith and would place the garage directly in front of our neighbors' homes.

The purpose of this variance request is to seek (1) approval to build a 24' x 24' garage in the same footprint as the 12' x 24' garage but to add 12 additional feet to the building's width; and (2) to address any setback issues from the city's wooded property line to the north. In the alternative, due to a utility easement where the existing garage sits, we are requesting that the variance apply to the same 24' x 24' garage to be built in the front yard, except in either location marked as "Plan B" or "Plan C" in the attached colored map.

The Triangular Shape of the Property and Building Setback from the River Creates a Practical Difficulty in Finding Appropriate Building Sites for a 24' x 24' Garage based on the City Code as applied.

The property is described by metes & bounds and was recently surveyed by Anderson Land Survey. That survey is attached for reference. You will see that it's essentially a triangular-shaped property or some have said it's shaped like Texas. We access our property from the northwest off of East Mount Faith by using a long gravel road that crosses over city property by an easement granted to our predecessor. At the south end of the gravel road we turn east onto "platted Summit Avenue" (a paper street) beyond the barricade, then arrive at the west side our house. Our house has a parking area to the west, and the city's wooded lot / neighbors / continuation of Summit Ave. to the north, river to the south, and our neighbor's – Fred and Rosemary Hansen - to the southwest. The Hansen's just recently built a new home next to our parcel.

Worth mentioning, our property has city water and sewer lines that cross under it, but only the water line is within the vicinity of the garage. Robert Karst granted the city a utility easement in 2000 to install a waterline south of, and around, the existing garage. (See map attached). The garage expansion would only occur 12 feet to the west of its current location, *not south*, so no new encroachment would occur. We currently cross over the waterline to access our existing garage.

If city administration determines we cannot expand 12' to the west into the waterline easement area, then we are requesting the garage be located in the front yard in either of the locations marked as "Plan B" or "Plan C" in the attached colored map, depending on the location of other utilities with respect to those locations.

The City Indicated that our Front Yard either faces West towards platted Summit Avenue; OR it faces North towards the neighbors / continuation of Summit Avenue.

Front Yard to the West. If the Front Yard of the property faces West towards platted Summit Ave. then our backyard for building a garage will be directly in front of our neighbor's historical south view of the river. My understanding is that the code prefers to have accessory buildings in the backyard to reduce the visibility of secondary structures and to create a more aesthetically appealing neighborhood. In this situation, the code would do the opposite because it would place the garage directly in front of our neighbors' homes to the north. Some of these neighbors have already indicated that they would oppose us building a garage there. We also do not desire to build a garage in this area because we cannot access our home or garage from this direction, and historically have not, because there is not an approach or driveway to our home from the easterly direction. This also makes having a garage in this location undesirable because of the significant excavation work to put in a second driveway to our home solely for garage access.

Front Yard to the North. If the Front Yard of the property faces North towards the continuation of Summit Ave. / the neighbors to the north, then the only feasible area to build in the back yard is next to the Hansen's because the 50' river setback would only allow

a garage to be built in the southwest corner of our property. The Hansen's have indicated that they would oppose us building a garage there. We also would not want to build a garage directly adjacent to the Hansen's new home when we could use the same location as the existing garage. It would also be in a location very far from our home to ever consider using it as parking garage on a daily basis.

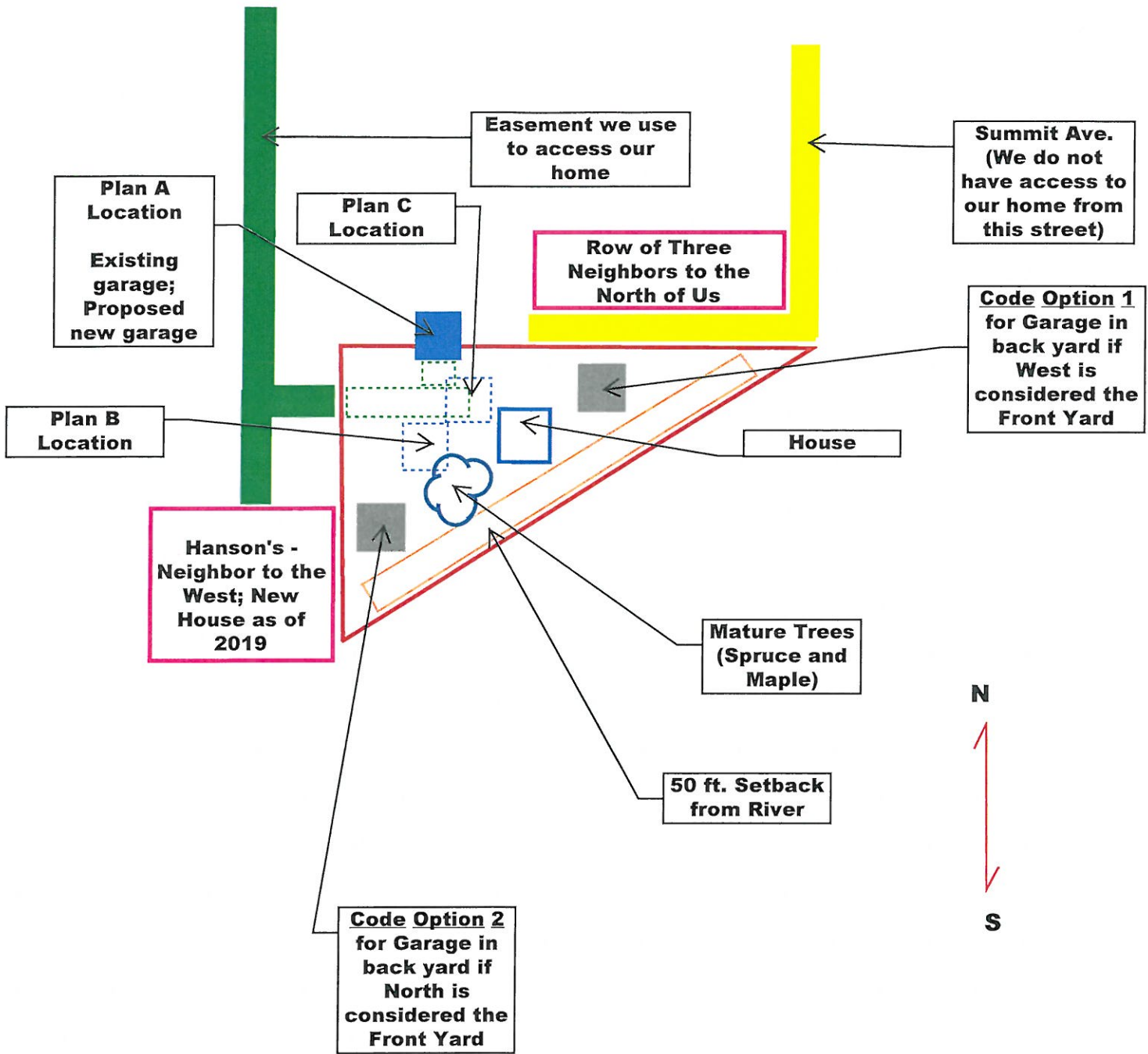
Our property is unique in its location and shape; how the code assigns front yard/backyard designations to our property regarding accessory building creates a contentious situation with our neighbors; and it leaves leftover few possible locations to build a modest garage, one with no access and the second in an undesirable location because it is so far away from our home and it would be immediately adjacent to the Hansen's new house.

We want to continue to be good neighbors and to improve the neighborhood. Our neighbors have (nicely) voiced their opposition to us about building a garage where the code suggests it should be built. But, the property is unique and not every parcel will be what the code anticipated. I can say now that this property has been an oddity since we bought it, for reasons like this.

We hope you understand our situation and would welcome you to take a moment to visit this neighborhood the next time you're in the area. It's really a unique part of town!

Best Regards,

Mike, Ciara, & Gigi Walls



Plan A Location
Existing garage;
Proposed new garage

Plan C Location

Easement we use to access our home

Summit Ave.
(We do not have access to our home from this street)

Row of Three Neighbors to the North of Us

Code Option 1
for Garage in back yard if West is considered the Front Yard

Plan B Location

House

Hanson's - Neighbor to the West; New House as of 2019

Mature Trees (Spruce and Maple)

50 ft. Setback from River

Code Option 2
for Garage in back yard if North is considered the Front Yard

N
S