



# Planning Commission Staff Report

**To:** City of Fergus Falls Planning Commission  
**Respectfully Submitted:** Klara Beck, Community Development Manager  
**Date:** August 22, 2022  
**Subject:** V-2022-4

## REQUESTED ACTION

A variance to build an addition (deck) not meeting the required front yard setback at 724 Spruce Street.

## GENERAL INFORMATION

<b>Property Owner</b>	Lee Lutt	<b>Planning Commission Hearing</b>	August 22, 2022
<b>Applicant</b>	Lee Lutt	<b>City Council Meeting</b>	September 6, 2022
<b>Address</b>	724 Spruce Street	<b>Application Date</b>	July 21, 2022
<b>Parcel Number(s)</b>	71003500116000	<b>60-Day Expiration Date</b>	September 19, 2022
<b>Zoning</b>	R-2, One- and Two-Family Residence District		

## BACKGROUND

### Site Information & Current Conditions

The subject property has a two-story residential dwelling with an approximate footprint of 1,252 ft<sup>2</sup>. The dwelling was originally constructed in 1941. The property was platted and constructed prior to the City’s zoning code which took effect in 1965.

### Adjacent Zoning

All adjacent parcels are zoned R-2, One- and Two-Family Residence District. This is the same as the subject property. Perhaps of interest is a zone of R-3 located nearby, one of very few in the city.

### Adjacent Uses

Adjacent parcels to the west, east, and north are detached residential dwellings. Directly across the street to the south is McKinley School.

### Proposed Project

The property owner would like to construct an 8’ deep attached porch. The addition is proposed to run the full length of the existing dwelling. The dwelling is currently 35’ feet from the front property line. The R-2 district requires a minimum setback of 30’ from the property line. The proposed porch addition will therefore protrude 3’ into the required setback.



**Public Notification & Comments**

A notice of the public hearing was published in the *Daily Journal* on August 13, 2022. A copy of the public hearing notice was mailed to 36 property owners within 350' on August 13, 2022. As of publishing the staff report no public comments were received.

An internal comment was received from the City Code Official stating that the home at 724 Spruce Street has been noted as a nuisance property due to the state of the home's siding.

**PROPOSED FINDINGS**

§154.017(B)(4)(b) of the City Code states the Planning Commission and City Council consider the following criteria when evaluating a variance request:

1. Special conditions apply to the structures or land in question that are particular to the property and do not apply generally to other land or structures in the district or vicinity in which the land is located.

No special conditions have been demonstrated to apply to the structure or land in question.

**Criteria Not Met**

2. The granting of the proposed variance will not be contrary to the intent of this chapter [meaning Chapter 154, Zoning and Subdivisions].

The variance will not alter the essential character of the locality because the addition will be used for residential dwelling purposes. This is the intent of the R-2, One- and Two-Family Residence District and the land use of surrounding properties.

The subject property and those surrounding it were platted and constructed prior to the City's zoning code taking effect in 1965. A visual inspection of the area and measurements taken via GIS indicate several variations from the now-accepted zoning standards are present in the neighborhood. The proposed porch addition will protrude 3' into the required setback of a structure built in an R-2 zone. Visually, this deviation from current code is not dissimilar to other deviations noted in the area. The addition to 724 Spruce Street is therefore unlikely to detract from enjoyment of nearby Spruce Street properties. **Criteria Met**

3. The special conditions or circumstances do not result from the actions of the owner/applicant.

No special conditions have been demonstrated to apply to the structure or land in question beyond ease of snow removal (see application). While the dwelling was constructed in 1941 and was platted prior to the City's zoning and subdivision ordinance adopted in 1965, the property is currently in compliance with zoning code. Any changes to the property that affect compliance are therefore due to the actions of the applicant.

**Criteria Not Met**

4. The granting of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate practical difficulties in complying with the zoning provisions of this code. *M.S. §462.357, Sub. 6 defines practical difficulties as: "the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties."*

As stated above, the structure was built in 1941, before adoption of the City's zoning code. The property owner proposes to use the property in a reasonable manner because it is reasonable to construct an addition, like a porch, to a residential dwelling. The location and size of the addition are not unreasonable because the addition will be visually in line with other structures in the neighborhood.

Additionally, permitting investment in older properties built prior to the zoning code may help maintain the City's housing stock and elevate the neighborhood.

That said, no practical difficulties or circumstances unique to the property have yet been proven to exist. **Criteria Not Met**

- 5. The variance requested is the minimum variance necessary to alleviate the practical difficulty.

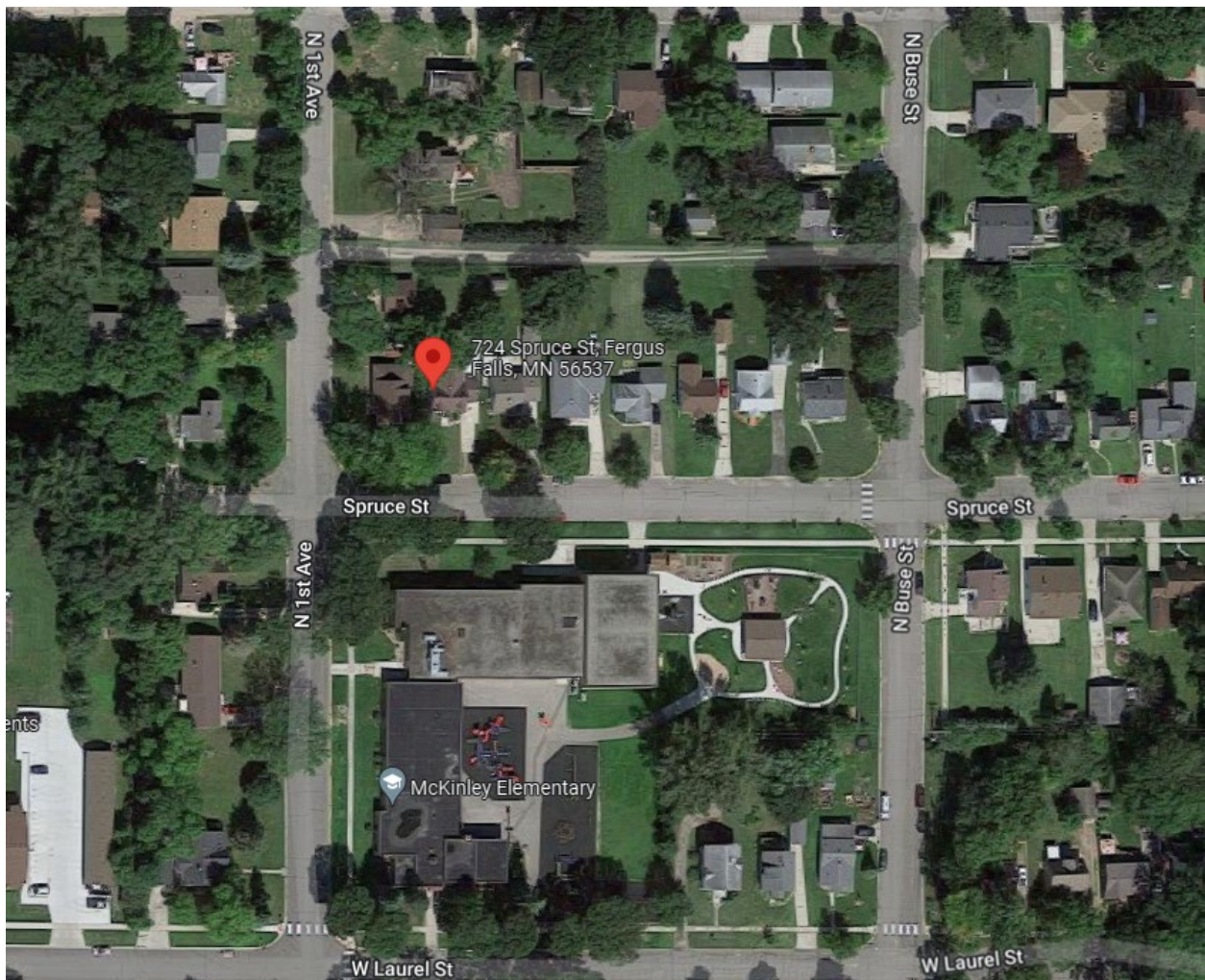
The requested variance is for the addition to encroach 3' into the front yard setback. This will alleviate the difficulty posed by the applicant regarding snow removal and will not visually detract from enjoyment of nearby Spruce Street properties. **Criteria Met**

### RECOMMENDED ACTION

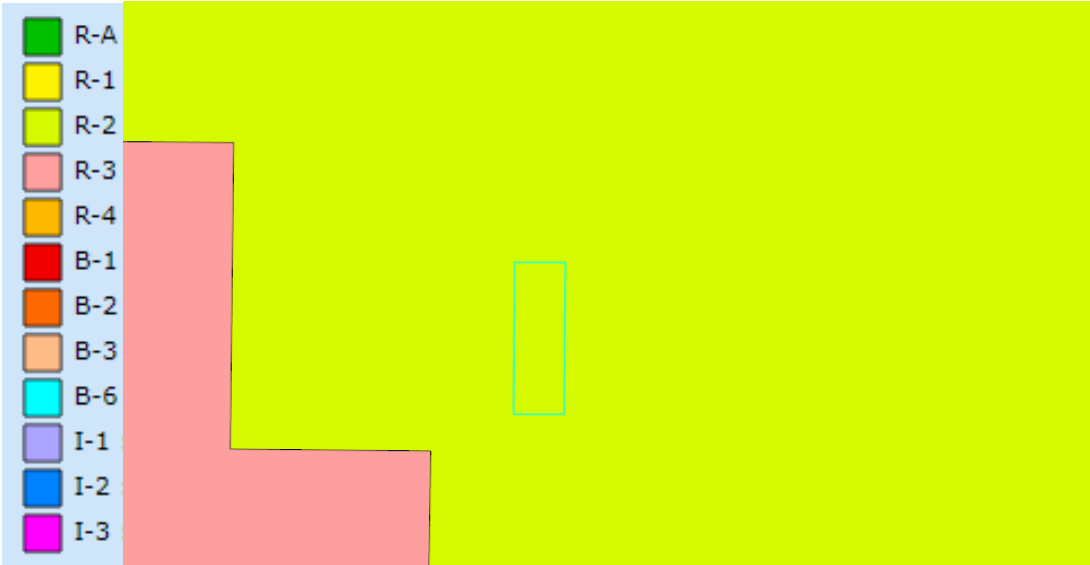
Staff recommend **approval without conditions** of the variance request at 724 Spruce Street for an addition not meeting the required rear yard setback.

### ATTACHMENTS

- 1. Context Map



2. Zoning Map



3. Application & Supporting Materials

V-2022-4



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: [planning@ci.fergus-falls.mn.us](mailto:planning@ci.fergus-falls.mn.us)

[www.ci.fergus-falls.mn.us](http://www.ci.fergus-falls.mn.us)

### Variance

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: LAUTT First name: LEE

Address: 724 SPRUCE STREET City/State/Zip: FERGUS FALLS MN 56537

Phone number: 218-205-0078 / 218-260-4209 Email address: OH.SURPRISE.ME@YAHOO.COM

(NO SPACES / ALL LOWER CASE)

#### 2. Applicant Information: (if different from 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)

4. Zoning Designation: RESIDENTIAL 2

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

STRUCTURE IS CURRENTLY AT 54 FEET FROM STREET. WANT TO ADD AN 8 FOOT DEEP PORCH ACROSS FRONT (STREET SIDE). EXCEEDS 9 SETBACK BY 4 FEET OR 46 FEET FROM STREET.



7. **Additional Required Information: a. Legal Description and PIN:** Provide the Parcel Identification Number(s) PIN # 71003500116000

**The complete legal description(s) of the property involved or write "see attached"**

SECTION 34 TWP 133 RANGE 043.16AC  
PT S1/2 NW 1/4 SW 1/4 SEC 34 COM NE COR. NW 1/4 SW 1/4 S

**b. Practical Difficulty:** The applicant should fully explain the "practical difficulty" that justifies the departure from the strict application of the Code.

1. Is the variance in harmony with the general purposes and intent of the ordinance?

NO. THE PORCH ADDITION TO PROPERTY WILL INVADE SETBACK LINE BY 4 FEET.

2. Is the variance consistent with the comprehensive plan.- Not Applicable, no city plan.

3. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance?

YES. PORCH ADDITION DOES NOT EXCEED EXISTING DECK AND ENTRY STRUCTURES OF MAJORITY OF OTHER STRUCTURES IN THE 700 BLOCK OF WEST SPRUCE STREET.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?

SEE ATTACHED.

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

THIS SHOULD NOT ALTER THE CHARACTER OF LOCALITY. SEE THE LAST PARAGRAPH IN ATTACHMENT TO NUMBER 4 ABOVE.

6. Economic considerations alone do not constitute practical difficulties, are there other reasons for the need for the variance?

PLEASE SEE ATTACHMENT TO NUMBER 4 ABOVE.

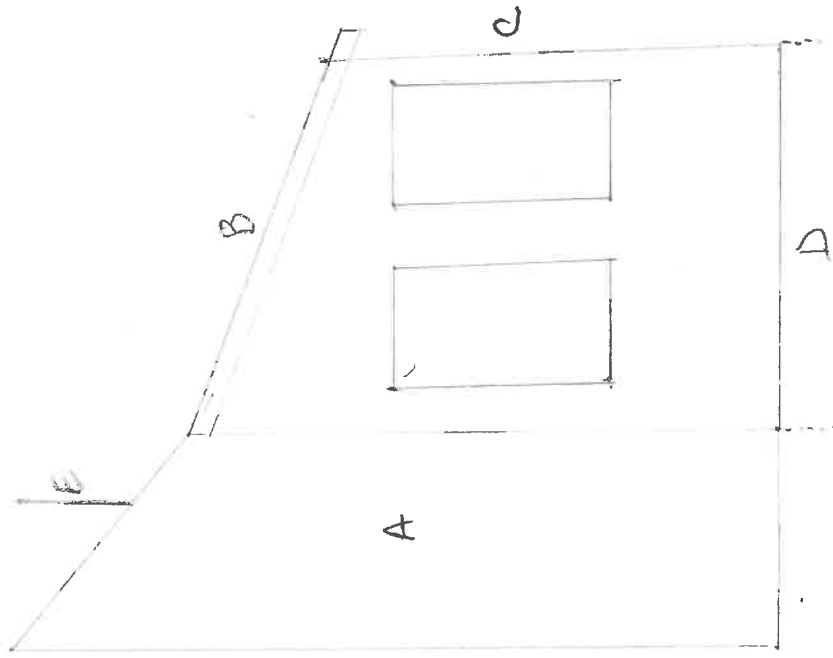
**c. Proposed Plans:** A site plan is required, a landscape plan, grading and drainage plan and other plans may be required by the city/planning commission. Such plans shall be on 8½"x 11" or 11"x 17" paper or in PDF digital format. In cases of multiple variances, the applicant may be required to submit a property boundary and building survey.

**8. Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: Lee Lawt Date: 7/21/2022  
Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

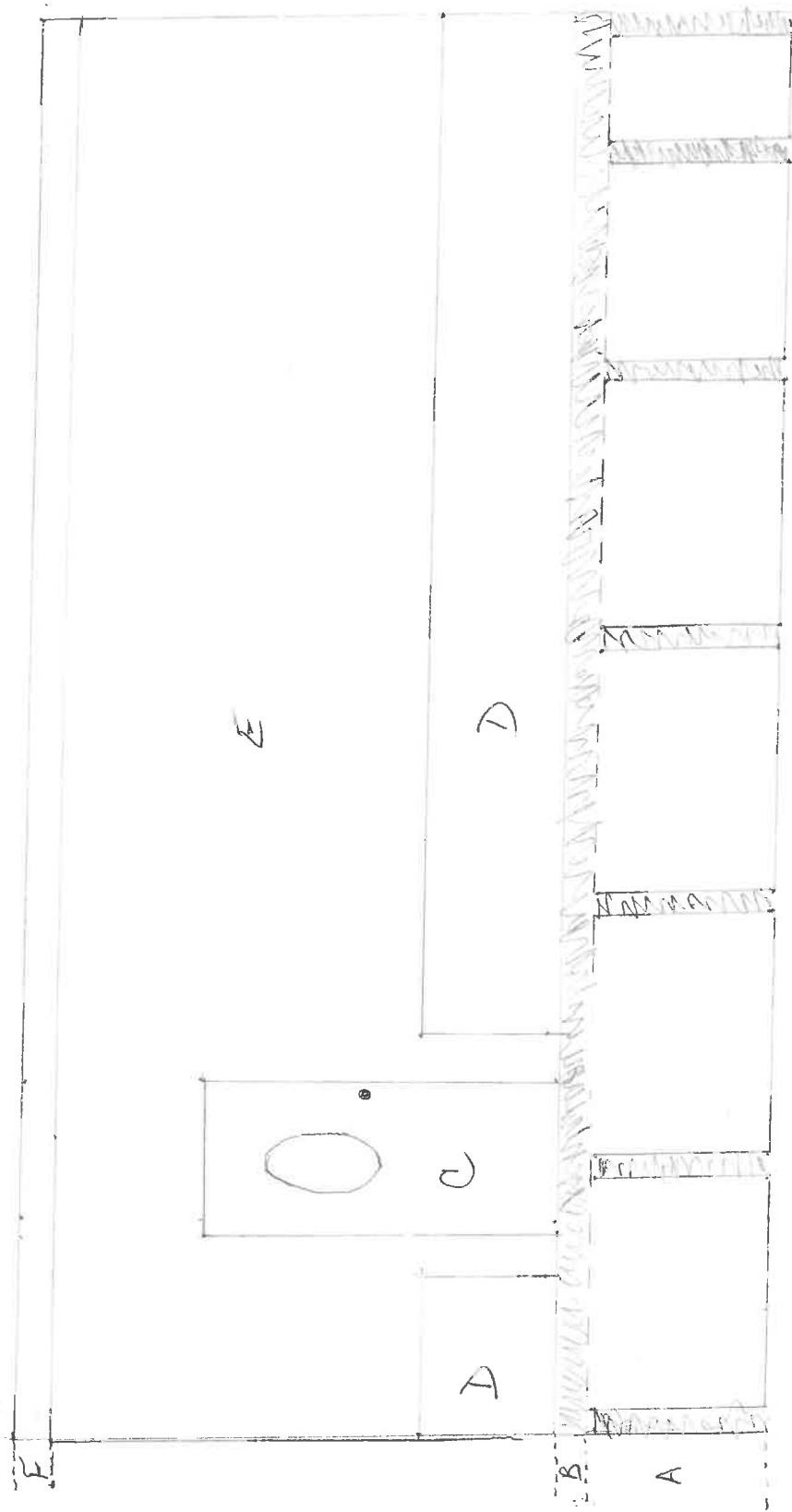


## EXHIBIT 2



- A) ORIGINAL HOUSE WITH 8-12 PITCH ROOF. SET BACK 54 FEET FROM CITY CURB.
- B) PORCH ROOF WITH EITHER 6-12 OR 4-12 PITCH.
- C) STREET FACING PORCH WALL.
- D) PORCH WIDTH (DEPTH) OF 8 FEET. INTRUDING INTO SETBACK BY 4 FEET. THIS WALL, EAST TO WEST WILL BE SUPPORTED BY 5 FOOT DEEP COLUMNAR CONCRETE PIILARS WITH A HORIZONTAL FOOTING TIED WITH REBAR TO VERTICAL COLUMNS. COLUMNS SPACED AT 4 FEET.
- E) STREET FACING DORMER WALL.

EXHIBIT 3



- A) SUBTERRAINIAN CONCRETE TUBE PILLARS WITH REBAR 5 FEET DEEP SPACED AT 4 FEET.
- B) ABOVE GROUND FOOTING WITH REBAR TIED TO PILLARS.
- C) 36 INCH ENTRY DOOR AT BACK OF PORCH.
- D) SOLID WALL ON STREET FACING EDGE OF PORCH
- E) AREA ABOVE WALL WITH WINDOW SPACING TO BE DETERMINED.
- F) FACIA BOARD FOR RAFTER ENDS. ALL RAFTERS AND SOLID WALL (D) WILL BE SPACED AT 16 INCHES.

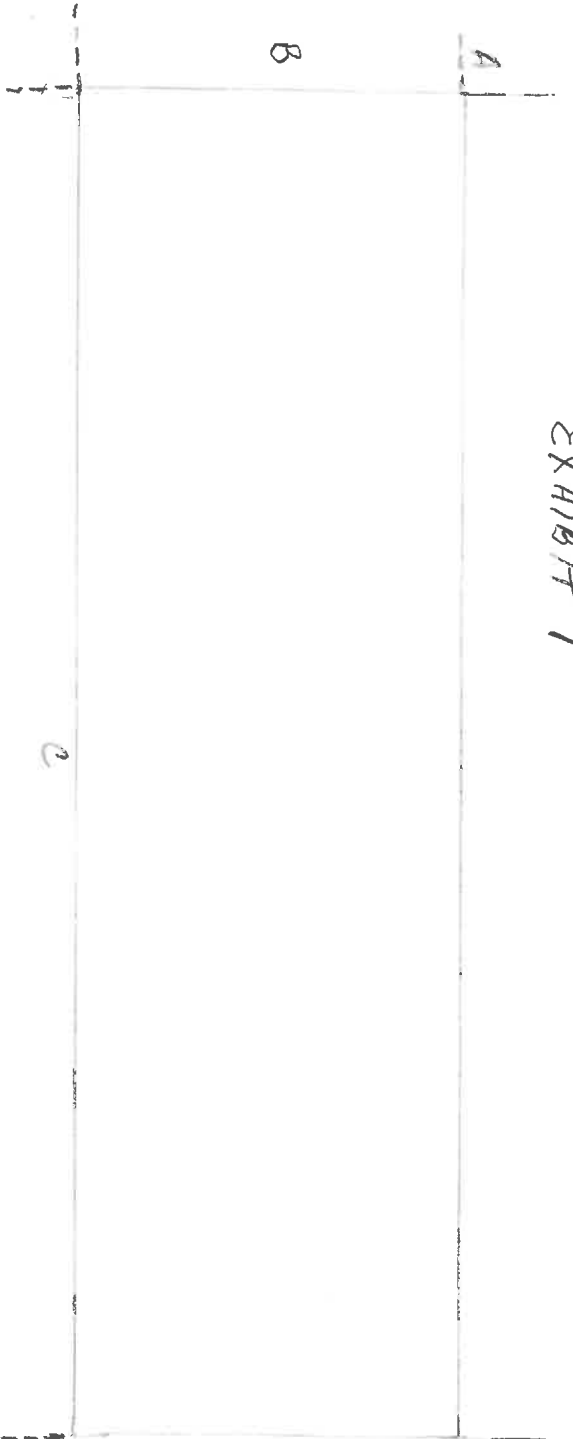
ATTACHMENT FOR PAGE 2 QUESTION 7, PART B, NUMBER 4

THE LAY OF THE PROPERTY ON THE STREET SIDE (SOUTH) HAS A SLOPE OF APPROXIMATELY 12 INCHES TOWARD STREET. AT A POINT  $5\frac{1}{2}$  FEET FROM STREET INTO YARD IS A BERM APPROXIMATELY 20 TO 24 INCHES HIGHER THAN STREET. THE DRIVEWAY IS ON EAST SIDE OF YARD. AN OLDER RETAINING WALL (ALSO PLANNING TO REPLACE) IS APPROXIMATELY 24 INCHES HIGH AT HOUSE WALL GOING TO CITY CURB HEIGHT AT STREET. IN THE WINTER MONTHS, DUE TO LAY OF THE PROPERTY AND NEIGHBORING STRUCTURES THE UPPER  $\frac{2}{3}$  OF DRIVEWAY IS FULL OF SNOW TO RETAINING WALL HEIGHT EVEN WHEN JUST A WIND BLOWN DRIFTING OCCURS.

THE PORCH, WITH A CLOSED WEST WALL, WOULD REDIRECT THE BLOWING SNOW FURTHER SOUTHWARD AND MINIMIZE THE 2 FOOT DEEP SNOW AT THE HOUSE EACH TIME WE HAVE A SNOW/WIND EVENT. IT WOULD ALSO BENEFIT THE NEXT PROPERTY TO THE EAST REDUCING THE SNOW IN FRONT OF HIS GARAGE.

THE ROOF OF THE PORCH WILL BE EITHER A 4-12 OR A 6-12 PITCH (YET TO BE DETERMINED) AS THE HOUSE ROOF IS AN 8-12 PITCH AND IMPOSSIBLE TO STAND UPON. THIS ROOF WOULD GIVE EASIER ACCESS TO MAIN HOUSE ROOF AND DORMERS. IT WOULD ALSO ALLOW REMOVAL OF AGED FRONT ENTRY) THE PORCH WOULD NOT EXCEED THE SOUTH SOUTH FACING EDGE OF THE DECK ON THE PROPERTY ON THE WEST SIDE.

EXHIBIT 1



- A) STREET SIDE CORNER OF HOUSES. 54 FEET FROM BACK EDGE OF STREET CURB.
- B) WIDTH OF PORCH EQUALS 8 FEET REQUIRING 4 FOOT SPACING.
- C) STREET FRONT LENGTH OF HOUSE EQUALS 26 FEET.