

Watertown Planning Commission

4/28/2016

Agenda Item: 409 Angel Ave. SW – Request for Variance**Request for Action: Variance to Allow a Garage Which Exceeds Height Limitation****Department: Planning****REQUEST:**

Rodney and Jessica Motzko (Applicant/Owner), request that the City consider the following action for the property located at 409 Angel Avenue SW (PID No. 850502130):

- a. A variance to allow a new accessory structure to be constructed on the property that would exceed the maximum height limitation.

PROPERTY/SITE INFORMATION:

The subject property is located along the west side of Angel Ave SW between Stevens and Kieffer Streets. The property has an existing home and accessory structure. The property has the following site characteristics:

Property Information: (PID No. 850502130)

Zoning: R-2 – Medium Density

Comprehensive Plan: *Medium Density Residential*

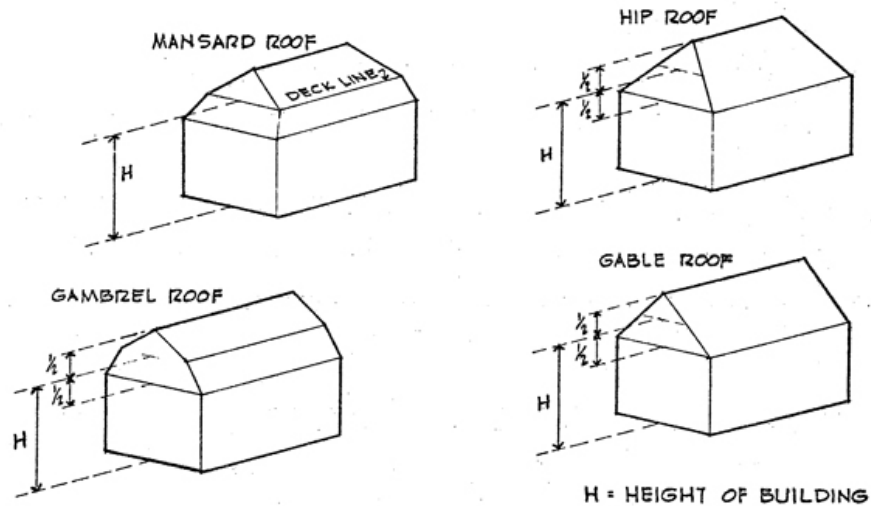
Acreage: 0.36 acres

Site Location

**BACKGROUND:**

The City received an application for a variance to consider allowing a new accessory structure with a height that would exceed the maximum height permitted in the R-2 zoning district. The City recently amended the accessory structure ordinance to address overall accessory structure size, setbacks and height within all zoning districts. The current ordinance restricts the maximum accessory height to no more than 12 feet and no more than one story. When considering accessory structure height, the City reviewed many existing accessory structures as well as a wide array of surrounding Cities ordinances. The City's old ordinance permitted accessory structures to have a

maximum height of 17 feet (this was measured to the peak of the roof). The City determined that a 12 feet maximum height would accommodate a standard 24 foot wide garage with a 4/12 roof pitch (total height to middle of roof of approximately 12 feet). The City measures the maximum height in accordance with the following diagram (from the ground elevation to the average height of the roof).



The applicant is proposing an approximately 988 square foot accessory structure on the property. The property is located in the R-2 zoning district. In this area, it is common for a property to have a detached accessory garage with no attached garage. The home had an existing detached garage which was accessed via a driveway from Angel Ave SW and not the adjacent alley. The existing garage was destroyed by a fire several years ago. The garage that was destroyed was approximately the same size as that which is now being proposed. The existing concrete slab will be utilized for the new structure. The applicant is proposing to access the new structure from the existing driveway.

The proposed accessory structure would have a mean roof height of 15'-2". The proposed roof would have an 8/12 pitch which the applicant believes would be more in keeping with the pitch of the existing home. The proposed structure would have an 8 foot overhead door height and storage trusses inside of the garage. The total height of the proposed structure to the peak of the roof is 19'-6". It should be noted that the height is higher than the City's previously permitted maximum height of 17 feet.

The City has criteria established for granting a variance as follows:

Sec. 62-144. - Standards for granting a variance.

A variance may be granted if all of the following criteria are met:

- (1) *Variations shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the variations are consistent with the comprehensive plan.*
- (2) *When there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this chapter. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.*
- (3) *The purpose of the variance is not based upon economic considerations alone.*
- (4) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
- (5) *The variance, if granted, will not alter the essential character of the locality.*

- (6) *Variances shall be granted for each sheltered construction as defined in M.S.A. § 216C.06, subdivision 14, when in harmony with this chapter.*

DISCUSSION:

There are several considerations that should be made by the City during the review of this application:

1. The property had a three car garage that burned down. The previous garage met the overall height requirements established by the City.
2. There are many similar garages located on adjacent properties in this area. The overall heights of the structures was observed in the field but were not measured.
3. The proposed accessory garage is as large as permitted by the City. This size accessory structure could be constructed to meet the maximum height requirements.
4. The applicant is proposing to install storage trusses which would allow a storage area above the garage area. This would not technically constitute a second story but should be noted.
5. An accessory structure that backs up to or is accessed by an alley appears to have a different appearance, and arguably function, than one that would be located solely in a back yard. The City could consider making an amendment to the ordinance which would allow a different maximum height for structures adjacent to or accessed from an alley.
6. The City could consider amending the maximum height permitted for an accessory structure if it finds that this is a reasonable structure height and fits into the surrounding character of the neighborhood.

The City will need to consider whether or not the applicants request meets the criteria for granting a variance. The City will want to find that the proposed accessory garage is in keeping with the character of the surrounding area and will not take away from the reasonable use and enjoyment of the surrounding properties. The City can recommend that the maximum height for an accessory structure be further discussed.

RECOMMENDATION:

Staff is seeking a recommendation from the Planning Commission regarding the proposed variance. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be included:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter 62, Division 6, Variances, in the City of Watertown Zoning Ordinance.
2. The 3'-2" variance will allow the detached accessory building to have a maximum height of 19'-6" feet as measured in accordance with City standards.
3. The proposed building cannot be used for a commercial business or storage.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the R-2 zoning districts.

Attachments:

- Building Plans

APPLICATION FOR VARIANCE

All required information must be presented before acceptance of application.
The applicant must complete all sections in bold for review to begin.

Please type or print clearly. Use a separate sheet of paper if necessary.

1. Applicant Name: Rodney & Jessica Motzko Telephone [Redacted]

2. Address: 409 Angel Ave SW Watertown, MN 55388
(Street) (City) (State) (Zip)

3. Property Owner's Name (if different from above): Same Telephone Home: Work/Cell:

4. Address: 409 Angel Ave Watertown MN 55388
(Street) (City) (State) (Zip)

5. Location of Project: Same

6. Legal Description: Parcel I.D. 85.0502130

7. Zoning Classification: Residential

8. Explain Request: State exactly what is intended to be done on or with the property which does not conform with the Zoning Ordinance. List measurements as shown on drawing.
Roof height is 20' 4" above grade which is beyond 17' ordinance.

9. Please attach a boundary survey and plot plan and required exhibits which clearly show the variance that is being sought. This plan shall be no larger than 11" x 17" and easily reproducible.

10. Please answer the following questions as they relate to your specific variance request:
A. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?
Yes () No () Why or why not?
I don't know what the purpose of ordinance is. We would like it to resemble the roof pitch and look of our home. Also use the attic space for storage.

B. In your opinion, is the variance consistent with the comprehensive plan?
Yes () No () Why or why not?

C. In your opinion, does the proposal put the property to use in a reasonable manner?

Yes (X) No () Why or why not?

We would like garage to blend into the aesthetics of the house. We are proposing to use an 8/12 pitch rather than the 6/12 that was used on the former garage. Our 100+ year old house has at least a 10/12 pitch. The difference between the two won't be so noticeable.

D. In your opinion, are there circumstances unique to the property? The plight of the owner is due to unique circumstances and not to general conditions in the ordinance or neighborhood. The appellant must show that the physical circumstances on his/her property are unique and unlike properties in the vicinity or elsewhere in the city.

Yes (X) No () Why or why not?

As stated in question C, we would like the roof pitch of the garage to more closely resemble the pitch of the house.

E. In your opinion, will the variance maintain the essential character of the locality? The variance will not be contrary to the public interest or overall neighborhood integrity. The appellant must present information to indicate that the variance will not result in injury or endangerment to other property or persons nor will it alter the essential character of the locality.

Yes (X) No () Why or why not?

The garage lies next to a vacated alley. Our house is at least 26' tall at top of gable. Neighboring houses as well. I don't believe this will obstruct any neighbors and hopefully only add to neighborhood.

The City Council must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. Approval of the variance by the City Council in no way absolves the applicant from subsequently obtaining the necessary Building Permit(s) or other permits from the City of Watertown or any other applicable agency.

The undersigned certifies that they are familiar with the application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

(City Use Only)

FEE PAID: \$500 escrow \$1500

RECIPT NO: 9359 9360

DATE FILED: 4-7-10

PLANNING COMMISSION DATE

HEARING DATE:

CITY COUNCIL ACTION

APPROVED: (DATE)

DENIED: (DATE)

Planning Department

Watertown Planning Commission

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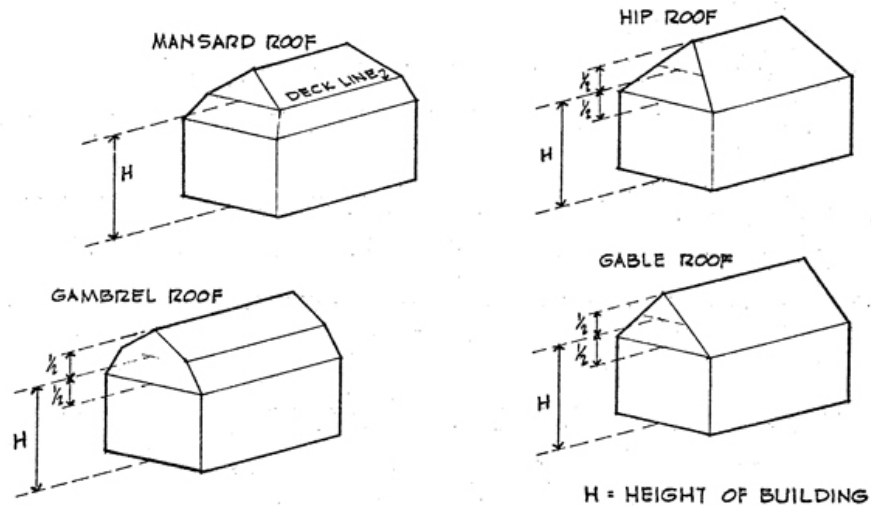
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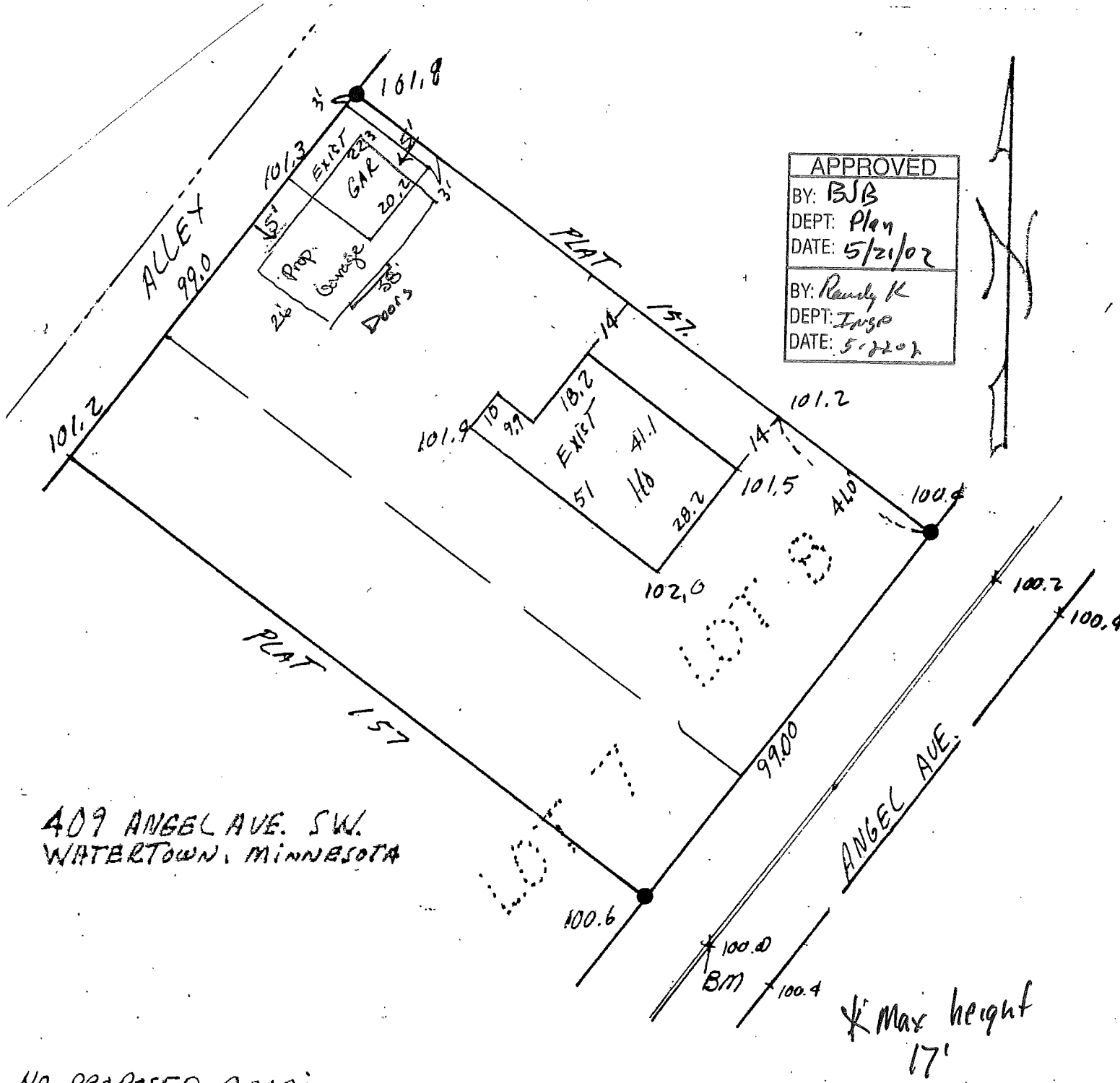
HEARING DATE:

CITY COUNCIL ACTION

APPROVED: (DATE)

DENIED: (DATE)

Planning Department



APPROVED
 BY: BJB
 DEPT: Plan
 DATE: 5/21/02
 BY: Randy K
 DEPT: Insp
 DATE: 5/22/02

409 ANGEL AVE. SW.
 WATERTOWN, MINNESOTA

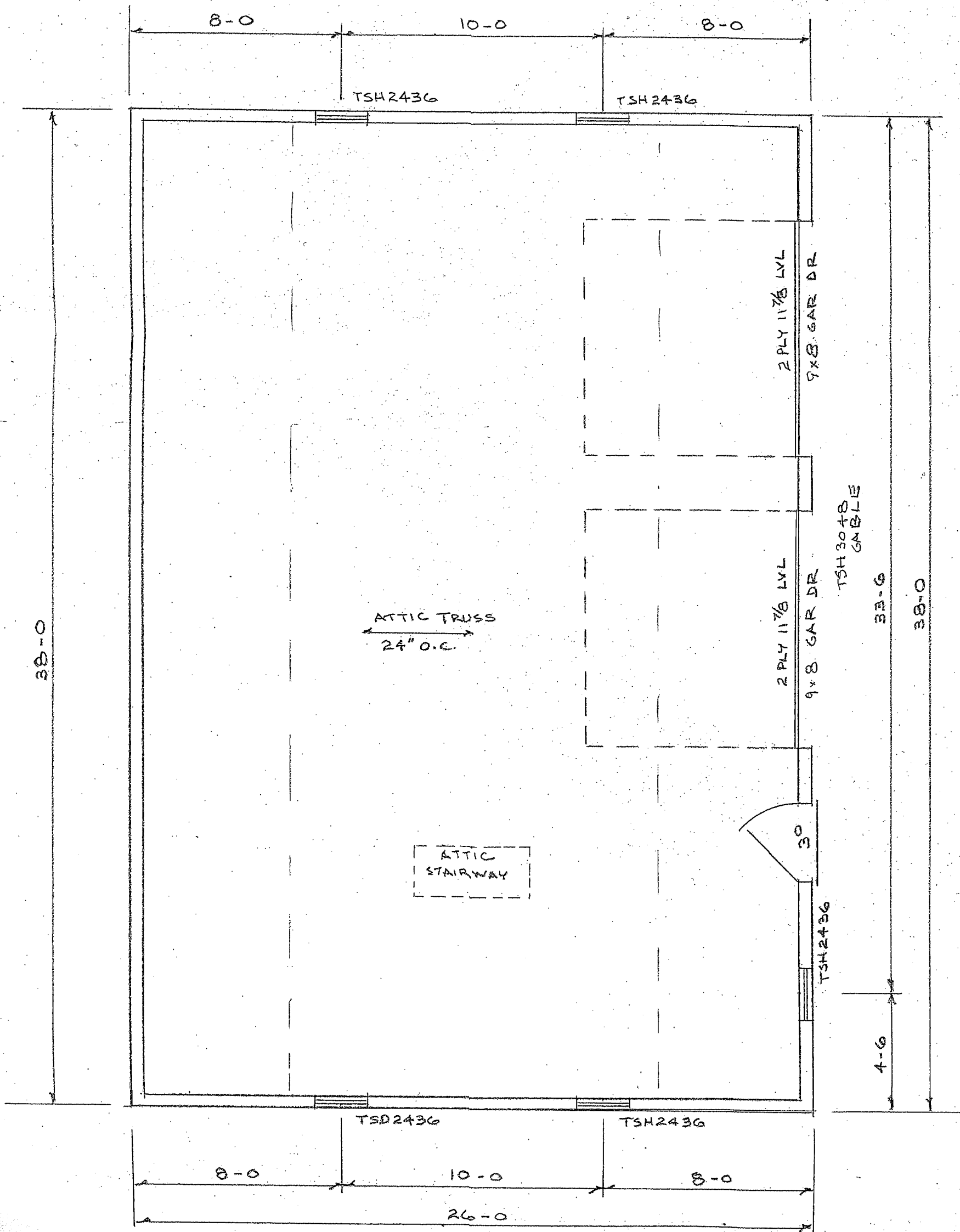
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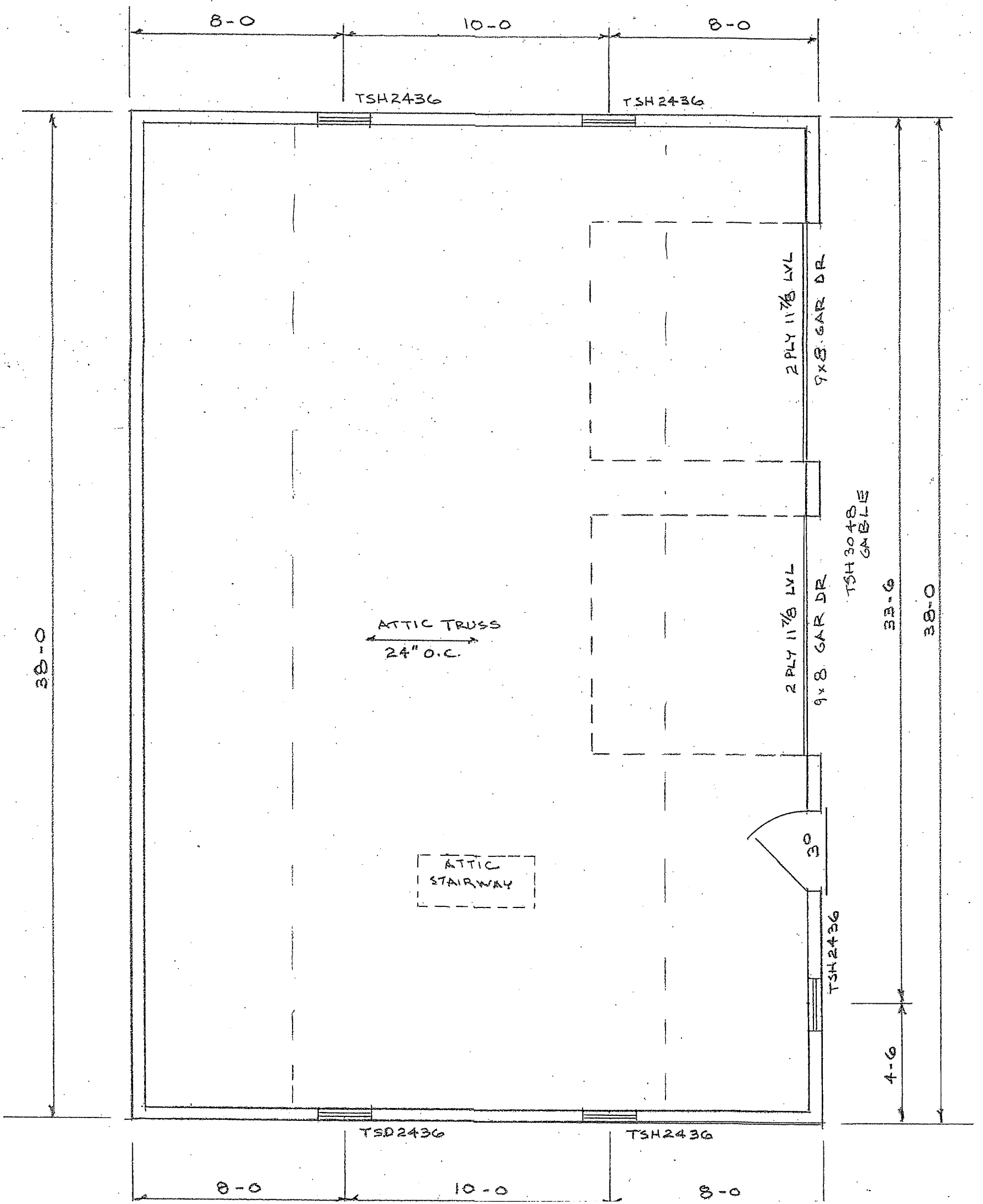
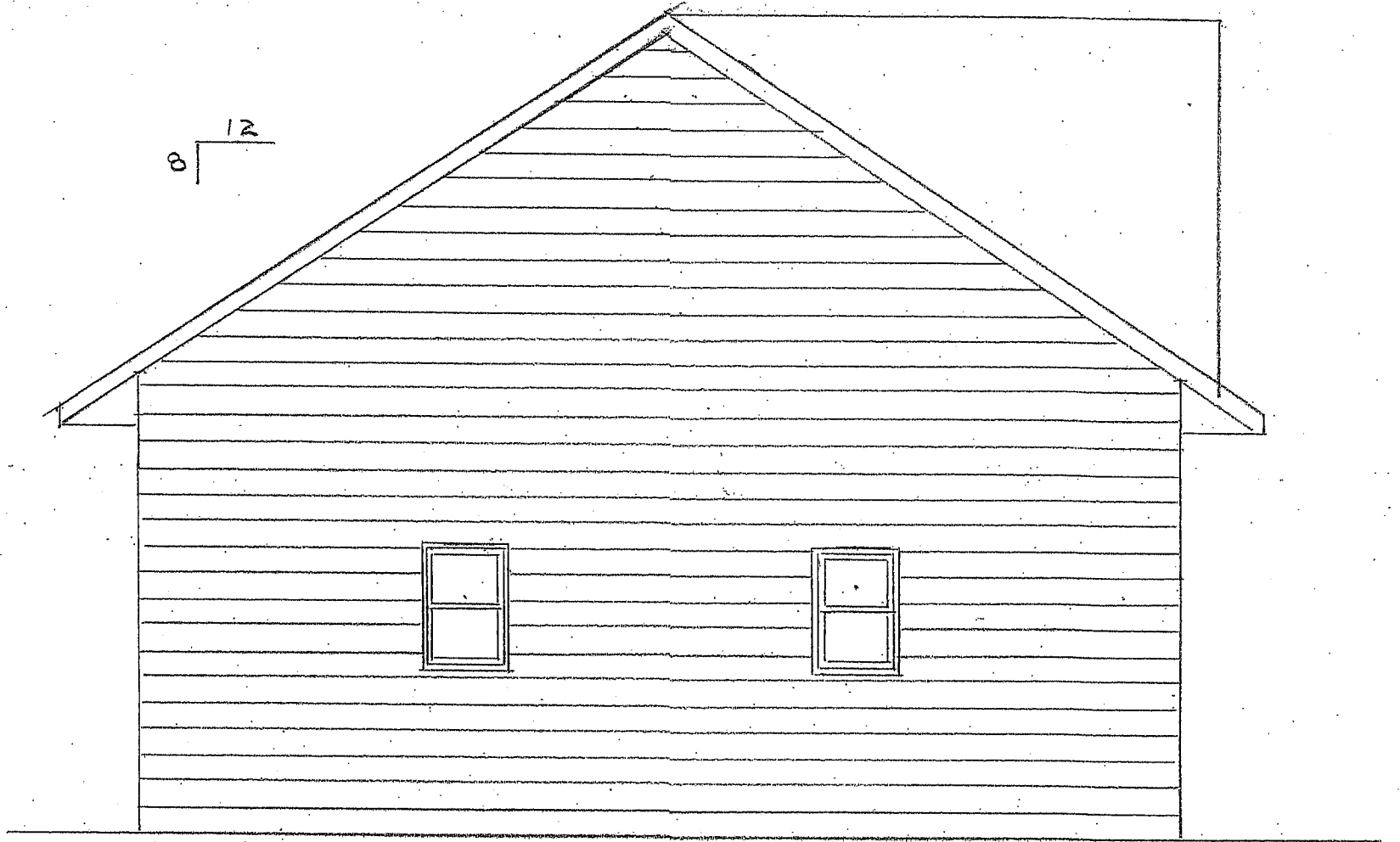
BM- TOP OF CURB AT THE SOUTHERLY MOST CORNER ASSUMED ELEVATION 100.0
 □ = WOOD STAKE PLACED BEARINGS ON ASSUMED DATUM ○ = IRON MON. SET PROPOSED INFORMATION
 ○ = IRON MON. INPLACE GARAGE FLOOR ELEV. ● = IRON MON. INPLACE TOP BLOCK ELEV.
 _____ 1ST FLOOR ELEV. _____ BASEMENT ELEV.
 ← = DRAINAGE 000.0 = EXIST. ELEV. (000.0) = PROPOSED ELEV. 000.0 = EXIST. & PROP. ELEV.

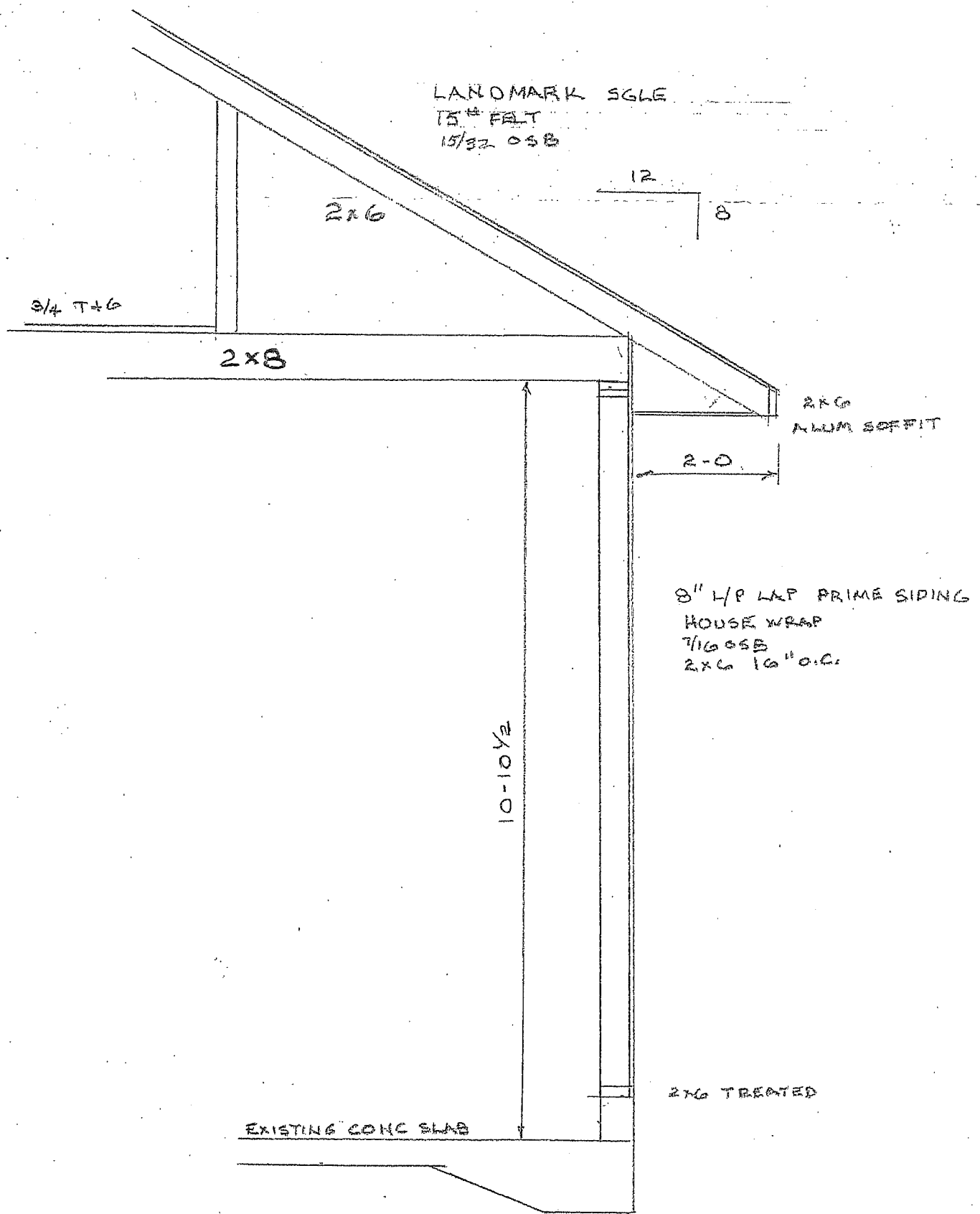
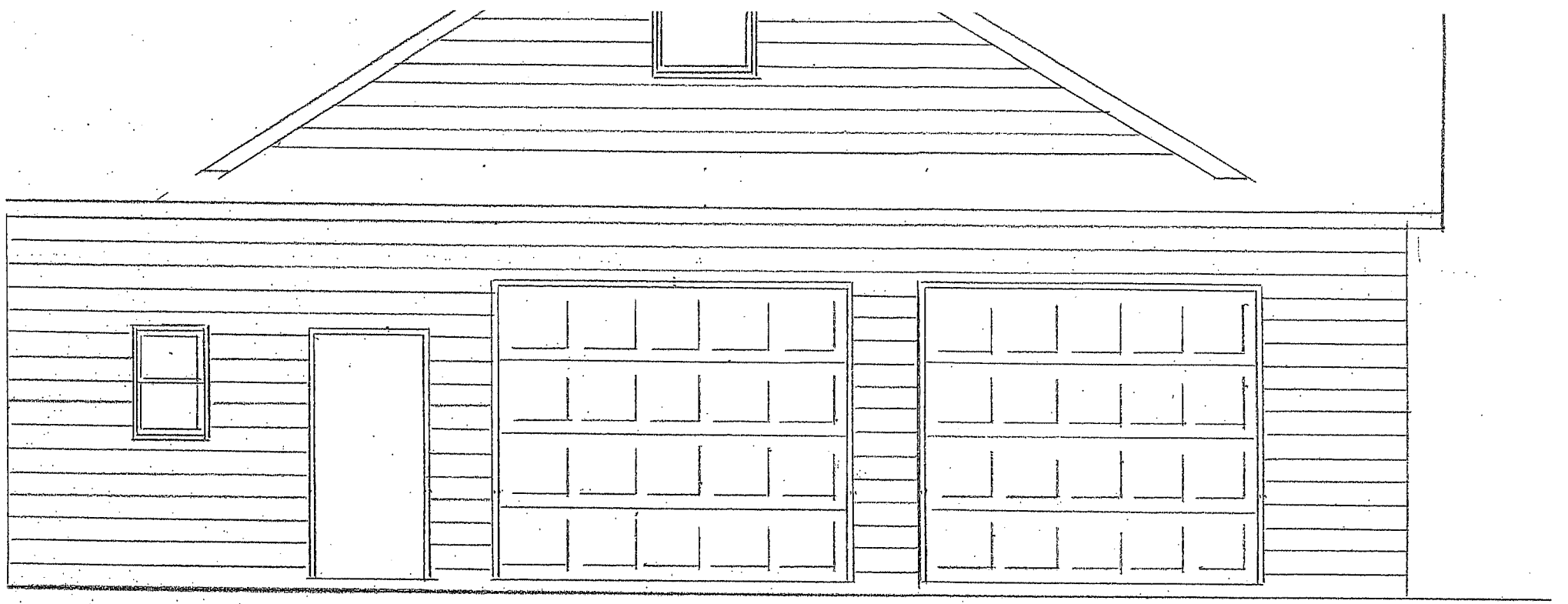
SCHOBORG LAND SURVEYING INC.
 8997 Co. Rd. 13 SE
 763-972-3221 Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.
Randy K Schoborg
 Date: NOV. 6, 2001 Registration No. 14700

JOB #
BOOK - PAGE 51 - 9
SCALE 1" = 30'







RODNEY MOTZKO

409 Angel Ave Su

