



AGENDA – REGULAR MEETING
6:00 p.m., May 18, 2020

Planning Commission

- 1. CALL TO ORDER**
- 2. ROLL CALL** (Quorum is 4)
- 3. APPROVAL OF AGENDA** (Unanimous additions required)
- 4. APPROVAL OF MINUTES**

Planning Commission Minutes of March 16, 2020

- 5. PUBLIC COMMENTS**

Members of the public can submit comments online at www.DiscoverOsseo.com/virtual-meeting

- 6. PUBLIC HEARINGS**

- A. Variance Request for Private Garage at 8 4th Avenue NE

Members of the public can submit comments online at www.DiscoverOsseo.com/virtual-meeting

- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. REPORTS OR COMMENTS: Staff, Chair, & Commission Members**
- 10. ADJOURNMENT**

**OSSEO PLANNING COMMISSION MINUTES
REGULAR MEETING
March 16, 2020**

1. CALL TO ORDER

The regular meeting of the Osseo Planning Commission was called to order by Chair Thostenson at 6:00 pm, Monday, March 16, 2020.

2. ROLL CALL

Present: Commission members Dee Bonn, Deanna Burke, Dan Penny, Alden Webster, and Chair Ashlee Thostenson

Absent: Commission member Michael Olkives.

Others present: Howard Hornibrook, Vitaly Nagoryanksy, Anna Snow, Chad Snow, Chris Rains, Tom Best, Eddie Drag, Larry Stelmach, and City Planner Nancy Abts

3. APPROVAL OF AGENDA

A motion was made by Burke, seconded by Bonn, to approve the Agenda as presented. The motion carried 6-0.

4. APPROVAL OF MINUTES

A. Approve February 18, 2020, Minutes

A motion was made by Penny, seconded by Webster, to approve the February 18, 2020, minutes. The motion carried 6-0.

5. PUBLIC COMMENTS

Chair Thostenson advised this is the time for public comments for items that are not on the agenda for tonight's meeting.

Tom Best, 400 Second Street SE, stated he was responding to a notice he received for the property at 332 South Second Street SE regarding a permit for a potential landscaping business. He explained he was not too pleased with the idea of this residential home becoming a business use. He commented on the number of children walking to and from the apartment complex and stated he was concerned about their safety. In addition, he feared his property value would be adversely impacted by the proposed business.

Eddie Drag, 325 Second Street SE, explained he neighbored the property at 332 South Second Street SE. He discussed how he had been working to improve his home in hopes of increasing the property value. He stated he had concerns with how a landscaping business directly across the street from his would impact his property value. He reported he owned a landscaping company and did not recommend the City allow this use in a residential neighborhood. He anticipated the chemicals that would be stored on the property could be hazardous to the neighborhood if not properly contained and disposed of. He recommended the Commission deny the landscaping CUP request.

- A. Recognize Barb Plzak for 15 Years of Service on the Planning Commission

This item was not addressed by the Planning Commission.

6. PUBLIC HEARINGS

- A. Conditional Use Permit for Major Automotive Repair and Sales at 108 Broadway Street West

Abts stated Vitaly Nagoryanksy, who formerly operated Auto Star, Inc. located in Maple Grove just across the border from Osseo, has made an application to the City to move his business to a tenant space located at 108 Broadway Street West. The proposed business will be located in an existing structure.

Abts reported the property located at 108 Broadway Street West is located in M zone (Manufacturing and Industrial) and is owned by M C Ryan Et AL. The applicant proposes to lease the space to operate his business at this location. The proposal calls for the applicant to use roughly 3,094 square feet of space in existing building, as well as outdoor storage space. The property currently holds a CUP for Minor Automotive Repair and Tire Sales and prohibiting Automotive Wrecking and Junk. She discussed how City Code defines types of Automotive Repair and Junk. Staff commented further on the request and recommended approval of the CUP with conditions.

Penny commented he visited the site and noted there were 12 parking spaces out front. He anticipated this would meet the City's parking requirements. He understood the property owner was happy to have this new business moving into the building. He reported unless vehicles were in working order, they could not be stored on site. He noted used tires could not be stored on the property either.

A motion was made by Bonn, seconded by Webster, to open the Public Hearing. The motion carried 6-0.

Vitaly Nagoryanksy, the applicant, thanked the Commission for their consideration. He explained the cars parked behind the building were not his. He explained he has spoken to the property owner and this area would be cleaned.

Abts reviewed several comments staff received from the public regarding the CUP request. It was noted the Hennepin County Transportation staff have noted access to Highway 81 will be removed in the future and recommended right-of-way dedication be required.

Nelson asked if this was a reasonable request. Abts stated staff believes this was a reasonable request for this CUP.

Nelson questioned if the property owner was aware of the right-of-way situation. Howard Hornibrook, property owner, stated he was not aware of this recommendation from Hennepin County. He indicated he would like to know more about the future plans for Highway 81.

Webster asked if the applicant would be completing auto body painting onsite. Mr. Nagoryansky reported this work would not be completed onsite but would be subcontracted to another business.

A motion was made by Nelson, seconded by Bonn, to close the public hearing at 6:21 p.m. The motion carried 6-0.

Nelson stated his only concern with this request was with the number of cars parked in the driveway because this would block fire access to the property. He recommended parking only be allowed on one side of the driveway for safety purposes. Mr. Hornibrook discussed the vehicles that were parked on the property and noted the site always had access. Abts explained the Commission could recommend that parking only occur in spaces identified on an approved Site Plan for the property.

Nelson indicated he supported the CUP moving forward with two extra conditions, the first addressing the right-of-way issue and the other addressing parking.

A motion was made by Nelson, seconded by Webster, to recommend the City Council approve the CUP for Major Automotive Repair and Sales at 108 Broadway Street West, subject to the thirteen (13) conditions listed below:

- 1) Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:**
 - a) A valid Minnesota Vehicle Dealer License is required for Automotive Sales;**
 - b) No auto wrecking, junk, and salvage or inoperable cars shall be stored on the property without obtaining a separate Conditional Use Permit for said storage, per Osseo City Code § 153.039 (C) (5) (b);**
 - c) Any waste tires must be stored inside an enclosed space or screened from public view and protected from the elements so as not to provide habitat to rodents or insects, per Osseo City Code § 93.18;**
 - d) Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (3) (b) (4);**
 - e) The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and**
 - f) Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;**
 - g) The facility shall follow the Minnesota Pollution Control Agency's requirements for storage and transportation of waste tires; and**
 - h) If the facility generates any hazardous waste as defined by Hennepin County or the State of Minnesota, the facility shall at all times meet all requirements imposed by Hennepin County or the State of Minnesota;**
- 2) Indoor Activities. Any vehicle repair or maintenance shall take place indoors.**
- 3) Customer Parking. A minimum of 8 customer parking stalls for the use shall be located on the property at all times, close to the main entrance of the business, and these spaces shall be clearly designated with signage and permanent pavement markings. All of the area utilized for parking space and driveways shall be surfaced with an impervious material to control dust and drainage. These parking spaces shall be in**

addition to spaces for “for sale” vehicles. Additional parking spaces may be required by Osseo City Code and must be provided;

- 4) **Vehicle Sales.** Parking spaces for “for sale” vehicles shall be provided indoors and in addition to customer parking. Occupancy of the property for vehicle sales shall be consistent with the plans included as Exhibit B. Occupancy of additional tenant bays or portions of the property for the Conditional Use shall require an amendment of this Conditional Use Permit.
- 5) **Vehicle Storage.** Any vehicle awaiting repairs for longer than 12 hours must be stored inside an enclosed space or properly screened from public view;
- 6) **Open to Inspection.** During any hours at which the business is open, the business shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditionals of approval.
- 7) **Recording Requirement.** The City of Osseo will memorialize conditional use permit by adopting a resolution that the applicant will record in the office of the County Registrar of Titles within 60 days of its adoption by the City.
- 8) **No Waiver.** Failure by the City to take action with respect to any violation of any condition, covenant or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
- 9) **Revocation.** The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur.
- 10) **Binding Effect.** This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.
- 11) **Acceptance of Conditions.** Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.
- 12) **The property owner shall provide right-of-way as required for Hennepin County’s planned reconstruction of County Road 81.**
- 13) **Parking shall occur in spaces identified on an approved Site Plan for the property.**

The motion carried 6-0.

B. Conditional Use Permit for Landscaping Business at 332 2nd Street SE

Abts stated Chad and Anna Wolfe currently operate Twin Cities Property Preservation from a location in Maple Grove. The Wolfes have made an application to move their business to a tenant space located at 332 2nd Street Southeast. The proposed business will be located on a property owned by Chris Rains. The property is home to two single-family residential structures and three garages and is located in the C2N Highway Commercial District North. The applicant proposes to lease the space to operate their business at this location. They will live in the single family structure and use two accessory buildings and outdoor parking space for their business. The City of Maple Grove notes that they do not have any land use complaints from the current location. It was noted the Wolfe’s would be the only

employees onsite. Staff commented further on the request and recommended approval of the CUP with conditions.

A motion was made by Nelson, seconded by Penny, to open the Public Hearing. The motion carried 6-0.

Anna Wolfe, 7565 Orchid Lane North in Maple Grove, reported her business was not a full-scale landscaping company. She stated her business provides exterior maintenance to vacant properties, which included lawn care and snow removal. She explained she was the business owner and ran this business with her husband, Chad. She noted she had several subcontractors which kept the equipment on their own property. She indicated she would not be posting any signs in her yard for the business. She commented the only signs for the business would be attached to her truck and would be removed at night.

Bonn stated the only business equipment stored on the site would be the trucks used for lawn maintenance or snow removal. Ms. Wolfe reported this was the case. She commented she would not be selling or stockpiling any landscaping materials from this property.

Bonn questioned if the applicant would consider installing a fence between the apartment and her property. Ms. Wolfe commented she could discuss this with the property owner.

Nelson reported there was a healthy vegetation wall already in place. He inquired if gravel driveway would be paved. Ms. Wolfe stated she could discuss this with the property owner but noted the gravel surface would be kept in neat order.

Nelson asked how much gasoline was stored onsite for the lawn equipment. Ms. Wolfe stated she had a five gallon gas tank that was used for lawn equipment. This gas tank would be stored in the garage.

Webster commented there was a big difference between landscaping and lawn care businesses.

Bonn inquired if the business would operate prior to 7:00 a.m. Ms. Wolfe indicated she would have to operate within City Ordinance and work could not begin prior to 7:00 a.m.

Penny questioned how many pickups would be stored onsite. Ms. Wolfe stated she would have four pickups on the property. She noted some of the trucks were used as plow trucks and the others are used to pull trailers. She explained two of the trucks would be stored inside the two-stall garage.

Thostenson asked if any other chemicals would be used or stored onsite. Ms. Wolfe reported she was not licensed and would not be storing any chemicals onsite.

Nelson questioned if the trailer with the mulcher would be dumped prior to being parked on the property. Ms. Wolfe reported this would occur at the end of each work day.

Mr. Best inquired if the applicant would have any activity in the winter months. Ms. Wolfe reported should have snow plows working in the winter months.

Chris Rains, 10303 Major Drive in Brooklyn Park, explained he was the property owner. He commented he used to have more vehicles and trailers on the site when he lived in the home. He reported this home was zoned commercial and not residential. He believed the proposed use was a good happy medium.

Nelson questioned what the plans were for the second house. Mr. Rains stated the second house would be rented to another tenant.

Mr. Drag asked if the parking surfaces had to be hard surfaces such as pavement. Abts explained Class 5 gravel was considered a hard surface by the Osseo Police Department.

Mr. Drag commented the size of the company could change over time. He indicated his company has grown over the years and this may impact the times vehicles were coming and going from the property. He inquired how the City would be checking on this site. Abts reported a specific area has been defined for outdoor storage on this property. She commented all trailers, plows and/or yard maintenance equipment would have to be located in this space or within the garage.

Mr. Rains explained he has a one year lease with the applicant and if any problems with the City were to arise, he could readdress the lease every May.

Nelson questioned how long the leaf trailer was. Chad Wolfe, applicant, stated the trailer was 14 feet long.

Penny encouraged the property owner to take into consideration the concerns that have been voiced by the neighbors. He indicated he would like to see the applicants taking into consideration the requirements within the CUP. Mr. Wolfe understood these concerns and stated he would be storing the plows in the garage during the summer months. He indicated he would not be leaving his law equipment all over the yard. He noted he had a 12 year old son and was sympathetic to concerns about child safety.

Nelson requested further information regarding the security system that would be installed. Mr. Wolfe explained he would be installing six security cameras on the property.

A motion was made by Burke, seconded by Nelson, to close the public hearing at 6:51 p.m. The motion carried 6-0.

A motion was made by Bonn, seconded by Webster, to recommend the City Council approve the CUP for a Landscaping Business at 332 2nd Street SE, subject to the eight (8) conditions listed below:

- 1) Applicable Provisions. This permit is subject to the requirements of the City's ordinances and the Applicant is required to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, and to obtain such other permits and permissions as may be required. Local and state regulations and ordinances shall include but are not limited to the following:**
 - a. Domestic power equipment, excluding snow removal equipment, shall be operated only between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday in accordance with Osseo Code § 93.18 (V) (2);**

- b. No inoperable vehicles shall be kept outdoors, per Osseo City Code § 93.20;
 - c. Any trash enclosure must be properly screened from public view, per Osseo City Code § 153.057 (B) (1) (d);
 - d. The building appearance shall be maintained so that it adheres to Osseo City Code § 153.053; and
 - e. Signage relating to the use, including temporary signage, shall adhere to Osseo City Code § 153.090;
- 2) **Open to inspection.** During any hours at which the use is active, the property shall be open to any State or County official and to any City official or police officer for inspection to determine compliance with the stated conditionals of approval;
 - 3) **Parking.** The applicant must provide on-site parking as required by Osseo City Code 153.079. The parking spaces shall be continuously maintained in a clear and visible manner in compliance with the approved site plan.
 - 4) **Occupancy.** Occupancy of the property for the conditional use shall be consistent with the plans included as Exhibit B. Occupancy of additional portions of the property for the Conditional Use shall require an amendment of this Conditional Use Permit.
 - 5) **No Waiver.** Failure by the City to take action with respect to any violation of any condition, covenant, or term of this permit shall not be deemed to be a waiver of such condition, covenant, or term or any subsequent violation of the same or any other condition, covenant, or term.
 - 6) **Revocation.** The violation of any terms or conditions of this permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The Applicant shall be given written notice of any violation and reasonable time, as determined by the City, to cure the violation before a revocation of the permit may occur.
 - 7) **Binding Effect.** This permit and its conditions are binding on the Owner and Applicant, their successors and assigns, and shall run with the Property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership, until the permit is terminated or revoked as provided herein. The obligations of the Applicant under this permit shall also be the obligations of the current and any subsequent owners of the Property.
 - 8) **Acceptance of Conditions.** Utilization of the Property for any of the uses allowed by this permit shall automatically be deemed acceptance of, and agreement to, the terms and conditions of the permit without qualification, reservation, or exception.

Nelson commented he did not have too many concerns regarding this request given the fact it was located on a commercial property and was a lawn maintenance business versus a landscaping company.

The motion carried 6-0.

- 7. OLD BUSINESS – None
- 8. NEW BUSINESS – None
- 9. REPORTS OR COMMENTS: Staff, Chair & Commission Members

Nelson explained his thoughts were with the Brooklyn Park Police Department and the officers that were involved in the Wal-Mart event. He stated he was thankful for the community he lived in and for the volunteers that were stepping up to take care of others.

Thostenson reported there was a group of resident volunteers that was collecting contact information to assist those in need during the COVID-19 crisis. She stated further information regarding this group was available on the Osseo Neighbors Facebook page.

Nelson encouraged everyone to stay safe and be healthy.

Abts stated as part of the efforts to stay safe and be healthy the City of Osseo has closed the Community Center. She explained information regarding COVID-19 was available on the City's website.

Abts encouraged residents to take time in the coming weeks to complete the 2020 census.

Bonn welcomed the two new businesses discussed this evening to the City of Osseo.

10. ADJOURNMENT

A motion was made by Webster, seconded by Bonn, to adjourn the meeting at 7:01 pm. The motion carried 6-0.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial



Osseo Planning Commission Meeting Item

Agenda Item: Consider Variance for Private Garage 8 4th Avenue NE

Meeting Date: May 18, 2020

Prepared by: Nancy S. Abts, AICP, City Planner

Attachments:

- Roof styles and structural components
- Variance Application
- Acknowledgement of Responsibility
- Narrative
- Drawing Sets
- Zoning Map
- Public Hearing Notice
- Public Hearing Distribution Map & Addresses
- Draft Resolution Approving Variance
- Aerial Images of Similar Corner Lots

Policy Consideration:

The owner of the single-family residential property at 8 4th Avenue NE seeks a variance to construct a freestanding 22' x 40' garage with a front setback of 18'. The applicant also requests a variance for the maximum height of a private garage. The proposed variance would increase the allowed height from 15' to 16'; however, the Zoning Code provides this method for determining building height:

BUILDING HEIGHT. The vertical distance measured from curb level or its equivalent, to the highest point of the roof surface on a flat roof, to the deck line of mansard roofs, and to **the mean height level between eaves and ridge of gable, hip, and gambrel roofs.**

(See the attached illustration of roof styles & structural components.) The application drawings show the bottom of the proposed garage eaves at 13' 6" above grade, with the ridge at 18' 6" above grade. The average of these measurements, and therefore the building height as defined by City Code, is 16'.

Previous Action or Discussion:

The Planning Commission has not previously discussed this item, and the City has not received a similar residential variance application recently.

Background:

The property is centrally located in Osseo's residential districts, just north of Broadway Street East. The site holds a single family dwelling with an attached garage, which is proposed to be maintained. The principal structure is 11' 8" feet high with a hip roof (the average height from the ridge of 14' 4" and bottom of the eaves at 9' 4").

Analysis

Zoning:

The property at 8 4th Avenue NE is located in the R-1, One- and Two-Family Residential District. It is surrounded by single family homes also in the R-1 One- and Two-Family Residential District.

Standards for Granting a Variance¹: The City reviews variances based on standards listed in the Zoning Ordinance and in State Statute. Some of the standards are open to interpretation.

Variances may only be permitted when they are in harmony with the general purposes and intent of the zoning ordinance, and when the variances are consistent with the comprehensive plan. The City may decide to grant a variance if the request meets the requirements, but it is not obligated to do so. Here are the general factors to consider regarding a variance:

General Intent

Variances should be granted in harmony with general purposes and intent of the zoning ordinance. The stated intent of the R-1 One-and Two-Family Residential District is, "To recognize fully or partially developed one- and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use." In this case:

- The Planning Commission should discuss whether the proposed garage would affect the "desired low intensity living environment".

Comprehensive Plan

The current 2040 Comprehensive Plan guides this area for Detached Residential uses. "This land use category represents the traditional detached single-family house, which has been the largest land use in Osseo by area. The density range for detached residential housing is four to eight dwelling units per acre. In addition to single family detached houses, this land use category could allow accessory units and duplexes." In this case:

- Staff believe the requested variances do not appear to conflict with the Comprehensive Plan guidance for the site. The Planning Commission should discuss whether they agree with this assessment.

Practical Difficulties Test

A variance may be granted if enforcing a zoning ordinance provision would cause the owner of a particular piece of property "practical difficulties". (The legal standard of "practical difficulties" comes from state law adopted in 2011. It supersedes the "undue hardship" test that previously applied. Osseo City Code still refers to the old standard of "undue hardship".) There are three components of the Practical Difficulties test:

A. Reasonableness

The property owner must propose to use the property in a reasonable way, a way that is somehow prohibited by the current ordinance. In this case:

- The Planning Commission should discuss whether the proposed indoor storage of trailers is a reasonable use of the property; see discussion on "approved uses" on the next page.

B. Uniqueness

The landowner's problem must be due to circumstances unique to the property and not caused by the current landowner. Often, but not always, uniqueness relates to unique physical aspects of the property such as topography, existing wetlands, or significant trees. In this case, the applicant believes

¹ League of Minnesota Cities. (2017, November 15). Resource Library. Retrieved from League of Minnesota Cities: <https://www.lmc.org/media/document/1/landusevariances.pdf>

that the arrangement of a corner lot with no alley provides unique characteristics that impact the property's site design:

- The Planning Commission should discuss whether the problem is the result of a unique physical aspect of the property, or another reason (e.g., physical aspects of the equipment the applicant desires to store). An example of similar corner lots is attached

C. Essential Character

It is also important to determine that the variance, if granted, would not change the essential character of the area. Features to consider regarding essential character might include scale, setbacks, building size, and use patterns. In this case, the applicant provides several examples of other 'non-conforming' garages in the area whose footprints were established prior to the current setback regulations (which date to 1994):

- The Planning Commission should discuss whether the proposed variances would alter the essential character of the area.

If the City finds that the project meets the statutory requirements for a variance, it may choose to grant the property an exception to the zoning code requirements. The City is not obligated to grant a variance.

Variance Implications on Approved Uses

While reviewing this application, attention was drawn to a section of the Zoning Code that was initially adopted in 1994. It is not a provision that has been enforced in recent memory, and if it were to be enforced, quite a few properties would be in violation. The provision reads,

§ 153.074 RESIDENTIAL PARKING FACILITIES; USE RESTRICTIONS.

Off-street parking facilities accessory to residential use shall be utilized **solely for the parking of passenger automobiles**. No motor vehicle over one and one-half ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering a service. Under no circumstances shall parking facilities accessory to residential structures be used for open area storage of commercial vehicles. (emphasis added)

The Zoning Ordinance does not provide a definition of "passenger automobiles". In cases like this, terms should be interpreted "according to their common and approved usage". A common usage of "passenger automobiles" would seem to exclude many sorts of things that are typically stored on residential properties in Osseo—boats, golf carts, trailers, campers, etc.

If the Planning Commission believes it is reasonable that these sorts of items be stored on residential properties, the group may want to propose an amendment to this section of the zoning ordinance. A possible amendment could include replacing the term "passenger automobiles" with "residential-use vehicles" and providing the following definition (borrowed from the nuisance ordinance, § 93.19):

RESIDENTIAL-USE VEHICLE means any motorized vehicle, truck, passenger vehicle, motorcycle, motorized bicycle, motorized cart, golf cart, boat, watercraft, snowmobile, recreational vehicle, trailer, or any similar device with wheels or tracks capable of transporting an operator or passenger.

Budget or Other Considerations:

The \$500 application fee is intended to cover in-house staff costs for reviewing the application. Following receipt of a complete application packet, the City has 60 days to issue a decision on a zoning request. The application was received by staff on April 16. A final decision on the Variance should be issued by June 15. The deadline can be extended by the City by up to 60 days, if more time is needed.

City Goals Met By This Action:

Develop and implement the Comprehensive Plan Update
Increase communication with citizens and encourage citizen engagement
Promote a healthy and high quality standard of living
Plan and provide for safe and quality housing options

Procedures:

The Planning Commission should make a motion, second, and vote to open the Public Hearing. After members of the public have had an opportunity speak and any written comments have been entered into the record, the Planning Commission should make a motion, second, and vote to close the Public Hearing.

Following the Public Hearing, the Planning Commission should consider two recommendations to the City Council.

Options:

The Planning Commission may choose to ***make the following recommendation*** to the City Council:

1. Approve the variance request;
2. Approve the variance request with noted changes/as amended;
3. Deny the variance request;
4. Table action on this item for more information.

The Planning Commission may also choose to make a recommendation regarding an amendment to **§ 153.074 RESIDENTIAL PARKING FACILITIES; USE RESTRICTIONS** to allow storage of trailers and similar items in residential parking areas.

Next Step:

The item will be placed on a subsequent City Council meeting for consideration and approval.

Variance

Applicant Check-in	Application materials and fees will be accepted and processed only if all checklist items are submitted. Applicants are encouraged to also submit electronic copies of all documents to the City Planner at nabts@ci.osseo.mn.us	City Check -in
<p><u>CA</u></p> <p><u>CA</u></p>	<p>FIFTEEN (15) 11 x 17 ASSEMBLED SETS AND TWO (2) FULL SIZED TO-SCALE SETS OF THE FOLLOWING: Submit electronic drawings in lieu of 15 assembled sets</p> <p>CERTIFIED SURVEY (current within 6 months) of subject property, showing existing conditions including complete legal description, property dimensions, area, easements, utilities, and structures.</p> <p>PLOT PLAN/SITE PLAN drawn to-scale indicating all structures, property lines, setbacks, and other improvements. Plans should indicate location, size, and place of proposed improvements, including</p> <ul style="list-style-type: none"> • structure • yards, • parking and loading facilities, • vehicular access and egress; <p>and differentiate between existing and proposed improvements. (See section 153.149 of the City Code of Ordinances.)</p>	<p><u>KB</u></p> <p><u>KB</u></p> <p>Documents also on flash drive</p>
<p><u>CA</u></p> <p><u>CA</u></p> <p><u>CA</u></p>	<p>WRITTEN NARRATIVE describing the purpose and justification for the request. Address the "practical difficulties" / legal standards for granting a variance, including:</p> <ul style="list-style-type: none"> • the reasonableness of the request, • the uniqueness of the property (specifically, describe how the request for a variance arises from circumstances unique to the property and not caused by the landowner), and • the reasons the applicant believes that the variance, if granted, will not alter the essential charter of the locality. <p>COMPLETED APPLICATION FORM signed by property fee owner(s).</p> <p>COMPLETED ACKNOWLEDGEMENT OF RESPONSIBILITY FORM.</p> <p>CASH FEE of \$500 payable to the City of Osseo plus any costs incurred by the city.</p>	<p><u>KB</u></p> <p><u>KB</u></p> <p><u>KB</u></p>



415 Central Avenue
Osseo, MN 55369
Phone 763.425.2624
Fax 763.425.1111

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I further understand that additional fees incurred by the City such as engineering or legal costs will be my responsibility.

I agree to allow access by City personnel to the property for purposes of review of my application and to erect a temporary sign indicating the application proposed.

Date

4/13/20

Signature of Applicant

Name and Address of Applicant
(Please Print)

Cory Albers

8 4th Ave NE

Osseo MN 55369

Phone Number

612 239 5033

Email Address

66c498albers@hotmail.com

Name and Address of Contact
(If Other Than Applicant)

Phone Number

Email Address

**Application For:**

Variance

Residential ☒Commercial ☐Sign ☐

415 Central Avenue, Osseo, MN 55369

Phone 763.425.2624

Fax 763.425.1111

Information provided may be considered public data pursuant to data practices law and the City will comply with all applicable laws if the information is subject to a data request.

Property Information:Site address: 8 4th Ave NEProperty identification number: 18-119-21-24-0022Property legal description: Lot: 7 Block: 3 Tract/Addition: Larson'sProperty type (check one): Abstract: ☐ Torrens: ☒

Description of request (list the practical difficulties of your request – attach more if necessary):

see attached sheet

Applicant Information:Name: Cory Albers Daytime phone: 612-239-5033Address: 8 4th Ave NE Email Address: 66c498albers@hotmail.com

Applicant agrees to reimburse the City of all legal and/or engineering costs incurred by the City, provide 15 copies (11x17) of site plan/drawings/survey for submittal, and pay any additional water and/or sewer assessments that may be due pending a check of City records.

Signature:  Date: 4/13/20

Property Owner Information:

Name: Cory Albers Daytime phone: 612-239-5033
Address: 84th Ave NE Email Address: 66C498albers@hotmail.com

Signature:  Date: 4/13/20

*The City of Osseo requires that the Property Owner sign and date all land use applications.
Applications will not be accepted unless the Property Owner has signed the application.*

.....
For City use only:

Receipt number: CC 7786 Date received: 4/16/2020 (\$500 Application Fee)

Any other fees? _____ Received by: _____

Notice to press date: April 30, 2020 Press publication date: May 7, 2020

Scheduled Planning Commission date: May 18, 2020

Scheduled City Council date: May 26, 2020

Osseo

415 Central Ave.
Osseo, MN 55369

Receipt

Order #24321006
4/16/2020 8:02:25 AM

CORY ALBERS

SKU	PRODUCT DESCRIPTION	PRICE	QTY	TOTAL
General Merch-OE	General Merchandise Comment: Cory Albers Variance fee, 8 4th Ave NE,	\$500.00	1	\$500.00
Subtotal				\$500.00
Total				\$500.00

Payment Info

CARDHOLDER NAME	NUMBER	TYPE	AUTHORIZATION	RECEIPT NO.
Cory Albers	XXXX XXXX XXXX 3913	visa		7786

Signature:

X



Retain this copy for your records

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To whom this may concern,

The reason I am applying for a variance is to utilize the space on the side of my house to build a garage on my unique shaped lot. I am requesting to add a 22'x40' additional detached garage to the north of my existing garage.

The intended purpose of the garage is to add additional parking under cover for things such as my cars, trailers, snowmobiles, etc.

I am requesting 3 things with this variance.

1. An additional 188 sf of garage space above the 1000 sf max limit. This additional garage would bring the total sf combined of the proposed and existing garage to 1188 SF.
2. An additional 10" plus in height to the existing 15' max height median measurement of the rafter. Making the median rafter measurement 15'10"
3. I am asking the setback of the building to be changed from 25' to 18' from the front (west) property line.

There are a few things that I took into consideration when designing my garage. The main reason the garage was designed was to be able to fit my camper under cover. In order to do that a 12' high door is required to fit the camper inside. The additional wall height of 2' above that inside is for the garage door when it is open and the garage opener to be installed. The max height of the garage should not exceed 17'9" give or take to the peak. I would like the roof pitch on the proposed garage to match the existing house and garage with the same 4/12 pitch roof. With that in mind is why I will have to ask for the height variance.

The requested length with additional 188 sf is again for the camper. The camper is 36' long from the bumper to the tongue of the trailer. That will leave me with an additional 3'4" inside clear space after the walls are built on the interior to install the garage door and track as well as leave room to walk around the camper in an emergency situation and not having to have the garage door open every time to gain access as well. I also tried to keep in mind my building maintenance experience of having a 24" clear space around a service door in case of an emergency.

The only reason I am asking for a setback to be changed in the front of the property was to maintain the setback of 5' in the rear of the property. I am not opposed to moving the building back (east) 3' or so and asking for a setback change in the front yard (west) side to only be about 4' or so with requesting an additional setback variance to move the building back to the east changing the rear setback from 5' to 2'. I am open to moving the placement of the garage on the property.

A few things that make my lot unique to apply for a variance is not a lot of other corner lots have the orientation of both the garage door and front door of the house on the same street. Also being a corner lot I do not have an alleyway garage.

With the addition of the proposed garage I will be removing the current dilapidated shed that is on the property survey bringing more curb appeal to the area. Also since the survey has been performed I have removed the 8x8 "deck" in the backyard. I will have to remove and replant the one 4" tree that impedes on the proposed garage.

I feel this variance will not alter the unique small town characteristics of Osseo when looking at other neighboring properties. They all seem to have something that I am inquiring about in my variance.

Please see the below neighboring properties with pictures.

1. 109 4th Ave Se. This property shows a very large 4 car tall garage on this property.





2. 125 5th Ave NE. This property shows a 6 plus car garage. 4 car garage attached to the house with one driveway from the street and another from the alley. As well as a detached 2 plus car garage with an additional (2nd) driveway to the street and alley access without a 25' setback .





3. 325 2nd St SE. This property shows that the garage is in front of the house and the set back is not 25'



PLAN NOTES

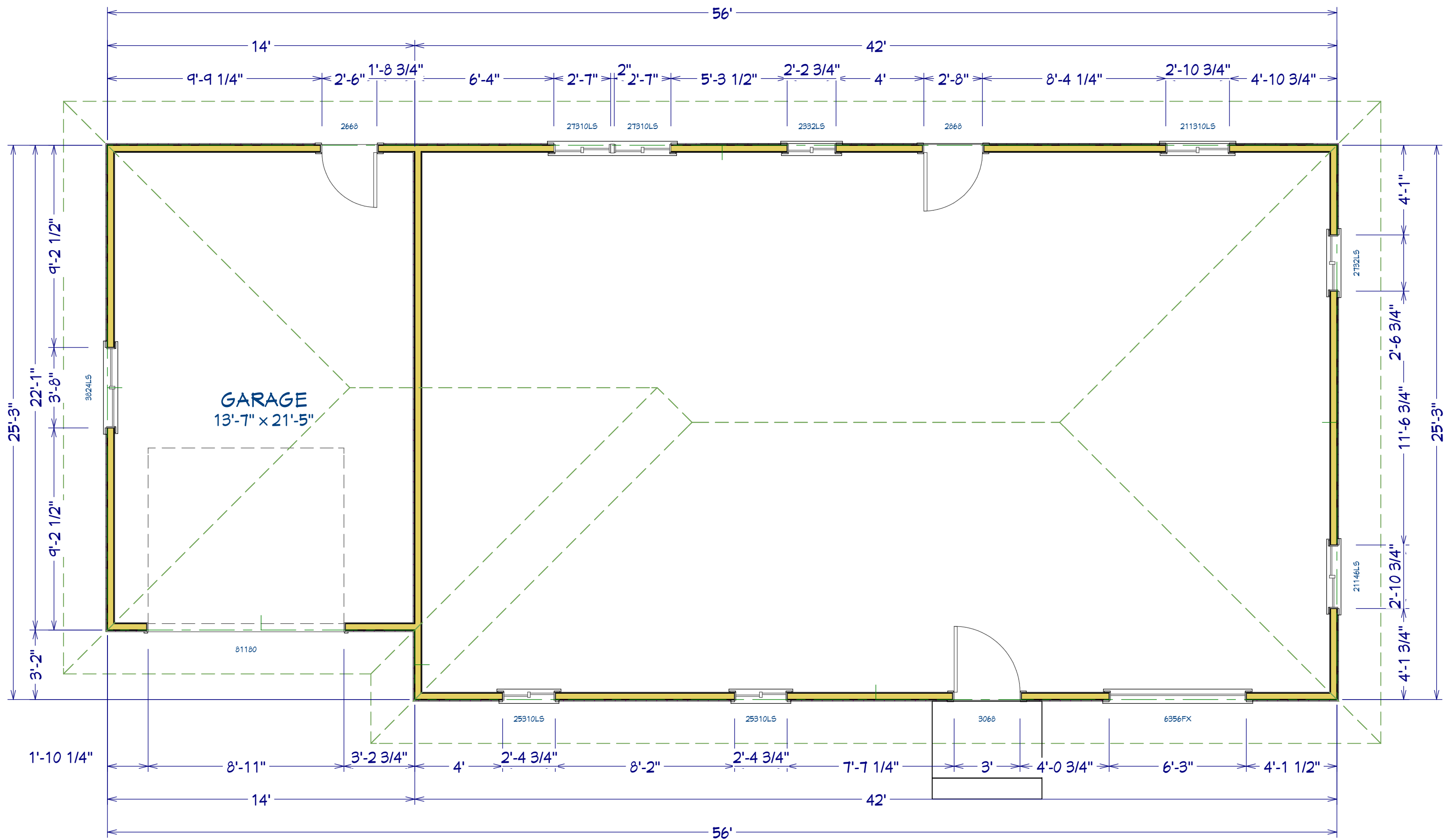
1. INSTALL NEW SLAB ON GRADE FOUNDATION WITH 12"x12" FOOTING
2. FRAME NEW 2X4 WALL ALONG PROPOSED GARAGE PERIMETER
3. INSTALL NEW SIDING ON EXTERIOR
4. INSTALL NEW ASPHALT SHINGLES ON ROOF
5. INSTALL NEW WINDOWS
6. INSTALL NEW SERVICE DOOR
7. INSTALL NEW 7/16 INCH OSB WALL SHEATHING
8. INSTALL ONE COURSE OF 4 INCH CMU FOUNDATION ALONG PERIMETER OF SLAB
9. PROPOSED GARAGE FLOOR ELEVATION TO MATCH EXISTING GARAGE SLAB ELEVATION

KEY NOTES

- ① NEW SLAB ON GRADE FOUNDATION WITH (2X) #4 REBAR ALONG PERIMETER
- ② NEW (2X) 1.75 X 11.875 INCH LVL HEADER
- ③ NEW (2X) 1.75 X 9.50 INCH LVL HEADER
- ④ NEW 14 FOOT TALL 2X4 EXTERIOR WALLS
- ⑤ NEW GARAGE DOOR 16 FEET WIDE BY 12 FEET TALL

CONSTRUCTION LEGEND

- EXISTING CONSTRUCTION AND STRUCTURAL ELEMENTS TO REMAIN, PATCH AND REPAIR SURFACES AFFECTED BY DEMOLITION AS REQUIRED FOR NEW FINISHES
- CONCRETE STEM WALL
- EXISTING DOOR
- 3 1/2 INCH WALL WITH 1/2 INCH DRYWALL
- NEW 5 1/2 INCH WALL
- EXISTING BIFOLDING CLOSET DOOR
- NEW DOOR AND FRAME
- NEW BIFOLDING CLOSET DOOR
- FENCE
- PROPERTY LINE
- EASEMENT



Main Level - Existing
Scale 1/4" = 1'

1
1

DRAWINGS PROVIDED BY:

Cory Albers

SHEET TITLE:

Main Level
Existing Plan

PROJECT TITLE:

Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:

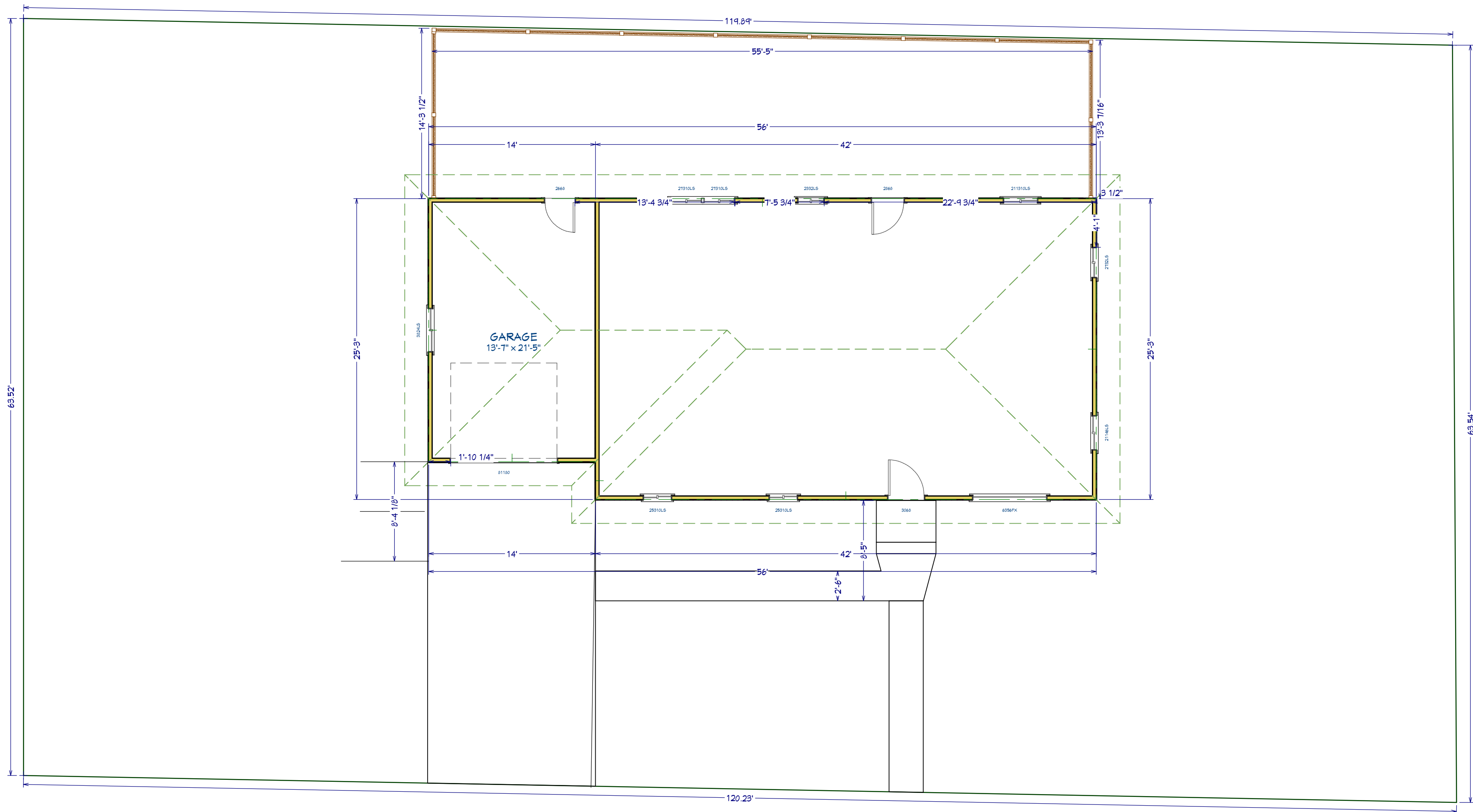
Not Determined

DATE:

4/11/20

SHEET:

1 of 8



N



Main Level - Existing
Scale 5/32" = 1'

1
2

DRAWINGS PROVIDED BY:
Cory Albers

SHEET TITLE:
Existing Structure
Existing Survey

PROJECT TITLE:
Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:
Not Determined

DATE:
4/11/20

SHEET:
2 of 8

PLAN NOTES

1. INSTALL NEW SLAB ON GRADE FOUNDATION WITH 12"x12" FOOTING
2. FRAME NEW 2X4 WALL ALONG PROPOSED GARAGE PERIMETER
3. INSTALL NEW SIDING ON EXTERIOR
4. INSTALL NEW ASPHALT SHINGLES ON ROOF
5. INSTALL NEW WINDOWS
6. INSTALL NEW SERVICE DOOR
7. INSTALL NEW 7/16 INCH OSB WALL SHEATHING
8. INSTALL ONE COURSE OF 4 INCH CMU FOUNDATION ALONG PERIMETER OF SLAB
9. PROPOSED GARAGE FLOOR ELEVATION TO MATCH EXISTING GARAGE SLAB ELEVATION

KEY NOTES

- 1

NEW SLAB ON GRADE FOUNDATION WITH (2X) #4 REBAR ALONG PERIMETER
- 2


NEW (2X) 1.75 X 11.875 INCH LVL HEADER
- 3


NEW (2X) 1.75 x 9.50 INCH LVL HEADER
- 4

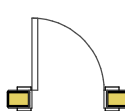
NEW 14 FOOT TALL 2X4 EXTERIOR WALLS
- 5


NEW GARAGE DOOR 16 FEET WIDE BY 12 FEET TALL


CONSTRUCTION LEGEND


- 


EXISTING CONSTRUCTION AND STRUCTURAL ELEMENTS TO REMAIN, PATCH AND REPAIR SURFACES AFFECTED BY DEMOLITION AS REQUIRED FOR NEW FINISHES
- 

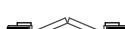
CONCRETE STEM WALL
- 


EXISTING DOOR
- 


3 1/2 INCH WALL WITH 1/2 INCH DRYWALL
- 


NEW 5 1/2 INCH WALL
- 

EXISTING BIFOLDING CLOSET DOOR
- 

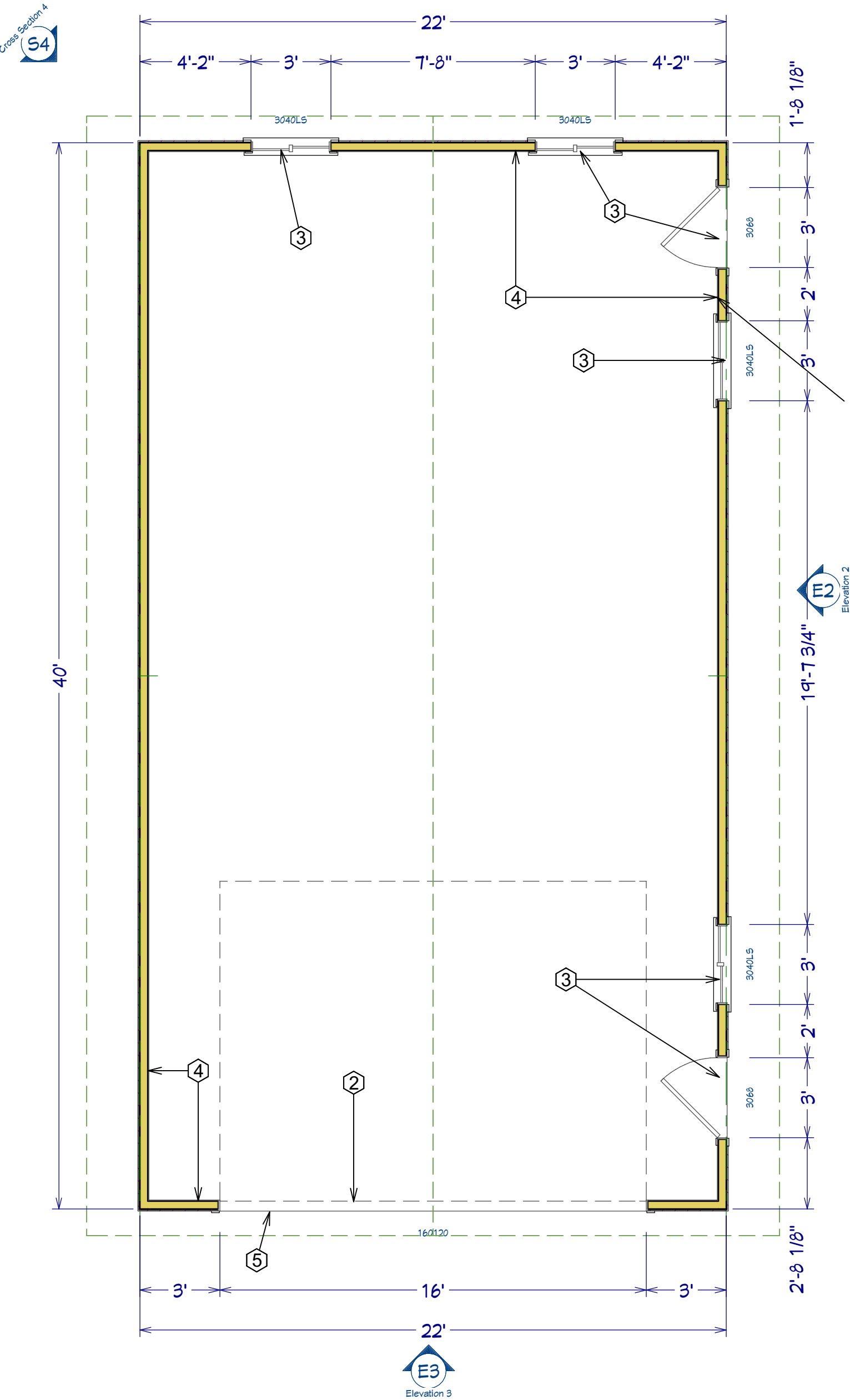
NEW DOOR AND FRAME
- 

NEW BIFOLDING CLOSET DOOR
- 

FENCE
- 

PROPERTY LINE
- 

EASEMENT



Main Level - Proposed
Scale 1/4" = 1'

1
3

DRAWINGS PROVIDED BY:

Cory Albers

SHEET TITLE:

Proposed Detached Garage

PROJECT TITLE:

Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:

Not Determined

DATE:

4/11/20

SHEET:

3 of 8

PLAN NOTES

1. INSTALL NEW SLAB ON GRADE FOUNDATION WITH 12"x12" FOOTING
2. FRAME NEW 2X4 WALL ALONG PROPOSED GARAGE PERIMETER
3. INSTALL NEW SIDING ON EXTERIOR
4. INSTALL NEW ASPHALT SHINGLES ON ROOF
5. INSTALL NEW WINDOWS
6. INSTALL NEW SERVICE DOOR
7. INSTALL NEW 7/16 INCH OSB WALL SHEATHING
8. INSTALL ONE COURSE OF 4 INCH CMU FOUNDATION ALONG PERIMETER OF SLAB
9. PROPOSED GARAGE FLOOR ELEVATION TO MATCH EXISTING GARAGE SLAB ELEVATION

KEY NOTES

- 1

NEW SLAB ON GRADE FOUNDATION WITH (2X) #4 REBAR ALONG PERIMETER
- 2

NEW (2X) 1.75 X 11.875 INCH LVL HEADER
- 3

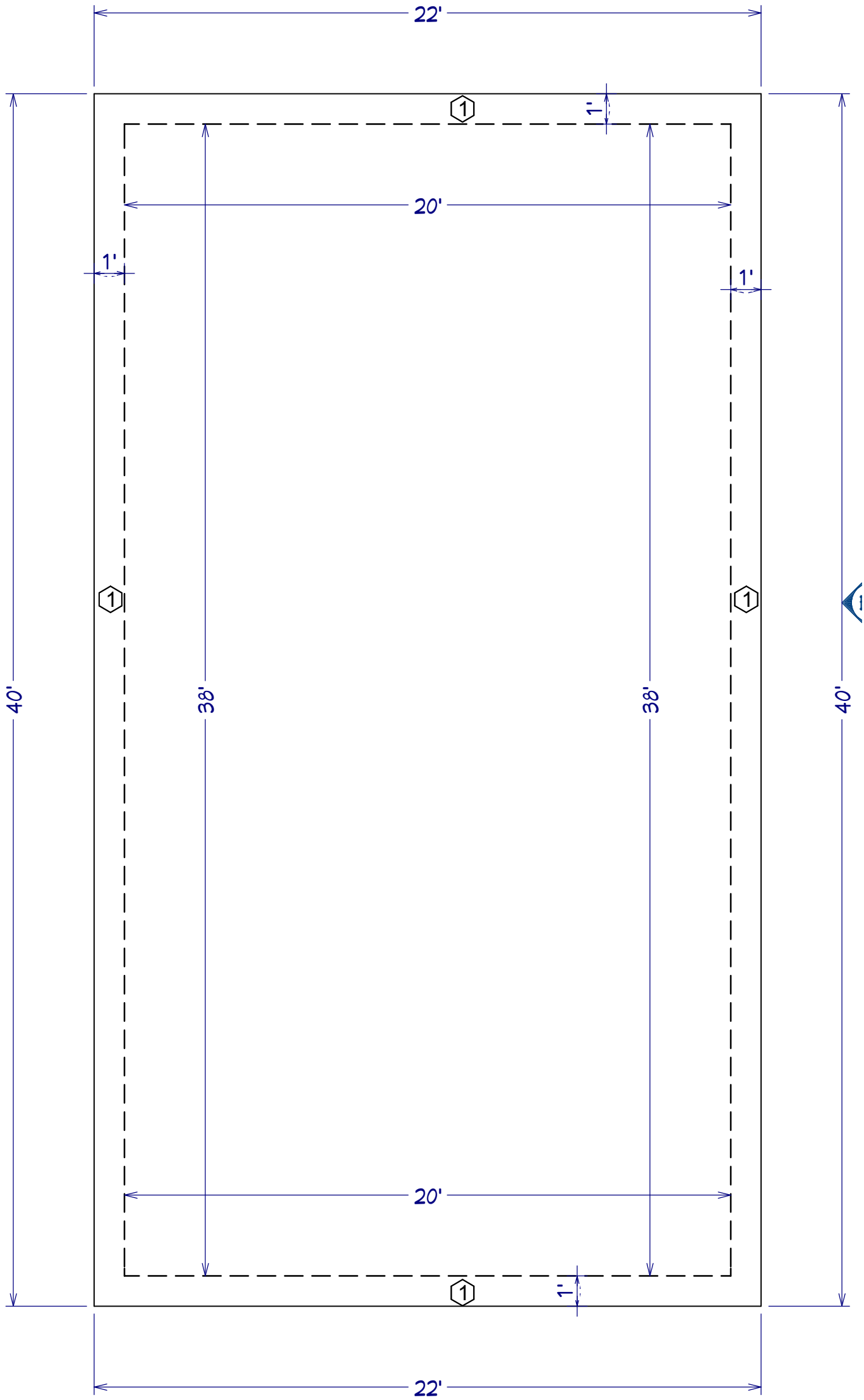
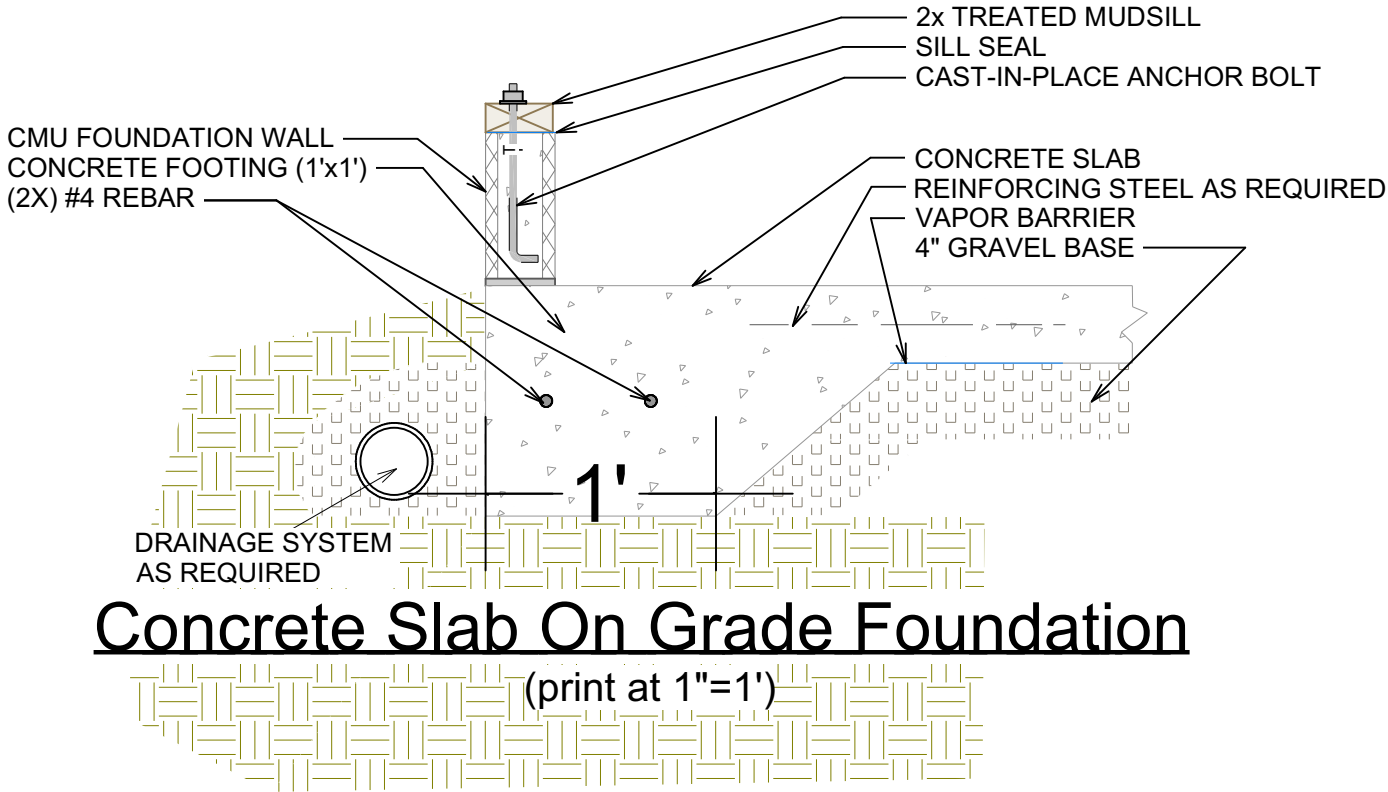
NEW (2X) 1.75 x 9.50 INCH LVL HEADER
- 4

NEW 14 FOOT TALL 2X4 EXTERIOR WALLS
- 5

NEW GARAGE DOOR 16 FEET WIDE BY 12 FEET TALL

CONSTRUCTION LEGEND

- EXISTING CONSTRUCTION AND STRUCTURAL ELEMENTS TO REMAIN, PATCH AND REPAIR SURFACES AFFECTED BY DEMOLITION AS REQUIRED FOR NEW FINISHES
- CONCRETE STEM WALL
- EXISTING DOOR
- 3 1/2 INCH WALL WITH 1/2 INCH DRYWALL
- NEW 5 1/2 INCH WALL
- EXISTING BIFOLDING CLOSET DOOR
- NEW DOOR AND FRAME
- NEW BIFOLDING CLOSET DOOR
- FENCE
- PROPERTY LINE
- EASEMENT



Foundation - Proposed
Scale 1/4" = 1'

1
4

DRAWINGS PROVIDED BY:

Cory Albers

SHEET TITLE:

Proposed Foundation

PROJECT TITLE:

Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:

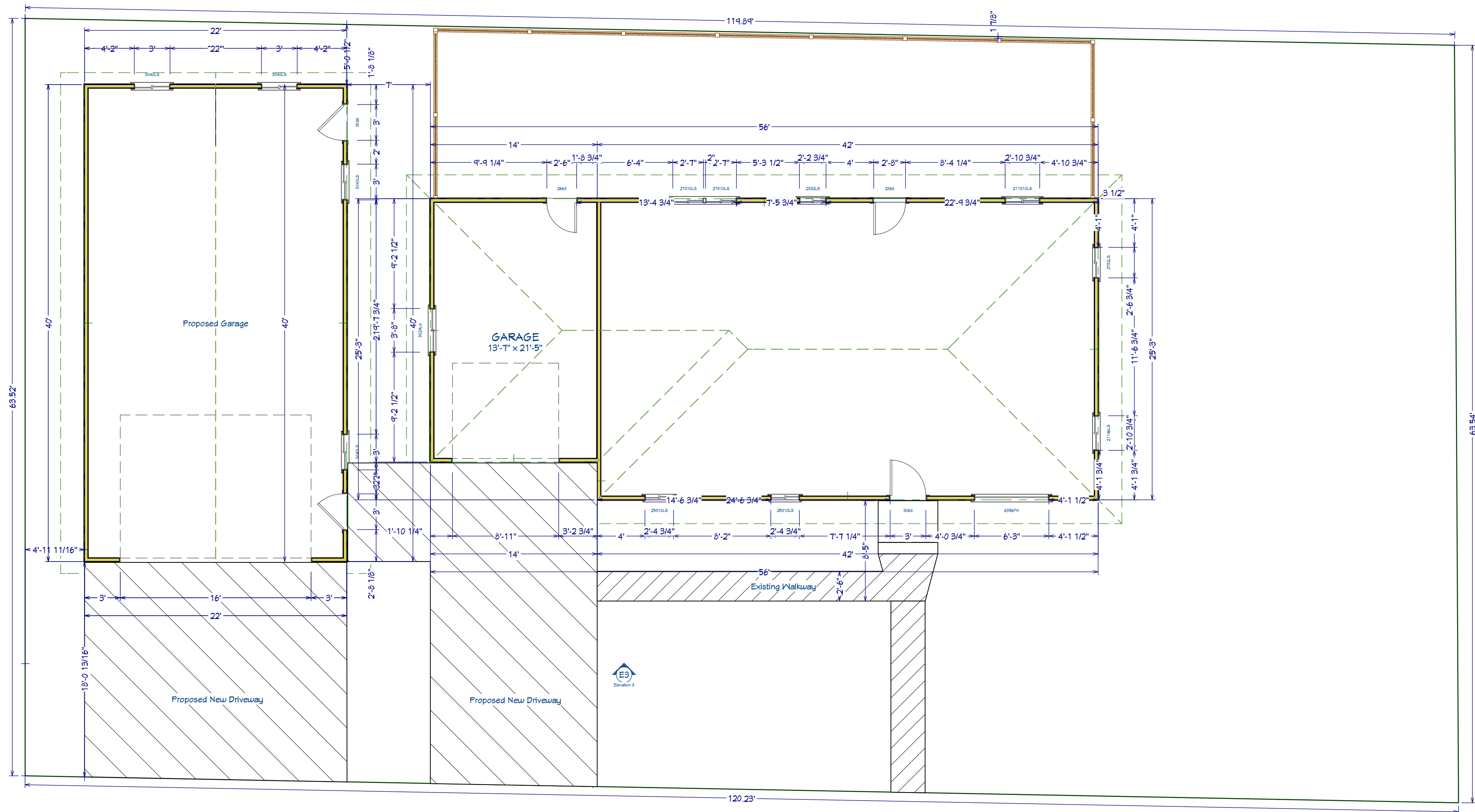
Not Determined

DATE:

4/11/20

SHEET:

4 of 8



Main Level - Existing and Proposed
Scale 5/32" = 1'

1
5

GENERAL CONTRACTOR:

Not Determined

PROJECT TITLE:

Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

SHEET TITLE:

Existing with Proposed View

DRAWINGS PROVIDED BY:

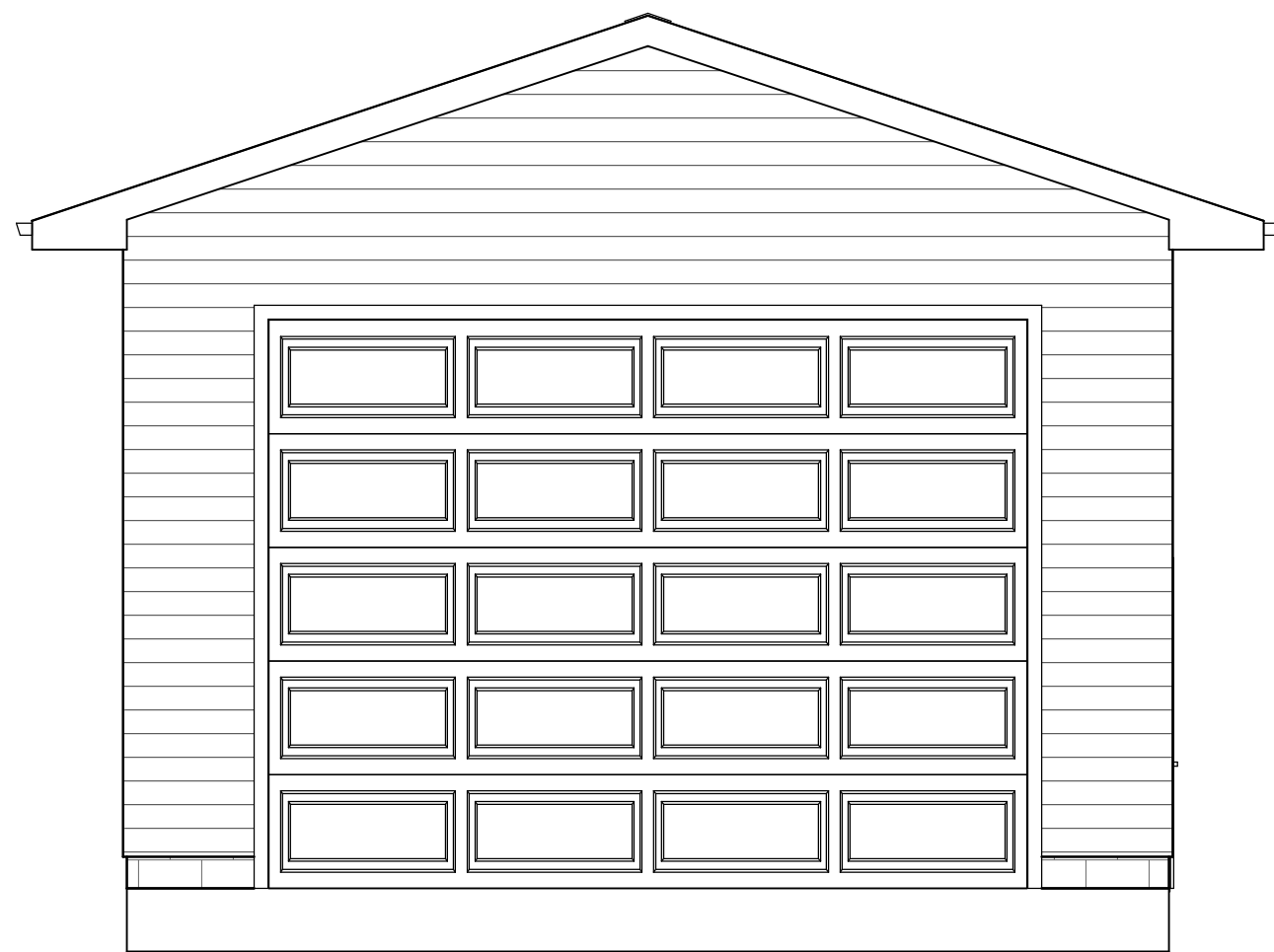
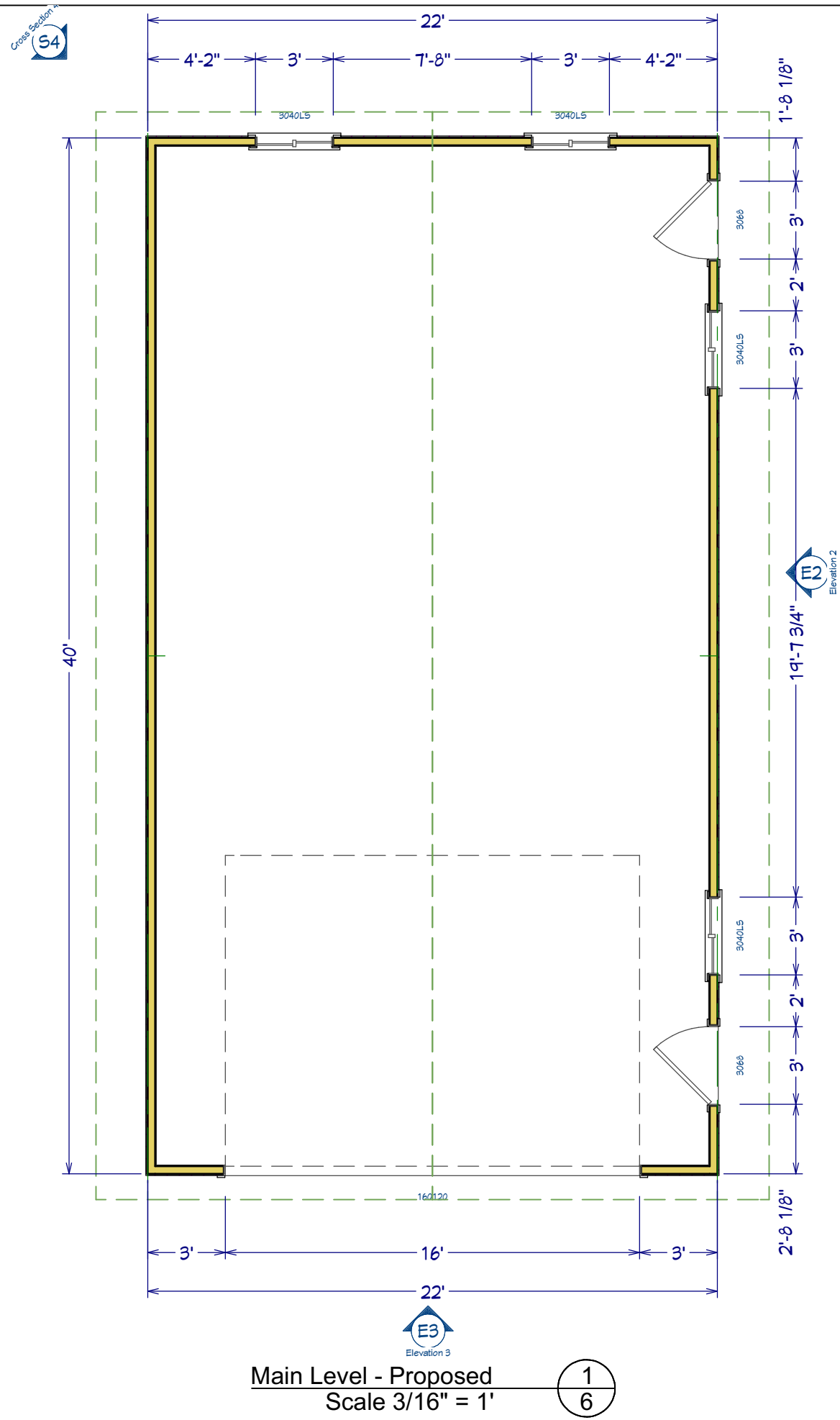
Cory Albers

DATE:

4/11/20

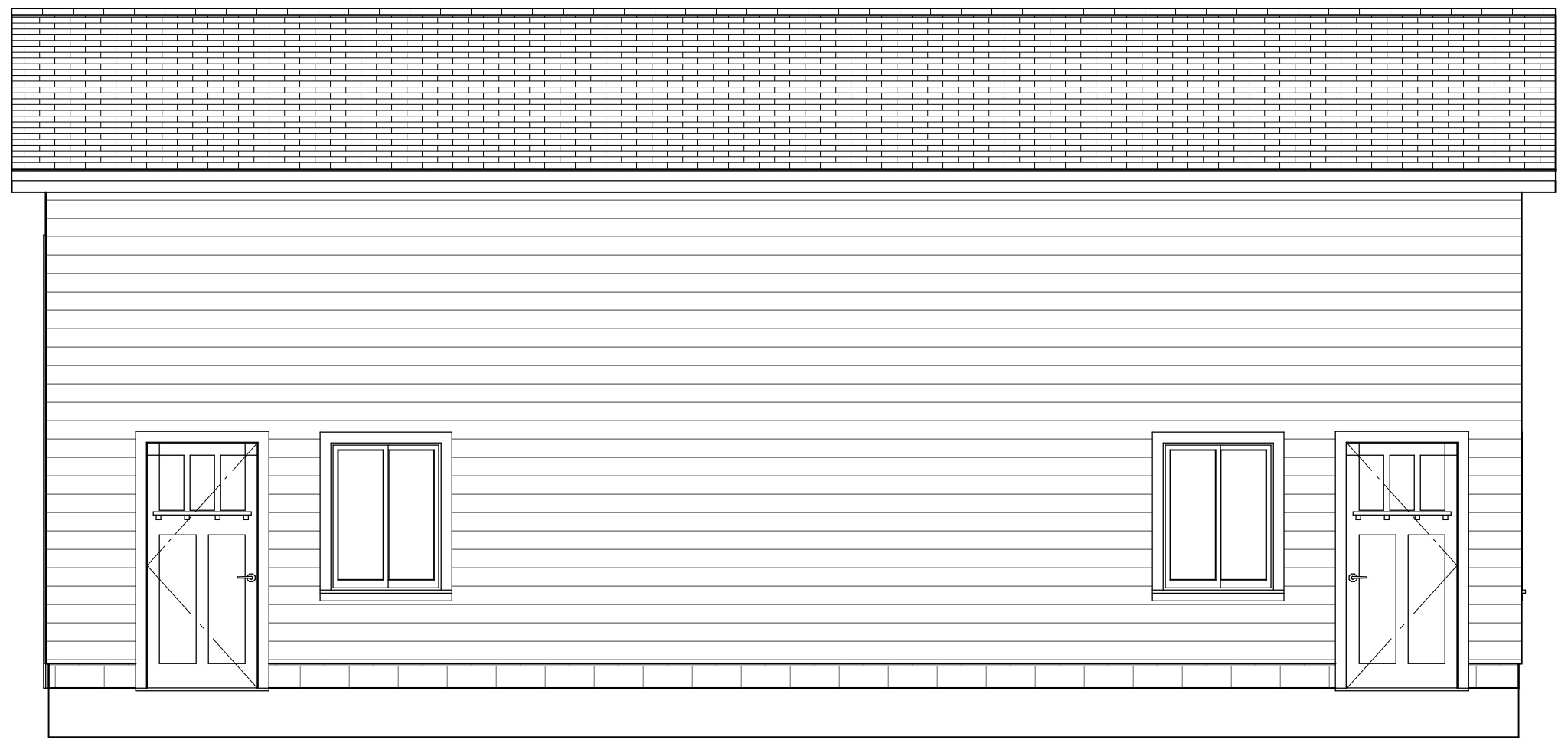
SHEET:

5 of 8



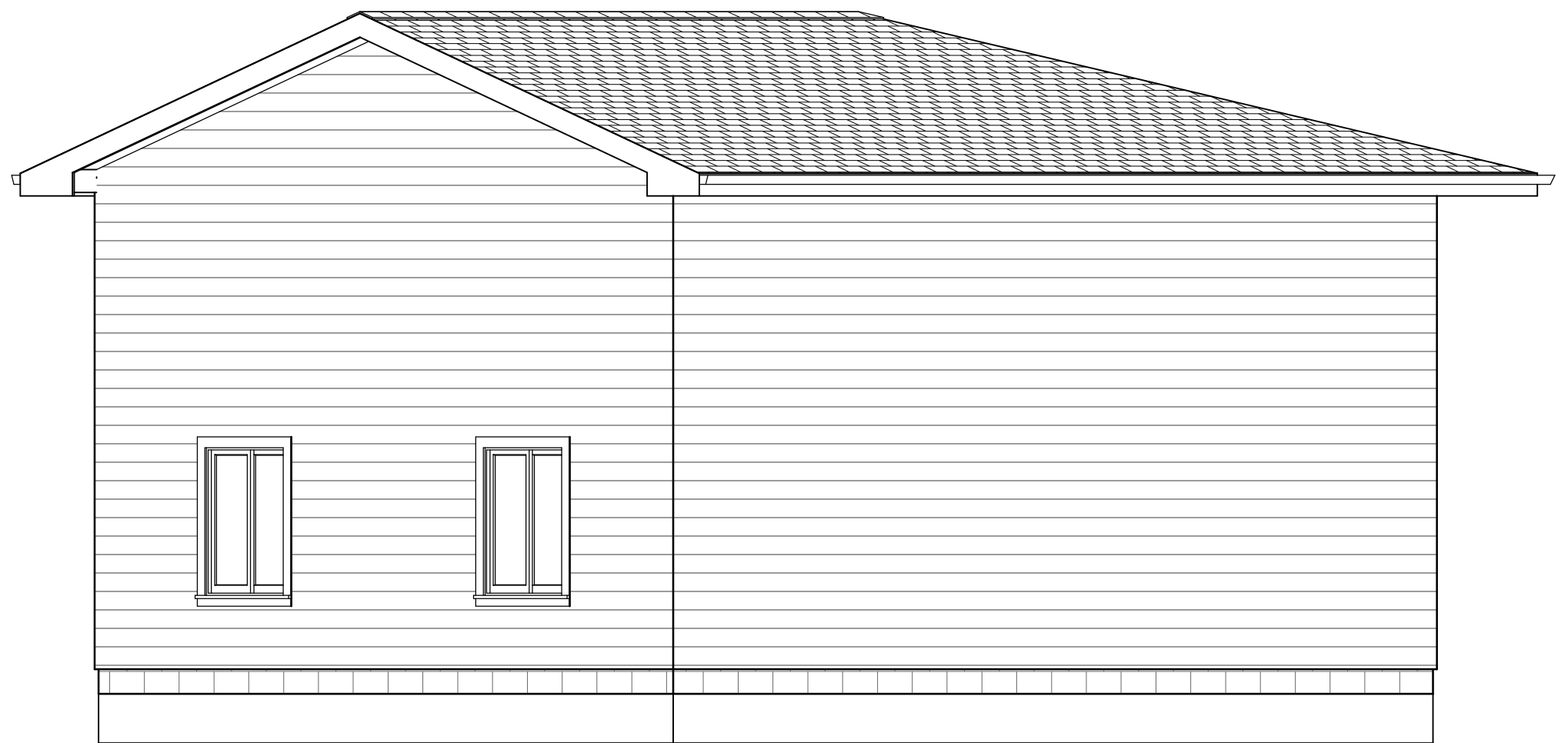
Main Level - Proposed
Scale 1/4" = 1'

3
6



Main Level - Proposed
Scale 1/4" = 1'

2
6



Main Level - Proposed
Scale 1/4" = 1'

4
6

DRAWINGS PROVIDED BY:
Cory Albers

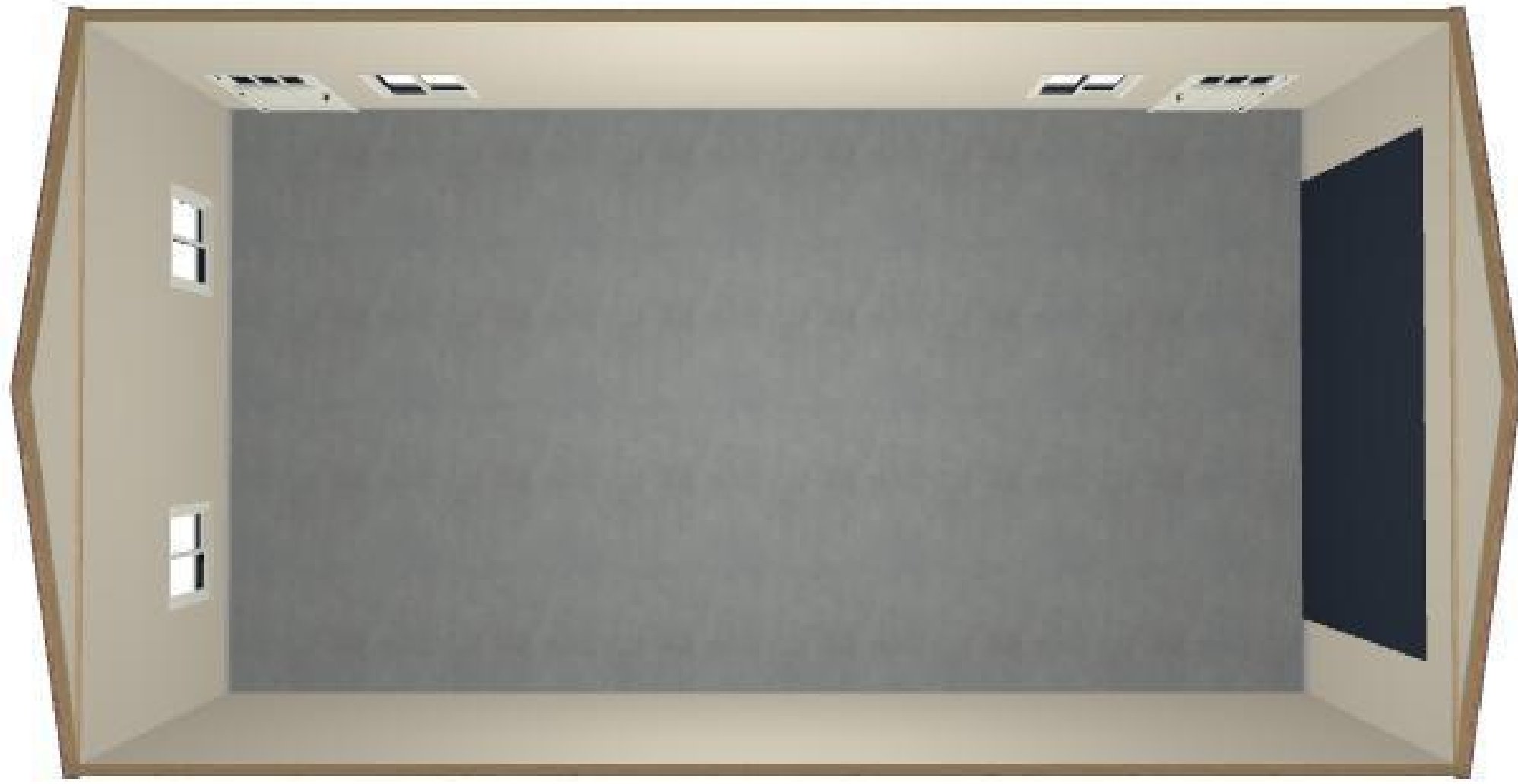
SHEET TITLE:
Proposed Elevation Views

PROJECT TITLE:
Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:
Not Determined

DATE:
4/11/20

SHEET:
6 of 8



Main Level - Proposed
No Scale

1
7



Main Level - Proposed
No Scale

2
7



Main Level - Proposed
No Scale

3
7



Main Level - Proposed
No Scale

4
7

DRAWINGS PROVIDED BY:
Cory Albers

SHEET TITLE:
3D Renderings

PROJECT TITLE:
Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:
Not Determined

DATE:
4/11/20

SHEET:
7 of 8



Main Level - Proposed
No Scale

1
8



Main Level - Proposed
Scale 3/16" = 1'

2
8

DRAWINGS PROVIDED BY:
Cory Albers

SHEET TITLE:
3D View and Cross Section

PROJECT TITLE:
Cory Albers Residence
8 4th Avenue NE
Osseo, MN 55369

GENERAL CONTRACTOR:
Not Determined

DATE:
4/11/20

SHEET:
8 of 8

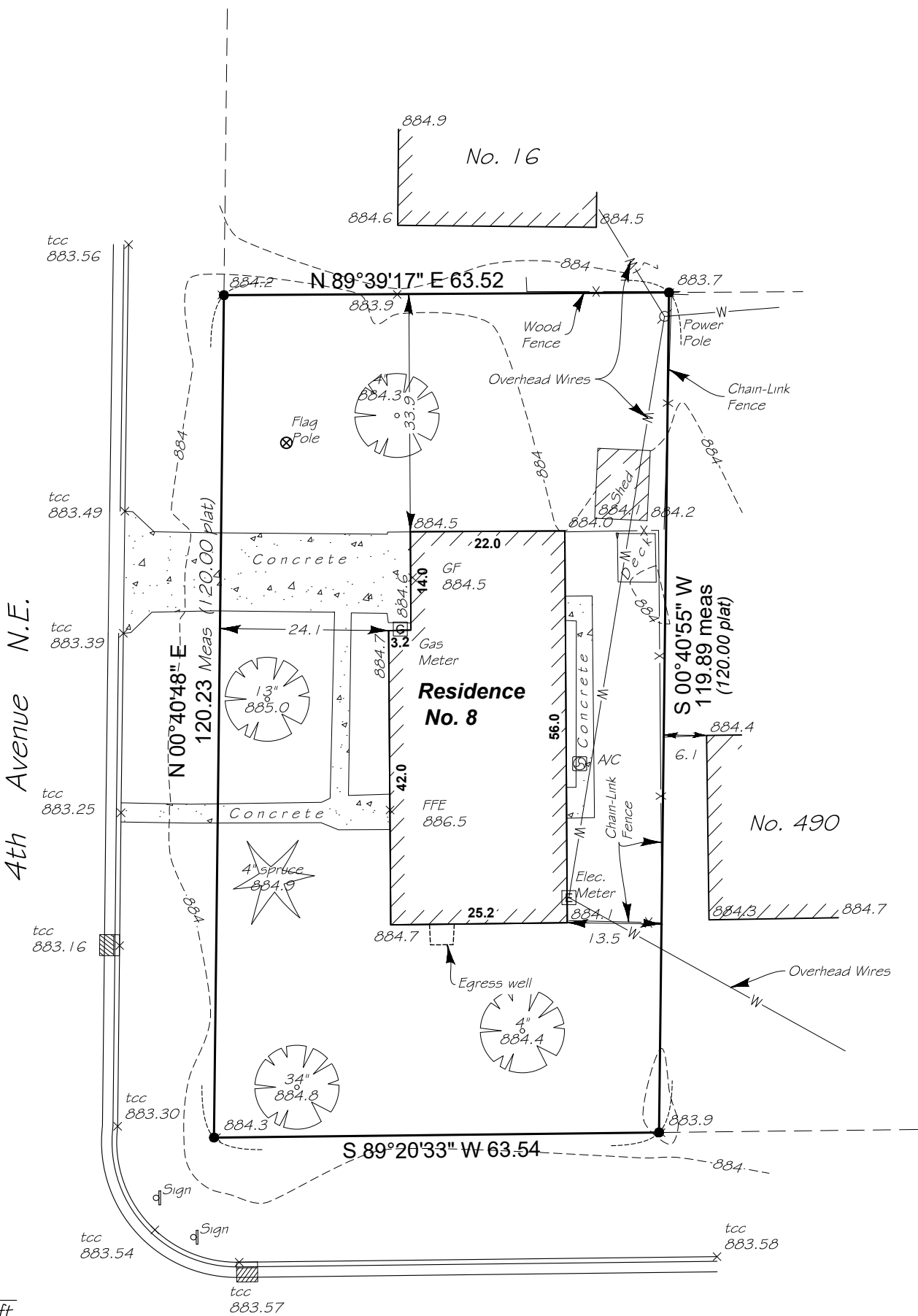
Surveyors Certificate
Existing Conditions Survey For:

CORY ALBERS
Property located in Section
18, Township 119, Range 21,
Hennepin County, Minnesota

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- - - Denotes Existing Contours
- ~~~~~ Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- ← Denotes Surface Drainage

Basis for
bearings is
assumed


Benchmark: MnDOT monument no. 2721AA
Elevation = 888.70(NAVD 88)



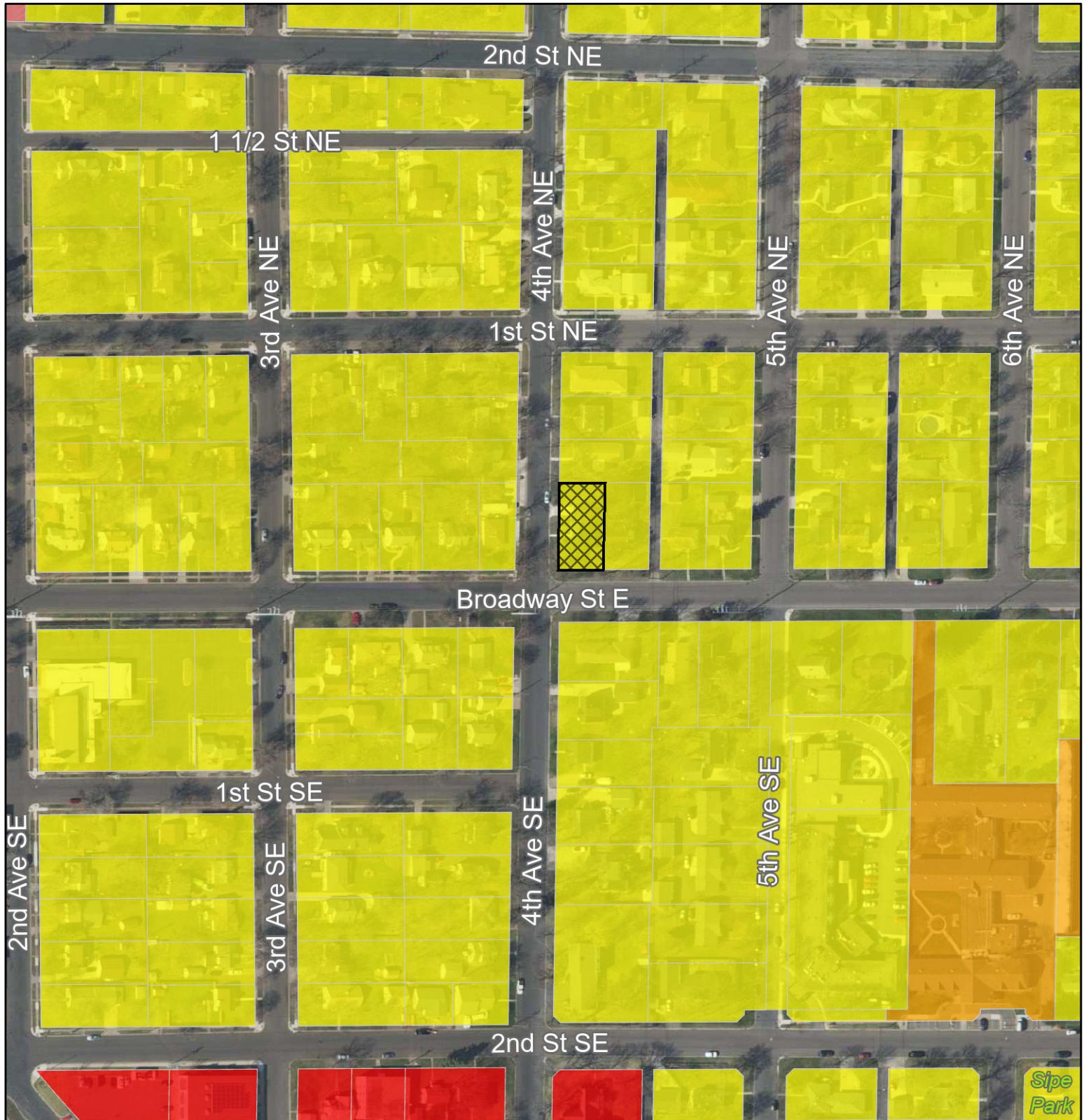
Hardcover	
Lot Area	7,626 sq ft
Building	1,367 sq ft
Front Walk and Driveway	462 sq ft
Rear Walk	89 sq ft
Deck	38 sq ft
Shed	75 sq ft
Total	2,031 sq ft
Percentage	26.63%

East Broadway Street

NOTE: The only easements shown are from plats of record or information provided by client.

Legal Description Lot 7, Block 3, LARSON'S ADDITION Hennepin County, Minnesota	Project No. 88920	Scale: 1" = 20'	I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota Surveyed this 2nd day of April 2020.
	F.B.No. 1114-30	Drawn By J. Munson	
	Address: 8 4th Avenue N.E. Osseo, MN		
rev			
<div>DEMARC</div> <div>LAND SURVEYING & ENGINEERING</div> <div>7601 73rd Avenue North (763) 560-3093 Minneapolis, Minnesota 55428 DemarcInc.com</div>			Signed  Gregory R. Prasch, Minn. Reg. No. 24992

8 4th Ave NE - Garage Variance



1 in = 188 ft



Zoning Classification

- Central Business District (CBD)
- Highway Commercial District North (C2N)

- Highway Commercial District South (C2S)
- Manufacturing and Industrial District (M)

- One and Two Family Residential District (R-1)
- Multi-Family Residential District (R-2)
- Public Institution District (PI)



City of Osseo

415 Central Avenue
Osseo, MN 55369-1195

P 763.425.2624 F 763.425.1111

www.DiscoverOsseo.com

NOTICE

Planning Commission Public Hearing

You are receiving this notice because your property is located within 500 feet of a site proposed for development.

APPLICANT: Cory Albers

REQUEST: Variances to allow for private garage space totaling 1,188 square ft; an 18' front yard setback; and 15' 10" garage height.

LOCATION: 8 4th Ave NE

TIME OF HEARING: Monday, May 18, 2020 at 6:00 p.m. – Virtual Meeting

Due to the declared local and state emergencies the public hearing will be held via electronic means, and public comment will be received in writing and presented at the public hearing by City staff.

The public will be able to monitor the hearing electronically by viewing the live broadcast of the meeting on local Channel 16, or by live web stream on the CCX Media website.

HOW TO PARTICIPATE:

- 1) Comments may be submitted through the City's website at www.discoverosseo.com/virtual-meeting
- 2) You may send a letter before the hearing to the City of Osseo, 415 Central Avenue, Osseo, MN 55369 or fax to 763-425-1111; or
- 3) You may send an email to cityhall@ci.osseo.mn.us prior to the end of the public hearing.

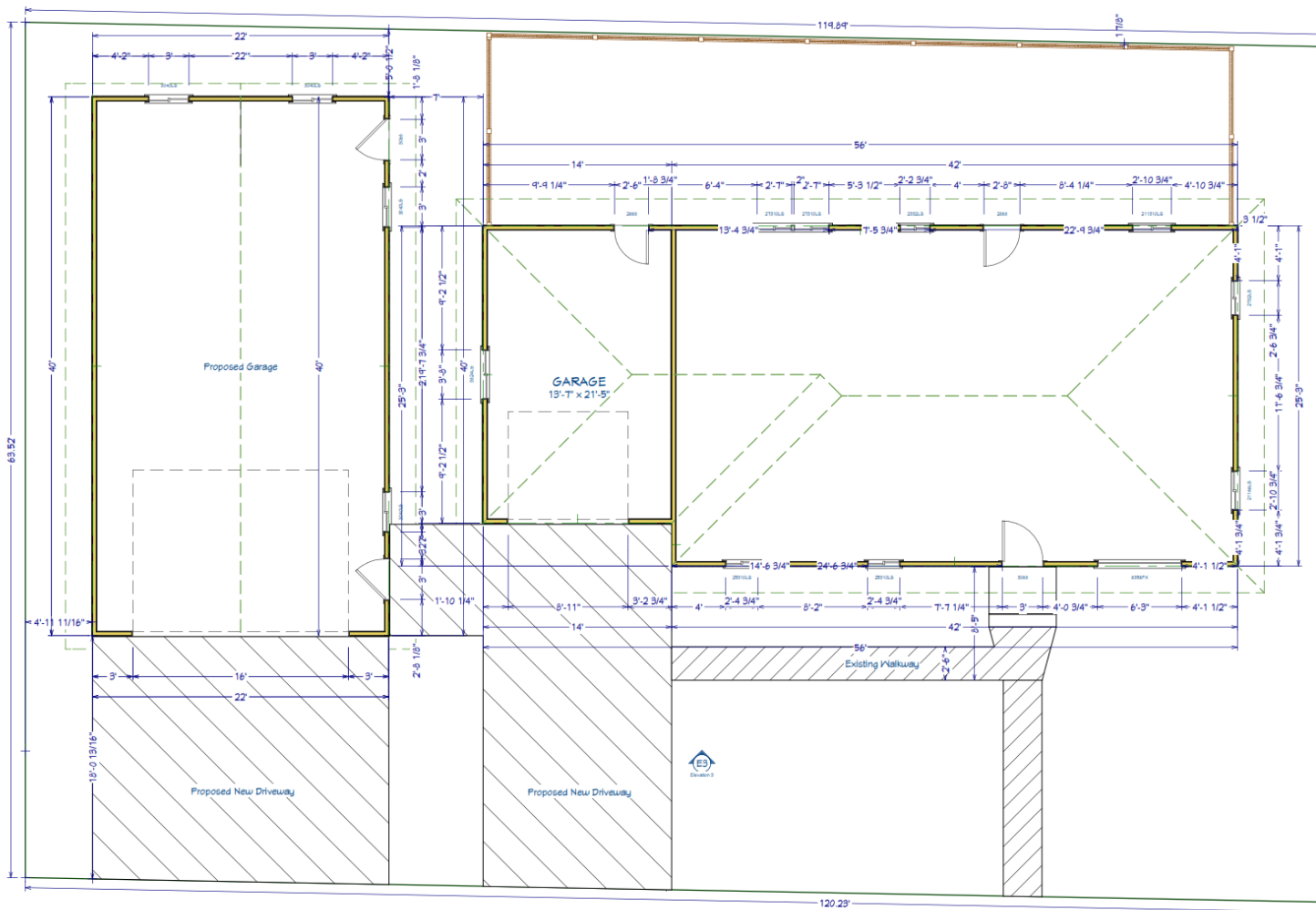
If you want your comments to be made part of the public record, your letter, email, or fax should state your first and last name and your address. Thank you in advance for your cooperation.

ANY QUESTIONS: Please contact City Administrator Riley Grams at rgrams@ci.osseo.mn.us
Or visit our website after May 14, 2020, at www.discoverosseo.com/departments/planning-commission



Main Level - Proposed
No Scale

1
8



Main Level - Existing and Proposed
Scale 5/32" = 1'

1
5



Hennepin County Locate & Notify Map

Date: 4/29/2020



Buffer Size: 500

0 50 100 200 Feet
|-----|-----|-----|-----|

Map Comments:

8 4th Avenue Northeast, Osseo Variance Application Notification

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

SEAN M HYMAN
317 1ST ST N E
OSSEO MN 55369

CLIFFORD AND SUSAN GATES
309 1ST ST NE
OSSEO MN 55369

DONALD & NANCY SEITZ
305 1ST ST N E
OSSEO MN 55369

KATHRYN A VNUK
116 3RD AVE N E
OSSEO MN 55369

LORI ANN KRONEBERGER
101 3RD AVE N E
OSSEO MN 55369

TERRY P MCNEIL
124 5TH AVE N E
OSSEO MN 55369

ANNE K NELSON
225 BROADWAY ST E
OSSEO MN 55369

TIMOTHY P WALSH
33 4TH AVE N E
OSSEO MN 55369

DEBRA SHEPPARD
25 4TH AVE N E
OSSEO MN 55369

MARK A/REBECCA L WEIDENBACH
32 3RD AVE N E
OSSEO MN 55369

DAVID L ALEXANDER
333 BROADWAY ST E
OSSEO MN 55369

CHAD TUCKER
317 BROADWAY ST E
OSSEO MN 55369

GARY D KELZENBERG
301 BROADWAY ST E
OSSEO MN 55369

THOMAS S HAGE & JAMI A HAGE
324 2ND ST N E
OSSEO MN 55369

AARON & ABIGAE MANSOUR
117 4TH AVE N E
OSSEO MN 55369

ROGER S LEE
316 1 1/2 ST N E
OSSEO MN 55369

MICHAEL D CLANCY
17 4TH AVE N E
OSSEO MN 55369

ROBERT & MARIA OLSON
308 1ST ST N E
OSSEO MN 55369

SABINE R SENEAR
309 BROADWAY ST E
OSSEO MN 55369

ERIC M & VANESSA VEST
124 3RD AVE N E
OSSEO MN 55369

JASON P CARDINAL
13895 IRIS AVE
ROGERS MN 55374

LOUIS WALZ
17 3RD AVE N E
OSSEO MN 55369

LAWRENCE BUSCH
325 BROADWAY ST E
OSSEO MN 55369

CANDACE S BERG
16 3RD AVE N E
OSSEO MN 55369

NORMAN E BOLLINGER
325 1ST ST N E
OSSEO MN 55369

DAVID R ROUILLARD
224 1ST ST N E
OSSEO MN 55369

DOLORES J OLSON
517 1ST ST N E
OSSEO MN 55369

MICHAEL M KEHN
100 5TH AVE N E
OSSEO MN 55369

DAWN ZOPFI
108 5TH AVE N E
OSSEO MN 55369

PAUL G & ELIZABETH M THEISEN
116 5TH AVE N E
OSSEO MN 55369

ELLEN GAYLE
117 5TH AVE N E
OSSEO MN 55369

MARK REGAN
18000 CO RD 81
DAYTON MN 55327

DANIELLE PETERSON
101 5TH AVE N E
OSSEO MN 55369

KEITH BROWN
100 4TH AVE N E
OSSEO MN 55369

CATHERINE DURAN & EILEEN
LUNDGREN
108 4TH AVE N E
OSSEO MN 55369

THOMAS B & LAURA P SHAW
116 4TH AVE N E
OSSEO MN 55369

JOSHUA & JOCELYN COAN
124 4TH AVE NE
OSSEO MN 55369

JAMES S & LORI J CORBETT
33 5TH AVE N E
OSSEO MN 55369

OSSEO 25 LLC
2456 EMERALD TR
MINNETONKA MN 55305

BARRY ANDERSON
17 5TH AVE N E
OSSEO MN 55369

TIMOTHY M MCHUGO JR
425 BROADWAY ST E
OSSEO MN 55369

BENJAMIN & EMILY KIRKWOLD
417 BROADWAY ST E
OSSEO MN 55369

BARBARA GONIOR
409 BROADWAY ST E
OSSEO MN 55369

CORY ALBERS
8 4TH AVE N E
OSSEO MN 55369

MATTHEW & JANELL LEISEN
16 4TH AVE NE
OSSEO MN 55369

RICHARD S & SHEREEN O'MALLEY
24 4TH AVE N E
OSSEO MN 55369

JESSE BECKER
408 1ST ST N E
OSSEO MN 55369

HELENE L REDDEN
33 6TH AVE N E
OSSEO MN 55369

JEFFREY & DEBRA KANGAS
25 6TH AVE E
OSSEO MN 55369

JAYSON & DEANNE STEJSKAL
17 6TH AVE N E
OSSEO MN 55369

LESLIE A FORD
9 6TH AVE N E
OSSEO MN 55369

JOHN P HEGSTRAND
517 BROADWAY ST E
OSSEO MN 55369

JEFFREY W STELMACH
509 BROADWAY ST E
OSSEO MN 55369

DAVID LODGE JR
501 BROADWAY ST E
OSSEO MN 55369

JASON T HEGERLE
16 5TH AVE N E
OSSEO MN 55369

BETTY LOU MOORE
24 5TH AVE N E
OSSEO MN 55369

MILTON G BOSER
32 5TH AV NE
OSSEO MN 55369

JOHN GOTH
132 4TH AVE NE
OSSEO MN 55369

JAMES & DENICE VASSEUR
524 BROADWAY ST E
OSSEO MN 55369

CAROL A CRONE
408 BROADWAY ST E
OSSEO MN 55369

MARISSA & ALICIA VICKERMAN
16 4TH AVE S E
OSSEO MN 55369

E D SCHARBER & C SCHARBER
24 4TH AVE S E
OSSEO MN 55369

GREGORY JAMES MILLER
100 4TH AVE S E
OSSEO MN 55369

MARCELLUS WALESCH
108 4TH AVE S E
OSSEO MN 55369

CLAYTON SMITH & ERIN SMITH
116 4TH AVE S E
OSSEO MN 55369

WILEY ENTERPRISES INC
315 1ST AVE NE
OSSEO MN 55369

VILLA AT OSSEO REALTY LLC
C/O VILLA HEALTHCARE
3755 CHASE AVE W
SKOKIE IL 60076

OSSEO ACQ LLC
525 2ND ST SE
OSSEO MN 55369

NORMAN W LERBS
25 5TH AVE S E
OSSEO MN 55369

KENTON KURTTI
416 BROADWAY ST E
OSSEO MN 55369

LAURA K WILLS
424 BROADWAY ST E
OSSEO MN 55369

MICHAEL W & KELLY TORGERSON
500 BROADWAY ST E
OSSEO MN 55369

ELAINE SIMONSON
508 BROADWAY ST E
OSSEO MN 55369

KEVIN G & TINA M PASHINA
324 E BROADWAY
OSSEO MN 55369

EDWARD L MABIN
316 BROADWAY E
OSSEO MN 55369

CALLEE S AYDT
333 1ST ST S E
OSSEO MN 55369

KIM I MAXEY
319 1ST ST SE
OSSEO MN 55369

PETER & EMILY MCMULLIN
24 3RD AVE S E
OSSEO MN 55369

DORI TROSSEN & DEREK KLATT
308 BROADWAY ST E
OSSEO MN 55369

N P & J M HUSTON
304 EAST BROADWAY
OSSEO MN 55369

OSSEO UNITED METHODIST CHUR
16 2ND AVE S E
OSSEO MN 55369

DUANE M & KAREN A LANGSTON
25 3RD AVE S E
OSSEO MN 55369

KATIE L MCCOMB
101 4TH AVE S E
OSSEO MN 55369

ROBERT L DENNESON
109-4TH AVE S E
OSSEO MN 55369

AARON GAMMELGAARD
117 4TH AVE S E
OSSEO MN 55369

TERESA J BRUNNER
108 3RD AVE S E
OSSEO MN 55369

PAUL M & MARGARET T SCHULZ
316 1ST ST S E
OSSEO MN 55369

CITY OF OSSEO
Resolution No. 2020-xx

**RESOLUTION APPROVING A VARIANCE FOR A PRIVATE GARAGE WITH A
HEIGHT OF 16 FEET AND A 18 FOOT FRONT YARD SETBACK AND
A TOTAL GARAGE AREA OF APPROXIMATELY 1,188 SQUARE FEET
AT 8 4th STREET NE**

WHEREAS, Cory Albers (“Applicant”) owns property located at 8 4th Street NE, Osseo (PID 18-119-21-24-0022) and legally described in the attached Exhibit A made part hereof by this reference (the “Property”); and

WHEREAS, the Applicant’s property is zoned One- and Two-Family Residential, R-1, which is intended to recognize fully or partially developed one- and two-family residential areas including supporting public and semi-public facilities, to provide for future development of a similar nature, and to protect the desired low intensity living environment from encroachment by conflicting land use.; and

WHEREAS, City Code § 153.056 ACCESSORY BUILDINGS AND STRUCTURES allows a maximum height of 15 feet and a maximum total floor area of 1,000 square feet for Private Garages in the R-1 Zoning District; and

WHEREAS, City Code Chapter 153 Appendix A: LOT REQUIREMENTS AND STANDARDS prescribes a front and corner side yard setback of 25 feet; and

WHEREAS, the proposed private garage is depicted in a site plan and elevation drawing submitted by the applicant; and

WHEREAS, the Applicant submitted a variance application for the Property dated April 16, 2020, to allow construction of a private garage that is 16 feet tall and creating a total garage area of 1,188 square feet, with a corner side yard setback of 18 feet, as per the Plans; and

WHEREAS, the Applicant has indicated that the proposed accessory building must be constructed in such a way to provide desired storage and consistency with the principal structure;

WHEREAS, Minn. Stat. § 462.357, subd.6. provides as follows:

The Board of Appeals shall consider variance requests in accordance with the following standards:

A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the zoning code.

B. Variances shall only be permitted when consistent with the comprehensive plan.

C. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning code.

1. "Practical difficulties" shall mean that the property owner proposes to use the property in a reasonable manner not permitted by the zoning code; 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.

2. Economic considerations alone do not constitute practical difficulties.

D. The Board of Appeals may not permit as a variance any use that is not allowed under the zoning code for property in the zone where the land is located.

E. The Board of Appeals may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

WHEREAS, on May 18, 2020, the Planning Commission conducted a public hearing, reviewed the application, and found **that the standards for granting a variance were satisfied, and recommended approval**; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Osseo, Hennepin County, Minnesota, that, after consideration of all information regarding this matter including the testimony presented at the public hearing and subject to the terms and conditions below, the City Council makes the following findings with regard to the requested variances:

1. The variances are in harmony with the general purposes and intent of the City's code of ordinances, because the proposed private garage is consistent with allowing increased design flexibility and ensuring a more compatible development pattern and allowing the proposed indoor storage will protect the neighborhood's aesthetic; and
2. The variances are consistent with the City's comprehensive plan, because they are not inconsistent with the overall vision and land use guidance for the area; and
3. The Applicant has demonstrated that practical difficulties exist:
 - a. in using the Property without the variances, because if the strict letter of the regulation were to be carried out, the private garage could not easily provide storage for the items desired; and
 - b. the situation is due to circumstances unique to the Property and not created by the Applicants, because the need for a variance is created by the unique items to be stored within the private garage; and
 - c. the variances will not alter the essential character of the neighborhood, because the proposed accessory building is consistent with other nonconforming properties in the surrounding area.

4. The Applicant has demonstrated that practical difficulties are not based on economic considerations alone, because the purpose of the variance is to get the best and most efficient use of the property and is not based exclusively on a desire to increase the value or income potential of the land. The variance will allow better storage of personal property on the site.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Osseo does hereby approve the requested variances to the private garage height, setback, and area requirements, subject to the following terms and conditions, which the City Council determines relate to and are proportional to the impact created by the variances:

1. The private garage shall be constructed in accordance with the Plans.

Adopted by the Osseo City Council this 25th day of May, 2020.

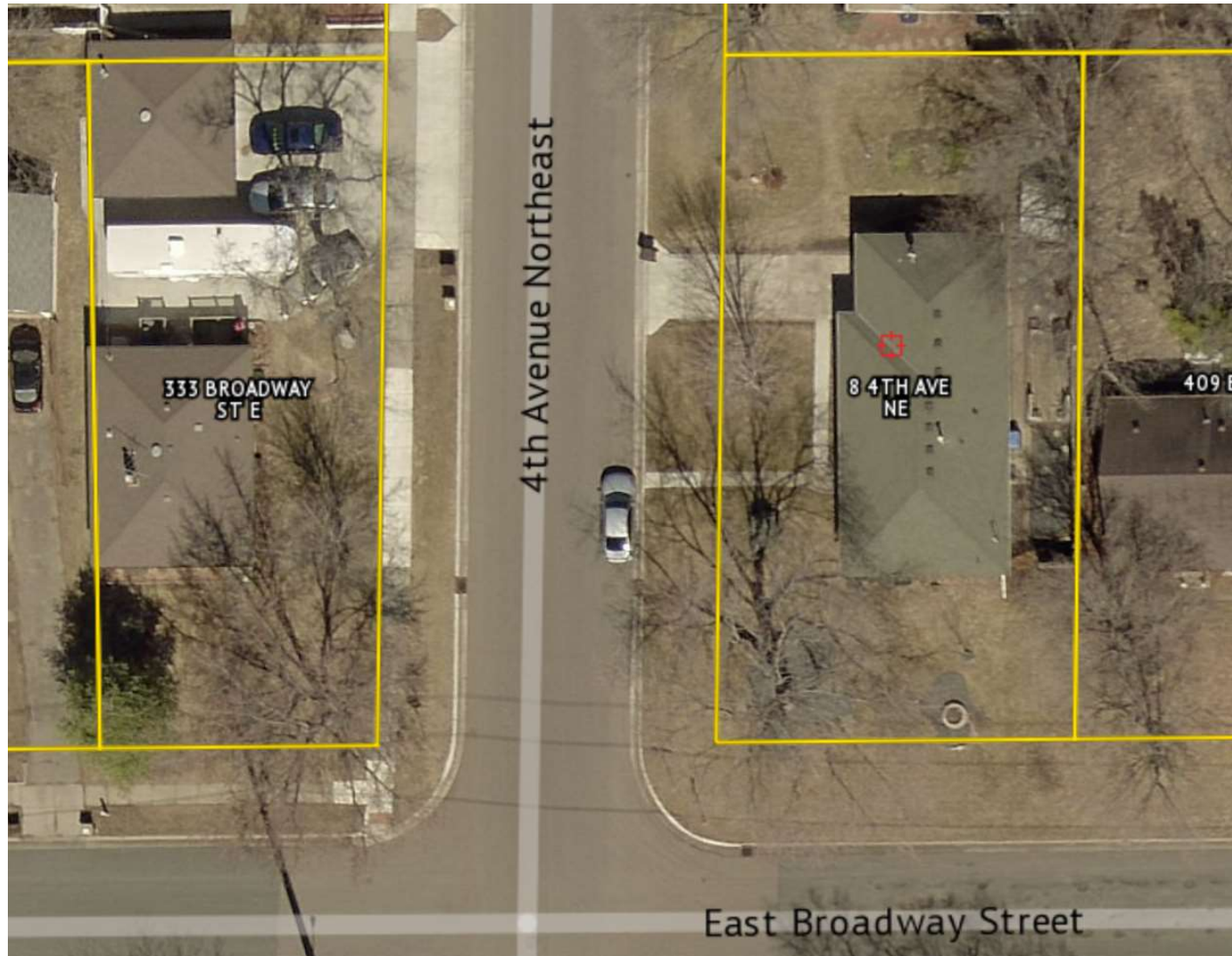
Mayor Duane E. Poppe

ATTEST:

City Clerk LeAnn Larson

Exhibit A

Lot 7, Block 3, LARSON'S ADDITION
Hennepin County, Minnesota



8 4th Avenue NE – The property across the street at **333 Broadway Street East**, a similarly situated corner lot with no alley access, appears to have a legal nonconforming garage (based on aerial imagery from 1960).



The property at **425 Broadway Street East**, a similarly situated corner lot with no alley access, appears to have a legal conforming garage. The property across the street at **501 Broadway Street East** appears to have a legal conforming garage and a nonconforming accessory structure (based on aerial imagery from 1960 and present day).



The property across the street at **9 6th Ave NE**, a similarly situated corner lot with no alley access, appears to have a legal conforming garage. The property at **8 6th Ave NE** appears to have a legal conforming garage. This property is located on a double lot, which does provide alley access.



The block bounded by 3rd Ave NE, 1st St NE, 4th Ave NE, and 1 ½ St NE has 4 corner lots without alley access. Properties on this block seem to have garages that do not conform with current side- and rear-yard setbacks. The property at **124 3rd NE** does not appear to meet current corner side yard setbacks.



The block bounded by 1st Ave NE, 1st St NE, 2nd Ave NE, and 1 ½ St NE has 4 corner lots without alley access. Properties on this block seem to have garages that do not conform with current side- and rear-yard setbacks.