

AGENDA FOR THE MONDAY, APRIL 11, 2016
BOARD OF ADJUSTMENT HEARING - 6:00 PM

RE-ORGANIZE:

Brad Jans: Lot 16, Sunset Beach on Diamond Lake, Harrison Township. (5288 165th St NE)

Applicant requests a reduced property line setback for a garage in an R-1 Shoreland Residential Management District.

STATE OF MINNESOTA
KANDIYOHI COUNTY

KANDIYOHI COUNTY BOARD
OF ADJUSTMENT

BRAD JANS

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE KANDIYOHI COUNTY BOARD OF ADJUSTMENTS IN THE COMMISSIONERS ROOM AT THE KANDIYOHI COUNTY HEALTH & HUMAN SERVICES BUILDING, LOCATED AT 2200 - 23RD ST NE, WILLMAR, MINNESOTA ON **MONDAY, APRIL 11, 2016 AT 6:00 P.M.** TO CONSIDER THE MATTER OF THE APPEAL OF THE ABOVE NAMED PROPERTY OWNER OF PROPERTY IN:

Lot 16, Sunset Beach on Diamond Lake, Harrison Township
(5288 165th St NE)

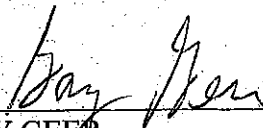
APPLICATION REQUEST:

Applicant requests a reduced property line setback for a garage in an R-1 Shoreland Residential Management District.

LET MAILED NOTICE HEREOF BE GIVEN TO ALL PROPERTY OWNERS WITHIN 500 FEET OF SUCH PROPERTY NOT LESS THAN TEN (10) DAYS PRIOR TO SAID HEARING DATE. SKETCHES AND ADDITIONAL INFORMATION OF THE REQUEST ARE AVAILABLE FOR VIEW IN THE DEPARTMENT OF ENVIRONMENTAL SERVICES.

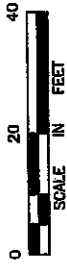
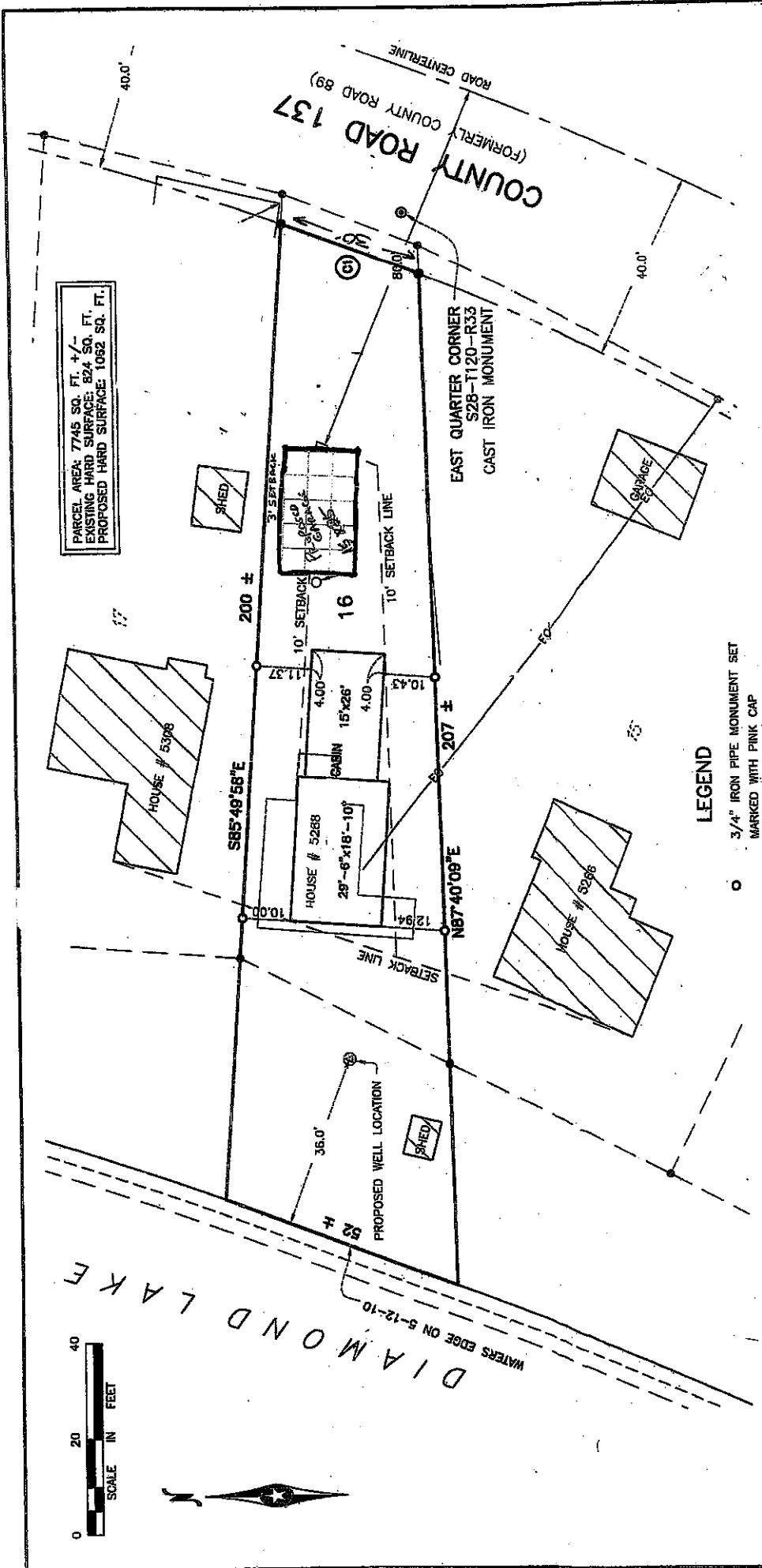
KANDIYOHI COUNTY BOARD OF ADJUSTMENT

DATE: MARCH 30, 2016

BY: 
GARY GEER
ZONING ADMINISTRATOR
COUNTY OFFICE BUILDING
400 BENSON AVE SW, WILLMAR, MN 56201
(320) 231-6229 Fax: 320-231-6263

B. Jans
19-700-0160

PARCEL AREA: 7745 SQ. FT. +/-
EXISTING HARD SURFACE: 824 SQ. FT.
PROPOSED HARD SURFACE: 1062 SQ. FT.



LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED WITH PINK CAP
- ⊙ UTILITY POLE
- OVERHEAD ELECTRIC LINE

Curve	Radius	Length	Delta	Chord	Chord Bear.
G1	670.95'	30.20'	2°34'44"	30.20'	R21°12'27" E

DESCRIPTION FROM DOCUMENT NUMBER 309307:
Lot 16, Sunset Beach on Diamond Lake, Kandiyohi County, Minnesota.

SURVEYOR'S CERTIFICATION:
I hereby certify that this survey 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.

Christopher N. Ambourn
Christopher N. Ambourn
License Number 43055
Date 9/14/2010

CERTIFICATE OF SURVEY
5288, 165th ST. NE, ATWATER, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2040 HIGHWAY 12 EAST, WILLMAR, MN 56201 (320) 231-3956
MANKATO, MN FAIRMONT MN SLEEPY EYE, MN BURNSVILLE, MN
WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

DESCRIPTION:
LOT 16, SUNSET BEACH ON DIAMOND LAKE, KANDIYOHI COUNTY, MINNESOTA

FOR: ALVIN SANDQUIST

4-11-16 Draft Findings – Board of Adjustment

Brad Jans:

The Board of Adjustment finds that there are special circumstances affecting the land in question that do not apply generally to other property in the same vicinity. The Board of Adjustment notes that while there are other properties in the immediate area with similar circumstances, the term “vicinity” is applicable to the larger “lakes area” of the County in which case the circumstances are demonstrated to be unique. The Board of Adjustment also finds that granting of the variance will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property, and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant. In support of these general findings for granting of the variance, the Board of Adjustment finds the following:

1. *The variance is in harmony with the general purposes and intent of the official control. Why or Why not?*

The Board finds that the issuance of the variance is in harmony with the general purpose and intent of the ordinance and will not increase or cause danger of life or property. The Board notes that the ordinance has administrative provisions that allow for encroachment into lake and road setbacks in many cases. The Board also notes that reduction to a 3 foot setback in this case will still serve to meet the intent of the ordinance to protect the general development lake from excessive impact from the proposed structure.

2. *The variance is consistent with the comprehensive plan. Why or why not?*

The Board finds that the proposed use is consistent with the Comprehensive Plan. The Board notes that the Comprehensive Plan, “Encourages a balanced and harmonious use of land consistent with natural features and socio-economic factors” (ref. Chapter 7, page 11). The Comprehensive Plan also states that “Strong consideration should be given to redeveloping and intensifying the use of already developed areas” (ref. Chapter 7, page 12).

3. *The property owner is proposing to use the property in a reasonable manner not permitted by the official control. Why or why not?*

The Board finds that the accessory building use proposed by the applicant is reasonable. The Board notes that the site is zoned residential, that the property is able to support the use, and that the proposed use is consistent with other uses in the area. Additionally, the Board finds that strict enforcement of the sideyard setback standards would unreasonably restrict the proposed reasonable use.

4. *The alleged practical difficulty is due to circumstances unique to the property and not created by the property owner. Why or why not?*

The Board finds that the applicant has demonstrated a practical difficulty due in part to circumstances unique to the property and not directly created or attributed to the property owner. The Board finds that the unique pie shape of the lot creates a unique circumstance that was not created by the landowner. The Board notes that the property in question is virtually unusable for accessory structure establishment with strict enforcement of the sideyard setback standards.

5. *The issuance of a variance will maintain the essential character of the locality. Why or Why not?*

The Board finds that the issuance of the variance will maintain the essential character of the locality. The Board notes that the nature and feel of the area is that of a developed general development lake with residential and residential accessory structures.

6. *The alleged practical difficulty involves more than economic considerations. Why or why not?*

The Board finds that the practical difficulty involves more than economic considerations. The Board notes that the unique shape of the lot in a developed area is involved in the consideration of the practical difficulty.