



FREEPORT CITY COUNCIL
Special Meeting Agenda
Saturday, May 11, 2013
Freeport City Hall – 125 Main Street East
7:00 A.M.

7:00 A.M.

I. CALL TO ORDER

II. OPEN PUBLIC FORUM

15 minutes

III. NEW BUSINESS

- A. Public Hearing: Hennen Lumber Variance Request
- B. Resolution 2013-015: Variance Request for Hennen Lumber
- C. Other

IV. ADJOURNMENT

Next Meeting: May 28, 2013 at 7:00 PM



City of Freeport

125 Main Street East - P.O. Box 301 - Freeport, MN 56331

Phone (320)836-2112 - Fax (320)836-2116

Web www.freeportmn.org - Email cityfrpt@albanytel.com

COMMERCIAL PERMIT APPLICATION

FOR OFFICE USE ONLY	Date Received _____	Parcel ID # _____	Permit Fee\$ _____
	Completed _____	Zoning Fee\$ _____	Plan Check\$ _____
	WAC\$ _____	SAC\$ _____	Permit # _____
	Meter Fee\$ _____	Trunk\$ _____	Surcharge\$ _____
	Other\$ _____	Copies\$ _____	Total\$ _____

Approved August 1, 2011

Property Address 204 East Main St Freeport, MN 56331
Owner(s) Tim Hennen Hennen Lbr Daytime Phone 320-836-2135
Mailing Address (if different from above) P.O. Box 8
Legal Description: Lot 007 Block 001 Addition Railroad Add
Approximate Start Date April 29 Estimated Cost of Project \$21500⁰⁰

Type of Improvement:

Build Addition _____ Remodel _____ Roof Only _____ Other _____

Describe in detail work to be done Build a 30 x 6 7'-6" Post

frame 14'-5" side wall

With this building there will be 37% lot coverage

Building Coverage Material(s), (If applicable) Red steel

Type of Construction:

On Site Modular _____ Prefabricate _____ Other _____ (Explain)

Dimensions of Structure _____

Number of Stories in Structure(s) 1 Story

Please Provide the following: (If Applicable)

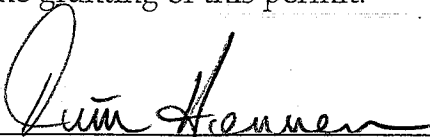
General Contractor Goebel Const Phone 320-250-4800
Plumbing Contractor _____ Phone _____
Mason & Concrete Contractor _____ Phone _____
Heating & Venting Contractor _____ Phone _____
Excavation Contractor _____ Phone _____
Sprinkler Contractor _____ Phone _____

Required Forms & Items to Return with Application:

- One Site Plan
- One Set of FILL SIZE Construction Plans
- One SMALL SET of Construction Plans for file

**Your application will be deferred until all checked items above are provided.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. I have identified all property boundaries, easements, flood zones, and/or wetlands existing on the property on my site plan and application. The undersigned further agrees the City and its' administrative staff relied on the accurateness of this application, plans and specifications relative to this project and holds the City of Freeport, and its employees harmless from all liability arising from the granting of this permit.

Authorized Signature of Owner 

Zoning Administrator _____

Building Official _____

This Permit Expires One Year From _____

ATTACHMENT 2

pd 1/30/12
Amc
\$150.00

City of Freeport, Minnesota

TYPE OF REQUEST

- Conditional Use Permit
- Rezoning
- Amend Ordinance
- Planned Unit Development
- Preliminary Plat
- Final Plat
- Variance
- Other _____

PLANNING AND ZONING FORM 001

APPLICANT Hennen Lumber Co PHONE 320-836-2135

ADDRESS P.O. Box 8 204 East Main St Freeport Mn 56331

OWNER Tim Hennen PHONE 320-836-2241 Home

ADDRESS P.O. Box 327 303 3rd St SE Freeport Mn 56331

LOCATION OF PROPERTY City Limits East Main St

LEGAL DESCRIPTION OF PROPERTY Freeport Railroad Addition Lot 007 Block 001 Subdivision Cd 54016

PRESENT ZONING _____

PROPOSED ZONING _____

EXISTING USE OF THE PROPERTY * Building material retailer

DESCRIBE THE REASONS FOR THIS REQUEST to build a 30' x 68' building on property

HAS THE PRESENT APPLICANT PREVIOUSLY SOUGHT TO REZONE, OBTAIN A VARIANCE, OR A CONDITIONAL USE PERMIT? No WHEN? _____ WHAT WAS REQUESTED? _____

FEE PAID \$ _____ DATE PAID _____ DATE FILED _____

DATE OF HEARING _____ PLACE _____ TIME _____

COUNCIL ACTION _____

**CITY OF FREEPORT, MINNESOTA
RESOLUTION 2013-003**

A RESOLUTION APPROVING A VARIANCE OF FOURTEEN FEET REDUCING THE REQUIRED FORTY FOOT FRONT YARD SETBACK TO TWENTY-SIX FEET AND A VARIANCE OF SIX FEET REDUCING THE REQUIRED TWENTY FOOT REAR YARD SETBACK TO FOURTEEN FEET IN THE I-1 GENERAL INDUSTRIAL DISTRICT TO ALLOW CONSTRUCTION OF AN ACCESSORY BUILDING AT 204 EAST MAIN STREET

WHEREAS, Hennen Lumber Company, Inc. (Applicant) has submitted a request for a variance of fourteen feet (14'), reducing the front yard setback from forty feet (40') to twenty-six feet (26') and a variance of six feet (6'), reducing the rear yard setback from twenty feet (20') to fourteen feet (14') in the I-1 General Industrial District at 204 East Main Street to allow for construction of a storage building; and,

WHEREAS, A notice of the time, place and purpose of a hearing on the proposed variance was published once in the official newspaper of the municipality at least ten (10) days before the day of the hearing with a copy of the notice posted for public viewing; and,

WHEREAS, A copy of the application of the proposed variance was available at the City Offices for public review; and,

WHEREAS, The property is zoned I-1 General Industrial District; and,

WHEREAS, the City Council is the Board of Adjustment in Freeport (a separate Planning Commission doesn't exist); and,

WHEREAS, A public hearing was conducted by the City Council on May 11, 2013 to accept public input on the variance; and,

WHEREAS, The City Council has reviewed and considered the variance request in accordance with the following finding:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. *The three existing buildings on the site do not meet the front and rear yard setback and the proposed building will be the most compliant of all the buildings on the property.*
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return is not in itself deemed sufficient to warrant a variance. *These variances are necessary in order to allow the use of the property in a similar way to the other buildings on the site and properties in the area. The configuration of the property is very narrow making it difficult to construct a building on the property without a variance.*
3. That the authorizing of such variance will not be substantial detriment to adjacent property and will not materially impair the intent and purpose of this code or the public interest. *The approval of the variances will not be a detriment to neighboring properties due to the fact that the property fronts on a busy road the property to the rear of the site is trail corridor. The granting of the variance does not change the essential character of the area since other properties also encroach on the front yard setback.*
4. That the condition or situation of specific piece of property, or the intended use of said property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation. *The approval of the variances will not formulate a general regulation*

for similar conditions since the property already has three existing buildings that encroach into the front yard setback by more than the proposed building.

5. That in the case of a solar collection variance, the applicant is unable to utilize solar energy systems under the provisions of this code. *This does not apply.*
6. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this code for the property in the district where the affected person's land is located. *The proposed use is an allowed use under the zoning code of the City.*

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FREEPORT THAT: The variance reducing the front yard setback from forty feet (40') to thirty-one feet (31') and a variance reducing the rear yard setback from twenty feet (20') to fourteen feet (14') in the I-1 General Industrial District is hereby approved with the following conditions:

1. County Road Access. Any access related permits or issues shall be reviewed and approved by the Stearns County highway department prior to issuance of a building permit.
2. City Engineer Review. The variance request shall satisfactorily address any issues raised by the City Engineer, if any, including stormwater management.

DATED THIS 11TH DAY OF MAY, 2013

Motion by:

Second by:

Council members voting in favor: (list those approving)

Opposed or abstained: (list)

ATTEST:

CITY OF FREEPORT

Mayor

ATTEST:

City Clerk



APPLICATION DATA

Meeting Date: May 11, 2013
Applicant/Owner: Hennen Lumber Company
Address/PID: 204 East Main Street (CSAH 60) -- PID 54.32129.0112

BACKGROUND DATA

Action Requested: A variance request to reduce the front yard setback fourteen feet from the required forty feet to twenty-six feet and to reduce the rear yard setback six feet from the required twenty feet to fourteen feet to allow for a thirty foot by sixty-eight foot accessory building in the I-1 General Industrial District.

Public Comments: No comments have been received as of the date of this memo.

County Comments: Since this property is located on CSAH 60, all access related questions or comments need to be reviewed by the Stearns County Highway Department. At the date of this memo no comments have been received.

Zoning Classification: I-1 General Industrial District. Building materials, storage yards and lumber yards are a permitted use in the I-1 district. I-1 district setbacks and requirements are as follows:

	<u>Required</u>	<u>Proposed</u>
Front Yard:	40 feet	26 feet
Rear Yard:	20 feet	14 feet
Side Yard:	15 feet	19 feet
Lot Coverage:	50%	41%

Background Information:

The property is located on the south side of Main Street south east of the downtown business district. In fact the west end of the property is zoned C-1 Community Commercial District. There are currently three buildings located on the property with the westernmost building being zoned C-1 and the remaining two buildings and vacant property being zoned I-1.

Uses surrounding the property include the regional trail to the south and east with single family detached residences and industrial properties south of the trail, a parking lot to the west and single family residences and a Church to the north across Main Street.

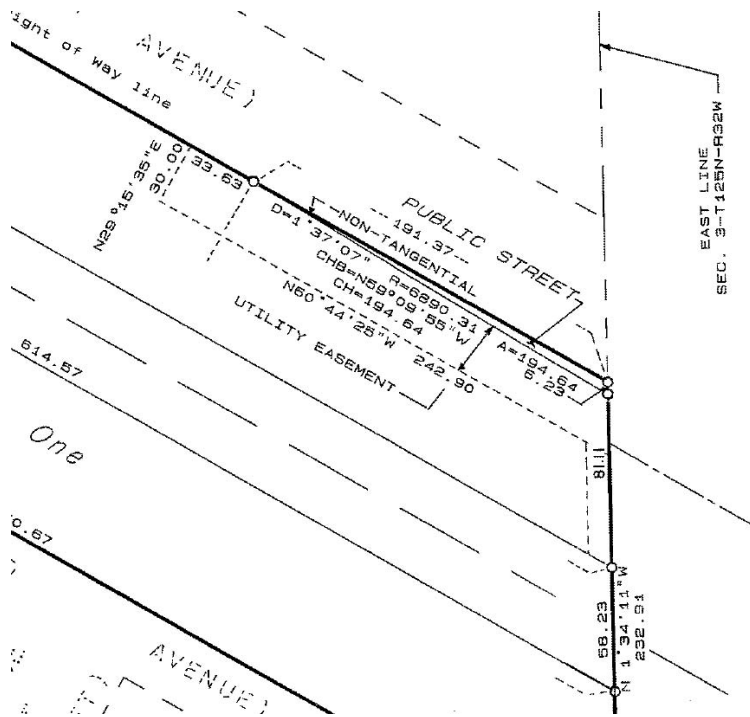
The proposed building is to be a thirty foot by sixty-eight foot building with fourteen foot sidewalls. The building will be a one story post-frame building with colored steel for the exterior materials. The color will be red with white trim to match other buildings on the site. The total height will be nineteen feet to the peak and the roof will be a 4/12 pitch. The building will be used for storage for the existing building

materials sale center located on the property. The building will not have a hookup to sewer or water so no need for services for the building.

Currently there are three access points on the property from Main Street. One of the access points is located directly where the building is going to be located. The applicant has stated that he does not intend to change or move the access points and the building will have a overhead door on the north side of the building so that it can be accessed directly from the access point on Main Street.

City Engineer Review: Comments from the City Engineer should be provided in regards to the storm water run off and easements situation.

There is a utility easement shown on the final plat of the Freeport Railroad Addition and the proposed building is to be located one foot outside of the easement. A sanitary sewer line is centered in this easement. The drawing below show this easement.



Findings of Fact: Under Section 500.63 Board of Adjustment, a variance in the provision or requirements of the City code may not be authorized by the Board of Adjustment unless it finds evidence that the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. *The three existing buildings on the site do not meet the front and rear yard setback and the proposed building will be the most compliant of all the buildings on the property.*
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial

return is not in itself deemed sufficient to warrant a variance. *These variances are necessary in order to allow the use of the property in a similar way to the other buildings on the site and properties in the area. The configuration of the property is very narrow making it difficult to construct a building on the property without a variance.*

3. That the authorizing of such variance will not be substantial detriment to adjacent property and will not materially impair the intent and purpose of this code or the public interest. *The approval of the variances will not be a detriment to neighboring properties due to the fact that the property fronts on a busy road the property to the rear of the site is trail corridor. The granting of the variance does not change the essential character of the area since other properties also encroach on the front yard setback.*
4. That the condition or situation of specific piece of property, or the intended use of said property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation. *The approval of the variances will not formulate a general regulation for similar conditions since the property already has three existing buildings that encroach into the front yard setback by more than the proposed building.*
5. That in the case of a solar collection variance, the applicant is unable to utilize solar energy systems under the provisions of this code. *This does not apply.*
6. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this code for the property in the district where the affected person's land is located. *The proposed use is an allowed use under the zoning code of the City.*

CONDITIONS

If approval of the variances are granted by the Board of Adjustment/City Council, the following conditions are proposed to be included with the approvals. The conditions listed below may be subject to modification depending upon the outcome at the meeting:

1. County Road Access. Any access related permits or issues shall be reviewed and approved by the Stearns County highway department prior to issuance of a building permit.
2. City Engineer Review. The variance request shall satisfactorily address any issues raised by the City Engineer, if any, including stormwater management.

ALTERNATIVES:

Variance

1. Approve the variances subject to conditions.
2. Table the variances to a date specific, and provide the applicant with direction on the issues that have been discussed.
3. Deny the variance requests.
4. Other specific action as directed by the City Council.

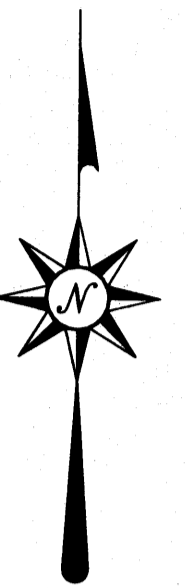
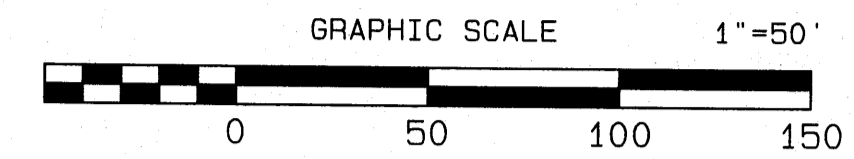
ACTION:

After the public hearing, review and discussion by the members of the City Council should take place and a motion is in order to approve or deny the variance requests. If you have any questions relating to this variance request prior to the meeting, please feel free to contact me at: jandersonmdg@gmail.com or call direct at 952-855-4596 or toll free at: 1-888-763-4462 ext. 3.

Best regards,

John Anderson, Associate
Municipal Development Group, Inc.

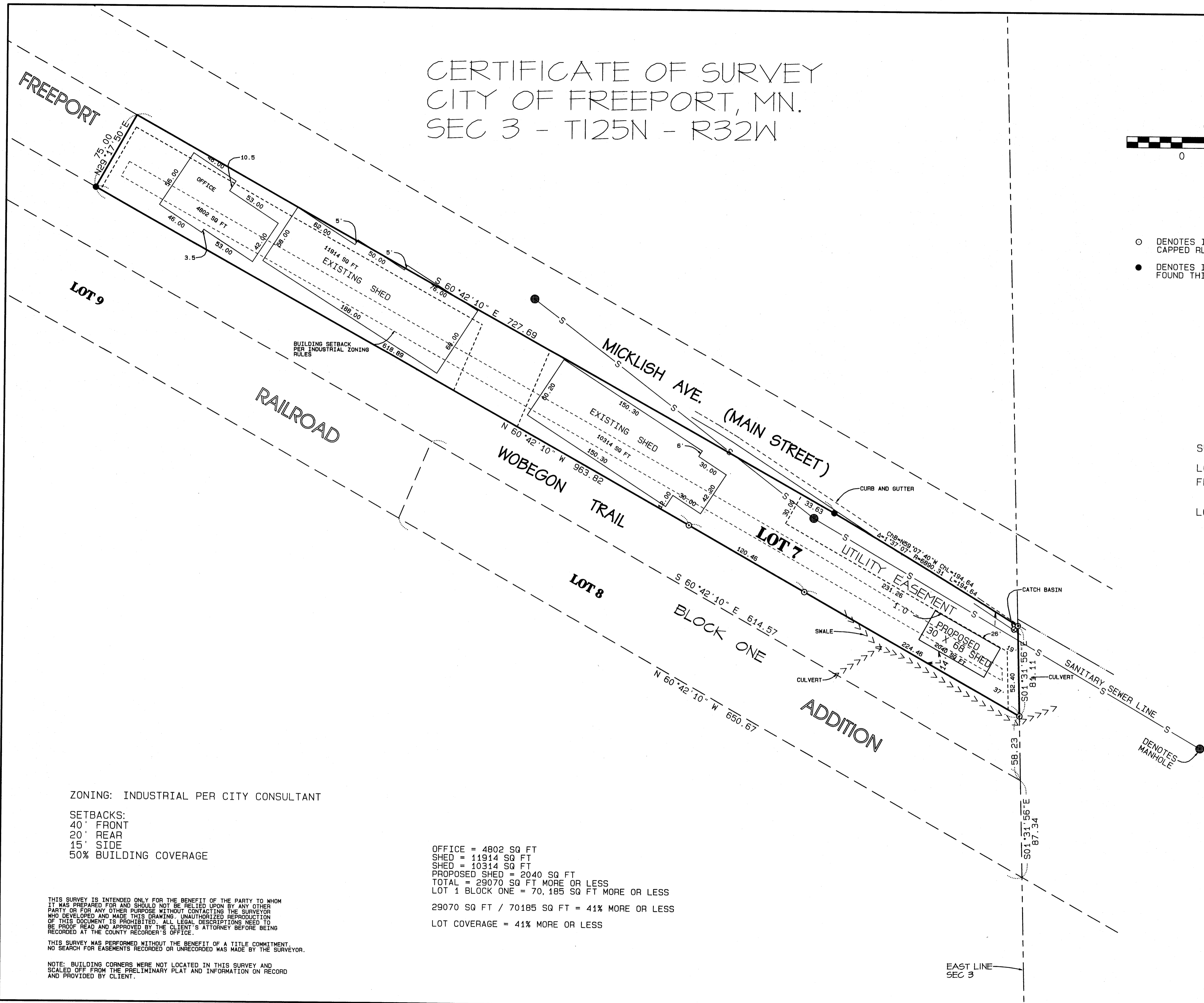
CERTIFICATE OF SURVEY
 CITY OF FREEPORT, MN.
 SEC 3 - T125N - R32W



- DENOTES IRON PIPE PLACED THIS SURVEY
 CAPPED RLS NO. 13334
- DENOTES IRON PIPE
 FOUND THIS SURVEY

SURVEY OF:
 LOT 7, BLOCK ONE, OF
 FREEPORT RAILROAD ADDITION.

 LOT 7, BLOCK 1, 70,185 SQ. FT. OR 1.61 ACRES



ZONING: INDUSTRIAL PER CITY CONSULTANT

SETBACKS:
 40' FRONT
 20' REAR
 15' SIDE
 50% BUILDING COVERAGE

OFFICE = 4802 SQ FT
 SHED = 11914 SQ FT
 SHED = 10314 SQ FT
 PROPOSED SHED = 2040 SQ FT
 TOTAL = 29070 SQ FT MORE OR LESS
 LOT 1 BLOCK ONE = 70,185 SQ FT MORE OR LESS

 29070 SQ FT / 70185 SQ FT = 41% MORE OR LESS
 LOT COVERAGE = 41% MORE OR LESS

THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED. ALL LEGAL DESCRIPTIONS NEED TO BE PROOF READ AND APPROVED BY THE CLIENT'S ATTORNEY BEFORE BEING RECORDED AT THE COUNTY RECORDER'S OFFICE.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. NO SEARCH FOR EASEMENTS RECORDED OR UNRECORDED WAS MADE BY THE SURVEYOR.

NOTE: BUILDING CORNERS WERE NOT LOCATED IN THIS SURVEY AND SCALED OFF FROM THE PRELIMINARY PLAT AND INFORMATION ON RECORD AND PROVIDED BY CLIENT.

I HEREBY CERTIFY THAT THIS 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.

DATE: Ronald Engelmeyer, Land Surveyor
 Minnesota Registration No. 13334

REVISED 04-25-2013 BUILDING COVERAGE

Engelmeyer Surveying P.A.	
PREPARED FOR: HENNEN LUMBER	
Certificate of Survey	
cc:hennen-l.pro	Job No: 18-13
Date: 4-26-2013	P-3-2794 FB: 164-55
ENGELMEYER SURVEYING P. A. 307A EAST MAIN STREET MELROSE, MN 56352 PHONE: (320) 266-7298 FAX: (320) 266-5151 email: engelsur@net1.net	