

Agenda



Hugo Board of Zoning Adjustments and Appeals
Thursday, March 13, 2025
Hugo City Hall
6:30 PM

A. ROLL CALL: Arcand, Petty, Weidt

B. APPROVAL OF MINUTES

1. November 14, 2024

C. PUBLIC HEARING

1. **Julie and Greg Manning, 4938 121st Street North** – Variance request to allow for an attached garage to have an area of 2,336 square feet, where an area of 1,678.75 square feet is allowed by ordinance.

D. NEW BUSINESS

E. OLD BUSINESS

F. ADJOURNMENT

Minutes for the Board of Zoning Meeting of Thursday, November 14, 2024

Chair Weidt called the meeting to order at 6:30 pm.

PRESENT: Arcand, Petty, Weidt.

ABSENT: None.

STAFF: Rachel Juba, Community Development Director
Max Gort, Associate Planner

Approval of Minutes for the BOZA Meeting of May 23, 2024

Board Member Petty made a motion, seconded by Board Member Arcand to approve minutes for the meeting of May 23, 2024.

All ayes.

Motion carried.

Public Hearing: Jim and Laurie Stodola, 12757 Homestead Drive North – Variance request to allow for a deck to be placed within the required 100-foot setback of the ordinary high-water level of Sunset Lake.

Associate Planner Gort provided a background on the request submitted by Jim and Laurie Stodola for their property located at 12757 Homestead Drive North. The request was to allow for a deck to be attached to the east side of the house, located 56 feet from the ordinary high-water level (OHWL) of Sunset Lake, where a setback from the OHWL of 100 feet is required by the shoreland ordinance. The proposed deck would be constructed on the southern side of the property and would be in-line with the existing house relative to the lake. In order to meet the criteria necessary to approve a variance, the applicant must demonstrate that there are practical difficulties in meeting the ordinance standard, and that the requested variance keeps with the spirit and intent of the ordinance. The request is a reasonable use because the proposed deck would be constructed in-line with the existing house, screening is provided by existing trees and vegetation, and the proposed deck meets all other building requirements in City Code. There are unique circumstances because the house was likely constructed before the current shoreland standards were put in place, and the majority of the house is already located within the required setback. Any construction of deck on the east side of the house would require a variance, but construction of a deck on the west side of the house would be more disruptive to the character of the area, as decks are not typically found in the front yards of houses. The existing trees providing screening and the construction of the deck in-line with the existing house will not significantly alter the view from the lake or adjacent properties. It is in staff's opinion that there are practical difficulties in meeting the ordinance standard. The spirit and intent of the shoreland ordinance setbacks is to protect the view from public waters from being dominated by buildings. The Minnesota DNR administers state shoreland rules, and the area hydrologist recommended that if the City approved the variance request, that additional mitigation conditions be in place. Staff is requiring

that all existing trees remain as a condition of approval for the variance. Staff is of the opinion that the variance request is keeping with the spirit and intent of the ordinance.

Staff is of the opinion that the request meets all necessary requirements to approve a variance. Staff recommends that the Board hold a public hearing, take all comments, and recommend approval of the variance to the City Council.

The applicants, Jim Stodola, introduced themselves to the Board and did not have any further comments.

Chair Weidt asked if they have any decks currently. Stodola said that they do not have a deck. Weidt asked if the DNR has a tree inventory of the site, Gort said they do not.

Board Member Arcand asked if the OHWL standard is strictly for visual impact purposes. Juba responded that it is mostly for visual impact, but that the Shoreland Impact Zone, which is half of the required setback distance from the OHWL, is the area where the DNR doesn't want any impacts for hydrological concerns.

Chair Weidt Opened the Public Hearing at 6:36 PM.

No one spoke.

Chair Weidt closed the Public Hearing at 6:36 PM.

Board Member Arcand made a motion, seconded by Board Member Petty, to recommend approval of the Variance request for 12757 Homestead Drive North.

All ayes.
Motion carried.

The request will be considered at the City Council meeting of November 18th, 2024.

Adjournment

Board Member Arcand made a motion, seconded by Chair Weidt to adjourn at 6:38 pm.

All ayes.
Motion carried.

Respectfully Submitted,
Max Gort, Associate Planner

**CITY OF HUGO COMMUNITY
DEVELOPMENT DEPARTMENT**

**PLANNING AND ZONING
APPLICATION STAFF REPORT**

TO: Hugo Board of Zoning Adjustments

FROM: Max Gort, Associate Planner

SUBJECT: **Julie and Greg Manning, 4938 121st Street North.** Variance request for an attached garage and car port to exceed the allowed building size.

DATE: March 10, 2025 for the Board meeting of March 13, 2025

ZONING: Large Lot Single-Family Residential (R-1)

REVIEW DEADLINE: April 7, 2025

1. DESCRIPTION OF REQUEST:

The applicants are requesting a variance is to allow for the construction of a 2,336 square foot attached garage and car port, where 1,678.75 square feet is allowed by ordinance. The garage is proposed to have an area of 1,920 square feet, and the car port is proposed to have an area of 416 square feet, totaling 2,336 square feet. The attached garage and car port would be located on the south side of a proposed 3,697 square-foot house.

The property is two acres in size and is located within the Large Lot Single-Family Residential (R-1) zoning district.

2. LEVEL OF CITY DISCRETION IN DECISION-MAKING:

The City's discretion in approving or denying a variance is limited to whether or not the proposed project meets the standards in City Code for a variance. The City has a higher level of discretion with a variance because the burden of proof is on the applicant to show that they meet the standards in the ordinance.

3. ANALYSIS:

A. Surrounding Land Use and Zoning

The surrounding properties are zoned R-1 and are classified as Very Low Density (VLD) in the 2040 Land Use Plan. The surrounding properties range from one to ten acres in size and are occupied by residential homes.

B. Natural Characteristics of the Site

The site has some slight sloping terrain with the highest portion of the property in the west-center. The applicants are proposing to construct the house and garage at this portion of the property. The property has some existing large trees and wooded areas that will provide screening from adjacent properties and view of the road.

4. VARIANCE STANDARDS:

The Board must review the requested variances with the standards outlined in Section 90-38 of the land use regulations. Staff used these standards to review the variance request and finds the following:

(1) **Law.** *The variance as requested is permissible by law.*

The proposed variance is permissible by law.

(2) **Practical Difficulties.** *The applicant for a variance shall establish that there are practical difficulties in complying with the provisions of the zoning regulations. The term “Practical Difficulties” as used in the granting of a variance means:*

Reasonable Use. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance and;*

Attached garages are allowed in the R-1 zoning district, and are allowed to be 1,000 square feet plus 25 percent of the amount by which the footprint of the house building exceeds 1,000 square feet in size. In this case, with the house proposed to be 3,697 square feet, the attached garage would be allowed to have a size of 1,678.75 square feet. There are no accessory buildings currently on the property, but this property would be allowed to have two accessory buildings with a maximum combined size of 1,500 square feet.

The applicant has stated that they do not have the desire to construct any accessory buildings, and would not construct any accessory buildings in the future as a condition of approval of the variance. The applicant is proposing to use the property in a reasonable manner.

b. Unique Circumstances. The plight of property owner is due to circumstances unique to the property not created by the landowner and;

The property is unique in that it is surrounded by other parcels on nearly all sides, with a long driveway connecting the property to 121st Street North, creating a large buffer between the property and the view of any nearby road. The house is proposed to be constructed in the west-central portion of the property – the highest location on the property. There are several wooded areas on the property creating a visual buffer from neighboring properties.

The applicant has stated that constructing a larger attached garage would be preferred to constructing accessory buildings with associated driveways, which would produce a more substantial impact to neighboring properties with buildings being closer to them, and would require additional tree removal and driveway construction.

It is in staff's opinion there are unique circumstances because of the location of trees and the unique position of the property and house location.

c. Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

Attached garages are common in the R-1 zoning district. The applicants are proposing to construct a larger attached garage with a car port, rather than construct a number of accessory buildings with associated driveways. The property is separated from view of the road by another property to the south, and the garage will be screened by the existing tree cover. The applicant has agreed to not construct any accessory buildings as a condition of approval for the variance request.

It is in staff's opinion that the requested variance will not significantly alter the essential character of the neighborhood.

It is in staff's opinion that there are practical difficulties in meeting the size requirements for an attached garage

(3) Spirit and Intent. The granting of the variance would be in keeping with the spirit and intent of this chapter and with the policies of the City's Comprehensive Plan.

The spirit and intent of the attached garage ordinance is to not have the attached garage dominate the look of the front of the house. The proposed attached garage will be screened from view of adjacent properties by existing trees, and the view from the road is buffered by the property to the south. The applicant has agreed to not construct any accessory buildings as a condition of approval for the variance request.

It is the staff's opinion that the requested variance would not make the attached garage and car port dominate the exterior of the house, and that precluding accessory buildings on the property would create less of a visual impact than an attached garage. The requested variance is keeping with the spirit and intent of the ordinance.

(4) Prohibited Use. The variance, if granted, shall not have the effect of allowing any use prohibited in the district.

Attached garages are permitted in the R-1 zoning district.

(5) Hazard Consideration. The variance, if granted, shall not permit a lower degree of flood protection than required by this chapter. The variance shall be determined the minimum necessary, considering the flood hazard, to afford relief, and the variance shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

The property is not located within a FEMA designated floodplain.

(6) Septic and Well Compliance. The sewage treatment system and water system of the subject property is in compliance with city and state codes.

The property will be served by municipal sewer and water services.

5. CONCLUSION:

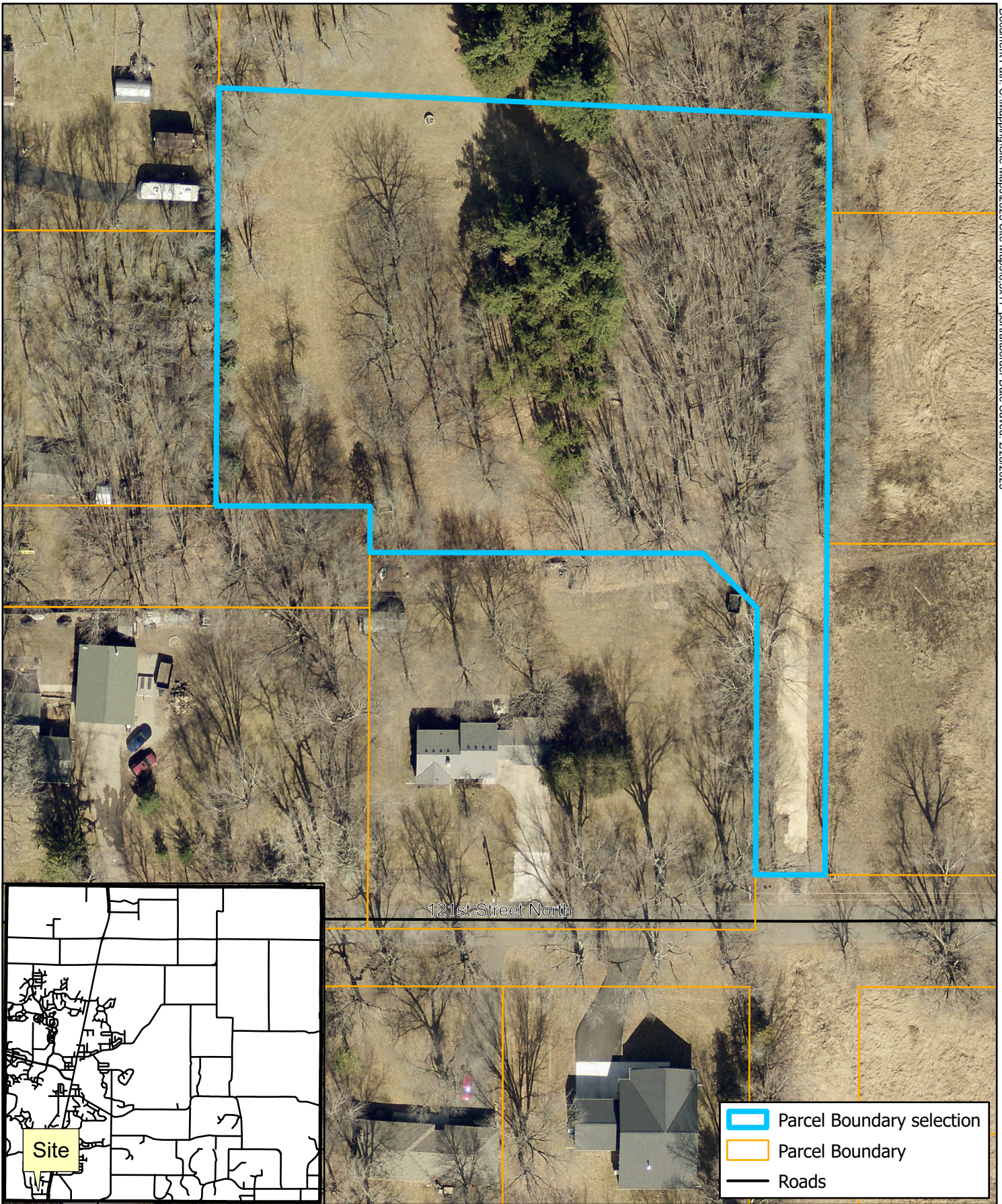
It is staff's opinion that the applicant meets all the criteria necessary to approve the variance request, with the condition that no accessory building shall be constructed on the property in the future.

6. RECOMMENDATION:

Staff recommends approval of the variance request subject to the conditions in the resolution.

ATTACHMENTS:

1. Location Map
2. Resolution
3. Site Plan
4. Applicant's Narrative and Documents



4938 121st St N

Location Map
Hugo, Minnesota



0 60 120
Feet

1 in = 100 feet

RESOLUTION 2025-XX

APPROVING A VARIANCE TO ALLOW CONSTRUCTION OF AN ATTACHED GARAGE AND CAR PORT THAT EXCEEDS AREA REQUIREMENTS FOR THE PROPERTY LOCATED AT 4938 121ST STREET NORTH

WHEREAS, Julie and Greg Manning have requested approval of a variance to allow construction of an attached garage and car port with a size of 2,336 square feet, where 1,678.75 square feet is allowed by ordinance, on property legally described as follows:

Lot 8, Block 1, Acres of Bald Eagle, Washington County, Minnesota.

WHEREAS, the Board of Zoning Adjustments and Appeals has reviewed said variance at a duly called public hearing on March 13, 2025, and recommends approval with the following findings and conditions:

1. The proposed garage shall be in adherence to the site plan dated October 23, 2024.
2. The proposed variance is permissible by law.
3. Attached garages are allowed in the R-1 zoning district, and are allowed to be 1,000 square feet plus 25 percent of the amount by which the footprint of the house building exceeds 1,000 square feet in size. In this case the total amount allowed would be 1,674.25 square feet. This property would allow 2 accessory buildings for a total combined size of 1,500 square feet. There are no accessory buildings on the property. The applicant has stated that they will not construct any accessory buildings. The request is a reasonable use.
4. The property is unique in that it is surrounded by other parcels on nearly all sides, with a long driveway connecting the property to 121st Street North, creating a large buffer between the property and the view of any nearby road. The house is proposed to be constructed in the west-central portion of the property – the highest location on the property. There are several wooded areas on the property creating a visual buffer from neighboring properties. If the applicant were to construct accessory buildings instead of a larger attached garage, there would be a more substantial impact on neighboring properties with buildings being closer to them. There are unique conditions on the property that create the need for a variance.
5. Attached garages are common in the R-1 zoning district. The applicants are proposing to construct a larger attached garage with a car port, rather than construct a number of accessory buildings with associated driveways. The property is separated from view of the road by another property to the south, and the garage will be screened by the existing tree cover. The requested variance will not alter the essential character of the neighborhood.
6. There are practical difficulties in meeting the ordinance standards.
7. The spirit and intent of the attached garage ordinance is to not have the attached garage dominate the look of the front of the house. The proposed attached garage will be screened from view of adjacent properties by existing trees, and the view

from the road is buffered by the property to the south. The request is keeping with the spirit and intense of the ordinance.

8. The use is allowed in the R-1 zoning district.
9. The property is not located within a floodplain area.
10. The property will be served by municipal sewer and water services.
11. In order to mitigate the visual impact of the requested variance, no accessory buildings are to be constructed on the property.

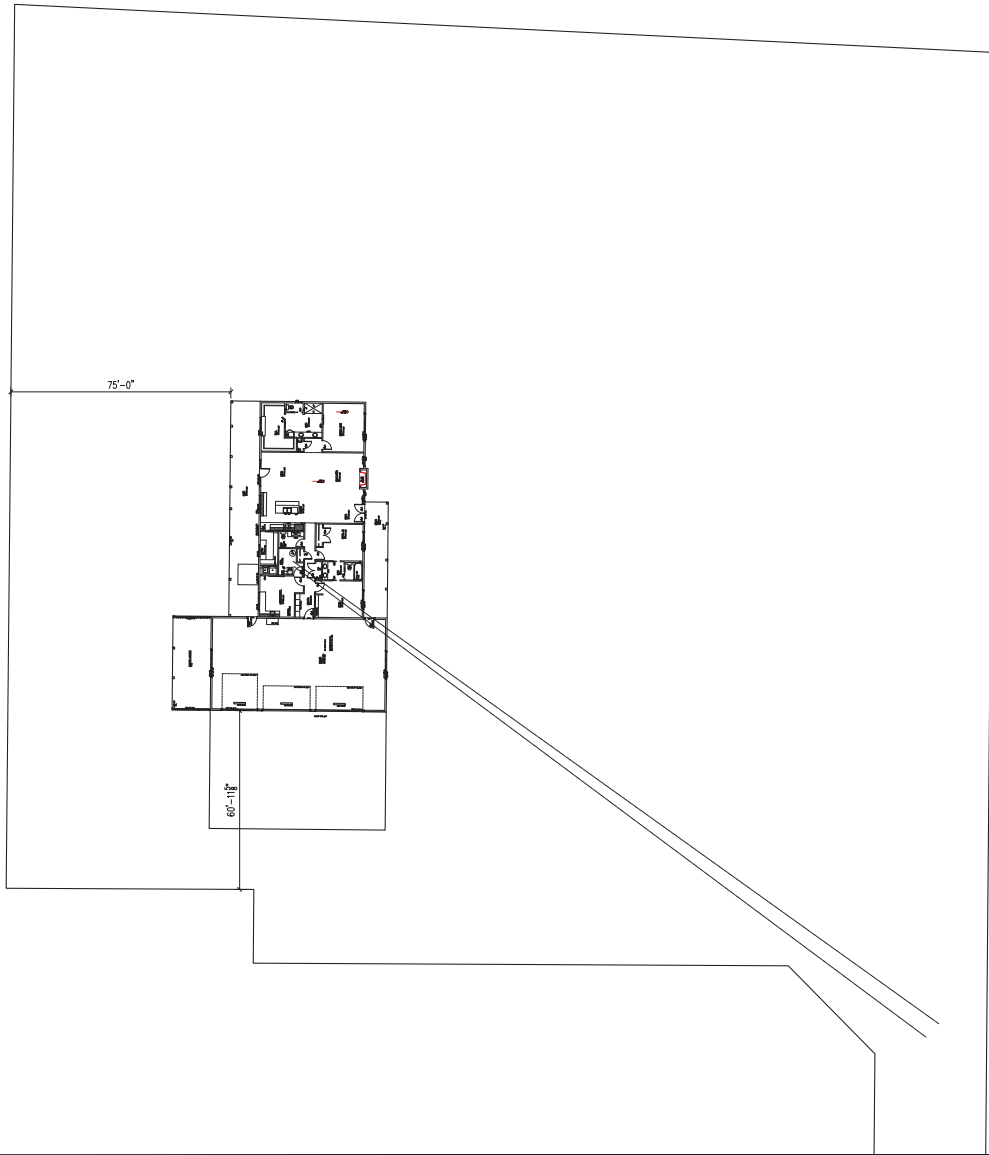
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUGO, MINNESOTA, that it should and hereby does approve the variance request for Julie and Greg Manning to allow construction of an attached garage and car port with a size of 2,336 square feet, where 1,678.75 square feet is allowed by ordinance, for the property located at 4938 121st Street North.

ADOPTED by the City Council this 7th day of April, 2025.

Tom Weidt, Mayor

ATTEST:

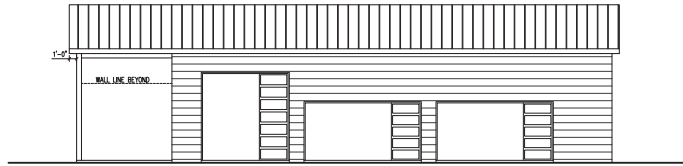
Michele Lindau, City Clerk



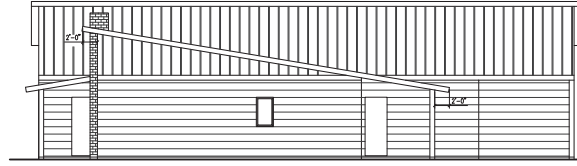
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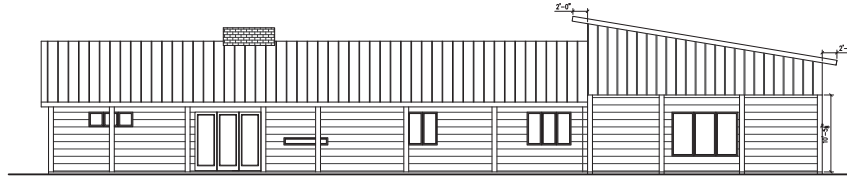
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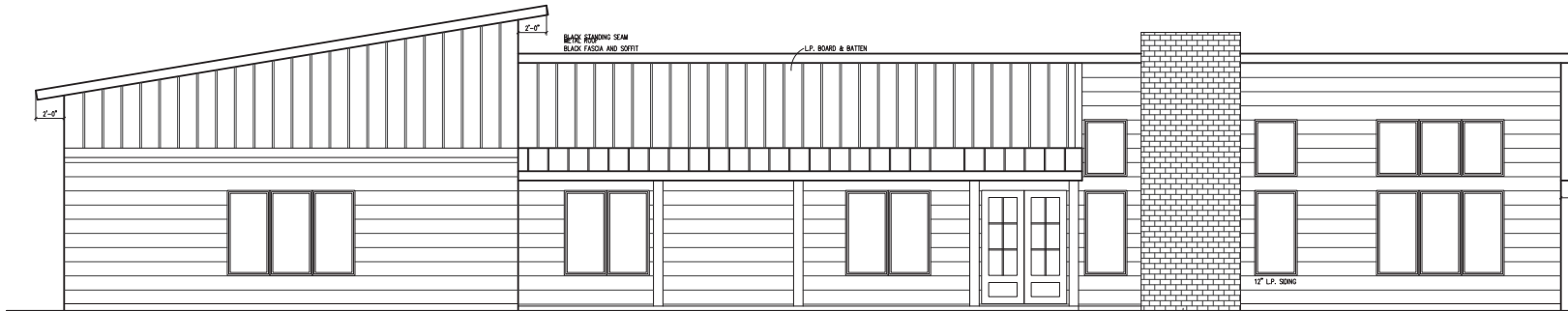
LEFT ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



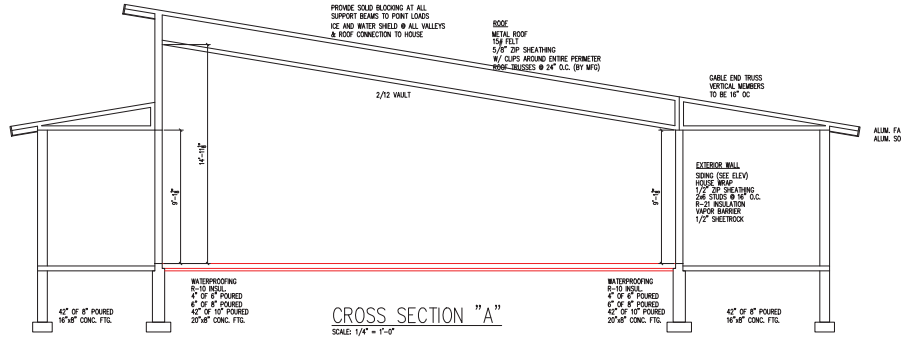
FRONT ELEVATION
SCALE: 1/4" = 1'-0" 2,592 SQ. FT. MAIN FLOOR

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SHEET NO.

February 6, 2025

To Whom it May Concern,

This letter formally requests a variance to the existing zoning ordinances to allow for the construction of a larger attached garage at 4938 121st Street North in Hugo. Our proposed house plan has an attached garage and includes a carport.

Our property, located at 4938 121st Street North has a uniquely shaped lot with an extremely long driveway and heavy tree coverage. Our intent is to keep the lot as natural as possible, keeping as many healthy trees as possible. We would really like to avoid having additional outbuildings with additional driveways. The Highest part of the lot is the furthest point from the road. Our fear is that our lot would end up looking like a racetrack if we added multiple outbuildings with required driveways.

We are building a slab on grade rambler (no basement). We will require a larger garage to adequately store our personal belongings such as Icehouse, boat and trailer, which cannot be properly accommodated within the permitted garage size limitations.

The proposed garage design will maintain a consistent aesthetic with surrounding properties and will not negatively impact on the character of the neighborhood.

Proposed Garage Dimensions 73 x 32 plus covered carport totaling 2211sqft.

The proposed attached garage will comply with all existing setback requirements, except for overall size. We are asking for a provision to Sec. 90-230 Private Garages (c) May not exceed 1,000 square feet plus 25 percent of the amount by which the footprint of the principal building exceeds 1,000 square feet in size. Which means the maximum of our Garage should be 1786 square feet.

We believe that granting this variance will allow for the reasonable and necessary use of our property while maintaining the natural aesthetics and integrity of the neighborhood. We are committed to working with the Zoning Board to address any concerns regarding this request.

Sincerely,


Julie and Greg Manning