

PUBLIC HEARING – VARIANCE

Application: **Variance**
Applicant: **City of Pequot Lakes**
Agenda Item: **3 (a)**



Background Information: The applicant is requesting a Variance to locate new playground equipment within the 50-foot setback from Pequot Blvd. at Sibley Lake Park. The subject property is located on Pequot Blvd. between West Grove Street and West Sibley Street on Sibley Lake, is zoned Recreation and is owned by the City of Pequot Lakes. The surrounding property is zoned Urban Residential, Shoreline Residential and Recreation.

The City has received a generous donation for new playground equipment. The new equipment will consist of a 40’ X 40’ playground and a 10’ X 10’ climbing dome.

Sibley Lake Park currently contains an open air picnic shelter with picnic tables, a privy and benches. The playground equipment that had been located at Sibley

Lake Park has been removed, either due to disrepair or relocation to another park. The existing picnic grills will be removed due to their poor condition.

Sibley Lake Park contains topographic constraints. There is a bluff along the upper flat area and there is a 30-foot setback from the top of this bluff. The playground structure cannot be placed within that 30-foot setback. The Park is home to numerous large pine trees. The City anticipates there will be minimal tree removal to accomplish placement of the playground.

There is approximately 40 feet between the bluff setback and the west right-of-way line of Pequot Blvd. and approximately 35 feet from the parking area to the bluff setback. The playground structure will encroach approximately 30 to 35 feet into the setback from Pequot Blvd. The Public Works Supervisor is confident the structure of the playground can be placed outside the bluff setback, but within the setback from Pequot Blvd.

Applicable Regulations:

Section 17-5.14 RECREATION (R)

- 3. Lot, Use and Density Requirements.
Setback, right-of-way, local streets – feet, minimum50

Section 17-11.7 VARIANCES

- 6. Variances shall be decided within the required time frame with consideration for the following:
 - A. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and
 - B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
 - C. The deviation from the Ordinance with any attached conditions will still be in harmony with the general purposes and intent of the Ordinance and the Comprehensive Plan, and
 - D. The variance will not create a land use not allowed in the zone, and
 - E. The variance will not alter the essential character of the locality, and
 - F. The variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

Staff Findings: Staff provides the following Findings of Fact for consideration by the Planning Commission:

1. The subject property is located along Pequot Blvd. between West Grove Street and West Sibley Street and is in the “Recreation” zone.
2. The property is known as Sibley Lake Park.
3. The applicant proposes to place the new 40’ X 40’ playground equipment in an area where the least amount of trees will be removed.
4. The proposed playground structure will encroach approximately 30 to 35 feet into the setback from Pequot Blvd.
5. The applicant has established that there are practical difficulties in complying with the Code as the playground structure cannot be located within the bluff setback thus necessitating placement within the 50-foot setback from Pequot Blvd.
6. The deviation from the Code will still be in harmony with the general purposes and intent of the City Code and Comprehensive Plan.
7. The Variance will not create a land use not permitted in the Recreation zone.
8. The subject property is surrounded by Urban Residential, Shoreline Residential and Recreation development. The Variance will not alter the essential character of the locality of the subject property.
9. The Variance does not appear to be for economic reasons alone and reasonable use of the property seems to exist under the Code.

Planning Commission Direction: The Planning Commission can approve the Variance, deny the application, or table the request if additional information is needed. If the motion is for approval or denial, Findings of Fact should be cited.

Staff Recommendation: We recommend that the application be approved without conditions.
