



Anderson Variance

Clark County Board of Adjustment

October 3, 2024

Variance Request

- ▶ **1. A request for relief from Clark County Zoning Ordinance #37, Section 4.17C & 7.06D, to place a 34' x 94' accessory structure (laundry, garage, shop, and three employee housing units) at a reduced road setback (26' from centerline) where a minimum of 50 feet is required and within the bluff impact zone, located at 1558 Resort Road, and;**
- ▶ **2. A request for relief from Clark County Zoning Ordinance #37, Section 4.17C, to place three 22' x 32' rental cabins at a reduced road setback (40' from centerline) where a minimum of 50 feet is required, located at 1558 Resort Road.**

Anderson Variance

- ▶ Property Owner: Michael and Teresa Anderson
 - ▶ Property Size: The applicant's property includes 4.93-acres, with approximately 511-feet of Clark Lake shoreline.
 - ▶ Zoning: The parcel is contained entirely within the Resort Commercial/Residential (RC/R) zone district.
 - ▶ Zoning Lot Size Requirements: Newly created lots within the RC/R zone must be 5-acres in size and 300-feet wide at the structural setback.
 - ▶ Shoreland Classification: Property is within the shoreland area of Clark Lake (General Development)

Property History: 2011 Variance



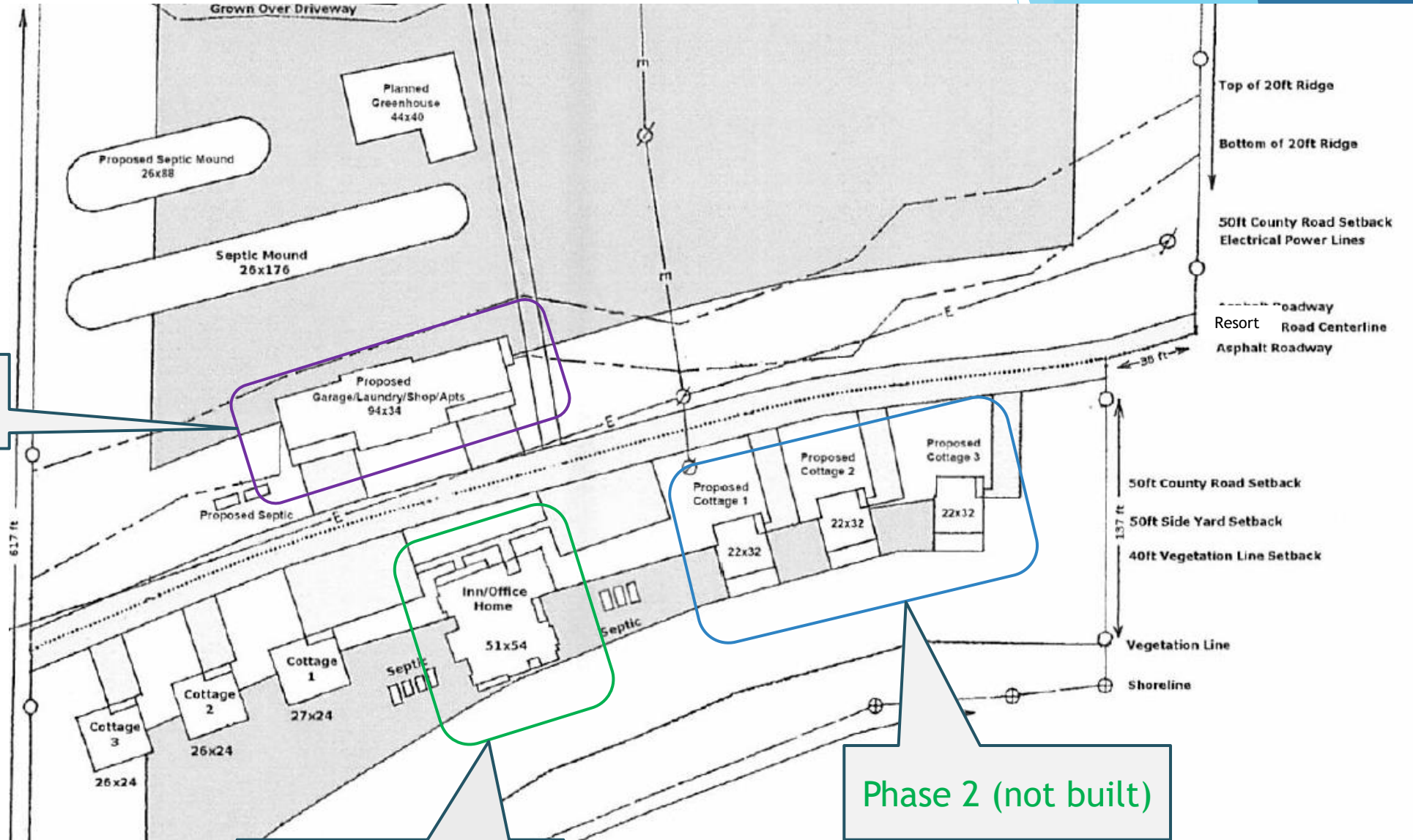
Site History

- ▶ 2011 Variance approved by the Clark Co. Board of Adjustment for the Resort Road Cottages Master Plan development in three phases:
 - Phase 1: Inn/Office/Residence -Completed in 2018
 - Phase 2: 3 lakeside cottages (22'x32', 18' max building height) - Unbuilt
 - Phase 3: Laundry/garage/shop (76'x32', 29' max building height) - Unbuilt
- ▶ During the 2011 public hearing process, only one verbal comment was submitted in support of the variance request.
- ▶ The Clark County Board of Adjustment granted variances 'from the road setback and maximum height allowance to renovate and enhance a resort adjacent to Clark Lake'.
- ▶ The variance request/approval included the following findings:
 - ▶ *In considering the request, the Board recognized the deterioration of the house, the historic presence of the resort, and landscape constraints of the property.*

Today's request: Approval of phases 2 and 3 of the Master Plan, with modifications to phase 3.

Proposed Master Plan

Phase 3 (not built)



Phase 1
(completed 2018)

Phase 2 (not built)



Proposed- Phase 2

Phase 2 Cottages

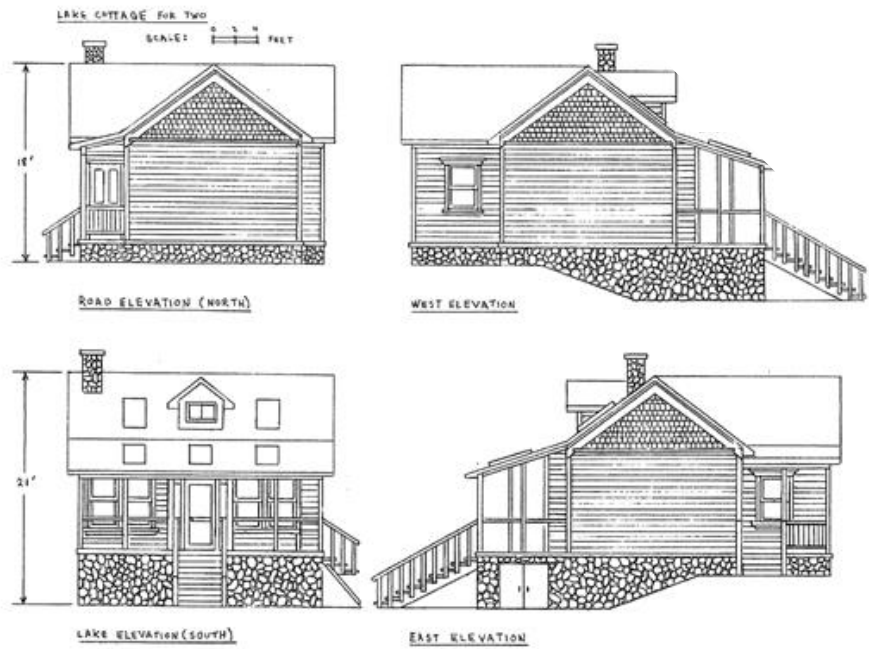


Table 1. Comparison of 2011 and 2024 Phase 2 Proposals

	2011 Phase 2	2024 Phase 2
Proposed Use:	3 lakeside cottages	Unchanged
Dimensions:	22' x 32', 18' height	Unchanged
Setback Request:	10' into the road setback total, 9' for building, 1' for eaves	Unchanged

Proposed- Phase 3



Above: 2024 Request

Table 1. Comparison of 2011 and 2024 Phase 3 Proposals

	2011 Phase 3	2024 Phase 3
Proposed Use:	Laundry, Garage, shop	Laundry, Garage, Shop, 28' x 22' meeting room, & 3 apartment units
Dimensions:	76 'x 32', 29' height	94' x 34', 34' height
Setback Request:	22' into the road setback total, 21' for building, 1' for eaves	24' into the road setback total, 23' for building, 1' for eaves



PEAK

SHINGLE LINE
3rd CEILING

SHINGLE LINE
3rd FLOOR

2nd CEILING &
1st FLOOR CEILING

2nd FLOOR

1st CEILING

1st FLOOR
GROUND



PEAK

SHINGLE LINE
3rd CEILING

SHINGLE LINE
3rd FLOOR

2nd CEILING
SHOP CEILING

2nd FLOOR

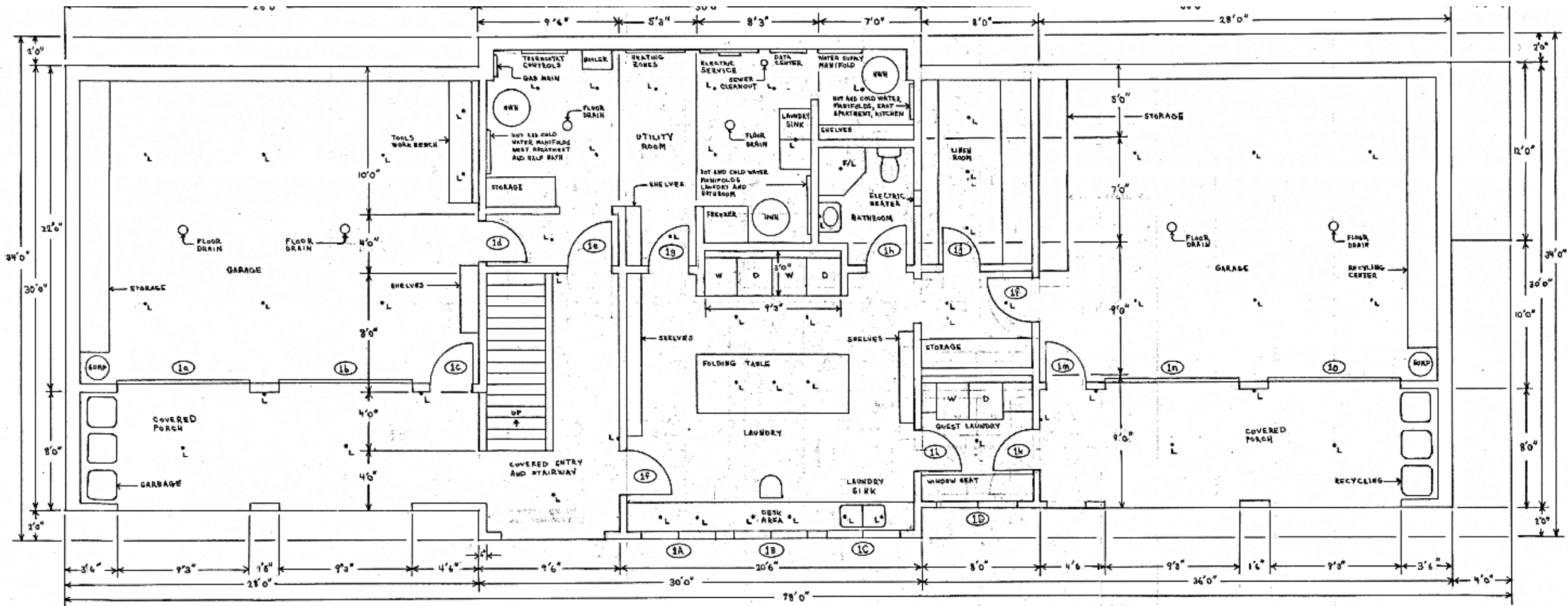
1st CEILING
GROUND

1st FLOOR
GROUND



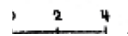
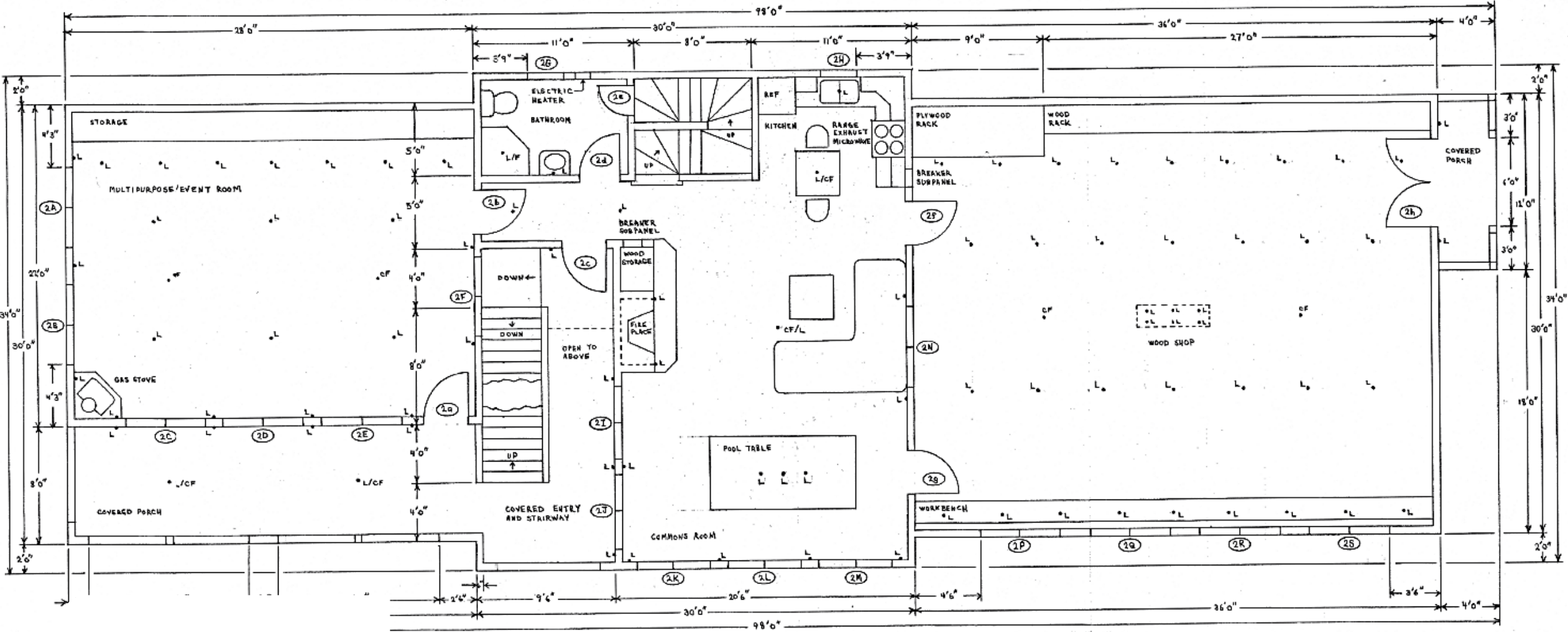


1st FLOOR

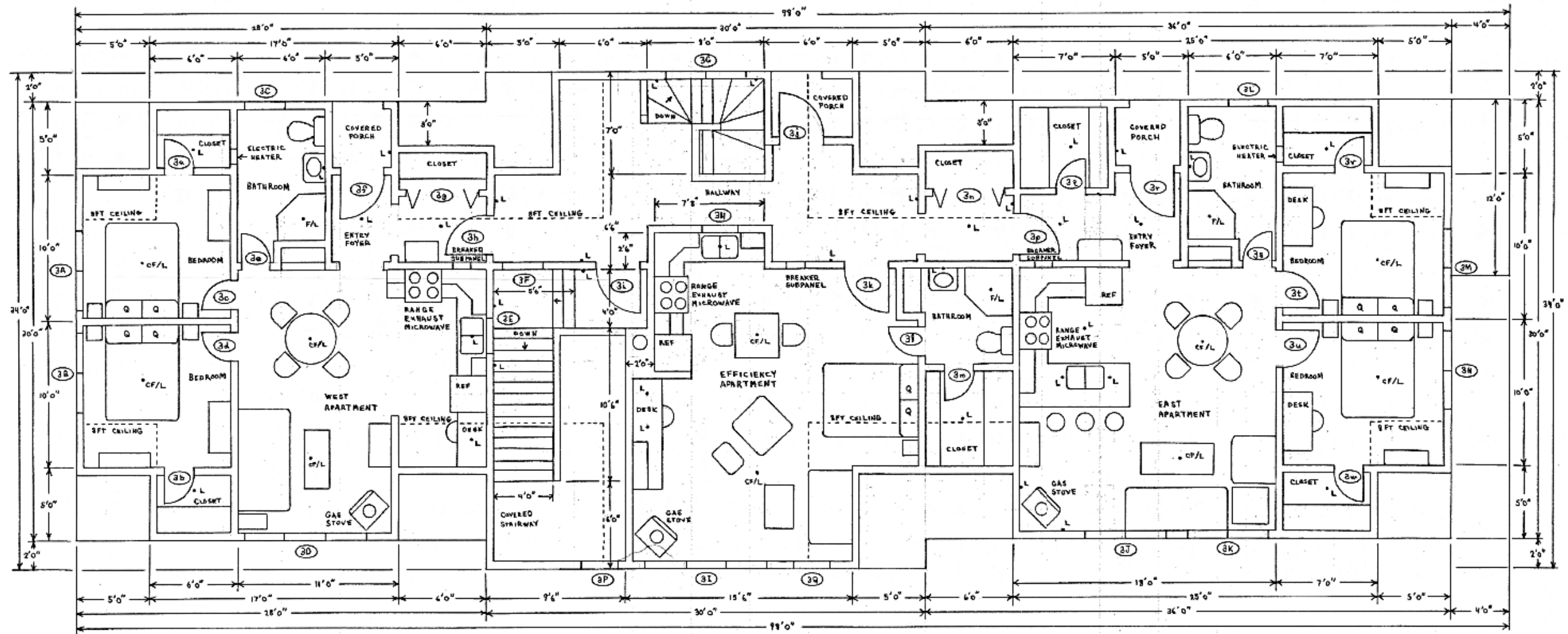


SCALE: 0 2 4 FEET

FIRST LEVEL FLOORPLAN



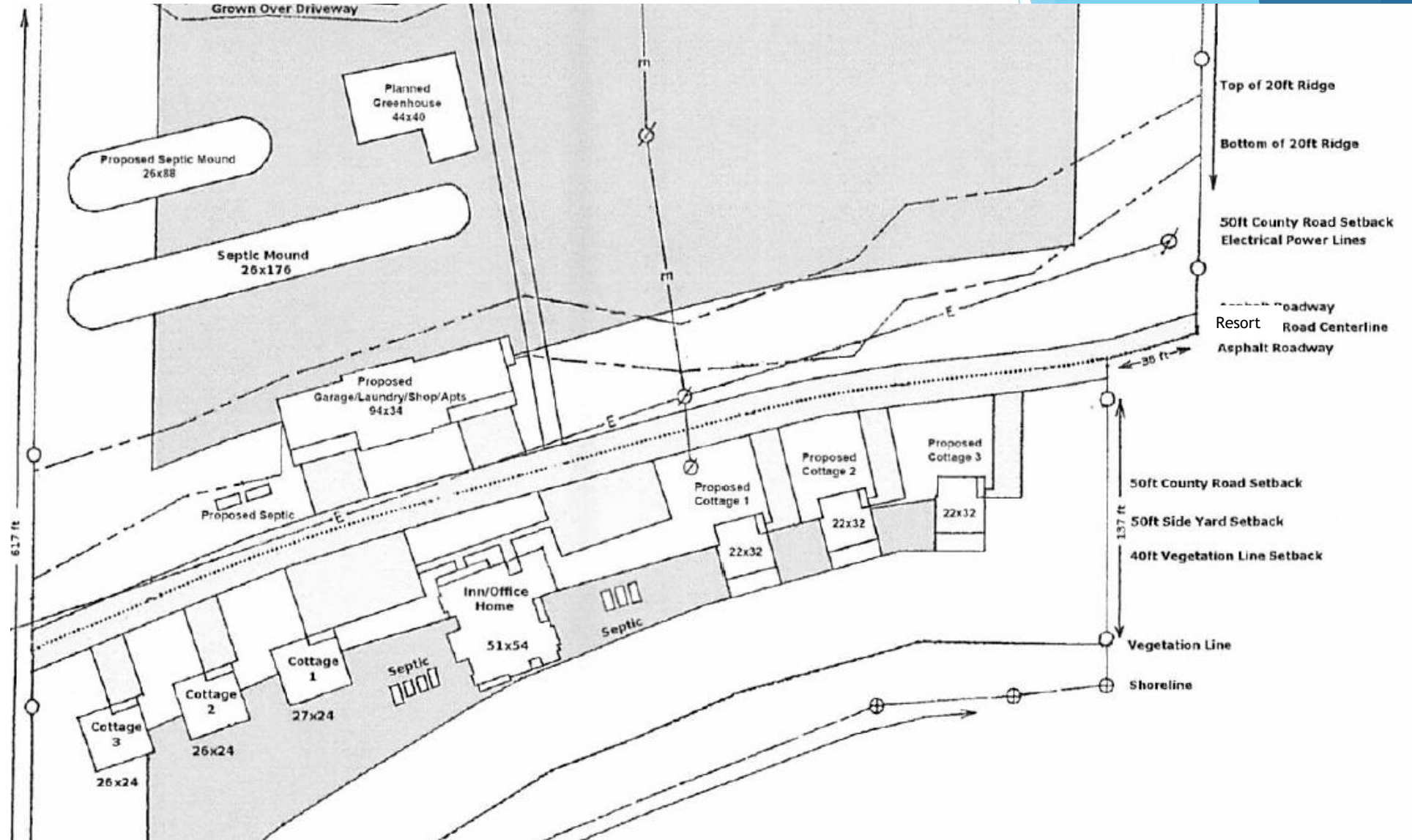
SECOND LEVEL FLOORPLAN



SCALE: 0 2 4 FEET

THIRD LEVEL FLOORPLAN

Proposed Master Plan



Site Conditions

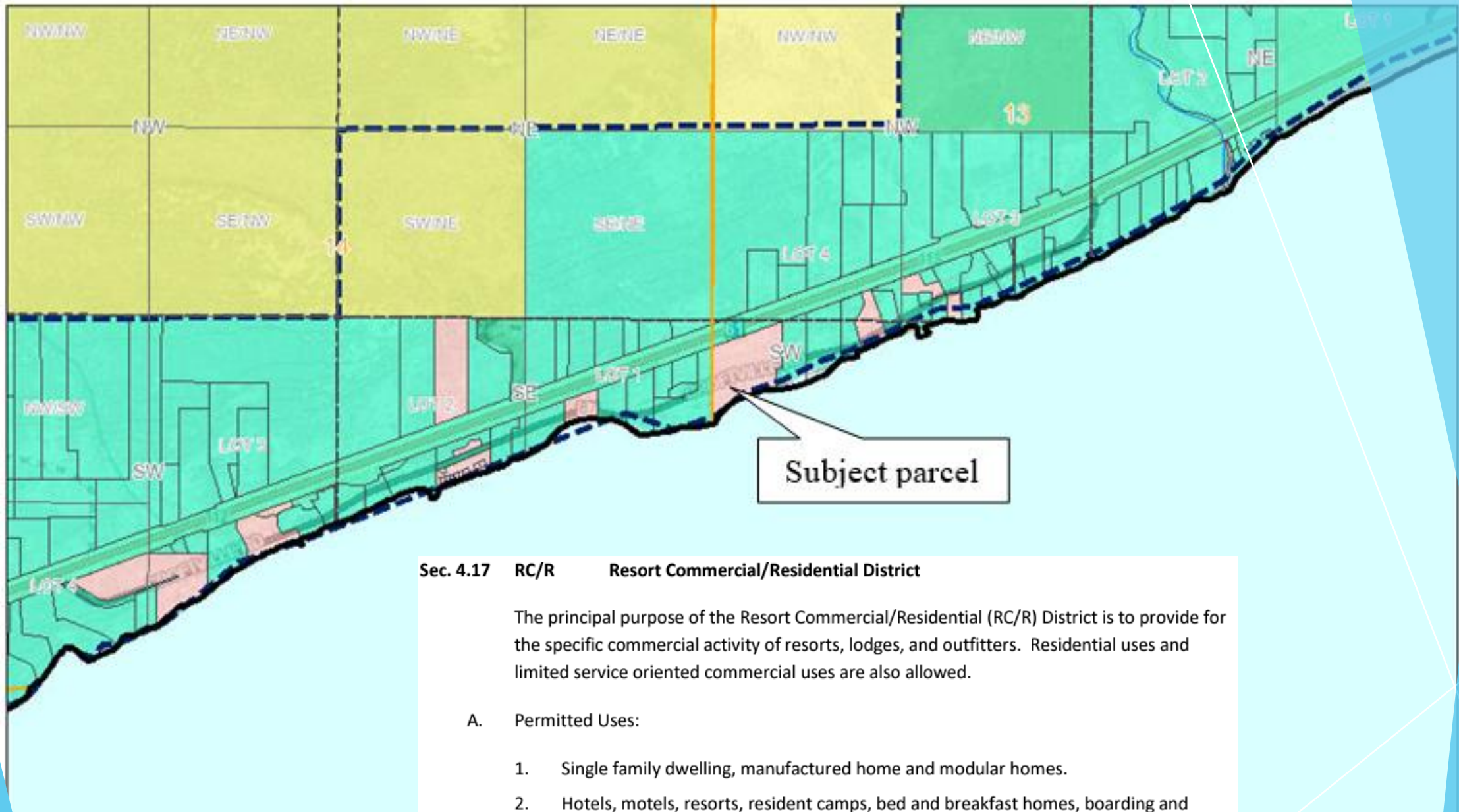


J. Rd. looking West, with Phase 1 on the left and the proposed Phase 3 on the right.



K. Rd. looking East. Phase 1 is on the right, Phase 2 would be on the right of the road by the fabric shelters and trees, and Phase 3 is proposed on the opposite side of the road from the existing Inn.

Zoning and Land Use Regulations Map



Sec. 4.17 RC/R Resort Commercial/Residential District

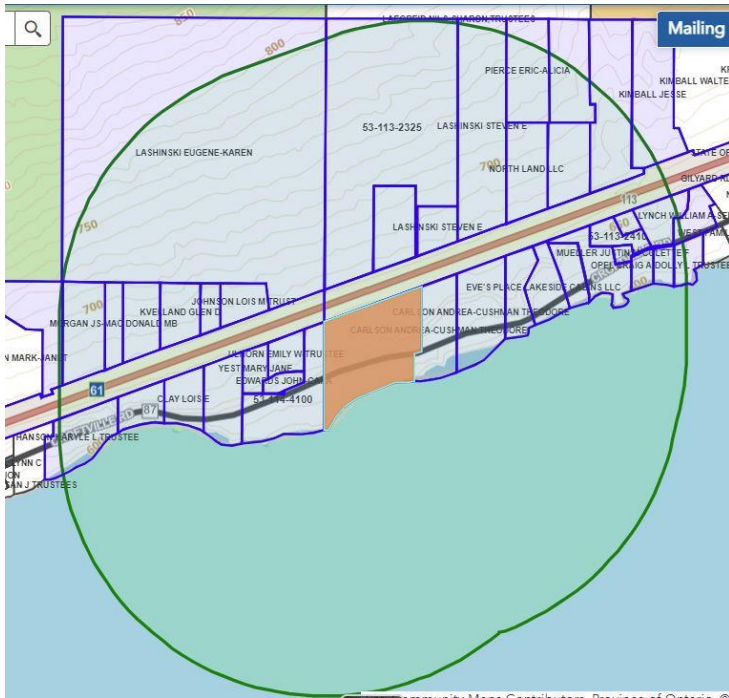
The principal purpose of the Resort Commercial/Residential (RC/R) District is to provide for the specific commercial activity of resorts, lodges, and outfitters. Residential uses and limited service oriented commercial uses are also allowed.

A. Permitted Uses:

1. Single family dwelling, manufactured home and modular homes.
2. Hotels, motels, resorts, resident camps, bed and breakfast homes, boarding and lodging homes, tourist homes and similar accommodations for short term rental.

Public Notice

¼ Mile Notice Area



Written Comments Received by 9/4 deadline:

- ▶ Beverley, 1388 Resort Rd.- opposed
- ▶ Bob, 1222 Resort Rd.- opposed
- ▶ Anna, 1614 Resort Rd.- opposed
- ▶ Holly, Comments as a Resort Road walker.- opposed
- ▶ Barb and George, 1415 Resort Rd.- opposed
- ▶ Anonymous- opposed
- ▶ Chris, 6450 Resort Rd- support
- ▶ Julie and Tony, 5454 Resort Rd. - opposed

Technical Memos



O. Bluff feature at east side of Phase 3, with trail leading up hill side.



Clark County
Environmental
Health Specialist



Clark County
Highway Engineer



Clark County Soil &
Water Conservation
District



The Minnesota
Department of
Natural Resources
Area Hydrologist

Variance Criteria for Decisions

- ▶ In evaluating “Practical Difficulties as used in connection with the granting of a variance, the Board of Adjustment must consider the following 7 criteria:
 - i. The variance is consistent with the goals and policies of the Comprehensive Land Use Guide Plan, and in harmony with the general purpose and intent of the Clark County Zoning Ordinance and other Clark County Official Controls;
 - ii. The proposed use of the property is allowed in the land use district in which the property is located;
 - iii. The property owner is proposing to use the property in a reasonable manner not permitted by the Clark County Zoning Ordinance;

Variance Criteria for Decisions

- ▶ In evaluating “Practical Difficulties as used in connection with the granting of a variance, the Board of Adjustment must consider the following 7 criteria:
 - iv. The property owner has established that the practical difficulty involved is due to circumstances unique to the property, and not created by the property owner;
 - v. Approving the variance will maintain the essential character of the locality;
 - vi. The property owner has established that the practical difficulty involves more than economic considerations alone.
 - vii. Is this the minimum variance required to be able to construct the project?

Breakout Group Exercise

- ▶ Create a staff summary report with recommendations and the decision

Considerations

- ▶ What does ‘essential character’ mean?
- ▶ What do you do when different comprehensive plan goals support different conclusions?
- ▶ Can we consider property value impacts?
- ▶ What is probative evidence of a reduction in property value?
- ▶ What considerations can be included in the concept of ‘reasonableness’?
- ▶ Is the ‘lesser evil’ concept (being able to build something worse as a right) a consideration?