



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
www.fairmont.org

Phone (507) 238-9461

Fax (507) 238-9469

TO: Board of Zoning Appeals

FROM: Peter Bode, Planner/Zoning Official

DATE: June 30, 2022

SUBJECT: **Agenda – Regular Meeting**
Tuesday, July 5, 2022 at 4:30 p.m.
Fairmont City Council Chambers, 100 Downtown Plaza

- 1) Approval of Agenda
- 2) Approval of Minutes – March 1, 2022

New Business

- 3) Public Hearing – Relocation of Home to 512 N Elm St
- 4) Public Hearing – Variance at 512 N Elm St

Old Business

None

- 5) Adjournment

MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

Regular Meeting

March 1, 2022 at 4:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Mike Jacobson, Susan Krueger, Jay Maynard, Council Liaison Wayne Hasek, Council Liaison Bruce Peters

Members absent: Mike Klujeske, Adam Smith

Staff present: City Administrator Cathy Reynolds, Planner & Zoning Official Peter Bode

Chair Krueger called the meeting to order at 4:30 p.m.

Approval of Agenda: Motion by Maynard and second by Jacobson to approve the agenda as presented. Motion carried.

Approval of Minutes: Motion by Maynard and second by Smith to approve the February 1, 2022 meeting minutes as presented. Motion carried.

New Business: *None*

Public Hearing - Variance for 1326 E Blue Earth Ave: Chair Krueger opened the public hearing. Bode introduced a variance request by Scott Vaubel for a 20-foot in lieu of 30-foot corner yard setback requirement at 1326 East Blue Earth Avenue. Bode stated that staff's findings support approval.

Tom Hawkins of Hawkins Chevrolet at 1304 East Blue Earth Avenue wrote in support of the request.

The Board discussed the request with the applicant. There were no further public comments.

Motion by Maynard and second by Jacobson to close the public hearing. Motion carried.

Motion by Maynard and second by Jacobson to approve the variance for a 20-foot in lieu of 30-foot corner yard setback at 1326 East Blue Earth Avenue. Motion carried.

Adjournment: Motion by Maynard and second by Jacobson to adjourn. Motion carried and the meeting adjourned at 4:36 p.m.

*Respectfully submitted,
Peter Bode*



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MEMORANDUM

TO: Board of Zoning Appeals
FROM: Peter Bode, Planner/Zoning Official
DATE: June 30, 2022
RE: 512 N Elm St – Relocation of Existing Home

City Code Section 26-203 (d) requires that relocation of an existing home onto a vacant lot requires review and approval by the Board of Zoning Appeals. The Board must determine if the structure would depreciate the area into which it is being moved. If it would depreciate the area, the Board may withhold its permit for relocation.

Habitat for Humanity has petitioned to place an existing home on 512 North Elm Street. The home is currently located at 433 Lake Avenue and is in good condition. The applicant has applied for a building permit and is working closely with City building officials to finalize placement of the home.

The applicant has provided a site plan and photos of the home to demonstrate its condition.

The project also requires a variance to allow a height of 33 feet when 30 feet are normally required in the district. Staff's findings, which support granting the variance, are detailed in our report. Further, staff support approving the petition to place the existing home on the lot consistent with *Section 26-203 (d)* because relocation of the home would have a neutral or positive impact on the neighborhood.

Respectfully submitted,
Peter Bode, Planner & Zoning Official

Attachments: Satellite photo of destination parcel
Petition to place existing home
Staff report for variance request
Variance application
Public notice



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NIEM ST

E 5TH ST

N PRAIRIE AVE



Habitat
for Humanity®
of Martin-Faribault Counties

June 14, 2022

To The City of Fairmont:

Habitat for Humanity of Martin Faribault Counties is requesting permission to move a house from 437 Lake Avenue to 512 North Elm Street in Fairmont.

The house in question was donated to Habitat for Humanity from Fairmont businessman John Tate. This donation was on the condition that the house be moved off of its current location, so we have no choice but to move it.

We believe the house will be an excellent addition to the neighborhood of North Elm Street. We already have one Habitat home there, and the family is very happy with their home and their neighborhood.

This project will also give the City of Fairmont another homeowner, This is a win-win for both Fairmont and Habitat. An empty lot will now have a family of seven living there. Studies have shown that, when Habitat for Humanity moves into a neighborhood, the surrounding property values will increase. It's not just a financial gain, but a humanitarian one as well.

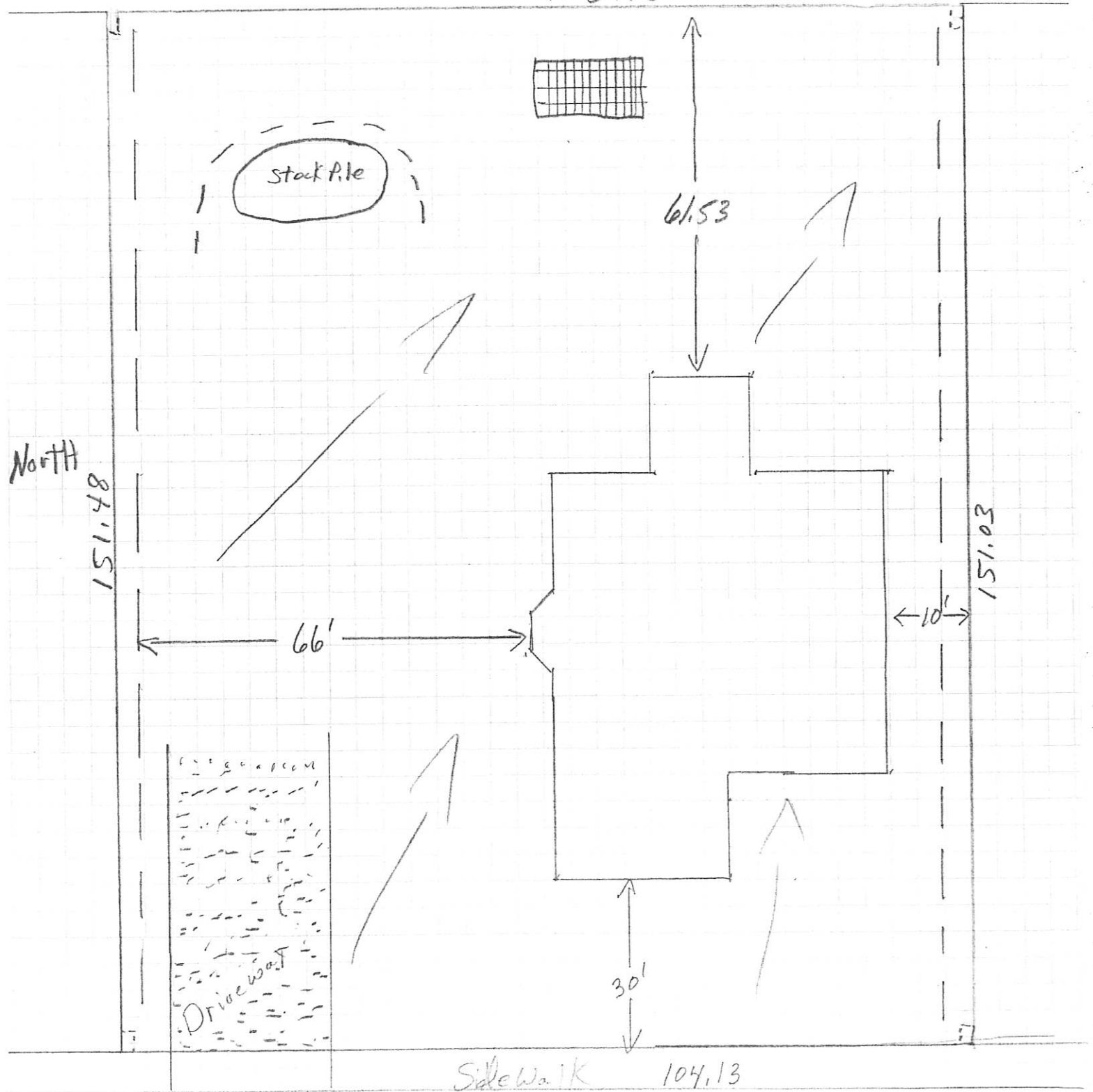
We hope that you approve our application. Please do not hesitate to contact us with any further questions or concerns. We have been working on this for a long time, we are ready to get this completed. Thank you.

Sincerely,

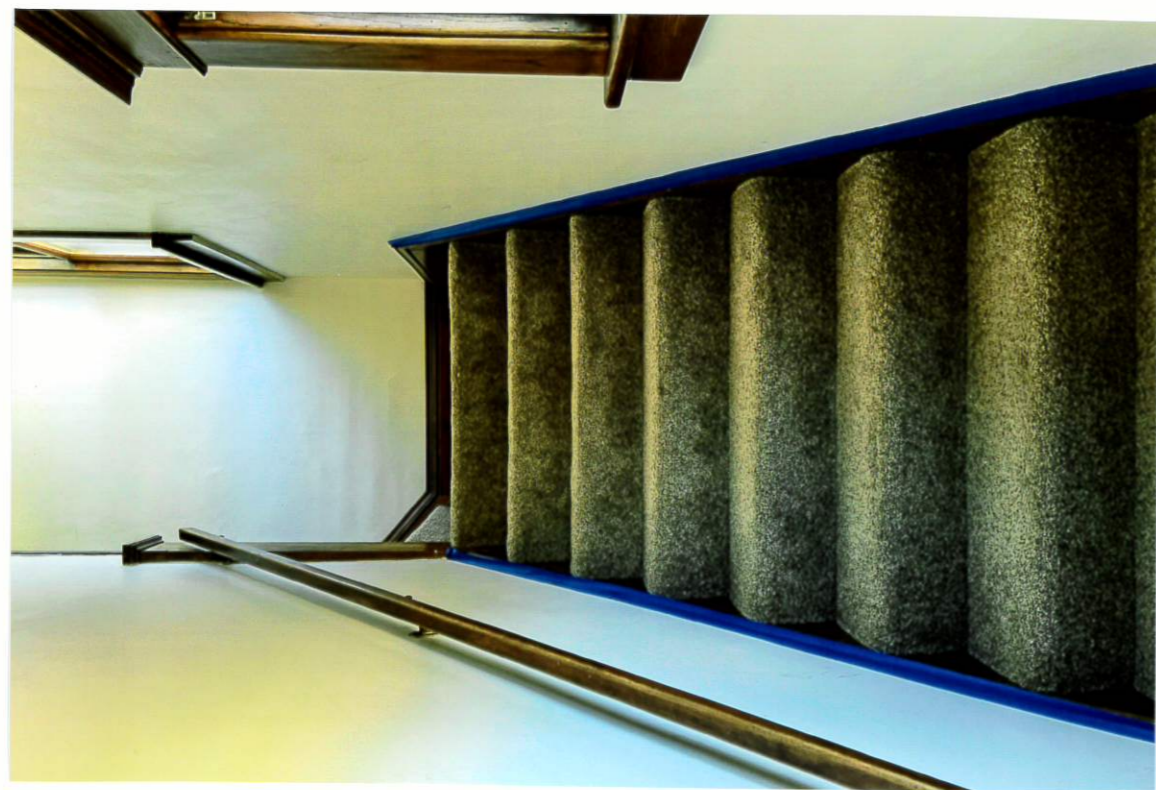
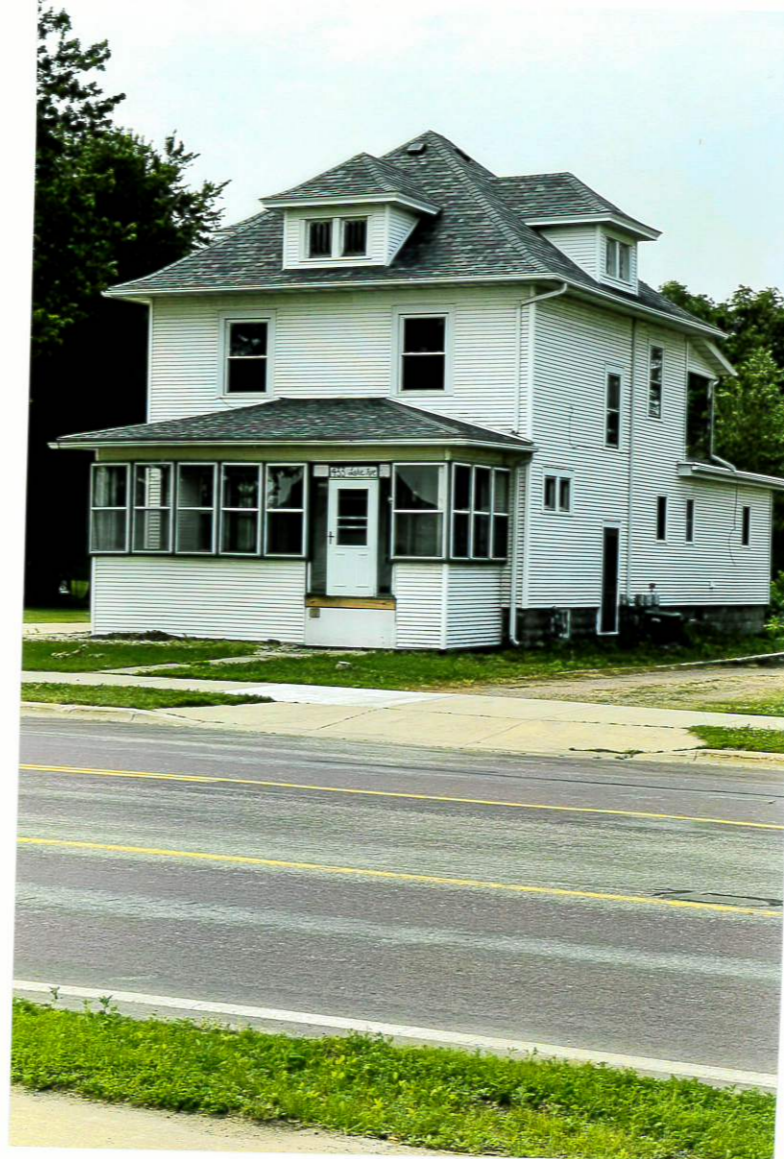
Staci Thompson
Executive Director

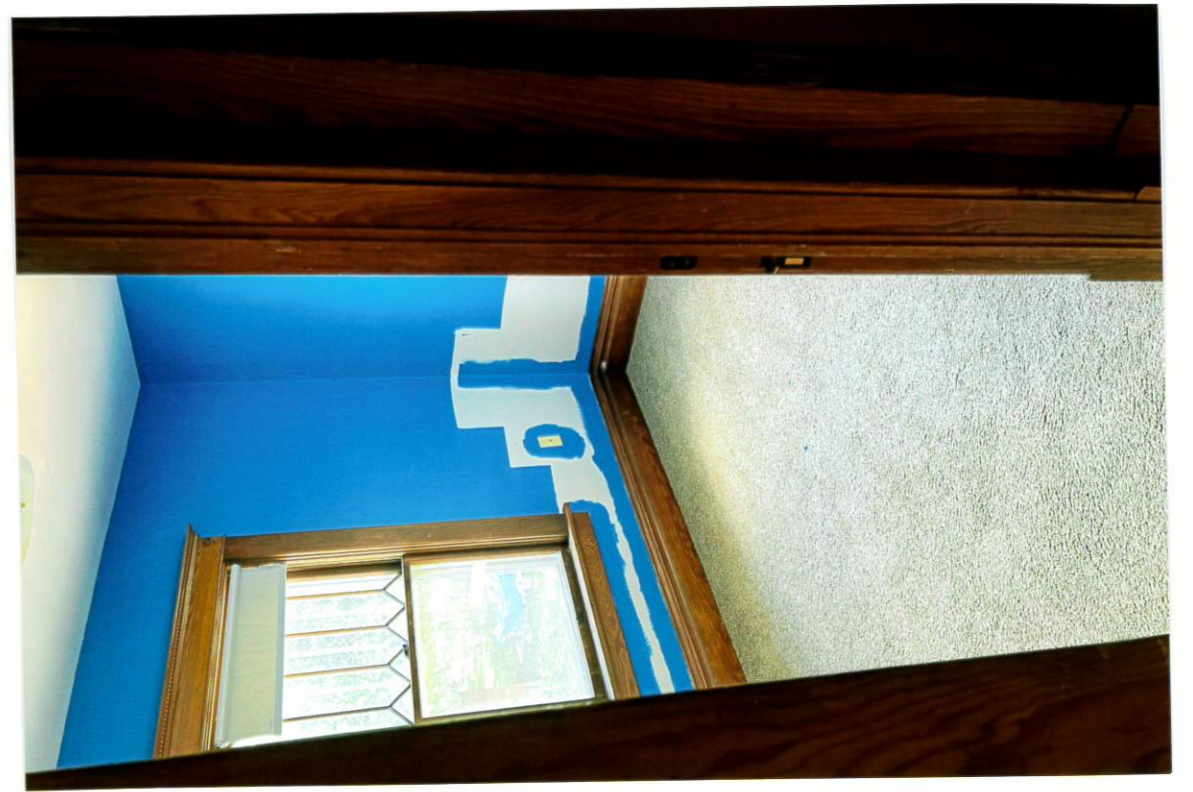
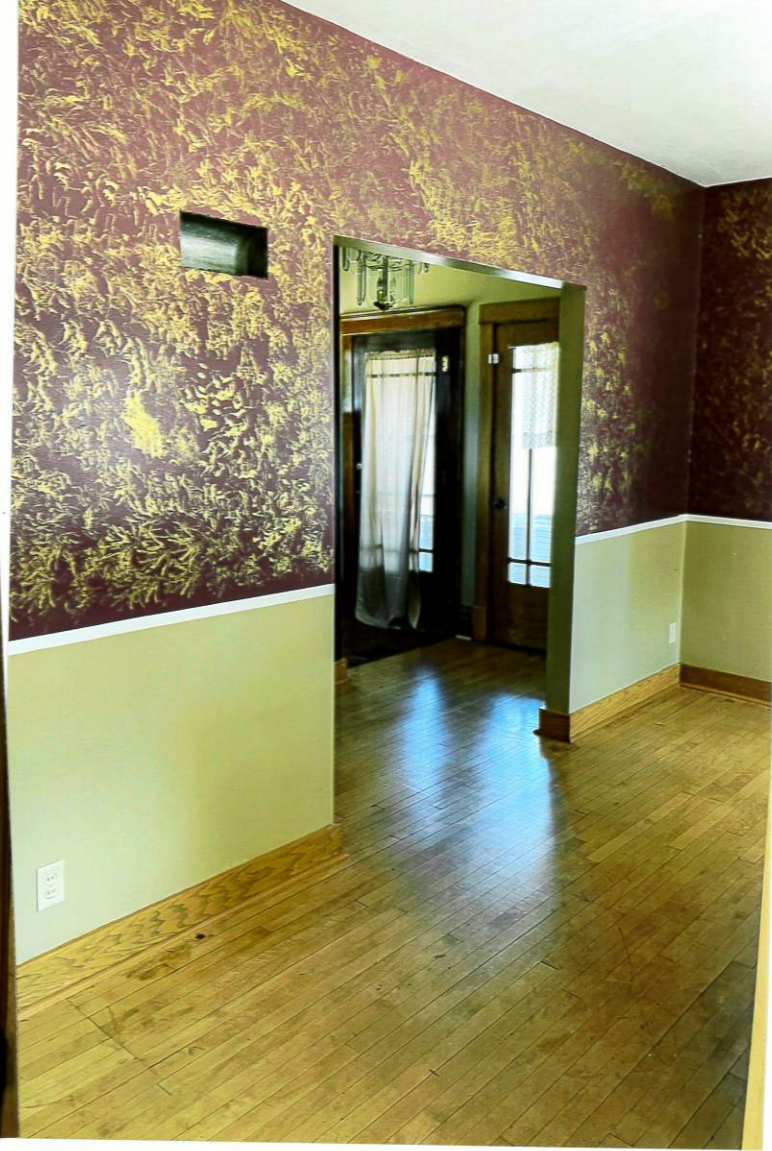
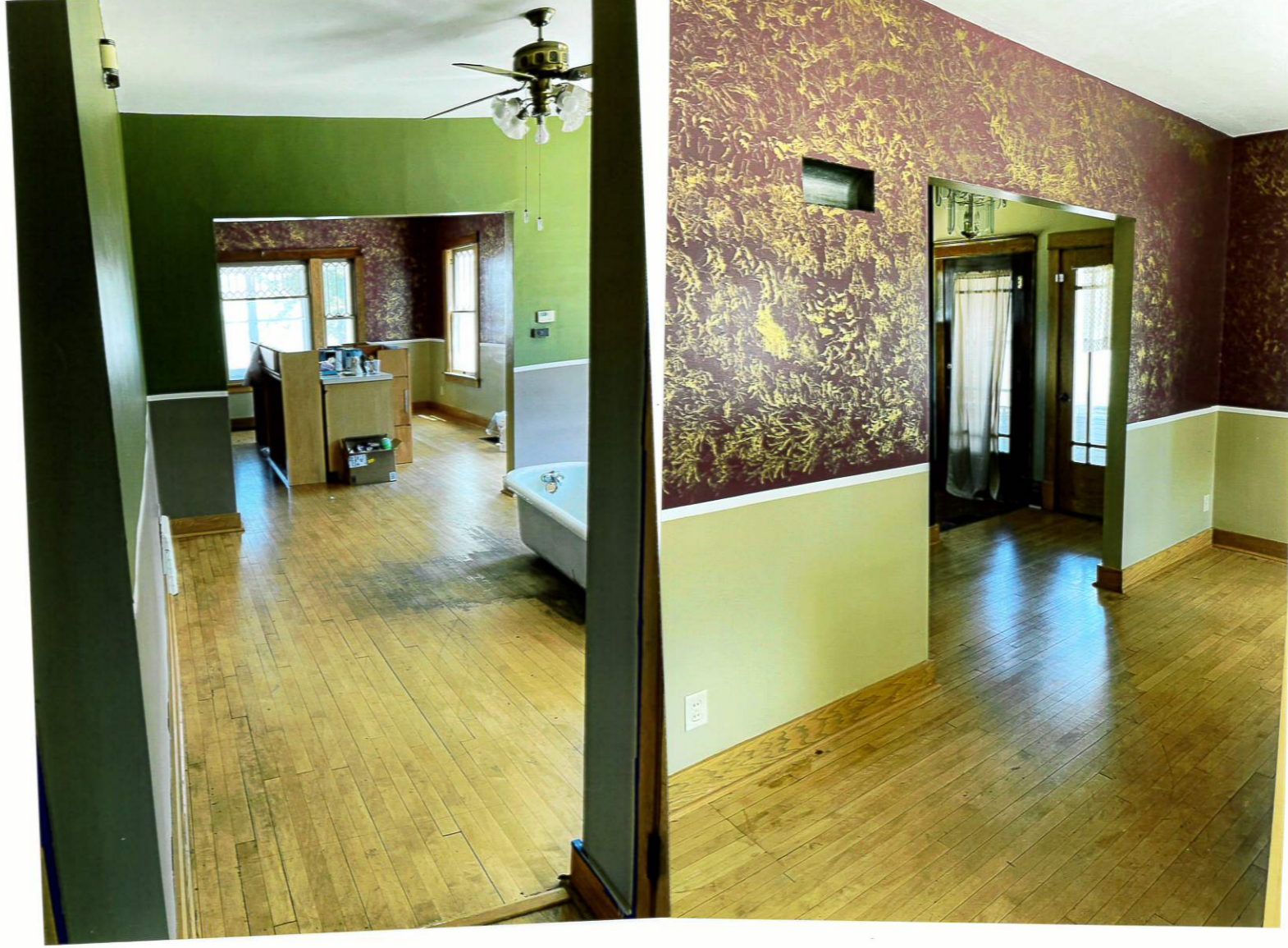
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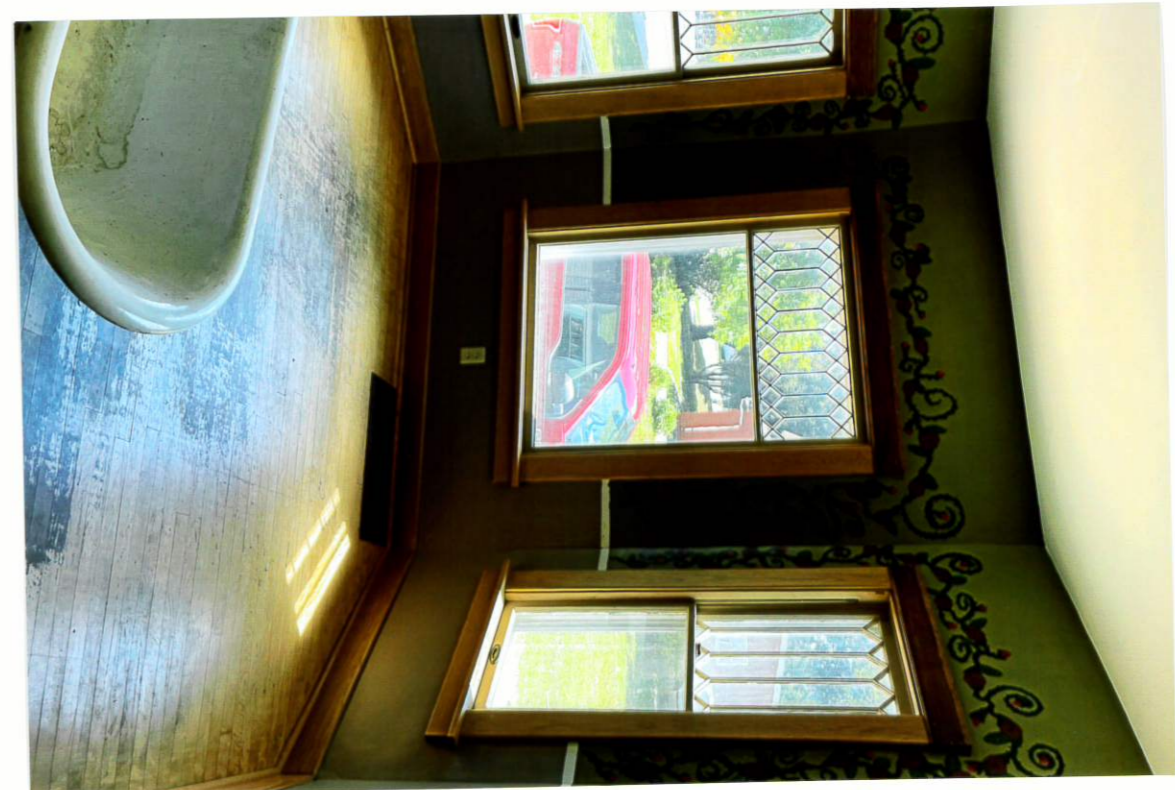
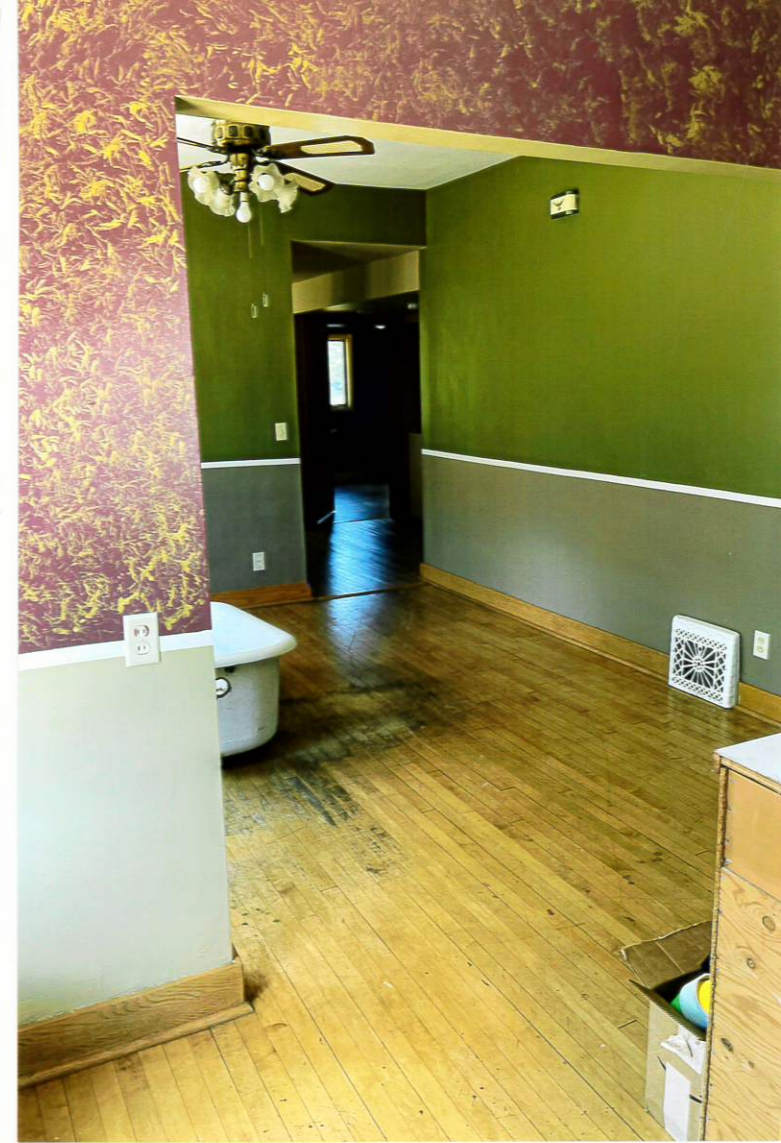
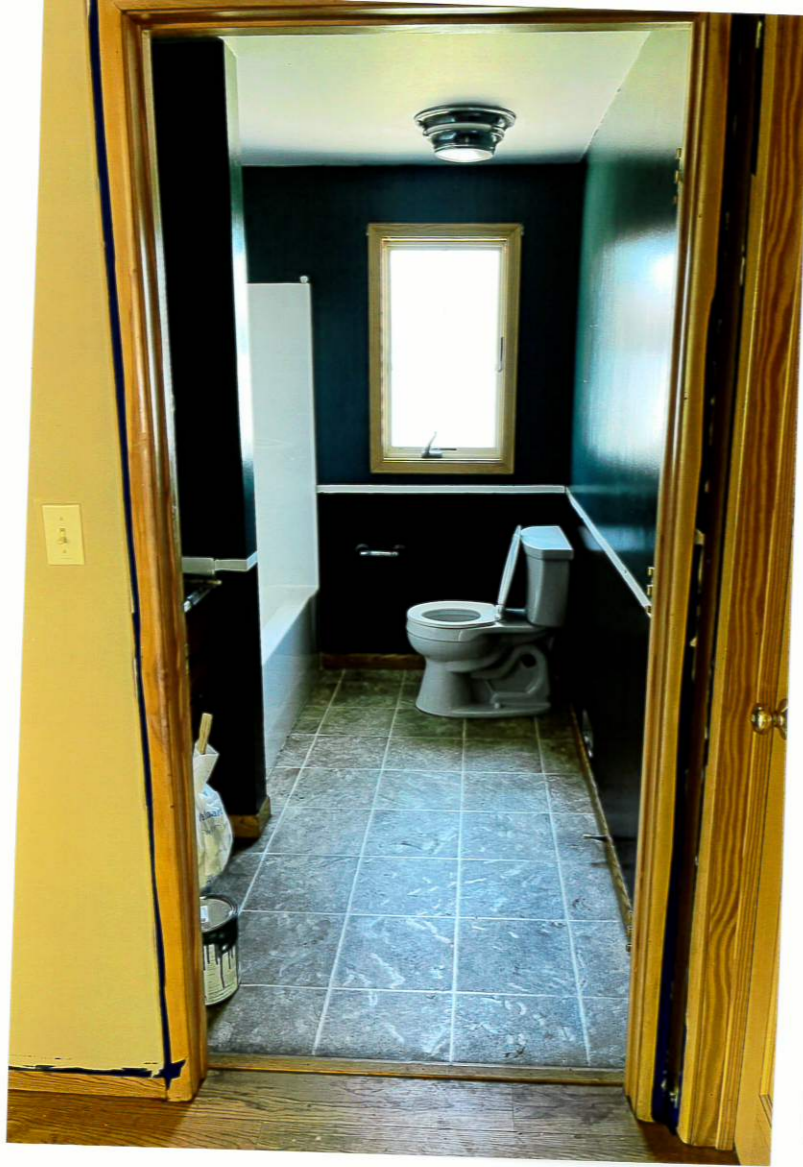
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512 North Elm Street







GENERAL INFORMATION

Applicant: Staci Thompson, Habitat for Humanity
Property Owner: Habitat for Humanity
Purpose: To allow a 33-foot in lieu of 30-foot height requirement
Address: 512 North Elm Street
Parcel Number: 23.281.0470
Zoning: R-1 Single Family Residential
Surrounding Land Use: R-1 Single Family Residential, I-1 Light Industrial
Application Date: June 15, 2022
Review Date: July 5, 2022

BACKGROUND

This vacant R-1 Single Family Residential lot is approximately 104 feet wide by 150 feet long. Located to the south of the railroad splitting the city's northern residential neighborhood, 512 North Elm Street is surrounded by single family homes which vary in height given their relatively early construction.

The applicant proposes to place an existing home, from 433 Lake Avenue, on the site. Like many in the neighborhood, this home was built under a former set of city ordinances regulating dimensions and height. Placed at 512 North Elm Street, the home would be 33 feet in height.

POLICY CONSIDERATIONS

The Fairmont Comprehensive Plan guides the use of this neighborhood to be single family residential. The parcel is zoned R-1, of which single family homes are permitted.

City Code requires structures in the district be a maximum of 30 feet in height.

REVIEW OF VARIANCE STANDARDS

City Code Section 26-101 guides the Board of Zoning Appeals in how to review variance requests:

No variance shall be granted to allow a use not permissible under the terms of this chapter. Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the terms of the variance are consistent with the comprehensive plan. In granting a variance the board may prescribe appropriate conditions in conformity with this chapter. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this chapter. A variance shall not be granted by the board of appeals and adjustments, or by the city council on appeal, unless it conforms to the following standards.

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved that cause practical difficulties in complying with the requirements of this chapter and do not result from the actions of the petitioner. Economic considerations alone shall not constitute practical difficulties.**

Staff find that a special condition exists which is peculiar to the building involved. The home was constructed in 1953 at its current height, consistent with City Code at the time in a similar single family residential district. Reducing the height of the structure would be unfeasible and therefore presents a practical difficulty.

(2) Literal interpretation of the provisions of this chapter would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this chapter and the granting of the variance will not alter the essential character of the locality.

Staff find that literal interpretation of City Code would deprive the applicant of rights commonly enjoyed in the neighborhood. North Elm Street is adjacent to the community's R-2S zoning district, which is a special district intended to provide flexibility given various historical housing types in the area.

(3) Granting the variance will not confer on the petitioner any special privilege that is denied by this chapter to other lands, structures, or buildings in the same area and the petitioner proposes to use the property in a reasonable manner.

Staff find that the applicant proposes to use the property reasonably. Granting the variance will not confer on the petitioner any special privilege denied to other structures in the area.

(4) The proposed variance will not impair an adequate supply of air and light to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.

Staff find that granting the request will not impair supplies of air or light to adjacent property, or otherwise impact the public welfare or property values. The lot is approximately 104 feet in width, which is relatively large in the area. This provides reasonable additional space for marginal variance if necessary.

RECOMMENDATION

Staff recommend that the Board of Zoning Appeals consider the legal standards set forth by **Minnesota Statute 462.357(6)** when considering variance applications. This includes a three-factor practical difficulties test:

- 1) Reasonableness- does the landowner intend to use the property in a reasonable manner?**
- 2) Uniqueness- are there unique physical characteristics of the land, not personal preferences of the landowner, that creates the circumstance?**
- 3) Essential Character- will the resulting structure be out of scale, out of place or otherwise inconsistent with the surrounding area?**

Staff find that the applicant intends to use the property in a reasonable manner. A single-family home in this location would be expected. There exists a unique characteristic of the structure which creates the circumstance. The structure will not be out of place in the surrounding area.

Considering applicable statute and code, staff's findings support the request for a variance to allow a 33-foot in lieu of 30-foot height requirement.

Respectfully submitted,

Peter Bode

Planner & Zoning Official

**CITY OF FAIRMONT
Planning & Zoning
Application Form**

NOTE TO APPLICANT: This is a comprehensive application form. Only those items related to your specific type of development are to be completed. All items applicable must be included prior to acceptance of the application.

Name of Applicant: Habitat for Humanity Address: PO Box 3
125 N. Main St. #6B
Blue Earth, MN Phone#: 526-2500

Street Address of Proposal: 512 N. Elm St.

Legal Description of Property: wards lots 3 + 4 Blk 4

Existing Use of Property: New Home

Proposed Use of Property: Single Family Dwelling

Type of Application	Fee	Submission Requirements (Attached)
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input type="checkbox"/> Conditional Use Permit	150.00	4, 6(d-g)
<input type="checkbox"/> Home Occupation Permit	30.00	9
<input type="checkbox"/> Minor Plat	90.00	2(a), 5 (a-b)
<input type="checkbox"/> Planned Unit Development	150.00	1, 4, 6(d-g)
<input type="checkbox"/> Preliminary Plat	150.00	5 (b), 6
<input type="checkbox"/> Rezoning	150.00	1
<input checked="" type="checkbox"/> Variance	90.00	2,3

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Staci Thompson

Staci Thompson

Owner's Name(Printed)

Owner's Signature

Richard Jensen

RJS Contracting

Applicant's Name (Printed)

Applicant's Signature

City Staff Use Only

DATE FILED: _____

DATE FEE PAID: _____

MEETING DATE: _____

NOTICES SENT (DATE): _____

NOTIFICATION OF EXTENSION (LETTER SENT): _____



June 15, 2022

To Whom it May Concern:

Habitat for Humanity of Martin Faribault Counties is planning on moving a home from 433 Lake Avenue to 512 N. Elm Street in Fairmont.

We are seeking a height variance due to the fact that the house will be 33 feet on the new basement. In its current location, the house sits the same distance off the ground as it will at 512 N. Elm Street.

A variance is needed due to Practical Difficulties, meaning that we propose to use the property in a reasonable manner (home for a family), and the variance, if granted, will not alter the essential character of the locality.

If you have further questions, please contact me at 507-526-2500 our Contractor, Rich Jensen, at 507-383-5780.

Thank you for your consideration of this matter.

Sincerely,

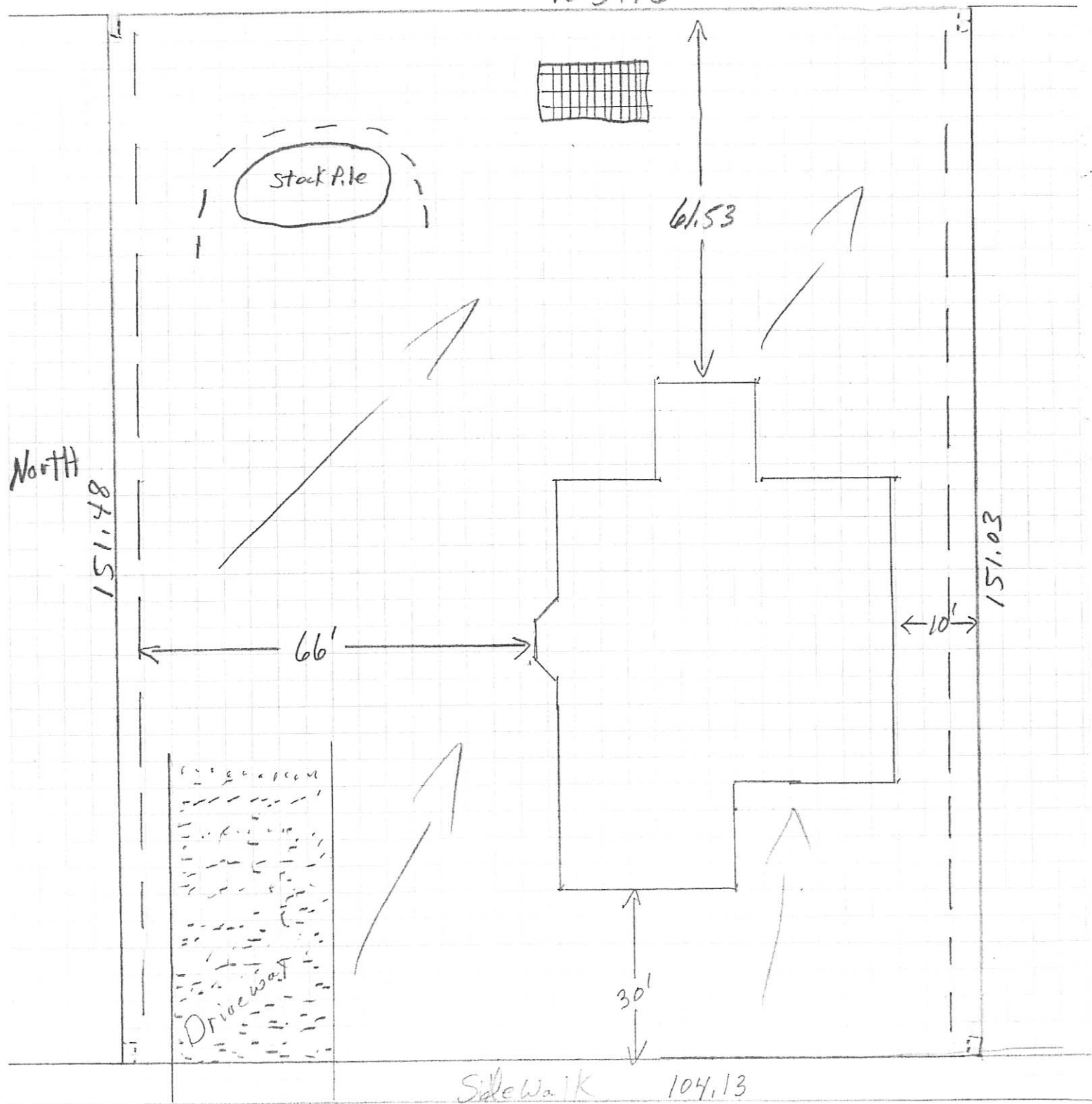
A handwritten signature in black ink, appearing to read "Staci Thompson".

Staci Thompson

Executive Director

Alley

103.92



512 North Elm Street



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**CITY OF FAIRMONT
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Fairmont Board of Zoning Appeals will meet at the City Council Chambers, 100 Downtown Plaza, Fairmont, MN 56031 at 4:30 p.m. on Tuesday, July 5, 2022 to conduct a Public Hearing to review the following items:

Habitat for Humanity
512 N Elm St (PIN 23.281.0470)
Permission to relocate existing home to address

Habitat for Humanity
512 N Elm St (PIN 23.281.0470)
Height variance 33 feet where 30 feet is usually required

Members of the public wishing to provide public comment may attend the meeting. Written comments can also be submitted to City of Fairmont, attention Patricia Monsen, 100 Downtown Plaza, Fairmont, MN 56031.

Questions about the proposal can be directed to Peter Bode, Planner & Zoning Official at pbode@fairmont.org or 507-238-3940.

Patricia Monsen
City Clerk
(Published in Fairmont Sentinel on June 22, 2022)



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Questions about the proposal can be directed to Peter Bode, Planner & Zoning Official at pbode@fairmont.org or 507-238-3940.

Patricia Monsen
City Clerk

You are receiving this notice by mail as a neighboring property owner who could be affected by the proposed request. You have the right to provide public comment.

ALVARO & GUADALUPE RIVERA
407 N ELM ST
FAIRMONT, MN 56031

CHARLES E & LILLIAN M WENZEL
504 N PARK ST
FAIRMONT, MN 56031

CLAYTON RUSSELL MITCHELL
PO BOX 96
GRANADA, MN 56039

CONNIE J SATHOFF
309 5TH ST E
FAIRMONT, MN 56031

DANNY H GREELEY
110 LINCOLN ST
PO BOX 904
FAIRMONT, MN 56031

DAVID G & DORIS M SUBBERT
413 N ELM ST
FAIRMONT, MN 56031

DEBRA L NAVARA
27480 CTY HWY 24
PINE ISLAND, MN 55963

GREGORY A & CAROL J SUKALSKI
410 N ELM ST
FAIRMONT, MN 56031

GUY & LINDA BULOCK
1227 S WASHINGTON ST
NEW ULM, MN 56073

HABITAT FOR HUMANITY OF MARTIN, & I
PO BOX 3
BLUE EARTH, MN 56013

HOPPE FAMILY REVOC LIV TRUST
175 INTERLAKEN RD
FAIRMONT, MN 56031

JAMES D OLSON
518 PRAIRIE AVE N
FAIRMONT, MN 56031

JAN C ROJO G
1011 S ORIENT ST
FAIRMONT, MN 56031

JASMIN M RAMOS AJURIA
604 S PARK ST
FAIRMONT, MN 56031

JASON CASTILLO
502 N ELM ST
FAIRMONT, MN 56031

JEFFREY J & DENISE C POETTER
3270 HWY 13
EAGAN, MN 55121

JOEL KOTEWA
314 E 5TH ST
FAIRMONT, MN 56031

JUAN SANCHEZ &, IRMA OLIVARES DE S
210 5TH ST E
FAIRMONT, MN 56031

KAREN L MUSSMANN
1321 N PARK ST
FAIRMONT, MN 56031

LANDMARK MANAGEMENT CO OF, MAR
900 NORTH AVE N
FAIRMONT, MN 56031

LON H & HEIDI A LUHMANN
511 PRAIRIE AVE N
FAIRMONT, MN 56031

LOWELL ABLESON &, MARIANNE VANDE
522 N ELM ST
FAIRMONT, MN 56031

LYNDA TUNGLAND
403 5TH ST E
FAIRMONT, MN 56031

MARIA GUERRA
510 N PARK ST
FAIRMONT, MN 56031

MARIE RIEGEL LLP
PO BOX 972
FAIRMONT, MN 56031

MARY ANNE MAYBERRY
411 PRAIRIE AVE N
FAIRMONT, MN 56031

MARY CORONEL SILVA
308 5TH ST E
FAIRMONT, MN 56031

M-MAR PROPERTIES LLC
516 SOUTH VALLEY VIEW CT
FAIRMONT, MN 56031

PAUL HARGAN & TANYA HARGAN
132 FOREST ST
FAIRMONT, MN 56031

PRESTON ANDERSEN ETAL
1406 PRAIRIE AVE N
FAIRMONT, MN 56031

RICHARD & JANET A KEITH
1620 ALBION AVE
FAIRMONT, MN 56031

ROBERT RASCHE
416 N ELM ST
FAIRMONT, MN 56031

RONALD & CAROL OLTMAN
315 5TH ST E
FAIRMONT, MN 56031

SAUL C CARRIZALES
412 N PARK
FAIRMONT, MN 56031

SCOTT D SLATER &, RANDALL D SLATEF
375 EVELYNE AVE W
PINE RIVER, MN 56474

SETH R & ELIZABETH R LINTELMAN
2123 90TH ST
FAIRMONT, MN 56031

SOUTHERN MN SEED CLEANING INC
17028 315TH AVE
HUNTLEY, MN 56047

STEPHANIE FAITH VANNATTER &, MART
206 E 6TH ST
FAIRMONT, MN 56031

STEVEN J SHEELEY
958 SHOREACRES DR
FAIRMONT, MN 56031

TIMOTHY MCCONNELL
922 N AVE N
FAIRMONT, MN 56031

TONJA A ALM
500 N PARK
FAIRMONT, MN 56031

TWO EAGLES PROPERTIES MN LLC
3225 MCLEOD DR SUITE 100
LAS VEGAS, NV 89121

UNION PACIFIC RAILROAD CO, PROPER
1400 DOUGLAS STOP 1640
OMAHA, NE 68179

VACINTA PONCE JAUREZ
221 E 5TH ST
FAIRMONT, MN 56031

VINCENT C VAUGHN JR
327 LAKE PARK BLVD
FAIRMONT, MN 56031

VINCENT C VAUGHN SR
327 LAKE PARK BLVD
FAIRMONT, MN 56031

XIOMARA PATRICIA AJURIA CLAROS
210 N PARK ST
FAIRMONT, MN 56031