



---

Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org) ♦ [citygov@fairmont.org](mailto:citygov@fairmont.org)

Fax (507) 238-9469

---

**To:** Board of Zoning Appeals

**From:** Peter Bode, Planner & Zoning Official

**Subject:** **Agenda – Special Meeting**  
**Tuesday, August 15, 2023 at 4:30 p.m.**  
**Second Floor Conference Room, City Hall, 100 Downtown Plaza**

---

1) Approval of Agenda

New Business

2) Public Hearing – 236 Krahmer Dr – Amended Variance Request

Old Business

None

3) Adjournment



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

Phone (507) 238-9461

Fax (507) 238-9469

## MEMORANDUM

**TO:** Board of Zoning Appeals  
**FROM:** Peter Bode, Planner & Zoning Official  
**DATE:** August 15, 2023  
**RE:** **236 Krahrmer Dr – Amended Variance Request**

On August 1, 2023, the Board of Zoning Appeals held a public hearing to discuss a request by Scott and Monica Burtis at 236 Krahrmer Drive to allow a 28.2% impervious surface coverage on the lot instead of the 25.0% maximum required by the Shoreland Management ordinance. The lot currently covers 27.6%.

The Board denied the request because it would increase impervious surfaces on the lot when they could reasonably be reduced. The Board also suggested to the applicant that they reapply proposing to reduce impervious surfaces relative to the current condition.

The applicant has reapplied requesting a 27.2% impervious surface coverage instead of the 25% maximum required by the ordinance, which is a reduction from the current condition.

*Peter Bode, Planner & Zoning Official*

**Attachments:** Application for variance  
Original staff report  
Original DNR comment

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

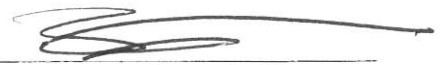
**NOTE TO APPLICANT:** This is a comprehensive application form. Only those items related to your specific type of development are to be completed. All items applicable must be included prior to acceptance of the application.

Name of Applicant: Scott Burts Address: 236 Krahmer Phone#: 507 236 9406  
 Street Address of Proposal: 236 Krahmer Dr Fairmont MN  
 Legal Description of Property: Lot 6, Block 1 Interlaken 2nd Subd  
 Existing Use of Property: Single Family  
 Proposed Use of Property: same


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.

Dr Scott P Burts  
 Owner's Name(Printed)

  
 Owner's Signature

Dr Scott P Burts  
 Applicant's Name (Printed)

  
 Applicant's Signature

City Staff Use Only	
DATE FILED: _____	<i>Fee waived. PB</i>
DATE FEE PAID: _____	
MEETING DATE: _____	
NOTICES SENT (DATE): _____	
NOTIFICATION OF EXTENSION (LETTER SENT): _____	

# SURVEY IN LOT 6, BLOCK 1, INTERLAKEN 2ND SUBDIVISION CITY OF FAIRMONT, MARTIN COUNTY, MINNESOTA

## LEGAL DESCRIPTION

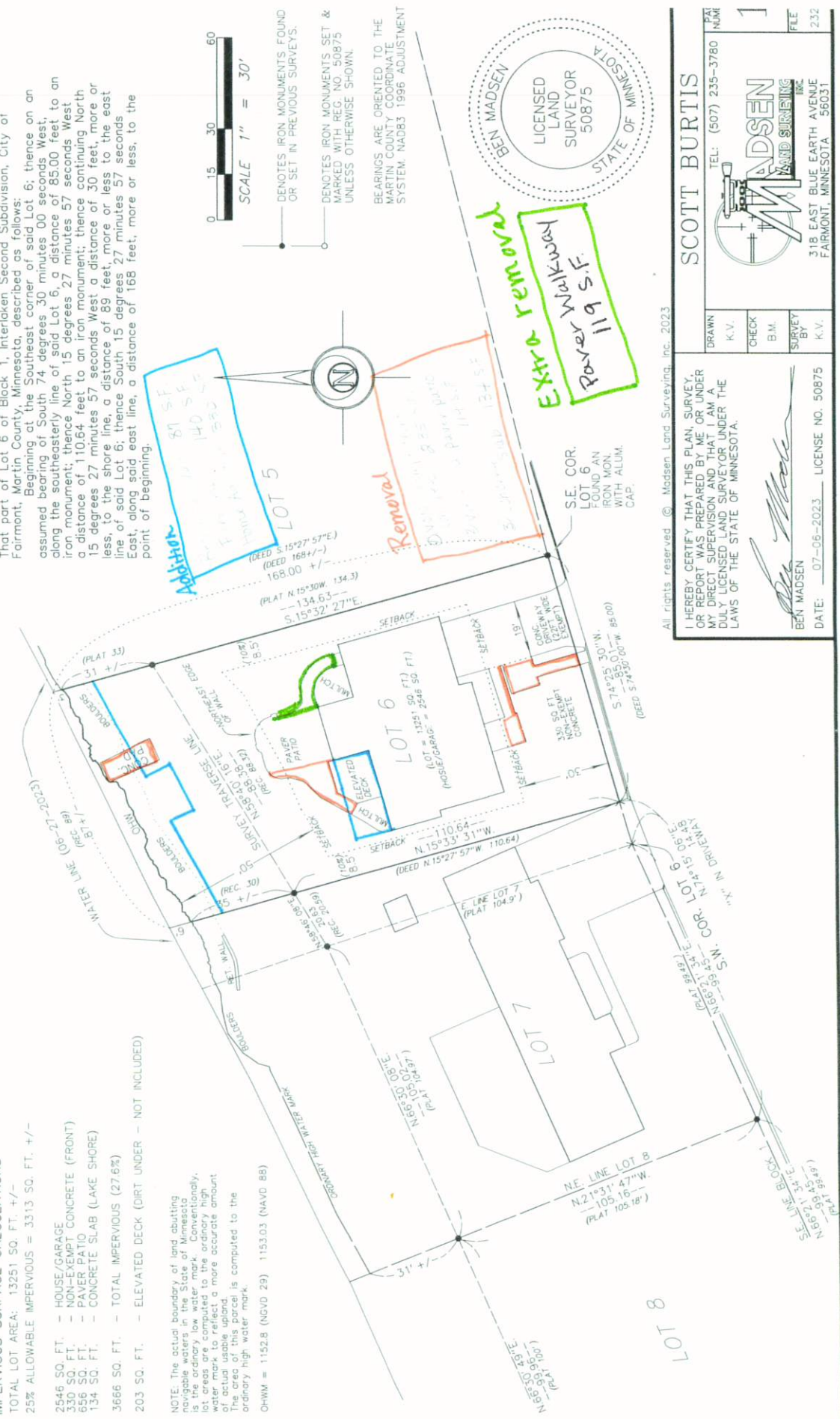
That part of Lot 6 of Block 1, Interlaken Second Subdivision, City of Fairmont, Martin County, Minnesota, described as follows:  
Beginning at the Southeast corner of said Lot 6; thence on an assumed bearing of South 74 degrees 30 minutes 00 seconds West, along the southeasterly line of said Lot 6, a distance of 85.00 feet to an iron monument; thence North 15 degrees 27 minutes 57 seconds West a distance of 110.64 feet to an iron monument; thence continuing North 15 degrees 27 minutes 57 seconds West a distance of 30 feet, more or less to the shore line, a distance of 89 feet, more or less to the east line of said Lot 6; thence South 15 degrees 27 minutes 57 seconds East, along said east line, a distance of 168 feet, more or less, to the point of beginning.

## IMPERVIOUS SURFACE CALCULATIONS

- TOTAL LOT AREA: 13251 SQ. FT. +/-
- 25% ALLOWABLE IMPERVIOUS = 3313 SQ. FT. +/-
- 2546 SQ. FT. - HOUSE/GARAGE
- 330 SQ. FT. - NON-EXEMPT CONCRETE (FRONT)
- 556 SQ. FT. - PAVEMENT PATIO
- 134 SQ. FT. - CONCRETE SLAB (LAKE SHORE)
- 3666 SQ. FT. - TOTAL IMPERVIOUS (27.6%)
- 203 SQ. FT. - ELEVATED DECK (DIRT UNDER - NOT INCLUDED)

NOTE: The actual boundary of land abutting navigable waters in the State of Minnesota is the ordinary low water mark. Conventionally, the water mark is shown on this plan as a dashed line. The area of this parcel is computed to the ordinary high water mark.

ONWM = 1152.8 (NGVD 29) 1153.03 (NAVD 88)



● DENOTES IRON MONUMENTS FOUND OR SET IN PREVIOUS SURVEYS.

○ DENOTES IRON MONUMENTS SET & MARKED WITH REG. NO. 50875 UNLESS OTHERWISE SHOWN.

BEARINGS ARE ORIENTED TO THE MARTIN COUNTY COORDINATE SYSTEM, NAD83 1996 ADJUSTMENT



**Extra Removal**  
Paver Walkway  
119 S.F.

S.E. COR.  
LOT 6  
FOUND AN  
IRON MON.  
WITH ALUM.  
CAP.

All rights reserved © Madsen Land Surveying, Inc. 2023

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Ben Madsen*  
BEN MADSEN  
DATE: 07-06-2023 LICENSE NO. 50875

DRAWN		K.V.	
CHECK		B.M.	
SURVEY		BY	
K.V.		K.V.	
SCOTT BURTIS		TEL: (507) 235-3780	
		318 EAST BLUE EARTH AVENUE FAIRMONT, MINNESOTA 56031	
FILE	232	NUM	1

**GENERAL INFORMATION**

Applicant: Scott & Monica Burtis  
 Property Owner: Scott & Monica Burtis  
 Purpose: To allow a 28.2% instead of 25.0% impervious surface requirement for a home addition, lakeside patio, and retaining wall  
 Address: 236 Krahmer Dr  
 Parcel Number: 23.148.0065  
 Zoning: R-1 Single Family Residential, Shoreland Overlay District Tier A  
 Surrounding Uses: Residential, Public water  
 Application Date: July 13, 2023  
 Review Date: August 1, 2023

**BACKGROUND**

This R-1 Single Family lot abuts Hall Lake and is serviced by Krahmer Drive. Surrounded by other single-family residential uses, the lot’s area measures 13,521 square feet and supports a single-family home and garage. The applicant proposes to remove some sidewalk and patio surfaces close to the home to accommodate the added surfaces of a home addition, a new patio by the lake, and retaining wall.

The applicant notes that the lot is smaller than the minimum lot size requirement for a lakeside single-family home lot of 15,000 square feet in area. Additionally, some of the need for the variance is to install new retaining wall to protect against lakeside erosion.

**POLICY CONSIDERATIONS**

The Fairmont Comprehensive Plan guides the use of this area to be traditional family neighborhood, of which the proposal is consistent with. In its chapter on natural resources, the Plan states that “preserving the City’s natural resources for future generations is critical to the long-term preservation and success of the City’s character, social connectedness, and local economy.” The Plan goes on to state that development along the lakes should “preserve and enhance natural features and existing resources” in order to maintain the preservation of the community’s natural resources.

Impervious surface requirements together are a major component for carrying out the vision of the community’s comprehensive plan as well as maintaining the City’s conformance with state law on natural resources. These requirements apply to each parcel and its actual area, never restricting impervious surfaces to under 25% of the lot regardless of the lot’s area.

The applicant proposes the following:

**Impervious Surface Coverage**

Total lot area	13,251 square feet	100.0%
Maximum coverage allowed	3,313 square feet	25.0%
Current coverage	3,666 square feet	27.6%
Proposed coverage	3,735 square feet	28.2%

As shown on the survey and on the applicant's drawing of proposed surface removals and additions, the lot already supports more impervious surfaces than the Shoreland Management ordinance allows. The applicant proposes to remove less impervious surfaces than they propose to add to the lot.

The City administers its Shoreland Management ordinance in consultation and partnership with Minnesota Department of Natural Resources. Attached to this report is DNR's comment on the application.

### **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.**

The applicant states that two primary circumstances cause practical difficulties. First, the applicant states that a portion of the land was sold to a neighbor before the applicant purchased the parcel, resulting in a smaller parcel size than the minimum lot size of 15,000 square feet in Shoreland Overlay District Tier A. The applicant goes on to state that if the lot were to be 15,000 square feet, the proposal would comply with the impervious surface requirement.

Staff find that this circumstance does not cause a practical difficulty as defined by state statute. Staff note that the lot was sold to the applicant in 2010 under the still-current set of shoreland management regulations having to do with impervious surfaces and area requirements. The impervious surface requirement of 25% is intended to scale to the size of each parcel and so should only present a difficulty if a lot size is so small that not even the usual minimum features of a parcel – those being a home, a garage, and potentially a small patio - would not comply. The applicant proposes to keep most of one patio and add a second patio by the shore. In this respect, staff view the proposal as personal preference.

The applicant also states that the replacement of existing rip rap with stronger, but more impervious, retaining wall represents a solution to the practical difficulty of erosion of the land to the lake. Staff visited the site and agree with this assessment. Staff believe a practical difficulty exists relating to the proposed retaining wall.

**(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 the provisions of the Shoreland Management ordinance would not deprive the applicant of rights commonly enjoyed in the same district. The impervious surface requirement of 25% scales in applicability to each property.

**(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 believe that granting the variance would convey upon the applicant a special privilege. A notable variance was granted in 2021 to a lakeshore lot at 204 Lake Street. Among the practical difficulties established in that case were that the lot was smaller in area than the minimum requirement of 15,000 square feet. However, the solution which was crafted between staff and the applicant over a period of months included the noted conditions that:

a) The lot was much smaller, a size of 7,443 square feet, meaning a total impervious surface requirement of only 1,861 square feet maximum. As stated above, staff believe the lot size may represent a practical difficulty if it is so small that even minimal features would not be allowed by the ordinance.

b) Even though the lot was much smaller, the total impervious surface levels were still reduced by granting the variance, from 2,290 square feet to 2,119 square feet. The solution removed as much impervious surface from the lot as staff could reasonably recommend.

Staff believe today's proposal would not be a reasonable use of the property because it increases impervious surfaces from the current condition rather than reducing them, and because it proposes more than minimal usual features on a lot which is non-conforming in size.

**(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. Staff find that the proposal would cause actual impairment to the public welfare by increasing beyond a reasonable level the pollution of Hall Lake.

### **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?**

Upon review of the statutory and code requirements related to practical difficulties, staff find that the applicant does not propose to use the property in a reasonable manner because the proposal would increase impervious surfaces where they could reasonably be reduced. The applicant demonstrates a unique practical difficulty by noting the need for retaining wall, but does not propose an impervious surface condition which limits additions to addressing this need. Instead, the applicant proposes to keep most patio surfaces and add additional patio outside of impervious surface requirements, which is not in accordance with the purpose of City Code. While patios and other surfaces are typical in the neighborhood, the 25% impervious surface requirement is intended to scale to the size of each parcel.

Staff's findings support denial of the variance request for a 28.2% instead of 25.0% impervious surface coverage requirement for a home addition, lakeside patio, and retaining wall.

The Board of Zoning Appeals may grant the variance or deny the variance. The Board may recommend to the applicant in addition to denial that the applicant amend their proposal and apply for a new variance, if the Board so desires.

*Respectfully submitted,*

*Peter Bode*

*Planner & Zoning Official*

**Attached:   Application for variance  
              DNR comment**



July 24, 2023

Peter Bode – Planning & Zoning Official  
City of Fairmont  
100 Downtown Plaza  
Fairmont, MN 56031

**RE: Variance Application Comments for Burtis – PID 231480065, Hall Lake, Martin County**

Dear Mr. Bode,

Thank you for sending the variance application for review. The application requests to increase the impervious surface area on the lot to 28.2%, exceeding the maximum impervious surface coverage of 25% identified in the City of Fairmont Shoreland Management Ordinance. The proposed changes, taking into consideration both additions and removals of impervious surfaces, result in a net increase of 69-square feet. The current impervious surface coverage of this lot already exceeds the maximum with 27.6% coverage.

As the current impervious surface coverage already exceeds the maximum threshold, measures should be taken to either reduce the proposed impervious surface area or the existing 27.6% coverage; this means that 69-square feet of impervious surface should be removed either from the proposed spaces or existing areas of coverage. This could potentially be achieved by reducing the “fire pit” area to a smaller size and/or further downsizing the “paver patio,” for example.

An additional increase of impervious surface coverage does not meet requirements of the shoreland ordinance and as such, does not reflect best management practices for the adjacent shoreline and water body. I recommend that consideration be given to retaining the maximum impervious surface coverage of 27.6% for this lot. Additionally, please note that should any work below the OHWL occur, a DNR Public Waters Work Permit may be required.

Sincerely,



Erynn Jenzen  
Area Hydrologist  
507-389-8809  
erynn.jenzen@state.mn.us

EC: Todd Kolander, DNR District Manager



---

Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org) ♦ [citygov@fairmont.org](mailto:citygov@fairmont.org)

Fax (507) 238-9469

---

**CITY OF FAIRMONT  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Fairmont Board of Zoning Appeals will meet in the **SECOND FLOOR CONFERENCE ROOM**, 100 Downtown Plaza, Fairmont, MN 56031 at 4:30 p.m. on Tuesday, August 15, 2023 to conduct a Public Hearing to review the following item(s):

Monica & Scott Burtis  
236 Krahmer Dr (PIN 23.148.0065)  
Variance Request  
27.2% instead of 25.0% impervious surface requirement for an addition, patio, and retaining wall

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 by providing your name, street address, and comment. Public comment is visible to the general public so your private contact information should not be provided.

If you would like a copy of a submitted application or have any questions about a proposal, please contact Peter Bode, Planner & Zoning Official at [pbode@fairmont.org](mailto:pbode@fairmont.org) or 507-238-3940.

Patricia Monsen  
City Clerk  
(Published in Fairmont Sentinel on August 4, 2023)



---

Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org) ♦ [citygov@fairmont.org](mailto:citygov@fairmont.org)

Fax (507) 238-9469

---

**CITY OF FAIRMONT  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Fairmont Board of Zoning Appeals will meet in the **SECOND FLOOR CONFERENCE ROOM**, 100 Downtown Plaza, Fairmont, MN 56031 at 4:30 p.m. on Tuesday, August 15, 2023 to conduct a Public Hearing to review the following item(s):

Monica & Scott Burtis  
236 Kraemer Dr (PIN 23.148.0065)  
Variance Request  
27.2% instead of 25.0% impervious surface requirement for an addition, patio, and retaining wall

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 by providing your name, street address, and comment. Public comment is visible to the general public so your private contact information should not be provided.

If you would like a copy of a submitted application or have any questions about a proposal, please contact Peter Bode, Planner & Zoning Official at [pbode@fairmont.org](mailto: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.**

BARBARA A SCHEEF  
1509 CHARLES ST  
FAIRMONT, MN 56031

CHRIS & KATHRYN CARLSON  
246 KRAHMER DR  
FAIRMONT, MN 56031

CITY OF FAIRMONT  
100 DOWNTOWN PLZ  
FAIRMONT, MN 56031

JAN A & JACQUELYN B BOSMA  
220 KRAHMER DR  
FAIRMONT, MN 56031

JOHN B & SUSAN LUND  
221 KRAHMER DR  
FAIRMONT, MN 56031

KENNETH C KLUG  
226 KRAHMER DR  
FAIRMONT, MN 56031

MARVEL M SNYDER REV LIVING TST  
6641 VANCOUVER LN  
NAPLES, FL 34104

MARVEL M SNYDER  
6641 VANCOUVER LN  
NAPLES, FL 34104

SCOTT BURTIS & MONICA BURTIS  
236 KRAHMER DR  
FAIRMONT, MN 56031

WILLIAM R & CHRISTINE KRUMHOLZ  
222 KRAHMER DR  
FAIRMONT, MN 56031