



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
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To: Board of Zoning Appeals

From: Peter Bode, Planner & Zoning Official

Subject: **Agenda – Regular Meeting**
Tuesday, September 5, 2023 at 4:30 p.m.
City Council Chambers, City Hall, 100 Downtown Plaza

- 1) Approval of Agenda
- 2) Approval of Minutes – August 1, 2023
- 3) Approval of Minutes – August 15, 2023

New Business

- 4) Public Hearing – 224 E Amber Lake Dr – Variance Request
- 5) Public Hearing – 926 & 922 Redwood Dr – Variance Request

Old Business

None

- 6) Adjournment

MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

Regular Meeting

August 1, 2023

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Mike Jacobson, Mike Klujeske, Susan Krueger, Adam Smith, Council Liaison Wayne Hasek

Members absent: Jon Davis, Council Liaison Jay Maynard

Staff present: Planner & Zoning Official Peter Bode

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

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

Approval of Minutes: Motion by Krueger and second by Jacobson to approve the June 6, 2023 meeting minutes as presented. Motion carried.

Public Hearing – Variance Request by Tami’s on the Ave at 2710 Albion Ave: Chair Klujeske opened the public hearing. Bode introduced a request by Tami’s on the Ave for a variance to allow a 7-foot instead of 15-foot parking stall setback requirement from a public street. Bode stated that staff’s findings support approval of the request because the proposal meets the standards governing variances in City Code and State Statute.

There were no public comments. Motion by Smith and second by Krueger to close the public hearing. Motion carried.

Members discussed the request.

Motion by Krueger and second by Smith to approve the request for a variance to allow a 7-foot instead of 15-foot parking stall setback requirement from a public street because of the reasons contained in staff’s report. Motion carried.

Public Hearing – Variance Request by Ross Campbell at 227 W 9th St: Chair Klujeske opened the public hearing. Bode introduced a request by Ross Campbell for a variance to allow a 3-foot instead of 15-foot front yard porch setback requirement. Bode stated that staff’s findings support approval of the request because the proposal meets standards governing variances in City Code and State Statute.

There were no public comments. Motion by Smith and second by Krueger to close the public hearing. Motion carried.

Members discussed the request.

Motion by Smith and second by Krueger to approve the request for a variance to allow a 3-foot instead of 15-foot front yard porch setback requirement because of the reasons contained in staff’s report. Motion carried.

Public Hearing – Variance Request by Scott and Monica Burtis at 236 Krahmer Dr: Chair Klujeske opened the public hearing. Bode introduced a request by Scott and Monica Burtis for a variance to allow a 28.2% instead of 25% impervious surface requirement for a home addition, lakeside patio, and retaining wall. Bode stated that staff’s findings support denial of the request because the proposal does not meet the standards governing variances in City Code and State Statute.

The applicant spoke in favor of their request.

There were no further public comments. Motion by Jacobson and second by Krueger to close the public hearing. Motion carried.

Members discussed the request.

Motion by Krueger and second by Jacobson to deny the request for a variance to allow a 28.2% instead of 25% impervious surface requirement as requested for the reasons contained in staff's report; and to recommend that the applicant reapply with a proposal to reduce impervious surfaces from the existing condition. Motion carried.

Adjournment: There were no further agenda items. Motion by Smith and second by Krueger to adjourn. Motion carried and the meeting adjourned at 5:21 p.m.

Respectfully submitted,
Peter Bode

MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

Special Meeting

August 15, 2023

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Mike Jacobson, Mike Klujeske, Susan Krueger, Adam Smith, Council Liaison Wayne Hasek, Council Liaison Jay Maynard

Members absent: Jon Davis

Staff present: Planner & Zoning Official Peter Bode

Chair Klujeske called the meeting to order at 4:25 p.m.

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

Public Hearing – Amended Variance Request by Scott and Monica Burtis at 236 Krahmer Dr: Chair Klujeske opened the public hearing. Bode introduced a request by Scott and Monica Burtis for a variance to allow a 27.2% instead of 25% impervious surface requirement for a home addition, lakeside patio, and retaining wall.

There were public comments. Motion by Smith and second by Krueger to close the public hearing. Motion carried.

Members discussed the request.

Motion by Jacobson and second by Smith to approve the request for a variance to allow a 27.2% instead of 25% impervious surface requirement because the proposal would reduce the total number of impervious surfaces on the lot from the existing condition. Motion carried.

Adjournment: There were no further agenda items. Motion by Smith and second by Krueger to adjourn. Motion carried and the meeting adjourned at 4:31 p.m.

*Respectfully submitted,
Peter Bode*

GENERAL INFORMATION

Applicant: Thomas Kramer
Property Owner: Thomas & Laura Kramer
Purpose: To allow a 21-foot instead of 30-foot top-of-bluff setback
To allow a 4-foot instead of 6-foot southern side yard setback
Address: 224 E Amber Lake Dr
Parcel Number: 23.043.0200
Zoning: R-1, SOD-A
Surrounding Uses: Low-density residential
Application Date: August 17, 2023
Review Date: September 5, 2023

BACKGROUND

This R-1 Single Family Residential lot abuts Amber Lake and is serviced by East Amber Lake Road. Surrounded by other residential uses, the lot is approximately 8,400 square feet in area and supports a single family home and storage shed. The storage shed is 8 feet by 10 feet in dimension, 6 feet in height, and is located 21 feet from the top of the bluff and 4 feet from the southern property line.

The applicant proposes to replace the shed with one that is 10 feet tall, an increase of 4 feet from the current shed's height. The replaced shed would be located in the same location as the existing shed, no closer to the bluff or side property line. Because the structure is proposed to increase in dimension (height), variances are required from all relevant requirements.

Staff visited the site and recommended to the property owner that for purposes of shoreland management the shed should not increase in width or depth, or be located any closer to the side property line or bluff. Staff advised the property owner that an increase in height will not significantly impact the integrity of the bluff 21 feet away.

REVIEW OF VARIANCE STANDARDS

The Board of Zoning Appeals may hear requests for variances from the requirements of the zoning ordinance. The Board shall only grant variances where the applicant establishes that each of the following criteria required under Minnesota Statutes, section 462.357, subd. 6 are met for each requested variance.

Variance 1: To allow a 21-foot instead of 30-foot top-of-bluff setback

- (a) The variance is in harmony with the general purposes and intent of the zoning code;**

The parcel is zoned correctly for the use, R-1 Single Family Residential and SOD-A Shoreland Overlay District Tier A. In these underlying and overlay zones, accessory structures which are further than 50 feet from the Ordinary High Water Level (OHWL) are common.

The general purpose and intent of the 30-foot setback requirement is to protect the bluff from extensive development which would stress the integrity of the bluff. Staff find that the request meets the purpose of the ordinance because it would impair the integrity of the bluff any more than the current condition.

(b) The variance is consistent with the Comprehensive Plan;

The Fairmont Comprehensive Plan guides the use of this area to be traditional residential neighborhood, which supports single family homes and accessory structures. Staff find the request meets the plan's vision for responsible shoreland management by not increasing the structure's size.

(c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

Staff find the applicant proposes to use the property in a reasonable manner by retaining the current footprint of the structure. Staff advised the applicant that doing this would not significantly affect the integrity of the bluff, unlike an increase in size or a reduction in setback.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

Staff find a unique circumstance in that the existing shed is legally non-conforming in its location. This shed was legally placed before the applicant owned the property is nearly dilapidated.

(e) The variance, if granted, will not alter the essential character of the locality.

Sheds like the one proposed are common in the locality.

Variance 2: To allow a 4-foot instead of 6-foot southern side yard setback

(a) The variance is in harmony with the general purposes and intent of the zoning code;

The parcel is zoned correctly for the use, R-1 Single Family Residential and SOD-A Shoreland Overlay District Tier A. In these underlying and overlay zones, accessory structures which are further than 50 feet from the Ordinary High Water Level (OHWL) are common.

The general purpose and intent of the 6-foot side yard setback requirement is to provide separation between neighborhood structures. Staff find that the request meets the purpose of the ordinance because the proposed replacement would be no closer to the property line than the existing shed.

(b) The variance is consistent with the Comprehensive Plan;

The Fairmont Comprehensive Plan guides the use of this area to be traditional residential neighborhood, which supports single family homes and accessory structures. Staff find the request meets the plan's vision for responsible shoreland management by not increasing the structure's size.

(c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

Staff find the applicant proposes to use the property in a reasonable manner by retaining the current footprint of the structure.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

Staff find a unique circumstance in that the existing shed is legally non-conforming in its location. This shed was legally placed before the applicant owned the property is nearly dilapidated.

(e) The variance, if granted, will not alter the essential character of the locality.

Sheds like the one proposed are common in the locality.

RECOMMENDATION

The City administers its shoreland management protections in partnership with Minnesota Department of Natural Resources. DNR has provided the attached comment on this application.

Staff find that the request satisfies the requirements of city code and state statute governing variances. Staff's findings support approval of the requested variance to allow a 21-foot instead of 30-foot top-of-bluff setback, and approval of the requested variance to allow a 4-foot instead of 6-foot southern side yard setback.

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

(reserved for recording information)

CITY OF FAIRMONT, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2023-1

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT, MINNESOTA, APPROVING TWO VARIANCE REQUESTS AT 224 E AMBER LAKE DR

WHEREAS, THOMAS KRAMER (the “Applicant”) is the owners of a parcel of land located at 224 EAST AMBER LAKE DRIVE (PID No. 23.043.0200) in the City of Fairmont; and

WHEREAS, the above-referenced property is legally described on Exhibit A, which is attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, Fairmont City Code, Chapter 26-516(5) sets the normal structure setback from the top of a bluff to be 30 feet; and

WHEREAS, the Applicant desires to and has requested a variance to the above standard in order to place a structure 21 feet from the top of a bluff; and

WHEREAS, Fairmont City Code, Chapter 26-152(e)(4)(b) sets the normal structure setback from interior side property lines to be 10 percent of the lot width (6 feet); and

WHEREAS, the Applicant desires to and has requested a variance to the above standard in order to place a structure 4 feet from the interior side property line; and

WHEREAS, pursuant to Minnesota Statutes, section 462.357, subd. 6, the Zoning Board of Appeals may only grant applications for variances where practical difficulties in complying with the zoning code exist and each of the following criteria are satisfied (see also City Code Section 26-101):

(a) The variance is in harmony with the general purposes and intent of the zoning code;

- (b) The variance is consistent with the Comprehensive Plan;
- (c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality; and

WHEREAS, the Board of Zoning Appeals held a public hearing, following required public notice thereof, on August 23, 2023, and has reviewed the requested variances and has considered the required statutory variance criteria identified in the Staff report and proposed findings with respect to such criteria.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT, MINNESOTA, that the Fairmont Board of Zoning Appeals has duly considered the required criteria contained in state law and City Code as applicable to the above-requested variance regarding the property legally described in Exhibit A, and hereby adopts the findings of fact contained in the staff report regarding the same, which is attached hereto and incorporated herein by reference as Exhibit B.

BE IT FURTHER RESOLVED that the requested variances to allow a 21-foot instead of 30-foot top-of-bluff normal structure setback and a 4-foot instead of 6-foot interior side yard normal structure setback are hereby approved and granted based upon the above-referenced adopted findings.

PASSED by the Board of Zoning Appeals of the City of Fairmont this 5th day of September, 2023.

Mike Klujeske, Chair

Adam Smith, Vice Chair

VOTE: ___ DAVIS ___ JACOBSON ___ KLUJESKE
 ___ KRUEGER ___ SMITH

EXHIBIT A

Property Legal Description

Amber Lake Lots 55 & 56

EXHIBIT B

Findings of Fact:

INSERT STAFF REPORT WITH CRITERIA

Peter Bode

Peter Bode

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: Thomas Kramer Address: #224 AmberLake Dr Phone#: (507) 236-6966

Street Address of Proposal: #224 Amber Lake Drive

Legal Description of Property: _____

Existing Use of Property: Replace existing Metal Shed

Proposed Use of Property: New Wood Shed - 8 x 12 ¹⁰ _{PB}

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.

Thomas S. Kramer
Owner's Name(Printed)

Thomas S. Kramer
Owner's Signature

Thomas S. Kramer
Applicant's Name (Printed)

Thomas S. Kramer
Applicant's Signature

City Staff Use Only	
DATE FILED:	_____
DATE FEE PAID:	_____
MEETING DATE:	_____
NOTICES SENT (DATE):	_____
NOTIFICATION OF EXTENSION (LETTER SENT):	_____



August 30, 2023

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

RE: Variance Application for Thomas Kramer – PID 230430200, Amber Lake, Martin County

Dear Mr. Bode,

Thank you for the opportunity to review this variance application. The application requests to replace and existing 8' x 10' metal shed with a new, taller 8' x 10' wood shed in the same location. The proposed shed would occupy the same footprint as the current shed: 4-feet from the southern property line and 21-feet from the top of the bluff. Please consider the following comments:

- While the City of Fairmont's Shoreland Ordinance requires structures to be setback 30-feet from the top of bluff, the placement of the proposed shed in the same footprint as the existing shed should minimize impact to the bluff and limit any vegetation removal.
- A replacement shed of the same size will not increase the impervious surface coverage of the lot.
- The application mentions a taller shed, but does not indicate the actual dimension. Care should be taken that this taller shed remain adequately screened when viewed from the water.
- Erosion control measures should be taken during construction to minimize impact to bluff and subsequent runoff.

As proposed, the variance application appears to meet the City of Fairmont Shoreland Ordinance. Please note that should any work below the Ordinary High Water Level 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

GENERAL INFORMATION

Applicant: Danny Klous
Property Owner: Danny Klous
Purpose: To allow a 0-foot instead of 6-foot northern side yard setback
To allow a 8-foot instead of 14-foot western rear yard setback
Address: 926 Redwood Dr
Parcel Number: 23.179.0180
Zoning: R-1 Single Family Residential
Surrounding Uses: Low-density residential
Application Date: August 17, 2023
Review Date: September 5, 2023

BACKGROUND

This R-1 Single Family Residential lot is serviced by Redwood Drive. Surrounded by other residential uses, the lot is approximately 8,400 square feet in area and supports a single family home a portion of an attached garage.

The applicant proposes to replace move the property line as proposed on the applicant’s site plan so that the attached garage is located entirely within the property to the south. This property line can be redrawn with a minor subdivision, reviewed and approved by staff, if the applicant first obtains the necessary variances as the applicant now proposes.

This variance is requested by the applicant alongside a request for the neighboring parcel, also owned by the applicant.

If this variance is granted, it should be done with a condition that the property owner obtain a building permit to improve the garage for fire suppression purposes within one year.

REVIEW OF VARIANCE STANDARDS

The Board of Zoning Appeals may hear requests for variances from the requirements of the zoning ordinance. The Board shall only grant variances where the applicant establishes that each of the following criteria required under Minnesota Statutes, section 462.357, subd. 6 are met for each requested variance.

Variance 1: To allow a 0-foot instead of 6-foot northern side yard setback

(a) The variance is in harmony with the general purposes and intent of the zoning code;

The parcel is zoned correctly for the use, R-1 Single Family Residential. In this zone, attached garages are common.

The general purpose and intent of the side yard setback requirement is to provide a reasonable separation between neighboring structures. Staff find the request meets this purpose by proposing the property line be placed outside of the garage, providing for more reasonable separation than the existing condition.

(b) The variance is consistent with the Comprehensive Plan;

The Fairmont Comprehensive Plan guides the use of this area to be traditional residential neighborhood, which supports single family homes and accessory structures. The plan encourages the reasonable redevelopment and adaptive use of legally nonconforming lots like this one.

(c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

Staff find the applicant proposes to use the property in a reasonable manner by proposing a property line that achieves clarified property ownership and, with fire suppression improvements, improved fire safety.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

Staff find a unique circumstance in that the lots are legally nonconforming in their size and dimension. Moving the property line as proposed will not significantly change this dynamic, except for resulting in the garage being located entirely on a single lot.

(e) The variance, if granted, will not alter the essential character of the locality.

Close distances like the one proposed are common in the locality.

Variance 2: To allow a 8-foot instead 14-foot western rear yard setback

(a) The variance is in harmony with the general purposes and intent of the zoning code;

The parcel is zoned correctly for the use, R-1 Single Family Residential. In this zone, attached garages are common.

The general purpose and intent of the rear yard setback requirement is to provide a reasonable separation between neighboring structures. Staff find the request meets this purpose by proposing the property line be placed outside of the garage, providing for more reasonable separation than the existing condition.

(b) The variance is consistent with the Comprehensive Plan;

The Fairmont Comprehensive Plan guides the use of this area to be traditional residential neighborhood, which supports single family homes and accessory structures. The plan encourages the reasonable redevelopment and adaptive use of legally nonconforming lots like this one.

(c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

Staff find the applicant proposes to use the property in a reasonable manner by proposing a property line that achieves clarified property ownership and, with fire suppression improvements, improved fire safety.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

Staff find a unique circumstance in that the lots are legally nonconforming in their size and dimension. Moving the property line as proposed will not significantly change this dynamic, except for resulting in the garage being located entirely on a single lot.

(e) The variance, if granted, will not alter the essential character of the locality.

Close distances like the one proposed are common in the locality.

RECOMMENDATION

Staff find that the request satisfies the requirements of city code and state statute governing variances. Staff's findings support approval of the requested variance to allow a 0-foot instead of 6-foot northern side yard setback, and approval of the requested variance to allow a 8-foot instead of 14-foot western rear yard setback.

Staff recommend the variances be granted with the following conditions:

1. That the applicant obtain a building permit to improve the garage for fire suppression purposes within one year.

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
 Photo of parcels

(reserved for recording information)

CITY OF FAIRMONT, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2023-2

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT,
MINNESOTA, APPROVING TWO VARIANCE REQUESTS AT 926 REDWOOD DRIVE

WHEREAS, DANNY KLOUS (the “Applicant”) is the owners of a parcel of land located at 926 REDWOOD DRIVE (PID No. 23.179.0180) in the City of Fairmont; and

WHEREAS, the above-referenced property is legally described on Exhibit A, which is attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, Fairmont City Code, Chapter 26-152(e)(4)(b) sets the normal structure setback from interior side property lines to be 10 percent of the lot width (6 feet); and

WHEREAS, the Applicant desires to and has requested a variance to the above standard in order to place a structure 0 feet from the interior side property line; and

WHEREAS, Fairmont City Code, Chapter 26-152(e)(4)(d) sets the normal structure setback from rear property lines to be 25 percent of the lot width (14 feet); and

WHEREAS, the Applicant desires to and has requested a variance to the above standard in order to place a structure 8 feet from the rear property line; and

WHEREAS, pursuant to Minnesota Statutes, section 462.357, subd. 6, the Zoning Board of Appeals may only grant applications for variances where practical difficulties in complying with the zoning code exist and each of the following criteria are satisfied (see also City Code Section 26-101):

- (a) The variance is in harmony with the general purposes and intent of the zoning code;
- (b) The variance is consistent with the Comprehensive Plan;

- (c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality; and

WHEREAS, the Board of Zoning Appeals held a public hearing, following required public notice thereof, on August 23, 2023, and has reviewed the requested variances and has considered the required statutory variance criteria identified in the Staff report and proposed findings with respect to such criteria.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT, MINNESOTA, that the Fairmont Board of Zoning Appeals has duly considered the required criteria contained in state law and City Code as applicable to the above-requested variance regarding the property legally described in Exhibit A, and hereby adopts the findings of fact contained in the staff report regarding the same, which is attached hereto and incorporated herein by reference as Exhibit B.

BE IT FURTHER RESOLVED that the requested variances to allow a 0-foot instead of 6-foot northern side yard setback and a 8-foot instead of 14-foot western rear yard setback are hereby approved and granted based upon the above-referenced adopted findings.

BE IT FURTHER RESOLVED that the following condition is placed on this approval:

1. That the applicant obtain a building permit to improve the garage for fire suppression purposes within one year.

PASSED by the Board of Zoning Appeals of the City of Fairmont this 5th day of September, 2023.

Mike Klujeske, Chair

Adam Smith, Vice Chair

VOTE: ___ DAVIS ___ JACOBSON ___ KLUJESKE
 ___ KRUEGER ___ SMITH

EXHIBIT A

Property Legal Description

Lot 20 of Block 1 of Meyer's Addition

EXHIBIT B

Findings of Fact:

INSERT STAFF REPORT WITH CRITERIA

- Aug 17 DEADLINE -

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: Danny Kloos Address: PO Box 303 Phone# 

Street Address of Proposal: 926 Resworn Dr / 922 Resworn Dr.

Legal Description of Property: _____

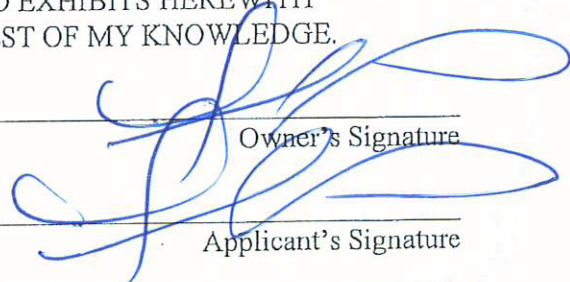
Existing Use of Property: SINGLE FAMILY

Proposed Use of Property: SINGLE FAMILY

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.

Danny Kloos
Owner's Name(Printed)



Owner's Signature

Danny Kloos
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):	_____

D & A Properties – Danny Klous

1114 N State St., PO Box 303

Fairmont, MN 56031



August 10, 2023

City of Fairmont Planning and Zoning:

I am requesting a variance on my properties located at 926 & 922 Redwood Dr. I have owned 926 Redwood Dr since 2011 and just recently acquired 922 Redwood Dr. There has always been a “shared” garage attached to my property. This garage is shared with 922 Redwood Dr. If you were to drive by these two properties, you would never guess this was a “shared garage”. I would like to survey off the shared garage and “re-attach” it to 926 Redwood Dr as it should have been all along as it is physically attached to the property currently.

- I am requesting a 0' setback instead of 6' setback for the side yard to the north property line. There currently is a 0' setback on the north/south property line as the current property line is a shared wall on the interior of the garage.
- I am requesting an 8' setback instead of a 14' setback in the rear yard west property line.
- I am also request lot sizes of 6740 sq ft (South Lot – 926 Redwood Dr) & 5345 sq ft (North Lot – 922 Redwood Dr) instead of 8500 sq ft. Currently, there are numerous lots in and around Redwood Dr that are smaller and non-conforming to the required 8500 sq ft lot size. These two lots currently are already smaller and non-conforming to the required 8500 sq ft lot size as well (approx. 5875 sq ft & 6210 sq ft).

I am requesting these variances to improve the properties involved. My practical difficulties are as follows: As you can see from the attached photos, you would never guess the north garage stall to be a part of 922 Redwood Dr. The garage is attached to 926 Redwood Dr, has matching siding to 926 Redwood Dr, shares a driveway with 926 Redwood Dr, shares an interior wall with 926 Redwood Dr, and shares a roofing system with 926 Redwood Dr. There is no reason why this garage stall should not be “re-attached” to 926 Redwood Dr as it was originally intended to be.

Please consider my request for this variance as I continue to improve and sell properties in these neighborhoods.

Thank you for your time and consideration.

Regards,

Danny Klous





231790160

231790170

231790180

231790190

GENERAL INFORMATION

Applicant: Danny Klous
Property Owner: Danny Klous
Purpose: To allow a 36-foot instead of 85-foot lot width requirement
To allow a 5,345 square foot instead of 8,500 square foot lot area requirement
Address: 922 Redwood Dr
Parcel Number: 23.179.0170
Zoning: R-1 Single Family Residential
Surrounding Uses: Low-density residential
Application Date: August 17, 2023
Review Date: September 5, 2023

BACKGROUND

This R-1 Single Family Residential lot is serviced by Redwood Drive.

The applicant proposes to replace move the property line as proposed on the applicant’s site plan so that the attached garage is located entirely within the property to the north. This property line can be redrawn with a minor subdivision, reviewed and approved by staff, if the applicant first obtains the necessary variances as the applicant now proposes.

This variance is requested by the applicant alongside a request for the neighboring parcel, also owned by the applicant.

REVIEW OF VARIANCE STANDARDS

The Board of Zoning Appeals may hear requests for variances from the requirements of the zoning ordinance. The Board shall only grant variances where the applicant establishes that each of the following criteria required under Minnesota Statutes, section 462.357, subd. 6 are met for each requested variance.

Variance 1: To allow a 0-foot instead of 6-foot northern side yard setback

(a) The variance is in harmony with the general purposes and intent of the zoning code;

The parcel is zoned correctly for the use, R-1 Single Family Residential. In this zone, attached garages are common.

The general purpose and intent of the lot width requirement is to provide a reasonable separation between neighboring structures. Staff find the request meets this purpose by proposing the property line be placed outside of the garage, providing for more reasonable separation than the existing condition.

(b) The variance is consistent with the Comprehensive Plan;

The Fairmont Comprehensive Plan guides the use of this area to be traditional residential neighborhood, which supports single family homes and accessory structures. The plan encourages the reasonable redevelopment and adaptive use of legally nonconforming lots like this one.

(c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

Staff find the applicant proposes to use the property in a reasonable manner by proposing a property line that achieves clarified property ownership and, with fire suppression improvements, improved fire safety.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

Staff find a unique circumstance in that the lots are legally nonconforming in their size and dimension. Moving the property line as proposed will not significantly change this dynamic, except for resulting in the garage being located entirely on a single lot.

(e) The variance, if granted, will not alter the essential character of the locality.

Close distances like the one proposed are common in the locality.

Variance 2: To allow a 5,345 square foot instead of 8,500 square foot lot area requirement

(a) The variance is in harmony with the general purposes and intent of the zoning code;

The parcel is zoned correctly for the use, R-1 Single Family Residential. In this zone, attached garages are common.

The general purpose and intent of the lot width requirement is to provide a reasonable separation between neighboring structures. Staff find the request meets this purpose by proposing the property line be placed outside of the garage, providing for more reasonable separation than the existing condition.

(b) The variance is consistent with the Comprehensive Plan;

The Fairmont Comprehensive Plan guides the use of this area to be traditional residential neighborhood, which supports single family homes and accessory structures. The plan encourages the reasonable redevelopment and adaptive use of legally nonconforming lots like this one.

(c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

Staff find the applicant proposes to use the property in a reasonable manner by proposing a property line that achieves clarified property ownership and, with fire suppression improvements, improved fire safety.

(d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

Staff find a unique circumstance in that the lots are legally nonconforming in their size and dimension. Moving the property line as proposed will not significantly change this dynamic, except for resulting in the garage being located entirely on a single lot.

(e) The variance, if granted, will not alter the essential character of the locality.

Close distances like the one proposed are common in the locality.

RECOMMENDATION

Staff find that the request satisfies the requirements of city code and state statute governing variances. Staff’s findings support approval of the requested variance to allow a 36-foot instead of 85-foot lot width requirement, and approval of the requested variance to allow a 5,345 square foot instead of 8,500 square foot lot area requirement.

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
 Photo of parcels

(reserved for recording information)

CITY OF FAIRMONT, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2023-3

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT,
MINNESOTA, APPROVING TWO VARIANCE REQUESTS AT 922 REDWOOD DRIVE

WHEREAS, DANNY KLOUS (the “Applicant”) is the owner of a parcel of land located at 922 REDWOOD DRIVE (PID No. 23.0179.00170) in the City of Fairmont; and

WHEREAS, the above-referenced property is legally described on Exhibit A, which is attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, Fairmont City Code, Chapter 26-152(e)(3) sets the lot width minimum to be 85 feet; and

WHEREAS, the Applicant desires to and has requested a variance to the above standard in order to allow a lot width of 36 feet; and

WHEREAS, Fairmont City Code, Chapter 26-152(e)(1) sets the lot area minimum to be 8,500 square feet; and

WHEREAS, the Applicant desires to and has requested a variance to the above standard in order to allow a lot area of 5,345 square feet; and

WHEREAS, pursuant to Minnesota Statutes, section 462.357, subd. 6, the Zoning Board of Appeals may only grant applications for variances where practical difficulties in complying with the zoning code exist and each of the following criteria are satisfied (see also City Code Section 26-101):

- (a) The variance is in harmony with the general purposes and intent of the zoning code;
- (b) The variance is consistent with the Comprehensive Plan;

- (c) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (e) The variance, if granted, will not alter the essential character of the locality; and

WHEREAS, the Board of Zoning Appeals held a public hearing, following required public notice thereof, on August 23, 2023, and has reviewed the requested variances and has considered the required statutory variance criteria identified in the Staff report and proposed findings with respect to such criteria.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT, MINNESOTA, that the Fairmont Board of Zoning Appeals has duly considered the required criteria contained in state law and City Code as applicable to the above-requested variance regarding the property legally described in Exhibit A, and hereby adopts the findings of fact contained in the staff report regarding the same, which is attached hereto and incorporated herein by reference as Exhibit B.

BE IT FURTHER RESOLVED that the requested variances to allow a 36-foot instead of 85-foot lot width requirement and a 5,345 square foot instead of 8,500 square foot lot area requirement are hereby approved and granted based upon the above-referenced adopted findings.

PASSED by the Board of Zoning Appeals of the City of Fairmont this 5th day of September, 2023.

Mike Klujeske, Chair

Adam Smith, Vice Chair

VOTE: ___ DAVIS ___ JACOBSON ___ KLUJESKE
 ___ KRUEGER ___ SMITH

EXHIBIT A

Property Legal Description

Lot 19 of Block 1 of Meyer's Addition

EXHIBIT B

Findings of Fact:

INSERT STAFF REPORT WITH CRITERIA

- Aug 17 DEADLINE -

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: Danny Kloos Address: PO Box 303 Phone# 

Street Address of Proposal: 926 Reswood Dr / 922 Reswood Dr.

Legal Description of Property: _____

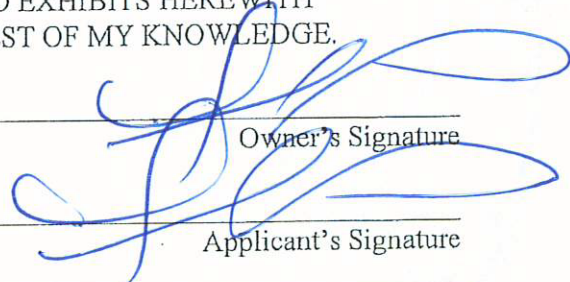
Existing Use of Property: SINGLE FAMILY

Proposed Use of Property: SINGLE FAMILY

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.

Danny Kloos
Owner's Name(Printed)



Owner's Signature

Danny Kloos
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):	_____

D & A Properties – Danny Klous

1114 N State St., PO Box 303

Fairmont, MN 56031



August 10, 2023

City of Fairmont Planning and Zoning:

I am requesting a variance on my properties located at 926 & 922 Redwood Dr. I have owned 926 Redwood Dr since 2011 and just recently acquired 922 Redwood Dr. There has always been a “shared” garage attached to my property. This garage is shared with 922 Redwood Dr. If you were to drive by these two properties, you would never guess this was a “shared garage”. I would like to survey off the shared garage and “re-attach” it to 926 Redwood Dr as it should have been all along as it is physically attached to the property currently.

- I am requesting a 0' setback instead of 6' setback for the side yard to the north property line. There currently is a 0' setback on the north/south property line as the current property line is a shared wall on the interior of the garage.
- I am requesting an 8' setback instead of a 14' setback in the rear yard west property line.
- I am also request lot sizes of 6740 sq ft (South Lot – 926 Redwood Dr) & 5345 sq ft (North Lot – 922 Redwood Dr) instead of 8500 sq ft. Currently, there are numerous lots in and around Redwood Dr that are smaller and non-conforming to the required 8500 sq ft lot size. These two lots currently are already smaller and non-conforming to the required 8500 sq ft lot size as well (approx. 5875 sq ft & 6210 sq ft).

I am requesting these variances to improve the properties involved. My practical difficulties are as follows: As you can see from the attached photos, you would never guess the north garage stall to be a part of 922 Redwood Dr. The garage is attached to 926 Redwood Dr, has matching siding to 926 Redwood Dr, shares a driveway with 926 Redwood Dr, shares an interior wall with 926 Redwood Dr, and shares a roofing system with 926 Redwood Dr. There is no reason why this garage stall should not be “re-attached” to 926 Redwood Dr as it was originally intended to be.

Please consider my request for this variance as I continue to improve and sell properties in these neighborhoods.

Thank you for your time and consideration.

Regards,

Danny Klous





231790160

231790170

231790180

231790190