



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

Phone (507) 238-9461

Fax (507) 238-9469

**To:** Board of Zoning Appeals

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

**Subject:** **Agenda – Special Meeting**  
**Tuesday, May 21, 2024**  
**City Council Chambers, City Hall, 100 Downtown Plaza**

- 1) Approval of Agenda
- 2) Election of Officers
  - a. Election of Chair
  - b. Election of Vice Chair
- 3) Approval of Minutes – December 5, 2023

New Business

- 4) Public Hearing – 913 N Elm St – Variance Request
- 5) Public Hearing – 102 Parkwood Pl – Variance Request
- 6) Public Hearing – 315 N Prairie Ave – Variance Request

Unfinished Business

None

- 7) Adjournment

## MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

### Regular Meeting

December 5, 2023

City Council Chambers, City Hall, 100 Downtown Plaza

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

**Members absent:** Jon Davis, Susan Krueger

**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 Jacobson to approve the agenda as presented. Motion carried.

**Approval of Minutes – November 7, 2023:** Motion by Smith and second by Jacobson to approve the November 7, 2023 meeting minutes as presented. Motion carried.

**Approval of Minutes – November 21, 2023:** Motion by Smith and second by Jacobson to approve the November 21, 2023 meeting minutes as presented. Motion carried.

**Public Hearing – 419 Webster St:** Chair Klujeske opened the public hearing. Bode introduced a request by Preston Vaughn Construction Company at 419 Webster Street for a variance to allow a 14-foot instead of 30-foot southern front yard requirement and a 6-foot instead of 10-foot eastern side yard requirement for a front porch. Bode stated that staff's findings support approval of the variance.

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

Members discussed the request.

Motion by Jacobson and second by Klujeske to adopt BZA Resolution 2023-6 as presented, approving the variance request. On roll call: Jacobson yes, Klujeske yes, Smith yes. Motion carried.

**Public Hearing – 501 Canyon Dr:** Chair Klujeske opened the public hearing. Bode introduced a request by TNT Fence at 501 Canyon Drive for a variance to allow a 6-foot instead of 3 ½ -foot maximum front yard fence height requirement. Bode stated that staff's findings support approval of the variance.

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

Members discussed the request.

Motion by Smith and second by Klujeske to adopt BZA Resolution 2023-7 as presented, approving the variance request. On roll call: Jacobson yes, Klujeske yes, Smith yes. Motion carried.

**Adjournment:** There were no further agenda items. Motion by Smith and second by Klujeske to adjourn. Motion carried and the meeting adjourned at 4:46 p.m.

*Respectfully submitted,*  
*Peter Bode*



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Peter Bode, Planner & Zoning Official  
**DATE:** May 21, 2024  
**RE:** 913 N Elm St – Variance Request

### Background

José Monrroy, property owner at 913 N Elm Street requests a variance to allow a 26-foot instead of 30-foot front yard setback requirement. The parcel is zoned for single-family residential use, contains a single family home, and is surrounded by other residential uses. The applicant proposes a home addition to the north of the current home the same distance from the eastern sidewalk as the current home. The applicant states a practical difficulty exists because the existing home is set back 26 feet and placing the addition at 30 would result in unsightly development.

### Variance Standards

1. Is the variance in harmony with the purposes and intent of code?

Staff find the request is in harmony with the purposes and intent of code. The purpose of front yard setbacks are to provide for uniform dimensional development along residential streets. The proposal serves this purpose by bringing the home addition no closer to the sidewalk than the current home.

2. Is the variance consistent with the Comprehensive Plan?

Staff find the request is consistent with the Comprehensive Plan. The plan guides development in this neighborhood to be traditional family neighborhood, which the proposal is consistent with.

3. Does the proposal put property to use in a reasonable manner?

Staff find the request is reasonable. A home addition here brings the setback no closer to the sidewalk than the existing home. Setbacks closer than 30 feet are common in the neighborhood.

4. Are there unique circumstances to the property not created by the landowner?

Staff find that unique circumstances exist. The existing home was legally constructed under a different set of zoning requirements.



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031

Phone (507) 238-9461

[www.fairmont.org](http://www.fairmont.org)

Fax (507) 238-9469

5. Will the variance, if granted, retain the essential character of the locality?

Staff find the request will retain the essential character of the locality. Setbacks closer than 30 feet to the property line are common in the neighborhood.

6. Are there other considerations for the variance request besides economics?

Staff find the request is not economic in nature and instead focuses on the dimensional circumstances of the lot, existing home, and proposal.

**Recommendation**

Staff recommend the variance request be granted without conditions by motion incorporating staff's findings.

*Respectfully submitted,  
Peter Bode, Planner & Zoning Official*

**Attachments:** Application



**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: Jose M. Monroy Address: 913 N. E/M St Phone#:

Street Address of Proposal: 913 N. E/M St. Fairmont MN 56031

Legal Description of Property: Email:

Existing Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

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.

Jose M. Monroy  
 Owner's Name(Printed) Jose Monroy  
 Owner's Signature

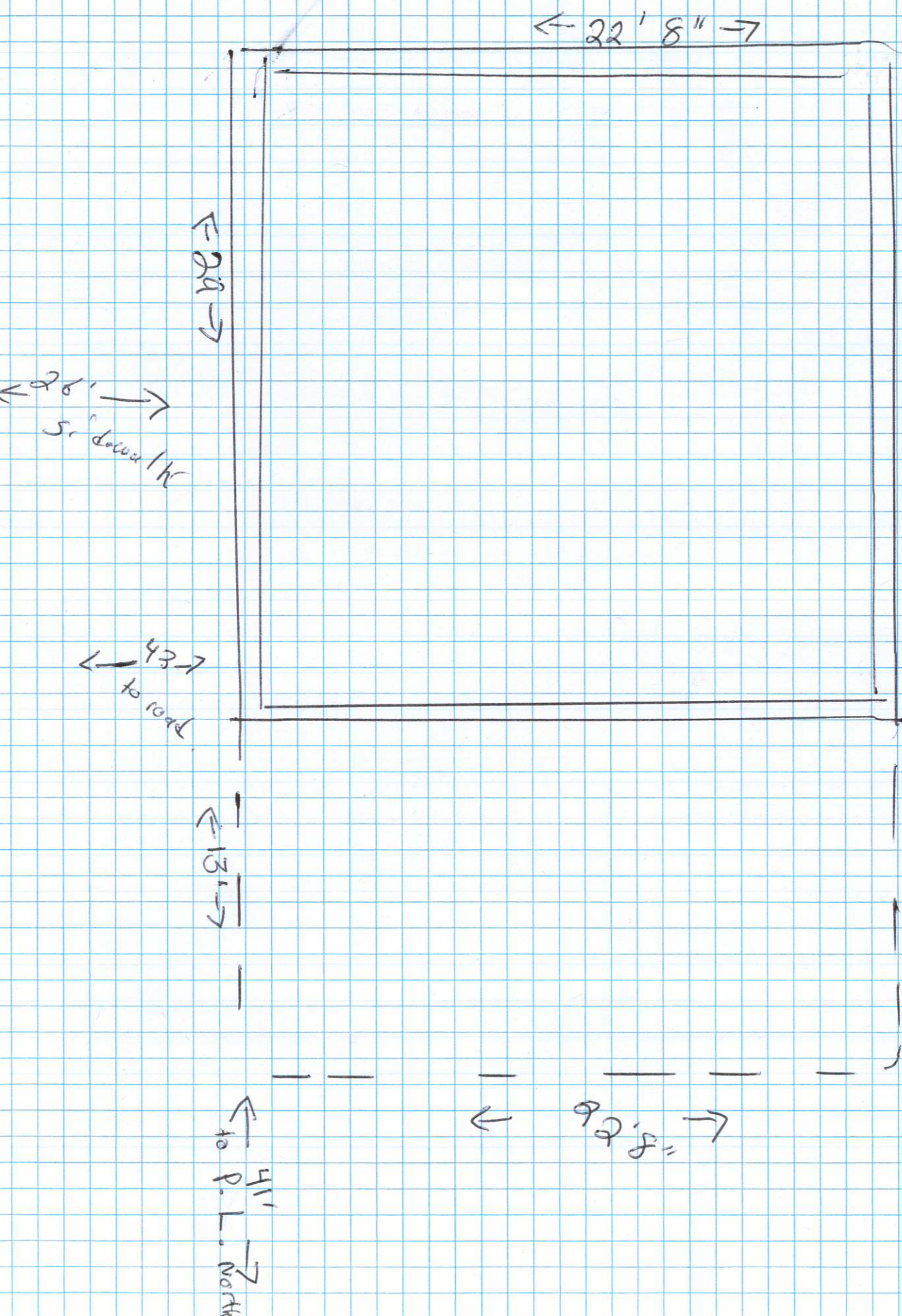
Jose M. Monroy  
 Applicant's Name (Printed) Jose Monroy  
 Applicant's Signature

**City Staff Use Only**

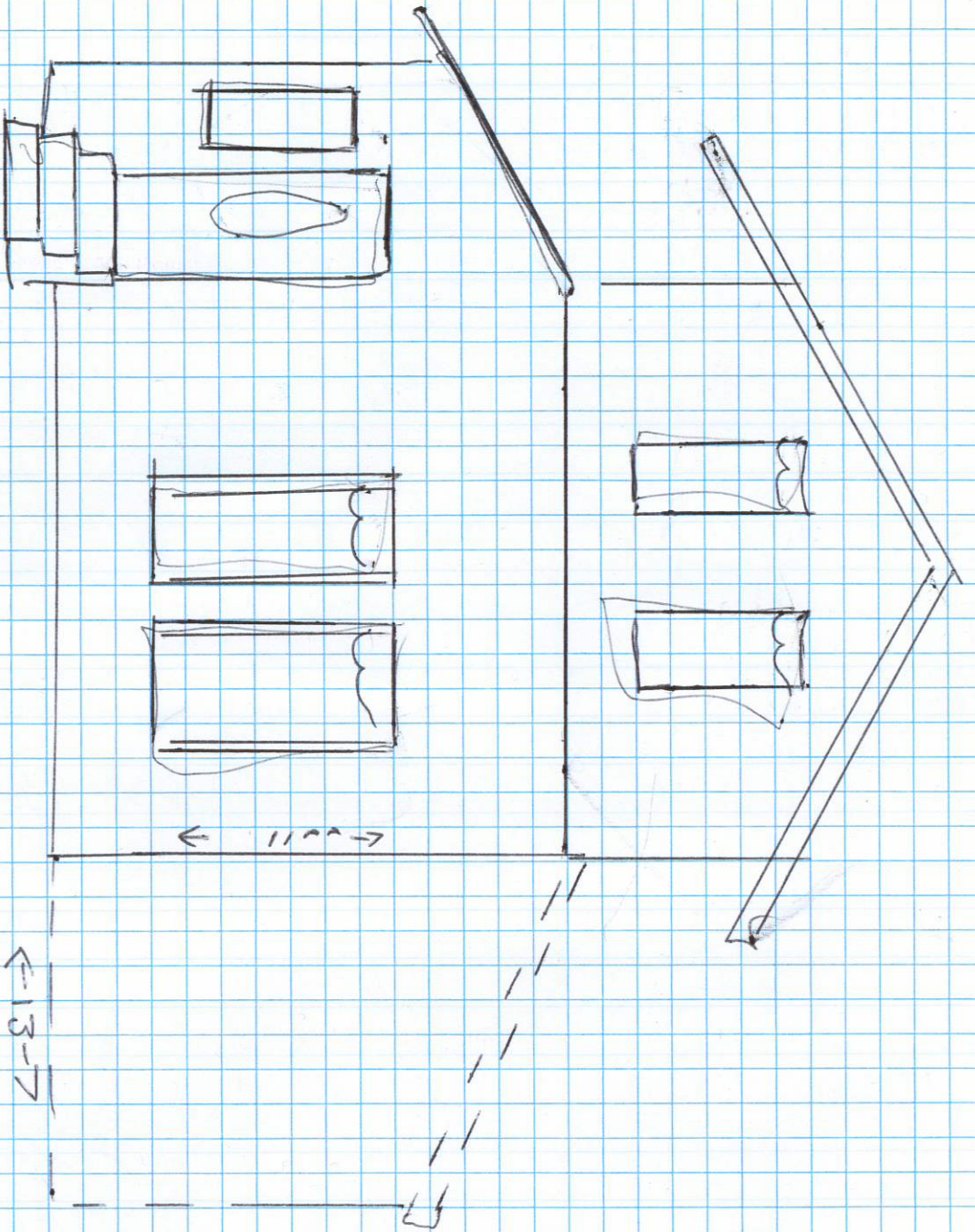
DATE FILED: \_\_\_\_\_  
 DATE FEE PAID: \_\_\_\_\_  
 MEETING DATE: \_\_\_\_\_  
 NOTICES SENT (DATE): \_\_\_\_\_  
 NOTIFICATION OF EXTENSION (LETTER SENT): \_\_\_\_\_

*pd cash 4-15-04*









Project Description

13 x 22' 8"

Addition to North Side

Foundation, Block CMU

Purpose.

Laundry.



4-3-2024

Dear City of Fairmont MN,

My name is Jose M. Monroy, I have been a Fairmont resident since 1995 to present. In my current residence 913 N. Elm St. Since 2003.

I would like you to please consider allowing a variance for a project that I would need done at my property.

My wife has multiple health conditions that has really taken a toll in our lives, and one of our biggest problem right now is going down the stairs and up the stairs carrying the laundry basket. In the pass my wife had a couple episodes where she has missed a step a fall, slip, and ended up in the ER. We want to avoid more situations like that.

So there for I would like to build an addition to the North side of our house. 13 foot x 22.'8"  
It seems that the current codes would only allow us to go approx 9 ft. x 22'8"

Not only will this be more challenging to have custom build, but it would look very awkward. My goal is to make or replicate the addition that was built in the Southside of my house before I bought it. I am retired now and we try our best to keep up with the outside of our home always. I am asking if you could approve this variance for our project. It would mean the world to us since it would change our life style for more safer surrounding, thank you for your time



U

(1) Yes. It falls in harmony with the ordinance purposes and intentions since it will maintain very similar distances like the other houses in the neighborhood.

(2) Yes the variance would be consistent with the comprehensive plan by keeping the structure of the house similar to the rest of the house and not causing any harm to land or obstructing any other properties.

The use of the land will continue to be for residential use.

Yes it does align with this category since it will be an addition to the house.

(3) Yes approving this variance request will allow us to make appearance of the house not look completely odd and it will make the structure of the house look appropriate since it will be aligning it more proportionate to the house's current dimensions, rather than throwing it off completely.

(4) Yes there is a unique circumstance, and its the fact that the existing home is already at the requested distance.

(5) It will definitely have an appearance as if the house was built all at the same time and it will align properly to the neighboring houses rather than making it obvious that it has been added a little at a time.

(6) Yes without the variance granted, the structure of the house would be completely thrown off and it will not match the rest of the house.



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Peter Bode, Planner & Zoning Official  
**DATE:** May 21, 2024  
**RE:** 102 Parkwood Pl – Variance Request

### Background

Lee Wibben, property owner at 102 Parkwood Place, requests a variance to allow a 4-foot in lieu of 8-foot northern side yard setback requirement and a 16-foot instead of 30-foot top-of-bluff (average) setback requirement. The parcel is zoned for single-family residential use, contains a single family home, and is surrounded by other residential uses. The applicant proposes a garage addition to the northwest of the current home, no closer to the northern side property line than the structure exists currently. The applicant states a practical difficulty exists because the existing home's orientation and the lot's irregular dimensions make any other proposal impractical.

### Variance Standards

1. Is the variance in harmony with the purposes and intent of code?

Staff find the request is in harmony with the purposes and intent of code. The purpose of the side yard setback is to provide for uniform distances between homes along a residential street. By bringing the structure no closer to northern property line than currently exists, the purpose of the code is protected while also avoiding development behind the structure closer to the bluff. The purpose of the bluff setback is to protect the bluff from extensive development close to it. The survey provided uses a novel calculation of where the top of the bluff is located. Staff visited the site and find the addition will not impair the integrity of the bluff.

2. Is the variance consistent with the Comprehensive Plan?

Staff find the request is consistent with the Comprehensive Plan. The plan guides development in this neighborhood to be traditional family neighborhood, which the proposal is consistent with.

3. Does the proposal put property to use in a reasonable manner?

Staff find the request is reasonable. A garage addition here makes the most sense because it would be an extension of the original garage no closer to the property line.





4. Are there unique circumstances to the property not created by the landowner?

Staff find that unique circumstances exist. The existing home was legally constructed with a variance in 1999 with the same purpose. Staff believe the home and its garage addition are and would be oriented in the smartest fashion.

5. Will the variance, if granted, retain the essential character of the locality?

Staff find the request will request will retain the essential character of the locality. The proposed garage addition would bring the structure no closer to the northern property line.

6. Are there other considerations for the variance request besides economics?

Staff find the request is not economic in nature and instead focuses on the dimensional circumstances of the lot, existing home and garage, and proposal.

### **Recommendation**

Staff recommend the variance request be granted with one below condition by motion incorporating staff's findings:

1. That the applicant obtain a building permit including construction plans providing any fire protection required by the Minnesota State Building Code before construction begins.

*Respectfully submitted,  
Peter Bode, Planner & Zoning Official*

**Attachments:** Application



**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: Lee Roxane Wibben Address: 102 Parkwood PL Phone#: 507-525-2435

Street Address of Proposal: 102 Parkwood PL

Legal Description of Property: Parcel ID #230392190 Also see attached Exhibit A. for full Legal

Existing Use of Property: Residential single unit primary home

Proposed Use of Property: Residential single unit primary home

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.

Lee Wibben  
 Owner's Name(Printed)

[Signature]  
 Owner's Signature

Lee Wibben  
 Applicant's Name (Printed)

[Signature]  
 Applicant's Signature

[Signature]  
2078

**City Staff Use Only**

DATE FILED: \_\_\_\_\_  
 DATE FEE PAID: \_\_\_\_\_  
 MEETING DATE: \_\_\_\_\_  
 NOTICES SENT (DATE): \_\_\_\_\_  
 NOTIFICATION OF EXTENSION (LETTER SENT): \_\_\_\_\_

## Request For Variance

DATE: April 16, 2024  
TO: Fairmont Board of Zoning Appeals  
FROM: Lee & Roxanne Wibben  
102 Parkwood Place

We would like to respectfully request a variance from the 10% house to neighboring property line requirement. Presently there is a 4.1-foot variance already in place for our home and the neighboring property line to the north. We would like to simply continue the same distance already in place parallel to the property line east for an addition to the front of our home of 18' for added garage space to fit present day vehicles, yard equipment and a more handicapped friendly ramp to the kitchen entrance in the existing garage for our aging extended family members. This would also free up some space in the existing garage to add additional living space to our home. This home was purchased for us as a primary home but also for our extended family to visit. The added living area would help accommodate this. I also would like to maintain the same variance parallel to the angled property line for the driveway to the garage. The existing driveway is not much farther as it is now.

1. **Is the variance in harmony with the purposes and intent of the ordinance?**

Yes. I believe this variance request is in harmony with the intent of the ordinance. We just acquired this property in July of last year. We purchased this property with the intent to add a larger garage structure from the beginning. There is barely enough room for two smaller vehicles let alone yard equipment, a workbench area, or today's sized vehicles. I also would like to add a ramp to the house entrance inside the garage which takes up additional space. If you look at the Beacon website, the satellite map, of which I have attached a copy, shows that there is more than adequate space on the property to do so. After the purchase I had the property surveyed to find the pins to know exactly where my property lines are. Upon having this done I found out Beacon's appearance of the boundary lines are off. Upon further investigation I found that there has already been a variance approved along the same property line to get the house the way it is presently. This improvement poses no harm to public or property values, in fact it may increase it. The addition would not restrict air, light, or obstruct the view to the adjacent house. Furthermore, this project is the appropriate use for the land being residential property and the addition being added to the front yard and not to the lakeshore side. This is more compatible with shoreline erosion. The addition also stays within all other set back and impervious surface requirements.

2. **Is the variance consistent with the Comprehensive Plan?**

Yes. I believe this project coincides with the 2040 Comprehensive Plan because it will be a home/property improvement project that will revitalize and add value to the residential property. Along with a new roof on the home with this project I also plan on more landscaping in the front of the home to increase curb appeal and lessen the look of the new garage protrusion. A ramp inside would make the house more accessible to our aging family who visit which also bring more business to the city of Fairmont.

**3. Does the proposal put property to use in a reasonable manner?**

Yes. I believe the proposed addition needs the variance to conform with the rest of the house and existing property. Trying to conform to guidelines would involve moving the garage over three (3) feet from being in line with the existing wall. This would not make sense for the appearance of the house or property. Following the north wall and extending it in the same direction parallel to the lot line is a reasonable solution for this project to blend in with the existing home and the rest of the property and existing properties. As stated in the 1999 variance request a new detached garage could be built in the front yard of the property without a variance but this would spoil the aesthetics of the lakeshore area.

**4. Are there unique circumstances to the property not created by the landowner?**

Yes. As stated above, this property has already had variances approved in the past. These area lots were laid out and plotted long before the area was annexed into the Fairmont city limits. There are other nonconforming yards in the area. This previous variance was to obtain the garage space it has currently. I am requesting to simply continue with the same variance parallel to the lot line that was already permitted in 1999 because the house was too close to the property line per city ordinance requirements.

**5. Will the variance, if granted, retain the essential character of the locality?**

Yes. The addition itself will only extend from the present garage 18 feet to where the property angles leaving plenty of distance from the setback limit. I am also going to maintain the low-profile hip roof to not bring added attention to the garage over the whole house itself. This would still maintain a large distance between our house and our neighbor's house as it is now. The neighborhood has many different property sizes and shapes, so conformity is not an issue.

**6. Are there other considerations for the variance request besides economics?**

Yes. Mainly aesthetics of the property. It simply makes sense to continue with what is there and has been approved before so that the property and structure look correct and aesthetically pleasing. I believe I have answered questions affirmatively and that what I am asking meets with the criteria and scope of Fairmont's 2040 Comprehensive Plan by upgrading my property and making it more versatile, appealing, accessible for our aging extended family.

Thank you for your time in this matter.

Respectfully,

Lee & Roxanne Wibben



**CE CALCULATIONS**

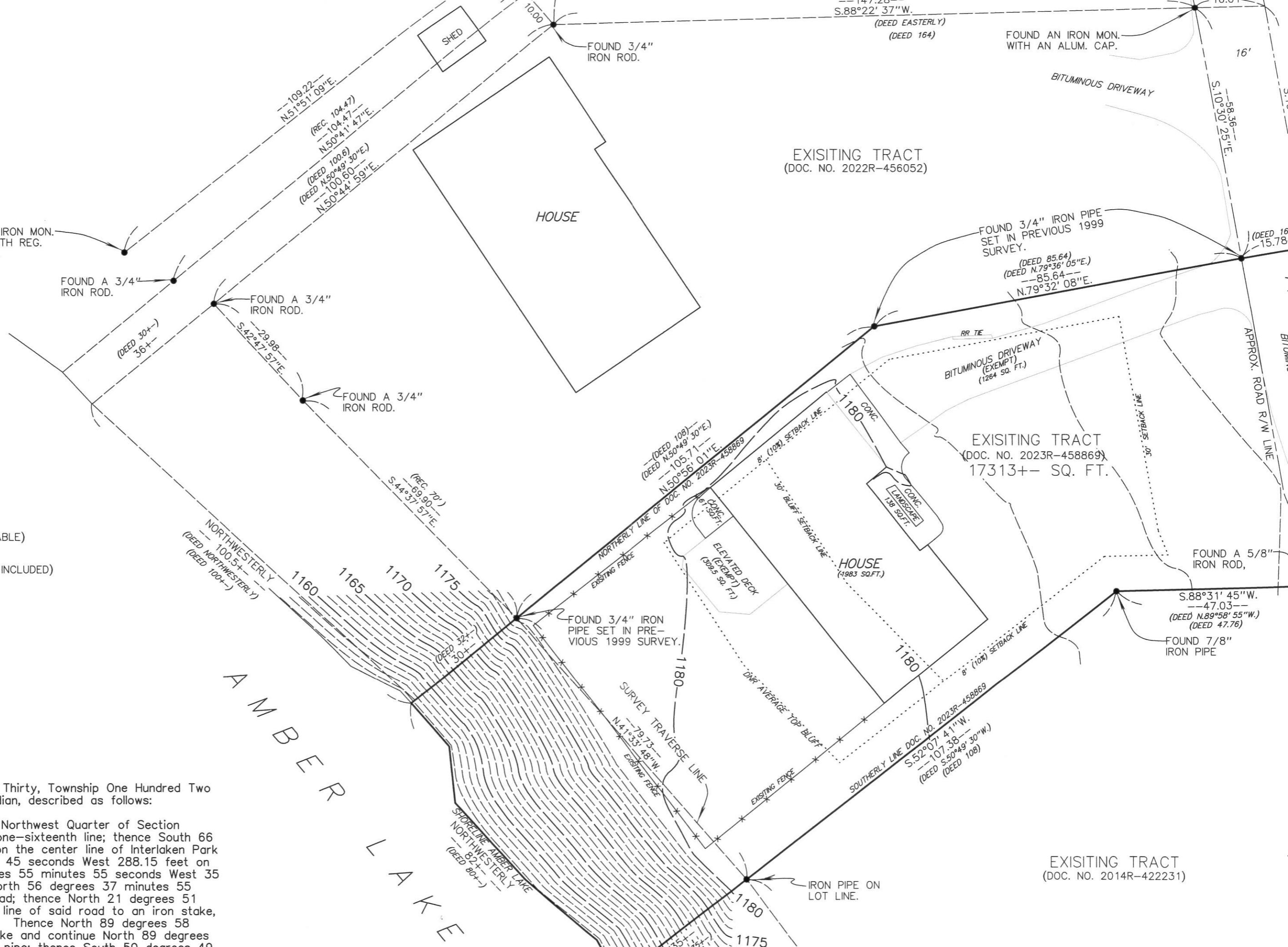
313+- SQ. FT.  
 VIOUS = 4328+- SQ. FT.

- CE/GARAGE
- CRETE SIDEWALK
- CRETE SLAB
- AL IMPEROUS (50.4% OF ALLOWABLE)
- PT CONCRETE (DRIVEWAY)
- ATED DECK (DIRT UNDER - NOT INCLUDED)

oundary of land abutting  
 e State of Minnesota  
 ter mark. Conventionally,  
 d to the ordinary high  
 a more accurate amount  
 is computed to the  
 ark.  
 29) 1155.53 (NAVD 88)

RIPTION  
 59  
 ernment lot Three of Section Thirty, Township One Hundred Two  
 st of the Fifth Principal Meridian, described as follows:

one-sixteenth corner of the Northwest Quarter of Section  
 ortherly 1270.8 feet on said one-sixteenth line; thence South 66  
 seconds West 1339.6 feet on the center line of Interlaken Park  
 South 69 degrees 28 minutes 45 seconds West 288.15 feet on  
 road; thence North 82 degrees 55 minutes 55 seconds West 35  
 of a private road; thence North 56 degrees 37 minutes 55  
 on the center line of said road; thence North 21 degrees 51  
 est 53.15 feet on the center line of said road to an iron stake,  
 of the tract to be described. Thence North 89 degrees 58  
 est 17.24 feet to an iron stake and continue North 89 degrees  
 West 17.76 feet to an iron pipe; thence South 50 degrees 49

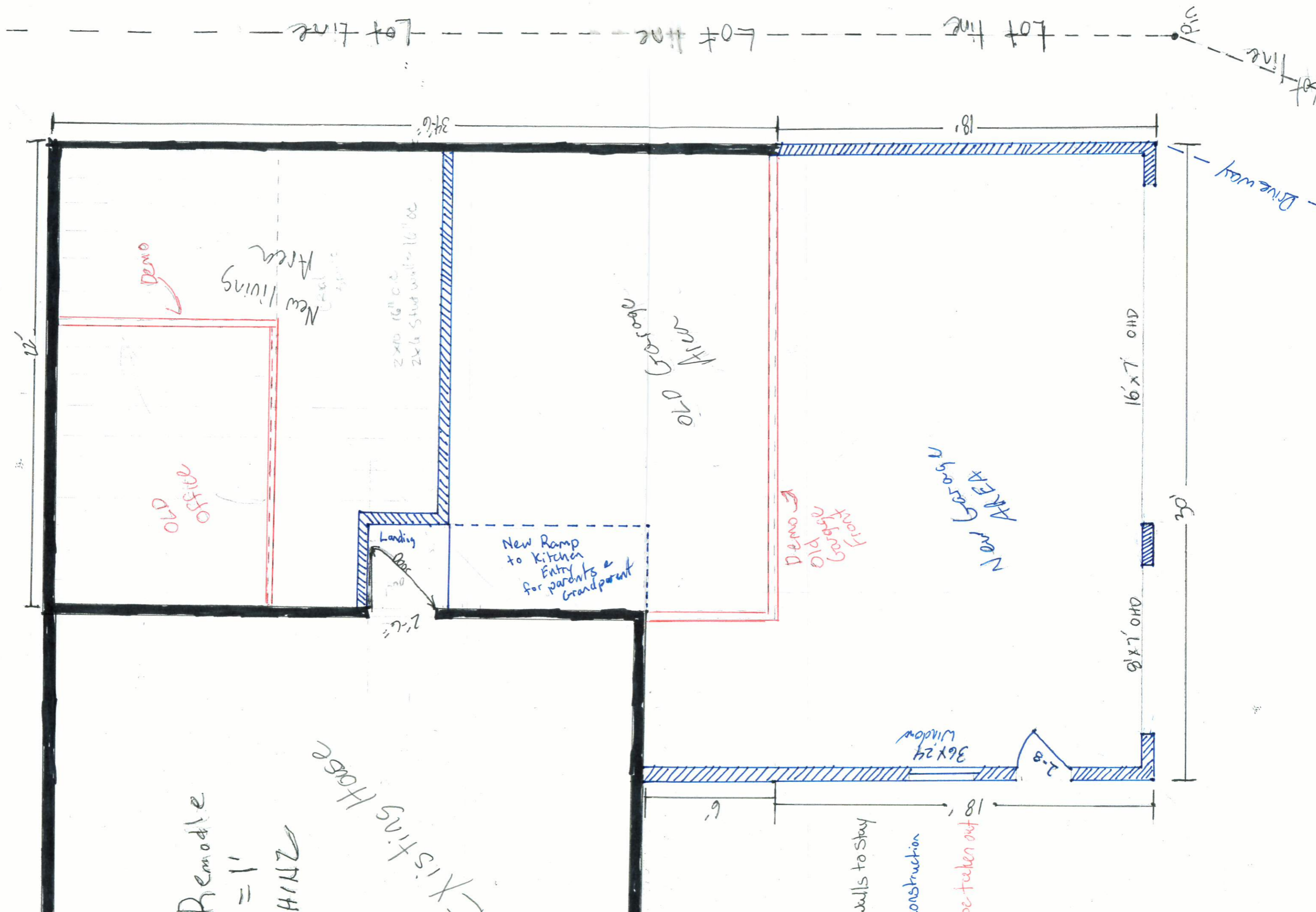


EXISTING TRACT  
 (DOC. NO. 2022R-456052)

EXISTING TRACT  
 (DOC. NO. 2023R-458869)  
 17313+- SQ. FT.

EXISTING TRACT  
 (DOC. NO. 2014R-422231)

AMBER LAKE



Demo

New Living Area

2x10 16" o.c.  
2x6 Stud walls 16" o.c.

Garage

Old Office

New Ramp to Kitchen Entry for parents & Grandparent

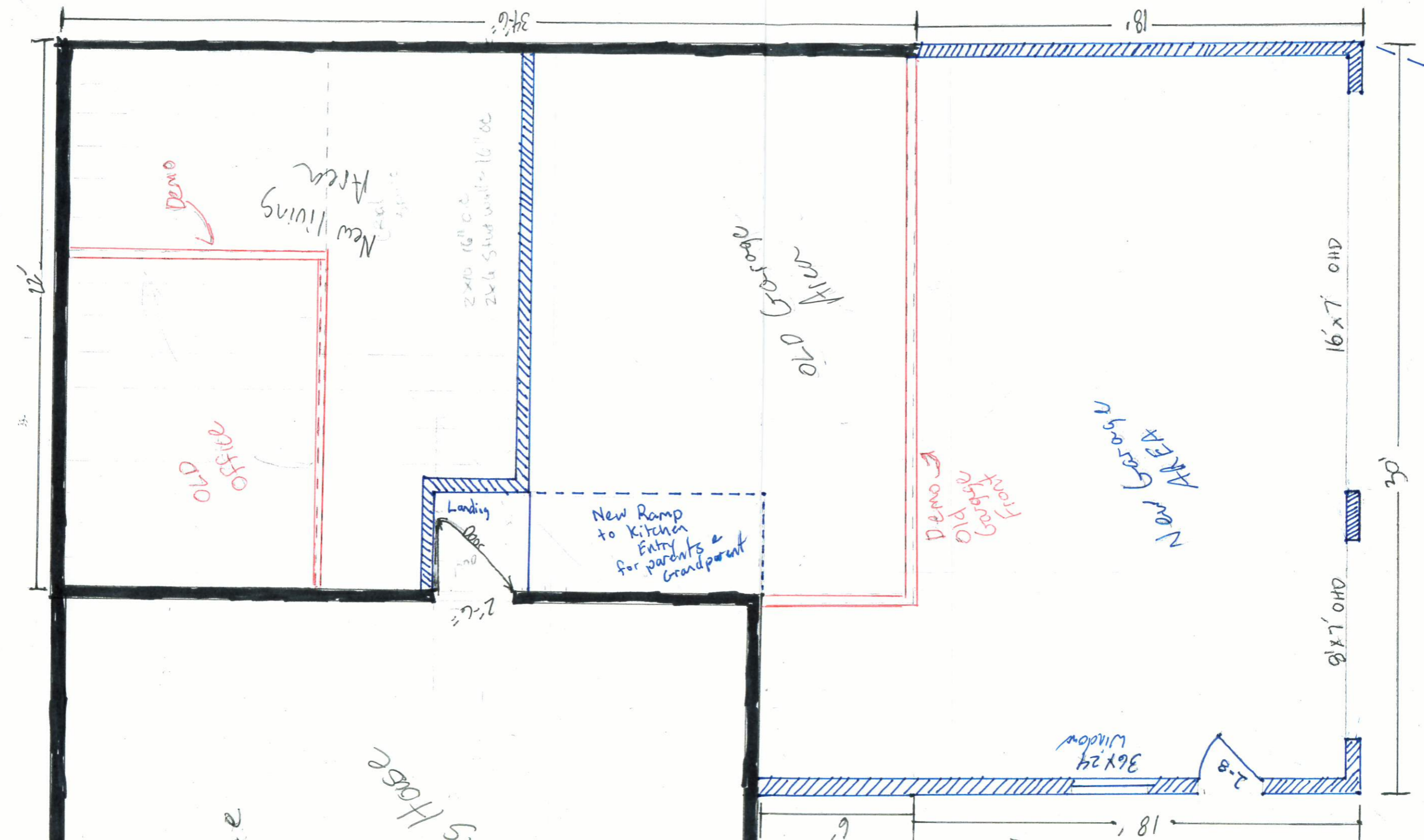
Demo  
Old Garage  
Front

New Garage Area

Remodle = 1' HAZ

Existing House

wells to stay construction be taken out



Demo

New Living Area

2x10 16" o.c.  
2x6 Stud walls 16" o.c.

Garage

Old Office

New Ramp to Kitchen Entry for parents & Grandparent

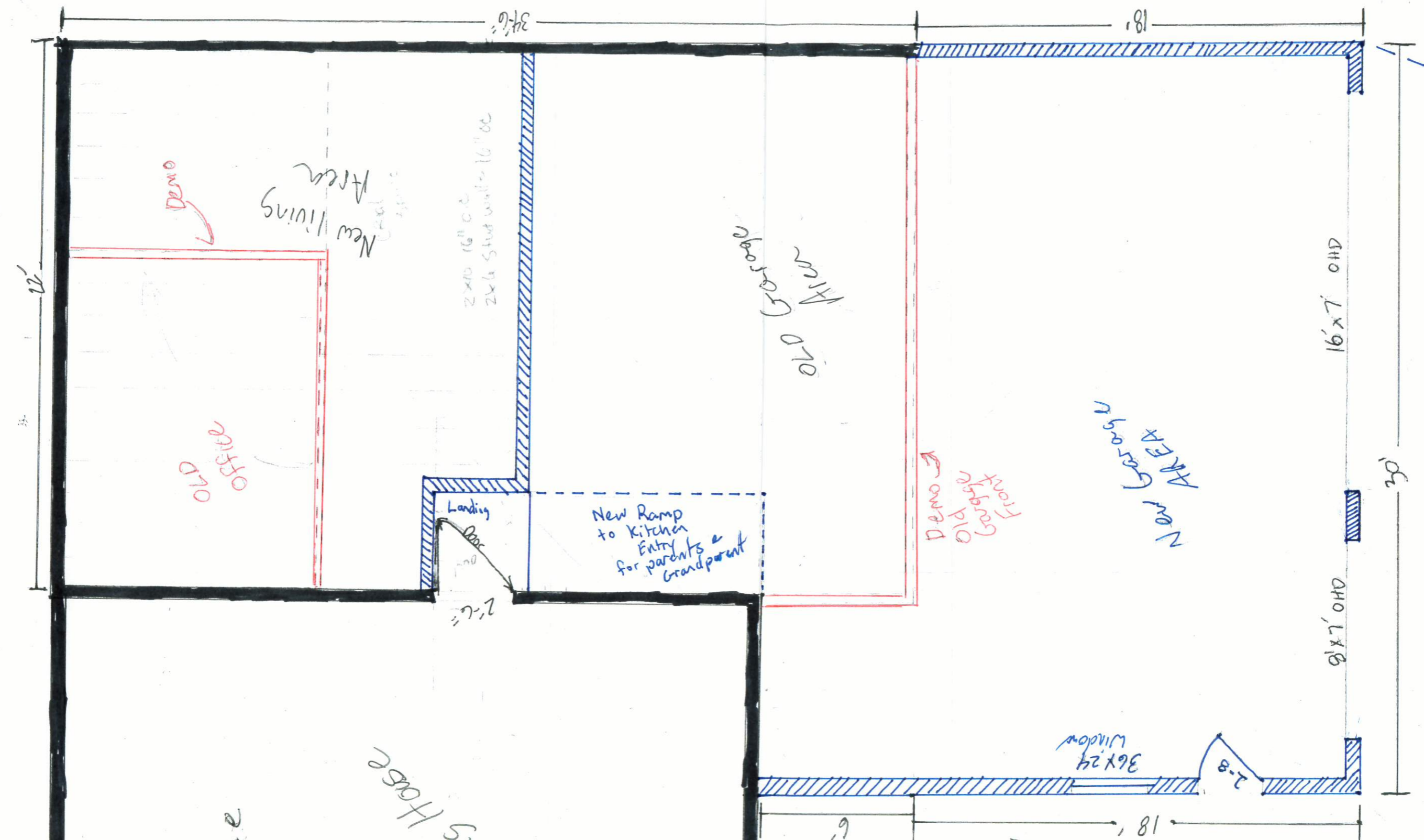
Demo  
Old Garage  
Front

New Garage Area

Remodle = 1' HAZ

Existing House

wells to stay construction be taken out





## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Peter Bode, Planner & Zoning Official  
**DATE:** May 21, 2024  
**RE:** 315 N Prairie Ave – Variance Request

### Background

Preston Vaughn, property owner at 315 North Prairie Avenue, requests the following variances in order to accomplish a minor subdivision of the lot:

#### *SETBACK RELATED*

1. 3-foot instead of 7-foot southern side yard setback requirement (Proposed Tract A)
2. 5-foot instead of 9-foot northern side yard setback requirement (Proposed Tract B)

#### *WIDTH RELATED*

3. 69-foot instead of 75-foot lot width requirement (Proposed Tract A)

#### *AREA RELATED*

4. 3,476 instead of 7,500 square foot lot area requirement (Proposed Tract A)
5. 4,335 instead of 7,500 square foot lot area requirement (Proposed Tract B)

Staff refer to requests 1 and 2 as setback-related, 3 as width-related, and 4 and 5 as area related.

The parcel is zoned for single-family residential use, contains a both a church and single family home, and is surrounded by other residential uses. The applicant proposes to split the lot between the two structures, with the northern Tract A remaining the church and the southern Tract B remaining the single family home.

The applicant states a practical difficulty exists because the existing structures are already located approximately 8 feet from each other, located on lots which were platted small, and should be operated independently.

### Variance Standards

1. Is the variance in harmony with the purposes and intent of code?

Staff find the request is in harmony with the purposes and intent of code. The purpose of setback, width, and area-related requirements are to provide for minimum densities and distances. The structures on this lot are already existing to their location and separating them would not impair the purpose of code.



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031

Phone (507) 238-9461

[www.fairmont.org](http://www.fairmont.org)

Fax (507) 238-9469

2. Is the variance consistent with the Comprehensive Plan?

Staff find the request is consistent with the Comprehensive Plan. The plan guides development in this neighborhood to be traditional family neighborhood, which both the church and home are consistent with. The proposal exists in a special residential zone (R2-S), which is designed to encourage flexible dimensional standards in order to achieve revitalization.

3. Does the proposal put property to use in a reasonable manner?

Staff find the request is reasonable. The proposal will not bring structures closer to each other than they already are. In working with staff, the applicant has agreed to a condition which would require the church be updated with additional fire protection before the minor subdivision is approved by staff. The resulting condition would therefore be safer for the neighborhood than the current condition and keep the proposal compliant with the Minnesota State Building Code.

4. Are there unique circumstances to the property not created by the landowner?

Staff find that unique circumstances exist. The existing structures are already located 8 feet from each other and small/dense lots are common in the neighborhood and the R2-S zone.

5. Will the variance, if granted, retain the essential character of the locality?

Staff find the request will retain the essential character of the locality. No additional buildings or other structures are proposed and the proposed density is consistent with the character of the neighborhood.

6. Are there other considerations for the variance request besides economics?

Staff find the request is not economic in nature and instead focuses on the dimensional circumstances of the lots.

### **Recommendation**

Staff recommend the variance request be granted with one below condition by motion incorporating staff's findings:

1. That the applicant apply for a building permit, update the church with all fire protection required by the Minnesota State Building Code at the side yard distance proposed by this request; and that the minor subdivision only be approved by the city planner after the City's building official has approved the fire protection updates with a final inspection.

*Respectfully submitted,  
Peter Bode, Planner & Zoning Official*

**Attachments:** Application

TO: City Council, City of Fairmont,

From: Preston Vaughn  
311 North Prairie Ave  
Fairmont, MN 56301

Re: Variance Sub Divide Parcel

Goal: Separate Church Building/Lot From house for separate ownership

Legal description: See surveyors report

Site Plan: See Surveyors report

A request is being made for a variance. May the variance allow for subdivision of parcel, separating lot and its buildings, house (311 North Prairie ave.) from church (319 North Prairie ave.). House would remain a single family dwelling and church would remain a religious meeting place. Variance is proposed as allowing an easement to each new sub-divided lot for purpose maintenance and access.

**Variance Harmony:** Proposed changed is in harmony with intents and purposes of City Code

- Per Zoning District Regulations Sec 26-163 One-four family district
  - Purposed parcel is zoned already recognizing it requires unique land use as developed prior to 1940.
- Since 1880's church building presence has been an adopted mainstay on North Prairie ave
- The church building is currently and has been for decades a home for operating religious groups, we propose the variance would be in harmony with past and present proposes.
- I propose that keeping the church building as a religious meeting place is in unity with the area as already zoned. Allowing a variance would be with-in the "spirit" of the Zoning Regulations as it notes R-2S being in need of special provisions to encourage maintenance and redevelopment of the area.
- As the building is a unique structure, it is within the city's interest to keep it occupied by a church group for maintenance. The Lot is too small to be meet residential needs/requirements, without being occupied it would be an eyesore, financial burden and reproach on the neighbors and city. This has been exemplified by the building being un-occupied during the 2010 era. When it was left overgrown and had squatters in the basement. This is also exemplified by other large (once commercial) buildings in our neighborhood that are left unoccupied or used as poorly managed residential rentals.
- R-2S Allows for Religious Institutions, as in B-1 zoning requirements

**Consistent With City Plan:** Proposed variance is consistent with the City's Comprehensive Plan

- Ref 2040 Comprehensive Plan



- HN 4-1. Local congregations and the buildings they meet in
  - Promotes connection with neighbors,
  - It builds pride in ownership and belonging.

Religious groups are a proven method of building and maintaining community organization
- HN 4-2 Allowing a variance would make property affordable for a smaller group and would encourage and support the development of neighborhood organization
- HN 4-3 Allowing the property to be an affordable option for small religious groups would allow the group to facilitate neighborhood programs, activities for all ages and to hold events that promotes opposition to socially destructive behaviors and promotes social growth
- HN 4-4 Positive religious groups and the locations they meet at promotes neighborliness, civility and a friendly environment.

**Requirements of “Practical Difficulties”** : Ref Minn Stat 462.357 subd 6. We/I propose to use the property in a reasonable manner that is not permitted in zoning requirements. The following points reinforce that opinion.

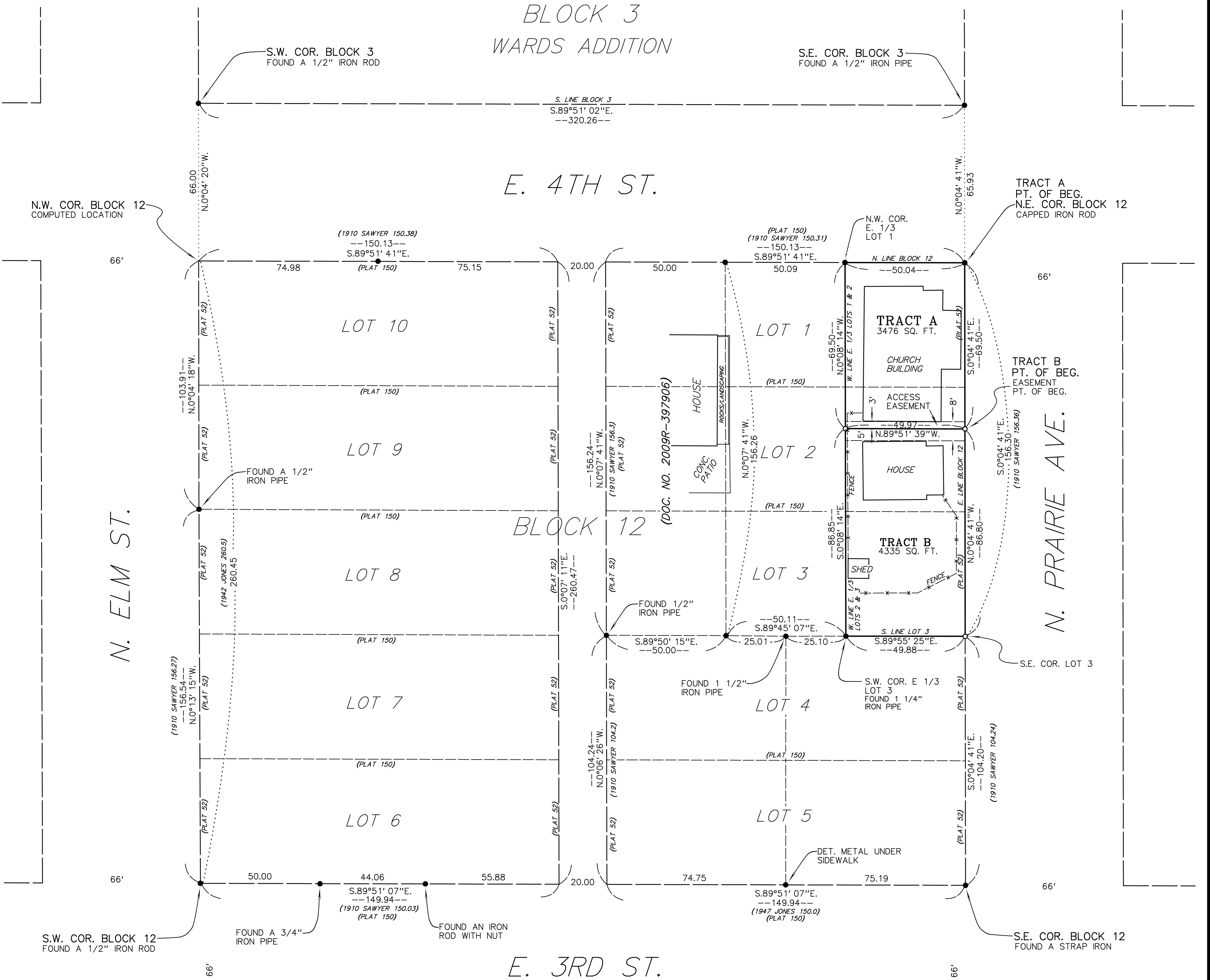
- We do not propose any changes to structure(s) their size or purpose.
- Our plight as owner is that the property is unique in size and purpose, and change of purpose is unnecessary and implausible. Owner had no doing in current setbacks or lot sizing. Current codes and regulations make for impossible repurposing or new construction.
- If granted, the variance would maintain the properties purpose and character of locality
- If granted, there would NO impact to the property or locality, it would remain as is and as purposed.

**Conditions of variance:** Due to church building being with-in 3’ of proposed new property line let the variance be approved as with conditions.

- A compliant separation be applied per IBC.
- Plans and Engineering to be submitted for review by the building/inspection division following variance approval for the installation of compliant fire separation.
- Upon approval by the building official, a permit shall be obtained, and work shall commence.
- If and when fire separation passes inspection it shall be the only condition by which subdivision is finalized and recorded. It would be a hardship for owner to install fire separation and it subdivision late denied.

# MINOR SUBDIVISION IN LOTS 1, 2 & 3, BLOCK 12, ORIGINAL PLAT, CITY OF FAIRMONT, MARTIN COUNTY, MINNESOTA

BLOCK 3  
WARDS ADDITION



**TRACT A  
LEGAL DESCRIPTION**

That part of Lots 1 and 2, Block 12 of the Original Plat of Fairmont, City of Fairmont, Martin County, Minnesota, described as follows:

Beginning at the Northeast corner of said Block 12 of the Original Plat of Fairmont, according to the recorded plat thereof; thence on an assumed bearing of South 0 degrees 04 minutes 41 seconds East, along the east line of said Block 12, a distance of 69.50 feet to an iron monument; thence North 89 degrees 51 minutes 39 seconds West a distance of 49.97 feet to an iron monument located on the west line of the east one-third of said Lot 2; thence North 0 degrees 08 minutes 14 seconds West, along said west line, and west line of the east one-third of said Lot 1, a distance of 69.50 feet to the northwest corner of the east one-third of said Lot 1; thence South 89 degrees 51 minutes 41 seconds East, along the north line of said Block 12, a distance of 50.04 feet to the point of beginning.

**TRACT B  
LEGAL DESCRIPTION**

That part of Lots 2 and 3, Block 12 of the Original Plat of Fairmont, City of Fairmont, Martin County, Minnesota, described as follows:

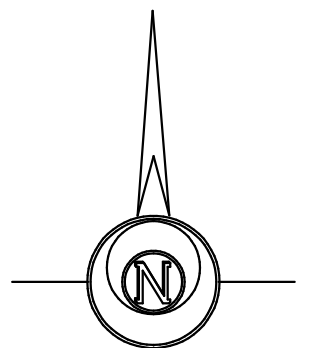
Commencing at the Northeast corner of said Block 12 of the Original Plat of Fairmont, according to the recorded plat thereof; thence on an assumed bearing of South 0 degrees 04 minutes 41 seconds East, along the east line of said Block 12, a distance of 69.50 feet to an iron monument, said iron monument being the point of beginning of the tract to be described; thence North 89 degrees 51 minutes 39 seconds West a distance of 49.97 feet to an iron monument located on the west line of the east one-third of said Lot 2; thence South 0 degrees 08 minutes 14 seconds East, along said west line and the west line of the east one-third of said Lot 3, a distance of 86.85 feet to the southwest corner of the east one-third of said Lot 3; thence South 89 degrees 55 minutes 25 seconds East, along the south line of said Lot 3, a distance of 49.88 feet to the southeast corner of said Lot 3; thence North 0 degrees 04 minutes 41 seconds West, along the east line of said Block 12, a distance of 86.80 feet to the point of beginning.

**EASEMENT  
LEGAL DESCRIPTION**

An 8.00 foot-wide easement of access over that part of Lot 2, Block 12 of the Original Plat of Fairmont, City of Fairmont, Martin County, Minnesota, lying 3.00 feet north of and 5.00 feet south of the following described line:

Commencing at the Northeast corner of said Block 12 of the Original Plat of Fairmont, according to the recorded plat thereof; thence on an assumed bearing of South 0 degrees 04 minutes 41 seconds East, along the east line of said Block 12, a distance of 69.50 feet to an iron monument, said iron monument being the point of beginning of the line to be described; thence North 89 degrees 51 minutes 39 seconds West a distance of 49.97 feet to an iron monument located on the west line of the east one-third of said Lot 2, and said line there terminating.

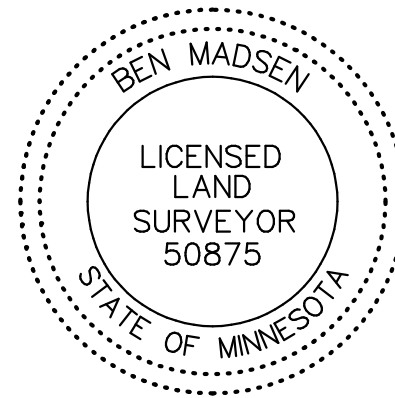
BLOCK 23



0 15 30 60  
SCALE 1" = 30'

- DENOTES IRON MONUMENTS FOUND OR SET IN PREVIOUS SURVEYS.
- DENOTES IRON MONUMENTS SET & MARKED WITH REG. NO. 50875 UNLESS OTHERWISE SHOWN.

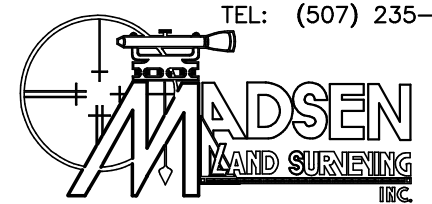
BEARINGS ARE ORIENTED TO THE MARTIN COUNTY COORDINATE SYSTEM, NAD83 1996 ADJUSTMENT



**PRESTON VAUGHN**

TEL: (507) 235-3780

DRAWN  
B.M.  
H.M.  
CHECK  
B.M.  
SURVEY  
BY  
K.V.



318 EAST BLUE EARTH AVENUE  
FAIRMONT, MINNESOTA 56031

DRAWING  
NUMBER  
**1**  
FILE NO.  
24146

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: 04-18-2024 LICENSE NO. 50875