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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, June 4, 2024
City Council Chambers, City Hall, 100 Downtown Plaza

- 1) Approval of Agenda
- 2) Approval of Minutes – May 21, 2024

New Business

- 3) Public Hearing – Variance Request – 1265 S Highway 15

Unfinished Business

None

- 4) Adjournment

MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

Special Meeting

May 21, 2024

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Jon Davis, Mike Klujeske, Susan Krueger, Council Liaison Wayne Hasek, Council Liaison Jay Maynard

Members absent: Mike Jacobson, Adam Smith

Staff present: Planner & Zoning Official Peter Bode

Chair Klujeske called the meeting to order at 4:31 p.m.

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

Election of Officers: Krueger nominated, and Davis seconded the nomination for Smith for chair. Members discussed the nomination. There were no further nominations. Smith was elected chair.

Davis nominated, and Krueger seconded the nomination for Klujeske as vice chair. Members discussed the nomination. There were no further nominations. Klujeske was elected vice chair.

Smith was not in attendance so Klujeske continued as the meeting's acting chair.

Approval of Minutes – December 5, 2023: Motion by Davis and second by Krueger to approve the December 5, 2023 meeting minutes as presented. Motion carried.

Public Hearing – Variance Request – 913 N Elm St: Chair Klujeske opened the public hearing. Bode introduced a request by José Monrroy at 913 North Elm Street for a variance to allow a 26-foot instead of 30-foot eastern front yard requirement for a home addition. Bode stated that staff's findings support approval of the variance.

José Monrroy, applicant, spoke in favor of the request.

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

Members discussed the request.

Motion by Davis and second by Krueger to approve the request. Motion carried.

Public Hearing – Variance Request – 102 Parkwood Pl : Chair Klujeske opened the public hearing. Bode introduced a request by Lee Wibben at 102 Parkwood Place for a variance to allow the following for a garage addition:

4-foot instead of 8-foot northern side yard setback requirement

16-foot instead of 30-foot top-of-bluff (average) setback requirement

Bode stated that staff's findings support approval of the variance.

Lee Wibben, applicant, spoke in favor of the request.

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

Members discussed the request.

Motion by Davis and second by Krueger to approve the request. Motion carried.

Public Hearing – Variance Request – 315 N Prairie Ave: Chair Klujeske opened the public hearing. Bode introduced a request by Preston Vaughn at 315 North Prairie Avenue for a variance to allow the following to accommodate a minor subdivision and lot split:

- 3-foot instead of 7-foot southern side yard setback requirement
- 5-foot instead of 9-foot northern side yard setback requirement
- 69-foot instead of 75-foot lot width requirement
- 3,476 instead of 7,500 square foot lot area requirement
- 4,335 instead of 7,500 square foot lot area requirement

Bode stated that staff’s findings support approval of the variance.

Mark Kramer, resident, spoke against the request.

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

Members discussed the request.

Motion by Davis and second by Krueger to approve the request. Motion carried.

Adjournment: There were no further agenda items. Motion by Krueger and second by Davis to adjourn. Motion carried and the meeting adjourned at 5:19 p.m.

Respectfully submitted,
Peter Bode

GENERAL INFORMATION

Applicant: Mike Sasse, Willow Pet Hospital
Property Owner: Southernmost Fairmont, LLC
Purpose: To allow a 5-foot instead of 10-foot northern side yard setback requirement
Address: 1265 S Highway 15
Parcel Number: 23.088.0010
Zoning: B-3
Surrounding Uses: Highway commercial
Application Date: May 16, 2024
Review Date: June 4, 2024

BACKGROUND

This B-3 General Business lot is serviced by a Highway 15 service road to the west and is surrounded by other highway businesses. 100 feet in width and 410 feet in length, the lot is developed with a pet hospital in the northwest and a parking lot immediately to the building's south.

The applicant requests a variance to allow a 5-foot instead of 10-foot northern side yard requirement for a business addition to the west of the current building. The addition is proposed to be set back approximately the same distance as the current building to the northern property line. The addition is proposed to meet the western front yard setback requirement.

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:

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

The purpose of the zoning code's side yard requirement is to provide for uniform distances of development from side yards along commercial corridors; scaling to the width of any given lot. A 100-foot wide lot like the subject parcel has a 10-foot side yard setback requirement.

Staff find that the request is in harmony with the general purpose of the zoning code. Side yard distances are commonly non-conforming along this portion of Highway 15. This is true immediately to the south of the subject parcel and staff conclude the request is therefore in harmony with the intent of the zoning code.

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

The Fairmont Comprehensive Plan guides the use of this area to be commercial.

Staff find that the request 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;

Staff find the property owner proposes to use the property in a reasonable manner because the addition will not be any closer to the northern property line than the existing structure. Building a new, detached building to the south is impractical because a parking lot exists to the south.

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

Staff find that a unique circumstance exists in that the existing structure is already 5 feet from the northern property line.

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

Staff's find the request will not alter the essential character of the locality because side yard distances like proposed are common along this portion of Highway 15.

RECOMMENDATION

Staff's findings support approval of the requested variance to allow a 5-foot instead of 10-foot northern side yard setback requirement.

Staff have prepared BZA Resolution 2024-1 for the Board's consideration, which would approve the variance while incorporating staff's findings. The Board may approve or deny the resolution by roll call motion, or amend it. 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: Variance Criteria Guidance
BZA Resolution 2024-1
Application for variance
Satellite photo of ar

CITY OF FAIRMONT, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2024-1

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT,
MINNESOTA, APPROVING A VARIANCE REQUEST AT 1265 S HIGHWAY 15

- WHEREAS, MIKE SASSE (the “Applicant”) is the owner of a parcel of land located at 1265 SOUTH HIGHWAY 15 (PID No. 23.088.0010) in the City of Fairmont; and
- WHEREAS, the above-referenced property is legally described as COUNTRY SIDE LOT 001 BLOCK 001 (the “Property”); and
- WHEREAS, Fairmont City Code, Chapter 26-158(e)(4)(b) sets the principal structure setback from the side property line at 10 feet; and
- WHEREAS, the Applicant desires to and has requested a variance to the above standards in order to place a structure 5 feet from the northern side property line; and
- WHEREAS, pursuant to Minnesota Statutes, section 462.357, subd. 6, the Board of Zoning 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 June 4, 2024, and has reviewed the requested variance 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, 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 A.

BE IT FURTHER RESOLVED that the requested variance to allow a 5-foot instead of 10-foot northern side yard setback is hereby approved based upon the above-referenced adopted findings.

PASSED by the Board of Zoning Appeals of the City of Fairmont this 4th day of June, 2024.

Adam Smith, Chair

Mike Klujeske, Vice Chair

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

EXHIBIT B

Findings of Fact:

INSERT STAFF REPORT WITH CRITERIA

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: MIKE SASSE Address: 10096 850th Ave
Greenville, MN 56031 Phone#: [REDACTED]

Street Address of Proposal: 1265 Hwy 15 South, FAIRMONT, MN 56031

Legal Description of Property: country side lot - 001 Block - 001

Existing Use of Property: Veterinary Clinic

Proposed Use of Property: Veterinary Clinic

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.

MIKE SASSE _____
 Owner's Name(Printed) Mike Sasse
 Owner's Signature

MIKE SASSE _____
 Applicant's Name (Printed) Mike Sasse
 Applicant's Signature

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

1265 Hwy 15 S, Fairmont, MN 56031

Willow Pet Hospital

Date: Tuesday, May 14, 2024

Variance Request – We are requesting a variance to put an addition on the front of the building extending the north wall an additional 20 feet encroaching on the north side setback. The current building is an existing non-conforming building and does not meet setback requirements.

1. The purpose of the addition and remodel of the existing building is multifactorial.
 - a. We have exceeded the building's current layout to meet our business needs. Our limited exam rooms, treatment area and often busy and full lobby have limited our ability to grow and strained our staff and clients and sometimes impacts patient safety.
 - b. The building facade is old and outdated and the addition would allow us improve the overall appearance, add additional light with windows in our lobby and create a safer and more energy efficient vestibule for our main entrance.
 - c. Remodeling the existing space only would only give us enough room to meet our existing demand and no additional space to grow.
 - d. The addition would allow us to break the remodeling project into phases which would be less disruptive to our clients, patients and staff.
 - e. The current building is a steel framed / steel sided structure. These types of buildings are very difficult to renovate or modify because of their design. Adding windows and doors alter the structural integrity of the building can be difficult if not impossible and expensive.
2. The current property is zoned business and any alterations to the building would be consistent with the Comprehensive Plan of Business/Commercial on this property.
3. Meeting the existing north side set back requirement of 10 feet would defeat one of the main purposes of the renovation to improve the façade. The existing 120' long existing building encroached on the current setback; adding 20' or 15% to length is reasonable and does not effect the neighboring building to the north significantly.
4. Unique circumstances to this property is the pre-existing setback encroachment and the difficult nature of renovating a steel framed building.
5. Looking to our neighbor's to the north at Dan's Appliance, they have a very similar building (all steel) and added a similar addition to the front to improve window light into the building and improve the façade. Our addition and improvements would be consistent with this trend.

Best Regards,

Mike Sasse, DVM

Willow Pet Hospital

Willow Pet Hospital

1265 Highway 15 S
 Fairmont Minnesota

CERTIFICATION:
 I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly REGISTERED ARCHITECT under the laws of the State of Minnesota.

signature _____ date _____

name _____ registration number _____
JOHN D ANDERSON 23628

REVISION HISTORY:
 description _____ date _____

description	date

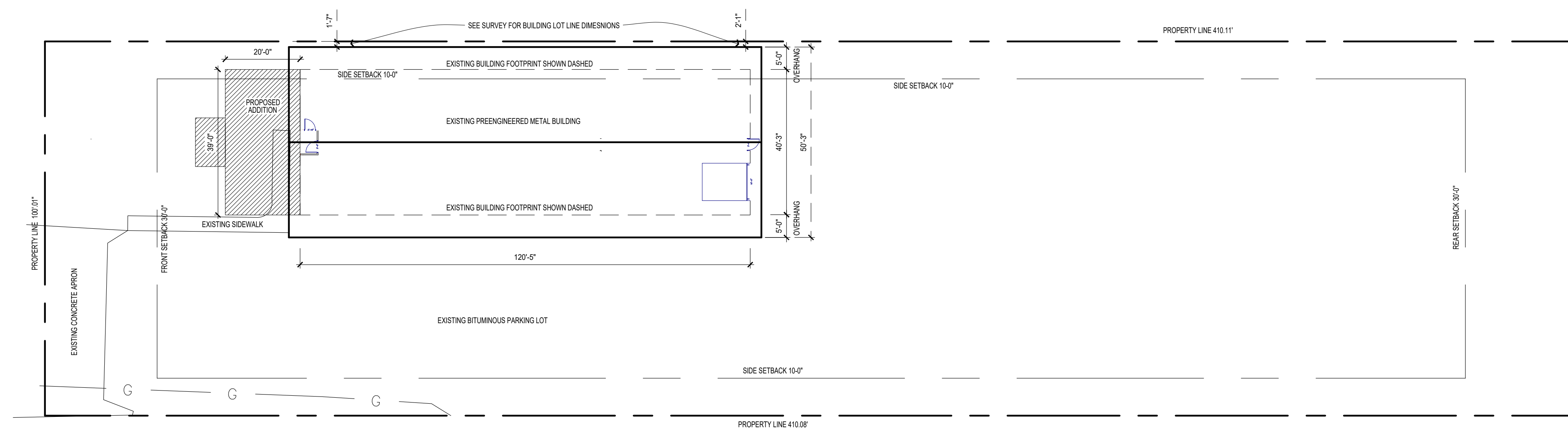
ISSUED FOR:
ZONING VARIANCE

ISSUE DATE:
MAY 16 2024
DRAWN BY: JDA / CLP **CHECKED BY:** JDA

SHEET TITLE:
PROPOSED SITE PLAN

SHEET NUMBER:

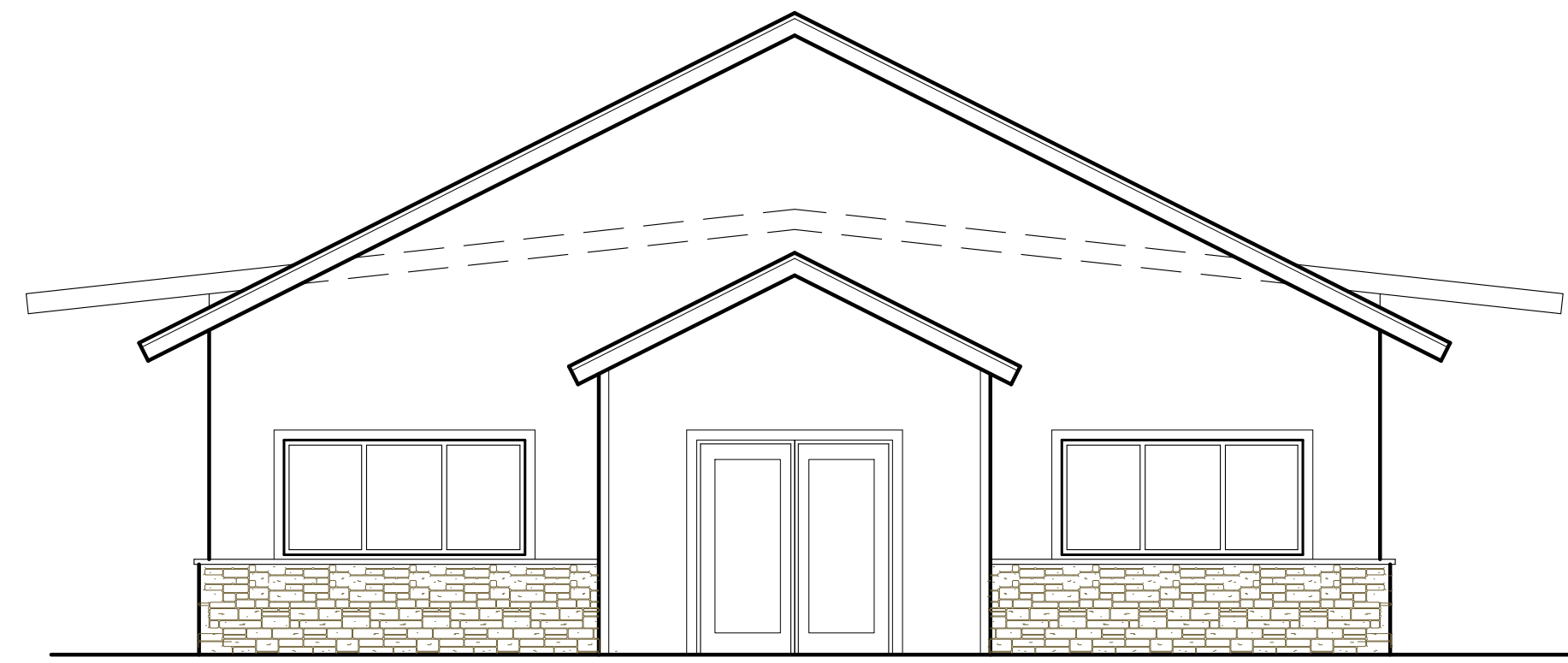
S1.0



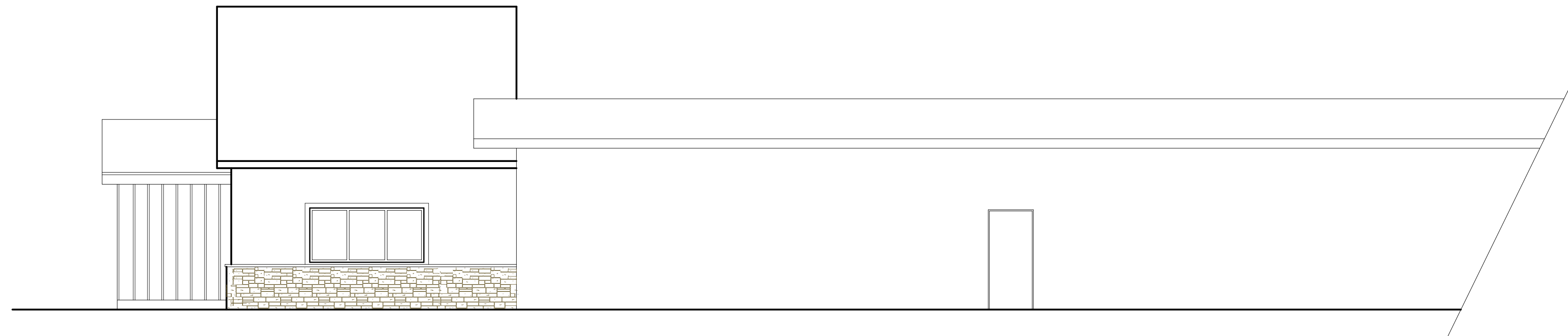
1
S1.0
EXISTING / PROPOSED SITE PLAN
 SCALE: 1"=20'-0"



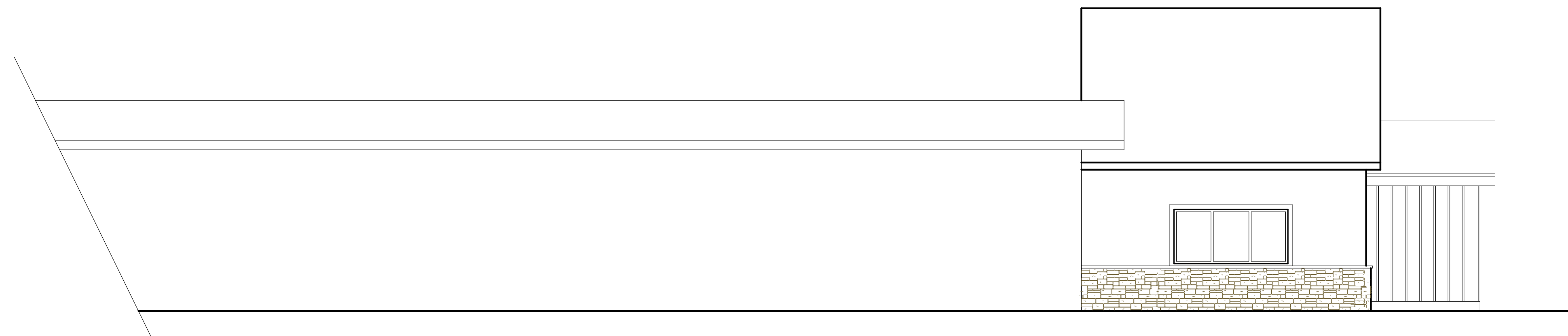
**PRELIMINARY DRAWING
 NOT FOR CONSTRUCTION**



1
A1.0 PROPOSED WEST ELEVATION
SCALE: 3/16"=1'-0"



2
A1.0 PROPOSED SOUTH ELEVATION
SCALE: 3/16"=1'-0"



3
A1.0 PROPOSED NORTH ELEVATION
SCALE: 3/16"=1'-0"

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

Willow Pet Hospital

1265 Highway 15 S
Fairmont Minnesota

CERTIFICATION:
I hereby certify that this plan, specification or report was prepared
by me or under my direct supervision and that I am a duly
REGISTERED ARCHITECT
under the laws of the State of Minnesota.

signature date

name registration number
JOHN D ANDERSON 23628

REVISION HISTORY:
description date

description	date

ISSUED FOR:
ZONING VARIANCE

ISSUE DATE:
MAY 14 2024
DRAWN BY: JDA / CLP CHECKED BY: JDA

SHEET TITLE:
EXTERIOR
ELEVATIONS

SHEET NUMBER:

A1.0

CERTIFICATE OF SURVEY

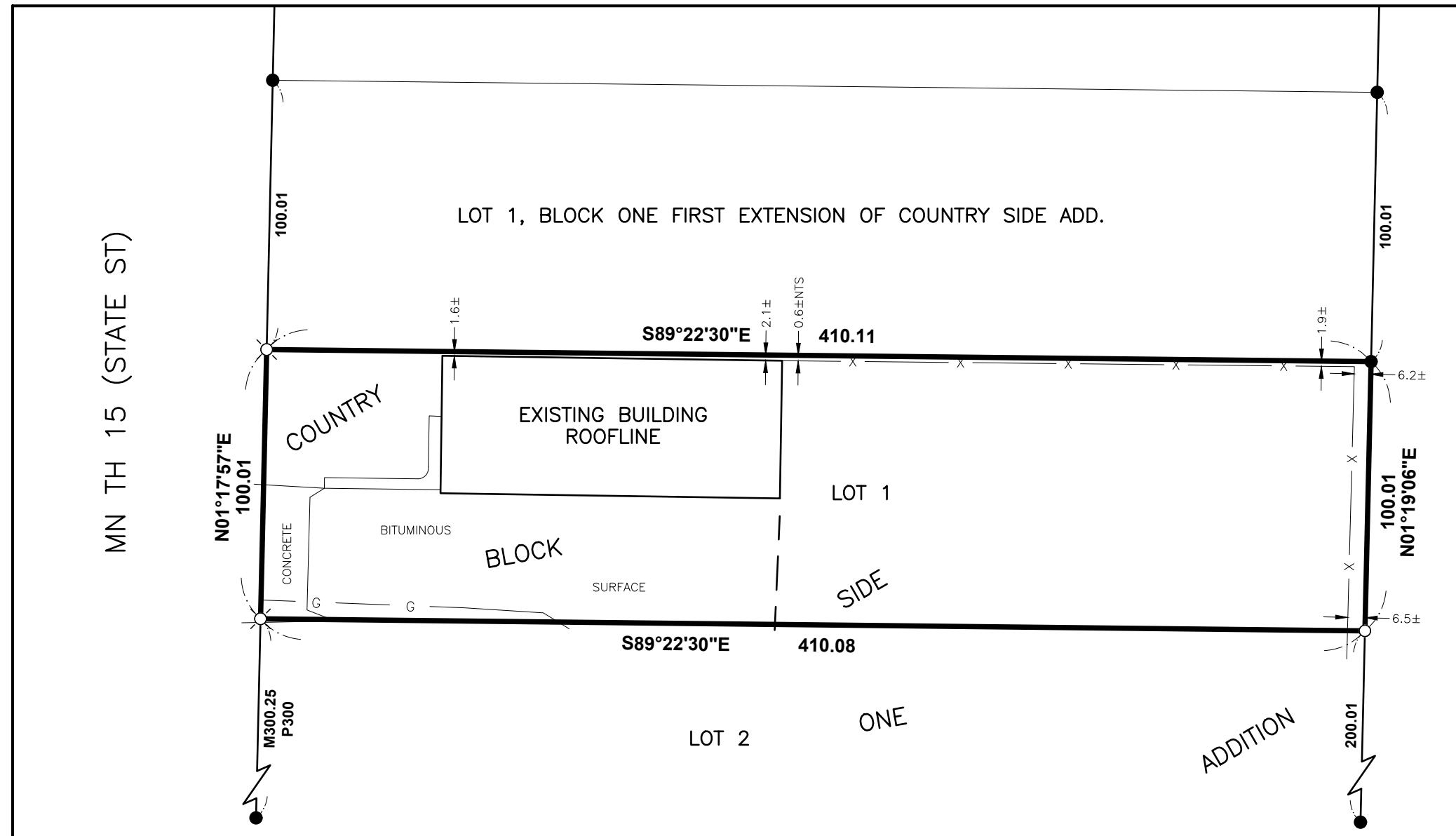
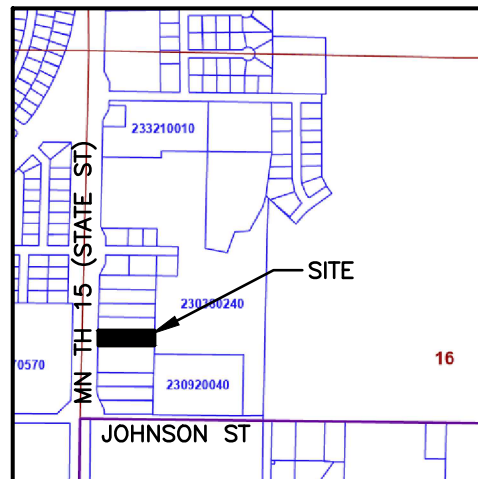
LOT 1, BLOCK 1 COUNTRY SIDE ADDITION
CITY OF FAIRMONT, MARTIN COUNTY, MINNESOTA



SCALE: 1" = 50'



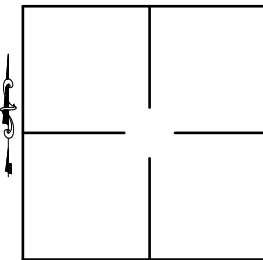
VICINITY MAP



- LEGEND:**
- = 5/8 Inch x 16 Inch iron stake monument (Capped SJT 22705)-Placed
 - = Found 1/2" Pipe
 - ⊗ = Set Cut +
 - M = Measured Dimension
 - R = Record Dimension
 - P=Plat Distance
 - N.T.S.=Not to Scale
 - X— = Fenceline
 - G — = Gas Line

FOR: WILLOW PET HOSPITAL

LOCATION MAP



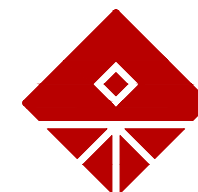
Date: 5/7/24
Revised date:
Drawn by: SJT
Survey: SJT
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 1
Job No: 24-151.DWG
File No./Tab Layout:

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I hereby certify that this survey, plan, 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.

Steven J. Thompson
Steven J. Thompson, L.S. No. 22705
05/09/2024
Date



**JONES
HAUGH
SMITH**
Engineers + Surveyors

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507-373-4876

415 West North Street
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