



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
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Phone (507) 238-9461

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To: Board of Zoning Appeals

From: Peter Bode, Planner & Zoning Official

Subject: **Agenda – Regular Meeting**
Tuesday, July 2, 2024
City Council Chambers, City Hall, 100 Downtown Plaza

- 1) Approval of Agenda
- 2) Approval of Minutes – June 4, 2024

New Business

- 3) Public Hearing – Variance Request – 302 Forest St
- 4) Public Hearing – Variance Request – 983 Shoreacres Dr

Unfinished Business

None

- 5) Adjournment

MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

Regular Meeting

June 4, 2024

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

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

Approval of Minutes – May 21, 2024: Motion by Klujeske and second by Jacobson to approve the May 21, 2024 meeting minutes as presented. Motion carried.

Public Hearing – Variance Request – 1265 S Highway 15: Chair Klujeske opened the public hearing. Bode introduced a request by Mike Sasse at 1265 South Highway 15 for a variance to allow a 5-foot instead of 10-foot northern side yard requirement for a business addition. Bode stated that staff's findings support approval of the variance.

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

Members discussed the request.

Motion by Jacobson and second by Klujeske to approve the request with BZA Resolution 2024-1. On roll call: Jacobson yes, Klujeske yes, Krueger yes, Smith yes. Motion carried.

Adjournment: There were no further agenda items. Motion by Klujeske and second by Krueger to adjourn. Motion carried and the meeting adjourned at 4:36 p.m.

Respectfully submitted,

Peter Bode

GENERAL INFORMATION

Applicant: Deanne Luhmann
Property Owner: Deanne & Gregory Luhmann
Purpose: To allow a 20-foot instead of 25-foot western corner yard setback requirement
Address: 302 Forest St
Parcel Number: 23.256.0570
Zoning: R-1
Surrounding Uses: Single-family residential
Application Date: June 16, 2024
Review Date: July 2, 2024

BACKGROUND

This R-1 Single Family Residential lot is serviced by Forest Street to the front, with the home's garage facing the corner street of South Elm Street. 75 feet in width by 100 feet in length, the lot consists of a single-family home and detached garage.

The applicant requests a variance to allow a 20-foot instead of 25-foot western corner yard setback requirement in order to replace the current detached garage with an attached garage. The garage addition is proposed to be set back farther than the South Elm Street right-of-way than the home which is legally set back at 19 feet.

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 corner yard requirement is to provide for an extra amount street-facing yard space for homes that exist on the corner of two street. The requirement is 25 feet but it can be scaled down administratively to 15 feet if the requirement would reduce the buildable width of the lot to less than 25 feet, which is not the case here.

Staff find that the request is in harmony with the general purpose of the zoning code. While South Elm street does run adjacent to this property, the street ends at this property and is not likely to extend farther because lots to the south are developed into single-family homes. This effectively makes South Elm Street an extension of the driveway for this property and 222 Forest Street across the street. At 222 Forest Street, the home also exists closer to the corner property line than the code requires.

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

The Fairmont Comprehensive Plan guides the use of this area to be traditional family neighborhood.

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 garage addition will not be any closer to the northern property line than the existing home.

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

Staff find that two unique circumstances exist. First, the home is already legally set back 19 feet from the corner property line while the applicant request a distance of 20 feet. Second, South Elm Street ending at this address presents a unique circumstance resulting in less need for common corner yard distances.

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

Staff find the request will not alter the essential character of the locality. Corner yard distances are sub-conforming at this site and across the dead-end street.

RECOMMENDATION

Staff's findings support approval of the requested variance to allow a 20-foot instead of 25-foot western corner yard setback requirement.

Staff have prepared BZA Resolution 2024-2 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 2024-2
Application for variance
Satellite photo of area

CITY OF FAIRMONT, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2024-2

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT,
MINNESOTA, APPROVING A VARIANCE REQUEST AT 302 FOREST STREET

- WHEREAS, DEANNE LUHMANN (the “Applicant”) is the owner of a parcel of land located at 302 FOREST STREET (PID No. 23.256.0570) in the City of Fairmont; and
- WHEREAS, the above-referenced property is legally described WARDS CENTRAL ADDITION WEST 1/2 LOTS 4, 5, 6 BLOCK 6 (the “Property”); and
- WHEREAS, Fairmont City Code, Chapter 26-152(e)(4)(c) sets the principal structure setback from the western corner property line at 25 feet; and
- WHEREAS, the Applicant desires to and has requested a variance to the above standards in order to place a structure 20 feet from the western corner 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 July 2, 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 20-foot instead of 25-foot western corner 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 2nd day of July, 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: Deanne Luhmann Address: 302 Forest ST. Phone# [REDACTED]

Street Address of Proposal: 302 Forest ST.

Legal Description of Property: Parcel ID # 232560570

Existing Use of Property: Residential Homestead

Proposed Use of Property: Residential Homestead

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.

Deanne Luhmann

Deanne Luhmann

Owner's Name(Printed)

Owner's Signature

Deanne Luhmann

Deanne Luhmann

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): _____

pd
ck#
4688

Variance Criteria Guidance - City of Fairmont

Questions pursuant to Minn. Stat. 462.357, Subd. 6

Project Location: 302 Forest Street

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

Yes, by allowing us to have a variance for a 20' set back it will allow for a natural flow from the existing house to the new garage addition and will still be set back 1' further than the existing house which is 19'. Elm street at this point is a dead end street that services this house and the house across the street so there is no obstruction of view problems for any traffic.

2) Is the variance consistent with the Comprehensive Plan?

The future land use is consistent with the current land use.

Yes the request is consistent with the Comprehensive plan.

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

Yes our addition onto our house is very practical but cannot do so under the rules of the ordinance.

Yes the proposed addition is reasonable because it does not encroach the side yard setback any closer than the existing house does now, also Elm Street dead ends at the end of our property.

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

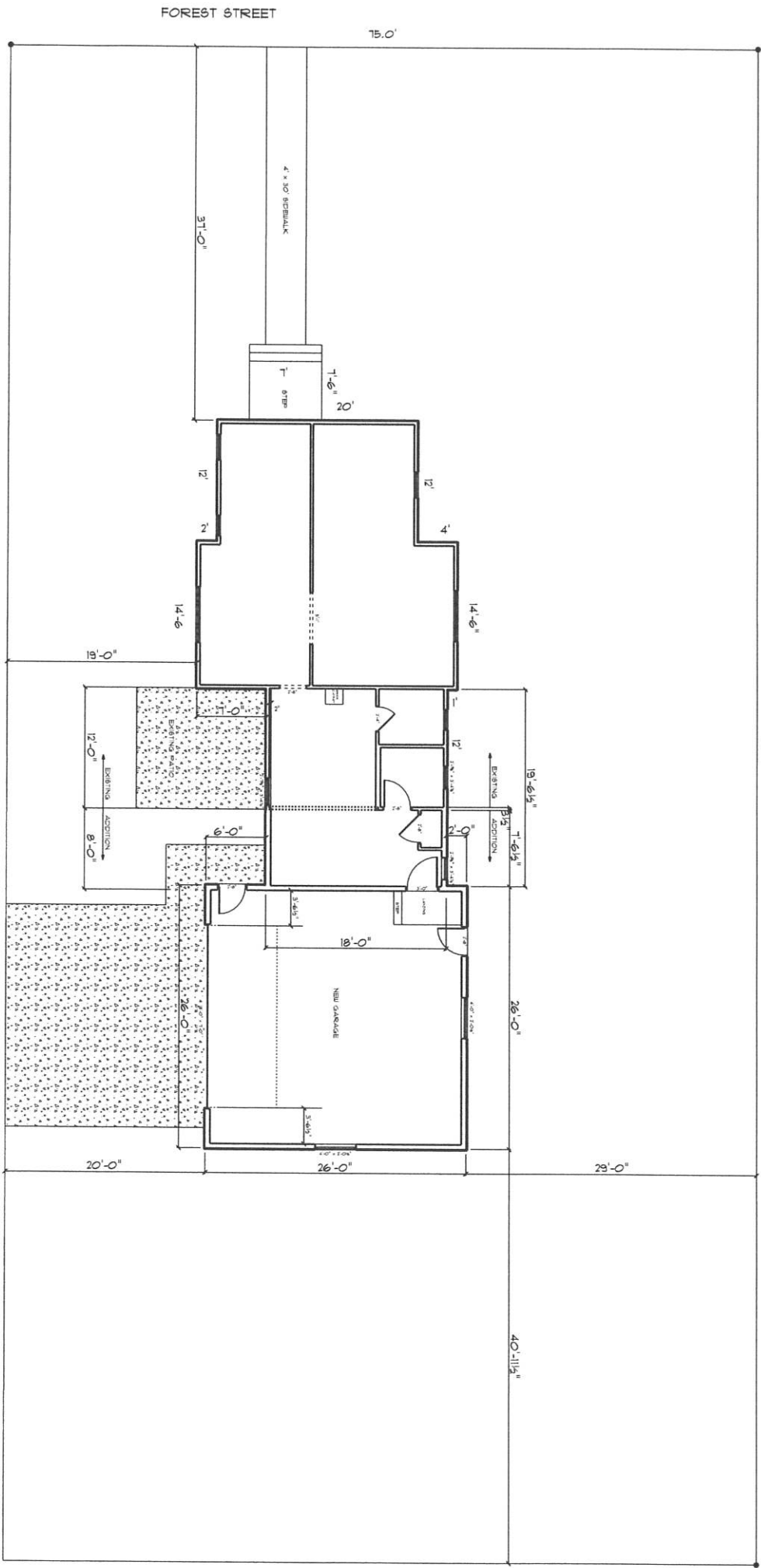
Yes, the existing lot is narrow for a corner lot width of 75 ft. and current side street setback being 25 ft. The existing house was built with a setback of 19 ft. from Elm Street, our addition would be 20 ft. setback from Elm Street to make the addition work and not be encroaching any closer than the existing house is to Elm Street.

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

The addition will look like it was part of the original house when it was built as it is set back 1 ft. further away from Elm Street than what the existing house is now. There is a curb cut driveway approach in Elm Street now for the new garage addition that will be used. See attached west elevation drawing of existing house with addition as viewed from Elm Street.

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

Yes, by you approving this variance allows us to have a natural flow of entry into the garage and the house from the side garage entry door. If the garage addition has to maintain the normal 25' setback the front wall of the garage will have to be flush with the existing house wall which does not have enough width for the entry door and overhead garage door to both fit.



TOTAL LOT AREA 15' x 150' = 11,250 SQ. FT.

EXISTING HOUSE	= 820 SQ. FT.
FRONT STEP	= 52.5 SQ. FT.
SIDEWALK	= 120 SQ. FT.
EXISTING PATIO	= 156 SQ. FT.
HOUSE ADDITION	= 144 SQ. FT.
GARAGE ADDITION	= 676 SQ. FT.
TOTAL	= 1968.5 SQ. FT.

GREG & DEANNE LUHMANN
302 FOREST STREET

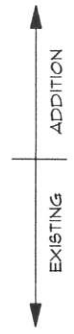
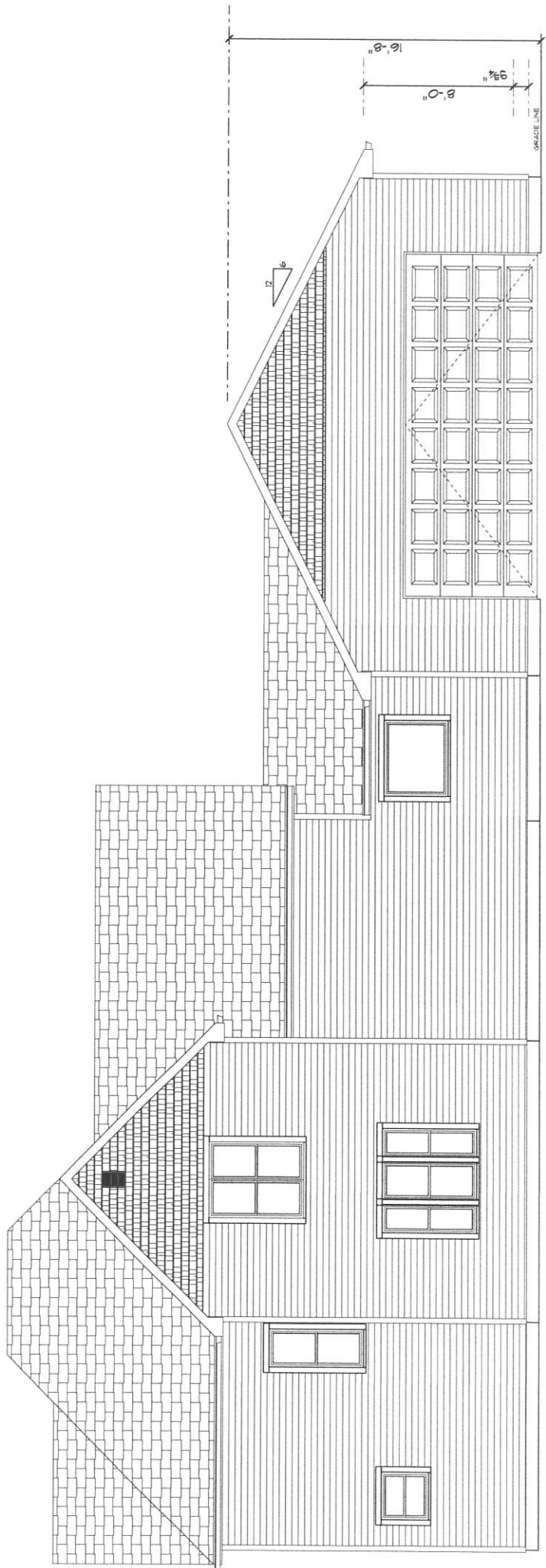
HERTZKE CONSTRUCTION & MILLWORKS INC.

5-1-2024

ELM STREET
SITE PLAN
SCALE: 3/16" = 1'-0"

KITCHEN ADDITION = 8'-0" x 18'-0"
GARAGE ADDITION = 26'-0" x 26'-0"

2020 MINNESOTA RESIDENTIAL CODE
2020 MINNESOTA RESIDENTIAL ENERGY CODE
2020 MINNESOTA RESIDENTIAL PLUMBING CODE



WEST ELEVATION
 SCALE: 1/4" = 1'-0"

232560440

SELMS

232560630

232560620

232560610

FOREST ST

232560480

232560490

232560570

232560580

232560540

232560550

232560560

231990210

231990220

231990200

231990180

231990150

231990140

231990130

231990120

231990110

WILLOW ST

GENERAL INFORMATION

Applicant: Preston Vaughn
Property Owner: Mark Broomfield
Purpose: To allow a 7-foot instead of 9-foot eastern side yard setback requirement
To allow an 18-foot instead of 30-foot southern front yard setback requirement
Address: 983 Shoreacres Dr
Parcel Number: 23.161.0090
Zoning: R-1, SOD-A
Surrounding Uses: Single-family residential
Application Date: June 16, 2024
Review Date: July 2, 2024

BACKGROUND

This R-1 Single Family Residential lot is serviced by Shoreacres Drive to the south. Abutting Budd Lake, the lot is also overlaid by Tier A of the Shoreland Overlay District. The lot measures approximately 148 feet in length and is irregular in shape, measuring 94 feet in width at the street and 74 feet in width at the lake. A single family home and attached garage exist on the lot. The lot is currently and is proposed to meet shoreland management standards.

The applicant requests two variances:

First a 7-foot instead of 9-foot eastern side yard setback requirement to build a vertical home addition above the garage. Because the home is currently set back 7 feet from the property line instead of the 9 feet required, a variance is required to even build vertical on the same footprint, which is what the applicant proposes. The proposal would meet the height requirement for the district.

The applicant states and demonstrates with building plans that the use of the structure would remain single-family. Staff caution that the addition includes connected but additional bedroom, bathroom, and kitchen facilities. Staff recommend the Board include a condition that the home never be used as an apartment as long as the zoning code prohibits multiple family structures in the district.

Second an 18-foot instead of 30-foot southern front yard setback requirement to build a roof over an existing porch.

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:

FIRST REQUESTED VARIANCE – SIDE YARD

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

Staff find that the request is in harmony with the general purpose of the zoning code. The general purpose of the side yard setback is to provide for 10% lot width on either side of a structure. Depending on how this is interpreted, the side yard requirement here scales from 7 feet to 9 feet as the lot runs south to north. Building the structure at 9 feet was determined to be conforming at the time and staff believe granting the variance will keep the general intent of the code intact.

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

The Fairmont Comprehensive Plan guides the use of this area to be traditional family neighborhood.

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 closer to the side property line than the City previously allowed or than the structure as it exists.

(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 home was legally built 7 feet to the property line. It is staff's estimation that the property owner should be able to therefore build vertically up to the height requirement for the district which is 30 feet and the proposal is consistent with.

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

Staff find the request will not alter the essential character of the locality. Setbacks at 10% of the lot width are common in the neighborhood, however they are measured and applied.

SECOND REQUESTED VARIANCE – FRONT YARD

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

The applicant states the roof would not change the property's purpose or use and that lines of sight for vehicles using Shoreacres Drive would be maintained.

Staff find that the request does not meet the general intent of the zoning code. In addition to sightlines, the purpose of the front yard setback is to provide a common set of distances to front streets and commonly-sized front yards. Staff measured the proposal and the two adjacent homes' front yard setbacks and found the following:

983 Shoreacres Drive (PROPOSAL)	Approx. 18 feet to front property line
989 Shoreacres Drive (neighbor to the east)	Approx. 29 feet to front property line
977 Shoreacres Drive (neighbor to the west)	Approx. 26 feet to front property line

Staff find that building a roof 18 feet from the front property line when adjacent properties maintain much larger setbacks would not meet the intent of code which is to provide for consistent front yards in the district.

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

The Fairmont Comprehensive Plan guides the use of this area to be traditional family neighborhood.

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 request is not reasonable because it would extend structural elements into the required front yard without demonstration of significant practical difficulty beyond personal preference.

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

The applicant states the property is uniquely sized and shaped.

Staff acknowledge the property is uniquely shaped in that it narrows towards the lake. However, a bluff already limits area in the rear where structures can be placed, which is consistent with other homes in the neighborhood. This narrowing does not affect the front yard area which is actually larger than the yards to the east and west.

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

The applicant states the request is consistent with over half of structures along Shoreacres Drive from West Lair Road to Woodland Avenue and have done some measuring.

Staff note that these measurements were taken to curbs instead of property lines. Staff's measurements of the adjacent homes to the required setbacks shows in conclusive terms that the proposed roof would be significantly closer to the southern property line than the neighboring structures.

RECOMMENDATION

Staff's findings support approval of the requested variance to allow a 7-foot instead of 9-foot eastern side yard setback requirement.

Staff's findings support denial of the requested variance to allow a 18-foot instead of 30-foot southern front yard setback requirement.

Staff have prepared BZA Resolutions 2024-3 and 2024-4 for the Board's consideration, which would approve the first and deny the second request incorporating staff's findings. The Board may approve or deny the resolutions 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 2024-3
BZA Resolution 2024-4
Application for variance
Satellite photo of area

CITY OF FAIRMONT, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2024-3

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT,
MINNESOTA, APPROVING A VARIANCE REQUEST AT 983 SHOREACRES DRIVE

- WHEREAS, MARK BROOMFIELD (the “Applicant”) is the owner of a parcel of land located at 983 SHOREACRES DRIVE (PID No. 23.161.0090) in the City of Fairmont; and
- WHEREAS, the above-referenced property is legally described LAIR ADDITION LOTS 12 & 13 BLOCK 1 (the “Property”); and
- WHEREAS, Fairmont City Code, Chapter 26-152(e)(4)(B) sets the principal structure setback from the eastern side property line at 9 feet; and
- WHEREAS, the Applicant desires to and has requested a variance to the above standards in order to place a structure 7 feet from the eastern 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 July 2, 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 7-foot instead of 9-foot eastern side yard setback is hereby approved based upon the above-referenced adopted findings with the following condition:

CONDITION 1: That the structure never be used as a multiple-family structure so long as the zoning code prohibits multiple-family structures in the district. Violations of this condition will nullify the variance and the structure shall no longer be considered protected as legally non-conforming.

PASSED by the Board of Zoning Appeals of the City of Fairmont this 2nd day of July, 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, MINNESOTA
BOARD OF ZONING APPEALS RESOLUTION BZA #2024-4

A RESOLUTION BY THE BOARD OF ZONING APPEALS OF THE CITY OF FAIRMONT,
MINNESOTA, DENYING A VARIANCE REQUEST AT 983 SHOREACRES DRIVE

- WHEREAS, MARK BROOMFIELD (the “Applicant”) is the owner of a parcel of land located at 983 SHOREACRES DRIVE (PID No. 23.161.0090) in the City of Fairmont; and
- WHEREAS, the above-referenced property is legally described LAIR ADDITION LOTS 12 & 13 BLOCK 1 (the “Property”); and
- WHEREAS, Fairmont City Code, Chapter 26-152(e)(4)(a) sets the principal structure setback from the southern front property line at 30 feet; and
- WHEREAS, the Applicant desires to and has requested a variance to the above standards in order to place a structure 18 feet from the southern front 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 July 2, 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 an 18-foot instead of 30-foot southern front yard setback is hereby denied based upon the above-referenced adopted findings.

PASSED by the Board of Zoning Appeals of the City of Fairmont this 2nd day of July, 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: Preston Vaughn Address: 811 N. PRAIRIE AVE Phone# [REDACTED]
 Street Address of Proposal: 983 Shoreacres Drive FAIRMONT
 Legal Description of Property: * See Surveyors Report
 Existing Use of Property: Single Family
 Proposed Use of Property: Single Family no change

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 <u>\$150.00</u>	2,3

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

Mark Proomfield
Owner's Name (Printed)

[Signature]
Owner's Signature

Preston Vaughn
Applicant's Name (Printed)

Preston Vaughn
Applicant's Signature

City Staff Use Only

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

pd
clh
3/24/14

TO: City Council, City of Fairmont,

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

Re: Variance 983 Shoreacres Drive Fairmont Mn

Goal: Variance approval for 2nd story addition above garage, roof over front entry and porch.

Legal description: See surveyors report

Site Plan: See Surveyors report and provided preliminary plans.

Conditions of variance:

A request is being made for a variance. May the variance allow for 2nd story addition above garage, an extended roof over front entry and porch, and eyebrow over garage opening.

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
- Variance would not change the property purpose or use.
- Variance would maintain a reasonable "line of sight" shared with common properties on Shoreacres Drive.

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

- Ref 2040 Comprehensive Plan
- HN 4-1. Promote a full range of housing types and styles to meet the various needs of Fairmont's current and future population
 - Proposed upgrades promotes revitalization of neighborhood with modern design and methods.
- HN 4-2 Encourage new growth in appropriate and strategic locations
 - Approving variance would encourage the maintenance of properties in one of Fairmont's premier neighborhoods. Absent of consent to make modern changes to homes families financially capable to do such maintenance and upgrades to their properties will be less likely to purchase properties, or abandon them for other properties, resulting in a progressive downfall of homes.
 - Approving the proposed variance would make property more desirable without compromising the environment along lakeshore or neighborhood aesthetics.
- HN 4-3 Encourage and incentivize redevelopment and infill of Fairmont's existing neighborhoods.
 - The upgrades proposed in variance are an affordable way to incentivize redevelopment without "overbuilding", or overwhelming neighboring homes.
- HN 4-4 Promote and support Fairmont's neighborhoods

- Variance approved improvements shall beautify the neighborhood and is therefore, beneficial to the over all “spirit” of the neighborhood and supports it indivial appraised values.

Requirements of “Practical Difficulties” : Ref Minn Stat 462.357 subd 6. We 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 the structure’s purpose.
- Our plight as owner is that the property is unique in size and shape, Owner had no doing in current setbacks or lot sizing. Current codes and regulations make for impossible repurposing or new construction absent of an approved variance. As is commonly the nature of lake lots, neighborhood lots are unique in sizes and shapes.
- The current structure encroaches on the south lot line.
 - An approved variance would recognize the structures’ location that is already existing.
 - The new construction shall encroach **NO** further on South lot line.
- In context of “line of sight”
 - We recognize that the setbacks are regulated from the property line. Application is being made for variance, proposing “line of sight” to be a significant consideration of the spirit of the setback ordinances. Therefor it is proposed that setbacks from curb are relevant.
 - Research was taken primarily from Beacon, we recognize that Beacon is not a legitimate survey, but being an industry standard for general purposes, we propose that it is a legitimate source of which to accumulate averages from.
 - Over 50% of structures on the east side of Shoreacres Drive from West Lair Road to Woodland Ave are currently closer to curb than 983 Shoreacres Drive.
 - Existing structures have a variety of setbacks ranging from 16’ to 63’ from the curb.
 - An approved variance would allow new construction to be completed, maintaining a final setback further from curb than 40% of structures on the east side of Shoreacres.
 - Over 60% of parcels on the east side of Shoreacres Drive have property lines into the roadway
 - This results in the curb being closer to these structures than the property line that generally regulates setbacks, allowing these owners more usable front lot area while maintaining an eye pleasing “line of sight”.
 - This results in 60% of structures on east side of Shoreacres Drive to have a lesser setback from the curb than then the remaining 40% of parcels.
 - In context of “line of site”, an approval of the proposed variance would allow owner more usable front lot area and still remain inside a reasonable “line of sight” in harmony with other structures.
 - An approved variance would be a just decision that would allow the relevant parcel owners the liberty to improve the property without

Comparison of Parcels East Side of Shore Acres

Per Beacon, it is reconized that Beacon is not a survey.

We propose that Beacon, being used as an idustry standard for general purposes, is a legitimate resource to compare average setbacks.

Property of proposed work

983 ShoreAcres Drive Farimont MN 56031

#	Parcel	FT Structure to Curb	FT Structure to Property Line	x <43' to Curb/Line of Sight	Property lines into road easments	Strucures Equal to or closer to curb after new construction
1	231610020	30	10	x		x
2	231610010	27	9	x		x
3	231610030	44	26			
4	231610040	29	11	x		x
5	231610050	24	7	x		x
6	231610060	50	33			
7	231610070	42	27			
8	231610080	43	29			
9	231610090	43	28	Proposed Property	39' to curb after new construction	
10	231610100	45	41			
11	231610130	42	28	x		
12	232170020	51	34			
13	230391374	61	53			
14	230391372	71	56			
15	232110010	58	86		x	
16	232110020	63	89		x	
17	232110030	43	64		x	
18	232110050	56	76		x	
19	232110060	29	47	x	x	x
20	232110070	64	82		x	
21	232110080	55	69		x	
22	232110090	47	56		x	
23	232110100	32	40	x	x	x
24	232110110	47	53		x	
25	232110120	39	39	x		
26	232110135	25	25	x		x
27	232110130	41	41	x		
28	232110140	20	23	x	x	x
29	232110160	35	40	x	x	x
30	232110170	28	36	x	x	x
31	232110180	20	29	x	x	x
32	232110190	16	25	x	x	x
33	232110200	18	29	x	x	x
34	232110210	20	32	x	x	x
35	232110220	21	35	x	x	x
36	232110230	56	72		x	
37	232110240	55	72		x	
38	232110250	37	46	x	x	x
39	232110260	29	40	x	x	x

40	232110270	32	38	x	x	x
41	232110280	38	44	x	x	x
42	232110290	41	48	x	x	
43	232110320	38	45	x	x	x
44	232110310	47	54		x	
				24	27	20

Ref Parcels on the East side of Shore Acres Drive from West Lair Road to Woodland Ave.

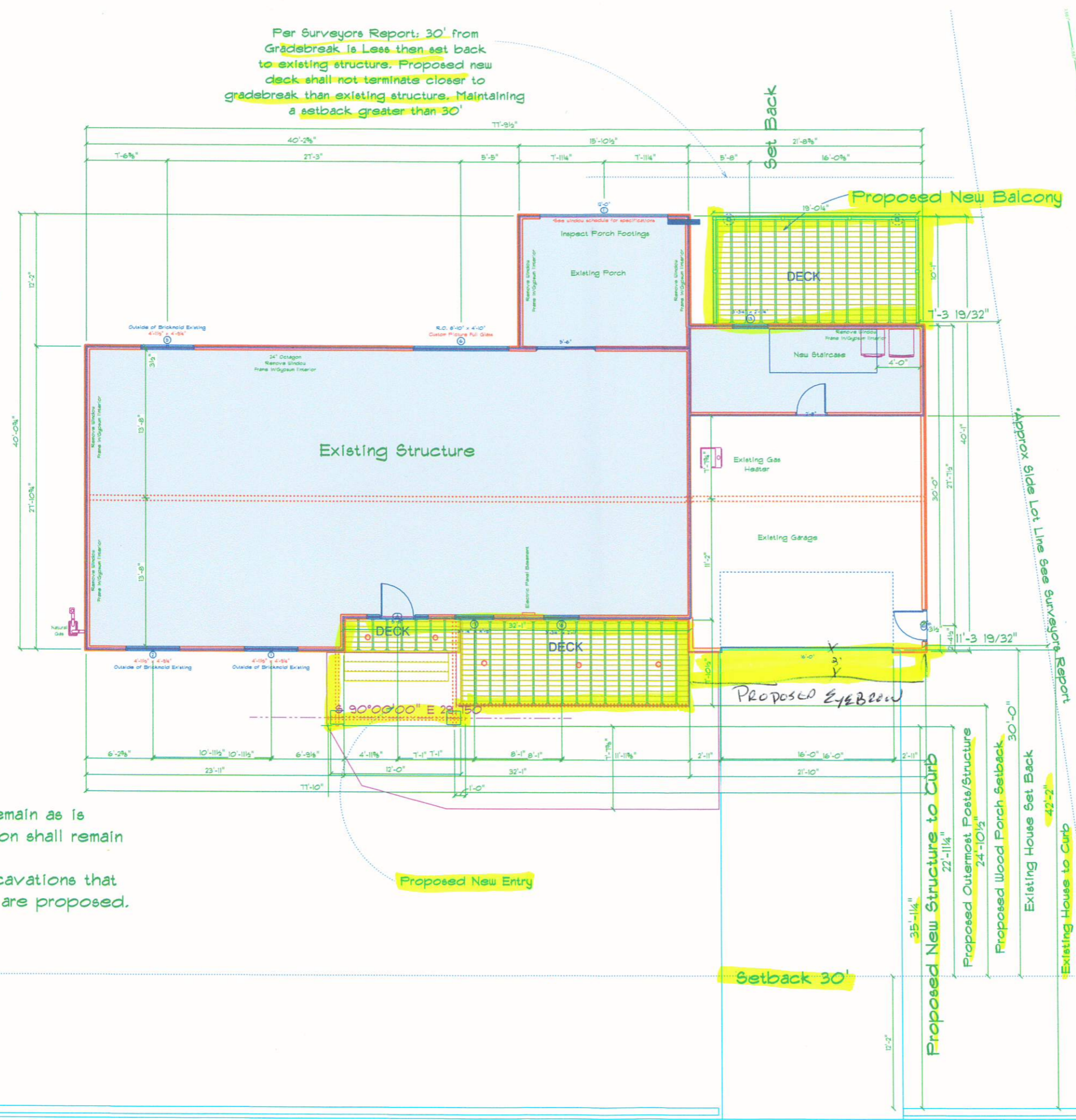
Over 50% of structures are closer to curb than the proposed property

Over 60% of parcels have property lines that are a greater distance from structure than curb, resulting in greater use of their lot and closer structures to curb

Per Surveyors Report: 30' from Gradebreak is Less than set back to existing structure. Proposed new deck shall not terminate closer to gradebreak than existing structure. Maintaining a setback greater than 30'

3D Not to Scale

NORTH



Notes

Site drainage shall remain as is
 Slope/Grade/elevation shall remain
 No new grade or excavations that would alter drainage are proposed.

Approx Side Lot Line See Surveyors Report

Setback 30'

Proposed New Structure to Curb
 35'-1 1/4"
 Proposed Outermost Posts/Structure
 22'-11 1/4"
 Proposed Wood Porch Setback
 24'-10 1/2"
 Existing House Set Back
 30'-0"
 Existing House to Curb
 42'-2"



**DUTCH
WOOD**

**PRESTON VAUGHN
CONSTRUCTION COMPANY**

311 NORTH PRAIRIE AVE FAIRMONT, MN 56031
501-236-5210 LIC: BC191756

Designer Builder

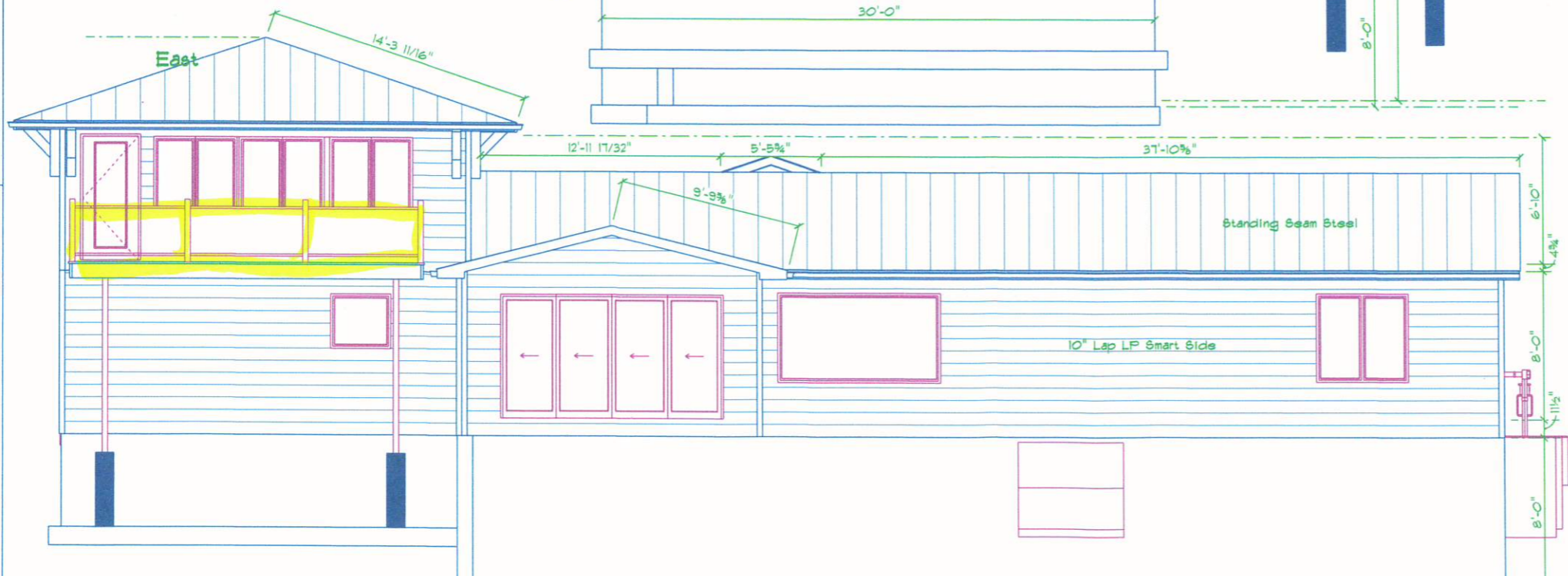
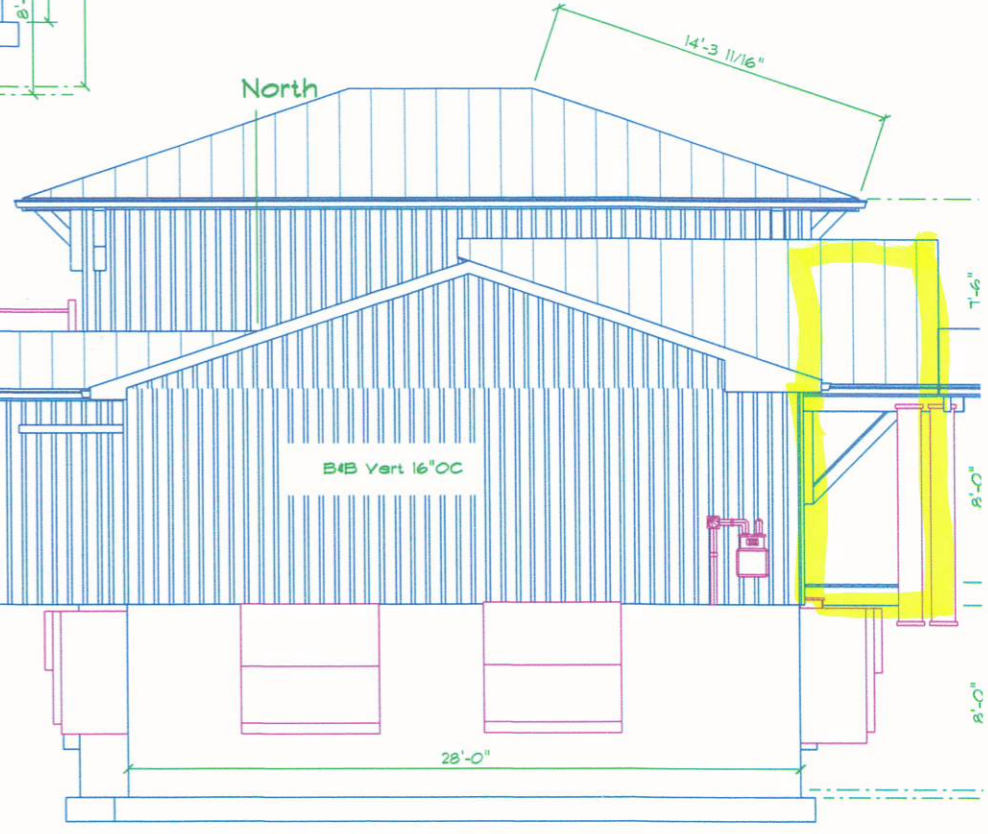
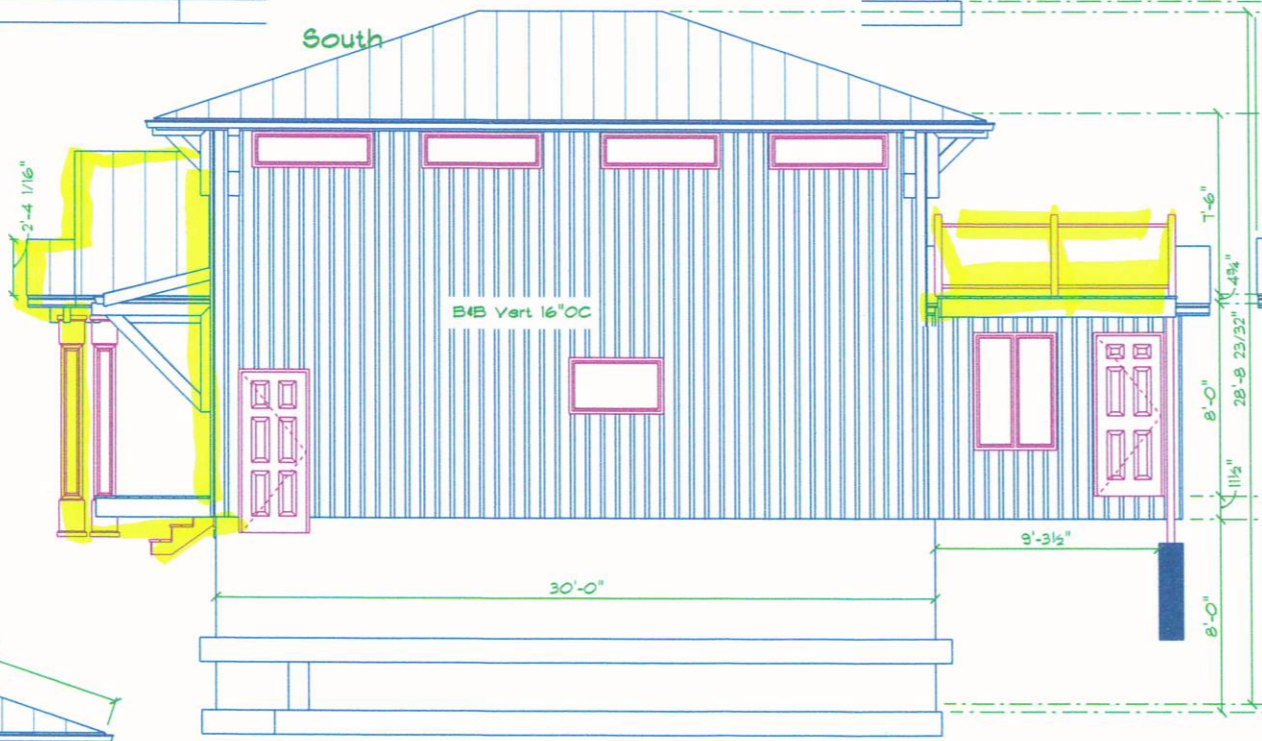
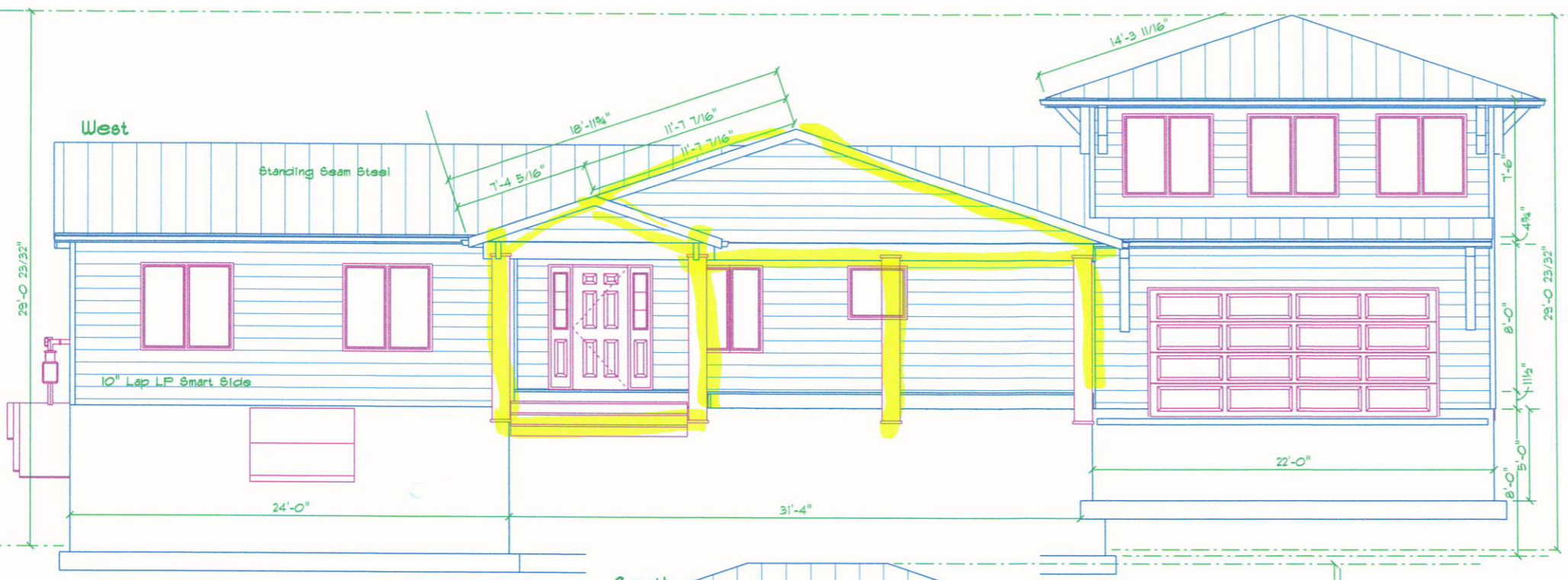
OWNER

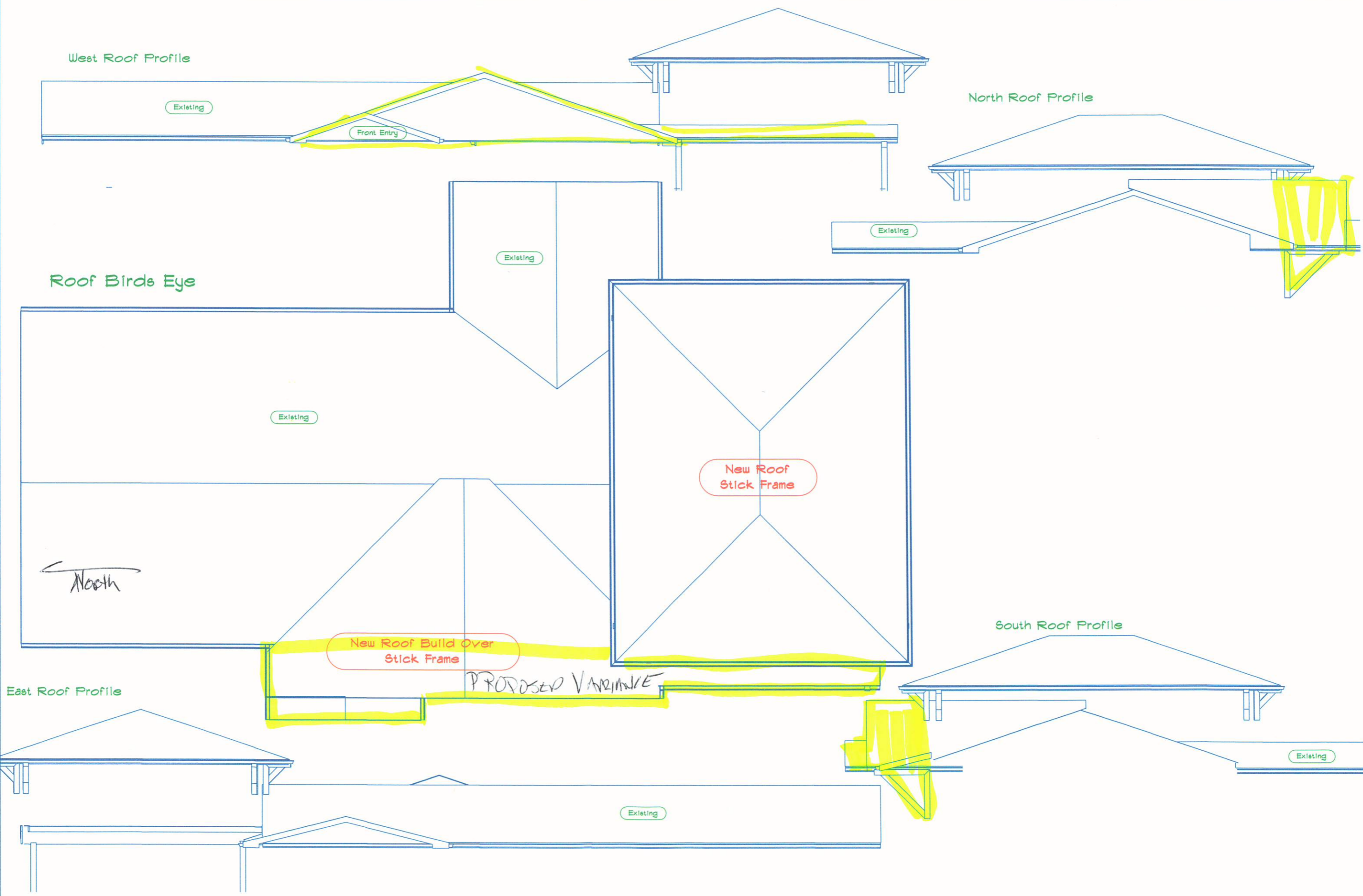
Mark and Kaseley Broomefield
983 Shoreacres Drive Fairmont 56031

Date: 1-1-2023
Scale: 1/8"=1'

3D Rendition

Page x of x

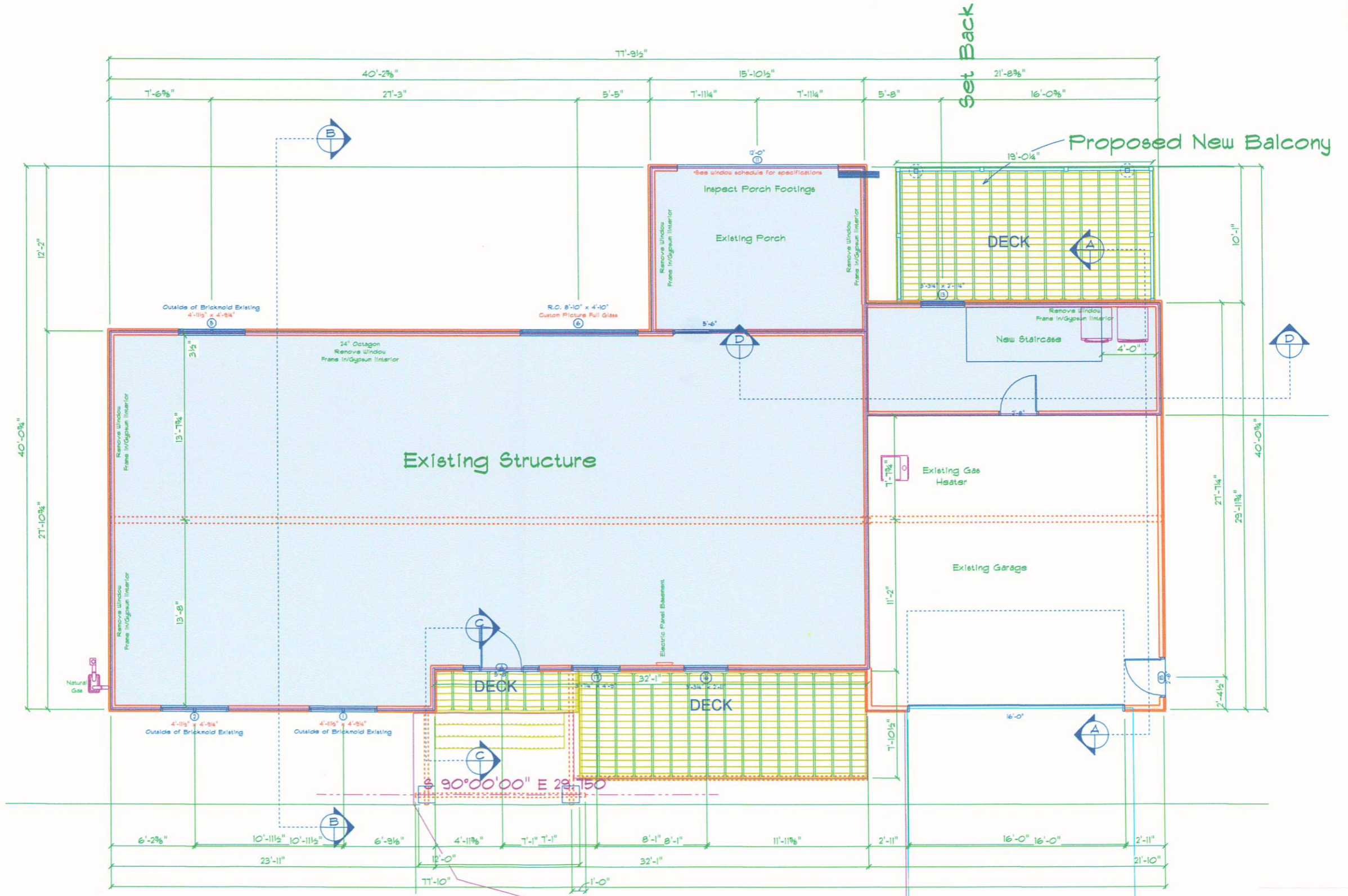




3D Not to Scale

NORTH

Notes
 Site drainage shall remain as is
 Slope/Grade/elevation shall remain
 No new grade or excavations that would alter drainage are proposed.



West/Front



Rear/East



Vanity from Master Doorway



Shower from Walk In Closet



Water Closet Linen



Kitchen From NE Corner



OWNER
Mark and Keeley Broomfield
983 Shoreacres Drive
Fairmont MN 56031

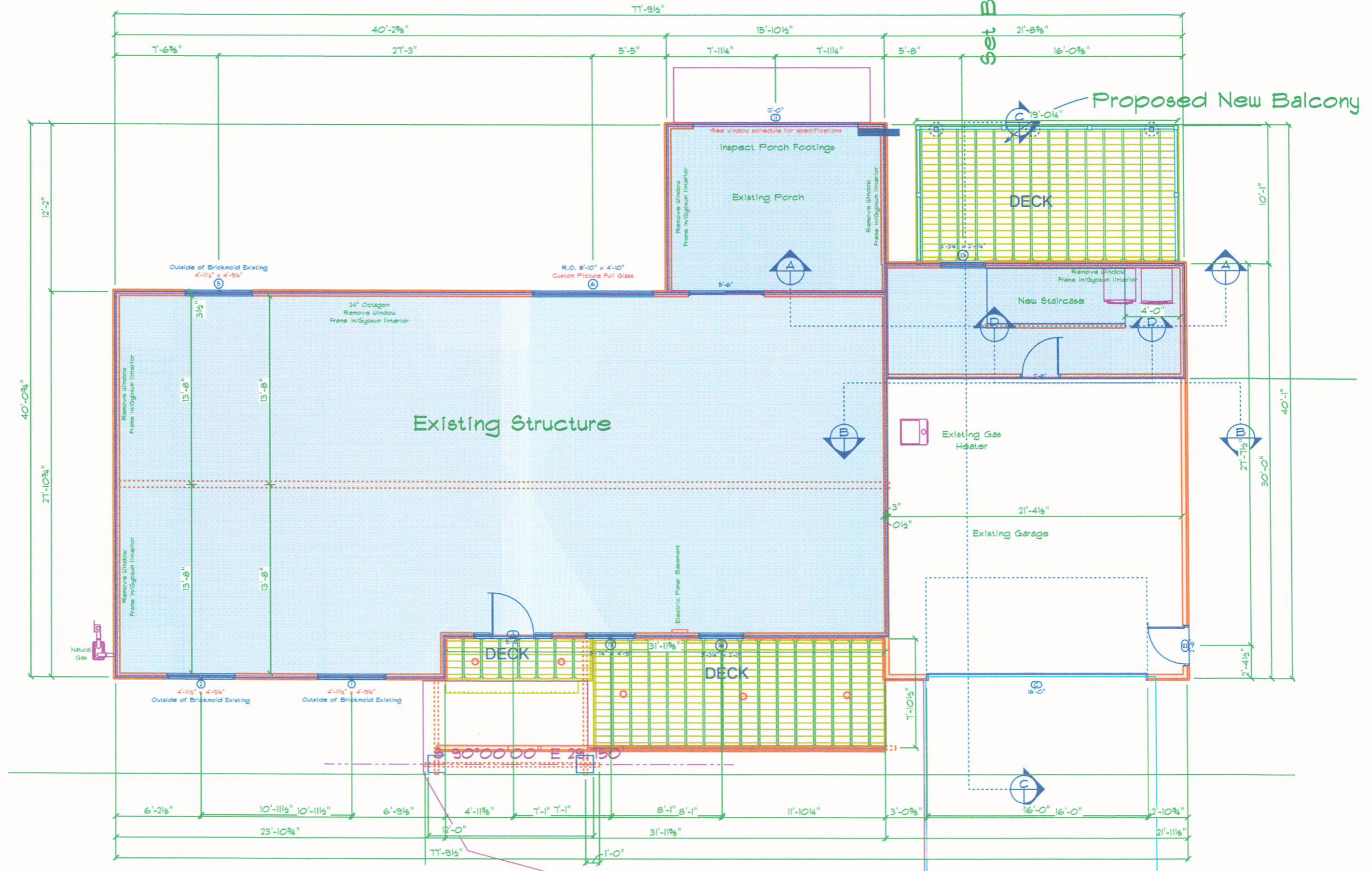
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Renderings
Page of

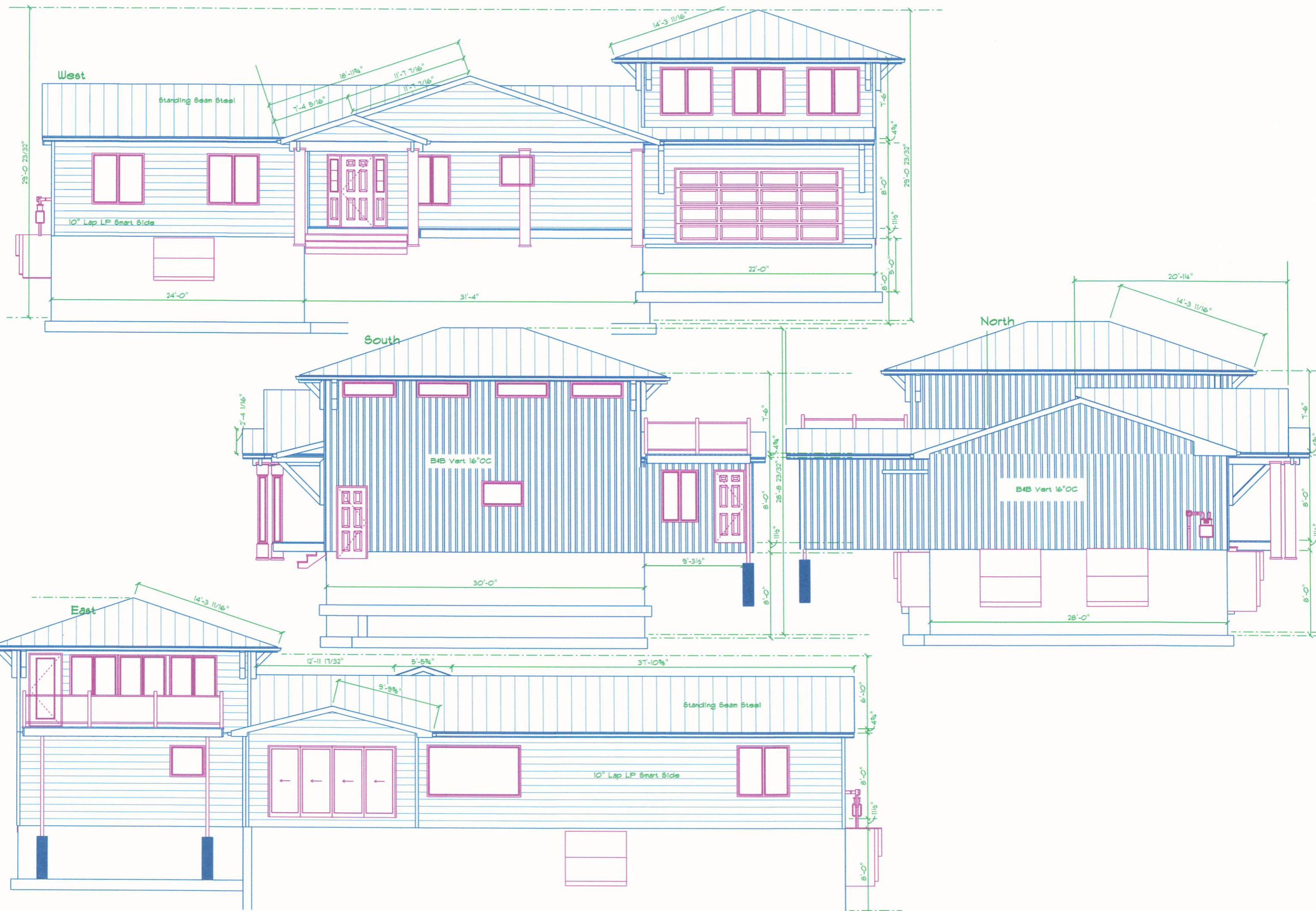
PVCC is not a licensed architect or engineer. All spans, loads, and manufacturer specifications must be verified and followed.

3D Not to Scale

NORTH

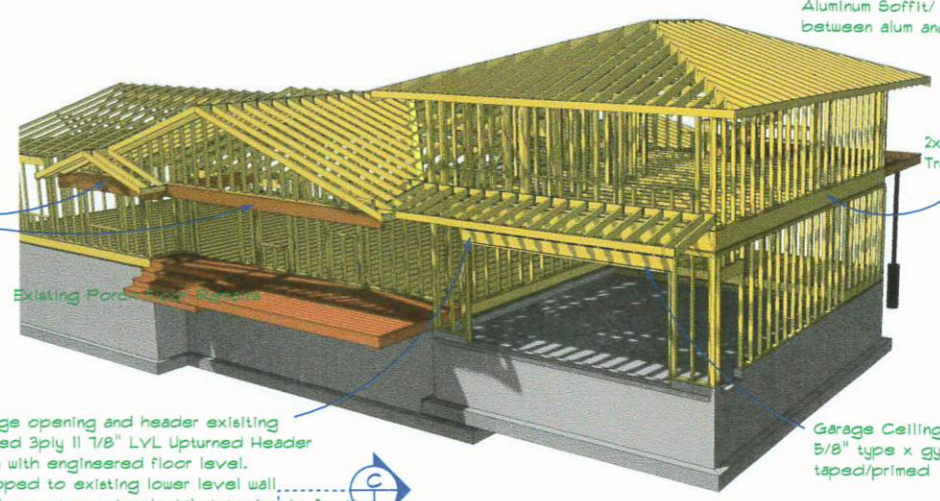
Notes
 Site drainage shall remain as is
 Slope/Grade/elevation shall remain
 No new grade or excavations that would alter drainage are proposed.





Roof Sheathing
 1/2" OSB Applied Clips
 Synthetic Roof Underlayment
 Metal Roofing/Standing Seam

Metal Roof Edge and Fascia 8"
 Aluminum Soffit/ Applied gasket break
 between alum and steel



6x12 Fir Beam Posts not rendered

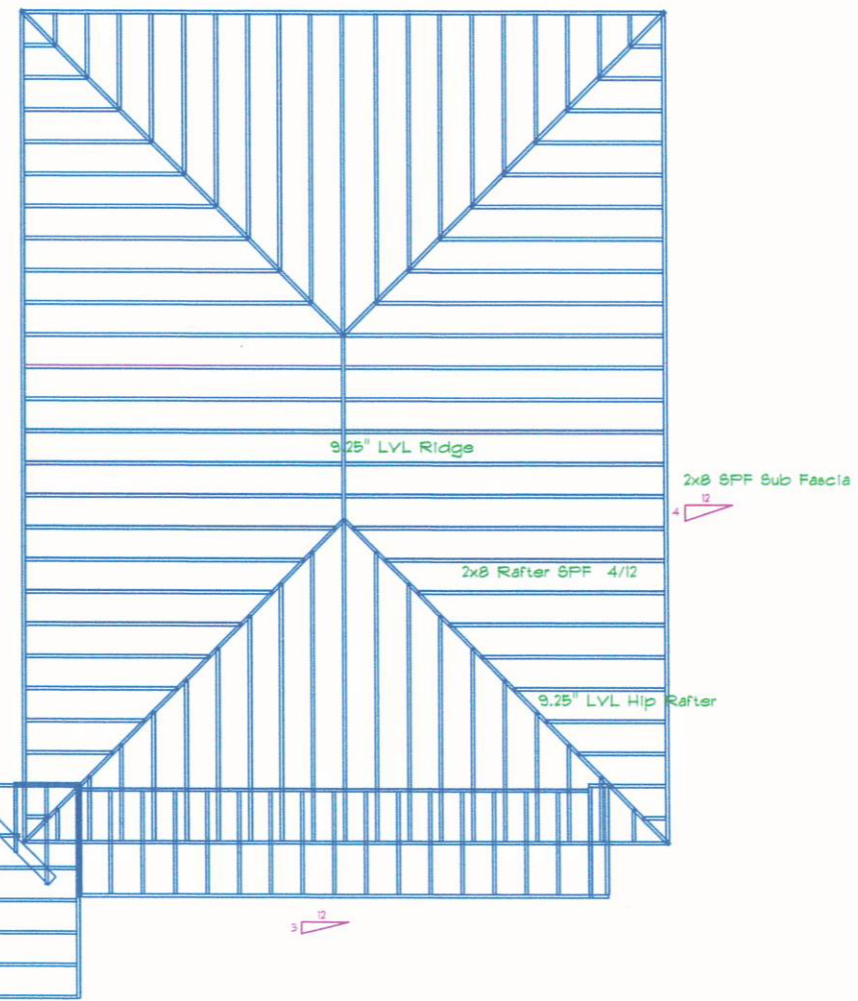
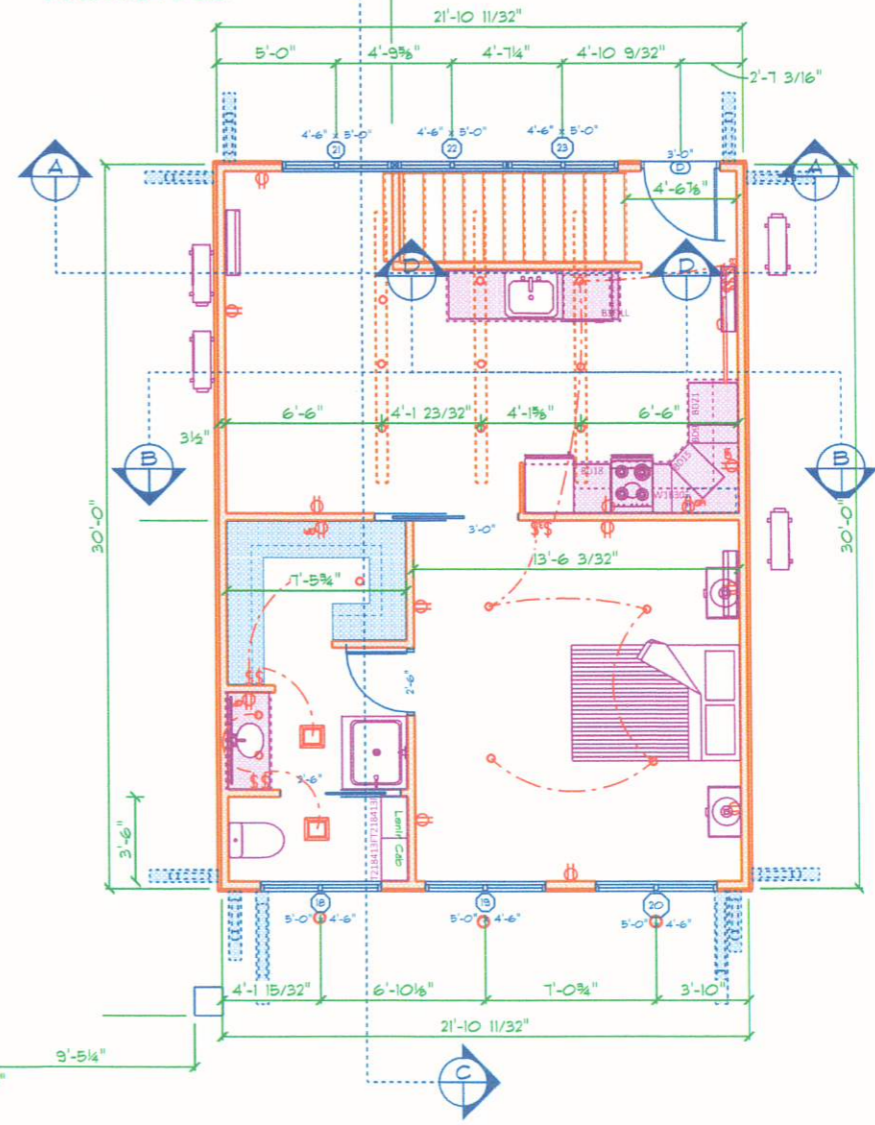
Existing Porcelain Systems

2x10 Deck Framing
 Trex Composite Finish

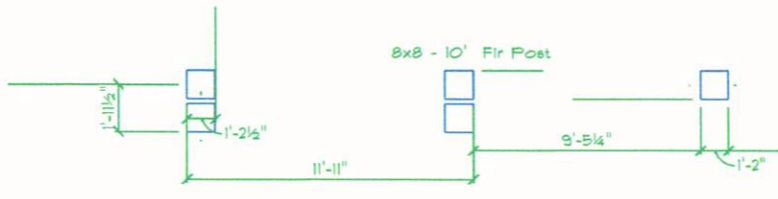
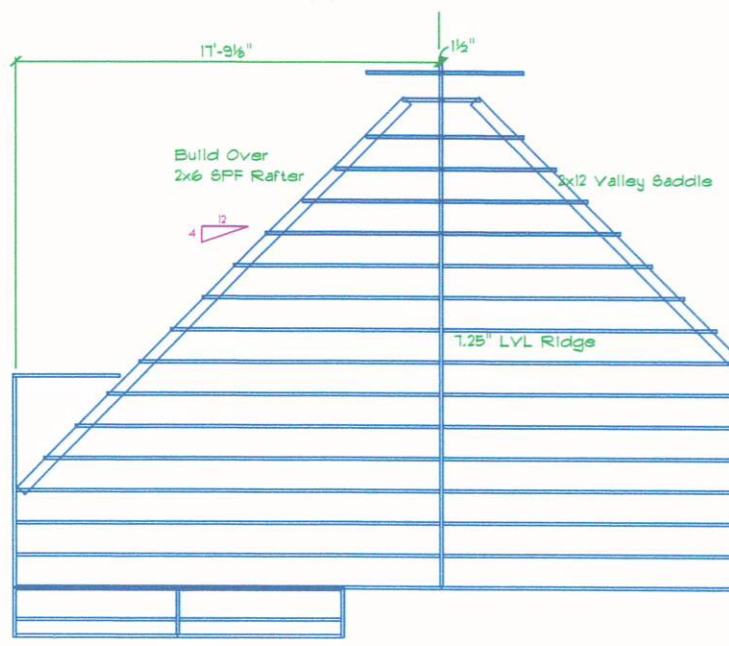
Engineered Floor System
 See Manufactures
 Specifications
 3/4" TG Plywood Subfloor
 Glued/Screwed
 Insulated R30 Closed
 Cell Insulation

Garage Ceiling
 5/8" type x gypsum
 taped/primed

Garage opening and header existing
 Added 3ply 11 7/8" LVL Upturned Header
 Flush with engineered floor level.
 Strapped to existing lower level wall.
 Apply new connectors/metal strapping to footing
 Apply new exterior 1/2 plywood sheathing to
 existing exterior lower level wall glued
 and screwed @ 6" O.C.



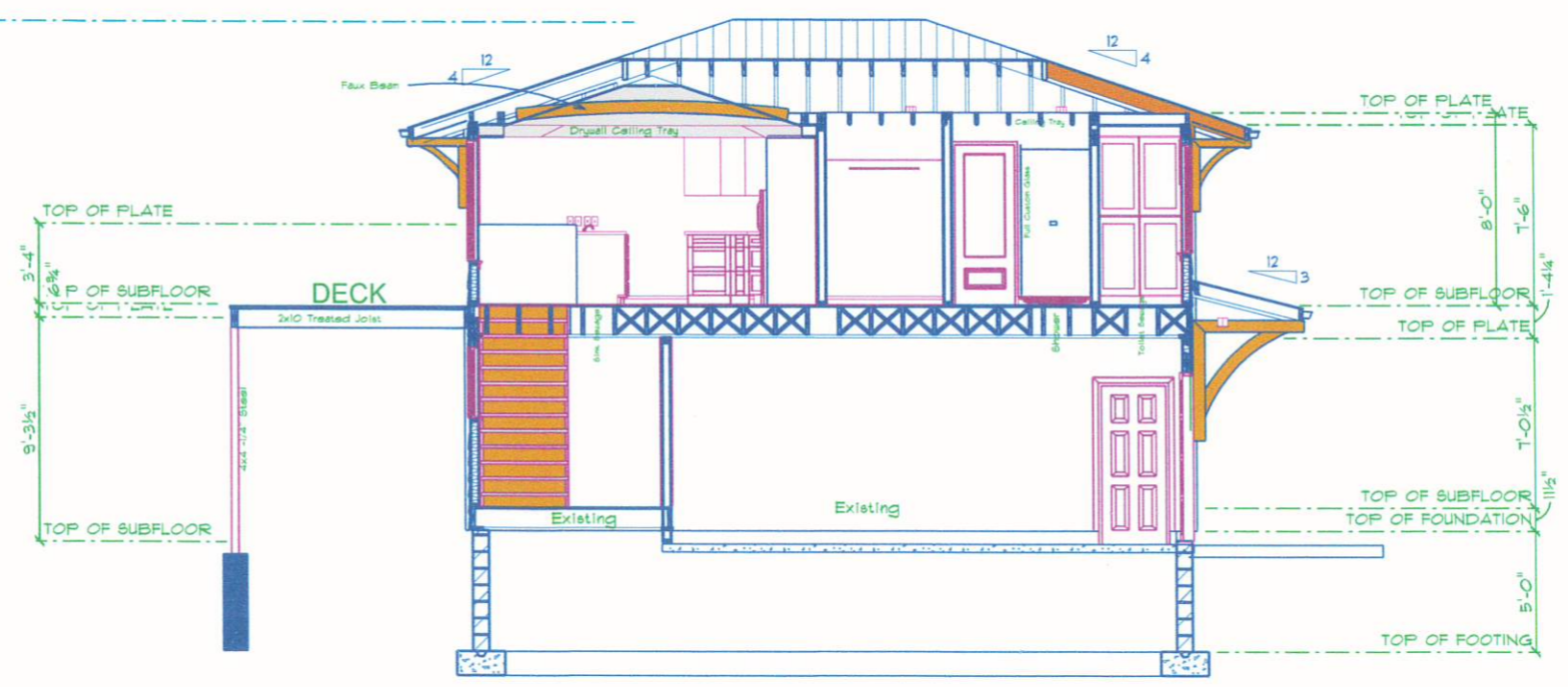
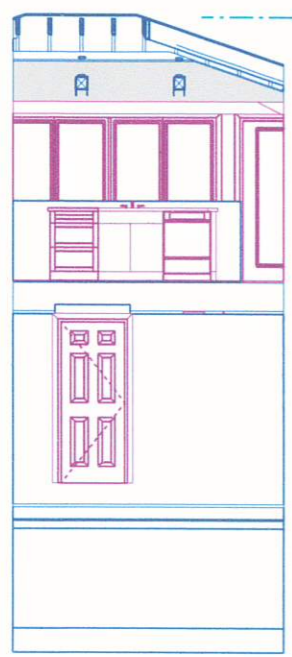
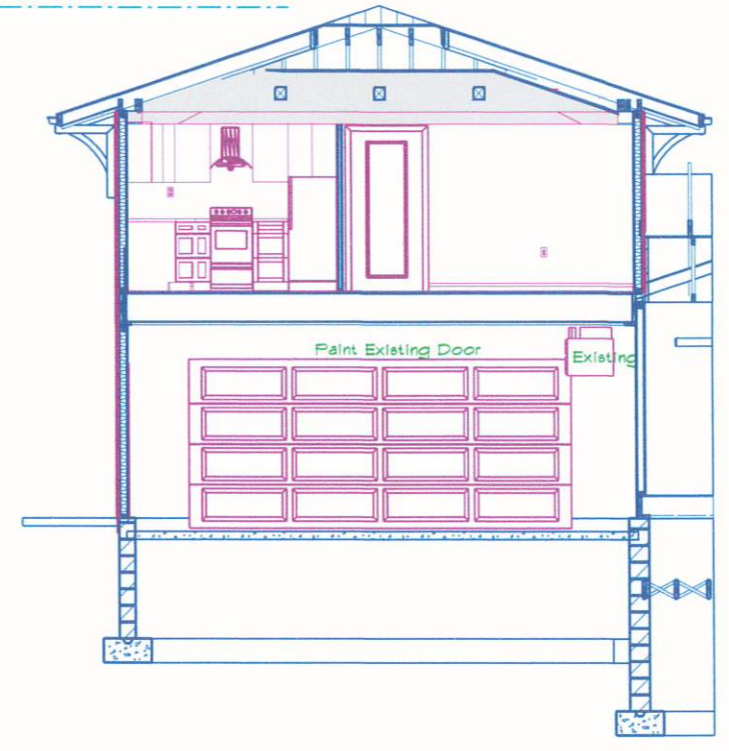
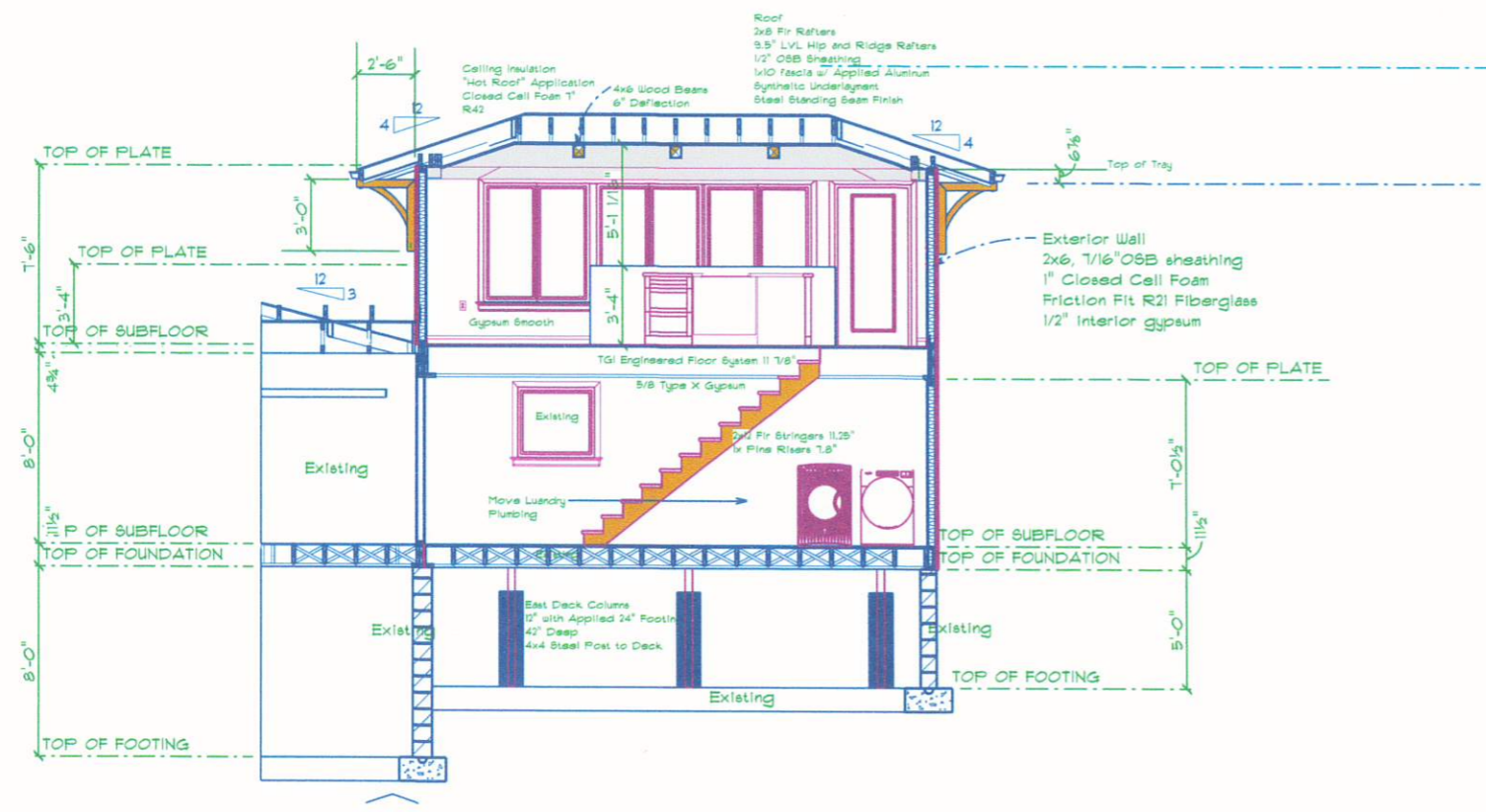
New Roof Sections

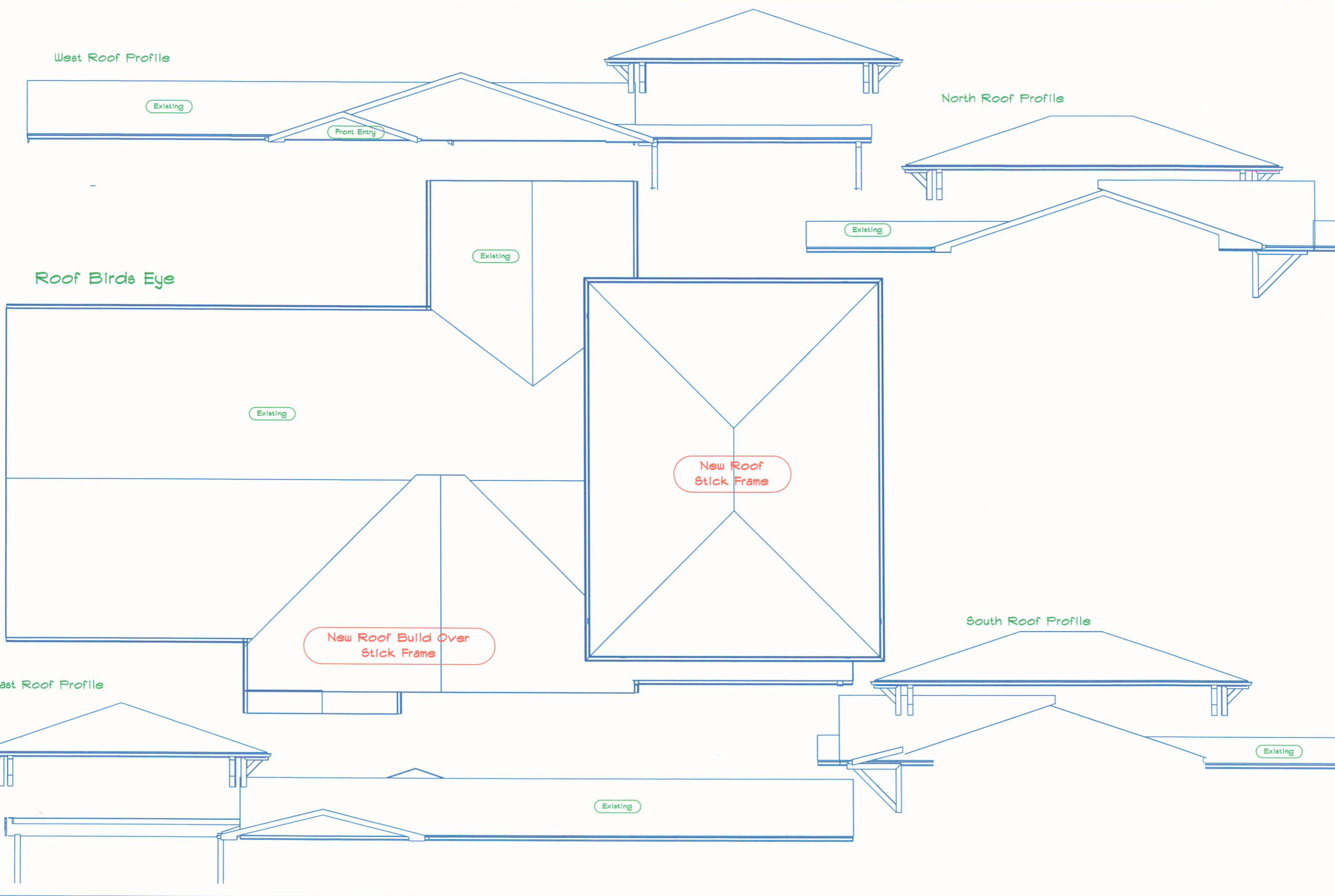


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 983 Shoreacres Drive
 Fairmont MN 56031

Date: 6-4-2024
 Scale: 1/8" = 1"
 Cross Sections
 Page 1 of 1

PVCC is not a licensed architect or engineer. All spans, loads, and manufacturers specifications must be verified and followed.





SURVEY OF BLOCK 1, LOTS 12 & 13, LAIR SUBDIVISION CITY OF FAIRMONT, MARTIN COUNTY, MINNESOTA

AREA SUMMARY (ZONING = R-1)

12516.54+/- SQ. FT. = TOTAL TRACT AREA
3129.14 SQ. FT. = 25%

2355 SQ. FT. = HOUSE
242.2 SQ. FT. = DRIVEWAY/SIDEWALK/MISC. CONC.
2112.8 SQ. FT. = IMPERMEABLE TOTAL
2112.8 SQ. FT. = 17% OF TOTAL LOT

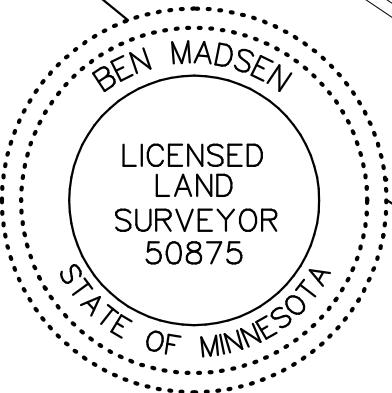
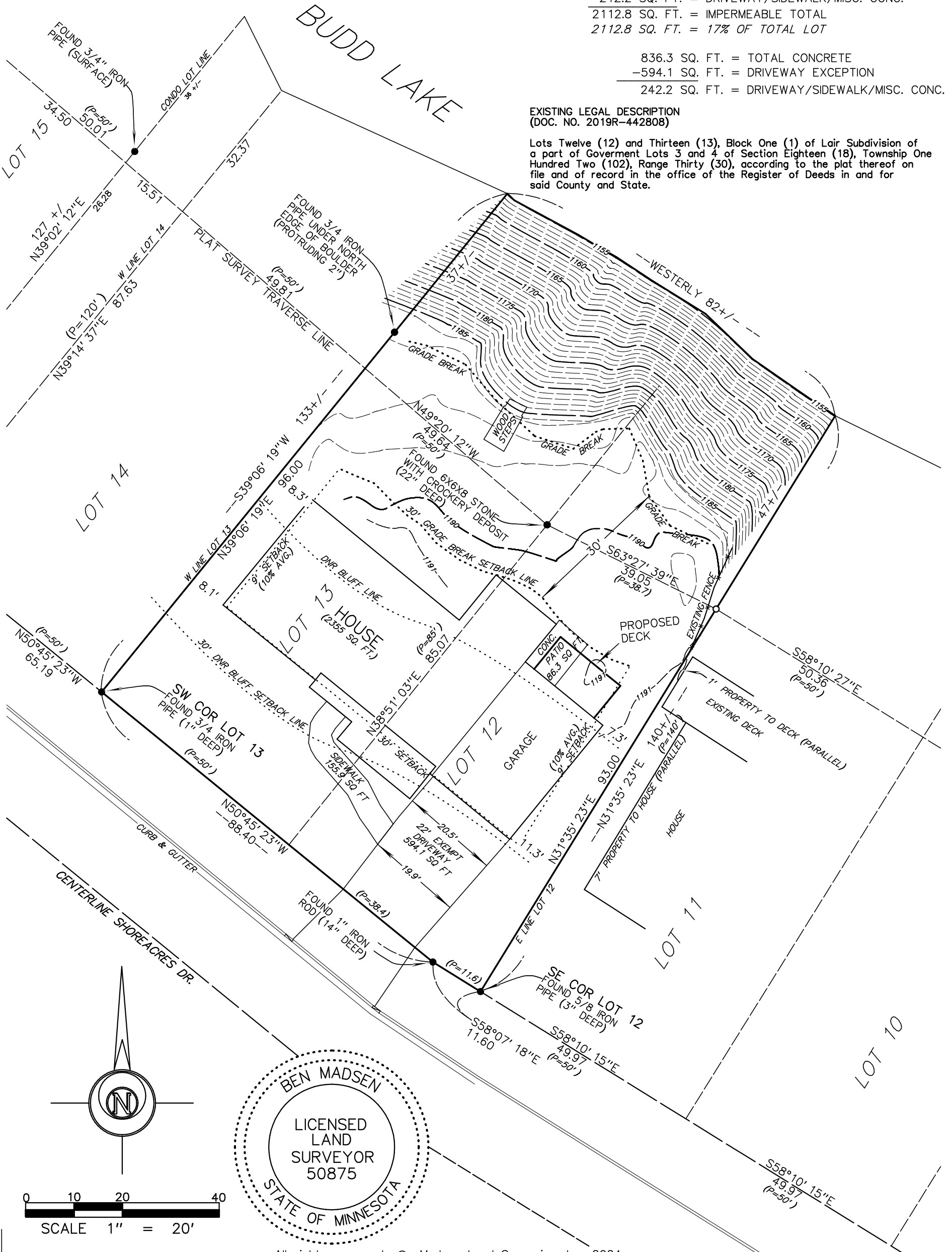
836.3 SQ. FT. = TOTAL CONCRETE
-594.1 SQ. FT. = DRIVEWAY EXCEPTION
242.2 SQ. FT. = DRIVEWAY/SIDEWALK/MISC. CONC.

EXISTING LEGAL DESCRIPTION
(DOC. NO. 2019R-442808)

Lots Twelve (12) and Thirteen (13), Block One (1) of Lair Subdivision of a part of Government Lots 3 and 4 of Section Eighteen (18), Township One Hundred Two (102), Range Thirty (30), according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County and State.

NOTE: The actual boundary of land abutting navigable waters in the State of Minnesota is the ordinary low water mark. Conventionally, lot areas are computed to the ordinary high water mark to reflect a more accurate amount of actual usable upland.
The area of this parcel is computed to the ordinary high water mark.

OHWM = 1152.8 (NGVD 29) 1153.00 (NAVD 88)



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— DENOTES IRON MONUMENT 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.

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: 06-10-2024 LICENSE NO. 50875

MARK BROOMFIELD		TEL: (507) 235-3780	PAGE NUMBER
DRAWN	K.V.		1
CHECK	B.M. H.M.		FILE NO. 24203
SURVEY BY	K.V.		
318 EAST BLUE EARTH AVENUE FAIRMONT, MINNESOTA 56031			



231610110

231610100

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