



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, October 1, 2024**  
**City Council Chambers, City Hall, 100 Downtown Plaza**

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- 1) Approval of Agenda
- 2) Approval of Minutes – September 3, 2024

New Business

- 3) Public Hearing – Variance Request – 1215 N Main St

Unfinished Business

None

- 4) Adjournment

## MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS

### Regular Meeting

September 3, 2024

City Council Chambers, City Hall, 100 Downtown Plaza

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

**Members absent:** Mike Klujeske

**Staff present:** Planner & Zoning Official Peter Bode

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

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

**Approval of Minutes – July 2, 2024:** Motion by Krueger and second by Davis to approve the July 2, 2024 meeting minutes as presented. Motion carried.

**Approval of Minutes – July 2, 2024:** Motion by Krueger and second by Davis to approve the July 2, 2024 meeting minutes as presented. Motion carried.

**Public Hearing – Variance Request – 109 Sisseton Dr:** Chair Smith opened the public hearing. Krueger recused herself from discussion and voting on the agenda item due to her being related to the applicant. Bode introduced a request by Jim Draper at 109 Sisseton Drive to allow a 15-foot instead of 30-foot front yard setback in order to build a garage on the parcel. Bode stated that staff's findings support approval of the variance.

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

Members discussed the request.

Motion by Davis and second by Smith to approve the request with BZA Resolution 2024-6. On roll call: Davis yes, Jacobson yes, Smith yes. Motion carried.

**Public Hearing – Variance Request – 1122 N State St:** Chair Smith opened the public hearing. Bode introduced a request by Minilik Mersha at 1122 North State Street for a variance to allow the following:

- 20-foot instead of 30-foot front yard setback requirement
- 0-foot instead of 30-foot side yard setback requirement
- 2-foot instead of 30-foot corner yard setback requirement
- 5-foot instead of 23-foot rear yard setback requirement

Bode stated that staff's findings support approval of the request with one condition.

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

Members discussed the request.

Motion by Krueger and second by Davis to approve the requests with BZA Resolution 2024-7. On roll call: Davis yes, Jacobson yes, Krueger yes, Smith yes. Motion carried.

**Public Hearing – Variance Request – 1325 Johnson St:** Chair Smith opened the public hearing. Bode introduced a request by Nationwide Housing Corporation to allow a 3-foot instead of 10-foot southern sign setback requirement. Bode stated that staff’s findings support approval of the variance with one condition.

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

Members discussed the request.

Motion by Jacobson and second by Krueger to approve the request with BZA Resolution 2024-8. On roll call: Davis yes, Jacobson yes, Krueger yes, Smith yes. 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 4:46 p.m.

*Respectfully submitted,  
Peter Bode*

received 9-11-24  
1:15 p.m.



# PLANNING APPLICATION

**NOTE TO APPLICANT:** All fields below must be completed with fee paid. See list of submission requirements for each type of application at the back of this packet. All items required to be submitted must be received for your application to be reviewed.

Name of Applicant: Pahl's Properties LLC Phone No: [REDACTED]

Email Address: [REDACTED]

Mailing Address: [REDACTED]

Street Address of Proposal: 1215 N. Main St. Parcel ID: 231620530

Description of Application: Lake George L14 B6

Check One	Type of Application	Fee	Submission Requirements
	Administrative Appeal	\$ 50.00	1. All fields on this form completed with signatures for every involved property owner (may use extra paper for more signatures). 2. Fee payment made to City of Fairmont. 3. All documents listed for your type of application at the back of this packet.
	Code Amendment	\$150.00	
	Conditional Use Permit	\$250.00	
	Home Occupation Permit	\$150.00	
	Major Subdivision (Preliminary Plat)	\$300.00	
	Minor Subdivision	\$ 90.00	
	Planned Unit Development	\$250.00	
	Rezoning	\$300.00	
X	Variance Request (Residential)	\$150.00	
	Variance Request (Commercial)	\$250.00	

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

Owner's Name (Printed) Jason Pahl Owner's Signature [Signature]

Applicant's Name (Printed) Jason Pahl Applicant's Signature [Signature]

CITY STAFF USE ONLY	
Check No: <u>2743</u>	Date Paid: <u>9-11-24</u>
Date Received as Final and Complete: <u>9-12-24</u>	
60-Day Rule Deadline: <u>11-11-24</u>	
Date of Final Decision: _____	

Variance Request – Pahl's Properties LLC

1215 N Main St, Fairmont, MN 56031

Our property at 1215 N Main St is in need of an essential improvement to the garage roof, due to the old roof being minimally sloped and leaking. Prior to starting this project, we went to the city hall to pull the proper permit or permits needed. After explaining what our intentions were, we were told we needed a roofing permit only. After starting the construction in early August a city employee showed up and told us that we were given incorrect information, and a building permit was needed. In order to obtain this building permit, we need to request a variance for the following:

- Currently our garage sits 3 feet from the property line and because of this, we are requesting a variance to remove the flat roof and put on 8/12 pitch rafters. The rafters will be taller than our previous garage roofline, but they are necessary to eliminate the problem with the leaking minimally sloped roof. This roofline will aesthetically match our house roofline and stand 19 feet tall which is roughly 6 feet shorter than the neighboring house.
- The new rafters will overhang the back of the garage by 7 feet which protrudes into the 30-foot setback from the bluff. It will be approximately 14 feet from the visual bluff line. Due to the location of the house, any improvement on the lakeside of our property will be within this 30-foot setback from the bluff. We were looking for a way to add shade in the back yard without disturbing the bluff. In exploring ideas, we found that these cantilevered trusses would allow us to add shade in a way that has minimal impact to the bluff. When this project is completed, rain gutters will be installed all along the West and East sides of the new roof and drain tile will be installed. These gutters and tile lines will eliminate water runoff from the new roof and we will dispose of the water per recommendations from the Martin County Soil and Water Conservation District.

- According to our survey we meet the 25% impervious surface requirement but after adding the 98 square foot overhang on the garage roof, we exceed the requirement. This correlates directly to our lot size being much smaller than all the neighboring houses on George Lake. If you refer back to the previous bullet point, you will see our plans on how this new impervious surface will properly dispose of the water in order to help preserve the lake shore and bluff while reducing run off.
  - Options that we are discussing with planning and zoning and the building inspector to reduce the impervious surface coverage:
    - Removing a portion of the existing patio and adding a floating permeable deck.
    - Removing the entire exiting patio and installing a new permeable deck with frost footings.

We apologize that this project has already started when we are requesting these variances. We had every intention of doing this project with proper permits in accordance to the city rules.

In the end this is a small essential repair that will be improving values for the neighborhood, park and city while also improving the watershed on the property. This has been a timely and costly set back and we hope you will understand the need for this project.

## Required Statutory Criteria For Variance Requests

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

Yes, to conserve and protect property and property values, we needed to change the roof line on the property. The flat roof was causing the roof boards to rot. When we put the new pitched roof on the garage, we will also finish it off with a gutter which will be better for the bluff and lake shore.

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

Yes, the land use category will not be changing. We will keep this a residential property with a higher property value which will in turn make the Lincoln Park neighborhood and area a better place to visit and live. In alignment with the City of Fairmont's 2040 Comprehensive Plan, we are preserving and promoting reuse and redevelopment of an existing neighborhood.

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

The request is reasonable because we are making necessary improvements to an existing structure. What is being added will improve the aesthetics and value of the property. We have not gotten closer to the neighbor's house and are just adding an overhang 7 feet closer to the bluff, this overhang will have a gutter which will in turn be a better case scenario for the bluff than the existing structure.

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

Yes, given where the original structure was built and how small the lot is, to improve the structure with the essential improvements, we are already too close to the bluff and to the neighboring property before any work was done.

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

Yes, we are still further away from the bluff than many other structures on George Lake and the character of the house will not be lost with adding the rafters to the roof. It will add to the character and be more comparable to the neighborhood houses.

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

Yes, economic factors are not the main reason for this variance. The reason we are requesting these variances are for essential repairs to a failing roof and to add a small overhang to be able to sit and enjoy our cities beautiful lakes.





**SURVEY OF LOT 14 OF BLOCK 6,  
LAKE GEORGE ADDITION, CITY OF  
FAIRMONT, MARTIN COUNTY, MINNESOTA**

AREA SUMMARY (ZONING = R-1)  
 TOTAL LOT AREA: 8433 SQ. FT. +/-  
 25% ALLOWABLE IMPERVIOUS = 1623 SQ. FT. +/-

1401 SOFT - HOUSE  
 184 SOFT - PATIO  
 67 SOFT - NON-DRIFT CONCRETE (DRIVE/SEWALK)  
 1897 SOFT - TOTAL IMPERVIOUS (25%)

22' DRIVE EXEMPT FROM CALCULATIONS

WOOD STEPS HAVE DRT BELOW, NOT USED FOR ANY CALCULATIONS.  
 2.5"x1" PAVEN AT EDGE OF ROCKS NOT COMPUTED IN CALCULATIONS.  
 ROCK LANDSCAPING IS NOT INCLUDED IN THE IMPERVIOUS CALCULATIONS.  
 OVER HANG IS SHOWN AS GRAPHICAL ONLY.

NOTE: The actual boundary of land abutting  
 the ordinary low water mark of  
 Lake George is shown graphically.  
 lot areas are computed to the ordinary high water  
 mark. The actual boundary of the ordinary  
 high water mark is shown as graphical only.

ORWM = 1152.8 (NOV 29) 1153.00 (NOV 08)

LEGAL DESCRIPTION OF RECORD  
 (DOC. NO. 2021R-451735)

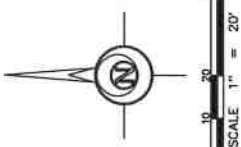
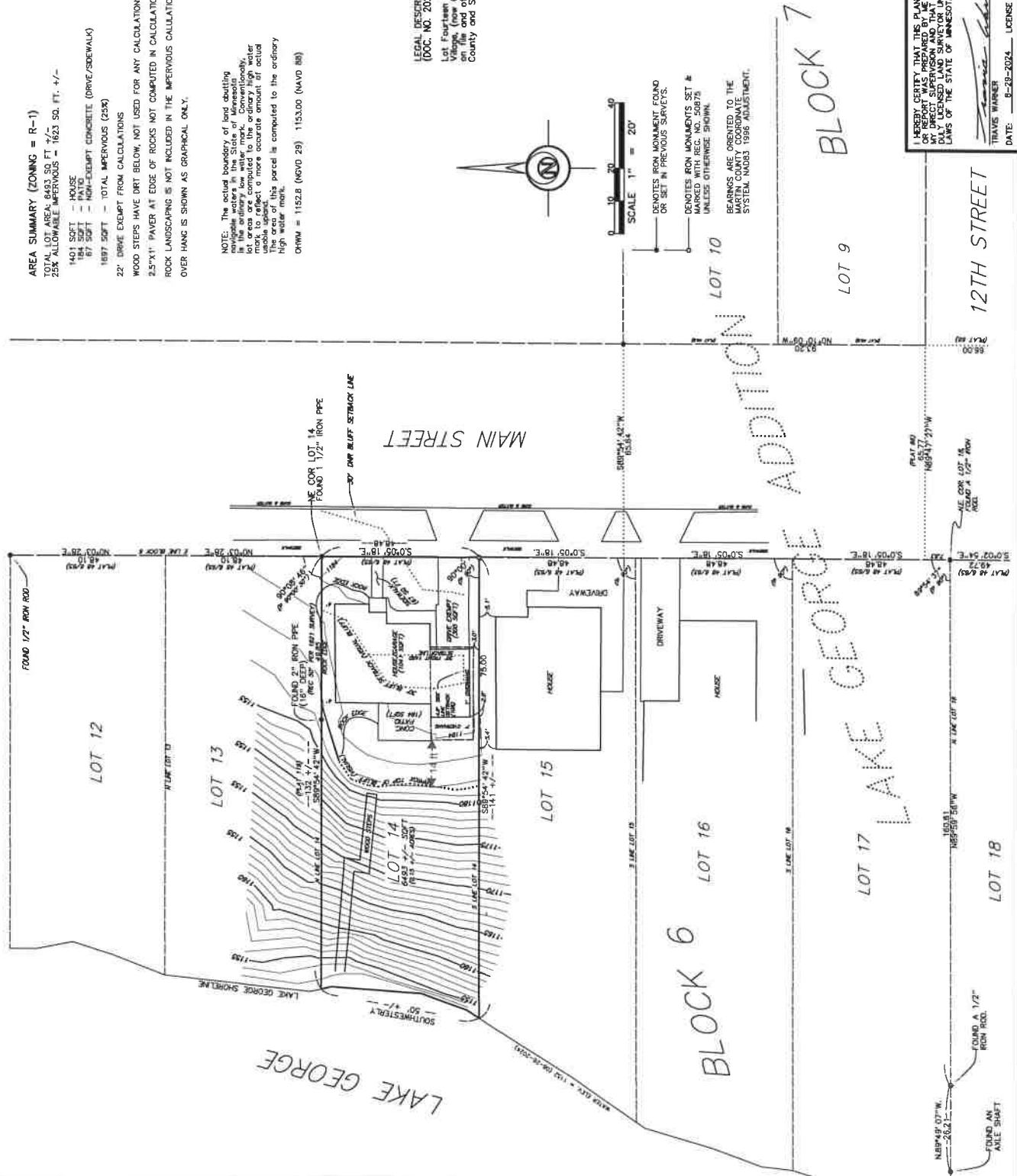
Lot Fourteen (14) in Block Six (6), Lake George Addition to the  
 City of Fairmont, Martin County, Minnesota, as shown  
 on the map and of record in the Register of Deeds in and for said  
 County and State.



Jason Pahl  
 TEL: (907) 235-3780  
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I HEREBY CERTIFY THAT THIS PLAN, SURVEY,  
 OR REPORT WAS PREPARED BY ME OR UNDER  
 MY CLOSE PERSONAL SUPERVISION AND IN  
 ACCORDANCE WITH THE LAWS OF THE STATE OF MINNESOTA.

TRAVIS WARNER  
 DATE: 8-28-2024 LICENSE NO. 61557



DEMOTES IRON MONUMENT FOUND  
 OR SET IN PREVIOUS SURVEYS.

DEMOTES IRON MONUMENT SET &  
 MARKED WITH REC. NO. 6584'S  
 UNLESS OTHERWISE SHOWN.

BEARINGS ARE ORIENTED TO THE  
 MARTIN COUNTY COORDINATE  
 SYSTEM (ADDS 1985 ADJUSTMENT).

Patric Boer mathkup 6/1/2024