



Phone (507)238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031
www.fairmont.org ♦ citygov@fairmont.org

Fax (507)238-9469

TO: Board of Zoning Appeals

FROM: Michael Schutz, Planning & Zoning Code Enforcement Coordinator

DATE: July 7, 2026

SUBJECT: **Agenda – Regular Meeting, July 7, 2026**
4:30 Fairmont City Hall Council Chambers, 100 Downtown Plaza

- 1) Approval of Agenda
- 2) Approval of Minutes – March 3, 2026

New Business

- 3) Public Hearing – Variance Request Davis 907 N Orient

Old Business

None

- 4) Adjournment

MINUTES OF THE FAIRMONT BOARD OF ZONING APPEALS Proposed

Regular Meeting

March 3, 2026

City Council Chambers, City Hall, 100 Downtown Plaza

Members present: Adam Smith, Adam Wells, Jon Davis, Tom Mesich, Councilor Liaison James Kotewa

Members absent: Councilor Liaison Wayne Hasek

Staff present: Mike Schutz, Planning and Zoning

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

The board of Zoning and Zoning Appeal members introduced themselves. Mike Schutz, Planning and Zoning introduced himself to the Board.

Approval of Agenda: Motion by Davis and second by Mesich to approve the agenda as presented to include the election of Vice Chair. Motion carried.

Motion by Mesich, second by Wells to elect Jon Davis as Vice Chair. Motion carried.

Approval of Minutes – June 3, 2025: Motion by Davis and second by Smith to approve the June 3, 2025, meeting minutes as presented. Motion carried.

Public Hearing – Variance Request for increase in impervious surface coverage 204 Sisseton Drive

Chair Smith opened the public hearing. Michael Schutz reviewed the memorandum and application. Brian & Amy Paradis spoke at the public hearing. No one spoke on behalf of variance applicants. Motion by Mesich and seconded by Davis to close public hearing. Motion by Davis and seconded by Wells to approve the variance with same or similar conditions based off 203 Lake Street variance December 2018. Shed will be able to be placed on property if impervious surface area in back yard is reduced to equal 37.6 percent. Motion carried.

Adjournment: There were no further agenda items. Motion by Davis and second by Wells to adjourn. Motion carried, the meeting adjourned at 5:17 p.m.

Respectfully submitted,

Michael Schutz, Planning & Zoning Code Enforcement Coordinator



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: Jon & Anne Davis Phone No: 507-848-0595

Email Address: jdavis1237@yahoo.com

Mailing Address: 657 Shoreacres Dr. Fairmont MN, 56031

Street Address of Proposal: 907 N. Orient Parcel ID: 232450790

Description of Application: Variance request for a rear yard 15' setback

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	
✓	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) Jon Davis Owner's Signature [Signature]

Applicant's Name (Printed) Jon Davis Applicant's Signature [Signature]

CITY STAFF USE ONLY

Check No: _____ Date Paid: _____

Date Received as Final and Complete: _____

60-Day Rule Deadline: _____

Date of Final Decision: _____

SUBMISSION REQUIREMENTS

Administrative Appeal

1. A statement to the Board of Zoning Appeals explaining why the action taken or determination made is not appropriate and should be overturned.

Code Amendment

1. A statement to the Planning Commission introducing the proposal.
2. Proposed ordinance language.

Conditional Use Permit

1. A statement to the Planning Commission explaining the proposed use and how it would meet the requirements of City Code Chapter 26, Article II, Division 4.
2. A site plan drawn to scale showing:
 - a. Lot dimensions and required setbacks.
 - b. Proposed structures, parking, and other areas.
 - c. Existing and proposed grading in 2-foot elevation contours.
 - d. Existing and proposed drainage and utility features.
3. A full legal description of the subject property.
4. Any other information required by the zoning administrator.

Home Occupation Permit

1. A statement to the Planning Commission explaining the proposed occupation and how it would meet each performance standard of City Code Section 26-705.
2. A full legal description of the subject property.
3. Any other information required by the zoning administrator.

Major Subdivision (Preliminary Plat)

1. Written approval by the city planner to proceed past the preliminary sketch phase and into the preliminary plat phase.
2. A statement to the Planning Commission introducing the proposal.
3. A preliminary plat document drawn by a registered surveyor containing all the items required by City Code Section 24-77.
4. A full legal description of the subject property (separate from the description on the plat).
5. Any other information required by the city planner.

Minor Subdivision

1. A minor subdivision document drawn by a registered surveyor containing all the items required by City Code Section 24-52.

Planned Unit Development

1. A statement to the Planning Commission explaining the proposed use and how it would meet the requirements of City Code Chapter 26, Article V, Division 2 and City Code Chapter 26, Article II, Division 4.
2. A site plan drawn to scale showing:
 - a. Lot dimensions and required setbacks.
 - b. Proposed structures, parking, and other areas.
 - c. Existing and proposed grading in 2-foot elevation contours.
 - d. Existing and proposed drainage and utility features.
3. A full legal description of the subject property.
4. Any other information required by the zoning administrator.

Rezoning

1. A statement to the Planning Commission explaining the proposal and how it meets the intent of the Fairmont Comprehensive Plan.
2. A sketch of the parcel(s) and the surrounding area showing existing zoning designations.
3. A sketch of the parcel(s) and the surrounding area showing proposed zoning designations.
4. A full legal description of the subject property.

Variance Request (Residential and Commercial)

1. A statement to the Board of Zoning Appeals containing:
 - a. The specific variance distance, height, area, or other standard requested.
For example: Requesting a 15-foot southern front yard setback instead of the 30 feet required.
 - b. A description of the proposed work or proposal and why the variance is necessary.
 - c. A detailed answer to all six questions relating to variance standards on the Variance Criteria Guidance sheet.
2. A site plan drawn to scale showing:
 - a. Lot dimensions and required setbacks.
 - b. Proposed structures, parking, and other areas including their distances to property lines.
 - c. Complete proposed impervious surface dimensions and areas in square feet (if relating to shoreland management).
3. A survey drawn by a registered surveyor containing:
 - a. Lot dimensions and required setbacks.
 - b. Location of existing structures, parking, and other areas.
 - c. Complete existing impervious surface information, dimensions, and areas in square feet, 2-foot elevation contours, and bluff determination (if relating to shoreland management).
4. A full legal description of the subject property.

GENERAL INFORMATION

Applicant: Jon & Anne Davis
Property Owner: Jon & Anne Davis
Purpose: To allow a 15-foot instead of 30-foot rear yard setback requirement
Address: 907 North Orient
Parcel Number: 23.245.0790
Zoning: I-2 Heavy Industrial District
Surrounding Uses: Industrial
Application Date: May 27, 2026
Review Date: June 17, 2026

BACKGROUND

This conforming I-2 Heavy Industrial lot is situated on the corner of 9th Street and North Orient just north of Fairmont Foods and railroad tracks. Surrounded by other industrial uses, the lot is approximately 16,453 square feet and supports no buildings at this time. This lot is ideal due to its frontage road and corner lot location.

The applicant proposes to build a storage structure 40ft X 60ft so that it extends no further to the property line than 15 feet as shown on the applicant's site plan. The applicant states that the practicality of adding a new building to the section of the property will add to the surrounding property value and secure the use of the property in the industrial zone

POLICY CONSIDERATIONS

The Fairmont Comprehensive Plan guides the use of this area to be traditional industrial neighborhood, which supports similar industrial businesses. The parcel is zoned correctly for the use, I-2 Heavy Industrial District. The district allows for storage buildings onto the property. The applicant proposes that instead of 30 foot rear yard setback required by code, a variance is granted for 15 feet.

If the variance request is granted, the building will expand along the width of the lot. The City Engineering department does not object to the location and does not foresee any associated problems with the sidewalk.

REVIEW OF VARIANCE STANDARDS

City Code Section 26-101 guides the Board of Zoning Appeals in how to review variance requests:

No variance shall be granted to allow a use not permissible under the terms of this chapter. Variances shall only be permitted when they are in harmony with the general purposes and intent of this chapter and when the terms of the variance are consistent with the comprehensive plan. In granting a variance the board may prescribe appropriate conditions in conformity with this chapter. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this chapter. A variance shall not be granted by the board of appeals and adjustments, or by the city council on appeal, unless it conforms to the following standards.

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved that cause practical difficulties in complying with the requirements of this chapter and do not result from the actions of the petitioner. Economic considerations alone shall not constitute practical difficulties.**

The applicant states that the lot is conforming; however, the current setback requirement of the lot will not allow him to build and that creates practical difficulty because of the overall setback front to back. Additionally, staff identify that the new building, no matter what the size, would create practical difficulty by limiting any expansion under today's regulations.

- (2) Literal interpretation of the provisions of this chapter would deprive the petitioner of rights commonly enjoyed by other properties in the same district under the terms of this chapter and the granting of the variance will not alter the essential character of the locality.**

Staff find that literal interpretation of the provisions of code would deprive the applicant of rights commonly enjoyed in the area. Staff agree that using the property as proposed would not prevent full use of neighboring properties. Granting the variance will not alter the essential character of the locality.

- (3) Granting the variance will not confer on the petitioner any special privilege that is denied by this chapter to other lands, structures, or buildings in the same area and the petitioner proposes to use the property in a reasonable manner.**

Granting the variance will not convey upon the applicant any special privilege because allowing the proposed structure would give the applicant the same opportunity as enjoyed by other similar properties. The applicant proposes to use the property in a reasonable manner consistent with heavy industrial purposes.

- (4) The proposed variance will not impair an adequate supply of air and light to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the city.**

Staff find that granting the request will not impair supplies of air or light to adjacent property. The proposed location of the building will encroach upon a side yard to another property to the west; however, proper water runoff management to require gutters directing runoff away from the property will be required.

RECOMMENDATION

Staff recommend that the Board of Zoning Appeals consider the legal standards set forth by **Minnesota Statute 462.357(6)** when considering variance applications. This includes a three-factor practical difficulties test:

- 1) Reasonableness- does the landowner intend to use the property in a reasonable manner?**
- 2) Uniqueness- are there unique physical characteristics of the land, not personal preferences of the landowner, that creates the circumstance?**
- 3) Essential Character- will the resulting structure be out of scale, out of place or otherwise inconsistent with the surrounding area?**

Upon review of the statutory and code requirements related to practical difficulties, staff find that the applicant proposes to use the land in a reasonable manner consistent with the Comprehensive Plan and neighborhood conditions. There are unique features of the lot that create a practical difficulty. These

include the lot reduced building setback requirement and the inability to reasonably build a suitable structure.

Staff's findings support granting the variance request for a 15-foot instead of 30-foot rear yard setback requirement as proposed.

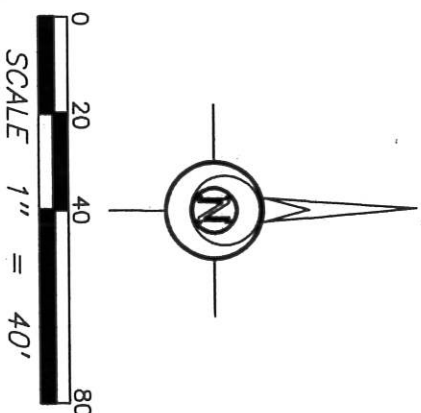
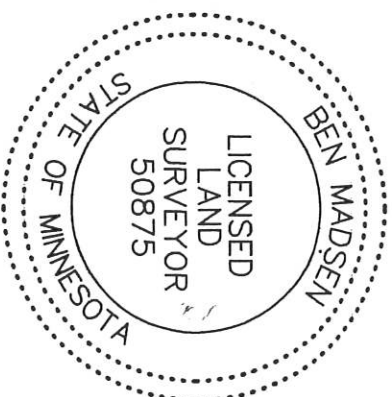
Respectfully submitted,

Michael Schutz

Planning & Zoning Code Enforcement Coordinator

Attached: **Planning Application**
 Aerial Photos
 Survey
 Variance Guidance Criteria
 Beacon

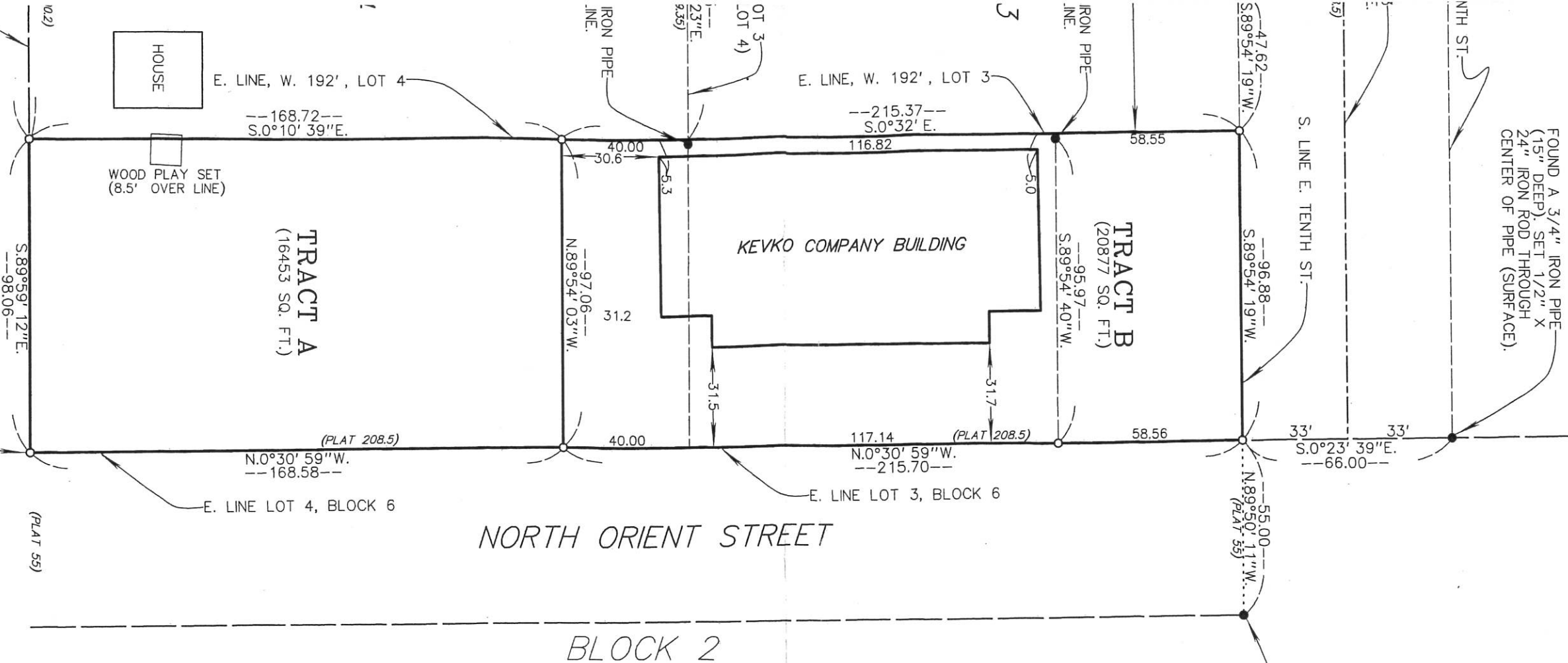
MINOR SUBDIVISION
IN LOTS 3 & 4, BLOCK 6, TAYLOR & JOHNSON'S SECOND ADDITION
CITY OF FAIRMONT, MARTIN COUNTY, MINNESOTA



DENOTES IRON MONUMENTS
FOUND.

DENOTES IRON MONUMENTS SET &
MARKED WITH REG. NO. 50875
UNLESS OTHERWISE SHOWN.

BEARING ARE ORIENTED TO THE
MARTIN COUNTY GLOBAL POSITION-
ING SYSTEM (G.P.S.) COORDINATE
SYSTEM (NAD83 1996 ADJUSTMENT).



TRACT A
LEGAL DESCRIPTION

That part of Lot 4 of Block 6 of Taylor and Johnsons Second Addition to the Village (now City) of Fairmont, Martin County, Minnesota, described as follows:

Beginning at the Southeast corner of Lot 4 of Block 6 of Taylor and Johnsons Second Addition to the City of Fairmont, according to the recorded plat thereof; thence on an assumed bearing of North 0 degrees 30 minutes 59 seconds West, along the east line of said Lot 4, a distance of 168.58 feet to an iron monument; thence North 89 degrees 54 minutes 03 seconds West a distance of 97.06 feet to an iron monument located on the east line of the West 192 feet of said Lot 4; thence South 0 degrees 10 minutes 39 seconds East, along said east line, a distance of 168.72 feet to the south line of said Lot 4; thence South 89 degrees 59 minutes 12 seconds East, along said south line, a distance of 98.06 feet to the point of beginning.

TRACT B
LEGAL DESCRIPTION

Lots 3 and 4 of Block 6 of Taylor and Johnsons Seconds Addition to the Village (now City of Fairmont), Martin County, Minnesota, according to the recorded plat thereof,

EXCEPTING THEREFROM the West 192 feet thereof.

ALSO EXCEPTING THEREFROM

That part of Lot 4 of Block 6 of Taylor and Johnsons Second Addition to the Village (now City) of Fairmont, Martin County, Minnesota, described as follows:

Beginning at the Southeast corner of Lot 4 of Block 6 of Taylor and Johnsons Second Addition to the City of Fairmont, according to the recorded plat thereof; thence on an assumed bearing of North 0 degrees 30 minutes 59 seconds West, along the east line of said Lot 4, a distance of 168.58 feet to an iron monument; thence North 89 degrees 54 minutes 03 seconds West a distance of 97.06 feet to an iron monument located on the east line of the West 192 feet of said Lot 4; thence South 0 degrees 10 minutes 39 seconds East, along said east line, a distance of 168.72 feet to the south line of said Lot 4; thence South 89 degrees 59 minutes 12 seconds East, along said south line, a distance of 98.06 feet to the point of beginning.

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.

[Signature]

DRAWN	S.S.
CHECK	B.M.
SURVEY	

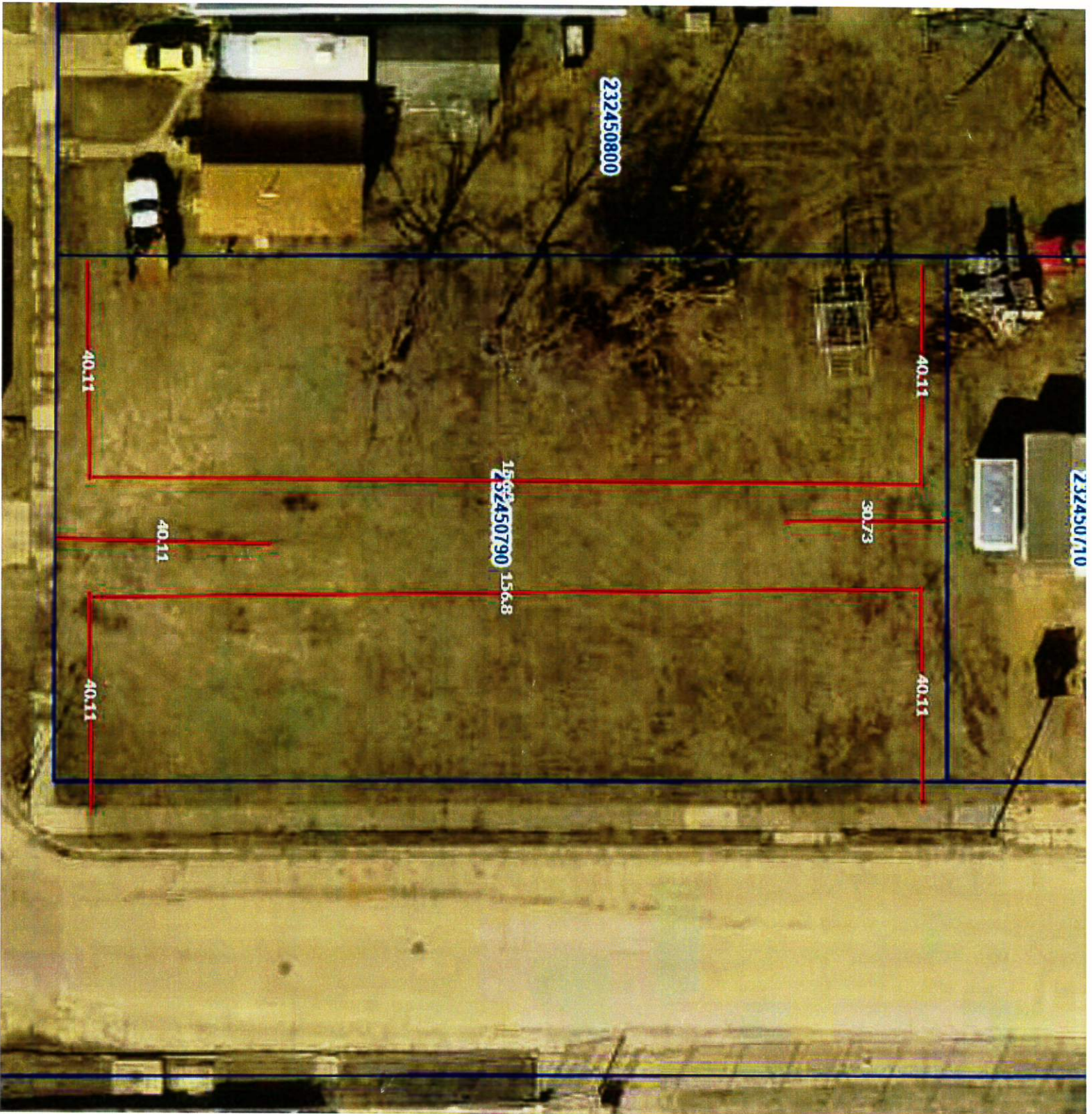
JANE KOLLOFSKI

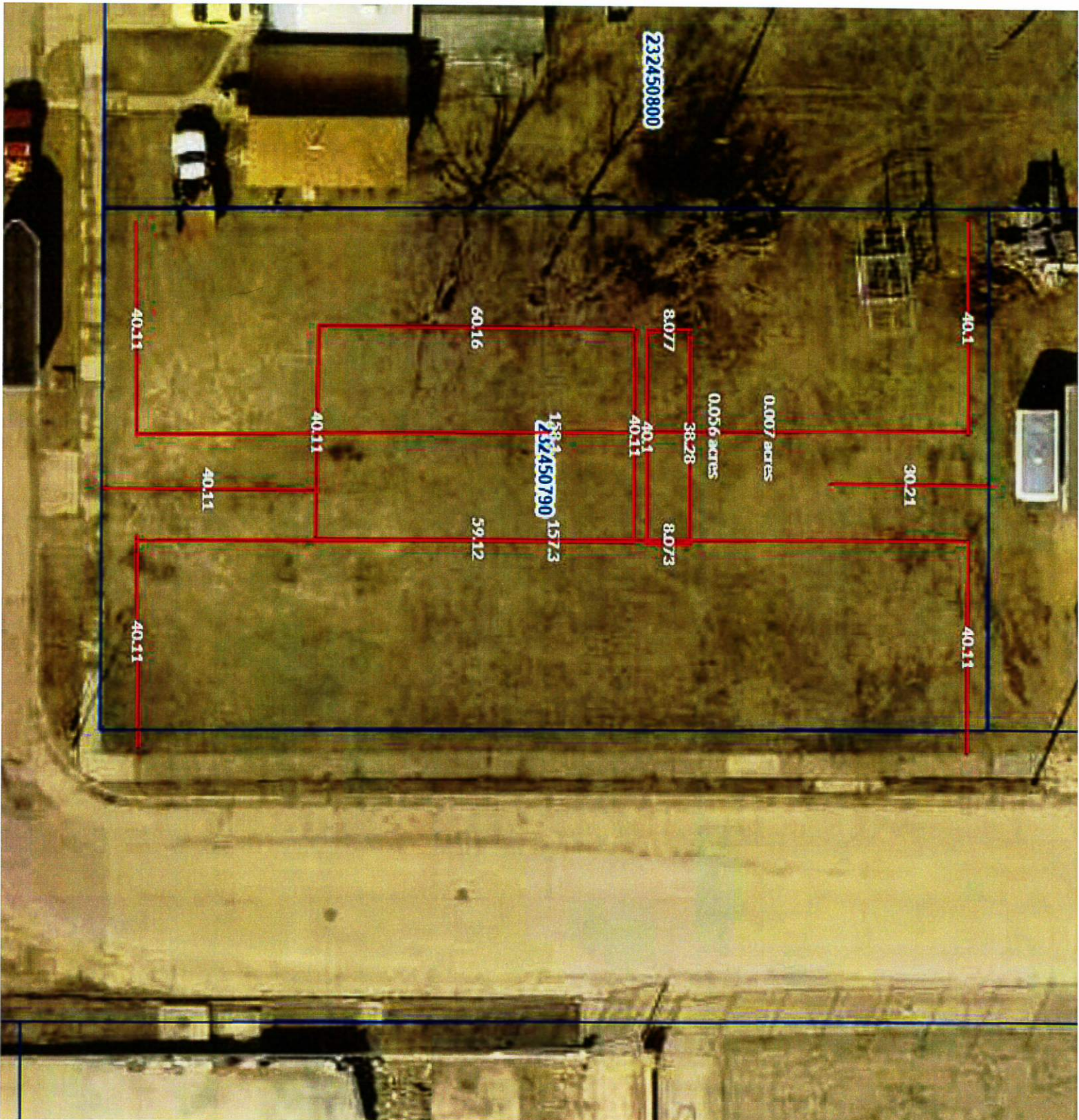
TEL: (507) 235-3780

ANDSEN
LAND SURVEYING

- 1) **Is the variance in harmony with the purposes and intent of the ordinance?** Yes, I believe that it meets expectations of all 4 areas of the ordinance. While adding a new building to the section of the property it will add to surrounding property value and secure the use of the property in the industrial zone.
- 2) **Is the variance consistent with the Comprehensive Plan?** Yes, the addition of the 40x60 building will add value and usefulness to an otherwise unbuildable lot. I believe it aligns with the zone of opportunity mapped out by the 2040 comprehensive plan.
- 3) **Does the proposal put property to use in a reasonable manner?** Yes, the property in question is zoned I-2 and the building will be a 40x60 Reeves building fully insulated, concrete floor, 240v power supply, heat and A/C. I believe this is the best position for the building due to land grade and style of building. By doing so makes this property attractive to anyone looking to buy or lease a already finished building in a I-2 zone.
- 4) **Are there unique circumstances to the property not created by the landowner?** Not characteristically, The lot is a corner lot zoned I-2 with lot dimensions of 98'x168'. The rear yard setback is the reason for a variance request.
- 5) **Will the variance, if granted, retain the essential character of the locality?** Yes, with it being zoned I-2 the proposed building will fit into its surroundings. The neighboring building to the North is approximately 7' from the property line. This building will be in line with the property to the north but will retain a 15' setback from the Western property line.
- 6) **Are there other considerations for the variance request besides economics?** Yes, only the current rear yard setback rule applies. Economics does not apply to this situation in my opinion.

Current
Zoned
Setback





232450800

40.1

40.11

30.21

0.007 acres

0.056 acres

38.28

8.077

8.073

40.1

40.11

158.4
232450790

60.16

59.12

40.11

40.11

40.11

40.11

Variance
Requested
Setback



Martin County, MN

Summary

Parcel ID 232450790
Property Address 907 ORIENT ST N
FAIRMONT MN 56031
Sec/Twp/Rng
Brief Tax T & J 2ND ADDN LOT-004 BLOCK-006 E98.2' (EX N40')
Description (TRACT A)
Deeded Acres 0.38
Class 233-3A COMMERCIAL LAND AND BUILDING;
District (2301) FAIRMONT CTY-454
School District 2752
Neighborhood 00310080-FMT NORTH
Neighborhood Group
Appraiser MIKE
Roll Type RP



* The Class code is the Assessor's Office determination of the use of the property for the current assessment year and is not the same as the property's zoning.

* Please contact the zoning authority for information regarding zoning.

Owner

Primary Owner
[JON & ANNE DAVIS](#)
657 SHOREACRES DR
FAIRMONT MN 56031

Land

Year	Seq	HGA	Code	Units
2026	1		FMT COM NORTH	16562

Extra Features

Card	Seq	HGA	Code	Description	Year Built	Eff. Year Built	Width	Length	Area	Height	RCNLD	% Ownership
1	1		001109	CONTAINER, SHIPPING	2024	0	8	40	320	0	0	0

Sales

Multi Parcel	Instr Type	Qualified Sale	Sale Date	Buyer	Seller	Sale Price	Adjusted Sale Price	eCRV
N	WD	U	11/30/2021	DAVIS, JON, ANNE	KOLLOFSKI, JANE A	\$10,000	\$10,000	1350399
Y	WD	Q	5/1/1997	KOLLOFSKI, KEVIN & JANE	R.S. RENTALS CO.	\$83,600	\$83,600	472725

⊕ There are other parcels involved in one or more of the above sales:

Please contact Assessor's Office for CRV's prior to October 2014

Valuation

Assessed Year	2026	2025	2024	2023
+ Total Estimated Building Value	\$0	\$0	\$0	\$0
Estimated Dwelling Value				
Estimated Extra Features Value	\$0	\$0		
+ Total Estimated Land Value	\$9,100	\$9,100	\$9,100	\$9,100
+ Total Estimated Machinery Value	\$0	\$0	\$0	\$0
= Total Estimated Market Value	\$9,100	\$9,100	\$9,100	\$9,100
% Change	0.00%	0.00%	0.00%	-
Estimated HGA Value	\$0	\$0	\$0	\$0

HGA is the house, garage, and first acre of an agricultural homesteaded property.

Taxation

	2026 Payable	2025 Payable	2024 Payable	2023 Payable
Classification	233 - 3A COMMERCIAL LAND AND BUILDING	233 - 3A COMMERCIAL LAND AND BUILDING	233 - 3A COMMERCIAL LAND AND BUILDING	233 - 3A COMMERCIAL LAND AND BUILDING
Estimated Market Value	\$9,100	\$9,100	\$9,100	\$9,100
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	\$0	\$0
= Taxable Market Value	\$9,100	\$9,100	\$9,100	\$9,100
Net Taxes Due	\$194.00	\$176.00	\$166.00	\$178.00
+ Special Assessments	\$0.00	\$0.00	\$0.00	\$0.00
= Total Taxes Due	\$194.00	\$176.00	\$166.00	\$178.00
% Change	10.23%	6.02%	-6.74%	-7.29%

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE

Taxes Unpaid

	Current Taxes Due
Unpaid Tax	\$194.00
+ Unpaid Penalty	\$7.76
+ Unpaid Fees	\$0.00
+ Unpaid Interest	\$0.00
= Unpaid Total	\$201.76

IF YOU OWE BACK TAXES PLEASE CALL THE AUDITOR/TREASURER OFFICE FOR A FULL BREAKDOWN

Tax Statements



[2026 Tax Statement \(PDF\)](#)
[2025 Tax Statement \(PDF\)](#)
[2024 Tax Statement \(PDF\)](#)
[2023 Tax Statement \(PDF\)](#)
[2022 Tax Statement \(PDF\)](#)
[2021 Tax Statement \(PDF\)](#)

Proposed Taxes



[2026 Proposed Taxes \(PDF\)](#)
[2025 Proposed Taxes \(PDF\)](#)
[2024 Proposed Taxes \(PDF\)](#)
[2023 Proposed Taxes \(PDF\)](#)
[2022 Proposed Taxes \(PDF\)](#)

Valuation Notice



[2027 Valuation Notice \(PDF\)](#)
[2026 Valuation Notice \(PDF\)](#)
[2025 Valuation Notice \(PDF\)](#)
[2024 Valuation Notice \(PDF\)](#)
[2023 Valuation Notice \(PDF\)](#)
[2022 Valuation Notice \(PDF\)](#)

Photos



Recent Sales In Area

Sale date range:

From:

01/01/20

To:

06/26/20

Search Sales by Neighborhood

Search Sales by Subdivision

Distance:

1500

Units:

Feet



Search Sales by Distance

No data available for the following modules: Buildings, Sub Area Square Footage, Sketches.

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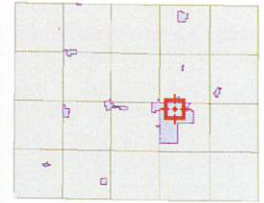




Martin County, MN



Overview



Legend

- Parcels
- Corporate Limits

Parcel ID	232450790	Alternate ID	n/a	Owner Address	JON & ANNE DAVIS
Sec/Twp/Rng	--	Class	233 - 3A COMMERCIAL LAND AND BUILDING		657 SHOREACRES DR
Property Address	907 ORIENT ST N FAIRMONT	Acreage	0.3802	Note	FAIRMONT, MN 56031
District	(2301) FAIRMONT CTY-454				n/a
Brief Tax Description	T & J 2ND ADDN LOT-004 BLOCK-006 E98.2' (EX N40') (TRACT A)				
	(Note: Not to be used on legal documents)				

Date created: 6/26/2026
Last Data Uploaded: 6/26/2026 8:21:11 AM

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