

(reserved for recording information)

CITY OF NORTHFIELD, MINNESOTA
ZONING BOARD OF APPEALS RESOLUTION ZBA #2016-002

A RESOLUTION BY THE ZONING BOARD OF APPEALS OF THE CITY OF NORTHFIELD, MINNESOTA, DENYING A VARIANCE REQUEST AT 908, 910, and 912 EAST 5TH STREET

WHEREAS, LaVern J. Rippley has requested a variance to permit the subdivision of that certain property legally described in Exhibit A; and

WHEREAS, based on LDC Section 5.2.2 Lot and Block Design, (D) Street Frontage Required, each proposed parcel shall have frontage on a public street. The frontage width shall be the lot width required by the applicable zoning district; and

WHEREAS, the Zoning Board of Appeals held a public hearing, following required public notice thereof, on October 20, 2016, and has reviewed the variance from regulations identified in the Land Development Code and has considered the statutory variance criteria identified in the Staff report and proposed findings.

NOW THEREFORE BE IT RESOLVED that the Northfield Zoning Board of Appeals has duly considered the required criteria contained in state law and the LDC and hereby adopts the findings of fact contained in the staff report, which is attached hereto and incorporated herein by reference as Exhibit B.

BE IT FURTHER RESOLVED that the requested variance is hereby denied, based upon the above-referenced adopted findings, to allow a subdivision where two proposed parcels do not have frontage on a public street equal to the required minimum lot width of the zone district.

PASSED by the Zoning Board of Appeals of the City of Northfield this 20th day of October, 2016.

Chair

Member

VOTE: ___SCHULTE ___GASIOR ___DELONG ___JASNOCH
___SKUNES ___STUART

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT PART OF THE S1/2 OF THE E1/4 OF THE NW1/4 OF THE NE1/4 OF SECTION 6, TOWNSHIP 111 NORTH, RANGE 19 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF NORTHFIELD, RICE COUNTY, MINNESOTA DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 231 FEET; THENCE EAST 132 FEET; THENCE NORTH 116 FEET; THENCE EAST 20 FEET; THENCE NORTH 115 FEET; THENCE WEST 152 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THE WEST 66 FEET OF THE NORTH 131 FEET THEREOF; SUBJECT TO AND TOGETHER WITH THE EASEMENTS FOR DRIVEWAY AND WATER SUPPLY PURPOSES, AS SET FORTH IN A DEED RECORDED IN BOOK 209 OF DEEDS ON PAGES 300 TO 302, IN THE OFFICE OF THE REGISTER OF DEEDS, AT FARIBAULT, RICE COUNTY, MINNESOTA.

EXHIBIT B

FINDINGS OF FACT

The criteria for approving a variance, according to Section 5.5.16(C), are as follows:

(1) Pursuant to Minn. Stat. §462.357, Subd 6, as it may be amended from time to time, the zoning board of appeals may only grant applications for variances where practical difficulties in complying with this LDC exist and each of the following criteria are satisfied:

- (a) The variance is in harmony with the general purposes and intent of this LDC; and,
- (b) The variance is consistent with the Comprehensive Plan; and
- (c) The property owner proposes to use the property in a reasonable manner not permitted by this LDC; and
- (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.

Variance: A variance, from Section 5.2.2 Lot and Block Design, (D) Street Frontage Required to allow a subdivision where two proposed parcels do not have frontage on a public street equal to the required minimum lot width of the zone district.

Criterion 1 - The variance is in harmony with the general purposes and intent of the LDC.

1.1 Purpose of the Land Development Code (LDC)

The City of Northfield carries out the policies of the comprehensive plan by classifying and regulating the uses of land and structures within the city. This Land Development Code is adopted to protect and promote the public health, safety, morals, and general welfare of the city. More specifically, the purpose of these regulations is to:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.2 Preserve and protect the area's natural, historic, and cultural resources while providing for improved methods of integrating these resources in the community.
- 1.1.3 Encourage growth in infill locations as the desired location of development with expansion on the edge of the city a secondary priority.
- 1.1.4 Create residential community areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs within walking distance.
- 1.1.5 Encourage the development of neighborhoods that incorporate a variety of housing types to serve the needs of a diverse population.
- 1.1.6 Allow for places with a mixture of uses that are distinctive and contribute to the city's overall vitality.
- 1.1.7 Provide standards and guidelines for continuing strategic growth and sustainable development.
- 1.1.8 Provide for the expansion and diversification of the economic base to assure a strong economy.

- 1.1.9 Promote an ethic of sustainability in all activities to ensure that proposed development and redevelopment will, at a minimum, conserve energy and natural resources.
- 1.1.10 Improve and promote connectivity to better serve residents and to improve the function of the overall street network.
- 1.1.11 Ensure that proposed development is of human scale, primarily pedestrian-oriented to the extent appropriate, and designed to create exceptional streetscapes and pedestrian spaces.
- 1.1.12 Minimize vehicle traffic by providing for a mixture of land uses, pedestrian-oriented development, compact community form, safe and effective multi-modal traffic circulation (e.g., pedestrian, bicycle, and vehicular), and adequate on- and off-street parking facilities.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.
- 1.1.14 Encourage vibrancy in the downtown core and fringe areas.
- 1.1.15 Ensure compatibility between different types of development and land uses.
- 1.1.16 Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities.

The Residential (R1) district generally includes the established neighborhoods surrounding downtown Northfield characterized by traditional urban development qualities such as a grid pattern street network, sidewalks, and a range of single-family, two-family, and some multi-family dwellings on smaller lots. The purpose of the R-1B district is to continue to support single-family, two-family, and three-family attached and detached dwellings within the existing character of the city's older neighborhoods. The essential, existing character of the R1 district should be reinforced with any infill or redevelopment of properties. The primary intent of this zone is to strengthen the character of existing historic neighborhoods within Northfield and to protect and enhance the unique character of those existing neighborhoods, particularly in locations where this character may be most susceptible to change.

Finding: Criterion 1 not satisfied. The LDC calls for creating developments with strong neighborhood qualities. Lots are mandated to have street frontage because this is an important neighborhood quality. Allowing lots to be created without street frontage is not in harmony with the LDC.

Criterion 2 - The variance is consistent with the Comprehensive Plan.

The Comprehensive Plan provides guidance that the Land Use chapter will be consulted for any development proposal based on the Intent, Location, and Character of the project.

Intent: Development proposals will reflect the spirit and values expressed in the 12 **Northfield Comprehensive Plan Land Use Principles** (statements of intent) (pages 4.9 to 4.13).

1. The small town character will be enhanced.
2. The natural environment will be protected, enhanced and better integrated into the community.

3. The preference for accommodating future growth is in infill locations, then redevelopment/land intensification opportunities, and then on the edge of existing developed areas.
4. New and redeveloped residential communities (areas) will have strong neighborhood qualities.
5. Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.
6. Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.
7. Neighborhood-serving commercial will be small scale and integrated with the residential context.
8. A wider range of housing choices will be encouraged – in the community as well as in neighborhoods.
9. Rural character of certain areas of the community will be protected.
10. Streets will create an attractive public realm and be exceptional places for people.
11. Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.
12. Opportunities will be created to walk and bike throughout the community.

Analysis: Homes that do not front the street do not have strong neighborhood qualities. Homes to the rear of lots are not integrated with the residential context.

Location: Development proposals will be consistent with the **Conservation and Development Map** (page 4.18) and location descriptions (pages 4.14 to 4.15).

Analysis: The property is in the Neighborhood Conservation district which is designated for neighborhood preservation and continued maintenance of buildings, streets and infrastructure.

Character: Development proposals will be consistent with the **Framework Map** (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

Analysis: The property is in the Neighborhood Central context consisting of detached single-family homes on smaller lots. The essential, existing character of the zone should be reinforced with future development.

Finding: Criterion 2 not satisfied. The proposal does not meet the criteria outlined in the Comprehensive Plan for consistency.

Criterion 3 - Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.

Finding: Criterion 3 satisfied. The property owner proposes to continue to use these homes in a reasonable manner. The proposed Minor Subdivision meets all pertinent LDC criteria except for street frontage. It is reasonable for a property owner to subdivide existing property, but this is not permitted by the LDC in this case. Current regulations do not allow for more than one individual home on a single lot. This non-conforming situation will be remedied by the subdivision.

Criterion 4 - The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: Criterion 4 satisfied. The existence of three homes on one lot is a preexisting, non-conformity. This unique situation occurred over seventy years ago and was not created by the current landowner. Current LDC subdivision regulations do not allow for more than one individual home on a single lot. This non-conforming situation will be remedied by the subdivision, but cannot occur without a variance from the street frontage standard.

Criterion 5 - The variance, if granted, will not alter the essential character of the locality.

Finding: Criterion 5 not satisfied. Homes in the rear of lots are not part of the essential character of the neighborhood. Homes that do not front the street do not have strong neighborhood qualities. Homes to the rear of lots are not integrated with the residential context.