

*(reserved for recording information)*

CITY OF NORTHFIELD, MINNESOTA  
ZONING BOARD OF APPEALS RESOLUTION ZBA #2017-001

A RESOLUTION BY THE ZONING BOARD OF APPEALS OF THE CITY OF  
NORTHFIELD, MINNESOTA, APPROVING A VARIANCE REQUEST AT 1114  
WATER STREET SOUTH

WHEREAS, Rhonda Witmer has requested a variance, from to allow construction of a detached garage three feet from the property line in the R1 zone, legally described as: The North One-Half (N1/2) of the Following described parcel of land to wit: All that part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 1, Township 111 North Range 20 West of the fifth principal meridian, in the City of Northfield, Rice County, Minnesota, described as follows to wit: Beginning at a point of the west line of Water Street South, 469.8 feet south of the southeast corner of Lot 1, Block 10, in Hoskin's Addition to Northfield, Rice County, Minnesota; running thence west 151.5 feet; thence south 104.4 feet; thence east 151.5 feet; thence north 104.4 feet to the place of beginning, Rice County, Minnesota.; and

WHEREAS, based on LDC Table 3.2.-3 Garage Regulations for One-, Two- and Three-Unit Buildings, detached garages in the R1 district shall have a minimum side setback of five feet; and

WHEREAS, the Zoning Board of Appeals held a public hearing, following required public notice thereof, on July 27, 2017, 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 A.

BE IT FURTHER RESOLVED that the requested variance is hereby approved and granted, based upon the above-referenced adopted findings, to allow construction of a detached garage three feet from the side property line at 1114 Water Street South.

PASSED by the Zoning Board of Appeals of the City of Northfield this 17<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Member

VOTE: \_\_\_\_GASIOR \_\_\_\_SCHROEER \_\_\_\_JASNOCH  
\_\_\_\_STUART \_\_\_\_HALVERSON

## **EXHIBIT A**

### **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**

The Northfield Land Development Code, Table 3.2-3 requires detached garages in the R1 zone district to maintain a 5 foot side setback. The proposal is to build the garage with a side setback of three feet. Analysis of the variance request is addressed below.

#### **Criterion (a) The variance is in harmony with the general purposes and intent of the LDC.**

**Supported:** The project is in harmony with the general purposes and intent of the LDC. The primary intent of the R1-B zone district is to strengthen the character of the existing historic neighborhoods and to protect and enhance the unique character of those existing neighborhoods.

The variance from the side setback requirements does not adversely affect the character of the neighborhood and is consistent with the general goals for the R1 zone district. Many nearby homes have similar detached single-car garages. It is quite common to find these were built closer than 5 feet to the property line as setbacks were not employed at the time.

#### **Criterion (b) The variance is consistent with the Comprehensive Plan.**

**Supported:** The variance is consistent with the Comprehensive Plan. Land Use principle #1 states that the small town character will be enhanced. "Old Northfield" including the downtown core and older historic neighborhoods will define Northfield's character. The character of the proposed garage addition is definitely in line with the historic character of the neighborhood.

#### **Criterion (c) Property Owner proposes to use the property in a reasonable manner not permitted by the LDC.**

**Supported:** The applicant is proposing to use the property in a reasonable manner. The requested variance will result in a reasonable use of the property otherwise not permitted

by the LDC by allowing a single-car garage to be added where there has otherwise been no covered parking on the property.

**Criterion (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner.**

**Supported:** The plight of the landowner is not self-created. The lot slopes significantly behind the home. Constructing the garage at the required setback of five feet would create a hardship due to the topography, location of the house, and an existing retaining wall. The property drops in elevation nearly 4 feet from the house to the rear yard and 32' from the east end of the proposed garage to the west end. There is a retaining wall in the back yard due to the elevation change that the homeowner wishes to avoid by staying closer to the side yard. More importantly, moving the garage further to the south would create a difficult angle to enter the garage and for plowing.

The garage cannot be located on the other side of the house due to the presence of mature trees. Moving the garage further into the back yard would not only consume most of the open yard area, it would leave the owner having to drive walk up a hill to utilize the garage or drastically change the landscape with fill.

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

**Supported:** Granting the variance will not alter the essential character of the locality. Adding a garage to this property is in keeping with the typical construction characteristics of homes of that era. The owners plan to improve upon the existing character including siding with products that match existing to conform to the character of the existing house.

**Alternative Options:**

If the ZBA believes one or more of the criteria are not met, findings need to be made and formulated into a resolution of denial.