



City of Northfield

City Hall
801 Washington Street
Northfield, MN 55057
ci.northfield.mn.us

Meeting Minutes - Draft Zoning Board of Appeals

Thursday, August 17, 2017

7:00 PM

Council Chambers

Rollcall

Present: 5 - Joe Gasior, Tracy Davis Heisler, Russell Halverson, William Schroeer and Kate Stuart

Absent: 1 - Jay Jasnoch

I. Call to Order and Approval of Agenda

Chair Gasior called the meeting to order at 7:01pm.

Also present: City Planner Scott Tempel, Youth Representative Paul Wehling, Youth Representative Anna Weber and several citizens.

A motion was made by Davis Heisler, seconded by Halverson, to approve the agenda. The motion carried by the following vote:

Yes: 5 - Chair Gasior, Davis Heisler, Halverson, Schroeer and Stuart

II. New Business Items

2. [ZBA Res. 2017-001](#) Consideration of Resolution for a Variance at 1114 Water St. S.

Attachments: [1 - Resolution](#)
[2 - Area Map](#)
[3 - Site Plan Drawings](#)
[4 - Contour Map](#)
[5 - Picture 1](#)
[6 - Picture 2](#)
[7 - Picture 3](#)
[9 - Picture 4](#)
[10 - Picture 5](#)

Tempel reviewed his staff report on the variance request for 1114 Water St. S.

Discussion was held between the commissioners and Tempel.

Chair Gasior opened the public hearing at 7:11pm and invited the applicant to speak.

Rhonda Witmer, 1114 Water St. S., spoke to the commissioners about her variance request, improvements she has made to the property (including gutters, rain barrels, and trees) and the hardships she faces. She stated on the south side of the property there

are two trees, a retaining wall and her driveway is very narrow which are the basis of her hardship and why she is requesting the variance.

Chair Gasior invited others from the public to speak.

Hannah Winter, 1112 Water St. S., introduced her boyfriend Trevor and spoke about her concerns of Ms. Witmer's request for a variance. Ms. Winter felt her basement would get wet, the mature tree near the garage could be compromised, it would affect their view out their dining room window, and she is concerned about her homes property value.

Pat Winter, expressed that setbacks, fire and rescue emergency services accessing the rear yard, maintenance for the property owner and utilities, drainage, the mature tree and view are his main concerns for his daughter's property at 1112 Water St. S.

Roberta Persons, 1123 Spring St. S., feels it is less expensive to go straight in on the driveway to remove trees to make a new area, so that is what she is objecting to.

Mark Etzell, 907 St. Lawrence Dr., is helping Ms. Witmer with her garage. He recognized Ms. Winter's concerns for potential water in her basement and proposed to mediate runoff from the garage with gutters. Mr. Etzell made note that 1112 Water St. S. does not have gutters. Mr. Etzell stated they will be careful around the tree as to not damage the roots.

The commissioners and Tempel then discussed setbacks, grading and other questions regarding the variance.

A motion was made by Davis Heisler, seconded by Schroeer, to close the public hearing. The motion carried by the following vote:

Yes: 5 - Chair Gasior, Davis Heisler, Halverson, Schroeer and Stuart

The motion failed based on Criterion (d) for the variance request not being fully met. Criterion (d) which relates to the plight of the landowner due to circumstances unique to the property not created by the landowner. In this instance, the majority of the commissioners felt the land did not cause just plight to approve a variance allowing the garage to be placed 3 feet from the property line when 5 feet is the setback.

A motion was made by Halverson, seconded by Davis Heisler, to approve the ZBA Resolution. The motion failed by the following vote:

Yes: 1 - Davis Heisler

No: 4 - Chair Gasior, Halverson, Schroeer and Stuart

1. [ZBA Res. 2017-002](#) Consideration of a Resolution for a Variance at 1203 Hwy 3 South.

Attachments: [1 - Resolution](#)
[2 - Area Map](#)
[3 - Site Map](#)
[4 - Picture 1](#)
[5 - Picture 2](#)
[6 - Rendering](#)
[7 - Applicant Letter](#)
[8 - Owner Letter](#)

Chair Gasior opened the public hearing at 8:17pm.

Tempel reviewed his staff report on the 1203 Hwy 3 South variance request.

There was no public comment.

A motion was made by Schroeer, seconded by Davis Heisler, to close the public hearing at 8:23pm. The motion carried by the following vote:

Yes: 5 - Chair Gasior, Davis Heisler, Halverson, Schroeer and Stuart

A motion was made by Schroeer, seconded by Davis Heisler, to approve the variance request to allow outdoor storage between the principle building and the property line in the C2 zone and allow the outdoor storage of goods. The motion carried by the following vote:

Yes: 5 - Chair Gasior, Davis Heisler, Halverson, Schroeer and Stuart

III. Adjournment

A motion was made by Davis Heisler, seconded by Halverson, to adjourn the meeting at 8:33pm. The motion carried by the following vote:

Yes: 5 - Chair Gasior, Davis Heisler, Halverson, Schroeer and Stuart



Community Development Department

August 18, 2017

Rhonda Witmer
1114 South Water Street
Northfield, MN 55057

Dear Ms. Witmer:

This letter serves as official notice of the Zoning Board of Appeals decision to deny your request for variance from the City of Northfield Land Development Code. At its August 17, 2017, meeting, the ZBA considered your request and found it did not meet all of the variance criteria as delineated in the Northfield Code and State Statutes.

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test, Reasonableness, Uniqueness, and Essential Character, must be satisfied. While your application was found to be reasonable, it was not seen as having unique circumstances tied to the land that would prevent alternate citing of the garage. The findings of the Board are as follows:

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.

Not Supported: The plight of the landowner is not self-created, as the lot slopes significantly behind the home. The request was made 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.

However, the planning commission ruled constructing the garage at the required setback of five feet would not create a hardship. While the proposal was deemed reasonable and in character with the neighborhood, the site was not seen as unique and restrained enough to preclude construction of the garage outside of the setback. Neither the amount of fill needed to locate the garage outside of the setback nor the amount of rear yard consumed by the building were deemed significant enough to warrant a variance from city code.

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.

If you have any questions, you may reach me directly at 507-645-3024.

Sincerely,



Scott Tempel
City Planner