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CITY OF NORTHFIELD, MINNESOTA  
ZONING BOARD OF APPEALS RESOLUTION ZBA #2018-004

A RESOLUTION BY THE ZONING BOARD OF APPEALS OF THE CITY OF  
NORTHFIELD, MINNESOTA, APPROVING A VARIANCE REQUEST AT 1700  
DUNDAS BOULEVARD

WHEREAS, Norman Skog, has requested a variance to permit the construction of a home with a 20 foot front setback on that certain property legally described in Exhibit A; and

WHEREAS, Northfield Land Development Code Section 3.2.6 A-S (Agricultural) District Site Development Standards set the minimum front yard setback at 70 feet; and

WHEREAS, the Zoning Board of Appeals held a public hearing, following required public notice thereof, on November 15, 2018, 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 approved and granted, based upon the above-referenced adopted findings, to allow the home to be constructed 20 feet from the front property line.

PASSED by the Zoning Board of Appeals of the City of Northfield this 15<sup>th</sup> day of November 2018.

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Chair

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Member

VOTE: \_\_\_\_GASIOR \_\_\_\_BUCKHEIT \_\_\_\_HEISLER \_\_\_\_SCHROEER \_\_\_\_  
\_\_STUART \_\_\_\_SWOBODA

## **EXHIBIT A**

### **Property Legal Description**

ALL THAT PART OF THE NORTH ONE-HALF (N $\frac{1}{2}$ ) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$ ) OF SECTION 11 TOWNSHIP 111 NORTH RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, LYING EAST OF THE CHICAGO AND NORTH WESTERN RAILROAD RIGHT OF WAY LINE AND WEST OF THE CANNON RIVER, EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SAID NORTH ONE-HALF (N $\frac{1}{2}$ ) OF NORTHWEST QUARTER (NW $\frac{1}{4}$ ) (FOR PURPOSES OF THIS DESCRIPTION BEARING OF SAID SOUTH LINE IS ASSUMED SOUTH 89°44'38" EAST), A DISTANCE OF 1051.73 FEET EASTERLY FROM THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF (N $\frac{1}{2}$ ) OF NORTHWEST QUARTER (NW $\frac{1}{4}$ ), SAID POINT ALSO BEING IN THE EASTERLY RIGHT OF WAY LINE OF CHICAGO AND NORTH WESTERN RAILROAD; THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 89°44'38" EAST, 418.35 FEET; THENCE NORTH 53°54'34" WEST, 322.08 FEET TO A POINT IN SAID EASTERLY RAILROAD RIGHT OF WAY LINE; THENCE SOUTH 40°04'48" WEST, ALONG SAID EASTERLY RAILROAD RIGHT OF WAY LINE, 254.51 FEET TO SAID POINT OF BEGINNING;

AND ALSO PART OF THE ABANDONED RIGHT OF WAY OF THE CHICAGO AND NORTH WESTERN RAILROAD BEING IN THE NORTH ONE-HALF (N $\frac{1}{2}$ ) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$ ) OF SECTION 11, TOWNSHIP 111 NORTH, RANGE 20 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, LYING SOUTHEASTERLY FROM THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT OF WAY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF (N $\frac{1}{2}$ ) OF NORTHWEST QUARTER (NW $\frac{1}{4}$ ); THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF (N $\frac{1}{2}$ ) OF NORTHWEST QUARTER (NW $\frac{1}{4}$ ) (FOR PURPOSES OF THIS DESCRIPTION BEARINGS ARE ASSUMED AND BASED ON SAID SOUTH LINE BEING SOUTH 89°44'38" EAST), A DISTANCE OF 1051.73 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID ABANDONED CHICAGO AND NORTH WESTERN RAILROAD; THENCE NORTH 40°04'48" EAST, ALONG SAID ABANDONED RAILROAD RIGHT OF WAY LINE, 245.51 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE NORTH 40°04'48" EAST, ALONG SAID ABANDONED RAILROAD RIGHT OF WAY LINE, 1464.14 FEET TO A POINT IN THE NORTH LINE OF SAID NORTH ONE-HALF (N $\frac{1}{2}$ ) OF NORTHWEST QUARTER (NW $\frac{1}{4}$ ); THENCE NORTH 89°41'36" WEST, ALONG SAID NORTH LINE, 97.86 FEET TO A POINT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID CHICAGO, MILWAUKEE,

ST. PAUL AND PACIFIC RAILROAD; THENCE SOUTH  $40^{\circ}32'07''$  WEST, ALONG SAID RAILROAD RIGHT OF WAY LINE, 1407.61 FEET; THENCE SOUTH  $53^{\circ}54'34''$  EAST, 86.61 FEET TO SAID TRUE POINT OF BEGINNING.

Abstract property

## **EXHIBIT B**

### **FINDINGS OF FACT**

Northfield Land Development Code Section 3.2.6 A-S (Agricultural) District Site Development Standards set the minimum front yard setback at 70 feet. The applicant is requesting a front setback of 20 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.

The purpose of the Agricultural (A-S) district is to allow primarily for agricultural uses and open space within the city limits while recognizing that privately owned land may be developed for non-agricultural purposes in the near to long-term. It is designed specifically for areas within the city that are presently agricultural uses not zoned as PB-S, Public Benefit, but that will remain as long term agricultural uses, or that may be converted to non-agricultural urban uses in the future.

**Finding:** The project is in harmony with the general purposes and intent of the LDC. The proposed use is consistent with the general goals for the A-S zone district as a continuation of an existing residential use.

The Land Development Code was 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 proposal is not in conflict with any LDC goals. It meets the following purposes:

- 1.1.1 Maintain and enhance the community's distinct small town character.
- 1.1.13 Protect the rural character of certain areas of the community as identified in the comprehensive plan.

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

The Land Use chapter of the Comprehensive Plan will be consulted for any development proposal based on the following steps. If a proposal is not consistent with recommendations of any one of these steps, the proponent should re-evaluate and make adjustments (or provide justification for deviation) if the proposal is not aligned with the following three aspects:

1. **Intent:** Development proposals will reflect the spirit and values expressed in the 12 **principles** (statements of intent) (pages 4.9 to 4.13).
2. **Location:** Development proposals will be consistent with the **Conservation and Development Map** (page 4.18) and location descriptions (pages 4.14 to 4.15).
3. **Character:** Development proposals will be consistent with the **Framework Map** (page 4.19) and recommendations and context descriptions (pages 4.15 to 4.17).

**Finding:** The variance is consistent with the Comprehensive Plan.

**Intent:**

1. **The small town character will be enhanced.**

The proposal is to construct a home in the style of architecture circa 1920, which reflects the central elements of Old Northfield. It will enhance the historical nature of the property, mirroring its original use

2. **The natural environment will be protected, enhanced and better integrated in the community.**

The location of the proposed home is further from the Cannon River and will leave more green space between development and the Scenic River.

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.**

This project replaces a previously existing home.

4. **New and redeveloped residential communities (areas) will have strong neighborhood qualities.**

n/a

5. **Environmentally-sensitive and sustainable practices will be integrated into new developments and redeveloped areas.**

The proposed home employs context sensitive design to ensure the home fits with the environment. The proposed location preserves 4 original sugar maple trees, each over 100 years old and planted by the original homesteader. The new site is further away from the floodplain and soggy riverbank soils.

6. **Places with a mix of uses that are distinctive and contribute to increasing the city's overall vitality are preferred.**

n/a

7. **Neighborhood-serving commercial will be small scale and integrated with the residential context.**

n/a

8. **A wider range of housing choices will be encouraged - in the community as well as in neighborhoods.**

The new custom home is unique and is designed for single-level living.

9. **Rural character of certain areas of the community will be protected.**

The new home will fit with the rural character of the area.

10. **Streets will create an attractive public realm and be exceptional places for people.**

n/a

11. **Places will be better connected, in part to improve the function of the street network and also to better serve neighborhoods.**

n/a

12. **Opportunities will be created to walk and bike throughout the community.**

n/a

#### **Location:**

The project is located in the Preserve Area of the Conservation and Development map. Replacing the home on the property represents no change to its historic use.

#### **Character:**

The project is located in the Preserve area of the Framework Map. Replacing the home on the property represents no change to its historic use.

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

**Finding:** The requested variance will result in a reasonable use of the property otherwise not permitted by the LDC. The A-S front setback combined with the Wild and Scenic Overlay District 75 foot minimum building setback from the ordinary high water mark preclude any development on the north half of the parcel near the access to the lot. The front lot line is separated from Dundas Blvd. by railroad ROW, putting the building site 185 ft. from the road.

The variance request is based upon the requirements and elements necessary for this type of permitted use on this site to be functional. There is no financial benefit or impact in regards to building location.

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

**Finding:** The plight of the landowner is not self-created. The east boundary of this property is in the center of the Cannon River and the eastern half of the property is within the 100-year floodplain. Wild and Scenic River Overlay zoning imposes an additional 75 foot setback from the floodplain, preventing reconstruction of the home on the original building site.

The applicant purchased the property in 2017. The original home was built in 1923, but had deteriorated beyond reasonable repair. Mr. Skog had the house demolished in 2017.

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. The project will be compatible with the character of the surrounding properties. The site has been used as a residence for 95 years and is a part of the essential character of the area. Improving the building will improve the aesthetic appeal of the property.