

*(reserved for recording information)*

CITY OF NORTHFIELD, MINNESOTA  
ZONING BOARD OF APPEALS RESOLUTION ZBA #2020-001

A RESOLUTION BY THE ZONING BOARD OF APPEALS OF THE CITY OF NORTHFIELD, MINNESOTA, APPROVING A VARIANCE REQUEST AT HILLS OF SPRING CREEK 9<sup>TH</sup> ADDITION BLOCKS 2 & 3

WHEREAS, Steven Schmidt, has requested a variance to increase the allowable percentage of building coverage from 30% to 38% for Blocks 2 and 3 in the Hills of Spring Creek 9<sup>th</sup> Subdivision legally described in Exhibit A; and

WHEREAS, Northfield Land Development Code Table 3.2-2 Site Development Standards for N2 District sets the maximum allowed BAR at 30%; and

WHEREAS, the Zoning Board of Appeals held a public hearing, following required public notice thereof, on February 7, 2020, 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 increase the allowable percentage of building coverage from 30% to 38% for Blocks 2 and 3 in the Hills of Spring Creek 9<sup>th</sup> Subdivision.

PASSED by the Zoning Board of Appeals of the City of Northfield this 20th day of February 2020.

\_\_\_\_\_  
Chair

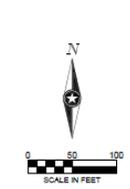
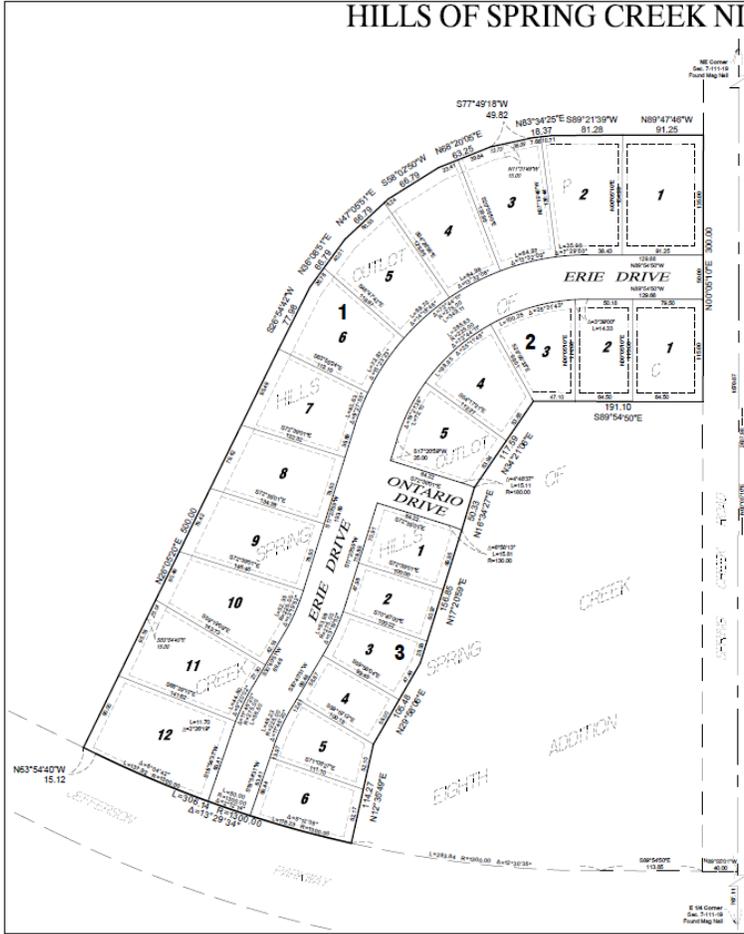
\_\_\_\_\_  
Member

VOTE:    \_\_\_GASIOR    \_\_\_BUCKHEIT    \_\_\_HAMALIAN    \_\_\_HEISLER  
          \_\_\_SCHROEER    \_\_\_SEIMS    \_\_\_SWOBODA

# EXHIBIT A

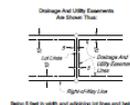
FINAL PLAT FOR REVIEW

## HILLS OF SPRING CREEK NINTH ADDITION



READING NOTE  
The corners of this plat are to be based on the plat of HILLS OF SPRING CREEK.

- LEGEND**
- Iron Measurement Found
  - Includes 1/2" Dia. x 1/4" Long Iron Pin (See Plat)
  - Includes 1/2" Dia. x 1/4" Long Plastic Cap (See Plat)
  - Includes 1/2" Dia. x 1/4" Long Plastic Cap (See Plat)
  - Includes 1/2" Dia. x 1/4" Long Plastic Cap (See Plat)



**STATEMENT OF DECLARATION**

KNOW ALL PERSONS BY THESE PRESENTS, That Schmitt Engineers, Inc., owner of the following described property:

Subj: Hills of Spring Creek, according to the recorded plat thereof, Rice County, Minnesota.

AND:

David C. Hills of Spring Creek Eighth Addition, according to the recorded plat thereof, Rice County, Minnesota.

Has caused the same to be surveyed and platted as HILLS OF SPRING CREEK NINTH ADDITION and does hereby dedicate to the public, for public use, the public right of way, and the drainage and utility easements as shown on this plat.

In witness whereof said Schmitt Engineers, Inc., has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signed: Schmitt Engineers, Inc.  
 President: \_\_\_\_\_  
 Date of \_\_\_\_\_  
 County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ 20\_\_\_\_ by \_\_\_\_\_ President of Schmitt Engineers, Inc., on behalf of the corporation.

\_\_\_\_\_  
 Notary Public, \_\_\_\_\_ (State)  
 My Commission Expires \_\_\_\_\_

**APPROVAL OF PLAT**

I, Mark A. Schmitt, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor of the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and areas are correctly designed on this plat; that all measurements indicated on this plat have been or will be correctly measured; one year from the date of recording and one year from the date of recording to Minnesota Statutes, Section 550.01, Subd. 3, as of the date of the plat; and all public ways are shown and labeled on the plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Mark A. Schmitt, Licensed Land Surveyor  
 Minnesota License No. 45517

Date of Minnesota \_\_\_\_\_  
 County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ 20\_\_\_\_ by Mark A. Schmitt, Licensed Land Surveyor.

\_\_\_\_\_  
 Jennifer B. Coward  
 Notary Public, Minnesota  
 My Commission Expires \_\_\_\_\_

**CITY COUNCIL, CITY OF BENTONVILLE, MINNESOTA**

The plat of HILLS OF SPRING CREEK NINTH ADDITION was approved and accepted by the City Council of the City of Bentonville, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 550.01, Subd. 3.

\_\_\_\_\_  
 Mayor  
 Date \_\_\_\_\_

**RICE COUNTY SUPERVISOR**

I hereby certify that in accordance with Minnesota Statutes, Section 550.01, Subd. 11, this plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
 Melissa Ferguson, Rice County Supervisor

**RICE COUNTY AUDITOR/TREASURER**

I hereby certify that the current and delinquent taxes on the lands described within are paid and the transfer is entered this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
 Fran Winkler, Rice County Auditor/Treasurer

**RICE COUNTY REGISTRAR OF TITLES**

I hereby certify that this instrument was filed in this office this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ of \_\_\_\_\_ clock \_\_\_\_\_ M, and was duly recorded as Document No. \_\_\_\_\_.

\_\_\_\_\_  
 July Ann Eick, Rice County Registrar of Titles



## EXHIBIT B

### FINDINGS OF FACT

Northfield Land Development Code Table 3.2-2 Site Development Standards for N2 District sets the maximum allowed BAR at 30%. The applicant is requesting to increase this limit to 38% for Blocks 2 and 3. 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 Neighborhood General 2 (N2) district is to create a pedestrian-friendly environment, such as found in the R1 district, with strong neighborhood qualities, such as a grid-like street pattern, consistent block size, compact development, a range of housing types and architectural styles, street connectivity, sidewalks, and homes located in close relationship to the street. In addition, the N2 district will include greenways and natural areas, and options for neighborhood-serving commercial. This development pattern is the preferred future pattern for the city, as expressed in the comprehensive plan.

#### **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 N2 zone district. With the variance, the applicant will be able to provide a more compact development.

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.

1.1.4 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.

1.1.11 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.

#### **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 modest homes with a small town character.

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

At the time of platting, the project was integrated into the community and the surrounding natural environment through the street and trail network.

**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 area is in the pipeline for growth.

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

The proposed homes will have strong neighborhood qualities such as being in close proximity to the street, attractive architecture, a modest floor plan and area, and front porches.

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

The proposed homes will easily integrate into the development. The smaller lots and smaller homes are a more sustainable development method.

**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 homes are designed for single-level living, filling a gap in the housing market.

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

n/a

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

Streets in the development were platted to create an attractive public realm.

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

The street network exists and is well connected.

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

The development contains ample walking and biking connections.

**Location:**

The project is located in the Pipeline Area of the Conservation and Development map, which is appropriate for development.

**Character:**

The project is located in the Neighborhood General area of the Framework Map, typified by single-family homes.

**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 Building Area Ratio restriction is in conflict with the goal of creating more compact development. The homes, as designed, meet the LDC setback requirements, therefore meeting the intent of the LDC. However, the percentage of lot coverage needs to be increases with the smaller lots.

**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 due to a conflict within the LDC. The lots were platted to meet the intent and requirements of the LDC. However, the LDC emphasis on compact design failed to take into account how the lot coverage limit affects smaller lots.

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

**Finding:**

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 home designs do not change and the setbacks will not change.

Staff supports approval of the building area ratio being increased from 30% to 38% for Blocks 2 and 3.