



## Legislation Text

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**File #:** ZBA Res. 2017-002, **Version:** 1

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**Date:** August 17, 2017

**To:** Members of the Zoning Board of Appeals

**From:** Scott Tempel, City Planner

Consideration of a Resolution for a Variance at 1203 Hwy 3 South.

**Action Requested:**

Staff is recommending approval of ZBA Resolution allowing outdoor storage between the principal building and the street at 1203 Hwy 3 South.

**Summary Report:**

The subject property is zoned C2, Highway Commercial. This commercial structure was built in 1966. It is currently leased to Small Engine Unlimited as a repair shop. Due to the small size of the property, the lessor has no place to store incoming and outgoing customer machinery. He has been storing equipment outside of the shop since opening.

Northfield Community Development has received no complaints about the property. However, staff is aware of the ongoing violation and is working proactively with the lessor to solve the issue. The business has been considering moving to Dundas due to the storage problem.

The Northfield Land Development Code, Section 3.3.3 (B)(4)(c) Outdoor Dining, Display, and Storage, does not permit outdoor storage between a principal building and the street. There is no other location for storage on this 8,900 sq. ft. parcel. There is a small side yard on the north side of the building, but it is occupied by a drive lane accessing the rear parcels and cannot be blocked off.

If the variance is approved, the property must follow LDC Sec. 3.3.3(B)(4)(d) and screen the storage area with a six foot high fence that is architecturally compatible with the main structure in material type and color. The applicant and building owner are amenable to this solution. A rendering of what the property may look like is included in the packet.

**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 Section 3.3.3 (B)(4)(c) Outdoor Dining, Display, and Storage does not permit outdoor storage between a principal building and the street. The proposal is to allow outdoor storage between the principal building and the street enclosed by a six foot solid fence compatible with the main structure in material type and color. 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 purpose of the Highway Commercial (C2-B) district is to provide a location for highway-oriented businesses that benefit from access to and visibility from the highway and a wider range of commercial building and site sizes than is possible in other districts. The standards proposed in this LDC are intended to support efficient use of the limited highway commercial land supply, attract and retain sustainable businesses which contribute to economic growth and job creation, and enhance the economic vitality of the district and of Northfield overall.

The variance from the prohibition of front yard storage will not adversely affect adjacent properties and is consistent with the general goals for the C2 zone district. The building previously had a large canopy in front of the building for covered storage. This was removed due to storm damage. The business is dependent on a highly visible and accessible location. Screening the storage of machinery will greatly improve the appearance of the property.

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

**Supported:** The variance is consistent with the Comprehensive Plan. Objective number one in the Economic Development chapter is to support existing businesses. Plan goal ED 1.1, seek opportunities to address barriers to retention and expansion of existing businesses, will be met by approving the variance to retain the business.

#### **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 outdoor storage critical to the business in the only available location on the property. Allowing the screened outdoor storage will also increase safety for the business and deter illegal dumping.

#### **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. This small lot was previously created by splitting off part of a larger lot and building. While the location is great, the property lacks adequate space for storage. Storing machinery inside would drastically diminish the capacity of the business to the point of not being financially feasible. There are no other affordable spaces in Northfield that could meet the business owner's needs.

#### **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. Allowing the existing outside storage to be screened will significantly improve the visual character of the area. The business is

sandwiched between Dokmo Auto and Lampert's Lumber which are also busy highway oriented businesses with outdoor storage.

**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.