



Legislation Text

File #: ZBA Res. 2018-002, **Version:** 1

Date: June 21, 2018

To: Members of the Zoning Board of Appeals

From: Scott Tempel, City Planner

Variance Resolution - 507 S Water St

Action Requested:

The Zoning Board of Appeals is requested to consider a setback variance request for an accessory building at 507 South Water Street.

Summary Report:

The applicant purchased 507 South Water Street in the fall of 2017. This property is zoned Downtown Commercial (C1) and is located in the East of Highway 3 Sub-District. The property owner has been diligently making improvements to this property, which had been neglected for many years. The primary structure currently houses Lisa's Alterations, The Hearing Aid Doctor, and the Thrifty Parrot. There is also an accessory building at the rear of the property.

The 20 ft. x 30 ft. structure on the property was built in 1940 and is non-conforming to current codes. It does not meet current setbacks and actually encroaches onto the neighboring property to the south. The current structure is in very poor condition and repair is not feasible. Due to the encroachment onto the neighboring property, the building cannot be reconstructed on the same footprint.

The applicant is proposing to build a new 20 x 30 building centered on the existing parcel. This would provide a one-foot setback on all three sides, which would require a variance. The setback requirements for accessory buildings in the East of Highway 3 Sub-District is five feet. According to International Fire Code, there can be no window openings on the exterior other than in the front of the building. The only building that would meet the setback requirements for this site would be a pre-manufactured 'Tuff Shed' structure. A shed would be 2/3 smaller than the existing building and not large enough to store vehicles or have a large overhead door. The applicant is requesting the ability to continue to use the property consistent with prior utilization of the existing 20 ft. x 30 ft. structure on the property.

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 (Land Development Code) 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

Northfield Land Development Code Table 3.2-4 C1 District Site Development Standards for the East of Highway 3 Sub-District require five foot rear and side setbacks for Accessory Buildings. The applicant is requesting one foot of setback on three sides.

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 Downtown (C1) district is to sustain the historic central business district, make the Highway 3 corridor a more integral and attractive part of Downtown, provide design transitions to surrounding zoning districts, provide a strong relationship to the Cannon River and thus enhance the beauty, appreciation and benefits of the river, and to augment and increase Downtown viability and prosperity. The C1 District aims to provide a compact, pedestrian friendly, active mix of land uses including business, hospitality, offices and services, housing, arts and culture, government, public gathering places and points of interest for residents and visitors alike. The design standards of this district reflect the character of the historic downtown and will help create a sense of arrival and center by locating buildings close to the sidewalk or road, providing compatible facades along the Cannon River, building intimate places for people to gather outdoors, or minimizing negative effects on residential neighborhoods.

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 C1 zone district by providing much needed storage or business space in the downtown. The shed project will improve the commercial area by improving the current structure to better blend in with surrounding commercial buildings.

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:

- 1.1.3: The project is proposed on an infill site and will result in intensified use of a downtown parcel.
- 1.1.12: The project will increase the mix of uses on the property. The property provides ample off-street parking spaces.
- 1.1.14: The project will be an asset to this location, and encourage a vibrancy in the downtown core. It will provide space for another downtown business.
- 1.1.15: The project is compatible with the surrounding land uses.

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.**
Replacing an eyesore building with new construction will enhance the character of the downtown.
2. **The natural environment will be protected, enhanced and better integrated in the community.**
n/a
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 is an infill project in the Core Enhancement area.
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.**

n/a

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

Allowing a new building will increase the mix of uses on the property and provide new business opportunities downtown.

- 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.**

n/a

- 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.**

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 Core Enhancement Area of the Conservation and Development map.

Character:

The project is located in the Core area of the Framework Map slated for mixed-use intensification of development.

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

Finding: 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. The C1 setback regulations effectively block use of the rear of the parcel for an accessory building. The current location of the accessory building is non-conforming to the Land Development Code and encroaches on neighboring property. Both the building code and the LDC preclude the existing building from being reconstructed.

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 applicant purchased the property in 2017. The shed was built in 1940, prior to the existence of modern zoning ordinances. It has been neglected for many years to the point of extreme decay.

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 existing building has been there for 78 years and is a part of the essential character. Improving the building will improve the aesthetic appeal of the property. The building will not change in size and will be sided to match the color of the principal building.

Financial Impacts:

There are no direct financial impacts to the City due to approving these variances.

Tentative Timelines:

The applicant would like to construct a new building this summer.