

**Agenda**  
**Board of Adjustment**  
**Regular Meeting October 4, 2016**  
**City Hall Council Chambers - 6:00 PM (televised)**

1. Call to order
2. Review & adopt/amend agenda
3. Approval of the September 6, 2016 stated meeting minutes
4. Public Hearing - Variance request from Peter and Jodi Hogan for property located at 3200 Central Point Road to vary from the City's Floodplain Regulations, Chapter 151 of the City Code, to construct a bathroom within the tuck under garage.
5. Public Hearing - Variance request from Ken and Joyce Willers for property located 415 N Franklin Street to expand an existing non-conforming structure by adding a second story addition to the home and adding a second story deck that would encroach into the required front setback area.
6. Miscellaneous discussion
7. Adjourn

BOARD OF ADJUSTMENT  
REGULAR MEETING  
TUESDAY, SEPTEMBER 6, 2016  
COUNCIL CHAMBERS, CITY HALL

Members present: Mark Nichols, Larry Foster, Ken Smith, Tom Dwelle, Joe Kjelland, Don Grundman

Members absent: Jerry Hill

Others present: Assistant Planning Director Megan Smith, Council Liaison Andru Peters, Ben Boege, Jim Geisler

CALL TO ORDER

Nichols called the meeting to order at 6:00 p.m. with a quorum present.

REVIEW AND ADOPT/AMEND AGENDA

A MOTION WAS MADE BY KJELLAND TO ADOPT THE AGENDA AS PRESENTED, SECONDED BY GRUNDMAN. ALL AYES.

APPROVAL OF THE MARCH 2, 2016 STATED MEETING MINUTES

A MOTION WAS MADE BY FOSTER TO APPROVE THE MARCH 2, 2016 STATED MEETING MINUTES AS PRESENTED. SECOND BY GRUNDMAN. ALL AYES.

PUBLIC HEARING – VARIANCE REQUEST SUBMITTED BY HEARTH AND HOME TECHNOLOGIES TO WIDEN AN ACCESS DRIVE, LOCATED ALONG W. MONROE ST. FROM 36 FEET TO 70 FEET, AS MEASURED FROM THE CURB OPENING.

Nichols introduced the public hearing. The Board was to consider an application for a variance. Hearth and Home Technologies, 800 W. Jefferson St. Lake City, MN 55041, has submitted an application for a variance applicable to the subject property, as abbreviated: ALL OF BLOCK 190 AND PART OF VACATED MADISON STREET AND NORTH 8<sup>TH</sup> STREET, OF THE ORIGINAL PLAT OF LAKE CITY, WABASHA COUNTY, MINNESOTA.

The request is to vary from the City's access drive width requirements of Section 155.70 of the City's Zoning Ordinance, by proposing to widen an existing driveway access point located along West Monroe Street, from 36 feet to 70 feet, as measured from the curb openings. This amount exceeds the City's width limit at the curb by 35 feet.

Megan Smith reviewed the staff report. The request submitted was to widen an existing access drive off of West Monroe Street to provide truck access to Hearth Technologies East building loading area along the rear of the building, facing the railroad tracks.

Trucks accessing this loading area, along the rear of the building, were having difficulty backing into the site due to the narrow turning radius caused by the existing curb opening, and the concrete median that separates the traffic lanes of West Monroe Street in front of the railroad crossing.

Mrs. Smith addressed the three conditions of approval which are found on Resolution BA16-02 Foster asked if the applicants would be responsible for all of the improvements. Mrs. Smith said yes.

A MOTION WAS MADE BY GRUNDMAN AND SECOND BY FOSTER TO OPEN THE PUBLIC HEARING. ALL AYES.

Jim Geisler, 806 North 7<sup>th</sup> Street, addressed the Board. Geisler asked if there was a reason the median was placed on Monroe Street. Mrs. Smith noted the median was originally placed as part of the Monroe Street Railroad Crossing improvement to meet the federal minimum standards.

Andru Peters addressed the Board noting the design of the Monroe Street Crossing was a conscious design to conform to the requirements for a whistle free crossing zone.

Ben Boege, on the behalf of Hearth & Home Technologies, addressed the Board. Boege informed the Board the main reason for the request was to widen the driveway to be able to get the trucks in and out of that area noting one of the vendors supplier refused to deliver product due to the narrowness of the driveway access.

Nichols asked how many trucks used this driveway access area. Boege thought it would be hard to say how many trucks they had per day. He explained this access was the only access to this side of the plant and any large deliveries would need to be brought to this area.

There was a short discussion on the City trail located within the boulevard along the property line and the requirement that the trail be reinforced with concrete in the area where the curb expansion was proposed to ensure that the trail does not deteriorate from truck traffic

A MOTION WAS MADE BY GRUNDMAN AND SECOND BY DWELLE TO CLOSE THE PUBLIC HEARING. ALL AYES.

Board member Smith asked if sidewalk for all of the area to be widened would be improved. Mr. Boege said the trail would be upgraded to concrete.

MOTION WAS MADE BY FOSTER TO ADOPT RESOLUTION NO. BA16-02, TO APPROVING A VARIANCE FROM THE CITY'S ACCESS DRIVE REGULATIONS FOR HEARTH & HOME TECHNOLOGIES, ALLOWING A 70 FOOT WIDE ACCESS DRIVE OPENING OFF OF WEST MONROE STREET IN LAKE CITY. GRUNDMAN SECOND THE MOTION. ROLL CALL VOTE WAS TAKEN WITH ALL IN MEMBERS VOTING AYE. MOTION PASSED.

ADJOURN

THE MEETING WAS ADJOURNED AT 6:25 P.M.

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Mark Nichols, Vice Chair

Submitted by: Megan Smith  
Assistant Planning Director of Planning & Community Development

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**FROM THE OFFICE OF PLANNING & COMMUNITY DEVELOPMENT**

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TO: City of Lake City Board of Adjustment

FROM: Megan Smith, Assistant Planning Director

SUBJECT: Variance Request, Peter and Jodi Hogan, 3200 Central Point Road

DATE: Meeting of October 4, 2016

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**ATTACHMENTS:**

1. Notice of Public Hearing
2. Application Materials
3. Building Plan – Cross Section View with Elevations
4. Site Grading Plan
5. Draft Resolution No. BA16-03

**SUMMARY OF REQUEST:**

A request has been submitted by Peter and Jodi Hogan, owners of the vacant lot at 3200 Central Point Road. The Hogan's are proposing to construct a new home on the lot and are requesting a variance from the City's Floodplain regulations to construct a bathroom in their tuck under garage, below the City's regulatory flood protection elevation.

**GENERAL INFORMATION:**

Action Being Requested: A variance from the City's Floodplain Regulations, Chapter 151.

60-Day Rule: The application was filed on September 2, 2016; therefore the City must take action on or before October 31, 2016.

Public Hearing: Required: Yes; Notification: A total of 12 surrounding property owners within 350 feet of the subject property were notified. The Notice of Public Hearing was published in *The Lake City Graphic* on September 22, 2016.

**PLANNING AND ZONING REVIEW:**

Land Use: Residential

Zoning: (MDR) Medium Density Residential

Overlay Zoning: 1) Shoreland Overlay district of both Lake Pepin and Miller Creek; 2) Floodplain regulations for both Miller Creek and the Mississippi River.

Surrounding Land Uses: Single family residential and Public Open Space (Hok Si La Park)

Lot Dimensions: 60' x 170'

**EXISTING CONDITIONS:**

The site previously contained a home that was demolished in the fall of 2001. In April of 2001, the City was inundated with a substantial flood event.

Mr. and Mrs. Hogan purchased 3200 Central Point Road and subdivided the lot into two equally sized smaller lots. This was approved by the City in February of 2016. The Hogan's will use the address of 3200 Central Point Road and are building a home on Parcel B, as shown on the attached site/grading plan. Parcel A is currently a vacant lot also owned by the Hogan's.

The site's current elevations range from approximately 678' where the house pad is located, to 675 at the rear property line, and 676' at the front property line adjunct to the beach. The ordinary high water line of Lake Pepin is 672'. These elevations are NAVD 88.

The City's regulatory flood protection elevation (RFPE) is found in the floodplain ordinance, and cannot be lower than one foot above the elevation of the regional flood. The regional flood is set from a 1965 flood event, and is 683.3 feet (NGVD 1912). This elevation, plus one foot, is 684.3, which is the required elevation for all raised structures.

**FLOOD INFORMATION:**

The Mississippi River in Lake City has reached flood stage, or moderate flooding, at least 10 times since 1951, most recently in 2001. Since 1965, the City's has reached major flood stage three times. For reference, flood stage is a term that generally references the number of feet above a specific reference point. In this case, from a gauge that is located at the Lake City Marina.

**Flood Categories (in feet)\***

Major Flood Stage	20 feet
Moderate Flood Stage	18 feet
Flood Stage	16 feet (677.1' U.S. Army Corps of Engineers 1912 Datum)
Action Stage	13 feet

**Historical Crest - Top 10 by severity\***

- 1) 22.18 ft on 04/19/1965 (683.3 feet in NGVD 1912)
- 2) 20.20 ft on 04/17/1969
- 3) 20.13 ft on 04/16/2001
- 4) 19.17 ft on 04/18/1952
- 5) 19.06 ft on 04/16/1951
- 6) 18.95 ft on 04/11/1997
- 7) 17.60 ft on 05/01/1975
- 8) 17.45 ft on 06/28/1993
- 9) 17.40 ft on 04/06/1967
- 10) 17.17 ft on 04/06/1986

\*Charts data provided by NOAA

The City participates in FEMA’s National Flood Insurance Program and must meet minimum standards outlined by the federal government. In part, this means that all permanent structures built on 3200 Central Point Road must be elevated one foot above the base flood elevation, or to at least 681 feet (NAVD 1988), which is the 100 year flood level determined by the FEMA flood maps. This is a federal minimum. **However, the City has adopted a more restrictive base flood elevation, using data from the 1965 flood event. This number is 683.3 (NGVD 1912) which is in a different datum than FEMA’s uses.** After consulting the DNR, and Dave Zink with the National Oceanic and Atmospheric Administration (NOAA) staff found that there is no reliable way to convert data universally. Instead, each reference point that is used to benchmark each datum elevation must be found and the difference between those benchmarks can be used to determine the difference in elevation.

**VARIANCE ANALYSIS:**

The Hogan’s have requested a variance from the City’s elevation requirements. Note that the City cannot allow a variance request below the FEMA elevation, and that a request of that nature would be handled by FEMA directly. The increase in elevation that the City’s requires above the FEMA 100 year elevation is approximately 2 feet.

The City’s Floodplain ordinance allows three very specific uses of space in areas that are built below the regulatory flood protection elevation (RFPE): 1) parking of vehicles 2) building access, and 3) storage. In addition, areas below the RFPE must be design to internally flood and must

be flood proofed in accordance with the MN building code. A bathroom does not fit into one of these categories, and generally cannot be designed to be flood proofed.

In the application materials, the Hogan's state that the bathroom floor will be constructed at 682' feet. Please review the attached variance checklist included with the agenda materials that was submitted by the Hogan's with the application.

Upon review of the variance applicant and checklist, City Staff is not recommending approval of the variance due to the applicant's inability to meet all the required criteria, specifically the criteria of number 2 and number 4. Below is the staff's review analysis for each required finding:

1. **Practical Difficulty.** True or False: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

*True. The Mr. and Mrs. Hogan's request to install a bathroom in a tuck under garage is a reasonable request for a home that must be elevated.*

2. **Unique circumstances.** True or False: Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

*False: The circumstances were created by the applicant by purchasing and developing property in a floodplain. The City has clearly outlined the elevation requirements for the home with the issuance of a conditional use permit to build an elevated structure in a flood fringe. The circumstances for this lot are no difference than others located within the same flood zone.*

3. **Essential Character.** True or False: Will the essential character of the locality, or neighborhood, be maintained if the variance is granted?

*True: The character of the residential development along Central Point Road would not change if the variance was granted.*

4. **Purpose and Intent of the Ordinance.** True or False: If granted, is the variance in harmony with the purpose and intent of the ordinance?

*False: The purpose of the floodplain ordinance to promote the public health, safety, and general welfare of the community, and to minimize losses. The City adopted a more restrictive elevation requirement in response to the devastation and damage that a major flood caused in 1965. The purpose of floodplain regulations, is in part to minimize loss, and by allowing improvements to structures below the regulatory flood protection*

*elevation, the City is knowingly allowing improvements in areas susceptible to a major flood event.*

5. **Comprehensive Plan.** True or False: If granted, is the variance are consistent with the comprehensive plan?

*True: The variance request can be considered consistent with the City's Comprehensive Plan, which depicts residential land uses in this location.*

**STAFF RECOMMENDATION:**

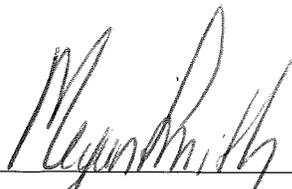
Staff recommends the Board of Adjustment adopt Resolution No. BA16-03, denying a variance request to install a bathroom below the regulatory flood protection elevation for property located at 3200 Central Point Road, by making the findings included therein.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Lake City Board of Adjustment will meet at 6:00 P.M. on Tuesday, October 4th, 2016, in the Council Chambers at City Hall, 205 West Center Street, Lake City, Minnesota to consider an application for a variance submitted by Peter and Jodi Hogan, for property located at 3200 Central Point Road, Lake City, MN 55041, and legally described as: LOT 4, B. J. LOSS'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE IN GOODHUE COUNTY MINNESOTA; EXCEPT: THE NORTHEASTERLY 60.00 FEET THEREOF.

The applicant has submitted a request to vary from the City's Floodplain Regulations, Chapter 151 of the City Code, to construct a bathroom within the tuck under garage at an elevation of 682 feet. This elevation is below the City's regulatory flood protection elevation of 684.3 (NGVD) 1912. The difference between the bathroom floor and the required elevation, not accounting for datum conversations, is approximately 2 feet, 4 inches.

Persons desiring to speak on this agenda item are encouraged to attend. Additional information concerning this request is available at City Hall. Meeting materials will be available at City Hall and on the City's website by Thursday, September 29, 2016.

  
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Megan Smith, Assistant Planning Director



# PLANNING APPLICATION FORM

City of Lake City • 205 West Center Street  
Lake City, MN 55041  
Phone: 651-345-5383 • Fax: 651-345-3208  
[www.ci.lake-city.mn.us](http://www.ci.lake-city.mn.us)

Case No. VA16-02  
Receipt No. 71514  
Accepted By MS  
Date 9/2/16

## APPLICANT INFORMATION

Peter & Jodi Hogan

Name of Applicant

Peter & Jodi Hogan

Name of Property Owner

Name of Firm (if applicable)

3200 Central Point Rd

Street Address

Lake City, MN 55041

City, State, Zip

(507) 358-5123

Phone

Fax

Name of Firm (if applicable)

3200 Central Point Rd

Street Address

Lake City, MN 55041

City, State, Zip

(507) 358-5123

Phone

Fax

## PROPERTY INFORMATION

Property Address 3200 Central Point Rd, Lake City, MN 55041

Lot Dimensions 60' x 170'

Property ID No. R54.18.0040

Lot Size (SF) 26,400

Current Land Use Vacant Land

Zoning District MDR

Legal Description (attach if necessary) BJ Loss Subdivision ID#4-0140-00400 Lot 4 DOC# 19490

## TYPE OF REQUEST

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation Application        | <input type="checkbox"/> Preliminary Plat       | <input type="checkbox"/> Temporary Use Permit  |
| <input type="checkbox"/> Comprehensive Plan Amendment  | <input type="checkbox"/> Final Plat             | <input checked="" type="checkbox"/> Variance   |
| <input type="checkbox"/> Conditional Use Permit        | <input type="checkbox"/> Minor Subdivision      | <input type="checkbox"/> Zoning Appeal         |
| <input type="checkbox"/> Home Occupation (Conditional) | <input type="checkbox"/> PUD (Preliminary Plan) | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Environmental Assessment      | <input type="checkbox"/> PUD (Final Plan)       | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Single Event License          | <input type="checkbox"/> PUD Amendment          | <input type="checkbox"/> Other                 |

Multiple requests related to a single project may be processed with one application form. The review process will vary depending on the type of action(s) requested. A cover sheet explaining the City's application review process for each Planning and Zoning request listed above is available from the Planning and Community Development Department at City Hall. This cover sheet also describes all fees required by the City to process an application.

DESCRIPTION OF REQUEST

Description of request (attach separate sheet if necessary):

1. Request a variance to allow the installation of a toilet and sink in the unfinished garage, storage, stairway level at an elevation of 682' of the Single Family Home (SFH) located in the shore land overlay district. The finished space of the SFH will be above 688' height. The shore land ordinance requires an elevation of 684.3 for finished living space. Permitted uses below this level are a garage, storage and stairway, which is the intended use in the proposed SFH.

Please read the following before signing this application. The City of Lake City requires specific material to be submitted in conjunction with this form, and will not begin processing an incomplete application. Information explaining the application procedures and policies for specific zoning requests are available from the Planning and Community Development Department at City Hall. For complex applications, applicants should review the specific code requirements and detailed information on procedures found in the City Code. Copies of these ordinances may also be obtained at City Hall or on the City website.

The attached checklist may be used as a reference for determining submission requirements. Please review this checklist with Staff if you have questions about which items may be required with your application.

ACKNOWLEDGEMENT AND SIGNATURE

I hereby apply for the above consideration and declare that the information and materials submitted with this application are complete and accurate per City Code and Ordinance requirements. I understand that the City will process the application once the Planning and Community Development Department determines that it is complete. Please note: If the property fee owner is not the applicant, the applicant must provide written authorization by the property owner in order to make an application.

Signature of Applicant [Handwritten Signature]

Signature of Property Owner [Handwritten Signature]

Date 9/2/2016

Date 9/2/2016

\*\*\* FOR OFFICE USE ONLY \*\*\*

Total Fees \$200.00

60 Day Review Deadline \_\_\_/\_\_\_/\_\_\_

Date Application Complete \_\_\_/\_\_\_/\_\_\_

Extension Requested [ ] Yes [ ] No

City Action: [ ] Approved [ ] Denied [ ] Withdrawn

Action By: [ ] City Council [ ] Board of Adjustments [ ] Staff

Date \_\_\_/\_\_\_/\_\_\_

Document \_\_\_\_\_

**APPLICATION SUBMISSION CHECKLIST**

<b>Required Submissions</b>	<b>Required</b>	<b>Submitted</b>
Completed Application Form <ul style="list-style-type: none"> <li>• Must include all required submissions to be considered complete.</li> </ul>	✓	9/2/16
Complete Legal Description <ul style="list-style-type: none"> <li>• For descriptions that exceed the space allotted on the application form.</li> </ul>		
Site Survey/Boundary Description <ul style="list-style-type: none"> <li>• Provide all existing conditions on-site and surrounding the property.</li> </ul>		
Site Development Plan <ul style="list-style-type: none"> <li>• Provide legal boundaries of the property, proposed buildings, parking lot layout, size of parking stalls, driveway widths, setback lines, north arrow, and other relevant information.</li> </ul>		
Area Calculations <ul style="list-style-type: none"> <li>• Provide square footage of property and building, total impervious surface area, percent and square footage of landscaping within the parking lot, and number of parking stalls.</li> </ul>		
Preliminary Plat <ul style="list-style-type: none"> <li>• Per §154.20 of the Subdivision Regulations.</li> </ul>		
Final Plat <ul style="list-style-type: none"> <li>• Per §154.21 of the Subdivision Regulations.</li> </ul>		
Project Narrative/Detailed Description (PUD Description) <ul style="list-style-type: none"> <li>• Provide a detailed narrative describing the proposed project for complex applications and Planned Unit Developments.</li> </ul>		
Grading/Erosion Control Plan <ul style="list-style-type: none"> <li>• Provide existing and proposed contours with building footprint and spot elevations.</li> </ul>		
Utility Plan <ul style="list-style-type: none"> <li>• Provide locations of all utilities, fire hydrants, and storm sewers.</li> </ul>		
Storm Water Management Plan <ul style="list-style-type: none"> <li>• Provide locations and calculations for storm sewer system, ditches, culverts, catch basins, and/or ponding areas.</li> </ul>		
Landscape Plan <ul style="list-style-type: none"> <li>• Provide existing vegetation and vegetation to be preserved, and a planting schedule that includes size, plant type, and root type.</li> </ul>		
Lighting Plan <ul style="list-style-type: none"> <li>• Provide a photometry plan and cut sheets of fixtures and location of fixtures.</li> </ul>		
Architectural Plans <ul style="list-style-type: none"> <li>• Provide front, side, and rear elevations with all building dimensions, materials, and colors clearly labeled on all sides.</li> </ul>		
Phasing Plan <ul style="list-style-type: none"> <li>• For Planned Unit Developments that will be constructed over the course of several building seasons.</li> </ul>		
Noise/Traffic Study <ul style="list-style-type: none"> <li>• A noise or traffic study may be required after an application is submitted.</li> </ul>		
Other Submission Requirements <ul style="list-style-type: none"> <li>• Please consult with Planning and Community Development Staff for additional requirements.</li> </ul>		
Name of Architect, Engineer, General Contractor and Others <ul style="list-style-type: none"> <li>• Provide names, addresses and phone numbers for all professionals involved with the project.</li> </ul>		
CUP Worksheet <ul style="list-style-type: none"> <li>• For Conditional Use Permit Requests</li> </ul>		
Variance Worksheet <ul style="list-style-type: none"> <li>• For Variance Requests</li> </ul>	✓	9/2/16

**City of Lake City Minnesota - Department of Planning Community Development  
Variance Checklist**

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**CRITERIA/FINDINGS OF FACT:**

Applicants must demonstrate the ability to meet each of the five (5) criteria listed below, as regulated in the Lake City Zoning Ordinance, Section 155.39. Please submit a written narrative explaining how the project you are proposing meets each of these five criteria.

**Practical Difficulty.** Does practical difficulty exist? Is the property owner proposing to use the site in a reasonable manner not permitted by the zoning ordinance?

My mother-in-law and to a lesser degree my wife have difficulty going up and down stairs. The garage level bathroom is a minimal investment and reasonable accommodation so the beach and unfinished garage level of the residence can be used in a practical manner as both a changing room and bathroom facility.

**Unique circumstances.** Do unique circumstances exist? For unique circumstances to exist, the property owner must show that their predicament is due to circumstances that are unique to the property and were not created by the landowner.

The issue is due to the City overlay district requiring a floor elevation of 684.3 feet. The situation is being mitigated by the owner raising the elevation of the garage level by 3 feet to 681 feet, the 100 year FEMA level. The stairs to the finished living area and proposed toilet and sink area is elevated a further 12 inches to 682 feet.

**Character of the locality.** Explain how the variance, if granted, will not alter the essential character of the locality in which the property is located.

The variance will have no impact on the essential character of the locality. More than 4 properties in the same overlay district have ground level bathrooms at lower elevations than is being proposed. There is no impact to the City sewer system as the lift station serving this area is shut down during flood events.

**Purpose and Intent.** Explain how the proposed variance, if granted, is in harmony with the purpose and intent of the ordinance.

The purpose of the ordinance is to reduce the impact or damage caused by flooding on structures built in the flood fringe area. The sink and toilet represent a minimal investment, may be submerged without causing damage and the walls in the unfinished garage level will be able to be flooded up to the 684.3 level which is in accordance with the ordinance. This is not a finished living area.

□ **Comprehensive Plan.** Explain how the proposed variance, if granted, is in harmony with the purpose and intent of the City Comprehensive Plan.

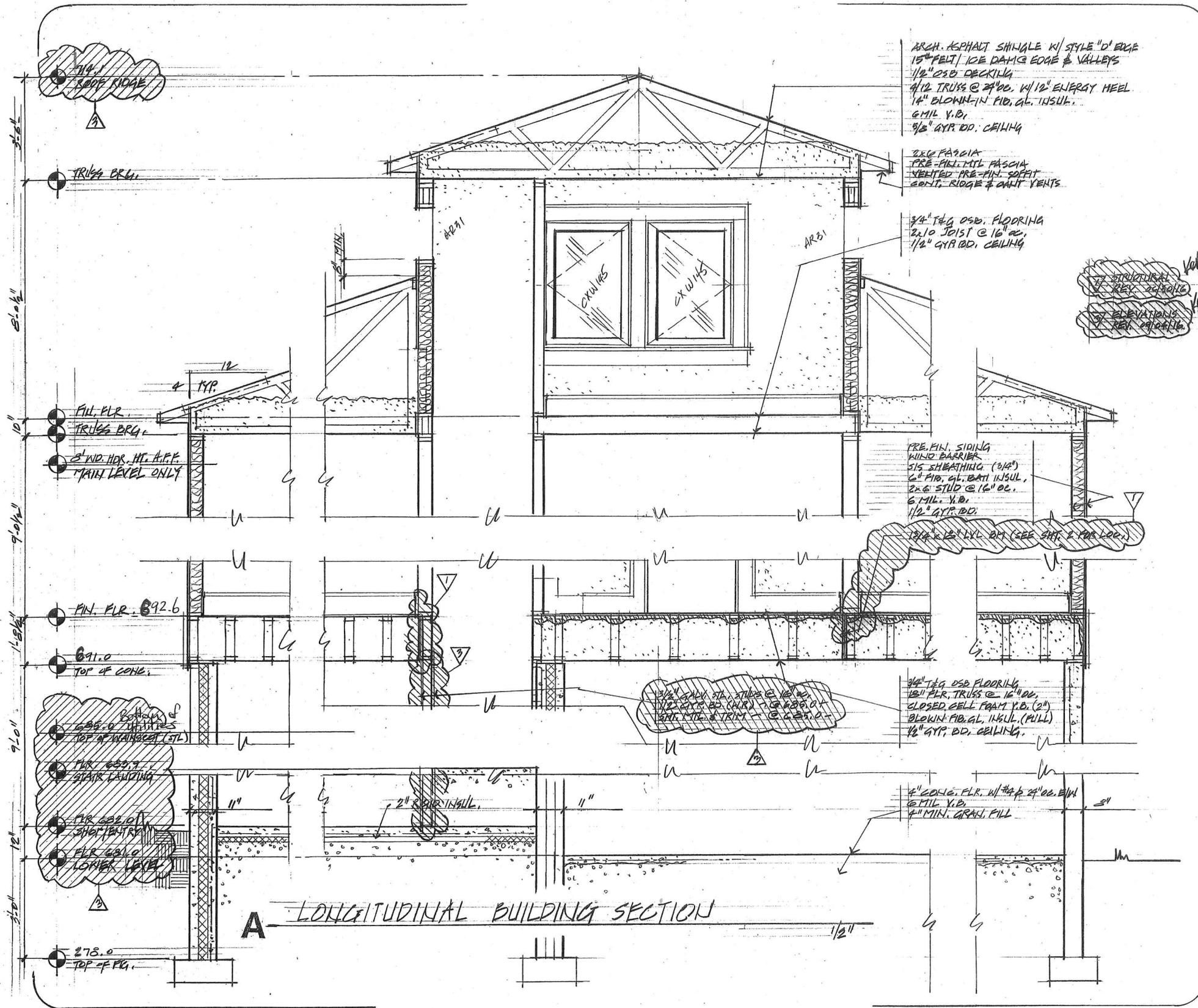
**§ 151.42 STANDARDS FOR FLOODWAY PERMITTED USES.**

(A) The use shall have a low flood damage potential.

(B) The use shall be permissible in the underlying zoning district if one exists.

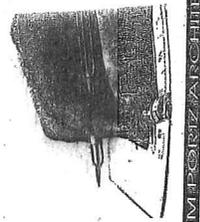
(C) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment. (Ord. 479, passed July 27, 2009)

The toilet and sink will have a low flood damage potential, as the total investment is not material even if totally destroyed. The underlying residential zoning does not prohibit toilets and a sink. The toilet and sink will have no impact to flood flows or increase flood elevations.

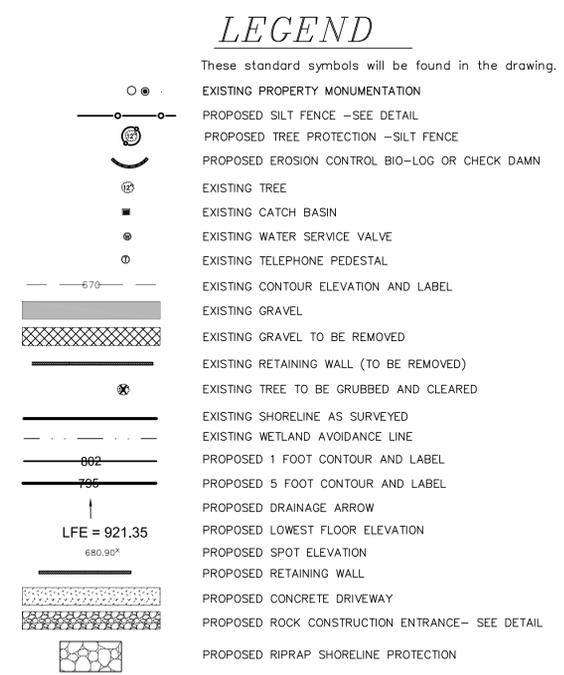
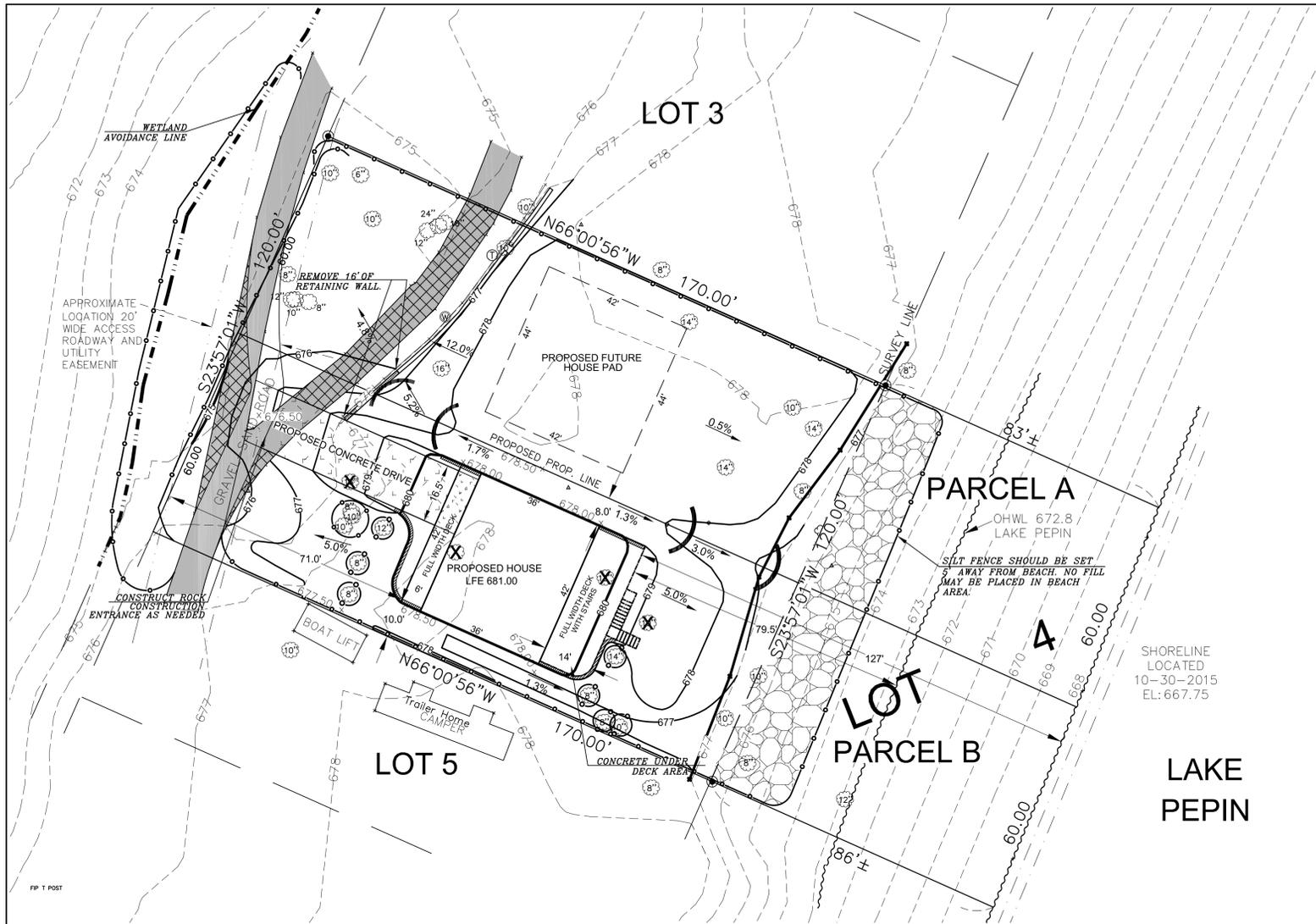


**A** LONGITUDINAL BUILDING SECTION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Architect under the laws of the State of Minnesota.  
 Peter and Jodi Hogan, KIM PLANK, PLSZ  
 Date: 04/14/10 Reg. No. 12273



PETER AND JODI HOGAN  
 3200 CENTRAL POINT ROAD  
 LAKE CITY, MINNESOTA



### SITE PLAN NOTES

BUILDING DIMENSIONS MUST BE VERIFIED WITH ARCHITECTURAL DRAWINGS. IN THE EVENT OF A DISCREPANCY ARCHITECTURAL DIMENSIONS SHALL BE USED.

DRIVEWAY SHALL BE 6" CONCRETE.

NO GOPHER STATE ONE CALL WAS MADE FOR THE DESIGN SURVEY. ONLY SURFACE EVIDENCE OF UTILITIES SUCH AS PEDESTALS, VALVES OR MANHOLES WERE LOCATED. THE CONTRACTOR MUST COORDINATE WITH GOPHER STATE ONE CALL FOR ALL UTILITIES.

THE REGULATORY FLOOD ELEVATION IS 683.3 AND IS 2.3 FEET ABOVE THE PROPOSED FLOOR ELEVATION. AN ALTERNATIVE FLOOD PROTECTION METHOD WILL BE UTILIZED TO COMPLY WITH THE CITY ZONING REGULATION AS IT PERTAINS TO THIS REGULATORY FLOOD PROTECTION ELEVATION. OPENINGS IN THE LOWEST LEVEL WALL WILL BE MADE TO ALLOW ENTRY OF FLOOD WATERS TO ENTER THE LOWEST FLOOR BETWEEN ELEVATIONS 681 AND 683.3. ALL ELECTRICAL, HEATING, VENTILATION, PLUMBING AND AIR CONDITIONING EQUIPMENT AND OTHER SERVICE FACILITIES WILL BE ABOVE THE 683.3 ELEVATION. THE STORAGE OR PROCESSING OF MATERIALS THAT ARE, IN TIME OF FLOODING, FLAMMABLE, EXPLOSIVE, OR POTENTIALLY INJURIOUS TO HUMAN, ANIMAL, OR PLANT LIFE WILL NOT BE ALLOWED.

### GRADING OPERATIONS

ALL DRAINAGE FROM THIS SITE WILL FLOW EITHER TO THE BEACH AREA OF LAKE PEPIN, OR TO THE EXISTING GRAVEL ROAD, BEYOND WHICH ARE WETLANDS THAT HAVE RECENTLY BEEN DELINEATED BY THE GOODHUE COUNTY SOIL AND WATER CONSERVATION SERVICE. ACCORDING TO THIS DELINEATION, THERE ARE NO WETLANDS ON THESE TWO PROPOSED LAND PARCELS.

RE-ALIGNMENT OF SAND-GRAVEL ROAD WILL INVOLVE MINOR GRADING ONTO PROPERTY OWNED BY WAYNE HAMMER WHO HAS GIVEN CONSENT THIS GRADING HIS PROPERTY AND HIS PROPERTY CONCERN ONLY WITH A LOW SPOT ON HIS PROPERTY WHERE PONDING PRESENTLY OCCURS AND REQUESTED THAT NOTHING BE DONE TO AGGRAVATE OR ADD TO THIS PONDING PROBLEM. DEMOLITION OF THE EXISTING SAND-GRAVEL ROAD THROUGH PARCEL B WILL TERMINATE NEAR THIS LOW AREA.

### EROSION CONTROL

CONTRACTOR SHALL INSTALL PERIMETER SILT FENCE BEFORE START OF ANY CONSTRUCTION ACTIVITY. TO PREVENT SEDIMENT RUNOFF FROM REACHING THE BEACH OR WETLAND AREAS, PERIMETER DOWN-SLOPE SILT FENCE SHALL BE INSTALLED ACROSS BOTH LOTS, WHILE STILL VULNERABLE DUE TO EXPOSED SOIL, ROCK CHECK DAMS WILL BE PLACED EVERY 25 FEET ALONG THE CENTERLINE OF EACH DRAINAGE SWALE ON GRADES EXCEEDING 4% TO REDUCE FLOW VELOCITIES THAT CAUSE EROSION.

SHORELINE RIPRAP SHALL BE PLACED WHEN THE GRADING, FILLING AND TREE GRUBBING ACTIVITIES HAVE BEEN COMPLETED NEAR THE SHORE OF LAKE PEPIN. RIPRAP SHALL BE PLACED ON TOP OF A LAYER OF NON-WOVEN FILTER BLANKET.

BECAUSE THE DISTANCE FROM THIS SITE TO A HARD SURFACE ROADWAY IS MORE THAN 2400 FEET IT IS DOUBTFUL THAT MUD TRACKING WILL OCCUR. IF CONDITIONS CHANGE OR MUD TRACKING DOES OCCUR, ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED AND MAINTAINED UNTIL VEHICLE ENTRANCES ONTO THE SITE ARE NO LONGER REQUIRED AND TOPSOIL IS SCHEDULED TO BE REPLACED. ALL VEHICLE ACCESS TO THIS SITE SHALL USE THE ROCK CONSTRUCTION ENTRANCES. SHOULD THE ROCK CONSTRUCTION ENTRANCES BECOME INEFFECTIVE DUE TO EXCESSIVE SOIL CONTAMINATION, THEY SHALL BE REMOVED AND REPLACED.

SUFFICIENT TOPSOIL IS TO BE SALVAGED TO PROVIDE COVER AFTER GRADING OPERATIONS. ALL SOIL STOCKPILES AND FINISHED GRADED AREAS ARE TO BE SEEDED IMMEDIATELY IN ORDER TO ESTABLISH VEGETATION WITH WHEAT OR RYE GRASS @ 100 LB./ACRE DURING CONSTRUCTION.

STORM INLETS ARE NOT KNOWN TO BE PRESENT NEAR THIS PROJECT SITE HOWEVER, IF CLOSER EXAMINATION OF THE SITE REVEALS MORE INLETS THAT COULD RECEIVE STORM RUNOFF, THE CONTRACTOR IS REQUIRED TO INSTALL AND MAINTAIN APPROVED INLET PROTECTION AT ALL ACTIVE STORM SEWER INLETS. SEDIMENT RUNOFF SHOULD BE MINIMIZED BY RESPONSIBLE SITE EROSION CONTROL. EROSION CONTROL MEASURES MUST BE INSPECTED BY THE CITY BEFORE ANY GRADING ACTIVITY BEGINS. TO PREVENT SILT AND SEDIMENT FROM ENTERING THE STORM SEWER SYSTEM, A FILTER BAG INSERT-SEDIMENT CONTROL INLET HAT, ROCK LOG-RING OR OTHER DEVICE APPROVED BY THE CITY, SHALL BE INSTALLED AT THE INLET.

ANY OPEN VENT PIPE OR OTHER OPENING INTO SEPTIC SYSTEMS THAT COULD RECEIVE STORM WATER RUNOFF SHALL BE ELEVATED OR PLUGGED WHERE PERMISSIBLE.

ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE STABILIZED AS SOON AS POSSIBLE. AREAS THAT HAVE BEEN DISTURBED OR ARE AT FINISH GRADE, BUT HAVE NO ACTIVE WORK, SHALL BE SEEDED AND MULCHED OR SODDED WITHIN 14 DAYS, EXCEPT ON SLOPES STEEPER THAN 4H:1V. STEEPER SLOPES SHALL BE SEEDED AND COVERED WITH AN EROSION CONTROL BLANKET OR SEEDED AND MULCHED WITH A TACKIFYING AGENT OR SODDED. AS SOON AS POSSIBLE AFTER GRADING OPERATIONS HAVE BEEN COMPLETED, TOPSOIL SHALL BE SPREAD AND THE ENTIRE SITE SHALL BE VEGETATED. FINAL SITE STABILIZATION SHALL BE EVIDENT WHEN SEEDED GRASS IS PRESENT ON ALL EXPOSED GRADING AREAS AND HAS GROWN TO A LENGTH OF 6 INCHES AND THERE ARE NO SIGNS OF ONGOING EROSION. IF SOD IS PLACED IN-LIEU OF SEED, IT SHALL BE WATERED AND MAINTAINED AND SHOW NO SIGNS OF STRESS FOR AT LEAST 30 DAYS. THE CITY SHALL APPROVE FINAL SITE STABILIZATION.

A CONCRETE WASHOUT AREA IS REQUIRED FOR ALL CONCRETE CONSTRUCTION. THE WASHOUT SYSTEM CAN BE A PORTABLE UNIT PROVIDED BY THE CONCRETE SUPPLIER OR AN IN-GROUND SYSTEM CONSTRUCTED BY THE CONTRACTOR. ONE ACCEPTABLE METHOD OF CREATING AN IN-GROUND WASHOUT PIT WOULD BE TO EXCAVATE A 3 FOOT DEEP AREA (MIN. 3' WIDTH X VARIABLE LENGTH AS NEEDED), LINED WITH 10 MIL. PLASTIC AND PERIMETER ANCHORED WITH SAND BAGS OR AGGREGATE. IF THE LINING BECOMES DAMAGED (PUNCTURED OR RIPPED), THE WASHOUT SHALL NOT BE USED UNTIL THE LINING IS REPAIRED. CONCRETE POURS SHALL NOT BE CONDUCTED DURING OR BEFORE AN ANTICIPATED STORM EVENT. CONCRETE WASTES SHALL BE ALLOWED TO HARDEN, BROKEN UP, THEN DISPOSED OF ACCORDING TO LOCAL ORDINANCE. THIS WASHOUT PIT SHALL BE LOCATED AWAY FROM ALL STEEP SLOPES AND DRAINAGE INLETS.

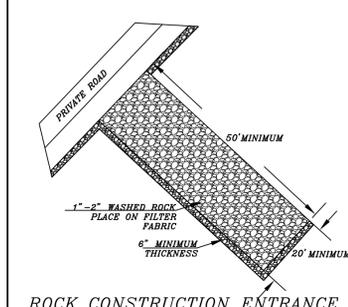
A NPDES STORM WATER PERMIT FOR CONSTRUCTION IS NOT REQUIRED FOR THIS PROJECT, HOWEVER THE PROJECT OWNER AND/OR CONTRACTOR WILL STILL NEED TO IMPLEMENT STORM WATER MANAGEMENT USING BMP'S (BEST MANAGEMENT PRACTICES) AS SHOWN ON THIS PLAN AND AS REQUIRED BY CHANGING SITE CONDITIONS. THIS IS ESPECIALLY IMPORTANT DUE TO THE CLOSE PROXIMITY OF BOTH WETLANDS AND LAKE PEPIN. KEY TO SEDIMENT RUNOFF PREVENTION IS BMP INSPECTION AFTER EVERY STORM EVENT AND IMMEDIATE REPAIR OR REPLACEMENT OF SILT FENCE AND OTHER BMP'S TO RESTORE FUNCTIONALITY.

### AREA NOTES

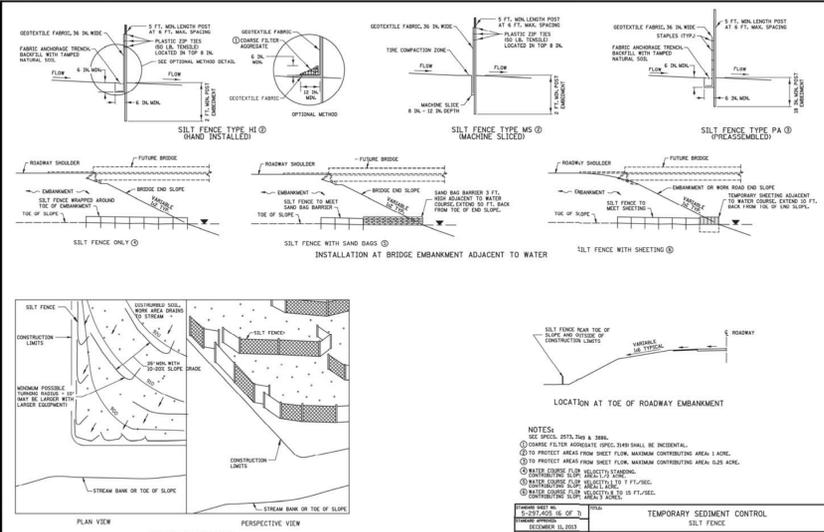
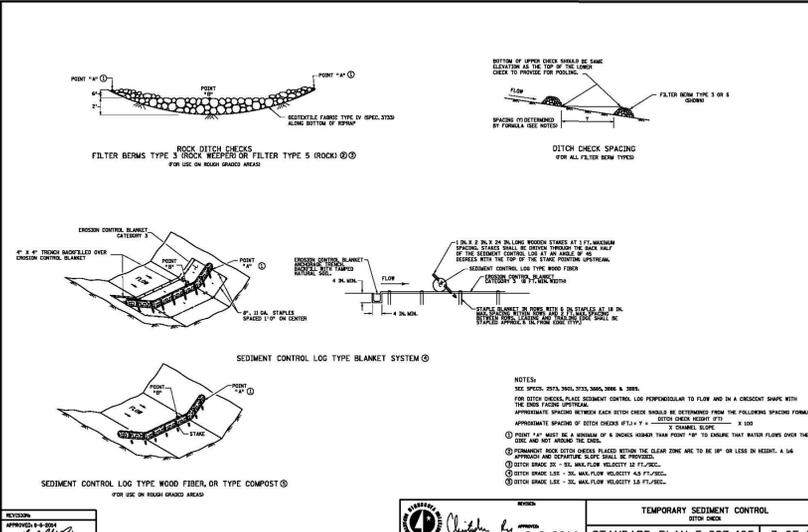
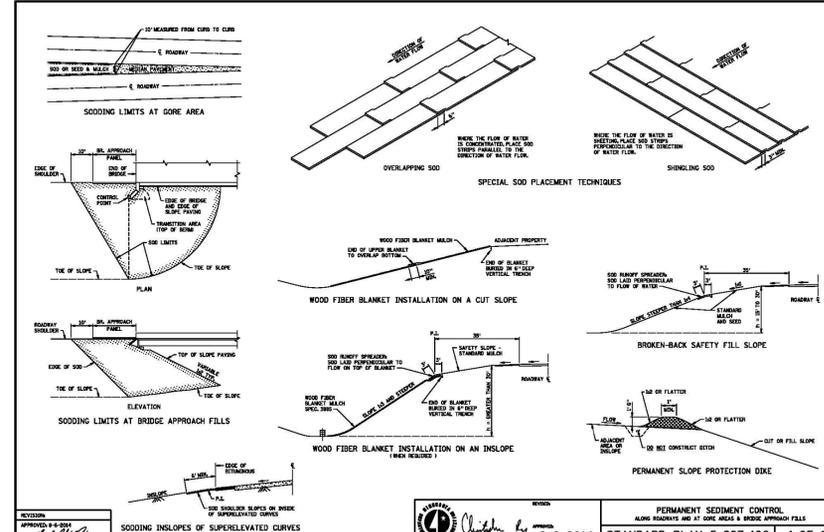
TOTAL SITE AREA.....0.70 ACRES  
 DISTURBED AREA.....0.51 ACRES  
 EXISTING IMPERVIOUS SURFACE.....0.05 ACRES (INCLUDES SAND ROAD)  
 EXISTING PERVIOUS SURFACE.....0.65 ACRES  
 PROPOSED IMPERVIOUS SURFACE.....0.13 ACRES (INCLUDING SAND ROAD)  
 PROPOSED PERVIOUS AREA.....0.57 ACRES

### EXCAVATION NOTES

CUT VOLUME.....14 CU YDS.  
 FILL VOLUME.....694 CU YDS.



CALL BEFORE YOU DIG  
 GOPHER STATE  
 ONE CALL  
 TWIN CITY AREA 651-454-0002  
 MN. TOLL FREE 1-800-252-1166



**Engineering, Surveying & Planning**  
**JOHNSON & SCOFIELD INC.**  
 1203 Main Street Red Wing, MN 55066  
 ph. 651.388.1558 fax 651.388.1559

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 Steven P. Voigt, PE  
 DATE 01/07/2018 REG. NO. 20034

DESIGNED	SPV	BY	DATE	LATEST REVISION:	05/5/2016
DRAWN	SPD	BY	DATE	Prepared For:	PETER & JODI HOGAN
CHECKED	MSJ	BY	DATE	607 LA POINT DRIVE SE	STEWARTVILLE, MN 55976
				PHONE: 507.358.5123	

**PETER AND JODI HOGAN**  
**PROPOSED LAKE HOUSE**  
 3200 CENTRAL POINT ROAD, LAKE CITY, MN

**SITE, GRADING & EROSION CONTROL PLAN**

SHEET 1 OF 1 SHEETS

**RESOLUTION NO. BA16-03**

**CITY OF LAKE CITY, MINNESOTA**

**A RESOLUTION DENYING A VARIANCE FROM THE CITY OF LAKE CITY'S FLOODPLAIN REGULATIONS FOR 3200 CENTRAL POINT ROAD, LAKE CITY, MINNESOTA**

**WHEREAS**, the City of Lake City is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Peter and Jodi Hogan, (the "Applicants"), 3200 Central Point Road, have submitted an application to the City of Lake City (the "City") for a variance to build a bathroom in their tuck under garage located below the City's regulatory flood protection elevation; and

**WHEREAS**, the property is legally described as: LOT 4, B. J. LOSS'S SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, ON FILE IN GOODHUE COUNTY MINNESOTA; EXCEPT: THE NORTHEASTERLY 60.00 FEET THEREOF; and

**WHEREAS**, the procedures to apply for, and obtain a variance as found in the Lake City Zoning Ordinance Section 155.39 have been met; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake City Zoning Ordinance Section 155.39 (D); and

**WHEREAS**, the Lake City Board of Adjustment held a public hearing on said matter on October 4, 2016;

**NOW, THEREFORE**, based on the testimony elicited and information received, the Board of Adjustment makes the following:

## FINDINGS

The City of Lake City has found the following findings in its evaluation of the application for a variance:

1. **Practical Difficulty** has been found to be true and correct. The property owner is proposing to use the property in a reasonable manner not permitted by an official control. *Mr. and Mrs. Hogan's request to install a bathroom in a tuck under garage is a reasonable request for a home that must be elevated.*
2. **Unique circumstances** has not been found in this case. The plight of the landowner is due to their own circumstances, and was created by the landowner. *The circumstances were created by the applicant by purchasing and developing property in a floodplain. The City has clearly outlined the elevation requirements for the home with the issuance of a conditional use permit to build an elevated structure in a flood fringe. The circumstances for this lot are no difference than others located within the same flood zone.*
3. **Essential Character** has been found to be true and correct. The essential character of the locality, or neighborhood, be maintained if the variance is granted. *The character of the residential development along Central Point Road would not change if the variance was granted.*
4. **Purpose and Intent of the Ordinance** has not been found in this case. The variance, if granted, would not be in keeping with the purpose and intent of the ordinance. *The purpose of the floodplain ordinance is to promote the public health, safety, and general welfare of the community, and to minimize losses. The City adopted a more restrictive elevation requirement in response to the devastation and damage that a major flood caused in 1965. The purpose of floodplain regulations, is in part to minimize loss, and by allowing improvements to structures below the regulatory flood protection elevation, the City is knowingly allowing improvements in areas susceptible to a major flood event.*
5. **Comprehensive Plan** compliance has been found to be true and correct. *The variance request can be considered consistent with the City's Comprehensive Plan, which depicts residential land uses in this location.*

## CONCLUSIONS AND DECISION

Based on the foregoing, the Applicant's request for a variance has been denied based on the City's findings listed above, which state that only three for the required five findings of fact needed for granting a variance have been met.

Passed and duly adopted this 4<sup>th</sup> day of October, 2016, by the City of Lake City, Minnesota Board of Adjustment.

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Jerry Hill, Chairperson

ATTEST:

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Kari Schreck, City Clerk

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**FROM THE OFFICE OF PLANNING & COMMUNITY DEVELOPMENT**

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TO: City of Lake City Board of Adjustment

FROM: Megan Smith, Assistant Planning Director

SUBJECT: Variance Request from Ken and Joyce Willers for property at 415 N Franklin St.

DATE: Meeting of October 4, 2016

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**ATTACHMENTS:**

1. Notice of Public Hearing
2. Application Materials
3. Draft Resolution No. BA16-04

**SUMMARY OF REQUEST:**

A request has been submitted by Ken and Joyce Willers, to expand a non-conforming structure located at 415 N. Franklin Street in Lake City. The applicants are proposing to add a second story to the existing one story home, and to secondly add a balcony off the new second story into the front setback area. This is a two part variance application.

**GENERAL INFORMATION:**

Action Being Requested: A variance from the City's Zoning Ordinance, Chapter 155, Nonconforming Regulations (article 4) and Residential District Setbacks (Article 9).

60-Day Rule: The application was filed on September 19, 2016; therefore the City must take action on or before November 17, 2016.

Public Hearing: Required: Yes; Notification: A total of 44 surrounding property owners within 350 feet of the subject property were notified. The Notice of Public Hearing was published in *The Lake City Graphic* on September 22, 2016.

**PLANNING AND ZONING REVIEW:**

Land Use: Residential

Zoning: (TN) Traditional Neighborhood

Surrounding Land Uses: Nearby properties including primarily single family homes, with some duplex, triplex, and rental units, including vacation rentals.

**EXISTING CONDITIONS:**

The existing home was built in the 1940's and has not been expanded since. The setback dimensions are as follows:

	<u>Current Distance from prop. line</u>	<u>Required Distance (min. setback)</u>	<u>Proposed Distance from prop. line</u>
Front:	15'	20'	8'
North Side:	5'	8'	5'
South Side:	13'	8'	13'
Rear:	20'	20'	20'

**VARIANCE ANALYSIS AND FINDINGS:**

The City's variance requirements state that each of the five (5) criteria listed below must be met for a variance to be granted. Due to the fact that this variance is two part, each request will have its own findings. The staff recommended findings for each request are outlined below:

**Part One: expansion of a Non-Conforming Structure:**

1. **Practical Difficulty.** True or False: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

*True: The applicants are proposing to use the property in a reasonable manner by expanding the home by adding a second story. It would be impractical to move the building to meet current setback requirements.*

2. **Unique circumstances.** True or False: Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

*True: Unique circumstances exist because the house was made non-conforming by the City changing its setback regulations over the years and re-zoning of the area from a higher density to lower density neighborhood.*

3. **Essential Character.** True or False: Will the essential character of the locality, or neighborhood, be maintained if the variance is granted?

*True: The existing home is the only one story home on the block and a second story addition will not impact the neighborhood character.*

4. **Purpose and Intent of the Ordinance.** True or False: If granted, is the variance in harmony with the purpose and intent of the ordinance?

*True: The City's nonconforming regulations aim to allow properties to be maintained, but not expanded. The variance for the expansion is not exacerbating the nonconformity, meaning the setbacks will not change the structure's non-compliance status will not change with the addition of the second story.*

5. **Comprehensive Plan.** True or False: If granted, is the variance are consistent with the comprehensive plan?

*True: The City's Comprehensive Plan allows for residential land uses in this area.*

## **Part 2: Addition of a second story balcony**

1. **Practical Difficulty.** True or False: Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

*False: The applicants have not demonstrated that practical difficulty exists since the balcony is not an existing part of the home and would be a new addition which would exacerbate, or worsen the non-conforming nature of the front setback. The application lacks evidence showing that the balcony was at least considered to be constructed at the current setback of the home, or 15 feet. The entire second floor of this home is being added, and the balcony can be integrated into that addition, however the need to encroach farther into the front yard has not been demonstrated and therefore practical difficulty does not exist.*

2. **Unique circumstances.** True or False: Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

*True: The homeowner did not construct the home in its current location and did not create the setback issues.*

3. **Essential Character.** True or False: Will the essential character of the locality, or neighborhood, be maintained if the variance is granted?

*True: The second story balcony would not detract from the visual character of the existing neighborhood.*

4. **Purpose and Intent of the Ordinance.** True or False: If granted, is the variance in harmony with the purpose and intent of the ordinance?

*True: The City's setback regulations are established to allow for a uniform and consistent development pattern. The balcony would be 8 feet from the front property line, which is a similar setback to other properties on the same block. The City allows for homes on the same block to follow similar setback patterns.*

5. **Comprehensive Plan.** True or False: If granted, is the variance are consistent with the comprehensive plan?

*True: The City's Comprehensive Plan allows for residential land uses in this area.*

**STAFF RECOMMENDATION:**

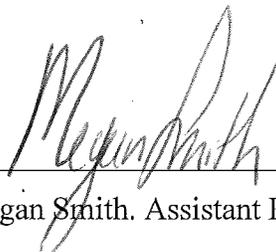
Staff recommends the Board of Adjustment approve Resolution No. BA16-04, granting variance from the City's non-conforming regulations to allow for the expansion of a non-conforming structure in the same footprint that currently exists by adding a second story, and denying the request to add a second story balcony that would encroach into the front yard setback area by 12 feet.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Lake City Board of Adjustment will meet at 6:00 P.M. on Tuesday, October 4th, 2016, in the Council Chambers at City Hall, 205 West Center Street, Lake City, Minnesota to consider an application for a variance submitted by Ken and Joyce Willers, for property located 415 N Franklin Street, Lake City, MN 55041, and legally described, as: LOT 2, BLOCK 6 OF THE ORIGINAL PLAT OF LAKE CITY, LOCATED IN WABASHA COUNTY, LAKE CITY, MINNESOTA.

The applicants have submitted a request to vary from the City's Traditional Neighborhood Residential Zoning District Requirements to expand an existing non-conforming structure by adding a second story addition to the home, and adding a second story deck that would encroach into the required front setback area. The existing home is 5 feet from the north side property line instead of the required 8 feet. A second story addition would be added on top of the existing footprint of the home. The front deck would be cantilevered over the front entrance and would be 8 feet from the front property line instead of the required 20 feet.

Persons desiring to speak on this agenda item are encouraged to attend. Additional information concerning this request is available at City Hall. Meeting materials will be available at City Hall and on the City's website by Thursday, September 29, 2016.

  
Megan Smith, Assistant Planning Director

Published in *The Lake City Graphic* the 22<sup>nd</sup> day of September, 2016



# PLANNING APPLICATION FORM

City of Lake City • 205 West Center Street  
Lake City, MN 55041  
Phone: 651-345-5383 • Fax: 651-345-3208  
[www.ci.lake-city.mn.us](http://www.ci.lake-city.mn.us)

Case No. VA16-  
Receipt No. 71527  
Accepted By MS  
Date 9/19/2016

## APPLICANT INFORMATION

Kew & Joyce Willers  
Name of Applicant

Kew & Joyce Willers  
Name of Property Owner

Name of Firm (if applicable)

Name of Firm (if applicable)

1320 N. High Street  
Street Address

415 N FRANKLIN ST  
Street Address

Lake City, MN 55041  
City, State, Zip

LAKE CITY, MN 55041  
City, State, Zip

651-345-2290  
Phone Fax

651 345 2290  
Phone Fax

## PROPERTY INFORMATION

Property Address 415 N FRANKLIN ST

Lot Dimensions 60' x 82'-6"

Property ID No. R 22.00 214.00

Lot Size (SF) 4956

Current Land Use Existing Home

Zoning District TN

Legal Description (attach if necessary) Lot 2 B1K6

## TYPE OF REQUEST

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Annexation Application        | <input type="checkbox"/> Preliminary Plat       | <input type="checkbox"/> Temporary Use Permit  |
| <input type="checkbox"/> Comprehensive Plan Amendment  | <input type="checkbox"/> Final Plat             | <input checked="" type="checkbox"/> Variance   |
| <input type="checkbox"/> Conditional Use Permit        | <input type="checkbox"/> Minor Subdivision      | <input type="checkbox"/> Zoning Appeal         |
| <input type="checkbox"/> Home Occupation (Conditional) | <input type="checkbox"/> PUD (Preliminary Plan) | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Environmental Assessment      | <input type="checkbox"/> PUD (Final Plan)       | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Single Event License          | <input type="checkbox"/> PUD Amendment          | <input type="checkbox"/> Other                 |

Multiple requests related to a single project may be processed with one application form. The review process will vary depending on the type of action(s) requested.

DESCRIPTION OF REQUEST

Description of request (attach separate sheet if necessary):

We are proposing to expand a non conforming single family home by adding a second story to the existing one story home. The house is 5 feet from the north side property line and 15 feet from the front property line adjacent to Franklin Street. We are also proposing to add a second story deck to the structure that would be 8 feet from the front property line. This is in line with an existing house on the same block that is also approximately 8 feet from the front property line.

Please read the following before signing this application. The City of Lake City requires specific material to be submitted in conjunction with this form, and will not begin processing an incomplete application. Information explaining the application procedures and policies for specific zoning requests are available from the Planning and Community Development Department at City Hall. For complex applications, applicants should review the specific code requirements and detailed information on procedures found in the City Code. Copies of these ordinances may also be obtained at City Hall or on the City website.

The attached checklist may be used as a reference for determining submission requirements. Please review this checklist with Staff if you have questions about which items may be required with your application.

ACKNOWLEDGEMENT AND SIGNATURE

I hereby apply for the above consideration and declare that the information and materials submitted with this application are complete and accurate per City Code and Ordinance requirements. I understand that the City will process the application once the Planning and Community Development Department determines that it is complete. Please note: If the property fee owner is not the applicant, the applicant must provide written authorization by the property owner in order to make an application.

Ken Willers

Signature of Applicant

Joyce Willers

Signature of Property Owner

Kenneth Willers

Date

Date

9/19/16

\*\*\* FOR OFFICE USE ONLY \*\*\*

Total Fees 200.00

60 Day Review Deadline \_\_\_/\_\_\_/\_\_\_

Date Application Complete \_\_\_/\_\_\_/\_\_\_

Extension Requested [ ] Yes [ ] No

City Action: [ ] Approved [ ] Denied [ ] Withdrawn

Action By: [ ] City Council [ ] Board of Adjustments [ ] Staff

Date \_\_\_/\_\_\_/\_\_\_

Document \_\_\_\_\_

City of Lake City Minnesota - Department of Planning Community Development  
Variance Checklist

**CRITERIA/FINDINGS OF FACT:**

Applicants must demonstrate the ability to meet each of the five (5) criteria listed below, as regulated in the Lake City Zoning Ordinance, Section 155.39. Please submit a written narrative explaining how the project you are proposing meets each of these five criteria.

**Practical Difficulty.** Does practical difficulty exist? Is the property owner proposing to use the site in a reasonable manner not permitted by the zoning ordinance?

can't move existing Adding second story  
2 existing house & second story deck

**Unique circumstances.** Do unique circumstances exist? For unique circumstances to exist, the property owner must show that their predicament is due to circumstances that are unique to the property and were not created by the landowner.

Built in 1940's & was compliant then

**Character of the locality.** Explain how the variance, if granted, will not alter the essential character of the locality in which the property is located.

the second floor will make home  
more attractive - only 1 story in BIK

**Purpose and Intent.** Explain how the proposed variance, if granted, is in harmony with the purpose and intent of the ordinance.

Residential use

**Comprehensive Plan.** Explain how the proposed variance, if granted, is in harmony with the purpose and intent of the City Comprehensive Plan.

Residential use



1  
A.3

FRONT ELEVATION

1/4" = 1'-0"

Existing Garage

West 20

Lot Line

South

North

Drive way

5'

13'

New deck  
Second Floor  
only

7'

8'

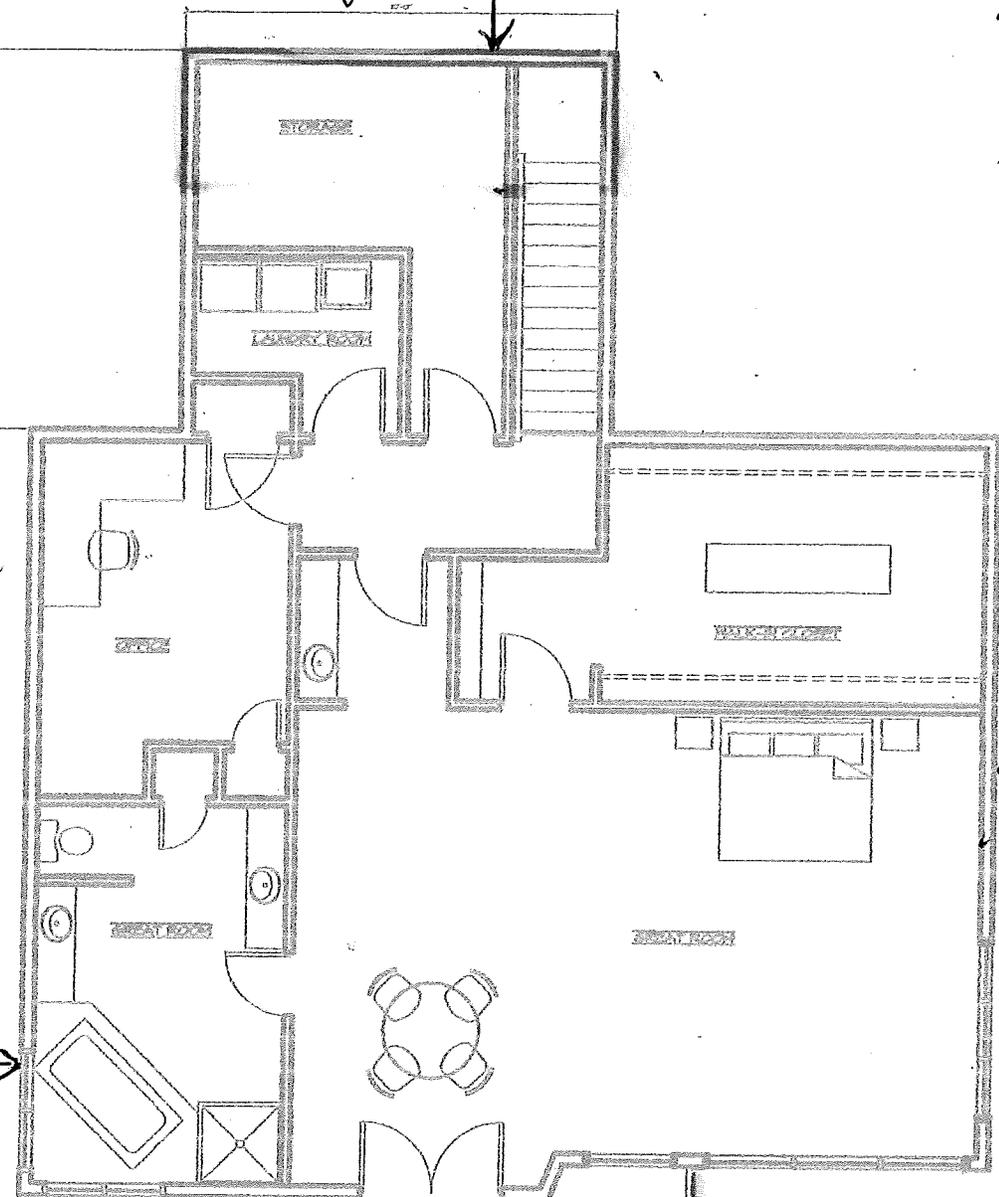
East

Lot Line

Lot size 48' x 60' x 82'-6"

curb

to curb



**RESOLUTION NO. BA16-04**

**CITY OF LAKE CITY, MINNESOTA**

**A RESOLUTION APPROVING A VARIANCE FROM THE CITY'S  
NON CONFORMING BUILDING EXPANSION REGULATIONS AND  
DENYING A REQUEST FOR A SECOND STORY BALCONY ENCROACHING  
INTO THE FRONT YARD OF 415 NORTH FRANKLIN STREET,  
LAKE CITY MINNESOTA**

**WHEREAS**, the City of Lake City is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, Ken and Joyce Willers (the "Applicants"), 1320 North High Street, Lake City, MN, have submitted an application to the City of Lake City (the "City") for a variance to expand a non-conforming structure at 415 N Franklin Street by adding a second story addition, and building a balcony into the front yard not meeting setback requirements; and

**WHEREAS**, the property is legally described as: LOT 2, BLOCK 6, OF THE ORIGINAL PLAT OF LAKE CITY, MINNESOTA.

**WHEREAS**, the procedures to apply for, and obtain a variance as found in the Lake City Zoning Ordinance Section 155.39 have been met; and

**WHEREAS**, notice has been published, mailed and posted pursuant to the Lake City Zoning Ordinance Section 155.39 (D); and

**WHEREAS**, the Lake City Board of Adjustment held a public hearing on said matter on October 4, 2016;

**NOW, THEREFORE**, based on the testimony elicited and information received, the Board of Adjustment makes the following:

**FINDINGS**

The City of Lake City has found the following findings in its evaluation of the application for a variance:

**A) Request for the expansion of a Non-Conforming Structure:**

1. **Practical Difficulty.** *True: The applicants are proposing to use the property in a reasonable manner by expanding the home by adding a second story. It would be impractical to move the building to meet current setback requirements.*
2. **Unique circumstances.** *True: Unique circumstances exist because the house was made non-conforming by the City changing its setback regulations over the years and re-zoning of the area from a higher density to lower density neighborhood.*
3. **Essential Character.** *True: The existing home is the only one story home on the block and a second story addition will not impact the neighborhood character.*
4. **Purpose and Intent of the Ordinance.** *True: The City's nonconforming regulations aim to allow properties to be maintained, but not expanded. The variance for the expansion is not exacerbating the nonconformity, meaning the setbacks will not change the structure's non-compliance status will not change with the addition of the second story.*
5. **Comprehensive Plan.** *True: The City's Comprehensive Plan allows for residential land uses in this area.*

**B) Request to add second story balcony to be 8 feet from the front property line**

1. **Practical Difficulty.** *False: The applicants have not demonstrated that practical difficulty exists since the balcony is not an existing part of the home and would be a new addition which would exacerbate, or worsen the non-conforming nature of the front setback. The application lacks evidence showing that the balcony was at least considered to be constructed at the current setback of the home, or 15 feet. The entire second floor of this home is being added, and the balcony can be integrated into that addition, however the need to encroach farther into the front yard has not been demonstrated and therefore practical difficulty does not exist.*
2. **Unique circumstances.** *True: The homeowner did not construct the home in its current location and did not create the setback issues.*
3. **Essential Character.** *True: The second story balcony would not detract from the visual character of the existing neighborhood.*
4. **Purpose and Intent of the Ordinance.** *True: The City's setback regulations are established to allow for a uniform and consistent development pattern. The balcony would be 8 feet from the front property line, which is a similar setback to*

*other properties on the same block. The City allows for homes on the same block to follow similar setback patterns.*

5. **Comprehensive Plan.** *True: The City's Comprehensive Plan allows for residential land uses in this area.*

### **CONCLUSIONS AND DECISION**

Based on the foregoing, the City of Lake City approves the expansion of a non-conforming structure by adding a second story addition to the home at 415 North Franklin Street, not exacerbating the setback issues along the front or north side of the property lines, and further denies a request to add a second story balcony that protrudes into the front setback area by an additional 7 feet from where the home currently exists.

Passed and duly adopted this 4<sup>th</sup> day of October, 2016, by the City of Lake City, Minnesota Board of Adjustment.

\_\_\_\_\_  
Jerry Hill, Chairperson

ATTEST:

\_\_\_\_\_  
Kari Schreck, City Clerk