

## Adopting Findings of Fact Land Use

### RESOLUTION NO. 12-20

**A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR APPROVAL FOR VARIANCE APPLICATION OF Perry Gehrman AT Parcel #75-0021-000 located on 2<sup>nd</sup> Street SE.**

#### **FACTS**

1. Perry Gehrman is the owner of a parcel of land located at 2<sup>nd</sup> Street SE; and, Parcel #75-0021-000.
2. The subject property is legally described as Parcel #75-0021-000
3. Perry Gehrman has applied to the City for a variance to divide existing lot into 2 separate lots as described to council. Lots would be divided from North to South. Each lot would have a shed building built on it and stay in line with neighboring shed to the East.
4. The proposal would vary from (Ordinance Requirement) in that it would (Deviation Sought).  
Per Article 5 Subsection 5.05 required 100 feet width and 150 feet depth for developed lots. The request to divide existing lot into 2 lots would not meet the 100 feet width but they both would meet the 10,000 SF requirement.
5. Following a public hearing on the application, the Forada Planning Commission has recommended (approval/denial) of the variance on (September 8, 2020).
6. The City Council of the City of Forada reviewed the requested variance at its Meeting of September 8, 2020.

#### **APPLICABLE LAW**

7. Minnesota Statute Section 462.357, subd. 6 provides:
  - a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
  - b. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

8. City Ordinance requires 100 Feet width of developed lot and 150 feet depth.

**CONCLUSIONS OF LAW**

9. The requested variance is in harmony with the purposes and intent of the ordinance because it still meets the 10,000 SF lot size and 150 foot depth.

10. The requested variance is consistent with the comprehensive plan because there is existing shed and storage units to the East on the same street.

11. The property owner does propose to use the property in a reasonable manner because keeping the properties and new construction sheds in alignment with existing buildings to the East.

12. There are unique circumstances to the property not created by the landowner because there is an existing Ottertail Power utility box located in the city alleyway which would hamper if the lot were to be divided East to West due to not having access to lot through blocked and undeveloped alleyway.

13. The variance will maintain the essential character of the locality because existing sheds and storage unit are neighboring to the East. Division of lot will still stay in conformity of existing neighboring lots to the South and North.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORADA, MINNESOTA AS FOLLOWS:**

The application to issue a variance to allow Perry Gehrman to divide Parcel #75-0021-000 so as to deviate from Ordinance 62A is hereby approved.

Passed by the City Council of Forada, Minnesota this 12 day of October, 2020.

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Mayor

Attested:

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City Clerk