



Agenda
Lake City Board of Adjustments Meeting
October 1, 2024
6:00 PM
Council Chambers

-
1. Call to Order/Introductions/Disclose conflicts
 2. Review and adopt/amend agenda
 3. Review & Approve Minutes
 - a. Approve minutes from January 25, 2024
 4. New Business
 - a. Hold a Public Hearing and Consider a Variance for 809 S. Prairie St., Lot Split
 5. Adjourn



REQUEST FOR
Board of Adjustments Meeting, October 1, 2024

Agenda Item Description: Approve minutes from January 25, 2024

Meeting: Board of Adjustments Meeting, 10/1/2024

Originating Department: City Administrator

Action Requested:

Approve minutes from the January 25, 2024, Board of Adjustment meeting

Reviewed By: City Administrator

Preparer: Rob Keehn, City Administrator

ATTACHMENTS:

Description

- ▣ **Board of Adjustment Minutes 01.25.2024 DRAFT**

**BOARD OF ADJUSTMENT
JANUARY 25, 2024- 6:00 PM
CITY COUNCIL CHAMBERS AT CITY HALL**

Members present: Dennis Branum, Randi Kirchner, Tom Rasmussen, Carrie Cronin

Members absent: Joe Kjelland, Steve Prigge, Stephanie Atkinson

Others present: Planning and Community Development Director Megan Smith, Planning and Community Development Administrative Assistant Keeley Roach, City Council Liaison Brian Quinn, Travis Dunn, Anthony Schultz, Tom Dwelle, John Albright, Greg Schreck, Paul Meier, Jeff Anneke,

CALL TO ORDER/INTRODUCTIONS/DISCLOSE CONFLICTS

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

REVIEW AND ADOPT/AMEND AGENDA

A MOTION WAS MADE BY KIRCHNER TO ADOPT THE AGENDA AS PRESENTED; BRANUM SECONDED THE MOTION. ALL AYES.

REVIEW AND APPROVE MEETING MINUTES

A MOTION TO APPROVE THE MINUTES FROM DECEMBER 5, 2023, WAS MADE BY KIRCHNER AND SECONDED BY CRONIN. ALL AYES.

PUBLIC HEARING TO CONSIDER A VARIANCE FOR 300 BLOCK OF SOUTH LAKESHORE DRIVE

Planning and Community Development Director, Megan Smith presented information and an application by Paul Meier, of Meier Companies. The location of the project is the 300 Block of South Lakeshore Drive. Meier Companies Inc. plans to redevelop the property into a multi-family residential structure. Tentatively named, The Aurora Condominiums the project is a four-story multi-family residential structure with parking on the ground level and residential units on the top 3 floors. There will be a mix of one and two-bedroom units.

The Board of Adjustments is here to determine if the density increase can be allowed in The City's B-1 Central Business District. A variance applied for 3 more units in the B-1 Zoning District, that makes the structure 26 total units. The calculations of the site density allow for 23 units without a variance. The footprint of the building will not change, only the calculations of the indoor units.

Paul Meier of Meier Companies addressed the board to explain his project and the reason for the variance. He is proposing 26 units to fit in with the City's Comprehensive Plan, to address the City's housing supply shortage on a lot that can accommodate the units, and to introduce more individuals and families to Lake City, who will ultimately support the local economy. Mr. Meier stated the building size will not change if it contains 23 vs. 26 units, and feels that 26 units optimizes the site better. Once pre-sales are offered, the timeline to this project moving, would

look like demolition and digging starting in the Spring of 2024. Occupancy for the Auora Condominiums would start in the early spring of 2025.

Comments suggested by Acting Chair Rasmussen included that this variance is for the 3 additional units, any other comments about the structure, placement, or community development will not be considered at this time. Acting Chair Rasmussen also suggested that questions will not be answered during the meeting time. Also, acting Chair Rasmussen asked that everyone speaking, be respectful of others' time, keeping information conscience.

OPEN PUBLIC HEARING FOR VARIANCE VA24-001 MOTIONED BY BRANUM, SECONDED BY CRONIN. ALL AYES.

Port Authority President; Tom Dwelle of Lake City spoke on behalf of the Port Authority. He has been involved with the gifted property at 303 South Lakeshore Drive since it's early days of intended donation. He would like to see underground parking; however the flood stages of the Mississippi River would prevent that from happening. The housing units will grow the Wabasha County tax base and support the downtown area. With the newly reconstructed highway; he hopes this addition will spur economic development in the downtown area.

Greg Schreck, citizen and business owner of Lake City. He stated that underground parking or partial underground parking should be considered. Mr. Schreck is also disappointed that there is no retail space set aside in this structure. He stated that checking into city code or zoning laws to accommodate retail in first levels should be adjusted. Schreck is in support of the building and hopes that it is a boost for the downtown area. He also inquired about the density change, if Meier Companies Inc are adding more 2 bedroom units, the possibility of these condominiums being primary residences for these families; bringing in more revenue weekly as opposed to weekend/second homes for some.

John Albright, comprehensive plan was mentioned. Values included in the comprehensive plan. Preservation and enhancement of Lake City's small-town character. Land use chapter; protect the character of the city. Land use goals; protect the small-town character. The entire project on block 13 is not consistent of our goals in the Comprehensive Plan. This project changes the neighborhood, and character of the downtown adversely. A 4-story mass taking up an entire block, in comparison to the two-story buildings in the rest of the downtown area, makes a significant change. The project itself; without the variance is not consistent with the Comprehensive Plan and believes the variance should be denied.

Tony Schultz, Lake City citizen, acknowledges that he does not know the entire story, but stated the land at Block 13 was gifted to the City. The land should have some kind of public purpose. There is no public purpose for this land besides turning it over for private development. There is no retail space. Mr. Schultz urged the Board of Adjustment to deny the variance, as this is a very prominent location in Lake City.

CLOSE PUBLIC HEARING FOR VARIANCE BA24-004 MOTIONED BY KIRCHNER, SECONDED BY CRONIN. ALL AYES.

Paul Meier of Meier Companies Inc addressed the board one more time to address some of the concerns of the public hearing. He currently needs to finance / pre-sale a percentage of units before final construction begins. It is imperative to get the variance approved or not in order to sell the units by square footage. Depending on the variance, in which will be decided on tonight, square footage will have a difference because of the internal footprint.

Commissioner Branum questioned the plans as proposed only had 24 units. In order to change the interior to 26 units, there is a change in gym, lounge, and common spaces.

Randi Kirchner suggested that somewhere in the variance findings, keeping the Marina parking lot off limits. Acknowledging that there is private parking for the condominium units, the Marina is City owned property that needs to sustain parking for the patrons of the Marina.

The Commissioners discussed the push for timeliness during this process. With the possibility of lack of presales and final plans; Chair Rasmussen, Commissioner Kirchner, Paul Meyer and Jeff Anneke exchanged the stipulations on the variance and it's contingencies.

KIRCHNER MOVED, THAT A VARIANCE BE GRANTED CONTINGENT ON THE DEVELOPER SUBMITTING FINAL SITE, UTILITY, AND BUILDING PLANS WITHIN 6 MONTHS OF GRANTING THE VARIANCE. SECONDED BY CRONIN.

Before voting on the variance, Staffer Smith added that the variance analysis and findings be added to the motion before it can be voted on.

KIRCHNER ADDED TO THE MOTION THAT PRACTICAL DIFFICULTY IS MET, UNIQUE CIRCUMSTANCES IS MET, ESSENTIAL CHARACTER IS MET, PURPOSE AND INTENT OF THE ORDINANCE IS MET, COMPREHENSIVE PLAN IS MET. ALL AYES.

FUTURE MEETING & COMMUNICATION

Smith stated that no applications are pending at this time.

Smith also communicated that at the next Board of Adjustment meeting there will need to be elections for chair and vice chair. Smith suggested that the chair and vice chair can mimic the elected leadership that is also on the Planning Commission.

ADJOURN

A MOTION WAS MADE BY KIRCHNER, SECOND FROM CRONIN TO ADJOURN THE MEETING AT 7:06 PM. ALL AYES.

Chairperson



REQUEST FOR
Board of Adjustments Meeting, October 1, 2024

Agenda Item Description: Hold a Public Hearing and Consider a Variance for 809 S. Prairie St., Lot Split

Meeting: Board of Adjustments Meeting, 10/1/2024

Originating Department: City Administrator

Action Requested:

Motion _____, second _____ to adopt Resolution BA24-02, approving a variance from the minimum lot size in the Medium Density Residential zoning district at 809 S. Prairie Street.

Background:

Mr. Tom Haley has submitted a request for a variance from the minimum lot size requirements in the MDR, Medium Density Residential, zoning district. Mr. Haley's intent is to split the parcel he owns so that the existing residential structure will be on a conforming lot with conforming setbacks at the rear, thus creating an additional parcel for the construction of a new single-family dwelling unit.

If approved, the resulting lot would be 7,890 square feet, which is 110 square feet less than the 8,000 square feet required by the district regulations. Due to the small scale of the requested variance, the ability to meet district setbacks for existing and new structures, as well as the Comprehensive Plan goal for density where public infrastructure exists (in-fill development), staff recommends the approval of BA24-02.

Budgetary/Fiscal Impact:

N/A

Reviewed By: City Administrator

Preparer: Rob Keehn, City Administrator

ATTACHMENTS:

Description

- ▣ **VA24.02 Staff Report**

- ▣ **Application**
- ▣ **VA24.02 Hearing Notice**
- ▣ **Resolution BA24-02**

FROM THE OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT

TO: City of Lake City Board of Adjustment

FROM: Rob Keehn, City Administrator

SUBJECT: Variance Request for Tom Haley at 809 S. Prairie Street

DATE: Meeting of October 1, 2024

ATTACHMENTS:

1. Application Materials
2. Notice of Public Hearing
3. Draft Resolution No. BA24-02

PROJECT SUMMARY AND APPLICATION PURPOSE

Mr. Tom Haley has submitted a request for a variance from the minimum lot size requirements in the MDR, Medium Density Residential, zoning district. Mr. Haley's intent is to split the parcel he owns so that the existing residential structure will be on a conforming lot with conforming setbacks at the rear, thus creating an additional parcel for the construction of a new single-family dwelling unit.

GENERAL INFORMATION:

Action Being Requested:

A variance to the minimum lot size requirements in the MDR zoning district of 8,000 ft² to allow the split of an existing 144.5' x 110' parcel into two lots, with the second lot being 7,890 ft².

60-Day Rule:

The application was filed on September 13, 2024; therefore, the City must take action on the request on or before November 12, 2024.

Public Hearing:

Required: Yes

Notification: A total of 51 hearing notices were mailed to property owners within 350 feet of the subject property. The Notice of Public Hearing was published in *The Lake City Graphic*, on September 19, 2024.

PLANNING AND ZONING REVIEW:

Existing Conditions:

The existing property is comprised of lots 6 and 7, plus 10 feet of the southeasterly side of lot 8 in the original plat of Lake City. It has a single-family dwelling and a shed.

Land Use:

Residential.

Zoning:

MDR – Medium Density Residential

Code References:

Chapter 155: Zoning Ordinance

Article 3 Zoning Administration and Enforcement Section 155.39 Variance

Article 9 Residential Districts

Site Dimensions:

The property is comprised of two full lots and 10 feet of a third that were platted as part of the original plat of Lake City, which dates to 1856. The parcel is approximately 144.5'x 110'.

Surrounding Land Uses:

The site is surrounded by residential uses, specifically single-family detached structures.

The surrounding lots are a mix of conforming (8,000+ ft²) and non-conforming (<8,000 ft²).

ANALYSIS:

The City regulates density for many reasons, the primary of those is based on neighborhood impact and the ability of the city to serve the amount of people living in one area with basic city services, such as roads, sewer, water, electric, and even with services such as fire, police, and ambulance. Block 104 was originally platted as 9 lots, but currently only has six dwelling units.

The City's Comprehensive Plan specifically density for housing, as referenced in Chapter 5, Housing, which states that the city should "promote higher housing densities in a manner that will reduce infrastructure construction and operational costs for housing and transportation."

This is often viewed as a basis for supporting high-density residential developments, such as apartments, but equally applies to infill development of lots in areas where public infrastructure already exists to serve the use. In the current housing market, we are seeing predominantly custom homes being built on larger lots at higher costs. Increasing the number of smaller homes in existing neighborhoods is beneficial as it provides additional options for those seeking housing options in Lake City.

Finally, this variance is very minimal in its overall impact. The proposed lot (Parcel B on the attached survey) requires only 18 inches of additional depth to meet the 8,000 ft² minimum lot size requirements of the district.

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. The staff recommended findings for each request are outlined below:

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

True: The applicant has requested the variance in order to maximize the site in a way that supports the highest and best use of the property by creating a new lot for infill development in an area that has the public infrastructure to serve it

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

True: Unique circumstances exist because the lot size conditions were not created by the current property owners. The original platted lots were combined previously to allow a shallow, wider house to be built. The property owner did not create these conditions.

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

True: The character of site, and neighborhood, will not be adversely impacted by the additional lot. Smaller mid-block lots are common in the more traditional original part of the city.

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

True: The variance request is in harmony with the intent of the zoning ordinance, which allows residential as a permitted use.

5. **Comprehensive Plan.** If granted, is the variance consistent with the City’s comprehensive plan?

True: The City's Comprehensive Plan promotes higher housing densities in a manner that will reduce infrastructure construction and operational costs for housing and transportation.

STAFF RECOMMENDATION:

Based on the above facts and analysis, staff recommends the Board of Adjustment approve the variance request to allow the additional residential lot that is 110 ft² smaller than the required 8,000 ft² in the MDR district.



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

Case No. VA24-002

Receipt No. _____

Accepted By KR /

Date 9/13/24

APPLICANT INFORMATION

TGM HALEY
Name of Applicant

Name of Property Owner

Name of Firm (if applicable)

SAMR
Name of Firm (if applicable)

1205 S LAKESTORE DR
Street Address

Street Address

LAKE CITY, MN 55041
City, State, Zip

City, State, Zip

507-951-3208
Phone Fax

Phone Fax

PROPERTY INFORMATION

Property Address 809 S PRAIRIE ST

Lot Dimensions 110.17 x 149.5 APPX

Property ID No. R22.00895.00

Lot Size (SF) 15,897

Current Land Use RESIDENTIAL

Zoning District MEDIUM DENSITY

Legal Description (attach if necessary) ATTACHED SURVEY RESIDENTIAL

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):

SPLIT LOT TO CREATE A CONFORMING BUILDABLE LOT

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.

[Handwritten Signature]

Signature of Applicant

[Handwritten Signature]

Signature of Property Owner

9-12-2024

Date

9-12-2024

Date

*** FOR OFFICE USE ONLY ***

Total Fees []

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 ___/___/___

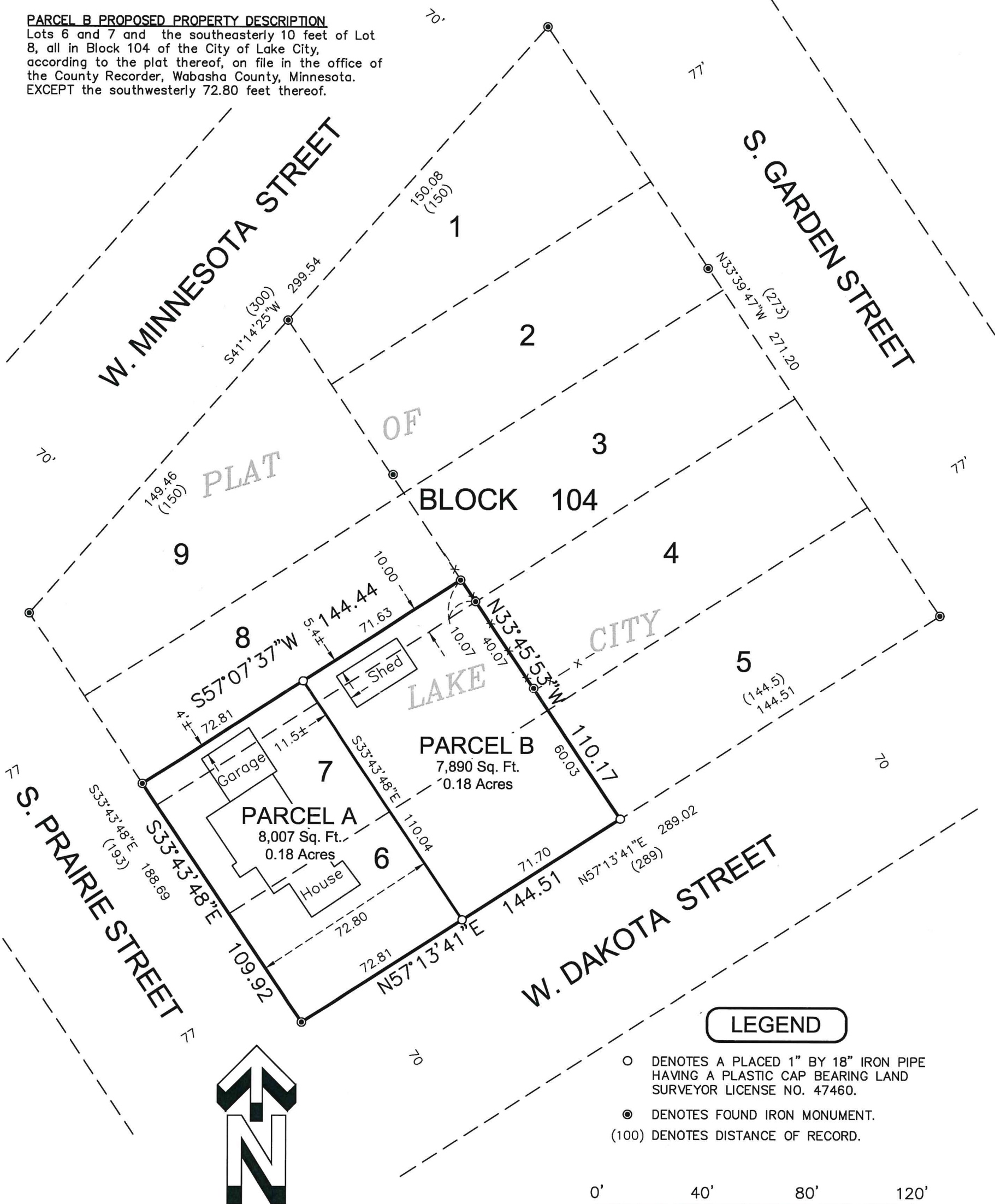
Document _____

PARCEL A PROPOSED PROPERTY DESCRIPTION

The southwesterly 72.80 feet of Lots 6 and 7 and the southwesterly 72.80 feet of the southeasterly 10 feet of Lot 8, all in Block 104 of the City of Lake City, according to the plat thereof, on file in the office of the County Recorder, Wabasha County, Minnesota.

PARCEL B PROPOSED PROPERTY DESCRIPTION

Lots 6 and 7 and the southeasterly 10 feet of Lot 8, all in Block 104 of the City of Lake City, according to the plat thereof, on file in the office of the County Recorder, Wabasha County, Minnesota. EXCEPT the southwesterly 72.80 feet thereof.



LEGEND

- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
- DENOTES FOUND IRON MONUMENT.
- (100) DENOTES DISTANCE OF RECORD.



BEARINGS SHOWN HEREON ARE ORIENTED TO THE WABASHA COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN).

NOTE:
Block 104 boundaries derived from survey completed by former Wabasha County Engineer Burt Pinsonneault.

T/PLATS/LAKE CITY/104/HALEY/HALEY.DWG

CERTIFICATE OF SURVEY FOR:

THOMAS HALEY

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

Marcus S. Johnson

Marcus S. Johnson
Minnesota License No. 47460
Date: 12 September 2024.

626 JEFFERSON AVENUE, WABASHA, MN 55981
(651) 565-3244

| | | | |
|---------------------|--------|--------|----------------|
| BK. NA | PG. NA | W.O.# | DRAWING NUMBER |
| SHEET 1 OF 1 SHEETS | | 24-813 | S-11569 |

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 1st, 2024, in the Council Chambers of City Hall, 205 West Center Street, Lake City, Minnesota. The Commission will consider a variance request submitted by Tom Haley, 1205 S. Lakeshore Drive, Lake City, MN 55041, for 809 S. Prairie Street on land legally described as:

LOTS 6 AND 7 AND THE SOUTHEASTERLY 10 FEET OF LOT 8, ALL IN BLOCK 104 OF THE ORIGINAL PLAT OF LAKE CITY, WABASHA COUNTY, MINNESOTA.

The applicant is proposing to split the property into two parcels and is requesting a variance from the minimum lot size of 8,000 square feet in the MDR, Medium Density Residential, zoning district. The proposed parcel will be 7,890 square feet. Persons desiring to submit testimony on this matter may address the Board during the public hearing. Additional information concerning this request is available at City Hall.

Rob Keehn
City Administrator

Published in the Lake City Graphic the 18th day of September 2024

RESOLUTION NO. BA24-02

CITY OF LAKE CITY MINNESOTA

**A RESOLUTION APPROVING A VARIANCE FOR 809 SOUTH PRAIRIE STREET
TO CREATE A PARCEL NOT
MEETING MINIMUM LOT SIZE REQUIREMENTS**

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

WHEREAS, Tom Haley, 1205 South Lakeshore Drive, Lake City, MN 55041 (“Applicant”) has submitted an application to the City of Lake City (“City”) for a variance to create a lot that does not meet the minimum lot size requirements of the MDR, Medium Density Residential, zoning district, a copy of which is on file in the City Planning and Community Development Department; and

WHEREAS, the property is legally described as follows:

LOTS 6 AND 7 AND THE SOUTHEASTERLY 10 FEET OF LOT 8, ALL IN BLOCK
104 OF THE ORIGINAL PLAT OF LAKE CITY, WABASHA COUNTY,
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 Planning and Community Development Department has submitted its report and recommendation to the Board of Adjustment; and

WHEREAS, the Lake City Board of Adjustment held a public hearing on said matter on October 1, 2024;

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

FINDINGS

1. Practical difficulty exists because the owner is proposing to use the site in a reasonable manner, with the physical qualities of the lot constraining the building location. None of these constraints are due to any action on the part of the applicant. Further, the proposed lot would be of sufficient size for a new single-family dwelling unit to meet all setback requirements under the current ordinance.
2. The addition of the lot would be consistent with the type of development that exists in this area.
3. Unique circumstances exist because the conditions, including the lot dimensions and location of the existing house, were not created by the current property owner.
4. The character of site, and neighborhood, will not be adversely impacted by the home.
5. The variance falls within the intent of the zoning ordinance, which allows residential uses and smaller lot sizes.
6. The City’s Comprehensive Plan allows for residential uses in this area.

CONCLUSIONS AND DECISION

Based on the foregoing, the City of Lake City approves variances for the following:

1. The creation of a lot that is 110 ft² smaller than the required 8,000 ft² in the MDR, Medium Density Residential, zoning district.

Passed and duly adopted this 1st day of October, 2024, by the City of Lake City, Minnesota Board of Adjustment.

, Chairperson

ATTEST:

Kari Schreck, City Clerk