

**V-1-23**

**VARIANCE REQUEST TO REDUCE SIDE AND REAR SETBACKS AT 738 PARK  
AVENUE**

## THE CITY OF NORTH MANKATO

SUBJECT: V-1-23

APPLICANT: Kevin & Mollie Fischer

LOCATION: 738 Park Avenue

EXISTING ZONING: R-1, One-family dwelling

DATE OF HEARING: June 8, 2023

DATE OF REPORT: May 30, 2023

REPORTED BY: Mike Fischer, Community Development Director

### APPLICATION SUBMITTED

Variance to reduce side yard setback from 5 feet to 0.25 feet and the rear setback from 5 feet to 3 feet for reconstruction of a garage.

### COMMENT

The applicants are requesting variances at 738 Park Avenue to reconstruct an existing garage on the property. Their formal variance request is included as Exhibit A. As shown on Exhibit B, prepared by a licensed surveyor, the applicants have an existing detached single stall garage in their backyard located inches from their side property line. The applicants have a shared driveway with their next door neighbor. As proposed, the applicants wish to demolish the existing garage and replace it with a larger garage as shown on Exhibit B. While the existing garage is located inches from the side property line, the side yard building setback is 5 feet. Therefore, should a structure that violates the current setback be demolished, the replacement structure is required to meet all building setbacks. In this case, should the applicants demolish their existing garage, a new garage would need to be located a minimum of 5 feet from their side property line. Based on the location of the shared driveway and the house, to reasonably access and exit a garage, the applicants are requesting a variance to relocate a new garage to within 0.25 feet of their side property line. Additionally, a reduction of the rear property line setback from 5 feet to 3 feet is requested.

When considering a variance application, a city exercises "quasi-judicial" authority. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. If the applicant meets the standard, then the city may grant the variance.

Practical difficulties:

“Practical difficulties” is a legal standard that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

### **Reasonableness**

The first factor is that the property owner proposes to use the property in a reasonable manner.

This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.

It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

### **Uniqueness**

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner.

The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner.

When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

### **Essential character**

The third factor is that the variance, if granted, will not alter the essential character of the locality.

Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In the applicant's variance request (Exhibit A), they state why they believe they meet the practical difficulties test. Based on the existing conditions at the property and the proposal for a new garage, staff believes there is justification for a variance as proposed.

**RECOMMENDATION**

Staff recommends approval of V-1-23 based on the existing conditions at the property and responses to the three factor test to grant a variance.

May 17, 2023

Ref. 738 Park Ave North Mankato, MN

Mike Fischer

Mike,

I am requesting side and rear variances on the 738 Park Ave property. The existing garage was built back in 1938 and has outlived its life and is in disrepair. I would like to propose a reasonably sized 22' x 22' replacement to make the property look more to scale with the existing building next to it. The current garage was built on the west-side property line of an adjoining and shared driveway. With the new Variances of 5' side and 5' rear setbacks, the way the lot size and existing house was built, this restricted space would make it impossible to access the garage and house placement on the lot. The narrow driveway would not make it possible to drive into. The new proposed garage pushed back to a 3' to match existing neighbor's garage rear and 0" Westside setback or existing garage wall, would make it possible to have a reasonably sized garage for lot size.

The lot and property size is small due to the time of the property being built. Shared driveway along with the narrow lot of 49-1/2' makes it very restrictive to the possibilities of an accessible garage without turning the garage in a different direction and greatly depleting the properties backyard, therefore turning the backyard into an all-concrete driveway to make it accessible. The driveway width at the back of the house is only 7'-6" and only 16' to the front of the garage, making it very tight for a front access without the variance. With the variance it wouldn't impose on any existing properties and not look out of place.

Granting the variance would make the rear property structure in line with the existing Neighboring building. The new structure would be a much-improved look and would match the scale of other existing buildings in the surrounding neighboring properties.

We thank you for your consideration and I truly believe if you physically look at the existing and proposed structure it will make for an improved look, instead of an eyesore.

Sincerely,

Kevin Fischer and Mollie Fischer





May 26, 2023

Dear Property Owner:

In a letter dated May 25, 2023, from the City, you were notified of a variance request at 738 Park Avenue to reduce a side yard building setback from 5 feet to 0.25 feet for the reconstruction of a garage. As that request has changed, attached is a revised drawing. In summary, the applicant is also requesting a variance to reduce the rear yard building setback from 5 feet to 3 feet.

Please feel free to contact me should you have any questions regarding this issue.

Sincerely,

Mike Fischer  
Community Development Director

Enc







**738 Park Avenue Mailing**  
350-Foot Radius

Owner Full Name	Owner Address	Owner City
PAWLITSCHKE BENJAMIN J & SARA L PAWLITSCHKE	2800 MONKS AVE	MANKATO MN 56001
DIMMERMAN SAMANTHA & JACOB EGGESTEIN	732 PAGE AVE	NORTH MANKATO MN 56003
MORRIS ELIJAH & DARLAIN MORRIS	730 PAGE AVE	NORTH MANKATO MN 56003
MEIER JAN R	724 PAGE AVE	NORTH MANKATO MN 56003
INKLUSIVE PROPERTIES LLC	1200 S BROADWAY ST	NEW ULM MN 56073
JOHANNECK EMILY	721 GRANT AVE	NORTH MANKATO MN 56003
DOYLE RENEE & GUY DOYLE	717 GRANT AVE	NORTH MANKATO MN 56003
EVANS PAUL ALLEN & JULIE A EVANS	715 GRANT AVE	NORTH MANKATO MN 56003
PADILLA JENNIFER JOSIGNA	810 BELGRADE AVE	NORTH MANKATO MN 56003
STROUP RYAN D	1605 JAMES DR	NORTH MANKATO MN 56003-1930
ALVERAZ JOSE RENTAS & ZULMA ENEIDA RENTAS	802 BELGRADE AVE	NORTH MANKATO MN 56003
BARKER KAYLYNN T	800 BELGRADE AVE	NORTH MANKATO MN 56003
DUNCANSON DONALD & OLIVIA DUNCANSON	744 BELGRADE AVE	NORTH MANKATO MN 56003
SVOBODA LYNN M	14114 200TH ST	HUTCHINSON MN 55350
SHERWOOD KEITH BRUCE	736 BELGRADE AVE	NORTH MANKATO MN 56003
BYBEE MICHELLE M	732 BELGRADE AVE	NORTH MANKATO MN 56003
SCHALOW EMMA GRACE & JOSEPH SMITH	728 BELGRADE AVE	NORTH MANKATO MN 56003
DEMASTER JARED W & AMY J DEMASTER	724 BELGRADE AVE	NORTH MANKATO MN 56003
DRUMMER PROPERTIES LLC	720 BELGRADE AVE	NORTH MANKATO MN 56003
INVESTIO LLP	59 BENSON TR	NORTH MANKATO MN 56003
WU XUANHUI & YU HE	59072 199TH ST	MANKATO MN 56001
HILLESHEIM STACY M	748 PARK AVE	NORTH MANKATO MN 56003
HABBERSTAD BRUCE C	745 PAGE AVE	NORTH MANKATO MN 56003
RAKER MATTHEW L	823 PARK AVE	NORTH MANKATO MN 56003
JENSEN LAMINDA M	PO BOX 1966	MANKATO MN 56002
PADILLA BETTY M	905 BEL VISTA DR	NORTH MANKATO MN 56003
HAYCRAFT REBECCA & GREGORY SWANSON	809 PARK AVE	NORTH MANKATO MN 56003
SCOTT DOUGLAS J & BREANNA J SCOTT	807 PARK AVE	NORTH MANKATO MN 56003
KOZITZA KURTIS & AMANDA KOZITZA	904 BELVISTA DR	NORTH MANKATO MN 56003
BERNARDY RICHARD L & GWEN A BERNARDY	601 LAKE ST	NORTH MANKATO MN 56003
MARTINEZ SOLEDAD	805 PARK AVE	NORTH MANKATO MN 56003
ARNDT BRENDA L	745 PARK AVE	NORTH MANKATO MN 56003
SHULT MARK O & BONNIE M SHULT	741 PARK AVE	NORTH MANKATO MN 56003
HEDGES J DAVID	7 CAPRI DR	MANKATO MN 56001
PETERSON RAYMOND	735 PARK AVE	NORTH MANKATO MN 56003
DUNCANSON DONALD & OLIVIA DUNCANSON	744 BELGRADE AVE	NORTH MANKATO MN 56003
BORCHERT JOANN MARY	39265 472ND LN	SAINT PETER MN 56082
HORN SARA	723 PARK AVE	NORTH MANKATO MN 56003
FORDERER JACKSON E	717 PARK AVE	NORTH MANKATO MN 56003
VETTERKIND DERECK	715 PARK AVE	NORTH MANKATO MN 56003
BROOKS JOHNATHAN S & JUDITH K BROOKS	709 PARK AVE	NORTH MANKATO MN 56003
HUGHES ASHLEY	742 PARK AVE	NORTH MANKATO MN 56003
FISCHER KEVIN T & ANNETTE M FISCHER	732 PARK AVE	NORTH MANKATO MN 56003
WHITE REED D & MEGAN L WHITE	728 PARK AVE	NORTH MANKATO MN 56003
OACHS THOMAS F REVOCABLE TRUST	411 RIVER HILLS LN	MANKATO MN 56001
KROON HERBERT C III & SUSAN R KROON	503 CORNELIA AVE	NORTH MANKATO MN 56003
GEER BENJIMAN CHARLES & ELIZABETH MARIE GEER	507 CORNELIA ST	NORTH MANKATO MN 56003
LAGER ANGELA	911 BELVISTA DR	NORTH MANKATO MN 56003
RUBY BENJAMIN	739 PAGE AVE	NORTH MANKATO MN 56003
WINTERS GERALD L & KAREN K WINTERS	735 PAGE AVE	NORTH MANKATO MN 56003
GRABIANOWSKI JOLINDA	727 PAGE AVE	NORTH MANKATO MN 56003
LANGSJOEN DINAH	723 PAGE AVE	NORTH MANKATO MN 56003
RIEWE PAUL A	719 PAGE AVE	NORTH MANKATO MN 56003
BROWN JANIS M	715 PAGE AVE	NORTH MANKATO MN 56003
ELLINGSON GARY J & JANE R ELLINGSON	711 PAGE AVE	NORTH MANKATO MN 56003
BAUER CHRISTOPHER & BRITTANY BAUER	509 CORNELIA ST	NORTH MANKATO MN 56003

## REVIEW OF CU-1-22

## THE CITY OF NORTH MANKATO

SUBJECT: Review of CU-1-22

APPLICANT:

LOCATION: 1901 Lee Boulevard

EXISTING ZONING: B-3, General Commercial

DATE OF HEARING: June 8, 2023

DATE OF REPORT: May 31, 2023

REPORTED BY: Mike Fischer, Community Development Director

### APPLICATION SUBMITTED

Review of Conditional Use Permit 1-22

### COMMENT

In January of 2022, the City granted a Conditional Use Permit (CUP) to operate an automotive repair business at 1901 Lee Boulevard. The name of the business is Northtown Auto. As part of the CUP process, the City imposed certain conditions for the operation of the business. Those are listed on Exhibit A.

Since Northtown Auto began operations, we have received several complaints regarding the condition of the property. Specifically, the number of vehicles on the property and parking of those vehicles on the property. Attached are dated photographs taken of the property to document the conditions.

According to the conditions, the parking lot is to be striped to identify parking spaces and driving lanes. While the owner did make an attempt to stripe the parking lot, vehicles are parking in areas of no striping and in driving lanes. Additionally, the CUP states that no stacked or double parking is permitted. Based on the attached photographs, stacked parking is occurring on the property.

In response to complaints about the condition of the property, in October of 2022 and February of 2023, I had correspondence with the owner regarding the need to comply with the conditions set forth in the CUP. While there were attempts to comply with the conditions, they were only temporary. Therefore, it is requested that the Planning Commission review the CUP and if necessary, make amendments to the conditions or impose new conditions based on the operations of the business. Or, the Planning Commission could reaffirm the existing

conditions and request compliance. Should there be no compliance with the conditions, the City could begin proceedings to suspend or revoke the CUP.

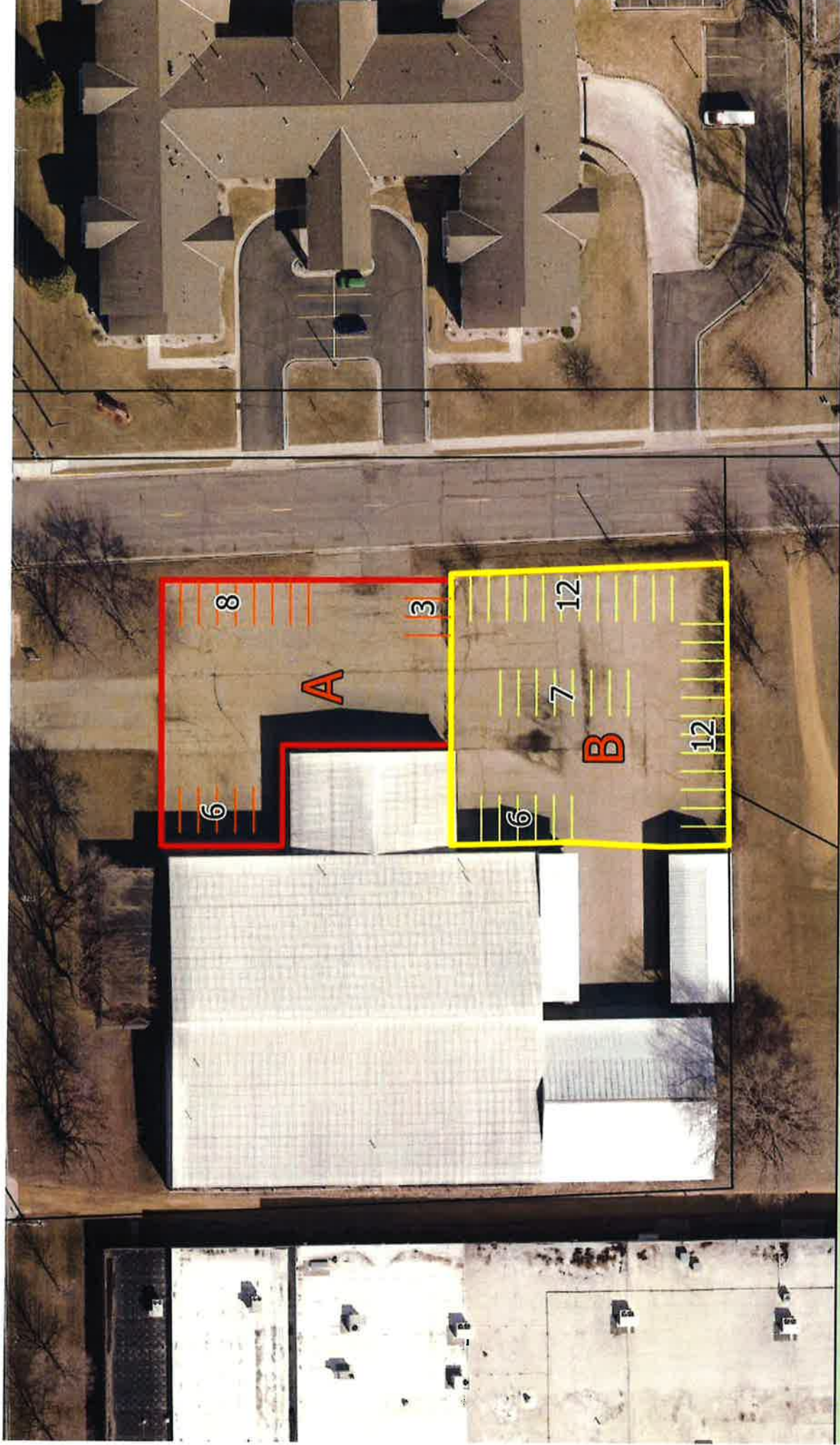
**RECOMMENDATION**

It is recommended that the Planning Commission review the imposed conditions and the current operations to determine if any changes are required.

## EXHIBIT A

1. The parking lot be striped to identify parking spaces and driving lanes
2. No stacked or double parking of vehicles is permitted
3. All parts, equipment and materials shall be stored indoors or within an entirely screened in area outside the building.
4. All automobile repair work shall be performed within an enclosed building
5. In area A, no vehicle shall be stored for a period longer than 72 hours. In area B, no vehicle shall be parked for a period of longer than four (4) consecutive weeks.
6. There shall be no storage of boats, campers, trailers, recreational vehicles or similar items on the property.
7. The existing chain link fence be modified to provide continuous screening for the contents within including ongoing maintenance of the fence.
8. Install privacy fence in designated location in Area A.





Legend

-  Lot A
-  Lot B
-  Parcels



0 50 Feet

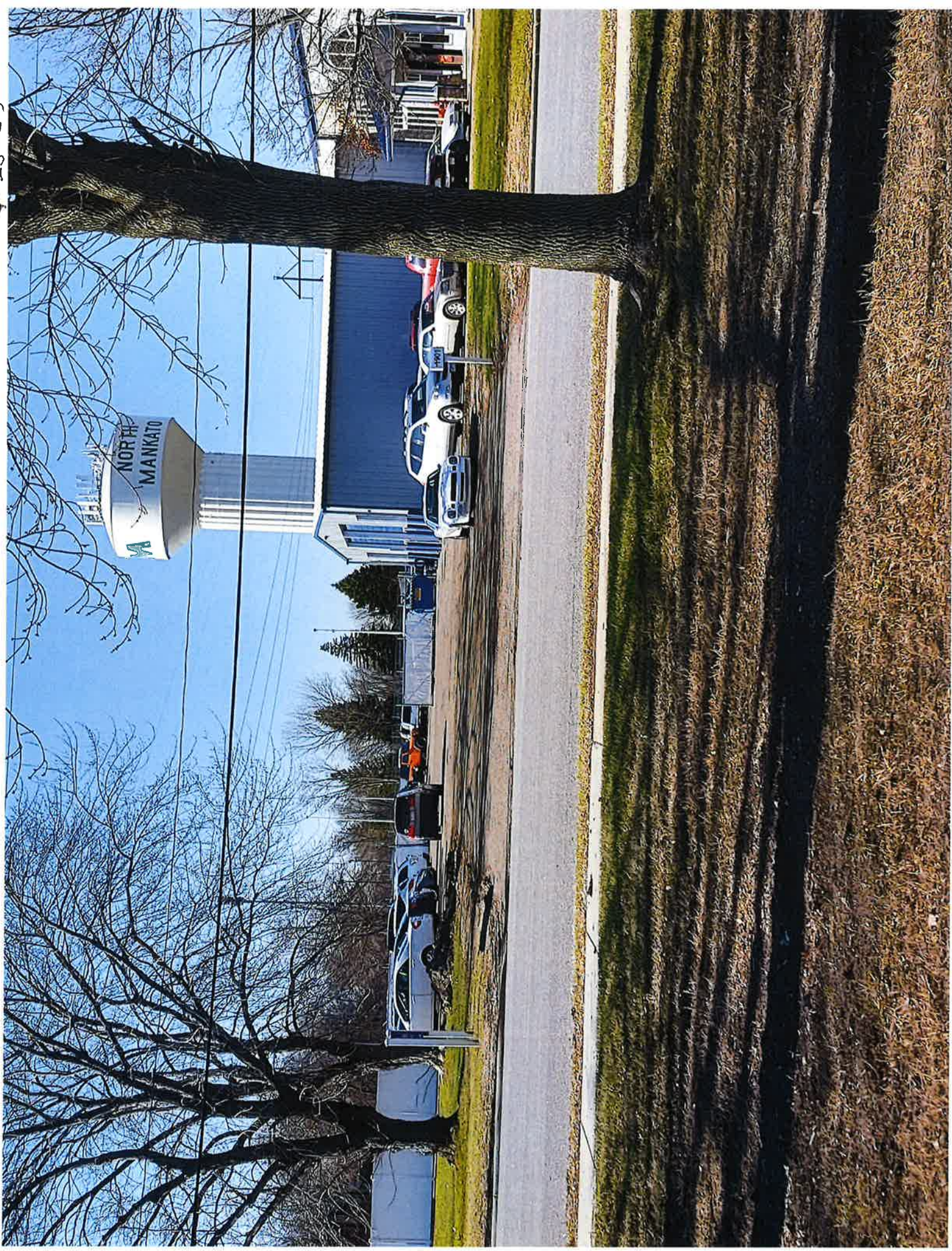


4-25-23





4-25-23





4-26-23





5-10-23





5-10-23





5-18-23

