

Planning Commission Meeting Agenda,

Monday October 2, 2023 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson: Bernie Shambour
Commissioner: Vickie Selness
Commissioner: Kevin Fafinski
City Council Liaison: Carol Szaroletta
Commissioner: Jeri Bowers

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

- 1. CALL MEETING TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT AGENDA**
- 4. PLANNING COMMISSION BUSINESS**
 - a. September 5, 2023 Planning Commission Meeting Minutes**
 - b. 209 Playhouse St E Variance Application**
 - i. Planning and Zoning Application Form**
 - ii. Collaborative Planning Comment Memo**
 - iii. 209 Playhouse St E Presentation**
 - iv. PC Resolution 23-01 Denying Variance**
- 5. BOARD REPORTS**
- 6. ANNOUNCEMENTS**
- 7. ADJOURN**

Planning Commission Meeting Minutes

*Tuesday September 5, 2023 - 6:00 PM
Cologne Community Center, 1211 Village Parkway*

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

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Commissioner: Vickie Selness
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City Council Liaison: Carol Szaroletta
Commissioner: Vacant

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1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Shambour called the meeting to order at 6:00 PM with Commissioners Selness and Szaroletta present. Also present were City Planner – Cindy Nash, City Administrator – Jesse Dickson and City Clerk – Michelle Morrison. Commissioner Fafinski was absent.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Szaroletta to adopt the agenda as presented, second by Commissioner Selness. Motion carried 3-0.

4. PLANNING COMMISSION BUSINESS

a. July 17, 2023 Planning Commission Meeting Minutes

Motion by Commissioner Selness to approve the July 17th, 2023 Planning Commission Minutes, second by Commissioner Szaroletta. Motion carried 3-0.

b. 507 Conrad Ave Site Plan Review

- i. Building Permit Application & Site Plan**
- ii. Collaborative Planning Staff Report**

City Planner Cindy Nash reviewed the Building Permit Application, Site Plan and her staff report on the proposed addition of a shed to support the business on property at 507 Conrad Ave noting that the property is zoned I1 Industrial and is in the Downtown Overlay District. The Applicant must obtain permits from the Carver County Watershed Management Organization (CCWMO).

John Zentner, the attorney for the property owner noted that they have been in contact with the CCWMO and will be submitting all their required documents in the next day. After discussion, Commissioner Selness made a motion to approve the site plan subject to Carver County Watershed Management Organization approving permits, second by Commissioner Szaroletta. Motion carried 3-0.

c. 209 Playhouse St E Variance Application

- i. Planning and Zoning Application Form**
- ii. Collaborative Planning Comment Memo**
- iii. 209 Playhouse St E Presentation**
- iv. PC Resolution 23-01 Denying Variance**

Commissioner Shambour recused himself from the Commission and joined the audience as he has an interest in 209 Playhouse.

City Planner Cindy Nash reviewed the Variance Application for 209 Playhouse St E and the Collaborative planning Comment Memo noting that the property is in the C2 Central Business District and the Downtown Overlay District. The current use is non-conforming, and the applicant is asking to expand the building, current ordinance does not allow the expansion of a non-conforming business, additionally the expansion would increase the impervious surface coverage to 64% in the shoreland overlay district that current ordinance limits to 25%. The recommendation is to deny the application.

Mr. Shambour reviewed his variance request pointing out the topography of the area and other properties that do not comply with ordinances.

Commissioner Szaroletta stated it was best to table the application to the October 2, 2023 Planning Commission meeting for further discussion as without a quorum no official action could be taken at this meeting.

5. BOARD REPORTS

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Szaroletta to adjourn at 6:38 PM, second by Commissioner Selness. Motion carried 3-0.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson



209 PLAYHOUSE STREET VARIANCE APPLICATION



Karen M Shambour Trust
September 5, 2023



Variance – 209 Playhouse Street

Overview of Variance Request

Seeking approval of a building permit to add 504 sq feet to the south facing side of the existing 1938 building structure.

Objective: “Stabilize the building and preserve its 1930’s street view architectural lines”.

- Keep all existing exterior walls and roof intact.
- Lift the entire building enough during renovation to enable replacing the entire exterior foundation.
- Excavate the ground on the south side of the building to pack and add stability to the porous soil base (and the building).
- The existing building is approximately 28.2 feet by 40.2 feet for a total of approximately 1,133 square feet.
- Add 18 ft to the rear of the existing building.
- Increase the height of the building by approximately 3 feet (to more closely match the height of the building directly to the west).
- Requesting approval for a site plan with an impervious surface coverage of 64% of the parcel (currently at 50% impervious). *This percentage is less than / equal to the other properties on the block* (see addendum slides for Parcel A, B, C, D, and E at the end of this slide deck).

Variance – 209 Playhouse Street

- The existing building is approximately 28.2 feet by 40.2 feet for a total of approximately 1,133 square feet. Requesting approval to add 18 feet onto the back side of this building (an increase in size of 29%).
- Requesting approval for a site plan with an impervious surface coverage of 64% of the parcel in the shoreland overlay area. The survey provided depicts this as an increase from the “existing” condition of impervious surface of 50%.

153.007 NONCONFORMING USES AND STRUCTURES.

Any structure or use existing upon the effective date of the adoption of this chapter which does not conform to the provisions of this chapter may be continued subject to the following conditions:

- (A) The nonconforming use is not expanded or enlarged, except in conformity with the provisions of this chapter.
- Subject property is owned by the Karen M Shambour Trust funded in part by the Shambour Charitable Giving Program (Trust). Documents available for review for validation.
 - 50 percent of the existing building area is currently dedicated to conforming use through activities tangent to the Shambour Charitable Giving Program (Trust).
 - The proposed 18-foot addition to the back side of the building would be exclusively dedicated to conforming use.
- (B) If a nonconforming use is discontinued or a nonconforming structure is abandoned for a period of one year, further use of the structure or property must conform to this chapter. **Staff Note: Not applicable.**

Variance – 209 Playhouse Street

153.007 NONCONFORMING USES AND STRUCTURES.

(C) If a nonconforming use is replaced by another use, the new use shall conform to this chapter.

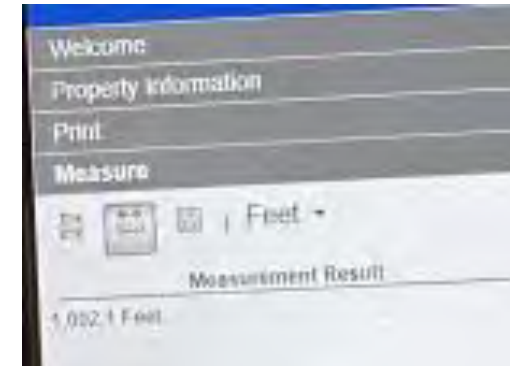
- Under the auspices and support of the Shambour Charitable Giving Program, a workshop will be added to the south side of the original 1930's building to facilitate the various volunteer and charitable activities performed annually by this charitable trust:
 - K&B Property Services - Volunteer lawn cutting, herbicide application, seasonal power vacuuming, tree trimming, brush removal, snow thrower/loader volunteer services (since 2019) .
 - Light preventive maintenance work such as mower deck blade sharpening, greasing, air-oil filter changing, etc (no motor repairs).
 - Christmas Light and Seasonal Decoration Volunteer Testing and Repairs - Cologne Lions, Benton Gardens, and Shambour Park (since 1987).
 - CAP Agency- Carver, Scott, Dakota Counties transfer seasonal items using an aged SUV and pickup truck (since 2019).
 - Volunteer auto detailing and moving assistance (since 2012).
 - Red Cross Bloodmobile Drive – Volunteer Coordinator Services (since 1988).

+++++

The City has allowed others to develop nearby parcels with hardcover in excess of the ordinance limit. Based on this precedence; this variance request is ultimately a political question. This variance request is based on the premise of seeking approval based on fairness and consistency. To be sure, this is not a legal argument. The Planning Commission, City Council (ie- City) has the discretion and legal basis to deny this application. However, exercising this discretion to deny this application when it has allowed other similar projects to go forward simply is not fair; plain and simple. Given the current and expanded charitable use of this 1930's building that we are seeking to save and utilize for the greater good; approving this variance request is the right thing to do.

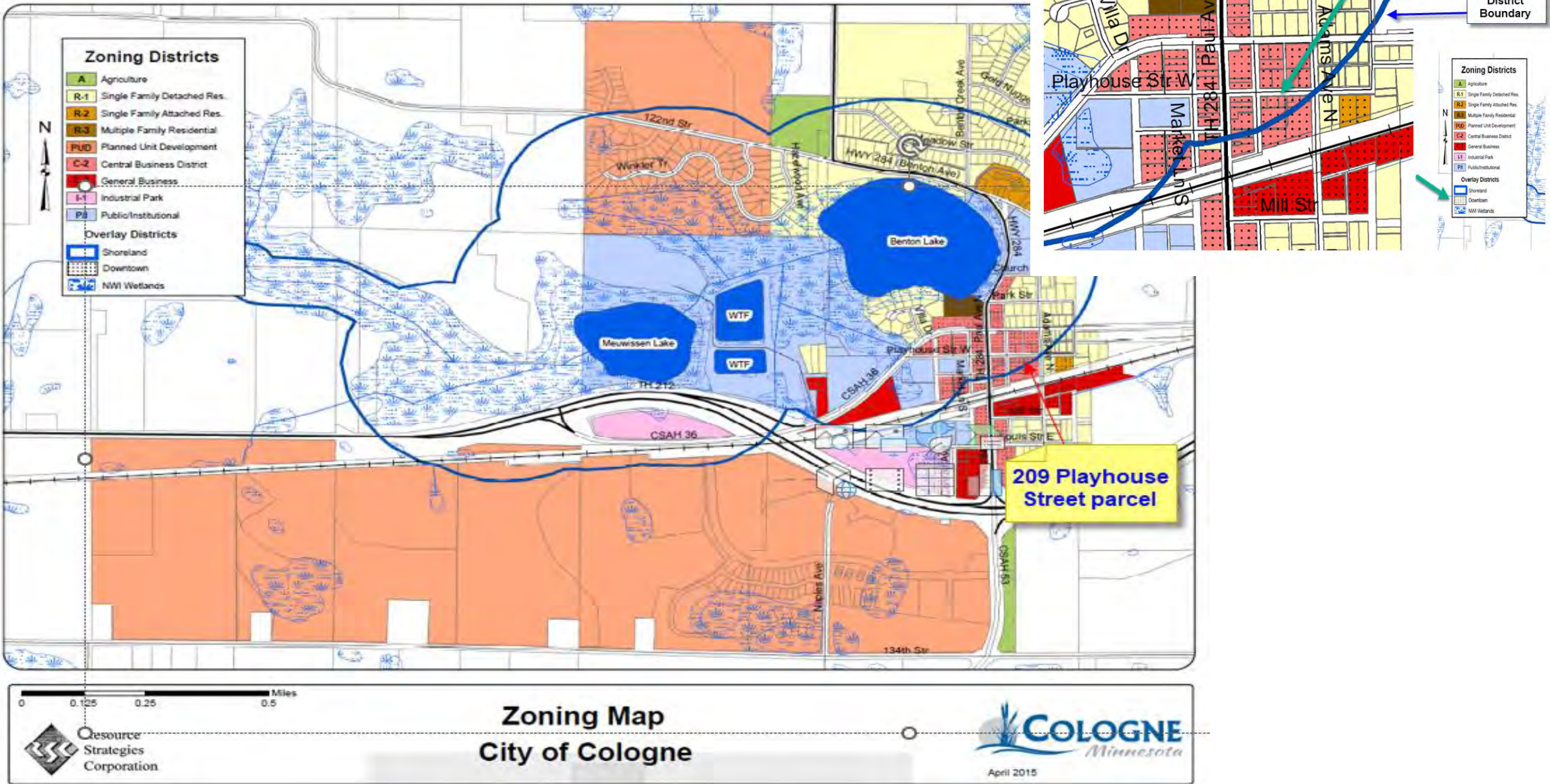
Please review addendum slides for Parcel A, B, C, D and E at the end of this slide deck.

Playhouse Street East: Distance from Benton Lake & Topography

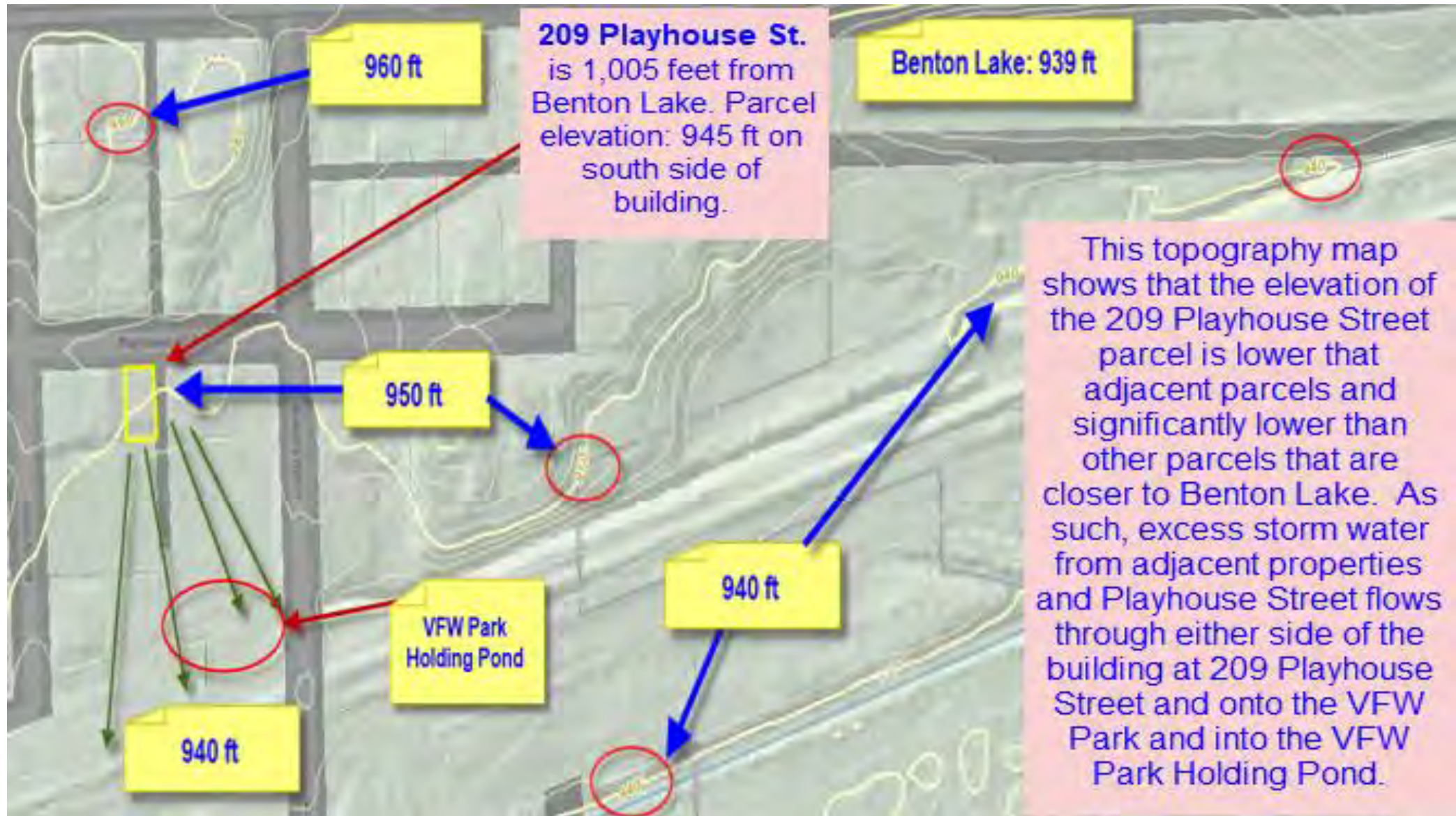


**Approximate Distance from
Benton Lake: 1,002 feet**

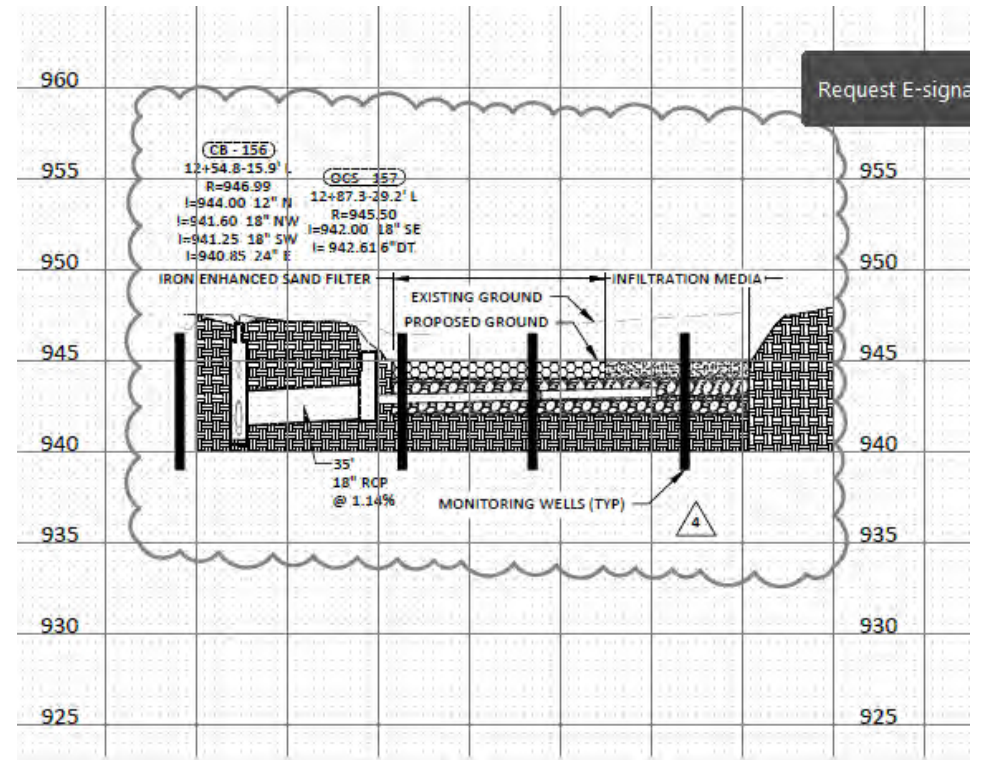
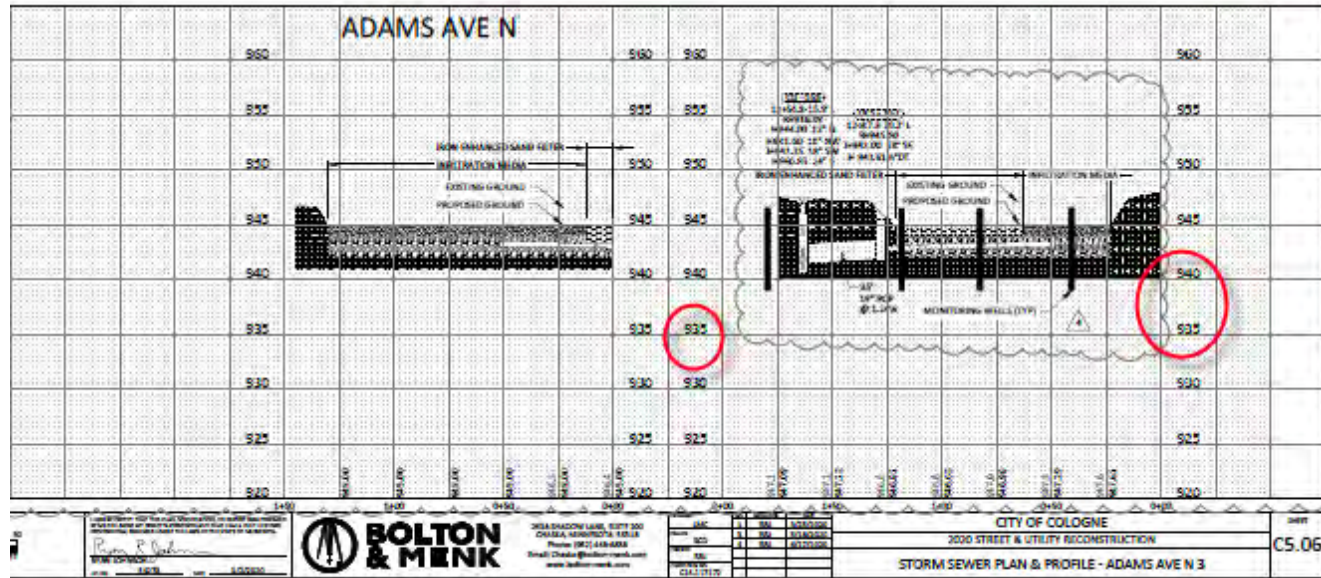
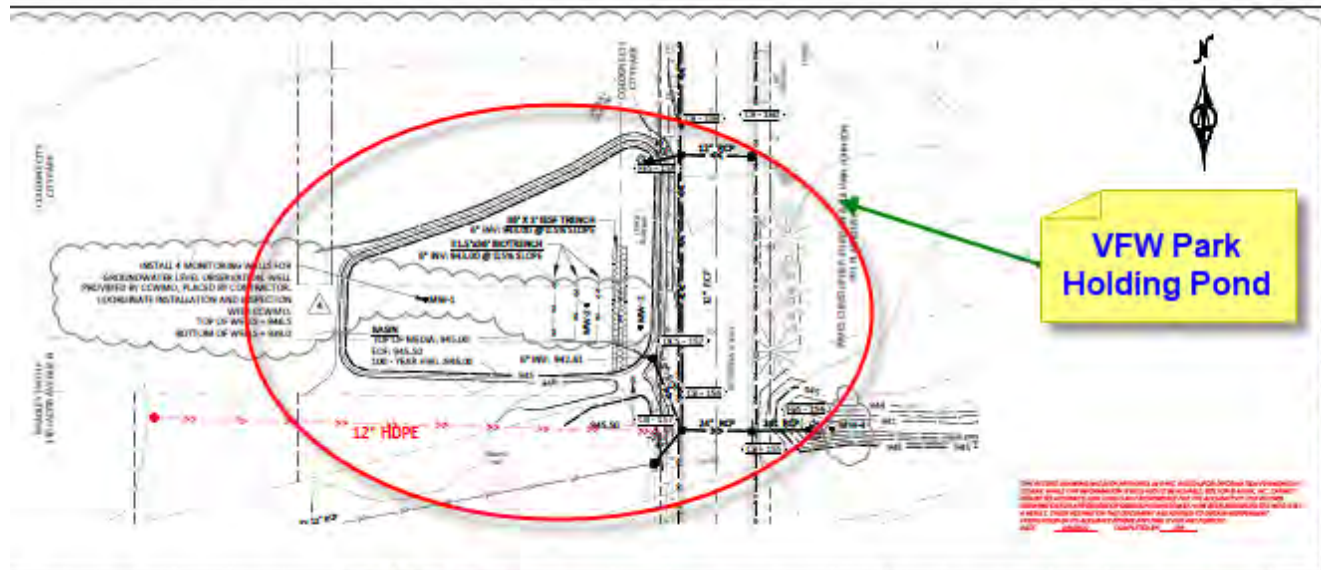
Topographic Map of Shoreland Overlay District



Immediate Area Topography



Topographic Map of VFW Park



209 Playhouse Street Topography



209 Playhouse Street Topography



209 Playhouse Street Topography



209 Playhouse Street Topography



Addendum Slides

110 Jacob Ave, City Tennis Court, and 203 Playhouse St parcels.



Addendum – Parcel A on same block.

Property Information

Click for Report Card

View Available Plot

View Land Records

Email Property

Parcel ID: 400500451

Parcel Definition

Taxpayer: BRADLEY J WOLF

Taxpayer #: MICHELLE M WOLF

Taxpayer Address: 2014 MEADOW ST

City/Township: COLOGNE MN 55022-9988

Property Address: 110 JACOB AVE N

City/Township: COLOGNE MN 55022

Size: 1

Area: 0.29

Last Sale Date: 6/18/2014

Last Sale Price: \$242,500

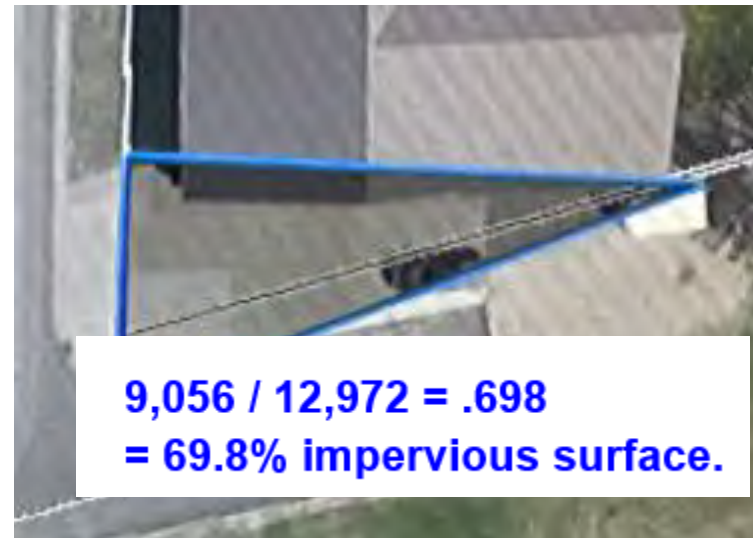
Last Sale: N

Countdown/Uniqueness: N

SA: 1.1

Perf 11.5 Perf 0.00

SEC 1.3



Commercial
City of COLOGNE
RECEIVED
OCT 19 2020
40-0500451
BUILDING PERMIT APPLICATION
City Hall (952) 466-2064
Inspections (763) 479-1720
Inspections Fax (763) 479-3090
Permit No. 20-88
Date Issued: 4-2-2021

CONTRACTOR'S LICENSE NO. DATE

SITE ADDRESS 110 Jacob Ave N ZIP CODE

LEGAL DESCRIPTION

LOT BLOCK

ADDITION PARCEL NUMBER Brad-452-913-2793

Owner: Bradley J Wolf (Name) (Address) 2014 Meadow St (Tel. No.)
ARCHITECT: Michelle M Wolf (Name) (Address) (Tel. No.)

BUILDER: Schleiter Const. (Name) (Address) (Tel. No.) 952-356-4961

TYPE OF WORK: ☐ New Construction ☐ Fireplaces ☐ Septic ☐ Heating ☐ Plumbing ☐ Reroofing ☐
☐ Deck ☐ Porch ☐ Garage ☐ Chimney ☐ Misc. ☒ Addition ☐ Finish Basement ☐ Reroofing

NO. OF STORES ESTIMATED VALUE 84,874.00

COMPLETION DATE PROPERTY DIMENSION NO. OF FAMILIES (if applicable)

PROPOSED ELEVATION IN RELATION TO CURB OR WATERWAY ELEV. Sq. Ft. Culvert Size

FRONT YARD set back from road property Ft. REAR YARD set back Side Yard set back

MISCELLANEOUS: See attached plans

FEES: PERMIT: 973.80
PLAN CHECK: 652.45
INVESTIGATION: SITE: FIREPLACE: /SC
MECHANICAL: /SC
GAS FITTING: /SC
PLUMBING: /SC
TRAIL: TRANSPORTATION: EROSION CONTROL: WATER/SEWER PERMIT: WATER METER: WATER HOODUP: SEWER HOODUP: WATER TRUNK: SEWER TRUNK: OTHERS: CONTRACTOR'S LICENSE: SURCHARGE: 42.50
TOTAL FEES: 1468.75
ERT # WATER METER #

CODE ANALYSIS: TYPE OF CONSTRUCTION: VB
USE OF BLDG: STORAGE
OCCUPANCY GROUP: S-1
OCCUPANCY LOAD: ZONING DISTRICT: OK JD
VARIANCE GRANTED, DATE: MATERIAL FILED WIAPPLICATION

SPECIAL APPROVALS: ZONING: FIRE DEPT: HEALTH DEPT: PUBLIC WORKS: COUNTY: OTHER: CERTIFICATE OF OCCUPANCY ISSUED DATE BY

Signature of Applicant: Michelle Wolf
Signature of Building Inspector: [Signature]

White - City Yellow - Inspector Pink - Applicant Gold - Assessor

The building permit for this parcel was issued to a city resident. A Snap-on, Inc franchisee operates a franchised mobile store (ie-cargo van) out of this storage building.

I agree that all fees and expenses incurred by the City in processing this application, including professional service costs, are the responsibility of the permit applicant and property owner and must be paid immediately upon receipt of permit, or the City may approve a special assessment to be 100% paid in the year assessed. The property owner hereby waives any and all appeals provided by MN Statutes 429.081 as amended. All fees and expenses are due whether the permit application is approved or denied.

Signature of Applicant: Michelle Wolf
Signature of Building Inspector: [Signature]

White - City Yellow - Inspector Pink - Applicant Gold - Assessor

[illegible]

209 Playhouse Street: 1,002 feet from Benton Lake.

110 Jacob Ave N: 1,057 feet from Benton Lake.

Approximate Distance from Benton Lake: 1,057 feet.

16

Addendum – Parcel A on same block.



Brad Wolf ·  Snap-on Tools
Franchise Owner at Snap-on Tools



**Approximate Distance from
Benton Lake: 1,057 feet.**

The building permit for this parcel was issued to a city resident. A Snap-on, Inc franchisee operates a franchised mobile store (ie-cargo van) out of this storage building.

Addendum – Parcel B on same block.

General

[Click for Report Card](#)

[View Available Plat](#)

[View Land Records](#)

[Email Property](#)

Parcel ID: 400500430

[Field Definitions](#)

Taxpayer: DEAN SCOTT PROPERTIES LLC

Taxpayer 2:

Taxpayer Address: 12515 SALEM AVE
NORWOOD YOUNG AMERICA, MN 55397-

Property Address: 203 PLAYHOUSE ST E
COLOGNE, MN 55322

City/Township: COLOGNE

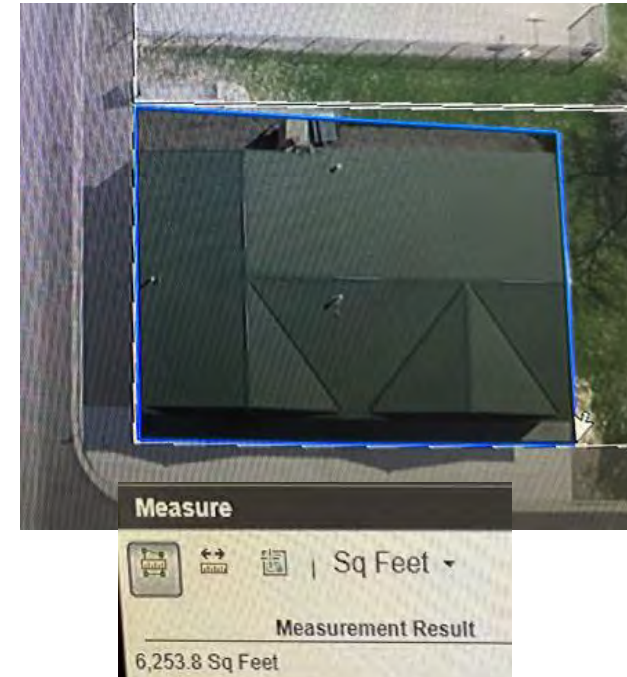
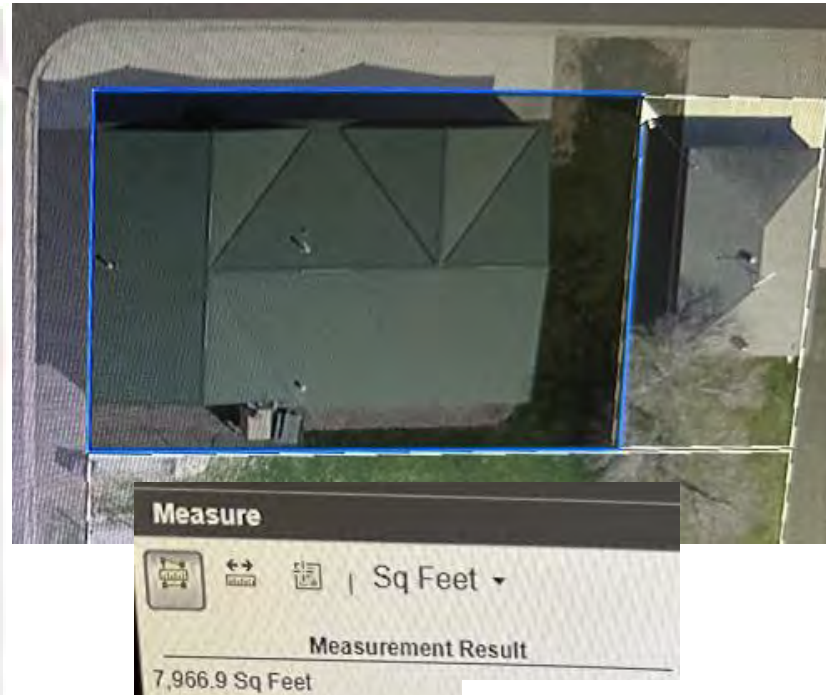
Use 1: Industrial

Acres: 0.18

Last Sale Date: 11/30/2022

Last Sale Price: \$380,000

Last Sale Qualified/Unqualified: Q

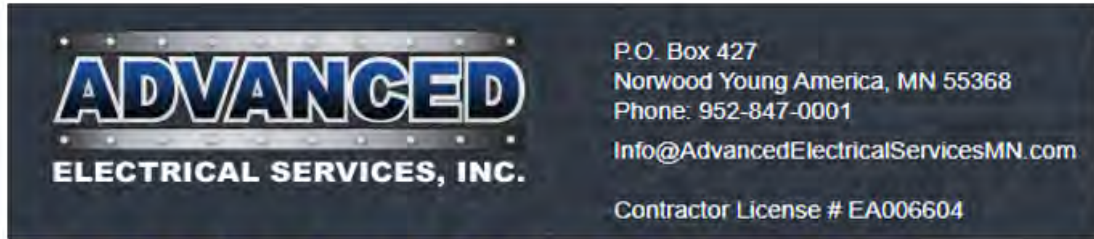


$$6,253.8 / 7,966.9 = .7849$$

= 78.5% impervious surface.

This parcel is owned by an LLC entity that appears to be leasing the building to an electrical contractor. The building is used exclusively as a supply and contractor van storage building.

Addendum – Parcel B on same block.



The official business address of lessee of the 203 Playhouse St parcel is in Norwood-Young America. This site is dedicated for electrical supply and business van storage. Employees park on the street each morning, stock the vans with supplies and then drive to work sites.



The 209 Playhouse St parcel is significantly lower in elevation than the parcel directly west.

Addendum – Parcel C

Click for Report Card
View Available Plat
View Land Records
Email Property

Parcel ID: 400500410

Field Definitions

Taxpayer	COLOGNE CITY
Taxpayer 2	C/O CITY CLERK
Taxpayer Address	PO BOX 120 COLOGNE, MN 55322-0120
City/Township	COLOGNE
Use 1	Muni Srvs Other
Acres	0.46
PLSS	TWP 115, RNG 025, SEC 13
Plat Name	CITY LOTS OF COLOGNE
Lot	006
Block	008
Title Source	Abstract
Tax Description	

NOTE: For tax purposes & LOTS 7 & 8 & P/O



$12.663.1 / 20,083.7 = .6305$
 $= 63.1 \% \text{ impervious surface.}$

Tennis Court owned by the City of Cologne.

Addendum – Parcel D

Parcel ID: 400500100

Field Definitions

Taxpayer	CHRIS DANA LLC
Taxpayer 2	
Taxpayer Address	619 CARVER BLUFFS PKWY CARVER, MN 55315-
Property Address	202 PAUL AVE N COLOGNE, MN 55322
City/Township	COLOGNE
Use 1	Commercial
Use 2	Res 2-3 units
Acres	0.2
Last Sale Date	1/15/2021
Last Sale Price	\$170,000
Last Sale	



SHEPS CREAMERY is a Minnesota Assumed Name filed on February 19, 2021. The company's filing status is listed as Active and its File Number is [1218972800029](#). The company's principal address is 202 Paul Ave N, Cologne, MN 55322.



Trees cut down in Spring 2023

Sq Feet
Measurement Result
9,047.0 Sq Feet



Addendum – Parcel D





Addendum – Parcel D



9,047 sq ft parcel – (1,150 sq ft east side + 700 sq ft north side pervious sq ft) = 7,197 sq ft impervious. $7,197 / 9,047 = .7955 = 79.6\%$ impervious surface.

The property owner was not required by the City of Cologne to apply for a variance before cutting down 2 mature trees, removing the stumps and routing a water line and electrical service to an AIRSTREAM® trailer where ice cream is served as a walk-up retail seasonal business. As a result, approximately 625 sq ft of pervious surface was made impervious within the Benton Lake Shoreland Overlay District.

Addendum – Parcel E

Property Information

General

[Click for Report Card](#)

[View Available Plat](#)

[View Land Records](#)

[Email Property](#)

Parcel ID: 400750020

Field Definitions

Taxpayer	JENSEN DECORATIVE CONCRETE INC.
Taxpayer 2	
Taxpayer Address	218 LAKE ST W COLOGNE, MN 55322-
Property Address	218 LAKE ST W COLOGNE, MN 55322
City/Township	COLOGNE
Use 1	Commercial
Acres	0.75
Last Sale Date	5/15/2023
Last Sale Price	\$150,000
Last Sale Qualified/Unqualified	U

PROPOSED IMPERVIOUS COVERAGE:

EXISTING BUILDING:	1,198 S.F.
GRAVEL SURFACE: (ALL TO BE REMOVED)	NA
EXISTING CONCRETE: (NORTH OF R/W LINE)	2,192 S.F.
PROPOSED CONCRETE DR (NORTH OF R/W LINE)	3,693 S.F.
PROPOSED TRUCK GARAGE:	4,800 S.F.
PROPOSED OUTSIDE STORAGE:	3,174 S.F.
IMPERVIOUS TOTAL:	15,057 S.F.
PROPERTY AREA:	35,703 S.F.
IMPERVIOUS COVERAGE:	42.2 %

DESCRIPTION OF PROPERTY AS PROVIDED BY OWNER:

Commencing at a point 100 feet West of the Southeast corner of Outlot No. 2, Village of Cologne, according to the plat thereof on file and of record in the Office of the County Recorder of Carver County, Minnesota, on the South line thereof; thence running Westerly along the North line of U. S. Highway No. 212 and following contour of said highway to a point of intersection on the West line of Conrad Street in the Village of Cologne; thence running Northerly along said West line of said Conrad Street also known as the Westerly line of said Outlot No. 2, to a point 140 feet distance and at right angles from the North line of said highway; thence Easterly parallel to the North line of said highway a distance of 140 feet therefrom to a point 100 feet West of the Easterly line of said Outlot No. 2; thence Southerly 140 feet to the place of beginning situated in Outlot No. 2, Village of Cologne.

EXCEPTING THEREFROM that portion thereof lying within the following described property:

Commencing at a point 100 feet West of the Southeast corner of Outlot No. 2, Village of Cologne according to the plat thereof on file and of record in the office of the County Recorder of Carver County, Minnesota, on the South line thereof; thence running Westerly along the North line of U. S. Highway #212, a distance of 200 feet; thence running North 140 feet; thence running Easterly parallel to the North line of U. S. Highway #212 a distance of 200 feet to a point 100 feet West of the East line of said Outlot No. 2; thence South 140 feet to the place of beginning.

Subject to County State Aid Highway No. 36 and easements of record.

REVISED: 06/07/21 - PROPOSED TRUCK GARAGE, OUTDOOR STORAGE,
CONCRETE DRIVES, IMPERVIOUS SURFACE.

REVISED: 09/02/20 - FENCE

REVISED: 08/13/20 - FENCE

REVISED: 08/13/20 - GRAVEL PARKING, FENCE, IMPERVIOUS COVERAGE

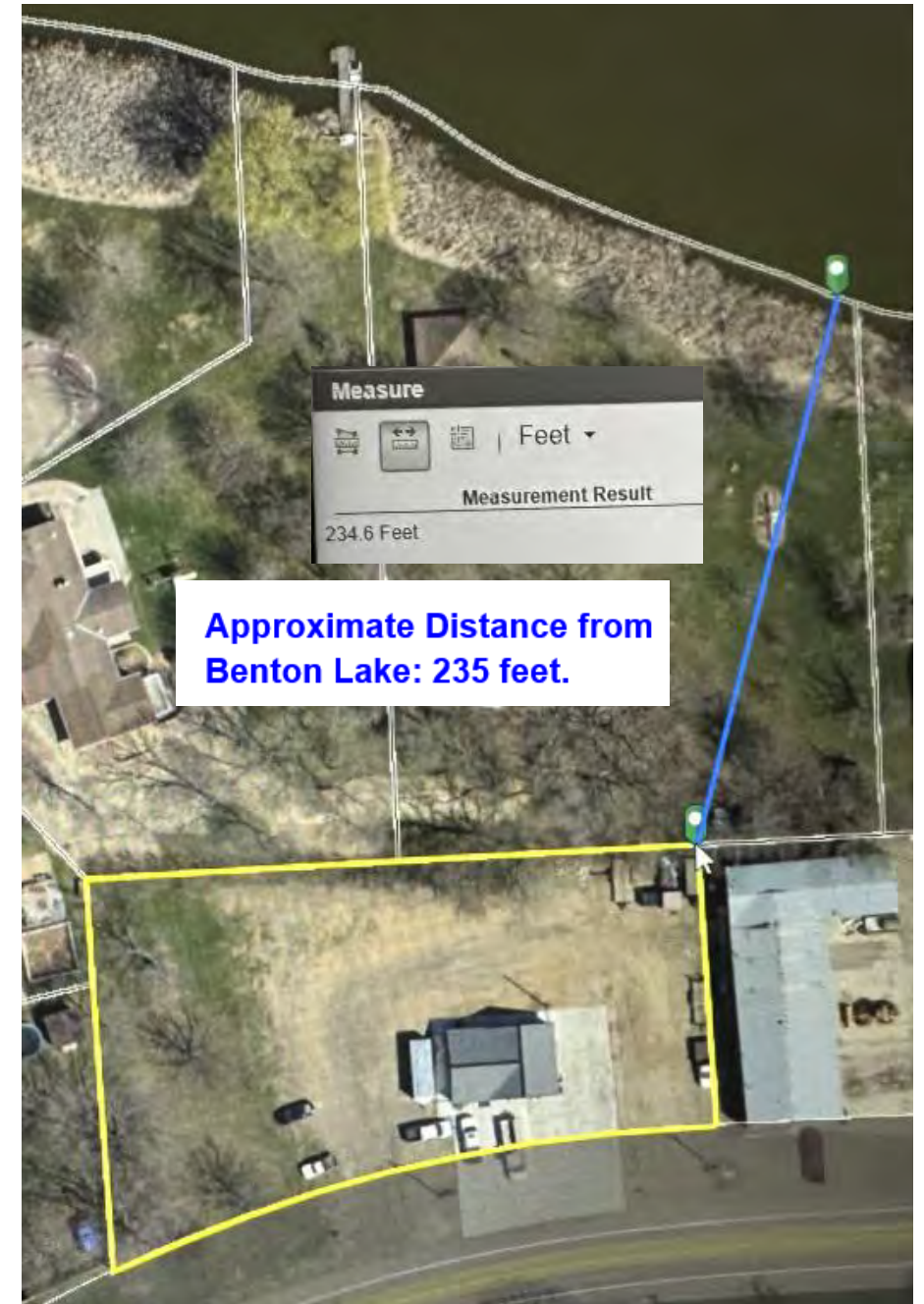
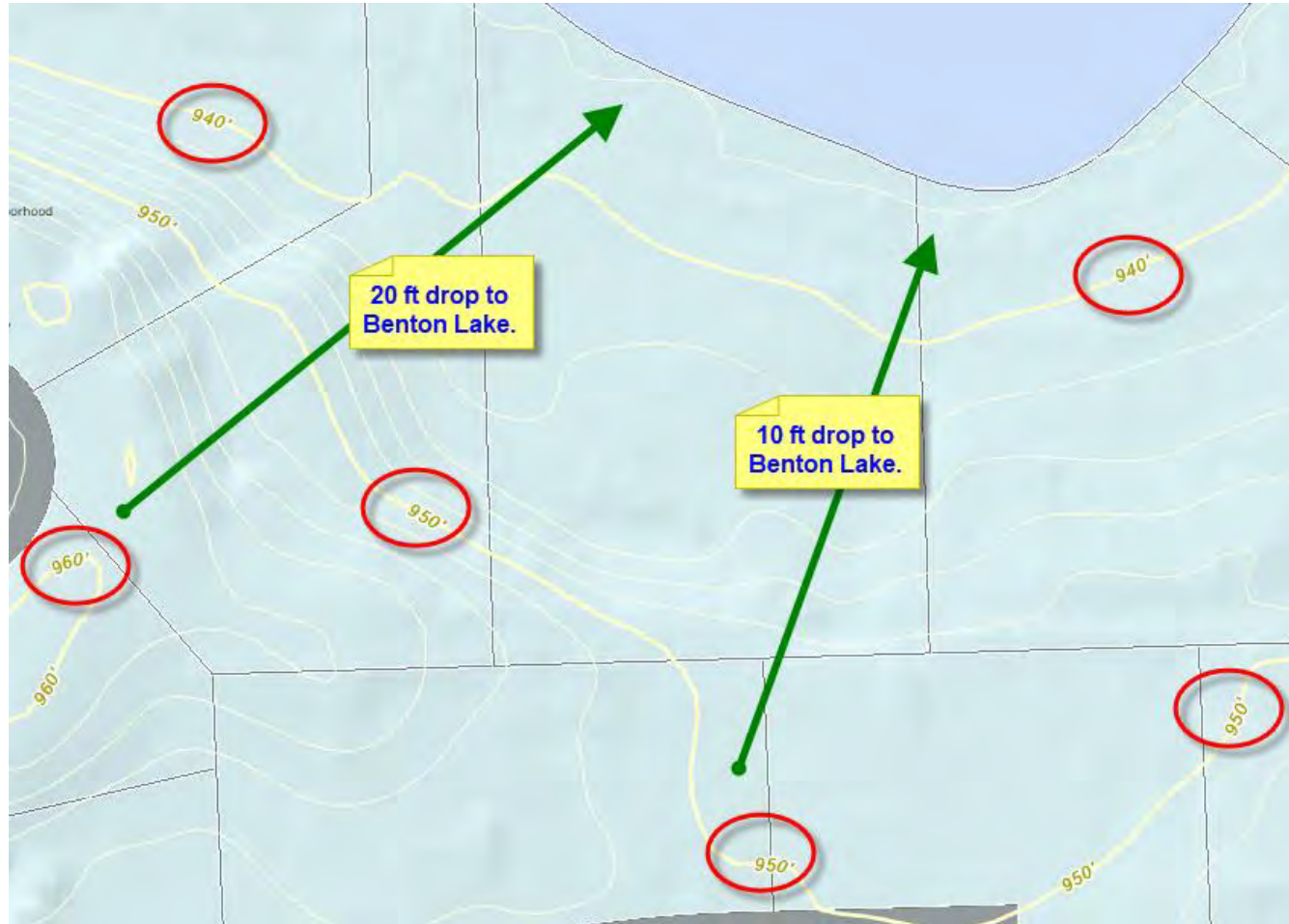
REVISED: 01/08/20 - BOUNDARY, IMPERVIOUS COVERAGE

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

Steven V. Isch
License No. 22703
Date 06/26/20
PROJ #1804-00



Addendum – Parcel E



Addendum E – Immediate Area GIS Illustrations of Building Permit Activity





PO Box 120, 1211 Village Parkway
Cologne, MN 55322
(952) 466-2064
www.colognemn.com

Planning and Zoning Application Form

GENERAL REQUIREMENTS – Please read before completing the application.

The City will not begin processing an application that is incomplete. You will be notified within fifteen business days if your application is not complete. Applications deemed complete will be submitted to the City Planner for review. The City Planner will notify the applicant if additional information or modifications are necessary. The applicant is responsible for all information necessary to describe the land use/development request and may be required to submit additional information to fully explain the aspects unique to the request that may not appear on this application. Applicants are encouraged to review the applicable City Code (available at City Hall) related to their request.

Fees and escrow are due at the time an application is submitted (or the application will be considered incomplete). Fees and escrow are listed on the attached sheet. Please note that the applicant is responsible for all planning, legal, engineering, publication, notification, and other expenses related to the application.

Certain applications, such as variances and sign permits, require Planning Commission consideration. Please check with the City Clerk to determine if your application requires Planning Commission consideration. If so, your completed application must be submitted four weeks prior to a regularly scheduled planning commission meeting. Completed applications that are submitted within four weeks of a regularly scheduled planning commission meeting may be considered at the next regularly scheduled meeting if time constraints allow, otherwise they will be considered at the following regularly scheduled meeting.

APPLICANT INFORMATION

Applicant(s) Bernie & Karen Shambour

Property Owner(s) – (if different from applicant) Karen M. Shambour Trust

Property Street Address 209 Playhouse Street East
Cologne, MN 55322

Applicant Mailing Address (if different from property address)

Applicant Telephone (952) 221 - 9727 (day) (952-) 221 - 9727 (eve)

Applicant Fax No. () - E-mail bshamb@embarqmail.com

Applicant is: ☒ Owner ☐ Contractor ☐ Other

Type of Request(s):

- ☒ Site Plan Approval (Bldg permit may also be needed) (Include Site Plan Review Requirements document) ☐ Zoning Ordinance Amendment (Include Zoning Amendment Information document)
☒ Variance (Include Variance Addendum document) ☐ Sign Permit (Include Sign Permit Addendum document)
☐ Building Alterations/Additions (Bldg permit needed) ☐ Interim Use Permit (Include Interim Use Permit Information document)
☐ Other _____
☐ Preliminary Plat ☐ Final Plat ☐ Lot Division/Combination

****Please attach a site plan showing existing and proposed features, including setbacks.****

Brief description of request Seeking to add on to an existing building at 209 Playhouse Street.

The intent is to use the small addition (deep-packed) foundation to anchor the rest of the building.

Has a similar request on the subject site or any part thereof been previously sought? _____

If yes, when? No.

Access to property _____

Project description and background (attach additional sheet(s) if necessary) _____

Please see attached 2D floor plan and elevation views.

I agree that all fees incurred by the City resulting from the review of this request are my responsibility and I will pay them in a timely manner.

Signature of applicant(s) Bernice Shambaugh (RUSH) ^{8/24/2023} Date 5/26/2023 (Revised 8/21/2023)

If Property Fee Owner is not the applicant, the Applicant must provide written authorization by Property Fee Owner in order to make application.

Signature of owner Bernice Shambaugh (RUSH) ^{8/24/2023} Date 5/26/2023 (Revised 8/21/2023)

*****FOR CITY USE ONLY*****

Appl. Fee & Escrow \$ _____ Amount Paid \$ _____ Date _____ Ck # _____

Completed Application Received on _____ by _____

Current Zoning ____ Existing Land Use ____ Proposed Land Use ____ PID 40- _____

Legal Description _____

Variance Addendum

VARIANCE REQUEST INFORMATION – Complete this section only if you are requesting a variance.
Attach additional sheets or documentation if necessary.

Description of Variance Requested – Please describe your variance request:

- Stabilize the building at 209 Playhouse Street while preserving its 1930's street-view architectural lines. This building is incrementally failing and will eventually collapse if we do not intervene with foundation replacement on three sides; including a u-shaped/poured foundation buttress on the south side using Rebar® and Redi-Rod® to secure new-to-original cement as a means to stabilize the entire structure.

Variance History – Use this area to include any past variances on the property as well as any neighboring properties.

None Known

7.01 Variances

A. Board of Appeals and Adjustments

The Planning Commission shall act as the Board of Appeals and Adjustments and shall have the power to hear and decide requests for the following:

1. **Interpretation:** Hearing appeals where it is alleged that there is an error in a decision or judgment made by an administrative officer in the interpretation or enforcement of this Ordinance or in the interpretation of zoning district boundaries.
2. **Variances:** Grant variances from literal ordinance requirements in instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under construction.

B. Variance Procedures

1. Applications provided by the City must be completed in writing prior to any consideration of variance petitions. Fees for variances are established by resolution of the City Council.
2. The Board of Appeals and Adjustments may require the applicant to provide ten (10) copies of plans, maps, surveys, etc., as deemed necessary, to ensure proper review and consideration of variance petitions.
3. After filing an application, the City Clerk shall set a date for a public hearing. Notice of the hearing shall be posted and published at least ten (10) days prior to the date of the hearing, and notice shall be mailed to each property owner within three hundred fifty (350) feet of the property to which the variance relates. Defects in the notice or failure to notify individual property owners shall not validate the proceedings, provided a good faith effort was made to comply with these provisions.
4. Upon the hearing request, the Board of Appeals and Adjustments shall either approve or deny the variance and shall state the reasons for said action. Conditions for approval may be attached to any variance granted.

Variance Addendum.docx

Page 1 of 2

5. Findings:

The Board of Appeals and Adjustments must find as follows in the granting of a variance from this Ordinance: (please respond to each of the findings below, you may attach additional sheets if needed).

- a. Granting a variance will not adversely affect the public health, welfare and safety and will not be detrimental or injurious to the property or improvements in the neighborhood.

Applicant's response "A variance will not significantly alter the essential character of the locality. A maintained structure would be more attractive than one that has deferred maintenance. The existing building does not have apparent historic value that would be recommended to preserve. Nearby properties are in the older portion of the city and consist of a mix of homes, commercial structures, utility structures and park land"

– Cindy Nash 7-14-2023

b. Strict interpretation or enforcement would result in a practical difficulty or unnecessary hardship that is not self created, that is inconsistent with the intent of this ordinance Ordinance and the Comprehensive Plan.

Applicant's response The properties to the immediate east, north, and west of 209 Playhouse Street have a higher elevation. Hence stormwater freely flows on either side of the building and even under the north-facing garage doors during heavy rains! (i.e. – the north driveway slab rises 1.5" to 2" every winter due to the accumulation of water under it). We are seeking approval of a building permit to enable us to stabilize the original structure on 3 sides by replacing the foundation -and- on the south side to replace and pack a significantly more solid base 60 inches deep to create a new foundation that is firmly anchored via generous installation of Rebar® and Redi-Rod® into the existing/new floor cement and new foundation in the original building.

- **Please Note:** This building is incrementally failing and will collapse if we do not intervene. In 2020 when new garage doors were installed; we were forced to dig 50" deep and replace the original 24" deep footings supporting the vertical 2" x 6" framing around each garage door. We too, cut out and replaced a section of the cement floor inside of the building due to it being so broken up by decades of thermal thaw and freeze cycles.

Objective: "Stabilize the building and preserve its 1930's street view architectural lines".

- Keep all existing exterior walls and roof intact.
- Lift the entire building enough during renovation to enable replacing the entire exterior foundation.
- Excavate the ground on the south side of the building to pack and add stability to the porous soil base (and the building).
- The existing building is approximately 28.2 feet by 40.2 feet for a total of approximately 1,133 square feet.
- Add 18 ft to the rear of the existing building.
- Increase the height of the building by approximately 3 feet (to more closely match the height of the building directly to the west).
- Requesting approval for a site plan with an impervious surface coverage of 64% of the parcel (currently at 50% impervious). **Note:** This percentage is less than-equal to the other properties on the City Block.

c. There are exceptional or extraordinary circumstances or conditions applicable to the property, use or facilities that do not apply generally to other properties in the same district.

Applicant's response This parcel is 1,002 feet from Benton Lake (it is on the far outer perimeter of the Shoreland Overlay District). The Carver County website GIS Topographical Map shows that ALL of the water from every street and impervious surface winds up flowing (eventually) into Benton Lake or into City holding ponds

that by design are slightly deeper than Benton Lake's elevation of 939.1 feet.

- The properties to the north and west in the vicinity of 209 Playhouse Street are at 960 feet.
- The 209 Playhouse Street parcel is at 950 feet.
- The VFW Park is 940 feet through its east-west centerline; falling off approximately another foot to the new holding pond.
- The perimeter of the new holding pond in the VFW Park is residing at about 939 feet with a depth of about 4 to 5 feet at its deepest point (934 to 935 feet). The bulk of the stormwater flowing off Playhouse Street East (and my parcel in particular) is buffered and allowed to slowly permeate into the VFW Park holding pond and in area soils. The photos at the end of this application form illustrate a significant amount of permeable square footage (55,904 sq ft or about 1.3 acres) to the east, south, and west of the 209 Playhouse Street parcel *that will never be developed*; rendering the 64 percent impervious surface coverage number to be a somewhat moot point.
- The City has allowed others to develop nearby parcels with hardcover in excess of the ordinance limit. Based on this precedence; this variance request is ultimately a political question. This variance request is based on the premise of seeking approval based on fairness and consistency. To be sure, this is not a legal argument. The Planning Commission, City Council (ie- City) has the discretion and legal basis to deny this application. However, exercising this discretion to deny this application when it has allowed

other similar projects to go forward simply is not fair; plain and simple. Given the current and expanded charitable use of this 1930's building that we are seeking to save and utilize for the greater good; approving this variance request is the right thing to do.

d. Strict or literal interpretation would deprive the applicant of the use and enjoyment of his property in a manner similar to others in the same district.

Applicant's response Under the auspices and support of the Shambour Charitable Giving Program, a workshop will be added to the south side of the original 1930's building to facilitate the various volunteer and charitable activities performed annually by this charitable trust:

- K&B Property Services - Volunteer lawn cutting, herbicide application, seasonal power vacuuming, tree trimming, brush removal, snow thrower/loader volunteer services. Light preventive maintenance work such as mower deck blade sharpening, greasing, air-oil filter changing, etc (no motor repairs).
- Christmas Light and Seasonal Decoration Volunteer Testing and Repairs - Cologne Lions, Benton Gardens, and Shambour Park.
- CAP Agency- Carver, Scott, Dakota Counties transfer seasonal items using an aged SUV and pickup truck.
- Volunteer Senior auto detailing and moving assistance.
- Red Cross Bloodmobile Drive – Volunteer Coordinator Services (since 1988).

e. Granting a of the variance will not allow a use which if otherwise not a permitted use within the zoning district.

- o Applicant's response a) Subject property is owned by the Karen M Shambour Trust funded in part by the Shambour Charitable Giving Program (Trust). Documents available for review for validation. b) The existing building area is current to conforming use through activities tangent to the Shambour Charitable Giving Program (Trust).

6. A variance granted but not used shall become void one (1) year after its effective date.

7. No application for the same or essentially the same variance shall be made within six (6) months of the date of denial.

C. Variance Appeal Procedures

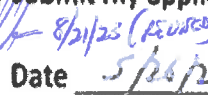
Within thirty (30) days of the action of the Board of Appeals and Adjustments, the applicant or an affected property owner may file an appeal to the City Council to the decision of the Board of Appeals and Adjustments. The City Council shall set a date for a public hearing, within forty-five (45) days of receipt of the appeal, to consider granting or denying the variance request.

I understand the preceding standards for variances and hereby submit my application for variance.

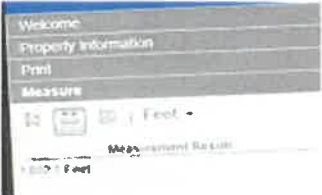
Applicant's Signature



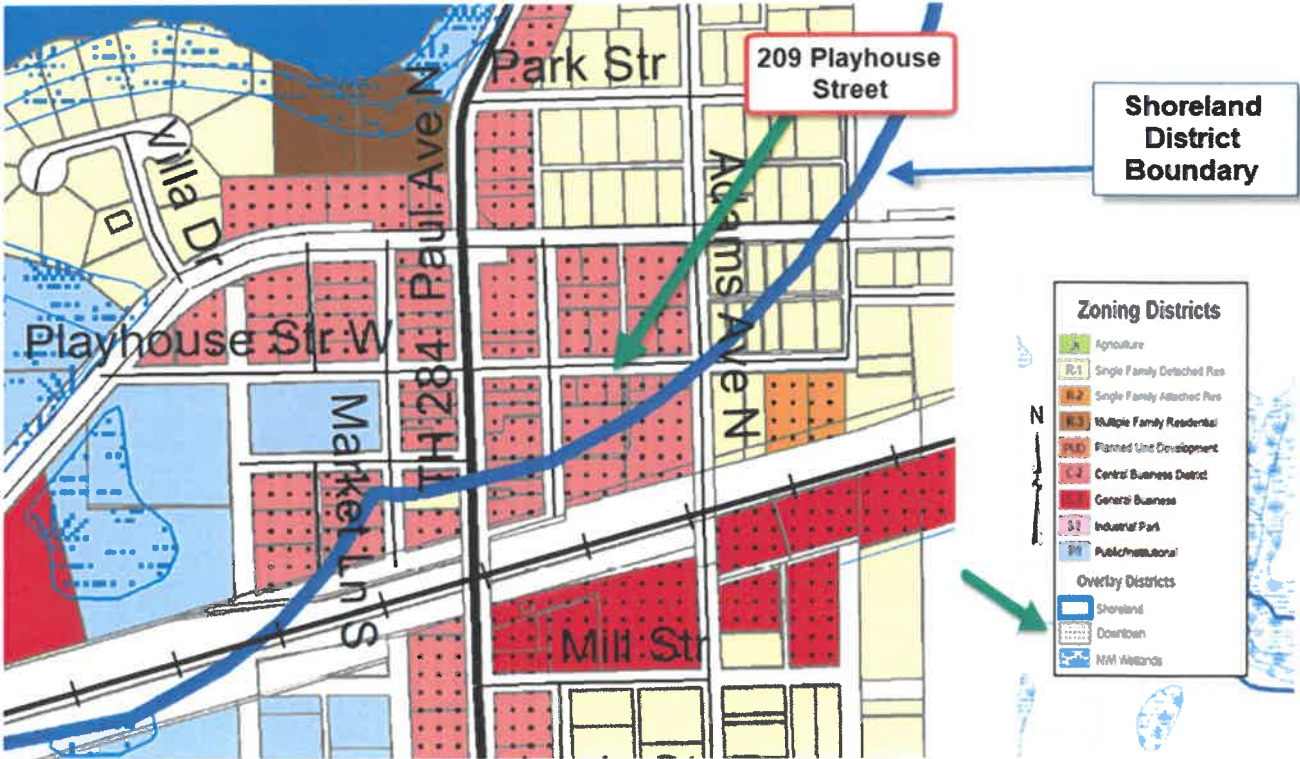
Date

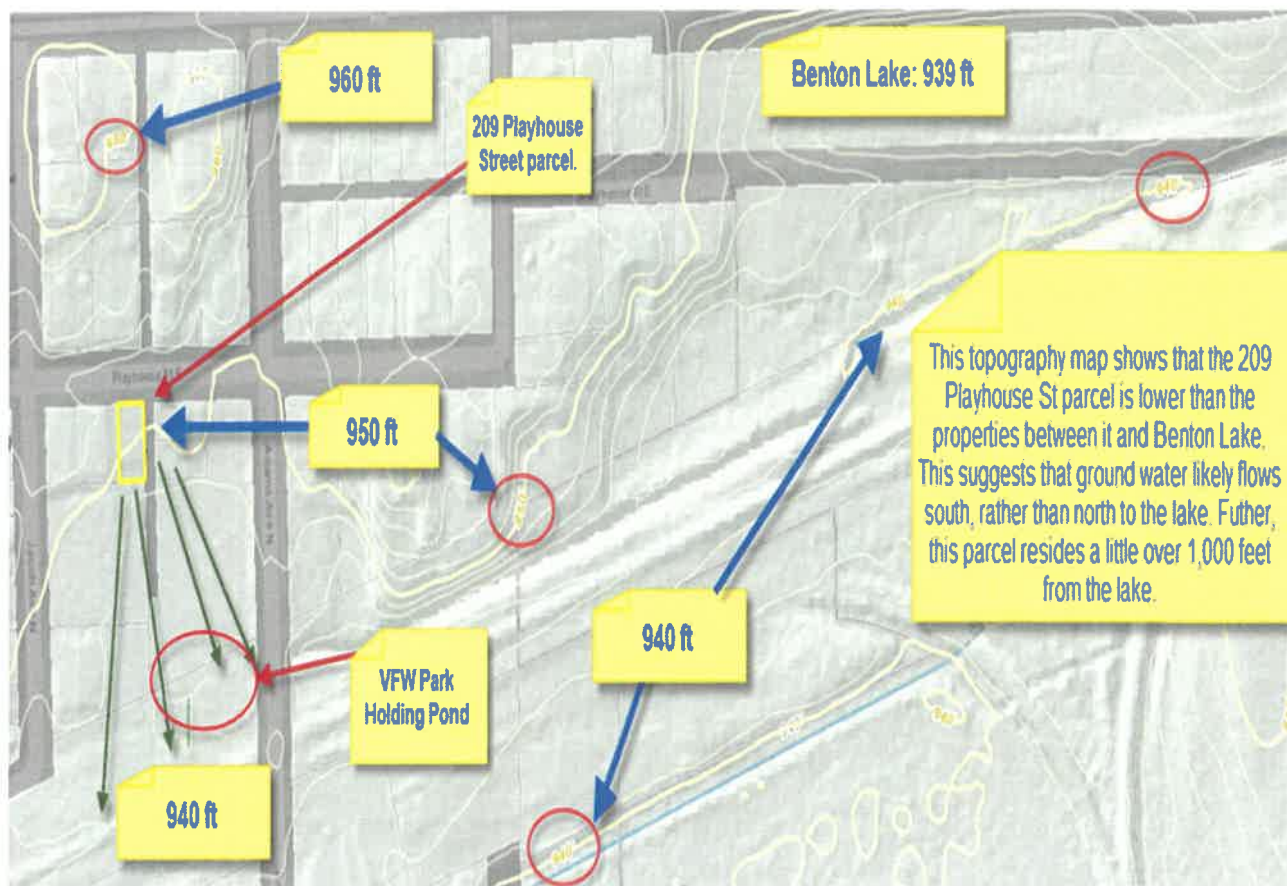
 8/21/23 (REVISED)
5/26/2023

Playhouse Street East: Distance from Benton Lake & Topography



Approximate Distance from Benton Lake: 1,002 feet









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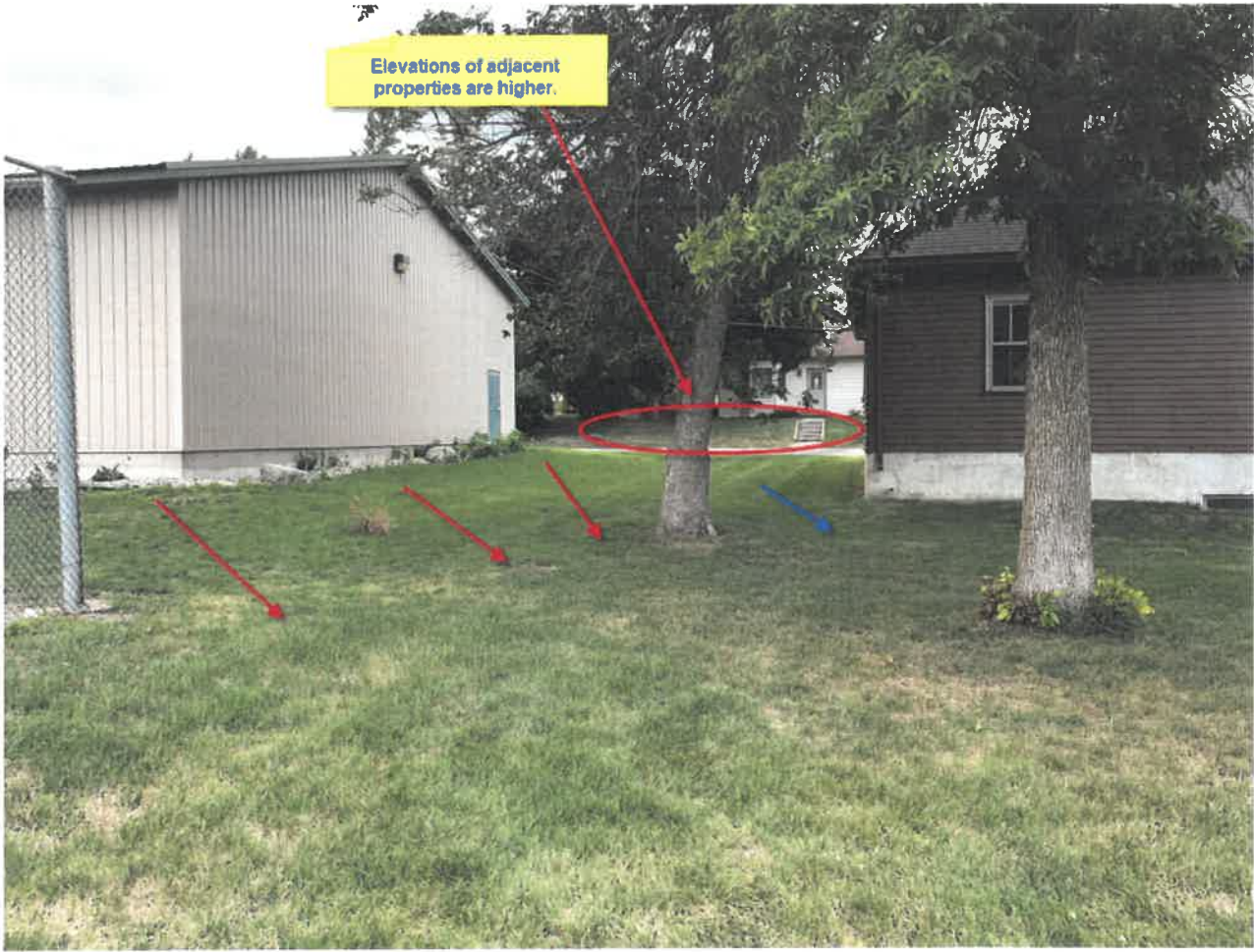


**Holding Pond in
VFW Park.**

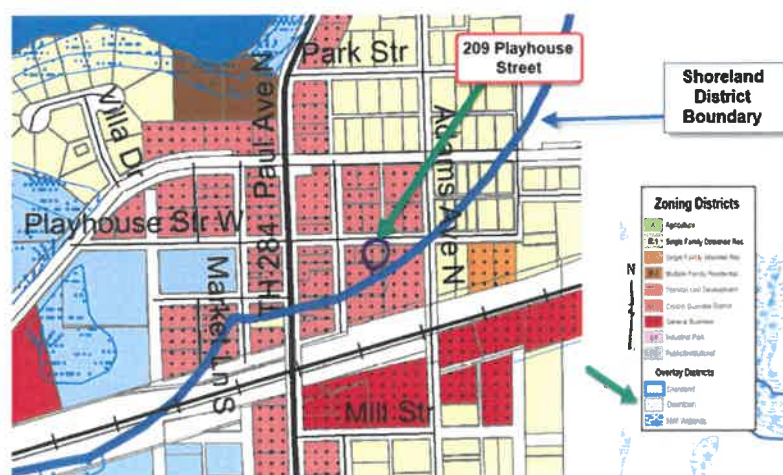
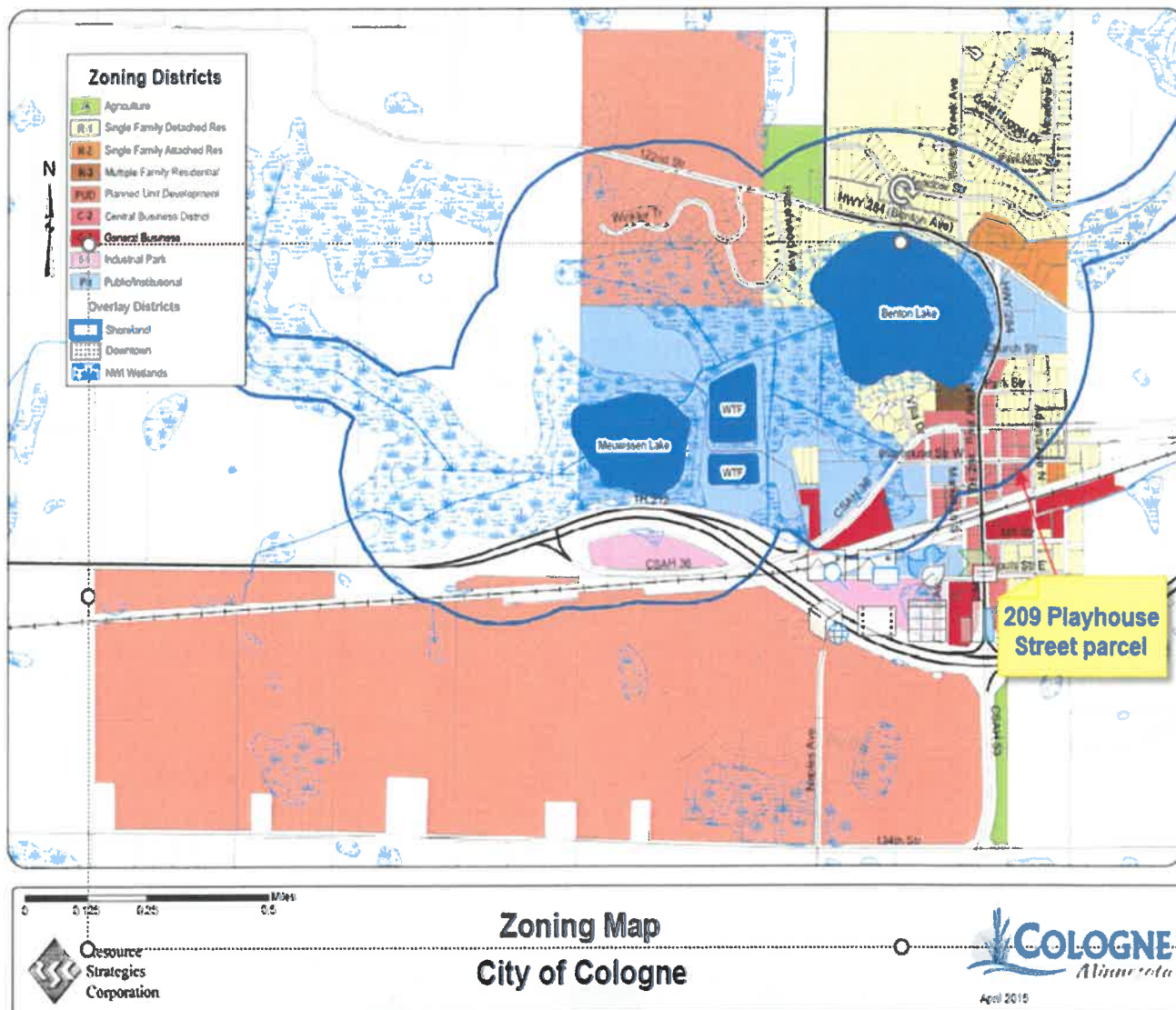
**1.3 acres (55,904 sq ft) 1.3 in the adjacent VFW
Park are at elevations lower than the 209
Playhouse Street parcel.**



Elevations of adjacent properties are higher.







Collaborative Planning, LLC

Memorandum

To: Planning Commission
From: Cindy Nash, AICP, EDFP
Date: August 31, 2023
Subject: Variance – 209 Playhouse

The City has received a revised variance application for review and consideration. The application does not state specifically the regulations from it seeks a variance, however Staff have identified at least one which would be required for the project:

1. Impervious surface coverage of 64% in the shoreland overlay district (ordinance requirement is not more than 25%)

In addition, the project would also be out of compliance with the zoning code because it requests permission to expand existing non-conforming use (storage) on the property.

Overview of Request



The subject property is a parcel of record containing a building that is being used for storage. Per the application submitted, a variance request is being made to permit the construction of an addition to this building in order to “stabilize the building...while preserving its 1930’s architectural lines”. A copy of the application is attached. The architecture and floor plan for the building was provided in the packet for consideration. The plans show a 28.2’ x 57.6’ building following the proposed addition for a total of approximately 1,624 square feet. The existing building is the only building on the site and the principal use of the property and existing building is for storage. The existing building is approximately 28.2 feet by 40.2 feet for a total of approximately 1,133 square feet. This is a proposed increase in size of approximately 43%.

The property is zoned C-2 Central Business District and is within the Downtown Overlay District. The property is also within the shoreland overlay district.

The applicant is requesting approval for a site plan with an impervious surface coverage of 64% of the parcel in the shoreland overlay area, when the maximum permitted is 25%. The survey depicts this as an increase from the “existing” condition of impervious surface of 50%.

The existing building is a non-conforming structure in that the parcel currently exceeds the maximum impervious surface coverage permitted in the zoning district. In addition, storage is not a listed permitted principal use in the C-2 Central Business District according to Section 153.039 of the Zoning Ordinance. The Zoning Ordinance contains the following requirements related to nonconforming uses and structures, with staff comments in red following relevant paragraphs:

§ 153.007 NONCONFORMING USES AND STRUCTURES.

Any structure or use existing upon the effective date of the adoption of this chapter which does not conform to the provisions of this chapter may be continued subject to the following conditions:

- (A) The nonconforming use is not expanded or enlarged, except in conformity with the provisions of this chapter.

Staff Note: The use is proposed to be expanded. Storage is not a permitted principal use in the C-2 Zoning District.

- (B) If a nonconforming use is discontinued or a nonconforming structure is abandoned for a period of one year, further use of the structure or property must conform to this chapter.

Staff Note: Not applicable.

- (C) If a nonconforming use is replaced by another use, the new use shall conform to this chapter.

Staff Note: Not applicable.

- (D) If a nonconforming use or structure is damaged by any cause to the extent that repair or replacement costs exceed 50% of the market value, the use or structure may not be replaced or repaired except in conformity with this chapter.

Staff Note: The repair and replacement costs appear likely to exceed 50% of the market value of the building. The Carver County Tax Assessor has a 2023 Estimated Building Value of \$13,800 for the structure. The building plans identify a substantial addition to the structure rather than a repair to stabilize and repair the structure. Minnesota Statute 462.357 Sub. 1e(a)(2) now contains a slightly different formulation of this rule and may provide the applicant with the ability to repair or replace the building because the damage to the building were not caused by a specific peril with an ascertainable date of destruction, however the statute specifically excludes the expansion of a nonconforming use.

- (E) Normal maintenance of a nonconforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

Staff Note: The construction proposed consists of structural repairs including but not limited to new roof and trusses, and removal of existing post foundations. This section allows for normal maintenance but not structural repairs. Minnesota Statute 462.357 Sub. 1e(a) may provide the applicant with additional ability to make structural repairs to the existing structure, but specifically excludes the expansion of a non-conforming use.

Without additional review of historical records, it is currently unknown as to whether the building and/or use were existing on the date of the adoption of the Zoning Ordinance. The applicant states in their original application that storage has been the use of the building for the past 85 years.

A variance related to the increased impervious surface could address the compliance issue in relation to the structure meeting the impervious surface standard. However, Minnesota Statute 462.357 Sub.1e(i) requires the City to require applicants for variances to address water-related issues, including the **reduction** of impervious surfaces and stormwater runoff management. Granting a variance to **increase** the impervious surface area is contrary to the public policy goals articulated in the statute. With regard to the impervious surface coverage on the lot, the Applicant states in their application that “[t]he Planning Commission, City Council . . . has the discretion and legal basis to deny this application”.

Furthermore, the initial application described the building as a “storage building”. The revised plans do not vary significantly from the original plan in overall design concept and still appears to be designed as a storage building. In the revised application received in August 2023, the applicant notes a number of activities that occur within the building, which are primarily related to storage use purposes. Minnesota law does not permit the City to grant a variance to allow a use which is not permitted or to expand a non-conforming use, and the expansion of the building for storage would amount to a use variance.

Legal Background on Variances

Minnesota statutes on variances were amended in 2011 to reflect a “practical difficulties” standard, rather than the previously used “undue hardship” standard. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

This request is being evaluated based on the “practical difficulties” standard rather than the standard included in the Cologne Code of Ordinances.

Evaluation of Request

In evaluating variance requests, the following questions should be considered:

1. Is the request a reasonable use of the land?

Staff Note: The proposed use is not reasonable in light of the disharmony with the general purpose and intent of the ordinance. The Zoning Ordinance provides for the continued use

of non-conforming structures and uses subject to the terms of Section 153.007, but does not permit the expansion of those non-conforming structures and uses. Per the application, the property has been used in this scale and manner for the past 85 years and could continue but for the existing condition of two walls of the building. The applicant has not proposed a repair or replacement plan that stabilizes the existing building or reconstructs a new building of the same size and scale on the same footprint as an option.

The use is not permitted in the district, and the Zoning Ordinance and Minnesota law do not permit variances for the expansion of non-conforming uses. If a new building is desired, it has not been shown that it could not be constructed on the same footprint without expansion, which may be permissible under Minnesota law.

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

Staff Note: The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The applicant desires to expand a non-conforming use by approximately 43%, and to do so by increasing the impervious coverage on the property. If a property owner were to construct on a vacant lot they would be required to meet both the performance and use standards of the Zoning Ordinance. No circumstances have been provided to identify why the circumstances are unique to the property, nor has the property owner demonstrated that they could not stabilize the existing building without the need for an addition.

3. Will the variance, if granted, alter the essential character of the locality?

Staff Note: A variance will not significantly alter the essential character of the locality. A maintained structure would be more attractive than one that has deferred maintenance. The existing building does not have apparent historic value that would be recommended to preserve. Nearby properties are in the older portion of the city and consist of a mix of homes, commercial structures, utility structures and park land. The proposed structure is considerably larger than the existing building.

In order to grant a variance, the request must satisfy all three of these criteria listed. In staff's opinion, this variance fails to satisfy criteria 1 and 2.

Recommendation

Staff recommends denial of the application. A Resolution Denying Variance is included in the packet for consideration.

STRUCTURAL NOTES

Unless noted otherwise on the plans and/or in the details, these notes shall apply. If there are discrepancies between the plans, details, specifications and/or these notes, the contractor shall conform to the more stringent requirements, unless clarified with the Structural Engineer of Record (SER) prior to work.

MATERIAL STRENGTHS

Structural Steel
HSS Rectangular and Square - ASTM A500 Gr. C, Fy = 50 ksi
W and WT shapes - ASTM A992, Fy = 50 ksi
Misc. structural steel - ASTM A36, Fy = 36 ksi

Structural Steel Fasteners
Connection bolts - ASTM A325 or F1552, Fu = 120 ksi
Anchor rods - ASTM F1554, Gr. 36, Fy = 36 ksi
Threaded Rods - ASTM A36, Fy = 36 ksi

Reinforcing Steel
Deformed Bars - ASTM A615, Gr. 60, Fy = 60 ksi
Weldable Bars - ASTM A706, Gr. 60, Fy = 60 ksi
Fabric - ASTM A185, Fy = 70 ksi
Masonry Joint Reinforcing - ASTM A951, Fy = 70 ksi
Epoxy Coating for Reinforcing Steel - ASTM A775

Concrete
f'c = compressive strength in 28 days
4,000 psi unless noted otherwise
5,000 psi for footings
3,000 psi for masonry corefill

Masonry
Concrete Masonry Units - ASTM C90
f'm = net area compressive strength of masonry
based on IBC table 2105.2.2.1.2
2,000 psi unless noted

Structural Lumber
All dimensional lumber - #2 Spruce Pine Fir (SPF) or equal
Laminated Veneer Lumber (LVL)
E = 2,000,000 psi
Fb = 2600 psi
Laminated Strand Lumber (LSL)
E = 1,550,000 psi
Fb = 2,325 psi
Parallel Strand Lumber (PSL)
E = 2,000,000 psi
Fb = 2900 psi
Treated lumber - #2 Southern Pine or equal

DESIGN LOADS

Roof
Dead load
17 psf (7 psf top chord + 10 psf bottom chord)
Snow load
Roof snow load = 35 psf

Wind
Ultimate Design Wind Speed 115 mph
3 second gust
Exposure B, I = 1.0
Risk Category II
Wind Shear walls have been designed using IRC R301.1.3

EXISTING CONDITIONS

001. Contractor shall verify all dimensions, elevations, and details of existing structure where they affect this construction prior to fabrication.
002. Contractor shall take precautions to avoid adding load or stress to any adjacent structures during construction.

TEMPORARY BRACING

003. Contractor is responsible for bracing, without over-stressing, all structural elements as required at all stages of construction until completion of this project. Provide temporary lateral support for all walls until walls are adequately braced by permanent structure. Shore foundation walls retaining earth until floor framing and basement slab are in place. Use caution when operating equipment adjacent to foundation walls.

GENERAL SOIL NOTES

004. The structure has been designed using a presumptive load-bearing value of 2000 psf in accordance with Table R401.4.1 of the 2018 IRC on virgin soil or compacted granular fill for footings.
005. Presumptive soil bearing value to be verified by a geotechnical engineer where required by the building official per R401.4.
006. The existing footings have been assumed to be typical spread footings on good soils that are assumed to be performing adequately.
007. Any discrepancies in the assumed allowable soil bearing pressure shall be reported immediately.
008. Remove all top soil, un-compacted fill, or other poor soil from the construction area.
009. Slope the site to drain away from the building.
010. Install gutters and downspouts with long extensions, recommended.
011. Install drain tile, recommended.
012. Backfill with granular soils, recommended.

FOOTINGS/FOUNDATIONS

013. All footings are to be formed. All stumps, roots and debris must be removed from the soil to a depth of at least 12" below the surface of the ground in the area occupied by the building. Footings shall be placed on virgin soil or compacted granular fill.
014. Wall footings are cast-in-place concrete with continuous reinforcing placed 3" clear of bottom and 2" clear at top and sides.
015. Wall footings are centered under walls and column footings under columns.
016. Wall footings shall be a minimum of 8" thick with a 4" projection each side of wall.
017. Reinforce with 2 - #4 continuous bottom bars.
018. Column footings shall be a minimum of 10" thick, with plan dimensions as shown on drawing. Reinforce with #4 bottom bars at 8" o.c. each way.
019. Provide 30 bar diameter lap at splices and full crossing lap at corners and intersections. Tie all reinforcing in place. Set footing reinforcing on chairs or masonry brick to obtain 3" clearance from bottom of footing.
020. Maintain minimum root depth of 42" for all exterior footings, 60" for deck footings.
021. Step footings in a uniform manner using a 2:1 horizontal to vertical slope. Cast dowels in footing for foundation walls above. Dowels shall be the same quantity, size, and spacing as the vertical wall reinforcing. Dowels shall be 30" long and extend to 3" clear of bottom of footing.
022. Contractor shall be responsible for implementing hot weather concrete requirements per ACI 305 and cold weather concrete requirements per ACI 306.
023. Shore all foundation walls appropriately before backfilling and compacting.
024. Foundations supporting wood shall extend at least 6" above the adjacent finished grade.
025. The contractor shall verify the location of all existing underground utilities and tanks prior to beginning excavation.
026. The contractor shall follow IRC Figure R403.1.7.1 for foundation clearances to slopes unless indicated otherwise by the soils engineer.

CONCRETE

027. Provide ready-mixed concrete per ASTM C94. Portland cement shall be ASTM C150, Type I. Use only one brand of cement throughout the work. Provide concrete aggregates meeting the requirements of ASTM C33.
028. Maximum aggregate size shall be 3/4" for grade beams and slabs. Water shall be clean, free of deleterious amounts of acids, alkalis, or organic materials, and shall be considered potable. Provide admixtures to reduce water content, provide air-entrainment, or alter the quality of the concrete to meet the job conditions.
029. Place reinforcing 2" clear to outside face and 1 1/2" clear to inside face of concrete wall.
030. Provide #4 x 4'-0" long (equal legs) horizontal reinforcing corner bars at 18" o.c. at outside corner of wall and 2 - #4 vertical support bars.

CONCRETE (continued)

031. All wall openings larger than 12" shall have 2 - #5 at all sides extending 2'-0" beyond each edge of opening with 2 - #5 x 4'-0" diagonal bars at each corner of opening.
032. Wall reinforcing shall be staggered between columns and pilasters.
033. Provide full development and splice lengths per Concrete Reinforcing Steel Institute (CRSI) or ACI 318 requirements.
034. All concrete exposed to weather, freeze-thaw conditions or de-icing chemicals shall contain 5% - 7% entrained air.
035. Slump shall be determined by ASTM C143 as follows:
Footings 3" - 4"
Walls, Columns 3" - 5"
Slabs on grade 3" - 4"
Structural slabs, beams 3" - 4"
Masonry Grout 8" - 11"
036. Concrete shall not be laid when the temperature of the outside air is below 40 degrees Fahrenheit, unless approved methods are used during construction to prevent damage to the concrete. All materials used and surfaces built upon shall be free of snow and ice.
037. Wood beams pocketed into concrete shall be provided with a 1/2" air space on top, end, and sides unless treated wood or steel plates are used.
038. Concrete shall not bear permanently on wood members.

SLABS ON GRADE

039. All slabs on grade shall be reinforced with WWF6x6-W1.4 x W1.4 in center of slab or polypropylene fiber reinforcement.
040. Slabs on grade adjacent to foundation walls retaining earth shall be a minimum of 3 1/2" thick.
041. Construction and/or control joints shall occur at a maximum of 8'-0" o.c. at exterior slabs on grade, and at a maximum of 10'-0" o.c. at interior slabs on grade.
042. Construction and/or control joints shall be laid out in a rectangular pattern with long to short side ratio less than or equal to 1.5 and with no re-entrant corners.
043. Control joints for slabs on grade shall be saw cut as soon as concrete can accept it without raveling.
044. Do not cut structural slabs or topping slabs.
045. All control/construction joints shall be continuous and not staggered or offset.
046. Control joints shall be cleaned and sealed for curing purposes as soon as possible.
047. Verify floor finishes and control/construction joint locations with owner and architect.

REINFORCED CONCRETE MASONRY WALLS

048. Hollow unit concrete masonry shall be ASTM C90.
049. Mortar shall be per ASTM C270: Type M or S for below-grade, load bearing and exterior masonry; Type N for all interior non-load bearing above grade masonry.
050. All masonry units shall be placed in running bond.
051. Provide special shapes for jambs, columns, pilasters, control joints, corners, and lintels.
052. See plans for location and spacing of reinforcement in walls. When one bar is in a single core, place in center unless noted otherwise. When two bars are in a single core, place one near each face.
053. Place at least one vertical reinforcing bar in wall corners.
054. Provide 1/4" diameter ties 8" on center set into joints in all lintel and bearing plate masonry columns.
055. Vertical steel shall be lapped 48 bar diameters at all splices.
056. Provide full mortar bedded face shells and webs around all grouted cells for full bearing and to prevent leakage into adjacent cells.
057. Grout shall be per ASTM C476.
058. Fill masonry core at vertical columns with 3,000 psi grout vibrated in place.
059. Wall construction shall not exceed heights of 4'-0" before placement of core grout unless cleantout holes are provided at the bottom of each grout lift, then maximum height of 8'-0" before placement of core grout.
060. Provide ladder or truss style horizontal joint reinforcing, fabricated with galvanized 9 gauge wire, placed every 2nd course.
061. Provide bond beam with 2 - #5 at all floor lines, roof lines, and top of walls.
062. Provide corner bars with 2'-0" legs for each horizontal bar in all bond beams at corners and intersecting walls.
063. Refer to dimension lumber notes for anchor bolt requirements.
064. Masonry shall not be laid or grouted when the temperatures of the outside air is below 40 degrees Fahrenheit, unless approved methods are used during construction to prevent damage to the masonry.
065. All materials used and surfaces built upon shall be free of snow and ice.
066. Wood beam pocketed into masonry shall be provided with a 1/2" air space on top, end, and sides unless treated wood or steel plates are used. Solid grout the masonry voids below a minimum of 2 courses below bearing.
067. Masonry shall not bear permanently on wood members.
068. Place control joints in above grade masonry walls such that no straight run of wall exceeds the lesser of 40 feet or 3 times the height.
069. See architectural plans for location and detail of wall control joints.

STRUCTURAL STEEL

070. All structural steel shall be designed, fabricated, and erected according to specifications of the American Institute of Steel Construction (A.I.S.C.) Latest Adoption.
071. Structural steel supplier shall supply all cap plates, bearing assemblies, base plates, stiffeners, splices, and connections, and shall follow standard AISC details unless noted on drawings.
072. All welding shall be done by the shielded arc process using E70 electrodes in accordance with the rules of the American Welding Society (A.W.S.) Structural Welding Code, Latest Adoption. All welders shall be certified by the rules of the American Welding Society.
073. Tighten anchor bolts and grout column base plates before installing steel beams.
074. Provide complete detailed shop drawings to the contractor for review and approval prior to fabrication.
075. Provide 5/16" full height web stiffeners at all column and support locations.
076. Design intention when columns bear on beams is to have bearing plates match beam width x column width + 6".

DIMENSION LUMBER

077. Design assumes lumber is free of significant splits and checks, and contractor will visually inspect during installation.
078. Sills and all other lumber in contact with concrete or masonry and within 8" of finished grade shall be preservative treated wood. In crawlspaces or unexcavated areas within the building foundation, wood shall be preservative treated for joists within 18" of exposed ground and/or girders within 12" of exposed ground.
079. Preservative treated wood shall be in accordance with the American Wood Protection Association, Standard U1.
080. Treat all cut ends of treated material.
081. All lumber is to be grade stamped, which is to contain grading agency, mill number or name, grade of lumber, species or species grouping or combination designation, rules under which graded, where applicable, and condition of seasoning at time of manufacture.
082. All lumber shall be seasoned to a moisture content of 19% or less, with the indication of "S-Dry" on the grade stamp.
083. All lumber shall be protected from the elements.
084. Sill plates to be bolted to foundation wall with 1/2" diameter galvanized anchor bolts at 4'-0" on center maximum. Bolts to extend 9" minimum into solidly grouted foundation wall. Each sill plate to have a minimum of 2 bolts with one bolt located not more than 12 inches or less than 4 1/2 inches from each end of the plate section. Use 1/8" x 2" x 2" galvanized washers, slightly crushing plate.
085. Minimum nailing shall be in accordance with Table R602.3(1) of the 2018 IRC unless noted otherwise.
086. All walls shall have a single bottom plate and double top plate, unless noted otherwise.
087. Exterior walls shall be 2 x 6 studs @ 16" on center, unless noted otherwise.
088. Interior bearing walls shall be 2 x 6 studs @ 16" on center, unless noted otherwise.
089. Interior non-load-bearing walls shall be 2 x 4 studs @ 16" on center, unless noted otherwise.
090. Typical openings to have a minimum of 2 bearing (trimmer or jack) studs and 1 full-height king stud.
091. Headers not noted to be 2 - 2 x 6 up to 4'-0" span and 2 - 2 x 8 from 4'-0" to 6'-0" span. Wood headers shall have a minimum 3" length of bearing at each end or bear the entire length of the bearing studs.
092. Beams shall bear on a minimum of 3" along their length and fully along their width and have a minimum of 2 full width studs supporting them.
093. Joists shall bear the full width of supporting members (stud wall, beams, etc.).
094. Provide solid vertical blocking at all joint spaces below wood columns. Provide matching columns to foundation at lower levels below columns comprised of 3 or more studs.
096. All beams and joists not bearing on supporting members shall be framed with prefabricated joist hangers.
097. 1 1/2" nails shall not be used at joist hangers unless specified for the specific joist hanger by the manufacturer.
098. 1 1/2" nails shall not be used for beam and girder hangers.
099. See hanger manufacturer catalog for required nails or screws for 100% allowable loading.
100. Beams or headers made of 2x's shall be nailed together with 2 - rows 16d nails (.162" x 3 1/2") at 12" o.c. along each edge, typical for each lumber ply.

DIMENSION LUMBER (continued)

101. Nail built up posts made of 2x stud material with 2 - rows 16d nails 12" on center each ply, up to 3-piles. Screw built up posts made of 2x stud material with 1/4" x 6" SDS screws 8" on center staggered for 4-piles.
102. Attach 2-ply LVL beams with 2-rows of 1/4" x 3 1/2" SDS screws 16" on center, unless noted otherwise.
103. Attach 3-ply LVL beams with 2-rows of 1/4" x 3 1/2" SDS screws 16" on center both faces, unless noted otherwise.
104. Attach 4-ply LVL beams with 2-rows of 1/4" x 6" SDS screws 16" on center both faces, unless noted otherwise.
105. Spacing of bridging for joists shall not exceed 8'-0".
106. Double all joists under parallel partitions or single floor truss.
107. All plywood and OSB shall be installed per American Plywood Association standards, including the use of construction adhesive for fastening to floor joists.
108. All fasteners and hangers in contact with treated lumber shall be G185 hot dipped galvanized or equal.
109. Lumber grading rules and wood species shall conform to Voluntary Product Standard PS 20-99 as published by the Department of Commerce. Grading rules shall be by an agency certified by the Board of Review of the American Lumber Standards Committee.
110. Performance requirements, adhesive bond performance, panel construction and workmanship, dimensions and tolerances, marking, and moisture content of Wood-based Structural-use Panels shall conform to Voluntary Product Standard PS 2-92, as published by the Department of Commerce.
111. Place sheetrock wall control joints max 30ft apart per the Wall and Ceiling Bureau Technical Bulletin.
112. Do not drill or notch plumbing holes near knots in any framing.

WOOD TRUSSES

113. Responsibilities of the contractor, building designer, truss manufacturer, and truss designer shall follow the publication "TPI 1-2014 National Design Standard for Metal Plate Connected Wood Truss Construction."
114. Truss supplier shall notify SER of any proposed revisions to the layout indicated on this plan. Revisions that affect the structural design will not be allowed without prior written approval by the SER.
115. Verify allowable bearing locations for girder trusses with SER prior to final design stage.
116. Provide metal bearing enhancers as necessary to utilize stud columns shown on plan.
117. All prefabricated wood trusses shall be furnished in accordance with designs prepared using the design loads and span conditions indicated, including designing gable end truss webs for perpendicular to face wind loads.
118. Truss manufacturer shall provide a truss layout and truss drawings prior to beginning construction. Trusses shall be designed for top and bottom chord superimposed dead and live loads as indicated above.
119. Truss supplier shall design trusses to support additional dead load from, but not limited to, sprinkler lines, rain leader systems, piping, cable trays, ductwork, kitchen islands, etc., as per IBC. Coordinate with architectural/mechanical/electrical as required. General contractor to verify location and magnitude of all such loads with truss supplier and SER prior to fabrication of trusses.
120. See architectural plans for attic draft stop locations and design roof trusses accordingly.
121. Live load deflection of roof trusses shall be limited to 1/360 of the span.
122. Provide L800 deflection limits for all individual bottom chord members between panel points.
123. Design trusses for top chord bearing or bottom chord bearing as shown on drawings.
124. Truss configuration, pitch, overhang, etc. shall be indicated on the architectural drawings.
125. Spacing of roof trusses shall not exceed 24" on center.
126. Lumber for wood trusses shall be in accordance with manufacturer's recommendations.
127. Truss manufacturer to provide girder trusses, hip jacks, and step-down trusses as required and designed to support all superimposed loads. Provide hip studs, dormers, and piggy-back trusses as required.
128. Truss manufacturer to specify if roof sheathing needs to be applied before placing "over-framing".
129. Provide metal framing anchors at truss bearing to mechanically fasten truss to bearing wall or supporting member as shown in details.
130. Truss manufacturer shall provide truss to truss connection hangers.
131. Bridging, and bracing of truss compression and tension members, shall be installed in accordance with the truss manufacturer's design and directions.
132. No cutting, notching, or modifications of trusses will be allowed without the manufacturer's written approval.

WOOD TRUSSES (continued)

133. Contractor shall provide permanent and temporary diagonal, lateral, and cross bracing in accordance with the publication "BCSI 2018 Building Component Safety Information, Guide to Good Practice for Handling, Installing and Bracing of Metal Plate Connected Wood Trusses" by the Truss Plate Institute and Wood Truss Council of America and as otherwise necessary. For spans longer than 60ft., contractor shall hire a structural engineer to design the necessary bracing.
134. Permanent bottom chord bracing and web bracing shall be located as shown on the truss drawings and shall be minimum 2 x 4 with 2 - 16d nails to end walls and trusses, lapping two truss spaces at splices.

ROOF SHEATHING

135. Roof sheathing shall be minimum 15/32" thick APA rated panels, rated for spacing of supporting members. A minimum of 32/16 span rating is recommended. Provide panel clips, one between each support, for supports spaced greater than 16" on center.
136. Provide Exterior or Exposure 1 grade. Panels shall be continuous over two or more spans, and long dimension of panel shall be perpendicular to supports. Fasten roof sheathing with 8d nails spaced at 4" on center at supported edges and 6" on center at intermediate supports. Leave an 1/8" gap at all end and edge joints to allow for expansion. Design of roof sheathing assumes that the roof will be properly insulated and ventilated. Refer to APA publication N353N "Proper Installation of APA Rated Sheathing for Roof Applications."

FLOOR SHEATHING

137. Floor sheathing shall be minimum 23/32" thick tongue and groove APA rated panels, rated for spacing of supporting members. A minimum of 48/24 span rating is recommended. Provide Exposure 1 grade.
138. Panels shall be continuous over two or more spans, and long dimension of panel shall be perpendicular to supports. Fasten sheathing with construction adhesive and 8d nails spaced at 4" on center at supported edges and 6" on center at intermediate supports.

LVL WOOD MEMBERS

139. LVL members noted on drawings are engineered laminated veneer lumber as manufactured by the Weyerhaeuser Company. Alternate at contractor's option of equal design properties. Sizes shown on plan are actual size.

PSL WOOD MEMBERS

141. PSL members noted on drawings are engineered parallel strand lumber as manufactured by the Weyerhaeuser Company. Alternate at contractor's option of equal design properties. Sizes shown on plan are actual size.

LSL WOOD MEMBERS

143. LSL members noted on drawings are engineered laminated strand lumber as manufactured by the Weyerhaeuser Company. Alternate at contractor's option of equal design properties. Sizes shown on plan are actual size.

ADHESIVE/EXPANSION ANCHORS

145. Adhesive and expansion anchors shall be provided and installed in strict accordance with the manufacturer's instructions. Adhesive anchoring system to be Simpson SET XP adhesive. Concrete screws shall be Simpson Titen. Alternate anchoring system may be submitted for approval. "Fast Set epoxy" is not permitted. Reference drawings for additional information and requirements.

ABBREVIATIONS KEY:

&-	AND	INSUL.	-INSULATION
@-	AT	INT.	- INTERIOR
ADD.	ADDITIONAL	L.L.	- LOWER LEVEL
B.O.	BOTTOM OF	MANU.	-MANUFACTURER
BOT.	BOTTOM	MAX.	- MAXIMUM
B.TWN.	BETWEEN	MIN.	- MINIMUM
B.W.	BOTH WAYS	MIR.	- MIRROR
CAB.	CABINET/CABINETS	M.L.	- MAIN LEVEL
CANT.	CANTILEVER	M.O.	- MASONRY OPENING
CLR.	CLEARANCE	MTG.	- MEETING
CMU	CONCRETE MASONRY UNIT	MULL.	- MULLION
CNTR.	CENTERED	O.C.	- ON CENTER
CONC.	CONCRETE	PERP.	- PERPENDICULAR
CONT.	CONTINUOUS	PLY.	- PLYWOOD
D. FIR	DOUGLAS FIR	P.T.	- PRESSURE TREATED
DIA.	DIAMETER	REF.	- REFRIGERATOR
DL	DEAD LOAD	REQ.	- REQUIRED
DR.	DOOR	R.O.	- ROUGH OPENING
E.E.	EACH END	SIM.	- SIMILAR
EL.	ELEVATION	SL.	- SNOW LOAD
EQ.	EQUAL	SQ.FT.	- SQUARE FEET
E.S.	EACH SIDE	S.S.	- STAINLESS STEEL
E.W.	EACH WAY	S.S.T.	- SIMPSON STRONG-TIE
EXP.	EXPOSURE	STAG.	- STAGGER
EXT.	EXTERIOR	STD.	- STANDARD
F.F.	FINISHED FLOOR	T&G	- TONGUE AND GROOVE
FIN.	FINISHED	T.B.D.	- TO BE DETERMINED
FL.	FLOOR	T.O.	- TOP OF
FND.	FOUNDATION	TYP.	- TYPICAL
F.O.	FACE OF	U.N.O.	- UNLESS NOTED OTHERWISE
FR.	FRENCH	U.L.	- UPPER LEVEL
FTG.	FOOTING	V.B.	- VAPOR BARRIER
GALV.	- GALVANIZED	W/-	- WITH
H.	HEIGHT	W.	- WIDTH
I.F.	INSIDE FACE	W/O	- WITHOUT
INFO.	- INFORMATION	WDW.	- WINDOW

wallace

ARCHITECTURE, PLLC

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NOT FOR CONSTRUCTION

the SHAMBOUR GARAGE addition + remodel

Bernie + Karen Shambour
209 Playhouse Street East
Cologne, MN 55322

NOT FOR CONSTRUCTION

Sheet Size: 24 x 36

Project Number: 2214

Project Architect: Dan Wallace

Drawn By: Dan Wallace

Date of Issue: 21 AUG 2023

Review 3 - 17 AUG 2023

Review 2 - 8 AUG 2023

Permit 1 - 24 MAY 2023

Engineer 2 - 22 MAY 2023

01

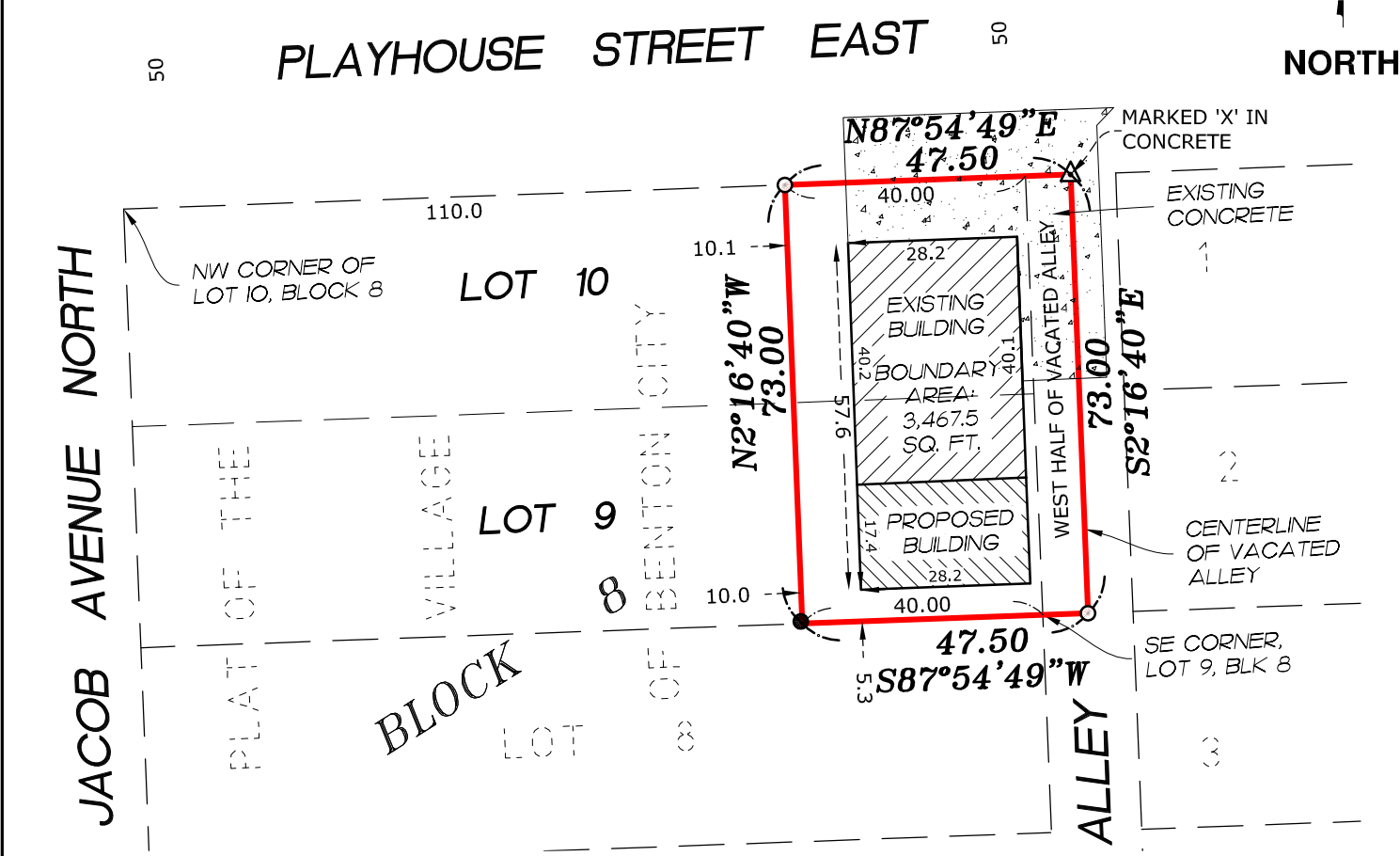
CERTIFICATE OF SURVEY

~for~ Karen M. Shambour Trust

~Part of~ Lots 9 & 10, Block 8 & part of the vacated Alley in Block 8, CITY

LOTS OF COLOGNE

209 Playhouse Street East, Cologne, MN



EXISTING IMPERVIOUS SURFACE COVERAGE		PROPOSED IMPERVIOUS SURFACE COVERAGE	
LOT AREA	3,467.50 S.F.	LOT AREA	3,467.50 S.F.
EXISTING BUILDING	1,128.56 S.F.	PROPOSED BUILDING ADD.	493.43 S.F.
EXISTING CONCRETE	597.10 S.F.	EXISTING IMPERVIOUS	1,725.66 S.F.
TOTAL IMPERVIOUS	1,725.66 S.F.	PROPOSED TOTAL IMPERVIOUS	2,219.09 S.F.
	50% of LOT		64.0% of LOT

BOUNDARY DESCRIPTION

Commencing at a point 110 feet east of the northwest corner of Lot Number Ten, (10), Block Number Eight, (8), thence running east 40 feet; thence running south 73 feet; thence running west 40 feet; thence running north 73 feet to place of beginning, being the east forty feet of Lots Nine (9), and Ten (10), Block Eight (8), in the Village of Cologne.
ALSO
The West Half of the vacated alley in Block 8, Plat of the Village of Benton City, according to the record plat thereof, now City or Village of Cologne, lying adjacent to Lots 9 and 10 of said Block 8.
* Alley vacated per City of Cologne Resolution 21-01, Recorded Jan 25, 2021, as Doc. No. A716175

SCALE: 1" = 30'	BEARING DATUM: Assumed	JOB NO. 20.1163LS	DRAWN BY: KDN	CREW: JWM
I hereby certify that this plan, survey 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.				
By: <i>Karen M. Shambour</i> Minnesota License No. 45356				
Dated 30th day of June, 2023.				

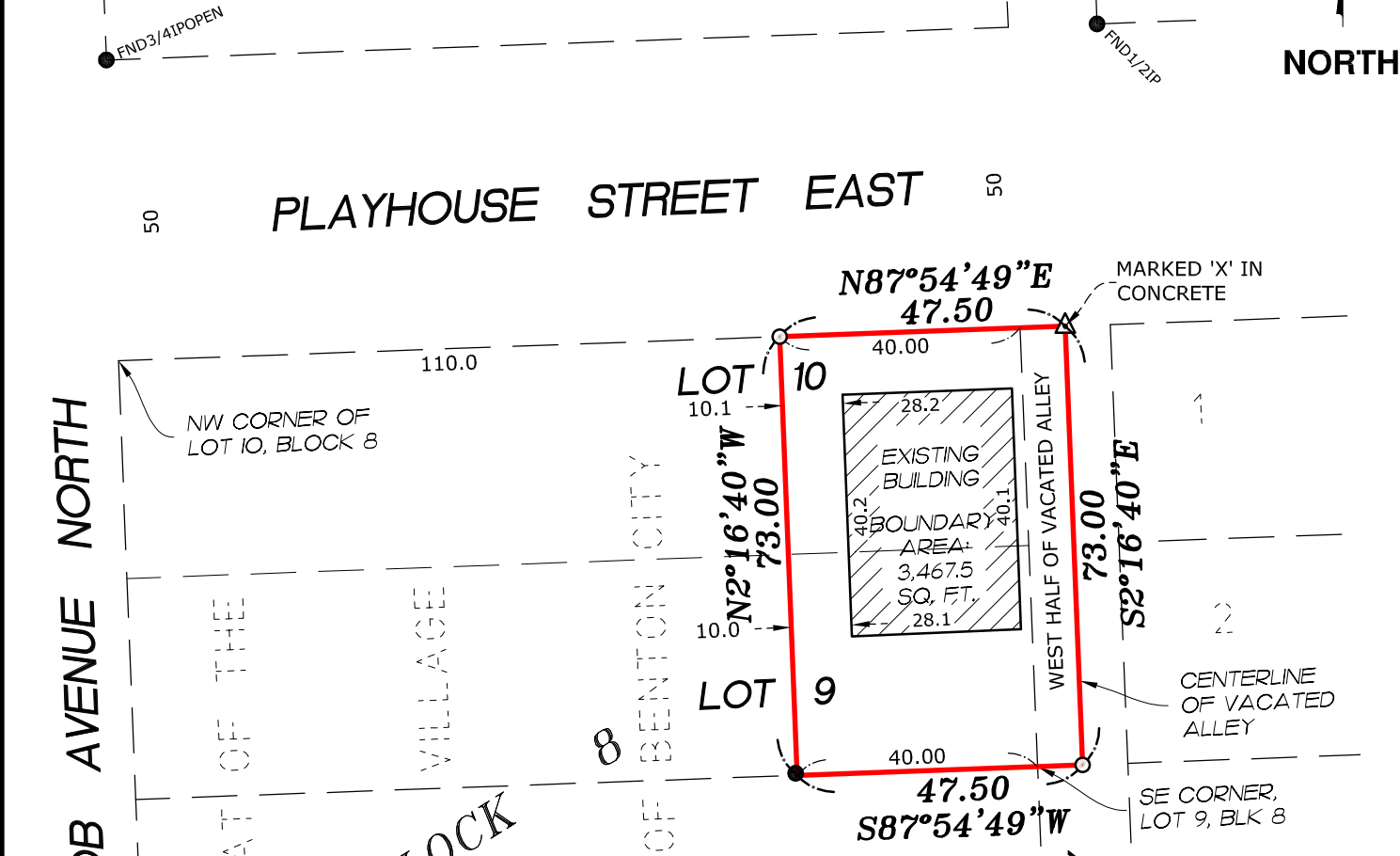
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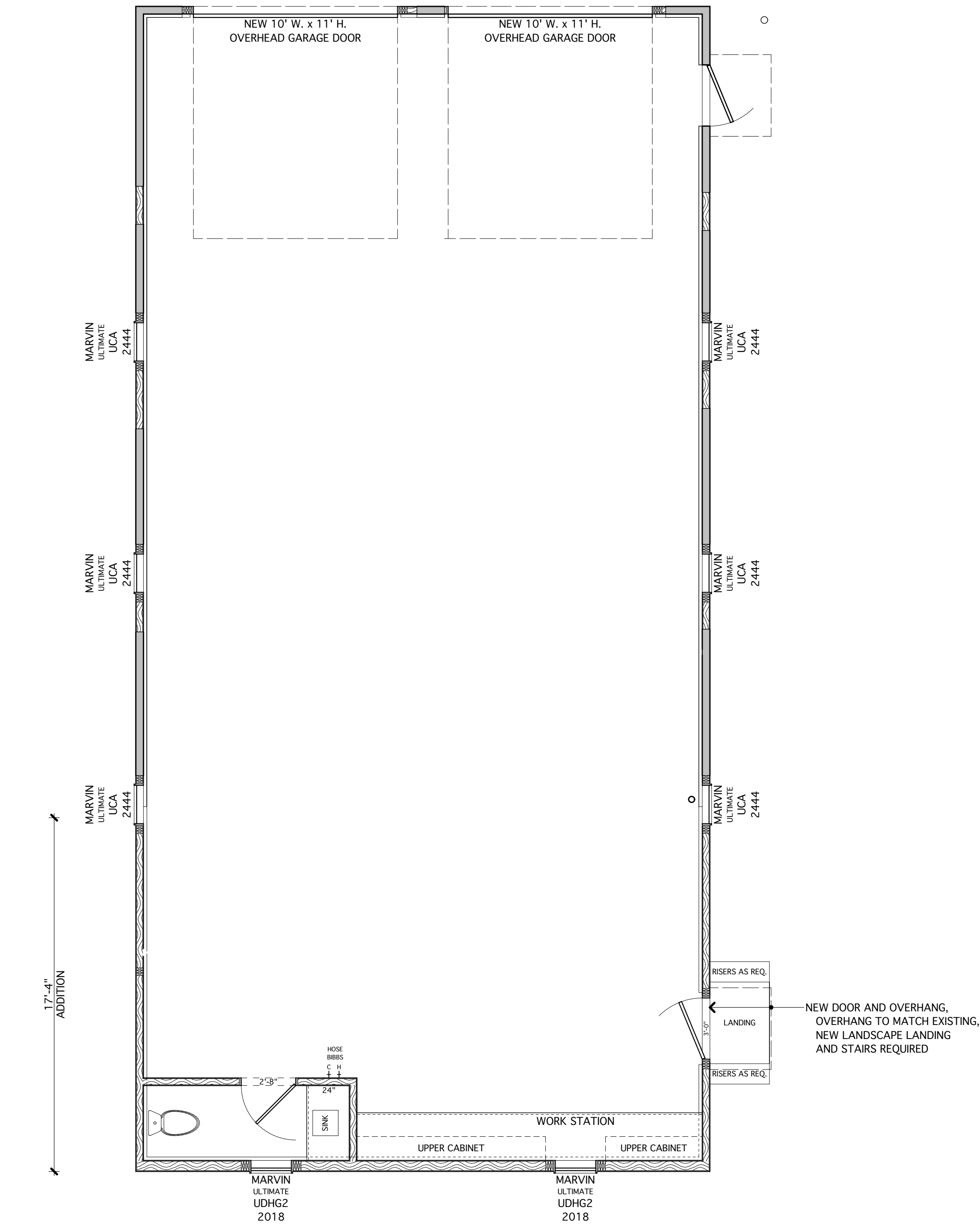
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By: <i>Karen M. Shambour</i> Minnesota License No. 45356				
Dated 4th day of April, 2023.				

GENERAL NOTES:
01. FIELD VERIFY EXISTING DIMENSIONS RELEVANT TO CONSTRUCTION PRIOR TO CONSTRUCTION. CONTACT ARCHITECT WITH ANY DISCREPANCIES AND/OR QUESTIONS PRIOR TO CONSTRUCTION.
02. DO NOT SCALE DIMENSIONS OFF OF DRAWINGS FOR CONSTRUCTION. CONTACT THE ARCHITECT WITH ANY QUESTIONS ON DIMENSIONS PRIOR TO CONSTRUCTION.
03. FIELD VERIFY ALL EXISTING LOAD BEARING CONDITIONS PRIOR TO DEMOLITION. BRACE AND SUPPORT ALL EXISTING CONDITIONS TO REMAIN AS REQUIRED DURING DEMOLITION AND THROUGHOUT CONSTRUCTION.
04. UNLESS NOTED OTHERWISE, WHERE GIVEN, DIMENSIONS ARE TO FACE OF STUD.



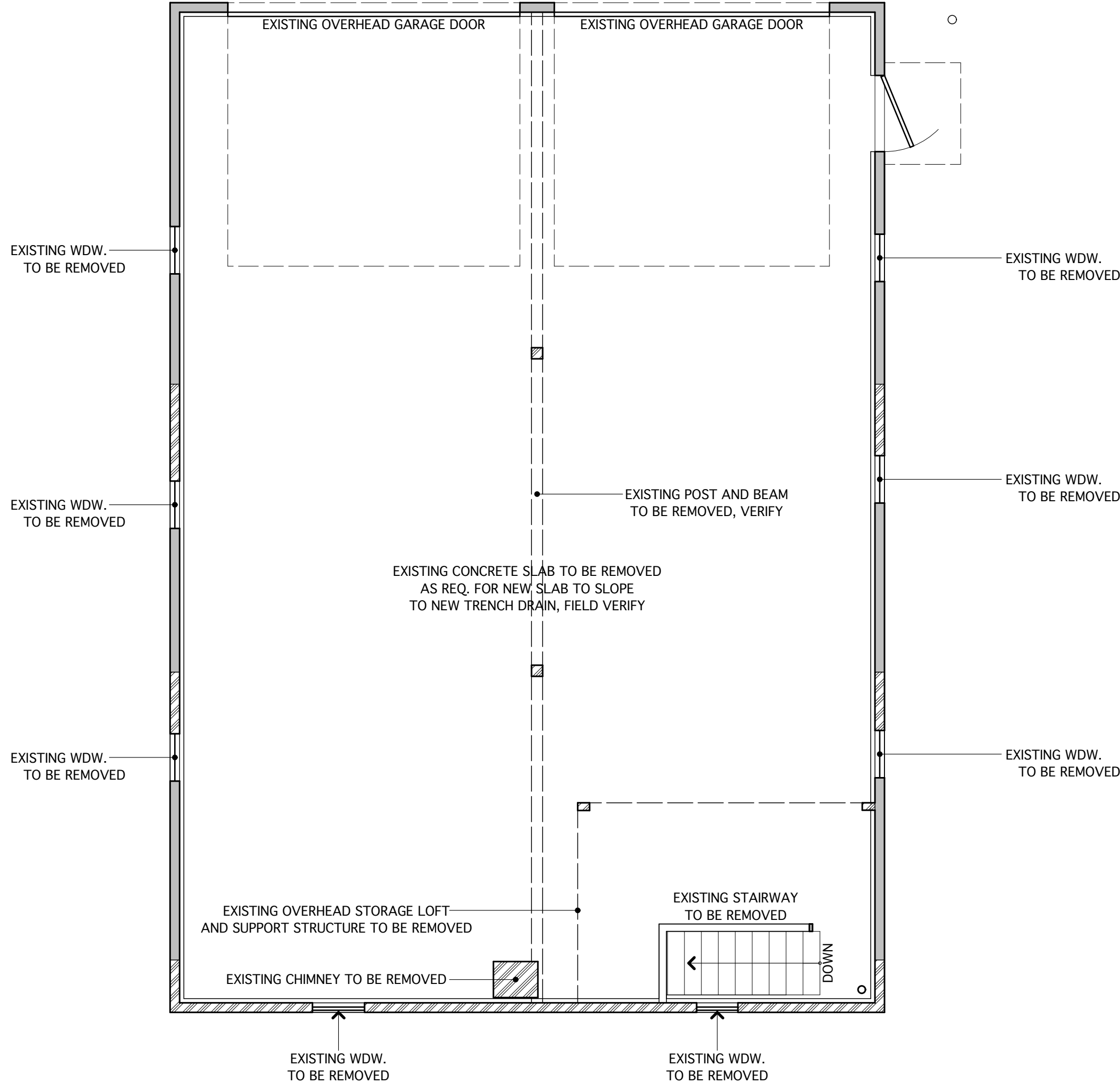
WALL KEY
EXISTING WALL TO REMAIN =
NEW 2 x WOOD STUD WALL =

2
02

PLAN - main level addition + remodel

SCALE: 1/4" = 1'-0"

GENERAL NOTES:
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WALL KEY
EXISTING WALL TO REMAIN =
EXISTING WALL TO BE REMOVED =

1
02

PLAN - main level existing + demolition

SCALE: 1/4" = 1'-0"

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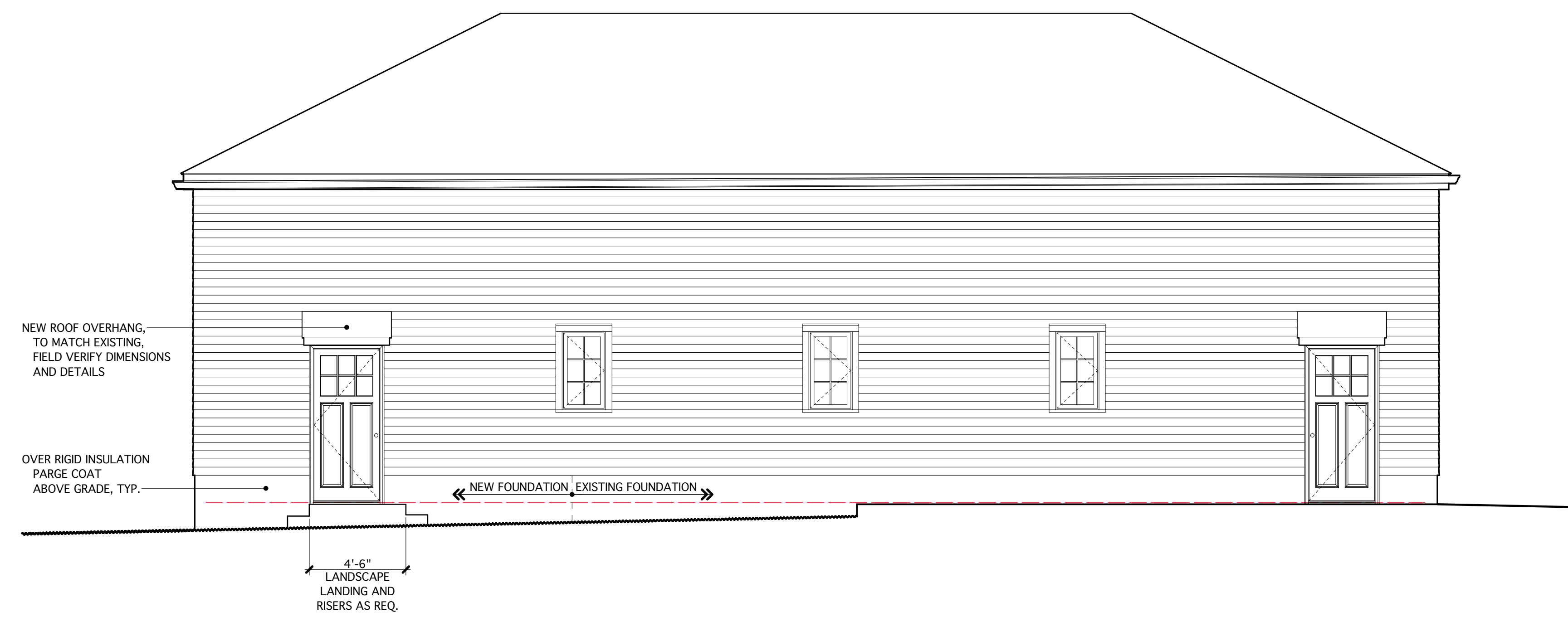
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EXTERIOR ELEVATION - east

SCALE: 1/4" = 1'-0"



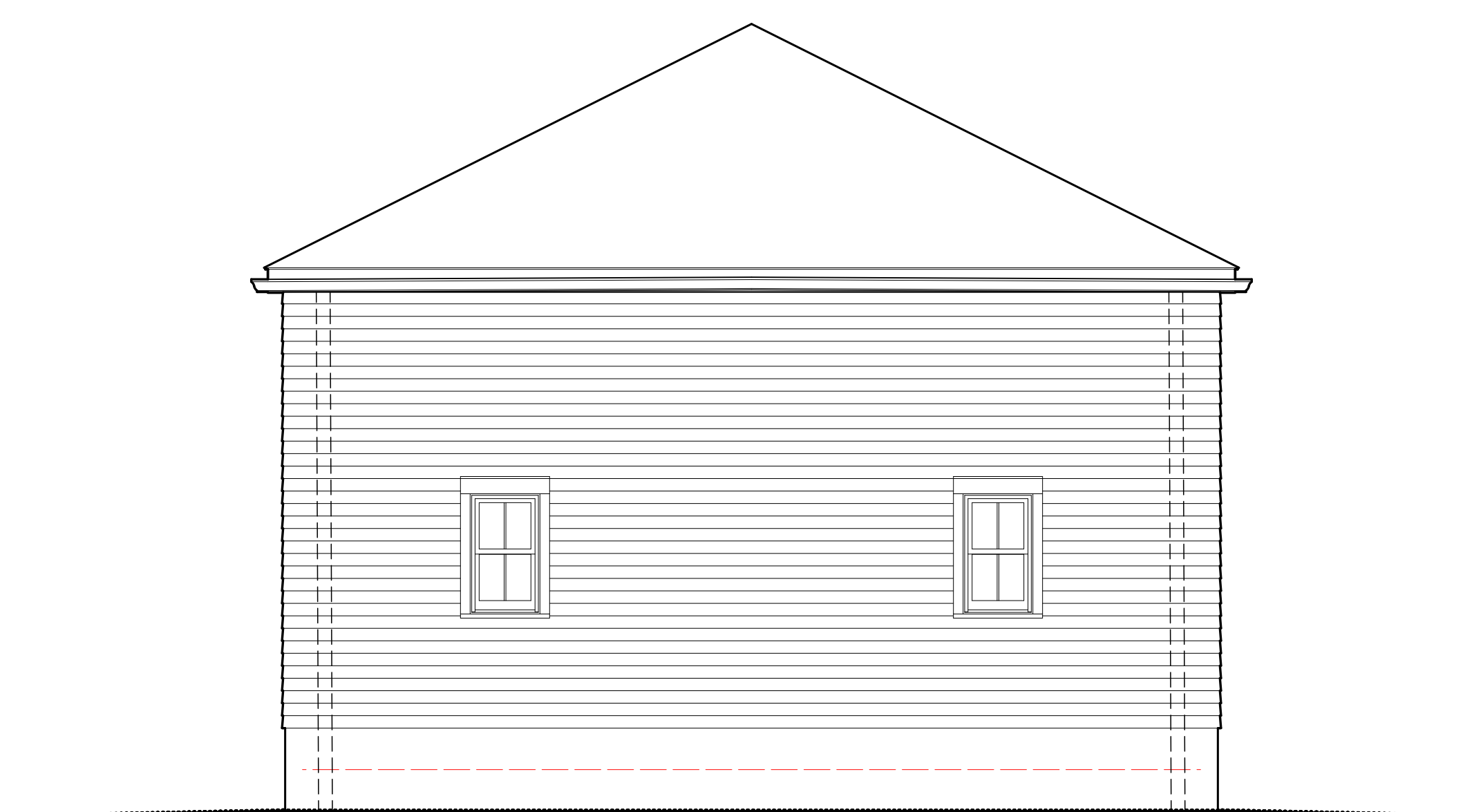
EXTERIOR ELEVATION - north

SCALE: 1/4" = 1'-0"



EXTERIOR ELEVATION - west

SCALE: 1/4" = 1'-0"



EXTERIOR ELEVATION - south

SCALE: 1/4" = 1'-0"

2
03

1
03

4
03

3
03

CERTIFICATE OF SURVEY

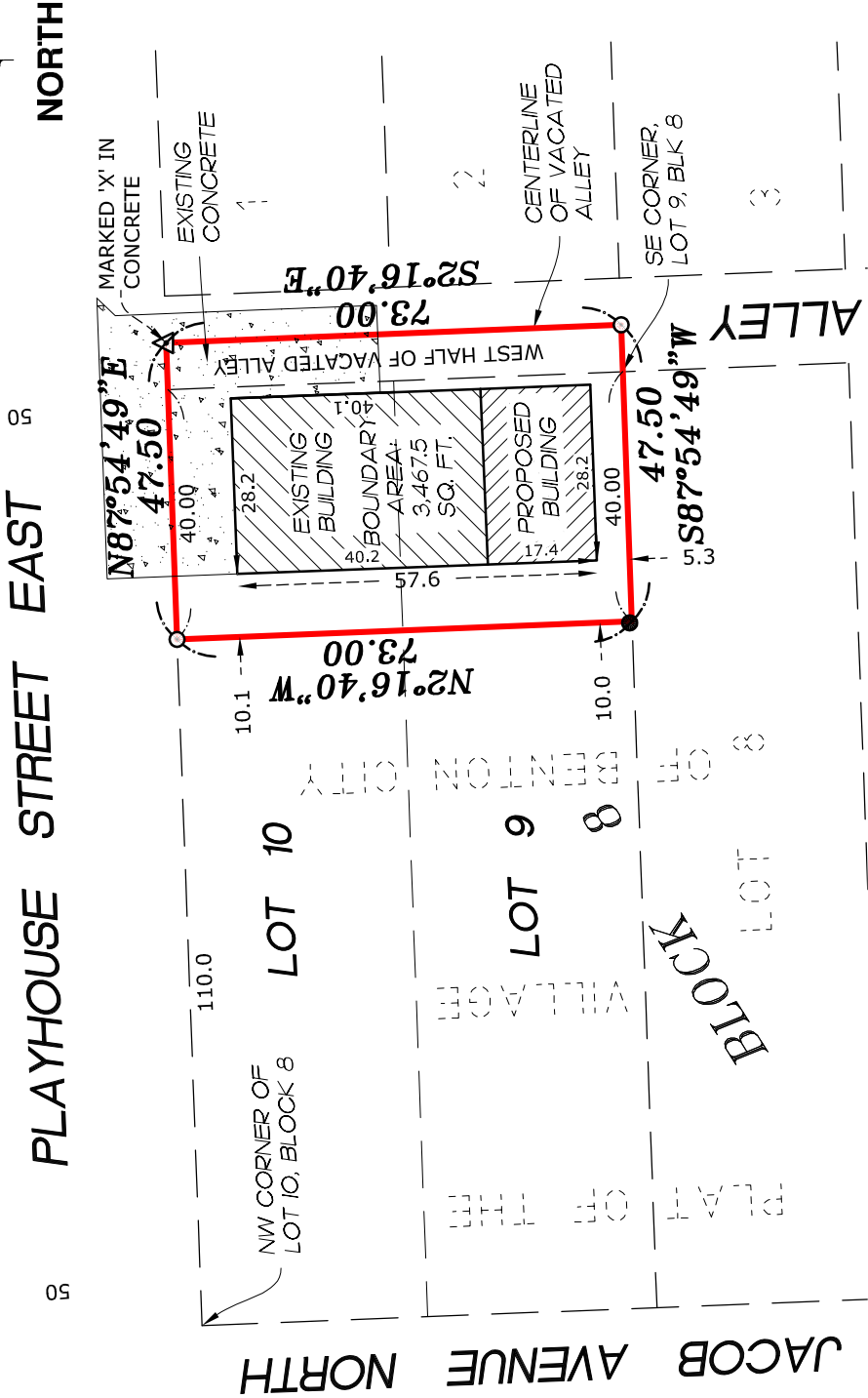
~for~ Karen M. Shambour Trust

~Part of~ Lots 9 & 10, Block 8 & part of the vacated Alley in Block 8, CITY
LOTS OF COLOGNE

209 Playhouse Street East, Cologne, MN

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET



EXISTING IMPERVIOUS SURFACE COVERAGE

LOT AREA	3,467.50 S.F.
EXISTING BUILDING	1,128.56 S.F.
EXISTING CONCRETE	597.10 S.F.
TOTAL IMPERVIOUS	1,725.66 S.F.
50% of LOT	

PROPOSED IMPERVIOUS SURFACE COVERAGE

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PROPOSED BUILDING ADD.	493.43 S.F.
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SCALE: 1" = 30' | BEARING DATUM: Assumed

I hereby certify that this plan, survey 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.

Dated 30th day of June, 2023.

By:  Minnesota License No. 45356

DATE: 4/04/2023

REVISIONS	
#	DATE
1	16FEB21
2	30JUN23
3	17AUG23
4	

DRAWN BY: KDN | CREW: JWM

E.G. RUD & SONS, INC.
PROFESSIONAL LAND SURVEYORS
335 Main Ave., P.O. Box 988
Gaylord, MN 55334
TEL. (507) 237-5212
www.egrud.com

L-B

**CITY OF COLOGNE
PLANNING COMMISSION
RESOLUTION NO. 23-01
RESOLUTION DENYING VARIANCE FOR 209 PLAYHOUSE STREET EAST**

WHEREAS, Bernie and Karen Shambour (“Applicant”) are the applicants for an application related to property located at 209 Playhouse St E (the “Subject Property”); and

WHEREAS, the property is zoned C-2 Central Business District and lies within the Shoreland Overlay District, which limits impervious surface coverage to 25%; and

WHEREAS, the property currently has a structure consisting of approximately 1,133 square feet that has been used for storage as per the application submitted by the Applicant for at least 85 years; and

WHEREAS, the property also currently has approximately 50% impervious surface coverage; and

WHEREAS, the Applicant applied for a variance on May 25, 2023 requesting the City to permit impervious surface coverage of 79% of the Subject Property following a nearly complete demolition of the existing 1,133 square foot structure and building a new structure consisting of 2,050 square feet; (“Original Application Submittal”); and

WHEREAS, the Applicant submitted a revised application and plan set on August 22, 2023 (“Revised Application”) that reduces the size of the proposed addition to an additional 493.43 square feet and 64% impervious surface coverage and also provided the following list of activities for the building:

- K&B Property Services – volunteer lawn cutting, herbicide application, seasonal power vacuuming, tree trimming, brush removal, snow thrower/loader volunteer services. Light preventative maintenance work such as mower deck blade sharpening, greasing, air-oil filter changing, etc. (no motor repairs)
- Christmas Light and Seasonal Decoration Volunteer Testing and Repairs – Cologne Lions, Benton Gardens, and Shambour Park
- CAP Agency, Carver, Scott, Dakota Counties transfer seasonal items using an aged SUV and pickup truck
- Volunteer Senior auto detailing and moving assistance
- Red Cross Bloodmobile Drive – Volunteer Coordinator Services (since 1988)

WHEREAS, the Applicant has not stated which of the uses listed in the C-2 Business District that his proposed activities are consistent with; and

WHEREAS, neither the original application nor the amended application state the specific requirements of the Zoning Ordinance from which a variance is sought; and

WHEREAS, because of the conflict between the request in the application and the applicable provisions of the Zoning Code, and the emphasis on uses and exhibits related to water runoff in the application, the Planning Commission interprets the application as amended as a request for a variance from the impervious surface coverage requirements and from the list of permitted uses in the zoning district; and

WHEREAS, the activities provided by the Applicant in the Revised Application appear to be primarily related to the storage of personal items used for various purposes for volunteer activities or maintenance of their own properties, and includes the repair of motorized equipment; and

WHEREAS, the design of the building with no office, two garage doors and a possible floor trench drain are consistent with an auto-repair/motorized equipment repair shop or an expansion of a storage use neither of which is a permitted use in the C-2 Zoning District; and

WHEREAS, the C-2 Zoning District allows the following uses as either permitted uses or interim uses:

Permitted uses.

- (1) Retail sales conducted within structures, but excluding automobile and motorized equipment sales, truck stops, gasoline and fuel sales, drive-through restaurants and adult-oriented businesses.
- (2) Repair and service conducted within structures, but excluding automobile and motorized equipment repair.
- (3) Professional and business offices.
- (4) Legal, nonconforming residences and accessory uses.
- (5) Accessory apartments.
- (6) Theaters and recreational businesses conducted within structures, but excluding adult-oriented businesses.
- (7) Daycare centers.
- (8) Cabinet making and sales showroom.

Interim uses.

- (1) Tractor trailer parking.
- (2) Masonry construction trade business and showroom.
- (3) Churches and pre-schools in renovated pre-existing commercial structures, located on A-Minor Arterial Highways as depicted on figure four of the City of Cologne 2030 Comprehensive Plan.
- (4) Used automobile sales as an accessory use to legal nonconforming automobile body repair businesses.

WHEREAS, storage is not listed as a permitted or interim use, and as such is considered a non-conforming use in the C-2 Business District; and

WHEREAS, Section 153.007 of the Cologne City Code does not permit the expansion or enlargement of nonconforming uses; and

WHEREAS, the subject property is within the Shoreland Overlay District, being approximately 915 feet from Benton Lake, which the Minnesota Pollution Control Agency has declared to be an impaired body of water; and

WHEREAS, the maximum allowed impervious surface coverage in the Shoreland Overlay District is 25%;

WHEREAS, 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.
- c. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.

In order to grant a variance, the request must satisfy all three of the practical difficulties criteria listed.

WHEREAS, the Planning Commission held a public hearing at its meeting on July 17, 2023 and then tabled the consideration of the variance to a future meeting to provide the applicant with an opportunity to redesign the building to be contained within the existing structure footprint; and

WHEREAS, the public hearing was properly noticed and scheduled for July 17, 2023; and

WHEREAS, the application was reviewed by the Planning Commission at its meetings on July 17, 2023 and September 5, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby make the following findings of fact:

1. The above recitals and accompanying comment memo from Collaborative Planning, LLC are hereby incorporated as findings of fact.
2. A variance related to the expansion of the non-conforming use is not in harmony with the general purpose and intent of the ordinance, because it requests permission to expand a use which is not allowed in the district. A variance from the impervious surface requirements would be inconsistent with the purpose and intent of the City ordinances and would be counter to public policy indicated in state statute, which is to regulate and reduce the amount of impervious surfaces.

3. The variance requested is not consistent with the comprehensive plan.
4. The application does not establish practical difficulties in complying with the ordinance. The proposed variance does not meet criteria 1 and 2 of the practical difficulties analysis:
 1. The proposed use is not reasonable in light of the disharmony with the general purpose and intent of the ordinance. The Zoning Ordinance provides for the continued use of non-conforming structures and uses subject to the terms of Section 153.007, but does not permit the expansion of those non-conforming structures and uses. Per the application, the property has been used in this scale and manner for the past 85 years and could continue but for the existing condition of two walls of the building. The applicant has not proposed a repair or replacement plan that stabilizes the existing building or reconstructs a new building of the same size and scale on the same footprint as an option.

The use is not permitted in the district, and the Zoning Ordinance and Minnesota law do not permit variances for the expansion of non-conforming uses. If a new building is desired, it has not been shown that it could not be constructed on the same footprint without expansion, which may be permissible under Minnesota law.

2. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The applicant desires to expand a non-conforming use by approximately 43%, and to do so by increasing the impervious coverage on the property. If a property owner were to construct on a vacant lot they would be required to meet both the performance and use standards of the Zoning Ordinance. No circumstances have been provided to identify why the circumstances are unique to the property, nor has the property owner demonstrated that they could not stabilize the existing building without the need for an addition.
3. A variance will not significantly alter the essential character of the locality. A maintained structure would be more attractive than one that has deferred maintenance. The existing building does not have apparent historic value that would be recommended to preserve. Nearby properties are in the older portion of the city and consist of a mix of homes, commercial structures, utility structures and park land. The proposed structure is considerably larger than the existing building.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the application to issue a variance to permit impervious surface coverage of 64% to allow an expansion of a non-conforming use in the C-2 Zoning District.

Approved:

By: _____

Attested:

Michelle Morrison
City Clerk