

**CITY OF COLOGNE
BOARD OF APPEALS AND ADJUSTMENTS
RESOLUTION NO. 25-01**

**RESOLUTION APPROVING A VARIANCE TO PERMIT THE PARKING AND
DRIVEWAY AREA TO REMAIN GRAVEL INSTEAD OF REQUIRING IT TO BE
PAVED, AND ALLOWING A REDUCTION IN THE SETBACK FROM THE SOUTH
PROPERTY LINE FOR THE PROPERTY LOCATED AT 180 ADAMS AVENUE
SOUTH AND KNOWN AS LOCKED LOON**

WHEREAS Odat Holdings, LLC ("Applicant") is the applicant for a variance related to property located at 180 Adams Avenue South (PID #400132400, 400134600 and #400132100) and as legally described on Exhibit A; and

WHEREAS, the property is zoned C-3, General Business and is located in the Downtown Overlay District; and

WHEREAS, the Applicant had applied for a variance to 1) permit the parking and driveway area to remain gravel and 2) allow a reduction in the setback from the south property line for construction of a new building; and

WHEREAS, the property currently consists of a mini-storage area with associated outside storage; and

WHEREAS, Section 153.012 of the zoning ordinance requires that parking and driveway areas shall be paved with bituminous or concrete surfaces in all new or modified commercial and industrial areas; and

WHEREAS, within the Downtown Overlay District, parcels that are in existence on September 1, 2000 may meet the dimensional standards of the C-2 Zoning District which would include reduced setbacks. The portion of the property containing the new buildings was annexed to the City in 2012 and would not qualify for that reduction. The setback from the south property line is 30 feet but is shown on the plans as 11.7 feet; and

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.

WHEREAS, the public hearing was properly noticed and scheduled for July 21, 2025; and

WHEREAS, the application and staff report were reviewed by the Board of Appeals and Adjustment at its meeting on July 21, 2025; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Appeals and Adjustments makes the following findings:

1. The proposed variance is a reasonable use of the land. The site is currently served by a gravel driveway from an adjacent property to the west, and this property is not visible from the road, nor would it directly track gravel onto a city road. Surfacing of the site would provide greater distinction between the areas that are required to be maintained in grass versus those areas that are suitable to drive on. If the area remains gravel, then gravel on the site may increase over time into the areas that are to remain in grass. The owner will need to be diligent in ensuring that the areas shown in green on Sheet 3.0 and Sheet 4.1 remain stabilized as turf.

Without the setback variance, there is not room to construct a building on the south side. In that case, it could be anticipated that the owner may want to use that area for outdoor storage instead. A building in that location is preferable to additional outdoor storage, and would blend in with the existing setbacks on the property.

2. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property with the exception that the property is currently being used in this manner. The landowner is proposing the construction of three new buildings and the removal of existing trees and vegetation in order to move the outdoor storage area to another location. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. 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. The owner has identified cost as the primary factor as to why they cannot pave the parking lot, as well as that it would have an impact on surface water management on the site. There is not an increase in impervious surface being proposed by the project, and a portion of the existing gravel area will be returned to vegetation instead.
3. A variance will not significantly alter the essential character of the locality. There is low visibility to the site except for those from properties immediately adjacent and to the north. The property is not visible from the public road.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Board of Appeals and Adjustments makes the following findings:

1. Granting a variance will not adversely affect the public health, welfare and safety and will not be detrimental or injurious to property or improvements in the neighborhood. The variance will allow for additional buildings to be

constructed without increasing impervious surface on the property, continuing new buildings in the same arrangement as existing buildings.

2. Strict interpretation or enforcement would result in a practical difficulty or unnecessary hardship that is neither self-created nor inconsistent with the intent of this chapter and the comprehensive plan. The variance request is consistent with the Comprehensive Plan, which seeks to minimize environmental impacts, and reduce unnecessary impervious surface coverage. The proposed development does not increase impervious surface but would allow for the construction of additional buildings. Outdoor storage would be confined to a specific area which would not result in additional impervious surface as it would remain in vegetation. The arrangement of the buildings on the site follows the same setback pattern as the existing buildings.
3. 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. This property is unusual in that it receives access from an existing gravel driveway on an adjacent property.
4. 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. No additional impervious surface is being added to the site if constructed in accordance with the proposed site plan. Additional buildings would be constructed, and a portion of the existing gravel areas will be returned to vegetation.
5. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question. The mini-storage is a permitted use in this zoning district.

BE IT FURTHER RESOLVED, the Board of Appeals and Adjustments approves a variance to permit the parking and driveway areas to remain gravel and to permit a reduction in the setback from the south property line subject to the following conditions:

1. The Property Owner shall develop the site in substantial conformance with the plans prepared by Excavate and Elevate Engineering, dated June 13, 2025 on file at City Hall (the “Approved Plans”).
2. The turf (grass) areas on site must be maintained in accordance with the approved plans. Specifically, the areas designated as turf on Sheet 4.1 of the Approved Plans shall not be altered to gravel, bare soil, or any other surface, and must remain as properly maintained turf that meets the final stabilization requirements.
3. This variance related to paving shall expire and paving as may be required under the City of Cologne’s ordinances is required under the following circumstances:

- a. Change of use of the site from mini-storage storage to a different use.
 - b. Expansion or intensification of the mini-storage or accessory outdoor storage on site.
4. All funds owed to the City for the processing of this application shall be paid in full prior to the issuance of a building permit.
5. The variance shall expire if these conditions are not met and a building permit application is not received for the property by July 21, 2026.

Date: July 21, 2025

Approved:



Bernie Shambour
Chair

Attested:



Michelle Morrison
City Clerk

Exhibit A
Legal Description

LEGAL DESCRIPTION

EXHIBIT A

The Land is described as follows:

Parcel 1

A part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company's depot grounds located in the Southeast Quarter of the Northwest Quarter of Section 13, Township 115, Range 25, Town of Cologne, more particularly described as follows: Beginning at the point of intersection of east line of said Northwest Quarter of Section 13 and the southerly line of said depot grounds, said point being 715.5 Northerly of the center of said section as measured along the north/south centerline of said section; thence Southwesterly along said Southerly depot ground line 173 feet; thence Northwesterly perpendicular to said last described line 155 feet to a point 37 feet distant Southeasterly as measured perpendicular to centerline of the Soo Line Railroad Company's main track; thence Northeasterly along a line parallel to and 37 feet distant southeasterly from said main track centerline to a point in the east line of the aforementioned Northwest Quarter of Section 13; thence Southerly along said east line to the point of beginning.

Parcel ID# 40.0134600

AND

Parcels 2 & 3

Commencing at a point on the east line of the Southeast Quarter of the Northwest Quarter of Section 13, Township 115, Range 25 where the south line of the right of way of the Chicago, Milwaukee, and St. Paul and Pacific Railroad intersects said east line; thence South along said east line a distance of approximately 75.5 feet; thence Northeasterly at an angle of North 76 degrees 30 minutes East and distance 75.5 feet from south line said Railway to a point intersecting with south line of said Railway; thence North and Westerly along south line of said Railroad right of way to point 525.0 feet distant from point of beginning; thence Southwesterly along south line of said Railroad right of way distance 525.0 feet to place of beginning.

AND

A part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad right of way located in the Southwest Quarter of the Northeast Quarter in Section 13, Township 115, Range 25, described as follows: Beginning at the point of intersection of the west line of the Southwest Quarter of the Northeast Quarter of said Section 13 with the southeasterly line of said right of way; thence Northeasterly along the southeasterly line of said right of way, a distance of 525.0 feet; thence Northerly along a line which is parallel with the west line of the Southwest Quarter of the Northeast Quarter of said Section 13, a distance of 105 feet, more or less, to a point on a line which is 37 feet Southeasterly of as measured at right angles to and parallel with the centerline of the most Southerly main tract (East Bound Main) of the Soo Line Railroad Company; thence Southwesterly along a line 37 feet Southeasterly of and parallel with the centerline of said main tract a distance of 525 feet, more or less, to a point on the west line of the Southwest Quarter of the Northeast Quarter of said Section 13; thence Southerly along the west line of the Southwest Quarter of the Northeast Quarter of Section 13 a distance of 105 feet, more or less, to the point of beginning.

Parcel ID# 40.0132400

Parcel ID# 40.0135100

This property is all located in Carver County, State of MN

