

**CITY OF COLOGNE
CITY COUNCIL
RESOLUTION NO. 26-11**

**RESOLUTION APPROVING A VARIANCE RELATED TO A PROPOSED
ACCESSORY STRUCTURE AT 401 PRAIRIE VIEW DRIVE**

WHEREAS, Chad Vos (“Applicant”) is the applicant for a variance related to property located at 401 Prairie View Drive and PID #408010060; and

WHEREAS, the property is legally described as:

Lot 6, Block 1, Winkler Crossing Second Addition, Carver County, Minnesota

Referred to herein as the “Subject Property”; and

WHEREAS, the Subject Property is zoned R-1 Single Family Detaches in a Planned Unit Development; and

WHEREAS, the Applicant had applied for a variance to construct an accessory structure that is larger than the size allowed for accessory structures; and

WHEREAS, Section 153.016 of the Cologne Code of Ordinances limits detached accessory structures to a maximum of 200 square feet; and

WHEREAS, the Applicant is proposing to construct an accessory structure of approximately 864 square feet on the Subject Property; 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 June 3, 2026 Planning Commission meeting; and

WHEREAS, the application and staff report were reviewed by the Planning Commission at its meeting on June 3, 2026 at which the Planning Commission recommended approval of the variance subject to conditions; and

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

1. The proposed variance is a reasonable use of the land. The City Code of Ordinances provides all homeowners with the opportunity to have a reasonable amount of accessory structure, which is typically an attached accessory structure in the form of an attached garage and then a small detached storage structure of not more than 200 square feet. The property is of typical size (.46 acres) and already contains at least a 3-car garage that is attached to the home, but is also a corner lot that provides some opportunity to have a limited driveway access that does not impact neighboring properties or change the façade of the home and yard as viewed from the front. The request, as prepared and presented, would still meet the impervious surface requirements of the zoning district when mitigated by the use of a grass engineered driveway system. Future conversion of the “grass protecta” type mesh system to a gravel or paved driveway should be prohibited.
2. The property is somewhat unique in that it is a corner lot. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The lot is typical of residential lots within the City. Here, the Applicant wants to construct an improvement that is larger than allowed under the zoning code.
3. The variance would not alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 3-car attached garage, and an occasional small storage shed in the back yard. None of the properties on the Applicant’s block have both a 3-car attached as well as large detached accessory garage structure, but the other lots are also not corner lots. The view of the lot from the front of the home will remain substantially the same as it currently exists.

NOW, THEREFORE, BE IT FURTHER RESOLVED, City Council acting as 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 proposed accessory building is on a larger corner lot. There will be minimal sight lines to the building, and the property can still meet the impervious surface requirements provided the driveway is not constructed with an impervious product.

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 property is somewhat unique in Cologne for as it is a little larger and is a corner lot with frontage on two streets. The property owner would not have more impervious surface than would be allowed on the lot under the ordinances.
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. The property is unique in Cologne for its size of lot and frontage on two streets.
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. Without the variance, the applicant would need to have a smaller accessory building.
5. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question. Accessory structures are a permitted accessory use.

BE IT FURTHER RESOLVED, the City Council approves a variance to an accessory building consisting of approximately 864 square feet, subject to the following conditions:

1. A building permit shall be secured for the accessory structure which shall be constructed in substantial conformance with the plans included within the City Council packet and as updated with the survey prepared by E.G. Rud & Sons, Inc. dated June 6, 2026
2. The driveway to the shed shall be constructed with the “grass protecta” mesh or similar product, which shall be installed and maintained per manufacturer directions. The driveway shall not be converted to a gravel, paved, concrete or other impervious type of driveway. If the driveway is converted from the approved driveway type to a different driveway type, the City may use all legal means available to it to enforce the conditions of the permit and to have the driveway removed.
3. Applicants, their successors, and assigns, shall reimburse the City for all administrative, legal, and professional costs incurred for the enforcement of this Variance. Applicants agree to pay all such costs within 30 days of billing by the City. Bills not paid within 30 days of billing by the City shall accrue interest at the rate of 6% per year. Further, if Applicants fail to pay said amounts within the time permitted, the City may specially assess such costs against the property. Applicants by accepting this Variance voluntarily waives any and all rights to appeal any certification/assessment under any applicable statutes, the Constitution, and case law.

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 existing accessory building shall be removed prior to the issuance of a building permit for the new accessory building.
6. The variance shall expire if these conditions are not met and a building permit application is not received for the property by June 15, 2027.

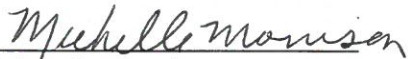
Date: June 15, 2026

Approved:



Matt Lein
Mayor

Attested:



Michelle Morrison
City Clerk