

TO: Cannon Falls City Council
FROM: Neil Jensen, City Administrator
SUBJECT: Variance for Rick and Jason Knowlton at 6695 Bluff Drive
DATE: July 6, 2021

BACKGROUND

A Planning Commission meeting was held on Monday, June 14, 2021 to consider a request for Variance by Rick and Jason Knowlton at 6695 Bluff Drive. Planning Commission approved the Variance request 4-1 on June 14, 2021.

The following exhibits are enclosed to further describe the request for Variance:

1. Development Application from Rick and Jason Knowlton
2. GIS Overhead Lot Depiction
3. City Code 152.546 Lot Requirements and Setbacks
4. Survey from Rapp Land Surveying Incorporated
5. New home plan
6. Sandstone Ridge Development Agreement
7. Public Works Commission Meeting Minutes, June 3, 2021

This lot is zoned *R-3 Medium Density Residential District*, PID #524550340. The current setbacks for this property are 25 ft. front, 25 ft. rear (with a double frontage lot), 20 ft. side (abutting a public right-of-way), and 5 ft. on a garage side only when accommodating an attached garage. The proposed Variance request would allow Rick and Jason Knowlton to build a home with a 21.46 front setback (3.54 ft. variance) to allow a front entry porch. The request for Variance would also allow for a 6 ft. rear setback (19 ft. variance). The rear Variance would make it possible for the homeowner to have a 16' x 16' 4-season porch. This house will front Sandstone Road.

In consulting with our City Attorney, she recommended denial of this variance. *She stated that a variance can only be granted if the applicant establishes that practical difficulties in complying with the zoning ordinance exists. This means the plight of the landowner is due to circumstances unique to the property not created by the homeowner.* The City Attorney does not see any circumstances that are unique to the property that would require a variance; nor does she see how those circumstances are not created by the landowner since the only issue is the design of the home. She continued that based on the lack of any practical difficulties, issuing a variance in this situation is not appropriate and would leave the City open to challenge or possible lawsuit.

In addition, Sandstone is not open and therefore a driveway cannot be connected to it at this time. (The road is not finished well; therefore, the City has not accepted it or opened it and it is not available for public use.) Once the road is brought up to City standards, the City will accept and open the road. The City Attorney emphasized that Bluff Drive is open.

REQUESTED COUNCIL ACTION

Provided in your packet are two resolutions, one for denial and one for approval for the Variance for 6695 Bluff Drive. Please have the discussion on this agenda item and make your decision accordingly.



P A I D MAY 25 2021 *✓ 19769*

845800

May 26th

June 14th

July 6th

DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9308

SUBJECT TO STAFF REVIEW

Street Location of Property: Corner of Bluff Drive & Sandstone Road

Legal Description of Property: Lot 1 Block 5 Sandstone Ridge

Owner of Record: Name: Rick & Jason Knowlton
Daytime Phone: 507-259-6444
Address: 31370 68th Ave. Way
Cannon Falls Mn. 55009
E-Mail Address: Rknowl154@yahoo.com

Applicant (if other
than owner)

Name: _____
Daytime Phone: _____
Address: _____
E-Mail Address: _____

Notary Stamp

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|--------------------------|---|-------------------------------------|-----------------------------------|
| Request: | <input type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input type="checkbox"/> | Subdivision | <input checked="" type="checkbox"/> | Variance |
| | | <input type="checkbox"/> Concept | <input type="checkbox"/> | Interim Use Permit |
| | | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> | Amendment |
| | | <input type="checkbox"/> Final Plat | <input type="checkbox"/> | CUP/PUD |
| | | <input type="checkbox"/> Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input type="checkbox"/> | Vacation | <input type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

Note: Each requested approval may require a separate fee and/or escrow amount, even where they apply to the same project.

Date Application Received: _____

Date Submission Deemed to be Complete: _____

Give detailed description of project and reason for conditional use or variance, if applicable:

1. Rear yard Set back to 6' to allow for
a 16' x 16' 4 season porch

2. Front yard Set back to 21.96 to allow for
Front entry Porch

SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed on a Planning Commission agenda for consideration. Applications that do not include the proper plans and/or documentation may be delayed from formal review. **FAILURE ON THE PART OF THE APPLICANT TO SUPPLY ALL NECESSARY SUPPORTIVE INFORMATION MAY BE GROUNDS FOR DENIAL OF THE REQUEST.**

APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city and that, if additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional escrow amounts and payment. These fees include all actual costs including, but not limited to, planning, engineering, public notification and legal costs. All processing of an application will be halted if payments are not made within 30 days of receipt of a monthly statement from the City, in the event any escrow account established is insufficient to cover the costs.

SIGNED:


Property Owner

Date: 5-25-21

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: _____

Basic Fees: _____

Received By: _____

Escrow Deposit: _____

Evidence of Ownership Submitted: ☐ Yes

☐ No

☐ Required

Certified Lot Survey: ☐ Yes

☐ No

☐ Required

Legal Description Adequate: ☐ Yes

☐ No

☐ Required

Date of Planning Commission Meeting: _____

Recommendation of Planning Commission on: _____ ☐ Approve ☐ Deny

Recommendation of City Council on: _____ ☐ Approve ☐ Deny

Subject to following conditions: _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, June 14, 2021 beginning at 6:30 p.m. (or as soon thereafter as the matter may be heard) in the City Council Chambers at City Hall, 918 River Road, to conduct a public hearing to consider an application requesting a 3.54 ft. front variance to accommodate an entry porch and a 19 ft. rear variance which would allow for a 16' x 16' four season porch at 6695 Bluff Drive, (PID 524550340). Current setbacks are 25 ft. front and 25 ft. rear for a double frontage lot. The property is in the R-3 Medium Density Residential District. Any other applicable zoning requirements that affect the application will also be considered at this time.

More detailed information relating to the application is available for public inspection at the office of the City Administrator, 918 River Road, Cannon Falls, MN 55009.

Anyone interested in offering comments with regard to the application for the Variance will be given an opportunity to do so at this hearing.

Neil Jensen, City Administrator

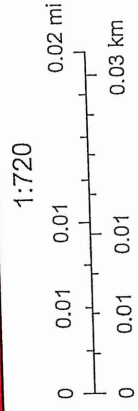
507-263-9304

ArcGIS WebMap



May 26, 2021

- Township or Other Roads
- Township or Other Roads
- Parcels
- House Number



(A) Essential services, except transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, as regulated by §§ 152.385 through 152.389 of this chapter;

(B) Home occupations, as regulated by §§ 152.295 through 152.300 of this chapter;

(C) Model homes as regulated by §§ 152.205 through 152.216 of this chapter;

(D) Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by §§ 152.330 through 152.337 of this chapter; and

(E) Temporary structures as regulated by §§ 152.205 through 152.216 of this chapter.
(Prior Code, § 11-55-6) (Ord. 258, passed 5-4-2006)

§ 152.546 LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-3 District subject to additional requirements, exceptions and modifications set forth in this chapter.

Double frontage lots	155 feet
Minimum lot area	
Single-family	9,000 square feet
Townhouse or quadraminium	6,000 square feet per unit
Two-family	10,000 square feet base lot; 5,000 square feet per unit
Minimum lot depth	
Single-family	135 feet
Two-family	135 feet
All other uses	135 feet
Minimum lot width	
Single-family	
Corner lot	70 feet
Interior lot	60 feet
Townhouse or quadraminium	
Base lot	Not less than 120 feet
Unit lot	Not less than 24 feet per unit

Two-family	
Corner lot	90 feet
Interior lot	80 feet
Setbacks	
Base lot	
Front	25 feet
Rear	20 feet except 25 feet for double frontage lots
Side	10 feet except 20 feet for the side yard of a corner lot abutting a public right-of-way
Zero lot line	Side yard setback requirements shall not be applied to a common wall of a two-family, townhouse, quadraminium or multiple-family dwelling unit
Single-family lot	
Front	25 feet
Rear	20 feet except 25 feet for double frontage lots
Rear (detached accessory structure)	5 feet
Rear (garage accessing alley)	See § 152.237
Side (detached accessory structure)	5 feet
Side (principal structure)	10 feet except 20 feet for the side yard of a corner lot abutting a public right-of-way; 5 feet on garage side only when accommodating an attached garage

(Prior Code, § 11-55-7) (Ord. 258, passed 5-4-2006; Ord. 271, passed 3-15-2007)

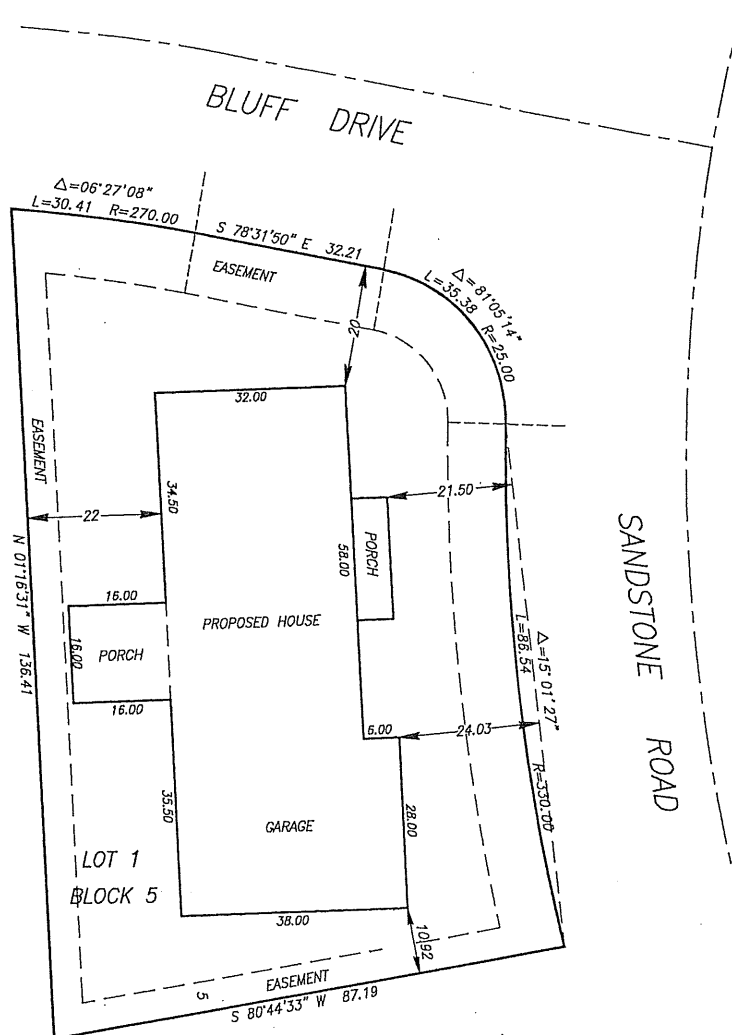
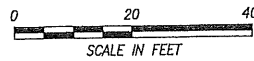
§ 152.547 BUILDING REQUIREMENTS.

The following building requirements shall be observed in an R-3 District.

(A) All residences shall be limited to a maximum height of two and one-half stories or 35 feet.

(B) Dwelling unit floor area shall be governed by § 152.210 of this chapter.

(C) Accessory structures shall be governed by §§ 152.230 through 152.241 of this chapter.
(Prior Code, § 11-55-8) (Ord. 258, passed 5-4-2006)



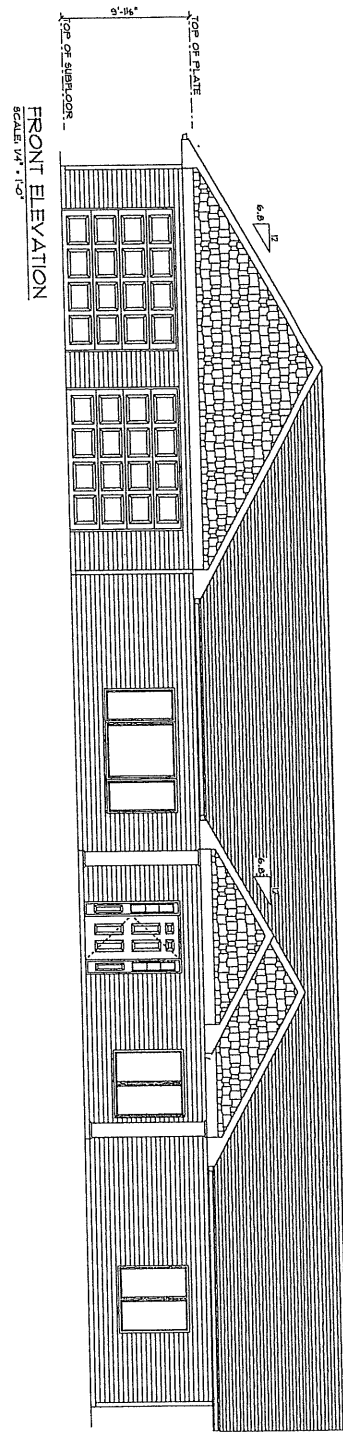
LEGAL DESCRIPTION:
 Lot 1, Block 5, SANDSTONE RIDGE, according to the recorded plat thereof, City of Cannon Falls, Goodhue County, Minnesota.
 Subject to all easements and restrictions of record, if any.

MAY 24, 2021
Dated:
Revised 6-09-21

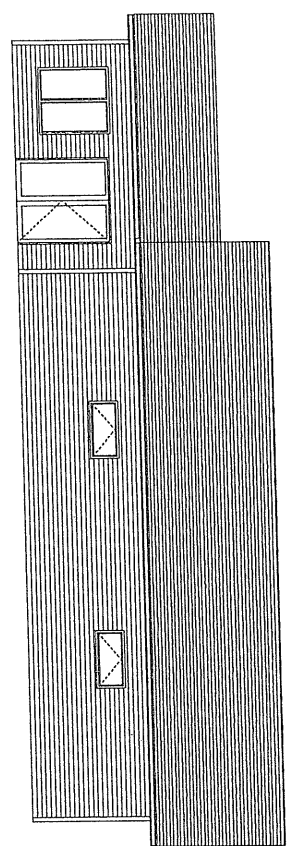
David G. Rapp
David G. Rapp
Minnesota Registration No. 22044

45967 HIGHWAY 56 BLVD
KENYON, MN 55946
612-532-1263

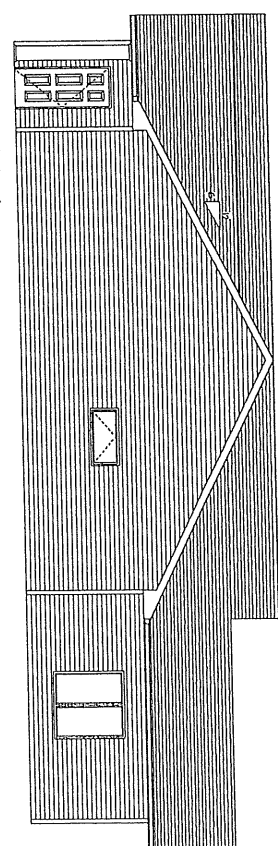
DRAWN BY: DGR	DATE: 5-24-21	PROJECT NO. D1821A
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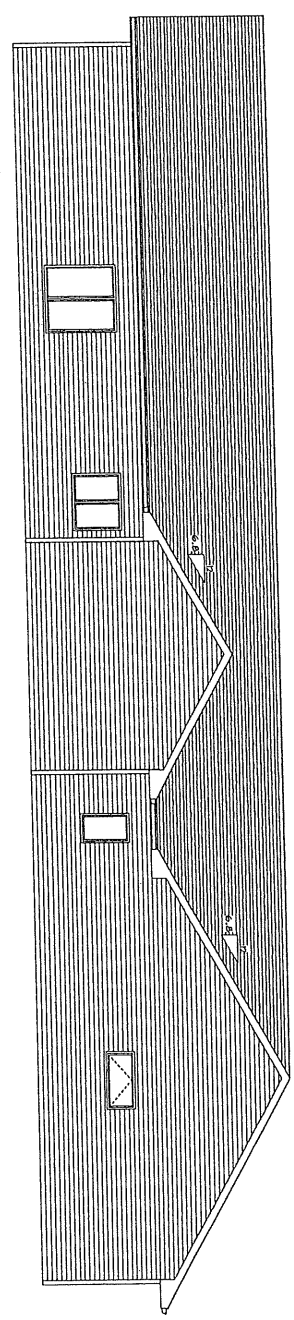
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

THESE PLANS ARE BEING FURNISHED BY INTERSTATE BUILDING SUPPLY IN ANTICIPATION OF YOUR ORDER. THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF A LICENSED ARCHITECT. INTERSTATE BUILDING SUPPLY ASSUMES NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS. THE OWNER, CONTRACTOR AND/OR OTHERS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INSURANCE. INTERSTATE BUILDING SUPPLY ASSUMES NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS. THE OWNER, CONTRACTOR AND/OR OTHERS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INSURANCE.

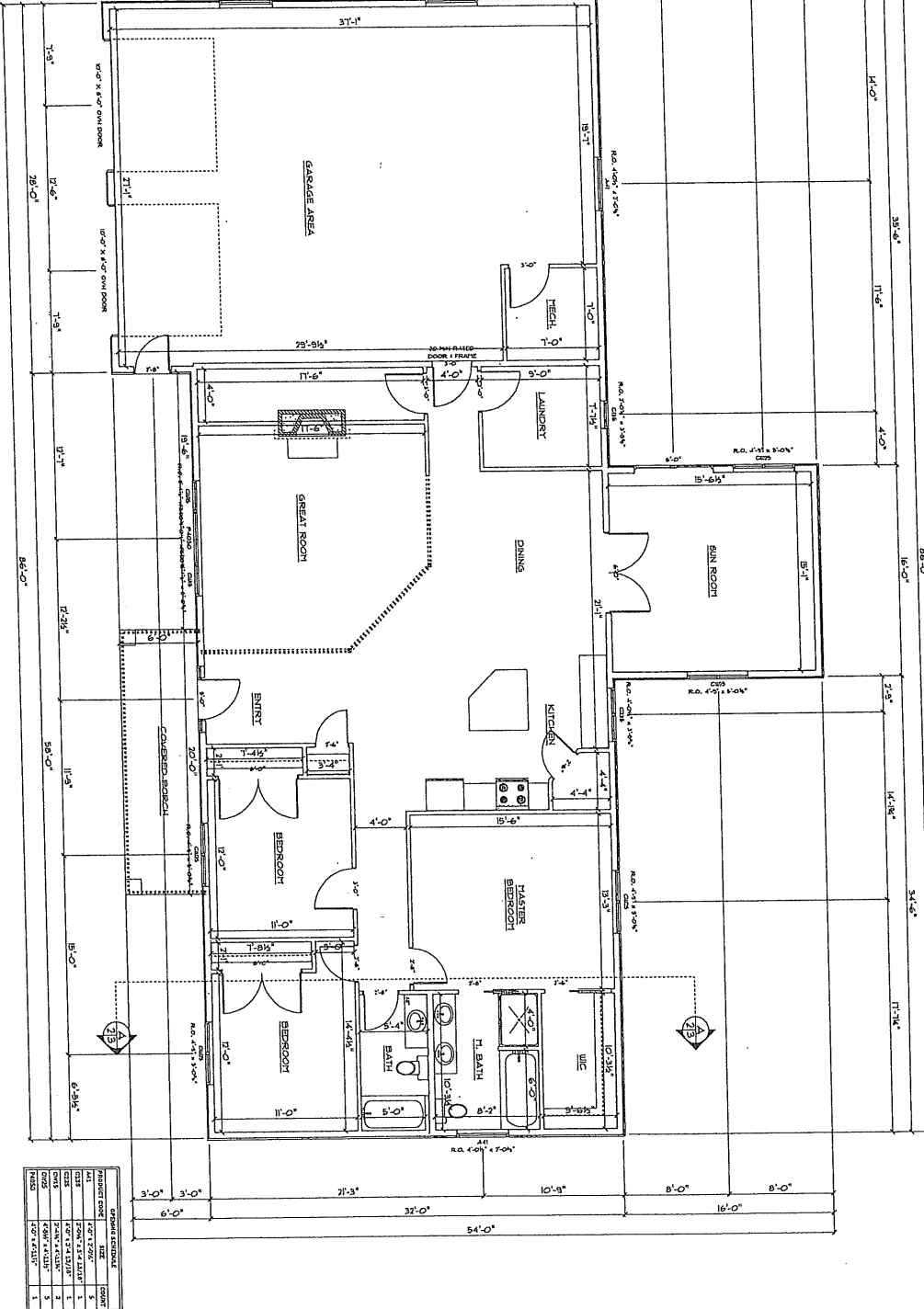
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DRAWN BY: NAB
SALESMAN: R.R.

PENDLETON RESIDENCE
ELEVATIONS

DATE: 3/11/2021
REVISED: 4/15/2021
DRAWING: 1 OF 4



FIRST FLOOR PLAN



THIS PLAN AND EVERYTHING HEREIN IS THE PROPERTY OF INTERSTATE BUILDING SUPPLY. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTERSTATE BUILDING SUPPLY. THE USER OF THIS PLAN AGREES TO HOLD INTERSTATE BUILDING SUPPLY HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY INTERSTATE BUILDING SUPPLY AS A RESULT OF THE USER'S USE OF THIS PLAN. THE USER OF THIS PLAN AGREES TO HOLD INTERSTATE BUILDING SUPPLY HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY INTERSTATE BUILDING SUPPLY AS A RESULT OF THE USER'S USE OF THIS PLAN.

SCALE: 1/4" = 1'-0"
 DRAWN BY: NAB
 SALESMAN: R.R.

PENDLETON RESIDENCE
 FIRST FLOOR PLAN

DATE: 3/11/2021
 REVISED: 4/15/2021
 DRAWING: 2 OF 4



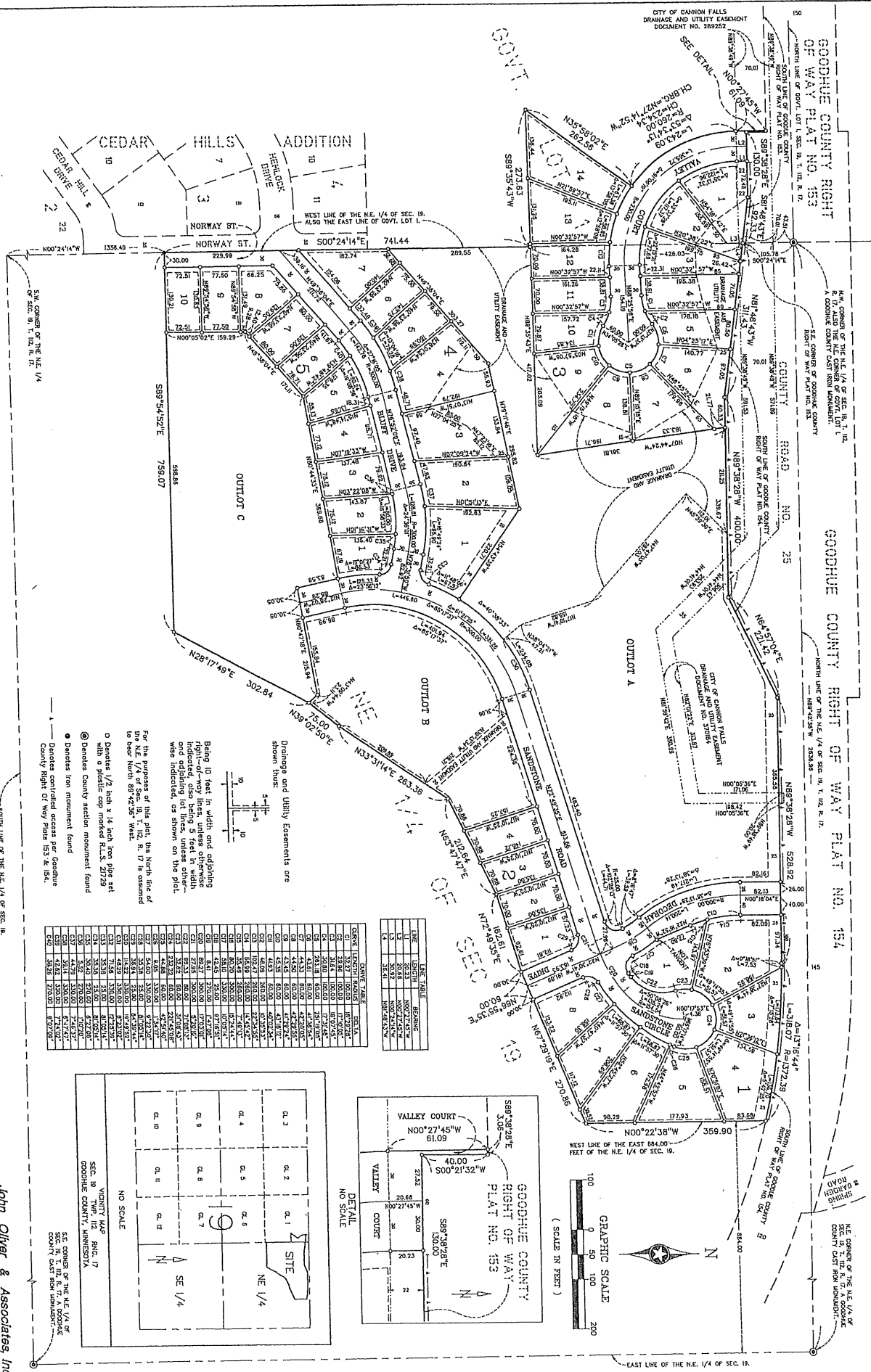
SANDSTONE RIDGE

City of Cannon Falls
Goodhue County, MN

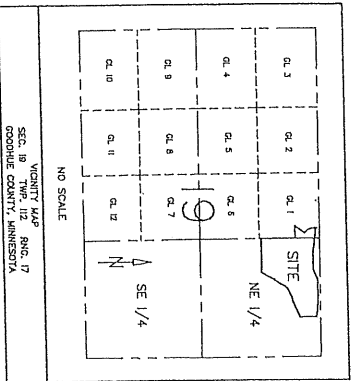
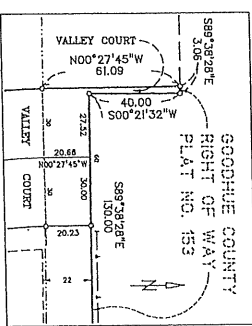
OFFICIAL

GOODHUE COUNTY RIGHT
OF WAY PLAT NO. 153

GOODHUE COUNTY RIGHT OF WAY PLAT NO. 154



LINE	LENGTH	BEARING	AREA
1	100.00	N00°00'00"W	100.00
2	100.00	N00°00'00"W	100.00
3	100.00	N00°00'00"W	100.00
4	100.00	N00°00'00"W	100.00
5	100.00	N00°00'00"W	100.00
6	100.00	N00°00'00"W	100.00
7	100.00	N00°00'00"W	100.00
8	100.00	N00°00'00"W	100.00
9	100.00	N00°00'00"W	100.00
10	100.00	N00°00'00"W	100.00
11	100.00	N00°00'00"W	100.00
12	100.00	N00°00'00"W	100.00
13	100.00	N00°00'00"W	100.00
14	100.00	N00°00'00"W	100.00
15	100.00	N00°00'00"W	100.00
16	100.00	N00°00'00"W	100.00
17	100.00	N00°00'00"W	100.00
18	100.00	N00°00'00"W	100.00
19	100.00	N00°00'00"W	100.00
20	100.00	N00°00'00"W	100.00



John Oliver & Associates, Inc.

Sheet 2 of 2 Sheets

Public Works Commission Meeting Minutes
Thursday, June 3, 2021 at 5:00 P.M.
City Hall Council Chambers

1. CALL TO ORDER

Councilperson Lundell called the meeting to order at 5:00 P.M.

2. ROLL CALL

Roll call was taken: Mary Jill Bringgold-present, Derek Lundell-present, Jeromy Mouw-present via Zoom. Also present: City Administrator Neil Jensen, PW Director Dan Howard, Mayor John Althoff, Utility Clerk Ellen Hartman, City Engineer Bill Angerman, Babe O'Gorman, Dallas Larson and Erin McMahon.

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Action – *The minutes were approved as presented.*

4. NEW BUSINESS

B. Additional Mill and Overlay Project

Mr. Angerman presented an additional mill and overlay project. Park Street was slated for a complete overhaul with new water, sewer and street surface in 2022. The utilities were televised; the clay pipe does not need to be replaced, so mill and overlay is a viable option. The Commission was presented with three options: Edge Mill & Pave 2 Inches for \$157,400; Reclaim & Pave 4 Inches for \$227,300; Mill & Fill for \$170,050. PW Director Howard recommended the Option #1 Edge Mill & Pave and Administrator Jensen reported that funds are available for the project. The consensus was to move ahead with Edge Mill & Pave since the utilities do not have to be replaced and bituminous cost are low right now.

Action – *Mr. Mouw made a motion to recommend Park Street Option #1 Edge Mill & Pave 2 Inches to the City Council, seconded by Councilperson Bringgold, passing unanimously.*

A. Dallas Larson Water Leak

Mr. Larson had a water leak during the winter while he was away. The water leaked for many days, resulting in a large water bill. Mr. Larson requested the City forgive the sewer portion of the bill and reduce the water portion of the bill.

Mr. Larson did not submit the water/sewer charges to his insurance company.

Action-*The Commission requested that Mr. Larson submit the water and sewer charges to his insurance company.*

C. Alley Paving

PW Director Howard presented a bid to pave two alleys.

Action – *Councilperson Bringgold made a motion to recommend that the City Council pave 411 feet of alley near Belle St and 340 feet of alley near Colvill St for a total price of \$15,500, seconded by Mr. Mouw, passing unanimously.*

D. Sandstone Road Discussion

A new construction home is being proposed for the corner of Bluff Drive and Sandstone Road. The builder would like to face the home towards Sandstone Road and have the driveway exit that direction. Sandstone Road is not in good condition and the only two options are to have the City repair it at a great cost or close the road. Administrator Jensen request guidance from the PWC regarding the request that will be presented to the Planning Commission for the home to face Sandstone Road.

Action – *Mr. Mouw made a motion to recommend that the Planning Commission use Bluff Drive only for new driveways since the City is investigating closing Sandstone Road, seconded by Councilperson Bringgold, passing unanimously.*

E. Hwy 19 Project – City Cost Share

Action – *Item tabled due to lack of time; PWC meeting needed to end by 6:00 p.m.*

F. 325 Limestone Road

Mr. O’Gorman presented the need to replace the curb in front of 325 Limestone Road before the driveway can be installed. PW Director Howard concurred that the curb needs to be replaced and the ground under it investigated and potentially filled before a new curb is poured.

Action – *Mr. Mouw made a motion to recommend the removal of the curb at 325 Limestone Road, stabilize the ground and pour a new curb, seconded by Councilperson Bringgold, passing unanimously.*

5. CONTINUING DISCUSSION

A. Erin McMahon Lawn

The Commissioners viewed the lawn at 612 Hoffman St W prior to the meeting. Ms. McMahon requested restoration of her lawn after the 2016 street project. The consensus was that too much time has passed for the City to have any responsibility.

Action – *No action taken.*

B. Grove Street

Administrator Jensen reported that the company doing the boring for the Thirst Street Bridge Project will look at the Grove Street issue and will possibly make a recommendation for a solution.

Action – *Administrator Jensen will bring more information to the next meeting.*

6. REPORTS

A. Staff – PW Director Howard reported that the pool is being painted and will be open this year.

B. Commissioners – none

7. NEXT MEETING

Action – *July 1, 2021 at 5:00 P.M. in Council Chambers*

8. PUBLIC INPUT

No public input.

9. ADJOURNMENT

Action - *Motion to adjourn made by Councilperson Bringgold at 6:00 P.M., seconded by Mr. Mouw, passing unanimously.*

Respectfully Submitted,
Ellen Hartman, Utility Clerk

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER _____

**A RESOLUTION APPROVING A VARIANCE FOR
RICK AND JASON KNOWLTON AT 6695 BLUFF DRIVE**

WHEREAS, Rick and Jason Knowlton have made application for a front yard setback Variance of 3.54 feet and a rear yard setback Variance of 19 feet at 6695 Bluff Drive (PID 524550340), as regulated by the Zoning Ordinance; and

WHEREAS, the purpose of the request is to allow for the construction of a new home with a three season porch for a handicapped individual who needs a one level home; and

WHEREAS, Minn. Stat. 462.357, Subd. 6 allows a variance to be granted if it is in harmony with the general purposes and intent of the Zoning Ordinance, consistent with the Comprehensive Plan, and there are practical difficulties in complying with the Zoning Ordinance. Practical difficulties exist if 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; and

WHEREAS, the Planning Commission conducted a hearing on Monday, June 14, 2021 to accept testimony relating to the application; and

WHEREAS, the Planning Commission heard that due to the shape of the lot it would be difficult to change the orientation of the proposed home and that the orientation of the lot affects which setbacks apply; and

WHEREAS, the Planning Commission heard that there were no neighbors who objected to the requested setbacks; and

WHEREAS, the Planning Commission discussed the soils in the area noting that basements are not recommended in this area limiting available square footage; and

WHEREAS, the Planning Commission found the granting of the Variance is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, and in conformance with the City of Cannon Falls Comprehensive Plan; and

WHEREAS, the Planning Commission found that the proposed home is a reasonable use of the property not permitted by the Zoning Ordinance, that the Variance is needed due to the

unique geography of the property, and that the proposed home will not alter the essential character of the locality; and

WHEREAS, the Planning Commission recommended to the Cannon Falls City Council that the application for a front yard setback Variance of 3.54 feet and a rear yard setback Variance of 19 feet at 6695 Bluff Drive be granted; and

WHEREAS, the City Council has reviewed and agrees with the record and the Planning Commission's findings and recommendation.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF CANNON FALLS THAT the application for a front yard setback Variance of 3.54 feet and a rear yard setback Variance of 19 feet at 6695 Bluff Drive be granted.

ADOPTED by the Council this 6th day of July 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER _____

**A RESOLUTION DENYING A VARIANCE FOR
RICK AND JASON KNOWLTON AT 6695 BLUFF DRIVE**

WHEREAS, Rick and Jason Knowlton have made application for a front yard setback Variance of 3.54 feet and a rear yard setback Variance of 19 feet at 6695 Bluff Drive (PID 524550340), as regulated by the Zoning Ordinance; and

WHEREAS, the purpose of the request is to allow for the construction of a new home with a three season porch for a handicapped individual who needs a one level home; and

WHEREAS, Minn. Stat. 462.357, Subd. 6 allows a variance to be granted if it is in harmony with the general purposes and intent of the Zoning Ordinance, consistent with the Comprehensive Plan, and there are practical difficulties in complying with the Zoning Ordinance. Practical difficulties exist if 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; and

WHEREAS, the Planning Commission conducted a hearing on Monday, June 14, 2021 to accept testimony relating to the application; and

WHEREAS, the Planning Commission heard that due to the shape of the lot it would be difficult to change the orientation of the proposed home and that the orientation of the lot affects which setbacks apply; and

WHEREAS, the Planning Commission heard that there were no neighbors who objected to the requested setbacks; and

WHEREAS, the Planning Commission discussed the soils in the area noting that basements are not recommended in this area limiting available square footage; and

WHEREAS, the Planning Commission found the granting of the Variance is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, and in conformance with the City of Cannon Falls Comprehensive Plan; and

WHEREAS, the Planning Commission found that the proposed home is a reasonable use of the property not permitted by the Zoning Ordinance, that the Variance is needed due to the

unique geography of the property, and that the proposed home will not alter the essential character of the locality; and

WHEREAS, the Planning Commission recommended to the Cannon Falls City Council that the application for a front yard setback Variance of 3.54 feet and a rear yard setback Variance of 19 feet at 6695 Bluff Drive be granted; and

WHEREAS, the City Council has reviewed the record and disagrees with the Planning Commission's findings and recommendation; and

WHEREAS, the City Council finds that the shape and size of the home, including the desire for a three season porch, do affect the setbacks but are not practical difficulties because the plight of the landowner is due to the design of the home not due to circumstances unique to the property. The shape and size of the property are not unique and a reasonable home can be built on the property; and

WHEREAS, the City Council finds that lack of objection by neighbors does not support the granting of a variance; and

WHEREAS, the City Council finds that the soils in the area and the lack of a basement are not unique to the property and do not constitute practical difficulties as a reasonable home can be built on the property; and

WHEREAS, the City Council finds that there are not practical difficulties as a reasonable home can be built on the property and the no circumstances unique to the property and limiting its use have been identified.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF CANNON FALLS THAT the application for a front yard setback Variance of 3.54 feet and a rear yard setback Variance of 19 feet at 6695 Bluff Drive be denied.

ADOPTED by the Council this 6th day of July 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator