

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
SUBJECT: Variance Application for Alex Hatzis—Side Yard Setback Reduction
DATE: April 16th, 2024

BACKGROUND

The owner of the home located at 510 Water St E., is seeking a Variance to the required 5-foot side yard setback. The applicant is requesting a 4-foot variance to construct a garage one foot off the side property line.

Mr. Hatzis has stated his current garage is dilapidated and is in need of repair. His existing garage is located approximately one foot over the property line. If approved, the new garage will sit one foot off the property line.

Planning Commission recommended City Council approval at their April 8th meeting.

The following exhibits are enclosed to further describe the proposal:

1. Variance Application
2. GIS Map denoting property line
3. Proposed garage dimensions
4. City Code 152.526 showing lot requirements and setbacks
5. Resolution 2748

REQUESTED CITY COUNCIL ACTION

Please consider and make a motion to approve Resolution 2748, allowing a four-foot side yard Variance for 510 Water St E., PID 52.140.0360.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, April 8, 2024, 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 4-foot side yard Variance to construct a garage at 510 Water Street E, PID #521400360. This property is zoned R-2, Single Family 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 Zoning Administrator, 918 River Road, Cannon Falls, MN 55009.

Zach Logelin

507-263-9308

DUE MARCH 7



**ZONING AND SUBDIVISION
APPLICATION
PROCESS AND SUBMISSION
REQUIREMENTS**

2023

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1. PURPOSE

The purpose of this document is to outline the City of Cannon Falls development process for zoning and subdivision applications, making it as economical and efficient as possible for all involved.

2. GENERAL APPLICANT/STAFF RESPONSIBILITIES

To ensure that the development process is effective and timely, it is important to understand that both the City and applicants have certain responsibilities that affect the process. In this regard, the following responsibilities must be followed to ensure a positive application process.

Applicant Responsibilities:

- a. Information required by the City must be submitted in an acceptable format for review.
- b. Information required by the City must be submitted in a timely manner to allow adequate time for staff to review the information.
- c. The applicant must recognize that his/her proposal is one among many and will be reviewed in the order received.
- d. Questions and/or issues which emerge during the review process must be responded to by the applicant in a timely and appropriate manner.
- e. The applicant must be responsible for preparing required submission materials in accordance with explained City Code provisions and in an acceptable manner.
- f. The applicant must conduct himself/herself in a courteous and professional manner.
- g. The applicant will be held accountable for their portion of the information requested and that their failure to do so will ultimately result in delays in the project review and approval process.

Staff Responsibilities:

- a. Applications must be reviewed in a timely process, which includes eliminating unnecessary delays.
- b. Information related to the application process and submittal requirements must be provided to the applicant in a timely manner.
- c. Reasonable time schedules must be provided to the applicant.

- d. The staff will strive to minimize unnecessary costs associated with the respective development proposal.

3. DEVELOPMENT PROCESS

The development process in Cannon Falls varies depending upon the type of application. Regardless of the application type, the entire process is closely monitored to identify issues and solve any problems as they are realized. Applications will not be formally accepted or considered until all submission requirements have been met.

4. PRE-APPLICATION MEETINGS

A pre-application meeting with City staff is strongly recommended for all types of proposals prior to the formal submission of the application (and payment of fees). The purpose of the meeting is to provide an opportunity to explain ordinance requirements, identify details of the request, review concept plans, provide advice, and potentially avoid any unnecessary plan modifications or site design related conflicts. To attend a pre-application meeting, potential applicants must contact City Hall to schedule a date and time. There is no direct charge for the initial pre-application meeting. Charges will, however, be imposed for subsequent pre-application meetings.

5. PROCESSING TIMELINE

Included in this document is a processing timeline. The timeline schedule provides normal processing time for documents submitted in a complete manner. All application materials must be submitted to City Hall unless otherwise directed.

6. REQUIRED FEES/COST RECOVERY

All fees must be paid at the time of application and any additional amounts required through City staff review of the request, lack of information, site or design problems, or questions of Planning Commission or City Council, may be required prior to completion of the development process and subsequent City decisions on the matter. Applicants can minimize planning, engineering, and legal fees by submitting complete, accurate plans and related documents.

The costs of the City in processing permits and requests under the Cannon Falls Zoning and Subdivision Ordinances, such as, but not limited to, requests for rezoning (map or text), conditional use permits, variances, and subdivisions are considered to be unique to the applicant requesting such consideration. All costs of the City occasioned by such requests shall be borne by the applicant.

Each applicant shall pay a non-refundable application fee at the time an application is presented to the City for applications including, but not limited to: zoning and Comprehensive Plan change of any nature, site and building plan review, conditional use, administrative and other permits, variance and vacations, and subdivisions. This fee is intended to reimburse the City for its costs. The fee pays for City administrative and staff time, publishing of notices, copying, etc. If this fee proves to be insufficient to cover such costs, such additional costs will be charged as a part of the escrow deposit.

In addition to the non-refundable basic zoning fee, each applicant shall pay an escrow deposit in an amount prescribed by ordinance. All costs associated with the review of the application, including but not limited to, planning, engineering, and legal costs, incurred by the City in the processing of the application shall be paid from or reimbursed to the City from the escrow deposit. At any time while the application is pending and before its final conclusion, if the City Administrator determines that the amount of the escrow is or is estimated to be insufficient to pay for present or anticipated actual costs of the application, an additional escrow shall be required by the City Administrator to be paid by the applicant. The one or more escrow deposits shall be in an amount sufficient to pay all actual costs of the City.

In the event that the escrow deposit is exceeded, a statement will be mailed on a monthly basis to the applicant and if payment is not made within thirty (30) days of mailing, all processing of the request will be halted until said payment is received.

Applicants are hereby notified by signing the application forms and payment of non-refundable application fee, escrow amount, and out of pocket expenses do not infer payment in full.

It shall be the responsibility of the applicant to contact the City in writing to request the return of any unused portion of the escrow deposit.

7. PROPERTY OWNER NOTIFICATION

All requests requiring notification of surrounding property owners will be accomplished in a manner consistent with Minnesota State Statute. The City will obtain a listing of names and addresses of such property owners and subsequently notify the property owners via mail (postmarked) and/or publishing public hearing notices of the proposed project at least 10 days prior to the Planning Commission meeting. Persons notified of the request may include those fee owners/parcels adjacent to or separated from the subject property which may be impacted by physical, visual, noise or other factors. This will be done at cost to the applicant.

8. PUBLIC MEETINGS

The Planning Commission and City Council meet as follows, unless special additional meetings are called:

1. The Planning Commission meets the Second Monday of each month at 6:30 PM. The Planning Commission conducts public hearings (as may be required for a development proposal) and provides formal recommendation to the City Council.
2. The City Council meets the first and third Tuesday of each month at 6:30 PM. The City Council will approve or deny the application.

9. CONTACTS

City Administrator:

Neil Jensen
Cannon Falls City Hall
918 River Road
Cannon Falls, MN 55009
Phone: 507-263-9312
njensen@cannonfallsmn.gov

Zoning Administrator:

Dianne Howard
Cannon Falls City Hall
918 River Road
Cannon Falls, MN 55009
Phone: 507-263-9300
dhoward@cannonfallsmn.gov



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9312

SUBJECT TO STAFF REVIEW

Street Location of Property: 510 WATER ST. E., CANNON FALLS, MN 55009

Legal Description of Property: SINGLE FAMILY HOME

Owner of Record: Name: ALEX HATZIS

Daytime Phone: (507) 458-0010

Address: 510 WATER ST. E.

CANNON FALLS, MN 55009

Applicant (if other than owner)

Name: _____

Notary Stamp

Daytime Phone: _____

Address: _____

E-Mail Address: MCHARLEY2679@GMAIL.COM

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: 3/5/24

Date Submission Deemed to be Complete: _____

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

EAST WALL OF EXISTING GARAGE IS CURRENTLY ON PROPERTY LINE. GARAGE IS ROUGHLY 22' WIDE. GARAGE IS IN VERY POOR/DANGEROUS CONDITION; LARGE SAG IN ROOF, WALLS BEHYING OUT, ROOF IS UNDERFRAMED/POORLY FRAMED. PLAN TO DEMO EXISTING GARAGE AND REBUILD. ASKING FOR VARIANCE IN ORDER TO REBUILD 2 CAR GARAGE 19'-20' WIDE.

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: MARCH 5, 2024

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: 3/5/24

Basic Fees: \$ 450.00 PAID 3/5/24

Received By: [Signature]

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: APRIL 8th, 2024

Recommendation of Planning Commission on: _____ Approve Deny

Recommendation of City Council on: _____ Approve Deny

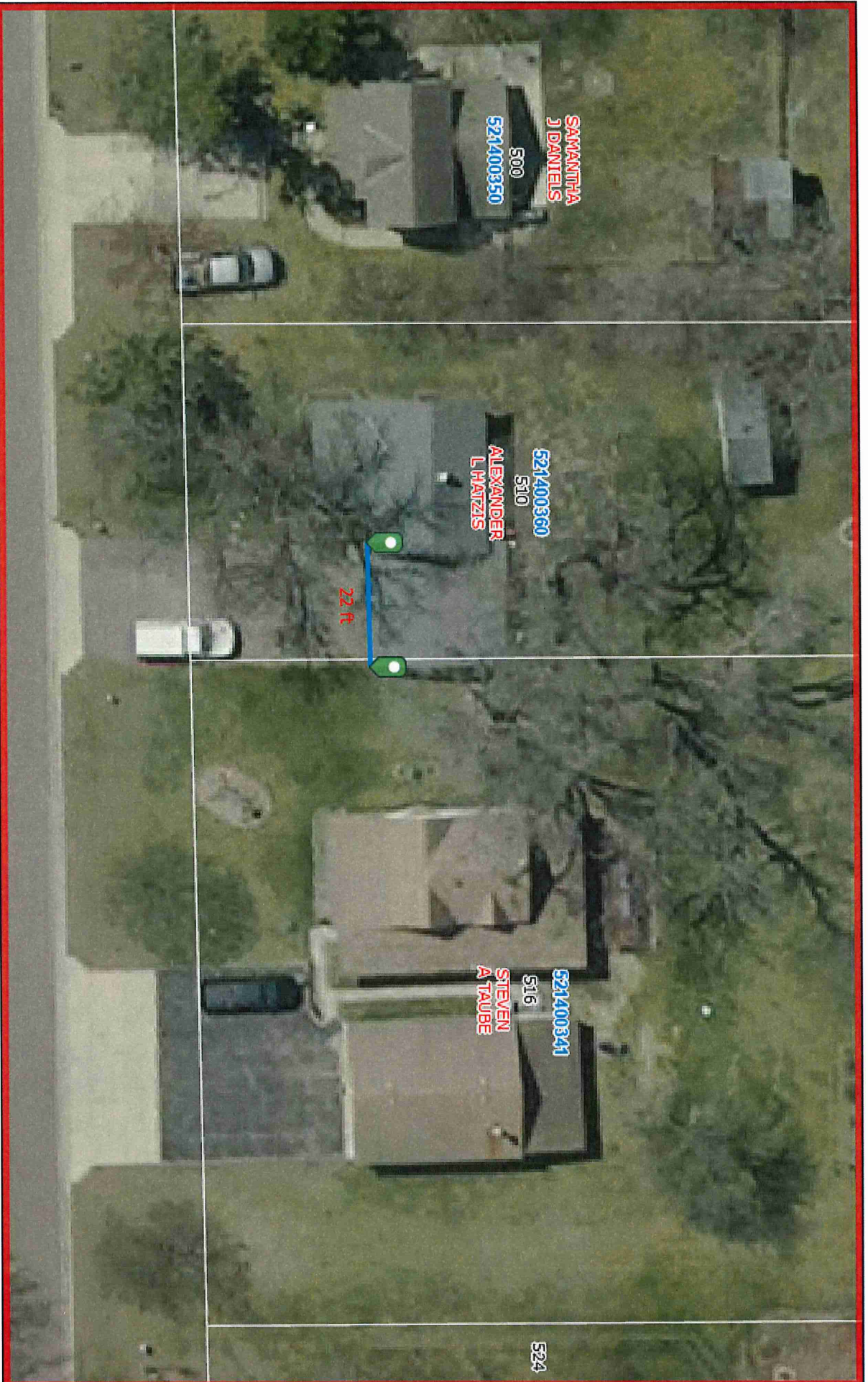
Subject to following conditions: _____

PATO March 5th 2024

**CITY OF CANNON FALLS
ZONING AND SUBDIVISION FEE SCHEDULE
2023**

	Base Fee/Recording	Escrow Deposit*	Total
Zoning:			
Comprehensive Plan Amendment	\$450	\$0	\$450
Variance	\$450	\$0	\$450
Appeal	\$450	\$0	\$450
Rezoning and Ordinance Text Amendment	\$450	\$0	\$450
Amendment	\$450	\$0	\$450
Conditional Use Permit	\$450	\$0	\$450
Planned Unit Development / Conditional Use Permit	\$450	\$0	\$450
Site Plan Review	\$0	\$0	\$0
Interim Use Permit	\$450	\$0	\$450
Administrative Permit	\$150	\$0	\$150
Home Occupation	\$150	\$0	\$150
Annexation Petition	\$450	\$0	\$450
Vacation	\$450	\$0	\$450
Renewal Permit	\$150	\$0	\$150
Other	\$250	\$0	\$250
Subdivision:			
Administrative Subdivision	\$250	\$0	\$250
Concept Plan	\$250	\$0	\$250
Preliminary Plat	\$500	\$2,500	\$3,000
Final Plat	\$500	\$500	\$1,000
Park Dedication:			
All Residential Units	Fees set by City Council Resolution	NA	10% land \$1,390.00/unit
Commercial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre
Industrial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre

**Whether or not an Escrow Deposit is required, if a consultant is engaged by the City to review the application and a cost is incurred for services rendered the applicant is responsible for payment of any and all professional service expenses. The final determination by the City Council will not be recorded unless and until any and all fees due have been paid by the applicant.*

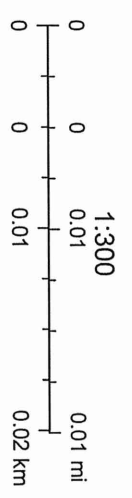


April 3, 2024

House Number
PIN

Full Name
Parcels

*House to property line ~ 21 feet
*Current garage ~ 22 feet off house
*Proposed garage 20 feet off house



KRAUSE MASONRY, INC.
 Since 1975
 45494 200th Ave
 Zumbrota, MN 55992
 507-732-5777

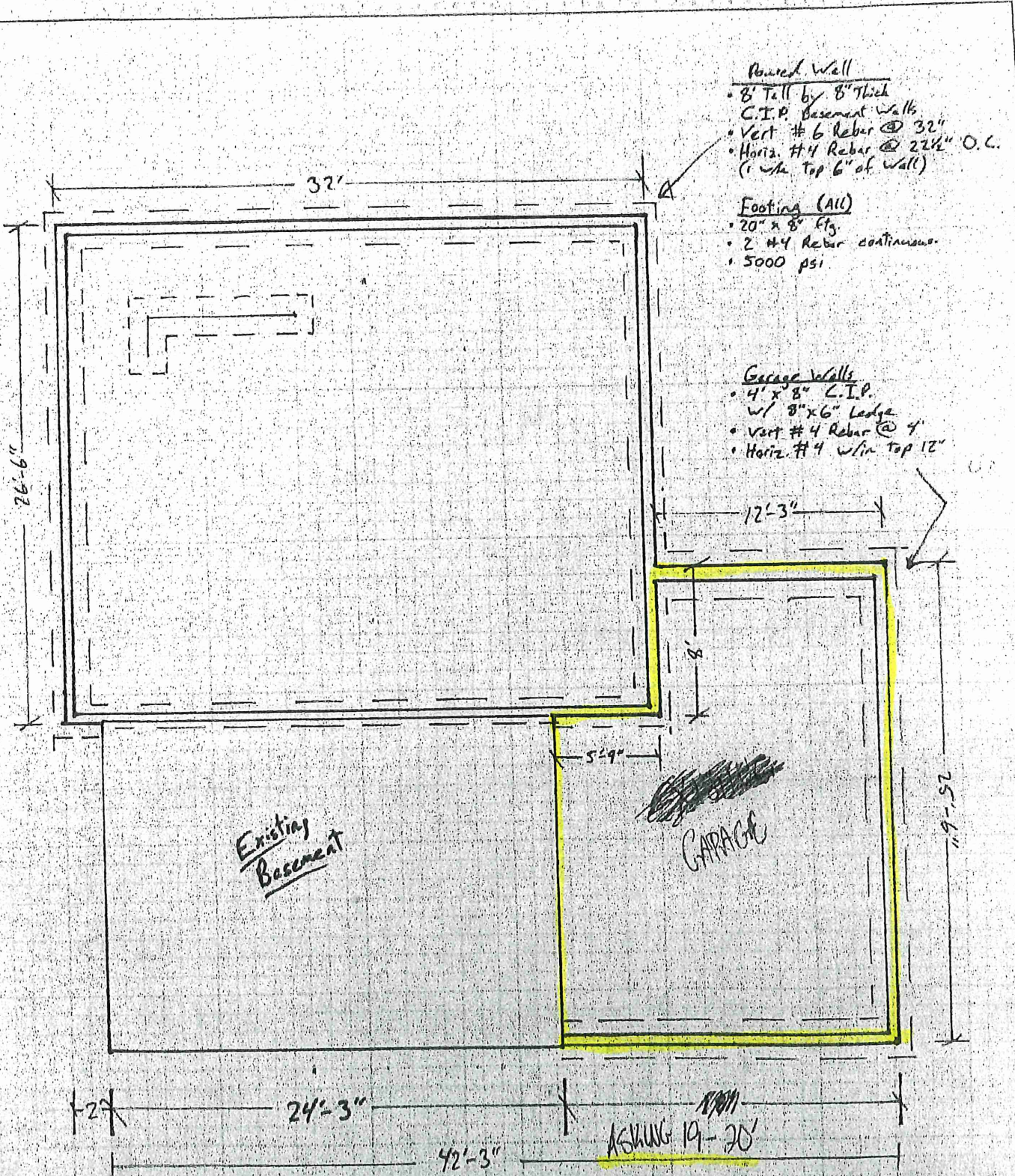
JOB: Hatzis House Addition

ADDRESS: 510 Water St. E Cannon Falls, MN

CALCULATED BY: _____ DATE: _____

CHECKED BY: _____ DATE: _____

SCALE: _____



Poured Wall

- 8' Tall by 8" Thick
- C.I.P. Basement Walls
- Vert. # 6 Rebar @ 32"
- Horiz. # 4 Rebar @ 22 1/2" O.C. (1" in Top 6" of Wall)

Footings (All)

- 20" x 8" Ftg.
- 2 # 4 Rebar continuous
- 5000 psi

Garage Walls

- 4' x 8" C.I.P.
- w/ 8" x 6" Ledge
- Vert. # 4 Rebar @ 4'
- Horiz. # 4 w/in Top 12"

Existing Basement

GARAGE

ASKING 19-20

§ 152.526 LOT REQUIREMENTS AND SETBACKS.

The following minimum requirements shall be observed in an R-2 District subject to additional requirements, exceptions and modifications set forth in this chapter.

Minimum lot area	
Corner lot	10,000 square feet
Interior lot	9,000 square feet
Minimum lot depth	120 feet
Minimum lot width	
Corner lot	80 feet
Interior lot	70 feet
Minimum setbacks	
Front	30 feet
Rear	30 feet
Rear (detached accessory structure)	5 feet
Rear (garage accessing alley)	See § 152.237
Side (detached accessory structure)	5 feet
Side (principal structure)	10 feet or 20 feet on a side yard abutting a public right-of- way; 5 feet on garage side only when accommodating an attached garage

(Prior Code, § 11-54-7) (Ord. 258, passed 5-4-2006; Ord. 271, passed 3-15-2007)

**CITY OF CANNON FALLS
GOODHUE COUNTY MINNESOTA**

RESOLUTION NUMBER 2748

APPROVE VARIANCE FOR 510 WATER STREET E.

WHEREAS, the property owner of 510 Water Street E has made an application for a Variance to allow for a reduction to the required side yard setback minimum established in the R-2 zone to accommodate an attached garage; and

WHEREAS, the Planning Commission conducted a public hearing on April 8, 2024 to accept public testimony relating to the application; and

WHEREAS, the Planning Commission finds that: the allowance of the Variance located at 510 Water Street E reasonable; and

WHEREAS, the Planning Commission recommends to the Cannon Falls City Council that the application for the Variance be conditionally approved.

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that based on the findings of the Planning Commission which are hereby adopted by the City Council that the four-foot side yard setback Variance be approved subject to compliance with all remaining requirements of the City of Cannon Falls Zoning Code Chapter 152 and State of Minnesota Building Code requirements.

ADOPTED by the City Council of Cannon Falls this 16th day of April 2024.

CITY OF CANNON FALLS

Matt Montgomery, Mayor

ATTEST: _____
Neil L. Jensen, City Administrator