

**TO: Cannon Falls City Council**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Variance Application for Ed Rymer**  
**DATE: April 16<sup>th</sup>, 2024**

**BACKGROUND:**

Ed Rymer, the owner of Cannon Falls Mall, is seeking approval of a Variance application in order to create a lot split that conforms to City Code.

The applicant is hoping to split off and sell a 4,466 square foot portion of land in the northwest corner of 31254 County 24 Boulevard, PID 52.719.3000 (see exhibit 2). The land consists of a 10 by 10 building that houses telecommunication utilities and would be sold to Terra Pact Digital Assets, LLC. The applicant has attached the proposed easement that would allow access to the parcel.

In the past, the mall property has split off lots that do not fully conform with B-2 standards. The applicant would be seeking three Variances. The first would be a 15,534 square foot reduction to the minimum total lot area. The second is a 20-foot front yard setback and a 5-foot side yard setback due to the lot abutting a residentially zoned property.

The Planning Commission recommended approval at their April 8<sup>th</sup> meeting.

The following exhibits are enclosed to further describe the proposal:

1. Variance Application
2. Aerial GIS map of property
3. Survey showing proposed lot split and dimensions
4. Proposed access easement
5. City code 152.651 showing lot requirements in the B-2 zone
6. Resolution 2749

**REQUESTED CITY COUNCIL ACTION**

Please consider and make a motion to approve Resolution 2749, allowing a 15,534 square foot Variance, a 20-foot front yard setback Variance, and a 5-foot side yard setback Variance to create a lot that meets B-2 code located in the northwest corner of 31254 County 24 Boulevard, PID 52.719.3000.

## **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 variance for a 15,534 Square Foot reduction to minimum total lot area. The applicant is also asking for a 20-foot front yard setback variance and a 5-foot side yard setback variance in order to create a lot split that meets City Code. This property is zoned B-2, General Business District, PID #527193000. 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



**DEVELOPMENT APPLICATION**

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

**SUBJECT TO STAFF REVIEW**

**Street Location of Property:** \_\_\_\_\_

**Legal Description of Property: See attached**

Owner of Record: Name: Cannon Falls Mall, Inc.  
% Ed Rymer

Daytime Phone: 651.226.7855

Address: 650 Golden Gate Point #602  
Sarasota, Florida 34236  
erymer@aol.com

Applicant (if other than owner)

Name: \_\_\_\_\_ Notary Stamp

Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**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 *Must Apply for Variance Prior to |
|          |                                     | <input type="checkbox"/> Concept          | <input type="checkbox"/>            | Interim Use Permit Lot split               |
|          |                                     | <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 checked="" type="checkbox"/> | Other Lot Split                           |                                     |  |

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

Date Application Received: 2/26/24 = Lot split      3/7/24 = variance

Date Submission Deemed to be Complete: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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:**

*Ed Rymer*  
Property Owner  
Cannon Falls Mall, Inc. By Its President Ed Rymer

Date: 2-16-2024

\_\_\_\_\_  
Applicant (if not the Property Owner)

Date: \_\_\_\_\_

FOR CITY USE ONLY

Date Application Filed: 3/8/24

Basic Fees: \$ 450.00 - PAID

Received By: 3C

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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Attachment A1

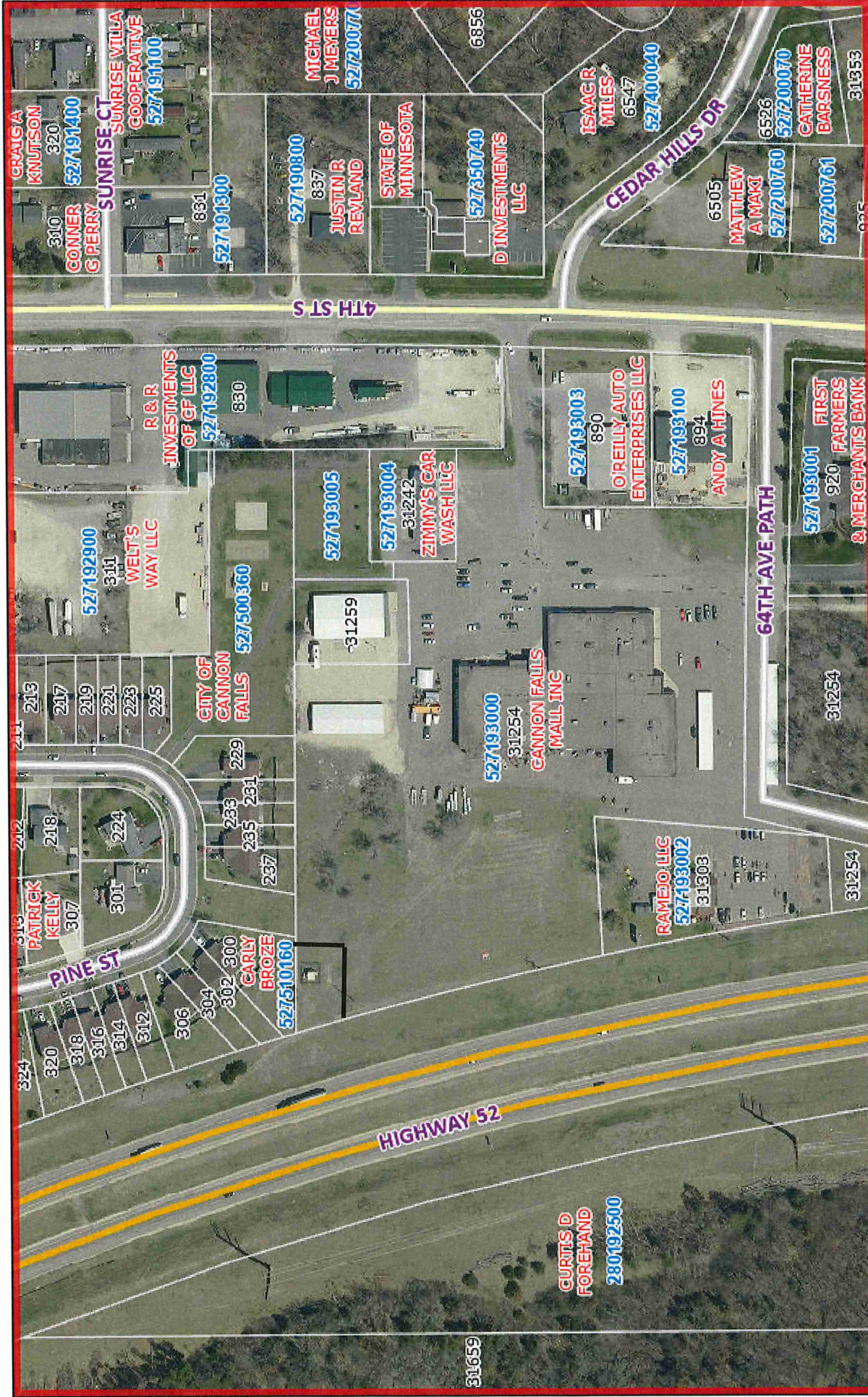
CITY OF CANNON FALLS  
ZONING AND SUBDIVISION FEE SCHEDULE  
2024

	Base Fee/Recording	Escrow Deposit*	Total
<b>Zoning:</b>			
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
<b>Subdivision:</b>			
Administrative Subdivision	\$250	\$0	\$250
Concept Plan	\$250	\$0	\$250
Preliminary Plat	\$500	\$2,500	\$3,000
Final Plat	\$500	\$500	\$1,000
<b>Park Dedication:</b>			
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.*



# ArcGIS WebMap



April 4, 2024

Goodhue County Roads

- CEM; ; OCTY; OCRLN; CTRLN
- CSAHP; CRP
- USHWY

Full Name

House Number

Parcels

PIN

1:2,400

0 0.02 0.04 0.08 mi

0 0.03 0.07 0.13 km

ArcGIS WebApp Builder

Certificate of Survey for: Finley Engineering

Bk: 21 Pg. 31

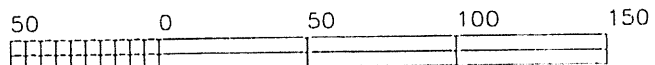
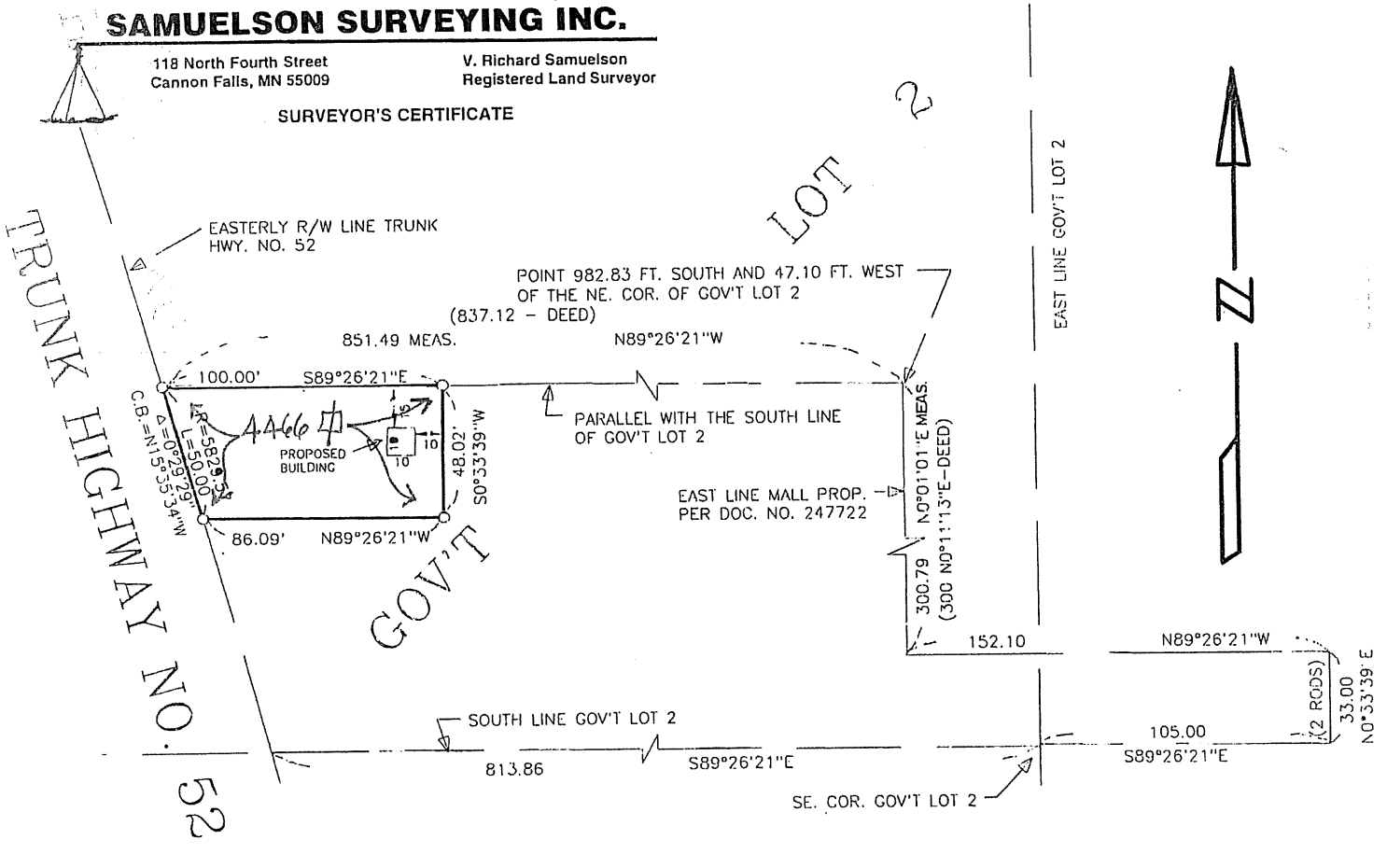
PHONE (507) 263-3274

**SAMUELSON SURVEYING INC.**

118 North Fourth Street  
Cannon Falls, MN 55009

V. Richard Samuelson  
Registered Land Surveyor

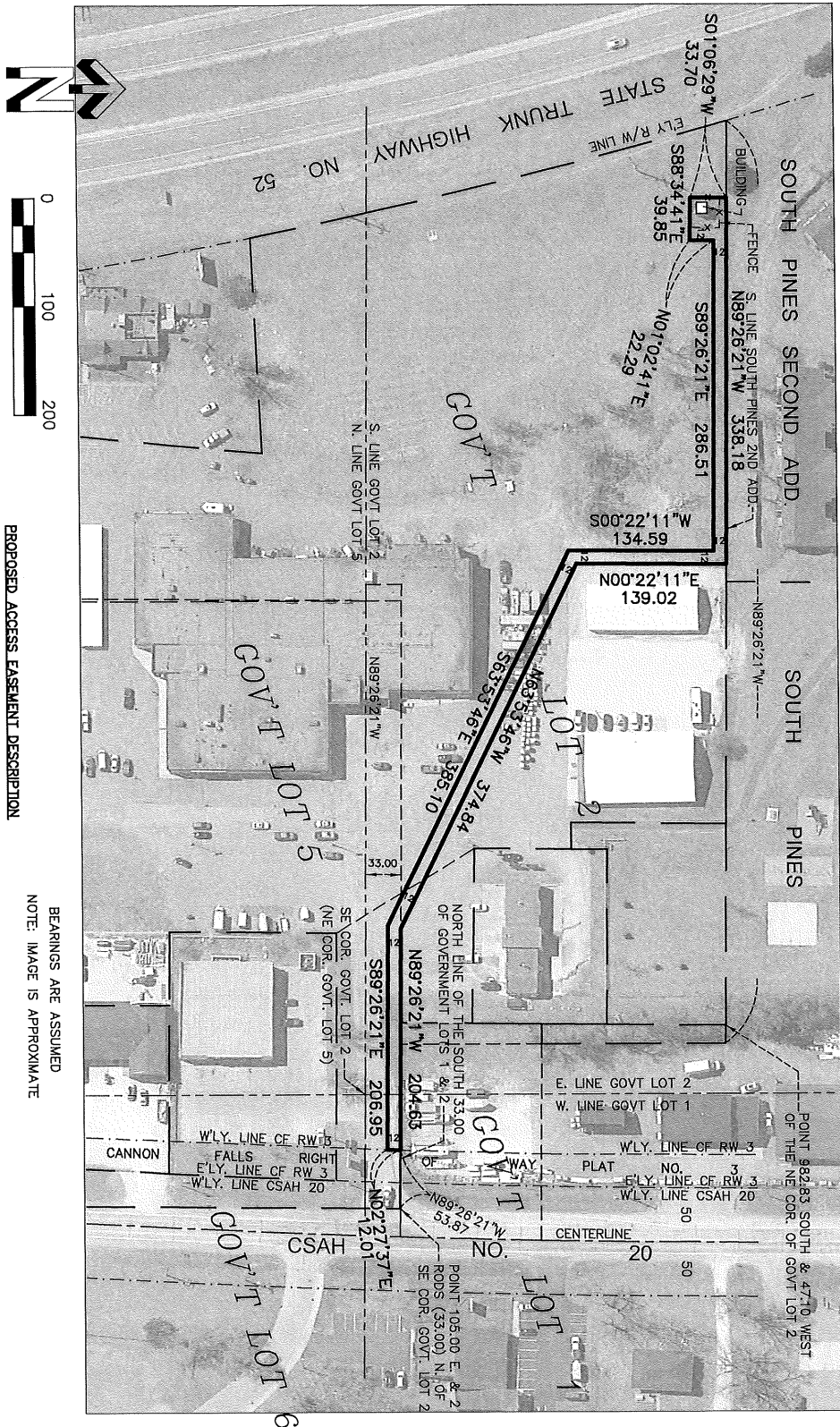
**SURVEYOR'S CERTIFICATE**



GRAPHIC SCALE - FEET

o DENOTES SET IRON PIPE





**PROPOSED ACCESS EASEMENT DESCRIPTION**

BEARINGS ARE ASSUMED  
NOTE: IMAGE IS APPROXIMATE

A proposed access easement, over and across part of Government Lots 1 and 2, Section 19, Township 112 North, Range 17 West, Goodhue County, Minnesota, described as follows:

Commencing at a point 105.00 feet east and 33.00 feet north of the southeast corner of said Government Lot 2; thence on an assumed bearing of North 89 degrees 26 minutes 21 seconds West, along the north line of the south 33.00 feet of Government Lot 1 and along the north line of the south 33.00 feet of Government Lot 2, a distance of 53.87 feet to the westerly right of way line of CITY OF CANNON FALLS RIGHT OF WAY PLAT NO. 3, according to the recorded plat thereof, on file in the office of the County Recorder, being the point of beginning of the easement to be described; thence continue North 89 degrees 26 minutes 21 seconds West, along said north line, a distance of 204.63 feet; thence North 53 degrees 53 minutes 46 seconds West, a distance of 374.84 feet; thence North 00 degrees 22 minutes 11 seconds East, a distance of 139.02 feet to the south line of SOUTH PINES SECOND ADDITION, according to the recorded plat thereof, on file in the office of the County Recorder; thence North 89 degrees 26 minutes 21 seconds East, a distance of 139.02 feet to the south line of SOUTH PINES SECOND ADDITION, a distance of 338.18 feet; thence South 01 degrees 06 minutes 29 seconds West, a distance of 33.70 feet; thence South 88 degrees 34 minutes 41 seconds East, a distance of 39.85 feet; thence South 01 degrees 02 minutes 22 seconds West, a distance of 22.29 feet; thence South 89 degrees 26 minutes 21 seconds East, a distance of 286.51 feet; thence South 01 degrees 02 minutes 22 seconds West, a distance of 206.95 feet; thence North 02 degrees 27 minutes 37 seconds East, a distance of 12.01 feet to the westerly right of way line of said CITY OF CANNON FALLS RIGHT OF WAY PLAT NO. 3; thence North 02 degrees 27 minutes 37 seconds East, along said westerly line, a distance of 12.01 feet to the point of beginning.

path: s:/str/share/certs/112-17/19/rymer companies/rymer companies.dwg

CERTIFICATE OF SURVEY FOR:  
**RYMER COMPANIES**  
 c/o ED RYMER

**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**

1203 MAIN STREET, RED WING, MN 55066  
 (651) 388-1558

I hereby certify that this survey, plan 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.

*Marcus S. Johnson*  
 Marcus S. Johnson  
 Minnesota License No. 47460  
 Date: January 5, 2023

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	22-1014	S-10537	

**§ 152.651 LOT REQUIREMENTS AND SETBACKS.**

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

Lot area	20,000 square feet
Lot width	80 feet
Setbacks	
Front yard	30 feet
Rear yard	20 feet or 30 feet if abutting a residential zoned property
Side yard	10 feet on any one side or 20 feet on the side yard abutting a street or residential zoned property

(Prior Code, § 11-61-7) (Ord. 258, passed 5-4-2006)

**CITY OF CANNON FALLS  
GOODHUE COUNTY MINNESOTA**

**RESOLUTION NUMBER 2749**

**APPROVE VARIANCE FOR ED RYMER**

**WHEREAS**, Ed Rymer has made an application for Variances to allow for a reduction to the minimum lot requirements observed in the B-2 zone; and

**WHEREAS**, the applicant is asking for a 15,534 square foot reduction to minimum total lot area, a 20-foot front yard setback, and a 5-foot side yard setback in order to split off and sell a portion of land in the northwest corner of the Cannon Falls Mall property, PID 52.719.3000; 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 requested Variances 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 Variances to allow a 15,534 reduction to lot size, a 20-foot front yard setback, and a 5-foot side yard setback 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 16<sup>th</sup> day of April, 2024.

**CITY OF CANNON FALLS**

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Matt Montgomery, Mayor

ATTEST: \_\_\_\_\_  
Neil L. Jensen, City Administrator