

RESOLUTION NO. 2020-96

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Variance for the property located at 1329 41st Ave NE (PID 36-30-24-24-0114)

Whereas, a proposal has been submitted by Ivan Barbecho to the City Council requesting Variances from the City of Columbia Heights Zoning Code at the following location:

Address: 1329 41st Ave NE (PID 26-30-24-13-0004)

The applicant seeks the following relief:

1. Variance to allow the accessory structure to be 19.95 feet wide. City Code Section 9.106 (C) (1) (m) requires that "Accessory structures shall be no less than 20 by 20 in size"
2. Variance to allow the garage to be within 0 feet from the property line. City code section 9.109 (C) requires that the minimum required setback is 5 feet (based on the R2A district standards).

Whereas, the Planning Commission held a public hearing as required by the City Zoning Code on November 4, 2020;

Whereas, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concern related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area;

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

FINDINGS OF FACT

(a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

(b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

(c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

(d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

(e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

ORDER OF COUNCIL

1. The applicant will meet the requirements of the Building Official Report dated, October 23, 2020 and obtain a Building Permit for the project prior to starting construction.
2. The applicant will meet the requirements of the Assistant City Engineer Report dated, October 29, 2020.

Passed this 9th day of November, 2020

Offered by:

Seconded by:

Roll Call:

Donna Schmitt, Mayor

Attest:

Nicole Tingley, City Clerk/Council Secretary