

RESOLUTION NO. 2026-043

A RESOLUTION APPROVING A VARIANCE FOR THE PROPERTY 81 38TH AVE NE COLUMBIA HEIGHTS, MN 55421

BE IT RESOLVED BY the City Council (the “Council”) of the City of Columbia Heights, Minnesota (the “City”) as follows:

A proposal (Planning Case 2026-PZ05) has been submitted by Millie Kwatt LLC to the Planning Commission requesting approval of a Variance at the following location:

ADDRESS: 81 38th Avenue NE (34-30-24-44-0034)

LEGAL DESCRIPTION:

COLUMBIA HEIGHTS ANNEX LOTS 16 & 17 BLK 100 COL HGTS ANNEX TO MPLS ACCORDING TO THE RE-RECORDED PLAT THEREOF ON FILE & OF RECORD IN THE OFF OF THE REG OF DEEDS IN & FOR ANOKA CNTY, MN

THE APPLICANT SEEKS THE FOLLOWING:

1. Variance to allow a reduction of parking setback to 0 ft for the west side yard and rear yard. City Code Section 9.111 (C) requires parking setback of 5 ft on the side yard and rear yard.

The Planning Commission held a public hearing as required by the City Zoning Code on July 7, 2026;

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 makes the following:

FINDINGS OF FACT

1. 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.

2. 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 classifications.
3. 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.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. 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.

CONDITIONS

1. The variance applies to the zero ft setback for parking to the north and west and an increased utilization of the zero ft setback on the east, if changes are made to the proposed parking lot a reassessment will need to be made.
2. A Building Permit Application must be submitted prior to construction due to the additional parking lot being a proposed accessible route.
3. Must start construction within one year or the variance will be considered null

ORDER OF COUNCIL

Passed this _____ day of _____, 2026

Offered by:

Seconded

by:

Roll Call:

Amáda Márquez Simula, Mayor

Attest:

Sara Ion, City Clerk / Council Secretary