

RESOLUTION NO. 2023-_____

A RESOLUTION APPROVING A VARIANCE TO REDUCE THE SIDE YARD SETBACK FROM 10 FEET TO 9.6 FEET FOR AN EXISTING HOME AND AN ADDITION AT 8120 COLFAX AVE S, BLOOMINGTON, MN 55420, BLOOMINGTON, MINNESOTA.

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington; and

WHEREAS, an application has been filed for a variance to reduce the side yard setback from 10 feet to 9.6 feet for an existing home and an addition on behalf of Deja Curry and Michael Brooks (hereinafter the "Applicant"), owner of the premises located at 8120 Colfax Avenue South (hereinafter the "Property"), and legally described as:

Prairie Village 2nd Addition, Lot: 6, Block: 2,

WHEREAS, the Hearing Examiner has reviewed said request at a duly called public meeting on December 4, 2023 and recommends approval.

WHEREAS, the City's zoning code Section 21.301.02(d)(1) requires a 10-foot side yard setback. The Applicant proposes a 9.6-foot side yard setback.

WHEREAS, Minnesota Statutes §462.357, subd. 6(2) and City Code §2.85.04(g) each require affirmative findings that the requested variance is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan and the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that 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. Economic considerations alone do not constitute practical difficulties.

WHEREAS, the City Council is empowered to approve variances to provisions of the City Zoning Ordinance when such variances are in harmony with the general purpose and intent of the Zoning Ordinance, are consistent with the Comprehensive Plan, and when the applicant has established that there are practical difficulties in complying with the Zoning Ordinance.

WHEREAS, the City Council has reviewed said request at duly called public meeting on December 18, 2023 and has considered the report of the City staff, the consideration of the Hearing Examiner, any comments of persons speaking regarding the proposed variance, and the requirements in Bloomington City Code.

WHEREAS, the City Council made the following findings pursuant to Bloomington City Code regarding when variances may be permitted.

WHEREAS, City Code Section 2.85.04(g)(1) – Zoning variances may only be approved when:

Required Finding	Finding Outcome/Discussion
(A) ... The variance is in harmony with the general purposes and intent of the ordinance.	Finding Made – The variance for a reduced side yard setback for an existing single-family home and new addition is in harmony with the general purposes and intent of the ordinance to improve the aging housing stock in the City.
(B) ... The variance is consistent with the Comprehensive Plan.	Finding Made – The variance for a reduced side yard setback for an existing single-family home and new addition is consistent with the Comprehensive Plan’s Low Density Residential designation.
(C) ... The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties	Finding Made – The home in question already has a non-conforming side yard setback due to the City Code adoption in 1962. Compliance would require reconstruction of the dwelling.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	Finding Made - Reducing the side yard setback from 10 feet to 9.6 feet allows the property owner to use the single-family home and approximately 549 square foot addition, a reasonable use.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	Finding Made – The house was built on the lot before the City was incorporated. The original building was constructed with the reduced setback and was not the result of actions by the owner.

(F) ... The variance if granted will not alter the essential character of the locality.	Finding Made - The variance will not alter the essential character of the locality as it is an already existing single-family home built in 1954 with the new addition slightly enlarging the home.
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NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON IN REGULAR MEETING ASSEMBLED:

- A. That the affirmative findings of the Hearing Examiner are adopted by the City Council;
- B. That the variances shall expire if not used or applied in accordance with the provisions of City Code Section 19.23.01;
- C. That the requested variances are approved, subject to the following conditions:
 - 1 The existing home and home addition must be as shown on the approved plans in Case File # PL2023-189, unless approved by the Planning Manager.

Passed and adopted this ____ day of _____, 2023.

Mayor

ATTEST:

Secretary to the Council