

RESOLUTION NO. 2016-_____

A RESOLUTION APPROVING VARIANCES TO REDUCE THE SIDE YARD SETBACK FROM 10 FEET TO 6.4 FEET FOR A PRINCIPAL HOME ADDITION AND FROM 10 FEET TO 8.9 FEET FOR AN EXISTING HOME AT 8324 BEARD ROAD, 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 on behalf of Kathleen Corcoran, owner of the premises located at 8324 Beard Road and legally described as follows:

Lot 12, Block 1, SOUTHDELL 5TH ADDITION

Variances to reduce the side yard setback from 10 feet to 6.4 feet for a principal home addition and from 10 feet to 8.9 feet for an existing home.

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

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 considered the report of the City staff, the findings and decision of the Hearing Examiner, the comments of persons speaking regarding the proposed variances and the factors in Bloomington City Code Section 2.98.01(b) (2) (A-C) and has found as follows:

Variance Findings – Section 2.98.01 (b)(2)(A-C)

A) That the variance is in harmony with the general purposes and intent of the ordinance;

- The requested variance for a minor addition to enhance the long-term use and desirability of the home is consistent with the general purpose and intent of the City Code to allow reasonable use and expansion. The lot configuration restricted logical expansion options consistent with the floor plan.

B) That the variance is consistent with the comprehensive plan;

- The variance is consistent with the Comprehensive Plan, which encourages logical expansion to the older housing stock.

C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- The lot is diamond-shaped and has minimal space to add on to the sides of the lot. The lot is situated on the side of a cul-de-sac.

Practical difficulties as used in connection with the granting of the variance, means that:

(i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

- The proposed addition to accommodate a laundry room is a reasonable request. Also, the proposed addition is minimal, only 80 square feet, and will not affect adjacent property owners.

(ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

- The layout of the home limits the location on the lot for a home addition without a variance. The landowner purchased the home as originally constructed and did not create this circumstance.

(iii) The variance if granted will not alter the essential character of the locality.

- The variance to provide an 80 square foot home addition is in harmony with the general purposes and intent of the ordinance and is not anticipated to alter the character of the neighborhood.

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 addition must be constructed as shown on the approved plans in Case File PL2016-153.
 - 2. Exterior building materials must be consistent with those used on the existing dwelling.
 - 3. Building plans shall be approved by the Building and Inspections Department.

Passed and adopted this ____ day of _____, 2016.

Mayor

ATTEST:

Secretary to the Council