



RESOLUTION 16-0510-04

A RESOLUTION GRANTING APPROVAL OF A VARIANCE TO ALLOW A 4 FOOT INCREASE IN THE PERMITTED HEIGHT OF A DETACHED ACCESSORY BUILDING FOR THE PROPERTY LOCATED AT 2365 NELSON ROAD

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Ruth and Stephen Clark (the “Applicants”) submitted a request for a Variance to allow a detached accessory structure to exceed the height of the principle structure for the property located at 2365 Nelson Road (PID No. 19-118-24-21-0008) (the “Property”); and

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS, the Property is legally described as:

South 330 FT OF North 828.05 FT OF Northeast 1/4 OF Northwest 1/4 EXCEPT ROAD

WHEREAS the requested Variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for AG-Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on April 19, 2016 to review the application for a Variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Ruth and Stephen Clark and grants a Variance for the property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The 4 foot variance will allow the detached accessory building to have a maximum height of 18 feet as measured in accordance with City standards.
3. The proposed building cannot be used for a commercial business or storage not otherwise permitted on the property.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the AG-Agriculture zoning districts.

This resolution was adopted by the city council of the City of Independence on this 10th day of May, 2016, by a vote of _ ayes and _ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)