
MEMORANDUM

TO: KIMBALL CITY COUNCIL
FROM: NICOLE, CITY CLERK
SUBJECT: VARIANCE REQUEST
DATE: MARCH 23, 2025
REQUEST: VARIANCE TO BUILD A 1,500 SQ FT DETACHED GARAGE WITH AN 11 FT OVERHEAD DOOR
APPLICATION NUMBER: 25-03: PUBLIC HEARING REQUIRED

GENERAL INFORMATION

Applicant/Owner: Chase Meinz and Ashlynn Meinz
Location: PID: 60.34477.0041 932 Poplar Dr SE

Zoning/Existing
Land Use: R1/Urban Residential

Initial Application Made: 03/04/2025

Deadline for Agency Action on Completed Application Received:

60-days: 05/03/2025

120-days (with extension): 07/02/2025

Ordinance Authority

[Ordinance 1000](#), provides definitions for the City's Land Use Regulations

[Ordinance 1020](#), provides the procedure for granting Variances

[Ordinance 1140](#), describes the allowable accessory building regulations in Residential Districts

1) Statutory Authority

[Minn. Stat. § 462.357, subd. 6](#), provides the statutory authority for granting variances

2) Variance Request Evaluation

Staff's evaluation shall be based upon, the following findings according to [Ordinance 1020](#) and [Minn. Stat. § 462.357, subd. 6](#):

Ordinance 1020.01 Criteria for Granting Variances: A variance from the provisions of the Zoning Ordinance may be issued by the Board of Adjustment to provide relief to the landowner in those cases where strict application of the regulations of the Ordinance would impose practical difficulties to the property owner in the use of his land. No use variances may be issued by the Board of Adjustments. A variance may be granted only in the event that all of the following circumstances exist:

- (1) That there are practical difficulties in complying with the Ordinance requirements.
"Practical difficulties" means that the property owner proposes to use the property in a

reasonable manner not permitted by an official control; 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.

- (2) That such variance is necessary to put the property to a reasonable use. Economic circumstances or the possibility of increased financial gain shall not in itself be deemed sufficient to warrant a variance.
- (3) That the granting of such variance is consistent with the intent and purpose of this Ordinance and the comprehensive plan.
- (4) That the condition or situation of the specific piece of property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such a condition or situation.

Minn. Stat. §462.357 OFFICIAL CONTROLS: ZONING ORDINANCE.

Subd. 6. Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
- (2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when 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. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section [216C.06, subdivision 14](#), when in harmony with the ordinance. The board of appeals and adjustments or the governing body, as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body, as the case may be, may permit as a variance the temporary use of a one-family dwelling as a two-family dwelling. The board or governing body, as the case may be, may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Staff's evaluation is as follows:

- Applicant's property is located at 932 Poplar Dr SE.

- Per [Ordinance 1000](#), the combined area of the rear and side yards is approximately 22,597sq. ft.; thus allowing for **no larger** than an accessory building of 5,649sq. ft.
- [Ordinance 1140](#), states that accessory buildings in Residential Districts shall not be larger than 1,280sq. ft nor shall any access door or other opening exceed the height of (10) feet. Accessory building shall not occupy more than 25 percent of the rear and side yard.

Staff offers the following for approving a variance to construct a detached garage that will exceed the allowable square footage maximum by 220ft. and exceed the overhead door height by 1ft.:

Practical Difficulties

1. *Reasonableness:*

Does the property owner propose to use the property in a reasonable manner?

CRITERION MET

2. *Uniqueness:*

Is there anything physically unique to this parcel of land that would require a variance to exceed the maximum allowed of 1,280 sq. ft.?

CRITERION NOT MET

3. *Essential character:*

Will the resulting structure be harmonious with its surroundings or will it be out of scale, out of place or otherwise inconsistent with the surrounding area?

CRITERION MET

3) *Is the granting of the variance consistent with the intent and purpose of the Ordinance and the Comprehensive Plan?*

CRITERION MET

FINDINGS OF FACT

1. Chase Mainz and Ashlynn Mainz are the owners of a parcel of land located at 932 Poplar Dr SE; and
2. The subject property is legally described as found on Exhibit A; and
3. The variance would allow the applicants to construct their proposed 1,500sq. ft. accessory building, which is 220sq. ft. above the maximum size allowed per Ordinance 1140 of 1,280sq. ft.
4. The variance would vary from City Ordinance 1140 in that it would allow the applicants to exceed the maximum door opening height of 10ft. by 1ft. for overhead door openings of 11ft.

FURTHER RECOMMENDATION FROM STAFF

Based upon the submitted application, plans and findings of this report, staff recommends approval of a variance for the following:

A variance from City Ordinance 1140 to construct a detached garage that is 220sq. ft. larger than the maximum allowable size of 1,280sq. ft. and a variance to install 11ft. overhead doors; exceeding the allowable height by 1ft.

1. **APPLICABLE LAW** - [Minn. Stat. § 462.357, subd. 6 provides](#)

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
- b. Variances may be granted when 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 (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality.

ATTACHMENTS

Exhibit A: Completed Variance Application

Exhibit B: Site Plan

Exhibit C: Detached Garage Sketches