



Planning Commission Memorandum

To: Planning Commissioners

From: Justin Fortney, City Planner

Date: June 13, 2022

Item: Variance #2022-40 – Accessory Structure Size – 707 1st Street E – Terry Heselton

Planning Commission Action Requested

The Planning Commission is asked to review the following variance and make a recommendation to the City Council.

- 1) A variance to the maximum size of accessory structures. Chapter 155.05, Subd. (D)(11) – Accessory structures: R-2 1,000 Square feet total.

Background Information

The large stone building on the site is the historic [Hastings Foundry-Star Iron Works](#) building that was built in 1859. It is the earliest surviving industrial site in the state. The building is historically significant as the location where the first steam engine in Minnesota was built (1860) and subsequent engines for railroad elevators and riverboats. Iron for bridges and other structures were also built here along with riverboats, some of the first automobiles and other items and inventions. The building was listed on the [National Register of Historic Places in 1979](#).

The current parcel is made up of four Town of Hastings lots. The house sitting on the east side of the parcel on lot one, was constructed in 1913. Staff is not aware of any historical significance of the house.

Behind the stone building are some metal structures that were built about 30-years ago. Those structures have a combined size of about 1,000 Sf would be removed with construction of the proposed garage. There is another structure behind the house that is defined as a portable carport rather than an accessory structure. A home without an attached garage may have two accessory structures up to 1,000 sf total in size. Removal of the 30-year old structures would allow the historic stone building and the proposed garage, if not for the limitation on total structure size.

The applicant proposes to construct a 1,000 sf (25' by 40') garage for his vehicles. The stone building had been used by the applicant for a permitted home occupation of his excavation business. Now retired, he uses it for a personal shop and storage of the excavation equipment he has held on to in retirement. He states that the stone building is not conducive as a residential garage due to its distance from the home and design.

The proposal was reviewed by the Hastings HPC (Heritage Preservation Commission) as a local heritage preservation site. The proposal was approved as currently presented at their May 17,

2022 meeting. They found that due to the location of the proposed garage, the historic integrity of the stone building would not be adversely affected.

The property is within the flood fringe district, requiring new improvements to be elevated on fill one-foot above the base flood elevation. That would require about three to four feet of fill in the proposed location, which is about two feet higher than the street.

Variance Definition

Variances are deviations from strict compliance of City Code provisions. The Board of Adjustment and Appeals may issue a variance upon determination of findings of fact and conclusions supporting the variance as established in Chapter 30.02, Subd. F of the City Code.

Board of Zoning Adjustment and Appeals

Hastings City Code Chapter 30.02 establishes the Board of Zoning Adjustment and Appeals and appoints the City Council and Planning Commission to facilitate the Board's roles and duties. Applications for Variances require Board of Zoning Adjustment and Appeals review.

Variance Review

City Code Chapter 30.02(F) establishes the requirement for granting variances. The Planning Commission (acting in part as the Board of Adjustment and Appeals) may consider variances to the Zoning Code that are not contrary to the public interest where owing to special conditions, and where a literal enforcement of the provision of the City Code would result in practical difficulties. Variances may be granted providing the following has been satisfied (staff review appears in **bold italics**):

(1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out; ***The site was originally developed in 1859 as an industrial site with the stone building as the principal structure. The home was constructed many years later. The 75-foot separation of these structures does not readily allow the stone building to be used as a true accessory structure to the home and cannot be demolished, moved, or greatly modified, all of which pose a practical difficulty to the homeowner.***

(2) The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and not applicable, generally, to other property with the same zoning classification; ***The conditions above are highly unique to the subject tract of land. While there are other historic garages in Hastings, they are readily usable as accessories to the adjacent home, as they were originally constructed for that purpose.***

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land; ***The owner doesn't seek to obtain the variance exclusively to increase the value or income potential of the lot, as the variance is necessary to construct a***

typical garage. The applicant is even removing existing buildings to comply as much as possible with ordinance requirements.

(4) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located; **Granting of the variance would allow for the construction of a garage meeting all flood and building code requirements. Additionally, the removal of the two 30-year old structures behind the stone building will remove two structures that do not likely meet current ordinances relating to building codes, zoning, floodplain, and negatively affect the historical integrity of the historic stone building.**

(5) The proposed variance will not impair an adequate supply of light and air to property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity; **It does not appear that the variance will impair light, air, congestion, fire danger, public safety, or property values within the vicinity, as the proposed garage is located between existing structures on the subject property. The removal of the existing accessory buildings behind the stone building do not have the proper fire separation presently, thereby eliminating a potential fire hazard with their removal.**

(6) The variance is in harmony with the purposes and intent of ordinance; **Yes, the purpose and intent of the ordinance is to limit accessory uses taking up the entire parcel. While this large four lot parcel will have more than the allowed amount, the home and proposed garage will appear to be a typical house and garage and the historic stone building will appear to be the stand-alone stone structure it has been for nearly 165 years. This large parcel will have less lot coverage of structures than typical properties.**

(7) The variance is consistent with the comprehensive plan; **Yes, the Comprehensive Plan guides this area as residential. This would allow accessory uses subordinate to principal uses.**

(8) The proposal puts the property to use in a reasonable manner; **Construction of a detached garage adjacent to a home is certainly reasonable.**

(9) There are practical difficulties in complying with the official control. "Practical difficulties", as used in connection with the granting of the variance means that:

(a) The property owner proposes to use the property in a reasonable manner not permitted by an official control; **Yes, as stated in number 8 above.**

(b) The practical difficulty is caused by the provisions of this chapter and has not been created by any persons presently or formerly having an interest in the parcel of land; **The practical difficulties were created by the official controls that classify the historic stone building as an accessory to the house, despite it not having been designed, built, or adaptable for that purpose.**

1. A practical difficulty is not present if the proposal could be reasonably accomplished under the current Ordinance requirements. ***The applicant cannot accomplish the proposal under the current ordinance requirements. The applicant has pledged to remove the metal accessory buildings behind the stone building in an effort to comply as much as possible with the ordinance requirements.***

(c) The variance, if granted, will not alter the essential character of the locality. ***The parcel will continue to operate consistent with the way the property has existed for over a century and similarly to the surrounding area.***

(d) Economic considerations alone do not constitute practical difficulties. ***The applicant has not stated any financial reasoning for the variance.***

(e) Practical difficulties include inadequate access to direct sunlight for solar energy systems. ***Not applicable.***

NOTIFICATION

Property owners within 350-feet of the subject property were notified of the variance request to construct an additional accessory structure. Staff received an anonymous voicemail from a notice recipient stating they didn't want the property to have any more buildings.

RECOMMENDATION

Approval of the variance is recommended based on the preceding findings of fact and subject to the following conditions.

Conditions

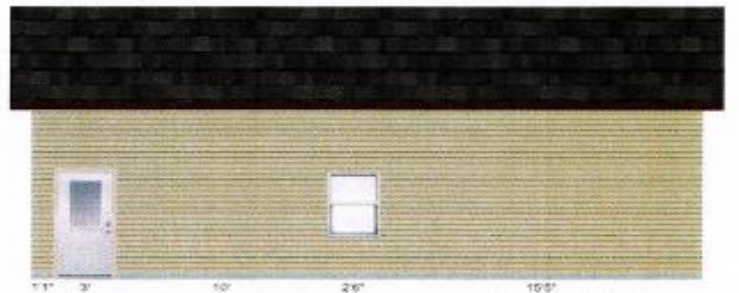
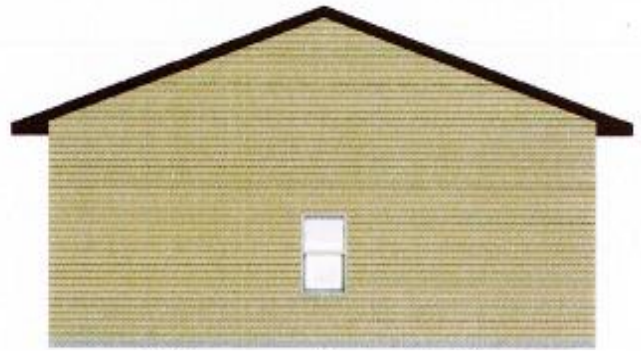
1. Conformance with the Planning Commission Staff Report and plans dated June 13, 2022.
2. Approval is subject to a one-year Sunset Clause; if progress on the proposal is not made within one year of City Council approval, the approval is null and void.
3. The proposed garage must meet all applicable building codes, shoreland, zoning, and floodplain ordinance requirements.
4. The structures immediately north of the stone building must be removed to validate the variance.

ATTACHMENTS

- Location Map
- Site Photos
- Plans

Aerial Map





Superimposed image
may not be to scale.

