

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

February 14, 2025

No. 25-12

**RESOLUTION APPROVING A VARIANCE AT 1375 LARPENTEUR AVE W. FOR AN
INCREASE IN IMPERVIOUS SURFACE COVERAGE**

WHEREAS, John Radimecky, 1375 Larpenteur Ave W. Falcon Heights, MN 55113 (“the property”), has applied for a variance from the impervious surface requirement of City Code; and

WHEREAS, the property is legally described as follows: LARPENTEUR VILLAS 2 63 FT OF E 96 FT OF LOTS 10 AND LOT 11; and

WHEREAS, the Falcon Heights Planning Commission evaluated the variance application at the meeting on January 28, 2025 and recommends approval of the variance; and

WHEREAS, the Falcon Heights City Council reviewed the requested variance at its regular meeting on February 12, 2025; and

WHEREAS, the Falcon Heights City Council makes the following findings of fact related to the requested variance at 1375 Larpenteur Ave W.:

FACTS:

1. City Code Section 113-241(b)(4) requires a maximum impervious lot coverage of 3,320 or 30%, whichever is greater for properties in the R-1 zoning district over 7,370 square feet to 15,800 square feet.
2. 1375 Larpenteur Ave W. is 0.249 acres (10,846.44 square feet) and is permitted a total of 3,320 square feet of impervious surface.
3. The property owner intends to demolish the existing garage and driveway and create a new driveway on the west side of the property and build a new garage in the rear of the existing home.
4. The property is currently a legal nonconforming property due to the existing garage impeding into the required side and rear setbacks, the existing driveway impeding into the required side setback, and the existing impervious surface coverage at 4,200 square feet.
5. The property owner’s plan would correct the existing nonconformities related to setbacks of the garage and driveway.
6. The property owner’s plan would reduce the existing impervious surface coverage by 304 square feet but would still be over the allowable limit by 576 square feet.
7. A variance from City Code would be required to allow the requested 3,896 square feet of impervious surface coverage.

APPLICABLE LAW:

8. Minnesota Statute Section 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 ordinances; (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.
9. City Code Section 113-62(e) allows variances if:
 - a. The granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.
 - b. The requested variance is the minimum action required to eliminate the practical difficulties.
 - c. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter. Variances may be approved for the temporary use of a one-family dwelling as a two-family dwelling.

CONCLUSIONS OF LAW:

10. The requested variance is in harmony with the purposes and intent of the ordinance because the variance will further the intent of section 113-1(15) of City Code, providing for the gradual elimination of those uses of land, buildings, structures, and improvements which do not conform to the standards for the areas in which they are located.
11. The requested variance is consistent with the comprehensive plan because it is reducing the impervious surface on the property, helping to reduce flooding and stormwater pollution.
12. The property owner does propose to use the property in a reasonable manner because the current garage is failing and building a new garage and driveway is a normal use of a residential property and will bring the property more into compliance with City Code.
13. There are unique circumstances to the property not created by the landowner because the property was nonconforming before he purchased it and the long narrow lot shape requires a long driveway which makes meeting the impervious surface requirement difficult, if not impossible.
14. The variance will maintain the essential character of the locality because it is not changing the use of the property and will be improving on the existing conditions of the property.
15. The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety because it is not changing the use of the property and will be improving on the existing conditions of the property.

16. The variance, with the condition that the site plan dated February 13, 2025 with a driveway 10' in width is conformed to, is the minimum action required to eliminate the practical difficulties because the long narrow lot shape requires a long driveway which makes meeting the impervious surface requirement difficult, if not impossible.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

The application to issue a variance to allow the property owner of 1375 Larpenteur Avenue W., Falcon Heights, Minnesota to build a new garage and driveway and deviate from City Code by increasing the maximum permitted impervious surface requirement from 3,320 square feet to 3,896 square feet is hereby approved.

Adopted by the City Council of the City of Falcon Heights, Minnesota this 14th day of February, 2025.

Moved by:

Leehy

Approved by:


Randall C. Gustafson
Mayor

GUSTAFSON
MEYER
LEEHY
WASSENBERG
MIELKE

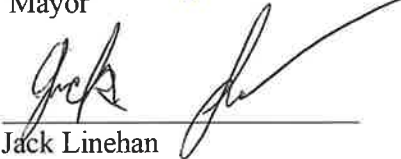
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In Favor

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Against

Attested by:


Jack Linehan
City Administrator