

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2017-14**

**RESOLUTION APPROVING A VARIANCE FROM FRONT YARD SETBACKS,  
WETLAND BUFFER SETBACKS AND STRUCTURAL SETBACK FROM A  
WETLAND BUFFER TO CONSTRUCT AN ACCESSORY STRUCTURE LOCATED AT  
9051 LANSING AVENUE NORTH, GRANT, MN**

**WHEREAS**, Jon and Michelle Weaver (“Applicant”) has submitted an application for a variance from the required front yard setback to construct a new accessory structure located at 9051 Lansing Avenue North, in the City of Grant, Minnesota; and

**WHEREAS**, the parcel is a corner lot with dedicated right-of-way easements along the westerly and southerly property lines that are unbuildable; and

**WHEREAS**, the subject parcel has significant sloping topography from the west to east limiting the upland area on the lot; and

**WHEREAS**, there are wetlands on the site as identified on the National Wetland Inventory that are not buildable and limit the area in which any structures could be constructed; and

**WHEREAS**, there are no reasonable locations on the parcel that would be outside of all applicable yard and wetland buffer setbacks to construct an accessory structure that are accessible; and

**WHEREAS**, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on June 20, 2017, and subsequently recommended that the City Council approve the Applicant’s requested variance and staff’s identified variances with conditions.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, that it does hereby approve the request of Jon and Michelle Weaver, based upon the following findings pursuant to Section 32-59 and 32-60 of the City’s Zoning Ordinance which provides that a Variance may be granted if a hardship is demonstrated. The City Council’s Findings relating to the standards are as follows:

- The buildable area on the subject property is constrained by natural features including a large wetland and significant sloping topography.
- There is a significant area of land, which would otherwise be buildable, in the designated right-of-way for both Lansing Avenue and Dellwood Road North (Highway 96) which further constrains where any lot improvements could be located.
- The site constraints on site are not self-created, are the result of the natural landscape or are associated with a public improvement.

**FURTHER BE IT RESOLVED**, that the following conditions of approval of the Variances shall be met:

- The Applicant shall submit description of how the proposed Accessory Structure is consistent in character and color to the principal structure.
- The Applicant shall acquire a wetland edge determination (wetland boundary) for that portion of wetland closest to the Accessory Structure to determine the square footage affected by the encroachment.
- After the wetland edge is identified, the amount of wetland buffer impact shall be determined. The impacted wetland buffer area shall be averaged, and that portion which is impacted should be mitigated with additional protected buffer area on site.
- The additional buffer (averaged area) should be placed into an easement that shall be identified on an updated Certificate of Survey, or on a separate exhibit, which shall be recorded with the property and the approved variance.
- A building permit should be obtained prior to any site work being completed.
- A grading permit should be obtained from the City Engineer, if applicable.
- The Applicant shall be responsible for obtaining any required permits from Browns Creek Watershed District (BCWD).
- The Applicant shall obtain all necessary permits and approvals from any other regulatory agency, including, but not limited the BCWD, which may have authority over the construction of the new accessory structure.

Adopted by the Grant City Council this 29<sup>th</sup> day of June 2017.

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Jeff Huber, Mayor

State of Minnesota            )  
  ) ss.

County of Washington )

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on \_\_\_\_\_, 2017 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Kim Points  
Clerk  
City of Grant