

**RESOLUTION OF THE MANKATO CITY COUNCIL
GRANTING A VARIANCE UNDER
THE MANKATO ZONING ORDINANCE**

WHEREAS, the owner of the following described real estate located in Mankato, Minnesota, to wit:

The west 48 feet of Lots 8 & 9, Block 5, Hubbell's Addition (307 Mound Avenue).

Has applied for a for a variance from Chapter 10, Article II, Division 4, Sec.10-137 of the Mankato City Code to increase the allowable maximum ground coverage from 30% to 37%, for a total lot coverage of 1,358 square feet in the R-2, one-and-two family dwelling district; and a variance from Chapter 10 Article X, Division 1, Sec. 10-1465 to decrease the required corner side yard setback from 15 feet to 8.5 feet; and

WHEREAS, the Director of Community Development of the City of Mankato has completed a review of the application and made a report pertaining to said request (CYV 04-25), a copy of which has been presented to the City Council; and

WHEREAS, the Director of Community Development of the City of Mankato, on the 24th day of September, 2025, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the variance request be approved with conditions; and

WHEREAS, the City Council find the property owner has demonstrated a practical difficulty and finds:

1. The applicant has established that conforming to the strict letter of the provisions of this chapter would create a unique and particular hardship because of the size of the existing lot, location of existing structures on the lot, the unimproved condition of the Irving Street right-of-way, and dilapidated condition of the existing garage.
2. Unique and Particular Hardship. Unique and particular hardship is defined as the property is exceptional as compared to other property subject to the same provisions by reason of a unique physical condition, including the presence of an existing use or structure, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot. The hardship shall amount to more than a mere inconvenience to the owner and the hardship shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot. The applicant has demonstrated the existing physical conditions on the lot, including a small lot, far smaller than the current or previous minimum lot sizes for residential development in the R-2, One- and Two-Family Dwelling District, and the presence of existing structures within the required corner side yard.
3. Not Self-Created. The unique physical condition and hardship is not the result of any action or inaction of the property owner or its predecessors in title. The unique physical condition shall have existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this chapter. The current primary structure and accessory structure on the site

do not achieve the required corner side setback, the lot was split from 301 Mound Ave prior to construction of the primary structure in 1941 and could not be modified into a conforming lot at this time, said conditions were not created by the applicant.

4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other property subject to the same provisions. The current lot area and existing location of structures on the lot, deprive the owner the ability to construct a garage in-place-of the existing blighted garage, in order to provide off-street covered parking and storage on site.
5. Not Merely Special Privilege. The alleged hardship does not include the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision. The alleged hardship shall not include the inability of the property owner to realize a greater profit than if the variance were not granted.
6. No Other Remedy. There are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot. The design strives to maintain the essential character of the surrounding area on the subject site, while navigating the unique features of the property. The size and location of the lot, as well as the location and condition of existing structures, deny the owner with the ability to make a reasonable improvement to their property without granting these variances.
7. Variance Less Than Requested. There is no known variance that is less than or different from that requested, which would provide the applicant with the right to some relief but not to the relief requested.
8. Essential Character of the Area. The variance would not result in a development on the lot that:
 - a) Would be detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of property or improvements permitted in the vicinity.
 - b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity.
 - c) Would substantially increase congestion in the public streets due to traffic or parking.
 - d) Would unduly tax public utilities and facilities in the area.
 - e) Would unduly increase the danger of flood or fire.
 - f) Would endangers the public health or safety.
 - g) Would not be in harmony with the general and specific purposes of this chapter and the comprehensive planning policies and objectives of the City.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Mankato, that the request for a variance to increase the allowable maximum ground coverage from 30% to 37%, for a total lot coverage of 1,358 square feet; and for a variance to

decrease the required corner side yard setback from 15 feet to 8.5 feet be approved subject to the following conditions:

1. The property owner shall apply for a License to Encroach for private use of the existing driveway within Irving Street to Public Right-of-Way with prior to submission of a building permit.
2. The applicant shall apply for and receive a building permit prior to making improvements associated with the proposed garage.
3. Private usage of the public right-of-way, identified as "Irving Street" shall be limited to access purposes only. The parking of vehicles or storage of private property, including but not limited to: construction material, refuse containers, lawncare equipment, and recreational equipment, shall be prohibited, until such time as a License to Encroach is approved by the City of Mankato.
4. If temporary access for construction or any other means is necessary in the public way, the appropriate right of way permit, obstruction permit or others shall be obtained in accordance with City of Mankato standards prior to work occurring.
5. If new exterior lighting is proposed, it shall achieve Mankato City Code. This requires, but is not limited to, full-cut, fully shielded light fixtures. Lighting levels at the property line shall not exceed 1/2-foot candle.
6. The City of Mankato Public Works Department is investigating the need for modifications to the Irving Street Right-of-Way, this includes improvements to, vacation of, or retention of existing Irving Street conditions. The property owner shall agree to be a willing petitioner at the time that modifications are made to Irving Street ROW.

This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2025.

Najwa Massad
Mayor

ATTEST: _____
Renae Kopischke, MMC
City Clerk