

**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:

Lot 1, Block 1, Evenson Subdivision (905 S. Victory Drive)

Has applied for a for a variance from Chapter 10, Article X, Division 2, Sec.10-1500(e) of the Mankato City Code to reduce the required setback from a wetland from 16.5 feet to 5 feet for the purpose of constructing a sidewalk; 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 03-26), 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 28th day of January, 2026, following proper notice, held a public hearing regarding the request, and following said public hearing, provided a recommendation that the variance request be approved with conditions; and

WHEREAS, the City Council find the property owner has demonstrated a practical difficulty in complying with Chapter 10, Article X, Division 2, Sec.10-1500(e) of the Mankato City Code and finds:

1. The property owner proposed to use the property in a reasonable manner not permitted by the zoning ordinance. The proposed location for the sidewalk is the result of exploring other locations, but determining none were feasible based on extenuating circumstances such as traffic, wetlands and site conditions.
2. The plight of the property is due to circumstances unique to the property not created by the property owner. The environmental conditions and location bordering a county road, create a challenge in placement for pedestrian connections. After exploring other potential locations, it was determined that with the site conditions, this location was the most feasible for a sidewalk.
3. The variance, if granted, will not alter the essential character of the locality. The limited ability to construct the sidewalk is based on the minimal amount of space between the Victory Drive pavement and the wetland. The proposed option encroaches only on the wetland setback, not the wetland, in order to install a safer pedestrian connection.
4. The proposed variance is in harmony with the general purposed and intent of the zoning ordinance as amended from time to time. The variance is consistent with the intent of the ordinance as the B-3 highway business district. The wetland setback is 16.5 feet according to Mankato City Code Chapter 10, Article X, Division 2, Sec. 10-1500.

The limited ability to construct the sidewalk is based on the minimal amount of space between the Victory Drive pavement and the delineated wetland. The proposed sidewalk encroaches only into the wetland setback, not the wetland, in order to install a safer pedestrian connection.

5. The proposed variance is consistent with the comprehensive plan of the City of Mankato as amended from time to time. The variance is not requesting the property to be used in a different manner than commercial/multi-family use. The variance is only requesting the setback be reduced for installing a pedestrian connection. The creation of this sidewalk connection is in line with the City's Complete Streets Plan. The variance meets this requirement as the use is not proposed to change.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Mankato, that the request for a variance to reduce the required setback from a wetland from 16.5 feet to 5 feet for the purpose of constructing a sidewalk be approved subject to the following conditions:

1. The applicant shall provide redundant Best Management Practices for perimeter protection between the sidewalk construction and the wetland.
2. The applicant shall submit a permit to work in the right-of-way prior to any construction activity related to the sidewalk.
3. The applicant shall schedule a BMP pre-inspection prior to construction activity beginning on the side.
4. The applicant shall submit plans for review and approval prior to construction of the sidewalk. Plans shall demonstrate conformance with the Americans with Disabilities Act.
5. The sidewalk shall be constructed in conformance with the approved sidewalk plan. Any modification shall be approved in writing prior to implementation.

This resolution shall become effective immediately upon passage.

Dated this _____ day of _____, 2026.

Najwa Massad
Mayor

ATTEST: _____
Renae Kopischke, MMC
City Clerk