

**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 south 40 feet of the east 73.75 feet, Lot 6, Block 19, Map of Mankato Subdivision, Blue Earth County (502 N. 2nd Street).

Has applied for a for a variance from Chapter 10, Article II, Division 8, Sec.10-271 of the Mankato City Code to decrease the required corner side yard setback from ten feet (10') to five feet, four inches (5'4") in the OR, Office Residential Zoning District; 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 04-26), 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 24th day of June, 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 II, Division 8, Sec.10-271 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 subject property is designated as OR, Office Residential, where residential structures, such as attached decks and balconies are permitted as residential features of single-family dwellings. Balconies, which are similar in nature to attached decks, are permitted structures within all residential yards (front, side, & rear).
2. The plight of the property is due to circumstances unique to the property not created by the property owner. The primary structure on the subject property was constructed prior to the designation of the property as OR, Office Residential and prior to adoption of the OR, Office Residential Zoning District ordinance as a whole. The subject property is a less than 3,000 Sq. Ft. lot that does not meet the minimum lot standard of this or any residential zoning district within the City of Mankato. The primary structure sits far closer to the front property line than the require 20', as established by the OR District. The zoning lot is considered legally non-conforming, as its use, setbacks, ground coverage, and transition buffer standards are all in a state of non-conformance at no fault to the property owner. The lot cannot be reasonably altered to achieve an improved state of conformance and will likely remain in a unique status of non-conformance. All improvements to the subject property that altered the footprint of the structure, occurred prior to ownership by the applicant.

3. The variance, if granted, will not alter the essential character of the locality. The proposed modification would not alter or increase the intensity of the use of the property. The proposed second-story residential balcony is an inherently accessory element to the residential dwelling unit located on the subject property. Above-grade structures that project into the sides and rear yard of commercial and residential properties, such as attached decks and stairwells, are common features of the surrounding neighborhood. Similar features are often seen as an enhancement to the residential character of a property. It is common place for architects and designers to pair the placement of balconies and similar features with adjacent pedestrian networks as a way of enhancing the neighborhood feel of an area and the local streetscape. It is the understanding of City Staff that residents benefit from access to outdoor residential amenities and the subject property does not have any reasonable alternative location for such amenities. The installation of another such structure would not alter the essential character of the area.
4. The proposed variance is in harmony with the general purpose and intent of the zoning ordinance as amended from time to time. The intent of the OR, Office Residential Zoning District ordinance is to provide for medium-high-density development at strategic locations and to encourage an optimum mix of office, institutional, and residential uses. The current massing of the property and surrounding area as well as the mix of residential and commercial uses appears to align with the stated purpose of the Office Residential District. The addition of a primarily residential architectural element, such as a balcony or attached deck is permitted in all residential zoning districts and is a commonly encroaching structure within the area.
5. The proposed variance is consistent with the comprehensive plan of the City of Mankato as amended from time to time. Use of the subject property is not indicated to change with approval of the variance. The subject property is zoned OR, Office Residential and is actively in use by mixed residential and commercial use. The property was initially developed as a service station that utilized its proximity to adjacent roadways for their business. Development of mixed-use properties is common throughout the surrounding vicinity. The proposed improvement would preserve and enhance the existing residential aspect of the property and meet the goal of the Land Use Plan to retain and enhance the character and quality of the established areas.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Mankato, that the request for a variance to decrease the required corner side yard setback from ten feet (10') to five feet, four inches (5'4") in the OR, Office Residential Zoning District be approved subject to the following conditions:

1. The applicant shall apply for and receive a building permit prior to making improvements associated with the proposed deck / balcony.
2. 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.
3. The proposed improvement shall not encroach into the required sight triangle nor create site line hazards for vehicles and pedestrians utilizing the adjacent right-of-ways.

This resolution shall become effective immediately upon passage.

Dated this ____ day of _____, 2026.

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke, MMC
City Clerk