



WILLMAR



PLANNING AND DEVELOPMENT SERVICES

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MEMO

TO: Willmar Planning Commission

Chair: Mark Klema

Members: Charles Oakes, Andrew Engan, Scott Thaden, Gary Geiger, Randy Czarnetzki, Nick Davis, Virgilio Aguirre, Jr, and Bob Poe.

FROM: Megan M. Sauer, Planner *MMS*

DATE: June 20, 2012

SUBJECT: JUNE 27, 2012 MEETING

The Willmar Planning Commission will meet at 7:00 p.m. on Wednesday, June 27, 2012, in Conference Room #2 (upper level) of the City Office Building. Please call me at 214-5195 if you cannot attend.

1. Call the meeting to order
2. Minutes of the May 23, 2012 meeting *
3. MinnWest Tech Campus Plan Review- Optimum Communications Corp. *
4. R-2 use in CBD discussion. *
5. Variance findings amendment discussion. *
6. Bethesda property discussion. **
7. Garage sales discussion. **
8. Miscellany
9. Adjourn

* included

** to be presented



**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, MAY 23, 2012**

MINUTES

1. The Willmar Planning Commission met on Wednesday, May 23, 2012, at 7:00 p.m. at the Willmar City Offices Conference Room #2.

** Members Present: Charlie Oakes, Gary Geiger, Randy Czarnetzki, Scott Thaden and Nick Davis.

** Members Absent: Bob Poe, Andrew Engan, Mark Klema, and Virgilio Aguirre Jr.

** Others Present: Gloria Batek, Alvin Blom, John Thell, Celeste Thell, Shirley Flatten, Larry & Beverly Wessels, Thomas Batek, Marion Larsen, Clinton Rierson, Clinton Moody, Tammy Barnes, Marilyn Goddertz, Elaine Frank, Gregory Doerr, Jeff Genser, Andrew Nelson, Don Williamson, Lloyd Tollefson, Sharron Rierson, Carol & Hanley Carlson, Myron Frank, Gary Peterson, W.V. Jansen, and Megan Sauer- Planner/Airport Manager.

2. MINUTES: The minutes of the May 9, 2012 meeting were approved as submitted.

3. VALLEY VIEW COURT CONDITIONAL USE PERMIT AMENDMENT- FILE NO. 12-2: The public hearing opened at 7:01 p.m. Jeff Genser, of New Design Properties, the builder, presented the request on behalf of the applicant Anjali Dahiya, for a conditional use permit for a planned unit development to allow a twin home on property described as: Lot 7, Block 1, Valley View Court First Addition (207 Valley View Dr. SE). Staff explained that the property was originally approved for a single family home and the amendment is required to allow the twin home. The property is zoned R-4 Medium Density Multiple Family Residential. Mr. Genser stated that they plan on building a rambler twin home with a basement lookout similar to the home to the west. If the request is not approved, they will build a single family home.

David Moody spoke on behalf of the homeowners association. He stated the home to the north is setback further from the street to allow views for the rest of the development, but that this twin home will block the view of the home to the west. A letter from Leila Nelson was read, regarding the obstruction of her view and her assumption the lot would have one single story home on it.

The radius of the cul-de-sac is currently at 45', the minimum for fire truck turnaround, so there is concern about on-street parking with a twin home at the end of the street.

Mr. Moody also explained that the homeowners association is concerned about a twin home going in and creating more snow storage issues. They currently pile snow in the

front yards of homes and on the empty lot. With a twin home there will be two additional driveways.

The Homeowners Association is also concerned about redoing the articles/covenants to describe the new proposed twin home legal description. 75% of the vote is required for approval by the membership; however the Association does not own the lot. Mr. Moody stated that there is an architectural control committee for the association and they will have to approve the façade of the building to ensure it fits into the neighborhood.

The utilities were built for a single family home so hook-ups and any sewer capacity issues will be at the cost of the developer. Mr. Moody added that the homes were all constructed for accessibility and for older people. There is concern about added traffic and density at the end of the narrow street. He asked the Commission to deny the request and have a single family home constructed on the lot.

Tom Batek, the property owner to the north, explained that there is currently a berm on the empty lot that directs drainage to the east and the property owner's sump pump discharges to the east as well. He was concerned about drainage issues with the development of the lot.

Jeff Genser, the builder for the applicant, stated that the building elevation sample is just an example of his work, it does not depict what will be built on the site. They propose a one story rambler with a basement, and they will work with the Homeowners Association to make the home fit in well with the existing homes. The ridge height of the home will be no higher than the others in the development.

Mr. Genser stated that the Association would have to deal with the snow storage issue regardless of what got built on the lot. With a twin home they will collect two more dues each month to deal with costs. The utility hook ups and capacity issue costs will be borne by the applicant. The property will not drain onto anyone else's property anymore than it currently does; it will meet City requirements.

Mr. Moody countered that the twin home will affect views and thus negatively impact the abutting homes values. The association will likely have to pay to have snow hauled away which they've never encountered before. The Association asked the Planning Commission to deny the request.

With no further comments from the public, the hearing was closed at 7:31 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission talked about snow removal being necessary regardless of what type of home goes on the property; the homeowner association is responsible for plowing and snow removal. They also talked about the view being blocked, and that any structure on the lot is going to impede the view to the golf course. They also talked about the fact that in the original plan that lot was designated to be a single family home.

Mr. Czarnetski made a motion, seconded by Mr. Geiger, to deny the request for a conditional use permit amendment to allow the twin home.

The Commission reviewed the findings of fact as per Section 9.E.3.a.1-7:

1. That the conditional use, with such conditions as the Commission shall determine and attach, conforms to the purpose and intent of this Ordinance, and is in conformity with the Comprehensive Land Use Plan of the City as the property is zoned R-4 Medium Density Multiple Family.
2. That there was no factual demonstration of a substantial/appreciable negative impact on values to properties in the neighborhood from the proposed conditional use as no appraisal value numbers were presented.
3. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community as there is no significance to the lot in question.
4. That the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as zoned.
5. That adequate utilities, access roads, stormwater management, and other necessary facilities have been or are being, provided as the development is operational and any new services will be at the applicant's expense.
6. That adequate measures have been, or will be, taken to provide ingress and egress in such a manner as to minimize traffic congestion and maximize public safety in the public streets as the private drive has already been in existence for some time.
7. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area/neighborhood as there are many twin homes in the development and this home will have to meet the covenants for architectural appearance.

The Planning Commission came to the conclusion that the request meet all the affirmative findings of fact, and they could make no findings to the contrary.

Mr. Czarnetzki made a motion, seconded by Mr. Geiger, to remove the motion from the table.

Mr. Thaden made a motion, seconded by Mr. Davis to approve the conditional use permit planned unit development amendment to allow a twin home with the following conditions:

- A. The Association declarations/articles shall be amended/recorded to include the approved twin home change and a copy of said document shall be submitted to the City prior to issuance of a building permit.
- B. The applicant shall work with the Homeowners Association on aesthetics of the structure, snow storage, and drainage.
- C. The building plans shall come back for Planning Commission review prior to issuance of a building permit.
- D. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The motion carried.

4. VALLEY VIEW COURT SECOND ADDITION PRELIMINARY PLAT- FILE NO. 12-04: The public hearing opened at 7:50 p.m. Jeff Genser, presented the plat on behalf of the applicant Anjali Dahiya, Spicer, MN, for a two lot subdivision of a lot legally described as: Lot 7, Block 1, Valley View Court First Addition (207 Valley View Dr. SE). The lot split is to allow a twin home to be constructed on the property. The utilities etc. are private so any access/hook-ups will be at the developers cost.

David Moody, spoke on behalf of the homeowners association, and argued that the twin home will affect property values due to an impediment affecting scenic views if the home is a two story. There is a concern about increased density, traffic, parking, and additional snow removal. He asked that the Planning Commission deny the request.

Jeff Genser commented that with two new units in the development the Association will be collecting two more dues each month. They are not building a two story twin home; it will be a Rambler with a basement. Any home on the lot would block some view from the abutting properties, but they will be no higher and match the homes in the area.

With no further comments from the public, the hearing was closed at 7:57 p.m.

Staff comments were reviewed and discussed (see Attachment A).

The Commission talked about the empty lot completing the development which was going to happen at some point in time. Snow removal changes and view obstruction would eventually occur as the Association did not own the lot.

Mr. Thaden made a motion, seconded by Mr. Geiger, to approve the preliminary plat with the following conditions:

- A. The utility easements shall be added as requested by the MUC.
- B. The Association declarations and articles shall be amended/recorded to include the newly created lots and a copy furnished to the City.
- C. The applicant shall work with the Homeowners Association on aesthetics of the structure, snow storage, and drainage.

The motion carried.

5. FAIRACRE ADDITION PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 12-3: The public hearing opened at 8:00 p.m. Don Williamson presented his proposal for a conditional use permit for a planned unit development of single family homes with a private drive on property described as: the W ½ of SW ¼ excluding the E 604.24' thereof, also excluding the S 540' thereof and also excluding the north 1365.50' thereof, Section 22, Township 119, Range 35 (2721 15th St. SW). Andy Nelson, of Bollig Inc., explained that the private street will be 32' wide. Mr. Williamson stated there will be a homeowners association to handle the declarations and articles, but they aren't sure yet which lots won't be in the association (as some lots front the public street).

No one spoke for or against the request and the public hearing was closed at 8:07 p.m. p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Planning Commission reviewed and made affirmative findings of fact in Zoning Ordinance Section 9.E.4.a.1-7.

Mr. Czarnetzki made a motion, seconded by Mr. Thaden, to approve the conditional use permit for a planned unit development with the following conditions:

- A. A homeowners association shall be set up and articles/declarations be submitted to the City prior to final plat signatures and be recorded with the plat.
- B. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The motion carried.

6. FAIRACRE ADDITION PRELIMINARY PLAT- FILE NO. 12-5: The public hearing opened at 8:10 p.m. Don Williamson presented the preliminary plat of an 11 lot single family home subdivision on property described as: the W ½ of the SW ¼ excluding the E 604.24' thereof, also excluding the S 540' thereof and also excluding the N 1,365.50' thereof, Section 22, Township 119, Range 35 (2721 15th St. SW). The property is zoned R-1 single family residential. They are proposing a private drive cul-de-sac and the lots well exceed the 10,000 sq. ft. minimum.

No one appeared to speak for or against the request and the public hearing was closed at 8:20 p.m.

Staff comments were reviewed and discussed (see Attachment A).

The Planning Commission asked how the stormwater was going to be dealt with on the property. Andy Nelson responded that due to the large lots they plan on rain gardens and infiltration systems onsite to deal with stormwater.

Staff commented that there will be no east/west street connections with that plat. The Planning Commission talked about the cul-de-sac and upscale homes planned for the development and that a traditional grid layout isn't a good fit.

Mr. Thaden made a motion, seconded by Mr. Geiger, to approve the preliminary plat with the following conditions:

- A. All easements shall be added as requested.
- B. All plans for street, sewer/water, and stormwater shall be submitted to the City Engineer for review and approval prior to final plat signatures.
- C. The homeowner association articles and declarations for the private street shall be submitted for Staff review prior to signature of the plat.

- D. Utility stub not at Fairacre Dr. location; moving it will be at the full cost of the developer.
- E. Private street shall meet Fire Department access/vehicle movement requirements.

The motion carried.

- 7. MINKE ADDITION PRELIMINARY/FINAL PLAT- FILE NO. 12-6: The public hearing opened at 8:25 p.m. Staff presented the three lot combination on behalf of Ron Minke combining two platted lots and one metes and bounds lot legally described as follows: Outlots A and B, Home Depot Addition; AND part of the NW ¼ of NW ¼ commencing at NW corner of Section 26; then E 133' to easterly r-o-w of Hwy. 71; then S 63.13' to point of beginning; then continued S on r-o-w line 120' then E parallel to N-S Section line to County Ditch #23, then N 120', then W 484.08' to point of beginning excluding that part platted as the Home Depot Addition (2805 1st St. S.). The property includes the existing Sherwin Williams building and Mr. Minke wants to clean up the legal and get only one tax statement.

No one appeared to speak for or against the request and the public hearing closed at 8:30 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

Mr. Thaden made a motion, seconded by Mr. Geiger, to approve the plat with the following conditions:

- A. The utility easements shall be added as requested.
- B. List all the access easements and recording number on the final plat and/or give copies of documents to the City.

The motion carried.

- 8. There being no further business to come before the Commission, the meeting adjourned at 8:32 p.m.

Respectfully submitted,



Megan M. Sauer, AICP
Planner/Airport Manager

PLANNING COMMISSION- MAY 23, 2012

STAFF COMMENTS

1. VALLEY VIEW COURT SECOND ADDITION CONDITIONAL USE PERMIT PLANNED UNIT DEVELOPMENT AMENDMENT- FILE NO. 12-2:

- The applicant is Anjali Dahiya, Spicer MN.
- She is requesting an amendment to the Valley View Court Second Addition to allow a twin home on a lot previously approved for a single family home on property described as: Lot 7, Block 1, Valley View Court First Addition (207 Valley View Court First Addition).
- The property is zoned R-4 Medium Density Multiple Family Residential.
- This is last lot that is undeveloped in the Planned Unit Development and was approved for a single family home.
- It is accessed via Valley View Court First Addition a private street.
- The property is part of a homeowners association and will have to adhere to their private covenants.
- The lot is 97.63' wide and with the proposed platting of the property each twin home would have 48.81 wide lots. This is slightly more narrow than the other twin home lots in the development which are at 53' in width.
- A variance was obtained for Lot 7, Block 1 for a 15' rear setback back in 2002.
- The side exterior setback (east) has to meet the 10' setback. But the front and interior side can match the existing homes in the Planned Unit Development.
- The builder has submitted a schematic of four plexes that he has constructed; this duplex would essentially be half of the submitted plan. The three bedroom two story home is slightly denser than the other homes in the development.

RECOMMENDATION: Approve the conditional use permit planned unit development amendment to allow a duplex on the above mentioned property with the following conditions:

- A. The lot is part of the homeowners association and will be responsible for dues for the private street, maintenance, etc. The new lot legal description once recorded shall be amended in the articles and declarations. And a copy submitted to the City.
- B. The use shall meet all applicable local, state, and federal laws and regulations at all times.

2. VALLEY VIEW COURT SECOND ADDITION PRELIMINARY PLAT- FILE NO. 12-04:

- The applicant is Anjali Dahiya, Spicer, MN.
- She is requesting a replat of a lot into two for a twin home on property described as: Lot 7, Block 1, Valley View Court First Addition (207 Valley View Dr. SE).
- The lot is 97.68' wide and being proposed to be split into two 48.81' wide lots.
- The lots are part of a planned unit development and there have been similarly sized lots created in other twin home developments such as Cambridge Second Addition most recently.
- It is a private development, street, water, etc. are private once they leave the City right-of-way and shall be controlled/maintained by the homeowners association.

- Parking is limited as the private street is narrow and only permitted on one side of the street.

City Engineer/Public Works Director Comments: We have reviewed the Valley View Court Second Addition plat prepared by Bonnema Surveys, Inc. and have no comments. The availability of utilities for the plat is unknown due to the fact that Valley View Dr. is a private street.

Assessor's Comments: Replat of 95-831-0360. Current parcel is part of an association with a private street, how would this affect property as far as access, dues and other association by-laws? Section 13, not 23.

Fire Chief/Marshal Comments: No parking fire lane. Fire hydrant as per City Policy.

MUC Comments: Add a 5' utility easement on the west property line of Lot 1, Block 1. Also, add a 10' utility easement at the north property line of lots 1 & 2, Block 1. The water is via an 8" main in Valley View Court.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

- A. The utility easements shall be added as requested by the MUC.
- B. The association declarations and articles shall be amended/recorded to include the newly created lots. A copy shall be furnished to the City.

3. FAIRACRE ADDITION PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT- FILE NO. 12-3:

- The applicant is Don Williamson, Willmar MN.
- The applicant proposing a single family home development with a private street on property described as: the W ½ of SW ¼ excluding the E 604.24' thereof, also excluding the S 540' thereof and also excluding the north 1365.50' thereof, Section 22, Township 119, Range 35 (2721 15th St. SW).
- The property is zoned R-1 Single Family Residential.
- The private street requires the planned unit development conditional use permit.
- There will have to be a homeowners association and declarations/articles formulated to cover the private street, shared access, maintenance etc.
- Fairacre Drive shall be labeled an outlet.
- Outlet street to the east?
- The lots all greatly exceed the 10,000 sq. ft. lot size minimum so setbacks etc. will be easily met, no reduction in setbacks will be needed as in other dense planned unit developments.
- The utilities will be private once they leave the 15th St. SW r-o-w.

RECOMMENDATION: Approve the conditional use permit for a planned unit development with the following conditions:

- A. A homeowners association shall be set up and articles/declarations submitted to the City prior to final plat signatures and recorded with the plat.

4. FAIRACRE ADDITION PRELIMINARY PLAT FILE NO. 12-5:

- The applicant is Don Williamson, Willmar, MN.
- The applicant is proposing an 11 lot single family home subdivision on property described as: the W ½ of the SW ¼ excluding the E 604.24' thereof, also excluding the S 540' thereof and also excluding the N 1,365.50' thereof, Section 22, Township 119, Range 35 (2721 15th St. SW).
- The property is zoned R-1 Single Family Residential.
- The property is accessed via 15th St. SW, and the applicant proposed a private street cul-de-sac.
- Four of the proposed lots have direct access to 15th St. SW.
- Fairacre Dr. SW shall be labeled an Outlot on the plat.
- The lots well exceed the 10,000 sq. ft. lot area minimum for the R-1 district. The minimum lot widths are met as well.
- The private street shall be governed by a homeowners association, to ensure maintenance etc. of the shared access. (Only lots 2-8?)
- Cul-de-sac greater than 500'?
- Tapping fees/lift station fees?
- Parking on one side of street?
- Built width of street?
- Turning radius ok for Fire Trucks?
- Street connection/access to the east?

City Engineer/Public Works Director Comments: Currently, a 70' right-of-way is required for a public street. The utility stub off of 15th St. is not located at the proposed entrance to Fairacre Dr. A 20' storm sewer easement is required along the entire length of the north side of Block 1 for future storm water needs. A 6' utility easement should be required along the south and east boundaries of the plat. The 6' utility easement along the west boundary of the plat could be eliminated. A 5' tree planting easement is required along the west boundary of the plat adjacent to 15th St. SW. All plan designs for street, sewer/water, and stormwater shall be submitted to the City Engineer prior to final plat signatures.

Fire Chief/Marshal Comments: Fire hydrants as per City Policy. 45' clear radius in cul-de-sacs required. 20' of clear space for FD access on private streets.

MUC Comments: Electrical service is available but needs underground construction in the area. Water is available via a 12" main in 15th St. SW. A 6' utility easement shall be added along the north, east, and south property lines. 10' utility easement shall be along the proposed private street, not 6'. Since Fairacre Dr. SW is a private street, any lighting will also be private.

Assessor's Comments: Plat of parcel 95-922-8180. There is a garage structure currently on the property, shall be shown on the plat and setbacks from property lines noted.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

- A. All easements shall be added as requested.
- B. All plans for street, sewer/water, and stormwater shall be submitted to the City Engineer for review and approval prior to final plat signatures.
- C. The homeowner association articles and declarations for the private street shall be submitted for Staff review prior to the signature of the final plat.
- D. Utility stub not at Fairacre Dr. location, moving it will be at the full cost of the developer.
- E. Private street shall meet Fire Department access/movement policies.
- F. Garage structure not noted on plat, verify location and setbacks.

5. MINKE ADDITION- PRELIMINARY/FINAL PLAT- FILE # 12-6:

- The applicant is Ron Minke, Willmar, MN.
- The applicant is requesting a lot combination of two platted parcels and one metes and bounds lot into one parcel and legal description on land legally described as follows: Outlots A and B, Home Depot Addition; AND part of the NW ¼ of NW ¼ commencing at NW corner of Section 26; then E 133' to easterly r-o-w of Hwy. 71; then S 63.13' to point of beginning; then continued S on r-o-w line 120' then E parallel to N-S section line to County Ditch #23, then N 120', then W 484.08' to point of beginning excluding that part platted as the Home Depot Addition (2805 1st St. S.).
- The property is zoned GB General Business.
- The whole purpose of platting the property is two combine the three parcels into one tax statement clean legal etc.
- The property is accessed via 28th Ave. SE. There is several access easements listed on the plat- surveyor please list all documents (give us copies of access easement documents?).

Assessor's Comments: Plat of 95-926-0040 also replat of 95-366-0020 and 95-366-0030 (Outlots A and B respectively). There is a structure on parcel 95-926-0040. The easements on preliminary plat should be included on final plat because there is no other street access to parcel.

Engineer/Public Works Director Comments: We have reviewed the Minke Addition plat prepared by O'Malley and Kron Land Surveyors, Inc. and have no comments.

Fire Chief/Marshall Comments: Fire hydrants as per City Policy.

MUC Comments: Water supply is available via 12" main in 28th Ave. Se and 12' main in 1st St. S. Add a 6' utility easement along the north property line.

RECOMMENDATION: Approve the plat with the following conditions:

- A. Add the utility easement as requested.
- B. List all the access easements and recording number on the final plat and/or give copies of documents to the City.

Steve Salzer

From: blsaeger@gmail.com on behalf of Brad Saeger [brads@freighthitch.com]
Sent: Tuesday, May 29, 2012 9:22 PM
To: Steve Salzer
Cc: Joanna Schrupp; Amanda Johnson
Subject: Campus Application

fSteve/Joanna,

As we discussed I am interested in locating my company Freight Hitch, LLC on the campus. Freight Hitch LLC is a 3rd Party Logistics (3PL) company with specific expertise in refrigerated transportation; but a growing interest in other modes of shipping, such as dry van and flatbed. The company was founded in August, 2011 by Brad Saeger and Nicole Kazcinski. Company growth has been strong and we have added Amanda Johnson to our team. As individuals, we have experience managing transportation operations as employees of large Midwestern food processors such as Jennie-O and JBS Swift which has been valuable for growing our business. Currently we have business with several refrigerated shippers across the United States. We are growing into a role as a key transportation provider for the Minneapolis Biomass Exchange assisting them as they begin executing transactions. Future plans include programming a web portal for shippers to collaborate among each other to lower costs and provide more timely customer deliveries.

Please consider our request to join the campus. At this time we are thinking of starting in the HES office with plans to move into our own office in a few months if that is acceptable? We will need a phone line, fax line and internet in the office. We are thinking day 1 would be June 11.

We are looking forward to joining the campus....I have been there (kind of) for a while and I know Amanda is excited to be there each day.

Brad Saeger
320 894 0515

Subd. 1e. **Nonconformities.** (a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) the nonconformity or occupancy is discontinued for a period of more than one year; or

(2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. 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 the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.