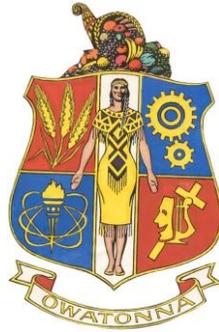


# THE CITY OF



# OWATONNA

Greg Kruschke  
Community Development Manager

540 West Hills Circle  
Owatonna, MN 55060-4794  
Phone: (507) 774-7317  
Fax: (507) 444-4394  
Email: [Greg.Kruschke@ci.owatonna.mn.us](mailto:Greg.Kruschke@ci.owatonna.mn.us)

DATE: June 10, 2021  
TO: Mayor and City Council  
FROM: Community Development Dept. – Greg Kruschke  
SUBJECT: Application No. V-1448 - 109 School Street East

**Purpose:**

Council to approve Resolution 70-21 approving Application No. V-1448 received from Mary Hitzeman. This request is to allow a Multi-Familydwelling on a 12,340 square foot lot where a 13,000 square foot lot is required for a Multi- Family dwelling in the R-5, Medium Density Residential District at 109 School Street East

**Background:**

See Attached Staff Report and Planning Commission Comments recommending approval of this request. .

**Budget Impact:**

None.

**Staff Recommendation:**

Staff recommends approval of Resolution 70-21.

RESOLUTION NO. 70-21

A RESOLUTION APPROVING VARIANCE V-1448

WHEREAS, Application No. V-1448, which is a request by Mary Hitzeman to allow a Multi-Family dwelling on a 12,340 square foot lot where a 13,000 square foot lot is required for a Multi-Family dwelling in the R-5, Medium Density Residential District at 109 School Street East and legally described as follows:

The North 93 ¼ feet of Lot 1, Block 1, Phelps Addition, Steele County, Minnesota;  
and

WHEREAS, The Planning Commission held a public hearing on June 8, 2021 and recommended approval of V-1448; and

WHEREAS, on June 15, 2021, the City Council accepted and approved Variance V-1448, as the same was approved and recommended by the Planning Commission of the City; and

WHEREAS, the City Council concurs with all of the findings of the Planning Commission and hereby makes the identical findings as referenced in the V-1448 Staff Report.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota:

1. That said variance is in accordance with and conformity to the plans and regulations established by the City and the comprehensive plan for the development of the City.
2. That said variance be and the same hereby is approved with the following provisions:
  - a) All 5 units shall be registered with the Rental Registration program.
  - b) The property shall not contain more than 5 units at any time.
3. That the Clerk cause a certified copy of this resolution to be filed in the office of the County Recorder of Steele County, Minnesota.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2021 with the following vote:

Aye \_\_\_\_; No \_\_\_\_; Absent \_\_\_\_.

Approved and signed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Thomas A. Kuntz, Mayor

ATTEST:

\_\_\_\_\_  
Kris M. Busse, City Administrator/City Clerk

June 4, 2021

**To:** Planning Commission

**From:** Community Development Department

**RE:** Application No. V-1448, by Mary Hitzeman, a request to allow a Multi-Family dwelling on a 12,340 square foot lot where a 13,000 square foot lot is required for a Multi-Family dwelling in the R-5, Medium Density Residential District.

**Application Review:**

**Applicant/Owner:** Mary Hitzeman

**Location of Property:** 109 School Street East

**Zoning Map:** R-5, Medium Density Residential District

**Zoning Ordinance:** Section 157.028 states the minimum lot size requirements for the residential zoning districts.

**Report Attachments:**

1. Location Map
2. Aerial Photo
3. Site Plan
4. Application Letter
5. Other Materials

**Proposed Development:**

- ◆ Application No. V-1448, by Mary Hitzeman, a request to allow a Multi-Family dwelling on a 12,340 square foot lot where a 13,000 square foot lot is required for a Multi-Family dwelling in the R-5, Medium Density Residential District for the property located at 109 School Street East.
- ◆ The zoning ordinance defines a multi family dwelling as containing three or more units in a structure that do not share kitchen or restroom facilities.
- ◆ Once defined as a multi family lot then you need to have a 13,000 square foot lot. The next step requires a minimum lot size of 1700 square foot of total lot size per unit as well as 500 square feet of usable open space per unit. The 500 square feet can come out of the 1700 square feet though.
- ◆ Based on these numbers this structure would be allowed to have 7 units in it if the total lot size was over 13,000 square feet.
- ◆ Zoning ordinance requires that a use that has not been there for more than 180 days be brought into full compliance with the ordinance.
- ◆ A 2010 inspection by the Fire Department stated that they noted 5 units and how they were being used. The owner occupied one, used one for piano lessons, and leased another unit. The other two were not used. The license was issued for two units.
- ◆ The applicant has installed a large driveway over the years and it is capable of holding more than 5 vehicles.

- ◆ Steele County property records show 5 units as well.
- ◆ Staff has not heard from any neighbors regarding this request as of the date of this report.
- ◆ State Statute requires that the applicant show a practical difficulty in order to be granted a variance. You also need to show that the variance requested is the minimum amount necessary to accomplish what is needed.
- ◆ A variance must stand on its own merits and may not be compared to other situations in which variances were granted.
- ◆ According to the ordinance, the Planning Commission shall make findings of fact base on the following.
  - ❖ That particular physical surroundings, shape, or topographical conditions of the specified parcel of land involved.
  - ❖ That the condition involved is unique to the particular parcel of land involved.
  - ❖ That the alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the parcel.
  - ❖ That the granting of the variation will not be detrimental to the public welfare or injurious to other land or improvements to the neighborhood.
  - ❖ That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or interfere with the function of the Police and Fire Departments of the City.

### **Staff Review:**

Based on the information provided Staff is recommending approval of the variance request with the following provisions:

- 1) All 5 units shall be registered with the Rental Registration program.
- 2) The property shall not contain more than 5 units at any one time.

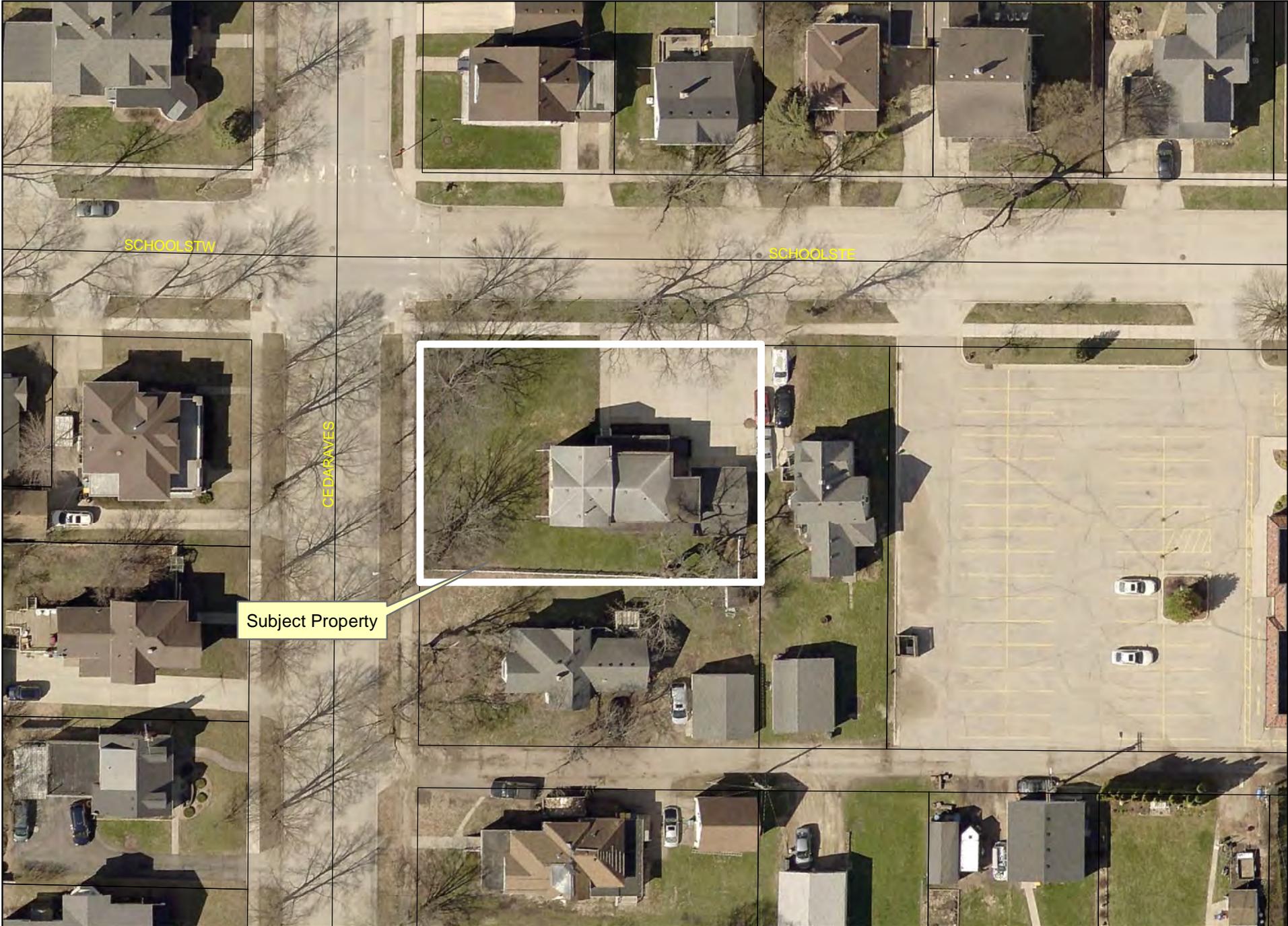
### **Planning Commission:**

Application No. V-1448, which is a request by Mary Hitzeman to allow a Multi-Family dwelling on a 12,340 square foot lot where a 13,000 square foot lot is required for a Multi-Family dwelling in the R-5, Medium Density Residential District at 109 School Street East, was presented by Community Development Manager Kruschke. The applicant is proposing to have 5 units in the structure. (Refer to report on file.) He said that up to this time, they have not heard from any neighbors. Public hearing opened at 5:35 pm. Tracy Ackman Shaw of 116 School Street East expressed concern about parking. She said that it is very realistic that each unit would have two cars. There's not room for 10 parking spots, and parking is only permitted on one side of the street. She said a few of the neighbors who live near also have concerns. She is also concerned about who the purchaser is because there is a history of landlords who do not have a respect for the area. There is a concern about safety and public welfare and congestion on public streets. Matt Gillard was present representing the applicant. He said that, in addition to the big parking pad, there is a good-sized garage that would park two cars. Two of the units are very small, and he said he didn't imagine there would be a need for parking for 10 cars. He said that before Mary bought it, there was a concern about less desirable tenants. She bought it and has put a lot of money into it, she is past 80 and needs to retire. The person who is buying it is not

from here, but his wife is. Mr. Gillard said that he's talked to him at length about keeping the property up. Another neighbor on Cedar Avenue South said that she's also concerned about parking in front of her driveway. Ms. Ackman Shaw asked, based on the drawing, how many parking stalls were assigned, as she didn't know how they could have more than five stalls. She said she appreciated hearing about the smaller units. Mr. Gillard said that there is a two-stall garage, and he's reasonably sure that they can get more than five stalls on the driveway. Kruschke said that Planning Commission can't require more parking than what the ordinance requires. How we would consider it is that there are four stalls and two stalls in the garage and two stacked in front of the garage for a total of eight stalls. This property is only required to have six stalls. We cannot require more than what the ordinance requires. Public hearing closed at 5:44 pm. Kruschke said that they also cannot regulate who owns the property, only that the property owner register the property with the Rental Registration program. The parking count ordinance was amended about four or five years ago; it used to be 1-1/2 stalls per unit. It is assumed the size of the parking stalls has been in place since about 1974. Boeke asked if parking was restricted on School Street. Kruschke said that they don't look at on-street parking as an option at all. Rooks asked what the science is behind the 13,000 square feet. Kruschke said that it's the same reasoning as the setbacks that came up at the last public hearing. That is what was decided in the past and those are the bulk density requirements that Owatonna has used in construction. Eickhoff said he appreciated the neighbors' concern about the parking. A motion was made by Eickhoff and seconded by Peake to approve this variance request with the following provisions:

- 1) All 5 units shall be registered with the Rental Registration program.
- 2) The property shall not contain more than 5 units at any one time.

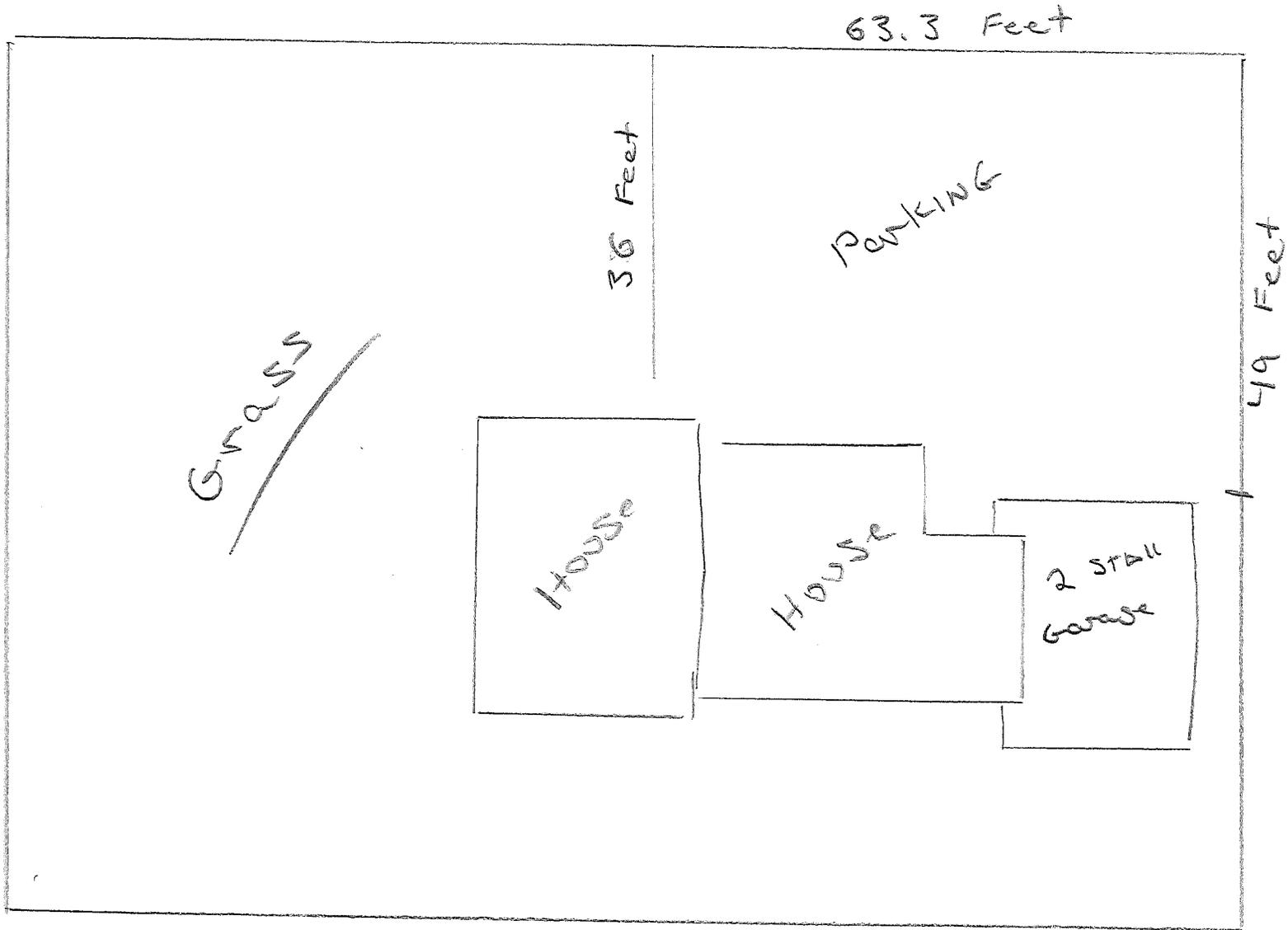
All Commissioners voting Aye, the motion carried.



V-1448 Multi-Family Lot Size Variance  
109 School Street East

1 inch = 50 feet  
Date: 5/24/2021

↑  
NORTH



City of Owatonna  
Planning & Zoning  
540 West Hills Drive  
Owatonna MN 55060

Re: Property at 109 E School St, Owatonna MN

Dear Planning Commission,

I purchased this property in August of 1996. At that time, it was configured as a 5-plex rental building. Both the building and grounds were in rough shape but I saw great potential. Over the last 25 years, I have invested a lot of money updating the entire property to its current condition. Improvements have included total renovation of the 3 upstairs apartments, adding a driveway and a garage, putting on a new roof with soffits & fascia, replacing the windows, painting the exterior, updating the landscaping, and adding fencing.

Over the years, there has always been adequate parking for the renters; none of them have ever needed to park on the street.

Having recently turned 80, I am now retiring from being a landlord, and have sold my property. I was just recently told it has been only zoned as a duplex, instead of as the 5-plex I have always known it to be.

I am requesting that you approve the variance I am requesting, so I can continue with the sale and move into my new home in my retirement. I very much appreciate your assistance.

Sincerely,



Mary Hitzeman  
(507) 363-9034

**Parcel Number:** 17-101-0102  
**Deed Holder:** HITZEMAN/MARY E  
**Property Address:** 109 SCHOOL ST E  
 OWATONNA, MN 55060-0000 [MAP THIS ADDRESS](#)  
**Mailing Address:** 109 E SCHOOL ST  
 OWATONNA, MN 55060-0000 USA  
**PDF Name:** OWATONNA  
**Class:** RESIDENTIAL  
**Tax District:** 0761  
**Zoning:** MEDIUM DENSITY RESIDENTIAL  
**Sec-Twp-Rng:** 00-000-00  
**Lot-Block:** 00-00  
**Deeded Acres:** 0.0000  
**Tax Description** BLK 1 N93 1/4' OF LOT 1 PHELPS |||||



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2021	\$31,900	\$94,400	\$0	\$126,300
2020	\$31,900	\$86,300	\$0	\$118,200

More Years...

Land Front Foot Information

Lot	Front	Rear
Main Lot	93.00	93.00
<b>Total SF 12,276</b>		
<b>Total Acres 0.280</b>		

Residential Building Information

Occupancy	Style	Year Built	Total Living Area
Five-Family Conversion	2 Story Brick	1878	2,511

Building		Room Count	
Occupancy:	Five-Family Conversion	Bedroom Count:	5
Year Built:	1878		
Style:	2 Story Brick		
Area:	1,088		
TLA:	2,511		
Basement:	Full		
Heating:	HW - Radiant		
AC:	No		
Attic:	None		

Building Descriptions	
Foundation:	Stn
Exterior Walls:	Brick (Solid)
Roof:	Gable/Asph
Architectural Design:	Georgian

Plumbing

Style	Count	Description	Quantity	Units
Standard Bath	3	RENT - UNIT 1 (OWNER LIVES)	1.00	NV
Shower Stall Bath	2	RENT - UNIT 2 (PIANO STUDIO)	1.00	NV
		RENT - UNIT 3	1.00	NV
		RENT - UNIT 4	1.00	NV
		RENT - UNIT 5 (EFFICIENCY)	1.00	NV

Building Extras

Porches

SF Area	Style	Bsmt SF	Qtrs SF	Qtrs Style	Qtrs AC
165	1S Frame Open	0	165	Frame	No
83	1S Frame Open	0	0	Frame	No