

CITY OF FREEPORT, MINNESOTA  
RESOLUTION 2016-07

A RESOLUTION APPROVING A VARIANCE REDUCING A TWENTY FIVE FOOT VISIBILITY TRIANGLE AND BUILDING A SIGN CLOSER THAN ONE HUNDRED FEET TO A RESIDENTIAL DISTRICT UPON THE LOT AT 121 FIRST AVENUE NORTH

WHEREAS, Freeport Veterinary Service Inc. (Applicant) has submitted a request for a variance to allow for construction of a sign within the twenty five (25) foot visibility triangle and to be built closer than one hundred (100) feet of a residential district at 121 First Avenue North; and

WHEREAS, 121 First Avenue North is located at Lot One (001), Block Six (006) of Townsite of Freeport.

WHEREAS, A notice of the time, place and purpose of a hearing on the proposed variance was published once in the official newspaper of the municipality as least ten (10) days before the day of the hearing with a copy of the notice posted for public viewing; and,

WHEREAS, A copy of the application of the proposed variance was available at the City Offices for public review; and

WHEREAS, The property is zoned C-1, Community Commercial; and

WHEREAS, The City Council is the Board of Adjustment in Freeport; and,

WHEREAS, A public hearing was conducted by the City Council on July 26, 2016 to accept public input on the variance; and,

WHEREAS, The City Council has reviewed and considered the variance request in accordance with Freeport City Code Section 500.64; and

WHEREAS, The City Council makes with the following findings:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return is not in itself deemed sufficient to warrant a variance.
3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the intent and purpose of this code or the public interest.

4. That the condition or the situation of said property, or the intended use of said property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. That in the case of a solar collection variance, the applicant is unable to utilize solar energy systems under the provisions of this code. *Does not apply.*
6. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this code for the property in the district where the affected person's land is located. *The proposed use is an allowed use under the zoning code of the City.*

NOW, THEREFOR, BE IT RESOLVED BY THE CITY OF FREEPORT THAT: The Applicant's request for a variance to allow construction of a sign within the twenty five (25) foot visibility triangle and to be built closer than one hundred (100) feet of a residential district at 121 First Avenue North is hereby approved, subject to the following conditions:

DATED THIS 26<sup>TH</sup> DAY OF JULY, 2016

Motion by:

Second by:

Council members voting in favor:

Opposed or abstained:

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Rodney Atkinson, Mayor

ATTEST:

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Adrianna Hennen, Clerk-Treasurer

Drafted by:      Adrianna Hennen, Clerk-Treasurer  
City of Freeport, MN, 125 Main Street East, PO Box 301, Freeport, MN 56331