

CITY OF APPLE VALLEY  
RESOLUTION NO. 2015 -

A RESOLUTION APPROVING GARAGE ADDITION VARIANCE  
AND ATTACHING CONDITIONS THERETO

WHEREAS, pursuant to Minnesota Statutes 462.357 the City of Apple Valley has adopted, as Title XV of the City Code of Ordinances, zoning regulations to control land uses throughout the City; and

WHEREAS, pursuant to the City's said regulations, a "Variance" is an exception granted by the City Council from the literal provisions of the zoning regulations where unique conditions exist which do not apply to the area in general; and

WHEREAS, approval of a Variance has been requested by Dan Freiburger, for a 2.5' street side setback variance in order to construct a third stall to his garage; and

WHEREAS, the Apple Valley Planning Commission reviewed the variance request at a public meeting held on October 7, 2015, and made the following determination:

1. The petitioner wishes to use his property in a reasonable manner.
2. A parking pad is currently located on the East side of the existing garage. The owner uses the parking pad for the outside parking of vehicles.
3. A garage stall will provide additional enclosed storage.
4. A third stall will not alter the essential character of the neighborhood.
5. The petitioner is able to construct an 8.5' addition onto the garage and meet the required setback, but an 11' addition would allow him to construct a third garage stall for the parking of a vehicle.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apple Valley, Dakota County, Minnesota, that a 2.5' variance from the 20' street side setback to construct a third garage stall onto the existing garage is hereby approved, subject to all applicable City Codes and standards, and the following conditions:

1. If the Building Permit is not paid for and issued within two (2) years of the date of approval, the variance approval shall lapse.
2. The Building Permit shall be applicable to property identified as Lot 1, Block 5, GREENLEAF 1<sup>ST</sup> ADDITION (6816 135<sup>th</sup> Street West).

3. The variance is approved due to the findings as presented by the Planning Commission at their October 7, 2015, meeting.
4. Construction shall occur in conformance with the site plan received in City offices on September 30, 2015.
5. Construction shall occur in conformance with the floor plan received in City offices on September 30, 2015.
6. Construction shall occur in conformance with the elevation renderings received in City offices on September 30, 2015.
7. Site grading shall occur in conformance with a Natural Resources Management Plan (NRMP) which shall include final grading plan to be submitted for review and approval by the City Engineer.
8. No commercial automobile repair shall occur on the property as regulated by the zoning code.
9. The property owner shall repair the dilapidated fence along the East property line on a schedule to be approved by the Code Compliance Specialist.
10. All debris and unused landscape material in the rear shall be properly stacked and stored behind the fence.
11. Construction shall be limited to the hours of 8:00 a.m. to 10:00 p.m. Monday through Friday. Weekend construction shall be limited to Saturdays from 8:00 a.m. to 6:00 p.m.
12. Earthmoving activities shall not occur when wind velocity exceeds thirty (30) miles per hour. Watering to control dust shall occur as needed and whenever directed by the Apple Valley Building Official or Zoning Administrator.
13. Issuance of a Building Permit and a final certificate of occupancy is contingent upon the project being constructed in conformance with all the preceding conditions as well as all applicable performance standards of the current zoning regulations. In the event that a certificate of occupancy is requested prior to completion of all required site improvements, a suitable financial guarantee in the amount of 125% of the estimated cost of the unfinished improvements shall be required along with an agreement authorizing the City or its agents to enter the premises and complete the required improvements if they are not completed by a reasonably stipulated deadline, with the cost of such City completion to be charged against the financial guarantee.
14. The ongoing use and occupancy of the premises is predicated on the ongoing maintenance of the structure and all required site improvements as listed in the

preceding. No alteration, removal, or change to the preceding building plans or required site improvements shall occur without the express authorization of the City. Site improvements which have deteriorated due to age or wear shall be repaired or replaced in a timely fashion.

BE IT FURTHER RESOLVED that such issuance is subject to a finding of compliance of the construction plans with the Minnesota State Building Code, as determined by the Apple Valley Building Official, and with the Minnesota State Uniform Fire Code, as determined by the Apple Valley Fire Marshal.

ADOPTED this 22nd day of October, 2015.

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Mary Hamann-Roland, Mayor

ATTEST:

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Pamela J. Gackstetter, City Clerk

#### CERTIFICATE

I, Pamela Gackstetter, City Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the City Council of the City of Apple Valley, Dakota County, Minnesota, on the 22nd day of October, 2015.

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Pamela J. Gackstetter, City Clerk