

CITY OF GRAND MARAIS, MINNESOTA  
CITY COUNCIL RESOLUTION 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND MARAIS,  
MINNESOTA APPROVING THE REQUEST FOR A VARIANCE BERNER PROPERTIES  
FROM THE MAXIMUM HEIGHT LIMIT

WHEREAS, the applicants, Berner Properties, intend to construct a 31.5' tall commercial structure, taller than the maximum allowed height of 30' on their property zoned DW Core Downtown Waterfront; and,

WHEREAS, the Planning Commission conducted a public hearing on October 3, 2018, and received public testimony regarding the proposed Variance; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Planning Commission has reviewed the request and recommended approval of the Variance: and

WHEREAS, the City Council reviewed the requested Variance and Planning Commission recommendation at its meeting of October 10, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND MARAIS, MINNESOTA, that it adopts the following findings of fact related to the requested Variance:

Criteria #1     **The variance is in harmony with the purpose and intent of the ordinance.**

Finding #1     The variance allows the project to provide commercial space that can be a mix of shops, restaurants and professional services that serve both the year round and seasonal or visitor populations.

Criteria #2     **The variance is consistent with the comprehensive plan.**

Finding #2     The variance allows a development that will provide an attractive pedestrian environment and promotes the core downtown before expansion into other commercial areas.

Criteria #3     **The proposal seeks to use the property in a reasonable manner not permitted by the zoning ordinance.**

Finding #3a    A new structure in place of the previous vacant building is reasonable and desirable.

Criteria #4     **The plight of the landowner is due to circumstances unique to the property not created by the landowner**

Finding #4a The narrow 25' width of the property was created prior to the establishment of the zoning ordinance.

Finding #4b The additional height is desired in part due to the adjacency and construction of the neighboring structures

Criteria #5 **The variance, if granted, will not alter the essential character of the locality.**

Finding #5a The neighboring structure is close to 30' tall.

Finding #5b The narrower width of the building made possible by the variance is intended to avoid creating issues with the adjacent structures.

BE IT FURTHER RESOLVED that the Variance to allow Berner Properties to construct a 31.5' tall commercial structure, taller than the maximum allowed height of 30' on their property zoned DW Core Downtown Waterfront is hereby approved subject to the following condition:

Condition #1 That the first floor space be used commercially and not for lodging uses.

Passed by the City Council of the City of Grand Marais, Minnesota this 9<sup>th</sup> day of May, 2018.

(SEAL)

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Mayor Jay Arrowsmith DeCoux

ATTEST:

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Michael J. Roth  
City Administrator

Exhibit A

LEGAL DESCRIPTION:

Lot 16, except the South 48' thereof, Block 21, Harbor Addition