

**VARIANCE APPLICATION - City of Eyota**  
CODE of ORDINANCES - TITLE 15: LAND USAGE - CHAPTER 153: ZONING

Location of Project/Property: \_\_\_\_\_ 586 Keefe Ct NW, SE corner deck \_\_\_\_\_

Legal Description: \_\_\_\_\_ Single Family Residence \_\_\_\_\_

Applicant Name: \_\_\_\_\_ James & Jacquell Perry \_\_\_\_\_

Address (physical/mailling): \_\_\_\_\_ 586 Keefe Ct NW, Eyota, MN 55934 \_\_\_\_\_

Phone: 507-696-8840 Alternate Phone: 507-273-4143 Email: jeperry86@gmail.com

Property Owner Name: (if different from above)

Address (physical/mailling): \_\_\_\_\_

Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Description of Proposed Project: \_\_\_\_\_ 15 X 15 patio deck made of composite wood, to be attached to the back SE corner of the residence, with stairs coming off the west side of the deck

Specify the section of the Code of Ordinance from which a variance is sought: 153.056 - Low Density Residential (5) Minimum Rear Yard (a) Measured 25 ft from foundation to property line

Explain how you wish to vary from the applicable provisions of the Code:

(Describe in detail and state unusual conditions that cause hardship. Attach additional sheets if needed.)

The SE corner of our house is approximately 27 feet from our property line. When we had our house built in 2017, we had a 14X14 concrete slab patio installed at the same SE corner, as our residence is a walk-out. Our plan is to build a 15X15 deck that would go above the concrete patio. Our proposed plan would have the back side of our deck come within approximately 12 feet of our property line. We built our house to have a deck, with a 16 ft. deckboard already attached to the rear of the house, and an upstairs door that will eventually open up to our deck. The residence directly behind us (547 Canyon Lane NW) is approximately 95 feet from our lot line, which we feel our deck would not encroach on to their house, even if they were to build a future deck.

Please attach a site plan or accurate survey as may be required by ordinance.

The Planning Commission must make an affirmative finding on all of the five criteria listed below in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the Code?  
Yes ( X )            No ( )    Why or why not?

We plan on building a 15X15 deck on the SE corner of our lot, which would come within approximately 12 feet of our property line. The back side of our back yard neighbors (547 Canyon Lane NW) is approximately 95 feet from our property line. We believe that even with our deck installed, it would not encroach or come anywhere near other residences, even if the other homes have decks built in the future.

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2. In your opinion, is the variance consistent with the Comprehensive Plan?  
Yes ( X )            No ( )    Why or why not?

The 2009 Comprehensive Plan promotes growth within the low-density residential areas within the city of Eyota. Our house, located in the Stone Ridge development area, is located near several newly built homes, along with several open lots that have yet to be built on. We anticipate having new neighbors within the next few years, and believe having our own deck would allow us to host parties and gatherings with both family, friends, and others who move to our area. Other newly built homes near our residence have their decks built already, and the other houses on Canyon Lane also either have decks, or have deck boards attached for their future deck builds.

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3. In your opinion, does the proposal put property to use in a reasonable manner?  
Yes ( X )            No ( )    Why or why not?

Our house was built in 2017, with the plan of building a deck in the future. We built our house with a deckboard attached, an upstairs door that will eventually lead out to a deck, and a 14X14 concrete slab which the deck would be built over. The closest our deck would come to would be within approximately 12 feet of our lot line, and we feel it would not encroach or be close to any other residences behind us. Having a deck would allow us to host social gatherings and enjoy our family time during the warmer months by having a spacious outdoor area to use.

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4. In your opinion, are there circumstances unique to the property?  
Yes ( X )            No ( )    Why or why not?

Our property line runs diagonally, with the closest portion being near our SE corner where we wish to build our deck. We would have no other way to build a deck utilizing our deck board and upstairs patio door if we did not obtain this variance. We feel the two residences directly behind us are nowhere close to our property line, and a deck would not encroach on either their residences or any future decks they

wish to build. Also, we built our house to be handicap accessible, as we have a son who is in a wheelchair. Having a larger-size deck would allow him to move freely and not feel too constrained if we have family and friends over for social gatherings.

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5. In your opinion, will the variance maintain the essential character of the locality?

Yes (  ) No (  ) Why or why not?

Several of our neighbors, both next door and our back yard neighbors, have decks. The homes that don't have decks have deck boards attached for future deck builds. The back yard area within our surrounding homes is large enough that all homes could have decks without any being too close to other houses.

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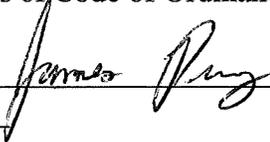
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The undersigned certifies that they are familiar with the application fees and other associated costs, and also with the procedural requirements of Code of Ordinance §153.170-153.173 and other applicable ordinances.

Applicant's Signature: \_\_\_\_\_

Date: 7/31/2020



City Zoning Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**KEY DATES:**

\_\_\_\_\_ Application Submitted with Application Fee \$ \_\_\_\_\_

\_\_\_\_\_ Submittal Date – 21 days (typical) prior to Planning Commission hearing

\_\_\_\_\_ Neighborhood Notification – at least 10 days prior to the hearing  
(mailed to surrounding properties within 350')

\_\_\_\_\_ Publication Notice – to be published at least 10 days prior to the hearing

\_\_\_\_\_ Public Hearing Date – hearing held by the Planning Commission

\_\_\_\_\_ Date Approved or Denied by the Planning Commission

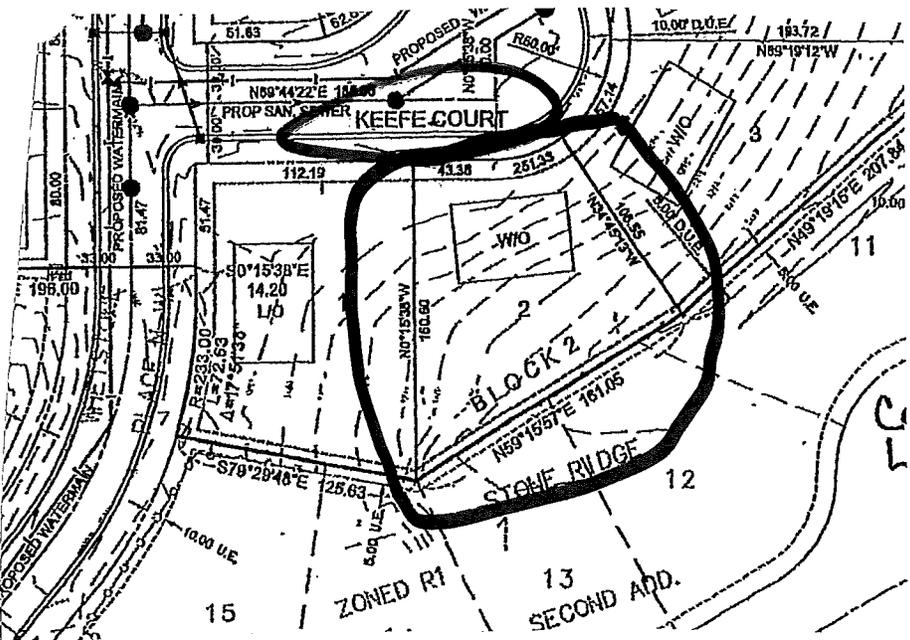
Appeal Process if Requested \_\_\_\_\_ Date City Council Consideration Date

\_\_\_\_\_ Date approved or Denied by the City Council

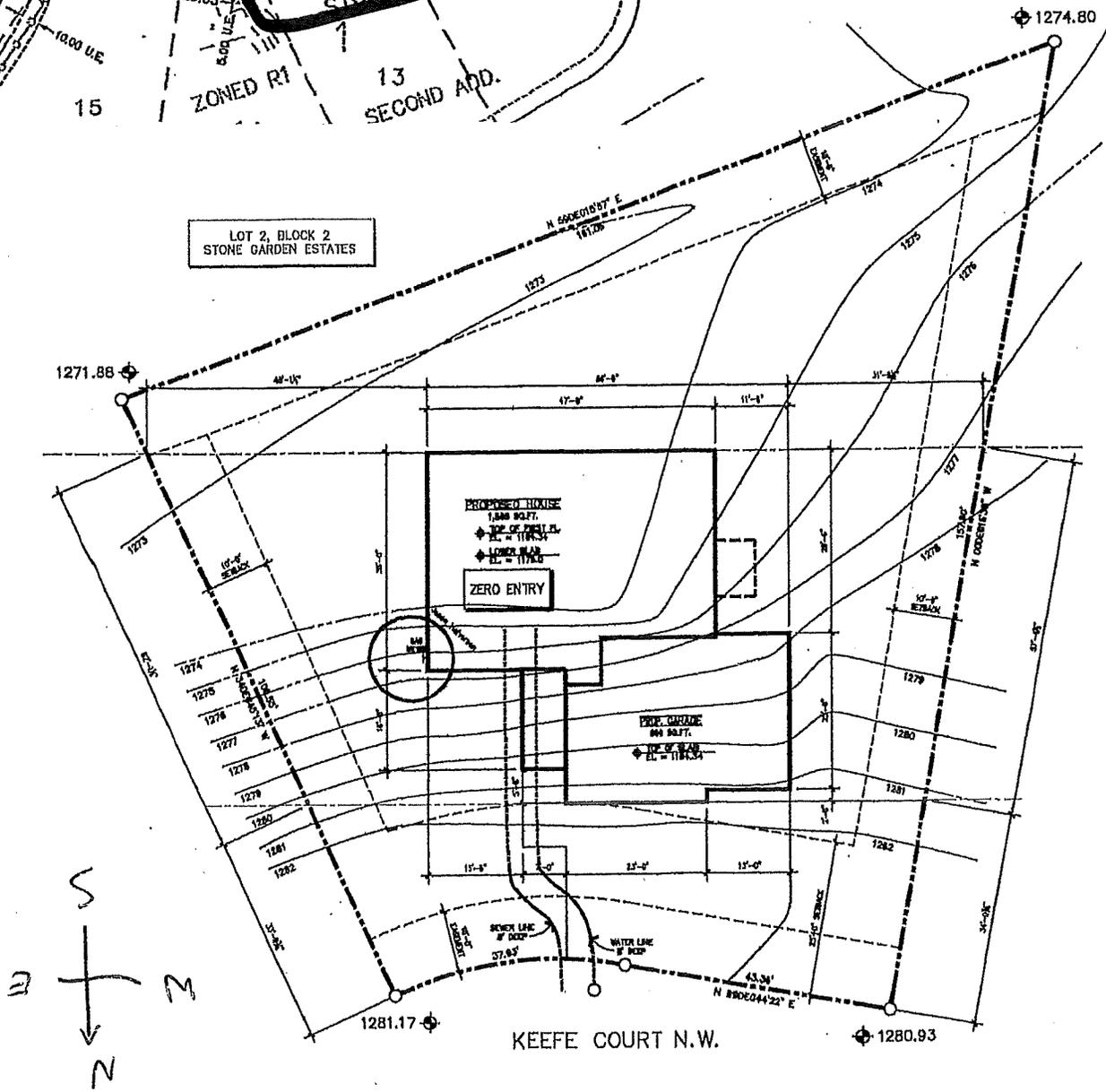
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BOARD OF ADJUSTMENT

FINAL JOB SITE CONSTRUCTION PLAN

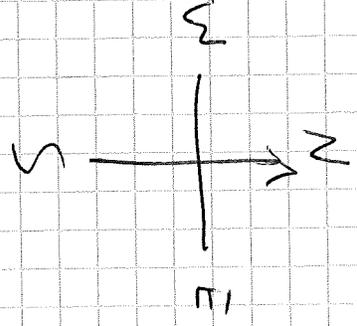


LOT 2, BLOCK 2  
STONE GARDEN ESTATES



TYPICAL UTILITY  
LINES TO BE  
LAINED NOTED ON  
ALL BUMP PITCH  
BE SET WITH  
NOTED OTHER

1 SITE PLAN  
SCALE: 1" = 10'-0"



HOUSE

← Property Line 43' From Cement →

14'x14' Cement Slab

27' From House to lot line

13 Feet

18 Feet

Large Yard Area

Property Line

Property Line

