

**CITY OF GRANT, MINNESOTA  
RESOLUTION NO. 2025-09**

**RESOLUTION DENYING A VARIANCE FROM MINIMUM LOT SIZE AND  
DIMENSIONAL REQUIREMENTS FOR PROPERTY GENERALLY LOCATED AT  
THE EAST END OF 89<sup>TH</sup> STREET N. (PID 2103021220010)**

**WHEREAS**, Daniel Hillukka (Applicant) and Bertha and James Filipkowki (Owners) have requested a variance from the minimum lot area and dimensional standards for property generally located at XXX 89<sup>th</sup> Street North, PID 2103021220010 in the City of Grant, Minnesota; and

**WHEREAS**, the Subject Property is guided Rural Residential Agriculture in the adopted 2040 Comprehensive Plan and zoned A-2; and

**WHEREAS**, the Subject Property does not meet the minimum requirements for lot area, lot width, frontage on a public street, and buildable area; and

**WHEREAS**, the Subject Property is approximately 1.1 acres which requires a variance of approximately 3.9 acres to be deemed buildable; and

**WHEREAS**, the Subject Property contains approximately 135 feet of frontage on 89<sup>th</sup> Street N., which requires a variance of approximately 165 feet to be deemed buildable; and

**WHEREAS**, the Subject Property contains approximately 25,530 square feet of Buildable Area which requires a variance of approximately 18,030 square feet to be deemed buildable; and

**WHEREAS**, the City Council has considered the Applicant's request at a duly noticed Public Hearing which took place on April 6, 2025; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA**, that it does hereby deny the request of Daniel Hillukka and Bertha and Filipowski based upon the following findings pursuant to Section 32-59 and 32-60 of the City's Zoning Ordinance which provides the

criteria by which a variance request must be reviewed. The City Council's Findings relating to the standards are as follows:

For the requested variances to be granted the Applicant and Owner must demonstrate that the variance evaluation criterion are met; if one part of the test fails then the variance must be denied.

- *Criteria 1: Use cannot be established under current ordinance without a variance, request is reasonable and a practical difficulty in complying with the ordinance is present.* The contemplated use of the lot for a rural residential use cannot be established under the current ordinance requirements or regulations without a variance, this part of the criterion is met. However, the following analysis is relevant in determining whether the request is reasonable:
  - The City cannot determine when the lot was created based on the Applicant's submitted information and cannot conclude if the lot was created prior to the adoption of the 1968 County Ordinance that required a minimum of 2.25 acres for a lot to be deemed buildable.
  - Public testimony provided that the initial creation of the lot may have been created for other purposes and uses that for residential purposes.
  - Since the date of lot creation cannot be determined it is unclear if the lot was created for the purpose of building a residential unit or for some other purpose such as agriculture use.
- *Criteria 2: Plight of the landowner must be due to unique physical conditions of the land, are not applicable to other land and conditions cannot be caused by the owner.* The existing lot of record was created prior to the adoption of the current lot area standards that require a minimum of 5.0 acres and 1.0 acres of buildable area on each lot. There are other lots within the City that are substandard and were created prior to the adoption of the ordinance.
  - The City determined that the Subject Property meets the definition of an Existing Lot of Record but does not qualify under the exemption criteria established by Section 32-246(b)(2) of the City Code since it does not contain a minimum of 2.5 acres.
  - The City requires that a buildable lot contain a minimum of 2.5 acres and 1.0 acre of buildable area to meet the exemption criteria so that all the required improvements, including septic system, can be safely sited on a lot.
  - Since it is unclear when the lot was created, transferred and for what purpose it cannot be determined as to whether the condition is self-created.
- *Criteria 3: Essential Character of the Neighborhood/Local.* The existing lot of record is substantially smaller than the surrounding lots in the area, and the buildable area is smaller and more constrained than larger lots in the area which alters the character of the lot and neighborhood.

- Public testimony from adjacent property owners indicated that building on the lot will alter the essential character of the neighborhood and surrounding area.
- Owners along 89<sup>th</sup> Street that did not meet the exception criteria established by Section 32-246(b)(2) appear to have purchased contiguous lots to meet the minimum exemption criteria to maintain a consistent character of the neighborhood and surrounding area.
- The Subject property is less than half the minimum exemption lot area and would differ from the lot size patterns that surround the property.
- *Criteria 4: Economic Considerations alone cannot justify the granting of a variance.* The Subject Property has certain value established if it is a buildable lot for residential uses which increases its value. The economic considerations are a significant factor in the Applicant and Owner's request for a variance from the standard.
- The Applicant and Owner have failed to meet all the required criteria for granting a variance from the minimum lot area and dimensional standards.

Adopted by the Grant City Council this 6th day of May, 2025.

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Jeff Giefer, Mayor

State of Minnesota            )  
  ) ss.  
County of Washington        )

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on \_\_\_\_\_, 2025 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Kim Points  
Clerk

City of Grant