

City of Rockville Planning Commission Minutes
May 24, 2005 Time: 7:00 pm
Place: John Clark Elem. School Media Ctr.

Present: Jerry Bechtold, Kathleen Stanger, Dale Borgmann, Don Merten, Linda Peck, Toni Honer, Vern Ahles (liason from City Council – 7:08 pm). Absent: Dan Hansen.

Staff: Judy Neu (Administrative Assistant)

Approval of Agenda/Amendments: Moved by Linda, seconded by Don, to approve the agenda and amendments. Passed.

Approval of Minutes 05-10-05: Don moved, Dale seconded, to approve the minutes as presented. Passed.

Reading of the Minutes: Dale moved, Don seconded, that we suspend the reading of the minutes. Passed.

New Business:

a) **Public Hearing: Request from Scott and Deb Porwoll (620 Othmar Lane) for a variance from R-1 District rear yard setback requirements.** The hearing began at 7:10 pm. Scott was present and went over the variance request. He would like to construct a 24' x 32' unattached garage (storage shed) in the rear yard. He will be unable to meet the rear yard setback of 35 feet. There is not enough room – his structure would be 9 feet from the rear yard and 10 feet from the side yard. Enclosed in the packet of information for the Planning Commission was a letter from Tom and Jan Scott (next door neighbors) in support of the variance request. In addition, Scott presented the following letter to the Commission:

“We have no problem with where Scott & Deb Porwoll want to build their new building (24' x 32') 10 feet off the side, 9 feet off the back.”

The letter was signed by: Ron Fuchs, Terry R. Olsen, Al Schneider, Dorothy Porwoll, Ed Schmitz, John Wehlage and Don Simon.

Vince Schaefer spoke in favor of the request. It is in keeping with the rest of the homes and Scott has made every effort to have his new shed/garage line up with the neighbors' structures. Vern asked about the height of the sidewalls for the structure (8 feet?). Scott said that he intends to have it look like part of his house. There was some discussion over the definition of a garage (for automobile storage) and the definition of an accessory shed. In Section 8, p. 22, of our Zoning Ordinances it states: **Garage, Private:** An accessory building designed or used for the storage of motor vehicles, boats, trailers, and recreational equipment owned and used by the occupants of the building to which it is accessory. Mr. Porwoll wants the structure to store his mowers, boat, snow blower, ATV, etc. not for his automobiles.

Moved by Don, seconded by Dale, to close the public hearing. Time: 7:20 pm. Jerry read through the Finding of Fact: Supporting/Denying a Variance – each of the six criteria were voted on separately. All criteria but #5 (Without a variance, is the owner deprived of a reasonable use of the property as that used relates to the Ordinance?), received unanimous Yes votes. Number 5 received a split vote: 3 Yeses (Dale, Jerry, Kathleen), Nays (Linda, Toni, Don). **Don moved, Toni seconded, that the Planning Commission recommend approval of this variance request by the City Council. Unanimous approval.** Following the vote there was a brief discussion on the 6 criteria questions. Most Commission members question their function. Vern mentioned that John Kolb, city attorney, stated that these are the criteria and the commission should answer them to the best of their ability. They are meant to be guidelines for our recommendations to the City Council.

b) Prolife Sign (4' by 8'): Joe Molitor went over the application for a construction site permit. The request is to place a 2-faced prolife sign (32 sq. feet) on 2 posts (not to exceed 15 feet high) on the corner lot (east side of TH 23 and north side of C.R. 47). The property is owned by Joe and Tom Molitor, and they have donated a lease to the Rockville MCCL (charitable organization) for this sign. **Kathleen moved, Dale seconded, that the Commission recommend approval of this permit by the City Council. Passed (Linda abstained).**

c) Granite Tops – Storage Building: Dave Walz (Project Manager) went over the Request. Granite Tops would like to add another pre-cast building (same color and design as the one already in place). The structure is 70' by 200' with two loading docks. A new well and septic system for this building will be required. Vern asked why a the new well and septic system should be allowed when this was an industrial area with sewer and water. Jerry explained that there is a development agreement with Kip Cameron to join up with sewer and water in the future. Ideally, Granite Tops would prefer not to have either sewer or water provided for this building as it is simply a storage building. However, present building codes require a bathroom. Linda asked if a composting toilet could be considered. Dave said that they would be amenable to such an idea but that the building inspector (Nancy Scott) would have the final say and that Linda should talk to her. **Jerry moved, Dale seconded, that the Commission recommend approval of Granite Tops Storage building request by the City Council. Passed unanimously.**

Additions to the Agenda:

--Schaefer/Bloch – Administrative Plat: Mr. Bloch and Mr. Schaefer jointly own a large tract of land in the City. They want to separate their ownership and clean up some boundary issues. This type of subdivision of property typically does not require platting – it qualifies as an administrative subdivision (administrative minor subdivision). In Rockville's Zoning and Subdivision Ordinances, Minor Subdivisions are discussed in Section 11 on page 44. Criteria: Any subdivision containing not more than two (2) lots and which does not involve any new street or road, and that is not likely to precipitate the extension of municipal facilities or public improvements shall be considered a Minor

Subdivision. Section 16, Subd. 7(4) of the City Code provides an exemption from platting for subdivisions of agriculturally zoned property. It reads:

“Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed.”

Jerry moved, Don seconded, that the Planning Commission recommend approval of this split as an administrative minor subdivision accompanied by the following Declaration of Restriction: “The conveyance is for agricultural or other purposes which do not increase residential dwelling density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to City of Rockville Zoning Ordinance Section 16, Subd. 7(4).” Unanimous approval.

There was a brief discussion about the confusion incurred when one talks about administrative plats, minor subdivisions, administrative minor subdivisions, etc. as these are not included in our definitions (Section 8). Jerry will check with Rena and try to clarify this situation which may entail an amendment to our ordinance.

Adjournment: Linda moved, Dale seconded, to adjourn the meeting. Time: 8:27 pm. Passed unanimously.

Chairman _____

Rec. Sec. _____