

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD
TUESDAY, JUNE 12, 2007 – 7:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Acting Chair Dan Hansen. Roll call was taken and the following members were found to be present: Acting Chair Hansen, Toni Honer, Dale Borgmann, Susan Palmer & Roger Schmidt. Absent: Jerry Bechtold & Jerry Tippelt.

Staff members present were: Administrator/Clerk Rena Weber, Utility Billing/Administrative Assistant Judy Neu and Building Official Jeff Howe.

Others present: Bill Becker, Vincent Meyer, Bill Schnettler, Greg & Angie Berg, Scott Palmer, Kurt Karls, Ed Gottwalt, Jeff Hagen, Pat Sell, Ron Lehmeier, Vern Ahles, Ron & Jill Grand.

APPROVAL OF AGENDA/AMENDMENTS - *Motion by Member Schmidt, second by Member Honer, to approve the agenda and addition as presented. Motion carried unanimously.*

APPROVAL OF MINUTES 5/08/07 – *Motion by Member Palmer, second by Member Honer, to approve the minutes of 5/08/07 as presented. Motion carried unanimously.*

NEW BUSINESS

VINCENT & SUSAN MEYER VARIANCE APPROVAL – Rena Weber reported that the city council has referred this request back to the Planning Commission seeking a resolution to the request. There are 3 variances to consider yet:

Required setback of the Ordinary High Water Level

Required setback from the Roadway

Impervious Surface

Rena Weber reported that just today she learned from Stearns County that a variance is not required as long as the house does not go into the 50' shore impact zone. This is conflicting information and she has asked for written documentation from Don Adams – Stearns County Environmental Services Director.

Joel Meyer indicated the impervious surface goes away if they take away the patio. The articulation he received from the council is that the variance makes sense using what they have with the original plan.

Bill Schnettler stated this is really two lots with 30' chopped off. What are we going to do if they can't do anything on 14,237 square foot lot? How are they going to handle a 6,000 foot lot. The shape of the lot is unfortunate.

Rena Weber reported on the suggestions of Jerry Bechtold:

- a) Patio – no
- b) Garage – reduce
- c) House – reduce
- d) Keep ideas of rain gardens

Member Palmer asked if the road could ever be moved. The patio is in the 50' shore impact zone. Member Palmer suggested Mr. Meyer make the house smaller and install the rain gardens. The Alternative Shoreland Standards will be stricter. Member Palmer voiced concern that 25% impervious surface causes a substantial amount of run off and has a significant impact on the lake. We can't undo what has been done, but we also can't continue with the same practices.

Acting Chair Dan Hansen reported on the letter received from Scott Palmer – Grand Lake Association.

Member Palmer suggested Mr. Meyer make the house and/or garage smaller. Bill Schnettler on behalf of Vincent Meyer proposed a 10% reduction in house, or the area that is not garage and removal of the 14' x 21' garage.

Member Palmer estimated this would be 240 square feet for the garage and 200 square feet off the house.

Member Honer estimated 424 Square Feet could come off totally with no patio lakeside and should still have an approved rain garden plan.

Bill Schnettler reported the size of the house would be reduced from 33' to 21' if they would pull off the third stall.

Dale Borgmann asked Greg Berg for his opinion on the rain gardens. Greg Berg stated that he gave his opinion previously.

Member Palmer motioned to reduce the garage by one stall, the size of the house by 200' with nothing (patio) in the 50' shore impact zone, and installation of the rain gardens. Motion died for a lack of second.

Motion by Member Schmidt, second by Member Borgmann, to deny all three variances again.

Further discussion was held:

Member Borgmann stated he would like to see a smaller house with the height being no more than story and ½ which is the same as the houses in the neighborhood.

AYES: Honer, Schmidt & Borgmann

NAYS: Palmer & Hansen

Motion passed on a 3 to 2 vote.

Vincent Joel Meyer stated that based on a discrimination factor he would like to request the funds he expended to be completely reimbursed.

FINDINGS OF FACT – Rena Weber review the findings of fact:

(A copy is attached and marked Exhibit A).

Jeff Howe voiced concern that in Item 1 concern was voiced regarding the height of the structure which does not require a variance and should not be considered in the denial.

REGISTERED LAND SURVEY – Rena Weber reported that approval of the registered land survey is needed to complete the recording of the well #3 land purchase.

Motion by Member Schmidt, second by Member Honer, to recommend approval of the Registered Land Survey No. 10 – Well House as presented.

Motion carried unanimously.

PAUL WIRTH SITE PLAN – 8317 County Road 6 – Paul Wirth was present and reported that his house has steel siding and the new shed will match the house. He is using ¼" masonry type board and it doesn't pay to put steel siding on a small shed. This will be a 12' x 14' shed with a height of 8'. Roof is proposed to be shingled same as the house. There are no covenants on this property. The nearest neighbor is 165'. Mr. Wirth stated he has talked to them and they have no concerns.

Discussion was held regarding the ordinance – roof pitch (barn type house) is of concern. A possible change in ordinance is needed in general. If it was 2' smaller this would not even be discussed.

Motion by Member Honer, second by Member Schmidt, to approve the site plan for Paul Wirth as presented. Motion carried unanimously.

EDWARD GOTTWALT - 25287 County Road 139– Ed Gottwalt with his realtor, Kurt Karls, was present to ask about the status of the moratorium. It was estimated to take another 6 months probably. Kurt Karls stated that people need to do things with their property and can't wait that long. A variance can be considered. Mr. Gottwalt wants to sell off 20 acres, but with the 1 per 40 rule in place nobody could build on it.

SUMMARY OF ALL PERMITS IN MAY – Rena Weber reported that building permits for 11 new homes have been issued this year.

OLD BUSINESS –There was none.

NEW BUSINESS –

GREG & ANGIE BERG – 8615 County Road 6 - Rena Weber explained the events leading to a cease and desist order issued to Greg & Angie Berg. Since the 4/19/07 site visit the Berg's moved their structure back 50' to satisfy the concerns of the neighbors. At that time the Planning Commission was told that this would be steel siding. The current home has redwood siding and Angie Berg indicated that at some time the house and current shed would be resided with the same siding as this structure. At no time did we discuss a tin roof. Rena indicated her thoughts of what steel siding is and that it differs from Greg Berg's interpretation. Greg Berg indicated this is corrugated steel.

Rena Weber further reported that Ron & Jill Grand attended the 6/6/07 City Council meeting voicing concern about the siding and roofing that was being put on the structure. The Council asked that this be sent back to the Planning Commission for further review. Rena Weber apologized to Greg and Angie Berg in that she did not call them back on the following morning as she was investigating the issue.

Member Schmidt asked why is this in front of the Planning Commission again.

Member Palmer indicated that the ordinance is not clear.

Angie Berg cited the ordinance section:

Section 17 Subdivision 7 – Site Plan – Certificate of Survey indicating that the Planning Commission & City Council may look at alterations and additions to the plan. Plans provided to the city were included in the application. *(This was received on 5/16/07 after council approval)*.

Angie Berg stated that they have no control of what was given to the city council. Greg Berg reminded the Planning Commission that they have authority to look at alterations.

Council member Jeff Hagen was present at the meeting and reported that the pitch of the roof, sidewall height and this being a pole barn type building were brought to the attention of the council at the last meeting. Very little information was discussed at the council meeting and the council thought it should be sent back to the Planning Commission when the neighbors complained.

Roger Schmidt asked Greg Berg if in fact he did indicate that it would be steel siding and that it would someday match the house. Angie Berg indicated that it would match in color.

Rena Weber referred to page three of the packet provided by the Berg's and asked if the siding could be put on horizontally. Greg Berg indicated that it would not be.

Greg Berg presented a chronology of events from their perspective stating that they did not indicate to that this would be corrugated steel. (A copy of the chronology is on file in the office of the Administrator/Clerk).

The plans show this being a pole building, with 3' of wanes coating, a steel roof and a materials list.

Angie Berg cited the following ordinance sections which they feel they meet:

Section 5 Subdivision 3 – which gives the Planning Commission authority to make recommendations

Section 9 Subdivision 2– Accessory buildings which requires the principal structure to be built before the accessory structure. Angie stated that they meet all requirements such as height and building setback.

Section 9 Subdivision 16 – *(now 22)* - Wetland Setback

Section 17 Subdivision 1 thru 10 - The intent of section refers to reasonable standards and they don't believe the building is detrimental to the character neighborhood. It meets the intent of the ordinance.

Sect 17 Subdivision 3 - Accelerated accessory structure – meets the requirements

The ordinance allows the council and Planning Commission to make changes to their site plan. They reasonably went ahead with this project based on the approval given by Council and staff and further asked the Planning Commission to re-instate the permit.

Roger Schmidt indicated that we never had this information.

Dan Hansen asked the members if they discussed this at the May meeting.

Dale Borgmann indicated the Planning Commission should ask more questions.

Susan Palmer agreed that we should ask more questions, but questioned what to do we do tonight.

Dale Borgmann reported that there is vertical siding you can put on the house to match the existing building and if you re-shingle put on steel shingles.

Angie Berg stated the color is the same. They could put the same siding on the house to match the shed, but questioned isn't the intent to be homogeneous.

Jeff Howe stated that he questioned the application but was told it would be steel siding that the house would match this at some time.

Roger Schmidt voiced concern that vertical and horizontal are not the same.

Jeff Howe informed the Planning Commission that you just approved another site plan (Paul Wirth) similar to this. This needs to be discussed and it is a little late to real this one in.

Dan Hansen stated the Berg's moved the shed back to accommodate the neighbors, the fact that the siding is vertical and not horizontal is not the same, but it is the same in color, and motioned to approve to the structure.

Ron Grand indicated that this has pitted neighbor against neighbor which never should have happened. The Curtis house and others in the neighborhood have built accessory structures and meet the ordinance. Mr. Grand in citing homogeneous being used to approve a plan stated that pole barn siding is not even close to anything else. He has talked about this for a month, it should have a shingled roof, but to let this go through is wrong. There are sheds in the neighborhood that meet the ordinance.

Jill Grand stated they feel their residential property value went down. This is a residential district. All they are asking is to make them abide by the ordinance and she holds the city responsible for destroying a friendship. Mrs. Grand also complained about the sun hitting the roof and added that the only ordinance they met was the setback.

Ron Grand read the definition of homogeneous which is similar, unbearing, and alike. This is the definition from the dictionary.

Greg Berg indicated that there is no area in the ordinance that says you can't build a pole building.

Ron Grand asked how was the one on Marlene Court voted on that just got finished.

Angie Berg stated this is an interpretation. She did not want to go there, but there are structures that were built vertical.

Greg Berg cited an example on County Road 6 & Berg Street in the R-1 District. It is a post frame building with corrugated steel.

Ron Grand stated this was built on the Pleasant Lake rules.

Rena Weber reported that under the former building official if it was homogeneous it was approved.

Motion by Member Hansen, second by Member Palmer, to approve the building as presented.

Susan Palmer that she is in favor of this because they went through what they thought was pertinent to the process.

Toni Honer asked the Berg's if they thought about pricing out shingled roof? Greg Berg stated that if they were to change to shingle it would be an additional expense of \$6598 from the way it sits right now.

Susan Palmer asked is it possible to change siding to horizontal. Greg Berg stated the cost to change to redwood would be \$27,977 but he did not price steel. It would be less, but the post frame will not support that as they have to sheet the whole thing.

ROLL CALL VOTE

<i>Susan Palmer</i>	<i>Yes</i>
<i>Dan Hansen</i>	<i>Yes</i>
<i>Toni Honer</i>	<i>Abstained</i>
<i>Roger Schmidt</i>	<i>No</i>
<i>Dale Borgmann</i>	<i>Abstained</i>

Motion passes 2 to 1

The Berg's stated that they want details of what passing the motion means and what the process is. They would like to keep going. Greg Berg stated this is vertical steel corrugated siding that is colored and a roof that is steel.

Rena Weber indicated that she would need the attorney's opinion.

PLANNING COMMISSION MEMBERS – STAFF REPORT – There was none.

RESIGNATION - ROGER SCHMIDT – At this point Roger Schmidt stated that he was resigning from the Planning Commission and excused himself.

ADJOURNMENT – *Motion by Member Borgmann, second by Member Palmer, to adjourn the meeting at 8:58 p.m. Motion carried unanimously.*

**VERENA M. WEBER-CMC
ZONING ADMINISTRATOR**

**DAN HANSEN
ACTING CHAIR**