

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD  
TUESDAY, AUGUST 21, 2007 – 7:00 P.M. – ROCKVILLE CITY HALL**

Planning Commission met at City Hall -5:45 p.m. as a committee of the whole to view 3 sites:

- Charles & Diane Driver @ 25217 Lake Road St Cloud MN 56301
- Gary & Lori Lembeck @ 8504 White Oak Road St Cloud MN 56301
- Florence Benson @ 23515 County Road 8 Cold Spring MN 56320

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Jerry Bechtold, Dale Borgmann, & Jerry Tippelt. Susan Palmer arrived at 7:04 p.m. Absent: Dan Hansen

Staff members present were: Administrator/Clerk Rena Weber, Utility Billing/Administrative Assistant Judy Neu and Attorney Jim Mogen.

Others present: Charles & Diane Driver, Gary & Lori Lembeck, & Kitty Grant

**APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Bechtold, second by Member Borgmann, to approve the agenda and addition as amended. Motion carried unanimously.**

**APPROVAL OF AMENDED MINUTES 7/24/07 – Motion by Member Tippelt, second by Member Bechtold, to approve the amended minutes of 7/24/07 with a correction that member Tippelt would like to indicate that he was opposed to the amendments on accessory structures. Motion carried unanimously.**

**NEW BUSINESS**

**FLORENCE BENSON VARIANCE – 23515 COUNTY ROAD 8–** Zoning Administrator Rena Weber read the notice of public hearing to consider the request of Florence Benson for a variance from R-1 District Side Yard Requirements. The address of the property is: 23515 County Road 8 with a legal description of: The South One Hundred Thirty-two (132) feet of the North Eleven Hundred Seventy-three (1173) feet of the East One Hundred Sixty-five (165) feet of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼), of Section Numbered Seventeen (17), in Township Numbered One Hundred Twenty-three (123) North, of Range Numbered Twenty-nine (29) West in the City of Rockville, Stearns County, Minnesota.

**Section 17: R-1 Single Family Residential District**

**Subdivision 5: Lot, Yard, Area & Height Requirements 5.B reads:**

**The side yard setback must be a least ten (10) feet, except that the side yard setback on corner lots must be at least fifteen (15) feet.**

The request is to construct a 26' x 28' attached garage in the side yard and to build within 5' of the side yard on the east corner and 6' on the west corner of said structure.

Building Official Jeff Howe stated that the new building code requires that if the overhang is closer than 5' from property line it will require a 1 hour rated and that it will be noted on the building permit.

Member Tippelt asked if it is going to be a 1' or 2' overhang.

Kitty Grant indicated it is a 3' overhang on the house and that they would like to keep it the same so it does not look like it was added on.

Rena Weber reported the following written/oral report:

**STAFF REPORT AND PICTURES**

Re: Variance Request  
76.41634.401: Owner: Florence Benson  
Property Address: 23515 County Road 8, Cold Spring, MN 56320

## Variance(s) Requested:

1. Variance to construct attached 26' x 28' garage and to locate it 5' and 6' from south lot line **10' required.**

## Construction Requests:

1. Construct 26' x 28' attached garage to house 2 boats, 2 trailers, lawn tractor and other equipment and clean up the yard.

## Relevant Information:

1. R-1 Single Family District. Existing home is built 33' from CR 8.
2. Existing home has horizontal grey siding and attached 24' x 24' garage.
3. Elevation certificate is not required.
4. The lot to the south of the property is currently wooded with a driveway that leads to Glenn & Mary Heitzman's home.-**Rena Weber pointed out that part of this area is in the Tamarack swamp.**

## Recommendations:

1. In the setback from roadway ordinance (under A-40) the city requires a 50' setback from County roads. Until that section gets moved to general regulations we can't require the 50' setback, but I would recommend that the addition stay in line with the present garage which is 39'6" from the right-of-way.
2. Maintain existing drainage patterns over, under, and across their property.
3. Construct a drainage swale along the south line of the property between the garage and property line.
4. No additional driveways will be allowed.
5. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed. It appears there are wetland(s) nearby south and southwest of the property.
6. Approve with this conditions.

Rena Weber stated that 21 notices were sent out.

***Motion by Member Bechtold, second by Member Palmer, to close the public hearing at 7:13 p.m. Motion carried unanimously.***

Building Official Jeff Howe had concerns with the engineer report on constructing a drainage swale along the south property line would be pretty difficult having only 5' setback.

***Member Bechtold motioned to recommend approval for a 26' x 28' attached garage in the side yard and to build within 5' of the side yard on the east corner and 6' on the west corner of said structure. Motion died for a lack of second.***

**FINDINGS OF FACT: A review of the findings of fact was done.**

**Question 1     4 yes 1 no**

**Question 2     5 yes**

**Question 3     4 yes 1 no**

**Question 4     3 yes 2 no**

**Question 5     5 no**

**Question 6     5 yes**

**The criteria for granting the variance have not been met.**

(A copy is hereby attached marked Exhibit A).

Member Palmer stated if it was possible to go to a one stall garage or to locate the garage somewhere else on the lot.

Kitty Grant representing Florence Benson explained that it is possible because of the big lot but then it would mess up your yard to put a driveway to the garage and to have only a one stall garage that would hardly fit her boat.

Member Borgmann asked if the garage could be deeper vs. wider, than the side yard setbacks would be met.

Kitty Grant explained that the 4 season porch is in the back and it has windows all around it and if they made the garage deeper and narrower it would block the view from the porch.

Member Tippelt stated considering what is next door and after further review, if you are going to build a garage on this lot, this would be the best place for it.

***Motion by Member Tippelt, second by Member Borgmann, recommend approving on what was originally proposed a 26' x 28' attached garage in the side yard and to build within 5' of the side yard on the east corner and 6' on the west corner of said structure.***

***AYES: Honer, Borgmann & Tippelt.***

***NAYS: Bechtold & Palmer.***

***Motion passed on a 3 to 2 vote.***

Member Tippelt stated that he wouldn't consider this under the fact that they have too much to store. It doesn't change his thinking, but putting the building somewhere else on the lot and the way her lot is that the garage should be put where it is being proposed.

Member Palmer stated she would be in favor of an additional stall, but not sure she is in favor of what they are proposing.

Jim Mogen pointed out that the maker of the motion should identify how he resolves the negative finding and how he found that it is a reasonable use now.

Member Tippelt explained that the finding of the commission is that it is the most reasonable use for this lot being where it is being proposed and that no one can build along side of this lot. It would make more sense to a put garage there then anywhere else on the lot.

Member Palmer explained that the question is, that without a variance, is the owner deprived of a reasonable use of the property as that use relates to the ordinance. Further that she disagrees with that remark because there is another way and she does not think the owner is deprived of a reasonable use.

**GARY & LORI LEMBECK– SITE PLAN APPROVAL 8504 White Oak Road** – Gary & Lori Lembeck were present to review their request stating to construct 30' x 46' detached accessory structure with a toilet facility and add a new driveway.

Rena Weber stated that the siding will be horizontal, the shingles & siding will match the house and that the garage will not be habitable ever.

Gary Lembeck stated that the siding & shingles will match and the garage will not be habitable.

#### **STAFF REPORT AND PICTURES**

RE: SITE PLAN APPROVAL

76.42144.006 Owners: Gary & Lori Lembeck

Property Address: 8504 White Oak Road, St. Cloud, MN 56301

REQUEST:

Approval to construct 30' x 46' accessory structure in R-1 District with toilet facility.

Approval to construct additional driveway from White Oak Road

## RELEVANT INFORMATION

1. Property is zoned R -1
2. Property is 1.87 acres approximately.
3. The owner is proposing horizontal siding and roof that will match the house.
4. Additional driveway is approved by Maintenance if new culvert is the same size as existing driveway/culvert.
5. Toilet facility – requests have been received for other garages and were approved, but if the use changes and this were to become more of a residence – then sewer billing would change.
6. New structure cannot be built over sewer easement.
7. New structure will not exceed 25' in height.

## RECOMMENDATION

1. Make any necessary soil corrections on the former mound site. - **Vacate the mound.**
2. Maintain existing drainage patterns over, under, and across their property.
3. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed. It appears there are wetland(s) nearby south and southwest of the property.
4. Approve with these conditions.

***Motion by Member Tippelt, second by Member Bechtold, to recommend approval on the construction site plan as presented. Motion carried unanimously.***

**CHARLES & DIANE DRIVER-SITE PLAN APPROVAL 25217 Lake Road** – Charles & Diane Driver were present to review their request to construct 24' x 40' accessory structure.

Charles Driver stated that they have been working on this for about a year and after what had happened a few months ago he would like to know about the steel or not steel.

Chair Honer stated it is the concern regarding steel or not steel and it all depends on how the commission would like to handle it.

Chair Honer explained that it is going to be a Morton building, the color is going to match the existing house the shingles and siding are not.

Chair Honer stated that now knowing that the siding is an issue, did you consider going back to Morton and look at other options.

Charles Driver stated that they did look at other options but it is about \$7000 more.

Diane Driver explained that the horizontal steel is smaller than the siding on the house so it still not going to match. They have no plans on replacing the cedar siding on the house.

Chair Honer stated that they already stained their existing house and garage to match the proposed garage.

Member Borgmann explained that the steel that they are putting on is not a barn steel it is vertical siding that looks very similar to Board & Batten that you would put on houses.

Charles Driver stated that they have 5 acres and the building is going to be in the back of the house.

Member Borgmann stated that know one is going to see it because of the woods.

Member Palmer stated that the commission needs to think about what we are doing and what had happened not to long ago.

Attorney Jim Mogen explained that the amended accessory structure ordinance would allow it.

#### **STAFF REPORT AND PICTURES**

RE: SITE PLAN APPROVAL

76.41951.000 Owners: Charles Driver

Property Address: 25217 Lake Road, St. Cloud, MN 56301

REQUEST:

Approval to construct 24' x 40' accessory structure in R-1 District.

Approval to use vertical steel siding that will match present house and garage

#### **RELEVANT INFORMATION**

1. Property is zoned R -1
2. Property is 912.39 x 589.15 x 696.69 (Lake Road side) feet long (triangle shape)
3. The owner is proposing vertical steel siding and roof that will match the house in color.
4. The siding on the house and garage is horizontal.
5. Roofing is cedar shakes.
6. This site plan was previously approved by the Planning Commission 5/8/07 & City Council 5/16 without building plans being presented. Again building plans were not drawn up until the owner got approval due to the cost. Owner did attend council meeting on the night of the Berg discussion. When building plans were presented Jeff Howe flagged them due to the siding and roof.
7. The original plan called for a 30' x 56' structure. The new proposed structure is 24' x 40' and 13' high.

#### **RECOMMENDATION**

1. Due to the revised site plan and change in size –a new approval would be required. This is not in conformance with the ordinance as it is proposed to be vertical steel siding and roof. Denial is recommended.

***Motion by Member Tippelt, second by Member Bechtold, to recommend approval on the construction site plan as presented. Motion carried unanimously.***

#### **COMMITTEE OF THE WHOLE POLICY-**

Member Bechtold suggested the commission should adopt a policy on committee of the whole.

***Motion by Member Bechtold, second by Member Borgmann, to recommend establishing a committee of the whole as a policy. Motion carried unanimously.***

#### **WATER-ORIENTED ACCESSORY STRUCTURES-**

Attorney Jim Mogen discussed some information on water-oriented accessory structures

- New law that allow nonconforming structures to be 100% replaced
- Ordinance that allows water-oriented accessory structures
- Need to review that part of the ordinance to clean it up

Chair Honer stated that everyone should think about it and bring some ideas back to the next meeting.

#### **ORDINANCE AMENDMENT- ACCESSORY STRUCTURES-**

Rena Weber explained that the amendment to accessory structures is still not clear and there are a few questions that need to be cleaned up.

Chair Honer stated that all members and staff should review the amendment accessory structures and forward your comments.

**TRANSITIONAL ZONING & ZONING MAP - "TARGET AREAS" for IMPLEMENTING RANDALL'S IDEAS –**

Chair Honer stated the commission members should go thru the map and bring back some ideas for the next meeting.

Member Palmer stated that a sub-committee of the council met and is putting something together for the commission to look at.

**PLANNING COMMISSION APPLICATION FORMS-**

Chair Honer stated that she sat down with Rena and went over the document.

Rena Weber reported that Personnel Committee met and used the document to interview the one applicant Steve Dietman and is going to recommend appointment to the City Council.

Member Palmer had a questioned on # 4-The City is growing at a fairly fast rate. It is a difficult question to answer and would recommend changing it to something else.

Building Official Jeff Howe suggested-What do you think of the growth rate in Rockville?

Member Palmer stated that she agrees with that.

(A copy is hereby attached marked Exhibit B).

**OLD BUSINESS:** There was none.

**SUMMARY OF ALL PERMITS IN JULY/AUGUST –**

Member Borgmann had a question on what are they doing at 25683 Lake Road.

Building Official Jeff Howe reported that a building permit was pulled for a new foundation and the future plans show it will be a single family dwelling.

Member Palmer questioned the Shoreland Alteration permits and who is Dave Nett.

Rena Weber reported that Dave Nett is from Stearns County and he reviews the permits.

**ADJOURNMENT – *Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 9:03 p.m. Motion carried unanimously.***

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**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**