

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, JULY 8, 2014 – 6:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Member Bill Becker, Member Jerry Tippelt and Susan Palmer – Liaison.

Absent were: Member Dale Borgmann

Staff members present were: Zoning Administrator Rena Weber & Administrative Assistant Mandy Lais.

Others present: Marina Voigt, Les Hughes, Bob Kuklock, Nancy Groseth

APPROVAL OF AGENDA/AMENDMENTS – *Motion by Member Tippelt, second by Member Becker to approve the agenda with amendments. Motion carried unanimously.*

APPROVAL OF MINUTES 6/10/14 – *Motion by Member Becker, second by Member Tippelt to approve the 6/10/14 minutes. Motion carried unanimously.*

It was restated that Vince Schaefer's resignation has been accepted at the 6/18/14 council meeting.

New Business:

Ms. Marina Voigt – 8949 County Road 6 – presenting a concept plan for separating 2 lots from property for her two sons.

Zoning Administrator Rena Weber stated that they have 15.5 acres, Ms. Voigt wants to subdivide into two additional lots. This is a concept plan so they are just requesting Planning Commissions thoughts. Ms. Voigt stated she wants to parcel off two lots approx. 2 acres, the way we have it on the plan there is one that has designated wet lands, he would have a drive way off of Lena Lane if possible or the existing drive way. The second parcel does not have wetlands and it would come off of the existing driveway.

Chair Honer asked if they are aware of the water issues that we have had in the past with that property? There are issues with water and flowing over properties. She wanted to go on record that you are aware of the past water issues.

Ms. Voigt stated yes she was aware of the water issues. They have watched how the water flows and it flows down the driveway.

Zoning Administrator Rena Weber stated as far as the well goes, that will be addressed, the lots are quite big, and the sewer has been paid for.

Chair Honer stated they would prefer to see the shared driveway, have them come off of the main driveway.

Chair Honer stated this is something they would consider.

Camper Issue:

Zoning Administrator Rena Weber stated we all want to be on the same page with the campers. The Council wants to give the Lenzen's until August 23rd all campers will be removed except for one. One camper can be stored on the lot with the house. The 30 day rule does not affect us, it is Stearns County's rule.

Liaison Palmer stated as she read the Stearns County rules, a residential accessory building shall be used for residential accessory uses only, and shall not be used at any time as a residential dwelling unit, decks not allowed on any detached accessory structures, the only place that is allowed is if they have a license. Then there is a construction permitting process to ensure you are connected to a proper waste treatment. No accessory building or RV shall be used at any time as a dwelling unit unless otherwise

provided in this ordinance. And where it talked about the 30 days is under the sections 10.2.11, Placement, Design and Height of structures, talking about where it is placed. A recreational vehicle shall meet all structural setbacks requirements of this ordinance, if it is allowed. A recreational vehicle located on the track for more than 30 days, in any year, and occupied at any time shall be considered a residential dwelling unit and shall have permit pursuant to section 4.11 of the ordinance. The provisions don't apply to homeowners who store an rv on their property. Section 4.11 states it has to be permitted and hooked up to sewage treatment. Also they are not allowed in a tier one shoreland overlay district. They are not allowed. She counted 7 on county road 8. Liaison Palmer is concerned that if we allow it for them, you have to allow for everyone to put an rv on their property. Zoning Administrator Rena Weber stated that if you want to change the ordinance that is what you would have to do.

Liaison Palmer stated there needs to have adequate sewage and we need to enforce our ordinance.

Chair Honer brought up a concern on public safety hazards as well.

Zoning Administrator Rena Weber suggested to put this topic in the newsletter- that this is not allowed.

***Motion by Member Becker, second by Member Tippelt to include the ordinance in the next newsletter, a letter given to individuals who are violating the ordinance.
Motion carried unanimously.***

**PUBLIC HEARING @ 6:30 PM FOR NANCY GROSETH – 25672 LAKE ROAD - VARIANCE:
STAFF REPORT**

Re: Variance Request(s)
76.41952.0010: Owner: Groseth Living Trust
Property Address: 25672 Lake Road

Variance(s) Requested:

1. Variance to construct a 10' x 10' attached deck and 12' x 4' stairs and further to locate it in the front yard of property abutting Pleasant Lake – Recreational Development Lake.
2. Impervious Surface – Total lot area is 9013 sf of which 15% is 1,352 sf is allowed
Proposed request is to be at 4,114 sf or 2,762 sf over the 15%.
When looking at the certificate of survey – the driveway and parking lot are both in the ROW so we could deduct the 660 sf and 720 sf to bring the number down to 1382 or 30 sf over the 15%.
5. Build deck to lake side of house within the 50' shore impact zone.

Construction Requests:

1. Construct new attached deck and stairs to residential structure.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 9,013 square feet more or less.
3. 15 notices of public hearing were sent out.
4. The driveway and parking area are located in the public road right-of-way.

Recommendations:

1. This requires two variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Staff has worked with the owners on possible ways to reduce the number of variances.
3. Require mitigation
 - Install a grate in the driveway to capture water run –off from driveway and route the storm water to rain gardens on either side of the driveway.
 - Buffer at lakeshore or rain garden may be considered.
 - 1 yr to complete

Chair Honer noticed there is quite a bit of vegetation and quite a bit of the shoreline.

Ms. Groseth stated she is working with a shoreland landscaper to reconstruct the shoreline, and they plan to do rain barrel, and perennial garden. What we want and need are the stairs. This is a liability issue. We have had young and old fall and it is very steep.

Zoning Administrator Rena Weber stated their driveway and parking platform is in the road right of way. Member Tippelt asked about the space under the deck and retaining wall.

Bob Kuklock is the neighbor, gave some history, since the 80's there was a deck there and steps, but had to take it out to collapse a tank. Neighbor is ok with what they are doing.

Zoning Administrator Rena Weber stated that the road was that way, and in her calculations the parking lot and the driveway to be included. The part that is over on imperious will have to be calculated as to how many rain barrels and rain gardens she will have to install to capture the storm water runoff.

Liaison Palmer suggested the grant program and suggested taking out some of the cement under the deck or other imperious surfaces.

Ms. Groseth is willing to do the gardens. Note the liability issue is big and she needs the stairs.

Motion by Member Becker, second by Member Tippelt, to close the public hearing at 6:40 p.m. Motion carried unanimously.

There are two variances being requested, one the impervious surface and building into the 50 foot impact zone.

A review of the finding was done (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 3 yes why: Public safety
2. 3 yes why: Provided there is adequate Water Mitigation plan. With required water mitigation plan.
3. 3 yes why:
4. 3 yes why: The lakeshore and how it was developed and that the road moved to infringe on their property. Road being moved and safety.
5. 3 yes why: Not out of the ordinary for what others have on the lake.

Motion by Member Becker, second by Member Tippelt to approve the two variances as it is presented with the mitigation plan. Motion carried unanimously.

Board/Staff Report

Complaint: A resident placed a fish house 3 feet from the lake and on the property line. Pushing up against the neighbor's fence. It's not a permanent structure. It is not a fish house if they are using it as a storage shed. They are still in the 50 foot buffer zone and it should be removed. A call will be made.

Harren Property has a wood cutting business. From the road, it seemed neatly piled.

Behind Eric Kunz house there is a horse lean to. Questioning whether he has a horse?

Questioned the county grass cutting in the industrial park. They had to rezone it to cut it.

ADJOURNMENT – Motion by Member Becker, second by Member Tippelt to adjourn the meeting at 6:59 PM. Motion carried unanimously.

MANDY LAIS
ADMINISTRATIVE ASSISTANT

TONI HONER
CHAIR