

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, AUGUST 19, 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 Dale Borgmann and Susan Palmer – Liaison.

Absent were: Member Jerry Tippelt

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

Others present: Renee & Brad bacon, Janet & Pete Schaefer, Robert & Donna Schreiner, Paul & Trish Ludwig, Sandy & Steve Pfannenstein, Everette Balko, Vern Rosckes, Tim Kubelbeck, Randy Seykora, Lori & Tim Botz.

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

APPROVAL OF MINUTES 7/8/14 – Motion by Member Borgmann, second by Member Becker to approve the 7/8/14 minutes. Motion carried unanimously.

New Business:

PUBLIC HEARING @ 6:00 PM FOR BRADLEY & RENEE BACON – 11134 GRAND LAKE ROAD - VARIANCE:

Re: Variance Request(s)
76.41650.0010: Owners: Bradley J & Renee H Bacon
Property Address: 11134 Grand Lake Road

Variance(s) Requested:

1. Variance to attach 360 square foot deck and stairs of property abutting Grand Lake – General Development Lake.
2. Impervious Surface – Total lot area is 31,400 sf of which 15% = 4710.00. The proposed request is to exceed the 15% by 4072 sf or 27%

Construction Requests:

1. Construct new deck and stairs.

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 31,400 square feet more or less.
3. 8 notices of public hearing were sent out.

Recommendations:

1. This requires 1 variance.
2. If granted mitigation plan must be approved. There are three options for mitigation.

Mr. Brad Bacon and Mrs. Renee Bacon: 11134 Grand Lake Road stated that when they purchased the property it was already over the impervious with the driveway and house alone, and that they have a rain barrel and a rain garden, and I don't believe that's been factored in.

Motion by Member Borgmann, second by Member Becker, to close the public hearing at 6:04 p.m. Motion carried unanimously.

Member Becker asked if there is any way to decrease the surface?

Mr. Bacon stated it would take out a hill side and we have family members with disabilities, so for safety purposes they can get to the lake.

Chair Honer stated they would ask them to do mitigation.

Mr. Bacon stated they is 150 feet from the lake, they are using maintenance free deck.

Member Becker asked are the 3 options?

Zoning Administrator Rena Weber stated that it could be a rain barrel or rain garden or a combination of both. Based on the formula.

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:
2. 3 yes why: public safety
3. 3 yes why:
4. 3 yes why: non-conforming lot sizes, purchased after.
5. 3 yes why:

Motion by Member Becker, second by Member Borgmann to approve the variance as it is presented with the proper storm water mitigation plan. Motion carried unanimously.

PUBLIC HEARING @ 6:15 PM FOR RANDY SEYKORA – 11181 HUBERT LANE - VARIANCE:

Re: Variance Request(s)
76.42189.0039: Owners: Randy Seykora
Property Address: 11181 Hubert Lane

Variance(s) Requested:

3. Variance to construct a 38' x 42.6" attached garage and 15' x 15' covered spaced attached to garage of property abutting Grand Lake – General Development Lake.
4. Said request is to also locate said garage 12 feet from the roadway –Should be 25'
5. Request is to also add 358 sf for a patio and 196 sf for the hot tub
6. Impervious Surface – Total lot area is 17,313.71 sf of which 15% = 2597.06. The proposed request is to exceed the 15% by 947 sf or 21%.

Construction Requests:

2. Construct new attached garage and match the existing residential structure.

Relevant Information:

4. This property is located within the 1000' Shoreland Overlay District.
5. Property contains 17,313.71 square feet more or less.
6. 13 notices of public hearing were sent out.

Recommendations:

3. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. If granted mitigation plan must be approved.

Mr. Randy Seykora stated he purchased the property on July 31, and would like to add an attached garage. It is currently where there is a retaining wall, and it is off the road. It wouldn't encroach on the lakeshore, he would have a 12 foot setback for the driveway, the garage would start from there. There is a deck currently on there and he would like to add a concrete pad 19 x 19. When he did the calculations they are at the 20%. This would also be a living quarter increasing the square footage of the house.

Chair Honer asked if it's going to be the same height as your house?

Mr. Seykora stated no, it will be 35 feet high.

Member Becker asked if it is farm land on the side.

Mr. Seykora stated yes it is. And he will take out the retaining wall and make it into a year round house.

Liaison Palmer asked about the 12 foot set back from the road, is the covered space going to run along the whole garage.

Mr. Seykora stated no, it is 12 feet back from the road, attached to the house.

Liaison Palmer asked how far back is the property form the lake?

Mr. Seykora stated that they are not encroaching in the lakeshore.

Mr. Everette Balko - 11193 Hubert Lane, stated he lives to the west of the property and he is in favor of the addition and feels it is a positive upgrade. He stated its 90 feet back from the lake. As far as the setback it lines up with his garage.

Liaison Palmer asked if there are any issues with fire trucks on that narrow road.

Chair Honer as long as there is 25 ft.

Mr. Vernon Roskes - 11167 Hubert Lane lives to the East of the house. He is in favor of Mr. Seykora building, and it will add value to the neighborhood. He would like to build a garage someday.

Mr. Seykora asked about tarring the road. Is it up to the home owner to pave the road?

Zoning Administrator Rena Weber stated we have had many discussions. In order for that to be tarred you would need a petition of all the property owners.

Mr. Seykora asked can I do it myself and pay for it, is that possible.

Zoning Administrator Rena Weber stated that's not normal, it's a city road. There might be a possibility, she recalls that it has been done before. She would have to bring it before the public works committee.

Zoning Administrator Rena Weber asked if he looked at the options for mitigation plans?

Chair Honer asked if he understands the mitigation is for the 947 sq. feet that you are over on your impervious surface and that we don't want the water to go into the neighbor's lot or into the lake.

Mr. Seykora stated he understood. He will do what is needed.

Motion by Member Becker, second by Member Borgmann, to close the public hearing at 6:25 p.m.

Motion carried unanimously.

This requires 2 variances, impervious and the 12 foot setback:

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:
2. 3 yes why: Staying in line on the road with the neighbor's property
3. 3 yes why:
4. 3 yes why: The Hubert Lane road issue, non-conforming lot
5. 3 yes why:

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

Change the Planning Commission meeting date due to Veteran's Day, from November 11 to November 10, 6:00 pm. All members present are in favor.

Camper Ordinance discussion:

Zoning Administrator Rena Weber, council asked that we check with other cities as to what they are doing regarding campers. We don't have a definition of camper, only a manufactured home. MN state statutes 327.31, sub 6, Rena read the definition for manufactured home: "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Liaison Palmer stated that she called St. Joe, Cold Spring and Avon to see what they had for their ordinances. St. Joe defined it as a trailer or mobile home and only permitted in a designated area designed area or constructed as a mobile home facility. You can park one unoccupied tailor house in the rear yard as long as no living quarters are maintained. Cold Spring and Avon stated they do not allow anyone to reside in it.

Member Borgmann asked if we have a definition in the ordinance?

Chair Honer stated we should have that on our next workshop to define that.

Open up for public discussion on campers: 4 minute time limit.

Mr. Mike Lenzen stated he has lived on Grand Lake and parents owned the property since 1965. The Minnesota Statute is a little different; rv and campers are not mobile homes. They would like to be able to use their camper during the summer for family time.

Ms. Luanne Zirbes is in favor of being able to use campers by the lake.

Liaison Palmer stated we can't grant a variance by law, and it is not a permitted use.

Chair Honer stated we would have to amend our ordinance, and if that's done it would have to be for the good of the whole community. We act on complaints.

Ms. Lori Botz - 507 Tamarack Court, has no issue with the Lenzens' having their campers there. And would like to know what is allowable in a seasonal recreational lot? She feels that people should be able to use the camper if they have company over flow. She would appreciate it if there was a change to the ordinance to allow people to be able to use their campers.

Mr. Paul & Ms. Trish Ludwig - 21756 County Road 8, stated they have a camper, they have a 20 x 20 seasonal cabin and they use the camper as living space. They would like "lived in" clarified. And they are in favor of changing the ordinance to allow people to use their campers.

Liaison Palmer stated that Stearns County shared with her that if you occupy it, then it is lived in. We have not defined it, but technically anytime you sleep in it.

Steve Pfannenstein - 802 Ptarmigan Drive, would like it clearly defined, he is in favor of being able to use their camper.

Amendment to the Agenda:

Tillable Land/Land Splitting

Zoning Administrator Rena Weber described the proposed land split. This person has 42 acres, the 2 acres comes down far access, and he owns another 18 acres, the neighbor has 10 acres, he wants to sell 20 acres to his neighbor. It will remain agricultural. If he sells 20 acres his lot becomes non-conforming.

Chair Honer asked if we can do an administrative?

Zoning Administrator Rena Weber stated that if we do that it will make the lot non-conforming.

Chair Honer stated he needs to come with his site plan and approve it as a split. You can't do it as an administrative subdivision. Recommends a qualified minor sub-division.

Chair Honer stated that if he can keep 40 then he can do it administratively, otherwise he would have to do a qualified minor subdivision, which means a public hearing, survey, 246 dollar fee, parcel and new legal description.

Member Borgmann stated that it might be a concern to him if he loses green acres.

Chair Honer made note of this for working session.

Next Meeting

1. 6 pm John Vogt R1 to RR
2. 6:10 pm Hansen/Severson Qualified Minor
3. 6:20 pm Knife River IUP – IUP temporary operation of asphalt plant
4. 6:40 pm Ben Neu bought a property in Pleasant Lake wants to add an attached big garage.

Member Borgmann and Chair Honer tried to do a site visit at the Browns. There has been no change since the letter was sent out. They were warned about the abatement and the city can charge them. Situation has been going on since 2010. Recommending enforcement to City Council.

Board/Staff Report

ADJOURNMENT – Motion by Member Borgmann, second by Member Becker to adjourn the meeting at 7:09 PM. Motion carried unanimously.

**MANDY LAIS
ADMINISTRATIVE ASSISTANT**

**TONI HONER
CHAIR**