

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, NOVEMBER 12, 2013 – 6:30 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 Vince Schaefer and Member Rick Tallman and Duane Willenbring – Liaison.

Absent were: Member Jerry Tippelt, Member Dale Borgmann

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

Others present: Cherie Verkinnes, Paul Wirth, Sam DeLeo

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

APPROVAL OF MINUTES 9/10/13 & 10/7/13 – Motion by Member Schaefer, second by Member Tallman, to approval of the 9/10/13 & 10/7/13 minutes as presented. Motion carried unanimously.

**Public Hearing @ 6:30 pm for Cherie Verkinnes
25942 & 25958 Lake Road:**

400 CLUB STAFF REPORT

November 7, 2013

Rockville Planning Commission; City Council

Re: Variance Request
76.41600.0800/001: Owners: Cherie Verkinnes
Property Address: 25942 & 25958 Lake Road

Variance(s) Requested:

1. The request is to split the house from the business (both are on the same parcel)
2. New setbacks from side yard will be created.
3. Impervious Surface – there will be no increase in the impervious surface, however, both lots will exceed the requirement once approved.

Construction Requests:

1. None

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. 12 notices of public hearing were sent out.

Recommendations:

Approval of said request in actuality creates two non-conforming lots. Staff did review this with the City Attorney Adam Ripple and his comment are these:

"I assume the nonconformity that would be expanded by subdivision is lot size/impervious surface percentage.

I think the subdivision could be accomplished if variances are granted. If my assumption is correct, one condition of the variances would have to be **no expansion of the structures or impervious surface.** You could impose other conditions to address other concerns too.

Yes, I think it can be done but the City really needs to think through the concerns."

I agree – you need to set some conditions on this approval.

How about some rain gardens to pick up the storm water that is draining from the parking lot?

Submitted by:
Rena Weber
Zoning Administrator

Sam DeLeo, KLD inc, stated he is representing Cherie Verkinnes. Stating that she has one existing non-conforming lot and she wants to make them into two, for real estate purposes. It makes more sense to separate the lots. She doesn't have any improvements at this time and the use will remain the same as it is today.

Chair Honer verified no work is currently being done by Ms. Verkinnes on her property right now and if there were concerns on the mortgage.

Cherie Verkinnes stated there is no work being done.

Sam DeLeo stated the county recorder will not record these splits for these deeds that are related to them, if there is a mortgage against them, if the mortgage does not consent to the split on the deed, so the city does not have to worry about it.

Chair Honer opened the discussion to the public.

Paul Wirth asked for an explanation of why she is doing this.

Chair Honer stated she is not changing the use or expanding, they just want two parcel identification numbers, so they can be a separate house and business.

Zoning Administrator Rena Weber stated that they are creating two non-conforming lots by splitting this, so that is why the attorney suggested to have conditions put on.

Liaison Willenbring stated that Ms. Verkinnes has done some water mitigation.

Motion by Member Schaefer, second by Member Tallman, to close the public hearing at 6:42 pm.

AYES: Honer, Tallman, Schaefer.

ABSTAIN:

Motion passed on a 3 to 0 vote.

FINDING OF FACT

Cherie Verkinnes @ 25942 & 25958 Lake Road SUPPORTING/DENYING A VARIANCE

A variance may be granted when the applicant for the variance established that there are practical difficulties in complying with the zoning ordinance. The consideration of the following criteria as defined in Minnesota Statutes Section 462 and Minnesota Statutes Section 394.27:

1. Is the variance in *harmony* with the purposes and intent of the *ordinance*?
Why or Why not?

Chair Honer Y M. Tallman Y M. Schaefer Y

2. Is the variance *consistent with the comprehensive plan*?
Why or Why not?

Chair Honer Y M. Tallman Y M. Schaefer Y

3. Does the proposal put property to use in a *reasonable manner*?
Why or Why not? It has been used like this for a long time since 1938. There has been a business and a residence there for that long.

Chair Honer Y M. Tallman Y M. Schaefer Y

4. Are there *unique circumstances* to the property not created by the landowner?
Why or Why not?

Chair Honer Y M. Tallman Y M. Schaefer Y

5. Will the variance, if granted, maintain the *essential character* of the locality?
Why or Why not? They are not expanding the present use.

Chair Honer Y M. Tallman Y M. Schaefer Y

IF ALL OF THE ANSWERS ARE “YES”, THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET. FINDING OF FACT.8/9/11 ADOPTED.FORMS

Motion by Member Schaefer, second by Member Tallman, to approve the variance as it is presented with conditions of no expansion of the structures or impervious surface.

AYES: Honer, Tallman, Schaefer.

ABSTAIN:

Motion passed on a 3 to 0 vote.

ADJOURNMENT – *Motion by Member Schaefer, second by Member Tallman to adjourn the meeting at 6:48 PM. Motion carried unanimously.*

**MANDY LAIS
ADMINISTRATIVE ASSISTANT**

**TONI HONER
CHAIR**