

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, DECEMBER 10, 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, Member Rick Tallman, Member Dale Borgmann, Member Jerry Tippelt, and Duane Willenbring – Liaison.

Absent were: none

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

Others present:

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

APPROVAL OF MINUTES 11/12/13 – Motion by Member Schaefer, second by Member Tallman, to approve of the 11/12/13 minutes at the next meeting. Motion carried unanimously.

**Public Hearing @ 6:30 pm for Felix Massmann
201 Mill Street**

**STAFF REPORT
FELIX MASSMANN**

Rockville Planning Commission; City Council

Re: Variance Request
76.42240.0054: Owner: Felix Massmann
Property Address: 201 Mill Street, Rockville, MN 56369

Variance(s) Requested:

1. After the Fact Variance from impervious surface requirements by approximately 880 SF.

Construction Requests:

1. Construct a 1208 square foot home on an existing lot, keep one storage shed, and also keep the existing driveway.

Relevant Information:

1. R-1 Single Family Dwelling District.
2. 31 notices of Public Hearing were sent out.
3. The former home was hit by a tree during the 6/21/13 storm and it took all summer of dealing with the insurance company to agree on a replacement amount. The timing was an important fact in this situation as it was only settled late October/early November. The children wished to get going on this before winter – therefore the need for the after the fact variance.
4. Entrance to the house is from Mill Street and the family would to construct a small pad at the entrance. This was not drawn in on the plans.

Recommendations:

1. Maintain existing drainage patterns over, under, and across the property.
2. If approved the owner should provide on site storm water disposal such as a rain barrel or underground trench to catch the water. A rain garden could be installed.
There is a drainage swale along the south line of the property between the house and BNSF property line.
If not approved it was suggested that the driveway be replaced with pavers.
3. No additional driveways will be allowed.
4. 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.

5. The new house and existing accessory structure must match.
6. If you approve the requests do so with conditions.

Submitted by:
Rena Weber
Zoning Administrator

Chair Honer invited anyone to speak.

Mr. Jim Massmann -7353 Ahles Rd, St. Cloud

Mr. Joe Massmann – 8363 245th Street, St. Cloud

Mr. Jim Massmann stated that they are doing the after the fact variance because of the storm damage done to his dad's house and due to insurance difficulties and delays. They needed to get started with the building of his dad's home. They had a hard time finding the property lines because the two surveys that were done showed different information. The surveyor they hired found two stakes, and came up with the property lines. The surveyor found 4 feet that no one owned located between his dad's property and on the south side of Cottonwood. They incurred \$20,000 in extra costs by having to hire a surveyor. Also to take into consideration, the property is close to the railroad which will not be built on and given the 4 feet the surveyor found. They are asking that, given this has been a financial hardship for his dad and given his age and ease of using a wheel chair, they would like to have concrete surfaces rather than pavers.

Member Tippelt asked about the 4 feet no one owns?

Mr. Joe Massmann stated not according to the surveyor. Take a look at the map. If you look at cottonwood, 4.2 on the east end and tapers back to 3.6 on the west end of cottonwood.

Chair Honer stated it is not unusual for that to happen.

Mr. Joe Massmann stated the past surveys were done in 1856 and 1921.

Member Tippelt asked if there is a culvert under the County Road?

Mr. Jim Massmann stated there was no culvert under the County Road, however, there is a culvert under cottonwood, but it is blocked.

Member Tippelt asked if they get a heavy rain, how is the house affected?

Mr. Jim Massmann stated the house is 10 inches higher than the alley. The rain doesn't affect the house.

Member Schaefer asked if the elevation changed from what it was before?

Mr. Jim Massmann stated there was no change in elevation from the last house.

Member Borgmann inquired about sandy soil?

Mr. Jim Massmann stated that it is sand.

Member Schaefer asked about the square footage of the house and garage.

Zoning Administrator Rena Weber stated 2122 should be the total square footage for their property.

Chair Honer stated the house and garage siding has to match.

Motion by Member Schaefer, second by Member Borgmann, to close the public hearing at 6:52 pm.

AYES: Honer, Tallman, Schaefer, Borgmann, Tippelt

ABSTAIN:

Motion passed on a 5 to 0 vote.

Member Schaefer asked why this needed to be an after the fact variance?

Zoning Administrator Rena Weber stated after reviewing the site plan they are over 880 sq. ft. on the impervious surface. It was common sense to let them build ahead of time due to insurance time restraints and seasonal timing causing an after the fact variance.

Chair Honer stated they should look at the staff report to decide if there are any other restrictions to be put on the variance.

FINDING OF FACT
Felix Massmann -201 Mill Street
 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 M. Borgmann Y M. Tippelt Y

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

Chair Honer Y M. Tallman Y M. Schaefer Y M. Borgmann Y M. Tippelt Y

3. Does the proposal put property to use in a *reasonable manner*?
 Why or Why not?

Chair Honer Y M. Tallman Y M. Schaefer Y M. Borgmann Y M. Tippelt Y

4. Are there *unique circumstances* to the property not created by the landowner?
 Why or Why not? 4 feet and the Burlington Northern on the south side.

Chair Honer Y M. Tallman Y M. Schaefer Y M. Borgmann Y M. Tippelt Y

5. Will the variance, if granted, maintain the *essential character* of the locality?
 Why or Why not? This is a residential neighborhood that has been established.

Chair Honer Y M. Tallman Y M. Schaefer Y M. Borgmann Y M. Tippelt Y

IF ALL OF THE ANSWERS ARE “YES”, THE CRITERIA FOR GRANTING THE VARIANCE HAVE BEEN MET.

Liaison Willenbring stated the railroad is adjacent to the house and he didn't think the rain barrels would make a difference and feels a rain garden would be most effective.

Motion by Member Tippelt, second by Member Tippelt to approve the variance as it is presented.

Motion is rescinded.

Member Schaefer questioned the advantages of a rain garden and barrels?

Liaison Willenbring recommends a rain garden, and wants to reiterate the foot print of the new home is larger than the past home. Liaison Willenbring had a letter of support for the Massmans from Mr. Karls.

Member Tallman stated how well his rain garden works, and he can visibly see how well it works to prevents run off from going directly into the lake. The water drains into the ground just fine.

Motion by Member Schaefer, second by Member Borgmann, to approve the after the fact variance with the condition a rain garden will be put in, and the size be comparable to the overage in impervious surface.

AYES: Honer, Tallman, Schaefer, Borgmann, Tippelt

ABSTAIN:

Motion passed on a 5 to 0 vote.

Zoning Administrator Rena Weber stated Mr. Tamm dropped two houses on his one lot in Brentwood with no permit. She talked with the City Attorney and she had the City Council prepare a letter for him to remove the houses. He is planning to come and ask the council for forgiveness and an extension to next spring. City Hall received many complaints on these homes.

Member Borgmann concurs that the houses look terrible.

Zoning Administrator Rena Weber stated the brown house needs to meet the roof pitch of the neighborhood covenants, and the front of the house needs to change.

Liaison Willenbring stated it would be difficult for the houses to meet the covenants given the shape they are in.

Member Schaefer stated that what matters is that the ordinance was clearly violated, and in the past we have enforced the ordinance in other situations.

Updates:

Mr. Dan Hanson wants to change the lines on two of the lots thus may request a qualified minor subdivision.

Ms. Susan Dean has two lots on Grand Lake – Agate Beach Road and wants to split them.

Goat Cheese Plant – no new information.

City of Cold Spring is drilling for water on the Molitor Farm in Rockville.

ADJOURNMENT – Motion by Member Borgmann, second by Member Schaefer to adjourn the meeting at 7:24 PM. Motion carried unanimously.

**MANDY LAIS
ADMINISTRATIVE ASSISTANT**

**TONI HONER
CHAIR**