

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, July 9, 2013 – 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 Jerry Tippelt, Member Dale Borgmann, and Duane Willenbring – Liaison.

Absent were: none

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

Others present: Mr. Todd Wahnschaffe, Mr. Rick Tallman

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

APPROVAL OF MINUTES 5/14/13 – *Motion by Member Borgmann, second by Member Tippelt, to approve the minutes of 5/14/13 as presented. Motion carried unanimously.*

Site Visit: Mr. Todd Wahnschaffe's Home at 25632 Lake Road

Variance Request:

Zoning Administrator Rena Weber explained that Mr. Wahnschaffe would like to replace a deck. He wants to replace it with a 14 foot deck, which is 2 feet past the existing patio which is currently at 12 feet. The deck that was there was taken down 3 years ago or more, which was also 12 feet. In order to do this, he will need a variance.

Chair Honer asked where the ordinary high water mark was.

Zoning Administrator Rena Weber stated what's being proposed is in the 50 foot shore impact zone. Mr. Wahnschaffe is at 35 feet from the edge of the stone down to the water.

Mr. Wahnschaffe stated it will be 14 feet from the house toward the lake.

Zoning Administrator Rena Weber stated that Mr. Wahnschaffe's garage roof collapsed and he would also like to build a garage 42 X 28 to replace the garage damaged by the past storm.

Mr. Wahnschaffe stated that the garage would be flush with the sidewalk, and go past the house 1 to 1 1/2 feet. And he would be moving it away from the neighbors line 2 feet and it would go out 28 feet toward the road. So he is coming in further from the road from where the past garage was located. And the entry to the new garage will be from the road. The past garage was 21.3 X 31.3 and the proposed garage is going to be 42 X 28, and he is willing to take out the other impervious surfaces, but would like to keep the small shed if possible. But if he has to he will take it down. He will be entering his garage from the road.

Zoning Administrator Rena Weber stated that the group will go back to City Hall after this site visit to have the public hearing.

Mr. Tallman stated what Mr. Wahnschaffe is proposing sounds reasonable.

Chair Honer expressed a concern with the deck proposal, because it is impeding on the 50 foot buffer from the lake.

Mr. Wahnschaffe stated that what he is asking for is only 2 feet more than what was previously there before.

Member Tippelt stated that he doesn't have a problem with the 14 foot deck, because it is not past what the neighbor's house has.

Mr. Wahnschaffe said he had no problem doing water mitigation.

Zoning Administrator Rena Weber suggested he create a buffer by the water.

Member Borgmann stated that the buffers are around 5 feet from the lake or he suggested rain barrels.

Mr. Wahnschaffe stated he would be ok with that.

Mr. Tallman stated he has a buffer and it works well and it is left natural by the water.

Public Hearings continued at 6:23 pm at Rockville City Hall.

Mr. Tallman stated everything that is being proposed is within reason, he is not as far out as the neighboring property, farther away from the road with his new garage, this is a win win. City would gain more tax revenue, and increase the value of the home.

Motion by Member Tippelt, second by Member Borgmann, to close the public hearing.

AYES: Tippelt, Borgmann, Honer.

ABSTAIN:

Motion passed on a 3 to 0 vote.

Member Tippelt stated a concern about the impervious surface, all the water going down to the lake.

Chair Honer stated we can ask for mitigation.

Chair Honer stated that we do have an ordinance and we are crossing a line, that 50 feet should be protected.

Zoning Administrator Rena Weber asked to talk about the deck which is 14 feet wide (2 feet more than what was there, which is also past the concrete structure).

Mr. Wahnschaffe wants the 14 foot deck because it will look better.

Chair Tippelt doesn't have a problem with the deck as long as it is not extending past the neighbor's house, and would like to see mitigation with a rain garden or buffer to hold back the water.

Mr. Wahnschaffe is willing to do mitigation.

Zoning Administrator Rena Weber suggested a buffer with native grasses right by the lake, where you won't mow.

Mr. Wahnschaffe stated he would be open to that.

Chair Honer stated they need to decide on variance requests:

1. Variance to construct a 42' x 28' attached garage and to locate it in the front yard of property abutting Pleasant Lake – Recreational Development Lake.
2. Said request is to also locate said structure 37 feet from the centerline of the roadway –(should be 63') Lake Road
3. Structure would be 8' 6" from side yard lot line (should be 10').
4. Impervious Surface – Total lot area is 11,808.75 sf. of which 15% is 1771.35 sf. allowed Proposed 3045 sf. plus the driveway.
5. Rebuild deck to lake side of house within the 50' shore impact zone. 38'6" from OHWL

Member Tippelt suggests to approve the variance providing the 2 sheds are taken down, rain gutters and rain barrels and buffer.

Zoning Administrator Rena Weber read the Finding Of Fact Form for **25632 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? **ALREADY A NON-CONFORMING LOT**
Chair Honer Y Member Borgmann Y Member Tippelt Y
2. Is the variance *consistent with* the *comprehensive plan*?
 Why or Why not?
Chair Honer Y Member Borgmann Y Member Tippelt Y
3. Does the proposal put property to use in a *reasonable manner*?
 Why or Why not?
Chair Honer Y Member Borgmann Y Member Tippelt Y
4. Are there *unique circumstances* to the property not created by the landowner?
 Why or Why not? **ROAD-NEIGHBORS BUILDING OVER THE LINE**
Chair Honer Y Member Borgmann Y Member Tippelt Y
5. Will the variance, if granted, maintain the *essential character* of the locality?
 Why or Why not?
Chair Honer Y Member Borgmann Y Member Tippelt Y

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

Motion by Member Tippelt, second by Member Borgmann, to approve the variance, with the conditions that the 2 sheds are taken down, a rain barrel be installed, and gutters on the garage are installed, and also a buffer to be installed to cover a percentage of the impervious surfaces to be calculated by Zoning Administrator Rena Weber.

AYES: Tippelt, Borgmann, Honer.

ABSTAIN:

Motion passed on a 3 to 0 vote.

Feed Lot Issue for Mr. Edelbrock

Zoning Administrator Rena Weber stated Mr. Bob Edelbrock owns 10 acres of land on Rausch Lake Road and wanted to subdivide his 10 acres into 5 acres lots around a year ago. His next door neighbor has a feed lot. The other neighbor south (Mr. Glenn Bartell) gave up his feed lot so the other neighbor could have his feedlot.

Now (Mr. Randy Libbesmeier) property (12 acres) at 21152 Rausch Lake Road is for sale now and they are advertising it to have 75 animal units. Feed lots get inspected every 4 years. Concern is that the realtor is advertising it for 75 animal units. Mr. Edelbrock and Mr. Bartell visited with Ms. Becky Schlorf June 13th at Stearns County Court house. Ms. Schlorf provided information and the property is registered for 76.5 animal units, however in 2007 10 animals were present, 2010 there were 3 animals were present.

So these people are well within their rights according to the county. They are wondering if there is anything the city could do?

Member Tippelt stated there is a possibility that the individuals who buy the property don't meet requirements, they might not get the feed lot permit. This might not be an issue for the new people who buy the property.

Chair Honer stated we as the planning commission can't control feed lots, this is something for the county.

No Action Taken

DISCUSS THE VACANCY:

Mr. Rick Tallman has come forward wanting to be on the Planning Commission. People interested in being on the Planning Commission, should come down to Rockville City Hall and fill out an application, then the City Council will make a decision as to appointing members of the Planning Commission.

PLANNING COMMISSION MEMBER/STAFF REPORT –

Grand Lake Campers
New Business in PIP

ADJOURNMENT – Motion by Member Tippelt, second by Member Borgmann to adjourn the meeting at 7:11 PM. Motion carried unanimously.

MANDY LAIS
ADMINISTRATIVE ASST

TONI HONER
CHAIR