

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, August 13, 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 Jerry Tippelt, Member Dale Borgmann, Member Rick Tallman, and Duane Willenbring – Liaison.

Absent were: none

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

Others present: Ron Reitmeier, Dave and Mary Driver, John Vogt, Council Member Don Simon

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

**APPROVAL OF MINUTES 7/9/13 – Motion by Member Borgmann, second by Member Tippelt, to approve the minutes of 7/9/13 as presented. Motion carried unanimously.**

**New Member on the Planning Commission**

Rick Tallman was sworn in with the Oath of Office for the Rockville Planning Commission.

**Public Hearing @ 6:35 pm for Ron Reitmeier – 517 Cypress Ct. –  
Variance Request:**

Zoning Administrator Rena Weber read the staff report for **RON REITMEIER**

Re: Variance Request

76.41741.0054: Owner: Ron P. Reitmeier

Property Address: 517 Cypress Court

Variance(s) Requested:

1. Variance to construct an unattached 10' x 20' shed and place it 3' from the west side yard lot line.

Construction Requests:

1. To construct accessory structure and place it in the rear yard.

Relevant Information:

1. R-1 Single Family District
2. Impervious surface currently is at 2739 with 3129.50 allowed – no variance needed here.
3. Owner wants to park his equipment in the shed to avoid problems with neighbors.
4. A variance was granted to the former owners in 2005 for the deck which was placed 26' from the rear lot line.
5. 25 Notice of Public Hearing were sent out.

Recommendations:

1. The shed must match the house in siding and roof materials.
2. The Staff recommends approval.

Liaison Willenbring stated he had declarations for detached garages when he developed the lots.

Mr. Ron Reitmeier – 517 Cypress stated that this storage shed is a portable structure, and will be built off site and brought in. He wants to store his recreational vehicles and his vehicles. He talked to his neighbors and no one had any issues.

Rena stated 25 notices were sent out and no one responded negatively.

Member Willenbring stated that with this new understanding that it is movable. He has no concerns going forward.

**Motion by Member Borgmann, second by Member Tippelt, to close the public hearing at 6:39pm**

**AYES: Tippelt, Borgmann, Honer, Tallman.**

**ABSTAIN:**

**Motion passed on a 4 to 0 vote.**

Member Tippelt asked for more info regarding how far off the garage would be off the lot line. Rena stated as long as it is a movable structure.

Rena read the Findings of Fact for Mr. Ron Reitmeier.

**FINDING OF FACT**

**Ron Reitmeier @ 517 Cypress Court**

**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 Member Borgmann Y Member Tippelt Y Member Tallman Y**

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

**Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman 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 Member Tallman Y**

- 4. Are there *unique circumstances* to the property not created by the landowner?  
Why or Why not? **Shape of lot, cul-de-sac.**

**Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman Y**

- 5. Will the variance, if granted, maintain the *essential character* of the locality?  
Why or Why not? **Accessory structures consistent in the addition.**

**Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman 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

Member Tippelt asked if he is asking for a 2 foot variance?

Liason Willenbring questioned if it was a detached free standing structure?

***Motion by Member Borgmann, second by Member Tallman, to approve the variance as presented.***

**AYES: Tippelt, Borgmann, Honer, Tallman.**

**ABSTAIN:**

**Motion passed on a 4 to 0 vote.**

### **Public Hearing @ 6:45 pm for David and Mary Driver – 25539 Pleasant Road – Variance Request:**

Zoning Administrator Rena Weber read the staff report for **DAVID & MARY DRIVER**

Re: Variance Request(s)  
76.42140.0003: Owners: David & Mary Driver  
Property Address: 25539 Pleasant Road

Variance(s) Requested:

2. Variance to construct a 26' x 28' unattached garage and to locate it on property abutting Pleasant Lake – Recreational Development Lake.
3. Said request is to exceed the number of allowed accessory structures on a lot.
4. Impervious Surface – Total lot area is 23,362.50 sf of which 22% would be covered.

Construction Requests:

2. Construct unattached garage and place on the road side of the lot.

Relevant Information:

5. This property is located within the 1000' Shoreland Overlay District.
6. Property contains 23,362.5 square feet more or less.
7. 11 notices of public hearing were sent out.
8. Driver's are eliminating a 64 sf garden shed and are willing to provide mitigation such as a rain barrel to capture the water.
9. Mr. Driver uses the tool shed for his hobby of building things from wood as part of his livelihood and enjoyment.

Recommendations:

1. This requires 2 variances on a non-conforming lot that was in place before the ordinance was adopted.
2. We suggest that something be installed to catch the run off such as: i.e. rain barrel or underground trench.

Rena- stated keep in mind he uses the other for his lively hood.

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

**AYES: Tippelt, Borgmann, Honer, Tallman.**

**ABSTAIN:**

**Motion passed on a 4 to 0 vote.**

Member Tallman stated he viewed the property and that what they are asking seems reasonable. It is mostly flat land.

Chair Honer asked if they would do mitigation and are you open to the rain barrels or rain garden. They stated yes.

Administrator Rena Weber stated the finding of fact.

**FINDING OF FACT**

**David & Mary Driver @ 25539 Pleasant 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:

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

***Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman Y***

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

***Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman Y***

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

***Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman Y***

- 6. Are there *unique circumstances* to the property not created by the landowner?  
Why or Why not? **Non-conforming lot.**

***Chair Honer Y Member Borgmann Y Member Tippelt Y Member Tallman Y***

- 7. 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 Member Tallman 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 Tallman, second by Member Borgmann, to approve the variance as it is presented. Accept the recommendations as written to add mitigation. Accepted by all members to amend the motion to include water mitigation.***

**AYES: Tippelt, Borgmann, Honer, Tallman.**

**ABSTAIN:**

**Motion passed on a 4 to 0 vote.**

### **John Vogt @ 25971 – 99<sup>th</sup> Ave Zoned R1 – Corn Cribs**

Zoning Administrator Rena Weber stated Mr. John Vogt wants to keep the two corn cribs, or have up to a year to remove. He has 5 acres and when he bought the property it had one storage shed and he wants to build another storage shed. The property is zoned R-1 which only allows 2 accessory structures and he wants to keep his 2 corn cribs as bird cages.

Mr. Vogt stated he wants to keep the 2 corn cribs for bird cages, and they are really unique, nice structures.

Member Honer stated he could do a request to be rezoned. Then he could have animals.

Chair Honer suggested possibly rezone it a RR then have up a year to get it rezoned then it wouldn't be a issue to have more than the two structures.

Member Tippelt stated Mr. Vogt could do more with his land and it would be more saleable.

Member Honer stated that by getting a request to rezone, will give you some options as to siding.

### **Dan Hansen – Request to sub-divide**

Zoning Administrator Rena Weber stated Dan and Kathleen Hansen have 3 parcels of property, non-contiguous, with one parcel number, court ordered by a judge. Now they are asking us to undo what the judge has decided. They want to subdivide out “the landing strip” east side of 23, under a separate parcel number. The county gave approval for access to the property. This property is not for building purposes.

Chair Honer asked if this is an Administrative plat? Yes. And you can make new parcel id and application of declaration of restriction.

Zoning Administrator Rena Weber stated the city attorney, Adam Ripple, met with Mr. Hansen and his attorney. This will need to be done by an administrative plat, which means, I need to type it up and you need to approve it and it's done from our end. Declaration of restriction needs to state that this lot is not buildable to subsequent buyers.

Member Tippelt asked about the access to the “landing strip”.

Zoning Administrator Rena Weber stated they are dedicating 33 feet for the access.

***Motion by Member Borgmann, second by Member Tippelt, to approve the declaration of restriction to separate the “landing strip” and assign a new legal description.***

**AYES: Tippelt, Borgmann, Honer, Tallman.**

**ABSTAIN:**

**Motion passed on a 4 to 0 vote.**

## **Recreational Vehicles/Lake Lots**

Zoning Administrator Rena Weber stated according to Angie Berg, it is 30 days, not 60 days, that recreational vehicles need to be off of the shoreland. Possibly using the county to enforce this situation on Grand Lake. Everyone signed an agreement knowing when they bought the property that nothing could be built on this property.

Chair Honer stated in their opinion they are not building.

Member Borgmann stated it looks like there is permanent structure.

Liaison Willenbring stated if they signed something they can't put any structures. Possibly have a permit.

Chair Honer stated the Planning Commission has given them 90 days more than anyone, then they came back earlier this year and now it is turning into an rv park. Maybe we have a resort permit.

Member Willenbring asked if there have been complaints.

Member Borgmann stated that there have been many complaints.

Zoning Administrator Rena Weber stated that the City Council put special conditions on these lots.

Jerry Tippelt stated there are many people who park their rvs beside their houses. So we have to make sure if we make a decision, it doesn't affect the people who are storing their rv on the side of their homes.

Zoning Administrator Rena Weber stated that we are permitting 60 days now, the county says 30 days, and they have exceeded the 60 days.

Chair Honer questioned when does a structure become permanent?

### **PLANNING COMMISSION MEMBER/STAFF REPORT –**

***ADJOURNMENT – Motion by Member Tippelt, second by Member Borgmann to adjourn the meeting at 7:36 PM. Motion carried unanimously.***

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**MANDY LAIS  
ADMINISTRATIVE ASST**

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**TONI HONER  
CHAIR**