

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, SEPTEMBER 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 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: Luke & Niki Greiner, John Vogt, Vince Schaefer, John Wenzel, Council Member Don Simon

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

**APPROVAL OF MINUTES 8/13/13 – Motion by Member Tippelt, second by Member Borgmann, to approve the minutes of 8/13/13 as presented. Motion carried unanimously.**

**Public Hearing @ 6:30 pm for Luke Greiner – 25901 Burg Street -  
Variance Request:**

Zoning Administrator Rena Weber read the staff report for **Luke Greiner**

**GREINER STAFF REPORT**

September 6, 2013

Rockville Planning Commission; City Council

Re: Variance Request  
76.42142.0047: Owner: Luke Greiner  
Property Address: 25901 Burg Street, St. Cloud, MN

Variance(s) Requested:

1. Variance to construct a 30' x 40' unattached garage and to locate it in the front yard of property Burg Street.

Construction Requests:

1. Construct new unattached garage and match the existing residential structure.

Relevant Information:

1. Property contains 90,000 sf of which 22,500 is allowed – proposed will be 5790
2. This property has had issues with drainage in the past, however, as part of the Burg Street Improvement – a berm is being constructed to keep the storm water in the ditch as opposed to running over the top of land.

Recommendations:

1. Staff did work Mr. Greiner to locate the garage in the rear yard, however, the lay of the land would not allow for the location in the rear without placing a lot of fill.  
Consider approval as this neighborhood has large wooded lots and should not be a problem.

Mr. Greiner's stated the reason why he would like the garage in the front instead of the back is because of the low lying area. By having it in the front, it would prevent drainage issues to other neighbors.

No one approached.

Mr. Greiner stated the neighbor to the south is ok with the garage being in the front.

**Motion by Member Tippelt, second by Member Tallman, to close the public hearing at 6:35pm**

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

**ABSTAIN:**

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

Member Tallman questioned if he would have to remove trees?

Mr. Greiner stated one oak tree, two small ash trees would be removed.

Member Tallman stated the area has a lot of garages and bigger than what is being proposed.

Zoning Administrator Rena Weber read the Findings of Fact for Mr. Luke Greiner.

**FINDING OF FACT**

**Luke Greiner @ 25901 Burg 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 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? Because of water/drainage issues.

***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? The lay of the land.

***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? There are multiple large garages in that neighborhood.

***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 Tippelt 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 @ 6:40 pm for Suellen Purlee – 11326 Grand Lake Road – Variance Request:**

Zoning Administrator Rena Weber read the staff report for **Suellen Purlee**

Re: Variance(s) Requested:

**SUELLEN PURLEE STAFF REPORT**

September 6, 2013

Rockville Planning Commission; City Council

Re: Variance Request  
76.41653.0500: Owner: Suellen Purlee  
Property Address: 11326 Grand Lake Road

Variance(s) Requested:

2. Variance to construct a 3' x 5' addition to the roof overhang and to locate it on property abutting Grand Lake – General Development Lake.
3. Impervious Surface – Total lot area is 27,800 sf of which 28% would be covered including the overhang. With the addition impervious surface exceeds the 20% by 2052 sf and 3442 sf of the 15%.

Construction Requests:

2. Construct additional roof overhang to the road side of the house.

Relevant Information:

3. This property is located within the 1000' Shoreland Overlay District.
4. Property contains 27,800 square feet more or less.
5. 8 notices of public hearing were sent out.
6. Administrator did not request a certificate of survey for the this request, but surely there is a lot of impervious surface that was placed here by the previous owner

Recommendation:

1. This requires 1 variance on a non-conforming lot that was in place before the ordinance was adopted. 30,000 sf is the minimum lot size required for a single family dwelling.
2. This is a relatively small variance, but staff recommends that mitigation occur such as removal of some of the driveway going down the lake. Suellen has done work in the beach area to correct drainage problems.

Mr. John Wenzel, Suellen Purlee's builder, stated she wanted a wood front door and the manufacturer will warrant the door if it has an overhang. She liked how the overhang looked and liked the look of the fiberglass doors. So she is going for this variance, to add 1 foot to the deck (so it matches the roof overhang).

Chair Honer stated there is a concern with water run-off.

Member Tippelt asked if there are rain gutters?

Mr. Wenzel stated there are gutters.

Chair Honer asked if there is anywhere to put a rain barrel.

Mr. Wenzel said he wasn't sure.

Chair Honer suggested a sunken rain barrel.

Chair Honer opened the discussion for others to speak on the matter.

No one spoke.

Liaison Duane Willenbring stated he is Duane Willenbring, not to be confused with the City Council Member Duane Willenbring, but is Duane Willenbring, a different personality all together. He drove to the spot, and suggested to take off the cement by the lake and by the storage shed in the equal amount that she is adding. Acting as Duane Willenbring, an individual, not at a Council Liaison.

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

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

**ABSTAIN:**

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

FINDING OF FACT

**Suellen Purlee @ 11326 Grand 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 Member Borgmann Y Member Tippelt Y Member Tallman Y**

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

**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? Impervious surface was created by the previous landowner.

**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?

**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 Borgmann suggested she needs to put in mitigation.

Member Tippelt stated that she should do both rain mitigation and remove the cement.

**Motion by Member Borgman, second by Member Tallman, to approve the variance as it is presented to include rain gutters and rain barrels.**

**AYES: Tippelt, Borgmann, Honer, Tallman.**  
**ABSTAIN:**  
**Motion passed on a 4 to 0 vote.**

**Public Hearing @ 6:59 pm for John Vogt @ 25971 – 99<sup>th</sup> Ave Road –  
Variance Request:**

Zoning Administrator Rena Weber read the staff report for **John Vogt**  
Re: Add Staff Report for John  
Variance(s) Requested:

**JOHN & SANDY VOGT STAFF REPORT**

September 9, 2013

Rockville Planning Commission; City Council

Re: Variance Request  
76.41605.0010: Owners: John & Sandy Vogt  
Property Address: 25971 99<sup>th</sup> Avenue – St. Cloud

Variance(s) Requested:

4. Variance to keep two corn cribs in addition to two accessory structures on property.
5. Said request is to exceed the number of allowed accessory structures on a lot (2).

Construction Requests:

3. Keep two corn cribs for possible housing of birds (peacocks).

Relevant Information:

7. Property contains 5 acres more or less.
8. 5 notices of public hearing were sent out.
9. This property was zoned Ag-40 before it became a part of the city.
10. Per Mr. Vogt the corn cribs were on the property, however, they have been moved and used for shelter. Looking at Ariel (picture was taken in 2005) it doesn't show the corn cribs on property.
11. Property is Zoned "R-1"
12. Under Section 17: "R-1" Single Family Residential District Subdivision 4: Conditional Uses - Animal Feedlots subject to provisions of Stearns County Feedlot Ordinance and further farm animals may be allowed on lots that are 5 Acres or more in size subject to an Interim Use Permit and at a maximum density of .50 animals per acre. Any building where farm animals are kept shall be setback a distance of 100 Feet from the property line or road easement.
13. Mr. Vogt would like to put animals on his property and would still like to rezone the property back to agricultural, but does not have 40 Acres and to rezone to RR would still require a variance for (4) accessory structures.
14. Under the RR – with 5 acres he would be allowed one animal unit.  
According to Becky Schlorf-Von Holdt:  
1 animal unit = 1,000 pounds.  
"Exotic bird" does not tell us much, but it is likely that 2 pairs would not equal 1,000 pounds.

Recommendation:

6. I advertised for a variance because of Relevant Information (7).

Member Tippelt stated impervious surface doesn't come into play here. The max lot coverage shall be 25%, and he doesn't see a problem, we should be able to add accessory structures to a 5 acre parcel.

**Motion by Member Tippelt, second by Member Tallman, to close the public hearing at 7:10 p.m.**

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

**ABSTAIN:**

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

Member Tippelt suggests amending the RR.

Chair Honer stated this RR is new and the planning commission will have to amend the RR and then present it to the council.

Zoning Administrator Rena Weber asked why the corn cribs were not visible in this earlier picture.

Mr. Vogt stated they were laying down that's why the corn cribs didn't show up on areal view.

**FINDING OF FACT**

**John Vogt @ 25971 – 99<sup>th</sup> Ave**

**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? Need to amend RR - # of buildings

***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?

***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?

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

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

**ABSTAIN:**

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

Member Tippelt stated it would be at no cost to Mr. Voigt to rezone to RR.

**PLANNING COMMISSION MEMBER/STAFF REPORT –**

**Vincent Schaefer – applicant to planning commission.**

**ADJOURNMENT – *Motion by Member Tippelt, second by Member Tallman to adjourn the meeting at 7:27 PM. Motion carried unanimously.***

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**MANDY LAIS**  
**ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**