



CITY OF ROCKVILLE

P.O. Box 93 • 229 Broadway Street East • Rockville, Minnesota 56369

(320) 251-5836 • FAX (320) 240-9620

www.rockvillecity.org

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

ROCKVILLE CITY
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(320) 266-0377 CELL

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ADMINISTRATIVE ASSISTANT

RICK HANSEN
PUBLIC WORKS DIRECTOR
250-2801 CELL

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 9, 2013 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Todd Wahnschaffe for a variance from impervious surface, roadway & side yard setbacks & Shoreland Requirements. The address of the property is: 25632 Lake Road with a legal description of:

The Northeasterly 100 feet of the Southwesterly 161.21 feet of the unnumbered Block (commonly designated as Block Ten (10), in Lake Side Park, lying between Block Six (6) and Block Eleven (11), of said Lake Side Park, said tract being described by metes and bounds, as follows, to wit: Beginning at a point on the North line of said unnumbered Block (commonly designated Block Ten (10) of said Lake Side Park, a distance of 61.21 feet Northeasterly from the Northwesterly corner of said Block: thence running Northeasterly along the Northwesterly line of said Block a distance of 100 feet: thence running at right angles Southeasterly to the shore of Pleasant Lake: thence running Southwesterly along the shore of Pleasant Lake, 100 feet: thence running at right angles Northwesterly to the point of beginning, according to the plat and survey thereof on file and of record in the Office of the County Recorder, in and for Stearns County, Minnesota.

The request is to re-construct a 38' x 31' attached garage in the R-1 – Shoreland District.

Variances from the following will be discussed:

- Setback from center line of Lake Road should be 63' (proposed 37')
- Setback from the side yard lot line should be 10' (proposed 8' 6")
- Impervious surface (exceeds 12%)
- Proposed replacement of deck will impact the 50' shore impact zone.

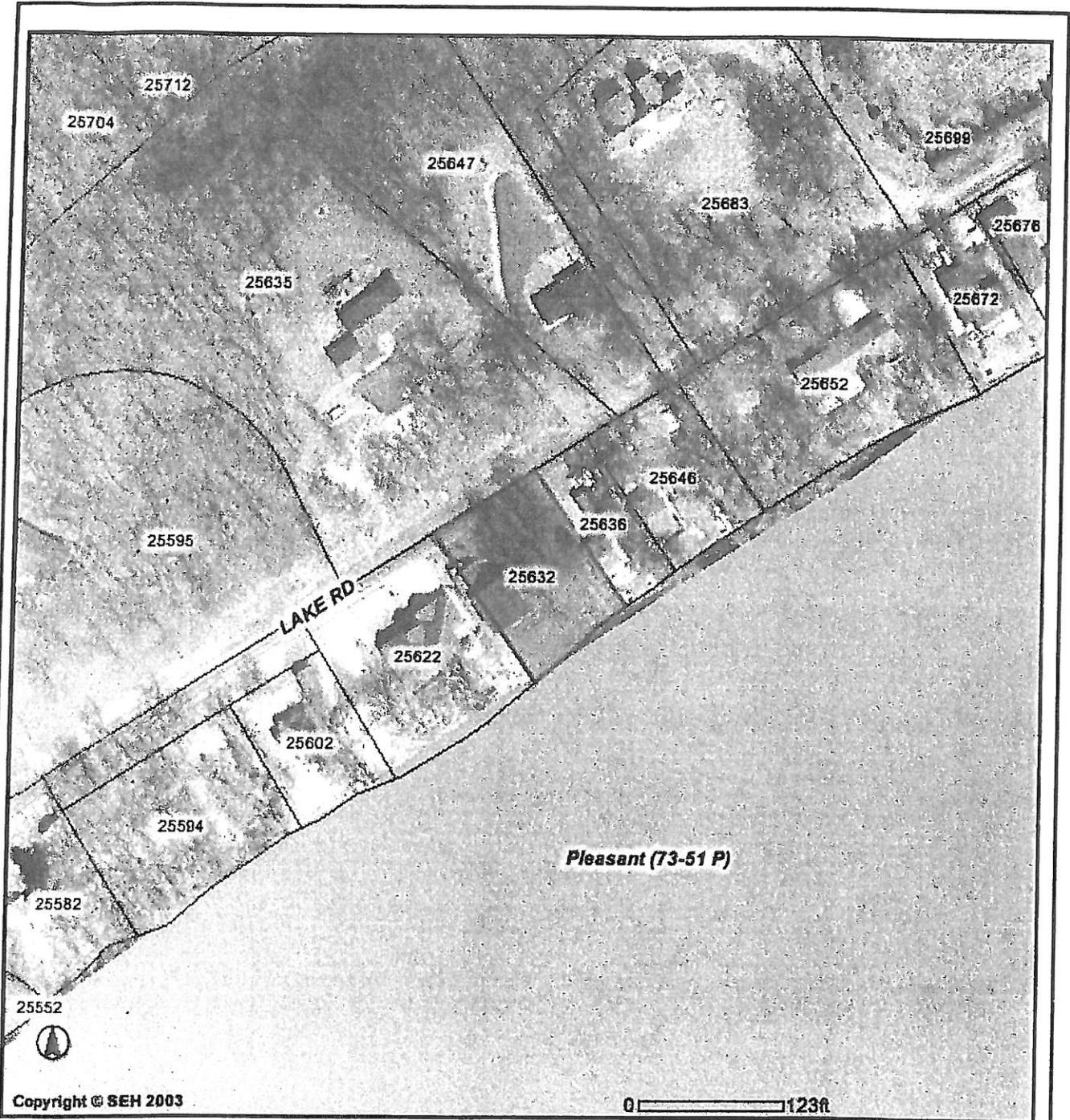
All persons attending the hearing and wishing to address the Planning Commission will have an opportunity to do so. Those not able to be present at this meeting should submit their opinions in writing to the Rockville City Administrator/Clerk, P.O. Box 93, Rockville, MN 56369 prior to the hearing.

Verena M. Weber-CMC
Administrator/Clerk

Publish 06/25/13
Cold Spring Record

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Wahnschaffe Shoreland Variance.2013.wd.doc



Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data from city, county, state and federal offices, and is to be used for reference purposes only.

FINDING OF FACT

EXHIBIT A @ 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-NEIGHBOR S 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. FINDING OF FACT.8/9/11 ADOPTED.FORMS

July 9, 2013

Rockville Planning Commission; City Council

Re: Variance Request(s)
76.41952.0008: Owner: Todd Wahnschaffe
Property Address: 25632 Lake Road

Variance(s) Requested:

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 allowed Proposed 3045 sf plus the driveway.
5. Rebuild deck to lake side of house within the 50' shore impact zone.

Construction Requests:

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

Relevant Information:

1. This property is located within the 1000' Shoreland Overlay District.
2. Property contains 11,808.75 square feet more or less.
3. 13 notices of public hearing were sent out.
4. The shed in the NW corner of the lot is proposed to be removed.
5. Current class 2 driveway will be returned to grass.
6. The roadway is not necessarily in the correct place and as a result these people own Property on the west side of the tarred roadway.

Recommendations:

1. This requires four variances on a non-conforming lot that was in place before the ordinance was adopted.
2. Staff has worked with the owners on possible ways to reduce the number of variances.
3. Require mitigation
 - Remove 2 sheds
 - Turn class 2 parking back into grass
 - Gutters on the garage with rain barrels to capture run-off
 - Buffer at lakeshore or rain garden
 - 1 yr to complete

Submitted by:
Rena Weber
Zoning Administrator

Wahnschaffe, Todd Variance.2013

5-28-13 Todd -

This is what I was thinking about (Highlighted)

SECTION 14: NON-CONFORMING USES

Subdivision 1: INTENT

Within the City's Zoning Districts established by this Ordinance or later amendments, there may exist lots, structures or land uses that were lawful before this Ordinance was passed or amended but which are prohibited, regulated or restricted under the Ordinance or a future amendment of this Ordinance. The City intends to permit nonconformities to continue until they are removed but not to encourage their survival. This Section's intent is that non-conforming uses not be enlarged, extended, or expanded, and that additions not be used as a basis for adding other prohibited uses. 50' Shoreland Protection Zone

Subdivision 2: CONTINUED USE OF EXISTING STRUCTURES

The lawful use of a building or structure existing at the time of this Ordinance's adoption or amendment that does not conform with the applicable district's provisions may be continued if it remains otherwise lawful subject to the following provisions:

1. **No Structural Alteration.** No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. **Extended Use.** A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made to the building, except those required by law or ordinance or that may be required for safety or necessary to secure or insure the building's continued advantageous use during its natural life.
3. **Change to Another Nonconforming Use.** If no structural alterations are made to any structure or premises involving a nonconforming use, the use may be changed to another nonconforming use if the City Council, either by general rule or by making findings in the specific case, finds that the proposed use is as appropriate or more appropriate to the District. In permitting the change, the City Council will consider the Planning Commission's recommendations and may require appropriate conditions and safeguards.
4. **Replacement by Permitted Use.** If a structure's nonconforming use is replaced by a permitted use, the nonconforming use may not be resumed.

5. **Discontinued Use.** If a nonconforming use is discontinued for twelve (12) consecutive months, the use must not be resumed except in conformance with the regulations of the District where the use is located.
6. **Removal or Destruction.** Where nonconforming use status applies to a structure or structure and land in combination, the removal or destruction of fifty percent (50%) or more of the structure will eliminate the nonconforming status of the land and/or building. The structure may not be reconstructed as a nonconforming use.
7. **Floodplain District Special Considerations.** In the case of a nonconforming use or structure within a Floodplain District, additional conditions will apply as set out in the Floodplain Ordinance.
8. **Shore land District Special Considerations.** In the case of a nonconforming use or structure within a Shore land District, additional conditions will apply as set out in the Shore land Ordinance.

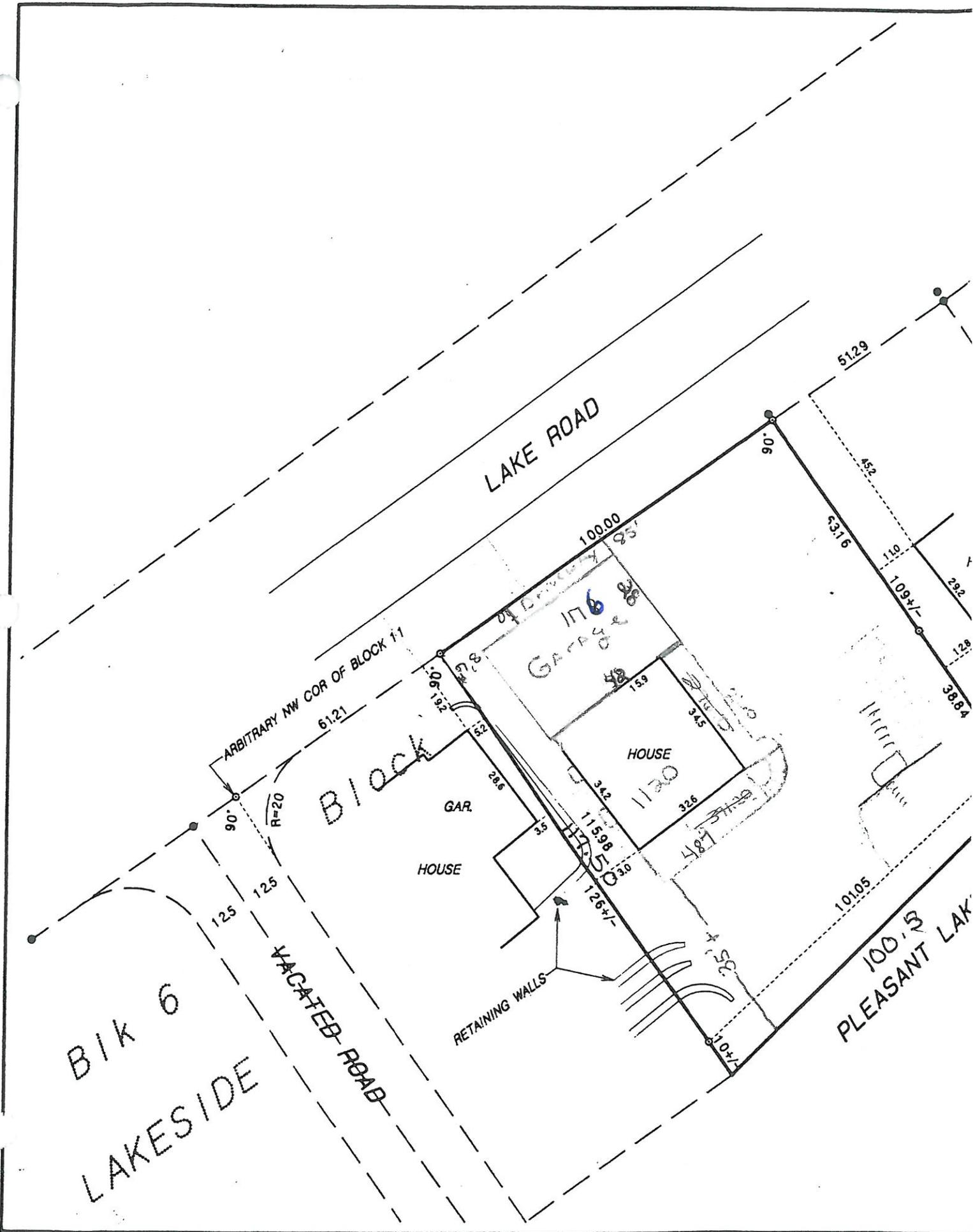
Subdivision 3: MAINTENANCE AND REPAIRS

On any building devoted in whole or in part to any nonconforming use, normal maintenance, including but not limited to the repair or replacement of non-bearing walls, fixtures, wiring, and plumbing, may be performed if the maintenance, repairs or replacement does not exceed fifty percent (50%) of the building's current assessed value (as determined for property tax purposes) in any five (5)-year period. No load-bearing walls may be replaced nor may the cubic content of the building be increased.

Subdivision 4: NON-CONFORMING STRUCTURES

Where a lawful structure exists that could not be built under this Ordinance because of restrictions on area, lot coverage, height, setbacks or other characteristics of the structure or its location on the lot, the structure may remain and continue to be used so long as it remains otherwise lawful, subject to the following provisions:

1. **No Increased Nonconformity.** A nonconforming structure may not be enlarged or altered in a way which increases its non-conformity.
2. **Damage.** Any non-conforming building or structure damaged more than fifty percent (50%) of its then assessed value (as determined for property tax purposes), exclusive of foundations at the time of damage by fire,



LAKE ROAD

ARBITRARY NW COR OF BLOCK 11

Block

BIK 6
LAKESIDE

VACATED ROAD

100.05
PLEASANT LAK

GARAGE

HOUSE

HOUSE

GAR.

RETAINING WALLS

100.00

51.29

125

125

61.21

109.132

28.6

35

115.98

126 +/-

342

1120

326

487

345

159

58

110

53.16

452

109.4 +/- 0

29.2

12.8

388.4

101.05

109.132

109.132

90°

90°

R=20

SECTION 5: PLANNING COMMISSION

Subdivision 1: MEMBERSHIP

There is hereby created a Planning Commission initially consisting of the planning commissions for the City of Rockville, City of Pleasant Lake and the Town of Rockville.

Initial appointments shall be made by the Council upon adoption of the first Zoning Ordinance for the combined City of Rockville. The term of the appointive members shall be five years and no person may be appointed to more than two successive terms as a Planning Commission member. Any vacancy during the unexpired term of an appointed member shall be filled by the Council for the remainder of the term.

Subdivision 2: DECISIONS

All decisions of the Planning Commission require the affirmative vote of a simple majority of the members present. The Chair shall have the right to vote on any matter and shall break all tie votes, but in the case where the Chairs vote would create a tie he or she must vote with the majority.

Subdivision 3: DUTIES

The Planning Commission is advisory, except as other powers and duties are imposed on it by Sections 462.351 to 462.364 of Minnesota Statutes or by other state statute or City ordinance. The Planning Commission has the following powers and duties:

1. The Planning Commission may elect a Chairperson and Secretary from among its members.
2. The Planning Commission shall hold the public hearings and will review Conditional Use Permit applications and make recommendations to the City Council as to whether or not a Site Permit should be granted, and if so, what conditions should apply. The City Council may hold an additional public hearing, if deemed necessary, and make the final decision on all Conditional Use Permit applications.
3. The Planning Commission shall hold the public hearings and will review all re-zoning applications and make recommend on re-zonings to the City Council. The City Council may hold an additional public hearing, if deemed necessary, and make the final decision with regard to rezoning.

4. The Planning Commission will assist in developing a Comprehensive Land Use Plan for the City and will review and make recommendations on the adoption of or amendment to the City=s Comprehensive Land Use Plan.
5. The Planning Commission may prepare Zoning and Subdivision Ordinances or amendments to any zoning and subdivision ordinances and recommend such ordinances to the City Council. The Planning Commission will review and make a recommendation on any proposed amendments to the City=s Zoning and Subdivision ordinances.
6. The Planning Commission shall hold the public hearing and will review variance requests and make recommendations to the City Council as to whether or not a variance should be granted. The City Council, acting as the Board of Adjustment will make the final decision on all variances.
7. The Planning Commission will review appeals of decisions made by the Zoning Administrator and make recommendations to the City Council. The City Council, acting as the Board of Adjustment, will make the final decision on all appeals of decisions of the Zoning Administrator.
8. The Planning Commission will review for compliance with the comprehensive land use plan proposed acquisitions and disposals of publicly owned interests in real property within the City as well as proposed capital improvements (including those constructed by other political subdivisions having jurisdiction within the City).
9. The Planning Commission will have such additional duties and responsibilities as may be assigned by the City Council.
10. The Planning Commission may appoint a viewing committee to conduct site visits or may request that the Chair conduct site visits and report back to the Planning Commission.

Subdivision 4: REVIEW OF ACQUISITION OR DISPOSAL OF PUBLIC LANDS AND CAPITAL IMPROVEMENT PROJECTS

No publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the Planning Commission has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the City Council or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan.

Failure of the Planning Commission to report on the proposal within 45 days after such a reference, or such other period as may be designated by the City Council shall be deemed to have satisfied the requirements of this subdivision. The City Council may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the Comprehensive Plan.