

# CITY OF ROCKVILLE

City Hall      229 Broadway Street East      PO Box 93      Rockville, MN 56369

## Planning/Zoning Commission Meeting Tuesday, July 10, 2018 – 6:00 p.m. at City Hall

### AGENDA

1. Roll Call
2. Additions/Approval of Agenda 1
3. Approval of June 5, 2018 Meeting Minutes 2
4. Concept Plan: Keith Eisenschenk 6
  - a) Operate a business in an R-1 Zoning District (Custom staining & finishing)
  - b) Construct Pole Shed prior to the Dwelling
  - c) Vacant Lot (3.3 acres) County Road 6
5. Public Hearing: Conditional Use Permit 9

**Applicants:** Robert J. Kritzeck and JK Landscape Construction to construct new retaining wall in a R-1 Residential District, Shoreland District, Recreational Development Lake. Property address: 25646 Lake Road. Parcel No. 76.41952.0009
6. Public Hearing: Variance Application 30

**Applicant:** Jeremy J. Danielson for a Variance from side yard setback requirements. Property address: 25814 Lake Road, Parcel No. 76.41603.0300. The request is to move in a cabin with entry way in a R-1, Shoreland Overlay District on Pleasant Lake a Recreational Development Lake. Porch would be 4 to 5 feet into the 10 foot setback requirement. Variances are required for side yard setback requirements, Section 17, Subd. 6.5.B.
7. June Building Permits 50
8. Other Business
- a) Next meeting Tuesday, August 7, 2018, 6:00 p.m.
9. Adjournment

\*This agenda has been prepared to provide information regarding an upcoming meeting of the Rockville City Planning Commission. This document does not claim to be complete and is subject to change.

**MINUTES OF PLANNING AND ZONING COMMISSION MEETING  
Tuesday, June 5, 2018, 6:00 p.m. – Rockville City Hall**

**Item 1) Roll Call** - The meeting was called to order by Chair Bill Becker at 6:01 p.m. Roll call was taken and the following members were present: Bill Becker, Brian Herberg, and Jerry Tippelt. Absent: Dave Meyer.  
Staff present: City Administrator, Martin Bode.  
Others present: various members of the public.

**Item 2) Approval of Agenda/Amendments**

*Motion by Herberg, second by Tippelt, to approve the agenda as presented. Motion carried unanimously.*

**Item 3) Approval of May 1 and May 8, 2018 Meeting Minutes**

*Motion by Herberg, second by Tippelt, to approve the May 1 and May 8, 2018 meeting minutes as presented. Motion carried unanimously.*

**Item 4) Public Hearing: David J. Kuefler; Grand Rental LLC Conditional Use Permit Application**

Chairman Becker introduced the Conditional Use Permit Application from: David J. Kuefler; Grand Rental LLC to construct and operate a public storage building in a B-2 General Business District, Shoreland District, General Development Lake. Property Address: 21986 County Road 8. Parcel No. 76.41638.0010

Chairman Becker opened the public hearing at 6:03 p.m. for public comments.

Jim Bartelme, 21917 Agate Beach Road expressed concern of water run-off from this property and will there be hazardous material stored at this location.

***No additional members of the public came forward, therefore motion by Herberg, second by Tippelt, to close the Public Hearing at 6:06 p.m. Motion carried unanimously.***

Planning Commission reviewed the following staff report:

Owner: David J. Kuefler  
Property Address: 21986 County Road 8, Rockville MN 56369  
Parcel I.D. No. 76.41638.0010

Request:

To construct and operate a second public storage building in a B-2 General Business District, Shoreland Overlay District, Grand Lake a General Development Lake.

Relevant Information:

1. Property is zoned B-2 General Business District in a Shoreland Overlay District.
2. Property is 1.66 +/- acres.
3. 19 Notices of public hearing were sent out.
4. Property already has one established storage structure.

Recommendation:

1. Consider approval with the following Conditions:
  - a) Maintain landscaping standards per Rockville City Ordinance.
  - b) No outside storage **until Stormwater management plan is in place**
  - c) **No storage of hazardous materials**

- d) Meet all setback requirements including from Residential Zoning District of 100 feet.
- e) **Installation of 5 foot tall trees spaced every 12 feet on the South and West property line.**

The Planning Commission considered the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding land, including land values. Among other things, the Planning Commission made the following findings:

1. **Not a Burden on Public Facilities.** The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. **Compatible with Existing and Planned Adjacent Uses.** That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.
3. **No Adverse Effect on Adjacent Properties.** The structure and site will not have an appearance, traffic, noise, odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.
4. **Related to the Needs of the City.** The use is reasonably related to the overall needs of the City and to existing land uses.
5. **Consistent with the Comprehensive Plan.** The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.
6. **Not a Traffic Hazard.** The use will not cause a traffic hazard or congestion.
7. **Adequate Parking and Loading.** Is not a concern with this Conditional Use Permit.
8. **Not Detrimental to Health, Safety and Welfare.** The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.
9. **Shoreland.** For property located in Shore land districts, the criteria set out in the Shore land Ordinance will be met.

***Following discussion, motion by Herberg, second by Tippelt, to approve the David J. Kuefler; Grand Rental LLC Conditional Use Permit Application with the above noted conditions. Motion carried unanimously.***

**Item 5) Public Hearing: Michael L. Hornung Rev Trust Variance Application**

Chairman Becker introduced the Variance Application from: Michael L. Hornung Rev Trust for a variance from Lot Coverage Requirements. The address of the property is: 21537 Agate Beach Road, Rockville, MN, Stearns County, Parcel No. 76.41800.0012

The request is to construct a new dwelling and driveway in the R-1, Shoreland Overlay District, General Development Lake. Variances are required for: Impervious surface lot coverage, Section 33, Subdivision 12 (b) A.3. On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance, if the parcel provides a plan to the City that treats surface water runoff for water quality, as provided in 13(b).

Chairman Becker opened the public hearing at 6:20 p.m. for public comments.

Jim Bartelme, 21917 Agate Beach Road expressed concern over water run-off and impervious service.

Nona Peterson, 21503 Agate Beach Road. Expressed concern over water run off during construction.

***No additional members of the public came forward, therefore motion by Herberg, second by Tippelt, to close the Public Hearing at 6:27 p.m. Motion carried unanimously.***

Planning Commission reviewed the following staff report:

Re: Impervious Surface Variance Request From:  
Owners: Michael L. Hornung Rev Trust  
Property Address: 21537 Agate Beach Road  
Parcel No. 76.41800.0012

Variance Requested:

1. To exceed the 20 percent impervious surface requirement in a R-1-Shoreland Overlay District on Grand Lake, a General Development Lake  
(Section 33; subv 12(b) A 3 On a General or Recreational Development lake, 15%, except that a lot of record may contain up to 20% impervious surface, without a variance.  
Section 32; subv 10, I - Maximum coverage by all impervious surfaces shall be as provided in Section 33 Stormwater Management. If no standard applies, the maximum impervious surface shall be **twenty-five percent**)

Relevant Information:

1. Owners propose to construct a new home and install new driveway
2. Property contains 31,300 square feet+/-

Impervious Service:

- 15% is 4,695 sf
- 20% is 6,260 sf
- 25% is 7,825 sf
- Proposed is 7,486 sf (23.92%)
- 12 notices of public hearing were sent out

Recommendation:

1. Consider approval with stipulation of installation of a rain garden for mitigation of up to 3,130 sf of run off.

The Planning Commission determined that the applicant for the variance has established that there are practical difficulties in complying with the zoning ordinance and that the Planning Commission has considered the following criteria as defined in Minnesota Statutes Section 462 and Minnesota Statutes Section 394.27 and makes the following Findings of Fact:

1. The variance is in *harmony* with the purposes and intent of the *ordinance*
2. The variance is *consistent* with the *comprehensive plan*
3. The proposal does put property to use in a *reasonable manner*
4. There are *unique circumstances* to the property not created by the landowner
5. The variance will continue to maintain the *essential character* of the locality

***Following discussion, motion by Tippelt, second by Becker, to approve the Michael L. Hornung Rev Trust Impervious Surface Variance Application as presented. Motion carried unanimously.***

#### **Item 6) May Building Permits**

The May 2018 Building Permits reports were reviewed by the Planning Commission members.

#### **Item 7) Stay enforcement of Section 33 regarding variance and gardens 25 % or less impervious surfaces**

Consensus of the Planning Commission to stay the requirement of the variance fee and public hearing requirements for impervious service variance request.

**Item 8) Other Business**

- a. Next meeting Tuesday, July 10, 2018 at 6:00 p.m.

***Motion by Becker, second by Herberg, to approve rescheduling the July meeting to Tuesday, July 10, 2018 at 6:00 p.m. Motion carried unanimously.***

**Item 5) Adjournment**

***Motion by Becker, second by Tippelt, to adjourn the meeting at 6:41 p.m. Motion carried unanimously.***

Respectfully submitted,

*Martin M. Bode  
Zoning Administrator*

**From:** Keith Eisenschenk <keitheisenschenk@gmail.com>  
**Sent:** Friday, June 08, 2018 12:45 PM  
**To:** cityhall@rockvillecity.org  
**Subject:** 3.3 acres on County rd 6- (Greg Voit)

Marty,

My intentions for the property would be to build a home and a pole shed so I can run my custom staining and finishing business from this location. Two separate buildings. So I would need to apply for a conditional use permit being this property is zoned residential.

There would be a U-Haul size vehicle that delivers millwork from lumber yards at least once a week. It generally takes 20-30 minutes to unload the material off of this vehicle.

The pole shed that I would run my staining and finishing business from would be OSHA compliant and I would follow all guidelines by OSHA for waste disposal and building set up. I would install all proper ventilation systems for spraying finishes. My building would be set up like a cabinet shop. There will be no noise or smells coming from this building. I have been doing finishing work for nearly 20 years so I have a great understanding of what needs to be done to meet safety guidelines.

I would like to ask you if it would be possible to have the pole shed built first before the house so I can start my business up and inform all my accounts on the change of location.  
The house would be built immediately after.

I currently rent a shed in Richmond and the owner of the building is talking about selling. So I feel that it would be important for me to get everything rolling with the business first then concentrate on building the home.

I am open and willing to work with you on the locations of the house and shed on this property.

Thank you!  
Keith Eisenschenk  
320-492-0120

## SECTION 17: R-I SINGLE FAMILY RESIDENTIAL DISTRICT

### Subdivision 1: INTENT

The intent of the R-1 District is to permit the development of single family dwellings in the community; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such a district.

### Subdivision 2: PERMITTED USES

1. Single family dwellings.
2. State licensed residential facilities or housing with services establishment registered under Minnesota Statutes Chapter 144D, as amended, serving six (6) or fewer persons at one time.
3. State licensed day care or nursery school facilities serving twelve (12) or fewer persons at one time.
4. Group family day care facilities properly licensed under Minnesota Rules serving fourteen (14) or fewer children except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct violating criminal statutes relating to sex offenses.
5. Public Parks and playgrounds.

### Subdivision 3: PERMITTED ACCESSORY USES

1. ACCELERATED ACCESSORY STRUCTURE – Private garages are permitted in all residential districts based on the following accelerated structure and only if the exterior covering materials on the roof and side walls are the same as the roof and side walls materials on the principal structure.

**10,200 SF to 13,000 SF = 600 SF Building with 8' Side Walls**

**13,000 SF to 18,000 SF = 900 SF “ “ 10’ “**

**18,000 SF to 25,000 SF = 1,100 SF “ “ 10’ “**

**25,000 SF to 35,000 SF = 1,200 SF “ “ 12’ “**

**35,000 SF to 45,000 SF = 1,500 SF “ “ 12’ “**

**with 15' setback from main structure**

**45,000 SF to 65,000 SF = 1,800 SF “ “ 14’ “**

**with 20' setback from main structure**

**65,000 SF to 70,000 SF = 2,000 SF “ “ 14’ “**  
**(because of higher side walls)**

**70,000 SF to 85,000 SF = 2,400 SF “ “ 14’ “**

2. Home Occupations.
3. Private swimming pools and tennis courts with fencing that prohibits unauthorized entry.
4. Accessory Buildings (not exceeding two hundred (200) square feet in area) for storing domestic equipment and non-commercial recreational equipment.
5. Boarding and renting of rooms to not more than two (2) persons.
6. Gazebos and decks serving the principal residential structure.
7. Playhouses.
8. Kennels used for pets of occupants of the principal structure.
9. Fences as regulated by this Ordinance.
10. Off-street parking spaces as regulated by this Ordinance.
11. Signs as permitted and regulated by this Ordinance.
12. Temporary buildings during periods of construction of principal structures and located on the property no longer than one (1) year.

#### **Subdivision 4: CONDITIONAL USES**

The following uses require a Conditional Use Permit based on the procedures set forth in this Ordinance:

1. Governmental, municipal and public utility buildings and structures necessary for the community=s health, safety, and general welfare.
2. Public or semi-public recreational buildings and community centers.
3. Churches, public libraries, museums, primary and secondary schools which are accredited by the State Department of Education, and hospitals.

## STAFF REPORT

July 10 and July 12, 2018

Rockville Planning Commission / City Council

RE: Conditional Use Application in an R-1 Residential District, Shoreland District, Recreational Development Lake, Pleasant Lake.

**Owner:** Robert J. Kritzeck / JK Landscape Construction  
Property Address: 25646 Lake Road, Rockville MN  
Parcel I.D. No. 76.41952.0009

**Request:**

Shoreland Alteration Permit to do Slope cutout, sand blanket and construct two retaining walls.

**Relevant Information:**

1. R-1 Residential District, Shoreland District, Recreational Development Lake, Pleasant Lake.
2. Lot is a legal non-conforming lot
3. 13 Notices of public hearing were sent out.
4. Application was reviewed by David Nett Stearns County Environmental

**Recommendation:**

Consider approval contingent on the conditions set forth by David Nett Stearns County Environmental:

1. All authorized excavation and retaining wall construction work completed within 14 days of project commencement.
2. All disturbed areas created by the project must be seeded and covered with erosion control blanket, hydro-seeded or sodded within 14 days of project commencement.
3. If the sand blanket is authorized, sand is limited to within 10 feet of the shoreline unless a variance is obtained.
4. Submittal of a construction plan for the 6 foot high retaining wall from a Minnesota licensed professional engineer prior to work beginning. In addition, an as-built inspection shall be submitted from the engineer after the work is completed, ensuring the work was completed as designed.
5. If authorized, sand cannot exceed 12 inches in thickness.
6. Permit only authorizes work above the ordinary high water level.
7. Silt fence shall be constructed as shown on the plan prior to any dirt moving work commencing.
8. Filter fabric is required under the rock riprap. The rock cannot exceed 2 feet landward of the Ordinary High Water Level and must average no less than 6 inches or greater than 30 inches in diameter.

Submitted by:  
Martin M. Bode  
Zoning Administrator

# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620



Duane Willenbring, Mayor  
Vince Schaefer, Councilor  
Don Simon, Councilor  
Richard Tallman, Councilor  
Jerry Tippelt, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance Director  
Gene Van Havermaet, Public Works Director  
Debbie Weber, Administrative Assistant

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, July 10, 2018 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider a Conditional Use Permit application from Robert J. Kritzeck and JK Landscape Construction to construct new retaining wall in a R-1 Residential District, Shoreland District, Recreational Development Lake. Property Address: 25646 Lake Road. Legal Description: Parcel ID 76.41952.0009, W90' OF E2 OF TRACT LYING S OF LAKE ST & BETWEEN PARK & OAK STREETS OLD # 28.17319.000 OLD # 72.40133.038, Lake Side Park, Section-Township-Range 02-123-029, Stearns County, Minnesota.

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 prior to the hearing, or be present at the public hearing.

Martin M. Bode  
Administrator/Clerk

Publish 06/26/18

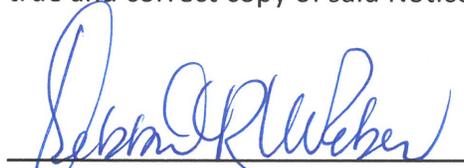
*Cold Spring Record*

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STATE OF MINNESOTA )  
 )ss.  
COUNTY OF STEARNS )

**AFFIDAVIT OF SERVICE**

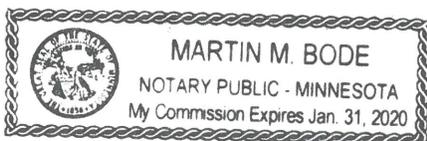
**Debbie R. Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **22nd** day of **June, 2018**, he/she served the annexed Notice on **see attachment**, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.

  
Signature

Subscribed and sworn to before me this 21 day of June, 2018.

  
Notary Public Signature

Notary Public Stamp



<b>Name</b>	<b>Address</b>	<b>City</b>
JOHN STOMMES	25647 LAKE RD	ST CLOUD MN 56301-9768
JOHN C & VICKY L ROZYCKI	25699 LAKE RD	ST CLOUD MN 56301
BRIAN A & DORIE R DROWN	1514 13TH AVE S	SAINT CLOUD MN 56301-5601
APRIL M TIDD	25652 LAKE RD	ST CLOUD MN 56301
BENEDICT A NEU	25595 LAKE RD	SAINT CLOUD MN 56301
KURT O ONSTAD	25622 LAKE RD	SAINT CLOUD MN 56301
DALE P & KAREN A BORGMANN	25636 LAKE RD	ST CLOUD MN 56301-9768
TODD W WAHNSCHAFFE	1717 5TH ST N	SAINT CLOUD MN 56303
ROBERT J KRITZECK	25646 LAKE RD	SAINT CLOUD MN 56301
GROSETH LIVING TRUST	150 DOUBLE EAGLE DR	AUSTIN TX 78738-1302
RYAN A O'DONNELL	25676 LAKE RD	SAINT CLOUD MN 56301
CLINT A LENTNER	25635 LAKE RD	SAINT CLOUD MN 56301
GARY M & ROXANNE D PLOMBON	21703 RIDGEVIEW DR	ST CLOUD MN 56301

### **13 Notices**

- Legend**
-  City Limits
  -  Parcels
  -  PW1 Watercourse
  -  PW1 Basin



25646 Lake Rd  
CUP

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies therein contained.



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Real People. Real Solutions.



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**Staff Report for 25646 Lake Rd., owned by:  
Robert Kritzeck and Amber Klinkner  
Shoreland Alteration Application for the City of Rockville**

July 5, 2018

This report addresses a proposal submitted by Jerry Konz of JK Landscape and Construction, on behalf of Robert Kritzeck and Amber Klinkner, which includes doing a cutout of the slope for the implementation of a sand blanket, construction of a retaining wall to hold that excavation, construction of another retaining wall to support the patio/deck area on the home and placement of natural fieldstone rock riprap along the shoreline. Environmental Services staff conducted a site visit on June 26<sup>th</sup>, 2018, to assess the proposal for consistency with Stearns County Land Use and Zoning Ordinance #439.

The applicants' proposal for the cutout of the slope for placement of sand shows 18 feet in width along the shoreline. Under a Minor Shoreland Alteration permit, Stearns County Land Use and Zoning Ordinance #439 Section 10.2.14 I. (1) (d) states, "*Retaining walls four (4) feet in cumulative height or less used for ornamental purposes or for terracing natural slopes where a documented erosion problem does not exist is limited to one area not to exceed 25% of the lot width as measured at the Ordinary High Water Level.*" The applicants have 90 feet of frontage, therefore, they would be allowed a 22.5 foot wide cutout under a minor permit. The proposed retaining wall height of 2 feet would also be consistent with Ordinance provisions for a minor shoreland alteration permit. However, the proposed distance of 13 feet back from the shoreline for the sand blanket would be 3 feet in excess of what is allowed by Ordinance. Stearns County Land Use and Zoning Ordinance #439 Section 10.2.14 J. (1) (b) states, "*The sand blanket... ..**may not extend more than ten (10) feet landward of the ordinary high water level.***" Stearns County would require a variance for anything in excess of the allowed 10 feet landward of the ordinary high water level. In addition, the placement of sand is inconsistent with Section 10.2.14 J. (4), which states, "***sand may only be placed in an area where the natural drainage of the property will not result in the sand being washed into the water body.***" The proposed sand area is below a very steep slope, which will lend itself to being washed into the lake continuously. Lastly, a sand depth is not provided, a maximum of 12 inches in depth would be allowed by Ordinance.

The proposal of a 6 foot high retaining wall on the slope in front of the patio/deck area on the lakeside of the home would require a Conditional Use Permit. Section 10.2.14 I. (2)

of the Land Use and Zoning Ordinance #439 states a Major Shoreland Alteration Permit by Conditional Use can authorize, *Retaining walls more than four feet in cumulative height when a documented erosion problem exists*. There is some active erosion occurring on the slope below the deck, albeit, man-made erosion. Stearns County protocol would be to require engineering for any wall exceeding four feet in height. The proposed wall is six feet in height. It seems reasonable to authorize this wall to help support the patio/deck footings.

Rock riprap is proposed along the entire 90 feet of frontage, placed 2 feet above the Ordinary High Water Level. This is consistent with Section 10.2.14 B. (3) of the Ordinance.

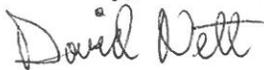
Lastly, there appears to be a high percentage of impervious lot coverage on the subject lot. The exact percentage is not known. It would make sense to limit any activities that would increase the existing coverage amounts. The proposal of the walls, sand and riprap would not contribute to an increase in coverage.

If a permit is granted, recommended conditions would include:

1. All authorized excavation and retaining wall construction work completed within 14 days of project commencement.
2. All disturbed areas created by the project must be seeded and covered with erosion control blanket, hydro-seeded or sodded within 14 days of project commencement.
3. If the sand blanket is authorized, sand is limited to within 10 feet of the shoreline unless a variance is obtained.
4. Submittal of a construction plan for the 6 foot high retaining wall from a Minnesota licensed professional engineer prior to work beginning. In addition, an as-built inspection shall be submitted from the engineer after the work is completed, ensuring the work was completed as designed.
5. If authorized, sand cannot exceed 12 inches in thickness.
6. Permit only authorizes work above the ordinary high water level.
7. Silt fence shall be constructed as shown on the plan prior to any dirt moving work commencing.
8. Filter fabric is required under the rock riprap. The rock cannot exceed 2 feet landward of the Ordinary High Water Level and must average no less than 6 inches or greater than 30 inches in diameter.

Please call with any questions regarding this report.

Sincerely,



David Nett

Environmental Specialist

# SHORELAND ALTERATION PERMIT APPLICATION

City of Rockville

229 Broadway St E, • Po Box 93 • Rockville, MN 56369-0093  
(320) 251-5836 • Fax (320) 240-9620

Jerry:  
**320-980-2710**

**A. Applicant Information**

Kanz Jerry 320-558-1126  
Applicant name (last, first, MI) Telephone

19512 Hubble Rd. Clearwater, MN, 55320  
Applicant address City/State/Zip

**B. Project Location**

25646 Lake Rd. St. Cloud, MN 56301-9714  
Address of property affected City/State/Zip

76.41952.0009 02-123-029  
Parcel # Lot, Block, Subdivision ¼ Section, Section- Twp-Range

**C. Project Information**

Pleasant Lake 73005100 2,500 sq. feet 60 cubic yards  
Waterbody name and number (if known) Area of disturbed ground (in sq. feet or acres) Volume of fill or excavation (in cubic yards)

TYPE OF WORK & AREA (check all that apply): **Attach drawing & plans (include dimensions)**

Construct   
  Excavate   
  Remove   
  Access path   
  Rip rap   
  Shoreline  
 Drain   
  Fill   
  Repair   
  Bridge   
  Sand blanket   
  Wetland  
 Other \_\_\_\_\_

Project Purpose (Why is this project needed? What benefits will it provide?):  
This project is to help control erosion and protect the shoreline.

Alternative (describe any other site or methods that could be used to achieve the purpose of your project while avoiding or minimizing environmental impacts: Attach additional sheets if necessary).  
seed and erosion blankets will be used on disturbed soil areas.

DATES: Proposed start of activity: ASAP Proposed completion: 10/1/18

OTHER PERMITS OBTAINED:  DNR  Township Stearns County  
 Army Corps of Engineers  MPCA  Watershed district Septic Cert.#: \_\_\_\_\_

AGREEMENT: I hereby certify that I am the owner of the above property or their duly authorized agent and that the information contained herein is correct. I agree to do the proposed work in accordance with the ordinances of Stearns County, Minnesota and also in accordance with any additional provisions or conditions which may be attached to the permit being applied for. **The Contractor must have a current Minnesota Excavator License and will need to provide a copy of license.**

Please Note: Any Costs that incurred with this application are responsibility of the petitioner.  
Signature of Property Owner or Agent: Jerry Date: 6/7/18

Major- \$385 + 25 = 410  
Minor- \$230 + 25 = 255

Permit # \_\_\_\_\_ Receipt # \_\_\_\_\_ Date \_\_\_\_\_ Check # \_\_\_\_\_  
Dave Will 7/5/18  
 SCES REVIEW DATE



6/26/18



6/26/18







6/26/18



**Stearns County  
Environmental Services**  
705 Courthouse Square - Room 343  
St. Cloud MN 56303  
320-656-3613 | 800-450-0852

# INVOICE

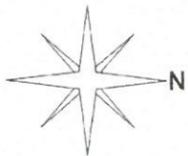
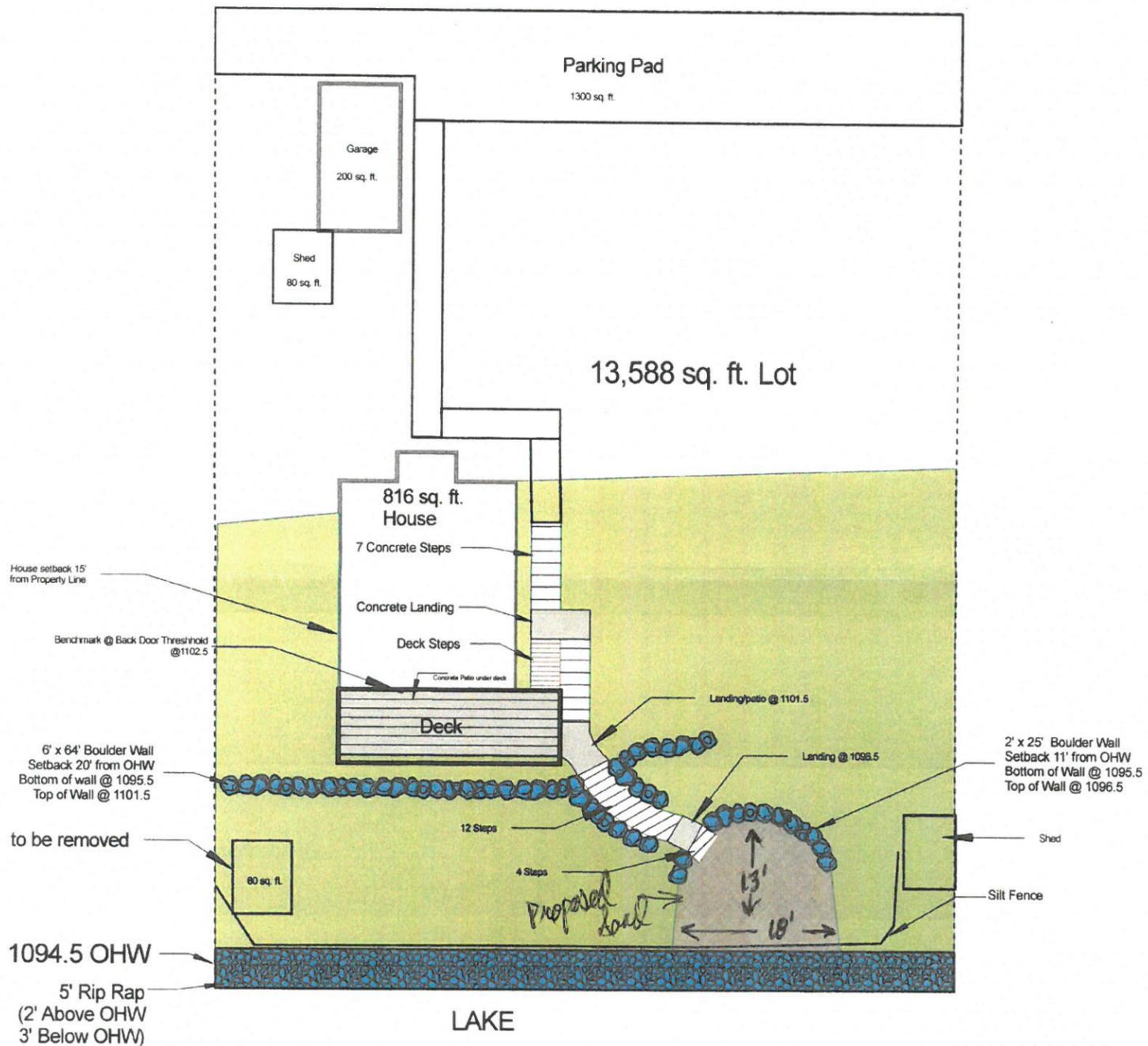
Invoice # 330  
Date: 7/5/2018

City of Rockville  
Martin Bode  
229 Broadway St. E. P.O. Box 93  
Rockville MN 56369

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Site visit to 25646 Lake Rd. - 1.5 hours @ \$45/hr	\$67.50	\$67.50
1	Staff Report preparation - 1.5 hours @ \$45/hr	\$67.50	\$67.50
1	Round trip mileage to site 23 miles @ .545/mile	\$12.54	\$12.54

Subtotal	\$147.54
Sales Tax	
Shipping and Handling	
<b>TOTAL DUE</b>	<b>\$147.54</b>

**Make checks payable to: Stearns County Environmental Services**  
**Payable Upon Receipt**



Estimated Timeline: 2 weeks

**Legal Description**

Metes and Bounds W90' OF E2 OF TRACT LYING S OF LAKE ST & BETWEEN PARK & OAK STREETS OLD # 28.17319.000 OLD # 72.40133.038  
 Plat LAKE SIDE PARK  
 Section-Township-Range 02-123-029

Revision #: 0

Scale:

Landscape Plan: 1

Landscape Design by: Riley Place

Date: 6/7/2018

1/16" = 1'

Kritzeck

JK Landscape Construction LLC

CITY OF ROCKVILLE  
APPLICATION FOR CONDITIONAL USE PERMIT

Please use this for to explain how your request for a conditional use permit meets the zoning requirements.

1. Not a burden on public facilities.

No, does not effect public facilities

2. Compatible with existing and planned adjacent uses.

Yes, the proposed will have no impidence on normal development/ will improve the property.

3. No adverse affect on adjacent properties.

No, the proposed will have no affect on neighboring properties.

4. Related to the needs of the City.

Yes, the proposed will improve the property and positively affect the general appearance of the neighborhood.

5. Consistent with the Comprehensive Plan.

Yes, it is consistent with the Comprehensive Plan.

6. Not a traffic Hazard.

NO, the proposed will not affect traffic.

7. Adequate parking and loading.

Yes

8. Not detrimental to health, safety, and welfare.

No

9. Flood plan.

The criteria for the flood plan will be met.

A conditional use permit cannot be granted unless evidence is presented that satisfies the conditions above. Failure to adequately provide such information may result in a denial of your request for a conditional use permit (attach additional sheets if necessary).

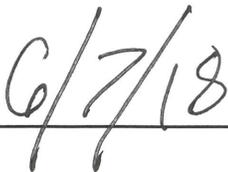
Conditional Use Permit has been issued, of the time and place at which the Council will consider the revocation. The property owner shall have an opportunity to be heard after which time the Council may take all appropriate actions including the revocation and termination of the Conditional Use Permit.

3. **Costs of Enforcement**. It shall be a term of any Conditional Use Permit issued by the City, whether or not specifically stated, that the property owner(s) shall pay all staff and reasonable attorney's fees associated with enforcement of the terms of the Conditional Use Permit.

**THE STEPS:**

1. Provide a complete application by the 1<sup>st</sup> Tuesday of the month to be on the *following* month's Planning Commission Agenda.
2. **Planning Commission** – (meets the 1st Tuesday of the month) The Planning Commission may schedule a site visit; they will hold the public hearing at their meeting, and make a recommendation to the Council to be presented at the next City Council meeting.
3. **Council** - (meets 2<sup>nd</sup> Wednesday of the month) Makes the final decision– Council grants the Conditional Use Permit.
4. **Applicant** -
  - If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
  - If Applicant provided the Building Permit Application & 2 full sets of plans with the Conditional Use process. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.
5. **Building Official** - Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.

X   
Applicant Signature

  
Date

*I hereby certify that I have read the above information and I agree with the terms.*

Amber  
320-241-0271

Current

$$\text{Garage} - 14.22.4 = 313.6$$

$$\text{Shed} - 8 \times 10 = 80$$

$$\text{House} - 36.4 \times 24.6 = 747.84$$

$$\text{Deck} - 20 \times 10 + 6.4 \times 4 = 225.6$$

$$\text{Green (Shed)} - 4.5 \times 7.5 = 33.75$$

$$\text{Shed (Tin)} - 7.5 \times 10 = 75$$

$$\text{Sidewalk} - 98.4 \times 3.3 = 342.72$$

$$\boxed{1,818.51}$$

Want

$$\text{Garage} - 24 \times 36 = 864$$

$$\text{House} - 42.9 \times 24.6 = 1055.34$$

? 
$$\text{Sidewalk} - 98.4 \times 3.3 = 324.72$$

$$\text{Deck} - 28.5 \times 10 + 6.4 \times 4 = 310.6 / 2 = 155.3$$

$$\text{Shed (Tin)} - 10 \times 7.5 = 75$$

With Sidewalk

$$2474.36$$

Without Sidewalk

$$2149.64$$

$$91.3 \times 117.8 = 10,755.14 \times .20 = 2,151.028$$

**Staff Use Only:**

Zoning Administrator reviewed Conditional Use Permit Application.

1. Referred to City Attorney and/or City Engineer: Date \_\_\_\_\_  
Why: \_\_\_\_\_  
\_\_\_\_\_

2. Determination made and why: \_\_\_\_\_  
\_\_\_\_\_

( ) Complete Application

( ) Incomplete Application Why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant was notified for additional information: Date \_\_\_\_\_ in which the  
information needs to be turned in by: \_\_\_ in person \_\_\_ by phone \_\_\_ email

Staff \_\_\_\_\_ Date \_\_\_\_\_







## STAFF REPORT

July 10, July 11, 2018

Rockville Planning Commission; City Council

Re: Setback Variance Request From:

Owners: Jeremy J. Danielson  
Property Address: 25814 Lake Road  
Parcel No. 76.41603.0300

Variance(s) Requested:

1. To Exceed the 10 foot side yard setback requirement in a R-1-Shoreland Overlay District on Pleasant Lake, a Recreational Development Lake.

Relevant Information:

1. Owner proposes to move in cabin with entry way
2. Lot dimensions: Lake Front 49', Street Back 44.36', Side 164 and 173
3. Cabin dimension is 24(w) x 32 – Entry way 4.6(w) x 5
4. Attached entry way on the NW (Street side) would be inside the side yard setback by 4.24 feet for approximately 5 feet and not inside the rear or front yard setback
5. The Lot is a legal nonconforming lot
6. 10 notices of public hearing were sent out

## RECOMMENDATION

Submitted by:  
Martin M. Bode  
Zoning Administrator

# CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620



Duane Willenbring, Mayor  
Vince Schaefer, Councilor  
Don Simon, Councilor  
Richard Tallman, Councilor  
Jerry Tippelt, Councilor

Martin M. Bode, City Administrator  
Judy Neu, Finance/Billing Clerk/Admin Asst.  
Gene Van Havermaet, Public Works Director  
Debbie Weber, Administrative Assistant

*Rockville City is an equal opportunity provider and employer*

## NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville City Planning Commission will hold a public hearing on **Tuesday, July 10, 2018 at approximately 6:00 p.m. at Rockville City Hall - 229 Broadway Street East** to consider the request of Jeremy J. Danielson for a Variance from side yard setback requirements. The address of the property is: 25814 Lake Road, Rockville, MN, Stearns County, Parcel No. 76.41603.0300, .20A FR .20A OF LOT 1 CITY OF PLEASANT LAKE.

The request is to move in a cabin with porch in a R-1, Shoreland Overlay District on Pleasant Lake a Recreational Development Lake. Porch would be 5 feet into the 10 foot setback requirement. Variances are required for side yard setback requirements, Section 17, Subd. 6.5.B.

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.

Martin M. Bode  
City Administrator/Clerk

Publish 06/26/2018  
*Cold Spring Record*

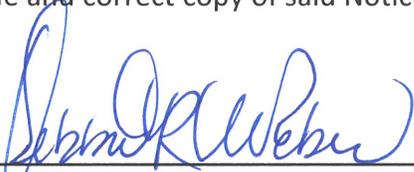
In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, room 326-w, Whitten Building, 1400 Independence Ave, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice & tdd). USDA is an equal opportunity provider and employer.

STATE OF MINNESOTA )  
 )ss.  
COUNTY OF STEARNS )

**AFFIDAVIT OF SERVICE**

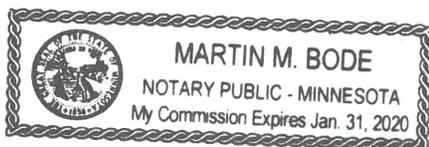
**Debbie R. Weber**, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **22nd** day of **June, 2018**, he/she served the annexed Notice on see attachment, the person therein named, personally, by then and there handing to and leaving with him/her a true and correct copy of said Notice.

  
\_\_\_\_\_  
Signature

Subscribed and sworn to before me this 21 day of June, 2018.

  
\_\_\_\_\_  
Notary Public Signature

Notary Public Stamp



<b>Name</b>	<b>Address</b>	<b>City</b>
ANDERSON FAMILY REV TRUST	25808 LAKE RD	ST CLOUD MN 56301
JOHN A & ANN M GROMBERG	25826 LAKE RD	ST CLOUD MN 56301-9714
DIANA M LEYK	25782 LAKE RD	ST CLOUD MN 56301-9769
WILLIAM K BECKER	25844 LAKE RD	ST CLOUD MN 56301-9770
BARBARA J LATTERELL	25852 LAKE RD	ST CLOUD MN 56301-9714
JEREMY J DANIELSON	3534 21ST AVE S	ST CLOUD MN 56301
DAVID D BELL	25822 LAKE RD	SAINT CLOUD MN 56301
ERMALINE K LAHR	25796 LAKE RD	ST CLOUD MN 56301-9769
STEVEN MEYER	215 10TH AVE S #615	MINNEAPOLIS MN 55415
CITY OF ROCKVILLE	PO BOX 93	ROCKVILLE MN 56369-0093

## 10 Notices

- Legend**
-  City Limits
  -  Parcels
  -  PWI Watercourse
  -  PWI Basin



**25814 Lake Rd  
Variance**

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Rockville is not responsible for any inaccuracies herein contained.



Real People. Real Solutions.

0 117 Feet

© Bolton & Menk, Inc - Web GIS 6/21/2018 3:08 PM

**CITY OF ROCKVILLE  
 VARIANCE REQUEST APPLICATION  
 APPLICATION Fee \$200 and RECORDING Fee \$46.00 (per document)  
 Separate checks: 1 for Variance Request & 1 for Recording Fee(s)**

**Need a Copy of Deed**

**PLEASE NOTE:** any costs (i.e. legal, engineering, administrative, Stearns County fees, etc.) incurred over the application fee will be the responsibility of the petitioner.

PROPERTY LOCATION/ADDRESS: 258141 Lake Road, St Cloud MN 56301

LEGAL DESCRIPTION: \_\_\_\_\_ PARCEL#: 76416030300 ZONING: R1  
Sec 02, TWP 123, Range 029 .20A FR. 20A of Lot 1 City of Pleasant Lake

EXPLANATION OF REQUEST: \_\_\_\_\_  
side setback request

If replacing an existing structure, what will be done with the old structure? \_\_\_\_\_

Has a variance request been made previously on this property? No If yes, when? \_\_\_\_\_

**PROPERTY OWNER:**

Name (Print): Jeremy J Danielson Phone: 612-987-9088  
First Name Middle Initial Last Name  
 Address: 35341 21<sup>st</sup> Ave South St. Cloud, MN 56301  
 Signature (required): Jeremy Danielson Date: 5/15/18  
 \*Signature of property owner shall serve as acknowledgement and authorization of this request.

**APPLICANT:**

Name (Print): Jeremy Danielson Phone: 612-987-9088  
 Address: 35341 21<sup>st</sup> Ave South St. Cloud, MN 56301  
 Signature (required): Jeremy Danielson Date: 5/15/18  
 I hereby certify that I have read the above information and I agree with the terms.

**STAFF USE ONLY:**

Permit# 18-05V  
 R# \_\_\_\_\_ Variance Application Fee Check # 5390 Date 6-01-18 101.41000.34103 \$200.00  
 R# \_\_\_\_\_ Reimb. for Invoice Check# \_\_\_\_\_ Date \_\_\_\_\_ 101.41000-34102 \$46.00

## VARIANCE INFORMATION SHEET

**Variance Definition:** *A modification of the literal provisions of this ordinance granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted. The crucial points of the variance are (a) practical difficulties, (b) unique circumstances and (c) applying to individual property. A variance is not justified unless all three elements are present in the case. District boundary lines, zoning, property use, or non-conforming use restrictions shall not be revised or amended by granting a request for variances.*

*Variance: Where there are practical difficulties or unusual hardships in the way of carrying out the strict letter of the provisions of this ordinance, the Governing Body shall have the power, in a specific case to permit a variance from the provisions of this ordinance (see definition of variance). A variance permit shall expire after ninety (90) days following date of issuance unless written application for time extension is received and granted by the Governing Body prior to such expiration date.*

---

**WHEN IS A VARIANCE APPROPRIATE?** A variance may be needed when a landowner wishes to develop property, and due to the uniqueness of their lot, they are unable to comply with the ordinance.

**CAN ANYONE GET A VARIANCE?** No. The courts have said the applicant has a “heavy burden of proof” to show there are no reasonable development options, and there is “hardship” in following the rules of the ordinance.

**WHAT IS A HARDSHIP?** “Hardship” as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. (Minnesota Statutes 394.27)

**HOW DO I APPLY FOR A VARIANCE?** **You must submit a completed application and a site plan (to scale) that shows all physical characteristics of your property to the Planning/Zoning Committee.** There is an example of a site plan attached to the variance application. This site plan must include: accurate property dimensions and shape, road centerline and right-of-way, all existing and proposed structures with dimensions, septic system, wells, driveways, city services, nearby structures on adjacent property, steep slopes, topographic alterations, wetlands, etc. All site plans must be signed and dated by the applicant.

**WHO DECIDES IF I WILL GET A VARIANCE?** After submitting the application for a variance to the Planning/Zoning Committee for review their recommendation is forwarded to the City Council. (Applications are to be submitted to the City Clerk and they will be put on the agenda for the next available meeting) The applicant then decides if they want to proceed with the variance request. If the applicant does proceed, the applicant then requests a Public Hearing to formally ask for the variance to be granted. **A fee of \$200.00** dollars must accompany this request. At the public hearing the Planning Commission and the community have the opportunity to voice their opinions, both for and against, regarding the variance request. If it is found that the three points outlined above in the definition of a variance are met, it will then go to City Council for approval. Any building permits required in relation to a variance must also be approved by the City Council.

**It is important to note that a variance cannot be used to circumvent the more formal procedures required to change the zoning category of land (request for rezoning).**

**CITY OF ROCKVILLE**  
**VARIANCE APPLICATION AND THE PROCESS**

**VARIANCES**

No variance in the provisions or requirements of this Ordinance shall be authorized by the City Council unless it finds evidence that the following facts and conditions exist:

1. **Unique Circumstances**. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. The unique circumstances did not result from the acts of the property owner.
2. **Necessary to Preserve reasonable use of the property**. The property cannot be put to a reasonable use without the variance. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity.
3. **Not merely economic**. The possibility of increased financial return or economic consideration will not in itself be deemed sufficient to warrant a variance if a reasonable use for the property exists under this Ordinance's terms. This means that cost or money savings cannot be the only reason for the variance.
4. **Maintains the Character of the Neighborhood**. The variance will not alter the area's essential character of the neighborhood.
5. **Meets the Spirit of this Ordinance and Comprehensive Plan**. The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan.

**OTHER CONSIDERATIONS**

1. **Solar Energy Systems**. Practical difficulties shall include, but not be limited to, inadequate access to direct sunlight for solar energy systems.
2. **Earth Sheltered Homes**. Variances shall be granted for earth sheltered construction as defined in Minn. Stat. § 116J.06, Subd. 2, when in harmony with this Ordinance.
3. **Non-permitted Use**. The City Council may not permit as a variance any use that is not permitted under this Ordinance for property in the zone where the affected person's land is located.
4. **Temporary Use for one family dwelling**. The City Council may permit as a variance the temporary use of a one (1) family dwelling as a two (2) family dwelling.
5. **Variances in Floodplain Districts**. No variance shall have the effect of allowing a Floodplain District a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by state law.
6. **Conditions**. The City Council may impose conditions in granting variances to insure compliance and protect adjacent properties.

## VARIANCE PROCEDURE

1. **Application Filing Required.** A person applying for a variance must fill out and submit to the Zoning Administrator a Variance Application form.
  - a) Application filled out & signed
  - b) Variance justification form filled out: A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the 3 questions on the justification form. Failure to adequately provide such information may result in a denial of your request for a variance.
  
2. **Copy of Deed.**
  
3. **Provide Individual Property Owner names:** Within 350 feet or nearest 10 property owners (whichever is greatest).
  
4. **Required Fees.** A fee the City Council shall establish by resolution must accompany the application. **An additional fee may be charged for a typical projects, which in the opinion of the Zoning Administrator will require additional staff time and/or City expenditures. In such case, the applicant must reimburse the City for administrative time and professional services and costs incurred by the City.**
  - The required fee offsets – staff time, publishing the public hearing notice, mailing notices to property owners, the regular scheduled meetings of the Planning Commission and Council. (\*\*Note: there is an additional cost to hold a special meeting.)
  
5. **Detailed material.** Fully explaining the specific variance request.
  
6. **Application must include a site plan**  
Site Plan shows the following, as applicable:
  - a) Site description (legal description).
  - b) A Certificate of Survey.
  - c) Site plan drawn to scale showing the parcel and building dimensions, area and setbacks.
  - d) Location of all existing and proposed buildings and their square footage.
  - e) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, sidewalks, vehicular circulation, and snow storage locations.
  - f) Landscaping and screening plans.
  - g) Waste facilities including enclosure and screening.
  - h) Drainage and grading plan.
  - i) Sanitary sewer and water plan with estimated use per day.
  - j) Soil type.
  - k) Any additional written or graphic information reasonably required by the Zoning Administrator or the Planning Commission.
  
7. **Notice for Floodplain Properties.**
  - a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and
  - b) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

**When a complete variance application is on file. (Here are the next steps)**

1. **Referral to Planning Commission.** After the Zoning Administrator has reviewed the application and the date has been set for the public hearing, the Zoning Administrator shall refer the application to the Planning Commission, together with the Zoning Administrator's review and recommendations regarding the application.
2. **Planning Commission Review.** The Planning Commission shall consider the request at their next regularly scheduled meeting and shall make a recommendation and report to the City Council
  - a) The applicant or the applicant's representative(s) must appear before the Planning Commission in order to answer questions concerning the Variance application.
3. **Recommendation by the Planning Commission.** After reviewing the Variance, the Planning Commission will make a written report and recommendation to the City Council.
4. **Decision by City Council.** Upon receiving the Planning Commission's report and recommendation 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 decisions on all variances.
  - a) **Appearance by Applicant.** The applicant or applicant's representative(s) must appear before the City Council in order to answer questions concerning the variance application.
5. **Vote Required.** Approval of any Variance to this Ordinance will require passage by a majority of the votes cast.
6. **Conditions and/or Revisions.** If the City Council grants the Variance, it may impose conditions it considers necessary to protect public health, safety and welfare. The City Council may also revise the variance to ensure that it is the minimum variance required.
7. **Written Findings.** The City Council will issue written findings stating the reasons for its decision and any conditions imposed, and will serve a copy of its decision on the applicant by U.S. mail, within ten (10) days after its decision. In any event, the City Council will make a decision on each Variance application within sixty (60) days after the Zoning Administrator receives the application or will extend the time for consideration under state law.
8. **Recording.** A certified copy of every Variance to abstract or registered property shall be filed with the Stearns County Recorder. The variance shall include the legal description of the property involved.
  - Stearns County Recorder office charges a fee to record the legal document.  
**The Applicant is responsible for those fees.**
9. **Resubmission.** No application, which is substantially the same as and application of a denied Variance shall be resubmitted for a period of one (1) year from the date of the denial. The City Council may permit a new application if, in its opinion, new evidence or a change in circumstances warrant reconsideration.

**APPEALS AND ADMINISTRATIVE DECISIONS**

Appeals of decisions of the Zoning Administrator will be heard by the City Council provided that the person making the appeal files an application for a hearing within thirty (30) days after the decision to be appealed was delivered to the applicant by the Zoning Administrator. The following procedure will be followed:

1. **Application.** The person making the appeal must apply for a hearing before the City Council on forms provided by the Zoning Administrator.
2. **Notice and Hearing.** The City Council will schedule a hearing on the appeal.
  - a) At least ten (10) days prior to the hearing a notice will be published in the official county newspaper.
  - b) The City Council will make their decision within thirty (30) days of the public hearing or may extend the time for consideration as permitted by state law.

**LAPSE OF VARIANCE**

If within one (1) year after granting a Variance the work permitted is not started, such variance shall become null and void unless a petition for an extension has been approved by the City Council.

**THE STEPS:**

1. **Provide a complete application** by the 1<sup>st</sup> Tuesday of the month to be on the *following* month's Planning Commission Agenda.
2. **Planning Commission** – (meets the 1st Tuesday of the month) The Planning Commission may schedule a site visit; hold the public hearing at their meeting and make a recommendation to the Council at the next City Council meeting.
3. **Council** - (meets 2nd Wednesday of the month) Council makes the final decision – if Council grants the Variance Request.
4. **Applicant** –
  - If applicant waits for Council approval before providing the plans the next step is to fill out the Building Permit Application & provide 2 full sets of plans to City Hall.
  - If Applicant provided the Building Permit Application & 2 full sets of plans with the variance request. The applicant will need to notify City Hall that the plans that are on file are correct. This process will not be forwarded to the Building Official until applicant contacts City Hall.
5. **Building Official** - Reviews the plans (allow 4-6 days). Once City Hall receives the plans back, Staff will notify the Applicant with the cost of the building permit.

Jeremy Danielson  
Applicant Signature

5/15/18  
Date

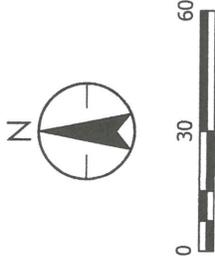
*I hereby certify that I have read the above information and I agree with the terms.*

# CERTIFICATE OF SURVEY VARIANCE EXHIBIT

**LEGAL DESCRIPTION**  
That part of Government Lot 1, of Section 2, Township 123 North, Range 29 West, described as follows: Commencing at the northeast corner of said Government Lot 1, thence South 02 degrees 18 minutes 30 seconds West, along the east line of said Government Lot 1, a distance of 480.44 feet, to the centerline of Lake Avenue as platted in the plat of PLEASANT LAKE HIGHLANDS, according to the recorded plat thereof, Stearns County, Minnesota; thence South 45 degrees 20 minutes 27 seconds East, along said centerline and its southwesterly extension, a distance of 801.88 feet; thence South 19 degrees 38 minutes 12 seconds East, a distance of 28.51 feet; thence North 44 degrees 58 minutes 18 seconds East, a distance of 60.69 feet, to the point of beginning of the land to be described; thence South 44 degrees 58 minutes 18 seconds West, a distance of 60.69 feet; thence South 76 degrees 36 minutes 58 seconds West, a distance of 44.36 feet; thence South 19 degrees 50 minutes 36 seconds East, a distance of 181 feet, more or less, to the shoreline of Pleasant Lake; thence northeasterly along said shoreline of Pleasant Lake to a line which bears South 29 degrees 14 minutes 35 seconds East from the point of beginning; thence North 29 degrees 14 minutes 35 seconds West, a distance of 215 feet, more or less, to the point of beginning, Stearns County, Minnesota.

**SURVEYOR'S NOTE:**

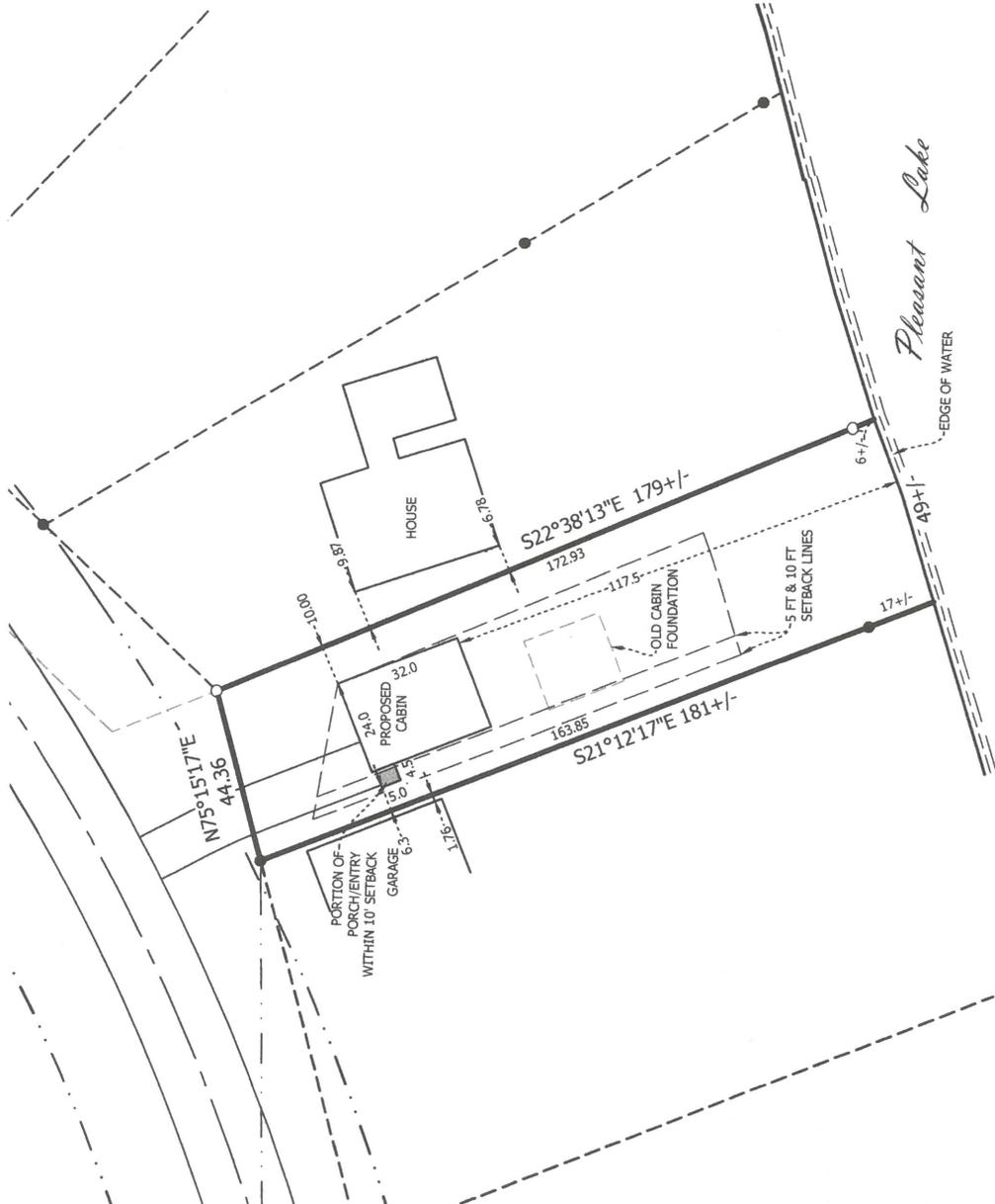
Due to the ambiguity of the recorded legal descriptions of record (as furnished by client), we suggest the advice of an attorney or title professional to address any issues of title affecting the subject property.



- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET WITH PLASTIC PLUG INSCRIBED WITH 236882

I hereby certify that this CERTIFICATE OF SURVEY was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

*Linda H. Brown*  
Linda H. Brown,  
Professional Land Surveyor  
Minnesota License Number 23682  
May 31, 2018



**St. Cloud Office**  
3717 23rd Street South  
Saint Cloud, MN 56301  
Phone: 320-251-4553  
Fax: 320-251-6252  
Website: www.stantec.com

Jeremy Danielson  
Certificate of Survey  
25814 Lake Road  
St. Cloud, MN 56301

PROJECT NUMBER	193804307
SHEET NUMBER	V101

THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.

1.65 P 300 10-3-17 46.00

NO DELINQUENT TAXES AND TRANSFER ENTERED

DATE 10/4/2017

AUDITOR Randy R. Schriefel

DEPUTY Brenda Stanger  
76.41603.0200, 76.41603.0300

OFFICE OF COUNTY RECORDER  
STEARNS COUNTY, MINNESOTA

Document: A1505954

Certified, Filed, and/or Recorded on

October 04, 2017 11:37 AM

DIANE GRUNDHOEFER  
STEARNS COUNTY RECORDER



(Top 3 inches reserved for recording data)

WARRANTY DEED

Minnesota Uniform Conveyancing Blanks  
Form 10.1.7 (2016)

Business Entity to Individual(s)

eCRV number: \_\_\_\_\_

DEED TAX DUE: \$1.65

DATE: September 25, 2017  
(month/day/year)

FOR VALUABLE CONSIDERATION, J & J Property Investments LLC a Limited Liability Company under the laws of the State of Minnesota ("Grantor"), hereby conveys and warrants to Jeremy Danielson ("Grantee"), as

- (Check only one box.)
- tenants in common,
  - joint tenants,

(If more than one Grantee is named above and either no box is checked or both boxes checked, this conveyance is made to the named Grantee as tenants in common.)

real property in Stearns County, Minnesota, legally described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:  
total consideration is less than \$500.00

Subject to reservations, restrictions or easements of record, if any.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: \_\_\_\_\_.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

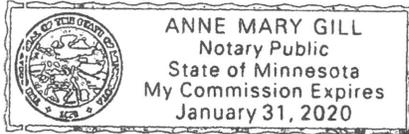
Grantor

Jeremy Danielson  
J & J Property Investments LLC  
By: Jeremy Danielson  
Its: President

State of Minnesota, County of Stearns

This instrument was acknowledged before me on September 25, 2017, by Jeremy Danielson as President of J & J Property Investments LLC, a Minnesota Limited Liability Company on behalf of the Limited Liability Company.

(Stamp)



*Am Gill*

---

(signature of notarial officer)

Title (and Rank): \_\_\_\_\_

My commission expires: \_\_\_\_\_

*1-31-20*

THIS INSTRUMENT WAS DRAFTED BY:  
(insert name and address)

Stearns County Abstract & Title Co.  
21 Courthouse Square  
St Cloud, MN 56303

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN  
THIS INSTRUMENT SHOULD BE SENT TO:

(insert legal name and residential or business address of Grantee)

Jeremy Danielson

*3534 21st Ave. South  
St. Cloud, MN 56301*

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

That part of Government Lot 1, Section 2, Township 123, Range 29 described as follows: Commencing at the northeast corner of said Government Lot 1; thence South 02° 18' 30" West along the East line of said Government Lot 1 a distance of 480.44 feet to the centerline of Lake Avenue as platted in the plat of Pleasant Lake Highlands, according to recorded plat thereof; thence South 45° 20' 27" West along said centerline and its Southwesterly extension a distance of 801.88 feet; thence South 19° 58' 12" East a distance of 28.51 feet; thence North 44° 58' 18" East a distance of 60.69 feet to the point of beginning of the land to be described; thence South 44° 58' 18" West a distance of 60.69 feet; thence South 76° 36' 58" West a distance of 44.36 feet; thence South 19° 50' 36" East a distance of 181 feet, more or less, to the shoreline of Pleasant Lake; thence Northeasterly along said shoreline of Pleasant Lake to a line which bears South 29° 14' 35" East from the point of beginning; thence North 29° 14' 35" West a distance of 215 feet, more or less, to the point of beginning, Stearns County, Minnesota.

PAYMENT DATE  
 10/04/2017  
 COLLECTION STATION  
 011 TREAS JEAN # 5  
 RECEIVED FROM  
 STEARNS COUNTY  
 ABSTRACT  
 DESCRIPTION

RANDY R. SCHREIFELS  
 STEARNS COUNTY AUDITOR-TREASURER  
 705 COURTHOUSE SQ RM-136/PO BOX 728  
 ST CLOUD MN 56302-0728  
 (320) 656-3870

BATCH NO.  
 2017-10002422  
 RECEIPT NO.  
 2017-00020957

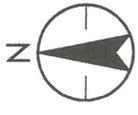
PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																											
DEED	DEED TAX % DEED DANIELSON 01 2145 DUE TO STATE DEED TAX \$1.65	\$1.65																											
Payments:	<table border="1"> <thead> <tr> <th>Type</th> <th>Detail</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Check</td> <td>123320</td> <td>\$1.65</td> </tr> <tr> <td colspan="2">Total Cash</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Check</td> <td>\$1.65</td> </tr> <tr> <td colspan="2">Total Charge</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Other</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Remitted</td> <td>\$1.65</td> </tr> <tr> <td colspan="2">Change</td> <td>\$0.00</td> </tr> <tr> <td colspan="2">Total Received</td> <td>\$1.65</td> </tr> </tbody> </table>	Type	Detail	Amount	Check	123320	\$1.65	Total Cash		\$0.00	Total Check		\$1.65	Total Charge		\$0.00	Total Other		\$0.00	Total Remitted		\$1.65	Change		\$0.00	Total Received		\$1.65	
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Change		\$0.00																											
Total Received		\$1.65																											
<b>Total Amount:</b>		<b>\$1.65</b>																											

Jeremy Danielson

# CERTIFICATE OF SURVEY VARIANCE EXHIBIT

**LEGAL DESCRIPTION**  
That part of Government Lot 1, of Section 2, Township 123 North, Range 29 West, described as follows: Commencing at the northeast corner of said Government Lot 1, thence South 02 degrees 18 minutes 30 seconds West, along the east line of said Government Lot 1, a distance of 480.44 feet, to the centerline of Lake Avenue as platted in the plat of PLEASANT LAKE HIGHLANDS, according to the recorded plat thereof, Stearns County, Minnesota; thence South 45 degrees 20 minutes 27 seconds East, along said centerline and its southerly extension, a distance of 801.88 feet; thence South 19 degrees 38 minutes 12 seconds East, a distance of 28.51 feet; thence North 44 degrees 58 minutes 18 seconds East, a distance of 60.69 feet, to the point of beginning of the land to be described; thence South 44 degrees 58 minutes 18 seconds West, a distance of 60.69 feet; thence South 76 degrees 36 minutes 58 seconds West, a distance of 44.36 feet; thence South 19 degrees 30 minutes 36 seconds East, a distance of 181 feet, more or less, to the shoreline of Pleasant Lake; thence northeasterly along said shoreline of Pleasant Lake to a line which bears South 29 degrees 14 minutes 35 seconds East from the point of beginning; thence North 29 degrees 14 minutes 35 seconds West, a distance of 215 feet, more or less, to the point of beginning, Stearns County, Minnesota.

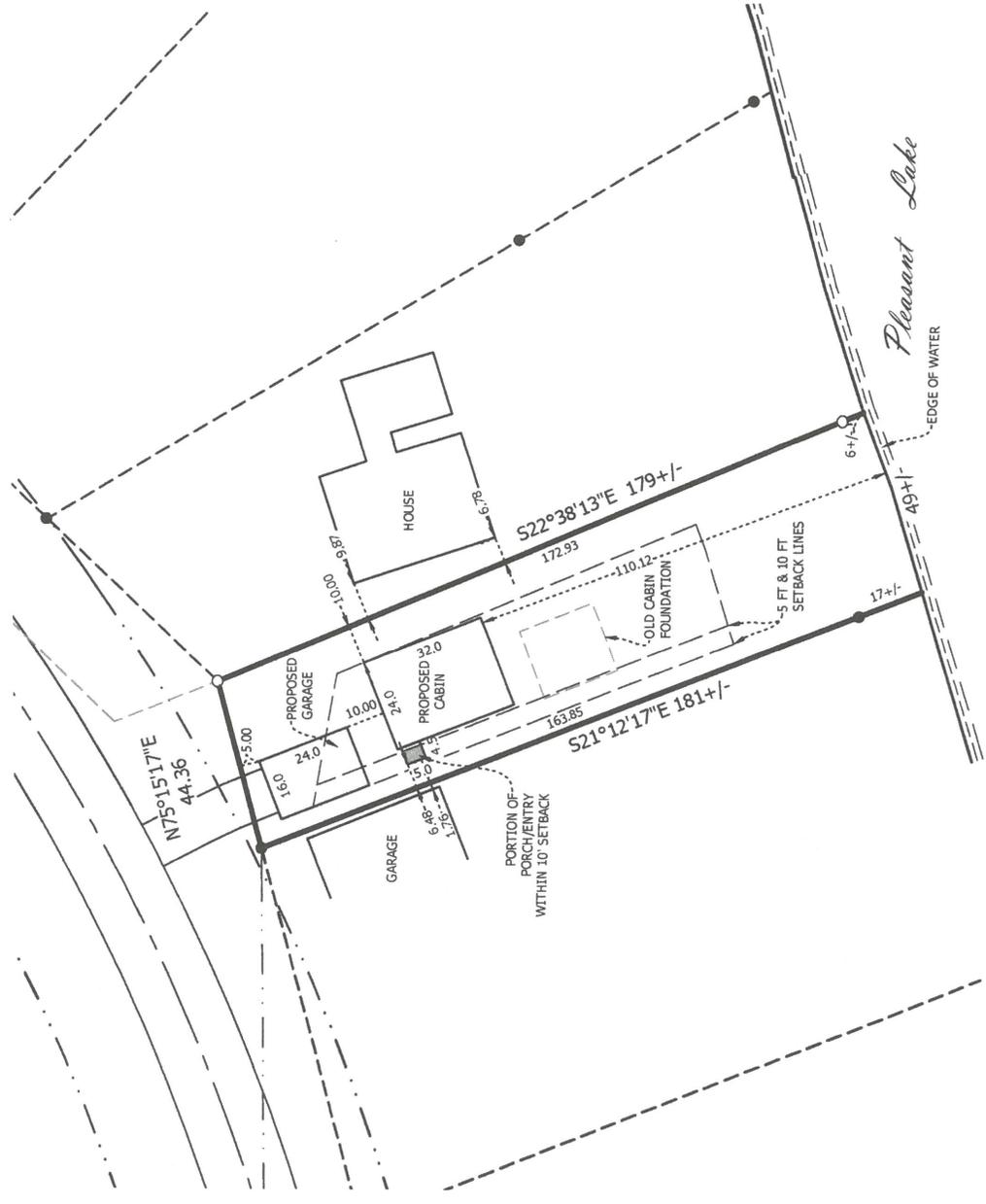
**SURVEYOR'S NOTE:**  
Due to the ambiguity of the recorded legal descriptions of record (as furnished by client), we suggest the advice of an attorney or title professional to address any issues of title affecting the subject property.



- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 1 1/2 INCH IRON MONUMENT SET WITH PLASTIC PLUG INSCRIBED WITH 23682

I hereby certify that this CERTIFICATE OF SURVEY was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota.

Linda H. Brown,  
Professional Land Surveyor  
Minnesota License Number 23682  
May 31, 2018



**St. Cloud Office**  
3717 23rd Street South  
Saint Cloud, MN 56301  
Phone: 320-251-4555  
Fax: 320-251-6252  
Website: www.stantec.com

SURVEY BY:	MIRM
DRAWN BY:	REH
DESIGNED BY:	
CHECKED BY:	
APPROVED BY:	LHB
DATE:	5/30/2018

Jeremy Danielson  
Certificate of Survey  
25814 Lake Road  
St. Cloud, MN 56301

PROJECT NUMBER	193804307
SHEET NUMBER	V101



1-	David Bell	25822	Lake Road
2-	John and Ann Bromberg	25826	Lake Road
3-	William Becker	25841	Lake Road
4-	Barbara Latterel	25852	Lake Road
5-	Wayne Miller	25868	Lake Road
6-	Diana Leyk	25812	Lake Road
7-	Anderson Family Trust	25808	Lake Road
8-	Steven Meyer	25802	Lake Road
9-	Ermaline Lehr	25796	Lake Road
10-	Angeline Lehr	25792	Lake Road

The undersigned hereby certifies that they are the owner of the property located at:

25814 Lake Road, Saint Cloud MN 56301

And hereby agrees to locate the proposed \_\_\_\_\_ as shown by the diagram above if a variance is granted, and further certifies that the block plan shown by the diagram above is a current and correct plan of structures that exist on said property.

Jeremy Daniels  
Signature of Applicant

5/15/18  
Date

*I hereby certify that I have read the above information and I agree with the terms.*

**Staff Use only:**

Zoning Administrator reviewed Variance Application.

1. Referred to City Attorney and/or City Engineer: Date \_\_\_\_\_  
Why: \_\_\_\_\_  
\_\_\_\_\_

2. Determination made and why: \_\_\_\_\_  
\_\_\_\_\_

( ) Complete Application

( ) Incomplete Application Why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant was notified for additional information: Date \_\_\_\_\_ in which the  
information needs to be turned in by: \_\_\_ in person \_\_\_ by phone \_\_\_ email

Staff \_\_\_\_\_ Date \_\_\_\_\_

**Building Permits: June 2018**

<u>Parcel #</u>	<u>REASON</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>PERMIT #</u>	<u>Valuation</u>	<u>Permit \$</u>	<u>Review</u>	<u>SSC</u>	<u>Fees</u>
76.41720.0410	New Home Construction	26096 Bluebird Lane	6/1/2018	2018-00031	\$ 160,000.00	\$ 880.00	\$ 572.00	\$ 80.00	\$ 7,859.07
76.41720.0416	New Home Construction	26176 Bluebird Lane	6/1/2018	2018-00032	\$ 170,000.00	\$ 935.00	\$ 607.75	\$ 85.00	\$ 7,954.82
76.41649.0300	Demo Home	11128 Grand Lake Rd	6/7/2018	2018-00033		\$ 25.00		\$ 1.00	\$ 26.00
76.41705.0030	Roofing	10717 Mitchell Ln	6/8/2018	2018-00034		\$ 25.00		\$ 1.00	\$ 26.00
76.41601.0400	Siding	25565 Pleasant Lk Rd	6/11/2018	2018-00035		\$ 25.00		\$ 1.00	\$ 26.00
76.41601.0400	Windows & Door	25565 Pleasant Lk Rd	6/11/2018	2018-00036		\$ 25.00		\$ 1.00	\$ 26.00
76.42142.0053	Siding	9112 Alvin Ct	6/13/2018	2018-00037	\$ 16,250.00	\$ 25.00		\$ 1.00	\$ 26.00
76.42189.0014	Roofing	11239 Hubert Lane	6/26/2018	2018-00038		\$ 25.00		\$ 1.00	\$ 26.00
76.41602.0050	New Home Construction	25878 Lake Road	6/1/2018	2018-00044	\$ 400,000.00	\$ 2,200.00	\$ 1,430.00	\$ 200.00	\$ 3,830.00
76.41641.0715	New Home Construction	22313 88th Ave	6/14/2018	2018-00045	\$ 387,995.00	\$ 2,133.98	\$ 1,387.09	\$ 194.00	\$ 3,715.07
76.41649.0300	Foundation Only	11128 Grand Lake Rd	6/15/2018	2018-00046	\$ 20,000.00	\$ 86.50	\$ 56.23	\$ 10.00	\$ 152.73
76.41952.0007	Deck	25636 Lake Road	6/8/2018	2018-00047	\$ 6,000.00	\$ 44.50	\$ 28.93	\$ 3.00	\$ 76.43
76.41602.0050	Plumbing	25878 Lake Road	6/11/2018	2018-00048		\$ 75.00		\$ 1.00	\$ 76.00
76.41952.0009	Deck/Porch	25646 Lake Road	6/26/2018	2018-00051	\$ 4,500.00	\$ 41.50	\$ 26.98	\$ 2.25	\$ 70.73
76.42241.0201	Addition/Commercial	24010 Firehall Ln	6/21/2018	2018-00052	\$ 150,000.00	\$ 825.00	\$ 536.25	\$ 75.00	\$ 1,436.25
76.41613.0400	Commercial Reroofing & Residing	24562 Co Rd 138	6/15/2018	2018-00053	\$ 32,000.00	\$ 176.00	\$ 114.40	\$ 16.00	\$ 306.40
76.41602.0050	Mechanical	25878 Lake Road	6/25/2018	2018-00054		\$ 75.00		\$ 1.00	\$ 76.00
76.42189.0040	Retaining Wall/New Construction	11167 Hubert Ln	6/22/2018	2018-00055	\$ 25,000.00	\$ 101.50	\$ 65.97	\$ 12.50	\$ 179.97
76.42146.0800	Addition/Chiller	1340 Prairie Dr	6/22/2018	2018-00056	\$ 90,000.00	\$ 900.00	\$ 585.00	\$ 45.00	\$ 1,530.00