

CITY OF ROCKVILLE

P.O. BOX 93

ROCKVILLE, MN 56369

Planning/Zoning Commission Meeting Tuesday, October 6, 2020 - 6:00 p.m. City Hall - 229 Broadway Street East

AGENDA

- 1. Roll Call**
- 2. Additions/Approval of Agenda**
- 3. Approval of September 1, 2020 Planning Commission Minutes**
- 4. Public Hearing – Side Yard Variance, 25788 Lake Road**
- 5. Building Permits – September 2020**
- 6. Other Business**
 - a) Next Planning Commission Meeting Monday, November 2, 2020
- 7. Adjourn**

* 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 THE CITY OF ROCKVILLE PLANNING AND ZONING COMMISSION
Tuesday, September 1, 2020, 6:00 p.m. – Rockville City Hall

Item 1) Roll Call

The meeting was called to order by Chair Bill Becker at 6:03 p.m. Roll call was taken and the following members were present: Bill Becker, Brian Herberg, Luke Greiner, and Chad Schmitt. Absent: Cory Schreifels. Staff present: City Administrator, Martin Bode. Others present: none.

Item 2) Approval of Agenda

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

Item 3) Approval of July 7, 2020 Meeting Minutes

Motion by Herberg, second by Schmitt, to approve the July 7, 2020 meeting minutes as presented. Motion carried unanimously.

Item 4) Qualified Minor Subdivision – Jesse Johnson

Chairman Becker introduced and reviewed the following Qualified Minor Subdivision application for Jesse Johnson with Planning Commission.

Staff Report

Re: Qualified Minor Subdivision

Parcel I.D. No. 76.41650.0100 - Section 29, Township 123, Range 029

Owner: Jesse L. Johnson

Property Address: 21956 123rd Avenue

Request: Qualified Minor Subdivision to subdivide 2.00 +/- acre from 103.39-acre parcel.

Relevant Information:

1. This property is located in an A-40 zoning district.
2. Total acreage is 103.39 +/- acres.
3. Purpose of the application is to subdivide and then sell 2.00 +/- acres for building purposes.
4. A Declaration of Restriction is required to restrict a minimum of 38 acres as non-buildable to maintain an A-40 zoning district.
5. QMS does not require a public hearing but does require Planning Commission and Council approval.

Recommendation:

Consider approval with Declaration of Restriction.

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Planning Commission held a brief discussion.

Motion by Herberg, second by Greiner, to approve the Qualified Minor Subdivision application for Jesse L. Johnson with a Declaration of Restriction as presented. Motion passed unanimously.

Item 5) Building Permits – July and August 2020

The July and August 2020 building permit reports were reviewed by the Planning Commission members.

Item 6) Other Business

- a. Next meeting scheduled for Tuesday, October 6, 2020 at 6:00 p.m.
It was noted that November's meeting will be held on Monday, November 2, 2020 at 6:00 p.m.

Item 9) Adjournment

Motion by Herberg, second by Schmitt, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:11 p.m.

Respectfully submitted,

Martin M. Bode
Zoning Administrator

STAFF REPORT

October 6 and October 14, 2020

Rockville Planning Commission; City Council

Re: Variance Request by

Applicant: Jeremy Legatt – Infinity Homes Inc
Owner: Scott M. and Katie L. Kissner
Property Address: 25788 Lake Road, Rockville MN
PIN: 76.41603.0700

Variance Requested:

1. Construct and attach a garage addition to house and continue to stay 9 feet from side-yard property line.

Section 17 – Single Family Residential District; Subd. 6.5.

B. Side Yard Setback. The side yard setback must be at least ten (10) feet....

Relevant Information:

1. Property is zoned R-1,
2. Shoreland Overlay District
3. Recreational Development Lake-Pleasant Lake
4. 12 Public Hearing notices were mailed out.
5. Current principal structure with attached garage is legal non-conforming

Action:

1. Findings of Fact

(No variance in the provisions or requirements of this Ordinance shall be authorized by the City Council unless it finds evidence that all five (5) Finds of Fact conditions exist)

Recommendation:

1. Deny per Section 30 Variances; Subd. 2;

1: Unique Circumstances. Zoning Administrator does not find that there are exceptional or extraordinary circumstances or conditions that apply to this property as to the intended use of the property that do not apply generally to other properties in the same zoning district.

2. Necessary to Preserve reasonable use of the property. Zoning Administrator does not agree that the property cannot be put to a reasonable use without the variance. And that such variance is not 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.

Submitted by:
Martin M. Bode
Zoning Administrator

**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: 25788 Lake Road Saint Cloud MN 56301

LEGAL DESCRIPTION: _____ PARCEL#: 76.41603.07000 ZONING: Residential

EXPLANATION OF REQUEST: To continue the house offset from property line with an addition of the garage.

If replacing an existing structure, what will be done with the old structure? Not replacing but adding on

Has a variance request been made previously on this property? Unaware If yes, when? Unaware

PROPERTY OWNER:

Name (Print): Scott M & Katie Kissner Phone: 320-492-0497
First Name Middle Initial Last Name
 Address: 25788 Lake Road Saint Cloud Mn 56301
 Signature (required): *[Handwritten Signature]* Date: 7/29/2020
 *Signature of property owner shall serve as acknowledgement and authorization of this request.

APPLICANT:

Name (Print): Jeremy Legatt - Infinity Homes Inc Phone: 320-333-3460
 Address: Po Box 262 Sartell MN 56377
 Signature (required): *[Handwritten Signature]* Date: 7-29-2020
 I hereby certify that I have read the above information and I agree with the terms.

STAFF USE ONLY:

AUG 10 2020

Permit# 20-03V
 R# _____ Variance Application Fee Check # 11208 Date 8-10-20 101.41000.34103 \$200.00
 R# _____ Reimb. for Invoice Check# 11209 Date 8-10-20 101.41000-34102 \$46.00

Sec 17; 6.5.B

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 1st 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.



Applicant Signature

7-29-2020

Date

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

VARIANCE JUSTIFICATION FORM

Please use this form to explain how your variance request meets the three requirements for a variance.

- Practical difficulties:

Current home is built with in the 10' setback by about one foot toward the property line. If we need to shift garage toward the center of the narrow lot it takes up more usable yard space and adds to a wider wasteful mowing strip toward neighboring property. It will also shift things toward the sewer discharge lift station.

- Unique circumstances:

The built in 1956 Home looks to have been center between the neighboring homes which creates an setback from the property line slightly favorable too tight to the West property line. If the home was place more to the East it would be close to the adjacent property's front door. The setbacks may have been different or not required back then as the 1942 built home to the East is minimally 15'-20' off the high water of Pleasant Lake.

- Applies to the individual property:

Offsetting the garage to the home maintain 10' property line setback when the home is currently around 9' or just under would take away for the appearance of the home and the potential for a more esthetically pleasing front yard. Keeping the garage in line with the home will keep more of a common build structure on the property and the driveway align. This common build structure will also follow suit with other builds on Lake Drive and surrounding.

A variance cannot be granted unless evidence is presented that satisfies, at a minimum, the three conditions above. Failure to adequately provide such information may result in a denial or your request for a variance (attach additional sheets if necessary).

USE THE BACK OF THIS FORM TO LIST ALL ADJOINING PROPERTY OWNERS WITHIN 350 FEET OR NEAREST 10 PROPERTY OWNERS, WHICHEVER IS GREATEST.

CITY OF ROCKVILLE
VARIANCE APPLICATION AND THE PROCESS

AUG 10 2020

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 if 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.

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).

Staff Use only:

Zoning Administrator reviewed Variance Application.

1. Referred to City Attorney and/or City Engineer: Date No
Why: _____

2. Determination made and why: _____

Complete Application

Incomplete Application Why: _____

 J/M Applicant was notified for additional information: Date _____ in which the
information needs to be turned in by: ___ in person ___ by phone ___ email

Staff Math M. Bode Date 9-18-20

(Top 3 inches reserved for recording data)

WARRANTY DEED
Individual(s) to Individual(s)

Minnesota Uniform Conveyancing Blanks
Form 10.1.1 (2018)

e-CRV No.: _____

DEED TAX DUE: \$1,371.15

DATE: April 24, 2020

FOR VALUABLE CONSIDERATION, Tina C Lahr, a single person ("Grantor"), hereby conveys and warrants to Scott Manuel Kissner and Katie Lee Kissner ("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 are checked, this conveyance is made to the named Grantees as tenants in common.)

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

Legal description attached hereto and made a part hereof marked Exhibit "A"

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:

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



Tina C Lahr

State of Minnesota
County of Stearns

This instrument was acknowledged before me on 4/21/2020, by Tina C Lahr, a single person.

(Seal, if any)


(signature of notarial officer)

Title (and Rank): _____

My commission expires: 1/31/2025
(month/day/year)



THIS INSTRUMENT WAS DRAFTED BY:
Edina Realty Title, Inc.
6800 France Ave S, Suite 200
Edina, MN 55435

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED
IN THIS INSTRUMENT SHOULD BE SENT TO:
Scott Manuel Kissner and Katie Lee Kissner
25788 Lake Road
Saint Cloud, MN 56301

Property Owners In order from closets to furthest

From home to the WEST

Angeline M lahr Angeline Conzfeld
~~Steven Meyer~~
Chester R Lahr [Signature]
Steven Meyer Steve Meyer Lisa Meyer
Anderson Family Louise Anderson
Diana M Leyk Diana Leyk

From home to the EAST

Diana M Leyk Diana M Leyk
Scott and Marlene Ergen Scott & Marlene Ergen
Robert J and Diane D Elke Robert D Elke
Gary and Lori Anderson [Signature]
David and Charlotte Volkmuth David + Charlotte Volkmuth

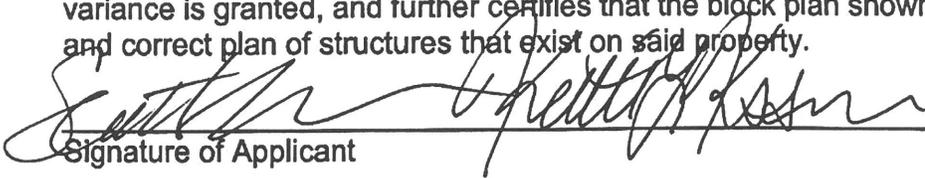
By Signing above I verify I have reviewed and I agree to the variance request that is purposed before me brought to me by Scott and Katie Kissner.

See attach COS

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

25708 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.

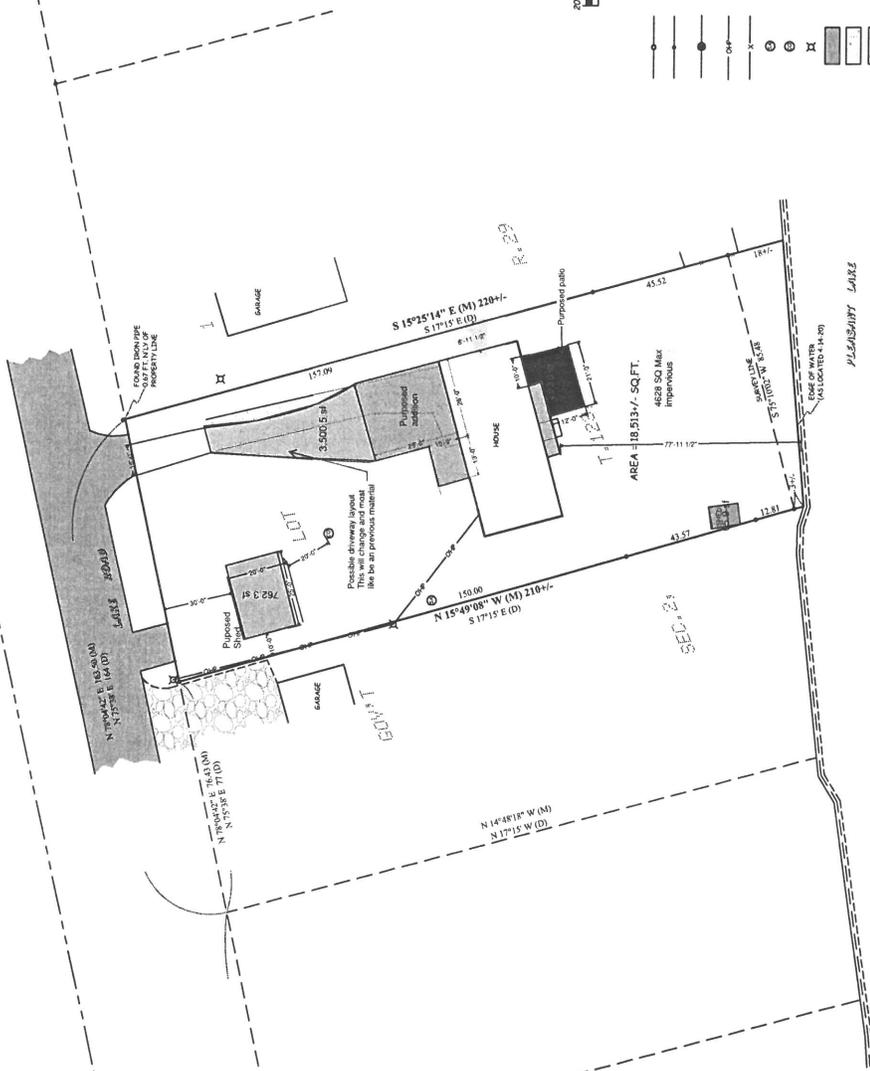

Signature of Applicant

7/29/2020
Date

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

FLEASANT LAKE HIGHLANDS

0/11.07' R



LEGAL DESCRIPTION

PER TITLE COMMITMENT NO. 1339940:
 All that part of Government Lot 1, Section 2, Township 123, Range 29, according to the U.S. Government Survey thereof, Stearns County, Minnesota, described as follows, to wit: From a point 114.75 feet East and 5.86 feet South of the Northeast corner of the Township of Lakeside Park, then North 58 degrees 02 minutes East 97.30 feet, then North 75 degrees 38 minutes East 406.9 feet to the point of beginning of the tract to be described, thence South 17 degrees 15 minutes East 107.7 feet, then South 17 degrees 15 minutes East to the intersection with the shoreline of Pleasant Lake, thence westerly along said shoreline to a point South 17 degrees 15 minutes East of the place of beginning, thence North 17 degrees 15 minutes West to the place of beginning, and thence terminating.

THIS PLAT IS INTENDED ONLY FOR THE PURPOSE OF THE ANY OTHER SURVEY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR OR THE FIRM OF WHICH HE OR SHE IS A MEMBER. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

340 CHAPEL HILL RD.
 COLLETON, MN 56320
 PH 320-685-5000
 PH 320-685-5000
 FAX 320-685-3006

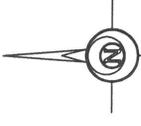
CERTIFICATE OF SURVEY PREPARED BY:
O'WALLEY & KRON
 LAND SURVEYORS, INC.

1001 2ND ST. SE
 COLLETON, MN 56320
 PH 320-235-4002
 PH 320-235-4002
 FAX 320-685-3006

LIBRARY CERTIFICATE OF SURVEY. THIS SURVEY, THE INSTRUMENTS, AND THE SURVEYOR UNDER ANY DIRECT SUPERVISION AND CONTROL OF A DAILY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DANIEL M. ELLSON
 MINNESOTA REGISTRATION NO. 42821
 DATE: 04-15-20

SHEET 1 OF 1

TINA LAHR
 CERTIFICATE OF SURVEY PREPARED FOR:
 JOB NO: 2020-140
 FILE NAME: 2020-140.DWG
 LOCATION: 2-123-29



- Legend
- INDICATES IRON MONUMENT PLACED
 - INDICATES IRON MONUMENT FOUND
 - INDICATES STEARNS COUNTY CAST IRON MONUMENT
 - INDICATES OVER-HEAD POWER LINE
 - INDICATES FENCE LINE
 - ⊙ INDICATES SEPTIC LIFT STATION
 - ⊙ INDICATES SEPTIC CLEANOUT
 - ⊙ INDICATES POWER POLE
 - ▭ INDICATES BITUMINOUS SURFACE
 - ▭ INDICATES CONCRETE SURFACE
 - ▭ INDICATES GRAVEL SURFACE



CITY OF ROCKVILLE

229 Broadway Street East

P.O. Box 93

Rockville MN 56369

Phone 320-251-5836

Fax 320-240-9620

NOTICE OF PUBLIC HEARING CITY OF ROCKVILLE

Notice is hereby given that the Rockville Planning Commission will hold a public hearing on **Tuesday, October 6, 2020 at approximately 6:00 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Scott and Katie Kissner for a variance from the side yard setback requirement. The address of the property is: 25788 Lake Road with a legal description of Parcel No. 76.41603.0700, Section 2, Township 123, Range 029, Stearns County, Rockville, MN.

The request is to add on an addition to the existing legal non-conforming principle structure that is setback nine feet from the side yard property line, thereby requesting the addition be allowed to continue to run parallel to the property line at the same nine-foot setback.

All persons attending the hearing and wishing to address the Planning Commission or City Council 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
Administrator/Clerk

Publish 9/22/2020
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.

Rockville City is an equal opportunity provider and employer

Legend

-  City Limits
-  Parcels - 1/7/2020
-  PWI Watercourse
-  PWI Basin



**25788 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.

0 132 Feet

© Bolton & Menk, Inc - Web GIS 9/3/2020 3:44 PM

STATE OF MINNESOTA)
)ss.
COUNTY OF STEARNS)

AFFIDAVIT OF SERVICE

Debbie R. VanHeel, being duly sworn, on oath says that at the City of Rockville in said County and State, on the **11th** day of **September, 2020**, 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.

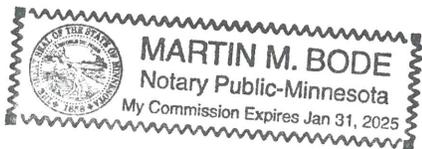


Signature

Subscribed and sworn to before me this 11 day of September, 2020.



Notary Public Signature



Notary Public Stamp

Name	Address	City
ANDERSON FAMILY REV TRUST	25808 LAKE RD	ST CLOUD MN 56301
ANGELINE M LAHR	25792 LAKE RD	SAINT CLOUD MN 56301
CHARLES P MINSER REV TRUST	8417 WHITE OAK RD	SAINT CLOUD MN 56301
CITY OF ROCKVILLE	PO BOX 93	ROCKVILLE MN 56369-0093
DIANA M LEYK	25782 LAKE RD	ST CLOUD MN 56301-9769
GARY & LORI ANDERSON TRUST	25766 LAKE RD	SAINT CLOUD MN 56301
JEREMY LEGATT INFINITY HOMES	PO BOX 262	SARTELL MN 56377
RICHARD W & LORI L NILSON	8501 WHITE OAK RD	ST CLOUD MN 56301-9477
ROBERT J & DIANE D ELKE	25772 LK RD	ST CLOUD MN 56301-9769
SCOTT & KATIE KISSNER	25788 LAKE RD	ST CLOUD MN 56301
SCOTT & MARLENE ERGEN	25776 LAKE RD	ST CLOUD MN 56301
STEVEN MEYER	1920 S 1ST ST #704	MINNEAPOLIS MN 55425

12 Notices

**FINDING OF FACT
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:

Kissner – 25788 Lake Road

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. Why or Why not?

Becker _____ Herberg _____ Schreifels _____ Schmitt _____ Greiner _____

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. Why or Why not?

Becker _____ Herberg _____ Schreifels _____ Schmitt _____ Greiner _____

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. Why or Why not?

Becker _____ Herberg _____ Schreifels _____ Schmitt _____ Greiner _____

4. **Maintains the Character of the Neighborhood.** The variance will not alter the area’s essential character of the neighborhood. Why or Why not?

Becker _____ Herberg _____ Schreifels _____ Schmitt _____ Greiner _____

5. **Meets the Spirit of this Ordinance and Comprehensive Plan.** The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan. Will the variance, if granted, maintain the *essential character* of the locality? Why or Why not?

Becker _____ Herberg _____ Schreifels _____ Schmitt _____ Greiner _____

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

Building Permits: September 2020

Parcel #	REASON	ADDRESS	DATE	PERMIT #	Valuation	Permit \$	Review	SSC	Fees
76.41741.0027	Roofing	509 Aspen Ct W	9/17/2020	2020-00092	\$ 17,080.88	\$ 35.00	\$ -	\$ 1.00	\$ 36.00
76.41647.0700	Roofing	21108 Fowler Rd	9/22/2020	2020-00093	\$ 50,508.00	\$ 35.00	\$ -	\$ 1.00	\$ 36.00