

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
FEBRUARY 6, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, February 6, 2018 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Rick Galewski, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Dan Engebretson.

The meeting was opened. On motion by Stoen, seconded by Galewski, to nominate Shawn Anderson for Chairperson. All voting in favor, motion declared carried.

On motion by Buchschacher, seconded by Stoen, to nominate Rick Galewski for Vice Chairperson. All voting in favor, motion declared carried.

On motion by Anderson, seconded by Galewski, all voting in favor, to approve the agenda as presented.

On motion by Buchschacher, seconded by Stoen, all voting in favor, to approve the minutes of the December 5, 2017 Regular Meeting as presented.

The Elysian City Council has authorized the process of codification of the City Ordinances beginning this year. It was noted that the Department of Natural Resources has updated their model shoreland ordinance and is recommending that local governing authorities adopt and implement the new model ordinance. There was Planning and Zoning Commission consensus that it would be appropriate to consider the update at this time. Commissioners will study the model ordinance and will discuss it at the March 6, 2018 meeting. The DNR Area Hydrologist will be asked to attend the March meeting to explain any pertinent updates.

Kopischke provided an update on the Highway 60 2020 Project, and, the properties at 118 Main Street and 301 Sixth Street NW.

On motion by Stoen, seconded by Galewski, all voting in favor, meeting adjourned at 6:30 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MARCH 6, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, March 6, 2018 at City Hall at 6:00 pm.

Present were: Vice Chairperson Rick Galewski; Commissioners Gary Buchschacher, Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Chairperson Shawn Anderson.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:00 pm.

The purpose of the Public Hearing is to consider the request of Charles and Leah Budde, the property owners of a property located at 115 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance request to construct a shed and porch addition that will increase the impervious surface on the lot from 8,814 square feet to 9,330 square feet resulting in an increase in lot coverage from 34.2% to 36.2%.

This property includes a parcel next to the lake and a parcel on the other side of the road (Willow Point Drive). This is one lot (one parcel). The total lot area is 25,806 square feet. The total existing impervious surface is 8,814 square feet resulting in a lot coverage of 34.2%.

The proposed shed and porch addition is 816 square feet. However, a portion of the addition will be located where there currently is concrete. This will result in 300 square feet of concrete being removed so the net increase of the lot coverage is 516 square feet or 2.0%, resulting in a total lot coverage of 9,330 square feet.

The Buddes are moving to the home full-time and would like more storage area. A basement is not possible on either the house or the shed. An addition of another floor on either building would be a violation of the zoning ordinance. The shed would be re-shingled and re-sided with some added enhancements to improve the aesthetics. The water runs away from the road in this area and this addition would not affect the drainage toward the lake.

There was no public comment.

Written comment:

Leo Brown, 117 Willow Point Drive, Elysian, MN 56028:

“Elysian City Zoning Board & Lori

Received the letter and explanation of the permit request. Plus, Chuck stopped by and visited with me about his request. It's my belief that the addition will be very useful to them and help them enjoy their property even more. And maybe more importantly to every else, that it adds value to the area without negatively impacting anyone. And so I fully support it.

Although I will make one suggestion: I'd suggest that they extend it across the entire back of the existing garage/storage unit. I realize that means that this would then increase slightly the amount of ground covered. However, I believe it will be easier and more effective to landscape the surface/rain water runoff from the hillside behind. Plus eliminate a “dead spot corner” that many collect more debris or snow each the winds blow.

I don't claim to be a building expert and regardless Budde's should do whatever they feel is best for them to use and enjoy the additional space. Either way, as I said above, I have no objections and fully support Budde's proposed variance."

No further written comments were received.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:16 pm.

On motion by Engebretson, seconded by Buchschacher, all voting in favor, to recommend City Council approval of a variance of an increase from 34.2% lot coverage to 36.2% lot coverage to the property at 115 Willow Point Drive PID# R16.415.0130, to allow Charles and Leah Budde to construct an 816 square foot shed / porch addition as presented, based on the following findings of fact:

1. Reasonableness: This is a minimal request for an increase in lot coverage (2%). The current run-off flows to the back of the property and not to the lake and this additional lot coverage will not change that or increase the drainage toward the lake.
2. Uniqueness: Due to the nature of this property there is not an opportunity to have a basement. Therefore, additional storage space needs to be above ground. Adding another level to the shed is not an option as that would be a zoning ordinance height violation.
3. Essential character: This will not change the character of the neighborhood and will enhance the neighborhood as it is an improvement to the shed.

This recommendation will be considered by the Elysian City Council at their March 12, 2018 meeting.

On motion by Engebretson, seconded by Stoen, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the minutes of the February 6, 2018 Regular Meeting as presented.

The Commissioners discussed the updated DNR Shoreland model ordinance and there was consensus to allow one more month to study the draft. It will be discussed at the April 3, 2018 meeting.

Kopischke provided an update on the Highway 60 2020 Project and the clean-up of the 301 Sixth Street NW property.

On motion by Stoen, seconded by Buchschacher, all voting in favor, meeting adjourned at 6:50 pm.

Attest:

Rick Galewski, Vice Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 3, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, April 3, 2018 at City Hall at 6:00 pm.

Present were: Vice Chairperson Rick Galewski; Commissioners Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Chairperson Shawn Anderson and Commissioner Gary Buchschacher.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented with the following deletion:

7. Further Discussion of Adopting the current DNR Shoreland Ordinance

On motion by Engebretson, seconded by Stoen, all voting in favor, to approve the minutes of the March 6, 2018 Regular Meeting as presented.

The Commissioners discussed an inquiry received from a resident regarding the application or process to follow that would allow them to rent out a few slips on the dock they are putting in this summer. It was noted that the zoning ordinance did not address this issue. Commissioners directed staff to contact the DNR regarding the rules and regulations for docks.

The Commissioners discussed the current MnDOT proposal for the Highway 60 2020 Project. The Commissioners were in favor of the current proposal and felt it would reduce speed, improve safety and beautify the community. There was concern that the community was not aware of the discussion on the proposal. There was consensus to develop a one-page flyer to be sent out to all property owners in the City of Elysian explaining the process that had led to the current proposal and with an illustration showing the medians with pedestrians in the "safe zone". The flyer will be distributed prior to the final MnDOT open house so more people are aware and can attend the meeting to obtain more information.

On motion by Stoen, seconded by Engebretson, all voting in favor, meeting adjourned at 6:58 pm.

Attest:

Rick Galewski, Vice Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 1, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, May 1, 2018 at City Hall at 6:00 pm.

Present were: Vice Chairperson Rick Galewski; Commissioners Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Chairperson Shawn Anderson and Commissioner Gary Buchschacher.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the April 3, 2018 Regular Meeting as presented.

Kopischke provided a follow up to the inquiry discussed at the April meeting regarding rental of dock slips within the City on Lake Francis. Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources, had provided a handout via email that addresses Docks and Accesses in Public Waters. Piepho explained in his email that a dock is allowed to extend to a navigable depth of 4' and be no wider than 8' at any given point. For residential parcels (1) one dock is allowed without a permit given it meets size requirements. Dock permits for a larger size are rarely approved for a private residence.

The Commissioners discussed the adoption of the current DNR Shoreland Ordinance. On motion by Galewski, seconded by Engebretson, all voting in favor, to allow more time for review and also wait until more members were in attendance and consider the Ordinance at the May 1, 2018 meeting.

The flyer explaining the MnDOT State Highway 60 project that had been discussed at the April meeting had been developed and sent to those having a utility billing account in the City. Commissioner Galewski provided a 3D rendering that he had drafted that shows how State Highway 60 will look with the medians, signs and lighting. City of Elysian Councilmembers will be contacted to view the rendering and Galewski will have the model at the MnDOT Open House on Monday, May 7 for the public to see.

On motion by Engebretson, seconded by Stoen, all voting in favor, meeting adjourned at 6:56 pm.

Attest:

Rick Galewski, Vice Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JUNE 5, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, June 5, 2018 at City Hall at 6:00 pm.

Present were: Vice Chairperson Rick Galewski; Commissioners Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Chairperson Shawn Anderson and Commissioner Gary Buchschacher.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the May 1, 2018 Regular Meeting as presented.

The Commissioners discussed the adoption of the current DNR Shoreland Ordinance. Kopischke reported she had discussed this process with the City Attorney and he has recommended that he be involved in this process. The Commissioners suggested contacting Minnesota Valley Council of Governments to ask for their assistance. One item the Commission would like to see addressed is the ability to assess penalties for variance violations especially "after the fact" variances.

On motion by Engebretson, seconded by Galewski, all voting in favor, to cancel the July 3, 2018 meeting and hold the next regular meeting on Tuesday, August 7, 2018 at 7:00 pm.

On motion by Engebretson, seconded by Stoen, all voting in favor, meeting adjourned at 6:49 pm.

Attest:

Rick Galewski, Vice Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 2, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, October 2, 2018 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Dan Engebretson and Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Commissioners Gary Buchschacher and Rick Galewski.

On motion by Engebretson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:00 pm.

The purpose of the Public Hearing is to consider the request of Bill and Sally Davis, the owners of a property located at 130 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance to remove their current structure and build a new home within the required 75-foot setback from the Ordinary High Watermark (OHW). The original request was to place the house 34 feet from the OHW. The request has been modified to place the house 37.5 feet from the OHW in response to the recommendations of the MN Department of Natural Resources.

All other setback requirements are met. The lot coverage as shown is 16%. There will most likely be a sidewalk added and there is a shed showing on the survey with no dimensions listed. But even with those additions, the lot coverage would be below the 25% maximum allowed.

The surrounding home setbacks from the OHW mark are: 132 Willow Point Drive – 37 feet, 128 Willow Point Drive – 39 feet, and 127 Willow Point Drive – 33 feet.

The applicant has stated the following in regard to the practical difficulty requirement of the variance:

1. Reasonableness: Proposed cabin will be back from the lake 12 feet (15 feet with the new placement) further than the existing cabin, thus improving the lakeshore.
2. Uniqueness: This piece of property has a steep bank to the lake. The proposed new cabin with a walkout basement would make the lake more accessible and moving the cabin back would help with the bank retention.
3. Essential character: The variance would allow the new cabin to conform with the neighborhood cabins.

Bill Davis, owner of the property, stated they have owned the property since 1975 and that the cabin was originally built in 1965. His four children are interested in maintaining the property and he would like to make it into a year-round home. He believes it is far enough from the lakeshore that it will not disturb the other homes/cabins.

Public Comment:

Elde Kretlow, 128 Willow Point Drive, stated he owns the property next door to Bill and Sally Davis and he has no problem with the house they are building.

Written comment:

Todd Piepho, Area Hydrologist, MN Department of Natural Resource, "In this case they are proposing to build within the shore impact zone (For Francis it would be 37.5', half the structure setback of 75'). The Department always tries to minimize encroachment on the lake within this area. Can the home be setback to meet the 37.5' requirement? Regardless, I would recommend they be required to plant a row of trees to screen the home from view when on the lake. With the new building, will the lot meet the 25% maximum impervious area?"

Dave and Lynn Boeck, 123 Willow Point Drive, "We have no issues with the Davis' building a new home on Willow Pt. Drive."

No further written comments were received.

Jason Glende, contractor for the project, confirmed there will be landscaping on the lakeshore.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:10 pm.

Stoen stated he was happy to see what Davis was doing with the lakeshore and the property he owns. He did not see any difficulty with recommending approval of the variance request.

Engebretson stated he concurred with Stoen.

Anderson stated he agreed. The request meets the criteria and the owner has responded to the DNR request. He sees no reason to object to the request.

On motion by Engebretson, seconded by Anderson, all voting in favor, to recommend City Council approval of a variance request from Bill and Sally Davis, 130 Willow Point Drive, to allow them to remove their current structure and build a new home within the required 75-foot setback from the Ordinary High Watermark (OHW) located 37.5' from the OHW, based on the following findings of fact:

1. Reasonableness: The proposed position of the new home improves the setback from the OHW compared to the current cabin.
2. Uniqueness: The steep bank to the lake. The walkout basement makes sense and to move the cabin back to help with the bank retention.
3. Essential character: The new home will conform with the shoreline and the existing cabins around it. The homeowner will do landscaping and some type of screening from the lake.

And with the following condition:

1. That landscaping be provided to screen the home from view when on the lake.

This recommendation will be considered by the Elysian City Council at their October 8, 2018 meeting.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the June 5, 2018 Regular Meeting as presented.

It was reported that Commissioner Gary Buchschacher has resigned from the Planning and Zoning Commission. The Council has accepted the resignation and approved the advertising for a new member to be appointed by the new Council in 2019.

Commissioners discussed the County progress toward regulations of VRBOs. The thought was to have similar regulations in the City as in Le Sueur County. It was discussed that this might be best regulated as a "short term rental" as a conditional use permit. This will be discussed in further detail at the November 2018 meeting.

On motion by Engebretson, seconded by Stoen, all voting in favor, meeting adjourned at 6:32 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
NOVEMBER 5, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, November 5, 2018 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Dan Engebretson, Rick Galewski, and Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:00 pm.

The purpose of the Public Hearing is to consider the request of Elliott and Mary Eisman, the property owners of 132 Willow Point Dr, Elysian, Le Sueur County, Minnesota, for a conditional use permit request to build a guest house in the shoreland overlay zone within the required 75-foot setback from the OHW and which exceeds the 25% maximum lot coverage.

The City Attorney has recommended this be handled as a conditional use permit rather than a variance request due to the three items involved:

- a. A guest house. The zoning code is a bit contradictory because a guest house is allowed as a “conditional use” in the residential zoning. But under the shoreland portion of the zoning code one guest cottage is allowed per lot in the shoreland overlay zone, under the following circumstances:

- i. Lots must meet or exceed the following standards:

For Recreational Lakes

	Water frontage lots	Other lots
Lot Area.	35,000 sq. ft.	26,000 sq. ft.
Lot Width	At O-H-W 135 feet	135 feet

(The Eisman lot is 35,000 square feet and the lot width is 155 feet.)

- ii. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - iii. A guest cottage must be located or designed to reduce its visibility and viewed from public waters and adjacent shorelands by vegetation, topography, setbacks or color, assuming summer leaf-on conditions.
- b. The current home is located within the required 75-foot setback from the OHW. The proposed guest house would be lined up with the current home, so it would also be located in the 75-foot setback. Specifically, it would be 35 feet back from the OHW.
- c. The lot coverage. The current lot coverage is 32%. The proposed guest house can be no larger than 700 square feet. With that added coverage, the lot coverage will be 34%. The Eismans are not planning to increase the driveway or add a sidewalk to the guest

house. They have stated that the only additional impervious surface will be the quest house itself.

As this is being handled under the conditional use permit process, the Planning and Zoning Commission can impose conditions on the permit. Conditions recommended must be in addition to standards already set forth in the Zoning Ordinance. Conditions must also be reasonable and practical. The conditional use permit will run with the land and is not granted to specific land owners.

Types of Conditions – Include but are not limited to the following;

- a. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required with particular attention to economic, noise, glare, or other effects of the conditional use on adjoining properties and properties generally in the area.
- c. Refuse and service areas
- d. Utilities, with reference to locations, availability and compatibility.
- e. Screening and buffering with reference to type, dimensions, and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effort, and compatibility and harmony with properties in the district.
- g. Required yards and other open spaces.
- h. General compatibility with adjacent properties and other property in the area.
- i. Increased setbacks from the ordinary high water level.
- j. Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted.
- k. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- l. Protection of steep slopes with conditions to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Elliott Eisman, owner of the property, stated the current structure was subject to a fire and rebuilt in its current location in 2010. Eisman has retired and has their permanent home in Owatonna for sale and plans to make the home at 132 Willow Point Drive their permanent residence. With six children and six grandchildren, they are in need of more space than the current structure provides. They would like to add a 700 square foot guest house on the property and place it on the lot in line with the current house. He would be open to placing it closer to Willow Point Drive if needed.

Stoen asked if there was any intent to rent this guest house or use it as a VRBO? Eisman stated the guest house would not be rented.

Stoen asked if a sidewalk would be installed or if the driveway would be enlarged for additional parking. Eisman stated there is currently a two-car garage and a large driveway that could accommodate eight (8) cars. He would not be enlarging the driveway and would not add a sidewalk. There is a nice yard that can be walked through. There is a deck that is the length of the house and there is no need for additional patios. There is plenty of space to use outside the house.

Engebretson asked if Eisman would be altering the shoreline. Eisman stated the addition of the guest house would not require any alteration of the shoreline. They have lived there for eight (8) years and have not altered the shoreline.

The Commission discussed the MN Department of Natural Resources recommendation for the addition of a rain garden. Eisman stated he was not familiar with rain gardens. The Commissioners encouraged Eisman to visit with his neighbor who is currently installing a rain garden and to look at the handout provided by the DNR. A rain garden would help to offset the runoff from the additional impervious surface.

Public Comment: None.

Written comment:

Todd Piepho, Area Hydrologist, MN Department of Natural Resources has commented as follows:

“If the board considers the CUP, the Department would recommend a couple conditions be placed on the permit:

1. A screening condition be placed on the permit. Trees screening the structure from view while on the lake is easily accomplished and benefits both the public and homeowners.
2. Considering the lots impervious area exceeds the 25% max currently, without the additions, a condition including a rain garden, or some sort of water storage onsite should be added to the permit to offset the impervious area. There are several raingarden size calculators available online to determine a size for the raingarden, the link below is just one example. <http://raingardenalliance.org/right/calculator>. “

Dave and Lynn Boeck, 123 Willow Point Drive, “We have no objections to this.”

No further written comments were received.

On motion by Engebretson, seconded by Galewski, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:30 pm.

On motion by Engebretson, seconded by Stoen, all voting in favor, to recommend City Council approval of a Conditional Use Permit request from Elliott and Mary Eisman, 132 Willow Point Drive, to allow them to build a guest house in the shoreland overlay zone within the required 75-foot setback from the OHW and which exceeds the 25% maximum lot coverage with the following conditions:

1. The square footage of the guest home not exceed 720 square feet. All roof, porch and patio will be included within the allowed 720 square feet.
2. That there be no additional sidewalk installed nor any other impervious surface added to the lot.
3. The guest house will not be a rental unit or used as a VRBO.

4. That a rain garden be added to offset the impervious surface based on the MN Department of Natural Resources recommendation.
5. And, that no addition screening be required as the existing screening is sufficient and will not be removed or affected with the construction of the guest house.

This recommendation was scheduled to be considered by the Elysian City Council at their November 13, 2018 meeting. Mr. Eisman stated he will not be available for the November meeting and asked that the consideration be postponed until December. Per Eisman's request, this recommendation will be considered at the December 10, 2018 City Council Meeting.

On motion by Anderson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:35 pm.

The purpose of the Public Hearing is to consider the request of Mark and Shelly Hansen, the property owners of 100 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance request to remove the existing structure and build a structure 34.9 feet from the OHW (within the required 75-foot setback from the OHW).

Their current home is located 18 feet from the OHW. The proposed structure would be 34.9 feet from the OHW.

All other setbacks are met. The lot coverage will be 22.8% which is an improvement from the current lot coverage of 24.8%.

As this is a variance request, the following three questions will have to be addressed: 1. Reasonableness; 2. Uniqueness; and, 3. Essential Character.

The applicants have responded to these questions as follows:

1. Reasonableness: Currently our home is 18' from the water. The elevated deck is 5' from the water. We are requesting we put the new structure 34.9' from the Normal High Water Line. This requested location is just under twice as far away from the NHWL as the current structure. If we were to move farther back from we would run into complications with access to our garage and removal of several additional trees. Finally we would be set back further than many of the homes in the neighborhood.
2. Uniqueness: The irregular shape of the lot does not allow us to achieve the 75' setback as we will run into an East variance requirement due to the irregular shape of the lot.
3. Essential character: Our request will not alter the area if granted the variance because it will be similar to the other homes on our street. With the variance this will seek to keep the neighborhood uniform in its appearance.

Stoen asked if the property owners would be installing a patio on the property.

Mark Deichman, President, Deichman Companies, stated a deck or patio is not part of this project. He has been working with the homeowners for quite some time to make this a nice house working within the proximity to the water. They had considered building up within the existing footprint, but the design as presented seemed to be more consistent with the neighboring properties. The home will be slab on grade. The footprint is 1603 square feet with a second-floor of 1600 square feet. It will be within the 30-foot height requirement. All the trees will remain except for two apple trees.

Public Comment: None.

Written comment:

Todd Piepho, Area Hydrologist, MN Department of Natural Resource, commented as follows:

“Like the others where the structure is being set farther away from the lake than the current, if the variance is granted the Department would recommend that a screening condition be added. Trees screening the property from view while on the lake is a benefit for public using the lake and for privacy of the homeowners.”

On motion by Galewski, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:50 pm.

On motion by Galewski, seconded by Engebretson, all voting in favor, to recommend City Council approval of a variance request from Mark and Shelly Hansen, 100 Willow Point Drive, to allow them to remove their existing structure and build a new home 34.9 feet from the Ordinary High Watermark (OHW) (within the required 75-foot setback from the OHW), based on the following findings of fact:

1. Reasonableness: The proposed location of the house will improve the setback to the OHW from the current 18 feet to 34.9 feet. This will also improve the lot coverage from the current 24.8% to a reduced coverage of 22.8%.
2. Uniqueness: There is an odd shape to the lot. There is existing bituminous and a garage on the lot that precludes moving the house back away from the lake.
3. Essential character: The proposed placement of the new home will align with the other homes and cabins in the area.
4. There was no requirement for additional screening as the lot is populated with many trees and the intent of the property owner is to retain all trees except two apple trees.

This recommendation will be considered by the Elysian City Council at their November 13, 2018 meeting.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda with the following addition:

1. Discussion of a use in the Highway Commercial C-2 Zone.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the October 2, 2018 Regular Meeting as presented.

The Commissioners discussed the definition of the conditional use 6. Lumber yards, and warehousing.

An update was provided as to Le Sueur County’s determinations on the VRBOs. The County Commissioners will be holding a public hearing to discuss the proposed Ordinance on November 8, 2018 at 7:30 pm. The County will be addressing this use as “Short-Term Private Lodging Rental” and have twenty (20) conditions. The rentals will be registered rather than licensed and will be a conditional use permit. The conditional use permit will expire if the registration is not renewed every year. Planning and Zoning Commissioners suggested other items be considered for the City ordinance such as unattended pets, fireworks and different quiet hours for weekdays versus weekends. Other sample ordinances will be obtained, and this will be discussed again next month.

On motion by Stoen, seconded by Engebretson, all voting in favor, meeting adjourned at 7:30 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
DECEMBER 4, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, December 4, 2018 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Dan Engebretson, Rick Galewski, and Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:00 pm.

The purpose of the Public Hearing is to consider the request of Jeremy Henninger, the property owner of 182 Ridge Road NE, Elysian, Le Sueur County, Minnesota, for a variance to build a 60 foot by 80 foot outbuilding with a 30 foot by 40 foot entertaining room on the front.

The lot is 9.22 acres. The east side of the lot is located in the shoreland overlay district of Ray's Lake. The applicant is currently building a house on the lot.

The City of Elysian Zoning Ordinance Subd. Q. Accessory Structure Standards states:

4. Dimensional Limits: Attached and detached accessory structures are subject to the dimensional limits established below:

- a. Maximum height: seventeen feet (17') and a maximum side wall height of a detached structure shall not exceed ten feet (10');
- b. Total number of detached accessory buildings per lot: two (2); and
- c. Accessory structure(s) total building area allowed per lot: 1,800 square feet.

7. Building Material Requirements: All accessory structures shall be constructed with a design and exterior material that is generally compatible with the overall character of the principal structure. It is not required that accessory structures be of the same material or same color as the primary structure, however, the material and color of the accessory structure shall be complementary to the primary structure.

Staff did request a landscape plan from the applicant, but it has not been provided. Staff also requested a rendering of the outside of the shed but that has not been provided.

All setbacks for the shed are met. The lot coverage is well below the allowed amount.

The DNR has been notified and has not commented.

As this is a variance request, the following three questions will have to be addressed: 1. Reasonableness; 2. Uniqueness; and, 3. Essential Character.

The applicant has responded to these questions as follows:

- 1. Reasonableness: The size limitation for an outbuilding is reasonable for a "city lot" as stated but this property is NOT a standard city lot. It is nearly a 10 acre field that was previously used for farm land and an outbuilding this size is absolutely reasonable.
- 2. Uniqueness: A 9.22 Agricultural piece of land that happens to fall within the city limits.
- 3. The outbuilding will be attractive and match the home and proportional on the 9.22 acre lot.

Drawings were presented which illustrated the placement of the shed on the property in relation to the position of the home that is currently being constructed. The applicant is requesting to locate the shed on the east side of the lot along Taylor Drive and is 40 feet from the lot line. Drawings were also provided that show the elevations of the shed and the basic layout.

Galewski asked if the drive going to the house would be a private drive. The drive would be a driveway and be maintained by the property owner. If the property would ever sub-divide, the developer would be responsible for developing that driveway into a public street. The address would then change from Ridge Road to identify whatever lots were developed on the property.

Engbretson asked if there would be a drive up to the two overhead doors on the sides of the shed. Henninger explained that the location of the overhead doors has been changed due to the fall of the land. The overhead doors will be located on the front of the shed along with two access doors. The driveway from Ridge Road all the way up to the house and the shed will be asphalt.

Henninger explained that the reason for the large size of the shed is that he needs a place for his fish house, pontoons, jet skis, trailers, etc. He is obsessed with organization and he does not want things to be stored outside. This is his dream home. It is slab on grade. The entertainment addition on the front will be for his pool table, shuffle board, dartboard, etc.

He does not have a formal landscape plan. Jordan Smith Landscaping will be designing the layout of the entire property to include wild grass, wild flowers, trees, bushes, driveway lighting, flag pole, and rose bushes. 12.5 % of the construction budget is for landscaping. The entire property will be beautiful.

The color of the shed will match the house. The shed will be constructed with Midwest Manufacturing Steel and the color scheme is a white building with black trim. The shed will have glass on the front to bring the residential look. And the entertainment addition on the front will also help soften and give more of a residential look. The shed will be 26 feet to the peak.

Henninger stated he had purchased the land four years ago and he did not realize it was in City limits at the time, but he is happy that he will have City water and sewer. He noted there are not any 9.22 acre City lots in Elysian to compare to this.

Public Comment:

Daryl Ring, 1182 Taylor Drive NE, stated that fifteen or eighteen years ago when this property was annexed into the City, the zoning group felt that it should be residential rather than commercial. They felt that the use that best suited the City was residential. To expand a large commercial style building in a residential area of the City goes against what zoning was trying to do with planning itself. This is a 9.22 acre lot. If at some point, Jeremy Henninger no longer maintains the building and the acreage is subdivided, that will not make that building go away. It could end up being an elephant in a small place if the day comes when the property is subdivided. The sidewalls are considerably higher than the current zoning allows. This large shed would look considerably out of place.

Steve Wolf, Lot 5 Taylor Drive NE, thank you for allowing me to speak. I am sure you have the information we sent included in your packet tonight. The comments I make do not reflect my opinion against the applicant. The variance request to build a 4,800 square foot shed is a

sizable increase from the allowed 1,800 square feet. We are concerned with the overall height of the sidewalls and the overall height of the shed. We question the intended use of the property. A further development map of the property shows a lot of division. We were told it was an old map, but it shows a lot of houses there. State the DNR contours. Mine is the property right across the road from the building site and I am ten feet lower grade than the height of where the building starts. Minn. Stat. 462.357 states the reasons for granting a variance. We do not feel that there are circumstances unique to the property that compel it to be built in this exact location. This will definitely alter the character of the locality. If the variance is not granted it will not cause an economic burden to the applicant.

Wolf stated he is opposed to the structure being built in the proposed location no matter what the size of the structure. If it is built there, he asked that there be screening between the building and the private drive to cushion the impact.

John Kiese, 1224 Taylor Drive NE, acknowledged that Henninger was building his dream home and his dream shop but these houses here on Taylor Drive, they are their dream homes. This shed is a commercial building. It is a monster. It is all you will see. They will be in their yard having their dream time and boom there it will be. They will not know if he will be using this for his business, customers all the time and heavy equipment. This is not an out building, this is a commercial building. He is opposed to this shed because these are their dream spots. Put the shed in a different spot away from their spots.

Pat Nusbaum, 104 Park Avenue NE, stated that she does not live on the lake and is all for promoting growth and progress. However, she does have concern with the entertainment room. She is wondering if this will turn into more than just home entertainment if this becomes a commercial development. What if this property were rezoned to C3? What would the entertainment room become then? There is limited room for housing in the community and this property would have been a nice area for a subdivision. She is also concerned with the driveway that is between the two storm sewer ponds. She hopes nothing happens there to break the pipes that connect the two ponds. She is for promotion of new housing, but the shed is too big. If this property does sub-divide, she would not want to buy a lot that looks at the commercial building. Is it not pleasing.

Written comment:

JILL AND STEVE WOLF
827 BERG BLVD SE
STEWARTVILLE, MN 56258
November 28, 2018
City of Elysian
Planning and Zoning Commission
110 Main Street West
P.O. Box 246
Elysian, MN 56028

RE: Jeremy Hettinger, City of Elysian Public Notice – Public Hearing
182 Ridge Road Northeast, Elysian, Minnesota Le Sueur County PID# 16.035.0700
Dear Planning and Zoning Commission Members:

As the owners of the property) 04.520.0050 (Franklin Subdivision Lot 5) located directly across the private road (Taylor Drive NE) from the proposed building site, we are opposed to granting the approval for the variance to build the proposed building as requested by the land owner.

Minn. Stat. § 462.357, subd. 6 provides:

Variations shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variations are consistent with the comprehensive plan.

Variations may be granted when it is established that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties", as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted will not alter the essential character of the locality.

It is our opinion that this building is excessive in size and height and would have a negative impact on our neighborhood and property. The proposed building would not blend in with the essential character of the existing neighborhood and land.

It is also our opinion that this project could be readily achieved in some other way. There are not any unique circumstances to the property not created by the land owner. If the variance is not granted, it would not cause an economic burden for the applicant. It is also unknown how this project would affect the neighborhood's property values.

Upon receiving the notification of the hearing and the plot map, there was a sense of uneasiness that descended upon us. Seeing the current zoning designation of R-2 multifamily residential with the cul-de-sac and lot designations, we feel uneasy about whether there will be intentions to sell and develop in the future.

Planning and Zoning Commission Members

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November 28, 2018

We contacted the city of Elysian Zoning Administrator Lorri Kopischke about the map that was sent to us and she said it was an old map and that we did not have to worry about the concerns of selling off and developing lots. What guarantee do we have that there will be no further development done? That the entertainment room will not be for future townhome residents?

Attached are pictures to show you the roadside view of our property and what impact the 60' X 80' (4800 sq. foot) building would have on us, our view and also that of our neighbors.

We understand if the variance is not granted, the applicant can still build up to an 1800 square foot building in the exact location, however, that is a significant difference in size. We do not want to see trucks and other construction equipment parked all over the yard and do not want the noise pollution or the air pollution that go a long with construction equipment.

Our suggestion is to erect the building in another location on the property, such as the northwest corner of the lot where the applicant would not impact anyone. We wonder if the applicant has plans on doing a survey from the private road to his property as we question the accuracy of current maps. Another suggestion would be to add a "screen" (row of trees) to be put up between the building and the road (Taylor Drive NE) so as to keep it in nature, which is what our neighborhood is about.

It should also be recorded that our opinions in no way reflect our feelings about the applicant, his integrity or the quality of his work. It is about feeling like an invasion or intrusion to our property and serenity of our home away from home and would change the esthetics of the entire residential area.

In conclusion, we hope that a compromise or mutual agreement and understanding can be realized so that all parties are satisfied with the end result.

Thank you for your time and consideration. Please feel free to contact us at 507-259-9460 or at jillakins54@gmail.com.

Sincerely,
Jill and Steve Wolf
Property Owners Jill and Steve Wolf

November 29, 2018

City of Elysian
Planning and Zoning Commission
110 Main Street West
P.O. Box 246
Elysian, MN 56028

RE: Jeremy Hettinger, City of Elysian Public Notice – Public Hearing
182 Ridge Road Northeast, Elysian, Minnesota Le Sueur County PID# 16.035.0700

Dear Planning and Zoning Commission Members:

As the owners of property 04.520.0060 (Franklin Subdivision Lot 6), we are opposed to granting the approval for the variance to build the proposed out building as requested by the land owner.

Herein are our comments and objections relating to this planning application:

1. The possible commercial use of this outbuilding has not been addressed or stated by the landowner
2. If used as a business site, extra commercial traffic will cause noise, pollution and dust at all times of the day.
3. The building will be visually overbearing. It is in excessive size for this part of the city. Such a large building would be totally out of keeping with the neighboring properties, which are mainly smaller cottage style houses and single story bungalows.
4. There are other placement locations for this outbuilding on the landowner's property that would more aesthetically pleasing to surrounding neighbors who value the serenity of our subdivision.

Therefore, we ask that the City of Elysian Planning and Zoning Commission refuse this Variance Application and encourage Mr. Henninger to resubmit a building design that is smaller, less intrusive on neighboring properties, and more sensitive to the character of this subdivision. We also ask that intent to have this outbuilding serve as a place of business be addressed.

Should you require any additional information, clarification of any comments made; do not hesitate to contact us at (507) 259-9672 or (507)313-1756.

Yours Sincerely,

John Kiese
Sandra Otterbein

Lorri,

Per our discussion, here is a letter to document our concerns about the zoning variance request for PID#16.035.0700. We are current owners of adjacent property and within the notification area. While we are generally not opposed to construction of this type, the secondary building size is dramatic. The proposed shop and “entertaining room” is much larger than the associated home and is in close proximity to the private road of the Franklin subdivision. The “entertaining room” and parking area is very large and is perhaps suggestive of a commercial building. Thus, it could have a considerable impact on the aesthetics of the entire area and thus impact on adjacent property values. Given the sheer size, the building height would also have a significant contribution to the impact.

If a variance is granted, we hope that consideration would be made to ensure that significant numbers of vehicles and traffic, heavy equipment, or other equipment and materials associated with commercial endeavors would not be allowed to be stored outside. Again, these would have a greater impact on aesthetics and property values of adjacent properties than would typical residential buildings.

Thank you for your consideration,

Todd and Kristine Kurth
1140 Taylor Drive NE
Elysian, MN 56028
1-804-926-3353
1-952-232-7913

Property variance for construction of storage building/entertainment building/room

Sent from [Mail](#) for Windows 10

Lorri,

Thank You for talking to me yesterday about the property variance request to build a storage building closer to the property line than allowed for this size of structure.

Let me begin by saying the requirement to stay off the property line for construction was established for a reason. I assume the reason being to not crowd the other property owner/owners so that it's use would be restricted. The building would only be 20 feet or less from the private drive for access to the other lots on the north side of Taylor drive. This would seem to be way too close as your zoning requires for set back. Why then would you want to allow such a variance ? What is the reason to put this size of building so close to other property owners ? The residence being constructed further west of this site is an additional 60 feet off the drive. Much better. Taylor drive is currently not the width that it could be and should the owners on this private drive wish to widen the road for easier access would this variance hinder this to happen ? There must be some reason why this structure needs to be constructed this close to the property line. However, by allowing this variance you would be

affecting eight property owners on the north side of Taylor Drive for the benefit of one property owner on the south. Doesn't seem to make much sense.

Our feeling would be against such variance. All this said without even considering the entertaining room, which could also cause problems. The further away this room would be by not allowing the variance would also be a positive from the perspective of the property owners adjacent to this building.

We understand you can't stop progress, but it must be done within the restrictions and requirements that the city of Elysian has established. Therefore, we hope the council will stand by the requirements they have established and deny this variance.

Robert Rotter/David Flicek
1250 Taylor Drive

No further written comments were received.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:41 pm.

Engebretson asked Doug Blom, the owner of Lots 9 and 10 Taylor Drive, if he would object to Henninger moving the shed over to the northwest portion of the property in front of the trees Blom has planted there. Blom stated he had no objection to Henninger building the shed in that location.

Henninger stated he is hearing a lot of "what ifs". Henninger said, "We plan to live here the rest of our lives. Should I be penalized over what could possibly happen in the future? Speculation of subdivision should not control what I can do. I have no intention to subdivide the property. Speculation of the property being used as a business should not control what I do. I have a business in town. I do not need a business out there. I have an office and a shop here in town. This will be our home. It will in no means be commercial, create dust or pollution. It is a storage shed. I understand it is bigger. This property has always been a cornfield and people would rather look at a cornfield. I get that. I will abide by the setbacks. It is just the location and size. I am asking for a bigger size."

Jill Wolf, Lot 5 Taylor Drive, stated that three years ago today they had closed on this property and it was their dream property. She feels that her intelligence is being insulted by the way Henninger is addressing them as home owners and property owners. It's not about a cornfield. I want to look up our drive and see the sunset, not a building, not a pole shed. You will get your dream home but mine is being taken away. Build your 4800 square foot building but don't do it in front of our property. We have a 36 foot camper and we are here six months of the year to enjoy our property. We are happy for you that you have a 9.22 acre property that is zoned R2 and somewhere down the line someone can do whatever they like with that property. She said, "If I can stop a 4800 square foot building that is bigger than any building in the City of Elysian than I'm gonna do it."

Stoen agreed that the shed was big. He stated that he lives in the Roemhildt Subdivision and when he purchased his home in 2003 there were no trees and barely any houses and he could

see the lake. Now, with the growth and development he can no longer see the lake. It is still a nice neighborhood.

Henninger stated he had no intention of hurting anyone who lives on Taylor Drive. He is trying to position everything as it makes sense. He noted the property is zoned R2 and 9 acres. This could be a development of twelve to fifteen two-story homes and the view would be gone for everyone. Need to take the good with the bad.

Wolf stated she would rather look at a house than an outbuilding.

Engebretson stated he lives in the Lake View Manor Townhomes and Henninger Construction has been great to work with. Engebretson suggested the shed be moved to the northwest corner of the property. If it were moved to a different location and screened – it may be more acceptable in that location.

Henninger stated he was originally planning to tuck the shed against the berm on Ridge Road and County Road 11 at the southeast corner of the property. They moved it closer to the house because that was a long way to walk. To put the shed on the downhill side of the property does not make sense. He said, "We put the shed where it made sense to us. I feel like I am being attacked. I bought the property and would like to do what I want with it. I am not building a home to spite anyone. We are doing it because it is something we wanted."

Wolf stated the building will look like a Walmart, not a house.

Engebretson agreed this will look like a commercial building. He knows Henninger will finish it nice, but a pole barn is a pole barn. Engebretson stated he would vote against the variance if they plan to build this large commercial building in the current proposed location.

Galewski suggested the request be tabled to give Henninger the opportunity to take a second look at the location on the lot.

Stoen stated it made more sense from a contracting point of view to locate the shed in the southeast corner than the northwest corner. There may be an opportunity to do something else here that will be aesthetically pleasing yet cost effective.

Wolf stated the northwest corner would be acceptable to those in attendance.

Steve Wolf liked an L-shaped building with screening. If it were moved twenty feet and was screened with a row of trees.

Henninger stated he would be willing to look at a different area as long as it was practical for them. He can look at the northwest corner.

Anderson stated he is still concerned with the size. It is bigger than the fire station.

Kiese stated if he gets off Taylor Drive it will not affect anyone's dream spot. The northwest corner makes the most sense. Both parties will win.

Stoen noted the northwest corner will affect only one person versus seven.

Blom stated the northwest or southeast corner would be acceptable.

Henninger stated he is not against placing it in a different location on the property now that he knows there are eight families who are appalled and do not want it there. He has to have the building and NO, he will not be doing business there. As a property owner, he wants the

freedom to do what he can do with his property. He will look at the lot and see if a different location will work.

On motion by Galewski, seconded by Engebretson, all voting in favor, to table consideration of the request of Jeremy Henninger, the property owner of 182 Ridge Road NE, Elysian, Le Sueur County, Minnesota, for a variance to build a 60 foot by 80 foot outbuilding with a 30 foot by 40 foot entertaining room on the front to a special meeting to be held on Tuesday, January 15, 2019 at 6:00 pm.

On motion by Galewski, seconded by Anderson, all voting in favor, in regard to the Variance Request of Jeremy Henninger, the property owner of 182 Ridge Road NE, Elysian, Le Sueur County, Minnesota, to build a 60 foot by 80 foot outbuilding with a 30 foot by 40 foot entertaining room on the front, that in accordance with Minn. Stat. 15.99, Subd. 3(f), the City is extending the maximum 60 day decision period no more than an additional 60 days. The time period is extended to allow the applicant time to consider an alternate design of the shed and an alternate location for the shed on the property and present to the Planning and Zoning Commission at a special meeting on Tuesday, January 15, 2019 at 6:00 pm.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

On motion by Engebretson, seconded by Stoen, all voting in favor, to approve the minutes of the November 8, 2018 Regular Meeting as presented.

Kopischke reported that the Le Sueur County Planning and Zoning is still working on the VRBO – Short Term Rental Ordinance. More information will be provided at the February Planning and Zoning Meeting.

On motion by Engebretson, seconded by Anderson, all voting in favor, meeting adjourned at 7:30 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator