

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 6, 2020**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, October 6, 2020 at City Hall at 6:00 pm.

Present were: Vice Chairperson Dan Engebretson; Commissioners Kristina Droog, Jeremy Henninger, and Tom McBroom; Zoning Administrator Lorri Kopischke. Absent: Chairperson Rick Galewski.

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

On motion by Droog, seconded by McBroom, all voting in favor, to approve the minutes of the September 1, 2020 Regular Meeting as presented.

On motion by Henninger, seconded by McBroom, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:03 pm.

The purpose of the Public Hearing is consideration of the request of Michael and Rita Considine, for the property located at 403 First Street N, Elysian, Le Sueur County, Minnesota, for a variance request to remove and replace a portion of the cabin/home and build a garage. The requested variance specifically seeks the following: Required setback from rear lot line for the principal structure 20 feet – requested 11 feet and required lot area 20,000 square feet – requested 16,700 square feet.

Considine owns PID #16.035.0400. This parcel is split by the driveway to his neighbor's property to the west. The lakeside parcel is 10,700 square feet and the south parcel is 6,000 square feet. There is a cabin located on the south parcel and a guest house type structure on the lakeside parcel. The current lot coverage is 2,236 square feet or 13%. The cabin is located approximately 100 feet back from the OHW.

The proposed garage would be built on the east side of the house next to First Street North (County Road #11). It would be 18 feet by 24 feet and would be attached to the existing cabin with the entrance door facing north toward the lake.

The addition to the cabin would be on the west side and would involve removing a portion of the existing building and rebuilding and expanding toward the north toward the lake to match up with the remaining existing portion of the cabin / porch.

The construction of the garage and the addition would result in an additional lot coverage of 942 square feet. This would result in a total lot coverage of 3,148 square feet or 18%.

The front side of the lot is the lakeside. The required side yard setback for a principal structure is eight (8) feet. The proposal would meet the side yard setback requirements. It would not meet the required rear yard setback. However, the proposal does not increase the non-conformity as it will line up with the existing structure in the rear or south side of the lot.

The lot is difficult due to the driveway running down the center. If anything were proposed for the north or lakeside portion of the lot, it would be within the 75-foot OHW area.

The applicant has provided the following practical difficulties as part of the application process:

Reasonableness: "I want to build a garage which this property does not have. I want to tear down half of the property and rebuild it because it is in disrepair. I believe this request is not only reasonable but necessary for my wife and I to live there."

Uniqueness: "The property is unique in that my neighbor's driveway splits my property into 2 parcels, which is one reason for the variance. My remodel does not affect this in any way or any of the land topography."

Essential Character: "My request for a variance does not alter the essential character of the property in any way. I will not be building toward the neighbors' property line and I will be back of the 75-foot line from the lakeshore. All my neighbors know of my plans and are supportive."

Michael Considine, owner of 403 First Street N, stated that his family has lived on this property for more than 40 years. He and his wife have recently sold their home in Apple Valley and plan to live here in Elysian full-time. The bedroom and bathrooms in the area he is proposing to demolish and rebuild are falling apart and they will not be able to live in the house without the update. They love the community and are looking forward to retiring here.

Considine stated this project will not affect any DNR rules. The project will not affect the neighbors. They recently upgraded the guest house with new siding and new shingles and do not have any plans to expand the guest house.

Public Comment: None.

Written Comment:

Robert Anhorn, 405 First Street North, "I have discussed this with Mike and am in full support of Mike's plans for his property as laid out in your materials sent to me. I have no concerns or reservations in this regards. I am available by phone at 612-483-0558 should any questions come up in this regards at the meeting as I'm unable to attend."

No further written comments were received.

On motion by Henninger, seconded by Droog, all voting in favor, to close the Public Hearing at 6:17 pm and reopen the regular meeting.

Droog stated this is a good proposal. This portion of the cabin is falling apart and non-livable. To tear this down and build new and add a garage and not encroach anymore is a good plan. The property will be more livable and will increase the property value.

McBroom stated the applicant has done an outstanding job. The proposal is complete. The property is essentially not fit to live in, and this will make it habitable.

Considine commented that this will bring everything in the cabin up to current codes.

Henninger stated his biggest concern had been County Road #11 and the lakeshore. But this variance is not a request to move closer to the lakeshore and is specific to this being a unique lot. The structure is non-conforming, but the request does not move it any closer. This is textbook what a variance is meant to accomplish.

Engebretson agreed this is a unique situation with the driveway right in the middle of the lot. This proposal will not alter the essential character of the neighborhood as it will improve the property and allow it to be lived in year-round.

On motion by Droog, seconded by Henninger, all voting in favor, to recommend City Council approval of the request of Michael and Rita Considine, for a variance to remove and replace a

portion of the home and build a garage at 403 First Street N, Elysian, Le Sueur County, Minnesota, with a rear yard setback of (11) eleven feet and a lot area of 16,700 square feet based on the following findings of fact:

1. Reasonableness: The request is reasonable as it is rebuilding what is there and bringing the cabin up to code so it can be used as a retirement home. It does not expand toward the lake or encroach into the OHW setback. The garage and rebuild will stay within the current rear yard setback and will not increase the non-conformity.
2. Uniqueness: This property is unique in that the neighboring property's driveway runs through the center of the lot.
3. Essential Character: This will provide an overall improvement to the property. Staying on this side of the driveway and 100 feet back from the OHW will keep with the essential character of the neighborhood.

This recommendation will be considered by the Elysian City Council at their October 12, 2020 meeting.

There was no other business to come before the Commission.

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

Attest:

Dan Engebretson, Vice Chairperson

Lorri Kopischke, Zoning Administrator