

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MARCH 2, 2021**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, March 2, 2021 at City Hall at 6:00 pm. This meeting was also available via the Zoom App.

Zoning Administrator Kopischke administered the oath with Commissioner Jeremy Henninger answering.

Present were: Chairperson Rick Galewski; Commissioners Kristina Droog, Dan Engebretson (via zoom), Jeremy Henninger, and Tom McBroom; Zoning Administrator Lorri Kopischke. Absent: None.

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

On motion by Henninger, seconded by Droog, all voting in favor, to approve the minutes of the February 2, 2021 Regular Meeting as presented.

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

Mr. Brown is requesting to build an addition to his existing home and an accessory building on the lot across the road from his home located at 117 Willow Point Drive. The purpose of the Public Hearing is to consider a variance request for the following: Maximum lot coverage allowed 25% and requested is 32%, side and rear setback requirements for 1,800 square foot accessory building 15 feet and requested is 8 feet, and portion of home addition will be located in platted driveway and utility easement.

Brown owns PID# 16.415.0160 and PID# 16.415.0170. The parcels are split down the middle with a driveway and utility easement and also a private drive (Willow Point Drive). Throughout this entire subdivision, there are areas where the road and sewer and water services are not located in the platted easement. For the lots involved in this variance request, most of the services are located in the easement (map included).

The lakeside lot area is 16,447 square feet and the outlot area is 11,274 square feet. In this case, the platted easement appears to be in the correct location so that area would not be included in the square foot calculation as Brown would not be allowed to build on that area. The current lot coverage is 5,416 square feet (the portion of the blacktop that is located in the easement is not included in the lot coverage) or 19.5%. The proposed home addition is 2,014 square feet and will result in a lot coverage of 26.8%. The construction of an 1,800 square foot accessory building will result in a lot coverage of 33.2%. Once the new accessory structure is built, Brown intends to remove the 2 existing sheds on the lot which will result in a final total lot coverage of 32%.

The home addition would meet the side yard setback requirement of 8 feet. The setback to the OHW is less than the 75-foot requirement but would match the existing house setback. It would not be any closer. The variance request in regard to the home addition is to allow him to build approximately 30 square feet of area in the driveway and utility easement.

The requested accessory building on the outlot of the property is 1,800 square feet. The ordinance requires a 15-foot side and rear setback for any accessory building over 1,200 square

feet. The zoning ordinance was amended in 2020 to include this requirement so that larger lots could accommodate larger accessory buildings, but smaller lots would be restricted to smaller accessory buildings.

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

“Summary of these variance requests:

- 1) While recognizing that it does not mean that the land cannot be put to any reasonable use whatsoever without them, granting the variance will best mitigate the hardships caused by the local ordinances.*
- 2) Meets City ordinance criteria for approval as based on documented hardships, not preferences*
- 3) Would improve neighborhood appearance and improve homeowner values accordingly.*

I. Circumstances (Hardships) for Granting a Variance:

a. The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls.

- Applicant lives at the property full-time. Both applicant and his wife are senior citizens, and the wife has specific medical conditions that limit her mobility and present increased fall risks. An attached garage and expanded living area are necessary for the continued use and enjoyment of the homestead in winter months.*
- The water table makes below grade structures not feasible, necessitating above ground storage.*

b. The plight of the landowner is due to circumstances unique to his property not created by the landowner.

- The lot is long and narrow with irregular rear lot lines and is downhill from rear neighboring lots. Being located next to a lake, typical basement storage is not feasible.*
- The placement of the home’s existing entrance, in addition to placement of the existing utility pole, leaves only one place an attached garage, expanded living area can be built.*
- Drainage issues due to roadway flooding and runoff from rear adjacent lots dictates that the rear accessory building be located in far rear NW corner of the lot.*
- The blacktop roadway that services the area was moved, but the Utility Easement has yet to be adjusted accordingly.*

c. The variance, if granted, will not alter the essential character of the locality.

- The majority of homes in the locality enjoy an attached and/or accessory garage. The proposed variance does not create any structure that is uncharacteristic for the area.*
- Home expansion and accessory building will be done in a matter with like/same materials to harmonize with current structure and will improve the overall lot appearance.*
- Applicant has already incorporated significant water run-off mitigation into the landscaping.*

d. Economic considerations alone shall not constitute undue hardship if reasonable use for the property exists under the terms of this ordinance.

- Not applicable.*

e. When in harmony with the zoning ordinance, a variance for earth sheltered construction shall be granted.

- Not applicable.*

f. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties.

- Not applicable.

g. A variance may not be granted for any use that is not permitted under the ordinance for the property in the zone where the affected persons land is located.

- Only requested use is a single-family home, which is congruent with the zoning for the location.

h. Undue hardship, as used in connection with the granting of a variance, includes direct sunlight for solar energy systems. City of Elysian Zoning Ordinance Pg. 24 Failure to meet the standards for hardship outlined in subdivision above shall result in denial of the variance request.

- Not applicable.

II. Practical Difficulties:

a. Maximum lot coverage allowed 25% and requested is 32%

Reasonableness:

- The home expansion and accessory building as proposed is consistent with many of the other properties along Willow Point. 32% lot coverage is needed to mitigate the high-water table as well as the road and utility easements that split the property.
- Exceeding the 25% is reasonable because of the significant water flow control measures already implemented into the landscaping. To illustrate: the DNR recommends having some sort of water control measure to slow water flow for anything over 25% (i.e., 7%). In preparation of this variance request and to help alleviate water runoff issues in general, Applicant has already incorporated a "grass filtering/buffer zone" into the landscaping. This includes approx. 50'x110' in the rear lot, 65'x40' lakeside both of which drain towards Willow Point, and an additional 13'x60' gentle slope area leading/draining to the lake. For a total of 32%, which is 4.5 times DNR request of 7%.

Uniqueness:

- The sloping topography and water runoff from large adjacent rear lots create water drainage issues. Again, traditional "below ground" storage options are not an option.

Essential character:

- If granted, it will complement the essential character of the community as it will be consistent with the development of most lots on Willow Point.

b. Side and rear setback requirements for 1,800 square foot accessory building 15 feet and requested is 8 feet.

Reasonableness:

- Locating an accessory building on the back lot is consistent with many of the Willow Point properties. The reason for the 8 ft rear and side setback request is to more effectively incorporate the higher topography "up the hill" and better prevent water from collecting or "damming up" behind the building from runoff from the neighboring rear lots.
- At first, Applicant considered a 30 x 40=1200 sq ft building that has a 3 ft setback requirement. However, the additional 600 sq ft from an 1800 sq ft building is needed to fit everything in to prevent weather damage and make for a more pleasant look by

not having piles outside. The 8ft setbacks are also consistent with many if not most other accessory buildings on Willow Point.

Uniqueness:

- *The sloping topography and water runoff from large adjacent rear lots create water drainage issues. Therefore, the building would be best placed in the far real NW corner of the lot. To increase the setbacks to 15 ft would place the building in the path of runoff water from rear adjacent lots.*

Essential character:

- *If granted, it will complement the essential character of the community as it will be consistent with the development of most lots on Willow Point.*

c. Portion of home addition will be located in platted driveway and utility easement.

Reasonableness:

- *The placement of the home's existing entrance, in addition to placement of the existing utility pole, leaves only one place an attached garage can be built.*
- *Even with the extension, the garage would be 30 ft from the blacktop, greater than the 24 feet required by code.*
- *As proposed, the garage is safely away from the city sewer/water, power line and other utilities. It is well noted that there are many locations along Willow Point where the blacktop and utilities are outside the easement zone.*
- *If the city chooses to adjust the easement zone to fully include the blacktop roadway, the easement would move 10 plus ft to the north, thus mitigating this issue. As it stands, the inconstancy of the easement and the actual road deprives the Applicant of a greater amount of his property than intended by the ordinances.*

Uniqueness:

- *There is significant divergence between the utility variance as mapped, and the existing utility structures. Approving this variance will allow Applicant to begin working while the City considers any necessary changes. Brown has been in contact with Bob Fenner, Sr Distribution Designer from MVEC, who made a site visit and said he had no problem with the proposal, as the recommended building setback would still be adequate. Gopher State One has been called, and all utilities have been marked. With the exception of the Frontier landline cable (which can be easily relocated) there were no utility issues found to be anywhere near this portion of the project.*

Essential character:

- *If granted, it will complement the essential character of the community as it will be consistent with the development of most lots on Willow Point."*

Leo Brown, 117 Willow Point Drive, stated the home addition is designed to keep as much living space on the main floor as possible. The small wedge of the addition that protrudes into the easement is needed to accomplish a 30 foot wide garage. There will be an 18 foot wide door in the middle with a six-foot wall on both sides to allow for benches, storage, boat and two cars.

Galewski asked about the existing sheds. Brown stated the two sheds would be moved to the other side of the road while the home addition and the accessory building is being constructed. The two sheds will be removed once the new accessory building is complete.

Droog noted that every variance hearing for Willow Point Drive includes residents complaining about the water problems and whose water is running under their garage and flooding. Now there is another request to cover more of the natural ground that absorbs the water. Where is that water going to go? This proposal will create 8% more water run-off. One of the last variance requests included a plan for rain gardens to take care of the displaced water. She asked Brown what he plans to do to fix the water problem resulting from the increased coverage.

Brown stated he hopes to get his three variance requests approved. He would then recommend the City Council work with the Willow Point residents to address the easement issues, water issues, and failing blacktop in the subdivision.

Brown explained he has had a long term plan for landscaping with this addition in mind. He stated the DNR recommends having a means to slow the water down for anything over 25% which in this case would be 7%. To handle the water by the accessory building and the water coming from the two neighbors in the property behind and above him, Brown has built a 50' by 110' grass filtering buffer zone in the rear lot. And to further address the water he has added a 65' by 40' flat grassy area on the lakeside with a 13' x 60' grassy gentle slope to the water. This would be 32% of the lot which is 4.5 times the DNR request of 7%. If there are any additional water issues, he will take care of them.

McBroom stated the City does not help with the road because it is a private drive. The Council, specifically Councilmember Houlihan, has recommended that Willow Point consider an association to deal with the road and easement issues.

Engbretson questioned if Brown even needed to go over the 25% lot coverage. He suggested the house addition could be shortened and the shed could be moved over a few feet on the back lot. He commended Brown on all he has done on the lot to mitigate the water problem.

Henninger stated there are many issues with the Willow Point lots. The whole area with size of lots, the road, the easements is messed up. He has no issues with the house addition. For the most part it follows the rules except for the little corner, and he would approve that small area being located in the easement.

The request for an 8' setback for the accessory building would be difficult for him to approve. Planning and Zoning Commission just made that ordinance amendment to require a larger setback for a larger shed.

Henninger stated the uniqueness of the Willow Point lots and the road passing between them makes that 32% lot coverage something the Commission must consider approving.

Galewski stated he had no problem with the house addition. Due to all the water problems in this area, he personally did not support the 32% lot coverage. He noted that the setback requirements for an 1,800 square foot shed had just been revised so this would not happen, so he did support granting that request.

Galewski stated it was difficult to state a hardship that would warrant a variance. As far as the reasonableness, the lot is already being used in a reasonable manner. And the plight of the landowner is due to circumstances created by the landowner.

Brown explained that he located the shed in that portion of the lot so as not to have the same problem his neighbor is having with the water coming down the hill and from Shoreview Drive and flooding and washing out the foundation. The corner of the back lot is an irregular shape and the 8' setback would be consistent with the setback of the house. He felt he needed an

1,800 square foot shed to get all of his stuff inside. If he could figure out a 1,200 square foot shed, he could put that there with a 3' setback.

McBroom stated he heard Brown and understood his concerns. But over the past few years of being on this Commission, variances have been granted too frequently. The Commission is trying to hold themselves to their own standards.

Droog stated the Commission rewrote the ordinance as it pertains to accessory buildings because they want to bring things back. She agreed to be on this Board and since her first meeting she (and the team) have strived to uphold the ordinances because that is what the constituents want the Commission to do.

Brown shared that he had read, "Variances are necessary where the letter of the law does not necessarily hold up to the spirit of the law." The purpose of the ordinances is to protect the community and not to punish the homeowner on a technicality of the law.

Brown stated he would be happy with a smaller 1,200 square foot shed.

Public Comment:

John Feely, 118 Willow Point Drive stated he is Brown's next door neighbor. He does not see a hardship that would require the 8' setback for the accessory building. There is tons of space there and the placement is based on a preference not a hardship.

He knows the water issue has resulted from a lot of factors. The whole area where these homes are built used to be part of the lake. The owner prior to Brown kept a lot of the lot in a wetland state with a lot of cattails. That held a lot of the water in the area. Brown brought in fill to those areas. Now with a variance to exceed the 25% lot coverage and the water from the filled wetland being displaced, this will have a lot of impact to the neighboring properties.

Feely noted there are rules for granting a variance and he believed this request was not based on hardship but on preference cut and dry.

Written Comment:

#1: John & Amy Feely, 118 Willow Point Drive, Elysian, MN 56028

February 26, 2021

Dear Mrs. Kopischke & the Elysian Planning and Zoning Commission,

We are writing today to ask that you deny the variance application for the property located at 117 Willow Point Drive (PID# 16.415.0160). We own the property (118 Willow Point Drive) adjacent to this property, directly adjacent to the requested setback variance. This variance request does not meet the criteria of the City of Elysian City Code and the City of Elysian Zoning Ordinance as described below. Furthermore, the approval of this variance would negatively impact the adjacent properties (ours and others).

The Elysian Zoning and Shoreland Ordinance states in Section 4, Subd. F, "Variances should be the exception rather than the rule." And also states: "A variance is an adjustment by the Board of Adjustment to the literal provisions of the Zoning Ordinance in cases where the literal provisions would cause hardship because of physical circumstances unique to an individual property."

The owner of 117 Willow Point Drive is asking for three variances to Elysian Zoning and Shoreland Ordinance established by the City of Elysian on the 9th day of November, 2015.

1. Variance request to exceed the allowed 25% lot coverage,
2. Variance request to deviate from the required setback for accessory structure (15 feet) - requested 8 feet.
3. Variance request to extend home addition into recorded drainage and utility easement.

Variance Request #1: To exceed the allowed 25% lot coverage.

Section 13.0 Subd. A. of the City of Elysian Zoning ordinance states “In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare. Protected waters in the city have been assigned a shoreland management classification.” The ordinance goes on to state its purpose in Subd. B (page 53). It states: “Purpose. The shorelands of the City of Elysian are hereby designated as a Shoreland Overlay District to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters.”

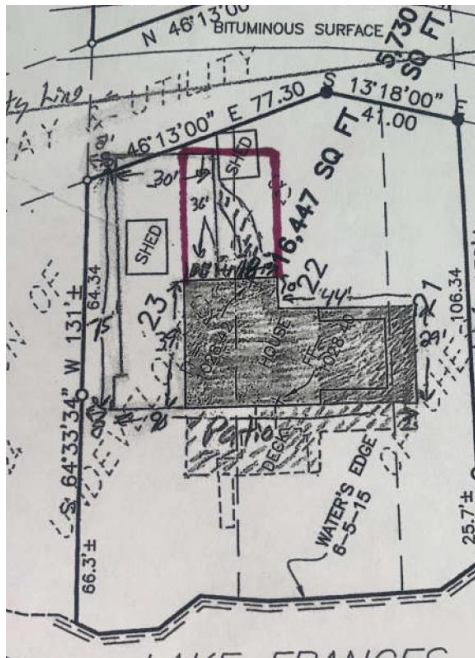
Section 14.0, Subd. A, Bullet 1, Bullet e states: The ordinance also states that “e. In evaluating all variances, building permits, conditional use permits, interim use permits, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surface coverage, increasing setbacks, vegetative buffers, connection to city utilities, and other conservation-designed actions.”

We believe that this variance request should be denied due to the already wet nature of our area and the difficulty that the neighborhood already has with drainage, in an attempt to keep with the purpose of our policy to “preserve the quality and natural character”. The policy established a maximum lot coverage of 25% in Section 13.0, Subd. G, Bullet 1 in order to achieve the purpose stated above. Each of the past years (specifically since the owners of 117 Willow Point Drive filled in their wetland area and installed a storm drain) the area has seen significant flooding and has difficulty draining. This action pushed the water down the street and created significant issues for a few landowners. Covering more than 25% of lot 117 Willow Point Drive with impervious surface will cause even more drainage issues for this area. Therefore, we ask that you deny this request to cover more than the maximum 25% lot coverage. The landowners could achieve this by reducing the size of their building or moving it on top of existing impervious.

Variance Request #2: To deviate from the required setback for accessory structure 15 feet – requested 8 feet.

As you can see in the maps of the property the proposed locations for the new buildings are selected as a matter of landowner preference and not driven by necessity or hardship. There are plenty of options for other locations on the property where these buildings could be easily placed without infringing upon the 15’ setbacks. Again, the selected location is a matter of preference and not need. For example, the attached garage to the house could be moved slightly to the south (shown in Exhibit A). A simple adjustment to the location of both buildings would keep them in compliance with the ordinance and Variance #2 would not be required. For the attached garage this would also move the building out of the utility easement (Variance #3). As you can see they can still build a garage on the property and stay in compliance with the zoning ordinances so really there is no hardship.

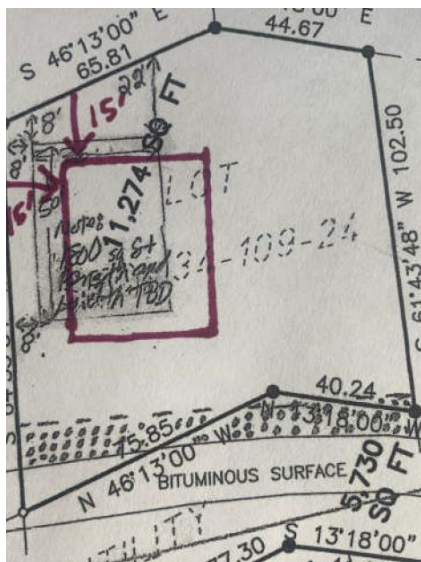
Exhibit A: Shows a possible solution in meeting setbacks requirements (suggested change shown in red).



In addition, if this variance is approved it would actually create a hardship for us. The new attached garaged in its proposed location would substantially devalue our property. Our lot is only 50 ft wide which is very narrow to begin with (zoning rules of the City of Elysian, which states lots should be a minimum of 75 feet wide) and does not meet the setback requirements. (our property was like this when we purchased it) Approving this variance would narrow the already small area between our lots and have a detrimental effect to the valuation of our property.

With regards to the accessory structure being proposed across the street, there is no unusual hardship created by requiring this structure be placed within required setbacks. As you can see in Exhibit B., moving the structure to the minimum setbacks still leaves plenty of room for the exact same sized structure to be built without the requested variance.

Exhibit B:



For these reasons we ask that you deny the request to allow the accessory structure to be built within the required setback area (15 feet).

Variance Request #3: To extend home addition into recorded drainage and utility easement.

If the attached garaged is moved to the east as proposed above, they can easily stay out of the utility easement and still build the garage. Again the zoning ordinances do not create an unusual hardship, the proposed locations are just a matter of preference.

As we have stated, none of the three variance requests above meet the criteria for approval. Per Section 4.0, Subd. F, Bullet 6, (page 23): Circumstances (Hardships) for Granting a Variance

a. the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. This is not the case, they can still put up the buildings they want.

b. The plight of the landowner is due to circumstances unique to his property not created by the landowner. This is not the case, the circumstances are created by the landowner wanting to build additional buildings.

c. The variance, if granted, will not alter the essential character of the locality. This is not the case, if granted this will further restrict the already narrow space between our houses and will reduce the amount of permeable soil which will further exacerbate the water run off issues in this area.

d. Economic considerations alone shall not constitute undue hardship if reasonable use for the property exists under the terms of this ordinance. Moving and shrinking the size of the buildings will not cost the landowner any additional money.

e. When in harmony with the zoning ordinance, a variance for earth sheltered construction shall be granted. N/A

f. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties. Granting of this variance would do the opposite, it would harm our property (and others down the street) not protect it.

g. A variance may not be granted for any use that is not permitted under the ordinance for the property in the zone where the affected persons land is located. N/A

h. Undue hardship, as used in connection with the granting of a variance, includes direct sunlight for solar energy systems. N/A

We don't want to delve into neighbor disputes too much as we'd like to stick to the ordinances, but we do think some personal information may be pertinent to this setback variance request. It is relevant to note that a few years ago the landowner at 117 Willow Point Drive, built a permanent structure on our property. They illegally filled in the wet land area on the side of the street opposite of his home which created a lot of the major water runoff issues that has significantly affected many property owners down the street. They properties were flooded and had to build retaining walls to keep their buildings footings from washing away. (This is now where his proposed storage building would be built.) While doing this, he hired a contractor to build this storm drain in the non-summer season, while we were not onsite. He allowed his contractor to build the drain entirely on our property because it was more convenient for him. To be clear this storm drain is not just on the line, it is 100% on our property, it doesn't even touch his property. The landowners have demonstrated they do not have respect for property lines and will do whatever is convenient for them.

In order to try to keep the peace and maintain a civil neighborhood we chose not to take any legal action, or remove it from our property but we reserve the right to do so in the future. This storm drain directly caused the flooding issues described above. However, if this storm drain had been built on Brown's property, it would now likely interfere with the driveway leading to his new storage building. With this demonstrated disrespect and the blatant violation of actually building a permanent structure on our property, we are extremely concerned that if the city allows this current variance request, that the landowners will continue to the boundaries as it relates to property lines.

To summarize we would like to leave you with the following main points:

- *This variance request does not meet the criteria per the City ordinances for approval.*
- *This would cause substantial devaluation of our property.*
- *We also have an extreme fear that building within setback requirements would allow Leo Brown to continue to push boundary line issues.*
- *This request is based on the convenience of the landowner and does not demonstrate a hardship.*
- *This land owner has other ways to build a garage and a storage structure without asking for a variance (examples shown above).*

For good reason, the City of Elysian has established sound and valuable policies to keep this type of behavior from happening. We request that you as the City of Elysian Zoning Commission to uphold the policies put in place and deny this request in keeping with the spirit of the Elysian City Code (Chapter 156: Zoning, §156.031 (B) - page 370) "To hear requests for variances from the literal provision of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant the variance only when it is demonstrated that the action will be in keeping with the spirit and intent of the ordinance." We ask that you reject this variance and not bend the rules to meet landowners wants and desires when sound policies are in place.

Please feel free to contact us if you have specific questions. Our contact information is below. John will be in attendance at the Zoning meeting on Tuesday, March 2nd to also give a verbal comment. We appreciate your consideration of our request.

Sincerely,

John and Amy Feely 118 Willow Point Drive

#2: Chuck Budde, 115 Willow Point Drive.

Good Morning

I won't be able to make the meeting but I'm in favor of allowing Leo to do his addition/building.

Thank you

Chuck Budde

115 Willow Point Drive Elysian, MN

#3: Bryan Paulsen, 121 Willow Point Drive

Good Morning Lorri,

I am writing in support of Leo Browns request for a variance. Any additions to the existing properties will only increase the value of all our properties and improve the aesthetics of our neighborhood. Leo has been an excellent neighbor and I endorse his request for variances.

Leo also mentioned the concern the city may have with building into the old or former road R/W. As you see with the attached site drawing approved by the planning and zoning and council, we did build in the former R/W as did Arnolds and others up Willow Pt Dr.

Please do not hesitate to give me a call with any questions you may have.

Thank You,

Bryan Paulsen

#4: Todd Piepho, Area Hydrologist, MN DNR

Hi Lorri,

Ok. As with others we would recommend that any additional water above the allowable 25% be stored onsite, temporarily. This can be done with rain gardens, rain barrels, etc. If this cannot be achieved, we would recommend a native buffer be planted along the shoreline, minimum 15' in width to allow the sediment to be captured before entering the lake. Of course, a walkway could be allowed to gain access to a dock, beach etc.

Todd Piepho

Area Hydrologist | Ecological and Water Resources, Minnesota Department of Natural Resources

No further written comments were received.

On motion by Henninger, seconded by Droog, all voting in favor, to close the Public Hearing at 7:02 pm and reopen the regular meeting.

Galewski stated he had no problems with the home addition extending into the driveway and utility easement. He did not see the hardship for the 32% lot coverage or the 8' setback for the accessory building.

Henninger stated he had no issue with the house addition. He would consider a 1,200 square foot accessory building but not an 1,800 square foot shed with an 8' setback. A 1,200 square foot shed would result in 29% lot coverage.

Brown addressed the reasonableness and asked if it is unreasonable for him to enjoy his lot even more than he does now? Is it unreasonable for him to do what his neighbors did?

Droog stated she understood why Brown wants to do it the way he has proposed. But the Commission has been asked to withhold the rules and only allow 25%. What Brown has now is reasonable to start with. She does understand that he wants to improve on what he has. But it must meet the criteria to grant a variance.

Brown stated the request is reasonable as they want to live at the property full-time and the attached garage and expanded living area is necessary for the continued use and enjoyment of the homestead in the winter months. Also, the water table makes below grade structures not feasible, necessitating above ground storage.

McBroom asked what makes the proposed location of the accessory structure reasonable. Brown stated he wanted to put the accessory building in this location, so it is out of the flood zone.

Engebretson acknowledged it may not be reasonable from Brown's standpoint, but the Commission is required to look at the request from a different set of requirements.

On motion by Galewski, seconded by McBroom, in regard to the variance request of Leo Brown, 117 Willow Point Drive, Elysian, Le Sueur County, Minnesota, to:

Recommend City Council approval to allow the proposed home addition to extend into the recorded driveway and utility easement based on the following findings of fact:

1. Reasonableness: The request is reasonable because the applicant now lives at the property full time. The property does not have a garage for the possibility of a needed handicap parking in the future. The garage will provide inside storage for cars and other items. The water table makes below grade structures not feasible, necessitating above ground storage.
2. Uniqueness: The blacktop road where the utilities are located was moved. The driveway and utility easement that was in place prior to moving that road and installing the utilities has not been corrected. Therefore, there are no utilities located in the area that the property owner is proposing to encroach on the driveway and utility easement.
3. Essential Character: This will provide an overall improvement to the property and will allow for inside storage of cars and other items. Most of the homes in this area do have an attached garage.

Recommend City Council denial of the request to deviate from the required rear and side yard setback of 15 feet to a setback of 8 feet for an 1,800 square foot accessory building based on the following findings of fact:

1. Reasonableness: The accessory building can be reasonably located on the property with a 15-foot rear and side setback. The proposed location is owner preference rather than necessity.
2. Uniqueness: There is no unique topography that necessitates the accessory building be located 8 feet from the rear and side yard property line. Homeowners request is an optional improvement and is self-created.
3. Essential Character: There are significant stormwater issues in this area of the Willow Point Subdivision. Placement of a large accessory structure that close to the property line may cause flooding on adjacent properties.

Recommend City Council denial of the request to allow 32% lot coverage which exceeds 25% allowed based on the following findings of fact:

1. Reasonableness: There are stormwater run-off issues in this area of the Willow Point Subdivision. Allowing more than 25% lot coverage would increase the water runoff issues on the adjacent properties.
2. Uniqueness: There is nothing unique to this property. Homeowner is constructing an attached garage and has two existing sheds on the property for storage.
3. Essential Character: There are significant stormwater issues in this area of the Willow Point Subdivision. Allowing increased lot coverage may cause flooding on adjacent properties.

Voting on the motion: Aye – Droog, Engebretson, Galewski, McBroom. Nay: Henninger. Motion passed.

This recommendation will be considered by the Elysian City Council at their March 8, 2021 meeting.

An update of the State Highway 60 2021 project was reviewed. Phase 1 is set to be completed by July 16, 2021 and Phase 2 will not begin prior to July 6, 2021. The project will begin March 4 with tree clearing and construction may begin as early as April 1, 2021. Details and an interactive detour map can be found at:

<http://www.dot.state.mn.us/d7/projects/hwy60madisonlake/>

There was no other business to come before the Commission.

On motion by Henninger, seconded by Galewski, all voting in favor, meeting adjourned at 7:34 pm.

Attest:

Rick Galewski, Chairperson

Lorri Kopischke, Zoning Administrator