

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 6, 2021**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, April 6, 2021 at City Hall at 6:00 pm.

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

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

On motion by McBroom, seconded by Engebretson, all voting in favor, to approve the minutes of the March 2, 2021 Regular Meeting as presented.

On motion by Engebretson, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:02 pm.

Kevin and Cherie Berge are requesting to build a detached accessory building (garage) on the property across from their home located at 114B Willow Point Drive. The proposal would require a variance to construct an accessory building on a lot in the shoreland district with less than the required lot area of 20,000 square feet – requested 14,928 square feet and to exceed the allowed 25% lot coverage – requested 37%.

The Berges own PID # 16.415.0110 and PID # 16.411.0255. The parcels are split down the middle with a driveway and utility easement and Willow Point Drive.

The lakeside lot area is 5,881 square feet and the out lot area is 9,047 square feet resulting in a total lot area of 14,928 square feet. In June 2020, the Berges applied and were granted a variance to construct a home on the lakeside lot. The house and garage met the lot coverage requirements.

During the process of consideration of that variance, it was determined that the out lot consisted primarily of compacted gravel which in some areas was up to 12 inches deep. The variance, Resolution No. 709/20, did include a requirement as follows:

1. And with the condition that: Soil correction be made to the entire back lot (Parcel ID# 16.411.0255) to create a pervious surface. This correction will consist of the removal of the top 6” of existing gravel/topsoil, replacement on the entire area of the back lot with black dirt and the entire area be seeded with grass. The correction must be made within 60 days from the completion of the construction project. If the correction is not made within 60 days, this variance will be null and void.

Pictures of the current state of the out lot were provided.

The total lot area is 14,928 square feet. The new home on the lakeside of the lot is 2,732 square feet or 18% lot coverage. The proposed garage is 42 feet by 36 square feet, or 1,512 square feet and the proposed driveway is 32 feet by 40 feet or 1,280 square feet. The proposal requests a total additional 2,792 square feet of lot coverage. This would result in a total of 5,524 square feet lot coverage or 37% lot coverage.

The proposed detached garage would meet the rear and side yard setback requirements. Any building plan would be required to meet the height limitation of 21 feet.

The applicants have provided the following practical difficulties as part of the application process:

1. Reasonableness: The garage would be used for storage.
2. Uniqueness: Due to the narrowness of the front lot this will also allow for additional parking to keep vehicles off the street.
3. Essential Character: The garage will resemble the home as far as material and colors.

Kevin Berge, 114B Willow Point Drive, stated he would like to build a garage for storage. The grading would be such to drain the water to the property line and to the street. There is not a lot of slope to work with on the lot, but he would work with the grade to gradually slope to drain properly.

Berge stated they have four kids and there will be several vehicles at the property quite often. They have a lot of family in the area that will be visiting so they need to have a place for people to park. His neighbor, Budde, has his sprinkler system running a lot and that water all drains to Berge's property and makes a big mudhole. And that is not a good situation for parking.

McBroom asked why the soil correction had not been made to the back lot. Berge stated he had 60 days from the completion of construction. The certificate of occupancy was received on January 21, 2021 so the deadline of March 21, 2021 had just passed. And it did not make sense to bring in black dirt if he was going to build a garage.

Engebretson asked how much restoration had been done on the back lot. Berge stated they had done a little scraping. They were looking to get the variance for the garage and would haul more out at that point.

Droog noted that a neighbor down the road from this property had just requested a variance for the same thing and the Commission had denied. It would not be fair or equitable to approve a variance for this request. The Commission truly is trying to follow the rules as much as possible. She noted Berge would still have 1,000 square feet of lot coverage to work with and still be within the 25% lot coverage.

Galewski stated as part of the first variance it was required that the house met all of the requirements for setback and lot coverage or there would be no variance. Now to request a 37% lot coverage in an area that historically has water issues just does not make sense.

Engebretson stated he had not been in favor of the first variance, and he was not in favor of granting this variance. There is still the small lot next to this one and the Commission is going to have to look at all of this again for that lot.

Henninger noted there are creative ways to install a driveway that is pervious surface. If Berge did that, he could still do something that would work and be within the 25% coverage.

Berge stated he was willing to build a smaller garage.

Engebretson stressed that even with a smaller garage, Berge still needs to dig out that gravel and bring in black dirt and get the back lot seeded.

Berge questioned why the accessory buildings on the other lots are okay and not his. The water issues are not all coming from his lot. There is a water from the hill in back of him coming down into that lot.

McBroom suggested the residents get together and form an association and try to work on these issues as a group.

Public Comment:

Gary Beckrich, 119 Shoreview Drive, stated he lives above this property on the hill. He sends water down to Berge although he has made some improvements to his property to prevent some of that. Beckrich has no objection to Berge building a shed and this should actually help put the water where it should go. Arnold runs the water from his property into a pipe, so it does not do any damage to the properties there.

Mark Miller, 116 Willow Point Drive, stated he did not care what people do with their property. He only requests a hydrology study be completed because that is what he had to do when he built a garage.

Engbretson stated it is not whether the Commissioners agree with the request, it is what the City Ordinances require. He has been on the Planning and Zoning Commission for ten years now and the water issue at Willow Point has been a problem year after year after year. The Board is finally getting firmer on sticking to the Ordinance. You cannot undo what was done before you were on the Board.

Written Comment:

1. Todd Piepho, Area Hydrologist, MN Department of Natural Resources:

Good morning Lorri,

The Department is never in favor of issuing a variance to make a non-conforming lot more non-conforming. With that said, if things are reviewed and the board finds it is in harmony and can be approved the department would recommend a condition be placed that would require a rain garden be installed to capture the water above the 25% allowed. As with others this would need to be sized accordingly, likely a consultant or engineer could assist. If a rain garden cannot be constructed large enough then the department would recommend requiring a native buffer be installed the entire length of the shoreline to help capture and direct surface water into the soil profile and also to help capture sediment before entering the lake. Of course, a space allowing access to the lake/dock could be granted by the board.

2. Larry and Charlene Howe, 113 Willow Point Drive

Elysian Planning & Zoning Commission, Elysian, Mn.

We are not in favor of passing this variance because of its affects on our property and its noncompliance with regulations.

Our question is: Can another variance be considered on the same property before the conditions of the first variance are completed? There was impervious material to be removed and black dirt brought in to comply with the previous variance. At present, rainwater and snow melt is not soaking in on the impervious ground, causing standing water in the road running behind our property.

The required lot size is not being met and lot coverage exceeds the limit. I was at a recent planning and zoning meeting where a similar situation was denied. In this case there was enough square footage, but the coverage was at 32%. The commission stated at that meeting that they were following the regulations and denied that request for an accessory building.

We are not in favor of this variance because of the lot coverage percentage, causing water issues for us and others. We would like to see the commission enforce the proper regulations fairly.

3. Mark Miller, 116 Willow Point Drive

Lorri, thanks for the information regarding this Tues. meeting regarding the proposed variance at 114B, as of this time, Mary and I plan on attending. We have nothing to offer, other than if the variance is granted, the plan contains a hydrology study from a certified hydrologist as to water disposition.

4. Judy Beckrich, 119 Shoreview Drive

I have a couple of questions on the proposed accessory building.

Do you know the height of the building and if they plan on having living quarters in it?

The other question is, and more importantly, we are concerned about the amount of standing water up and down Willow Point Road that has nowhere to drain. Adding another building will eliminate more places for the water to soak in. This standing water problem is perfect for mosquito breeding which should be a big concern for the neighborhood and the city of Elysian. At some point, we believe this drainage problem is going to have to be addressed as more and more 'accessory buildings' and garages are being built or added onto. Is this something the city is analyzing as these new homes and buildings are going up?

No further written comments were received.

On motion by McBroom, seconded by Droog, all voting in favor, to close the Public Hearing at 6:30 pm and reopen the regular meeting.

On motion by Engebretson, seconded by Droog, all voting in favor, to recommend City Council deny the request of Kevin and Cheri Berge for a variance to construct an accessory building on a lot in the shoreland district with less than the required lot area of 20,000 square feet – requested 14,928 square feet and to exceed the allowed 25% lot coverage – requested 37% based on the following findings of fact:

- a. Reasonableness: A smaller accessory building that will not result in a lot coverage exceeding the maximum 25% allowed can be reasonably located on the property. The proposed size of the accessory building is owner preference rather than necessity. There are stormwater run-off issues in this area of the Willow Point Subdivision. Allowing more than 25% lot coverage would unnecessarily increase the water runoff issues on the adjacent properties.
- b. Uniqueness: Homeowners' request for an accessory building that will result in more than 25% lot coverage is an optional improvement and is entirely self-created. Homeowners can comply with the zoning controls with little to no issue by simply downsizing the structure so that it complies with the City's lot coverage requirements. There is nothing unique to this property.
- c. 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.

This recommendation will be considered by the Elysian City Council at their April 12, 2021 meeting.

Leo Brown, 117 Willow Point Drive, presented a request to City Council to direct/allow Ron Greenwald to work with him to develop an initial plan proposal for permanently installing lift station pump(s) in the city's "Shoreview and Willow Point storm water catch basin." With the purpose being to lower its overall water level and prevent backfilling from Lake Francis. Doing so would accomplish:

- The short-term goal of allowing the city to utilize the disaster funds it already has to increase the holding capacity of the catch basin.
- The long-term goal of it being more effective in handling future and seemingly more frequent heavy rains and storm water surges.
- Improving the Shoreview and Willow Point areas overall, including the longevity of the blacktop roadway. While Willow Point is mostly a shared private drive, the city does own a portion of blacktop alongside the catch basin, as well as has a vested interest in the sewer & water, and fire hydrants etc.

Brown reported he had discussed the proposal with Todd Piepho, DNR Hydrologist, and he suggested that the idea had merit and explained the permitting process.

Galewski stated this is a great idea and is a start to the correct direction. The residents of Willow Point need to form an association and get an idea of what they want to do. Some people's landscapes may need to change. Someone will have to bear the price of this. Then once there is consensus, the association can come to the City and see if the City is willing to spend their time and the citizens' money to help out.

McBroom stated that as mayor he would not support the Public Works Director spending his time on a project like this for a private drive. That is not part of his job duties. McBroom did, however, see this as a move in the right direction. He agreed an association should be formed to determine what to do next.

Engebretson agreed the association should be formed and have a feasibility study done to determine the cost.

Droog stated this is an amazing idea and she likes it a lot. She echoed the need for an association and all residents to agree with next steps.

Henninger complimented Brown on his efforts to create a solution to this problem.

Brown thanked the Commission for their time and will work on next steps.

The Commission then considered Ordinance No. 156.123A – An Ordinance to Amend Section 156.123 of the Elysian City Code: Recreational Vehicles and District Standards.

The amendment would add language in section (A) as underlined:

(A) In residential districts, no more than five recreational vehicles shall be permitted to be parked in the rear yard of a parcel of real estate and only then on parcels of real estate which have a separate primary residential dwelling being used as a primary residence constructed on the parcel and with that separate residential dwelling being owned and occupied by the parcel property owner as the persons primary residence. There shall be ten feet required between the recreational vehicle and any other recreational vehicle or accessory structure. The recreational vehicle shall not be placed in such a manner that

impedes pedestrian walkways or in any manner infringes on any driving lane line of sight. Any recreational vehicle parked in compliance with the provisions of the city code shall additionally be subject to any and all accessory building setback provisions. No recreational vehicle shall be parked, stored, or allowed on vacant lots or lots which do not contain a separate primary residential dwelling on it. For the purposes of this Section, "separate primary residential dwelling" is defined as any permanently constructed and permanently affixed building on the lot but does not include a tent, cabin, trailer coach, recreational vehicle, trailer, or any other structure or appurtenance that is not permanently affixed to the City's sewer and water infrastructure.

The City Attorney is recommending the amendment to clarify the City intent of not allowing a recreational vehicle on a property that does not have a primary residential dwelling. This also would allow recreational vehicles to be parked in the backyard only.

On motion by Henninger, seconded by Galewski, all voting in favor, to recommend City Council approval of Ordinance No. 156.123A – An Ordinance to Amend Section 156.123 of the Elysian Code - Recreational Vehicles and District Standards.

Staff updated Commissioners on various projects and properties for sale in the City.

There was no other business to come before the Commission.

On motion by Henninger, seconded by Engebretson, all voting in favor, meeting adjourned at 7:23 pm.

Attest:

Rick Galewski, Chairperson

Lorri Kopischke, Zoning Administrator