

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 5, 2021**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, October 5, 2021 at City Hall at 6:00 pm.

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

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

On motion by McBroom, seconded by Droog, all voting in favor, to approve the minutes of the September 14, 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 6:01 pm.

Mr. LaCombe is requesting to build a new home on the property of 136 Willow Point Drive. The proposal would require a variance to allow the porch to extend into the (8) eight foot side / (20) twenty foot rear setback in the amount of 62 square feet.

LaCombe intends to purchase the referenced property from the current owner, Sonia Ziemer. The lot sits up on a tall bluff. There is a required bluff setback of 30 feet on the lakeside (west side) of the property. There is also a recorded 66 foot roadway and utility easement on the east side of the property.

Ziemer and LaCombe have petitioned the City Council to request vacation of the roadway and utility easement. That request will be heard by the City Council on Monday, October 11, 2021. If the easement vacation is approved, LaCombe would like to position the new home on the lot as shown in Attachment A.

Without the easement vacation, and if adhering to the bluff setback requirements, the lot would not have enough area to allow LaCombe to build the proposed home.

If the easement vacation is approved, LaCombe will be able to build the home and meet all the setback requirements on the lot except the 62 square feet of porch that would extend into the side and rear setback as noted on Attachment A. The lot coverage also meets shoreland requirements at 18.1%.

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

1. Reasonableness: We would like to request a variance to reduce the setback to the building as shown on the site plan. The reason for the variance request is due to the building limitation created by the location of the bluff line. This request would follow other assumed variances already granted for the adjoining home to the north.
2. Uniqueness: The uniqueness of this parcel is created by the location of the bluff line and the small amount of useable top ground. The house is being proposed to be up against the 30 foot bluff setback pushing the home into the setbacks requiring the variance.

3. Essential Character: If approved this variance would not alter the essential character of the area. This project is located at the end of Willow Point Drive and has full support of the adjoining owner to the north of the subject property. It will enhance the characteristics of the area.

Droog stated the proposal looks good. The vacation of the easement is beyond the turnaround at the top of the road and both property owners are involved with the request. There will need to be an access agreement between the two property owners if the easement is vacated.

Galewski stated the proposal looked good. He asked if there would be engineering done to determine the direction of the water runoff.

Jeremy Brown, contractor, stated that the property will be graded at the end of the cul-de-sac and on both sides of the property. The amount of additional water that will run down the hill from the driveway will be negligible. Brown acknowledged there may be a deck or patio of some type and that will be included with final drawings when applying for a building permit.

Chris LaCombe, applicant, stated the proposed home will be 1,688 square feet. He and his wife are trying to get the house built in this difficult spot while adhering to the setback limitations and communicating with the neighbors on both sides.

Public Comment:

Leo Brown, 117 Willow Point Drive, stated he is mostly here tonight to listen, but he would speak in favor of the request. He suggested that whatever water was added from this project should have a minimal affect on the neighborhood. He noted that the blacktop on Willow Point Drive is not in the best shape and the sooner the remaining lots are built up the less reasons there will be for big trucks to run up and down that road. Then an association (which he hoped would be formed) would have a place to start knowing that the road is as bad as it is going to get and make it better from there. Brown stated he thought MVEC was planning to bury the electrical wires in that area this coming Spring.

There were no further public comments.

Written Comment:

Wednesday, September 22, 2021

Good morning Lorri, I don't have any additional comments to add to this variance. It is good to see the bluff setback and the OHWL setback are being met. Thanks for the notification.

Todd Piepho, Area Hydrologist
Minnesota Department of Natural Resources

Monday, October 4, 2021

Good afternoon,

We have reviewed the Variance Request for 136 Willow Point Drive. We support the plan as proposed.

Mark and Julia Berg
134 Willow Point Drive

There were no further written comments.

On motion by McBroom, seconded by Droog, all voting in favor, to close the Public Hearing at 6:27 pm and reopen the regular meeting.

The Commissioners commented on the completeness of the application and good use of the property.

On motion by Engebretson, seconded by Droog, all voting in favor, to recommend City Council approval of the request of Chris LaCombe for the property located at 136 Willow Point Drive (PID# 16.417.0051), Elysian, Le Sueur County, Minnesota, for a variance request to construct a new home with a porch that extends into the (8) eight foot side/ (20) twenty foot rear setback in an amount of 62 square feet based on the following findings of fact:

1. The variance is in harmony with the purposes and intent of the ordinance.
2. The variance is consistent with the comprehensive plan.
3. Practical Difficulties:
 - a. Reasonableness: The home is being placed in this location to adhere to the building limitation created by the bluff line setback requirement.
 - b. Uniqueness: The uniqueness is created by the location of the bluff line and the small amount of useable top ground. The house is being proposed to be up against the 30 foot bluff setback pushing the home into the setbacks requiring the variance.
 - c. Essential Character: The location of the home will not alter the essential character of the area. It will enhance the character of the area by placing an attractive home on a difficult lot.

This recommendation will be considered by the Elysian City Council at their October 11, 2021 meeting.

The Commissioners commented in favor of the request for vacation of the 66 foot roadway and utility easement adjacent to 136 and 138 Willow Point Drive. Vacation of the easement makes sense as it will allow the home to be built and maintain the required bluff setback. The utilities will be moved and the needed easement for the City utilities will be created and recorded.

The Commissioners discussed the Planning and Zoning Training they attended on September 28, 2021. The training was interesting and worthwhile. Commissioners would like to add two items to the procedure for public hearings.

1. Add a cut-off date for written comments. The Commissioners stated it is difficult to read and absorb a written statement (some can be quite lengthy) when they are presented to them at the table the night of the meeting. It was suggested there be a cut-off time of the Monday before the hearing at noon for submittal of written comments with regard to any type of zoning request. That will allow time for staff to email the document to Commissioners for them to read prior to the public hearing.
2. Add a statement of conduct for the public during public hearings to include the following: Be respectful and don't carry on conversations in the audience. When it is your time to speak, please come to the podium and state your name and address for the record. All comments and questions are to be directed to the Board and not to other members of the public. There is a time limit of 3 minutes per person.

Staff presented a map of the City streets on the south side of Lake Francis and Lake Tustin with the street widths and current “no parking” areas noted. The most difficult areas noted were Park Avenue NE and Lake Area NE near the museum. The cost of signing the streets was also discussed. Commissioners will tour streets with the maps, and recommendations for additional “no parking” areas will be discussed again at the next Planning and Zoning meeting.

There was no other business to come before the Commission.

On motion by McBroom, seconded by Engebretson, all voting in favor, meeting adjourned at 7:15 pm.

Attest:

Rick Galewski, Chairperson

Lorri Kopischke, Zoning Administrator