

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JUNE 7, 2022**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, June 7, 2022 at City Hall at 6:00 pm.

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

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

On motion by Engebretson, seconded by Linse, all voting in favor, to approve the minutes of the May 3, 2022 Regular Meeting as presented.

On motion by Henninger, seconded by Droog, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:01 pm.

Ryan Mohr, owner of the property at 207 Francis Circle South (PID# 16.457.0060) is requesting to build a 14 foot by 15 foot 6 inch deck on the south side of their home. The proposal will require a variance to allow them to place the deck 4 feet from the side yard lot line when an 8 foot side yard setback is required.

This is a residential lot located in the R-1 Residential Zone. The lot is located in a cul-de-sac and has an irregular "pie shape". The lot as shown on Beacon is not correct. The property owner did locate the property pins and was able to demonstrate the lot lines via paint and flags. The property owner has provided a scaled drawing of the location of the house on the lot.

The house is designed to accommodate a deck on the south side as the patio, patio door and roughing for a deck are located on the south side of the house. However, the way the house is situated on the "pie shaped" lot makes it difficult to locate the deck and adhere to the 8 foot side yard setback requirement. Therefore, the homeowner is requesting a 4 foot setback on the eastern edge and a 10 foot (approximate) setback on the western edge of the proposed deck.

The applicant has responded to the Practical Difficulties test as follows:

1. Reasonableness: By building the deck closer to the lot line at 4 ft rather than the 8 ft setback it will allow for more enjoyment in its use. The joining lot is an additional lot used as a garage extra unit. The joining property would not have line of sight due to the garage on the deck add on with a variance.
2. Uniqueness: The property is "pie" shaped being narrow at cul de sac and widens toward the back of the property. Based on the house location at the property and where deck needs to be added it places a unique challenge to have a large enough deck to enjoy at its narrow point of build. The more southwest part of the deck would be within setback limits whereas the southeast portion needs a variance.
3. Essential Character: The house as it currently is built is incomplete. The patio door and usability are null due to the property being split level. Not having a deck removes the completeness of the house and reduces the character of the neighborhood. All other properties in the area are complete with decks and patios so this would align with other

properties by allowing a variance to build a quality deck in a newer development of Elysian.

Henninger asked why Mohr was proposing a 14 foot wide deck. Mohr stated it split the difference between the lot line and the 8 foot required setback.

Mohr explained that the house is a split level. Without the deck, there is no access to the backyard. The only access to the house is through the front door. A deck with stairs to the backyard will be safer for the children and easier with the dogs.

There was no public comment.

Written comments:

Dan Wingert, 201 Francis Circle South, He is in favor of the request to build the deck within 4 feet of the lot line. He does not have a problem with it.

There were no further written comments.

On motion by Henninger, seconded by Engebretson, all voting in favor, to close the Public Hearing at 6:10 pm and reopen the regular meeting.

Henninger stated this is not unusual with homes built in a cul-de-sac. He deals with this on a daily basis with homes built on a pie-shaped lot.

Droog noted there is a garage on the adjoining property so the deck would not be competing with someone else's living space.

Engebretson noted the deck would be facing a wooded area.

On motion by Droog, seconded by Linse, all voting in favor, to recommend City Council approval of the request of Ryan Mohr, 207 Francis Circle South (PID # 16.457.0060) for a variance to build a 14 by 15.6 foot deck to be located 4 feet from the property lot line resulting in a 4 foot side yard setback when an 8 foot side yard setback is required 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.

Practical Difficulties:

1. Reasonableness: The request is reasonable. The patio, patio door, and deck plate are located on the south side of the house. This is a reasonable sized deck. The deck would provide the only access to the backyard which is a safety issue.
2. Uniqueness: The property is unique in that it is located on a cul-de-sac and is "pie" shaped being much narrower at the street side. The patio door and deck plate are already built into the house so the location of the deck cannot be changed.
3. Essential Character: The request does not change or alter the essential character of the neighborhood. Most all of the homes in the neighborhood have decks. A garage is built on the adjoining property where the deck will be located, and the deck will face a wooded area.

The City Council will consider the recommendation at their meeting on June 13, 2022 at 6:00 pm.

On motion by Engebretson, seconded by Droog, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:15 pm.

Dave and Susan Balzer, owner of the property at 4 Roots Beach Lane (PID# 16.455.0150) are requesting to build a 32 foot by 24 foot attached garage. The proposal would require a variance to allow a lot coverage of 43.5% when 25% is allowed in the R-1 Residential Shoreland Zone.

This is a residential lot in the R-1 Shoreland District. The lot area is 6,000 square feet and is located on Lake Francis. It abuts a gravel private drive and there are no homes on the other side of the drive. The lot is 50 feet wide and 120 feet long. There is an existing cabin on the lot that is 34 by 31 feet and an existing garage which is being used as a bedroom that is 16 by 23 feet. There is also a small shed near the private drive that is 10 by 12 feet and a patio lakeside that is 10 by 30 feet. Taking all this into account, the current lot coverage is approximately 1,842 square feet or 30.7%. With the proposed garage, the lot coverage would increase to approximately 2,610 square feet or 43.5%.

The proposed garage would meet the side yard setback requirement of eight feet.

There are two large oak trees on the lot that they would like to keep which also restricts the placement of the proposed garage.

The applicant has responded to the Practical Difficulties test as follows:

1. Reasonableness: We want to add a garage to the roadside of our property. The neighbors have a garage right next to us to the west. When we purchased the property, we asked for a city official to come and check to see if we could and she said yes. We want to live there full time. It would look like the neighbors garage.
2. Uniqueness: We have 2 oak trees and want to keep them both. We plan to build around one to keep it. Our property is the only one without a garage for quite a way down to the road. The property was built on before the zoning laws changed. Everyone around us has a garage. We are unique because we don't. The property would look finished with a garage on the back.
3. Essential Character: The garage we have planned will fit in with the other houses close by. Our neighbor to the west has the same cabin layout and have a double garage on the back the same as we would be building. The construction will blend right in.

Dave Balzer stated that he and his wife would like to move here. They would like a place to have their vehicle covered. This would not be any different than what is built next door.

Engebretson stated this request is reasonable on a personal basis but on the variance basis the ordinance allows a maximum of 25% lot coverage, and this lot is already above that amount. Due to the increased run off the lake is rising and the pollution is increasing. He understands the neighbor's driveway is huge but when it rains with all that hard surface the water and sediment goes right into the lake.

Balzer explained that the plan is to build the new garage with an attic type area above for storage and to also add a second story to the existing garage to tie it all in.

Public comment.

Tom Rypka, 5 Roots Beach Lane, stated he was in favor of the proposal.

Written comments:

Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources, Thanks for sending the info. As with all other impervious surface coverage variance requests the Department recommends looking at alternatives. This lot is unique, as it is small and already very developed, appearing to be already non-conforming with today's requirements for impervious surface coverage (maximum of 25%).

If this application is reviewed and approved by the board, it is the Departments recommendation that a condition be added to the permit requiring the applicant to trap and hold the additional water above the allowed 25%, as recommended in other impervious surface coverage variance requests. This could be done via a raingarden, rain barrels (however in this case it would likely take many barrels), or a large bulk tank of some sort to hold the water and use it for other purpose or meter it out slowly after a large rain event. This retention-whatever it may be would need to be sized accordingly-looked at by an engineer to determine the area (holding capacity) needed for the volume above the 25% allowed per the shoreland ordinance.

This might be tough to do on this lot, due to size and amount of impervious area currently onsite. As always, the department never recommends making an already non- conforming lot, more non- conforming. If you have any questions, please let me know. Thank you.

Sue Odegarden Simon, 8 Roots Beach Lane, I received your letter regarding the application for a variance by Dave and Susan Balzer located at 4 Roots Beach Lane. I have no issue with this.

There were no further written comments.

On motion by Engebretson, seconded by Linse, all voting in favor, to close the Public Hearing at 6:32 pm and reopen the regular meeting.

Henninger stated that he understood the request and that it will look just like the property next to them. However, the current lot coverage is already over the allowed at over 30%. The issue is if this building does not stop there will be impervious surface all around the lake and there will be uncontrollable watershed into the lake.

Engebretson noted the difference with this proposal is there is no hill. This area is flat, and flooding is not an issue. Could the grading be done to slope the runoff toward the north into that swamp area? There is a distance for the water to flow to remove some of the sediment.

There was discussion of building to the west rather than to the north. Balzer stated this was not an option because he wants to save the oak tree located in that area.

Droog noted it is difficult to be without a garage in the Minnesota climate.

The Commissioners asked Balzer if they would consider a smaller garage addition and be willing to remove the small 10 by 12 feet shed on the property. The Balzers stated they would compromise.

If the proposed garage were reduced to 24 by 24 feet and the 10 by 12 feet shed removed the lot coverage would be 2,298 square feet or 38.3% lot coverage.

On motion by Droog, seconded by Engebretson, all voting in favor, to recommend City Council approval of the request of Dave and Susan Balzer, 4 Roots Beach Lane (PID # 16.455.0150) for a variance to build a 24 by 24 foot attached garage which will result in a 38.3% lot coverage with the following conditions:

- a. The garage will be no larger than 24 by 24 feet.

- b. The driveway will always remain gravel or a pervious surface.
- c. The grading of the addition will slope to move the water runoff toward the road.
- d. The 10 by 12 foot shed on the north side of the property will be permanently removed.

And 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.

Practical Difficulties:

- 1. Reasonableness: There currently is no garage for use in increment weather. A garage is necessary in Minnesota climate.
- 2. Uniqueness: The property is unique in that it is 6,000 square feet and was platted long before the Zoning Ordinance was adopted. The owner is trying to save two giant oak trees on the lot.
- 3. Essential Character: The request does not change or alter the essential character of the neighborhood. The addition of a garage will match the other properties on Roots Beach Lane that have garages.

The City Council will consider the recommendation at their meeting on June 13, 2022 at 6:00 pm.

The Commission discussed the City of Elysian Comprehensive Plan Section “Culture & Community Character”. The next section to be discussed is “Housing”.

The Minnesota Valley Council of Governments Planning and Roundtable Training by Land Use Attorney Scott T. Anderson held May 18th was interesting and informative. Kopischke and Droog attended.

The Council did approve the Chamber to manage the Farmers Market and for it to be held at the Tourism Center on Saturday mornings. However, the Chamber would now like to hold it at the City Shop Parking Lot. This item will be discussed at the City Council meeting on June 13, 2022.

There was no further business to come before the Commission.

On motion by Henninger, seconded by Linse, all voting in favor, meeting adjourned at 7:40 pm.

Attest:

Jeremy Henninger, Vice Chairperson

Lorri Kopischke, Zoning Administrator