

**CITY OF ELYSIAN  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
NOVEMBER 6, 2024**

The Elysian Planning and Zoning Commission met in regular session Wednesday, November 6, 2024 at City Hall at 6:00 pm.

Present were: Chairperson Tom McBroom, Sr.; Commissioners Dan Engebretson, Paul Hunter, and Doug Stanke; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Engebretson, seconded by Hunter, all voting in favor, to approve the agenda of the November 6, 2024 meeting as presented.

On motion by Hunter, seconded by Stanke, all voting in favor, to approve the minutes of the October 1, 2024 Regular Meeting as presented.

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

Brian and Melanie Burmeister, 6 Roots Beach Lane, PID# 16.455.0130, are requesting a variance for lot coverage and setback from the OHWL on a non-conforming lot for the property to allow for a home expansion and addition of a detached garage.

The property is zoned R-1 Shoreland Residential. The property includes lots 14 and 15 and is 13,687 square feet. The Shoreland Ordinance requires 20,000 square feet.

The Shoreland Ordinance allows 25% lot coverage. The current lot coverage is 30.0%. The required setback from the OHWL is 75 feet. The current setback from the OHWL is 30.8 feet. The house, deck, and shed meet all other setback requirements.

The Burmeisters report that there is foundation damage due to a failed main sewer line and tree roots. This will require partial demolition of the residence and removal of the trees. Since this demolition needs to occur, the Burmeisters would like to add onto the home and deck and tear down a shed and add a double garage on that spot.

The proposed addition/new garage will meet the required side yard setbacks. The proposal will not meet the allowable lot coverage as it will result in a lot coverage of 40.7%. The proposal will not meet the required setback from the OHWL as it will result in a setback from the OHWL of 29.7 feet.

The proposed lot coverage is as follows:

|              |  |
|--------------|--|
| House:       | 2,300 sf                                 |
| Garage:      | 672 sf                                   |
| Deck/stairs: | 674 sf                                   |
| Concrete:    | <u>1,928 sf</u> (pavement and sidewalks) |
|              | 5,574 SF = 40.7%                         |

The Burmeisters have submitted the following in response to the Practical Difficulties requirements:

1. Reasonableness: The property is currently utilized for a single-family home. We plan to continue to use it in the same way. We are currently unable to use it due to foundation damage caused by a failed main sewer line and tree roots. This will require partial demolition of the residence and removal of damaging trees. Since this demolition is to happen, we would like to add on to the main structure of the house by slightly widening the existing footprint and adding a garage where the existing shed is, so that we can store our boat and belongings. We are currently unable to add to the structure due to a large driveway that exists when we purchased the property, putting our impervious surface above the allowed threshold.
2. Uniqueness: The property is a large double lot that is a substandard non-conforming lot. It has a large bituminous asphalt driveway that has more square footage than the home itself. This factor is a roadblock to any improvements on the property because it puts us over the allowed impermeable surface percentage. We would like to utilize the current footprint of the house and add to the width of the home and place a garage where the current shed sits. Because of the driveway pushing us over the impervious percentage we are unable to make any additions to the property.
3. Essential Character: The addition to the home and garage placement will not alter the essential character of the locality. With the proposed changes the impervious percentage would still be lower than most of the properties of our neighbors. We will retain a large percentage of green space on the property and the home and garage design will complement the updated architecture of recent renovations of neighboring properties. The proposed additions will not cross any setbacks or be close to any lot lines. The plan has been carefully surveyed and designed in a conservative manner so as to preserve green space in the unique lot.

Public Comments: None.

Written Comments:

11/5/2024 - City of Elysian and Planning and Zoning Committee

Hello,

I am writing to express my enthusiastic support and approval for the building plans for Dr. Brian and Melanie Burmeister, my next-door neighbors at 6 Roots Beach Lane. It is really unfortunate that the cottonwood tree roots burrowed into the structure of their home making it totally unlivable. They can't even open some doors or use their plumbing.

I'm not sure what their variance request is for. They certainly have enough land because they have two 50-foot lots. If it has to do with the distance to the lake, it is only fair that they be allowed to stay as close as they were because it forms almost a straight line away from the lake with all the neighbors. All of the other first 9 lots on Roots Beach Lane have done construction and received variances. They are not asking to go any closer.

When we added the addition to our house in 1988, we were still in the county, and received our permit from the county. I am too close to their house by the city code. When we were annexed into the city, we shared the water line from the street to the house which is on their land, but we have a legal agreement to do that.

Please grant them the variance they need to rebuild so they can once again enjoy the lake and the Elysian area.

Sincerely, Edna Thayer, 7 Roots Beach Lane

There were no additional written comments.

On motion by Engebretson, seconded by Stanke, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:21 pm.

The Commissioners explained that the maximum allowable lot coverage is 25% and with the goal and responsibly to protect the quality of Lake Francis, an effort is made to cap lot coverage variances at 30%. A possible solution would be to remove all or a portion of the bituminous asphalt driveway and replace it with permeable material.

Brian Burmeister, owner, asked what would qualify as a permeable material? He explained that with what has happened with the tree roots damaging the foundation and the pipes, his family cannot live in the home anymore. The family plans to spend more time here but they need more room. They are trying to modify the existing structure. The existing garage space will be converted to living space.

Edna Thayer, 7 Roots Beach Lane, noted that her driveway and the Burmeister driveway are continuous and that they are plowed as one. She hoped that it could be retained so as not to affect that.

On motion by McBroom, seconded by Engebretson, all voting in favor, to recommend approval of the variance request of Brian and Melanie Burmeister, 6 Roots Beach Lane (PID# 16.455.0130) to allow home expansion and addition of a detached garage resulting in a setback from the OHWL of 29.7 feet and a lot coverage of no more than 30% 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 property owner is unable to use the home due to foundation damage caused by a failed main sewer line and tree roots. This will require partial demolition of the residence and removal of damaging trees. Homeowner will make addition to home and build detached garage at time of repair and will remove part or all of impervious driveway to remain under 30% impervious lot coverage.
  - b. Uniqueness: The large bituminous asphalt driveway has more square footage than the current home itself. This makes it almost impossible to improve the home and be below the required maximum impervious lot coverage.
  - c. Essential Character: The surrounding homes on Roots Beach Lane are located within the required 70-foot OHWL of Lake Francis. This proposal will line up with those homes. The proposal will retain a large percentage of green space on the property and the home and garage design will complement the update architecture of recent renovations of neighboring properties.

And subject to the following condition:

1. Removal of part or all of the bituminous asphalt driveway and replace with permeable material as recommended by the MN DNR to reduce the impervious lot coverage to not more than 30%.

The City Council will consider this recommendation at their meeting on November 12, 2024.

The Commissioners considered draft Ordinance No. 124/24 – An Ordinance Amending Section 156.999; Penalty Provision of the Zoning Code to include an After-the-Fact Penalty for Variance Violations.

The Commissioners had the following questions:

c. It states 25% of the value of the improvement. (Who determines the value of the improvement?)

c. Sets the penalty at 25% of the value of the improvement. (Could this be changed to say “25% of the value of the improvement or a minimum of \$1,000”)?

c. It states any person who “knowingly” – (who determines if it was done “knowingly?") Can that be stricken or how is that determined?

Staff will request clarification of these items from the City Attorney.

On motion by Stanke, seconded by Engebretson, all voting in favor, to recommend City Council approval of Ordinance No. 124/24 – An Ordinance Amending Section 156.999; Penalty Provision of the Zoning Code to include an After-the-Fact Penalty for Variance Violations to include amendments to the items above as recommended by the City Attorney.

The Commissioners considered the proposed Ordinance No. 126/24 – Amending Ordinance No. 115/24 Short Term Rental Ordinance. The only change included in this ordinance is to Section (B)3. To read as follows: “Density. Only one (1) short term rental shall be allowed within 1,000 linear feet of an existing Short Term Rental or Bed and Breakfast in a residential zone and no more than 5% of the City household units (as determined by the most current Census) may hold short term rental license in the City at one time.

On motion by McBroom, seconded by Hunter, all voting in favor, to recommend City Council approval of Ordinance No. 126/24 – Amending Ordinance No. 115/24 Short Term Rental Ordinance.

The Commissioners considered Ordinance No. 125/24 – Regulating Bed and Breakfast Facilities in the City of Elysian. This ordinance will repeal and replace Ordinance §156.119 Bed and Breakfast Establishments.

Ordinance No. 125/24 basically mirrors the short term rental ordinance. The items specific to the bed and breakfast use include:

13. Meals shall be served to guests only. There shall be no separate or additional kitchen facility located in any guest rooms.

15. All Bed and Breakfast facilities must have a Conditional Use Permit and be Licensed by the City of Elysian.

17. The Bed and Breakfast use shall be incidental and secondary to primary residential use of the property. It shall be owner occupied.

The Bed and Breakfast facility will require an annual renewal of license and be subject to a required inspection every three years. There is a formal process for suspension or revocation of license that mirrors the process for Short Term Rental License.

On motion by McBroom, seconded by Hunter, all voting in favor, to recommend City Council approval of Ordinance No. 125/24 – Regulating Bed and Breakfast Facilities in the City of Elysian.

There was no further business to come before the Commission.

On motion by McBroom, seconded by Engebretson, all voting in favor, the meeting adjourned at 6:57 pm.

Attest:

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Tom McBroom, Sr., Chairperson

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Lorri Kopischke, Zoning Administrator