

**CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 6, 2020, 6:00 PM**

Members Present: Don Jacobson, Bob Fier, Linda Gettelman, Josh Young, Gary Harris

Members Absent:

Others Present: Mark Hallan, WSN

Staff Present: Brittney Cotner, Maggi Wentler

1. Call Meeting to Order: Young calls the meeting to order at 6:00pm.

2. Meeting Roll Call:

3. Onsite Visits: None

4. Additions & Deletions from the Agenda:

Motion: Jacobson motioned to approve the October 6, 2020 agenda as presented, Harris seconded. All members voting “Aye”, motion carries.

5. Approval of Minutes:

a. September 1, 2020 Regular Scheduled Meeting Minutes:

Motion: Fier motioned to approve the September 1, 2020 minutes as presented, Harris seconded. All members voting “Aye”, motion carries.

6. Open Forum:

Brittney Cotner: Cotner stated she received an inquiry about the cities rip rap ordinance. They were wondering if we would be willing to look at the 9” rock size and consider increasing the size. Cotner asked if the commission would be willing to look at this section of the ordinance. Commission is willing to look into this at a future meeting.

Cotner also had an inquiry about an in home therapy business that conducts business via webchat. They wanted to know if they would be required to obtain an Interim Use Permit (IUP). Cotner stated that no clients are in the home. Commission agrees that no IUP is needed.

7. Public Hearings:

Motion: Fier motioned to open the public hearing at 6:03pm, Harris seconded. All members voting “Aye”, motion carries.

- a. **Variance application 013-20: to allow the construction of a dwelling 66 feet from a wetland where 100 feet is required.**

Property Location: 26383 Edna Lake Road PID# 28030671

Applicant/Owner: John & Laurie Miller (both present)

Cotner read her staff report in for the record. She stated that she provided 2 options, being the only difference is the Findings of Fact, one is for denial and one is for approval. She stated it really could go either way because of the shape of the shoreline.

J. Miller stated they moved the structure back about 40 feet from the previous meeting. He also noted that the questionable line showing on the survey from the last meeting was in fact just a measurement line. Young stated a silt fence should be in place before ground work is done. Harris stated he would approve this plan. Gettelman stated she believes this is a compromise from the last meeting. J. Miller stated the septic is 30 years old and so it will likely be replaced.

Motion: Harris motioned to approve this variance application 013-20 as presented with the following findings of fact:

1. The subject property is located at 26383 Edna Lake Rd. (PIN 28030671).
2. The subject property is located on Fawn lake and is zoned "Shoreline Residential".
3. The variance request is to allow a home to be built with 66' setback from the wetland connected to the lake (100' required).
4. The impervious surface coverage of the property with the proposed dwelling is 14%.
5. Practical difficulties, as defined by ordinance, have been established.
 - a. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
 - i. Yes, the request to construct a single family dwelling on the pre-existing parcel is reasonable but not permitted to have the limited setbacks requested.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. Yes, the property has a wetland and shoreline that causes the building envelope to be oddly shaped limiting the options for construction.
 - c. The variance, if granted, will not alter the essential character of locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - i. No, the placement of the dwelling is consistent with the residential use in the area.

Gettelman seconded. All members voting "Aye", motion carries.

Motion: Harris motioned to close the public hearing at 6:11pm, Fier seconded. All members voting “Aye”, motion carries.

8. New Business:

a. “Shouse” ordinance draft discussion:

Cotner stated she included in the packet the first draft of what she and Jacobson came up with. They are looking for feedback from the commission.

Jacobson questioned what it would be classified as if it was not an attached garage. Cotner stated it would fall under an accessory structure. Harris thinks that 150% of the living area footprint seems a bit large. We would like to see it around 50% of the living area footprint. Young stated he would like to see it similar to the luxury garages at BIR. He believes there is a way to allow them and make them look nice. Cotner questioned if we want to regulate siding? Jacobson believes that we want to allow space to park vehicles, boats, toys etc. Fier stated that a 4-stall attached garage is reasonable. He would like to see requirements for siding and not allow steel, as this is a home.

Young questioned how we would be verifying the amount of “living space”. Cotner stated the applicant would be required to provide a floor plan/layout, along with a site inspection before and after. If they didn’t build to specification they would be required to come in for an after the fact variance along with the extra fee or potentially tear it down. Fier stated he would like to see a sign off as part of the process. Cotner stated she will present two drafts at the next meeting during the public hearing, one at 150% and one at 100%. Hallan suggested to be specific about the footprint area or if the second floor would be included.

b. Adoption of Crow Wing County’s Short Term Rental Ordinance:

Cotner stated she provided 2 options in the packet. One is for a small paragraph stating that anyone interested in Short Term Rentals needs to contact Crow Wing County directly, and option 2 is adding the entire Crow Wing County ordinance to our ordinance. Cotner noted that we as the city will not maintain this ordinance or have part in the licensing of these rentals. It will be all handled through the county. Cotner stated she provided 2 additional comments from the public that she provided to each commission member.

Young stated as a resort owner there are a ton of regulations and licensing that needs to be done to continue operating, but any neighbor can just rent out their house with no regulations. He is in favor of the county’s ordinance. Harris and Fier like the shorter version, as it is simpler. Wentler questioned how would the city keep up on updating any changes the county makes if we adopt Crow Wing County’s entire

ordinance? Jacobson questioned if the city adopts this ordinance would we see an increase, decrease or the same amount of rentals? Cotner state it will likely increase as currently there are only 2 properties currently permitted for them in the city now. She believes there are many more properties that are renting. Gettelman stated she is ok with Crow Wing County handling short term rentals.

Jeff Ritter (audience) stated he is currently has a permit to rent. He has no issues with Crow Wing County Short Term Rental ordinance.

Cotner stated she will put on next meeting agenda for a public hearing.

c. Commission Trainings:

Cotner stated as part of the annual training she wants the commission to watch 2 short videos. One is Making Motions and the other is Amending Motions. Due to technical difficulties she will email them out to everyone to watch.

9. Old Business - None

10. Planning & Zoning Administrator's Report

a. Permits

Cotner stated there were 18 new permits. 5 of those were for new dwellings. Cotner noted that Pine Trail & Poplar Place developments continue to build.

b. Violations List

Cotner stated there was one new violation this month and it has been rectified.

11. Commissioners' Questions/Comments:

Gettelman stated she attended a webinar in September, Bridging Divides. She stated it was an excellent webinar, especially considering some of the things that the city is currently going through. She stated it was available online and would send the link to Cotner to pass along to the commission members.

12. Adjourn

Motion: Young motioned to adjourn the October 6, 2020 meeting at 6:47 pm, seconded by Harris. All members voting "Aye", motion carries.

Respectfully submitted,

Maggi Wentler, Finance Specialist