

**CITY OF NISSWA  
PLANNING COMMISSION/BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
TUESDAY, JULY 6, 2021, 5:00 PM**

**Members Present:** Don Jacobson, Josh Young, Gary Harris

**Members Absent: Others Present:** Dave Reese, WSN, Tom Pearson, Gammello Pearson

**Staff Present:** Brittney Cotner

1. **Call Meeting to Order:** Young calls the meeting to order at 5:00 pm.

2. **Meeting Roll Call:**

3. **Onsite Visits:**

a. **PID 28100510**

b. **PID 28230544**

c. **PID 28120594**

4. **Calls Meeting to Order:** Young reconvenes the meeting at 6:00pm.

5. **Meeting Roll Call:**

6. **Additions & Deletions from the Agenda:**

**Motion:** Jacobson motioned to approve the July 6, 2021 amended agenda as presented and move item 10b up to be discussed after item 6. Open Forum. Harris seconded. All members voting “Aye”, motion carries.

7. **Approval of Minutes:**

a. **June 1, 2021 Regular Scheduled Meeting Minutes:**

**Motion:** Harris motioned to approve the June 1, 2021 minutes as presented, Jacobson seconded. All members voting “Aye”, motion carries.

8. **Open Forum:**

a. **Tim Wager** off-site sign ordinance review request

9. **Public Hearings:**

**Motion:** Jacobson motioned to open the public hearing at 6:12 pm, Young seconded. All members voting “Aye”, motion carries.

a. **Ordinance Amendment Application 013-21: to consider changing the building height allowed within the Highway Business zoning district**

**Owner/Applicant: City of Nisswa**

Cotner read her staff report in for the record.

Jacobson inquired if this was ahead of its time as no applications are currently requesting this change. Young inquired as to the type of inquiries we get in regards to building height. Cotner stated businesses and apartments are the two that are discussed about most frequently in regards to building height limitations. Young clarified that this proposed change would not include apartments.

Jacobson stated Nisswa does not own a ladder truck. Cotner stated Fire Chief Bailey has no concerns with the change. Jacobson stated the ladder truck being outside of the city adds to response time.

Harris asked for Reese to provide input.

**Motion:** Jacobson motioned to table Ordinance Amendment Application 013-21, seconded by Harris

Further discussion: Harris requested Reese provide a report on the concerns associated with allowing the height increase.

Young requested Chief Bailey provide information on the reasoning of comfort with the proposed increase.

All members voting “Aye”, motion carries

- b. Rezone Application 010-21: to change the zoning classification from Open Space Residential to Shoreland Residential**  
**Project Location: 4030 Upper Roy Lake Road PID 28100510**  
**Owner/Applicant: Brian Anderson**

Cotner read her staff report for the record.

Anderson not present. Young would like the applicant to be present to discuss more details of the rezone.

**Motion:** Jacobson motioned to table rezone application 010-21, seconded by Harris

All members voting “Aye”, motion carries

- c. Variance Application 011-21: to allow for chickens to be located within the Urban Residential zoning district**  
**Project Location: 25681 Centennial Lane PID 28120594**  
**Owner/Applicant: Holly Holm**

Cotner read her staff report for the record.

Holm stated the purpose of the chickens would be to provide eggs, control insects, and provide manure for her master gardening program.

Cotner stated there were 8 letters of support and 1 letter of concern submitted.

Mark Sjoblad stated with the large lots he can't see an issue with allowing the application.

Holm stated if she were in the proper zoning district she would be allowed 248 chickens based on the ordinance.

Jacobson inquired as to what the practical difficulty was. Holm stated she cannot rezone due to spot zoning laws.

**Motion:** Harris motioned to approve Variance Application 011-21 with the following condition:

1. No more than 30 chickens may be kept on the subject property at any one time.
2. Chickens must still comply with section **4.9.2 Nuisance Standards** of The City Code.
3. The location and infrastructure related to the use must comply with section **4.7.4 Agricultural Uses, Animal Husbandry Provisions** of The City Code.

Findings of Fact:

1. The subject property is located at 25681 Centennial Lane. (PIN 28120594)
2. The subject property is non-riparian and is zoned "Urban Residential"
3. The subject property is 2.45-acres
4. The variance request is to allow chickens to be kept in the "Urban Residential" zoning district where "Open Space Residential" zoning is required
5. The impervious surface coverage of the property is 6%
6. Practical difficulties, as defined by ordinance, have/have not 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 have chickens on a residential property is a reasonable use allowed under other residential zoning districts.
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
    - i. Yes, the property is zoned "Urban Residential" and is surrounded by the same zoning. The property qualifies to be rezoned to the

allowed “Open Space Residential” but due to spot zoning regulations this is not allowable.

- 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.
  - ii. Yes, the property is zoned “Urban Residential” and is surrounded by the same zoning. The property qualifies to be rezoned to the allowed “Open Space Residential” but due to spot zoning regulations this is not allowable.

Young seconded. Harris and Young members voting “Aye” Jacobson votes “Nay”, motion carries

- d. **Conditional Use Permit Application 012-21: to construct an accessory structure on a commercial property**  
**Project Location: 4871 County Road 77 PID 28230544**  
**Owner: Brainerd Baxter Corp**  
**Applicant: Don McFarland**

Cotner read her staff report for the record.

McFarland stated there won’t be any utilities to the building and it is being placed on existing impervious surface. He would like to store equipment in the structure onsite to avoid moving items offsite in the offseason.

Jacobson inquired if the structure will match the waterslide in color. McFarland stated yes, it will be blue.

**Motion:** Jacobson motioned to approve this Conditional Use Permit 012-21 to allow the placement of an accessory structure at the subject property 4871 County Road 77 PID 28230544, with the following condition:

1. The proposed structures may not contain living quarters and may not be utilized for human habitation.
2. The proposed structure must be in substantial conformance with section **4.8.3 Exterior Building Finishes – Commercial Structures**
3. Any lighting must be downcast within compliance of section **4.8.7 Exterior Lighting**.
4. Structure is to be in substantial conformance with the provided plans. Any changes require subsequent approvals from the Planning Commission.
5. No exterior storage is permitted.
6. All other state and federal codes must be met.

7. Prior to the issuance of a Land Use Permit a SSTS compliance inspection must be submitted to the City Planner.

Findings of Fact:

1. The proposed structures may not contain living quarters and may not be utilized for human habitation.
2. The proposed structure must be in substantial conformance with section **4.8.3 Exterior Building Finishes – Commercial Structures**
3. Any lighting must be downcast within compliance of section **4.8.7 Exterior Lighting**.
4. Structure is to be in substantial conformance with the provided plans. Any changes require subsequent approvals from the Planning Commission.
5. No exterior storage is permitted.
6. All other state and federal codes must be met.
7. Prior to the issuance of a Land Use Permit a landscaping plan must be submitted to the City Planner.
8. Prior to the issuance of a Land Use Permit a SSTS compliance inspection must be submitted to the City Planner.

Harris seconded. All members voting “Aye”, motion carries

**Motion:** Harris motioned to close the public hearing at 6:34 pm, Jacobson seconded. All members voting “Aye”, motion carries.

**10. New Business:**

**a. Structure Size Requirements Discussion**

Cotner stated this was requested to be brought before the commission to consider if more restrictions are needed.

Young stated there have been concerns brought to him by residents on the “shouse” type structures. He worries there is no enforcement mechanism to ensure the structure has area and is being used as a dwelling.

Jacobson would like Cotner to bring details on the approved “shouse” permits and others that have been discussed.

Young would like Cotner to also look into defining a “shouse” within the ordinance.

**b. Pine Trail Homes Docking Update**

This was discussed after agenda item 6. Open Forum

Pearson stated due to new information received a few hours prior to the meeting it has changed how he is evaluating the situation. He intends to bring the topic

before the City Council at their July meeting. Pending the City Council's discussion this may be back before the Planning Commission.

Jacobson inquired if there is a 60-day clock concern on this item. Pearson stated no, due to this being a topic of a previously approved CUP there is no Statute 15.99 concern.

**Motion:** Harris motioned to table the Pine Trail Homes Docking Update item, Jacobson seconded. All members voting "Aye", motion carries.

#### **11. Old Business: None**

#### **12. Planning & Zoning Administrator's Report**

##### **a. Permits**

Cotner stated we had 13 new permits this past month, with 7 being new dwellings.

##### **b. Violations List**

Cotner stated there were 4 new violations this month. All are being addressed with 1 being a continued violation.

#### **13. Commissioners' Questions/Comments:**

- a.** Harris inquired as to the fee schedule, if this needs to be updated as a few of the Land Use Permits seem inaccurate on project cost. Cotner stated this is something the City plans to review in the winter.
- b.** Jacobson stated he has noticed several RVs in the area, inquired if permits have been issued for these. Cotner said a few have been permitted but has also noticed this needs to be enforced more actively.

#### **14. Adjourn**

**Motion:** Harris motioned to adjourn the July 6, 2021 meeting at 7:45 pm, seconded by Jacobson. All members voting "Aye", motion carries.

Respectfully submitted,

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Brittney Cotner, City Planner