



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, JUNE 4, 2019, 4:30 PM

Members Present: Anne Laufman, Bob Fier, Gary Harris, Don Jacobson, Josh Young

Members Absent: None

Others Present: Mark Hallan

Staff Present: Brittney Cotner - Interim Planning & Zoning Administrator; Justin Burslie, Sourcewell; Jenny Max – City Administrator

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits

- a. 25989 Hyland Avenue – Perry Meyer – Variance
- b. Corner of Clubhouse Road and Highway 37 – Interlachen Home Owners Association – Variance
- c. 6307 Lendee Drive – Luke Vander Aarde – Variance
- d. 25305 East Clark Lake Road – Shawn Larson – CUP

4. Approve Minutes:

- a. May 7, 2019 Regular Meeting Minutes

5. Open Forum:

- a. None

6. Public Hearings:

- a. 25305 East Clark Lake Road – Shawn Larson – CUP
- b. 5042 Killdeer Trail – David Traxler – CUP
- c. 6307 Lendee Drive – Luke Vander Aarde – Variance
- d. Corner of Clubhouse Road and Highway 37 – Interlachen Home Owners Association – Variance
- e. 25989 Hyland Avenue – Perry Meyer – Variance
- f. Ordinance Amendment Application 019-19 – City of Nisswa

7. New Business:

- a. Proposed Modification of Boat House Roof, Tom Hamlin
- b. Rescheduling of July 2nd meeting

8. Old Business: None

9. Planning & Zoning Administrator’s Report

10. Commissioners’ Questions/Comments

11. Adjourn

46
47 **MEETING MINUTES FROM JUNE 4, 2019**
48

49 **1. Call to Order:** Laufman calls the meeting to order at 4:30pm.
50

51 **2. Meeting Roll Call:** 6:01 pm by Laufman.
52

53 Burslie noted an addition to the agenda under New Business. Item 7.c. regarding a
54 clarification request from the Lutheran Church of the Cross on their sign and bell
55 tower.
56

57 **MOTION:** Jacobson motioned, seconded by Harris to approve the June 4, 2019
58 Planning Commission/Board of Adjustment agenda as amended. All members
59 voting “Aye,” motion carries.
60

61 **3. Onsite Visits:**
62

- 63 a. 25989 Hyland Avenue – Perry Meyer – Variance
- 64 b. Corner of Clubhouse Road and Highway 37 – Interlachen Home Owners
65 Association – Variance
- 66 c. 6307 Lendee Drive – Luke Vander Aarde – Variance
- 67 d. 25305 East Clark Lake Road – Shawn Larson – CUP
68

69 **4. Approval of Minutes:**
70

71 a. May 7, 2019 Regular Scheduled Meeting Minutes:
72

73 **MOTION:** Jacobson motioned to approve the May 7, 2019 minutes as
74 presented, Young seconded. All members voting “Aye”, motion carries.
75

76 **5. Open Forum:**
77

78 Mark Ronnei, Grand View Lodge – Ronnei noted he would like to present an
79 updated long range plan to the Commission. The update will take approximately
80 30 minutes. Laufman asked that Ronnei coordinate with Cotner to determine if
81 the July or August meeting works best to present the update.
82

83 Glen Burkhalter from Lasered from the Heart business in downtown Nisswa
84 addressed the Commission and stated he would like to put in no parking signs that
85 were previously located next to the building. Hallan noted that this is on the
86 Public Works Committee agenda for May 5th and that it will be discussed by the
87 Public Works Committee. Burkhalter noted he will speak to that group.
88

89 **6. Public Hearings:**
90

91 **MOTION:** Harris motioned to open the public hearing at 6:08pm, Jacobson
92 seconded. All members voting “Aye”, motion carries.
93

- 94 a. **CONDITIONAL USE PERMIT APPLICATION 010-19** to construct an
95 accessory structure for storage of equipment. The subject property is located

96 at 25305 East Clark Lake Road and is zoned “Shoreland Residential”.
97 Applicant/property owner: Shawn Larson.

98
99 Burslie noted this is a continuation from the May meeting and read the four
100 conditions of approval, noting the fourth item is an addition from the May
101 meeting. Burslie also noted there is some possible discrepancy in the City
102 code regarding the definition for accessory structures.

103
104 Laufman opened the public comment.

105
106 Ron Whipple, neighbor to Mr. Larson, noted his concern that the building is
107 too large and it doesn’t fit the area. Larson also expressed concern that the
108 neighboring property values will decrease if this structure is built.

109
110 Francis O’Neil, owns property immediately to the north, said her new side
111 view will be of this big structure and not the pine trees. O’Neil said there will
112 be nine 100 year old jack pines taken down with this structure and doesn’t
113 want to look at such a large building.

114
115 Bob Reichenbach, neighbor down the road, wanted to re-iterate the potential
116 decrease in property values in the neighborhood. He also asked if anything
117 was changed on Larson’s application from last month?

118
119 Ruth Henderson, neighbor two doors down, has concerns that this property is
120 being used for rentals.

121
122 Larson said he has spent a lot of time on this project and was given certain
123 information from previous City staff and has relied on it.

124
125 Laufman closed the public comment.

126
127 Fier asked Larson about impervious coverage and if all structures were
128 identified on the survey. Larson noted that some structures are missing and all
129 structures will be identified on the final survey.

130
131 Young asked Larson to provide a vision for his project. Larson noted he has
132 two boats, a jetski, 4 snowmobiles and a lawnmower that he would like to put
133 in this garage, as well as his vehicles. He will fill up the entire garage.

134
135 Young asked about the exterior finishes and Larson said he will change the
136 exterior to not have tin siding as originally planned. He has listened to the
137 neighbors and their concerns.

138
139 Jacobson noted that the Commission’s objective is to ensure the use, value
140 and enjoyment of other properties and other allowed uses are not impaired.
141 For this size lot and for the number of structures on it, the building as
142 proposed would be a detriment to the neighborhood in his opinion.

143
144

145 Burslie reminded the Commission that a CUP is an allowed use and should
146 typically be approved with conditions.

147
148 Young said that Larson should work together with Cotner to put a better plan
149 in place and bring that back to the Commission.

150
151 Burslie noted if the Commission tables this application they would need the
152 applicant's approval to waive the 60 day rule. Larson concurred to waive the
153 60 day rule. Laufman asked Cotner to send a letter to confirm in writing.

154
155 **MOTION:** Harris motioned, seconded by Laufman to table CUP application
156 010-19 for Shawn Larson to the July meeting. Motion carried 4:1 with
157 Jacobson opposed.

158
159
160 **b. CONDITIONAL USE PERMIT APPLICATION 015-19** to construct a 4' x
161 8' (32 sf) electronic sign. The subject property is located at 5042 Killdeer
162 Trail zoned "Highway Business". Applicant: Fasttrax. Property owner: David
163 Traxler.

164
165 Burslie noted that the applicant has withdrawn his application.

166
167
168 **c. VARIANCE APPLICATION 016-19** to construct a 1,196 square foot garage
169 10 feet from the property (15 ft required). The Subject property is located at
170 6307 Lendee Dr and zoned "Shoreland Residential". Applicant/owner: Luke
171 Vander Aarde.

172
173 Burslie read his staff report into the record. Staff recommends approval of this
174 application with no conditions.

175
176 There were no public comments.

177
178 **MOTION:** Jacobson motioned, Harris seconded to approve Variance
179 application 016-19 to construct a 1,196 square foot garage 10 feet from the
180 property located at 6307 Lendee Drive for Luke Vander Aarde as presented
181 with no conditions.

182
183 **Findings of Fact:**

- 184 1. The subject property is located at 6307 Lendee Dr. PIN
185 281210010100009.
- 186 2. The subject property is adjacent to Round Lake and is zoned "Shoreland
187 Residential – General Development".
- 188 3. The variance request is to construct a 26' x 46' (1,196 sf) accessory
189 structure 10 feet from the east property line (15' required).
- 190 4. The existing and proposed impervious surface coverage of the property is
191 approximately 22.76% (25% maximum allowed).
- 192 5. The proposed garage is one story and does not exceed the 25' maximum
193 building height requirement.

- 194 6. Practical difficulties, as defined by ordinance, have/have not been
195 established.
- 196 a. The property owner proposes to use the property in a reasonable manner
197 not permitted by an official control.
- 198 i. Yes, the request to make a modest garage to the property is
199 reasonable but not permitted under the current ordinance the owner
200 is attempting to persevere some mature trees that impede on
201 adhering to the 15' set back standard. If the planning commission
202 determines the property owner is not proposing to utilize the
203 property in a reasonable manner, this finding should be modified.
- 204 b. The plight of the landowner is due to circumstances unique to the property
205 not created by the landowner.
- 206 i. Yes, the plight of the land owner (location and configuration of
207 dwelling in relation to the driveway and mature tree on the
208 property) is due to circumstances unique to the property and not
209 created by the landowner.
- 210 c. The variance, if granted, will not alter the essential character of locality.
211 Economic considerations alone do not constitute practical difficulties.
212 Practical difficulties include, but are not limited to, inadequate access to
213 direct sunlight for solar energy systems.
- 214 i. The essential character of the locality will not be altered with
215 approval of the variance request. Other single family dwellings in
216 the vicinity of the subject property have similar sized detached
217 garages. The request is not being made based on economic
218 considerations.
- 219 7. The request is in harmony with the general purposes and intent of the land
220 use ordinance and the comprehensive plan.
- 221 8. The variance will not create a land use not permitted in the "Shoreland
222 Residential" Zone. Single family dwellings (and detached garages) are
223 allowed in the Shoreland Residential District

224
225 All members voting "Aye", motion carries.
226
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- 228 **d. VARIANCE APPLICATION 017-19** to construct a 40 foot tall flag pole (25
229 ft allowed). The subject property is located at the corner of Club House Road
230 and Highway 371. The property is zoned "Commercial Waterfront".
231 Applicant: Dale Collette, Bob Larson and Doug Bennet. Property Owner:
232 Interlachen Home Owners Association.
233

234 Brad Larson, Interlachen Board Member noted the Association's desire to
235 memorialize a past owner with a flag pole. Larson noted he called the City
236 and was advised that no permit was required. Subsequently the Association
237 hired Nor Son and informed him that the City requires a variance sine the flag
238 pole height is 40', which is over the maximum height allowed (25' currently
239 allowed per ordinance).

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Burslie read his staff report into the record and noted that staff recommendation is to not approve this variance application. Burslie read through the practical difficulties standards and noted that if the Planning Commission approves this variance the findings of fact will need to be amended.

There were no public comments.

Harris noted he agrees with staff findings.

Larson noted there are other flag poles in the City that exceed the 25' standard. The pole will be installed by Nor Son and the City can have all the specs and information it needs for the City's records.

Young asked what the proposed size is for the flag; Larson noted 10' x 15'. Cotner noted that City code allows a maximum of 15 square feet for flags.

Fier noted that he is a resident of Interlachen and will be abstaining from any vote.

MOTION: Motion by Laufman, seconded by Young to deny Variance application 017-19 to construct a 40 foot tall flag pole (25 ft allowed) located at the corner of Club House Road and Highway 371 based on the following findings of fact:

Findings of Fact:

1. The subject property is located at structure located at corner of Club House Road and Highway 371. (PIN 281730010230009).
2. The subject property is adjacent to Gull Lake and is zoned "Commercial Waterfront – General Development".
3. The variance request is to construct a 40 foot flag pole (25 ft allowed)
4. The impervious surface coverage of the property will not be majorly affected by the addition.
5. 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 add a flag pole to the pre-existing parcel is reasonable but not permitted under the current ordinance due to its height alone.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. No. The subject property is relatively level. The height and location of the existing structures on the subject property and adjacent properties do not create a visibility issue for a 25' high flag pole. The subject property does not have any unique

- 287 circumstances which would justify an 80 ft tall flag pole.
- 288 ii. A flag pole meeting the requirements of the ordinance may be
- 289 constructed in multiple location of the subject property which
- 290 would be visible to residents/tenants of the development and
- 291 the adjacent public right-of-way.
- 292 c. The variance, if granted, will not alter the essential character of
- 293 locality. Economic considerations alone do not constitute practical
- 294 difficulties. Practical difficulties include, but are not limited to,
- 295 inadequate access to direct sunlight for solar energy systems.
- 296 i. The proposed flag pole would alter the essential character of
- 297 the locality. No other properties in the immediate vicinity of
- 298 the subject property have structures similar in height as the
- 299 proposed structure. The applicant has indicated their “practical
- 300 difficulty” in complying with the ordinance is the fact the flag
- 301 pole has been purchased and delivered which is an “economic
- 302 consideration.” Economic considerations alone do not
- 303 constitute practical difficulties
- 304

305 Motion failed 4:0 with Fier abstaining.

306

307 The Commission discussed the possibility of amending the ordinance to

308 provide different standards for flag poles. Larson said he would waive the 60

309 day rule to give the Commission time to review options for amending the

310 ordinance. The Commission asked Cotner to draft some proposed language

311 regarding options that might more closely fit the needs of the City.

312

313 **MOTION:** Motion by Laufman, seconded by Harris to table Variance

314 application 017-19 to construct a 40 foot tall flag pole located at the corner of

315 Club House Road and Highway 371 to the July Planning Commission

316 meeting.

317

318 All members voting “Aye”, motion carries.

319

320

- 321 e. **VARIANCE APPLICATION 018-19** to construct an accessory structure
- 322 with a 15 foot set back (30 ft required). The property is located at 25989
- 323 Hyland Ave and zoned “Shoreland Residential”. Applicant/owner: Perry
- 324 Meyer.
- 325

326 Burslie read his staff report into the record and noted that staff

327 recommendation is to approve this variance application with no conditions.

328

329 Perry noted his appreciation for the City’s support based on initially receiving

330 information that the setback was 15’, only to find out later that it is actually

331 30’ from the lot line.

332

333 Jim Starky, 25557 Hyland Ave, noted his support for his neighbor's variance
334 request.

335
336 Perry noted the garage will be used for storage and that he will use the same
337 type of siding that is on his house.

338
339 **MOTION:** Young motioned, seconded by Harris approve Variance
340 application 018-19 to construct an accessory structure with a 15 foot set back
341 located at 25989 Hyland Ave and zoned "Shoreland Residential" for Perry
342 Meyer with no conditions based on the following findings of fact:

343
344 **Findings of Fact:**

- 345 1. The subject property is located at 25989 Hyland Ave. PIN
346 28131000022Z009.
- 347 2. The subject property is adjacent to Roy Lake and is zoned "Shoreland
348 Residential – General Development".
- 349 3. The variance request is to construct a 34' by 50' (1700 sq ft) garage to a
350 pre-existing poured pad.
- 351 4. The existing and proposed impervious surface coverage of the property is
352 approximately 5% (25% maximum allowed).
- 353 5. The proposed garage is one story and does not exceed the 25' maximum
354 building height requirement.
- 355 6. Practical difficulties, as defined by ordinance, have/have not been
356 established.
- 357 a. The property owner proposes to use the property in a reasonable manner
358 not permitted by an official control.
- 359 i. Yes, the request to make a modest garage to the pre-existing
360 poured pad is reasonable but not permitted under the current
361 ordinance because the pre-existing poured pad is located 15' from
362 the side property line (30' required). If the planning commission
363 determines the property owner is not proposing to utilize the
364 property in a reasonable manner, this finding should be modified.
- 365 b. The plight of the landowner is due to circumstances unique to the property
366 not created by the landowner.
- 367 i. Yes, the plight of the land owner (location and configuration of
368 dwelling on the property) is due to circumstances unique to the
369 property. A permit was issued by the city for the existing dwelling
370 and approval was given for the location of the proposed accessory
371 structure. The plight of the landowner was not created by the
372 landowner.
- 373 c. The variance, if granted, will not alter the essential character of locality.
374 Economic considerations alone do not constitute practical difficulties.
375 Practical difficulties include, but are not limited to, inadequate access to
376 direct sunlight for solar energy systems.
- 377 i. The essential character of the locality will not be altered with

378 approval of the variance request. Other single family dwellings in
379 the vicinity of the subject property have similar sized attached
380 garages. The request is not being made based on economic
381 considerations.

382 7. The request is in harmony with the general purposes and intent of the land
383 use ordinance and the comprehensive plan.

384 8. The variance will not create a land use not permitted in the "Shoreland
385 Residential" Zone. Single family dwellings (and detached accessory
386 structures) are allowed in the Shoreland Residential District.

387 All members voting "Aye", motion carries.

388

389

390 **f. ORDINANCE AMENDMENT APPLICATION 019-19** Amending Section
391 4.13.5 "Conditional Use Permits," and Section 4.13.7 "Variances" regarding
392 application deadlines. Applicant: City of Nisswa.

393

394 Burslie read his staff report into the record.

395

396 There were no public comments.

397

398 **MOTION:** Laufman motioned, seconded by Jacobson to recommend the City
399 Council approve Ordinance Amendment application 019-19 Amending
400 Section 4.13.5 "Conditional Use Permits," and Section 4.13.7 "Variances"
401 regarding application deadlines as presented.

402

403 All members voting "Aye", motion carries.

404

405 **MOTION:** Jacobson motioned, seconded by Young to close the Public Hearing. All
406 members voting "Aye", motion carries.

407

408 **7. New Business**

409

410 **a. Proposed Modification of Boat House Roof, Tom Hamlin:**

411

412 Burslie read his staff report into the record and noted this applicant's request
413 is a change in roof style on an accessory structure. When the ordinance is
414 vague staff will bring items like this to the Commission for their input and
415 direction. Does a change in roof style constitute an expansion based on the
416 Commission's interpretation?

417

418 Hamlin noted he needs a bit more height to accommodate a larger garage door
419 in order to store a larger boat.

420

421 Burslie noted the square footage of the structure will remain the same and the
422 mid-point of the roof will also remain the same. The change in roof style will
423 improve stormwater runoff.

424

425 Based on a straw poll, all Commissioners indicated a change in roof style that
426 does not increase the square footage of a structure or a change in the mid-
427 point of the roof does not constitute an expansion. Burslie noted that a land
428 use permit is still required but staff will not bring applications that meet this
429 criteria forward for Commission approval going forward.

430
431 **b. Rescheduling of July 2nd meeting:**

432
433 **MOTION:** Harris motioned, seconded by Young to move the regularly
434 scheduled July 2nd Planning Commission meeting to July 9th.

435
436 All members voting “Aye”, motion carries.

437
438 **c. Lutheran Church of the Cross Sign and Bell Tower Clarification:**

439
440 Hallan stated that with the CSAH 13 project taking place in 2020, the Church
441 needs to move their bell tower and information sign due to the location of the
442 new right of way. The Church asked him to obtain clarification from the
443 Commission on if the two items were combined, would it be considered a
444 structure or a sign?

445
446 Various Committee discussion followed.

447
448 Following discussion, Hallan noted he will report back to the Church that the
449 Commission would consider it a structure and they will need to meet the
450 structure setback requirements.

451
452
453 **8. Old Business – None**

454
455 **9. Planning & Zoning Administrator’s Report**

456
457 Burslie said there have been 31 new permits issued in 2019 thus far.

458
459 Jacobson asked if a violations list can be started and included in the packets
460 going forward. Cotner said yes, she can include that information.

461
462 Laufman asked about tracking outstanding conditions. Cotner said she will put
463 a report together for this as well. Fier asked about the conditions list for Grand
464 View’s recent development projects. Max noted she will send an updated
465 conditions list to the Commission.

466
467 **10. Commissioners’ Questions/Comments**

468
469 The Commission thanked Justin Burslie for his work and assistance with the
470 Planning & Zoning Department over the past few months. The Commission also
471 welcomed Brittney Cotner and noted how fast she is getting up to speed on the
472 many open projects happening right now.

473
474 **11. Adjourn**

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476

MOTION: Harris motioned to adjourn the May 7, 2019 meeting at 7:51 pm,

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seconded by Laufman. All members voting “Aye”, motion carries.

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480

Respectfully submitted,

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Jenny Max, City Administrator/Clerk