



CITY OF BATTLE LAKE PLANNING COMMISSION

A G E N D A

Tuesday, October 1, 2024

7:00 p.m.

- CALL TO ORDER
- APPROVE AGENDA
- APPROVE MINUTES

REQUEST FOR CONDITIONAL USE PERMIT:

Applicant/Property Owner: Battle Lake Public School

Pursuant to City Code #156.073 of the City of Battle Lake, IND School District 542 is requesting a variance on West Summit. The setback requirement is 30 feet, and the current building (auditorium) is set 13 feet back on grade. The proposed new addition will be 15 feet back.

CUP REVIEW:

- 1 – Present application - Applicant
- 2 – Staff report – City Zoning Officer
- 3 – Review Correspondence
- 3 – Discussion by Planning Commission
- 4 – Variance Checklist – answer questions in detail
- 5 – RECOMMENDATION to the City Council – by motion

Adjourn

CITY OF BATTLE LAKE

PLANNING COMMISSION – June 4, 2024

The Battle Lake Planning Commission met on Tuesday, June 4, 2024 Present were Commissioners Don Maslow, Dennis Pederson, Richard Bullard, Rezin Everts, and, Heather Jacobson. Absent were John Salvevold and Greg Maynard. Also present were Val Martin, Clerk/Treasurer/Zoning Officer along with applicants for a Variance Scott and Connie Peterson. Maslow called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited. Bullard made a motion to approve the agenda. Everts seconded. MCU Everts made a motion to approve the minutes. Maslow seconded. MCU

Request for a Variance:

Pursuant to City Code #156.073 of the City of Battle Lake, Scott and Connie Peterson are requesting a variance from impervious surface to go from 31% to 35% for their property located at 204 East Dunton Ave. As this property is within 1000 of the lake, the maximum impervious allowed without a variance is 25%. The existing yard channels water toward the house resulting in a leaky basement. In addition, the surface is very uneven and presents a safety concern. Allowing us to put in a sidewalk graded to channel water away from the house would solve both problems. This solution would additionally and significantly beautify the property and bring it up to neighborhood standards.

The Petersons presented their request and also said they had added gutters to help eliminate some issues but this did not solve the problem. Commissioners reviewed the impervious calculations along with the photos presented and some felt that there could be more that is impervious but it was difficult to tell what the intent of the sections they were discussing were used for. It looked like it could have been an old flowerbed but there were several chunks of cement and the soil appeared to be very solid making it pervious. After a lengthy discussion, the discussion moved to keeping the application as it is written. As the application was reasonable as is and very clear what he was requesting, it didn't seem to make sense to try and pick apart and add to existing impervious surfaces.

The commissioners reviewed the findings of fact:

Criteria for granting variances may only be in accordance with M.S Chapter 462, as it may be amended from time to time, as applicable. A variance to the provision of the zoning ordinance may be issued to provide relief to the landowner in those zones where the Chapter imposes.

1. Is it reasonable? The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls (Variance requests should only be considered reasonable when no other alternatives exist, particularly if public water is impaired or at risk of being impaired. How substantial is the request related to the standard?)

Yes because with will change the water flow and make the property look better.

2. Unique Circumstances – The plight of the landowner is due to circumstances unique to the property not created by the landowner. What distinguishes this property from other properties to justify deviation from the requirements when others must comply?

It is unique due to it being on a side hill and creating a slope for issues with stormwater going into the basement.

3. Essential Character – if granted, the variance will not alter the essential character of the City/locality. (Does the size and location compare to structures in the vicinity? If in shoreland management area, to what extent does the structure encroach into sensitive natural areas such as bluffs or shores?)

It will not. In fact, it will look better after the changes are made.

4. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance; (Will deviating from the required standard on this property undermine the purposes and intent? Why or why not?)

The commission agreed that it is in keeping with the intent of the ordinance and would not undermine the purpose or intent of the impervious surface requirements.

5. Would granting the variance be consistent with the intent of the Comprehensive Plan? (Which goals and policies apply? Is allowing deviation from the ordinance consistent with these goals and policies?)

It would be consistent with the comprehensive plan and will make the neighborhood look better.

6. Will the variance request have an adverse impact on government services such as street usage, snow removal, stormwater runoff, emergency services, etc.?

It will not as the stormwater is being managed.

7. The variance is not for economic reasons alone.

It is not

8. The variance will not create a land use not permitted in the ordinance.

It will not.

Bullard made a motion to recommend approval to the City Council. Pederson seconded. MCU

Adjourn. 8:00 p.m.

Reminder – Comprehensive Plan Hearing – June 17th at 8:00 p.m.

Valerie Martin, Zoning Officer/Secretary

CITY OF BATTLE LAKE

PLANNING COMMISSION – June 17, 2024

The Battle Lake Planning Commission met to hold a hearing for the presentation of the updated Comprehensive Plan on Tuesday, June 17, 2024, at 7:00 p.m. Present were Commissioners Dennis Pederson, Richard Bullard, John Salveold, Rezin Everts, and Heather Jacobson. Absent were John Salveold, Don Maslow, and Greg Maynard. Additional council members present were Marge Quammen and Ryan Christensen. Also present were Val Martin, Clerk/Treasurer/Zoning Officer, and Ben Oleson, from Hometown Planning along with some members of the community. Salveold called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited. Bullard made a motion to approve the agenda. Everts seconded. MCU

- The hearing was called to order
- Ben Oleson presented the process for the update to the Comprehensive Plan.
 - Several items have been updated to be in line with current and future goals.
 - Planning Commission and Council decided not to do an overhaul but rather an update and went through each section of the plan, meeting monthly until it was completed.
 - The draft was finalized last week.
- Public Comment – with a few noted changes.
- Some footnotes/dates will either be updated or removed before the council approves. Planning Commission was agreeable to the council approving these changes.

Bullard made a motion to approve the Comprehensive Plan. Pederson seconded. MCU

Adjourn. 7:50 p.m.

Valerie Martin, Zoning Officer/Secretary



APPLICATION FOR VARIANCE

City of Battle Lake
108 East Main, PO Box 386
Battle Lake, MN 56515
Ph/Fax 218.864.0424 e-mail: blcity@eot.com
Web-site: www.Ci.Battle-Lake.mn.us

Application Fee: \$325

Receipt/Check # _____

Date Received: _____

APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT BOTH THE PLANNING COMMISSION MEETING AND THE VARIANCE HEARING.

Property Owner: IND School District 542 Daytime Phone: 218862 5215

Address: 402 West Summit St

City: Battle Lake MN State: MN Zip: 56515

PARCEL NUMBER:

LEGAL DESCRIPTION (A copy of your Deed may be requested to ensure adequate description for recording or if lengthy, please attach a copy):

Section: 33 Township 133 Range 040

EXPLAIN YOUR REQUEST *This is the text that will be used for notification to property owners and for publication. Please be concise in your request. Use the space below or attach your request.*

Asking for variance into 30 foot setback on West Summit St. Current building (auditorium) is 13 feet back on grade. Proposed new addition will be 15 feet. See attached Site Plan.

I understand that I have applied for a variance from the requirements of the Land Use Ordinances of the City of Battle Lake. I also understand that it is my responsibility to obtain any other permits that may be required.

9-10-24

Signature of Property Owner

Date

STAFF REVIEW/REPORT FROM CITY ZONING OFFICER

City Zoning Officer

In order for your request to be fairly evaluated, please provide as much supplementary information as possible such as: maps, drawings, information about surrounding property, etc.

Criteria for granting variances may only be in accordance with M.S Chapter 462, as it may be amended from time to time, as applicable. A variance to the provision of the zoning ordinance may be issued to provide relief to the landowner in those zones where the Chapter imposes.

A landowner must meet the following requirements in order to be granted a variance. Please indicate how you meet the following criteria:

1. Reasonableness – the property owner wants to use the property in a reasonable way but cannot do so under the requirements of this ordinance. (Variance requests should only be considered reasonable when no other alternatives exist, particularly if public water is impaired or at risk of being impaired. How substantial is the request related to the standard?)

We are adding a more secure entrance and a common gathering place to be used at events and before/after school. Approximately 1300 square feet of the new space is not currently building or overhang.

2. Unique Circumstances – the difficulty is created by unique circumstances of the property. What distinguishes this property from other properties subject to the shoreland regulations to justify deviation from the requirements when others must comply?

No other location to add the secure entrance. This is the main entrance.

3. Essential Character – if granted, the variance will not alter the essential character of the locality. (Does the size and location compare to structures in the vicinity? To what extent does the structure encroach into sensitive natural areas such as bluffs or shores?)

No encroachment into sensitive areas.

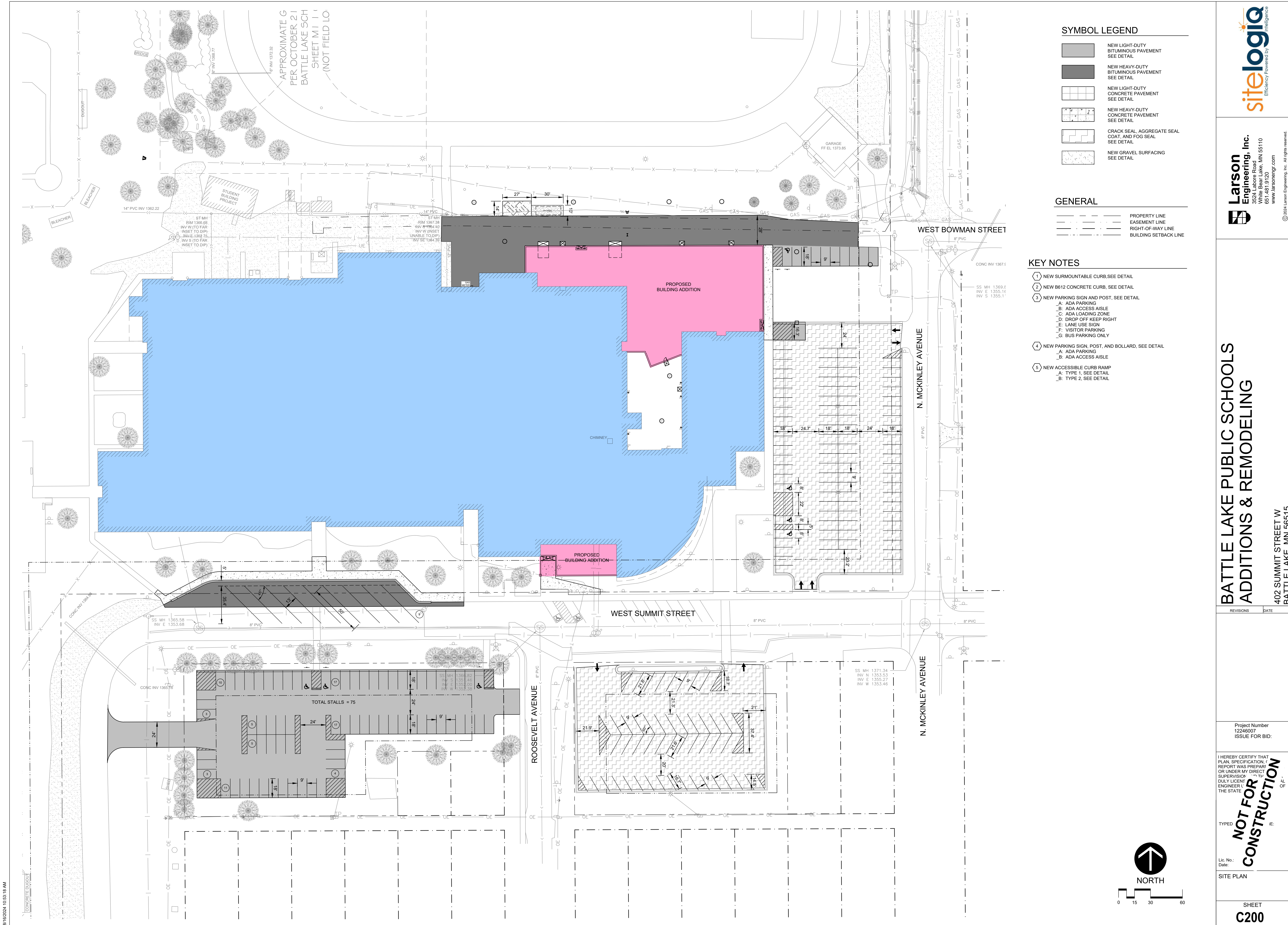
4. *If granted, the variance is in harmony with the general purpose of this ordinance? (Will deviating from the required standard on this property undermine the purposes and intent? Why or why not?) A copy of the zoning ordinance is available on-line or by request.*
Variance will be required for the addition. Building is currently 13 feet back and new addition will be 15 feet.

5. *Would granting the variance be consistent with the Comprehensive Plan? (Which goals and policies apply? Is allowing deviation from the ordinance consistent with these goals and policies?) A copy of the Comprehensive Plan is available on-line or by request.*
This request would be consistent with the comprehensive plan. It will enhance recreational activities with some added parking near the bike path, added fitness center to help keep our athletes competitive and keep pride in our community. The new secure entrance/ commons will support our fine arts as well as sporting events in our gym. We are hopeful for some student population growth and the possible addition of jobs.

6. Will the variance request have an adverse impact on government services such as street usage, snow removal, stormwater runoff, emergency services, etc?
No impact to the city as far as snow removal. Stormwater will run the same as before the addition and we have also been in contact with the city's engineer in relation to stormwater and enlarging the bus drop off zone on West Summit.(being bid as an alternate)

7. What portion of the variance request is based upon economic considerations? (economic considerations alone should not be a reason for granting a variance)
None no other useable space

8. Does existing sewage treatment need upgrading?
Sewer line to the main will be replaced as part of this project.



SYMBOL LEGEND

- NEW LIGHT-DUTY BITUMINOUS PAVEMENT SEE DETAIL
- NEW HEAVY-DUTY BITUMINOUS PAVEMENT SEE DETAIL
- NEW LIGHT-DUTY CONCRETE PAVEMENT SEE DETAIL
- NEW HEAVY-DUTY CONCRETE PAVEMENT SEE DETAIL
- CRACK SEAL, AGGREGATE SEAL, COAT, AND FOG SEAL SEE DETAIL
- NEW GRAVEL SURFACING SEE DETAIL

GENERAL

- PROPERTY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE

KEY NOTES

- 1 NEW SURMOUNTABLE CURB, SEE DETAIL
- 2 NEW B612 CONCRETE CURB, SEE DETAIL
- 3 NEW PARKING SIGN AND POST, SEE DETAIL
 - A: ADA PARKING
 - B: ADA ACCESS AISLE
 - C: ADA LOADING ZONE
 - D: DROP OFF/KEEP RIGHT
 - E: LANE USE SIGN
 - F: VISITOR PARKING
 - G: BUS PARKING ONLY
- 4 NEW PARKING SIGN, POST, AND BOLLARD, SEE DETAIL
 - A: ADA PARKING
 - B: ADA ACCESS AISLE
- 5 NEW ACCESSIBLE CURB RAMP
 - A: TYPE 1, SEE DETAIL
 - B: TYPE 2, SEE DETAIL

**BATTLE LAKE PUBLIC SCHOOLS
ADDITIONS & REMODELING**

402 SUMMIT STREET W
BATTLE LAKE, MN 56615

REVISIONS	DATE

Project Number
12246007
ISSUE FOR BID:

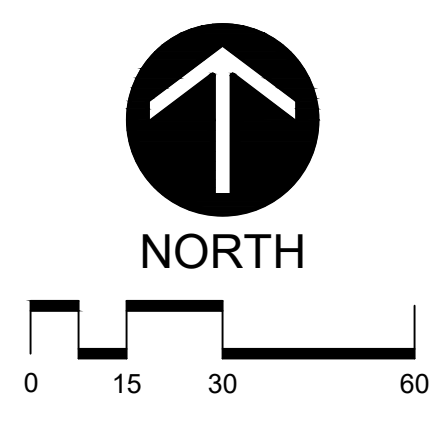
I HEREBY CERTIFY THAT
PLAN SPECIFICATION
REPORT WAS PREPARED
OR UNDER MY DIRECT
SUPERVISION BY THE
DULY LICENSED
ENGINEER IN
THE STATE

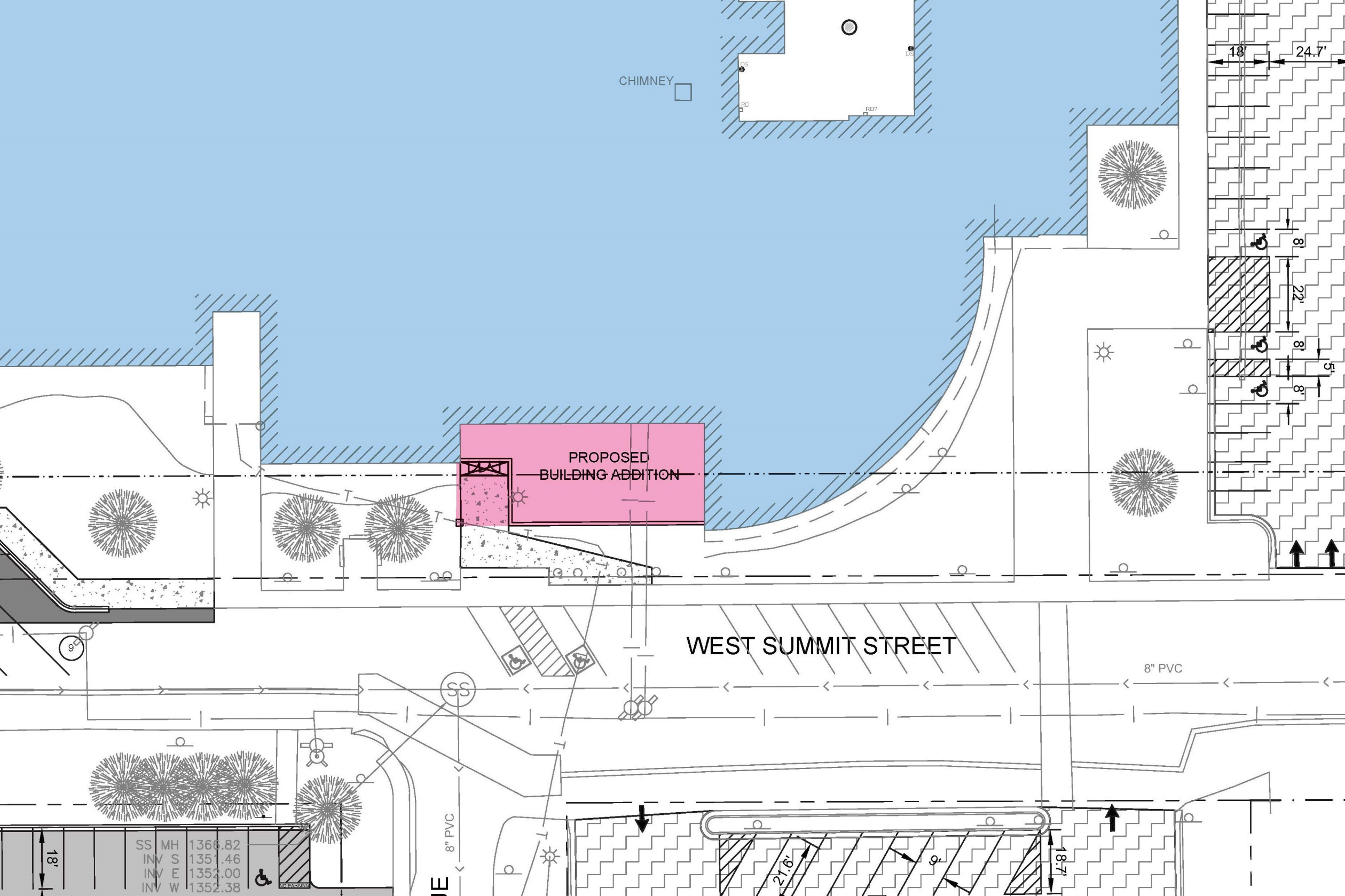
TYPED: _____ IE: _____

Lic. No.: _____
Date: _____

SITE PLAN

SHEET
C200







STAFF REPORT – October 8, 2024 Application: Variance

Applicant/Property Owner: Battle Lake Public School

Pursuant to City Code #156.073 of the City of Battle Lake, IND School District 542 is requesting a variance on West Summit. The setback requirement is 30 feet, and the current building (auditorium) is set 13 feet back on grade. The proposed new addition will be 15 feet back.

**Applicable Ordinance –
156.030 LOT AREA AND WIDTH STANDARDS**

(E) *Placement of structures on lots.* The following structure setbacks apply in residential districts: when more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks (string-line). Structures shall be located as follows:

<i>Setback from</i>	<i>Setback (in feet)</i>
Interior side yard or rear yard without alley	10
Rear yard or alley - for storage building 120 square feet or less	10
Rear yard with alley	20
Right-of-way line of city road, public street, or other roads or streets not classified	30

156 – Zoning Code:

156.073 VARIANCES.

(A) Criteria for granting variances may only be in accordance with M.S. Chapter 462, as it may be amended from time to time, as applicable. A variance to the provision of the zoning ordinance may be issued to provide relief to the landowner in those zones where the chapter imposes. A landowner must meet the following requirements in order to be granted a variance.

- (1) The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls.
- (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- (3) The deviation from this chapter, with any attached conditions, will still be in keeping with the spirit and intent of the chapter.
- (4) The variance will not create a land use not permitted in the zone.
- (5) The variance will not alter the essential character of the city/locality.
- (6) The variance is not for economic reasons alone.

(B) The person applying for a variance shall fill out and submit to the Zoning Officer a completed variance application form, any additional information reasonably requested by the Planning Commission or the Zoning Officer and a fee to be set by the City Council by ordinance. If the work will not be completed in one year, the applicant shall submit a time schedule for completion of the work. The Zoning Officer shall determine if the application is complete prior to referring the application to the Planning Commission along with a staff report. The Planning Commission shall review the application; make findings of fact and recommendations. The Commission's recommendation shall be presented to the City Council, acting in its capacity as the Board of Adjustment.

(C) The Board of Adjustment shall hold a public hearing on the proposal after notification of the date, time, and place of the hearing is published in the city's official newspaper at least ten days before the hearing. In addition, persons who own property situated wholly or partly within 350 feet of the affected parcel or parcels shall receive similar, individual notifications by mail. The petitioner or his or her representative shall appear before the Board of Adjustment in order to answer questions concerning the proposed variance. The Board of Adjustment shall make findings of fact and approve or deny a request for a variance within 60 days after receipt of the complete application. A variance of this chapter shall be made by simple majority vote. If it grants the variance, the City Council, acting in its capacity as the Board of Adjustment, may impose conditions (including time limits) it considers necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate. No variance shall be granted which would allow any use that is prohibited in the zoning district in which the subject property is located.

STAFF FINDINGS:

1. The subject property is located at 402 West Summit
2. The applicant has asked for a variance from setbacks as the property is located in the residential district, the setback from the right of way is 30 feet.
3. The auditorium is built 13 feet from the right of way, and the proposed entrance is 15 feet from the right of way.
4. This will be the new main entrance that will also provide more security to the students and staff.
5. Impervious surface is not an issue considering the large amount of pervious surface the school owns.
6. Although there is an addition on the north side of the building, the only one we need to deal with is the south/main entrance.
7. Stormwater will run the same way as before the addition and they will continue to work with the City engineer on stormwater management and possible changes to Summit Street.







VARIANCE APPLICATION CHECKLIST/FINDINGS OF FACT

Name of Applicant _____

Date: _____

Variance requested:

Criteria for granting variances may only be in accordance with M.S. Chapter 462, as it may be amended from time to time, as applicable. A variance to the provision of a zoning ordinance may be issued to provide relief to the landowner in those zones where the ordinance is applicable. A landowner must meet requirements 1 through 4 in order to be granted a variance.

1 Is the request reasonable - the property owner wants to use the property in a reasonable way but cannot do so under the requirements of the ordinance?

2 Unique Circumstances - is the difficulty created by unique circumstances of the property?

3 Essential Character - If granted, will the request alter the essential character of the locality?

4 If granted, will the variance be in harmony with the general purpose of the zoning ordinance and the Comprehensive Plan?

5 Will the variance request have an adverse impact on government services such as street usage, snow removal, stormwater runoff, emergency services, etc.?

6 What portion of the variance request is based upon economic considerations? (economic considerations alone DO NOT constitute "practical difficulties")

7 Does existing sewage treatment need upgrading?

Are there any conditions that should be imposed in granting this variance? (conditions must be directly related to, and roughly proportionate to, the impact created by the variance)

The Board of Zoning Adjustment should weigh and balance each of the elements when deciding whether the variance application should be granted.