

CITY OF BATTLE LAKE PLANNING COMMISSION

The Battle Lake Planning Commission met Tuesday, August 1, 2017 at 7:00 pm at City Hall. Present were Commissioners Gary Dirckx, Chuck Reeve, Dawn Swisher, Steve Seufert, Bev McAllister and Don Maslow. Also present was Clerk/Treasurer/Zoning Officer, Val Martin and Cathy and Mark Welle.

The meeting was called to order by Chairman Dirckx.

McAllister moved to approve the agenda. Seufert seconded. MCU

Swisher moved to approve the minutes. Maslow seconded. MCU

Mark and Cathy Welle at 611 North Shore Drive are requesting a variance from the set-back requirements to replace the existing garage with a larger garage. They are asking to reduce the side yard set-back from 10 feet to five feet and the right-of-way set-back from 30 feet to 10 feet. Their request: *We are requesting a variance to right-of-way and side-yard set-backs. Our current garage is set back five feet from the property line and ten feet from the street set-back. Would like to remove the 20x24 garage built in 1955 and replace it with a 30x40 garage in the same location. In the event we do not get a variance, we would need to remove one very large, very old tree and a medium sized tree. We also would limit the usable "green space" of our street-side yard to essentially very little. Also, if we moved the garage to a different location, we would not have any impervious % left to add a driveway. Our intent is to improve the property for now and the future. This will be an increase for the tax base for the future and a betterment of the property going forward.*

Welle's stated that they are open to request for changes. There is an extremely large tree that they do not wish to remove in order to build the garage.

The staff report was reviewed which contained Martin's comments on the Findings of Fact:

- 1. *Is the request reasonable?*** *It would seem to be reasonable to consider replacing the existing garage with a larger one in the same location.*
- 2. *Unique Circumstances – When considering uniqueness, you can consider factors such as wetlands or trees. As stated in the application, there is a large tree that would have to be cut down to accommodate the request.***
- 3. *Essential Character – In my opinion, the request would not change the essential character of the neighborhood.***
- 4. *Is the request in harmony with the ordinance and the Comprehensive Plan?*** *The request does not interfere with the intent of the zoning ordinance or the Comprehensive Plan.*
- 5. *Will the variance request have an adverse impact on government services?*** *The request would not impact services as the addition would be set back far enough to not impact traffic visibility, snow removal or storm water.*
- 6. *Is the request based upon economic consideration?*** *No*
- 7. *Does the sewage system need upgrading?*** *NA*

There are a number of factors to consider in this variance request:

- 1. There is a shed on the adjacent property that is just as close to the side lot and to the right-of-way. There are no other buildings as close so we cannot use a string-line test but it is something to take into consideration.*
- 2. The Welle's have a shed on the property that is also very close to the right-of-way. You could ask them to remove the shed to accommodate the additional frontage they are requesting.*
- 3. Is it the opinion of the commission that the large tree located on the property enough to consider the request "unique?"*
- 4. With the large garage so close to the adjacent property, you may want to ask the owners to install gutters on the garage to keep the stormwater on their property.*

Members had several comments with the request:

- With the location so close to the road, is there enough room for vehicles in front of the garage?
- Is the structure too large that close to the road?
- Should we consider asking them to remove the shed?
- Impervious surface calculations were presented by Martin. It was noted that the dog kennel was included but will be removed and not replaced.
- Should the building be allowed but smaller and with changes to the set-backs?
- It was noted that the actual location of the garage is probably 7 feet from the right-of-way and not 10 feet as described on the application.
- There are no concerns on stormwater and a need for gutters at the pitch of the roof will not cause run-off to the neighbor.
- The commissioners agreed that the large tree does make the property "unique" as described in state statutes.

McAllister made a motion to recommend the council approve the variance with the following contingencies:

- Remove the side-yard variance request and build the garage 10 feet from the side yard.
- Approve the set-back at 15 feet, rather than 10 feet from the right-of-way.
- Change the size of the garage from 30 x 40 to 30 x 35.

Seufert seconded. MCU

Welle's are going to measure the changes and let Martin know if they are ok with them. They may decide to do things a little different and request tabling the decision. This could be done at the hearing/council meeting next week.

Martin informed the Planning Commission that Battle Lake Oasis completed a berm that was required of their variance. A change was made and approved by the council along with both property owners to share a berm between the Battle Lake Oasis and Paul Boyum.

Adjourn – 8:15 p.m.

Valerie J. Martin, Zoning Officer/Secretary