

CITY OF BATTLE LAKE PLANNING COMMISSION

The Battle Lake Planning Commission met Tuesday, September 5, 2017 at 7:00 p.m. Present were Commissioners Gary Dirckx, Chuck Reeve, Dawn Swisher, Steve Seufert, Bev McAllister and Don Maslow. Also present were Clerk/Treasurer/Zoning Officer, Val Martin and Cathy and Mark & Cathy Welle.

The commissioners met at the property location of Mary and Cathy Welle, 611 North Shore Drive to view the location of the requested garage that needs a variance. The group moved to City Hall to continue the meeting.

The meeting was called to order by Chairman Dirckx.

Seufert moved to approve the agenda. Maslow seconded. MCU Reeve moved to approve the minutes. Seufert seconded. MCU

The Planning Commission met to again review the variance request from Mark and Cathy Welle. The hearing was postponed which allowed the Planning Commission time to review their initial recommendation to the council. It was noted that the Welle's agreed to an extension of the 60-day rule.

The variance request:

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.

The initial recommendation was as follows:

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

After the last meeting, Seufert and Martin returned to the property and found the corner pin location for the lot line. The garage was set back 10 feet from the right-of-way and 3 feet from the side yard. At the prior meeting, it was noted that the garage may only be 7 feet back and the side yard was 5 feet from the property line.

The following comments/concerns were made:

- The large tree that the Welle's were concerned about keeping may need to be removed due to the location. It's quite large and close to the garage location and once excavation starts, it could cause damage to the roots and kill the tree.
- Maslow wondered if we are setting precedent and why we are not following the regulations set forth in the ordinance.
- Kelm commented that there is a reason for the variance process such as this situation. It allows us to accommodate those that want to build and remodel in our community and makes it welcoming.
- The garage is quite large – should the commission ask him to keep it at 30 x 35 or be okay with 30 x 40? With the removal of the tree, there would be sufficient room for the larger size he originally requested. Are the commissioners okay with the larger size? Should we be concerned about the size, if he is under for impervious surface requirement? The size of the structure does make a difference as they are requesting a variance from the front set-back rule. The actually length will need to be determined in order to document the variance.

After final discussion, Kelm moved to recommend the council grant the variance with the following conditions:

- 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.
- Allow the Welle's to build either a 30 x 35 or the 30 x 40 garage as suits their needs. If they build the large garage, they may need to remove some impervious surface (shed or shuffle board) in order to stay under 25%.

McAllister seconded. MCU

Adjourn – 8:00 p.m.

Valerie J. Martin, Zoning Officer/Secretary