

**CITY OF BATTLE LAKE
PLANNING COMMISSION**

The Battle Lake Planning Commission met Tuesday, September 3, 2019 Present were Commissioners Dawn Swisher, Bert Olson, Gene Kelm, Greg Maynard, Chuck Reeve and Don Maslow. Absent was Gary Dirckx. Also present were Val Martin, Clerk/Treasurer/Zoning Officer; Steve Seufert, Public Works Director. Visitors included Scott & Connie Peterson and Richard and Judy Dickerson.

The meeting was called to order by Maslow. The Pledge of Allegiance was recited.

Kelm made a motion to approve the agenda. Maynard seconded. MCU

Kelm made a motion to approve the minutes. Maynard seconded. MCU

VARIANCE REQUEST

Pursuant to City Code #150.102 of the City of Battle Lake, Scott and Connie Peterson are requesting a variance to a nonconforming structure. The location of the property is Sand Bay Common Interest Community, Cabins 13 & 14. The request is as follows: The property owner would like to add a second story or replace cabin with a new structure that will not exceed 35 feet in height and there will be no change to the footprint. Deck/pergola will be added to the second level but will not extend past current paver footprint. If the contractor feels the foundation and walls can support 35 feet, the structure will just be added to.

Scott and Connie Peterson presented their request. As a nonconforming structure, they cannot add to the footprint of the property but are requesting a variance to add a second story to Cabins 13/14. They need additional room for family. The cabin next to them also has a second story along with 3 others further down the shore. They will either add or replace the 2nd story dependent on the structural integrity. The request for the 2nd floor deck and pergola was discussed. It cannot be included in this application as it is not part of their property. It would need to be another application from the association.

STAFF FINDINGS:

- 1. The subject property is legally described as "Sand Bay CIC #71, Unit 13 and 14 and 1/14 interest in common elements."*
- 2. The applicant has asked for a variance to add a 2nd story or to completely rebuild property if needed without changing the footprint. They are asking to add a deck/pergola to the 2nd story that would not go beyond the current pavers.*
- 3. I have asked them to get a letter of approval from the association with regard to their request. Attorney Cline and I agreed that this was needed as this is a completely new project and outside of the scope of past plans.*
- 4. The structure will stay within the same footprint and will not exceed 35 feet as required by the ordinance.*
- 5. This is similar to last month's request but they did not have a past variance.*
- 6. I have attached an e-mail from Craig and Linda Nine with their objection. I also took some photos from the front yard of their property to show you the view.*

Richard and Judy Dickerson were present to voice their opposition to the variance. They feel adding the second story will obstruct their view of the lake. They also are concerned about all the big changes that have happened at Sand Bay. They also said they were told by someone in the County Assessor's Office that they pay higher taxes as they have a view of the lake. Swisher is a County assessor and explained that having a view does not raise your value. You need to have access to the lake. Martin also shared an e-mail from Craig and Linda Nine with their objection to the variance. They also feel the 2nd story would obstruct their view of the lake and would lower the value of their property. Planning

Commission felt that if someone is building to suit their needs, it is not that property owner's responsibility to make sure a view to lake is available to nearby property owners.

Planning Commission Discussion:

1. Olson said that because of his experience with the conversion from the resort to the CIC, he would object to the application. There are concerns about density with increasing the size of the cabins and they were told that the cabins are what they are and new owners cannot expect to make large changes.
2. More discussion on the pergola and deck request and that cannot be a part of the variance.

Scott Peterson also would like to have his roof eaves extend out further as they have water issues in the cabin at times.

Planning Commission Discussion and Findings of Fact:

1. **Is it reasonable?** The Planning Commission members agreed that it is reasonable.
2. **Unique Circumstances:** The property is unique as there is no space to build or extend the footprint so they would have to go up.
3. **Essential Character:** It will not alter the essential character - It will blend in with their current structure and others within the CIC.
4. **Is it in harmony with the general purpose of the zoning code?** Yes
5. **Is it consistent with the Comprehensive Plan?** Yes
6. **Will the request have an adverse impact on government services such as street usage, snow removal, stormwater runoff, emergency services, etc.?** It will not
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
8. **Does the existing sewer treatment need upgrading?** No
9. **Are there conditions that should be imposed in granting the variance?** Yes

Kelm made a motion to recommend that the City Council approve the variance with the following conditions: Allow the owner to extend the roof overhang on all four sides, not to exceed 18 inches to keep water away from the cabin and the gutter downspouts must be directed parallel to the lake. The patio/pergola would require a separate application from the association and cannot be considered with this variance.

Adjourn 7:55 p.m.

Valerie J. Martin, Zoning Officer/Secretary