

CITY OF BATTLE LAKE
PLANNING COMMISSION

The Battle Lake Planning Commission met Tuesday; May 5, 2022 The meeting was called to order at 7:00 p.m. by Chair Don Maslow. Present were Commissioners Richard Bullard, Steve Seufert, John Salvevold, Dawn Swisher. Absent were Greg Maynard and Rezin Everts. Also present was Val Martin, Clerk/Treasurer/Zoning Officer; along with applicants Craig Haukebo and Reba Gilliland.

Salvevold made a motion to approve the agenda. Swisher seconded. MCU

Bullard made a motion to approve the minutes. Seufert seconded. MCU

Pursuant to City Code #150.102 of the City of Battle Lake, Craig Haukebo and Reba Gilliland, 304 North Jefferson Ave. are requesting a variance from the 30' set-back on Jefferson Avenue North and Bowman Street East. The request is to replace the current, nonconforming garage with a new garage. As part of the request, they propose to alter the building footprint and location on the lot, to remove the structure from the right-of-way, improve building setbacks and provide parking for three cars and additional storage. The change in height will be approximately 1 foot taller than the current structure to accommodate overhead doors. In addition, the request will include a single-story storage area over the back portion of the below-grade garage to provide yard and garden storage and an indoor stairway from the garage to grade. The remainder of the garage will be fitted with a roof deck. This additional structure allows us to remove a nonconforming garden shed on the property and provide safe, convenient access between the garage and the house. The new construction will be built using materials and details consistent with the existing house.

Gilliland and Haukebo presented their project:

- The current garage is crumbling and unusable.
- It needs to be made wider to accommodate two cars next to each other.
- The garage currently sits in the City's right-of-way. The new plan would include demolition of the old structure and building a new one but moving it back about 13 feet.
- The shape and slope of the lot make it difficult to place a garage in another location on the property.

Staff Report:

1. The subject property is located at 304 North Jefferson
2. The applicant has asked for a variance to replace an existing, nonconforming garage that is unsafe and also currently located partially in the right of way.
3. Their request to replace the garage with a slightly larger garage would get the building out of the right of way and would also help with traffic visibility in that corner.
4. The property currently has 50,000 square feet. Total impervious with the removal of the old garage and shed and adding the new garage is just over 5,000 square feet, making the impervious surface just over 10%.
5. The request will be a huge improvement over what is currently there.

Planning and Zoning discussion:

- Seufert is concerned about them backing into an intersection. He asked if they could move it east more. Gilliland and Haukebo were concerned about the visibility of the neighbors. They were trying to be the least invasive as possible and not changing the look of the neighborhood.
- It will be a very good improvement to move it back 13 feet from where it is currently located.
- A nonconforming structure can be built to the same size in exactly the same footprint. This would not be ideal.
- Commissioners discussed backing their vehicles out of the garage. Can they move it over to the east or angle it more to the east? Can they curve the driveway towards the east?

Planning commission when through the Findings of Fact:

1. **Is it reasonable?** All Planning Commissioners felt the request was reasonable and will make a better situation, especially for visibility, to move the garage back 13 feet.
2. **Unique Circumstances:** It is unique – Commissioners Swisher, Bullard and Salvevold felt the property was unique due to the triangle size of the lot, the bluff, and the elevation of the property where the garage is located. Commissioners Maslow and Seufert both felt the garage could be moved further to the east and answered no.
3. **Essential Character:** Commissioners felt it would not alter the essential character of the location. It will blend in nicely with the rest of the neighborhood.
4. **Is it in harmony with the general purpose of the zoning code?** Most Planning Commissioners agreed that is in line with the purpose of the zoning code. Maslow noted that it does deviate from the standards as the setbacks are 30 feet from the right-of-way and they want the garage to be much closer. There was a discussion on the intent of a variance – it is a request to deviate from the actual requirements, not a deviation from the general intent. After discussion, Salvevold, Seufert, Bullard and Swisher voted yes with Maslow stating no.
5. **Is it consistent with the Comprehensive Plan?** Yes, all agreed it is consistent with the Comprehensive Plan.
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 upgrade?** No
9. **Are there conditions that should be imposed in granting the variance?** Yes

Commissioners discussed the angle of the driveway and broached the idea of curving it on their property, making the exit from the garage only off of Bowman. The applicant was agreeable. Stormwater was discussed – no issues as the water will move to the street, as it has in the past and will not flow to the lake.

Based on the Findings on Fact, Bullard made a motion to recommend approval of the variance to the City Council with the following condition: curve the driveway, to the east along their property with their exit from the garage to be only on Bowman. Salvevold seconded. Seufert opposed – he still feels there is a safety issue with the exit from the garage, even if it is angled/curved more. Motion carried.

Adjourn 8:15 p.m.

Valerie Martin, Zoning Officer/Secretary