

CITY OF BATTLE LAKE
PLANNING COMMISSION

The Battle Lake Planning Commission met Tuesday, June 7, 2022. The meeting was called to order at 7:00 p.m. by Vice-Chair John Salveold. Present were Commissioners Richard Bullard, Steve Seufert, Greg Wagner, and Dawn Swisher. Absent were Don Maslow and Rezin Everts. Also present was Val Martin, Clerk/Treasurer/Zoning Officer; along with applicants Jodi Himmelspach and Jason and Shelly Braaten. Also present were John Christensen, Kent Kortlever, and Traci Kortlever.

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

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

Request for Variance – Jodi Himmelspach

Pursuant to City Code #150.102 of the City of Battle Lake, Jodi Himmelspach is requesting a variance for her property located at 106 Hidden Meadows Drive as follows – the request is for a variance to the side lot setbacks of 10 feet to change to eight feet on both the east and west side yards to construct a home and garage.

John Christensen, along with Jodi Himmelspach presented the request as follows:

- This lot in Hidden Meadows is unique because the back measurements of the lot are one hundred feet and the front is 96.13. All the other lots are one hundred feet or more with this one being shorter in the front because of the shape of the road.
- The house and garage that are planned for the site are eighty feet long and they can't make the setbacks. The house is already built. The garage will be built on-site.
- In the planning process, they presumed the front lot width was the same as the back width.

Staff Report:

1. The applicant has asked for a variance to build a house and garage at 106 Hidden Meadows Drive.
2. The lot is one hundred feet wide on the backside and 96.13 wide on the front side. All the other lots have a minimum of 100 feet frontage with this one a little smaller to accommodate the angle of the road.
3. She has made a plan to build a house and attached garage that is eighty feet long, not realizing the issue with the size of the lot.
4. The request would be to center the house and garage on the lot with 8-foot setbacks on each side.
5. Even though the front of the lot is 96.13 feet wide, the lot angles back to get to the 100-foot line at the back. Where the house is placed would be more than 96.13 feet wide.

Email correspondence was received from Joe Hammers, adjacent property owner of Blue Spruce Properties with his objection to the variance. He feels the house can be redrawn to accommodate setbacks.

Planning and Zoning discussion:

Planning commission when through the Findings of Fact:

1. **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?)**All members felt the request was not reasonable – it is a bare lot and the owner needs to plan the house and garage according to the size of the lot.
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?**

Commissioners agreed that the lot was not unique. Although the curve of the road may be unique in comparison to the other lots in Hidden Meadows, there are still options to build on the lot.

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? To what extent does the structure encroach into sensitive natural areas such as bluffs or shores?)** Commissioners felt it would not alter the essential character of the location. It is a residential structure within a residential district and is similar to what's being built.
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?)** Commission members all agreed that it is not in harmony with the zoning code. With a bare lot that meets minimum size requirements, the owner should size down the project to meet the appropriate setbacks.
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?)** Yes, all agreed it is consistent with the Comprehensive Plan as adding residential housing is a goal of the Comprehensive Plan.
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.
7. **The variance is not for economic reasons alone.** This is correct – the owner would like to have a larger garage.
8. **The variance will not create a land use not permitted in the ordinance.** It will not.
9. **Are there conditions that should be imposed in granting the variance?** NA

Based on the Findings on Fact, Swisher made a motion to **NOT** recommend approval of the variance to the City Council. Seufert seconded. MCU

Consideration of Preliminary Plat – Roland's Addition

Pursuant to City Code #151.07 of the City of Battle Lake, you are hereby notified of a public hearing for consideration of a preliminary plat from Jason and Michelle Braaten for a subdivision to be known as Roland's addition. LEGAL DESCRIPTION

SUB LOT 1, RESERVE 1, HANS OLSON'S FIRST ADDITION TO BATTLE LAKE, MINNESOTA AND THE WEST 75 FEET OF SUB LOT 2 AND THE EAST 25 FEET OF THE WEST 100 FEET OF SUB LOT 2, RESERVE 1, HANS OLSON'S FIRST ADDITION TO BATTLE LAKE, MINNESOTA, AND LOT 3, BLOCK 1, RAILROAD ADDITION TO THE CITY OF BATTLE LAKE, OTTER TAIL COUNTY, MINNESOTA. A PORTION OF THE PROPERTY IS PROPOSED TO BE COMMERCIAL FOR A FUTURE CARWASH WITH THE BALANCE KEEPING A RESIDENTIAL ZONING.

Jason and Shelly Braaten presented their request for the preliminary plat:

- Will consist of four lots with one proposed to be commercial.
- Lot 1 – contingent on all requirements – will be a commercial lot for a carwash. Access in and out of the carwash will be off of the County Road. Currently working through the County on this approval process.
- Lot 2 – bare lot with the intent of Braaten's building a house in conjunction with the school program to be sold.
- Lot 3 – Existing home – has been remodeled and will soon be for sale.
- Lot 4 – Another residential lot that currently has a shed. They may hold onto it for a while and work with the school again to build another house for sale.
- The title opinion named a couple of issues – easements which have been addressed with the amended preliminary plat. There is also a recording issue related to the adjacent property owner. The Braaten's are in the process of selling ten feet to those property owners and understand this will satisfy the issue described in the title opinion. They are still waiting on word from the attorney to confirm this.
- An easement will be added to the final plat for Lot 4 to get water and sewer services off of the gravel portion of Main Street.

Martin reviewed the checklist with the Planning Commission and the plat complies with the requirements, other than the need to fix the situation related to the title opinion.

Call for public comment: Kent and Tracy Kortlever were in attendance but they did not present any objections. They were there to listen.

Seufert made a motion to recommend the council approve the Preliminary Plat contingent on the title opinion issue being cleared up and the utility easement for lot four being included on the final plat. Maynard seconded. MCU

Rezoning Request – Roland’s Addition

Jason and Michelle Braaten are requesting a zoning change from residential to commercial to build a carwash. This property is part of a new plat, Lot 1, Block 1 of Roland’s Addition. LEGAL DESCRIPTION: SUB LOT 1, RESERVE I, HANS OLSON’S FIRST ADDITION TO BATTLE LAKE, MINNESOTA AND THE WEST 75 FEET OF SUB LOT 2 AND THE EAST 25 FEET OF THE WEST 100 FEET OF SUB LOT 2, RESERVE I, HANS OLSON’S FIRST ADDITION TO BATTLE LAKE, MINNESOTA, AND LOT 3, BLOCK 1, RAILROAD ADDITION TO THE CITY OF BATTLE LAKE, OTTER TAIL COUNTY, MINNESOTA. A PORTION OF THE PROPERTY IS PROPOSED TO BE COMMERCIAL FOR A FUTURE CARWASH WITH THE BALANCE KEEPING A RESIDENTIAL ZONING.

Jason and Shelly Braaten presented their rezoning request:

- The carwash will be as far west as possible to keep it as far away from any residential area as possible.
- The dryers/exit will face west to minimize sound.
- There will be no entrance or exit from the gravel side, entrance and exit will be from the County Road.
- They plan to have an on-site storm-water area and divert all water to that area.

Planning Commission went through the checklist for rezoning:

- 1. Does the City need more land in the zoning class requested?** Yes, especially for a carwash. Something that’s been needed for quite a while.
- 2. Is there other property in the community that might be more appropriate for this use?** No –many others have researched areas and found that they needed city water and sewer to work. There are no other areas that have been for sale that would work.
- 3. Is the request compatible with the Comprehensive Plan?** Yes, a much-needed carwash in a newly zoned commercial district is in line with the goals of the comprehensive plan, listing light industrial/commercial expansion as compatible with the surrounding area.
- 4. Will the proposed change have a serious impact on traffic, parking, water and sewer services, or other utilities?** Although there may be some additional traffic, the lot will accommodate about five cars in line going into the carwash. Water and sewer plans are being worked out with public works and the City engineer. Commissioners do not feel there will be any serious impact on City services or utilities.
- 5. Is there a good possibility the change, as proposed, will have an adverse impact on property values in the vicinity?** It should have no impact – the carwash will be as far west as possible and will be adjacent to City’s property that holds the camper dump.
- 6. Is there a good possibility the change, as proposed, will result in lessening the enjoyment or use of adjacent properties?** No – it’s quite a distance from any residential property to even realize the change.
- 7. Will the change, as proposed, cause serious noise, odors, light, activity, or unusual disturbances?** No, any noise would be facing the west which is far from any residential area and they will buffer the area with trees.
- 8. Does the requested change raise serious legal questions such as spot zoning or the need for this type of use?** No – zoning across the road is commercial. Commissioners also will recommend that the camper dump and all of the property to the west should also be rezoned commercial.

- 9. Does the proposal seem realistic? Is it properly financed and does it depend on other events that must first occur to make it feasible?** Property owners have financing in place. There are some title issues that sound like they will be resolved soon. They will also need approval from the City Council for the commercial zoning permit.
- 10. How will the requested change impact the environment?** None – stormwater will remain on-site.

Maynard made a motion to recommend the council approve the rezoning contingent on plat approval and commercial zoning application approval.

Adjourn 8:15 p.m.

Valerie Martin, Zoning Officer/Secretary