

**CITY OF COHASSET
PLANNING COMMISSION MINUTES
305 NORTHWEST FIRST AVE, COHASSET, MINNESOTA
WEDNESDAY, OCTOBER 1, 2014, 6:00 P.M.**

1. **Call Meeting to Order:** Vice Chair Steve Otto called the meeting to order at 6:02 p.m.

2. **Roll Call**

a. **Voting Members Present:** Johnnie Fulton, Brian Kielpinski, Lois Kirschbaum, & Steve Otto

b. **Absent with Notice:** Steve Brown, Josh Casper, & John Chell

c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle & City Council Liaison Jason Tabaka

d. **Others Present:** Pat Davis, Nancy Axtell, Ronald Axtell, Bernadine Kuhn, Roger Kuhn, Dale Gessell, Todd Hansen, & Randy McCarty

3. **Review and Approve Agenda**

a. **Additions:** None

b. **Deletions:** None

A motion was made by Kielpinski/Fulton to approve the agenda as presented. Motion carried unanimously.

4. **Resident Input: Randy McCarty of the Greater Pokegama Lake Association** noted that there is a commercial water slide on the lake and he requested that this item be placed on a future agenda for discussion.

5. **Review & Approve Planning Commission Minutes of September 3, 2014:** *A motion was made by Kirschbaum/Kielpinski to approve the September 3, 2014 minutes as presented. Motion carried unanimously.*

6. **Public Hearing** to act on a variance request from Roger and Bernadine Kuhn for a 1,200 square foot guest cottage (ordinance allows a maximum of 700 square foot) for the property located at 22725 Drumbeater Road and legally described as Lots 16-17, Block 1 in the Plat of Sugar Bay, Section 35, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota

Zoning Officer Greg Tuttle introduced the Kuhns and explained they own two adjoining lots which are non-conforming. Tuttle noted he has not heard any opposition and most cabins on the Drumbeater Road have been torn down and year round homes built.

Steve Otto called three times if there was anyone in support of the variance request. There was no response. Otto called three times if there was anyone in opposition to the variance request. There was no response. Tuttle read letter in support of the variance request from Kari Dehn.

Otto closed the public portion of the hearing. After discussion *a motion was made by Kielpinski/Fulton that the variance request is granted with the following conditions:*

- ✓ There is a maximum of four detached accessory structures
- ✓ That both lots are kept as one parcel if sold in the future
- ✓ The building does not exceed 1200 square feet
- ✓ That the garage is attached

The Findings of Fact were reviewed:

1) *Are there practical difficulties in complying with the zoning ordinance? “Practical difficulties” means that the property owner’s proposed improvements are reasonable (economic considerations alone shall not constitute “practical difficulties”).*

Commission Johnnie Fulton stated that the lots are small and the history behind the lots and construction that was originally on the property created difficulties. All Commissioners agreed.

2) *Are the circumstances which justify the variance unique to the property and not created by the applicant?*

Commissioner Kielpinski stated the circumstances are unique to the property and believes a 700 square foot structure is not suitable for a year round residence and that a 1200 square feet structure is justifiable. All Commissioners agreed.

3) *If granted, will the variance maintain the essential character of the locality? Is the proposed improvement anything more than others in the area already have?*

Commissioner Kirschbaum felt that the variance would actually improve the locality. All Commissioners agreed.

Motion carried unanimously on a roll call vote.

7. Public Hearing to act on a variance request from Dale and Karen Gessell for a 30 x 40 foot detached garage no closer than 53 feet from the centerline and 20 feet from the right-of-way of Great Sunset Road (ordinance requires a minimum of 68 feet and 35 feet respectively) for the property located at 24335 Great Sunset Road and legally described as Lot 15, Block 1 in the Plat of Great Sunset Point, Section 23, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota

Zoning Officer Greg Tuttle reviewed the information in the packet. Dale Gessell explained that he has a need for storage and wished to build a storage building/garage. Gessell stated they plan to build trees around the structure once it is in place.

Otto asked if there was anyone in support of the variance request. Otto asked if there was anyone in opposition to the variance request.

Ron Axtell came forward and stated he chose where he lives based on the character of the neighborhood. Axtell noted that other property owners with garages are within the setbacks and the proposed structure does not meet the setbacks - and it is not something he wants to see.

Otto asked twice more if there was anyone in opposition to the variance request. Tuttle stated he received a letter from Bob Shankland who has concerns about the setbacks, covenants, etc. Tuttle also received a letter from adjoining neighbor Roberta DeGuseppi who is opposed to the variance request indicating it is inconsistent with the character of the neighborhood and it would decrease the sight lines of her property.

Otto closed the public portion of the meeting.

A motion was made by Fulton to table this item until the November meeting to give the owner time to reevaluate the plan. Otto seconded the motion for discussion purposes.

Otto noted that if the neighbors supported the variance request - he would have also. However, it's unusual to have three neighbors in opposition.

The motion failed on a roll call vote.

A motion was made by Kielpinski/Kirschbaum to approve the variance request with the condition that trees be planted around the garage.

The Findings of Fact were reviewed:

1) *Are there practical difficulties in complying with the zoning ordinance? "Practical difficulties" means that the property owner's proposed improvements are reasonable (economic considerations alone shall not constitute "practical difficulties").*

Kielpinski indicated there are practical difficulties which include the distance from the water and the shape of the parcel. All Commissioners agreed.

2) *Are the circumstances which justify the variance unique to the property and not created by the applicant?*

Fulton indicated the physical circumstances were not created by the applicant.

3) *If granted, will the variance maintain the essential character of the locality? Is the proposed improvement anything more than others in the area already have?*

Kirschbaum indicated that as long as the property owners sided and painted the garage to match the home she felt it would maintain the character of the locality. All Commissioners agreed with the exception of Fulton.

The motion passed on a roll call vote: Kielpinski – aye; Kirschbaum - aye; Fulton - aye; Otto – aye.

8. Review zoning ordinance regarding boathouse overhangs and height, non-conforming structures and ground-level docks/patios.

Zoning Officer Greg Tuttle received a letter written on behalf of Kathryn and Joe Cargill requesting an amendment to the text in the City of Cohasset Land Use Controls Ordinance

regarding roof overhang on boathouse/storage structures. If amended, the Cargills would be able to build a boathouse inside of the parameters of the ordinance. The Cargills also provided a sample amendment which they recommended the City adopt and a blueprint of the proposed structure.

After reviewing Ordinance 101.102 B and discussion, *a motion was made by Kielpinski/Kirschbaum to recommend that City Council approve amending Ordinance 101.102 by deleting the words “including roof overhang.” Motion carried unanimously on a roll call vote.*

9. Review Zoning Ordinance Regarding Non-conforming Structures

Zoning Officer Greg Tuttle suggested that zoning ordinance section 10.123 C be amended to conform to State language. *After discussion, a motion was made by Kielpinski/Kirschbaum to recommend to City Council that zoning ordinance section 10.123 be amended to conform to State of Minnesota language. Motion carried unanimously.*

10. Review Blight Ordinance: Tabled to a future meeting

11. Updates

- a. **Portage Park Campground** - Tuttle stated that he is waiting for information /clarification from the engineer regarding wetland options and locating the Ordinary High Water Level (OHWL).
- b. **Klingman Variance** – This item will be on the November 2014 agenda
- c. **Garbage Collection Survey** – This item has been tabled until 2015
- d. **Benson Bog Days** – Benson Bog Days occurred with no incidents or complaints
- e. **Industrial Park Rezoning** – More information will be available at a future meeting

Steve Otto adjourned the meeting at 7:33 p.m.

Submitted by Karen Mester, Deputy Clerk

Approved: