

**CITY OF COHASSET
PLANNING COMMISSION MINUTES
305 NORTHWEST FIRST AVE., COHASSET, MINNESOTA
WEDNESDAY, SEPTEMBER 7, 2016 – 6:00 p.m.**

1. **Call Meeting to Order:** Chair Steve Brown called the meeting to order at 6:04 p.m.

2. **Roll Call**

a. **Voting Members Present:** Steve Brown, Josh Casper, John Chell, Johnnie Fulton, Lois Kirschbaum, Steve Otto, and Gary Wheelock

b. **Absent with Notice:** None

c. **Ex-Officio Members Present:** Zoning Officer Greg Tuttle, City Attorney John Licke, and City Council Liaison Jason Tabaka

d. **Others Present:** Rian Reed, DNR Waters, Roger Hoyum, Melinda Cook, Kristie Caverly, and Amanda Mitchell

3. **Review and Approve the Agenda**

a. **Additions:** None

b. **Deletions:** None

A motion was made by Fulton/Wheelock to approve the agenda as presented. Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum, Otto, & Wheelock; Voting against: None; Absent: None; Motion carried.

4. **Resident Input**–None

5. **Review & Approve Planning Commission Minutes of August 3, 2016:** *A motion was made by Chell/Otto to approve the August 3, 2016 minutes as presented. Voting in favor: Brown, Casper, Chell, Fulton, Kirschbaum, Otto, & Wheelock; Voting against: None; Absent: None; Motion carried.*

6. **Public Hearing** to act on a variance request from Roger Hoyum to allow additions of 22 feet x 26 feet and 24 feet x 26 feet to a detached garage no closer than 45 feet to the ordinary high water level (OHWL) of Loon Lake (ordinance requires a minimum of 100 feet) for the property located at 24662 Cedar Shores Drive (PIN# 05-021-2402) and legally described as Government Lot 7 except that part lying easterly of the following described line: commencing at the NW corner of government lot 11 of said section 21; thence east along the south boundary of government lot 7 of said section a distance of 90 feet; thence north parallel with the extension northerly of the west line of government lot 11 and said section 21 to the shore of Loon Lake, Section 21, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota.

Zoning Officer Greg Tuttle reviewed the informational packet and City Attorney John Licke reviewed the practical difficulty standard and answered questions. Property owner Roger Hoyum spoke in favor of the variance.

Chair Brown asked if anyone was present to speak in favor of the variance. There was no response. Brown asked if there was anyone present to speak against the variance request. There was no response.

A motion was made by Chell/Otto to deny the variance request.

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).

Chell answered no and noted that the proposed improvements are not reasonable when they involve a shoreland property and alternatives exist. Commissioner Casper disagreed and noted that you could take the same situation and if he has 100 acres and the only piece of property is at the end of it - at some point common sense has to come into play. Commissioners Fulton, Brown, Wheelock, and Otto agreed with Chell. Commissioner Kirschbaum agreed with Casper.

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

Otto answered no and noted he has alternative space on the lot. All Commissioners agreed.

3. If granted will the variance maintains the essential character of the locality?

Brown answered yes and noted it wouldn't look significantly different than it does now. All Commissioners agreed.

4. If granted, will the variance be in harmony with the general purpose and intent of the zoning ordinance?

Wheelock answered no. All Commissioners agreed except Kirschbaum.

5. If granted will the variance be consistent with the comprehensive plan?

Casper answered no because the comprehensive plan goal is to limit nonconformities in shoreland. All Commissioners agreed.

No voting on the motion as the variance request failed on the findings of fact.

The variance application is denied. Tuttle explained there is a 15 day appeal period after which the decision becomes final.

7. Review Zoning Ordinance section 10.101 Performance Standards subsection Q. requiring a six foot high protective fence completely enclosing swimming pools. Zoning Officer Greg Tuttle presented comparable ordinances from other cities regarding swimming pools. City Attorney John Licke explained that in the event of a pool mishap the liability would be on the owner of the swimming pool. However, the City could get drawn into a situation in case of a lawsuit. After

discussion this item was continued until the next meeting for draft language and how many Minnesota cities regulate swimming pools.

8. Continue Comprehensive Plan Review: Ryan Reed, DNR was present to discuss the review of the Cohasset Comprehensive Plan as it pertains to lake/river/brook water quality. For the next meeting compare our shoreland rules to the County's, City of Grand Rapids, and Harris Township if they have separate shoreland rules from the County and invite a person from RESPEC or the MPCA to speak about protecting public waters.

9. Updates:

a. Draft zoning ordinance section 10.2100 Subdivision of Land – Tuttle will bring a new draft of this ordinance to the next meeting.

Chair Steve Brown adjourned the meeting at 8:38 p.m.

Submitted by Deputy Clerk Karen Mester

Approved: 10/5/2016