

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

1. **Call Meeting to Order:** Chair Steve Brown called the meeting to order at 6:03 p.m.

2. **Roll Call**

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

b. **Absent without Notice:** John Chell.

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

d. **Others Present:** See attached sign-in sheet

3. **Review and Approve Agenda**

a. **Additions:** None

b. **Deletions:** None

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

4. **Resident Input:** None

5. **Review & Approve Planning Commission Minutes of June 4, 2014:** *A motion was made by Kielpinski/Casper to approve the June 4, 2014 minutes as presented. Motion carried unanimously.*

6. **Public Hearing (6:05 p.m.)** to act on a variance request to allow Dan and Jean Anderson (owners) a 36 x 54 foot dwelling, 24 x 24 foot attached garage, a 14 x 14 foot attached deck, and an 6 x 12 foot attached porch no closer than 9 feet from the east property line and 5 feet from the west property line (ordinance requires a minimum of 15 feet from each side) for the property located at 3089 Woodland Drive, and legally described as Lot 5 in the Plat of Auditor's First Subdivision of Government Lot 2, Section 36, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota.

Zoning Officer Greg Tuttle noted that the Andersons had submitted a revised site plan. The amended plan placed the proposed structure(s) 10 feet from the west property line and eight feet from the east property line, which is more conforming to the setbacks than originally proposed.

Chair Brown asked the Planning Commission to signify with an aye if in favor of accepting the revised site plan. The vote was unanimously in favor.

The amended variance request is as follows: A 32 x 48 foot dwelling, a 24 x 24 foot attached garage, a 14 x 14 foot attached sunroom, and an 8 x 8 foot attached porch, no closer than 8 feet from the east property line and 10 feet from the west property line, plus a 24 x 24 foot detached garage.

Zoning Officer Greg Tuttle reviewed the informational packet and Chair Steve Brown asked the Andersons if they would like to make a statement.

Steve Gilbertson came forward and stated he is a friend of Dan & Jean Anderson and he is in favor of the variance request for a variety of reasons.

Chair Steve Brown requested anyone in favor of the variance request to come forward:

Judy Gorham asked if the ten foot distance from the property line on the west side was from the wall of the structure or the drip line of the eaves. Zoning Officer Tuttle stated that per ordinance the measurement is from the wall. Gorham asked how big the overhang would be. Gilbert stated it will be a maximum of two feet and possibly less. Gorham asked if it was a one or two story house – Gilbert responded that it is a two story house.

Tom Dunstan stated his concerns have been addressed.

Bill Gorham asked about the time frame. Tuttle explained that if the variance is granted, the Andersons would have one year to pull the permit and they will also have one year to begin construction from the date the permit is pulled.

Chair Steve Brown called for anyone opposed to the variance request (as amended) to come forward. Brown again called for anyone in opposition to the variance request to come forward.

Rich Libbey stated he believes that increasing the size of the existing non-conforming structure is against statute. Tuttle explained that State statute has been changed and the City ordinance needs to be revised to reflect the change. Libbey requested that the variance be denied.

Brown called for the third time for anyone opposed to the variance to come forward. There was no response and Brown closed the public portion of the hearing.

After discussion and a question/answer session, *a motion was made by Casper/Kielpinski to grant a variance request to the property owners for a 32 x 48 foot dwelling, a 24 x 24 foot attached garage, a 14 x 14 foot attached sunroom, and an 8 x 8 foot attached porch, no closer than 8 feet from the east property line and 10 feet from the west property line, plus a 24 x 24 foot detached garage. Casper amended his motion that the variance is granted provided that any water runoff is contained on the property and that rain gutters are installed.*

The Findings of Fact were reviewed:

1. Are there practical difficulties in complying with the zoning ordinance?

Commission Steve Otto answered yes. Otto stated that since it is a flat, narrow lot, the owners are far enough back from the lake that there should not be a significant environmental impact. All Commissioners agreed.

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

Commissioner Brian Kielpinski answered yes. Kielpinski added that it is a 50 foot wide property and there is not enough space to comply with the setback – and the lot size was not created by the applicant. All Commissioners agreed.

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

Commissioner Johnnie Fulton stated she thinks it is the goal of the property owners to maintain the essential locality & she believes the end product will maintain the character of the locality – so her answer is yes. All Commissioners agreed.

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

Commissioner Josh Casper answered yes. Casper added that a variance is necessary since the lot is too narrow to meet the setback requirements. All Commissioners agreed.

5. If granted, will the variance be consistent with the Comprehensive Plan?

Chair Steve Brown answered yes since the Comprehensive Plan calls for protection of waterways. All Commissioners agreed.

The roll call vote was unanimous.

Zoning Officer Tuttle stated there would be a 15 day waiting period before the variance is final.

7. Continuation of a Public Hearing from June 4, 2014 to act on a variance request from Ron Klingman to be allowed a 7 foot x 53 foot cement ramp in the Shore Impact Zone (SIZ) of Jay Gould Lake for the property located at: 36497 Burr Oak Boulevard and legally described as Lots 1-2 in the Plat of Dellwood, Section 15, Township 55 North, Range 26 West, City of Cohasset, Itasca County, Minnesota.

Zoning Officer Greg Tuttle reviewed the informational packet. The Chair asked the applicant if he wished to make a statement. Attorney Dennis O'Toole explained that he is Mr. Klingman's representative since Klingman was unable to attend. O'Toole requested that the PC allow the ramp to stay. O'Toole stated that the cement contractor informed the applicants they did not need a permit. Commissioner Otto requested the name of the contractor. O'Toole was unwilling to name the contractor but stated Hawkinson Construction provided a driver.

Chair Steve Brown opened the public portion of the hearing and called for anyone in favor of the variance request to come forward.

Nick Elgroth stated he owns the lot adjacent to the Klingmans and he visited the site and the concrete has been stained and vegetation is growing in. Elgroth stated he fully supports the variance request.

Tim Tinquist stated he is a neighbor of Klingmans and supports the variance request.

Susan Tinquist stated she is a neighbor of Klingmans and supports the variance request as well.

Jack Schramm stated he lives across the lake from the Klingmans and can attest to the erosion the Klingmans have been dealing with and indicated the cement ramp has helped the situation.

Chair Steve Brown called twice more for anyone in favor of the variance request to come forward. There was no response.

Chair Brown called for anyone opposed to the variance request to come forward.

Rich Libbey felt the zoning rules should be upheld. Libbey noted that the Klingmans should have checked with the City to see if a permit was required and ignorance is no excuse.

Randy McCarty, President of the Greater Pokegama Lake Association stated that if Klingmans are allowed to have a 7 x 54 foot cement ramp, then all 1245 people living on the Lake should have the same right, and this is a concern.

Chair Brown called twice more for anyone opposed to the variance request to come forward. There was no response and Brown closed the public portion of the hearing.

Brown asked the Commissioners for comments. The Planning Commissioners were opposed to the variance request and cited various reasons including primarily that they couldn't get around that the need for the variance was created by the applicant. Council Liaison Jason Tabaka noted that photos were provided of ramps that appeared similar and stated the PC cannot make a decision based on other properties.

After brief discussion, Attorney Dennis O'Toole requested that the hearing be continued.

A motion was made by Brown/Kielpinski to continue the matter until "such time as they are approached by the Klingmans." Motion carried unanimously.

8. **Public Forum** and recommendation to City Council regarding garbage collection within city limits: Attorney John Licke explained that most communities have a statute relating to waste collection – and a contract as well. At this time, Cohasset has no regulations governing waste collection. Please see the attachment which outlines the various collection options outlined by Licke.

A motion was made by Brown/Kielpinski to table this matter to the next meeting for sample ordinances, contracts, and licenses from other LGU's. Motion carried unanimously.

Chair Steve Brown adjourned the meeting at 9:30 p.m.

Submitted by Karen Mester, Deputy Clerk

Approved: