

**WALKER PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
October 31<sup>st</sup>, 2016  
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

- 1. Call to Order** 6:00 p.m. by Chair Wilkening.

**Roll Call-**

Members Present: Gary Wilkening, Annie McMurrin

Public: Marge Reinke

Staff: Terri Bjorklund, Pamela Smith

Absent: Char Moore, Rich Hansen

- 2. Additions or deletions to agenda.**

None.

- 3. Announcements by Chair.**

Due to the City Hall being closed on November 24<sup>th</sup> and 25<sup>th</sup> in observance for the Thanksgiving Day holiday; the last day for Planning Commission Board of Adjustment submission of items for packet will be Friday November 18<sup>th</sup> by noon. Packets will be ready Wednesday November 23<sup>rd</sup>.

- 4. Planning Commission recommends approval of Minutes for September 26<sup>th</sup>, 2016.**

The Board agreed to recommend approval of Minutes.

- 5. Planning/Zoning –Report for September 2016.**

Smith reviewed the ZA report noting that Septembers building permits totaled \$251,000 verses August that totaled \$10,750.

- 6. The Planning Commission reviewed the 2017 Land Use Calendar dates.**

- 7. 6:05 Public Hearing-Public comment of LU-2016-08 Variance-Reis.**

Public Hearing opened at 6:05.

Wilkening reviewed the Variance request with the public. He noted that 2 public comments were received and those comments were in agreement with the proposed Variance request.

Reinke clarified what the setback would be and questioned why this Variance was requested.

Wilkening stated that on the garage side it would be changing the setback to 5 feet to allow for an addition to the existing garage to accommodate a vehicle to be able to open the car doors. The lakeside would be changing the setback to allow for the current overhang of their house to enclose the lower portion eliminating the overhang.

Public Hearing closed at 6:12.

**8. Planning Commission recommends approval of LU-2016-08 Variance with proposed findings of facts Conditions:**

Proposed Findings - The following findings of fact are provided for consideration by the Board of Adjustment:

A) To allow for a 5 foot setback of the side yard deviating from the 10 foot setback to allow for an addition to the garage.

1. The applicant establishes that there are practical difficulties, as defined in this ordinance, in that the current garage is too narrow for use. The current interior width is 11 foot 6 inches; 12 foot 6 inches is needed to open car doors.
2. The plight of the landowner is not created by the landowner but due to the location and size of the current garage structure that was built in 1948 prior to the establishment of setbacks.
3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood.
4. The variance will not alter the essential character of the locality.
5. The variance is not for economic reasons alone.
6. The variance would not allow or create a use not provided for in a zoning district.

B) To allow for a 49 foot setback furthest the Lake Side to a 41 foot setback nearest the Lake Side, deviating from the 50 foot setback, to enclose a lower portion that sits below the current structure that is used as a deck/patio area on the Lake Side.

1. The applicant establishes that there are practical difficulties as not being energy efficient, however there are different methods of insulating that could be taken without encroaching on the setback underneath the already nonconforming structure.
2. The plight of the landowner is not created by the landowner but due to the fact that the house built in 1948; prior to the establishment of set-backs, is a nonconforming structure.
3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood; the proposed enclosure of the lower level would be in line with the current above structure and will still be in harmony with the general purposes and intent of the ordinance and comprehensive plan.
4. The variance will not alter the essential character of the locality.
5. The variance is not for economic reasons alone.
6. The variance would not allow or create a use not provided for in a zoning district.
7. The enclosing of the supports of the deck exceeds the allowed repair, replacement, restoration, maintenance, or improvement allowed by MN Statute §462.357 and constitutes expansion.
8. The enclosing of the overhang does not change the impervious surface coverage of lot, since a concrete pad already exists underneath the overhang.
9. In the opinion of the Department of Natural Resources this will not have any further adverse effects on Leech Lake then currently already exist.

Proposed Conditions - The following conditions are recommended by the Board of Adjustment:

**A) To allow for a 5 foot setback of the side yard deviating from the 10 foot setback to allow for an addition to the garage.**

1. Erosion control measures are used during installation.
2. Reestablish any disturbed turf after project.
3. Structure is to remain a garage and not be used as a dwelling or quest quarters.

4. Garage expansion is not to exceed the proposed addition dimensions as stated in the sketch received by applicant and included in this staff report as attachment No. 2.
- B) To allow for a 49 foot setback furthest the Lake Side to a 41 foot setback nearest the Lake Side, deviating from the 50 foot setback, to enclose a lower portion that sits below the current structure that is used as a deck/patio area on the Lake Side.**
1. Erosion control measures are used during installation.
  2. Reestablish any disturbed turf after project.
  3. Overhang enclosure is not to exceed the dimensions of the upper level as stated in the sketch received by applicant and included in this staff report as attachment No. 2.
  4. No installation of garage or driveway will be permitted on the East or North side of the house.
  5. Installation of rain gardens including using plants, pea rock or other means of drainage to minimize and control the run-off of potential contaminates.

The Board discussed adding another condition for the part B of the request for the Variance on the Lakeside. McMurrin and Wilkening discussed rain water run-off and suggested the addition of number five under section B for the installation of rain gardens to minimize and control the run-off.

**9. The Planning Commission approved draft letter addressing City Council members regarding the Comprehensive Plan recommendations.**

**10. The Planning Commission recommends the approval of changes of draft regulation building maintenance/appearance and open burning regulations and penalty with the recommended changes:**

To maintain continuity throughout the Ordinance add the language will hereinafter be referred to as the designated person.

§ 95.05 DUTIES OF CITY OFFICERS.

For purposes of §95.05 and 95.06, the Police Department, or Sheriff or person designated by the City Council will hereinafter be referred to as the designated person.

McMurrin and Wilkening agreed with the language of the draft.

Chair Wilkening recommended the following changes to §96.99 Penalty:

(B) Any person found guilty of creating a nuisance as described in §96.02 shall be penalized by the following measures:

- 1) The first infraction will be found guilty of a petty misdemeanor and penalized as provided in §10.99 and given 90 days to correct said infraction.
- 2) The second infraction will be found guilty of a misdemeanor and penalized as provided in §10.99 and given 90 days to correct said infraction.
- 3) The third infraction will be found guilty of a gross misdemeanor and penalized as provided in §10.99 and given 90 days to correct said infraction.

In addition, the costs of prosecution and the costs of enforcement may be added.

**11. Planning Commission recommends approval of draft of Code of Ordinances.**

**12. Planning Commission recommends revision of zoning fee schedule.**

**13. Chair Wilkening adjourned the meeting at 6:40 p.m.**