

**WALKER PLANNING COMMISSION  
BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
November 27<sup>th</sup>, 2017  
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

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

**Roll Call-**

Members Present: Susan Ostlund, Gary Wilkening, Rich Hansen and Randy Carlson

Members Absent: Annie McMurrin

Public: Linda Walliser, Self; Julia Baird, Self; Brad Baird, Self

Staff: Terri Bjorklund and Pamela Smith

**2. Additions or Deletions to the Agenda.**

Carlson would like the City of Walker to take a leap and look at allowing tiny houses. He requested that the Planning Commission at least explore the idea and discuss this at the next December or the January Planning Commission meeting. Wilkening questioned if his thought was to allow this in all zoning districts. Carlson expressed that he was considering allowing this in the newly zoned Rural Residential areas.

**3. Announcements by Chair.**

Chair Wilkening announced that at the beginning of the year the City will have a new building official; Jon Stewart. Wilkening reviewed that prior to that the City's Building Official was Guy Sharpe with E-Gads and after his retirement his son took over as the City's Interim building official. The position was decided to be advertised by RFP's. Jon Stewart was selected by the City Council at the previous Council meeting and he will start the 1<sup>st</sup> of the year. Wilkening added that it will be good to have someone with a local perspective and that is easily accessible.

**4. M/S Hansen/Ostlund to recommend approval of Minutes for October 30<sup>th</sup> 2017.  
Motion passed (4-0)**

**5. Planning/Zoning –Report for October 2017.**

Smith review the planning and zoning report with the board noting that BP-2017-52 included a valuation that was more than just the concrete foundation that was listed.

**6. Public Hearing 6:05 pm to hear public comment for a Conditional Use Permit application for Dirt Moving of > 50 cubic yards (non-shore or bluff impact) for approximately 150 yards of fill for the installation of a driveway and parking area.**

Public Hearing opened at 6:05 pm

Wilkening invited public comments or questions. Linda Walliser questioned what was going on and what area was this impacting; referring to the alley and Front Street.

Bjorklund explained that they have readdressed the Minnesota Avenue (371) address to Front Street and Front Street will now be the main entrance into that home now.

Linda Walliser questioned if she should expect her taxes to increase because of this request. Chair Wilkening responded that it will not.

No other public comment or questions were heard.  
Public Hearing closed at 6:07 pm

Hansen requested that he would like to address the Council minutes listed on the zoning report. Wilkening stated that it can be added to the agenda as 10.5.

**7. Public Hearing 6:10 pm. To hear public comment for an Interim Use application allowing for a Vacation Rental By Owner (VRBO)**

Public Hearing opened at 6:10 pm

Linda Walliser questioned what impact this would have on her. Wilkening explained that after the property is remodeled the intention is it will be used as a short term rental for the family of brides and grooms. This would tie into their business located north of town. Wilkening stated that as far as use they can expect to see increased use in that area but reminds the public that that property also sat vacant for years. Wilkening added that he doesn't see it as being a negative impact. There are restrictions that the City puts on vacation rentals as far as noise and garbage requirements; they also have to apply for a State health permit. Wilkening asked if Brad or Julia Baird had any questions. Julia explained that she had a few questions after meeting with Pam today. She wanted clarification on whether renting the property weekly or throughout the winter months would be scrutinized under the same standards as what the VRBO inspections require. She added that the property may possibly be used to house crew members that worked for Brad. Julia questioned that if she rented the property herself and not using the VRBO are the requirements still the same. Wilkening clarified per the Ordinance; as long as the rental is less than 30 days. Wilkening stated that in two years if they decided that the VRBO wasn't working for them and they would rather have longer term leases without those same requirements, they could. Julia questioned if there were other requirements for handicap accessibility that were not included on the checklist that she received. Bjorklund stated that although it was not included on the checklist and since this would be used by the public she advised Julia to wait until January and check with the building official to see what standards she should abide by. Julia explains the extensive renovations that have taken place so far; gutting the bathrooms, kitchen, re-siding, making full use of the basement and adding a patio on the west side with an outdoor entertaining area. She added that they are basically bringing some life to the northwest side of town.

No other public comment or questions were heard.  
Public Hearing closed at 6:13 pm

**8. M/S Hansen/Ostlund to recommend LU-2017-03, a Conditional Use Permit application for Dirt Moving of > 50 cubic yards (non-shore or bluff impact) for approximately 150 yards of fill for the installation of a driveway and parking area with the following findings of fact and conditions:**

**Findings of Fact**

- 1. Standard soil erosion prevention measures were used during filling (silt fence).**
- 2. The site is not viewed from public waters and will have no impact.**

3. The site is currently in the process of hooking up to City water and sewer; per the Lot Split LU-2017-01-water is currently on site and sewer will require installation of a lift station and sewer hook-up due to the non-conforming septic system.
4. The application does not have lake access for watercraft.
5. The subject property is located in an area zoned as Traditional Residential (R); dirt moving of more than 50 cubic yards is allowable with a Conditional Use Permit.
6. The request for filling for a parking area and building site is supported by the Comprehensive Plan as continued use of the current available utility hookups.
7. The use with conditions is compatible with the existing neighborhood; the adjacent properties to the East are also zoned Transitional Residential (R) and to the West are zoned Transitional Commercial (TC) both of which is a compatible conditional use for that zoning district.
8. The proposed use, with conditions, is not considered to be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

**Conditions:**

1. Maintain preventative steps for soil erosion before, during and after the project.
2. Seeding of the property will need to be done in the spring or as weather permits, to help control soil erosion.

Wilkening questioned if the board understood the application and are comfortable with the conditions and findings of fact as presented. The board agreed.

**Motion passed (4-0)**

9. M/S Carlson/Ostlund to recommend LU-2017-04, an Interim Use application allowing for a Vacation Rental By Owner (VRBO) with the following findings of fact and conditions:

**Findings of Fact:**

- 1) The principal structure on this parcel was moved to the north end of the parcel; to accommodate for a driveway, parking area and leveling of the house a CUP for for Dirt Moving of > 50 cubic yards (non-shore or bluff impact) has also been applied for during the dirt moving standard soil erosion prevention measures were used during filling (silt fence) and it is not abutting public waters therefore there is no change to the visibility of structures and other facilities as viewed from public waters.
- 2) The site is currently in the process of hooking up to City water and sewer; per the Lot Split LU-2017-01-water is currently on site and sewer will require installation of a lift station and sewer hook-up due to the non-conforming septic system.

- 3) The application does not have lake access for watercraft.
- 4) The VRBO is an appropriate Interim use with conditions in the Traditional Residential zoning district.
- 5) The Comprehensive Plan of 2010 supports the continued use of properties currently served by municipal water and sewer as this property is currently.
- 6) Rules will be provided and enforced to ensure guests do not interfere with the quiet enjoyment of neighboring properties; the VRBO with conditions is a compatible use in the existing neighborhood.
- 7) The proposed use, with conditions, is not considered to be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

**Conditions:**

- 1) The appropriate lodging license must also be obtained from the Minnesota Department of Health in order for the IUP to be valid. An IUP granted by the city is contingent upon the applicant's receipt of an appropriate lodging license. The applicant is granted an extension of Ordinance Section 109-201 (c)(2) requirement to obtain an appropriate lodging license within 30 days of IUP approval shall render the IUP void and of no effect, unless no license is required by the state. The applicant shall have 30 days to obtain an appropriate lodging license once the renovations are completed.
- 2) The initial term of a vacation rental IUP is two years. The property owner may thereafter apply to renew the IUP for a term of two years. There are no automatic renewals. Each initial and renewal application is subject to an inspection as provided in paragraph 3.
- 3) The property shall be inspected by the City Building Inspector (the "Initial Inspection") to ensure compliance with the applicable building codes and ordinances. In the event that modifications are needed to the property after the Initial Inspection, additional inspections may be required. The applicant is responsible for all inspection fees. The City Building Inspector shall provide a report to the City regarding the home's compliance within 30 days once the renovations are completed or the IUP shall be rendered void.
- 4) Any modifications to the property rendering the property unsuitable for residential use under the Walker City Code or State Building Code may be grounds for revocation of the IUP.
- 5) Due to normal differences in operation, the IUP shall not be transferrable to a new owner, nor transferable to a different property. Any change in ownership of the property shall terminate the IUP and require a new application and process if the use is to continue.
- 6) Each permittee is required to carry general liability insurance on the subject property with minimum coverage of \$1,000,000.00 per occurrence. An umbrella policy may be used in conjunction with liability coverage to reach the \$1,000,000.00 minimum. A certificate of insurance shall be provided to the City upon request of the City.
- 7) One off-street parking space per every two bedrooms shall be provided on-site. Garage spaces may be counted towards required parking spaces on a

**one-to-one basis. Parking spaces applied toward requirement must be concrete, asphalt, or other approved alternative. Parking on grass or dirt is not allowed.**

- 8) Signage. Notwithstanding any other provision of the zoning ordinance, no signage shall be allowed unless specifically allowed by IUP.**
- 9) Licensee shall keep a report detailing use of the home by recording, at minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the City and law enforcement upon request.**
- 10) Three (3) warnings of noncompliance with the City of Walker Ordinance Article V Performance Standards Section 109-153: Nuisances will terminate the IUP.**
- 11) If a problem arises, the owner or registration agent must respond to the issue within a two hour time frame.**
- 12) Notification of house rules shall be posted both on the property and also in the rental; documents will state the following: "This property is located in a residential zoning district. Please be considerate of neighbors. Quiet hours shall be observed between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, and 11:59 p.m. and 7:00 a.m. Friday evening through Sunday morning."**

Carlson questioned if they would need to ask for an amendment if they chose to rent this out for longer than 30 days. Wilkening explained that they would not because this would be more restrictive because it is a shorter term rental. Bjorklund stated that it can be either/or, adding that without this Interim Permit for a VRBO they would be unable to rent it out weekly in the summer. Wilkening questioned the length of time the applicant would have prior to rendering the IUP void if no license is obtained in the time frame listed. Bjorklund explained that is why the wording is changed for the recommendation. Under normal circumstances the applicant would have 30 days from the approval of the IUP. Because they are currently going through extensive renovations it makes more sense to have the time frame worded as 30 days after the final inspection. Julia questioned how often she would have to have the inspection. Wilkening stated that it is every two years; clarifying that they would not have to go through the IUP process again. They would be required to complete the re-inspection process with a building inspector every two years.

**Motion passed (4-0)**

#### **10. Discussion on implementing a driveway ordinance.**

Wilkening refers to number five on the drafted driveway ordinance. He suggested that this requirement be exempt to single-family homes and only require this for multi-family or Planned Unit Developments. Hansen agreed that having this removed for single family homes and having it for multi-family or PUD's makes sense. Carlson voiced his concern that it did not state anything about existing driveways. Carlson suggested adding the word 'new' between 'All and driveways'. Wilkening agreed and did not see anything wrong with adding the word 'new'. Ostlund suggested omitting number five. Wilkening stated that it would make sense to omit that requirement for single-family homes. The Board discusses number six 'Wheel Strip' and whether they need that in the ordinance at all.

They decide to omit it completely. They review item number seven. Wilkening suggest adding 'onsite' to the wording after 'drained' and the word 'roadway' at the end of the sentence. Hansen referred to the sloping driveways on Fifth Street; it is hard not to slope all that in that direction. It would be very difficult to design a driveway unless you are lower than the street. For example all of Fifth Street; how do you keep all that onsite? Wilkening added that number seven is already part of our ordinance. Carlson brings up the clarification of number eight. The board discusses how to word this correctly in regards to paved vs concrete and gravel road equals gravel driveway or paved road equals paved driveway. Bjorklund questioned if there would be a reason that you want the apron to be asphalt to meet up with the asphalt street so you don't have the concrete breaking up. Wilkening clarified that you would want a concrete apron because the concrete abuts the curb line and the curb line would be built with the gutter pan. Hansen added that the way this is phrased with the apron, gutter pan and the curb cut really aren't relevant because it sates the 'same material of the road'. Hansen suggested they defer to Terry Freeman or an Engineer from Ulteig for the wording. They have very specific language that is accepted in the engineering community and would be legally defensible. Basically what we are trying to say if the road is asphalt or concrete so should your driveway be and gravel driveway is only allowed if you have a gravel street. Ostlund stated that the word 'should' implies best practice and suggested changing it to 'must'. Wilkening refers to the illustration on drawing number one and suggested omitting 30 foot setback since our setbacks vary.

The following are the suggested changes to the draft Driveway Ordinance shown in italics and bolded:

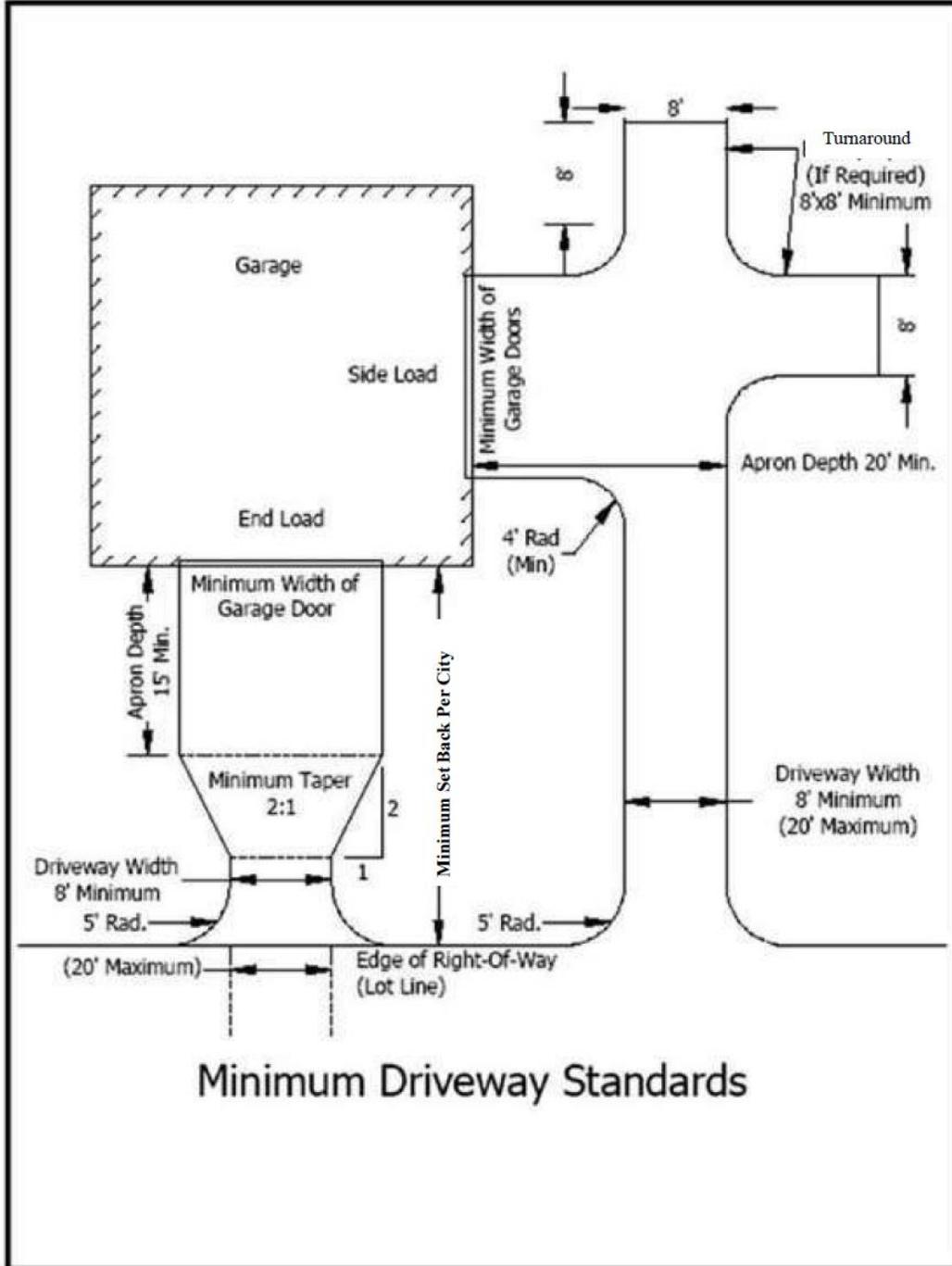
Sec. 109-163. - Driveways, in general.

All *new* driveways shall comply with the following minimum dimensional standards:

- (1) Driveways serving end loading garages shall maintain a width equivalent to the width of all overhead doors extending 15 feet out from the garage doors.
- (2) Minimum driveway taper ratio shall be 2:1.
- (3) Driveways shall be at least eight feet in width at the street or private road.
- (4) Driveways serving side loading garages shall provide a minimum turn around or back up depth of 20 feet, as measured from the garage door(s).
- (5) A turnaround shall be provided for a driveway *servicing multi-family or Planned Unit Development* with direct access to an arterial or collector roadway or for a side load garage as determined necessary by the zoning administrator. The minimum dimensions of the turnaround shall be eight feet in width by 12 feet in depth.
- ~~(6) "Wheel strip" driveways are allowed, but the entire width of the driveway (from outside to outside of the strips) will be considered impervious.~~
- (7) All parking *shall must* be paved or provided with all-weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
- (8) Driveway material *shall must* equal the same material of the road that abuts the proposed driveway. *The wording is contingent upon suggested phrasing from an engineer.*
- (9) Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones when other reasonable and feasible placement

alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.

### Drawing 1: Minimum Driveway Standards



**10.5. Discussion on Council minutes from 11/6/2017 number three under Economic Development.**

Hansen questioned the time-line of two years to build and adds that reading during the discussion from those minutes Valen noted several times that they were guidelines. In lawyer speak that sounds unenforceable. Hansen added that he would like to see something more stringent. I don't want to see the City get into a situation that they sell multiple parcels and then there is no recourse if they don't build in two years. Bjorklund clarified that it was discussed at the meeting the possibility of purchasing multiple lots and building one house on those multiple lots. What Valen was speaking of is at the time of the sale when writing the agreement it can be recorded or negotiated into the sale as an agreement for a two-year building contingency; as each individual sale may vary.

**11. Wilkening adjourned the meeting at 6:48 p.m.**