

City of Winsted
Planning Commission
City Council Chambers
August 11, 2014
6:00 p.m.

Present: Marv Ebensperger
Mike Guggemos
Allison Moses
Mike Thonvold
Tom Ollig (Council Liaison)

Absent: JoLynn Cafferty

Staff Present: Clay Wilfahrt, City Administrator

1) Call the Meeting to Order

Mr. Ebensperger called the meeting to order at 6:00 p.m.

2) Approval of Minutes

Mr. Guggemos motioned to approve the minutes from the Planning Commission Meeting on June 9, 2014. Ms. Moses seconded the motion. Motion carried 4-0.

3) Public Hearings

a) Resolution PCR 14-08 – Variance – 250 Winsted Avenue West

Mr. Ebensperger opened the Public Hearing at 6:01 p.m.

Mr. Wilfahrt reviewed the memo provided for the Planning Commission as follows.

Shawn and Paula Scherping, owners of 250 Winsted Avenue West, submitted an application for a variance. The lot is in an R-1, Single Family Residential District on the corner of Winsted Avenue West and 3rd Street North, which means that the setbacks for the property need to be thirty (30) feet on both the south and west sides. The Scherpings are proposing a fourteen (14) foot by twelve (12) foot addition onto their existing principle structure, on the west side of their home. The addition would be set back sixteen (16) feet from 3rd Street North, which is a fourteen (14) foot encroachment into the required setback.

City staff sent out Public Hearing notices to neighboring property owners, published a notice in the newspaper, and posted the notice at City Hall. No comments were received in regards to the notice.

The Scherping's would like to begin constructing the project as soon as possible. If the Planning Commission approves the variance request, appeals can be submitted for a hearing in front of the City Council until fifteen (15) days after notice of the variance approval is sent to the applicant.

VARIANCE REQUIREMENTS:

In order to grant the variance, the Planning Commission must consider the following:

1. Evidence of ownership or enforceable option on the property – According to the Sherburne County Beacon Website, Shawn Scherping is the owner of the property.

2. The variance is consistent with the City of Winsted's Comprehensive Plan – The current zoning map for this property lists it as R-1, Single Family Residential. The Scherpings use is a permitted use in this district.

3. The variance is in harmony with the general purposes and intent of the ordinance. – A summary of the intent and purpose of the ordinance is to promote and protect public health; protect the character, social, and economic stability of the use areas; secure the most appropriate use of the land, prevent

overcrowding; provide adequate light, air and access; facilitate transportation, water supply, and sewage disposal; and planning for location of schools and other public facilities.

4. The applicant establishes that there are 'practical difficulties' in complying with the Zoning Ordinance. Practical difficulties as used in connection with the granting of a variance, means that:

a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance; - The size of the structure and the use appears to be reasonable. The addition is a total of 168 square feet, and the existing principal structure is 1,068 square feet according to the County Geographic Information System (GIS). The encroachment, however, is not allowed per the ordinance.

b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; - The home was built in 1900 according to the County's records, meaning that it was built well before there was a City Zoning Ordinance. The configuration of the lot is such that nearly the entire home is within the 3rd Street North setback. In order to add on to the home in a reasonable manner, the applicant either needs to encroach on the setback, or add on over the driveway in a less desirable configuration. Because of the existing configuration of the lot at the time of the code adoption, the applicant was put in a difficult position that they did not create.

c. The variance, if granted, will not alter the essential character of the locality. – Numerous neighboring properties have structures that encroach on the same setback. On the block south of Winsted Avenue, there are at least three (3) other structures that encroach on the same setback. On the same block as the property in question, there appears to be at least one other structure that encroaches on the setback. North one (1) block, there appear to be two (2) structures that encroach on the setback.

Also, as mentioned, the principal structure being added on to is almost entirely within the setback already, and the encroachment applied for does not extend further into the setback as the principal structure already extends fourteen (14) feet into the 3rd Street North setback.

Judging by the information above, an encroachment into the setback will not alter the character of the locality.

5. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. – As far as City staff knows, this project is not intended to solely increase value. It is intended to provide the homeowner with an amenity to be used for practical purposes.

OTHER REQUIREMENTS:

Aside from the variance requirements, the property owners will also need to meet the following requirements for an accessory structure:

1. **Building Width.** Residential structures shall not be less than twenty-four (24) feet in width over thirty (30) feet of its length. Length refers to the side of the structure having the longest horizontal measurement. This requirement does not apply to accessory structures, including garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
2. **Foundation.** All residential structures shall have permanent foundations of concrete or treated wood, constructed in conformance with the State Building Code. This requirement shall not apply to accessory structures, such as garages, tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.

CONDITIONS:

The Planning Commission can place conditions on the variance. Since this is a fairly simple variance, staff recommends only the following two (2) conditions:

1. **Building Permit.** That all appropriate building permits are issued before construction begins. No building or structure shall be erected until the Building Inspector or the designated representative has issued a lawful building permit from the City of Winsted.
2. **Lapse of Variance.** If, within one (1) year after granting the variance, the work permitted is not started, the variance shall become null and void unless a petition for an extension has been approved by the Planning Commission.

Mr. Wilfahrt asked if there were any questions regarding the variance request. The Planning Commission Members had no questions and no comments opposing the variance request.

Ms. Moses motioned to close the Public Hearing. Mr. Thonvold seconded. Motion carried 4-0.

Mr. Guggemos motioned to approve Resolution PCR 14-08 to approve a variance request to reduce the side yard setback adjacent to a street in conformance with Chapter 15, Section 1501.005 Letter F. Mr. Thonvold seconded the motion. Motion carried 4-0.

- 4) No Old Business
- 5) New Business

a) Winsted Zoning Map Updates

Mr. John Anderson, Municipal Development Group, summarized corrections and changes that are suggested for approval on the Zoning Map for Winsted. Mr. Anderson stated that when the Zoning Map was created, McLeod County did not have a full Geographic Information System (GIS); but now does, so the map can be updated to actual property lines of Winsted properties. Mr. Anderson stated that there are also multiple parcels that have a split zoning classification that are recommended to be updated to a single zoning classification. Mr. Anderson stated that before the changes can be made, a Public Hearing must be held, and property owners within the zoning changes must be notified of the proposed changes.

Council Member Ollig stated that a portion of the Winstock property is currently not within city limits, but may want to become a city property in the future. He continued by asking if that property could be zoned within this proposed update. Mr. Anderson stated that the property should first officially be annexed into the city and then the zoning can be taken care of at the time of annexation.

Council Member Ollig asked if the property directly south and west of the Herald Journal property at, 120 6th Street North, currently owned by the Ochu family was city or township property. Mr. Wilfahrt stated that both he and Mr. Anderson would contact McLeod County and verify the information on this property.

Mr. Guggemos motioned to schedule a Public Hearing to consider changes to the Winsted Zoning Map on October 13, 2014. Ms. Moses seconded the motion. Motion carried 4-0.

- 6) Other

a) 2014 Winsted Pride Awards

Mr. Ebensperger stated that the Planning Commission judged the nominated properties for the 2014 Winsted Pride Award, and that the scores between the properties were very close because of how well maintained each nominated property was. He continued by announcing the winners of the 2014 Winsted Pride Awards, which were:

Commercial – Millerbernd Manufacturing – 622 – 6th Street South
Residential – Chad and April Hawkenson – 715 Mallard Avenue

b) Planning Commission Resignation – Mike Thonvold

Mr. Wilfahrt stated that Mike Thonvold has submitted his resignation notice from the Planning Commission and thanked Mr. Thonvold for his service. Mr. Thonvold stated that he has moved out the city of Winsted and thanked the Planning Commission members and the City of Winsted for the opportunity to serve.

c) 2015 Budget

Council Member Ollig stated that the City Council is working on the budget for the year 2015. He encouraged Planning Commission members to contact Mr. Wilfahrt or the City Council members if they had any questions regarding the budget.

7) Adjournment

**Ms Moses motioned to adjourn the meeting. Mr. Thonvold seconded the motion. Motion carried 4-0.
The meeting adjourned at 6:40 p.m.**

Clay Wilfahrt

Clay Wilfahrt
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Administrative Assistant
City of Winsted