

City of Winsted  
Planning Commission  
City Council Chambers  
September 8, 2014  
6:00 p.m.

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

Staff Present: Clay Wilfahrt, City Administrator  
Raquel Kirchoff, Administrative Assistant

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 August 11, 2014. Ms. Moses seconded the motion. Motion carried 4-0.**

3) Public Hearings

**a) Resolution PCR 14-09 – Variance – 127 Fairlawn Avenue East**

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

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

Dawn Sorenson, owner of the property at 127 Fairlawn Avenue East submitted an application for a variance. The lot is in an R1 Single Family Residential District (R1). Ms. Sorenson is proposing to add on to an existing deck in her backyard. The existing deck is on the property line, and the proposed deck will be on the back property line on its west most point. Since the addition to the deck will be on the property line, it would be encroaching on the rear-yard setback by twenty-five (25) feet.

Staff sent out notices to neighbors, published a notice in the newspaper, and posted the notice at City Hall. No comments were received regarding the proposed variance.

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, Dawn Sorenson 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 R1. Ms. Sorenson's 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 existing deck is 160 square feet, and the addition proposed will be 180 square feet.

**b. The plight of the landowner is due to circumstances unique to the property not created by the landowner;** - The home was constructed in 2001 and reviews of building permits for this property indicate that the deck was not included in the original plans; however, the home was constructed twelve (12) feet from the rear property line. The home was constructed with a walk-out. When the permit was applied for, the rear-yard setbacks were zero (0) feet; however, when the permit was issued, the setback requirement had been changed to twenty-five (25) feet. The homeowner never received a variance for the initial construction likely because City staff at the time overlooked the need for it since the application had already processed through the zoning office. Therefore, the property owner did not create this situation.

**c. The variance, if granted, will not alter the essential character of the locality.** – There are four (4) neighbors on this block that encroach on the same setback. Also, the current deck that is attached to this home already encroaches on the setback. Additionally, the principal structure on this property is only twelve (12) feet away from the rear property line.

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 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.

**CONDITIONS:**

Staff recommends only the following two (2) conditions for the variance:

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.

**OPTIONS:**

- 1) Approve Planning Commission Resolution PCR-14-09 to approve a variance to reduce the rear yard setback adjacent to a property line in conformance with Chapter 15, Section 1501.005 Letter F at 127 Fairlawn Avenue East.
- 2) Deny Planning Commission Resolution PCR-14-09 to approve a variance to reduce the rear yard setback adjacent to a property line in conformance with Chapter 15, Section 1501.005 Letter F at 127 Fairlawn Avenue East.
- 3) Table the Discussion

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

**Ms. Moses motioned to close the Public Hearing. Ms. Cafferty seconded. Motion carried 4-0.**

**Ms. Moses motioned to approve Resolution PCR 14-09 to approve a variance from Winsted Zoning Ordinance, Section 1501.005, Letter F, reducing the rear yard setback adjacent to a property line from twenty-five (25) feet to zero (0) feet. Mr. Guggemos seconded the motion. Motion carried 4-0.**

- 4) No Old Business
- 5) No New Business
- 6) Other

**a) Hard Surfacing**

Mr. Ralph Millerbernd, owner of properties on Winsted Lake, was present at the meeting and asked a question regarding hard surfacing on a property. He stated that may like to use brick in his yard to form a path.

Mr. Ebensperger stated that it depends on what material is being used and if it allows water to pass through it. Mr. Ebensperger also stated that Mr. Millerbernd's property is within a Shoreland Overlay District, where different regulations need to be followed.

Mr. Wilfahrt stated that Mr. Millerbernd is working with McLeod County to join some properties within Winsted. Mr. Ebensperger stated that the State of Minnesota would have the regulations on how projects must be completed within a Shoreland Overland District.

**b) Planning Commission Vacancy**

Mr. Wilfahrt stated that the Planning Commission vacancy is being advertised and once prospective candidates have submitted their interest, the Mayor and City Council Members will appoint a new Planning Commission Member.

**c) Zoning Map Updates**

Mr. Wilfahrt stated that letters were sent out to property owners regarding the proposed changes to the Zoning Map for the City of Winsted. The Public Hearing to consider the proposed changes will be at the Planning Commission meeting in October, 2014.

**d) 2015 Budget**

Council Member Ollig stated that the City Council approved the 2015 Preliminary Budget. The final budget can be lower, but not higher, than the adopted preliminary budget.

7) Adjournment

**Ms Cafferty motioned to adjourn the meeting. Ms. Moses seconded the motion. Motion carried 4-0. The meeting adjourned at 6:20 p.m.**

*Clay Wilfahrt*

Clay Wilfahrt  
City Administrator  
City of Winsted

ATTEST:

*Raquel Kirchoff*

Raquel Kirchoff,  
Administrative Assistant  
City of Winsted