

**ELYSIAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
NOVEMBER 5, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, November 5, 2018 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Dan Engebretson, Rick Galewski, and Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:00 pm.

The purpose of the Public Hearing is to consider the request of Elliott and Mary Eisman, the property owners of 132 Willow Point Dr, Elysian, Le Sueur County, Minnesota, for a conditional use permit request to build a guest house in the shoreland overlay zone within the required 75-foot setback from the OHW and which exceeds the 25% maximum lot coverage.

The City Attorney has recommended this be handled as a conditional use permit rather than a variance request due to the three items involved:

- a. A guest house. The zoning code is a bit contradictory because a guest house is allowed as a “conditional use” in the residential zoning. But under the shoreland portion of the zoning code one guest cottage is allowed per lot in the shoreland overlay zone, under the following circumstances:

- i. Lots must meet or exceed the following standards:

For Recreational Lakes

	Water frontage lots	Other lots
Lot Area.	35,000 sq. ft.	26,000 sq. ft.
Lot Width	At O-H-W      135 feet	135 feet

(The Eisman lot is 35,000 square feet and the lot width is 155 feet.)

- ii. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
    - iii. A guest cottage must be located or designed to reduce its visibility and viewed from public waters and adjacent shorelands by vegetation, topography, setbacks or color, assuming summer leaf-on conditions.
- b. The current home is located within the required 75-foot setback from the OHW. The proposed guest house would be lined up with the current home, so it would also be located in the 75-foot setback. Specifically, it would be 35 feet back from the OHW.
- c. The lot coverage. The current lot coverage is 32%. The proposed guest house can be no larger than 700 square feet. With that added coverage, the lot coverage will be 34%. The Eismans are not planning to increase the driveway or add a sidewalk to the guest

house. They have stated that the only additional impervious surface will be the guest house itself.

As this is being handled under the conditional use permit process, the Planning and Zoning Commission can impose conditions on the permit. Conditions recommended must be in addition to standards already set forth in the Zoning Ordinance. Conditions must also be reasonable and practical. The conditional use permit will run with the land and is not granted to specific land owners.

Types of Conditions – Include but are not limited to the following;

- a. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or catastrophe.
- b. Off-street parking and loading areas where required with particular attention to economic, noise, glare, or other effects of the conditional use on adjoining properties and properties generally in the area.
- c. Refuse and service areas
- d. Utilities, with reference to locations, availability and compatibility.
- e. Screening and buffering with reference to type, dimensions, and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effort, and compatibility and harmony with properties in the district.
- g. Required yards and other open spaces.
- h. General compatibility with adjacent properties and other property in the area.
- i. Increased setbacks from the ordinary high water level.
- j. Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted.
- k. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- l. Protection of steep slopes with conditions to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Elliott Eisman, owner of the property, stated the current structure was subject to a fire and rebuilt in its current location in 2010. Eisman has retired and has their permanent home in Owatonna for sale and plans to make the home at 132 Willow Point Drive their permanent residence. With six children and six grandchildren, they are in need of more space than the current structure provides. They would like to add a 700 square foot guest house on the property and place it on the lot in line with the current house. He would be open to placing it closer to Willow Point Drive if needed.

Stoen asked if there was any intent to rent this guest house or use it as a VRBO? Eisman stated the guest house would not be rented.

Stoen asked if a sidewalk would be installed or if the driveway would be enlarged for additional parking. Eisman stated there is currently a two-car garage and a large driveway that could accommodate eight (8) cars. He would not be enlarging the driveway and would not add a sidewalk. There is a nice yard that can be walked through. There is a deck that is the length of the house and there is no need for additional patios. There is plenty of space to use outside the house.

Engebretson asked if Eisman would be altering the shoreline. Eisman stated the addition of the guest house would not require any alteration of the shoreline. They have lived there for eight (8) years and have not altered the shoreline.

The Commission discussed the MN Department of Natural Resources recommendation for the addition of a rain garden. Eisman stated he was not familiar with rain gardens. The Commissioners encouraged Eisman to visit with his neighbor who is currently installing a rain garden and to look at the handout provided by the DNR. A rain garden would help to offset the runoff from the additional impervious surface.

Public Comment: None.

Written comment:

Todd Piepho, Area Hydrologist, MN Department of Natural Resources has commented as follows:

“If the board considers the CUP, the Department would recommend a couple conditions be placed on the permit:

1. A screening condition be placed on the permit. Trees screening the structure from view while on the lake is easily accomplished and benefits both the public and homeowners.
2. Considering the lots impervious area exceeds the 25% max currently, without the additions, a condition including a rain garden, or some sort of water storage onsite should be added to the permit to offset the impervious area. There are several raingarden size calculators available online to determine a size for the raingarden, the link below is just one example. <http://raingardenalliance.org/right/calculator>. “

Dave and Lynn Boeck, 123 Willow Point Drive, “We have no objections to this.”

No further written comments were received.

On motion by Engebretson, seconded by Galewski, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:30 pm.

On motion by Engebretson, seconded by Stoen, all voting in favor, to recommend City Council approval of a Conditional Use Permit request from Elliott and Mary Eisman, 132 Willow Point Drive, to allow them to build a guest house in the shoreland overlay zone within the required 75-foot setback from the OHW and which exceeds the 25% maximum lot coverage with the following conditions:

1. The square footage of the guest home not exceed 720 square feet. All roof, porch and patio will be included within the allowed 720 square feet.
2. That there be no additional sidewalk installed nor any other impervious surface added to the lot.
3. The guest house will not be a rental unit or used as a VRBO.

4. That a rain garden be added to offset the impervious surface based on the MN Department of Natural Resources recommendation.
5. And, that no addition screening be required as the existing screening is sufficient and will not be removed or affected with the construction of the guest house.

This recommendation was scheduled to be considered by the Elysian City Council at their November 13, 2018 meeting. Mr. Eisman stated he will not be available for the November meeting and asked that the consideration be postponed until December. Per Eisman's request, this recommendation will be considered at the December 10, 2018 City Council Meeting.

On motion by Anderson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:35 pm.

The purpose of the Public Hearing is to consider the request of Mark and Shelly Hansen, the property owners of 100 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance request to remove the existing structure and build a structure 34.9 feet from the OHW (within the required 75-foot setback from the OHW).

Their current home is located 18 feet from the OHW. The proposed structure would be 34.9 feet from the OHW.

All other setbacks are met. The lot coverage will be 22.8% which is an improvement from the current lot coverage of 24.8%.

As this is a variance request, the following three questions will have to be addressed: 1. Reasonableness; 2. Uniqueness; and, 3. Essential Character.

The applicants have responded to these questions as follows:

1. Reasonableness: Currently our home is 18' from the water. The elevated deck is 5' from the water. We are requesting we put the new structure 34.9' from the Normal High Water Line. This requested location is just under twice as far away from the NHWL as the current structure. If we were to move farther back from we would run into complications with access to our garage and removal of several additional trees. Finally we would be set back further than many of the homes in the neighborhood.
2. Uniqueness: The irregular shape of the lot does not allow us to achieve the 75' setback as we will run into an East variance requirement due to the irregular shape of the lot.
3. Essential character: Our request will not alter the area if granted the variance because it will be similar to the other homes on our street. With the variance this will seek to keep the neighborhood uniform in its appearance.

Stoen asked if the property owners would be installing a patio on the property.

Mark Deichman, President, Deichman Companies, stated a deck or patio is not part of this project. He has been working with the homeowners for quite some time to make this a nice house working within the proximity to the water. They had considered building up within the existing footprint, but the design as presented seemed to be more consistent with the neighboring properties. The home will be slab on grade. The footprint is 1603 square feet with a second-floor of 1600 square feet. It will be within the 30-foot height requirement. All the trees will remain except for two apple trees.

Public Comment: None.

Written comment:

Todd Piepho, Area Hydrologist, MN Department of Natural Resource, commented as follows:

“Like the others where the structure is being set farther away from the lake than the current, if the variance is granted the Department would recommend that a screening condition be added. Trees screening the property from view while on the lake is a benefit for public using the lake and for privacy of the homeowners.”

On motion by Galewski, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:50 pm.

On motion by Galewski, seconded by Engebretson, all voting in favor, to recommend City Council approval of a variance request from Mark and Shelly Hansen, 100 Willow Point Drive, to allow them to remove their existing structure and build a new home 34.9 feet from the Ordinary High Watermark (OHW) (within the required 75-foot setback from the OHW), based on the following findings of fact:

1. Reasonableness: The proposed location of the house will improve the setback to the OHW from the current 18 feet to 34.9 feet. This will also improve the lot coverage from the current 24.8% to a reduced coverage of 22.8%.
2. Uniqueness: There is an odd shape to the lot. There is existing bituminous and a garage on the lot that precludes moving the house back away from the lake.
3. Essential character: The proposed placement of the new home will align with the other homes and cabins in the area.
4. There was no requirement for additional screening as the lot is populated with many trees and the intent of the property owner is to retain all trees except two apple trees.

This recommendation will be considered by the Elysian City Council at their November 13, 2018 meeting.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda with the following addition:

1. Discussion of a use in the Highway Commercial C-2 Zone.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the October 2, 2018 Regular Meeting as presented.

The Commissioners discussed the definition of the conditional use 6. Lumber yards, and warehousing.

An update was provided as to Le Sueur County’s determinations on the VRBOs. The County Commissioners will be holding a public hearing to discuss the proposed Ordinance on November 8, 2018 at 7:30 pm. The County will be addressing this use as “Short-Term Private Lodging Rental” and have twenty (20) conditions. The rentals will be registered rather than licensed and will be a conditional use permit. The conditional use permit will expire if the registration is not renewed every year. Planning and Zoning Commissioners suggested other items be considered for the City ordinance such as unattended pets, fireworks and different quiet hours for weekdays versus weekends. Other sample ordinances will be obtained, and this will be discussed again next month.

On motion by Stoen, seconded by Engebretson, all voting in favor, meeting adjourned at 7:30 pm.

Attest:

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Shawn Anderson, Chairperson

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Lorri Kopischke, Zoning Administrator