

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
DECEMBER 4, 2018**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, December 4, 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 Jeremy Henninger, the property owner of 182 Ridge Road NE, Elysian, Le Sueur County, Minnesota, for a variance to build a 60 foot by 80 foot outbuilding with a 30 foot by 40 foot entertaining room on the front.

The lot is 9.22 acres. The east side of the lot is located in the shoreland overlay district of Ray's Lake. The applicant is currently building a house on the lot.

The City of Elysian Zoning Ordinance Subd. Q. Accessory Structure Standards states:

4. Dimensional Limits: Attached and detached accessory structures are subject to the dimensional limits established below:

- a. Maximum height: seventeen feet (17') and a maximum side wall height of a detached structure shall not exceed ten feet (10');
- b. Total number of detached accessory buildings per lot: two (2); and
- c. Accessory structure(s) total building area allowed per lot: 1,800 square feet.

7. Building Material Requirements: All accessory structures shall be constructed with a design and exterior material that is generally compatible with the overall character of the principal structure. It is not required that accessory structures be of the same material or same color as the primary structure, however, the material and color of the accessory structure shall be complementary to the primary structure.

Staff did request a landscape plan from the applicant, but it has not been provided. Staff also requested a rendering of the outside of the shed but that has not been provided.

All setbacks for the shed are met. The lot coverage is well below the allowed amount.

The DNR has been notified and has not commented.

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

The applicant has responded to these questions as follows:

- 1. Reasonableness: The size limitation for an outbuilding is reasonable for a "city lot" as stated but this property is NOT a standard city lot. It is nearly a 10 acre field that was previously used for farm land and an outbuilding this size is absolutely reasonable.
- 2. Uniqueness: A 9.22 Agricultural piece of land that happens to fall within the city limits.
- 3. The outbuilding will be attractive and match the home and proportional on the 9.22 acre lot.

Drawings were presented which illustrated the placement of the shed on the property in relation to the position of the home that is currently being constructed. The applicant is requesting to locate the shed on the east side of the lot along Taylor Drive and is 40 feet from the lot line. Drawings were also provided that show the elevations of the shed and the basic layout.

Galewski asked if the drive going to the house would be a private drive. The drive would be a driveway and be maintained by the property owner. If the property would ever sub-divide, the developer would be responsible for developing that driveway into a public street. The address would then change from Ridge Road to identify whatever lots were developed on the property.

Engbretson asked if there would be a drive up to the two overhead doors on the sides of the shed. Henninger explained that the location of the overhead doors has been changed due to the fall of the land. The overhead doors will be located on the front of the shed along with two access doors. The driveway from Ridge Road all the way up to the house and the shed will be asphalt.

Henninger explained that the reason for the large size of the shed is that he needs a place for his fish house, pontoons, jet skis, trailers, etc. He is obsessed with organization and he does not want things to be stored outside. This is his dream home. It is slab on grade. The entertainment addition on the front will be for his pool table, shuffle board, dartboard, etc.

He does not have a formal landscape plan. Jordan Smith Landscaping will be designing the layout of the entire property to include wild grass, wild flowers, trees, bushes, driveway lighting, flag pole, and rose bushes. 12.5 % of the construction budget is for landscaping. The entire property will be beautiful.

The color of the shed will match the house. The shed will be constructed with Midwest Manufacturing Steel and the color scheme is a white building with black trim. The shed will have glass on the front to bring the residential look. And the entertainment addition on the front will also help soften and give more of a residential look. The shed will be 26 feet to the peak.

Henninger stated he had purchased the land four years ago and he did not realize it was in City limits at the time, but he is happy that he will have City water and sewer. He noted there are not any 9.22 acre City lots in Elysian to compare to this.

Public Comment:

Daryl Ring, 1182 Taylor Drive NE, stated that fifteen or eighteen years ago when this property was annexed into the City, the zoning group felt that it should be residential rather than commercial. They felt that the use that best suited the City was residential. To expand a large commercial style building in a residential area of the City goes against what zoning was trying to do with planning itself. This is a 9.22 acre lot. If at some point, Jeremy Henninger no longer maintains the building and the acreage is subdivided, that will not make that building go away. It could end up being an elephant in a small place if the day comes when the property is subdivided. The sidewalls are considerably higher than the current zoning allows. This large shed would look considerably out of place.

Steve Wolf, Lot 5 Taylor Drive NE, thank you for allowing me to speak. I am sure you have the information we sent included in your packet tonight. The comments I make do not reflect my opinion against the applicant. The variance request to build a 4,800 square foot shed is a

sizable increase from the allowed 1,800 square feet. We are concerned with the overall height of the sidewalls and the overall height of the shed. We question the intended use of the property. A further development map of the property shows a lot of division. We were told it was an old map, but it shows a lot of houses there. State the DNR contours. Mine is the property right across the road from the building site and I am ten feet lower grade than the height of where the building starts. Minn. Stat. 462.357 states the reasons for granting a variance. We do not feel that there are circumstances unique to the property that compel it to be built in this exact location. This will definitely alter the character of the locality. If the variance is not granted it will not cause an economic burden to the applicant.

Wolf stated he is opposed to the structure being built in the proposed location no matter what the size of the structure. If it is built there, he asked that there be screening between the building and the private drive to cushion the impact.

John Kiese, 1224 Taylor Drive NE, acknowledged that Henninger was building his dream home and his dream shop but these houses here on Taylor Drive, they are their dream homes. This shed is a commercial building. It is a monster. It is all you will see. They will be in their yard having their dream time and boom there it will be. They will not know if he will be using this for his business, customers all the time and heavy equipment. This is not an out building, this is a commercial building. He is opposed to this shed because these are their dream spots. Put the shed in a different spot away from their spots.

Pat Nusbaum, 104 Park Avenue NE, stated that she does not live on the lake and is all for promoting growth and progress. However, she does have concern with the entertainment room. She is wondering if this will turn into more than just home entertainment if this becomes a commercial development. What if this property were rezoned to C3? What would the entertainment room become then? There is limited room for housing in the community and this property would have been a nice area for a subdivision. She is also concerned with the driveway that is between the two storm sewer ponds. She hopes nothing happens there to break the pipes that connect the two ponds. She is for promotion of new housing, but the shed is too big. If this property does sub-divide, she would not want to buy a lot that looks at the commercial building. Is it not pleasing.

Written comment:

JILL AND STEVE WOLF
827 BERG BLVD SE
STEWARTVILLE, MN 56258
November 28, 2018
City of Elysian
Planning and Zoning Commission
110 Main Street West
P.O. Box 246
Elysian, MN 56028

RE: Jeremy Hettinger, City of Elysian Public Notice – Public Hearing
182 Ridge Road Northeast, Elysian, Minnesota Le Sueur County PID# 16.035.0700
Dear Planning and Zoning Commission Members:

As the owners of the property) 04.520.0050 (Franklin Subdivision Lot 5) located directly across the private road (Taylor Drive NE) from the proposed building site, we are opposed to granting the approval for the variance to build the proposed building as requested by the land owner.

Minn. Stat. § 462.357, subd. 6 provides:

Variations shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variations are consistent with the comprehensive plan.

Variations may be granted when it is established 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; (b) the plight of the landowner due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted will not alter the essential character of the locality.

It is our opinion that this building is excessive in size and height and would have a negative impact on our neighborhood and property. The proposed building would not blend in with the essential character of the existing neighborhood and land.

It is also our opinion that this project could be readily achieved in some other way. There are not any unique circumstances to the property not created by the land owner. If the variance is not granted, it would not cause an economic burden for the applicant. It is also unknown how this project would affect the neighborhood's property values.

Upon receiving the notification of the hearing and the plot map, there was a sense of uneasiness that descended upon us. Seeing the current zoning designation of R-2 multifamily residential with the cul-de-sac and lot designations, we feel uneasy about whether there will be intentions to sell and develop in the future.

Planning and Zoning Commission Members

Page 2

November 28, 2018

We contacted the city of Elysian Zoning Administrator Lorri Kopischke about the map that was sent to us and she said it was an old map and that we did not have to worry about the concerns of selling off and developing lots. What guarantee do we have that there will be no further development done? That the entertainment room will not be for future townhome residents?

Attached are pictures to show you the roadside view of our property and what impact the 60' X 80' (4800 sq. foot) building would have on us, our view and also that of our neighbors.

We understand if the variance is not granted, the applicant can still build up to an 1800 square foot building in the exact location, however, that is a significant difference in size. We do not want to see trucks and other construction equipment parked all over the yard and do not want the noise pollution or the air pollution that go a long with construction equipment.

Our suggestion is to erect the building in another location on the property, such as the northwest corner of the lot where the applicant would not impact anyone. We wonder if the applicant has plans on doing a survey from the private road to his property as we question the accuracy of current maps. Another suggestion would be to add a "screen" (row of trees) to be put up between the building and the road (Taylor Drive NE) so as to keep it in nature, which is what our neighborhood is about.

It should also be recorded that our opinions in no way reflect our feelings about the applicant, his integrity or the quality of his work. It is about feeling like an invasion or intrusion to our property and serenity of our home away from home and would change the esthetics of the entire residential area.

In conclusion, we hope that a compromise or mutual agreement and understanding can be realized so that all parties are satisfied with the end result.

Thank you for your time and consideration. Please feel free to contact us at 507-259-9460 or at jillakins54@gmail.com.

Sincerely,
Jill and Steve Wolf
Property Owners Jill and Steve Wolf

November 29, 2018

City of Elysian
Planning and Zoning Commission
110 Main Street West
P.O. Box 246
Elysian, MN 56028

RE: Jeremy Hettinger, City of Elysian Public Notice – Public Hearing
182 Ridge Road Northeast, Elysian, Minnesota Le Sueur County PID# 16.035.0700

Dear Planning and Zoning Commission Members:

As the owners of property 04.520.0060 (Franklin Subdivision Lot 6), we are opposed to granting the approval for the variance to build the proposed out building as requested by the land owner.

Herein are our comments and objections relating to this planning application:

1. The possible commercial use of this outbuilding has not been addressed or stated by the landowner
2. If used as a business site, extra commercial traffic will cause noise, pollution and dust at all times of the day.
3. The building will be visually overbearing. It is in excessive size for this part of the city. Such a large building would be totally out of keeping with the neighboring properties, which are mainly smaller cottage style houses and single story bungalows.
4. There are other placement locations for this outbuilding on the landowner's property that would more aesthetically pleasing to surrounding neighbors who value the serenity of our subdivision.

Therefore, we ask that the City of Elysian Planning and Zoning Commission refuse this Variance Application and encourage Mr. Henninger to resubmit a building design that is smaller, less intrusive on neighboring properties, and more sensitive to the character of this subdivision. We also ask that intent to have this outbuilding serve as a place of business be addressed.

Should you require any additional information, clarification of any comments made; do not hesitate to contact us at (507) 259-9672 or (507)313-1756.

Yours Sincerely,

John Kiese
Sandra Otterbein

Lorri,

Per our discussion, here is a letter to document our concerns about the zoning variance request for PID#16.035.0700. We are current owners of adjacent property and within the notification area. While we are generally not opposed to construction of this type, the secondary building size is dramatic. The proposed shop and “entertaining room” is much larger than the associated home and is in close proximity to the private road of the Franklin subdivision. The “entertaining room” and parking area is very large and is perhaps suggestive of a commercial building. Thus, it could have a considerable impact on the aesthetics of the entire area and thus impact on adjacent property values. Given the sheer size, the building height would also have a significant contribution to the impact.

If a variance is granted, we hope that consideration would be made to ensure that significant numbers of vehicles and traffic, heavy equipment, or other equipment and materials associated with commercial endeavors would not be allowed to be stored outside. Again, these would have a greater impact on aesthetics and property values of adjacent properties than would typical residential buildings.

Thank you for your consideration,

Todd and Kristine Kurth
1140 Taylor Drive NE
Elysian, MN 56028
1-804-926-3353
1-952-232-7913

Property variance for construction of storage building/entertainment building/room

Sent from [Mail](#) for Windows 10

Lorri,

Thank You for talking to me yesterday about the property variance request to build a storage building closer to the property line than allowed for this size of structure.

Let me begin by saying the requirement to stay off the property line for construction was established for a reason. I assume the reason being to not crowd the other property owner/owners so that it's use would be restricted. The building would only be 20 feet or less from the private drive for access to the other lots on the north side of Taylor drive. This would seem to be way too close as your zoning requires for set back. Why then would you want to allow such a variance ? What is the reason to put this size of building so close to other property owners ? The residence being constructed further west of this site is an additional 60 feet off the drive. Much better. Taylor drive is currently not the width that it could be and should the owners on this private drive wish to widen the road for easier access would this variance hinder this to happen ? There must be some reason why this structure needs to be constructed this close to the property line. However, by allowing this variance you would be

affecting eight property owners on the north side of Taylor Drive for the benefit of one property owner on the south. Doesn't seem to make much sense.

Our feeling would be against such variance. All this said without even considering the entertaining room, which could also cause problems. The further away this room would be by not allowing the variance would also be a positive from the perspective of the property owners adjacent to this building.

We understand you can't stop progress, but it must be done within the restrictions and requirements that the city of Elysian has established. Therefore, we hope the council will stand by the requirements they have established and deny this variance.

Robert Rotter/David Flicek
1250 Taylor Drive

No further written comments were received.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:41 pm.

Engebretson asked Doug Blom, the owner of Lots 9 and 10 Taylor Drive, if he would object to Henninger moving the shed over to the northwest portion of the property in front of the trees Blom has planted there. Blom stated he had no objection to Henninger building the shed in that location.

Henninger stated he is hearing a lot of "what ifs". Henninger said, "We plan to live here the rest of our lives. Should I be penalized over what could possibly happen in the future? Speculation of subdivision should not control what I can do. I have no intention to subdivide the property. Speculation of the property being used as a business should not control what I do. I have a business in town. I do not need a business out there. I have an office and a shop here in town. This will be our home. It will in no means be commercial, create dust or pollution. It is a storage shed. I understand it is bigger. This property has always been a cornfield and people would rather look at a cornfield. I get that. I will abide by the setbacks. It is just the location and size. I am asking for a bigger size."

Jill Wolf, Lot 5 Taylor Drive, stated that three years ago today they had closed on this property and it was their dream property. She feels that her intelligence is being insulted by the way Henninger is addressing them as home owners and property owners. It's not about a cornfield. I want to look up our drive and see the sunset, not a building, not a pole shed. You will get your dream home but mine is being taken away. Build your 4800 square foot building but don't do it in front of our property. We have a 36 foot camper and we are here six months of the year to enjoy our property. We are happy for you that you have a 9.22 acre property that is zoned R2 and somewhere down the line someone can do whatever they like with that property. She said, "If I can stop a 4800 square foot building that is bigger than any building in the City of Elysian than I'm gonna do it."

Stoen agreed that the shed was big. He stated that he lives in the Roemhildt Subdivision and when he purchased his home in 2003 there were no trees and barely any houses and he could

see the lake. Now, with the growth and development he can no longer see the lake. It is still a nice neighborhood.

Henninger stated he had no intention of hurting anyone who lives on Taylor Drive. He is trying to position everything as it makes sense. He noted the property is zoned R2 and 9 acres. This could be a development of twelve to fifteen two-story homes and the view would be gone for everyone. Need to take the good with the bad.

Wolf stated she would rather look at a house than an outbuilding.

Engebretson stated he lives in the Lake View Manor Townhomes and Henninger Construction has been great to work with. Engebretson suggested the shed be moved to the northwest corner of the property. If it were moved to a different location and screened – it may be more acceptable in that location.

Henninger stated he was originally planning to tuck the shed against the berm on Ridge Road and County Road 11 at the southeast corner of the property. They moved it closer to the house because that was a long way to walk. To put the shed on the downhill side of the property does not make sense. He said, "We put the shed where it made sense to us. I feel like I am being attacked. I bought the property and would like to do what I want with it. I am not building a home to spite anyone. We are doing it because it is something we wanted."

Wolf stated the building will look like a Walmart, not a house.

Engebretson agreed this will look like a commercial building. He knows Henninger will finish it nice, but a pole barn is a pole barn. Engebretson stated he would vote against the variance if they plan to build this large commercial building in the current proposed location.

Galewski suggested the request be tabled to give Henninger the opportunity to take a second look at the location on the lot.

Stoen stated it made more sense from a contracting point of view to locate the shed in the southeast corner than the northwest corner. There may be an opportunity to do something else here that will be aesthetically pleasing yet cost effective.

Wolf stated the northwest corner would be acceptable to those in attendance.

Steve Wolf liked an L-shaped building with screening. If it were moved twenty feet and was screened with a row of trees.

Henninger stated he would be willing to look at a different area as long as it was practical for them. He can look at the northwest corner.

Anderson stated he is still concerned with the size. It is bigger than the fire station.

Kiese stated if he gets off Taylor Drive it will not affect anyone's dream spot. The northwest corner makes the most sense. Both parties will win.

Stoen noted the northwest corner will affect only one person versus seven.

Blom stated the northwest or southeast corner would be acceptable.

Henninger stated he is not against placing it in a different location on the property now that he knows there are eight families who are appalled and do not want it there. He has to have the building and NO, he will not be doing business there. As a property owner, he wants the

freedom to do what he can do with his property. He will look at the lot and see if a different location will work.

On motion by Galewski, seconded by Engebretson, all voting in favor, to table consideration of the request of Jeremy Henninger, the property owner of 182 Ridge Road NE, Elysian, Le Sueur County, Minnesota, for a variance to build a 60 foot by 80 foot outbuilding with a 30 foot by 40 foot entertaining room on the front to a special meeting to be held on Tuesday, January 15, 2019 at 6:00 pm.

On motion by Galewski, seconded by Anderson, all voting in favor, in regard to the Variance Request of Jeremy Henninger, the property owner of 182 Ridge Road NE, Elysian, Le Sueur County, Minnesota, to build a 60 foot by 80 foot outbuilding with a 30 foot by 40 foot entertaining room on the front, that in accordance with Minn. Stat. 15.99, Subd. 3(f), the City is extending the maximum 60 day decision period no more than an additional 60 days. The time period is extended to allow the applicant time to consider an alternate design of the shed and an alternate location for the shed on the property and present to the Planning and Zoning Commission at a special meeting on Tuesday, January 15, 2019 at 6:00 pm.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

On motion by Engebretson, seconded by Stoen, all voting in favor, to approve the minutes of the November 8, 2018 Regular Meeting as presented.

Kopischke reported that the Le Sueur County Planning and Zoning is still working on the VRBO – Short Term Rental Ordinance. More information will be provided at the February Planning and Zoning Meeting.

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

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator