

**CITY OF ELYSIAN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
FEBRUARY 6, 2024**

The Elysian Planning and Zoning Commission met in regular session Tuesday, February 6, 2024 at City Hall at 6:00 pm.

Zoning Administrator Kopischke administered the oath of office with Tom McBroom, Sr. and Paul Hunter answering.

Present were: Commissioners Dan Engebretson (via Google Meet), Paul Hunter, Shelly Ims, and Tom McBroom, Sr.; Zoning Administrator Lorri Kopischke. Absent: Commissioner Al Linse.

Kopischke then asked for nominations from the floor for the office of Chairperson. On motion by Engebretson, seconded by Ims, to nominate Tom McBroom, Sr. for Chairperson. All voting in favor. Motion declared carried.

McBroom then asked for nominations from the floor for the office of Vice Chairperson. On motion by Ims, seconded by McBroom, to nominate Dan Engebretson for Vice Chairperson. All voting in favor. Motion declared carried.

On motion by McBroom, seconded by Ims, all voting in favor, to approve the agenda of the February 6, 2024 meeting as presented.

On motion by Engebretson, seconded by Ims, all voting in favor, to approve the minutes of the December 5, 2023 Regular Meeting as presented.

On motion by McBroom, seconded by Hunter, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:04 pm.

Sue Odegarden Simon is requesting to build an addition and attached garage on her property located at 8 Roots Beach Lane (PID# 16.455.0110). This proposal would require a variance to allow a lot coverage of 27.3% when 25% is allowed in the Shoreland District. This lot is non-conforming as it is 9,866 square feet and 20,000 square feet is required.

This lot is located on Lake Francis. It abuts a gravel private drive and there are no homes on the other side of the private drive. The house addition and new garage would be located on the lake side of the private drive. The addition and the new garage would meet the required side yard setbacks of (8) eight feet on the lot.

The current lot coverage is 1,400 square feet. The proposed lot coverage which includes the house addition, new garage, new porch entrance, and driveway will be 2,691 square feet or 27.3%.

Sue Odegarden Simon, owner of the property, stated she has owned this property since 1993. She has been working on integrating into the City of Elysian. But to do so, they need to make the cabin bigger. This will be a wonderful addition for her family. She noted the cabin was built in the 1950s.

Sue Odegarden Simon submitted the following statement:

1. REASONABLENESS: When I initially purchased this property over 30 years ago, we were a family of (3). Our family has grown significantly to include (3) grandchildren. In addition, my husband and I are both recently retired. We want to be able to utilize this property 365 days a year. The home is simply too small to accommodate our children and grandchildren. We want to be able to host family gatherings on a regular basis and without an addition, there simply is not enough room for people to sleep. There is one tiny bathroom (5x5), which is also a hardship. My husband and I would like to spend time during the winter months at this property, enjoying Elysian. Adding a garage would not only provide more storage space, but direct access to the house. After a snowfall we have to plow a place to park on the property and a path to our house. This is difficult and often unsafe, since my husband has limited mobility from a serious motor vehicle accident.
2. UNIQUENESS: The lot is unique in shape and size. It is pie shaped with a significant slope, which made it a challenge to design an addition. The variance I am requesting takes into consideration these unique physical features of the land which will not impose or create a barrier to the road or DNR property.
3. ESSENTIAL CHARACTER: The variance I am requesting, if granted, will not alter the essential character of the property or surrounding homes. The size of the addition is modest in comparison to neighboring structures. It is designed to complement, not compete with, the current homes on Root's Beach Lane. The addition of a garage will provide a structure to store our car, boat, and water toys, eliminating the need to store/park them in the yard, improving the overall appearance and essential character of the property throughout the year.

Brian and Sue Salzle, 9 Roots Beach Lane: We are writing to indicate our support for the property improvements that Sue and Ken Simon are requesting for their property at 8 Roots Beach Ln in Elysian. We have no issues or concerns with the design and updates that are being proposed. Sincerely, Brian and Sue Salzle

Edna L. Thayer, 7 Roots Beach Lane: I am writing to enthusiastically give my support for a building variance for 8 Roots Beach Lane. Ken and Sue are my "next door" neighbors. I can't believe they even need a variance when I look at the houses on #4, #5, and #9 Roots Beach Lane – all 50 foot lots. All 3 of these extend close to the road. The lots on #7 and #8 are 75 foot lots at the lake side. Our lots are odd shaped because of the curve in the road which makes them less than 75 feet on the road side. When the house #9 to the west of Ken and Sue built their addition from a 50 foot lot, it was extended from a basement home owned by Thelma and Snub. As it extended towards the road, it was discovered that it would actually end up on Lot #8, so Dr. Clarke sold a pie shaped piece to keep the house off his land. My understanding was that the 75 feet was left at the lake side, but it ended up giving enough land on road side so the addition could be built. It is my understanding that Ken and Sue are planning a one-story addition and it is my opinion that there is more than enough space to accommodate that. Two of our sheds butt up against each other very close to the property line. My second shed which is closer to the lake side has been there since the house was built, probably the 1950's. I have been planning to demolish that shed, hopefully next summer. If a house is supposed to only occupy a certain % of the land, how could #1 build what they did? I'm not complaining about it, it's a lovely home but there certainly isn't much land space left on those lots. Sincerely, Edna Thayer.

Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources: If this variance is approved I would recommend a condition be placed on the permit to require a native buffer 10' in width be planted along the length of the shoreline to allow for infiltration of surface water directed at the lake. Like others there could be specifications added to allow for a walk through opening to gain access to the lake/dock. In other cases I have seen this condition be placed and requirements for maintenance be added as well-just to make sure once the variance is approved the buffer doesn't disappear a year or two down the road.

There were no further written comments.

On motion by McBroom, seconded by Engebretson, all voting in favor, to close the Public Hearing at 6:15 pm and reopen the regular meeting.

Engebretson stated that this is a modest request. It does not result in a significant increase in lot coverage. This is an odd shaped lot and the homeowner is doing an excellent job to accommodate and not take up too much extra space. He supports the DNR suggestion for a native buffer at the shoreline.

McBroom stated he had no opposition to the variance and would support requiring the homeowner to implement the DNR recommendations.

On motion by McBroom, seconded by Ims, all voting in favor, to recommend City Council approval of the request of Sue Odegarden Simon, for the property located at 8 Roots Beach Lane (PID# 16.455.0110), Elysian, Le Sueur County, Minnesota, for a variance for home addition and attached garage that will result in a lot coverage of 27.3% in the R-1 Shoreland Zone based on the following findings of fact:

1. The variance is in harmony with the purposes and intent of the ordinance.
2. The variance is consistent with the comprehensive plan.
3. Practical Difficulties:
 - a. Reasonableness: This is a reasonable request because it is a minimal amount over the allowed lot coverage at 27.3%. Adding a garage to the property will increase safety in the winter and will improve the aesthetics of the property by providing a place to store cars, boats, and water toys.
 - b. Uniqueness: The property is unique in its slope and shape. This creates a challenge to design an addition. The design takes the unique physical characteristics of the land into account and will not impose or create a barrier to the road or the DNR property.
 - c. Essential Character: The house addition and garage will not alter the essential character of the neighborhood. The size of the addition is modest in comparison to others on Roots Beach Lane. And the garage storage will improve the overall appearance and essential character of the property throughout the entire year.
4. And with the requirement that a native buffer 10' in width be planted along the length of the shoreline to allow for infiltration of surface water directed at the lake. A walk through opening to gain access to the lake/dock is allowed.

This recommendation will be considered by the Elysian City Council at their February 12, 2024 meeting.

On motion by McBroom, seconded by Engebretson, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:20 pm.

Jason Witt, KA Witt Construction, on behalf of Mike and Kelly Toenges and Gregg and Diane Dertinger, is requesting a variance to demolish their existing cabin and construct a (2) two story home within the approximate same footprint on the property located at 506 Lake Avenue NW.

The current cabin is 635 square feet (this is changed from the 590 square feet submitted on the application) with a front deck of 140 square feet and is (1) one story tall. The proposed house will be a footprint of 635 square feet with a porch of 162.8 square feet and will be (2) two stories.

The current cabin is located right on (abuts) the property line of the property to the west. The proposed structure will be moved to the east to provide a setback of 6 feet from the adjacent property but still line up with the house next to it.

The property is located on the shoreland of Lake Francis. The property is 200 feet deep by 50 feet wide or 10,000 square feet. The Shoreland Ordinance requires 20,000 square feet lot area. Therefore, this is a nonconforming lot. Also, there are (3) three homes on this lot. The deed states that the owners each have 1/3 interest in the parcel. There are no specific lot lines for each home as all three homes are on one lot. There is no way to evaluate lot coverage or setbacks for an individual home. Please note that Fifth Street NW is an open street so 70 feet of grassy area is City right-of-way.

The City Attorney has been consulted on this request and has advised that a variance is required as this is a non-conforming lot. The setbacks and lot coverage must be evaluated to grant the variance and the question is how to accomplish this when the lot for this home is not described (1/3 of interest in lot).

There was no public comment.

Written comments:

Jason Witt, K.A. Witt Construction submitted the following statement:

1. Reasonableness: The current cabin is old and in need of significant life safety upgrades to bring it up to code. In addition, the cabin does not meet the needs of the owners any longer. It is a seasonal cabin; we want to be able to use it year-round. It is reasonable to want to have a cabin that is safe, meets the needs of the owners, and can be used year-round.
2. Uniqueness: The property situation is quite unique. Currently, there are 3 different property owners (3 PID's) on one piece of property with 3 different cabins. Each owner enjoys a 1/3 interest in the property. The uniqueness of this situation alone requires us to seek a variance to make these improvements.
3. Essential Character: We believe we are adding to the essential character of the neighborhood by updating the existing cabin to meet current building codes while maintaining the relative size on the lot. We are also attempting, from an architectural style, to enhance the area with a design of a similar nature to the cabin to the south which was demolished and rebuilt in the past few years. We are proposing to maintain essentially the same location on the lot as the current cabin, except moving it 6' east of the west property line, to not negatively affect the neighbors. Moving it off the west property line would be an improvement.

Betty and Arlen Steele, 502 Lake Avenue NW: We have reviewed the variance request of Mike and Kelly Toenges and Gregg and Diane Dertinger. We support their request. Thank you, Betty and Arlen Steele

Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources: I had a discussion with Dan on this one yesterday after we spoke. Since the other 2 cabins on the lot have been upgraded even though this is a non-conforming lot, I don't know that I would recommend denial. However, I would recommend that the reconstruction not exceed the existing footprint of the cabin onsite. In addition I would recommend a condition be placed on the variance if approved to require a native buffer 10' in width be planted along the length of the shoreline for 2 reasons; one being how close one of the cabins sits in comparison to the OHWL, two being the lot appears to be over the 25% impervious limit. Planting natives along the shoreline would improve both of these non-conformities allowing screening of the existing cabins and also allowing infiltration of any surface water that would flow directly towards the lake. Specifications could be added to allow for a small open area to walk through to gain access to the lake/dock. Given the unique situation of having 3 owners, 3 cabins, and several non-conformities with this lot I think these 2 items are a fair condition if approved.

There were no further written comments.

On motion by McBroom, seconded by Engebretson, all voting in favor, to close the Public Hearing at 6:31 pm and reopen the regular meeting.

McBroom stated that it appears that consideration has been given to ensure that this structure will not be impeding on others. The request makes sense.

Ims stated she looked at the property and with no significant change to the square footage of the structure, it is a good addition. This will provide a good upgrade to the area.

Engebretson stated that it is unfortunate that these three houses are on this one small lot, but this is what they have to work with. They are attempting to make this property more functional, safer, and they are moving the structure off the lot line and aligning it with the other two structures. Ideally it would not cover as much but this is definitely a unique situation. The homeowner appears to be trying to accommodate and update the property to the best of his ability. Engebretson agreed with the DNR recommendations to maintain the same size and to require a 10 foot native planting buffer on the shoreline.

On motion by Engebretson, seconded by Ims, all voting in favor, to recommend City Council approval of the request of Jason Witt, KA Witt Construction, on behalf of Mike and Kelly Toenges and Gregg and Diane Dertinger, for the property located at 506 Lake Avenue NW (PID# 16.410.0190) for a variance to demolish their existing cabin and construct a (2) two story home within the approximate same footprint on the property based on the following findings of fact:

1. The variance is in harmony with the purposes and intent of the ordinance.
2. The variance is consistent with the comprehensive plan.
3. Practical Difficulties:
 - a. Reasonableness: The variance request is reasonable as the cabin is old and in need of significant life safety upgrades to bring it into the current code. The

building is seasonal and not able to be used in the winter months. The new structure will be an all season home.

- b. Uniqueness: The property is unique in that it is one piece of property with three owners and three structures located on the property. Each owner has a 1/3 interest in the property. There are no lot lines specific to each property.
 - c. Essential Character: The new cabin will enhance the essential character of the neighborhood by meeting the current building codes and maintaining the current size on the lot. It will be similar in architectural design to the house to the south which was rebuilt in the past few years. The structure will be moved off the west property line which will also be an improvement.
4. And with the requirement that a native buffer 10' in width be planted along the length of the shoreline to allow for infiltration of surface water directed at the lake. A walk through opening to gain access to the lake/dock is allowed.

This recommendation will be considered by the Elysian City Council at their February 12, 2024 meeting.

There will be a joint meeting of the City Council, Planning and Zoning Commission, and Economic Development Authority on February 27, 2024 at 6:00 pm at City Hall to discuss the update to the Comprehensive Land Use Plan.

The Commissioners discussed the Short Term Rental Ordinance. Rick Galewski and Pete Steinmetz will be invited to the April meeting to share their insights. A map will be provided illustrating the number and location of the units.

No added information has been received regarding the regulations for a "Shouse." The City Attorney will be consulted for options.

The Minnesota Presidential Nomination Primary will be held March 5, 2024. No public meetings can be conducted on that date. Therefore, the March 5, 2024 Planning and Zoning Meeting is cancelled. The next Planning and Zoning Meeting will be held on April 2, 2024 at 6:00 pm.

The owner of 204 Fifth Street SW has advised that the fence required as a condition of his permit will be installed in the Spring of 2024.

There was no further business to come before the Commission.

On motion by McBroom, seconded by Ims, all voting in favor, meeting adjourned at 7:11 pm.

Attest:

Tom McBroom, Sr., Chairperson

Lorri Kopischke, Zoning Administrator