

Approved
11/2/23



REGULAR MEETING
PLANNING COMMISSION
October 5, 2023

Present: Chairperson Dresel, Commissioners Weidell-LaBathe, Meyer, Trivette, and Peterfeso

Absent: Chairperson Hawkinson and Carlson

Staff: Administrator Pechman and Associate Planner Nelson

1a. Roll Call

1b. Pledge of Allegiance

Chairperson Dresel proceeded to open the meeting at 6:30 p.m. The Pledge of Allegiance was recited.

AGENDA

Chairperson Dresel asked if there were any changes or additions to the agenda.

Commissioner Peterfeso made the motion to approve the agenda, Commissioner Weidell-LaBathe seconded, all in favor, all ayes, motion carried.

CONSENT AGENDA

3a. Minutes of September 7, 2023

Action

Chairperson Dresel asked the commission if there were any changes or corrections on the minutes.

Commissioner Weidell-LaBathe made the motion to approve the minutes for September 7, 2023, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

COUNCIL LIAISON REPORT

Council Member Meyer stated the Council had met on Tuesday, September 26. On the agenda was assessment deferral for the downtown projects which was approved, a tobacco license for the Marathon which is under new ownership, the Wallmark Lake Villas variance and final plat extension were approved, the driveway ordinance was approved. People from the triathlon were present and wanted to get back on the agenda for coming back.

COMMUNICATION

None.

PUBLIC HEARINGS: 6:35 P.M.

6a. Zoning Chpt. 6 Community Design – Bee keeping Ord.

Action

Associate Planner Nelson stated at the September 7th Planning Commission meeting residents requested feedback from the Planning Commission on the possibility of amending the current bee keeping ordinance to allow smaller lots to keep beehives. Discussion included how docile honeybees are. Acting Chairperson Weidell-LaBathe and Commissioner Trivette commented that in their bee keeping experience honeybees are not a danger to people unless the people are purposely bothering the bees or the hive. Commissioner Carlson asked why the current ordinance has the size limits it does. Administrator Pechman explained it likely came from when Wyoming Township was annexed.

The Planning Commission directed staff to draft amendments to the current ordinance pertaining to bee keeping.

Commissioner Peterfeso made the motion to open the public hearing, Commissioner Meyer seconded, all in favor, all ayes, motion carried.

Chairperson Dresel asked for any comments, hearing none he asked for a motion to close the hearing.

Commissioner Meyer made the motion to close the public hearing, Commissioner Peterfeso seconded, all in favor, all ayes, motion carried.

Commissioner Peterfeso asked if neighboring properties needed to worry about the hives and swarming.

Commissioner Weidell- LaBathe stated when honey bees are in their swarm they are very lethargic and not defensive; ground bees are different.

Commissioner Trivette stated they are dorsal and he has had sugar water sprayed on his face to collect the bees and not been stung. Typically a six foot fly way is all that is required.

Chairperson Dresel stated he has had 2 instances with bee hives when they were shooting a red laser and they were about 150 feet away and they had got stung. The other was because a bear and disturb a bee hive and he was cutting hay had been swarmed. He does believe bees are very important.

Leanne Roggemann and she works for a health care unit and they have bee hives and have had no problems with them.

Chairperson Dresel stated he would like to clarify animal units with a cow being one unit what if it has a calf and now there are 2.

Commissioner Weidell- LaBathe stated it just depends on how detailed we would need to get because each unit could have offspring, chickens, pigs, etc.

Administrator Pechman stated when they are on a small area it could be an issue to many cows on one parcel. Commissioner Weidell- LaBathe made the motion to approve as written by staff, Commissioner Meyer seconded, all in favor, all ayes, motion carried.

6b. Accessory Structure Variance – 28820 Green Lake Ave

Action

Associate Planner Nelson stated Michael & Leanne Roggemann, owners of 28820 Green Lake Ave, PID 13.00422.00, have submitted a variance application for an accessory structure that was constructed without a permit. It is non-conforming and would require a variance for the side yard setback, the rear yard setback and the maximum allowable impervious surface area. The minimum required side yard setback is 10 feet and the building is 4 feet, the minimum rear yard setback to OHW is 50 feet and the building is 40 feet and the maximum impervious surface is 25% and the building makes it 31%. The property is zoned Low/Medium Density Residential (R-2) it is also in the Shoreland Overlay District Zone. Accessory structures are a permitted use in the zoning districts however they are required to meet setbacks and impervious surface area requirements. The proposed use is consistent with the Comprehensive Plan however, the accessory structure is not compliant with zoning code. The property is approximately 0.54 acres on Green Lake Ave. Owners Michael & Leanne Roggemann had removed two sheds from the property in 2023 and replaced them with a new shed. The previous sheds were not permitted, although they may have been installed prior to the requirement for permitted accessory structures. They were included in a reroof permit obtained in 2017. The Side Yard Setback - The previous accessory structure was roughly 3' off the side yard property line. The required side yard setback is a minimum of 10'. The current accessory structure has a side yard setback of 4'. Rear Yard Setback – The previous accessory structure was roughly 40' off the ordinary high-water mark (OHWM). The required rear yard setback to the OHWM is a minimum of 50'. The current accessory structure has a rear yard setback to the OHWM of 40'. The impervious surface area permitted is 25% maximum, the proposed impervious surface is 31%. The impervious surface area without the accessory structure would put the property at about 30% impervious surface area coverage. Staff is recommending denial of the variance. Staff received approximately 6 comments stating the property is well kept and the authors are in favor of recommending approval of the variance. We did receive one comment not in favor stating the shed does not meet permitting requirements, size, setback, bluff setbacks and impervious surface limits.

Commissioner Peterfeso made the motion to open the public hearing, Commissioner Meyer seconded, all in favor, all ayes, motion carried.

Chairperson Dresel stated the hearing is open and asked for any comments.

Michael & Leanne Roggemann owners of 28820 Green Lake Ave. Leanne Roggemann stated we understand that we should have come in for the permit and variance. They have lived here for 40 years. They are proud of their clean neighborhood. Because of stuff all homeowners accumulate, they do not want stuff to be stored outside. That is what the shed is for, storage. They had removed 2 old sheds and replaced it with one shed. They had reached out to the neighbor to the south and discussed where the shed would be she was fine with the shed's proposed location. They had planted 32 arborvitae trees for a privacy screen which have grown this year already. Not to call out but Ms. Baxter, neighbor to the south, has a garage which is 6 feet off the property line. They had removed all the rock and plastic and replaced with mulch for the to increase pervious surface and decrease impervious surface area. The material they put the shed on should allow for proper drainage. They are requesting to accept the variances and would be greatly appreciative. To remove it at this point would be a hardship.

Kevin Swenson 28840 Green Lake Avenue stated the shed placement does not affect him and does not believe it is bad to grant the variance. Mr. Swenson stated the side setback for buildings where they are 10 feet apart. The property across Wallmark Lake was granted variances for 15 lots to exceed the impervious surface limits. This is an existing neighborhood and they are all have something not meeting impervious surface.

Kevin Bankes 10635 Johnson Street lives across the street from them and has no problem with the shed the roof lines are comparable to what was currently present on the property. He and his wife are in favor of the variances.

Commissioner Peterfeso made the motion to close the public hearing, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Commissioner Trivette stated he had seen it before and now the new shed and believes it look much better; they actually moved it a little further from the property line. They also planted trees for the property line.

Commissioner Meyer stated arborvitae can go 6 to 12 inches per year.

Commissioner Weidell- LaBathe stated if they would have come in before it could have been worked out; if they would have applied for a building permit it would have been easier to work with. Commissioner Weidell- LaBathe said it is an issue and she struggles with it. And yes, it does look better but it should have been dealt with prior to building.

Associate Planner Nelson stated Craig Wills had reviewed and commented the DNR is not opposed to the variance.

Commissioner Weidell- LaBathe stated it could have been moved over to meet the side yard setbacks.

Mr. Roggemann stated there is a retaining wall that would need to be moved and redesigned to make the setback work. He had designed it to fit the footprint of the previous shed.

Commissioner Peterfeso asked how big the shed was?

Mr. Roggemann stated it was 13 by 26 feet.

Chairperson Dresel said when he reviewed it, it looked like it was in the place it should be and the adding of the trees was an benefit.

Commissioner Trivette stated they were reroofed in 2017 and they should have reviewed a permit for the new shed. If the variance is denied, they would have to get a permit and have to move it to meet setbacks.

Commissioner Weidell- LaBathe the side yard setback is what she sees is the issue with the variances; the OHW does not seem to be an issue with the DNR.

Chairperson Dresel said he has more of an issue with it if it did not look good but it does and matches with the whole neighborhood.

Commissioner Weidell- LaBathe stated you cannot grant a variance because the building is pleasing to look at.

Commissioner Peterfeso stated there are 3 variance plus not having a permit; how do we deal with it.

Commissioner Meyer said so you could give them the variance for the impervious and the OHW and make them move it to make the 6 feet for the side yard variance.

Commissioner Trivette stated yes you can move it to make the variance work.

Chairperson Dresel said moving it would open soils up and the OHW would still not be meet.

Commissioner Trivette asked if the retaining wall was engineered.

Mr. Roggemann stated he had hired Mickelson Landscaping the retaining wall.

Commissioner Weidell- LaBathe stated we have ordinances in for a reason and they need to be maintained. When you make a mistake you need to usually pay to correct the mistake. The shed will be there for many years.

Commissioner Trivette stated there is a house down from here that is 3 feet do we make them fix it.

Commissioner Peterfeso stated number 2 of the findings of facts cannot be meet and he has a hard time with this.

Commissioner Trivette stated granting a variance is allowing others in the area to apply for variances of the same caliper.

Chairperson Dresel made the motion to recommend approval of the variance at 28820 for the rear yard setback to the OHW, and the impervious but the side yard has to be at the 10 foot required and it would have to be done by June 30, 2024, Commissioner Trivette seconded, all in favor, all ayes, motion carried.

Administrator Pechman stated that recommendation will go to the city council on October 24, 2023 for a decision.

The Roggemann's asked if it was recommended they need to be at the council meeting.

Administrator Pechman stated they should the public hearing portion is over but the Mayor may allow comments or questions.

NEW BUSINESS

None.

ADJOURN

Commissioner Meyer made the motion to adjourn, Commissioner Weidell- LaBathe, all in favor, all ayes, motion carried.

*Respectively Submitted by:
Paula Oehme, Deputy Clerk*