

Planning Commission Meeting Agenda

Monday November 7, 2022 - 6:00 PM
Cologne Community Center, 1211 Village Parkway

Vision Statement

The City of Cologne is a vibrant small town that respects its heritage, embraces its future and offers a high quality of life for all who live, work and visit our community.

Chairperson: Bernie Shambour
Commissioner: Vickie Selness
Commissioner: Jenn Brewington
City Council Liaison: Carol Szaroletta
Commissioner: Kevin Fafinski

NOTE: AGENDA ITEMS ARE APPROXIMATE AND SUBJECT TO CHANGE ACCORDING TO LENGTH OF DISCUSSION. TO ENSURE THAT YOU ARE PRESENT FOR ITEMS OF INTEREST, PLEASE ARRIVE AT 6:00 PM.

- 1. CALL MEETING TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT AGENDA**
- 4. PLANNING COMMISSION BUSINESS**
 - a. September 6, 2022 Planning Commission Meeting Minutes**
 - b. PUBLIC HEARING: 310 Park Street Variances**
 - i. Variance for accessory structure exceeding 200 sq ft**
 - ii. Variance for impervious surface coverage exceeding 25%**
 - c. 310 Park Street Variance Request**
 - i. Collaborative Planning Comment Memo**
 - ii. Resolution 22-04 Denying Variance**
- 5. BOARD REPORTS**
- 6. ANNOUNCEMENTS**
- 7. ADJOURN**

Planning Commission Meeting Minutes

*Tuesday September 6, 2022 - 6:00 PM
Cologne Community Center, 1211 Village Parkway*

Vision Statement

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1. CALL MEETING TO ORDER & ROLL CALL

Chairperson Shambour called the meeting to order at 6:00PM with Commissioners Selness and Szaroletta present. Also present were City Administrator - Jesse Dickson and City Clerk Michelle Morrison. Commissioner's Brewington and Fafinski were absent.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Motion by Commissioner Selness to adopt the agenda as presented, second by Commissioner Szaroletta. Motion carried 3-0.

4. PLANNING COMMISSION BUSINESS

a. August 1, 2022 Planning Commission Meeting Minutes

Motion by Commissioner Szaroletta, to approve the August 1, 2022 Planning Commission Minutes, second by Commissioner Selness. Motion carried 3-0.

b. Downtown Redevelopment Plan

i. Staff Memo

The commissioners discussed different approaches developing a Downtown Redevelopment Plan including looking at what other Cities have done, timelines, and budget.

5. BOARD REPORTS

6. ANNOUNCEMENTS

7. ADJOURN

Motion by Commissioner Szaroletta to adjourn at 6:58PM, second by Commissioner Selness. Motion carried 3-0.

Respectfully Submitted:

Attest:

Michelle M Morrison, City Clerk

Bernie Shambour, Chairperson



PO Box 120, 1211 Village Parkway
Cologne, MN 55322
(952) 466-2064
www.colognemn.com

RECEIVED
SEP 22 2022

Planning and Zoning Application Form

GENERAL REQUIREMENTS – Please read before completing the application.

The City will not begin processing an application that is incomplete. You will be notified within seven business days if your application is not complete. Applications deemed complete will be submitted to the City Planner for review. The City Planner will notify the applicant if additional information or modifications are necessary. The applicant is responsible for all information necessary to describe the land use/development request and may be required to submit additional information to fully explain the aspects unique to the request that may not appear on this application. Applicants are encouraged to review the applicable City Code (available at City Hall) related to their request.

Fees and escrow are due at the time an application is submitted (or the application will be considered incomplete). Fees and escrow are listed on the attached sheet. Please note that the applicant is responsible for all planning, legal, engineering, publication, notification, and other expenses related to the application.

Certain applications, such as variances and sign permits, require Planning Commission consideration. Please check with the City Clerk to determine if your application requires Planning Commission consideration. If so, your completed application must be submitted four weeks prior to a regularly scheduled planning commission meeting. Completed applications that are submitted within four weeks of a regularly scheduled planning commission meeting may be considered at the next regularly scheduled meeting if time constraints allow, otherwise they will be considered at the following regularly scheduled meeting.

APPLICANT INFORMATION

Applicant(s) Scott & Halie Meuwissen

Property Owner(s) – (if different from applicant) same

Property Street Address 310 Park St, E
Cologne, MN 55322

Applicant Mailing Address (if different from property address)

Same

Applicant Telephone (612) 202 - 5457 (day) () - (eve)

Applicant Fax No. () - E-mail Scott+22m@gmail.com

Applicant is: ☒ Owner [] Contractor [] Other

Type of Request(s):

☒ Site Plan Approval (Bldg permit may also be needed)

(Include Site Plan Review Requirements document)

☒ Variance

(Include Variance Addendum document)

☐ Building Alterations/Additions

(Bldg permit needed)

☐ Other _____

☐ Zoning Ordinance Amendment

(Include Zoning Amendment Information document)

☐ Sign Permit

(Include Sign Permit Addendum document)

☐ Interim Use Permit

(Include Interim Use Permit Information document)

☐ Preliminary Plat

☐ Final Plat

☐ Lot Division/Combination

****Please attach a site plan showing existing and proposed features, including setbacks.****

Brief description of request want to build a detached garage to store
my personal possessions inside / improve yard appearance

Has a similar request on the subject site or any part thereof been previously sought? no

If yes, when? _____

Access to property Back yard ally for proposed garage

Project description and background (attach additional sheet(s) if necessary) 36'x32' detached
garage in far back NE corner of property

I agree that all fees incurred by the City resulting from the review of this request are my responsibility and I will pay them in a timely manner.

Signature of applicant(s) Halle Meunissen Date 9-6-2022

Halle Meunissen

9-6-22

If Property Fee Owner is not the applicant, the Applicant must provide written authorization by Property Fee Owner in order to make application.

Signature of owner Halle Meunissen Date 9-6-2022

Halle Meunissen

9-6/22

*****FOR CITY USE ONLY*****

Appl. Fee & Escrow \$ _____ Amount Paid \$ _____ Date _____ Ck # _____

Completed Application Received on _____ by _____

Current Zoning _____ Existing Land Use _____ Proposed Land Use _____ PID 40- _____

Legal Description _____

VARIANCE ADDENDUM

VARIANCE REQUEST INFORMATION – Complete this section only if you are requesting a variance. Attach additional sheets or documentation if necessary.

Description of Variance Requested – Please describe your variance request:

I am requesting a variance to construct a 36x32 detached garage placed 5' off North property line and 5' off East property line to accommodate my personal possessions indoors

Variance History – Use this area to include any past variances on the property as well as any neighboring properties.

none that im aware of

7.01 Variances

A. Board of Appeals and Adjustments

The Planning Commission shall act as the Board of Appeals and Adjustments and shall have the power to hear and decide requests for the following:

1. Interpretation: Hearing appeals where it is alleged that there is an error in a decision or judgment made by an administrative officer in the interpretation or enforcement of this Ordinance or in the interpretation of zoning district boundaries.
2. Variances: Grant variances from literal ordinance requirements in instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under construction.

B. Variance Procedures

1. Applications provided by the City must be completed in writing prior to any consideration of variance petitions. Fees for variances are established by resolution of the City Council.
2. The Board of Appeals and Adjustments may require the applicant to provide ten (10) copies of plans, maps, surveys, etc., as deemed necessary, to ensure proper review and consideration of variance petitions.
3. After filing an application, the City Clerk shall set a date for a public hearing. Notice of the hearing shall be posted and published at least ten (10) days prior to the date of the hearing, and notice shall be mailed to each property owner within three hundred fifty (350) feet of the property to which the variance relates. Defects in the notice or failure to notify individual property owners shall not validate the proceedings, provided a good faith effort was made to comply with these provisions.
4. Upon the hearing request, the Board of Appeals and Adjustments shall either approve or deny the variance and shall state the reasons for said action. Conditions for approval may be attached to any variance granted.

5. Findings: The Board of Appeals and Adjustments must find as follows in the granting of a variance from this Ordinance: (Please respond to each of the findings below, you may attach additional sheets if needed.)

a. Granting a variance will not adversely affect the public health, welfare and safety and will not be detrimental or injurious to property or improvements in the neighborhood.

Applicant's response No it will not have any negative effect on the community, safety, health, & welfare

b. Strict interpretation or enforcement would result in a practical difficulty or unnecessary hardship that is not self created, that is inconsistent with the intent of this Ordinance and the Comprehensive Plan.

Applicant's response currently our possessions are stored outside in the elements with this garage they will be inside

Improving the appearance of our property and neighborhood

There are exceptional or extraordinary circumstances or conditions applicable to the property, use or facilities that do not apply generally to other properties in the same district.

Applicant's response my current garden shed is unable to hold larger

items such as vehicles and this new garage would allow for them to fit inside

d. Strict or literal interpretation would deprive the applicant of the use and enjoyment of his property in a manner similar to others in the same district.

Applicant's response other residents/neighbors with similar properties

have been granted building permits to build oversized detached garages

e. Granting of the variance will not allow a use which is otherwise not a permitted use in the zoning district in question.

Applicant's response we are seeking to build a detached garage for our possessions (vehicles, kids toys, trailer, fish house, lawn mower, boat)

6. A variance granted but not used shall become void one (1) year after its effective date.

7. No application for the same or essentially the same variance shall be made within six (6) months of the date of denial.

C. Variance Appeal Procedures

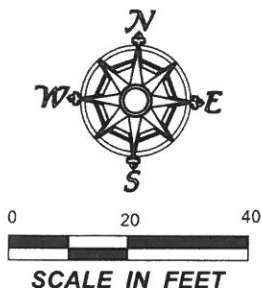
Within thirty (30) days of the action of the Board of Appeals and Adjustments, the applicant or an affected property owner may file an appeal to the City Council to the decision of the Board of Appeals and Adjustments. The City Council shall set a date for a public hearing, within forty-five (45) days of receipt of the appeal, to consider granting or denying the variance request.

I understand the preceding standards for variances and hereby submit my application for variance.

Applicant's Signature Hari Muisen Date 9/6/2022

Certificate of Survey

~ for ~ Scott Meuwissen
310 Park St. E.
Cologne, MN 55322



EXISTING IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE: 2,143 S.F.
CONCRETE: 1,324 S.F.
PAVERS: 546 S.F.
GRAVEL: 2,508 S.F.
STORAGE SHEDS: 216 S.F.

TOTAL IMPERVIOUS: 6,737 S.F.

LOT AREA: 18,515 S.F.

IMPERVIOUS COVERAGE: 36.4 %

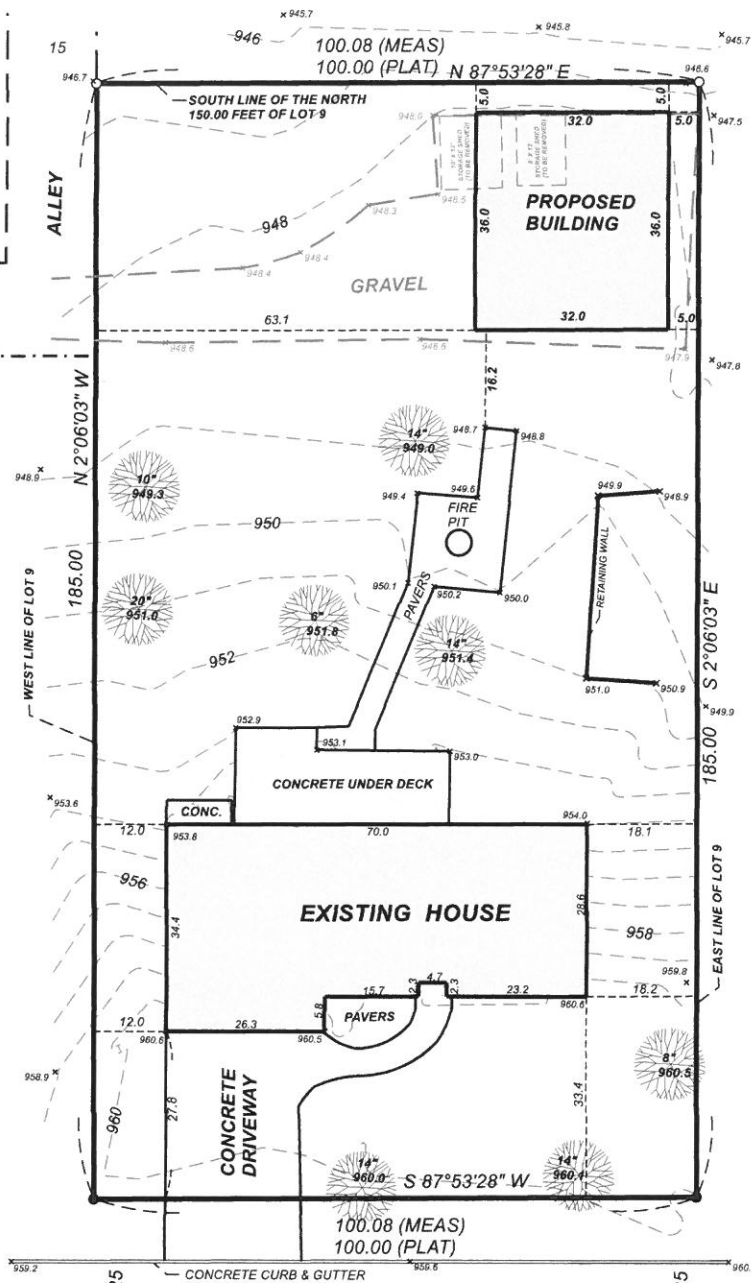
PROPOSED IMPERVIOUS SURFACE COVERAGE:

EXISTING HOUSE: 2,143 S.F.
CONCRETE: 1,324 S.F.
PAVERS: 546 S.F.
GRAVEL: 1,023 S.F.
PROPOSED BUILDING: 1,152 S.F.

TOTAL IMPERVIOUS: 6,188 S.F.

LOT AREA: 18,515 S.F.

IMPERVIOUS COVERAGE: 33.4 %



LEGEND

○	Set 1/2" X 14" rebar marked with cap number 22703
●	Found Iron Monument
⊗	Deciduous Tree
- - -	Contour Line
x	Spot Elevation

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Minnesota.

Steven V. Ische 22703 07/25/24
License No. Date

DESCRIPTION OF PROPERTY:

Lot 9, Block 1, ADAM MOHRBACHER'S THIRD ADDITION, Carver County, Minnesota, except the North 150.00 feet thereof.

PREMIER
LAND SURVEYING, LLC

1600 Arboretum Blvd., Suite 203
Victoria, MN 55386
952-443-3010

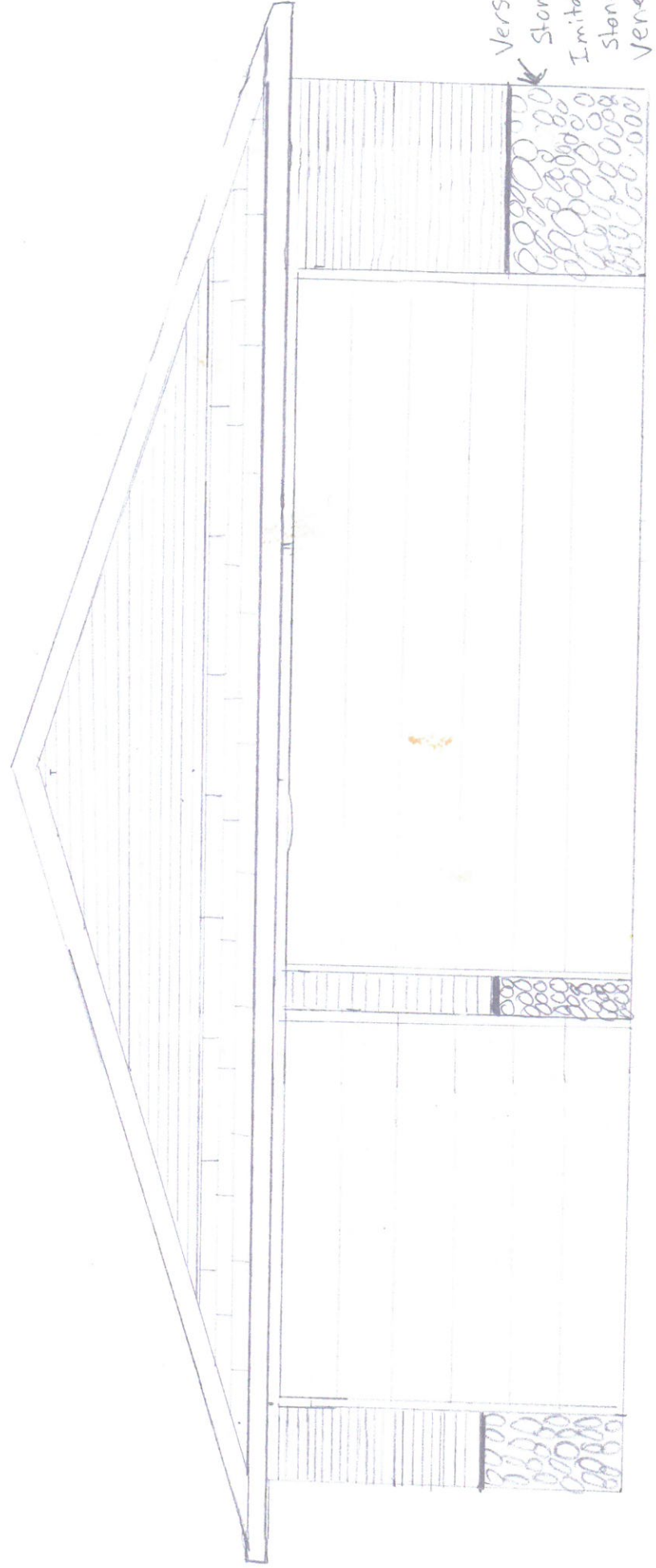
PROJ. #2134-00 NAVD88 VERTICAL DATUM

Floor plan
2/11/2005

← 36 →

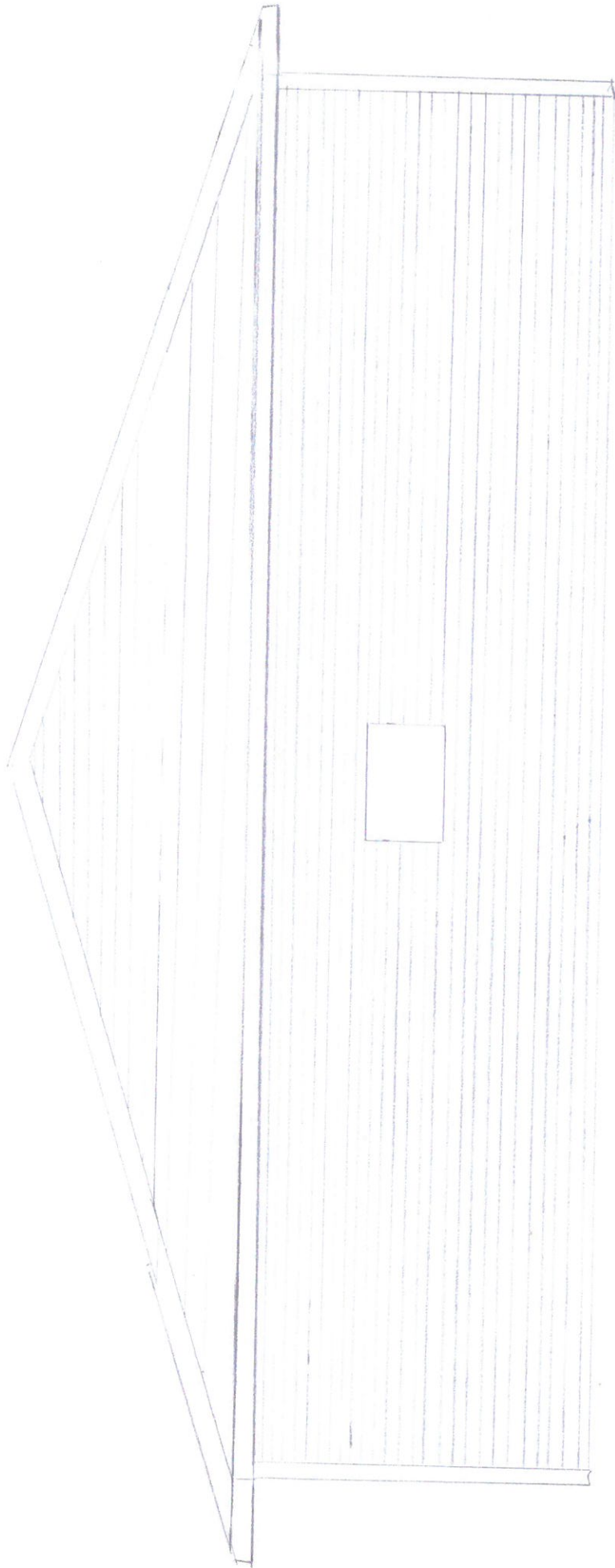
West Face

1/4 scale

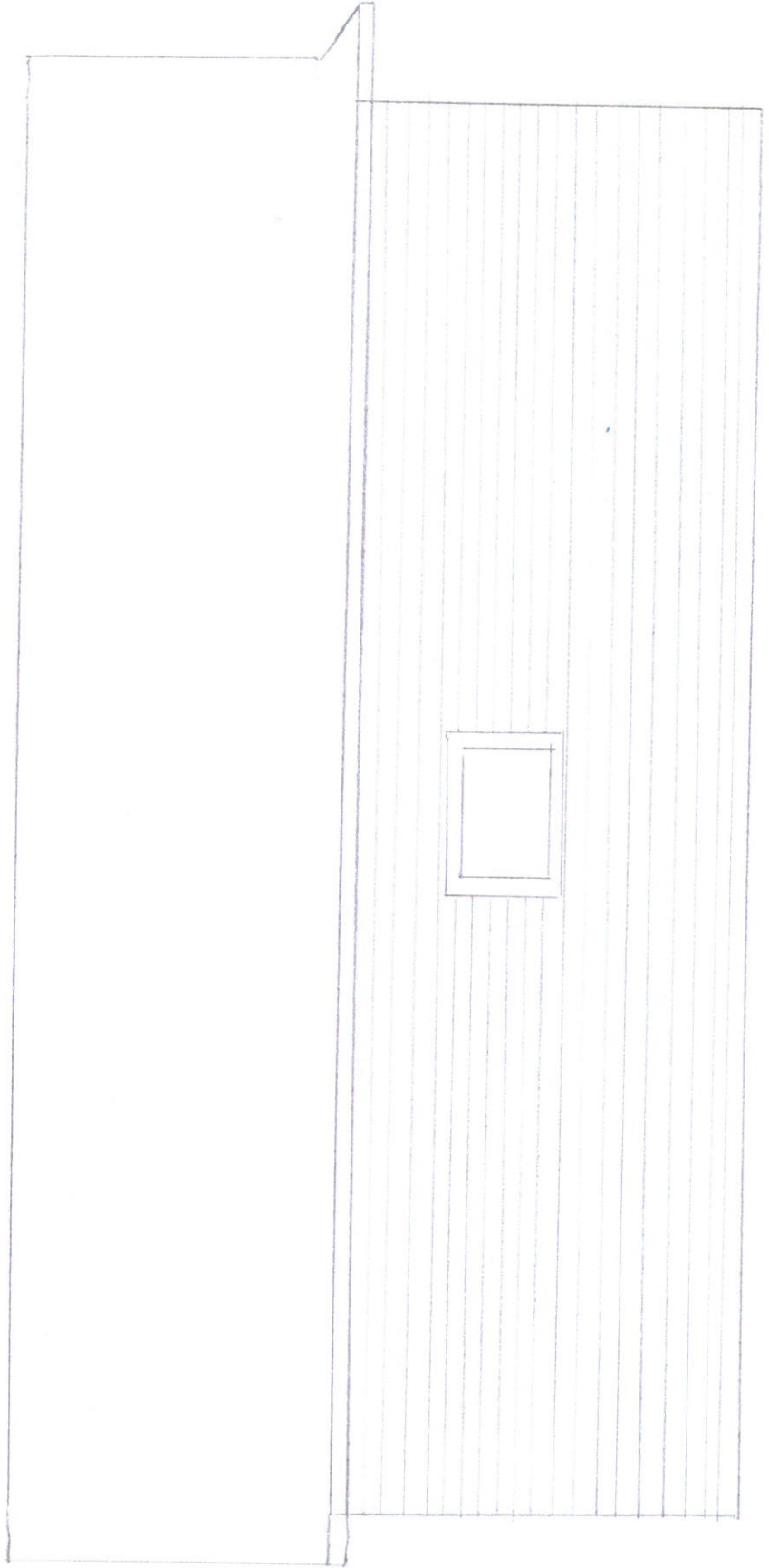


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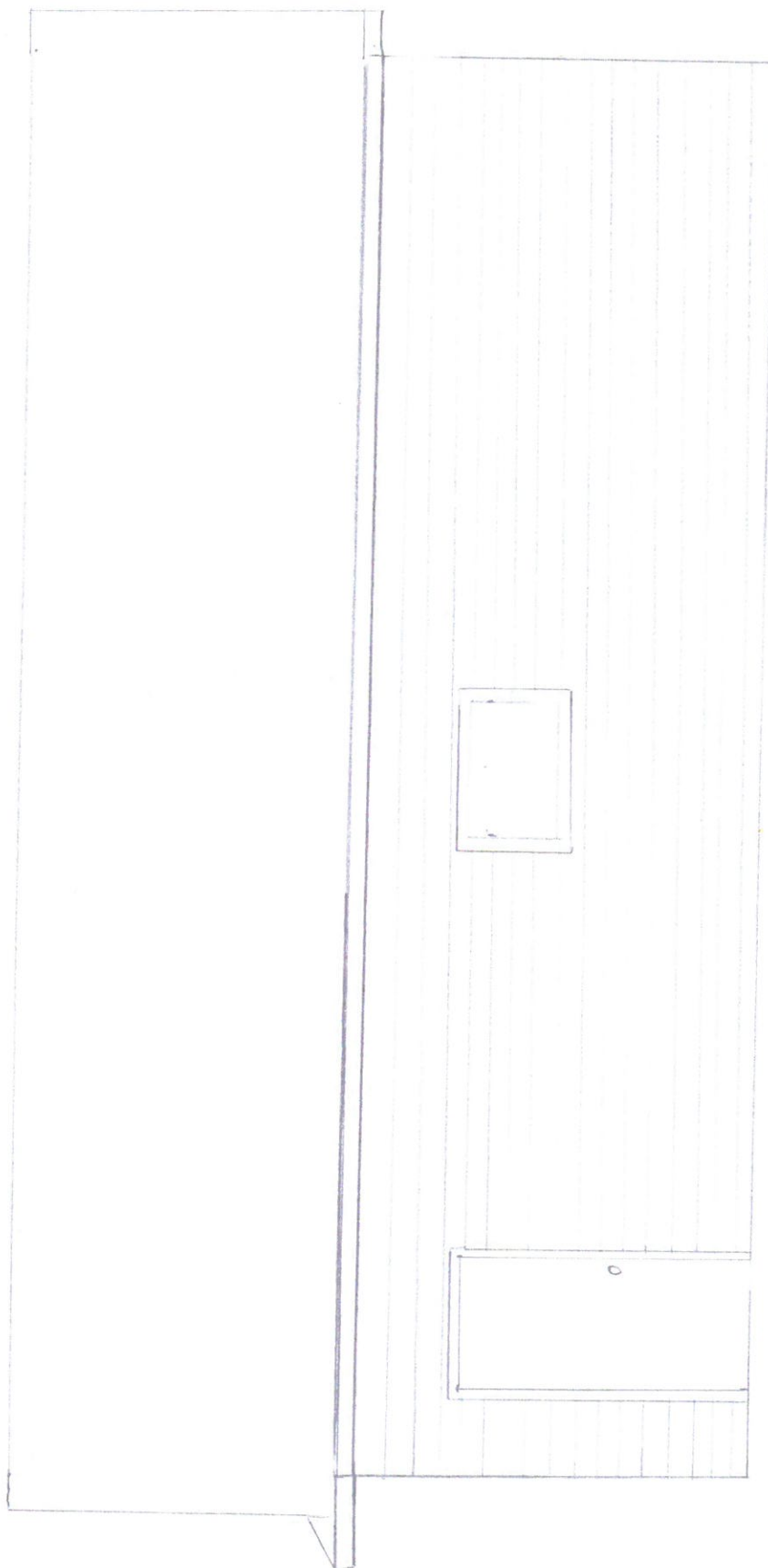
East



North



South



Collaborative Planning, LLC

Memorandum

To: Planning Commission
From: Cindy Nash, AICP, EDFP
Date: November 1, 2022
Subject: Variance – 310 Park Street East

The City has received a variance application for review and consideration. Two items for the proposed project are being requested for variances:

1. Permit the construction of an accessory building exceeding the size permitted by ordinance (1152 square feet instead of 200 square feet)
2. Impervious surface coverage of 33.4% in the shoreland overlay district (ordinance requirement is not more than 25%)

Overview of Request



The subject property is a lot of record in Adam Mohrbacher's Third Addition consisting of approximately .425 acres. A variance request is being made to permit the construction of an accessory building exceeding the size permitted by ordinance. A copy of the application is attached. The architecture and floor plan for the accessory building was provided in the packet for consideration, and consists of a 36 x 32 garage.

The property is zoned R-1 Single Family Detached. The property currently contains a home with a minimum of a 2-car garage and 2 existing accessory sheds consisting of approximately 216 square feet. The property is approximately 700 feet from Lake Benton and is within the shoreland overlay. The applicant is proposing to construct an additional accessory structure consisting of approximately 1152 square feet (36 feet

by 32 feet) to the rear of the home. Per the survey, the existing storage sheds would be removed.

The applicant is also requesting to have an impervious surface coverage of 33.4% in the shoreland overlay area, when the maximum permitted is 25%. The survey depicts this as a decrease from the “existing” condition of impervious surface of 36.4%. This differs from the 2020 aerial photograph on the previous page which does not show “gravel” surfaces of 2,508 square feet in the rear yard. If that gravel area is deducted from the existing impervious calculation shown on the survey, then the existing impervious surface area is 22.8%. No variance was previously granted from the impervious limit to permit the gravel surfacing of the rear yard. Further, the property is within 700 feet of Lake Benton, which is an impaired body of water.

Section 153.016 of the Cologne Code of Ordinances limits detached accessory structures to a maximum of 200 square feet. An exception is provided in the case of properties in the Downtown Overlay District when the property has only a single car attached or detached garage, whereby then the aggregate total of detached accessory structures shall not exceed 1,000 square feet. This exception serves to provide older homes that do not have a garage with the opportunity to construct a garage.

Legal Background on Variances

Minnesota statutes on variances were amended in 2011 to reflect a “practical difficulties” standard, rather than the previously used “undue hardship” standard. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

This request is being evaluated based on the “practical difficulties” standard rather than the standard included in the Cologne Code of Ordinances.

Evaluation of Request

In evaluating variance requests, the following questions should be considered:

1. Is the request a reasonable use of the land?

Staff Note: The City Code of Ordinances provides all homeowners with the opportunity to have a reasonable amount of accessory structure (typically garages and storage), which may be either attached or detached from the principal structure (home). The proposed request to construct an additional 1,152 square feet of detached accessory structure on a property that is typical in size (.425 acres) and that already contains at least a 2-car garage that is attached to the home would be in excess of the City ordinances and significantly out of scale with the surrounding neighborhood. If allowed to be constructed, this would also require a variance from the impervious surface coverage limits for the garage and the surfacing of the driveway within the shoreland overlay of Lake Benton. Both variances are inconsistent with the purpose and intent of the City ordinances and are inconsistent with the Comprehensive Plan.

2. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Staff Note: The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The lot is typical of residential lots within the City. Here, the Applicant wants to construct an improvement that is not allowed under the zoning code. This is not an appropriate use of a variance. The property has an existing 2-car attached garage, which is more garage space than many lots in the Downtown Overlay District. The maximum impervious surface coverage may be lower than a residential city lot outside of the shoreland overlay, but that is not unique in Cologne; many residential properties within the City, perhaps 50% of them, are located within the shoreland overlay, including those in the locality of the Applicant.

3. Will the variance, if granted, alter the essential character of the locality?

Staff Note: The variance will alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 1- or 2-car attached garage, and an occasional small storage shed in the back yard. None of the properties on the Applicant's block, Park Street East, have both a 2-car attached as well as detached accessory garage structures. As proposed, the additional detached accessory structure is considerably larger than a typical accessory structure on a small urban single-family lot within the City. Even if the Applicant did not have an existing garage, the size of the proposed detached accessory structure is out of scale for the neighborhood, which would be larger than many of the principal residential structures in the surrounding area.

Recommendation

Staff recommends denial of the variance based on the findings above.

**CITY OF COLOGNE
PLANNING COMMISSION
RESOLUTION NO. 22-04
RESOLUTION DENYING VARIANCES FOR 310 PARK STREET EAST**

WHEREAS, Scott and Halie Meuwissen (“Applicant”) is the applicant for an application related to property located at 310 Park Street East; and

WHEREAS, the property is zoned R-1, Single Family Detached and lies within the Shoreland Overlay, which limits impervious surface coverage to 25%; and

WHEREAS, the Applicant has applied for two variances to 1) permit the construction of a detached accessory structure consisting of approximately 1,152 square feet on the property and 2) permit impervious surface coverage of 33.4%; and

WHEREAS, the property currently has an attached accessory structure (2-car garage) and an approximately 216 square foot detached accessory structure(s); and

WHEREAS, the zoning ordinance does not permit detached accessory structures in excess of an aggregate total of 200 square feet within the R-1 zoning district; and

WHEREAS, the accessory structure proposed by the Applicant exceeds the maximum allowable size for an accessory structure in the R-1 zoning district; and

WHEREAS, the subject property is typical of residential lots in the City; and

WHEREAS, the subject property is approximately 700 feet from Lake Benton, which the Minnesota Pollution Control Agency has declared to be an impaired body of water; and

WHEREAS, Minnesota Statute Section 462.357, subd. 6 provides:

- a. Variances shall only be permitted (a) when they are in harmony with the general purposes and intent of the ordinance and (b) when the variances are consistent with the comprehensive plan.
- b. Variances may be granted when the applicant for the variance 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; (b) the plight of the landowner is 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.

WHEREAS, the public hearing was properly noticed and scheduled for November 7, 2022; and

WHEREAS, the application was reviewed by the Planning Commission and a public hearing was held during its meeting on November 7, 2022; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby make the following findings of fact:

1. The above recitals and accompanying comment memo from Collaborative Planning, LLC are hereby incorporated as findings of fact.
2. The City Code of Ordinances provides all homeowners with the opportunity to have a reasonable amount of accessory structure (typically garages and storage), which may be either attached or detached from the principal structure (home). The proposed request to construct an additional 1,152 square feet of detached accessory structure on a property that is typical in size (.425 acres) and that already contains at least a 2-car garage that is attached to the home would be in excess of the City ordinances and significantly out of scale with the surrounding neighborhood. If allowed to be constructed, this would also require a variance from the impervious surface coverage limits for the garage and the surfacing of the driveway within the shoreland overlay of Lake Benton. Both variances are inconsistent with the purpose and intent of the City ordinances and are inconsistent with the Comprehensive Plan.
3. The plight of the landowner is due to circumstances created by the landowner and are not unique to the property. There is nothing unique about the property that prevents the Applicant from complying with City ordinances. The lot is typical of residential lots within the City. Here, the Applicant wants to construct an improvement that is not allowed under the zoning code. This is not an appropriate use of a variance. The property has an existing 2-car attached garage, which is more garage space than many lots in the Downtown Overlay District. The maximum impervious surface coverage may be lower than a residential city lot outside of the shoreland overlay, but that is not unique in Cologne; many residential properties within the City, perhaps 50% of them, are located within the shoreland overlay, including those in the locality of the Applicant.
4. The variance will alter the essential character of the locality. The homes in the neighborhood are typical single-family homes with a 1- or 2-car attached garage, and an occasional small storage shed in the back yard. None of the properties on the Applicant's block, Park Street East, have both a 2-car attached as well as a detached accessory garage structures. As proposed, the additional detached accessory structure is considerably larger than a typical accessory structure on a small urban single-family lot within the City. Even if the Applicant did not have an existing garage, the size of the proposed detached accessory structure is out of scale for the neighborhood, which would be larger than many of the principal residential structures in the surrounding area.

BE IT FURTHER RESOLVED that the Planning Commission hereby denies the application to issue variances to 1) permit an accessory building not to exceed 1,152 square feet and 2) permit impervious surface coverage of 33.4%.

Approved:

Bernie Shambour
Chairperson

Attested:

Michelle Morrison
City Clerk