

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: February 27, 2024 at 7 p.m.



Two or more Council Members and/or the Mayor may be in attendance at this meeting.
If two or more Council Members and the Mayor attend the event, there will be a quorum of Council Members.

This meeting may be monitored live via the following means:
Cable Channel 10, MidcoTV Channel 77, or the City of East Bethel YouTube channel
(www.youtube.com/channel/UC8_7ShcME-XG14pN5JrmBGg/live)

1. Call To Order
2. Adopt Agenda
3. Approval of Minutes: January 23, 2024
4. Oath of Office for Kory Jorgenson and Brian Downie
5. Planning Commission Appointment of Chair Person and Vice Chair Person
6. **Public Hearing: IUP** – Commercial Kennel – 625 221st Ave NE – Andrew Benik

Variance – Detached Accessory Structure Placement – 19455 4th St NE – Geno Brese

7. Updates
8. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 January 23, 2024

5
6 MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, Gabriel Hanschen, and Joe
7 Reiter

8
9 MEMBERS ABSENT: None

10
11 ALSO PRESENT: Aaron Berg, Community Development Director
12 Jim Smith, City Council Liaison

13
14 **1.0 Call to Order**

15 Chair Balfany called the Planning Commission regular meeting to order at 7:00 pm.

16
17 **2.0 Adopt Agenda**

18 **Commissioner Johnson moved and Commissioner Terry seconded to adopt the agenda as**
19 **presented.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany
20 asked any opposed? That motion passes. **Motion passes unanimously.**

21 **3.0 Approve November 28, 2024 meeting minutes**

22 Johnson referenced page 5, line 182, and noted that the word ‘complaint’ should be changed to
23 ‘compliance’. Page 11, line 466, the word ‘every’ should be changed to ‘ever’.

24 Terry referenced page 4, line 148, and noted that the word ‘now’ should be changed to ‘not’.

25 **Commissioner Hanschen moved and Commissioner Johnson seconded to adopt the November 28,**
26 **2024 regular meeting minutes as amended.** Balfany asked any discussion? To the motion, all in favor
27 say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

28 **4.0 Public Hearing:**

29 **4.0A Septic Variance – 4310 Channel Lane NE – Sue Jensen**

30 Berg reviewed staff’s report stating the Planning Commission is being asked to hold a public hearing to
31 consider the variance request of Sue Jensen, 4310 Channel Lane NE, for reduction of the front yard
32 setback for a septic system replacement. He explained that on November 16, 2023, the City received an
33 application from the owner of 4310 Channel Lane NE, to allow the replacement of a non-compliant
34 septic system at the address. The applicant had hired Lashinski Services, Inc. to repair the existing
35 system servicing the property. Lashinski Services, Inc. discovered the location of the existing system
36 is the only location on the .47 acre parcel for the system due to the lot shape, building placement, and
37 shoreland setbacks. While creating the septic design to remove and replace the existing drain field
38 Lashinski Services, Inc. discovered that it was placed in a City right-of-way (ROW).

39 Berg referenced Attachment 4 of the meeting packet, noting the subject site, 4310 Channel Lane NE,
40 is located in the Oak Ridge Second Addition, which was originally approved and platted in July 1962
41 by the Village of East Bethel Council. Staff have researched the property records and discovered
42 there was septic work completed in 1979, in which a drainfield was added to an existing system. City
43 staff is unable to locate any license agreement or variances issued to permit the existing placement,
44 nor any discussion in Council minutes from 1962 or 1979.

45 Berg stated the applicant has owned the property since September 1991, has no knowledge of any
46 previous variance or license, and is looking to fix the system in order to put the house on the market
47 for a future sale. If a variance is approved, a Licensing and Use Agreement will be required to permit

48 the use of the ROW in order to reconstruct the drainfield in its current location as it is 30 feet into the
49 ROW and straddling the front property line. The applicant is requesting a variance to reduce the front
50 yard setback standard from 10 feet to 0 feet for the replacement of the septic drainfield and tanks.

51 Berg noted the system current placement meets setback requirements of all wells in the area. He
52 presented consideration of a variance that requires the following three-factor test for practical difficulties
53 and staff findings related to this case as follows:

- 54 • The first factor, a test of reasonableness, means that the landowner would like to use the property
55 in a practical way but cannot do so under the rules of the ordinance.

56 In this case:

57 ***Septic systems are required for a home to be considered habitable. The approval of the***
58 ***variance would allow this property to continue to be used as a residence.***

- 59 • The second factor is, a test of uniqueness, the issue for the variance is due to circumstances
60 unique to the property and not caused by the landowner. The uniqueness generally relates to the
61 physical characteristics of the particular property.

62 In this case:

63 ***The property has limited space for a drain field due to the lot sizes created by this***
64 ***1960's era plat. The primary structure (home) was placed approximately 36.5 feet from***
65 ***the Ordinary High Water Level OHWL, 31.1 feet from the front lot line, and 10.5 feet***
66 ***from the side yard lot line. The detached garage was placed 60 feet from the OHWL,***
67 ***22.7 feet from the front property line and 18.4 feet from the side yard lot line.***

68 ***Today's Shoreland setback for structures is 75 feet from the OHWL, 25 feet from the***
69 ***front lot line and 7 feet from the side yard lot lines. Additionally, there is 30 feet***
70 ***between the primary residence and the detached garage.***

71 ***Current setback requirements for sewage treatment systems are 50 feet from the***
72 ***OHWL, 50 feet from any well, 20 foot from any structure and 10 foot setback from any***
73 ***property line. Tanks are required to be placed 10 feet from any structure and 10 feet***
74 ***from property lines. The well serving this residence is in the basement of the house.***

- 75 • The third factor is, that a variance would not alter the essential character of the neighborhood.
76 This factor is used to consider whether the resulting structure or improvement will be out of
77 scale, out of place, or otherwise inconsistent with the surrounding area.

78 In this case:

79 ***The existing non-compliance sewage treatment system is already in this location and it***
80 ***is being proposed to be replaced. It has existed in this location since at least May 1979***
81 ***when a permit was issued for installation.***

82 Berg asked the Planning Commission to hold a public hearing regarding a variance for the reduction of
83 front yard setback for the installation of a sewage treatment system at 4310 Channel Lane NE. Staff
84 recommends the Planning Commission consider making a recommendation to the City Council to adopt
85 a resolution granting a variance to a reduction of the standard allowing for the installation of a
86 replacement septic system, at the front yard setback standard from 10 feet to 0 feet at 4310 Channel
87 Lane NE, conditioned on obtaining a License and Use Agreement.

88 Balfany opened the public hearing at 7:09 p.m.

95
96 No comments received.

97
98 Balfany closed the public hearing at 7:10 p.m.

99
100 **Commissioner Reiter moved and Commissioner Johnson seconded to recommend the City**
101 **Council Adopt Resolution 2024-12, granting variance for the reduction in setback from the front**
102 **property line from 10 feet to 0 feet for the installation of a septic system drainfield on property**
103 **located at 4310 Channel Lane NE (PIN: 25-33-23-33-0035), with the following conditions:**

- 104
105 **1. A License and Use Agreement with the City of East Bethel must be obtained prior to the**
106 **issuance of a septic replacement permit.**

107
108 Balfany asked any discussion? Terry noted that he was curious about the well location inside the home
109 and did not remember seeing that come up before. Berg stated that he had asked the applicant to have a
110 survey done so the City had exact locations for things on the property. Berg reviewed the survey and
111 explained the location of the well and noted that, at that point in time, it was not uncommon for wells to
112 be punched inside in order to prevent freezing issues.

113 Terry asked if the well location would be something that could prevent the sale of this property. Berg
114 noted that Lashinski has indicated that the indoor well will need to be sealed and the well be moved,
115 which could be a condition of sale and be taken care of after the fact. Berg noted that before it can be
116 done they will need to know where the septic system will go.

117 Berg reminded the Commission that the City did not regulate wells because that was handled by the
118 Department of Health.

119 Reiter stated that when he was looking at this and considering the impact on the neighbors he felt it was
120 a creative way for them to get another home in the neighborhood, but that was not the fault of the
121 current homeowner. Reiter stated that he feels this will be a really big improvement because it moves
122 the septic farther away from the lake and gets a new septic system so there are a lot of positive aspects to
123 this variance.

124 Balfany clarified that the existing drainfield was already in this spot and the contractor plans to replace it
125 because this is the only spot it can go. Johnson noted that the consequence of not approving this request
126 is that they would have to use a holding tank

127 Belfany stated to the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That
128 motion passes. **Motion passes unanimously.**

129 This item goes before City Council on February 12, 2024.

130
131 **4.0B Preliminary Plat – E. Bethel Boulevard & 198th Avenue NE – T.H. Construction of Anoka**

132 Balfany noted that there had been an addendum to the information in the packet regarding bringing in
133 covenants to the neighborhood.

134 Berg explained the Planning Commission is being asked to hold a public hearing on the request of T.H.
135 Construction of Anoka for the Hidden Prairie Preliminary Plat. He explained that on July 25, 2023, the
136 Planning Commission reviewed a Concept Plan for the revised development plan for a previously
137 approved Preliminary Plat for the Hidden Pines Rural Residential Subdivision. The developer acquired
138 additional adjacent land and incorporated the additional acreage into the revised plan. A public hearing

139 was held and a recommendation of approval was forwarded to the City Council on August 14, 2023.
140 The City Council approved the proposed Concept Plan.

141 Berg stated on January 5, 2024, a Preliminary Plat application and supporting materials were delivered
142 to the City. This plat is consistent with the approved concept plan. It consists of 17 buildable single
143 family rural residential lots. Within the RR- Rural Residential zoning district the minimum lot size
144 required is 2 acres, with a density not to exceed 1 unit per 2.5 acres. All lots within the proposed Hidden
145 Prairie Subdivision meet the 2 acre minimum lot size and the 17 units' fall below the density
146 requirements. Additionally, each lot meets the required minimum 200 foot width at the right-of-way
147 setback line.

148 Berg presented the following additional details:

149 Streets: The development will be accessed off East Bethel Blvd/County Road 15; therefore, the
150 Anoka County Highway Department is required to review the plan. They submitted a comment
151 letter on January 9th, 2024 with comments. The developer is required to satisfactorily address all
152 comments prior to any grading of the site. The internal street will be constructed to city standards
153 with no temporary cul-de-sacs permitted.

154 Public Works: East Bethel Public Works comments were addressed during the previously approved
155 Preliminary Plat and they have provided no new comments.

156 Parks Commission: The new concept plan was placed on the August 8, 2023 Parks Commission
157 meeting and they recommended Park Dedication Fees in lieu of park land. The Parks Plan does not
158 support a park in this area of the City.

159 City Engineer: The City Engineer was sent the new Preliminary Plat for review on January 5, 2024.
160 Although the review comments have not been received, the developer was required to satisfy any
161 Preliminary Plat comments prior to filing a Final Plat application.

162 Berg stated staff requests the Commission hold a public hearing, discuss and consider recommending
163 approval of the Preliminary Plat known as Hidden Prairie with the conditions set forth in the draft
164 resolution to the City Council.

165 Balfany opened the public hearing at 7:20 p.m.

166 Barb Mace explained that this development will abut her land and asked if this had to be resurveyed once
167 they purchased the additional land. She explained that when they had initially purchased the land, they
168 had survey markers for the property lines which are gone and has not seen additional markers anywhere.

169 Jordan Carlin stated he owns 10 acres that abuts this development and it appears as though the planned
170 road goes over his septic system. He noted that his septic design says it is 10 feet away but the drawings
171 show it closer than that and asked if that was the case, who would be liable for moving the septic system.
172 He stated the road also appears to run right down his property line and looks like it actually impedes his
173 property. He asked if it would be: road-ditch-property line, or road-property line-ditch.

174 Balfany asked the developer to answer some of the questions that had been raised.

175 Tony Hennen, TH Construction, stated that they did do some surveying on the property already, but
176 expects the surveyors to be out there about a dozen more times and noted that they will mark all the corners
177 and the backs of each individual lot. Mr. Hennen stated that he had planned to get in touch with Mr. Carlin
178 because he didn't want to go on his property without permission. He explained that he wanted to probe
179 to see where the rock bed was located, but now the ground froze so they can't do it anyway. He noted
180 that his understanding is that if the septic company put the system in the wrong spot, he would be the one
181 obligated to move it. He stated that for the road, typically there is a 33 foot road easement to the road

182 goes from the center of the road to the property line so it would be property line-ditch which means they
183 may have to encroach a bit when they are cleaning up the sides. He explained that he was still intending
184 to talk with Mr. Carlin about this, but noted that the first time they connected was just prior to the meeting.

185 Balfany confirmed that they had exchanged information and would be able to contact each other. Mr.
186 Hennen stated that they would be talking to each other to get everything figured out.

187 Reiter clarified that the right-of-way is wider than the actual road so there would be about 15 feet between
188 the road and property line. He asked if Mr. Hennen planned to dig a ditch within the right-of-way. Mr.
189 Hennen explained that the road actually has ditches on both sides all the way back for drainage and noted
190 that there will be ponding as well that will be calculated by the engineers.

191 Johnson asked Mr. Carlin if he felt comfortable about this with the information that has been shared by
192 Mr. Hennen. She asked if he felt that this would be able to be worked out to his satisfaction.

193 Mr. Carlin answered that he felt it could be worked out but acknowledged that he does have concerns. He
194 asked if the plans were for the drainage on the other side of the street to come to his property. Berg stated
195 that the current design standards obligated the landowner to have all of the water remain or drain on their
196 own site and not off-site unless there is some type of agreed upon joint collection pond that would have
197 to be documented. He reiterated that all the current regulations say that all of that water needs to remain
198 on their site.

199 Mr. Carlin explained that he was comfortable working with Mr. Hennen and just wanted to make sure that
200 he would not be held liable for moving the septic system. He stated that the system was installed in 2019
201 and was approved by the City. Berg noted if the Planning Commission shares this concern, they could list
202 it as a condition in the resolution that there be a satisfactory conclusion regarding the septic system.

203 Johnson confirmed that she would like to see some language in the resolution that addresses this issue.

204 Balfany closed the public hearing at 7:27 p.m.

205 **Commissioner Hanschen moved and Commissioner Terry seconded to open discussion regarding**
206 **Resolution 2024-09.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.**
207 Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

208 Hanschen noted that this was not something that he would like to see just kicked down the road with the
209 mindset of ‘we will get it figured out’ and asked if there was something that they could recommend
210 contractually. Balfany stated that if there is, he would recommend it be kept simple.

211 Berg noted that they had not received the City Engineer’s comments yet and this may be included and
212 those would be to be satisfied before moving forward.

213 Hanschen suggested that they include a recommendation that the City Engineer has to make comments
214 prior to going before the City Council. Balfany suggested that could be part of the official motion.

215 Reiter noted that Community Development Director Berg appeared to be writing furiously and asked if
216 he was working on the conditional statements for the Planning Commission to consider. Berg confirmed
217 that he was attempting to draft conditions that have been discussed.

218 Hanschen asked about the location of the land that had been added. Berg stated that it was along the
219 western side. He reminded the Planning Commission that there was an addendum put in front of them
220 tonight that adds some covenants.

221 Reiter asked Mr. Hennen to give a brief summary about the addition of the covenants. Mr. Hennen
222 explained that the covenants have things like size restrictions on houses, no junk cars sitting around, and
223 restrictions for things like barking dogs. He stated that they are all designed to cover the homeowners in
224 the neighborhood. He noted that on the septic situation with Mr. Carlin, if everybody did their job and

the system is 10 feet off the property line there will not be any issues, however if somebody neglected to do their job and it was placed incorrectly, then it will be an issue.

Johnson asked what the general price range is for Mr. Hennen's homes. Mr. Hennen stated that the average is about \$600,000 with the lot, but there could be some that will end up being \$700,000 or over. He noted that their lowest priced homes would be in the \$500,000 to \$550,000 range. He explained that he custom designs the homes and tries to make them all look a bit different.

Commissioner Hanschen moved and Commissioner Balfany seconded to recommend the City Council adopt Resolution 2024-09, Approve the Preliminary Plat for Hidden Prairie with the conditions set forth in the provided Resolution and the addition of 'a satisfactory conclusion to the neighboring septic drainfield location must be established prior to the release of a Final Plat'.

Balfany asked any discussion?

Terry asked if the wording of the additional condition should be changed to include that it needed to be satisfactory to both parties. Berg clarified that the City would most likely not adjudicate that and would be a civil matter. Berg stated that he was comfortable with the current proposed wording and did not believe it needed to be changed.

Balfany stated to the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

This item goes before City Council on February 12, 2024.

5.0 Sale of City Owned Parcel – PID: 36-33-23-32-0002 - Review

Berg stated the Planning Commission is being asked to consider the sale of a City-owned parcel. He explained that Diana and Jim Saenger have requested the City Council consider the sale of a portion of City property, PIN 36-33-23-34-0002, which is a 50' wide strip that runs between Longfellow Drive and the East Bethel/Ham Lake corporate limits. This property borders the western acreage of the Carlos Avery Nursery (Houle Sod Farm) land in East Bethel and as exhibited as Attachment 1 of the staff report.

Berg stated this City-owned parcel, PID 36-33-23-31-0002, is 2.99 acres and has a current estimated tax market value of \$12,600. The purchasers are primarily interested in the north 50' X 740' portion (0.82 acres) that adjoins their parcel, as exhibited in Attachment 2. Both parcels are located in the Coon Lake Residential Zoning District. This property was a tax-forfeit acquisition by the City of East Bethel in 1974. It was acquired as non-conservation for an "authorized public use" to be used exclusively for parks (MS 282.01 Subd. 1a par. (e)). Property conveyed under a conditional use deed, regardless of when it was executed, is released from the use restriction and rule of reversion thirty years from the date the deed was acknowledged. As this property has exceeded the 30 year requirement for restrictions on the sale, it can be sold by the City with no encumbrance's relating to tax forfeit acquisition.

Berg explained the majority of the City property is either classified as wetlands or is located in the 100-year flood plain with poor soils throughout the entire parcel. The entire parcel is considered as unbuildable due to its dimensions (50' X 2,600') and soil, wetlands and flood plain conditions. Statutory cities have the power to sell land or buildings they no longer need to anyone, other than public officials and certain employees. Generally, a city does not need to permission from the public in order to sell land. In some instances, a city may need to notify people or get approval prior to the sale. Sales of land are usually not required to use the competitive bidding process.

Berg stated during a Closed Session meeting on November 27, 2023, the East Bethel City Council authorized the sale of this portion. However, the City Attorney has advised that under MN State Statute

271 section 462.356, Subd. 2, City real estate should not be purchased or sold until the Planning Commission
272 has reviewed the proposed purchase or sale and found that it complies with the City's Comprehensive
273 Plan.

274 Berg explained that at the close of the sale, the purchasers would be required to immediately (as soon as
275 possible/ practical) combine the 50' X 740' portion with their adjacent parcel since it is smaller than the
276 minimum lot area identified in Section 51 of the Zoning Code.

277 Berg stated staff recommend the Planning Commission review the proposed sale, determine if its sale
278 for a residential purpose is in alignment with the Comprehensive Plan and the Coon Lake
279 Residential Zoning District, and make a recommendation to the City Council.

280 Terry asked if there was an expanded aerial photo of the area so he can get better context on where this
281 parcel is located. Berg displayed an aerial photo and pointed out some area landmarks in comparison
282 with this parcel.

283 Johnson stated that she did not think there was any practical use to the City of retaining this property.
284 Berg agreed and reminded the Planning Commission that this parcel was not buildable because it is only
285 50 feet wide.

286 **Commissioner Reiter moved and Commissioner Hanschen seconded to recommend the City**
287 **Council approve the sale of a portion of a City-owned parcel, PIN 36-33-23-34-0002, which is a 50'**
288 **wide strip that runs between Longfellow Drive and the East Bethel/Ham Lake corporate limits, to**
289 **Diana and Jim Saenger with the condition that immediately (as soon as possible/ practical) Diana**
290 **and Jim Saenger combine the 50' X 740' portion with their adjacent parcel since it is smaller than**
291 **the minimum lot area identified in Section 51 of the Zoning Code.** Balfany asked any discussion?
292 To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes.
293 **Motion passes unanimously.**
294

295 Reiter asked if there was any buildable land in this area that was owned by the City. Berg stated that he
296 would say there is potentially some buildable land in the area that the City owns and explained that it
297 would require some soil work to determine if it would actually be buildable.
298

299 6.0 Candidate Interviews:

- 300 1. Steve Voss
- 301 2. Brian Downie
- 302 3. Kory Jorgensen

303 Berg explained the Planning Commission is asked interview Steve Voss, Brian Downie, and Kory
304 Jorgensen and make a recommendation to City Council to fill the vacant seats in which the terms will
305 expire on January 31, 2025 and January 31, 2027. He noted the resignations of Commissioners Sherry
306 Allenspach and Randy Plaisance have created two openings on the Planning Commission. The term of
307 Commissioner Allenspach was to expire on January 31, 2024 and the term for Commissioner Plaisance
308 expires on January 31, 2025. City staff advertised the opening and have received three letters of interest
309 and resumes. The resumes and interview questions were distributed to Planning Commissioners prior to
310 the meeting.

311 Berg requested the Commission interview the applicants and make a recommendation to City Council to
312 fill the two vacant seats. He noted that he had listed the candidates in the order that their applications
313 were received.

314 Balfany requested the applicants who are not being interviewed to leave the Chamber until they are
315 called. Balfany asked Steve Voss to approach the podium and asked why he was interested in become a

316 member of the Planning Commission in the City.

317 Mr. Voss explained that his strongest reason is because of the 11 years he served on the Planning
318 Commission in the past. He noted that even during the time he spent on the City Council, he paid
319 attention to what happened at the Planning Commission. He stated that the Planning Commission deals
320 directly with the applicant and residents, so it is more a 'grass roots' type action. He stated that was part
321 of the Planning Commission that he missed along with working to resolve issues with some base level
322 discussions. He noted that he has been watching the City grow and change over the 30 years he has lived
323 here and in the year he has been away from serving on the council, he still finds himself watching the
324 meetings to try to keep up with what is going on.

325 Johnson asked about the strengths and abilities Mr. Voss felt he would bring to the Planning
326 Commission.

327 Mr. Voss stated that the obvious answer would be his experience and noted that he has been in the City
328 for 30 years and join the Planning Commission about a year after they moved here. He reiterated that he
329 served for 11 years in that position and even though it was about 20 years ago, he still has an
330 understanding of how things move through the City, which he believes was essentially the same as when
331 he served but noted that back then, sketch plans were really sketch plans and some were hand drawn on
332 the backs of napkins. He stated that while some of those things have changed he believed the overall
333 'feel' of the community remains the same. He stated that he feels that his institutional knowledge will be
334 an asset.

335 Terry asked what Mr. Voss felt his role, as a member of the Planning Commission, would be as a
336 representative of the City.

337 Mr. Voss stated he feels the role would be to serve as part of the advisory commission. He noted that
338 they should want the Commissioners have an independent voice and provide advice and when debate
339 happens, many times they make a better decision because of the deeper discussion.

340 Hanschen asked about Mr. Voss' vision for the Highway 65 corridor.

341 Mr. Voss stated that the last round of the Comprehensive Plan was fairly consistent with the previous
342 version in terms of development. He stated that he felt that the addition of sewer and water will drive
343 everything in that area. He noted that when that was put forward about 20 years ago it was driven by the
344 need and desire for retail services. He explained that he believes the Highway 65 corridor will end up
345 being a mix of retail and service type commercial uses with higher density housing. He stated that he
346 thinks the basis of the vision comes down to the cornerstone of what the Comprehensive Plan has been
347 that any new development like that is restricted to the corridor and the rest of the community stays the
348 same.

349 Reiter asked if Mr. Voss held any roles that could place him in a position of having a conflict of interest.

350 Mr. Voss stated that he did not have any conflicts of interest.

351 Balfany asked if Mr. Voss had any questions for the Commission or if he would like to make any
352 additional comments.

353 Mr. Voss stated that he was excited that there were three applications for these openings because many
354 times the City has struggled to get applicants for these positions. He explained that his overall desire is
355 to continue to give to the community by serving on the Planning Commission.

356 Balfany invited Brian Downie to approach the podium. He asked why Mr. Downie was interested in
357 serving on the Planning Commission.

358 Mr. Downie answered that he would like to serve the community and was interested in seeing what he
359 may be able to offer to the City by serving on the Planning Commission. He stated that he moved to the

360 City in 2017 and would like to try to offer something that would really help the City.
361 Johnson asked what strengths and abilities Mr. Downie would bring to the Planning Commission.
362 Mr. Downie stated that he enjoys working with teams and believes it is a good way to come to big
363 decisions because everybody brings something to the table. He stated that being open minded and
364 willing to try new things will help bring about satisfactory conclusions. He explained that there have
365 been times that he has let emotions get to him, but he has learned some breathing techniques that help
366 him.

367 Terry asked what Mr. Downie felt his role as a representative of the City would be as a Planning
368 Commissioner.

369 Mr. Downie stated that he would plan to work with the rest of the Planning Commission to make
370 decisions on recommendations that would benefit the City and help it move forward and grow.

371 Hanschen asked what Mr. Downie's vision was for the Highway 65 corridor.

372 Mr. Downie stated that his vision would be for zero accidents. He stated that he has been with the East
373 Bethel Fire Department have gotten calls to the intersection. He noted that he wasn't sure that you could
374 make that stretch of roadway an accident free zone, but to minimize it taking a look at precedent in
375 other areas where they have similar roads with similar circumstances to see what actions they were able
376 to take.

377 Hanschen stated that the Commission would like to know, in addition to the road itself, what Mr.
378 Downie's vision would be for how the Highway 65 corridor develops in the City and what it would look
379 like.

380 Mr. Downie stated that he would like to see the City bring in businesses that stick around and would
381 really like to see a grocery store to help the area continue to develop. He stated that as far as multi-
382 family dwellings, additional convenience stores, or restaurants, he did not feel he was educated in city
383 planner, but in living here, having some businesses that will attract people from the outlying
384 communities but also from East Bethel would be a wise way to approach development and see who can
385 fill those spots.

386 Reiter asked if Mr. Downie held any roles that may cause a conflict of interest.

387 Mr. Downie stated that he did not believe he had any conflicts of interest unless people felt that serving
388 on the Fire Department constituted one. He stated that he felt the Planning Commission was there to
389 help in the development of the City and that is what he would like to assist with.

390 Balfany asked if Mr. Downie had any questions for the Planning Commission or wanted to make any
391 additional statements.

392 Mr. Downie asked if the Commissioners found that they took what they did here outside of these walls
393 into their everyday life or if it was something that they could leave at the City when they weren't here
394 and go about their business without much mental anguish related to the City.

395 Balfany stated that he thinks it is something that stays with you and absolutely thinks about things that
396 are happening or being discussed as he is driving around. He stated that he could not say that it sticks
397 with him enough to make his day or ruin his day. He noted that he felt that having discussions and
398 different points of view has helped him grow as an individual and be able to see things from different
399 perspectives.

400 Johnson noted that she felt Mr. Downie asked a great question because when you are stepping into a
401 new role it is important to know if it will be a burden or not. She stated that, for her, it is not a burden
402 but it does sort of flow into her daily life. She explained that they have a farmstead on Highway 65 so

403 many times people stop and talk to them about Planning Commission things.

404 Terry stated that he would answer that it depends on the issue in front of the Planning Commission
405 because there are some issues that are more impactful than others. He noted that he did not think of it as
406 a burden, but sometimes does think about things before and after their meetings.

407 Hanschen stated that he thinks the answer to Mr. Downie's question will differ based on personalities as
408 well as their reasons for being here. He stated that for him, he moved to the City in 2018 and decided
409 that this was where he wanted to be and wanted to engage in the community and part of things. He
410 explained that his time with his family is very valuable so he does not find himself attending a lot of
411 City Council meetings or extra events, but gives everything he has when he is at the meetings and
412 preparing for the meetings. He noted that he would suspect the impact of serving on the Fire
413 Department would be more than it would be for serving on the Planning Commission because he didn't
414 think Mr. Downie would go home and have dreams about the meetings.

415 Reiter stated that his answer would be similar to the other Commissioners. He stated that he is the
416 newest member so he has had to spend some extra time reading over the Comprehensive Plan, trying to
417 understand the City's ordinances and speaking with residents that contact him. He noted that he felt
418 having diversity on the Commission is a good thing so the residents can find someone they are
419 comfortable talking to. He explained that advocating for residents is a large part of what the Planning
420 Commission does.

421 Balfany invited Kory Jorgenson to the podium. He asked him why he was interested in serving on the
422 Planning Commission.

423 Mr. Jorgenson stated that he just really liked the City and had moved here and built their 'retirement
424 home' in 2016 on a lot that his girlfriend had owned since 1998. He stated that he has been interested in
425 this stuff due to his work history and feels that he could be a really good resource. He noted that if he
426 doesn't try to do stuff like this, he almost feels like it would be a disservice.

427 Johnson asked what strengths and abilities Mr. Jorgenson would bring to the Planning Commission.

428 Mr. Jorgenson stated that he believes the knowledge of what the Planning Commission does, because of
429 his career, would be an asset. He stated that the Commissioners' job can be difficult and they make a lot
430 of hard decisions because there are a lot of opinions and choices that have to be blended. He noted that
431 they also have to look at roads, parks and infrastructure, so there is a lot to take into consideration. He
432 clarified that he felt his strengths were knowing his history in having 34 years in Public Works and 3
433 years with an engineering firm. He explained that in that time, he has seen a lot of good and a lot of bad
434 when it comes to development. He noted that something that may be considered a weakness is being up
435 in front of everyone and admitted that he was a bit nervous right now. He stated that it is new to him and
436 is something he knows he can get better at.

437 Terry asked Mr. Jorgenson what he saw as his role would be on the Planning Commission, as a
438 representative of the City.

439 Mr. Jorgenson stated that he thinks the biggest thing would be to make good, solid decisions that are
440 good for the whole community. He stated that many of their recommendations just go right through the
441 Council which means they have to look at a lot of information which is super important.

442 Hanschen asked what Mr. Jorgenson's vision was for the Highway 65 corridor.

443 Mr. Jorgenson that is a good question and noted that about 5 years ago he saw an add in the paper for a
444 Highway 65 Traffic Committee which he applied for and was appointed. He explained that his thought
445 was that you cannot really complain if you don't make an effort to participate. He stated that he really
446 learned a lot by being part of this committee and understands that a lot of changes are hard, for example,

447 the 'J' turns. He shared an example of one of his employees being very angry about the J turn, but
448 because he was part of the Committee he learned that traffic used to wait up to 4.5 minutes in order to
449 turn left and go south and with the J turn, it drops down to 1.5 minutes. He noted that after his employee
450 had driven this section of highway for a few months he admitted that it actually did work. He stated that
451 Highway 65 is essentially a freeway and he believes the City was going to have to continue to address
452 those kinds of things with things like service roads and entrances.

453 Balfany asked, beyond the road itself, what Mr. Jorgenson envisioned for the development along this
454 corridor.

455 Mr. Jorgenson stated that they are progressive and would have more industry and businesses, but they
456 will all have to have good access in and out. He clarified that he sees business along Highway 65
457 especially in the areas that have treated water. He noted that realistically having more
458 commercial/industrial businesses will help the residents taxes so putting them in the proper places is
459 important because you do not want them opening and then closing within a year because then the City
460 will have a vacant box just sitting there.

461 Reiter asked if Mr. Jorgenson held any roles that may be a conflict of interest.

462 Mr. Jorgenson stated that it may be possible because he works for SEH Engineering and went to high
463 school with Tony Hennen. But, hadn't seen him in about 15-20 years so if that kind of situation comes
464 up it may be a situation where he has to say that he won't vote on Tony Hennen's project or something
465 that may have a similar possible connection.

466 Berg noted that the City did not utilize the services of SEH Engineering, at this point. He agreed that if it
467 is identified, Mr. Jorgenson could share the potential conflict and the Commission can decide whether
468 he should recuse himself from voting on that item.

469 Balfany asked if Mr. Jorgenson had any questions for the Commission or wanted to make any additional
470 comments.

471 Mr. Jorgenson stated that he believes he really understands the role of the Planning Commissioners and
472 their jobs. He stated that he would like the Planning Commission to know that serving for 34 years in
473 Public Works meant a lot to him and explained that he had done everything from snow plowing to duties
474 as a Water and Sewer Superintendent in the City of Coon Rapids and also had water and sewer duties
475 with the City of Fridley. He stated that this means he has seen a lot of things from tower rehabilitation,
476 roads, parks and everything in between. He stated that he hit his pension and retired and made it 4 days
477 before this firm called and invited him to come work with them mainly on the water side of things. He
478 noted that he did construction, water treatment plant designing, and has helped with water towers,
479 telecom and protective coatings. He explained that he feels all of his background experience would help
480 him make good decisions as part of the Planning Commission.

481 Balfany explained that in the past they have made these choices via ballot and suggested that the
482 Planning Commission each write down the names of their two preferences, if they have them. He
483 explained that his preference would be that if any of the candidates has more votes than the others that
484 they be placed in the vacancy with the longer term.

485 Johnson expressed her appreciation to all the candidates who applied and stated that she felt that they
486 had a really great pool of candidates to choose from.

487 The Planning Commission submitted their choices to Community Development Director Berg to be
488 tallied.

489 Balfany stated that the individual with the most votes was Steve Voss and next was Kory Jorgenson.
490

491 **Commissioner Balfany moved and Commissioner Johnson seconded to recommend the City**
492 **Council appoint Kory Jorgenson to the Planning Commission with a term to expire on January**
493 **31, 2025 and to appoint Steve Voss to the Planning Commission with a term to expire on January**
494 **31, 2027.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany
495 asked any opposed? That motion passes. **Motion passes unanimously.**
496

497 Balfany stated that this item would come before the City Council on February 12, 2024 for a final
498 decision.
499

500 **7.0 Updates**

501 Council Liaison Smith updated the Commission on Council discussion actions taken at the January 22,
502 2024 meeting.
503

504 Balfany reminded the Commission that at the next meeting they will undertake the annual vote for the
505 Commission Chair position.
506

507 The next Planning and Zoning Commission meeting is scheduled for February 27, 2024.
508

509 **8.0 Adjournment**

510 **Commissioner Balfany moved and Commissioner Hanschen seconded to adjourn at 8:34 pm.**
511 Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any
512 opposed? That motion passes. **Motion passes unanimously.**

513 Submitted by:

514 Kayla Rokosz

515 *TimeSaver Off Site Secretarial, Inc.*
516

**City of East Bethel
Planning Commission Special Meeting
Agenda Item Information**



Date: February 27, 2024

Agenda Item Number: 4.0

Agenda Item: Oath of Office – Commissioner Kory Jorgenson and Brian Downie

Background Information:

At the City Council regular meeting on February 12th, 2024, the Council appointed Kory Jorgenson to the Planning Commission, for a term, expiring January 31, 2027 and Brian Downie for a partial term, expiring January 31, 2025.

Recommendation:

Community Development Staff will administer the Oath of Office to Jorgensen and Downie.

Attachment:

1. Oath of Office

**City of East Bethel
Planning Commission Regular Meeting
Agenda Item Information**



Date: February 27, 2024

Agenda Item Number: 5.0

Agenda Item: Appointment of Vice Chairperson and Chairperson

Background Information:

City Code Section 2 – 73 requires the appointment of a chairperson to serve for a one (1) year term. City code states the following:

Sec. 2-73. - Chairperson.

The chairperson shall be chosen from the committee or commission membership annually to serve for one year; provided, however, that no chairperson shall be elected who has not completed at least one year as a member of the committee or commission.

Also, a Vice Chairperson is to be appointed to act as the chairperson in the event that particular individual is absent from a meeting.

Recommendation:

The Commission is requested to appoint a Chairperson and Vice Chairperson to serve the term of one (1) year, ending January 31, 2025.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Needed: _____

**City of East Bethel
Planning Commission Regular Meeting
Agenda Item Information**



Date: February 27, 2024

Agenda Item Number: 6.0 A

Agenda Item: Public Hearing – IUP Commercial Kennel – 625 221st Ave NE - Andrew Benik

Background Information: On or about December 20th, 2023, Andrew Benik dropped of an application for a Kennel IUP at City Hall. City Staff researched the information provided in the application, City Code and the process for getting a Commercial Kennel operation approval. Since Mr. Benik intended on kenneling other individual's dogs beside his own this met the definition of a Commercial Kennel.

ARTICLE II. – DOGS, DIVISION 1. – GENERALLY, Section. 10-19. - Definitions.

***Commercial kennel** means any place where a person accepts dogs from the general public and keeps such dogs for the purpose of boarding.*

***Private kennel** means any place where more than two dogs over four months of age are kept or harbored, provided that such animals are owned by the owner or lessee of the premises on which they are kept or harbored.*

ARTICLE II. – DOGS, DIVISION 2. Sec. 10-54. - Kennel license.

(e) No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.

Mr. Benik's property is 4.35 Acres and is located in a Rural Residential zoning district of the city. He was advised that due to the location of his property he couldn't be issues an IUP for a Commercial Kennel. Mr. Benik agreed to withdraw his application and asked for a map of the Commercial and Industrial Zones of the city.

On or about January 18th, 2024, the city started to receive calls about social media advertising by Mr. Benik for Dog Bathing, Dog Day Care and Boarding under the business name Court's Camp Dog Care, with an accompanying website. Although the website use the location of "East Bethel" it did not provide a specific address for the facility. City Staff confirmed with the MN Secretary of State Business Filings that the Business's registered office was in fact Mr. Benik's residence on January 8th, 2024.

Contact was made with Mr. Benik on January 19th, 2024, advising him that a commercial kennel was not permitted in a residential zone. Mr. Benik responded asking what steps he could take to attempt to get approval. He was advised that administratively City Staff can not authorize a Commercial Kennel however the City Council could hear his request and make a determination.

On January 24, 2024, Mr. Benik delivered an application and associated fees for an IUP – Commercial Kennel, located at 625 221st Ave NE.

If approved, a Private Kennel – IUP, Mr. Benik's property would permitted four (4) dogs belonging to him and not customers or the general public.

Recommendation: Staff request the Planning Commission hold a Public Hearing, discuss the IUP Request and consider a recommendation to deny the request to the City Council.

Attachments:

1. Resolution 2024-XX
2. Location Map
3. Aerial Map

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

625 221st Ave NE - Location Map



1 inch equals 298 feet



Parcels
City Mask

625 221st Ave NE - Aerial Map



1 inch equals 226 feet



Parcels

City Mask

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA**

RESOLUTION NO. 2024-XX

A RESOLUTION DETERMINING FINDINGS OF FACT AND DENYING THE APPLICATION FOR INTERIM USE PERMIT, AS APPLIED FOR BY ANDREW BENIK , FOR THE OPERATION OF A COMMERCIAL KENNEL AT 625 221ST AVE NE, EAST BETHEL, MINNESOTA, PROPERTY IDENTIFICATION NUMBER: 06-33-23-43-0014.

WHEREAS, the City of East Bethel on January 24, 2024 received an application from Andrew Benik for an Interim Use Permit requesting permission to operate a Commercial Kennel on a property located at 625 221st Ave NE, East Bethel, Minnesota 55011, affecting property further described as PIN: 06-22-23-43-0014.

WHEREAS, 625 221st Ave NE, East Bethel, Minnesota 55011, is zoned Rural Residential.

WHEREAS, Andrew Benik had been advised by the City in December 2023 that a Commercial Kennel was not permitted in a residential zoning district according to city code, and,

WHEREAS, City Ordinance prescribes the requirements that must be met in order qualify for a Commercial Kennel, and,

WHEREAS, the Benik proposed operation is classified as a Commercial Kennel, within the city, as regulated under City Ordinance Section 10-19, and 10-54, and,

WHEREAS, the applicable provisions of City Ordinance 10-19 provides the following definition: “Commercial kennel means any place where a person accepts dogs from the general public and keeps such dogs for the purpose of boarding.”

WHEREAS, the applicable provisions of City Ordinance 10-54 provide as follows: “No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.”

WHEREAS, on February 27, 2024, a public hearing for the interim use permit was held at the Planning Commission meeting; and

WHEREAS, the Planning Commission reviewed the interim use permit request; and

WHEREAS, as a result of the review, the Planning Commission recommends denial to City Council of the interim use permit based on the following findings of facts:

1. The applicants proposed location is 625 221St Ave NE, East Bethel, Minnesota 55011, a Rural Residential zoned parcel.
2. City Ordinance 10-19 defines a Commercial Kennel as any place where a person accepts dogs from the general public and keeps such dogs for the purpose of boarding.
3. Provisions of City Ordinance 10-54 prohibit commercial kennel licenses to be issued in zoning districts other than commercial and industrial districts.
4. The city shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel as follows:

That the Interim Use Permit - Kennel application dated January 24, 2024, by Andrew Benik, is hereby denied.

Adopted this 11th day of March, 2024 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

**City of East Bethel
Planning Commission Regular Meeting
Agenda Item Information**



Date: February 27, 2024

Agenda Item Number: 6.0 B

Agenda Item: Variance Request – General Regulations -Detached Accessory Structure placement nearer to Front Lot Line than Primary Structure – 19455 4TH St NE – Geno Brese.

Background Information:

This property is located in the RR Rural Residential Zoning District and is located within the Norseland Manor Subdivision. The property owner is requesting a variance for the placement of a detached accessory structure closer to the street than the primary structure, on the South side of the lot.

Zoning Appendix A. General Regulations – Section 14-2.F states, “No accessory building or detached private garage shall be located nearer the front lot line than the principal building except when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet from the lot line. Then the accessory building or detached private garage may be located closer to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling’s setback. This property is 1.09 acres, with the primary structure set back approximately 95 feet from the front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to the road, so a variance would be required for the placement of a detached accessory structure.

Consideration of a variance requires the Planning Commission to consider a three-factor test for practical difficulties:

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.
- In this case:
 - ***Accessory Structures are a permitted accessory use in the RR Single Family Residential Zoning District.***
- The second factor is that the landowner’s problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands.
- In this case:
 - ***This property is relatively flat with a 2 foot change in elevation across the 1 + acre lot.***
 - ***The primary residence was constructed in 1986 and built in the center of the lot.***
 - ***The well and septic are located on the North side of the residence.***
 - ***There are 25 foot side yard setbacks in the RR Single Family Residential Zoning District. The house is located approximately 88 feet from the side yard property line.***

- *There are 25 foot rear yard setbacks in the RR Single Family Residential Zoning District. There is 125 feet between the front foundation and the rear property line.*
 - *Zoning code allows for a 1,240 sq. foot detached accessory building (30' X 40') maximum for a property this size.*
 - *The adjacent property has a significant stand of evergreen trees which straddle the property line.*
 - *There is a 10 foot concrete slab on the South side of the attached garage.*
 - *There is a row of arborvitae bushes/ trees (5) adjacent to the slab.*
- The third factor is that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.
 - In this case:
 - *Thirty seven (37) of the 74 parcels in Norseland Manor have detached accessory structures.*
 - *Three (3) of the thirty seven (37) are nearer the front line than the primary structure were constructed prior to 2008.*
 - **Section 14 - Detached Accessory Structure Ordinance was amended on 3/9/2020.**
 - **Standing tree growth between the proposed detached accessory structure and the front property line may screen it from view from the public roadway.**

Recommendation: City Staff is requesting the Planning Commission hold a public hearing and recommend denial or approval of the variance request to the City Council for the placement of a detached accessory structure nearer to the front lot line than the primary structure with conditions as written in Resolution 2024-XX.

Attachments:

1. Variance Resolution 2024 – XX
2. Location Map
3. Aerial Map

Planning Commission Action:

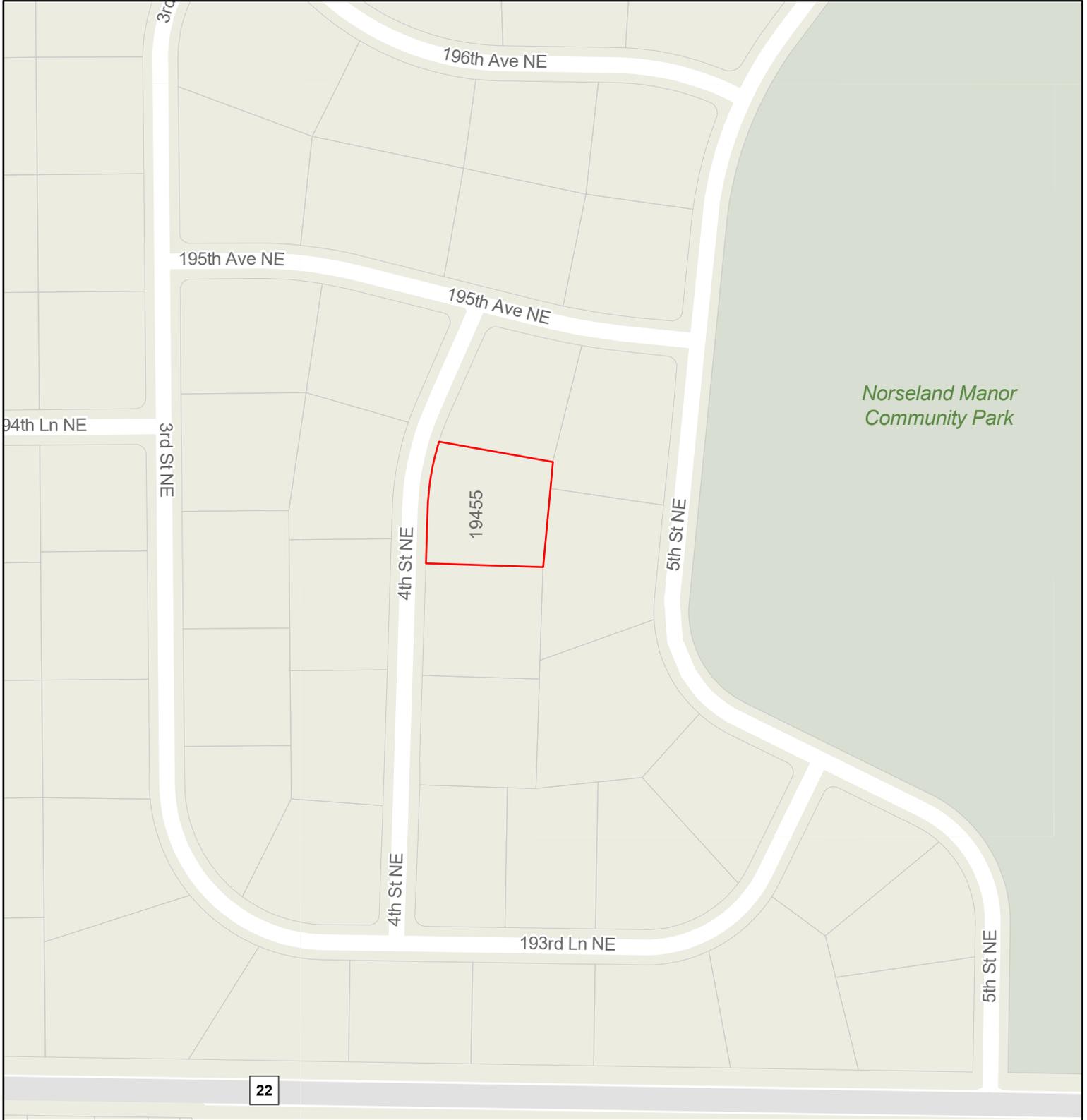
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

19455 4th St NE - Location Map



1 inch equals 359 feet

Parcels

City Mask



February 5, 2024
Map Powered By DataLink



19455 4th St NE - Aerial Map



1 inch equals 271 feet

Parcels

City Mask



N
February 5, 2024
Map Powered By DataLink

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RES. NO. 2024-XX

A RESOLUTION GRANTING A VARIANCE FOR THE PLACEMENT OF A STRUCTURE NEARER TO THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE FOR THE CONSTRUCTION OF A RESIDENTIAL DETACHED ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 19455 4TH ST NE (PIN: 30-33-23-24-0016)

NORSELAND MANOR LOT 10 BLK 5 NORSELAND MANOR (SUBJ TO EASE AS SHOWN ON PLAT)

WHEREAS, the property owner requested a variance for the placement of a detached accessory structure nearer to the front property line than the principal structure for the construction of a residential detached accessory structure, and;

WHEREAS, the Planning Commission held a public hearing on February 27, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - The property owner is requesting looking to build a detached accessory structure in which he may keep his vehicles and general storage. This use is listed as an accessory use in the RR Single Family Residential Zoning District.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - The primary residence was built in the center of the lot in 1986, not by the current owner.
 - There is standing tree growth straddling the side yard property line.
3. Will not have a negative effect the characteristic of the neighborhood;
 - There are multiple properties in this subdivision with detached accessory structures. Three (3) are closer to the front lot line of the property than the principal structure.
 - The proposed detached accessory structure will not encroach on any other required setbacks.
 - The construction of a detached accessory structure will also maintain the character of the neighborhood by providing an enclosed structure in

which the property owner can store vehicles, screening them from all adjacent properties.

WHEREAS, the Planning Commission recommends to the City Council approval of the variance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the variance to allow for the placement of a detached accessory structure closer to the front property line than the principal structure for the construction of a residential detached accessory structure on property located at 19455 4th ST NE with the following conditions:

1. No accessory structure larger than allowed by zoning code for the size of the property shall be permitted.
2. Property owner must obtain a building permit and complete all necessary inspections as required by the Minnesota Uniform Building Code.
3. A certificate of survey, including the proposed detached accessory building, must be submitted with the building permit application.

Adopted by the City Council of the City of East Bethel on this 11th day of March, 2024.

CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2024-XX

A RESOLUTION DENYING A VARIANCE FOR THE PLACEMENT OF A STRUCTURE NEARER TO THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE FOR THE CONSTRUCTION OF A RESIDENTIAL DETACHED ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 19455 4TH ST NE (PIN: 30-33-23-24-0016)

NORSELAND MANOR LOT 10 BLK 5 NORSELAND MANOR (SUBJ TO EASE AS SHOWN ON PLAT)

WHEREAS, the property owner requested a variance for the placement of a detached accessory structure nearer to the front property line than the principal structure; and

WHEREAS, the Planning Commission held a public hearing on February 27, 2024; and

WHEREAS, as a result of such public hearing the Planning Commission recommends to the City Council the denial of the variance request for the placement of a structure nearer the front property line; and,

WHEREAS, City Council completed a review of the variance, along with Planning and Zoning Commission recommendation; and

WHEREAS, City Council denies the variance for the placement of a detached accessory structure nearer to the front property line than the principal structure; and

WHEREAS, based on the criteria for granting a variance under City Code Appendix A, Section 4-10 D.4, City Council finds the following findings of fact to support the denial of the variance request:

1. The property owner proposed to use the property in a reasonable manner not permitted by an official control.
 - The denial of a variance to place a detached accessory structure nearer the front lot line than the principle structure does not deny the landowner reasonable use of the property, as there is sufficient room for the placement of a detached accessory structure at or behind the front line of the primary residence without the variance.
2. The plight of the property owner is due to circumstances unique to the property not created by the landowner.
 - There is minimal elevation change of two (2) feet across the 1+ acre property.
 - The current size of the property and available side yard space is not unique to this property. There is approximately eighty eight (88) feet of available side yard space to place a detached accessory structure.

- There is approximately one hundred and twenty five (125) feet of distance from the front line of the foundation and the rear property line.
 - Zoning Code would permitted the construction of one (1) detached accessory structure, at a maximum of 1,240 sq. feet, on this property.
 - Standing trees straddling the side yard lot line do not extend beyond the required twenty five (25) foot side yard setback.
 - Well placement and SSTS location do not interfere with the placement of a detached accessory structure nearer the front property line than the primary residence.
3. Will have a negative effect the characteristic of the neighborhood.
- Thirty seven (37) of the 74 parcels in Norseland Manor have detached accessory structures and three (3) of the thirty seven (37) are nearer the front line than the primary structure. These three (3) were constructed prior to 2008, when the zoning code was amended.
 - There are minimal trees between the proposed placement of the detached accessory structure and the right of way limiting screening.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby denies the variance for the placement of a detached accessory structure nearer to the front property line than the principal.

Adopted by the City Council of the City of East Bethel this 11th day of March, 2024.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator