

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: July 23, 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: June 25th, 2024 (Pg 1-9)
4. **Public Hearing:** 20738 Tyler St NE – Rear Yard Setback Variance (Pg 10 - 19)
21125 Highway 65 NE – Conditional Use Permit – Exterior Storage (Pg 20 - 34)
20063 University Ext NE – Variance - Detached Accessory Structure (Pg 35 - 42)
nearer front lot line
23785 Marmon St NE – Side Yard Setback Variance (Pg 43 - 50)
5. Updates
6. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 June 25, 2024

5
6 MEMBERS PRESENT: Chair Sharon Johnson, Glenn Terry, Tanner Balfany, Corey Jorgensen, and Diana
7 Saenger.

8
9 MEMBERS ABSENT: Gabriel Hanschen and Brian Downie

10
11 ALSO PRESENT:

12 Aaron Berg, Community Development Director
13 Jim Smith, City Council Liaison

14
15 **1.0 Call to Order**

16 Chair Johnson called the Planning Commission regular meeting to order at 7:00 pm.

17
18 **2.0 Adopt Agenda**

19 **Commissioner Terry moved and Commissioner Jorgensen seconded to adopt the agenda as**
20 **presented.** Johnson asked any discussion? The Commission moved Item 5 after Item 4.B. To the
21 motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion**
22 **passes unanimously.**

23 **3.0 Approve May 28, 2024 meeting minutes**

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

27 **4.0A Variance – 23558 Ulysses St NE – Wetland Setback in Shoreland Overlay**

28 Berg reviewed staff's report stating the applicant was requesting a variance to reduce the shoreland
29 overlay setback standard for the placement of an in-ground pool with a concrete apron in the rear yard
30 within the 150-foot shoreland overlay setback. He reviewed the shoreland overlay district Subdivision 6
31 requirements along with Section 57 – Variances.

32 Berg reviewed the three-factor test and noted with respect to reasonableness, in this case a swimming
33 pool was identified as an allowable accessory use in a residential district. A shoreland overlay setback
34 may not be a reasonable request.

35 With respect to the landowner's problem was due to circumstances unique to the property and not
36 caused by the landowner, Berg noted in this case the property was located in the Coopers Lake
37 Shoreland Overlay with specific setback requirements and the primary residence was constructed within
38 10 feet of the setback requirements from the ordinary high-water level. The primary residence was
39 constructed over 475 feet from the front lot line, 17 feet from the north property line, and 23 feet from
40 the south property line. This placement limits the buildable area available side to the side, rear and rear
41 yard for any accessory construction. There are terraced elevations throughout the property, both in the
42 front and the rear yard and the subsurface sewage treatment system, SSTs, or septic and well are located
43 in the front of the house.

44 With respect to the variance would not alter the essential character of the neighborhood, in this case Berg
45 stated the proposed location of the in-ground pool was the rear yard and would not be visible from the
46 right-of-way. The primary residence was constructed over 475 feet from the front property line, standing
47 tree growth along both property lines, screen the rear yard from neighboring properties.

48 Berg requested the Commission review the information, hold a public hearing, and make a
49 recommendation of approval or denial to the City Council for the variance reduction to the standard
50 shoreland overlay setback from 150 feet to 94 feet for the placement of an in-ground pool at 23558
51 Ulysses Street NE.

52 Johnson opened the public hearing at 7:14 p.m.

53 Jeromiey Sommer, Everything Outdoors LLC, pointed out where the in-ground pool was being proposed
54 noting the pool would be approximately 81 feet away from the high-water mark.

55 Berg stated staff had different measurements. He noted he had contacted the north metro hydrologist for
56 the Minnesota DNR, but he has not heard back from them yet. He indicated if the Commission was
57 willing to entertain a variance, they should consider making it conditional on what the DNR said.

58 Mr. Sommer noted they were hoping to start the pool mid-July as the homeowner wanted to get it done
59 as soon as possible.

60 Saenger stated her concern was that the measurements were correct. Mr. Sommer and Berg explained
61 the measurements.

62 Saenger stated she had two concerns with one being that the DNR was very rigid on the shorelines and
63 her other concern was if they were approving a variance for this property, it would be difficult for the
64 Commission to deny other properties with a similar situation.

65 Terry asked if there was an alternative site they could look at if this was not approved. Mr. Sommer
66 responded the applicant had talked about the front yard. Berg pointed out it would be tough to put this
67 in another location due to the septic, except possibly in the front yard next to the driveway.

68 Johnson closed the public hearing at 7:22 p.m.

69 Berg stated another consideration was an above ground pool was not defined as an accessory structure in
70 the Code but does that mean an in-ground pool was an accessory structure. He recommended that if the
71 DNR came back with a restriction that would supersede the variance. He indicated the Commission
72 could also table this until next month.

73 Balfany stated he had a hard time with the precedence piece of it and he did not want to “open a can of
74 worms.”

75 Terry stated what concerned him was this being a lake front and also a public park and this could
76 visually impact people that are enjoying the lake. He also questioned why the slab could not be right
77 next to the deck and eliminate 12 feet. He noted his main issue was the setback from the shoreline. He
78 asked about the 100-year floodplain line. Berg responded that the ordinary high-water level would be
79 determined by a hydrologist. He noted it would take a lot of water to go up high enough to interfere
80 with the pool that was 20 feet away from the lot line.

81 Saenger stated another concern she had was that the park was not fenced and the pool being close to the
82 park. Balfany noted most insurance carriers would require an in-ground pool having fencing around it
83 with a self-locking gate.

84 Jorgensen stated he agreed with Terry’s comments and he wished they would have tried to gain as much
85 property towards the house as possible. He believed they needed to wait for the DNR.

86 **Commissioner Balfany moved and Commissioner Saenger seconded to recommend denial to City**
87 **Council for a variance reduction to the standard Shoreland Overlay setback from 150 feet to 94**
88 **feet, for the placement of an in-ground pool at 23558 Ulysses St NE.** Johnson asked any discussion?
89 To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes.
90 **Motion passes unanimously.**

91 **4.0B IUP – Farm Animals – 22343 Sandy Drive NE – Alpaca/Llama & Sheep/Goats**

92 Berg reviewed staff's report stating the applicants were requesting an IUP for the keeping of one alpaca
93 or llama and 9 sheep or goats, or 11 sheep or goats. He noted this was on 5.16 acres and was located in
94 the R2 single family and townhome residential zoning district. He noted it would be required that a
95 minimum of one fenced acre of pastureland, plus any indicated fraction thereof must be provided for
96 each animal unit. He indicated while the applicant's property was 5.6 acres, after mapping out the
97 required setbacks, there was approximately 4.41 acres of possible pastureland with some areas of tree
98 cover. He indicated from staff's calculations this would afford the applicants one alpaca or llama and
99 six sheep or goats, or seven sheep and goats based on the 4.41 acres of available pastureland.

100 Berg stated the applicant was intending on using an electric fence, rotating the pastureland throughout
101 their available pasture space. He noted Appendix A section 25.1.B barbed wire and electric fences were
102 prohibited, except on lots with an approved interim use permit for the keeping and confining of farm
103 animals livestock or for crop protection the proposed pastureland areas, the proposed pastureland areas
104 farm animal shelter would be required to meet all setbacks requirements. He indicated there was an
105 existing barn proposed also on the property to be used as a shelter for the animals.

106 Berg recommended the Commission hold a public hearing for the IUP request and make a
107 recommendation of approval to include a defined number of animals in any trial period to the City
108 Council for the keeping of farm animals at 22343 Sandy Drive NE, with conditions as defined in the
109 Resolution.

110 Johnson opened the public hearing at 7:43 p.m.

111 Jorgensen asked the applicant if they have had experience with sheep, etc.

112 Jon Fager, 22334 Sandy Drive NE, responded his grandfather was a cattle rancher, so he did have some
113 experience but did not have any experience without direct supervision.

114 Jorgensen asked how Mr. Fager could assure that the electric fence would work. Mr. Fager explained
115 how the electric fence would be installed and how it would work. He noted if the electricity would die
116 for some reason, the animal could probably push through the fence, but it was more a psychological
117 barrier for them after getting zapped a few times.

118 Jorgensen asked what would he do if they had "little ones." Mr. Fager responded they were intending to
119 keep the number of animals they get approval for and other animals would be sold.

120 The applicants summarized why they wanted to have animals and how it would give their homeschooled
121 children an opportunity to add to their curriculum.

122 Johnson asked why were they requesting more sheep than what was allowed. Mr. Fager responded
123 when he filled out the application, he did not understand that their entire property would not be counted
124 so that was where he got his original numbers from. He indicated they were going to get medium sized
125 sheet and he did not think they would have any issues living on that size of his property. He stated they
126 would still like consideration of their original number, but they would abide by whatever was approved.
127 He indicated most of the property was edible to sheep.

128 Johnson closed the public hearing at 7:47 p.m.

129 Berg reviewed how he arrived at the calculations versus what was originally requested. He noted in
130 reviewing past history with respect to farm animals, a trial period was given of one year and if there
131 were no issues or complaints received a renewal of three or more years was granted so the applicants
132 would need to reapply after the one year. He indicated they could also grant an indefinite time period.

133 Terry asked how much acreage would be needed to add one more sheep or goat. Berg responded they
134 would need to get to 4.50 acres.

135 Terry noted they were very close to that and inquired about the triangle by the driveway. Berg
136 responded they need to be 75 feet from the house, and the driveway would need to be gated and the
137 gated driveway also needed to be five feet from the property line.

138 Johnson asked if this were going to be fenced around the entire area, or would they move the fences with
139 the sheep to where they are pasturing. Berg responded that the applicant applied for a rotating fence, so
140 it would not be a permanent fence. He noted the Ordinance said that they did need one acre of
141 pastureland fenced, but the Ordinance was not clear if the fence had to be permanent or not, but they
142 could make a condition on this if they wanted to.

143 Ms. Fager responded it was their intent to use whatever would get approved. She noted though that they
144 did intend to apply for a perimeter fence so that would be permanent along with an electric rotational
145 fence inside of that. She noted they had already identified the sheep they wanted, so they were hoping
146 they did not have to wait too long for them to be sent to them.

147 Jorgensen asked if being on top of the septic system was normal. Berg responded there was nothing in
148 the Ordinance that said they could or could not fence pastureland around a septic system. He indicated
149 they did prohibit people from driving over septic systems, but a sheep, llama, or goat would not weight
150 the same as a vehicle. He noted this also would give the animals green grass to eat.

151 Jorgensen stated he was leaning towards approval with the staff's recommendation on the size.
152 However, the indicated the septic made him a little nervous because he didn't want to see the animals
153 eating everything off the top and then having a harsh winter and the septic system froze.

154 Balfany stated he was also leaning toward approval. He indicated his big issue was ensuring that there
155 was proper fencing and gates to keep the animals on the property. Berg noted in the Resolution it was
156 noted that staff would have to verify that there was at least a minimum of one acre of pasture before the
157 Fager's could have the animals delivered to the property.

158 Terry stated he was familiar with this property and he found it hard to imagine that a property of this
159 size would be overburdened by an additional sheep or goat. He stated he was in favor of approving this.

160 Saenger stated she agreed with the previous comments and was in favor of approving this request.

161 Johnson stated she was also in favor of approving the request, but she was not in favor of the applicants
162 having to renew this yearly, or even every three or five years.

163 Balfany stated he was not comfortable approving this indefinitely, but he was in favor of a one-year
164 probation period and then a cycle of a renewal every five years after that. Berg noted any renewals
165 would not come back to the Commission but would go straight to the Council.

166 **Commissioner Saenger moved and Commissioner Balfany seconded to recommend approval of**
167 **one alpaca, and the choice of between six sheep or seven sheep, choice with no alpaca, and with a**
168 **one-year term with renewal for a five-year term to the City Council.** Johnson asked any discussion?
169 To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes.
170 **Motion passes unanimously.**

171 **5.0 Metes and Bounds – Lot Split – 516 217th Avenue NE**

172 Berg reviewed staff's report stating the applicant had submitted a metes and bounds split of a 20-acre
173 parcel of land into 3 parcels with the first parcel containing a single-family home of 10 acres and the
174 remaining 10 acres to be subdivided equally into two five-acre lots. He indicated the division was zoned
175 rural residential. He reviewed the requirements of City Code Appendix A, Zoning Code Section 42. He

176 stated this request did meet the requirements for a metes and bounds parcel split. He recommended the
177 Planning Commission review the petition and make a recommendation to the City Council to approve
178 the parcel split with conditions as defined in the Resolution.

179 Berg noted the applicant would also have to pay a park dedication fee for each of the two new lots at
180 \$2,000 apiece before they would get final approval.

181 Balfany stated he did not see any issues with this request.

182 Berg stated this request also met the comprehensive plan for a rural residential district.

183 **Commissioner Terry moved and Commissioner Balfany seconded to recommend approval to City**
184 **Council of the metes and bounds split of the one 20-acre parcel located at 516 217th Avenue NE,**
185 **PID: 07-33-23-33-31-0001 with the conditions set forth in the provided Resolution.** Johnson asked
186 any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That
187 motion passes. **Motion passes unanimously.**

188 **4.0C Sec. 15. – Driveway access and standards**

189 Berg reviewed staff's report stating the City Council had discussed to revisit the driveway access
190 standards Ordinance and directed staff to review the Ordinance and provide recommended changes to
191 address the concerns.

192 Berg stated staff had reviewed Section 15 Driveway Access and Standards and has provided a
193 recommended change to address the concerns which were presented to the Council at their May 23,
194 2024 work meeting. The Council requested the Planning Commission review staff's recommended
195 changes, hold a public hearing, review/discuss the proposed changes, and provide guidance and/or a
196 recommendation to the Council to revise Section 15 Driveway Access and Standards.

197 Berg reviewed the recommended changes.

198 Johnson opened the public hearing at 8:15 p.m.

199 No comments were made.

200 Johnson closed the public hearing at 8:16 p.m.

201 Johnson asked generally how long was the right-of-way and did it vary. Berg responded it depended on
202 if it was a County road as all County roads had different standards depending on the width of the road,
203 the speed, and what was dedicated during the plat. He noted they should use the generic term that all of
204 way to the property line or though the right-of-way was an applicable term that would work with every
205 possible scenario that could come up.

206 Terry asked if this was for new construction only and was retroactive to existing property. Berg
207 responded that was correct and that anything after the date of publication of the new revision would
208 need to meet the new standard.

209 Jorgensen stated this was a necessary, overdue, and needed improvement.

210 **Commissioner Jorgensen moved and Commissioner Balfany seconded to recommend approval of**
211 **revisions to the Ordinance as written to the City Council.** Johnson asked any discussion? To the
212 motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion**
213 **passes unanimously.**

214 **4.0D Sec. 10.151 – Interim Use Permit (IUP) and acreage requirements for domestic farm animals;** 215 **nondomestic animals prohibited.**

216 Berg reviewed staff's report stating the Council had received multiple complaints from residents
217 regarding roosters. He indicated the Council had directed staff to review the Ordinance and provide

218 recommendations to address the concerns. After review of the Ordinance change(s) proposed, the
219 Council requested the Planning Commission review the changes and hold a public hearing and provide
220 staff with guidance.

221 Berg stated his recommendation was to have no more than one rooster on all parcels larger than 1.5
222 acres with the existing language of roosters being prohibited on lots smaller than 1.5 acres still existing.

223 Johnson opened the public hearing at 8:21 p.m.

224 Rita Biljan, 23600 Goodhue St NE, requested no roosters be allowed on any property. She noted they
225 had a rooster not too far from them and it was very irritating.

226 Petra Fager, 22334 Sandy Drive NE, believed one rooster for a larger parcel seemed restrictive if people
227 were growing out different breeds of chickens. She recommended one rooster per two acres. She
228 indicated one reason for having roosters was for flock protection and it was up to roosters to train
229 younger roosters how to act and if there was only one rooster that would be difficult.

230 Johnson closed the public hearing at 8:24 p.m.

231 Balfany asked if an Ordinance change had been made regarding this recently. Berg responded that a
232 revision had been made in March, 2023 where residents could have more chickens with roosters being
233 prohibited on lots smaller than 1.5 acres.

234 Balfany stated he heard roosters all day over the road noise on Viking Boulevard, so he understood the
235 complaints. He noted the noise roosters made traveled far.

236 Terry stated he agreed with the 1.5-acre prohibition, but he believed a large acreage was a different story
237 than a development and he did not know why they would restrict it in a large farm or hobby farm type of
238 property. Berg noted the complaints received concerned a parcel of property that was in a platted
239 subdivision that had multiple roosters. He indicated this was a parcel that was larger than 1.5 acres and
240 it generated complaints from multiple neighbors. He believed allowing one rooster on properties larger
241 than 1.5 acres would be a good trial to see if that eliminated the complaints. He noted most cities
242 prohibit roosters completely because of noise complaints.

243 Jorgensen stated he was not in favor of roosters. He noted he had a three-acre lot and one of his
244 neighbor's got chickens, which were not a problem, but they also had one rooster who made noise all
245 day. He did not think 1.5 acres was nearly enough to say no roosters were allowed. He indicated his
246 opinion was that residents could have as many chickens as they wanted, but no roosters.

247 Balfany stated he did not want to be so restrictive that someone who did have the land and had a farm
248 could not have roosters, but he recognized they needed to be cognizant of the City as a whole and they
249 did have residents that did not live in the rural residential and lived in subdivisions who liked some of
250 rural feel but did not want the other part of it. He stated he would support roosters not being allowed in
251 subdivided or platted subdivisions of 2 acres, and no more than one rooster on any size lot.

252 Terry stated he was not sure if 1.5 acres was the correct number. He believed there was a difference
253 between a platted subdivision. He suggested the breakdown should be by acreage. He noted 20 acres
254 was a lot of land to not be bothering the neighbors. He questioned if the noise Ordinance could address
255 some of the rooster complaints.

256 Berg stated it probably was a nuisance to listen to a rooster's crow and the volume at which the rooster
257 crows was not going to reach the decibel level required to enforce the noise Ordinance. He indicated
258 what might be a possibility was the repetitiveness of it by multiple roosters met the definition of a public
259 nuisance, but this would not be an immediate resolution as they would need to work their way through
260 the City's Code enforcement process.

261 Terry asked if they could enforce rooster noise like they do with dog barking. Berg responded they
262 could do whatever they wanted, but he believed the Sheriff's Department might not want to go and listen
263 to roosters crowing when they had better things to do, but they could send City staff out to do those
264 things. He noted anything could be put into the Code, but it was a matter of who made the decision on
265 the enforcement of it.

266 Saenger believed only allowing one rooster to a parcel was too restrictive for people who owned a lot of
267 acreage. She stated he liked Terry's idea of basing roosters on acreage. Berg noted residents who had a
268 lot of acreage, such as a farm, could apply for an IUP for additional roosters.

269 Jorgensen agreed that on a large hobby farm or farm with multiple acres it could be fine, but in his
270 neighborhood the lots vary from two to five acres and roosters should not be in this neighborhood.

271 Saenger did not think five acres was large enough and instead suggested 10 or 20 acres which would
272 primarily be farmland. She stated she did not want to limit them from having roosters.

273 Balfany stated he did not want to see more than two roosters on anything under 25 acres. He noted they
274 could try this and revise it in the future if needed also.

275 Berg noted there were no two lots in the City that were the same, so it was difficult having a standard
276 that would be universal and that was the reason he recommended no roosters on anything smaller than
277 1.5 acres with one rooster being permitted on everything else. Balfany noted he liked what Berg had
278 suggested, except he would go back to the three acres.

279 Terry suggested language about distance from a platted subdivision. Berg responded if they started
280 picking and choosing what they want in a platted subdivision, he did not know how they were going to
281 keep the rules straight for enforcement purposes.

282 **Commissioner Johnson moved and Commissioner Jorgensen seconded to recommend to the City**
283 **Council that no changes be made to the Ordinance except that roosters are prohibited on lots**
284 **smaller than 1.5 acres or in platted subdivisions/divided neighborhoods, and no more than one**
285 **rooster is permitted on all other parcels.** Johnson asked any discussion?

286 Saenger asked if this could be revised again if necessary. Berg responded they could look at this again.

287 Terry stated he would like to see if there was some mechanism for people to apply for some IUP that
288 had acreage where it could be reviewed on a case-by-case basis. Berg explained they have already
289 stricken IUP's for chickens to include roosters from the fee schedule, so if they go back to adding an
290 IUP for farm animals, they will also have to alter the fee schedule which was another Ordinance
291 revision.

292 Balfany noted if residents still had complaints, they could go to the Council and the Council could
293 request the Commission review this again.

294 Terry noted the City was complaint based, so if someone had 20 or 30 acres and there were no
295 complaints received from the neighbors, then this would not be an issue.

296 Balfany called the question.

297 To the motion, all in favor say aye. **Balfany, Jorgensen, Saenger, and Johnson.** Johnson asked any
298 opposed? **Terry.** That motion passes. **Motion passes 4-1.**

299 **5.0 Metes and Bounds – Lot Split – 516 217th Avenue NE**

300 This item was considered following Item 4.0B.

301 **6.0 Discussion – Sec. 66-165 – Sidewalks and Trails**

302 Berg reviewed staff's report stating City Code was unclear or had not been enforced in development
303 agreements. At the January 9, 2024 Park Commission meeting, staff was asked to research the
304 possibility of having trail dedication fees in lieu of trail construction in new developments. He noted
305 staff had researched other cities in the metro area and he reviewed that research. He stated this did not
306 require a public hearing and it was only conversational which feedback would be provided to the
307 Council. He reviewed what the Parks Commission had recommended. He indicated he had his doubts if
308 the City could require both a fee as well as a dedication of land for a potential trail. He asked if a trail in
309 a denser subdivision be required to accompany a sidewalk if it does not fit within the park plan and
310 would a fee in lieu of a trail be something that the City parks could use to upgrade trails, connect trails,
311 more make trails that already exist in the plan. He noted the trails would be required to be bituminous
312 and six feet wide with dedication on three or four feet on either side for maintenance purposes in the
313 even the trail needed to be upgraded.

314 Balfany noted a trail could just be a shoulder on a road also. He indicated he wanted to be respectful to
315 the Park Commission's recommendation and since they have done the majority of the research, he
316 would be in favor of the \$1,200 per unit but he would not be in favor of also asking for money and the
317 reservation of the land/right-of-way.

318 Berg stated this would allow flexibility for the City Council to have the option to agree to it instead of it
319 being required. He asked if anyone had any concerns about this.

320 Terry noted he did not understand why the sidewalks and trails had been unclear or not enforced as those
321 were the rules. He asked how did they come up with \$1,200. He noted the City comparisons did not
322 appear to have much relevance to East Bethel when they might have looked at other cities such as St.
323 Francis, Ham Lake, or Isanti. Berg responded that his staff report was copied and pasted from the Parks
324 Commission report and he was not the person who had done the research on this. He indicated he did
325 not know whether St. Francis or any other city Terry referred to just didn't answer, or what the situation
326 was.

327 Terry asked again how the Parks Commission arrived at \$1,200 as being the right number. He noted it
328 also didn't say where those funds would go. Balfany responded the funds would go to the trail
329 dedication fee. He stated he was not sure how the Parks Commission came up with \$1,200, but he
330 assumed they had a good idea of what trails cost and the number they came up with seemed reasonable.

331 Johnson believed the Parks Commission in their minutes had a discussion about where the funds would
332 go and it was going to go into a dedicated fund that would not be able to be shared anywhere.

333 Berg stated the City was going to end up acquiring a lengthy trail in the proposed Capstone development
334 which he summarized where that trail was proposed to go. He noted there would be a number of things
335 that the money would be dedicated and used for and the funds would not be put somewhere in the parks
336 fund.

337 Terry asked if once the developer built the trail, would it then become the City's trail. Berg responded
338 that was correct and it would then be the City's responsibility usually when the last house of the
339 development was final, or when an outlot was platted and finished.

340 Jorgensen stated he believed trails were a great asset for cities and once trails were put in, they did get
341 used. However, he expressed concern that cities did not always maintain the trails well or did not have
342 the equipment, staffing, etc. to maintain the trails. He hoped money would be put aside for
343 maintenance and the specialized equipment needed to maintain them. He believed though that this was
344 a good step in the right direction.

345 **Commissioner Balfany moved and Commissioner Saenger seconded to further the**
346 **recommendation of the Parks Commission of adding the \$1,200 per unit trail dedication fee**

347 **without the right-of-way dedication in lieu of the trail itself.** Johnson asked any discussion? To the
348 motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion**
349 **passes unanimously.**

350 **7.0 Updates**

351 Council Liaison Smith updated the Commission on recent Council actions.
352

353 **8.0 Adjournment**

354 **Commissioner Balfany moved and Commissioner Saenger seconded to adjourn at 9:16 pm.**

355 Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any
356 opposed? That motion passes. **Motion passes unanimously.**

357
358 Submitted by:
359 Kathy Altman
360 *TimeSaver Off Site Secretarial, Inc.*
361

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



Date: July 23, 2024

Agenda Item Number: 4.0 A

Agenda Item: Rear Yard Setback Variance - 20738 Tyler St NE – John Stewart

Background Information: On June 12, 2024, the city received an application for a variance to reduce the rear yard setback from 10 feet to 5 feet, for the placement of a detached accessory building.

The applicant's property, 20738 Tyler St NE, is located in a Single Family R-1 Zoning District and in the Hidden Haven Country Club Estates Development.

Accessory structures are an approved accessory use in an R-1 Zoning District.

The property is recorded as .87 Acres and would be permitted one (1) Detached Accessory Structure at a maximum square footage of 1,100 square feet in size by East Bethel Zoning Code.

Well placement and SSTS locations do not interfere with the placement of a detached accessory structure in other locations on the property.

All properties in the Hidden Haven Country Club Estates have a platted drainage and utility easement on all lot lines of the perimeter of their property. The city does not permit the placement of structures in drainage and utility easements. This property has a ten (10) foot easement along the rear property line.

To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. 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 an official control; 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.

The 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.

In this case:

- *Accessory structures are an approved accessory use in an R-1 Zoning District.*
- *Placing the Accessory Building, as required by ordinance, would not deny the landowner reasonable use of their property.*
- *There is 85 feet of rear yard on this property.*
- *Well placement and SSTS locations do not interfere with the placement of a detached accessory structure in other locations on the property.*
- 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.

In this case:

- *This property is 182 feet in depth and the house was placed 48 feet from the ROW, leaving 85 feet of rear yard.*
 - *A majority of the lots in the development are .75 to 1 Acre in size.*
 - *There is a small grove of trees stretching across the rear property line.*
- 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.

In this case:

- *Every lot in the Hidden Haven Country Club Estates has a 10 foot drainage and utility easement following the perimeter of their property.*
- *There are other accessory buildings in rear yards throughout the development however none required a variance for placement.*
- *The proposed accessory building placement is to the rear of the house and in combination of the tree cover the Accessory Building would not be visible from ROW.*

Recommendation: The Planning Commission should review the application information, hold a public hearing and make a recommendation to the City Council to approve or deny the variance request, to reduce the rear yard setback from 10 feet to 5 feet, for the placement of an Accessory Structure.

Attachments:

1. Resolution 2024-XX
2. Location Map
3. Aerial Map
4. Site Plan
5. Photo of proposed location

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RES. NO. 2024-XX

**A RESOLUTION GRANTING A VARIANCE FOR THE REDUCTION OF THE REAR
YARD SETBACK FROM 10 FEET TO 5 FEET FOR THE PLACEMENT OF AN
ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 20738 TYLERS ST NE,
PIN: 183323410030, LEAGLLY DESCRIBED AS:**

LOT 11 BLOCK 3 HIDDEN HAVEN COUNTRY CLUB ESTATES

WHEREAS, the property owner requested a variance to reduce the rear yard setback from 10 feet to 5 feet for the placement of an accessory building, and;

WHEREAS, the Planning Commission held a public hearing on July 22, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - Accessory structures are an approved accessory use in an R-1 Zoning District.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - This property is 182 feet in depth and the house was placed 48 feet from the ROW, leaving almost 85 feet of rear yard.
 - A majority of the lots in the development are .75 to 1 Acre in size.
 - There is a small grove of trees stretching across the rear property line.
3. Will not have a negative effect the characteristic of the neighborhood;
 - The proposed accessory building placement is to the rear of the house and in combination of the tree cover the Accessory Building would not be visible from ROW.
 - There are other accessory buildings in rear yards throughout the development.
 - A detached accessory structure will also maintain the character of the neighborhood by providing an enclosed structure in which the property owner can a detached accessory structure in which he may keep general storage and screening items 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 reduce the rear yard setback from 10 feet to 5 feet for the placement of an accessory building on property located at 20738 Tyler 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.
 4. If future drainage or utility work needs to be completed the owner will be required for removal and replacement.

Adopted by the City Council of the City of East Bethel on this 22nd day of July, 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 REDUCTION OF THE REAR
YARD SETBACK FROM 10 FEET TO 5 FEET FOR THE PLACEMENT OF AN
ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 20738 TYLERS ST NE,
PIN: 183323410030, LEAGLly DESCRIBED AS:**

LOT 11 BLOCK 3 HIDDEN HAVEN COUNTRY CLUB ESTATES

WHEREAS, the property owner requested a variance to reduce the rear yard setback from 10 feet to 5 feet for the placement of an accessory building, and;

WHEREAS, the Planning Commission held a public hearing on July 22, 2024; and,

WHEREAS, as a result of such public hearing the Planning Commission recommends to the City Council the denial of the variance request to reduce the rear yard setback from 10 feet to 5 feet for the placement of an accessory building, and;

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

WHEREAS, City Council denies the variance request to reduce the rear yard setback from 10 feet to 5 feet for the placement of an accessory building, 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 reduce the rear yard setback from 10 feet to 5 feet does not deny the landowner reasonable use of the property, as there is sufficient room for the placement of a detached accessory structure in the rear yard without the variance.
2. The plight of the property owner is due to circumstances unique to the property not created by the landowner.
 - The current size of the property and available rear yard space is not unique to this property.
 - A majority of the lots in the development are .75 to 1 Acre in size.
 - This property is 182 feet in depth and the house was placed 48 feet from the ROW, leaving 85 feet of rear yard.
 - Standing trees straddling the rear yard lot line in the proposed placement location do not extend beyond the required ten (10) foot rear yard setback or drainage and utility easement.

- Well placement and SSTS locations do not interfere with the placement of a detached accessory structure in other locations on the property.
3. Will have a negative effect the characteristic of the neighborhood.
- Every lot in the Hidden Haven Country Club Estates have a platted ten (10) foot drainage and utility easement on all lot lines of the perimeter of their property.
 - There are other accessory buildings in rear yards throughout the development however none required a variance for placement or are placed in the platted drainage and utility easement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby denies the variance to reduce the rear yard setback from 10 feet to 5 feet, for the placement of a detached accessory building.

Adopted by the City Council of the City of East Bethel this 22nd day of July, 2024.

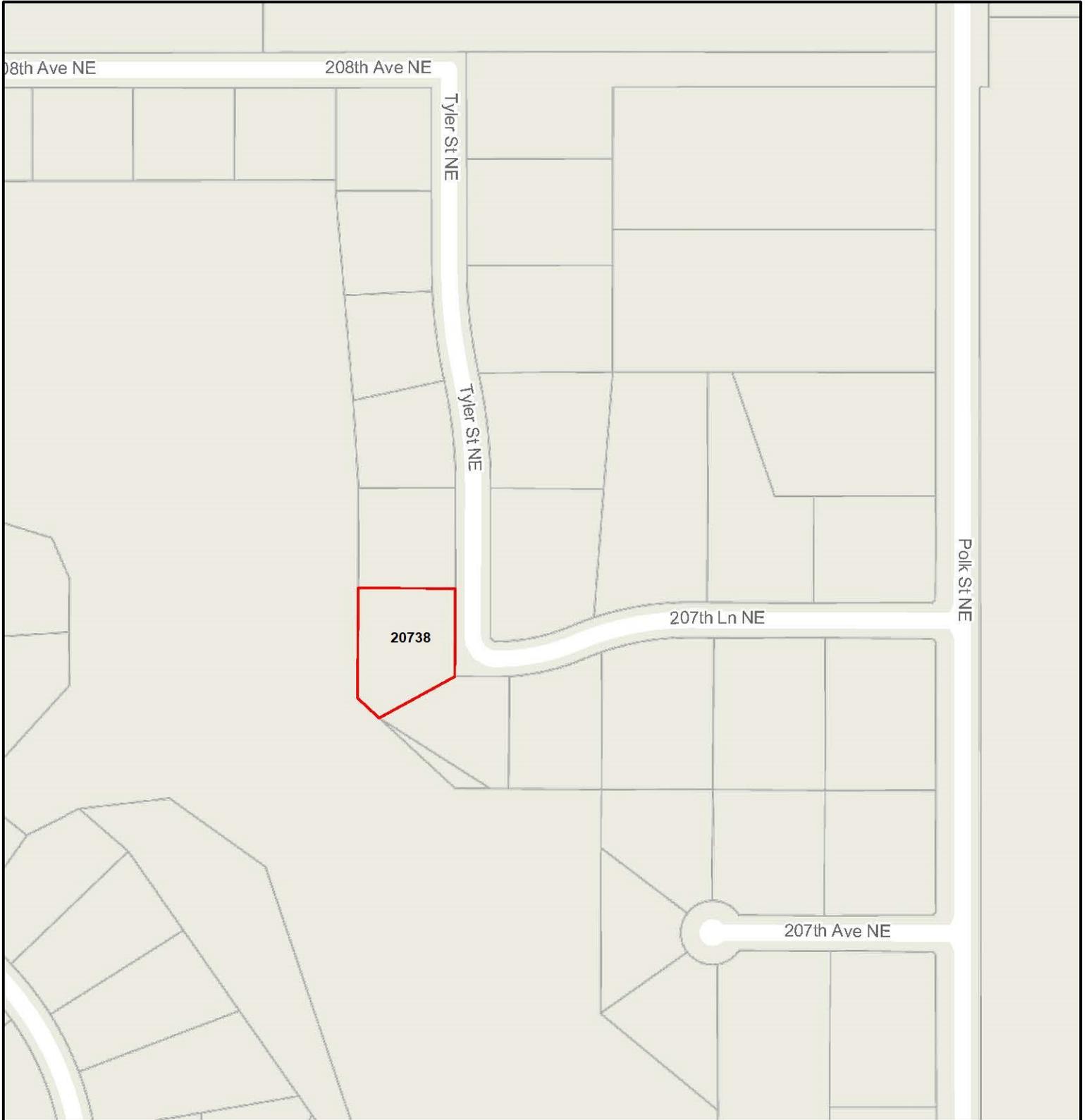
CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

20738 Tyler St NE - Location Map



-  Parcels
-  City Mask

1 inch equals 359 feet



N
July 9, 2024
Map Powered By DataLink

20738 Tyler St NE - Aerial Map



-  Parcels
-  City Mask

1 inch equals 136 feet



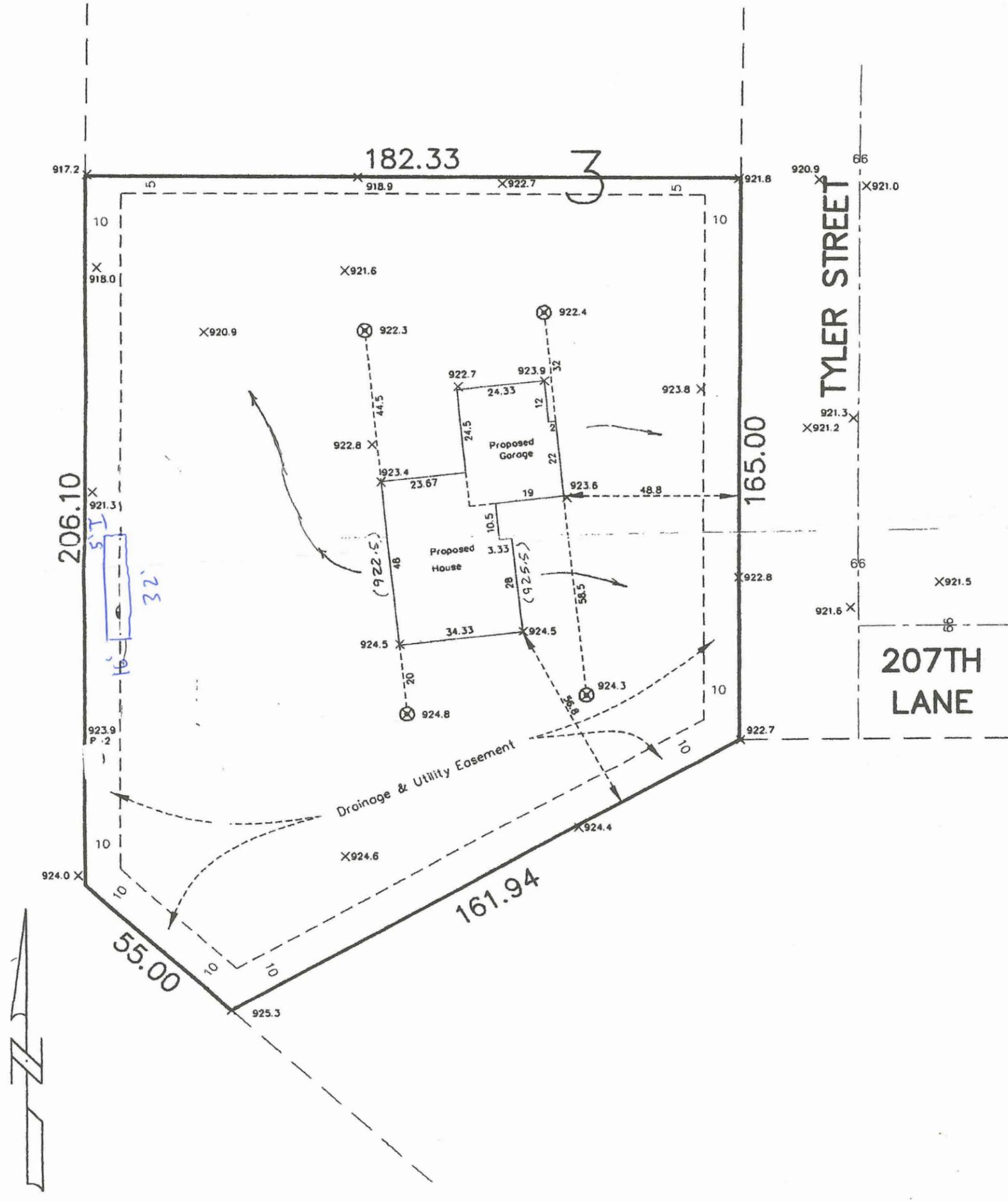
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July 9, 2024
Map Powered By DataLink

**CAINE & ASSOCIATES
LAND SURVEYORS, INC.**
A SUBSIDIARY OF RLK-KUUSISTO, LTD.
1321 Andover Boulevard N.E. - Ham Lake, Minnesota 55304
Suite 114 763-434-7646

PLOT PLAN FOR: John Stewart

DESCRIBED AS:

Lot 11, Block 3, HIDDEN HAVEN COUNTRY CLUB ESTATES, according to the recorded plat thereof, Anoka County, Minnesota.



SCALE: 1 INCH = 30 FEET.

- DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES 60 PENNY SET.

BEARINGS SHOWN ARE ASSUMED.

000.0 Denotes Existing Elevation.
 (000.0) Denotes Proposed Elevation.
 ——— Denotes Dir. of Prop. Surface Drainage
 Proposed Top of Foundation Elevation = 925.2
 Proposed Garage Floor Elevation = 925.8
 Proposed Bmnt. Floor Elevation = 923.0

NOTE:
 Verify all setback requirements
 and proposed building elevations
 for compliance with all ordinances
 before construction.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN,
 OR REPORT WAS PREPARED BY ME OR UNDER
 MY DIRECT SUPERVISION AND THAT I AM A
 DULY REGISTERED LAND SURVEYOR UNDER
 THE LAWS OF THE STATE OF MINNESOTA.

Jeffrey M. Caine
 DATE March 14, 2002 REG. NO. 12251



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



Date: July 23, 2024

Agenda Item Number: 4.0 B

Agenda Item: Conditional Use Permit – Exterior Storage - 21125 Highway 65 NE - Boatworld

Background Information: On June 12, 2024, the city received an application from Randy Crumpler, owner of Crumpler Properties, LLC and Boatworld, for a Conditional Use Permit for Exterior Storage on a parcel, 21125 Highway 65 NE, which he had recently purchased. The parcel is adjacent to the Boatworld parcel at 21155 Highway 65 NE. Crumpler was wanting to extend the exterior storage of boats and pontoons from the Boatworld business onto the adjacent parcel.

Both parcels are in a Central Business (B-2) Zoning District, where by city ordinance, Exterior Storage and Exterior Display of Merchandise associated with retail sales and services is identified as a Conditional Use, requiring a permit. After reviewing the zoning code staff have identified that Boat Sales are called out specifically as a Conditional Use in a B-3 Highway Commercial Zone only and not as a Permitted Use in a B-2 Zone. Retail Sales and Services conducted completely within the structure is permitted in a B-2 Zone however. (Attachment 3)

Staff have determined that Boatworld’s use of 21155 Highway 65 NE is a Legal Nonconforming Use and has been continued through transfers of ownership prior to the rezoning.

Section 05 (2): *A nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.* (Attachment 4)

The newly purchased parcel, 21125 Highway 65 NE, has no legal nonconforming designation and should conform to the current zoning code. Crumpler is proposing a new retail operation occurring inside the building on the parcel however it is not boat or pontoon sales but wants to extend the storage of Boatworld’s Exterior Storage onto the new lot.

Section 24. – Exterior Storage 5. - B-2 district. (Attachment 5)

Under the current proposal, the Exterior Storage and Display of Boats and/or Pontoons would not meet the conditions of city ordinance and the expansion of the non-conformity is not allowed by city ordinance or MN State Statute without variance. Crumpler has advised city staff that he does not want to combine the two lots which would necessitate a variance due to the nonconformity classification.

Section 46 – 4.O. does however identify, *Other uses similar to those permitted in this section as determined by the city council* as a Conditional Use. (Attachment 3)

Recommendation: The Planning Commission should review the information, hold a Public Hearing and recommend to the city council approval with current Exterior Storage requirements, approval with alternative conditions or denial of the CUP for Exterior Storage.

Attachments:

1. Location Map
2. Aerial Map
3. Section 46. – CENTRAL BUSINSEE (B-2) DISTRICT
4. Section 05. – NONCONFORMITIES
5. Section 24. – EXTERIOR STORAGE

Planning Commission Action:

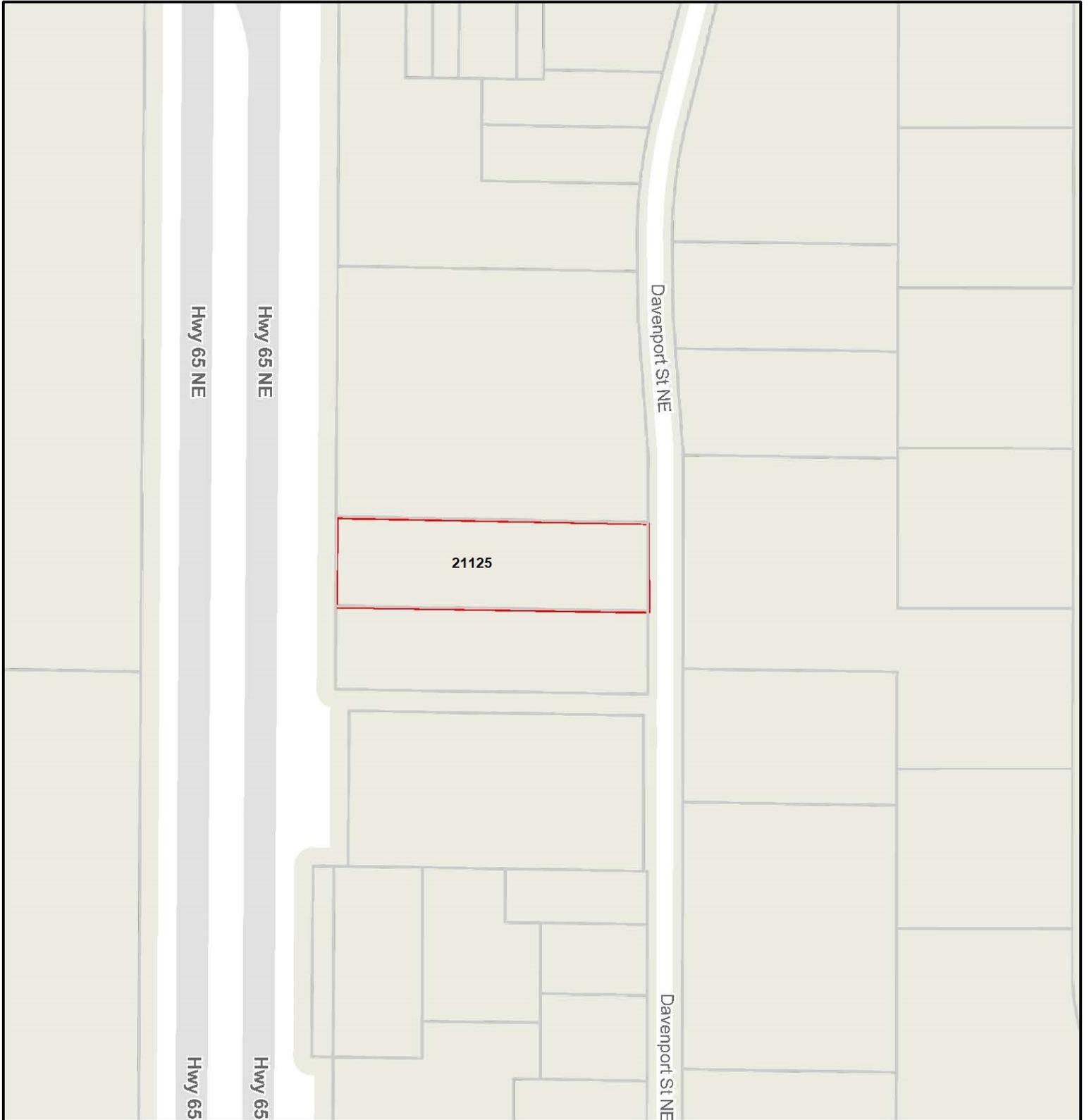
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

21125 HIGHWAY 65 NE - Location Map



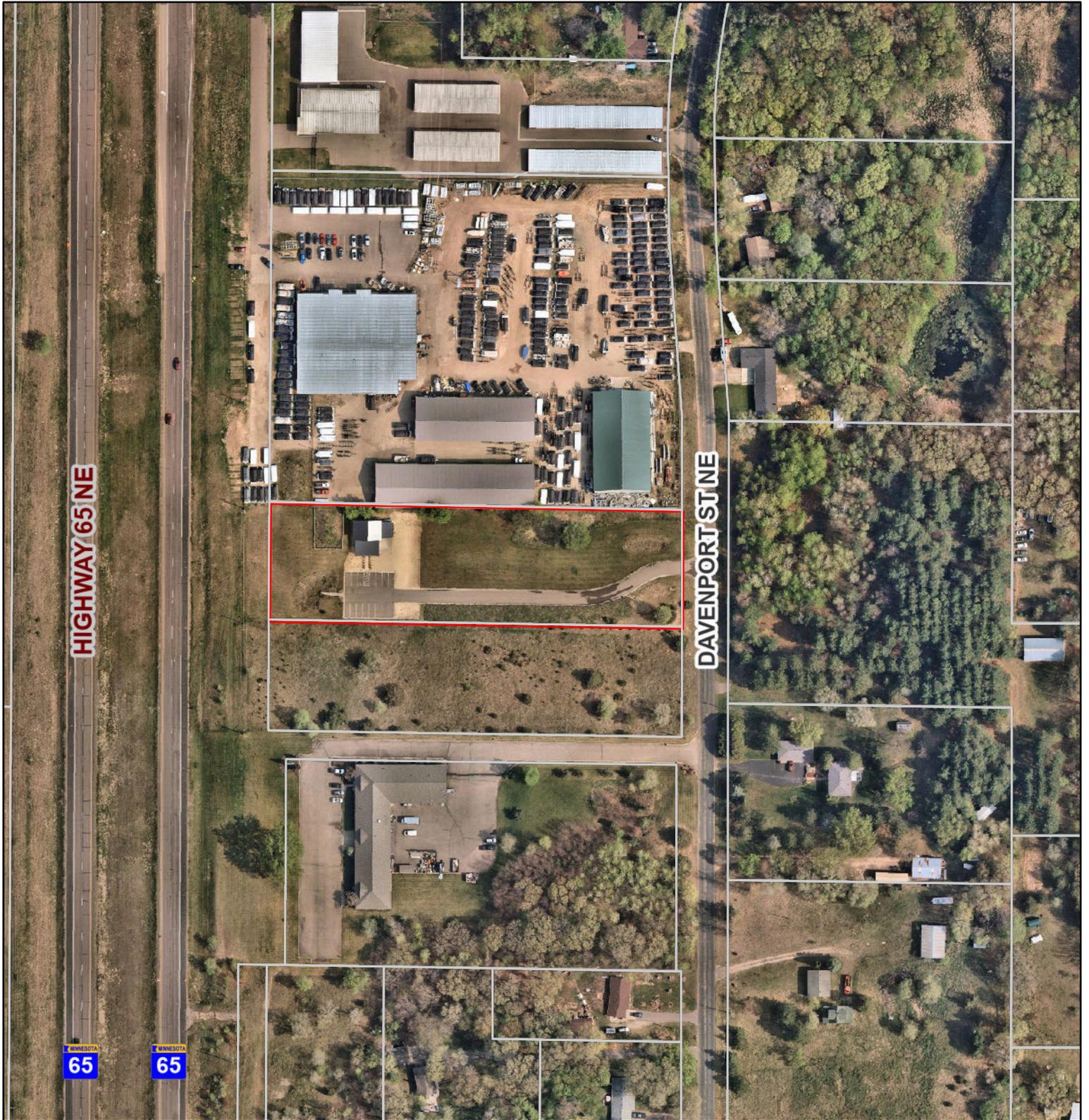
-  Parcels
-  City Mask

1 inch equals 359 feet



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July 9, 2024
Map Powered By DataLink

21125 HIGHWAY 65 NE - Aerial Map



-  Parcels
-  City Mask

1 inch equals 271 feet



N
July 9, 2024
Map Powered By DataLink



SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT

1. - Purpose.

The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

2. - Permitted uses.

- A. Club or lodge.
- B. Florist, commercial.
- C. Health/recreation facility.
- D. Dwelling, condominium, when located above the street level floor.
- E. Medical uses—Except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.
- F. Office.
- G. Recreation—Public.
- H. Restaurant—Fast food and full service.
 - I. Retail/office/multi-tenant structure.
 - J. Retail sales and services conducted completely within the structures.
- K. Financial services.
- L. Tavern, bar, brewery or taproom.
- M. Motor vehicle service station (with no minor or major repair facilities).
- N. Essential services, governmental.
- O. Brew pub.
- P. Craft brewery.
- Q. Micro distillery.
- R. Food truck.

(Ord. No. 28, Third Series, 6-17-2015; Ord. No. 2021-06, 10-11-2021)

3. - Accessory uses.

- A. Outdoor sidewalk cafe.
- B. Trash enclosure service structure.

- C. Other uses customarily associated with but subordinate to a permitted use as determined by the city.
- D. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 17 [16]. Telecommunication[s] Facilities.

4. - Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/motel.
 - I. Funeral home.
 - J. Crematorium.
 - K. Veterinary services.
 - L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.
- P. Car wash.

(Ord. No. 2021-06, 10-11-2021)

5. - Interim uses.

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Communication tower.
- C. Other uses similar to those permitted in this section as determined by the city council.

6. - Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

7. - Development regulations.

A. Minimum lot requirements.

1)	Lot area		
	a)	Without sewer and water	10 acres
	b)	With sewer and water	No minimum
2)	Lot width		
	a)	Without sewer and water	300 feet at the public right-of-way
	b)	With sewer and water	No minimum

B. Setbacks.

1)	Front yard:		40 feet
	a)	City right-of-way	40 feet
	b)	State/county right-of-way	100 feet
2)	Side yard:		10 feet (or 60 feet when abutting a residential district)
	a)	City ROW	40 feet
	b)	State/county ROW	100 feet
3)	Rear yard		10 feet (or 60 feet when abutting a residential district)

C. Maximum building height: Measured to the eave, maximum height of three stories or 30 feet, whichever is less.

D. Maximum lot coverage: 80 percent.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010; Ord. No. 2021-06, 10-11-2021)

SECTION 05. - NONCONFORMITIES

1. - Purpose.

Within the zoning districts established by this chapter, or amendments that may later be adopted, situations may occur where, as a result of the requirements contained in this chapter, an existing lot, structure, site improvement, or use does not conform to one or more of the requirements of this chapter. It is the intent of this section to regulate such nonconforming situations to accomplish the following:

- A. Recognize the existence of uses and structures which were lawful when established but which no longer meet all ordinance requirements.
- B. Discourage the enlargement, expansion, intensification, or extension of any nonconforming use or structure and discourage any increase in the impact of a nonconforming use or structure on adjacent properties. Only exceptional cases of any expansion or intensification of a nonconforming use will be permitted and only after city approval of a variance.
- C. Encourage the elimination of nonconforming uses and structures or reduce their impact on adjacent properties.

2. - Nonconforming use.

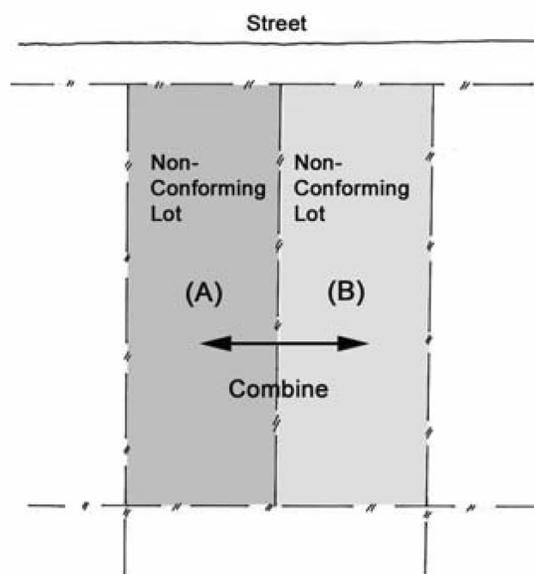
A nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion unless:

- A. The nonconforming [use] or occupancy is discontinued for a period of more than one year.
- B. Any nonconforming use is destroyed by fire to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In such a case, any such building permit shall be subject to reasonable conditions in order to mitigate any newly created impact on adjacent property.
- C. A nonconforming use may not be changed to another nonconforming use.
- D. When any nonconforming use has been changed to a conforming use, it may not be later changed to a nonconforming use.
- E. A nonconforming use may be changed to lessen the nonconformity, but once lessened, the use may not be changed to increase the nonconformity.

3. - Nonconforming lot of record.

Any separate lot or parcel that was legally created and is of record with the Anoka County Recorder's Office, but became nonconforming as a result of the adoption of this chapter, may be used for the legal use for which it is zoned subject to the following:

- A. The lot shall have frontage on an improved public road or on a private road approved by the city council. The city council must, by resolution, specify the private road, verify that the private road is capable of supporting emergency vehicles, and specify that provisions exist for ongoing maintenance of the private road.
- B. Vacant lots of record may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot(s) was created compliant with official controls in effect at the time, sewage treatment is in compliance with MPCA subsurface sewage treatment system, MN Rules 7080-7083, and setback requirements of this ordinance are met.
- C. A vacant lot or parcel not served by public sewer may be used for a permitted use provided it has at least one acre of buildable area, and it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such use and meet required setbacks and lot coverage.
- D. If in the case of two or more contiguous lots or parcels of land under single ownership, any individual lot or parcel does not meet the minimum requirements of this ordinance, such individual lot or parcel shall not be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots so the combination of lots will equal one or more parcels of land meeting the full requirements of this section or the provisions of the zoning district in which the property is located, whichever is more restrictive. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record that do not conform to the provisions of the existing zoning district.



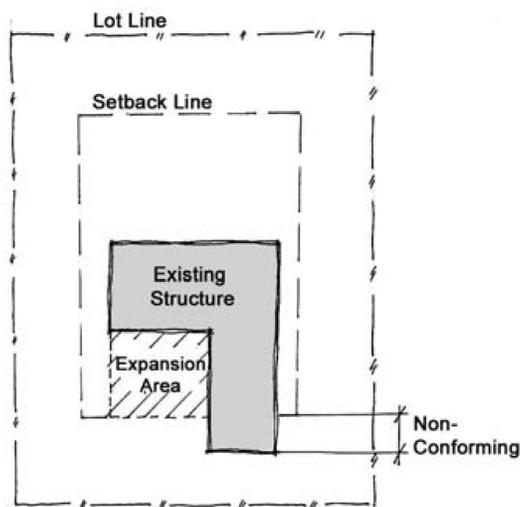
- E. A conforming lot shall not be reduced in size so that it becomes nonconforming in any respect under the conditions of this chapter. A nonconforming lot may be reduced in size but only if it is combined with other existing lots of record. Any lot currently nonconforming or that would

become nonconforming due to a split, the property owner would cede property rights.

- F. Additions to principal or accessory buildings or structures located on nonconforming lots may be permitted without a variance provided that any such addition meets all minimum setback and lot coverage requirements of the zoning district in which it is located, and that long-term sewage disposal needs can be met.
- G. Nonconforming lots may be combined for tax purposes with a contiguous lot or lots, but may not be re-subdivided into a nonconforming lot even if the division is consistent with the original lot configuration.

4. - Nonconforming structures.

- A. Nonconforming structures may not be enlarged or altered in a way that increases their nonconformity. They must comply with the following:
 - 1) Expansion or alteration of a nonconforming structure may be permitted provided the expansion meets the required setbacks from the public right-of-way, side and rear lot lines, wetlands, lakes, sewer treatment system, well, and all other requirements of this chapter.
 - 2) Long-term sewage disposal needs can be met on lots that are not served by public sewer.



- B. All construction projects for which a valid building permit was granted before the effective date of this chapter may be completed even if the structure will not meet the newly adopted provisions of this chapter.
- C. Any nonconforming use is destroyed by fire to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In such a case, any such building permit shall be subject to reasonable conditions in order to mitigate any newly created impact on adjacent property.

5. - Nonconforming site improvements.

- A. Upon any change in occupancy, nonconforming paved parking areas may continue to be used without improvement if the number of parking spaces supplied remains adequate according to the regulations of this chapter, and the surface has not, in the city's judgment, deteriorated so as to be beyond repair. If the parking lot is beyond repair or not paved, then the parking lot surface must be paved and otherwise brought into conformance with this chapter.
- B. Multiple occupancy building. If the nonconformity is not increased, a building permit may be issued for a portion of a multiple occupancy building without bringing the existing site conditions into compliance.
- C. When expanding an existing nonconforming site, the newly constructed portion of the site shall meet all requirements of this chapter.
- D. If a multiple occupancy building becomes completely vacant, the existing site conditions shall be brought into compliance with this chapter prior to future occupancy.

(Ord. No. 19, Second Series, 5-5-2010)

SECTION 24. - EXTERIOR STORAGE

1. - Exemptions.

All products, materials, and equipment, except as specifically described in this ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and the public right-of-way except for the following:

- A. Off-street parking of licensed passenger automobiles and personal or commercial vehicles of less than 12,000 pounds gross vehicle weight rating (GVWR) in designated driveway or parking area.
- B. Off-street parking of vehicles and recreational vehicles that are permitted according to the provisions of this ordinance and any other city ordinance.
- C. Clothes lines, antennae, air conditioners in working condition, outdoor grills, play equipment, ornaments and monuments.
- D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

2. - Inoperable vehicles and refuse materials.

- A. Passenger automobiles and trucks not currently licensed by the state, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of 96 hours, and all materials stored outside in violation of the city ordinances, are considered refuse or junk and shall be disposed of according to city regulations.
- B. Any accumulation of refuse not stored in containers that comply with city ordinances, or any accumulation of refuse including car parts which has remained on a property for more than one week, is hereby declared to be a nuisance and may be abated by order of the zoning administrator or building official. The cost of removal shall be recovered in accordance with the city ordinances and state law.
- C. Repairable vehicles shall be stored in a designated storage area and not be visible from the public right-of-way or adjacent properties.

3. - Residential districts.

- A. All personal property shall be stored within a building or be fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - 1. Play and recreational equipment.

2. Stacked firewood for the burning supply of the property resident shall be stored in the side yard or the rear yard at a minimum of five feet from the property line.
 3. Agricultural equipment and materials, if these are used or intended for use on the premises within a period of 12 months.
- B. Agriculture (A), Rural Residential (RR), Single Family Residential (R-1), Single Family and Townhome Residential (R-2) districts, and Coon Lake Residential (CL) districts.
1. Motor vehicles stored outside must be parked on a designated driveway.
 2. A maximum of five of the following vehicles must be parked on a designated driveway, or outdoor storage area located in a side or rear yard:
 - a. Recreational vehicles,
 - b. Boat/trailer combinations,
 - c. Snowmobile/trailer combinations,
 - d. Items of lawn equipment,
 - e. Items of construction equipment with a weight limit of 20,000 GVWR, or
 - f. Other equipment or trailers, or any combination thereof.
 3. The outdoor storage area must be completely screened from the public right-of-way and adjacent properties.
- C. Up to two automobiles or other motor vehicles or two snowmobiles or all-terrain vehicles may be located or displayed on any property for the purpose of sale, but such a vehicle, snowmobile, or all-terrain vehicle may not be so located or displayed more than on three separate occasions during any calendar year. The location or display to public view of an automobile or other motor vehicle or snowmobile or an all-terrain vehicle with a telephone number, an address, or the words "For Sale" affixed on the vehicle shall be evidence that the motor vehicle is located or displayed for the purpose of sale.

(Ord. No. 2021-06, 10-11-2021)

4. - I district and B-3.

- A. Exterior storage is permitted in I-1 and B-3 districts as a conditional use permit and subject to the following conditions:
1. Exterior storage shall be limited to the rear yard and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
 2. Maximum amount of exterior storage cannot exceed two times the square footage of the principal building.
 - 3.. Exterior storage cannot exceed the maximum allowable height of the principal building.

Construction yards are exempt from exterior storage requirements as outlined in Section 24, 4-A, provided they are located in the rear yard behind the principal building and cannot exceed the square footage of the Principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.

- B. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier.
 - 1. Screening to be achieved through a combination of masonry walls, fencing, berming, and landscaping.
 - 2. All screening shall meet the regulations in section 23. Screening Requirements [Regulations].
 - 3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.
- C. Exterior display in I-1 and B-3 districts.
 - 1. The area occupied by exterior display shall not exceed 30 percent of the gross floor area of the principal building on the property.
 - 2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.
 - 3. Additional parking spaces shall be provided based upon the exterior display and sale area.
- D. Prohibited storage
 - 1. Accessory storage containers, as defined in section 01. General provisions of administration, shall not be permitted.
 - 2. E. Parking up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.
 - 3. Semi-trucks and trailers shall not be considered part of outside storage if they are used in the normal business commerce and do not exceed the number of docks and or bay doors.

5. - B-2 district.

- A. Exterior storage is permitted with a CUP.
 - 1. Exterior storage shall be limited to the rear yard, shall not exceed the square footage of the principal building and shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
 - 2. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than six feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in section 23. Screening requirements [Regulations].

3. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

B. Exterior display in B-2 districts

1. The area occupied by exterior display shall not exceed ten percent of the gross floor area of the principal building on the property.

2. Exterior display and sale of merchandise shall not occur within 50 percent of the setback nearest a street.

3. Additional parking spaces shall be provided based upon the exterior display and sale area.

C. Prohibited storage

1. Accessory storage containers, as defined in section 01. General provisions of administration, shall not be permitted.

6. - Reserved.

7. - B-1 district.

A. Exterior storage and exterior displays are not permitted.

B. Accessory storage containers, as defined in Section 01. General Provisions of Administration, shall not be permitted.

8. - Mixed use districts.

A. Exterior storage is allowed with a conditional use permit.

B. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the city, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, manufacturing, testing, or storage of items used with or in a business or commercial enterprise unless an interim use permit has been obtained from the city.

C. The city council may order the owner of any property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 48, Fourth Series, 9-21-2016; Ord. No. 2021-06, 10-11-2021; Ord. No. 2023-12, 6-26-2023)

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



Date: July 23, 2024

Agenda Item Number: 4.0 C

Agenda Item: Variance Request – General Regulations -Detached Accessory Structure placement nearer to Front Lot Line than Primary Structure – 20063 University Ave NE – Paolo Fanucci.

Background Information: This property is located in the RR Rural Residential Zoning District. The property owner is requesting a variance for the placement of a detached accessory structure closer to the street than the primary structure due to wetland restrictions on the property.

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 5.37 acres, with the primary structure set back approximately 125 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.

The applicant’s property is over 5 acres in size however nearly two (2) acres are wetlands/ lowlands that extend from the Northeast corner of the lot diagonally to the South Property line. (Attachment 5)

Sec. 66-255 requires a Minimum Building and Septic System Setback from Delineated Wetland Edge of 25 feet.

Additionally, since this variance request is for a placement in front of the primary residence according to **Sec. 42-7 B (2)** the Front Yard Setback distance for structural placement is 40 feet. Therefore, if a variance for this placement is approved the detached accessory structure would need to meet the 40 foot setback.

The consideration of a variance requires the Planning Commission 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 SSTS (Septic System) is located on the North side of the property.**
- 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 over 5 acres in size however nearly 2 acres are wetlands that extend from the Northeast corner of the lot diagonally to the South Property line.***
 - ***Wetland Setbacks as defined in Artic IX, Sec. 66-255 require a 25 foot setback from the delineated Wetland Edge.***
- 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:

- **Standing tree growth between the proposed detached accessory structure and the front property line will screen it from view from the public roadway.**

Recommendation: Planning Commission should review the request, hold a public hearing and recommend approve the variance to the City Council as presented in Resolution 2024-49.

Attachments:

1. Resolution 2024-49, Granting Variance
2. Location Map
3. Aerial Map
4. Site Plan
5. Wetland Overlay

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RES. NO. 2024-49

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 20063 UNIVERSITY AVE NE (PIN: 19-33-23-32-0002)

THE S 537 FT OF N 570 FT OF W 406 FT OF NW1/4 OF SW1/4 OF SEC 19 TWP 33 RGE 23, EX RD, SUBJ TO EASE OF REC

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 July 23, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - Accessory Structures are a permitted accessory use in the Rural Residential Zoning District.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - This property is over 5 acres in size however nearly 2 acres are wetlands that extend from the Northeast corner of the lot diagonally to the South Property line.
 - Wetland Setbacks as defined in Artic IX, Sec. 66-255 require a 25 foot setback from the delineated Wetland Edge.
3. Will not have a negative effect the characteristic of the neighborhood;
 - Standing tree growth between the proposed detached accessory structure and the front property line will screen it from view from the public roadway.

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 detached accessory structure on property located at 20063 University Ave NE with the following conditions:

1. Proposed Accessory Structure must meet all other zoning code regulations.
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 12th day of August, 2024.

CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor

Location Map



1 inch equals 359 feet

-  Parcels
-  City Mask



N
July 9, 2024
Map Powered By DataLink



Aerial Map



-  Parcels
-  City Mask

1 inch equals 271 feet



N
July 9, 2024
Map Powered By DataLink

CERTIFICATE OF SURVEY

FOR: LARRY FANUCCI

SW 1/4 OF NW 1/4

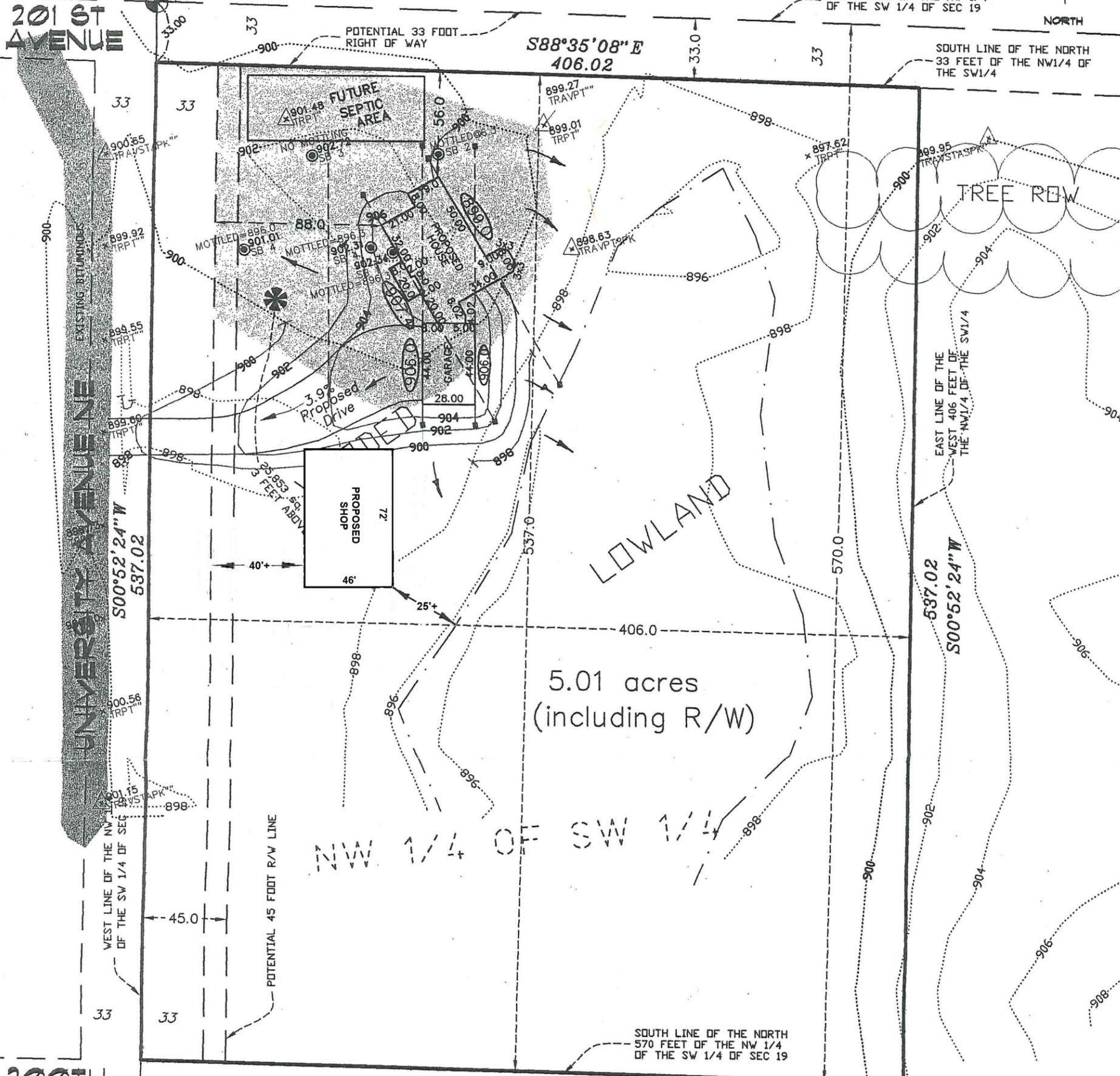
WEST 1/4 CORNER
ANOKA COUNTY CIM

201 ST
AVENUE

NORTH LINE OF THE NW 1/4
OF THE SW 1/4 OF SEC 19

NORTH

SOUTH LINE OF THE NORTH
33 FEET OF THE NW1/4
OF THE SW1/4



200TH
AVENUE

406.02
S88°35'08" E

20063 University

*BUILDER TO VERIFY HOUSE DIMENSIONS, SEWER DEPTH AND FOUNDATION DEPTH

LEGEND:

- ☒ Denotes Wood Hub / Metal Spike at 11 foot offset.
- x1011.2 Denotes Existing Elevation
- (1023) Denotes Proposed Elevations
- ↖ Denotes Direction of Drainage
- ⊙ Denotes Soil Boring
- ⊕ Denotes Anoka County Cast Iron Monument

* 13 COURSE WALKOUT *

PROPOSED ELEVATIONS:

- TOP OF BLOCK = 908.1
- GARAGE FLOOR = 906.3 (drop 2 crs)
- LOWEST FLOOR = 899.3
- TOP OF FOOTING = 899.0

LEGAL DESCRIPTION:

The South 537.0 feet of the North 570.0 feet of the West 406.0 feet of the Northwest Quarter of the Southwest Quarter of Section 19, Township 33, Range 23, Anoka County, Minnesota.

Subject to University Avenue NW and any other easements or encumbrances of record.

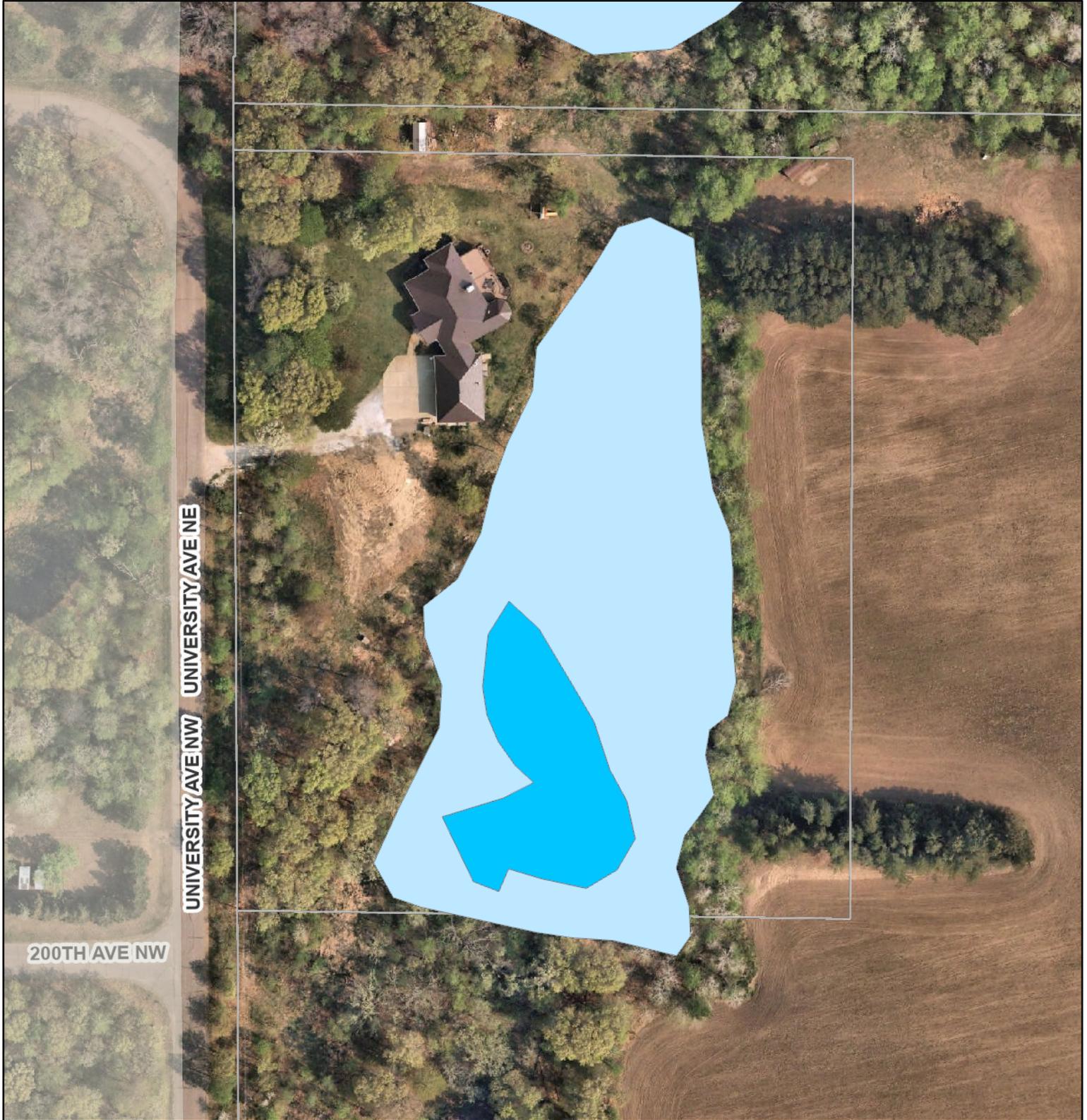
Scale 1" = 60'	Drawn By: NAA	Project Manager: JER	Job No.: 04392HS
○ Denotes Iron Set	● Denotes Iron Found	Bearings shown are on an assumed datum.	

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 12th day of October, 2004.

JASON E. RUD License No. 41578

E.G. RUD & SONS, INC.
LAND SURVEYORS
9180 LEXINGTON AVE. NO.
CIRCLE PINES, MINNESOTA 55014-3625
TEL. 763-786-5556 FAX 763-786-6007

20063 University Ave NE - Wetland Overlay



UNIVERSITY AVE NW UNIVERSITY AVE NE

200TH AVE NW

Wetlands

- | | | | |
|---|-----------------------------------|--|-----------|
|  | Freshwater Emergent Wetland |  | Lake |
|  | Freshwater Forested/Shrub Wetland |  | Riverine |
|  | Freshwater Pond |  | Parcels |
| | |  | City Mask |

1 inch equals 136 feet



N
 July 17, 2024
 Map Powered By DataLink



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



Date: July 23, 2024

Agenda Item Number: 4.0 D

Agenda Item: Side Yard Setback Variance - 23785 Marmon St NE – Carl Mitchell

Background Information: Property owner, Carl Mitchell, is requesting a variance from the side yard setback standard from 25 feet to 10 feet on the South property line of his residence at 23785 Marmon St NE for the placement of a Detached Accessory Structure.

The applicant's property is 1.45 Acres in size, located in the Meadows of Fish Lake Subdivision and in a RR-Rural Residential zoning district. According to **Sec. 42-7 B (1) c** the side yard setbacks in the RR - Rural Residential zoning districts is 25 feet.

This request for a reduction to the setback is due to the grade and existing elevations on the property. When the Meadows of Fish Lake Subdivision was graded by the Developer in 2005, each home site was raised in order to achieve walk out basement elevations. The applicant's property has an eight (8) foot elevation difference between the front of the house and the rear yard. Due to the elevation changes, a terraced boulder wall was constructed to support a driveway and parking pad which limit the buildable area available in the side yard.

Additionally, the SSTS (Septic) is located in the Southeast corner of the rear yard limiting the depth of the lot area available for detached accessory structure placement. In order to meet the required SSTS setbacks of 10 feet as well as the zoning requirements of **Section 14-2. F** which states, ***No accessory building or detached private garage shall be located nearer the front lot line than the principal building***, a side yard setback reduction would be necessary.

The Meadows of Fish Lake Subdivision has a platted 10 foot Draining and Utility Easement (D&U) on the side yard property lines of all lots. The city does not approve the placement of any structures in any D & U.

The consideration of a variance requires the Planning Commission 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:

- ***Detached accessory structures are an approved accessory use in the RR - Rural Residential zoning district per the City Ordinance.***
- 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 or trees.

In this case:

- ***Elevations of the property limit area for the construction of an accessory structure.***

- *There are zoning regulations restricting placement of accessory structures in the front yard.*
- *The rear yard location of SSTS limits the depth of the lots available buildable area.*
- 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:

- *There are multiple detached accessory structures throughout the Meadows of Fish Lake Development.*
- *The accessory structure will be used for general storage, allowing for personal property to not be visible to adjoining property and the city Right of Way, as required by Sec. 24-3A.*
- *By maintaining the 10 foot Draining and Utility Easement distance throughout the development, the proposed structure would not alter the character of the neighborhood.*

Recommendation: Planning Commission should review the request, hold a public hearing and recommend approve the variance to the City Council as presented in Resolution 2024-50.

Attachments:

1. Resolution 2024-50, Granting Variance
2. Location Map
3. Aerial Map
4. Site Plan
5. Photo

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2024-50

A RESOLUTION **GRANTING** A VARIANCE FOR THE REDUCTION OF A SIDE YARD SETBACK STANDARD FROM TWENTY FIVE FEET TO TEN FEET ON THE SOUTH PROPERTY LINE FOR THE CONSTRUCTION OF A DETACHED ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 23785 MARMON ST NE (PIN 25-34-23-43-001218-33-23-24-0002), LEGALLY DESCRIBED AS;

LOT 4 BLOCK 2 MEADOWS OF FISH LAKE

WHEREAS, the property owner requested a variance for a reduction of the setback requirement from the RR- Rural Residential of 25 feet to 10 feet for the construction of a detached accessory structure, and;

WHEREAS, the Planning and Zoning Commission held a public hearing on July 23, 2024, and;

WHEREAS, the Planning and Zoning Commission finds the request:

1. Is a reasonable use of the property;
 - Detached accessory structures are an approved accessory use in the RR - Rural Residential zoning district per the City Ordinance.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - Elevations of the property limit area for the construction of an accessory structure.
 - There are zoning regulations restricting placement of accessory structures in the front yard.
 - The rear yard location of SSTS limits the depth of the lots available buildable area.
3. Will not have a negative effect the characteristic of the neighborhood;
 - There are multiple detached accessory structures throughout the Meadows of Fish Lake Development.
 - The accessory structure will be used for general storage, allowing for personal property to not be visible to adjoining property and the city Right of Way, as required by Sec. 24-3A.
 - By maintaining the 10 foot Draining and Utility Easement distance throughout the development, the proposed structure would not alter the character of the neighborhood.

WHEREAS, the Planning and Zoning 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 a setback reduction from 25 feet to 10 feet for the construction of a detached accessory structure on property located at 23785 Marmon St NE with the following conditions:

1. Proposed Accessory Structure must meet all other zoning code regulations.
2. Property owner must obtain a building permit and complete all necessary inspections of the deck as required by the Minnesota Uniform Building Code.

Adopted this 12th day of August 2024, by the City Council of the City of East Bethel.

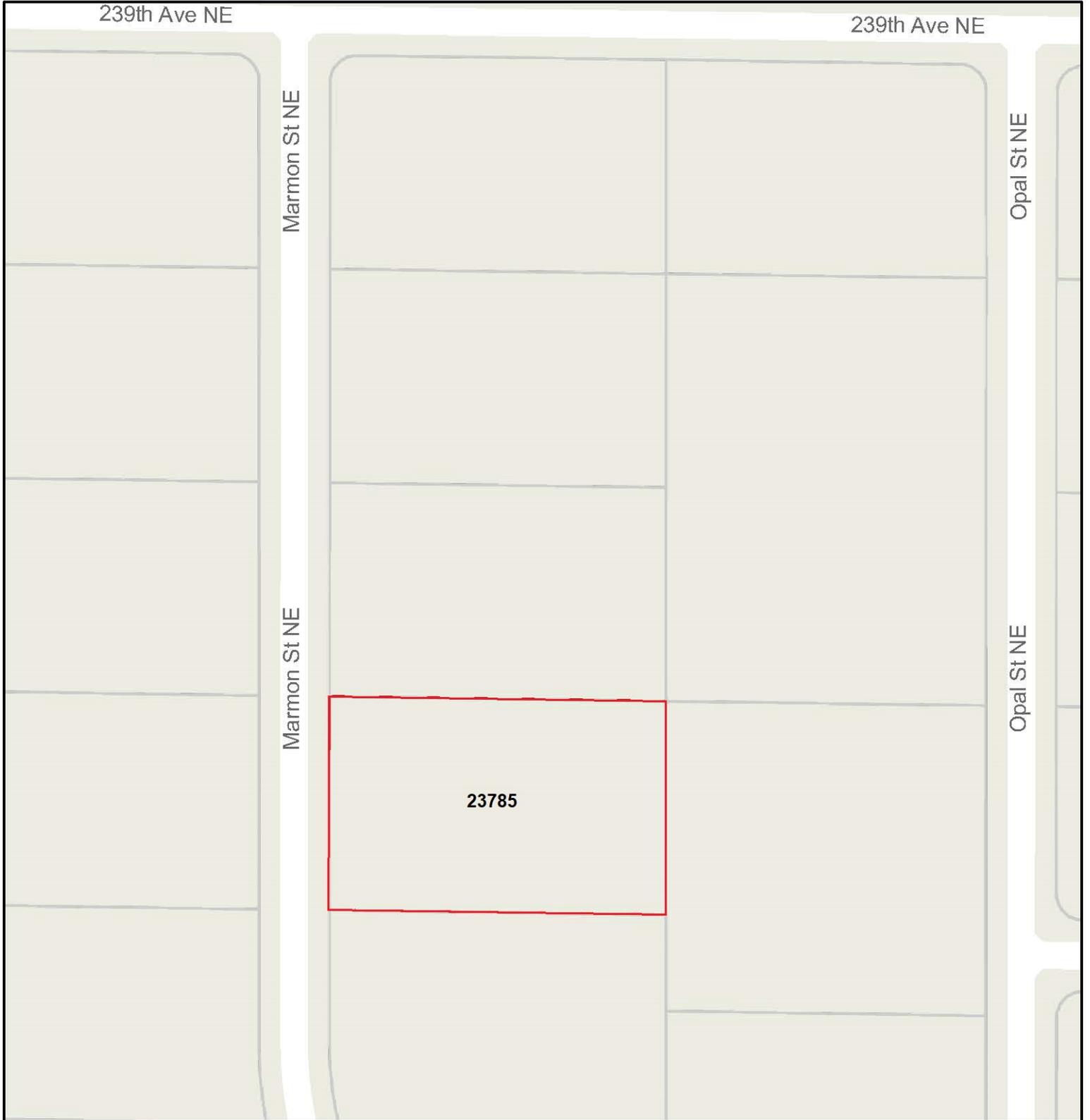
CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

Location Map



-  Parcels
-  City Mask

1 inch equals 180 feet




July 9, 2024
Map Powered By DataLink

Aerial Map



-  Parcels
-  City Mask

1 inch equals 136 feet



N
July 9, 2024
Map Powered By DataLink

