

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: October 22, 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. Updates
4. Approval of Minutes: September 24th, 2024
5. **Public Hearing:** Variance – Placement nearer Front Lot Line than Primary Structure –
18260 Fillmore St NE – Brigitt Pastwa

Variance – Sidewall Height – 4806 239TH Ave NE – Jason Flagstad
6. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2
3 EAST BETHEL PLANNING COMMISSION MEETING
4 September 24, 2024

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

8
9 MEMBERS ABSENT: Vice Chair Gabriel Hanschen

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

13
14 **1.0 Call to Order**

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

16
17 **2.0 Adopt Agenda**

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

21 **3.0 Updates**

22 Council Liaison Smith updated the Commission on recent Council actions.

23
24 **4.0 Approve August 27, 2024 meeting minutes**

25 Johnson requested a correction on page 6, line 229, to change: ‘build anything on the Inn property’ to
26 ‘build a residential property on Hunters Inn property.’

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

30 **5.0 Conditional Use Permit – Exterior Storage – 23035 Ulysses St NE – North County Concrete, Inc.**

31 Berg reviewed staff’s report stating on September 9, 2024, the city received an application from Karl
32 Virkus, owner of North County Concrete, Inc., for a Conditional Use Permit (CUP) for Exterior Storage
33 on vacant parcel, across Ulysses Street NE to the west of the existing North County Concrete, Inc.
34 location.

35 Berg added the vacant parcel is over three acres in size and is located at the North West corner of 230th
36 Lane NE and Ulysses St NE, in a Light Industrial Zoning District. It borders a 17.50-acre Single Family
37 Residential parcel on the West lot line and three Single Family Residential parcels of the Cooper Lake
38 Estates subdivision to the North.

39 Berg stated that Virkus is proposing the exterior storage of equipment, trucks, and trailers for the
40 associated business across the street at 23035 Ulysses St NE. He is proposing the construction of a six-
41 foot privacy fence with an entrance gate onto Ulysses St NE and one the cul-de-sac onto 230th Lane NE,
42 landscape boulevard areas with evergreen trees and bushes to match the North County Concrete, Inc.
43 location.

44 Berg reported that additionally, the proposal includes stripping and remove the topsoil and replace with
45 crushed asphalt millings to provide a positive drainage to the roads for watershed, as well as installing
46 drive-over curb and concrete approach aprons at each gate location. There is not a building included in
47 the proposal however Virkus indicated he would be constructing a build on the parcel someday.

48 Berg noted that the first item is to determine the zoning code for this parcel.

49 Berg reviewed section 48 which permits Exterior Storage as regulated under Section 24 as a Conditional
50 Use.

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

56 Berg noted that under the current proposal, the Exterior Storage on a separate parcel, without a principal
57 building, would not meet the conditions of city ordinance.

58 Berg reviewed Section 22 as follows:

59 1. Purpose. This section establishes off-street parking standards to allow for the orderly and adequate
60 parking of vehicles on property, to alleviate and prevent congestion on public right-of-way, and to
61 control the appearance and maintenance of parking areas and surfaces.

62 2. Scope of regulations. -The regulations and requirements set forth in this chapter shall apply to all off-
63 street parking facilities in all the zoning districts.

64 3. General provisions. B. - Prohibited uses in required parking areas. Required off-street parking areas in
65 the B-1, B-2, B-3, I, and MXU districts, shall not be used for open storage of goods, recreational
66 vehicles and equipment, commercial vehicles, and equipment, unlicensed/inoperable vehicles, or
67 vehicles displayed for sale.

68 4. Design, construction, and maintenance. A. - All parking facilities and streets are subject to the City of
69 East Bethel engineering standards.

70 Berg reviewed Section 48-E.

71 Berg noted Section 23-B, stating that any business, industrial, non-residential uses, and residential
72 dwellings other than detached single-family adjacent to any residential district shall provide screening
73 along the boundary of residential property.

74 Berg reported Section 35. which states that no land shall be developed, and no use shall be allowed that
75 results in water runoff causing flooding, erosion, or increased runoff on adjacent property. Such runoff
76 shall be properly channeled into a watercourse, ditch, storm pond, or other appropriate facility subject to
77 review and approval by the City Engineer.

78 Berg recommended that the Planning Commission should review the information, hold a Public Hearing
79 and make a recommendation to the city council of either approval, approval with alternative conditions
80 or a denial of the CUP for Exterior Storage on a vacant parcel.

81 Johnson opened the public hearing at 7:12 p.m.

82 Jane Weinhold noted that the property owner has already answered a few of her questions. She asked if
83 there will be a surveyor when they do the property lines. She also asked regarding the watershed,
84 and what side the drainage will be on. Berg stated that if City Council passes this, the site will have to
85 go through a site plan review process which will require a survey. He also stated that the stormwater
86 management ordinance does not allow for a parcel of property to shed water onto adjacent properties.

87 Carl Virkus noted that on the corner of his property there is a CB in place for property drainage. He
88 noted that he will need an engineer to ensure that it is enough to drain the property.

89 Aaron Virkus reported that he has been in discussion with some surveyors for the process.

90 Saenger asked how many years their business has been located on the spot they are at now. Carl Virkus
91 shared that they have been located there for about 11 years.

92 Johnson closed the public hearing at 7:20 p.m.

93 Berg shared some pictures of the property that were included in the proposal.

94 Jorgensen stated that he is not against this proposal. He noted that he lives near this property, and they
95 have been good neighbors. He would like to see some conditions added, he would like for them to leave
96 as many trees as they can on the north side. He would like to see a survey. He also noted he would like
97 them to have a matching fence and a larger apron. He added that he would prefer to see a pond added for
98 runoff water rather than a drainage system.

99 Downie discussed that he does not see any reason to deny this and would agree with moving to
100 recommend this to the Council.

101 Balfany stated that he would like them to be cautious of setting precedents. He added that they must be
102 careful in how they word it and what it is subject to. He noted that he is not against this, but he would
103 just like them to be cautious.

104 Jorgensen asked what happens if the owner agrees to terminate the permit upon a sale as one of the
105 conditions. Berg noted that the City attorney mentioned in a previous conversation that conditional use
106 permits do not expire, and they stick with the property.

107 Terry asked if there was any likelihood of expanding the cul-de-sac on Ulysses any farther north. Berg
108 stated that yes there is a likelihood.

109 Saenger noted that she has no problem with this conditional use permit if they continue to serve the
110 commercial district if there is an expansion of the street.

111 Johnson noted that she is in support of this, she would just like to brainstorm some of the worst things
112 that could go on this property and find ways to prevent that within the conditions.

113 Downie added that this is purely hypothetical and there is no way to know what may be beneficial or not
114 many years down the road. He also asked why the two properties cannot be made into one. Berg
115 explained that due to the road separating the two properties, it would not be approved to be made one
116 property.

117 Berg asked if the Commission would approve the request to add chain link fences to the property, or if
118 they would like them to follow the conditions within the code. Johnson reported the chain link fence is
119 fine for the property.

120 **Commissioner Saenger moved and Commissioner Downie seconded to recommend approval to**
121 **City Council of Resolution No. 2024-XX, A Resolution Approving a Conditional Use Permit to**
122 **Allow Exterior Storage at 23035 Ulysses Street NE, East Bethel, PIN 32-34-23-34-0013, with the**
123 **addition of three conditions.** Johnson asked any discussion? To the motion, all in favor say aye. **All in**
124 **favor.** Johnson asked any opposed? That motion passes. **Downie, Jorgensen, Johnson, Terry,**
125 **Saenger- Aye; Balfany- Nay, motion passes.**

126 This item goes before the City Council on October 14, 2024.
127

128 6.0 Adjournment

129 **Commissioner Balfany moved and Commissioner Saenger seconded to adjourn at 7:53 pm.**

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

132 Submitted by:

133 Sylvia Rokosz
134 *TimeSaver Off Site Secretarial, Inc.*
135

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



Date: October 22, 2024

Agenda Item Number: 5.0

Agenda Item: Variance Request – General Regulations -Detached Accessory Structure placement nearer to Front Lot Line than Primary Structure – 18260 Fillmore St NE – Brigitt Pastwa

Background Information:

This property is located in the Oakridge Acres Development and within a Single Family R1 Residential Zoning District. The applicant’s property is nearly (3) three acres in size however over (1) one acre of the rear yard is wetlands/ lowlands, a platted Drainage and Utility Easement as well as an Easement for overhead utility lines. 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 Drainage and Utility Easements in addition to the SSTS (Septic) placement 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 2.94 acres, with the primary structure set back approximately 90 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:

- ***The property owner is requesting looking to build a detached accessory structure in which she may keep lawn equipment and general storage.***
- ***This use is listed as an accessory use in the Single (R1) 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 or trees.

In this case:

- ***This property is unique in that it is divided in half by an 80 foot wide Overhead Power Line Utility Easement which is located behind the primary residence.***
 - ***The rear yard contain a .75 acre wetland/ lowland platted Drainage and Utility Easement which covers multiple properties in the development.***
 - ***There are topographical challenges limiting the placement and orientation of the newly proposed detached accessory structure. This lot is wooded with a ten foot changes in elevation, from the front lot line to Utility Easement. (See Attachment 3)***
 - ***The SSTS (Septic) drain field location is located directly south of the primary residence in the area in line with or behind the front foundation line of the primary residence.***
- 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:

- ***The proposed structure will replace a temporary tarp building which does not meet city code.***
- ***The proposed detached accessory structure will not encroach on other required setbacks.***
- ***The construction of a new detached accessory structure will provided an enclosed structure in which the property owner can store personal property and screening of items from all adjacent properties.***
- ***Standing tree growth between the proposed detached accessory structure and the front property line will aid in screening it from view from the public roadway.***

Recommendation: City Staff is requesting the Planning Commission hold a public hearing and recommend approval to the City Council for a variance 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. Res. 2024 - XX
2. Location Map
3. Aerial Map
4. Site Plan
5. Elevations Map

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

**CITY OF EAST BETHEL
COUNTY OF EAST
BETHEL STATE OF
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 18260 FILLMORE ST NE
(PIN 32-33-23-33-0009)**

LOT 9 BLOCK 1 OAKRIDGE ARRES; SUBJECT TO EASEMENT 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 October 22, 2024; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable use of the property;
 - This use is listed as an approved accessory use in the Single (R1) Family Residential Zoning District.
 - The property owner is looking to build a detached accessory structure in which they may keep lawn equipment and general storage.
2. Is a unique situation to this property due to circumstances not caused by the landowner;
 - This property is unique in that it is divided in half by an 80 foot wide Overhead Power Line Utility Easement which is located behind the primary residence.
 - The rear yard contain a .75 acre wetland/ lowland platted Drainage and Utility Easement which covers multiple properties in the development.
 - There are topographical challenges limiting the placement and orientation of the newly proposed detached accessory structure. This lot is wooded with a ten foot changes in elevation, from the front lot line to Utility Easement.
 - The SSTS (Septic) drain field location is located directly south of the primary residence in the area in line with or behind the front foundation line of the primary residence.
3. Will not have a negative effect the characteristic of the neighborhood;
 - The proposed structure will replace a temporary tarp building which does not meet city code.
 - The proposed detached accessory structure will not encroach on other required setbacks.

- The construction of a new detached accessory structure will provided an enclosed structure in which the property owner can store personal property and screening of items from all adjacent properties.
- Standing tree growth between the proposed detached accessory structure and the front property line will aid in screening 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 residential detached accessory structure on property located at 18260 Fillmore St NE with the following conditions:

1. Property owner must obtain a building permit and complete all necessary inspections as required by the Minnesota Uniform Building Code.

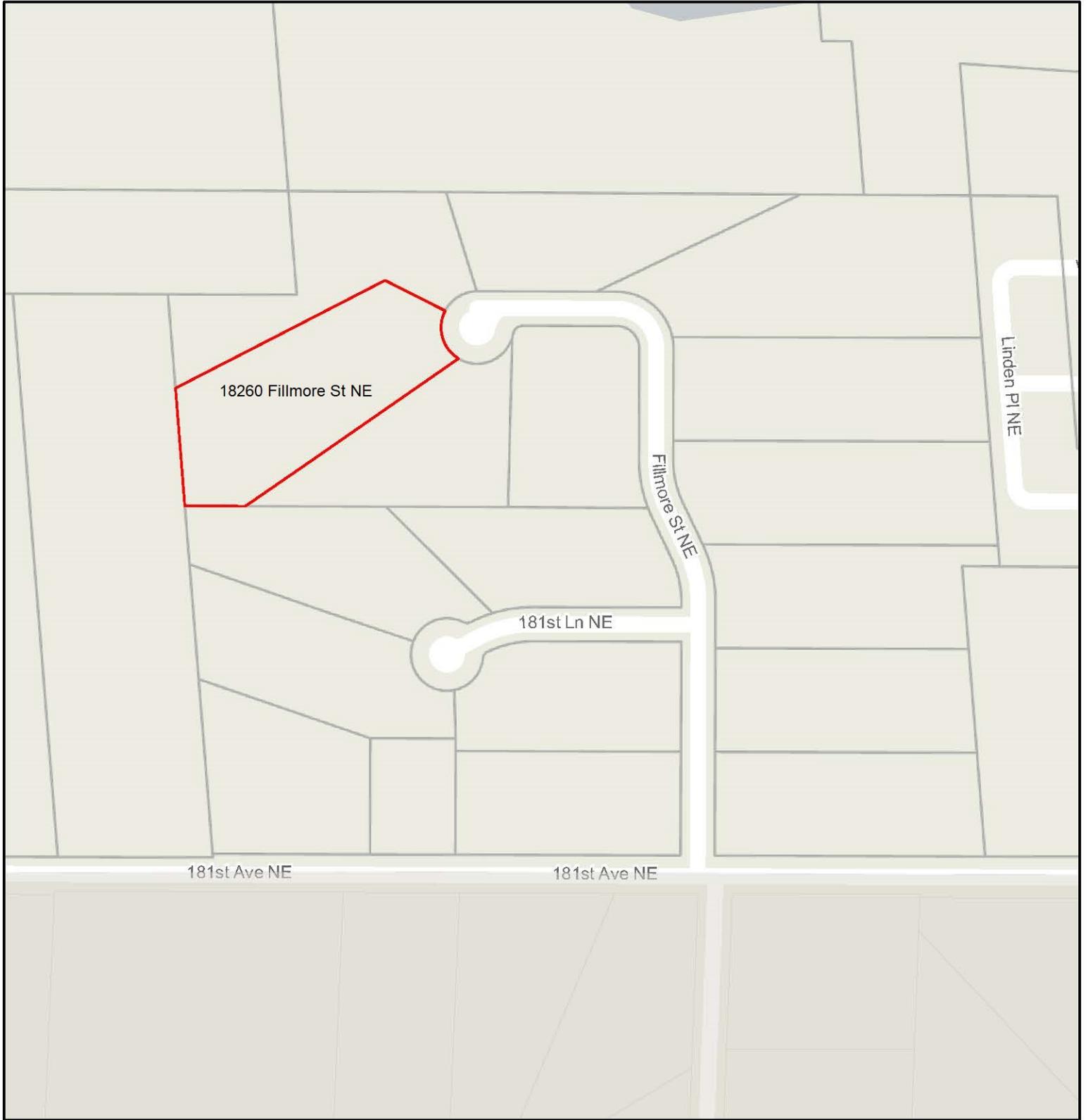
Adopted by the City Council of the City of East Bethel on this 13th day of November, 2024.

CITY OF EAST BETHEL

ATTEST:

Matt Look, City Clerk

Kevin Lewis, Mayor



-  Parcels
-  City Mask

1 inch equals 369 feet



18260 Fillmore ST NE - Aerial Map

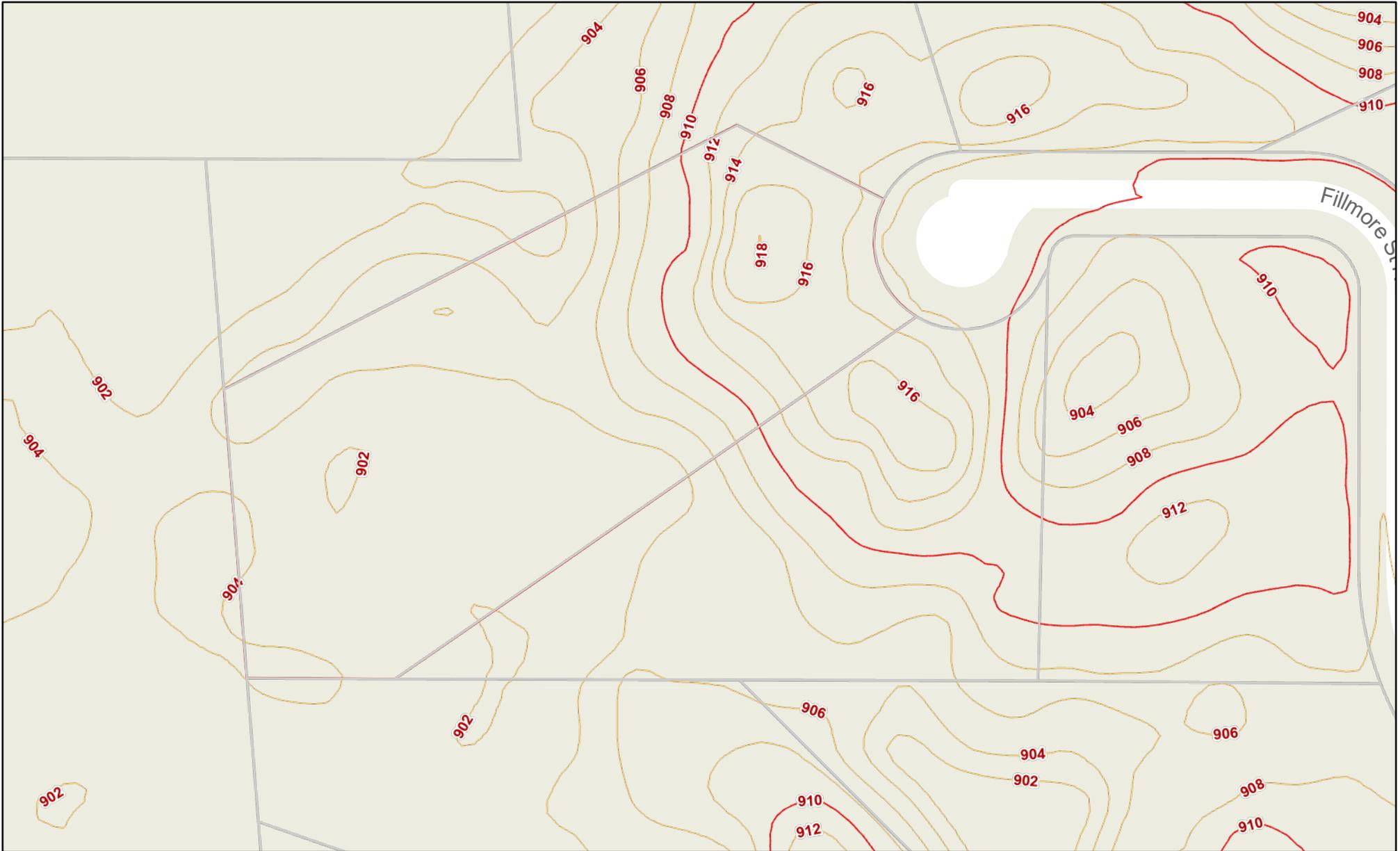


1 inch equals 113 feet



-  Parcels
-  City Mask

18260 Fillmore ST NE - Elevations Map



1 inch equals 149 feet



2-Foot Contours

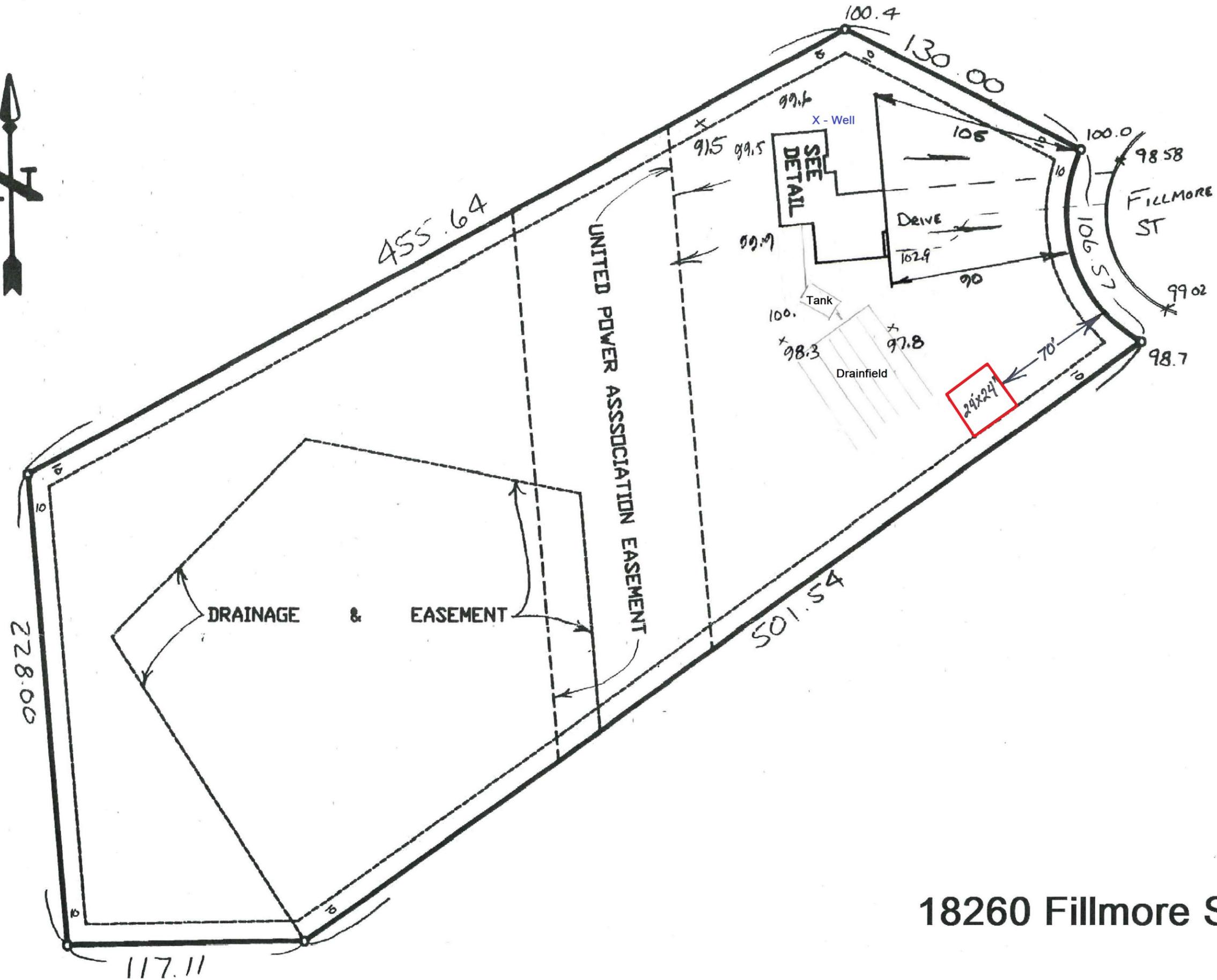
Type

— Index

— Intermediate

▭ Parcels

▭ City Mask



18260 Fillmore St NE

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



Date: October 22, 2024

Agenda Item Number: 5.0 B

Agenda Item: Variance Request - Sidewall height for a proposed Detached Accessory Structure on his property located at 4806 239th Ave NE, East Bethel MN 55005 – Jason Flagstad

Background Information: On September 25, 2024 the city received a variance application from Mr. Flagstad who wishes to build a 36' x 60' detached accessory building at his property located at 4806 239th Ave NE. Mr. Flagstad's property is 4.66 acres in size and is located in a Rural Residential Zoning District of the city. Zoning Code would allow Flagstad an accessory building as large as 2,850 sq. ft. in size. The proposed detached accessory building falls below the maximum building size requirement for a detached accessory structure, however Flagstad would like to increase the sidewall height to from 14 feet to 16 feet in order to get his camper/motorhome inside and therefore is requesting a two foot variance.

Mr. Flagstad met with City Staff and was advised that the current Detached Accessory Structure regulations increased the sidewall height to 14 feet and that the City has not granted a variance for sidewall heights higher than 14 feet and previous applicants have utilized vaulted trusses in order to achieve higher overhead door heights. Flagstad wants the extra height to afford him the opportunity to place two taller overhead doors on the front of the detached accessory building. Staff verbally denied Mr. Fields original building permit request, but did tell him that he had the option to apply for a variance.

Between 2014 and 2020 the Planning Commission and City Council reviewed and made multiple revisions to Detached Accessory regulations including sidewall heights. Raising sidewall heights for Detached Accessory Buildings from 10 feet and 12 feet to 14 feet in all residential districts of the city. City staff are unable to locate the approval of any variances for Detached Accessory Structure sidewall height after the 2020 increase to 14 feet.

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 or 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 consideration 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.
- 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.
- 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 it is the opinion of city staff that this particular request does not meet the standards under the practical difficulties test.

Recommendation: The Planning Commission should review the material, hold a public hearing and make a recommendation to approve or deny this application to the City Council.

Attachments:

1. Res. 2024 - XX
2. Location Map
3. Aerial Map
4. Site Plan

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

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

RESOLUTION NO. 2024-XX

**A RESOLUTION DENYING A VARIANCE TO THE STANDARD DETACHED
ACCESSORY STRUCTURE MAXIMUM SIDE WALL HEIGHT OF 14 FEET TO 16
FEET ON PROPERTY LOCATED AT 4806 239TH AVE NE, PIN: 253423440003,
LEAGLLY DESCRIBED AS:**

**THE W 330 FT OF N 660 FT OF SE1/4 OF SE1/4 OF SEC 25 TWP 34 RGE 23, EX RD,
SUBJ TO EASE OF REC**

WHEREAS, the property owner requested a variance to the standard and increase the sidewall height for a Detached Accessory Structure from 14 feet to 16 feet, and;

WHEREAS, the Planning Commission held a public hearing on October 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 increase the sidewall height for a Detached Accessory Structure from 14 feet to 16 feet, 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 increase the sidewall height for a Detached Accessory Structure from 14 feet to 16 feet, 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 increase the sidewall height for a Detached Accessory Structure from 14 feet to 16 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.
 - There is nothing unique to the property that necessitates the increase in increase the sidewall height for a Detached Accessory Structure from 14 feet to 16 feet.
3. Will have a negative effect the characteristic of the neighborhood.
 - The City of East Bethel has no record of approving a sidewall height variance exceeding the standard of 14 feet on ant Detached Accessory

Structures in a Residential Zoning District.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby denies the variance to request increase the sidewall height for a Detached Accessory Structure from 14 feet to 16 feet on a property located at 4806 239Th Ave NE, East Bethel, MN 55005, PIN: 253423440003.

Adopted by the City Council of the City of East Bethel this 13th day of November, 2024.

CITY OF EAST BETHEL

Kevin Lewis, Mayor

ATTEST:

Matt Look, City Administrator

4806 239th Ave NE - Location Map



1 inch equals 185 feet

Address Labels

 Parcels

 City Mask



4806 239th Ave NE - Aerial Map



1 inch equals 140 feet

Address Labels

 Parcels

 City Mask



Jason Flagstad
4806 239th Ave NE
East Bethel, MN 55005

SITE PLAN

Slab on grade Steel building
36' Wide X 60' Long (2,160 Square feet)

Boundary distances

- A 344' From Building to Center of 239th Ave NE (Also North property line)
- B 165' From Building to West property line
- C 140' From Building to East property line
- D 255' From Building to South property line
- E 95' From Building to well
- F 86' From Building to main house
- 160' From Building to septic

N

