

City of East Bethel
Planning Commission Agenda
Planning Commission Regular Meeting
Date: November 26, 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: October 22, 2024
5. Planning Commission Reappointment Recommendations
6. **Public Hearing:** Setback Variance - 3564 Edmar LN NE – Sharper Homes

Variance - Driveway and access standards - 19408 E. Front Blvd. NE

7. Adjourn

DRAFT MINUTES: NOT YET APPROVED

EAST BETHEL PLANNING COMMISSION MEETING
OCTOBER 22, 2024

MEMBERS PRESENT: Chair Sharon Johnson, Vice Chair Kory Jorgensen, Tanner Balfany, and Brian Downie.

MEMBERS ABSENT: Gabriel Hanschen, Glenn Terry, and Diana Saenger

ALSO PRESENT:

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

1.0 Call to Order

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

2.0 Adopt Agenda

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

3.0 Updates

Council Liaison Smith updated the Commission on recent Council actions.

Balfany asked if Council cares about the Code that is set when making decisions so he can better advise in the decisions within the Commission. Council Liaison Smith noted that they do care about the Code, but it is just dependent on the situation. Balfany discussed that when they disregard the Code in certain situations it sets a precedent for future situations of that type. Council Liaison Smith explained that Council does a lot of research on each case to fully determine whether each case should pass or not. Balfany noted several problems with Council disregarding Code in these situations.

4.0 Approve September 24, 2024 meeting minutes

Downie requested a correction on page 1, line 6 to change: 'Corey Jorgensen' to 'Kory Jorgensen.'
Downie requested a correction on page 1, line 41 to change: 'and one the cul-de-sac' to 'and on the cul-de-sac.'
Downie requested a correction on page 1, line 47 to change: 'constructing a build' to 'constructing a building.'
Balfany requested a correction on page 3, line 102 to amend: 'he is not against this, but would like them to just be cautious.' to 'He noted that he is not against this if there is a proper way to issue it, but would just like them to be cautious.'

Commissioner Downie moved and Commissioner Jorgensen seconded to adopt the September 24, 2024 regular meeting minutes as revised. Johnson asked any discussion? To the motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

5.0A Public Hearing – Variance – Placement nearer Front Lot Line than Primary Structure – 18260 Fillmore St NE – Brigitt Pastwa

Berg reviewed Staff's report stating 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 acres in size; however, over 1 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 septic placement on the property.

50 Berg stated Zoning Code Appendix A. General Regulations – Section 14-2.F states “No accessory
51 building or detached private garage shall be located nearer the front lot line than the principal building
52 except when the lot is three acres or greater and the existing principal building is located a minimum of
53 200 feet from the lot line. Then the accessory building or detached private garage may be located closer
54 to the front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling’s
55 setback. This property is 2.94 acres, with the primary structure set back approximately 90 feet from the
56 front lot line. This request does not meet the criteria set forth to allow the structure to be placed closer to
57 the road, so a variance would be required for the placement of a detached accessory structure.

58 Berg noted that consideration of a variance requires the Planning Commission to consider a three-factor
59 test for practical difficulties. The first factor, a test of reasonableness, means that the landowner would
60 like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not
61 mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if
62 the variance application is for a building too close to a lot line or does not meet the required setback, the
63 focus of the first factor is whether the request to place a building there is reasonable. In this case the
64 property owner is requesting to build the detached accessory structure in which she may keep lawn
65 equipment and general storage. This use is listed as an accessory use approved in the Single Family
66 Residential Zoning District.

67 Berg reviewed the second factor is that the landowner’s problem is due to circumstances unique to the
68 property and not caused by the landowner. The uniqueness generally relates to the physical
69 characteristics of the particular piece of property, that is, to the land and not personal characteristics or
70 preferences of the landowner. When considering the variance for a building to encroach or intrude into a
71 setback, the focus of this factor is whether there is anything physically unique about the particular piece
72 of property, such as sloping topography or other natural features like wetlands or trees. He noted in this
73 case This property is unique in that it is divided in half by an 80-foot wide overhead power line utility
74 easement, which is located behind the primary residence. The rear yard contains a .75 acre wetland/
75 lowland platted drainage and utility easement which covers multiple properties in the development.
76 There are also topographical challenges limiting the placement of the newly proposed detached
77 accessory structure. This lot is wooded with a ten foot change in elevation, from the front lot line to
78 utility easement line. The SSTS or the septic drain field location is located directly south of the primary
79 residence in the area in line with or behind the front foundation line of the primary residence.

80 Berg stated that the third factor is that a variance would not alter the essential character of the
81 neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of
82 place, or otherwise inconsistent with the surrounding area. For example, when thinking about the
83 variance for an encroachment into a setback, the focus is how the particular building will look closer to a
84 lot line and if that fits in with the character of the area. He discussed in this case the proposed structure
85 will replace a temporary tarp building which does not meet City Code. The proposed detached accessory
86 structure will not encroach on other required setbacks. The construction of a new detached accessory
87 structure will provide an enclosed structure in which the property owner can store personal property and
88 screening of items from all adjacent properties as is required by Code. Standing tree growth between the
89 proposed detached accessory structure and the front property line will aid in screening it from view from
90 the public roadway.

91 Berg displayed an aerial view of the property. He also displayed the septic design.

92 Berg recommended that the Planning Commission hold a public hearing and recommend approval to the
93 City Council for a variance for the placement of a detached accessory structure nearer to the front lot
94 line than the primary structure with conditions as written in the Resolution.

95 Johnson opened the public hearing at 7:19 p.m.

96 Brigitt Pastwa noted that she appreciated Berg coming out to her property to help her figure out another
97 solution for her problem. She stated that there is really nothing else she can do in this situation.

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

99 Downie stated that looking at the maps there does not appear to be a lot of space for a detached structure
100 to be added. He noted that this seems to be a very subtle and reasonable place for this project to go on
101 property. He asked if this design would require a slab in construction. Berg explained that the actual
102 design is up to the property owner and they can make the decision to add a slab if they would like or
103 another type of design.

104 Balfany asked if the property has a secondary spot for a drain field. Berg noted that the house was
105 constructed prior to the requirement of a secondary drain field location.

106 Johnson stated that she also sees this a reasonable solution.

107 Jorgensen asked how the driveway will be accessed on the property. Berg noted that since this is an R1
108 District they are only allowed one driveway entrance. He explained that they will have to enter their
109 driveway and make a left turn.

110 **Commissioner Downie moved and Commissioner Balfany seconded a resolution recommending**
111 **granting a variance for the placement of a structure nearer to the front property line than the**
112 **principal structure for the construction of a residential detached accessory structure on property**
113 **located at 18260 Fillmore Street Northeast.** Johnson asked any discussion? To the motion, all in favor
114 say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion passes unanimously.**

115 This item goes before City Council on November 13, 2024.
116

117 **5.0B Public Hearing – Variance – Variance – Sidewall Height – 4806 239TH Ave NE – Jason Flagstad**

118 Berg reviewed Staff's report stating on September 25, 2024 the City received a variance application
119 from Mr. Flagstad who wishes to build a 36' x 60' detached accessory building at his property located at
120 4806 239th Avenue Northeast. Mr. Flagstad's property is 4.66 acres in size and is located in a Rural
121 Residential Zoning District of the City. Zoning Code would allow Flagstad an accessory building as
122 large as 2,850 sq. ft. in size. The proposed detached accessory building falls below the maximum
123 building size requirement for a detached accessory structure, however Flagstad would like to increase
124 the sidewall height to from 14 feet to 16 feet in order to get his camper/ motorhome inside and therefore
125 is requesting a two foot variance.

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

133 Berg noted that between 2014 and 2020 the Planning Commission and City Council reviewed and made
134 multiple revisions to detached accessory regulations including sidewall heights. Raising sidewall heights
135 for detached accessory buildings from 10 feet and 12 feet to 14 feet in all residential districts of the City.
136 City Staff are unable to locate the approval of any variances for detached accessory structure sidewall
137 height after the 2020 increase to 14 feet.

138 Berg stated that to hear requests for variances from the literal provisions of the ordinance in instances
139 where their strict enforcement would cause practical difficulties because of circumstances unique to the

140 individual property under consideration, and to grant such variances only when it is demonstrated that
141 such actions will be in keeping with the spirit and intent or the ordinance. Practical difficulties, as used
142 in connection with the granting of a variance, means that the property owner proposes to use the
143 property in a reasonable manner not permitted by an official control; the plight of the landowner is due
144 to circumstances unique to the property not created by the landowner; and the variance, if granted, will
145 not alter the essential character of the locality. Economic considerations alone do not constitute practical
146 difficulties.

147 Berg reported that the consideration of a variance requires the Planning Commission to consider a three-
148 factor test for practical difficulties. He noted the first factor, a test of reasonableness, means that the
149 landowner would like to use the property in a practical way but cannot do so under the rules of the
150 ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the
151 variance. He reviewed the second factor is that the landowner's problem is due to circumstances unique
152 to the property and not caused by the landowner. The uniqueness generally relates to the physical
153 characteristics of the particular piece of property, that is, to the land and not personal characteristics or
154 preferences of the landowner. He stated that the third factor is that a variance would not alter the
155 essential character of the neighborhood. This factor is used to consider whether the resulting structure
156 will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

157 Berg mentioned in this case it is the opinion of City Staff that this particular request does not meet the
158 standards under the practical difficulties test.

159 Berg recommended that the Planning Commission should review the material, hold a public hearing and
160 make a recommendation to approve or deny this application to the City Council.

161 Johnson opened the public hearing at 7:29 p.m.

162 Jason Flagstad explained that he has a camper that requires a 14 foot door, he noted that you cannot put
163 a 14 foot door in a 14 foot sidewall, so he needs to have a taller sidewall in order to put in the door.

164 Johnson asked if he had considered a vaulted ceiling. Flagstad explained that if he did that the camper
165 would sit in the middle of the building and this would waste a lot of space. Johnson also asked if he has
166 considered other ways to be in compliance with the Code. Flagstad noted that this is the only way he can
167 do it.

168 Downie asked if he had considered a smaller camper. Flagstad explained that this is one of the smaller
169 campers available. Downie also asked if he will be needing a driveway to this. Flagstad stated no that it
170 will only be used for storage.

171 Johnson closed the public hearing at 7:33 p.m.

172 Jorgensen discussed that he understands his frustration, but there are other solutions available.

173 Downie noted that he is having trouble with the logistics of a building of that size not being able to
174 house a lot of stuff. He noted that solutions can be made to get access to other parts of the structure if the
175 camper is put in the middle. He does not believe there are grounds to pass the variance.

176 Johnson discussed that she is having trouble saying yes to this variance. She noted that there seems to be
177 other solutions available.

178 **Commissioner Downie moved and Commissioner Jorgensen seconded recommending denial of a**
179 **variance to the standard detached accessory structure maximum sidewall height of 14 feet to 16**
180 **feet on property located at 4806 239th Avenue Northeast.** Johnson asked any discussion? To the
181 motion, all in favor say aye. **All in favor.** Johnson asked any opposed? That motion passes. **Motion**
182 **passes unanimously.**

183 This item goes before City Council on November 13, 2024.
184

185 **6.0 Adjournment**

186 **Commissioner Jorgensen moved and Commissioner Downie seconded to adjourn at 7:40 pm.**

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

189 Submitted by:

190 Sylvia Rokosz

191 *TimeSaver Off Site Secretarial, Inc.*
192

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



Date: November 26, 2024

Agenda Item Number: 5.0

Agenda Item: Planning Commission Reappointments

Requested Action: Consider recommendation to re-appoint Sharon Johnson and Brain Downie to the Planning Commission.

Background Information: Sharon Johnson has served on the East Bethel Planning Commission multiple terms. Her most recent appointments started in January 2022 and her current appointment expires on January 31, 2025. Commissioner Johnson has submitted a letter of interest seeking to serve another term that would expire on January 31, 2028.

Brian Downie was appointed to serve a partial term on the East Bethel Planning Commission which began on February 27, 2024, and is scheduled to expire on January 31, 2025. Commissioner Downie has submitted a letter of interest seeking to serve another term that would expire on January 31, 2028.

Recommendation: Planning Commission is requested to consider the approval of a recommendation to City Council to re-appoint Sharon Johnson and Brian Downie to the Planning Commission for an additional term to commence on February 1, 2025, and expire on January 31, 2028.

Attachment(s):

1. Letter of Interest from Johnson.
2. Letter of Interest from Downie.

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

From: [S Johnson](#)
To: [Aaron Berg](#)
Subject: RE: Planning Commission Term Expiring - Reappointment Consideration
Date: Friday, November 8, 2024 12:14:06 PM

Caution: This email originated outside our organization; please use caution.

Hi, Aaron,

I would like to be considered for reappointment to the Planning Commission. I hope that the other members of the Planning Commission and the City Council find my participation in the commission helpful.

Kind regards,

Sharon Johnson

From: Aaron Berg <aaron.berg@ci.east-bethel.mn.us>
Sent: Thursday, November 7, 2024 2:10 PM
To: Aaron Berg <aaron.berg@ci.east-bethel.mn.us>
Subject: Planning Commission Term Expiring - Reappointment Consideration

Commissioner,

According to my records your term on the Planning Commission is set to expire on Jan. 31st, 2025. I wanted to reach out to give you some time to consider reappointment.

I value your opinions and appreciate your commitment to the community.

Please let me know if you have an interest in continuing to serve on the Planning Commission and want to be considered for re-appointment.

I can get this item on the PC Agenda for Nov/December if possible.

Thank you!

Aaron M. Berg, MPA
Community Development Director
City of East Bethel
Phone: (763) 367-7864 | Fax: (763) 434-9578
aaron.berg@ci.east-bethel.mn.us

NOTICE: Unless restricted by law, email correspondence to and from the City of East Bethel offices may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

From: [Brian Downie](#)
To: [Aaron Berg](#)
Subject: RE: Planning Commission Term Expiring - Reappointment Consideration
Date: Friday, November 8, 2024 7:04:10 AM

Caution: This email originated outside our organization; please use caution.

Director Berg,

I would like to continue to serve on the Planning Commission & want to be considered for re-appointment.

Thank you,

Brian Downie

Quality Manager
763.762.6250

From: Aaron Berg <aaron.berg@ci.east-bethel.mn.us>
Sent: Thursday, November 7, 2024 14:10
To: Aaron Berg <aaron.berg@ci.east-bethel.mn.us>
Subject: Planning Commission Term Expiring - Reappointment Consideration

Commissioner,

According to my records your term on the Planning Commission is set to expire on Jan. 31st, 2025. I wanted to reach out to give you some time to consider reappointment.

I value your opinions and appreciate your commitment to the community.

Please let me know if you have an interest in continuing to serve on the Planning Commission and want to be considered for re-appointment.

I can get this item on the PC Agenda for Nov/December if possible.

Thank you!

Aaron M. Berg, MPA

Community Development Director
City of East Bethel

Phone: (763) 367-7864 | Fax: (763) 434-9578
aaron.berg@ci.east-bethel.mn.us

NOTICE: Unless restricted by law, email correspondence to and from the City of East Bethel offices may be public data subject to the Minnesota Data Practices Act and/or may be

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



Date: November 26th, 2024

Agenda Item Number: 6.0A

Agenda Item: Public Hearing - Variance – Reduction of Front Yard Setback for Septic System placement and setback reduction from the Ordinary High Water Level (OHWL) for the construction of an attached patio cement slab, at the property located at 3564 Edmar LN NE.

Background Information: On October 3, 2024, the city received an application from Sharper Homes, Inc. to reduce the standard setback from 10 feet to 8 feet, in the front yard for installation of a septic drainfield and a setback reduction from the Ordinary High Water Level (OHWL), of 75 feet to 61.5 feet, for the construction of an attached patio cement slab, at the property located at 3564 Edmar LN NE, Wyoming, MN 55092.

This .64 acre lot is in the Coon Lake Zoning District and covered by a Shoreland Overlay Zone. Not only does this lot have shoreland but it also includes a section of wetlands. In addition, the land immediately adjacent to the east is city owned and it contains lowland with an open drainage ditch that runs parallel to the lot line. These features create a list of setbacks that must be met.

Sharper Homes, Inc. is proposing a slab on grade home with placement that takes all setbacks into consideration however to place a SSTS (Septic System) and well on the property an encroach into a property line setback is necessary. A setback reduction from the required 10 feet to 8 feet will be required for the installation of a drainfield on this property. Setbacks for drainfields are established in City Code Chapter 74 - Utilities, Section 74-44 – Setback requirements, which identifies Minnesota State Statute, Chapter 7080.2150. Under MN Rules Chapter 7080.2150 Subpart F, it is noted that infringement on property line must be made through accepted local procedures (variance process).

Sec. 57-5 has a list of definitions including Setback and Structure. *Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, top of a bluff, road, highway, property line, or other facility.* This definition is clear that the setback is between the OHWL and a structure. *Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.* This definition is clear as to what is and what is not a structure. An appurtenance, which is also not defined in East Bethel City Code has a general definition as accessory to and permanent.

Sec. 57. Sub. 8. C.2 (a) requires a 75 foot setback from the OHWL. The proposed house placement has the back wall of the house at or near the setback line. The proposed construction also includes a 14 X 20 foot concrete patio slab which is attached to the back of the house protruding toward the lake into the OHWL setback. Sharper Homes, Inc. is requesting a reduction of the 75 foot setback to 61.5 feet. The opinion of city staff is the proposed concrete patio slab, attached to the house is, an appurtenance.

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. Economic considerations alone do not constitute practical difficulties.

A consideration of a variance requires the following 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.

In this case:

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

- The second factor is, a test of uniqueness, the issue for the variance 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 property.

In this case:

Current setback requirements for sewage treatment systems are 50 feet from the OHWL, 50 feet from any well, 20 foot from any structure and 10 foot from any property line.

Tanks are required to be placed 10 feet from any structure and 10 feet from property lines.

The adjacent property contains wetlands and a ditch which require a 25 foot setback.

Shoreland setback for structures is 75 feet from the OHWL, 25 feet from the front lot line and 7 feet from the side yard lot lines.

- 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 or improvement will be out of scale, out of place, or otherwise inconsistent with the surrounding area.

In this case:

There are nine (9) other properties on Edmar Ln. NE that have septic mounds in the front or side yards visible from the right of way.

The adjacent property to the west has a box mound in the side yard visible from the right of way.

A patio slab is not a minimum building requirement of a new single-family home in the East Bethel Building Code. The amenity is personal preference of the landowner. The elevation at the OHWL is 904.8 feet above sea level while the elevation at the proposed slab extension is 909.0 feet. This is a over a (4) four foot elevation drop over a 75 foot distance. The risk of damage by changing lake water levels is minimal. For additional consideration, the Shoreland Overlay District permits property owners 25% Impervious Surface lot coverage. The total square footage of this proposal including the patio is 21%.

Recommendations: Staff recommends the Planning Commission hold a public hearing and make a recommendation regarding the variance request for the reduction of the property line setback for the installation of a sewage treatment system and a reduction of the OHWL setback for the construction of an attached cement patio slab, at the property located at 3564 Edmar LN NE.

Attachments:

1. Location Map
2. Aerial of Property
3. Certificate of Survey

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

3564 EDMAR LN NE - LOCATION MAP



1 inch equals 146 feet



-  Parcels
-  City Mask

3564 EDMAR LN NE - AERIAL MAP

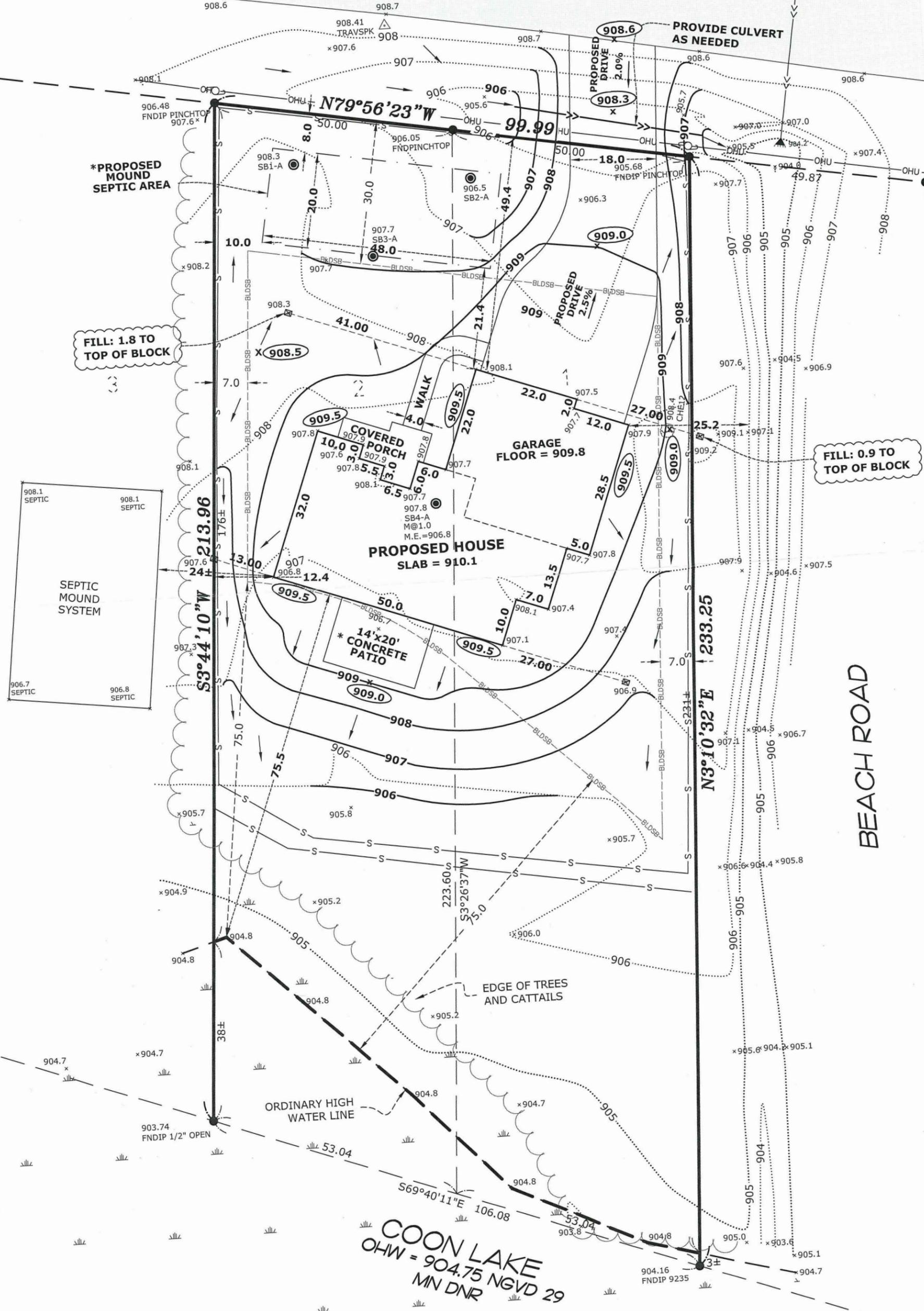


1 inch equals 111 feet



-  Parcels
-  City Mask

EDMAR LANE NE



City of East Bethel
Planning Commission Regular Meeting Agenda
Item Information



Date: November 26, 2024

Agenda Item Number: 6.0 B

Agenda Item: Public Hearing – Variance Request - Second driveway and paving standards in an CL Residential Zone.

Background Information: On October 29, 2024, the City of East Bethel received a Variance Application from Josh Balfany, the property owner at 19408 E. Front Blvd NE, for the construction of a second driveway/ access to his parcel off E. Front Blvd. NE, in Coon Lake Zoning District.

Mr. Balfany and his brother, who owns 19356 E. Front Blvd. NE, acquired a vacant parcel from family which was located between their two parcels. In a private land transaction, they divided the lot and adjoined each portion to their respective lots. Balfany subsequently applied for an accessory structure which was permitted, and the project was completed. During the final inspection Balfany was informed he would need to obtain a permit for a second driveway/ access. Balfany indicated on his September 28, 2023, building application that there are no plans for a driveway. City Code does not permit more than one (1) driveway/ access in certain zoning districts of the city.

SECTION 10. - GENERAL DEVELOPMENT REGULATIONS, Sub.15. - Driveway access and standards.

A. Access requirements.

1) Properties in the R1, R2, and CL districts are allowed one access point from a public street.

2) Properties in the RR and A districts are allowed two access points from a public street; however, properties located on municipal state aid streets, major thoroughfares, and major streets are allowed one access point from a public street.

B. Surface and drainage.

1) Off-street parking areas and driveways in the R-1, R-2, CL, B-1, B-2, B-3, I, MXU and conditional uses in the RR districts shall be constructed of a bituminous or concrete surface.

2) In all residential zoning districts, driveways located on an improved street require a bituminous or concrete driveway extending from the street a minimum of 75 feet or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.

3) Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement.

4) In all residential districts, driveways created on an unimproved street after the adoption of [ordinance 28, second series, adopted Dec. 21, 2010] are required to meet the paving requirements of this section no later than one year after subsequent improvements of the street are completed, with either a bituminous and/or concrete surface.

5) All new driveways over 150 feet must conform with the fire apparatus access road standards as adopted in City Code Section 30-39 and set forth in the Minnesota Uniform Fire Code as amended from time to time.

The septic drainfield is located on the north side of the house. The well is located in the front yard forcing the placement of the detached accessory structure is opposite of Balfany's existing driveway and therefore he is unable to access the new building from the existing access.

In addition to the request for a second driveway/ access, Balfany is requesting a variance to the (improvement requirements) paving standards, as required in Sec. 10, Sub.15 (B2), under (B3) which states that, Parking spaces for heavy equipment that would damage bituminous or concrete surfaces are exempt from the paving requirement. Balfany owns a skid steer/ loader he intends on parking on the driveway and believes its parking would be damaging to a paved surface. City ordinance does not define heavy equipment.

There are three (3) parcels on E. Front Blvd. NE that appear to have second driveways. A historical review of the GIS Aerial's provides information that all three of those existed prior to 2008 when the ordinance revision occurred prohibiting second driveways from CL, R-1, and R-2 Zoned parcels.

Staff advised Balfany that the second access/ driveway and pavement standard requirements would be denied if applied for and a variance would be required before either could be applied for or approved.

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 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:

- ***The property owner is requesting for a second driveway to access a detached accessory structure is reasonable as adequate ingress and egress are necessary for a structure intended to store vehicles and equipment.***

Or alternatively;

- ***The denial of a variance to place a second driveway on a property does not deny the landowner reasonable use of the property, as detached accessory structure and subsequent access are not a requirement of development standards of a primary residence.***

- 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:

- ***The property is triangular shaped limiting buildable areas for construction.***

- ***The septic (SSTS) drainfield is located on the north side of the lot. The well is located in the front yard.***
- ***The layout of the home placed the attached garage and existing access/ driveway on the north side of the house, away from the newly constructed detached accessory structure***
- 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:

- ***There are (3) three other parcels with existing non-conforming second driveways on E. Front Blvd. NE.***

Or alternatively;
- ***Properties in the R1, R2, and CL districts are allowed one access point from a public street.***

In this case, it is the opinion of city staff that this variance request partially meets the standards under the practical difficulties test.

For additional consideration, Balfany’s lot is in a Shoreland Overlay District which has a maximum allowable Impervious Surface percentage of 25%. Balfany’s lot based on acreage would be permitted to cover 5,445 sq feet. The existing coverage on the lot including the newly constructed accessory building is 4,335 sq feet providing for an additional 1,110 of allowable coverage. Driveways are required to be a minimum of 12 feet wide but cannot exceed 24 feet in width at the union of the right of way pavement. Based on the minimum paving length standards and a 12 foot wide driveway would add an additional 650 sq feet. A 24 foot wide driveway would add an additional 1,300 sq feet which would exceed the Impervious Surface Coverage allowed.

Sec. 57. Shoreland Overlay (SL) District Sub 5. – Definitions. Impervious surface. The area of a lot (above the ordinary high water level) covered with buildings including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a gravel base shall be considered impervious. Decks that allow drainage through the decking and that do not have a plastic weed barrier or some other material that would impede drainage into the ground and swimming pool water surface area shall not be considered impervious.

Recommendation: City Staff is requesting the Planning Commission hold a public hearing and make a recommendation to the City Council for the placement of a second driveway and to the driveway access and standards of paving, as required in Sec. 10, Sub.15 (B2), on a parcel located at 19408 E. Front Blvd. NE, Wyoming, MN 55092.

Attachments:

1. Location Map
2. Aerial Map
3. Site Plan
4. Building Permit 2023-01063 Application

Planning Commission Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

19408 E. FRONT BLVD NE - LOCATION MAP



-  Parcels
-  City Mask

1 inch equals 185 feet



November 12, 2024
Map Powered By DataLink



19408 E. FRONT BLVD NE - AERIAL MAP



-  Parcels
-  City Mask

1 inch equals 139 feet



N
November 12, 2024
Map Powered By DataLink

CERTIFICATE OF SURVEY For: Jeremy Balfany

EXISTING LEGAL DESCRIPTION, PARCEL A-1 (25-33-23-13-0057)(Owner, Joshua Balfany):

Lots 1-A and 2-A, REARRANGEMENT OF LOTS - A, B, C, D & E, COON LAKE EAST FRONT, Anoka County, Minnesota.

EXISTING LEGAL DESCRIPTION, PARCEL B-1 (Owner, Jeremy Balfany):

(25-33-23-13-0056)

Lot 3-A and that part of Lot 1-B lying north of the South 23.90 feet of said Lot 1-B, both in REARRANGEMENT OF LOTS - A, B, C, D & E, COON LAKE EAST FRONT, Anoka County, Minnesota.

AND (25-33-23-13-0055)

Lot 2-B and the South 23.90 feet of Lot 1-B, both in REARRANGEMENT OF LOTS - A, B, C, D & E, COON LAKE EAST FRONT, Anoka County, Minnesota.

PROPOSED LEGAL DESCRIPTION, PARCEL B-2: (To be transferred from Jeremy Balfany to Joshua Balfany).

The North 38.00 feet of Lot 3-A, that part of said Lot 3-A West 74.50 feet lying South of the North 38.00 feet thereof and that part of the West 74.50 feet of Lot 1-B lying north of the South 23.90 feet thereof, all in REARRANGEMENT OF LOTS - A, B, C, D & E, COON LAKE EAST FRONT, Anoka County, Minnesota.

PROPOSED LEGAL DESCRIPTION, PARCEL A:

Lots 1-A and 2-A, the North 38.00 feet of Lot 3-A, that part of the West 74.50 feet of said Lot 3-A lying South of the North 38.00 feet thereof and that part of the West 74.50 feet of Lot 1-B lying north of the South 23.90 feet thereof, all in REARRANGEMENT OF LOTS - A, B, C, D & E, COON LAKE EAST FRONT, Anoka County, Minnesota.

PROPOSED LEGAL DESCRIPTION, PARCEL B:

Lot 2-B, the West 74.50 feet of the South 23.90 feet of Lot 1-B, that part of said Lot 1-B lying east of the West 74.50 feet thereof and that part of Lot 3-A lying east of the West 74.50 feet thereof and south of the North 38.00 feet thereof, all in REARRANGEMENT OF LOTS - A, B, C, D & E, COON LAKE EAST FRONT, Anoka County, Minnesota.

BENCHMARK

Anoka County Benchmark in covered tube in NW quadrant of C.S.A.H. No. 17 and C.S.A.H. No. 18.
Elev.=906.414 (NAVD 1988)

Fee Owner, Parcel A-1: Joshua Balfany
19408 E. Front Blvd. NE.
East Bethel, MN 55092
Phone -

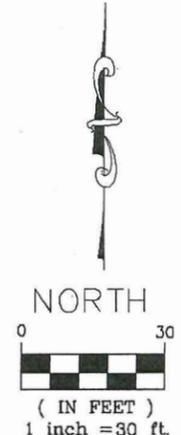
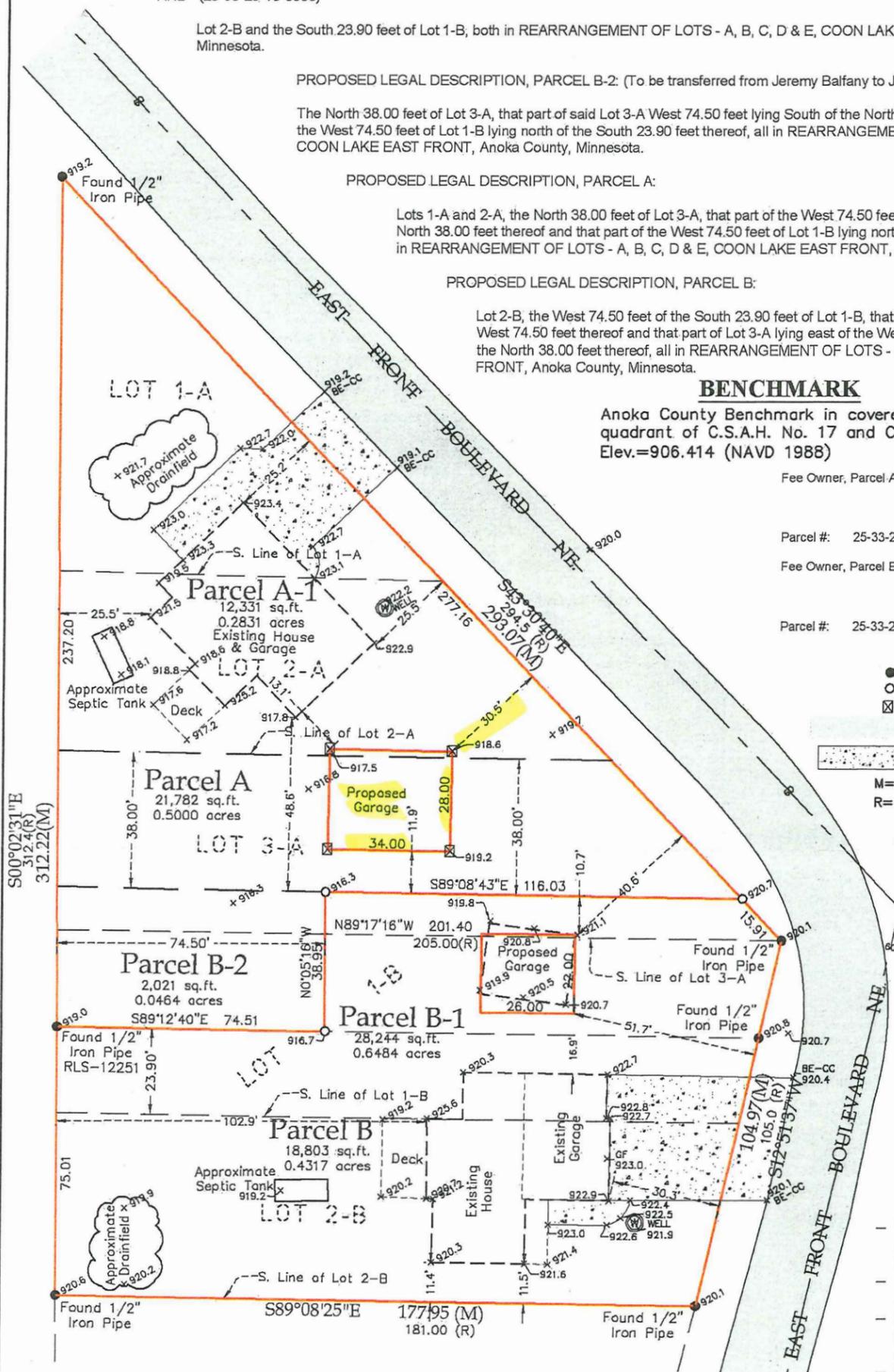
Parcel #: 25-33-23-13-0057

Fee Owner, Parcel B-1: Jeremy Balfany
19356 E. Front Blvd. NE.
East Bethel, MN 55092
Phone 612-227-6160

Parcel #: 25-33-23-13-0055 and 25-33-23-13-0056

LEGEND

- DENOTES IRON PIPE FOUND
- DENOTES IRON ReBar SET
- ⊠ DENOTES 12" METAL SPIKE SET
- DENOTES BITUMINOUS
- ▨ DENOTES CONCRETE SURFACE
- M= DENOTES MEASURED DIMENSION
- R= DENOTES RECORDED DIMENSION



NOTES

- Vertical datum is based on benchmark shown NAVD1988.
- Field survey conducted on June 1st, 2023.
- Bearing's shown are based on Anoka County datum.
- Photo overlay shown is from Anoka County GIS web site.

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

JOB No. 19920MS

ACRE LAND SURVEYING
26450 Rum River Drive NW.
Isanti, MN 55040
763-439-2702 lr.acrelandsurvey@gmail.com

Preliminary Copy

LYLE C. REYNOLDS Date: 6/16/2023 Reg. No. 13072

2023-01063



2241 221st Ave. NE • East Bethel, MN 55011
Phone: (763) 367-7844 • Fax: (763) 434-9578

RECEIVED
SEP 28 2023
BY: _____

PERMIT APPLICATION FOR RESIDENTIAL ACCESSORY STRUCTURE

Job Address: 19408 EAST FRONT BLVD

Owner's Name: JOSH Balfany Phone: 612-221-6093

Email: jbalfanyinc@comcast.net

General Contractor (If being used): _____ Phone: _____

E-mail: _____ Contractor's Lic. #: _____

Do you intend on running a home occupation from the structure: YES NO

Do you have an Interim Use Permit to run a Home Occupation: YES NO

If yes, a copy of the IUP must be provided with this application.

Type of work: Shed Garage Pole Building Other: _____

Total Sq. Ft.: * 952 Sidewall Height: ** 12' Bldg Height: 24'

**If a pole building is 2,000 sq ft, or more, building plans must be signed by a structural engineer.*

***If the sidewall height is taller than 12 ft or more, engineer approval is required for stick buildings.*

Total number of accessory structures currently on site: 0

Total Sq. Ft. of accessory structures currently on site: 0

Zoning: CL Acre.: .5 Shoreland Overlay District: YES NO

Driveway plans for new accessory structure: NO

Will there be two architectural features on front facade: YES

Will the color of the siding match or coordinate with the primary structure: YES

Valuation of Work*: \$ ~~30,000~~ 33,320.00 ✓

**Based on cost of material and labor as if you were to hire a contractor.*

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, HEATING AND A/C, FIREPLACE, AND FIRE SPRINKLERS. PLUMBING AND SEPTIC ARE NOT ALLOWED IN A DETACHED ACCESSORY STRUCTURE. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HERIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

TOTAL AMOUNT DUE \$ _____

Permit Cost will be calculated based on Valuation of project per 1997 UBC Table 1-A. You will be contacted with total due once project has been approved.

Signature of Contractor or Authorized Agent: _____ Date: _____

Signature of Owner (if owner builder): [Signature] Date: 9-28-23

Building Approval: _____ Date: _____

Zoning Approval: _____ Date: _____



Detached Accessory Structure Acknowledgement

I acknowledge that City Code, Appendix A – Section 10 – 32 prohibits the use of residential accessory structures over 1,000 square feet to be used for commercial or industrial activities.

Property Owner's Initials: JB

I acknowledge that all activities occurring in this structure will be of a residential nature, and I am not constructing this accessory structure for the operation of a home occupation as prohibited in City Code, Appendix – A, Sections 10-19 A.1.j and 10-19 B.1.j.

Property Owner's Initials: JB

I acknowledge that City Code, Appendix A – Section 14-2 Detached Accessory Structures prohibits human habitation, and this structure will not be used for human habitation.

Property Owner's Initials: JB

I acknowledge that motor vehicle repair is not a permitted use for residential districts within the City of East Bethel as governed by City Code, Appendix A – Section 1 – 6 B.1, and any motor vehicle repairs occurring on my property will be repairs to my personal vehicles.

Property Owner's Initials: JB

Property Owner's Signature: Josh Balfany

Property Owner's Name: JOSH BALFANY

Property Address: 19408 EAST FRONT BLVD

Date: 9-15-23



2241 221st Ave. NE • East Bethel, MN 55011
Phone: (763) 367-7844 • Fax: (763) 434-9578

SHORELAND OVERLAY DISTRICT - IMPERVIOUS SURFACE CALCULATIONS

These calculations are **REQUIRED** per East Bethel Code of Ordinances
Appendix A - Zoning, Section 57 if your property is in the Shoreland Overlay District.

Impervious surface Definition per East Bethel Ordinance: The area of a lot (above the ordinary high water level) covered with buildings including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a gravel base shall be considered impervious. Decks that allow drainage through the decking and that do not have a plastic weed barrier or some other material that would impede drainage into the ground and swimming pool water surface area shall not be considered impervious.

Job Address or PID: <u>19408 EAST FRONT BLVD</u>	
Impervious Surface Calculations completed by: (name) <u>JOSH BOLFANY</u>	
who is the following: <input checked="" type="checkbox"/> Homeowner <input type="checkbox"/> Contractor <input type="checkbox"/> Land Surveyor <input type="checkbox"/> Other: _____	
Date these calculations were completed: <u>9-15-23</u>	
<u>PROPERTY OWNER:</u>	<u>APPLICANT/CONTRACTOR:</u>
NAME: <u>JOSH BOLFANY</u>	<input checked="" type="checkbox"/> SAME AS PROPERTY OWNER
PHONE: <u>612-221-6093</u>	NAME: _____
EMAIL: <u>jbolfanyinc@comcast.net</u>	PHONE: _____
	EMAIL: _____

What lake(s) is applying the Shoreland Overlay (select all that apply):

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Anderson Lake | <input type="checkbox"/> Deer Lake | <input type="checkbox"/> Minard Lake |
| <input type="checkbox"/> Booster Pond Lake | <input type="checkbox"/> Devil Lake | <input type="checkbox"/> Mud Lake |
| <input type="checkbox"/> Cedar Creek Lake | <input type="checkbox"/> Fish Lake | <input type="checkbox"/> Ned's Lake |
| <input type="checkbox"/> Cooper's Lake | <input type="checkbox"/> Goose Lake | <input type="checkbox"/> Rice Lake |
| <input checked="" type="checkbox"/> Coon Lake | <input type="checkbox"/> Lone Pine Lake | |

Ordinary High Water (OHW) level: 906.5 elevation

Total square footage of lot **above** the Ordinary High Water level: 21,780 sq. ft.

Total square footage of **existing** impervious surfaces on lot: 3383.8 sq. ft.

Total percentage of **existing** impervious surface: 15.5 %

Total square footage of **proposed** impervious surface: 952 sq. ft.

Total percentage of **proposed** impervious surface: 20 % (maximum 25%)

Signature of person completing calculations: [Signature] Date: 9-15-23

The site plan must include the Ordinary High Water level elevation with all measurements and calculations. If the calculations indicate that the impervious surface encroaches the maximum percentage, then a Certificate of Survey will be required with this information printed on the survey.