

EAST BETHEL PLANNING COMMISSION MEETING  
April 27, 2021

*Pursuant to Minnesota Statutes Section 13D.021 and the declared public health emergency due to COVID-19, this meeting was held remotely.*

MEMBERS PRESENT: Wanda McLaurin, Sherry Allenspach, Glenn Terry, Tom Eich, Jim Smith (arrived at 7:08 p.m.), Daryl Lawrence, Sharon Johnson

MEMBERS ABSENT: Tom Eich

ALSO PRESENT: Jack Davis, City Administrator  
Stephanie Hanson, Community Development Director  
Suzanne Erkel, City Council Liaison

### 1.0 Call to Order

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

### 2.0 Adopt Agenda

**Commissioner Johnson moved and Commissioner Allenspach seconded to adopt the agenda as presented. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith Absent for vote, Lawrence yes, Johnson yes. Motion passed unanimously.**

### 3.0 Approve March 23, 2021 meeting minutes

**Commissioner Terry moved and Commissioner Johnson seconded to adopt the March 23, 2021 regular meeting minutes as written. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith Absent for votes, Lawrence yes, Johnson abstain. Motion passed.**

### 4.0 Public Hearing: Variance, Accessory Structure Placement – 19976 Erskine St NE, Daniel Schneider

Hanson reviewed staff's report stating the property is located in the R – Rural Residential zoning district. The property owner would like to place a detached accessory structure 10-feet in front of the home. City code Appendix A Zoning 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 front 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. In the case of a corner lot, the front lot line shall be located on the side on which the principal building is addressed. The remaining lot side with street frontage shall meet the minimum front yard setback.”

Hanson indicated the property owner is limited on placement options for the structure: the septic system is located on the north side of the home, there is a significant grade changes to the west and the close proximity of the existing wetlands and FEMA floodplain. Attachment 3 of the Commissioner's packet shows the location of the proposed structures, 2-foot contours and septic location.

Hanson reviewed the three-factor test for practical difficulties.

Hanson indicated with respect to the test of reasonableness, the property owner would like a detached accessory structure and would like to access it from the existing driveway. The existing home is setback

50 feet from the right-of-way (code requires a 40-foot setback); therefore, the detached accessory structure setback of 40 feet from the right-of-way will still meet the setback requirements of city code.

Hanson noted with respect to the landowner's problem is due to circumstances unique to the property and not caused by the landowner, the topography of the land, existing wetlands and FEMA floodplain limits the location of the structure. Also, when the home was built, the septic system was located on the northern side of the home so a structure cannot be placed behind the home in that particular area.

Hanson stated with respect to a variance would not alter the essential character of the neighborhood, there are homes in the area that are setback 40-feet from the right-of-way. The detached structure will be of an architectural design that is similar to the home and have the same roof pitch and overall height.

Hanson requested the Planning Commission hold a public hearing and recommend approval to the City Council for a Variance to place a detached accessory structure 10-feet in front of the existing home.

McLaurin opened the public hearing at 7:06 p.m.

The applicant, Mr. Schneider, was present for any comments. He stated staff had explained to him everything and he did not have anything extra to add.

There were no other comments made.

McLaurin closed the public hearing at 7:07 p.m.

There were no comments from the Commissioners. Smith arrived at 7:08 p.m.

**Commissioner Lawrence moved and Commissioner Allenspach seconded to recommend approval to City Council with the conditions set forth in the Resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.**

This item goes before City Council on May 10, 2021.

## **5.0 Public Hearing: Variance, Side Yard and Front Yard Reduction**

Hanson reviewed staff's report stating the property is located in the R1 – Single Family Residential zoning district, located in the Coon Lake Beach area. The property does not have a garage; therefore, the property owner would like to construct one. Because of the locations of the well and septic system, and the smaller sized lot, structure location is limited.

Hanson stated the property owner is requesting two (2) variances: Reduce the front yard setback from 30 feet to 25 feet; and reduce the side yard setback from 10 feet to 7 feet.

Hanson reviewed the three-factor test for practical difficulties.

Hanson stated with respect to the test of reasonableness, City code requires an 8-foot clearance between structures. The proposed location of the garage will place the garage approximately 12-feet from the home. This will leave room in the event the well needs to be accessed for service.

Hanson indicated placing the garage 30-feet from the right-of-way would only leave 3 feet separation from the foundation of the new garage and the well. A 3-foot separation needs to be maintained from the

eaves of the new structure to the well; thus this required setback cannot be met if the garage was setback 30 feet from the right-of-way.

Hanson stated with respect to the landowner's problem is due to circumstances unique to the property and not caused by the landowner, the existing location of the well and septic system is causing unique circumstances to the property owner. The existing cabin was built decades ago and future planning such as additions was not taken into consideration. A location for a garage is limited.

Hanson stated with respect to the variance would not alter the essential character of the neighborhood, there are numerous properties within the Coon Lake Beach area that are encroaching into the setbacks. The lots are small and many have the same issues as this property.

Hanson requested the Planning Commission hold a public hearing and recommend approval to the City Council for variances to reduce the side yard setback from 10 feet to 7 feet and the front yard setback from 30 feet to 25 feet for the placement of a garage.

McLaurin opened the public hearing at 7:15 p.m.

The applicant was present for any questions. He stated they were trying to put a lot of pieces into a small puzzle and this was step one for additional enhancements.

There were no other comments made.

McLaurin closed the public hearing at 7:16 p.m.

McLaurin noted they had done a lot of variances at Coon Lake due to the fact that the lots were unique in size.

**Commissioner Terry moved and Commissioner Johnson seconded to recommend approval to City Council with the conditions set forth in the Resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.**

This item goes before City Council on May 10, 2021.

#### **6.0 Public Hearing: Interim Use Permit, B & T Trucking, 1311 229<sup>th</sup> Ave NE, Taras Martynenko**

Hanson reviewed staff's report stating B & T Trucking is an over-the-road trucking company that's been in business approximately 20 years and has been operating in East Bethel for 8 years. Prior to moving to the City, the business owner submitted a letter to the City regarding his intentions and made numerous phone calls, asking for a Certificate of Occupancy (CO) for the existing building. Staff is unsure if a CO was issued, as the business owner requested in the letter. Prior to 2016, CO's were not kept in the address files.

Hanson noted the family business currently employs 3 office staff and 9 drivers. It is common to have up to 10 semi-trailers on site at any given time. Typically the trailers are loaded and leave on the weekend. They are back in town on Wednesday and Thursday, the drivers will take a couple days off from work and then the process starts over on the weekend.

Hanson indicated the issuance of an IUP for the business ensures compliancy for the existing use of the property. For the past 8 years, the property remains neat and orderly; non-compliancy has not been an issue. Staff is in the opinion that the current use of the property for the past 8 years has been low-profile.

Hanson stated staff is requesting the Planning Commission hold a public hearing and recommend approval to the City Council for an IUP to allow the continued use of the property as a truck/motor freight terminal with the conditions set forth in the report.

McLaurin opened the public hearing at 7:22 p.m.

Applicant, Mr. Martynenko, was present for any comments. Mr. Martynenko stated he had no comments or questions.

There were no other comments made.

McLaurin closed the public hearing at 7:22 p.m.

Terry asked why was this a Certificate of Occupancy rather than an IUP initially. Hanson responded the reason why they were doing an IUP was so he can continue working from the property. She noted the property owner wanted to add onto the building, but they cannot get a building permit until they have an IUP for the use on the property.

Terry asked why that wasn't the process eight years ago. Hanson replied staff did not know why. She stated the applicant had submitted a letter, but staff had not gotten back to him at that time.

Terry stated this was so well screened and maintained that he did not have any idea the business was there.

McLaurin agreed that it was well screened.

Smith stated the business was doing a fantastic job of keeping the property well maintained, neat, and orderly and there had been no issues in eight years.

**Commissioner Smith moved and Commissioner McLaurin seconded to recommend approval to City Council with the conditions set forth in the resolution. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.**

This item goes before City Council on May 10, 2021.

## 7.0 Updates

Council Liaison Erkel updated the Commission on recent Council actions and the Local Board of Appeals meeting.

Hanson stated there was a Joint Work Session at 7:00 p.m. on May 3 for the Council and Planning Commission.

Terry stated there was a publication by the City and another agency regarding maintaining wildlife corridors that was left with the Commission at one time. He asked if any of the Commissioners remembered the publication. None of the Commissioners remembered the publication.

Johnson stated there were a lot of online rumors going around as to businesses that are or might be coming to the City. She asked if the Commissioners should say something or just ignore the comments.

McLaurin stated she had been that considering the fact that the Commissioners were on the Planning Commission, they have to be very careful about what they might say. She stated she had been advised to not respond to it unless it was something blatant. She indicated she ignored a lot of it, but if she was concerned about a comment made, she lets staff know. She stated it was better for the City to handle it rather than a Commissioner.

Allenspach stated someone today posted the actual facts from the Council meeting.

McLaurin asked if the Commission would be meeting in person in the near future. Hanson responded the Council was going to discuss this at their Work Meeting next week.

## **8.0 Adjournment**

**Commissioner Allenspach moved and Commissioner Johnson seconded to adjourn at 7:35 pm. Roll call vote was taken. McLaurin yes, Allenspach yes, Terry yes, Smith yes, Lawrence yes, Johnson yes. Motion passed unanimously.**

Submitted by:

Kathy Altman

*TimeSaver Off Site Secretarial, Inc.*