The meeting was called to order at 7:02 p.m. by Chair Paul Voge.

Present: Paul Voge, Jo Thompson, Wayne Dahlberg, Jerry Hauge, and Larry Zanko.

Absent: John Schifsky.

Also present: Sue Lawson, Planning Director.

The agenda was approved as presented.

**Gaylord Variance Hearing**

Dan and Melissa Gaylord were present for the variance hearing.

Sue outlined the public hearing process and presented the Gaylords’ variance request. The request is for a variance from the required side yard setback of 20 ft to 10 ft in order to build a garage and not encroach on the DNSSD grinder pump. The property is located in zone district SCO-8A, which is a commercial zone and is a nonconforming lot.

Wayne said the zoning matrix says that a residence in SCO-8A requires performance standards.

Sue said that the performance standards require that all other zoning requirements are met and that an affidavit be signed and submitted stating that the owner is aware that they are locating a residence in a commercial district and understands the potential impact. That has been provided.

Wayne asked if there had been a home there that was taken down. Were utilities in place for it? And is the new home currently being built?

Dan said yes, the old house had utilities and was torn down, and the new house is being built.

Sue said that the grinder pump was in place prior to the Gaylords owning the property. The house was on the north side. And there was a structure located where the garage is proposed that they tore down.

Wayne said that they have a garage attached to the house and this proposed detached garage. Will there be just one driveway?

Dan said yes and that that driveway is already in place.

Wayne asked if the proposed garage would interfere with the adjoining residence’s sightlines.

Dan said that it will not.

Paul asked if there is screening, such as vegetation, between the properties.

Dan said that there is, but it is mostly on the neighbor’s property.
Larry said that on the site map, the neighbor’s house to the north looks to be about 10 ft from the property line between the two properties.

Sue said that the house is about that far from the line. It has been there forever and probably predates the Ordinance.

Dan said that he made his measurements from the survey stakes. There is one on the NW corner of his property.

Wayne asked why they want to place the garage in that location on the site.

Dan said that he could put it further in on the site, but the foundation from the previous house is there and he has done some work on it and would like to use it.

Wayne asked if there were other options that would comply with all of the setbacks and not require a variance.

Dan said yes.

Shirley Hildebrandt, owner of the Beachway Motel directly to the east of the Gaylord property, spoke. She asked if the grinder pump was the original one put in by DNSSD. It is. She said she has no objections to the variance, but she is more concerned about the fill they have been put in because now, any time it rains, it drains onto her property.

If, in the future, she needs to make some improvements on her property, she said she would like to have some consideration for her setbacks.

Paul noted Shirley was referring to the berm shown on the site map. He asked how long the berm has been there.

Dan said that it has been at least four years. They got the fill from a culvert on Hwy 61.

Sue asked if there is a lowland area between the two properties.

Dan said that there is a swale that goes between the properties.

Larry Zanko made a motion that the variance be granted because the criteria from the Ordinance for granting a variance, Article X Section 3.E, are sufficiently met.

Jerry Hauge seconded.

Discussion:

Wayne noted that, in his opinion, the problem of being too close to the grinder pump could have been avoided if they had looked at the site plan in its entirety before they started building. The whole thing could be pushed further back and they would not need a variance. So, in his opinion, it does not necessarily constitute a practical difficulty.

Larry said that the setback of 10 ft was what was required for residential use in adjacent zone districts and their intent is to use the property as residential so, in a practical sense, it will no longer be commercial. It seems reasonable to him because it is the setback for a residential area and the neighborhood is essentially residential.
Jo said that it is a cozy neighborhood and everyone is close to their property lines. It won’t change the character of the neighborhood.

Paul said that the practical difficulty is the grinder pump which was there when they bought the property.

Sue said that the house that had been on the property was almost on the line. That house was torn down and the new one meets setbacks.

The motion passed with a vote of 4 to 1.

Voting in favor: Paul Voge, Jo Thompson, Jerry Hauge and Larry Zanko.

Voting against: Wayne Dahlberg.

End of Public Hearing

The May minutes were approved with a correction to the name of an audience member.

Director’s Report

Sue said that there were two individuals who applied for the vacancy on Planning Commission but there were only four Supervisors present at the last board meeting and they were split between the two candidates. Hopefully it will be resolved before the next Planning Commission meeting.

James Gittemeir completed the draft trails plan. It is clearer about the types of trails and includes maintenance. It all came together nicely. The Board will be looking at it at their next meeting.

Sue reported that the dirt work for the stormwater control landscaping for the Town Hall was completed over the weekend of June 11, all with volunteer effort. There was a downpour the night it was finished and it worked well. The next phase is planting. Plants are being purchased from Dan Schutte of Shoreview Natives. Volunteers will be needed to help with that, too. Jo will be coordinating it with Dan and Peggy Dahlberg. The plan is that it will be more like a meadow and no mowing will be necessary behind the building. The project should end up well under budget thanks to volunteer effort.

The stormwater report is due at the end of the month. Val Brady and Jo have been working on it.

There will be another variance hearing at the July meeting for setback for a garage in the Greenwood Road neighborhood. Paul and Larry will not be able to attend the July meeting. Hopefully, everyone else will be present plus the new person.

St Louis County has started working on tearing down the Clover Valley High School. They will recycle everything they can. Once that is done, the Commission should look at rezoning those parcels. It would require a zoning map change.

Old Business

Regarding the SMU-8 zoning review, Sue said that she has not had time to put information together for that. It will probably have to wait until fall, given how busy the summer building season is.
New Business

Sue said that she is running into situations where a landowner tears a building down and then wants to rebuild. But once the building is down, they may not have an option for rebuilding where the original building was at. If they had left the building, or a portion of it, up, they could have rebuilt it, according to the Ordinance. There is really nothing in the Ordinance that addresses this. Some communities’ ordinances allow a rebuild if, say you use one wall, etc.

Wayne said that his impression of the Ordinance is that if a structure burns you can rebuild in the footprint. But if the structure is torn down, a new structure in its place would have to meet setbacks.

Sue said that if she reads the Ordinance correctly, if you have an old structure, it can be rebuilt. It would still require a permit.

Paul said that it would have to be a legal nonconforming structure.

Wayne said that you can improve a structure, etc., but if you tear it down, you cannot simply rebuild it.

Sue said that people don’t read the Ordinance that closely and they don’t realize that if they tear a structure down, they have to start from scratch and meet setbacks, etc. Someone told the folks who ended up applying for the variance tonight that they could rebuild on the original site of the garage they tore down.

Wayne said that the Township has to be at least as strict as the County. He ran into a similar situation last year on a remodel to a cabin on Fish Lake. It was a nonconforming structure on a nonconforming lot. St Louis County said that if you take a nonconforming structure down, you cannot rebuild in that footprint. You can improve it or add on to it, but if it is demolished, then it has to meet the setbacks.

Sue asked, in the case of a dilapidated building, what constitutes rebuilding?

Wayne said it may be if you leave the slab and go back up with walls.

Jo read from the Ordinance, Article IV Section 3B: Effect of Destruction. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of this Ordinance, may be continued, including repair, replacement, restoration, maintenance, and improvement that does not include expansion, unless… The nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no land use permit has been applied for within 180 days of when the property is damaged.

Sue noted that the Ordinance says the nonconformity can be replaced. Maybe the language needs to be clarified.

The meeting adjourned at 8:35.