
Planning Commission Members:
Jeff Bartelt, Jenny Dumdei, Eugene Johnson, Katherine King, Myron Volker

MINUTES OF THE CITY PLANNING COMMISSION
CITY OF JANESVILLE, WASECA COUNTY, MINNESOTA

JULY 6, 2015

1. CALL TO ORDER

Myron Volker called the meeting to order at 6:00 p.m.

Members present: Katherine King, Jenny Dumdei and Myron Volker

Staff present: City Planner Brandon McCabe

Members absent: Eugene Johnson and Jeff Bartelt

2. APPROVAL OF AGENDA

Motion made by Dumdei, second by Volker, to approve the agenda. Motion carried 3-0 (Johnson and Bartelt absent).

3. APPROVAL OF MINUTES

Dumdei asked to correct the minutes to reflect your absence during the meeting. Motion made by Volker, second by Dumdei, to approve the minutes with the corrections made from Planning Commission meeting held on Tuesday, May 19, 2015. Motion carried 3-0 (Johnson and Bartelt absent).

4. PUBLIC HEARING

a. Schroeder variance request to encroach rear yard setback

No one from the public was in attendance of the meeting. McCabe stated that Schroeder had applied for a variance for to allow the construction of his detached garage to encroach ten (10) feet into the required twenty (20) foot rear yard setback. McCabe pointed out that the ordinance was amended the previous year to require an accessory structure to be setback twenty (20) from the rear yard when the entrance is facing a City right-of-way (ROW).

MCCabe stated that the applicant had begun to prepare the ground for the structure prior to obtaining a building permit and did not receive the setback requirements from City staff. It was stated that Mr. Schroeder had made an attempt to meet with staff at City Hall. Schroeder was given a handout with outlined the building permit requirements but did not receive setback information. Schroeder than misinterpreted

the requirement of a firewall to be placed when ten (10) feet from a property line to mean that ten (10) feet is the setback requirement. King asked if there has been any reason or remedy to the confusion. McCabe stated that the issue was presented to both City Administrator Rogers and Mayor Santo. McCabe felt there are steps that can be made to avoid confusion in the future. However, he suggests speaking with the applicants is the only true way to alleviate any confusion.

Dumdei expressed concern that the variance was not meet the practical difficulty standards established by the State and adopted by the City. She felt that the yard offered sufficient space to meet the requirements and had concern about space for future utilities in the rear. McCabe did not have the same concern for the lack of space for utilities but did agree that the rear yard had sufficient space to meet the standards. McCabe did illustrate that accessory structures in the neighboring properties appear to be at or within the same distance as being requested by Schroeder.

After further discussion, the Authority found that enforcement of the Zoning Ordinance as applied to this particular piece of property would cause the landowner practical difficulties. The variance request is in harmony with the general purpose and intent of the ordinance and the terms of the variance are consistent with the Comprehensive Plan. The Authority would also like to see more information to be easily provided to future applicants to alleviate any confusion.

Motion made by Volker, second by Dumdei, to approve the agenda. Motion carried 3-0 (Johnson and Bartelt absent).

5. OLD BUSINESS

a. Building Permit Report

McCabe gave his report of permits issued through the first half of 2015 which includes the total permits issued through the first half of 2014 for comparison. McCabe stated that the total valuation of work done within the City was noticeably down by \$346,956.85 from the same time the previous year. This is largely due to the difference of two (2) new homes constructed at this time in 2014 opposed to zero (0) so far in 2015. No action required by the Commission.

6. NEW BUSINESS

a. Arndt request for rezone and variance to encroach rear yard setback

Gary Arndt, owner of the property located at 208 S Main Street, requested to rezone 208 S Main Street from R-1 Single-Family Residential District to B-1 General Business District and for the approval of variance to allow an eight (8) foot

encroachment into the required twenty (20) foot rear yard setback. Arndt intends to sell the property and the prospective buyers intend to demolish the existing structure and construct a new commercial building to operate private business

McCabe stated that the commercial structure currently exists as a legal non-conforming building, meaning that it is allowed to exist in the R-1 Single-Family Residential District until it is demolished or destroyed. After demolition or destruction the site must conform to the zone in which it resides. The R-1 Single-Family District does not permit the construction of a commercial building. A rezone is required to permit the demolition and construction of a new commercial building. In addition, the City's Comprehensive Plan designates this property for Community/Highway Commercial use. The Variance is required to increase the buildable depth of the building from 25.75' to 33.75'.

The Planning Commission has determined that it is appropriate to rezone the property to adhere to its intended use as designated by the Comprehensive Plan. To deny the rezone would be to deviate from the Comprehensive Plan and is not an appropriate planning practice.

The Planning Commission finds that enforcement of the Zoning Ordinance as applied to this particular piece of property would cause the landowner practical difficulties. The variance request is in harmony with the general purpose and intent of the ordinance and the terms of the variance are consistent with the Comprehensive Plan.

Motion made by Dumdei, second by Volker, to recommend approval to the City Council of the rezone and variance request. Motion carried 3-0 (Johnson and Bartelt absent).

b. Conditional Use Permits within residential zones

McCabe stated that the language used for Conditional Use Permits in the commercial districts is not to his liking. The language states that a use is acceptable as a conditional use when: "determined by the Planning Agency to be of the same general character as the permitted uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare." McCabe found this statement to be vague and may pose difficulties in the future if enforcement is required. McCabe suggested to review the conditional uses in City Ordinance during the next meeting to determine what may be appropriate in each commercial district. The Commission agreed and directed McCabe to present acceptable uses for the next meeting.

7. ADJOURNMENT

Motion made by Volker, second by Dumdei, to adjourn meeting at 6:38 p.m. Motion carried 3-0 (Johnson and Bartelt absent).