

## Florence Township Planning Commission

### Minutes– September 12th, 2022

Present: Bill Bruce, acting Chair, Kristen Eide-Tollefson, Secretary, Heidi Hartzell, Ryan Langhans, Wendy Albers Scofield. Excused: Chair Ed Hruska, Joe Ellingson, Board Liaison.

Note: Ben Boege has withdrawn from the planning commission. He hopes to rejoin when his schedule permits

Call to Order 6 p.m.

- Pledge of Allegiance
- Review and Approval of August Minutes

**Motion:** Ryan moves to approve, Heidi seconds.

- Open comment period - No Comments

MSA Update/ Preliminary Reviews or Inquiries / Violations/ Zoning

#### **Reviews of Permits**

Public Hearing was postponed by an hour for Svihel Variance Request – Mailed notice was for 7:00

1. Building Permit Zoning Review Request Applicant: Brostrom  
Address of request: 28629 Ridgeview Dr S, Redwing, MN 55066  
Parcel/Legal: 322700080  
Current Zoning District: R-1 – Suburban Residential

Comment and discussion: Per: Gruber pool review, did we decide not to do pools?. Setbacks still matter.

**Motion** to accept application, staff report, recommendations and approve: Ryan moves, Kristen seconds

2. Building Permit Zoning Review Request Applicant: Anderson  
Address of request (corrected): 2875 Wood Avenue  
Parcel/Legal: 321301500  
Current Zoning District: R-1 and R-FHD-1

Zoning review of rear sunroom and front entryway additions onto home in the Historic District. The home is not a contributing structure. They will attend the next HPC meeting. It is a 1987 structure. Anderson explains that the proposed entry way /deck is 2 feet shorter than the existing one. They will attend the HPC meeting for review of the project.

Staff recommendations: To APPROVE the Anderson rear sunroom and deck addition with the condition of approval from the Florence Township Heritage Commission. And DENY the Anderson front entryway addition as not meeting the 25 foot front yard setback, measured to the right of way not the street, with the following options:

- o The applicant could get a land survey to verify the front property line
- o The applicant could apply for a variance from the required front property line setback for the front entry expansion

**Motion:** Bill Bruce to accept the application and recommend that the Board waive a variance to the setback from the front deck, and recommend approval without a variance process. Wendy seconds.

### 3. Variance Review Request: Svihel

Address: 31007 Ida Path, Lake City, MN 55401

Parcel/Legal: 320132700

Current Zoning District: A-2 - Agricultural

Chair reads on screen, from staff report: “Mr. and Mrs. Shivel applied for a variance to the bluffland setback requirement in order to build an addition on the north side of the residence. The addition will replace the existing garage and three-season porch with a living room, a three-car garage, four-season porch, an office, and additional storage space....The property is located on top of a bluff and has no building site that exceeds 200 feet from the bluff; the existing structure is entirely within 200 feet of the bluff. Additionally, due to the acreage of the property, the parcel is zoned as Agricultural. The conditions for which the variance application is based are unique to the applicant’s parcel and situation in this specific property but are not generally applicable to other property in the A-2 district. The existing building is already nonconforming on the bluffland setback, and the configuration of the residence prevents the addition from being placed elsewhere on the site.

*Additionally, due to the acreage of the property, the parcel is zoned as Agricultural rather than Residential, barring it from the exemption granted by Florence Township in 2021... Staff would support an addition within the bluffland setback given the existing configuration of the dwelling, the ability to maintain the tree line, and the complementary architectural design of the addition.” (and so forth)*

**Public hearing** opened: 6:55

#### Public Comment:

- Chair reads letter from Bob Kohrs, as requested, objecting to the requirement for variance, the definition of bluff, and discussing constitutional rights (see attachment).
- Duane Groth – property bordering to the West, has no problem with the plans.
- Planning Commission member Wendy Albers Scofield, commenting as neighbor, made a visit to the site and notes that he as a legitimate practical difficulty regarding his garage. Questioned the use of the term bluff for a hill, all sand, that is only 45 feet top to bottom. Mr. Seville’s plan and protections are taking care of the land, no harm.

Discussion of mitigations with Mr. Shivel: He had County/DNR review, recommending a rain garden. He may go a step further and put a tank behind the house to collect rain water. Use it for the garden and/or the house. The addition will add non permeable surface, but the result should be less run off than currently. He notes: “My understanding is that the reasoning is for environmental quality concerns. You don’t want scarring of the bluffline. It is not visible . The addition will take out only 3 trees. I park my vehicle with a lazer, less than 2” to close the door and I can’t buy a new vehicle small enough to use the garage.

Regarding conservation of the property, I have Burr Oak blight on my property so I called DNR and had them come out and also an arborist from Rochester. I am on a plan right now to spend 12,000.00 over the next 9 years to make sure I can save as many trees as possible. Oak trees are saving the bluff, we want to make sure we are preserving the ravine, and the trees. Oak Savannah.” Wendy Albers Scofield, also spoke to the joint efforts of the neighbors to save the Oaks which are ‘the only thing holding the hill together, its all sand”. Asks if a bluff can be sand.

The acting chair expressed concern for the number of variances. Eide-Tollefson said she will send out the exception language, and bluff definitions that are used by the county, BOWSR, and the township.

(Attached to these minutes) Beau Kennedy is FT contact point for bluffland protections, Board of Soil and Water Resources, 651- 923-5286 or email [bkennedy@goodhueswcd.org](mailto:bkennedy@goodhueswcd.org)

Closed public hearing 7:10.

Planning Commission discussion: Eide-Tollefson comments that it is gratifying that the process is serving the implementation of the community values of the comprehensive plan for conservation. And that such a discussion reinforces an appreciation for these efforts.

**Motion:** Ryan moves to accept the application, staff report, and approve, Wendy seconds.

#### **New Business**

4. Paul & Elaina Perleberg; 34953 Burr Oak St. Frontenac, MN 55026

The applicant plans to add a deck, pergola and front entrance. The Deck ends 113 feet from the top of the bluff. The Board charged the planning commission with review. Kristen reviewed, provided ordinance requirements to the applicant, requested and received their bluff setback exemption request letter (attached). The project qualifies for exemption provisions in 2021 ordinance amendments. Eide-Tollefson has the following recommendation: that the application and exemption letter be accepted without further mitigation requirements due to the limited amount of excavation, and assurance of the applicant for minimal disturbance of the bluff. See attached letter. The application is in the packet.

**Motion:** Kristen moves to approve, Ryan seconds.

**Additional permit inquiries** - 2 additional inquiries were referred to MSA:

- Amy Silverness brought plans for a workshop addition to their garage at 33827 305<sup>th</sup> St. across from the Whistle Stop (?). It is for her father who is living with them, for a workshop for him. It will be plumbed so is an Additional Dwelling Unit (ADU). He will not be living in it, just woodworking. Denny Schumacher will be building it. They would like to get started before it freezes. She sent it to MSA on 10-6, but has not heard anything back from them and missed the deadline of 2 weeks before the PC meeting. We would like to discuss with MSA whether the timeframe can be shorter for non-public hearing applications.
- Mitchell Rigelman: Mitchell is acquiring, with his family’s help, a large Ag parcel, formerly owned by Randalls in Section 31, just west of Golf course on Territorial Road. It is currently Ag land,

being rented out. He would like to rezone a 1 acre parcel in SE corner, split for a future rezone for residential so they can build/sell this to help finance a house on the property for a future home (for Mitchell and his wife). The rest will remain in agricultural production.

The planning commission recommended an application be sent for a rezone to R1 to MSA for that parcel split, to Florence Zoning. And discuss their future house plan so there are no surprises about density limits from the County. Mitchell presented a fine map.

**Preliminary ordinance review:** Duty to Maintain ordinance – proposed language amendments to current ordinance from HPC., to include historic properties and improve enforcement mechanism. Pam Miller, a member of the HPC presented the proposed language amendments and answered questions from the PC and public. She emphasized that a section has been added to address the issue of personal financial hardship. Responding to a question from the PC regarding “Demolition by Neglect”, she noted that economic hardship is a different matter legally.

She will be at the Board Meeting. We hope to move this ordinance forward soon. A joint meeting of HPC and the planning commission is proposed for November, with public hearing. **Updated Red-Line draft is attached.**

**Regarding Septic in Frontenac Station** - Joan Marshman addressed the planning commission, asking at what point is something is going to be done. She is looking for follow up from the township. “This has to be addressed now. Our septic system alone, since 1972, it’s the same system. There has to be a decision. A grant proposal is where to start”. (The study was the first step). “This has to be pulled up to the top of the list for health and safety alone. Septic in sand point will affect neighbors wells.” She was requested by the acting chair to come to the board meeting this month.

**KET will forward an MSA update to the board with:** 1) PowerPoint from MSA public meeting; 2) map of non-compliant systems; and 3) public comment record from MSA.

**Informational Interview with Hometown Planning** – is scheduled for October 17<sup>th</sup> at the Town Board Meeting. All planning commissioners are requested to attend.

#### **Old Business**

- Tom Johnson is requesting (for owners Pat & Michal Lowther) a township variance to allow for a 30 ft. (or 50ft) bluff setback, which would conform to the county requirement. He has appeared on this issue for several months. The PC cannot recommend approval for a variance without an application, without knowing what building plan the variance is for. Tom has also sent his request with paperwork from the county to MSA. Joe asked MSA to provide advice on the status of variance request without a project proposal last month. There has been no reply. Tom will be requesting a site visit from the board.

#### **Other Business/ Tabled items**

- Review and discussion of by-laws, proposed amendments and existing member regulations
- Review/discuss template for standard applications of variances and CUPs etc.

Adjournment 7:25 p.m.

Next meeting: Monday, October 10<sup>th</sup>