

**MINUTES
PLANNING BOARD**

AUGUST 5, 2019

Chairman Ron Mehr called the meeting to order at 6:00 p.m. Members present were Shawn Reinke, Bill Fuchs, Carly Brockner, and Randy Christman. Others present were Renee Eckerly, City Administrator; Kristin Leither, Social Media Specialist; Brad Mehlhop, Building Official; Eric Glenz, Spooner & Glenz Law Office, and Richard Mueller.

**Motion was made by Fuchs to approve the minutes from the July 15, 2019
Planning Board meeting. Seconded by Christman and unanimously carried.**

VARIANCE – RICHARD & KATHLEEN MUELLER PUBLIC HEARING

Mehr recessed the Planning Commission meeting at 6:05 p.m. and opened the Mueller Variance Public Hearing. The City received a variance application from Richard J. Mueller & Kathleen A. Mueller, owners of the property in question located at 321 Lake Avenue, Paynesville, MN 56362; to allow for the expansion of a non-conforming use, specifically: increasing the height and area of a garage structure in an area zoned “R-1” where there is no primary single or two-family residence. The property is more particularly described as Tax Parcel No. 70.38939.0000, and is legally described as follows, to-wit:

The West One Hundred Fifty (150) feet of the South Thirty-seven (37) feet of Lot One (1) and the North Forty-five and one-half (45 ½) feet of the West One Hundred Fifty (150) feet of Lot Two (2), Gilberts 4th Addition to the City of Paynesville, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota; and

The Mueller’s propose to expand an existing non-conforming use on the above-property, which would involve taking an existing garage, which is 24 feet wide and 22 feet deep, on a concrete slab with 7 foot sidewalls, and move the structure to allow the removal of the existing concrete slab, replace the concrete slab with a new reinforced floating slab, add one course of block at the base of the sidewalls adding 16 inches in height to the structure, and add an 8 foot addition to the South end of the garage, making the dimensions of the expanded structure 24’ x 30’. As a result, the applicants seek a variance from the City’s zoning ordinance which provides, in relevant part, at City Code Chapter 36, Section 36-6, that “a non-conforming use shall not be enlarged to a greater height, nor extended to occupy a greater area of land.....”. The existing garage structure is a non-conforming use under the regulations existing for “R-1” – Single 7 Two Family zoning areas, City Code Chapter 36, Section 36-42, which provides that no structure for an accessory use, such as a garage, shall be permitted to be constructed in advance of the construction of a primary permitted use, i.e., a single or two-family residence. The proposed changes will meet all setbacks, height, and lot coverage regulations.

523 Koronis Ave. is the Mueller’s residence. Mueller commented that there are 3 test wells on the site in question. The building is structurally sound and hand framed. There is a curb cut to the south with a driveway that accesses the shed. Mueller knew of the ordinance when he purchased the lot. This was a conforming structure 15 plus years ago with the house on it. Mueller wants to add onto the current non-conforming structure. Mueller has spoken to two of the neighbors and they are in support of cleaning the property up. This is a unique situation

since Mueller wants to utilize the existing shed which used to be conforming. The Board discussed the undue hardship.

There being no further comments or questions the Public Hearing was adjourned.

VARIANCE – RICHARD & KATHLEEN MUELLER CONTINUED

Motion to was made by Fuchs to approve the Report & Recommendation Of Planning Board On Application For Variance and recommend such to the City Council. Seconded by Reinke and unanimously carried.

INFORMATIONAL

Brad Mehlhop, Building Official reported that he expects an increase in inspections in the next couple months.

The next meeting will be held on Monday, August 19, 2019 at 6:00 p.m., if necessary. There is a proposed lot spit that may come forward.

There being no further business the meeting was adjourned at 6:18 p.m.