

# **PLANNING COMMISSION**

**MAY 8, 2023**

**6:30 O'CLOCK P.M.**

1. Call to Order
2. Minutes of the Previous Meeting – April 10, 2023
3. Public Hearings – Variance for a Fence - Thompson
4. 4th Ave Ln Apartments
5. Rezone to allow billboard - informational
6. Wilker's CUP
7. Park Planning - informational
8. Other
9. Adjourn

## MINUTES OF PLANNING COMMISSION MEETING

April 10, 2023

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 10th day of April, 2023 at 6:30 PM

**THE FOLLOWING WERE PRESENT:** Chairman Ferris, Commissioner Buckingham, Commissioner Fitch, Commissioner Hanson, Commissioner Eggler, Commissioner Tinsley and Commissioner Johnson

**THE FOLLOWING WERE ABSENT:** None

**THE FOLLOWING WERE ALSO PRESENT:** City Administrator Tim Ibisch, City Clerk Linda Rappe, Ian Albers, Planning/EDA Assistant, Travis and Isbaella Carlson, Tim O'Morro, Chad Winebrenner

**CALL TO ORDER AT 6:30PM**

**MINUTES OF THE PREVIOUS MEETING** – March 13, 2023 Correction: remove City Administrator from those also present - **Motion to Approve with the Correction made by Commissioner Eggler, second by Commissioner Johnson with All Voting Aye**

1. **PUBLIC HEARINGS – CUP FOR A FENCE – CARLSON** – Planning Assistant, Ian Albers stated that Isabella Carlson submitted a request to put a fence on the property line at 804 3<sup>rd</sup> St SE. On the west side of property it would be on the property line and connect to a current fence, on the south the fence would be at least 3 feet in from the property line and the east side there is an outlot owned by the City of Kasson. The Property owner acknowledges that the fence to the south is in a utility easement and should that easement need to be utilized the fence will be dismantled at the owner's expense. Chairman Ferris stated that there is a letter from Don Marti asking that the pins be located.

Public hearing Opened

No comments

Public hearing Closed

Discussion: the neighbors at 802 3<sup>rd</sup> St SE, Chad Winebrenner, they have discussed the maintenance on the fence.

**Motion to Approve made by Commissioner Johnson, second by Commissioner Buckingham with All Voting Aye.**

2. **PARKING STUDY MEMO** – this outlines Mr. Albers' plans to do a parking study downtown mostly on Main St. and some of the off street parking areas. And hopefully come up with additional parking and safety. He does not have specific times yet that he will be conducting the study.  
Feedback:  
Commissioner Eggler asked that when Mr. Albers does the study to see how far out on a side street that cars have to pull out to see to turn onto main street.  
Commissioner Fitch – would like this to go to the chamber also.  
Commissioner Johnson would like to get a sampling time in when there is an event in town. –  
Administrator Ibisch stated that the goal is to get multiple samplings of times.  
Administrator Ibisch stated that the loading and unloading on main street has become problematic. The City may need to resurface some of the alleys.  
The City owns some land behind the legion that could be paved for more options.
3. **RFP FOR CEMETERY LAND IN SW KASSON** – Administrator Ibisch stated that the City has property surrounding the cemetery and this would be a place for potential growth and we would like to

see what the market wants. Planning Assistant Albers built the RFP around the concept plan. There is a timeline included with preliminary presentations at the end of May. This is already parceled off for the cemetery. The expectation is that the City would retain the cemetery. The City Council is interested in seeing what the developers would want to do with that property and if anyone is interested.

Commissioner Johnson asked about the accessibility and will we require one access or two.

Commissioner Eggler stated that we need feedback from a developer before we know what to do with the land. Paul stated that the developers know what there is a market for and if someone wants to make it residential then let them or if there is a developer that wants to build commercial then we should hear that. Commissioner Fitch asked if Blaine's property is in a wetland and can it be used as a park since Windsor Court's park is right there on that side.

This is really all developer driven.

The Planning Commission asked Mr. Albers to revise the timeline to present to Council at the first meeting in June instead of May.

**OTHER** – Wilker – Update CUP conditions – Administrator Ibisich stated that he will ask public works to go out there.

**ADJOURN** – 7:06pm

Respectfully Submitted,

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Linda Rappe, City Clerk



City of Kasson  
401 Fifth Street S.E.  
Kasson, MN 55944-2204  
507.634.7071  
(Fax) 507.634.4737  
[www.cityofkasson.com](http://www.cityofkasson.com)

## Land Use Application – Cover Sheet

### Application Type (Check All that Apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Site Plan Review (§ 154.066)<br><input type="checkbox"/> Conditional Use Permit (§ 154.067)<br><input checked="" type="checkbox"/> Variance (§ 154.068)<br><input type="checkbox"/> Zoning Amendment (§ 154.069)<br><input type="checkbox"/> Establishment of a Planned Unit Development (PUD) (§ 154.070) | <input type="checkbox"/> Minor Subdivision (§ 153.050-054)<br><input type="checkbox"/> Concept Plan (§ 153.065-067)<br><input type="checkbox"/> Preliminary Plat (§ 153.080-085)<br><input type="checkbox"/> Final Plat (§ 153.095-098)<br><input type="checkbox"/> Subdivision Variance (§ 153.110-114) |
|---|--|

### Application Information

Date Submitted <b>4-21-2023</b>		Planning Case Number (City will fill out)	
Property Address <b>Lot 4 Block 1 Stone Ridge 2nd</b>		PID #	
<b>1005 7th Ave NW, Kasson MN 55944</b>			
Applicant <b>Jake/Julie Thompson</b>	Phone # Email	Address <b>1005 7th Ave NW, Kasson</b>	
Property Owner <b>Jake/Julie Thompson</b>	Phone # <b>515-537-4706</b> Email <b>jth511963@gmail</b>	Address <b>1005 7th Ave NW, Kasson</b>	
Engineer/Architect	Phone # Email	Address	
Use of Property Current:  Proposed:	Land Use Designation Current:  Proposed:		Zoning District Current: <b>R-1</b>  Proposed:
Application must be signed by all owners of the subject property			
Signature of Property Owner(s) 		Date <b>4-21-2023</b>	
The undersigned applicant hereby represents upon all of the penalties of law that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinances of the City of Kasson, the State of Minnesota, and any other applicable laws and regulations			
Signature of Applicant 		Date <b>4-21-2023</b>	

FOR CITY OFFICE USE ONLY

**City Zoning Office Tracking**

Planning Case #: \_\_\_\_\_

<input type="checkbox"/>	Date Submitted	
<input type="checkbox"/>	Completeness Review Deadline (15 business days after submittal)	
<input type="checkbox"/>	60-Day Review Deadline	
<input type="checkbox"/>	60-Day Extension Notice – New Deadline	
<input type="checkbox"/>	120-Day Review Deadline (Preliminary Plat Only)	
<input type="checkbox"/>	Application Distributed for Technical Review	
<input type="checkbox"/>	Public Hearing notice published	
<input type="checkbox"/>	Public Hearing notice mailed	
<input type="checkbox"/>	Technical Review Complete	
<input type="checkbox"/>	Public Hearing Date	
<input type="checkbox"/>	Planning and Zoning Commission Meeting Date	
<input type="checkbox"/>	City Council Meeting Date	
<input type="checkbox"/>	Applicant notified of Decision (in writing)	
<input type="checkbox"/>	Decision recorded with County (Applicant responsible)	

Application was APPROVED / DENIED (circle one)

by ZONING ADMINISTRATOR / CITY COUNCIL (circle one) on \_\_\_\_\_ (Date)

Related Resolution: Res # \_\_\_\_\_

Related Ordinance: Ord # \_\_\_\_\_





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## Variance Application – Supplemental Information

This form provides information related to the procedures and requirements for a Variance Application with the City of Kasson. For full information on Variances, please refer to § 154.068 of the City Code.

Date Submitted: \_\_\_\_\_

Planning Case Number: \_\_\_\_\_  
(City will fill out)

**Pre-Application Meeting Date:** \_\_\_\_\_

A pre-application meeting with the City of Kasson Zoning Administrator pursuant to § 154.065(D) is required prior to submitting a Variance application.

### **Criteria for a Complete Submittal:**

Submit one (1) printed Full-Size copy, one (1) printed 8 ½ X 11 copy, and one (1) digital (PDF or Similar) copy to the Zoning Administrator of the following:

<input type="checkbox"/>	Completed Application Form
<input type="checkbox"/>	Accurate Boundary Description
<input type="checkbox"/>	Evidence of ownership or enforceable option on the property
<input type="checkbox"/>	Accurate drawing, at scale, showing property lines, location of existing buildings and proposed project
<input type="checkbox"/>	A narrative explaining why the situation of the subject property creates a practical difficulty, as identified in § 154.02.24(B), and requires a variance from the provisions of Chapter 154 Zoning of the City Code <i>Use the reverse side of this form to fill in the narrative, or attach to application</i>
<input type="checkbox"/>	Any submittal materials pertaining to a Site Plan Review, as may be required at the discretion of the Zoning Administrator <i>Attach a Site Plan Review Application Supplemental Information form to this application</i>

### **Criteria for Review:**

In its consideration of a Variance request, the Planning and Zoning Commission shall consider the following questions when making their recommendation to the City Council:

- Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that result in practical difficulties for the owner?
- Whether or not the Variance requested will alter the essential character of the locality?
- Whether or not granting the Variance requested will:
  - Impair an adequate supply of light and air to adjacent property?
  - Substantially increase congestion in adjacent public streets?
  - Endanger the public safety?
  - Substantially diminish or impair property values within the vicinity?
- Whether the Variance requested is the minimum variance that would alleviate the practical difficulties?
- Whether or not the Variance requested is consistent with the intent of this Chapter and the City's Comprehensive Plan?
- Whether or not the Variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

## Variance Specifics

Zoning District: R-1

Zoning Standard	Required	Requested (or existing)	Variance
Lot Area	sf.	sf.	sf.
Lot Width – Building Line	ft.	ft.	ft.
Lot Width – Street Line	ft.	ft.	ft.
Front Yard Setback	ft.	ft.	ft.
Side Yard Setback	ft.	ft.	ft.
Side Yard Setback	ft.	ft.	ft.
Rear Yard Setback	ft.	ft.	ft.
Building Height	ft.	ft.	ft.
Impervious Surface	% sf.	% sf.	% sf.

## Practical Difficulty

- “Practical Difficulty” as used in connection with the granting of a Variance shall include all the following:
  - The property owner proposes to use the property in a reasonable manner that is not otherwise not permitted by an official control;
  - The plight of the property owner is due to circumstances unique to the property, not created by the property owner;
  - The Variance, if granted, will not alter the essential character of the locality;
  - The need for the Variance involves more than economic considerations.
- “Practical Difficulties” also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems

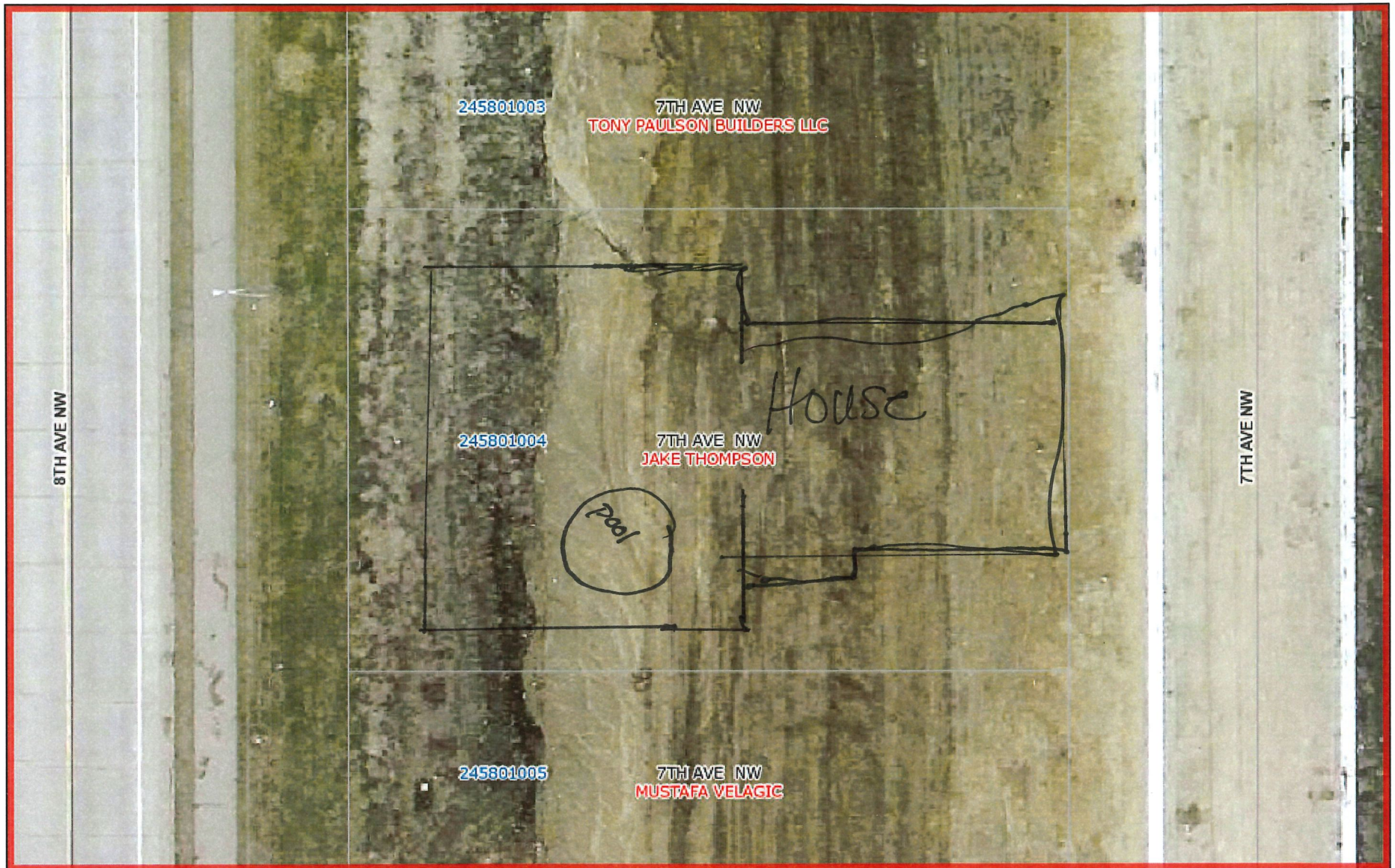
## Applicant Narrative:

Provide a written explanation as to why the situation of the subject property creates a practical difficulty and requires a variance from the provisions of Chapter 154 Zoning of the City Code

Our home <sup>near</sup> ~~is~~ a walking/Bike trail. Our Backyard is much lower than the trail and will require a higher Fence in order to have privacy. As it is, a 6 Ft. Fence would not be high enough. We are putting an above ground swimming pool in our yard and as the landscape is I am afraid that people will be able to jump over a 6 ft. fence, therefore risking potential liability for us. in the event of people trespassing on our property.



# ArcGIS WebMap



May 1, 2023

Roads

CITY

CSAHP

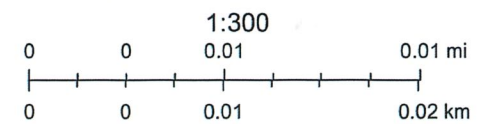
Address

PIN

Name



Parcels





## STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ian Albers, Community Development Assistant  
**DATE:** May 4, 2023  
**SUBJECT:** Thompson Variance for Fence  
**APPLICANT:** Jake and Julie Thompson  
**OWNER:** Jake and Julie Thompson  
**LOCATION:** 1005 7th Ave NW  
**MEETING DATE:** **May 8, 2023**  
**COMPREHENSIVE PLAN:** High Density Residential  
**ZONING:** R-1 Single Family Residential District

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## BACKGROUND

The applicants, Jake and Julie Thompson have applied for a variance to allow for an 8-10 ft privacy fence to be constructed in the rear yard of their property at 1005 7th Ave NW. The standard height allowed for fences is 6 ft, so a variance of 2-4 ft is requested. The applicants stated in the narrative that they are requesting a variance due to Sunset Trail running next to the rear property line, and that due to the topography of the backyard, a 6 ft fence located 3 ft in from the rear and side property lines would not be sufficient to provide adequate privacy to their home and a proposed above-ground pool. A variance is required to build a fence taller than 6 ft.

## REVIEW PROCEDURE

### *60-Day Land Use Application Review Process*

Pursuant to Minnesota State Statutes Section 15.99, local government agencies are required to approve or deny land use requests within 60 days. Within the 60-day period, an automatic extension of no more than 60 days can be obtained by providing the applicant written notice containing the reason for the extension and specifying how much additional time is needed. For the purpose of Minnesota Statutes Section 15.99, "Day 1" for the variance application was determined to be April 21st, 2023. The City's deadline for action is on June 20th, 2023.

### *Public Hearing*

City Code § 154.068(E)(2) requires a public hearing for review of a variance to be held by the Planning and Zoning Commission. The public hearing notice for the variance was published in the Dodge County Independent and mailed to all affected property owners located within 350 feet of the subject properties.

## APPLICATION REVIEW

### *Existing Site Character*

See attached application materials.

### *Variance Review*

In its consideration of a variance request, the Planning and Zoning Commission shall consider the following questions when making their recommendation to the City Council, as described in § 154.068(E)(4):

- (1) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that result in practical difficulties for the owner;
- (2) Whether or not the variance requested will alter the essential character of the locality;
- (3) Whether or not granting the variance requested will:
  - a. Impair an adequate supply of light and air to adjacent property;
  - b. Substantially increase congestion in adjacent public streets;
  - c. Endanger the public safety; or
  - d. Substantially diminish or impair property values within the vicinity.
- (4) Whether the variance requested is the minimum variance that would alleviate the practical difficulties;
- (5) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan; and
- (6) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties.

## RECOMMENDATION

A recommendation in support of this request for a variance is difficult to justify given the findings of fact and the requirements that must be met by all variances. Ultimately, staff finds that these reasons are more in line with a denial of the request, and there may be reasonable alternatives that would provide a solution without the necessity of a variance. In consideration of a recommendation, staff offers the following findings of fact:

- (1) Generally, a taller fence for privacy at this location could be a reasonable request given the trail and neighborhood collector street adjacent to the backyard. However, moving the fence further up the slope could also reasonably provide privacy without the need for a variance to be granted. It is difficult to say without a site line assessment to determine the true height of fence required to provide a reasonable level of privacy to the property owner.
- (2) The topography of the backyard and proximity of Sunset Trail to the property are not unique to only the applicant's property. The topographic conditions of 1005 7th Ave NW also apply to other properties located on 7th Ave NW. Stone Ridge Second is a newer subdivision with vacant lots and new construction homes yet to be purchased. If this variance were to be approved, then other property owners on 7th Ave NW could very well request variances to the height standard for fences. While the topography may result in a perceived practical difficulty for the property owner, there may be reasonable alternatives to provide privacy, such as utilizing vegetation or a different location for a compliant fence placed further up the slope.
- (3) The variance, if granted, could very well alter the essential character of the locality. 6 ft is the standard height for fences throughout Kasson and increasing that height to 8-10 ft would be uncharacteristic for a residential neighborhood. Looking ahead, there could be several other fences of this height along the same street as more people move into the subdivision.



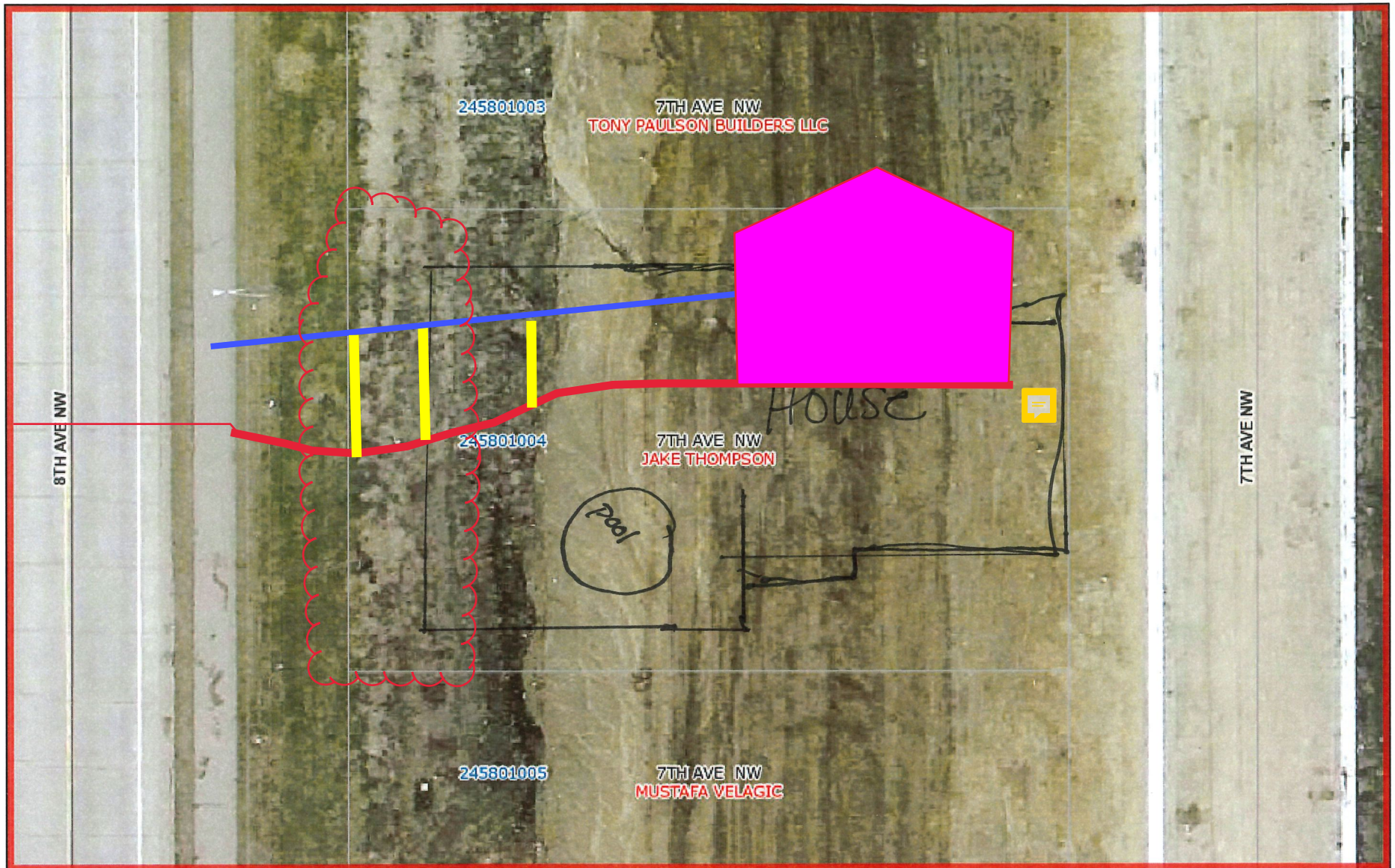








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