

**City of Columbus**  
**Public Hearing – 14355 Lake Drive NE Variances (PC-14-105)**  
**(James Aho – applicant; Ronald and Linda Kuehl – owners)**  
**June 18, 2014**

The June 18, 2014 Public Hearing to receive testimony regarding the request for two variances at 14355 Lake Drive NE, Columbus, MN was called to order at 7:18 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council member Denny Peterson, Perry Wagamon, James and Kandice Aho, Ron and Linda Kuehl, Mark and Jackie Kotchen, and Pat Preiner.

**Sternberg:** Now we'll have a Public Hearing and discussion for address 14355 Lake Drive NE, and it's a variance application, pages 20 through 35. And, at this time, I'll ask the recording secretary to read the notice.

Notice was read at this time.

**Sternberg:** Thank you. At this time I'd like to ask the applicants to come forward and state your name and address for the record.

**Aho:** James Aho. 14355 Lake Drive NE, Columbus.

**Sternberg:** Can you please explain what it is you're asking of us?

**Aho:** We would like to build a garage. And, uh, kind of an odd-shaped property that really doesn't allow for much behind the house. The way the house is situated on the lot, it's the only, it's one of the only houses on the whole block that, uh, is not square to the road. And it's kind of wedged right in between the two lot lines. Uh, there is currently a footprint from a former garage that was once standing, which I was told burned down. And we, quite simply, would like to try to build on that same footprint. Unfortunately, the footprint is only 13 feet from the side lot line.

**Sternberg:** That footprint is...it looks like a slab there, where there's a red car parked.

**Wolowski:** Is that a...I didn't go all the way onto your property, but is that a double-car slab there?

**Aho:** Yes. Yes it is. It's 24 by 24.

**Sternberg:** So there's no room, it looks to me, from this picture, there's no room to get an access to the back of that.

**Mursko:** I'm not sure of what this distance here (referencing overhead picture) and what the distance here is, but it would be a tight squeeze.

**Sternberg:** Tight squeeze.

**Wolowski:** I didn't see what they could get...it through there.

**Sternberg:** Any other questions for the applicant?

**Wolowski:** Um, I have one more. Were you planning on adding to that slab or are you just going to stay right in that footprint?

**Aho:** We were...I would like to build a little bit bigger than 24 by 24, so I would prefer to add to it, if that's allowable.

**Wolowski:** And what would...how much more?

**Aho:** Actually I would like a 30, 30-foot deep by 36 wide, which could be – there's plenty of room to bring it closer to the house.

**Wolowski:** So you'd be going the direction...? You'd have to, almost.

**Aho:** Well, yeah, because going towards the street would bring it out closer to the lot line.

**Wolowski:** Yeah. Okay.

**Sternberg:** Any other questions?

**Krebs:** Mr. Chair? What is the distance between the, um,...and I'm sorry, is that the southern corner of...?

**Sternberg:** That'd be the northeast.

**Krebs:** Okay, okay, then the northern corner. I'm sorry. The northern corner of the house to the property there?

**Aho:** From the house to the property line, I believe, is 12 feet. Um, but I think from the eave edge of the gutter, I think it's about 9 ½.

**Sternberg:** That's a pretty tight squeeze for getting cars back there.

**Wolowski:** I don't see how they could do it.

**Mursko:** It does present a non-conforming house. The side yard setback is 20 feet in current Code today.

**Preiner:** So the house is non-conforming and the slab is non-conforming? Or just the slab?

**Mursko:** The slab is not non-conforming. You can have a cement slab in your front yard, and there isn't a setback. But, the standard is a 20-foot side yard setback, and Mr. Aho is asking that you have a variance to 13 or 14-roughly feet from the property line, but he's also asking for a variance for a front yard placement, because we don't allow accessory buildings and/or a garage in the front yard, with the exception if you had 80% screening, and you would have to be over 75 feet from the right-of-way. And it would have to be 80% screened. And then you can have an accessory building and/or garage in the front yard. And, I think that's one thing I neglected to ask, is what...Do you know what the distance is between the right-of-way line and where you would like to put the garage?

**Aho:** Um, you know what, I didn't, I didn't research that. I only researched the side lot lines. Um, I would have to guess...the driveway alone is - to the house from the road - is 220 feet. So, I'm guessing it's prob-...I'd say 150-160 feet.

**Mursko:** So, you're saying that it exceeds the 75-foot setback that's required.

**Aho:** Um, yeah. I guess so.

**Preiner:** Mr. Chair. And how is your screening? Is that all...the dark on that, is that trees on your north line?

**Aho:** Yes. That's a row of tall pines.

**Preiner:** And on the south side of your driveway?

**Aho:** Also pines, yes.

**Wolowski:** It was pretty well screened.

**Preiner:** And my concern is...well, I know this, a request like this was turned down by an earlier Board for a couple of reasons. And one is that it's...what is it, commercial/residential? Elizabeth, what's the title?

**Mursko:** This is the C/I district. When the garage burned down, that was before my time. My understanding is though that it was over 50% destroyed, and, because it was non-conforming they were not allowed to rebuild. Hearsay says that they applied for a variance and they weren't...it wasn't granted, but I don't have that paperwork to make that conclusion.

**Krebs:** I have a question for you.

**Aho:** Sure.

**Krebs:** Um, if you were not able to build it on here, would you be looking at building it in the back?

**Aho:** Uh, if that's our only option, yes. If we could...if there's a way to get, you know, a vehicle or vehicles to the back, that would certainly be an option. The only other problem with that is, the septic behind the house is...it takes up an awful lot of the backyard.

**Krebs:** How old is your septic system?

**Aho:** Uh, boy, I don't recall. We just moved in, uh, the beginning of January.

**Krebs:** Is it the original system to the house?

**Aho:** I don't think so. I think it's been updated a couple times, because it was, at one time, a duplex. And now it changed back over to a single-family home. But, in order to get a vehicle in the back, I think we would have to change part of the septic, the way it's set up now.

**Johnson:** Mr. Chair. Where exactly is the sewer system located? Maybe you could point that out (referring to overhead aerial view).

**Aho:** Yeah. I could do that. Ah, the septic utilities, the two utility holes are right over here, and, essentially, the drainfield is this whole area right here.

**Sternberg:** That almost looks like that pretty much excludes that side as an entry, because you wouldn't want to be driving over that septic...

**Krebs:** Well he'd have to alter it.

**Johnson:** No. You can't drive on any part of the system.

**Krebs:** What year is the house? How old is the house?

**Aho:** 1974?

**Unintelligible discussion from audience members to the effect that the original part of the house was built in the 1950s, the addition in 1974.**

**Sternberg:** I have a question for Elizabeth. And it involves that State statute where the 50% loss, they weren't allowed to rebuild. If we went back in time and that garage burned down, why were they not allowed to rebuild it? I mean what is the statute that...? We've talked about this briefly before, a little bit.

**Mursko:** You know, back in that timeframe, my understanding was the statute was, if it was over 50% destroyed they were not able to build it if it didn't meet current standards. Today that

standard has changed. It says even if it's non-conforming, if you rebuild it within six months, you, by law, are able to rebuild in the same footprint.

**Sternberg:** It just, it has to be the same size structure that was there before.

**Mursko:** Yes. It can't be a larger footprint. Um, however, most insurance companies want...if you can be conforming, they want you to be conforming. So, what we've seen in Columbus, when it's been destroyed by fire, they've just...if they can make it conforming – meaning if they can move it 20 feet or they could meet setbacks – they do make a conforming building. I am showing that it's over 75 feet just from what I can see from the calculator that I have here.

**Sternberg:** Any other questions? Okay, at this time, I'd like to open the meeting to the public. Anybody here from the public? Okay, at this time, I'd like to close the hearing with the right to reopen if necessary.

Hearing closed at 7:30 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary