



**City of Columbus
NOTICE OF PUBLIC HEARING
ALTERNATIVE MEETING FORMAT
(Statutes Section 13D.021)
Interim Use Permit**

Notice is hereby given that a Public Hearing will be held by the City of Columbus Planning Commission on Wednesday, July 15, 2020 at 7:00 p.m., or as soon thereafter as parties may be heard, and will be conducted by alternative means (teleconference) from remote locations to consider a request for an interim use permit to operate a residential zone business consisting of truck storage for over the road hauling, trailer repair and/or fabrication business located at 16811 Notre Dame Street. The meeting will occur under the conditions outlined in statutes section 13D.021. Members of the public interested in monitoring the meeting by telephone can find the phone number and passcode on the City website or contact the City Offices at 651.464.3120. The hearing shall continue until all evidence and testimony has been received.

Applicant: Kendall Friese
Property Owners: Kendall K. & Tina M. Friese
Property Location: 16811 Notre Dame Columbus, Minnesota
Legal Description: PIN#11-32-22-42-0005
LOT 1 BLK 2 TESSIER ESTATES SUBJ TO EASE OF REC, ANOKA COUNTY, MINNESOTA

Elizabeth Mursko

Elizabeth Mursko, Zoning Administrator

Submitted to the Forest Lake Times on 06.29.20
Published in the Forest Lake Times on 07.02.20
Posted on 06.29.20

RECEIVED

MAY 28 2020

City of Columbus

60 Day Deadline - 07.27.2020

120 Day Deadline - 09.25.2020



COLUMBUS
Rural Nature. Urban Access.

16319 Kettle River Blvd. • Columbus, MN 55025
phone: (651) 464-3120
website: ColumbusMN.us

Date Paid 05/28/2020
Amount: 1,700.00
(200.00 fee)
(1,500.00 ESROW)
R# 2110

APPLICATION FOR CONSIDERATION OF CONDITIONAL USE PERMIT, INTERIM USE PERMIT
RE-ZONING, SITE PLAN REVIEW, VARIANCE

APPLICANT:

Name: Kendal Friese Phone: 612-991-7064 (Alt.): _____

Address: 16811 Notre Dame St Email: Kfriese@cfaitth.com

City: Columbus State: MN Zip: 55025

OWNER: (If other than applicant)

Name: _____ Phone (work) _____ (Alt.) _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Legal description of property: Tessier Estates 11.32.22.42.0005

Lot(s) 1 Block(s) 2 Additions(s) _____

Existing use of property: Small Business Trucking Present zoning: Residential

Action Requested: Please check (✓) Re-zoning Site Plan Review Variance

Conditional Use Permit Interim Use Permit SSTS Administrative Variance

Other (fill in) _____

Description of and reason for request (attach additional information and requirements if necessary)

per Existing Business
Trucking And occasional Trailer Repair or Fabrication.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

SIGNATURE OF APPLICANT: [Signature] DATE: 2-6-20

SIGNATURE OF OWNER: [Signature] DATE: 2-6-20

To the City of Columbus,

I have lived in Columbus, MN since 1992. I have been doing trucking and trailer repair since I have moved here. When I moved here I didn't have a shed to work on my equipment so in 1999 I built a pole shed to do my work in. The pole shed was really to small to get a semi trailer in and to be able to shut the doors. I did my best to limit the noise and was respectful to my neighbors regarding the noise. In June of 2017 my pole shed burnt to the ground. I then had the task of rebuilding.

I spoke to the city of Columbus on my options for building was.

I now have a building that helps me get my equipment in and the noise level is nothing per my neighbor who I asked if she can hear me working when she has her windows open and she said cant hear me.

The traffic for my business is very minimal to none. There is no equipment idling on my property. Any previous issues have been addressed since I have rebuilt by building.

I run a really low-key business that doesn't leave much of a footprint in the neighborhood.

Sincerely,
Kendall Friese

City of Columbus interim use permit questionnaire

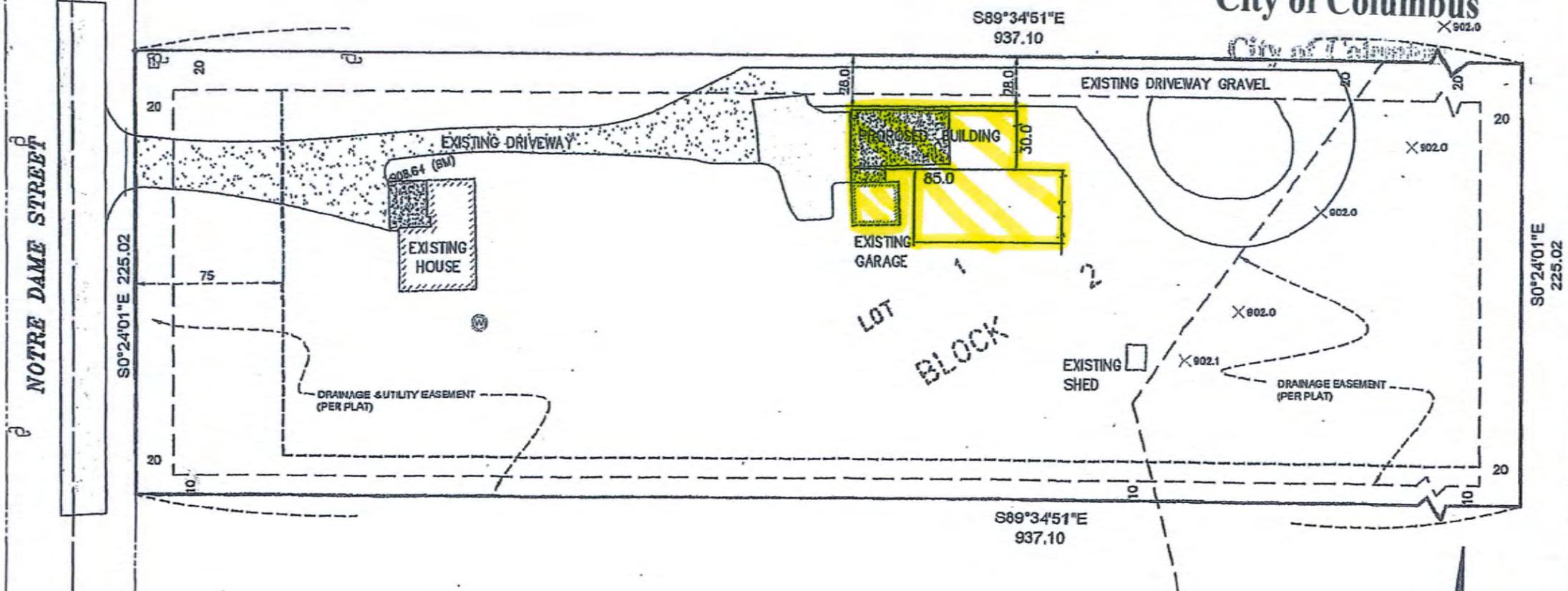
- A. Property 16811 Notre Dame St. is in zone RR district.
- B. Property 16811 Notre dame sty meets all minimum dimensional standards.
- E. The principal use of property is residential and owner
Resides there.
- F. I do not have any outside employees at this time. I do not
Have plans for any employees in the near future.
- G. Any waste is properly disposed of or recycled (metals/ aluminum} all equipment is licensed. I use the building to fix equipment or to house equipment during the cold weather. The building is used approximately 80% for business. The building is used 10 to 15 days a month or 1 to 2 weeks a month. The building used for operation is the building we just reconstructed, behind the homestead.
- H. The business complies with the City of Columbus codes
Hours of operation are manly daylight hours. The noise issue has been addressed by
now having a facility capable of putting equipment inside to elimatte the noise.
- I. Business operations occur within the building. No outside building operations is needed.
The building has been built to house the equipment.
- J. The business is invisible to both my next-door neighbors. You can only see the house and
the back building.
- K. I have no plans for any additions or renovations to the property.
- L. The daily routine is to walk to the shop and office and drive to town for parts or supplies 2
to 3 times a week. Truck leaves once every 10 days. I have no clients or customers.
- M. Basically 7am to 7 pm are my operations hours. *days of the week?
M-F*
- N. No additional parking is needed for this business.
- O. The business is out of sight of any close neighbors.
- P. No sign is needed for the business.

CERTIFICATE OF SURVEY

RECEIVED

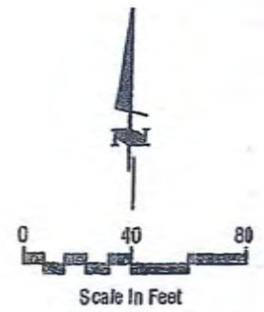
JUN 15 2020
OCT 27 2017

City of Columbus



DESCRIPTION

RESIDENTIAL ESTATES, Anoka County, Minnesota.



LEGEND

- FOUND PIPE
- ⊕ ELEC POLE
- ⊙ WATER WELL
- BUILDING SETBACK LINE
- [Stippled Box] BITUMINOUS SURFACE
- [Dotted Box] CONCRETE SURFACE
- [Gravel Box] GRAVEL SURFACE
- [Yellow Box] Existing Garage and Pole Building- Location of Business

ZONING: "RR" RURAL RESIDENTIAL DISTRICT

MINIMUM BUILDING SETBACKS:

FRONT YARD/R. O. W.	75
SIDE YARD	20
REAR	20

SURVEY NOTES:

- The orientation of this bearing system is based on the Anoka County Coordinate System NAD 83.
- The vertical datum is NAVD 88. On site bench mark, N.W. corner concrete slab at existing house = 908.64.
- Existing Parcel 16811 Notre Dame St., Columbus, MN 55025, Parcel ID 11.32.22.420005
- Property area = 210,847 Sq. Ft.

© 2017 WIDSETH SMITH NOLTING

DATE	October 18, 2017	DATE		APPROVED	BY	PREPARED FOR	RENDALL FRIESE
SCALE	AS SHOWN					I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR IN THE STATE OF MINNESOTA.	
DRAWN BY	DM-SE						
CHECKED BY	MLJ						
FILE NUMBER	1200F0157 COQ					July 1, 2018 STATE OF MINNESOTA LICENSE NO. 112 112 11212	

WIDSETH SMITH NOLTING
 Engineering | Architecture | Surveying | Environmental

From: Ben Gutknecht
Sent: Monday, June 15, 2020 2:15 PM
To: kfriese@cfaith.com
Subject: Narrative Clarification and Site Plan Revision

Hi Kendall,

Thanks for speaking with me earlier, per our conversation I wanted to give you an opportunity to look at the small revision I made on your Site Plan and make sure you are agreeable to that. The highlighted portion is where you will be storing all equipment associated with your business and where you will be conducting your business correct? **Yes.**

Additionally, I would like to have you answer the following questions in a response just so that I can have it on record as a clarification for your narrative you provided earlier.

1. You will be the sole employer/employer and have no intentions of hiring someone in the future? **Correct.**
2. You will be driving your personal truck and making repairs to your personal truck and trailer with no plans to extend that repair business to other? **It is my personal Equipment..**

Again, thank you for your time earlier and let me know if you have any additional questions.

Ben Gutknecht

From: Kendall K Friese <kfriese@cfaith.com>
Sent: Monday, July 6, 2020 2:49 PM
To: Ben Gutknecht <planningtech@ci.columbus.mn.us>
Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

----- Original Message -----

From: Ben Gutknecht <planningtech@ci.columbus.mn.us>

To: kfriese@cfaith.com

Sent: Thu, 25 Jun 2020 14:42:41 -0400 (EDT)

Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

Good afternoon Kendall,

I'm reaching out to see if you have had a chance to take a look at the questions I posed in the earlier attached email? I was also wondering if you would be able to further describe what kind of repairs you do to both the trucks and the trailers? General repair.. Etc. is what ever equipment needs for repair , to meet DOT specs.

Thank you for your time,
Ben Gutknecht

Ben Gutknecht, Associate Planner

[City of Columbus](#)

16319 Kettle River Blvd. N.E.

Columbus, MN 55025

Main: 651-464-3120 ext. 1008

columbuslogo Logono city name

From: [Kendall K Friese](#)
To: [Ben Gutknecht](#)
Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business
Date: Thursday, June 25, 2020 5:51:15 PM

----- Original Message -----

From: Ben Gutknecht <planningtech@ci.columbus.mn.us>
To: kfriese@cfait.com
Sent: Thu, 25 Jun 2020 14:42:41 -0400 (EDT)
Subject: RE: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

Good afternoon Kendall,

I'm reaching out to see if you have had a chance to take a look at the questions I posed in the earlier attached email? I was also wondering if you would be able to further describe what kind of repairs you do to both the trucks and the trailers? **General repair. [NO oil changes]. I farm that messy stuff out.**

Thank you for your time,

Ben Gutknecht

Ben Gutknecht, Associate Planner

[City of Columbus](#)

16319 Kettle River Blvd. N.E.

Columbus, MN 55025

Main: 651-464-3120 ext. 1008



From: Kendall K Friese <kfriese@cfaith.com>
Sent: Tuesday, July 7, 2020 3:08 PM
To: Ben Gutknecht <planningtech@ci.columbus.mn.us>
Subject: Re: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

----- Original Message -----

From: Ben Gutknecht <planningtech@ci.columbus.mn.us>
To: Kendall K Friese <kfriese@cfaith.com>
Sent: Tue, 07 Jul 2020 13:39:23 -0400 (EDT)
Subject: Re: Letter of Completeness_ Interim Use Permit Application for a Residential Zone Business

Good afternoon Kendall,

I appreciate you answering those older questions that I had sent on the 25th of June, but I was hoping you could answer the questions that we spoke about on July 1st, I had sent an email after our phone conversation, I apologize if it never reached you. The questions outlined in the July 1st email are as follows:

1. What do "general repairs" consist of for Trucks? Axle, spring, suspension, and air line and ac or electrical, and brake and some rework, and lile exhaust work.
2. What do "general repairs" consist of for Trailers? Brake, air line, and suspension work. some trailers i repair rails or side panels, and a lile roof work.
3. Do you do any body work (riveting for Trailers) and how often? I do some welding or riveting on trailers. it is maybe 10-20 hrs a year. very lile..
4. How often will you be selling any of the trailers or trucks per year? If i buy or sell anything. it is through a dealer. not a sales lot here.
5. Will these sales happen on site? No
6. If yes you will have clients visiting the Property? No

Again, I really appreciate you doing this before the meeting, any information you can provide to the Planning Commission and myself prior to the meeting helps a lot.

Thanks again,

Ben Gutknecht



Aerial Photography of 16811 Notre Dame St NE
(as of 04.08.2020)



Date: July 15, 2020
To: City of Columbus Planning Commission
From: Jessica Hughes, Public Communications Coordinator
RE: Complaint Record – 16811 Notre Dame Street NE

Below is a record of complaints received for property located at 16811 Notre Dame Street:

Date	Complaint
September, 2015	Loud equipment and large vehicles on the property.
July, 2019	Business operating without a permit.
May, 2020	Business operating without a permit, many trailers on property, excessive noise.

I would first like to clarify to the Columbus city counsel that I am a driver I drive to California and back every other week. It is my livelihood. I used to have drivers for the last 15 years. I have since as of January 2020 went back to being a driver or owner operator.

I repair my own equipment and have some equipment that I have had which I am planning on fixing on the off weeks to finish repairing and selling to a dealer. The equipment is equipment I own. Now that I'm driving I will be eliminating most of the equipment as soon as I have time to finish them.

Recommendations Corrections

1. I plan to comply with all provisions of the city zoning ordinance.
3. Residential zone Business limited to indoor storage and accessory repair. I have moved all moveable trailers out of sight and invisible to any neighbors, I have removed all rental trailers. I have my 2 daily driver trailers out of view to neighbors.
4. All work in progress trailers are stored off site that were in view of neighbors. I do not salage parts to sell to the Public !
5. All trailers that need work in yard will be repaired by 90 day timeline.
6. Now that I know which of my neighbors was having the issue with the noise. I will keep my backdoor shut while riveting. I did approx.. 1 hour of riveting in May 2020. I only rivet during the daytime hours . I have only did 1 hour of riveting from January to July 2020. Which is approx.. 2 hours a year.

8. Hours of operation 7am to 7pm m-f . Occasionally
Emergency outings after hours.
9. Outdoor storage will be in compliance.
12. I am asking for a variance for a fence for height.
So I can install a 100' to 150' fence in back of my
Property so it will eliminate any chances of noise
that has been disturbing my neighbors.
I would like to build it 10' to 14' high.
13. We take all precautions from fumes or anything that
will or would cause damage or harm to the
neighbors , climate and country.



To: City of Columbus Planning Commission

From: Ben Gutknecht, City Planning Technician

Date: July 8, 2020 Revised: 07.24.20

RE: Kendall Friese Residential Zone Business Interim Use Permit

Background: The applicant (Kendall Friese) has been a Columbus resident since the early 1990's. Mr. Friese has been in the trucking industry since the 1980's and has also been practicing truck and trailer repair for the same amount of time. During the time 1999-2017 Mr. Friese had been working in a small accessory building on his residential property as well as storing associated equipment on said property. However, in 2017 a building fire burned the small accessory building beyond repair. A new building was erected in its place, the increased size of which allowed the applicant to conduct repairs and store equipment within the building. Recently (late 2019) it has come to the City of Columbus's attention that there continues to be on-site storage of vehicles associated with a Residential Zone Business (RZB), to remedy this and bring the operation into compliance the applicant was asked to apply for an Interim Use Permit (IUP) and made aware of the requirements outlined in City Code *Section 7A-806 Residential Zone Businesses*. The applicant made an Interim Use Permit Application with the City of Columbus on May 28, 2020 for a Residential Zone Business.

After review of the Interim Use Permit Application for a Residential Zone Business consisting of a trucking company and private truck and trailer repair, the City of Columbus Planning Staff provides the following Findings of Fact and Recommendations:

Findings of Fact

1. The Interim Use Permit (IUP) application for a Residential Zone Business (RZB) operated by Kendall Friese was received on May 28, 2020.
2. The application was found complete for review with a letter sent on 06.17.20
3. The 60-day review deadline is July 27, 2020.
4. The 120-day review deadline is September 25, 2020.
5. Friese has been operating the business on his residential Property for at least 20 years, first consisting of a small accessory building with outdoor storage of equipment, trucks, and trailers and repair and fabrication of semi-trailers. After a fire in 2017, a newly constructed accessory building of approximately 5,630 s.f. currently houses equipment and serves as a place to make semi-truck and trailer repairs indoors, noncompliant outdoor storage of trailers appears to have continued since the construction of the new building.

6. The Property is a total of 4.84 acres located at 16811 Notre Dame St NE, (PIN: 11-32-22-42-0005) on property legally described as Lot one, Block two, Tessier Estates, Subject to Easement of Record, Anoka County Minnesota (“Property”).
7. The Property meets dimensional standards outlined and required by *Section 7A-806 (B.)*.
8. The Property is zoned Rural Residential (RR).
9. The neighboring properties in directly connected to the Property in all cardinal directions consist of residential properties of similar or larger acreage.
10. Residential Zone Businesses are an interim use in the RR District, subject to the conditions and requirements of Section 7A-806 of the City Code.
11. Friese currently resides on the Property, with the principal use being residential.
12. Currently Friese does not appear to be in compliance with City Code *Section 7A-806 (G.)*, as it appears there is approximately two and a half (2.5) ~~(13)~~ tractor trailers stored outside on the Property, as indicated by the applicant, in aerial photography dated April 5, 2020 on the Anoka County GIS Public Pictometry page.
13. The applicant states that nine (9) trailers are now stored off site, located in the Commercial Industrial District, with the intention to complete repairs to the remaining three (3) trailers within the next ninety (90) days so they too can be removed from the premise. Currently the remaining trailers have been moved so to be better screened from view by the neighbors.
14. ~~13.~~ The current business operation consists of the following activities:
 - a. Friese leaving the property with the semi-truck once every ten (10) days.
 - b. Driving to town for parts and supplies two to three (2-3) times a week.
 - c. All truck and trailer repairs are entirely within the newly constructed accessory building, highlighted on site plan dated 06.15.20, with no repair operation being staged outside.
 - d. Trailer repairs consists of breaks, airline, and suspension work as well as riveting and fabrication of the outer shell on a semi-trailer. Friese spends approximately ten to twenty (10-20) hours per year on fabrication and has spent at most two (2) hours of riveting during the year of 2020 so far.
 - e. Truck repairs consist of axel, springs, suspension, airline, breaks, tire work, minor exhaust, and electrical work.
 - f. Approximately 80% of the accessory building is used for tractor and trailer repair. Typically, the building is used for the repair and storage operation ten to fifteen (10-15) days per month, or one to two (1-2) weeks a month, or during colder months for equipment storage.
 - g. Occasionally Friese will purchase or sell equipment once he has made repairs, but per correspondence on 07.07.20 and 07.24.20, this is done through a dealer and not on premise and he only anticipates conducting this activity two to five (2-5) times per year.
15. ~~14.~~ The operating hours for the repair shop portion of the business are 7:00 a.m. - 7:00 p.m. Monday through Friday, but Friese indicated he is flexible to reducing that. The operating hours for the over the road hauling portion of the business is 7:00 a.m. – 7:00 p.m. Monday through Friday, with occasional emergency outings.
16. ~~15.~~ Friese is the only employee of the business, with no plans to hire any additional staff.

17. ~~16.~~ Friese does not expect the need for customer parking as he does not have any clients or customers.
18. ~~17.~~ Friese has stated that currently there is no need for a business sign.
19. ~~18.~~ There is no planned expansions or renovations to the accessory building in which the business takes place.
20. ~~19.~~ Any waste, such as metal/aluminum, produced by repairs and maintenance within the accessory building are properly disposed of or recycled.
21. ~~20.~~ All equipment used for the business is properly licensed.
22. ~~21.~~ In the narrative dated 05.28.20, Friese states the business does not generate noise and is low impact. Continuing that the business is invisible to all neighbors, who will only see the residence, and an accessory building.
23. ~~22.~~ The Planning Commission held a public hearing to consider the Interim Use Permit on July 15th, 2020.
24. The Planning Commission recommended denial of the Interim Use Permit on July 15th, 2020, on the basis that the applicant would be unable to meet the conditions outlined in the Staff Report dated 07.15.20.
25. Friese provided additional information and testimony at the July 22, 2020 City Council meeting, to which the City Council motioned the applicant testify to the Planning Commission on August 5th, 2020 with the additional information provided.
26. A written notice of extension was sent to the applicant and received July 24, 2020. Extending the review period for a final decision to September 25, 2020.
27. In an effort to reduce the impact of noise to neighbors, Friese has stated that going forward he will close the accessory building door when conducting repairs. Friese also proposes the construction of a ten to fifteen (10-15') high by one hundred to one hundred and fifty (100-150') foot long fence near the back of his property, as shown in updated materials dated 07.22.20, to further reduce noise.

Recommendations

Based upon the above Findings of Fact, ~~the Interim Use Permit for Kendall Friese staff~~ recommends approval of the Interim Use Permit for Kendall Friese to the Planning Commission, should be approved subject to the following Recommendations:

1. The Residential Zone Business shall comply with and is subject to all of the provisions of the City's Zoning Ordinance regarding Residential Zone Business, including but not limited to the provisions of *Section 7A-806*.
2. The permit shall be valid for a term of two (2) years from the date of approval, subject to earlier expiration or revocation as otherwise provided herein.
3. The Residential Zone Business shall be limited to the indoor storage and accessory repair work of Semi-trucks and trailers, and limited trucking of commerce, approximately every other week ~~of once per ten days~~.
4. All waste produced by the business shall be properly disposed of. The Property shall in no way be operated as a salvage yard.

5. All storage of vehicles, trailers, and related materials shall be stored indoors and out of public view.
6. The Residential Zone Business will be conducted entirely within the accessory building in the rear of the Property, indicated on the Site Plan dated 06.15.20. Additionally, the garage door shall remain closed while doing repairs to reduce any noise pollution.
7. The conduct of the business shall be consistent with descriptions provided in Friese's correspondence with Staff, outlined in Findings of Fact numbers 13 and 14.
8. Business hours for repairs within the accessory building shall be 7:00 a.m. – 7:00 p.m., Monday through Friday, no weekends. Additionally, business hours for the over the road trucking portion shall be 7:00 a.m. – 7:00 p.m. Monday through Friday, with occasional variation due to emergency hauls.
9. Absolutely no outdoor storage or display of trucks, trailers, and equipment associated with the business shall be permitted and any associated vehicles or equipment currently on site shall be removed within 90 days at the time of issuance of this permit. A compliance inspection shall be conducted 90 days after issuance of this permit.
10. No other business shall be conducted on the property.
11. Friese shall remain the sole employee of the Residential Zoned Business.
12. The Residential Zone Business shall comply with all relevant noise and pollution standards outlined by the Minnesota Pollution Control Agency (MPCA).
13. The Residential Zone Business shall not generate odors, gases, hazardous waste, fumes, or other conditions that interfere with or infringe upon the quiet possession and enjoyment of surrounding properties.
14. Friese shall comply with all local, State, and federal laws, regulations, and ordinances in the conduct of the Residential Zone Business.
15. In the event the City Council determines, in its sole discretion, that the Residential Zone Business is not being conducted in accordance with any term or condition contained herein, the Permit may be revoked by the City Council upon proper notice and a hearing.
16. Friese shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.
17. The Permit provided herein is issued solely for the benefit of Friese and may not be sold, assigned, or otherwise transferred in any manner whatsoever.
18. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the IUP and for all ongoing inspections and enforcement actions required for the IUP.



**City of Columbus
PUBLIC HEARING NOTICE
Variance**

Notice is hereby given that a Public Hearing will be held by the City of Columbus Planning Commission on Wednesday, August 5, 2020 at 7:00 p.m., or as soon thereafter as parties may be heard, and will be conducted by alternative means (teleconference) from remote locations to consider a variance request from the requirements outlined in City Code Section 7A-470 and 7A-801 requesting the expansion of an existing legal nonconforming structure (accessory building) that was placed at a front yard setback of 45 feet in 1984. The meeting will occur under the conditions outlined in statutes section 13D.021. Members of the public interested in monitoring the meeting by telephone can find the phone number and passcode on the City website or contact the City Offices at 651.464.3120. The hearing shall continue until all evidence and testimony has been received.

<u>Applicant:</u>	Matt Greene
<u>Property Owners:</u>	Matthew P. & Carrie Greene
<u>Property Location:</u>	16941 Kettle River Blvd. Columbus, MN
<u>Legal Description:</u>	PIN#: 12-32-22-23-0009 HOULE-KITTOCK ESTATES LOT 1, BLOCK 2, HOULE-KITTOCK ESTATES (SUBJ TO EASEMENTS AS SHOWN ON PLAT), ANOKA COUNTY, MN

Elizabeth Mursko

Elizabeth Mursko, Zoning Administrator

Submitted to the Forest Lake Times on 07.16.20
Published in the Forest Lake Times on 07.23.20
Posted on 07.16.20

APPLICATION FOR CONSIDERATION OF: **VARIANCE REQUEST**

RECEIVED

Application Information Form

JUN 25 2020

City of Columbus

APPLICANT:

Name: Matt Greene Phone: 612-868-1672 (Alt.): _____
 Address: 16941 Kettle River Blvd Email: mgreene@flaschools.org
 City: Columbus State: MN Zip: 55025

OWNER: (If other than applicant)

Name: _____ Phone (work) _____ (Alt.) _____
 Address: _____ Email: _____
 City: _____ State: _____ Zip: _____

Legal description of property: 12-32-22-23-0009, Houle-Kittock Estates

Lot(s) ¹ _____ Block(s) ² _____ Additions(s) _____

Existing use of property: Lean-to 16'x26' Present zoning: Residential R-1

Action Requested: Please check (√): Variance

Brief description of and reason for request (this does not serve as the narrative requirement)

Would like to build a 16'x26' addition onto side of existing garage.
The zoning ordinance setback is now 75 feet and when existing garage
was built the setback was 50 feet.

Submittals Check List:

Application Information Sheet (Permit)	<input checked="" type="checkbox"/>	Information Recommended by Zoning Administrator:
Read and Understood the "Variance Information" sheet attached to this Application.	<input checked="" type="checkbox"/>	
Scaled Site Drawing (Showing all current and proposed site conditions)	<input checked="" type="checkbox"/>	
Certified Survey (if applicable)	<input type="checkbox"/>	
Narrative Statement (What code are you requesting a variance from, what is the practical difficulty placed on you by the current City Code, why should the variance be granted, etc.)	<input checked="" type="checkbox"/>	
Required Fees Paid	<input checked="" type="checkbox"/>	
Watershed Approval/Permit (if applicable)	<input checked="" type="checkbox"/>	
Additional Information (further information that you believe is relevant and helps explain your request)	<input checked="" type="checkbox"/>	
<i>Note: this checklist is an outline intended to provide a general statement of the required submittals for a Variance. For exact requirements you should refer to the Columbus City Ordinance (Section 7A-524) found in the Zoning Code available on the City website www.ColumbusMN.us</i>		

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

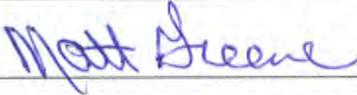
SIGNATURE OF APPLICANT: Matt Greene DATE: 6/25/2020

SIGNATURE OF OWNER: Matt Greene DATE: 6/25/2020

For Office Use Only			
Date Application Received	<u>06.25.20</u>	PC # _____	60-Day Deadline <u>08.24.2020</u>
Permit Fee	<u>\$150.00</u>	Escrow Amount	<u>\$500.00</u> Total Amount Paid <u>\$650.00</u>
Date Paid	<u>06.25.2020</u>	Check #	<u>3300</u> Receipt # <u>21175</u>

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Applicant: Matt Greene		
Address of Applicant: 16941 Kettle River Blvd NE		
City: Columbus	State: MN	Zip: 55025
Street Address of Subject Property: 16941 Kettle River Blvd NE		
Legal Description of Subject Property: 12-32-22-23-0009 Houle-Kittick Estates, Lot 1 Block 2		
Signature: 		Date: 6/25/2020

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

This affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to final action by the City Council.



Matthew Greene <mgreene@flaschools.org>

[external] RE: Addition

1 message

Anna Grace <AGrace@ricecreek.org>
To: Matthew Greene <mgreene@flaschools.org>

Wed, Jun 3, 2020 at 4:44 PM

Good Afternoon Matt,

Thank you for reaching out.

Based on your plans provided for the project, a RCWD permit will not be required for your proposed construction of a 26' x 16' garage addition on your property at [16941 Kettle River Blvd NE, Columbus, MN](#).

It appears that an area less than 10,000 ft² will be disturbed. Additionally, no wetland impacts or floodplain fill are proposed; therefore, a RCWD permit is not required.

Please note that this decision does not indemnify you from enforcement action if the scope of the project changes, or a violation of District Rules or other laws is found to have occurred as a result of this project. Please take care to ensure that no sediments are deposited down gradient of the site, and that any soils disturbed during construction are stabilized within 14 days of project completion. Permits may be required from other agencies including, but not limited to, the City of Columbus.

Thank you,

Anna Grace

Regulatory Technician

Rice Creek Watershed District

[4325 Pheasant Ridge Dr. NE, #611](#)

[Blaine, MN 55449-4539](#)

Direct: (763) 398-3071

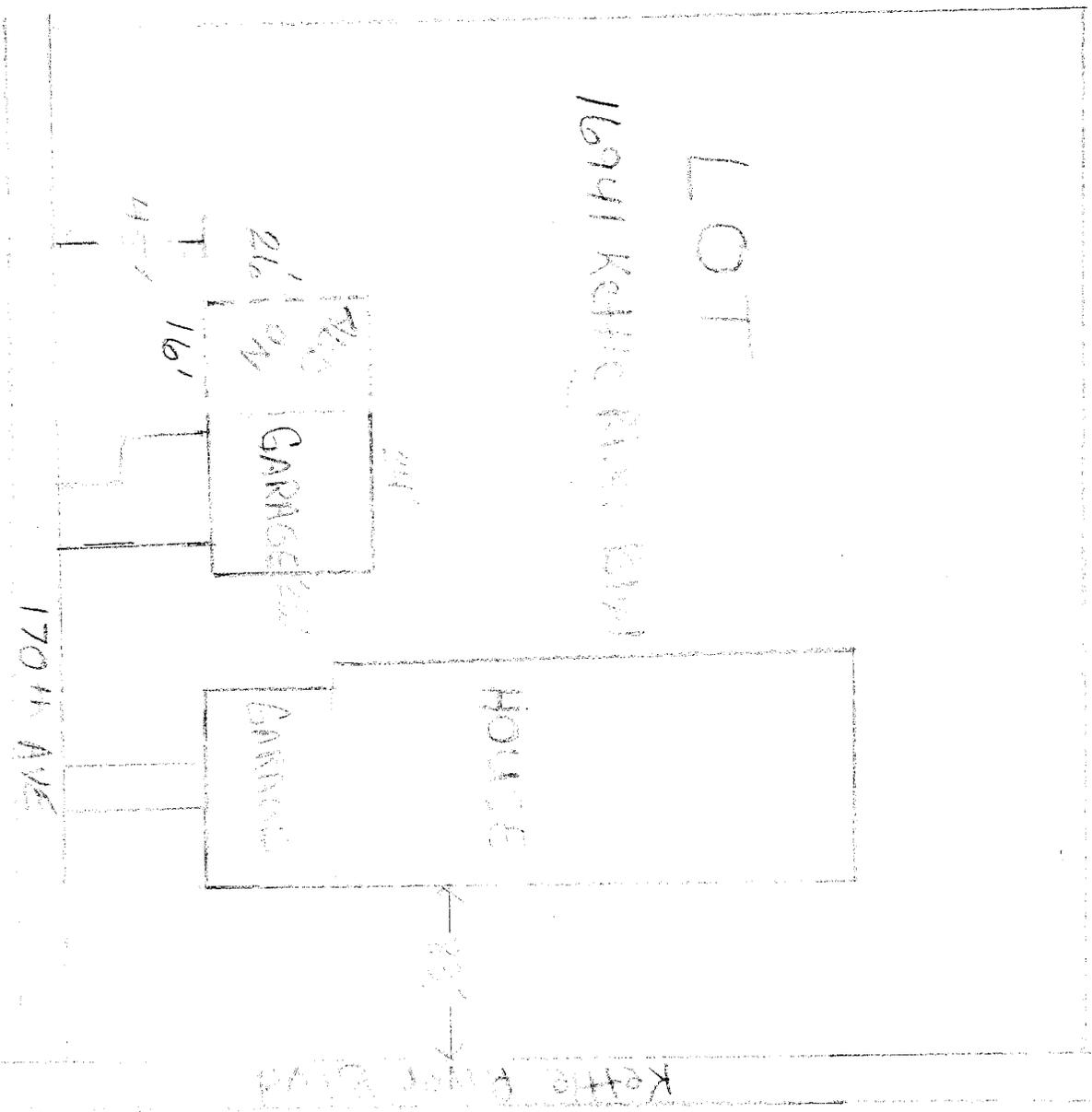
agrace@ricecreek.org



[REDACTED]

NARRATIVE

The zoning ordinance setback is now 75 feet and when the existing garage was built the setback was 50 feet.
My Parent's bought the house in the mid 1970's and built a unattached 24'X26' garage in 1984. I bought the house from my parent's in 1995. 3 1/2 years ago I built a 16'X26' lean-to with a concrete floor onto the east side of the existing garage with at that time the variance was waved and a permit was granted. I would like to now build a 16'X26' addition onto the garage with a trussed roof in place of the lean-to. The foot print of the addition would be the same setback as the existing garage. Therefore I feel that a variance should be granted.







COLUMBUS TOWNSHIP
PLANNING COMMISSION

The C.T.P.C. held their regular meeting at the town hall on Wednesday evening, June 17, 1981. Chairman Don Maroschek called the meeting to order at 8:06 P.M. Other members present were John Lee, Cheryl Bengtson, Geri Stace, and Karen Otto, secretary. Paul Schmidt arrived at 8:50 P.M. Town Board members in attendance were Tom Klassen, Jerry Dupre, Dorothy Sampson, and Betty Simonson.

Secretary read aloud the minutes of the last regular meeting and Bengtson made motion to accept as read. Seconded by Stace and carried with all votes yes.

Schmidt and Maroschek had made the site inspections for the last two week period.

Steve Lillie, 9627 Howard Lake Drive, made building permit app for a 14x16½ deck to his existing home. The deck is approximately 6 feet off the ground and will not interfere with the septic system in any way. Motion by Maroschek and seconded by Bengtson to approve. Carried. All votes yes.

Jeffrey Linnerooth made building permit application for a single family dwelling at 13715 W. Freeway Drive. Motion by Lee and seconded by Stace to approve the building permit app with the 108 ft. setback. Carried. All votes yes.

Dale Stoffel, 16708 Iverson St., made building permit application for garage. Maroschek made motion to approve, seconded by Lee, carried. All votes yes.

Bernard Lewis, 9342-170th, appeared to ask about the motor home that is being lived in on the David Wendt property, 17018 Dimaggio St. He was advised that this matter is already turned over to the Town Board and he has been sent a letter to appear at the next Town Board meeting and explain. Lewis was satisfied with this and will attend that meeting, also.

The Richard Greene public hearing was discussed thoroughly and Maroschek moved to recommend to the Town Board to disapprove a variance for Greene for a 71 ft. setback. No second. Motion died. Lee made motion to recommend to the Town Board to approve the 71 ft. setback for Greene, seconded by Bengtson, with votes as follows: Lee-yes, Stace-yes, Bengtson-yes, Maroschek-no. Motion approved. Following is the finding of facts:

POSITIVE:

1. Development was a plan put in before 1979 ordinance and does not conform to some of the ordinances we have.
2. No one against it at the Public Hearing.
3. Kettle River is legal frontage with 170th the side street so garage is technically on side street.
4. Garage does not block back yard view from kitchen window
5. Position of present house and garage make this a unique situation.
6. It will be landscaped so as to hide the 4 ft. difference.

NEGATIVE:

1. New garage will stick out ahead of old garage and house.
2. Building could be shortened as to not block the kitchen window.

Don Fraley appeared for his mother, Denise Fraley on Camp Three Road. Mrs. Fraley wishes to sell 5 acres of her existing 25 acres. This is a one time split and any further would go thru sub-division. Don stated he understood all of this and Maroschek stated we will approve with 33 ft. easement across North edge. The next split will have to have road frontage.

The committee had met and worked on the Excavating Ordinance and it was agreed to delete Ordinance 98B (amendment-1978) Schmidt made motion to recommend to the Town Board to delete the 98B amendment Excavating Ordinance. Seconded by Lee, carried. All votes yes.

The facts are as follows;

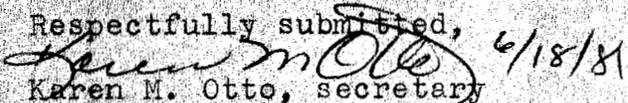
1. We feel it was not necessary to charge per ton because of enforcement problems.
2. A S.U.P. should be required for each excavating permit.
3. Board should carefully study the amount of bond for each permit.
4. Renewal fee should be changed to \$25.00
5. PC does not feel it is necessary to re-write the ordinance, except for these recommendations.

Public hearing for Glenn Mishke for rezoning of 20 acres will be held on July 14, 1981, at the town hall at 7:30 P.M.

Maroschek made motion to change the June 3, 1981 minutes for El Rehbein in paragraph 7 to read pre sketch plan in both places that read pre plot. Seconded by Schmidt. Carried. All votes yes.

PC secretary asked the PC to consider compensation to secretary for Public Hearings she is required to attend on the same night as regular PC meetings. Secretary states she was hired in November, 1979 at the rate of \$16.00 per meeting and feels the Public Hearings are separate and apart from regular meetings. There has been no salary increase for this position since she was hired, although she requested it be reviewed in November, 1980. Bengtson made motion to recommend to the Town Board she gets compensated. Seconded by Lee. Carried. All votes yes.

Schmidt made motion to adjourn at 10:10 P.M. Seconded by Bengtson. Carried. All votes yes.

Respectfully submitted,

Karen M. Otto, secretary

kmo

Dorothy Sampson made a motion to accept the Planning Commission recommendation to allow variance for Richard Greene to build a garage with 71 ft. instead of 108 ft setback. Tom Klassen seconded it. Motion carried. The hardship of putting garage 108 ft back would put garage in back of house and obstruct windows. Betty Simonson disagreed with hardship but voted aye.

Chairman Dupre made a motion to instruct Planning Commission to release building permit for Cort Wyss. Dorothy Sampson seconded it. Motion carried. The easement has been recorded in Anoka.

The clerk explained when Jon Bauman paid the attorney's fees to get easement for Cort Wyss, she forgot to deduct his \$50 deposit. A claim will be made out for the next meeting.

After break, a secret ballot vote was taken for a Town Board Supervisor to replace Gerald Pierre. Candidates were John Lee and James Proulx. The vote was tied, 2 for Lee and 2 for Proulx. The clerk voted to break the tie. Not knowing much about John Lee and the fact that Proulx had run in the March elections, the vote went to Proulx. Dorothy Sampson made a motion to appoint James Proulx to the Town Board. Gerald Dupre seconded it. Motion carried.

The clerk read resume of Richard Galena for township attorney. Terry Chmielewski submitted the name of Wm. Goodrich who was previously interviewed by previous board. The clerk will contact him for a resume and also Mr. Babcock who indicated he was interested but hasn't sent resume yet. Tom Klassen made a motion to set up interview for attorneys at 7 p.m. on July 22. Dorothy Sampson seconded it. Motion carried.

The Planning Commission secretary has requested compensation for coming early for public hearings held on Planning Commission meeting nights. Her present salary is \$16 for meetings, plus \$4 an hour for typing. Tom Klassen made a motion to pay Planning Commission secretary fee and add \$4 for a public hearing held on meeting nights. Gerald Dupre seconded it. Motion carried.

Tom Klassen made a motion to hold public hearing for M.A.T. Properties on July 14 at 7:30 p.m. Betty Simonson seconded it. Motion carried.

Tom Klassen made a motion to approve off sale non intoxicating malt liquor license for Muzzy's Mart. Betty Simonson seconded it. Motion carried.

The clerk read a letter from P.E.R.A. dated June 17, 1981 stating they received Social Security refund toward Fred Haubles P.E.R.A. and explained where the account stands at present.

Arlen Logren, 14063 Furman St., has not paid for his building permit. Gerald Dupre made a motion to have clerk send him a letter to apply for a building permit or there will be a fine. Dorothy Sampson seconded it, motion carried.

Fire number signs have been increased to \$16.50 to cover the cost of getting them.

Harold Schatvet, 17939 Kettle River Blvd., has paid the money for his fine and building permit but has not contacted the building inspector for a permit or inspection. He must get a permit for the records. Tom Klassen will contact him to contact building inspector for permit and inspection. Hauble will inspect and note what he can and cannot inspect due to its being finished.

Loren Braun, TKDA engineer, presented a letter to the board explaining cost to correct drainage problem on Kettle River Blvd. The county will pay for culverts. It affects 2 or 3 property owners and the cost of \$2800 or \$5100 would have to be assessed back to them if the township has to do it. A letter will be sent to Mark Sjoblad, 17402 Kettle River Blvd., who originally complained to the county,

**City of Columbus Variance
Staff Report**

16941 Kettle River Blvd. NE

08.05.20

Project Name: Variance for an Expansion of Non-Conforming Garage

Applicant: Matt Greene

Property Owner: Matt Greene

Legal Description of property: HOULE-KITTOCK ESTATES LOT 1, BLOCK 2, HOULE-KITTOCK ESTATES (SUBJ TO EASEMENTS AS SHOWN ON PLAT), ANOKA COUNTY, MN

Property Identification #(s): 12-32-22-23-0009

Property Zoning: Rural Residential (RR) District

Report approved by: Elizabeth Mursko, City Administrator

Date of Application: 06.25.20
Date Application found incomplete: N/A
Materials missing: None
Date Application complete: 07.01.20
Date of Public Hearing: 08.05.20
Date notice published: 07.23.20
Date notice mailed / posted: 07.23.20
60-limit for action: 08.24.20
60-day extension / letter sent: N/A

Project Description:

The applicant is seeking a variance to City Code Section 7A-470 and 7A-801 to repair and expand an existing legal nonconforming structure consisting of a detached 24'X26' accessory building with a 16'X26' attached covered "lean-to" forty-five (45) feet from the front property line. The lean-to was erected and retroactively permitted post construction on October 12, 2016. The property is located at 16941 Kettle River Blvd NE ("Property") is zoned Rural Residential (RR) District. The Property is a corner lot at the south west corner of the intersection of Kettle River Blvd NE and 170th Avenue NE. In the RR District, an accessory building conforming to all standards and specifications outlined in Section 7A-801 and 7A-805 are permitted accessory to the principal use. The existing accessory building is currently not compliant with Section 7A-801 (D); however, the structure was lawfully constructed by means of a variance approved for and granted in 1981. City Code Section 7A-470 allows repair and maintenance of legally nonconforming uses and structures not to exceed fifty percent (50%) of the structure's value, based on the current tax assessed value, and not to increase the volume or square footage of the structure. The applicant believes

the variance should be approved as the proposed project will not increase the existing footprint from what has previously existed as of 1984, and what has been approved in 2016. The project consists of replacing the single stall lean-to attached to the accessory building with a trussed roof garage stall, without expanding the existing 16'X26' cement footprint. None of the proposed improvements impede on the required side and rear yard setbacks in the Rural Residential district. The applicant's lot is approximately 1.02-acre legal nonconforming residential lot in the Rural Residential district. The neighboring parcels in all cardinal directions are similar sized legal nonconforming residential lots.

Variance Findings:

A variance is a legally permitted deviation from the literal requirements of the City Zoning Ordinance. Variances may be granted in instances where the landowner establishes that there are practical difficulties in complying with the Zoning Ordinance and the landowner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. The Planning Commission, acting as the Board of Adjustment, must hold a public hearing and make a recommendation on the application to the City Council. In examining practical difficulties, pursuant to City Code Section 7A-525 the Board of Adjustment and City Council must make the following findings:

1. The landowner proposes to use the property in a reasonable manner.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

Staff has analyzed the following variance application: A variance to City Code Section 7A-470 to repair and expand an existing legal nonconforming single-family dwelling in the C/I district to allow for the replacement and expansion of an attached two-car garage, and find the following facts:

1. The landowner proposes to use the property in a reasonable manner.

Staff finds that the landowner proposes to use the Property in a reasonable manner. The Property is developed as an existing single-family dwelling in an area of single-family residential uses. The proposed expansion is a reasonable use and consistent with the historic use of the Property, as well as the use of several surrounding parcels.

2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.

The Property is a corner lot and subject to frontage setbacks on the north and east. Due to

the nature of the Property being impacted by two seventy-five (75') foot ROW setbacks and the configuration of the existing single-family residence and accessory building, the front and rear lot lines distance has been reduced to a narrow width than most lots of this size. The original accessory building was not constructed by the applicant in 1984 and was approved by a granted Variance on June 24, 1981. Additionally, the current lean-to was granted a building permit post construction. These circumstances were not created by the landowner.

3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.

The purpose and intent of the RR District is to provide residents in Columbus's primary zoning category adequate areas and use restrictions for residential development that provides for pleasant living. Additionally, Section 7A-805 requires that accessory building's walls and roof being constructed of durable materials and be either pole building, slab or footing construction. The proposed variance will allow for the continued residential use of the Property and allow for a more durable construction of a modern accessory structure, consistent with these purposes and intent outlined in City Code.

4. Granting the variance is consistent with the City's Comprehensive Plan.

The City's 2040 Comprehensive Plan includes several Land Use Goals that support the application, including: preserving existing rural residential character and providing a range of land use that meets the needs of residents. While the Property does not conform to the current RR district standards for housing, specially lot size and the front yard setback requirement, it will continue to be reflective of the current residential character and the various range of residential housing and land uses.

5. The variance if granted, will not alter the essential character of the neighborhood or City.

The character of the neighborhood is largely made up of similarly size residential lots, ranging from one (1) to two and a half (2.5) acres, many of which have similarly legal nonconforming setback residences from the ROW. The majority of these lots also support accessory buildings of similar capacity as the applicant's proposal. If the variance is granted the essential character of the neighborhood and City will not be altered.

6. The practical difficulty is not created solely by economic considerations.

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the legal nonconformity of the applicant's existing lot dimensions and accessory building location.

Staff Recommendation(s):

Staff recommends that the Planning Commission and City Council adopt the above findings and **approve** the application for a variance to City Code Section 7A-470 to repair and expand an existing legal nonconforming accessory building in the RR district to allow for the replacement and vertical expansion of an attached lean-to as shown in the proposed drawings in the application packet dated 6/25/2020, subject to the following conditions of approval:

1. Applicant's proposed accessory building addition shall not exceed the current 16'X26' foundation footprint of the existing lean-to and shall not further increase the nonconforming front yard setback.
2. Applicant must meet all other standards outlined in Section 7A-805, including compliance with well and septic requirements, accessory building must be harmonious with the principal dwelling, accessory building size requirements, and meet requirements outlined by the City Building Official
3. The applicant must submit any and all other materials required by the building official to complete a Building Department review.

4823-0911-4310, v. 1