



Regular Meeting of the Planning Commission

Tuesday, April 14, 2015

7 pm Regular Meeting

1307 Cloquet Ave, Cloquet, MN 55720

AGENDA

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the March 10, 2015 Planning Commission meeting

5. Zoning Case 15-04: Variance for Steven Jankowski – Side yard Setback

6. Commissioner's Questions/Comments

7. Adjourn

NEXT MEETING:
May 12th @ 7pm



Regular Meeting of the Planning Commission

Tuesday March 10, 2015

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

CALL TO ORDER

Chairperson Berglund called the meeting to order at 7:00 p.m.

ROLL CALL

Attending: Planning Commission members: Bryan Bosto, Kelly Johnson, Uriah Wilkinson and Jesse Berglund; City: Al Cottingham

Absent: Commission members: John Sanders, Michael Haubner and Chuck Buscher

Others Present: Sam Franklin

ADDITIONS/CHANGES TO THE AGENDA

None.

AGENDA ITEMS

February 10, 2015 Meeting Minutes

Chairperson Berglund asked for any corrections or additions,

Motion: Commissioner Johnson made a motion to approve the Planning Commission meeting minutes from February 10, 2015, Commissioner Wilkinson seconded. (Motion was approved 4-0).

Zoning Case 15-02: Conditional Use Permit for SAC Wireless for a Cellular Tower

Chairperson Berglund reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 15-02, Conditional Use Permit for SAC Wireless for a Cellular Tower. He asked Mr. Cottingham to provide an overview of the application. Mr. Cottingham noted the SAC Wireless was proposing a Conditional Use Permit to construct a cellular tower not to exceed 200 feet located north of Carlton Avenue and west of Scanlon Way. The City Council had approved this Conditional Use Permit in October 2013 and no action was taken so the Conditional use Permit expired after one year.

Chairperson Berglund asked if anyone would like to speak on this item.

There being no further discussion Chairperson Berglund closed the public hearing

Chairperson Berglund called for a motion.



Regular Meeting of the Planning Commission

Tuesday March 10, 2015

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

Motion: Commissioner Wilkinson made a motion to adopt Resolution No. 15-02 Recommending Approval of the Conditional Use Permit to allow a Cellular Tower in the Light Industry District, Commissioner Johnson seconded. (Motion was approved 4-0).

Mr. Cottingham noted this would be placed on the City Council agenda for March 17, 2015.

Commissioner's Questions/Comment

Chairperson Berglund asked Mr. Cottingham for an update on any other items that may be of interest to the Commission.

He referenced the Big Lake Sanitary Sewer District and the proposed plans to bring sewer from the Big Lake area into Cloquet and then onto Western Lake Superior Sanitary Sewer District for treatment. This will require an amendment to the Comprehensive Plan for an expansion to our sewer district boundary. This will be scheduled for a future meeting when all the issues get worked out.

He also provided an update on the exploration with Scanlon and the fact that it is moving along slowly. The City is trying to get together some cost estimates to do some financial reviews of both cities financial situation and projections as to where they may be in the future. Once that is done and it is determined how this will be paid for and start that process.

Next Meeting

April 14, 2015

Meeting adjourned 7:17 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator



To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: April 8, 2015

ITEM DESCRIPTION: ZONING CASE 15-04: VARIANCE – SIDE YARD SETBACK

Background

A public hearing will be held on Tuesday, April 14, 2015 to consider a possible variance from minimum side yard for accessory structures (Section 17.6.06 Subd. 5). A legal notice was published in the Pine Journal on April 2, 2015 and property owners within 350 feet were sent notices of the public hearing.

Steve Jankowski is proposing a variance to the minimum side yard setback for accessory structures in order to relocate an existing shelter for his boat. The variance if approved would allow for the structure to be constructed with a 0 foot setback to the side property line. The property is located at 326 7th Street.

Mr. Jankowski applied for and received a building permit last fall to construct the existing structure for the storage of his boat that met the required setbacks, 3 foot side yard and 3 foot rear yard. Since then Mr. Jankowski has learned that while he can access his garage it is not very easy to do so with the structure in its current location. The driveway for the Jankowski residence is shared with the property to the south with a fence seperating them. The structure is proposed to be placed on the driveway surface up to the fence. The property to the south has an accessory structure located 5 feet from the common property line. Mr. Jankowski has submitted a narrative addressing the variance criteria.

Policy Objectives

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless all of the following conditions exist:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.



Community Development Department

1307 Cloquet Avenue • Cloquet MN 55720

Phone: 218-879-2507 • Fax: 218-879-6555

Financial Impacts

The Variance fee is \$346. The applicant has paid this fee to cover the cost associated with the application process.

Advisory Committee Action Requested

The Planning Commission should listen to the testimony that is presented at the public hearing for the variance. Following this testimony the Planning Commission should review the variance criteria and either approve or deny the variance as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

Staff Recommendation

Staff has reviewed the variance requirements and would recommend denial of the variance. This is an unusual situation in that the driveway is on the property line and they are proposing to cover it with a structure. While there is a unique situation of a shared driveway, there are many of these around town and this is not a reason to allow a structure to be placed on the property line. Staff is concerned with snow and water runoff from the structure being deposited directly onto the neighboring property in addition to be added to the runoff from their accessory structure. This could create a problem with the accessory structure on the property to the south.

If the Planning Commission is inclined to approve the variance it should be subject to at least the conditions listed in the draft resolution.

Supporting Documents Attachments

- Resolution No. 15-04 Denying
- Resolution No. 15-04 Approving
- Location Map
- Petitioner Narrative
- Photo's

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 15-04 DENYING

**A RESOLUTION DENYING A VARIANCE FROM THE MINIMUM SIDE YARD
SETBACK FOR ACCESSORY STRUCTURES IN THE R2 – ONE TO TWO-FAMILY
RESIDENCE DISTRICT FOR STEVE JANKOWSKI**

WHEREAS, Steve Jankowski is proposing a Variance from the minimum side yard setback for an accessory structure in the R2 – One to Two-Family Residence District; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on April 14, 2015 at which time Zoning Case / Development Review No. 15-04 was heard and discussed; and

WHEREAS, the property of the proposed Variance is located at 326 7th Street (PINS 06-145-0460 and 06-145-0500) and is legally described as follows:

Lot 11, Block 2, Highland Park and the north 11.5 feet of Lot 12, Block 2, Highland Park. And,

WHEREAS, the Planning Commission reviewed the staff report and denies the variance from the minimum side yard setback for an accessory structure.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission denies Zoning Case 15-04 for a variance from the minimum side yard setback for an accessory structure for the following reasons:

1. This would establish precedence for new structures.
2. The run off of snow and rain would be directed straight onto the neighboring property.
3. The property owner has created the situation and it is not due to the uniqueness of the property.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

JESSE BERGLUND	_____	BRYAN BOSTO	_____
CHUCK BUSCHER	_____	MICHAEL HAUBNER	_____
KELLY JOHNSON	_____	JOHN SANDERS	_____
URIAH WILKINSON	_____		

Passed and adopted this 14th day of April 2015.

CITY OF CLOQUET

JESSE BERGLUND
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

STATE OF MINNESOTA

COUNTY OF CARLTON

CITY OF CLOQUET

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 15-04 APPROVING

**A RESOLUTION APPROVING A VARIANCE FROM THE MINIMUM SIDE YARD
SETBACK FOR ACCESSORY STRUCTURES IN THE R2 – ONE TO TWO-FAMILY
RESIDENCE DISTRICT FOR STEVE JANKOWSKI**

WHEREAS, Steve Jankowski is proposing a Variance from the minimum side yard setback for an accessory structure in the R2 – One to Two-Family Residence District; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on April 14, 2015 at which time Zoning Case / Development Review No. 15-04 was heard and discussed; and

WHEREAS, the property of the proposed Variance is located at 326 7th Street (PINS 06-145-0460 and 06-145-0500) and is legally described as follows:

Lot 11, Block 2, Highland Park and the north 11.5 feet of Lot 12, Block 2, Highland Park. And,

WHEREAS, the Planning Commission reviewed the staff report and denies the variance from the minimum side yard setback for an accessory structure.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, that the Planning Commission approves Zoning Case 15-04 for a variance from the minimum side yard setback for an accessory structure for the following reasons and condition:

1. The two parcels must be consolidated into one tax parcel.

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: A YE: ____ NAY: ____ ABSENT: ____

JESSE BERGLUND	_____	BRYAN BOSTO	_____
CHUCK BUSCHER	_____	MICHAEL HAUBNER	_____
KELLY JOHNSON	_____	JOHN SANDERS	_____
URIAH WILKINSON	_____		

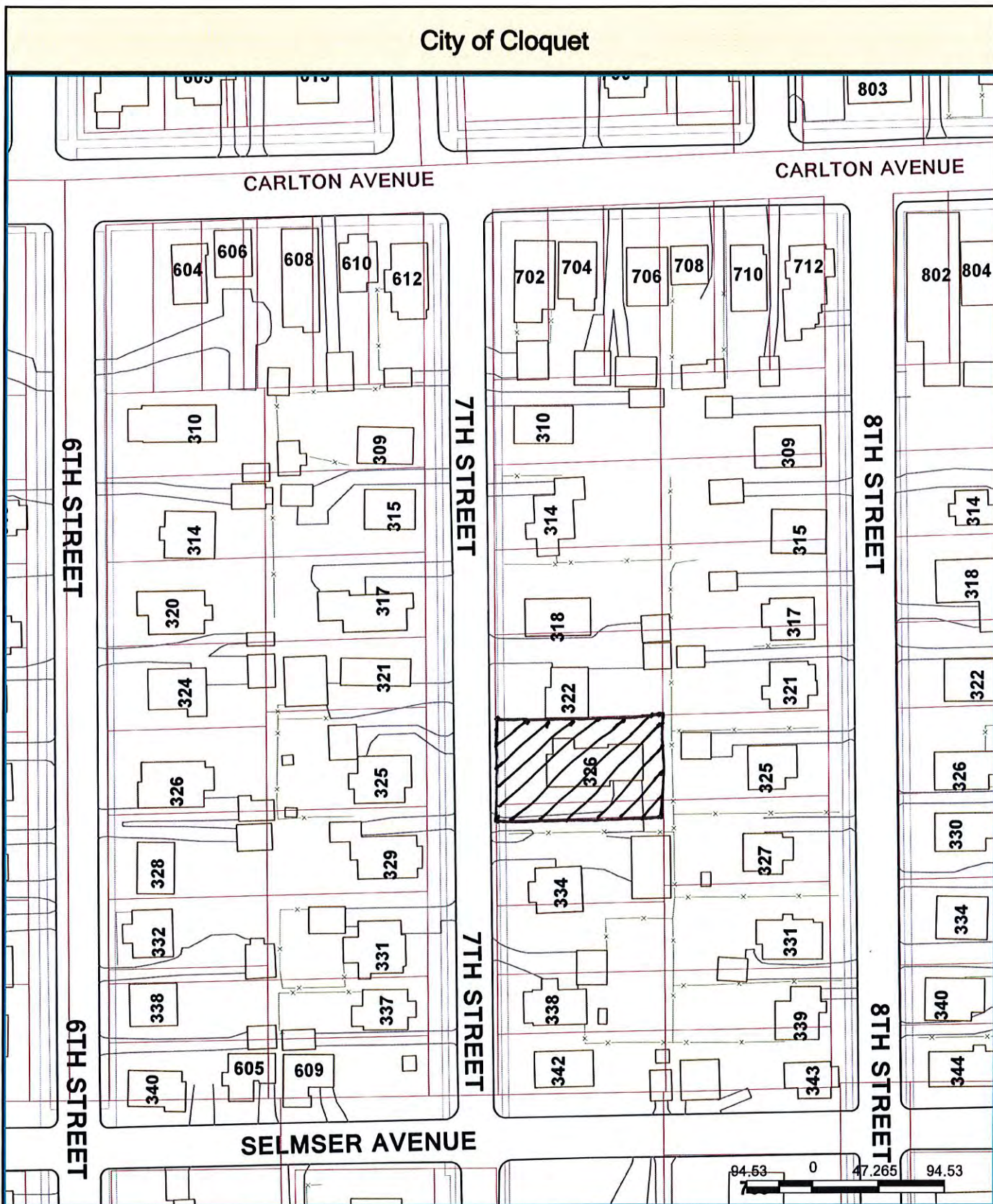
Passed and adopted this 14th day of April 2015.

CITY OF CLOQUET

JESSE BERGLUND
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

City of Cloquet



This map was compiled using data believed to be accurate; however, a degree of error is inherent in all maps. This map was distributed "AS-IS" without warranties of any kind, either expressed or implied, including but not limited to warranties of suitability to a particular purpose or use. No attempt has been made in either the design or production of the maps to define the limits or jurisdiction of any federal, state, or local government. Detailed on-the-



**DESCRIPTION OF VARIANCE REQUEST FOR CITY OF CLOQUET, HIGHLAND PARK; LOT
11. BLOCK 2; DOCKET 242812**

I am requesting a variance to move an existing metal structure used as a carport to store our boat under. The structure is located at 326 7th Street, Cloquet, MN 55720. The specific lot that this structure currently sits on is City of Cloquet Highland Park; lot 11, Block 2; Docket 242812.

The specific variance request would allow the movement of the structure up to the existing fence line separating the driveways of 326 7th Street and 334 7th Street. Currently, the structure sits within the three foot setback requirement from the existing fence line.

The structure itself is constructed of non-combustible material which consists of galvanized steel grid work and painted steel panels for the roof and sides. The structure is not permanent and is able to be dismantled similar to a pet enclosure or shelter.

With reference to Chapter 17, Subdivision 3, Approval Criteria for a variance, the property owner(s) state the following:

- 1) The property owner(s) (Steve and Linda Jankowski) propose to use the property in a reasonable manner that is not permitted by an official control.
- 2) The structure currently sits on top of an existing driveway. The landowner(s) plight is due to circumstances unique to the property and was not created by the current landowner(s). The driveway has been in existence since 1933.
- 3) The variance, if granted, will not alter the essential character of the locality.

Please refer to the attached drawing for clarifications.

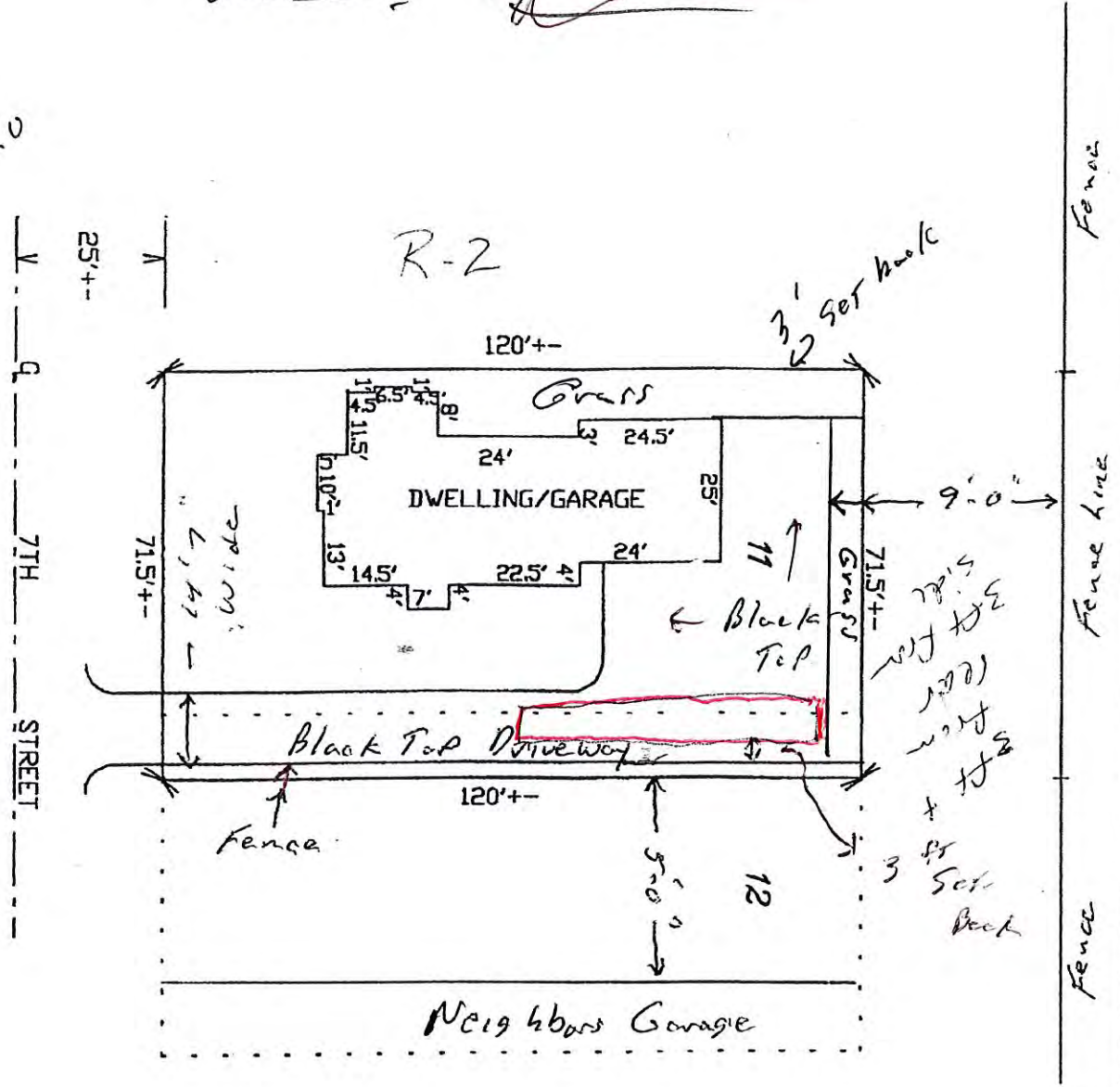
FILE NO. 07-1208
NOT TO SCALE

PLAT DRAWING
(THIS IS NOT A SURVEY)

SCALE 1"=30'
DETAIL _____

~~Notice~~ ~~by the owner~~

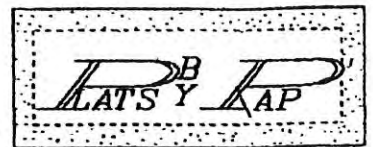
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NOT TO SCALE

PROPERTY ADDRESS: 326 7TH STREET

THE LOCATION OF IMPROVEMENTS SHOWN ON THIS DRAWING ARE APPROXIMATE AND ARE BASED ON A VISUAL INSPECTION OF THE PREMISES. THE LOT DIMENSIONS ARE TAKEN FROM A RECORDED PLAT OR COUNTY RECORDS. THIS DRAWING IS FOR INFORMATIONAL PURPOSES AND SHOULD NOT BE USED AS A SURVEY. IT DOES NOT CONSTITUTE A LIABILITY OF THE COMPANY AND IS INTENDED FOR MORTGAGE PURPOSES ONLY.



TEL 281-876-2000 FAX 281-876-2000

AERIAL VIEW



STREET VIEW

