



PLANNING COMMISSION MEETING AGENDA
TUESDAY JULY 21, 2026

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. June 2, 2026, Planning Commission Meeting Minutes (Corrected).
 - b. June 16, 2026, Planning Commission Meeting Minutes.
 - c. July 7, 2026, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING:** Atlantis Pools (“Applicant”) and Christy Cales (“Owner”) requests that the City consider the following action for the property located at 6405 Hillstrom Rd., Independence, MN (PID No. 22-118-24-14-0004)
 - a. A variance from the requisite structure setback from the OHWL of Pioneer Creek to allow the construction of a swimming pool that does not meet the applicable setback.
5. **PUBLIC HEARING:** Laura Fredman (“Applicant/Owner”) requests that the City consider the following action for the property located at 4465 Lake Sarah Rd., Independence, MN (PID No. 03-118-24-23-0001):
 - a. A conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located within a new detached accessory structure on the subject property.
6. **PUBLIC HEARING:** Dennis Hagen (“Applicant/Owner”) requests that the City consider the following action for the properties located at 6345 and 6385 Main St., Independence, MN (PID No.s 26-118-24-22-0007 and 26-118-24-22-0005):
 - a. A minor subdivision to allow a lot combination of the two (2) existing properties into a single property. The combination would create a one (1) lot that is 7.32 acres.
7. **PUBLIC HEARING:** Paul Ridgeway (Applicant/Owner) requests that the City consider the following action for the property located at 5885 County Road 11, Independence, MN (PID No. 11-118-24-12-0008):
 - a. A variance to allow a detached accessory building that exceeds the allowable square footage (1,850 SF) for the subject property. The applicant is proposing to construct a new approximately 3,000 SF private detached accessory structure on the property. The property size is approximately 9 acres; however, only 2 acres are buildable upland. The buildable upland is used to determine allowable detached accessory structure square footage.

8. Open/Misc.

9. Adjourn.



PLANNING COMMISSION MEETING AGENDA
TUESDAY, JUNE 2, 2025

7:30 PM REGULAR MEETING

1. **Call to Order**

Pursuant to due call and notice thereof, a work session of the Independence Planning Commission was called to order by Chair, Gardner at 7:30 p.m.

2. **Roll Call**

PRESENT: Gardner, Tearse, Dumas, Volkenant, Alternates Story and Usset
ABSENT: Thompson
STAFF: Mayor Spencer, City Administrator Kaltsas, Administrative Services Director
Simon, Councilmember Grotting
VISITORS: See Sign-in Sheet

3. Annual Election of Commission Chair and Vice Chair/Alternate Discussion.

City Administrator Mark Kaltsas noted that the annual election of Commission Chair and Vice Chair had not yet been conducted for the year. Commissioner Dumas nominated the current Chair to continue in that role, which was seconded and approved by all present members. It was noted that the Vice Chair position is held by the absent Commissioner Steve, and his continuation in that role was affirmed pending his acknowledgment at a future meeting.

4. Approval of Minutes:
- a. April 21, 2026, Planning Commission Meeting Minutes.
 - b. May 19, 2026, City Council Meeting Minutes (For Information Only).

Motion by Volkenant, seconded by Tearse to approve the minutes. Ayes: Gardner, Tearse, Volkenant, Dumas, Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved. 5-0

Usset later brought attention to TABLING the minutes due to some errors. MINUTES TABLED.

5. **PUBLIC HEARING:** Alex Rykken (Applicant/Owner) requests that the City consider the following action for the property located at 6605 Hillstrom Road, Independence, MN (PID No. 22-118-24-13-0001):

- a. A variance from the requisite structure setback from the OHWL of Pioneer Creek to allow the construction of a deck that is attached to the principal structure on the subject property.

City Administrator Kaltsas presented the staff report. The subject property at 6605 Hillstrom Road is zoned Rural Residential and is subject to the City's Shoreland Overlay District, which requires a 100-foot setback from the Ordinary High-Water Level (OHWL) of Pioneer Creek. The applicant applied for a deck permit, at which point staff identified that the existing principal structure sits approximately 89.8 feet from the OHWL — a lawful nonconforming condition that arose not from any action by the property owner, but from the natural meandering and erosion of Pioneer Creek over time. The home had been inspected and approved at the required setback when originally constructed.

The applicant is requesting a variance to allow the construction of a deck attached to the home, with the deck surface located approximately 89.8 feet from the OHWL and the deck stairs at approximately 85.4 feet — representing a roughly 15-foot variance from the required setback. Staff noted that the proposal meets all applicable variance criteria: the practical difficulty is directly attributable to the natural migration of the creek; the proposed deck does not materially increase encroachment toward the creek; the impervious coverage would increase only modestly from 11.7% to 11.9%, well within the 25% shoreland maximum; and the improvement is consistent with the residential character of the area. No grading or vegetation removal toward the creek is proposed.

No public comments had been received prior to the meeting, and no members of the public came forward to speak during the hearing. Commissioners concurred that the applicant's circumstances were compelling and consistent with at least one prior similar variance the Commission had considered. The public hearing was opened and closed without testimony.

Motion by Story, seconded by Volkenant to recommend approval of the variance for the property located at 6605 Hillstrom Road, consistent with the findings and conditions detailed in the staff report. Ayes: Gardner, Tearse, Volkenant, Dumas, Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved. 5-0

City Administrator Kaltsas noted the application will proceed to the City Council on June 16, 2026.

6. **PUBLIC HEARING:** Mark Bjorgum (Applicant/Owner) requests that the City consider the following action for the property located at 230 Hart St., Independence, MN (PID No. 32-118-24-42-0053):

- a. A variance to allow the construction of a new accessory structure that exceeds the height of the principal structure located on the subject property.

City Administrator Kaltsas presented the staff report for this request. The applicant owns multiple adjacent parcels in the area of Hart Street, First Street, and Lyndale Avenue. The specific lot subject to the application, 230 Hart Street, contains a small, fully functioning single-family home in the southeast corner of the lot — serving as the legal principal structure.

The applicant had originally sought to tear down an existing detached accessory structure that was a lawful nonconforming building spanning two of the applicant's parcels. Because any rebuild would require bringing the structure into conformance, the applicant returned with a revised proposal: remove the existing nonconforming structure and replace it with a new, fully conforming 40-by-48-foot accessory building located entirely on the 230 Hart Street parcel.

The complication triggering the variance request is that the principal structure on the lot has a low, nearly flat roofline at approximately 16 feet in height, while the proposed accessory building would have a median roof pitch height of 19 feet 4 inches — exceeding the principal structure's height by approximately 3.5 feet. The property also could not meet the criteria for the City's Accessory Building Review Committee (ABRC) process, as the proposed building would be located approximately 50 feet from the principal structure (rather than the required 75-foot minimum) and would technically be situated in the front yard of the parcel rather than the rear. All other setback requirements are met.

Staff characterized the overall outcome as a net improvement for the city: the proposed structure would be fully conforming with respect to setbacks and property lines, replacing a building that currently straddles a property line as a lawful nonconforming structure. Commissioners agreed the request was straightforward. No public comments had been received and no members of the public came forward to speak.

Motion by Volkenant, seconded by Story to recommend approval of the variance for the property located at 230 Hart Street, to allow construction of an accessory outbuilding that exceeds the height of the principal structure, consistent with the proposed plan and all applicable conditions and considerations noted in the staff report. Ayes: Gardner, Tearse, Volkenant, Dumas, Story. Nays: None. Absent: Thompson. Abstain: None. Motion Approved. 5-0

City Administrator Kaltsas noted the application will proceed to the City Council on June 16, 2026, at 6:30 PM.

7. **PUBLIC HEARING:** Michael Keenan (Applicant) and Mark Moorhouse (Owner) are requesting the following actions for the property located at 3760 County Road 92 N. (PID No. 09-118-24-13-0001) in the City of Independence, MN.
 - a. A conditional use permit (CUP) to allow three (3) detached accessory buildings that exceed 5,000 SF. The applicant is proposing to develop a new primary residence and three detached accessory buildings (phased over several years) that exceed 5,000 SF. All detached accessory buildings constructed in the City of Independence that are greater than 5,000 SF can only be constructed upon issuance of a conditional use permit.

City Administrator Kaltsas presented the staff report. The applicant, Michael Keenan, appeared as the representative for property owner Mark Moorhouse, who was out of town. The subject property is approximately 60 acres, zoned Agricultural Preserve, located south and east of the intersection of County Roads 92 and 11. The applicant is requesting a Conditional Use Permit (CUP) to allow the construction of three large detached accessory buildings, all exceeding 5,000 square feet, as part of a phased private agricultural operation. The first building, to be constructed immediately, would also contain a principal residence (a barndominium-style dwelling unit meeting the City's 1,200 square foot minimum with required bedroom, bathroom, and living quarters), making it the legal principal structure on the property.

The three proposed buildings are substantial in size: Building 1 is approximately 70 by 250 feet; Building 2 is 96 by 242 feet; and Building 3 is 60 by 250 feet — all well in excess of the 5,000 square foot threshold requiring a CUP. The applicant's plans include an earthen berm around the perimeter of the approximately 10-acre development pad, infiltration basins for stormwater management, tree plantings, and a prairie restoration area. The site disturbance of nearly 7 acres triggers review by the Pioneer-Sarah Creek Watershed District, which had not yet returned comments at the time of the meeting. The proposed impervious coverage is approximately 10%, well within the 25% city maximum.

Kaltsas noted several considerations for the Commission: the timeline for construction of Buildings 2 and 3 is uncertain and spans several years; all approvals should restrict commercial use; stormwater and engineering review remains ongoing; and the city does not limit total accessory building square footage on properties greater than 10 acres, though the CUP process exists precisely to evaluate and mitigate impacts from larger structures.

The applicant's representative described the project as a generational farming operation, noting that Moorhouse family intends to consolidate agricultural buildings from other nearby properties — some of which are in disrepair or do not meet current functional needs — to this single location. Letters of support from several neighbors were included in the packet, with one additional letter received the night before the meeting.

Public Hearing Opened

The public hearing produced significant testimony from neighboring residents raising concerns about the broader history of the Moorhouse LLC's operations in the area.

Steve Eckman, residing at 3250 County Road 92 North (one parcel away from the subject property), addressed the Commission at length. He commended the Commission's work but expressed serious reservations about the application. He suggested the City consider expanding the notification radius for applications in agricultural zones beyond the current 350-foot requirement, noting that the letters of support appeared to come largely from individuals employed by or living at a distance from the applicant's operations. He argued that the scale of investment — which he described as the applicant having spent in excess of \$10 million — and the pattern of community complaints over the past five years indicate this is not a modest family farming operation, but rather a large-scale commercial enterprise. He referenced City Ordinance 2013-07, Section 1, which states that no accessory building shall be constructed prior to construction of the principal building to which it is accessory, questioning whether a living unit tucked into a corner of a large metal building truly satisfies that requirement in spirit. He urged the Commission to require a substantial cash bond — he suggested at least \$250,000 — to ensure compliance with any conditions imposed, citing the applicant's access to legal resources that could make enforcement costly for the city and its taxpayers.

Karen Carlson, a neighboring property owner, provided extended testimony drawing on her family's multi-generational connection to the land in the area. She acknowledged that the Moorhouse LLC employs local workers and supports the local economy, and she drew a distinction between her concerns and any opposition to farming activity itself. Her central grievance was the persistent and pervasive use of backup alarms on heavy construction equipment associated with the LLC's ongoing projects, which she described as having severely diminished the quality of life for the nearest neighbors — including an elderly widow living directly across the street. She described incidents of construction equipment operating on weekends and into the evenings, generating backup alarm noise over extended periods. She cited research linking chronic exposure to such alarms with physiological stress responses, elevated cortisol, and mood disturbances, framing the issue as one of public health and safety. She proposed that conditions on any approval include restricted hours of operation for equipment using backup alarms, and suggested the Commission explore the use of broadband alarms as a less intrusive alternative. She expressed a desire for a direct working relationship with the Moorhouse operation to resolve these issues collaboratively.

Kenton Anderson, a resident living across Highway 92 from the site for approximately 12 years, corroborated the concerns raised by the previous speakers. He described periods of 50 to 100 dump trucks per day using the road during berm construction, with associated noise from jake braking, speeding, and backup alarms. He questioned whether any limit exists on the number of trucks that can be brought to a site in a given day, and stated that no meaningful enforcement had been observed in response to the complaints raised over the past four years.

Motioned by Tearse, seconded by Volkenant to close the Public Hearing. 5-0

Following the close of the public hearing, commissioners engaged in a substantive discussion about how to structure conditions for any approval. Key points included:

Commissioner Dumas observed that a prior conditional use permit related to the Moorhouse property had included no time limit on grading activity, allowing fill to be hauled in intermittently over several years as free fill became available from nearby construction projects. He recommended that any CUP for this site include a defined timeline — he suggested one year — for completing the grading and pad preparation, after which the applicant would need to return to the City if the work was not complete. The Commission agreed that the construction of the pad and grading work was the primary driver of heavy truck traffic and associated noise, and that confining that activity to a fixed window would provide meaningful relief to neighbors.

Commissioner Volkenant and other commissioners agreed that restricting construction hours was appropriate. City Administrator Kaltsas confirmed the City had previously placed construction hour restrictions on the Bridgevine development at neighboring residents' request, beyond the general city ordinance limits of 10 PM to 6:30 AM. The Commission discussed restricting construction operations to Monday through Friday, 8 AM to 5 PM.

Kaltsas also raised the possibility of requiring the applicant to post financial security — analogous to the 150% of project value requirement used in subdivision approvals — to ensure compliance with the timeline and other conditions. The Commission expressed support for this concept.

The Commission further agreed that the CUP should be structured so that Buildings 2 and 3 require separate, future applications rather than being approved as a package. This would allow the City to evaluate the applicant's compliance with conditions before authorizing further development. Kaltsas noted he would work with the applicant to refine these conditions prior to the matter going before the City Council.

Kaltsas also noted that the City had previously declined to allow the applicant to combine this parcel with adjacent properties, as doing so would have created a street-bisected property. Instead, the City directed the applicant to establish a principal structure on this parcel — which the barndominium approach satisfies — in order to maintain appropriate oversight of development on the site.

Motion by Story, seconded by Volkenant to recommend approval of the Conditional Use Permit for the property at 3760 County Road 92 North, consistent with the staff recommendations in the packet and subject to the following additional conditions: (1) construction hours restricted to Monday through Friday, 8 AM to 5 PM; (2) a one-year timeline for completion of pad grading and site preparation; (3) financial security posted at 150% of total project value; and (4) Buildings 2 and 3 to be reviewed and approved individually upon separate future applications. Ayes: Gardner, Volkenant, Dumas, Story. Nays: Tearse. Absent: Thompson. Abstain: None. Motion Approved. 4-1 The motion carried.

City Administrator Kaltsas noted that the application is anticipated to proceed to the City Council on June 16, 2026, though that date may be adjusted if additional time is needed to work through conditions with the applicant.

8. Open/Misc.

City Administrator Kaltsas noted that a Planning Commission meeting is scheduled for June 16, 2026, with several items on the agenda. He indicated that a July meeting may or may not be necessary and advised commissioners to stay tuned for further notice.

Alternate Story's earlier suggestion regarding expanding the neighbor notification radius for applications in agricultural zones was acknowledged. Kaltsas noted that doing so would require an ordinance amendment and that the Commission could formally recommend such a change to the City Council. Discussion indicated that a tiered or fixed expanded radius for agricultural zone applications would be preferable to a subjective case-by-case standard.

9. Adjourn.

Motion by Tearse, seconded by Volkenant to adjourn the meeting at 9:30pm. Motion Approved. 5-0

Respectfully Submitted,

Amber Simon/Recording Secretary



**PLANNING COMMISSION MEETING AGENDA
TUESDAY, JUNE 16, 2025**

7:30 PM REGULAR MEETING

1. Call to Order

Pursuant to due call and notice thereof, a work session of the Independence Planning Commission was called to order by Chair, Gardner at 7:30 p.m.

2. Roll Call

PRESENT: Gardner, Thompson, Tearse (joined after 1st public hearing item), Dumas, Volkenant, Alternates Story and Usset

ABSENT: None

STAFF: City Administrator Kaltsas, Administrative Services Director Simon

VISITORS: See Sign-in Sheet

3. Approval of Minutes:

- a. June 2, 2026, Planning Commission Meeting Minutes.
- b. June 2, 2026, City Council Meeting Minutes (For Information Only).

Staff noted that the submitted minutes appeared to contain a mix of content from both the April and June 2 meetings, with the public hearing section lacking sufficient detail. Commissioners observed that a portion of the discussion recorded under the June 2 minutes appeared to belong to the April meeting, specifically content related to commissioner reappointments and position changes. It was also noted that compliance checks were absent from the record.

Motion to table both sets of minutes and return them with corrections was made and seconded. Ayes: Gardner, Thompson, Tearse, Volkenant, Dumas, Story. Nays: None. Abstain: None. Absent: None. Staff confirmed they would ensure the minutes were cleaned up before resubmission. The motion carried. 5.0

4. PUBLIC HEARING: Tracy Kooman (Applicant/Owner) requests that the City consider the following action for the property located at 2692 Becker Rd., Independence, MN (PID No. 14-118-24-42-0007):

- a. A conditional use permit (CUP) to allow a detached accessory building that exceeds 5,000 SF. The applicant is proposing to construct a new indoor riding arena and barn on the subject property by adding a new barn to the property which would exceed 5,000 SF. All detached accessory buildings constructed in the City of Independence that are greater than 5,000 SF can only be constructed upon issuance of a conditional use permit.

Staff presented the application for a conditional use permit to allow a detached accessory building exceeding 5,000 square feet on the rural residential property at 2692 Becker Road. The applicant, Tracy Kooman, proposed to attach a new indoor riding arena to an existing barn on the property. The existing barn measures approximately 4,200 square feet (65' x 65'), and the proposed addition is approximately 9,700 square feet, connected by a fully enclosed 10-foot corridor. The combined total square footage of the attached structures would be approximately 13,000–14,000 square feet, which triggers the conditional use permit requirement under the City's code.

Staff confirmed the property is zoned and guided as rural residential, and that the City allows unlimited detached accessory buildings on properties exceeding 10,000 square feet, but requires a CUP for any individual building or connected structure exceeding 5,000 square feet. Once the existing barn and proposed addition are connected, they are treated as a single structure for the purposes of the CUP. Staff clarified that the applicant could still construct an additional, unconnected accessory structure in the future without triggering a new CUP, provided it does not independently exceed 5,000 square feet or connect to the existing structure.

The proposed use is strictly private. The applicant stated no commercial use is intended — no horse boarding, no riding lessons, and no rental activity. Staff noted that surrounding property owners had raised questions primarily about potential commercial use, and confirmed that no commercial use is proposed. The proposed building would meet all applicable setback requirements. Staff also noted that existing tree coverage along the Becker Road frontage provides some screening, though the new structure would likely be visible from the road through a gap in the treeline.

Commissioner Thompson asked whether the applicant had disclosed the number of horses they currently keep or intend to keep. Staff noted this information was not provided, but explained that horse density on the property is already governed by the City's animal unit regulations — one animal unit per the first two acres, and one per acre thereafter — and that no additional disclosure is required for a noncommercial use.

The public hearing was opened. No members of the public were present to testify. The applicant was noted as not being present online at the time of the hearing.

Motion by Thompson, seconded by Volkenant to approve the Conditional Use Permit for the property at 2692 Becker Road, subject to all staff recommendations in the packet. Ayes: Gardner, Thompson, Volkenant, Dumas, Story. Nays: None. Abstain: None. Absent: Tearse. The motion carried. 5.0

Staff noted this item will proceed to the City Council on July 7, 2026.

Commissioner Tearse joined the meeting

5. **PUBLIC HEARING:** Tony Des Marais (Applicant/Owner) requests that the City consider the following action for the property located at 4727 Lake Sarah Dr. S. Independence, MN (PID No. 03-118-24-12-0011):
 - a. A conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located on the subject property.

Staff presented the application for a conditional use permit to allow a detached accessory dwelling unit (ADU) on the rural residential property at 4727 Lake Sarah Drive South. The applicant, Tony Des Marais, proposed to construct a detached accessory building of approximately 2,100 square feet, within which a 768-square-foot ADU would be located. The ADU would contain one bedroom, a bathroom, a kitchen, and storage areas, and is intended to serve as a mother-in-law unit for relatives of the homesteaded owner.

Staff reviewed the City's ADU criteria in detail and confirmed the proposal meets all applicable requirements:

- The ADU is located within a detached accessory building, as permitted.
- At 768 square feet, it is subordinate to the principal dwelling's above-ground square footage of 2,690 square feet.
- The proposed ADU size is within the required range — greater than the 400 SF minimum and less than the 888 SF maximum (33% of 2,690 SF).
- The accessory building at 2,176 square feet falls just below the maximum allowable accessory structure size of 2,221 square feet for the approximately 2.5-acre upland property.
- The ADU is limited to one bedroom, within the two-bedroom maximum.
- Occupancy is restricted to relatives of the homesteaded owner, consistent with code requirements.
- The property cannot be subdivided, so future subdivision is not a concern.

A significant element of the application involves the septic system. The existing septic system, approximately 30 years old, is located in the area where the new building would be constructed. The applicant's representative confirmed that a new system has already been designed, sized to accommodate up to six bedrooms — accounting for the two existing bedrooms in the principal dwelling, two planned bedrooms to be finished in the basement, and two bedrooms in the ADU. The existing alternate drain field site would remain available.

Discussion arose around the City's septic compliance requirements. Staff explained that the City recently strengthened its ordinance to address situations where properties were being sold without required compliance checks. The updated ordinance now requires sellers to either

complete a compliance check or place funds in escrow prior to closing. Staff noted that a new septic system currently costs approximately \$40,000, making compliance an important issue for future property transactions. Commissioners acknowledged that as long as the applicant's new system passes a future compliance check, the property could be sold without issue.

Commissioner Thompson noted that he had driven by the property prior to the meeting and observed that the proposed building site would not create a significant visual impact from the street, as the driveway corridor provides only a narrow sightline into the property. He also noted that the approximately 55-foot separation between the proposed accessory building and the principal dwelling was appropriate and would not appear visually jarring.

The public hearing was opened. An applicant representative was present and provided clarification regarding the septic system design. No other members of the public testified.

Motion by Story, seconded by Volkenant to close the Public Hearing 5-0

Motion by Thompson, seconded by Volkenant to approve the Conditional Use Permit for the property at 4727 Lake Sarah Drive S, for an accessory dwelling unit, subject to all staff recommendations 1-7. Ayes: Gardner, Thompson, Tearse, Volkenant, Dumas, Story. Nays: None. Abstain: None. Absent: None. The motion carried. 5.0

6. Open/Misc.

Staff raised the topic of public hearing notification distances, referencing a prior meeting in which community members had expressed concern that they had not received notice of a public hearing affecting their neighborhood. Staff noted that for that particular hearing, notices had been sent within a 500-foot radius — 50% beyond the state statutory minimum — yet some affected property owners were located beyond 1,500 feet.

Staff reported consulting with the City Attorney, who cautioned against arbitrarily expanding the notice radius, noting that any specific distance chosen would be subjectively applied and could expose the City to legal challenges. The City Attorney's advice was to rely on the state statute as a backstop. Staff indicated they would continue to examine the issue, suggesting that a radius proportional to a property's size — such as a quarter-quarter section — might provide a more defensible rationale.

The Commission also briefly discussed the possibility of requiring posted signage on subject properties as a supplemental form of public notice, a practice used in other jurisdictions. Staff acknowledged cost and logistics as ongoing concerns with property signage but agreed that it would provide an additional layer of transparency. Staff committed to bringing a more fully developed proposal, along with input from the City Attorney, back to the Commission for further discussion.

7. Adjourn.

Motion by Gardner, seconded by Story to adjourn the meeting at 8:11pm. 5-0



CITY COUNCIL MEETING MINUTES
TUESDAY JULY 7, 2026

CITY COUNCIL MEETING TIME: 6:30 PM

1. CALL TO ORDER

Mayor Brad Spencer called the meeting to order on Tuesday, July 7, 2026, at 6:30 PM

2. PLEDGE OF ALLEGIANCE

Mayor Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Spencer, Fisher, McCoy, Betts (via Zoom)

ABSENT: Grotting

STAFF: Administrative Services Director Simon, Administrator Kaltsas, Public
Works Director Lehman,

VISITORS: Edward Genreux, Republican Candidate Tom McKee

4. ****CONSENT AGENDA****

Mayor Spencer stated that the consent agenda items would be considered routine and acted on by one motion unless someone would like to remove an item for discussion. The consent agenda

- a. Approval of City Council Minutes from the June 16, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 - Checks No. 24431-24468).
- c. Assembly Permit:
 - Independence Motor Condos Open Houses – July 9th and August 13th.
- d. 2026 Quarter 2 - Building Permits: For Information Only.

Motion by McCoy, seconded by Fisher to approve the consent agenda. Ayes: Spencer, Fisher, McCoy, Betts. Nays: None. Absent: Grotting. Abstain: None. Motion Approved. 4-0

5. Reports of Boards and Committees by Council and Staff.

Council member Fisher Attended the following meeting:

- None

Council member Betts Attended the following meeting:

- None

Council member McCoy Attended the following meeting:

- None

Mayor Spencer Attended the following meeting:

- City Rep at PSCWSM
- Dolores Ahlstrom Memorial with Mayor Emeritus Johnson

Amber Simon Attended the following meeting:

- None

Mark Kaltsas Attended the following meeting:

- Met with City's consultant accounting firm regarding upcoming rate study update

Kaltsas noted that additional information will be coming related to sewer rates and a capital improvement plan for the sewer fund would be brought to the Council at the next workshop.

6. Tracy Kooman (Applicant/Owner) requests that the City consider the following action for the property located at 2692 Becker Rd., Independence, MN (PID No. 14-118-24-42-0007):

- a. **RESOLUTION No. 26-0707-01** – Considering approval of a conditional use permit (CUP) to allow a detached accessory building that exceeds 5,000 SF. The applicant is proposing to construct a new indoor riding arena and barn on the subject property by adding a new barn to the property which would exceed 5,000 SF. All detached accessory buildings constructed in the City of Independence that are greater than 5,000 SF can only be constructed upon issuance of a conditional use permit.

City Administrator Kaltsas presented the request, which originated from the Planning Commission's most recent regular meeting. The applicant, Tracy Kooman, sought a conditional use permit (CUP) to allow a detached accessory building exceeding 5,000 square feet at 2692 Becker Road. The existing structure on the property is 4,225 square feet, and the proposed indoor riding arena addition — connected to the existing structure via an enclosed hallway — is approximately 9,700 square feet, bringing the combined total to approximately 14,000 square feet.

Kaltsas noted that the property is zoned and guided rural residential, and at greater than 10 acres, has no maximum square footage cap for accessory structures. The proposed addition complies

with all applicable setbacks, and the City's water resource consultant confirmed that no wetland delineation was required given sufficient distance from adjacent wetlands. The architectural design of the proposed structure would match the existing building. The Planning Commission held a public hearing, during which some written comments raised concerns about potential commercial use. Kaltsas emphasized that the CUP explicitly conditions the structure for private use only by the property owner, and that any future commercial riding stable operation would require a separate conditional use permit.

The Council asked for clarification on the distinction between private and commercial use. Kaltsas explained that once an owner begins boarding horses belonging to others — regardless of compensation — the use is considered commercial under the City's ordinance, which would trigger the requirement for a separate CUP. He also noted that the property is permitted up to 11 animal units.

The Planning Commission found that all applicable CUP criteria had been satisfied and recommended approval with conditions and findings as included in the resolution.

Motion to approve Resolution No. 26-0707-01 was made by Councilmember Betts and seconded by Councilmember Fisher. Ayes: Spencer, Fisher, McCoy, Betts. Nays: None. Absent: Grotting. Abstain: None. The motion carried 4-0.

7. Tony Des Marais (Applicant/Owner) requests that the City consider the following action for the property located at 4727 Lake Sarah Dr. S. Independence, MN (PID No. 03-118-24-12-0011):
 - a. **RESOLUTION No. 26-0707-02** – Considering approval of a conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located on the subject property.

City Administrator Kaltsas presented this request, which also came from the most recent Planning Commission meeting. Applicant Tony Des Marais sought a CUP to allow a detached accessory dwelling unit (ADU) within a proposed detached accessory building at 4727 Lake Sarah Drive South. The property is zoned and guided rural residential and is 2.55 acres in size, with an existing single-family home on site.

Kaltsas outlined the key criteria governing ADUs. The proposed ADU must be located within or attached to a principal structure or within a detached accessory building on the same parcel — both conditions are met here. The maximum permitted ADU size is the lesser of 33 percent of the above-grade living area of the principal structure or 1,200 square feet. With a principal structure of 2,690 square feet, the applicant is entitled to 888 square feet of ADU space, and the proposal is for exactly 888 square feet, achieved through a demising wall within the pole barn. The total proposed accessory building is 2,176 square feet, just under the maximum permitted

2,221 square feet for the site. The ADU includes permanent provisions for cooking, living, and sanitation, and is designed as a one-bedroom unit, within the two-bedroom maximum.

The Mayor noted that a key discussion point at the Planning Commission was the need to relocate the existing sanitary system, as it occupies the optimal location for the new accessory building. Commissioners confirmed that an alternate septic site had been identified on the property, and that the applicant also owns the adjacent parcel to the northeast, providing additional future flexibility. Kaltsas confirmed that the proposed structure meets all applicable setbacks, verified by a revised survey submitted between the Planning Commission and City Council meetings. Visibility of the proposed structure from Lake Sarah Drive South was noted to be essentially nonexistent due to existing vegetation.

The Planning Commission found that all ADU-specific criteria and general CUP criteria were satisfied and recommended approval with conditions and findings as included in the resolution.

Motion to approve Resolution No. 26-0707-02 was made by Councilmember McCoy and seconded by Councilmember Fisher. Ayes: Spencer, Fisher, McCoy, Betts. Nays: None. Absent: Grotting. Abstain: None. The motion carried 4-0.

8. Pioneer Sarah Creek Watershed Commission - Proposed 2027 Budget Review.

City Administrator Kaltsas presented the Pioneer Sarah Creek Watershed Commission's proposed 2027 budget. The Commission's proposed assessment for the City of Independence is \$52,718.56, representing a 2.45 percent increase — or \$1,262 — over the 2026 budget. Kaltsas noted that the Watershed Commission has consistently maintained a relatively flat budget over many years, and that only a portion of Independence's residents fall within the Pioneer Sarah Creek Watershed District, with those residents' assessments levied accordingly. The remainder of the city falls within the Minnehaha Creek Watershed District, which levies its own separate tax.

The Mayor commended the Commission's long-standing representative, Joe Baker, for his diligent stewardship of the budget, noting that the total year-over-year increase for Independence amounts to approximately \$3,400, and that all member cities saw increases in the range of 2.1 to 2.9 percent. He attributed the Commission's fiscal discipline in part to its effective use of Board of Water and Soil Resources funding for capital improvement projects.

Motion to approve the Pioneer Sarah Creek Watershed Commission's proposed 2027 budget was made by the Mayor and seconded by Councilmember Fisher. Ayes: Spencer, Fisher, McCoy, Betts. Nays: None. Absent: Grotting. Abstain: None. The motion carried 4-0.

9. Open/Misc.

Amber Simon informed the Council that in-person voting opens on July 24th, with direct balloting into the counter available immediately. She noted that the Tuesday before the election would have extended office hours until 7:00 PM, the Monday before until 5:00 PM, and that the office would also be open the Saturday preceding the election.

Councilmember McCoy took a moment to compliment the addition of hot links to the meeting agenda, expressing appreciation for the navigational improvement.

10. Adjourn.

Motion by McCoy, seconded by Fisher to adjourn the meeting at 6:56PM. Ayes: Spencer, Fisher, McCoy, Betts. Nays: None. Absent: Grotting. Abstain: None. Motion Approved. 5-0

CITY OF INDEPENDENCE, MINNESOTA
PLANNING COMMISSION

**Variance Request – Accessory Structure Setback from Ordinary High-Water Level
Property Located at 6405 Hillstrom Road, Independence, MN**

To:	Planning Commission
From:	City Planner
Meeting Date:	July 21, 2026
Applicant:	Atlantis Pools
Owner:	Christy Cales
Location:	6405 Hillstrom Road, Independence, MN
PID:	22-118-24-14-0004
Application Type:	Variance from Ordinary High-Water Level (OHWL) Structure Setback for Swimming Pool

6405 Hillstrom Rd.



Request:

PUBLIC HEARING – Atlantis Pools (“Applicant”) and Christy Cales (“Owner”) requests that the City consider the following action for the property located at 6405 Hillstrom Road, Independence, MN (PID No. 22-118-24-14-0004):

1. A variance from the requisite structure setback from the Ordinary High-Water Level (OHWL) of Pioneer Creek to allow the construction of a swimming pool that does not meet the applicable setback. The proposed swimming pool would be located approximately 82 feet from the OHWL, resulting in a requested variance of 18 feet from the required 100-foot shoreland setback.

Property / Site Information:

The subject property is located at 6405 Hillstrom Road in the City of Independence, Minnesota (PID No. 22-118-24-14-0004). The property is a corner lot adjacent to Pioneer Creek and is subject to the City's Shoreland Overlay District regulations due to its proximity to the creek. The existing single-family home on the property is located approximately 113 feet from the OHWL of Pioneer Creek.

Property Address:	6405 Hillstrom Road, Independence, MN
PID:	22-118-24-14-0004
Legal Description:	Lot 001, Block 001, Hillstrom Gardens 2nd Addn
Zoning:	Rural Residential (RR) / Shoreland Overlay District
Comprehensive Plan:	Rural Residential
Lot Type:	Corner lot
Principal Structure:	Existing single-family dwelling [SF to be confirmed]
Required OHWL (Shoreland) Setback:	100 feet from Ordinary High-Water Level of Pioneer Creek
Existing House Distance to OHWL:	113 feet
Proposed Pool Distance to OHWL:	Approximately 85 feet
Requested Variance:	15 feet from the required 100-foot shoreland setback
Pool Extension from House:	Approximately 31 feet from the rear edge of the existing house
Required Interior Side Yard Setback:	15 feet

Required Corner Side Yard Setback:	52 feet (corner lot)
Front Yard Restriction:	Swimming pools are not permitted within a front yard

Discussion

Atlantis Pools (Applicant), on behalf of Christy Cales (Owner), is requesting approval of a variance from the required 100-foot structure setback from the Ordinary High-Water Level (OHWL) of Pioneer Creek to allow the construction of an in-ground swimming pool at 6405 Hillstrom Road (PID No. 22-118-24-14-0004).

The subject property is located adjacent to Pioneer Creek and is subject to the Shoreland Overlay District regulations of the City's Zoning Ordinance. In-ground swimming pools are considered accessory structures under the Zoning Ordinance and are therefore subject to the setback standards applicable to accessory structures, including a 100-foot shoreland (OHWL) setback, a 15-foot interior side yard setback, and, because the subject property is a corner lot, a 52-foot corner side yard setback. Swimming pools are not permitted within a front yard.

The existing principal structure on the property is located approximately 113 feet from the OHWL of Pioneer Creek. The applicant is proposing to construct an in-ground swimming pool extending approximately 31 feet from the rear edge of the existing house toward the creek, which would place the pool approximately 82 feet from the OHWL. This results in a requested variance of 18 feet from the required 100-foot shoreland setback.

Because the subject property is a corner lot, the area available for siting a swimming pool in compliance with all applicable setbacks is further constrained by the 52-foot corner side yard setback and the prohibition on locating swimming pools within a front yard, in addition to the 100-foot shoreland setback and 15-foot interior side yard setback. These overlapping setback requirements limit the portion of the lot within which a swimming pool could be located in full compliance with the Zoning Ordinance.

Variance Criteria Analysis

A variance may be granted by the City Council in cases where the applicant demonstrates practical difficulties in complying with the zoning code. The variance criteria are established in the City's Zoning Ordinance (Section 520.21, Subd. 1) as follows: (1) the variance is in harmony with the general purposes and intent of the zoning code; (2) the variance is consistent with the comprehensive plan; and (3) the applicant establishes that there are practical difficulties in complying with the zoning code. Staff analysis of each criterion is provided in italics below.

The City's Zoning Ordinance (Section 520.21, Subd. 2) provides that an applicant must demonstrate practical difficulties in complying with the zoning code. Practical difficulties means that: (a) the property owner proposes to use the property in a reasonable manner; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The City would need to find that the requested variance, if granted, would generally comply with the standards for granting a variance. The findings would be similar to those provided below.

1. The variance is in harmony with the general purposes and intent of the zoning code:

The purpose of the OHWL shoreland setback is to protect the natural character of Pioneer Creek, preserve riparian vegetation and water quality, and prevent encroachment of structures toward the creek corridor. While the proposed swimming pool would be located closer to the OHWL than the existing principal structure, the requested 18-foot variance represents a reduction from the required 100-foot setback that is generally consistent with similar properties in this area. The proposed improvement is consistent with the general intent of the shoreland setback ordinance to limit, rather than eliminate, development within the setback area.

2. The variance is consistent with the comprehensive plan:

The subject property is guided for Rural Residential use in the City's Comprehensive Plan, consistent with its current zoning designation. The proposed swimming pool is an accessory residential improvement that maintains the existing residential character and use of the property and is consistent with the residential land use guided for this area.

3. Practical difficulties exist in complying with the zoning code:

The applicant's practical difficulty is directly tied to the configuration of the existing property and its proximity to Pioneer Creek and County Road 90 N. The applicant did not construct the existing principal structure and had no role in establishing its location relative to the OHWL of Pioneer Creek. Because the property is a corner lot subject to overlapping setbacks, a 100-foot shoreland setback, 15-foot interior side yard setback, and 52-foot corner side yard setback, along with the prohibition on swimming pools in front yards, the property owner has limited remaining area in which to locate a swimming pool in full compliance with all applicable setbacks. This circumstance is unique to the property and was not created by the landowner, and the proposed pool represents a reasonable accessory use of the property.

4. The proposal represents the minimum variance necessary:

The requested variance is limited to 18 feet, the minimum reduction from the 100-foot shoreland setback necessary to accommodate a swimming pool given the constraints imposed by the corner side yard and interior side yard setbacks and the prohibition on front yard placement. The applicant is proposing to locate the pool relatively close to the back of the house so as to minimize the variance requested.

5. The variance will not alter the essential character of the locality:

The subject property is located in a rural residential area along Pioneer Creek. Swimming pools are a common accessory use in the surrounding neighborhood, and the proposed pool would maintain the existing scale and character of development on the property. The proposal does not introduce any new or incompatible use to the area and is consistent with the character of the surrounding neighborhood.

Additional Considerations

It should be noted that the applicant did not construct the existing principal structure and that the practical difficulty presented arises from the limited remaining buildable area on the property once the required shoreland, interior side yard, corner side yard, and front yard setbacks are applied.

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance as detailed above. The City will need to determine if the requested variance meets all of the applicable criteria and restrictions.

Neighbor Comments

No neighbor comments have been received at the time of preparation of this staff report. Any written comments received prior to or at the public hearing will be forwarded to the Planning Commission for consideration.

Recommendation

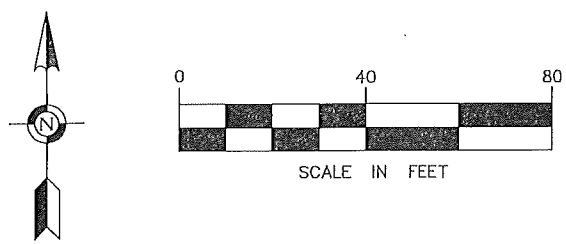
Should the Planning Commission recommend approval of the requested variance, the following findings and conditions should be included:

1. The proposed variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19 and 520.21, Zoning, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. The practical difficulty arises from the limited buildable area available on the property once the shoreland (OHWL), interior side yard, corner side yard, and front yard setbacks applicable to accessory structures are applied, a condition unique to the property and not created by the applicant.
 - b. The proposed swimming pool does not exceed the minimum variance necessary and is consistent with the existing development pattern on the property and in the surrounding neighborhood.
 - c. The variance is in harmony with the general purposes and intent of the City's zoning code and Shoreland Overlay District regulations.
 - d. The variance is consistent with the City's Comprehensive Plan.
 - e. The proposed improvements will not alter the essential character of the locality.
3. The variance shall permit the proposed swimming pool to be constructed in accordance with the approved plans and survey attached to this application. Any modification, alteration, or expansion of the approved pool beyond what is shown in the approved plans will require additional review and approval by the City.
4. The applicant shall apply for and receive all applicable building, and pool permits from the City prior to commencing construction of the proposed swimming pool.
5. The applicant shall provide the city with a detailed grading and drainage plan at the time of building permit submittal to be reviewed and approved by the city.
6. The proposed swimming pool shall not be further expanded toward Pioneer Creek without additional review and approval by the City.
7. The Applicant shall pay for all costs associated with the City's review of the requested variance.

Attachments: Application
Survey
Pool Plans

AS-BUILT SURVEY AND SITE PLAN
-for-
ATLANTIS POOLS

Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166



REFERENCE BENCHMARK
ELEVATION = 969.54 (NAVD88)
MNDOT DISK "JAY"

PROJECT BENCHMARK
ELEVATION = 966.22 (NAVD88)
TOP OF 1/2 PIPE MONUMENT @ NE
CORNER OF LOT 1, BLOCK 1
HILLSTROM GARDENS 2ND ADDITION.

LEGAL DESCRIPTION
Lot 1, Block 1, HILLSTROM GARDENS 2ND
ADDITION, Hennepin County, Minnesota,
according to the recorded platthereof.

PROPOSED LEGEND
[Symbol] DENOTES PROPOSED SWIMMING POOL
[Symbol] DENOTES PROPOSED CONCRETE SURFACE

LEGEND
● DENOTES FOUND PROPERTY IRON
○ DENOTES SET 1/2" X 18" REBAR
WITH PLASTIC CAP "PLS 25105"
— DENOTES BOUNDARY LINE
— DENOTES LOT LINE
- - - DENOTES SETBACK LINE
x999.99 DENOTES EXISTING SPOT ELEVATION
[Symbol] DENOTES CONCRETE SURFACE
- - - 999 - - - DENOTES EXISTING CONTOUR LINE
FFE DENOTES FINISH FLOOR ELEVATION
[Symbol] DENOTES BITUMINOUS SURFACE
[Symbol] DENOTES DECIDUOUS TREE
[Symbol] DENOTES TREE LINE
[Symbol] DENOTES WATER EDGE
[Symbol] DENOTES BOULDER RETAINING WALL
(M) DENOTES MEASURED DISTANCE
(P) DENOTES PLATTED DISTANCE
← DENOTES DRAINAGE FLOW
- - - - - DENOTES 100 FT. SETBACK

- NOTES**
1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
 2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
 3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS AND DIMENSIONS.
 4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
 5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

NO.	DATE	DESCRIPTION	BY



ENGINEERING DESIGN & SURVEYING
6480 Wayzata Blvd. Minneapolis, MN 55426
OFFICE: (763) 545-2800 FAX: (763) 545-2801
EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

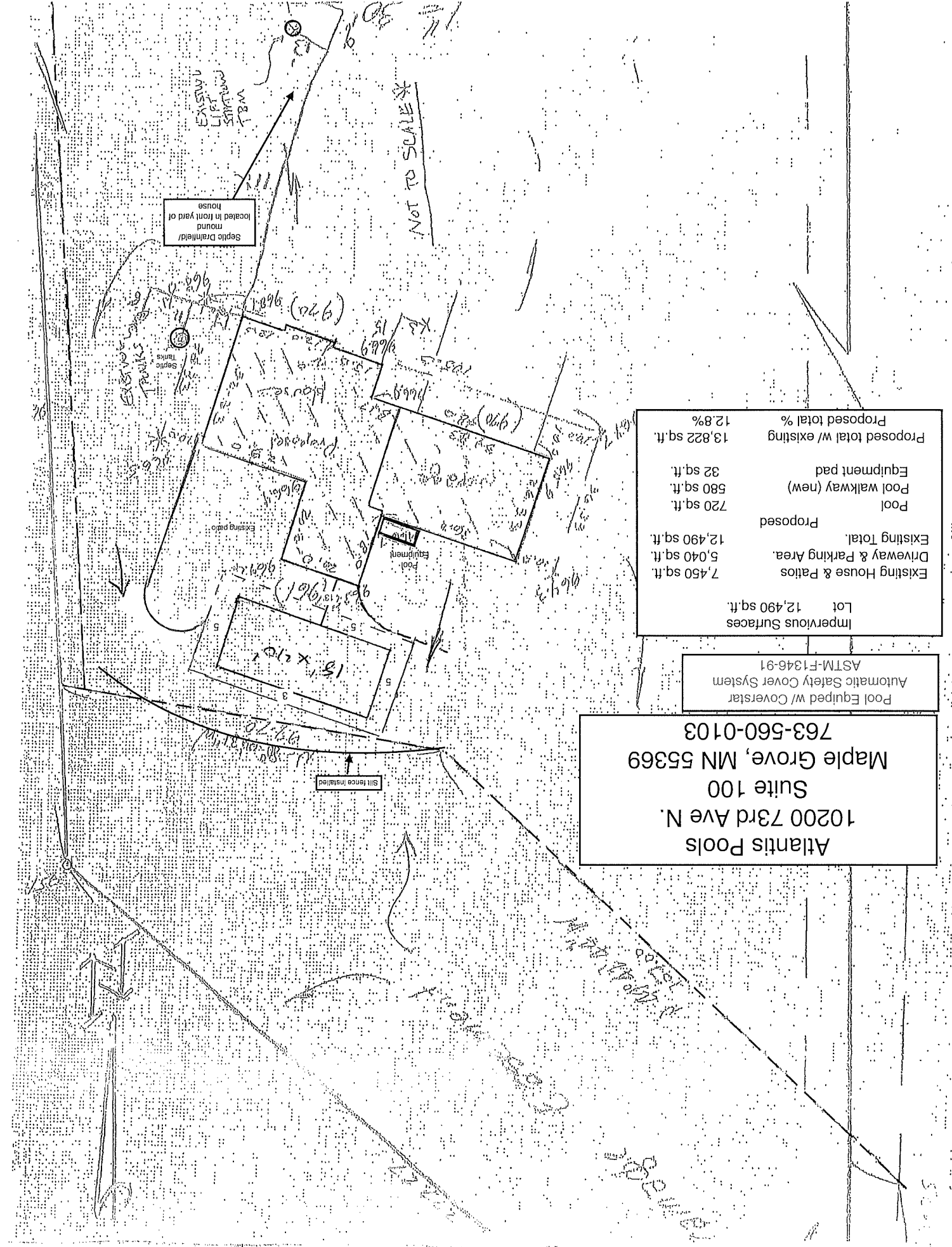
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION,
AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Vlad Sivriev
VLADIMIR SIVRIEV L.S. NO. 25105 DATED: 06/09/2026

JOB NAME: ATLANTIS POOLS	FIELD WORK DATE: 06/01/2026	DRAWN BY: IS	PROJECT NO.: 26-037
LOCATION: 6405 HILLSTROM ROAD INDEPENDENCE, MN 55359	FIELD BOOK NO.: EDS-15	CHECKED BY: VS	SHEET NO. 1 OF 1

Atlantis Pools
10200 73rd Ave N.
Suite 100
Maple Grove, MN 55369
763-560-0103

Pool Equiped w/ Coverstar
Automatic Safety Cover System
ASTM-F1346-91

Impervious Surfaces	Lot	12,490 sq. ft.
Existing House & Patios	7,450 sq. ft.	
Driveway & Parking Area.	5,040 sq. ft.	
Existing Total.	12,490 sq. ft.	
Proposed		
Pool	720 sq. ft.	
Pool walkway (new)	580 sq. ft.	
Equipment pad	32 sq. ft.	
Proposed total w/ existing	13,822 sq. ft.	
Proposed total %	12.8%	

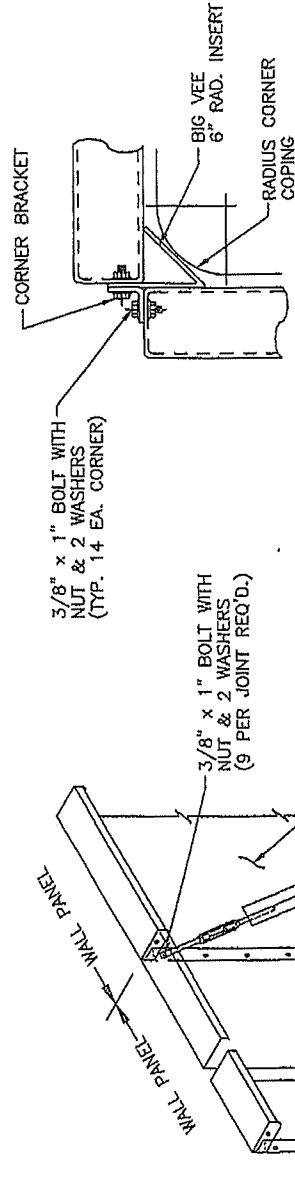




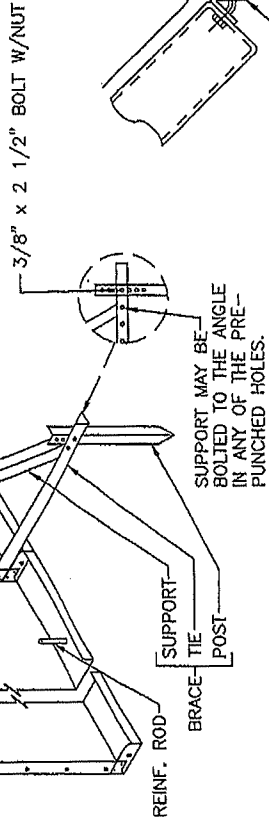
Name: CONSTRUCTION DETAIL SHEET - HUNG LINER STEEL POOL

Number: CONSTDET-STEEL

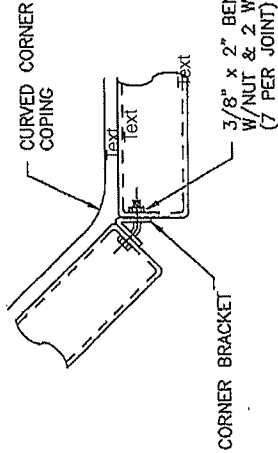
250 Route 61 South, Schuylkill Haven, PA 17972 • 570-385-4733 • fax: 570-385-1318 • CustomerService@CardinalSystemsInc.com



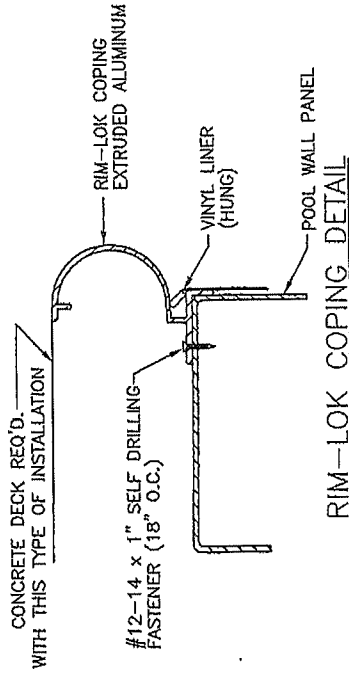
TYPICAL CORNER DETAIL
(RECTANGULAR POOLS)



TYPICAL WALL BRACE ASSEMBLY

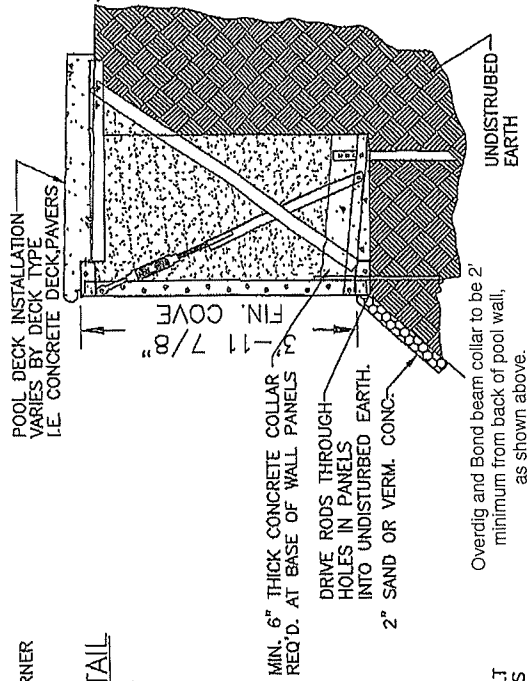


TYPICAL CORNER DETAIL
(GRECIAN POOLS)

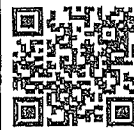


- PLANNING NOTES:
- SET WIDTH OF POOL AT RIGHT ANGLES TO SLOPE
 - FINISHED ELEVATION OF DECK TO BE 1'00" ABOVE SURROUNDING GRADE
 - PROVIDE SWALE AROUND UPHILL SIDE OF DRAIN.
 - SURFACE WATER SHOULD SLOPE MIN. 1/4" PER FOOT AWAY FROM POOL
 - PLOT PLAN FURNISHED BY OWNER TO SHOW POOL LOCATION AND ENCLOSURE.
 - ELECTRICAL, PLUMBING AND FENCING TO CONFORM TO ALL CODES.
 - OPTIONS EXTRA IF REQ'D. BY SITE CONDITIONS OR WHEN SPECIFIED BY OWNER.
 - AT LEAST ONE MEANS OF EGRESS SHALL BE PROVIDED. OPTIONAL STAIRS OR LADDER

THE CONSTRUCTION METHODS ILLUSTRATED APPLY ONLY TO NORMAL GROUND CONDITIONS. IF UNUSUAL SOIL CONDITIONS ARE ENCOUNTERED (I.E. HIGH ORGANIC MATERIAL, HIGH WATER LEVEL) ADDITIONAL MEASURES MUST BE TAKEN TO PROVIDE SUBSURFACE CONDITIONS WITHIN THE STRUCTURAL CAPABILITIES OF THE PANEL. ANY ADDITIONAL PRECAUTIONS OR METHODS OF CONSTRUCTION ARE THE RESPONSIBILITY OF THE CONTRACTOR. (NOTE: DECK SUPPORTS ARE OPTIONAL)



TYP. LINER INSTALLATION DET.



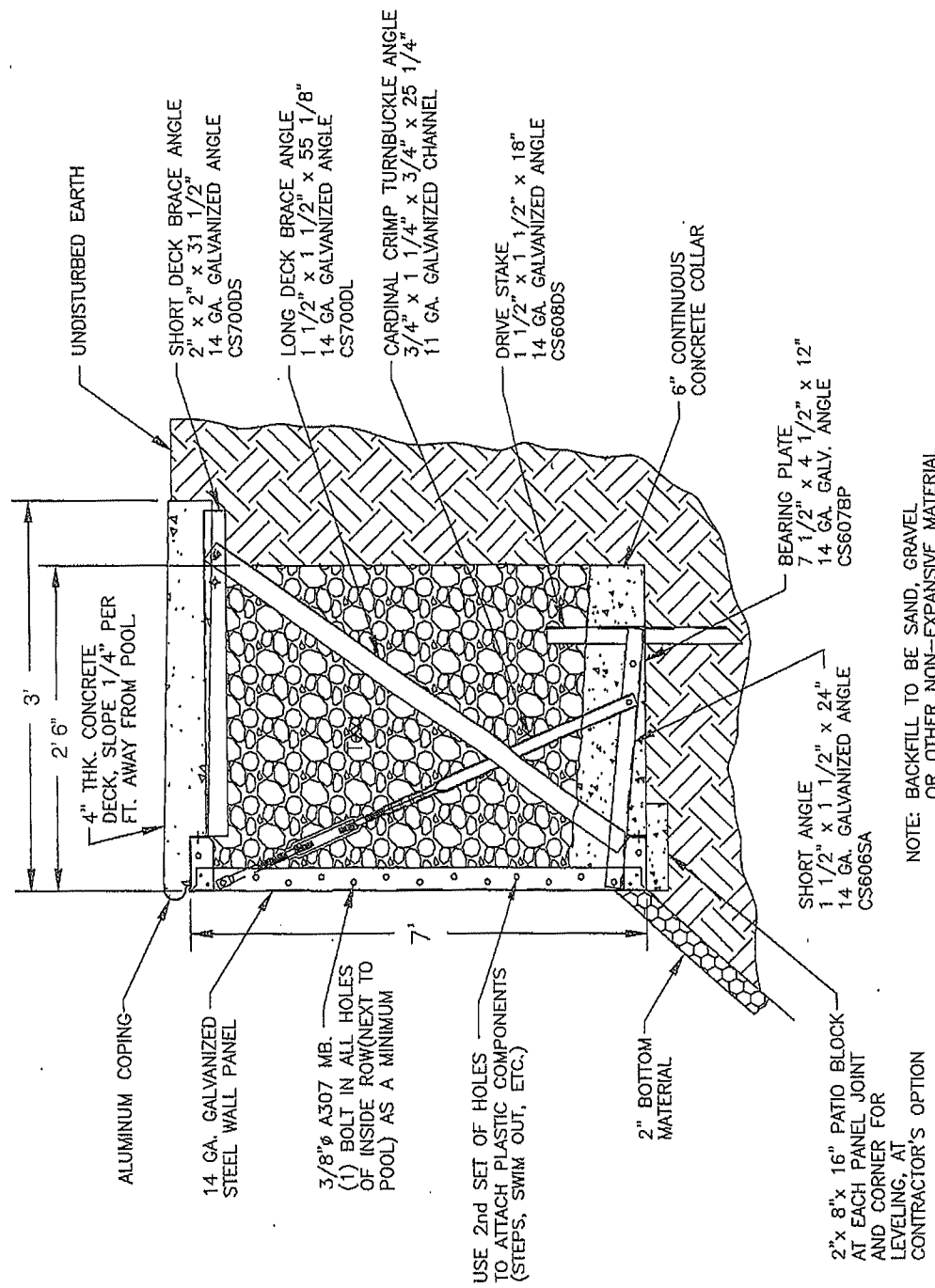
CardinalSystemsInc.com

Date: 2/16/2025
Drawn By: SHAWN
Scale: NONE



Number: TBASSEMBLY

Cardinal Systems, Inc.
250 Route 61 South, Schuylkill Haven, PA 17972 • 570-385-4733 • fax: 570-385-1318 • CustomerService@CardinalSystemsinc.com



Date: 2	Perimeter:
Drawn By: JAMIE S	Area:
Scale: 3/8" = 1'	Notes:

This information is the confidential property of Cardinal Systems, Inc. Disclosure or duplication without proper written approval is strictly prohibited. Acceptance and use of this drawing constitutes knowledge and acceptance by the user of the terms and conditions set forth in the notice and warning which accompanied this drawing. It is incorporated herein made part hereof and is found on Cardinal Systems, Inc.'s website at www.CardinalSystemsInc.com



CardinalSystemsInc.com

CITY OF INDEPENDENCE, MINNESOTA
PLANNING COMMISSION

**Conditional Use Permit Request – Accessory Dwelling Unit within Detached
Accessory Structure on the Property**

Located at 4465 Lake Sarah Road, Independence, MN

To:	Planning Commission
From:	City Planner
Meeting Date:	July 21, 2026
Applicant/Owner:	Laura Fredman
Location:	4465 Lake Sarah Rd., Independence, MN
PID:	03-118-24-23-0001
Application Type:	Conditional Use Permit – Accessory Dwelling Unit (ADU)

4465 Lake Sarah Rd.



Request:

PUBLIC HEARING – Laura Fredman (“Applicant/Owner”) requests that the City consider the following action for the property located at 4465 Lake Sarah Rd., Independence, MN (PID No. 03-118-24-23-0001):

- A conditional use permit (CUP) to allow a detached Accessory Dwelling Unit (ADU) to be located within a new detached accessory structure (pole barn) on the subject property.

Property / Site Information:

The subject property is located at 4465 Lake Sarah Road in the City of Independence, Minnesota. The applicant has submitted a building permit application for a new detached accessory structure (pole barn) on the property, which is currently under review by the City. The applicant is separately seeking a conditional use permit to allow an Accessory Dwelling Unit (ADU) to be located within that structure.

Property Address:	4465 Lake Sarah Rd., Independence, MN
PID:	03-118-24-23-0001
Legal Description:	[Insert legal description]
Zoning:	Agriculture
Comprehensive Plan:	Agriculture
Total Lot Area:	16.04 acres
Existing Principal Structure (Above-Grade SF):	3,485 SF [3,485 * 33% = 1,150 SF allowed for ADU - to be verified by building inspector]
Proposed Accessory Structure:	Detached pole barn, 4,960 SF (building permit application under City review)
Proposed ADU (Above-Grade SF):	1,148
Setback Compliance:	Proposed accessory structure complies with all applicable setbacks
Building Permit Status:	Application submitted; under review by the City

Discussion

Laura Fredman (Applicant/Owner) is requesting approval of a conditional use permit (CUP) to allow an Accessory Dwelling Unit (ADU) to be located within a new detached accessory structure (pole barn) proposed for construction at 4465 Lake Sarah Road (PID No. 03-118-24-23-0001). The applicant has submitted a separate building permit application for the detached accessory structure itself, which is currently under review by the City. The CUP request before the Planning Commission relates specifically to the proposed ADU to be located within that structure.

The proposed detached accessory structure is 4,960 square feet and complies with all applicable setback requirements as well as all requirements pertaining to detached accessory buildings. Note that properties greater than 10 acres do not have a limitation on the total square footage of detached accessory buildings.

ADU Criteria Analysis

An accessory dwelling unit must meet the following criteria under the City's Zoning Ordinance. Staff analysis of each criterion is provided in italics below.

1. Physically attached to or within a single-family dwelling unit, or within a detached accessory building that has a principal structure on the parcel.

The applicant is proposing the ADU within a new detached accessory structure (pole barn) on the same parcel as the existing principal single-family dwelling. The parcel contains an existing principal structure.

2. Subordinate in size to the single-family dwelling unit.

The above ground SF of the principal structure is 3,485 SF and the proposed ADU is 1,200 SF. The proposed ADU is subordinate in size to the principal structure.

3. Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door.

As a proposed detached structure, the ADU will be fully separated from the principal single-family dwelling.

4. Architecturally compatible with the principal structure (using materials, finishes, style, and colors similar to the principal structure).

A neighboring property owner has commented that the architectural style and materials of the proposed pole barn are not compatible with the principal structure. The proposed accessory structure is a white standing seam metal building similar to many detached accessory structures found throughout the city. The existing farmhouse is generally comprised of stucco and a mixture of other materials. The applicant has noted that they are planning to fully renovate the principal structure. The Planning Commission will need to determine whether the proposed structure, as designed, satisfies the architectural compatibility standard, or whether design modifications would be necessary. Staff recommends this be made a condition of approval.

5. The lesser of 33% of the above-ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet.

The principal structure is 3,485 SF [$3,485 \times 33\% = 1,150$ SF allowed for ADU - to be verified by building inspector].

6. Not in excess of the maximum square footage for accessory structures as permitted in this code.

The subject property is approximately 16 acres. Properties of 10 acres or more are not subject to a maximum square footage limitation for detached accessory structures under the City's Zoning Ordinance. The proposed detached accessory structure (4,960 SF), within which the ADU would be located, complies with this standard.

7. Has permanent provisions for cooking, living, and sanitation.

The proposed ADU's permanent provisions for cooking, living, and sanitation facilities which is shown on the proposed plans.

8. Has no more than 2 bedrooms.

The proposed ADU has one (1) bedroom.

9. Limited to relatives of the homesteaded owner-occupants or the homesteaded owners of the principal structure. The total number of individuals residing in both the principal dwelling unit and ADU may not exceed the number allowed by the building code.

The applicant has stated that the intended occupant(s) of the ADU will be family members consistent with this standard.

10. Uses the existing on-site septic system or an approved holding tank.

The applicant will be constructing a new on-site septic system which is in the process of being reviewed by the city.

11. Respectful of the future subdivision of the property and the primary and secondary septic sites.

The subject property is guided for long term agriculture and cannot be further subdivided.

12. In compliance with the adopted building code relating to all aspects of the dwelling unit.

The proposed ADU will be required to meet all applicable building codes. The applicant will be required to apply for and receive all applicable building permits prior to construction.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11, Subd. 1, a–i) as follows:

- 1. The conditional use will not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands.*
- 2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
- 4. Sufficient off-street parking and loading space will be provided to serve the proposed use.*

- 5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the City from pollution hazards.*
- 6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, watercourses, wetlands, historic sites and similar ecological and environmental features.*
- 7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
- 8. The proposed conditional use is consistent with the comprehensive plan of the City of Independence.*
- 9. The proposed use will not stimulate growth incompatible with prevailing density standards.*

Consideration for the proposed conditional use permit should weigh the impact of having an accessory dwelling unit located on this property, as well as the specific concerns raised regarding the proposed structure's location and architectural compatibility, summarized below under Neighbor Comments. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

Additional Considerations

A neighboring property owner has commented that the proposed accessory structure is large and is sited close to the street, and has suggested that it could be located further back on the property. The detached accessory structure is proposed to be located 85 feet from the centerline of Lake Sarah Road. The proposed structure complies with all applicable setbacks; however, the Planning Commission may wish to discuss with the applicant whether the proposed location is appropriate given its visibility from the street, independent of strict setback compliance. It is possible that mitigating measures such as landscape screening or earthen berming could be deployed to mitigate the additional impacts of the proposed building.

The Planning Commission should weigh in on the proposed location of the accessory structure relative to the street and on whether the proposed architectural style and materials are compatible with the principal structure.

As submitted, the plans for the proposed accessory structure include an unfinished mezzanine level. Staff notes that the mezzanine, as shown, cannot be constructed as part of the approved ADU. The mezzanine will need to be removed from the plans, or the applicant will need to revise the proposal accordingly, prior to final consideration by the City Council.

Staff has received comments from a neighboring property owner raising two concerns regarding the proposal, summarized below under Neighbor Comments. Both issues involve matters on which the Planning Commission will need to weigh in.

There are several factors to consider relating to granting a conditional use permit. The City's ordinance has established criteria for consideration in granting a CUP as detailed above. The City will need to determine if the requested CUP meets all of the applicable criteria and restrictions.

Neighbor Comments

The City has received comments from a neighboring property owner raising the following concerns:

- The proposed accessory structure is large and is located as close to the street as permitted; the neighboring property owner has suggested that it could be sited further back on the property.
- The architectural style and materials of the proposed accessory structure are not compatible with the principal structure, as required by the City's ordinance.

Any additional written comments received prior to or at the public hearing will be forwarded to the Planning Commission for consideration.

Recommendation

Given the outstanding issues identified above regarding the proposed location and architectural compatibility of the accessory structure and pending confirmation of the applicable ADU criteria figures noted above, staff recommends that the Planning Commission discuss these issues with prior to making a recommendation. Should the Planning Commission recommend approval of the requested conditional use permit, the following findings and conditions should be considered:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Section 510 (Accessory Dwelling Units) and Section 520.11, Zoning, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a conditional use permit have been satisfied by the applicant. Specifically, the City finds the following:
 - a. The proposed ADU is in compliance with the City's ADU criteria (items 1-12 above).
 - b. The proposed accessory structure complies with all applicable setback requirements.
 - c. The proposed accessory building meets all applicable setbacks and size requirements established by the city.
 - d. The Planning Commission finds that the proposed ADU is architectural compatible with the principal structure or is located in a manner and location that mitigates the potential visual connection between the structures.
3. The unfinished mezzanine level shown on the submitted plans shall be removed from the final construction plans and shall not be constructed as part of the approved ADU.
4. No additional driveway connections will be permitted from the public street. The applicant will need to utilize the existing driveway.
5. The applicant shall provide the city with a detailed grading and drainage plan at the time of building permit submittal to be reviewed and approved by the city.
6. The applicant shall apply for and receive all applicable building permits from the City, including final approval of the pending building permit application for the detached accessory structure and approval of the septic system, prior to occupancy of the ADU.

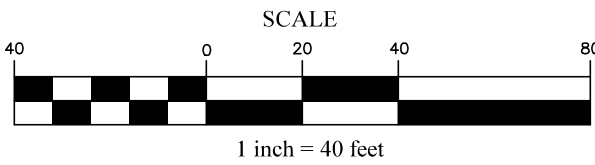
7. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments: Application
Site Plan
Building Plans

Certificate of Survey

Prepared for: Laura Fredman

Site Address:
4465 Lake Sarah Road
Independence, MN 55359



Legend

- Found Iron Monument
- Set Iron Monument (LS 48328)
- Cast Iron Monument
- Existing Elevation
- Existing Contour
- Set Lath

- T.O.W. Top of Well
- Existing Well
- C.I. Culvert Invert
- Culvert
- Existing Structure

Boundary Description (per Doc. No. 11429728)

That part of the South 1/2 of the Northwest 1/4 of Section 3, Township 118, Range 24, described as follows: Commencing at a point on the South line of the Northwest 1/4 of said Section 3 distant 32 rods East from the Southwest corner of said quarter section; thence North 40 rods; thence East 64 rods; thence South 40 rods; thence West 64 rods to the point of beginning, except roads, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

Boundary Description (per Quit Claim Deed between Ground Development Inc. & J. Lance Gyllenblad)

That part of the South 40.00 Rods of the South Half of the Northwest Quarter of Section 3, Township 118, Range 24, Hennepin County, Minnesota, that lies West of the Westerly line of TAMARACK ON LAKE SARAH, according to the record plat thereof and easterly of the east line of a tract of land described as follows:
That part of the South Half of the Northwest Quarter of Section 3, Township 118, Range 24, described as follows: Commencing at a point on the South line of the Northwest Quarter of said Section 3, distant 32 rods East from the Southwest corner of said quarter section; thence North 40 rods; thence East 64 rods; thence South 40 rods; thence West 64 rods to the place of beginning.

Existing PID 0311824230001

SCHOBORG
LAND SERVICES
INC.

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

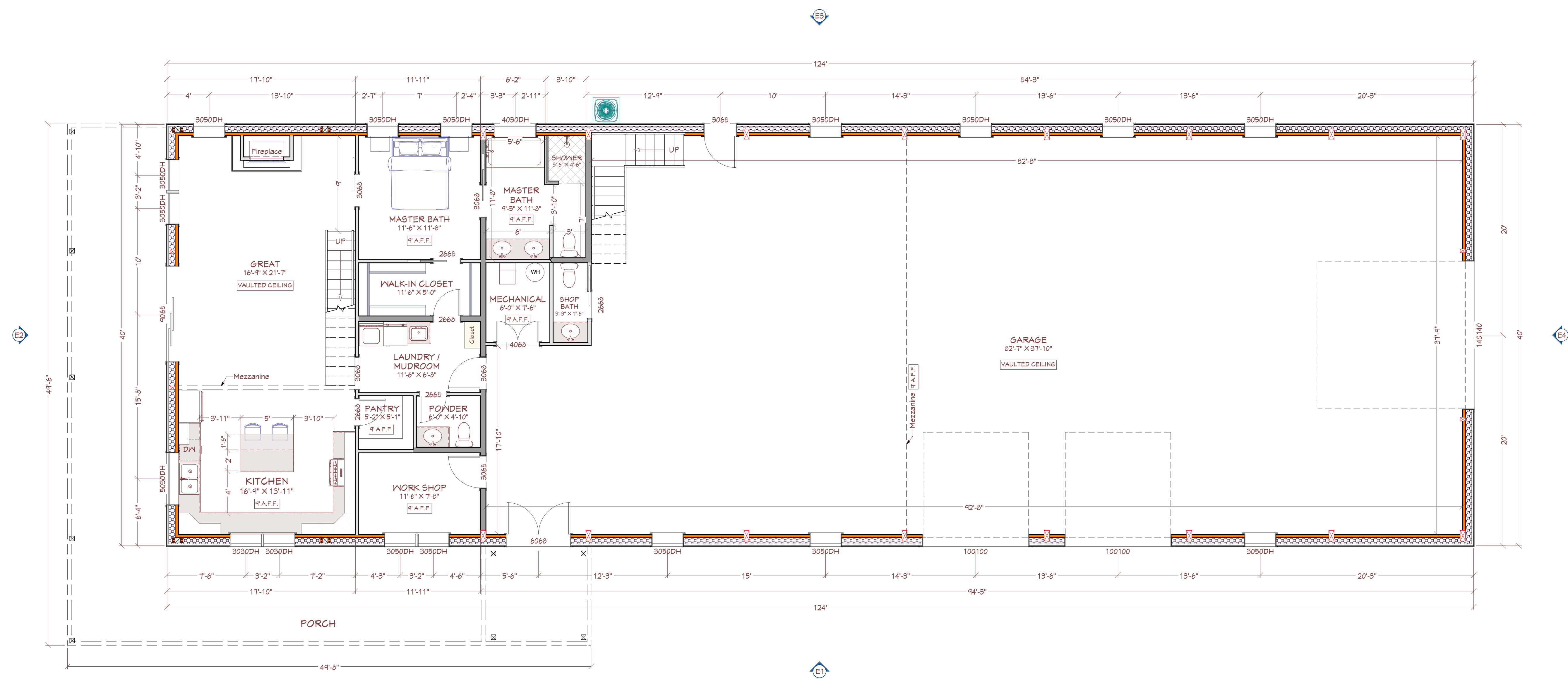
Date: June 11, 2026 Registration No. 48328

Job Number:	10060
Survey Date:	05-11-26
Drawing Name:	Fredman.dwg
Drawn by:	SKH
Revisions:	Monumentation (06-09-26)
	Boundary & Proposed Bldg. (06-11-26)

Benchmark:
Hennepin County Control Point #9877, "SARAH", located approx. 327 ft NWly of the NW corner of subject parcel
Elevation (NAVD88) = 1034.71

Horizontal Datum: Bearings based on Hennepin County Coordinate System.

STRUCTURE TYPE : METAL BUILDING WITH PLANS



Heated & Cooled Area:	
First Floor	1420 S.F.
Mezzanine	458 S.F.

Garage	3540 S.F.
Attic	1610 S.F.

First Floor Plan

Scale: 3/16" = 1'



Barndo Boys
3200 Broce Dr. Suite 106 Norman, Ok 73072
572-206-9999
barndoboyusa.com

RESIDENCE FOR:
Shad, Laura, Fredman

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DRAWN BY:
Rami T.
DATE
6/11/2026
SHEET

A1



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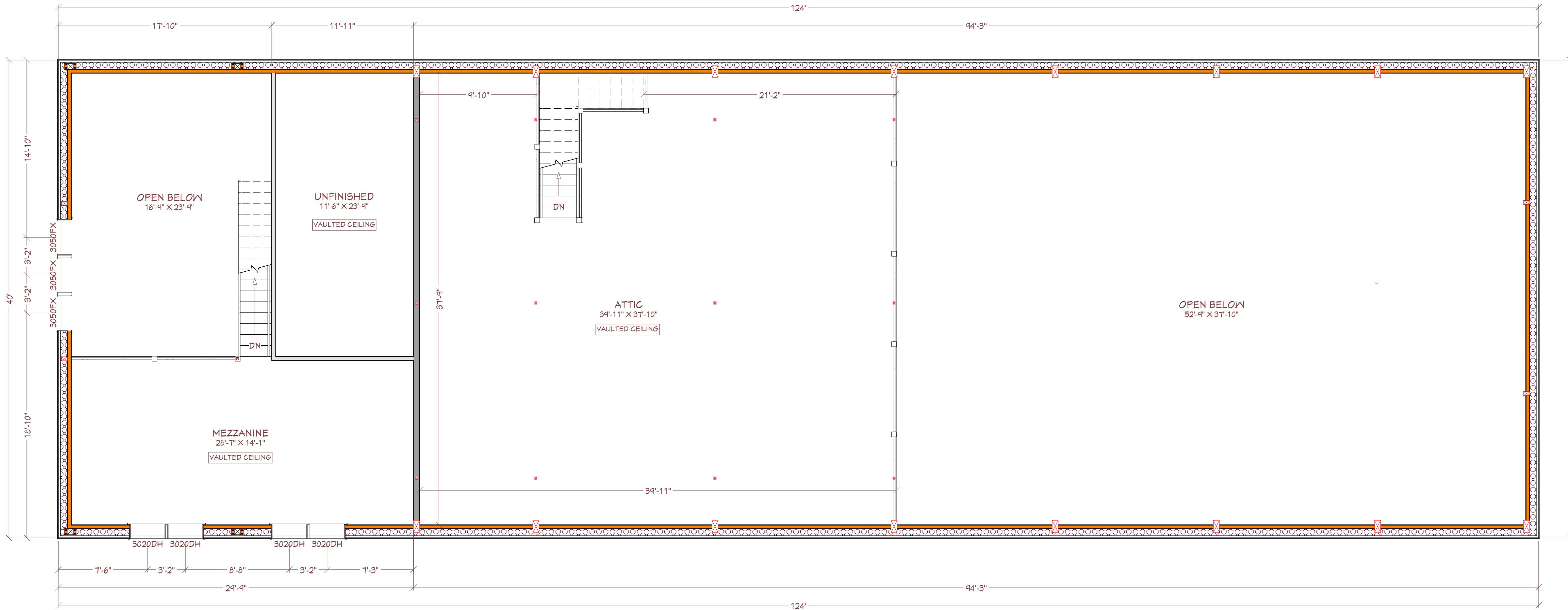
Rami T.

DATE

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SHEET

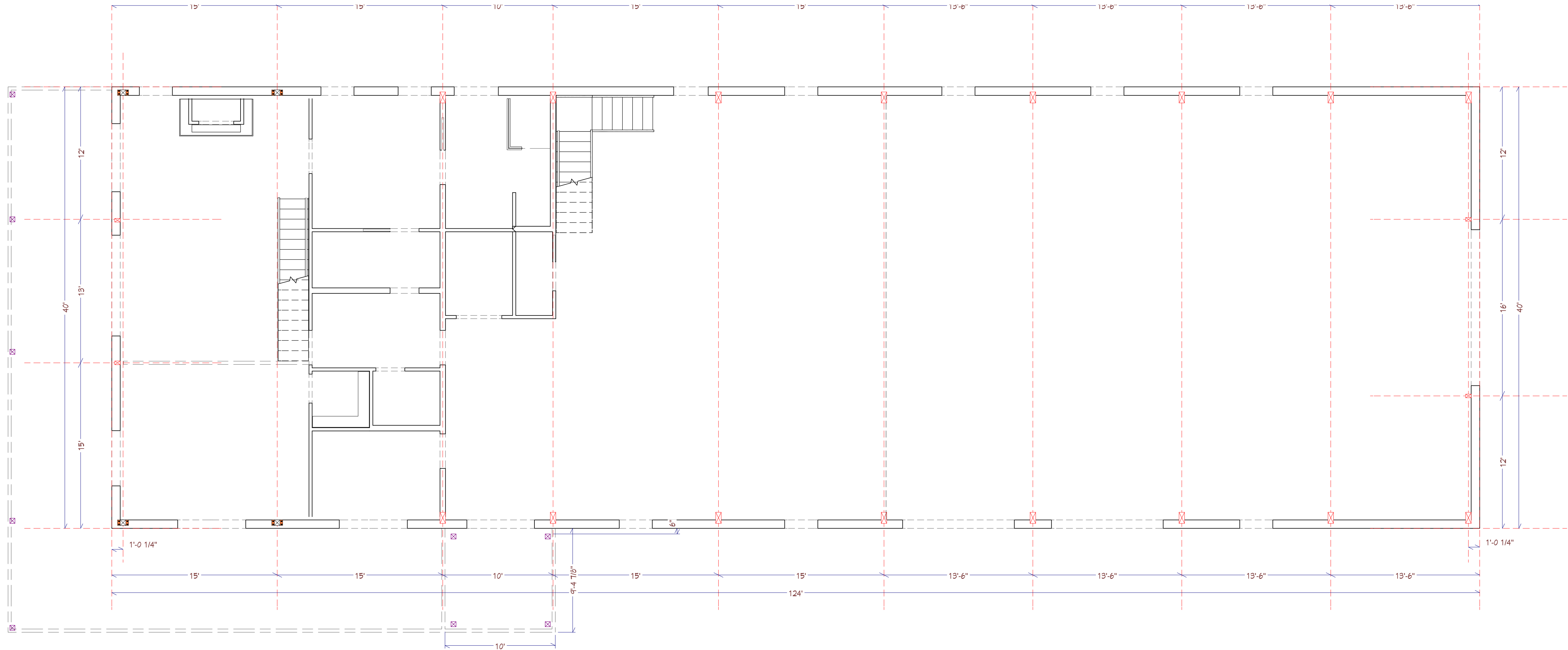
A2



Second Floor Plan
Scale: 3/16" = 1'

DISCLAIMER

STRUCTURAL PLAN TO BE SUPPLIED BY METAL BUILDING SUPPLIER. CONTRACTOR SHALL USE THE ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH THE STRUCTURAL DRAWINGS FOR DIMENSIONS AND STRUCTURAL STEEL NOT SHOWN ON THE DOCUMENTS. FLOOR PLAN IS SUBJECT TO CHANGE IN ACCORDANCE WITH STRUCTURAL STEEL LOCATIONS.



Structure Layout
First Floor

Scale: 3/16" = 1'



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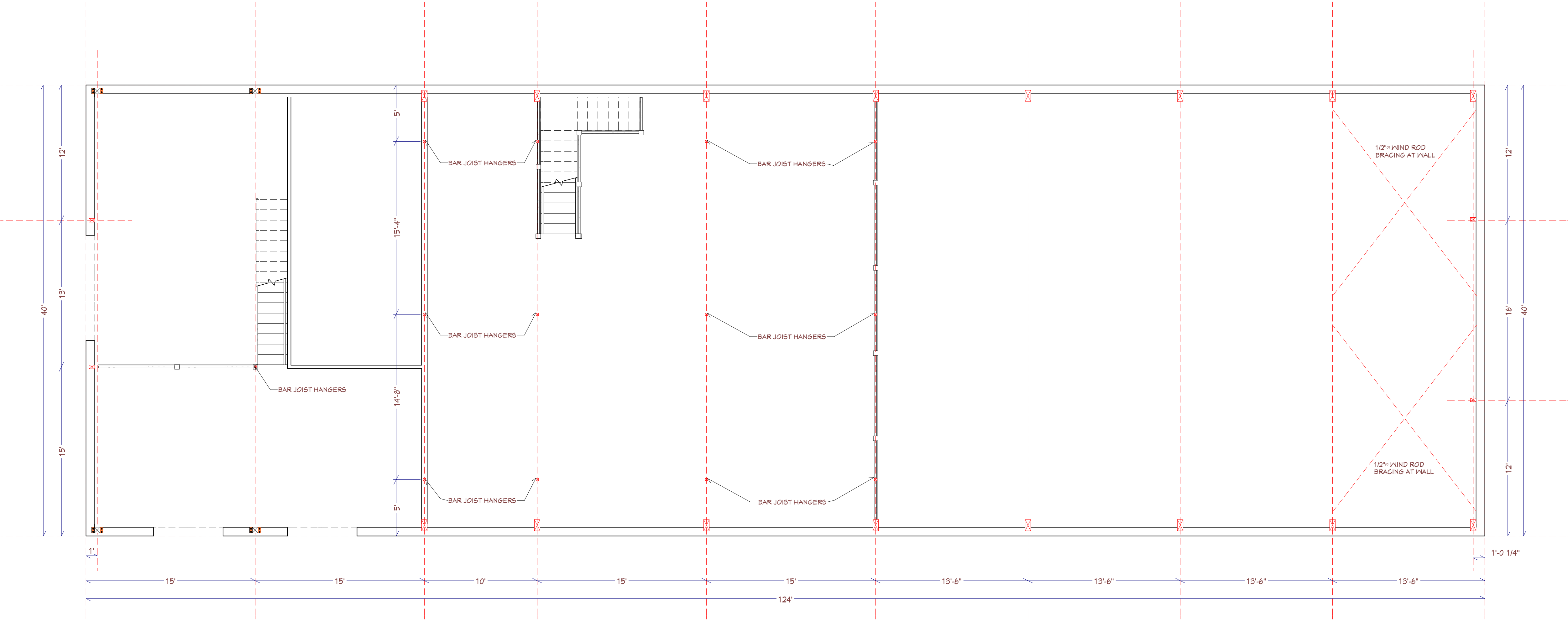
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6/11/2026
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A3

Structure Layout
Second Floor

Scale: 3/16" = 1'



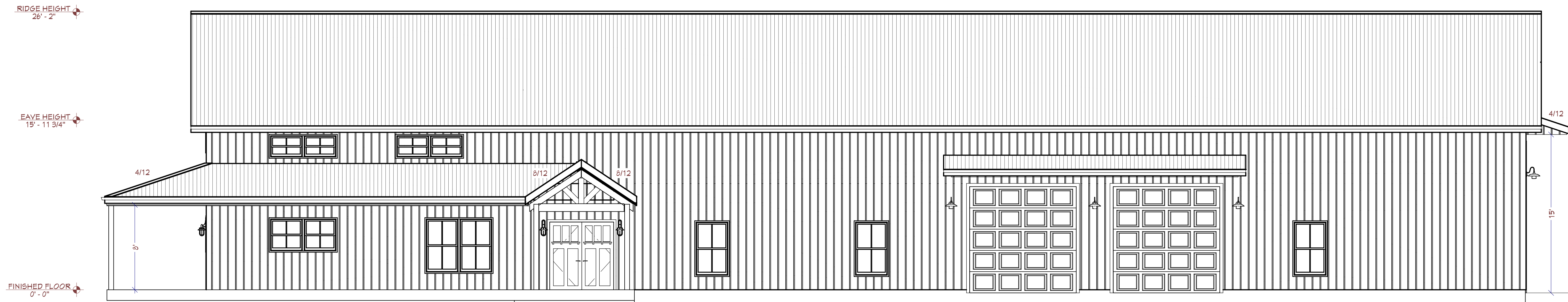
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barndoboy's@barndoboy'susa.com

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A4



Front Elevation

Scale: 3/16" = 1'

GENERAL NOTES

1. CONTRACTORS SHALL VERIFY ALL DIMENSIONS WITH CONDITIONS AT THE JOB SITE BEFORE PROCEEDING WITH ANY WORK. CONTRACTORS SHALL NOTIFY PROJECT DESIGNER IF EXISTING CONDITIONS DIFFER FROM THOSE ON DRAWINGS
2. ALL DIMENSIONS SHALL BE AS INDICATED ON DRAWINGS OR AS CLARIFIED BY PROJECT DESIGNER. UNDER NO CIRCUMSTANCES SHALL DIMENSIONS BE DETERMINED BY SCALING THE DRAWINGS.
3. ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT DESIGNER PRIOR TO COMMENCEMENT OF WORK.
4. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, AND THE HIGHEST STANDARDS OF THE TRADE.
5. ALL WORK SHALL BE DONE IN A SAFE, ORDERLY MANNER WITHOUT DAMAGE TO OTHER PARTS OF THE PREMISES OR ADJACENT PROPERTIES



Left Elevation

Scale: 3/16" = 1'



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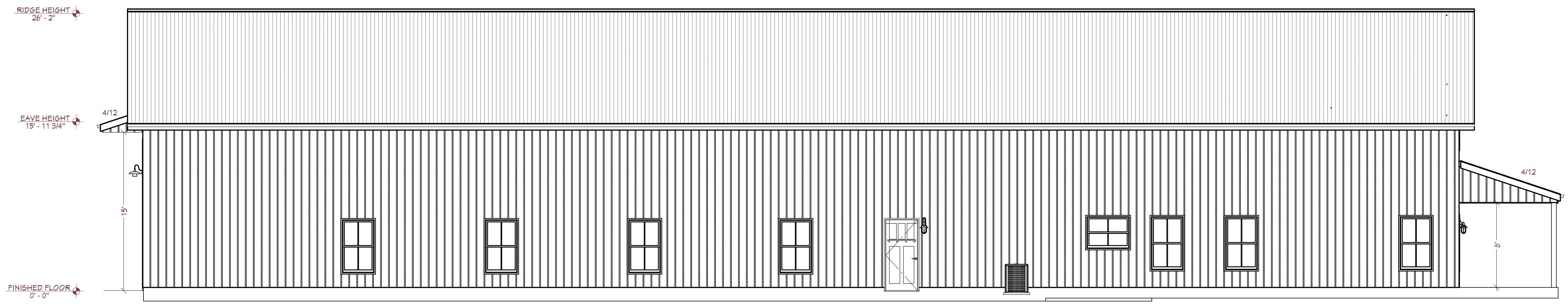
Rami T.

DATE

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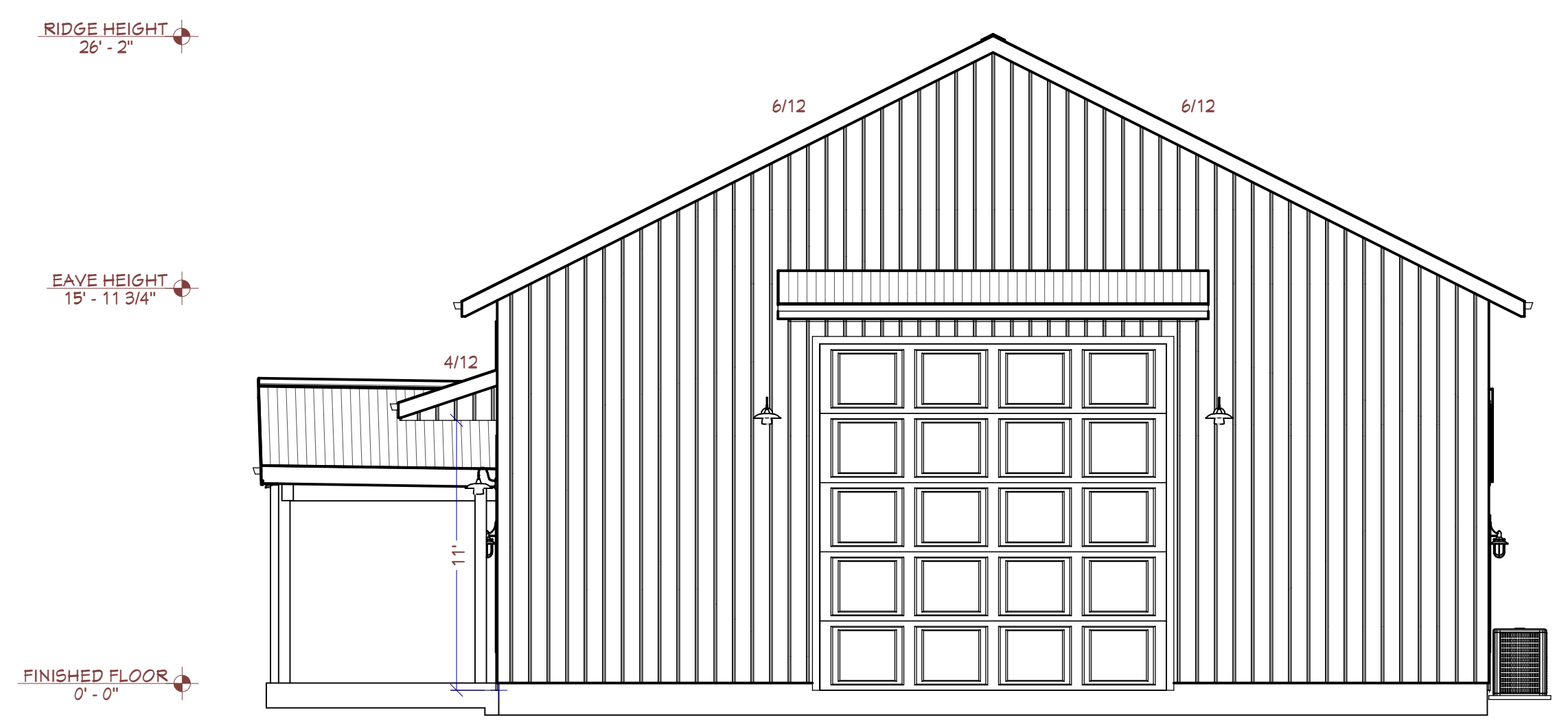
SHEET

A5



Back Elevation

Scale: 3/16" = 1'



Right Elevation

Scale: 3/16" = 1'



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DATE

6/11/2026

SHEET

A9

CITY OF INDEPENDENCE, MINNESOTA
PLANNING COMMISSION

Minor Subdivision Request – Lot Combination for the Properties
Located at 6345 and 6385 Main Street, Independence, MN

To:	Planning Commission
From:	City Planner
Meeting Date:	July 21, 2026
Applicant/Owner:	Dennis Hagen
Location:	6345 and 6385 Main St., Independence, MN
PID:	26-118-24-22-0007 (6345 Main St.) and 26-118-24-22-0005 (6385 Main St.)
Application Type:	Minor Subdivision – Lot Combination

6345 & 6385 Main St.



Request:

PUBLIC HEARING – Dennis Hagen (“Applicant/Owner”) requests that the City consider the following action for the properties located at 6345 and 6385 Main St., Independence, MN (PID No.s 26-118-24-22-0007 and 26-118-24-22-0005):

- a. A minor subdivision to allow a lot combination of the two (2) existing properties into a single property. The combination would create one (1) lot that is 7.32 acres.

Property / Site Information:

The subject properties are located at 6345 and 6385 Main Street in the City of Independence, Minnesota, and are both owned by the applicant. The applicant recently acquired the property at 6385 Main Street and has since removed the existing single-family dwelling that was located on that parcel. The applicant is requesting a minor subdivision to combine the 6385 Main Street parcel with the applicant's existing property at 6345 Main Street into a single lot.

Property Addresses:	6345 Main St. and 6385 Main St., Independence, MN
PIDs:	26-118-24-22-0007 (6345 Main St.) and 26-118-24-22-0005 (6385 Main St.)
Legal Description:	Attached Exhibit A
Zoning:	Rural Residential
Comprehensive Plan:	Rural Residential
6345 Main St. – Existing Area:	5.32 acres (0.42 acres within the County Road 92 / Main St. right-of-way)
6385 Main St. – Existing Area:	2.0 acres (0.42 acres within the County Road 92 / Main St. right-of-way)
Combined Lot Area (Proposed):	7.32 acres
Existing Nonconformity:	6385 Main St. is legally nonconforming as to lot size (2.0 acres, where 2.5 acres is required in the Rural Residential district)
Existing Structures:	Single-family dwelling on 6385 Main St. has been removed; principal structure remains on 6345 Main St.

Discussion

Dennis Hagen (Applicant/Owner) is requesting approval of a minor subdivision to combine the properties located at 6345 and 6385 Main Street into a single lot totaling 7.32 acres. The applicant approached the City about the possibility of combining the two properties following the applicant's recent acquisition of the 6385 Main Street property.

The 6385 Main Street property is currently 2.0 acres in area, of which 0.42 acres is located within the right-of-way of County Road 92 and Main Street. Because the City's Rural Residential zoning district requires a minimum lot size of 2.5 acres, the 6385 Main Street property is considered a legal nonconforming property as to lot size. The 6345 Main Street property is currently 5.32 acres in area, of which 0.42 acres is located within the right-of-way of County Road 92 and Main Street, and complies with the minimum lot size requirement.

The removal of the existing dwelling on 6385 Main Street and the combination of the two properties would eliminate the existing nonconforming lot and result in a single conforming lot of 7.32 acres, with no nonconformities. Staff's detailed review of the proposed lot combination did not identify any additional issues, and the requested minor subdivision to allow a lot line rearrangement, appears straightforward.

Minor Subdivision Criteria Analysis

- 500.13. - Approval of simple lot divisions and rearrangements.

The planning commission may recommend, and the city council may require such changes or revisions as deemed necessary for the health, safety, general welfare and convenience of the city, including, without limitation, changes in street and intersection alignment, configuration and location of proposed lots, and enlargement or reduction of the size of lots. The city council's approval shall be in the form of a resolution which shall be filed in the office of the Hennepin county recorder.

1. Elimination of nonconformities:

The proposed lot combination would eliminate the existing legal nonconforming lot at 6385 Main Street (2.0 acres, where 2.5 acres is required) by combining it with the conforming 6345 Main Street property. The resulting single lot of 7.32 acres would comply with the Rural Residential minimum lot size requirement and would contain no nonconformities.

2. No new lots created:

The proposed action combines two existing lots into one; it does not create any additional buildable lots and does not increase the overall development potential of the combined properties.

3. Consistency with the Comprehensive Plan and zoning:

The combined lot is consistent with the Rural Residential land use designation and any applicable dimensional standards.

4. Adequate access and utility easements:

The applicant will need to provide the requisite perimeter drainage and utility easements as a condition of the final approval.

Additional Considerations

Staff notes that both existing parcels include a portion of land within the right-of-way of County Road 92 and Main Street (0.42 acres each, totaling 0.84 acres of the combined 7.32-acre lot). This right-of-way area does not change the encumbrance on the property from what exists today, as both parcels currently include the same right-of-way area under their existing, separate configurations.

There are several factors to consider relating to approval of a minor subdivision. The City's ordinance has established criteria for consideration in approving a minor subdivision as detailed above. The City will need to determine if the requested lot combination meets all of the applicable criteria and restrictions.

Neighbor Comments

No neighbor comments have been received at the time of preparation of this staff report. Any written comments received prior to or at the public hearing will be forwarded to the Planning Commission for consideration.

Recommendation

Should the Planning Commission recommend approval of the requested minor subdivision, the following findings and conditions should be included:

1. The proposed minor subdivision (lot combination) meets all applicable conditions and restrictions stated in 500.07 Divisions, in the City of Independence Zoning/Subdivision Ordinance.
2. The City finds that the criteria for approving a minor subdivision have been satisfied by the applicant. Specifically, the City finds the following:
 - a. The proposed lot combination eliminates the existing legal nonconforming lot at 6385 Main Street and results in a single conforming lot of 7.32 acres.
 - b. The proposed action does not create any additional buildable lots.
 - c. The existing single-family dwelling on 6385 Main Street has been removed.
 - d. No additional issues were identified in staff's detailed review of the proposed lot combination.
3. The approval of the minor subdivision is subject to the applicant providing the city with the requisite legal descriptions for the drainage and utility easements and then conveying the easements to the city.
4. The applicant shall record the combined legal description and any necessary documents, including drainage and utility conveyance documents, with Hennepin County to effectuate the lot combination and shall provide the City with a copy of the recorded documents.
5. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.

Attachments: Application

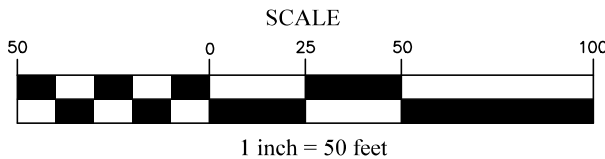
Certificate of Survey

Proposed Combined Legal Description

Certificate of Survey

Prepared for:
Dennis Hagen

- Legend
- Found Iron Monument
 - Cast Iron Monument
 - Existing Well
 - Septic System



Boundary Description for existing PID No. 2611824220005 (Doc No. 6110810)
That part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 118, Range 24, described as follows:
Commencing at the Northwest corner of said Section 26, thence South along the line between Sections 26 and 27 a distance of 295.152 feet, thence East parallel with the North line of said Section 26 a distance of 295.152 feet; thence North parallel to the West line of said Section 26 a distance of 295.152 feet to a point in the line between Sections 23 and 26; thence West along the North line of said Section 26 a distance of 295.152 feet, more or less, to the point of beginning. Hennepin County, Minnesota.

Proposed Description for combining parcels PID 2611824220005 and PID 2611824220007
The Northwest Quarter of the Northwest Quarter of Section 26, Township 118, Range 24, Hennepin County, Minnesota,
EXCEPT that part lying easterly of the line described as follows:
Commencing at a point on the north line of said Northwest Quarter distant 660.00 feet East of the northwest corner of said Northwest Quarter, as measured along said north line; thence South parallel with the West line of said Northwest Quarter a distance of 659.88 feet; thence Westerly, parallel with the North line of said Northwest Quarter, a distance of 177.00 feet to the point of beginning of the line being described; thence Northerly, parallel with said West line, a distance of 659.88 feet to the North line of said Northwest Quarter and said line there terminating.

ALSO EXCEPT that part lying southerly of the line described as follows:
Commencing at a point on the north line of said Northwest Quarter distant 660.00 feet East of the northwest corner of said Northwest Quarter, as measured along said north line; thence South parallel with the West line of said Northwest Quarter a distance of 659.88 feet to a point hereinafter referred to as "Point A"; thence continuing South parallel with said West line a distance of 330.06 feet; thence West parallel with said North line of the Northwest Quarter to said West line of the Northwest Quarter; thence North along said West line of the Northwest Quarter a distance of 330.06 feet to the point of beginning of the line being described; thence East parallel with said North line of the Northwest Quarter to said "Point A" and said line there terminating.

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LAND SERVICES
INC.

Bearings based on Hennepin County Coordinate System.

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

Date: March 25, 2026 Registration No. 48328

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

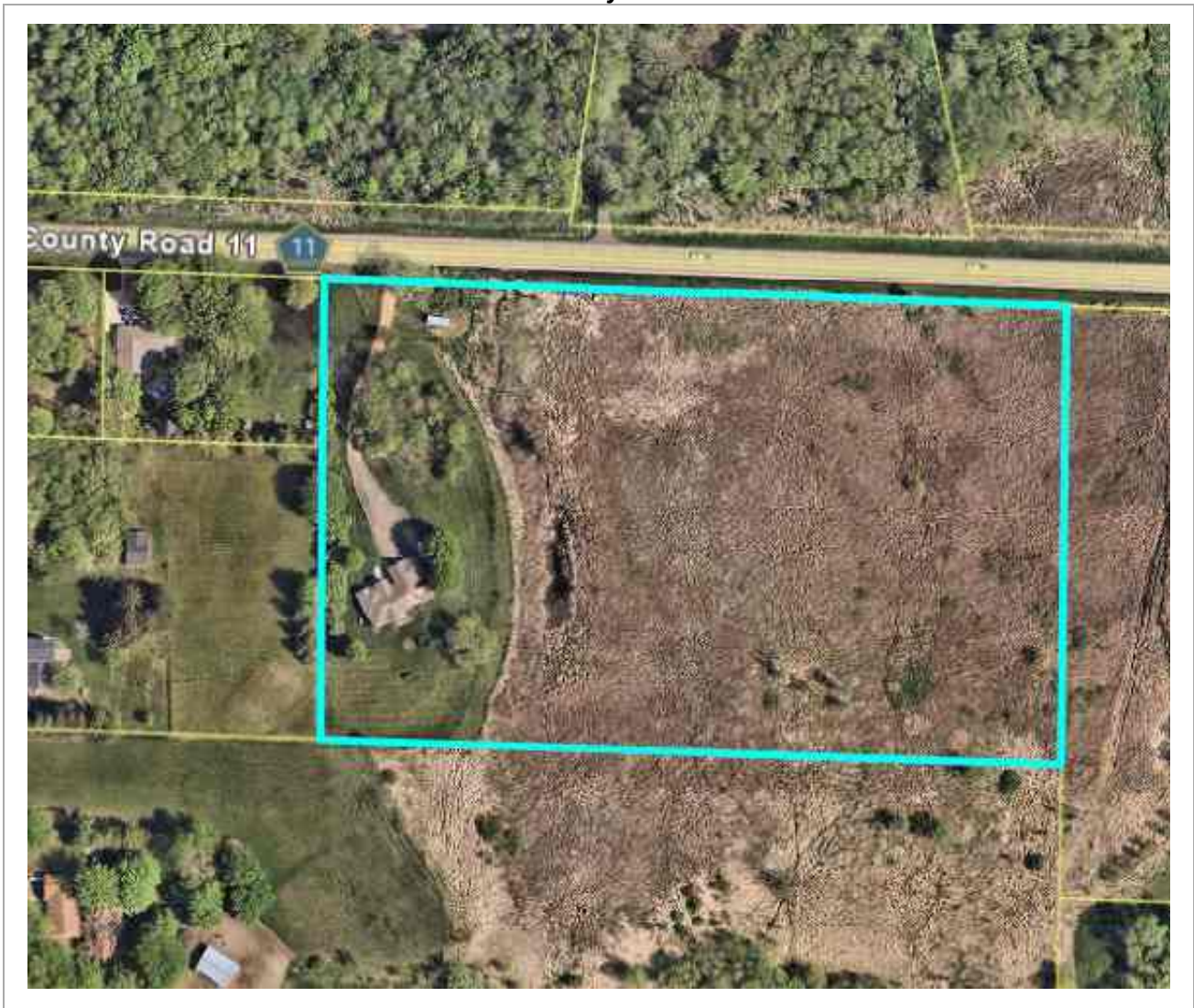
Job Number:	10009
Survey Date:	01/06/26
Drawing Name:	Hagen.dwg
Drawn by:	SKH
Revisions:	

CITY OF INDEPENDENCE, MINNESOTA
PLANNING COMMISSION

**Variance Request –Detached Accessory Structure that Exceeds
Allowable Square Footage on the Property
Located at 5885 County Road 11, Independence, MN**

To:	Planning Commission
From:	City Planner
Meeting Date:	July 21, 2026
Applicant/Owner:	Paul Ridgeway
Location:	5885 County Road 11, Independence, MN
PID:	11-118-24-12-0008
Application Type:	Variance – Detached Accessory Structure Exceeding Maximum Allowable Size (Rural Residential District)

5885 County Road 11



Request:

PUBLIC HEARING – Paul Ridgeway (Applicant/Owner) requests that the City consider the following action for the property located at 5885 County Road 11, Independence, MN (PID No. 11-118-24-12-0008):

- A variance to allow a detached accessory structure that exceeds the maximum allowable square footage (1,850 square feet) for the subject property. The applicant is proposing to construct a new detached accessory structure with a footprint of approximately 3,168 square feet, plus a 432-square-foot covered porch, for a total of approximately 3,600 square feet under roof.

Property / Site Information:

The subject property is located at 5885 County Road 11 in the City of Independence, Minnesota. The property totals approximately 9.2 acres, of which approximately 7.16 acres have been determined by the City to be wetland, leaving approximately 2.04 acres of buildable upland. During the City's review of this application, staff determined that the property is zoned Rural Residential (RR), rather than Agriculture as initially understood. Under the City's Zoning Ordinance, a request to exceed the maximum allowable accessory structure size on property zoned Rural Residential is processed as a variance rather than a conditional use permit. The city initially noticed this hearing for a conditional use permit but has changed the request based on direction from the City Attorney to a variance consistent with the zoning ordinance.

Property Address:	5885 County Road 11, Independence, MN
PID:	11-118-24-12-0008
Legal Description:	[Insert legal description]
Zoning:	Rural Residential (RR)
Comprehensive Plan:	Rural Residential (RR)
Total Lot Area:	Approximately 9.2 acres
Wetland Area:	Approximately 7.16 acres
Buildable Upland:	Approximately 2.04 acres
Maximum Allowable Accessory Structure Size:	1,850 square feet (see Section 530.05, Subd. 3(e)(4) analysis below)
Proposed Accessory Structure:	Approximately 3,168 SF building footprint + 432 SF covered porch = approximately 3,600 SF total under roof
Increase Over Allowable Size:	Approximately 95% greater than the 1,850 SF maximum
Setback to West Property Line (5935 County Rd. 11):	Approximately 49 feet proposed (15-foot setback required for a conforming detached accessory structure)

Discussion

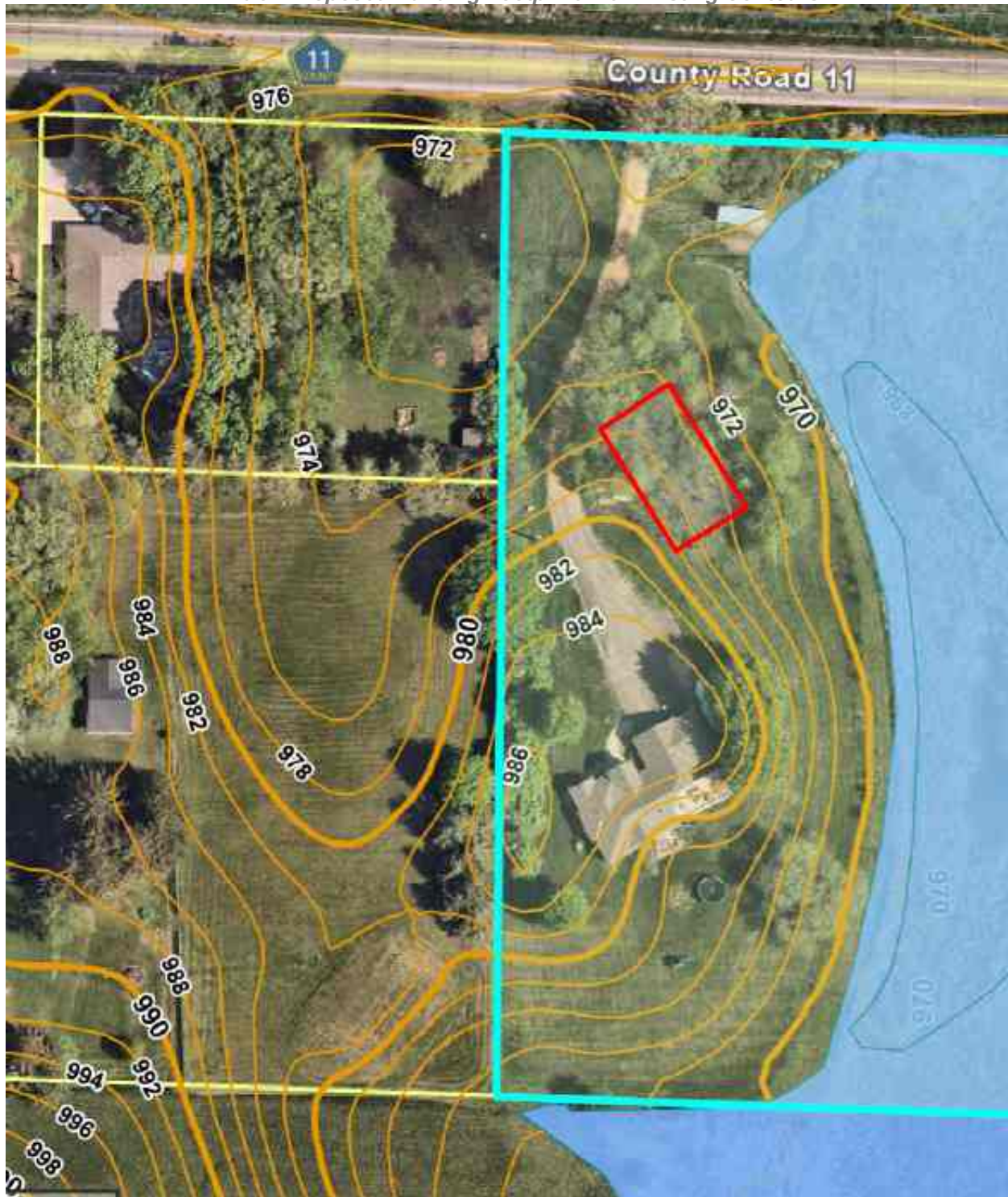
Paul Ridgeway (Applicant/Owner) is requesting approval of a variance to allow a detached accessory structure that exceeds the maximum square footage otherwise allowed by ordinance for the property at 5885 County Road 11 (PID No. 11-118-24-12-0008). The applicant is proposing to construct a new detached accessory structure with a footprint of approximately 3,168 square feet, plus a 432-square-foot covered porch, for a total of approximately 3,600 square feet under roof.

The City's Zoning Ordinance (Section 530.05, Subd. 3(e)(4)) establishes maximum accessory structure size standards based on lot size, as follows: for lots of record of 2½ acres or less, the maximum is 1,850 square feet or 2% of the buildable lot area, whichever is greater; for lots greater than 2½ acres but less than 10 acres, the maximum is 1,850 square feet; and for lots of 10 acres or more, there is no maximum. The subject property totals approximately 9.2 gross acres. The City has determined that approximately 7.16 acres of the property is wetland, leaving approximately 2.04 acres of buildable upland, which is used to calculate the percentage-based standard. Two percent of the 2.04-acre buildable upland area is approximately 1,777 square feet, which is less than the 1,850-square-foot standard. Applying the ordinance's "whichever is greater" provision, the maximum accessory structure size allowed on the subject property is 1,850 square feet.

The applicant's proposed accessory structure, at approximately 3,600 square feet under roof (including the covered porch), exceeds the 1,850-square-foot maximum by approximately 1,750 square feet, or approximately 95%. Because the property is zoned Rural Residential, a variance is required to allow a detached accessory structure that exceeds this standard.

The existing lot includes a relatively narrow strip of land located along the entrance driveway, which is the area where the applicant is proposing to locate the structure. Constructing the proposed accessory structure will require the applicant to clear existing vegetation in the area of the proposed building and to bring in a significant amount of fill to level the site, which has an elevation change of approximately 8 feet across the proposed building area. A significant wetland is located on the property directly adjacent to the proposed building location and would need to be protected throughout construction activities.

Exhibit – Proposed Building Footprint with Existing Contours



The proposed structure would be located approximately 49 feet from the west property line (5935 County Road 11), which exceeds the 15-foot setback required for a conforming detached accessory structure. The applicant is not proposing any additional screening or buffering, such as landscaping or berming, and the removal of existing vegetation for construction would

increase the visibility of the site from both the adjacent property to the west and County Road 11. Any exterior lighting on the building would be required to meet the City's applicable lighting standards, including full cut-off fixtures, which would be reviewed at the time of the building permit application should the variance be approved.

The City has received a written comment, summarized below under Neighbor Comments, that raises a concern regarding commercial use of the property, including outdoor storage of commercial trailers and industrial pallet racking. The City does not permit commercial business operations on residential properties, and no commercial use of an accessory structure is permitted in Independence regardless of the outcome of this application. Should the Planning Commission consider approval of the requested variance, staff recommends that any approval clearly state that no commercial use of the property or the accessory structure is permitted.

Given the site's proximity to a significant wetland and the approximate 8-foot elevation change across the proposed building area, staff recommends that any approval of the requested variance require the applicant to submit a full grading, drainage and restoration plan. Grading, drainage and restoration plans are typically reviewed at the time of building permit by the City's Planner, Building Official, and Engineer to ensure compliance with all applicable standards, and staff recommends that this review be made a condition of approval.

Variance Criteria Analysis

A variance may be granted by the City Council in cases where the applicant demonstrates practical difficulties in complying with the zoning code. The variance criteria are established in the City's Zoning Ordinance (Section 520.21, Subd. 1) as follows: (1) the variance is in harmony with the general purposes and intent of the zoning code; (2) the variance is consistent with the comprehensive plan; and (3) the applicant establishes that there are practical difficulties in complying with the zoning code. The city's analysis of each criterion is provided in italics below.

The City's Zoning Ordinance (Section 520.21, Subd. 2) further provides that an applicant must demonstrate practical difficulties in complying with the zoning code. Practical difficulties means that: (a) the property owner proposes to use the property in a reasonable manner; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

1. The variance is in harmony with the general purposes and intent of the zoning code:

The purpose of the accessory structure size limitation is to ensure that accessory structures remain subordinate in scale to the buildable area of a property and do not overwhelm the character of the surrounding rural residential area. The proposed structure, at approximately 3,600 square feet under roof, is approximately 95% larger than the 1,850-square-foot maximum otherwise allowed. The city amended its accessory structure ordinance approximately 10 years ago with the intent of making accessory structures proportional to the building upland area of a property. When the accessory structure ordinance was amended to establish the proportionality provisions, the minimum accessory structure size was increased to 1,850 SF to accommodate a reasonable structure size for properties up to 2.5 acres. The Planning Commission should weigh whether a structure of this scale, on a property with only approximately 2.04 acres of buildable upland, is in harmony with the general intent of the size limitation, particularly given the lack of proposed screening and the structure's proximity to a protected wetland and the adjacent property.

2. The variance is consistent with the comprehensive plan:

The subject property's Rural Residential zoning and land use designation, and the proposed accessory use, are generally consistent with the City's Comprehensive Plan.

3. Practical difficulties exist in complying with the zoning code:

The subject property totals approximately 9.2 acres; however, the City has determined that approximately 7.16 acres consists of wetland, leaving only approximately 2.04 acres of buildable upland. The city's ordinance relating to allowable accessory size has not changed since the acquisition of this property by the current owner. The Planning Commission will need to determine whether a practical difficulty exists that would justify the requested variance, or whether a structure closer to the 1,850-square-foot maximum represents a reasonable use of the property.

4. The proposal represents the minimum variance necessary:

The applicant is requesting a variance to allow a structure of approximately 3,600 square feet under roof, where 1,850 square feet is the maximum otherwise allowed. This represents an increase in allowable accessory structure square footage of approximately 95%. The Planning Commission should consider whether the requested variance represents the minimum relief necessary, or whether a reduction in the size of the proposed structure would be appropriate.

5. The variance will not alter the essential character of the locality:

The subject property is located in a rural residential area. The proposed structure would be sited along the entrance driveway, would require clearing of existing vegetation, and would be visible from both the adjacent property to the west and County Road 11, as the applicant is not proposing additional screening or buffering. The adjacent property owner has raised concerns that the scale and visibility of the proposed structure would alter the character of the area and adversely affect the enjoyment of their property. The Planning Commission will need to weigh these concerns in determining whether the requested variance would alter the essential character of the locality.

Additional Considerations

The City has received a written comment from the owner of the adjacent property at 5935 County Road 11 objecting to the requested variance. The comment raises concerns regarding the scale of the proposed structure relative to the buildable upland, potential wetland and stormwater impacts, loss of screening and visual privacy, noise, and an assertion that the property is currently being used to store commercial equipment (including commercial trailers and industrial pallet racking) in a manner inconsistent with a residential accessory use. These concerns are summarized in more detail below under Neighbor Comments.

Regardless of the Planning Commission's determination on the size of the proposed accessory structure, staff notes that no commercial use of an accessory structure, or of the property generally, is permitted in the City of Independence. Any approval of this variance should clearly state that the structure may only be used for purposes accessory and customarily incidental to the residential use of the property, and that no commercial business operation is permitted.

Given the site's proximity to a significant wetland and the approximate 8-foot elevation change across the proposed building area, staff recommends that any approval require the applicant to submit a full grading and restoration plan, to be reviewed by the City's Planner, Building Official,

and Engineer at the time of building permit application, to ensure compliance with all applicable standards, including protection of the adjacent wetland and natural drainage patterns.

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance as detailed above. The City will need to determine if the requested variance meets all of the applicable criteria and restrictions.

Neighbor Comments

The City received a written comment in opposition to this request from Jeff Iverson, the owner of the adjacent property at 5935 County Road 11, dated July 15, 2026. The comment letter was submitted in response to the application as originally filed, which was processed as a conditional use permit at that time; the application has since been revised to a variance request, addressing the same underlying request to exceed the maximum allowable accessory structure size on the same site. The substantive concerns raised remain applicable and are summarized below. The comment letter is attached to this report in its entirety and raises the following principal concerns:

- Disproportionate scale: the commenter contends that the cumulative footprint of the proposed barn, covered porch, and associated bituminous driveway expansion (totaling more than 4,500 square feet) is excessive relative to the property's 2-acre buildable upland, and asserts that the scale of the proposal suggests a commercial or industrial use rather than a customary residential accessory use, citing the presence of commercial trailers and stored industrial pallet racking on the property.
- Setback and stormwater concerns: the commenter states that the proposed structure would be located less than 50 feet from the shared property line, would eliminate room for vegetative screening, and could increase stormwater runoff and flooding risk onto the adjacent property given the site's proximity to a protected wetland.
- Wetland construction impacts: the commenter contends that the proposed building footprint leaves little to no margin from the required wetland setback, raising concerns that construction activity (excavation, grading, equipment operation) could encroach on and damage the adjacent wetland.
- Visual, privacy, and noise impacts: the commenter states that the structure would permanently obstruct views from the interior and yard of the adjacent home, that on-site screening options for the applicant are limited due to the structure's proximity to the driveway, and that any mitigating landscaping would need to be established on the commenter's own property at their expense. The commenter also raises a concern regarding potential amplification of roadway noise due to the orientation of the structure and the removal of existing vegetation.

The commenter requests that the Planning Commission deny the requested permit as currently presented. Any additional written comments received prior to or at the public hearing will be forwarded to the Planning Commission for consideration.

Recommendation

This application presents several considerations on which the Planning Commission will need to make findings, including whether the scale of the proposed accessory structure, the significant increase above the maximum allowable accessory structure square footage, its siting relative to the adjacent property and wetland, and the lack of proposed screening or stormwater mitigation are consistent with the criteria for granting a variance under Section 520.21. All of these factors should be weighed by the Planning Commission in its deliberation.

Should the Planning Commission find that the applicant has met the criteria for granting a variance and recommend approval, staff recommends that the following findings and conditions be included:

1. The proposed variance meets all applicable conditions and restrictions stated in Section 520.21 and Section 530.05, Subd. 3(e)(4), Zoning, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. [Planning Commission to insert finding regarding the applicant's satisfaction of the practical difficulties criteria under Section 520.21, Subd. 2, based on the Planning Commission's discussion and any additional information provided by the applicant.]
 - b. The proposed accessory structure exceeds the 1,850-square-foot maximum allowable size by approximately 95%, requiring approval of this variance.
 - c. The proposed structure meets the minimum required accessory structure setbacks from all property lines.
3. No commercial use of the accessory structure, or of the property, is permitted. The structure shall be used only for purposes accessory and customarily incidental to the residential use of the property.
4. Prior to issuance of a building permit, the applicant shall submit a full grading and restoration plan for review and approval by the City's Planner, Building Official, and Engineer, to ensure compliance with all applicable standards, including protection of the adjacent wetland and natural drainage patterns.
5. [Planning Commission to insert any additional screening, landscaping, or berming requirements determined necessary by the Planning Commission to mitigate visual impacts on the adjacent property.]
6. All exterior lighting on the accessory structure shall comply with the City's applicable lighting standards, including full cut-off fixtures, to be reviewed at the time of building permit application.
7. The applicant shall apply for and receive all applicable building permits from the City prior to commencing construction of the proposed accessory structure.
8. The Applicant shall pay for all costs associated with the City's review of the requested variance.

Attachments: Application

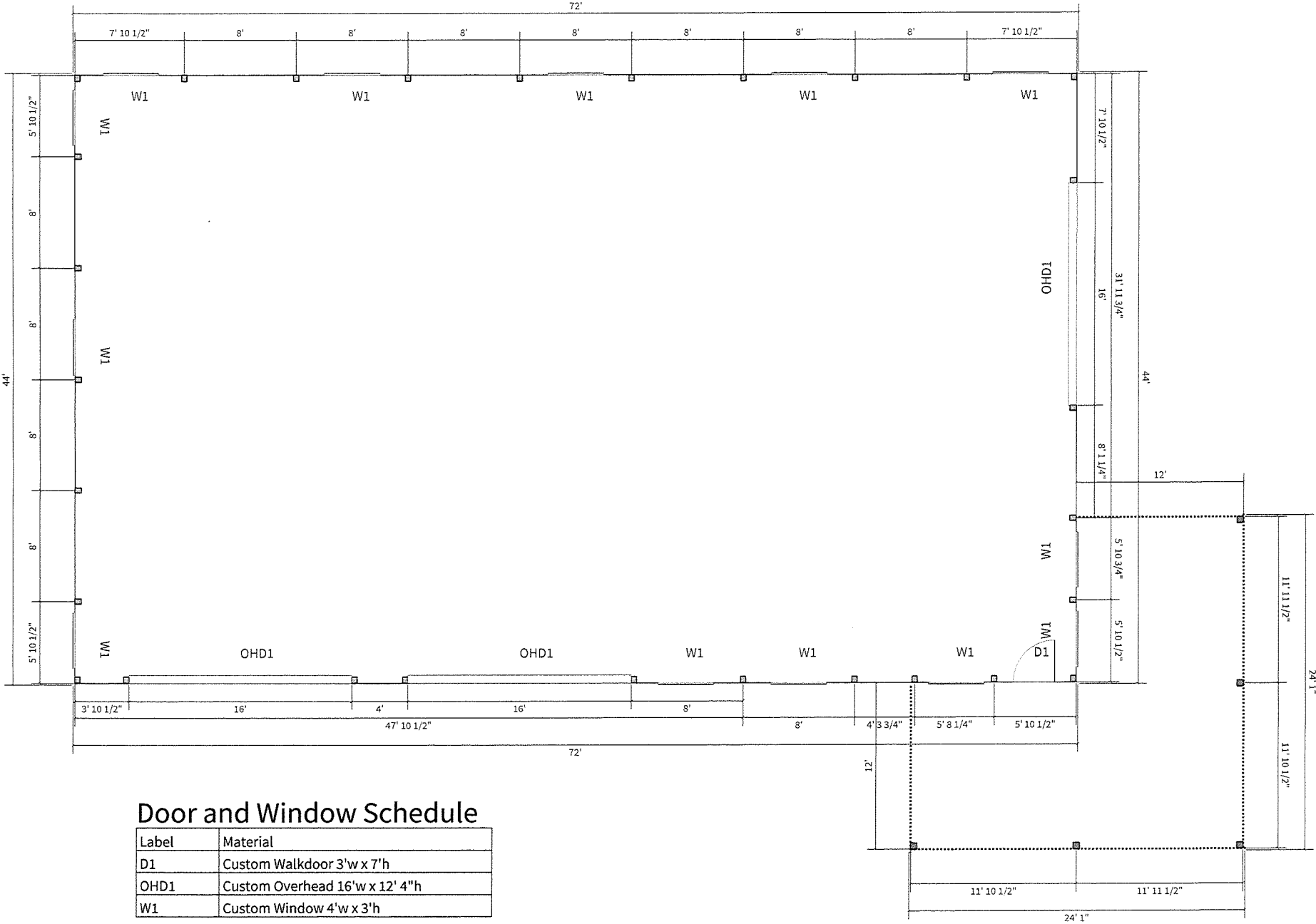
Site Plan

Building Plans/Elevations

Written Comment – Jeff Iverson (5935 County Road 11), dated July 15, 2026

Post Layout

Job: 383759
Date: 8/20/2025
Time: 11:37 AM



Door and Window Schedule

Label	Material
D1	Custom Walkdoor 3'w x 7'h
OHD1	Custom Overhead 16'w x 12' 4"h
W1	Custom Window 4'w x 3'h

Iso 1

Job: 383759
Date: 8/20/2025
Time: 11:37 AM



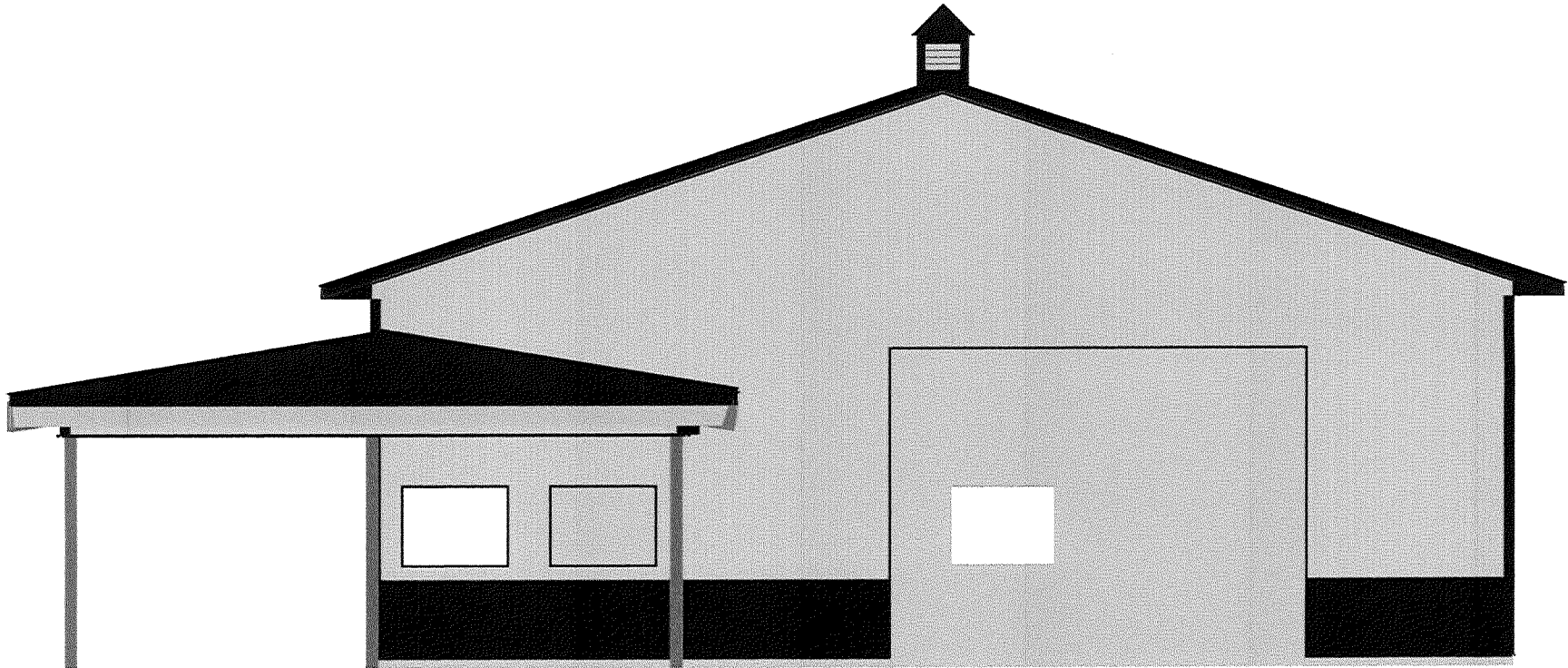
Iso 2

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Date: 8/20/2025
Time: 11:37 AM



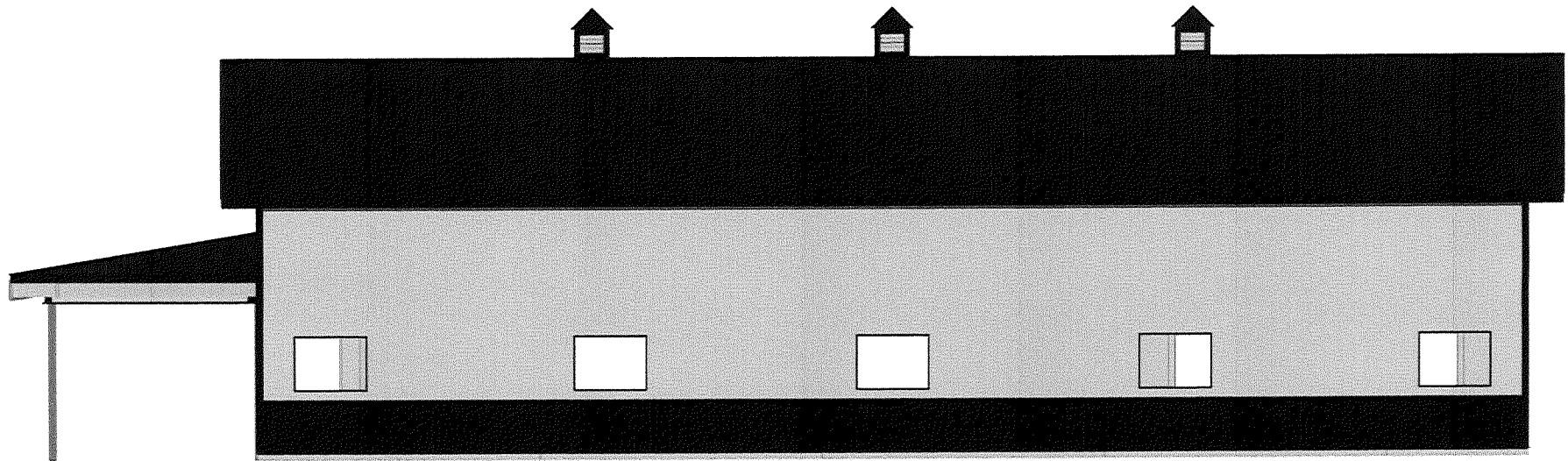
Front Elevation

Job: 383759
Date: 8/20/2025
Time: 11:37 AM



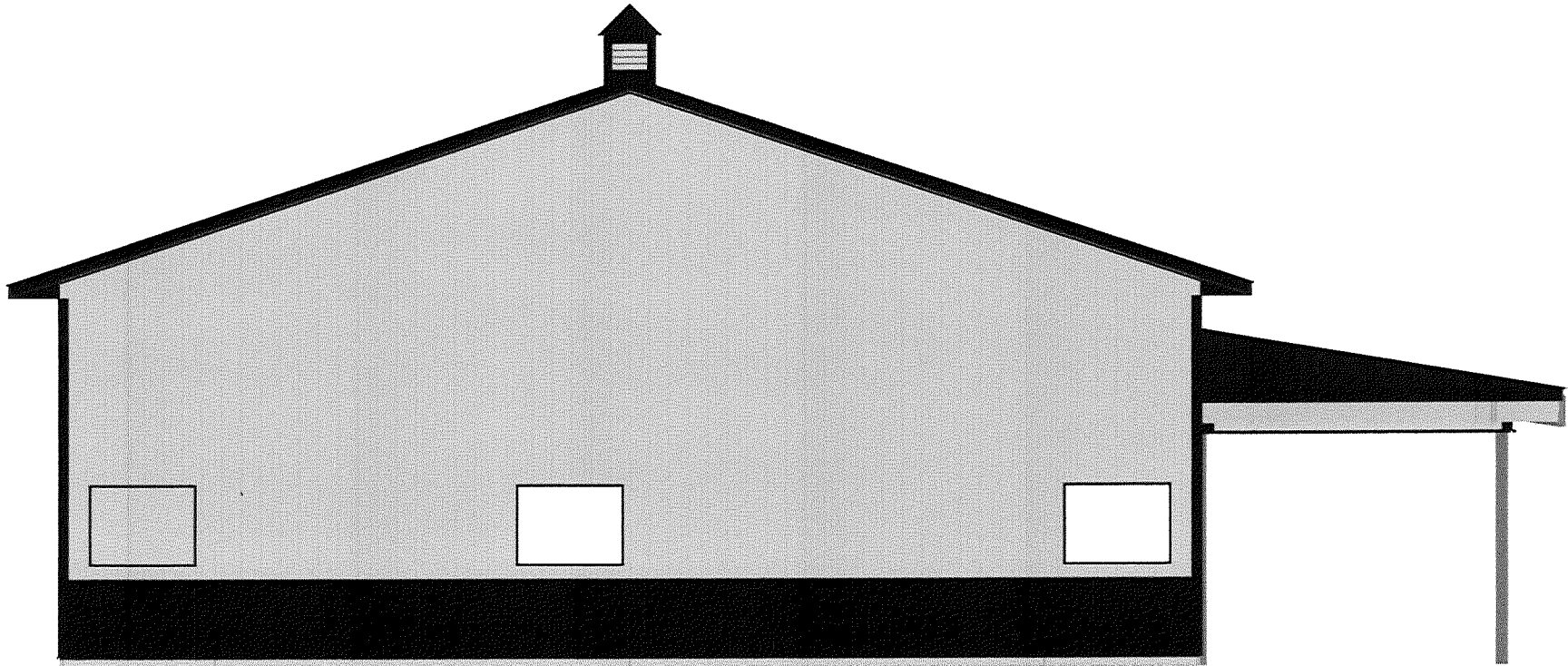
Left Elevation

Job: 383759
Date: 8/20/2025
Time: 11:37 AM



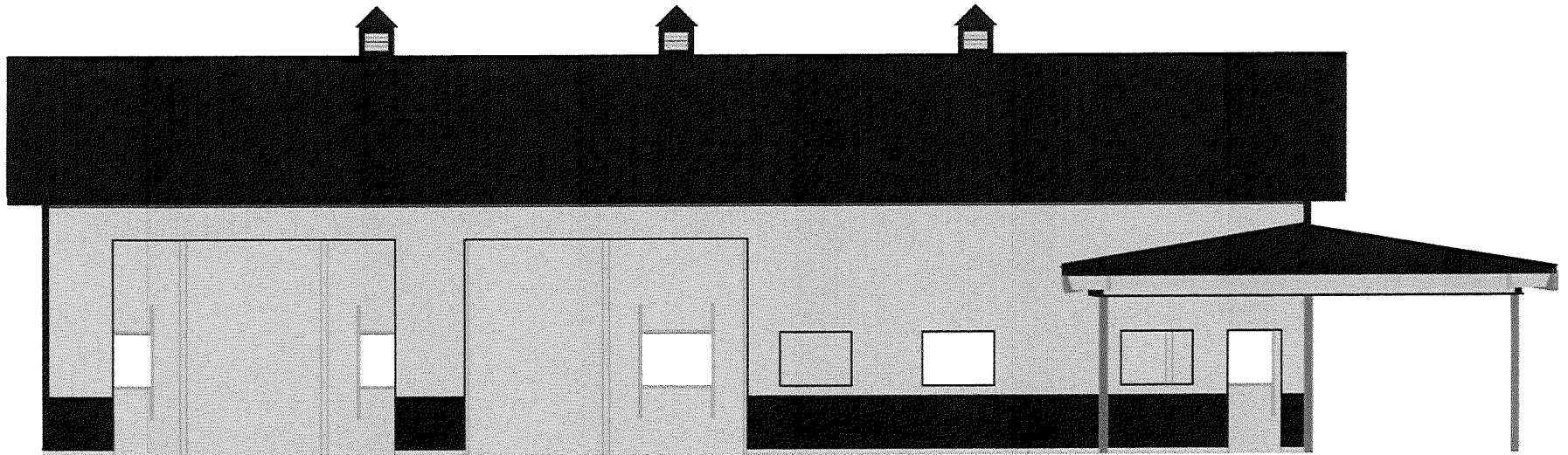
Back Elevation

Job: 383759
Date: 8/20/2025
Time: 11:37 AM



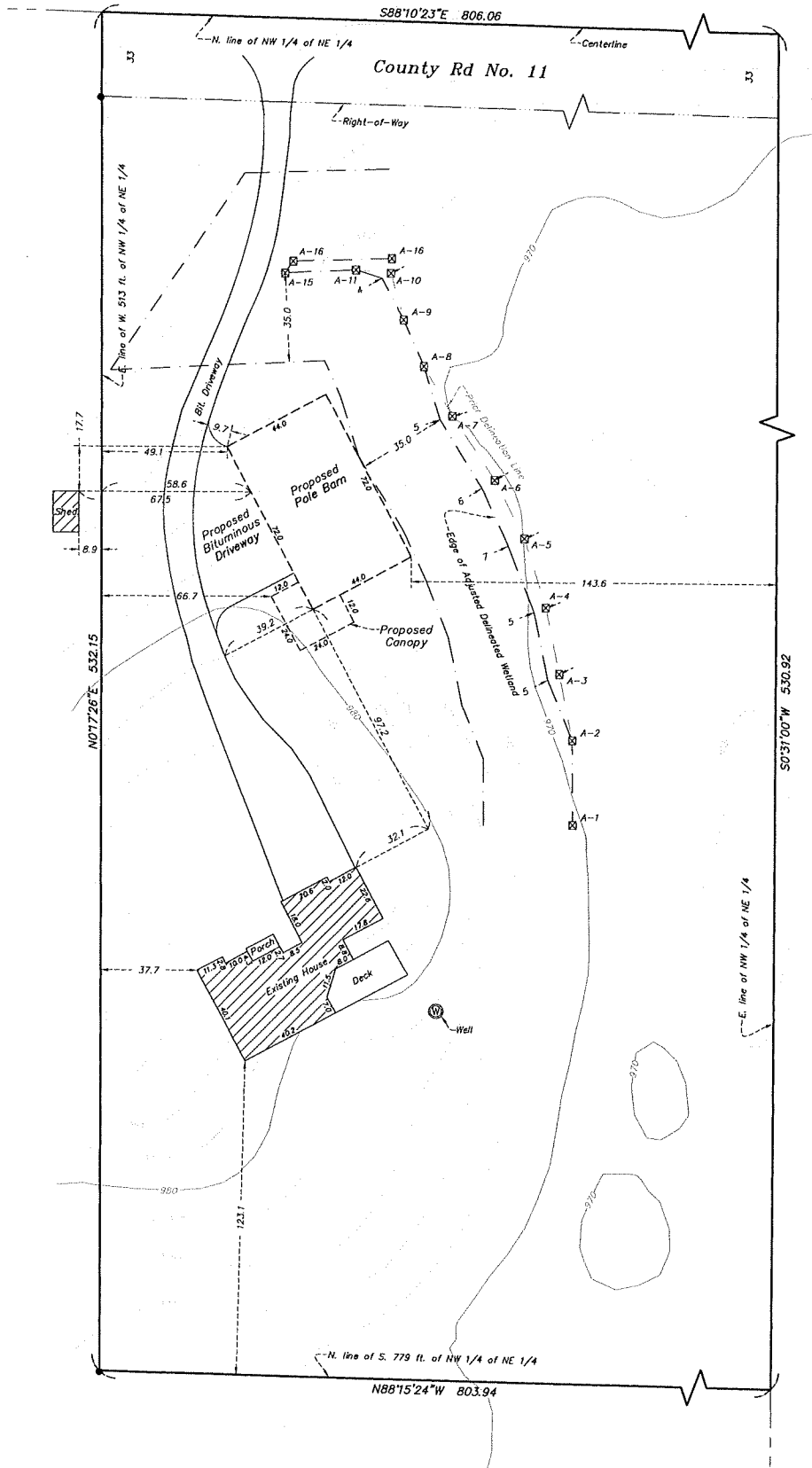
Right Elevation

Job: 383759
Date: 8/20/2025
Time: 11:37 AM



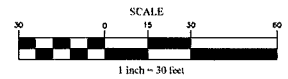
Certificate of Survey

Prepared for:
Paul Ridgeway



Legend

● Found Iron Monument



Site Address:
5885 County Road No. 11
Independence, MN 55359

Boundary Description (supplied by client)
That part of the Northwest Quarter of the
Northeast Quarter of Section 11, Township 118 North,
Range 24 West of the 5th Principal Meridian,
Hennepin County, Minnesota, lying East of the West
513 feet thereof and North of the South 779 feet
thereof.

Subject to road right-of-way.
Subject to any and all easements of record.

Approximate 2-foot contours based on MN DNR LIDAR.
Bearings based on Hennepin County coordinate system.

**SCHOBORG
LAND SERVICES
INC.**

763-972-3221 8997 Co. Rd. 13 SE
www.schoborgland.com Delano, MN 55328

Job Number:	9485
Survey Date:	7/19/22
Drawing Name:	ridgeway.dwg
Drawn by:	DMS
Revisions:	8/1/22 (aerial)
	8/21/25 (proposed shed)
	8/22/25 (added distances)

I hereby certify that this certificate of survey was prepared by me
or under my direct supervision and that I am a duly Registered
Land Surveyor under the laws of the State of Minnesota.

Kelly L. Brouwer
Kelly L. Brouwer

Date: August 22, 2025 Registration No. 48328

Formal Opposition to Conditional Use Permit (CUP) Application for 5885 County Road 11, Independence, MN (PID No. 11-118-24-12-0008) – July 15th 2026

To the Members of the Independence Planning Commission,

I am writing as the owner of the adjacent property at 5935 County Road 11 to formally request that the Planning Commission **deny the application** for a Conditional Use Permit (CUP) at 5885 County Road 11. While the subject parcel spans 7 gross acres, 5 of those consist of a protected wetland ecosystem. The applicant is attempting to crowd an industrial-scale footprint onto a highly restricted 2-acre buildable upland. The selected building site is currently trees and foliage. Additionally, placing the structure a mere 50 feet from my property line, and immediately bordering the required wetland setback.

The requested structure **is excessive in footprint, massing, and height** for the unique constraints of the buildable land available. I urge the Commission to deny this permit, as it is currently presented, based on the following objective municipal planning, zoning, and environmental criteria:

1. Disproportionate Scale, Cumulative Footprint, and Inferred Commercial Use

The sheer scale of the proposed development violates the intent of residential accessory structures allowances, **signals an intense commercial or industrial utility** rather than a customary residential accessory function. When evaluating the true visual and physical impact on this small buildable upland, the Commission must look at the cumulative hardscape being introduced:

- **The Proposed Barn:** 3,000 square feet.
- **Bituminous Expansion/Driveway Additions:** 1,092 square feet.
- **Covered Roof Extension:** 432 square feet.

This brings the total proposed hardscape and structural footprint to **more than 4,500 square feet**—nearly matching the combined footprint of *both* primary dwellings currently existing on the 5935 and 5885 properties. A development of this magnitude on a 2-acre buildable pocket strips away the residential character of the zone and violating standard zoning protections.

Formal Opposition to Conditional Use Permit (CUP) Application for 5885 County Road 11, Independence, MN (PID No. 11-118-24-12-0008) – July 15th 2026

Furthermore, this footprint appears tailored to support an ongoing, unpermitted commercial operation. The parcel's lawn is currently utilized for the storage of two 30', 3 axis commercial trailers. Beginning in December of 2025, multiple freight trucks unloaded large amounts of industrial pallet racking which has remained stored openly on the property for the last seven months. Additional documentation can be provided, but open-source satellite imagery indicates a pattern of intensifying commercial storage and utilization, which directly contradicts the accessory nature of a residential zone and constitutes an unpermitted commercial use.

2. Elimination of Critical Setback Buffers and Increased Flood Risk

The proposed structure is located less than 50 feet from my residential property line and all above grade of the southeast portion of my lot. Because the applicant is attempting to maximize every available inch of their 2-acre buildable zone, the current site plan removes any margin for necessary landscaping or vegetative screening on the west side of the proposed structures property.

Furthermore, placing a 4,500+ square foot impermeable footprint directly adjacent to a protected wetland, while leaving no room for on-site stormwater retention or grading, poses a hydraulic threat. This area is already prone to flooding. Forcing thousands of gallons of concentrated roof and driveway runoff onto a zero-clearance boundary line will result in soil erosion, destabilization of the wetland edge, and may exacerbate severe flooding on my lot.

3. Immediate Threat to the Protected Wetland during Construction

By placing the proposed building footprint exactly at the required setback line from the protected wetland, the applicant has left zero margin for error. It is physically and logistically impossible to excavate, pour concrete, erect scaffolding, and operate heavy machinery for a building of this height and magnitude without workers and heavy equipment encroaching into and permanently damaging the protected wetland ecosystem.

Formal Opposition to Conditional Use Permit (CUP) Application for 5885 County Road 11, Independence, MN (PID No. 11-118-24-12-0008) – July 15th 2026

4. Severe, Unmitigable Nuisance and Asymmetrical Impact

The placement of this structure is highly deleterious to the desirability, visual appeal, and market value of my family's home at 5935 County Road 11. The applicant has strategically positioned this massive building to minimize negative implications on their own living space, and primary interior views, effectively shifting the entire visual and structural burden onto my family's property.

The visual line of sight from both inside and outside much of my home will be permanently disrupted. The predominate view from interior living spaces, yard, and deck looks out toward the proposed building site.

- **Impossible On-Site Mitigation:** Due to the barn's immediate proximity to the primary driveway, the owners of 5885 cannot plant any meaningful, deep rooted vegetative screening to remediate the height and visual massing of their western facing facade.
- **The Screening Burden is being Shifted:** At minimum, a 16' fence would be required to partially conceal the dual 16'x12' garage doors. Under the current plan, the burden unfairly falls onto me to sacrifice a portion of my own useable lot, relocate my existing shed, and plant mature evergreen trees. These trees require an expected 15-20 years to achieve proper screening height due to limited light, just to mask their driveway addition (parking lot) and height of the structure garage doors.
- **Sound amplification:** The angle orientation of the north facing metal wall is slightly rotated towards my family's lot. Subsequently the road noise caused by vehicles accelerating out of County Road 90 and County Road 11 four way stop (heading east) will be increased and further amplified by the permanent replacement of softscape at the proposed site.

Formal Opposition to Conditional Use Permit (CUP) Application for 5885 County Road 11, Independence, MN (PID No. 11-118-24-12-0008) – July 15th 2026

Conclusion

Conditional use must not be injurious to the use and enjoyment of surrounding property, nor should it jeopardize protected local natural resources. The applicant's desire to maximize a restricted lot should not come at the expense of local environmental regulations or my fundamental property rights. The detrimental impact on the residents of 5935 is severe, while the burden on the applicant of finding an alternative, scaled-down solution is minimal, if this CUP is allowed.

I spent a decade saving for the opportunity to own a home, and as the new owner of this property I look forward to building a family, and life here. I respectfully acknowledge the sincere desire to expand and develop one's property as they see fit within applicable codes and statutes. I am not wholly in opposition of the pole barn, but I do request the Planning Commission deny this Conditional Use Permit for all aforementioned concerns; since the mandatory hardship clauses are not applicable for the proposed structure.

Sincerely,

Jeff Iverson



5935 County Road 11, Independence, MN 55395