



CITY COUNCIL MEETING AGENDA
TUESDAY JULY 5, 2022

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the June 21, 2022, Regular City Council Meeting.
 - b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21312 and Batch # 2; Checks Numbered 21313-21342).
5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
6. Reports of Boards and Committees by Council and Staff.
7. John Zitzloff (Applicant/Owner) is requesting that the City consider the following action for the property located at 4224 Lake Sarah Dr. S. (PID No. 02-118-24-42-0002) in Independence, MN:
 - a. **RESOLUTION 22-0705-01:** considering a variance to allow a detached accessory structure on the property that exceeds the height of the principal structure.
8. Approval of Election Judges for the 2022 Primary and General Elections:
 - a. **RESOLUTION 22-0705-02:** Considering approval of the Election Judges.
9. Open/Misc.
10. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY June 21, 2022–6:30 P.M.
City Hall Chambers

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts, McCoy and
Grotting (virtual)

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner, Administrative Assistant Simon

VISITORS: Tony Post, Dan Vanderheyden, Chanel Crees

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the June 7, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21284-21311)

Motion by Betts, second by McCoy to approve the Consent Agenda. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

1
City of Independence
City Council Meeting Minutes
6:30 p.m. June 7, 2022

- Planning
- Workshop
- Funeral for Norm Wenck

Spencer attended the following meetings:

- Planning
- Workshop

McCoy attended the following meetings:

- Memorial Services (2)
- Maple Plain Party in the Park
- Gala for MN Teen Challenge
- Workshop
- Fire District Meeting

Betts attended the following meetings:

- Workshop

Johnson attended the following meetings:

- Planning
- Coffee with Steve Bohl on the Otten Property
- Orono Healthy Youth
- Small Cities Council – NLC (virtual)
- Orono High School Awards night
- Funeral for Bruce Frahm
- Funeral for Norm Wenck
- Funeral for Carroll Gabriel
- Funeral for Vern Genzlinger
- Sensible Land Use
- MetCouncil ES Hearing (virtual)
- Senior Community Services Board Training and Regular Meeting (virtual)
- Memorial Services on Memorial Day
- Fire District Meeting
- Interviews for the two applicants for sergeant
- Haven Homes
- MP Party in the Park
- Workshop

Horner attended the following meetings:

- Workshop

Kaltsas attended the following meetings:

- Workshop

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the May 2022 Activity Report.

8. PUBLIC HEARING: Vacation for that portion of Quass Cut-Off Road Right of Way - Associated with the Final Plat for Hilltop Prairie.

a. **RESOLUTION No. 22-0621-01** – Approving the right of way vacation.

Kaltsas explained.....

Motion by Spencer, second by Betts to approve RESOLUTION 22-0621-01 approving a minor subdivision. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Open/Misc.

10. Adjourn.

Motion carried by McCoy, second by Spencer to adjourn the meeting at 7:09pm.

Respectfully Submitted,
Amber Simon / Recording Secretary

City of Independence

Request for a Variance to Allow an Accessory Structure Which Exceeds the Height Limitations of the City's Zoning Ordinance for the Property Located at 4224 Lake Sarah Drive S.

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 5, 2022
<i>Applicant:</i>	John Zitzloff
<i>Owner:</i>	John Zitzloff
<i>Location:</i>	4224 Lake Sarah Dr. S.

Request:

John Zitzloff (Applicant/Owner) is requesting that the City consider the following action for the property located at 4224 Lake Sarah Dr. S. (PID No. 02-118-24-42-0002) in Independence, MN:

- a. A variance to allow a detached accessory structure on the property that exceeds the height of the principal structure.

Property/Site Information:

The subject property is located at 4224 Lake Sarah Dr. S. which is on the east side of the road approximately ¼ mile north of the CSAH 11/Lake Sarah Drive S. intersection. The property has an existing single-family home and is comprised of a mix of wetlands and upland.

Property Information: 4224 Lake Sarah Dr. S.

Zoning: *AG-Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: 3.75 acres

4224 Lake Sarah Drive South (blue outline)



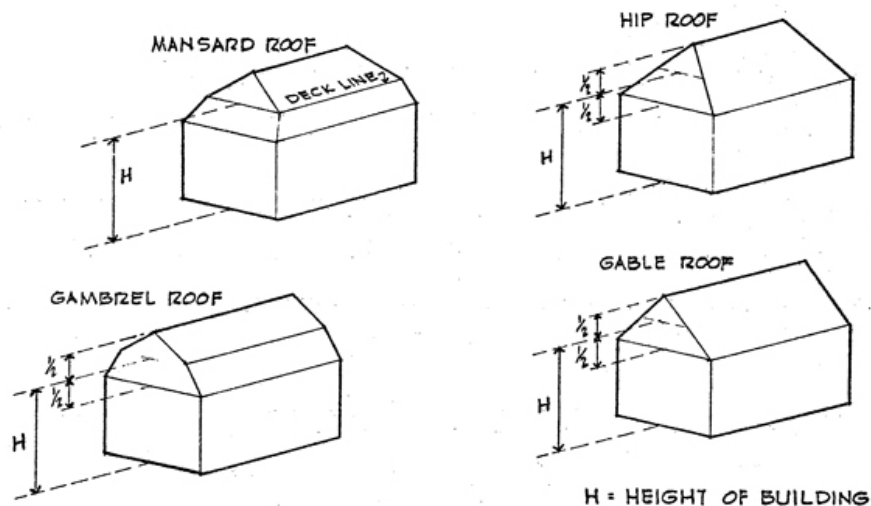
Discussion:

The applicant would like to construct a detached accessory structure on the property. There is currently an existing home and small detached shed located on the property. The City regulates the total square footage permitted for detached accessory structures using a formula contained within the zoning ordinance. The formula allows a property owner to construct an accessory

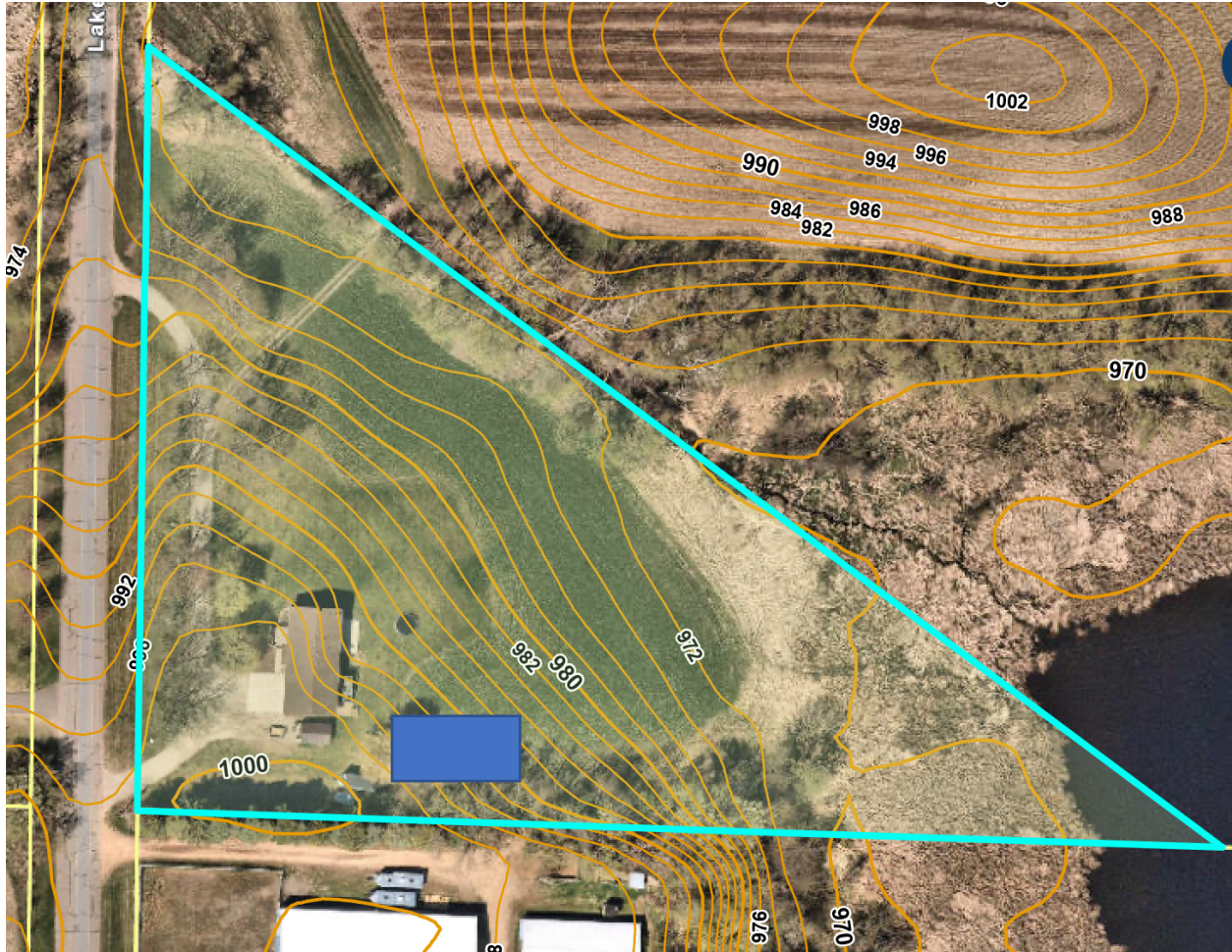
building which does not exceed 2% of the upland square footage of the property. In this case, the City has determined that the upland portion of the property is 2.56 acres. The City's water resource consultant visited the property several weeks ago to confirm the wetland boundary. Based on this determination, the total allowable square footage for a detached accessory structure is 2,230 SF (2.56 acres - 111,482 sf * .02 = 2,230 SF).

The applicant is proposing to construct a 2,226 square foot detached accessory structure (53' x 42') which is just less than the maximum size permitted. The current plan depicting a 42' x 60' will be revised to reflect the maximum size permitted. In addition to the limitation on building size, the City regulates the maximum height of detached accessory structures. The maximum height of an accessory structure shall not exceed the height of the principal structure.

³ The height of an accessory structure shall not exceed the height of the principal structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.



The City measured the mid roof height of the principal structure to be 13'-6". The applicant would like the City to permit the detached accessory building to be 20' -6" in height. In order for the applicant to construct a building higher than that which is permitted, the City will need to consider a 7' variance. The applicant is proposing to locate the building approximately 30' east of the rear line of the principal structure. The elevation of the proposed accessory building (994) is approximately 4' lower than the elevation of the principal home (998). This differential in elevation would aid in mitigating adverse effects resulting from the taller accessory building.



The proposed accessory structure is proposed to meet applicable building setbacks. Setbacks for detached accessory structures are as follows:

<u>SETBACKS</u>	<u>REQUIRED SETBACKS</u>	<u>PROPOSED</u>
Front Yard:	85' from CL of road	N/A (beyond 100')
Side Yard:	15'	16'
Rear Yard:	40'	N/A (beyond 100')

There is an existing driveway that would provide access to the proposed building. The proposed building will be used by the applicant for an office, storage, workshop, canning and fish cleaning kitchen. The City noted that the “range” label shown in the kitchen area of the plans should be removed to address any issue that could be construed as an accessory dwelling unit. The proposed building is 3 stories with a “walk out” lower level, main level and second story. The building would be sided with board and batten steel siding and a metal roof.

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this 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 (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Agriculture District. The applicants have attempted to locate the building to meet all other applicable setbacks for properties zoned Agriculture.
- b. The potential impacts of the requested variance will be somewhat mitigated as a result of the existing elevations, size of the property and existing screening due to vegetation and elevations.
- c. The character of the surrounding area is a mixture of agriculture and residential. The proposed detached accessory building is generally in keeping with the intent and typical use of properties zoned Agriculture.

- d. The adjacent property to the south has several large, detached accessory structures. The property to the north has several large agricultural buildings.

The City discussed the recently adopted ABRC review process and applicable criteria. The requirements for setbacks from the principal building (75' separation) and increased side yard setbacks (30' instead of 15') would create additional issues relating to placement of the building as determined by the applicant. As a result, the request for a variance was pursued for this property. The Planning Commission will need to determine if the requested variance meets the requirements for granting a variance.

Neighbor Comments:

The City has not received any written comments regarding the proposed variance.

Planning Commission Discussion and Recommendation:

Planning Commissioners discussed the request and asked questions of staff and the applicant. Commissioners asked about the use of the building and the applicant described how they are intending to use the building. Commissioners asked about the height of the adjacent detached accessory structures on the property to the south. It was noted that the height of the existing buildings to the south is taller than the building proposed due to the elevation of the building and size of the building. Commissioners noted that the existing tree line separating the two properties provided a good buffer. Commissioners discussed the criteria for granting a variance and asked if this met the requirements. It was noted that the intent of the ordinance was to ensure that any accessory structures remained subordinate in appearance to the principal structure. In this case it was determined that the existing house (a rambler) was constructed prior to the adoption of this ordinance and the height limitation was not created by the current owner of the property. Planning Commissioners recommended approval of the variance with the findings and conditions noted in the recommendation.

Recommendation:

The Planning Commission recommended approval of the requested Variance with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been met by the applicant and specially that:

- a. The applicant is proposing to use the property in a manner consistent with the Agriculture Zoning District.
 - b. The character of the surrounding area is agricultural and rural residential. The proposed detached accessory building is similar to those found on surrounding properties.
 - c. The location of the property in relation to the public road and surrounding properties along with the proposed location of the detached accessory structure and existing vegetation will aid in mitigating potential impacts of a taller structure.
3. The variance granted shall be as follows:
 - a. A 7-foot variance to permit the detached accessory building to have a maximum height of 20'-6 feet as measured in accordance with City standards.
4. The requested variance will allow the proposed detached accessory structure to be constructed in accordance with the approved plans only as depicted on Exhibit B, attached hereto.
5. The proposed building cannot be used for a commercial business or storage.
6. The applicant shall provide the City with a revised set of plans showing the building dimensions to be 53' x 42' prior to City Council review and consideration.
7. The applicant shall provide the City with a grading plan prior to issuance of a building permit.
8. The Applicant shall pay for all costs associated with the City's review of the requested variance.
9. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.
10. The Applicant shall record the City Council Resolution within six (6) months of the Council approval.

Attachments:

1. Application
2. Building Plans
3. Site Survey



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0705-01

**A RESOLUTION GRANTING APPROVAL OF A VARIANCE TO ALLOW AN
ACCESSORY STRUCTURE THAT IS TALLER THAN THE PRINCIPAL STRUCTURE
FOR THE PROPERTY LOCATED AT 4224 LAKE SARAH DR. S.**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, John Zitzloff (the “Applicant/Owner”) submitted a request for a variance to allow an accessory structure that is taller than the principle structure on the property located at 4224 Lake Sarah Dr. S. (PID No. 02-118-24-42-0002) (the “Property”); and

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS, the Property is legally described as shown and depicted on Exhibit A attached hereto.

WHEREAS the requested variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture properties; and

WHEREAS the Planning Commission held a public hearing on June 21, 2022 to review the application for a Variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by John Zitzloff and grants a variance for the property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been met by the applicant and specially that:
 - a. The applicant is proposing to use the property in a manner consistent with the Agriculture Zoning District.
 - b. The character of the surrounding area is agricultural and rural residential. The proposed detached accessory building is similar to those found on surrounding properties.
 - c. The location of the property in relation to the public road and surrounding properties along with the proposed location of the detached accessory structure and existing vegetation will aid in mitigating potential impacts of a taller structure.
3. The variance granted shall be as follows:
 - a. A 7-foot variance to permit the detached accessory building to have a maximum height of 20'-6 feet as measured in accordance with City standards.
4. The requested variance will allow the proposed detached accessory structure to be constructed in accordance with the approved plans only as depicted on Exhibit B, attached hereto.
5. The proposed building cannot be used for a commercial business or storage or as an accessory dwelling unit.
6. The Applicant shall provide the City with a revised set of plans showing the building dimensions to be 53' x 42' prior to City Council review and consideration.
7. The Applicant shall provide the City with a grading plan prior to issuance of a building permit.
8. The Applicant shall pay for all costs associated with the City's review of the requested variance.

9. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.
10. The Applicant shall record the City Council Resolution within six (6) months of the Council approval.

This resolution was adopted by the City Council of the City of Independence on this 5th day of July 2022, by a vote of _____ ayes and _____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

That Part Of Govt Lot 5 Desc As Beg At Sw Cor Thof Th N Along W Line Thof Dist 476.59 Ft Th S
54 Deg 59 Min 17 Sec E Dist 837.27 Ft To S Line Thof
Subject to Public Road Easement.

EXHIBIT B
(Building Plan)



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: John Zitzloff

Address: 4224 S Lake Sarah Dr
Independence, Minnesota
55359

Primary Phone: 763-286-3872

Email: johnz@bergexteriors.com

Owner Information

Name: John Zitzloff

Address: 4224 S Lake Sarah Dr
Independence, Minnesota
55359

Primary Phone: 763-286-3872

Email: johnz@bergexteriors.com

Property Address:

PID:

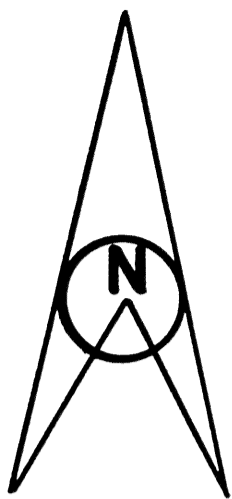
Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Proposed Conditions), Building Plans

Signature:

Certificate of Survey



● denotes iron monument found
○ denotes iron monument set marked R.L.S. 14343

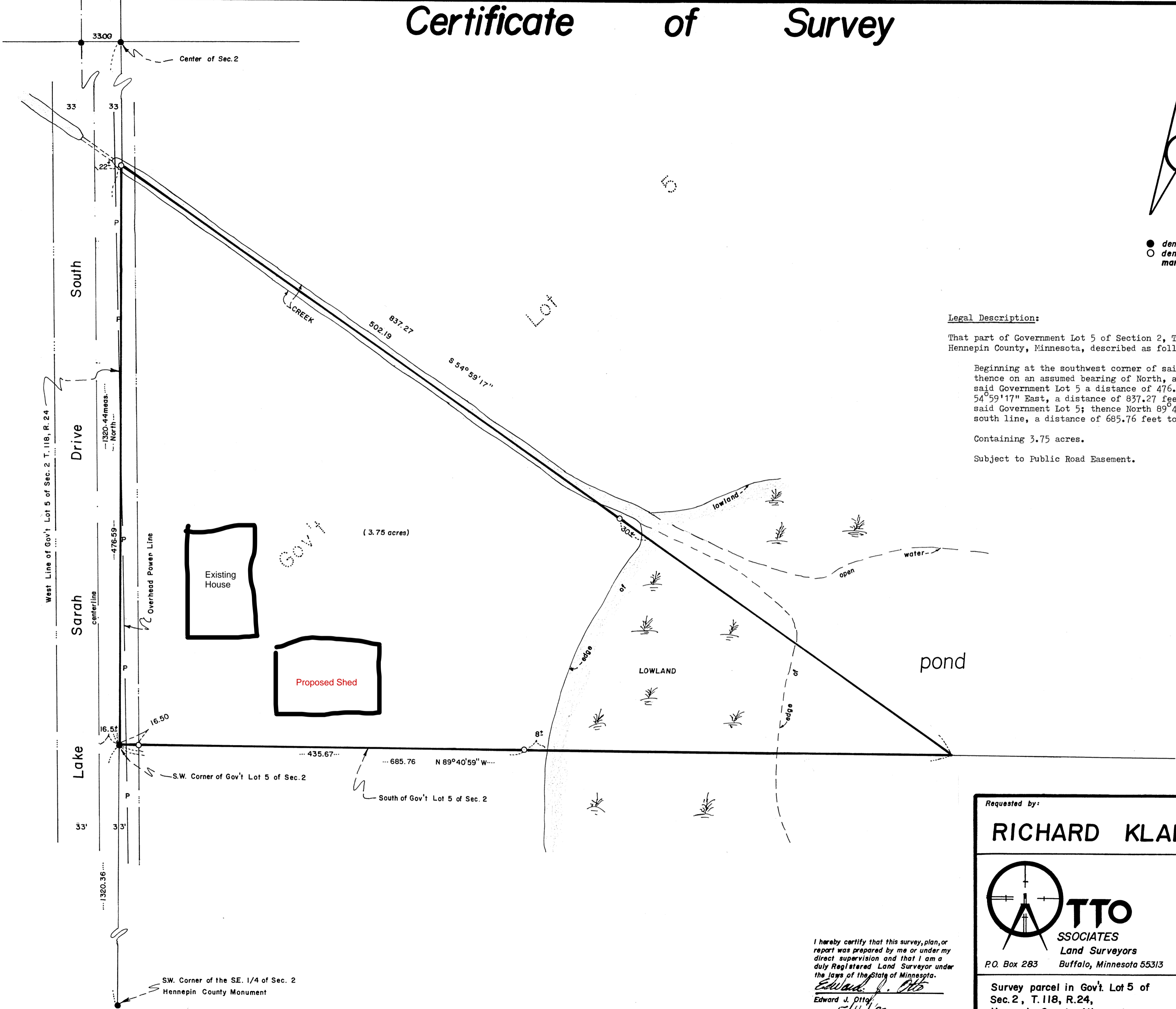
Legal Description:

That part of Government Lot 5 of Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at the southwest corner of said Government Lot 5; thence on an assumed bearing of North, along the west line of said Government Lot 5 a distance of 476.59 feet; thence South 54°59'17" East, a distance of 837.27 feet to the south line of said Government Lot 5; thence North 89°40'59" West, along said south line, a distance of 685.76 feet to the point of beginning.

Containing 3.75 acres.

Subject to Public Road Easement.



I hereby certify that this survey, plan, or report 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.
Edward J. Otto
Edward J. Otto
Date: 5/11/82 Registration No. 14343

Requested by:

RICHARD KLAERS



P.O. Box 283 Buffalo, Minnesota 55313 682-4727

Survey parcel in Gov't. Lot 5 of Sec. 2, T. 118, R. 24, Hennepin County, Minnesota.

Date:
5/10/1982

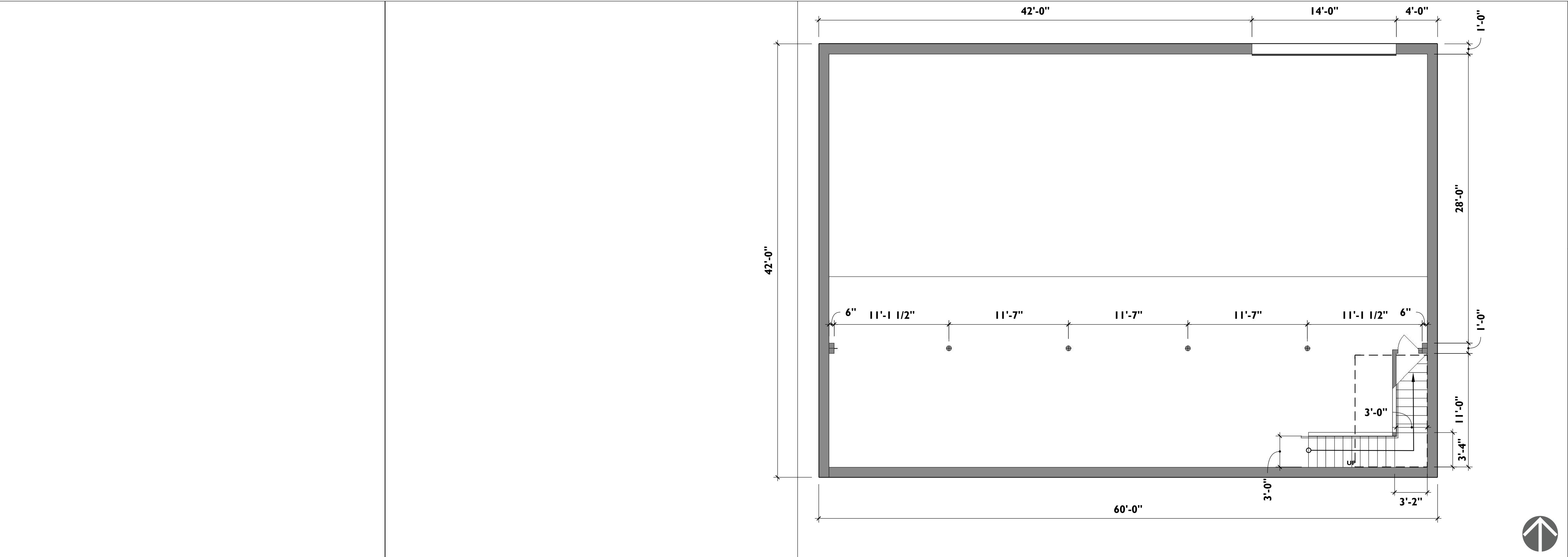
Drawn by:
e.j.o.

Scale:
1" = 50'

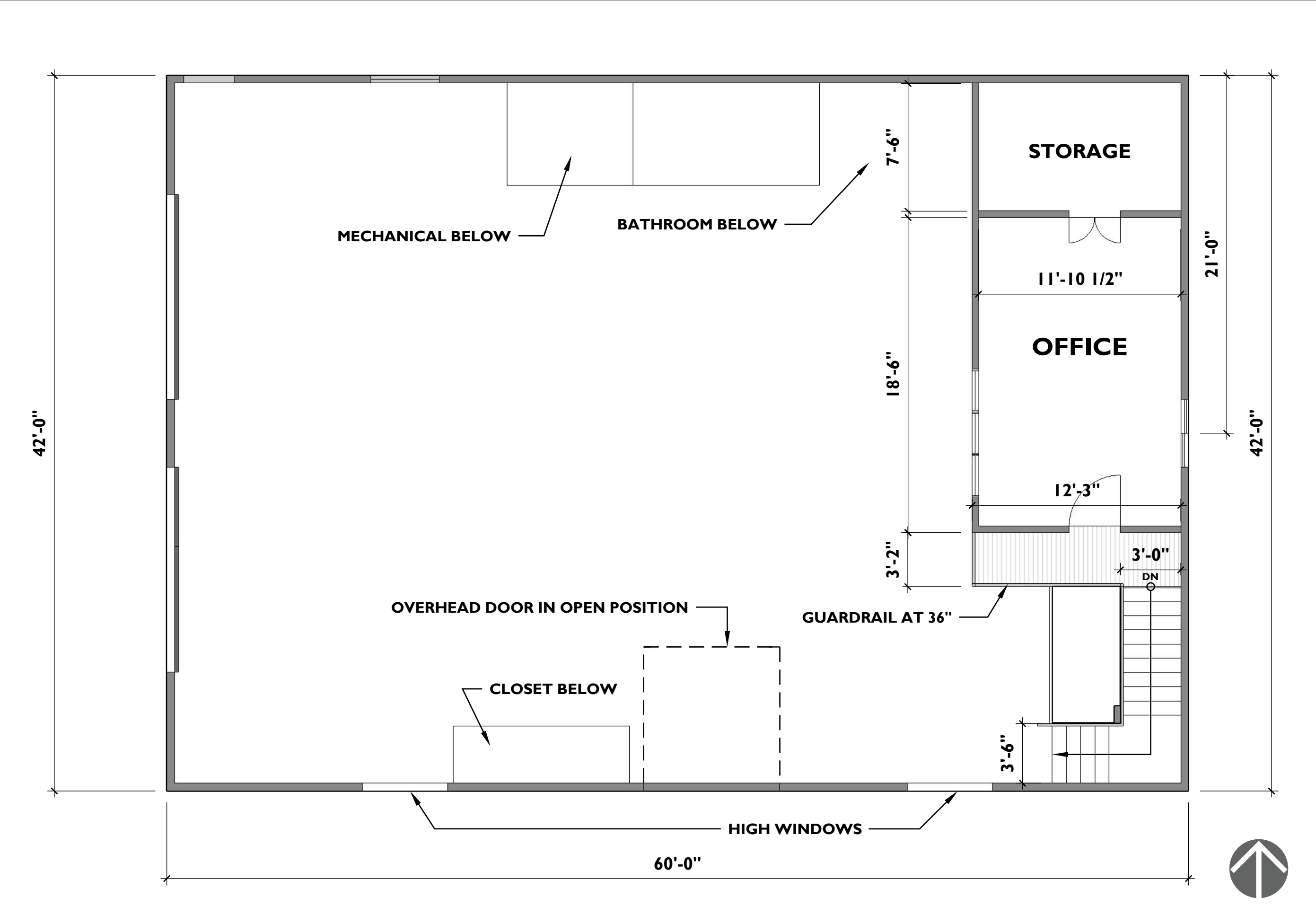
Checked by:

Revised

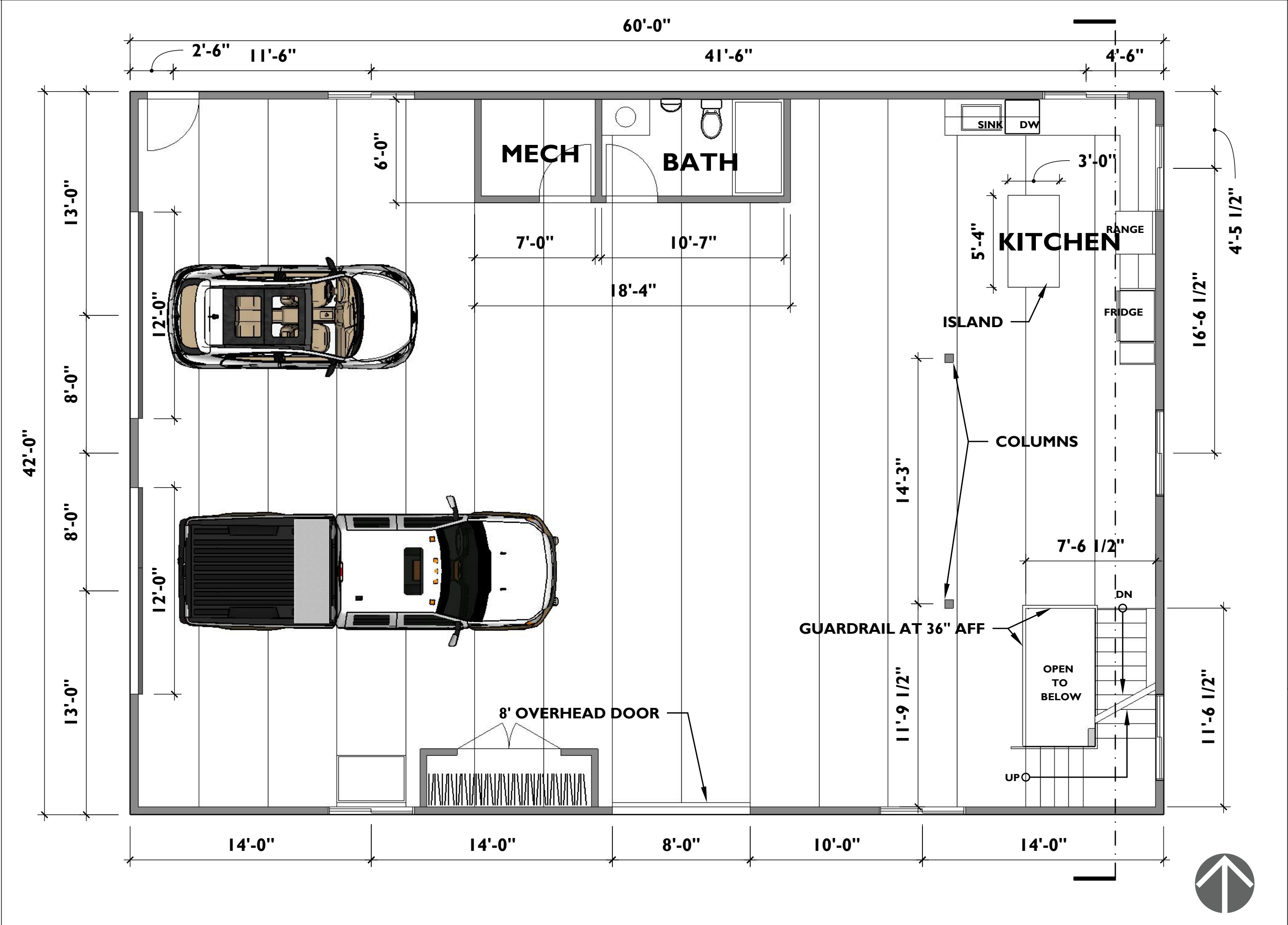
Job no.
8258



1/4" = 1'-0	8	1/4" = 1'-0	6	LOWER LEVEL PLAN	3/16" = 1'-0	2
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3/16" = 1'-0	5	OFFICE LEVEL
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3/16" = 1'-0	1	MAIN LEVEL PLAN
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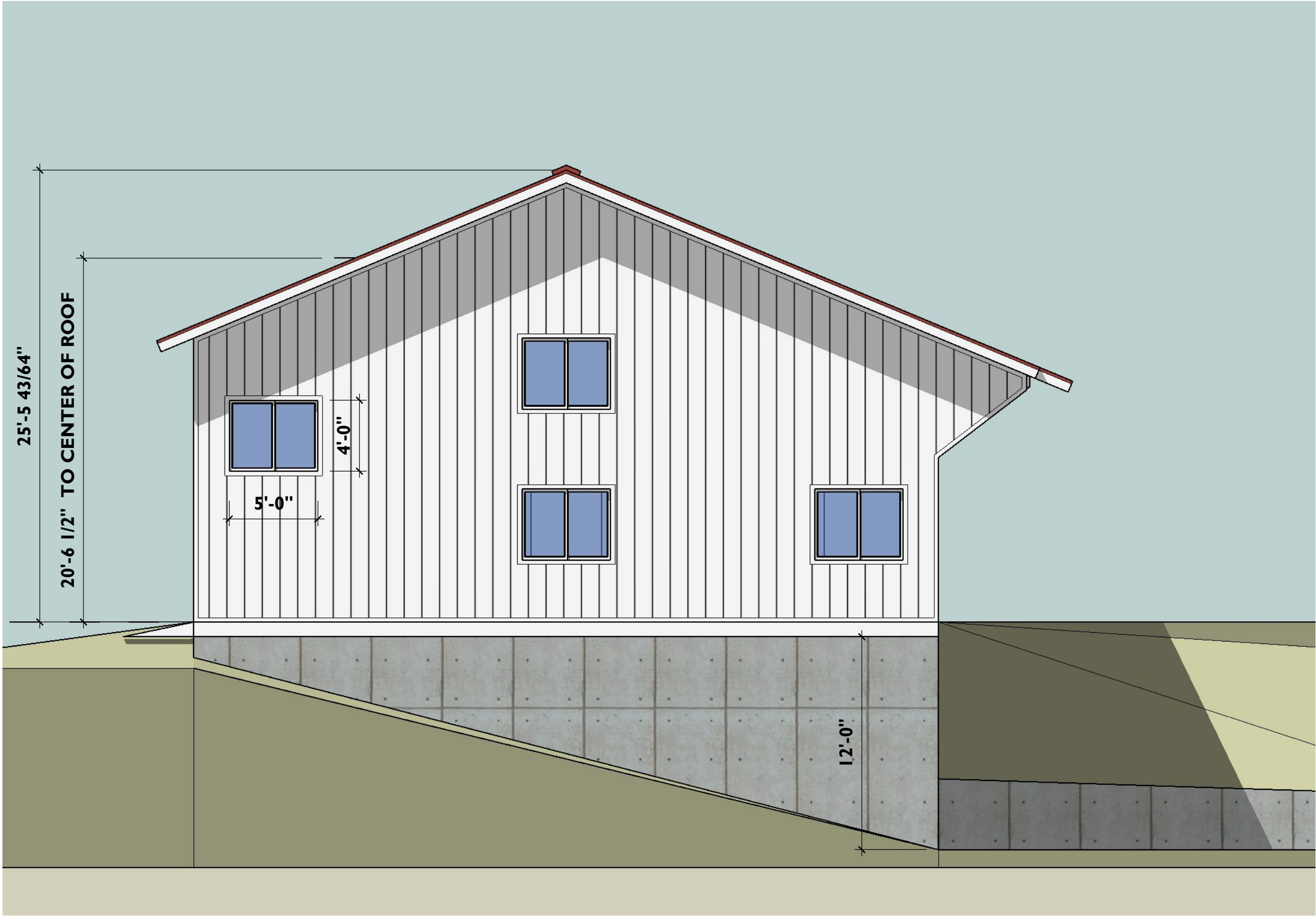
gregg hackett architect

4342 abbott avenue south
minneapolis mn 55410

ZITZLOFF BARN
4224 SOUTH LAKE
SARAH DRIVE
INDEPENDENCE, MN
55359

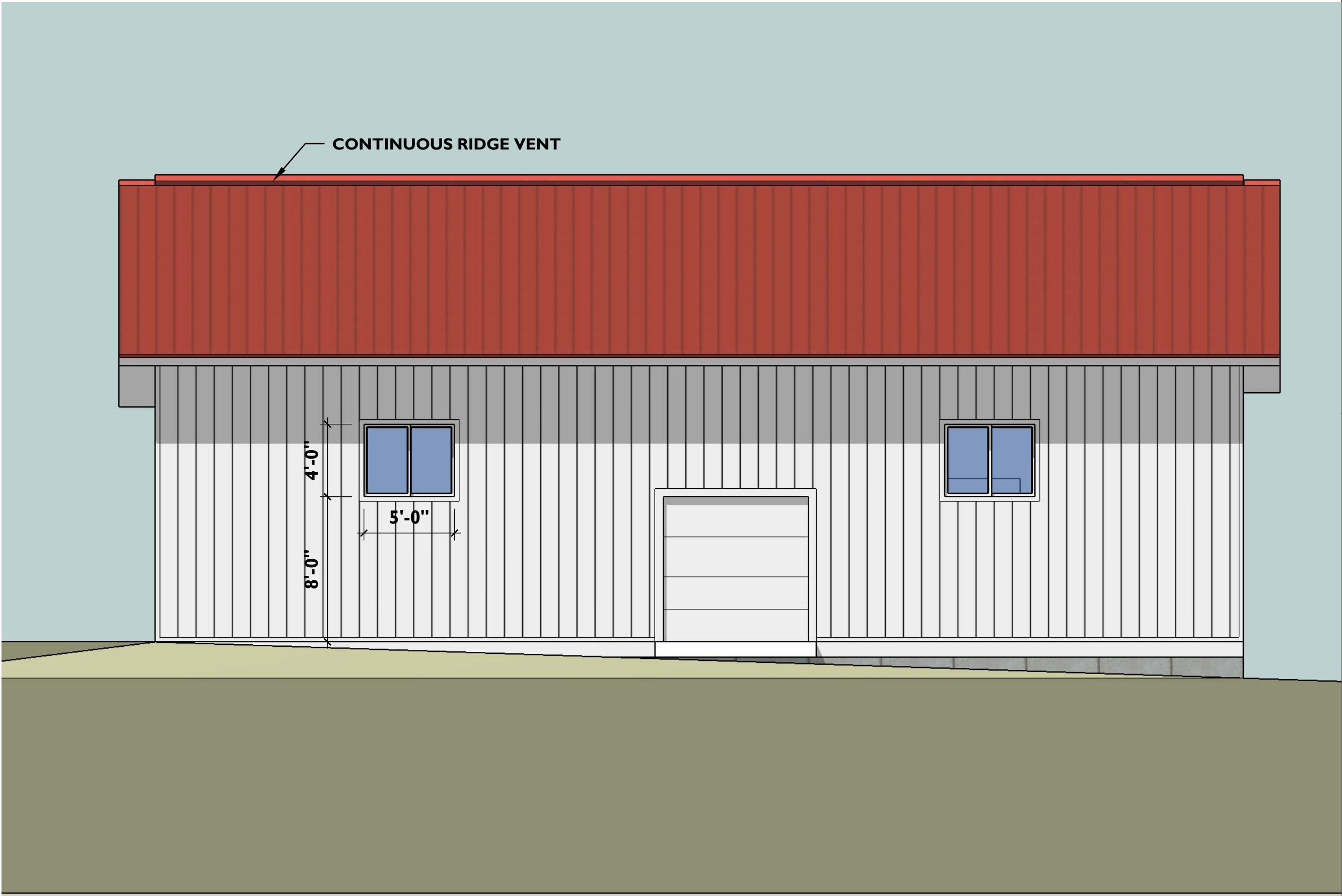
27 APRIL 2022
FLOOR PLANS

A1.0



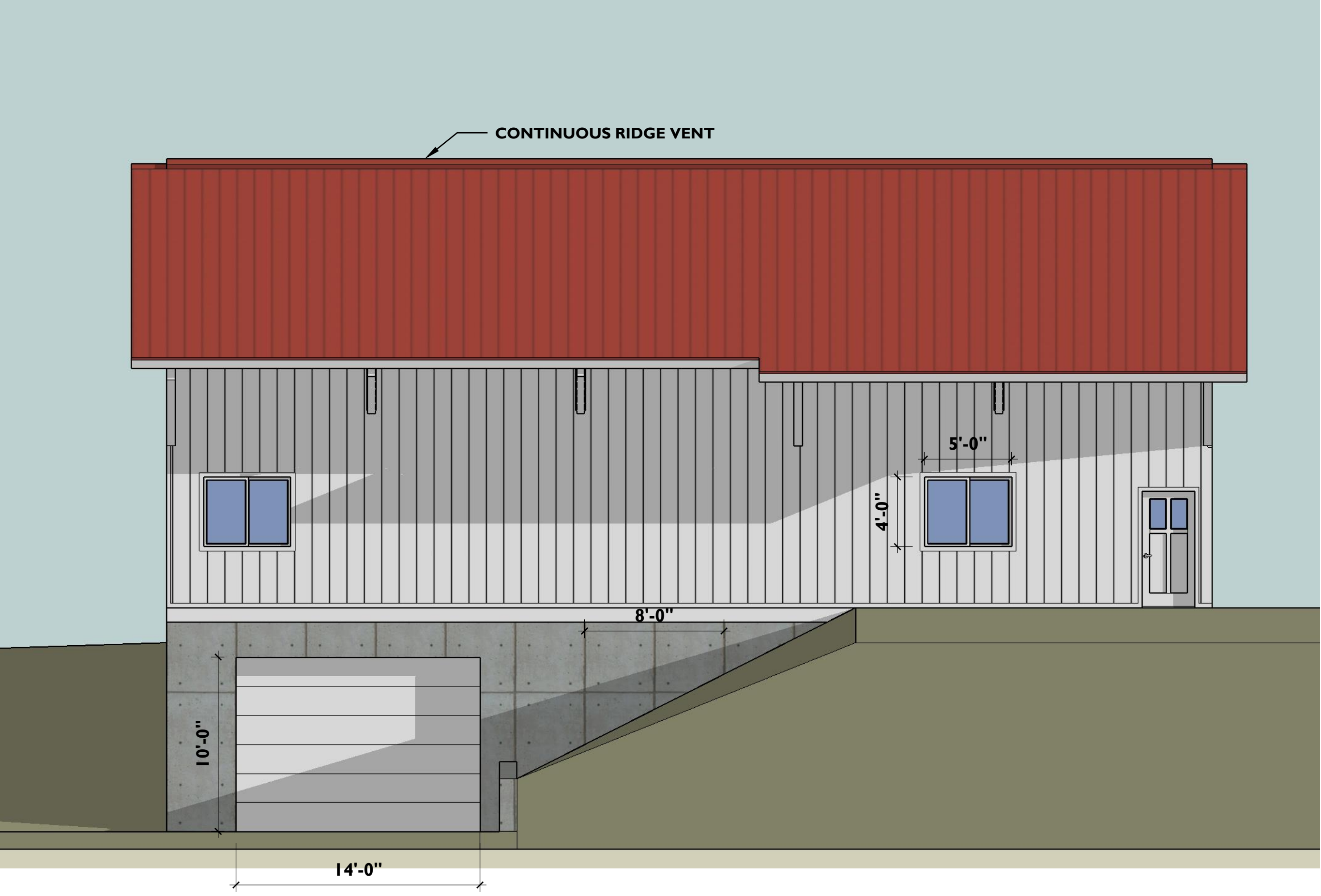
ELEVATION EAST

3/16" = 1'-0" 6



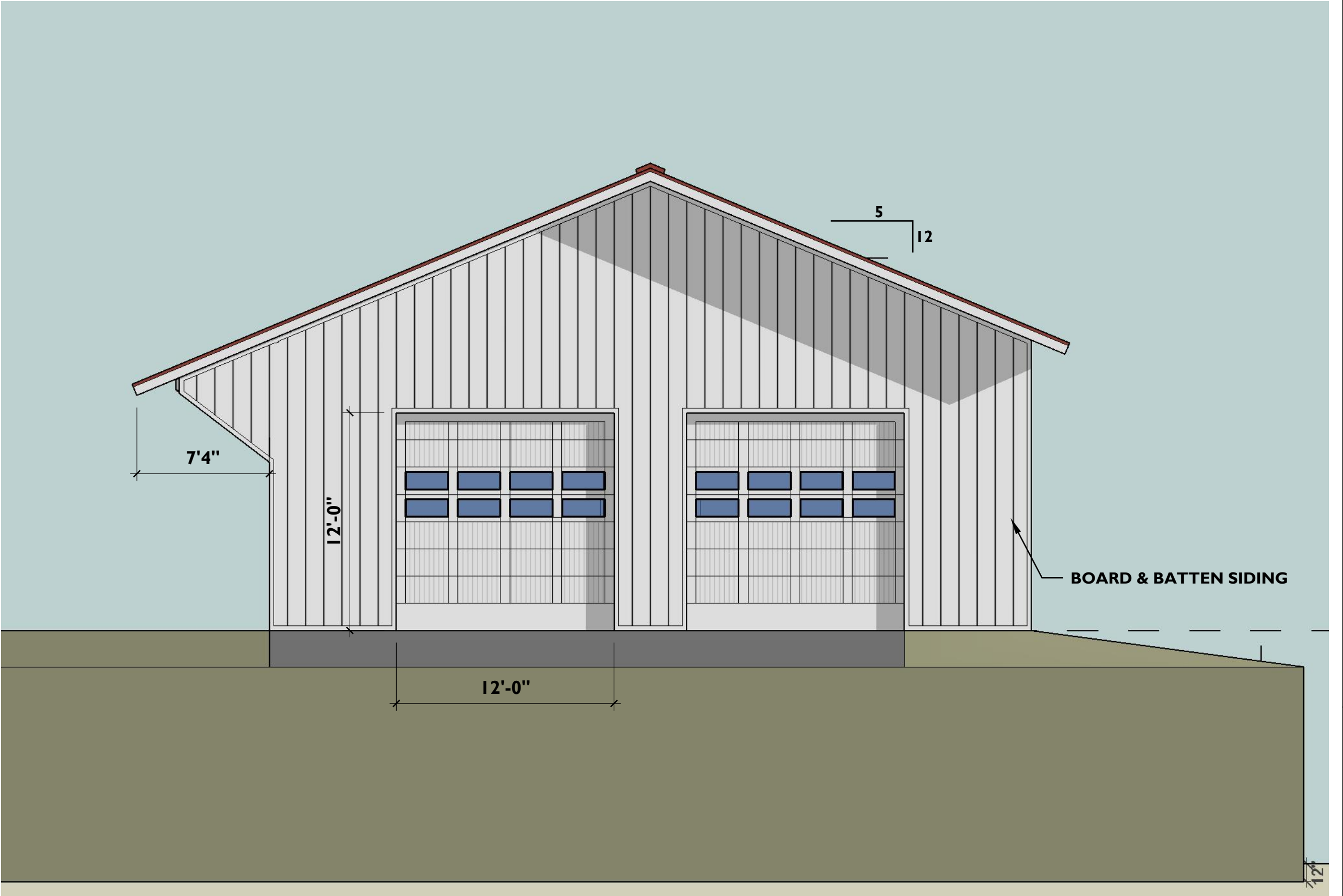
ELEVATION SOUTH

3/16" = 1'-0" 2



OFFICE LEVEL

3/16" = 1'-0" 5



MAIN LEVEL PLAN

3/16" = 1'-0" 1



gregg hackett architect

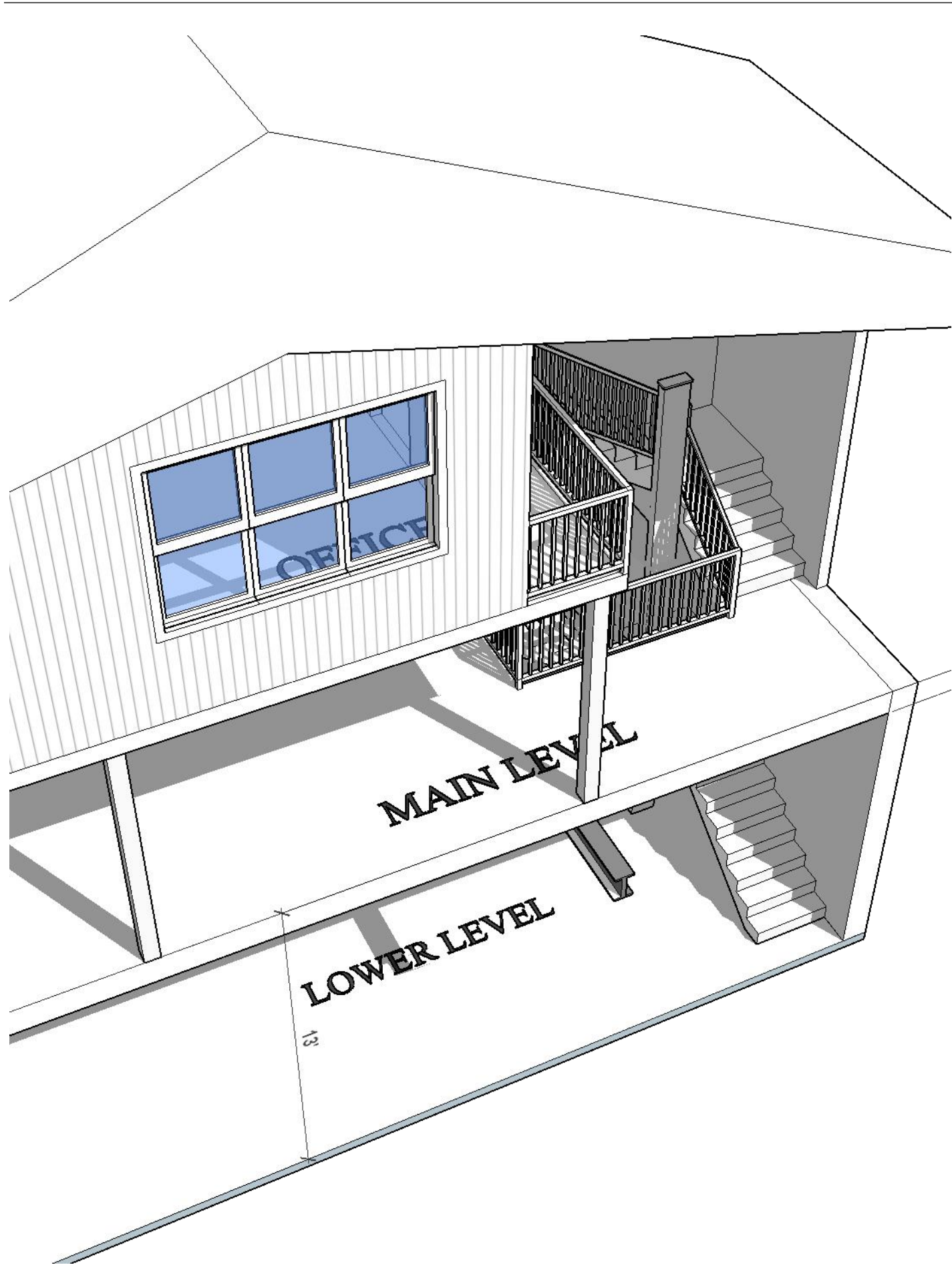
4342 abbott avenue south
minneapolis mn 55410

ZITZLOFF BARN
4224 SOUTH LAKE
SARAH DRIVE
INDEPENDENCE, MN
55359

27 APRIL 2022

ELEVATIONS

A2.0



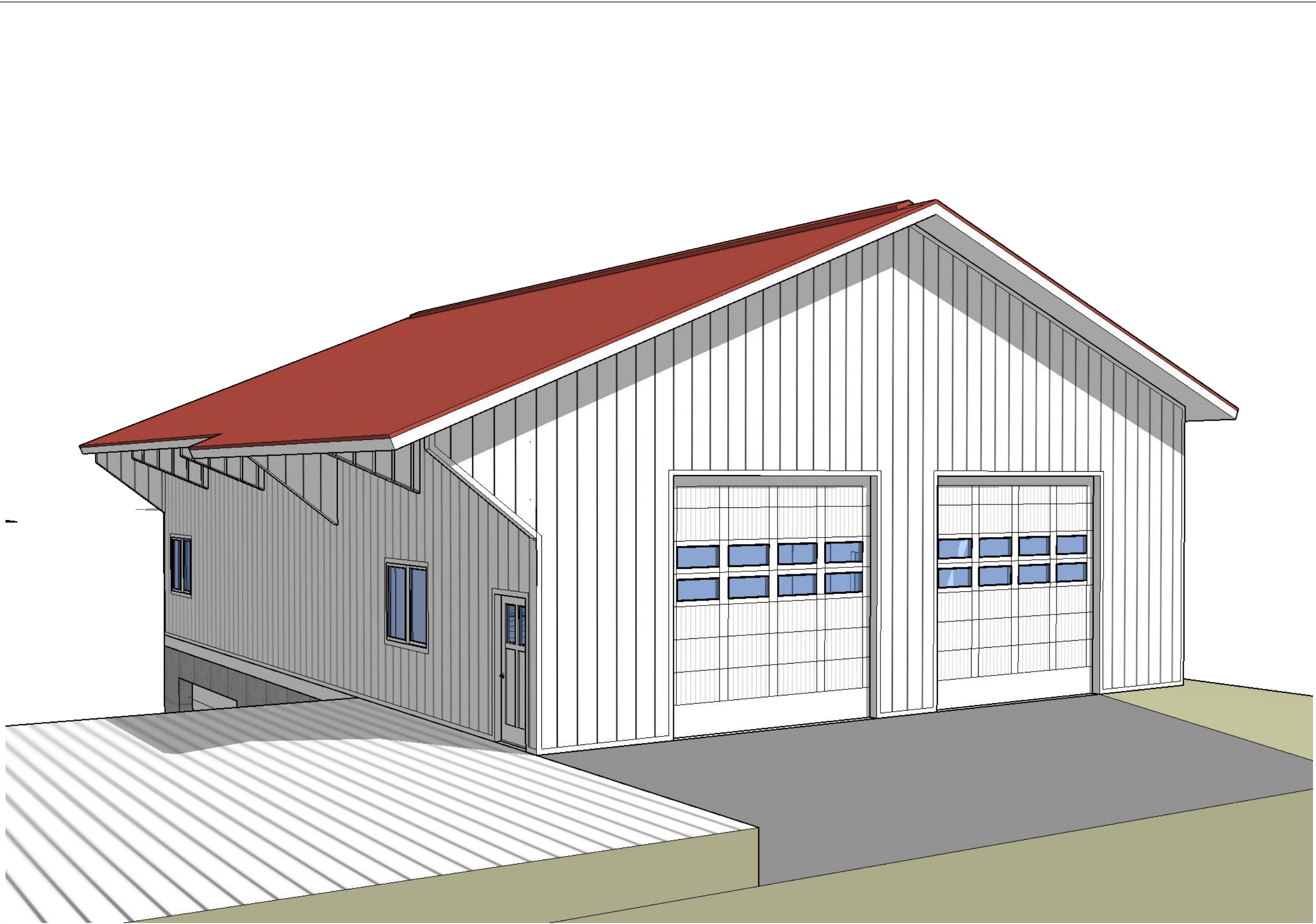
STAIR VIEW THREE

8



STAIR VIEW TWO

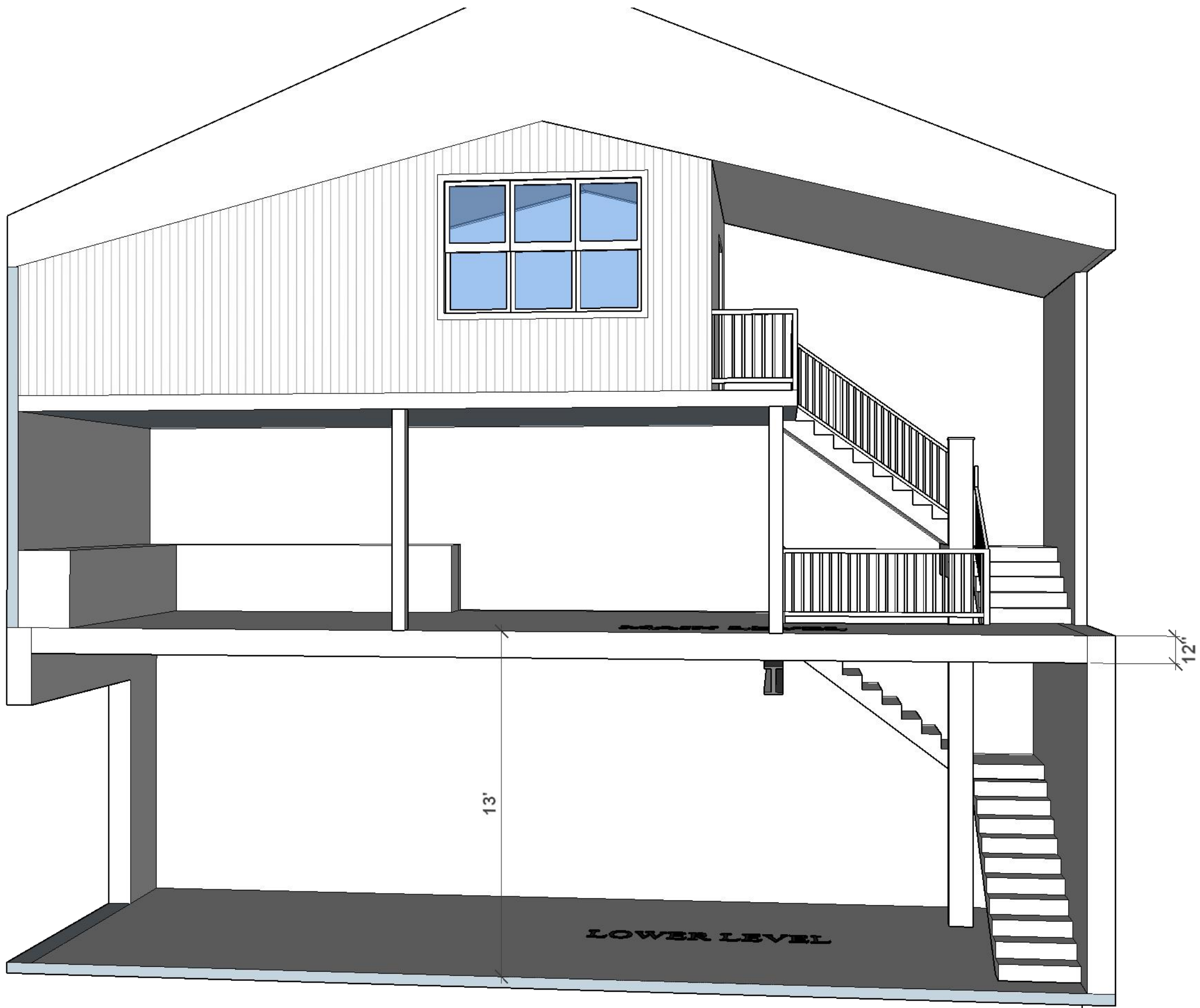
6



3D VIEW FROM THE NORTH WEST

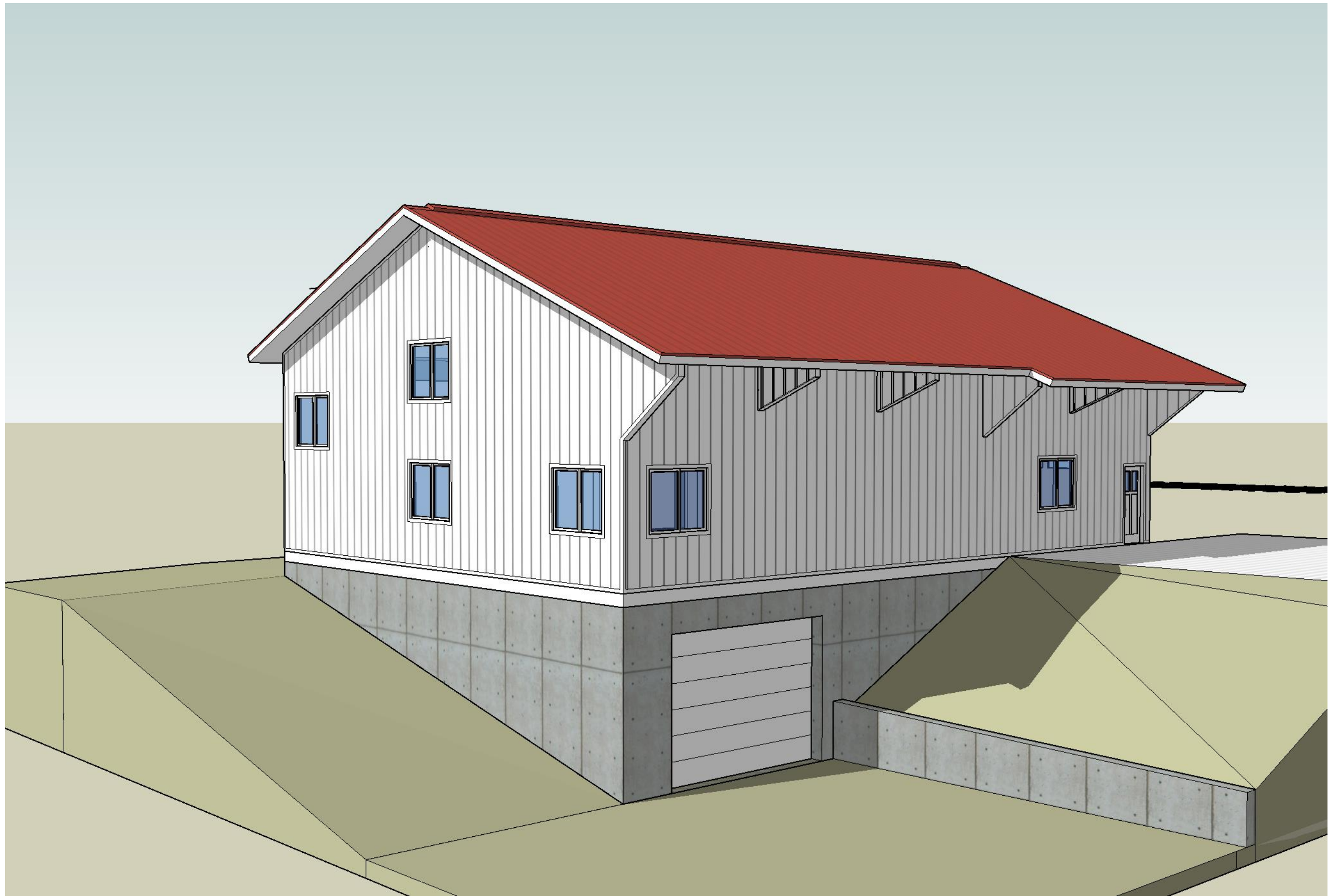
1/4" = 1'-0"

2



STAIR VIEW ONE

5



3D VIEW FROM THE NORTH EAST

1



gregg hackett architect

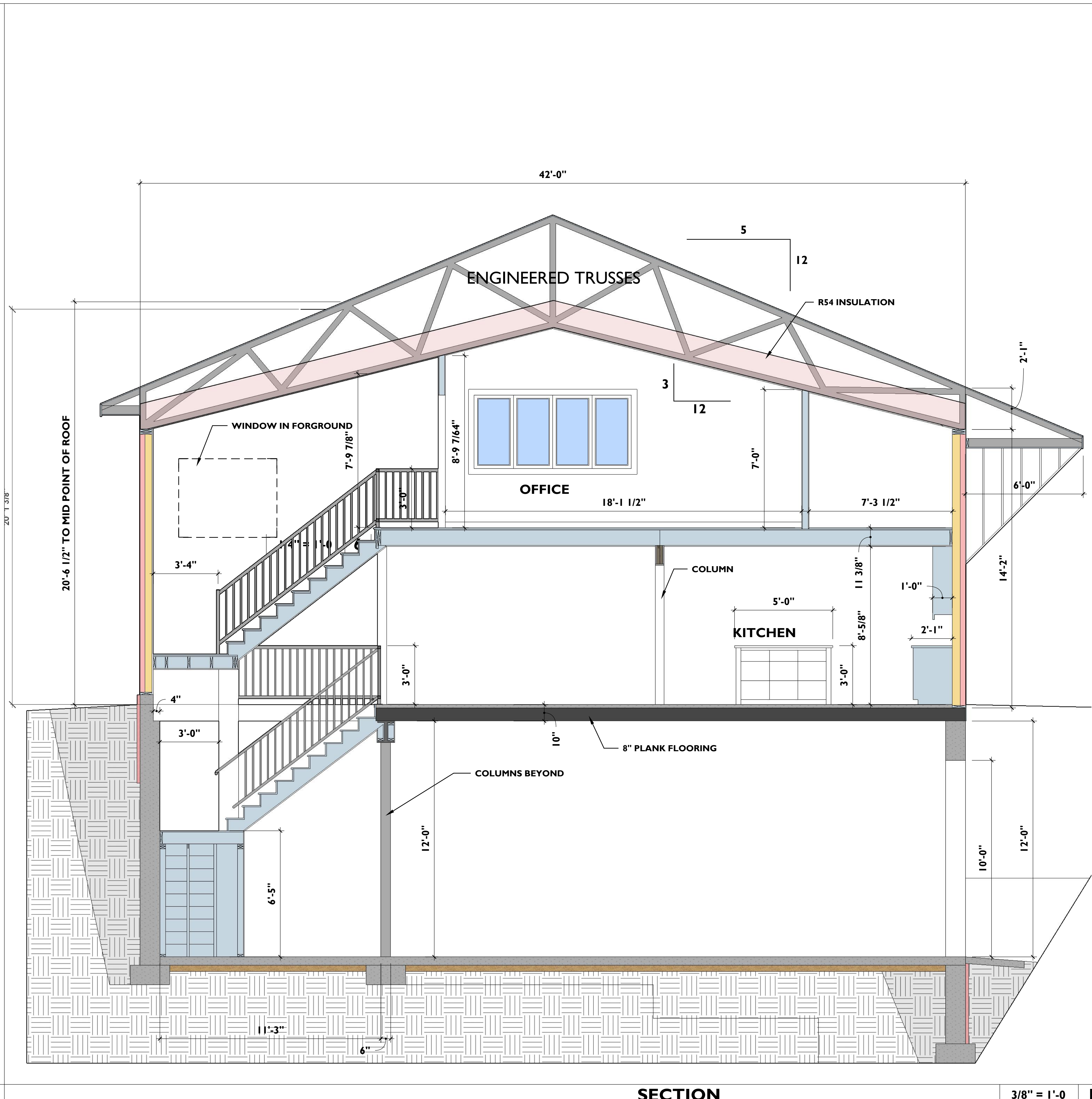
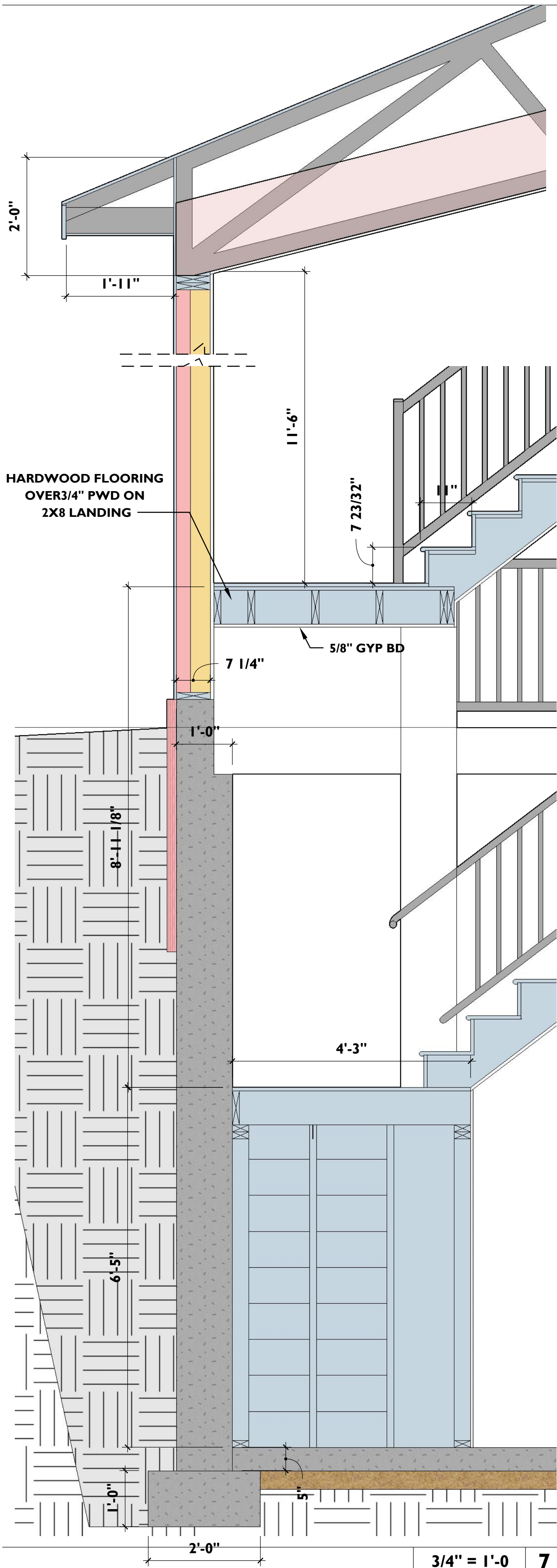
4342 abbott avenue south
minneapolis mn 55410

ZITZLOFF BARN
4224 SOUTH LAKE
SARAH DRIVE
INDEPENDENCE, MN
55359

27 APRIL 2022

3D VIEWS

A3.0



gregg hackett architect

4342 abbott avenue south
minneapolis mn 55410

ZITZLOFF BARN
4224 SOUTH LAKE
SARAH DRIVE
INDEPENDENCE, MN
55359

27 APRIL 2022
SECTION

A4.0

SECTION

3/8" = 1'-0"

1

City of Independence

Approval of Election Judges for the 2022 Primary and General Elections

To: City Council
From: Amber Simon
Meeting Date: July 5, 2022

Discussion:

The City Council is required to appoint election judges for the upcoming primary and general elections to be held in August and November 2022. Staff has prepared a list of election judges for consideration by the City Council. The following election judges can be considered for appointment by the City Council:

- Charlie Hayes
- Marilyn Hamilton
- Darcy Ciatti
- Lori McNamara
- Marvin Johnson
- Lynette Boyd Timpe
- Chris Lyrek
- Martha McCabe
- Damon Kocina
- Susan Ritts
- Chris Burr
- JP Story
- Julie Larson

Recommendation:

It is recommended that the City Council approve **Resolution No. 22-0705-02** appointing the listed election judges.



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0705-02

**RESOLUTION APPROVING ELECTION JUDGES
FOR THE 2022 PRIMARY AND GENERAL ELECTIONS**

WHEREAS, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the Council at least 25 days before the election; and

WHEREAS, the individuals names on Exhibit A, and on file in the office of the City Clerk have submitted an application to be election judges for the August 9, 2022 Primary and November 8, 2022 General Elections; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Independence that the individuals named on **Exhibit A** be approved as election judges for the August 9, 2022 Primary and November 8, 2022 General Elections.

BE IT FURTHER RESOLVED that the City Administrator is authorized to make any substitutions or additions as deemed necessary.

BE IT FURTHER RESOLVED that those election judges who attend training and/or serve on Election Day be paid a wage of \$12.00 per hour with no benefits.

This resolution was adopted by the City Council of the City of Independence on this 5th day of July, 2022, by a vote of _____ ayes and _____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Election Judges)

- Charlie Hayes
- Marilyn Hamilton
- Darcy Ciatti
- Lori McNamara
- Marvin Johnson
- Lynette Boyd Timpe
- Chris Lyrek
- Martha McCabe
- Damon Kocina
- Susan Ritts
- Chris Burr
- JP Story
- Julie Larson