



PLANNING COMMISSION MEETING AGENDA  
TUESDAY OCTOBER 15, 2024

**7:30 PM REGULAR MEETING**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. September 17, 2024, Planning Commission Meeting Minutes.
  - b. October 1, 2024, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING** - Tyler and Kaitlin Johnson (Applicant/Owner) are requesting the following actions for the property located at 4610 Lake Sarah Dr. S. (PID No. 02-118-24-21-0001) in the City of Independence, MN.
  - a. A variance to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size.
  - b. A variance from the front yard setback and OHWL to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size.
  - c. A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.
5. Open/Misc.
6. Adjourn.



PLANNING COMMISSION MEETING AGENDA  
TUESDAY SEPTEMBER 17, 2024

**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 Thompson at 7:30 PM.

2. Roll Call

Present: Gardner, Thompson, Dumas, Alternate Usset

Absent: Tearse, Volkenant, alternate Story

Staff: City Administrator Kaltsas, Assistant City Administrator Simon

Visitors: See sign in sheet

3. Approval of Minutes:

a. August 20, 2024, Planning Commission Meeting Minutes.

b. September 3, 2024, City Council Meeting Minutes (For Information Only).

**Motion by Usset, seconded by Dumas to accept the minutes as written.**

**Ayes:** Gardner, Dumas, Thompson and Usset.

**Nays:** None. Absent: Tearse, Volkenant, alternate Story

**Abstain:** None.

**Motion Approved. 4-0**

4. **PUBLIC HEARING** - Patrick Felton (Applicant) and Jim VanDeVen (Owner) are requesting the following action for the property located at 7645 Turner Road (PID No. 28-118-24-31-0002) in the City of Independence, MN.

a. A conditional use permit to allow an Accessory Dwelling Unit (ADU) to be attached to the principal home on the property.

***Property/Site Information:***

The property is located at 7645 Turner Road which is on the south side of Turner Road between just east of CSAH 92. The property has an existing single-family home and detached barn/riding arena.

Property Information: 7645 Turner Road

Zoning: *Ag-Agriculture*

Comprehensive Plan: *Ag- Agriculture*

Acreage: 40 acres

**Discussion:**

The applicant approached the City about the possibility of constructing an attached accessory dwelling unit (ADU) that would be connected to the existing home on the property.

The City considers ADU's as a conditional use in the AG-Agriculture zoning district. The applicant has prepared plans for the attached accessory dwelling unit (site plan and architectural plans). The City has adopted standards requiring the ADU to be proportional and subordinate to the principal structure. The proposed principal house and accessory dwelling unit have the following specifics:

**Principal Home:**

4,000+ SF 1<sup>st</sup> and 2<sup>nd</sup> Floors (33% \* 4,000 exceeds maximum allowable of 1,200 SF)

**Accessory Dwelling Unit:**

Allowed SF

1,200 SF allowed

Proposed SF

1,200 SF (Excludes attached garage/mechanical room and exterior porch)

Setbacks	Required	Proposed
Front Yard	85' from CL	300'+
Side Yard	30'	200' + (east side)
Rear Yard	40'	N/A

The proposed accessory dwelling unit is comprised 2 bedrooms, 2 baths, kitchen, family room, dining room, mud room, mechanical and attached garage. There is also an attached garage/mechanical room and shop that would not be included in the total SF calculation. In order for the City to consider a CUP for an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit and for an accessory dwelling unit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

*Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:*

*(a) Physically attached to or within a single-family dwelling unit or within a detached a accessory building that has a principal structure on the parcel; and*

**The applicant is proposing to construct an attached accessory dwelling.**

*(b) Subordinate in size to the single-family dwelling unit; and*

**The proposed accessory dwelling unit would be subordinate in size to the single family dwelling unit.**

*(c) Fully separated from the single-family dwelling unit by means of a wall or floor, with*

*or without a door; and*

**The proposed accessory dwelling unit would be fully separated by the attached garage separating the principal home and the proposed accessory structure.**

*(d) Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

**The proposed ADU has been designed to be architecturally similar to the proposed principal structure. Architecture and materials appear to be consistent with the existing home.**

*(e) 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; and*

**The principal structure has more than 4,000 square feet of above ground living space not including the walkout basement. 33% of 4,500 square feet allows an ADU up to the maximum of 1,200 square feet. The applicant has proposed a 1,200 SF detached accessory structure.**

*(f) Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

**The existing property is 40 acres in size and there are no limitations on total accessory structure SF.**

*(g) Has permanent provisions for cooking, living and sanitation; and*

**The applicant is proposing to construct permanent provisions for cooking; living and sanitation (see attached depiction).**

*(h) Has no more than 2 bedrooms; and*

**The applicant is proposing to have two (2) bedrooms within the proposed accessory dwelling unit.**

*(i) Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

**The owner of the property is proposing that the accessory dwelling unit will be occupied by a family member.**

*(j) Uses the existing on-site septic system or an approved holding tank; and*



**The proposed accessory structure will be connected to the existing septic system. The applicant will need to verify that the existing septic system be expanded to accommodate the additional bedrooms.**

*(k) Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and*

**The accessory structure does not impede the ability of the owner to subdivide the property in the future or utilize a secondary septic site.**

*(l) In compliance with the adopted building code relating to all aspects of the dwelling unit.*

**The applicant will be required to obtain a building permit for all proposed improvements.**

*a On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.*

*b The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.*

The applicant has discussed the proposed improvements to the property with the City. The applicant has submitted a site survey, floor plan and illustrations of the proposed ADU and principal structure. The accessory dwelling unit will need to meet all applicable building codes and building regulations.

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 proposes 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, water courses, 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.*

There are several items that should be noted by the City:

1. The subject property has an existing CUP for a caretaker apartment in the existing barn.

Ultimately the City will need to find that the criteria for granting a conditional use permit have been satisfied by the applicant. The proposed attached ADU appears to be designed to meet all applicable standards and is consistent with the existing structure.

***Neighbor Comments:***

The City has not received any written comments regarding the proposed conditional use permit to allow an accessory dwelling unit.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the requested Conditional Use Permit with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The Conditional Use Permit will be issued subject to the following items being completed:
  - a. The Conditional Use Permit will be subject to the applicant obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
  - b. The ADU can be no greater than 1,200 SF.
  - c. The ADU will be constructed in accordance with the approved plans.
  - d. The Applicant will need to provide the city with verification that the existing septic system can accommodate, or be expanded to accommodate, the proposed

ADU. The city will review information submitted and confirm the septic system status prior to issuance of any building permits.

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

Kaltsas – existing Single Family Dwelling as well as a barn riding arena, AG, AG, 40-acre section. ADU attached to existing home. City allows them as a CUP. Additional standard relating to ADU and standards relating to CUP. Is the ADU attached or detached – if property is greater than 2.5 acres it could be attached or detached. How it relates to existing home. Must be subordinate in size to existing. Allow up to 33% of above ground sq.ft. 4000 sq.ft. contained 1 & 2<sup>nd</sup> floor and take 33% of that. 1200 sq.ft. DU. Require ADU to be fully separated by a wall or floor, separating it on the opposite side of attached garage with own access point. Architecturally compatible. No limitation on total structure sq.ft. Cooking, living and sanitation. No more than 2 bedrooms. Limited to relatives, will be used by family member. ADU uses onsite septic. City will have to verify it can accommodate or be expanded. ADU does not impede the owner to subdivide. ADU would need to be in compliance to all building permits. We do not count mechanical, garages or storage areas in the sq.ft and covered patio since it is not fully enclosed. Would not have a detrimental effect on the surrounding properties (use and enjoyment). Geographic size of property and blending of ADU into existing, it meets criteria. There is an existing CUP for a caretaker apartment is on site in the barn.

PUBLIC HEARING OPENED  
CLOSED PUBLIC HEARING

Gardner – no controversy

Thompson – any violations with CUP existing?

Kaltsas – no, new owners. The old owners owned quite a bit more but then broke off a rural view lot. Kuntz Dr touches this property on the South corner.

Dumas – simplest thing we have seen in a while

**Motion by Thompson, seconded by Usset to approve** a conditional use permit to allow an Accessory Dwelling Unit (ADU) to be attached to the principal home on the property 7645 Turner Road (PID No. 28-118-24-31-0002) in the City of Independence, MN subject to notes 1-3. **Ayes:** Dumas, Gardner, Usset and Thompson **Nays:** None. **Absent:** Tearse, Volkenant **Abstain:** None. **Motion Approved.** 4-0

5. Open/Misc.

6. Adjourn.

**Motion to adjourn meeting at 7:50pm by Usset, seconded by Dumas. Ayes:** Dumas, Volkenant, Gardner and Usset. **Nays:** None. **Absent:** Thompson, Tearse **Abstain:** None.  
**Motion Approved. 4-0**



CITY COUNCIL MEETING MINUTES  
TUESDAY OCTOBER 1, 2024

**6:30 PM REGULAR MEETING**

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.

ABSENT: None

STAFF: City Administrator Mark Kaltsas and Administrative Services Director Amber Simon

VISITORS: Patrick Felton, Jim Van De Ven, Martha Van De Ven, Rob Sievers

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 September 17, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 23116-23128 and Batch #2; Checks Numbered 23129-23149).
- c. Approval of Election Judges for 2024 General Election.

Mayor Johnson requested approval of the Election Judges with the removal of Grotting and Spencer from the list since they are running in the Election.

**Motion by Betts, second by McCoy to approve the Consent Agenda. Ayes: Johnson, Spencer, Betts, McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED 5-0.**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

Discussion on public note letter about the museum added to agenda.

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

**Betts attended the following meetings:**

- None

**Spencer attended the following meetings:**

- PSCWSC management
- MP Fire
- LMCC Executive Committee

**Grotting attended the following meetings:**

- Planning

**McCoy attended the following meetings:**

- Annual Farm Bureau

**Mayor Johnson attended the following meetings:**

- Planning
- County Sheriff invite for 24<sup>th</sup> Annual Sheriffs Swearing in at Fort Snelling
- Sensible Land Use Coalition
- Metro Cities Policy Committee (Virtual)
- Senior Center in Delano
- Orono Alumni distinguished awards at Wayzata Country Club
- Senior Community Services
- MP Fire discussion
- Annual Farm Bureau
- Small Cities Conference for NLC (virtual)

**Kaltsas attended the following meetings:**

- Kaltsas – Nothing outside those mentioned.

7. Patrick Felton (Applicant) and Jim VanDeVen (Owner) are requesting the following action for the property located at 7645 Turner Road (PID No. 28-118-24-31-0002) in the City of Independence, MN.

- a. **RESOLUTION No. 24-1001-01:** Considering approval of a conditional use permit to allow an Accessory Dwelling Unit (ADU) to be attached to the principal home on the property.

Kaltsas – this was considered previously by PC. The property is zoned AG, guided as AG. It is 40 acres in overall size. The existing home is in the NE corner of the parcel and it has an indoor riding arena/barn on the property. The city considers an ADU a CUP. The applicant prepared plans and architectural elevations. The criteria is met for granting a CUP. The existing home allows for a maximum of 1,200 sqft of living space, not including mechanical spaces, garage or storage areas. All setbacks are met. There were no comments at the Public Hearing or after. The PC recommended approval. There is an existing CUP on the existing bard which is separate from this application.

**Motion by McCoy, second by Betts to approve RESOLUTION 24-1001-01 granting a CUP to allow an ADU to be attached to the principle home. Ayes: Johnson, Spencer, Betts, McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED 5-0.**

8. Metropolitan Council: Draft - Imagine 2050 Regional Development Plan (Base for 2050 Comprehensive Plans).

- a. High-level overview of the draft plan and what that means for Independence.

Kaltsas – MetCouncil has released the 2050 draft. This is done for every 10-years for the land use planning act. MetCouncil does a demographic analysis on what they anticipate for growth. Once they make a system statement, that initiates the cities to accommodate what MetCouncil is projecting. They put this out earlier this year and Kaltsas attended a public hearing. Their comment period goes for the next couple of weeks. Kaltsas is looking for thoughts and direction from the city. He would like to offer comments. The key pieces are transportation and how it is impacting our community. There isn't too much information relating to the Hwy 12 plans. The corridor needs to be updated and put more emphasis on that. The second is housing – what does that projection look like. MetCouncil made significant policy statements related to housing. The population at the end of 2023 was 3,916 and the housing units were 1,394. The 2040 comp plan for the city allowed for another 300 sewer homes by 2030. The 2050 draft from MetCouncil is showing a reduction from the approved 2040 comp plan. In 2040 the population would be 4,543 and in 2050 it would be 4,820. The households in 2040 would be 1,568 and in 2050 they would be 1,668. But in our 2040 comp plan we had a total of 1,694 by 2030 they are only projecting 1,668 by 2050. That's half of what we as a city are projecting. The city of Independence has never promoted growth, but we are trying to be realistic on how we thought we were going to grow based on the property owners that want to develop their properties. The projections they are trying to make is less than what we thought was going to occur. The policies that MetCouncil is proposing would increase the overall density requirements for cities across the region. This impacts Independence because it raises the standard 3 units per acre up to 4 units per acre. We have previously been able to balance the density such as some areas have a lower density development and other areas would have a higher density. This would no longer be the case with what they are proposing. Every development coming into the city would be required to show 4 units per acre in density. This goes against what the residents of Independence want as a community. It is unrealistic. At 4 units per acre, that would mandate multifamily housing. When you take out the roads, ponds and wetlands, that gets really small.

Johnson asked if someone had a 40 acre parcel, would you subtract the wetlands first from that calculation and then add in 4 units per acre.

Kaltsas said you would subtract the wetlands, parks, and ponds first. Local roads are not subtracted. If you had 40 acres and 10 of those acres were wetlands, parks, pond, then the remaining 30 acres would be subjected to 4 units per acre.

Grotting asked if that would just be in the rural residential areas.

Kaltsas said that would be just for sewer residential properties.

Grotting asked if the airport property was 2.7 in density.

Kaltsas said it was and he got it to 2.7 because he was able to offset the density on the West side of the airport strip. He said now the city will have to think about how to meet 4 units per acre and they can no longer offset the density elsewhere.

Betts asked what benefits the city has received from MetCouncil.

Kaltsas said we haven't received benefits. We haven't received their sewer yet, no transportation. They have some control over our park funding.

Betts said that when MetCouncil came into being, the city was told they would get funding from them if there was some sort of catastrophe. She asked if there was funding from the tornado.

Kaltsas said maybe FEMA.

Betts asked what would happen if the city withdrew from MetCouncil.

Kaltsas said we can't withdraw. It governs the 7-county metro. Lake Elmo and Minnetrista tried but were unsuccessful.

Betts said they aren't elected officials.

Kaltsas said he heard them say that are going to allocate resources and funding to cities that want to play ball with them and follow the rules of their density requirements. They will have preferential treatment to sewer, parks, water and roads.

Johnson said that is discrimination.

Grotting said its contrary to the whole idea of us not being able to do anything otherwise.

Kaltsas said they want their metrics and density calculations met. Communities don't start with high density development. They start with low density and build their way up as they are able to bring more things into the city. Multifamily units require grocery, doctors, retail, and so on. You have to start smaller and build those things before bringing multifamily units in with no resources.

Betts asked how are they going to get some of the properties if people don't want to sell.

Kaltsas said people will always want to sell. This takes away the local control and what residents want in their communities.

Betts asked if they take into consideration the AG land.

Kaltsas said AG land preservation is limited. They think its obtainable but not really sustainable in the future.

McCoy said MetCouncil is taking away the zoning and planning that communities do.

Johnson said they are acting like one size fits all.

Kaltsas said MetCouncil wants more oversight. They have been denying sewer extension permits because they are doing plat review without the authority to do plat review. They want to do plat review on everything.

McCoy asked if we should push back on losing control.

Kaltsas said there's this weird conversion of the builder's association and the public housing group where the two of them aligned and both of them are pushing in the same direction from different sides to take away local control. They think it will equate to more housing units.

Johnson said he thinks it would be great if Kaltsas could jot down the key points and the council can officially make a motion on and say this is what we don't like. The idea of MetCouncil telling us to play with them for favoritism blows my mind. They should be doing more equalization on all cities the same but they use it for different things. He asked if sewer expansion was talked about.

Kaltsas said the sewer allocation is an underlying control. Communities that are agreeing to this will get more sewer. Independence hasn't pushed for growth but historically just looked at each property owner's plans individually and where there are roads and sewer that can accommodate those plans. Adding 240 units over the next 25 years is not that significant. This plan would take away local controls and they have modified the approach.



Johnson said that he assumes MetCouncil wouldn't look at the growth from the West in Delano under their transportation plans, but all those people are coming through Independence and that won't help us.

Kaltsas said there isn't a lot of thought to that.

Grotting recommended the properties along County Line where there is no water or sewer for their higher density areas.

Kaltsas said they don't acknowledge that because it's not on theirs. Delano wouldn't give water or sewer either. Cities like Corcoran, Minnetrista and Medina are all like us and have the same concerns. Do communities want to give up authority?

Johnson asked when Kaltsas needs the comments by.

Kaltsas said October 7<sup>th</sup>. We can put together a letter with comments for the next meeting.

#### 9. Open/Misc.

Spencer brought up an open letter that was received on Facebook from a neighbor living on Wood Hill that has been there for 20-25 years. He is interested in some efforts to save the city hall. Spencer said he talked to staff, and understands it has mold problems. He said he is unsure what the resident's plans are but the resident would like to confirm specifics and hopes that the community can fundraise to save the building. It might be interesting to set up a time to go into the building with masks and look for ourselves. We can see what's left in there and see what we should or shouldn't do. Before we have an official response to this, maybe we look at it together.

Betts said maybe bring a mold specialist.

Spencer said we should see if we can salvage it. Next week sometime maybe.

McCoy also mentioned that there is a strip along County Road 90 that has not been maintained since they redid the roundabout. He asked if Public Works can go out there and maintain it. It looks awful.

#### 10. Adjourn

**Motion by Spencer, second by McCoy to adjourn at 7:30pm. Ayes: Johnson, Spencer, Betts, McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED 5-0**

Respectfully Submitted,  
Amber Simon/Recording Secretary

## City of Independence

### ***Request for Variance and Minor Subdivision for the Property Located at 4610 Lake Sarah Drive S.***

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To:	Planning Commission
From:	Mark Kaltsas, City Planner
Meeting Date:	October 15, 2024
Applicant:	Tyler & Katie Johnson
Owner:	Tyler & Katie Johnson
Location:	4610 Lake Sarah Drive S

**Request:**

Tyler and Kaitlin Johnson (Applicant/Owner) are requesting the following actions for the property located at 4610 Lake Sarah Dr. S. (PID No. 02-118-24-21-0001) in the City of Independence, MN.

- a. A variance to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size.
- b. A variance from the front yard setback and OHWL to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size.
- c. A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.

***Property/Site Information:***

The subject property is located at 4610 Lake Sarah Drive S. The property is located along the west shoreline of Lake Sarah. There is an existing home and detached garage located on the property.

**Property Information: 4610 Lake Sarah Drive S**

***Zoning: Rural Residential (Shoreland Overlay)***

***Comprehensive Plan: Rural Residential***

***Acreage (North Parcel Proposed): 0.55 acres (24,044 square feet)***

***Acreage (South Parcel): 1.06 acres (46,436 square feet)***

***Impervious Surface (North Parcel Proposed): 22.81%***

4610 Lake Sarah Drive S (blue outline)



**Discussion:**

The applicant approached the City about the possibility of subdividing their existing property into two lots and constructing a new home on the new (north parcel). The existing property has an existing home with detached garage that is accessed via Lake Sarah Drive S. The property also touches the end of the cul-de-sac on Shady Beach Circle with  $\pm 50$  LF of frontage. The city

has had several different property owners of this property inquire about a similar subdivision over the past 7-10 years.

The applicant is proposing to construct a new home on the proposed north parcel and sell the south parcel. The applicant has prepared a site plan and conceptual house plans for the proposed home and associated site improvements. The proposed home would be a two-story structure at grade.

There are two different types of variances required for the proposed lot to be considered. The first variance requested relates to the minimum lot size for properties in the S-Shoreland Overlay zoning district. The second variance(s) would allow reductions from applicable building setbacks to support the proposed home on the property.

Minimum Lot Size Variance:

The minimum lot size in the S-Shoreland Overlay District for sewered lots is one (1) acre. The existing property is 1.62 acres. In order to subdivide the property into two conforming lots, the minimum acreage would need to be two (2) acres. The applicant is asking the city to consider a .45-acre variance to allow the north parcel to be .55 acres in total size. Should the variance to allow a reduction in minimum lot size be considered, the city could grant the requested minor subdivision.

Building Setback Variance(s):

Setbacks for properties located in the shoreland ordinance are as follows:

**Subd. 2. Lot standards.**

	<b>Unsewered Areas</b>			<b>Sewered Areas</b>		
	NE Waters	RD Waters	Tributary Streams	NE Waters	RD Waters	Tributary Streams
Lot Area	2.5 acres	2.5 acres	2.5 acres	1.0 acre	1.0 acre	1.0 acre
Water frontage and lot width at building line	200 ft	200 ft	200 ft	125 ft	100 ft	100 ft
Structure setback from ordinary high water mark	150 ft	100 ft	100 ft	150 ft	100 ft	100 ft
Structure setback from roads and highways	85 ft from centerline or 50 ft. from right-of-way, whichever is greater					
Structure height limitation	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Maximum lot area covered by impervious surface	25%	25%	25%	25%	25%	25%
Sewage system setback from ordinary high water mark	150 ft	75 ft (RR) 150 ft (AG)	75 ft (RR) 150 ft (AG)	125 ft	75 ft	75 ft



The proposed home would have following setbacks:

<u>Required:</u>	<u>Proposed:</u>
Lake (OHWL): 100'	<b>60' (40' variance)</b>
Side: 30'	<b>30' (west side), 30' (south side)</b>
Street: 85' from centerline, 50' from PL*	<b>85' to centerline of street/ 25' to property line (25' variance)</b>

\*whichever is greater – setback from property line would be greater

In addition to the setback requirements, properties located in the shoreland overlay district can have a maximum impervious surface coverage of 25%. The proposed house and impervious site improvements have a total impervious coverage area of 22.81% (see survey for detailed breakdown).

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:

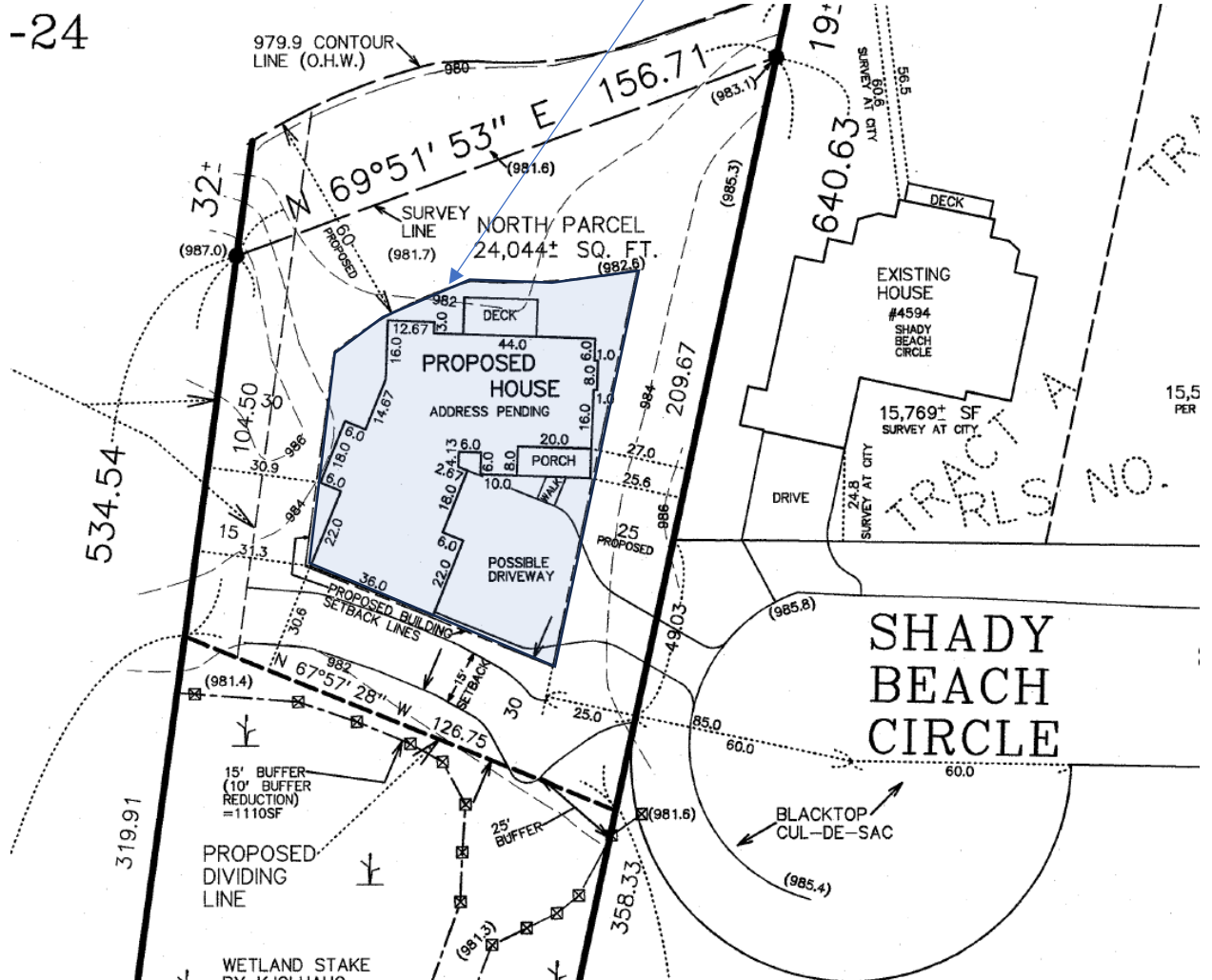
- a. The subject property is somewhat unique in that it has frontage on two public roads. The proposed subdivision would create a property that is similar to adjacent properties to the east. The applicant is proposing to develop a single-family home on the property and that is consistent with the Rural Residential/Shoreland Overlay zoning districts.
- b. The surrounding properties do not comply with applicable setbacks. This area of the City contains an array of properties that do not conform to applicable setbacks and are considered sub-standard lots of record.
- c. The character of the surrounding area is residential. The proposed single-family home is in keeping with the City's comprehensive plan.

The Planning Commission will need to determine if the requested variances meet the requirements for granting a variance and then if the minor subdivision meets applicable criteria. Several additional considerations that could be considered are as follows:

1. The proposed lot is similar in size and character to the lots located on Shady Beach Circle. Most of the existing lakeshore lots on Shady Beach Circle are approximately .5 acres in size.
2. The proposed property would be connected to the city's sanitary sewer system via a connection to the sewer in Shady Beach Circle.
3. Setbacks to the side yard, street and lakeshore vary considerably on the surrounding properties and within a high percentage of lakeshore properties in the city.
4. There is a wetland located on the property that has been delineated. The applicant is seeking relief from the requisite wetland buffer (by increasing the buffer on the south side of the wetland) which will need to be further reviewed if the application is moved forward.
5. The applicant is proposing to provide a 15' lake access easement for dock use for the south parcel once subdivided. This would be a private easement but would create an additional dock and access for the non-lakeshore property. It appears that the easement would need to extend along the south boundary of the north parcel as well.
6. The south parcel would meet minimum lot size standards for S-Shoreland zoned properties. Note that the existing home on the subject property does not meet applicable building setbacks and is considered legal non-conforming.

PROPOSED HOME ON PROPOSED NORTH PARCEL

Proposed Building Area Based on  
Variances from the Lake (OHWL) and  
Front Yard Setbacks



***Neighbor Comments:***

The City has received one phone call relating to the request at the time this report was prepared.

***Recommendation:***

Staff is seeking a recommendation from the Planning Commission for the requested Minor Subdivision and Variances. Should the Planning Commission Recommend approval, the following findings and conditions should be considered:

1. The proposed Subdivision and 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 satisfied by the applicant. Specifically, the City finds the following:
  - a. Residential use of the property is consistent with the RR-Rural Residential District. The applicant is seeking a variance to allow a single-family home on the property.
  - b. The location of the proposed home is generally in the location of the existing home and adjacent properties.
  - c. The character of the surrounding area is residential. The proposed new home is in keeping and consistent with the surrounding uses found in this neighborhood.
3. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
4. The variance will permit a 40-foot reduction to the lake setback (60' instead of 100') and a 25-foot reduction of the street setback (25' instead of 50') to allow the proposed new home to be constructed on the property. Any modification change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
5. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
6. The applicant shall pay for all costs associated with the City's review of the requested variance and minor subdivision.



7. 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.
8. The variance approval will be valid for one year from the date of City Council approval. Construction of the new home will be required to commence prior to expiration of the variance.
9. The City Council Resolution shall be recorded with the County.

***Attachments:***

1. Application
2. Site Survey – Existing and Proposed Conditions
3. Proposed Building Elevations

*View looking west from end of Shady Beach Cir. Cul-de-sac*





**CITY OF  
INDEPENDENCE  
MINNESOTA**

Date Submitted: 09-05-2024

**Applicant Information**

Name: Tyler & Katie Johnson

Address: 4610 S Lake Sarah Drive  
Independence, Minnesota  
55359

Primary Phone: 8479179643

Secondary Phone: 3202091660

Email: kfapka@gmail.com

**Owner Information**

Name: Tyler & Katie Johnson

Address: 4610 S Lake Sarah Drive  
Independence, Minnesota  
55359

Primary Phone: 8479179643

Secondary Phone: 3202091660

Email: kfapka@gmail.com

Property Address:

PID:

Planning Application Type: Subdivision, Variance

Subdivision Type: Minor Subdivision (3 lots or less)

Description:

Supporting Documents: Site Survey (Proposed Conditions)

Signature:

We are the Johnsons! Tyler, Katie, Bennett (3) and Ellie (4 months). We moved to 4610 S Lake Sarah Drive in October 2019 and each year continue to fall more and more in love with our special neighborhood and beautiful lake. Tyler is a local physician assistant at Ridgeview Clinics in Delano and Waconia and has been a committed LSIA board member as Membership Chair for ~1 year (hopes for more!). Katie works from home as a full time Advertising Sales Executive at AdTheorent and is passionate about her family.

#### **Our Vision:**

- Subdividing the property at the natural barrier of the wetland.
- Proposing a property in a manner consistent with the Rural Residential District.
  - o Meeting 25% impervious surface city requirements (~22%)
  - o Requesting 60 ft setback from the lake, which is consistent with neighboring properties along Shady Beach Circle.
    - *The natural wetlands impact the ability for standard lake set back.*
    - If the 100ft setback is applied, there would be very little depth remaining to build a house (~30 ft), which would be inconsistent with surrounding lots.
  - o Proposed home would be connected to city sewer.
- Building a home off of the Shady Beach Circle cul-du-sac, that fits with the aesthetic of the neighborhood.
- Living full time at the prospective new home closest to the lake, off of Shady Beach Circle.

#### **Why are we proposing this project?**

- The property directly abuts public road access and has a natural property separation via wetlands.
- Live closer to the lake to enjoy its fruitful amenities and live on the very special Shady Beach Circle.
- With two little kids, walking down the steep hill from our home to the lake, has its safety challenges.
- The high water levels this year (2024), have made it challenging to use the passage between the two ponds on our property; resulting in needing to drive around to Shady Beach Circle, to access the lake through the cul du sac.

#### **Requested variances:**

- Subdivision variance:
  - o Our proposed subdivision property line, is clean, utilizing the two ponds as a distinctive natural barrier between the two prospective lots.
  - o Land closest to the lake is flat, no trees, wide empty space.
- Minor Subdivision:
  - o Other lakefront homes on Shady Beach Circle are on less than 1 acre.
  - o Our proposed variance is consistent with neighboring properties along Shady Beach Circle.
- Setback variance:
  - o We are proposing to construct a home on the new property with a 60% provision.
    - The lot in its *current* condition would be able to take advantage of the 60% setback, as the lot has existed before December 31<sup>st</sup>, 1982.
  - o We are requesting a lake setback of 60ft that will be consistent with the neighboring lake properties along Shady Beach Circle.

City has approved variances for substandard lake lots as recently as 2022 (4944 South Lake Shore Drive on Lake Independence). We believe that our property is a unique candidate for similar consideration.

Thank you for your consideration, Katie & Tyler Johnson



LEGAL DESCRIPTION OF PREMISES : (per Certificate of Title No. 1019980)

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

• : denotes iron marker found

(908.3) : denotes existing spot elevation, mean sea level datum

—917— : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of two existing buildings, spot elevations, topography, retaining walls, edge of wetlands, as delineated by Kjolhaug Environmental Services Company, and the proposed location of a proposed dividing line, house and driveway thereon. It does not purport to show any other improvements or encroachments.

PROPOSED LEGAL DESCRIPTIONS :

NORTH PARCEL

That part of the following described property:

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

which lies northerly of a line drawn from a point on the westerly line of the above described property distant 430.04 feet northerly, as measured along said westerly line, from the southwest corner of said above described property to a point on the easterly line of said above described property distant 430.96 feet northerly, as measured along said easterly line, from the southeast corner of said above described property.

SOUTH PARCEL

That part of the following described property:

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

which lies southerly of a line drawn from a point on the westerly line of the above described property distant 430.04 feet northerly, as measured along said westerly line, from the southwest corner of said above described property to a point on the easterly line of said above described property distant 430.96 feet northerly, as measured along said easterly line, from the southeast corner of said above described property.

NORTH PARCEL PROPOSED HARDCOVER :

Lot area = 24,044 Sq. ft.

House = 3366 sf

Porch = 160 sf

Deck = 200 sf

Walk = 37 sf

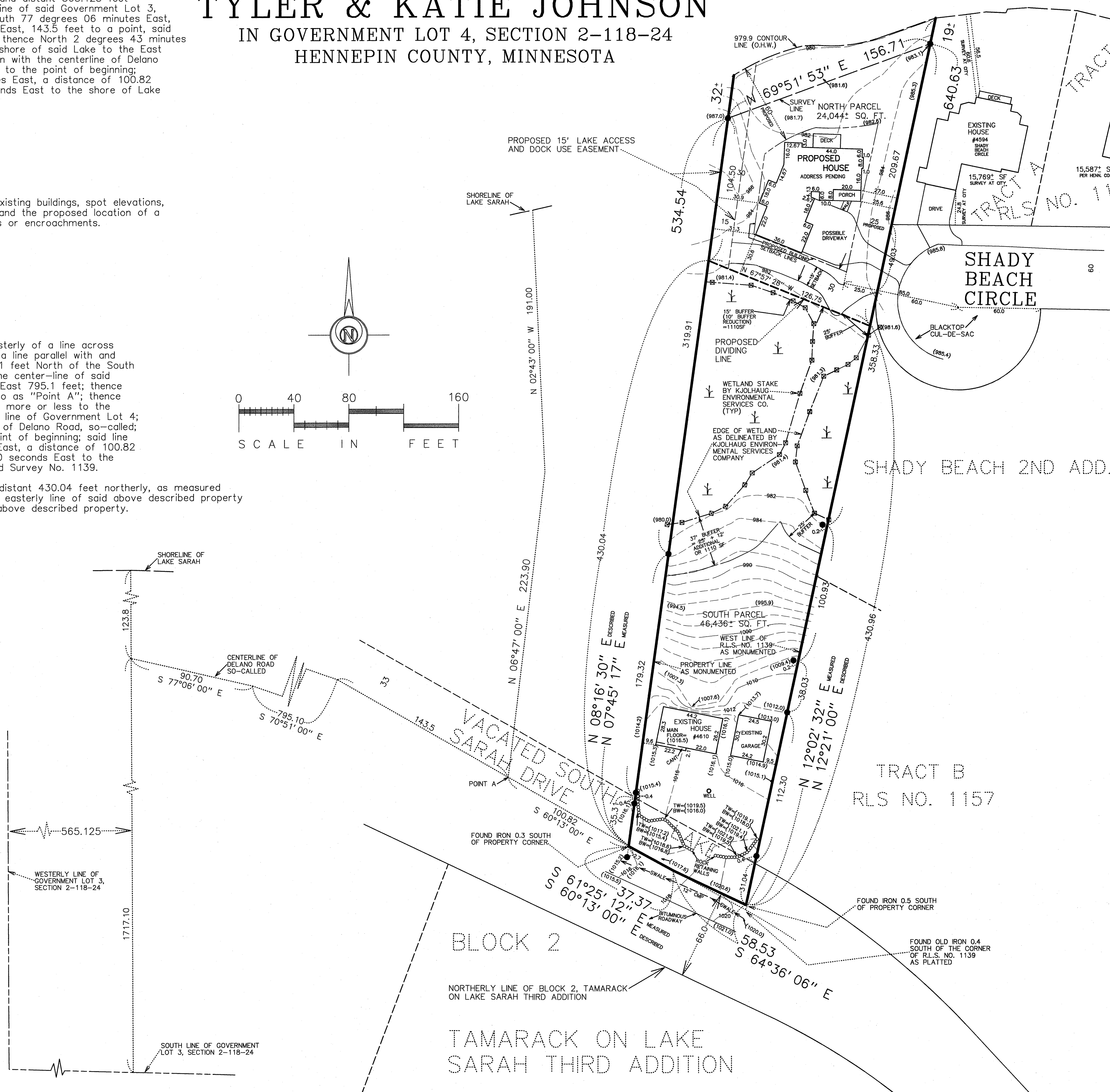
Driveway = 1722 sf

Total = 5485 Sq. ft.

5485 / 24,044 x 100 = 22.81%

PROPOSED LOT DIVISION AND  
CERTIFICATE OF SURVEY FOR  
TYLER & KATIE JOHNSON  
IN GOVERNMENT LOT 4, SECTION 2-118-24  
HENNEPIN COUNTY, MINNESOTA

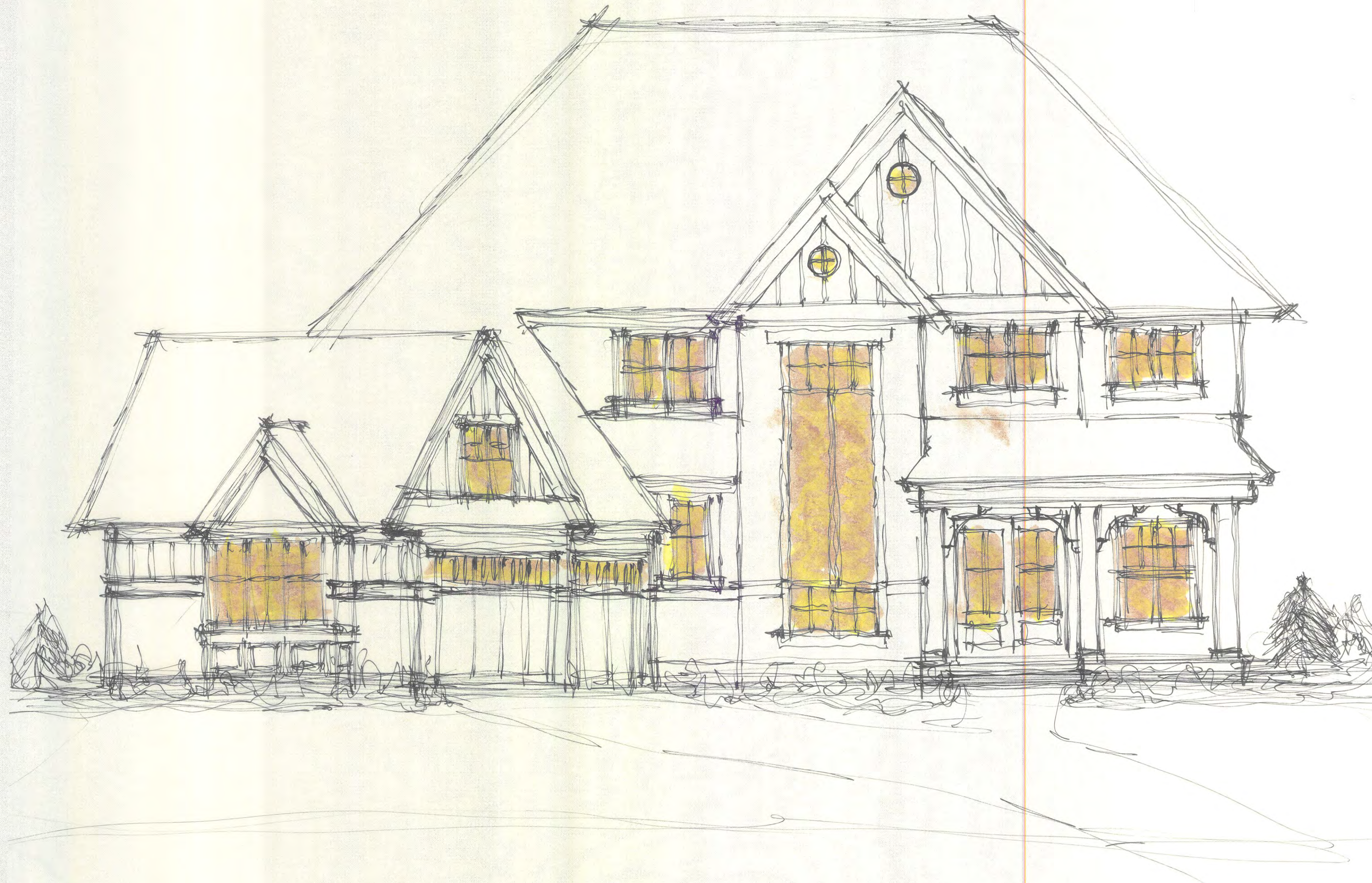
LAKE  
SARAH



DATE		REMARKS
2-24-19	REVISED PROPOSED LOT LINE, LAKE ACCESS & DOCK USE EASEMENT	
3-20-23	PROPOSED HOUSE SHOWN ON LAKE LOT	
8-8-24	ADDITIONAL INFORMATION	
PROJECT		GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141
I hereby certify that this plan, specification, or report 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.		Mark S. Gronberg Minnesota License Number 12765



# Concept for the Johnson Family New Home



www.  
Mura



# Concept for the Johnson Family New Home

