



PLANNING COMMISSION MEETING AGENDA  
TUESDAY AUGUST 20, 2024

**7:30 PM REGULAR MEETING**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. July 16, 2024, Planning Commission Meeting Minutes.
  - b. July 30, 2024, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING (Continued)** – Robert Berens (Applicant) and Andrea Berens (Owner) are requesting the following action for the property located at 5845 Lake Sarah Heights Drive (PID No. 02-118-24-12-0012) in the City of Independence, MN.
  - a. A variance permitting a reduction of the front yard and side yard setback to allow the construction of a car port and future garage in front of the existing house.
5. **PUBLIC HEARING** – Ethan Kindseth (Applicant) and Chris Dahlberg (Owner) are requesting the following action for the property located at 3010 Lindgren Lane (PID No. 13-118-24-21-0002) in the City of Independence, MN.
  - a. A variance to allow the reconstruction of the existing home (legal non-conforming) on the same foundation with expansion of the height, roof, and enclosed spaces associated with modifications to the roof.
6. Open/Misc.
7. Adjourn.



PLANNING COMMISSION MEETING MINUTES  
TUESDAY JULY 16, 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 Gardner at 7:30 p.m.

2. Roll Call

Present: Thompson, Gardner, Tearse, Volkenant

Absent: Dumas

Alternates: Story, Usset

Staff: City Administrator Kaltsas, Simon

Visitors: (See Sign in sheet)

3. Approval of Minutes:

- a. May 21, 2024, Planning Commission Meeting Minutes.
- b. June 18, 2024, City Council Meeting Minutes (For Information Only).

**Motion by Story, seconded by Volkenant to accept the minutes as written.**

**Ayes: Gardner, Thompson, Tearse, Story, and Usset. Nays: None. Absent: Dumas. Abstain: None.**

**Motion Approved. 5-0**

4. **PUBLIC HEARING (Continued)** – Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.

- a. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Kaltsas – continuation to CUP – add outdoor riding arena to the CUP. Zoned AG, guided AG by

comp plan, 23 acres in overall size. Planning Commission reviewed this at an earlier meeting, request was tabled so applicant can continue making revisions to app to better mitigate and potential impact from the riding arena. Installed without proper grading permit and CUP amendment that was needed because it's a commercial stable. Talked about alternate locations on the property. Applicant put together a proposal to move the arena slightly further to the West. 200ft in length and applicant is adjusting it by shifting to the East but maintaining the general local of where that is. Owner submitted a new drainage plan was submitted. Alleviate some concerns expressed by adjacent property owner. Drainage pattern historically goes in an area with the swale to north of property. Applicant will recreate swale and add mechanical drainage to the bottom of hill. Mechanical drainage would help to clear up some of the standing water that gets caught at the property lines. Drainage would probably improve existing condition. Proposing to extend evergreen buffer. There is a row of evergreen trees and where there were additional ones. Clay soil and water died off trees. Different type of evergreen tree to plant that could withstand some of this. It is a filtered buffer. It is not overly planted. There was a question related to footing material installed – sand and synthetic integrated into it. Talked with manufacturer and when we were presented with that info, footing that was installed did have some concern of it getting into ground water. They did more research to find another material that would be ok. They would like to maintain a vegetative buffer. New proposed material would be better suited as we set a standard moving forward with the indoor and outdoor materials. Condition #3 no employees of the business reside at the residence. Residence is occupied by the owner of the business – Windamawr stables. Blue Valley is the owner of the property, does not live at the property. One area of ordinance that relates to ownership is property has to be owner occupied. We have an opportunity to clarify the language of that. The owner of the business resides at the property. There is gray area. I have original report still in place. Applicant came back with an amendment. There are other locations you could put an outdoor riding arena on this property. It's unfortunate that it is there without any say from the city.

Gardner- any questions for mark?

Thompson – the housing provision is in the CUP; do you have language for altering that for staff recommendations?

Kaltsas – we can craft that tonight if we want to have a discussion about that. I wanted planning commission to provide info.

Gardner- with a riding arena and a house, the owner lives in the house

Thompson – does the Cup address this?

Kaltsas – we wouldn't address the residence. Many of our horse stables have a guest ADU or apartment. They are usually in the barn or separate building. We have a lot of stables that are not owner occupied. Owners don't live there, some are part timers or full time. The owner does not own at the home. The operator of Windamawr Stables lives at the property.

Gardner – we haven't had any complaints, have we?

Kaltsas – no its just because we are looking into this

Usset – should we remove this from the CUP?

Kaltsus – we can remove or change language.

Usset – removing it to match others makes the most sense.

Thompson – I'm on the removal bandwagon. There are a lot of houses held in trusts, LLCs where the person residing is not the owner. I would just remove it. There is no ADU.

Kaltsus – it's not a condition that I've used. We are very conscientious of employees or caretakers. It gets gray really fast on how we apply that.

Story – did you have any conversation about the screening and why partial?

Kaltsus – you can see it from adj owners' property you can see it partly because of the water. If it

was something that you said you wanted more, you could layer more evergreens into that mix.  
Volkenant – is it necessary for them to put it all the way around?  
Gardner – no

#### PUBLIC HEARING OPENED

Jeanne – owner. Thank you for your help and guidance. It wasn't our intention to go against the rules. We jumped ahead of it and apologize for that. Mark has been very helpful to work with. We took all concerns to heart. We looked at all the plans and what would be easiest and hardest. Placement of arena so it's not directly behind neighbor's house and drainage. That's why trees died. Even with mitigation, we aren't sure how many trees grow there. There seems to be some spring there. IT goes all the way around the barn. It affects us changing it to other locations on the land. We suggested some new trees and we can go more if they can grow. We didn't talk about density, and I have spoken to an arborist, and they recommended not going denser because they don't grow well. I have looked at black hills spruce and Swiss Stone Pine. More bushy, thick and more compact. This was the best location, horses to compete – they have to be outdoors. They must get used to air, bugs, wind, etc. Size is 100x200. Other farms have larger. We would abide by hours of use. We would not have more than 2 horses in the ring at a time because they are jumping. Reestablish original grading that is low, add drain tile, move water away from the corner to the N. Keep fence line that is present and reestablish pasture. No gravel path going into the ring.

Neil – precision grading – proposing a French drain along there. Water collecting along property line. If the property owner would like, we can extend that tile up a little if he wants the help mitigating that drainage. That would be a positive flow through there. We would remove what's there now, return to topsoil and grade so no water would collect there anymore.

Gardener – what kind of French drain?

Neil – 6" – dig a trench with slight slope and filtering fabric. 6" perforated with sock,

Gardener – that should eliminate surface water

Jenny Harris- drainage off our driveway has proven to work with all the rain we have had recently. Also, in that location it is close to the barn and road if we ever need an emergency vehicle. Outdoor arena is just for practice, not shows or competitions.

Rachel W – head trainer – concerns regarding arena footing – Stacy with HC did site visit. No wetland in our near vicinity and no violation of that. She recommended the buffer. Vegetation buffer around the arena. If that doesn't suffice, we researched other options that pass others.

Thompson – not just the berm, but the footing as well

Rachel W- yes.

Jenny Harris – when we purchased the property, we never intended to occupy it. We have worked with Windamawr in the past and leased and that's why we purchased.

Jenny - #3. We don't have any employees. I live on the site. Jeanne doesn't have any employees either.

Story – as we dug into it that's why it all got brought up. A lot of stables have that.

Jenny Harris – we have independent contractors that we hire for contract work.

Tom Bren – the neighbor guy – I appreciate that they have looked at the water issue. There are facts that have been violated. #3-#5 have been violated. #3 is the least impactful. #4 & #5 have not been taken care of. CUP details.



Kaltsas – CUP conditions.

Tom Bren – General welfare. Complete privacy and now there is a commercial business, but they went ahead and put an outdoor riding arena that is close to half an acre that is right in our backyard and view. #5 detrimental effect – violation of that. All the documentation says that amendment should be compliant with all the original CUP. They never approached us, no permit – activate awareness, ask for forgiveness. Gives examples of 4 other locations. Other site next to the original placement would be closer to the barn and doesn't impact anything instead of them looking at it from their home instead of us looking at it. This takes care of grading but not the fact that it is still there. This is the least amount that can be done to justify it and why not move it. This is the kind of thing that can be mitigated ahead of time. I understand grading, soils, horses, etc. I don't like what they put right there.

Gardner – you have had 2 months to get together and not do that here.

Tom Bren – they didn't reach out to me. They worked with Mark.

Gardner – I'm not saying your right or wrong.

Tom Bren – they haven't been mitigated.

Gardner – your against having it put there at all.

Tom Bren – I am. They need to train outside, I get that. The distraction was that they would be impacted by polo horse trailers.

Gardner – you are on record as not wanting this

Tom Bren – I don't want to stare at it.

Gardner – we use trees to do this. I can see through the trees and they were planted 16 years ago. It is a cure for this thing.

Tom Bren – why is the impact of violating 4 & 5 not being considered. It is being overlooked

Thompson – we are hearing public feedback on a new CUP. We are not having a disciplinary hearing on old CUP.

Tom Bren – you told them to move it and they didn't.

Gardner – they did and we are reviewing.

Tom Bren - this doesn't happen if they apply for the permit in the first place.

Volkenant – we assess that plan on city regulation and rules and if they fall within those, we have to consider that. It can't be solely based on one person doesn't want to look at it.

Tom Bren – it clearly states rules, and it should not be forgotten.

Volkenant – we can add more landscaping, so you don't have to see it.

Story – would that be of interest to you?

Tom Bren – I'd have to see it. I would like it to be 100ft further. Tighter screening would have to be looked at.

Volkenant – you can cover this up with landscaping.

Tom Bren – I never complain about anything. This is the first. It says they can have 2 events a year. What constitutes an event. No good language on this. June 22 there were 20 some cars over there, what's the regulations on that?

Kaltsas – event is fairly large. Occupancy at 49 people. 50 people or more. If there were regular events and it wasn't a few people training. That might be outside of the norm.

Gardner – we usually limit. What kind of events do you have?

Jenny Harris – always had horses in it. Previous owner had horse trainings out there as well.

Turner Rd washes out with bad rain. WE would have too much washout with landscape. Traffic use is busy.

Tom Bren – when they were out there riding in the past, they were training where I am

proposing.

## PUBLIC HEARING CLOSED

**Motion by Story, seconded by Thompson to close public hearing. Ayes: Gardner, Volkenant, Thompson, Tearse, Story, and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0**

Motion by Story, second by Thompson to approve request from Blue Valley Farm LLC (applicant/owner)

1. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Thompson – we are talking about this only because the CUP exists. If it was a farm they could build this with setbacks, it would be an approved because it is commercial.

Kaltsas – yes.

Thompson -If this was a private farm with 8 horses, they could put this up and it would be permitted.

Kaltsas – yes. They would still need to pull grading permits, etc., but no PC.

Thompson – what does a more robust screening plan look like?

Volkenant – full, not cheap but it would work. Visual coverage immediately. There are trees that would grow in wet areas. May lose needles in the fall but no one is probably there in the winter anyway.

Thompson – it's not the horses, It's the fence and sand. It's an odd combination. Horses in a field vs on sand.

Volkenant – they can screen out the arena and still see the trees overhead.

Story – language of CUP.

Kaltsas – state statute language we don't make up.

Story – no detrimental effect. If it wasn't commercial they could do any of this.

Thompson – any complaints on the property for the event or any complaints on the property before this review.

Kaltsas – no.

Gardner – it was worse before blocking drainage.

Story – how if faces was bad and direct. It is visible still now but it is not filling entire vision.

That doesn't mean a perfect view from 20 years ago. It's a balance.

Thompson – how fast can a landscape plan be turned around? Can it be ready for city council?

Kaltsas – yes, a landscape professional can put this together and we can review it.

Volkenant – yes if they have time in their schedule. Could we consider if more landscaping is added... faster visual block and drain tile

Kaltsas – species and

Story – how do we put that in a motion?

## PUBLIC HEARING OPENED

Kaltsas – landscape plan higher level screening, opaque, layer in, etc?

Thompson – can we knock out an easy one – remove owner occupant restriction.

Story – came in asking for forgiveness, not permission. They came back at significant cost to be

honest and compromise.  
Usset – screening won't be cheap.  
Story -I'm more satisfied this time around.

Thompson – approval of cup changes subject to staff recommendation 1-8.

3 additional conditions. Seconded by Story.

- 1.Remove occupancy condition from original Conditional Use Permit
- 2.Provide landscape plan at time of review of city council that creates near absolute screening of fence and fill area on subject property
- 3.Remove original number 3 for large events.

**Motion by Thompson, seconded by Story to approve CUP changes with 3 additional conditions. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0**

5. **PUBLIC HEARING** - Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. A conditional use permit (CUP) to allow a ground mounted solar system greater than 500 SF.

#### PUBLIC HEARING OPENED

Kaltsas – talked about it before and recommended denial since we didn't have a basis to grant a variance for ground mounted solar larger than 500 sq. ft. We have amended the ordinance since then. Subject property is AG, AG. Applicant has approached city to add ground mounted solar and reconstruction of principle structure. Add solar 2,000 sq. ft. ground mounted solar. 4 ground mounted arrays. No provisions in the ordinance to consider that. You have to establish a hardship and there was no hardship. We denied request but granted approval for 500 sq.ft. ground mounted solar array on this property. Up to a max of 2500 sq.ft. if application can satisfy additional criteria. 5 acres or larger, 100ft of any property line, use criteria relating to ground mounted being visible from any other properties. Located on portion of property south of home. 2,072. Surrounding properties are owned by the owner of this property. Nearest residential property is approx. .5 miles away. 1,000ft from Hwy 12. No visibility. We came up with 2500 sq.ft. is the max size in MN and still be considered residential. Meets all other criteria. No public comments.

#### PUBLIC HEARING CLOSED

**Thompson recommend approval of Conditional use permit ground mounted solar, Usset seconded. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0**

6. **PUBLIC HEARING** - Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

a. A conditional use permit to allow an accessory structure greater than 5,000 SF.  
Kaltsas - This item is a new item, but a familiar item. Applicant is back in front of us to allow detached accessory structure larger than 5000 sq. ft. Zoned AG, AG, 23 acres in overall size, E of 92. Applicant is seeking CUP to allow expansion. The existing detached is 2880 and wants to add 30x80 5, 280, exceeding it by 280. Greater than 10 acres, no requirement. Applicant has other animals, not the dogs. Located in the middle of the property. The building is centrally located. Do that have any impacts on surrounding properties. We have a limit of 5,000 because there are potential impacts. Visibility impacts, lights, etc. I noted that proposed is consistent with similar properties.

#### PUBLIC HEARING OPENED

Thompson – in recommendation #4, does that cover the dogs.

Kaltsas – the kennel Conditional Use Permit covers the dog. They have to be housed inside the home. This is more about not being allowed for storage of boats, etc. for bigger storage.

Gardener – it is an existing building, correct?

Story – Coverage?

Kaltsas – fully enclosed space. Same or like materials.

Gardner – we are counting open lean twos?

Kaltsas – we categorize structure. It has permanent footings, floorings. On lean to side, it is easily enclosed. Lean- to's become enclosed. Rarely an issue unless you're pushing your total coverage.

#### **Motion by Story, seconded by Thompson to close the public hearing.**

#### PUBLIC HEARING CLOSED

**Motion by Usset, seconded by Volkenant to recommend approval of the application subject to staff recommendations 1-6. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0**

7. **PUBLIC HEARING** – Robert Berens (Applicant) and Andrea Berens (Owner) are requesting the following action for the property located at 5845 Lake Sarah Heights Drive (PID No. 02-118-24-12-0012) in the City of Independence, MN.

- a. A variance permitting a 10' reduction of the front yard setback (from 85' to 75') to allow the construction of a car port in front of the existing house.

#### PUBLIC HEARING OPENED

Table and amend this item. Robert to meet with Mark on how to amend.

**Motion to table item Usset, seconded by Volkenant Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0**

8. Open/Misc.

9. Adjourn.

**Motion to adjourn at 9:16PM by Story, seconded by Gardner. Ayes: Gardner, Thompson, Volkenant, Tearse, Story and Usset. Nays: None. Absent: Dumas. Abstain: None. Motion Approved. 5-0**

Respectfully Submitted,

Carrie Solien/Recording Secretary



CITY COUNCIL MEETING MINUTES  
TUESDAY JULY 30, 2024

**CITY COUNCIL MEETING TIME: 6:30 PM**

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, McCoy, Betts

**Absent:** Grotting

**Staff:** Kaltsas, Simon, Vose

**Visitors:** Jeanne Hoene, Jenny Harris, Tom Bren, Karen & Dave Malinak,

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 July 16, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 22973-22986).
- c. Large Assembly Permit:
  - i. Zuhrah Shrine Event - 4505 CSAH 92 on September 21, 2024.
  - ii. Wedding Ceremony - 7165 Turner Road on September 7, 2024

**Motion by Spencer, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Spencer, Betts, McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

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

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

Betts attended the following meetings:

Minneapolis club Dayton award

Spencer attended the following meetings:

West Suburban Fire

McCoy attended the following meetings:

West Hennepin Police Commission

Johnson attended the following meetings:

Planning Commission

Hwy 55 Corridor Coalition

Police Commission

West Suburban Fire District

Simon attended the following meetings:

Planning Commission

Kaltsas attended the following meetings:

7. Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.
  - a. **RESOLUTION No. 24-0730-01:** Considering approval of a conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Kaltsas – zoned agriculture, guided as agriculture, 23 acres. Brought to planning, planning considered this at two different meetings. Tabled may meeting to relocate/shift/moving arena to have less impact on adjacent meeting. They shifted arena to the west by 96ft. Adjacent property had direct visibility of it. Talked about alternative locations. Applicant decided to shift it to the west and use existing evergreen trees to help mitigate some of the views from the property. Planning Commission recommended approval subject to updating a landscape plan on top of the evergreen trees that were there. Applicant worked with Otten bros to prepare landscape plan. They met with neighbor to utilize feedback and plan for updating landscape plan. Original riding arena was constructed without permits. City reviewed and noted that drainage area that went from the south property to the north. There is a drop from Turner Road going down into the wetland area. With the shift, the applicant is creating better drainage solution or a swale that helps direct it to the wetland area. Applicant proposing a drain tile system to help dry out that area that has been historically a wet area. Landscape plan takes out evergreen trees and install a shrub edge with dogwoods and lilacs with mounding. Also, a less intense edge. Done with adjacent property owner. PC discussed an issue relating to existing CUP. 1. Condition that states no employees reside at the residence. Noted that the owner of the property does not reside in the residence, but the owner of Windamawr Stables does. They are the running business of the property. PC recommended removing that. 2. Discussion about horse shows and events. The condition that spoke to that, owner doesn't plan on utilizing that. We could remove that condition. This limits the events to two. PC stated that we have an assembly permit that council needs to approve it. PC recommended the amendment to CUP.

Johnson- with the removal of the evergreens currently there, it will take several years before there is noticeable growth.

Kaltsas – I think that's right. It's an existing hedge line. Lower-level screening is what the neighbor preferred.

Johnson– asked applicants if they agree with anything mark said.



Jeanne – he did a beautiful job.

Johnson – Bren? Ok?

Bren – we got together and spoke, and everything was agreed upon.

RVose – no employees, but you have a tenant living. How would the change work? Para 4 would be removed. Is there no restriction?

Kaltsas – the intent is that its gray and hard to define. We have provisions in place as a SFD. We cover it in our ordinance already. I don't think its necessary, PC recommended, use of principle use. They would have to do an ADU. Take away the gray language and fall back on the ordinance to enforce.

RVose – whether you own the home or rent the home, in precedence, what a single-family home is. Its typically not a large amount of people. Cannot have a bunch of employees living in the home. Somehow associated with the home.

**Motion by McCoy, seconded by Betts to approve RESOLUTION No. 24-0730-01.**

**Ayes: Johnson, Spencer, Betts and McCoy. Nays: None. Absent: Grotting. Abstain.**

**None. MOTION DECLARED CARRIED. 4-0**

8. Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. **RESOLUTION No. 24-0730-02:** Considering approval of a conditional use permit (CUP) to allow a ground mounted solar system greater than 500 SF.

Kaltsas – zoned agriculture, guided as agriculture, 42 acres overall. Applicant had made an application for ground mounted solar last winter and it was considered by the city as both CUP and variance. Recommended denial for variance, CUP was approved up to 500 sq. ft. Ordinance amendment came up after that. When city adopted ground mounted solar, they looked at what the typical house usage. 500 sq. ft is the practical use size to serve the energy need for a typical residential house. MN average home size. Independence doesn't have the same averages for homes. We have seen a couple applications come through for larger than this size. We have seen that properties can go up to 55 kw hours. Max size for residential size can be up to 2500 sq. ft. We amended ordinance as a CUP Ground Mounted Solar System for up to 2500 sq.ft. with additional criteria. Have to be on property located on 5 acres or more and min setback from 100ft and 500 lineal feet. This application came back under new ordinance for additional sqft. 2,070sqft solar – 4 arrays – 230ft from W, 1000 ft to Hwy 12. Nearest structure is approx. ½ mile. Application has written consent of neighboring properties but they own the surrounding properties. Planning Commission held Public Hearing and no comments made. PC recommended approval based on meeting all criteria.

Johnson – I'm curious on solar garden, if you aren't using any electricity, all batteries are charged up. You can't sell it back to the coop.

Kaltsas – they can sell it back. When its being used or not being used, they are selling it back. It is connected to the grid. They are getting an offset on their energy bill. Utility company gets to decide how much that is. They have a substantial property, and they are suggesting they will use all the energy being produced. They are right at the max that is regulated. If they exceed

that, they would be commercial. Shingles, siding, driveway, everything is becoming fair game for solar. I think GMS will go away and everything will become more advanced.

RV – the idea to limit solar systems to a size that would accommodate more than needed, that is smart. The state public utility has changed credits available. Good work, Mark!

Johnson – it's a learning process. Everything getting more efficient. What are they going to do with the stuff? Its nice they are doing this as a new structure. It's an unusual circumstance because of their area.

Kaltsas – Usset said if he stood on his roof on a clear day, he might be able to see it.

J – at initial hearing, a lady built a new house just south of them, she thought she could maybe see it but she was in favor of doing it.

**Motion by Spencer seconded by Johnson to approve RESOLUTION No. 24-0730-02. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

9. Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0730-03:** Considering approval of a conditional use permit to allow an accessory structure greater than 5,000 SF.

Kaltsas – item went to July planning commission meeting. Detached Accessory Structure larger than 5000. Zoned Agriculture, guided agriculture, approximately 23 acres. Familiar with this property since they just came forward asking for a dog kennel within property, interim use permit approved. Expansion of existing barn, 36x80 – 2080. Add 30x80 (2400) on to the building 5280. It exceeds the max of 5000. Limits all buildings to 5000 sq. ft without at CUP. Greater than 10 acres so there isn't a max of coverage. Livestock and other animals. They are using it for their own purposes. We noted that existing building. No property adjacent to the property, across 92. Expansion goes to the south. Views are limited from surrounding properties. PC discussed proposed CUP, this does not change or have anything to do with the IUP and the dogs. They made a recommendation to approve and met criteria.

Johnson – is everything Mark said, Karen?

Karen – yes, absolutely.

Johnson – building is going up! Hopefully they can approve it.

Karen – we have a permit for what we have built so far.

**Motion by Betts seconded by McCoy to approve RESOLUTION No. 24-0730-03. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

10. Consider Approval of the Council Chambers Flooring Replacement.

Kaltsas – not a great item we have to talk about. As you know the flooring had some issues, we talked to floor people, architect, original architect, installer. They all point back to moisture coming in through the floor causing them not to adhere. Councilmember Spencer talked with someone he knows and Kroells did as well. Two quotes. To be safe and be durable you should put tile back into the floor for longevity. We don't know without significant testing to correct that. There are samples back there. Can't match exactly, but something to look nice without tripping hazard. Scraping floor completely and then scrape glue off floor, treat and waterproof it. We do have drain tile and televised it. Drain tile was in good operating condition. We got

scuppers that go under the building and high-water table. When we peel up these tiles, and electrical outlet in the ground but no standing water but still condensation. Scuppers will be tiled out. Extending drain tile in front of WHPS. Sam's was contracted to finish that drain tile. Its difficult to go after contractors to find out whose fault it was.

Betts – they said a primer and then a waterproofing.

Kaltsas – prime and waterproof on top.

Betts – I'd like to know the process.

Kaltsas – he 's local Delano contractor.

Johnson – where does the drain tile go out to?

Kaltsas – daylights off the hill and rolls back around into the catch basin. Maybe take it right to the manhole. It runs.

Johnson – if the water table is high, it should be running now.

Kaltsas – it should be but its not. Under WHPS we had some duct work, and one was broken.

That duct was filling with water regularly. We vacuum sucked that duct and replaced it going up and over. I'm worried there are other ducts doing the same thing. 14" deep and it was filling up with water. There is high ground water. WHPS is having a lot of humidity at 80%.

Betts – WHPS has carpet and no issue?

Kaltsas – no issue. This was linoleum and never had issues, now we do. It should have been looked at further. We have carpet right here and there are no issues. It's odd that the laminate can't take it.

**Motion by Spencer seconded by Betts to approve flooring replacement. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

#### 11. Review *Draft* Interim Ordinance Relating to Cannabis Businesses Within Independence.

Kaltsas – this has been kicked around and we've been holding out. Vose sends a lot of info on this. We need to act on this and take a look at what the state is going to pass down. We are in an area that could be subject to some of these growing locations. I would like to adopt it before Aug 16<sup>th</sup> meeting.

RV – we have been tracking this pretty closely. Cities are not excited to be doing this. There is a concern that there is an exception.

State has divided this into different elements by regulation. One relates to AG, grower could set up and be grandfathered. That potential exists and I'm not sure you want that to occur. You would put it all on hold and figure out what you want the business to look like if it is going to happen at all. Cover all elements relating to cannabis and not allow anything to happen until state says or cities decide what to do.

Betts – what is the difference between marijuana and hemp.

RV – I don't know but I'm going to guess. THC, cannabis is a stronger form of that.

Betts – plants don't look the same, do they?

RV – put an end or no start on everything until state puts rules on

Kaltsas – we should sit back, let state do its thing and then talk about what we care about and what we don't care about as a protection, this gives us the opportunity to try to understand it.

Betts -what's a timeline on it

RV- no deadline, expectation has been mid or end of q1 next year will start to issue licenses. State is leaning towards allowing some things to happen before licensing is in place.

Motioned by Johnson to have staff prepare a future resolution, seconded by McCoy. **Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

12. Open/Misc.

13. Adjourn.

**Motion by Spencer, seconded by McCoy to Adjourn meeting at 6:59pm. Ayes: Johnson, Spence, Grotting and McCoy. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Recording Secretary,

Carrie Solien

## City of Independence

### ***Request for a Variance to Allow a Reduced Front and Side Yard Setback for the Property Located at 5845 Lake Sarah Heights Drive***

---

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 20, 2024
<i>Applicant:</i>	Robert Berens
<i>Owner:</i>	Andrea Berens
<i>Location:</i>	5485 Lake Sarah Heights Drive

#### ***Request:***

Robert Berens (Applicant) and Andrea Berens (Owner) are requesting the following action for the property located at 5845 Lake Sarah Heights Drive (PID No. 02-118-24-12-0012) in the City of Independence, MN.

- a. A variance permitting a reduction of the front yard and side yard setbacks to allow the construction of a car port/future garage in front of the existing house and a side entrance on the east side of the house.

#### ***Property/Site Information:***

The subject property is located at 5845 Lake Sarah Heights Drive which is on the south side of the road before it intersects Lake Sarah Heights Cir. The property is comprised of approximately .88 acres. The property has a mix of upland, wooded and wetland areas and has frontage on Lake Sarah.

Property Information: **5845 Lake Sarah Heights Drive**

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: .88 acres

Impervious Surface Maximum: 25%

5845 Lake Sarah Heights Drive (blue outline)



**Discussion:**

The applicant would like to construct a new car port (which may be converted to or initially constructed to a detached garage) in front of the existing house. The home does not currently have a garage. The applicant received permission from the city to move the existing home onto this property in 2021. The applicant provided the city with plans that also allowed for a future garage (shown as a concrete pad on the plans) in front of the existing home on the property.

When the applicant initially planned to move the home onto the property, they were intending the primary access to be on the east side of the house. Once it was moved and set on the foundation, they decided to have the entrance come in from the “front” (north side) and decided not to pursue a side entrance. The



current home has the entrance on the front (north side) of the property. Along with a garage, the applicant would like to construct a side entrance on the east side of the home. In order to make this a reasonably sized entrance that fits with the existing house, they are seeking a 6' variance from the east property line to allow a 12' x 12' entry.

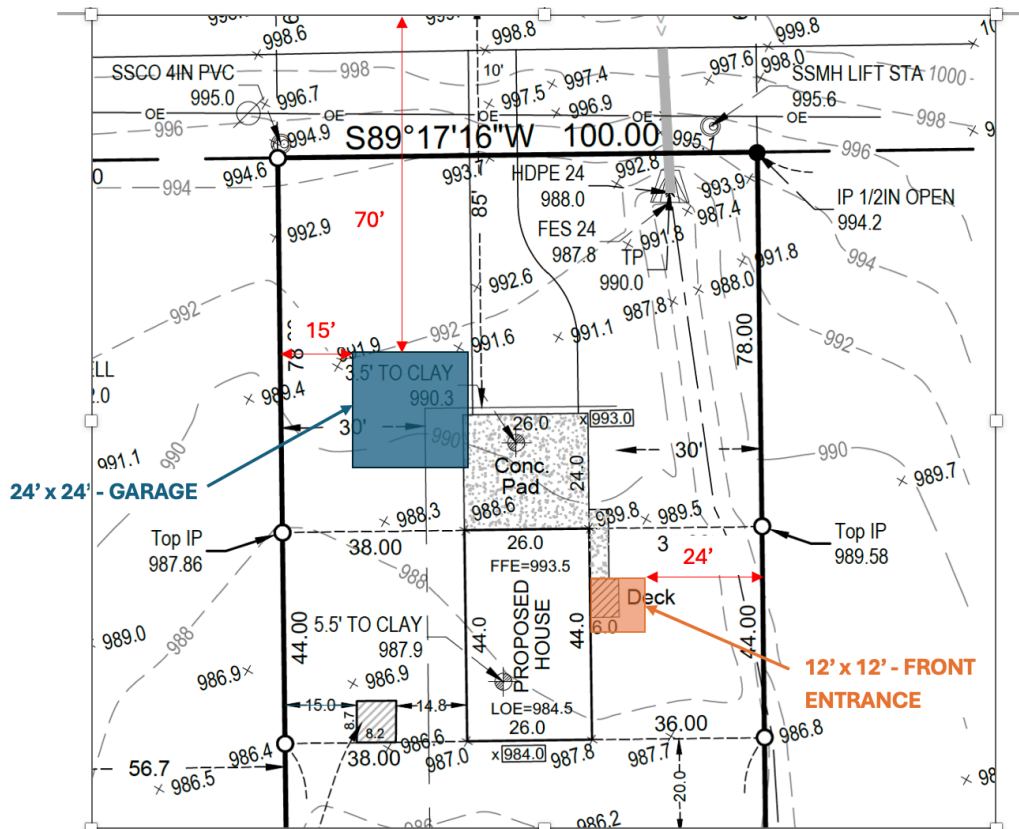
In order to accommodate the proposed detached car port/garage, the applicant is seeking a variance to allow a 15-foot reduction to the front yard setback. The variance would allow the car port/garage to be offset approximately 15 feet from the north face of the existing home. This setback would also minimize grading and tree removal going towards the lake and west property line. Locating the structure further to the south would require more fill and grading. The proposed car port/garage would meet the applicable side yard setback of 15' for detached accessory structures. The requisite setbacks are as follows:

#### Car Port/Garage

Front Yard Required: 85 feet from centerline of road  
 Front Yard Proposed: 70 feet from centerline of road  
**Variance: 15 feet**

#### Side Entrance

Side Yard Required: 30 feet from property line  
 Side Yard Proposed: 24 feet from property line  
**Variance: 6 feet**





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 Rural Residential District.
- b. The property is wooded and positioned in a way that would reduce the impact of the proposed car port/garage addition and side entrance. The neighborhood surrounding this property has a wide array of property types with varying setbacks from the front and side yard setbacks.
- c. Having a garage is consistent with surrounding properties. The existing lot has some grading and wetland challenges along with existing vegetation and tree coverage. While the home was brought onto the property by the owner, this lot does have some physical challenges due to the wetlands, lakeshore, existing tree coverage and grades.

The Planning Commission will need to find that the requested variances meet all applicable criteria for granting a variance.

***Neighbor Comments:***

The city has not received any written or verbal comments as of the time this report was prepared.

***Recommendation:***

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

1. The proposed Variance 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 requested variance will allow the construction of the proposed detached car port/garage and side entrance in accordance with the approved plans only (plans will become an exhibit of the resolution). The variances shall be as follows:
  - A **15' front yard variance** to allow the proposed detached garage/carport to be located 70' from the centerline of the road rather than 85' as required.
  - A **6' side yard variance** to allow a front entrance to be located 24' from the east property line rather than 30' as required.

Note that the detached garage can be located 15' from the side property line as shown without a variance.
3. The Applicant shall pay for all costs associated with the City's review of the requested variances.
4. Any future improvements or expansion of the principal structure or detached accessory structure will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

***Attachments:***

1. Property Pictures
2. Building Plans
3. Site Survey



Property Pictures













**CITY OF  
INDEPENDENCE  
MINNESOTA**

Date Submitted: 05-24-2024

**Applicant Information**

Name: Robert Berens  
Address: 5855 Lake Sarah Hts Dr  
Rockford , Minnesota  
55373  
Primary Phone: 763-370-9284  
Email: rberens1945@gmail.com

**Owner Information**

Name: Andrea Berens  
Address: 5845 Lake Sarah Hts Dr  
Rockford , Minnesota 55373  
Primary Phone: 612-940-6357  
Email: Andrea.berens22@gmail.com

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

We moved the house in four years ago with the intent of building a parking space and possible garage attached to the house. We allowed for a 24' x 24' space to meet the 85 foot setback. While working on the house, I determined that I needed to put in an Entry instead of a side entry to accommodate my older daughter who has several palsy. I needed a safer way for her to exit the house. They used up up 5 feet of the planned garage area. I now need to plan for a detached garage, carport, pole building. I need at least a 10 foot variance to go from an 85 foot setback to 75 foot setback and a 15 foot variance is possible it might give me some breathing room allowing for possible roof overhang.

I would ask the variance to extend into the future without putting a deadline for me. I'm wrestling with whether or not I have the ability to do this myself or if I'm going to have to hire it done. Part of the planning will depend on how much room I have to work with.

The Independence office has a copy of the surveys we used when building the house and I have dropped off planning copies to Mark over the past month. I'll try to upload some documents with this, but they're basically duplicates to what I've already provided.



LAKE SARAH

CALCULATED POSTION OF THE MEANDER CORNER (POINT NO. 8702) ON THE NORTH LINE OF GOVT LOT 2 PER HENNEPIN COUNTY.

N89°17'16"E  
566.70 DEED 556.27 MEAS.

GOV'T. LOT 2 - SEC. 2 - TWP. 118 - RNG. 24

LAKE SARAH

#### PROPERTY DESCRIPTION

The East 100 feet of the West 200 feet of the following described parcel: That part of Government Lot 2, Section 2, Township 118, Range 24, described as follows: Commencing at the meander corner on the Northeastly shore of Lake Sarah and on the North line of said Government Lot 2, as re-set by the Hennepin County Surveyor on May 25, 1959; thence East along said North line 566.7 feet to the Point of Beginning of the property being described; thence continuing East along said North line 600 feet; thence deflecting right 90° to the shore of Lake Sarah; thence West along said shore to its intersection with a line drawn South through the point of beginning at right angles from said North Line; thence North to the Point of Beginning; EXCEPT the North 65 feet thereof.

#### SETBACKS

Existing & Proposed  
Front Yard Setback 85 Ft. from centerline of road  
Side Yard Setback 30 Ft. from side lot line  
Setback from Lake Sarah 100 Ft. from ordinary high water mark

#### PROPOSED ELEVATIONS

PROPOSED UPPER FLOOR ELEV. = 993.5  
PROPOSED LOWEST FLOOR ELEV. = 985.5

#### SITE SYMBOLS

EXISTING	DESCRIPTION
x123.4	SPOT ELEVATION
1014.5	PROPOSED ELEVATION
←	DRAINAGE DIRECTION
○	1/2" x 14" IRON PIPE SET WITH A PLASTIC CAP MARKED #13057
●	IRON PIPE FOUND

NORTH

0 40 80

CLIENT

**Bob Berens**  
5855 LAKE SARAH HEIGHTS DRIVE  
ROCKFORD, MN 55373  
TEL (763) 370-9248

MUNICIPALITY

PROJECT

**BERENS  
PROPERTY**  
INDEPENDENCE, MN

ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY		
DATE	ISSUE / REVISION	REVIEW
06/28/2021	Setbacks, Borings, Pad	TO
07/14/2021	Typo	LH
01/27/2022	Shed Relocation	LH

#### CERTIFICATION

I hereby certify that this survey, plan, 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.

*Larry Hulby*

License No. 24332 Date: 06/25/2021

Signature shown is a digital reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

**SUBMITTAL**

XX.XX.XXXX

**LANDFORM**  
From Site to Finish

105 South Fifth Avenue Tel: 612-252-9070  
Suite 513 Fax: 612-252-9077  
Minneapolis, MN 55401 Web: landform.net

FILE NAME ZZZ21622 COS.dwg

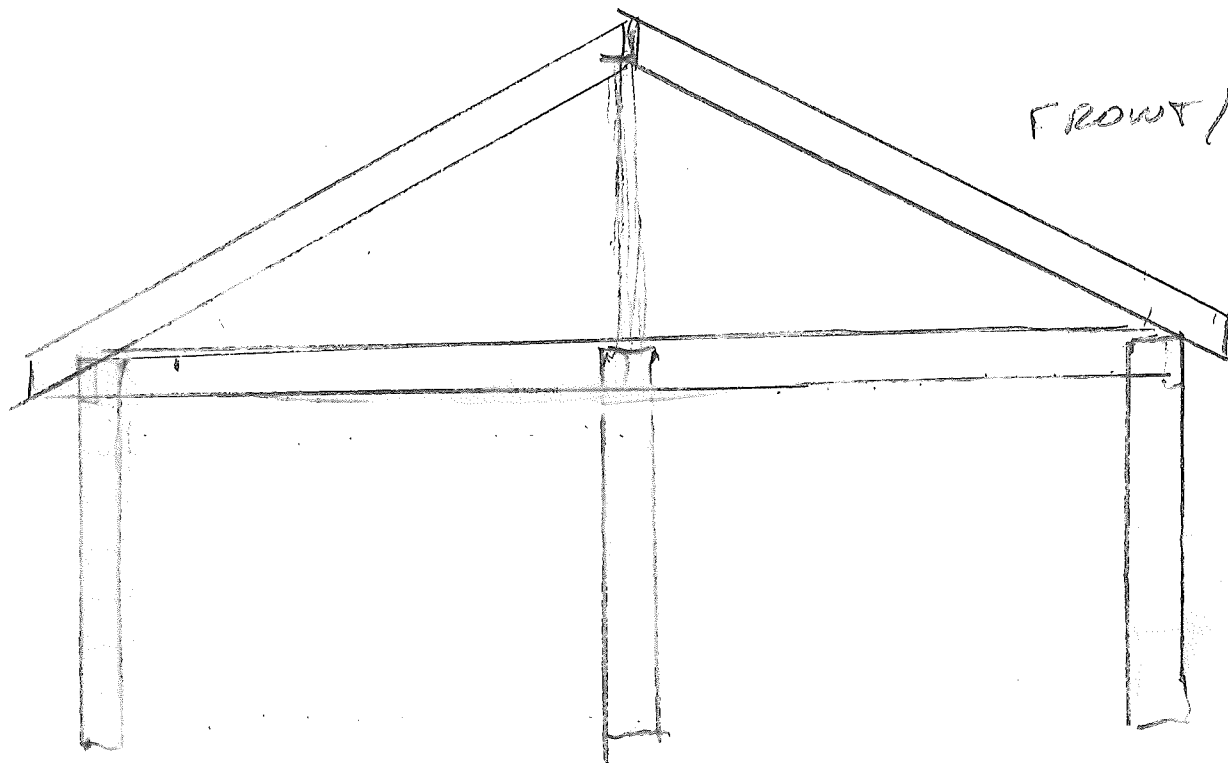
PROJECT NO. ZZZ21622

CERTIFICATE OF SURVEY

SHEET NO. 1/1

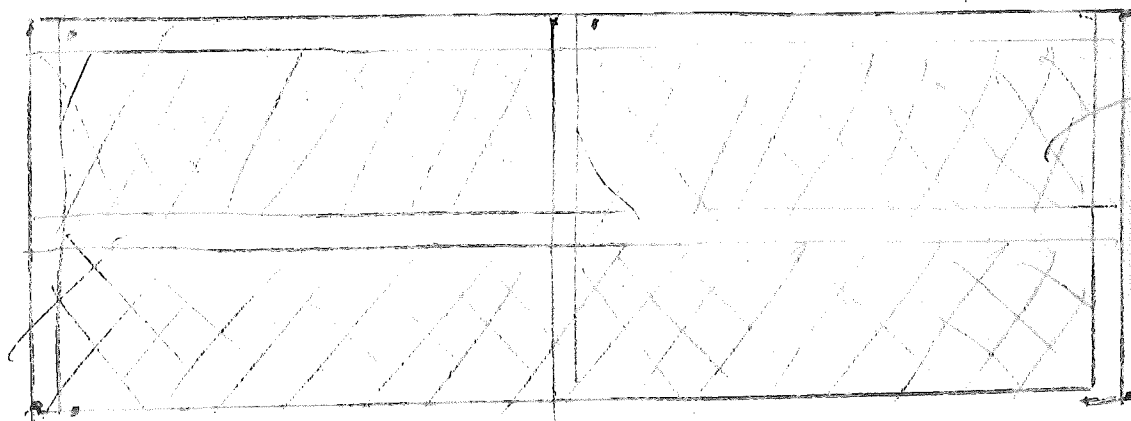
Landform From Site to Finish are registered service marks of Landform Professional Services, LLC.



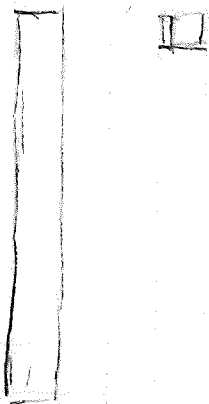


FRONT/BACK

SIDE VIEW



TRELLACE

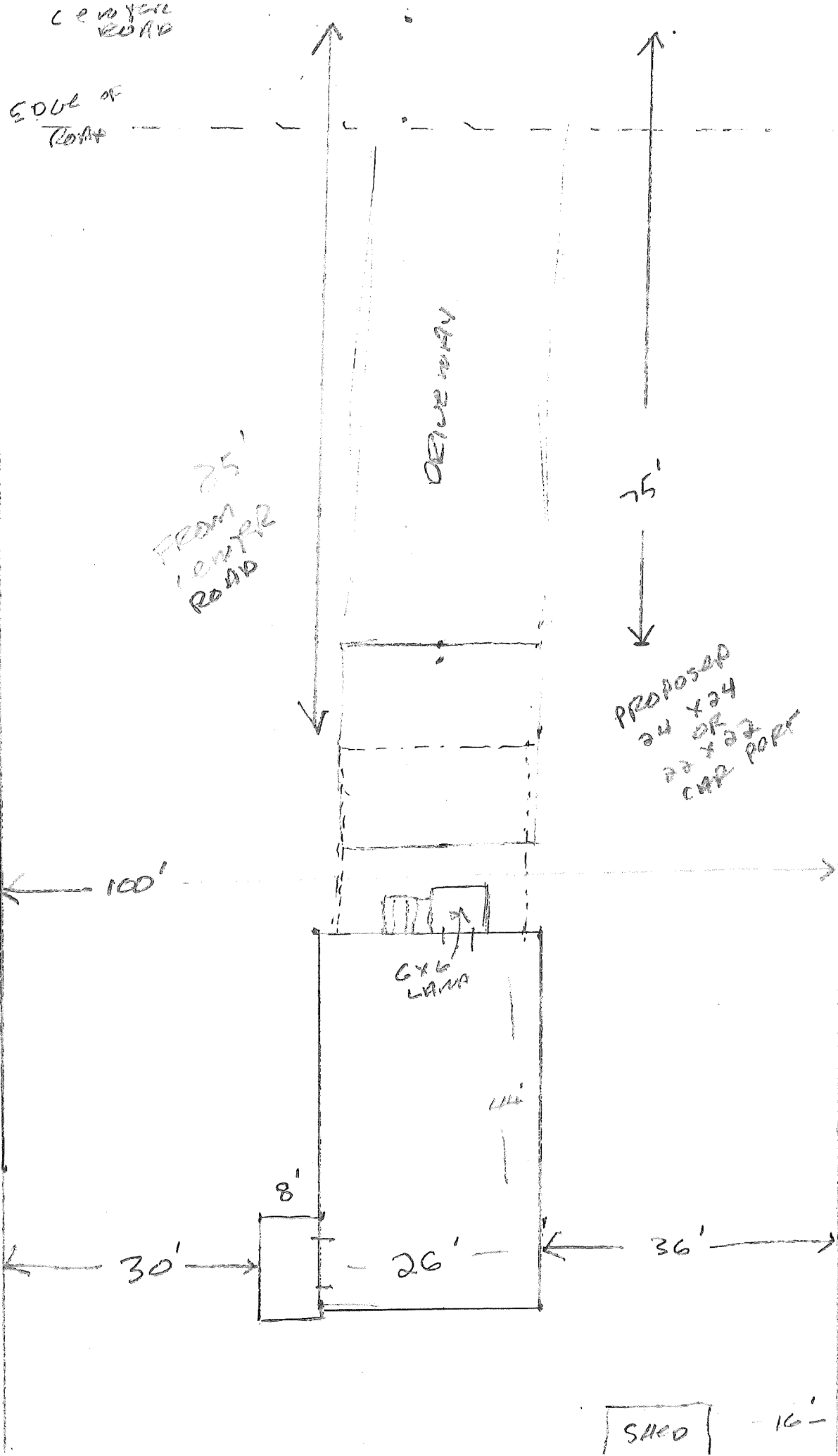
[illegible]

27 SHEETS Ply wood

8 8' 646 170 APR

16 TRELLACE

G-6 2x8 12' TRAY TOP



CEMETERY ROAD  
EDGE OF ROAD

75'  
FROM  
CENTER  
ROAD

DRIVE WAY

75'  
PROPOSED  
24 X 24  
OR  
22 X 22  
CAR PORT

100'

GYL LAMP

30'

8'

26'

36'

SHED 16'



## City of Independence

### ***Request for a Variance from the Lakeshore and Front Yard Setbacks for the Property Located at 3010 Lindgren Lane***

---

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 20, 2024
<i>Applicant:</i>	Ethan Kindseth
<i>Owner:</i>	Chris Dahlberg
<i>Location:</i>	3010 Lindgren Lane

#### ***Request:***

1. Ethan Kindseth (Applicant) and Chris Dahlberg (Owner) are requesting the following action for the property located at 3010 Lindgren Lane (PID No. 13-118-24-21-0002) in the City of Independence, MN.
  - a. Variances to allow the reconstruction of the existing home (legal non-conforming) on the same foundation with expansion of the height, roof, and enclosed spaces associated with modifications to the roof.

#### ***Property/Site Information:***

The subject property is located at 3010 Lindgren Lane. The property is located along the north side of Lindgren Lane on the west side of Lake Independence. There is an existing home located on the property. The existing home is considered a legal non-conforming structure and the property is considered a sub-standard lot of record. Substandard lots of record in the shoreland district are allowed to have reduced setbacks of 60% of the required setbacks.

#### **Property Information: 3010 Lindgren Lane**

*Zoning: Rural Residential (Shoreland Overlay)*

*Comprehensive Plan: Rural Residential*

*Acreage: 3.41 acres (1.16 acres above OHWL)*

*Impervious Surface Maximum: 25%*

3010 Lindgren Lane (blue outline)



***Discussion:***

The applicant approached the city about the possibility of taking down the existing home and constructing a new home on the subject property on the foundation of the existing home. The city noted that the existing home is considered a legal non-conforming structure that does not meet current setbacks from the lake and Lindgren Lane. As a result, the home can be fully reconstructed but cannot be expanded, enlarged, or made taller without obtaining applicable variances for the areas proposed to be changed.

In addition to being considered a legal non-conforming structure, the property is considered a substandard lot of record in accordance with the City's Shoreland Ordinance Section 505.15.

*505.15. Substandard lots. Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:*



(a) such use is permitted in the zoning district;

(b) the lot of record is in separate ownership from abutting lands, and can meet or exceed

60% of the lot area and setback requirements of this section; and

(c) all requirements of section 705 of this code regarding individual sewage treatment systems are complied with.

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

Subd. 2. Lot standards.

	Unsewered Areas			Sewered Areas		
	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

Based on the permitted setbacks, the subject property has a limited building area.

The existing home has the following setbacks:

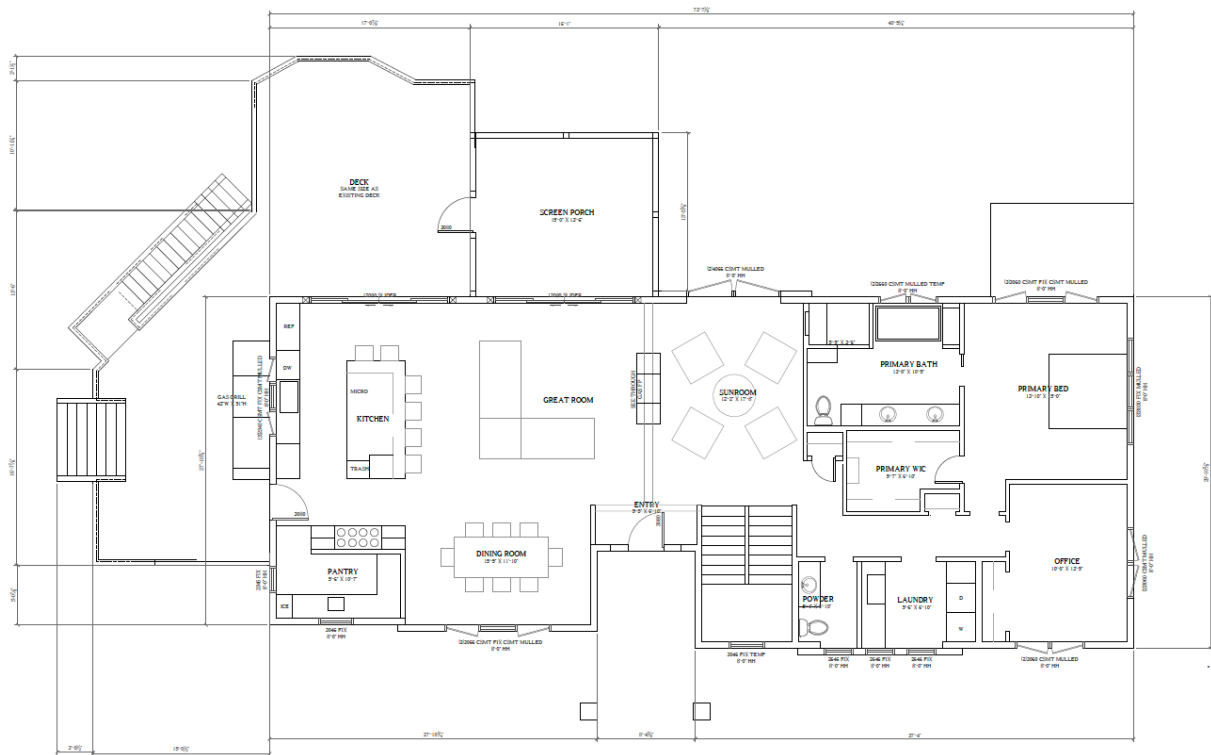
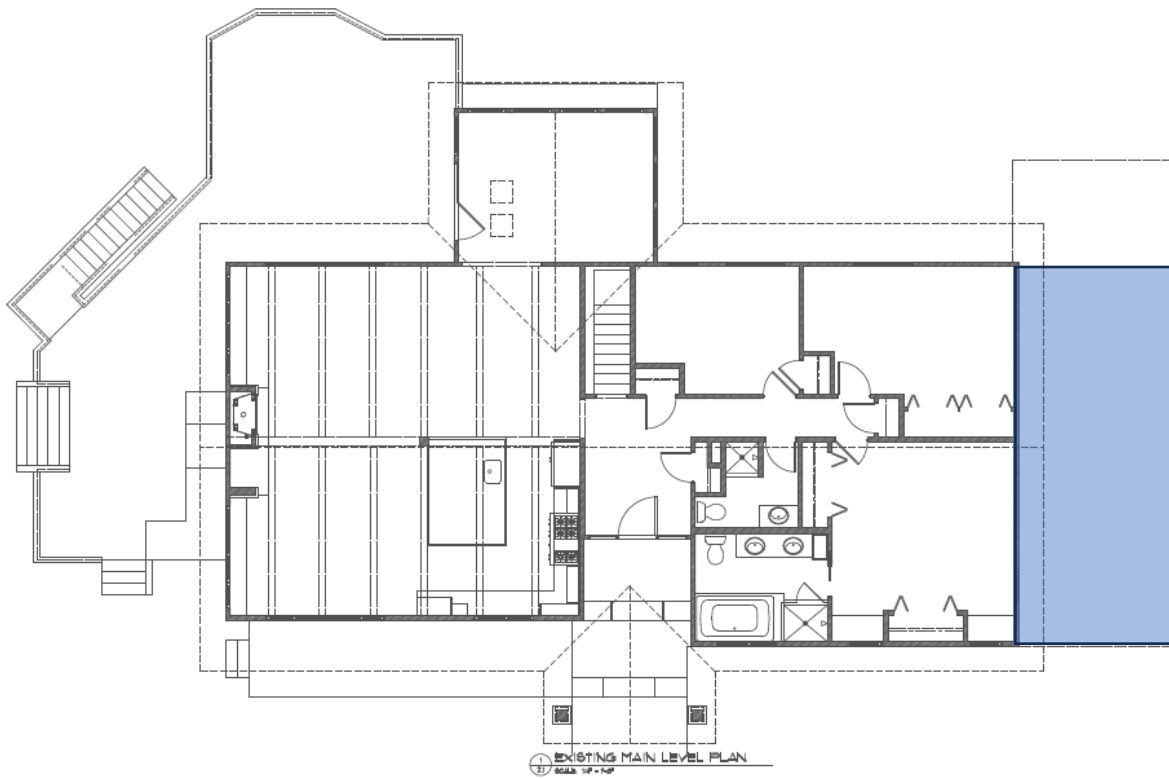
Lake: 39.7' – (20.3' variance)

Side: na - compliant

Street: 49.7' to centerline of street (51' required) (1.3' variance)

The applicant is proposing to take down the existing home to the foundation and reconstruct a new home on the foundation. The applicant is proposing to increase the overall structure height (roof height expansion can be seen in elevations below) and expand a portion of the home on the main level. The expansion would be on top of the existing tuck under garage and is shown below in blue (in both the plan view and elevation view). The proposed new home would not encroach closer to the lake than the existing home but would enlarge the existing structure so that it is taller and expanded as noted.







COPYRIGHT 2024 ALMA

The applicant has prepared a survey, existing house plans, proposed house plans and site plan. The city has reviewed the proposed plans and visited the property. The city discussed the possibility of moving the proposed house to the west and south to meet applicable setbacks. The applicant has noted that the existing trees, elevations and existing site improvements all support the request to rebuild the new home on the existing foundation.

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 Rural Residential District. The applicant has attempted to leave the majority of the existing site features, deck, patio and landscape in its current location without completely reworking the entire site.

- b. Many of the surrounding properties on Lindgren Lane do not comply with applicable setbacks. This area of the city contains a handful of properties that do not conform to applicable setbacks.
- c. The character of the surrounding area is residential. The proposed single-family home is in keeping with the City's comprehensive plan.

The variances would allow expansion of the existing home so that it has the same setbacks as the existing home (39.7' to the OHWL – representing a 20.3' variance and 49.7' to centerline of Lindgren Lane – representing a 1.7' variance). All other setbacks of the proposed home meet applicable setbacks. The Planning Commission will need to determine if the requested variances to allow the proposed home to be constructed on the existing foundation meets the requirements for granting a variance. Several additional considerations that could be considered are as follows:

- 1. This lot was developed prior to the establishment of the setbacks in the current ordinance being adopted.
- 2. Setbacks to the side yard, street and lakeshore vary considerably on the surrounding properties.
- 3. The applicant is proposing to construct the new home on the existing foundation without disturbing the remainder of the site.

***Neighbor Comments:***

The City has not received any comments relating to the request at the time this report was prepared.

***Recommendation:***

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

- 1. The requested variances meet 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 single-family home on the property.

- b. The location of the proposed home is in the location of the existing home with the expansion primarily upward.
  - 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 20.3' variance from the OHWL of Lake Independence and a 1.7' variance from the front yard setback (measured to the centerline of Lindgren Lane). Any modification, changes 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 pay for all costs associated with the City's review of the requested variances.

***Attachments:***

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



**CITY OF  
INDEPENDENCE  
MINNESOTA**

Date Submitted: 07-03-2024

**Applicant Information**

Name: Ethan Kindseth  
Address: 2500 Shadywood Road  
Suite 750,  
Orono, Minnesota 55331  
Primary Phone: 612-741-9069  
Email: ethan@almahomesmn.com

**Owner Information**

Name: Chris Dahlberg  
Address: 3010 Lindgren Lane  
Independence,  
Minnesota 55359  
Primary Phone: 651-402-5999  
Email: chris@dahlbergs.net

Property Address:

PID:

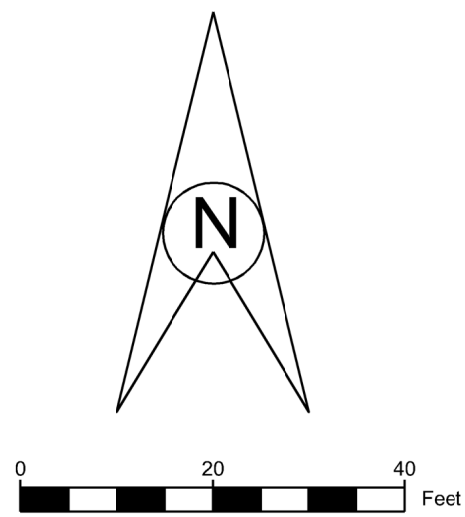
Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Existing Conditions), Building Plans, Construction Plans

Signature:

Certificate of Survey & Topographic Survey



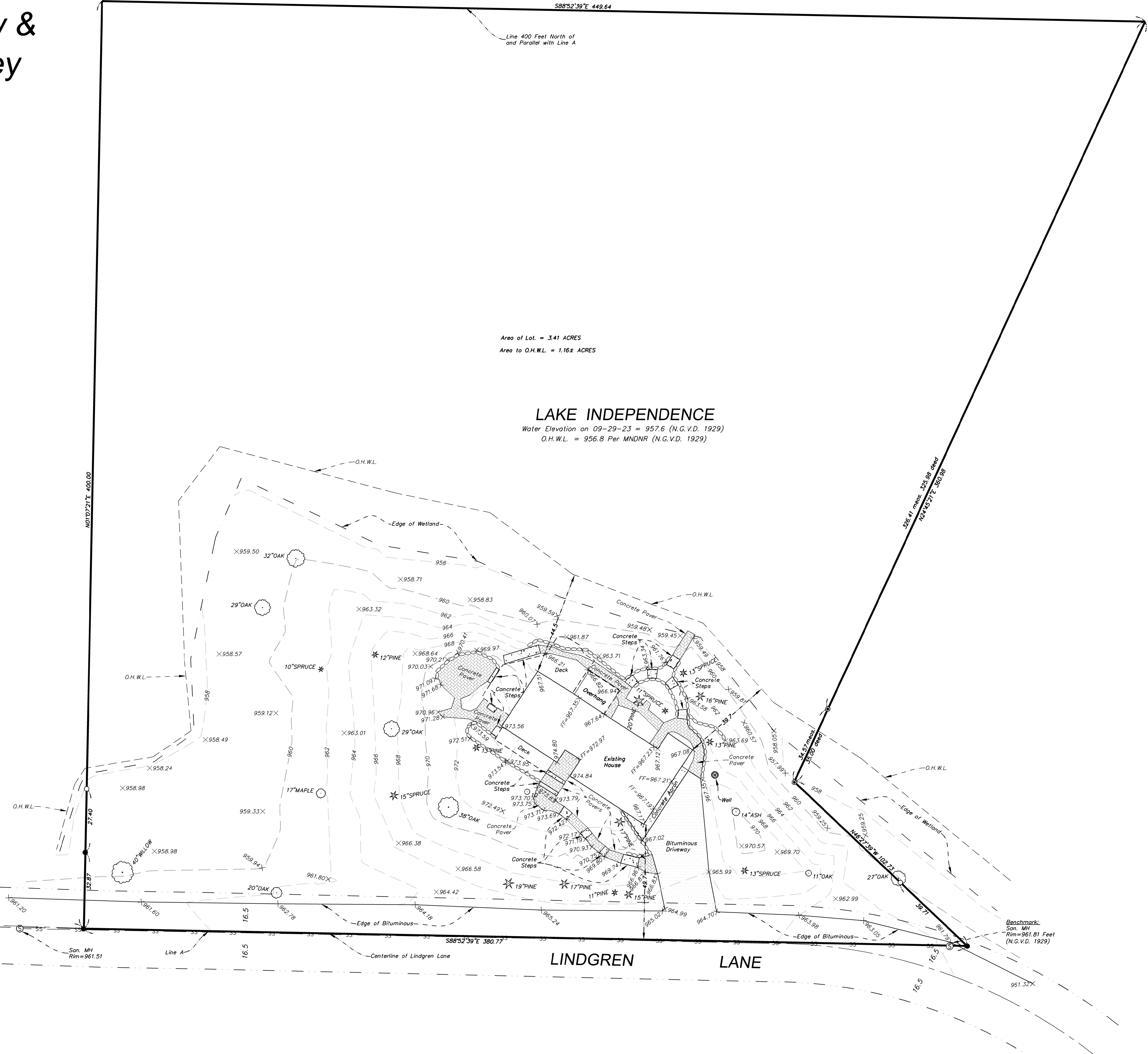
- LEGEND
- 988 — denotes Existing Contour
  - 988.00 X denotes Existing Spot Elevation
  - FF=989.36 denotes Finished Floor Elevation
  - denotes Telephone Pedestal
  - denotes Power Pole
  - denotes Water Valve
  - denotes Sanitary Cleanout
  - denotes Hydrant
  - denotes Sanitary Manhole
  - W — denotes Water Line
  - SS — denotes Sanitary Sewer Line
  - OHE — denotes Overhead Electric Line
  - X — denotes Fence Line

EXISTING HARDCOVER CALCULATIONS:		
AREA TO OHWL =	50,559±	S.F.
	AREA	
Existing House	2,249	S.F.
Overhang	198	S.F.
Decks	842	S.F.
Bituminous Driveway	1,187	S.F.
Concrete Steps	263	S.F.
Concrete Apron	146	S.F.
Concrete Pavers	1,570	S.F.
Retaining Walls	324	S.F.
TOTAL	6779	S.F.
% HARDCOVER	13.4	%

NOTES:  
1. Area to O.H.W.L. Includes the Road R/W  
2. Bituminous Driveway Area is Measured to the Edge of the City Street. Bituminous for the Street is Not Included

Surveyors Note:  
The Bearings shown on the drawing are based upon the Hennepin County Coordinate System and differ from the legal description. The angles formed by the bearings are the same.

PROPERTY DESCRIPTION:  
(Per Torrens Certificate of Title No. 1192498)  
That part of Government Lots 4 and 5, and that part of the accretions to Government Lots 4 and 5, Section 13, Township 118, Range 24, all described as commencing at the Southwest corner of said Government Lot 5; thence on a bearing of East (assuming the West line of said Government Lot 5 as bearing North), along a line hereinafter referred to as line "A" a distance of 1183 feet to the actual point of beginning; thence East along said line "A" a distance of 380.77 feet, which point is marked by a Judicial Landmark set pursuant to Torrens Case No. 14071; thence North 47 degrees 35 minutes West a distance of 102.73 feet, which point is marked by a Judicial Landmark set pursuant to Torrens Case No. 14071; thence North 23 degrees 38 minutes East a distance of 35 feet, which point is marked by a Judicial Landmark set pursuant to Torrens Case No. 14071; thence continuing North 23 degrees 38 minutes East a distance of 325.98 feet to a line drawn parallel with and 400 feet North from said line "A"; thence West along said parallel line to a line bearing North from the actual point of beginning; thence South a distance of 400 feet to the actual point of beginning, according to the Government Survey thereof.



www.ottoassociates.com  
9 West Division Street  
Buffalo, MN 55313  
(763) 662-4727  
Fax: (763) 662-3522

**OTTO ASSOCIATES**  
Engineers & Land Surveyors, Inc.

denotes iron monument found  
denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062  
denotes found Judicial Land Monument

Project No. 23-0402

Chris Dahlberg

Requested By:  
Date: 09-29-23  
Drawn By: B.M.H.  
Checked By: P.E.O.  
Scale: 1"=20'

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 Professional Engineer under the laws of the State of Minnesota.  
Paul E. Otto  
License # 40062  
Date: 10-05-23

Certificate of Survey on Part of Gov't Lots 4 and 5, Sec. 13, T. 118, R. 24, Hennepin County, Minnesota  
Revised:





SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

PLAN REVISIONS

1. VARIANCE - KE - 7/2/24
2. VARIANCE (DORMER) KE 8/8
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DAHLBERG RESIDENCE

3010 LINDGREN LANE  
INDEPENDENCE, MN 55

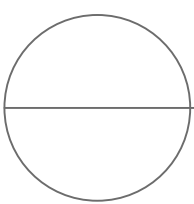
ALMA HOMES

DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331  
612-790-7860  
WWW.ALMAHOMESMN.COM  
MN LICENSE #BC726074

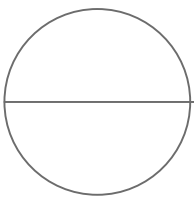
SHEET

1 OF 9



SOUTHEAST ELEVATION

SCALE 1/4"=1'



NORTHWEST ELEVATION

SCALE 1/4"=1'



SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

PLAN REVISIONS

1. VARIANCE - KE - 7/2/24
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DAHLBERG RESIDENCE

3010 LINDGREN LANE  
INDEPENDENCE, MN 55

ALMA HOMES

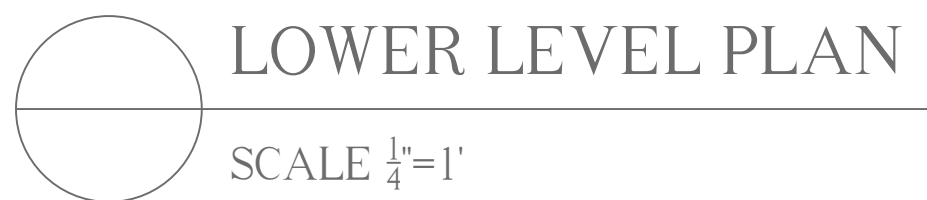
DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331

612-790-7860

WWW.ALMAHOMESMN.COM

MN LICENSE #BC726074



3 OF 9

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 S

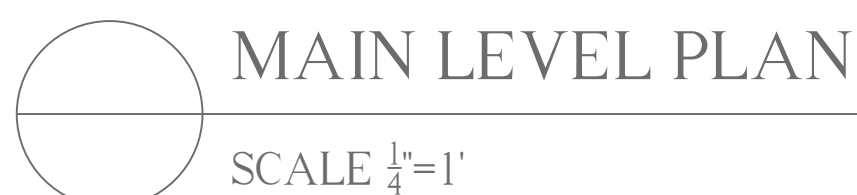
1. VARIANCE - KE -  $7/2/24$
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

3010 LINDGREN LANE  
INDEPENDENCE, MN 559

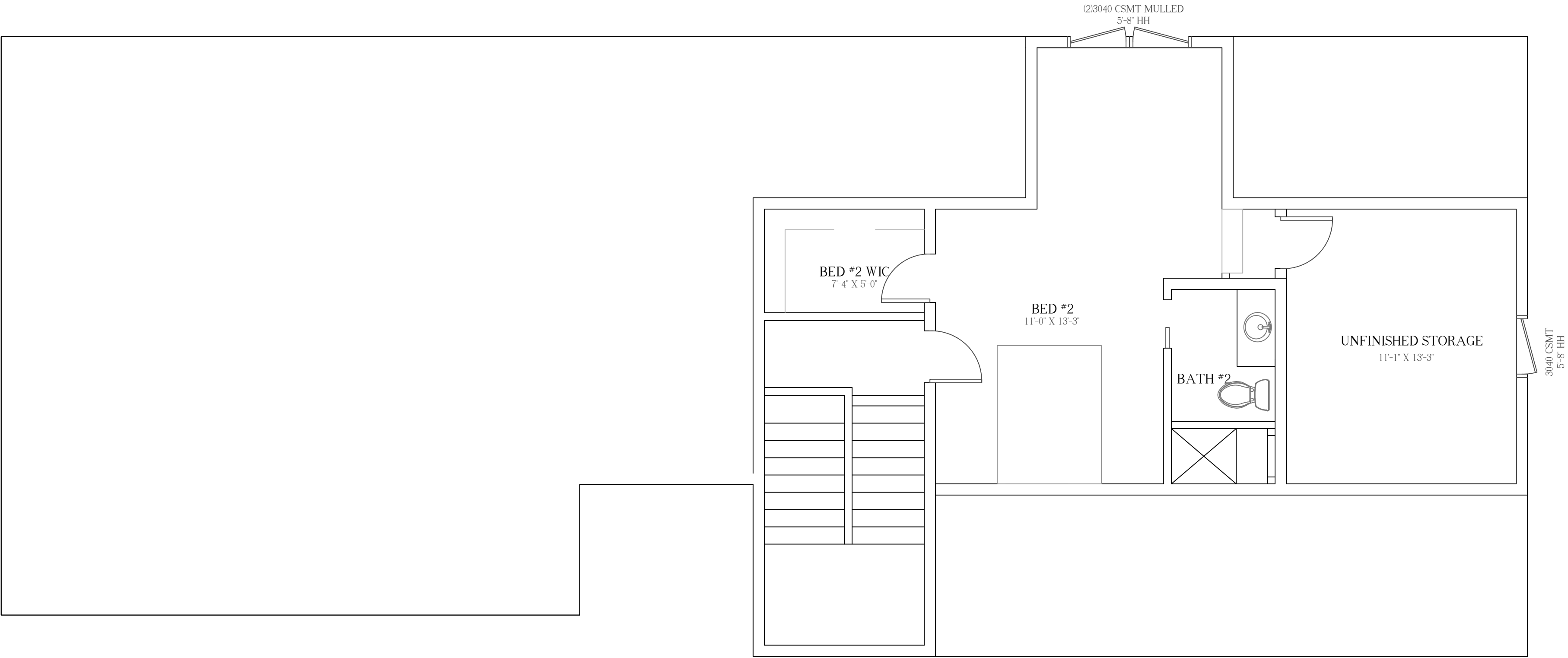
DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331  
612-790-7860  
WWW.ALMAHOMESMN.COM  
MN LICENSE #BC726074

## 4 OF 9



COPYRIGHT 2024 ALMA HOMES



SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

PLAN REVISIONS

1. VARIANCE - KE - 7/2/24
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DAHLBERG RESIDENCE

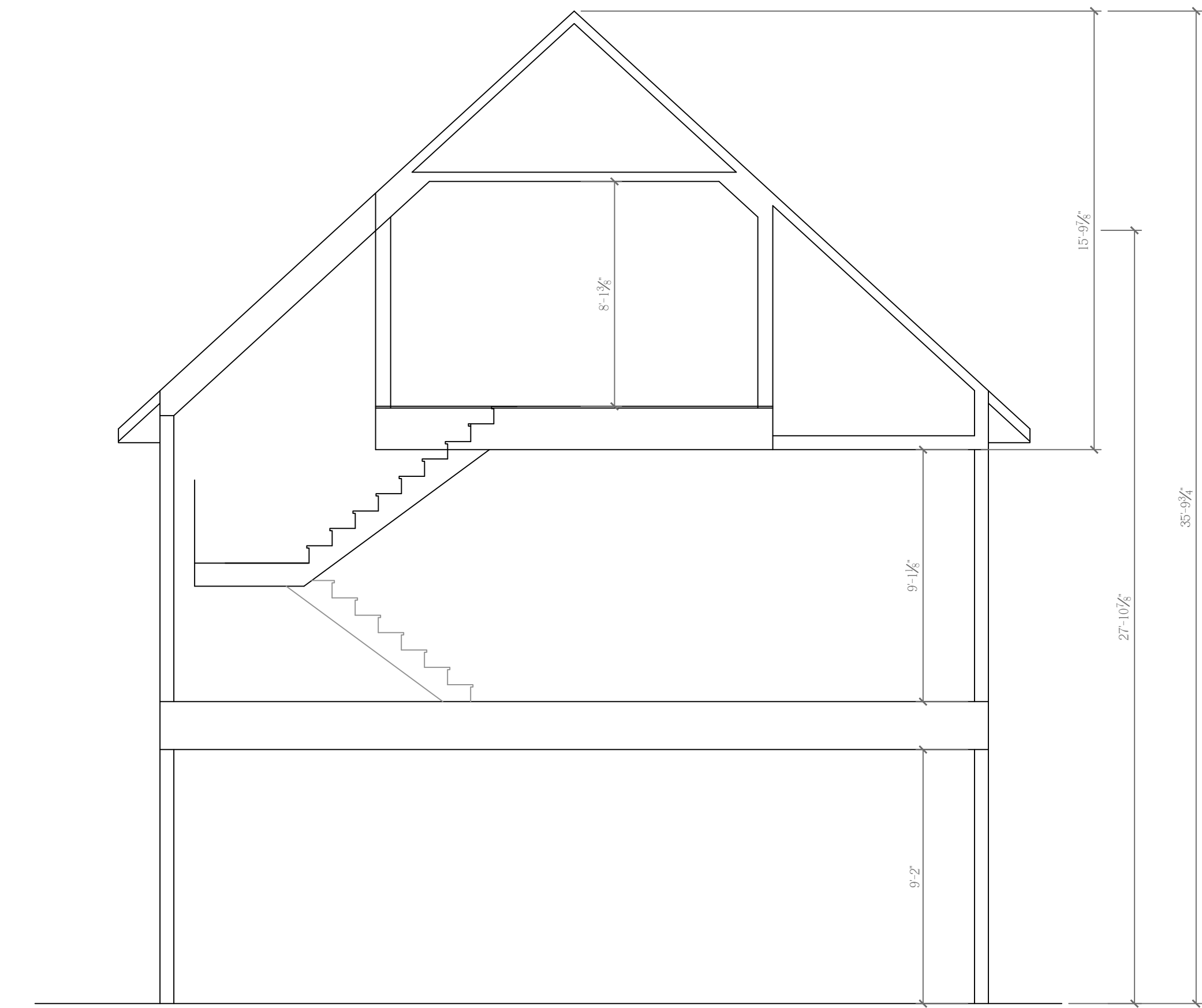
3010 LINDGREN LANE  
INDEPENDENCE, MN 55

ALMA HOMES

DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331  
612-790-7860  
WWW.ALMAHOMESMN.COM  
MN LICENSE #BC726074

SHEET



SECTION CUT 1

SCALE 1/4"=1'

SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

PLAN REVISIONS

1. VARIANCE - KE - 7/2/24
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DAHLBERG RESIDENCE

3010 LINDGREN LANE  
INDEPENDENCE, MN 55

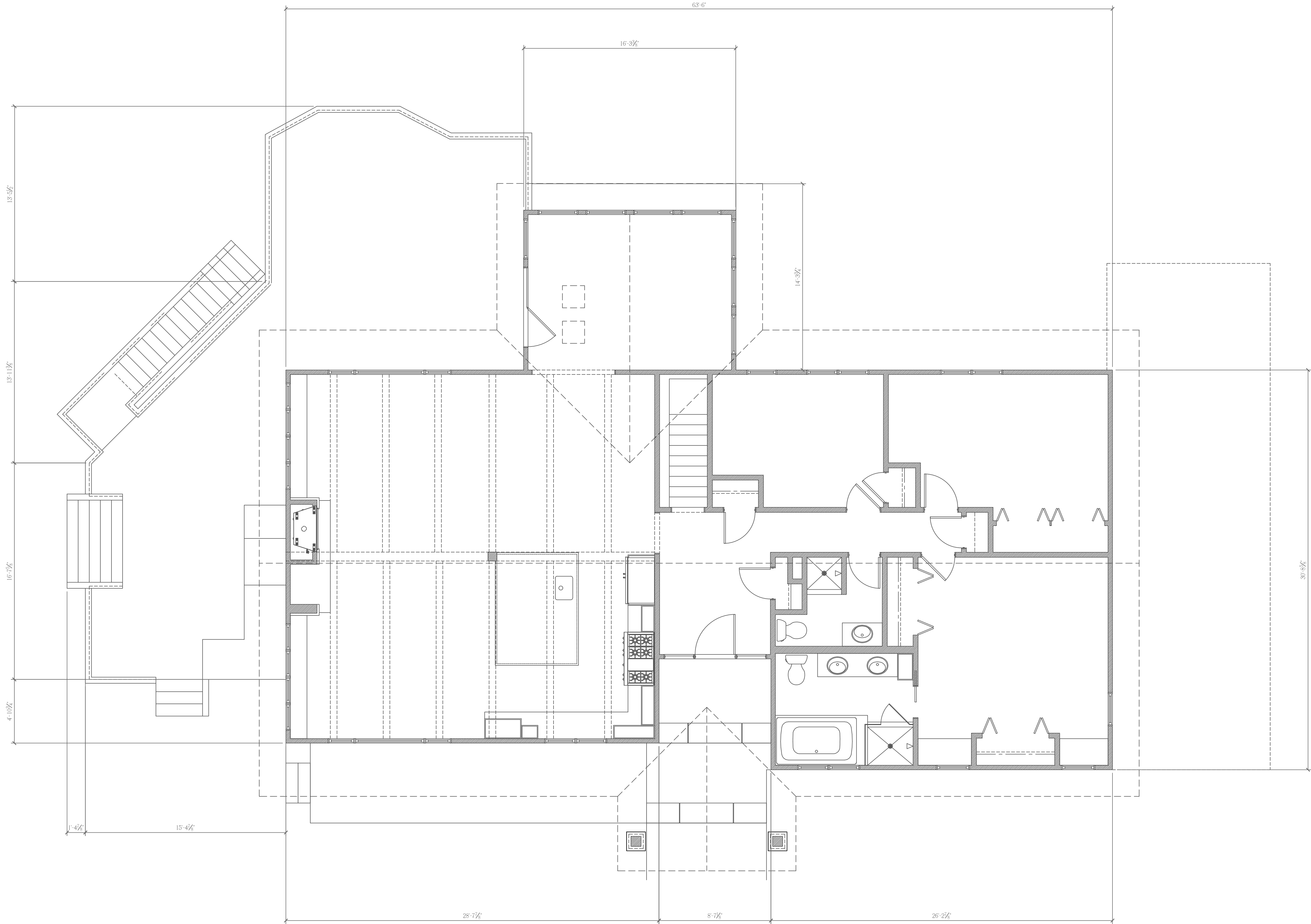
ALMA HOMES

DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331  
612-790-7860  
WWW.ALMAHOMESMN.COM  
MN LICENSE #BC726074

SHEET

6 OF 9



SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

PLAN REVISIONS

- 1. VARIANCE - KE - 7/2/24
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DAHLBERG RESIDENCE

3010 LINDGREN LANE  
INDEPENDENCE, MN 55

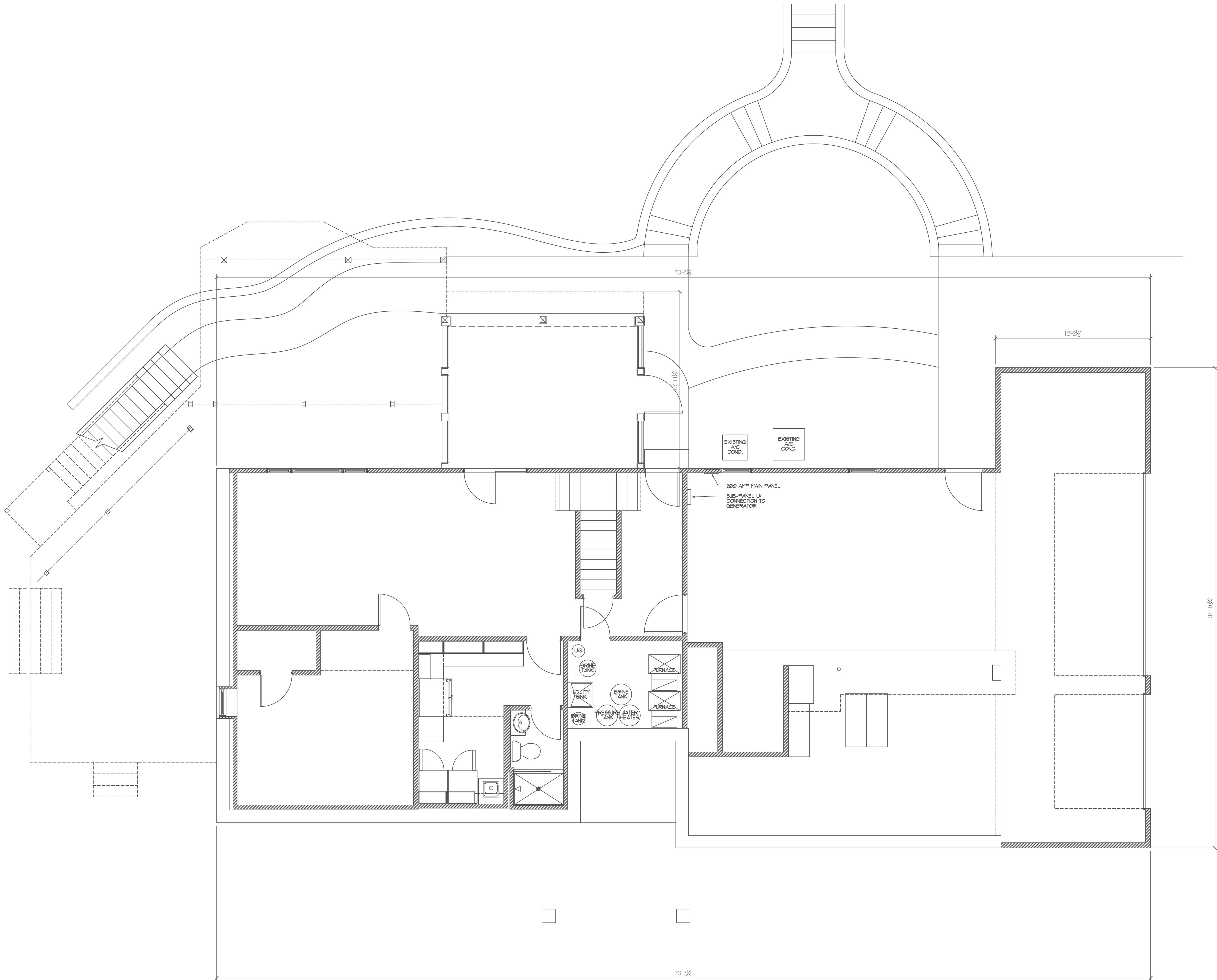
ALMA HOMES

DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331  
612-790-7860  
WWW.ALMAHOMESMN.COM  
MN LICENSE #BC726074

SHEET





SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

PLAN REVISIONS

- VARIANCE - KE - 7/2/24
- 
- 
- 
- 
- 
- 
- 
- 
- 

DAHLBERG RESIDENCE  
3010 LINDGREN LANE  
INDEPENDENCE, MN 55

ALMA HOMES

DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750

ORONO, MN 55331

612-790-7860

WWW.ALMAHOMESMN.COM

MN LICENSE #BC726074

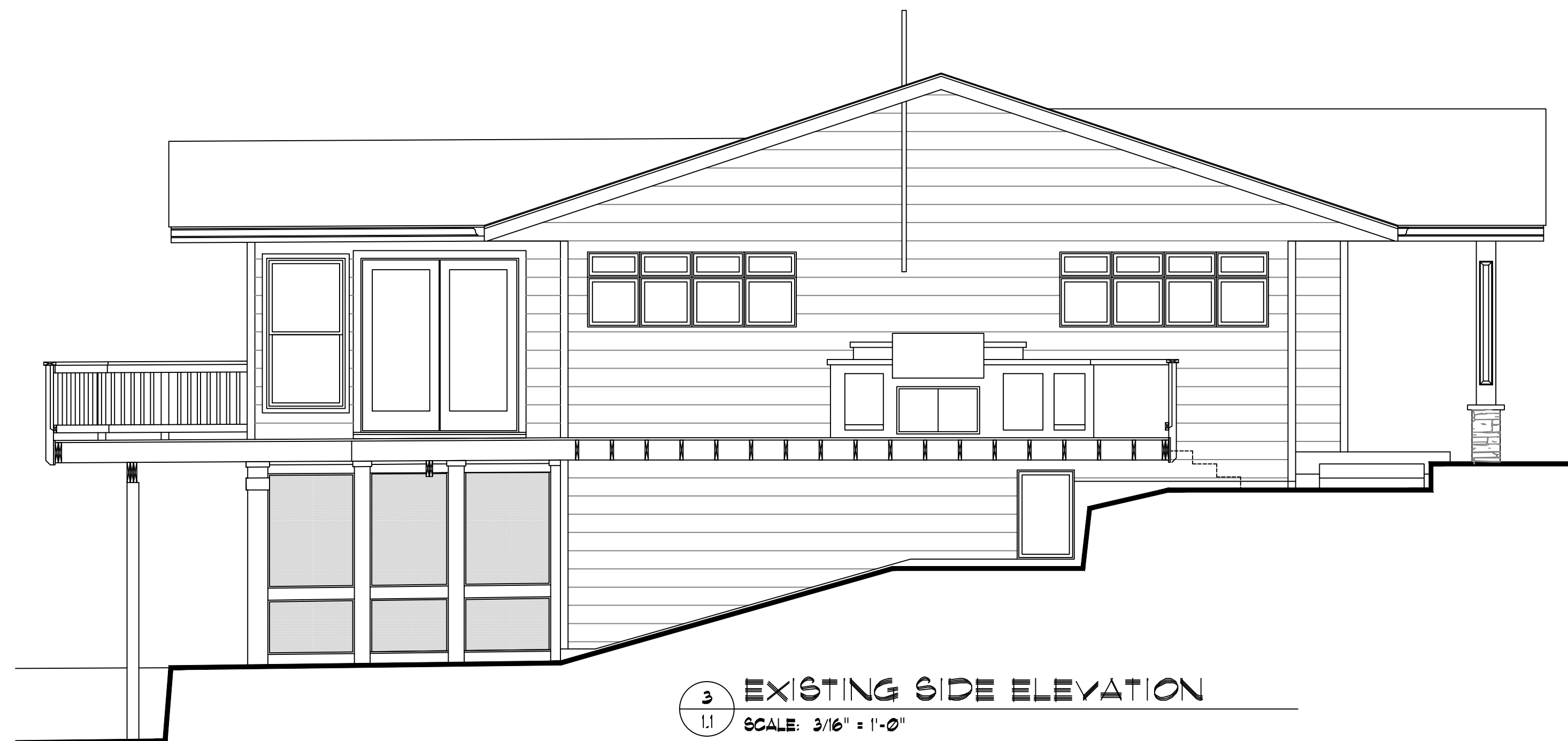
SHEET



2 EXISTING FRONT ELEVATION  
SCALE: 3/16" = 1'-0"



4 EXISTING REAR ELEVATION  
SCALE: 3/16" = 1'-0"



3 EXISTING SIDE ELEVATION  
SCALE: 3/16" = 1'-0"

EXISTING ELEVATIONS  
SCALE 1/4"=1'

#### SQUARE FOOTAGE

FINISHED BASEMENT: 1013 SF  
FIRST FLOOR: 1917 SF  
SECOND FLOOR: 557 SF  
TOTAL SF: 3457 SF

GARAGE: 883 SF  
EXISTING FOUNDATION: 2176 SF

#### PLAN REVISIONS

1. VARIANCE - KE - 7/2/24
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DAHLBERG RESIDENCE  
3010 LINDGREN LANE  
INDEPENDENCE, MN 55

ALMA HOMES  
DESIGN | BUILD | RENOVATE

2500 SHADYWOOD ROAD SUITE 750  
ORONO, MN 55331  
612-790-7860  
WWW.ALMAHOMESMN.COM  
MN LICENSE #BC726074

SHEET

9 OF 9

COPYRIGHT 2024 ALMA HOMES