

## CITY OF VERGAS PLANNING COMMISSION MINUTES

Monday, June 28, 2021

6:00 pm

Event Center & Zoom Meeting

The City of Vergas Planning Commission was held on Monday, June 28, 2021, at 6:00 pm at the Vergas Event Center and on Zoom with the following members present Bruce Albright, Van Bruhn, Robert Jacoby, Neil Wothe and Paul Pinke. Absent: None. Also, present: Clerk- Treasurer Julie Lammers, Utilities Superintendent Mike DuFrane, Tara Dressen, Dan Bonham, Steve Peloquin, Lyle Krieg, Jon Lotzer, Dennis Breitzman, Jaron Lammle and Barry Strelow.

Bruce Albright opened the meeting at 6:00 pm.

Agenda changes consisted of the addition of Veterans Memorial, Sunny Oaks Development and the removal of 88 Park View Drive.

Motion by Pinke, seconded by Jacoby to approve the minutes of the June 9, 2021, meeting. Motion passed unanimously.

### **Variance**

Commissioners reviewed the variance for 806 Scharf Ave E, this building is located on a non-conforming lot with a cabin within the shore impact zone. Lammers provided the following information: The current cabin is 20 feet from the shoreline. Addition would be 48 feet from the shoreline. Otter Tail County stated they would not allow the addition because current cabin is within the Shore Impact Zone (land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50% of the structure setback), but they do not have jurisdiction in the city limits. County stated 37.5 feet from ordinary high-water level in the shore impact zone or bluff impact zone.

Peloquin read both the city ordinance and the Mn Statute MS 462.357.

SECTION 6.0 NONCONFORMITIES All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

Minnesota Statute ([MS 462.357, Subd. 1e](#) (link is external) ) states that existing nonconforming structures may be continued, including through repair, replacement, restoration, maintenance, or improvement. Generally, under state law, any alteration or addition to a nonconforming structure is allowed only where the construction will not increase the nonconformity. An expansion is not allowed within the shore impact zone or bluff impact zone - which is half of the distance of the structure setback. Legal nonconformities in floodplain areas have more limitations because federal rules are more stringent than state law. Most notably, improvements to nonconformities in floodplain areas are limited to 50 percent of their current market value.

Peloquin's recommendation is to not allow variance because it is an enlargement of the footprint of a non-conforming lot. The statutes are to eliminate non-conforming lots.

Motion by Jacoby, seconded by Pinke to deny the variance for 806 Scharf Ave E due to the building being in the shoreline impact zone and the lot being nonconforming. Motion passed unanimously. Peloquin stated he would revisit this if he was provided information he may be missing, but he is confident he is correct. The cabin needs to keep its original footprint or be demolished and rebuilt to current regulations on the lot.

Commissioners discussed lots in the area that are non-conforming. The City of Vergas does not have fulltime staff to review these type projects so the planning commission will need to take time to review these types of permits. We may want to inquire information from the County regarding hiring one of their employees to review permits within the City of Vergas.

### **Construction Permits**

Motion by Jacoby, seconded by Pinke to deny construction permit for 806 E Scharf Avenue for an addition of existing

cabin. Motion passed unanimously.

Motion by Pinke, seconded by Bruhn to approve construction permit for 380 S Pelican Ave to remove pea gravel and install pavers in front yard. Motion passed unanimously.

**Old Business:**

Townline Road survey is completed by KLJ Engineering. Peloquin stated the dedication needs to put in with road top as is or a description from KLJ Engineering. It is up to the commissioners to decide about the right of way easements by either voluntary deed or condemnation. Peloquin recommended doing the dedication of the roadway and then later get the easements as they may take some time. Kolbinger will need to provide description and Council will need to hold a public hearing.

Nuisance properties located at parcel 82000500034000 of an old trailer house was discussed and letter has been sent and we have not received any response. The 10 days given to property owner has not been fulfilled. Lammers will update planning commissioners regarding property at the August meeting.

Grass Ordinances from other communities were provided to commissioners. Commissioners stated would like the ordinance rewritten for the City of Vergas. Albright stated he would review the ordinance from Vergas and other communities and bring a recommendation to the August meeting.

**New Business**

Veteran Memorial Park committee reviewed the plans for the Veterans' Park proposed on city property located at 230 E Frazee Avenue. Veteran's Memorial Committee provided a petition with 316 signatures in favor of the project with 14 of those signatures Vergas residents. Motion by Jacoby, seconded by Pinke to have Council approve the construction permit if the proposal of projects on City property is approved. Motion passed unanimously.

Sunny Oaks Development was discussed as the property owners would like information regarding the project. They were asked to provide a data practices form and payment for Lammers to provide information. The project was apart of the 2019 Street Project.

Meeting adjourned at 7:15 pm.

Secretary,

Julie Lammers, CMC Clerk-Treasurer  
City of Vergas

**Follow Up Actions:**

Albright to prepare Grass Ordinance.

Engineer Kolbinger provide description of Townline Road and Council will need to hold a public hearing.

**Actions Completed and Removed from Follow up:**

Attorneys prepare a resolution to allow type two 4-wheelers to be allowed on County Roads (the city truck routes).

Lammers contacts the county regarding building by the lake.

Lammers provides other city weed grass (weed) ordinances.

**Council recommendations:**

Proceed with Townline Road dedication and leave easements to a later date.

Schedule a public hearing regarding dedication of Townline Road.

Council approves the construction permit for Veteran's Memorial if the proposal of projects on City property is approved.