

CITY OF RUSHFORD VILLAGE (CRV)
PLANNING/ZONING COMMISSION MEETING MINUTES FROM TUESDAY, June 18, 2024

The Tuesday, June 18, 2024 Planning and Zoning meeting was called to order at 5:33pm by Planning and Zoning Administrator Jon Pettit in the CRV Office.

Members Present: Jon Pettit, Hamilton Petersen, Gordon Johnson and Glen Kopperud

Absent: Jesse McNamer

Citizens/Others Present: Branden & Ashley Johnson, Les Ladewig, Kim Rasmussen, Clay Anderson, Steve Anderson
Dennis Overland-Mayor, Mary Miner-Clerk

Agenda Approved as presented

Motion by Johnson, 2nd by Petersen. Carried.

Minutes from the May 21, 2024 Planning-Zoning Commission Meeting approved as presented

Motion by Johnson, 2nd by Petersen. Carried.

NEW PERMITS:

#1662-Jerri Bellock-Deck-State Highway 43 s

#1663-Robert Forsythe-Replace Loose Tin on Pole Shed-Ridgeview Rd

#1664-Jesse & Stephanie McNamer-24'x34' Shed-County Line Rd

#1665-Corey Guyer-12'x12' Addition to Dwelling-Village Rd

#1666-Larry & Ann Bartelson-Replace 3 Windows-Main St

#1667-Greg & Kim Norstad-Replace Old Siding-State Highway 30

#1668-LeRoy & Phyllis Nielsen-Reroof Old Shed-Goodrich St

PERMIT STATUS / PROJECTS IN PROCESS / INQUIRIES: None reported

- **Branden Johnson Shed Permit/Variance Applications:** Branden & Ashley Johnson
 - B. Johnson re-submitted a permit application for a 45'x60' shed that now includes 18-foot sidewalls. Permit was denied because of two ordinance violations, placing the shed in front of his residence and 18-foot sidewalls. B. Johnson was not aware of the sidewall height restriction when made the permit application
 - B. Johnson reasons for placing the shed in front of the residence are, floodplain in backyard & blocking neighbors view, shared well lines, electrical, septic site
 - B. Johnson reasons for wanting 18-foot sidewalls, he would like to have a two-post car lift on the south side of the shed, the north side of the shed would have a mezzanine put in at about 12 feet to allow for vehicles below with storage space above and would allow for a hood for ventilation when welding, space would be large enough for kids to practice batting inside during the winter, store snowmobiles/4-wheelers off the floor during the seasons
 - 12-foot sidewalls are the standard in subdivision/residential areas are to maintain the aesthetics of the area. These areas are not meant to have larger buildings like those allowed in agricultural or commercial areas
 - Other structures in the area with higher than 12-foot sidewalls are not part of a subdivision. G. Johnson stated he does not see a problem with higher sidewalls on the B. Johnson shed because right across the road the Eide shed with higher sidewalls but agreed the Eide is not in the subdivision. Overland stated this would be setting a precedence
 - Overland made clear for a variance you need a good reason with no other alternatives. The variance for the location appears to show another location would be difficult, the variance for 18-foot sidewalls, the purpose is just because you want it, which makes it harder to justify accepting according to the variance rules. For a variance you have to have a reason for the variance and there are no other alternatives. There has to be a hardship/reason the variance is needed other than because that is what is wanted, the variance has to be justified
 - B. Johnson stated the building design will be a unique design with a mono slope and he feels will make it fit into the area well
 - Overland stated there are house height restrictions in the CRV ordinances
 - Future plans are to have a repair shop as a hobby, repairing things is a hobby which includes repairing things for other people. It would have to be determined if this is allowed in a subdivision because it would be commercial and bring more traffic into the area

- Kopperud stated this is not for planning and zoning discretion as to what can and cannot be done, CRV has rules and 18-foot sidewalls is a long way from 12-foot sidewalls. Kopperud stated he would like to see B. Johnson get his shed but there is a responsibility to CRV too and suggested if something like this is going to be done, they should go back and take a look at the rule and get the rule changed before anything is done
- Peterson stated the shed is in a subdivision but will have a unique design and will not be an eyesore, in the future if there is increased traffic because of a repair shop it will be addressed at that time, He does not have an issue with either variance. Petersen questioned where the water runoff from the shed would go, any runoff will go into a low spot and into the backyard, it will not put water onto the neighbor's property.
- G. Johnson asked what would be the shortest sidewall B. Johnson could make work, B. Johnson stated 18 feet, some of the trees will be taller than what the shed will be.
- According to B. Johnson he was told by Josh Happel the height does not matter because it would not affect what they look at and Amy, looking north, would only see the walnut trees, from highway 16 you only see the south side, coming in the driveway you see the doors and cement
- Petersen questioned where the water runoff from the shed would go, any runoff will go into a depression in the backyard, it will not put water onto the neighbor's property.
- Pettit stated Planning and Zoning cannot grant anything. Planning and Zoning need make a recommendation, favorable or non-favorable, to the Council regarding the variances. The Council will set a public hearing date and time, after the public hearing the Council will decide if a variance/variances will be granted.
- Overland stated there has to be justifiable reasons for an ordinance to be granted. If someone questions why the variance was granted there has to be justifiable reasons for it being granted, just wanting something does not make it justifiable
- G. Johnson stated it is important to let the Council know the plans and why certain things are needed. He does not feel negative feedback should be given to the Council. He does not feel 18-foot sidewalls will make a big difference in this location but it is not what the CRV policy says, on one hand this is asking for a stretch but on the other hand he feels it would fit without being gaudy

Motion made to have Pettit bring a positive recommendation to the Council for both variance applications

Motion by Johnson, 2nd by Petersen. Carried.

• **Ladewig Subdivision:** Les Ladewig & Kim Rasmussen

- 2 proposals were provided both drawn by G-Cubed. Proposal 1 showed 8-2.5+ acre lots with their own well and septic. Proposal 2 showed 12-1.5+ acre lots with community septic and well
- Ladewig stated they will be submitting proposal 1 because the cost infrastructure cost for proposal 2 is too much
- Using proposal 1, 2.5+acre lots, the cost of the project with G-Cubes doing all the work is estimated to be \$1,003,352.79. The break even cost per lot would be \$125,419.00.
- This plan could change a little if 2 acre lots are allowed. G-Cubed told Ladewig there would be enough room with 2 acre lots for 2 septic locations. Allowing 2 acre lots would possibly provide 2 additional lots in the subdivision
- Ladewig does not plan to have G-Cubed do all the work which would be ok as long as the work was done/built according to the submitted plans
- Part of the subdivision is in bluff protection which is already accounted for in the plans
- There would be one road access that would meet up with the Himlie Drive, which is a City of Rushford street. There might be another access from Humble Avenue but it would need to be determined if there is an easement and what that easement is actually for
- The road in the subdivision must be blacktop before the roadway can be dedicated to the public, time frame of when blacktopping needs to be done will have to be determined by CRV Subdivision Ordinance #11 regulations
- Once the road is completed it can then be dedicated to CRV to take over maintenance and upkeep if the developer wishes to do so. If the developer does not wish to dedicate the road to CRV they would be responsible for all maintenance and upkeep of the road
- It appears the natural gas line has been taken into consideration on the plans but it will need to be verified where a house can be placed in regards to setbacks
- Ladewig asked if 2 acre lots would be allowed. This would require a variance, which would require a public hearing. Ladewig decided to move forward with 2.5 acre lots as shown on the plans
- Before CRV can issue a permit application the homeowner would need a septic permit number from Fillmore County. Blake Lea is the septic person for Fillmore County
- Ladewig questioned if a multi-family dwelling could be placed on the 6+ acre lot, septic requirements might make this difficult to do
- Next step would be to submit a subdivision application, CRV Engineer Derek Olinger from Bolton & Menk would review the plans to make sure everything is in order, a public hearing would be required

- **Clay Anderson-Airport Road:** Clay Anderson & Steve Anderson
 - Anderson would like to purchase $\frac{3}{4}$ of an acre from his parents, Steve and Lisa Anderson, to build a house where the old house currently sits along Airport Rd. The old house would be demolished and a new driveway would be put in so the farm and house would have separate driveways
 - Anderson was told CRV ordinance requires 2.5 acres unless it is already a parcel of record and has the room for two septic sites
 - Anderson maintains there is not a good way to split 2.5 acres off the existing parcel of approximately 16 acres without including some of the outbuildings.
 - He would like to have the house taxed separately from the rest of the farm because in the future he and his brother plan to buy the farm from his parents which would include the outbuildings
 - Steve and Lisa could apply for a permit to build a house but in order for Clay to get a bank construction loan his name needs to be on the parcel number showing he owns the land where the house would be located
 - The septic has been inspected and approved
 - A possible solution may be for Clay to purchase the required amount of land and at a later date sell a portion back.
 - Anderson asked again if there was any way to get $\frac{3}{4}$ to one acre. He was told the only way to get less than 2.5 acres would be if it were a parcel of record already with enough room for two septic sites. This is what Fillmore County has in their ordinance and CRV has to be as strict as Fillmore County
 - Anderson will see what he can make work

OTHER ISSUES/CONCERNS:

- **Rebecca Charles-CEDA Updates/Reports:**
 - Monthly report was available for review

OTHER UPDATES/ MEETING:

Next Zoning Board Meeting: July 16, 2024, 5:30 pm at CRV Office

Next Council Meetings: June 18 and July 2, 2024 at 7:00 pm at CRV Office

Motion to Adjourn made by Johnson 2nd by Petersen at 6:50 pm

Recorder: Mary Miner