
The meeting was held in-person, with participation via Zoom also available.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM. The Pledge of allegiance was stated.
2. **ROLL CALL** – Present: Chair Kris Kopitzke, Doug Parker, Justin Sykora, Christian Dawson, Scott Patten, Kuchen Hale. Absent were Sally Doherty, Roger Bowman, James Langan. A quorum was present.
ALSO IN ATTENDANCE – Council member Randy Nelson, City Administrator Ron Moore, City Clerk Julie Yoho
3. **APPROVAL OF AGENDA** –
Motion/Second Patten/Parker To approve the agenda for the August 30, 2021 Planning Commission meeting. Passed 6-0.
4. **APPROVAL OF MINUTES** –
A. Motion/Second Parker/Sykora to approve the minutes of the August 2, 2021 Planning Commission meeting. Passed 4-0-2 (Hale, Dawson abstain)
5. **REPORTS AND PRESENTATIONS** - None
6. **PUBLIC HEARINGS** –
 - A. Kris Durkop After-the-Fact Variance application at 3988 River Road
Chair Kopitzke opened the public hearing at 7:04pm
Administrator Moore provided a summary of the application in which the applicant is requesting an after-the-fact variance to enable the two parking spaces installed in an area with a slope greater than 12% to be retained.
Kris Durkop, applicant, stated she added parking space at the bottom of hill of the driveway for winter use. She is the first owner to live at the property year-round.
Helen Schneider, neighbor to north, stated that the property does not have room for parking at top of driveway, roadway is too narrow to park along. Safer for people to have parking on their own land.
Recommend letting Kris have her parking spot.
Other neighbor agreed
No other comments were received
Motion/Second Hale/Parker to close public hearing. Passed 6-0.
Hearing closed at 7:14pm
Patten asked how many cars are typically parked (one). How big is the parking area (16x24)
Parker asked how the city was notified about this?
Administrator Moore stated the city noticed it was there.
Sykora asked if engineering was done? Is there a drainage issue? (no)
Administrator Moore stated there was an old pull-off there which is being removed, adjacent to the road.
Hale stated she didn't see any signs of erosion or issues.
Administrator Moore stated the owner needs to obtain a permit. If there are any issues the engineer looks for possible improvements.
Sykora stated the driveway is steep; due to safety issues, he has no issue with this.
Patten stated this creates more impervious surface, it could have been gravel. Dislikes variances after the fact. Understands the issue, but dislikes precedent it sets.
Kopitzke stated this parking issue not unique in Afton or on River rd.
Parker stated he also dislikes the precedent but understands the need.
Hale asked if this had come to us for approval before the project occurred, would we have allowed? Or allowed more parking on top of driveway? Do we need an engineer to look at? (add as condition/finding)
Parker stated we could have required gravel.
Sykora noted the variance is for the slope, not for surface. Recommends paving rather than gravel to reduce erosion. Concrete or pavers would have been good suggestions.
Hale stated she would have approved.

59 **Motion/Second Hale/Dawson to recommend approval of the variance request at 3988 River Rd.**

60 Kopitzke stated one of the three tests for a variance is uniqueness; this is not unique.

61 Hale stated that this is a safety concern.

62 Patten stated there needs to be enforcement of ordinances.

63 Dawson stated if the application came to us prior, for safety, he would have approved.

64 **Motion vote: 3-3, motion fails (Kopitzke, Parker, Patten nay)**

65 Will go to city council in September.

66

67 B. Jim Gehrke Variance application at 3561 St Croix Trail

68 Chair Kopitzke opened the public hearing at 7:40pm

69 Administrator Moose provided a summary of the application which is to enable the construction of a new
70 house at 3561 St. Croix Trail with a rear yard setback of 27 feet vs. the required 30 feet and a setback
71 from the steep slope to Kelles Creek of 38.5 feet vs. the required 40 foot setback.

72 Jim Gehrke, applicant, stated he has been working on rebuilding here since 2015.

73 Bob Dickie, resident on 35th St. stated this has impacts on the creek and river. Look carefully at granting
74 variances for a structure close to the levee. There are requirements for limiting plantings on the levee, this
75 is for building on the levee. Have engineer look at to be sure we aren't losing our certification or having
76 levee fail.

77 **Motion/Second Patten/Parker to close public hearing. Passed 6-0.**

78 Hearing closed at 7:56pm

79 Kopitzke asked why horizontal footing is needed.

80 Jim Gehrke's contractor stated the construction will be slab on grade so it will not bother the retaining
81 wall. No frost footings.

82 Administrator Moose stated the allowed building area is not on the levee. It is not in the permanent
83 easement for the levee. The original building site was approved by the corps of engineers.

84 Patten clarified we are not having an impact on the levee. (no, but Moose will check again with the
85 corps)

86 Parker asked if when the building pad was designed, was it done to handle the weight of a building during
87 a flood event?

88 Kopitzke stated he is trusting the engineers.

89 Sykora stated a different design could be done, but it is function of cost.

90 Kopitzke stated in terms of criteria for a variance, the applicant didn't cause the problem, it is unique, a
91 hardship exists and the variance is small.

92 Parker stated his concern would be double checking with the engineer. If ground is saturated, can it
93 support the house.

94 Dawson asked about the agreement with the city – what sq. footage was agreed on?

95 Administrator Moose stated the size was not agreed on, building area was.

96 **Motion/Second Sykora/Hale move to recommend approval of the Jim Gehrke variance application
97 at 3561 St. Croix Trail with findings and add condition to be sure no issue with levee through
98 review by Corps of Engineers, and to have city engineer review plans for the building pad. Passed
99 5-1 (Patten nay).**

100 **Findings**

- 101 1. The subject property and surrounding properties are zoned VHS-Residential and are in
- 102 the Lower St. Croix Bluffland and Shoreland Management Overlay District
- 103 2. The subject property is .41 acres, or 17,860 square feet in size
- 104 3. The subject property is restricted by easements for the flood levee
- 105 4. The former house on the property, which was a 768 square foot, 1 and 1/2 story house,
- 106 was required to be removed to enable the construction of a portion of the levee.
- 107 5. An approved building area, which meets required setbacks, was agreed upon as part of
- 108 the easement agreement between the City and the Gehrkes.
- 109 6. Due to a two-tiered retaining wall along the north property line, the foundation of the
- 110 house cannot be located at the 10 foot side yard setback line, but needs to be located 12

- 111 feet from the property line to enable the required 42-inch protected depth for footings
112 for the foundation of the house.
113 7. The proposed house is a 1 and ½ story house with dormers on the north and south sides
114 to enable living space in the middle portion of the second level of the house.
115 8. The main floor living area of the proposed house is 748 square feet, and the house
116 includes a 432 square foot attached garage, which brings the total square footage of the
117 house to 1,180 square feet.
118 9. The proposal includes a variance to allow the house be located 27 feet from the rear
119 property line vs. the required 30 feet, and to allow the house to be located 38.5 feet from
120 the steep slope to Kelles Creek vs. the required 40 feet.

121 **Conditions**

- 122 1. Subject to review by the Corps of Engineers to be sure there is no impact to the levee.
123
124

125 **7. NEW BUSINESS** – none

126
127 **8. OLD BUSINESS** –

128 A. Update on City Council actions

129 Council member Nelson provided a summary of the August 17, 2021 City Council meeting.
130

131 **9. ADJOURN**

132 **Motion/Second Patten/Dawson To adjourn. Roll call: all aye, Passed .**
133

134 Meeting adjourned at 8:29pm.
135
136

137 Respectfully submitted by:

138 JY
139 _____

140 Julie Yoho, City Clerk
141
142

143 To be approved on October 4, 2021 as (check one): Presented: X or Amended: _____
144
145