

# **WABASHA PLANNING COMMISSION**

**August 8, 2023 6:00 PM**

## **MEETING AGENDA**

- 1) Call to Order
- 2) Approval of Minutes-
  - a) Approval of Minutes 4-11-2023
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
  - a) 106 Market Street East - Guest Cottage Zimmerman/Penz
- 6) Old Business
- 7) New Business
- 8) Board of Adjustment Business
  - a) BOA Minutes 6-13-2023
- 9) Other Business
- 10) Next Regular Meeting Date - September 12th, 2023
- 11) Adjourn

**Planning Commission**

**2) a)**

**Meeting Date:** 08/08/2023

**SUBJECT:** Approval of Minutes 4-11-2023

**DEPARTMENT:** Administration

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**TITLE:**

Approval of Minutes 4-11-2023

**PURPOSE:**

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**Attachments**

PC Minutes 4-11-2023

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# DRAFT

## WABASHA PLANNING COMMISSION

April 11, 2023 6:00 PM

### MEETING MINUTES

Commission Members:      Tim Wallerich, Chair      Sara Carrels, Vice Chair  
   Scott Durand                      Sharon Burke  
   Ozzie Goodman                Jeff Sulla  
   Vacancy

Present:              Scott Durand; Chair Tim Wallerich; Sharon Burke; Jeff Sulla; Ozzie Goodman

Absent:                Sara Carrels

Also Present:      Kristi Trisko, Contracted City Planner; Wendy Busch, Planning & Zoning Assistant

- 1)              Call to Order  
                    The meeting was called to order by Chair Wallerich at 6:00 p.m.

- 2)              Approval of Minutes- 2/14/2023

Motion made by Scott Durand, seconded by Jeff Sulla to approve the meeting minutes, with minor corrections as noted.

**Vote:** 5 - 0 Adopted - Unanimously

Other: Sara Carrels (ABSENT)

- 3)              Changes or Additions to Agenda  
                    There were no changes or additions to the agenda.

- 4)              Public Comment  
                    There was no public comment.

- 5)              Public Hearings  
                    There were no public hearings.

6) Old Business  
There was no old business.

7) New Business

a) Miscellaneous Subdivision and Zoning Ordinance Updates

City Planner Trisko reviewed proposed revised definitions of front yard, side yard, and rear yard relative to setback requirements. The challenges of corner lots were discussed. Ms. Trisko and City Clerk Busch reviewed the current setback requirements, discussed issues pertaining to new subdivisions, and provided examples. Clarifying language and a separate graphic were suggested relating to corner lots. Deliveries and emergency procedures were discussed in terms of differing street addresses and entrance points. Ms. Trisko referenced ordinance language in other communities and indicated that she will conduct additional research.

City Planner Trisko reviewed proposed ordinance language revisions relating to solar garden elevations. Commissioners referenced the intent of the current language and expressed agreement with the proposed revisions. The benefits of requesting this information as part of the CUP application process were discussed.

City Planner Trisko discussed DNR concerns relating to land uses in Shoreland Overlay zones. She also referenced standard shoreland ordinance language provided by the Minnesota DNR. She reviewed the current Shoreland Overlay map and a land use table. She provided the example of allowing a campground and stated that the DNR representative would like the intensity of land uses to be more restrictive in Shoreland Overlay Zone 4 than in Shoreland Overlay Zone 1. City Clerk Busch provided additional background information, stating that the current ordinance language was drafted in accordance with DNR input. It was also discussed that changes to flood plain maps will be received from FEMA in the coming weeks, which will, in turn, necessitate changes to the Shoreland Overlay zones. It was suggested to wait until the FEMA information is received prior to making any changes. Ordinance language specifically relating to campgrounds was discussed. State regulations and the permitting process for campgrounds were discussed. Ms. Trisko indicated that she will research State guidelines in this regard. Structures near shorelines were discussed.

City Planner Trisko discussed parkland dedication ordinance language and fees and provided two examples of minor subdivisions. She stated that the City staff worked with the applicants on this issue. She reported that the City Council approved parkland dedication fees of \$500 per lot for the Dornink subdivision and \$900 per lot for the Coulee Way subdivision. She noted that the City Council has asked the Planning Commission to review the ordinance language and process.

City Planner Trisko outlined topics for Planning Commission discussion in this regard:

- 1) Determine a method for calculating these fees. Ms. Trisko referenced methods used by other communities.
- 2) Discuss whether this funding can be used to improve existing parks.
- 3) Discuss whether the City Council should continue to be allowed to make the final determination of parkland dedication fees.
- 4) Discuss whether to include non-residential lots in the parkland dedication ordinance.
- 5) Discuss how the fair market value of the property or other factors will impact the fee calculation, or consider a flat per-lot fee.

Chair Wallerich expressed agreement with a simple process but not a flat fee. Commissioners spoke in favor of using parkland dedication fees to improve existing parks. City Planner Trisko indicated that she will research State statutes in terms of how parkland dedication fee revenue can be utilized. Commissioners expressed opposition to allowing the City Council to determine the fees. Commissioners offered suggestions in terms of using a percentage of the fair market value, as

assessed by the County at the time the property is re-platted, as the basis for the fee. Ms. Trisko and City Clerk Busch provided additional background information. Commissioners expressed agreement with non-residential properties being subject to the parkland dedication ordinance, perhaps using a different fee calculation method. The challenges of including this information at the time that the development agreement is drafted were discussed. Ms. Trisko indicated that she will research these questions.

City Planner Trisko discussed a parking area for a non-denominational church.

Ms. Trisko reviewed proposed language in this regard.

- 1) Dust treatment requirements were discussed.
- 2) Setbacks were discussed.
- 3) Prohibited uses of off-street parking areas were reviewed.
- 4) Fencing and landscape buffer requirements were reviewed.

Commissioners expressed agreement with the proposed language. Fencing and landscape buffer requirements were clarified.

b) Parking Study Update Discussion

City Planner Trisko reported that Mayor Durand has requested an updated parking study. She summarized a past study and reviewed necessary updates. Downtown parking needs and concerns about parking restrictions in residential areas were discussed. The need for wayfinding signage was noted.

- 8) Board of Adjustment Business  
There was no Board of Adjustment business.

- 9) Other Business  
There was no other business.

- 10) Next Regular Meeting Date - May 9, 2023  
Future meeting agenda topics were referenced.

- 11) Adjourn

Motion made by Scott Durand, seconded by Sharon Burke to adjourn the meeting. The meeting adjourned at 7:26 p.m.

**Vote:** 5 - 0 Adopted - Unanimously

Other: Sara Carrels (ABSENT)

Respectfully submitted by: \_\_\_\_\_  
Wendy Busch, City Clerk

\_\_\_\_\_  
Adopted Date



**Planning Commission**

**5) a)**

**Meeting Date:** 08/08/2023

**SUBJECT:** 106 Market Street East - Guest Cottage Zimmerman/Penz

**DEPARTMENT:** Administration

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**TITLE:**

106 Market Street East - Guest Cottage Zimmerman/Penz

**PURPOSE:**

See attached staff report

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**Attachments**

Staff Report

106 Market St CUP - Combined Exhibits

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# Memorandum

## Office of the City Planner

To: Wabasha Planning Commission  
From: Kristi Trisko, Consultant Planner  
Date: July 31, 2023  
Subject: CUP application – Penz & Zimmerman Guest Cottage

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**MEETING DATE:** August 8, 2023

### I. REQUEST:

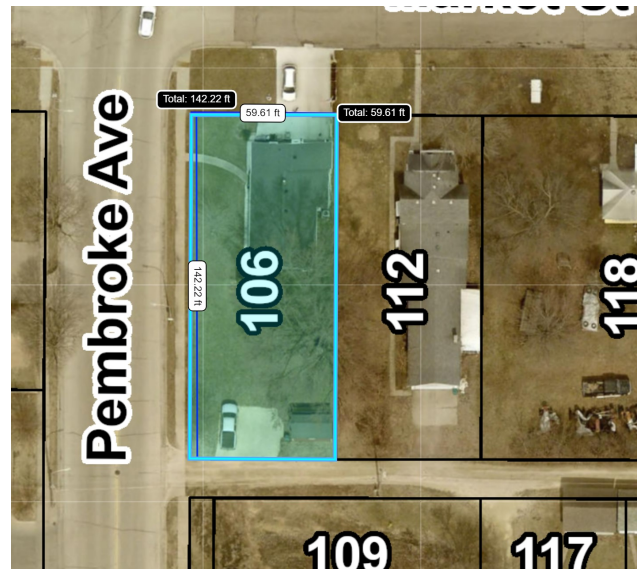
- 1) **Owner/Applicant:** Jeff Zimmerman and Connie Penz
- 2) **Location:** 106 Market Street East

### II. Staff Report

**Zone:** R-2 (Medium Density Residential)  
**Land Use:** Medium Density Res.  
**Accessory Setbacks:** Front: Behind principal building  
Corner Side Street: 5 feet  
Rear: 3 Feet  
Side: 3 Feet

#### Details of the request:

The owners would like to construct a detached guest cottage/garage along the alleyway for three vehicles and additional living space for an office, bathroom and gathering spaces for their family. Placing water and sanitary services into a detached building changes the use from a garage to a guest cottage and requires a conditional use permit.



Square footage breakdown for the garage and living space is below:

1 <sup>st</sup> Floor:	1,560 sq. ft. (main floor/building footprint)
• Garage	885 sq. ft.
• Living space	675 sq. ft.
2 <sup>nd</sup> Floor:	300 sq. ft. (all living space)
Total indoor space:	1,860 sq. ft.



The garage is placed in the rear yard adjacent to the alley and meets the accessory setbacks if the home and lot's front yard is defined as Market Street E. The garage setbacks would be 5' from the side street corner and 3' from the rear and other side yard as shown on the site plan.

**Access:** The owners will access their garage from the alley, as you can see on the attached site plan and elevations, at the northern end of their building, as far away from the intersection as they can get. Their driveway is outside of the sight visibility triangle and at the nearest western edge, approximately 27 feet from Pembroke Avenue.

**MnDOT:** has no comments for this development other than the garage cannot have direct access onto Pembroke Ave. and cannot drain into Pembroke Ave.

**Sight Visibility** - As is shown on the site plan, a 15-foot and 25-foot site visibility triangle are shown at the intersection of Pembroke Avenue and the alley to show the visibility for a pedestrian and/or vehicle at the intersection. A specific sight visibility triangle standard *is not* called out in City Code for buildings but a 25-foot triangle for *signs* between 42" and 8' are not allowed at an intersection between roadways and driveway. § 153.24 Measurements and Location 6 (c).

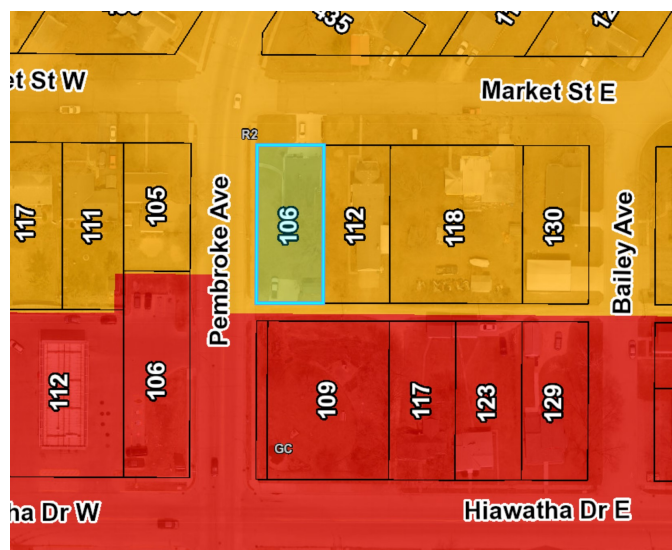
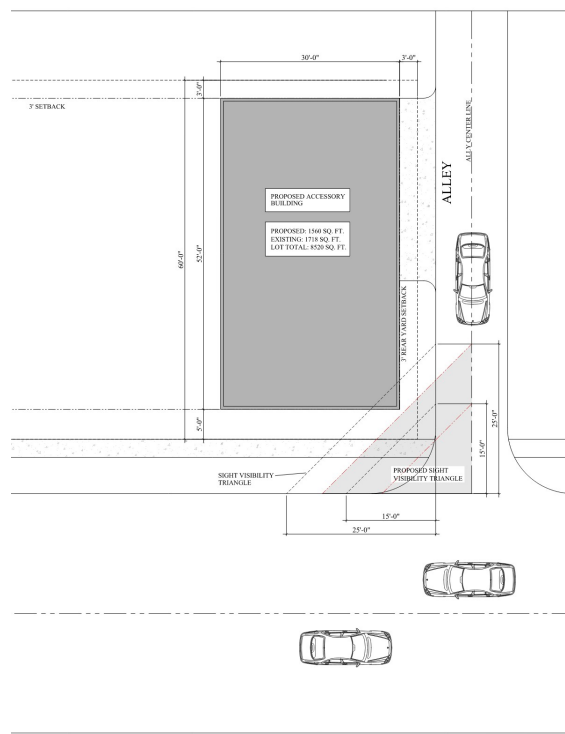
**Summary:** As you can see from the site plan, the garage/cottage is outside of the 15 foot triangle and just within the 25-foot triangle while still meeting the standards for accessory building setbacks for the R-2 Zoning District.

**Utility Extension Summary:** Pat Mueller, City Utilities, reviewed the CUP application as it is proposed to extend water and sewer services to the detached garage. He had no concerns with the potential private extension of utilities from their home to the garage. Pat's only listed condition was that the owners must install a floor drain with an oil trap separator.

**Pembroke Ave Summary:** Tony Johnson, Public Works Director, reviewed the CUP application and had no concerns with the application.

**Surrounding Property Uses and Zoning:** The surrounding property uses to the north, east and west of 106 W Market Street is residential and are zoned R2 (Medium Density Residential). The properties to the south are zoned GC (General Commercial). Kwik Trip is located southwest of the property. The City of Wabasha owns the parcel directly south of the property.

The Land Use is consistent with the zoning for this block showing residential along Market Street and Commercial along Hiawatha Drive.



**Neighborhood Notification:** All property owners within 350 feet of this property were notified within ten days of the public hearing and published in the paper on Tuesday, July 25, 2023, stating that a public hearing would be held on August 8, 2023, for this conditional use permit request.

**Recommended Conditions:**

1. The garage must include an oil separator in the floor drain.

**III. PLANNING COMMISSION ACTION:**

Following are sample resolutions for both approval and denial which may be used by the Planning Commission in their decision.

*Sample resolution for approval*

**Resolution \_\_\_\_\_**  
**CUP for a Guest Cottage**

WHEREAS, the property addressed 106 Market Street East is zoned R-2 which allows a guest cottage as a conditional use; and

WHEREAS, the proposed property has a land use designation of Medium Density Residential; and

WHEREAS, the use will not alter the character of the neighborhood where six of the eight homes within the block, including the owner's property, have a detached garage or shed; and

WHEREAS, The Planning Commission provides the following findings:

1. Allowing a guest cottage use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the city; given that the building allows at least a 15-sight visibility triangle from the intersection.
2. The proposed guest cottage will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The establishment of a guest cottage will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. There is adequate public utilities for allowed use, and access road and for the proposed use;
5. Adequate ingress and egress is so designed as to minimize traffic congestion in for the alley and at least 27 feet from Pembroke Avenue;
6. The proposed guest cottage use and location does conform to the applicable regulations of the district in which it is located;
7. Placing the guest cottage at the minimum setback required for a rear yard, only three feet from their property line, allows for the homeowners to keep a substantially old existing tree in their rear yard as well as a more typical backyard for the homeowners.
8. The proposed building will not require filling and grading;
9. Use does not obstruct scenic views from public rights-of-way or existing residential uses;
10. The owners' lot, 106 Market Street East, is adequately sized for the proposed building, meeting all the minimum setback requirements for an accessory building in the Wabasha Zoning District, R2.
11. The proposed use is consistent with the City's comprehensive land use plan.

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission approves the Conditional Use Permit for a guest cottage at 106 Market Street East.

*Sample resolution for denial:*

Resolution \_\_\_\_\_  
CUP for a Guest Cottage

WHEREAS, the property addressed 106 Market Street East is zoned Medium Density Residential (R2); and

WHEREAS, a Conditional Use Permit is required for a Guest Cottage; and

WHEREAS, The Planning Commission provides the following findings: **[insert findings as deemed appropriate]**

- \_\_\_\_\_

NOW THEREFORE, IT IS HEREBY RESOLVED, the *Planning* Commission denies the Conditional Use Permit for a guest cottage as requested by the applicants Connie Penz and Jeff Zimmerman.





## Penz / Zimmerman Submittal Exhibits

Architect Trimension Design 651-345-0144

Planning on getting a bid from Jech Custom Home Construction- Dale Jech 507-876-2864

Detached garage to include

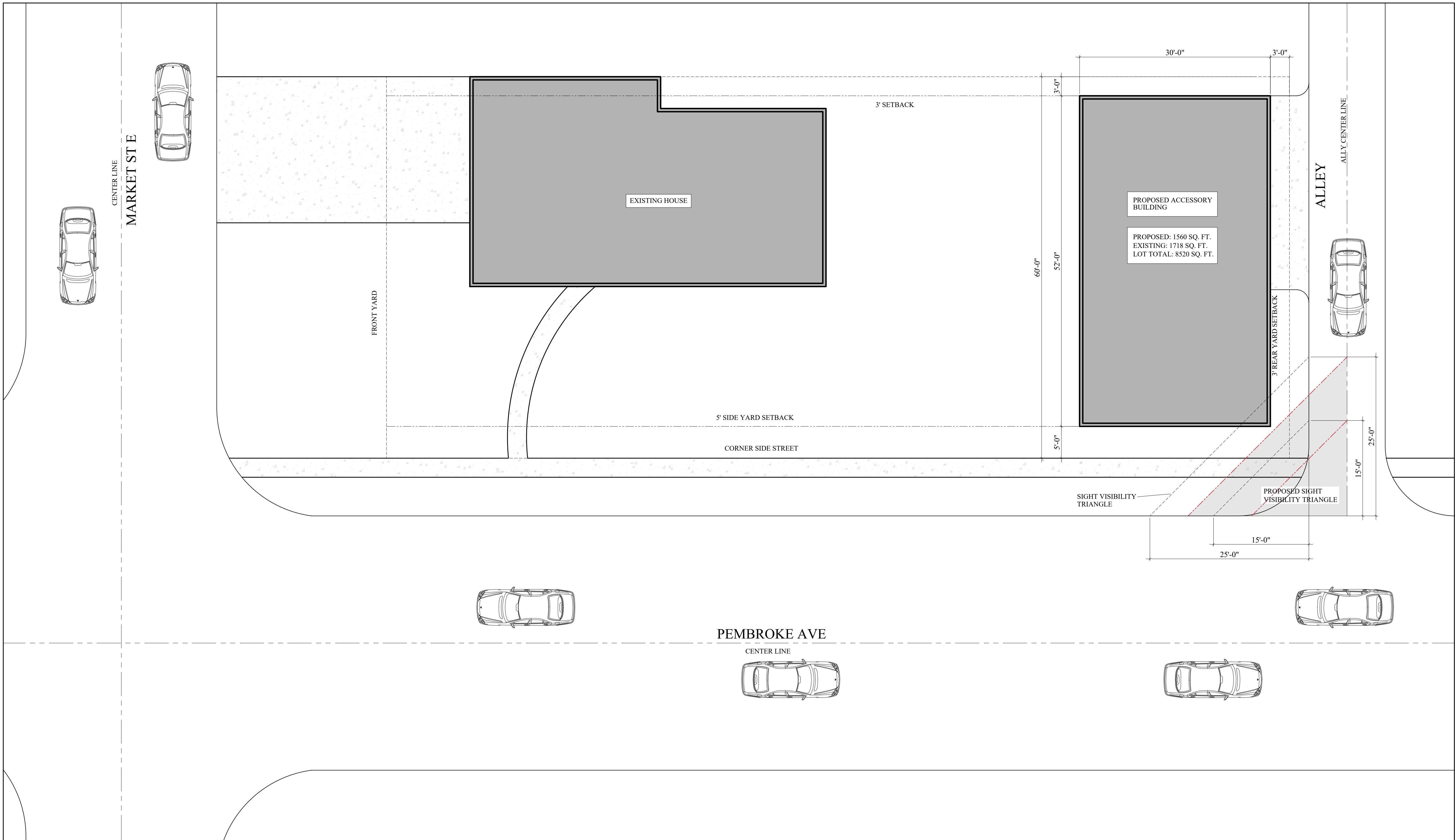
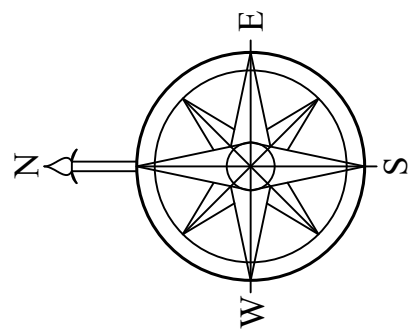
- 30x31 garage area
- 18x20 living area to include a bathroom (Guest Cottage area)
  - Jeff and I both work from home and have had to convert two of our three bedrooms into offices over the last two years.
  - We are in need of additional space for our children and grandchildren as well as a garage big enough to house our truck and boat.
  - We currently rent two separate storage facilities one for our boat and one for our other garage type items to be stored in.



1  
A.1  
1/8" = 1'-0"

SITE PLAN

106 MARKET STREET EAST  
WABASHA, MINNESOTA



PRELIMINARY - NOT FOR CONSTRUCTION

WORKING DRAWINGS FOR:

JEFF AND CONNIE ZIMMERMAN

WABASHA,

MINNESOTA

These drawings, specifications, design and  
concepts are not to be used for any other  
purpose than the one for which they were  
prepared. The user assumes all liability for  
any use of these drawings, specifications,  
design and concepts for any other purpose  
without the written consent of the author.  
In no case shall the author be held  
liable for any damages, including  
consequential damages, arising out of  
the use of these drawings, specifications,  
design and concepts.

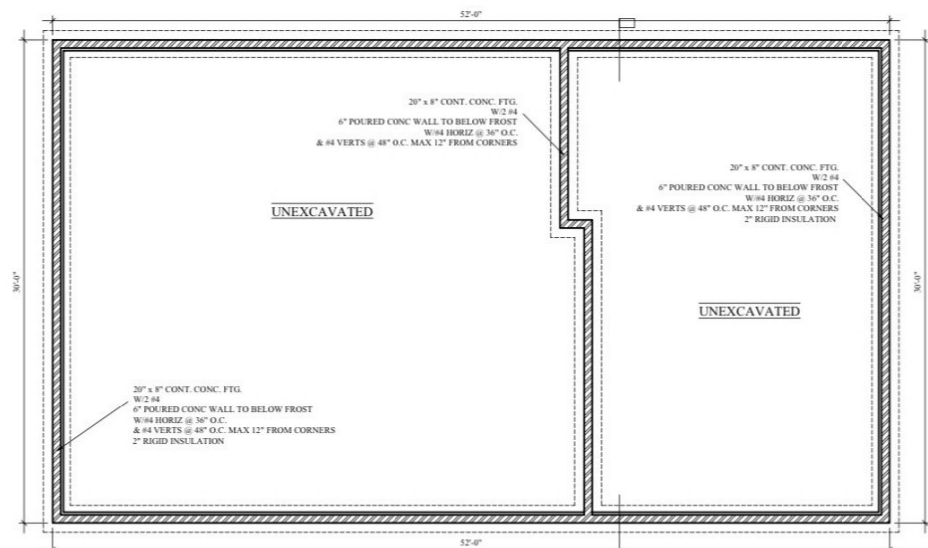
DRAWN BY: CHRIS PETTERSON  
DATE: JUNE 2023  
COMMENTS:  
JOB NUMBER:  
REVISIONS:

Tralmenston  
DESIGN  
1015 WABASHA STREET EAST, LAKE CITY, MN 55041  
PHONE: (651) 345-0444

A.1

DRAWING  
T OF x





1  
A.2  
FOUNDATION PLAN

1/4" = 1'-0"



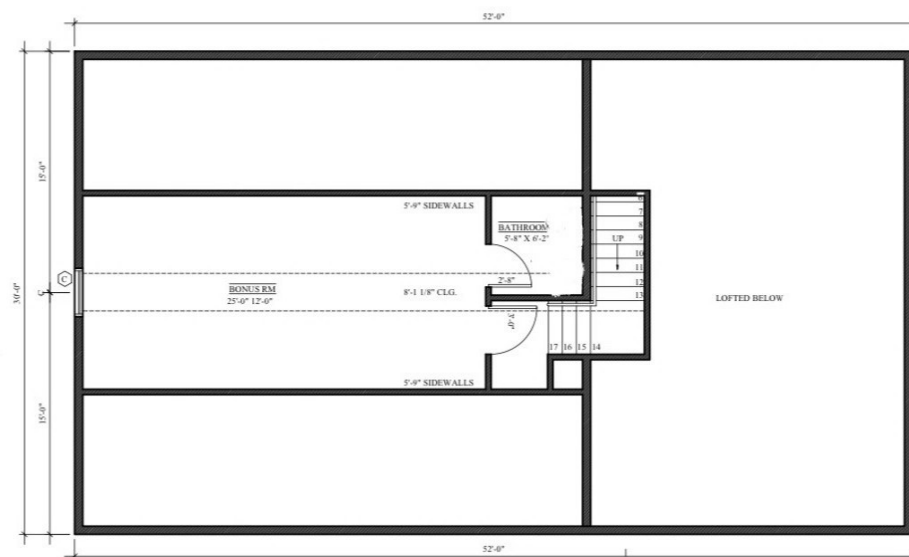
2  
A.2  
MAIN FLOOR PLAN

1/4" = 1'-0"

WINDOW SCHEDULE				
LETTER	ITEM NO	ROUGH OPENING	QUANTITY	COMMENTS
A	TW24410	2'-6 1/8" x 5'-6 7/8"	1	
B	WTR3431	2'-6 1/8" x 2'-5 7/8"	2	
C	TW210410	3'-6 1/8" x 5'-6 7/8"	1	

\* VERIFY ALL ROUGH OPENINGS W/ MANUF.

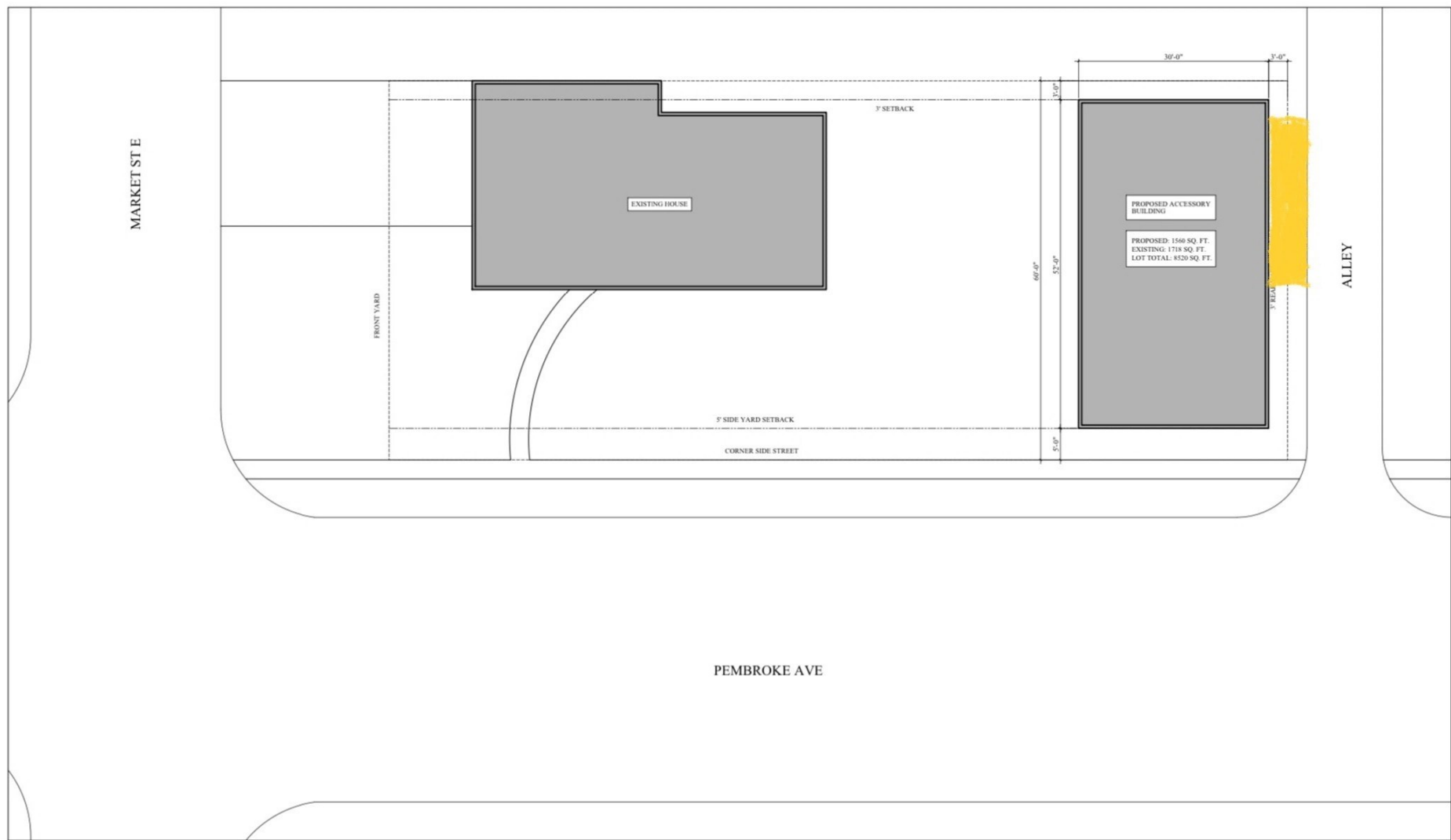
AAP	ATTIC ACCESS PANEL
W	WINDOW DESIGNATION
SD	SMOKE DETECTOR
EF	EXHAUST FAN
STUD WALL	STUD WALL
CMU WALL	CMU WALL
RIGID INSULATION	RIGID INSULATION



3  
A.2  
SECOND FLOOR PLAN

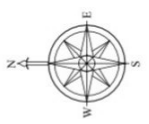
1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



**SITE PLAN**  
1/8" = 1'-0"

106 MARKET STREET EAST  
WABASHA, MINNESOTA



PRELIMINARY - NOT FOR CONSTRUCTION

WORKING DRAWINGS FOR

**JEFF AND CONNIE ZIMMERMAN**

WABASHA, MINNESOTA

DESIGNED BY: CHER FETTERSON

DATE: 06/22/23

PROJECT: ZIMMERMAN

ADDRESS: 106 MARKET STREET EAST, WABASHA, MN 55783

PHONE: (920) 786-7944

**TRIMENSION**

DESIGN

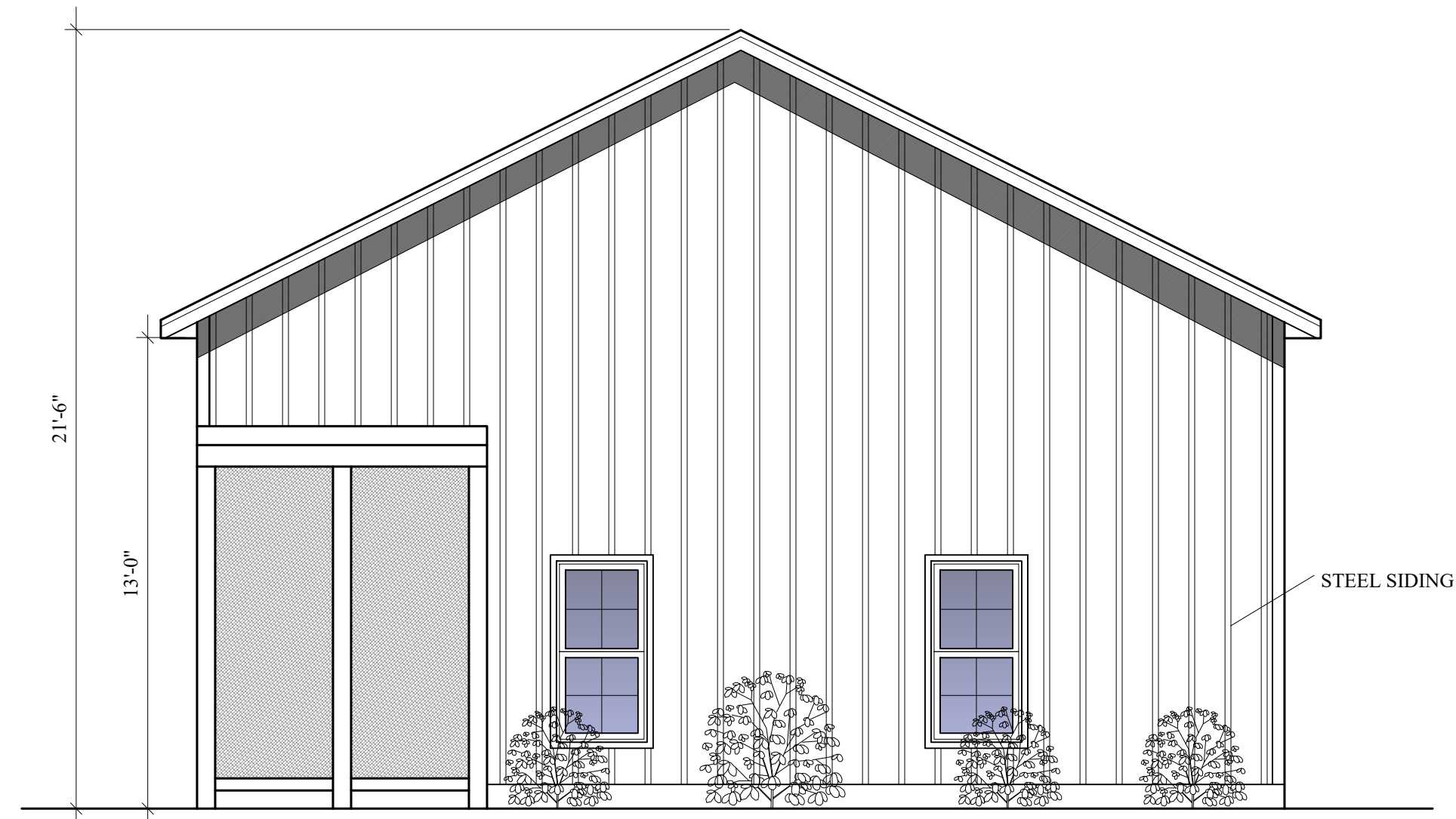
**A.1**

DRAWING

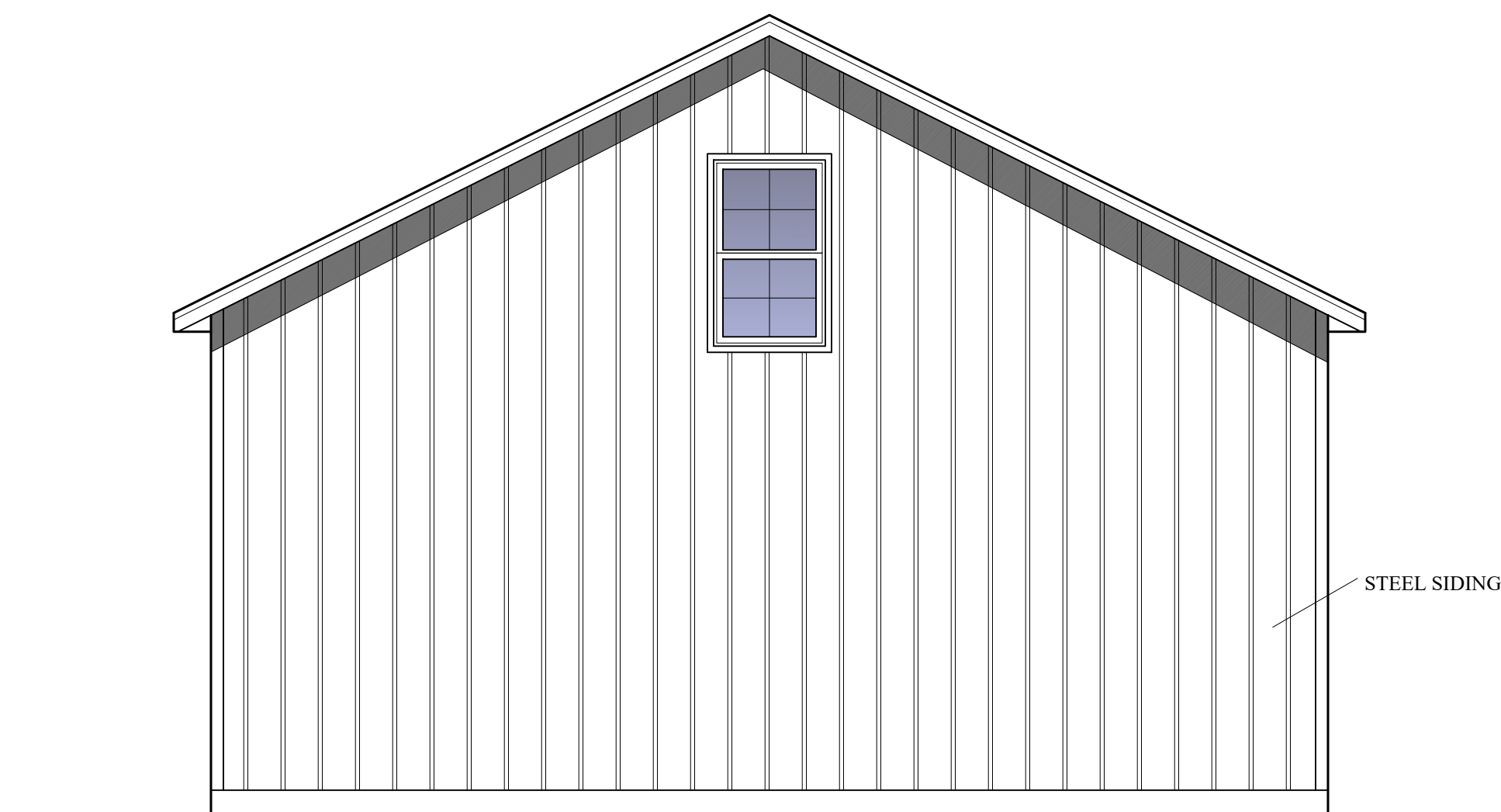
1 OF 3



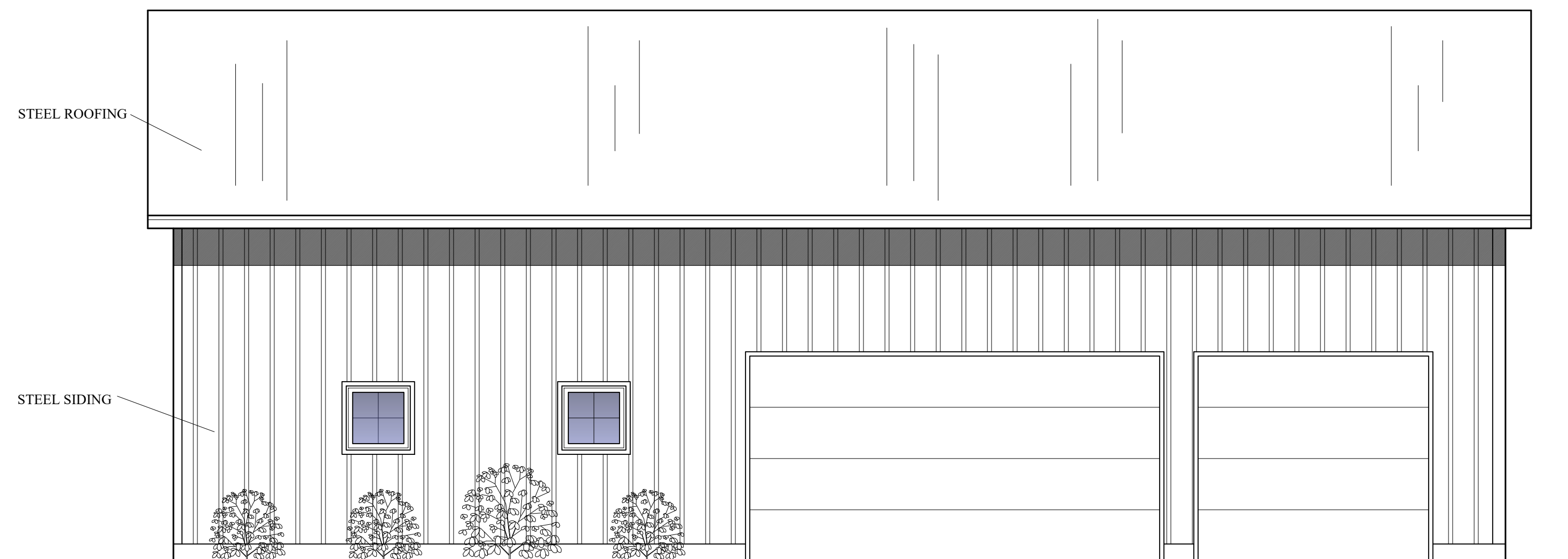
1  
A.3 FRONT ELEVATION  
1/4" = 1'-0"



3  
A.3 SIDE ELEVATION  
1/4" = 1'-0"



2  
A.3 SIDE ELEVATION  
1/4" = 1'-0"



1  
A.3 FRONT ELEVATION  
1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

WORKING DRAWINGS FOR:

JEFF AND CONNIE ZIMMERMAN

WABASHA,

MINNESOTA

**Trimension**  
DESIGN  
1012 WABASHA ST. LAKE CITY, MN 55041  
PHONE: (651) 345-0144

These drawings, specifications, design and  
concepts are not to be used for any other  
purpose without the written consent of  
Trimension Design and shall remain the property  
of Trimension Design and shall not be  
reproduced or transmitted in any form or by  
any means electronic or mechanical, including  
photocopying, recording, or by any information  
storage and retrieval system, without the written  
consent of Trimension Design.

DRAWN BY: CHRIS PETRSON  
CHECKED BY: JEFF ZIMMERMAN  
DATE: JUNE 2023  
COMMENTS:  
FOR NUMBER:  
REVISIONS:

A.3

DRAWING  
3 OF x

Penz / Zimmerman: Documentation



06/28/2023

**Jeff Zimmerman and Connie Penz of 106 Market Street, Wabasha are requesting a CUP for a 30x52 garage with utilities for personal and family use only.**

- All setbacks are in compliance with the Wabasha City code 162.033 R-2.
- Concern regarding the setback of 5 feet on the street side (Pembroke) of the property was discussed with Kristi Trisko on 6/28/2023. She indicated that we would have two front yards due to being a corner lot and would have to move the structure back to be in alignment with the home.
- Below we have reviewed similar recent accessory structure builds in the city, where this appears to not be the case. Please see case precedents set below.
- Thank you for your time and consideration.

**162.033 R-2 MEDIUM DENSITY RESIDENTIAL ACCESSORY BUILDING SETBACKS “Corner side street setback of 5 feet has been called into question on CUP request for 106 Market Street East”**

**Justification 1:**

Planning meeting minutes: 3/8/2022


Variance to Impervious Surface Coverage for 210 Lawrence Blvd.

Experts from this meeting:

“Mr. Ellis stated his opinion that 30 x 40 feet is not the standard size for a garage structure. He stated that the applicant has not taken steps to reduce the amount of impervious surface and provided suggestions for ways to meet the requirements. He requested clarification of the determination that the front of the home faces the river. City Clerk Busch stated that the frontage is based on the street address and indicated that the proposed structure meets the setback requirements. Mr. Ellis also stated his opinion that the proposed structure would alter the essential character of the area. Mr. Ellis reiterated that the proposed structure would block his view and would adversely impact his quality of life. “

Setback requirements and neighborhood impacts were discussed. It was clarified that the variance relates to impervious surface requirements.

Vote: 3 - 1 Adopted

 **BUILDING PERMIT/APPLICATION**  
CITY OF WABASHA, 651-565-4568  
Permit # \_\_\_\_\_

-----APPLICANT COMPLETE INFORMATION BELOW-----  
Project Address: 210 Lawrence Blvd E. PID # R27. \_\_\_\_\_  
Legal Description: \_\_\_\_\_ ( ) See Attached  
Property Owner: Jay & Bree Jewson Phone: \_\_\_\_\_ (Cell) 651-564-0556  
Address: 210 Lawrence Blvd E. City: Wabasha Zip: 55981  
General Contractor: \_\_\_\_\_ License #: \_\_\_\_\_ Phone: \_\_\_\_\_ ( ) Cell  
Plumbing Contractor: \_\_\_\_\_ License #: \_\_\_\_\_ Phone: \_\_\_\_\_ ( ) Cell  
Mechanical Contractor: \_\_\_\_\_ License #: \_\_\_\_\_ Phone: \_\_\_\_\_ ( ) Cell  
Proposed Use [ (✓) One ]: ( ) Dwelling, (X) Garage, ( ) Deck, ( ) Addition, ( ) Porch, ( ) Pole Building,  
( ) Finish Basement, ( ) Reactivation of Permit # \_\_\_\_\_, ( ) Business/Commercial, ( ) Other \_\_\_\_\_,  
( ) Plumbing: ( ) Residential, ( ) Business/Commercial, ( ) Other \_\_\_\_\_  
( ) Mechanical: ( ) Furnace, ( ) Water Heater, ( ) Fireplace, ( ) Business/Commercial, ( ) Other \_\_\_\_\_,  
( ) New Gas Service/Reconnect Gas Service (Meter)  
Description of Project: build detached garage Project Dimensions: 30x40  
Square Footage: 1200, Lot Size/Dimensions: 10931 sq. feet (See attached Site Plan),  
Use and Occupancy Type: owner occupied single family Type of Construction: wood frame  
City Water: [ (✓) ( Yes ) ] ( No ), City Sewer: [ (✓) ( Yes ) ] ( No ),  
Proposed Setbacks: Front 104 Side (L) 25 Side (R) 6.7' Rear 3 Street Side 6.7'  
Road Right of Way (State/County) County Rd #: \_\_\_\_\_ State Hwy #: \_\_\_\_\_  
Is property in the floodplain? No X Yes\* \_\_\_\_\_ \*If YES, then 100 year regulatory Flood Protection Elevation must be determined and as-built elevations must be certified prior to the issuance of CO (Certificate of Occupancy).  
All new homes and Commercial Structures are required to pay a Water Access Charge (WAC) of \$100, Sewer Access Charge (SAC) of \$600 at the time of issuance of the building permit.  
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.  
Name [please print]: Jay Jewson Address: 210 Lawrence Blvd E.  
City: Wabasha Zip: 55981 Phone: 651-564-0556  
Signature: [Signature] Date: 12/23/21  
CITY USE ONLY

- Mr. Jewson's, 210 Lawrence Boulevard variance request to the impervious requirement, while not directly related to this issue, does demonstrate that the city believes the address side of a corner lot is the front side. As noted in his building permit application below, he lists the setbacks as: side (L) 25', Side (R) 6.7', Rear 3', Street Side 6.7'. Meaning that his request interprets that his address side of 210 Lawrence Boulevard is the front of his lot, his garage must be behind his house and it must be at least three feet from the side right, three feet from the back, and at least five feet from the side street. He chose to go a bit further back on the side street of 6.7' of his own accord. However, that was not in question and further corroborated by City Clerk Wendy Busch, highlighted above. Certainly, if she felt this was not an accurate way to determine setbacks this would have been brought into question at this time. There was 25 feet on the left side yard to push this garage back significantly.
- Therefore, it would follow that front yard or address side of 106 Market Street East, is on the Market Street East road and the side street side would be Pembroke, if defined like the Jewson property. This would make the 5 feet setback on the rear side street compliant per 162.033 R-2 MEDIUM DENSITY RESIDENTIAL ACCESSORY BUILDING SETBACKS.

## Justification 2:

- Of note, there is also another example of a recently built garage within the last 2 years at 129 3<sup>rd</sup> Street East. This has the exact corner lot layout as 106 Market Street East. They built the garage using the same setbacks as we are asking for. They still had plenty of room to push this garage back, had the city deemed these were not the correct setbacks. See layout below.



**Summary-Reviewing the Planning department criteria set forth in the Wabasha City code, we feel we meet all items listed, except for those that don't apply to this build.**

(4) Criteria.

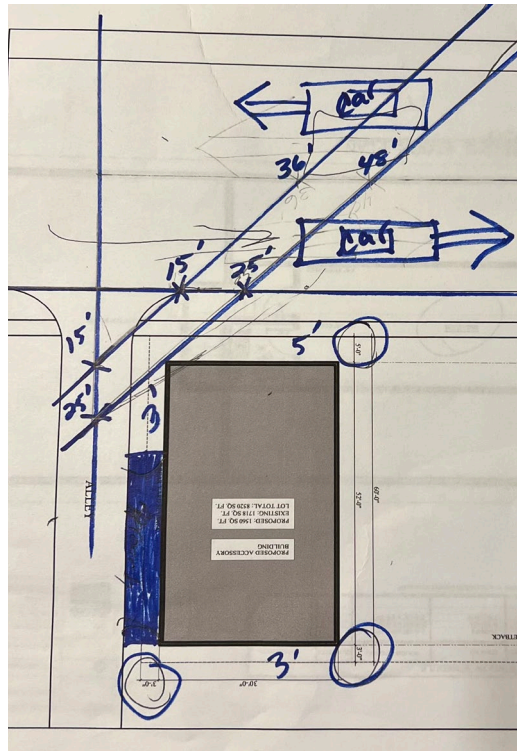
(a) General standards. No conditional or interim use shall be granted by the Planning Commission unless:

1. The establishment, maintenance or operation of the use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the city;
  - **No issue**
2. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - **No issue, this only increases the value in the area**
3. The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
  - **No issue**

- **No issue**

5. Adequate ingress and egress is so designed as to minimize traffic congestion in the public streets; including provisions for pedestrian, bicycle and boat traffic where appropriate;

- **No issue, see line of site drawing below**
- **Note: Pembroke does not have parking restrictions. This is an extreme safety issue for the public, as semis will park on both sides of Pembroke to stop into Kwip Trip. This impedes visibility completely from the alley looking to the left or right, no matter how close to the street. One must inch their car into traffic before being able to see oncoming traffic.**
- **The setbacks of this garage will have no detrimental safety impact on the public.**



- **No issue**

7. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting which prevents light pollution, screening security provisions, refuse management, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, may be required by the Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter or other sections of city code;

- **No issue**



8. Adequate parking facilities and loading areas or the use;
  - **Not applicable**
9. Preservation of natural resources including, but not limited to, filling and grading limitations;
  - **No issue**
10. Use does not obstruct scenic views from public rights-of-way or existing residential uses;
  - **No issue**
11. Adequate size and configuration of property for the proposed use or activity;
  - **No issue**

06/28/2023

**Jeff Zimmerman and Connie Penz of 106 Market Street, Wabasha are requesting a CUP for a 30x52 garage with utilities for personal and family use only.**

- All setbacks are in compliance with the Wabasha City code 162.033 R-2.
- Concern regarding the setback of 5 feet on the street side (Pembroke) of the property was discussed with Kristi Trisko on 6/28/2023. She indicated that we would have two front yards due to being a corner lot and would have to move the structure back to be in alignment with the home.
- Below we have reviewed similar recent accessory structure builds in the city, where this appears to not be the case. Please see case precedents set below.
- Thank you for your time and consideration.

**162.033 R-2 MEDIUM DENSITY RESIDENTIAL ACCESSORY BUILDING SETBACKS “Corner side street setback of 5 feet has been called into question on CUP request for 106 Market Street East”**

**Justification 1:**

Planning meeting minutes: 3/8/2022


Variance to Impervious Surface Coverage for 210 Lawrence Blvd.

Experts from this meeting:

“Mr. Ellis stated his opinion that 30 x 40 feet is not the standard size for a garage structure. He stated that the applicant has not taken steps to reduce the amount of impervious surface and provided suggestions for ways to meet the requirements. He requested clarification of the determination that the front of the home faces the river. City Clerk Busch stated that the frontage is based on the street address and indicated that the proposed structure meets the setback requirements. Mr. Ellis also stated his opinion that the proposed structure would alter the essential character of the area. Mr. Ellis reiterated that the proposed structure would block his view and would adversely impact his quality of life. “

Setback requirements and neighborhood impacts were discussed. It was clarified that the variance relates to impervious surface requirements.

Vote: 3 - 1 Adopted

 **BUILDING PERMIT/APPLICATION**  
CITY OF WABASHA, 651-565-4568  
Permit # \_\_\_\_\_

-----APPLICANT COMPLETE INFORMATION BELOW-----  
Project Address: 210 Lawrence Blvd E. PID # R27. \_\_\_\_\_  
Legal Description: \_\_\_\_\_ ( ) See Attached  
Property Owner: Jay & Bree Jewson Phone: \_\_\_\_\_ (Cell) 651-564-0556  
Address: 210 Lawrence Blvd E. City: Wabasha Zip: 55981  
General Contractor: \_\_\_\_\_ License #: \_\_\_\_\_ Phone: \_\_\_\_\_ ( ) Cell  
Plumbing Contractor: \_\_\_\_\_ License #: \_\_\_\_\_ Phone: \_\_\_\_\_ ( ) Cell  
Mechanical Contractor: \_\_\_\_\_ License #: \_\_\_\_\_ Phone: \_\_\_\_\_ ( ) Cell  
Proposed Use [ (✓) One ]: ( ) Dwelling, (X) Garage, ( ) Deck, ( ) Addition, ( ) Porch, ( ) Pole Building,  
( ) Finish Basement, ( ) Reactivation of Permit # \_\_\_\_\_, ( ) Business/Commercial, ( ) Other \_\_\_\_\_,  
( ) Plumbing: ( ) Residential, ( ) Business/Commercial, ( ) Other \_\_\_\_\_  
( ) Mechanical: ( ) Furnace, ( ) Water Heater, ( ) Fireplace, ( ) Business/Commercial, ( ) Other \_\_\_\_\_,  
( ) New Gas Service/Reconnect Gas Service (Meter)  
Description of Project: build detached garage Project Dimensions: 30x40  
Square Footage: 1200, Lot Size/Dimensions: 10931 sq. feet (See attached Site Plan),  
Use and Occupancy Type: owner occupied single family Type of Construction: wood frame  
City Water: [ (✓) ( Yes ) ] ( No ), City Sewer: [ (✓) ( Yes ) ] ( No ),  
Proposed Setbacks: Front 104 Side (L) 25 Side (R) 6.7' Rear 3 side 6.7'  
Road Right of Way (State/County) County Rd #: \_\_\_\_\_ State Hwy #: \_\_\_\_\_  
Is property in the floodplain? No X Yes\* \_\_\_\_\_ \*If YES, then 100 year regulatory Flood Protection Elevation must be determined and as-built elevations must be certified prior to the issuance of CO (Certificate of Occupancy).  
All new homes and Commercial Structures are required to pay a Water Access Charge (WAC) of \$100, Sewer Access Charge (SAC) of \$600 at the time of issuance of the building permit.  
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.  
Name [please print]: Jay Jewson Address: 210 Lawrence Blvd E.  
City: Wabasha Zip: 55981 Phone: 651-564-0556  
Signature: [Signature] Date: 01/23/21  
CITY USE ONLY

- Mr. Jewson's, 210 Lawrence Boulevard variance request to the impervious requirement, while not directly related to this issue, does demonstrate that the city believes the address side of a corner lot is the front side. As noted in his building permit application below, he lists the setbacks as: side (L) 25', Side (R) 6.7', Rear 3', Street Side 6.7'. Meaning that his request interprets that his address side of 210 Lawrence Boulevard is the front of his lot, his garage must be behind his house and it must be at least three feet from the side right, three feet from the back, and at least five feet from the side street. He chose to go a bit further back on the side street of 6.7' of his own accord. However, that was not in question and further corroborated by City Clerk Wendy Busch, highlighted above. Certainly, if she felt this was not an accurate way to determine setbacks this would have been brought into question at this time. There was 25 feet on the left side yard to push this garage back significantly.
- Therefore, it would follow that front yard or address side of 106 Market Street East, is on the Market Street East road and the side street side would be Pembroke, if defined like the Jewson property. This would make the 5 feet setback on the rear side street compliant per 162.033 R-2 MEDIUM DENSITY RESIDENTIAL ACCESSORY BUILDING SETBACKS.

## Justification 2:

- Of note, there is also another example of a recently built garage within the last 2 years at 129 3<sup>rd</sup> Street East. This has the exact corner lot layout as 106 Market Street East. They built the garage using the same setbacks as we are asking for. They still had plenty of room to push this garage back, had the city deemed these were not the correct setbacks. See layout below.



**Summary-Reviewing the Planning department criteria set forth in the Wabasha City code, we feel we meet all items listed, except for those that don't apply to this build.**

(4) Criteria.

(a) General standards. No conditional or interim use shall be granted by the Planning Commission unless:

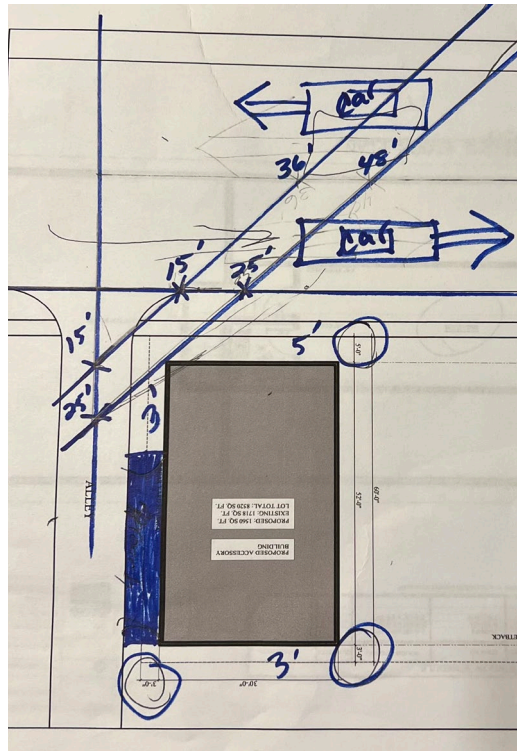
1. The establishment, maintenance or operation of the use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the city;
  - **No issue**
2. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
  - **No issue, this only increases the value in the area**
3. The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
  - **No issue**

4. There is adequate public or private/community septic and wells for allowed private utilities, access road and sidewalks for the proposed use, drainage and erosion control, and/or necessary facilities have been or are being provided;

- **No issue**

5. Adequate ingress and egress is so designed as to minimize traffic congestion in the public streets; including provisions for pedestrian, bicycle and boat traffic where appropriate;

- **No issue, see line of site drawing below**
- **Note: Pembroke does not have parking restrictions. This is an extreme safety issue for the public, as semis will park on both sides of Pembroke to stop into Kwip Trip. This impedes visibility completely from the alley looking to the left or right, no matter how close to the street. One must inch there car into traffic before being able to see on-coming traffic.**
- **The setbacks of this garage will have no detrimental safety impact on the public.**



6. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located;

- **No issue**

7. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting which prevents light pollution, screening security provisions, refuse management, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, may be required by the Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter or other sections of city code;

- **No issue**

8. Adequate parking facilities and loading areas or the use;
  - **Not applicable**
9. Preservation of natural resources including, but not limited to, filling and grading limitations;
  - **No issue**
10. Use does not obstruct scenic views from public rights-of-way or existing residential uses;
  - **No issue**
11. Adequate size and configuration of property for the proposed use or activity;
  - **No issue**

**Planning Commission**

**8) a)**

**Meeting Date:** 08/08/2023

**SUBJECT:** BOA Minutes 6-13-2023

**DEPARTMENT:** Administration

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**TITLE:**

BOA Minutes 6-13-2023

**PURPOSE:**

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**Attachments**

BOA Minutes 6-13-2023

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# DRAFT

## WABASHA BOARD OF ADJUSTMENT

June 13, 2023 5:30 PM

### MEETING MINUTES

BOA Members:                      Scott Durand, Chair                      Sara Carrels  
   Ozzie Goodman                              Sharon Burke

Present:                      Scott Durand; Sharon Burke; Sara Carrels; Ozzie Goodman

Also Present:                      Kristi Trisko, Contracted City Planner; Wendy Busch, City Clerk

- 1)        Call to Order  
          The meeting was called to order at 5:30 p.m. by BOA Chair Durand. BOA Member Goodman attended the meeting emotely from 119 West Mississippi Drive, Musacatine, IA 52761.
- 2)        Public Hearings
  - a)        Variance Application from DIVOCSG 13 LLC  
          Contracted City Planner Trisko provided background information and reviewed the variance application. She described the location of the proposed new solar garden and discussed the zoning of this area. She stated that a variance is being requested because the solar garden performance standards require a minimum 100-foot setback between each property line. She indicated that a variance is being requested for the southern property line. She reviewed a map of the three existing solar gardens on this property and discussed the applicant's plan to add a fourth solar garden. She reviewed the applicant's position relating to practical difficulty. The applicant, Larry Stegmann, provided additional information. The location of the proposed new solar garden was clarified, and other solar gardens in the area were discussed. City Clerk Busch discussed the existing interim use permits for solar gardens on this property.

The current solar garden performance standards were reviewed.

City Planner Trisko discussed Wabasha County requirements relating to sections and clarified the property lines. She reviewed the factors to consider relating to a variance request, including a) reasonable use, b) extraordinary circumstance, c) economic considerations, and d) essential character, e) adequate light and air, and f) minimum variance needed. She discussed an option for



the applicant to combine the lots and request a minor plat. She detailed suggested Findings of Fact relating to the variance request and recommended denying the variance.

Chair Durand reviewed the public hearing procedure and opened the public hearing at 5:59 p.m.

Patrick Dalseth introduced himself as the Vice President of Development for Sunvest Solar, LLC. He provided additional background information relating to Sunvest Solar projects and further discussed setback requirements for solar gardens.

Courtney O'Connor introduced herself as a Project Development Assistant at Gordian Energy Systems, representing the applicant. She stated that the proposed solar garden would be the last one allowed in the City of Wabasha, without significant upgrades to the Xcel Energy transmission systems. The limitations of the current Xcel Energy grid were discussed, and it was clarified that this relates to large-scale operations. The locations of the existing solar gardens and the proposed new solar garden were clarified.

BOA Members asked about the minor platting process. City Planner Trisko and City Clerk Busch provided information in this regard.

BOA Members discussed the variance application and reviewed the findings provided by City staff. It was noted that all of the criteria need to be met in order to grant a variance. The risk of establishing a precedent by granting a variance that does not meet all of the factors was discussed. The applicant asked about a potential conditional approval, and additional information was provided. The appeal process was reviewed.

No one else spoke during the public hearing. Chair Durand closed the public hearing at 6:20 p.m.

Motion made by Sara Carrels, seconded by Ozzie Goodman to adopt a resolution to deny the variance request, based on the suggested Findings of Fact and staff recommendation. Following further discussion, a roll call vote was conducted.

**Vote:** 4 - 0 Adopted - Unanimously

3) Adjourn

A motion was made and seconded to adjourn the meeting. The meeting adjourned at 6:23 p.m.

Respectfully submitted by: \_\_\_\_\_  
Wendy Busch, City Clerk

\_\_\_\_\_  
Adopted Date