



**Planning and Zoning Committee Meeting**  
**Wednesday, April 3, 2024 -7:00pm**  
**City Office Council Chambers**

1. Call to Order – Meeting was called to order at 7:01 pm by Chair Shane Sheets.

Present: Shane Sheets, Sarah Sheets, Hunter Pederson, Schawn Lindquist, Alan Albrecht

Staff Present: P&Z Administrator Amy Soeffker, City Clerk Diane Hatlestad

Guests Present: Ed Zimmerman, Paul Rhode

2. Pledge of Allegiance – All stood for the Pledge of Allegiance.
3. Approve Agenda- Motion by Shane Sheets to approve the April 3, 2024 agenda, seconded by Albrecht. Motion carried.
4. Approve the Minutes – Motion by Lindquist to approve the March 6, 2024 minutes, seconded by Shane Sheets. Motion carried.
  - March 6, 2024

5. New Business

- a. Variance Application from Paul Rhode 361 Railroad Street

Soeffker reviewed the memo outlining the timeline as it relates to the 60-day rule and also laying out three options for the Zoning Commission as they consider the variance request. They could approve it, deny it, or set it for public hearing. Soeffker noted that a public hearing was not required for a variance in MN. Soeffker stated that if the Commission chose to deny the request Rhode could appeal to City Council.

Chair Shane Sheets reviewed information provided by City Attorney Ken Janssen for the Commission to consider.

Storage container 1 was placed prior to enactment of the ordinance, so a variance isn't needed to keep it, but would be required to make any improvements/move it.

Storage container 2 was placed after enactment, and so a variance would be required to keep it on the property as an additional accessory structure. It should be noted as well that the structure also likely violates Sub 4F (no permanent foundation) Sub 4G (Architectural requirements are not similar to principal structure) Sub 4I – (number of accessory structures)

1. Unique physical characteristics of the property, such as an irregular shape or topography, that make it difficult to comply with the zoning regulations.
2. Hardship experienced by the property owner due to the strict application of the zoning ordinance.
3. The proposed use of the property is compatible with the surrounding area and does not negatively impact the community.

Rhode stated that he went to Mayor Dale Zum Berge who he said stated he could go ahead and move the second shipping container in.

Pederson asked what Rhode was using the second container for. Rhode stated the kids' stuff, enduro car stuff, his wife's lawn ornaments, hardwood flooring. He stated that he bought it when it was less than six months old.

Rhode asked the Commission why it wasn't brought to his attention within the first few months of being placed and why wait until 2023? He stated that when Joe Kreger was Mayor he called once and asked Rhode about where he got the container from because another resident was interested in getting one.

Chair Shane Sheets addressed the following citing that Rhode was in violation of all three: Sub 4F (no permanent foundation) Sub 4G (Architectural requirements are not similar to principal structure) Sub 4I – (number of accessory structures)

Shane Sheets also addressed:

1. Unique physical characteristics of the property, such as an irregular shape or topography, that make it difficult to comply with the zoning regulations.  
Shane Sheets felt it was not hard for Rhode to comply with the zoning requirement.
2. Hardship experienced by the property owner due to the strict application of the zoning ordinance.  
Shane Sheets also stated he felt it was not a hardship to Rhode to comply with the zoning ordinance.
3. The proposed use of the property is compatible with the surrounding area and does not negatively impact the community

Finally, Shane Sheets felt this could negatively impact the neighbors.

Lindquist asked Rhode if he ever thought about building 1 big accessory structure instead of having five smaller ones on his property. Rhode stated that he had 2.99 acres and the other structures are already there.

Sarah Sheets stated that the commission did not purposefully wait until 2023, that it when it was first brought to the city's attention

Rhode stated the first letter from Phil Mangis made it should like the second shipping container was moved in 2023. Rhode stated it was actually moved in in 2017.

Shane Sheets stated that Mayor Zum Berge never had the authority to grant permission to Rhode.

Shane Sheets made a motion to vote on the variance request, seconded by Schawn Lindquist. Motion carried.

Shane Sheets clarified the vote only applies to the shipping container moved in in 2017. The earlier shipping container is grandfathered in per City Attorney Ken Janssen.

Albrecht asked why Rhode waiting until 2023 to paint the containers. Rhode stated, that is when he decided to paint his garage.

Lindquist made a motion to hold a public hearing, seconded by Sarah Sheets. Motion failed by a 2-3 vote.

Shane Sheets stated that he felt the time for a public hearing had past and made a motion to deny the variance request, seconded by Pederson. Motion carried by a 3-2 vote.

Shane Sheets stated that Rhode now has to speak to attorney Ken Janssen.

6. Old Business
  - a. Dog Park – Pederson stated that the Park Board was now considering two options, near the water tower or the Lions Park. Pederson stated that there would be spaces for small and large dogs. The discussion will go back to the Park Board to decide on a location.
  
7. Other/Updates – Chair Shane Sheets reported that the City read their first proclamation, an Arbor Day Proclamation. Mayor Sheets will be planting a tree with the GICS.
  - a. Comp Plan update- none.
  - b. Zoning Code update – Soeffker reported the 1<sup>st</sup> reading of amending R-1 to include FFL and removing Animals from the Zoning cold was held on March 26, the second reading would be held April 9, and the ordinance would go into effect after publication in the newsletter.
  - c. SMIF Grant Application
  
8. Adjournment -Motion by Shane Sheets to adjourn the meeting at 7:41 pm, seconded by Lindquist. Motion carried.