
CITY OF EMILY

PLANNING COMMISSION/BOARD OF ADJUSTMENT

AGENDA

Tuesday April 1, 2025 6:00 pm

Please Silence All Cell Phones.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Additions or Deletions to Agenda** *(Commission Action-Motion)*
- 5. Discussion of Public Hearing Processes** *(Informational-See Attached)*
- 6. Open Forum-** *This is the time to provide comments to the Planning Commissioners about items **not** on the agenda. No action will be taken on these items. If you're speaking, please come to the podium, state your name and address for the record.*
- 7. Public Hearing**
 - Open Public Hearing** *(Chair to open Public Hearing discussion)*
 - a. Public Hearing for a Variance request for Michael & Michelle Healy PID 21060506, XXXX Preserve Pt, Lot 1, Block 1, Wood Lake Preserve, City of Emily, Crow Wing County, MN to allow the following Variances:
 - House is 50 feet from the OHW, 100 feet required (50 foot variance request)
 - House is 13 feet from NW Bluff, 30 feet required (17 foot variance request)
 - House is 23 feet from SW Buff, 30 feet required (7 foot variance request)
 - Septic System: 57 feet from the OHW, 100 feet required (43 foot variance request)
 - Septic System: 2 feet from Bluff, 30 feet required (28 foot variance request)
 - Close Public Hearing** *(Chair to close Public Hearing discussion)*
- 8. Consideration of Healy Variance Request.** *(Commission Action-Motion)*
- 9. Approval of Minutes**
 - a. March 4, 2025 regular meeting *(Commission Action-Motion)*
- 10. Land Use Ordinance Subcommittee Meeting update**
 - a. Revised Variance Application *(Commission Action-Motion)*
- 11. New Business**
- 12. Old Business**

13. P&Z Administrator's Report

14. Adjourn (*Commission Action-Motion*)

This agenda is not exclusive. Other business may be discussed as deemed necessary.

April 1, 2025

To: City of Emily Planning Commission
From: Steve Jones, Sourcewell

I have noticed in some of our communities we struggle with Public Hearings. I have put together a “sample” form that might help. We can make adjustments as you see fit. This could be used by the board, and the public as well, so all would know how the public hearing would be held.

PUBLIC HEARING PROCEDURES

- 1) Chairperson opens the public hearing (time is noted)
 - a. The public hearing is “opened” after the meeting is called to order
- 2) Staff is asked to present the staff report on the topic of the Public Hearing.
- 3) The Board asks questions of staff about the report.
- 4) The Chairperson invites the applicant to address the Board and elaborate on the request.
- 5) The Board may ask questions of the applicant.
- 6) The Chairperson opens the floor for public comments. All those addressing the Board should come to the podium, state their name and address for the record, and present any testimony they may want to give. The Chair has the authority to limit the time of testimony given.
 - a. Public comments should be directed to the Board and not the applicant.
 - b. If a member of the public has a question for the applicant, it should be directed to the Chair and the Chair may ask the question to the applicant.
 - c. There should not be dialogue directly between the applicant and public during the public hearing. All comments/questions should be directed to the Chair/Board.
- 7) The Chairperson asks staff to provide any written testimony received and present it to the Board (if not previously included in the packets.)
- 8) The Chairperson closes the Public Hearing.
- 9) The Board takes up the question and may make a recommendation by motion to the City Council or table action to a later date (taking into account deadlines such as the 60 Day rule.)

Planning Commission/Board of Adjustment Meeting Date: April 1, 2025

Variance Request Staff Report

Applicant: Marka Architecture (Vaughn Larson) on behalf of Michael and Michelle Healy

Application Date: February 13, 2025

Planning Commission/Board of Zoning Adjustment Hearing Date: April 1, 2025

City Council Review Date: N/A (Only if appealed.)

60-Day Rule Ending Date: April 14, 2025 (Extended on Feb. 18, 2025 to June 13, 2025-See Attached Letter)

Staff Report: Steven Jones, Senior Community Development Administrator, Sourcewell

Property Owner: Michael and Michelle Healy, 3375 162nd Lane NW, Andover MN, 55304

Property Address: Pending

Parcel Number: 21060506

Property Legal Description: Lots 1, Block 1, Wood Lake Preserve, City of Emily, Crow Wing County, MN (The owners also own the adjacent Lots 2 and 3, but they are not part of this application.)

Lake Classification: Recreational Development Lake (RD)

Lot Square Footage: 1.08 acres, 47,045 square feet

Notices: Legal in Newspaper March 3rd, 2025 and letters to property owners within 350 feet on March 6th, 2025. The Notice was also posted at city hall and on the city web site. The DNR notification letter emailed on February 18, 2025.

Variance Request:

- 1) House is 50 feet from the Ordinary High Water Level (OHW), 100 feet required (50 foot variance request)
- 2) House is 13 feet from NW bluff, 30 feet required (17 foot variance request)
- 3) House is 23 feet from SW Buff, 30 feet required (7 foot variance request)
- 4) Septic System: 57 feet from the Ordinary High Water Level (OHW), 100 feet required (43 foot variance request)
- 5) Septic System: 2 feet from Bluff, 30 feet required (28 foot variance request)

Comprehensive Plan Review: The Comprehensive plan (page 14) talks about Shoreland Residential: To establish and maintain a land use district for riparian residential development that preserves the natural shoreline. Under “Community Input” (page 24) “The lakes serve as an economic driver for the community. Respondents noted that the lakes and rivers as the number one asset in the community. (90% response) Preservation and protection are a priority to residents.” Under Environment and Natural Resources, Goal 1: Protect historic landscapes through appropriate land use designations including “Review conditions on variances, CUPs, and plats when appropriate to protect natural resources.”

Initial Findings and Discussion: On or about January 14, 2025, Vaughn Larson of Marka Architecture applied for a Variance for Michael and Michelle Healy for Parcel #21060506 to

build a new home. After an initial review, staff contacted the applicant and informed them that they considered the application incomplete (for various reasons, outlined in the city files). Over the next few weeks staff and the applicant (Vaughn Larson) discussed the project in person, via emails and phone calls. Staff recommended they look at alternatives. In the end, after discussion, review and completion of final steps and the applicant furnishing the additional information required by the city, the applicant completed the revised application on February 13, 2025 at which time the city accepted the application as complete.

- 1) Owners: Michael and Michelle Healy
- 2) Parcel #21060506
- 3) Legal Description: Lots 1, Block 1, Wood Lake Preserve, City of Emily, Crow Wing County, MN
- 4) Zoning: Shoreland Residential (SR)
- 5) Lot Size: 1.08 acres, 47045 square feet
- 6) Proposed square footages of residence, 1729 total main floor with mechanical space plus 880 garage (974 upper floor and 463 upper unfinished storage), 4046 total square footage.
- 7) 3,289 total square feet in OHW Setback, but about 2,600 first floor space with garage.
- 8) Impervious Calculation: 39,231 sq ft, lot 1 only, 3006 sq ft, house, stoop and covered patio, 747 sq ft, driveway, 65 sq ft, sidewalk from lake entry to patio, 3818 sq ft total impervious, or 9.7% (20% allowed).
- 9) Lake Classification: Recreational Development Lake (RD)
- 10) Well location, just south of the covered porch (see map).
- 11) The proposed house is 27'-4" to the peak, 18' – 10" at the mid-point of the trusses (meets code)
- 12) Meets side and rear setbacks, but is almost 100% outside buildable areas.
- 13) The property is on Wood Lake, which is a 93 acre lake, with 3 miles of shoreline. The lake is relatively shallow, with an average depth of 17 feet and a maximum depth of 35 feet.
- 14) Roughly half of the lot are bluffs, or bluff like conditions.

Staff Comments: Staff has concerns about this proposal. Almost none of the usable building space (per code) on the lot is being used. The applicant supplied a secondary plan that showed most of the house being built on a buildable piece of land of the adjacent property (per code), but in the end this proposal was withdrawn and the applicant returned to the original application. In addition to the house placement and basic building plans, the placement of the proposed SSTS is outside buildable areas, and no additional information was given on why it could not be placed on buildable (per code) areas. Staff has been told that the placement of the house in the buildable areas is difficult (elevation) and adds to the cost (and is the least desirable spot for their home). Staff has also been told that the applicant wants to go forward with the original proposal, and if not approved, the owners will sell the property.

The applicant has supplied an analysis of the Practical Difficulty Test (attached).

City Attorney Review: N/A

Required Planning Commission/Board of Zoning Adjustment Action: (Within 60 days, unless an extension is requested.)

- 1) The Board of Zoning Adjustment holds the required Public Hearing and reviews the application. The application was accepted by the City as complete on February 13, 2025. The 60 days end date, without extension, would have been April 14, 2025, but the city has implemented an additional 60 days extension until June 13, 2025 (see attached letter). The City hopes to complete action by April 1, 2025.
- 2) The Board of Zoning Adjustment reviews all pertinent information, research, findings of facts and analysis of the three-factor practical difficulty test and makes a finding on if the application meets the three-factor practical difficulty test for all proposed variances. If additional information is needed a decision can be delayed, taking into account the 60-day rule, and any extension.
- 3) The City Council only reviews the findings if it is appealed by the applicant.

Applicant Comments: (Application, Addendum and Comments **attached**)

Harmony with other land use controls (City Code and Comprehensive Plan):

The Comprehensive plan (page 14) talks about Shoreland Residential: “To establish and maintain a land use district for riparian residential development that preserves the natural shoreline.” Under “Community Input” (page 24) “The lakes serve as an economic driver for the community.” Respondents to the plan noted that the lakes and rivers as the number one asset in the community (90%). Preservation and protection are a priority to residents.” Under Environment and Natural Resources, Goal 1: “Protect historic landscapes through appropriate land use designations” (Review conditions on variances, CUPs, and plats when appropriate to protect natural resources.”

Economic: (Economic factors can't be the sole reason for consideration of a variance): The owners have stated that construction in the buildable areas will raise the costs of the construction due to elevation issues, bluffs, and soil conditions.

Neighborhood/Public Opinion: (Neighborhood or Public Opinion may not be the sole factor for consideration of a variance): No written or verbal opinions have been supplied to city staff from the neighborhood or the public.

Attachments: Public Hearing Notices and Information, application (and applicant answers), Mailing Notice List, Site Plan, Original Building Permit application, Correspondence, photos
Mailing List-350 Feet from Site: List attached.

PHOTOS OF SITE: (Attached)

NOTICE: (Attached)

DNR Comments: Notice was sent to the DNR, no comments have been received.

Staff Recommendation: The Board of Zoning Adjustment has two routes to proceed.

- The Board of Zoning Adjustment (BZA) has the right to deny the application, based on the Findings and Interpretation of the “Three Factor Practical Difficulty Test”
or the Board of Zoning Adjustment could make the finding that the “Three Factor Practical Difficulty Test” can be met for all of the variance requests.

The Board of Zoning Adjustment may also place conditions on the variance application.

- **Staff Note:** A variance is an exception granted by the Planning Commission/Board of Zoning Adjustment from the literal provisions of the zoning ordinance. Variances can be considered where there are unique conditions of a property that do not apply to other areas in general. Simply put, a variance is a deviation from zoning requirements. In Minnesota, variances may only be granted relating to physical attributes of a property (e.g., setbacks, lot size, structure height, etc.). Economic difficulties alone do not constitute practical difficulties; the problems must extend beyond economic considerations.

POSSIBLE THREE-FACTOR PRACTICAL DIFFICULTY TEST CONCLUSIONS:

- 1) **PART 1: House Variance Requests:** The planned construction (House) is 50 feet from the Ordinary High Water Level (OHW), 100 feet required (50 foot variance request), the House is 13 feet from the NW Bluff, 30 feet required (17 foot variance request), and the House is 23 feet from the SW Bluff, 30 feet required (7 foot variance request).

A variance may be granted if the landowner can satisfy a three-factor practical difficulty test. To constitute a “practical difficulty all three factors must be satisfied.

NOTE: If the Board of Adjustment finds the response in “subpart b” to any of the variance criteria below to be true, the variance request must be denied.

- 1) **Reasonableness:** Will the variance allow the property owner to use the property in a reasonable manner?

- A) *Yes – The variance will allow the Healys to build the home they want on the property in the location that makes the most sense. The requested home location is the only flat area on the property. The area allowed by the setbacks has an approximate 16 foot drop from what would be the front of the home to the rear. This would significantly increase the difficulty and cost to build the new home. The Healys are desiring to build a slab on grade home. This would allow them to more easily stay in the home as they grow older*

and also make the home more affordable to build. A full basement would add at a minimum \$300,000 or more to the cost of the home. **(Applicant Comments)**

B) *No, the property includes a buildable area, which is not being utilized in the plans for the new house construction. Almost the entirety of the proposed construction is outside of established building areas. The request is excessive and could be mitigated. A Practical Difficulty has not been shown or proven.*

2) **Uniqueness: Is the variance necessary because of circumstances unique to the property (not caused by the landowner)?**

A) *Yes – The property has a very unique shape being long and skinny. The vast majority of the area of the lot is either bluff itself or OHW setback. The only area not in the OHW setback falls down a relatively steep hill away from the lake into wetland on the backside of the property. **(Applicant Comments)***

B) *No, even though property is long and narrow, there is a buildable area on the lot, and there has been no attempt to quantify the difficulties creating a Practical Difficulty. Other properties along the lake have been built further away from the OHW.*

3) **Essential Character: Will the variance alter the essential character of the locality? For example, will the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area?**

A) *No, the new home will not alter the essential character of the locality. The nearest structure to the south of The Healy's proposed home (parcel 21060503) appears to be an equal distance to the lake from what we are requesting. The nearest to the north also appears to be approximately 50' from the lake. The properties would all appear very similar and unison. **(Applicant Comments)***

B) *Yes, the proposed house construction will alter the essential character of the locality. This property is the next to last lot on the north side of the city with an existing building (proposed), to the South, chiefly along Wood Lake Boulevard, only one house is less than 100 feet from the OWH (63 feet), in City Limits to the South, 7 structures others are 145, 115, 103, 112, 147, 215 and 125 from the OHW. This proposal would place a new building closer to the OHW than any almost other main structure in the immediate vicinity. (There is a structure 550 feet to the north, outside city limits, within about 40 feet of the OHW). The adjacent Wood Lake is a small (92 acre) Lake, relatively shallow, with the deepest part 35 feet, with an average depth of 17 feet. Water quality, according to the DNR, can be poor, with an abundance of plant and algae growth. There is approximately 3 miles of shoreline along this lake. The close*

proximity to the OHW and adjacent bluffs could further damage the lake with increased runoff and erosion.

PART 2: SSTS Variance Requests: The Septic System is 57 feet from the Ordinary High Water Level (OHW), 100 required (43 foot variance requested), the Septic System is 2 feet from the Bluff, 30 feet required (28 foot variance request).

A variance may be granted if the landowner can satisfy a three-factor practical difficulty test. To constitute a “practical difficulty all three factors must be satisfied.

NOTE: If the Board of Adjustment finds the response in “subpart b” to any of the variance criteria below to be true, the variance request must be denied.

1) Reasonableness: Will the variance allow the property owner to use the property in a reasonable manner?

- A) *Yes – The variance will allow the Healys to build the home they want on the property in the location that makes the most sense. The requested home location is the only flat area on the property. The area allowed by the setbacks has an approximate 16 foot drop from what would be the front of the home to the rear. This would significantly increase the difficulty and cost to build the new home. The Healys are desiring to build a slab on grade home. This would allow them to more easily stay in the home as they grow older and also make the home more affordable to build. A full basement would add at a minimum \$300,000 or more to the cost of the home. (Applicant Comments)*
- B) *No, the property includes buildable areas, which are not being utilized in the plans for a septic system installation. Almost the entirety of the proposed construction is outside of established building areas. A Practical Difficulty has not been shown or proven. The request is excessive and could be mitigated.*

2) Uniqueness: Is the variance necessary because of circumstances unique to the property (not caused by the landowner)?

- A) *Yes – The property has a very unique shape being long and skinny. The vast majority of the area of the lot is either bluff itself or OHW setback. The only area not in the OHW setback falls down a relatively steep hill away from the lake into wetland on the backside of the property. (Applicant Comments)*
- B) *No, even though the property is long and narrow, there is a buildable area on the lot, and no evidence has been provided that this location could not be adequately*

used for a Septic System. Other properties in the area also have small lots and for the most part have structures farther from the lake.

3) Essential Character: Will the variance alter the essential character of the locality? For example, will the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area?

- A) *No, the new home will not alter the essential character of the locality. The nearest structure to the south of The Healy's proposed home (parcel 21060503) appears to be an equal distance to the lake from what we are requesting. The nearest to the north also appears to be approximately 50' from the lake. The properties would all appear very similar and unison. (Applicant Comments)*
- B) *Yes, the proposed SSTS will alter the essential character of the locality. This property is the last lot on the north side of the city with an existing building (proposed), to the South, chiefly along Wood Lake Boulevard, only one house is less than 100 feet from the OWH (63 feet) 7 others are 145, 115, 103, 112, 147, 215 and 125 from the OWH. The adjacent Wood Lake is a small (92 acre Lake), relatively shallow, with the deepest part 35 feet, with an average depth of 17 feet. Water quality, according to the DNR, can be poor, with an abundance of plant and algae growth. (There is a structure 550 feet to the north, outside city limits, within about 40 feet of the OWH). There is approximately 3 miles of shoreline along this lake. The close proximity to the OWH and adjacent Bluffs could further impact the lake and could increase runoff, erosion, or water quality.*

POTENTIAL CONDITIONS ON A VARIANCE

- 1) If variances are approved, consider making it contingent upon lots 2 and 3 being combined with Lot 1 (Lots 2 and 3 are small, substandard lots.) It is our understanding that the owners are amenable to this lot combination.
- 2) If variances are approved, add the Condition that the applicant must apply for and obtain a SSTS permit for the proposed site. Unless the site is approved by the city SSTS inspector, no land use permit will be issued. Only a preliminary review has been done on the proposed site due to Winter conditions.

THE FOLLOWING ANSWERS HAVE BEEN SUPPLIED BY THE APPLICANT ON 2/27/2025

THREE-FACTOR PRACTICAL DIFFICULTY TEST:

4) **Reasonableness:** Will the variance allow the property owner to use the property in a reasonable manner?

C) Yes – The variance will allow the Healys to build the home they want on the property in the location that makes the most sense. The requested home location is the only flat area on the property. The area allowed by the setbacks has an approximate 16 foot drop from what would be the front of the home to the rear. This would significantly increase the difficulty and cost to build the new home. The Healys are desiring to build a slab on grade home. This would allow them to more easily stay in the home as they grow older and also make the home more affordable to build. A full basement would add at a minimum \$300,000 or more to the cost of the home.

D) No.

5) **Uniqueness:** Is the variance necessary because of circumstances unique to the property (not caused by the landowner)?

C) Yes – The property has a very unique shape being long and skinny. The vast majority of the area of the lot is either bluff itself or OHW setback. The only area not in the OHW setback falls down a relatively steep hill away from the lake into wetland on the backside of the property.

D) No.

6) **Essential Character:** Will the variance alter the essential character of the locality? For example, will the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area?

C) No, the new home will not alter the essential character of the locality. The nearest structure to the south of The Healy's proposed home (parcel 21060503) appears to be an equal distance to the lake from what we are requesting. The nearest to the north also appears to be approximately 50' from the lake. The properties would all appear very similar and unison.

B)

**CITY OF EMILY
NOTICE OF PUBLIC HEARING
VARIANCE REQUEST**

Notice is hereby given that the City of Emily Planning Commission/Board of Adjustment will convene on April 1, 2025, at 6 PM in the City of Emily City Council Chambers at City Hall, at 39811 MN-6, Emily MN 56447 to conduct the following public hearing and consider:

Variance request for: Parcel Number: 21060506, Lot 1, Block 1, Wood Lake Preserve, City of Emily, Crow Wing County, MN to allow the following Variances:

- 1) House is 50 feet from the OHW, 100 feet required (50 foot variance request)
- 2) House is 13 feet from NW Bluff, 30 feet required (17 foot variance request)
- 3) House is 23 feet from SW Buff, 30 feet required (7 foot variance request)
- 4) Septic System: 57 feet from the OHW, 100 feet required (43 foot variance request)
- 5) Septic System: 2 feet from Bluff, 30 feet required (28 foot variance request)

All interested persons are invited to attend these hearings and be heard or send written comments to City of Emily, P.O. Box 68, Emily, MN 56447, Attention Planning Department or email to zoning@emily.net. Application information and a staff report are available for viewing at City Hall (the staff report is typically available 5-7 days before the hearing date). If you need a reasonable accommodation to participate in the hearing, please call 218-763-2480 or contact City Hall by noon on Friday before the scheduled public hearing. Some members may be attending remotely, please contact the city for additional information.

Emily Planning Commission/Board of Adjustment



Date: February 18, 2025

Name of Applicant: Michael and Michelle Healy (Marka Architecture-Vaughn Larson)

Address of Applicant: 3375 162nd Lane NW, Andover, MN 55304

Email: (Marka Architecture) Vaughn@marka.design

Address of Request: Pending

Lot Description: Lot 1, Block 1, Wood Lake Preserve, City of Emily, Crow Wing County, MN

Property Description: PIN #21060506

Dear Applicant:

On February 13, 2025, the City of Emily received your final “approved” application for a series of variances of you Lot.

The City hereby notifies you that it is extending the time period for City action under Minn. Stat. § 15.99, subd. 3(f). The initial 60-day time period would expire on April 14, 2025. The time period is hereby extended until June 13, 2025

The reasons for this extension are: The date of the application , combined with meeting schedules and publication dates could make it difficult to complete within 60 days, and if an issue arises with the application, we would have little time to review. As well, this is a complicated request, with multiple variance requests for one parcel, and the city would prefer both the staff and applicant have ample time to fairly complete the review. Weather is also a possible complication this time of year. That said, we do expect completion close to the original 60 day period, now scheduled for review on April 1, 2025.

Thank you in advance for your patience.

Sincerely,

City of Emily

Steven C. Jones, Senior Community Development Administrator, Sourcewell

MAILING LIST – Properties within 350 feet, (The list is short, the property is on a peninsula surrounded by water.)

CERIC, ENVER
4550 PLEASANT DR
ARDEN HILLS MN 55112

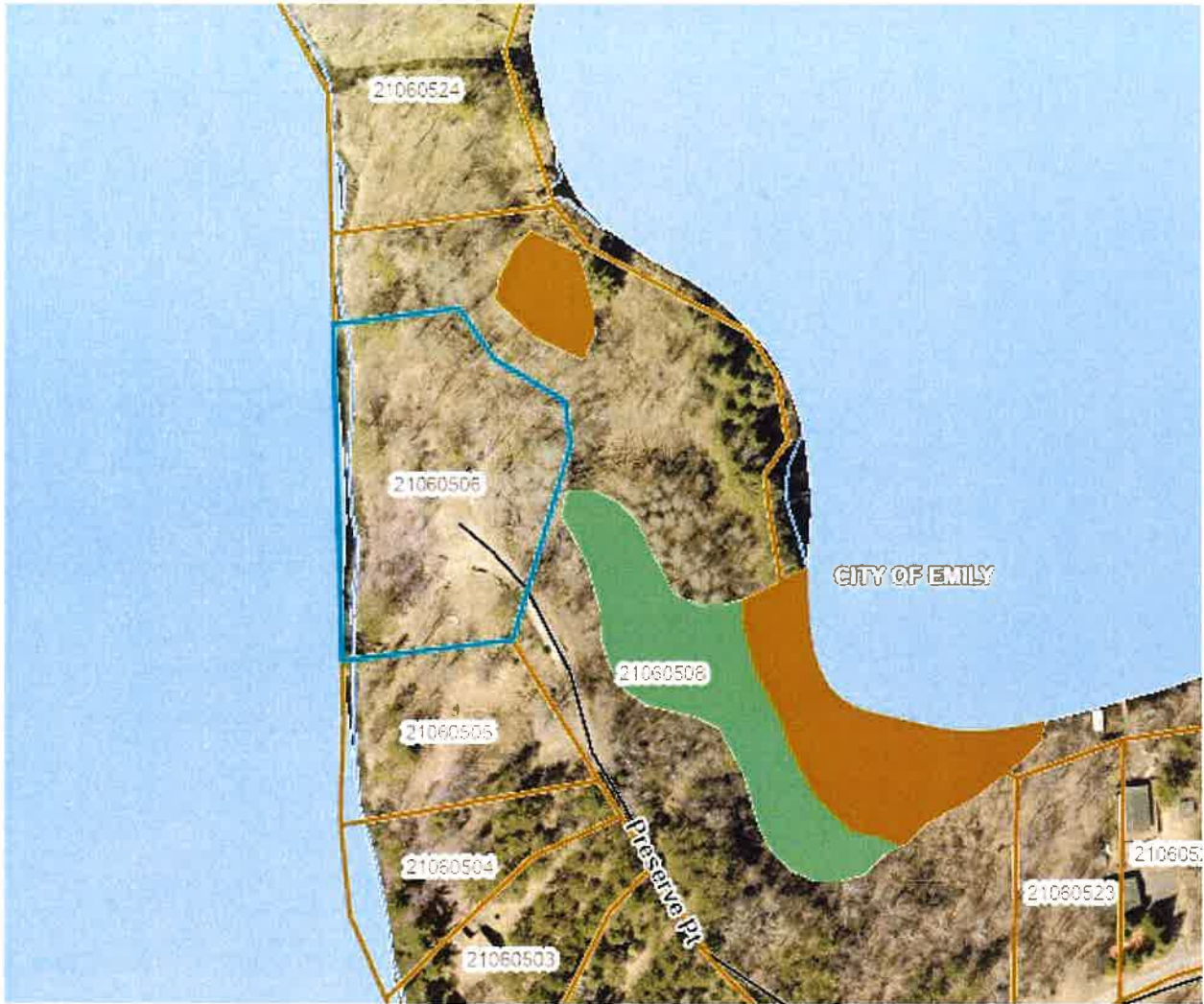
COMMON AREA

HEALY, MICHAEL & MICHELLE
3375 162ND LN NW
ANDOVER MN 55304

SUNDSTROM, KARI &
406 WACOUTA ST UNIT 220
SAINT PAUL MN 55101

TAX FORFEITED
CROW WING COUNTY LAND SERVICES
322 LAUREL ST STE 15
BRainerd, MN 56401-3590

National Wetland Inventory-Crow Wing County GIS



CITY OF EMILY
VARIANCE APPLICATION

Please read the Variance Application in its entirety before submitting the application. Applications must be submitted 30 days before the Planning Commission meeting. The full Land Use Ordinance is available at City Hall and online at www.cityofemily.com.

WHAT IS A VARIANCE?

A Variance is a legally permitted deviation from the provisions of the Ordinance as deemed necessary by the Planning Commission when the be impractical because of circumstances related to lot size, shape, topography or other characteristics of the property. The deviation from the Ordinance, with any attached conditions, must still be in keeping with the spirit and intent of the Ordinance. Variances cannot be given to create a land use that is not permitted in a zone.

The Planning Commission must consider the following when evaluating a Variance application:

- A. The applicant establishes that there are practical difficulties, as defined in this ordinance, in complying with the official control, and
- B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
- C. The strict interpretation of the Ordinance would be impractical because of circumstances relating to lot size, shape, topographic or other characteristics of the property not created by the landowner, and
- D. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance and the Comprehensive Plan, and
- E. The Variance will not create a land use not permitted in the zone, and
- F. The Variance will not alter the essential character of the locality, and
- G. The Variance is not for economic reasons alone, but reasonable use of the property does not exist under the Ordinance.

APPLICATION:

- A. Applicant shall complete Variance Application provided by Zoning Administrator and submit to the Zoning Administrator **30 days** prior to scheduling Public Hearing.
- B. Application shall be accompanied by a copy of a Site Plan Drawing complete with, as a minimum, the information stated on the Variance Checklist.
- C. Application shall be accompanied by application fee of \$500 made payable to the City of Emily and a recording fee of \$46 made payable to the Crow Wing County Recorder (recording fee is returned if the application is denied). **These fees do not cover the Land Use Permit, which must be filed separately, if necessary.**
- D. The Planning Commission holds their monthly meeting on the first Tuesday of the month at 6:00 PM at City Hall.

REVIEW:

- A. The Zoning Administrator reviews the application for completeness and assigns a reference number to the application, plans and any other attachments. The applicant will be notified within ten days if additional information is required to complete the application.
- B. After receipt of a completed Variance Application and supporting documents, the Zoning Administrator shall schedule a Public Hearing date on the Planning Commission's agenda for the earliest possible opening. Applicant will be notified by mail of the date and time of the Public Hearing.
- C. City Staff will prepare a Staff Report on the application. The Staff Report will be available for public review at City Hall approximately one week prior to the scheduled meeting date.
- D. The City Fee Schedule is based on average processing and review costs for all applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing permits. The City may withhold final action on any application and/or hold the release of such permits until all fees are paid.
- E. It may be necessary for Planning Commission Members and/or City Staff to enter the subject property in order to become familiarized with the variance request. By submitting the variance application, the property owner is allowing Planning Commission Members and City Staff entrance to the subject property without direct consent.

ACTION:

- A. The Planning Commission shall hold a Public Hearing on the Variance Application.
- B. At the conclusion of the Public Hearing, and after consideration of the testimony presented, the Planning Commission shall make a decision on the application. The application can be approved, denied, or tabled in order to gather additional information.
- C. Appeals of the Planning Commission decision are made to the City Council.

**CITY OF EMILY
VARIANCE APPLICATION**

APP # _____

Date _____

Fee _____

(for office use only)

Name of Applicant _____

Property Address _____

Mailing Address _____
(if different than above)

Phone _____ Email _____

Applicant is:

Title Holder of Property (*if other than applicant*)

Legal Owner ()

Contract Buyer ()

Option Holder ()

Agent ()

Other _____

(Name)

(Address)

(City, State, Zip)

Signature of Owner, authorizing application (*required*) _____
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (*if different than owner*): _____
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Property ID # (8 digit # on Tax Statement) _____

Zoning District _____, Lake Name (if applicable) _____

What are you proposing for the property? State nature of request in detail: _____

What changes (if any) are you proposing to make to this site?

Building: _____

Landscaping: _____

Parking/Signs: _____

Pursuant to the Emily City Code of Ordinances Chapter 152.156, the applicant should be prepared at the Public Hearing to explain the practical difficulty for the proposed Variance. A "practical difficulty," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. (Per Minnesota State Statutes 394.27, Subdivision 7 (In Part))

Please answer the following questions which will be the legal basis of the review:

When responding to the questions, it is essential to provide detailed and comprehensive answers. Simple "yes" or "no" responses are insufficient. We encourage you to elaborate on your answers, providing specific examples, explanations, and any relevant context that supports your response. Detailed answers not only help us understand your perspective better but also ensure that all aspects of the variance request are thoroughly considered.

- 1) **Reasonableness:** Will the variance allow the property owner to use the property in a reasonable manner? (Please explain)

- 2) **Uniqueness:** Is the variance necessary because of circumstances unique to the property (not caused by the landowner)? (Please explain)

- 3) **Essential Character:** Will the variance alter the essential character of the locality? For example, will the resulting structure be out of scale, out of place, or otherwise inconsistent with the surrounding area? (Please explain)

Other Questions Reviewed by the Planning Commission, please answer as you are able:

- (4) **How is granting this Variance consistent with the intent of the City of Emily Land Use or Subdivision Ordinance?**

- (5) **What other options, either conforming or non-conforming, have been considered and why were those options not chosen?**

- (6) **Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?**

- (7) **Discuss any environmental limitations of the site or area.**

- (8) **Please include any other comments pertinent to this request.**

VARIANCE CHECKLIST

- _____ Completed application, including signature of property owner
- _____ Fees (\$500 application fee payable to the City of Emily + \$46 recording fee payable to Crow Wing County)
- _____ Sewer Compliance Inspection Report (if SSTS)
- _____ All current City charges paid
- _____ No outstanding violations
- _____ Site Plan (8.5" x 11" minimum size preferred) as close to scale as possible with the following information, as a minimum (unless waived by P&Z Administrator) *
 - _____ Legal Description of Site
 - _____ Size of parcel and dimensions
 - _____ All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
 - _____ All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake OHW level) and each other
 - _____ Location on the parcel of existing and proposed sewage treatment systems (SSTS) and wells and their distance from property lines, structures and each other
 - _____ Existing and/or proposed square footage of the driveway (gravel and/or paved), access roads, parking, sidewalks
 - _____ Proposed landscaping and screening plans (required)
 - _____ Proposed Drainage Plan (required)
 - _____ Location of the subject property (a copy of the tax map can be used)
 - _____ Name of record owner/title holder of property
 - _____ Approximate location of existing and proposed water courses, wooded areas and other significant physical features
 - _____ Approximate location of any proposed signs

** Under certain circumstances, the Planning Commission may require a professionally prepared property survey, stormwater management plan, and/or landscaping plan.*

CITY OF EMILY PLANNING AND ZONING OFFICE CONTACT INFORMATION

Planning and Zoning Administrator: Steve Jones
Zoning Clerk: Sue Fahrendorff
P. O. Box 68
Emily, MN 56447

Phone: (218) 763-2480 Option 2 (Emily Office)
(320) 841-1793 (cell)

Fax: (218) 763-2481

Email: zoning@emily.net
steve.jones@sourcewell-mn.gov

1 **MINUTES**
2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**
3 **REGULAR MEETING**
4 **March 4, 2025**

5
6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Rheume at 6:00 pm.

8
9 **2. Pledge of Allegiance was recited.**

10
11 **3. ROLL CALL**

12 PRESENT: Pat Rheume, Denise Vukelich and Faye Hughes
13 Council: Greg Koch (Liaison)
14 Staff: Steve Jones, Zoning Administrator (Sourcewell), Sue Fahrendorff , Zoning Clerk
15
16

17 **4. ADDITIONS OR DELETIONS TO AGENDA**

18 None

19
20 **MOTION MADE BY COMMISSIONER HUGHES TO APPROVE THE AGENDA AS**
21 **PRESENTED. SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN**
22 **FAVOR. MOTION CARRIED 4-0.**

23
24 **5. OPEN FORUM**

25 None

26
27 **6. PUBLIC HEARINGS**

28 None

29
30 **7. APPROVAL OF MINUTES**

31 a. February 4, 2025 Regular Meeting Minutes.

32
33 **MOTION BY COMMISSIONER VUKELICH TO APPROVE MINUTES AS**
34 **PRESENTED. SECONDED BY COMMISSIONER HUGHES. ALL VOTED IN FAVOR.**
35 **MOTION CARRIED 4-0.**

36
37 **8. LAND USE ORDINANCE SUBCOMMITTEE MEETING UPDATE**

38 Patrick Rheume to replace Dave Johnson on the subcommittee.
39 Commissioner Rheume provided a brief update on the subcommittee meeting. The
40 subcommittee provided a revised draft of the Variance Application and made a few
41 changes. Staff will revise the variance application and bring a final draft to the meeting
42 next month and present it to the Planning Commission. Upcoming topics to include
43 sheds and front yard definitions.
44
45
46
47

48 **9. NEW BUSINESS**

- 49
50 a. Permit Extension request for Jeff Haugen 39898 Par West Drive PID 21320504
51 Permit #22-58.

52 Jones provided a brief background and stated Permit#22-58 was issued on August 23,
53 2022 for the construction of a new dwelling and accessory structure on back lot. The
54 accessory structure was completed within the time frame, however, the dwelling has
55 not been started. (Permit expiration is 08/23/2024). The property owner is
56 requesting an extension of the expiration date due to difficulties securing contractors
57 to complete the project prior to the permit expiration date of August 23,2024.
58 The property owner did pay \$50.00 permit extension fee.

59
60 **MOTION BY COMMISSIONER HUGHES TO EXTEND PERMIT #25-58 FOR 6**
61 **MONTHS WITH NO ADDITIONAL EXTENTIONS ALLOWED.**

62
63 Jones stated the permit expiration date should not go past the one year expiration date.

64
65 **COMMISSION HUGHES AMENDED THE MOTION TO STATE EXPIRATION**
66 **DATE TO AUGUST 23, 2025 WITH NO ADDITIONAL EXTENTIONS ALLOWED.**
67 **SECONDED BY COMMISSION VUKELICH. ALL VOTED IN FAVOR, MOTION**
68 **CARRIED 4-0.**

69
70
71 **10. OLD BUSINESS**

- 72 a. Conditional Use Permit application for Northern Lights over Roosevelt Lake
73 Homeowners Association modifying conditions of an existing Final Plat. The subject
74 property is located at Twilight Court and Evening Star Lane. PID 21030546.

75
76 Planning Commissioners received revised Conditional Use Permit from City Attorney.
77 Lynn Kosloske, HOA Treasure, stated via Zoom Chat that the HOA is in agreement with
78 revisions on the Conditional Use Permit and if there were any changes, the HOA requests
79 a phone call to discuss the changes due to technical difficulties with the Zoom call.

80
81 Commissioner Rheume stated there are no additional changes to the CUP from what
82 was discussed at the February Planning Commission meeting with the City Attorney.

83
84 **MOTION BY COMMISSIONER RHEAUME TO ACCEPT REVISED CONDITIONAL**
85 **USE PERMIT AS PRESENTED AND FORWARD TO CITY COUNCIL WITH A**
86 **RECOMMENDATION FOR APPROVAL. SECONDED BY COMMISSIONER**
87 **VUKELICH. ALL VOTED IN FAVOR 4-0, MOTION CARRIED.**

88
89 **11. P & Z ADMINISTRATOR'S REPORT**

90 Jones stated there have been several variance requests that will be coming up in the next
91 few months.

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12. ADJOURNMENT

**MOTION BY COMMISSIONER HUGHES TO ADJOURN THE MEETING.
SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 4-0.
MOTION CARRIED**

The meeting adjourned at 6:48 pm.

Respectfully submitted,

Sue Fahrendorff,
Zoning Clerk

DRAFT

2025 Permits--Emily Planning and Zoning

NUMBER	Recd	Apprvd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEE	DISTRICT	Project Completed Y/N
25-01	12/27/2024	2/4/2025	21260571	Ronayne	Brian	40107 E Emily Dr	SSTS	After-the-Fact Permit for Septic Installation	\$260.00- ATF Permit fee per city council 5X	SR	Yes-GK 12-16-2024
25-02	1/13/2025	2/4/2025	21250540	Wes Hanson Builders	Jason Quilling	22984 S Shore Dr	Land Use	Construct New Dwelling-2,719 SqFt	\$550.00	SR	
25-03	1/13/2025	2/4/2025	21250540	Wes Hanson Builders	Jason Quilling	22984 S Shore Dr	SSTS	Install New Septic-Winter Agreement	\$260.00	SR	Winter Agreement
25-04	1/13/2025	1/14/2025	21260550	Frodosen	Fred	21843 Whitetail Dr	Camper Permit	Annual Camper Permit	\$25.00	NR	NA
25-05	2/10/2025	2/10/2025	21260571	Ronayne	Brian	40107 E Emily Dr	Camper Permit	Annual Camper Permit	\$25.00	SR	NA
25-06	2/5/2025	2/18/2025	21270501	Emily Food Shelf		20948 County Rd 1	Land Use	Enclose drive through for cold storage and install new sign	NA-waived by city council	DMU	
25-07	2/24/2025	2/25/2025	21170535	Doberstein	Timothy	19227 Blue Lane E	Land Use	Construct a new 18'X24' (432 SqFt) Accessory Structure	\$150.00	NE	
25-08	3/19/2025	3/19/2025	21020500	Cass County Construction	Dan Hardel	91 S Lake Lawrence Rd NE	SSTS	Septic Upgrade to Drainfield. Mound system Type 1, 450 GPD, Existing 2250- 2 compartment tank	\$260.00	SR	