

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, MARCH 27, 2023 – 6:00 P.M.**

AGENDA

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes
4. Public Hearing
 - a. VAR 02-2023-101 Variance Request - David and Holly Berscheit
(Recessed at February 27, 2023 meeting)
 - b. Z-03-2023-301 Zoning Amendment Concerning Residential Roofing
 - c. PP-03-2023-201 & FP-03-2023-202 Plat Request by Karl
and Petra Oevermann (Sarah Acres)
 - d. CUP-03-2023-401 Conditional Use Permit Request by City of Melrose for
Sauk River Park restroom
5. Reports
 - a. City Planner Report
6. Action Items
 - a. VAR 02-2023-101 Variance Request - David and Holly Berscheit
 - b. Z-3-2023-301 Zoning Amendment Concerning Residential Roofing
 - c. PP-03-2023-201 & FP-3-2023-202 Plat Request by Karl
and Petra Oevermann (Sarah Acres)
 - d. CUP-3-2023-401 Conditional Use Permit Request by City of Melrose for
Sauk River Park restroom
7. Unfinished Business
8. New Business
 - a. Penalties in Zoning Ordinance
9. Informational Items
 - a. Next Meeting – April 24, 2023, at 6:00 p.m.
10. Issues by Planning and Zoning Commission Members and/or Staff
11. Adjournment

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, MARCH 27, 2023– 6:00 P.M.**

A.I. #1 CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

The Melrose Planning and Zoning Commission met in a Regular Meeting on Monday, March 27, 2023, at 6:00 p.m. pursuant to due notice being given thereof. Present were Commission Members Jason Seanger, Shaw Mayers, Dave Berscheit, Jean McDonald, Nick Shaw, Joelene Wieling, City Administrator Winter, and City Planner Sheila Hellermann. Commission Member Adam Paulson was absent. Also in attendance was Holly Berscheit. Chair Seanger called the meeting to order.

The Pledge of Allegiance was recited.

A.I. #2 APPROVAL OF AGENDA

A motion was made by Mr. Mayers seconded by Mr. Berscheit and unanimously carried to approve the agenda as submitted.

A.I. #3 APPROVAL OF MINUTES

A motion was made by Ms. McDonald, seconded by Mr. Shaw and unanimously carried to approve the minutes from the Commission's February 27, 2023, Regular Meeting.

A.I. #4 PUBLIC HEARING

- a. The Melrose Planning and Zoning Commission acting as the Board of Adjustments and Appeals reconvened a Public Hearing at 6:00 p.m. on Monday, March 27, 2023, at the Melrose City Center, 225 1st Street NE, Melrose, MN, for the purpose of giving consideration to a request submitted by David and Holly Berscheit for a Variance on Parcel No. 66.37016.0178. If granted the Variance would allow the replacement of shingles on a residence with conventional metal roofing using exposed fasteners. The existing Zoning Ordinance No. 1989-1-A as adopted with amendments in the Melrose Code of Ordinances in Section 211.06 (1) (1.3) requires standing seam profiled metal and concealed fasteners on residences when using metal roofing materials. This Public Hearing was previous recessed on February 27, 2023, when there was not a quorum after Mr. Berscheit had to recuse himself. Mr. Berscheit again recused himself from the Public hearing due to a conflict of interest.

The parcel is legally described as Lot 19, Block 1 Melrose Highlands Plat 7.

The Affidavit of Publication of the Public Hearing Notice, which was published in the Star Post on Wednesday, February 15, 2023, along with the Affidavit of Posting of Notice of Hearing and the Affidavit of Mailing of the Public Hearing Notices to the Affected Property Owners was included with the agenda documents.

Dave Berscheit stated that essentially what he has come across is that the ordinance puts them in a tight spot. Exposed vs. non-exposed . Mr. Berscheit stated that when looking at the different types of metal roofing, the components

are made of the same material, same coating, same gauge. The only difference is economics. Mr. Berscheit stated that he has looked at a number of roofs in the community. Mr. Berscheit noticed in his drive around the community that for the most part those that have unexposed fasteners are installed incorrectly. The edge should be crimped. In many instances there are just a run of screws on the bottom. So then it comes down to aesthetics.

Chair Seanger asked if there were any further comments. There being none the public hearing was closed at 6:08 p.m.

- b The Melrose Planning and Zoning Commission acting as the Board of Adjustments and Appeals then held a Public Hearing at 6:00 p.m. on Monday, March 27, 2023, for the purpose of giving consideration to changing the zoning ordinance to allow the replacement of shingles on a residence with conventional metal roofing using exposed fasteners. The existing Zoning Ordinance No. 1989-1-A as adopted with amendments in the Melrose Code of Ordinances in Section 211.06 (1) (1.3) requires standing seam profiled metal and concealed fasteners on residences when using metal roofing materials.

The Affidavit of Publication of the Public Hearing Notice, which was published in the Star Post on Wednesday, March 15, 2023, along with the Affidavit of Posting of Notice of Hearing was included with the agenda documents.

City Planner Hellermann provided an overview of the zoning ordinance as it is currently written in terms of gauges of the steel, standing seams profile metal and concealed fasteners along with roofing standards and other districts roofing standards. Ms. Hellermann also presented roofing material and standards from surrounding communities.

Ms. Holly Berscheit commented on the environmental benefits of the steel roof compared to asphalt shingles.

Chair Seanger asked if there were any further comments. There being none the public hearing was closed at 6:14 p.m.

- c The Melrose Planning and Zoning Commission next held a Public Hearing on Monday, March 27, 2023, at 6:00 p.m. at the Melrose City Center for the purpose of giving consideration to approval of the Preliminary/Final Plat of Karl and Petra Oevermann to divide a lot into two parcels for residential development.

The Affidavit of Publication of the Public Hearing Notice, which was published in the Star Post on Wednesday, March 15, 2023, along with the Affidavit of Posting of Notice of Hearing was included with the agenda documents.

City Planner Hellermann provided an overview of the request. The applicants purchased a single 5.76 +/- acre parcel with an existing house and outbuildings. At the time it was assumed the necessary steps had been taken to complete the Jeni Acres plat. However, that plat was not recorded. Applicants re-started the platting process, with the same survey information, re-naming it "Sarah Acres." They would like to split off the western portion of the land which would allow a single-family home to be constructed or moved on that lot.

Chair Seanger asked if there were any further comments. There being none the public hearing was closed at 6:17 p.m.

- d The Melrose Planning and Zoning Commission held a Public Hearing at 6:00 p.m. on Monday, March 27, 2023, for the purpose of giving consideration to the request submitted by the City of Melrose for a Conditional Use Permit on PID# 66.36458.0020. The Conditional Use Permit would allow improvements to be made to the existing restroom on the south side of the Sauk River Park in accordance with Section 310.04 (1) of Zoning Ordinance No. 1989-1-A as adopted with amendments by the Melrose Code of Ordinances.

The Affidavit of Publication of the Public Hearing Notice, which was published in the Star Post on Wednesday, March 15, 2023, along with the Affidavit of Posting of Notice of Hearing and the Affidavit of Mailing of the Public Hearing Notices to the Affected Property Owners is included with the agenda documents.

City Planner Hellermann provided the following overview. The City of Melrose seeks to remodel/improve the restroom located on the south side of the Sauk River Park. This improvement is necessitated by the expansion of the campground in the park.

Staff worked with Design Tree in Alexandria on the structural engineering for the building. Staff members have worked together to prepare the bid specifications for electric, plumbing, and mechanical.

This remodel to the existing restroom will also bring the facility into Americans with Disabilities Act compliance, which the current layout does not.

The area is zoned Public Institutional and per Section 241.02 (2) "athletic fields, fairgrounds, golf courses, camping areas and similar uses of a recreational open space nature" are a permitted use.

However, this area is located in a floodplain so additional review is required.

Chair Seanger asked if there were any additional comments. There being none the public hearing was closed at 6:20 p.m.

A.I. #5 REPORTS

- a. City Planner Hellermann provided the following update:

Regarding Riverside Flats, on the former Kraft lot, soil boring work was done earlier this month by the developer's environmental consultant. In talking with the developer, they may be ready to close in as soon as 30 days. They have gone out for bids on the project.

Kwik Trip is wrapping up demolition. Their permit applications are coming in. They will be working on site preparation and soil/wetland work for a couple months. Construction begins in early July.

We found out this week that the City was awarded \$351,000 in grant funding

from the State of Minnesota for a sidewalk along County Road 168, connecting Daylight Court to the 5th Avenue. Construction will be this summer/early fall.

Regarding Railroad West, at the next Council meeting we will be holding a public hearing on the vacation of the existing utility and drainage easements and rights of way in Melrose Meadow View plat as we move forward with re-platting. Meetings with property owners regarding right of way are complete. Attorney Dymoke is drafting the written agreements in line with our verbal agreements. It is planned to have a joint working meeting of the Planning & Zoning Commission and the City Council on the layout and expectations for the Planned Unit Development.

The comprehensive plan RFP has been sent out and the deadline for proposals is March 27th.

Ms. Hellermann is working with the Arts Council and Melrose Lions on the Welcome to Melrose sign on the Melrose Feed Mill property. The Lions will begin work on it as soon as the snow is melted and the ground is warm enough for concrete. The sign is smaller now so it does not need a variance from the Planning & Zoning Commission and City Council.

A.I. #6 ACTION ITEMS

- a. Following its review of the Planning Report, the related information and documents associated with this report along with public input received at the public hearing or in writing, the Commission will give consideration to making a recommendation to the Council regarding variance request VAR 02-2023-101, Variance on Parcel No. 66.37016.0178. If granted the variance would allow the replacement of shingles on a residence with conventional metal roofing using exposed fasteners. The existing Zoning Ordinance No. 1989-1-A as adopted with amendments in the Melrose Code of Ordinances in Section 211.06 (1) (1.3) requires standing seam profiled metal and concealed fasteners on residences when using metal roofing materials.

The Commission reviewed the Standards for Granting Variance

The Board may recommend approval of a variance application only upon finding that all of the following criteria, as applicable, have been met:

- (1) The variance, and its resulting construction or project, would be in harmony with the general purposes and intent of this Ordinance, and would be consistent with the comprehensive plan.
- (2) The variance applicant has satisfactorily established that there are practical difficulties in complying with this Ordinance. "Practical difficulties" means that:
 - (2.1) The Applicant proposes to use the property in a reasonable manner not permitted by this Ordinance
 - (2.2) The plight of the landowner is due to circumstances unique to the property that were not created by the landowner; and
 - (2.3) The variance, if granted, would not alter the essential character of the locality.

- (3) The variance request is not based exclusively upon economic considerations.
- (4) The variance, and its resulting construction or project, would not be detrimental to the public welfare, nor would it be injurious to other land or improvements in the neighborhood.
- (5) The variance, and its resulting construction or project, would not impair an adequate supply of light and air to adjacent properties, nor would it substantially increase traffic congestion in public streets, increase the danger of fire, endanger the public safety, or substantially diminish property values within the neighborhood.
- (6) The variance requested is the minimum action required to address or alleviate the practical difficulties.

In addition, in variance shall have the effect of allowing in any district uses prohibited in that district.

No variance shall have the effect of permitting a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by Minnesota's Floodplain law.

David and Holly Berscheit, in their application, state the following:

First factor: Reasonableness. The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

There does not appear to be a reasonable advantage to standing seam panels. Panel thickness and uplift ratings are the same for both products. When properly installed by an experienced professional, using quality products, conventional steel panels are virtually indistinguishable from standing steam panels, and the vast majority of people will not know the differences between the two.

Second factor: Unique Circumstances. The second factor is that the landowner's problem is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

Our neighborhood is windy. Since building in 2008, we have had to repair our shingled roof, and our neighbors have experienced shingle damage as well. After the May 12, 2022 storm, a large number of homes in our neighborhood have gotten a new roof. Climate change will increase the frequency and severity of storms, making shingles an even more expensive option. Shingles do not stand up to hail or high winds. The wind rating of Architectural Shingles is 110 MPH. The wind rating of the steel we are proposing is 170 MPH. FEMA data from 2018-2021 shows that MN is the number 10 state in the nation for hail damage, with losses of \$32.8 million.

Third factor: Neighborhood Character. The third factor is that a variance would not alter

the essential character of the neighborhood. This factor is used to consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Installing steel roofing will not alter the essential character of the neighborhood. The difference between a standing seam panel and a conventional steel panel will not be noticed by the average passerby on the street. The first thing that will be noticed is that it is a steel roof. There are not any other steel roofs in our neighborhood.

Any approval to approve or recommend a variance, must identify in writing:

- (1) The specific conditions which justify a determine that undue hardship exists.
- (2) How granting a variance is consistent with the spirit and intent of this Ordinance.

Review of additional facts

- David and Holly Berscheit live in the Highlands area of Melrose and during the May 12, 2022 storm, suffered hail damage similar to the rest of the neighborhood. They have completed significant research on their roofing options as they look to repair the damage.
- Prior to adopting the current ordinance concerning standing seam metal and concealed fasteners, there are residential homes in the City of Melrose which have exposed fasteners and conventional metal roofing.
- Neighboring cities have the following guidelines:
 - Albany. 80.05, subd. 2b (2-3) Within all residential districts, galvanized sheet metal, unfinished steel, ridged, corrugated sheet metal, asbestos, or iron, whether or not they are colored, shall not be used as a major exterior wall covering on buildings over one hundred and twenty (120) square feet of floor space or over one hundred and twenty (120) square feet of roof and roof overhang. Within all residential districts, horizontal steel siding is allowed if the individual panels have a width not exceeding ten inches (10"), and the panels are affixed without exposed fasteners.
 - Sauk Centre. 156.086 (a, c-d). Single-family dwelling roofs shall be shingled with asphalt, wood, tiles, metal (with concealed fasteners) or other comparable materials that comply with the applicable provisions of the Building Code. Within all residential districts, galvanized sheet metal, corrugated sheet metal, asbestos and iron, whether or not they are colored, shall not be used as a major exterior wall covering on buildings over 120 square feet of floor space or over 120 square feet of roof and roof over hang. Horizontal steel siding having a width not exceeding 10 inches, if it is affixed without exposed fasteners is allowed.
 - Avon 94.17 (O). Property Exterior: The roof, foundation and exterior walls of the structure shall be structurally sound, water tight, and rodent resistant.
 - Long Prairie 16.325 (4) All new dwellings shall have a pitched roof covered with shingles, tile, or an approved colored steel roofing and have eaves of not less than 1 foot.

Chair Seanger stated that one thing that is to be considered is if the variance is related to cost, which does come into play as there is an equal option that is more costly. Mr. Seanger stated that although he has seen other homes within the city with exposed fasteners which have not been enforced or penalized for noncompliance to city code. However Mr. Seanger stated he must look at the

ordinance.

A motion was made by Mr. Shaw, seconded by Ms. McDonald and unanimously carried to approve the planning report as written.

A motion was made by Mr. Shaw to approve recommending the variance to the city council. A motion was seconded by Ms. McDonald with a roll call vote recorded as follows:

FOR: Commission Member Shaw, McDonald, Wieling

AGAINST: Commission Member Seanger, and Shaw

ABSTAIN: Commission Member Berscheit due to a conflict of interest

ABSENT: Commission Member Paulson

- b. The Commission earlier this evening held a Public Hearing for the purpose of giving consideration to changing the zoning ordinance to allow the replacement of shingles on a residence with conventional metal roofing using exposed fasteners. The existing Zoning Ordinance No. 1989-1-A as adopted with amendments in the Melrose Code of Ordinances in Section 211.06 (1) (1.3) requires standing seam profiled metal and concealed fasteners on residences when using metal roofing materials.

The Commission directed staff to draft a revision to the ordinance to reflect state building code.

- c. The Commission earlier this evening held a Public Hearing for the purpose of giving consideration to approval of the Preliminary/Final Plat of Karl and Petra Oevermann to divide a lot into two parcels for residential development.

A motion was made by Mr. Berscheit, seconded by Mr. Mayers and unanimously carried approving the planning report as written.

A motion was then made by Mr. Mayers, seconded by Ms. McDonald and unanimously carried recommending Council approval of the Preliminary and Final Plat of Sarah Acres.

A motion was made by Mr. Mayers, seconded by Ms. McDonald and unanimously carried rescinding the previous motion.

A motion was then made by Mr. Shaw, seconded by Ms. McDonald and unanimously carried recommending Council approval of the Preliminary Plat of Sarah Acres.

A motion was made by Mr. Mayers, seconded by Ms. McDonald and unanimously carried recommending Council approval of the Final Plat of Sarah Acres.

- d. The Commission earlier this evening held a Public Hearing for the purpose of giving consideration to the request of the City of Melrose for a Conditional Use Permit to allow improvements to be made to the existing restroom on the south side of the Sauk River Park.

A motion was made by Ms. Wieling, seconded by Mr. Shaw and unanimously carried approving the planning report as written ,and adopting the finding of facts..

A motion was made by Mr. Berscheit, seconded by Mr. Mayers and unanimously carried recommending Council approval of the Conditional Use Permit to allow improvements be made to the existing restroom on the south side of the Sauk River Park.

A.I. #7 UNFINISHED BUSINESS

- a. The Commission reviewed the zoning and building permit penalties of neighboring cities. Penalties are built into our zoning ordinance concerning portable storage structures.

Input was sought as to whether the City of Melrose should establish penalties for failure to have a building permit, work completed in violation of zoning ordinances, and failure to comply with issued permits.

The Commission directed staff to have penalties for failure to obtain a permit, as well as penalties for violating or noncompliance with city code.

A.I. #8 NEW BUSINESS

None

A.I. #9 INFORMATIONAL ITEMS

- a. The Commission's next meeting is scheduled for Monday, April 24, 2023, at 6:00 p.m.

A.I. #10 ISSUES BY PLANNING AND ZONING COMMISSION MEMBERS

None

A.I. #11 ADJOURNMENT

A motion was made by Mr. Berscheit, seconded by Ms. McDonald and unanimously carried that the meeting be adjourned at 7:10 p.m.

PATRICIA HAASE – CITY CLERK