

Date Received: 9/2/16
Received By: EMILY BECKER
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan Wireless Communications

Applicant: Rodney & Diane Jessing
Address: 5699 - Keats Ave N. Lake Elmo, MN 55042
Phone #: 612-919-4992
Email Address: rodjessing@yahoo.com

Fee Owner: Same
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address): 5699 Keats Ave
(Complete (long) Legal Description: Section 02 Township 029 Range 021 PT NW 1/4 being the S. 1125 ft. of the 1100 ft. on NW 1/4 of Section 2 Except 660 ft. of the S 825 ft. thereof -
PID#: 02.029.21.23.0003 | Subject to subj to Enc over west 23 ft. of Keats Ave Except: the South 400 ft. of the east 440 ft. of the west 1100 ft. of the NW 1/4 of Sec 2.

Detailed Reason for Request: Need additional space to store Agricultural Equipment & protection of goats & chickens from weather.

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:
Small farms need the additional storage for equipment & animals to make it viable.

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: [Signature] Date: 9-2-2016
Signature of fee owner: Same Date: _____

5699 Keats Ave. North Variance Application Information:

Written Statements:

- A. Owners: Rod and Diane Sessing
- B. Legal Discription: Section 02 Township 029 Range 021 PT NW ¼ BEING THE S 1125FT OF THE W 1100FT OFSD NW1/4 OF SEC 2 EXCEPT THE W 660FT OF THE S 825FT THEREOF- SUBJ TO SUBJ TO EASE OVER W 33FT FOR KEATS AVE EXCEPT:THE SOUTH 400 FEET OF THE EAST 440FEET OF THE WEST 1100FEETOF THE NW1/4OF SEC 2
Parcel ID# 02.029.21.23.0003
Parcel Size: 11.5 Acres or 497,375 square feet.
Existing use of land: Residential/ Agricultural(Tax Class will be agriculturals as we mee the state statute Requirements)

Current Zoning: Rural Residential

- C. The Provisions of the code that we seek a variance from is 154.092 Accessory Building and Structures
- D. We are asking to build an additional 2400 square foot building out our property (see Site Plan). In our zoning district, we are allowed ~~2500~~ ^{two structures totaling} square foot building, which we currently have 2448 square foot.
- E. I would like to speak to the practical difficulties of the new variance standards.
 - 1. Is the variance consistent with the comp plan? Yes Very Much so. Our 2030 comp plan states this: " The following general planning and development policies will guide development in a manner that will allow reasonable growth to take place, while preserving and enhancing the Rural Character and features of Lake Elmo that make the city a unique and desirable community." The comp plan further talks about agricultural preservation. "in keeping with the general policies enumerated above, existing operating agricultural uses and qualifying alternative uses that preserve the open space within the community shall be supported. These uses shall be encouraged to continue operations and to retain large land holdings that contribute to operating efficiency. In keeping with the general policies enumerated above, the city shall affirmatively establish and pursue specific strategies and seek resources to assist existing agricultural uses in remaining available alternative to urbanization for landowners, consistent with the concept of right to farm. The provision of municipal infrastructure and services to the areas of the city where operating agriculture exists shall not be in a manner that results in an economic or operational disincentive to continue agricultural use of the land." In summary, the Comp plan requires the city to help us keep our farm viable which this new building will do.

2. Does the proposal put the property to use in a reasonable manner? Yes. This is a reasonable use of our property. Farming it is an allowed use in Rural Residential. It is logical that an agricultural use would need a building to store farm equipment and produce and also animals. Every property in RR is allowed a certain size of building for personal property whether they farm or not. It only makes sense that if someone farms and is allowed to farm by the city code and is classified as agricultural by the county, they should be allowed to have an agricultural building. By state statute, we do meet the criteria of agriculture and we are taxed as Agricultural for our land. The zoning in the city is somewhat random and there are properties zoned RR that should be Ag based on size and AG properties that should be zoned RR based on size. If we look at the future zoning map for our part of the city, all the property whether it is currently AG or RR is all RAD and there was even talk of combining AG and RR into one zoning for performance zoning. I think in our situation it is reasonable to base this decision on the use of our property and not the zone. Also since the city has already allowed my neighbor with 10.7 acres of land to be allowed an extra agricultural building of 2400 square feet, with less acreage than I have for our land of 11.5 acres, so the rule has been made once already, and at that city council meeting that approve the variance for the Ziertman's, I said I would be back asking for the same rights the council gave the Ziertman's, which would only be fair to all people.

I had slowed down in in agricultural produce due to Chuck Dillerud saying you cannot have retail sales on residential property. So when that happened I slowed down on the planting of produce and only sold wholesale since then.

3. Will the variance if granted alter the essential character of the neighborhood? No. The proposed building will not be seen from Keats Ave. there is an extensive tree line to the north as well as the neighbors own additional agricultural building will screen from their view from their house. There are other parcels around us that either have more or larger buildings than this size because the existing buildings were not required to be taken down as the properties go sub-divided. This is a rural portion of our city and people expect to see barns and buildings.
4. Are their unique circumstances to the property? Our farm has been around for a long time and is a unique part of the community. It was a part of a larger family farm that was also a pumpkin farm starting in 1972. Without this building we cannot continue with the farm and expand our produce and add animals to our farm. We are an integral part of the community and according to the comp plan, the City needs to assist us in remaining viable, especially since the city has already approved one of these buildings on less acreage, which is allowing us the tools by adding the this building to allow us to store more agricultural equipment inside of it instead of

outside and also store produce in it so it does not freeze and also allow us to add chicken's and goats to our farm.

In addition to the points already made, I would like to make a few more. I would point out that the city has already allowed this to happen on the property that lies to the north of us, who has less acreage than we have. Another point is that currently AG parcels of 40 acres or more can have a 20,000 square foot building in addition to unlimited AG buildings. That would equate to a 5000 square foot building on 10 acres without the unlimited AG buildings. This is less than 1% of the total square footage of our property and is pretty insignificant.

The character of the neighborhood will not be affected as there are many other lots under 40 acres that have more than the currently allowed size or amount of buildings. We are in the rural part of the city and to the north of us all the way to highway 36 will continue to be open space along with the Ziertman's 10 acre parcel which already has an additional AG building on their property which the city approved in 2011 with the RockPoint Church behind us.

I would like to mention that all of our produce is grown on site. Therefore we have a lot of equipment and I need more to accommodate our need. Plus we need this to house chickens which we are adding and also milking goats. In the fall our produce needs to be stored inside so it does not freeze along with giving the animals shelter from the cold and also storage of additional equipment.

The State spends a lot of tax dollars every year for the department of agriculture and Minnesota Grown, which we do, and this helps to ensure that the small farm like ours remain viable. Buy local is Huge!! We help to make Lake Elmo Unique and this contributes to our community. We have donated produce to many charity organizations over the years.

We would like to be able to preserve our farm to be able to pay it forward to our community. I think our situation is an example of why cities and city officials and league of Minnesota cities fought so hard to get the variance standards changed. So that the cities have a much greater say in what is acceptable outside the big box code that is not a one size fits all.

Thank you
Rodney and Diane Sessing

612-919-4292 cell

5699 Keats Ave. North, Lake Elmo, MN 55042

Diane and I have enjoyed our farm in planting pumpkins and gourds and squash since we started in 1997. Once we moved over to our property from the original Ziertman farm located on highway 36 and Keats. Our land is an off shoot of the original farmstead. We also have expanded by adding 1000's of raspberry plants to our products. Now we want to expand our products by adding Chickens and Milking goats, along with more pumpkins and squash and gourds also and organic vegetables, we just need more storage of equipment for this process and We also need to have shelter for the animals thru the winter to keep them warm and safe. We will use part of the new storage building for both of these uses.

We want to continue our produce by expanding it and making it more viable for us.

The City of Lake Elmo gave the Ziertman's which has 10.7 acres of land the opportunity to have an additional 2400 square foot building to house their equipment. Now I am asking for the same opportunity that you gave the Ziertman's a few years ago, we own 11.5 acres of land. I believe this should be very easy to justify since our properties are very similar coming off of the same original farm stead although we have .8 acres more than the Ziertman's. Now that I have more time I want the same opportunity to increase our production to make it more viable for us to proceed with our farming business.

We are among the few surviving farms on smaller acres in Lake Elmo. Please allow us to continue and add more farming to Lake Elmo's history of supporting small farms.

**Thanks Rod and Diane Sessing
5699 Keats Ave. North
Lake Elmo, MN 55042
612-919-4792**

CITY-WIDE PLANNING POLICY

The following general planning and development policies will guide development in a manner that will allow reasonable growth to take place, while preserving and enhancing the rural character and features of Lake Elmo that make the City a unique and desirable community:

1. Develop land use and infrastructure plans corresponding to the 2030 population forecast of 24,000 in the 2030 Regional Development Framework.
2. Encourage the majority of the new households created in areas north of 10th Street North, and outside of the Village Area to be efficiently developed in a rural context in the form of Open Space Development cluster neighborhoods.
3. Guide new community growth in keeping with the geographic assignments and decennial household, population, and employment targets established by the Memorandum of Understanding entered into by the City and the Metropolitan Council in January 2005.
4. Limit Metropolitan Urban Service Area (MUSA) expansion to the area that can be served from the Regional Wastewater Interceptors specified, in the wastewater volumes specified by the aforementioned Memorandum of Understanding, and staged consistent with a City adopted development Staging Plan.
5. Adopt a MUSA expansion development Staging Plan/schedule that will limit total annual City household and employment growth to a use, mix, and scale that remains sustainable in the context of providing municipal services/infrastructure and local government fiscal responsibility.

Agricultural Preservation

In keeping with the general policies enumerated above, existing operating agricultural uses and qualifying alternative uses that preserve the open space within the community shall be supported. These uses shall be encouraged to continue operations and to retain large land holdings that contribute to operating efficiency.

In keeping with the general policies enumerated above, the City shall affirmatively establish and pursue specific strategies and seek resources to assist existing agricultural uses in remaining a viable alternative to urbanization for landowners, consistent with the concept of “a right to farm.” The provision of municipal infrastructure and services to areas of the City where operating agriculture exists shall not be in a manner that results in an economic or operational disincentive to continue agricultural use of the land.

Residential Development

All residential units will be designed, sited, and constructed to conserve energy in lighting, cooling, and heating processes.

The primary style of residential dwelling unit within RAD, RED, RAD2, and NC land

Accessory Building Variance – 5761 Keats Avenue

The City Council considered a variance required from Steve and Joan Ziertman, 5761 Keats Avenue, to allow the construction of a second 2,400 sq.ft. accessory building on their property. The proposed building would be used to house equipment related to the growing and selling of agricultural products. A variance has been requested because the applicants already have built a 2,310 sq.ft. building on their property, and the RR – Rural Residential Zoning District only allows one such accessory building on their property.

The Planning Commission recommended approval of the variance request with two conditions of approval.

Rod Sessing, 5699 Keats Avenue, stated his property is part of the Ziertman farm. He has grown pumpkins since 1997 and plans on getting back into farming. He said he had to cut back because of storage problems... had equipment in the building and sitting outside. He would like the Council to open to all property owners with 10.7 acres the ability to construct an additional accessory building.

Doug Lovitt , 9940 59th St. Court N., has a small produce farm and sees the need for more barn space.

MOTION: Council Member Smith moved to adopt Resolution Number 2011-028 A Resolution approving a variance to allow the construction of a new 2,400 sq.ft. Accessory building at 5761 Keats Avenue in addition to an existing 2,310 sq.ft. building in a Rural Residential Zoning District. Council Member Park seconded the motion. The motion passed 3-2 (Council Member Emmons and Pearson voting against.)

MOTION: Council Member Emmons moved to direct staff to add the review of the ordinance relative to this question at a workshop for prioritization on the Planning Commission work plan. Council Member Pearson seconded the motion. The motion passed 5-0.

Hotel/Motel Water Rates – Discussion and Proposed Ordinance No. 08-51

The City Council received an update on efforts to address issues related to water service to the Wildwood Lodge. Lake Elmo staff met with the Wildwood Lodge staff to discuss the history of billing and review of the infrastructure and water meters. Cathy Bendel, C&J Consulting, provided additional information which the Wildwood Lodge staff requested more time for review. A decision on hotel/motel water rates will be added to the next City Council agenda.

Update Re: Library Service Consideration

This item was scheduled at the request of the City Council in order to update the Council and public on efforts to retain and enhance library services for the Lake Elmo community. Administrator Messelt reported that all four boutique libraries will most likely close by January 2012. Attorney Snyder addressed questions regarding the City establishing their own library and authorizing a library levy.

14949 62nd Street North PO Box 200
Stillwater, MN 55082-0200
(651) 430-6175 www.co.washington.mn.us

Property ID: **02.029.21.23.0003** Bill#: **512663**



Taxpayer: **RODNEY N & DIANE L SESSING**
5699 KEATS AVE N
LAKE ELMO MN 55042-8509



TAX STATEMENT

2016

2015 Values for Taxes Payable in

VALUES AND CLASSIFICATION			
Taxes Payable Year:		2015	2016
Step 1	Estimated Market Value:	540,000	539,000
	Homestead Exclusion:	600	700
	Taxable Market Value:	539,400	538,300
	New Improvements/ Expired Exclusions:		
	Property Classification:	Res Hstd Ag Hstd	Res Hstd Ag Hstd
<i>Sent in March 2015</i>			
Step 2	PROPOSED TAX		
	<i>Did not include special assessments or referenda approved by the voters at the November election</i>		\$4,320.00
<i>Sent in November 2015</i>			
Step 3	PROPERTY TAX STATEMENT		
	First half taxes due	May 15	\$2,496.00
	Second half taxes due	November 15	\$2,496.00
Total Taxes Due in 2016:			\$4,992.00



You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

Tax Detail for Your Property:				
Taxes Payable Year:		2015	2016	
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.		<input type="checkbox"/>	\$3,983.34	
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$4,018.25		
Tax and Credits	3. Property taxes before credits	\$4,541.05	\$4,494.80	
	4. Credits that reduce property taxes			
	A. Agricultural market value credit	\$363.20	\$362.60	
	B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	<u>\$4,177.85</u>	<u>\$4,132.20</u>	
Property Tax by Jurisdiction	6. WASHINGTON COUNTY			
		A. County General	\$1,181.15	\$1,183.20
		B. County Regional Rail Authority	\$9.05	\$10.52
	7. CITY OF LAKE ELMO		\$1,015.05	\$982.65
	8. State General Tax		\$0.00	\$0.00
	9. ISD 834 STILLWATER		\$630.25	\$663.29
		A. Voter approved levies	\$1,084.17	\$1,018.23
		B. Other Local Levies	\$40.22	\$39.60
	10. Special Taxing Districts		\$57.85	\$58.35
		A. Metropolitan Council	\$20.89	\$20.71
	B. Metropolitan Council Transit	\$72.54	\$74.85	
	C. Metropolitan Mosquito Control	\$50.38	\$64.97	
	D. Valley Branch Watershed			
	E. County HRA			
	11. Non-school voter approved referenda levies	\$16.30	\$15.83	
	12. Total property tax before special assessments	<u>\$4,177.85</u>	<u>\$4,132.20</u>	
	13. Special assessments	\$888.15	\$859.80	
	14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	<u>\$5,066.00</u>	<u>\$4,992.00</u>	

Property Address:

5699 KEATS AVE
LAKE ELMO MN 55042

Description:

Section 02 Township 029 Range 021 PT NW1/4 BEING THE S 1125FT OF THE W 1100FT OF SD NW1/4 OF SEC 2 EXCEPT THE W 660FT OF THE S 825FT THEREOF-SUBJ TO SUBJ TO EASE OVER W 33FT FOR KEATS AVE EXCEPT THE SOUTH 400 FEET OF THE EAST 440 FEET OF THE WEST 1100 FEET OF THE NW1/4 OF SEC 2

Line 13 Special Assessment Detail:

2013 KEATS STREET IMPROVEMENT	462.40
2013 KEATS WATER IMPROVEMENT	394.40
COUNTY ENVIRONMENTAL CHARGE PHE DEP	3.00

Principal: 633.00
Interest: 226.80

PAYABLE 2016 2nd HALF PAYMENT STUB
TO AVOID PENALTY PAY ON OR BEFORE: November 15

Property ID: **02.029.21.23.0003** Bill #: **512663**



Taxpayer:
RODNEY N & DIANE L SESSING
5699 KEATS AVE N
LAKE ELMO MN 55042-8509

Detach at perforation & mail this stub with your 2nd half payment in the enclosed green envelope

Ag Hstd Res Hstd

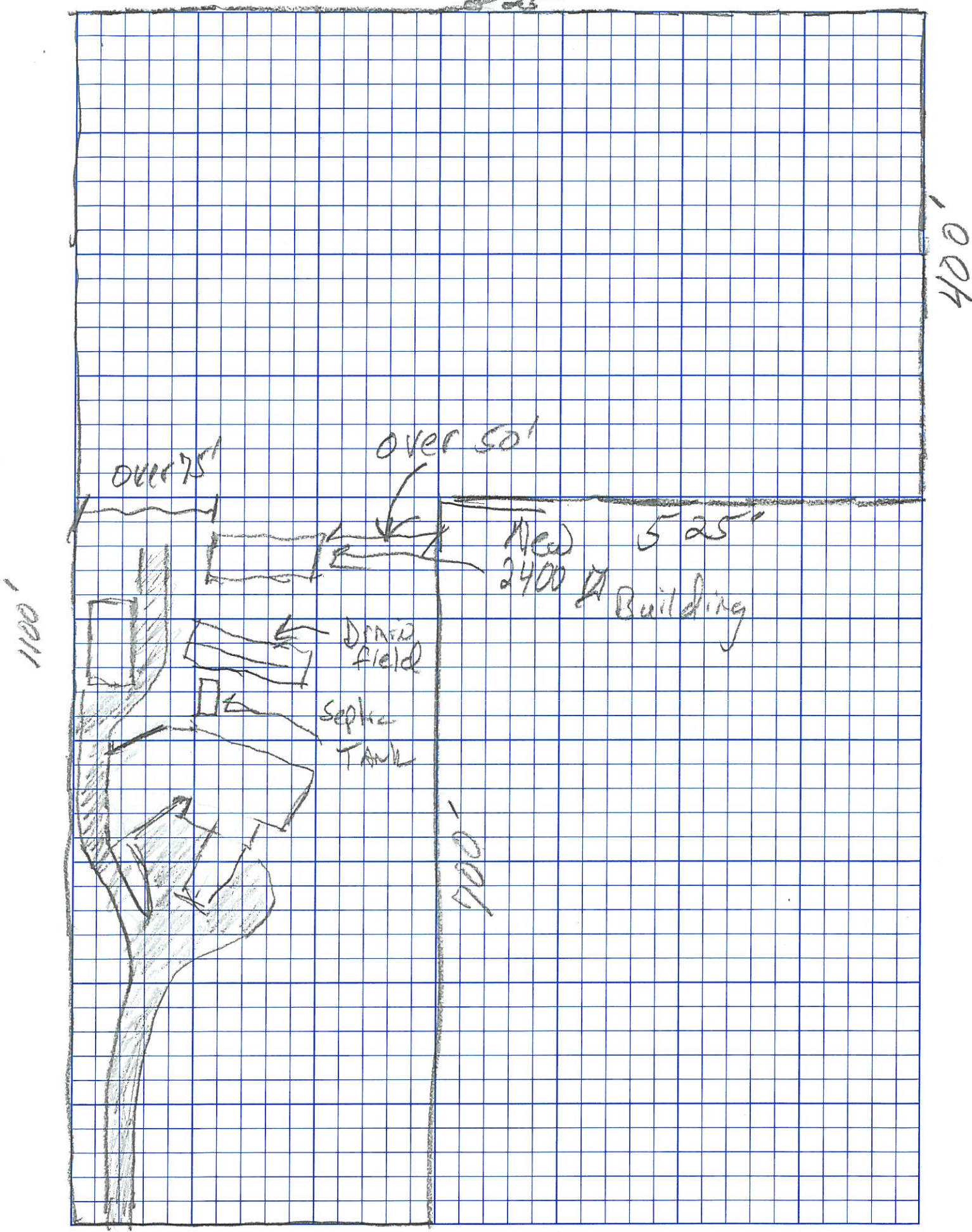
SECOND HALF TAX AMT

\$2,496.00

MAKE CHECKS PAYABLE TO:
Washington County
P.O. Box 200
Stillwater MN 55082-0200

CHECK
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.



300'

5699 Keats Ave N, Lake Elmo, MN

New 2400 Sq. Ft. Building

© 2013 Google

56999 Keats Ave N, Lake Elmo, MN

New Building

© 2013 Google

45°01'50.99" N 92°54'00.93" W elev 978 ft

12 1991

Go