



Inver Grove Heights Planning Commission
Tuesday, May 16, 2023 at 7:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Stacy Bodsberg (sbodsberg@ighmn.gov). Comments received prior to 4:00 p.m. on Tuesday, May 16, 2023, will be provided to the Council at or before the May 16, 2023 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Planning Commission Meeting Minutes for May 2, 2023, are not yet available and will be distributed at the next meeting.
4. **Public Hearings**
 - A. Consider a Request by Phoolcummarie Motilall, 10471 Barnes Ave, for a Variance from the Rear Setback and to Exceed the Maximum Size of an Accessory Building. (Case No. 23-19V)
5. **Regular Business**
6. **Commission and Staff Comments**
7. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Stacy Bodsberg, Community Development Support Specialist, at 651.450.2545 or sbodsberg@ighmn.gov.



Planning Commission Report

MEETING DATE:	May 16, 2023
CASE NO:	23-19V
APPLICANT:	Phoolcummarie Motilal
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance from the Rear Setback and a Variance to Exceed the Maximum Size of an Accessory Building.
LOCATION:	10471 Barnes Ave
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	A, Agricultural
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

- A **Variance** from City Code Sections 10-7-2.B and 10-15-18 to allow an accessory structure of 4,000 square feet in size, whereas 2,400 square feet in size is the maximum allowed.
- A **Variance** from City Code Sections 10-7-2.B and 10-15-18 to allow an accessory structure 38 feet from the rear property line, whereas 50 feet is the required setback for structures larger than 1,000 gross square feet.

BACKGROUND

The applicant's property is 5.00 acres in size. The lot consists of a single-family home with an attached three-car garage. There was a 3,200 square foot accessory building that had its roof collapse this past January due to heavy snow load. This structure was located about 58 feet from the northern property line and built over 20 years ago.

The applicant is requesting a Variance to construct a detached accessory structure 4,000 square feet in size (40' x 100'), and 38 feet from the rear property line. Rural residential property, greater than five acres in size, are allowed a 2,400 gross square foot building. Structures over 1,000 square feet shall be at least 50 feet from property lines. In this case, the original 3,200 square foot accessory structure was deemed unsafe by the Building Official and will be removed. The applicant would be able to rebuild a structure the same size as the previous building.

The applicant has stated that the proposed structure is needed to store his own personal items. The accessory building would be in compliance with other zoning code requirements such as exterior building materials and impervious surface standards.

EVALUATION OF REQUEST

The following Land Uses, Zoning Districts, and Comprehensive Plan Designations surround the property:

North and East: Single-Family; Zoned A, Agricultural; Guided RDR
South: Vacant; Zoned A, Agricultural; Guided RDR, Rural Density Residential
West: Substation; Zoned A, Agricultural; Guided RDR, Rural Density Residential

Engineering. Engineering has reviewed the request and takes no exception to the Variances. Engineering has made some recommendations on conditions that should be added to the approval. These conditions are included in the list of conditions at the end of the staff report.

VARIANCE REVIEW

City Code Title 10, Chapter 3. Variances, states that the City Council may grant Variances when they are in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the Comprehensive Plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested Variance, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

The City recognizes that within the large lot rural residential portions of the City, larger accessory structures can be appropriate. The regulations on gross square footage and total number of accessory buildings were designed to limit the massing of structures in the rural areas of the City. The City Council has reviewed and modified the allowed size and number of accessory structures over the years, most recently increasing the size allowance on lots 3.4 acres – 5 acres in size, with the maximum size of 2,400 gross square feet.

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The proposed location of the structure is generally in the same place as the previous structure with the additional square footage added to the northern part of the building, encroaching into the required setback. The additional square footage could be added to the south side of the building that would comply with setback requirements.

Staff does not believe the Variance's to allow a reduced setback and additional square footage to be consistent with, or in harmony with the Zoning Ordinance.

2. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.

Staff believe that the proposed size and location of the accessory structure to be contrary to the intent of the Zoning Ordinance and may set a precedent for other large accessory buildings that encroach on setbacks.

3. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The property had an accessory building 3,200 square feet in size, that complied with setback requirements and was damaged by an act of nature. The property is allowed to replace the non-conforming structure up to the same size. The request for additional square footage may be considered a convenience to the applicant, not a practical difficulty. The additional square footage is proposed on the north side of the existing location, encroaching on the 50-foot required setback. There is room on the south side of the proposed building to increase the square footage that would comply with setback requirements.

4. The Variance will not alter the essential character of the locality.

The residential properties surrounding the applicants are generally five acres in size. Due to the size of the lots, existing vegetation, location and size of neighboring structures, and the location and size of the previous structure, the proposed structure does not necessarily appear to alter the character of the neighborhood.

5. Economic considerations alone do not constitute an undue hardship.

Economic considerations do appear to be a basis for the request. The applicant has special ordered the 4,000 square foot building not knowing the City Code requirements had changed since the original structure was built.

ALTERNATIVES

A. Approval: If the Planning Commission finds the requests to be acceptable, the Commission should recommend Approval of the request(s) with at least the following conditions:

- Approval of a **Variance** to allow a rear setback of 38 feet whereas 50 feet is required and an accessory structure 4,000 square feet in size, whereas 2,400 gross square feet is the maximum size allowed on the property subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The accessory structure shall not be used for commercial uses, storage related to commercial use, or home occupations.
 3. A Grading/Erosion Control Plan shall be required at the time of the building permit application.

Practical difficulty: To be stated

B. Denial. If the Planning Commission does not favor the proposed request(s), it should be recommended for Denial, which could be based on the following rationale:

1. Denying the Variance request does not preclude the applicant from reasonable use of the property. The size and topography of the property allows the structure to be moved to the south to comply with setback requirements.

2. Approval of the Variance could set a precedent for other setback encroachments and accessory building size Variances on large lot residential property.
3. The facts presented do not satisfy the criteria needed to show a practical difficulty on the lot to support granting a Variance. The lot is 5 acres in size, there is an attached garage, and a structure of 3,200 gross square feet is allowed on the property due to a previous structure on the lot that was destroyed by an act of nature.

RECOMMENDATION

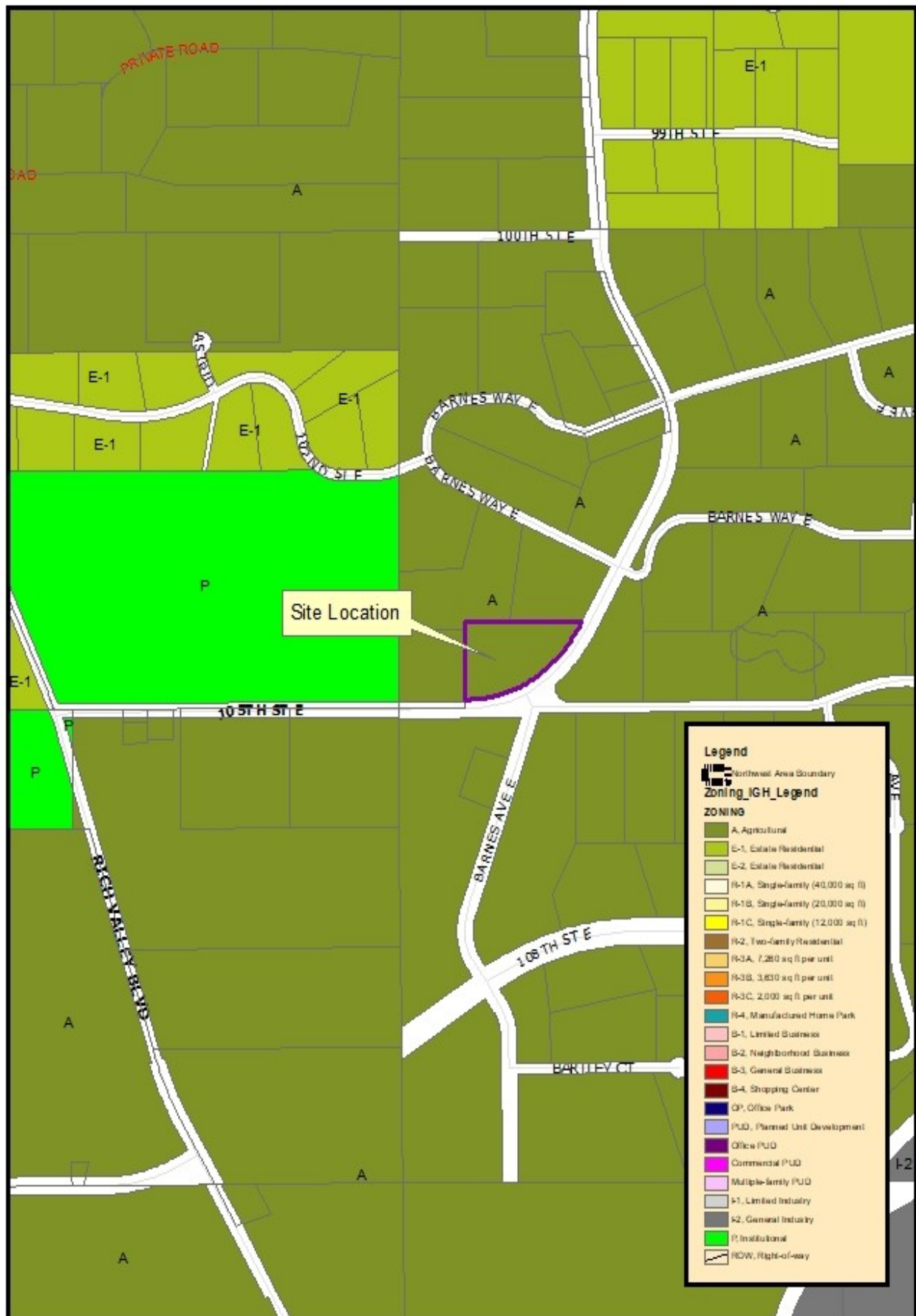
Based on the information in the preceding report and the reasons listed in Alternative B, staff does not believe there is sufficient rationale to support the Variance criteria and therefore recommends Denial of the Variance requests as proposed.

ATTACHMENTS

1. Zoning and Location Map
2. Narrative
3. Site Plan
4. Aerial Photo



10471 Barnes Avenue Case No. 23-19V



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILED OF RECORDS, INFORMATION AND DATA LOCATED IN VARIOUS CITY, COUNTY AND STATE OFFICES AND OTHER SOURCES AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE CITY OF INVER GROVE HEIGHTS IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map
Map not to scale

4.21.23

To: Whom it may concern.

City of Inver Grove Heights. MN.

From: Phoolcummarie Motilall

Home Owner @ 10471 Barnes Ave IGH. MN.

Re: Variance application for building pole barn on my property.

Sir / Madam,

Since mid to late 1990's we had a 40 ft X 80 ft. steel shed on our property. At the time of building that shed, the city of IGH did not require a building permit for building such a structure. That structure collapsed due to the heavy wet snow in January of 2023.

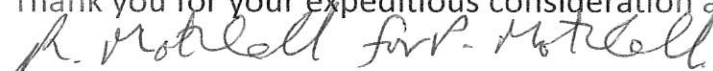
It is our intent to demolish the old, collapsed building and replace it with another steel building that is 40 ft X 100 ft. We did not know that the City's ordinances have changed and building now requires a permit and that there are size restrictions. By the time that we were informed that a permit is required, we had already purchased the materials for the new building. This purchase is non-refundable and the materials will be delivered to our property next Friday, 4.28.23.

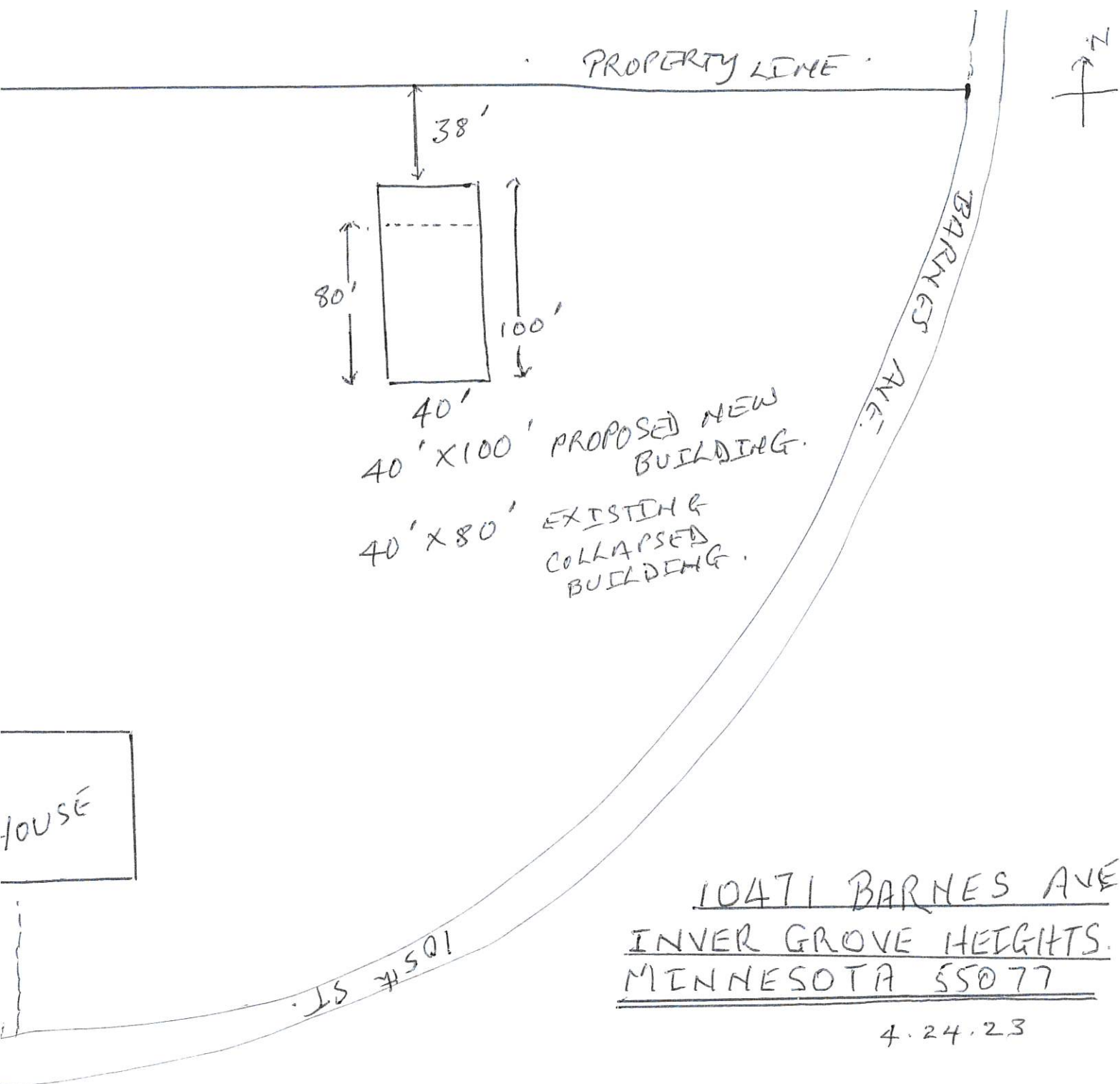
Once we applied for the building permit, we were informed that we can have a building not exceeding 2400 sq. ft.

Besides the fact that we already purchased the larger building, we do have a need for the larger building to hold materials that were always stored in that structure: Farm Tractors, farm implements, Tools, Antique automobiles, Lawn maintenance equipment and several other personal items.

We are hereby applying for a variance permit to erect the building that we already own and to be built on the same location as the original building.

Thank you for your expeditious consideration and approval.


Phoolcummarie Motilall



Dakota County, MN



NOTICE: Dakota County Geographic Information System (GIS) Data are made available pursuant to the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) THE GIS DATA ARE PROVIDED **AS IS**. If you transmit or provide the GIS Data (or any



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed.

This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 300 feet
4/24/2023