



Inver Grove Heights Planning Commission
Tuesday, November 21, 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, November 21, 2023, will be provided to the Council at or before the November 21, 2023 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Minutes of the November 7, 2023, Planning Commission Meeting.
4. **Public Hearing**
 - A. Request for a Variance to construct a garage that encroaches on the side setback on property located at 2694 96th Street East. (Jim Norton - Case No. 23-45V)
 - B. Request for a Conditional Use Permit to operate a contractor's yard, outside but enclosed with a fence located at 6840 Dixie Avenue. (Ivan's Tree Service - Case No. 23-47CUP)
5. **Regular Business**
6. **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 MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 7, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Scott Clancy (Vice Chair)
Jonathan Weber (Secretary)
Dennis Wippermann
Lance Twedt
Trisha Presley
Robert Heidenreich
Aida Schaefer
Jason Teiken

Staff Present: Heather Botten, Associate Planner
Stacy Bodsberg, Community Development Support Specialist

3. CONSENT AGENDA

A. Minutes of the October 17, 2023, Planning Commission Meeting

Commissioner Schaefer mentioned she had a question that was not included in the recommendation. She assumed it would be included in the paperwork staff submitted to the City Council.

Associate Planner Botten replied the City Council receives a copy of the Planning Commission minutes.

Commissioner Schaefer questioned if the City Council receives a written report like this Commission does, which takes them through different criteria. She said if the economic consideration is stating there is none that supersedes whatever documentation is in the meeting minutes.

Chair Niemioja clarified that Commissioner Schaefer was looking for whether or not the report followed through on her question.

Commissioner Schaefer agreed.

Associate Planner Botten suggested reaching out to City Planner Hunting who presented at the meeting. She referenced the staff report stating there is a shorter summary sent to Council with a copy of the Planning Commission minutes along with the planning report to the Council.

Commissioner Schaefer asked when this was going to be presented to the City Council.

Associate Planner Botten replied next Monday. The packet is provided to the Council on the Wednesday or Thursday prior.

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Chair Neimioja stated there were no changes recommended to the minutes.

The minutes from the October 17, 2023 Planning Commission meeting were approved without exception.

4. PUBLIC HEARING

A. Request for a Variance to construct a home addition that encroaches on the front setback located at 6930 Carmen Avenue. (Brian Carpenter - Case No. 23-44V).

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice. Notices were mailed to 8 property owners on October 19th, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located north of 70th Street, east of Carmen Avenue, and zoned R-1C, Low Density Residential. The property had a house fire which requires the original home to be rebuilt. The homeowners are using the existing foundation from the original home, that was built in 1960. The size of the home would be increased by adding a second story and a front porch that would be encroaching into the front setback. The porch would be located about 25 feet from the front property line whereas 30 feet is the required setback. The porch addition would be in compliance with other City Code requirements. Decks and porch additions are typical expansions of single family homes, the size and location are limited to conforming to setbacks. Although the porch addition would enhance the curb appeal of the newly built home, it would be the closest structure to the front property line in this neighborhood when comparing to other homes along the street. The lot has unique constraints as they are using the existing foundation to rebuild. There is a reasonable use on the property with the home being constructed. There is room on the property to add a porch to the rear of the home or to have an uncovered front entrance way (deck). Code allows for an uncovered front entrance way to encroach up to 24 feet. Based on information in the report and what was presented, staff recommend denial of the request as they feel that all the Variance criteria has not been met. If a recommendation is made for approval there are two conditions listed to include.

Planning Commission Discussion

Commissioner Weber said the right-of-ways for homes on the west side of the road seem to be minimal compared to the right of way on the right side of the road. Sidewalks are in on the other side of the street, they have less right of way than this side has.

Associate Planner Botten stated that the right-of-way is the distance between the property line and the curb. On the other side, she was unsure of the dimensions, could be greater because of a sidewalk.

Opening of Public Hearing

Brian Carpenter, 3010 Lunar Lane, Eagan, Capital City Construction, Applicant, stated he has read and understands the report. He addressed the porch stating it does not block site lines, is open air, not enclosed, and does not have living space. It will add to the curb appeal of the

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property. Not having a covered entry could pose a safety issue for the children in the home to keep snow and ice from falling off the roofline.

Chair Niemioja asked if a back patio concept was looked at as opposed to a front porch.

Mr. Carpenter replied it was not being used as a living space. It was to have a covered area into the entryway of the home.

Liz Crandall, 6930 Carmen Avenue, Homeowner, shared that they had a devastating loss when an electrical fire started while out of town. Their belongings were unsalvageable. They raised their two children there for the past 12 years, the thought of not returning broke their hearts. They determined it would be more cost effective to rebuild versus buy. They are using this as an opportunity to add a second story and have a covered entry on the front of their home. They are seeking a variance to allow them to add a roof to cover the front entry of their home, which reduces the front yard setback to 25 feet. By definition, a porch is a covered shelter projecting in front of the entrance of a building. Zoning ordinance states it would allow for an uncovered porch to encroach up to 24 feet from the property line. She said based on the definition of a porch, an uncovered porch is an oxymoron and does not exist.

Chair Niemioja mentioned she drove by today and noticed the property line ended 5-6 feet short of the road. She asked if they mow and maintain the piece of property in front of the home.

Ms. Crandall replied they do. She said there are similar homes in their neighborhood that have a second story and a covered front entry, similar to their planned design (photos were shown).

She referenced the report and stated city code identifies criteria considered as practical difficulties. City staff (Heather) has evaluated their request under five criteria:

Criteria 1: Accurate based on city code and the zoning ordinance.

She stated this was the reason why they are requesting a variance and feel approval of the request would be a reasonable departure from the existing zoning ordinance.

Criteria 2: They find to be irrelevant.

They are seeking to add a front covered entryway. Adding a porch on the back of the home does not achieve this.

Criteria 3: They agree.

This is why they are asking for a 25 foot setback. It is less than the 24 feet allowed for a structural element to encroach from the front setback.

Criteria 4: Northern neighbors have no issue with what is being proposed.

Their garage would be between the porch entry and their home. It has no impact.

Criteria 5: Respectfully disagree.

The fire in their home created an undue hardship. They found it more advantageous to build instead of buy. Consideration of having a covered front entry directly stems from this hardship as a part of the rebuild.

Chair Niemioja shared that staff gave Criteria #5 for an example. It was stated as economic consideration that was not alone the reason they were going for this. Staff is not trying to work against them on these elements. These elements have to be gone through under law. The Planning Commission is missing the practical difficulty piece. She said she likely speaks on behalf of the entire Commission that they are all very sympathetic to the fact that this fire could

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have been much worse had they been home. The Commission wants to try to determine a practical difficulty. All factors have to be addressed in the analysis.

Ms. Crandall said they understand the recommendation from staff is to deny the request. They feel the recommendation statement is incorrect. It is not a front porch addition, this is to cover the front entry. They do not believe adding this to their home would negatively impact the neighborhood. She asked the Commission to take into consideration the points mentioned. She shared that engineering has reviewed and takes no exception to this variance request.

Commissioner Wippermann asked if the applicant plans to maintain this porch as an open porch, with no walls, no screening, and maybe have a railing. He requested clarification that it would not be used as any type of living space or become a part of the house.

Ms. Crandall replied they would likely not have a railing. The space would not be used for living space.

Commissioner Heidenreich questioned if distances were measured from the house to the setback from the foundation or the edge of the roofline.

Associate Planner Botten responded when the roof overhang is larger than 2 feet, it is measured from the edge of the roofline. Code states the setback is a minimum distance from the lot boundary to the nearest vertical surface, except a roof eave overhang may project up to 24 inches. When going beyond the 24 inches, they measure from the edge of the roofline.

Commissioner Heidenreich asked if they were measuring from the edge of the house.

Associate Planner Botten replied they are measuring from the edge of the porch which is 25 feet from the front property line. The garage is about 30 feet, the house is setback 31/32 feet. The porch would extend into the area 25 feet from the property line.

Commissioner Heidenreich asked what the 28'2 was and if it was to the edge of the structure.

Mr. Carpenter replied that goes to the garage. The covered area would extend about 2 feet past the fascia line of the garage.

Commissioner Heidenreich mentioned it was a 3 foot 10 inch encroachment. It is 26.2 from the foundation to the edge of the property line.

Chair Neimioja explained that the Commission may be trying to determine how far over 24 inches they are going. It is 3 feet over.

Commissioner Heidenreich commented that the roof is overhanging the floor of the porch by more than 2 feet.

Mr. Carpenter replied the deck portion overhangs to the stairs. It does not extend past that.

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Commissioner Heidenreich asked how deep the deck was from the front of the house toward the curb and if it was a 6 foot deck.

Mr. Carpenter replied it is 8 feet total.

Commissioner Weber asked how far the deck protrudes from the foundation towards the street.

Mr. Carpenter replied the deck to the end of the stairs is 8 feet from the front of the home. The deck itself is 6 feet.

Commissioner Heidenreich said they should not be measuring from the edge of the stairs or the end of the roof. They should be measuring from the 6 foot point of the deck.

Mr. Carpenter replied it measures from the fascia line.

Chair Niemioja asked if the foundation goes out the full 6 feet.

Mr. Carpenter replied, no, it would just be posts. There is no foundation underneath, it is just a covered entry.

Commissioner Heidenreich said it was still considered foundation for the structure. The roof line doesn't count if it is only 2 feet past the 6 feet. They are measuring from the foundation, not from the roof line, just like they do on the garage.

Associate Planner Botten replied if measuring 6 feet, they still encroach into the 30 foot setback.

Commissioner Heidenreich mentioned that the house sits back from the 30 feet for the garage making the encroachment minimal, 3 feet 10 inches. Commissioner Heidenreich said he was basing it off of the number provided, 26.2.

Mr. Carpenter replied that is the end of the new stairs.

Chair Niemioja asked if the stairs would be counted if uncovered.

Associate Planner Botten responded if the entrance was uncovered they could be located up to 24 feet from the property line.

Commissioner Heidenreich asked if this was a porch or just a landing at the top of the stairs. It is required to have a 3 foot landing at the top of the stairs. He said this does not seem like an encroachment.

Associate Planner Botten replied they can have an uncovered landing into the setback.

Chair Niemioja was uncertain they could remove the foundation piece or change how the foundation is counted.

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Commissioner Heidenreich replied that was his point. The city says it sticks out 6 feet from the original foundation. He is saying the new foundation brings it out the additional 6 feet. The 2 foot overhang is not counted. It should only be measured at 6 feet from the original distance of the foundation because they do not measure from rooflines.

Vice Chair Clancy stated it could be said that the overhang stops at 28 feet from the property line, if that could pass.

Associate Planner Botten replied they are allowed a 2 foot overhang.

Vice Chair Clancy questioned by adding any type of overhang if they have to look at the entirety of the porch as one cohesive addition, or can it be said that a part of the porch encroaching on the setback from the property line, but the overhang is within the definition of what is allowed per code, 28 feet from the property line. It's 30 feet from the house, the overhang comes out 2 feet. The actual walkable porch is within a certain acceptable setback if bringing the overhang back a little bit. If it stops 28 feet from the property line it could be said per code definition, that it is within the 24 inches from the maximum lot line, stopping 28 feet from the property line. The moment the covered portion is added everything has to be looked at together, it cannot be split.

Associate Planner Botten said it was possible it could be used as a practical difficulty.

Commissioner Heidenreich asked why they wouldn't take the measurement from the new foundation point. It is a vertical surface nearest.

Associate Planner Botten replied that encroaches into the setback by 4 feet.

Commissioner Weber said if uncovered they would be allowed to go to 24.

Chair Niemioja asked if it were covered by 2 feet, if they would still be allowed to go to 24.

Associate Planner Botten replied if the wall of the house is at 30 feet, they are allowed a 2 foot overhang bringing them to 28. If the wall of the house is at 32 feet, the 2 foot overhang brings them to 30 feet.

Mr. Carpenter mentioned the house was setback from the garage a little. He questioned if the 2 feet was from the front of the garage, not the house itself.

Associate Planner Botten replied the garage would be allowed a 2 foot overhang, it is at 30 feet. The house, which is back an additional 2 feet, is also allowed the 2 foot overhang. It is measured from the top level wall. For the garage it is measured from the end of the garage.

Mr. Carpenter questioned if they kept it at the fascia line of the garage and did not extend past the current fascia line.

Associate Planner Botten replied that was something that could be used as a practical difficulty.

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She clarified the discussion stating they would allow a 4 foot overhang from the porch, which would be in line with the overhang of the garage. She mentioned it would be amended, it would be a little shorter, not as proposed, but could encroach 2 feet into the setback.

Mr. Carpenter replied he believed they could make that work. It allows the covered entryway.

Commissioner Schaefer asked what the purpose and intent of this part of the City Code was and why they were trying to keep 24 or 30 feet.

Associate Planner Botten replied it is a design/aesthetic requirement. There have been overhangs made larger, requirements are needed to have a max. A standard overhang is 2 feet, it is allowed to encroach.

Commissioner Schaefer referenced #1 stating if the purpose is for aesthetics, it is more aesthetically pleasing to have those overhangs aligned. One is 2 feet, one 4 feet, having them aligned would look better.

Associate Planner Botten replied that could be the recommendation for a hardship.

Ms. Crandall asked how far out the front stoop would go. The current plan has it at 6 feet.

Commissioner Weber asked if the slab could extend beyond the overhang.

Associate Planner Botten replied in the affirmative.

Commissioner Weber said they could continue the slab out and would have almost 4 feet of covered area. The roofline would be contiguous with the roof on the garage.

Chair Niemioja closed the Public Hearing.

Chair Niemioja stated they were not here to change the City Code. It is an interesting question for the Council to consider. She mentioned in the past for a practical difficulty, they have used the existing slab. She wished she could have said fire was the practical difficulty but from a legal standpoint it is not for this Commission, the City Council has more latitude. She agreed having them line up for aesthetics is appealing.

Commissioner Weber questioned the need for a variance if this was going to be redrawn. He asked it if would be a variance for the new setback.

Associate Planner Botten replied yes. It could state to be kept in line with the existing garage.

Vice Chair Clancy asked if any action needed to be taken or if it was a recommendation to the applicant.

Associate Planner Botten replied they are still encroaching, the variance is still needed.

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Commissioner Schaefer summarized that they are still encroaching, there is a practical difficulty with #1 that they are trying to meet the intent and purpose of the code with the aesthetics.

Chair Niemioja said they meet #1, but still need a practical difficulty.

Commissioner Wippermann questioned why they couldn't consider rebuilding a house damaged by fire as a practical difficulty. There would not be much of a precedent set because it requires a house be damaged by fire in order to apply. Then they would not have to redesign. Chair Niemioja liked the idea and has looked into it but was unable to find anything.

Commissioner Wippermann said they are asking for 5 feet; they would still be 25 feet from the street. He said they were approving housing developments with 20 foot front setbacks. The applicant is making a major improvement to the home by putting on a second story.

Chair Niemioja asked if Acts of God were ever considered for something like this and if it was considered a practical difficulty.

Associate Planner Botten was unsure if that has been used in the past.

Chair Niemioja mentioned that Commissioner Weber referenced the 5 foot space the applicant is not getting counted in the lot line yet they maintain all the way to the street. They have played with this before as a practical difficulty.

Associate Planner Botten responded that right of ways are something all properties have. Taking setbacks from the edge of the curb could be a different avenue. Currently, all setbacks are taken from property lines in the regular R-1C District. Right of way widths vary.

Chair Niemioja mentioned there is a Church next door. They would likely not want something coming out so far that could be aesthetically off. On that side there would not be a comparison as it is a grassy church lot. She questioned if there would be more leeway on that side.

Commissioner Heidenreich commented this is being done for aesthetic reasons, not who is cutting the grass or paying property tax. He believes there are a lot of reasons to approve this.

Planning Commission Recommendation

Motion by Wippermann, Second by Teiken, to Approve the Variance to allow the porch addition within the front yard setback, subject to the 2 conditions listed, along with a 3rd condition that the porch be maintained as an open porch. The practical difficulty is rebuilding a house damaged by fire.

Ayes: 9

Nays: 0 Motion carried.

This item tentatively goes before the City Council on November 27, 2023.

Associate Planner Botten questioned if the Variance was approved as submitted, not the revised version with the smaller porch.

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Commissioner Wippermann replied his intent was as submitted.

5. REGULAR BUSINESS None.

6. ADJOURN

Motion to adjourn the meeting at 7:47 p.m.

Respectfully submitted by Sheri Yourczek, Recording Secretary

DRAFT



Planning Commission Report

MEETING DATE:	November 21, 2023
CASE NO:	23-45V
APPLICANT:	Jim Norton
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance from the side setback
LOCATION:	2694 96th Street
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	E-1, Estate Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The applicant is requesting the following:

1. A Variance to allow a detached accessory structure up to 10 feet from the side property line whereas 50 feet is required.

BACKGROUND

The applicant is requesting a Variance to build a 1,384 square foot accessory structure within the side yard setback requirements. The lot is 2.79-acres in size and shaped like a piece of pie with a front lot width of about 248 feet and a rear width of 48 feet. The property has roughly 60 feet of grade change from the high point to the low point. The lot contains a single-family home, with an attached garage.

The applicant is proposing to construct the building behind the setback of the home, about 180 feet from the front property line and about 10-15 feet from the side property line. Accessory structures over 1,000 gross square feet in size require a 50-foot setback from all property lines.

Alternate locations were considered for the proposed structure. There are topographical changes from the front to the back of the property along with a well and drainfield sites to avoid. These challenges along with the shape of the property prompted the Variance request.

EVALUATION OF REQUEST

Surrounding Uses

The following land uses, zoning districts and comprehensive plan designations surround the subject property:

North, South, East & West:	Single-Family	Zoned: E-1, Estate Residential	Guided: RDR, Rural Density Residential
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Engineering

Engineering has reviewed the request and takes no exception to the proposed location of the accessory building.

Variance

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 Variances, 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 property is allowed one detached accessory structure up to 1,600 square feet in size. These City Code requirements would be met with the proposed structure. One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The proposed structure would be over 180 feet from the road. The size is less than the maximum allowed on the property. Staff believes the intent of the City Code is met with the proposed structure.

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

The applicant is requesting to place the structure within the most reasonable area of the property that provides the least amount of land alteration while meeting the needs of the applicant. If the applicant constructed the building to comply with setback requirements, additional grading and tree removal would be required. The proposed building complies with the maximum size allowed and meets the side setbacks for a structure that would be 1,000 square feet or less.

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

Due to the shape of the property, the buildable area is reduced as the back portion of the lot is not wide enough to comply with 50-foot setback requirements. Additionally, there is about 60 feet of grade change from the front of the property to the back. There is room in the middle of the property to comply with the accessory structure setbacks that would require additional grading and tree removal compared to the proposed location. Additionally, locating the structure further back on the property would require a longer driveway, adding to the impervious surface total on the property, which could then trigger the need to treat stormwater on site and to enter into a Stormwater Facilities Maintenance Agreement.

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

The property is in a developed rural neighborhood that contains a variety of structure sizes and locations. The proposed structure would be located about 180 feet from the front property line and about 50 feet from the closest neighboring home to the east. Due to the position of the neighboring home and the loss of oak trees due to oak wilt, the proposed structure would be seen from the side view of the home. If the structure was moved further back to comply with setbacks, it would have a greater impact on the view from the neighboring lot.

Due to the size of the lots, location of the structure, and size of neighboring structures, the proposed building does not appear to alter the character of the neighborhood.

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

Economic considerations do not appear to be a basis or a sole basis for this request.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

A. Approval. If the proposed request is found to be acceptable, the following action should be taken:

- Approval of a **Variance** to construct a detached accessory structure within the side setback 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.

Rationale: The proposed setback is not out of character for the neighborhood and is consistent with the Comprehensive Plan. The location does not appear to have an adverse impact on the neighboring properties. The property is unique in that it has about 60 feet of grade change along with a front lot width of 245 feet and a rear width of 45 feet, reducing the buildable area on the lot that could comply with the setback requirements. Constructing the building further back and in the middle of the property requires additional grading and tree removal compared to the proposed location.

B. Denial. If the Planning Commission does not favor the proposed Variance, the above request should be recommended for Denial. With a recommendation for Denial, findings or the basis for Denial should be given.

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff believes there is rationale to support a side setback Variance for the proposed accessory structure.

ATTACHMENTS

1. Applicant Narrative
2. Elevation
3. Photos of Property
4. Site Plan
5. Zoning and Location Map

City of Inver Grove Heights
8150 Barbara Ave
Inver Grove Heights, MN. 55077

ATTENTION: City Planning Division

SUBJECT: Variance request to build a garage at 2694 96th St. E., Inver Grove Heights

I have attached the Variance Application form for your consideration. A variance is being requested for the following reasons:

1. Based upon the topography of my lot, there is only 1 viable building site. The southeast side, adjoining my existing garage is the only possible option. The elevation change presents a more challenging foundation design, but it can certainly be done. I am requesting a variance to work within the 10 ft. setback. A 50 ft setback would render this project impossible.
2. A few months ago, I did contract a surveyor to locate and mark the southeast property line. The topography on the balance of my lot does not provide me with an alternate viable building site.
3. I have consulted with my neighbor (along my southeast property line) who would be directly affected (Janet Woog) by this building project. She has expressed her support, along with her son (Steve Woog) who also lives here in Marcott Woods.
4. I have started the planning process with Great Northern Buildings (Eagan, MN). Drawings were provided by Carl. J Gramentz.

Members of the planning division and / or city council are welcome to walk the property to confirm the details presented here. I have attached photos of the lot to help explain the issues. If I can answer any question, please contact me directly,

Regards



Jim Norton
2694 96th St E
Inver Grove Heights, MN. 55077
PH: 612-859-1110
Email: shadow059112@gmail.com

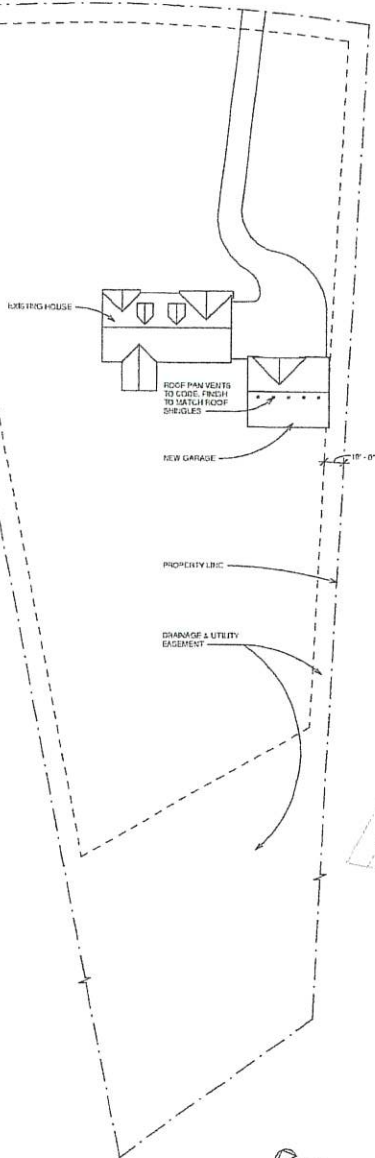






NOTE: SITE PLAN IS BASED ON SURVEY FROM PROBE
ENGINEERING COMPANY, INC. CERTIFIED ON 01/23/1995

BETH STREET EAST



1 SITE PLAN
1" = 30'-0"

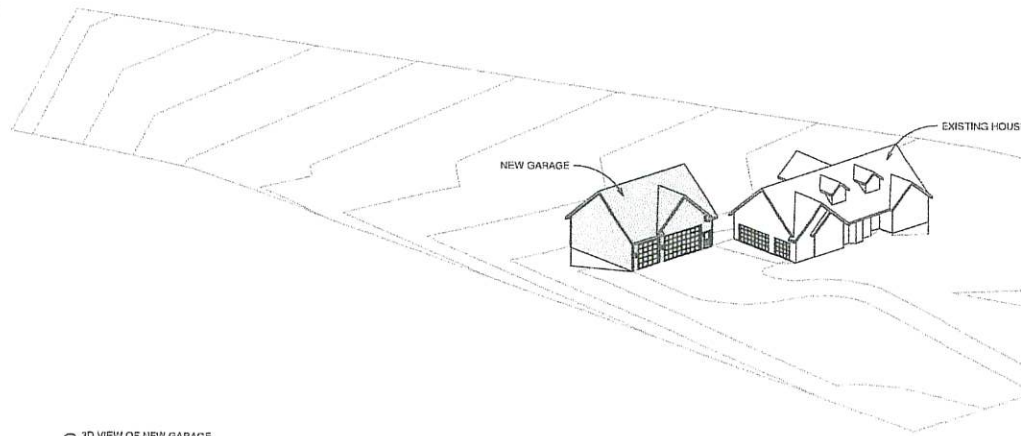
GENERAL NOTES:

- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON DRAWINGS WITH ACTUAL WORK PRIOR TO THE START OF CONSTRUCTION. DIMENSIONS ARE NOT TO BE SEIZED. NO RESPONSIBILITY IS ASSIGNED FOR DIMENSIONAL DETAIL, EMISSIONS OR CONDITIONS. NO WARRANTIES EXPRESSED OR IMPLIED ARE MADE.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING SOIL CONDITIONS. WHERE REQUIRED, CONSULT A SOILS ENGINEER AND CORRECT DEFICIENCIES AS RECOMMENDED. PROVIDE VENTILATION THROUGH GARAGE AND FLOOR AWAY FROM FOUNDATION BY 18" IN FEET.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UTILITY LOCATIONS ON PROPERTY AND COMPLIANCE WITH APPLICABLE CODES.
- ALL SITE CONTRACTORS SHALL SITE VERIFY DIMENSIONS ON PLANS AND DETAILS ON DRAWINGS PRIOR TO FABRICATION AND INSTALLATION OF THEIR WORK.
- TRUSSES, WHEN USED ON THIS PROJECT, SHALL BE FIELD MEASURED IF APPLICABLE, 11' FOR 11'0" SPACING, 11'0" FOR 11'0" SPACING, AND BEARING. CONTRACTOR AND/OR TRUSS COMPANY TO VERIFY PRIOR TO MANUFACTURING THAT BEARING ALSO WITH BEARING POINTS AND WALLS AND IS CARRIED THRU TO FOUNDATION. ALL DIMENSIONS ON PLANS SHALL BE SITE VERIFIED. CONTRACTOR ASSUMES NO RESPONSIBILITY FOR FABRICATION OR INSTALLATION OF TRUSSES.
- FOR BUILDING CODES AND MANUFACTURER'S INSTRUCTIONS, SYSTEMS, INSTALLATION AND INSTRUCTIONS SHALL BE FOLLOWED WHEN VERIFIED, ALONG WITH APPLICABLE CONDITIONS, BY AND FOR THE GENERAL CONTRACTOR. THIS TAKES PRECEDENCE OVER ANY OTHER ON THE DRAWING OR THESE DRAWINGS.
- WORKING DRAWINGS SHALL BE REVIEWED WITH THE OWNER ON AN ITEM BY ITEM BASIS PRIOR TO THE START OF CONSTRUCTION AND THE FINALISING OF THE ARCHITECTURAL CONTRACT.
- ALL WORK SHALL BE IN COMPLIANCE WITH APPLICABLE LOCAL, STATE AND NATIONAL BUILDING CODES, LOCAL ORDINANCES, REGULATIONS AND ALL OTHER AUTHORITIES HAVING JURISDICTION.
- CONTRACTOR SHALL VERIFY WITH THE OWNER THE EXACT ELECTRICAL, MECHANICAL, AND HEATING REQUIREMENTS PRIOR TO THE START OF CONSTRUCTION. WHEN APPLICABLE, ALL WORK SHALL MEET CODE REQUIREMENTS.
- ALL FINISHES SHALL BE AS NOTED ON DRAWINGS AND / OR SELECTED AND APPROVED BY OWNER. INTERIOR FINISHES, MILLWORK, AND TRIM SHALL MATCH EXISTING UNLESS NOTED AND APPROVED BY OWNER. WALLS THAT ARE TO RECEIVE CERAMIC TILE, OR GROUT FINISHES, SHALL HAVE CONCRETE BOARD BACKER IN PLACE OF GYPSUM BOARD.
- ALL WORKMANSHIP ON PROJECT SHALL MEET CALL AND THEIR RESPECTIVE TRADE INDUSTRY STANDARDS.
- VERIFY WITH OWNER LOCATIONS OF ALL WIRING FOR CABLE TELEVISION, INTERNET, TELEPHONE, SPEAKERS, AND SECURITY SYSTEMS. COORDINATE WITH UTILITY CONTRACTORS PRIOR TO BEGINNING WALLS AND CEILINGS WHERE APPLICABLE.
- GARAGE AREA SHALL HAVE GFCI OUTLETS TYPICAL.
- NEW WINDOWS SHALL BE AS NOTED ON PLANS. EXACT FINISH AND TYPE SHALL MATCH EXISTING AND BE VERIFIED WITH OWNER. PROVIDE UNITS WITH INSULATION ON 1" GLASS. WINDOW QUALITY SHALL BE AS NOTED ON PLANS. WINDOW SIZES, AS SHOWN, ARE FOR FINISH AND SHOWN IN BOLD WITH 1/2" HEADERS.
- PROVIDE SAFETY GLAZING OR TEMPERED GLASS AT DOOR AND WINDOW LOCATIONS AS REQUIRED BY CODE. WINDOWS AND DOORS SHALL HAVE MIN. 1/2" VALUE OF 32 WITH PAN FLASHING UNDER ALL UNITS PER CODE.
- REFER TO SITE PLAN AND SURVEY FOR EXISTING UTILITY AND MECHANICAL LOCATIONS. WHERE APPLICABLE, ALWAYS VERIFY WITH UTILITY COMPANIES EXACT LOCATION OF ALL UTILITY LINES PRIOR TO EXCAVATION. CONTACT COPENHAGEN STATE ONE AT (614) 454-0000 OR 411 OR APPLICABLE UTILITY COMPANIES.
- VAPOR BARRIERS ON EXTERIOR WALLS AND CEILINGS SHALL BE CLASS ONE 6 MIL POLY WITH ALL JOINTS OVERLAPPED 6 INCHES, TAPED AND SEALED AT BATT INSULATION OR UNVENTILATED ATTIC FLOOR FLOOR INSULATION. SPRAY FOAM WHEN USED WITH INTEGRAL VAPOR BARRIER TO MEET CLASS ONE REQUIREMENTS.
- VAPOR BARRIER TO BE SEALED TO FINISHES AT TOP AND BOTTOM FLANGES, UTILITY BOXES, AND ALL PENETRATIONS. SEAL WITH GORILLA TAPE OR EQUIVALENT.
- SPRAY FOAM INSULATION TO BE CLOSED CELL POLYURETHANE WITH R-5 TO R-6 RATING PER INCH AND INTEGRAL VAPOR BARRIER WITH PERM OF < 1 AT 1/2 INCHES. WHEN EXPOSED, SHALL BE PROTECTED BY AN EXTERIOR BARRIER OF 3/8" MIN. GYPSUM BOARD OR PER CODE.
- CONTRACTORS SHALL PROVIDE DAILY PICKUP AND FINAL CLEANUP OF SITE RELATED TO THEIR WORK. NO CONSTRUCTION DEBRIS OR RUBBISH SHALL BE ALLOWED TO ACCUMULATE IN THE BUILDING OR ON THE PREMISES. UNDER NO CIRCUMSTANCES SHALL ANY CONSTRUCTION DEBRIS OR RUBBISH BE BURNED OR BURIED ON THE PREMISES.
- ALL CONTRACTORS SHALL BE LICENSED, BONDED AND INSURED AS REQUIRED BY STATE LAW AND THE MUNICIPALITY OF THIS JOB.
- CONTRACTORS SHALL PAY FOR AND OBTAIN ALL PERMITS AS REQUIRED FOR THIS JOB.
- DESIGN LOADS

DESIGN LOADS	FOR BEARING (ALLOWED)	FLOOR LOADS	150 PSF
		CEILING LOAD	10 PSF
		WIND LOAD	35 PSF
		DEAD LOAD	10 PSF

- THESE DRAWINGS ARE JOINT PROPERTY OF THE OWNER SHOWN ON TITLE BLOCK AND THE ARCHITECT. THEY ARE TO BE USED SOLELY FOR THE PURPOSES OF THIS PROJECT AT THE LOCATION BY THEIR RESPECTIVE CONTRACTORS. ANY CHANGES OR MODIFICATIONS TO THESE DRAWINGS FOR THIS OR ANY OTHER PROJECT IS STRICTLY PROHIBITED.
- ANY OTHER USE OF THESE DRAWINGS BY OTHER UNRELATED PARTIES, CONTRACTORS OR FOR THE USE AT OTHER LOCATIONS, PROJECTS WITHOUT THE OWNER AND ARCHITECT'S PERMISSION IS STRICTLY PROHIBITED.
- PROJECT SQUARE FOOTAGE: NEW 3-CAR GARAGE: 1,375 SF

2 3D VIEW OF NEW GARAGE



STRUCTURAL NOTES:

- STRUCTURAL BEAMS AND HEADERS, NOTED ON DRAWINGS, ARE SIZED FOR LOADS INDICATED. EXACT CONNECTIONS, ANCHORING AND BEARING LOADS, WHEN NOT DETAILED, SHALL MEET CODE AND MANUFACTURER'S REQUIREMENTS AS WELL AS STANDARD CONSTRUCTION PRACTICE AND / OR BE REVIEWED AND DESIGNED BY A LICENSED STRUCTURAL ENGINEER, WHEN REQUIRED OR APPLICABLE.
- ALL INTERIOR AND EXTERIOR BEARING OPENINGS LESS THAN 4'-0" WIDE AND NOT NOTED ON DRAWINGS SHALL HAVE 10 X 8 HEADERS, BEARING OVER OPENINGS NOT BEARING ON PILES, AND OVER 4'-0" WIDE SHALL BE 12 X 12 WITH A MAXIMUM SPAN NOT TO EXCEED 8'-0".
- BEAM POCKETS SHALL BE PROVIDED FOR ALL BEAMS SUPPORTED BY FOUNDATION WALLS, UNLESS NOTED.
- FRAMING CONNECTIONS SHALL UTILIZE STANDARD METAL FRAMING CONNECTIONS SIZED FOR SPECIFIC APPLICATIONS AS MANUFACTURED BY BRIDGES STRONG TIE, OR EQUAL, WHEN APPLICABLE.
- JOIST SPACING AND HEADERS SHALL BEAN ON FULL WIDTH OF ALL SURFACING MATERIALS OR BE FRAMED WITH "BENT" JOIST / BEAM HANGERS OR TIE, OF A SIZE AND TYPE FOR LOADS AS RECOMMENDED BY MANUFACTURER. EXTERIOR IS BASED ON JOIST, GIRDERS, OR SHIMS IN MEMBERS.
- STUD SHEATH AT ALL EXTERIOR BEARING WALLS AND PARTITIONS SHALL BE MINIMUM OF 1/2" O.C. UNLESS NOTED. STAFF STRINGERS SHALL CONSIST OF 2 X 12 SHEL, 2 X 4 OR 2 X 12 TIGER THREADS AND 3/4" RISERS.
- 1/4" FABRICATED LAMINATE W/ FIRE SHOWS IS BASED UPON LEVEL W/ VENTILATION CO. PRODUCTS. ALTERNATE MAY BE USED AS EQUIV.
- PROVIDE SOLID BLOCKING DOWN TO FOUNDATION AT ALL BEARING POINTS FOR BEAMS, GIRDERS, HEADERS, AND GIDER TRUSSES.
- PROVIDE SHEAR WALL / BRACED PANELS WHERE REQUIRED BY CODE. PROVIDE CODE APPROVED METAL STRAP BRACING AT 45 TO 60 DEGREE ANGLES FOR BRACING METHOD PER TABLE 6-2 OF 2009 IBC. PROVIDE CODE APPROVED METAL STRAP BRACING AT 45 TO 60 DEGREE ANGLES FOR BRACING METHOD PER TABLE 6-2 OF 2009 IBC. PROVIDE CODE APPROVED METAL STRAP BRACING AT 45 TO 60 DEGREE ANGLES FOR BRACING METHOD PER TABLE 6-2 OF 2009 IBC. PROVIDE CODE APPROVED METAL STRAP BRACING AT 45 TO 60 DEGREE ANGLES FOR BRACING METHOD PER TABLE 6-2 OF 2009 IBC.
- CONCRETE SHALL BE 3000 PSI MIN. AT 28 DAYS. REINFORCING COVERAGE SHALL BE MIN. OF 3" AT FOOTINGS AND 2" AT OTHER LOCATIONS. PROVIDE CONTROL JOINTS IN ALL GARAGE WALLS AT INTERIORS IN BOTH DIRECTIONS, UNLESS NOTED.
- ALL WOOD IN CONTACT WITH CONCRETE SHALL BE TREATED AT EXTERIOR WALLS. PROVIDE FOAM SEALER UNDER PLATES.
- FOUNDATION PLANS AND SECTIONS ON THIS PROJECT SHOW POURED IN PLACE AND REINFORCING TO BE BY P.L.P. CONTRACTOR AND PER CODE.

No.	Description	Rev.

Great Northern Builders, LLC.
Your Contractor For Life
3320 Terminal Dr. Eden, MN 55121



NORTON GARAGE
2804 98TH STREET E
INVER GROVE HEIGHTS, MN 55077

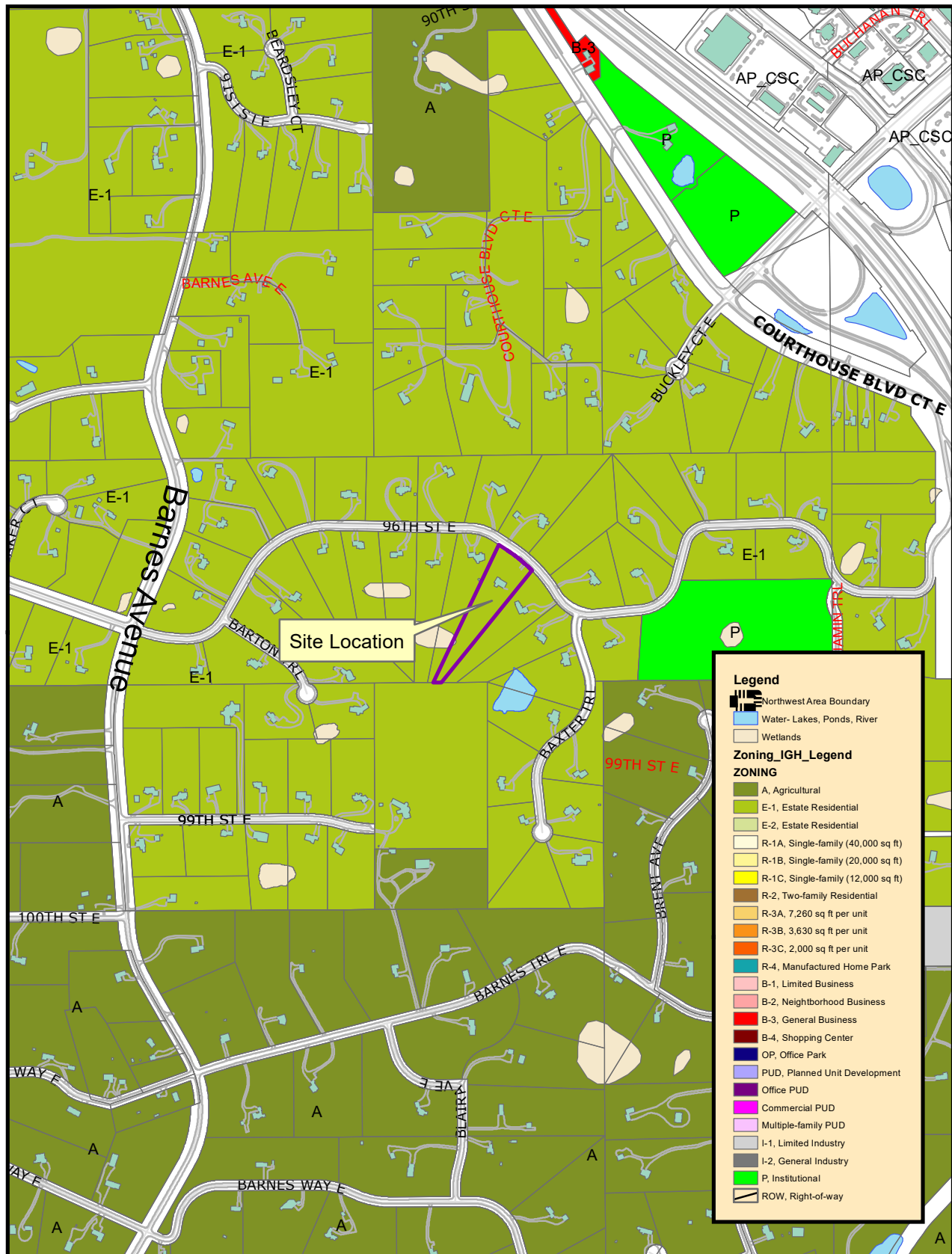
CARL J. GRAMENITZ, P.E.
5048 CLEAR SPRING ROAD | MINNETONKA, MN 55345
PH 952.333.4500 | FAX 952.333.0064 | CELL 612.876.1054
email: carl@gnb.com | www.gnb.com

Project Number:
1-1347
Date:
08/27/2009
Drawn by:
JSD

A1



2694 96th Street Case No. 23-45V



THIS DRAWING IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION 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

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Exhibit A
Zoning and Location Map



Planning Commission Report

MEETING DATE:	November 21, 2023
CASE NO:	23-47CUP
APPLICANT:	Ivan's Tree Service, LLC
PROPERTY OWNER:	Godana Bosat
REQUEST:	Conditional Use Permit
LOCATION:	6840 Dixie Avenue
COMPREHENSIVE PLAN:	LI, Light Industrial
ZONING:	I-1, Limited Industrial
STAFF CONTACT:	Allan Hunting, 651.450.2554

ACTION REQUESTED

The specific requests for the project include the following:

1. Conditional Use Permit for a contractor's yard with outdoor storage.

BACKGROUND

The applicant is proposing to operate a tree cutting and removal service from the location. They would make improvements to the building internally so it can be occupied for maintenance of their trucks and equipment. This would be the home base for the business as the employees would come to the site in the morning, pick up their equipment and drive to their customer sites for that day. There would be no storage of tree debris on the site. The operation would typically operate from 7:00 am to 7:00 pm. There would be approximately 15 employees who would park and dispatch from the location each day. No other improvements are proposed for the site at this time.

The site is 1.1 acres in size. The property has been used for a welding and repair business and, most recently, a truck storage facility. The proposed tree service business would be considered a "contractors' yard with outdoor storage", which is a conditional use in the I-1 zoning district.

EVALUATION OF REQUEST

Surrounding Uses: The following land uses, zoning districts, and comprehensive plan designations surround the subject property:

North:	Dakota County owned property		
East:	Vacant	Zoned: I-1, Limited Industry District	Guided: LI, Light Industrial
West:	Concord Boulevard		
South:	Vacant, Single family	Zoned: I-1, Limited Industry District	Guided: LI, Light Industrial

General Site Plan Review

Setbacks. There are no additions or changes to the building exterior or site improvements proposed at this time. No setbacks would change with this proposed use.

Access. The business would access Dixie Avenue through the existing historical access points.

Signage. Signage is not approved as part of the CUP request. Any proposed signage on the property shall follow Section 10-15E of the City Code. A building permit is required for any new signs.

Engineering. Since there are no changes being proposed, Engineering takes no exception to the request.

Conditional Use Permit (CUP) Review

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. The use is consistent with the goals, policies, and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.

A contractor's yard is consistent with the uses envisioned in the industrial district and thus consistent with the Comprehensive Plan land use plan and category descriptions.

2. The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.

The property is zoned Industrial. The land use of contractor's yard is consistent with the intent of the I-1 zoning district.

3. The use would not be materially injurious to existing or planned properties or improvements in the vicinity.

The proposed use would not have a detrimental effect on public improvements in the vicinity of the property. The use is very similar to those that have occupied the property before.

4. The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.

The proposed use does not appear to have any negative effects on City facilities or services.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*

i. Aesthetics/exterior appearance

There are no additions proposed to the existing structures. The existing storage of semi-trailers would be removed with the sale transfer and the site would be occupied by the new tenant.

ii. Noise

The proposed use would not generate noises that are inconsistent with I-1 zoning. The primary work of the company occurs off site each day. There would be some work on the company's trucks and equipment.

iii. Fencing, landscaping and buffering

There is existing fencing along Dickman Trail for screening. A visual inspection revealed that some of the fencing is in disrepair and falling over. A condition of approval should be that the fencing be repaired and brought into code compliance.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The property has been used for industrial uses with outdoor storage for many years. The proposed use would be consistent with historical use of the property and would not be out of character for the neighborhood.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects on public health, safety or welfare.

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

The proposed use does not appear to have an undue adverse impact on the environment. The applicant indicated they would possibly repave the parking area in the future. If that were to occur, Engineering would review the site and determine if any stormwater improvements may be necessary.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed project:

A. Approval. If the proposed request is found to be acceptable, approval of the applicable following action should be taken:

- Approval of the Conditional Use Permit for a contractor's yard with outdoor storage subject to the following conditions:

1. Development of the site shall be in substantial conformance with the site plan on file with the Planning Department except as it may be modified by the conditions below.
2. The existing fencing shall be repaired and brought into compliance with City Code no later than June 30, 2024.
3. The applicant must apply for and obtain a building permit for any signage or building improvements.
4. The City Code Enforcement Officer, or other designee, shall be granted the right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.

B. Denial. Should the proposed request be found not acceptable, the request described above should be denied. The basis for denial must be stated in any such motion.

RECOMMENDATION

Staff recommends Approval of the Conditional Use Permit with the conditions listed in Alternative A.

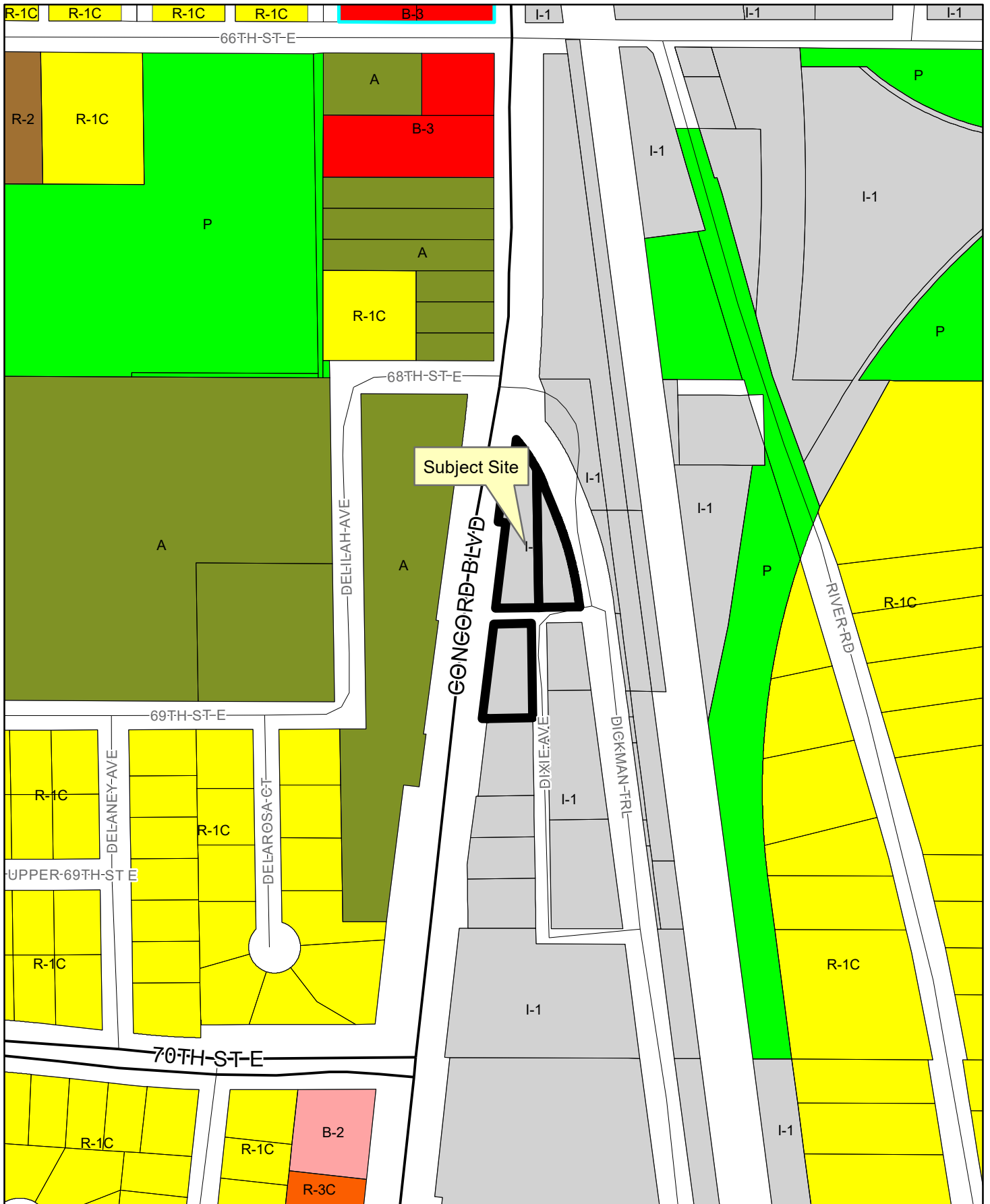
ATTACHMENTS

1. Location Map
2. Applicant Narrative
3. Site Plan
4. Aerial Photo of the Site
5. Photo of Fence Condition



Location Map

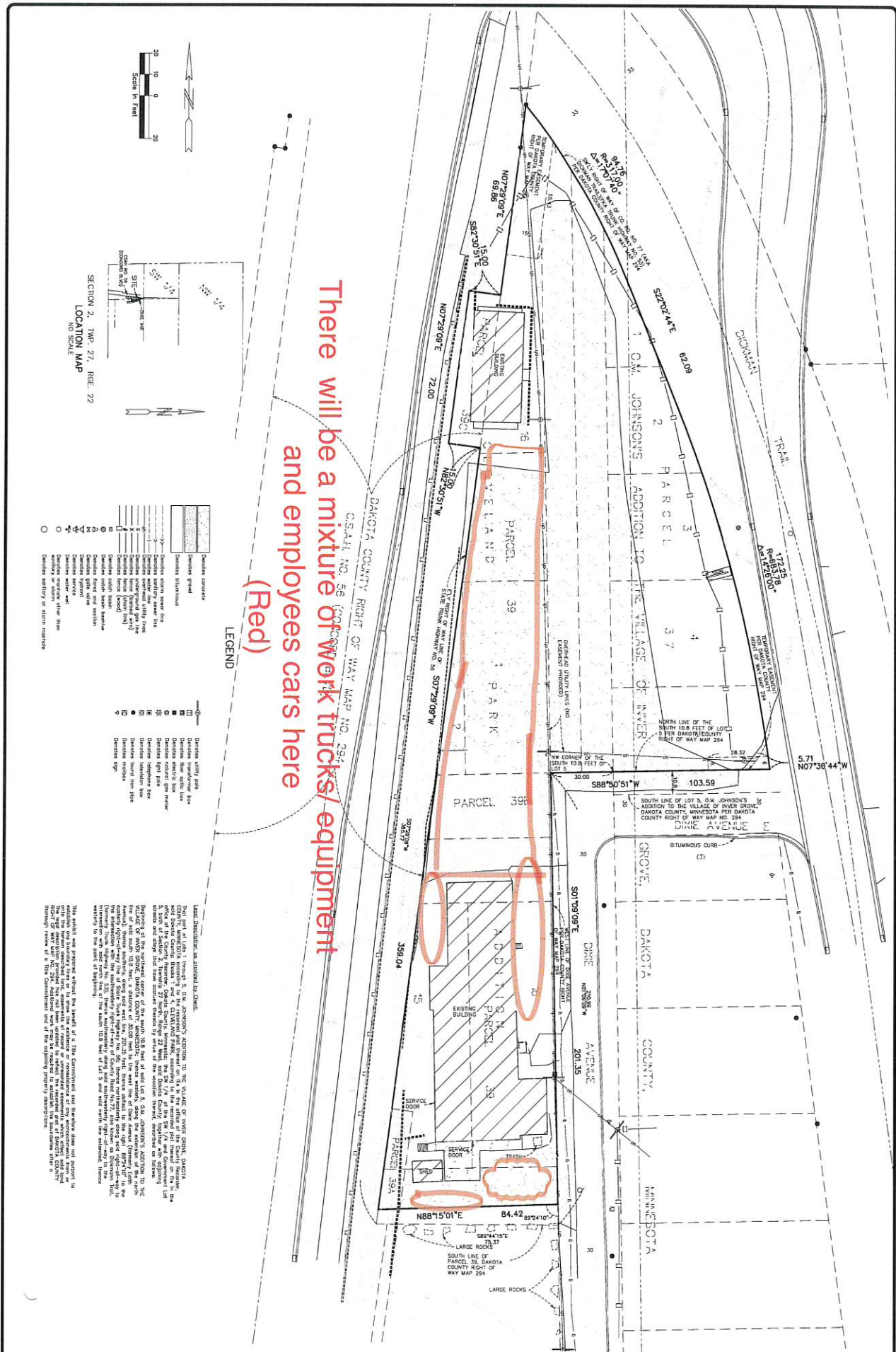
Case No. 23-47CUP



To whom this may concern,

We request to bring the existing building up to code to operate our tree service business. There will be routine maintenance on our vehicles and equipment. Along with the storage of our vehicles and equipment. There will be around 15 employees who park and dispatch from the building.

Kind regards,
Iban Hernandez
Ivan's Tree Service LLC





Aerial Photo Map Case No. 23-47CUP



