



Inver Grove Heights Planning Commission
Tuesday, February 6, 2024 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, February 6, 2024, will be provided to the Council at or before the February 6, 2024 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Consent Agenda**
 - A. Minutes of the January 16, 2024, Planning Commission Meeting.
4. **Public Hearing**
 - A. Variance request to install a six-foot privacy fence that encroaches into the front setbacks of the property at 6974 Bovey Trail (Kevin Jendra - Case No. 24-01V).
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, January 16, 2024 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Vice-Chair Clancy called the Planning Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Scott Clancy
 Jonathan Weber
 Dennis Wippermann
 Jason Teiken
 Trisha Presley
 Robert Heidenreich
 Aida Schaefer
 Lance Twedt
 VACANT SEAT

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

3. ELECTION OF OFFICER

Vice-Chair Clancy stated that with the resignation of Elizabeth Niemioja, the standing Chair. An election needs to be held for the Chair position.

Commissioner Heidenreich nominated Commissioner Weber for the position of Chair.

Motion by Wippermann, Second by Twedt, to elect Jonathan Weber by unanimous consent to the position of Chair.

Ayes: 7 (Weber Abstained)
Nays: 0 Motion Carried.

Chair Weber stated that since he currently holds the position of Secretary, an election needs to be held to fill that position.

Commissioner Teiken nominated Commissioner Presley for the position of Secretary.

Motion by Weber, Second by Clancy, to elect Trisha Presley by unanimous consent to the position of Secretary.

Ayes: 7 (Presley Abstained)
Nays: 0 Motion Carried.

4. CONSENT AGENDA

A. Minutes of the December 19, 2023, Planning Commission Meeting

Motion by Wippermann, Second by Twedt, to Approve the minutes as submitted.

Ayes: 8
Nays: 0 Motion Carried.

Planning Commission Meeting Minutes

Tuesday, January 16, 2024

5. PUBLIC HEARING

A. Variance request for a parking pad that encroaches into the side and rear setbacks of the property at 4020 75th Street East. (Marco Contreras - Case No. 23-49V).

Reading of Public Notice

Secretary Presley read the Public Hearing Notice. Notices were mailed to 7 property owners on December 27, 2023.

Presentation of Request

Associate Planner Heather Botten presented a summary of the staff report.

Planning Commission Discussion

Commissioner Clancy questioned how much of the pad would have to be removed to bring it into compliance. Botten stated about 5 feet.

Commissioner Heidenreich inquired about the impervious surface available on the lot. Botten stated that impervious surface regulations are different in commercial compared to residential zoning districts. The applicant does have documentation that he owns both the lot that the pad is located on and the empty lot next to it. Dakota County has not updated their records to show that. Once that is sorted out, the intent is to consolidate the two parcels into one parcel. If he is able to consolidate into one parcel, then the site would not exceed the maximum impervious surface available. If the consolidation does not happen the City would see how much of the slab is removed, and then, if need be, work with the applicant to figure out a stormwater solution is needed.

Commissioner Heidenreich stated that in his opinion the Commission should wait to see if the parcels are consolidated before making a decision on the proposed request. Botten stated that is an option that the Commission can take.

Opening of Public Hearing

Marco Contreras, 6237 Boland Court, Applicant, stated he has read and understands the report.

Commissioner Schafer questioned how the slab will be used. Mr. Contreras stated that the original intent was to park a semi-truck, since that is not allowed, looking into new options. Possibly building an addition or a garage or just keeping it as is. Botten stated that building a structure would require a separate Variance application.

Commissioner Twedt inquired as to who would be parking on the slab. Mr. Contreras stated that it would be for trucks used for his business.

Chair Weber closed the public hearing.

Planning Commission Discussion

Commissioner Schafer stated that it seems premature to be making a decision on the proposed Variance.

Commissioner Twedt stated that he agrees that it does seem premature to make a decision, before Dakota County has their part sorted out.

Commissioner Presley inquired if there is a timeline as to when a decision needs to be made.

Planning Commission Meeting Minutes

Tuesday, January 16, 2024

Botten stated that the City has extended the 60-day review period to the max of 120-days, if tabled, it should be tabled to a specific date. Another option would be to make a decision and move it onto City Council.

Chair Weber stated if the applicant is allowed to keep the slab but must remove 5 feet. What would the restrictions be if the applicant decides to add onto the building. Botten stated the setbacks for a structure would be greater than a parking slab.

Commissioner Heidenreich stated that he would like to table the request until there is more information available.

Botten stated that the maximum impervious surface allowed in the B-2 zoning district is 75% of the lot size and setbacks for a building are 30 feet (front), 10 feet (side), 30 feet (rear) or 1.5 building height, whichever is greater.

Chair Weber reopened the Public Hearing and asked the Applicant to come back up to the podium. Weber asked Mr. Contreras if the pad can only stay as a parking pad, and cannot be built on, would you keep it.

Mr. Contreras stated that he would not remove it. If it were removed, there would be a hole.

Commissioner Clancy questioned if there is any interest in making a decision and adding additional conditions. The slab could stay with the removal of the area that is impeding over the setback.

Commissioner Heidenreich stated that he is concerned about the potential stormwater regulations.

Planning Commission Recommendation

Motion by Twedt, Second by Heidenreich, to Table the item for a future Planning Commission meeting within the 120-day review period (March 19, 2024).

Ayes: 8

Nays: 0 Motion Carried.

5. REGULAR BUSINESS

Next Planning Commission meeting is scheduled for Tuesday, February 6, 2024.

6. ADJOURN

Motion to adjourn the meeting at 7:34 p.m.

Respectfully submitted by Stacy Bodsberg, Community Development Support Specialist



Planning Commission Report

MEETING DATE:	February 6, 2024
CASE NO:	24-01V
APPLICANT:	Kevin Jendra
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variance to allow a six-foot privacy fence within the front setback
LOCATION:	6974 Bovey Trail
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-1C, Single-Family Residential
STAFF CONTACT:	Heather Botten, 651.450.2569

ACTION REQUESTED

The request consists of the following:

- A **Variance** from City Code Section 10-15-12 to allow a six-foot privacy fence within the front yard.

BACKGROUND

The applicant is requesting a Variance to install a six-foot privacy fence within the front setback of the property. City Code states that a fence in the front yard area shall provide no less than seventy-five percent (75%) clear visibility and shall be no higher than forty-eight inches (48"). The applicant's property is located at the corner of Bovey Trail and the entrance to North Valley Park. The property has a long front yard that narrows as you go towards the park entrance. The proposed fence would meet other City Code requirements such as providing a visibility triangle at the corner and being located at least 15 feet from a curb. It is only the southwest corner of the proposed fence that encroaches into the setback. The remainder of the fence would be in compliance with the City Code.

EVALUATION OF REQUEST

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

North, South & West	Single-Family Residential	Zoned: R-1C, Single-Family Residential	Guided: LDR, Low Density Residential
East	Park Property	Zoned: P, Institutional	Guided: Public Open Space

ENGINEERING REVIEW

Engineering has reviewed the request and takes no exception to the proposed fence location. The location of the fence is outside the 30-foot visibility triangle at the corner of the park entrance and Bovey Trail.

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 Variances, the 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 request is not contrary to the residential use of the property or area as defined in the Comprehensive Plan. The proposed fencing would meet all other City Code requirements including materials and visibility from intersections.

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

One of the functions of the fencing requirements is for consistency of structure placement and aesthetic qualities from street, and neighboring views. The proposed fencing would not be out of character for the area. The Variance request is reasonable as the property is abutting park land to the east and the entrance to the park to the south. The proposed use of a solid fence provides the homeowner privacy within his yard.

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

The lot does have special conditions that do not apply to other properties in the area. The entrance to North Valley Park is about five feet from the applicant's property line. Additionally, the property is 157 feet in length along the front property line and 48 feet along the south side lot line. The long front property line limits the location a privacy fence may be located on the property without a Variance. To provide better privacy, security and to distinguish the location of the property boundaries, the applicant is requesting to install a fence that would encroach within the front yard setbacks.

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

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Staff does not believe the improvements would alter the essential character of the neighborhood as there are no homes directly south of the property where the encroachment is the greatest, just the entrance to the park.

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

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

ALTERNATIVES

A. Approval. If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of a **Variance** to construct a six-foot privacy fence within the front yard setback with the condition listed.

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

Rationale: The request is not out of character for the neighborhood and is consistent with the Comprehensive Plan. The proposed six-foot privacy fence does not appear to have an adverse impact on the neighborhood or affect visibility at the intersection for people leaving the park. The property has a unique shape and abuts access to North Valley Park. The additional fence height will ensure safety and privacy for the applicant and his family.

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 the denial should be given.

RECOMMENDATION

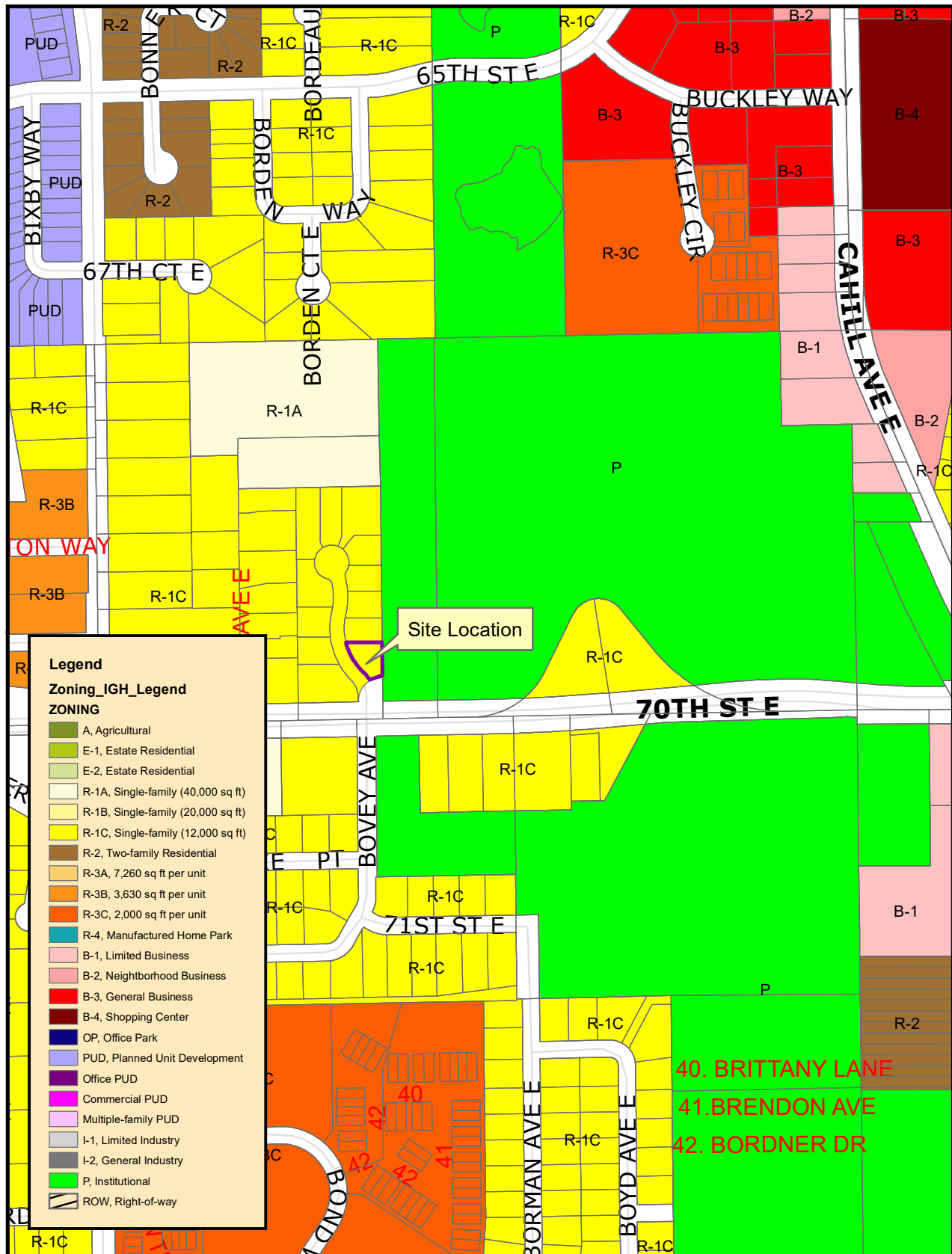
Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the requested Variance.

ATTACHMENTS

1. Location and Zoning Map
2. Narrative
3. Site Plan
4. Aerial Demonstrating Variance Area
5. Letter from Neighboring Property



6974 Bovey Trail Case No. 24-01V



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 RECORD OF 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

Variance Narrative

For: Kevin Jendra and Abby Anderson

Site Address/Tax I.D. #:

6974 Bovey Trail, Inver Grove Heights, MN 55076

20-22470-02-050

Date Prepared:

12/20/2023

Reason for Variance Request:

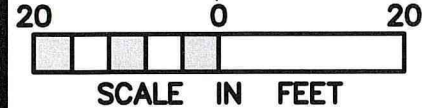
The property located at 6974 Bovey Trail is unique in that, by definition, it has a long front yard along the entire length of Bovey Trail, which curves behind the South-West front corner of the house. A 6-foot vinyl maintenance free privacy fence (as proposed per the fence plan submitted with the permit application) that runs perpendicular to the south-side of the house would fall within the 30-foot front yard setback due to the curvature of Bovey Trail and the Property. Following the 30-foot front yard setback would result in a loss of yard space, which is trying to be maximized for use by the owners of the property as the majority of the property sits to the south of the house. Due to the proximity to North Valley Park to the East, a 6-foot fence was chosen as it provides the best sense of privacy and security for the residence.

Additionally, due to the topography of the lot, installing the fence per the proposed plan would allow the fence to be the most level and uniform across the west side (front) of the property. There is a steep decline from the front of the property (west) to the back of the property (east) that would result in difficulties with fence installation, uniformity and any future maintenance of the fence.

The proposed fence plan does not interfere with any neighboring property sightlines and provides adequate traffic visibility for those on Bovey Trail and North Valley Park Entrance Drive.

FINAL GRADE AS-BUILT SURVEY

NOTE: ALL LOT IRON MONUMENTS IN PLACE AS OF 8-26-2022



Legal Description:

LOT 5, BLOCK 2,
EAGLES LANDING
DAKOTA COUNTY, MINNESOTA

895.47 (895.33) = FINISHED GARAGE FLOOR ELEVATION
(896.33) = TOP OF FOUNDATION ELEVATION (HOUSE)
(886.66) = BASEMENT FLOOR ELEVATION
000.00 = DENOTES VERIFIED AS-BUILT ELEVATION

NOTE: DROP GARAGE 1 COURSE

LEGEND

- 000.0 DENOTES EXISTING ELEVATION
- (000.0) DENOTES PROPOSED ELEVATION
- 000.0 DENOTES AS BUILT ELEVATION
- ← DENOTES DIRECTION OF SURFACE DRAINAGE
- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES WOOD HUB
- ⊙ DENOTES NAIL
- ⊞ DENOTES EXISTING UTILITY BOX
- DENOTES EXISTING POWER POLE
- ⊙ DENOTES EXISTING LIGHT POLE
- ⊙ DENOTES EXISTING STORM MANHOLE
- □ DENOTES EXISTING CATCH BASIN
- △ DENOTES EXISTING F.E.S.
- ⊙ DENOTES EXISTING HYDRANT
- ⊙ DENOTES EXISTING SERVICE OR CLEANOUT
- ⊙ DENOTES EXISTING SANITARY MANHOLE
- ⊙ DENOTES EXISTING CONSERVATION POST OR WET LAND BUFFER POST
- 8" TREE 000.00 DENOTES EXISTING TREE
- □ □ DENOTES EXISTING RETAINING WALL
- ⊞ ⊞ ⊞ DENOTES PROPOSED RETAINING WALL
- ⊞ DENOTES EXISTING TREELINE
- □ — DENOTES EXISTING FENCE

1. No specific soils investigation has been performed on this lot by the surveyor. The suitability of the soils to support the specific house is not the responsibility of the surveyor.
2. No title information was provided for this survey. This survey does not purport to show all easements of record.
3. See architectural plans for final building dimensions.

LOT AREA : 11,894 SQ. FT.
HOUSE AREA : 1,587 SQ. FT.
PORCH AREA : 56 SQ. FT.
PATIO AREA : 48 SQ. FT.
DRIVEWAY AREA : 1,019 SQ. FT.
SIDEWALK AREA : 87 SQ. FT.
TOTAL IMPERVIOUS AREA : 2,797 SQ. FT. (23.5%)

I hereby certify that this is a true and correct representation of a tract as shown and described hereon. As prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.

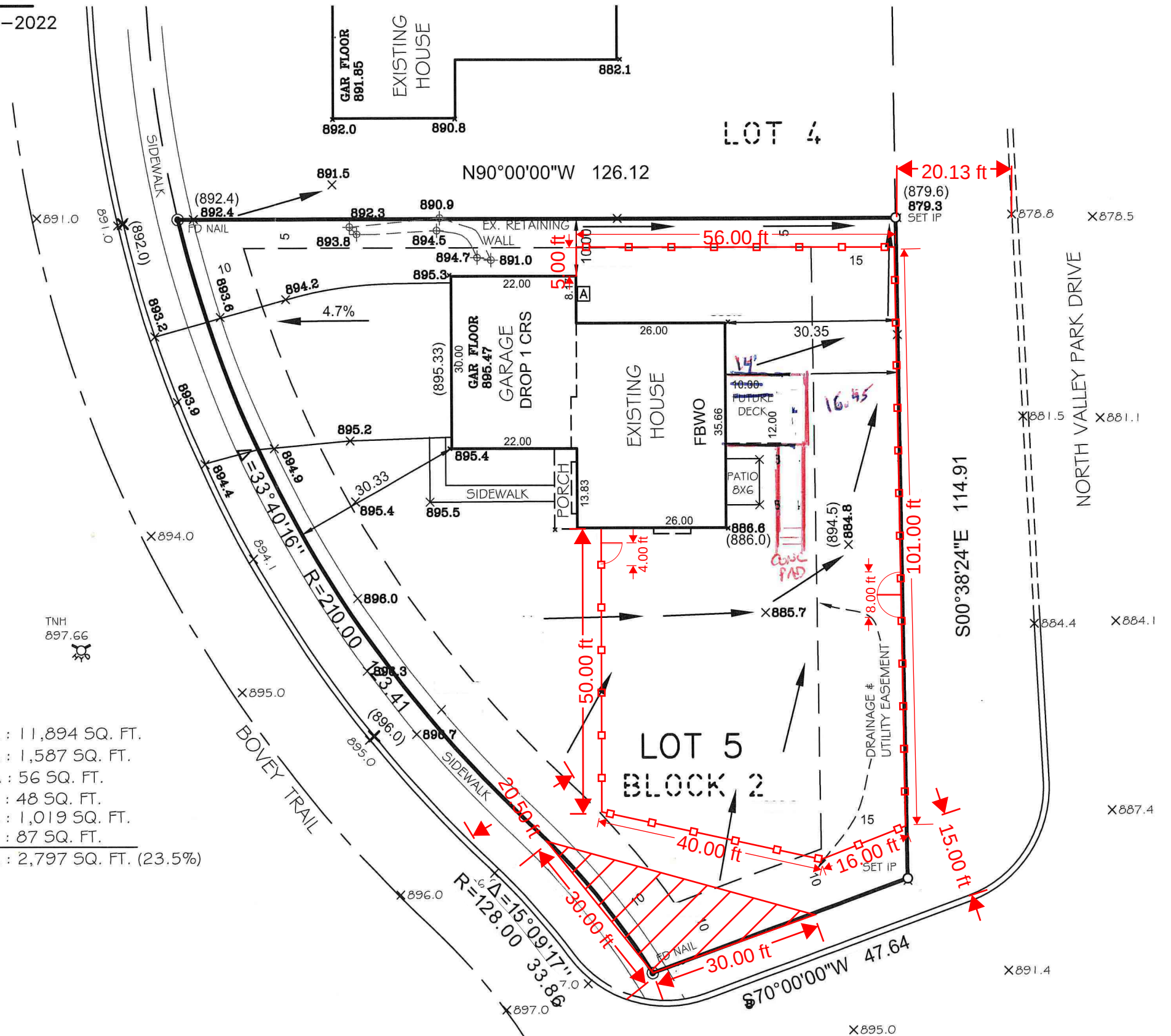
Russell P. Damlo
RUSSELL P. DAMLO Minn. Reg. No. 19086

8-29-2022
Date

PREPARED FOR:
FIELDSTONE FAMILY HOMES

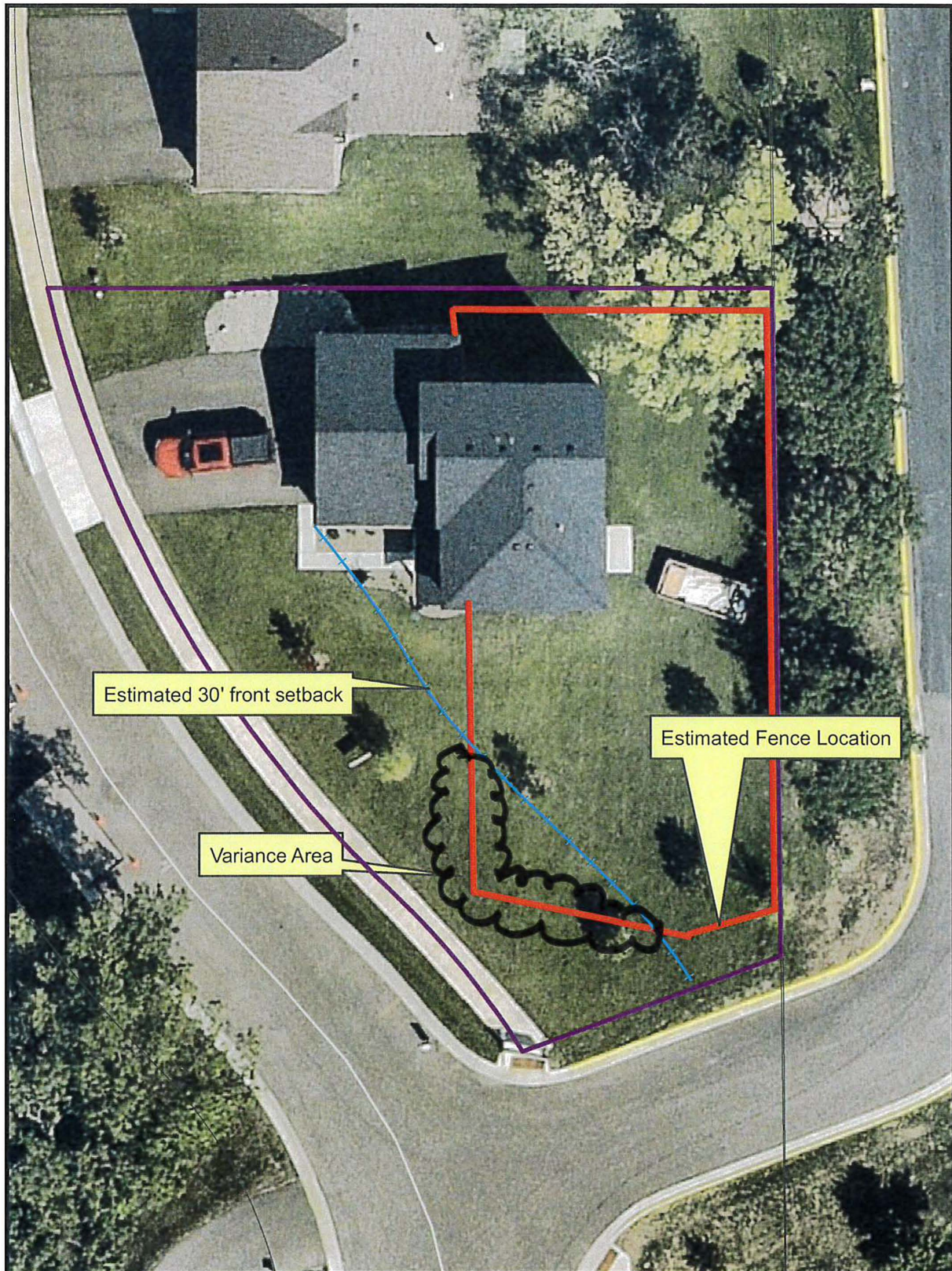
PROJECT NO. 17697.00
ADDRESS: 6974 BOVEY COURT E.
INVER GROVE HEIGHTS
BUYER: MODEL 1

PROBE ENGINEERING COMPANY, INC.
CONSULTING ENGINEERS,
PLANNERS and LAND SURVEYORS
1000 EAST 146th ST., STE. 240, BURNSVILLE, MN 55337 PH (952)432-3000





6974 Bovey Trail Case No. 24-01V



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Map not to scale

From: [Miklya, Liz \(MIN-WSW\)](#)
To: [Stacy Bodsberg](#)
Subject: comment re: Case no. 24-01V
Date: Monday, January 29, 2024 2:01:39 PM
Attachments: [image001.png](#)

Hi Stacy,

I'd like to submit a comment for the Planning Commission's consideration re: the variance request from Kevin Jendra at 6974 Bovey Trail to put in a solid fence on their property.

My husband and I live across the street at 6917 Bovey Trail. We are aware the owner has two dogs and we support their need to install a fence. Their property backs up to a road that serves as the entrance to North Valley Park, which gets fairly busy in the summer. A fence will allow them to let their dogs be in the yard and be safely contained. We have no issues with the property owner installing a fence.

Respectfully,
Liz and Jay Miklya

Liz Miklya

Sr. Vice President | Corporate and Public Affairs

webershandwick.com



#1 on PProvoke Global's Creative Index (2021, 2022)
Fast Company's Best Workplaces for Innovators (2023)
Most awarded PR agency at Cannes (2023)

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