

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, September 4, 2018 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 21, 2018

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 PETE KAMISH - CASE NO. 18-47V

Consider a variance to construct a 1,200 square foot detached accessory building whereas 1,000 square feet is the maximum size allowed on the property located at 4046 60th Street.

Planning Commission Action _____

3.02 CHRISTINA MALMGREN-MIDBY - CASE NO. 18-46V

Consider a variance to allow a 48-inch chain link fence whereas 42 inches is the maximum height allowed within the corner front setback on the property located at 8315 Cleadis Avenue.

Planning Commission Action _____

4. OTHER BUSINESS

4.01 CITY OF INVER GROVE HEIGHTS – CASE NO. 18-51X

Recommendation that capital expenditures for City stormwater basin near 6701 River Road is consistent with the Comprehensive Plan.

Planning Commission Action _____

5. ADJOURN

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or kfox@invergroveheights.org

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 21, 2018 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tony Scales
Dennis Wippermann
Pat Simon
Brett Kramer
Armando Lissarrague
Joan Robertson
Annette Maggi
Elizabeth Niemioja
Jonathan Weber

Commissioners Absent:

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the August 7, 2018 Planning Commission meeting were approved as submitted.

CHRISTOPHER CHAVEZ – CASE NO. 18-43V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a solid fence higher than 42 inches in the front yard, for the property located at 3462 – 70th Court East. 4 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a variance to allow a solid fence higher than 42 inches within the front yard. The ordinance states that fences within front yards are to be no higher than 42 inches and should be at least 75% open visibility. The fence was installed in 2017 without a permit and is roughly six feet from the front property line. Staff does not believe the criteria for a variance has been met and recommends denial of the request.

Commissioner Simon asked if the existing fence was built the same as the original design that was submitted and found not to meet code.

Mr. Hunting replied his understanding is that the applicant applied for a permit, staff notified the owner that it did not meet code, and nothing further was done with it because the City could not issue the fence permit as it did not meet code requirements.

Opening of Public Hearing

Christopher Chavez, 3462 – 70th Court East, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Chavez replied in the affirmative. He advised that he would like to correct the record on the background for this case. He advised that he came in to fill out the paperwork for a fence permit in

2015. When he read the 42-inch requirement he stopped filling out the paperwork and left before finishing or submitting the permit application. When he got home he read through the ordinance and discovered it was enforced on a complaint basis. He already had the materials and assistance lined up, so he went ahead and built the fence figuring if someone complained he would take it down. Two years later someone cleaning off their desk found the unfinished permit, and he was contacted by the City. He advised that no one ever denied the permit because he did not actually turn it in. He stated the fence is not entirely solid as the top portion is a one-foot lattice. He advised that his wife has been clinically diagnosed with PTSD and this fence provides much needed privacy from the foot and vehicle traffic on 70th Street. He stated the fence does not obstruct anything and his neighbors are in favor of it.

Commissioner Niemioja stated she may have been more likely to support this had the applicant come to the City in 2016 asking for a variance rather than building the fence without a permit knowing there was a process he must go through.

Mr. Chavez stated when he saw it was not going to meet code requirements he felt there was nothing else to do except try to get by without anybody calling in a complaint. He noted that it went unnoticed for over two years before someone found the paperwork; there were never any complaints. He did not feel he should be punished for going about it this way.

Commissioner Niemioja was concerned that approval of this would encourage others to ignore the code and hope they did not receive any complaints.

Mr. Chavez questioned whether this situation was common.

Commissioner Robertson replied that this exact situation probably does not come up often because most residents go through the required permit process and do not feel like they are being punished for having to do so.

Commissioner Lissarrague advised that they do not have the power to punish anyone.

Mr. Chavez stated that his fence must be very unobtrusive as Commissioner Lissarrague was out to the house and questioned his wife as to where the fence was going to be built.

Commissioner Lissarrague advised that he did not believe he said that. Rather, he wanted to know why the fence was put up and Mrs. Chavez shared the same information as Mr. Chavez. He advised that the Planning Commission cannot approve the request without a practical difficulty; however, the City Council has more latitude and makes the final decision.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi noted that the fence is not obtrusive, and it does not seem like it has a large impact on the neighbors; however, in order to approve this they must define a practical difficulty.

Commissioner Robertson was concerned about setting a precedent of allowing solid fences over 42' in height in the front yard, and of people ignoring the code and hoping no one complained.

Commissioner Lissarrague asked if PTSD could be considered a practical difficulty.

Commissioner Simon replied that the Planning Commission could not consider medical conditions a practical difficulty.

Commissioner Niemioja stated although she liked the aesthetics of the fence, she would be voting against the request because of concerns regarding setting a precedent. Any resident who does not understand the permit or needs a variance needs to contact staff and go through the process.

Commissioner Scales was concerned that the applicant was aware of the code requirements but built the fence anyway hoping not to get caught. He could not find a practical difficulty and felt there may have been a different outcome had the applicant come in with a variance request prior to building the fence.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Niemioja, to deny the request for a variance to allow a solid fence higher than 42 inches in the front yard, for the property located at 3462 – 70th Court East, due to lack of a practical difficulty.

Motion carried (9/0). This item goes to the City Council on August 27, 2018.

J.L. JAMES INVESTMENT GROUP – CASE NO. 18-27CV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to expand a non-conforming structure up to 30% and a variance to expand a non-conforming structure by more than 30%, for the property located at 5912 Concord Boulevard. 31 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to add onto an existing house. The property is zoned I-1, Limited Industry. The zoning code allows an existing non-conforming structure to conditionally expand its gross floor area by up to 30% and a variance to exceed that amount. The applicant is asking for a 38% expansion. The applicant will be adding a garage onto the south side of the house and an addition onto the north side of the house. Additionally, they will be removing part of the home and a detached structure that lies within the flood fringe. Staff believes the criteria have been met and recommend approval of the request with the conditions listed.

Chair Maggi asked if conditional use permits and variances stayed with the property should there be a new owner.

Mr. Hunting replied in the affirmative.

Chair Maggi noted that the property was owned by an investment group.

Mr. Hunting believed they were purchasing the property with the intent of improving and then selling it.

Commissioner Niemioja suggested that perhaps the proposed removal of the structure from the floodplain could be used as a practical difficulty.

Commissioner Wippermann asked what made the property non-conforming.

Mr. Hunting replied it was non-conforming because a residential use is not allowed in the Industrial zoning district.

Commissioner Weber asked for the history of the zoning change.

Mr. Hunting replied that he believed the guiding was changed to Mixed Use in the 2030 Comprehensive Plan; however, the current zoning was in place prior to that.

Opening of Public Hearing

Jordan James, owner of JL James Investment Group and the general contractor of JL James Homes, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. James replied in the affirmative. He advised that by removing part of the structure impeding into the flood fringe they will be gaining a seven-foot buffer. They will also be adding a full basement on the north end.

Commissioner Wippermann asked Mr. James if he owned the property.

Mr. James replied in the affirmative, stating that JL James Investment Group is a value-added real estate investment company. They plan to remodel the house and then sell it.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Lissarrague, to approve the request for a conditional use permit to expand a non-conforming structure up to 30% and a variance to expand a non-conforming structure by more than 30%, for the property located at 5912 Concord Boulevard, with the conditions listed in the report and the practical difficulty provided by staff.

Motion carried (9/0). This item goes to the City Council on September 10, 2018.

CONTINUUM CONSTRUCTION – CASE NO. 18-44PR

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a major site plan review to add a 3,000 square foot building addition, for the property located at 2925 Buckley Way. 60 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to add an addition onto the back side of the building over existing parking lot surface. Since the site is near the former Rubbish Ranch, environmental testing will be required to make sure they will not be disturbing the soils. The building lies over two platted lots. A condition of approval requires that the two lots be consolidated into one lot prior to issuance of a building permit. Staff recommends approval of the request.

Commissioner Simon asked for clarification of the dump site location.

Mr. Hunting showed where the dump site was located, stating apparently it carried over a little to the west side of the subject site.

Opening of Public Hearing

Jerry Wendel, Continuum Construction, 15214 Edgewater Circle, Prior Lake, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Wendel replied in the affirmative. He advised that he received the soil boring results this afternoon but had not yet reviewed them. They anticipate receiving the Phase I Study results next week.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Simon, to approve the request for a major site plan review to add a 3,000 square foot building addition, for the property located at 2925 Buckley Way.

Motion carried (9/0). This item goes to the City Council on September 10, 2018.

NORTHERN STATES POWER COMPANY – CASE NO. 18-45SV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat to subdivide 14.5 acres of the 154-acre site and a variance from the required setbacks for structures from the new property line, for the property located at 10325/10326 South Robert Trail. 32 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that NSP is proposing to do an internal lot creation around two existing fuel tanks and numerous accessory buildings. No new structures are being requested and no changes are being proposed to the existing access point along Robert Trail. There are at least three small structures within the required 30-foot side yard setback; therefore, the applicant is requesting a variance. Staff recommends approval of the request.

Chair Maggi asked if the internal street was a private road.

Mr. Hunting replied in the affirmative.

Chair Maggi asked for clarification of access.

Mr. Hunting advised that access to the property is not changing. The existing access from Robert Trail will be maintained with a private access agreement between the two parcels.

Chair Maggi asked if there were any rules related to shape when creating a lot within a lot

Mr. Hunting replied there were no restrictions on shape configuration, just lot width, size, etc.

Commissioner Weber asked if their access to the public road would be through another parcel or through the railroad's land.

Mr. Hunting replied that the railroad directly abuts the road so theoretically they are satisfying the requirement.

Opening of Public Hearing

Brian Sullivan, Xcel Energy, 414 Nicollet Mall, Minneapolis, advised he was available to answer

any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Sullivan replied in the affirmative. He explained that to gain access to the property, they have created an easement to allow the owner of the other parcel to use their access drive. The proposed pipe stem lot is unusually shaped, which has a lot to do with following existing features and topography (i.e. fire roads, tanks, catch basin, fence line, access drive, etc.).

Commissioner Robertson asked if the remaining portion of the lot would become an outlot.

Mr. Hunting replied that they are creating an internal lot, and the balance would be its own lot.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Weber asked if there were any potential setback issues for the buildings on the existing lot.

Mr. Hunting replied that Heather Botten had done the review, but he believed there would be no setback issues regarding the new property line.

Mr. Sullivan advised that the buildings in question were the guard shack and structures housing equipment.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Scales, to approve the request for a preliminary and final plat to subdivide 14.5 acres of the 154-acre site and a variance from the required setbacks for structures from the new property line, for the property located at 10325/10326 South Robert Trail, with the practical difficulty as listed in the report.

Motion carried (9/0). This item goes to the City Council on September 10, 2018.

The meeting was adjourned by unanimous vote at 7:45 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 30, 2018

CASE NO: 18-47V

HEARING DATE: September 4, 2018

APPLICANT/PROPERTY OWNER: Pete Kamish

REQUEST: Variance from accessory structure maximum size

LOCATION: 4046 60th Street

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to construct a 1,200 square foot accessory structure. There are no other accessory structures on the lot. The property is zoned R-1C, Single Family. Maximum size of accessory structure is 1,000 square feet. The applicant is requesting a variance to allow the larger structure. The house is setback a distance from the street and the lot rises in elevation away from the street. The proposed structure would be nearer the street but would meet all required setbacks. There would be no impervious surface maximum issues with the size of the accessory structure proposed.

The property is approximately 2.36 acres in size. There are no provisions to allow larger accessory structures on larger lots zoned R-1C. The minimum lot size in the R-1C district is 12,000 square feet, with typical lot sizes are approximately 15,000 square feet. A maximum accessory structure size of 1,000 square feet was based partly on limiting the size or bulk of buildings on R-1C lots. Allowing large accessory buildings would have visual impacts on neighborhoods.

SPECIFIC REQUESTS

The variance request consists of the following:

1. Variance to allow an accessory structure 1,200 square feet, whereas 1,000 square feet is maximum allowed on lots in the R-1C district.

EVALUATION OF THE REQUEST

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

North - Single family residential; zoned R-1C; guided LDR

East - Single family residential; zoned R-1C; guided Mixed Use.

West – Single family residential; zoned R-1C; guided LDR.

South – Single family residential; zoned R-1C; guided LDR.

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, 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 Council has reviewed and modified the allowed size of accessory structures over the years, increasing the size on larger lots, but has held the size in the urban areas to control the massing of structures. With a proposed 20% increase in size, staff does not believe the variance request is consistent with, or in harmony with the zoning ordinance and comprehensive plan.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

There is an attached garage to the house, so the existing house is like others in the area and the property can be used in reasonable manner without the need for a variance.

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

There is nothing unique to this property that would support allowing a larger structure. The property is used in a reasonable manner and like others in the area. A larger structure appears to be a convenience to the landowner and not dictated by unique circumstances of the property.

4. *The variance will not alter the essential character of the locality.*

The subject lot is significantly larger than others in the area and so there are no other houses in very close proximity. Having a larger accessory structure on a larger lot may, in some cases, not have an impact to the character of the neighborhood. The proposed accessory structure would however, be located closer to other homes. Size of the structure could have an impact on the character of the locality. This request could have an impact on the essential 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 either of these requests.

ALTERNATIVES

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

1. Approval of a Variance to allow an accessory structure 1,200 square feet in size subject to the conditions listed below.

1. The site shall be developed in substantial conformance with the Site Plan and elevation drawings dated 8/6/18 on file with the Planning Division except as modified herein.

Practical difficulty:

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

RECOMMENDATION

Since over the years, Council has not changed the allowed size of accessory structures in the urban areas when they allowed increases in the rural areas, staff considers this to be the direction for the City to limit size of accessory structures. Staff does not believe there is sufficient rationale to support all criteria of a variance review and therefore recommends denial of the request as proposed.

Attachments: Exhibit A –Location Map
Exhibit B –Narrative
Exhibit C – Site Plan



Location Map

Case No. 18-47V



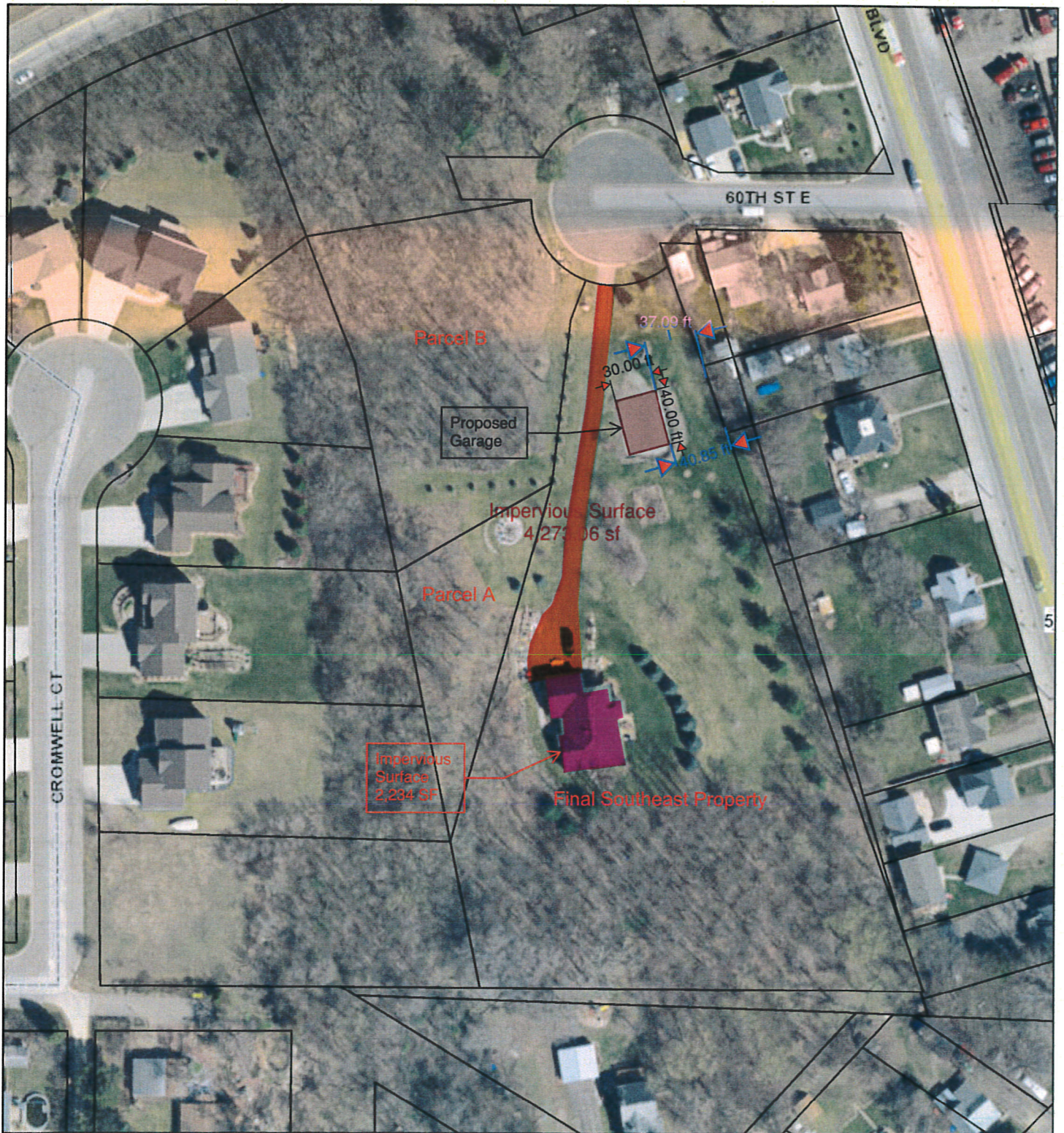
Request for Variance

Address: 4046 60th Street E., Inver Grove Heights, MN 55076

Current zoning ordinance allows for the construction of a detached garage with a size of up to 1,000 sf. I am requesting that a variance be granted to allow me to construct a detached garage that has a size of 1,200 sf. I am making this request for the following reasons:

- My property has a steep slope and a 14% grade on my driveway and I have 4 people driving vehicles in my family. There is not enough room to park all of the vehicles using our current layout. Given the steep grades and limited area, there is a safety concern with having people back all of the way down the driveway and backing into the cul-de-sac. This is even a greater concern during the winter months. There is no parking allowed in the Cul-de-sac. The steepness of the lot and house location did not allow for an attached garage bigger than a 2 car garage.
- Due to the limited space and steep slope I am planning on building a detached garage closer to the bottom of the hill and closer to the cul-de-sac. The detached garage will have an adequate turn around which will allow for vehicles to enter the street without backing into traffic.
- The additional size will allow me to park currently owner vehicles, boats, atv's, lawn equipment and other items that are currently stored outside and will leave enough room to enter/exit the vehicles without hitting the adjacent vehicles. See attached garage layout.
- The lot that I want to build this garage on is 2.63 acres which is substantially larger than the majority of the other lots in the area.

Dakota County, MN



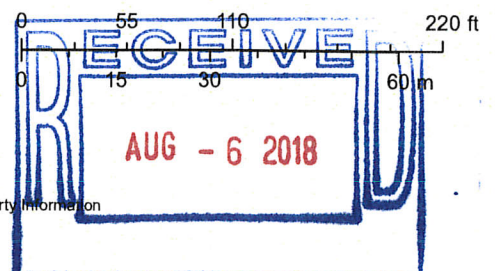
FINAL SOUTHEAST PROPERTY (Pete Kamish & wife)

June 1, 2006
(Lot 15 together with Parcel A)

Lot 15, Block 1, DAWN WAY RIDGE, according to the recorded plat thereof on file in the office of the Registrar of Titles, Dakota County, Minnesota, together with that part of Lot 14, said Block 1, lying southerly of the following described line and its extensions:

Commencing at the most southerly corner of said Lot 14; thence North 12 degrees 20 minutes 23 seconds West, assumed bearing, along the west line of said Lot 14, a distance of 195.11 feet, to the point of beginning of the line to be described; thence North 59 degrees 15 minutes 06 seconds East 128.01 feet, to the southeasterly line of said Lot 14, and there terminating

1:1,200



P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

HEARING DATE: September 4, 2018

CASE NO: 18-46V

APPLICANT & PROPERTY OWNER: Christina Malmgren-Midby

REQUEST: Variance to permit a 48-inch chain link fence whereas 42-inches in the maximum height allowed within the corner front setback

LOCATION: 8315 Cleadis Avenue

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten 
Associate Planner

BACKGROUND

The applicant is requesting a variance to allow a chain link fence 48 inches high within the corner front yard setback. The fence would be installed along the side, rear, and corner front property lines. The property lines have been identified by a surveyor. The ordinance requires all fences within a front yard area to be no taller than 42 inches and shall be at least 75% open visibility. The reasons for the rule appear to be mainly visibility for traffic and emergency vehicles along the street and driveways. A second reason would be aesthetics, both in uniformity along front views and visual appeal. The applicant is proposing a chain link fence, complying with the 75% clear visibility requirement but is requesting it to be 48 inches (4 feet) high instead of the 42 inch (3 ½ feet) maximum height in the front yard. The applicant has stated she spoke with five contractors who all recommended the 48" height to ensure its sturdiness for the safety and security for dogs and children.

The specific request consists of the following:

- a) A Variance to allow a 48-inch chain link fence in the corner front yard whereas 42 inches is the maximum height allowed.

EVALUATION OF THE REQUEST

SURROUNDING USES: The subject site is surrounded by the following uses:

North - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
East - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
West - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
South - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential

Engineering. Engineering has reviewed the request and takes no exception to the proposed fence.

VARIANCE REVIEW

City Code Title 11, 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 area is developed with single-family homes. The additional six-inch chain link fence height where the total height would still only be four feet tall would be in harmony with the purpose and intent of the city code and would be consistent with the comprehensive Plan.

2. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*

City code allows 42-inch high, chain link fences within the front yard. Additionally, fences along the side and rear property lines can be up to seven feet in height. The property is a corner lot and therefore must conform to the rules for two "front" yards. Staff believes installing a 48-inch fence to be a reasonable use of the property when 42 inches is the maximum allowed in the corner front yard. The fence would be chain link, complying with the 75% open visibility requirement, therefore there would be no impact to traffic visibility.

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

The property is a corner lot and unique in the fact there is a private driveway located behind the property and not a regular single-family lot where the front yard of the abutting property would be affected. The chain link fence would not affect the visibility along the right-of-way or the intersection of Cleadis Avenue and 83rd Street.

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 this variance would alter the essential character of the locality as a 48-inch chain link fence is a standard height for a fence. Aesthetically, the fence would be located along the corner front, rear, and side property lines which is a standard fence location; the fence would not be located in front of the applicant's home,

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

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

ALTERNATIVES

The Planning Commission has the following alternatives for the requested action:

Approval: If the Planning Commission finds the variance to be acceptable, the Commission has the following options:

- A. Approval of the Variance to allow a 48-inch chain link fence whereas 42 inches is the maximum height allowed in the front yard subject to the following condition:

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

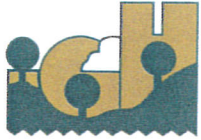
Denial: If the Planning Commission does not favor the proposed Variance, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

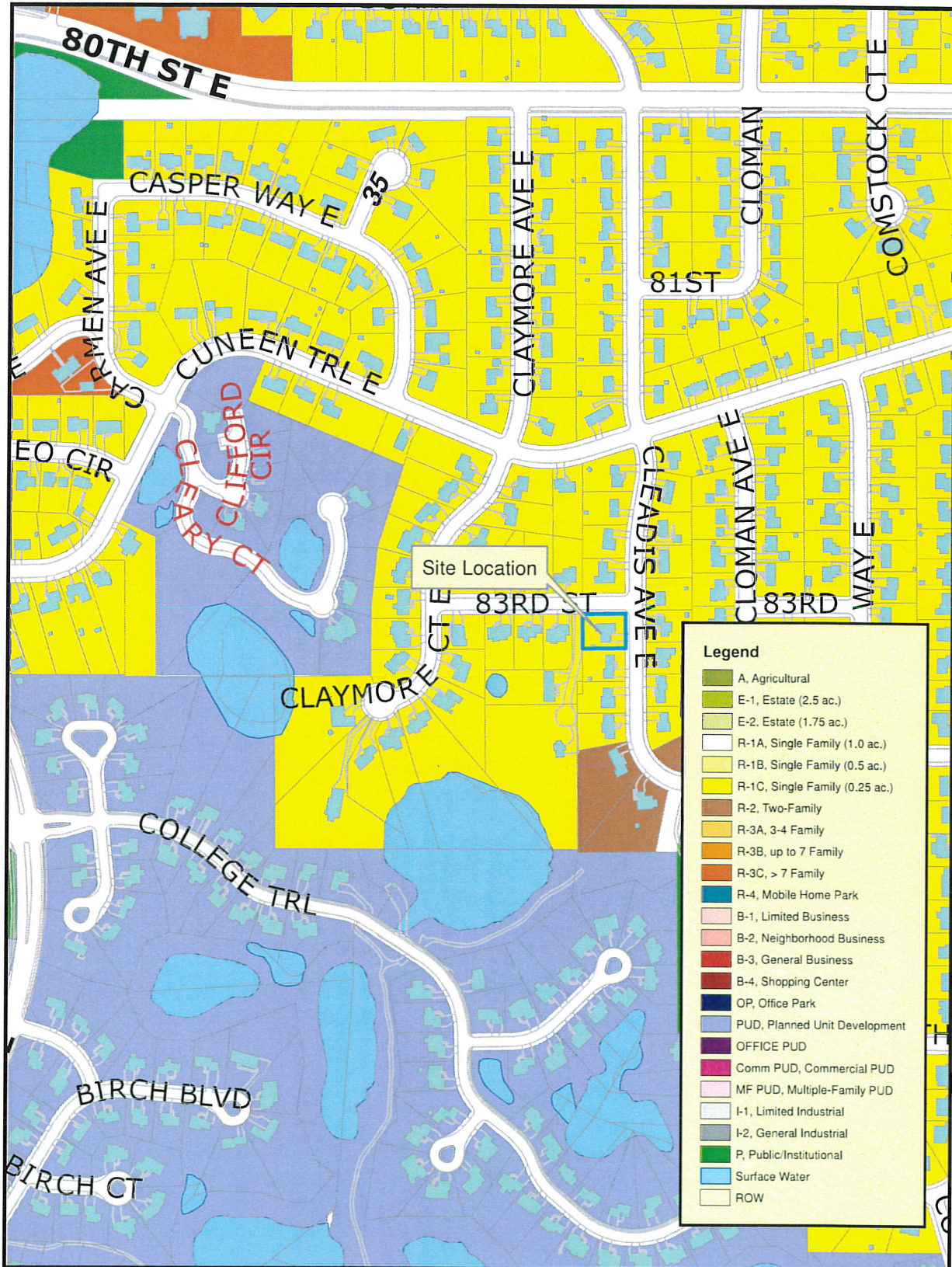
Staff believes the proposed fence would not be out of character of the neighborhood and is consistent with the comprehensive plan. The request to install a 48-inch, chain link fence in the corner front property is a reasonable use of the property and does not appear to have an adverse impact on the neighboring properties. A practical difficulty can be found in the fact the lot is a corner lot with two front yard setback requirements for fences and the visibility from the right-of-way would not be impacted.

Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the fence height variance.

Attachments: Zoning & Location Map
 Applicant Narrative
 Site Plan
 Photo



8315 Cleadis Avenue Case No. 18-46V



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.
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

Narrative describing request for variance

8315 Cleadis Avenue, Inver Grove Heights, MN

I, Christina Malmgren-Midby, the property owner of 8315 Cleadis Avenue, live there with my daughter and my grandson. In May 2018 we bought a lab/beagle mix puppy, very energetic and excitable. For a long time we have thought about installing a fence for the safety of my grandson. The recent purchase of a puppy raised the issue again.

Although we had looked into an "invisible fence" for purpose of keeping the dog contained, we decided to install an actual fence in order to keep both my grandson and the dog safe and secure.

We have thoroughly researched fencing, having five contractors come out to the property to discuss types, styles, height, etc. For visibility reasons along the street and private drive behind our property, we decided to go with a black vinyl chain link fence rather than aluminum or wood. All five contractors recommended a minimum 48" fence to ensure its sturdiness and support, as well as the safety and security of my grandson and the dog. All contractors also stated that the black color blends in best with the landscape rather than any other color.

We had hoped to have the proposed 48" fencing run from the back northwest corner of the house over to the property line along 83rd Street on the north side, west to the property line along the private drive behind our property, along the back of the property line to the southwest corner property line, east along the property line to the back corner of the house and over to the house itself, as shown on the attached scaled drawing. Note: all property lines were located and marked by Rehder & Associates, Inc. of Eagan, MN, professional land surveyors, in August 2011.

When attempting to get a permit from the city to install the fencing, our chosen contractor, Dakota Unlimited, was advised that because it is a corner property, the north side yard along 83rd Street is deemed to be a front yard, and that such a designation (1) limits us to a 42" fence along the 83rd Street side of the property, or (2) requires us to move the proposed fence back from the property line so it is flush with the house (a difference of 30 feet).

We ask that a variance be granted to allow the 48" fence to be installed along the north side property line in question along with the other sides for the following reasons:

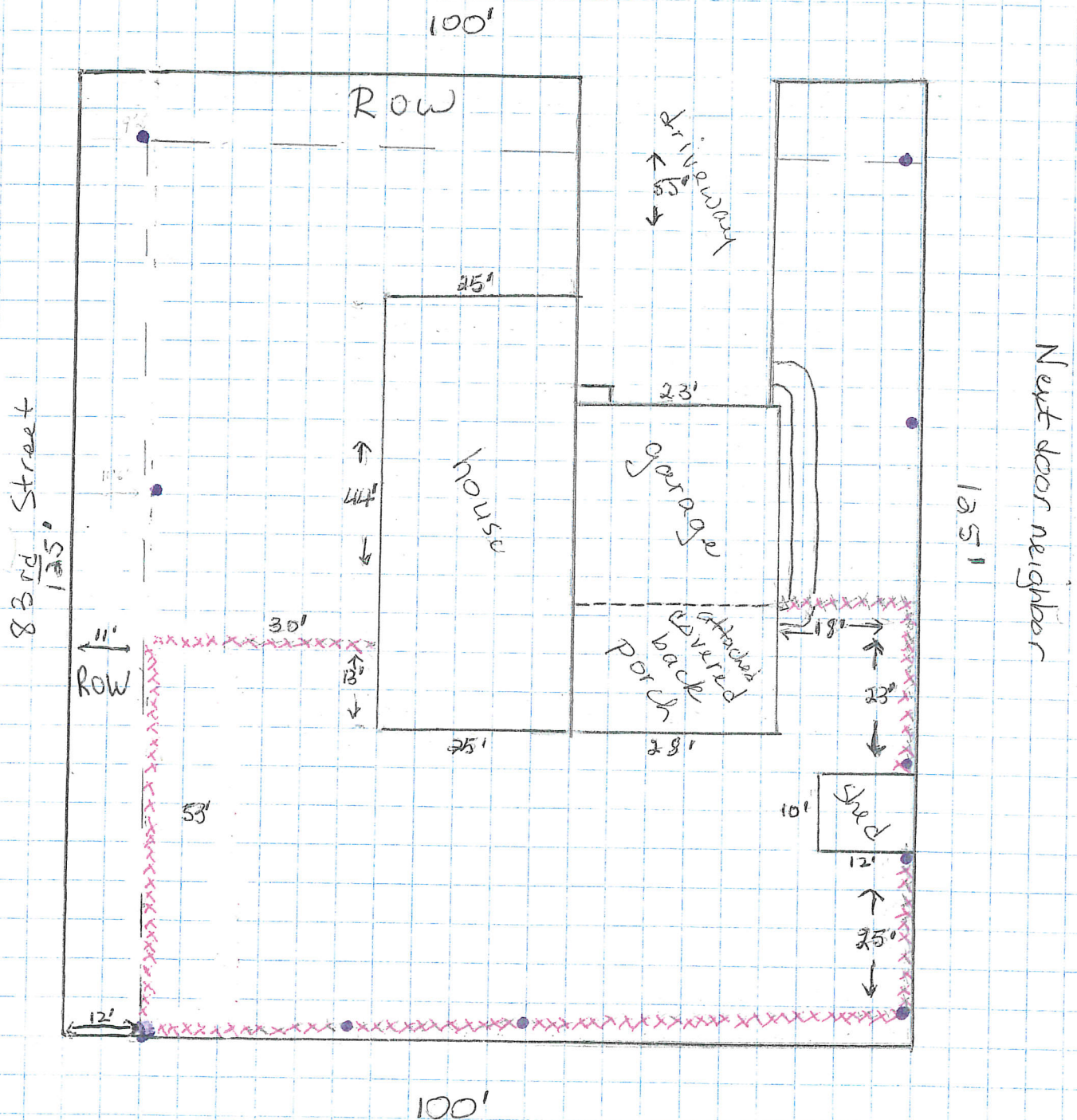
1. Requiring a reduction to 42" along the north/83rd Street side of the property, according to the contractors who viewed the property, will reduce the support the fence will provide for my grandson, as well as increase the risk that the dog will be able to jump it. That risk increases in the winter months when the snowpack on the ground reduces the height between the snow cover and the top of the fence.
2. Moving the fence back flush with the north side of the house results in a loss of 1590 square feet of the proposed fenced yard, a significant loss in terms of a secure play area for my grandson and area for the dog to run.
3. We made the decision to go with the black vinyl chain link fence because it is the least obtrusive for the neighborhood and provides the best option for visibility at corners and along the roads since that type of fencing is essentially see-through, unlike the other options. Additionally, the setback of approximately 12 feet from the street to the property line, by itself, already helps reduce visibility issues.

Granting this variance will provide both an increased practical and beneficial use of the property. We sincerely request your approval. Thank you for your time and consideration in this matter.

Property Diagram
8315 Cleadis Avenue

Attachment #3

Cleadis Avenue



- x Proposed fence
- Property markers





edge of
property

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: August 31, 2018

CASE NO: 18-51X

HEARING DATE: September 4, 2018

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: N/A

REQUEST: Review of Capital Expenditure associated with storm water basin project

LOCATION: N/A

COMPREHENSIVE PLAN: N/A

ZONING: N/A

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The Engineering Department is working on public improvement project consisting of construction of a stormwater treatment pond near 6701 River Road on city property. The estimate for the project cost is \$599,000.

Per State Statutes, the Planning Commission must review capital improvement projects for consistency with the Comprehensive Plan (Minnesota Statute 462.356 subd. 2). Since this was not spelled out in the 5 year capital improvement plan, Planning Commission must take action.

EVALUATION OF THE REQUEST

Compliance with the Comprehensive Plan. Minnesota Statutes requires the Planning Commission to review capital improvement projects to verify they are in compliance with the City's Comprehensive Plan.

The capital improvement project would fall under the Surface Water Management chapter of the comprehensive plan. The project would be consistent in that it would be part of the continual improvement and upgrades for the overall city stormwater system.

ALTERNATIVES

A. **Approval**. If the Planning Commission finds the request acceptable, the following actions should take place:

- An Approval recommendation that stormwater treatment pond project near 6701 River Road is consistent with the Comprehensive Plan.

B. **Denial**. If the Planning Commission does not find the proposed project consistent with the Comprehensive Plan, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

The Engineering Department and Planning Staff both recommend the capital expenditure be found consistent with the Comprehensive Plan.

Attachment: Memos from Tom Kaldunski, City Engineer

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Allan Hunting, City Planner

FROM: Thomas J. Kaldunski, City Engineer TJK

DATE: September 4, 2018 Planning Commission Meeting

SUBJECT: Comprehensive Plan Review
City Project No. 2017-17 – Dickman Trail Stormwater Basin

The Planning Commission should review the project, estimated to cost \$599,000, to ensure it is consistent with the City's Comprehensive Plan. The project consists of constructing a stormwater treatment pond near 6701 River Road on City property. The proposed stormwater pond will serve four parcels comprised of one City-owned property and three residential properties. This facility will also serve ten parcels in the vicinity of Dickman Trail and Dixie Avenue.

TJK/kf

Attachments: Location Map

cc: Scott D. Thureen, Public Works Director
Tim Kuntz, City Attorney
Steve Dodge, Assistant City Engineer

