INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA

Tuesday, September 18, 2018 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR SEPTEMBER 4, 2018

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 ADAM FISCHBACH - CASE NO. 18-49V

Consider a **variance** to construct a porch addition 27 feet from the rear property line whereas 30 feet is the required setback on the property located at 6444 Coryell Court.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 4, 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 Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the August 21, 2018 Planning Commission meeting were approved as submitted.

PETE KAMISH – CASE NO. 18-47V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to construct a 1,200 square foot detached accessory building whereas 1,000 square feet is the maximum allowed on an R-1C zoned property, for the property located at 4046 – 60th Street. 13 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 construct a 1,200-square foot accessory structure whereas 1,000 is the maximum size allowed. The property is zoned R-1C, Single Family Residential, and is almost 2.4 acres in size whereas lots in this district are typically 12,000–15,000 square feet. Staff does not believe there is sufficient rationale to support all variance criteria and recommends denial of the request.

Commissioner Scales noted that similar requests for larger buildings were common and he questioned whether Council has ever directed staff to consider reevaluating maximum accessory structure size allowed.

Mr. Hunting replied that Council has not raised the issue of allowing larger accessory buildings in the R-1C zoning district.

Commissioner Simon asked if staff heard from neighbors.

Mr. Hunting replied they had not.

Chair Maggi asked approximately how large a two-car garage would be.

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Mr. Hunting replied approximately 500 square feet.

Chari Maggi asked if a 1,000 square foot building would allow for multiple vehicles.

Mr. Hunting replied in the affirmative, stating 1,000 square foot building would allow for at least a three-car garage.

Opening of Public Hearing

Pete Kamish, 4046 – 60th Street East, advised he was available to answer any questions.

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

Mr. Kamish replied in the affirmative.

Commissioner Simon asked if there was a lean-to next to the existing garage.

Mr. Kamish replied there was no lean-to.

Commissioner Lissarrague asked the applicant how old his children were that were of driving age.

Mr. Kamish replied 17 and 19.

Commissioner Lissarrague asked the applicant to elaborate on the safety concerns referenced in his narrative.

Mr. Kamish replied that they must back down the steep driveway into the cul-de-sac as there is not enough room to turn around on top near the existing garage.

Commissioner Niemioja asked the applicant why a 1,200 square foot building was needed versus a 1,000 square building.

Mr. Kamish replied that 1,200 square feet was needed to store all their vehicles, boats, lawn equipment, etc.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi noted that although it seemed like a reasonable request she could not find a practical difficulty.

Commissioner Scales stated he would support the request if anyone could define a practical difficulty. He did not have an issue with the size of the proposed building and felt it was appropriate for the neighborhood and the lot.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Robertson, to deny the request for a variance to construct a 1,200 square foot detached accessory building whereas 1,000 square feet is the maximum allowed on an R-1C zoned property, for the property located at 4046 – 60th Street, based on the staff report and lack of a practical difficulty.

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

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Commissioner Lissarrague stated that he hoped the City Council would find some flexibility in this case and others like it.

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

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a 48-inch chain link fence whereas 42 inches is the maximum height allowed within the corner front property, for the property located at 8315 Cleadis Avenue. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a variance to allow a chain link fence 48 inches high within the corner front yard setback. The ordinance requires all fences within a front yard area to be no taller than 42 inches and at least 75% open visibility. The applicants are proposing a chain link fence, which complies with the visibility requirement, but they are requesting it to be 48 inches high instead of the 42-inch maximum. Because it is on a corner lot the applicants must conform to the rules for two front yards. The reasons for the fence rule appear to be mainly traffic visibility and aesthetics. A practical difficulty can be found in the fact that 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. Staff recommends approval of the request with the condition listed in the report. Staff did not hear from any abutting property owners.

Commissioner Wippermann asked what would be the reason for the practical difficulty that prevents them from complying with the code.

Ms. Botten replied that the applicant got quotes from several fence companies, who all recommended the 48-inch height for safety and security purposes.

Commissioner Wippermann asked which portions of the fence required the variance.

Ms. Botten showed the location of the fence portions requiring a variance.

Commissioner Wippermann asked where the fence could be moved to comply with the code.

Ms. Botten replied it needed to be moved 30 feet, which would line it up with the house.

Commissioner Robertson asked how far the proposed fence would be from the lot line.

Ms. Botten replied it would be located on the property line.

Commissioner Robertson asked if that was allowed.

Ms. Botten replied in the affirmative, stating the fence could be up to the property line, which was 11 feet from the curb.

Commissioner Robertson asked if the applicant was requesting to have the fence go to the curb.

Ms. Botten replied they were not as no fencing was allowed in the right-of-way.

Commissioner Robertson asked where the applicant's front door was located.

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Ms. Botten replied the front door was on the east side of the home facing Cleadis Avenue.

Commissioner Niemioja asked if staff heard from any neighbors.

Ms. Botten replied they had not.

Commissioner Kramer asked if there were any issues with the fence abutting the private road to the west.

Ms. Botten replied there were no additional requirements; it would just be considered the rear property line.

Commissioner Wippermann asked if this means every corner lot that normally would require a 42-inch fence could have a 48-inch fence.

Ms. Botten replied no, each application would be looked at individually. In this case the fence would be 70 feet from the front property line on Cleadis and it would not affect any traffic visibility.

Commissioner Robertson said this is the second request for a variance that we have dealt with in two meetings. She is feeling perplexed about what our criteria that enable people to come forward and say I want a higher fence. Some of it is tied to what is considered side yard but for me this one, if I looked quite objectively at it, is not one that is honored by our existing code. But at the same time, we are likely to get more requests from people that want higher fences or fences into setbacks and it might be good to get some clarity about some time.

Ms. Botten noted that the two requests were different in that the last request was for a solid fence on an interior lot.

Opening of Public Hearing

Christina Malmgren-Midby and Marnie Midby, 8315 Cleadis Avenue, advised they were available to answer any questions.

Chair Maggi asked the applicants if they read and understood the report.

The Midby's replied in the affirmative.

Commissioner Lissarrague asked the applicants if a 42-inch fence would be acceptable.

Ms. Malgren-Midby replied that they discussed the proposed fence with several contractors and they all agreed that the additional height would provide more stability and protection for her seven-year-old grandson and energetic puppy. The additional height would help keep the dog from jumping the fence, especially in the winter when there is snow pack.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi believed this request to be different than the one discussed at the last meeting and noted there was a stated practical difficulty they could use.

Commissioner Scales stated he supported the request since it was a corner lot and was not affecting sight lines.

Commissioner Lissarrague stated he had a similar situation in which he had a fence that he had to

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rebuild taller as it was not high enough to confine his dog.

Planning Commission Recommendation
Motion by Commissioner Lissarrague, second by Commissioner Weber, to approve the request for a variance to allow a 48-inch chain link fence whereas 42 inches is the maximum height allowed within the corner front property, for the property located at 8315 Cleadis Avenue.

Commissioner Wippermann stated he would be voting no as he did not believe it met the criteria for a variance and that the stated practical difficulty was a bit of a stretch.

Commissioner Weber noted that if this was an interior lot the applicant would be allowed to have a seven-foot solid fence in this entire area.

Motion carried (8/1 - Wippermann). This item goes to the City Council on September 10, 2018.

Chair Maggi asked if there was a process by which the Commission could make a recommendation to Council to look at perhaps increasing the allowed building size. Also, should the code be reevaluated if the industry standard was now for a 48-inch fence rather than 42-inch.

Mr. Hunting replied that Commissioners could include that verbiage in their motion.

Commissioner Scales recommended that City Council direct staff to look at reevaluating maximum building size and fence height.

Chair Maggi clarified that she was not necessarily recommending the fence height be adjusted, but rather looking into whether the industry standard had changed.

Commissioner Kramer seconded Commissioner Scales' recommendation, stating perhaps building size allowed should be a percentage of lot size rather than a flat number.

Commissioner Niemioja stated it would be beneficial for the Planning Commission to have a mechanism for recommending to City Council that they look differently at certain requests.

Chair Maggi stated it would be helpful to evaluate whether the 1,000 square foot limit was a common reason for a variance request.

OTHER BUSINESS

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

Presentation of Request
Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Engineering Department is proposing to construct a stormwater pond which will improve stormwater running into the Mississippi River. The water is currently being piped out to the Mississippi River untreated which has resulted in a plume of sediment going into the river. The proposed stormwater pond will capture the water, treat it, and pipe it the clean water into the river. The project cost is just under $600,000 but 80% of that will be covered by grant monies; the remaining 20% will be covered by the Stormwater Utility Fund. The Planning Commission is being asked to make a recommendation on the expenditure's consistency with the Comprehensive Plan.

Commissioner Weber asked if the neighbors would be notified of this project.

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Mr. Hunting replied that the Engineering staff already held a neighborhood informational meeting.

Commissioner Kramer asked if the proposed stormwater pond was adequately sized to accommodate future redevelopment along Dickman Trail.

Mr. Hunting replied in the affirmative.

Commissioner Weber asked what the distance was between the closest home and the proposed stormwater basin.

Mr. Hunting replied that he did not know the exact location of the proposed basin, or what the distance was, but the code does not stipulate any setbacks from a pond to a house.

Commissioner Wippermann asked for clarification that the Commission would not be approving the actual cost, but rather be making a recommendation on the expenditure being consistent with the comprehensive plan.

Mr. Hunting replied in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Wippermann, to find the capital expenditure for a stormwater treatment pond project near 6701 River Road be found consistent with the Comprehensive Plan.

Commissioner Robertson noted that most of the expenditures were covered by grant monies and it seemed like a wise decision to construct this project at a low cost to the City.

Motion carried (9/0).

The meeting was adjourned by unanimous vote at 7:37 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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PLANNING REPORT
CITY OF INVER GROVE HEIGHTS

HEARING DATE: September 18, 2018 **CASE NO.:** 18-49V

APPLICANT & PROPERTY OWNER: Adam Fischbach

REQUEST: A variance from the rear yard setback for a porch addition

LOCATION: 6444 Coryell Court

COMP PLAN: LDR, 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 construct a porch on top of existing deck footings 27 feet from the rear property line whereas 30 feet is required. The deck was constructed in 2002, complying with setback and code requirements. A porch is considered part of the principal structure and must comply with the same setbacks as a home whereas a deck is considered an accessory structure allowing reduced setbacks from property lines. The proposed porch would utilize the existing footings from the deck and would not be located any closer to the property lines than the deck. The property is located in a cul-de-sac and has road frontage along the front and rear of the property along with single-family homes located on each side.

SPECIFIC REQUEST

The following specific application is being requested:

1) A variance to add a 14' x 19.6' (273 square feet) porch that would be located 27 feet from the rear property line whereas 30 feet is the required setback.

EVALUATION OF REQUEST:

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

North, South, East and West –Single family residential; zoned R-1C; guided LDR, Low Density Residential

The proposed porch would be in compliance with all other setbacks, exterior building materials and impervious surface standards. Engineering has reviewed the request and takes no exception to the proposed addition.

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 to encroach into the rear setback 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 porch addition would be consistent with residential use of the neighborhood and would be consistent with the Comprehensive Plan. In respect to the use of the land, impervious surface, side setbacks and other code requirements, the request is in harmony with the provisions in the zoning ordinance.

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

Staff believes the proposed porch to be a reasonable addition to the property. The property currently has a two-tier deck, the porch would be constructed in the place of the existing northerly portion of the deck utilizing the existing footings. The southern portion of the deck would remain and would be closer to the rear property line than the proposed porch.

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

The applicant is proposing to construct the addition over the exact dimensions of the existing deck which would be a three foot encroachment into the required setback. The property is unique in that there are two road frontages on the property along the front and rear property lines. The porch would have minimal impact to the abutting properties as it would be located about 37 feet from the road in the back of the property and about 38 feet from the closest neighboring home.

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

Staff does not believe this variance would 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. The lot has road frontage along the front and the rear of the property. The porch would be located 27 feet from the rear property line, which abuts the right-of-way for Craig Avenue. Additionally, the new living space would be approximately 38 feet from the closest home to the north. Aesthetically, the addition would be partially screened with trees and a fence from the rear property line and would not appear out of the ordinary as the

existing southerly portion of the deck would still be located closer to the property line than the porch addition.

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 the construction of a porch addition 27 feet from the rear property line whereas 30 feet is required subject to the following conditions:

1. The addition 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 porch addition would not be out of character of the neighborhood and is consistent with the comprehensive plan. The request is a typical improvement for a residential property and the three foot encroachment does not appear to have any adverse impacts on the neighboring properties. A practical difficulty can be found for the rear yard setback due to the fact there are two road frontages on the property along the front and rear property lines and the addition would be located over 30 feet from the road and the closest neighboring home.

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

Attachments:
Location Map
Applicant Narrative
Survey
Site Plan

6444 Coryell Court
Case No. 18-49V

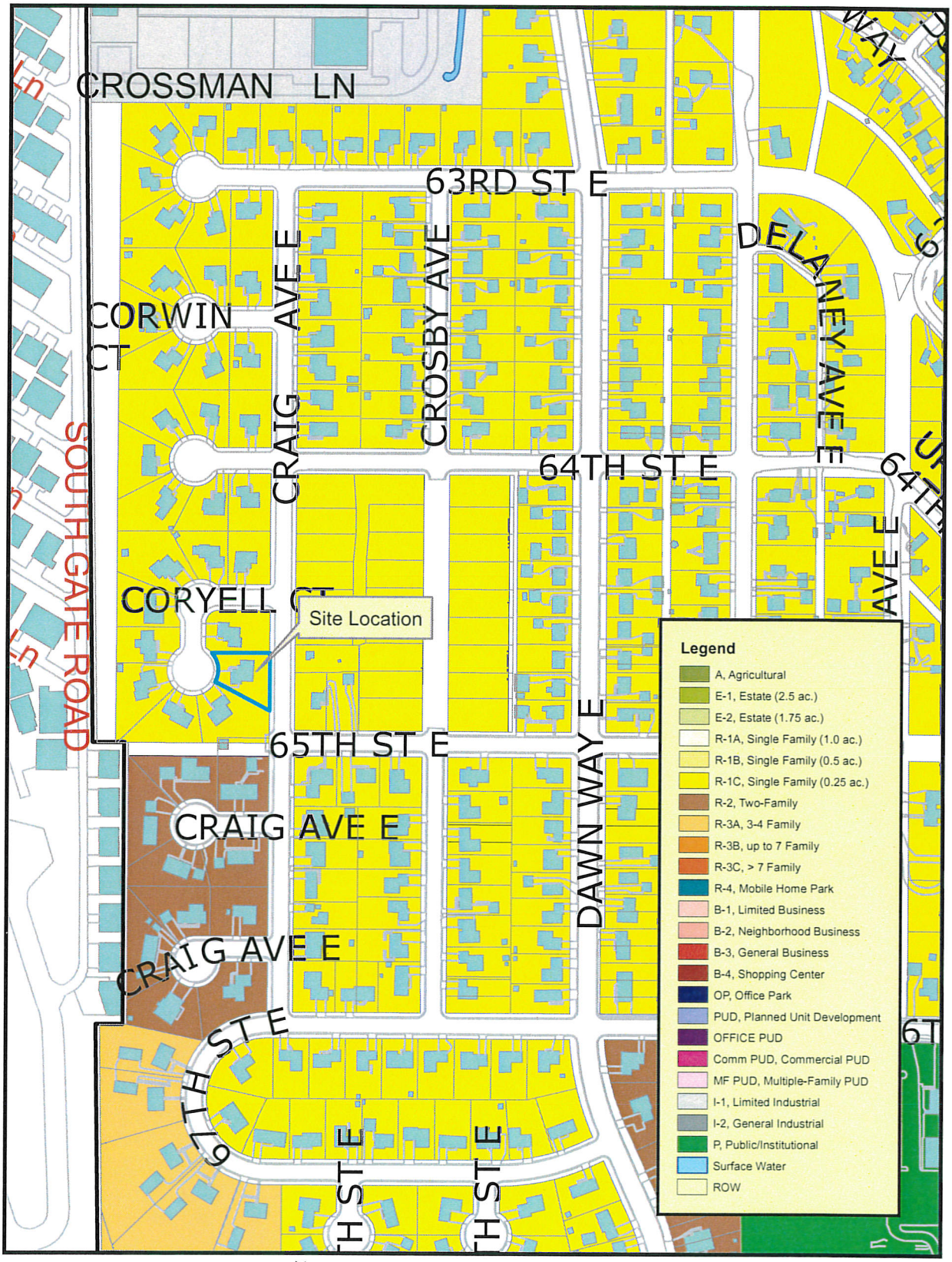

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Exhibit A
Zoning and Location Map
Map not to scale

Variance Request for property located at 6444 Coryell Court

Applicant is requesting a variance from the back-yard setback to allow for the construction of a porch to be 27 feet from the back property line whereas 30 feet is required. Porch will be constructed on top of existing deck foundation. The existing deck meets the setbacks for an accessory structure but not for a principle structure.

Applicant house sits on an irregular lot in a cul-de-sac and also has a street to the back yard. There is also an additional 10 foot "right of way" from the street to property line. A practical difficulty exists due to location of house on irregular lot.

The variance does not affect the supply of light and air to adjacent properties as new porch structure will meet adjacent properties setback requirements. Variance is only requested on back property which is towards Craig Avenue.

Construction of the porch will not add to impervious surfaces. The area under the new porch has existing concrete pad/surface from original home construction.

Additional information related to footings:

Inver Grove Heights Chief building inspector was also previously contacted by applicant concerning existing footings and ability to reuse with porch structure. City inspector visited property and inspected footings and this item has since been closed with inspector approving footings and property file being updated.

6444 Coryell Ct

Certificate of Survey

03/05/2001

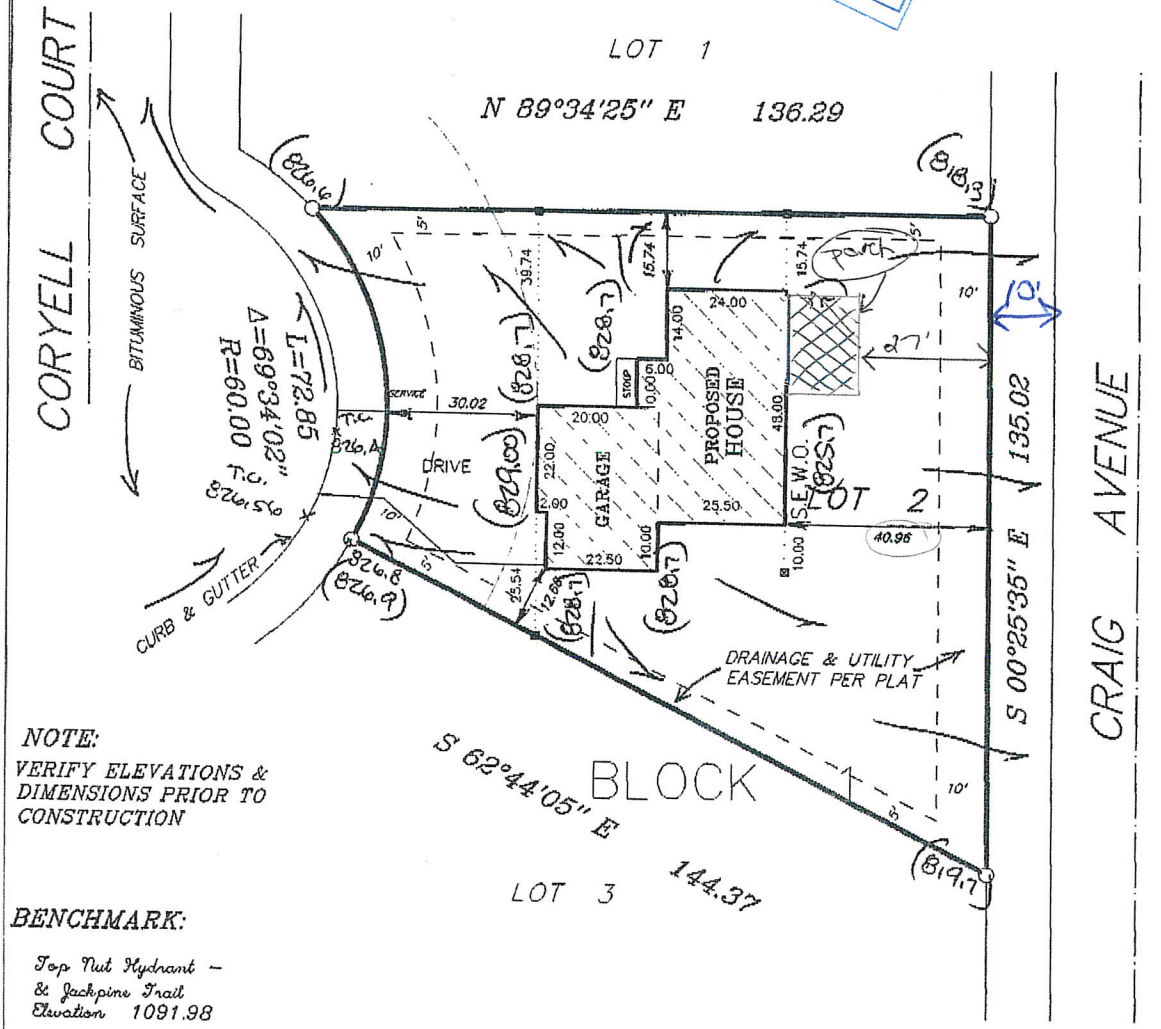
prepared for: *LINDER HOMES*

Legal Description : LOT 2, BLOCK 1,
VILLAGE HEIGHTS 2ND ADDITION
according to the recorded plat thereof,
DAKOTA COUNTY, MINNESOTA

RECEIVED
MAR 08 2001

ADDRESS:
CORYELL COURT
INVER GROVE HEIGHTS

SCALE : 1" = 30'



NOTE:
VERIFY ELEVATIONS & DIMENSIONS PRIOR TO CONSTRUCTION

BENCHMARK:

Top Nut Hydrant – & Jackpine Trail
Elevation 1091.98

o	Denotes iron monument
983.5 x	Denotes existing elev.
(987.0)	Denotes proposed elev.
⊠	Denotes Off-Set hub
(829.33)	= Top of block elev.
829.00	= Top of fin. garage floor
826.17/821.17	= Top of basement floor elev.
	Indicates direction of surface drainage

Westergren & Associates, Inc.
-- LAND SURVEYORS --
13500 ECHO AVENUE LONSDALE, MINNESOTA 55046
PHONE : 507.744.2054 FAX: 507.744.2054

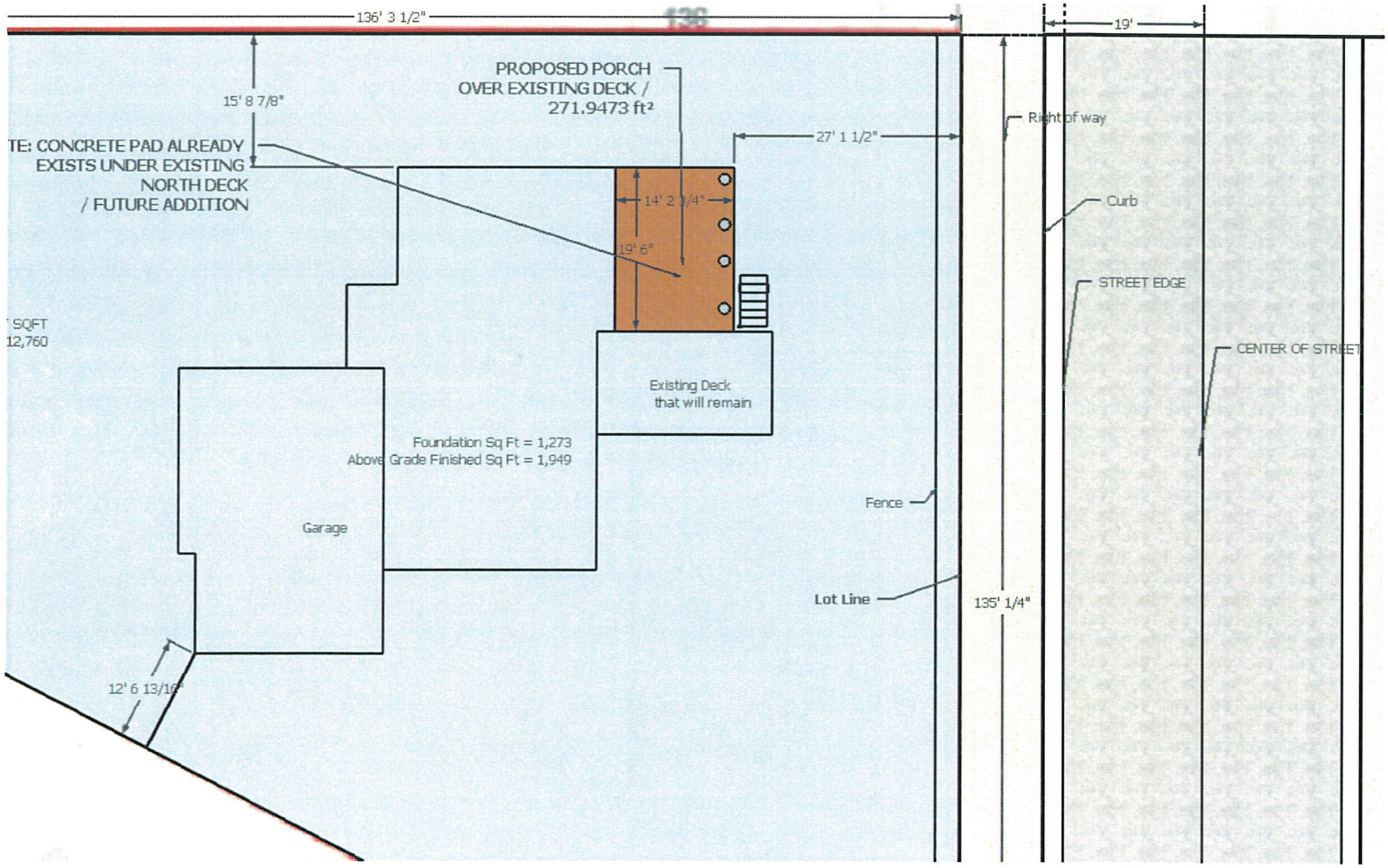
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, WAS EXECUTED IN ACCORDANCE WITH THE CURRENT RECOMMENDED PROCEDURES FOR THE PRACTICE OF LAND SURVEYING ADOPTED BY THE MINNESOTA SOCIETY OF PROFESSIONAL SURVEYORS, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. THIS CERTIFICATE SHOWS THE LOCATION OF ALL BUILDINGS ATTACHED TO SAID LAND, AND THE LOCATION OF ALL VISIBLE ENCROACHMENTS, IF ANY, FROM OR ON SAID LAND. NO LIABILITY IS ASSUMED EXCEPT TO THE CLIENT FOR WHOM THIS SURVEY WAS PREPARED, HIS HEIRS, AND ASSIGNS, AND SAID LIABILITY IS ASSUMED ONLY FOR THE ACTUAL COST OF THIS SURVEY.

Field Book D.C. – G.P.S.
Job NO. J2617

Dan R. Westergren

DATED THIS 8TH DAY OF MARCH 2001.

Dan R. Westergren Minnesota Registration No. 19790


136' 3 1/2"
19'
15' 8 7/8"
PROPOSED PORCH
OVER EXISTING DECK /
271.9473 ft²
27' 1 1/2"
Right of way
TE: CONCRETE PAD ALREADY
EXISTS UNDER EXISTING
NORTH DECK
/ FUTURE ADDITION
14' 2 3/4"
19' 6"
Curb
STREET EDGE
SQFT
12,760
CENTER OF STREET
Existing Deck
that will remain
Foundation Sq Ft = 1,273
Above Grade Finished Sq Ft = 1,949
Garage
Fence
Lot Line
135' 1/4"
12' 6 13/16"