

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, October 16, 2018 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR OCTOBER 2, 2018**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 MICHAEL WISE - CASE NO. 18-56V

Consider a **variance** to allow a fence taller than 42 inches in the corner front setback for the property located at 5834 Blackberry Trail.

Planning Commission Action _____

- 4. ADJOURN**

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 2, 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: Brett Kramer
 Armando Lissarrague
 Annette Maggi
 Elizabeth Niemioja
 Joan Robertson
 Tony Scales

Commissioners Absent: Jonathan Weber (excused)
 Dennis Wippermann (excused)
 Pat Simon (excused)

Others Present: Allan Hunting, City Planner
 Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the September 18, 2018 Planning Commission meeting were approved as submitted.

RONIE AVILES – CASE NO. 18-52C

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for a conditional use permit to exceed the maximum impervious surface allowed, for the property located at 8811 Aviary Path. 43 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant's home was built in 2016 and shortly thereafter they installed a driveway around to the rear of their property, exceeding the maximum impervious surface on the property. The applicant was then told he needed a CUP to allow additional impervious surface, up to 10% of the lot area. The applicant has been working with the Engineering Department on stormwater and grading requirements. The applicant is proposing a rain garden in the southwest corner of the property, which is designed to treat the existing impervious surface over the allowed amount, plus an additional 100 square feet on the property for a future 10 x 10 shed or something comparable. The request meets the general CUP criteria; therefore, staff recommends approval of the request with the two conditions listed in the report. Staff heard from two neighboring property owners who had general questions.

Chair Maggi asked how the applicant became aware that he needed a CUP.

Ms. Botten replied that it was brought to staff's attention during the Certificate of Occupancy process.

Commissioner Robertson asked if the existing driveway extension would have required a permit.

Ms. Botten it would not.

Opening of Public Hearing

Ronie Aviles, owner of 8811 Aviary Path, advised he was available to answer any questions.

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

Mr. Aviles replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Niemioja stated she supported the request and believed the applicant was likely not aware of City rules when he installed the driveway extension.

Planning Commission Recommendation

Motion by Commissioner Niemioja, second by Commissioner Scales, to approve the request for a conditional use permit to exceed the maximum impervious surface allowed, for the property located at 8811 Aviary Path.

Motion carried (6/0). This item goes to the City Council on October 8, 2018.

GRIES ARCHITECTURAL GROUP – CASE NO. 18-53C

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for a conditional use permit to allow automobile and off highway vehicle sales, for the property located at 1350 – 50th Street. 7 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to repurpose the former Best Buy building into an automotive sales and service facility. The request is for a CUP to allow for the automobile and off highway vehicle sales. The major auto repair would be an accessory use to the car sales. No new additions or expansions are proposed at this time. The building exterior would be modified, along with an interior remodel. Staff recommends approval of the request with the 11 conditions listed in the report. Staff did not hear from any neighboring property owners.

Opening of Public Hearing

Jeff Stearns, General Manager of Inver Grove Toyota, 2052 Boulder Road, Chanhassen, advised he was available to answer any questions.

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

Mr. Stearns replied in the affirmative.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Lissarrague stated this was a good opportunity for this building and location.

Chair Maggi agreed, stating it was great to see the building being reutilized.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve for a conditional use permit to allow automobile and off highway vehicle sales, for the property located at 1350 – 50th Street.

Motion carried (6/0). This item goes to the City Council on October 8, 2018.

CITY OF INVER GROVE HEIGHTS – CASE NO. 18-54ZA

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for an ordinance amendment relating to changes to the Accessory Dwelling Unit Ordinance and accessory structure size. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that in 2015 Council adopted an ordinance that allows accessory dwelling units within existing single-family homes or within detached accessory structures subject to conditions and performance standards. The ordinance recites the accessory structure to lot size standards but does not include all the variations. The ordinance does not address ADU's in accessory structures over 1,600 square feet; staff believes this to be an error. To resolve this issue, staff recommends amending the ADU ordinance by striking Condition 5.

Chair Maggi asked for clarification that language regarding the size of a larger structure was included elsewhere in the zoning code.

Mr. Hunting replied in the affirmative.

Commissioner Lissarrague asked if ADU's could be rented out separately or were just for family members.

Mr. Hunting replied that it could be either; however, there were fewer building code restrictions for family members.

Opening of Public Hearing

There was no public testimony.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi supported the request, stating it seemed to be more of a housekeeping issue.

Planning Commission Recommendation

Motion by Commissioner Robertson, second by Commissioner Kramer, to approve an ordinance amendment relating to changes to the Accessory Dwelling Unit Ordinance and accessory structure size by removing Condition 5 from the ordinance.

Motion carried (6/0). This item goes to the City Council on October 8, 2018.

OTHER BUSINESS

Comprehensive Plan Update

Mr. Hunting advised that an open house will be held on November 7 from 5:45-6:45 p.m. to discuss the 2040 Comprehensive Plan Update. Following that, the Planning Commission will hold a public hearing at 7:00 p.m. The consultant will be present at both events. City Council will discuss the update at their December 3 work session and will consider its adoption at the December 10 Council meeting.

Mr. Hunting noted that the November 7 Planning Commission meeting will be held on a Wednesday since Tuesday, November 6 is Election Day.

Commissioner Niemioja asked for clarification that both the presentation and request for approval would be held on November 7.

Mr. Hunting replied in the affirmative.

Commissioner Niemioja asked if she could get a copy of the Comprehensive Plan Update beforehand.

Mr. Hunting advised that a draft document could be found on the City's website.

Chair Maggi asked if the website included an explanation of the key changes.

Mr. Hunting replied that the main item the consultant would be discussing on November 7 was the key changes.

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

HEARING DATE: October 16, 2018

CASE NO: 18-56V

APPLICANT & PROPERTY OWNER: Michael Wise

REQUEST: Variance to allow a fence taller than 42 inches within the front setback

LOCATION: 5834 Blackberry Trail

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner



BACKGROUND

The property owner is requesting a variance to allow the construction of a six-foot high fence, 23 feet from the front property line whereas 30 feet is required. City code requires any fence within a front yard to be no higher than 42 inches and provide at least 75% clear visibility. The property is a corner lot; both road frontages on a corner lot are considered "front yards". The portion of the fence within the front yard setback would be located in a wooded area. The applicant is proposing an open face lattice fence within the front yard setback, complying with the 75% clear visibility requirement. The reasons for the fence requirements 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.

SPECIFIC REQUEST

The following specific application is being requested:

- A Variance to allow a six-foot, open face lattice fence within the front yard setback whereas 42 inches is the maximum height allowed.

EVALUATION OF THE REQUEST

SURROUNDING USES:

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

North, South, East, and West: Single-family homes; zoned R-1C, single-family; guided LDR, low density residential

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 intent of the rule appears to be mainly visibility for traffic and emergency vehicles along the street and driveways. The fence would be located 23 feet from the property line, not affecting any traffic visibility from the road or driveway. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as a residential lot which would contain typical improvements such as fences.

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

City code allows fences 42-inch high, with 75% clear visibility within the front yard setback. Fences along the side and rear property lines can be solid, 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 six-foot, open lattice fence in a small portion of the front yard to be a reasonable use of the property when it is located 23 feet from the property line and over 40 feet from the road.

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 the proposed fence would be located within a wooded area, 23 feet from the front property line and may not even be seen from the road. The fence would not affect the visibility along the right-of-way or neighboring driveway as the right-of-way between the edge of the road and property line is larger than the average at 20 feet, making the location of the fence over 40 feet from the edge of the road.

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

The proposed fence would not alter the essential character of the neighborhood. One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Aesthetically, the open face lattice fence would be located in a wooded area, setback over 40 feet from the edge of the road. There would be no impact to site lines or traffic visibility concerns.

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 actions available for the request:

Approval: If the Planning Commission finds the variance application to be acceptable, the following action should be taken:

A. Approval of the Variance to allow the construction of a six-foot high, open face lattice fence within the front yard setback subject to the following condition:

1. The fence style and location shall be in substantial conformance with the plans 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 six-foot, open face lattice fence within the front setback 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: Location map
 Applicant narrative
 Site plan
 Photos of the property



5834 Blackberry Trail Case No. 18-56V

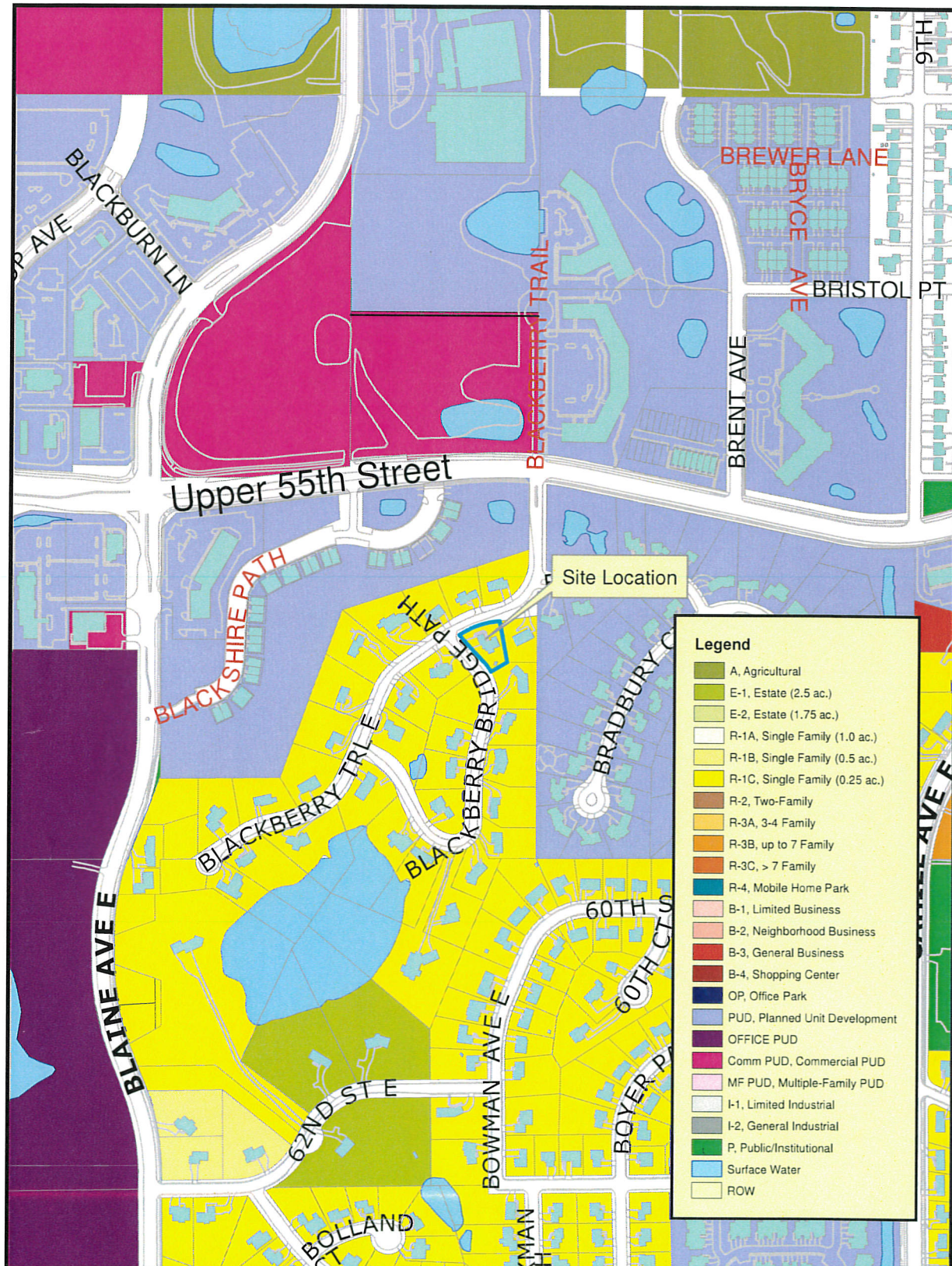


Exhibit A
Zoning and Location Map
Map not to scale

Variance Application Narrative

September 17, 2018

Homeowner: Michael and Cathy Wise

Address: 5834 Blackberry Trail

Inver Grove Heights, Minnesota, 55076

MICHAEL'S CELL: 612-710-2164 HOME: 651-552-1230

E-MAIL: wisem932@aol.com

CATHY WISE CELL: 651-341-1149

Legal Description: # 20-27400-03-020

As Homeowners, we are asking for a variance to construct a fence 23' from the staked southeast corner of the property line and extend north 22' from that point. The goal of our request is to deter deer foot traffic. The length of the fence will stop at an existing wall and tree, which will stop the flow of deer traffic. The fence is very open (as viewed in the image below) and will not be seen from the road as this side of our property is very wooded. If granted the variance, the character of our property will not change. We will gain the ability to landscape without having all plant material (hostas, ferns and shade ground covers) in a very shaded area be eaten by the deer, which now is impossible to grow.



Reynold O. Buckman &
Sharon A. Buckman
5870 Blackberry Bridge Path

fence would be 23'
from south east
property line in
wooded area

Property Corner is
20' from the street

Structure Gone

length of
fence would
be 22'

Area in need of
a variance

Gary M. Keindl &
Cheryl E. Keindl
5880 Blackberry Trail

Kenton R. Miller &
Roslyn A. Miller
5824 Blackberry
Trail

Area of Driveway: 1,335 sq. ft.

Homeowners: Michael and Cathy Wise

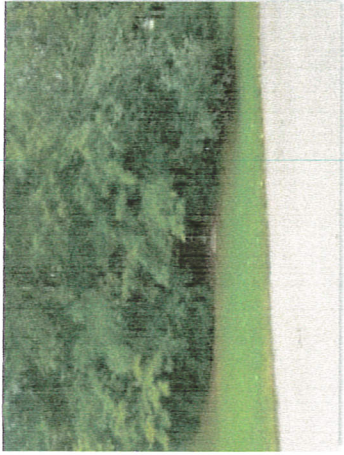
Property ID: 20-27400-03-020

5834 Blackberry Trail
Inver Grove Heights MN, 55076

S-I-M-O-N-S LANDSCAPING 134 13th Ave. South South St. Paul, MN 55075 (651) 431-5877	Title: 2017 Wise	
	Drawn By: Cassie Norman & Patti Simons	
	Date:	9/17/18
	Scale:	0
	Direction:	



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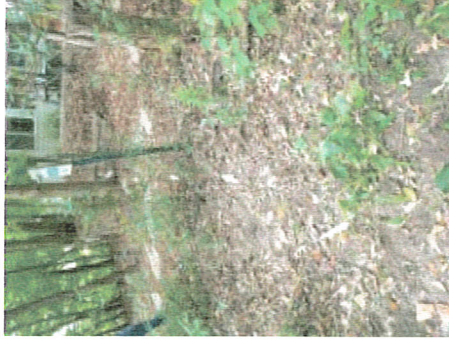
20180825_141607



20180825_141802



flag marking south west property marker behind tree stump



flags marking placement of fence section for variance view from 23' mark towards south west corner of property



flags marking placement of fence section for variance view from 23 feet to property marker at south east corner of property