

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 15, 2022 – 7:00 p.m.
City Council Chambers – 8150 Barbara Avenue

1. CALL TO ORDER

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

Commissioners Present: Elizabeth Niemioja
Dennis Wippermann
Pat Simon
Anthony Scales
Kate Challeen
Jonathan Weber
Robert Heidenreich
Scott Clancy

Commissioner's Absent: Joan Robertson (excused)

Staff Present: Heather Botten, Associate Planner
Kim Fox, Community Development Specialist

2. APPROVAL OF THE PLANNING COMMISSION MINUTES FOR FEBRUARY 2, 2022

The Planning Commission Meeting Minutes for February 2, 2022 were approved as submitted.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS:

BRADLEY & LESLY OSBORN – CASE NO. 22-06V

Reading of Public Notice

Commissioner Simon read the Public Hearing notice to consider the request for Bradley and Lesly Osborn – Case No. 22-06V. The request involves property located at 1770 102nd Street and consists of a variance from the number of detached accessory buildings allowed on the property and a variance from a side setback for a structure over 1,000 feet and any other related variances. Notices were mailed to three property owners on February 2, 2022.

Presentation of Request

Heather Botten, Associate Planner, discussed the request for property located south of 102nd Street, east of Rich Valley Boulevard, and north of Rich Valley Park. The property is zoned E-1, Estate Residential District. The Applicants are proposing a 1,600 square foot detached accessory building on their property that would be located 50 feet from their front property line and 10 feet from their side property line. The property is 2.63 acres in size. There is a 50-foot pipeline easement that runs along the west side of their property. The lot contains a single-family home with an attached garage and a 384 square foot shed located in the southeast corner of the property that the Applicants are looking to keep. Code requires structures over 1,000 square feet in size have at least a 50-foot setback from all property lines. Code also requires that lots of 5 acres or less are only allowed one detached accessory building. The regulations on the size and number of accessory buildings were designed to limit the massing of structures on residential properties. She mentioned that the City Council has reviewed and modified the Code over the years, most recently last year. The Council looked at the size of accessory buildings and increased the size on lots that were 3.4 to 5 acres, but did not touch the number of accessory buildings.

Staff does not believe that the variance to allow more than one accessory structure would be consistent with the Zoning Ordinance. The Applicant's lot provides perimeter screening around the property with the shed tucked back in the southeast corner. Even with screening, Staff considers it a convenience for the Applicant to keep the shed and not a Practical Difficulty. When looking at the property, the pipeline easement limits the buildable area on the lot. There is room on the property in the middle and the rear to comply with accessory structure setbacks. Moving it to that location would require the Applicants to have additional grading and would have a substantial number of trees removed through the side of the property line to put in a driveway. Locating the structure in the rear with the additional driveway improvements, from her calculations, would put them over impervious surface numbers. Depending on where the structure would be, it would be close if not over the impervious surface maximum which then triggers the Applicants to go into a Stormwater Facilities Maintenance Agreement and treat that stormwater on their property. Staff believes allowing the location at the front part of their property a reasonable use due to the conditions and facts listed. Staff recommends denial of the request to allow more than one accessory building and recommends approval of the location of the structure with the conditions listed in the report. Staff has not heard from any of the surrounding property owners.

Commissioner Wippermann asked if there was any conversation with the Applicants about possibly reducing the size of the building so the combined square footage of the new building including the shed would not exceed 1,600.

Ms. Botten responded they did not discuss that with the applicant because they would still need the variance to have more than one accessory structure. If the Commission wanted that to be something to support, the Applicant could be asked if that was something they would consider. Even if reducing it to approximately 1,300 square feet, they would still need the variance for the number of accessory buildings.

Opening of Public Hearing

Brad Osborn, 1770 102nd Street East, has read the report. He addressed Commissioner Wippermann's comment and said he had not considered reducing the building or given thought to one smaller building. Offsetting the allowed minimum square footage, is still two buildings. He said he spoke with Associate Planner Botten who pointed out the pipeline easements. They also have a septic field which is another encumbrance to getting to the back of the yard. He addressed the 50-foot setback on the side line and said to get to 50 feet, they would be pressed right up against the house. Once next to the house it isn't an accessory structure. Due to the size, it would not be visually appealing to do that on the property. He mentioned their neighbors have all built away from that corner of their property with the neighbor to the east being on the opposite end, the neighbor across the street has unusable frontage due to the pipeline crossing the road and in their lot. He said they are located against park property and have the pipeline easement to the west.

He commented when building 25 years ago they didn't fully anticipate a retirement plan to build a building for an RV. Driving down their street there are a lot of them parked in driveways and yards. They wanted this building to house and keep the things they possess inside and not make it unsightly. He said they gave thought to where they built the garden shed. Where it sits on their property is hard to see to the back and is visually appealing in the rural setting they are in. He understands the variance and appreciated codes that prevent what could otherwise happen in rural properties. When they built the shed, they did not anticipate this build, nor to tear it down just to tear it down. It is a well-constructed building.

Chair Niemioja asked if there was poured concrete under the shed.

Mr. Osborn responded no; it is a portable shed.

Commissioner Scales asked if he would tear down the garden shed if it was contingent on the larger structure.

Mr. Osborn responded he probably would. In lieu of that he would probably put smaller structures that are not covered by the Ordinance.

Commissioner Challeen asked if there would be adequate space to store items in the structure he wants to build if he were to tear down the existing shed.

Mr. Osborn responded there would not be. Taking the items out of the garden shed and placing it in the new structure would result in them having to take things back and forth across the property. They would probably choose to build something of a smaller size. With the limitation, they could easily put two smaller buildings there.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja suggested taking the items separately. There is a variance for accessory buildings and a variance for a setback. She said anytime she sees the word pipeline easement, it helps her understand there is a real Practical Difficulty on the property that should allow for a setback variance.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Heidenreich, to approve a setback variance for property located at 1770 102nd Street.

Motion carried (8/0).

Commissioner Scales commented if the Applicant's tore down the smaller structure, they would not need a variance.

Ms. Botten responded they would not need a variance for the number of structures but would need a variance for a setback.

Ms. Botten clarified if a structure is 120 square feet or less, it is not counted toward the number of accessory buildings. She said the Applicant alluded to the fact that he could put two 120 square foot structures on the property versus the one that is currently there.

Commissioner Challeen asked if the building proposed was made big enough to accommodate the items currently in the garden shed would it exceed a size limitation.

Ms. Botten responded any structure over 1,600 square feet would need a variance.

Commissioner Weber asked if E-1's have anything in the City Code pertaining to chicken coops or livestock holding pens. He asked if the sizes were restricted by the accessory structure.

Ms. Botten replied there are items in the City Code pertaining to those. She responded about sizes stating those would be agricultural uses with separate Code requirements.

Commissioner Weber asked if they chose to raise a couple of chickens and use that as a chicken coop if that would have been allowed.

Ms. Botten responded there are certain requirements for chicken coops such as where they can be located on a property. A Permit would be needed. At this time, she was unsure if it would meet requirements.

Commissioner Weber mentioned he doesn't like tearing down beautiful structures. He asked if the shed was measured off of the interior square footage.

Ms. Botten responded in the affirmative.

Chair Niemioja said the Commission still needs to get to a Practical Difficulty on this one. She mentioned it was hard to come to a Practical Difficulty on multiple accessory units and has not been the tendency. She said she did not love the idea of a bunch of 120 square foot buildings. She was unsure if that was really the goal the City Council was going for.

Commissioner Scales said he thought there was room for a solution, maybe not one the Planning Commission could give. There could be a compromise or solution the City Council could work out with the Applicant to determine something that works for everyone. The Planning Commission needs a Practical Difficulty, he was unsure what that would be for this.

Motion by Commissioner Weber, second by Commissioner Challeen, to deny the request for a variance from the number of accessory buildings allowed for property located at 1770 102nd Street with strong emphasis on hoping the City Council can find a reasonable way to allow the structure to stay. Two accessory structures do not meet the current City Code criteria and the Planning Commission is unable to come up with a Practical Difficulty to allow it.

Motion carried (8/0). This item goes before the City Council on March 14, 2022.

4. OTHER BUSINESS

The next Planning Commission Meeting will take place March 1, 2022.

5. ADJOURN

The meeting was unanimously adjourned at 7:18 p.m.

Respectfully submitted,
Sheri Yourczek, Recording Secretary