

## 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 – 60<sup>th</sup> 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.

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 – 60<sup>th</sup> 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 – 60<sup>th</sup> 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.

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.

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. Malmgren-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

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.

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