

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, NOVEMBER 1, 2016 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**

- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR OCTOBER 18, 2016**

- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 DAN LENCOWSKI - CASE NO.16-45V

Consider **Variations** to allow an accessory building larger than the 1,000 square foot maximum size and for the building to be located 17 feet from the side lot line whereas 50 feet is the required setback.

Planning Commission Action _____

3.02 JEFF BURNS - CASE NO.16-46V

Consider a **Variance** to allow a garage addition to be located 44 feet from the side lot line whereas 50 feet is required for the property located at 10405 Andrea Trail.

Planning Commission Action _____

- 4. OTHER BUSINESS**

- 5. ADJOURN**

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PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, October 18, 2016 – 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: Pat Simon
Tony Scales
Armando Lissarrague
Joan Robertson
Annette Maggi
Jonathan Weber
Luke Therrien
Dennis Wippermann

Commissioners Absent: Elizabeth Niemioja (excused)

Others Present: Tom Link, Community Development Director
Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The October 4, 2016 Planning Commission minutes were approved as submitted.

NSP – CASE NO. 16-43SV

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a preliminary and final plat for a one lot subdivision to be known as Inver Hills Tank Farm, and a variance from the side yard setback requirements, for the property located at 3185 – 117th Street. 31 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that NSP owns a 64 acre property located north of 117th Street and west of Highway 52. NSP no longer has a need for the three large fuel tanks that are located on the property and therefore, they are proposing to subdivide a 15 acre parcel containing the fuel tanks. There are no additional structures being proposed and access to the property would remain the same. The uses on the property are not changing so the zoning and comprehensive plan designations are consistent with the proposed plat. Park dedication would be required for the newly created parcel. A variance is also being requested to allow existing structures to be located within the side yard setback of the newly created lot line. The variances would exist until the buildings are removed from the property. Any new structures that would be proposed in the future would have to meet the setback requirements or they would have to apply for a separate variance. The property is unique in that the existing physical condition of the property, in conjunction with a lack of changes to the property, it is unlike other variances and plat requests. Additionally, to relocate the existing structures is not realistic as there could be an impact to the utility infrastructure beyond this parcel. Staff recommends approval of the request with the six conditions listed in the report.

Chair Maggi asked what the function was of the accessory buildings.

Ms. Botten replied that question could better be answered by the applicant.

Chair Maggi asked if they were proposing to sell the property with the three tanks on it.

Ms. Botten replied in the affirmative.

Chair Maggi asked if there would be any issues regarding the truck traffic that would be coming in to empty/load the tanks.

Ms. Botten replied the truck traffic would remain the same as existing.

Commissioner Simon asked if staff heard from any neighbors.

Ms. Botten replied they had not.

Commissioner Robertson asked if there was a belief that someone would want to purchase a property with three fuel tanks on it.

Ms. Botten replied in the affirmative. She stated the tanks are currently being utilized by another user. NSP would like to subdivide and officially sell the property and tanks.

Opening of Public Hearing

Brian Sullivan, NSP, 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 stated that the park dedication fee seemed like a lot of money for a simple subdivision with no proposed changes to the use, number of employees, or traffic volumes.

Chair Maggi suggested he take that concern to City Council as the Planning Commission's purview focused on land use.

Commissioner Simon noted two typos in the narrative regarding the tank setback and another typo in the Xcel Energy narrative.

Ms. Botten advised she would correct the typo in the report prior to forwarding it to City Council.

Chair Maggi closed the public hearing.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Lissarrague, to approve the request for a preliminary and final plat for a one lot subdivision to be known as Inver Hills Tank Farm, and a variance from the side yard setback requirements, for the property located at 3185 – 117th Street, with the practical difficulty as listed in the staff report.

Motion carried (8/0). This item goes to the City Council on October 24, 2016.

RED PINE PARTNERS – CASE NO. 16-44PA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a comprehensive plan amendment to change the land use designation of the property from P/I, Public/Institutional to

LI, Light Industrial, for the property located at XXXX Auburn Path. 10 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 change the land use designation of approximately 8.3 acres from Public/Institutional to Light Industrial. The site is part of a three lot subdivision that was created in the early 2000's when three church groups bought the lots for future church locations. To date, only the lot with the existing cemetery has done any improvements. The applicant is anticipating developing the parcel with a lighter intensity industrial use. The site is currently surrounded by large lot residential to the north, industrial uses to the west in Eagan, a cemetery, vacant church-owned property and residential to the east, and industrial and residential to the south. The City is aware of some traffic issues and traffic backups at peak times on this stretch of Argenta Trail. According to the Public Works Director and the County, as this area develops and sewer is extended, Alverno Avenue and 82nd Street will eventually be realigned to Argenta Trail. If this occurs, it would be some time in the future. The applicant has provided trip generation information that compares traffic generation from some current permitted uses based on the Public/Institutional zoning to industrial uses. It suggests that industrial has a potential of generating less vehicle traffic, however, they would be dealing with different types of vehicles. Institutional could include trucks whereas public institutional would typically be mostly automobiles. The Mendota Lebanon Regional Trail will be built on the west side of the subject property along the City boundary. A trail corridor of approximately 30 feet wide would be required if and when a development application is submitted. If at some point in time industrial development occurred on this property to a level where they needed utilities, they could get sewer and water from Eagan through the joint powers agreement. The Council, through the EDA, has been focusing on expanding industrial and commercial opportunities for the City. This change would provide for that. The change in land use would have the potential to generate employment, tax base, and a variety of goods and services. The extension of Auburn Path could create a land use conflict with future residential development depending upon the routing to connect to either Yankee Doodle or Argenta Trail. Staff recommends approval of the request, with the three conditions listed in the report, as the Council and EDA is focusing on trying to expand industrial commercial opportunities. There has been a lack of interest in this property's public institutional category, which suggests this may not be the best location for those kinds of uses and that perhaps industrial uses is a better alternative as there have been a number of industrial type inquiries over the years. One of the conditions states that the comprehensive plan change shall not become effective until a rezoning and development plan has been approved by the City Council.

Chair Maggi asked what the property was zoned prior to the three churches purchasing it.

Mr. Hunting replied it was guided Low Density Residential and zoned Agricultural.

Chair Maggi asked if the three church parcels were owned by the same organization.

Mr. Hunting replied they each had different landowners.

Commissioner Wippermann asked if the properties to the south were designated light industrial before or after the existing truck repair shop came in.

Mr. Hunting replied he was not sure when the guiding came into effect.

Commissioner Robertson asked for clarification of land acquisition for the future extension of the regional trail.

Mr. Hunting replied it would occur sooner if an application comes in and later if the land continued

to stay vacant.

Commissioner Lissarrague asked if the neighbors would be notified again before any business could come in should the guiding be changed to industrial.

Mr. Hunting replied in the affirmative. He advised that if Council approved the comprehensive plan amendment any development application would require rezoning and site plan approval which would require neighbor notification and a public hearing in front of the Planning Commission.

Chair Maggi asked what uses were allowed on property zoned Light Industrial.

Mr. Hunting replied it is intended to be light manufacturing or movement of goods and could include outdoor storage, contractors yards, light warehousing, mini-storage, etc.

Commissioner Scales asked if the Carmen Avenue area by Heppner's Auto Body and Lofton Label was zoned Light Industrial.

Mr. Hunting replied in the affirmative, stating those types of buildings would be allowed as well.

Opening of Public Hearing

Tony DelDotto, Red Pine Partners LLC, 1421 Horseshoe Circle, Eagan, advised he was available to answer any questions.

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

Mr. DelDotto replied in the affirmative. He stated the site was very secluded and would not be visible from the property owners to the north and east. The lack of City sewer and water makes it difficult to attract anything other than a very light use and is one of the reasons they have not been successful in attracting an institutional use either. The property also has very challenging topography, and is directly adjacent to heavy industrial to the west and a truck repair shop to the south, which would make it an unattractive site for a church. Their plan is to gradually improve the site over time, likely starting with some form of an outside storage use. There is also a thick dense buffer of trees between the subject property and the residential property to the north. With regard to traffic on Argenta Trail, the traffic study indicates that traffic on this road is significantly light compared to many other corridors in the City, such as Lone Oak and 70th Street, Concord Boulevard, and Upper 55th Street west of Highway 52. Even the most intense industrial use on this site would likely only result in an additional 400 trips per day.

Commissioner Lissarrague asked if they currently had anyone interested in purchasing this property.

Mr. DelDotto stated they have no firm commitments but have received interest for a light impact outside storage type use.

Commissioner Robertson advised that she travels this road often and rarely encounters heavy traffic.

Mr. DelDotto stated industrial traffic would be more likely to go directly to Highway 149 rather than using Argenta Trail.

Commissioner Weber asked the applicant if they planned to fence the outdoor storage area.

Mr. DelDotto replied in the affirmative.

Mr. Hunting noted that three emails from neighbors were distributed to Commissioners prior to the meeting.

David Jansen, 7985 Argenta Trail, submitted an email from another neighbor. Mr. Jansen advised that he lived on the lot immediately north of the subject property. He asked if there was a specific time period in which the rezoning would have to occur should the comprehensive plan amendment be approved.

Mr. Hunting replied that he was unaware of that requirement but would research it.

Mr. Jansen was concerned about the lack of a specific plan and the potential for there to be a 60 foot high industrial building in his back yard.

Chair Maggi asked what the maximum height allowed would be in the public/institutional zoning district.

Mr. Hunting stated they would research that and inform Commissioners later in the meeting.

Mr. Jansen was opposed to the request and stated even though the vacant lot may seem secluded now, it would not be once a 60 foot high building was on it. Given the choice he would prefer to look at a 60 foot church rather than an industrial building and outdoor storage. He advised that two years ago a request to build a crematorium on this property was denied by the City Council and he questioned why a commercial use would now be desirable just two years later. He stated this would be spot zoning as it is mostly surrounded by residential in Inver Grove Heights. He stated although it abuts industrial in Eagan they should not base their decision on that as Inver Grove Heights was a different city. He stated he researched his property prior to purchasing it assuming that the zoning would stay the same and that his investment would not be lost due to a use change. He was concerned also that this would set a precedent that would change the nature of the entire area. He stated that although there is a potential tax benefit from a new industrial building, changing the zoning may result in the loss of future potential home sites which could generate even more tax revenue, and he was concerned about how this would negatively affect the quality of life for the residents and change the nature and character of the neighborhood.

Ms. Botten advised that the maximum height allowed in Public/Institutional zoning is 40 feet.

Ralph Taylor, 8334 Argenta Trail, stated although there are three properties guided as light industrial, there is actually only one being used as industrial. His property is one of those three and is clearly residential. The other lot was purchased by the truck repair shop to be used as a buffer area. He stated Argenta Trail is very dangerous on the curve and it is often difficult to get out of his driveway due to the traffic from West Publishing and UPS. He stated the three church properties are platted as a cemetery and could be purchased as a cemetery rather than a church. He also questioned whether the applicant's LLC was registered in Minnesota and stated just because the subject lot is secluded does not make an industrial use appropriate for this area.

Chair Maggi asked Mr. Hunting for further details on the three lots guided as light industrial.

Mr. Hunting advised that whether or not they are used as such, the three properties are guided light industrial.

Commissioner Robertson asked if the properties had been designated light commercial so when they were sold the guiding would already be in place.

Mr. Hunting replied he was unsure of the history.

Commissioner Therrien noted that a public works complex was one of the allowed uses in Public/Institutional, which would be somewhat commercial in nature and more in line with truck repair.

Mr. DelDotto stated he works as a commercial real estate broker with Cushman Wakefield and their LLC is valid. In regard to traffic, he stated that according to the Institute of Transportation Engineers the traffic rates for industrial uses are significantly lower in comparison to the currently permitted uses. He advised that the market for cemeteries is not very strong at this time.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated they often have this challenge when land has sat vacant for quite some time.

Commissioner Weber asked if Outlot D was excluded from the 8.3 acre parcel.

Mr. Hunting replied in the affirmative, stating Outlot D was a road easement and was not part of the usable parcel.

Commissioner Wippermann stated he would not be in favor of changing the guiding as it would affect the neighboring residential property owners' quality of life.

Commissioner Lissarrague agreed, stating he opposed the request as well.

Commissioner Scales stated he struggles with this one because he believes the area will change once City sewer and water is extended. Until an actual plan is proposed he planned to side with the neighboring landowners.

Commissioner Robertson questioned whether people would come in with a clear industrial development plan if the property was not zoned correctly.

Mr. Hunting clarified that the request is for a comprehensive plan amendment only which would not become effective until a rezoning and site plan or conditional use permit application was approved.

Commissioner Scales asked if some of the future land use designations could change during the comprehensive plan update process.

Mr. Hunting replied in the affirmative.

Commissioner Robertson recalled a charter school application in which they were requesting that industrial property be changed to public/institutional. That request was denied and the land has continued to sit vacant. She was concerned that this property too could stay vacant if the request was denied.

Commissioner Lissarrague advised the neighbors that the Commission understood this was a very emotional issue involving people's homes.

Chair Maggi stated the neighbors were used to the parcel being vacant for many years, but Commissioners had to consider what the traffic change would be from a public/institutional use to an industrial use, not from vacant land to an industrial use.

Commissioner Weber stated an industrial use on this property would pull away from the cemetery's vision of serenity, and he noted that none of the families that have buried into the cemetery were aware of this request.

Chair Maggi stated it would have been the cemetery owners' responsibility to notify the families of those buried in the cemetery.

Mr. Hunting agreed, stating the City sends notification to the landowners.

Commissioner Robertson asked if staff heard from the neighboring cemetery owner.

Mr. Hunting replied they had not.

Commissioner Therrien asked for clarification of whether it was the EDA or City Council who has been focusing on expanding industrial and commercial opportunities for the City, stating this would be an opportunity to provide such an opportunity.

Mr. Hunting advised that the City Council is the EDA.

Commissioner Robertson informed the neighbors that City Council would make the final decision on this request and could have a very different perspective from that of the Planning Commission.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Weber, to deny the request for a comprehensive plan amendment to change the land use designation of the property from P/I, Public/Institutional to LI, Light Industrial, for the property located at XXXX Auburn Path, based on the rationale listed in the planning report.

Motion failed (4/4 – Maggi, Robertson, Simon, Therrien). This item goes to the City Council on October 24, 2016.

OTHER BUSINESS

Potential Property Acquisition of 6653 Concord Boulevard

Tom Link, Community Development Director, explained the request as detailed in the report. He advised that Kathleen and Christopher Shepard approached the City and expressed an interest in selling their property at 6653 Concord Boulevard. This property lies in one of the four redevelopment areas shown in the Comprehensive Plan. State Statutes require that the Planning Commission review City acquisitions for consistency with the comprehensive plan. The EDA will be considering this acquisition on November 14. Staff recommends that the Planning Commission find the acquisition to be consistent with the comprehensive plan.

Commissioner Scales asked what areas the City was currently concentrating on for development.

Mr. Link replied there were multiple sites, including the Northwest Area for greenfield development and the Concord area for redevelopment. There has also been discussion of the Arbor Pointe area, the Gun Club property lying along the east side of Highway 52, and a number of other scattered sites as well.

Commissioner Simon asked if a consultant had been chosen yet to do the Comprehensive Plan Update.

Mr. Link stated that will be determined at the October 24 City Council meeting.

Motion by Commissioner Wippermann, second by Commissioner Simon, to recommend that the acquisition of the property located at 6653 Concord Boulevard by the EDA is in compliance with the Comprehensive Plan.

Motion carried (8/0). This item goes to the EDA on November 14, 2016.

Chair Maggi advised Commissioners that she met with the planning staff to discuss variances and what constitutes a practical difficulty. They decided to have a representative from the League of Minnesota Cities make a presentation to the Planning Commission in regard to the statute language.

Commissioner Robertson asked if a representative from the City Council could attend the presentation as well so both decision groups could hear it at the same time.

Mr. Link agreed to extend the invitation through staff to the City Council.

The meeting was adjourned by unanimous vote at 8:26 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: October 28, 2016

CASE NO: 16-45V

HEARING DATE: November 1, 2016

APPLICANT/PROPERTY OWNER: Dan Lencowski

REQUEST: A Variance from maximum accessory structure size and from side yard setback

LOCATION: 9311 Rich Valley Boulevard

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is proposing to construct an addition to an existing detached accessory structure. The current structure is 528 square feet in size. The request is to expand the existing structure by 572 square feet to a total size of 1,100 square feet. The property is zoned A, Agricultural and is 1.1 acres in size. Lots zoned Agricultural with lots less than 2.5 acres in size are allowed a maximum of one accessory structure not to exceed 1,000 gross square feet. In all districts, accessory structures greater than 1,000 square feet in size require a minimum setback from all property lines of 50 feet. The current accessory structure is setback 17.7 feet from the side property line. Side yard setback in the Agricultural district is 50 feet.

The house on the property was constructed in 1950. Our permit records indicate the garage was built in 1969. It is unclear what the required setback was at the time. Many of the lots in the area were created before any city ordinances were in effect as many of the homes in the area were built in the early 1950's and 1960's.

EVALUATION OF THE REQUEST

The following land uses, zoning districts, and comprehensive plan designations surround the practice driving range area which is at the corner of 70th Street and Babcock Trail:

North – Large lot residential, church; zoned A, E-1/PUD, P; guided RDR, Public Open Space.

East - Large lot residential; zoned A; guided RDR

West – Large lot residential; zoned A, E-1/PUD; RDR

South – Large lot residential; zoned A; guided RDR

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 zoning code provides for different size accessory structures in relation to lot size. The Council felt larger accessory structures could be allowed on larger lots, but, larger structures had a greater potential for negatively impacting neighboring properties and therefore required a greater setback. An expansion of the structure up to 1,000 square feet along the existing setback line would seem reasonable and consistent with the intent of the ordinance. The RDR designation is intended for large lot residential and agricultural uses on lots without city sewer and water. Allowing the addition 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.*

The existing garage was constructed in 1969 and it is unclear what the required setbacks were at the time. It would seem reasonable to allow some expansion along the existing established setback line provided the building goes no closer to the property line. Expanding the structure greater than 1,000 square feet as a reasonable use may be questionable as this has a greater impact on required setbacks established recently to address potential greater impacts of larger accessory structures. The property immediately to the east is vacant and the property to the southeast has the house over 1,000 feet away from the proposed garage addition.

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

The landowner purchased the property with a garage that was built with a permit but does not meet current setbacks. It does not seem practical to require the 25 foot required setback (structures 1,000 sq ft or less) for an expansion along an established setback line. Expanding the structure over 1,000 sq. ft., thus requiring the 50 foot setback, could be considered a circumstance created by the landowner and does not meet variance criteria.

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

The surrounding area is developed with residential homes on large lots. Accessory structures would be a typical accessory use. Allowing an expansion of the structure would not alter 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:

- Approval of a **Variance** to allow for an accessory structure greater than 1,000 square feet in size subject to the following conditions:

1. The site shall be developed in substantial conformance with the Site Plan dated 9/26/16 on file with the Planning Division except as modified herein.

Practical difficulty: Planning Commission to state practical difficulty.

- Approval of a **Variance** to allow a 17.7 foot setback for an accessory structure greater than 1,000 square feet in size, whereas 50 feet is required subject to the following conditions:

1. The site shall be developed in substantial conformance with the Site Plan dated 9/26/16 on file with the Planning Division except as modified herein.

Practical difficulty: Planning Commission to state practical difficulty

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

RECOMMENDATION

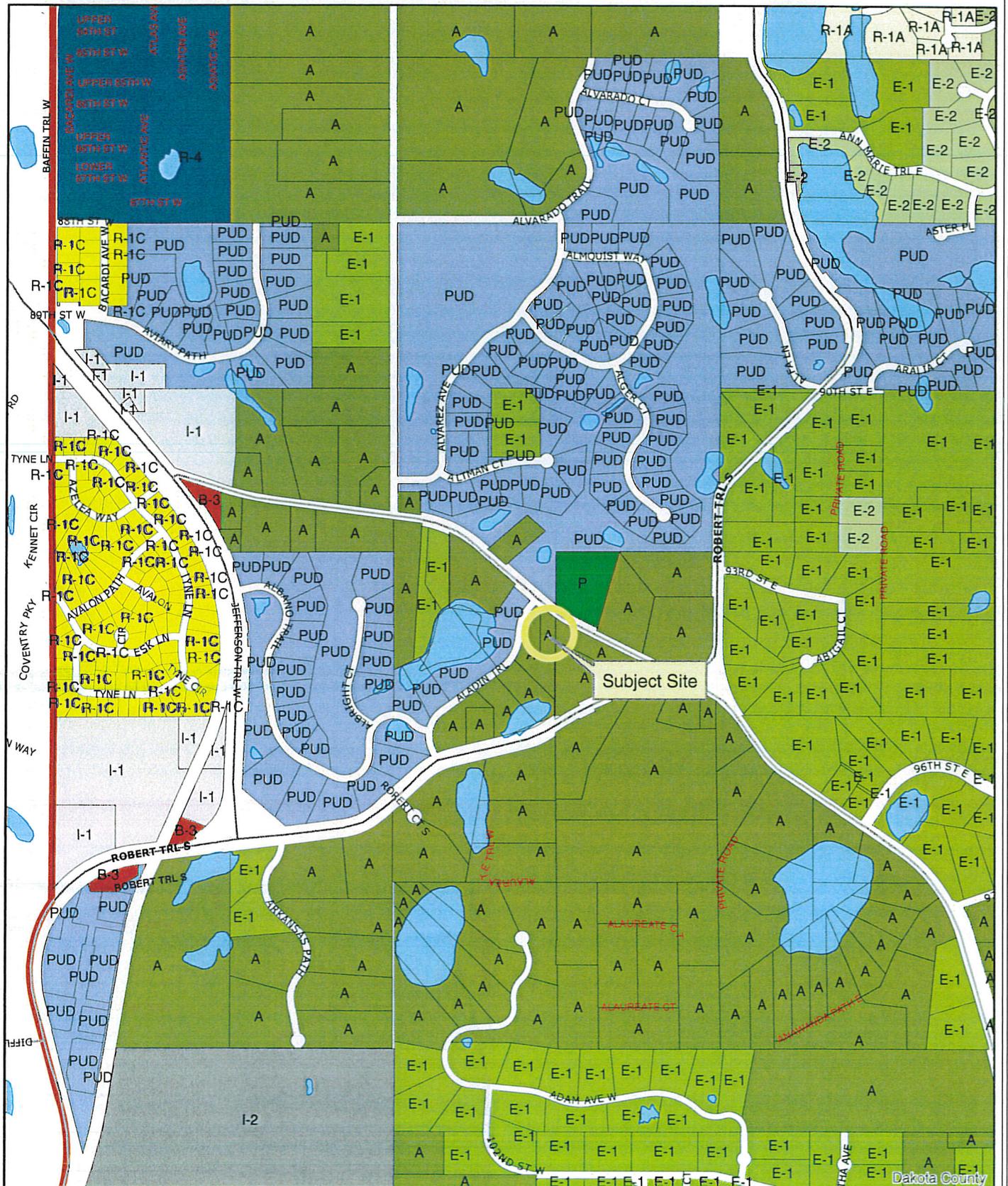
Staff feels an expansion along the established setback line of 17.7 feet seems reasonable as long as the structure stays at 1,000 square feet or less. Expanding the structure above 1,000 square feet, thus requiring the 50 foot setback, does not appear to be consistent with the intent of Council's action to require greater setbacks for larger buildings because of the potential for greater impact to abutting properties. Staff recommends approval of the expansion along the established 17.7 foot setback provided the structure is no larger than 1,000 square feet.

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



Location Map

Case No. 16-45V



Request for Variance

To whom this may concern,

I am requesting a variance from zoning restrictions in accordance with Inver Grove Heights City Code Title 10-3-4. My property is located at 9311 Rich Valley Blvd which is zoned as Agriculture District. I would like to add on to my garage. Currently, the garage is 24' deep by 22' wide and would like to add on 22' deep by 26' wide. The current garage structure is approximately 17.7 feet from the side property line. The new garage would extent straight back and would not encroach the side property line any more than the current garage (see Construction Plans for more details). Title 10-7-2 requires a side yard setback of 25 feet or 50 feet for accessory structures that are greater than 1,000 square feet. The Code is impossible and results in practical difficulty due to the narrowness of lot.

We would use the variance in a reasonable manner. With a bigger garage, we would be able to store and do maintenance on our vehicles, lawn equipment, and recreation vehicles in doors. Also, this would improve the appearance for the community and have many other benefits. This variance would be in harmony with the general purposes and intent of the zoning ordinances and is consistent with the Comprehensive Plan. The variance would not alter the essential character of the locality. We purchased this house in April and have not brought on any self-created hardships.

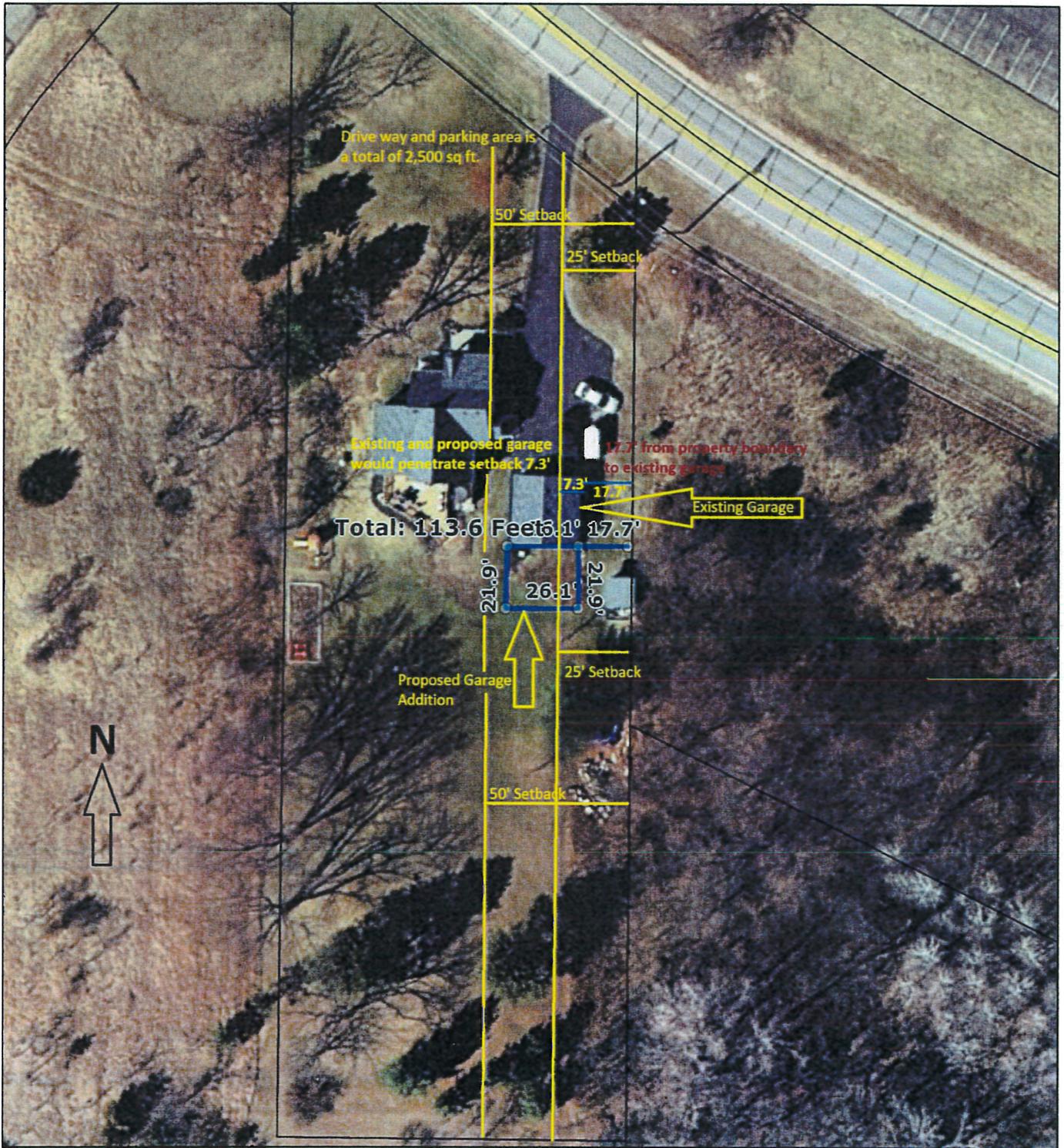
The adjacent property owner is David Aymond, and their address is 9401 Rich Valley Blvd. The property directly across the street is the Mariana Ranch Trails owned by the City of Inver Grove Heights (9236 Rich Valley Blvd). Also, across the street is property owned by Berea Lutheran Church at 9308 Rich Valley Blvd.

Thanks,

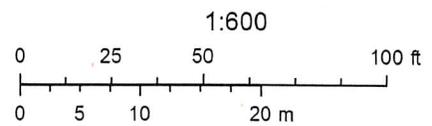
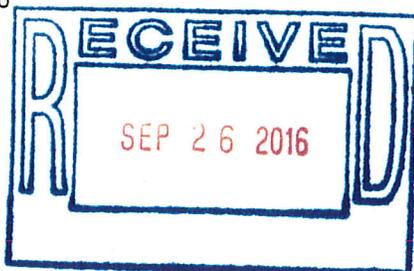
A handwritten signature in black ink, appearing to read 'DL', with a horizontal line extending to the right.

Dan Lencowski

Dakota County, MN

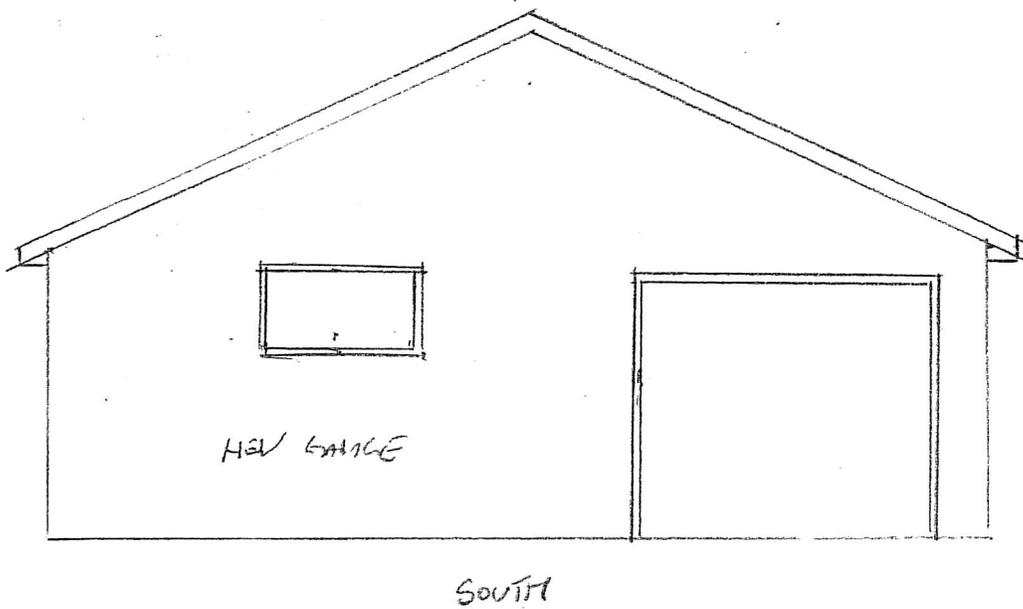
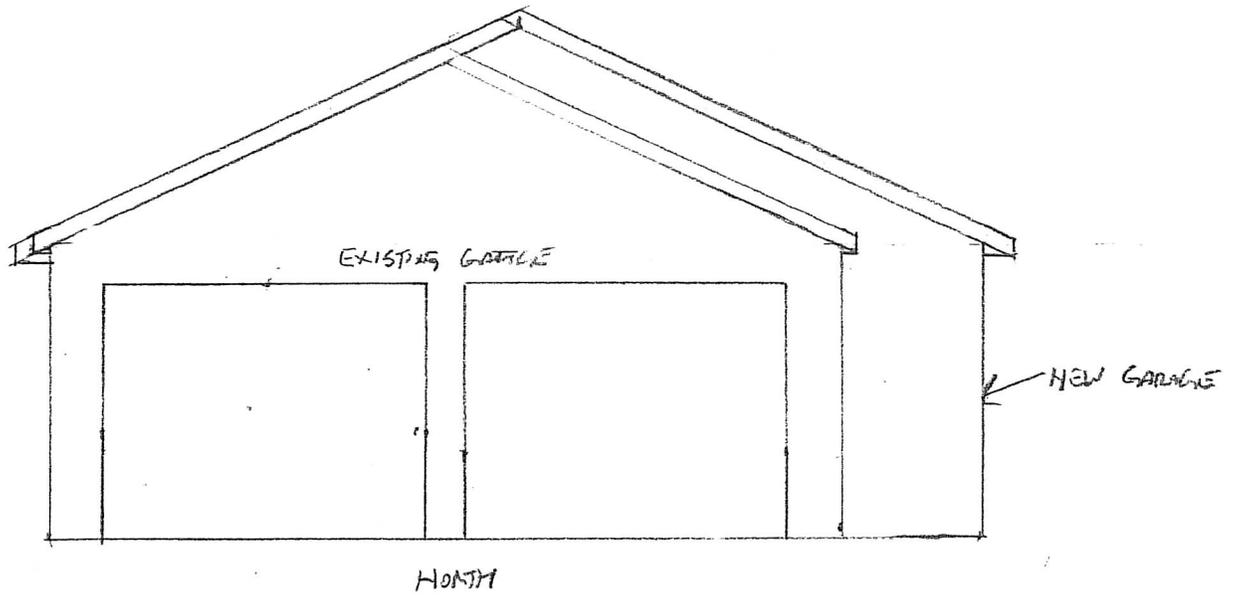


September 24, 2016



Property Information

Construction Plans

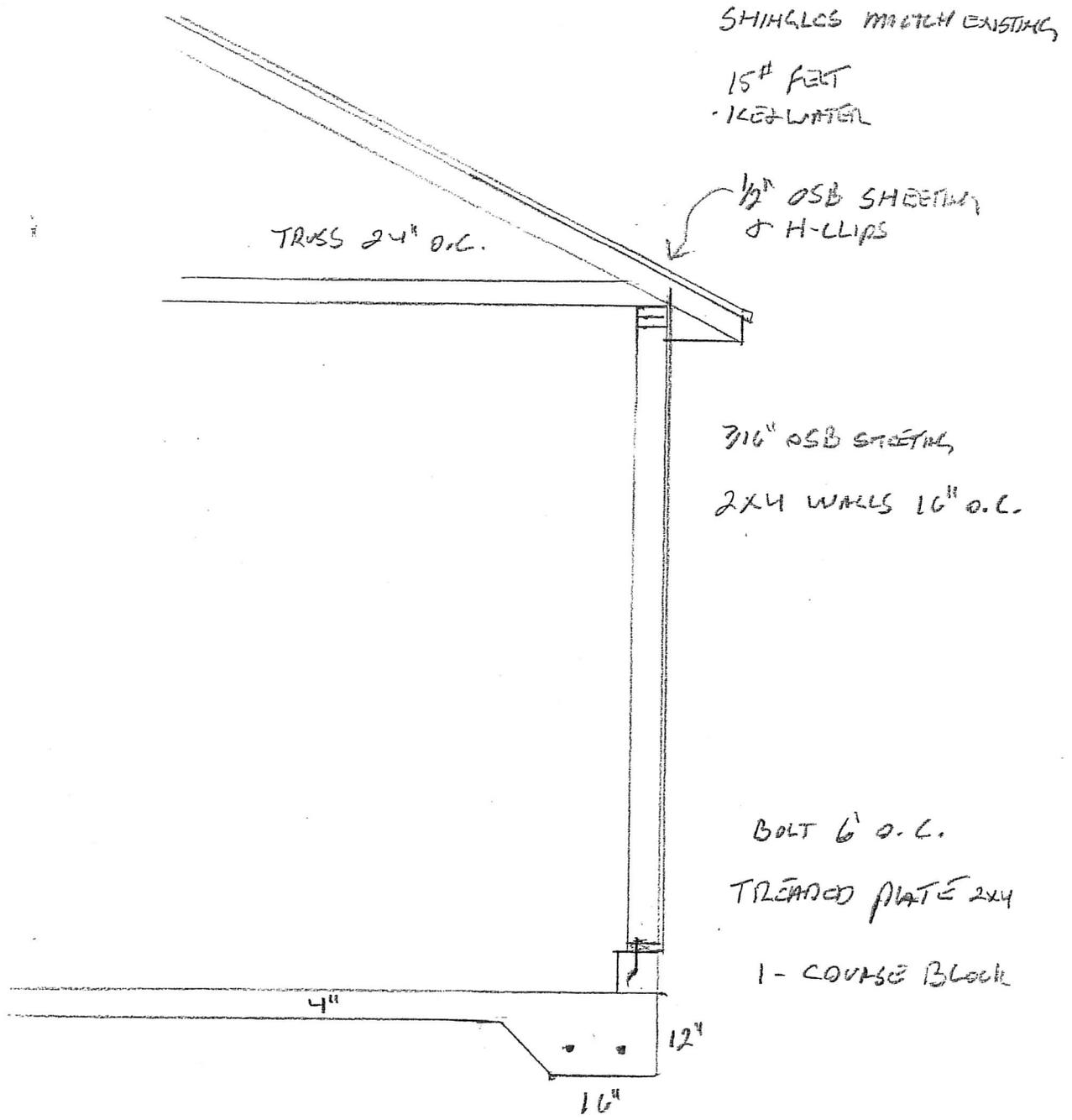


DAH LEHCOWSKI
9311 RICH VALLEY BLVD
FARM MINN 55077

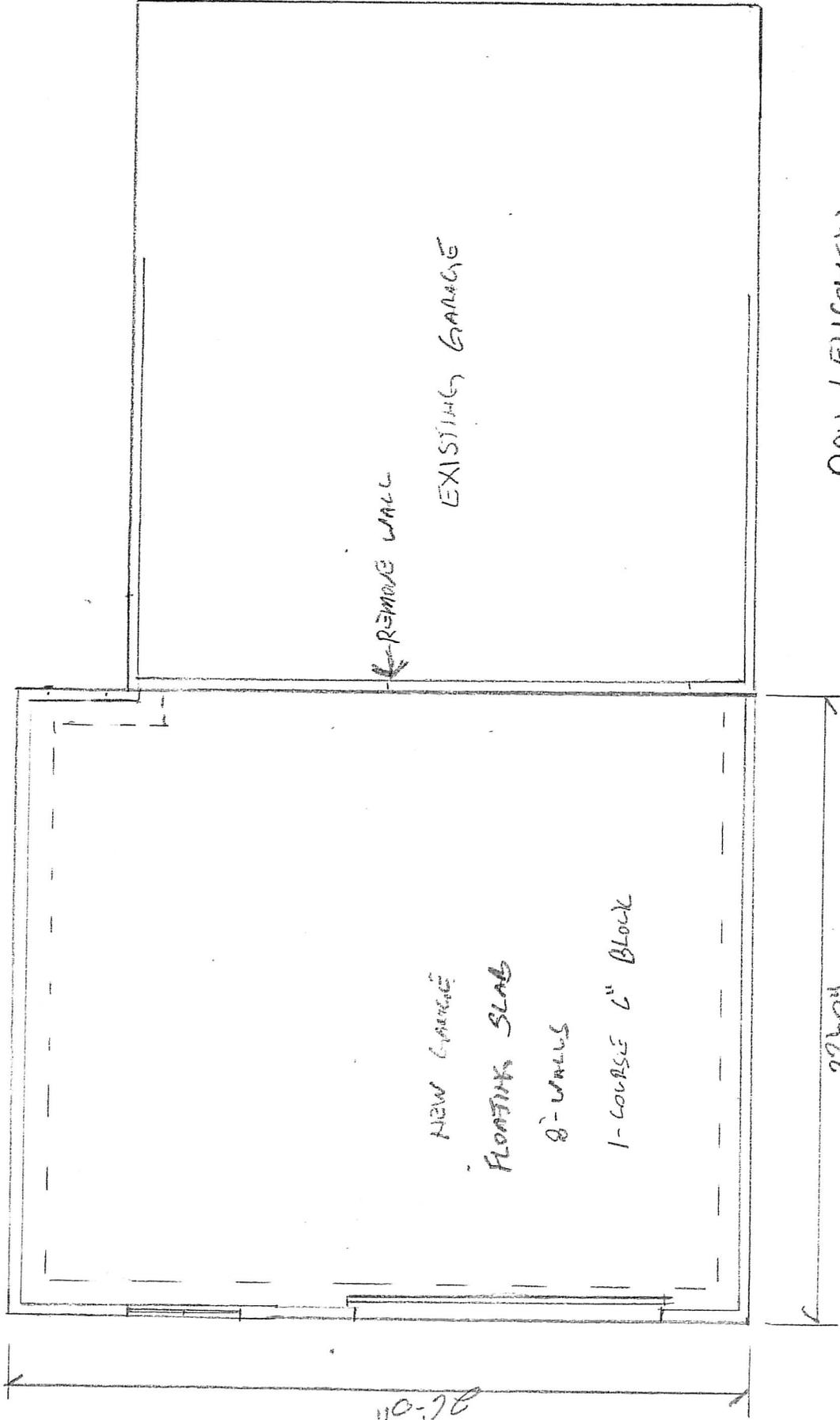
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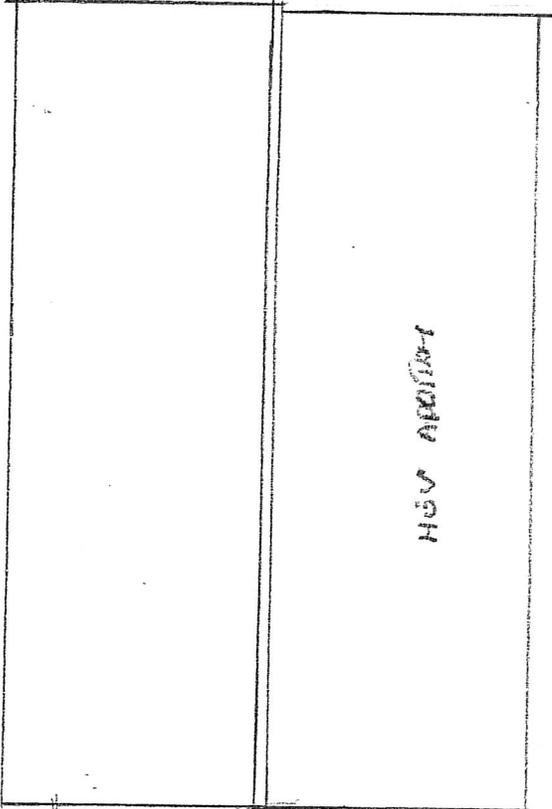
Mark G. Kryzer
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kryzerbltrs@gmail.com
6316 Bachman Circle Inver Grove Heights, MN 55077



SECTION



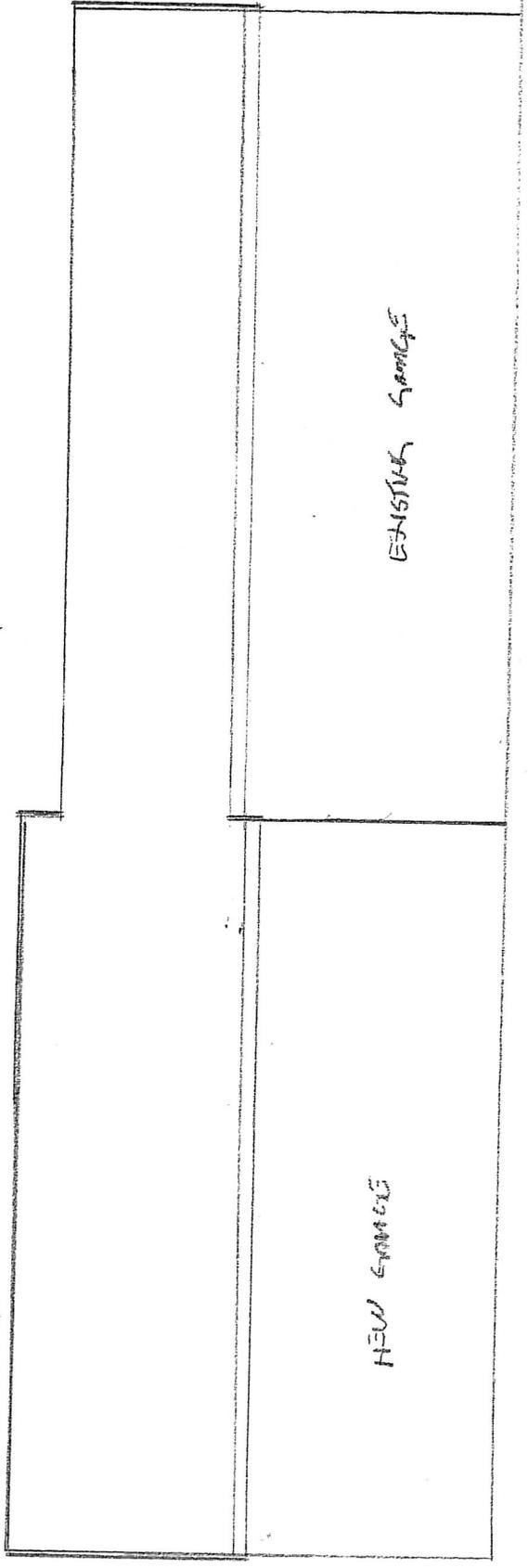
DAN LEHCOWSKI
9311 RICH VALLEY BLVD
IGH MH 56077



NEW APPOINTMENT

EXISTING GARAGE

WEST



EXISTING GARAGE

NEW GARAGE

EAST

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: October 25, 2016 **CASE NO.:** 16-46V
HEARING DATE: November 1, 2016
APPLICANT AND PROPERTY OWNER: Jeff Burns
REQUEST: A variance from the side yard setback requirements
LOCATION: 10405 Andrea Trail
COMP PLAN: RDR, Rural Density Residential
ZONING: E-1, Estate Residential
REVIEWING DIVISIONS: Planning **PREPARED BY:**  Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a variance from the side yard setback to construct a 631 square foot addition onto the existing detached garage. The property is 2.69 acres in size. The lot is allowed one detached accessory building up to 1,600 square feet in size. Including the proposed addition, the detached accessory building would be 1,557 gross square feet. The addition would be 44 feet from the side property line whereas 50 feet is the required setback for structures larger than 1,000 square feet. The accessory building would be in compliance with all other setback, size, siding, and impervious surface requirements.

The applicant stated the additional garage space would be for his own personal use. Per the covenants in the development, outside storage of trailers is not allowed. The addition is designed to match the architectural elements of the existing structure.

SPECIFIC REQUEST

The following specific application is being requested:

- 1) A variance from the side yard setback requirement to construct a garage addition 44 feet from the property line whereas 50 feet is required for detached structures larger than 1,000 square feet in size.

SURROUNDING USES:

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

North: Single family; zoned E-1, Estate Residential; guided RDR, Rural Density Residential
East Single family; zoned E-1, Estate Residential; guided RDR, Rural Density Residential
West Single family; zoned E-1, Estate Residential; guided RDR, Rural Density Residential
South Cemetery; zoned P, Public/Institutional; guided P, Public

EVALUATION OF REQUEST:

City Code Title 10, Chapter 3. **Variations**, states that the City Council may grant variations 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 variations, City Code identifies criteria which are to be considered practical difficulties. The applicant's request to encroach into the front 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 request is consistent with the comprehensive plan as the property would continue to be utilized as a residential lot. In respect to the use of the land, impervious surface, other setbacks and 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.*

The six foot side yard setback variance would allow the applicant to utilize the property in a reasonable manner. A detached structure, that meets the maximum size requirements, is a reasonable use on a residential property. The size of the garage is not out of character for an acreage lot and it would be complying with siding, the number of accessory structures, and impervious surface requirements

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

The request is unique in that the property most directly affected by the variance is a cemetery, 21 acres in size. The 50 foot setback for accessory buildings over 1,000 square feet in size is in place to provide a buffer from the abutting properties. In this case the addition would still be 44 feet from the side property line and there would be about 600 feet between the accessory building and any improvements to the cemetery.

The existing detached garage is a unique shape; in order to maintain the same roof line of the structure the addition is setback six feet from the front of the building.

Moving the addition forward six feet changes the roof line along with creating unusable space in the rear of the garage. If the addition was kept in line with the back portion of the existing garage a variance would still be necessary due to the angle of the garage in relation to the rear property line.

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. The garage addition would blend in with the current structure, complying with size, siding, and impervious surface requirements. Due to the location of the existing structure and topography of the property the garage addition is heavily screened from view.

Staff does not believe the proposed addition would alter the essential character of the locality.

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 available for the requested action:

A. Approval If the Planning Commission finds the setback variance to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
2. A grading/erosion control plan will be required at the time of the building permit application.

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

The request is not out of character of the neighborhood and it is consistent with the comprehensive plan. A detached garage is a typical improvement for a residential property. Staff believes a practical difficulty can be found for a side yard setback variance due to the location and direction of the existing structure in relation to the property line. The request is unique in that the property most affected by the variance is a cemetery, there would be little to no impact to the abutting property. Staff believes the request to expand the garage under

the allowed size requirements and have it be located 44' from the side property line is reasonable use of the property.

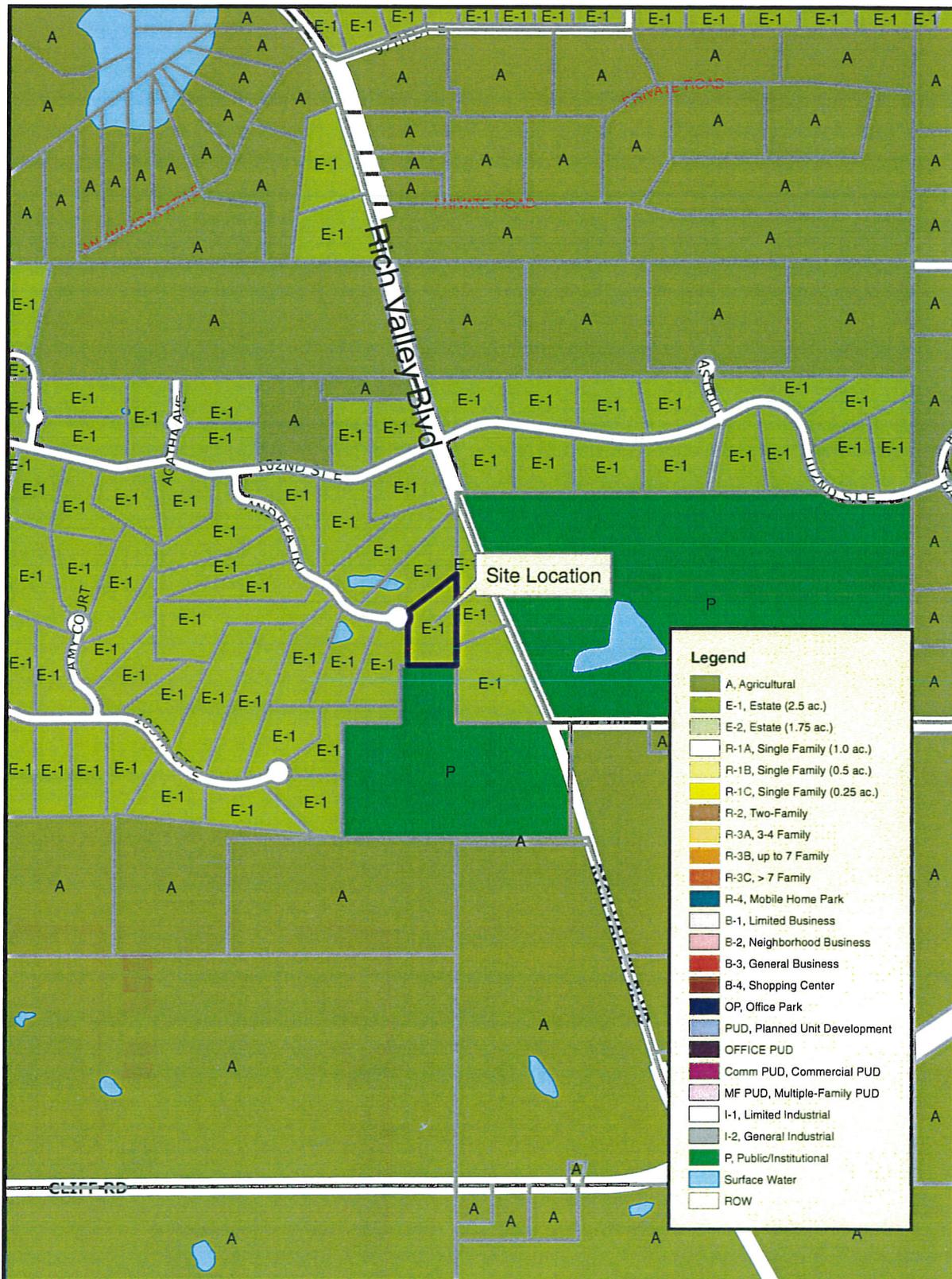
Staff believes that the variance criterion has been met and therefore recommends approval of the variance as presented with the conditions listed in Alternative A.

Attachments: Exhibit A – Location/Zoning Map
 Exhibit B – Applicant Narrative
 Exhibit C – Site Plan
 Exhibit E – Exterior Elevation
 Exhibit E- Email from abutting property owner



Jeff Burns - Case No. 16-46V

10405 Andrea Trail



Legend

- A, Agricultural
- E-1, Estate (2.5 ac.)
- E-2, Estate (1.75 ac.)
- R-1A, Single Family (1.0 ac.)
- R-1B, Single Family (0.5 ac.)
- R-1C, Single Family (0.25 ac.)
- R-2, Two-Family
- R-3A, 3-4 Family
- R-3B, up to 7 Family
- R-3C, > 7 Family
- R-4, Mobile Home Park
- B-1, Limited Business
- B-2, Neighborhood Business
- B-3, General Business
- B-4, Shopping Center
- OP, Office Park
- PUD, Planned Unit Development
- OFFICE PUD
- Comm PUD, Commercial PUD
- MF PUD, Multiple-Family PUD
- I-1, Limited Industrial
- I-2, General Industrial
- P, Public/Institutional
- Surface Water
- ROW

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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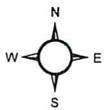


Exhibit A
Zoning and Location Map
Map not to scale

10405 Andrea Trail

Request for Setback Variance

With our hobbies and family activities we have a need for additional garage and storage space. We have evaluated several options and have determined that adding additional space to our existing detached garage building best suits our site and aesthetics of the area. The current garage space and additional storage space will be used in a manner permitted by the zoning ordinance.

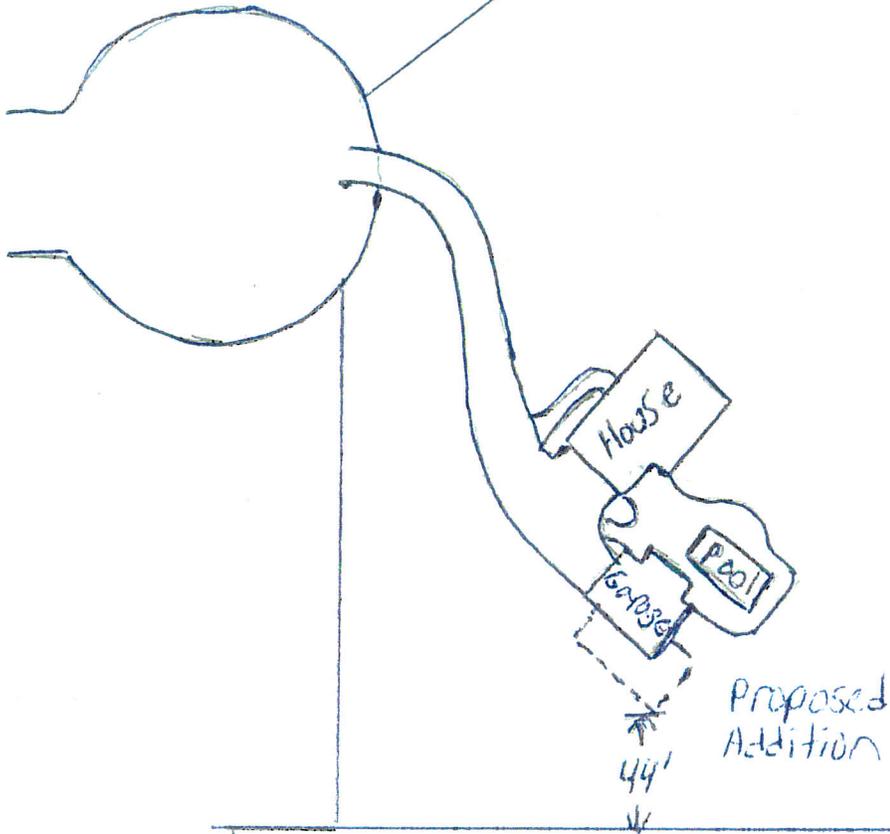
Inver Hills Ninth Addition is situated on land that was once a ski area. The elevation and slope of the lots have made building in this sub-division a challenge. Our home was constructed by a previous owner and presumably due to slope and lot shape was placed off-center and favoring the southern end of the lot. When the detached garage and pool were added they were placed in usable relation to the house which resulted in further bias of the buildings toward the southern lot line. The reason for the requested variance is that the proposed garage addition will have one corner of the structure 44 feet from the southern lot line (6 feet less than the required 50 foot setback). Other building configurations were explored in an attempt to alleviate the setback issue but none were found to be workable.

Our local area consists of homes with lot sizes in the 2-6 acre range. The buildings are very spread out and mostly sheltered from view by trees. As our neighbors have limited view and no other structures are close to this building, there should be no impact of the proposed addition or setback variance on neighbors or the local area. The roughly 22 acre parcel adjacent to our southern lot line is owned by St. Patrick Church/Cemetery with the Cemetery being separated from our property by approximately 4 acres of dense woods. St. Patrick Church/Cemetery should not be impacted by the addition or the variance.

Setback variances have been granted to some of our neighbors to meet challenging site conditions. As with previous variances, granting ours should not alter the essential character of the neighborhood.

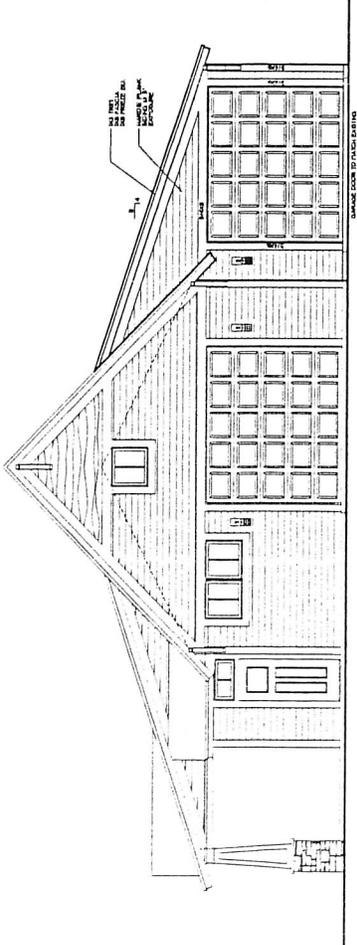
Thank you for your consideration,

Jeff & Jean Burns

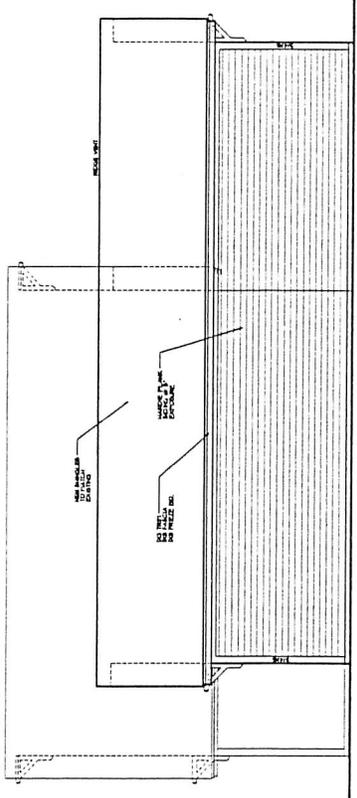


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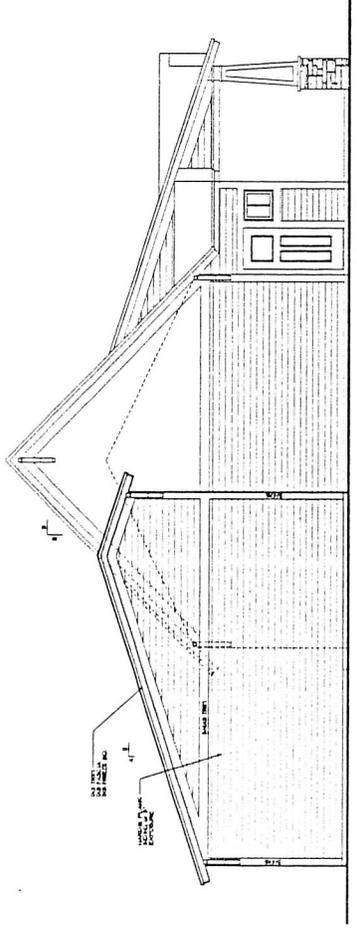
St. Paul's Cemetery



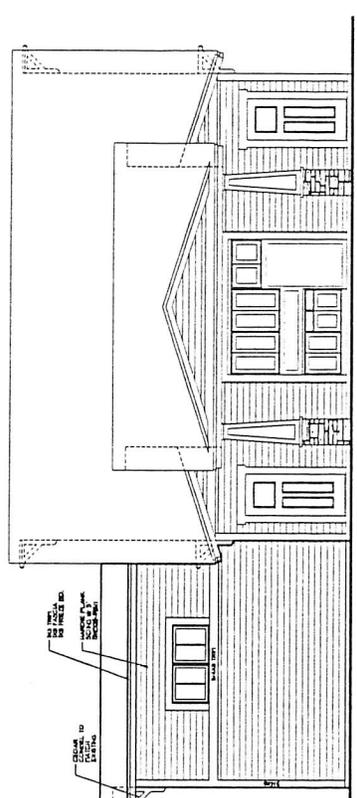
1 DRIVE SIDE ELEVATION
 SCALE 1/8" = 1'-0"



2 END ELEVATION
 SCALE 1/8" = 1'-0"



3 REAR ELEVATION
 SCALE 1/8" = 1'-0"



4 POOL SIDE ELEVATION
 SCALE 1/8" = 1'-0"

Allan Hunting

From: Cindy Reckinger [creckinger@churchofstpatrick.com]
Sent: Friday, October 21, 2016 2:57 PM
To: Allan Hunting
Subject: Public Hearing

Hi Allan,

I received in the mail today the request for a variance that requires a 50 foot side lot line for construction of a building and the side lot line would be 44 feet for this building. This request is to go in front of the Planning Commission on November 1, 2016.

The applicant requesting this Jeff Burns – Case No. 16-46V residing at 10405 Andrea Trail, Inver Grove Heights, MN 55077. PID No 20-36608-01-150

Father Bob Hart, pastor here at St. Patrick's doesn't oppose this request of 6 feet. If other requests are required for this building, St. Patrick's Cemetery/Church would like to be notified.

Sincerely,

Cindy Reckinger

Cindy Reckinger | Administrator

Church of St. Patrick

3535 72nd St. East - Inver Grove Heights, MN 55076

Office direct: 651-621-1561 | www.churchofstpatrick.com