

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, November 4, 2009 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Bartholomew called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Tom Bartholomew  
Paul Hark  
Christine Koch  
Tony Scales  
Mike Schaeffer  
Dennis Wippermann  
Pat Simon

Commissioners Absent: Damon Roth (excused)  
Harold Gooch

Others Present: Allan Hunting, City Planner  
Jennifer Emmerich, Assistant Planner

### **APPROVAL OF MINUTES**

The minutes from the October 20, 2009 meeting were approved as submitted.

### **JOYCE JOHNSON – CASE NO. 09-35CV**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to increase the size of a nonconforming structure by 14% of the original size for the property located at 7432 Cloman Way. 53 notices were mailed.

#### **Presentation of Request**

Jennifer Emmerich, Assistant Planner, explained the request as detailed in the report. She advised that the applicant is requesting a conditional use permit to reconstruct and expand her legal nonconforming home that was destroyed in a house fire in August 2009. She advised that the original house was in compliance with the City's zoning ordinance with the exception that it was setback only 5 feet from the north property line whereas 10 feet is required. The applicant is requesting to locate the home seven feet from the property line. The request complies with the conditional use permit criteria. Ms. Emmerich advised that the applicant has already submitted a building permit, at which time it was discovered that the egress windows on the north side encroached into the five foot drainage and utility easement. Therefore the applicant has submitted a signed encroachment agreement. She advised that the third condition could be removed as the 'porch' in question was later determined to be an uncovered stoop and was therefore not an issue. Staff recommends approval of the request.

Chair Bartholomew asked how the structure became nonconforming.

Ms. Emmerich replied it was likely that either the original house was built prior to the code, or that they were unsure of where the property lines were when the house was constructed. She advised that several homes in the neighborhood were setback about five feet from the property line.

Commissioner Simon asked for clarification of how the house was increased by 14%, to which Ms. Emmerich replied that a second story was added in the rear of the home which technically

increased the total square footage.

**Opening of Public Hearing**

The applicant, Joyce Johnson, 4594 Blaylock Way, stated she was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the conditions listed in the report, to which Ms. Johnson replied in the affirmative.

Commissioner Wippermann stated he supported the request and asked for clarification as to how the fire started in the original home.

Ms. Johnson replied that during routine duct cleaning the service van caught fire and the fire then leached into her home.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Schaeffer, to approve the request for a conditional use permit to increase the size of a nonconforming structure by 14% of the original size, for the property located at 7432 Cloman Way, with the three conditions listed in the report.

Motion carried (7/0). This matter goes to the City Council on November 9, 2009.

**ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary