

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**WEDNESDAY, AUGUST 3, 2011 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

**1. CALL TO ORDER**

**2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JULY 19, 2011**

**3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 PAUL MASON LLC – CASE NO. 10-40ZAC**

Consider a **Conditional Use Permit** to allow outdoor vehicle and material storage for the property located at 11278 Rich Valley Boulevard.

Planning Commission Action \_\_\_\_\_

**3.02 GREG GROVER– CASE NO. 11-20V**

Consider a **Variance** to allow a fence to exceed the maximum height of seven (7) feet in a residential area. This request is for property located at 5975 Concord Blvd.

Planning Commission Action \_\_\_\_\_

**4. OTHER BUSINESS**

**5. ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 19, 2011 – 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  
Pat Simon  
Dennis Wippermann  
Victoria Elsmore  
Armando Lissarrague

Commissioners Absent: Mike Schaeffer  
Harold Gooch  
Tony Scales  
Paul Hark (excused)

Others Present: Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The minutes from the July 5, 2011 meeting were approved as submitted.

### **GRACE CHURCH OF NAZARENE – CASE NO. 11-18C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider a conditional use permit to allow the operation of a child care center in the existing church, for the property located at 7950 Blaine Avenue. 43 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Grace Church is requesting a conditional use permit to operate a day care facility out of the existing church building. No changes to the interior layout of the building are being proposed. No outdoor improvements are being proposed other than a possible future fence. The anticipated maximum number of children would range from 60-100. The request complies with all conditional use permit criteria; therefore, staff recommends approval of the request with the three conditions listed in the report.

Chair Bartholomew asked if staff heard from any of the neighbors, to which Mr. Hunting replied they did not.

#### **Opening of Public Hearing**

The applicants, Tony Robinette, 9068 Hidden Meadow Road, Woodbury, and Reverend Timothy Asbill, 7950 Blaine Avenue, advised they were available to answer any questions.

Chair Bartholomew asked if the applicants were agreeable with the conditions listed in the report, to which Mr. Robinette and Rev. Asbill replied in the affirmative.

Commissioner Simon asked what the average age would be of the children attending the child care center.

Mr. Robinette replied they would care mostly for children infant through preschool age, with the oldest being 6<sup>th</sup> graders.

Commissioner Simon asked if they would obtain all necessary State licenses and permits, to which Mr. Robinette replied in the affirmative.

Commissioner Lissarrague encouraged the applicants install a fence around the play area.

Mr. Robinette advised they would initially use the indoor fellowship hall as a play area, but would likely install a fence next spring.

### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for a conditional use permit to allow a daycare facility in an existing church, with the conditions listed in the report, for the property located at 7950 Blaine Avenue.

Motion carried (5/0). This item goes to the City Council on July 25, 2011.

## **BM REAL ESTATE HOLDING LLC (MAUER CHEVROLET) – CASE NO. 11-19CA**

### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit amendment to construct an addition onto the existing building, for the property located at 1055 Highway 110. 7 notices were mailed.

### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Mauer Chevrolet is requesting a conditional use permit (CUP) amendment to construct a 26,000 square foot addition and remove a portion of the existing building, for a net increase of approximately 5,000 square feet. He advised that the City's Engineering staff is working with the applicant regarding stormwater management, and the request is dependent on gaining MNDOT approval regarding a drainage permit. The only issues from Planning are landscaping and signage. The applicant is currently proposing numerous shrubs but no overstory trees; however, a minimum of 13 overstory trees are required with the balance being shrubs. In regards to signage, the proposed sign on a retaining wall in the southeast corner may be larger than the maximum allowed 100 square feet. The applicant would either have to conform to the Code or come back at a later date with a request for a variance. Staff recommends approval of the request with the 20 conditions listed in the report.

Commissioner Simon asked if the landscaping issue was covered by Condition 19, to which Mr. Hunting replied in the affirmative.

Commissioner Wippermann stated it appeared as if some of the existing parking areas did not meet setback requirements.

Mr. Hunting stated the applicants are not required to address any existing non-conforming conditions.

Commissioner Wippermann asked if the existing conditions were granted by a previous CUP or variance.

Mr. Hunting replied in the affirmative, stating the original CUP was granted in 1969.

Commissioner Wippermann asked if that needed to be referenced in the revised CUP, to which Mr. Hutnign replied it did not.

**Opening of Public Hearing**

The applicants, Sholly Blustin, 11635 – 43<sup>rd</sup> Avenue N, Plymouth, the attorney for Mauer Chevrolet, John Bejblik, Pope Associates, 1255 Energy Park Drive, St. Paul, and Ryan Bluhm, Clark Engineering, advised they were available to answer any questions.

Chair Bartholomew asked if the applicants were aware of the conditions listed in the report.

Mr. Bejblik stated it was the owner's intent to comply with the ordinance in regards to the previously discussed landscaping and signage requirements. The landscaping subcontractor will revise the landscaping plan and the signage subcontractor will either supply a sign compliant with City Code or apply for a variance. They had no issues with any of the remaining conditions.

**Planning Commission Discussion**

Commissioner Simon asked if staff heard from any of the neighbors.

Mr. Hunting replied that they received three inquiries as to the general nature of the request. No concerns were expressed.

Chair Bartholomew asked if staff had contacted Sunfish Lake regarding drainage.

Mr. Hunting replied that the Engineering Department will contact the watershed district in Sunfish Lake to see if they have any comments. He stated the proposed project will drastically improve stormwater management for the site.

**Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Elsmore, to approve the request for a conditional use permit amendment to add an addition to the existing building for the property located at 1055 Highway 110.

Motion carried (5/0). This item goes to the City Council on August 8, 2011.

**OTHER BUSINESS**

Mr. Hunting reminded Commissioners that due to 'Night to Unite' the next Planning Commission meeting has been rescheduled to Wednesday, August 3 at 7:00 PM.

Chair Bartholomew adjourned the meeting at 7:21 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

**P L A N N I N G     R E P O R T**  
**C I T Y   O F   I N V E R   G R O V E   H E I G H T S**

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**REPORT DATE:** July 28, 2011

**CASE NO:** 10-40ZAC

**HEARING DATE:** August 3, 2011

**APPLICANT AND PROPERTY OWNER:** Paul Mason, LLC

**REQUEST:** Conditional Use Permit

**LOCATION:** 11278 Rich Valley Blvd

**COMPREHENSIVE PLAN:** Light Industrial

**ZONING:** I-1, Limited Industrial

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Heather Botten  
Associate Planner 

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**BACKGROUND**

The property owner would like to utilize his property for outdoor storage of vehicles and materials. The storage area would mainly consist of boat/motorhome storage but also allowing small machinery/contractor storage. The property is 2.52 acres in size (excluding right-of-way). The existing site is used as a single family residence and a recycling facility. A CUP was approved in 1996 for All Star Disposal for a recycling facility and transfer station for demolition and construction debris. The proposed use of outdoor storage of vehicles and materials is a conditional use in the I-1 district; therefore a new CUP is being requested for outdoor storage.

The specific requests consist of the following:

- a) A Conditional Use Permit to allow outdoor vehicle and material storage.

**EVALUATION OF THE REQUEST**

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

North	Industrial; zoned I-1; guided LI, Light Industrial
East	Vacant; zoned I-1; guided LI, Light Industrial
South	Vacant; zoned I-1; guided LI, Light Industrial
West	Bituminous Roadways; zoned A; guided Industrial Open Space

### SITE PLAN REVIEW

Setbacks. The proposed storage area meets and exceeds the required perimeter setbacks for the site.

Parking Lot. The parking area in front of the building is bituminous. The remainder of the lot is storage area that would be Class V. The Ordinance allows these areas to be constructed of a crushed material. The surface shall be maintained to prevent deterioration, dust and erosion. The project meets parking and surfacing requirements. Customer parking shall be clearly marked on the property.

Lot Coverage. The I-1 zoning district allows a maximum of 30% of the lot to be covered by buildings. The building footprint is not changing. The existing structures occupy less than 10% of lot coverage, which is in compliance with code standards.

Landscaping. Based on the size of the lot a total of 27 overstory trees are required to be planted. The landscape plan identifies 27 overstory trees. The only change that needs to be made is to identify two additional trees on the actual site plan. The number of trees demonstrated on the plan is correct but the plan showing the location of the trees is two short. The landscape plan must be modified to reflect the proper planting. A modified plan must be submitted prior to submittal of any work being done on site.

#### Screening.

View of everything stored in the outside storage area shall be reasonably screened from all public roads. A solid fence is required along the western property line. This solid fence should continue along a portion of the south lot line. A site inspection shall be done when the screening is to be installed to make sure the amount of screening is adequate. If additional screening is needed, it shall be installed as required by the Planning Department.

Access. Access to the site would be via one entrance onto Rich Valley Boulevard. All of the vehicles coming and going would go through the one access point which would have a gate to control access.

Engineering. Engineering is reviewing the plans and has been working with the applicant on stormwater and grading requirements. Engineering has made some recommendations on conditions that should be added to the approval. These conditions are included in the list of conditions at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction drawings.

Lighting. There are two existing lights on the property. No additional lighting is proposed at this time. All parking lot lighting and building lighting shall be designed so as to deflect light away from any adjoining residential zones or from the public streets. The source of light shall be

hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Fire Marshal Review. All plans shall be subject to the review and approval of the City Fire Marshal for fire lane designation and the signage or marking of the fire lanes.

#### CONDITIONAL USE PERMIT REVIEW

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The use is consistent with the goals, policies, and plans of the Comprehensive Plan. The future land use of this parcel is LI, Light Industrial; outdoor storage is consistent with the uses envisioned in this district.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The applicant's property is zoned I-1, Limited Industrial. Outdoor storage is a conditional use in the I-1 district; the proposed use would be in compliance with the Zoning Ordinance.

3. *The use would not be materially injurious to existing or planned properties or improvements in the vicinity.*

The proposed site improvements would not have a detrimental effect on public improvements in the vicinity of the property.

4. *The use does not have an undue adverse impact on existing or planned City facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the City to provide such services in an orderly, timely manner.*

This location of the City is not served by municipal sewer and water. The property improvements do not appear to have any negative effects on City facilities or services.

5. *The use is generally compatible with existing and future uses of surrounding properties, including:*

- i. Aesthetics/exterior appearance*

No changes are being proposed to the existing buildings. Outdoor storage would be compatible with the surrounding land uses.

*ii. Noise*

Any vehicle noise would not be out of the ordinary for the I-1 zoning district.

*iii. Fencing, landscaping and buffering*

View of everything stored in the outside storage area shall be reasonably screened from all public roads. Landscaping requirements have been met once two additional trees are shown on the plan.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

The area is guided for industrial development. Building and parking setbacks meet or exceed code requirements. The amount of traffic would not be out of the ordinary for an industrial zoned area. The outside storage area shall be kept in a neat and orderly manner. Maintenance or repair of items stored in the outside storage shall not be permitted.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects on the public health, safety or welfare

8. *The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, groundwater and air quality.*

This use would not have an undue adverse impact on the environment. The applicant is working with the City Engineering Department, creating a stormwater treatment plan.

## **ALTERNATIVES**

The Planning Commission has the following actions available on the following requests:

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:

- Approval of the **Conditional Use Permit** for outdoor storage of vehicles and materials subject to the following conditions:

1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions

below.

Site and Landscape Plan  
Grading Plan

dated 7/25/11  
dated 7/25/11

2. Prior to commencement of any grading, the final grading, drainage and erosion control, and utility plans shall be approved by the Director of Public Works.
  3. All parking lot lighting on site shall be a down cast “shoe-box” style and the bulb shall not be visible from property lines. Any wall lighting shall be directed such that the source of light is hooded, recessed or controlled in some manner so as not to be visible from streets.
  4. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
  5. All sections of the screening fence shall be at all times, maintained and repaired as necessary.
  6. A site inspection shall be done when the screening is to be installed to make sure the amount of screening is adequate. If additional screening is needed, it shall be installed as required by the Planning Department.
  7. Prior to commencement of any grading on the site, A storm water facilities maintenance agreement shall be entered into between the owner and the City to address proper responsibilities and maintenance of the different storm water systems, to obtain a letter of credit for performance, and to obtain an engineering escrow for engineering staff and emergency erosion control expenses.
  8. The Landscape Plan shall be modified to reflect two additional trees on the landscape plan. A revised landscape plan shall be submitted prior to work commencing on site.
  9. The outside storage area shall be kept in a neat and orderly manner. Maintenance or repair of items stored in the outside storage shall not be permitted. All licensable equipment and vehicles must have a current license and be in operable condition.
- 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**

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request.

Attachments: Location Map  
Landscape/Site Plan



# Mason 11278 Rich Valley Blvd

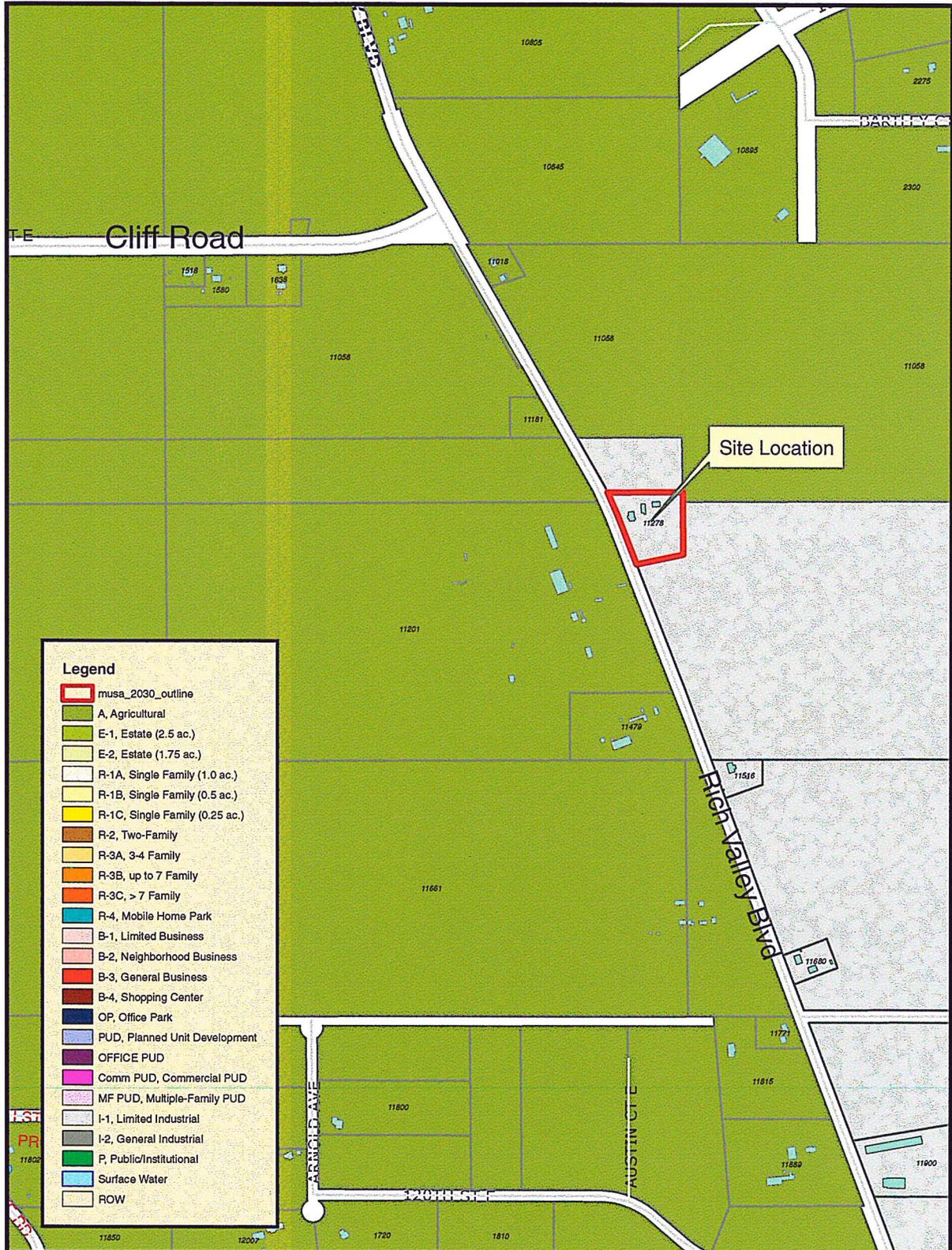


Exhibit A  
Zoning Map

OVERSTORY TREE SCHEDULE SITE PERIMETER = 1354 FT = 27 TREES, 27 PROVIDED

SYMBOL	BOTANICAL NAME	QUANTITY/SIZE/SPACING	COMMENTS
	Autumn Blaze Maple <i>Acer x freemanii</i>	4 2.5" Caliper, B&B Plant as Shown	6' Standard Height
	Crimson King Maple <i>Acer platanoides 'Crimson King'</i>	11 2.5" Caliper, B&B Plant as Shown	6' Standard Height
	Princeton Elm <i>Ulmus Americana 'Princeton'</i>	2 2.5" Caliper, B&B Plant as Shown	6' Standard Height
	Black Hills Spruce <i>Picea glauca var. densata</i>	6 6" HGT Single Leader, B&B Plant as Shown	6' Standard Height
	White Fir <i>Abies concolor</i>	4 6" HGT Single Leader, B&B Plant as Shown	6' Standard Height

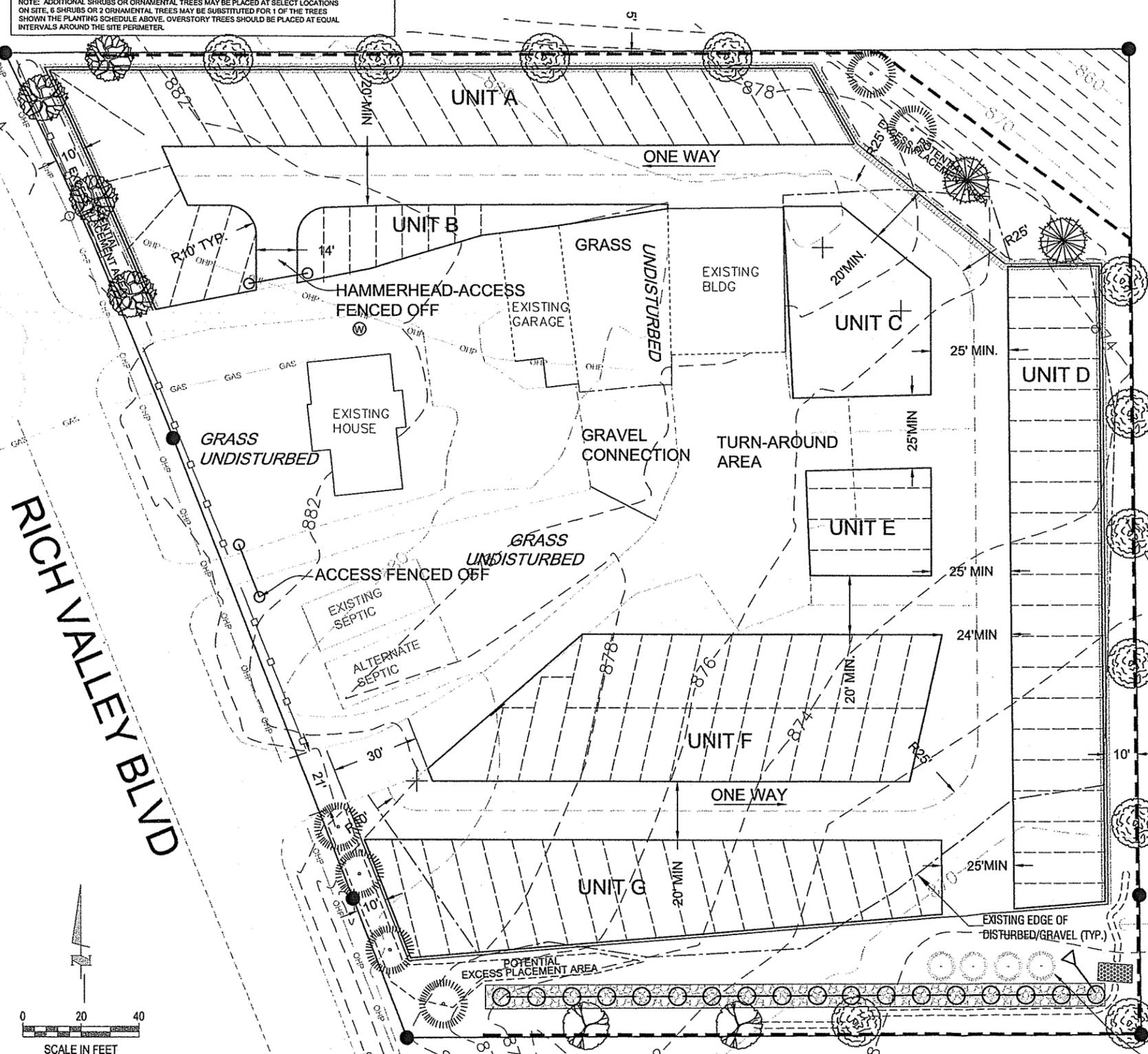
NOTE: ADDITIONAL SHRUBS OR ORNAMENTAL TREES MAY BE PLACED AT SELECT LOCATIONS ON SITE, 6 SHRUBS OR 2 ORNAMENTAL TREES MAY BE SUBSTITUTED FOR 1 OF THE TREES SHOWN THE PLANTING SCHEDULE ABOVE. OVERSTORY TREES SHOULD BE PLACED AT EQUAL INTERVALS AROUND THE SITE PERIMETER.

STORAGE TABLE

STORAGE SPACE UNIT	PROBABLE USE**	ALTERNATE USE**	AREA SF	SPACE LENGTH*	SPACE WIDTH*	ORIENTATION
UNIT A	LARGE V/T STORAGE	MATERIAL STORAGE	8669	29'+	10.5'	ANGLED
UNIT B	SMALL V/T STORAGE	LARGE V/T STORAGE	1565	10-25'	9'	90D
UNIT C	MATERIAL STORAGE	N/A	2788	N/A	N/A	
UNIT D	LARGE V/T STORAGE	MATERIAL STORAGE	6740	31'	10.5'	90D
UNIT E	MATERIAL STORAGE	LARGE V/T STORAGE	1528	42'	10.5'	90D
UNIT F	SMALL V/T STORAGE	MATERIAL STORAGE	7307	25'	10'	ANGLED
UNIT G	LG./SM V/T STORAGE	MATERIAL STORAGE	6242	25'/40'	10'	ANGLED
TOTAL			34839			
TOTAL ACRES			0.80			

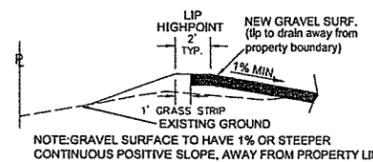
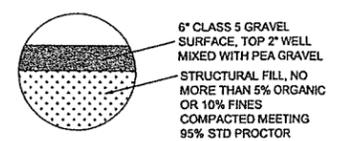
STORAGE NOTES

ALL STORAGE OUTDOOR UNLESS SPECIFIED, WHEEL CHOCKS OR BARRIERS WILL BE PLACED ON ALL VEHICLES OR TRAILERS ON STORAGE UNITS TO PREVENT MOVEMENT.  
 \*SUBJECT TO CHANGE, CHANGES WILL NOT AFFECT OVERALL UNIT BOUNDARIES  
 ONE FOOT BUFFER BETWEEN UNIT BOUNDARIES AND EDGE OF GRAVEL (TYP.) FOR MAINTENANCE PURPOSES  
 SPACE DIVIDERS SHOWN ON PLAN ARE FOR REFERENCE ONLY  
 \*\*LARGE V/T = VEHICLE/TRAILER 25' OR LONGER  
 \*\*SMALL V/T = VEHICLE/TRAILER 25' OR SMALLER  
 SMALL V/T STORAGE MAY BE SUBSTITUTED IN AREAS SUITABLE FOR LARGE V/T STORAGE



LEGEND

EXISTING	PROPOSED
GATE VALVE	ELECTRIC METER / BOX
HYDRANT	CABLE METER / BOX
WELL	TELEPHONE METER / BOX
LIGHT POLE	ELECTRIC MANHOLE
UTILITY POLE	TELEPHONE MANHOLE
CUT WIRE	
UNDERGROUND GAS	
FENCE	
OVERHEAD UTILITIES	
CONTOUR	
	FINAL CONTOUR
	STORM DRAIN
	DRAINAGE
	EROSION CONTROL FENCE
	SPOT ELEVATION
	GRAVEL SURFACE
	EDGE OF GRAVEL LOT (SEE DETAIL)
	FENCE



DEVELOPMENT SUMMARY

LOCATION:	11875 RICH VALLEY BOULEVARD
EXISTING ZONING:	LIMITED INDUSTRIAL
PROPOSED ZONING:	INDUSTRIAL
FUTURE LANDUSE (CITY):	LIGHT INDUSTRIAL
OVERALL LOT AREA:	2.5 ACRES
NEW GRAVEL:	1.25 ACRES
PROPOSED IMPERVIOUS*:	1.8 ACRES INCLUDING PAVEMENT, GRAVEL
IMPERVIOUS PERCENTAGE:	72.0% PERCENT OF SITE
PROPOSED LANDUSE:	OUTDOOR STORAGE
OVERLAY DISTRICTS:	IRM DISTRICT

**van der Zalm + associates inc.**  
 Landscape Architecture • Urban Design • Parks & Recreation  
 8938 192 Street  
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**Paul Mason, LLC**  
 11278 Rich Valley Blvd  
 Inver Grove Heights, MN 55076

NOTES:  
 I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 SIGNATURE: *Adam T. Parker*  
 TYPED OR PRINTED NAME:  
 ADAM T. PARKER  
 DATE: 7/5/11  
 REG. NO. 42733

No.	Description	Date
A	CITY SUBMITTAL	7/25/11

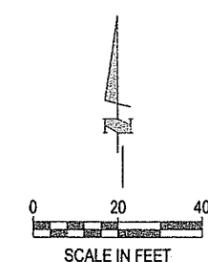
REVISIONS-DRAWING ISSUE

CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANY DISCREPANCY TO THE CONSULTANT BEFORE PROCEEDING. ALL DRAWINGS AND SPECIFICATIONS ARE THE EXCLUSIVE PROPERTY OF THE OWNER AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.

PROJECT:  
**Proposed Storage Facility**  
 LOCATION:  
 11278 Rich Valley Blvd.  
 Inver Grove Heights  
 MN 55076

DRAWN ATP/DAJ	
CHECKED DAJ	
APPROVED ATP	CAD FILE
SCALE 1"=20'	DATE 7/5/11

RICH VALLEY BLVD



SITE DEVELOPMENT & LANDSCAPE PLAN

PROJECT NO. 11-SAVE-01

DRAWING NO. C-1

**PLANNING REPORT  
CITY OF INVER GROVE HEIGHTS**

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**REPORT DATE:** July 20, 2011      **CASE NO:** 11-20V

**HEARING DATE:** August 3, 2011

**APPLICANT/PROPERTY OWNER:** Greg Grover

**REQUEST:** Variance to allow a fence to exceed seven feet

**LOCATION:** 5975 Concord Boulevard

**COMPREHENSIVE PLAN:** Mixed Use

**ZONING:** Single Family Residential

**REVIEWING DIVISIONS:** Planning  
Inspections

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

The applicant is requesting a variance from fence height standards to allow an existing fence to be taller than the seven (7) foot maximum height. The applicant received a permit in September, 2010 to reconstruct a fence that runs along the north side of the applicant's property line. The fence was constructed per permit submittal, but ended up being higher than seven feet. The discrepancy was brought to the City's attention and the Building Official went to the site and measured the fence height, at a few locations and it ranged from 8'2" to 7'9". The measurement was taken from the neighbor's side of the fence because a neighbor would have the biggest impact on excess fence height in these types of situations. Mr. Grover has indicated to staff that he lowered the elevation of two sections of the fence on the far west side to be below seven feet.

The property slopes downward towards Concord Boulevard and due to the slope, the fence is built with a staggered design that steps down as the land goes down. The terrain is rolling and not a constant slope heading to the street. There are many high and low variations that make a consistent height measurement difficult. Depending upon where the fence is measured, it can have a wide range of heights. Based on the overall average, the fence height has exceeded seven feet.

**EVALUATION OF REQUEST:**

Surrounding Uses: The subject property is surrounded by:

North	Single family residential; zoned R-1C, Single Family Residential; guided Mixed Use.
East	Industrial uses; zoned I-1, Limited Industry; guided Mixed Use.
West	Single family residential; Zoned R-1C, Single Family Residential; guided Low Density Residential.
South	Single family residential; Zoned R-1C; guided Mixed Use

Variance

As indicated earlier, the applicant is requesting a variance to exceed the seven foot maximum fence height restriction.

City Code Title 11, 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 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 intent of a city code is to protect the health, safety and welfare of its residents. The variance request itself does not appear to be in conflict with this general purpose. A fence height variance does not appear to have a negative impact on the health, safety and welfare of the neighboring residents. A fence is a typical accessory use to a single family home. The Mixed Use designation recognizes a development pattern of residential and commercial that would interconnect, rather than segregate. A variance of this nature would not appear to be contrary to the comprehensive plan.

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

Fences are typical accessory uses to residential homes. A fence would be a reasonable use. The variation in fence height ranges from approximately one foot to nine inches higher than allowed. The terrain of the property and the stepped design of the fence do not allow a perfect measurement of seven feet along the entire fence line. It would seem reasonable to allow some flexibility in fence height because it may be impossible to construct a fence that is no taller than seven feet from the ground at all points along the fence. The Zoning Ordinance has a specific rule that indicates all measured distances shall be measured to the nearest 0.5 of a foot. The rule anticipates a fluctuation in measurement and placement of structures and thus allows a ½ foot

play in measurement. So, at any one point, a fence could be up to 7'6" and be considered in conformance. The fence in this instant is not that much higher than allowed.

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

The general slope of the area rises from Concord as you head west and northwest. According to topo information from Dakota County, there is a rise in elevation from two to four feet as the land slopes to the northwest. Over the years, there has been some altering of the natural grade along the north boundary of the lot. There is a swale type depression that lowers the elevation of the lot in the subject area. The previous owner had also cut into the back slope of the lot for a location of a storage shed, which no longer exists. Mr. Grover intends, at some point, to fill this area in to bring some of the lot closer to its original grade. All of these factors plus the general rise of the lot from Concord to the west, create a lot where it would be a challenge to construct a fence that meets the seven foot requirement at all points along the fence.

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

The fence is situated in the side and rear yard of the subject site. It ends at least 30 feet from the front property line. A typical residential neighborhood will have fences with different construction styles (solid wood, slates with openings, chain link) and differing heights (4 to 7 feet). The variation of fence height of approximately one foot to ½ foot would not appear to alter the character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

This request does not appear to be based on economic circumstances. The fence has already been constructed with a permit.

## **ALTERNATIVES**

The Planning Commission has the following alternatives available for the requested action:

- A. **Approval.** If the Planning Commission favors the request, the Commission should recommend approval of the following requests:
- Approval of the Variance to allow a constructed fence to exceed the seven (7) foot height maximum.
- 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**

Staff recommends approval of the variance request with the Practical Difficulty and uniqueness being:

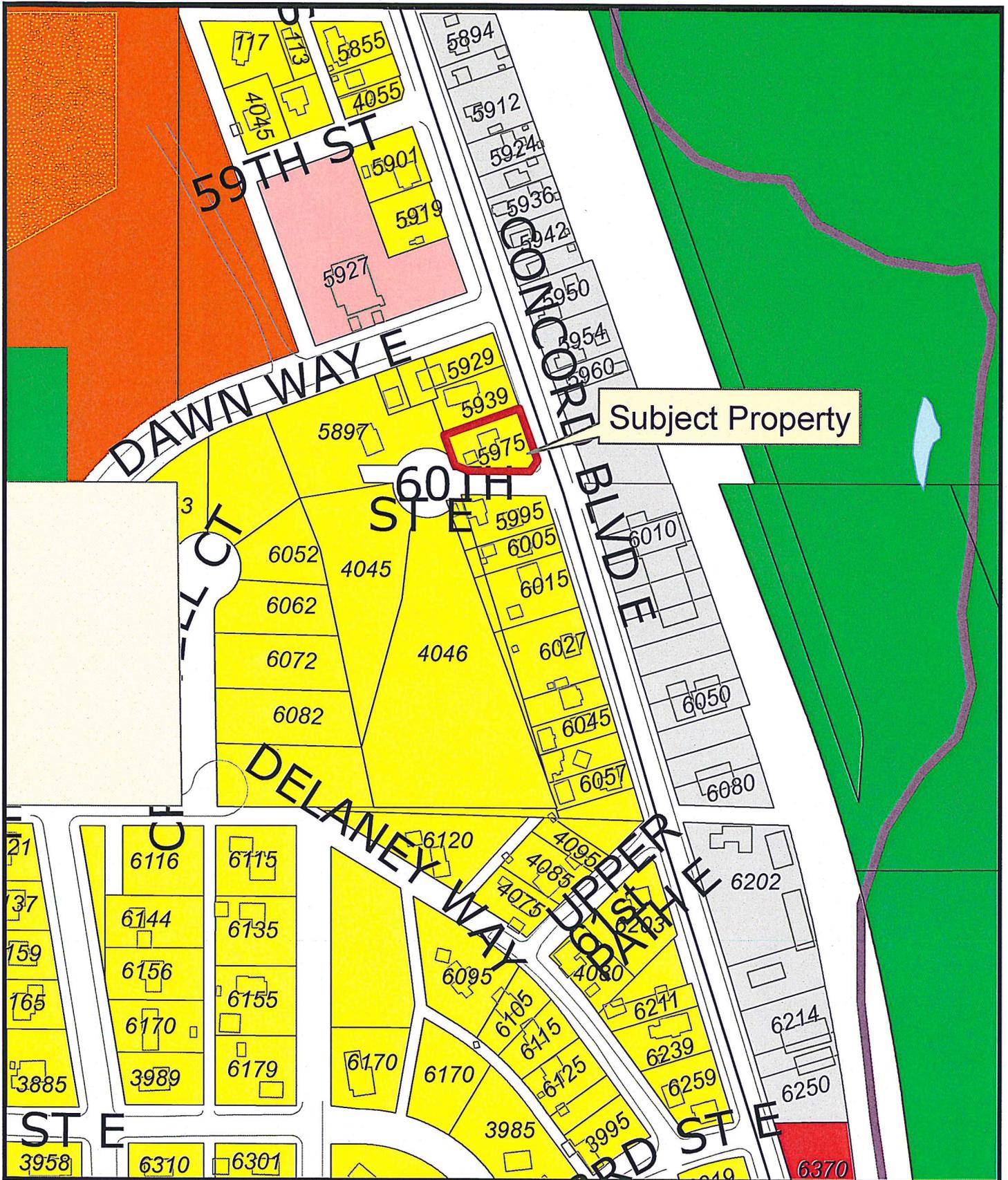
Fences are typical accessory uses to residential homes. The terrain of the property and the stepped design of the fence do not allow a perfect measurement of seven feet along the entire fence line. It would seem reasonable to allow some flexibility in fence height because it may be impossible to construct a fence that is no taller than seven feet from the ground at all points along the fence. The fence is situated in the side and rear yard of the subject site. The variation of fence height of approximately one foot to ½ foot would not appear to alter the character of the neighborhood.

Attachments: Exhibit A - Location Map  
Exhibit B - Applicant narrative  
Exhibit C - Site Plan  
Exhibit D - Pictures



# Location Map - Grover Property 5975 Concord Blvd E

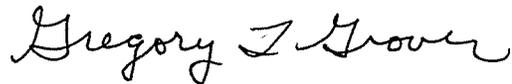
N



\*Map is not to scale

This letter is a request for a fence height variance at 5975 Concord Blvd .The fence on the north side of my property needs to be higher than 7 feet due to the topography ,which consists of a depression at the front portion of the fence and the neighbors lot being significantly higher than my lot in the back yard. If the fence was lowered the neighbors can and would be peering over the top of the fence thus affording no privacy .Secondly due to the I.G.HGTS. reluctance to pass a reasonable Building Maintenance Code to address the deplorable condition of the house to the north of my property additional screening is needed .Your City engineer informed me that on new lots a 5' easement is retained on both sides of the plot line so problems like this can be remedied.

Greg Grover

A handwritten signature in cursive script that reads "Gregory J Grover". The signature is written in black ink and is positioned below the typed name "Greg Grover".

# Dakota County Real Estate Inquiry

Data Updated 6/10/2011.

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Select option and click on map:

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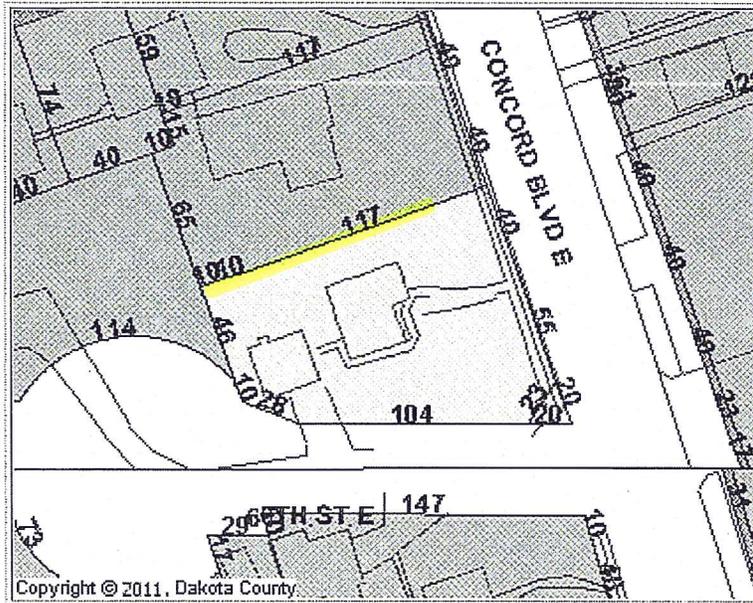


**Legend**

- Real Estate Parcels
- Parcels
- Common Ownership
- Water
- R/W Easement
- Dedicated R/W

- Tax Parcels
- Market Value
- Recent Sales
- Year Built
- Air Photo
- Torrens

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Choose ONE search method, enter criteria, and click Go or hit enter key.

House #:  [Go](#)

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PIN:  [Go](#)

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PIN: 20-43251-03-060  
 Owner: GREGORY L GROVER  
 Address: 5975 CONCORD BLVD E  
 City: INVER GROVE HEIGHTS, MN 55076

2011 Est. Value (Payable 2012): \$135,600  
 2010 Taxable Value (Payable 2011): \$138,200  
 Payable 2011 Tax: \$1,627.80  
 Total Acreage: 0.28  
 Year Built: 1936

**PLEASE READ DISCLAIMER**

This application was developed by the Dakota County Office of GIS in cooperation with [Assessing Services](#) and the [Property Taxation & Records](#) Departments



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 Fence



