

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, NOVEMBER 15, 2011 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**

- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR November 1, 2011**

- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 ADAM CANEFF – CASE NO. 11-33V

Consider a **Variance** to allow an accessory building eight feet from the front property line whereas 30 feet is required. This request is for the property located at 3988 – 78th Street.

Planning Commission Action _____

- 4. OTHER BUSINESS**

- 5. ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 1, 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
Armando Lissarrague
Tony Scales
Paul Hark
Dennis Wippermann
Pat Simon
Victoria Elsmore
Harold Gooch

Commissioners Absent: Mike Schaeffer

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

APPROVAL OF MINUTES

The minutes from the October 18, 2011 meeting were approved as submitted.

MIKE AND KATHY GOEHRING – CASE NO. 11-32C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow sheet metal siding on an accessory building in the A, Agricultural zoning district, for the property located at 11331 Albavar Path. 57 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 1,350 square foot metal sided structure. Sheet metal siding is allowed on pole buildings in the 'A' district by conditional use permit. Staff finds that the request meets the CUP standards and therefore are recommending approval of the request with the five conditions listed in the report.

Commissioner Wippermann noted that the report makes mention of the intent for the exterior on the proposed building to match the existing home, and asked if it would be appropriate to add that as a condition of approval.

Mr. Hunting replied that the Zoning Code does not require that the siding match the home, therefore it should not be added as a condition of approval.

Opening of Public Hearing

Mike Goehring, 11331 Albavar Path, stated he was available to answer any questions.

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

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for a conditional use permit to allow sheet metal siding on an accessory structure in an Agricultural zoning district with the five conditions listed in the report, for the property located at 11331 Albavar Path.

Motion carried (8/0). This item goes to the City Council on November 14, 2011.

OTHER BUSINESS

Mr. Hunting advised that the next Planning Commission meeting would be held in the new Council Chambers.

Mr. Link conducted a tour of the new building.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: November 9, 2011 **CASE NO.:** 11-33V

HEARING DATE: November 15, 2011

APPLICANT AND PROPERTY OWNER: Adam Caneff

REQUEST: A variance from the front yard setback requirements

LOCATION: 3988 – 78th Street

COMP PLAN: LDR, Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner 

BACKGROUND

The applicant is requesting a 22 foot variance to construct an accessory building eight feet from the front property line whereas 30 feet is required. The applicant's property is a corner lot and by definition has two front yards. The proposed accessory building is 960 square feet in size and would be used for the applicant's personal use. The accessory building would be in compliance with other setback and size requirements. There are two existing detached accessory buildings on the property that will be removed prior the new structure being built.

The proposed garage would be located at the same setback as the existing attached garage. A variance was approved in 1986 for the attached garage. The rationale for approval was that construction had already begun due to an error on the City's part. Additionally, at that time the east property line was considered a side property line instead of a front.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Variance** to construct an accessory building eight feet from the front property line whereas 30 feet is required.

SURROUNDING USES: The subject site is surrounded by the following uses:

North, West, and South - Single-family; zoned R-1C; guided LDR, Low Density Residential

East - Single Family; zoned R-2, two-family residential; guided LDR, Low Density Residential

SITE PLAN REVIEW

Impervious Surface. The applicant's lot is 16,624 square feet in size. The property is allowed 30% impervious surface (4,987 square feet) and an additional 10% by CUP (1,662 sq ft). Based on information submitted by the applicant and measurements taken from aerial photography, the property currently has about 4,465 square feet of impervious surface. With the building proposed at eight feet from the east property line, most of the structure would be located over existing impervious surface, thus, not increasing impervious coverage. If the structure were to be located at least 30 feet from the east property line, this would add additional impervious surface to the property, exceeding the 30% allowed but would still fall within the additional 10% allowed by CUP (requiring the applicant to go through the public process for the CUP request).

Engineering. Engineering has reviewed the request and has commented there is an existing drainage swale and storm outlet located along the south lot line. If the variance is approved a condition of approval should be for the applicant to grant the City a five foot drainage and utility easement along the south lot line. The easement is being requested in this situation because it is in the City's best interest to maintain stormwater maintenance facilities due to the large amount of impervious surface and the close proximity of the accessory structure to the south lot line.

On a separate issue, not related to the variance, the property owner has recently done work in the City right-of-way of Dawn Way. These improvements include plantings, an earthen berm, and what appears to be a potential boulder retaining wall. These types of encroachments are prohibited on City right-of-way and must be removed.

EVALUATION OF REQUEST:

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 general intent of this standard is to limit the precedent that could be set if the variance was granted. The property does not have any special conditions that apply to the land in question. The proposed structure could meet the required setbacks on the property. Allowing a reduced setback on a corner lot could set a precedent for other corner lots in the City. In respect to the land use, size of the proposed structure and number of accessory buildings on the property the request is in harmony with the intent of the city code and comprehensive plan. The property is allowed one

detached accessory building; the current accessory buildings would be removed prior to a building permit being issued for the new structure.

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

The property is a corner lot. Corner lots have more restrictive setbacks than an interior lot because, by definition, they have two front yards. The size of the applicant's lot exceeds the minimum standards for a corner lot which are larger than interior lots to provide more lot area to address the two front yards issue. In this case, the location of the accessory building would only be eight feet from the property line whereas 30 feet is required and there is room on the property to construct the building that would meet setbacks. The setback standards are not precluding the homeowner from reasonable use of the property

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

The property is 16,624 square feet in size. The land near the home is relatively flat and an accessory building could be constructed on the property meeting setback requirements. This variance may be considered a convenience to the applicant, not a practical difficulty.

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

Although other structures in the area may not exactly meet the 30 foot setback requirement the applicant, by far, has the closest setback with the existing garage. Approving the accessory building setback would add to this reduced setback and may appear out of character compared to the rest of the neighborhood.

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. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
3. A grading/erosion control plan shall be required at the time of the building permit application.



Caneff Variance

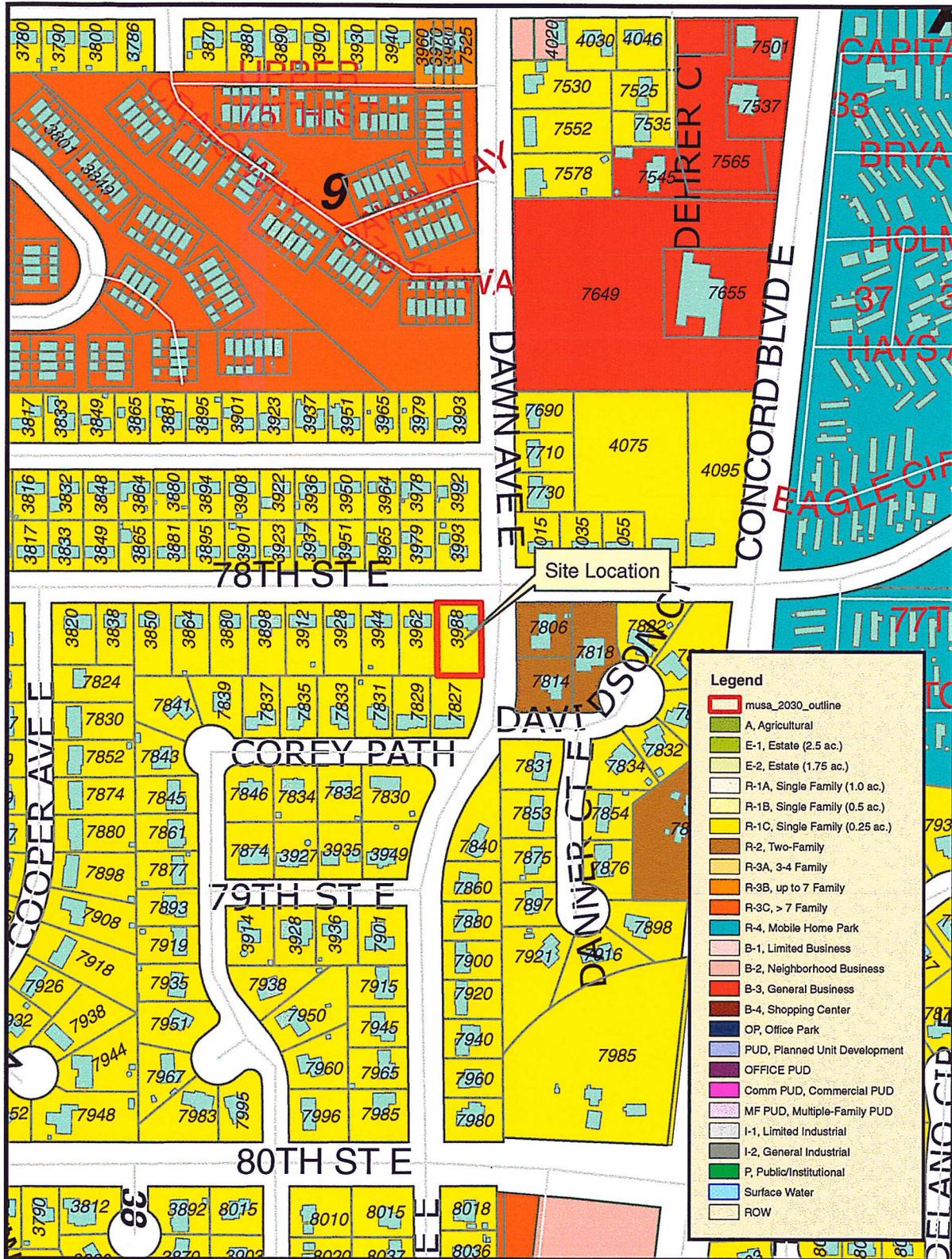


Exhibit A
Zoning and Location Map

The reason for the variance request is to put up a garage on my property. The problem is where I want to put it, it would end up only being 8ft from the 16 foot set back. And its suppose to be 30feet. The reason I want my garage in this spot is to keep it in line with my house. Yes, my house is only 8 feet from the set back as well. So the property must have had a variance already.

The garage plan however sits in the back half of the lot and there is a row of trees that go around the property. This makes the garage appear further away from the road and will also help hide the structure. The spot I want for this garage is furthest from all my neighbors and will not inconvenience them at all. They are all ok with me wanting to put this garage there.

I know that 24 feet away from the curb is plenty of room for any type of street repair because last year 78th Street was re done and only 5 to 10 feet of the lot was obstructed. Dawn Ave the side street that the garage will be off of travels up hill so there would never be a drainage problem with my lot. There are a lot of houses in the city that have a structure on a corner lot and are a lot closer than 46feet from the curb.

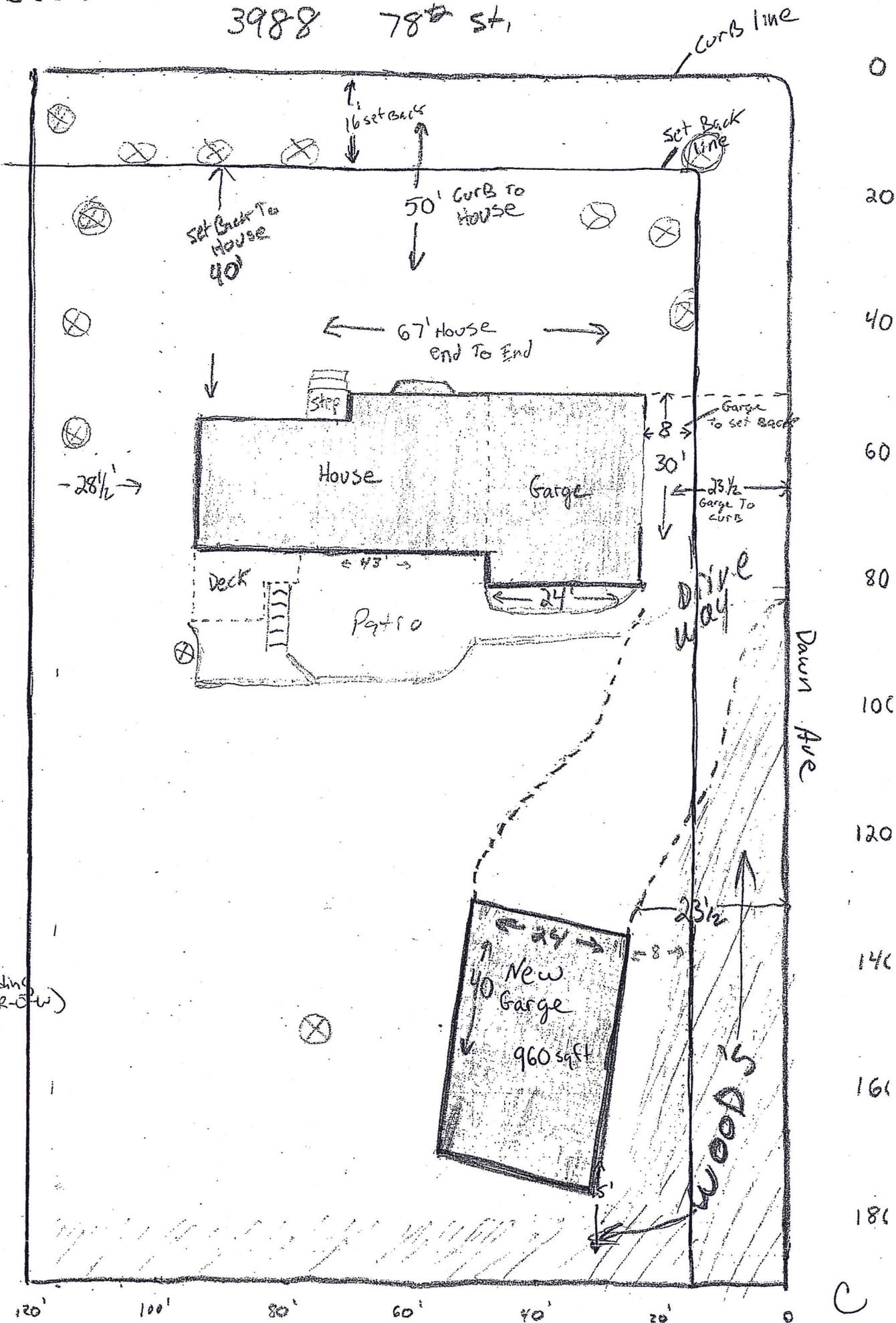
When I bought this property in 2004 I had plans to build a garage some day and thought that the house had a large enough lot that I wouldn't have any problems. Especially because the house sat in the set back area already. I plan on staying in this house forever because it suits my family well and is close to the Fire Department that I work for. Even if I wanted to move to have a bigger lot I would never be able to sell my house for what I owe on it. So I am trying to make this property suit my family more.

B

Adam Canett
 (651) 255-6807

3988 78th St,

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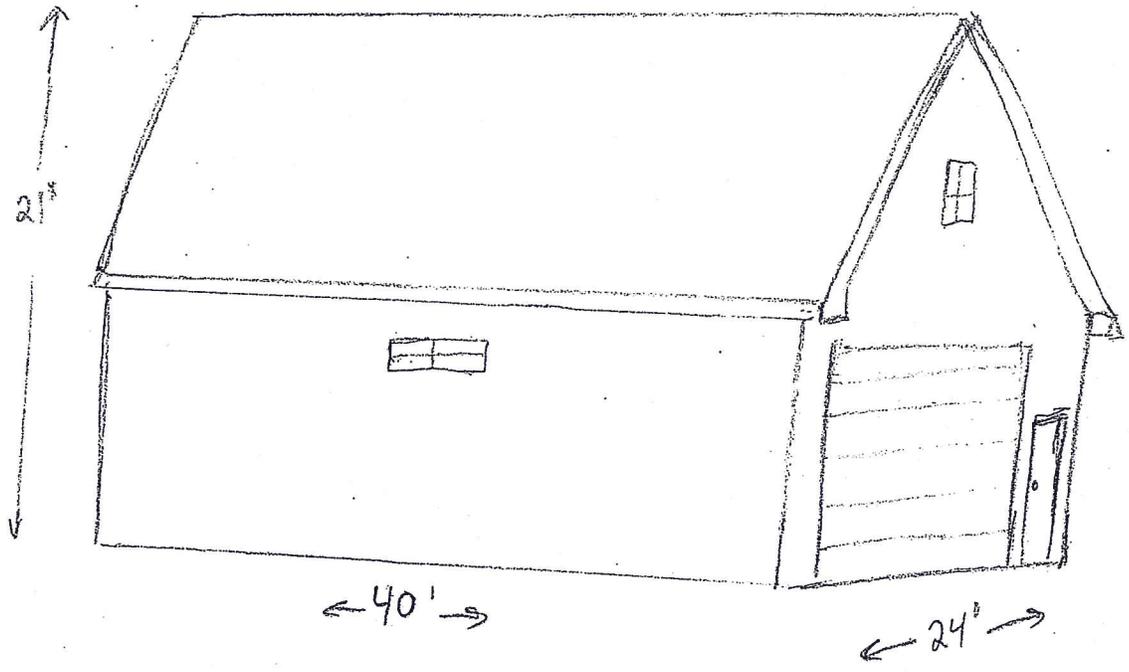
Total Lot =
 16,624
 sq ft

Total Drive
 way = (Including
 R-O-W)
 2,200 sq ft

Patio =
 1,025 sq ft

C

Adam LORETT
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960 sqft

C