

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 15, 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: Tom Link, Community Development Director
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the November 1, 2011 meeting were approved as submitted.

ADAM CANEFF – CASE NO. 11-33V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to construct an accessory building eight feet from the front property line whereas 30 feet is required, for the property located at 3988 – 78th Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like 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 which 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. Ms. Botten advised that the applicant has not identified 'practical difficulties' as the accessory building could be constructed on the property meeting setback requirements. Staff is also concerned that allowing a reduced setback on a corner lot could set a precedent for other corner lots in the city. For the reasons listed in Alternative B, staff is recommending denial of the request. Ms. Botten advised that staff received an email from one neighbor who was in support of the request.

Commissioner Simon asked if staff visited the property or just relied on the site plan to determine the impervious surface calculations.

Ms. Botten replied that she did go to the site, as well as using aerial photography and the information submitted by the applicant.

Commissioner Simon asked if the large brick patio was taken into consideration with the total impervious surface calculations as that was added since the last variance request.

Ms. Botten replied in the affirmative.

Commissioner Elsmore asked for clarification of the impervious surface total.

Ms. Botten advised that the applicant is proposing to place most of the proposed garage over existing impervious surface, thus minimally increasing the impervious coverage. If the structure were to be moved to meet setbacks it would add additional impervious surface, thus exceeding the 30% allowed, but would still fall within the additional 10% allowed by CUP.

Commissioner Lissarrague asked what would be done with the existing garage.

Ms. Botten replied there were two existing detached accessory structures on the property which would both be removed if the proposed structure was constructed.

Commissioner Simon asked if the berm and plantings would have to be removed from the right-of-way prior to receiving a building permit.

Ms. Botten advised that staff is looking at this as two separate issues, thus the structure would not be tied to the right-of-way issue. She stated the applicant has been working with the City's Engineering Department and her understanding is that the applicant has an agreement with the City to have the encroachments removed by summer 2012.

Opening of Public Hearing

Adam Caneff, 3988 – 78th Street, stated he was available to answer any questions.

Chair Bartholomew asked if the applicant understood the conditions listed in the report, to which Mr. Caneff replied in the affirmative.

Chair Bartholomew asked if the applicant understood that staff was recommending denial of the request.

Mr. Caneff stated he understood the concerns of staff but felt that his particular situation was unique in that the existing house and garage were already at the eight foot setback. He stated he would like the proposed accessory structure to keep in line with his existing house, he felt it did not make sense to have a 30 foot setback as his existing house had an eight foot setback, moving the proposed garage to the far corner of his property would be costly as it would require retaining walls due to the existing slopes, it would also require tree removal and likely a new driveway. If he moved the structure anywhere else it would require the removal of a large tree in the center of his back yard which provides shade for his lot. He stated it did not make sense to place the building in the middle of his yard just to meet setbacks and he did not see an issue with allowing other residents to do the same if they had a similar unique situation. He stated he understood, however, why a variance would not be allowed in a situation where the existing home was not already at the requested setback. Mr. Caneff presented statements from four neighbors stating they had no objections to the request. He stated the proposed structure would have the same siding as his home and would clean up his lot. He added that 78th Street was recently reconstructed and only 5-10 feet of his lot was disturbed, therefore he did not feel there would be an issue with the proposed location of the garage should future work be done along Dawn Avenue.

Chair Bartholomew asked if the home and existing garage were built prior to the two-sided frontage code.

Ms. Botten replied in the affirmative, stating in the 1980's the lot's frontage along Dawn Avenue was considered a side lot rather than a front.

Chair Bartholomew stated the request did not satisfy the variance review criteria.

Commissioner Hark asked if the applicant had considered moving the garage to the west as it appeared there were several reasonable alternative locations available.

Mr. Caneff replied that he had, but to get the most use out of the yard he would have to put the garage in the far back corner. This would be too costly as it would require retaining walls and tree removal. He advised he would like a driveway in which he could back a boat into so it would have to be fairly straight.

Commissioner Lissarrague asked if the proposed garage was angled for the purpose of getting a boat in and out, to which Mr. Caneff replied in the affirmative.

Commissioner Lissarrague suggested the applicant move the front of the garage 15 feet from the property line versus the proposed eight.

Mr. Caneff replied that it would take up too much of the yard and result in wasted space.

Commissioner Wippermann stated one of the conditions of approval was that the structure could not be used for commercial uses, storage related to a commercial use, or home occupation. He noted that a bulldozer and industrial type trailer was on the property and that seemed contrary to the stipulations of the condition.

Mr. Caneff stated he had a snowplow for his truck, a car trailer, and the equipment was there for different landscaping he was doing in the yard and personal use. He stated the trailer was at his house intermittently and the various items would be stored in the garage should the variance be approved.

Commissioner Elsmore asked for clarification if all the equipment was for personal use and not used in or for a business.

Mr. Caneff replied they were all his personally.

Commissioner Wippermann asked if the applicant wanted the letters from his neighbors to be added to the City's file for this request, to which Mr. Caneff replied in the affirmative.

Commissioner Gooch asked if the applicant could add onto his existing garage at the eight foot setback without a variance.

Ms. Botten replied he could not, stating if he were to expand he would have to meet the setback requirements for today's code.

Commissioner Gooch suggested constructing the garage on the other side of the patio and meeting the 30 foot setback, stating the applicant could then back straight into the garage.

Mr. Caneff replied it would form a courtyard-type patio and would likely create drainage issues because of the flat lot.

Commissioner Gooch stated since the applicant was in the landscaping business he could likely figure out a way to run the water away from the garage.

Mr. Caneff stated his children would then have to play behind the garage and when looking out the

windows of his house he would see the garage rather than trees.

Commissioner Gooch stated it might be the only way the applicant could construct a garage of this size on his lot and still meet code requirements.

Planning Commission Discussion

Commissioner Hark stated he felt the requested location for the garage was a convenience rather than a practical difficulty and that eight feet was too close, especially since there were alternative locations available.

Chair Bartholomew stated he did not support the request as it did not comply with the variance criteria. He stated he would almost consider it as a sideyard if it were not for the fact that it would entail making the same condition for every corner lot in the City.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Scales, to deny the request for a variance to allow an accessory building eight feet from the front property line whereas 30 feet is required, for the property located at 3988 – 78th Street, based on the fact that denial of the variance would not preclude the applicant from having reasonable use of the property, approval of the variance could set a precedent for setbacks on corner lots, and the lack of practical difficulties.

Motion carried (8/0). This item goes to the City Council on November 28, 2011.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary