

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, MAY 1, 2012 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**

- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR April 17, 2012.**

- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

3.01 PAUL AND JULIE ENGLESON – CASE NO. 12-09V

Consider a Variance to install a pool and perimeter walk 12 feet from the corner front property line whereas 30 feet is required. This request is for property located 6239 Boyer Path.

Planning Commission Action _____

3.02 PADDY AND SUSAN MCNEELY – CASE NO. 12-10V

Consider an Variance to construct an addition 40 feet from the rear property line whereas 50 feet is the required setback. This request is for the property located at 17 High Road.

Planning Commission Action _____

- 4. OTHER BUSINESS**

- 5. ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Thursday, April 17, 2012 – 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
Dennis Wippermann
Pat Simon
Paul Hark
Victoria Elsmore
Tony Scales

Commissioners Absent: Harold Gooch
Mike Schaeffer

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

APPROVAL OF MINUTES

The minutes from the March 20, 2012 meeting were approved as submitted.

IGH INVESTMENTS LLC (ARGENTA HILLS) – CASE NO. 12-06PUD

Reading of Notice

No public hearing notice.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Planning Commission is being asked to review the final plat and final PUD plans for Phase 4 of Argenta Hills for compliance with the approved preliminary plat and PUD conditions of approval. He advised that the 23 proposed lots will complete the balance of this neighborhood. MNDOT approved the plans for the Highway 3 right turn lane and the City anticipates that construction will begin this spring or summer. Staff finds the plans to be consistent with the preliminary plat and plans and recommends approval of the request.

Chair Bartholomew referred to Condition #6 and asked if the park dedication fee rate had changed.

Mr. Hunting replied that the rate had not changed in the last few years; however, staff added Condition #6 to prevent potential future issues should the rate be modified.

Commissioner Simon asked if the outlots shown on the plat were all open space.

Mr. Hunting replied in the affirmative, stating they were either permanent open space or open space used for the stormwater system.

Commissioner Simon noted that the outlot letter designations shown on the Final Utility and Street Construction Plan were different than those on the plat displayed by Mr. Hunting during his presentation.

Mr. Hunting stated the plat he displayed was an earlier version. The current outlot designations

are referenced in the final plat documents and development agreements.

Commissioner Simon noted that some of the building pads shown on the plan appeared as if they encroached into the five foot easement.

Mr. Hunting replied that all homes in this plat would have to meet the five foot setback requirement, and the figures shown simply represented a general building pad area.

Commissioner Simon asked where the final access would be located for the Edgerton and Pilhofer properties.

Opening of Public Hearing

The applicant, Jacob Fick, 16972 Brantdjen Farms Drive, Lakeville, replied that the driveway for both residents would continue to move as construction dictates; however, they would maintain access for both homeowners and would ultimately provide a permanent access road via the neighborhood to the west.

Chair Bartholomew asked if the applicant was agreeable with the two conditions listed in the report.

Mr. Fick replied in the affirmative.

Planning Commission Discussion

Commissioner Wippermann stated that although the homes being built were attractive, he would be voting against the request as he had an issue with the lot sizes and setbacks. He stated the homes were too close together and he preferred a 20 foot separation between buildings rather than the 10 feet being proposed. He was also opposed to the proposed lots being substantially smaller than the 12,000 square foot minimum required in other parts of the City.

Planning Commission Recommendation

Motion by Chair Bartholomew, second by Scales, to approve the request for a Final Plat and Final PUD Development approval for Argenta Hills 4th Addition, for the property located along Auburn Court and Autumn Way.

Motion carried (6/1 – Wippermann). This item goes to the City Council on April 23, 2012.

CITY OF INVER GROVE HEIGHTS – CASE NO. 12-07ZA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) relating to allowing Community Gardens as a permitted use in residential and public/institutional zoning districts. No notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that staff was contacted by an individual looking to create a community garden on the grounds of the Grace Church of the Nazarene on 80th Street and Blaine Avenue. The zoning ordinance currently does not address community gardens, so staff brought this to the attention of City Council. The Council directed staff to do some research, prepare an ordinance amendment, and hold a public hearing. Staff reviewed a number of resources on community gardens, as well as what is being done in other cities. He summarized the main points of the ordinance which was based on requirements from other cities that regulate this use. Staff recommends the ordinance amendment as drafted.

Chair Bartholomew asked what the process would be for requesting a community garden.

Mr. Hunting replied that anyone desiring to create a community garden would have to abide by the regulations; no permit would be necessary.

Chair Bartholomew stated the 20 foot setback could be confusing in the Agricultural district as they are accustomed to being allowed to plant right up to the property line.

Commissioner Lissarrague asked if staff was aware of any communities that recently turned down a request for community gardens and if so, what were their concerns.

Mr. Hunting replied that West St. Paul was the only city he was aware of that had concerns with community gardens. He was not familiar with the specific situation but saw a reference in the paper about a concern regarding the potential of attracting rodents.

Commissioner Wippermann asked how the City would handle a request for a community garden using the current zoning ordinance.

Mr. Hunting replied that technically they would not be allowed as they are not addressed in the City's zoning code.

Commissioner Simon stated she was opposed to the fence requirement.

Mr. Hunting stated this was a Council recommendation as they wanted to block the visibility of the gardens from major roads.

Commissioner Wippermann stated that building a fence would be cost prohibitive. Also, he would prefer to look at a garden rather than a fence. He also did not see a need for Condition #L regarding paths.

Mr. Hunting noted that Condition #L does not require paths, but rather establishes guidelines should someone want to construct a walkway. Mr. Hunting advised that Condition #G allows for landscape/plant screening as well as traditional fencing.

Commissioner Elsmore asked if the cities of Burnsville or Minneapolis required screening or fencing.

Mr. Hunting replied they did not.

Commissioner Hark asked if community gardens would be allowed in the Industrial zoning districts via a conditional use permit.

Mr. Hunting replied they would not.

Commissioner Hark questioned why community gardens would not be allowed on commercial or industrial properties, stating they would be a prime location for this type of use. He asked if other cities permitted community gardens in their commercial areas.

Mr. Hunting replied that he has seen it done in various ways. Prohibiting them in industrial and commercial districts was staff's recommendation as they felt they were not appropriate in these areas and could potentially inhibit business.

Mr. Link stated that part of the rationale is economic development; staff feels that commercial and industrial properties could be put to a higher and better use than community gardens.

Commissioner Hark stated that gardens are not permanent, however, and are low impact.

Commissioner Wippermann advised that the company he retired from had a facility in Bloomington in a commercial area. An organization that ran a food shelf came to them looking to establish a community garden. They set up a community garden on the Bloomington property and it was extremely successful. He felt that in many cases commercial areas are more appropriate than residential because some residents may not want the increased traffic and parking or strangers coming into their neighborhood.

Commissioner Scales and Commissioner Lissarrague stated they were opposed to the fence requirement.

Commissioner Elsmore stated her understanding was that screening was only required along arterial roads. She noted that a property owner located on an arterial road could in many cases locate their garden on a portion of the property away from the arterial in order to avoid the fencing requirement.

Commissioner Simon stated she would like the fencing requirement removed. She also recommended that community gardens be allowed in industrial zoning districts, noting that they would likely have an abundance of open space available.

Opening of Public Hearing

Deanna Hussman, representing Grace Church of the Nazarene, stated the church would like to be good stewards of their land and use the lower portion of their land to create a community garden. Some of the produce would go to Neighbors Inc. and individuals would be able to grow produce for themselves.

Barbara Curchack, 456 Thompson Avenue West, West St. Paul, stated she was a faculty member at Inver Hills Community College (IHCC). She advised that IHCC plans to create a community garden on their property. They are hoping to create community on the campus through this garden and are committed to starting without any fencing so people feel connected. She noted that a downfall of a fence is that it provides shade which could make full sun plants more difficult to grow.

Chair Bartholomew recommended that Condition #N be removed, stating that dead plant material is typically left in until the spring to prevent erosion.

Ms. Curchack stated their gardens will retain the plants over winter in order to create a richer soil.

Denise Thatcher, stated she had a BA in Agriculture and a Masters in Plant Pathology and Integrated Production and Pest Management and will be working with Grace Church on their community garden.

Planning Commission Discussion

Chair Bartholomew summarized the comments heard by Commissioner's, stating it sounded as if the Commission would like to consider modifying the following conditions: 1) modify Condition #A to allow community gardens in all zoning districts, 2) remove Condition #G regarding fencing, 3) remove Condition #K regarding the 20 foot setback, and 4) remove Condition #N regarding removal of dead plant material.

Commissioner Lissarrague questioned whether Condition #L should be addressed.

Commissioner Wippermann recommended removing Condition #L regarding walkways.

Commissioner Elsmore noted that Condition #L does not require paths, but rather states that they *may* be installed.

Commissioner Wippermann stated the condition was not necessary as paths are already allowed.

Mr. Hunting stated the intention of the condition was to suggest materials that would and would not be allowed should someone want to install a path.

Ms. Curchack argued that certain situations would require a substantial pathway for accessibility issues. She advised that IHCC is planning on creating an ADA accessible outdoor classroom which would require pavement.

Commissioner Wippermann asked if Condition #O was intended for when the garden was completely done, not the end of each growing season.

Mr. Hunting replied in the affirmative. He stated that leaving open soil after the garden had ceased would violate the city's stormwater management requirements.

Commissioner Hark suggested modifying the definition of Community Garden by adding the verbiage 'or an organization' after 'maintained by a group of individuals'.

Commissioner Wippermann asked if there would be any merit to allowing community gardens by CUP on the smaller residential lots.

Chair Bartholomew replied that he did not anticipate there being a drive for community gardens on small plots.

Mr. Hunting asked for clarification on whether the Commission wanted all of Condition #G removed, stating the intent of the first part of the condition was to clarify that if someone were to install a fence around the community garden they would have to comply with the requirements.

Chair Bartholomew, Commissioner Wippermann, and Commissioner Simon recommended that Condition #G be removed entirely.

Commissioner Elsmore suggested removing only the last sentence of Conditions #G and #N and leaving the remainder.

Commissioner Simon agreed that the first two sentences of Condition #N should remain.

Commissioner Wippermann questioned why any of Condition #G was needed since fence requirements were already addressed in the City's zoning ordinance.

Commissioner Elsmore stated the information would be helpful for someone putting together a community garden by helping them avoid the cumbersome process of going through the zoning code.

Commissioner Hark suggested that staff create an informational flyer/handout with recommendations and suggestions for community gardens rather than including the information in the ordinance.

Chair Bartholomew asked the Commissioners' opinion regarding striking all or part of Condition #G.

The majority of Commissioners recommended striking Condition #G in its entirety.

Chair Bartholomew suggested striking Condition #K regarding a 20 foot setback.

Commissioner Elsmore asked for the background on Condition #K.

Mr. Hunting replied that it came from another municipality's code with the intent being to minimize impact to the neighboring properties in regards to runoff, pesticide and fertilizer drift, etc.

Commissioner Lissarrague asked the previous speakers from the audience for their opinion regarding a setback.

Ms. Thatcher stated that a five foot setback would be more reasonable, adding that a 20 foot setback would not be enough to prevent pesticide drift and that runoff should be minimal since most gardens were built on flat land.

Commissioner Hark suggested requiring a 'reasonable' setback rather than a specific number.

Mr. Hunting stated staff would prefer a specific setback rather than 'reasonable' so it would be enforceable.

Commissioner Simon recommended a five foot setback.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve the Ordinance Amendment to Title 10 of the City Code (Zoning Code) relating to allowing community gardens as a permitted use with the following changes to the recommended conditions: 1) adding 'or an organization' to the definition of community garden, 2) modifying Condition #A to allow community gardens in all zoning districts, 3) removing Condition #G, 4) modifying Condition #K to require a five foot setback rather than a 20 foot setback, 5) removing Condition #L, and 6) removing the last sentence of Condition #N.

Motion carried (7/0). This item goes to the City Council on April 23, 2012.

OTHER

Mr. Hunting reminded Commissioners that their joint meeting with the City Council is scheduled for May 14, 2012 at 5:30 PM. Commissioners should contact staff with any topics they would like to discuss at the meeting.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

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 two general reasons for not allowing pools in the front yard setback area are to enhance neighborhood aesthetics and maintain a measure of privacy for swimmers. If pools cannot easily be seen from the street, this not only makes the pool more private, but it also preserves the residential streetscape. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as residential.

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 pool would be 12 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 14,103 square feet in size. The property is flat and a pool 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 the pool would be screened with a fence from the street right-of-way approving the pool 12 feet from the corner front property line could set a precedent for other pools on corner lots and have an effect on the neighborhood aesthetics.

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.

B. Denial If the Planning Commission does not favor the proposed request, it should be recommended for denial, which could be based on the following rationale:

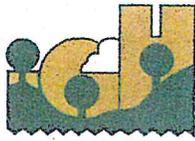
1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for setbacks on corner lots.
3. Staff does not believe there are practical difficulties in complying with the official control as there is room on the property to construct the pool meeting setback requirements.

RECOMMENDATION

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

Staff believes the 18' variance request is a significant request and the applicant did not identify practical difficulties to comply with the ordinance as the pool could be constructed on the property meeting setback requirements. For the reasons listed in alternative B staff is recommending denial of the proposed request.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Site & Building Plans



6239 Boyer Path Case No. 12-09V



Legend

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



Exhibit A
Zoning Map

April 18, 2012

City of Inver Grove Heights
City Planning Commission/City Council
8150 Barbara Avenue / Inver Grove Heights, MN 55077

City of Inver Grove Heights:

Thank you for considering our request of development variance at our property at 6239 Boyer Path in the Woodhaven Ponds Development, where we have a corner lot.

Our request for variance is for the placement of a semi-above ground pool (figure 1) to be placed in the southwest corner of our property. Our request is to have the surrounding deck, and fence of the pool to be placed 12 ft from our south property line (our side yard), the pool itself would be located 17 ft from the property line. The proposed placement of the footprint can be seen in figure 2. It is our understanding the defined location for a placement of a pool and associated structure is at 30 feet from this property line.

Please review our reasons why we believe you should approve our variance request.

- 1) The proposed pool and surrounding deck location (footprint) allows for designed use and utility of our existing 17' x 17' sq/ft 4 season porch, 18' x 18' sq/ft poured concrete patio, Rainbow Systems Swing Set and surrounding yard on the west side of the house (figure 3)
- 2) The proposed footprint ensures no changes need to be made to 5 thirty foot trees located on the south and west side of our property (figure 4).
- 3) The proposed footprint has been presented to and has received support from our neighbors based on its practical design and placement (figures 5-7).

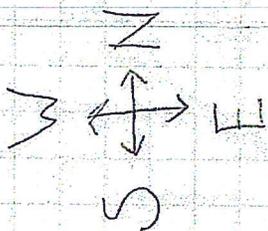
When we purchased our home, we intentionally selected a corner lot to take advantage of associated benefits of a bigger yard. As our family and needs have grown, we are attempting to maximize the utility of the lot we purchased while being respectful of those in our neighborhood and in the spirit of the Inver Grove Heights community.

We thank you for your consideration and we look forward to discussing our request in greater detail at the May 14th City Council Meeting.

Sincerely,


Paul and Julie Engleson
6239 Boyer Path
Inver Grove Heights, MN 55076
651-457-4895

1 block - 4ft



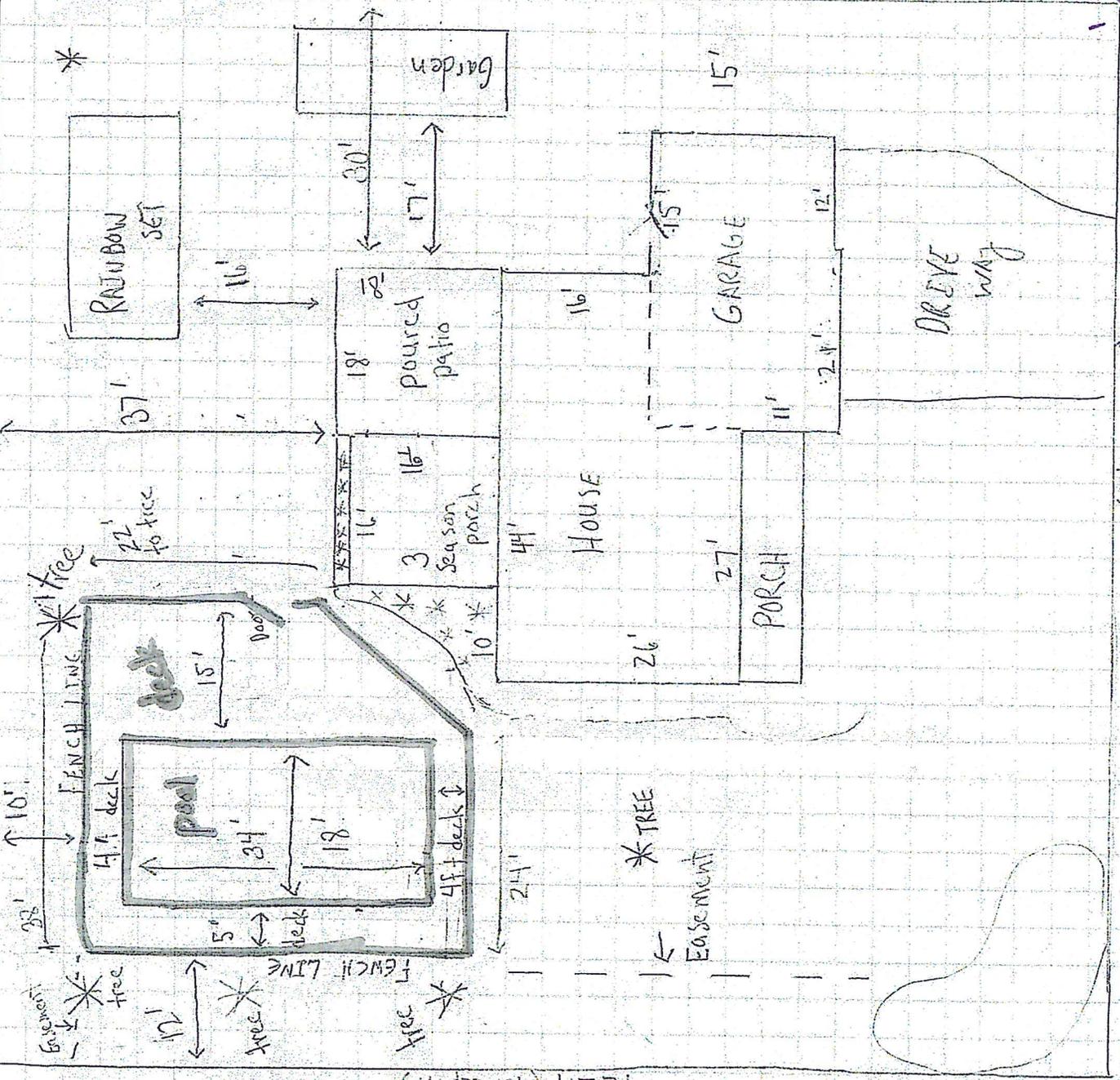
curb

17'

122ft (lot depth) Left side

BOLLARD

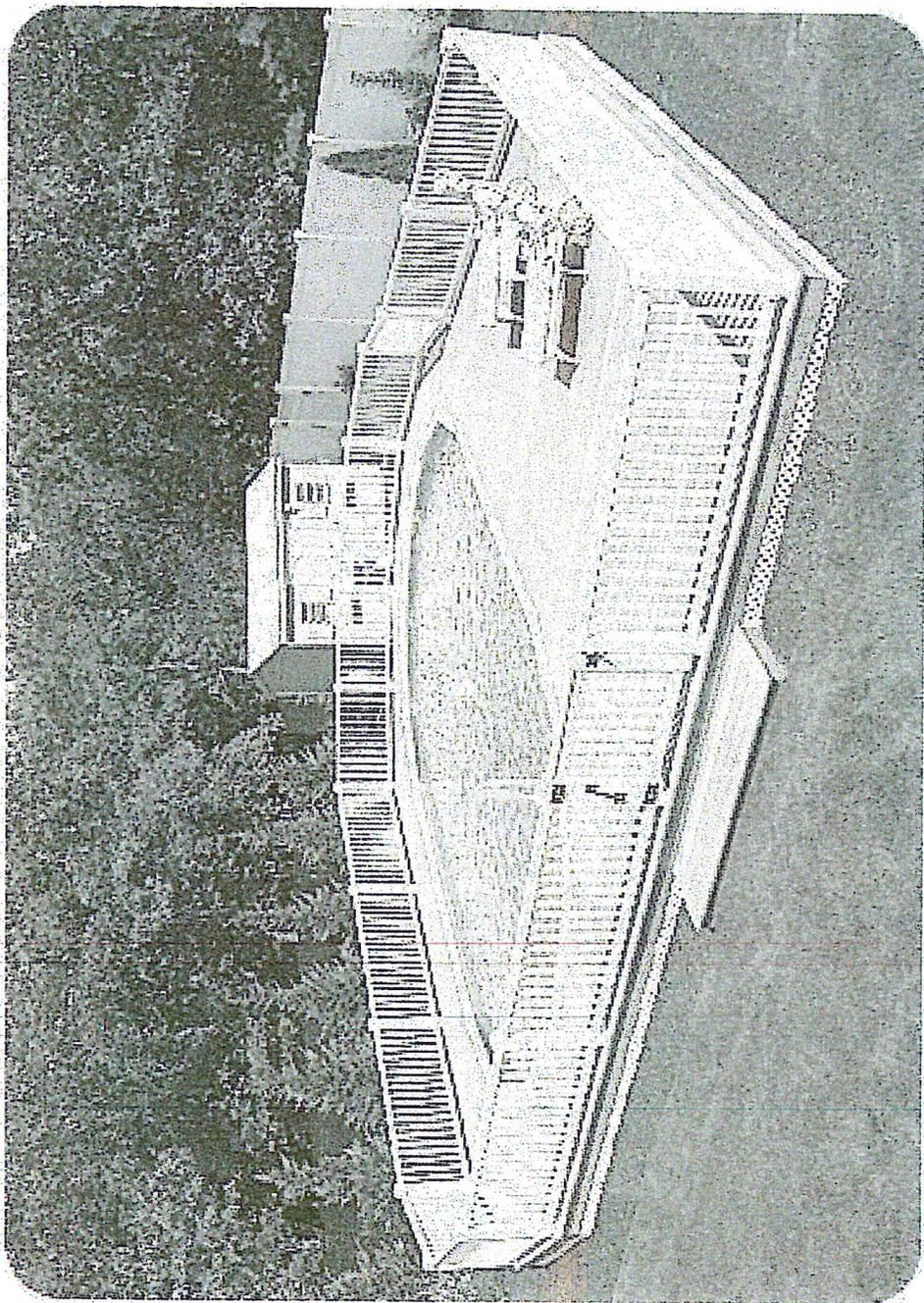
LOT REAR



116ft (lot width)

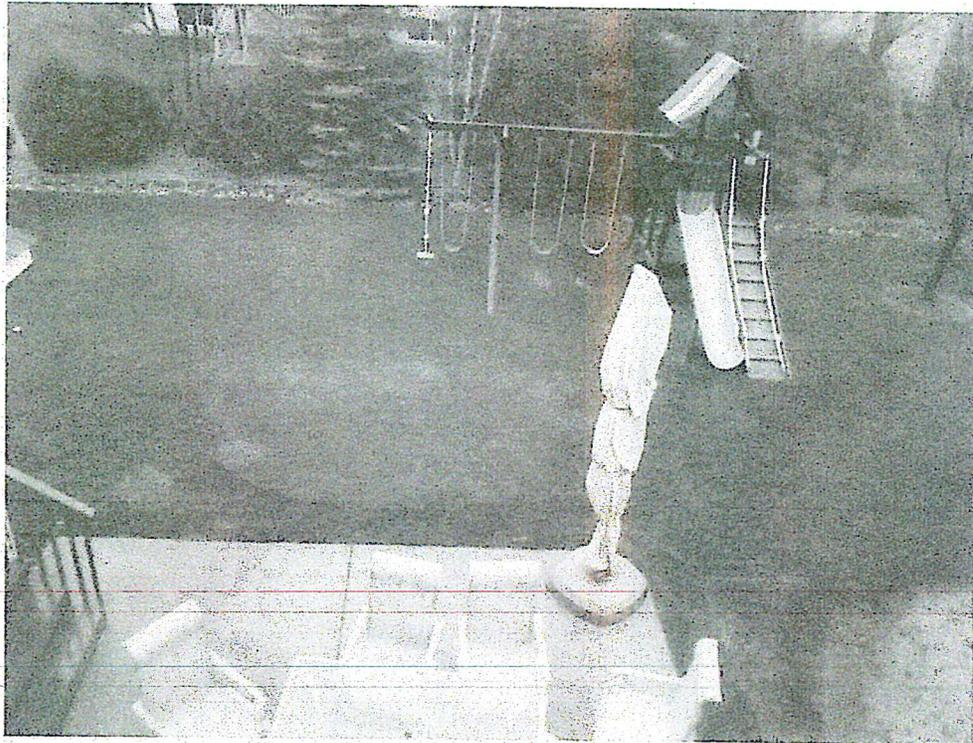
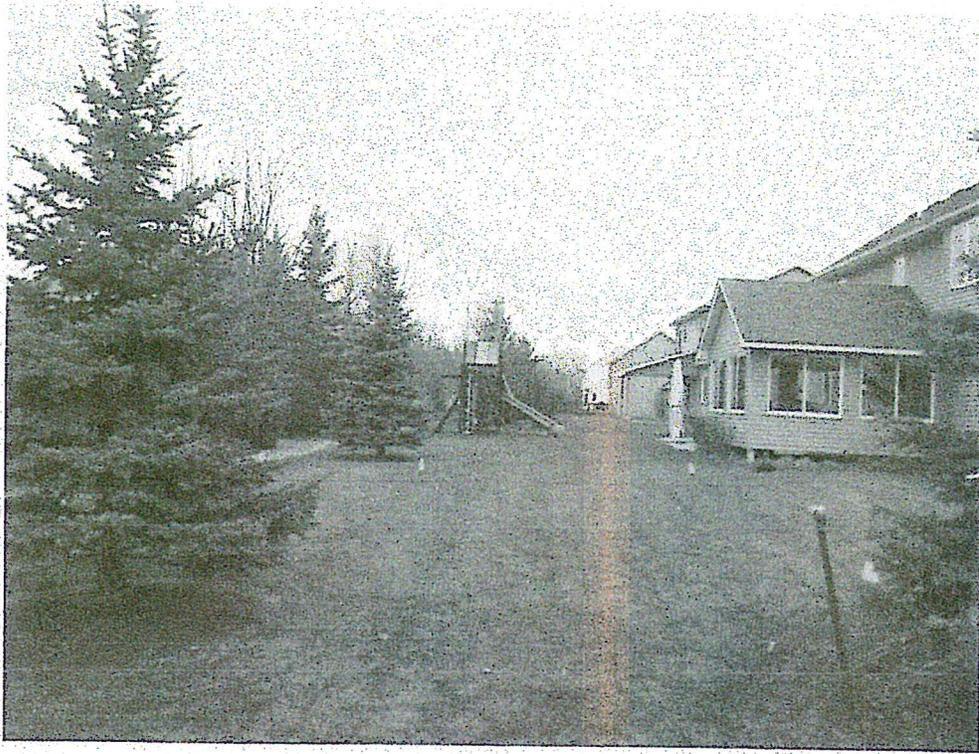
FIGURE 2

D

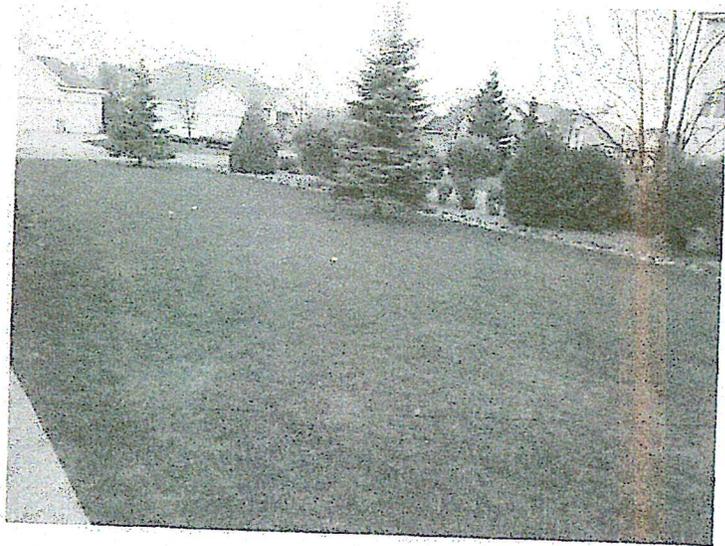
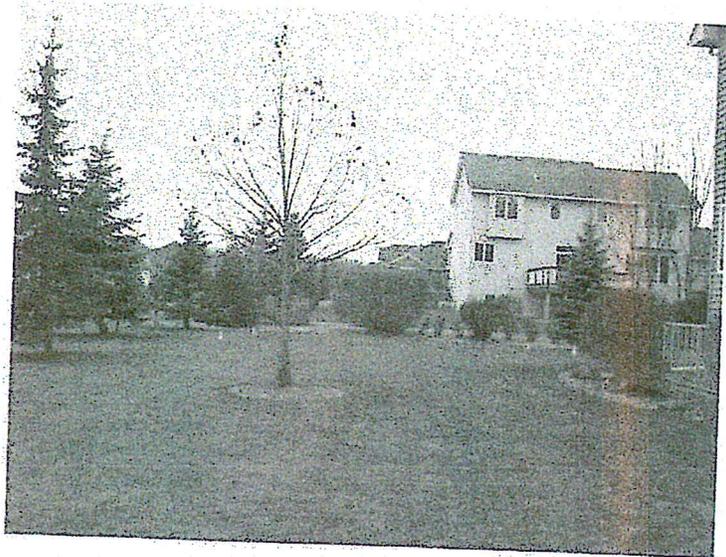


Gar E. 1

#3



#4



April 12, 2012

#5

To whom it may concern,

Our neighbors, Julie and Paul Engleson have asked discussed with us their intentions for a pool in their backyard.

We are fully in favor of it as we know they have a perfect yard for a pool and their kids would love it. We do not think there would be any noise or aesthetic issues as they are always thinking of their neighbors too.

If you have additional questions, please let us know.

Sincerely,



Michelle & Matt Hunt
6265 Bolland Trail
IGH
651 455-5520
huntm@comcast.net

E

#6

To the City of Inver Grove Heights,

We have lived at 6261 Bolland Trail for over 10 years and have known the Englesons throughout the duration of that time. They have always taken immaculate care of their lawn/ landscaping and exterior. We are aware of their intentions to build a pool in their backyard and fully support their efforts and plans. We know a pool will not only bring their family joy but also it will be done in a very aesthetically pleasing design and respectful to the surrounding homes.

Thanks for your consideration,

Joe and Christy Barwick

E

LAWRENCE E. and NORENE MOSER
6233 Boyer Path
Inver Grove Heights, MN 55076-5505

#7

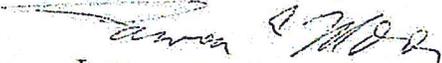
April 14, 2012

To Whom It May Concern:

We are in favor of granting a variance to allow a pool at 6239 Boyer Path to be located 15 feet from Bolland Trail rather than 30 feet.

It is our understanding that if the variance is not granted the next best location for the pool is 10 feet from our yard. This would put the pool and associated noise very close to our home. Granting the variance would keep the noise associated with a pool further from our family room, while not bringing it any closer to other homes on this side of Bolland Trail.

We urge you to grant the requested variance.


Lawrence E Moser


Norene Moser

E

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: April 26, 2012 **CASE NO.:** 12-10V

HEARING DATE: May 1, 2012

APPLICANT AND PROPERTY OWNER: Paddy and Susan McNeely

REQUEST: A variance from the rear yard setback requirements

LOCATION: 17 High Road

COMP PLAN: LDR, Low Density Residential

ZONING: E-2, Estate Residential / Shoreland Overlay District

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner 

BACKGROUND

The applicants would like to construct an addition onto their home 40 feet from the rear yard property line whereas 50 feet is the required setback in the E-2 zoning district. The applicants' property is 1.92 acres in size and located in the shoreland overlay district. The property does not directly abut Dickman Lake and is located about 500 feet away, complying with all setback and code requirements in the shoreland ordinance. The home addition would be in compliance with other setback and height requirements. The property is screened with trees and abuts City park property to the east.

SPECIFIC REQUEST

The following specific application is being requested:

- 1) A variance from the rear yard setback to construct a home addition 40 feet from the rear property line whereas 50 feet is required.

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

North, South and West - Single Family Residential; zoned E-2; guided Low Density Residential

East - Park; 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 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 City Code has greater setbacks in the estate areas to provide a buffer between structures, promoting rural uses of property and minimizing any potential impacts on neighboring properties. The property abuts City park property to the east, allowing a 40 foot rear yard setback does not bring the location of the home any closer to abutting residential lots still providing the same buffer between structures. The application is not contrary to the Comprehensive Plan as the future land use is residential.

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

The size of the addition is not out of character for this area. Therefore, the request to construct the home addition would be a use that is reasonable for this parcel. In respect to the land use, impervious surface, other setbacks, and code requirements the request is in harmony with the provisions in the zoning ordinance.

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

The property is 1.92 acres in size. The lot is unique in that it is wider than it is deep and with greater front and rear setbacks compared to side setbacks it makes the lot difficult to comply with the setback requirements. Additionally the septic system is located on the north side of the home and there is a wetland and drainage swale on the north half of the lot. There is also a drainage swale south of the home limiting the buildable area of the property.

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

The lot is wooded and screened from the neighboring properties. The property most affected by the addition is city park property with the closest trail being over 150 feet away from the addition. The area between the trail and addition is heavily wooded; the addition would not have an impact to the park or surrounding properties. The closest residential structure to the proposed addition would be to the south located over 200 feet away.

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 condition:
1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
- 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:

The lot is unique in that it is wider than it is deep and with greater front and rear setbacks compared to side setbacks it makes the lot difficult to comply with the setback requirements. Additionally the septic system is located on the north side of the home and there is a wetland and drainage swale on the north half of the lot. There is also a drainage swale south of the home limiting the buildable area of the property. The property abuts City park property to the east; allowing a 40 foot rear yard setback does not bring the location of the home any closer to the abutting residential lots.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Site Plans
Exhibit D – Building Plans



17 High Road Case No. 12-10V

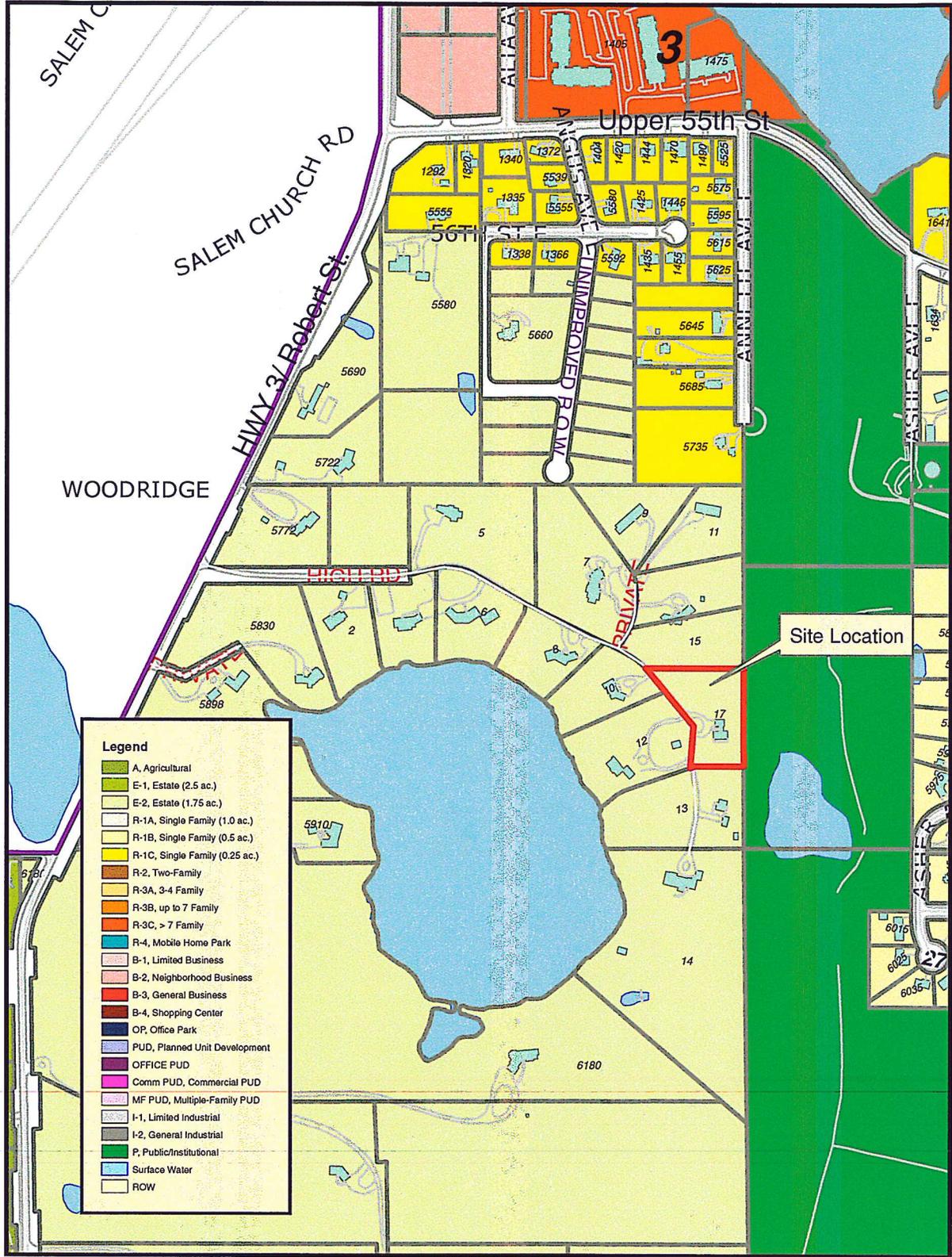


Exhibit A
Zoning Map

April 2, 2012

To Whom It May Concern:

Reference: #17 High Road, Inver Grove Heights, MN
Variance application narrative

We are currently in the process of planning an addition to our home at #17 High Road, Inver Grove Heights. Several designs have been considered as we have evaluated possible options. After reviewing the feasibility of those options, it has been concluded that adding on to the rear of the home would be the best alternative.

As part of the evaluation process, however, it has become apparent that the proposed addition does not comply with the city's rear yard setback requirements. While residential lots in this area require a rear yard setback of 50', the proposed setback of the proposed addition from the rear lot line is 40'.

As a result, we are applying for a variance as permitted by City Code Section 515.40, Subd.3.A. Specifically, we are requesting a variance of 10' from the rear yard setback requirement. Please refer to the practical difficulties summarized below. As a result of these difficulties, we feel that a hardship would be imposed if the city code relating to this setback issue is strictly enforced.

- 1) A unique characteristic of our property is that the lot is much wider than it is deep. As a result, the potential building area from the front of the lot to the rear of the lot for a property of this size is relatively minimal.
- 2) When the home was constructed by the previous property owners, it was placed in a position that limited potential expansion to the rear of the home.
- 3) Adding on to the front of the home is not a practical option due to architectural considerations. Existing roof lines would be impacted dramatically and the spaces added would be far detached from the existing living spaces that need to be expanded.
- 4) Physical characteristics of the lot minimize the potential to add to the sides of the home including:
 - a) The garage and septic system exist on the north side of the home. An addition on that side would require the removal and replacement of both.
 - b) A wetland is located close to our home on the north. It is likely that this would limit the potential for relocating a septic system to that part of the property.
 - c) The attached survey shows that the property slopes from the rear of the lot to the front of the property. As a result, drainage patterns are currently established around both sides of the existing home. This further limits a practical approach for an addition to either side of our residence.
 - d) There are four mature trees that grow adjacent to the south side of the home. A similar space added to that side would require removal of those trees. We would like to avoid that if at all possible.

Page 2
Variance application narrative
April 2, 2012

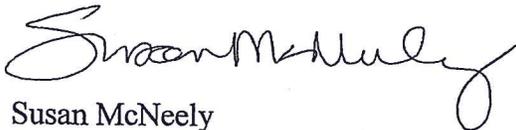
It is important to note that the proposed addition is not contrary to the City Ordinance or Comprehensive plan. If the proposed improvements are permitted, the home would be compatible with surrounding properties and the use would still be consistent with city code. Furthermore, economic considerations are not the reason for this variance application. Instead, the physical characteristics of the property referred to above have dictated the placement of the proposed addition.

Please consider that the design complies with all other City codes pertaining to this property. It would have no impact on significant trees. Due to the location of the proposed addition, it will not be visible from adjacent home sites or negatively impact neighbors in any way. Since there are no improvements in the heavily wooded unimproved park area that abuts the rear of the lot, no park visitors will be impacted either.

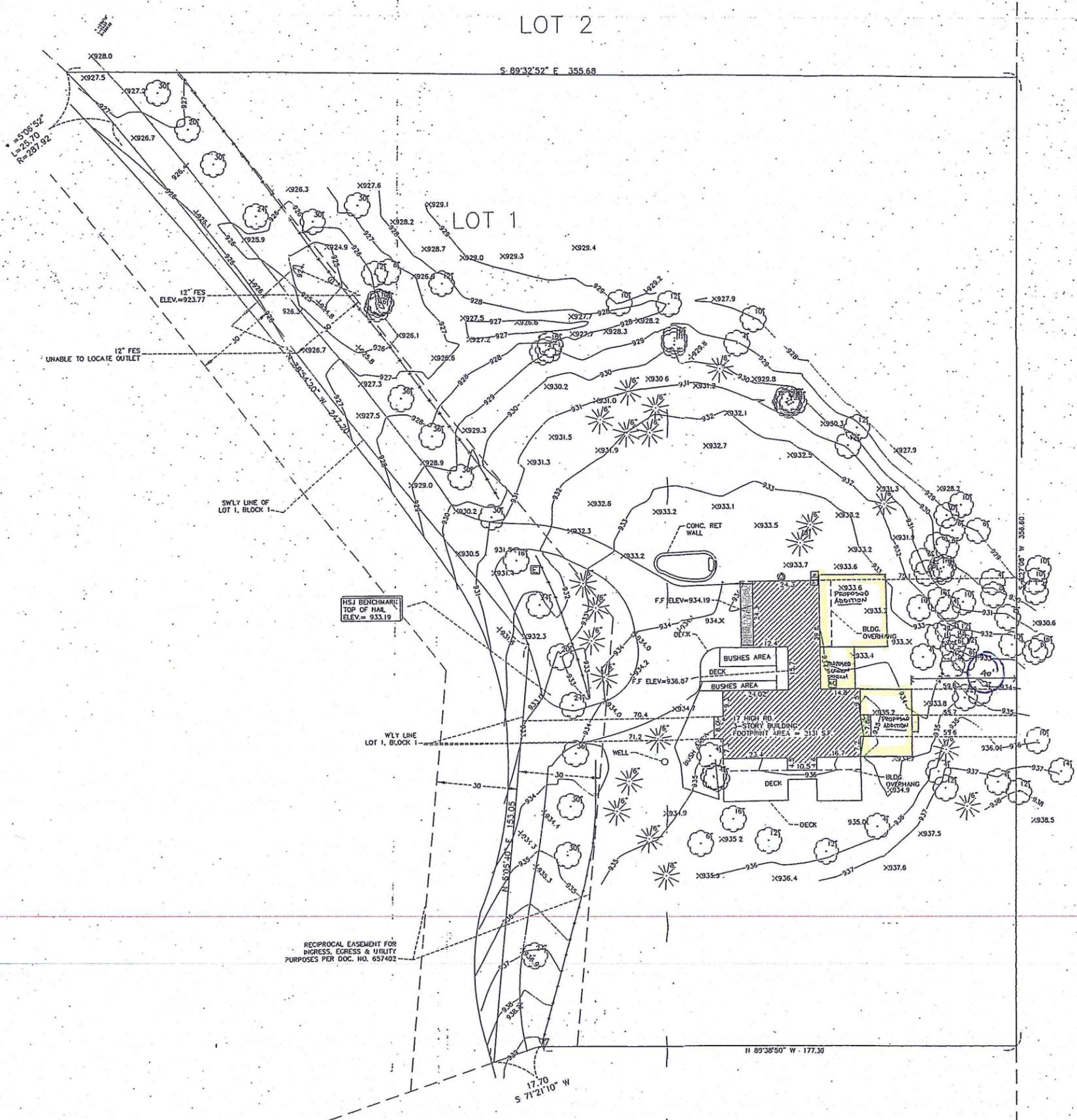
In summary, the proposed improvements have been designed in a way that most effectively deals with practical difficulties unique to this property. The resulting hardship has not been caused by the property owners. The proposed improvements will not negatively impact others. This request is not motivated by economic concerns or for mere convenience of the property owners. Finally, approval of this variance would be in keeping with the spirit of the City Code and the Comprehensive Plan.

Thank you for your consideration of this request. Please let us know if additional information would be helpful.

Sincerely,



Susan McNeely



LEGAL DESCRIPTION

Lot 1, Block 1, MacGregor Acres Rearrangement, together with access by easement for private road as created by the Grant of Reciprocal Easement as amended by Amendment to Grant of Reciprocal Easement filed for record as Document No. 657402, Dakota County, Minnesota.

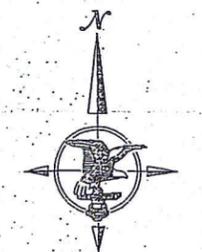
LEGEND

- Property Monument
- ▬ Concrete Curb
- ▬ Fence
- ▬ Overhead Electric
- ▬ Underground Electric
- ▬ Underground Telephone
- ▬ Water
- ▬ Gas
- ▬ Sanitary Sewer
- ▬ Storm Sewer
- ▬ Setback Line
- ▬ Electric Meter
- ▬ Electric Box
- ▬ Electric Manhole
- ▬ Unknown Manhole
- ▬ Hydrant
- ▬ Power Pole
- ▬ Gate Valve
- ▬ Guard Post
- ▬ Catchbasin
- ▬ Catchbasin
- ▬ Air Conditioning Unit
- Deciduous Tree (Diameter in Inches)
- Coniferous Tree (Diameter in Inches)
- ⊕ Light Pole
- ⊕ Gas Meter
- ⊕ Telephone Box
- ⊕ Water Manhole
- ⊕ Sanitary Manhole
- ⊕ Storm Manhole
- ⊕ Existing Contour
- ⊕ Existing Spot Elevation
- ⊕ Existing Gutter
- ⊕ Existing Spot Elevation



GENERAL NOTES:

1. The bearing system used is based on the plot of MacGregor Acres Rearrangement.
2. The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 2160 CONTACT Gopher State ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Subject property is identified as being in "Zone C, Area of Minimal Flooding" on Flood Insurance Rate Map, Community-Plan No. 270106 0005 B, effective date August 1, 1980.
4. Zoning = Presently E-2 (Estate District) per City of Inver Grove Heights.
5. Setback requirements per City of Inver Grove Heights.
Front = 30
Rear = 50
Side = 10
Side or Rear Adjoining street =
6. The zoning and setback information listed above is per City's webpage. Please contact zoning office directly with any questions, and before performing or planning construction.
7. Site area = 83849 square feet = 1.92 acres.
8. This survey was made on the ground.
9. No current title work was furnished for the preparation of this survey, legal description, recorded or unrecorded easements and encumbrances are subject to revision upon receipt of current title work.
10. Elevation datum is based on NAVD 1988 data.
HSJ Benchmark is located AS SHOWN ON SURVEY.
Elevation = 933.19
Benchmark is located at Upper 55th and Robert Streets. (SunFish RM 1, Concrete Monument).
Elevation = 931.72



SCALE: 1 INCH = 20 FEET

REVISIONS

Date:	Revision:

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

Thomas E. Hodorff, L.S.
Minnesota Reg. No. 23677

LOT CERTIFICATION WITH TOPOGRAPHY

For:
PADDY & SUSAN MCNEELY

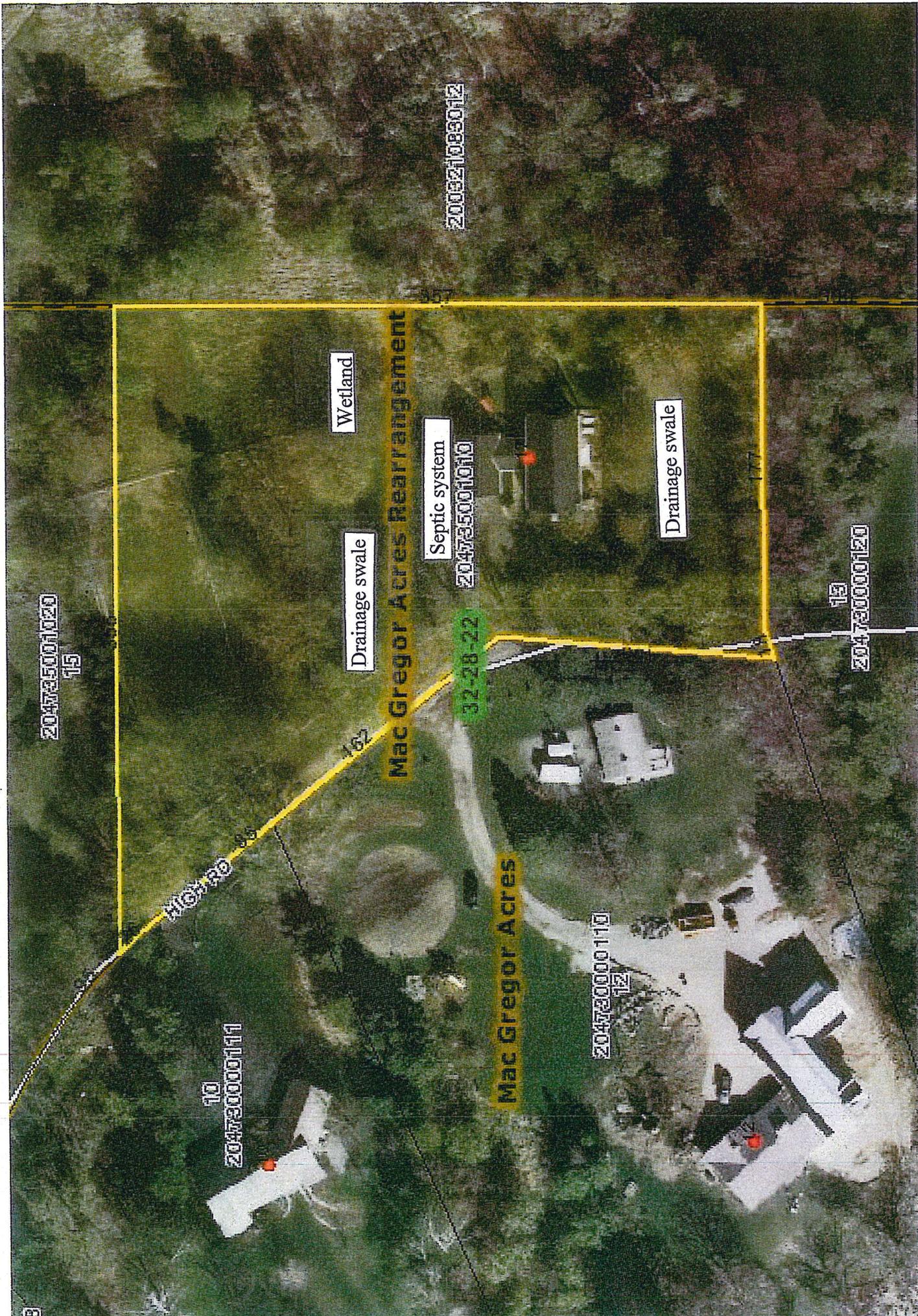
SITE:

17 HIGH ROAD
INVER GROVE HEIGHTS, MINNESOTA

DAKOTA COUNTY

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS
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Book	File No.
606	1-3-7468
Page	W.O. Number
40	2007207
CAD Technician	ONE
Sheet No.	1 OF 1



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15

2047350001010

Wetland

Drainage swale

Mac Gregor Acres Rearrangement

Septic system

2047350001010

Drainage swale

32-28-22

Mac Gregor Acres

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12

2047300000120
13

204730000111
10

Highway

177

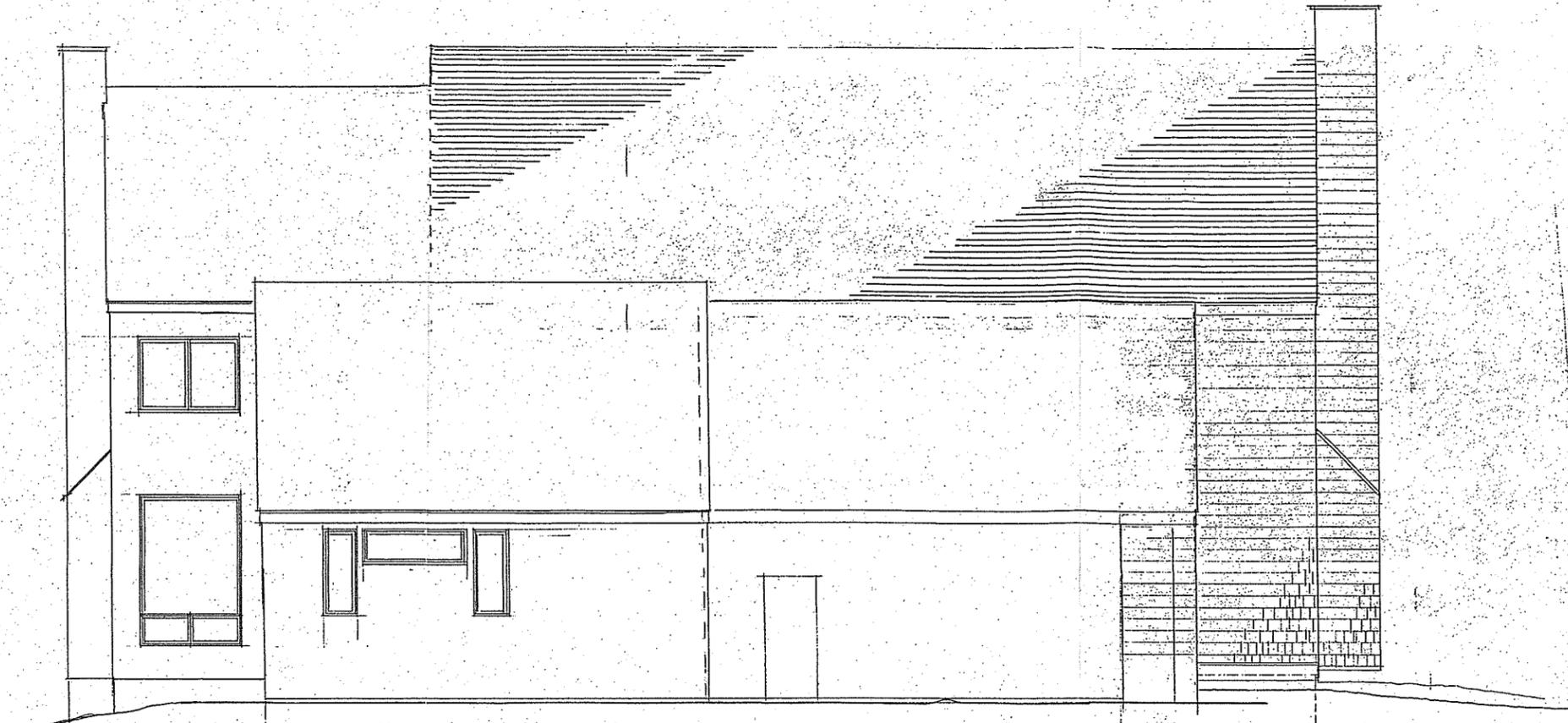


WEST / FRONT ELEVATION
SCALE 1/4" = 1'-0"



BACK / EAST ELEVATION
SCALE 1/4" = 1'-0"

PROPOSED McNEELY ADDITION MOBER HOMES INC. DRAWN 9/29/14 REVISED



NORTH SIDE ELEVATION
same Var-100



SOUTH SIDE
same Var-100