

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, JULY 3, 2012 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER
2. APPROVAL OF PLANNING COMMISSION MINUTES FOR JUNE 5, 2012.
3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 THOMAS ALCORN III – CASE NO. 12-20V

Consider a **Variance** to allow deck to be located about 13 feet from the front property line whereas 24 feet is the minimum setback. This request is for property located at 3591 78th Street.

Planning Commission Action _____

3.02 VLADIMIR SIVRIVER – CASE NO. 12-14VAC

Consider a **Variance** to allow a new home 5 feet from the corner-front setback whereas 30 feet is required for the property located NORTH of 4904 Boyd Avenue.

Planning Commission Action _____

4. OTHER BUSINESS
5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, June 5, 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
Paul Hark
Victoria Elsmore
Tony Scales
Harold Gooch
Dennis Wippermann
Annette Maggi

Commissioners Absent: Pat Simon (excused)

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

APPROVAL OF MINUTES

The minutes from the May 15, 2012 meeting were approved as submitted.

STEVE AND COLENE WOOG – CASE NO. 12-15V

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a variance to construct an accessory structure larger than the 1,600 square foot maximum allowed, for the property located at 2927 – 96th Street. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the subject property is zoned E-1. City Code allows properties 2.5 to 5 acres in size one detached accessory building up to 1,600 square feet in size. The applicant's property is 2.5 acres and they would like to construct an accessory building 2,016 square feet in size. The building would be constructed with vinyl siding matching the house. She advised that City Council revised the accessory structure size requirements in 2006. Prior to 2006 all lots less than five acres were allowed a maximum 1,000 square foot accessory building. Staff recommends denial of the request due to lack of practical difficulties, the fact that size standards would not preclude the homeowner from reasonable use of their property, and that granting a variance could set a precedent.

Opening of Public Hearing

The applicant, Colene Woog, 2927 – 96th Street East, submitted a letter of support signed by five of the six adjacent property owners; she was unable to contact the sixth neighbor. She stated the requested 36' x 56' structure would house their recreational vehicles and lawn equipment and would allow them enough room to maneuver their vehicles as well as the ability to leave their trailer attached to their SUV while parked. She stated the structure would keep their vehicles protected from the elements, be aesthetically pleasing to the neighbors, and would have minimum visibility from 96th Street.

Planning Commission Discussion

Chair Bartholomew stated that while he supported allowing larger buildings on E-1 lots, it would be difficult for him to support the request as the requested size did not meet the City's variance criteria.

Commissioner Lissarrague asked what precipitated the ordinance change in 2006.

Mr. Botten replied it was in response to multiple requests for variances from maximum allowed accessory structure size on larger lots in the Agricultural and E-1 zoning districts.

Commissioner Lissarrague stated he would not have an issue supporting the request, especially since the building would be difficult to see from the road.

Commissioner Elsmore stated she would have a hard time supporting the request without a practical difficulty and was concerned about setting a precedent.

Commissioner Hark stated that whether or not the neighbors were in favor of the request, approval of the variance would set a precedent.

Commissioner Wippermann stated he would be voting against the request because it did not meet the variance criteria.

Commissioner Gooch stated the applicants could meet the City Code requirements and still accommodate their needs by adjusting the building size (i.e. removing six feet from the proposed width).

Commissioner Lissarrague asked if the applicant planned to build an accessory structure even if the variance was denied.

Ms. Woog replied in the affirmative, stating they would build the structure as large as they were allowed.

Planning Commission Recommendation

Motion by Commissioner Wippermann, second by Commissioner Elsmore, to deny the request for a variance to construct an accessory structure larger than the maximum allowed for the property located at 2927 – 96th Street, with the reasons for denial as listed in the staff report.

Motion carried (8/0). This item goes to the City Council on June 25, 2012.

INVER GROVE HEIGHTS 2001 LLC (CUB FOODS) – CASE NO. 12-16PDA

Reading of Notice

Commissioner Hark read the public hearing notice to consider the request for a Planned Unit Development Amendment to amend the site plan, elevation, and sign plan to add a drive-up window for the pharmacy along the north side of the Cub Foods building, for the property located at 7850 Cahill Avenue. 49 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that Cub Foods is proposing to add a drive-through window with a canopy on the north side of their building. The existing parking area would be reconfigured to allow the drive through lane to be alongside the building and the row of parking would be relocated outward on the edge of the lane. There are

also some signage changes proposed to update the pharmacy signage and provide some directional arrows. Because this PUD was approved with a specific site plan and signage plan, any changes to that require a PUD amendment. Staff recommends approval of the request.

Chair Bartholomew asked if the proposed change would raise any issues since it is in the Shoreland Overlay District.

Mr. Hunting replied it would not have any impact since no additional impervious surface is being added.

Opening of Public Hearing

The applicant, Ann Thies, Supervalu, advised she was available to answer any questions.

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

Ms. Thies replied in the affirmative.

Commissioner Hark asked for clarification of a statement in the report that the applicants would comply with the Board of Pharmacy requirements in regards to the intercom system, and questioned whether there would be any potential noise concerns for the neighbors.

Rachael Wentworth, Cub Pharmacy, replied that pharmacy staff would comply with the HIPA patient privacy guidelines by having quiet conversations between patients and pharmacy staff. She advised she did not anticipate any noise concerns for neighboring property owners.

Planning Commission Discussion

Chair Bartholomew stated he supported the request.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Wippermann, to approve the request for the Planned Unit Development Amendment to amend the site plan, elevation, and sign plan to add a drive-up window for the pharmacy along the north side of the Cub Foods building, for the property located at 7850 Cahill Avenue, with the two conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on June 25, 2012.

VLADIMIR SIVRIVER – CASE NO. 12-14VAC

Reading of Notice

Commissioner Hark read the public hearing notice to consider a request for a vacation of an unimproved road right-of-way along the northwestern half of 49th Street between Boyd Avenue and Brent Avenue. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicants are requesting to vacate the north half of the unimproved road right-of-way of 49th Street, between Boyd Avenue and Brent Avenue, to create a larger lot size for the property to the north, making it easier to construct a home on the property. Engineering has determined the need to utilize this right-of-way area for possible future street, trail, or drainage and utility purposes. However, they support the vacation request provided easements are granted to the City. The City would like to retain the existing footprint of 49th Street right-of-way as public easement plus an additional ten foot easement abutting the 30 foot easement, totaling 40 feet. Additionally

engineering is requesting a 10 foot drainage and utility easement on the front property line along Boyd Avenue and a five foot drainage and utility easement along the northerly side yard property line. No building or structure improvements would be allowed in the easement area. If approved, the property owner would have a 54 foot buildable area versus the existing 34 feet. Staff recommends approval of the request with the conditions listed in Alternative A.

Chair Bartholomew questioned why the City was requesting such a large easement if they were fairly certain that 49th Street would not go through.

Ms. Botten noted there were several vacant properties in the area and therefore engineering would like to protect the area in case there was future need for a water/sewer line, or possibly a road.

Commissioner Wippermann asked who owned the property being requested to be vacated.

Ms. Botten replied it was owned by the City.

Commissioner Wippermann questioned why the City would not want to put 49th Street through to Boyd Avenue.

Ms. Botten replied they still could, however, the steep topography would make it difficult.

Commissioner Elsmore asked if a future home built on the property could remain even if the City extended 49th through to Boyd.

Ms. Botten replied in the affirmative.

Chair Bartholomew asked if this were approved, would the homeowner have full use of the right-of-way property other than not being able to place a permanent structure on it.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

The applicant, Vladimir Sivriver, proposed that the easement be decreased from 40 feet to the originally proposed 30 foot right-of-way from the centerline of the road to the south property line of the private property line. He stated that would be enough land to protect the City if they found it necessary to put in utilities. He stated the City would require a 10 foot setback on the north property line so therefore there would not be enough room to construct the 60 foot wide home they were planning to build. If they could subtract the extra 10 foot easement being proposed, however, they would have enough room to build their home.

Chair Bartholomew asked staff to clarify whether there was a five foot or 10 foot setback on the north.

Ms. Botten replied if the garage was on the north it would be a five foot setback; if the principle structure was on the north it would be a ten foot setback. Staff assumed the applicants would put the garage to the north to maximize the buildable area.

Chair Bartholomew asked for the reasoning for the additional 10 feet requested by Engineering.

Ms. Botten replied that without that easement a structure could be built right up to the setback line. Staff is requesting an extra 10 feet to maintain a separation in case a water main or sewer line was to be built right to the edge of the easement.

Chair Bartholomew questioned whether a five foot easement would be sufficient.

Mr. Hunting advised that any lot platted today would have a 10 foot perimeter easement along the street. Engineering is trying to protect the 30 foot right-of-way area for possible future use as well as an additional standard 10 foot perimeter easement.

Commissioner Elsmore asked if the applicant planned to build the garage on the north side of the property to minimize the required setback.

Mr. Sivriver replied they were planning to build the home with the three-car garage to the south.

Michelle Seliga, 4904 Boyd Avenue, advised that she lives just south of the subject property. Two years ago she and her husband requested a street vacation of both the 30 foot easement being requested tonight, as well as the southern 30 feet of the 49th Street right-of-way. She questioned the fairness issue, why only half of the right-of-way was being requested at this time, and whether the southern 30 feet could be vacated as well.

Ms. Botten explained that two years ago the Seligas made application for a street vacation; however, the request was withdrawn before going forward to the public hearing process. At that time the Engineering Department was recommending denial of the request as they wanted to retain the easement for possible future improvements. Ms. Botten stated the reason the current request is being considered by Engineering is because the property owners agreed to let the City retain its 30 foot easement, plus the City is requesting an additional 10 foot perimeter easement. She advised that if the Seligas would like to vacate their half of the right-of-way they would have to make formal application and bring it through the public notice and public hearing process. .

Planning Commission Discussion

Commissioner Wippermann questioned why the additional 10 feet would be necessary if it was unlikely that 49th Street would go through.

Mr. Hunting replied that Engineering stated they would support the vacation if they could get the same perimeter easements on this lot as any other lot in the City.

Commissioner Elsmore asked if the other half of the public right-of-way was 30 feet wide as well.

Ms. Botten replied in the affirmative.

Commissioner Maggi asked if it was realistic that the right-of-way would be used for utilities given the steep topography.

Ms. Botten stated that with current technology they could perhaps bring utilities through the area. She stated it is unknown at this time if it will be needed, but the City would like to protect the right-of-way just in case.

Commissioner Gooch questioned why the City would need additional easements if they had 30 feet from the applicant and 30 feet from the property owner to the south.

Ms. Botten replied that if a utility were constructed in the northern part of the right-of-way the 10 foot perimeter easement would ensure there were no structures directly abutting it.

Chair Bartholomew asked if anyone was paying taxes on the 60 foot right-of-way.

Mr. Hunting replied they were not.

Commissioner Gooch suggested the City work with the applicant and the property owner to the south in regards to a potential vacation of the entire 60 foot road right-of-way.

Mr. Hunting stated the property owner to the south would have to make formal application for a street vacation. He advised that Engineering would likely recommend support of the request with the same stipulations as the current request, including the 10 foot perimeter easement.

Mr. Sivriver stated the reason staff is recommending approval of the request is because they met with the City and proposed a 30 foot easement over the street right-of-way. He stated to request an additional 10 foot easement, however, was excessive.

Ms. Botten noted that the additional 10 foot perimeter easement was not discussed at the original plan review meeting. The applicant was notified via email of the engineering recommendations prior to the planning report being written.

Commissioner Elsmore advised she supported staff's recommendation, stating the property owner was benefitting quite a bit from the City and the 10 foot perimeter easement was a reasonable request and would be expected on any other lot in the City.

Chair Bartholomew agreed that the property owner was benefitting from the 30 feet of additional property; however, he felt five feet would be a good compromise rather than ten.

Commissioner Maggi asked if the property owner to the south were to request a vacation, would staff likely request a 10 foot perimeter easement as well, resulting in a 60 foot right-of-way plus two 10 foot perimeter easements.

Ms. Botten replied that was her assumption. She noted that the applicants would be gaining approximately 4,000 square feet of property if the vacation request was granted.

Planning Commission Recommendation

Motion by Commissioner Scales, second by Commissioner Elsmore, to approve the request for a vacation of an unimproved right-of-way along the northwestern half of 49th Street between Boyd Avenue and Brent Avenue, with the four conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on June 25, 2012.

VANCE GRANNIS JR. – CASE NO. 12-18ZA

Reading of Notice

Commissioner Hark read the public hearing notice to consider a request for an ordinance amendment to Title 10 of the City Code (Zoning Ordinance) to conditionally allow an outdoor gun range associated solely with the MnDNR Firearms Safety Program. No notices were mailed.

Presentation of Request

Mr. Hunting explained the request as detailed in the report. He advised that Mr. Grannis was approached by the DNR about the possibility of allowing a gun safety training program on his property. Mr. Grannis then contacted the City and has made application to amend the ordinance to allow a DNR gun safety training program with an outdoor shooting range to be a permitted use in the E-1 zoning district. Staff reviewed the request and has some concerns in regard to limits to the number of events that could be held each year, potential noise from discharge of the firearm, site logistics, and the fact that outdoor ranges have never been allowed in the City's zoning code.

Because of these concerns staff would recommend that if this type of use is found acceptable, the use should be allowed either as a conditional use permit (CUP) or an interim use permit (IUP). In either of these cases an application for the specific location would be required; a notice would be mailed to surrounding property owners, followed by a public hearing and review by Council. Staff recommends approval by interim use permit. This would give neighbors a chance to comment if there were any impacts to their property and it would essentially put this type of use on a trial basis and after so many years the City would know the impacts, if any, created by the use and could then determine if the use should be allowed on a permanent basis or be eliminated.

Chair Bartholomew questioned why the City would recommend a CUP or IUP since the acreage requirement essentially precluded this use from being any place else in the City.

Mr. Hunting replied that since this is something that has never been in the City since the adoption of the first zoning code, staff thinks there should be some type of notification to the neighbors. Allowing the outdoor shooting range by permitted use would require no neighbor notification.

Commissioner Maggi asked if the recommended minimum distance of a gun safety range from a non-owner residence would be a quarter mile from the residence or from the property line.

Mr. Hunting replied a residence.

Commissioner Maggi asked what the firing distance was of the rifles that would be used in the DNR program.

Mr. Hunting replied that the DNR representative could best respond to that question.

Opening of Public Hearing

Vance Grannis Jr, 9249 Barnes Avenue, stated his goal was to preserve and protect 250 acres of land and develop an outdoor skills and environmental education center, with the gun safety program being one small part of that. Recently the West End Gun Club contacted him and asked if they could use the property for their field experience in the safe handling of firearms and hunter responsibility portion of their gun safety program. Mr. Grannis advised he was agreeable, but noted that City ordinances prohibit the firing of guns. They then went to the DNR to get their course approved and the DNR suggested they try to get approval for the shooting portion of the course as well. He advised he has no issues with the recommended conditions and would be agreeable with additional language restricting them to six events a year unless authorized by the Chief of Police. He stated he was strongly opposed to allowing this by conditional or interim use because of the notice requirements which would entail doing a costly title search. He stated that language would be in place giving the Chief of Police the authority to shut down the program should he consider it necessary. He suggested perhaps using a 2" x 6" backstop that would catch the bullets. He noted that only non-lead bullets would be allowed.

Commissioner Wippermann asked staff to clarify the need for a title search.

Mr. Hunting replied that a standard condition is an abstractor's certificate with a list of names and addresses of the property owners within a certain distance from the property under consideration.

Mr. Grannis stated this was a unique situation in that the shooting would occur in the middle of a 250 acre parcel.

Commissioner Lissarrague asked for clarification as to whether a notice would be needed for a permitted use, as is being requested by Mr. Grannis.

Mr. Hunting replied that the Planning Commission has three options before them, to approve by conditional use permit, by interim use permit, or as a permitted use, which requires no neighbor notification.

Lt. Alex Gutierrez, a representative from the DNR, stated that in regards to a backstop, scraping the first 2-3 inches from the natural berm would remove all bullets. He advised that the bullets have the potential to travel about a mile, however the force they have over 200 yards is minimal. He explained how the target practice took place, stating it was a controlled environment and if someone were to trespass onto the property the range master would see them and all shooting would cease.

Chair Bartholomew asked for clarification of where the students would be shooting.

Lt. Gutierrez stated there was a one hundred foot elevation difference from the proposed gun range to the top of the hill in the direction they would be shooting.

Commissioner Lissarrague asked how far back the backstop would be from the targets.

Lt. Gutierrez replied approximately five yards.

Commissioner Lissarrague asked if it was correct to assume that no bullets should reach that far if Mr. Grannis were to utilize the wood backstop he proposed earlier.

Lt. Gutierrez replied in the affirmative. He stated he does not recommend a wood backstop, however, as it is more costly and creates more noise when a bullet hits the backstop as opposed to dirt.

Commissioner Lissarrague asked how safe the program would be.

Lt. Gutierrez replied that he did not recall any accidents ever occurring at their safety programs.

Heidi Leonard, 1613 Lacota Lane, Burnsville, a firearms safety instructor for the DNR and coordinator at the West End Gun Club, displayed a dummy 12 gauge shotgun shell and .22 shell to show the Commission how small .22's were in comparison. She explained their gun safety program, stating that students go through six weeks of training prior to going out for field day at which time there is one volunteer for each student, plus the range master.

Commissioner Wippermann noted that the proposed ordinance stipulated that only .22 shorts could be used, and he asked if there was a noise difference between longs and shorts.

Lt. Gutierrez replied that they used .22 long rifles and he recommended that the word 'short' be removed from the ordinance to allow only .22 caliber rifles. He stated the sound difference between longs and shorts was minimal. He noted that because of the elevation and the surrounding trees noise would likely not be an issue.

Commissioner Wippermann asked if they used mostly single shot rifles.

Lt. Gutierrez replied in the affirmative.

Ms. Leonard explained that upon entering the site students are inspected to ensure they have no ammunition on them. They then carry either unloaded or simulated firearms for most of the day. They are only given ammunition at the particular moment that they are going to shoot.

Commissioner Hark stated he preferred approval by interim use rather than as a permitted use as he was not convinced that noise would not be an issue. This would ensure that all neighbors would receive notice and have a chance to bring forward any concerns.

Commissioner Lissarrague asked how long the actual shooting would typically last.

Ms. Leonard replied that they typically have a four hour field day, with the range portion being the last 40 minutes.

Commissioner Lissarrague stated the noise factor should be minimal in that the shooting only took place six times a year for 40 minutes each session.

Lt. Gutierrez showed a video which demonstrated the noise difference between a .22 caliber rifle, a 12 gauge shotgun, and a .308 caliber rifle

Chair Bartholomew asked if he was using a .22 short or long in the video.

Lt. Gutierrez replied a .22 caliber long.

Chair Bartholomew questioned why the ordinance specified short whereas the instructor recommended long.

Commissioner Lissarrague asked if certification in firearm safety resulted in hunting accident decline.

Lt. Gutierrez replied in the affirmative.

Commissioner Lissarrague asked if firearm safety certification was mandatory for hunting.

Ms. Leonard replied that anyone born after 1979 was required to take the course. Anyone born previous to that was grandfathered in.

Commissioner Elsmore asked how soon the DNR could hold its first class if the ordinance was approved by City Council.

Lt. Gutierrez stated they would have to post notice 30 days prior to the class. He noted that he was disappointed that they were limited to six classes per year.

Commissioner Elsmore explained that there was the potential for more classes if approved by the Chief of Police.

Jerry Bretoi, 8365 Courthouse Blvd Ct, stated he lived directly north of the target area and supported the request and had no noise concerns.

Joe Boehmer, 9320 Barnes Avenue, stated he supported the request and noted that the classes focused on safety.

Ed Valenti, 9047 Barnes Avenue, stated a .22 would make minimal noise.

Tom Boehmer, stated he was a neighbor of Mr. Grannis and had no issue with the request provided it was limited to .22 caliber ammunition.

Ann Valenti, 9047 Barnes Avenue, stated she supported the request and had no noise concerns.

Liz Nienioja, 8658 Applegate Way, stated she hoped the gun safety program worked out but she was concerned about potential noise and would like the neighboring property owners to receive notice.

Mr. Bretoi stated he felt the hillside behind the targets would make a better backstop than one made of 2" x 6"s.

Chair Bartholomew asked what the ratio was of students to instructor.

Lt. Gutierrez stated the minimum required is one instructor per five students plus a range safety instructor. Ms. Leonard's classes, however, have one coach/evaluator behind each student.

Chair Bartholomew asked who had command of the field of fire.

Lt. Gutierrez replied the range instructor. He advised that all students are given commands and shoot at the same time. Everyone is instructed to yell cease fire if they see something unsafe, including if they see someone wander onto the property.

Mr. Grannis suggesting having a sound demonstration to alleviate people's concerns regarding noise. He stated that sending out notices could be quite expensive.

Commissioner Lissarrague asked Mr. Grannis to show on the map where Ms. Nienioja's house was in relation to the shooting site.

Mr. Grannis pointed out her property, stating it was between a quarter and half mile of the site.

Commissioner Maggi noted that Lt. Gutierrez stated earlier that a .22's range is a mile.

Mr. Grannis stated in this case there is a hill behind the target which would stop any bullets. The mile range for a .22 would be if it were on level land. If somebody were to intentionally shoot up in the air the range would be much less. He advised this site was specifically selected for its safety by people that understand firearms.

Ms. Nienioji stated that notification is important and she feels there should be a mechanism in place for people to state later if they have a problem with this.

Grant Pylkas, 1885 – 96th Street East, stated he was a neighbor of Mr. Grannis and supported the request. He stated the noise from a .22 would be less than that of a hammer strike or nailing gun.

Lt. Gutierrez stated the program is so safe that they are doing two pilot programs within the MN State Recreational National Wildlife Refuge and Fort Snelling State Park, and are likely going to do a program at William O'Brien State Park as well.

Commissioner Hark questioned the logistics of a sound demonstration, stating if he was convinced that sound would not travel he would support the request.

Mr. Grannis suggested that the demonstration be given by the Chief of Police or one of his officers, and that they post people at various distances on the property or have neighbors stay in their homes to see if noise would be an issue. They could also have people posted at the property entrance to ensure no one wandered in.

Commissioner Elsmore clarified that the question before the Commission was whether they wanted

to recommend denial of the request or approval of an ordinance amendment to allow a DNR gun safety program as a permitted use, a conditional use, or an interim use. A permitted use would require no Planning Commission or City Council review and neighbors would not be notified.

Chair Bartholomew asked what the notice procedure would be for a CUP or IUP if the event was six times per year.

Mr. Hunting replied that the DNR or Mr. Grannis would have to come back and make application for a CUP or IUP to have the safety sessions and range on the property. A one-time notice would then be mailed to all property owners within 1,000 feet of the property. A notice would not be mailed each time a gun safety class was held. With a CUP the use would run with the land and would continue forever unless it ceased operation for a couple of years. An IUP would be a one-time approval for a set period of time.

Chair Bartholomew asked if the applicant could gather the neighboring property owner information on his own from tax records rather than hiring an abstract company.

Mr. Hunting replied in the affirmative.

Mr. Grannis stated the purpose of a CUP is to notify neighbors in case they want to put additional conditions on a request. He stated in this case they are putting all the conditions in the ordinance to begin with and no one has suggested additional standards. An additional protection is the ability for the Chief of Police to impose any conditions or restrictions that he deems necessary. He stated the application states the property owner should get a list from an abstract company. He advised that the cost of getting that information could be thousands of dollars. Because of this, he urged the Commission not to require a conditional or interim use permit. He advised that Mr. Kuntz was trying to come up with a way to do this without requiring an interim use permit.

Chair Bartholomew asked if there was a reason to move this along quickly rather than waiting to see what Mr. Kuntz might come up with.

Mr. Grannis stated he would be agreeable to tabling the request to allow time to do a noise demonstration.

Mr. Pylkas stated he did not want his tax money or Mr. Grannis's money to go toward paying for a title search. He recommended the gun safety range be allowed as a permitted use.

Commissioner Wippermann asked if there was any way they could make an exception and notify just the 59 property owners within the half mile circle of the proposed site.

Mr. Hunting replied that would be a legal determination.

Commissioner Wippermann asked if the noise would be compounded since all students were firing at the same time.

Lt. Gutierrez stated if the test was granted he could bring out a firearm that could shoot simultaneous rounds.

Ms. Leonard stated that in her experience typically the shots were staggered a bit.

Planning Discussion

Chair Bartholomew stated he supported allowing this as a permitted use, and would like the Chief of Police to coordinate a noise demonstration in order to alleviate any noise concerns.

Commissioner Hark recommended that a noise demonstration be performed as well. He stated he lived in the area and would like to be informed of the demonstration times so he could see how loud it was from his property.

Commissioner Scales stated a neighbor's motorcycle would likely be louder than a .22 and he did not believe noise would be an issue.

Mr. Link stated that level of noise was subjective and it would be unfair to ask the Chief of Police to determine whether the .22's made too much noise. He advised that staff believes notification would be appropriate in regards to allowing firearm discharge.

Mr. Grannis clarified that he was not suggesting that the Police Chief make the determination as to whether the noise was bothersome; he just wanted him or a licensed peace officer to perform the test to make it legal in regards to discharge of a firearm in the City.

Commissioner Elsmore stated she would have a hard time recommending this as a permitted use tonight because she believed the people in that area had a right to be notified. She suggested they table the request, send out notices to the homeowners within a half mile radius, and then bring it back for discussion.

Commissioner Lissarrague asked if the Chief of Police could stop the program if necessary.

Mr. Hunting replied that he believed so.

Commissioner Lissarrague recommended approval of this program by permitted use. He asked if the DNR would be agreeable to sending out information to the neighbors prior to the first shoot.

Lt. Gutierrez replied they would not make that kind of notification. They would, however, post the classes on their website. He clarified that this is not a gun range, but rather a DNR gun safety program that includes the discharge of firearms.

Chair Bartholomew stated he supported a permitted use. He suggested that City Council determine whether to modify the condition regarding .22 caliber shorts to .22 calibers.

Commissioner Gooch recommended this be allowed per permitted use, stating noise would not be an issue.

Commissioner Hark asked if Commissioner Gooch would be opposed to a noise test.

Commissioner Gooch replied he felt it was unnecessary, but would not be opposed to a noise demonstration.

Planning Commission Recommendation

Motion by Chair Bartholomew, second by Commissioner Lissarrague, to approve an ordinance amendment to allow a DNR gun safety program with outdoor shooting range as a permitted use with the standards as listed.

Commissioner Hark asked if the motioners would accept an amendment that the Chief of Police conduct a noise demonstration.

Chair Bartholomew stated he was agreeable to the amendment.

Commissioner Lissarrague asked who would make the determination of whether the noise was problematic.

Chair Bartholomew replied the neighbors, City Council, or whoever wanted to be there could make their own determination on whether noise was an issue.

Commissioner Lissarrague advised he was agreeable to the amendment to do a noise demonstration. He asked Lt. Gutierrez if he thought the verbiage regarding .22 shorts should be addressed at this time.

Lt. Gutierrez suggested the word 'short' be removed from the standards language. He advised that the only difference between a short and long was the casing and trajectory and that most classes were done with long rifles.

Commissioner Elsmore questioned how the noise demonstration would be performed.

Chair Bartholomew stated it was not for them to design the demonstration; just to recommend that it be done.

Lt. Gutierrez stated instead of a noise test, anyone interested could go to the gun range for a demonstration.

Ms. Nienioja stated she was not familiar with guns and would therefore like to be assured by a demonstration that noise would not be an issue.

Mr. Grannis suggested that verbiage limiting this to no more than six sessions per calendar year unless approved by the Chief of Police be added to the approval. He noted that this language was included in the CUP and IUP amendments, but not the permitted use amendment.

Chair Bartholomew restated his motion to approve an ordinance amendment to allow a DNR gun safety program with outdoor shooting range as a permitted use with the removal of wording on type of .22 calibers round, and an added condition limiting use to six occurrences per year. He also recommended that a noise demonstration take place with details to be determined by the City Council and the Chief of Police.

Commissioner Lissarrague agreed with the restated motion.

Motion carried (5/3 – Elsmore, Wippermann, Maggi). This item goes to the City Council on June 11, 2012.

Chair Bartholomew requested that the Planning Commission be invited to attend the noise demonstration.

ADJOURNMENT

Chair Bartholomew adjourned the meeting at 10:13 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: June 25, 2012 **CASE NO.:** 12-20V
HEARING DATE: July 3, 2012
APPLICANT AND PROPERTY OWNER: Thomas Alcorn III
REQUEST: A variance from the front yard setback requirements
LOCATION: 3591 – 78th Street
COMP PLAN: LDR, Low Density Residential
ZONING: R-1C, Single-family Residential
REVIEWING DIVISIONS: Planning **PREPARED BY:** Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting an 11 foot variance to allow a deck/landing 13 feet from the front property line whereas 24 feet is the required setback. The deck was constructed fall of 2011. The applicant called the City and asked if a permit was required to install the deck and was told a permit was not required. Even though a permit was not required setbacks still have to be met, which the applicant was unaware of. A deck is considered a "structure" by code definition and all structures are required to meet setbacks. At grade improvements such as patios, sidewalks are not required to meet setbacks, however, they must remain out of any public easements. During construction a complaint was submitted to the City regarding the location of the deck, the Building Official placed a stop work order on the deck. The applicant is requesting a variance to keep the deck 13 feet from the front property line.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A Variance to allow a deck 13 feet from the front property line whereas 24 feet is the required setback.

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

North, West, and East-	Single-family; zoned R-1C; guided LDR, Low Density Residential
South	Park; zoned P, Public/Institutional; guided Public Open Space

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 zoning code allows for certain encroachments into the front yard setback area. Uncovered decks are one of the encroachments allowed up to 24 feet from the front lot line instead of the required 30 feet for a structure. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as residential. The size of the deck exceeds the purpose and intent of the zoning ordinance.

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

In this case, the location of the deck could be located up to 24 feet from the front property line, a patio could be installed, or a deck could be constructed on the back side of the home meeting 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.*

This variance may be considered a convenience to the applicant, not a practical difficulty. There do not appear to be any circumstances unique to the property that warrant a larger deck than what is allowed.

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

One of the functions of a front yard setback is to maintain consistency of structure placement and aesthetic qualities from street view. The code provision to allow a six foot encroachment for decks in front of a house is not considered to impact this consistency. The question becomes how much more of an encroachment and then how many start to impact the views and essential character of the area and streets. Staff's opinion is that further encroachments can have an impact.

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 other encroachment setbacks.
3. Staff does not believe there are practical difficulties in complying with the official control as the code allows a 6 foot encroachment into the front yard setback for uncovered decks or the applicant could install a patio.

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 13' variance request is a significant request and the applicant did not identify practical difficulties to comply with the ordinance. 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 Plan
Exhibit D- Photos of Property

Supportive Information to: Request for Variance for 3591 78th St. E.



To whom it may concern:

I had a platform 12' x 20' platform built for safety concerns for my 90 year old mother and my sister whom is mobile in a electric wheel chair, enabling them to walk/travel over the area at the city water shutoff that was not returned to the contract preconstruction conditions in 2009.

We entertain in our front yard as our backyard has a steep slope. We have lived at this address since 1972 and have adjusted as we have become older and for our family members whom have experienced physical challenges during these years. We have used this area for entertaining for years. We all enjoy the benefits of Oakwood Park across the street that continue to entertain us during the various sport activities and concerts throughout the year.

In the fall of 2009, I had approached the engineer, John Schmeling, about the depression in my front yard around the water shutoff left when the street project appeared to be completed . Nothing ever became of those visits with him or the other engineer also assigned to this street project. Over time I had called them, stopped them as they were driving by or walked over to them as they were parked in the Oakwood Park parking lot to discuss the condition of a possible sink hole around their water shutoff. I also made several trips to their offices at City Hall to coax them into giving me a resolution to this unsafe condition. Since this was part of the street construction project, according to the cities contract, it was their responsibility to reestablish all properties to the original status as before construction. A depression was acknowledged by the engineers. The landscape contractor was sent out to build up this area but within a short time it continued to sink. I was not going to do any repairs to city governed utilities without their guidance. During this time we continued to entertain but being prepared to catch my elderly mother and sister and help them negotiate around this area. On several occasions they either started to go to the ground or fall out of the wheel chair unknowingly catching the depressed edges at this location. I repeatedly stopped, called, and went to City Hall seeking help from the engineers to check the water shutoff area for water leaks, etc.. Nothing ever happened. No letters, calls, visits, nothing. This is not uncommon according to neighbors having issues with their property after the street project finished in their areas.

As the second year continued with nothing being done to alleviate this unsafe condition, I stepped up my quest to get the city to at least come again with a crew to look at the water shutoff. The engineer, John, said the city had not been satisfied with the landscape company and they were going to get another. After a long period of time and contacts, and almost into the beginning of the third year, as it was now August of 2011, I decided the city was not going to do anything about the possible water shutoff sink hole as I had been obviously been blown off by the contact city engineer(s). I sent an email to the City Engineer, Tom Kaldunski about this possible sink hole. He said he got my message and would get back to me. Nothing.

In September 2011, I contacted the City Departments, to inquire about a platform in my front yard. As long as the platform was not connected to the house, it did not require a permit. I took this as a go-ahead and hired a contractor to do the work. Since he was a previous resident of the city and had done extensive remodeling at his city property and was now a contractor and knew the needs to work on a project such as this he began to install the platform. When I came home, as I then and now work out of state, and talked to him about this project, he reiterated a permit was not needed and proceeded to construct the platform. This was the answer to the safety issues brought to your attention above. I had researched the state building code and found a brochure on "Guidelines for planning the construction of a deck". This document verified that a permit was not needed as it was not attached to the home and it was not more than 30 inches above grade. The non-user friendly city web site did not produce any document that would contradict my having a platform constructed. Things were cool. Everything seemed to jel. I was researching this project from out of state and nothing seemed to stop the project.

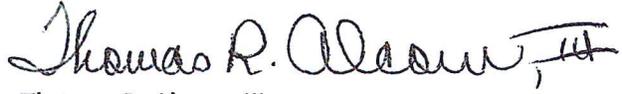
This project took four days to construct. On the fourth day, November 10, 2011, Inspector Marten stopped by with a stop order on the project. There were four boards to finish, 24 screws to secure and one angle of the corner of the platform to cut. When asked as to what this was about, he stated he didn't know he was just delivering the stop order and I would have to go to city hall and find out what the issues were. I asked if there had been a complaint and he said there was but he could not give me the name or details. As I was not going to get anywhere with the inspector, I took the contractor with me and went to city hall. Frank Marten, City Inspector, had gone ahead of us and was milling around behind the counter as I was presented with a "Request for Variance" city package to fill out. I am not sure why he was doing this at the time when he could have been assisting me with how to bring this up to the standards the city wanted. The lady behind the counter told me if I hurried and got variance request in by 4 p.m. they could get it in for processing and get it in on the agenda soon. I opted to not submit the form at that time.

I then requested to speak with Tom Kalundski, City Engineer, as I had contacted him by email earlier and was told he was not in. I then asked for Steve Dodge, Assistant City Engineer, and was told he was at a meeting. I told her I would wait for him to speak to when his meeting finished. Coincidentally, the two engineers mentioned earlier were in the office while I was waiting for Steve and when Steve came out of his meeting he spoke with them about me before he came over to talk. Steve shared what I could do and I left for the day without submitting the variance request form.

As you will see in the attachments, the department of responsibility returns to the Inspection Department. The department that issued the stop order. I was not able to get any assistance from this department at all. The only reference this department has presented to me to bring my platform into compliance is a drawing. I asked for the written instructions as to what the inspection department is using to enforce. There seems to be none.

It is not clear as to why this request for variance is necessary. Is it extortion for monies? As noted, I can have a concrete, patio block, etc. of the same size in the same location, just not the one built of wood on the ground, detached and in place at this time.

Thank you for your consideration,

Handwritten signature of Thomas R. Alcorn, III in cursive script.

Thomas R. Alcorn, III

3591 78th St. E.

3561 3560

3575 3574

3591 3590

3605 3604

3621 3620



general deck location



TAKEN 11-10-2011

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Scott D. Thureen, Public Works Director
FROM: Thomas J. Kaldunski, City Engineer *TJK*
DATE: June 28, 2012
SUBJECT: Yard Restoration at 3591 78th Street (Alcorn)

I have reviewed a letter dated May 29, 2012 that was prepared by Mr. Thomas Alcorn of 3591 78th Street. In his letter he expresses concern for the repairs to his front yard following a street reconstruction project. I met with Mr. Alcorn on June 19, 2012 and he has indicated that the City crew repairs done in spring of 2012 have resolved the issue related to the yard and trench settlement that occurred at the curb box. I have also discussed this location with staff.

In dealing with the settlement issue, the City was following the contract provisions for construction and warranty repairs. The City repeatedly asked the contractors to perform the repairs. Our contractors were not very responsive or timely. When Mr. Alcorn contacted me on September 6, 2011, I directed staff to find a resolution to the issue. The City was prepared to place sod in Mr. Alcorn's yard by October 2011; however, it was beyond typical sodding time and winter weather set in. Sod was no longer being cut. The City maintenance crew has completed the repairs to Mr. Alcorn's satisfaction by seeding in 2012. See the attached photos taken June 18, 2012.

The issues related to a construction project are not related to land use and variances currently being requested. I have apologized to Mr. Alcorn about the issues related to the construction. I do not believe they are reasons to grant a variance.

TJK/kf

Attachments: Photos

cc: Allan Hunting, City Planner





1/20/21

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

REPORT DATE: June 26, 2012

CASE NO: 12-21V

HEARING DATE: July 3, 2012

APPLICANT: Vladimir Sivriver

PROPERTY OWNER: Yaroslav Murza

REQUEST: Variance

LOCATION: Boyd Avenue and 49th Street

COMPREHENSIVE PLAN: Low Density Residential

ZONING: R-1C, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The applicant is requesting a Variance from setbacks to allow the construction of a single family home on a vacant lot that would be five (5) feet from the street right-of-way. Standard setback from a street right-of-way or street easement is 30 feet. The property is a corner lot that fronts Boyd Avenue and unimproved 49th Street.

The applicant has also recently requested a vacation of the north half of 49th Street abutting this lot. The Planning Commission reviewed the request on June 5th and recommended approval of the vacation with all the conditions recommended by Staff. The vacation request will be heard by the City Council on July 9.

EVALUATION OF THE REQUEST

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

- North - Vacant; zoned R-1C, single-family; guided LDR, Low Density Residential
- East - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential
- West - Open Space; zoned PUD, Planned Unit Development; guided MDR, Medium Density Residential
- South - Residential; zoned R-1C, single-family; guided LDR, Low Density Residential

The applicant has submitted a survey drawing with the footprint of the house which is proposed to be five feet from the north property line (garage side) and five feet from the edge of the existing right-of-way (south property line).

The existing lot is approximately 69 feet wide. Required Setbacks would be:

Front (including corner lot)	30 feet
Side (garage)	5 feet
(house)	10 feet
Rear (house)	30 feet
(accessory)	8 feet

Because this is a corner lot, there is a 30 foot setback from both Boyd and 49th (even though it is unimproved). Assuming a five foot setback along the north property line, that would leave a 34 foot wide building pad. Using the current minimum lot size standard for a corner lot of 100 feet, a corner lot should have a building pad area of about 65 feet. The subject lot was platted before current codes, so the building pad area is narrow and does leave limited options for a house placement to comply with setback standards.

During the vacation review, staff incorrectly calculated the possible building pad area if the vacation were approved. As recommended by Engineering, if the street was to be vacated, a street easement of the same width should be created, plus an additional 10 foot drainage and utility easement. Staff incorrectly assumed the corner lot situation would be eliminated and the setback could be closer to the vacated street since it no longer would be a street. The code however, requires the same front yard setback from a road easement as well. Therefore, as recommended by staff on the vacation, the buildable area of the lot would not increase and the setback would be measured as currently exists.

VARIANCE REVIEW

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 general intent of this standard is to limit the precedent that could be set if the variance was granted. The property does have some unique characteristics in that it is a narrower corner lot and due to setback restrictions, it would seem reasonable to allow

some reduction in setbacks. The area is developed with single family homes, so the development of the lot would be in harmony with the general purpose and intent of the comp plan.

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

Staff has looked at the width of the lots in the area and finds that in general, the lots close to the subject site on the north side of 49th Street are approximately 65 feet wide and those lots on the south side of 49th Street are approximately 69 feet wide. With the corner setback requirements, that leaves only a 34 foot wide building pad. House widths in the area generally run from 50 to 60 feet wide. The applicant is requesting a 59 foot wide house footprint. Most of the houses along Boyd were built in the 1990's and 2000's. It seems reasonable to allow some flexibility from setback standards since this lot has two front yard setbacks and is only 69 feet wide. Allowing a variance would allow the owner a reasonable use of the property.

Staff does have one issue with the amount of the requested variance. The applicant is requesting a five foot setback from what will be either a road easement or still a right-of-way depending upon council action. Staff's recommendation for the vacation however, also included a 10 foot drainage and utility easement along the road easement. The variance requested would encroach into this easement. If the vacation is approved by Council, and at some time in the future 49th Street is improved, there needs to be a buffer between the home and the easement for street construction purposes and to have a separation from the road. Based on the typical lot width and building size in the area, **staff supports a variance but would only recommend no closer than 10 feet from the property line.**

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

The lot is part of a plat that was recorded in the 1800's, long before any setback codes and lot widths were required. This lot does have some practical difficulties in that the corner lot setback has a greater impact on the buildable area and to have a home similar to others in the neighborhood, flexibility from setbacks would seem reasonable.

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

The reduced setback would not appear to alter the essential character of the area. If the street is never improved, there would be no noticeable difference from other lots in the area.

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 for the requested action:

Approval: If the Planning Commission finds the Variance to be acceptable, the Commission has the following options:

A. Approval of the Variance to allow the construction of a home **five (5)** feet from the south property line where as 30 feet is required subject to the following condition:

1. The site shall be developed in substantial conformance with the survey/site plan dated 1/3/12 on file with the Planning Department.

B. Approval of the Variance to allow the construction of a home **ten (10)** feet from the south property line where as 30 feet is required subject to the following condition:

1. The site shall be developed in substantial conformance with the survey/site plan dated 1/3/12 on file with the Planning Department.

Denial: If the Planning Commission does not favor the proposed Variance, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

Because the street vacation request was recommended with a condition that a 10 easement be put in place along the road easement, staff does not support allowing the building a five foot setback that would encroach into this easement. Staff does recommend approval of the Variance with a 10 foot setback

Attachments: Location Map
 Site Survey/Site Plan



Location Map

Case No. 12-21V



CERTIFICATE OF SURVEY

Call 48 Hours before digging
GOPHER STATE ONE CALL
 Twin Cities Area 651-454-0002
 MN. Toll Free 1-800-252-1166



LEGEND

- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
- (M) DENOTES MEASURED DISTANCE
- (P) DENOTES PLATTED DISTANCE
- ☼ DENOTES STORM CATCH BASIN

LEGAL DESCRIPTION

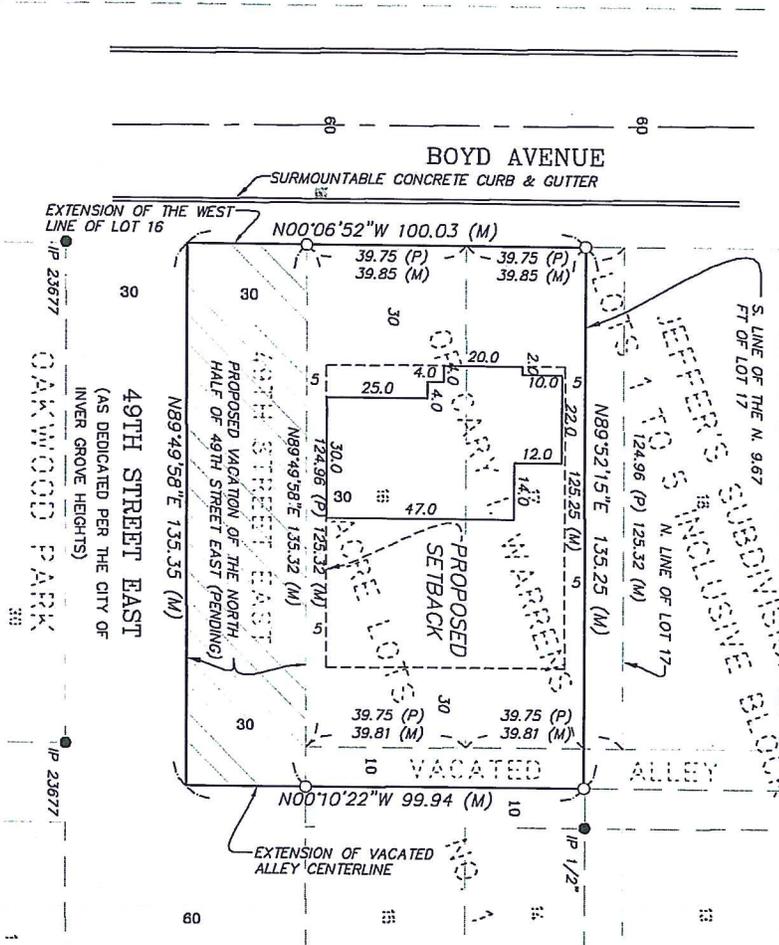
All of Lot 16 and 17 lying except the North 9.67 feet of Lot 17, JEFFERS' SUBDIVISION OF LOTS 1 TO 5 INCLUSIVE, BLOCK 2 OF CARY I, WARREN'S ACRE LOTS NO. 1, together with that part of the vacated alley adjacent thereto, Dakota County, Minnesota

BUILDING SETBACKS

ZONING: R-1C = SINGLE FAMILY DISTRICT (0.25 AC)
 HOUSE: FRONT = 30 FT
 SIDE = 10 FT
 REAR = 30 FT

NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD
4. EXISTING UTILITIES AND SERVICES SHOWN HEREON, HEREON LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTRACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.



EDS
 ENGINEERING DESIGN & SURVEYING
 4480 Woodside Blvd. Minneapolis, MN 55426
 OFFICE: (763) 543-2900 FAX: (763) 544-2801
 EMAIL: info@edsmin.com WEBSITE: http://edsmin.com

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 Matt S. Wilson
 Land Surveyor U.S. No. 24095 DATE: 6/15/12

JOB NAME: YAROSLAW MURZA
 LOCATION: NO ADDRESS, PID 20-38700-00-170
 INVER GROVE HEIGHTS, MN

FIELD WORK DATE: 1/3/12
 FIELD BOOK NO.: EDS-8

DRAWN BY: CG
 CHECKED BY: VS
 PROJECT NO.: 12-001
 SHEET NO. 1 OF 1

NO.	DATE	DESCRIPTION	BY