

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, SEPTEMBER 4, 2012 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 21, 2012.**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 CLARK ROAD PROPERTIES – CASE NO. 12-22IUP**

Consider an Interim Use Permit to allow a mini-storage facility with metal portable shipping containers for storage.

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

**3.02 MR. LESLIE SCHWEGEL – CASE NO. 12-25V**

Consider a Variance to allow the construction of a six (6) foot high solid wood fence 22 feet from the front property line for property located at 7807 Cooper Avenue.

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

- 4. OTHER BUSINESS**
- 5. ADJOURN**

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 21, 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  
Dennis Wippermann  
Annette Maggi  
Pat Simon

Commissioners Absent: Harold Gooch (excused)  
Tony Scales (excused)  
Victoria Elsmore

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

### **APPROVAL OF MINUTES**

The minutes from the August 9, 2012 meeting were approved as submitted.

### **WILLIAM KRECH – CASE NO. 12-24VAC**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a vacation of a portion of a public drainage and utility easement within the plat of Forest Ridge to allow for a house expansion, for the property located at 10118 Adam Avenue. 6 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant would like to construct an addition onto the existing house. Part of the addition would encroach into the easement; therefore a vacation is being requested. Engineering has reviewed the request and is recommending approval provided the applicant rededicates additional easements as outlined in the report in order to retain the same volumes for the existing storm water pond. Staff recommends approval of the request with the condition listed in the report.

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

The applicant, Bill Krech, 10040 Inver Grove Trail, advised he was available to answer any questions.

Chair Bartholomew asked if the applicant was in agreement with the condition in the report.

Mr. Krech replied that he was agreeable with the custom grading and encroachment agreements, but not the hold harmless or restricted land use agreement. He advised that currently his attorneys were in discussion with the City Attorney to determine whether or not those agreements were necessary.

Chair Bartholomew asked what the applicant's concern was with the restricted land use.

Mr. Krech replied that they are looking to get a certain area of the back of the property that is an

emergency overflow for a 500-year storm event. He questioned why this was brought up last Thursday as part of the Scope of Work when it had not been discussed in 2004 when the lot was developed, or in 2007 when the house was constructed. He stated any necessary easements should have been designed at the time of development.

Chair Bartholomew asked what the reason was for the restricted land use.

Mr. Hunting replied that he was unsure as he had not been involved in those discussions.

Chair Bartholomew questioned why there was a hold harmless since the applicant's request appeared to up to Code regarding elevation.

Commissioner Lissarrague asked if the Engineering recommendation just recently came forth.

Mr. Hunting replied in the affirmative, stating he had been unaware of any issues.

Commissioner Wippermann stated it appeared as if the Planning Commission's recommendation tonight would not include the applicant's stated concerns as the Engineer's report they would be voting on was dated August 10 which was prior to the discussion that took place last Thursday.

Mr. Krech stated there was reference to entering into a hold harmless agreement in the August 10 engineering memo. He stated the original intent of the hold harmless was if an addition was put on which did not follow the regulatory flood plan, however, in this case they were 1.6 feet over the high water mark.

Derek Bongard, stated he owned the lot next door to the subject property and asked if the City Engineer was present to answer questions.

Chair Bartholomew replied that he was not.

Commissioner Simon advised that the City Engineer would be available at the City Council meeting.

Mr. Bongard stated the elevation of the proposed easement was much different than the one being vacated and therefore he questioned whether the holding area volume would remain the same. He questioned why he was held accountable for meeting all regulations on his property whereas the next door neighbor was being allowed to do something totally different.

#### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request based on the information in the report.

Mr. Hunting clarified that the documents brought up by the applicant were always handled at the City Council level and were rarely included in the Planning Commission packet.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Wippermann, to approve the request for a vacation of a portion of a drainage and utility easement for the property located at 10118 Adam Avenue, with the condition listed in the report.

Commissioner Simon asked that it be noted that the Planning Commission had questions regarding the concerns brought up by Mr. Krech.

Motion carried (6/0). This item goes to the City Council on August 27, 2012.

**160 INVESTMENTS, LLC (ARGENTA HILLS 5<sup>TH</sup>) – CASE NO. 12-23PUD**

**Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a 1) Comprehensive Plan Amendment to change the land use category from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential, 2) Rezoning of a property from A, Agricultural to R-1C/PUD, Single Family, 3) Preliminary and Final Plat for a 39 lot single family subdivision, 4) Preliminary PUD Development Plan Amendment to modify the original plan from a 44 unit townhouse development to a 39 lot single family development, and 5) Final PUD Development Plan for the plat of Argenta Hills 5<sup>th</sup> Addition, consisting of 39 lot single family lots and a series of outlots, for the property located north of Amana Trail and west of South Robert Trail and identified as PID No. 20-12050-00-061. 19 notices were mailed.

**Presentation of Request**

Mr. Hunting explained the request as detailed in the report. He advised that the applicant is requesting various approvals for the fifth phase of the residential development in the Argenta Hills PUD. Based on market demands, the applicant is requesting a change from the original plan of 44 townhome units to 39 detached single family homes on lots approximately 60 feet in width. He advised that the neighborhood was originally approved at 5.7 units per acre; the proposed density would be 5.3 units per acre. He advised that the proposed plat has the same general configuration and main access point as originally proposed. The applicant is requesting flexibility from two standards found in the Northwest Overlay District Ordinance. The first is to allow three driveways to be longer than 30 feet, and the second is to have the driveways be allowed to be wider than 20 feet without having to use pervious materials. Staff supports the two flexibility requests. The applicant has agreed to pay the connection fees for the additional five lots that were originally proposed. He advised that the Fire Marshal has determined that a second access is no longer necessary with the reduced lots, and the plat will have a minimum of 10 foot spacing between units. Staff recommends approval of the request with the conditions listed in the report.

Chair Bartholomew stated it appeared as if the density would be minimally affected.

Mr. Hunting agreed, stating the density decrease could be made up in future developments.

Chair Bartholomew asked what the recourse would be if City Council did not approve the request.

Mr. Hunting replied the applicant would have to revise the plan to something that would achieve the same density as originally proposed. It would be difficult, however, because of the physical constraints of the property.

Commissioner Hark asked if this addition would include sidewalks.

Mr. Hunting replied it would not.

Commissioner Maggi asked how far they were into the Argenta Hills development.

Mr. Hunting advised that this is essentially the second neighborhood in the residential portion; the west section of the residential area is yet to be developed. In regards to the commercial area, the Target store is complete and three Main Street buildings are currently under construction. The remainder of the commercial area is yet to be developed.

Commissioner Maggi noted that only 519 caliper inches of trees will have been planted with this

addition, leaving a balance of 1,700 caliper inches of additional tree reforestation. She questioned why they were behind on the reforestation this far into the development.

Mr. Hunting explained that the 2,219 caliper inch requirement was for the entire Planned Unit Development and that they were not behind as there were a number of additional trees to be planted with the remaining undeveloped residential and commercial phases.

Commissioner Maggi asked if the expectation would be that the applicant would meet the 2,219 caliper inch requirement when the development was complete.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann asked what the lot widths were in the residential neighborhood along Autumn Way.

Mr. Hunting replied they were 66 feet wide.

Commissioner Simon asked if they needed to make mention in the conditions that the Fire Marshal is no longer requiring the second access.

Mr. Hunting replied that by approving the plan as presented the Planning Commission would be recognizing that the second access is no longer necessary.

Commissioner Simon asked if staff received any comments from neighbors.

Mr. Hunting replied they did not.

Commissioner Simon asked for clarification of the proposed driveway widths.

Jacob Fick, 160 Investments, advised that the driveways would be 20 feet wide at the street connection point and would taper out to a three-car garage width. It would not affect any street parking. They are requesting flexibility to allow the amount over 20 feet to not be done in pervious materials. He stated the intent of the requirement is to minimize the overall impervious surface of the site to 25%; without using pervious materials they will be between 21-23%.

Commissioner Simon stated that when drafting the Northwest Area Ordinance they never discussed constructing 20 foot wide driveways and then tapering them out.

Mr. Hunting stated the Code states that a 20 foot driveway is the maximum width allowed; however, it can be wider providing the additional width be done in pavers. He interprets that as it was anticipated there would be three-car garages built in that area. He advised that requirement was based solely on storm water, and in this case they are well under the 25% impervious surface maximum.

Chair Bartholomew asked if Engineering was agreeable with not requiring pervious pavers.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann referred to Condition 4 on page 6 of the report which states that improvements were allowed in the open space areas. He asked how 'improvements' would be defined.

Mr. Hunting replied that referred to City improvements such as trails.

Commissioner Simon suggested clarifying that only 'City' improvements were allowed.

Mr. Hunting stated the Planning Commission could specify that only public improvements were allowed. He advised that the City Attorney would draft specific documents for those areas which would spell out what was allowed in the disturb and undisturbed areas.

Mr. Link advised that he has heard from developers and representatives from other cities that the trend throughout the metropolitan area is that there is no market for townhomes while single family homes seem to be selling.

**Opening of Public Hearing**

Jacob Fick, 160 Investments, 16972 Brantdjen Farms Drive, Lakeville, said he was available to answer any questions.

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

Mr. Fick replied in the affirmative. He advised the reason for the request is that currently the market demand is for single-family homes whereas existing townhomes can be purchased for less than they can build them for.

Chair Bartholomew asked if the proposed three-car garages were market driven.

Mr. Fick replied in the affirmative.

Commissioner Lissarrague asked what the estimated price range would be.

Mr. Fick replied \$325,000 - \$425,000.

Commissioner Wippermann asked if the builder would be the same one that built the first addition on Autumn Way.

Mr. Fick replied it would be a different builder.

Commissioner Wippermann stated that originally the townhome concept was proposed as a buffer from the commercial to the single family residential areas, and asked what would now be used as a buffer for the homes that back up to the commercial site.

Mr. Fick replied there would be a set of ponds along Amana Trail in back of the addition which would be embellished with trees, etc.

Commissioner Wippermann asked if there was any thought given to fencing along that area.

Mr. Fick replied they preferred to use landscaping as a buffer as opposed to fencing and planned to put in a substantial amount of landscaping. He noted that the homes along Amana Trail were walkouts so putting in fencing would buffer mostly the basement view. He added that residents, however, would be allowed to install fencing on their properties.

Commissioner Wippermann stated he was concerned about the potential for each homeowner to install a different type of fence which could end up being aesthetically displeasing. He noted they could require that any fencing be constructed of a certain type of material.

Commissioner Simon asked if this would be part of a homeowners association.

Mr. Fick replied that the addition would be part of a very minimal homeowners association. He stated their intent was to have any potential fencing hidden by trees and landscaping.

Commissioner Lissarrague stated the association could prohibit fencing.

Mr. Fick stated they were trying to limit any restrictions.

Chair Bartholomew noted there was 40 to 53 feet between the back lot line and Amana Trail.

Mr. Fick agreed, stating the water, topography and landscaping should adequately buffer the area. In regards to Commissioner Maggi's earlier comment regarding total tree numbers, Mr. Fick stated that once the sewer line and permanent trail was in place they plan to soften the experience with tree plantings, and stated that once they start planting large trees the remaining balance would dwindle fairly quickly.

An unknown gentleman advised he was here for the William Krech request.

Chair Bartholomew advised the gentleman that the item had already been discussed but the public hearing could be viewed on the City's website, he could speak with the applicant who was still in City Hall, or he could attend the City Council meeting on August 27.

#### **Planning Commission Discussion**

Chair Bartholomew stated he supported the request.

Commissioner Wippermann expressed concern over the small sized lots in this addition and stated that allowing 60 foot lots was too much of a deviation from the R-1C standard of 85 foot minimum lot widths. He noted that the Northwest Area guidelines indicate a 20 foot separation between homes, however, only 10 feet is being proposed. Because of this he does not support the request.

Commissioner Lissarrague stated he supported the request and understood the need to change from single family homes to multifamily.

Commissioner Hark asked if the word 'public' should be added to Condition 4.

Mr. Hunting asked for clarification of where the verbiage should be inserted.

Commissioner Hark replied on page 6 of the report, Condition 4, right before the word 'improvements'.

Mr. Hunting replied that the language referred to by Commissioner Hark was not the actual condition, but rather a description of the intent of the condition. He advised that the City Attorney will draft two documents spelling out specifically what would and would not be allowed in those areas, however, he could add some language to specify only public improvements.

Chair Bartholomew stated the Planning Commission's intent was to make it clear that no private improvements were allowed within those areas.

Commissioner Maggi asked what the rationale was for allowing the smaller width lots in this development.

Mr. Hunting advised that the vision for the Northwest Area from the beginning was to cluster development and have smaller lots, thus the Northwest Area has no minimum lot size or width

requirements. This area was designed to retain all the stormwater in the general area. In order to do that a significant amount of land needs to be left in open space for stormwater retention and preservation of some of the natural features. To do that and yet achieve the desired density, developments are consolidated into a smaller area which results in smaller lots. He advised there is a reference in the Ordinance to a 20 foot separation; however, that was written assuming there would be rain gardens installed between lots. The City has since discovered that would result in maintenance issues; therefore rain gardens will not be placed between lots but rather in common areas and within City easements so the City can ensure they are maintained properly. He advised it is unlikely the Northwest Area will have any 85 foot wide, standard R-1C lots.

#### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Lissarrague, to approve on a white ballot the request for a 1) Comprehensive Plan Amendment to change the land use category from MDR, Medium Density Residential to LMDR, Low-Medium Density Residential, 2) Rezoning of a property from A, Agricultural to R-1C/PUD, Single Family, 3) Preliminary and Final Plat for a 39 lot single family subdivision, 4) Preliminary PUD Development Plan Amendment to modify the original plan from a 44 unit townhouse development to a 39 lot single family development, and 5) Final PUD Development Plan for the plat of Argenta Hills 5<sup>th</sup> Addition, consisting of 39 lot single family lots and a series of outlots, for the property located north of Amana Trail and west of South Robert Trail, with the conditions listed in the report and **additional verbiage to Condition 4 specifying that only public improvements are allowed in the open space areas.**

Motion carried (5/1 – Wippermann). This item goes to the City Council on September 10, 2012.

#### **ADJOURNMENT**

Chair Bartholomew adjourned the meeting at 8:01 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary



plan shows a chain link fence that surrounds the property and a security gate near the entrance off of Clark Road.

The proposed use would not create pollution, ground vibrations, high noise levels, or other adverse physical impacts upon the neighborhood. The proposed use is a low intensity transitional use. Views of the storage area are planned to be minimized with landscaping and drainage would follow the system approved with the original plat in 1999.

**SURROUNDING USES:** The subject site is surrounded by the following zoning:

North	Zoned I-2, General Industrial; guided General Industrial
West	Zoned I-2, General Industrial; guided General Industrial
South	Zoned I-2, General Industrial; guided General Industrial
East	Zoned I-2, General Industrial; guided General Industrial

### **INTERIM USE ORDINANCE AMENDMENT**

An interim use is defined as a temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits. Interim uses are typically uses that are not appropriate based upon strict application of Zoning Code restrictions, existing development and proposed future land-use plans, however, they may have merit as uses for some intermediary period of time.

The Interim Use Ordinance is set up so that each allowed use is listed specifically in the ordinance. Therefore the ordinance must be amended each time a new use is approved. In this case, the ordinance already provides; "Allow a temporary mini-storage facility with outdoor storage as an interim use in the I-1 and I-2 zoning districts." No changes to the ordinance are necessary with this request.

### **INTERIM USE PERMIT**

The interim use of a mini-storage facility on this particular site would not have an impact on public health or existing or planned City facilities. It would not have a negative impact on any new development since it is industrial in nature and is only proposed as an interim use. The applicant has stated he would like the Interim Use Permit to expire 10 years from the approval date. It is generally compatible with the existing uses of the surrounding properties. Access to the storage area would be off of Clark Road. This is not a high traffic road; additional traffic the storage area may produce will not negatively impact the surrounding businesses.

Setbacks. The proposed parking lot and building meets and exceeds the required perimeter setbacks for the site.

Lot Coverage. The I-1 and I-2 zoning districts allows a maximum of 30% of the lot to be covered by buildings. The building footprint coverage would be less than 1%, which complies with code standards.

Parking. The Zoning Code does not have any special parking requirements for self-storage facilities. Parking while someone is in facility would occur in front of the unit. Most activity on site would be short term, that of either dropping off or picking up personal belongings. There would be no office on site. Rental of the units would take place at the applicant's main office in Eagan. Therefore, no dedicated parking spaces are proposed. Staff is comfortable with this arrangement.

Surfacing. The site plan indicates the front half of the site where the storage units would be would be covered with bituminous surface. The back half of the lot with the open storage would be surfaced with recycled asphalt. This is similar to the other mini-storage that was approved as an interim use north of this site on Clark Road. Since the use would be temporary, the gravel surface could be allowed as part of the interim use permit. Both Planning and Engineering staff have no objections to the surfacing proposed.

Building Materials. The zoning ordinance requires that at least 50% of the exterior vertical surface shall consist of one of a combination of the following: brick veneer; concrete block or panels; natural wood siding; steel, aluminum or vinyl lap siding; or natural stone or glass. The proposed storage pods do not comply with this standard. Council has approved these type of units for another mini-storage located along Hwy 52/55 north of this site. Council just approved a 20 year extension to an interim use permit to allow the units to remain on that site. Staff then feels that the units proposed should be treated the same and be allowed by the interim use permit. They are not directly visible from the highway and would have much less of a visual impact than the ones approved on the highway.

Lighting. The applicant has shown two lights along the front of the property. Both are a shoebox style that would meet code requirements. Lighting is acceptable.

Landscaping. The applicant is proposing to plant 10 over story trees along the front of the property to break up sight lines. While this does not fully comply with landscaping standards, staff recognizes the interim nature of the use and finds a limited planting plan acceptable.

## **ALTERNATIVES**

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

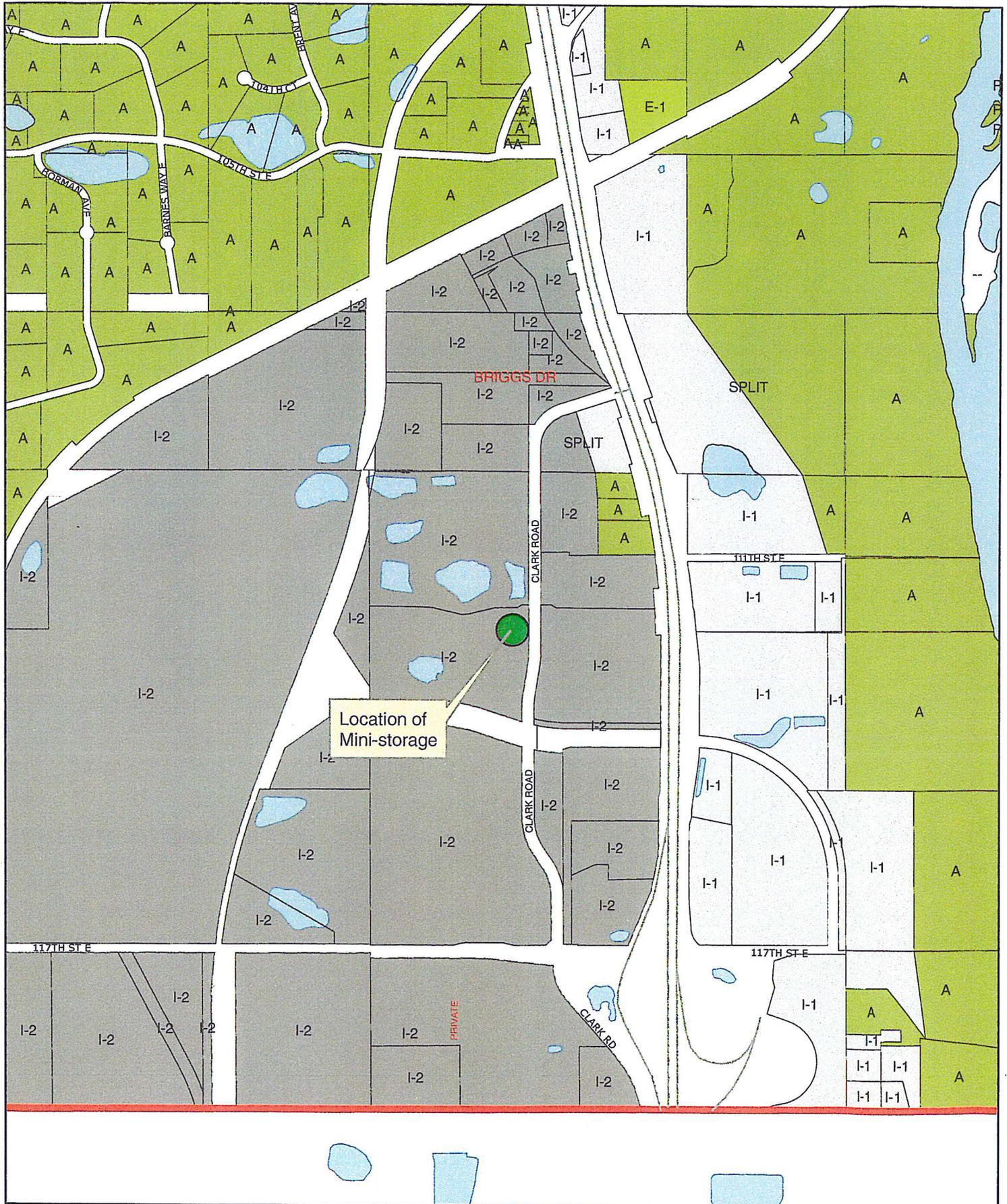
- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following actions should be recommended for approval:
- Approval of an **Interim Use Permit** to allow a temporary mini-storage facility with outdoor storage as an interim use in the I-2 zoning district subject to the following conditions:





# Location Map

## Case No. 12-22IUP



June 15, 2012

City of Inver Grove Heights  
8150 Barbara Avenue  
IGH., MN 55077

Attention: Mr. Allan Hunting,

RE: Interim Use Permit  
Clark Road Properties-Outlot B, Gainey Addition

Gentlemen,

We are proposing a one acre non-attended storage facility using metal Conex storage containers. We will also be storing trailers, recreational vehicles and boats. The proposed area would be fenced with an electric gate, paved and lighted. The hours of operation would be 6:00am to 8:00pm..

We are requesting a ten year renewable permit. The land is for sale and if sold the zoning would return to the current status.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Steininger', written in a cursive style.

Max Steininger

**MEMO**

**CITY OF INVER GROVE HEIGHTS**

**TO:** Allan Hunting, City Planner  
**FROM:** Thomas J. Kaldunski, City Engineer *TJK*  
**DATE:** August 24, 2012  
**SUBJECT:** Steininger Storage Facility 12-22 IUD

The Engineering Division has completed its review of the latest plan submittals for this Interim Use Permit. The plans were prepared by Sunde Engineering and dated August 9, 2012. They have addressed the items outlined in my earlier review letter (dated July 25, 2012). The Engineering Division recommends approving the IUP subject to the following conditions:

1. Plans dated August 9, 2012, approved on August 23, 2012 shall be utilized for the project.
2. The owner is authorized to remove 7400 CY of material from this site per the terms of the Mining Permit and the Interim Use Permit.
3. Silt fence shall be installed as noted on the approved plan.
4. An engineering cash escrow of \$3000 shall be provided.
5. A Letter of Credit or cash deposit shall be provided as surety. The City Engineer will determine the amount based upon his review of the cost estimate to be provided by the developer.
6. An as-built survey meeting City requirements shall be provided after the construction is completed.
7. All storm water management shall meet the conditions outlined in the approved Mining Permit.

TJK/kf

cc: Max Steininger  
Sunde Engineering



**PLANNING REPORT  
CITY OF INVER GROVE HEIGHTS**

---

**REPORT DATE:** August 29, 2012

**CASE NO:** 12-25V

**HEARING DATE:** September 4, 2012

**APPLICANT:** Mr. Leslie Schwegel

**PROPERTY OWNER:** Mr. Leslie Schwegel

**REQUEST:** Variance

**LOCATION:** 7807 Cooper Avenue

**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 six foot high solid wood fence 22 feet from the front property line whereas 30 feet is required. The property is a corner lot at 78<sup>th</sup> and Cooper.

The code requires any fence within a front yard to be no higher than 42 inches and be at least 75% open. The reasons for the rule appear to be mainly visibility for traffic at corners and along street/driveways, and emergency vehicles to front of houses. A second reason would be aesthetics, both in uniformity along front views and visual appeal. The code does not differentiate how the fronts are used in a corner lot. Both frontages are considered "front yards" by definition, not by how they are used. In this case, the area the fence is proposed acts as a side yard. However, the yard on the lot to the west acts as their front yard and they would not be allowed to place a solid fence in the front yard.

Staff has interpreted the code such that if all lots on the same block are all sides or rears and face a street, they have been allowed solid fences to the property line since they act as side or rear yards. The problem arises when the property next door is an actual front yard. Then the conflict occurs. If those lots are not allowed a solid fence, then corner lots should not be allowed one either.

## EVALUATION OF THE REQUEST

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

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

## VARIANCE REVIEW

City Code Title 11, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

1. *The variance request is in harmony with the general purpose and intent of the city code and consistent with the comprehensive plan.*

The general intent of this standard is to limit the precedent that could be set if the variance was granted. The area is developed with single family homes, some with fences. Allowing a fence on the property would be in harmony with the general purpose and intent of the comp plan which is a single family detached housing neighborhood on 12,000 square foot lots that would contain typical accessory structures or improvements such as fences.

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

The applicant's request is to encroach into the front yard eight feet for the fence. The location of the fence would be out of any traffic sight lines. The fence would only be in a portion of the yard and the applicant has already modified his original plan and pulled the fence further back from the street. Again, the conflict in this instance is that the property to the west fronts along 78<sup>th</sup> Street and they would not be able to construct a solid fence closer than 30 feet from the front property line. For the applicant's corner lot, this line functions as a side yard.

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

While the conflict with how the code addresses fences in yards may seem unique, there are many instances throughout the city with this same lot configuration and therefore would have the same issues with fence placement.

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

Staff does not believe this limited fence proposal would alter the essential character of the locality. There are fences in all residential neighborhoods, and depending upon lot configuration, there could be solid fences along streets. There are fences that exist in yards on lots with this same configuration, some built without permits and others allowed based on different interpretations of the code over the years. The fence does not encroach into any traffic safety sight lines. Only may have an impact on visibility from a “street view” from the neighboring property.

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 six foot high solid wood fence 22 feet from the front property line whereas 30 feet is required subject to the following condition:

1. The fence location shall be in substantial conformance with the site plan dated 8/6/12 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**

The request is not out of character of the neighborhood and is consistent with the comp plan . The problem is that the site and situation is not unique and do not appear to pass the strict interpretation of practical difficulties. Based on a determination following the practical difficulties criteria, staff would recommend denial of the request.

Attachments:            Location Map  
                                 Site Plan  
                                 Applicant Narrative  
                                 Neighbors Consent



# Location Map

## Case No. 12-25V



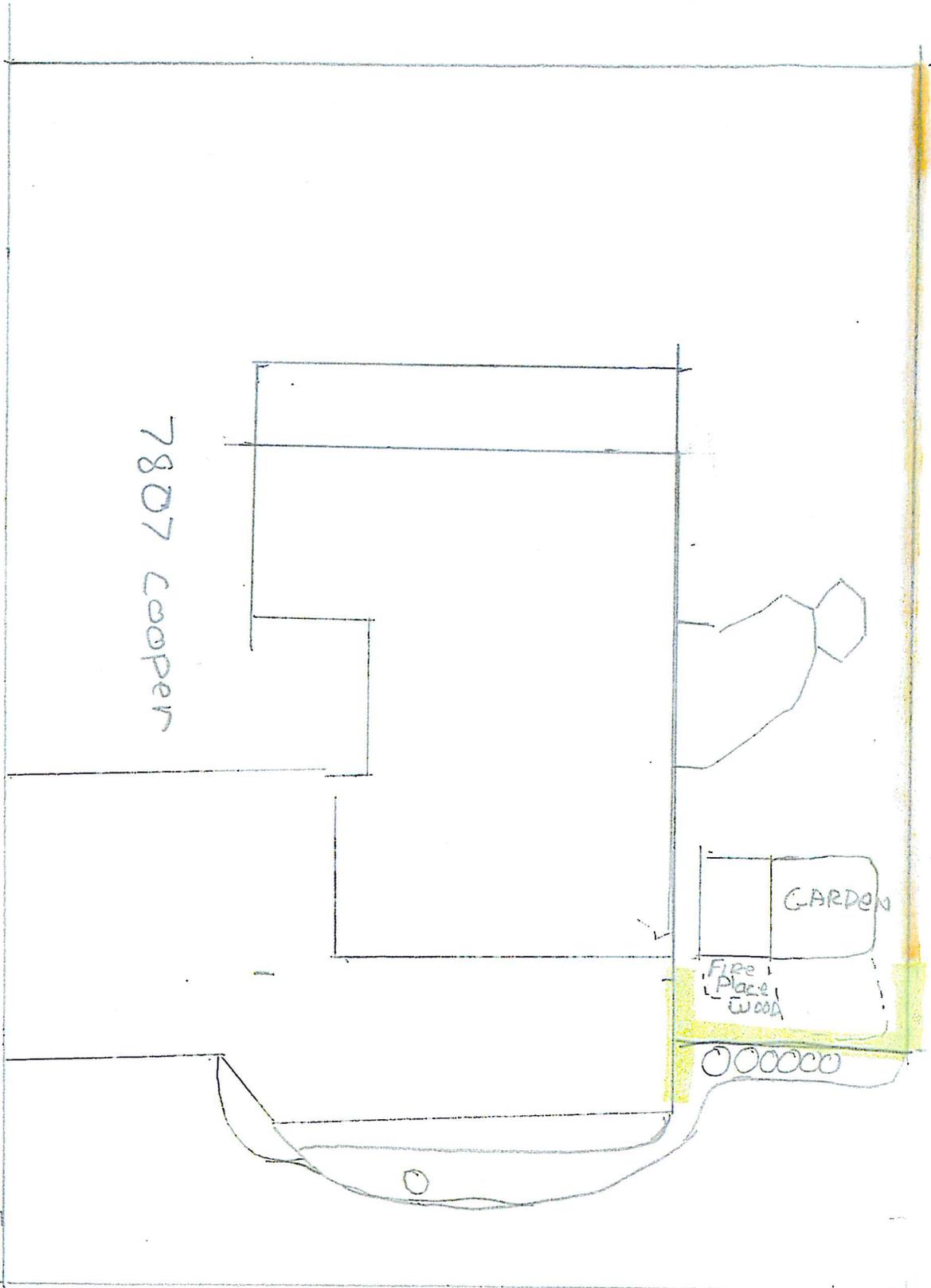
**78TH ST**

**COOPER AVE**

Subject Lot

Cooper

7807 Cooper



78

August 4th, 2012

Subject: Fence Variance for my neighbor

Leslie Schwegel

7807 Cooper Ave

Inver Grove Heights, MN 55076

To the City of Inver Grove Heights,

With my discussion with Leslie Schwegel I agree that his request for the 6 foot fence set back 22 feet from the property line will not obstruct anyone visibility, will reduce the noise from the traffic and loud music from the cars passing on 78th Street.

With the remove of Leslie's three large evergreens this fence will also provide the same privacy and prevent any distruction to his garden. The replacement of the large overgrown evergreen trees with the new 16 inch retaining wall and new shubs with the pending 6 foot fence will improve the look of the neighborhood.

Thank you.

Roland Paul Freeman

3801 78th Street E.

Inver Grove Heights

Jeffrey Muench

3772 78th Street E.

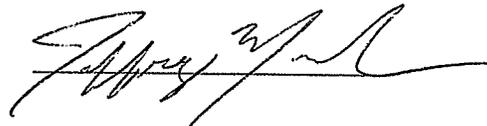
Inver Grove Heights,

Michael Wirkus

3820 78th Street E.

Inver Grove Heights

  
\_\_\_\_\_  
Roland P. Freeman

  
\_\_\_\_\_  
Jeffrey Muench

  
\_\_\_\_\_  
Michael Wirkus

## Allan Hunting

---

**From:** cschwegel7807@comcast.net  
**Sent:** Monday, August 06, 2012 9:57 PM  
**To:** Allan Hunting  
**Subject:** Fence Variance Leslie Schwegel 7807 Cooper Ave Inver Grove Heights

### WRITTEN FENCE VARIANCE STATEMENT

We are requesting a fence variance on our property located at 7807 Cooper Avenue, Inver Grove Heights. The request is for a 6 foot fence set back 22 feet from the property line. This fence will not obstruct anyones visability, and will allow a place to have our fire wood hidden, increase our garden and have access to replace the paint on our current shed.

It will also reduce the noice from the traffic and loud music from the cars passing on 78th Street. With the remove of our three large evergreen trees this fence will also provide the same privacy and prevent any distruction to our garden. The replacement of the large overgrown evergreen trees with the new 16 inch retaining wall and the new shubs with the pending 6 foot fence will improve the look of our neighborhood.

Our neighbors all agree with this request.

Thank you for your consideration in this matter.

Leslie Schwegel  
Cell Phone: 651-895-0493  
Home Phone: 651-528-7126