

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, FEBRUARY 19, 2013 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR FEBRUARY 5, 2013.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 BILL KRECH – CASE NO. 13-02C

Consider a **Conditional Use Permit** to exceed the impervious surface maximum in a residential district. This request is for the property located at 9074 Alger Court.

Planning Commission Action _____

3.02 MIKE STANTON - CASE NO. 13-01CV

Consider the following requests for property located at 3865 73rd Street:

A **Conditional Use Permit** to exceed the impervious surface maximum in a residential district.

Planning Commission Action _____

A **Variance** from the side yard setback for a home addition.

Planning Commission Action _____

A **Variance** from the front yard setback for a porch addition.

Planning Commission Action _____

3.03 JOHN GIESKE - CASE NO. 13-03V

Consider a **Variance** to allow an accessory building 10 feet from the front property line whereas 30 feet is the required setback for the property located at 8373 Alta Avenue.

Planning Commission Action _____

4. OTHER BUSINESS

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 5, 2013 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

Chair Hark called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Armando Lissarrague
Paul Hark
Pat Simon
Tony Scales
Harold Gooch
Dennis Wippermann
Victoria Elsmore
Annette Maggi

Commissioners Absent:

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

Chair Hark noted a typo in the last paragraph.

The minutes from the January 15, 2013 meeting were adopted as corrected.

RAHUL KANSARA (COUNTRY INN & SUITES) – CASE NO. 12-38PDA

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a Planned Unit Development Amendment to add a porte-cochere and to change the exterior elevations for a remodel of the Country Inn & Suites, for the property located at 5653 Bishop Avenue. 10 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is requesting a PUD amendment to change the approved site and elevation plans to upgrade the exterior of the hotel and add a port-cochere. The addition of the porte-cochere would provide a covered pick-up/drop-off area for customers and would eliminate six parking spaces. The parking was approved on a shared basis with the restaurant. After reviewing the ordinance and previous approvals, by code there would still be sufficient parking. Staff recommends approval of the request with the two conditions listed in the report.

Opening of Public Hearing

Rahul Kansara, 5653 Bishop Avenue, advised he was available to answer any questions.

Chair Hark asked if the applicant understood the staff recommendations and was agreeable with the conditions listed in the report.

Mr. Kansara replied in the affirmative.

Commissioner Wippermann asked if the hotel would remain a Country Inn & Suites.

Mr. Kansara replied it would be changing to a Holiday Inn Express; however, there would be no

interruption of service during the transition.

Commissioner Gooch asked the applicant to clarify the proposed changes to the front façade.

Mr. Kansara replied that the entire façade, which was currently metal siding, would be changed to an EFIS or stucco product to adhere to franchise regulations.

Commissioner Simon asked if the existing front porch would be removed.

Mr. Kansara replied in the affirmative.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Simon, to approve the request for a Planned Unit Development Amendment to add a porte-cochere to the site plan and update the elevation plans for a remodel of the existing hotel building, located at 5653 Bishop Avenue, with the conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on February 11, 2013.

ADJOURNMENT

Chair Hark adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: February 14, 2013 **CASE NO.:** 13-02C

HEARING DATE: February 19, 2013

APPLICANT & PROPERTY OWNER: Bill Krech

REQUEST: A Conditional Use Permit to allow additional impervious surface on a residential lot

LOCATION: 9074 Alger Court

COMPREHENSIVE PLAN: RDR, Rural Density Residential

ZONING: PUD, Planned Unit Development

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Heather Botten
Associate Planner 

BACKGROUND

The applicant is requesting a Conditional Use Permit to exceed the allowed impervious surface amount to construct a pool and patio area on his property in the future. The applicant is currently building a new home on the property and installing a geo-thermal heating system. The applicant was informed by his contractor that it would be beneficial to install the geo-thermal system under a raingarden. To insure the raingarden was in compliance with City requirements Mr. Krech decided it would be to his advantage to apply for the conditional use permit now for the future installation of additional impervious surface. The total impervious coverage proposed would be for the house, attached garage, driveway, sidewalk, patio, and walkway around pool. Details of the impervious coverage are listed in the following chart.

| | Square Feet | Allowed Impervious Coverage |
|---|-----------------|-----------------------------|
| Lot Size | 56,337 | 8,700 |
| Allowed additional impervious coverage by CUP | 10% of lot area | 5,634 |
| Proposed additional impervious surface | 3,100 | - |
| Total impervious coverage requested | 11,800 | 14,334 |

SPECIFIC REQUEST

A Conditional Use Permit to allow additional impervious surface above the allowed maximum but within the additional 10% of lot area.

SURROUNDING USES:

The subject site is surrounded by the following uses:

- North –Residential; zoned PUD, single-family; guided RDR, Rural Density Residential
- West - Residential; zoned PUD, single-family; guided RDR, Rural Density Residential
- South - Residential; zoned PUD, single-family; guided RDR, Rural Density Residential
- East - Open Space; zoned PUD; guided Public Open Space

EVALUATION OF REQUEST:

GENERAL CUP CRITERIA

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed conditional use permit meets the above criteria. As shown in Exhibit A, the surrounding properties are all single-family residential homes. The proposed impervious surface would aesthetically fit in with the neighborhood. Additionally, the applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff on the applicant's property.

IMPERVIOUS SURFACE CUP CRITERIA

The zoning ordinance sets a maximum impervious surface allowed on each lot in the city based on lot size categories. Impervious surface can be increased by up to 10% of the lot area with a conditional use permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) The design of the facility shall provide storage and treatment for the 100-year event volume as it relates to the additional impervious surface being considered with a conditional use application.
- e) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- f) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. Surety shall be

provided to ensure construction of the system according to the plans approved by the City Engineer.

- g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

ENGINEERING REVIEW

The Engineering Department has reviewed the plans and is working with the applicant on stormwater and grading requirements. The applicant's lot is located in Marianna Ranch which was approved without having a grading plan for each individual lot therefore a custom grade agreement is required between the City and property owner. Engineering has made recommendations on conditions that are included at the end of this report. The applicant shall continue to work with the City to secure final approval of the construction plans.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

A. Approval If the Planning Commission finds the requests to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

- Approval of the Conditional Use Permit to allow additional impervious surface subject to the following conditions:
 1. A storm water facilities maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities.
 2. Prior to any work being done on the site, an Engineering cash escrow and letter of credit shall be submitted to the City to ensure the proper construction of the improvements and to review the drainage modeling.
 3. The developer shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.
 4. Any additional impervious surface, in excess of 11,800 square feet, would require additional City approvals and not included with this request.
 5. A Custom Grading Agreement shall be prepared by the City Attorney and executed by both the City and the property owner prior to issuance of the Certificate of Occupancy. A \$10,000 assurance and \$1,500 engineering cash escrow shall be submitted prior to Certificate of Occupancy for engineering review, attorney fees, inspection, consultant fees, erosion and sediment control

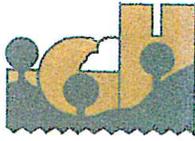
expenses, and other City costs at the City's standard rates charged for such tasks.

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

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit.

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Applicant Narrative
Exhibit C - Site Plan



Bill Krech Case No. 13-02C



Exhibit A
Zoning and Location Map

January 22nd 2013

To: City of Inver Grove Heights

From: William and Christina Krech
7755 Argenta Trail
Inver Grove Heights MN 55077

Re: Rain Garden &
Conditional Use Permit for additional impervious surface
9074 Alger court
Inver Grove Heights MN 55077

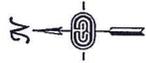
To Whom It May Concern,

We are currently constructing a new home and features at 9074 Alger court Inver Grove Heights which will meet the current allowable impervious surface of 8700 sq. ft. It is our intentions to install a pool in the future with a concrete patio surround which will exceed the allowable impervious surface for this lot. It is our understanding that with the allowance of the additional impervious surface, we will be required to install a rain garden to offset the water runoff. We discovered it would be beneficial to our project to install our Geo thermal system under the required rain garden. Our Geo thermal installer states this type of installation would assist in the performance of the Geo thermal system and allow for a more efficient system. Therefore we are applying for a conditional use permit to request an additional 5627.90 sq. ft. of impervious surface, the maximum allowed at 9074 Alger Court. I'm requesting the maximum allowed of surface at this time to account for future projects, to avoid the need for future construction of additional rain gardens and provide the most economical solution for our project.

*Amount has been reduced since
the submittal.*

Sincerely submitted
William Krech
William Krech

CERTIFICATE OF SURVEY FOR: WILLIAM KRECH 9074 ALGER COURT, INVER GROVE HEIGHTS, MN



- LEGEND**
- MONUMENT FOUND
 - IRON PIPE MONUMENT SET
 - WOOD HUB SET
 - DRAINAGE ARROW
 - EXISTING SPOT ELEVATION
 - PROPOSED ELEVATION
 - AS-BUILT ELEVATION
 - PROPOSED CONTOURS
 - EXISTING CONTOURS
 - FIRE HYDRANT
 - CATCH BASIN WITH/NET PROTECTION
 - SEWER MANHOLES
 - RETAINING WALL
 - CURB STOP
 - UTILITY PEDESTAL
 - SILT FENCE
 - SIGN
 - DECIDUOUS TREE
 - CONIFEROUS TREE
 - TREE REMOVAL
 - CONCRETE SURFACE

LOT AREA SQUARE FOOTAGE:
56337 SQUARE FEET

APPROXIMATE SQUARE FOOTAGE*:
PROPOSED DRIVEWAY AREA = 4620
PROPOSED BUILDING AREA = 3560
PROPOSED DECK/WALK AREA = 2816

TOTAL IMPERVIOUS SURFACE = 10,996
-ALLOWED IMPERVIOUS SURFACE IS 8700 SQ.FT.
-THE MAXIMUM ADDITIONAL IMPERVIOUS SURFACE WITH A C.U.P. IS 5634 SQ. FT.

LEGAL DESCRIPTION:
Lot 11, Block 5, MARIANNA RANCH
According to the plat thereof, on file and of record in the
Office of the Dakota County Recorder.

Builder:
William Krech
7755 Argenta Trail
Inver Grove Heights, MN 55077

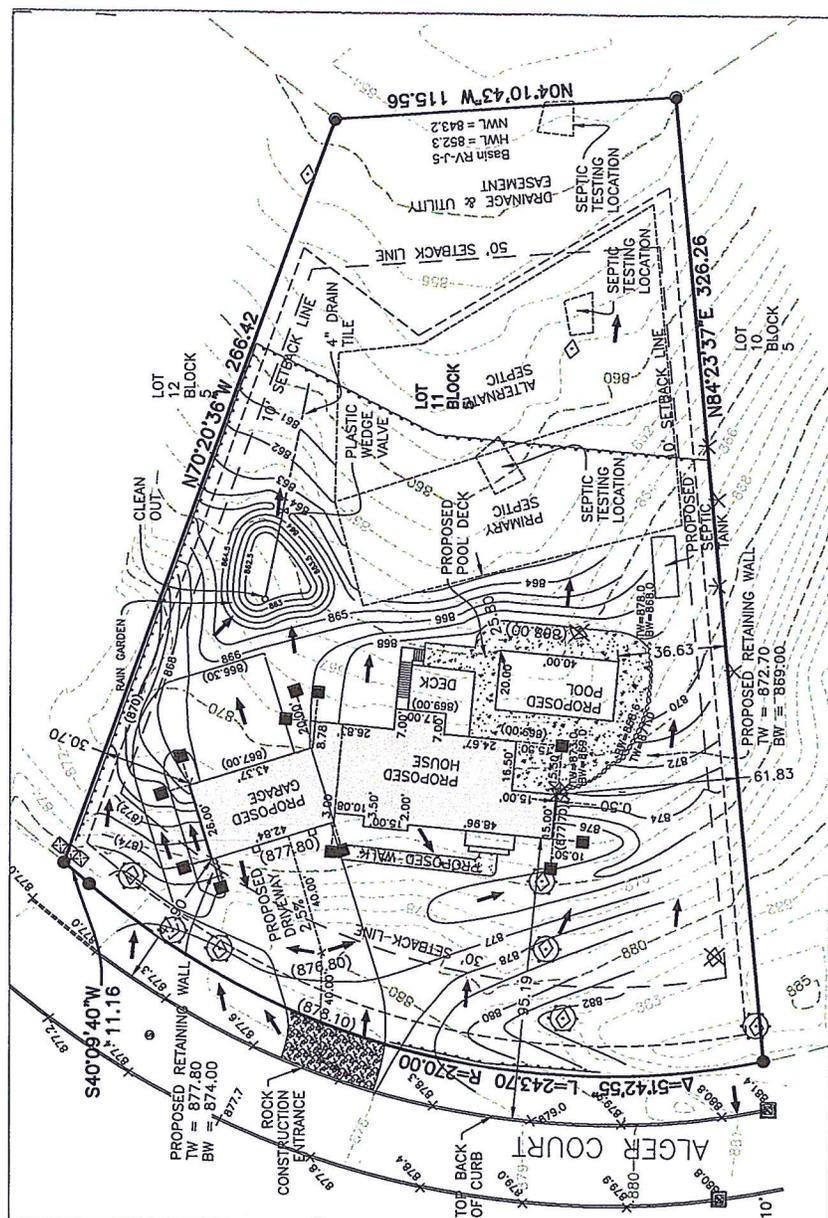
Surveyor:
Stonebrooke Engineering, Inc.
12467 Boone Ave. S., Suite 1
Savage, MN 55378
Phone: 952-402-9202 Fax: 952-403-6803
www.stonebrookeengineering.com

PROPOSED ELEVATIONS:
TOP OF FOUNDATION = 878.10
GARAGE FLOOR = 877.80
BASEMENT FLOOR (WO) = 869.50

NOTE:
SEE BUILDING PLANS FOR
ARCHITECTURAL DIMENSIONS.
CONTRACTOR SHALL VERIFY
DIMENSION & EXIST OF
BUILDING PAD SOILS CORRECTION.

CONTOURS SHOWN ARE FROM ORIGINAL
GRADING PLAN AND ARE FOR INFORMATION ONLY.
USE SPOT ELEVATIONS FOR PROPOSED GRADING.

SET BACK REQUIREMENTS:
30' FRONT HOUSE TO C.O.W.
30' FRONT CURB TO PROPERTY LINE
10' SIDE HOUSE TO PROPERTY LINE
10' SIDE GARAGE TO PROPERTY LINE
50' REAR HOUSE TO PROPERTY LINE



EROSION CONTROL NOTES:

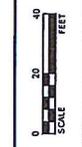
1. INSTALL APPROVED EROSION CONTROL FENCE WHERE SHOWN PRIOR TO START OF CONSTRUCTION. FENCE TO BE INSTALLED ON DOWNHILL SLOPES TO CONTROL EROSION AND RUNOFF TO ADJACENT PROPERTIES.
2. ALL UNTIL DISTURBED AREAS CAN BE SOODED OR RE-SEEDED TO STABILIZE GRADE. (SEE CITY STANDARD PLATE EC-04)

3. SILT FENCE SHALL BE "J" HOOKED AT DRIVEWAY FOR A MINIMUM OF 4'.
4. SILT TRACKED ONTO THE STREET SHALL BE SWEEPED THE SAME DAY BY A WATER BASED SWEEPER.
5. PROVIDE CLASS V GRAVEL CONSTRUCTION ENTRANCES TO CONTROL SOIL MIGRATION. (SEE CITY STANDARD PLATE EC-04)

6. APPROVED INLET PROTECTION SHALL BE INSTALLED AND MAINTAINED AT THE FIRST CATCH-BASIN DOWNSTREAM FROM CONSTRUCTION SITE. (SEE CITY STANDARD PLATE EC-04)
- SEE CITY STANDARD PLATE EC-01 FOR COMPLETE LIST OF EROSION CONTROL MEASURES.

FOR DIRECT SUPERVISION AND THAT ANY AND ALL REQUIRED MARK SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

William Krech
Surveyor



| REV. NO. | DATE | BY | CHK. | DESCRIPTION |
|----------|----------|-----|------|------------------------------|
| 1 | 11/27/12 | AKM | | REVISE GRADING AROUND SEPTIC |
| 2 | 12/27/12 | AKM | | REVISE SEPTIC |
| 3 | 01/27/13 | AKM | | REVISE CURB OFFSET |
| 4 | 02/14/13 | AKM | | ADDED MAIN GARDENS |

| | |
|---|-------|
| CERTIFICATE OF SURVEY: LOT 11, BLOCK 5 | SHEET |
| 9074 ALGER COURT, INVER GROVE HEIGHTS, MN | 1 |
| MARIANNA RANCH | 2 |

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: February 13, 2013 **CASE NO.:** 13-01CV

HEARING DATE: February 19, 2013

APPLICANT: Mike Stanton

PROPERTY OWNER: Mike Stanton

REQUEST: A Conditional Use Permit to allow additional impervious surface and two Variances to allow additions to the house within the side and front yard setbacks.

LOCATION: 3865 73rd Street E

COMPREHENSIVE PLAN: LDR, Low Density Residential

ZONING: R-1C, Single Family Residential

REVIEWING DIVISIONS: Planning
Engineering **PREPARED BY:** Allan Hunting
City Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit to construct a house addition that would increase the total impervious coverage to 4,419 sq ft. The applicant is however requesting a conditional use permit to the full extent allowed which is 4,719 square feet. The applicant has provided a drawing which has the details of all existing and proposed impervious surface. Details of the impervious coverage are listed in the chart below.

| | Square Feet | Allowed Impervious Coverage |
|---|-----------------|-----------------------------------|
| Lot Size | 10,486 | 3,670 |
| Allowed additional impervious coverage by CUP | 10% of lot area | 4,719 |
| Proposed additional impervious surface | 575 | - |
| Total impervious coverage requested | 4,419 | 14,110 |

The applicant is also requesting two variances; 1) to allow a 12' x 32' addition to the house into the side yard setback, following the existing building setback of five (5) feet, and 2) to allow a 5' x 22' open porch addition onto the front of the house that would be 26 feet from the front property line.

The house is currently setback five feet from the side line. The addition would extend along the existing established setback. The house was constructed in 1956 which predates the 1965 original zoning ordinance. The house would be considered a legal non-conforming house since it predates the ordinance.

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

EVALUATION OF REQUEST

GENERAL CUP CRITERIA

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed conditional use permit meets the above criteria. The surrounding properties are all single-family residential homes. The proposed single-family home addition will aesthetically fit in with the neighborhood. Additionally, the applicant has agreed to comply with the storm water treatment conditions, which help maintain the drainage and storm water runoff on the applicant's property.

IMPERVIOUS SURFACE CUP CRITERIA

The zoning ordinance sets a maximum impervious surface allowed on each lot in the city based on lot size categories. Impervious surface can be increased by up to 10 of the lot area with a conditional use permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) The design of the facility shall provide storage and treatment for the 100-year event volume as it relates to the additional impervious surface being considered with a conditional use application.

- e) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- f) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. Surety shall be provided to ensure construction of the system according to the plans approved by the City Engineer.
- g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

The Engineering Department has been working with the applicant on the information to be submitted. An escrow has been deposited so the process of drafting the agreement documents has begun. The applicant has already submitted some preliminary design drawings for a rain garden for Engineering to review.

VARIANCE CRITERIA

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. Allowing the addition on the side of the house would be in harmony with the general purpose and intent of the comp plan which is a single family detached housing neighborhood. The existing neighborhood was platted and developed before 1965, so the lot size and widths along with setbacks are less than what is required today. Almost any addition onto the house on the east side would require some type of variance since the setback is greater today than it was when the house was built.

The Zoning Ordinance does have a provision that allows uncovered front decks to encroach into the front setback up to six feet. In this instance, the porch is covered and therefore must meet the standard front yard setback of 30 feet. The house was constructed without a front porch and was placed at the 30 foot setback line. Staff has not historically supported encroachments into front yards on properties. The rules on

front yard setbacks have not changed since the house was built which makes this request different than the addition into the side yard.

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

The house was constructed in 1956, predating the 1965 zoning ordinance. The house is located 5 feet from the side property line. Nearly any addition to the home would require a variance. The addition would allow the owner to use the property in a reasonable manner and in a same manner as the surrounding properties that are not restricted by a home placement and situation that was created before the zoning ordinance was adopted.

The front addition extends beyond what was envisioned when the code was amended to allow open decks or porches on houses to encroach up to six feet. A typical front entry stoop must be at least 3' x 3' per building code. A roof over this minimum addition would seem reasonable and could meet the variance criteria. Beyond this creates further encroachments into the front yard setback which is established to maintain a straight visual sight line along the streetscape and to keep structures back from the street.

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

This side yard variance situation is unique to the property and was not created by the landowner. As stated above, the setback issue is a pre existing condition.

The front encroachment is a new condition and not necessarily unique to the property.

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

Allowing the side yard variance would not alter the essential character of the neighborhood. The addition is a typical home improvement and the reduced setback would not have an impact on any abutting properties.

Because the front addition is an open porch, it would not have the same effect as if an enclosed addition was being proposed. Staff has felt front yard encroachments can have a greater impact on the character of the neighborhood.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do not appear to be a basis for this request.

ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

A. Approval If the Planning Commission finds the requests to be acceptable, the Commission should recommend approval of the requests with at least the following conditions:

- Approval of a Variance to allow an addition to the existing home 5 feet from the side property line whereas 50 feet is required subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan dated 2/14/13 on file with the Planning Division.
- Approval of a Variance to allow a front porch addition 26 feet from the front property line whereas 30 feet is required subject to the following condition:
 1. The site shall be developed in substantial conformance with the site plan dated 2/14/13 on file with the Planning Division.
- Approval of the Conditional Use Permit to allow additional impervious surface up to 4,719 square feet subject to the following conditions:
 1. In order to receive a conditional use permit, the following criteria shall be met:
 - a) A storm water management system to mitigate the increased storm water runoff from the 749 square feet of additional impervious surface shall be constructed within the property that meets the best management practices criteria as set forth in the northwest area ordinances and stormwater manual.
 - b) Prior to issuance of building permit, the design and location of the storm water facility shall provide for treatment and storage of storm water run-off in order to meet the 100-year event for the additional 749 square feet.
 - c) Prior to issuance of building permit, a storm water facility maintenance agreement shall be executed between the applicant and City to address responsibility and maintenance.
 2. Prior to construction of the approved storm water facility:
 - a) The Engineering Division shall be notified of the contractors schedule and an on-sight preconstruction meeting held.
 - b) The soils shall be tested to determine the infiltration capacity to insure the storm water maintenance facility performs and functions within the assumed

design parameters. The owner shall supply product specification sheets, testing results, and samples of the proposed engineered soils. The City Engineer may approve engineering staff inspections and approval of the soils in lieu of testing.

3. The temporary erosion control and permanent storm water management plan should capture and route storm water runoff in a manner that does not adversely impact the adjoining or downstream properties.
4. The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
5. The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
6. Prior to release of the remainder of the Inspection Escrow and Construction Escrow, the storm water facility needs to be constructed in its entirety, vegetation planted, and approved by the Engineering Division.
7. All existing easements shall be shown on the building permit submittal to ensure that the proposed structures are not encroaching in an easement area dedicated to the City. If there is encroachment, it will be the sole discretion of the City Engineer to either accept or deny the proposed encroachment. If allowed, an encroachment agreement would need to be executed prior to issuance of building permit.

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

RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit and the side yard variance requests with the practical difficulty being the location and placement of the house which predates the zoning ordinance. Staff does not recommend approval of the front yard encroachment for the covered porch as the situation of the request does not seem to meet all of the variance criteria. A denial 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.

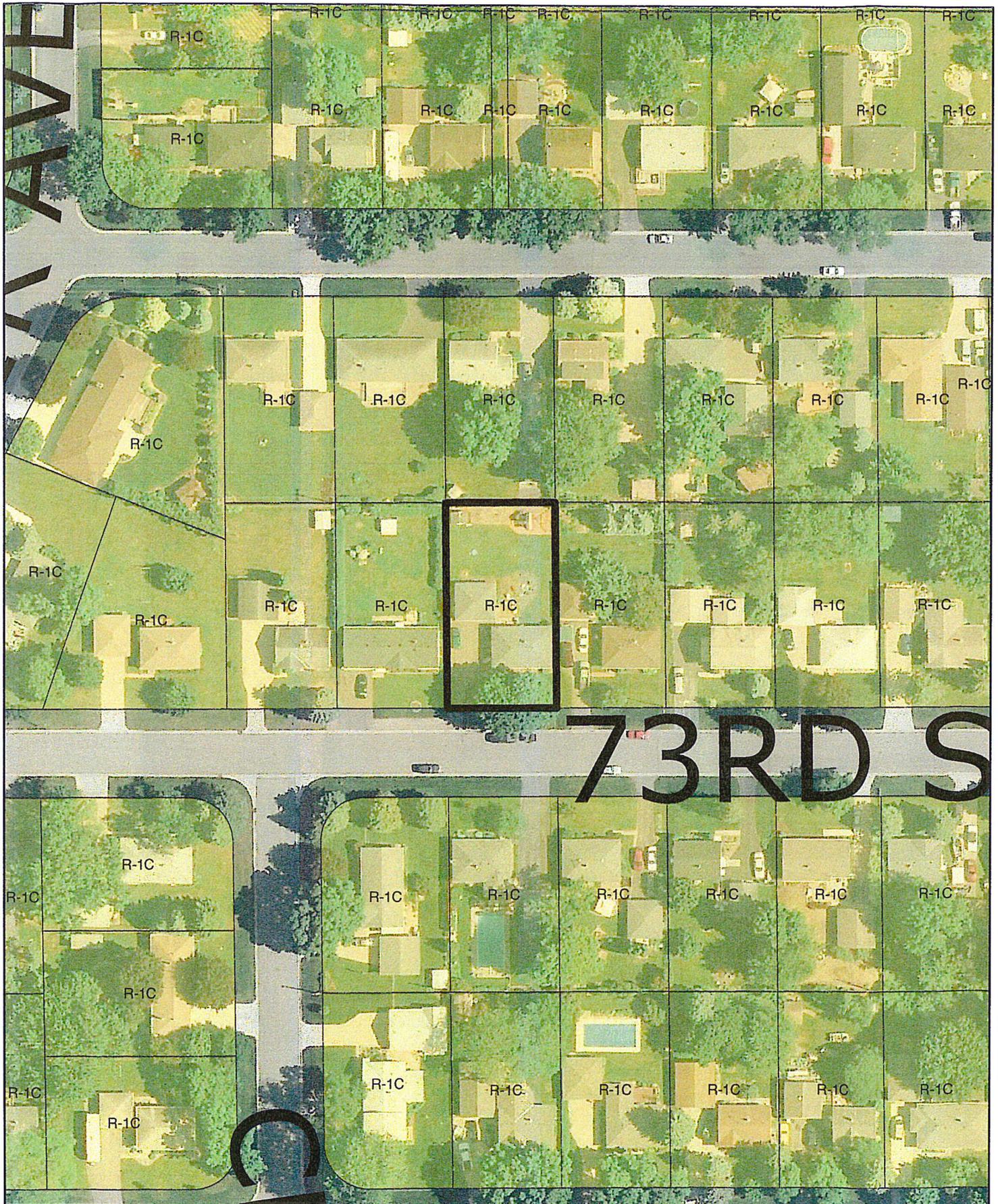
Planning Report - Case No. 13-01CV
Page 7

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Applicant Narrative
Exhibit C - Site Plan



Location/Zoning Map

Case No. 13-01CV



Mike Stanton
3865 73rd St. E.
Inver Grove Hts., MN 55076
January 22, 2013

Inver Grove Heights
Planning Commission

Dear Planning Commission:

I am requesting a variance and Conditional Use Permit (CUP) for the property 3865 73rd St. E., Lot 17, Block 6 of the South Grove Plat. The requests are outlined below that are being sought after.

- 1.) CUP for the impervious surface exceeding the zoned 35% requirement but falling in the 10% margin of the CUP guidelines. We are willing to implement any water run-off programs that the city engineers see fit due to exceeding the 35% zoned allowance for impervious coverage.
- 2.) Variance #1- This is a request for a 5' lot setback vs. 10' on the Northeast corner of the house. When the house was constructed in 1956, the setbacks at that time were 5'. Later on the city had changed the setbacks to the current 10' requirement. We are requesting this variance to keep the same common exterior wall on the east side of the house in the same plane. The new proposed exterior wall will meet all current building codes for type of construction and insulation requirements. The neighboring property's driveway and garage are along this side of the house which will not hinder or obstruct any site lines to its property. After reviewing other homes in the neighborhood, numerous homes in the area have additions similar to what we are proposing. The homes are maintaining the previous setback of 5'. If a list of addresses is required we can submit a list of residences that we have found.
- 3.) Variance#2 – This request is for allowing us to cover the front step/porch with a roof. The step and porch fall well within the guidelines for a front step/deck encroachment for an uncovered structure. We are proposing cover the 4'x 15' porch area and the 5'x 8' step area with a roof. This roof will be supported by three posts allowing full site line to front of the house. The area between the decking and roof will be left open to the outside retaining the existing exterior wall in place. The covered section will encroach in on the front lot setback requirement of 30' by 4'. The placement of a covered front step will only work along the south side of the house due to a planned future addition of attaching the garage to the current house. This will allow us not to have to remove any structure a few years down the road on the west side of the house. The current proposed design fits

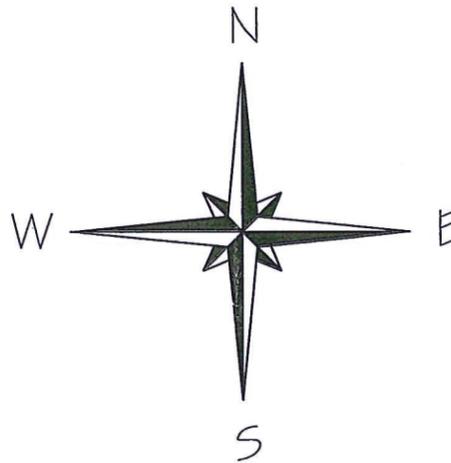
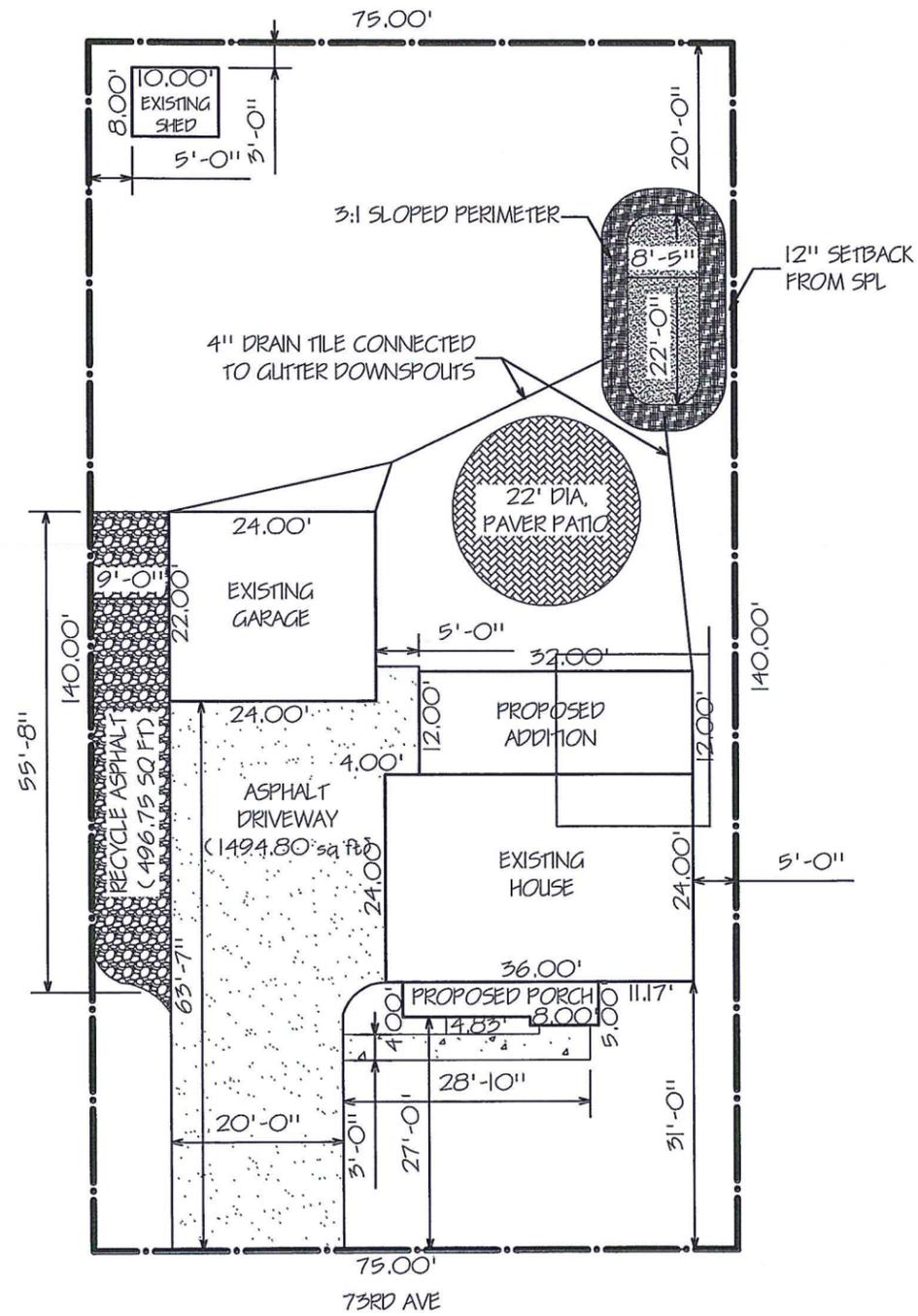
within the existing houses in the neighborhood. Vast majority of single level ramblers. After reviewing other homes in the neighborhood, several homes in the area do have covered front steps that do exceed the front setback requirements. If a list of addresses is requested we can submit a list of residences that we have found.

Thank you for time and effort put into considering our request for enhancing the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Stanton". The signature is written in a cursive style with a large, stylized "M" and "S".

Mike Stanton



| | |
|--------------------------|-----------------|
| EXISTING HOUSE: | 864.00 SQ FT |
| ADDITION: | 384.00 SQ FT |
| EXISTING GARAGE: | 528.00 SQ FT |
| EXISTING SHED: | 80.00 SQ FT |
| PORCH ADDITION: | 99.30 SQ FT |
| DRIVEWAY/PATIO: | 1,874.74 SQ FT |
| PROPOSED SIDEWALK: | 92.48 SQ FT |
| RECYCLE PARKING AREA: | 496.75 SQ FT |
| TOTAL SURFACE: | 4,419.27 SQ FT |
| LOT SURFACE AREA: | 10,500.00 SQ FT |
| IMPERVIOUS SURFACE AREA: | 42.1% |

ROOF AREA WITH OVERHANGS DRAINING TO GUTTER DOWNSPOUTS

| | |
|---------------|---------------|
| GARAGE: | 572 SF |
| HOUSE: | 360 SF |
| TOTAL: | 932 SF |

RAIN GARDEN PER INVER GROVE HEIGHTS PLATE NO. STM-17

1.5-12 100-YEAR RAIN GARDEN (8'-22')
(12-INCH DEPTH DEAD STORAGE, 1.5 FEET ENGINEERED SOILS)

| | |
|-----------------------------|---------------|
| RAIN GARDEN C (100-12) | |
| POND | 1.0 FEET |
| ENGINEERED SOIL | 1.5 FEET |
| RAIN GARDEN BOTTOM AREA | 175.0 SF |
| TOTAL STORAGE VOLUME | 267 CF |

SPECIAL NOTE: JI/W DESIGN ACCEPTS NO RESPONSIBILITY FOR ERRORS OR OMISSIONS. EVERY EFFORT HAS BEEN MADE IN THE DESIGNING, CHECKING AND PREPARING OF THESE PLANS FOR ACCURACY. THE OWNER, SUPPLIER, AND SUB-CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR SAME DURING ACTUAL CONSTRUCTION.

28388 Henderson Way
Randolph, MN 55065
PH/Fax: 507-263-5105

Ji/w Design

STANTON RES
3865 73RD ST E
INVER GROVE HGTS, MN

DRAWN BY:
LORI

DATE:
2-14-2013

SHEET
5-1

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: February 14, 2013

CASE NO.: 13-03V

HEARING DATE: February 19, 2013

APPLICANT AND PROPERTY OWNER: John Geiske

REQUEST: A variance from the front yard setback requirements

LOCATION: 8373 Alta Avenue

COMP PLAN: LDR, Low Density Residential

ZONING: R-1A, Single-family Residential

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner 

BACKGROUND

The applicant is requesting a 20 foot variance to allow a 10' x 12' storage shed 10 feet from the front property line whereas 30 feet is the required setback. The shed was installed around 2009. The applicant worked with a contractor who called the City and asked if a permit was required to install the shed and was told a permit was not required. Even though a permit was not required setbacks would still have to be met, which the applicant and contractor were unaware of. The City became aware of the location of the shed when a complaint was submitted. The applicant is requesting a variance to keep the shed 10 feet from the front property line.

The applicant's property is abutting a lake and changes elevation over 40 feet from the front of the property to the back. The shed is located 25 feet from the road and 65 feet from the closest neighboring structure. In addition to the 10' x 12' shed the applicant has an attached garage and a 12' x 20' shed.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Variance** to allow a shed to be located 10 feet from the front property line whereas 30 feet is the required setback.

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

North, South, and East-

Single-family; zoned R-1A; guided LDR,
Low Density Residential

West

Rosenberg Lake

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. A shed is not one of the allowed encroachments therefore the request does not meet the intent of the zoning ordinance. The shed does meet all other setbacks and zoning requirements including building materials and impervious surface. The request is in harmony with the intent of the comprehensive plan as the lot is being utilized as residential.

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

The property does have a change in elevation but in this case, the shed could be moved west and meet the setback requirements. Setback standards are not precluding the homeowner from reasonable use of the property as the property has an attached garage and a separate detached structure.

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

The property does have some topographical restraints and is limited in buildable area. Some change in grade may have to be done but the shed could be moved to meet setback requirements.

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. Even though the applicant lives at the end of a dead-end road allowing a shed 10 feet from the property line could set a precedent for other shed encroachments on single family lots.

5. *Economic considerations alone do not constitute an undue hardship.*

Economic considerations do appear to be a basis for this request. The property owner would have to hire someone to move the shed in addition to changing the grade of his property to relocate the shed.

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 as submitted.

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:

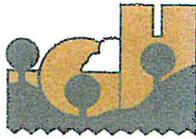
1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for other encroachment setbacks.
3. Staff does not believe there are practical difficulties in complying with the official control as the shed could be moved to the west complying with setback requirements.

RECOMMENDATION

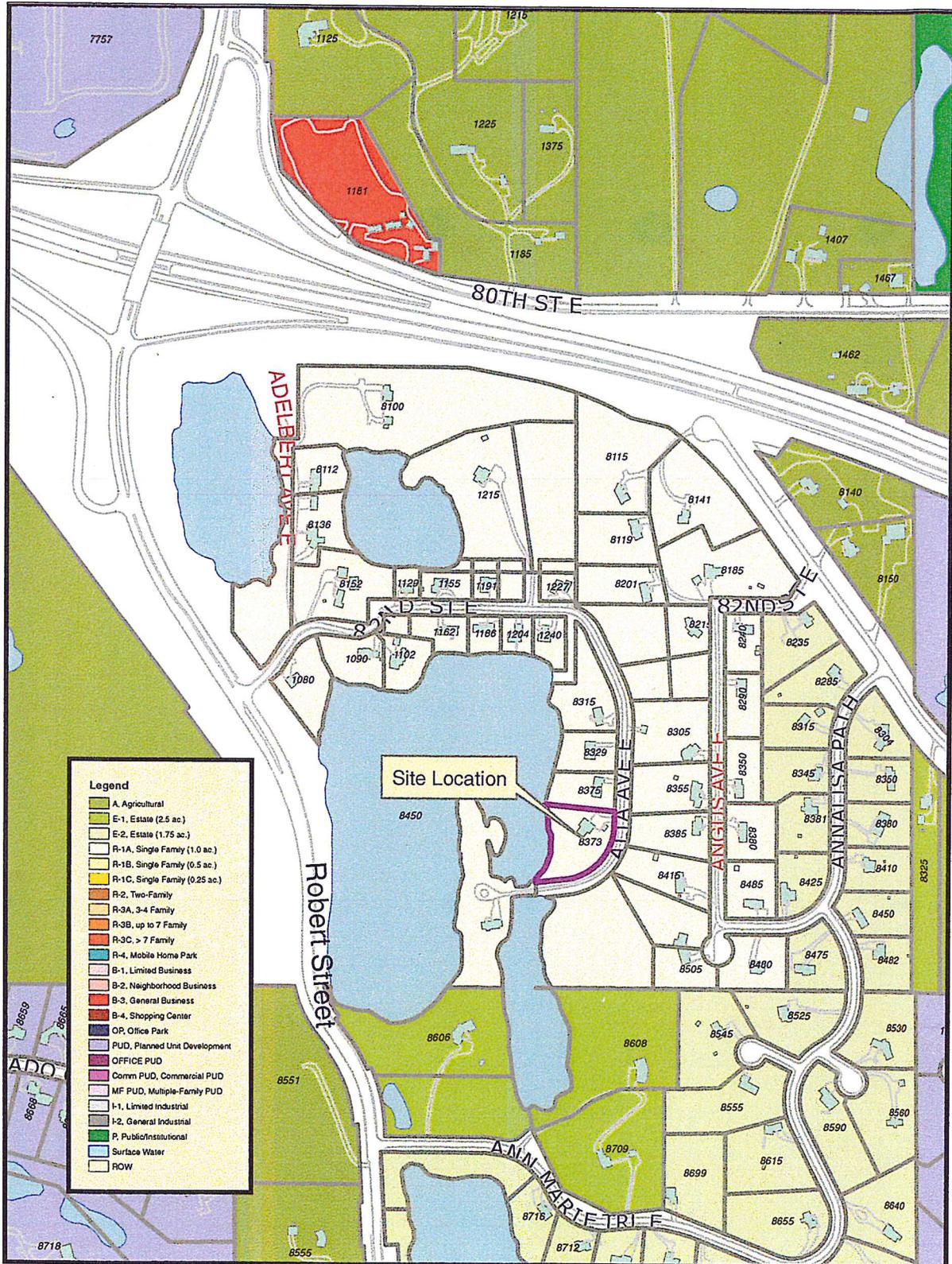
Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable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

Staff believes the 20' 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 – Site Plan
Exhibit C – Topographical Map



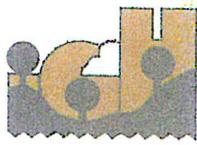
John Geiske Case No. 13-03V



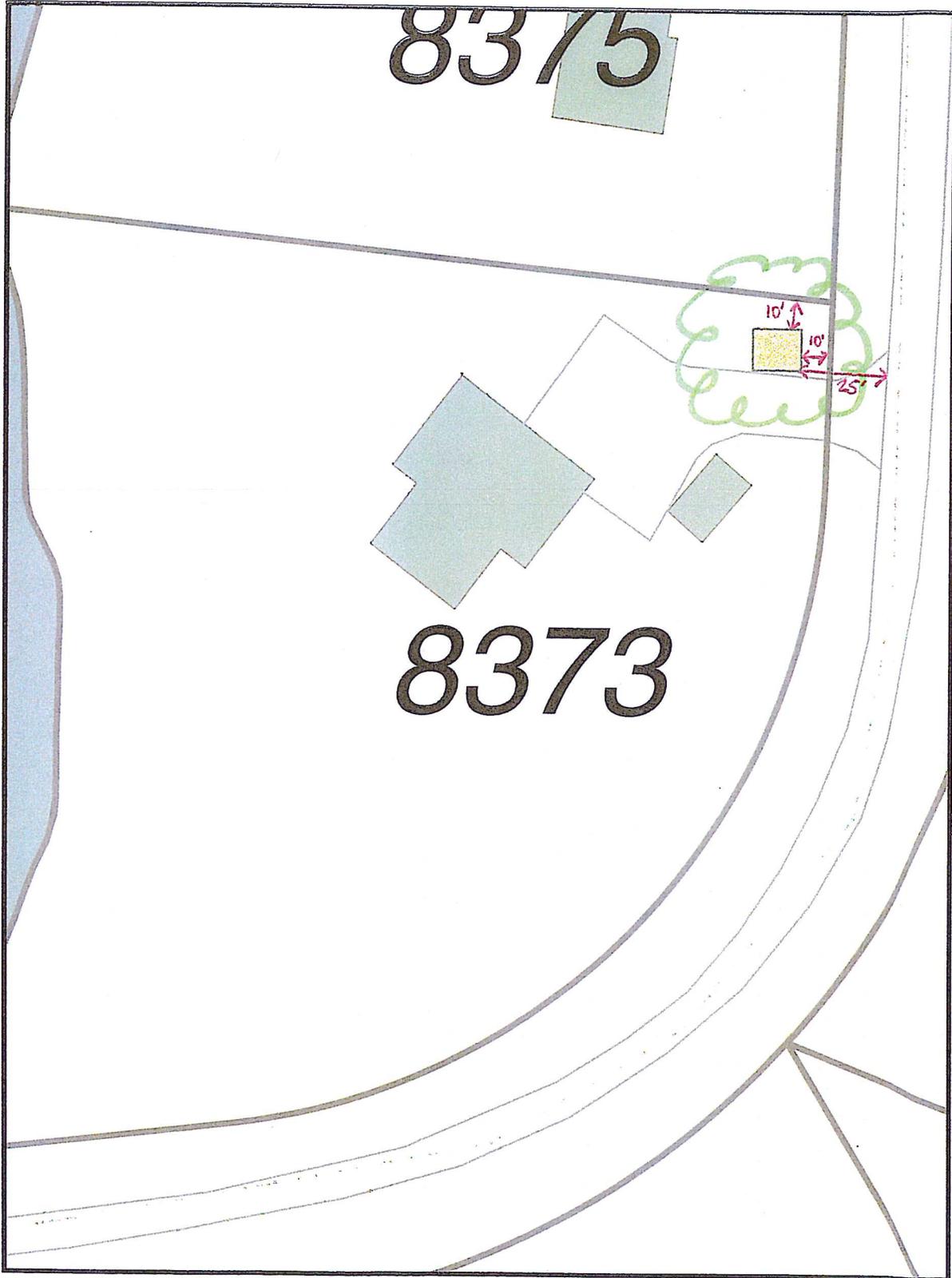
| Legend | |
|---------------|-------------------------------|
| [Green] | A. Agricultural |
| [Light Green] | E-1, Estate (2.5 ac) |
| [Light Green] | E-2, Estate (1.75 ac) |
| [Light Green] | R-1A, Single Family (1.0 ac) |
| [Light Green] | R-1B, Single Family (0.5 ac) |
| [Light Green] | R-1C, Single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

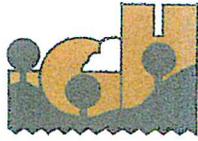


Exhibit A
Zoning and Location Map

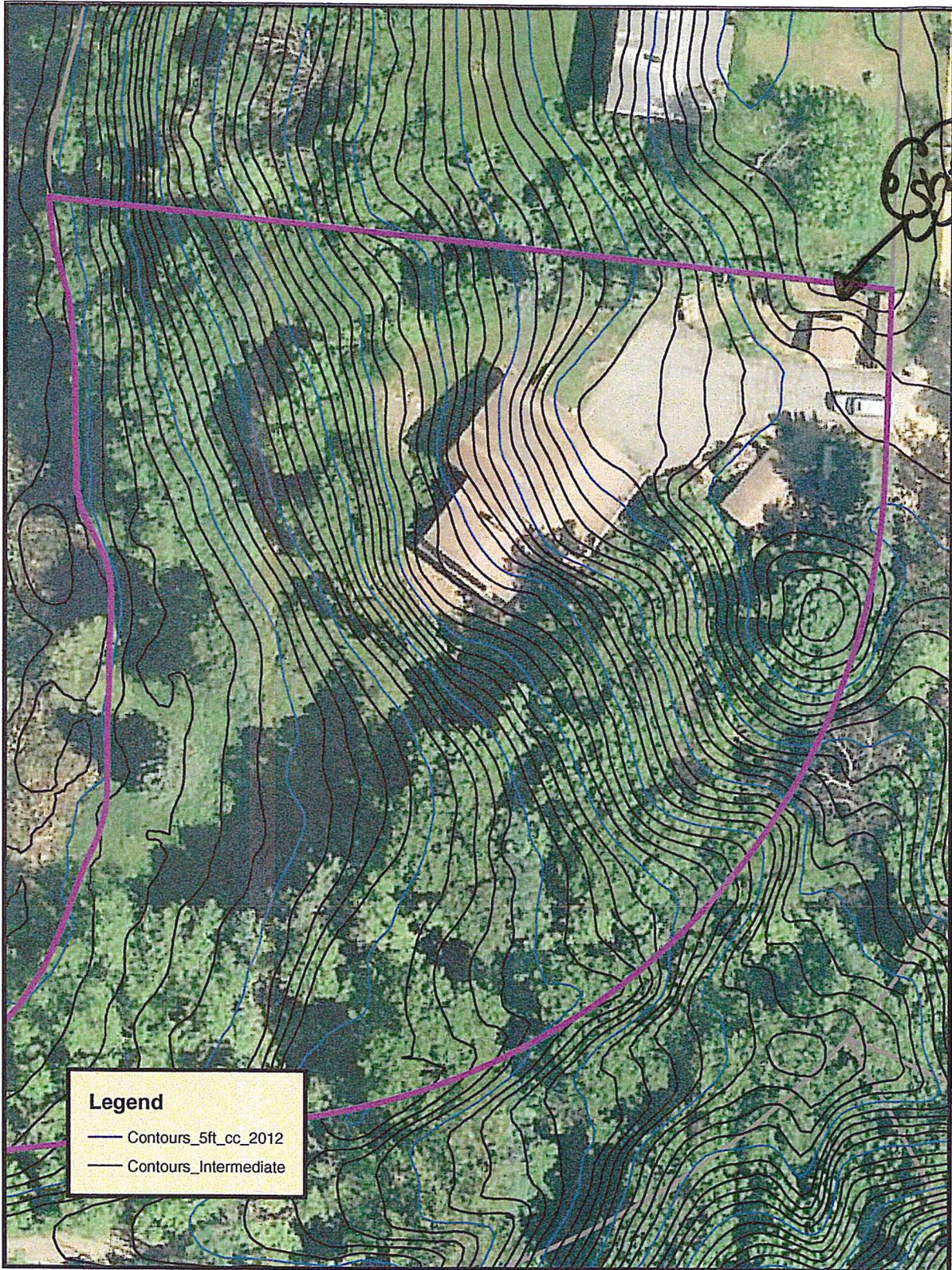


8373 Alta Avenue
Shed Variance





John Geiske
Case No. 13-03V



Legend

- Contours_5ft_cc_2012
- Contours_Intermediate



Exhibit C
Topographical Map