PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, February 19, 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
Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the February 5, 2013 meeting were approved as submitted.

BILL KRECH – CASE NO. 13-02C

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow additional impervious surface coverage for the property located at 9074 Alger Court. 50 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is currently building a new home on the property and installing a geothermal heating system. The applicant was informed by his contractor that it would be beneficial to install the geothermal system underneath the rain garden. To obtain credit for future impervious surface, and to ensure that the rain garden meets City standards, Mr. Krech is applying now for a conditional use permit to allow an additional 3,100 square feet of impervious surface on his property. A site plan was submitted by the applicant featuring the house and driveway that is being constructed as well as a future proposed pool and patio area. The proposed request meets both the general CUP and impervious surface CUP criteria. Staff recommends approval of the request with the five conditions listed in Alternative A. Staff has not heard from any of the surrounding property owners.

Commissioner Wippermann asked for clarification regarding the applicant's original request for an additional 10 percent of impervious coverage whereas only a portion of that was being requested at this time.

Ms. Botten replied that after discussions with staff the applicant decided to reduce his request to 3,100 square feet.

Commissioner Maggi asked if there was a time limit on the cash escrows.

Ms. Botten replied in the affirmative, stating she was not sure of the specific timing.

Commissioner Simon asked if the CUP was based on the specific site plan that was submitted, including the pool, patio, etc.

Ms. Botten replied the request was for an additional 3,100 square feet of impervious surface; not this specific site plan. As long as the applicant stayed within that amount they could change their site plan as needed.

Opening of Public Hearing
The applicant, Bill Krech, 7755 Argenta Trail, advised he was available to answer any questions.

Chair Hark asked if the applicant understood and agreed with the conditions listed in the report.

Mr. Krech replied in the affirmative.

Planning Commission Recommendation
Motion by Commissioner Wippermann, second by Commissioner Simon, to approve the request for a conditional use permit to exceed the impervious surface maximum in a residential district, for the property located at 9074 Alger Court, with the five conditions listed in the report.

Motion carried (8/0). This item goes to the City Council on February 25, 2013.

MIKE STANTON – CASE NO. 13-01CV

Reading of Notice
Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to exceed the impervious surface maximum, a variance to allow an addition to the existing home within the required side yard setback, and a variance to allow a porch addition to the existing home within the required front yard setback, for the property located at 3865 – 73rd Street East. 53 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 conditional use permit (CUP) to construct a house addition that would increase the total impervious coverage to 4,419 square feet; however, the applicant is requesting a CUP to the full extent allowed, which is 4,719 square feet. The proposed request meets the CUP criteria. 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 established building setback of five 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 furthest part of the proposed covered entry would extend out five feet from the house. Staff recommends approval of the CUP and the side yard variance request with the practical difficulty being the location and placement of the house which predates the zoning ordinance. Staff does not, however, recommend approval of the front yard setback variance for the covered porch as denial of the request would not preclude the applicant from reasonable use of the property and approval of the variance could set a precedent for other encroachment setbacks.

Commissioner Wippermann noted an error on the table on Page 1 of the report.

Mr. Hunting acknowledged the error, stating the maximum allowed impervious coverage on the lot should be 4,719 square feet rather than 14,334.

Commissioner Wippermann advised also that the 10% of allowed additional impervious coverage should be 1,048 square feet rather than 575.

Commissioner Maggi noted some conflicting numbers and asked what size porch was being proposed.

Mr. Hunting replied that the discrepancy was likely due to rounding of numbers, and he stated the proposed portion in front of the front door was 5' x 8' with an additional 4' x 14'-10" along the front of the house.

Commissioner Maggi asked if the side property line requirement listed on Page 5 should be 10 feet rather than 50 feet.

Mr. Hunting replied in the affirmative.

Commissioner Lissarrague asked what the reason was for the 30' setback requirement.

Mr. Hunting stated it was the visual impact and the potential for setting a precedent. He advised that in this case safety would not be an issue if the proposed encroachment were to be approved.

Commissioner Lissarrague noted that in the past the City has recommended approval of many setback requests.

Commissioner Simon asked if the applicant could put a roof over the porch as long as there were no support posts.

Mr. Hunting replied that the Zoning Code allows up to a 24" overhang from any of the rooflines as long as there is nothing supporting it.

Opening of Public Hearing
The applicant, Mike Stanton, 3865 – 73rd Street East, advised was available to answer any questions.

Chair Hark asked if the applicant understood and agreed with the conditions listed in the report.

Mr. Stanton advised that he understood the conditions and agreed with staff recommendations except in regard to the front yard setback variance.

Commissioner Elsmore asked if the applicant would be open to not having a roof over the proposed porch.

Mr. Stanton replied that his preference would be to have a covered porch but if the variance was denied by City Council he would go ahead with the porch and step portion. He advised there were other homes in the South Grove neighborhood with covered steps, and he showed a rendering of the proposed addition.

Commissioner Elsmore asked how many steps were being proposed.

Mr. Stanton replied it would likely be one step with no railing.

Commissioner Lissarrague asked how far the porch would extend from the house.

Mr. Stanton replied the farthest point in front of the door would be five feet from the house. He

advised that he had a signed letter of support from several of his neighbors.

Commissioner Maggi asked how long the applicant had owned the home.

Mr. Stanton replied two years.

Commissioner Gooch asked if the window ledge shown on the drawing protruded out from the house.

Mr. Stanton replied that the area in question would protrude out a foot from the house, but was more of an aesthetic and would not change the interior living space or foundation.

Commissioner Lissarrague asked how the applicant would proceed should the front setback variance be denied.

Mr. Stanton replied he would build the entrance within the provisions allowed.

Planning Commission Discussion
Commissioner Elsmore asked if staff would support a 3' x 3' covered front entry.

Mr. Hunting replied in the affirmative, stating that would seem reasonable.

Commissioner Elsmore asked if the issue was not so much the encroachment as the amount of encroachment.

Mr. Hunting replied that a front stoop larger than 3' x 3' seemed to go beyond the intent of the code requirements regarding encroachments into the front yard.

Commissioner Scales asked if the applicant could install support posts three feet from the house and then extend the roof 24" beyond that.

Mr. Hunting advised that he would research the ordinance while the Commissioners continued their discussion.

Planning Commission Recommendation
Motion by Commissioner Elsmore, second by Commissioner Lissarrague, to approve the request for a conditional use permit to exceed the impervious surface maximum in a residential district and a variance from the side yard setback for a home addition, for the property located at 3865 – 73rd Street, with the conditions listed in the report.

Motion carried (8/0).

Commissioner Simon asked if tabling of the front variance request would affect the other two.

Ms. Botten replied that the applicant could move forward with the first two requests and table the front yard setback variance.

Commissioner Simon asked if the applicant would consider tabling the front yard variance request in order to minimize and redesign the front entrance.

Mr. Stanton replied their hope was to build the front porch as presented; however, they were willing to work with staff on other options if that was not feasible.

Commissioner Wippermann stated although the proposed porch would enhance the appearance of the property, he could not support the request as it did not meet the variance criteria.

Commissioner Simon agreed, stating there was a lack of practical difficulty.

Chair Hark advised that the Commission's focus was very narrow; however, City Council could look at the request in a broader sense.

Mr. Hunting advised that the ordinance states that a roof, eave or overhang may project up to 24" into the required setback. Nothing could be added beyond that.

Commissioner Scales stated since the house was set back 31' and the allowed setback was 30', the applicant could add a support one foot from the house and the roof could overhang two feet beyond that.

Mr. Hunting replied in the affirmative.

Mr. Stanton stated at this point he would propose to move the application forward as proposed.

Commissioner Lissarrague stated in his opinion the proposed additions would enhance the value of the applicant's property as well as the value of the surrounding properties.

Chair Hark stated he was concerned about the precedent that could be set.

Motion by Commissioner Wippermann, second by Commissioner Simon, to deny the request for a variance from the front yard setback for a porch addition, for the property located at 3865 – 73rd Street, based on the rationale stated in the staff report.

Motion carried (7/1 – Lissarrague). This item goes to the City Council on March 11, 2013.

Chair Hark welcomed the scouts in the audience and asked them to introduce themselves.

Mathew Baumann, Connor, and Brandon, from Troop 507, introduced themselves, stating they were working on their Citizenship in the Community merit badges.

JOHN GIESKE – CASE NO. 13-03V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow an accessory building to be located 10 feet from the front property line whereas 30 feet is required, for the property located at 8373 Alta Avenue. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is requesting a 20 foot after-the-fact variance to allow a 10' x 12' storage shed to be located 10 feet from the front property line whereas 30 feet is required. She advised that the applicant's property abuts a lake and changes elevation over 40 feet from the front of the property to the back. The shed, which was built in 2009, is located 25 feet from the road and 65 feet from the closest neighboring structure. In addition to the shed, the applicant also has an attached garage and an additional 12' x 20' shed. Although the property has a change in elevation, staff believes the shed could be moved west to meet the required setbacks. Staff recommends denial of the request as the request does not preclude the applicant from reasonable use of the property,

approval of a variance could set a precedent for other encroachment setbacks, and there is a lack of practical difficulties. Staff did not receive any comments from surrounding property owners.

Chair Hark asked what information a citizen would be given when calling regarding a permit.

Ms. Botten replied that someone calling the Inspections Department regarding the need for a permit for a 10' x 12' structure would be told a permit is not needed. They would also likely be referred to the Planning Department and told they were required to meet impervious surface and setback standards.

Commissioner Simon noted there was an additional metal shed next to the 12' x 20' shed which looked like it was within the front setback as well.

Commissioner Maggi asked if that had different standards as it was not a permanent structure.

Ms. Botten replied in the affirmative.

Commissioner Wippermann asked how many accessory buildings were allowed on this property.

Ms. Botten replied only one detached accessory structure was allowed; however, a structure 10' x 12' in size or smaller would not count towards that number.

Commissioner Lissarrague stated the existing privacy fence blocked most of the view of the shed.

Opening of Public Hearing
Chair Hark advised that the applicant was not present.

Aida Schaefer, 8450 Alta Avenue East, stated she owned the two lots at the end of the dead end street, just past the applicant's property. She stated the property looked cluttered and adversely impacted the aesthetic and financial value of her home. She advised that the fence was not very high and was not a complete enclosure; therefore, the three accessory structures were visible from the street. She stated it seemed as if the intent of the ordinance was not to have numerous structures on a property; however, potentially the applicant could have several structures provided they were 10' x 12' or smaller. She stated the subject property was not visually consistent with the rest of the homes along that street and she recommended that the request be denied.

Planning Commission Discussion
Commissioner Gooch stated he did not support the request as it did not meet the variance criteria.

Chair Hark agreed with Commissioner Gooch, stating there appeared to be ample room to move the shed to the west.

Planning Commission Recommendation
Motion by Commissioner Gooch, second by Commissioner Maggi, to deny the request for a variance to allow an accessory building 10 feet from the front property line whereas 30 feet is required, based on the rationale stated by staff in the planning report, for the property located at 8373 Alta Avenue

Motion carried (8/0). This item goes to the City Council on February 25, 2013.

ADJOURNMENT
Chair Hark adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary