

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**TUESDAY, APRIL 2, 2013 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. **CALL TO ORDER**

2. **APPROVAL OF PLANNING COMMISSION MINUTES FOR MARCH 19, 2013.**

3. **APPLICANT REQUESTS AND PUBLIC HEARINGS**
 - 3.01 **KRISTA & PETE HONSA – CASE NO. 13-08V**
Consider a **Variance** from the side yard setback for a home addition. This request is for the property located at 10815 Alberton Court.

Planning Commission Action _____

 - 3.02 **PAUL BUTE - CASE NO. 13-09V**
Consider a **Variance** to allow a 2,400 square foot accessory building on a lot less than 5.0 acres. This request is for the property located at 10016 Barnes Trail.

Planning Commission Action _____

 - 3.03 **MICHAEL & RUTH NEWBAUER - CASE NO. 13-10V**
Consider a **Variance** to allow a new home 20 feet from the front property line whereas 30 feet is the required setback for the property located at 7930 Blanchard Way.

Planning Commission Action _____

 - 3.04 **BRIAN & JULIE LEHMAN - CASE NO. 13-04ZA**
Consider a **Zoning Code Amendment** to allow dog grooming operations in residential districts.

Planning Commission Action _____

4. **OTHER BUSINESS**

5. **ADJOURN**

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 19, 2013 – 7:00 p.m.
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Armando Lissarrague
Tony Scales
Dennis Wippermann
Victoria Elsmore
Bill Klein

Commissioners Absent: Annette Maggi (excused)
Paul Hark (excused)
Harold Gooch (excused)
Pat Simon (excused)

Others Present: Allan Hunting, City Planner
Heather Botten, Associate Planner

APPROVAL OF MINUTES

Motion by Commissioner Elsmore, second by Commissioner Lissarrague, to approve the minutes from the February 19, 2013 Planning Commission meeting.

Motion carried (4/0 with 1 abstention – Klein).

AT & T MOBILITY – CASE NO. 12-29CA

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for a Conditional Use Permit Amendment to expand the approved tower-equipment storage area to include the location of an additional equipment shelter, for the property located at 8392 College Trail. 35 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to amend the existing CUP on the property to allow for a 240 square foot equipment shelter. The structure would be located inside the lease area, but outside of the existing fenced compound; therefore triggering the CUP amendment. AT & T would also be adding antennas to the existing tower, as well as expanding the gravel drive area. The access would remain off of College Trail, and the applicant has agreed to pave a portion of the existing gravel drive to prevent erosion. The applicant is working with the City's Engineering Department on stormwater and grading requirements. Staff recommends approval of the request with the conditions listed in the report, with a modification to Condition 3 to change the street name from Carmen Avenue to College Trail. Staff received a general inquiry from one resident.

Commissioner Klein asked if this lease agreement generated income for the City.

Ms. Botten replied it did not as it was not on City property.

Chair Wippermann asked if AT & T owned the existing building on the site.

Ms. Botten replied they did not. Ms. Botten showed where the new building would be located, stating it would be closer to Cahill and smaller than the existing building.

Commissioner Klein noted the building would be on top of a hill.

Opening of Public Hearing

Mark Hemstreet, Insite Inc., 3333 Charleston Drive, Woodbury, stated that AT & T was working with the City to provide a stormwater plan and any other necessary modifications to the site.

Chair Wippermann asked what the building would look like.

Mr. Hemstreet replied it would be approximately 12' x 20' in size and would likely have brown aggregate siding.

Motion by Commissioner Klein, second by Commissioner Lissarrague, to close the public hearing.

Motion carried (5/0).

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a Conditional Use Permit Amendment to expand the approved tower-equipment storage area to include the location of an additional equipment shelter, for the property located at 8392 College Trail, with the conditions as listed, and the recommended change to Condition 3.

Motion carried (5/0). This item goes to the City Council on April 8, 2013.

PULTE HOMES – CASE NO. 13-05S

Reading of Notice

Commissioner Scales read the public hearing notice to consider the request for a preliminary and final plat for a two lot single-family subdivision to be known as Summit Pines 2nd Addition, for the property located at 8706 Crismon Way. 8 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 to replat the original homestead of Summit Pines subdivision into two lots. Each proposed lot exceeds the minimum lot size and width requirements. Staff is recommending that both lots access via Crismon Way and that they be prohibited from accessing onto Inver Grove Trail. Staff recommends approval of the request with the conditions listed in the report.

Opening of Public Hearing

Chad Onsgard, Pulte Homes, 14136 Atwood Court, Rosemount, stated they have had twelve sales in Summit Pines subdivision and are requesting another lot. He stated they agree with the conditions listed in the report.

Motion by Commissioner Klein, second by Commissioner Elsmore, to close the public hearing.

Motion carried (5/0).

Planning Commission Recommendation

Motion by Commissioner Elsmore, second by Commissioner Klein, to approve the request for a preliminary and final plat for a two lot single-family subdivision to be known as Summit Pines 2nd

Addition, for the property located at 8706 Crismon Way, with the conditions listed in the report.

Motion carried (5/0). This item goes to the City Council on April 8, 2013.

ADJOURNMENT

The meeting was adjourned by unanimous vote at 7:17 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

DRAFT

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: March 27, 2013 **CASE NO.:** 13-08V
HEARING DATE: April 2, 2013
APPLICANT AND PROPERTY OWNER: Krista & Pete Honsa
REQUEST: A variance from the side yard setback requirements
LOCATION: 10815 Alberton Court
COMP PLAN: LDR, Low Density Residential
ZONING: R-1C, Single-family Residential
REVIEWING DIVISIONS: Planning **PREPARED BY:**  Heather Botten
Associate Planner

BACKGROUND

The applicant is requesting a three foot variance to allow a 14' x 8' home addition seven feet from the side property line whereas 10 feet is the required setback. The applicant would like to add a mudroom addition to the home behind the garage, keeping the addition in line with the garage. City Code requires a 10 foot setback for the principal structure/living space and a five foot setback for the garage. The home was built in 1998. The majority of the homes in the neighborhood were built to the maximum width, with the garages at the five foot setback and the living space at the 10 foot setback.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A **Variance** to allow a house addition to be located seven feet from the side property line whereas 10 feet is the required setback.

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

West, South, and East-	Single-family homes; zoned R-1C; guided LDR, Low Density Residential
North	Wetland and single family home; zoned PUD; guided LDR

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 property is over twice the minimum size for an R-1C lot. Although it may not be the most convenient, the proposed structure could meet the required setbacks on the property. Allowing a reduced setback from the side lot line could set a precedent for other lots in the area. In respect to the land use, impervious surface, and other code requirements the request is in harmony with the intent of the city code and comprehensive plan.

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

Setback standards are not precluding the homeowner from reasonable use of the property. The property is 26,213 square feet in size and 81 feet wide measured from the back of the home (87 feet wide measured at the front of the home). The house currently meets setback requirements and the addition could be altered to meet setbacks.

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

The side property lines and the home are not perpendicular to one another so the further back you go on the property the closer the home is set to the side property line. Similar to other homes in this development the house was built to the maximum width. The zoning code has a special provision allowing for attached garages to be five feet from the property line but to maintain a separation between properties the principal structures are required to have a 10 foot setback. Although the addition would be kept in line with the garage, the variance may be considered a convenience to the applicant, not a practical difficulty.

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

One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. Even though the addition would not be too visible from the street it would have an impact to the neighbor to the east as the addition would be set closer to their porch and living space.

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 construct a smaller addition or redesign the addition to meet setback requirements.

ALTERNATIVES

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

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

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

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

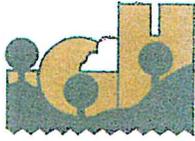
1. Denying the variance request does not preclude the applicant from reasonable use of the property.
2. Approval of the variance could set a precedent for other side yard setback variances.
3. Staff does not believe there are practical difficulties in complying with the official control as the addition could be located on the property complying with setback requirements.

RECOMMENDATION

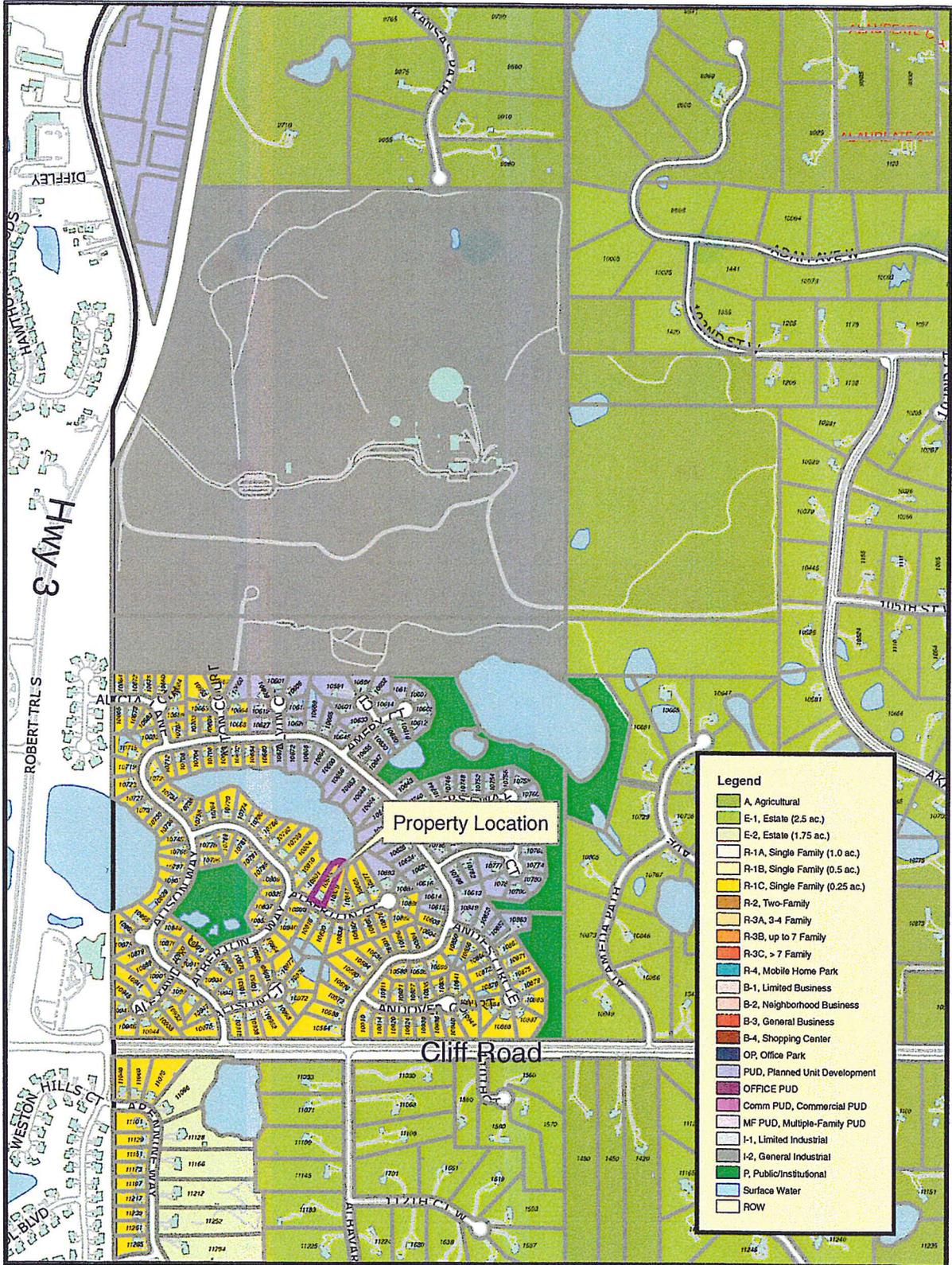
Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable 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 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 – Narrative
Exhibit C - Site Plan
Exhibit D – Floor Plan
Exhibit E – Elevation
Exhibit F – Photos
Exhibit G – Approval from neighboring properties



10815 Alberton Ct.



N
Map not to scale

Exhibit A
Zoning and Location Map

March 6, 2013

To Whom It May Concern:

The purpose of this letter is to request a variance to the side yard setback for a mudroom addition to 10815 Alberton Court in Inver Grove Heights.

This project started out as a way to make a traditional 2 story more practical for a growing family of 5. The dining room was to become a computer work space for the whole family and the kitchen updated to create more functional use of space. We soon discovered that the bigger problem was the entrance from the garage. The laundry and coat closet shared the same space along with the dog's kennel.

The addition we are requesting a variance for is a perfect space behind the garage. The addition was designed to be 8 X 14 and fits perfectly with the existing rooflines, existing retaining walls and stairs to the back yard. The addition would be above grade with only a post footing rather than foundation. This is an exceptional lot over 400 ft. deep but narrows dramatically at the rear of the home. Even though the addition is set back from the garage it doesn't meet the 10 ft. requirement for house but does meet the 5 ft. setback requirement.

When we built this home 14 years ago we were a family of 2. Now with 3 growing children all involved in various sports, along with school bags, winter clothes and the family lab all sharing the laundry room, well the photos tell the story.

This is a family neighborhood that neighbors all understand that this request makes sense. The neighbors are our friends. The association has approved our plan and all of the surrounding neighbors, including the home most affected by the addition are showing their support. We have looked at options that would still allow us to do this project but they are very limited considering the home design.

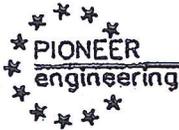
Enclosed are plans, photos, association approval, signatures from neighbors, survey etc. Please give this serious consideration. Our family loves this home and neighborhood.

Respectfully,

Krista Honsa

B

10815 Alberton Ct



LAND SURVEYORS • CIVIL ENGINEERS
LAND PLANNERS • LANDSCAPE ARCHITECTS

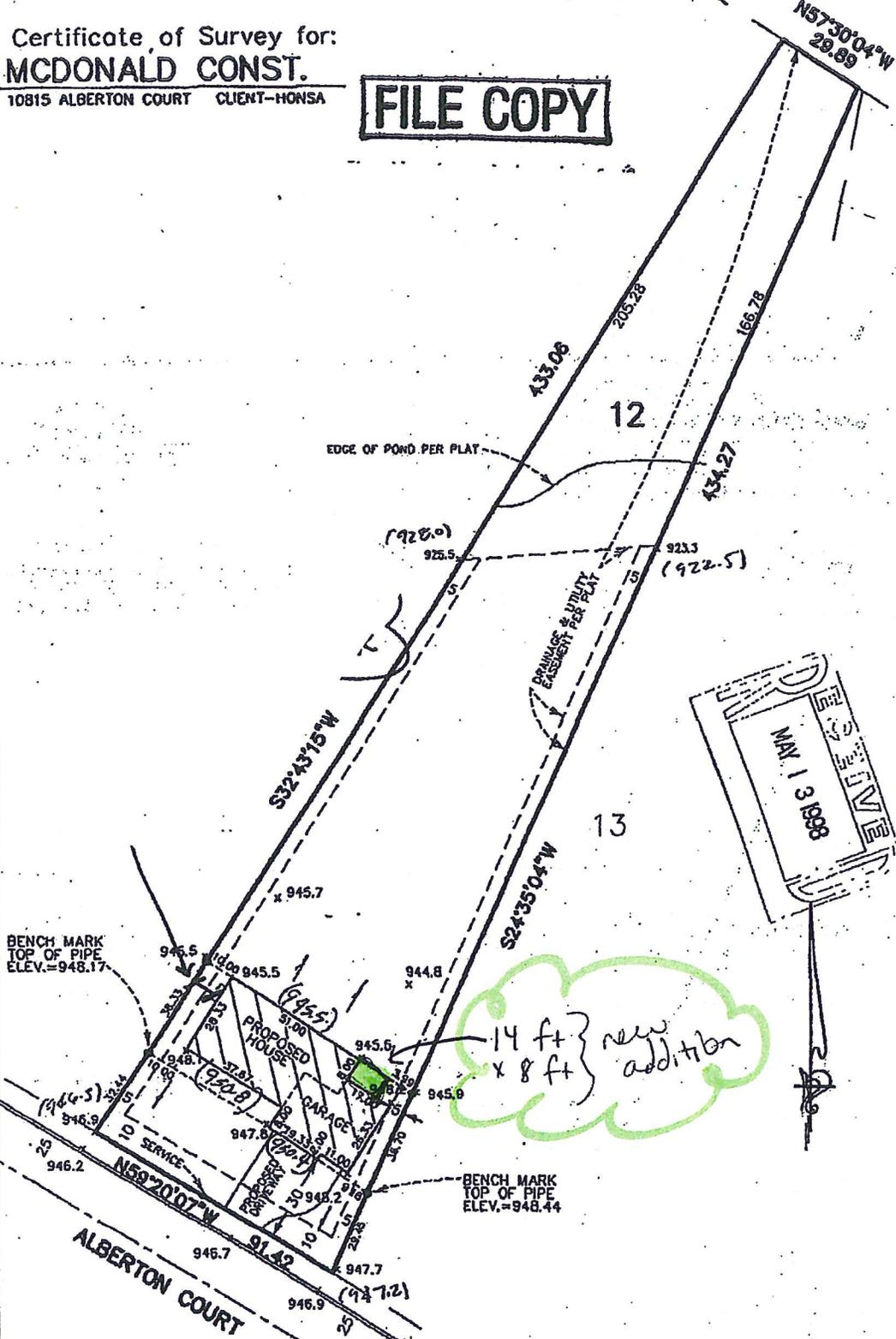
2422 Enterprise Drive
Mendota Heights, MN 55120
(612) 681-1914 FAX: 681-9488

625 Highway 10 N.E.
Blaine, MN 55434
(612) 783-1880 FAX: 783-1883

Certificate of Survey for:
MCDONALD CONST.

10815 ALBERTON COURT CLIENT-HONSA

FILE COPY



MAY 13 1998
SURVEY

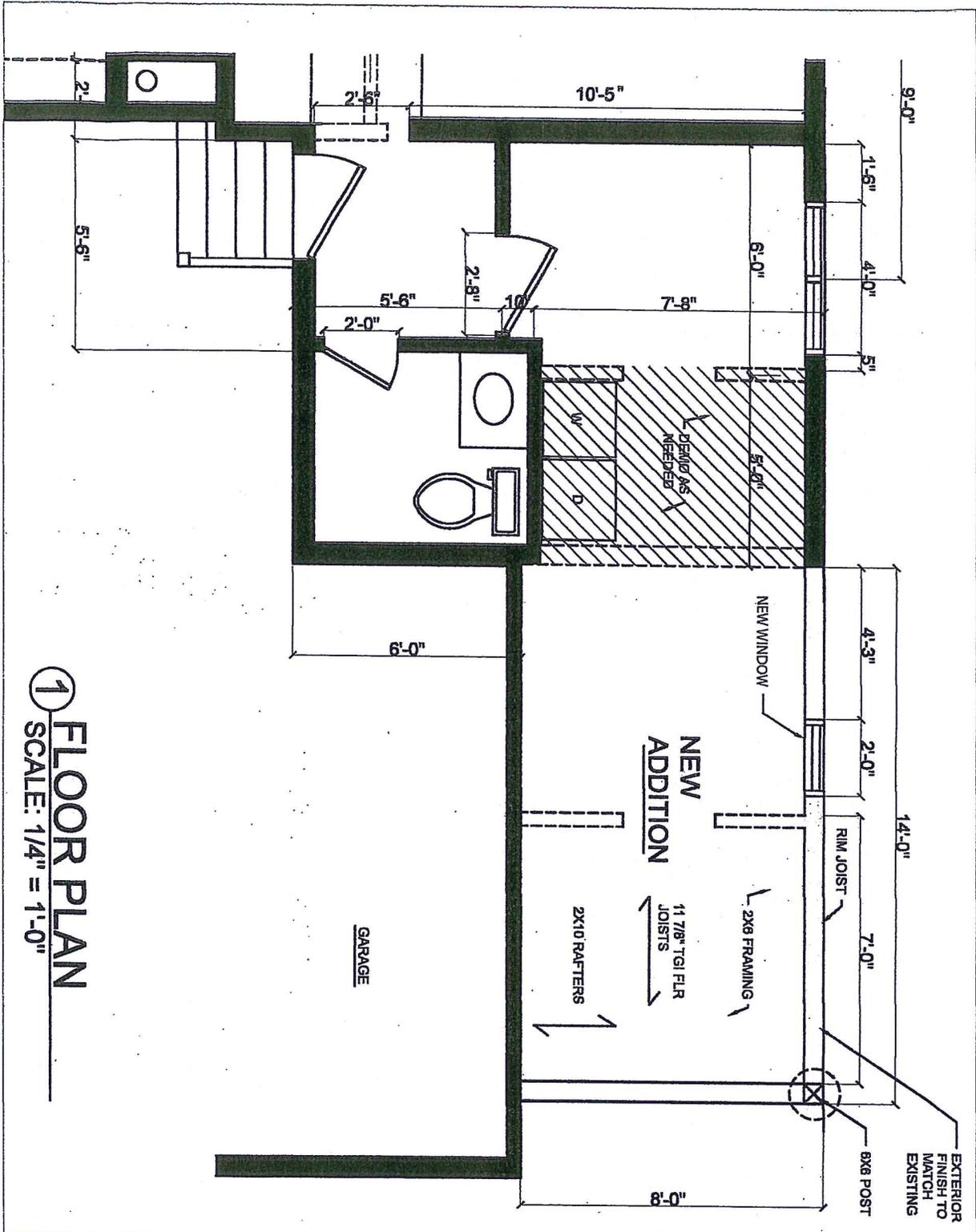
14 ft } new addition
x 8 ft }

BENCH MARK
TOP OF PIPE
ELEV.=948.17

BENCH MARK
TOP OF PIPE
ELEV.=948.44

SCALE : 1 INCH = 40 FEET

C



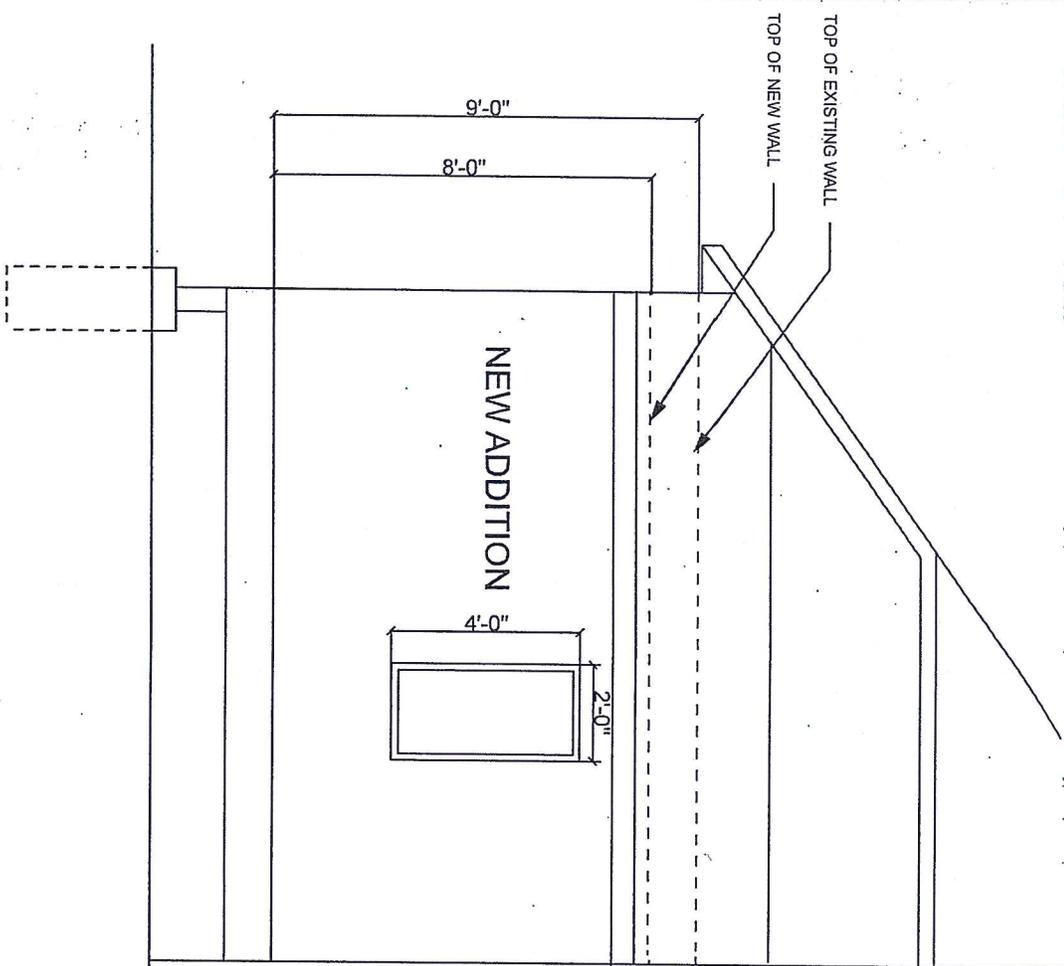
1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

Honsa - HOME ADDITION
2/20/2013

THE CARROLL
COMPANIES

1

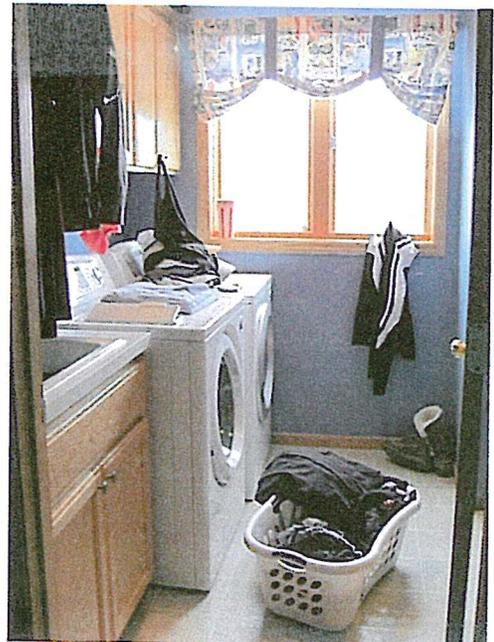
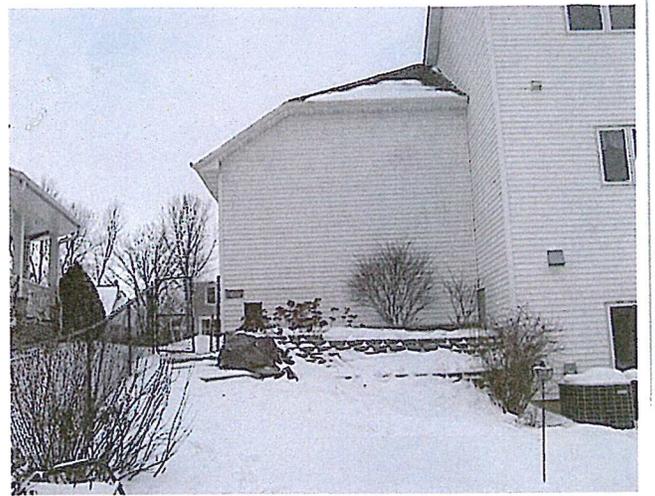
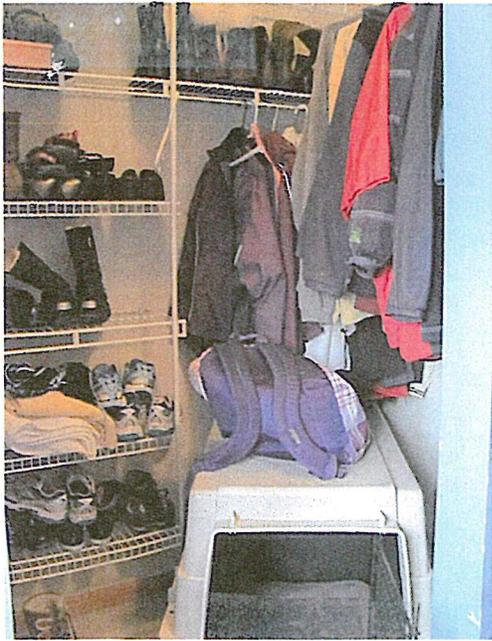
1 REAR ELEVATION
SCALE: 1/4" = 1'



Honsa - HOME ADDITION
2/20/2013

THE CARROLL
COMPANIES

F



March 5, 2013

To whom it may concern,

We have reviewed the plans for the addition on the back of the Honsa Residence at 10815 Alberton Ct and we approve. Please let us know if you need any further approval from us. We represent the houses on each side of the Honsa Residence and directly across the street.

Thank you,

Richard Mackmae 10829 Alberton Ct
651-681-1674



Keith Werk 10801 Alberton CT 612-819-7857

Keith Werk

Martha + Don Turner

Martha Turner 10816 Alberton Ct
Faver Grove Hts
651-688-0468

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

REPORT DATE: March 25, 2013 **CASE NO.:** 13-09V
HEARING DATE: April 2, 2013
APPLICANT: Paul Bute
PROPERTY OWNER: Paul Bute
REQUEST: A Variance to allow a 2,400 square foot accessory building on a lot less than 5.0 acres
LOCATION: 10016 Barnes Trail
COMPREHENSIVE PLAN: RDR, Rural Density Residential
ZONING: A, Agricultural
REVIEWING DIVISIONS: Planning **PREPARED BY:** Allan Hunting
Engineering City Planner

BACKGROUND

The applicant is requesting a Variance to allow a 2,400 square foot accessory structure on a lot less than 5.0 acres. The subject property is 4.39 acres in size. Lots less than 5.0 acres are limited to a 1,600 square foot structure.

The applicant indicates that the structure would be used to keep personal items inside and out of the elements. No business would be conducted from of the building.

SURROUNDING USES

The subject site is surrounded by the following uses:

- North - Residential; zoned A, Agricultural; guided RDR, Rural Density Residential
- East - Residential; zoned A, Agricultural; guided RDR, Rural Density Residential
- West - Residential; zoned A, Agricultural; guided RDR, Rural Density Residential
- South - Residential; zoned A, Agricultural; guided RDR, Rural Density Residential

EVALUATION OF REQUEST

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 surrounding neighborhood is zoned Agricultural and guided for Rural Density Residential. The regulations on accessory structures were structured to allow for larger buildings in the larger lot areas of the City. There are other larger size accessory structures in the area. Aside from the actual size of the subject lot, the request would be consistent with the intent of the code and consistent with the comprehensive plan.

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

Comparing the request to the surrounding properties, allowance of a 2,400 square foot structure would allow the property to be used in a same reasonable manner as those around it. The applicant is requesting the maximum size allowed for lots zoned Agricultural and 5.0 acres or larger. The only issue is the current size of the lot.

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

From the information readily available to staff, the lot was created in the early 1970s. At that time, the definition of a lot and lot size did not exclude right-of-way or road easements from the total lot size. In 2002, during the zoning ordinance rewrite, the definition was changed to exclude any private or public road easements from the lot to determine lot size. This was done to treat all lots, whether platted or not, to exclude parts of the lot that are encumbered by road easements. These parts of the lot cannot be used for any purpose, and just like right-of-way, are therefore, are not included when calculating lot size. At the time this lot was created, the lot size was 5.0 acres. Once the regulations changed, this reduced the size of the lot. This lot is further penalized in that it is a corner lot, thus its lot size is reduced down to 4.39 acres as defined by the zoning ordinance. The change of lot size determination is not a circumstance created by the landowner, but by local ordinance. While, this is not a circumstance that is unique only to this property, this situation would occur in a very small number of cases in the city.

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

Allowing a 2,400 square foot structure would not alter the character of the neighborhood as there are other lots in the area that are 5.0 acres or larger and they would be allowed this same size structure.

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 request to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

- Approval of a **Variance** to allow a 2,400 square foot accessory structure on a lot less than 5.0 acres in size subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan dated 3/4/13 on file with the Planning Division.
 2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or home occupations.
 3. A grading/erosion control plan shall be required at the time of the building permit application

B. **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

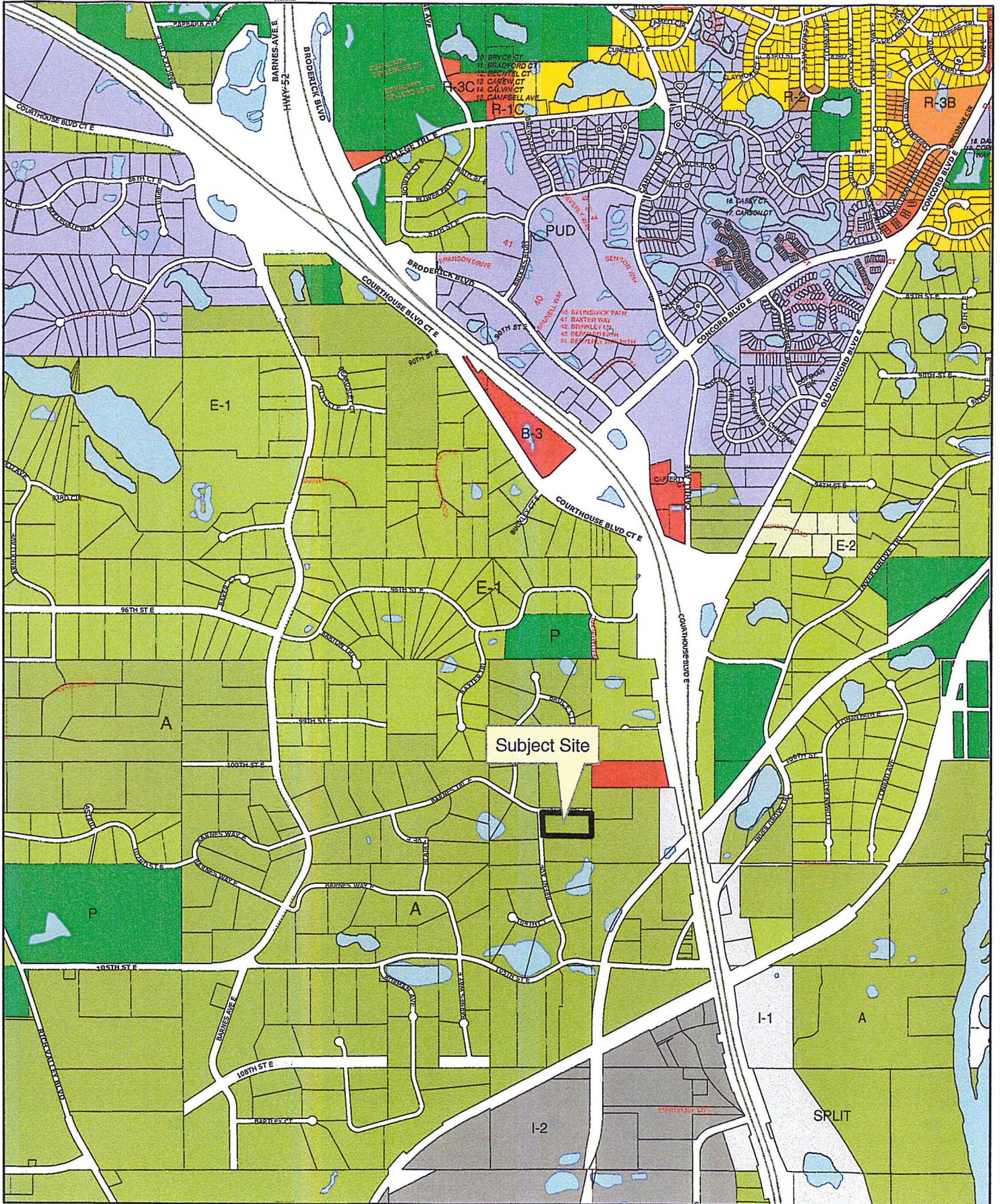
Staff recommends approval of the variance request based on practical difficulty criteria being ordinances have changed since the lot was created that affected the measured lot size. The lot is further penalized being a corner lot. The need for a variance was not a result of an action by the landowner. The building size would not alter the character of the neighborhood.

Attachments: Exhibit A - Location/Zoning Map
Exhibit B - Applicant Narrative
Exhibit C - Site Plan
Exhibit D - Letters from Abutting Residents



Location Map

Case No. 13-09V



March 3, 2013

To: City of Inver Grove Heights

From: Paul and Julie Bute
10016 Barnes Trail
Inver Grove Heights, MN 55077

Re: Variance for Building permit

To Whom It May Concern,

I live in a development named Inver Knoll Estates. The neighborhood is zoned agricultural and consists of all five acre lots. I am asking for a Building permit for a 2400 square foot storage building. Included in the packet is the survey of the land with the location of the house with the proposed storage building. I am asking for approval of the additional 20 feet on my building which is shown to scale on the survey.

When the land was purchased the intension was to eventually have a detached storage building of this 2400 foot size. There were no covenants or restrictions to prevent the storage building according to Dakota County and the City of Inver Grove Heights. The houses, septic and well were placed with those intensions in mind.

There is a definition in the city code that allows the subtraction of street easements when land is not platted, attempting to change the legal definition of my property. This definition penalizes me twice because this is a corner lot. The definition does not take into count that I will not be building on the easement, in fact there is 385 feet between the corner of the garage and the property line and I will only need 60 feet for the building.

What I am asking for is normal for the neighborhood. Adjacent to my North the property owner has a 2400 square foot building. Also adjacent to the east is another 2400 footer. Adjacent to the west there is a 1960 square foot two story and south of him is another 2400. To my south there are a number of agricultural buildings including a 3000 square footer.

The building will be noncommercial, and will be used for storage of motorhome, boat with trailer, three cars, bobcat with attachments and lawn equipment. All equipment will be stored inside. I plan in 12 foot sidewalls (not 16) and siding to match the house. The 2400 foot size will allow work shop space for a retirement project that must be kept indoors.

Sincerely,

Paul Bute

MICHAEL K & DENISE M DUFOUR

10017 BARNES TRL

INVER GROVE HEIGHTS MN 55077-5011

We do not object to the Butes building a 2400 square foot storage building on their property at 10016 Barnes Ave E. Inver grove heights. We have seen the map, and we approve of the proposed location on the lot.

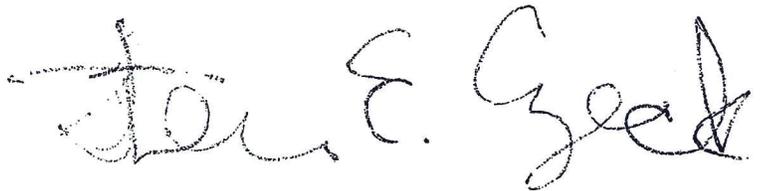
A handwritten signature in black ink, appearing to read "Michael K. Dufour". The signature is written in a cursive style with a large initial "M" and "K".

STEVEN E CZECK

10225 BRENT AVE E

INVER GROVE HEIGHTS MN 55077-5025

We do not object to the Butes building a 2400 square foot storage building on their property at 10016 Barnes Ave E. Inver grove heights. We have seen the map, and we approve of the proposed location on the lot.

A handwritten signature in black ink, appearing to read "Steven E. Czcek". The signature is written in a cursive style with a horizontal line through the middle of the first name.

BARBARA ANN MILLER

10300 BRENT AVE E

INVER GROVE HEIGHTS MN 55077

We do not object to the Butes building a 2400 square foot storage building on their property at 10016 Barnes Ave E. Inver grove heights. We have seen the map, and we approve of the proposed location on the lot.

A handwritten signature in cursive script that reads "Barbara Miller". The signature is written in black ink and is positioned below the typed text.

DAVID & BARBARA FLEISCHHAKER

10300 BRENT AVE S

INVER GROVE HEIGHTS MN 55077-5026

We do not object to the Butes building a 2400 square foot storage building on their property at 10016 Barnes Ave E. Inver grove heights. We have seen the map, and we approve of the proposed location on the lot.

A handwritten signature in cursive script, appearing to read "Barbara Fleischhaker". The signature is written in black ink and is positioned below the typed text.

STEVEN V & TAMA L MODICA

10021 BARNES TRL

INVER GROVE HEIGHTS MN 55077-5011

We do not object to the Butes building a 2400 square foot storage building on their property at 10016 Barnes Ave E. Inver grove heights. We have seen the map, and we approve of the proposed location on the lot.

Steven Modica 12-9-2012
Steven Modica

SUZANNA M DEBACA

10020 BARNES TRL

INVER GROVE HEIGHTS MN 55077-5010

We do not object to the Butes building a 2400 square foot storage building on their property at 10016 Barnes Ave E. Inver grove heights. We have seen the map, and we approve of the proposed location on the lot.

Suzanna Debaca 12/9/12

Allan Hunting

From: Heather Botten
Sent: Tuesday, March 26, 2013 10:46 AM
To: Allan Hunting
Subject: FW: Paul Bute, Case 13-09V

-----Original Message-----

From: Steve Modica [<mailto:modica@small-tree.com>]
Sent: Tuesday, March 26, 2013 6:26 AM
To: Heather Botten
Cc: pjbute@comcast.net Julie Bute
Subject: Paul Bute, Case 13-09V

Hi Heather

I probably won't be able to attend this hearing, but I fully support the variance to allow Paul to build his barn.

Further, I think the city should proactively pass such a variance for all properties in the Inver Glen area (those near Paul Bute) that suffer the same hardship. We essentially "own" our portions of the road, which means all of us have these minor easements of .6acres or less carved out of our 5 acres.

For all intents and purposes, these properties have 5 acres, and according to IGH zoning rules, should be allowed to have barns, sheds and other out buildings. However because of these minor easements, all of us have to spend time and energy (and dollars) asking the city to consider variances.

They should just grant a blanket easement that says for properties that are 5 acres or more and have easements of 10 or 15% or less, they should be treated as 5 acre properties (with all setbacks and other zoning requirements still applied)

Steve

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Steve Modica
CTO - Small Tree Communications
www.small-tree.com
phone: 651-209-6509 ext 301
mobile: 651-261-3201

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

North, South, East, and West - Single Family Residential; zoned R-1C; guided Low Density Residential

EVALUATION OF REQUEST:

City Code Title 10, Chapter 3. **Variations**, states that the City Council may grant variations when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variations, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

The surrounding neighborhood is zoned single family and guided for Low Density Residential. The proposed single family home would be consistent with the intent of the code and consistent with the comprehensive plan.

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

The size of the home is not out of character for this area. The proposed setback is maximizing the buildable area on the property in a reasonable manner. One of the functions of a front yard setback is to maintain consistency of structure placement and aesthetic qualities from street view. Aesthetically the proposed location of the home would fit in with the neighborhood. In respect to the land use, impervious surface, other setbacks and code requirements the request is in harmony with the provisions in the zoning ordinance.

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

The topography on the property is a challenge as it dramatically drops towards the back of the property. When Blanchard Way was constructed it created even a bigger topographical problem as it needed to be raised to bridge a grade difference between 79th Street and Blanchard Court. Additionally, since the lot was platted a conservation easement was put on the property; because of this a 30 foot setback is not able to be met on the property. Slope stabilization with gabion walls were installed in preparation for development on the property. The slope disturbance is minimized by allowing a decreased setback.

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

The reduced setback will not affect the character of the neighborhood as other lots also have a reduced setback. Visually, because of the curve in the road the home will

look like it is set back further than the home to the north even though they would both have a 20 foot front yard setback.

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

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

ALTERNATIVES

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

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

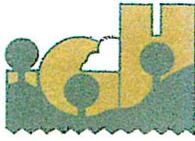
1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.

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

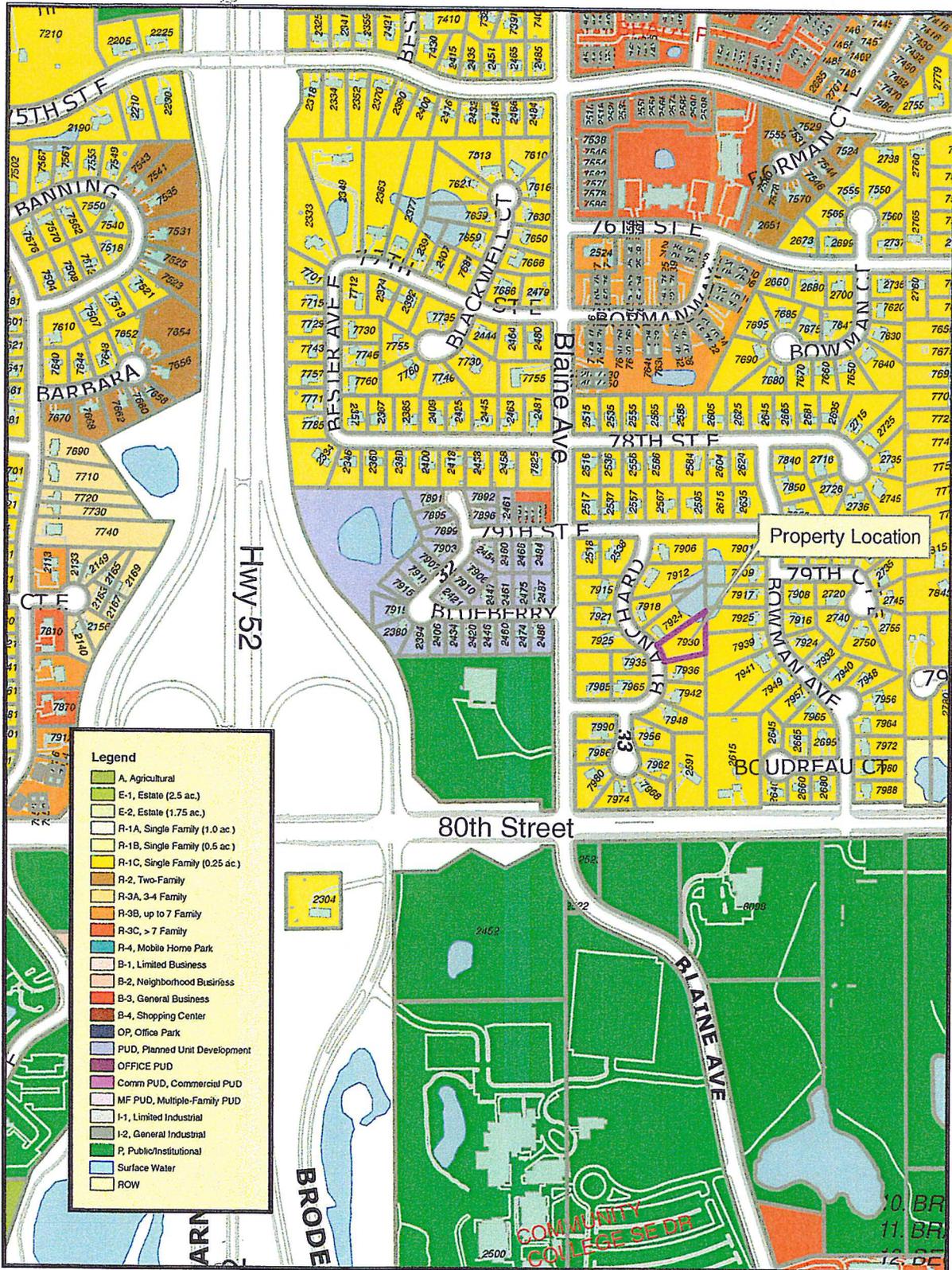
RECOMMENDATION

The request is not out of character for the neighborhood and is consistent with the comprehensive plan. The request is a typical home for a residential property and the ten foot setback encroachment does not appear to have any adverse impacts on the neighboring properties. Based on the information in the preceding report and the condition listed in Alternative A, staff is recommending approval of the setback variance.

Attachments: Exhibit A – Location/Zoning Map
Exhibit B – Applicant Narrative
Exhibit C – Survey
Exhibit D - Site Plan
Exhibit E – Front Elevation



20-41250-04-110
7930 Blanchard Way



N
Map not to scale

Exhibit A
Zoning and Location Map

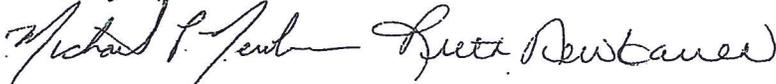
March 4, 2013

To whom it may concern,

We are applying for a variance for a new home at 7930 Blanchard Way. In this variance we are asking for a 25 foot setback with a 5 foot by 16 foot covered front step. In the attached drawings and the certificate of survey, the conservation easement limits us to going any further back on the lot. We plan on building a 1200 square foot rambler. The home to the north has a 20 foot setback, and the home to the south has a 30 foot setback. With us having a 25 foot setback the homes would have a nice blended look. This lot was previously granted a 25 foot setback variance on September 25, 2000. Please see attached.

Thank you for looking at this application, and we hope that we will be able to proceed with our plans.

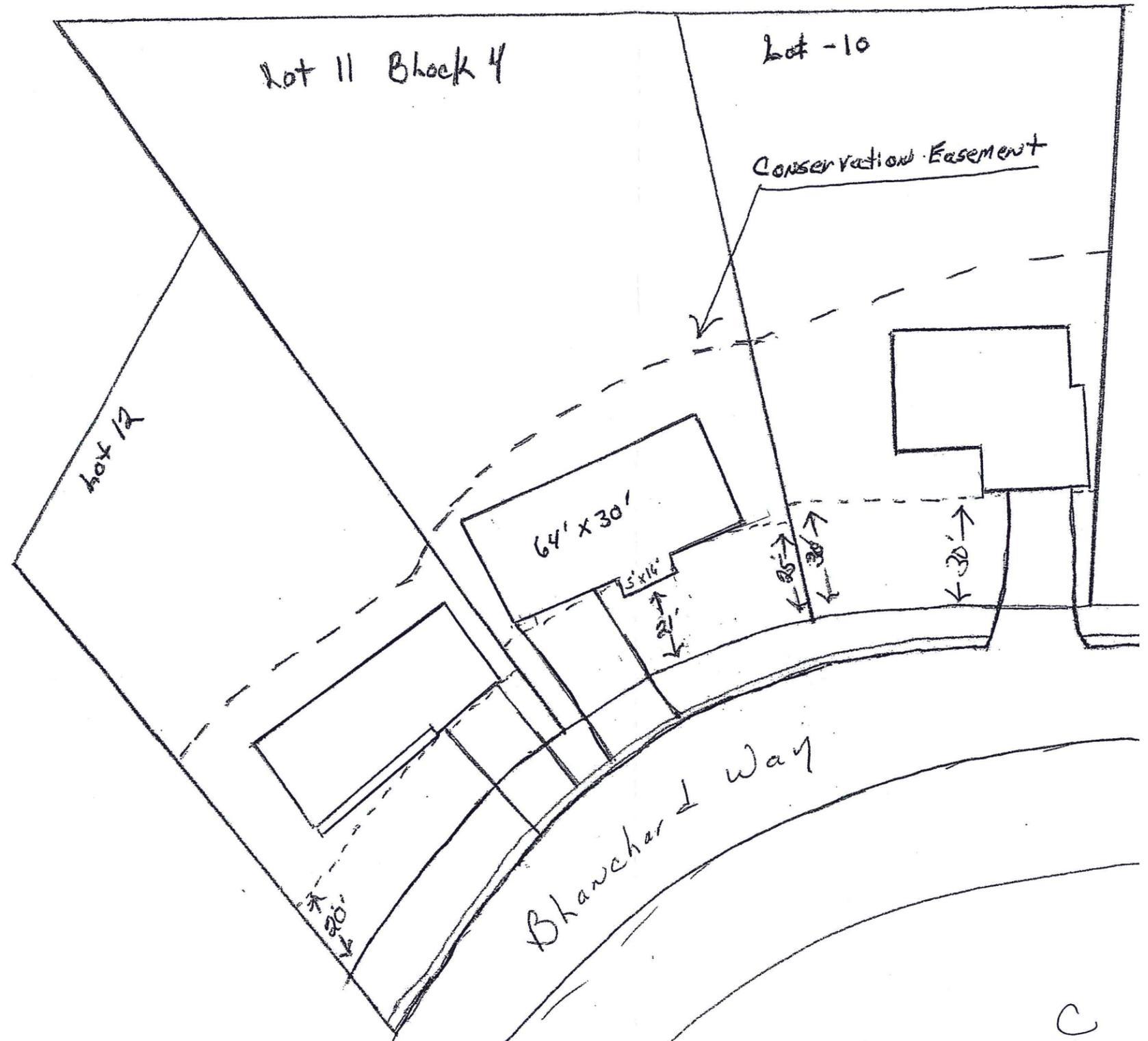
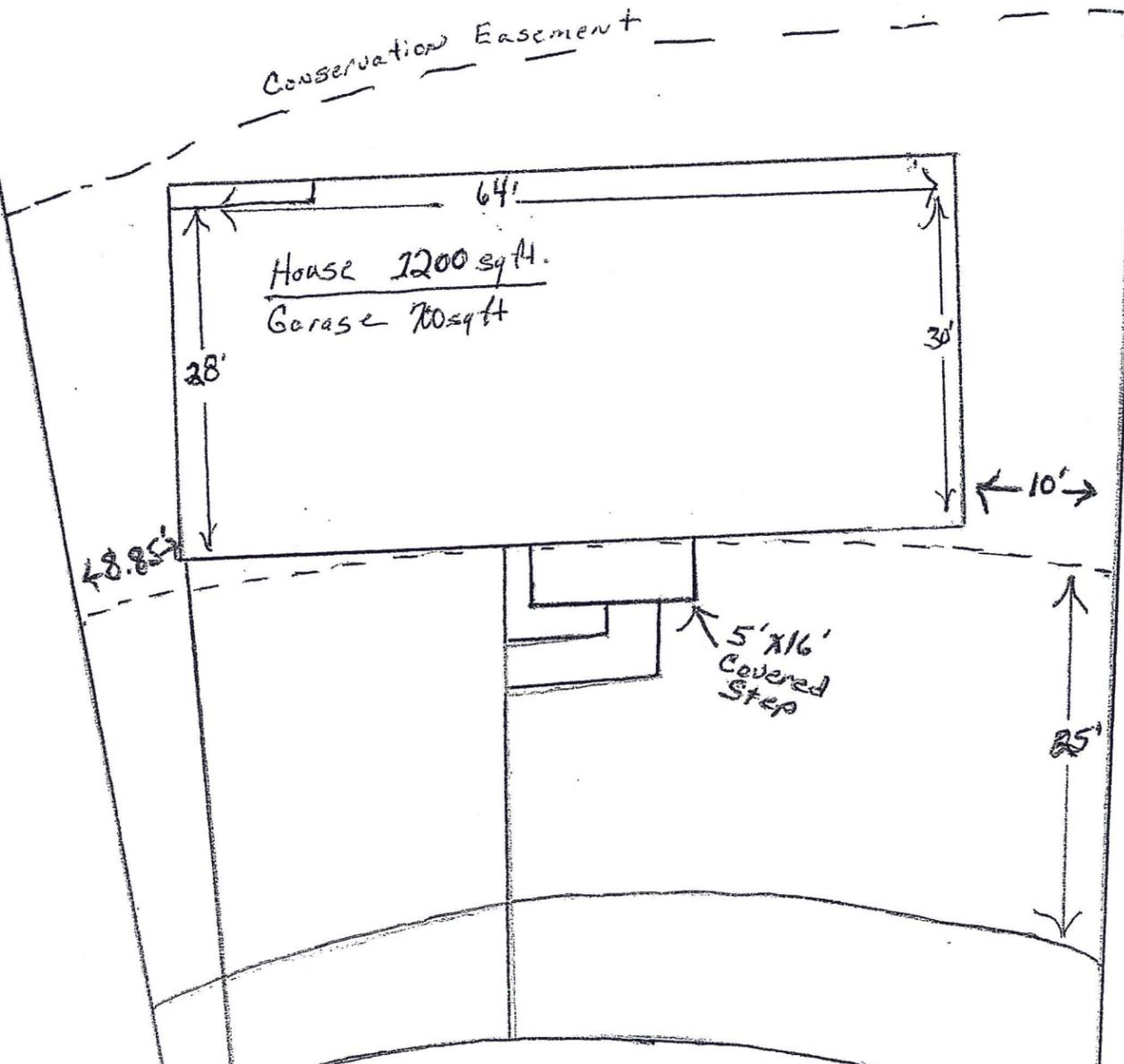
Thank you,

Handwritten signatures of Michael F. Newbauer and Ruth Newbauer in cursive script.

Mike and Ruth Newbauer

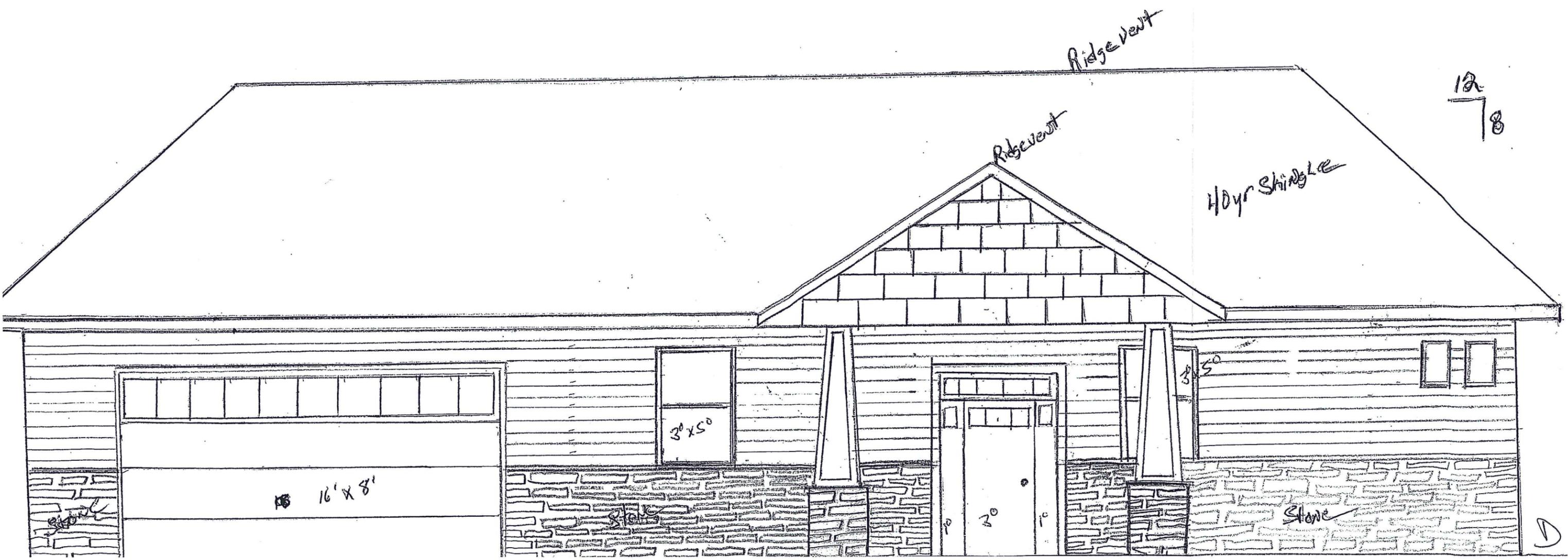
Michael + Ruth Newbauer
6008 Blaine Ave
IGH MN 55076 651-455-0045

New home Address
7930 Blanchard way
IGH MN 55076
lot 11 Block 4
Kasson Hoekstra Highlands Addition



+ Ruth Newbauer
Blaine Ave
H. Mn 55076
55-0045

1200 sq ft House
700 sq ft garage



P L A N N I N G R E P O R T
C I T Y O F I N V E R G R O V E H E I G H T S

REPORT DATE: March 25, 2013 **CASE NO.:** 13-04ZA
HEARING DATE: April 2, 2013
APPLICANT: Brian and Julie Lehman
PROPERTY OWNER: Brian and Julie Lehman
REQUEST: An Ordinance Amendment to allow dog grooming operations in residential areas
LOCATION: 1123 105th Street
COMPREHENSIVE PLAN: RDR, Rural Density Residential
ZONING: E-1, Estate Residential
REVIEWING DIVISIONS: Planning **PREPARED BY:** Allan Hunting
Engineering City Planner

BACKGROUND

The applicant has submitted an application to allow for a dog grooming business to be operated out of their existing home. Their long range plan is to eventually move the business to store front in a commercial zone. In the mean time, they would like to be allowed to start up and operate the business out of their home. The applicant has submitted a narrative and business plan that describes the operation. The business would operate in a portion of the basement that is under the garage. The use would have a separate entrance along the side of the house.

EVALUATION OF THE REQUEST

Zoning. Currently, a dog grooming business would only be allowed in commercial zoning districts. As the use is proposed, it also would not meet the standards of a home occupation for the following reasons:

- No outside employees are allowed. Applicant indicates an employee would be used.
- Uses involving animals are not considered an acceptable home occupation. The code identifies some uses that would be considered acceptable and none involve animals.

- Entrance to a home occupation is to be gained exclusively from within the dwelling. The applicants propose a separate entrance from the side of the house.
- Typical home occupation uses are very low volume office/service type uses. Commercial type uses with customers coming and going, extend beyond what a home occupation is intended to be. There would be the potential for a greater impact on the residential neighborhood.

Any commercial use involving animals are allowed only in the agricultural or commercial districts. Dog day care businesses are allowed only in the B-3 district. A commercial kennel is allowed in the Agricultural district.

Concerns. Staff raises a list of potential concerns with the proposed use:

- Noise. There is always the concern of barking dogs and the noise impact on neighbors.
- Parking. There is a concern of additional traffic and parking problems on property and streets that are not designed for higher traffic. This could also cause an additional noise concern for neighbors.
- Hours. Concern of hours of operation extending into evenings or weekends when other residents are home.

This is only a brief list of the possible concerns associated with this type of use.

Building Code. The Chief Building Official has reviewed the request and notes some concerns with the use as they relate to the Building Code. The building official's interpretation is that due to the size and scope of the operation, the International Building Code would be the enforceable code. This would include meeting standards such as bathroom requirements, handicap accessibility and other code standards. The building official's memo on the subject is attached. These requirements are not city requirements and cannot be lessened or have variances granted. The remodeling of the basement space must be done with a city building permit and all these standards would be addressed at that time.

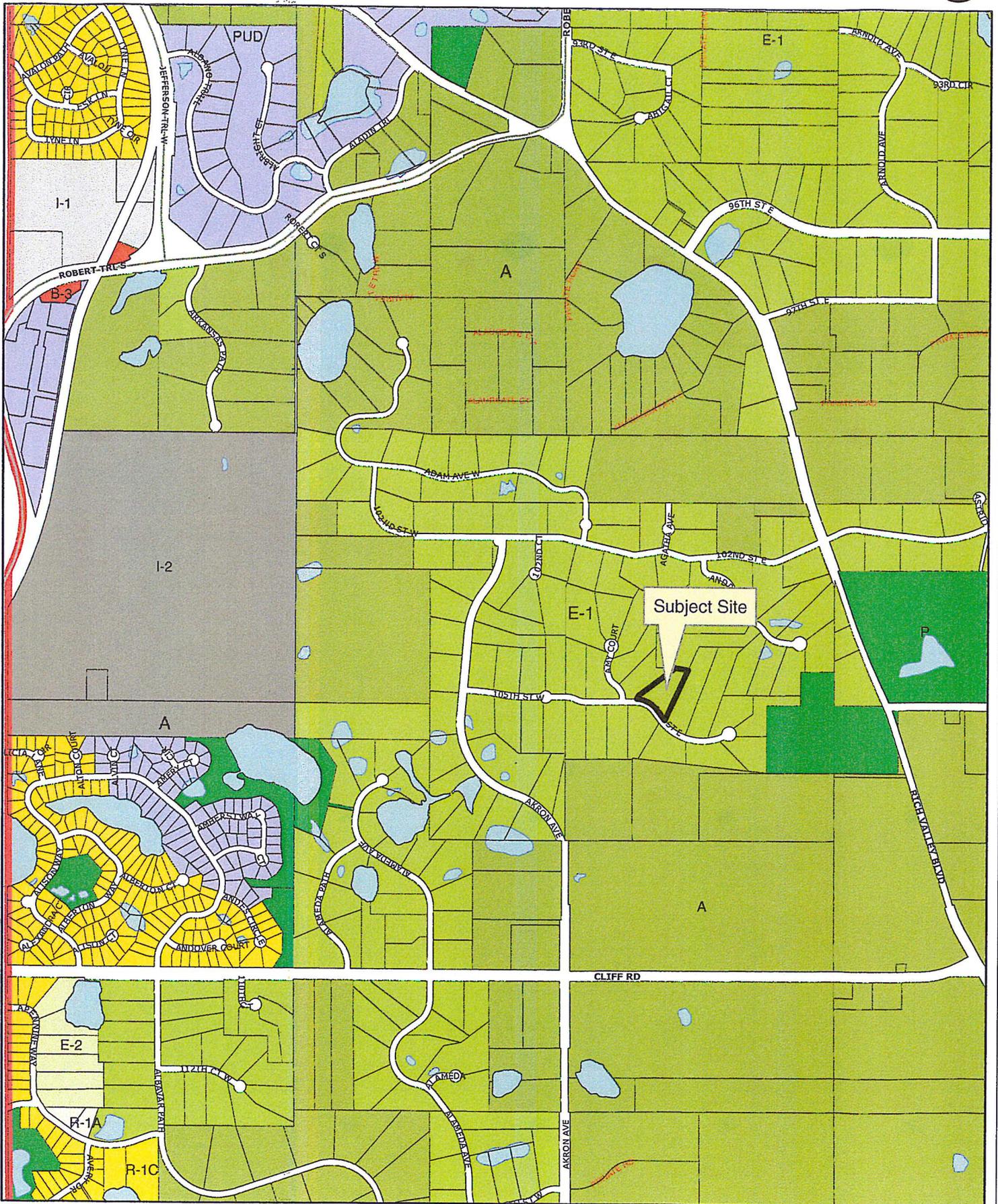
The applicant would also have to verify that the septic system is capable of addressing the water volumes and how to filter the water properly before going into the septic system. This would also be required to be addressed with a building permit.

Other Options. If the Planning Commission and or City Council feel this is an appropriate use for residential areas, staff would offer that a code amendment be adopted that would allow dog grooming businesses in the larger lot areas of the city as a conditional use. The applicants live on an E-1 zoned lot (2.5 acres or greater). Commercial dog kennels are allowed in agricultural zoned areas, thus it may be reasonable to allow such use in the E-1 and A districts. These lots are larger with greater separation between homes that could possibly minimize noise and car parking issues. A draft ordinance amendment is attached with some suggested standards staff would recommend. If an ordinance amendment is adopted, a separate conditional use permit application would be required to be submitted by the applicant and a separate public hearing



Location Map

Case No. 13-04ZA



Concerns to Address:

- **Noise:** Dogs could be let outside behind the pet salon entrance. However our business protocol is to not regularly allow dogs to relieve themselves outside as it poses a detrimental risk to the future of the business should a dog escape under these circumstances. As mentioned previously above, the lower level of the home is constructed of 13 inch ICFs (Insulated Concrete Forms) and a spancrete ceiling. The ICF and spancrete ceiling construction combined with over half of the pet spa space below ground eliminates noise issues.
- **Parking:** Three off street parking spaces would be located in the driveway for drop off and pick up of dogs at various times.
- **Hours:** Dog grooming would be available by appointment only during regular business hours.
- **Employees:** Any member of the primary residence and two non-residents at any one time.
- **Traffic:** We estimate anywhere from five to ten dogs being dropped off and picked up each day. Approximately 30% of customers have two or more dogs thus reducing the traffic levels for those families. One advantage of the grooming salon traffic is that drop off and pick up of dogs would be spread out throughout the day vs. an in-home daycare where potentially 15 children could be dropped off and picked up within a one hour time frame. Please note that there are currently 50 in home daycare facilities located in Inver Grove Heights.
- **ADA Compliance:** According to the ADA, "When it is not readily achievable to provide an accessible entrance, goods and services must be provided in some other way." The grooming salon would offer curbside service by customer request. Customers could drop off and pick up their dogs in the driveway of the residence. In addition and per the ADA, the grooming salon does not offer a public restroom for pet owners; thus, we would not be required to offer handicapped accessible restrooms.

Lucille's Pet Spa Business Plan

Services: Lucille's Pet Spa LLC would offer full service dog grooming including bathing and grooming as well as ear, teeth, and nail care and pet photography services. The professional staff would be dedicated to providing top quality pet salon services at affordable prices in a comfortable home environment. Lucille's Pet Spa would also offer limited hours of self service dog bathing. Lucille's Pet Spa would operate during regular business hours.

About Us: Lucille's Pet Spa would be a collaborative effort between Julie and Brian Lehman, and Ricci Bilotta. The Lehmans have been residents of Inver Grove Heights for over 18 years. After general contracting their home in 2011, Julie and Brian would like to turn their passion for dogs into their dream of owning their own business. Through their mutual love of dogs, the Lehmans connected with Ricci Bilotta. Ricci lives nearby in West St. Paul and brings over 20 years of professional expertise in the dog grooming and dog rescue industry.

Location: Lucille's Pet Spa would be located in the lower level of the Lehman residence, situated on two and a half acres in southern Inver Grove Heights. The lower level of the home is constructed of 13 inch ICFs (Insulated Concrete Forms). The ICF construction combined with over half of the pet spa space below ground eliminates noise issues. Clients would access Lucille's Pet Spa through a dedicated lower level entrance. Access to the pet spa is also available through the inside of the home - please see floor plan.

Company Goals: We estimate that Lucille's Pet Spa will operate as a home based business for two to four years before transitioning to a commercial/retail storefront location in Inver Grove Heights.

Section Two. Amendment. Title 10, Chapter 2-2, DEFINITIONS, of the Inver Grove Heights City Code is hereby amended to add the following:

DOG GROOMING FACILITY: Any place or business where animals are bathed, clipped, or groomed for a fee or other compensation, provided all of the following are met;

- A. Animals may not be kept overnight at the facility.
- B. No boarding or commercial daycare kennel operation is allowed.
- C. No more than XX number of dogs shall be allowed in the facility at any one time.
- D. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m.

Section Three. Effective Date. This Ordinance shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2013.

CITY OF INVER GROVE HEIGHTS

By: _____
George Tourville, Mayor

ATTEST:

Melissa Kennedy, Deputy City Clerk