

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, July 16, 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
Tony Scales
Paul Hark
Pat Simon
Bill Klein
Annette Maggi
Victoria Elsmore

Commissioners Absent: Dennis Wippermann (excused)
Harold Gooch (excused)

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

APPROVAL OF MINUTES

The minutes from the July 2, 2013 Planning Commission meeting were approved as submitted.

PATRICIA PERISH - CASE NO. 13-31V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a 12 foot front yard setback for a deck and handicap ramp addition whereas 24 feet is required, for the property located at 3160 – 71st Street. 5 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She stated the applicant is requesting a 12 foot variance to allow a deck and ramp addition to be located 12 feet from the front property line whereas 24 feet is the required setback. The proposed deck would be 19' wide and 10'6" deep with a 4' wheelchair ramp coming down to the driveway. The applicant's home was built prior to the City's first zoning ordinance and is setback 27 feet from the front lot line whereas 30 feet is the minimum setback. The code allows an uncovered deck, landing, and handicapped access ramp to be 24 feet from the front property line. For the reasons listed in Alternative B in the report, staff recommends denial of the request as proposed. Staff would, however, support a 17 foot setback from the front lot line which would allow a six foot uncovered deck along with the four foot wide proposed ramp with the condition listed in Alternative A. Staff heard from only one neighbor who was inquiring as to the details of the request and expressed no objections to what was being proposed.

Chair Hark asked Ms. Botten to clarify staff's alternative for a 17 foot setback.

Ms. Botten advised staff would support a six foot wide deck rather than the proposed 10'6" deck being proposed with a four foot ramp along the front.

Chair Hark asked if the only change would be the dimensions of the deck.

Ms. Botten replied in the affirmative.

Opening of Public Hearing

Terry Johnson, 847 – 1st Avenue S, South St. Paul, representing the homeowners, stated that reducing the deck to six feet would change the ramp as it would no longer have the necessary 1:12 slope. Additionally, more than six feet was necessary in order to build the proposed steps for accessibility for the mailman, neighbors, etc. He stated a six foot deck would not be wide enough to allow for maneuverability of a wheelchair, in addition to the three foot door swing coming out of the house. He noted that the inspector may request an additional landing, which would result in an even greater distance being needed. He advised that the homeowner is a business owner in the community who had a stroke in December. He has been having difficulty navigating the stairs and is looking for future wheelchair access and to be able to have enough room to enjoy the deck; this would require a minimum depth of 10'6".

Commissioner Klein asked staff to respond to Mr. Johnson's statements.

Ms. Botten replied that the Chief Building Official stated that a six foot deck and four foot ramp would meet building codes.

Commissioner Klein questioned whether it would be deep enough to function for a wheelchair.

Ms. Botten replied in the affirmative. She stated although this layout was the applicant's preference, there were other ways to configure the ramp. She noted that building code requires only a three foot wide ramp rather than the four feet being proposed.

Commissioner Simon stated the ramp could be reconfigured and made longer to accommodate a 1:12 slope.

Ms. Botten agreed, stating the ramp could be started from the other side, have a turn-around area, and then head back towards the driveway. Building code requires three feet for steps.

Mr. Johnson stated that building the ramp as suggested would result in an even greater distance for the homeowner to travel in his wheelchair.

Commissioner Simon stated she had seen many ramps built as such.

Mr. Johnson agreed, but questioned if she would prefer such a ramp on her home.

Commissioner Maggi asked if it would be an option to put the deck on the back of the house instead.

Mr. Johnson replied it was not feasible as the applicant's in-home hair salon was located on the back of the building.

Commissioner Lissarrague stated this situation was unusual and warranted some flexibility and compassion. He asked if the neighbors had been approached regarding the request.

Mr. Johnson replied that he spoke with the neighbors on both sides and across the street. They did not voice any objections to the request.

Commissioner Klein asked if the attached garage was handicapped accessible from the house.

Mr. Johnson replied it was not.

Commissioner Klein asked if it could become accessible.

Mr. Johnson replied it could not. He stated he was essentially only asking for an additional 4 ½ feet of deck.

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

Mr. Johnson replied in the affirmative.

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

Mr. Johnson replied he did not.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark stated that although he had compassion for the homeowner's situation, he did not believe the Planning Commission could consider health issues as a practical difficulty.

Commissioner Elsmore stated if the homeowner were able to turn 90 degrees onto the four foot ramp, he would likely be able to maneuver onto a six foot deck as well. She also questioned whether reducing the deck depth would affect the slope of the proposed ramp.

Commissioner Simon stated although she had compassion for the homeowner's situation, she would likely vote to deny the request due to lack of a practical difficulty.

Commissioner Klein stated a four foot ramp would allow very little room for maneuverability of a wheelchair and possibly another person pushing it.

Commissioner Elsmore stated staff was recommending that only the deck dimensions change; not the ramp width.

Commissioner Maggi asked if Commissioner Klein could define a practical difficulty.

Commissioner Lissarrague stated there were many practical difficulties present, although they did not necessarily align with what the zoning code considered a practical difficulty, and he supported the request as it would allow the homeowner a better quality of life.

Commissioner Klein questioned why the handicapped aspect would not be considered a criterion for a practical difficulty.

Chair Hark advised that the City Council had more flexibility to approve a request that did not meet the variance criteria.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Elsmore, to deny the request for a variance to allow a 12 foot front yard setback for a deck and handicap ramp addition whereas 24 feet is required, for the property located at 3160 – 71st Street, for the reasons stated in Alternative B of the report.

Motion carried (5/2 – Klein, Lissarrague)

Commissioner Simon asked for clarification regarding a recommendation for a six foot deck.

Mr. Hunting replied rather than making a motion, the Planning Commission could state on record that they would be supportive of a six foot deck.

Commissioner Simon stated she supported allowing a six foot deck and a four foot ramp.

Chair Hark asked if anyone had an opposing view.

Commissioner Klein asked if the applicants could choose to build a five foot deck and five foot ramp.

Ms. Botten replied that staff would support a 17 foot setback, which would give the applicants the flexibility to change the width of the ramp or the deck.

Commissioner Simon advised that this item goes to the City Council on July 22, 2013.

BRYAN TSCHIDA – CASE NO. 13-32V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a 20 foot front and side yard setback for an accessory building, whereas 50 feet is the required setback, for the property located at 11990 Akron Avenue. 5 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the property is a little over five acres in size and is zoned Agricultural. The applicant is proposing to replace an existing 624 square foot structure, which currently sits approximately 20 feet from both the side property line and front right-of-way easement. The applicant is proposing to place the new garage no closer to the road or the side setback than what it is existing, however, the required setback for a structure over 1,000 square feet is 50 feet. Mr. Hunting stated that because of the existing topographical issues, staff agrees that the logical place for the garage is the proposed location and staff would support the front yard setback request. Staff does not support the side yard variance; however, as they feel it could be avoided or lessened if the applicant reduced the size of the structure to just under 1,000 square feet, in which case only a 25 foot setback would be required.

Commissioner Simon asked if staff heard from any of the neighbors.

Mr. Hunting replied they had not.

Commissioner Klein asked if the road leading to the subject property was paved.

Mr. Hunting replied it was a private gravel road.

Commissioner Klein asked if the property was located on a cul-de-sac and heavily treed.

Mr. Hunting replied in the affirmative.

Commissioner Lissarrague asked for clarification of the setback requirements for a 1,000 square foot building as opposed to a 1,200 square foot building.

Mr. Hunting replied that a 1,000 square foot building or smaller would require a 25 foot side yard setback whereas a building larger than 1,000 square feet would require a 50 foot side setback.

Opening of Public Hearing

Brian Tschida, 11990 Akron Avenue, stated he was available to answer any questions.

Chair Hark asked if the applicant reviewed the report and understood the recommendations.

Mr. Tschida replied in the affirmative.

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

Mr. Tschida replied he did not.

Commissioner Elsmore asked what the building would be used for.

Mr. Tschida replied it would be used to store his boat, truck, and other personal belongings.

Commissioner Elsmore asked Mr. Tschida if he had considered reducing the building to 1,000 square feet.

Mr. Tschida replied he would prefer a 1,200 square foot structure.

Chair Hark stated the house was in a rather remote area and hard to find.

Mr. Tschida submitted a letter of support from Steve and Deborah Peterson, who he stated were the only neighbors who could see his house.

Commissioner Simon stated she understood the front yard setback variance, but could not find a practical difficulty for the side yard variance.

Mr. Tschida asked for clarification of the goal of a setback.

Mr. Hunting replied the goal of setbacks was to minimize the impact of a structure by keeping it away from property lines; which was the Council's objective when they recommended larger setbacks for structures over 1,000 square feet in size.

Commissioner Klein stated there was disagreement amongst Council regarding that decision and he noted that they have changed their minds from time-to-time on this subject.

Mr. Tschida stated the practical difficulty was the limitation that would be put on how much could be stored in the garage, and he noted it was a large lot with plenty of room between he and his neighbor.

Commissioner Klein commented on the fact that adding only 200 square feet of extra space resulted in a significantly larger setback.

Chair Hark stated at some point the line had to be drawn.

Commissioner Elsmore stated that even though the current neighbors were supportive of the request, the Planning Commission had to consider the situation in the long-term as well as the precedent this would set.

Commissioner Klein noted that staff has stated this is the only place on the applicant's lot where this structure could be placed.

Commissioner Scales stated he supported the request with the practical difficulty being the topography of the lot.

Commissioner Klein agreed with the stated practical difficulty.

Commissioner Lissarrague stated he supported the request as well, stating the practical difficulty was the topography and this being the only possible location for the proposed building.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark stated he understood the need for setbacks but felt they were splitting hairs on this request.

Commissioner Elsmore stated the Planning Commission had a specific responsibility to advise the City Council about whether or not the request complied with code requirements, and in her opinion there was no practical difficulty as the applicant could maintain his current setback and build a 1,000 square foot structure.

Commissioner Maggi agreed with Commissioner Elsmore.

Planning Commission Recommendation

Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a variance to allow a 20 foot front and side yard setback for an accessory building, whereas 50 feet is the required setback, for the property located at 11990 Akron Avenue, with the three conditions listed in the report.

Motion carried (4/3 – Maggi, Elsmore, Simon). This item goes to the City Council on August 12, 2013.

JOE LEXA (DAKOTA COUNTY) – CASE NO. 13-30PR

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a major site plan review to add approximately 4,400 square feet of building additions, along with other property improvements, for the property located at 8098 Blaine Avenue. 20 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the project consists of two 2,200 square foot additions; one on the west side of the building which would include a new entry addition and meeting room, and the other on the east side which would include meeting and reading rooms. Staff recommends approval of the request with the conditions listed. Staff has not heard from any of the surrounding property owners.

Opening of Public Hearing

Joe Lexa, Project Manager, Dakota County, 1590 Highway 55, Hastings, stated he was available to answer any questions.

Chair Hark asked if the applicant reviewed and understood the staff recommendations and agreed

with the conditions listed in the report.

Mr. Lexa replied in the affirmative.

Melissa Rasmussen, Perkins and Will Architects, displayed color renderings of the proposed site. She advised they were proposing a new entrance on the north side of the building, but would retain the existing entrance on the south as well.

Chair Hark asked when the applicant anticipated project completion.

Mr. Lexa replied the summer of 2014.

Commissioner Elsmore asked if the library would be closed at any point during construction.

Mr. Lexa replied either the entire library would be closed during some periods of construction, or the new addition would be used as a temporary space while the existing library space was renovated.

Chair Hark closed the public hearing.

Planning Commission Discussion

Chair Hark advised that he supported the request and felt it was a valuable asset.

Commissioner Klein stated the City fought a long time to get the library and he was pleased to see the proposed expansion.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Maggi, to approve the request for a major site plan review to add approximately 4,400 square feet of building additions, along with other property improvements, for the property located at 8098 Blaine Avenue, with the conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on July 22, 2013.

OTHER BUSINESS

The meeting was adjourned by unanimous vote at 8:02 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary