

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, November 6, 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: Paul Hark
Pat Simon
Tony Scales
Bill Klein
Victoria Elsmore
Dennis Wippermann
Armando Lissarrague

Commissioners Absent: Harold Gooch (excused)
Annette Maggi (excused)

Others Present: Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the October 15, 2013 Planning Commission meeting were approved as submitted.

MARY T'KACH – CASE NO. 13-50V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a seven foot high fence along the property line whereas 42 inches is the maximum height allowed within the front yard setback, for the property located at 1987 – 80th Street. 4 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the property is located along 80th Street, across from the Community Center, and is zoned R-1B, Single-Family Residential. The applicant is requesting a 66 foot segment of fence to be located along the front property line, about 12 feet from the sidewalk and 27 feet from the curb. The second segment would be 18 feet of fence located along a secondary drive area about 20 feet from the sidewalk. The Zoning Code requires that any fence in the front yard be 42 inches or shorter. If you are outside of that front setback area you are allowed to have up to a seven foot high fence anywhere else on your property. The purpose of the applicant's request is to mitigate the lights from the Community Center traffic and to reduce some of the noise pollution from 80th Street. The applicant is proposing a fence with an offset pattern with landscaping to soften the visual impact along 80th Street. The reasoning for the setback requirement appears to be mainly for traffic and emergency vehicle visibility along the street and driveways, as well as aesthetics. The proposed fence would be out of any site lines along 80th Street and would not impact the visibility leaving the residence. Staff recommends denial of the request for the reasons stated in the report. Staff has not heard from any of the surrounding property owners.

Commissioner Simon asked if there had been many variance requests for solid fences over 42 inches in the front yard for properties located along busy roads.

Ms. Botten replied that staff could not recall any front yard fence height variances being approved.

Opening of Public Hearing

Mary T’Kach, 7848 Babcock Trail, advised she was available to answer any questions.

Chair Hark asked if the applicant understood the report.

Ms. T’Kach replied in the affirmative. She stated that a precedent had already been set a number of years ago when a variance for an eight foot fence in the front yard was approved for a property in the 1600 block of 80th Street; that house has since been torn down. Ms. T’Kach stated the practical difficulty was the loss of 32 feet of front yard due to the widening of 80th Street, the increased traffic on 80th Street due to urbanization, and the bright security and parking lot lights at the Community Center. She advised that she planted large trees a few years ago in hopes of remedying the situation, but found it to be inadequate. She is proposing to construct a fence with a staggered design and landscaping which would enhance the property.

Chair Hark asked how long ago 80th Street was widened.

Ms. T’Kach replied she was unsure, but it was more than 10 years ago.

Chair Hark asked if constructing the fence 30 feet from the property line, so as to comply with the zoning code, would be a viable option.

Ms. T’Kach stated she would like to construct the fence 23 feet from the curb.

Commissioner Elsmore asked what the reasoning was for the secondary portion of fence, stating it would be quite a distance from the house.

Ms. T’Kach replied that two bedrooms were on that end of the house and the proposed secondary fence would act as a barrier from the lights and noise from westbound traffic on 80th Street.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Klein stated the lights from the Community Center were very bright and therefore he would like to see the applicant get the fence. He added that if a fence was installed perhaps they could increase the lighting at the VMCC to make it easier to see in the parking lot.

Chair Hark stated although he would like to see the applicant have a fence, he could not find a practical difficulty and was concerned about the precedent that would be set.

Commissioner Scales stated if the City would like to allow solid fences taller than 42 inches within the front yard he would suggest changing the ordinance rather than granting a variance.

Commissioner Lissarrague agreed with Commissioner Scales and was also concerned about the precedent this would set.

Commissioner Klein noted there was an existing solid fence taller than 42 inches between two houses on Cahill Avenue next to the walking path to South Valley Park.

Ms. Botten stated if the fence was in a side yard it might be allowed.

Commissioner Simon believed the issue in that case was that people were looking into the windows since the houses were very close to the path.

Planning Commission Recommendation

Motion by Commissioner Simon, second by Commissioner Elsmore, to deny the request for a variance to allow a seven foot high fence along the property line whereas 42 inches is the maximum height allowed within the front yard setback, for the property located at 1987 – 80th Street, based on the lack of practical difficulty.

Motion carried (6/1 - Klein). This item goes to the City Council on November 12, 2013.

The meeting was adjourned by unanimous vote at 7:20 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary