

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, November 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: Paul Hark
Pat Simon
Tony Scales
Bill Klein
Victoria Elsmore
Dennis Wippermann
Harold Gooch

Commissioners Absent: Armando Lissarrague (excused)
Annette Maggi (excused)

Others Present: Heather Botten, Associate Planner

APPROVAL OF MINUTES

The minutes from the November 6, 2013 Planning Commission meeting were approved as submitted.

DJ'S HANDYMAN SERVICE LLC – CASE NO. 13-53V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a covered landing for a handicap ramp to be located 17 feet from the front property line whereas 30 feet is the required setback, for the property located at 4604 Barbara Avenue. 6 notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant would like to expand the existing platform area of a handicap ramp and add a roof addition over the platform to provide shade and cover from the elements. The roof addition would be a detached structure approximately three feet from the house. The applicant is requesting a 13 foot variance to allow the covered platform to be located 17 feet from the front property line whereas 30 feet is the required setback for covered areas. The proposed covered platform would be one of the only front yard encroachments in this neighborhood. The Zoning Code was modified about 10 years ago to allow uncovered decks and ramp platforms to encroach six feet into the front setback areas; covered roofs were not included with this code amendment. Staff recommends denial of the request for the reasons stated in Alternative B. She advised that a variance request for another ramp was recently brought before the Commission and was approved by City Council. That request was different; however, as it was an uncovered deck while this request would have a roof structure. Staff has not heard from any neighboring property owners.

Commissioner Klein asked if staff had objections to the existing platform.

Ms. Botten replied that staff would have no issues if the applicants were to only replace the existing ramp. Because they want to expand it; however, a variance is necessary.

Commissioner Klein stated it was his understanding that the applicants were asking for an

expansion because it was difficult to maneuver a wheelchair in such a confined space. He asked if staff would have an issue with the platform expansion if there was no roof.

Ms. Botten replied that staff's recommendation would likely not change. She explained that staff recommended denial of a recent similar request as well and they believe this is a larger area than what is necessary for turning around and accessing the house. She stated the applicants could look at other alternatives for shading and could possibly build a covered porch in the back yard.

Commissioner Klein noted that currently the applicants were using an umbrella for shading.

Chair Hark stated his understanding was that the Planning Commission could not consider health or medical conditions as a criterion for a variance.

Ms. Botten replied that was correct.

Opening of Public Hearing

Dick Johnson, 13836 Currant Circle, Rosemount, advised he was the general contractor.

Chair Hark asked if the applicant understood the staff recommendations.

Mr. Johnson replied in the affirmative. He advised that ten years ago he was asked by the homeowners to remodel the house so it could accommodate their son's daily care routine after his injury. The ramp was built as part of that remodel; however, it now needs additional work due to wear and tear. Since their son cannot be in the sun for more than 5-10 minutes, Mr. Johnson is proposing to put a hip roof over the platform. The homeowners would also like to expand the existing platform to allow more room for maneuverability and seating. The County will pay for such a structure since it is related to access but will not pay for anything in the back yard.

Commissioner Elsmore suggested the applicant expand the deck back towards the house in the empty area rather than expanding it towards the street and to the side.

Mr. Johnson replied that the proposed roof would then interfere with the existing house roof and overhang. Also, expanding the platform towards the house would serve no purpose.

Commissioner Elsmore stated it should partially help as it would create additional space for seating. She asked if staff had encroachment issues with the proposed two foot expansion to the side.

Ms. Botten replied that since the existing ramp was encroaching into the setback, any addition to the ramp would require a variance.

Commissioner Gooch asked for clarification of the proposed deck and roof dimensions.

Ms. Botten advised the proposed roof would be over the entire 10' x 10' deck area.

Mr. Johnson added that the roof line would encroach beyond the platform as there would be a 1-2 foot soffit.

Commissioner Gooch noted that visually the deck would still be 32 feet from the road.

Commissioner Wippermann asked if building a deck on the back of the house was a possibility.

Mr. Johnson stated he had not looked at the feasibility of doing that since the County would only

fund an addition onto the area associated with the ramp.

Commissioner Simon asked if their disabled son could get to the back yard from inside the house.

Mr. Johnson replied he could not.

Commissioner Simon stated if a covered deck were built in the backyard he could access it from the outside by being brought around the house through the yard.

Mr. Johnson advised it would be unsafe and they would have to go around the side of the garage.

Commissioner Simon agreed that running a wheelchair over a lawn was difficult.

Mr. Johnson advised it was more than a wheelchair.

Chair Hark closed the public hearing.

Planning Commission Discussion

Commissioner Klein asked if the zoning code gave any special consideration for handicapped individuals.

Ms. Botten replied it allowed uncovered decks and ramp platforms to encroach six feet into the front setback areas.

Chair Hark sympathized with the applicant and agreed with Commissioner Klein that there should be language in the zoning code that would better accommodate this type of situation. He suggested that perhaps such language could be found in other municipalities' code.

Commissioner Klein stated his aunt was handicapped and was able to have a deck and ramp on a temporary basis as it must be removed once it was no longer necessary.

Ms. Botten stated that could be recommended as a condition; however, staff would have no way of enforcing the removal of the ramp as zoning staff was not notified when houses were sold.

Commissioner Gooch agreed that the City should have provisions in their zoning ordinance to help people in need of this kind of assistance. He supported the variance request, stating he did not think they would be setting a precedent as this was specifically for someone with a disability, he felt it was a necessity rather than a convenience, there were no objections from the neighbors, and the ramp would still be 32 feet from the curb. He hoped that City Council would discuss changes that would help accommodate people with disabilities and enable them to live longer in their homes.

Commissioner Elsmore stated if the code was changed she would be in support of the request. Since they had to work with the existing code; however, she did not feel the request met the variance criteria as there were other alternatives available and the applicant did not identify a practical difficulty since the Commission was not allowed to consider physical disabilities of the homeowners. She stated that while the umbrella may not be aesthetically pleasing, it served its purpose and the deck could be expanded to the side rather than closer to the street to allow for more seating and maneuverability.

Commissioner Wippermann agreed with Commissioner Elsmore, stating he had concerns regarding the proposed roof structure as it did not meet the variance criteria.

Planning Commission Recommendation

Motion by Commissioner Gooch, second by Commissioner Klein, to approve the request for a variance to allow a covered landing for a handicap ramp to be located 17 feet from the front property line whereas 30 feet is the required setback, for the property located at 4604 Barbara Avenue, with the condition listed in Alternative A.

Motion failed (2/5 – Scales, Simon, Elsmore, Wippermann and Hark). This item goes to the City Council on November 25, 2013.

The meeting was adjourned by unanimous vote at 7:34 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary