

CALL TO ORDER: Chairman Carlson called the meeting to order at 7:00 p.m.

PRESENT: Chairman Kent Carlson and Commissioners Barbarajean Brandt, Brandon Gustafson, Scott Hemink, John McGary, Gen McJilton and Pete Onstad

ABSENT: None

OTHERS PRESENT: Council Liaison Darel Gustafson and Zoning Coordinator Gus Karpas

MINUTES OF July 15, 2014

Motion by Commissioner McGary, seconded by Commissioner Carlson, to approve the minutes of July 15, 2014. Motion carried 6-0-1. Commissioner Hemink abstained.

PUBLIC HEARINGS

Variance, Mike Flannigan, 20560 Summerville Road – Request for variances of the minimum required accessory structure setback from a principle structure, to exceed the maximum permitted accessory structure area and to exceed the maximum permitted impervious surface area in conjunction with the construction of a new detached garage.

Section 1310.10(1)(b) of the zoning ordinance requires a minimum accessory structure setback from a principle structure equal to the distance of the height of the accessory structure. The applicant proposes an accessory structure height of thirteen feet, six inches and a setback of nine feet from the principal structure. The applicant is seeking a variance of four feet, six inches (9'-6") of the minimum required accessory structure setback.

Section 1310.10(1)(f) of the zoning ordinance permits a total area of accessory structures that contain walls and/or a roof on a property of seven hundred (700) square feet for properties zoned R-3. The applicant is proposing a total accessory structure area of seven hundred and ninety-eight (798) square feet. The applicant is seeking a variance to exceed the permitted accessory structure area by ninety-eight (98) square feet.

Section 1350.06(2)(a) of the city ordinance permits a maximum impervious surface area of 25%. The proposed impervious surface area on the property would be 34.8%. A variance to exceed the maximum impervious surface area by 9.8% is sought.

Zoning Coordinator Karpas summarized the request. He said, according to applicant, the property has not had a garage since the original garage was converted to living space in the mid-seventies. The location of the garage of was selected to comply with the minimum required setbacks. Pushing the garage forward to comply with the required accessory structure separation would move the structure out of compliance with the setbacks and do little to reduce the non-conforming impervious surface area. The applicant indicates the shed directly adjacent to the garage has historic significant in that it was the original pump house for the water tower and he would prefer not to remove it since it has been in existence since before WWII.

The proposal complies with the setback requirements outlined in Section 1302.05(3), the height limitations outlined in Section 1302.05(4) and the maximum permitted grade alteration permitted in Section 1312.04 of the Zoning Ordinance.

Karpas said he recommended conditional approval of the request based on the criteria that the request is in harmony with the purpose and intent of the ordinance, is consistent with the comprehensive plan, puts the property to a reasonable use, that there are unique circumstances attached to the property not

created by the landowner and the variance will not alter the essential character of the neighborhood. His recommendation was conditioned that the accessory structure nearest the proposed garage be removed to bring the property into compliance with the accessory structure area requirements and that the proposed impervious surface area reflects the removal of that square footage.

Mike Flannigan, 20560 Summerville Road, said the garage would help resolve a personal hardship he has being the property not having a garage. He said the proposed garage complies with the setbacks and the percentage of impervious surface is being reduced. He said there's a great deal of gravel on the property which he intends on replacing with grass pavers. He discussed the removal of the accessory structure, stating it has been on the property since the early twenties and he would prefer that it be allowed to remain. He said it's not an eyesore and feels it is an asset to the area.

Commissioner Gustafson questioned an apparent typo in the hardcover calculation table which shows an increase in the house footprint. Karpas said he would check with the surveyor to see if there is any change.

Chairman Carlson discussed the driveway noting it was hard to understand exactly what was being removed and how things were changing. He said in addition to staff's recommendation to remove the east side accessory structure, he would also like to see the two parcels that make up Mr. Flannigan's property combined into one PID. Carlson asked about the retaining walls currently on the property. Mr. Flannigan said retaining walls would need to be removed in order to place the garage in compliance with the setbacks.

Commissioner Hemink discussed the possibility of moving the garage forward as a means of reducing the impervious surface area.

Chairman Carlson opened the public hearing.

Charlie Hurd spoke on behalf of his mother, Sally Hurd, 20580 Summerville Road. He noted Summerville Road is a dead end street and her concerns centered on access during construction, including protection of her driveway and trash enclosure and drainage after construction. They have no major concerns with the variance requests.

Commissioner Brandt discussed the water issues at the end of Summerville Road and how the proposal may impact the current conditions. Mr. Hurd described the current layout of Mr. Flannigan's driveway and how the proposed layout would be a better situation if it is constructed as shown.

Hearing no further public comment, the hearing was closed.

Stu Fisher, SJ Construction, said he is contracted to do the work for Mr. Flannigan and has done work in the city before. He will work with the neighbor to address any concerns during the process to make sure the project goes smoothly. Chairman Carlson asked about the exterior of the proposed garage and whether it would be heated or plumbed. Mr. Fisher said the exterior would be cedar shake to match the principal structure and it would not be heated or plumbed.

Commissioner Hemink felt a garage was a reasonable request for the neighborhood and was fine with the accessory structure setback request. He felt more impervious surface area could be removed, but would wait and hear what other Commissioners had to say before making a decision.

Commissioner Gustafson sympathizes with the applicant and his need for a garage. He was initially concerned about the number of accessory structures on the property, but now knows they are regulated by the total square footage of accessory structure area. He noted the addition of roof area created more "actual" impervious surface area than the gravel driveway area it was replacing even though the

ordinance treated them the same. He felt a conditional approval based on engineer review of the impervious surface would be appropriate.

Commissioner Onstad feels a garage in Minnesota is necessary. He discussed the historical nature of the east shed, but agrees that it may need to be removed for a number of reasons including issues related to emergency services access. He does appreciate the applicant's use of grass pavers as a way of absorbing water.

Commissioner McGary appreciates the effort the applicant put into the request. He feels some of the information may need further clarification. The request is modest and he really doesn't see an issue with the shed remaining since other impervious surface area could be remove in lieu of the shed.

Commissioner Brandt discussed the location of the garage and the options available to the applicant if he were to attach it to the structure. Mr. Flannigan said he has no issue attaching the garage to the house. Brandt said the applicant should ask for what they want. She is leaning towards the removal of the pump house.

Commissioner McJilton said she struggles with the drainage on the north side of the property between the shed and the garage. She feels the ordinance requirement of a maximum of 700 square feet of accessory structure area is appropriate and given the number of proposed structures and their potential complications on drainage, she supports staff's recommendation for the removal of the east side shed.

Chairman Carlson liked the location of the garage because it allows for additional off-street parking for the property. He said he's prepared to make a motion with a number of conditions.

Chairman Carlson moved the Planning Commission recommend the council conditionally approve the variance requests of Mike Flannigan of Section 1310.10(1)(b) of the zoning ordinance to encroach four feet, six inches into the minimum required thirteen foot, six inch principal structure setback and the variance request of Section 1350.06(2)(a) of the Shore land Management ordinance to exceed the maximum permitted impervious surface area for the construction of a detached garage at Summerville Road.

The motion is based on the following findings: (a) the purpose and intent of the ordinance is to allow the orderly development and redevelopment of property within the city and when the ordinance standards cannot be met, it outlines the procedures to vary from these standards. The applicant is seeking to vary from the required structure separation and impervious surface standards to construct a detached garage on a property which currently does not have a garage; (b) the request is consistent with the Comprehensive Plan's Housing Elements Goals and Policies which promotes the development and redevelopment of residential property within the city; (c) the construction of an detached garage on the property which does not have a garage is reasonable and enhances the single family use of the property; (d) the shape of the lot prevents the garage from complying with the structure separation requirements since pushing it forward would move it into the required front yard setback and the required impervious surface standards still could not be meet; and (e) the proposal would not alter the essential character of the neighborhood. The proposed setbacks are consistent with those in the neighborhood and no adjacent neighbors would be adversely impacted by the home's location since it would only be visible by adjacent property owners only when they access their properties.

The recommendation for approval is based on the following conditions;

- a) That the east shed, referred to as the "pump house" be removed and the corresponding impervious surface area subsequently be removed from the impervious surface area calculation.
- b) That the applicant provides a drainage plan for the City Engineer's review that shows the property without the east side shed.

- c) That the applicant provide an existing conditions survey, a proposed conditions survey and a site plan of the property.
- d) That the two properties that comprise the property be combined into to one PID number.
- e) That the applicant submits an "as-built" survey which includes the impervious surface calculations.
- f) That the structure remains a garage and cannot be converted into habitable space.
- g) That the applicant submits detail on the proposed grass paver system to be used to replace the gravel driveway.

Commissioner Hemink seconded the motion. The motion carried 7-0.

LIAISON REPORT

Council Liaison Gustafson said there were no planning items on the agenda. The Council discussed the draft budget and the opening the Vinehill Road Bridge.

ADJOURNMENT

Motion by Commissioner Onstad to adjourn the meeting, McJilton seconded. The meeting adjourned at 8:20 p.m.

Respectfully submitted,
Gus Karpas
Zoning Coordinator