

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, August 18, 2020 – 7:00 p.m.
REMOTE MEETING

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

Commissioners Present: Joan Robertson
Elizabeth Niemioja
Annette Maggi
Brett Kramer
Dennis Wippermann
Pat Simon
Scott Clancy
Jonathan Weber

Commissioners Absent: Kate Challeen (excused)

Others Present: Allan Hunting, City Planner

APPROVAL OF MINUTES

The minutes from the July 7, 2020 and July 21, 2020 Planning Commission meetings were approved as submitted.

MIKE JANSSEN – CASE NO. 20-22V

Reading of Notice

Commissioner Simon read the public hearing notice to consider the request for a variance to allow two accessory buildings on the property whereas one is the maximum allowed for personal use, and a variance to allow for an accessory building to be located 15 feet from the side property line whereas 25 feet is required, for the property located at 2785 – 104th Court. 5 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that for lots 5 acres or larger in the Agricultural district you can have up to two accessory structures for personal use of up to 2,400 square feet in size. In this case they would be allowed one structure for personal use of up to 1,600 square feet. The other structures on the property are used for agricultural purposes, so they do not count towards the maximum number of structures. The lot is a metes and bounds legal description, which includes the 104th and 105th Street road easements, for a total of 5.2 acres. Because the subdivision code states that lot area excludes roadway easements, the lot size is brought down to 4.84 acres. The proposed structure and the existing structure being used for personal use would total 1,652 square feet; 52 square feet over the maximum allowed. The subdivision code was adopted in 1974 and staff believes the subject property was created prior to that going into effect. The closest point of the proposed structure would be 15 feet from the side property line. Practical difficulties for both variances have been listed in the report and staff recommends approval.

Commissioner Weber asked for clarification of how the roadway easement would affect a lot's size as listed on the Dakota County website.

Mr. Hunting replied that lots in a subdivision plat would exclude the roadway easement. Lots with a metes and bounds description would include the roadway easement in their total size listed on the Dakota County website.

Opening of Public Hearing

Mike Janssen, 2785 - 104th Court East, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the staff report.

Mr. Janssen replied in the affirmative. He noted that commissioners should have received a letter from his neighbors on the side where the building would be located stating that they had no issue with the request.

Commissioner Niemioja asked the applicant when he purchased the property.

Mr. Janssen replied 1983.

Commissioner Niemioja asked if he recalled being told that the lot was over 5 acres at the time of purchase.

Mr. Janssen replied that he was aware that the removal of the road easement would put them a little under 5 acres.

Chair Maggi asked the applicant if he considered adding onto the existing accessory building versus adding a second building for personal use.

Mr. Janssen replied that he is in a wheelchair and needs the garage to be in the proposed location so he can get in and out of his van from the driveway. They also need space to store his wife's car and a couple classic cars.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Wippermann asked for clarification of a statement in the report that the lot became less than 5 acres based on a change in subdivision code.

Mr. Hunting advised that was an incorrect statement in the report, and that from what he could tell the original subdivision code included that lot size requirement.

Commissioner Wippermann asked if other types of easements (i.e. utility) would count against lot square footage.

Mr. Hunting replied they would not; it was specific only to roadway easements.

Commissioner Wippermann asked if that was a State requirement.

Mr. Hunting replied that he assumes it was just a City requirement.

Commissioner Robertson stated that the letter from a neighbor referred to earlier by Mr. Janssen was not included in the packet.

Mr. Hunting replied that he may have inadvertently left that out of the report.

Chair Maggi asked if the context of the letter was that the neighbor that abuts where the proposed building would be located was fine with the request.

Mr. Hunting replied that is what Mr. Janssen stated.

Commissioner Simon asked for clarification of roadway easements on a metes and bounds lot.

Mr. Hunting replied that roadway easements were included in the total lot size of a metes and bounds legal description; however, when a property is subdivided into a lot and block subdivision the right-of-way is dedicated and is no longer part of the description for that lot.

Commissioner Robertson asked if staff had located the letter yet from the abutting neighbor.

Ms. Fox advised that she located the letter and she read it aloud to the Planning Commission. The letter was from Larry and Vicki Zabel and stated they did not have a problem with the request.

Commissioner Niemioja believed this to be an exceptional circumstance in which a different way of defining legal property descriptions affected the lot size of this parcel. She did not believe there would be many similar situations in the City. As long as the most affected neighbor was okay with the request, she thinks this is a reasonable request with the practical difficulties as listed by staff.

Mr. Janssen replied that the letter from the Zabel's that was just read aloud was the letter he had referred to earlier.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a variance to allow two accessory buildings on the property whereas one is the maximum allowed for personal use, and a variance to allow for an accessory building to be located 15 feet from the side property line whereas 25 feet is required, for the property located at 2785 – 104th Court, with the conditions and practical difficulties listed in the report..

Motion carried (8/0). This item goes to City Council on August 24, 2020.

OTHER BUSINESS

Mr. Hunting advised that the September 1, 2020 Planning Commission meeting has been cancelled.

Commissioner Robertson asked about the Titan Land proposal which was scheduled for a public hearing on September 1.

Mr. Hunting advised that their application was determined to be incomplete and it was moved to September 15.

Commissioner Simon advised that Bill Klein passed away over the weekend.

Commissioner Robertson provided the visitation and funeral details.

Chair Maggi noted that Bill Klein was a former City Councilman and Planning Commissioner, a well-known resident, and had done a lot of service for the City over the years.

The meeting was unanimously adjourned at 7:27 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary