

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, September 17, 2019 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Elizabeth Niemioja  
Pat Simon  
Jonathan Weber  
Armando Lissarrague  
Brett Kramer  
Annette Maggi  
Dennis Wippermann

Commissioners Absent: Tony Scales (excused)  
Joan Robertson (excused)

Others Present: Heather Botten, Associate Planner

### **APPROVAL OF MINUTES**

The minutes from the August 20 and September 3, 2019 Planning Commission meetings were approved as submitted.

### **MICHAEL SINDT – CASE NO. 19-38V**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance to allow a garage addition to be located within the front setback requirement, for the property located at 6802 Dawn Way. 5 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 add a 10-foot addition onto the existing attached garage. The addition would be located 20 feet from the front property line whereas 30 feet is required. The applicant is planning to renovate the existing bathrooms within the home. This renovation takes over some of the existing garage space and therefore the applicant is proposing to lengthen the garage by 10 feet to accommodate a two-stall garage. When looking at the property there is room to remodel the home/bathrooms without encroaching into the garage space. The addition would be the closest setback along Dawn Way so approving the variance could set a precedent for other front yard encroachments. Staff recommends denial of the request due to lack of enough rationale to support the request. Staff heard from one neighbor who had general questions about the request. Ms. Botten advised that she did not see the applicant in the audience and noted that he provided Commissioners with a revised narrative and additional information.

Chair Maggi asked staff to address the difference in right-of-way as noted in the applicant's letter.

Ms. Botten advised that Dawn Avenue is a neighborhood collector street/state aid road, which means the City receives funding from the State to try to make it a complete street. Having that designation allows for the greater 80-foot right-of-way. The property south of this lot is unplatted; when it is platted an 80-foot right-of-way will be acquired. The neighborhood south of 69<sup>th</sup> Street was built around 1964, prior to the City having a zoning code. The area north of 66<sup>th</sup> Street was platted in 1886. Both have a 60-foot right-of-way which was standard at the time they were platted

and there was no such thing as a neighborhood collector street. The subject property; however, was platted in the 1970's and the entire block has an 80-foot right-of-way.

Commissioner Weber asked how wide the right-of-way was for 66<sup>th</sup> and 67<sup>th</sup> Streets.

Ms. Botten replied that she assumed they were 60-feet as they did not have the neighborhood collector designation.

Commissioner Weber asked if a sidewalk was planned for the east side of Dawn Way.

Ms. Botten advised there was a sidewalk on the west side, and it was possible there could also be a sidewalk on the east side in the future.

### **Opening of Public Hearing**

There was no public testimony.

Chair Maggi closed the public hearing.

### **Planning Commission Discussion**

Chair Maggi stated she would support denial of the request due to lack of a practical difficulty.

Commissioner Weber stated that City Council seems to be more lenient with requests involving a change of right-of-way and he hoped Council would look at that closely with this request. He stated it was unfortunate that the applicant purchased one of ten houses on this street with a different sized right-of-way.

Commissioner Niemioja asked if the Planning Commission had used change in right-of-way before as a practical difficulty.

Commissioner Weber replied he was aware of one time, however, Council has used it multiple times.

Chair Maggi stated in her opinion this situation feels different because this has the collector street designation and also has right-of-way consistent with all other platted properties on this block.

### **Planning Commission Recommendation**

Motion by Commissioner Simon, second by Commissioner Lissarrague, to deny the request for a variance to allow a garage addition to be located within the front setback requirement, based on lack of a practical difficulty, for the property located at 6802 Dawn Way.

Motion carried (6/1 - Weber). This item goes to the City Council on October 14, 2019.

The meeting was unanimously adjourned at 7:11 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary