

**MAHTOMEDI PLANNING COMMISSION  
MEETING MINUTES  
OCTOBER 10, 2018**

Chairperson Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Mike Hedquist, Tracy Jones, Brandon Sampair, Dan Soler, and Chantell Knauss. Also in attendance were City Planner Erin Perdu, and Office Assistant Luann Tembreull.

Absent with prior notice: Susan Stewart.

**APPROVAL OF THE AGENDA**

Commissioner Soler moved, and Commissioner Sampair seconded the motion to approve the agenda as presented. The motion was unanimously approved.

**APPROVAL OF THE SEPTEMBER 12, 2018 REGULAR PLANNING COMMISSION MEETING MINUTES**

Commissioner Jones moved, and Commissioner Sampair seconded the motion to approve the minutes of the September 12, 2018 regular Planning Commission meeting as written. The motion was unanimously approved.

**4a. CONSIDER APPROVAL – Request from Daniel Trudeau for a variance from the required side yard setback and maximum width requirement within the lot for a driveway at 1481 Hallam Avenue North.**

Planner Perdu provided a power point presentation and said the applicant is requesting a variance of 19 feet from the maximum permitted driveway width within the property; a 6’6” variance from the maximum allowable driveway width at the property line; and a 6” variance from the minimum side setback for the driveway.

The applicant is requesting a retroactive variance to allow for both an existing driveway and a driveway expansion to remain on the property. The City issued a driveway permit under the assumption that the old driveway would be removed, and the new driveway would then be the only area of the driveway surfacing. The property owner wishes to retain the old driveway in addition to the new driveway. As the site plan shows, both driveways together exceed maximum allowable driveway width both at the property line, and within the lot. The new driveway area also does not meet the minimum required side yard setback (south side) of five (5) feet.

The practical difficulties’ test requires that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a reasonable way, but cannot do so under the rules of the ordinance. The property owner’s wish to have a larger driveway does not constitute a practical difficulty. The allowable driveway size in the ordinance is reasonable; having a larger driveway is merely a convenience to the property owner and would allow for storage of recreational equipment in front of the house.

**4.a. (continued)**

There are no conditions that are unique to this parcel, with regards to the driveway, that are not applicable to other properties. The parcel is oddly shaped, in that the rear yard comes to a point in the back. Thus, there is less room around the sides of the home to create a driveway to pull recreational equipment around to the back yard for storage. However, this is a problem created in part by the owner, with the recent southward expansion of the home.

The purpose of the variance is to allow for the property to have a larger driveway than the ordinance allows. The ordinance does allow for a 36' wide driveway, which would permit two vehicles to be parked side-by-side in the driveway in front of the garage.

The granting of this variance may set a precedent, which could be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land. If this property were to be allowed to have a significantly larger driveway, this may precipitate other similar requests from residents in the area. The maximum driveway size in the Ordinance is reasonable and functional for residential off-street parking needs as stated. Allowing the storage of large recreational equipment in front of the house on a large parking pad is also contrary to the essential character of the locality.

The proposed variance is not in keeping with the spirit and intent of the Ordinance, which is to minimize adverse effects of off-street parking and loading facilities on adjacent properties through the use of design and maintenance standards.

Allowing the requested variance will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The requested variance is not consistent with the Comprehensive Plan, as it is requesting a deviation from the Zoning Ordinance, without meeting the variance criteria.

The City Engineer's notes state that the drainage in this general area is of concern to the City because much of the drainage accumulates at the east side of Hallam Avenue near Williams Woods Road. The driveway to 1496 Hallam is periodically inundated following heavier rains. This is a historical drainage issue and it appears that the applicant has taken measures to ensure that the onsite drainage from this proposed increased impervious surface will be handled in a rain garden area in front of the home. While rain gardens do address the smaller more typical rainfalls, the drainage out of the rain garden could overflow the historical path of the water and accumulate on the east side of Hallam Avenue.

**4.a (continued)**

Based on the fact that the request does not meet the following ordinance criteria, staff recommends denial of the requested variances from driveway width within the lot, driveway width at the property line, and side setback for a driveway.

Chair Rogosheske asked for comments or questions of the commission. After a few comments and questions from commission members, Chair Rogosheske introduced the applicant, Mr. Dan Trudeau, and requested that the applicant come up to the microphone.

Mr. Trudeau stated that there isn't enough room between his garage and the property line to haul his camper or ice shack to the back of his property. He noted that he needs to store his Lincoln and boat in the garage. He stated that he needs the extra driveway area to store his camper and ice shack in front of the garage.

Upon a question by Chair Rogosheske, Mr. Trudeau stated that the cost to remove the old driveway would be around \$10,000.

Chair Rogosheske opened the Public Hearing. There was no public comment and the Public Hearing was closed. However, Planner Perdu confirmed that the commission received copies of e-mails from two neighbors regarding this variance request. The one e-mail was in opposition, and the other didn't comment one way or another, but is concerned about the City's issue with standing water on the roadway in this area and that the water then drains into his driveway.

Bringing the Public Hearing back to the Commission, members had no further questions or comments.

Upon motion by Commissioner Soler, seconded by Commissioner Hedquist, all members voting in favor, the Commission approved a resolution denying a variance to allow for an increase in the maximum width of a driveway at the property line for the purpose of constructing a driveway at the property located at 1481 Hallam Avenue, as outlined below.

**RESOLUTION DENYING A VARIANCE TO ALLOW FOR AN INCREASE IN THE  
MAXIMUM WIDTH OF A DRIVEWAY AT THE PROPERTY LINE FOR THE  
PURPOSE OF CONSTRUCTING A DRIVEWAY AT THE PROPERTY LOCATED AT  
1481 HALLAM AVE., PID 20.030.21.12.0098**

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**WHEREAS**, the City of Mahtomedi received a request from the Applicant and Property Owner Daniel Trudeau for variances to allow for a reduction in the required side yard setback, increase in the maximum width within the property and increase in the maximum width at the property line for the construction of a driveway on the property located at 1481 Hallam Ave. (PID 20.030.21.12.0098) on September 10, 2018, legally described as follows:

**4.a (continued)**

All of Lot 1 and part of Lot 2, Block 149, Wildwood, described as follows: Commencing at the corner common to lots 2, 3, 16 and 17, the point of beginning: thence Northeasterly along the Northwesterly line of lots 2 and 1 a distance of 150 feet to a point, the Northerly corner of Lot 1: thence Southeasterly along the Northeasterly side of Lot 1 a distance of 13.8 feet to the Northeasterly corner of Lot 1; thence South along the Easterly line of Lot 1 and part of Lot 2 a distance of 165.35 feet to a point; thence on a deflection angle to the right of 90 degrees a distance of 53.15 feet to the Easterly corner of lot 18; thence along the Southwesterly line of Lot 2 a distance of 100 feet to the point of beginning EXCEPT that part of said Lot One (1) described as follows: Commencing at the most Northerly corner of said Lot 1, thence in a Southeasterly direction along the Northeasterly line of said Lot 1 a distance of 13.8 feet; thence South along the Easterly line of said Lot 1 a distance of 49.35 feet; thence on a deflection angle of 90 degrees to the right to a point in the line common to said lots 1 and 3; thence Northeasterly along the said common line between lots 1 and 3; to the point of beginning, in Block 149, Wildwood, Washington County, Minnesota

AND

That part of Lots (17) and (18), Block (149), lying Northerly of a line drawn from most Westerly corner Lot (17) to most Easterly corner of Lot (18), Wildwood Addition, Washington County, Minnesota

**WHEREAS**, the Applicant has requested the following variances:

- a 9' variance from the maximum width of a driveway within the property (45' wide where 36' is the maximum width);
- a 6.5' variance from the maximum width of a driveway at the property line (30.5' where 24' is the maximum width);
- a 6" variance from the minimum required side setback for a driveway; and

**WHEREAS**, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on October 10, 2018; and

**WHEREAS**, the Planning Commission recommends denial of only the variance for the driveway width at the property line; and

**WHEREAS**, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and

**WHEREAS**, the City Council, acting as the Board of Adjustments and Appeals, can deny a variance if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have not been met.

**4.a (continued)**

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Mahtomedi denies the Applicants' variance request for a 6.5' variance from the maximum width of a driveway at the property line based on the following findings:

1. The requested variance is not consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance not justified for the following reasons:
  - a) The property owner's wish to have a larger driveway to store extra recreational equipment does not constitute a practical difficulty.
  - b) There are no conditions that are unique to this parcel, with regards to the driveway, that are not applicable to other properties.
  - c) The difficulties are posed by the property owner, not by the ordinance.
  - d) Granting the variance will be detrimental to the essential character of the locality.
  - e) The request is inconsistent with the intent of the off-street parking ordinance.

Upon motion by Commissioner Soler, seconded by Commissioner Sampair, all members voting in favor except Commissioner Knauss who opposed, the Commission approved the driveway width variance within the property and the side setback variance, as outlined below.

**RESOLUTION APPROVING A VARIANCE TO ALLOW FOR A REDUCTION IN THE SIDE SETBACK REQUIREMENT FOR A DRIVEWAY AND AN INCREASE IN THE MAXIMUM WIDTH OF A DRIVEWAY WITHIN THE PROPERTY FOR THE PURPOSE OF CONSTRUCTING A DRIVEWAY AT THE PROPERTY LOCATED AT 1481 HALLAM AVE., PID 20.030.21.12.0098**

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**WHEREAS**, the City of Mahtomedi received a request from the Applicant and Property Owner Daniel Trudeau for variances to allow for a reduction in the required side yard setback, increase in the maximum width within the property and increase in the maximum width at the property line for the construction of a driveway on the property located at 1481 Hallam Ave. (PID 20.030.21.12.0098) on September 10, 2018, legally described as follows:

All of Lot 1 and part of Lot 2, Block 149, Wildwood, described as follows: Commencing at the corner common to lots 2, 3, 16 and 17, the point of beginning: thence Northeasterly along the Northwesterly line of lots 2 and 1 a distance of 150 feet to a point, the Northerly corner of Lot 1: thence Southeasterly along the Northeasterly side of Lot 1 a distance of 13.8 feet to the Northeasterly corner of Lot 1; thence South along the Easterly line of Lot 1 and part of Lot 2 a distance of 165.35 feet to a point; thence on a deflection angle to the right of 90 degrees a distance of 53.15 feet to the Easterly corner of lot 18; thence along the Southwesterly line

**4.a (continued)**

of Lot 2 a distance of 100 feet to the point of beginning EXCEPT that part of said Lot One (1) described as follows: Commencing at the most Northerly corner of said Lot 1, thence in a Southeasterly direction along the Northeasterly line of said Lot 1 a distance of 13.8 feet; thence South along the Easterly line of said Lot 1 a distance of 49.35 feet; thence on a deflection angle of 90 degrees to the right to a point in the line common to said lots 1 and 3; thence Northeasterly along the said common line between lots 1 and 3; to the point of beginning, in Block 149, Wildwood, Washington County, Minnesota

AND

That part of Lots (17) and (18), Block (149), lying Northerly of a line drawn from most Westerly corner Lot (17) to most Easterly corner of Lot (18), Wildwood Addition, Washington County, Minnesota

- a 9' variance from the maximum width of a driveway within the property (45' wide where 36' is the maximum width);
- a 6.5' variance from the maximum width of a driveway at the property line (30.5' where 24' is the maximum width);
- a 6" variance from the minimum required side setback for a driveway; and

**WHEREAS**, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on October 10, 2018; and

**WHEREAS**, the Planning Commission recommended approval of only the driveway width within the property and side setback variances; and

**WHEREAS**, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and

**WHEREAS**, the City Council, acting as the Board of Adjustments and Appeals, can deny a variance if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have been met.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Mahtomedi approves the Applicants' variance requests based on the following findings:

2. The requested variances are consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variances are justified for the following reasons:
  - f) The ordinance has created a practical difficulty for the property owner

**4.a (continued)**

- g) There are conditions unique to the land that are not applicable to other parcels in the City
- h) The purpose of the variance is not solely financial
- i) The difficulties are posed by the ordinance and not the property owner.
- j) Granting the variance is not detrimental and it does not alter the essential character of the locality.
- k) The variance is in keeping with the spirit and intent of the Ordinance.
- l) The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.
- m) The variance is consistent with the Comprehensive Plan.

Office Assistant Tembreull said this item will be heard at the October 16, 2018 City Council meeting.

**4.b CONSIDER APPROVAL - Request from Tom Suttle and Candia Cole for a variance from the required minimum lot area in order to reconstruct a single family house on the property located at 1136 Neville Avenue.**

Planner Perdu presented a power point presentation and stated that the applicant is requesting approval for a variance of 1,015 square feet from the minimum required lot area for the purpose of replacing the existing home with a new home at the property located at 1136 Neville Avenue.

The applicant is proposing to replace the existing single-family home on the property with a new one. The size of the lot is 5,225 square feet, where 6,240 square feet is required. The proposed home will be thirty (30) feet by thirty-four (34) feet. The new home will have a front walkout basement, a one-car tuck-under garage and will be one and a half stories in height. The impervious surface coverage (garage and driveway) proposed is approximately 1,400 square feet, which would be approximately twenty-seven (27) percent of the total lot area. The proposed new home must meet all setback requirements and lot coverage requirements; no variances for lot coverage, impervious surface or setbacks are being requested.

She stated that the variance is consistent with the Comprehensive Plan.

The use proposed in this case is for a single family home to be replaced. As this property is located within a residential district, the use is reasonable. The need for the variance arises from the previously platted lot being smaller than the minimum requirement of the current zoning ordinance.

This property is unique, in that it is very narrow and short in length. This lot was created prior to current Zoning Ordinance requirements, so the lot area requirement makes it impossible to build a home on this lot without the need for a variance.

**4.b (continued)**

The granting of this variance to allow the replacement of a dated single-family home will not be detrimental to the public welfare or injurious to other and or improvements in the vicinity of the parcel of land. There are other similarly sized lots in the area that have single-family homes on them.

The proposed variance is in keeping with the spirit and intent of the Ordinance, as a new single-family home is a reasonable use in the residential district. The proposed home must meet all other requirements of the zoning district for setbacks and height.

Allowing the requested variance will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The requested variance would allow for a single-family home to be replaced on the property, which is consistent with the Comprehensive Plan.

The City Engineer has reviewed the plans for the application and provided the following:

1. The surface water from this property drains to the northwest where the City has a 10' wide drainage parcel which abuts the parcel out to Neville Avenue. All site drainage should be directed to this 10' parcel.
2. The lot at 1136 Neville Avenue has a sanitary sewer service that runs to Neville Avenue. However, there is no water main in Neville Avenue. This water service location needs to be verified. According to the submitted survey, the water line does run in the 10- foot parcel.

The applicant's request for a variance of 1,015 feet from the required minimum lot area is reasonable, as it would be impossible to construct a new single-family home on the property without one. Staff recommends approval of the requested variance.

Recommended conditions for this request are as follows:

1. An MCES permit and City of Mahtomedi permit are obtained for connection to the sanitary sewer main in Summit Avenue.
2. All drainage is directed to the north and west into the 10-foot drainage parcel and the drainage parcel is properly stabilized once grading and construction is completed.

Mr. Suttle stated that his intent is to stay within the requirements of the ordinance. He noted that the footprint will be small. He stated that the house is old and has mold issues.

Chair Rogosheske opened the Public Hearing.

**4.b (continued)**

Ms. Susan Yore of 1129 Summit said she has concerns about drainage from this new home and about over-flow parking on the street. She is also concerned about removal of trees and shrubs between her property and this one during all the construction.

Chair Rogosheske closed the Public Hearing.

After some discussion, upon motion by Commissioner Sampair, seconded by Commissioner Hedquist, all members voting in favor, the Commission recommends approval of a variance of 1,015 square feet from the minimum required lot area for the purpose of replacing the existing home with a new home at the property located at 1136 Neville Avenue.

**RESOLUTION APPROVING VARIANCE FOR MINIMUM LOT SIZE FOR THE  
CONSTRUCTION OF A SINGLE-FAMILY HOME ON THE PROPERTY LOCATED  
AT 1136 NEVILLE AVE., PID 20.030.21.31.0068**

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**WHEREAS**, the City of Mahtomedi received a request from the Applicants and Property Owners Tom Suttle & Candia Cole on September 10, 2018 for a 1,015 square-foot lot area variance to allow for the construction of a single-family home at the vacant property located on Summit Ave., PID 20.030.21.31.0068. The property is legally described as follows:

PART OF LOT 26, BLOCK 2 & 3, EAST SHORE PARK, MAHTOMEDI, MN

**WHEREAS**, the Applicant has requested a 1,015-square foot variance from the required minimum lot size to allow for the construction of a single-family home; and

**WHEREAS**, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on October 10, 2018; and

**WHEREAS**, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and

**WHEREAS**, the City Council, acting as the Board of Adjustments and Appeals, can approve a variance if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi City Code have been met.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Mahtomedi approves the variance request of 1,015 feet from the required minimum lot size based upon the following findings of fact:

The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance is justified for the following reasons:

3. The configuration of the parcel, its existing size present practical difficulties to compliance with the ordinance;

**4.b (continued)**

4. The proposed use of a single-family home is reasonable for the zoning district;
5. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
6. The difficulties presented by the parcel are not posed by the property owner;
7. Granting the requested variance would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;
8. The proposed variance is in keeping with the spirit and intent of the Ordinance;
9. Allowing the requested variance will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
10. The variance is consistent with the Comprehensive Plan.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the applicant must meet the following conditions for variance approval:

1. All drainage is directed to the north and west into the 10-foot drainage parcel and the drainage parcel is properly stabilized once grading and construction is completed.

**5. STAFF REPORT – None Scheduled**

**6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.**

**7. ADJOURNMENT**

There being no further discussion, Commissioner Soler moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 7:40 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

**APPROVED:**

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**ALEX ROGOSHESKE**  
**CHAIRPERSON**

**ATTESTED:**

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**LUANN TEMBREULL**  
**OFFICE ASSISTANT**