

Approved as Presented
August 11, 2021

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
JUNE 9, 2021**

Chairperson Alex Rogosheske convened the regular Planning Commission meeting electronically at 6:32 p.m. with the following members in attendance: Dan Soler, Greg Maples, Peter Frank and Lacey Smieja. Tony Chesak joined the meeting around 6:40 p.m. Chantell Knauss was absent with prior notice. Also in attendance were Planner Hannah Rybak, Engineer John Sachi and Office Assistant Luann Tembreull.

APPROVAL OF THE AGENDA

Commissioner Frank moved, and Commissioner Maples seconded the motion to approve the agenda as presented. The motion was unanimously approved by roll call vote: Yea: Frank, Solar, Maples, Smieja and Rogosheske Nay: None

APPROVAL OF THE MAY 12, 2021 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Smieja seconded the motion to approve the minutes of the May 12, 2021 regular Planning Commission meeting as written. The motion was unanimously approved by roll call vote: Yea: Frank, Soler, Maples, Smieja and Rogosheske. Nay: None.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from Robert Koehler, on behalf of Gary Koehler, for a variance to allow increased fence height at 1400 Harmony Drive.

Planner Rybak introduced the item and provided a power point presentation. The property is zoned R1-D Single-Family Residential and guided by the Comprehensive Plan for low density residential. The applicants are requesting a variance to allow additional fence height in the front yard, for the purpose of replacing an existing fence. Currently there is a fence and retaining wall that are both in a state of disrepair. The proposed replacement fence will be slightly taller than the existing fence. The fence encompasses a flat area in the yard, which then slopes down toward the street. The fence sits along and on top of a retaining wall. The proposed fence will be an open, split rail fence.

The applicant has noted that the proposed design will lessen the amount of street frontage where the fence is located from approximately fifty-six (56) feet to thirty (30) feet along the Harmony Drive frontage. The replacement fence is proposed in the same location as existing. The existing fence encroaches over the property line and into the right-of-way abutting Harmony Drive by approximately twenty-eight (28) inches. The City Engineer determined that the encroachment may remain, so long as an encroachment agreement with the City is signed by the property owner.

4a. (Continued)

The practical difficulty in this case is the irregular-shaped parcel and grade of the property. The front yard slopes downward toward Harmony Drive, creating a change in grade where the fence is proposed to be located.

Criteria for this variance are being met by the following:

- The existing fence being replaced is currently nonconforming and the request to replace it is reasonable.
- The way the property slopes creates an uneven ground in the location where the fence is proposed.
- This request is not solely financial.
- Difficulties are posed by the Ordinance, not the property owner.
- Granting the variance is not detrimental and does not alter the character of the locality.
- The variance is in keeping with the spirit and intent of the Ordinance.
- The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.
- Is consistent with the Comprehensive Plan.

Engineer Sachi stated that his only concern is that if approved, there would need to be an encroachment agreement between the homeowner and the City since the fencing and wall would be in the City's right-of-way of Harmony Drive by about 2 ½ feet.

Planner Rybak stated that based on the facts and submitted plans, staff recommends approval of the request at 1400 Harmony Drive with the following conditions:

1. An approved encroachment agreement shall be required prior to the construction of the fence.
2. The fence and retaining wall must be constructed as shown on the site plan submitted with the variance application.

Chair Rogosheske opened the Public Hearing at 6:42 p.m.

Hearing no comments, the Public Hearing was closed at 6:43 p.m.

Upon a motion by Commissioner Smieja, seconded by Commissioner Maples, the Planning Commission recommends the City Council approve a resolution approving a variance to allow increased fence height located at 1400 Harmony Drive as outlined in Exhibit C. The motion was unanimously approved by roll call vote: Yea: Soler, Maples, Smieja, Chesak, Frank and Rogosheske Nay: None.

**CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING A VARIANCE TO ALLOW ADDITIONAL FENCE
HEIGHT IN THE FRONT YARD AT THE PROPERTY LOCATED AT 1400
HARMONY DR. PID 20.030.21.40.0062**

WHEREAS, the City of Mahtomedi received a request from the Applicant, Robert Koehler, on behalf of Property Owner Gary Koehler, for a variance to allow additional fence height in the front yard at the property located at 1400 Harmony Drive on May 7, 2021, legally described as follows:

LOT 2, BLOCK 1, HAWLEY ADDITION SUBDIVISION CD 87310, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicant has requested a variance to allow a fence height of 63.5 inches in the front yard where forty-eight (48) inches is the maximum allowable height, for the purpose of replacing an existing fence; and

WHEREAS, the fence height includes both the steel rod fence panels and the retaining wall; and

WHEREAS, the Planning Commission reviewed and considered the requests based on the related documents shown in the Applicants' Application at their regular meeting on June 9, 2021; and

WHEREAS, the Planning Commission recommended approval of the requested variance; 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 Applicant's variance request based on the following findings:

1. 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 variances are justified for the following reasons:
 - a) The Ordinance has created a practical difficulty for the property owner

- b) There are conditions unique to the land that are not applicable to other parcels in the City
- c) Granting the variance request is not detrimental and it does not alter the essential character of the locality
- d) The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety
- e) The variance is in keeping with the spirit and intent of the Ordinance

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

1. An approved encroachment agreement shall be required prior to the construction of the fence.
2. The fence and retaining wall must be construed as shown on the site plan submitted with the variance application.

Adopted by the City Council of the City of Mahtomedi on _____, 2021.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

4b. **CONSIDER APPROVAL- A request from Kelly and Kristina Reagan for a variance to allow increased impervious surface coverage at 1044 Park Avenue.**

Planner Rybak introduced the item and provided a power point presentation. The use of the property is Single-family residential, zoned R1-E Low Density Residential and in the Shoreland Overlay District.

The Applicants are requesting a variance of 9.3% additional impervious surface coverage for the purpose of constructing a detached garage. The garage would be one-story and contain three parking stalls, totaling 747 square feet. The garage would be at the back of the lot on Summit Avenue and the exterior will match that of the house. The Applicants have proposed construction of a rain garden as part of this project to mitigate additional runoff generated by the added impervious surface coverage.

The property contains a driveway off of Park Avenue which leads to a one stall attached garage. The home was originally constructed in 1910, so the garage is not sized to easily accommodate a modern vehicle. There is a shed in the rear yard, which would be removed prior to the construction of the proposed garage.

The garage would be 8 feet from the rear property line off Summit, and is approximately 20 feet back from the curb. The driveway is 14 feet in width at the property line, and then expands out to serve all three stalls of the garage. The drastic diagonal line of the driveway is proposed to cut down on additional impervious surface coverage for the driveway as much as possible. There is a fire hydrant that is located within the right of way, about even with the north lot line. The driveway and any facilities are required to be at least 3 feet from the hydrant. The proposed rain garden is located to the west of the proposed garage, at a lower point of the lot.

The lot narrows from Park Avenue to Summit. A three car garage in this location is just not reasonable. A two car garage would make a better case for meeting this standard.

The difficulties in approving this request are posed by the scale of the project, not the Ordinance. An impervious surface coverage of over 44% would be detrimental to the property's storm-water management, but the institution of a well-designed and maintained rain garden would offset the impact of the added coverage. The intent of the impervious surface coverage limit is to ensure that runoff from development on properties has adequate space to filter into the ground on the property. The proposed rain garden would need to be adequately sized to accomplish this.

Engineer Sachi reiterated that there is a fire hydrant on Summit Avenue near the proposed driveway. The driveway needs to be setback at least two (2) feet from the fire hydrant for safety reasons. No grading plan or sediment and erosion control plan was submitted as part of the application, therefore, these items would have to be reviewed as part of the building permit submittal. A professionally designed and constructed rain garden will go a long way to offset the increased impervious surface.

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4b. Continued

Upon a question from Chair Rogosheske, Planner Rybak stated that this variance is only for the Shoreland Overlay District, the setback and height meet the Ordinance standards for the R1-E District.

Applicant, Ms. Reagan, stated that she purchased the property 3 years ago in 2018 and remodeled the house. The existing one car garage is very small and is really just a glorified shed. She is a family of six and with the limited parking on Park Avenue, there just aren't enough parking spaces for their vehicles. She has spoken with several of the neighbors who had originally objected to this proposal, and they have changed their mind. She stated that the house will still be at a higher height than the proposed garage. She said she would like to put their boat and vehicles in a safe locked place. She noted that she feels many of the neighbors had a meeting and discussed this proposal and didn't include her.

Upon a question from Commissioner Soler, Engineer Sachi noted that the existing attached garage extends over the side property line into the City's trail right-of-way by approximately 2 feet. He noted that the City has a storm sewer in this right-of-way, and that the City cannot get rid of it.

Chair Rogosheske opened the Public Hearing at 7:32 p.m.

Mr. Greg Murphy of 1032 Summit Avenue stated that he feels sorry for the homeowner who lives across Summit from this proposed garage since they will be looking at a big box from their yard. He noted that he is unaware of any neighbors meeting to discuss this request. Extra parking is a big issue.

Mr. Ben Tierney of 1044 Summit stated that he has concerns with the additional traffic. He spent his life savings to purchase his home and he and his family plan on living in his house for a very, very long time. This proposed garage absolutely impacts them since it will be across the street from his front yard. He feels that the proposed garage will be higher than the proposed 13 feet. He feels that this additional need for parking is just a temporary issue since driving age kids will move out soon. He stated that he really likes his neighbor, but approving this variance request is a clear overstep of the Ordinance and is disappointed in the process.

Hearing no further comments, Chair Rogosheske closed the Public Hearing at 7:46 p.m. and brought the item back to Commission members for discussion.

Engineer Sachi stated that parking is an issue and that the City Council is looking into it. He does not see an issue with the fire hydrant.

Commissioner Soler stated that he is torn on this. Building a garage off Summit doesn't concern him, but the property already has a driveway and garage and suggested maybe constructing a

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4b. Continued

garage over the existing driveway. He is more comfortable approving a 2-car garage instead of a 3-car garage and a smaller driveway along with it.

Commissioner Frank feels the lot is too small.

Commissioner Maples agrees with Commissioner Soler that a smaller garage would be better.

Commissioner Chesak would also like to see a smaller garage.

Commissioner Smieja stated that she is struggling with this request. The house is beautiful, but has a hard time approving a 3-car garage, but is ok with a 2-car.

Upon a question from Commissioner Chesak, Engineer Sachi stated that he and Planner Rybak have spent a great deal of time with the applicant and have exhausted ideas at this time.

Upon a question from Chair Rogosheske, Ms. Reagan stated that there are now three drivers with four cars, but there will possibly be 6 drivers in about five years.

When Chair Rogosheske asked Ms. Reagan how they would get from the proposed garage to the house, Ms. Reagan stated that they would just walk on the grass and plow the grass in the winter.

Ms. Reagan said she is only asking for a variance for a 3-car garage at this time and not a 2-car.

There being no further discussion, upon motion by Commissioner Soler, seconded by Commissioner Chesak, the Planning Commission recommends the City Council approve the resolution approving a reduced variance to allow an increase in impervious surface coverage of 41.3%, for a two car garage at 1044 Park Avenue as outlined in Exhibit D with the additional condition that "The Applicant shall continue to explore ways to reduce the impervious surface coverage of the lot". The motion was unanimously approved by roll call vote: Yea: Maples, Smieja, Chesak, Frank, Soler and Rogosheske Nay: None.

CITY OF MAHTOMEDI
WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE FOR ADDITIONAL IMPERVIOUS SURFACE COVERAGE
ON THE PROPERTY LOCATED AT 1044 PARK AVE., PID 20.030.21.31.0072.**

WHEREAS, the City of Mahtomedi received a request from the Applicants and Property Owners Kelly and Kristina Reagan on May 14, 2021 for a variance from the maximum impervious surface coverage requirement, to allow for the construction of a detached garage. The property is legally described as follows:

SUBD OF BLOCK 2, 3 EAST SHORE PARK LOT 35, AND THAT PART OF VACATED SUMMIT STREET ADJACENT TO SUBD OF BLOCKS 2 & 3 EAST SHORE PARK, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicants have requested a variance to allow impervious surface coverage of 41.3% where the maximum allowable impervious surface coverage is 35%; 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 June 9, 2021; 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 not been met.

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

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 variances are justified for the following reasons:

1. The proposed rain garden will offset the increase of impervious surface coverage on the lot.
2. Lack of an adequately sized garage is a practical difficulty.
3. The proposed garage is reasonable within the context of the lot.
4. Granting the variance request is not detrimental and it does not alter the essential character of the locality.
5. The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.
6. The proposed variance is consistent with the Comprehensive Plan.

NOW THEREFORE BE IT FUTHER RESOLVED that the City Council of the City of Mahtomedi establishes the following conditions of the Variance Approval:

1. The Applicant shall be required to submit a grading plan and sediment and erosion control plan, to be approved by the City Engineer, at the time of a building permit application.
2. The design, maintenance plan and installation plan of the rain garden shall be submitted to be approved by the City Engineer at the time of a building permit application.
3. No additional paving shall be allowed for a door landing or walkway, as these items were not shown on the site plan.
4. The garage shall be held to the plans submitted with this application, in terms of height and design.

Adopted by the City Council of the City of Mahtomedi on June 15, 2021.

Judson Marshall, Mayor

Attested:

Jerene Rogers, City Clerk

5. STAFF REPORTS – None Scheduled

a. CONSIDER – Appeal of Administrative Decision at 1 Williams Woods Road

Planner Rybak introduced the item and provided a power point presentation. She noted that staff received a building permit for an accessory structure at 1 Williams Woods Road and found it to comply with all tangible requirements of the Zoning Ordinance and intends to issue the building permit. However, the City received a written appeal of the Administrative Decision to issue the building permit from 20 percent of neighboring homeowners.

The basis of the appeal from neighboring properties are as follows:

1. A 1,200 square foot, 16-foot high, metal-sided structure in a wooded, residential neighborhood would violate ordinance provisions that require consistency between a structure and its surroundings.
2. The proposed structure would violate the Zoning Ordinance by requiring a second driveway on a residential lot.
3. The proposed use of the structure – to store the recreational vehicle of a non-resident, out-of-town owner – would violate the Ordinance Provisions that regulate vehicle storage in residential areas.
4. Insufficient investigation has been completed to evaluate the environmental and water run-off consequences of the proposed accessory building.

Planner Rybak commented on the Appellants point that a 1,200 square foot, 16-foot high, metal structure in a wooded, residential neighborhood would violate ordinance provisions that require consistency between a structure and its surroundings.

She stated that proposed materials to be used for the accessory structure are listed in the “approved materials” section of the Zoning Ordinance. The applicant has also chosen a color to be consistent with the principal structure.

The proposed building meets all of the hard criteria in the Zoning Ordinance.

Planner Rybak explained that staff now agrees with the Appellants second point, that the proposed building structure, however, violates the Zoning Ordinance by requiring a second driveway for this accessory structure. With a plan modification, the existing driveway could have an extended branch off to serve the proposed structure, however this would likely require additional tree removals.

With respect to the proposed use of the accessory structure, the proposed use of the accessory structure is not a valid basis to deny the building permit where all other criteria are met. The

5a. Continued

City has no control over what residents store inside their garage, but outside storage of vehicles is regulated within City Ordinances.

Engineer Sachi stated that the proposed building site and driveway will not alter any drainage by crowning the existing driveway and directing as much of the drainage as possible to the sides of the driveway. He stated that the City will need a revised driveway plan so run-off can be addressed. He noted that the City's Forester is in the process of evaluating the trees on the property.

Mr. Michael McLaughlin, of 1496 Hallam Avenue North, stated that he is the representative for the Williams Wood neighborhood. He stated that the accessory building is not harmonious to the surrounding area, so many of the neighbors have joined in the appeal. They have issues with the size, height, drainage and building materials of the building. He stated that the structure is unusual to their surrounding area and impacts the beauty of the area. They are also concerned that the owner doesn't even live on the property. They feel parking should be limited.

Commissioner Smieja stated that this doesn't fit the neighborhood, nor is the material compatible with surrounding neighbors.

Commissioner Chesak stated that he agrees with staff and does not support the appeal because it meets all of the hard criteria in the Ordinance.

Commissioner Maples stated that this is a tough one and that he wouldn't want this next to his house. However, this doesn't violate the Ordinance. He noted that this type of structure is pretty common in Minnesota and feels it is harmonious with the neighborhood.

Commissioner Frank stated that he agrees with staff regarding #3 of the appeal, but in regards to #1 of the appeal, he agrees with the neighbors in that this doesn't go with the neighborhood.

Commissioner Soler stated that staff does a very good job at what they do, but the Planning Commission reviews requests and the City Council makes the final decision. He is on the side of the appeal and supports overturning the Administrative Decision to issue a building permit.

Chair Rogosheske stated that he is frustrated that the Applicant has not joined this evenings' meeting. He feels this structure does not fit in the area.

With no additional comments, Commissioner Soler moved, and Commissioner Smieja seconded the motion to recommend the City Council approve to overturn the Administrative Decision of

5a. Continued

issuing a building permit to construct a 1,200 square foot, 16 foot high, metal-sided accessory structure at 1 Williams Woods Road on the basis of agreeance with Appeal Point #1 – that the structure is not consistent with the surroundings due to the materials chosen by the property owner. The motion was approved by roll call vote of 5 to 1. Yea: Frank, Soler, Maples, Smieja and Rogosheske Nay: Chesak

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

Copies of the recent City Council and other City Commission minutes may be found on the City's website.

7. ADJOURNMENT


There being no further discussion, Commissioner Soler moved, and Commissioner Maples seconded the motion to adjourn the regular Planning Commission meeting at 9:18 p.m. The motion was unanimously approved by roll call vote: Yea: Smieja, Chesak, Frank, Soler, Maples and Rogosheske Nay: None.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:



LUANN TEMBREULL
OFFICE ASSISTANT