

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 13, 2023**

Vice Chairperson Dan Soler convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Chantell Knauss, Tony Chesak, Greg Maples, Lacey Smieja and Peter Frank. Also in attendance were Planner Hannah Rybak, Engineer John Sachi and Office Assistant Luann Tembreull.

Absent with prior notice: Alex Rogosheske.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE AUGUST 9, 2023 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Frank moved, and Commissioner Smieja seconded the motion to approve the minutes of the August 9, 2023 regular Planning Commission meeting as written. The motion was unanimously approved.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from John Rent and Elisabeth Haen for a Variance from the rear yard setback requirement to allow the construction of a screen porch off the back of the home at 892 Deer Oak Run.

Planner Rybak introduced the item and provided a powerpoint presentation. The applicants are requesting a variance from the rear yard setback requirement for the purpose of constructing a screen porch off the back of their home, to replace an existing decaying deck. Because a porch is considered part of the principal structure, it is subject to principal structure setbacks.

She noted that the primary reason they require a screen porch is due to a medical condition affecting two family members. The family cannot enjoy outdoor space together on a traditional deck as there is no protection from mosquitos. She noted that the project will also include the construction of a new deck area attached to the proposed screened in porch.

The property is zoned R1-D, Low Density Residential.

Planner Rybak stated that all criteria are being met for approving a variance, and that she has not received any opposition from neighbors for this request.

MATOMEDI PLANNING COMMISSION MEETING MINUTES
September 13, 2023

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4a. (Continued)

Therefore, based on the submitted plans and evaluation contained in the Ordinance as described, staff recommends approval of the requested variance with the following conditions:

1. An approved building permit is required prior to construction.
2. The porch shall be constructed according to the plans provided with this application.

Engineer Sachi stated that he has no concerns regarding this variance request.

Applicant, Mr. John Rent stated that Planner Rybak did a great job presenting his application.

There being no questions of the applicant from commission members, Vice Chair Soler opened the Public Hearing at 6:38 p.m.

There being no comments, the Public Hearing was closed at 6:39 p.m.

Commissioner Smieja moved, and Commissioner Maples seconded the motion to recommend the City Council approve a resolution approving a variance for the purpose of constructing a screen porch at the property located at 892 Deer Oak Run as outlined in Exhibit C. The motion was unanimously approved.

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

**RESOLUTION APPROVING A VARIANCE FOR A REDUCTION TO THE REQUIRED
REAR YARD SETBACK REQUIREMENT FOR THE PURPOSE OF CONSTRUCTING
A SCREEN PORCH AT THE PROPERTY LOCATED AT 892 DEER OAK RUN, PID
20.030.21.44.0058**

WHEREAS, the City of Mahtomedi received a request from John Rent and Elisabeth Haen, on August 9, 2023 for a variance from the minimum required rear yard setback for a principal structure at the property located at 892 Deer Oak Run. The property is legally described as follows:

LOT 4, BLOCK 1, BORDER OAKS, WASHINGTON COUNTY, MINNESOTA

WHEREAS, the Applicant has requested a variance of 4-feet, 8-inches from the required minimum rear yard setback of 40-feet for the purpose of constructing a screen porch off the back of the exiting principal structure; 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 September 13, 2023; 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 Applicants' variance request of 4-feet, 8-inches from the minimum required rear yard setback based on the following findings of fact:

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. There are extenuating circumstances pertaining to the needs of the residents of the property that require a reasonably sized, covered outdoor space;
 - b. The existing configuration and placement of the home does not allow for a screen porch, meeting the rear yard setback requirement, to be constructed off the back of the existing home;

- c. The Ordinance has created a practical difficulty for the property owner;
- d. There are conditions unique to the land that are not applicable to other parcels in the City;
- e. Granting the variance request is not detrimental and it does not alter the essential character of the locality;
- f. The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.

NOW THEREFORE BE IT FURTHER RESOLVED that the City Council's approval of the variance request is contingent on the following:

1. An approved building permit is required prior to construction.
2. The porch shall be constructed according to the plans provided with this application.

Adopted by the City Council of the City of Mahtomedi on September 19, 2023.

Richard Brainerd, Mayor

Attested:

Jerene Rogers, City Clerk

4b. CONSIDER APPROVAL – A request from David and Jessica Thompson for variances from the rear yard setback and impervious surface coverage requirements to allow the construction of an attached garage at 43 Neptune Street.

Planner Rybak introduced the item and provided a powerpoint presentation. She said the Applicant is proposing to construct an attached two-car garage once they tear down the existing shed. The main floor will be the garage, and the upper level will be comprised of additional living area at the front and an upper-level deck will be at the rear.

The property is zoned R1-E Low Density Residential and guided by the Comprehensive Plan for low density residential.

The property is irregular in shape, and the home is situated further back from the front property line. Therefore, the proposed attached garage would be situated on the north side of the home. The variance request is for a three (3) foot rear yard setback, where 20 feet is required and to allow impervious surface coverage of 37% where 35 % is a maximum allowed.

Planner Rybak stated that all criteria are being met to approve this variance.

Engineer Sachi stated that he has reviewed the application and offered the following comments:

- A grading and erosion control plan will be reviewed at the time of the building permit, but no major issues are anticipated.
- I have visited the site and do not anticipate additional runoff because of the rain capturing measures the Applicant has proposed.

He also noted that the Applicant is proposing to add rain barrels to the house and a garden area on the upper deck to try to alleviate additional runoff from the property.

Upon a question by Commissioner Knauss, Engineer Sachi stated that only additional pavers are allowed to be used for either a sidewalk or driveway on this property.

Upon a question by Commissioner Smieja, Engineer Sachi noted that he does not see an issue with site lines since the area is so dense with mature trees, vegetation and steep grade. He also noted that the addition may look like the side yard, but is in fact the property rear yard.

Planner Rybak stated that based on the submitted plans and evaluation criteria contained in the Ordinance as described in this report, staff recommends approval of the requested variances to allow a 17-foot reduction to the rear yard setback and a 2% increase in allowable impervious surface coverage for the purpose of the construction of an attached garage subject to the following conditions:

4b. (Continued)

1. A grading and erosion control plan shall be submitted for review and approval by the City Engineer prior to building permit issuance.
2. Construction shall adhere to the site plan provided with this application. No additional garage or impervious surface area shall be allowed over what has been approved.
3. The Applicant shall install the rain barrel and garden boxes as described in the narrative submitted with the application.

Planner Rybak noted that there was an additional e-mail received in support of this request from the Redpath neighbors who live at 63 Pine Street. (See Attachment A)

Applicant, Mr. David Thompson stated that Planner Rybak did a great job presenting his request. There were no questions for the applicant from the Commission members.

Chair Rogosheske opened the Public Hearing at 6:51 p.m.

Hearing no comments, the Public Hearing was closed at 6:52 p.m.

Vice Chairperson Soler stated that he supports the idea of not tearing down a home, but instead approving a CUP so the homeowner can improve the existing older home.

Commissioner Chesak noted that it does help to have the support of neighbors.

Commissioner Chesak moved, and Commissioner Frank seconded the motion to recommend the City Council approve a resolution approving variances to allow for a deceased rear yard setback and an increase in allowable impervious surface coverage for the purpose of construction of an attached garage at the property located at 43 Neptune Street as outlined in Exhibit C. The motion was unanimously approved.

Hannah Rybak

From: John Redpath <jredpath@trcomputersales.com>
Sent: Tuesday, September 12, 2023 6:17 PM
To: Hannah Rybak
Subject: Variance for 43 Neptune St

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL EMAIL

Hi Hannah

We are writing you to tell you that we highly recommend that this variance be approved. Our address is 63 Pine street. We are advocates to garage, and driveway variances to set backs and impervious areas in the Mahtomedi neighborhoods west of Mahtomedi Avenue. Our reason is that many of these lots are small with odd shapes and the roads are very narrow. Any thing to add more parking space for vehicles would be great in our opinion.

John and Victoria Redpath

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

**RESOLUTION APPROVING VARIANCES TO ALLOW FOR A DECREASED REAR
YARD SETBACK AND AN INCREASE IN ALLOWABLE IMPERVIOUS SURFACE
COVERAGE FOR THE PURPOSE OF CONSTRUCTING AN ATTACHED GARAGE
AT THE PROPERTY LOCATED AT 43 NEPTUNE ST, PID 20.030.21.23.0051**

WHEREAS, the City of Mahtomedi received a request from the Applicant and Property Owners, David and Jessica Thompson, for a variances to allow for a decreased rear yard setback and an increase in allowable impervious surface coverage on the property located at 43 Neptune St. on August 3, 2023, legally described as follows:

LOT 15, BLOCK 8, MAHTOMEDI ASSEMBLY, WASHINGTON COUNTY, MINNESOTA.

WHEREAS, the Applicant has requested a variance of two percent (2%) from the maximum allowable impervious surface coverage in the Shoreland District to allow for a coverage of thirty-seven percent (37%); and

WHEREAS, the Applicant has requested a variance of seventeen (17) feet from the minimum rear yard setback requirement in the R1-E District to allow for an attached garage to be located three (3) feet from the rear property line; 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 September 13, 2023; and

WHEREAS, the Planning Commission recommended approval of the requested 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 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 Applicants' 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) The difficulties are posed by the strict interpretation of the Ordinance, as applied to the subject property.
- d) Granting the variance request is not detrimental and it does not alter the essential character of the locality.
- e) The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.

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

1. A grading and erosion control plan shall be submitted for review and approval by the City Engineer prior to building permit issuance.
2. Construction shall adhere to the site plan provided with this application. No additional garage or impervious surface area shall be allowed over what has been approved.
3. The Applicant shall install the rain barrel and garden boxes as described in the narrative submitted with the application.

Adopted by the City Council of the City of Mahtomedi on _____, 2023.

Richard Brainerd, Mayor

Attested:

Jerene Rogers, City Clerk

5. STAFF REPORTS – Building Height Discussion

Planner Rybak stated that an issue with the building height requirement was recently brought to the attention of staff. The current method of measuring building height and additional regulations are as follows:

1. Measuring Building Height.
 - a. How to measure height of building: Building height is the vertical distances measured from the average ground level surrounding the proposed structure, prior to the top cornice line of a flat and mansard roof, to the uppermost point on a roof, or to the midpoint of the tallest gable of a pitched or hipped roof. The average ground elevation at least five years prior to construction is measured at the corners of a principal or accessory structure footprint. Said average ground elevation shall be established from topography maps or certified survey, and shall be verified by the City Engineer or designee.
 - b. The top peak of any portion of a roof shall not exceed the allowable building height in the applicable zoning district by more than five feet.

Because the point where building height begins is the average grade pre construction, certain lots are more limited in height than others. For a true walkout lot, the cap peak height of five feet over the applicable zoning district is overly restrictive. This issue came to the attention of staff when a standard two-story walkout home was submitted for building permit, and it came to light that the height was not approvable. Staff recommends that the ordinance be adjusted to allow a peak height of up to ten feet over the maximum height in the allowable zoning district, rather than five feet. This still allows the intent of the requirement to be served, and will also allow reasonably sized homes to be constructed on lots with a more significant grade change.

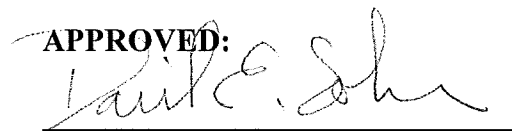
Discussion ensued and it was reiterated that the ordinance would just be fine-tuned. Planner Rybak stated that this is a code problem, not a home problem. She noted that if the commission agrees with the suggested code amendment, the commission should hold a public hearing at their October meeting regarding this proposed ordinance amendment. The consensus of the commission is to hold a public hearing.

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

- 7. ADJOURNMENT**

There being no further discussion, Commissioner Chesak moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 7:20 p.m. The motion was unanimously approved.

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:


DAN SOLER
VICE CHAIRPERSON

ATTESTED:


LUANN TEMBREULL
OFFICE ASSISTANT