

**CITY OF MENDOTA HEIGHTS  
DAKOTA COUNTY, MINNESOTA**

**PLANNING COMMISSION MINUTES  
March 24, 2009**

The regular meeting of the Mendota Heights Planning Commission was held on Tuesday, March 24, 2009, in the Council Chambers at City Hall, 1101 Victoria Curve at 7:00 P.M.

The following Commissioners were present: Chair Lally, Commissioners McManus, Norton, Povolny, Viksnins, Hennes and Field. Those present were Public Works Director John Mazzitello, Assistant to the City Administrator Jake Sedlacek, and Planner Steve Gritman. Minutes were recorded by Rebecca Shaffer.

**Approval of February 24, 2009 Minutes**

**COMMISSIONER MCMANUS MOVED, SECONDED BY COMMISSIONER HENNES, TO APPROVE THE MINUTES OF FEBRUARY 24, 2009 AS PRESENTED.**

**AYES:           7**  
**NAYES:         0**

**Hearings**

**PLANNING CASE #09-06**

**Paul LaManna**

**17 Dorset Road**

**Variance to Side Yard Setback**

Planner Steve Gritman reviewed a map showing the property located at 17 Dorset Road, which is single family home, and zoned R-1. The applicant is requesting approval for a variance to the required side yard setback of 10 feet for the approval of an addition onto the attached garage. The garage would be approximately 7 feet from the side yard property line at its closest point, which is a 3 foot encroachment. Mr. Gritman reviewed two proposals submitted by the applicant. One application shows an addition to the side of the garage, and the other one shows a side and rear addition to the garage, which would add a storage area and a mud room. The applicant would prefer to process the second proposal.

Mr. Gritman explained that the existing garage is 332.39 sq. ft in size with only one garage door that is 15 feet in width. It is located on the north side of the property and is set back from the side property line 14.19 feet.

Mr. Gritman said the applicant has studied three different options. Study #1 proposes a slight addition to the side of the garage that would meet the required side yard setback of 10 feet. This would not require a variance. The applicant finds that this option would only give about 4 feet of extra room, which would not be enough to accommodate two full size vehicles.

Study #2 would give the applicant a 7 foot addition to the side of the garage, and would encroach into the 10 foot side yard setback by about 3 feet. The front of the garage would be the closest point to the north property line because the property line angles away from the building. The setback distance from this point of the building to the property line would increase to 9.24 feet.

Study #3 would give the same results as Study #2 does, but it would include adding onto the rear of the garage, requiring the variance. This proposal would add 7 feet onto the rear of the garage, allowing the applicant to utilize this space for storage and a mud room. The rear addition would be in line with the side addition, but because of the angle of the property line, the rear would be further from the property line than would the side addition be, encroaching into the 10 foot side yard setback only slightly.

The applicant feels there is a hardship because they own two full size vehicles and cannot presently park both vehicles into the existing garage. Proposals #2 and #3 would adequately accommodate those vehicles. Staff feels the applicant has

researched other options and found there are no reasonable alternatives, therefore finding a hardship on this property. Staff recommends approval of this variance application to the required side yard setback of 10 feet for the construction of a side and rear addition to the attached garage (Study #3).

Commissioner Viksnins asked if this would say that a homeowner having two cars and not having adequate garage parking would always constitute a hardship. Mr. Grittmann agreed that this would be true as a two car garage would be considered reasonable use of the property as the code requires a minimum of two car garages.

Commissioner Povolny asked how far the house next door is to the lot line. Mr. Grittmann said it would appear that the neighbor's home is the same distance to the lot line as is the applicant's home. The garage is about 14 feet from the property line.

Commissioner McManus asked if the neighbors are ok with this. Mr. Grittmann said the applicant has retained signatures from neighbors in support of this project.

Commissioner Field noted there are utility easements, and asked what the consequence is should the city need to access those easements. Mr. Grittmann said the applicant would be subject to any encroachment into the easements to allow for this access. Mr. Grittmann said he is not sure there are any easements on these older plats. Public Works Director John Mazzitello said the easements that the city typically has platted between these property parcels is ten feet (five feet on each side of the property line).

Mr. Paul LaManna, 17 Dorset Road, was available to answer questions.

Commissioner Hennes asked the applicant how long he has been a resident of the property and asked for verification that he can only fit one vehicle in the present garage. Mr. LaManna said about seven years. Mr. LaManna added that he currently owns a full size truck and a full size Ford Crown Victoria.

Commissioner Viksnins asked how old the home is. Mr. LaManna said the home was built in 1951. Commissioner Viksnins asked if the garage is considered two car. Mr. LaManna said when he purchased the home, he was told that it was a two car garage as two small cars can fit in there with out any additional storage space whatsoever. Commissioner Viksnins asked what kind of garages the neighbors have. Mr. LaManna said one of the neighbor's garage has two nine foot doors and the other neighbor has one 16 foot door. Mr. LaManna reviewed the area map indicating the neighbors' names and addresses, and explained which ones gave their signatures. Commissioner Viksnins asked about the neighbor directly to the north. Mr. LaManna said he did not get direct approval from them yet, but had verbal approval, and provided Mr. Burbach's phone number.

Commissioner Povolny said it is his preference that cars are stored indoors and not sitting in driveways. Mr. LaManna's architect, Mike Medina, explained how a portion of the garage would be taken off and how the garage would be expanded. Some of the footings will be taken out and have some new ones put in, and the floor will be added to.

Commissioner McManus talked about the elevation changes and asked if there will be any concerns about runoff. Mr. Medina said there should be no concerns about runoff into the neighbor's yards.

Chair Lally therefore opened the public hearing. Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

**COMMISSIONER FIELD MOVED, SECONDED BY COMMISSIONER NORTON, TO CLOSE THE PUBLIC HEARING.**

**AYES                7**  
**NAYES             0**

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER HENNES, TO RECOMMEND APPROVAL VARIANCE AS PRESENTED BASED ON THE FINDINGS OF FACT AS PUT FORTH ON PAGE FOUR OF THE STAFF REPORT.**

Further Discussion

Commissioner Field said he has a concern that there is only a phone number for the neighbor most affected by this work and would like to have city staff contact them when they return from their vacation to confirm their consent before any recommendation for approval goes to City Council. Mr. Sedlacek said that is not what staff typically does and is concerned that this may make precedence in the future. Mr. Sedlacek said it is not often that the signature sheet is completed and the City more often relies on the public hearing. Commissioner Hennes said this individual could present their case at the City Council meeting if they feel necessary.

Chair Lally said it would be a courtesy for the applicant to contact this neighbor as soon as possible about this.

**AYES**            **7**  
**NAYES**           **0**

**PLANNING CASE #09-07**

**Lisa Silverberg**  
**1830 Faro Lane**  
**Lot Line Adjustment**

Planner Steve Grittman reviewed a map showing the locations of 1830 Faro Lane and 1831 Summit Lane. Lisa Silverberg, residing at 1830 Faro Lane is seeking approval for a lot line adjustment located between her property and the neighboring property located at 1831 Summit Lane, currently owned by Dick Dvorak. These properties are back to back and share a rear property line.

Currently, a fence crosses this rear property line and the application is to adjust the lot line so that it is on the exact location of the current fence line. Both of these properties are zoned R-1, One Family Residential, and guided as low density residential in the Comprehensive Plan.

The property owners have come to an agreement to perform a lot line adjustment on their shared property line. As part of that agreement, a new privacy fence is planned to be constructed on the adjusted lot line. The City's Subdivision Ordinance permits the subdivision of lots in the City, provided that the resulting lots are compliant with all aspects of the respective zoning district. The proposed lot line is very minimal according to the site plan. The current lot line deviates from the current fence line only on the southern half of the line; at its farthest point, the lot line is approximately 3 feet from the fence line. The lot line currently follows the fence line along the north half of the rear lot line, then begins to diverge from the fence line as it moves south, angling towards the west slightly, and with approximately 8 feet of the rear lot line left, the line angles east. The lot line is proposed to be moved to be located on the current fence line.

Staff recommends approval of the requested lot line adjustment, subject to conditions, as the proposed lot line adjustment will improve the current lot line situation, and the adjustment is consistent with the zoning ordinance and comprehensive plan.

Chair Lally said there has been some indication that the application is not complete. Mr. Sedlacek confirmed that that application is now complete.

Commissioner Povolny asked if both parties are in agreement with this. Mr. Grittman said they have agreed through a mediation process.

Commissioner Povolny asked about the bending of the property line. Mr. Grittman confirmed that the property line does bend a little and is why the fencing is not properly lined up.

Mr. Grey Staples, 1830 Fargo Lane, spoke on behalf of his wife and confirmed that he and his wife are in agreement with the Dvoraks on this lot line adjustment.

Chair Lally asked for a construction date. Mr. Grittman said construction completion is scheduled for May 15<sup>th</sup>.

Commissioner Hennes asked how this was discovered. Mr. Staples said they discovered this while they were planning on replacing the fence with a new chain link fence and some hedging was removed from the middle of the yard.

Commissioner Viksnins said there is a mediation report along with the commissioners' packet and asked if there were any disputes between the parties, and if so, what was the nature of the dispute. Mr. Staples said it had to do with where the property line was located and confirmed that both parties are now in total agreement with each other.

Chair Lally opened the public hearing.

Mr. Dick Dvorak, 1831 Summit Lane, said the lots were really screwed up back when they were platted. Mr. Dvorak talked about how there were problems when the residents were first beginning to put up their fences as they were not being placed along the correct property lines. Since then, some of the residents worked with the city to clear up where those property lines should be located, having professional surveys done on three lots. Mr. Dvorak explained that there was an agreement between the neighbors that when this hedging died, the fencing in that area would be moved to where it is supposed to be. Mr. Dvorak explained how the Silverberg and Staples did not know about the inaccuracies of the property lines when they moved in, and argued with Mr. Dvorak that his fence was on their property, not knowing the history of all of this. Mr. Dvorak said he spent many dollars in surveys and legal fees to correct this, and then decided to work through mediation to work this out with the Silverberg and Staples, agreeing to just give them that land, agreeing on a \$500 settlement. Mr. Dvorak said this way, when either he or the Silverberg and Staples go to sell, everything will be corrected.

Seeing no one coming forward wishing to speak, Chair Lally asked for a motion to close the public hearing.

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER HENNES, TO CLOSE THE PUBLIC HEARING.**

**AYES**            **7**  
**NAYES**          **0**

**COMMISSIONER MCMANUS MOVED, SECONDED BY COMMISSIONER HENNES, TO APPROVE THE APPLICATION FOR A LOT LINE ADJUSTMENT WITH THE CONDITIONS OUTLINED IN THE PLANNERS REPORT.**

**AYES**            **7**  
**NAYES**          **0**

**Verbal Review**

Mr. Sedlacek gave the following verbal review:

PLANNING CASE #09-01            Lincoln Danforth, Yardscapes, Inc.            Wetlands Permit

- Approved by the City Council as recommended by the Planning Commission

PLANNING CASE #09-04            Boyd Knudsen, Knudsen Carpentry            Variance to the Front Yard Setback

- Approved by the City Council as recommended by the Planning Commission

PLANNING CASE #09-05            Eric Bergum, Krech Exteriors            Variance / Critical Area Permit

- Approved by the City Council as recommended by the Planning Commission

Other updates:

- Mr. Sedlacek said the 2009 land use plan workshop schedule has been sent to the Planning Commission and said the Planning Commissioners are welcome to attend the workshops once per year and expenses will be paid by the city. If travel is necessary, door to door expenses are paid, but lodging is not.
- Mr. Sedlacek said Mr. Grittman has been reviewing the city's Chapter 12 code ordinance and receiving much feedback. Should the commissioners have any additional feedback, make sure to get an email to Mr. Sedlacek as soon as possible to get those comments in. Commissioner McManus asked if the Planning Commission can get some idea of where the issues are. Mr. Grittman said it would be fine to just address those individual concerns of the commissioners as there are numerous areas of the ordinance that have been red flagged. Mr. Sedlacek said one of the areas of concern is the processes that staff goes through in the notification guidelines.

- Mr. Sedlacek gave a brief update on the Mendota Plaza project, having some minor fine tuning on the development agreement.

Commissioner Field said he noted that the home on Wentworth and Dodd has been demolished. Mr. Mazzitello gave an update on the actions leading to this project.

**COMMISSIONER NORTON MOVED, SECONDED BY COMMISSIONER HENNES, TO ADJOURN THE MEETING AT 7:40 PM**

Respectfully submitted,

Rebecca Shaffer, Recording Secretary