

1
2 CITY OF ST. ANTHONY
3 PLANNING COMMISSION MEETING

4 OCTOBER 19, 2021
5 7:00 p.m.
6

7 **CALL TO ORDER.**

8
9 Acting Chair Socha called the meeting to order at 7:00 p.m.
10

11 **PLEDGE OF ALLEGIANCE.**

12
13 Acting Chair Socha invited the Commission and the audience to join her in the Pledge of Allegiance.
14

15 **ROLL CALL.**

16
17 Commissioners Present: Acting Chair Socha, Commissioners Kuykendall, Rude, Hendrickson,
18 and Morita.

19
20 Absent: Chair Westrick and Commissioner Erickson.
21

22 Also Present: City Planner Stephen Grittman and Assistant to the City Manager
23 Nicole Miller.
24

25 **I. APPROVAL OF THE OCTOBER 19, 2021, PLANNING COMMISSION MEETING**
26 **AGENDA.**

27
28 Motion by Commissioner Rude, seconded by Commissioner Hendrickson, to approve the
29 October 19, 2021, Planning Commission agenda.
30

31 **Motion carried 5-0.**
32

33 **II. APPROVAL OF THE AUGUST 17, 2021, REGULAR PLANNING COMMISSION**
34 **MEETING MINUTES.**

35
36 Motion by Commissioner Rude, seconded by Commissioner Morita, to approve the August
37 17, 2021, Regular Planning Commission Meeting Minutes.
38

39 **Motion carried 4-0-1 (Socha abstained).**
40

41 **III. PUBLIC HEARING.**

42
43 **A. 3501 Maplewood Dr. Variance – Fence Height Located in the Front Yard**
44 **Setback.**

45
46 Acting Chair Socha opened the public hearing at 7:08 p.m.
47

48 Mr. Grittman reviewed the applicant proposes to construct a fence to enclose a proposed
49 swimming pool on the west side of their property. Fences are allowed to be up to 6 feet in
50

1 height in side and rear yards (behind the front building setback line), and 4 feet in front yards.
2 The applicant is proposing to extend the fence toward the Maplewood Drive property line,
3 into the setback area that requires a height of no more than 4 feet, but build it at the 6-foot
4 height. That encroachment of a 6-foot-high fence requires approval of a variance.

5
6 Since the original application, the applicant has further refined the request, limited the
7 proposed fence encroachment, and added new materials that clarify the proposal for the
8 variance. In the initial review, the proposed encroachment would have been to within a few
9 feet of the front property line. That has now changed, with a proposed encroachment of
10 approximately 8 feet into the required setback.

11
12 Mr. Grittmann reviewed the variance criteria. The packet provided to the Commission included
13 a number of photographs submitted by the applicant.

14
15 In reviewing the proposed improvements against the ordinance requirements for lot
16 development, and the considerations for variance, staff has changed its original
17 recommendations to approval of the fence height encroachment as newly proposed.

18
19 Staff has reviewed for height, use, other setbacks and impervious surface on the lot, given the
20 new pool, pool deck, and existing rear yard shed. The applicant has reduced the size of the
21 proposed pool, and will be removing the existing shed to meet the impervious surface
22 standards of the code.

23
24 Staff recommends approval of the requested (and amended) front yard fence height
25 encroachment variance at 3501 Maplewood Drive based on the following findings:

- 26
27 A. The applicant is able to construct a swimming pool, pool deck, and privacy fencing within
28 the proposed 8-foot setback encroachment.
29 B. A pool of the size, along with any associated construction such as a pool deck, that would
30 encroach into the front yard will require additional verification of compliance with the
31 terms of the City's impervious surface maximum for residential lots of this size.
32 C. The applicant can show unique conditions on the property that interfere with putting the
33 property to a reasonable residential use, with reasonable use being defined in this case as
34 the significant encroachments towards Maplewood Drive that exist on most of the
35 surrounding properties to the east and west.
36 D. Circumstances that would lead to variance approval are the result of the actions of prior
37 owners, and those owners in the neighborhood, and not the actions of the applicant.

38
39 Mr. Grittmann offered 3 alternative actions to the Planning Commission.

40
41 Commissioner Morita asked about the requirement for having a pool being a 6-foot fence and
42 Mr. Grittmann stated it is. The applicant's intent is to surround the pool with a 6-foot fence.
43 The encroachment variance is what is being considered.

44
45 Commissioner Rude asked how far east-west the encroachment would run and Mr. Grittmann
46 stated it is on the west side of the house. The variance is only on the west side of the property.
47

1 Commissioner Rude asked about the two houses to the east with the pools and whether
2 variances were granted. Mr. Grittmann stated that was before his time and he does not know.

3
4 The applicant, Mr. Anthony Farah, distributed additional pictures to the Commission. He has
5 lived in St. Anthony his entire life. He is trying to give his kids what he didn't have as a child.
6 He knows what is involved with having a swimming pool. The house is located at an odd
7 angle and the side yard is actually their backyard. They really don't have a backyard. He has
8 done his best to do this the right way. With an 800-sf pool including 4 feet of concrete around
9 it. They are way below the impervious allotment. The shed will be removed. With an 8-foot
10 variance there would still be 37 feet to the street.

11
12 Commissioner Morita noted the fence would line up with the front porch. Mr. Farah stated he
13 does not want to encroach his neighbor's property.

14
15 Acting Chair Socha stated she reviewed the code showing 6-foot-high fence surrounding a
16 pool for safety reasons. This is not really a height variance; it is for the distance variance. She
17 feels the request is reasonable.

18
19 Commissioner Rude asked if notice was given to the surrounding residents and Mr. Grittmann
20 stated notice was given with no response.

21
22 Acting Chair Socha closed the public hearing at 7:35 p.m.

23
24 Motion by Commissioner Rude, seconded by Commissioner Hendrickson, to recommend the
25 City Council approve the request for 3501 Maplewood Dr. Variance – Fence Height Located
26 in the Front Yard Setback.

27
28 **Motion carried 5-0.**

29
30 Mr. Grittmann noted this item will go before the City Council on November 9, 2021 at their
31 Regular Meeting.

32
33 **B. 2912 Crestview Dr. Variance – Encroach into the Required Setbacks for Patio,
34 Driveway, Shed and to Exceed Impervious Surface Maximums.**

35
36 Chair Westrick opened the public hearing at 7:36 p.m.

37
38 City Planner Stephen Grittmann reviewed the applicant has constructed a series of
39 improvements to their property at the above address, including increased driveway width, a
40 rear yard patio, and a rebuilt shed in the rear corner of the property. For the concrete work, the
41 applicable setback for driveways and patios is 5 feet. Both surfaces have been constructed
42 with a 2-foot setback, according to the sketch materials provided by the applicant.

43
44 The shed was constructed in its current location as a replacement for a prior shed that was in
45 poor repair. The original structure was 10 feet by 10 feet, and placed up to the property lines
46 both to the north and west. The applicant's new shed is 10 feet by 20 feet, also placed adjacent

1 to the property line with a zero setback. For such buildings, a setback requirement of 5 feet
2 applies, although an existing non-conforming structure can be replaced in its prior location,
3 provided the non-conformity is not increased.

4
5 Staff's estimates of impervious surface cover – including all paved areas and the areas of the
6 shed and home, totals approximately 42.5%. For single family parcels less than 9,000 square
7 feet, an impervious surface maximum of 40% is required. As such, on this lot of 8,732 square
8 feet, the allowable impervious area is exceeded by approximately 220 square feet.

9
10 Staff has reviewed for use, setbacks and impervious surface, among other standards. Based on
11 the material presented by the applicant, and the requirements for variance consideration in the
12 City's zoning ordinance, Staff recommends approval of a portion of the driveway setback
13 encroachment, denial of the patio setback encroachment, denial of the shed setback
14 encroachment, and denial of the impervious surface variance. Because these improvements
15 were completed prior to permitting or zoning approval, denial of the variances noted would
16 require removal of some of the improvements made to the property.

17
18 Four separate variances are necessary to accommodate the improvements that the applicant
19 has made to the property as follows:

- 20
- 21 1. Side Yard Setback Variance for Driveway, reducing the required 5-foot setback to 2 feet.
22 Staff recommends **approval**, based on a finding that the current garage and driveway are
23 inadequate to provide reasonable access and parking area on the property, and that further
24 expansion to the interior of the lot would create other zoning issues.
 - 25 2. Side Yard Setback Variance for Patio, reducing the required 5-foot setback to 2 feet. Staff
26 recommends **denial**, based on a finding that the threshold requirements for unique
27 conditions and definition of reasonable use are not met according to the requirements of
28 the zoning ordinance for variance consideration. A portion of the patio should be removed
29 to meet the 5-foot setback.
 - 30 3. Side and Rear Yard Setback Variance for Shed Expansion from 5 feet to 0 feet. Staff
31 recommends **denial**, based on a finding that the threshold requirements for unique
32 conditions and definition of reasonable use are not met according to the requirements of
33 the zoning ordinance for variance consideration. The applicant may choose to remove a
34 portion of the shed to retain the prior non-conformity setbacks for a 10' by 10' shed or
35 relocate the expanded shed to meet the 5-foot setback.
 - 36 4. Impervious Surface Variance from 40% maximum coverage to 43% coverage. Staff
37 recommends **denial**, based on a finding that the threshold requirements for unique
38 conditions and definition of reasonable use are not met according to the requirements of
39 the zoning ordinance for variance consideration. The applicant should work with Code
40 Enforcement to remove at least 220 square feet of impervious area (this amount based on
41 staff estimates) or provide a survey that demonstrates a different amount of removal to
42 meet the maximum allowable coverage of 40% (3,715 square feet).

43
44 Mr. Gritman offered 3 alternatives for each of the 4 decisions.
45

1 Commissioner Kuykendall asked if the patio was a deck would the setback requirements be
2 the same and Mr. Grittman stated the requirements are the same.

3
4 Commissioner Hendrickson asked if someone with a mobility device could manage on a
5 smaller patio without issue and Mr. Grittman stated normally the width for accessibility is 3
6 feet and the patio is larger.

7
8 Commissioner Morita asked the purpose of a 5-foot setback for a shed. Mr. Grittman stated
9 the purpose is to allow for the homeowner to get around the shed for maintenance as well as
10 an erosion issue.

11
12 Acting Chair Socha stated could the shed be made smaller, the same as the previous shed. Mr.
13 Grittman stated that would be approved.

14
15 Commissioner Rude stated the homeowner could put a 6- foot fence. There is a very tall
16 garage next door. The biggest problem he has is with the driveway.

17
18 Commissioner Morita stated with winter restrictions and no on-street parking sometimes
19 parking in a driveway that is not wide enough is an issue. He believes there is a practical need
20 for a wider driveway given the accessibility concerns.

21
22 Commissioner Rude stated he does not think the driveway needed to go as wide as it is.

23
24 Acting Chair Socha asked Commissioner Rude if he was considering an alternative to reduce
25 the width of the driveway. Twenty feet would be needed for the accessibility van.

26
27 Commissioner Hendrickson stated she would prefer the applicants decide where they will cut
28 impervious rather than the Commission telling them what they needed to do.

29
30 Acting Chair Socha stated she agrees with Commissioner Rude that the driveway is not
31 aesthetically pleasing. Mr. Grittman stated there are a couple of feet between the driveways.

32
33 There was no further public comment.

34
35 Acting Chair Socha closed the public hearing at 8:02 p.m.

36
37 Mr. Grittman stated the portion of the driveway would not help the impervious percentage.

38
39 Commissioner Morita asked what if the property owner does nothing to resolve. Mr. Grittman
40 stated code enforcement would work with the owner with possible legal actions.

41
42 Motion by Commissioner Kuykendall, seconded by Commissioner Hendrickson, to
43 recommend the City Council approve 2912 Crestview Dr. Variance – Encroach into the
44 Required Setbacks for driveway variance requests.

45
46 **Motion carried 3-2 (Socha and Rude against).**

1 Motion by Commissioner Kuykendall, seconded by Commissioner Rude, to recommend the
2 City Council deny 2912 Crestview Dr. Variance – Encroach into the Required Setbacks for
3 the Patio variance requests.

4
5 **Motion carried 5-0.**

6
7 Motion by Commissioner Kuykendall, seconded by Commissioner Morita, to recommend the
8 City Council deny 2912 Crestview Dr. Variance – Encroach into the Required Setbacks for
9 variance requests.

10
11 **Motion carried 5-0.**

12
13 Motion by Commissioner Rude, seconded by Commissioner Kuykendall, to recommend the
14 City Council deny 2912 Crestview Dr. Variance – variance request for Exceed Impervious
15 Surface Maximums.

16
17 **Motion carried 5-0.**

18
19 **IV. STAFF REPORTS.**

20
21 Mr. Grittmann stated there was not a work session this evening but there will be one for the
22 November 16 meeting at 5:30 p.m. to consider a developer’s proposal for the gas station site.

23
24 **V. OTHER BUSINESS.**

25
26 Alayna Peterson is the student liaison to the Commission and is online via zoom this evening.

27
28 **VI. COMMUNITY FORUM – NONE.**

29
30 **VII. INFORMATION AND ANNOUNCEMENTS – NONE.**

31
32 **VIII. ADJOURNMENT.**

33
34 Motion by Commissioner Morita, seconded by Commissioner Rude, to adjourn the meeting at
35 8:15 p.m.

36
37 **Motion carried 5-0.**

38
39 Respectfully submitted,
40 Debbie Wolfe
41 *TimeSaver Off Site Secretarial, Inc.*
42