

CITY OF FALCON HEIGHTS

Planning Commission
City Hall
2077 West Larpentour Avenue

MINUTES

January 28, 2025 at 7:00 P.M.

A. CALL TO ORDER: 7:00 P.M.

B. ROLL CALL:

Scott Wilson <u>X</u>	Laura Paynter <u>X</u>
Jacob Brooks <u>X</u>	Mike Tracy <u>X</u>
Jim Mogen <u>A</u>	Rick Seifert <u>X</u>
Jake Anderson <u>X</u>	

Staff Liaison Lynch X
Council Liaison Meyer X

C. APPROVAL OF AGENDA

Commissioner Anderson made a motion to approve the agenda. All were in favor. Agenda was approved by consent.

D. APPROVAL OF MINUTES

1. November 26, 2024
Vice-Chair Paynter made a motion to approve the minutes from November 26, 2024. All were in favor. Minutes were approved by consent.

E. PUBLIC HEARING – None.

F. NEW BUSINESS

1. 2025 Officer Nominations
Chair Wilson asked for nominations for 2025 officers. He explained he has now termed out from his commissioner position and will not be on the commission anymore. Commissioner Tracy volunteered for the Chair position and Chair Wilson officially nominated him. Commissioner Tracy nominated Commissioner Brooks for Vice-Chair. Chair Wilson nominated Commissioner Anderson for Secretary. All were in favor. Officers were approved by consent.
2. Adoption of Standing Rules
Vice-Chair Paynter made a motion to approve the standing rules. All were in favor. Standing rules were approved by consent.
3. 2025 Schedule

Staff Liaison Lynch presented the 2025 schedule and explained no action is needed. She asked commissioners to review it and advise her if there are any errors or issues.

4. Variance Request – 1375 Larpenteur Ave W.

Staff Liaison Lynch explained there is a variance request for review for an adjustment to the impervious surface requirement at 1375 Larpenteur Ave W. She began by going through a training on variances and explained variances are typically dimensional and use variances are not permitted. They may be granted if enforcement of the zoning ordinance causes the landowner “practical difficulties.” Practical difficulties can be established by going through a three-factor test. Variance requests must also be in harmony with the general purposes and intent of the zoning ordinance and must be consistent with the comprehensive plan.

Staff Liaison Lynch introduced the request. The applicant, John Radimecky, is the property owner of 1375 Larpenteur Ave W. It is a 10,846.44 square foot property located in R-1 zoning. The applicant would like to construct a new 3-stall garage to replace the existing, failing 3-stall garage at the rear of his property. The new construction will be located attached and behind the existing home on the property. Properties in R-1 with 10,846.44 square feet are permitted 3,320 square feet of impervious surface. Currently the property has 4,200 square feet of impervious surface. Because of the orientation of the new garage, the existing driveway will need to be removed, and a new driveway installed. Once the old driveway is converted to sod, the new impervious surface amount will be 4,080 square feet which is 760 square feet over the permitted amount.

The plans for the new garage decrease the amount of impervious surface on the property by 120 square feet, fix the setback of the garage, which is currently nonconforming, and fix the setback of the driveway, which is also currently nonconforming. A variance is needed for the impervious surface amount, however.

Before discussion began, Staff Liaison Lynch explained with a non-conforming structure, if it's being built back in the exact same place, it can be done. However, with this property, that would be putting the garage back on the property line, which is not meeting setbacks, and the issue with impervious surface would still exist. While this is permitted, the new plan does bring it more into compliance.

Chair Wilson asked Mr. Radimecky how he leaves his home; if he turns around or backs out onto Larpenteur. Mr. Radimecky confirmed he waits until traffic is less busy and backs out onto Larpenteur.

Commissioner Anderson stated he is a direct adjacent neighbor of the applicant and will be recusing himself from the discussion and voting.

Vice-Chair Paynter asked if neighbors were notified. Staff Liaison Lynch stated it is not a requirement of City Code to notify about variances, so they were not, but this is something she feels would be prudent to update to City Code.

The commissioners went through each requirement one by one to discuss the variance.

1. Reasonableness – This means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance.

- Commissioner Brooks – Stated he does believe the project is reasonable, but the other part of the question is about if it is not allowed under the rules of the ordinance. He stated according to the rules of the ordinance, he can build the garage right back where it is or designs can be tweaked to meet the impervious surface requirements. Staff Liaison Lynch explained the nonconforming part of City Code is more of a clarification rather than a rule, since nonconforming is in opposition to the actual rules.

Commissioner Brooks asked about Section 113-240(c)(2) which does make it a rule that a garage in a residential district must be set back at least 5' from an interior or rear lot line unless the garage is detached from the principal structure, is accessed from a driveway off a public street, is replacing an existing garage that is located less than five' from the side lot line, and is located a minimum of 5' to the rear of the principal structure on the nearest adjoining property that is closed to the garage, or is located at least 10' from any portion of the principal structure on the nearest adjoining property line. Staff Liaison Lynch apologized and stated yes, this is part of City Code. Commissioner Brooks stated then yes, he can replace it where it stands. Staff Liaison Lynch then clarified that the variance request itself has to do with the impervious surface and not specifically about the garage. While the garage is related, the question is not about replacing the garage and where it will go, but rather about whether to allow more impervious surface than is currently allowed by City Code. Commissioner Brooks stated his answer is still no regarding this requirement. He stated the plan could still be tweaked and fall within the impervious surface requirements.

Chair Wilson asked if the only way to meet that requirement would be to not build a garage. He asked about the size of the garage. Mr. Radimecky stated it's a three-car garage; he can't remember the depth and doesn't have square footage, but it may be on the drawing. Chair Wilson looked through the drawings and stated if he is 760 square feet over, he would likely have to take out the entire garage and possibly the driveway. He said that in itself makes the property unique, that the only way to meet Code is to basically take out the driveway and garage. Staff Liaison Lynch confirmed you must have both a driveway and a garage.

- Commissioner Tracy – Stated there are two solutions. There are driveway treatments that allow rainwater to go through. Staff Liaison Lynch stated that is not allowed by City Code. Commissioner Tracy then stated the second option is he could do two lanes in the driveway with grass in the middle and on either side. Chair Wilson stated it still wouldn't get under the impervious surface permitted. Commissioner Tracy stated he does believe the request is reasonable even though it does break one of the rules, as Commissioner Brooks stated. He said if you look at the project, based on the property itself and the improvement of the property, then anytime a homeowner wants to improve a property in Falcon Heights, it is not the Commission's job to stop that. It will increase taxes, and we don't want to be considered a city that is against allowing homeowners to do things to their own property that will increase their value without harming their neighbors.

- Vice-Chair Paynter – Yes, she believes the variance request is reasonable.
 - Chair Wilson – Yes, he believes the variance request is reasonable.
 - Commissioner Seifert – Yes, he believes the variance request is reasonable.
2. Uniqueness – This means that the landowner's problem is due to circumstances unique to the property and not caused by the landowner.
- Commissioner Brooks – It is a unique set of circumstances, but not the only property that way.
 - Commissioner Tracy – Yes, it is on Larpeur and there is no alley behind it that would allow another access to the garage. Northome is full of properties that are probably at 80% impervious surface, so this is unique from that. It also has a unique shape and is not a typical Falcon Heights lot.
 - Vice-Chair Paynter – Yes, the property is unique.
 - Chair Wilson – Yes, the property is unique. He also lives on a long narrow lot, but it is larger. There is no way for this property to have a garage and driveway without having a variance, which makes it unique.
 - Commissioner Seifert – Yes, the property is unique.
3. Essential character – This means that, if granted, the issuance of the variance will not alter the essential character of the locality.
- Commissioner Brooks – Yes, it will maintain the essential character of the locality.
 - Commissioner Tracy – Yes, it will maintain the essential character of the locality.
 - Vice-Chair Paynter – Yes, it will maintain the essential character of the locality.
 - Chair Wilson – Yes, it will maintain the essential character of the locality.
 - Commissioner Seifert – Yes, it will maintain the essential character of the locality.
4. Is the variance in harmony with the general purposes and intent of the ordinance?
- Commissioner Seifert – Yes, it is in harmony with the general purposes and intent of the ordinance.
 - Chair Wilson – Yes, it is in harmony. The variance helps with pollution with stormwater runoff.
 - Vice-Chair Paynter – Yes, one intent of the ordinance is to provide for the gradual elimination of the uses that do not conform to the standards for the areas in which they are located. Thinking about the old garage and driveway that do not meet code, this allows that.
 - Commissioner Tracy – Yes, it is in harmony with the general purposes and intent of the ordinance.
 - Commissioner Brooks – It's a step in the right direction but could go further.
5. Is the variance consistent with the comprehensive plan?
- Staff Liaison Lynch noted that the comprehensive plan has many environmental goals and one of them is to help with stormwater runoff. Reducing impervious surface helps with this.

Commissioner Tracy asked if all the questions being asked would need to be answered affirmatively. Staff Liaison Lynch stated she needs a recommendation

to City Council for approval or denial. To recommend approval, all the requirements must be met. She said she would make sure that comments discussed during the Planning Commission meeting would be shared with City Council.

Mr. Radimecky commented that among his plans, he is looking to add solar to his property and is willing to talk about a rain garden or other mitigating factors. Staff Liaison Lynch let the Planning Commission know that conditions can be added to variances.

- Commissioner Seifert – Yes, it is consistent with the comprehensive plan.
- Chair Wilson – Yes, it is consistent with the comprehensive plan.
- Vice-Chair Paynter – Yes, it is consistent with the comprehensive plan.
- Commissioner Tracy – Yes, it is consistent with the comprehensive plan.
- Commissioner Brooks – It's a step in the right direction but could go further.

6. The granting of the variance does not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety.

- Commissioner Seifert – Yes, it does not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety.
- Chair Wilson – I agree.
- Vice-Chair Paynter – I agree.
- Commissioner Tracy – I agree.
- Commissioner Brooks – I agree.

7. Is the requested variance the minimum action required to eliminate the practical difficulties?

- Vice-Chair Paynter stated she believes the depth of the lot would make it very difficult to not have a very long driveway, so without eliminating a garage or making it very small, she does not see how it could meet the code.

Commissioners discussed how code could be met. Chair Wilson stated you would have to remove 760 square feet of impervious surface, and Commissioner Brooks stated that would be a 2-car garage with a 10' wide driveway. He stated the standard driveway width is between 9' and 12' and reducing the garage size would get the applicant within 50 square feet. Chair Wilson asked Mr. Radimecky if he uses all the space in his garage to which he responded yes, he does. Chair Wilson stated he does not see why they would require someone to shrink the size of their garage when it's currently non-conforming and you're improving the impervious surface on the lot.

- Commissioner Seifert – Agrees with Chair Wilson's comment that this is the minimum action required to eliminate the practical difficulties.
- Chair Wilson – Agrees this is the minimum action required to eliminate the practical difficulties.
- Vice-Chair Paynter – Stated she was trying to figure out how much the driveway could be reduced. Commissioner Brooks stated 150 square feet. Vice-Chair Paynter stated she wasn't sure if that could be a condition put on the variance to

reduce the impervious surface even more, or if that would create different difficulties. Mr. Radimecky stated he was hoping to make it easier when service trucks come in because they can barely navigate the 9' wide driveway that is existing. He said he could potentially get by the 10' wide driveway, but he would not want to give up the three-stall garage because that is what is currently existing and is what drew him to the property. Chair Wilson asked him if he could confirm that there is no on-street parking on Larpenteur. Mr. Radimecky confirmed there is no on-street parking on Larpenteur at his property. Chair Wilson stated he also lives on a street with no on-street parking, and he does have to utilize his driveway for visitors. He stated in winter it is not easy for someone to walk around their vehicle with a 9'-10' driveway to get to the house. He said the width of the driveway makes a big difference when there is no on-street parking. Chair Wilson stated this is the main reason he is voting yes on this because he is aware of how difficult it can be when there is a narrow driveway, especially when backing into a very busy street.

Staff Liaison Lynch asked Mr. Radimecky if Ramsey County has provided any information on the requirement for the width of the curb cut. Mr. Radimecky stated no, they have not, as they are waiting for the variance decision. He said they seem very flexible, but he has not gotten very far into that process. Commissioner Seifert stated they would have a minimum width.

Vice-Chair Paynter stated after the discussion, she agrees that yes, the variance is the minimum action required to eliminate the practical difficulties.

- *Commissioner Tracy – Agrees this is the minimum action required to eliminate the practical difficulties.*
- *Commissioner Brooks – Stated no, this is not the minimum action required to eliminate the practical difficulties.*

Vice-Chair made a motion to recommend approval of the requested variance to City Council, seconded by Commissioner Seifert. A vote was taken with a result of 4 yes, 1 no (Commissioner Brooks), with 1 commissioner abstaining (Commissioner Anderson).

The variance request will be heard for final approval or denial at the February 12, 2025 City Council meeting.

8. INFORMATION AND ANNOUNCEMENTS

1. *Staff Liaison Report – None.*
2. *Council Liaison Report – Council Liaison Meyer stated the City will be getting a pretty good deal on the park shelter. He stated he believes demolition and possibly construction would begin in 2025, and the parking lot will be the last to be redone. Additionally in March, the City will be starting with the St. Anthony police contract and there will be multiple “Coffee with the Cop” events to get to meet the officers.*

9. ADJOURN

A motion was made by Commissioner Tracy to adjourn the meeting. All were in favor. Meeting was adjourned at 7:54 PM.