

**City of Falcon Heights  
City Hall  
2077 Larpenteur Avenue West**

**Minutes  
Planning Commission Meeting  
Tuesday, July 23, 2019  
7:00 PM**

A. CALL TO ORDER: The meeting was called to order by Vice Chair Colin Stemper at 7:00 PM.

B. ROLL CALL:

Present: Stemper, Williams, Gerich, Wilson

Absent: Larkin, Kotelnicki, Samatar, Council Harris

Present Staff Liaison: Markon

C. APPROVAL OF MINUTES: May 28, 2019

**The minutes were approved as presented by unanimous consent.**

D. AGENDA

1. Hold a Public Hearing to consider variance request for property at 1800 Albert Street

Mr. Todd Thun and Ms. Marsha Keppel have completed an application for a variance request at their property, located at 1800 Albert Street. They are planning to tear down and rebuild the existing detached garage. They are requesting a variance from the required corner side yard setback. The property is located at the corner of Albert Street and Garden Avenue, and the garage faces and is accessed off Garden Avenue, the corner side yard. The lot is approximately 69' by 296'.

Vice Chair Stemper invited Staff Markon to introduce the planned project. Markon stated that in the opinion of the Staff, a sidewalk may need to be added in the future. To add a new garage to the present location, or to build it in the Owner's proposed location, would certainly block the sidewalk if a vehicle were parked outside of the garage. This could be avoided using the current setback of 15 feet. Also, in the Staff's opinion, there is plenty of room on the site to build the garage in another location, other than the current location on the site, complying with the current code. For these reasons (and others), the Owners' plans do not meet with Staff's approval and should be denied by the Commission. (see Request For Planning Commission Action, Sec. 113.62 – Variances document, and Land Use Variances document for details).

Vice Chair Stemper opened the public meeting, and invited the home owner, Todd Thun, to the podium to describe the project. Todd Thun described the project and the reasons for the variance request. Todd Thunn said that in his option there do exist "practical difficulties" in complying with the current code, and that all criteria (in particular Reasonable Use and Unique Circumstance) for Land

Use Variances had been met by their written Thun / Keppel Variance Request document. (see Owners' letter and Attachments).

Vice Chair Stemper invited others in attendance for questions and/or comments. Vice Chair Stemper asked if there were any questions. Gerich, Wilson, Stemper and Staff Markon discussed various options and asked questions of the home owner Todd Thunn, about how to avoid the variance. These topics included:

- Rebuilding the garage as is (as a 2 car garage) on the current footprint location
- Building a 3 car garage on a different location on the site, in some cases requiring the removal of trees and the addition of sidewalks
- A neighbor that rebuilt a garage (5 cars) and complied with the current 15 foot setback, and others that have garages that still retain the 5 foot setback
- The possibility of putting in a sidewalk one day on the school side of the street if a variance were granted, to avoid blocking the sidewalk
- All agree that the whole concern is about the location of the garage (15 setback) not the size of the garage
- Cutting down mature trees, cost of concrete, removing a power pole and shoveling snow on a large area of concrete to get to the garage, are concerns
- Loss of privacy and views of trees and yards if the garage were moved to the 15 setback
- Keeping cars in the garage to avoid snow plows from having to go around cars parked in the short driveway

Neighbors / public members in attendance were invited for questions and/or comments.

A neighbor / public member to the west spoke. He said Todd Thun described his situation reasonably and in a common sense way. A sidewalk would likely be located on the school side. He has no problem with the variance. It would be the practical thing to do.

An Albert Street neighbor / public member said that Todd Thun did an excellent job explaining his situation and he thinks all the neighbors are in favor of it. Getting the cars off the street would be helpful for parents dropping off their kids at school. He does not think putting a 3-car garage in the middle of the lot is a good idea, especially as the neighborhood ages and a future owner would struggle shoveling a path to the garage or carrying groceries between the garage and house. Todd is dead-on with the right decision, a win-win. He says the Commission should allow the variance

A neighbor / public member said that he strongly supports the request on its merits, but would also add that Todd and Marsha have had a deep commitment to the neighborhood and believe that they have the interest and welfare of the neighborhood and community in mind when requesting this variance.

A neighbor / public member said that he thought Todd gave an excellent presentation and has consideration for the welfare of the community. He has

planned the variance in such a way to allow for future plans and changes. There would be more room on the street and the location of the garage would be viable for the Owner and the City. He said he has no objection what-so-ever for implementing this plan.

Vice Chair Stemper asked neighbors / public members in attendance, for the third time, for further public questions or comments. Hearing none, he closed the public portion of the meeting. Vice Chair Stemper then asked for any further discussion on the proposed zoning from the commission members.

Gerich asked if the role of the Planning Commission (City) is limited to applying the legal standard of practical difficulties to the facts and if the 2011 law is in effect? The answer was yes. In light of that, Gerich said that in his mind it is reasonable that the garage could be placed at another location on the property that would comply with the current zoning.

Vice Chair Stemper asked if approved or denied, does the resolution then move to the City Council? Staff Markon responded that the next step would be for the Planning Commission to vote on a recommendation and send it to the City Council for their review at the August 14<sup>th</sup> meeting. Staff Markon said that whatever the vote by the Planning Commission is, the Findings of Fact and Recommendation document should be changed to reflect the decision of the Commission.

Wilson commented that with the question of reasonableness of moving the garage back three feet and being rebuilt, or staying where it is as a two-car garage, he believes that Todd Thun did a really good job of laying everything out and making it crystal clear. Wilson doesn't think that it is reasonable to say no to having the garage built where it is now, which is closer to where Todd Thun wants it to be, or just moving it back three feet.

Vice Chair Stemper says he is thinking along the same lines as Wilson, because either the garage stays the way it is or marginally improves the situation by moving it. He says he thinks it is still an improvement to move the garage back three feet, even though it does not comply with the current code.

Williams asked if there would be a precedence set by allowing the variance. The answer from Staff Markon was no, each situation or variance request, is handled separately. Wilson says he has the same concern that a precedence would be set with an approval of the variance.

Vice Chair Stemper asked for any other comments by commissioners.

Commissioner Wilson motioned: **To approve the variance request.**

Vice Chair Stemper seconded.

**The motion was approved by a vote of 3 to 1, with Gerich voting no.**

Staff Markon recommended that the Finding of Fact document be changed so that it reflects the change when reviewed by the City Council.

After a short discussion, the Finding of Fact document was changed as follows:

Finding of Fact document, Page 42 of the packet, Point (3) - **The Planning Commission finds that the granting of this variance does meet all three criteria for practical difficulties as described in the Minnesota Statutes.**

Finding of Fact document, Page 42 of the packet, Point (5) - **The Planning Commission finds that the variance does meet the criteria for practical difficulties.**

#### E. INFORMATION AND ANNOUNCEMENTS

1. Discuss cancelling August 27, 2019 meeting.

After a brief discussion, it was decided unanimously to cancel the August 27, 2019 Planning Commission meeting due to the activities of the State Fair.

Staff Markon also stated that Commissioner Samatar has submitted her resignation due to conflicting responsibilities. There will be a vacancy on the Planning Commission as well as the Environment and Parks Commissions. Staff Markon asked that each remaining Commissioner be alert to someone that may be added in her place.

#### F. ADJOURN

Adjourned at 7:55 PM.