

BAYPORT PLANNING COMMISSION

May 21, 2007

6:00 p.m.

**Bayport City Hall – Council Chambers
294 North 3rd Street**

A. CALL TO ORDER

B. SWEARING IN OF NEW MEMBER DAVID LEVY

C. APPROVAL OF MINUTES

- February 20, 2007 regular meeting

D. PUBLIC HEARINGS

- Public hearing to consider a variance to allow construction of a new detached garage nearer to the front property line than the existing house located at 440 Minnesota Street South

E. OLD BUSINESS

- Update and consideration of proposed residential development “Hidden Shores”

F. NEW BUSINESS

G. GENERAL INFORMATION

H. OPEN FORUM

I. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
FEBRUARY 20, 2007
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Chairperson Mabie called the regular Bayport Planning Commission meeting of February 20, 2007, to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Chairperson Tom Mabie, Commissioners Jennifer Schneider, Judith Seeberger, and Ron Wolfe

Commissioners Absent: None

City Staff Present: Administrator Mike McGuire and City Council Liaison Sharon Ridgway

SWEARING IN OF NEW MEMBER RAY VALLEY

Chairperson Mabie announced that Ray Valley tendered a resignation from his Planning Commission appointment due to a conflict with training associated with his new employment with the Stillwater Fire Department. Residents interested in serving on the Planning Commission were encouraged to apply for the open seat.

APPROVAL OF MINUTES

It was moved by Commissioner Schneider and seconded by Commissioner Wolfe to approve the January 16, 2007 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS - None

OLD BUSINESS

Consider Application 2007-01 for a comprehensive plan amendment, rezoning, development stage PUD, and preliminary plat for the residential development "Hidden Shores," contingent upon annexation from Baytown Township (continued from the January meeting): Administrator McGuire stated that the developers, Lynskey and Clark Companies, had requested additional time to explore other plans that would address the Planning Commission's concerns with the project. He recommended continuing the application to the March 19, 2007 Planning Commission meeting.

It was moved by Commissioner Seeberger and seconded by Commissioner Schneider to continue the discussion of a preliminary plat for a residential development known as "Hidden Shores" until the March 19, 2007 Planning Commission meeting. Motion carried.

NEW BUSINESS - None

GENERAL INFORMATION - None

OPEN FORUM - None

ADJOURN

It was moved by Commissioner Wolfe and seconded by Commissioner Seeberger to adjourn the meeting at 6:07 p.m. Motion carried.

MEMORANDUM

DATE: May 14, 2007

TO: Planning Commission (May 21st meeting)
Mike McGuire, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a variance to allow construction of a new detached garage nearer to the front property line than the existing house located at 440 Minnesota Street South

A. BACKGROUND

The property is located at 440 Minnesota Street South and is legally described as the north one-half of Lot 18, except the south 5 feet thereof, Block 93 and Lot 19, Block 93, Bayport, Washington County, Minnesota. Its dimensions are approximately 140' on the north and south lot lines, and 70' along the east and west lot lines, with a total lot area of approximately 9,800 square feet. The subject property is surrounded by residential uses and is zoned R-2 Single-family urban.

The applicant and property owners, Gerald and Victoria Peterson, have submitted an application for a variance to allow construction of a new detached garage nearer to the front property line than the existing house on the property. Currently, the property does not have a garage, and because of the location of the existing house, there is no buildable area to accommodate a garage without locating it nearer to the front property line than the house. Section 703.10 of city code states that a detached garage cannot be located nearer to the front property line than the principal building (house) on the lot. Therefore, a variance is being requested.

Notice of the Planning Commission's public hearing was mailed to all property owners within 350' of the subject property and published in the Stillwater Gazette on May 4, 2007.

The following informational items are attached:

- survey of the property with existing conditions and proposed garage
- narrative by the property owner
- exterior elevation sketches of the proposed garage

B. STAFF COMMENTS

Currently, the property has an existing house on the property which is located in the northwest corner of the lot, approximately 7 feet from the rear property line, and adjacent to an alley right-of-way. The property also has a gravel area that is used to accommodate off-street parking for vehicles, but lacks a garage for indoor storage, parking, and to shelter vehicles from the elements.

To accommodate an indoor parking and storage area, the property owners are requesting a variance to construct a standard 22' x 24' two-car, detached garage, to be located approximately 15 feet southeast of the existing house. The proposed garage and driveway will comply with all setback and height requirements and provide adequate off-street parking for vehicles without encroaching into the public right-of-way. As a result of the proposed garage and driveway, the existing non-conforming gravel parking area and storage shed will be removed, which will improve the appearance of the property.

Like many neighborhoods in Bayport, this lot was designed with an alley system. The intent was to have the house located close to the front lot line, with a detached garage in the rear yard, accessed from the alley. However, this property is unique in that the house is located in the rear of the lot, leaving no room to construct a garage in the rear yard without locating it nearer to the front lot line than the house. For this reason, a variance would be appropriate, in order to permit reasonable use of the property.

PROPOSED GARAGE	REQUIRED	EXISTING	PROPOSED
FRONT YARD SETBACK	20 FT	NA	70 FT
NORTH SIDE YARD SETBACK	5 FT	NA	42 FT
SOUTH SIDE YARD SETBACK	5 FT	NA	6 FT
REAR YARD SETBACK – ALLEY SIDE LOAD / ALLEY FRONT LOAD	7 FT / 20 FT	NA	46 FT

C. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Minn. Stat. 462.357 requires that a variance request must meet all three criteria of an undue hardship for the variance to be granted. The criteria is as follows: (1) the property in question cannot be put to a reasonable use if used as required by this Zoning Code; and (2) the plight of the landowner is due to circumstances unique to the property and not created by the property owner; and (3) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.

Findings of fact to approve the variance: Strict application of the ordinance in this particular case would constitute an undue hardship, because all three of the required criteria are met. Specifically:

- (1) Currently, the existing property does not have a garage to accommodate indoor storage, parking, and to shelter vehicles from the elements. In order to permit reasonable use, the proposed garage is necessary. For this reason, a variance would be appropriate.
- (2) The existing house was constructed prior to the current zoning code, and its location prevents the property owners from constructing a reasonably sized, standard two-car garage on the property without locating it nearer to the front lot line than the house. Prohibiting construction of the proposed garage in this particular case would prevent the addition of necessary, indoor storage, parking area, and shelter for vehicles.
- (3) The property already is unique in that the existing house is located in the rear of the lot, unlike many adjacent properties. However, the proposed garage will also

be located in the rear of the lot, which will be consistent with adjacent properties and the character of the neighborhood.

D. RECOMMENDATION

Staff recommends approval of Application 2007-02 for a variance to allow construction of a new 22' x 24' detached garage nearer to the front property line than the existing house located at 440 Minnesota Street South. Suggested findings of fact are as stated in section "C" of the staff report and are subject to the following conditions of approval:

- Because the proposed garage is not located 15 feet from a structure on the adjacent property to the south, the garage will need to have ½ inch sheet rock installed on the interior south wall or hardy board siding installed on the exterior south wall to ensure adequate fire protection
- Prior to the issuance of a building permit, a complete set of construction plans for the garage shall be submitted by the applicant, in accordance with the approved variance, for review and approval by city staff and the building official.
- The type and color of the exterior siding and shingles for the existing house and proposed garage shall be consistent with one another.
- The style and pitch of the roof for the existing house and the proposed garage shall be consistent with one another.
- The existing non-conforming shed shall be removed to comply with the city code, prior to a certificate of occupancy being issued for the new garage.
- Regardless of whether the new garage is completed by June 1, 2008, the approved new driveway area indicated on the survey must be paved with asphalt or concrete, in order to provide an adequate off-street parking area for the property.
- The portion of the existing gravel parking area that will not be paved with asphalt or concrete when the new driveway is installed must be restored with sod by June 1, 2008.
- The portion of property between the existing house and the alley right-of-way should be restored and maintained with sod and/or plantings. No parking or outdoor storage of motor vehicles, recreational vehicles, or household materials shall be permitted in this location.

The Planning Commission is asked to make a recommendation on the request for City Council consideration. The City Council will consider the request at its meeting on June 4, 2007.

Survey Prepared For:

CERTIFICATE OF SURVEY

Survey Prepared By:

Gerald A. and Victoria A. Peterson
14381 North 10th Street
Stillwater, Minnesota 55082

Stack Land Surveying
9090 No. Fairy Falls Rd.
Stillwater, MN 55082
(651) 439-5630

Overall Parcel Description Supplied:

(copy of Doc. No. 962955, Wash. Co. Records)

The North one-half (N 1/2) of Lot 18 except the South 5 feet thereof, Block Number 93 of Bayport (formerly South Stillwater), as surveyed and platted and now of record in the office of the Register of Deeds of Washington County, Minnesota.
(TORRENS PORTION)

Lot 19, Block Number 93, Bayport (formerly South Stillwater).
(ABSTRACT PORTION)

Notes:

Orientation of this bearing system is an assumed datum.

o Indicates 1/2" I.D. iron pipe set marked with a plastic plug inscribed STACK RLS 13774.

• Indicates monument found in place as noted.

Underground or overhead, public or private utilities, on or adjacent the overall parcel, were not located in conjunction with this survey, unless shown or noted otherwise hereon.

Offsets shown to existing structures are measured to the outside building wall line, unless shown or noted otherwise. Any projections from said wall line, such as eaves, sills, steps, decks, etc., will impact indicated offsets accordingly.

Existing described overall parcel contains 9814 square feet, more or less.

"M." Indicates field measured value. "R." Indicates record plat value.

Existing Impervious Surface Areas:

Exist. House, Drive, Patio, Walk and retaining wall area: 1466 square feet or 14.94% of overall parcel area.
(does not include portion of neighbors shed located northerly of the described southerlymost property line, comprising an add'l. impervious area of 80 sq. ft±)

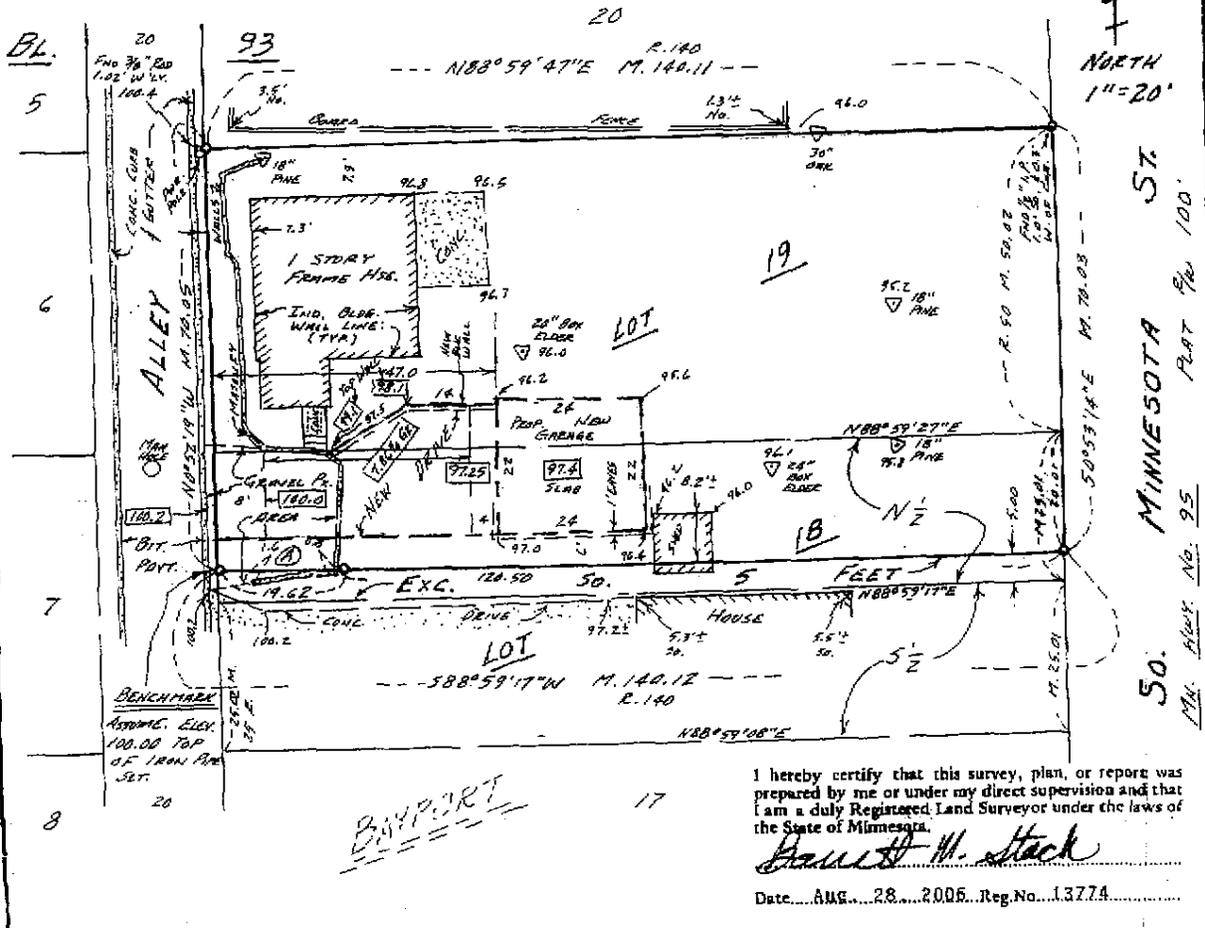
Proposed Impervious Surface Areas:

Exist. House, Patio, Walk, New Garage, New Drive and Retaining Wall area is 2402 square feet or 24.48% of Overall Parcel Area. Maximum new driveway grade proposed is 7.86%, more or less. As generally noted, existing site surface water drainage runs west to east. See specific garage plans to be provided by the above named client or others.

ELEVATION NOTES:

Existing spot elevations and Boxed Proposed Elevations are based on the top of the iron pipe at the southeasterly parcel corner as having an Assumed Elevation of 100.00. The proposed grades and proposed new garage and new drive location are subject to the review and approval of the City of Bayport.

Area (A) and the existing shed, are to be removed.



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Gerald A. Peterson

Date... AUG... 28... 2006... Reg. No. 13774

City of Bayport
City Staff
Planning Commission
City Council

Request for garage permit:

We are applying for a permit to add a 22X24 garage to our property located at 440 Minnesota Street. Our home is located at the very back of this property next to the alley. The home is a small 2 bedroom with no basement and one parking spot connected to the alley.

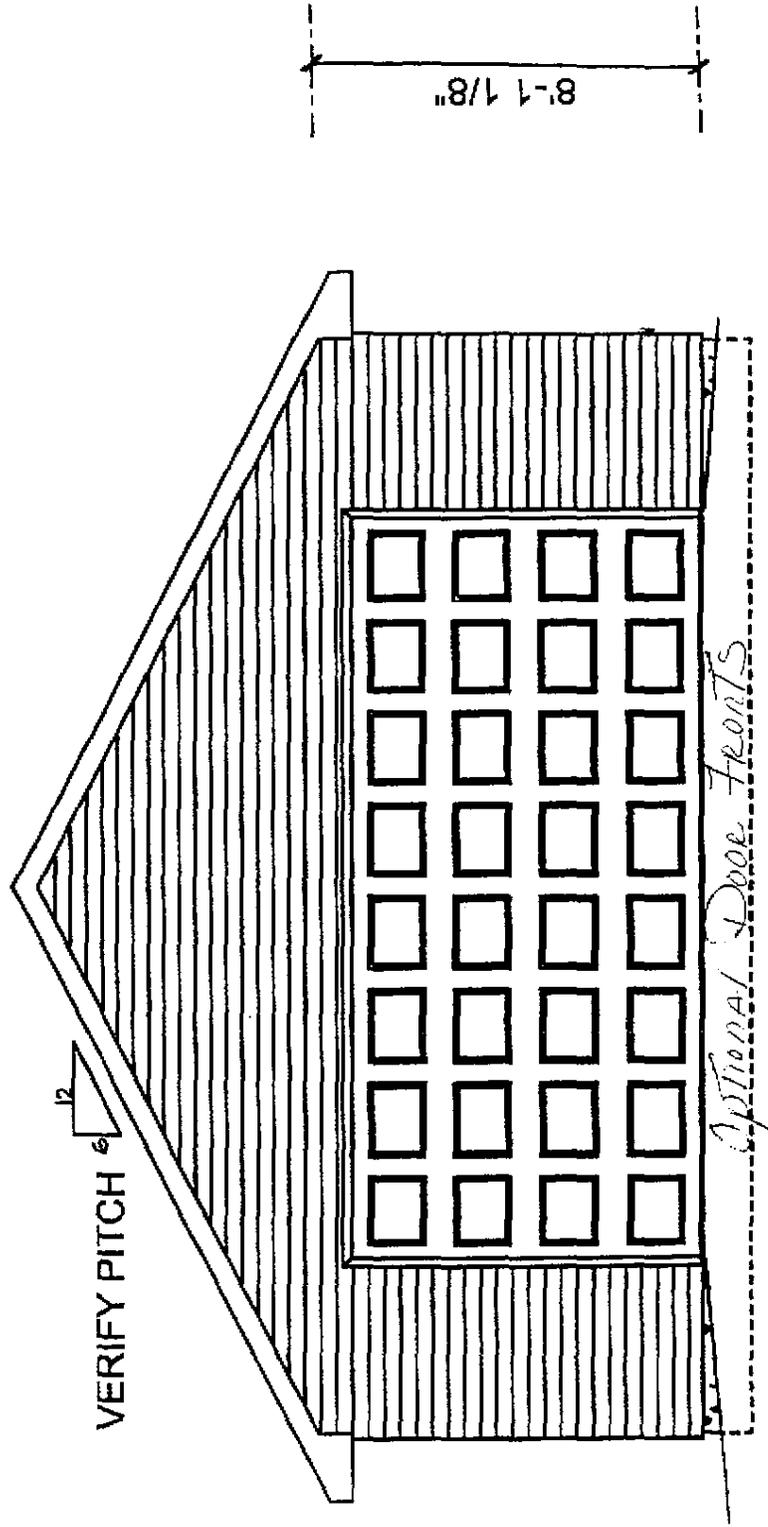
The garage would be built along the south side of the property and next to the garage on the property to the south of us. With this location we would not be blocking anyones view, we will not have to remove the only 2 large trees on the property, and with the incline along the front of the property on Minnesota Street, it will have a limited view the street. This permit would also allow us a driveway to park another car on and a place to store our outdoor items.

Thank you for your consideration.

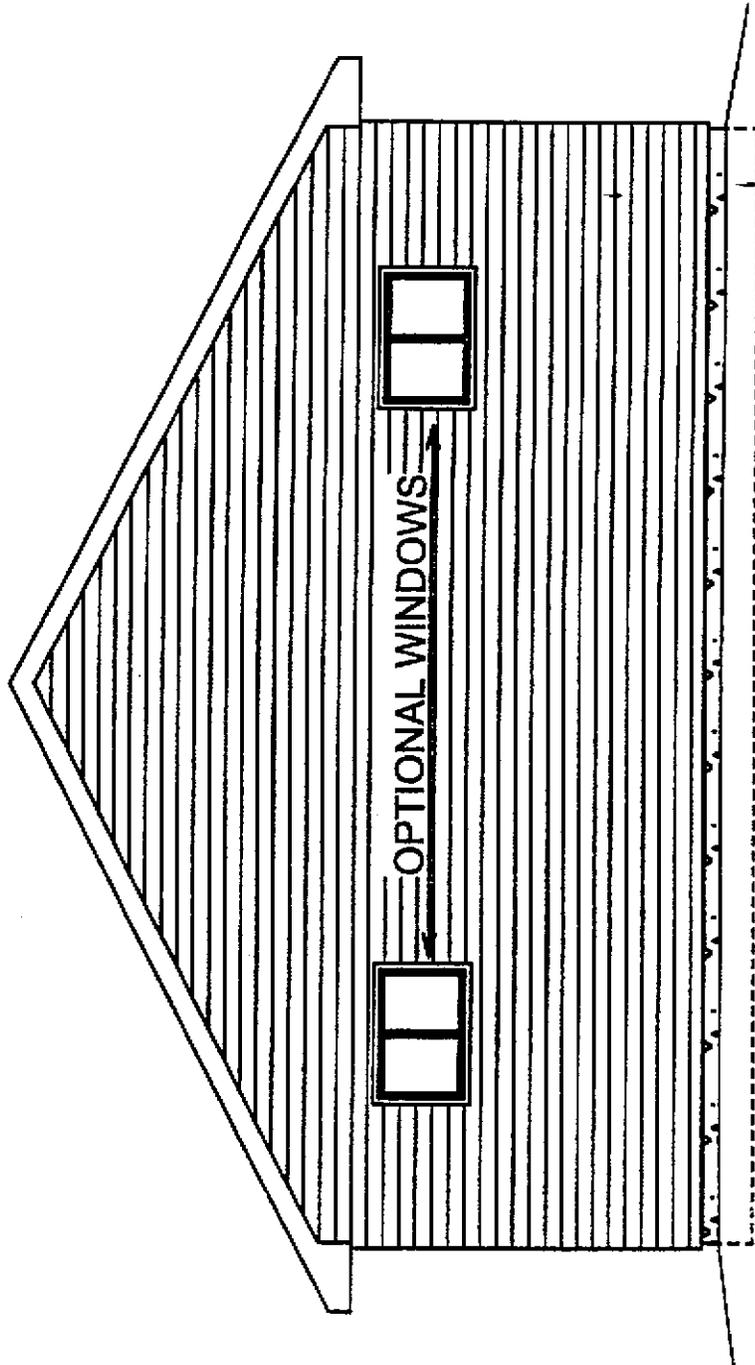
Sincerely,



Gerald and Vicki Peterson
14301 10th Street
Stillwater MN 55082
651-436-6677



FRONT ELEVATION



REAR ELEVATION

SCALE: 1/4" = 1'-0"



MEMORANDUM

TO: Mike McGuire, City Administrator, Sara Taylor, Assistant City Administrator/City Planner

FROM: Michael Darrow, Planning Consultant City of Bayport

DATE: May 15, 2007

RE: Hidden Shores Extension Letter
SEH No. ABAYPO0703.00

BACKGROUND

In December of 2006, Lynskey and Clark Companies sought development approval for 30 two-family homes on 60 lots referred to as Hidden Shores. The site area is located west of Barkers Alps Park, south of 5th Avenue North and east of Stagecoach Trail. As part of their request, the developers submitted plans seeking approval of the following applications:

1. Comprehensive Plan amendment
2. Zoning request to allow for a base zoning of R-PUD
3. General Development Stage PUD/CUP to allow for Mixed Density Residential
4. Preliminary Plat approval for the establishment of 60 platted lots within the subject site

The application was deemed complete on December 18, 2006. Based upon the date of the application, the 60-day review period for rendering a decision was Friday, February 16, 2007.

On February 12, 2007, City staff prepared a memorandum outlining the concerns that were addressed during the January Planning Commission meeting. These concerns related to the correlation between the number of units proposed for the development and the water feature.

In a letter sent to the City dated February 12, 2007, the developer requested additional time in order to prepare materials. In this letter, the developer stated that they were "diligently preparing to be at your future meeting in March." The City agreed to an extension under the condition that a new plan would be presented within a reasonable amount of time.

To date, no additional plans have been presented to City staff or consultants for review. On May 7, 2007 City staff informed the developer that it was never the City's intent to extend the applications indefinitely. Since this letter, the developer has contacted the City and has stated that they plan to introduce plans by the end of May and be heard during the Planning Commission in June. The developer also stated they understood that if no submittals were received for the June meeting, the application would most likely be denied.

RECOMMENDATION

If it is the desire of the Planning Commission, they may extend the applications for Hidden Shores which include 1) Comprehensive Plan amendment 2) Zoning request 3) General Development Stage PUD/CUP 4) Preliminary Plat approval until July 10, 2007 in order for said applications to be properly processed through the City Council. If materials are not presented to the Planning Commission by June, we will recommend that the Planning Commission consider denying all applications pertaining to Hidden Shores.