



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING

City Hall - Council Chambers

September 21, 2009 – 6:00 p.m.

A. CALL TO ORDER

B. APPROVAL OF MINUTES

- **June 15, 2009 regular meeting**

C. PUBLIC HEARINGS

- **Public hearing to consider a request for variances to replace and expand the front steps, landing, and covered entryway to the house located at 494 6th Street North**

D. OLD BUSINESS

E. NEW BUSINESS

F. GENERAL INFORMATION

- **Planning Commission member term expiration**

G. OPEN FORUM

H. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
JUNE 15, 2009
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Chairperson Mabie called the regular Bayport Planning Commission meeting of June 15, 2009, to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Dan Goldston, Pam Hoye, David Levy, Tom Mabie and Jennifer Schneider

Commissioners Absent: None

City Staff Present: Assistant City Administrator/Planner Sara Taylor and City Council Liaison Judy Seeberger

APPROVAL OF MINUTES

It was moved by Commissioner Levy and seconded by Commissioner Hoye to approve the March 9, 2009 meeting minutes as presented Motion carried.

PUBLIC HEARINGS

Public hearing to consider a request for variances to build a new single-family home on the property located at 387 5th Street North: Assistant Administrator/Planner Taylor reviewed an application requesting variances to build a new single-family house that would replace the property owner's former house that was damaged by fire. The property owner originally proposed using a portion of the existing foundation for the new house, however the recent demolition of the damaged home revealed the foundation could not support a new structure. The applicant would like to proceed with his application, which would include side yard setback variances to replace the foundation in the same location as the previous one. The setbacks for the new home would be the same, or similar, to the original house on the property. Staff believes the variance requests meet the criteria of a hardship and recommended approval of the application

Planner Taylor explained the Middle St. Croix Management Organization's (MSCWMO) review process for building projects, noting this project might be subject to review and approval of the MSCWMO. A rain garden on the property will be required as one of the conditions of approval Applicant Duane Johnson stated rain gutters and downspouts would be part of the construction, and he had no issues with staff's conditions of approval.

The public hearing was opened by Chairperson Mabie, and no public comment was heard.

It was moved by Commissioner Levy and seconded by Commissioner Schneider to close the public hearing. Motion carried.

It was moved by Commissioner Schneider and seconded by Commissioner Goldston to recommend to the City Council to approve variances to build a new single-family home on the

property located at 387 5th Street North, with a north side yard setback of 11 feet and a south side yard setback of 6.9 feet. Motion carried.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM – None

ADJOURN

It was moved by Commissioner Goldston and seconded by Commissioner Schneider to adjourn the meeting at 6:15 p.m. Motion carried.

M E M O R A N D U M

DATE: September 3, 2009

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

FROM: Sara Taylor, Assistant Administrator/Planner

SUBJECT: Public hearing to consider a request for variances to replace and expand the front steps, landing, and covered entryway to the house located at 494 6th Street North

A. BACKGROUND

The property is located at 494 6th Street North, legally described as Butler Secrest Bronson etal addition Lot 1, Block 4. Its dimensions are approximately 140' on the north and south lot lines, and 50' along the east and west lot lines, with a total lot area of 7,000 square feet. The subject property is surrounded by residential uses and is zoned R-2 Single-family urban.

The applicant and property owners, Rick and Deb Parent, plan to remove and replace the existing front steps, landing, foundation, and covered porch, which are in need of repair. To make the new entry more architecturally appealing, the applicants would like to center the new door under the upstairs window of the house. To facilitate appropriate ingress and egress to the house, as well as eliminate potential safety concerns the applicants would also like to increase the size of the entry from 7' 4" x 7' to 10' x 10'. However, because the existing nor the proposed entry do not conform with the front and side yard setbacks required by the zoning code, variances are required.

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 August 31, 2009.

The following informational items are attached:

- site plan of the property with the proposed new entry
- narrative by the property owner
- photo of the existing entry
- sketches of the existing entry and proposed entry

B. STAFF COMMENTS

Currently, the existing entry sits flush with the house on the north side of the property, with a setback of approximately 9' and has a front yard setback of approximately 16', both of which do not comply with the required setback of 20' for a corner lot. The existing entry is original to the house, which was built in the 1940's. Extreme weather conditions and ice buildup have taken a toll on the entry, causing deterioration of the concrete steps and landing, as well as rotting of the covered wood entry and door jam.

The intent of the proposed new entry is not only to remove the existing damage, but also to expand the entry, to provide additional space in front of the door to allow safe ingress and egress,

eliminate potential safety concerns, such as ice buildup on the front steps and landing, and offer protection from the elements. The existing landing measures approximately 39" from the front storm door, making it difficult to allow ingress into the house without having to step backward onto the front steps. This proves to be especially difficult for individuals with physical limitations and/or those requiring the use of a walking aid, such as a walker or crutches. The proposed entry would eliminate the existing issues by adding approximately 32" to the landing, as well as extending the roof of the entry over the steps and landing. The setback for the new entry would be 13' 5" from the front property line and 9' from the north side property line.

	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
LOT AREA	10,000 SQ FT	7,000 SQ FT	NO CHANGE	NA
FRONT YARD SETBACK	20 FT	16 FT	13 FT 5 IN	6 FT 7 IN
NORTH SIDE YARD SETBACK	20 FT	9 FT	NO CHANGE - 9 FT	11 FT
SOUTH SIDE YARD SETBACK	10 FT	OVER 10 FT	OVER 10 FT	NA
REAR YARD SETBACK	30 FT	OVER 30 FT	NO CHANGE	NA
LOT COVERAGE	35% MAX	≈27.6%	28%	NONE

Visually, the new entry would not alter the character of the neighborhood, nor interfere with visibility at the intersection of 4th Avenue North and 6th Street North, if a variance were to be granted, as requested. In addition, it should be noted that the proposed front setback would be similar to the front setback for adjacent properties.

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 variances: 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) The existing stairs, landing, foundation and covered entry are in a state of disrepair and need to be replaced. In addition, the existing landing in front of the door is insufficiently sized to allow safe ingress/egress to the house. In order to permit reasonable use, and eliminate the existing safety hazards associated with the entry, variances to replace and expand the entry would be appropriate.
- (2) The existing house and entry were constructed prior to the current zoning code, and therefore do not comply with current setback requirements for the property. As such, it is not feasible to reconstruct an entry, which allows sufficient room for proper ingress/egress, without a variance.
- (3) The setbacks for the new entry will be consistent with adjacent properties and the character of the neighborhood. For this reason, the location of the proposed house would not alter the character of the neighborhood.

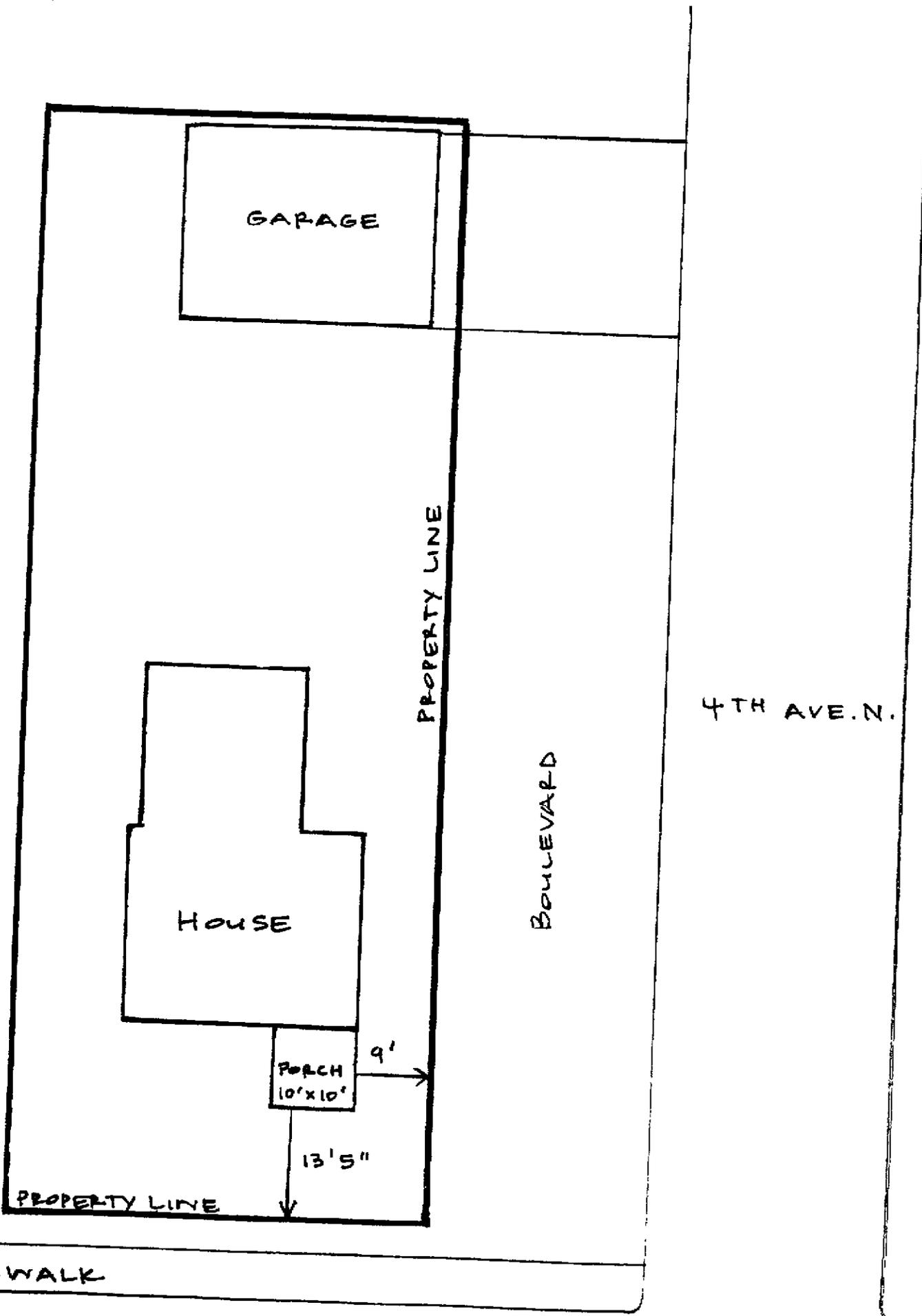
D. RECOMMENDATION

Staff recommends approval of Application 2009-04, to replace and expand the front steps, landing, foundation, and covered entryway to the house located at 494 6th Street North, with a variance to allow a north side yard setback of 9' and a front yard setback of 13' 5"

Suggested findings of fact are as stated in section "C" of the staff report and are subject to the following conditions of approval.

- Prior to the issuance of a building permit, a complete set of construction plans for the proposed entryway shall be submitted by the applicant, in accordance with the approved variances, for review and approval by city staff

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 October 5, 2009.



GARAGE

HOUSE

PORCH
10'x10'

PROPERTY LINE

BOULEVARD

4TH AVE. N.

SIDEWALK

6TH ST. N.

Variance request for the home of Rick and Deb Parent - 494 North 6th Street

We would like to request a variance to the 20' setback the city requires from the property line to a structure. Our front door landing and stairway is noncompliant today. We are requesting to infringe slightly more into the setback.

Our home was built in the 1940's and our front entry is original with the house and is in dire need of repair. The concrete from the existing concrete landing and stairs is falling off in chunks and the wood in the overhang is rotting. Also the front door is warped and blistered. The existing landing measures 7' x 39". There are 4 stairs, making the total depth of the landing and stairs 7'4" from the house. There is a 3' wide concrete sidewalk that measure 16' 7" to the city sidewalk.

We would like to replace the front landing, stairs, roof overhang, front sidewalk to the city walk and front door in the following manner:

- We will have all of the front landing, stairs and their foundation removed. In their place, foundation for a new landing and stairs will be dug and poured and faced in red brick, similar to what we have at our back door. The new landing and stairs will be slightly larger measuring 9' wide x 9' deep, giving a little more room at the top when opening the storm door, so you don't feel like you are knocking people off the landing when you open the storm door and maybe make a little room for a bench. The steps will be 4' wide. The placement of the landing will be 6" in from the northeast corner of the house and 9' to the south.
- We would like to build the roof overhang in a similar style to what we have with pillars and an arch over the door. We plan to center the door under the upstairs window which is about 1' 6" south of the existing door. We would like to build the roof of the overhang to cover the whole landing and stairway, for better weather protection. That would make the roof drip line measure 10' x 10'. The existing drip line of the roof measures 7' x 3'6".
- We would like to replace the sidewalk with red brick pavers 3' wide and set in sand. The sidewalk will have to curve slightly around the pine tree to match the new center of the door.
- The new fir door will again be centered under the upstairs window. It will have glass sidelights on each side.

We feel the deeper landing would be a safety improvement. I remember having quite a time helping my Mom up those stairs with her walker. Getting her walker up and around the door, holding on to her on the stairs and the door and the walker was sometimes quite a challenge. Rick also had a little problem with them this winter when he broke his leg and was on crutches. He broke his leg falling on some icy stairs up north and we feel the larger roof would help with ice build up. We had hoped as long as we needed to replace the stairs and landing, we might as well make some improvements. Thank you for your consideration in this variance request.



← THE WINDOW WE
WILL CENTER THE
DOOR UNDER

494

EXISTING



FRONT ELEVATION

SCALE 1/4" = 1'-0"

EXISTING



67
20

45-5046-20

FRONT ELEVATION

SCALE 1/4" = 1'-0"

PROPOSED



CITY OF BAYPORT
294 NORTH THIRD STREET
BAYPORT, MINNESOTA 55003
PHONE 651-439-2530 FAX 651-439-7188

Date: September 10, 2009
To: Planning Commission
From: Sara Taylor, Assistant Administrator, Planner
Subject: Term Expiration

The following is a list of current Planning Commission members and their term expiration:

David Levy	12/31/2009
Dan Goldston	12/31/2009
Tom Mabie	12/31/2010
Jennifer Schneider	12/31/2010
Pam Hoye	12/31/2011

In order for the city to plan accordingly for the upcoming year, the city needs confirmation of whether Planning Commission members David Levy and Dan Goldston in particular are interested in continuing to serve on the Planning Commission for another term. As such, please submit a memo of intent as to whether or not you plan on seeking reappointment via email to staylor@ci.bayport.mn.us no later than **October 15, 2009**.

It has been a pleasure working with all of you this year and on behalf of the city, I would like to thank all of you for your interest and commitment to serving on the Planning Commission. It is residents like you that help make Bayport a great place to live!