

PLANNING AND ZONING COMMISSION MEETING – APRIL 23, 2019

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Vice Chairperson Dean Daninger on April 23, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Karen Godfrey, Scott Hudson, Nick Loehlein, Jeff Sims, and Mary VanderLaan

Commissioners absent: Chairperson Bert Koehler IV

Also present: Community Development Director Joe Janish
Others

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 9, 2019

Commissioner VanderLaan requested the following change:
Page eight, Line 21, "...North Pine Aggregate."

Motion by Loehlein, seconded by Sims, to approve the minutes as amended. Motion carried on a 6-eyes, 0-nays, 1-absent (Koehler) vote.

PUBLIC HEARING: Variance Request - Side Yard Setback - 2384 151st Avenue Northwest - Kevin Koschak.

Community Development Director Janish located the subject property on a map and stated the variance request would allow the applicant to provide for an addition above the existing garage that is located six feet from the property line. City Code allows an attached garage to be six feet from the property line while the home (principal structure) is required to be ten feet from the property line. When applying the Code to this request, the applicant would have to go into or above the garage four feet to meet the ten-foot setback and then build up from there. The request is to use the existing side walls of the existing garage for the proposed addition.

Community Development Director Janish referred to the four criteria to determine if a variance is warranted: First, the property owner proposes to use the property in a reasonable manner not

permitted by an official control. The applicant wants to add additional living space above the existing garage and would use the existing footings of the garage and not install new footings on the property. Second, the plight of the property owner is due to circumstances unique to the property not created by the landowner. The home is located on a corner lot, and corner lots have an increased side yard setback for sightline visibility. Also, City Code requires ten feet for lots adjacent to another lot. The property owner acquired the property in 2008, while the Certificate of Occupancy for the home occurred in 2001. Third, the variance will not alter the essential character of the locality and will not alter the rural residential character. The applicant indicated this addition will enhance the property and the home would look more similar to newer homes just north of the residence, which was demonstrated with the help of drawings and photos. Fourth, that economic considerations alone do not constitute practical difficulties. The applicant has indicated the following: If the variance is not granted, another location would be difficult to blend in with the existing floor plan because it is a corner lot; the interior of the home lends itself to add on above the garage and provide for access; the variance would allow the existing footings of the garage to be used versus installing new footings; it may be cheaper to add on to the home in a different location versus adding on above the garage. Community Development Director Janish stated the variance should be weighed on all four criteria in order to make a determination.

Community Development Director Janish noted City Staff has included a draft Resolution of approval and a blank Resolution of denial in the packets. He added if denial is the desire of the Commission, the Commission will need to develop findings to recommend to the City Council. He stated City Staff is hoping this request goes to the City Council on May 7.

Commissioner Loehlein commented he'd like to understand the context of the Code and asked why there's a ten-foot setback for the house and a six-foot setback for the garage. Community Development Director Janish stated he wasn't employed with the City when the Code was adopted, but in conversations with City Staff, they surmise there's a six-foot garage setback because there are no living features associated with a garage and the ten-foot house setback has living features, so it may be to ensure activity is occurring farther away from the property line, or it may be related to privacy or noise factors.

Motion by VanderLaan, seconded by Hudson, to open the public hearing at 7:11 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Koehler) vote.

Applicant Kevin Koschak, 2384 151st Avenue Northwest, Andover, stated the variance is for an upper level addition on his home, allowing him to have three bedrooms for his three children and a master bedroom suite on the same level. He indicated the variance request utilizes the space he has to its fullest. He stated the four feet is important in order to achieve his goals for the addition; otherwise, the project isn't as attractive financially. He believes he has met the four criteria to be granted a variance.

Commissioner Loehlein asked Mr. Koschak if he has talked to the neighbors about the addition and, if so, what their opinions are. Mr. Koschak replied that he has, and the neighbors want them to stay in the neighborhood so they're on board with the addition, because another option would

be to move out of the neighborhood. He stated neighbors play with his kids, they have friends in the neighborhood, and it is a kid-friendly neighborhood. He does not feel anyone has offered a dissenting view nor have they contacted the City regarding the project.

Vice Chairperson Daninger commented that the purpose of a public hearing is to get input from neighbors and it's good when they are supportive.

Vice Chairperson Daninger asked who would be doing the construction and the timeline for completion if the variance were granted. Mr. Koschak stated he is a building and remodeling contractor and that he would do the construction. He said the initial timeline was this spring, but with the unexpected delays and now getting into his busy summer season, the start time would be this fall, probably in September.

Vice Chairperson Daninger noted there are time-related clauses in regard to variances. He also mentioned that, in his experience, things go better if neighbors know start and finish dates.

Motion by Hudson, seconded by Godfrey, to close the public hearing at 7:16 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Koehler) vote.

Commissioner Godfrey referenced City Code 12-14-7-E-6, which gives a time limitation on beginning work related to a variance and a 12-month requirement to show significant progress on variance-related work. She asked City Staff how they would handle the September start date and how progress would be monitored by the City. Community Development Director Janish responded that the draft Resolution language allows the Council to consider action and also states the addition shall be completed within one year of approval of the variances, and variance approvals will be invalid after such time. He stated that, with the fall start date, the permit would be pulled and he assumed the applicant would try to get the exterior work done prior to snowfall and do the interior work during the winter. He did not feel there would be any issues with the timeline. He stated once the permit is pulled, if the exterior work is wrapped up and weathertight this fall, with the interior work being done over the winter months, that would count as significant activity.

Commissioner Sims asked City Staff whether a living area on top of a garage changes its designation from a garage to a principal structure. Community Development Director Janish responded there is both a garage setback and a principal structure setback. The Code indicates that even if the garage is attached, it's still an accessory, which is six feet, as opposed to the house, which is ten feet. With the living quarters being above the accessory structure, the principal structure setback of ten feet is applicable. He stated some homes in the community have a roof similar to the applicant's but with a bonus room, and that there would be a knee wall or something similar so the bonus room would meet the ten-foot setback. He stated this applicant indicated that he needs to go to the six-foot setback because it would not be feasible to do the bonus room style.

Commissioner Sims asked why this proposed addition created the need for a public hearing versus a request to build a bigger deck on a property. Community Development Director Janish

stated that because the applicant wants to build the principal structure within ten feet of the property line, a four-foot variance for the principal structure on the garage side of the home is required. He clarified if the garage was ten feet from the property line, there would be no variance request needed.

Vice Chairperson Daninger noted that when an Ordinance is questioned, it might be good to look at it as an Ordinance to be worked on, because times and conditions change. Community Development Director Janish agreed and stated in some of the Planned Unit Developments, houses have been allowed to be located six feet from property lines. He said Staff has indicated it may be time to discuss with the Planning and Zoning Commission and City Council what their thoughts are regarding this, especially if the variance is approved. He stated if everyone feels six feet is acceptable in many cases, there could be a Code Amendment so individuals can move forward with their projects quicker than the current process.

Commissioner Sims noted the definition and rules of a mother-in-law suite were discussed a couple of years ago. Vice Chairperson Daninger responded and stated that, according to the applicant, a mother-in-law suite is not his intent and the applicant is required to go through this process because it is the current Ordinance.

Motion by VanderLaan, seconded by Godfrey, to recommend to the City Council approval of a variance for the property legally described as 2384 151st Avenue Northwest, Andover, based on the rationale that the plight of the property owner is due to circumstances unique to the property not created by the landowner. Motion carried on a 6-ayes, 0-nays, 1-absent (Koehler) vote.

Community Development Director Janish stated this item would be before the Council at the May 7, 2019 City Council meeting.

OTHER BUSINESS

Commissioner Sims asked whether it was time to discuss Funfest volunteers. Vice Chairperson Daninger noted Funfest is usually the second weekend in July and Commission members often volunteer for two-hour slots during the event. Commissioner Sims added it is a good opportunity for citizen feedback.

ADJOURNMENT

Motion by Hudson, seconded by Loehlein, to adjourn the meeting at 7:26 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Koehler) vote.

Respectfully Submitted,

Ruth Holdvogt, Recording Secretary
TimeSaver Off Site Secretarial, Inc.