

PLANNING AND ZONING COMMISSION MEETING – JULY 25, 2023

The Regular Bi-Monthly Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Karen Godfrey on July 25, 2023, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Scott Hudson, Bert Koehler IV, Nick Loehlein, Jonathan Shafto, Patrick Shuman, Jr., and Ryan Winge

Commissioners absent: None

Also present: Community Development Director Joe Janish
Planning Intern Aidan Breen
Others

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 25, 2023 Regular Meeting Minutes

Motion by Commissioner Koehler, seconded by Commissioner Loehlein, to approve the minutes as presented. Motion carried on a 6-ayes, 0-nays, 1-present (Winge), 0-absent vote.

PUBLIC HEARING: Interim Use Permit (IUP) Amendment – 16045 Nightingale St NW; PID# 15-32-24-42-0006 – Andover Christian Church (Applicants)

The Planning & Zoning Commission is requested to hold a public hearing and provide a recommendation to the City Council regarding the IUP Amendment request. Planning Intern Breen gave a presentation on the proposed amendment to the Commission. The applicant, Andover Christian Church is requesting an extension of the IUP up to 18 months on the use of subordinate classrooms, ending on February 28, 2025. The existing IUP expires on August 31, 2023. Mr. Breen gave an overview of the site location, the location of the subordinate classrooms, and the phases of reconstruction.

Commissioner Koehler asked about the timeline and dates of the construction itself. Mr. Breen stated that the application noted that the timeline was flexible.

Motion: Chair Godfrey assumed a motion to open the Public Hearing at 7:06 p.m. Motion carries by unanimous consent.

Bill Barber, 10806 Mississippi Drive N, member of the building committee for Andover Christian Church, came forward and stated the building committee has drawings and a price that have been put together by an architect and their contractor. The intent is to begin work on phases 1 and 2 immediately. Mr. Barber stated that they have received good commitments from the congregation for financial support.

Commissioner Koehler asked Mr. Barber how long it will be before they can break ground and start the phases. Mr. Barber stated that as soon as they get the final numbers from the contractor and architect, they can begin. Hopefully the plans will be finalized by this week. Their hope is to submit the plans to the City for review and be underway by the end of August. Commissioner Koehler also asked how long the construction process will take. Mr. Barber stated that it is estimated to take around 3 months to complete.

Commissioner Loehlein asked Mr. Barber based on the objective criteria that they must judge this request by, when last discussed 5 years ago, what level of confidence does he have that the Church will get the work done and not come back to ask for another extension. Mr. Barber stated that their intent and the way things are looking, he does not see any reason why they will not be able to get this done in the 18-month timeframe.

Commissioner Shuman stated that he is not familiar with the Church layout and asked what is currently in the yellow space that would prevent it from being used for a youth area if needed. Mr. Barber stated that the current nursery, choir room, and children's classrooms are in the yellow space. Commissioner Shuman also asked what happens in the interim, particularly with the current space that has the IUP, will that continue to be used for the youth program during the remodel or will there be a shift in how that space is being used. Mr. Barber stated that the current structure will still be used for the youth, and the contractor will begin working on the nursery area so that the children can get moved over, then the youth can get moved over into the new structure afterward.

Commissioner Hudson stated that Mr. Barber has answered his previous questions and applauded him for the steps that have been made to be prepared and have a good plan.

Motion: Chair Godfrey assumed a motion to close the Public Hearing at 7:19 p.m. Motion carries by unanimous consent.

Commissioner Shafto stated that the Commission does not want to get into a place where more extensions keep being needed. If there are any delays, then there should be signs of significant progress being made. Commissioner Shafto stated that, other than that, he supports the amendment.

Motion by Commissioner Koehler, seconded by Commissioner Loehlein, to recommend to the City Council approval of IUP extension as written. Motion carried on a 7-ayes, 0-nays, 0-absent vote.

Commissioner Koehler stated that coming into the meeting he was dead set against this extension, but Mr. Barber convinced him otherwise. He is thrilled with the progress that has been made.

Mr. Breen stated that this item would be before the Council at the July 31, 2023 City Council meeting.

PUBLIC HEARING: Variance Request – 14358 Butternut St NW; PID# 25-32-24-41-0073 – Joseph & Kaitlin Sullivan (Applicants)

The Planning and Zoning Commission is requested to hold a public hearing and make a recommendation to the City Council regarding the variance request. The applicant is requesting a screen or three-season porch that would encroach into the rear yard setback. Community Development Director Janish outlined the layout of the proposed project and stated that within the letter provided by the applicant, the house was constructed further back than the normal setback and that the structure would be visually appealing. In the letter, the applicant also stated the factors that make the structure needed.

Commissioner Winge asked if the current plans, as drawn, allow for the three-season porch to be converted into a four-season permanent structure without significant modifications as they currently sit. Mr. Janish stated that would be a question for the Building Official, but that he knows that there are several footings that are in place.

Commissioner Shuman asked if the setback being encroached upon due to the property needing more space for the driveway grade to be at the appropriate grade was per some kind of city code or if the builder decided on the setback on his own accord. Mr. Janish updated that the driveway would exceed the maximum 8% driveway slope if the homeowner moved forward at its current elevation. The original development plan had shown a 5.8% slope with a front yard setback of 35 feet. The garage elevation is higher than what was originally proposed, so to meet the 8% or less slope, the house slid back to 43.5 having a 7.9% slope.

Chairperson Godfrey asked for clarification, that if the variance is approved, it would become a property right which would continue with the property forever. Mr. Janish stated that that was correct.

Motion: Chair Godfrey assumed a motion to open the Public Hearing at 7:30 p.m. Motion carries by unanimous consent.

Joseph Sullivan, 14358 Butternut Street NW, came forward and stated that they do not have any intention of having anything other than a three-season porch. Under their

builder's advice, the home was moved back, and now they have the finances to build the structure on the back of the home. It is 10% that is looking to go into the setback but would make his family's life more enjoyable outside by having the extra space to have out of the sun, from a UV and bug aspect.

Commissioner Winge asked if the three-season porch could be constructed in a way that maintains similar square footage while being within the current building code, not requiring a variance. Mr. Sullivan stated that the plans that were drawn up were done so in a way that is visually appealing to the kick-out at the back of the home, but it could be possible through engineering and new plans.

Commissioner Koehler asked the applicant to elaborate on what could be built that was not secure. Mr. Sullivan clarified that a free-standing deck with a gazebo on top of the deck would be an example of something that is not attached to the house and is not secure. Commissioner Koehler also asked what is stopping the applicant from doing this in a conforming matter. Mr. Sullivan stated that due to the home placement being pushed back, in addition we have not worked with our contractor to draw plans up in that manner to make it conforming.

Commissioner Winge asked if the home is a walk-out property and Mr. Sullivan clarified that it is a look-out property. Commissioner Winge also asked what was preventing the builder from lowering the floor elevation to maintain proper slope without moving the home back. Mr. Sullivan stated that he is not sure of the exact reasoning.

Ryan Kesner, 741 Constance Blvd. NW, came forward and stated that as the contractor that is proposing the work, he can answer any questions. Mr. Kesner stated that they could make it conforming, but the reason they didn't want to make it a conforming structure is that it would not look like a natural part of the home. They are trying to keep the visual appeal of the structure that will be attached to the house, instead of having it look like a separate structure.

Commissioner Shuman asked what difference it would make if the porch was made 9 feet instead of 12 feet, not needing a variance request. Mr. Kesner stated that to do that it would have to go the whole length of the back of the house, because of a cantilevered floor section that the structure cannot be built off of, making it long, skinny, and not as visually appealing.

Commissioner Winge asked if the current plans, as drawn, allow for the three-season porch to be converted into a four-season permanent structure without significant modifications as they currently sit. Mr. Kesner said that technically it could not because the floor system that would be built would be made of pressure-treated lumber, which can't be encapsulated.

Community Development Director Janish summarized an email that was received from Rob and Abby Kine, 117 143rd Avenue NW, that stated their support for the proposed

variance for the rear setback. Mr. Janish also highlighted where these neighbors lived in comparison to the home.

Motion: Chair Godfrey assumed a motion to close the Public Hearing at 7:43 p.m. Motion carries by unanimous consent.

Commissioner Winge commended the applicant for consulting with his neighbors on permission for a variance.

Commissioner Shuman stated that the review criteria are met to approve a variance, the use of this variance is a reasonable manner that is not permitted by official control.

Commissioner Koehler asked Mr. Janish if the “property” mentioned in variance criteria number 2 refers to the house on it or the property itself. Mr. Janish stated that he believes it is the property as a whole, both the structure on the property and the property itself.

Commissioner Shafto stated that he is struggling with whether or not variance criteria number 2 is being met, and his main concern is the precedent that may be set.

Commissioner Hudson agreed with Commissioner Shafto’s concern about precedent being set.

Commissioner Loehlein also agreed with getting hung up on criteria 2 being met.

Chairperson Godfrey stated her concern about there being no attempt made to investigate the ability to build a conforming three-season porch that would comply with City code.

Commissioner Winge asked the other Commissioners if their opinions would change had the current property owner not constructed the home. Commissioner Koehler stated that no it would not change. Commissioner Shafto also agreed.

Commissioner Koehler stated that it is difficult to make a variance when a conforming structure could be made.

Motion by Commissioner Koehler, seconded by Commissioner Shafto, to recommend to the City Council denial of the Variance Request. Motion carried on a 5-ayes, 2-nays (Winge and Shuman), 0-absent vote.

Mr. Janish stated that this item would be before the Council at the July 31, 2023 City Council meeting.

OTHER BUSINESS

Community Development Director Janish updated on the Variance Request discussed at the April 25th meeting for roadway realignment at Lot 9, Block 7, Lake Ridge. The

Council approved the variance, and the project is moving forward.

Community Development Director Janish also updated on the City Code amendments related to liquor sales in neighborhood business zoning districts, Council also approved that amendment following the Planning and Zoning Commission's recommendation.

There is a Planning and Zoning Commission meeting scheduled for August 8, 2023.

Commissioner Koehler asked Mr. Janish if there is an update on the AT&T antenna. Mr. Janish stated that they are looking to get the antennas on the top of the tower in early April 2024.

ADJOURNMENT

Motion: Chair Godfrey assumed a motion to adjourn the meeting at 7:57 p.m. Motion carries by unanimous consent.

Respectfully Submitted,

Lilian Rokosz, Recording Secretary
TimeSaver Off Site Secretarial, Inc.