

**MAHTOMEDI PLANNING COMMISSION
MEETING MINUTES
JUNE 12, 2019**

Chairperson Alex Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Chantell Knauss, Greg Maples, Dan Soler and Susan Stewart. Commissioner Tracy Jones was absent. Also in attendance were Planner Ryan Krzos, Mayor Jud Marshall and Administrative Support Specialist Patricia McGing.

APPROVAL OF THE AGENDA

Commissioner Stewart moved, and Commissioner Maples seconded the motion to approve the agenda as presented. The motion was unanimously approved.

APPROVAL OF THE MAY 8, 2019 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Soler moved, and Commissioner Stewart seconded the motion to approve the minutes of the May 8, 2019 regular Planning Commission meeting as written. The motion was unanimously approved.

4. PUBLIC HEARINGS

4a. CONSIDER APPROVAL – Request from Jeff Berry and Sara Fruth for a variance in order to construct an oversized garage and a conditional use permit in order to create an accessory dwelling unit at 250 Old Wildwood Road

Planner Krzos introduced the item and provided a power point presentation. The property is zoned R1-B Low Density Residential and guided by the Comprehensive Plan for low density residential. The applicants are requesting a variance of 334 square feet from the maximum allowable accessory structure size and a conditional use permit to allow for an accessory dwelling unit. The proposed structure would replace an existing detached garage. The structure would contain 900 square feet of garage space and 684 square foot ADU-pool house space. The pool house is proposed to include a kitchen, bathroom and bedroom area. The ADU is not proposed to be rented at this time.

The request meets all of the R1-B District requirements including lot area, setbacks, and impervious coverage. The property is much larger than most properties, and all of the variance criteria are met. He briefly reviewed the Accessory Dwelling Unit Standards and Conditional Use Permit Criteria, and stated these have also been met.

Planner Krzos stated the City Engineer reviewed the plans and said the grading and sediment and erosion control will be reviewed during the building permit application process. The new building must be served with sanitary sewer and water from the existing structure with no separate utilities extended by the City's main. Staff is recommending approval.

4a. (Continued)

Discussion ensued regarding the number and size of allowed accessory structures permitted on lots.

Commissioner Stewart suggested revisiting the ordinance pertaining to allowable accessory building sizes.

Mr. Jeff Berry, 250 Old Wildwood Road, said that he had nothing to add to the Planner's presentation.

Chairperson Rogosheske opened the public hearing to the audience for commentary.

Ms. Mary Criswell, 346 Old Wildwood Road, said when sewer and water went in there was concern about the neighborhood character changing. She asked if the owner must live on the premises. Will this turn into a condo? Is it a mere convenience to have another kitchen and asked what the Comprehensive Plan's goal is regarding this type of structure.

There being no further comment from the audience, the public hearing was closed.

Planner Krzos explained that the R1-B zoning allows for Accessory Dwelling Units with an approved conditional use permit. Only two people can occupy the ADU, and the structures cannot be separately owned.

Chairperson Rogosheske said that the goal of the Comprehensive Plan is to allow a younger family to potentially move into the main house, and the parents move into the ADU. This provides housing options within the city.

Mr. Berry said that they need a new garage as their current structure is deteriorating. When they installed the pool they decided on a pool house. They have four teenage children, and when their friends stay overnight they could stay in the structure. The guest house will have a small kitchen, bathroom and bedroom. They have no plans to rent it out in the future. He said his step-daughter is handicapped, and this structure will be a place for her medical aid to stay overnight instead of sleeping on the couch.

Commissioner Stewart moved, and Commissioner Soler seconded the motion to recommend the City Council approve a resolution approving a variance for additional accessory structure square footage and a conditional use permit for an accessory dwelling unit, as outlined below. The motion was unanimously approved.

This item will be heard at the June 18, 2019 City Council meeting.

4a. (Continued)

**RESOLUTION APPROVING A VARIANCE FOR ADDITIONAL ACCESSORY
STRUCTURE SQUARE FOOTAGE AND A CONDITIONAL USE PERMIT FOR AN
ACCESSORY DWELLING UNIT ON THE PROPERTY LOCATED
AT 250 OLD WILDWOOD RD., PID 31.030.21.11.0001.**

WHEREAS, the City of Mahtomedi received a request from the Applicant and Property Owner Jeff Berry and Sara Fruth on May 15, 2019 for the following variance and conditional use permit to allow for the construction of an oversized garage containing an accessory dwelling unit:

- a 334 square foot variance to the maximum allowable accessory structure size of 1,250 square feet;
- a conditional use permit to allow for an accessory dwelling unit to be constructed on the property

The property is legally described as follows:

All that part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 31, Township 30 North, Range 21 West, described as follows, to-wit: Beginning at the intersection of the center line of the St. Paul and Wildwood Road with a line drawn parallel to and 100 feet East of the West line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said section, and running thence South on said parallel line 435.6 feet to an iron monument; thence West by a deflection angle of 90° 200 feet to an iron monument; thence North by a deflection angle of 90° 435.9 feet, more or less, to the center line of said road; thence Easterly along said center line to the point of beginning, according to the United States Government Survey thereof, Washington County, MN.

Subject to the St. Paul and Wildwood Road.

WHEREAS, the Applicant has requested a variance from the maximum allowable accessory structure size and a conditional use permit to allow for an accessory dwelling unit; and

4a. (Continued)

WHEREAS, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on June 12, 2019; and

WHEREAS, the City Council acting as the Board of Adjustments and Appeals, reviewed and considered the reports, documents, testimony, and other materials presented; and

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, can approve a variance and a conditional use permit if it finds that the standards for granting a variance as described in Chapter 11, Section 11.01, Subdivision 8.20, C., 1 through 8 and the standards for granting a conditional use permit as described in Chapter 11, Section 8.21 C.1 a through f of the Mahtomedi City Code have been met.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Mahtomedi approves the Applicants' variance from the maximum allowable accessory structure size and a conditional use permit to allow for an accessory dwelling unit:

The requested variance and conditional use permit are consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 and Subdivision 8.21, C., 1, a through f of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variance and conditional use permit are justified for the following reasons:

1. The proposed garage with an accessory dwelling unit is reasonable in size in the context of the property;
2. The proposed use of a single-family home with a detached garage and accessory dwelling unit is reasonable for the zoning district;
3. The purpose of the variance and conditional use permit is not based exclusively upon a desire to increase the value or income potential of the parcel of land;
4. The difficulties presented by the parcel are posed by the Ordinance, not the property owner;
5. Granting the requested variance and conditional use permit would not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel;
6. The proposed variance and conditional use permit are in keeping with the spirit and intent of the Ordinance;
7. Allowing the requested variance and conditional use permit will not impair an adequate supply of light and air to adjacent property, or increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood; and
8. The requested variance and conditional use permit are consistent with, and advance a goal of, the Comprehensive Plan.

4a. (Continued)

- 9. The location and orientation of the proposed accessory structure is done in a manner to produce a harmonious relationship to adjacent buildings and properties.
- 10. The total visual impression of the proposed accessory structure is consistent with that of the neighborhood.

5. STAFF REPORTS – None Scheduled

6. UPDATE - CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.

Mayor Marshall said starting Monday, June 17, TH-244 will be closed for about a week to two from Birchwood Road to View Road to replace a 48” culvert that is collapsing. He also updated the Planning Commission on the CSAH 12 road project.

Copies of the recent City Council and other City Commission minutes may be found on the City’s website.

7. ADJOURNMENT


There being no further discussion, Commissioner Soler moved, and Commissioner Stewart seconded the motion to adjourn the regular Planning Commission meeting at 7:07 p.m. The motion was unanimously approved.

Respectfully submitted by Patricia K. McGing, Administrative Support Specialist.

APPROVED:

ALEX ROGOSHESKE
CHAIRPERSON

ATTESTED:



PATRICIA K. MCGING
ADMINISTRATIVE SUPPORT SPECIALIST