

**MAHTOMEDI PLANNING COMMISSION  
MEETING MINUTES  
JANUARY 13, 2021**

Chairperson Rogosheske convened the regular Planning Commission meeting at 6:30 p.m. with the following members in attendance: Dan Soler, Greg Maples, Chantell Knauss, Peter Frank and Susan Stewart. Commissioner Chesak joined the meeting at a later time this evening. Also in attendance were City Planner Hannah Rybak, Mayor Jud Marshall and Office Assistant Luann Tembreull.

**APPROVAL OF THE AGENDA**

Commissioner Stewart moved, and Commissioner Maples seconded the motion to approve the agenda as presented. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Stewart, Maples, Frank and Rogosheske Nay: None

**APPROVAL OF THE DECEMBER 9, 2020 REGULAR PLANNING COMMISSION MEETING MINUTES**

Commissioner Soler moved, and Commissioner Stewart seconded the motion to approve the minutes of the December 9, 2020 regular Planning Commission meeting as amended, with the change that Commissioner Stewart abstained from voting on the November 10<sup>th</sup>, 2020 meeting minutes since she was not in attendance at the November meeting. The motion was unanimously approved by roll call vote: Yea: Soler, Stewart, Maples, Frank, Knauss and Rogosheske Nay: None

**4. PUBLIC HEARING**

**4a. CONSIDER APPROVAL – Request from Mike and Lynn Bjork for a variance in order to allow for a reduction in the rear yard setback requirement for the purpose of constructing a screen porch at 881 Deer Oak Run and described as PID 20.030.21.44.0066,**

Planner Rybak introduced the item and provided a power point presentation. She said the applicant is requesting a variance in order to allow for a reduction in the rear yard setback requirement for the purpose of constructing a screen porch off the back of their home located at 881 Deer Oak Run.

The area is currently zoned R1-D Single-Family, Low Density Residential, and is guided for the same in the 2040 Comprehensive Plan.

A deck was removed from the area where the porch is proposed in early 2020. Because a porch is considered part of the principal structure, it is subject to principal structure setbacks.

The applicants were not aware of this during the planning process and were informed that their plans could not be approved when they applied for a building permit.

4a. (Continued)

The addition would be constructed along the rear (west) wall of the existing home. It is proposed to be sixteen (16) feet by fifteen (15) feet, totaling 221 square feet of additional living space.

Criteria being met for granting this Variance are as follows:

1. The practical difficulty in this case in the existing configuration of the house within the context of the lot. The property owner explored the idea of extending the porch further to the south, thus meeting the setback. However, the living room windows are located in that area. It would not be practical to construct a porch addition in front of living room windows.
2. Under the strict interpretation of the Ordinance, there are no unique conditions associated with this property. The lot meets all minimum requirements of the R1-D district. All other properties in Deer Oak Run are the same size. There are no irregularities in lot shape or topography.
3. The purpose of the variance is to allow the addition of a porch to provide usable outdoor space, out of sunlight, for the Applicants family. The request is not solely financial.
4. The difficulties here are posed by the existing configuration of the house, not the Ordinance. While the Applicants did not cause the difficulties (they were not the original homeowners). The difficulties are still not caused by the Ordinance.
5. Granting this variance would not be detrimental and would not alter the character of the locality. The requested encroachment into the rear yard setback is very minor - less than four feet. The porch addition would be attractive and should not affect any neighboring property owner. The Applicants have support from the project from all neighboring property owners. Additionally, the buildings on the properties to the west of the subject property are all set back further than the Ordinance requires.
6. The proposed variance is in keeping with the spirit and intent of the setback regulations, which is to provide adequate separation between structures. Reducing the required rear yard setback for this addition would not cause this home and the neighboring homes to be situated too close to one another.
7. Staff does not anticipate that the proposed screen porch will create any of the above safety issues.
8. The requested variance does not alter the use of the property, for a single-family home.

The Applicant provided documentation of support for the project from nine neighboring property owners. Neither the Applicants nor staff has received comments from any neighbors in opposition to the application.

The City engineer did not have any concerns with the application.

**4a. (Continued)**

Based on the strict interpretation of the Ordinance, staff must recommend denial of the requested variance, as there do not appear to be any unique circumstance (in terms of land use) that pertains to the lot, and the difficulties have not been posed by the Ordinance. Staff offers draft resolutions for both approval and denial.

Applicant, Mr. Bjork stated that he was not aware that setbacks would be different for a porch than from a deck before he tore down his existing deck.

Chair Rogosheske opened the Public Hearing at 6:44 p.m.

There being no further comment, Chair Rogosheske closed the public hearing at 6:45 p.m.

Both Commissioners Chesak and Soler noted that this variance request seems reasonable.

Commissioner Frank stated that he likes the fact that all the surrounding neighbors and abutting neighbors to this property have signed off on this request.

Commissioner Knauss moved, and Commissioner Chesak seconded the motion to recommend the City Council approve a resolution approving a Variance for reduction in the required rear yard setback for the purpose of constructing a porch addition on the property located at 881 Deer Oak Run. The motion was approved by roll call vote: Yea: Stewart, Maples, Frank, Chesak, Knauss, Soler and Rogosheske.

**CITY OF MAHTOMEDI  
WASHINGTON COUNTY, MINNESOTA  
RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING A VARIANCE FOR A REDUCTION IN THE REQUIRED  
REAR YARD SETBACK FOR THE PURPOSE OF CONSTRUCTING A PORCH  
ADDITION ON THE PROPERTY LOCATED AT 881 DEER OAK RUN, PID  
20.030.21.44.0066**

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**WHEREAS**, the City of Mahtomedi received a request from Mike and Lynn Bjork, on December 8, 2020 for a variance from the minimum required rear yard setback for a principal structure at the property located at 881 Deer Oak Run. The property is legally described as follows:

LOT 12, BLOCK 1, BORDER OAKS, WASHINGTON COUNTY, MINNESOTA

**WHEREAS**, the Applicant has requested a variance of 3-feet, 4-inches from the required minimum rear yard setback of 40-feet for the purpose of constructing a porch addition; and

**WHEREAS**, the Planning Commission reviewed and considered the request based on the related documents shown in the Applicants' Application at their regular meeting on January 13, 2021; and

**WHEREAS**, the Planning Commission recommended approval of the requested variance; 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 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 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 request of 3-feet, 4-inches from the minimum required rear yard setback based on the following findings of fact:

1. The requested variance is consistent with all the standards for granting a variance as described in Section 11.01, Subdivision 8.20, C., 1 through 8 of the Mahtomedi Zoning Ordinance. More specifically, the City Council finds that the requested variances are justified for the following reasons:
  1. There are extenuating circumstances pertaining to the needs of the residents of the property that require a larger covered outdoor space;
  2. The Ordinance has created a practical difficulty for the property owner;
  3. There are conditions unique to the land that are not applicable to other parcels in the City;

4. Granting the variance request is not detrimental and it does not alter the essential character of the locality;
5. The variance will not impair adequate light and air or result in additional congestion, fire danger or harm to public safety.

Adopted by the City Council of the City of Mahtomedi on January 19, 2021.

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Judson Marshall, Mayor

Attested:

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Jerene Rogers, City Clerk

4b. **CONSIDER APPROVAL – Amendment to Section 11.01, Subd. 10.4 to alter the screening requirements that are imposed on trash containers that the public has access to.**

Planner Rybak introduced the item and provided a power point presentation. The City of Mahtomedi intends to offer an organics recycling station to the public. Currently, the screening of trash container requirements apply to all land uses throughout the City, except for single and two-family residences. Public uses are not currently exempt in the Ordinance. The screening requirements state that all dumpsters must be screened on all four sides by an enclosure, and the door to the enclosure must be closed at all times.

These screening requirements are not practical for a trash container that is intended to be accessed by the general public. Given that the organics recycling station will serve a public benefit and is intended for use by all Mahtomedi residents, staff is proposing that this type of trash container be exempted from the standard screening requirements. (See Exhibits A and B in this planning packet). Ordinance attached.

Discussion ensued.

Upon a question from Commissioner Chesak, Planner Rybak stated that the City site collection is for organics only, not yard waste.

Chair Rogosheske opened the Public Hearing at 6:55 p.m.

There being no further comment, Chair Rogosheske closed the public hearing at 6:56 p.m.

Commissioner Soler moved, and Commissioner Maples seconded the motion to recommend the City Council approve a resolution approving an Ordinance amendment to Chapter 11, Section 11.01, Subdivision 10.4 (B)(4) related to the screening of trash containers. The motion was approved by roll call vote: Yea: Maples, Frank, Chesak, Knauss, Soler, Stewart and Rogosheske. Nay: None

CITY OF MAHTOMEDI  
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 11, SECTION 11.01, SUBDIVISION  
10.4(B)(4) RELATED TO THE SCREENING OF TRASH CONTAINERS**

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THE CITY COUNCIL OF THE CITY OF MAHTOMEDI ORDAINS AS FOLLOWS:

**Section One. Amendment.** Chapter 11, Section 11.01, subd. 10.4 of the Mahtomedi City Code is hereby amended as follows. The underlined text shows the proposed additions to the Ordinance:

**Section 10.4: Landscaping, Buffers, and Screening**

**B. Screening of Equipment, Vehicles, Outdoor Storage, and Similar Uses**

**4. Screening of Trash Containers.** Trash dumpsters and other trash containers associated with uses other than single and two – family residential uses and dumpsters or containers designated for public use and located on public property shall be screened as follows:

- a. Trash containers shall be screened on all four (4) sides, using an enclosure that is a minimum of one (1) foot above the top of the container;
- b. To the maximum extent practical, the trash enclosure shall be constructed of materials that are harmonious with those of the principal structure and have a minimum opacity of ninety percent (90%);
- c. A gate or door of the trash enclosure shall be closed at all times except as needed to access the trash container.

**Section Two. Effective Date.** This Ordinance shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Motion for adoption by:

Seconded by:

Ayes:

Nays:

Abstained:

Absent:

CITY OF MAHTOMEDI

By \_\_\_\_\_  
Judson Marshall  
Its Mayor

Attest:

By: \_\_\_\_\_  
Jerene Rogers  
Its City Clerk

(Published in the *White Bear Press* on \_\_\_\_\_, 2021)



**5. ORDINANCE UPDATES**

Planner Rybak introduced the item and provided a power point presentation.

The City Code states that the determination of impervious surface coverage of materials not explicitly stated in the ordinance is at the discretion of the City Engineer. In other works, the City Engineer at his/her discretion can allow a driveway or patio to exceed the amount of impervious coverage if the patio or driveway was built with approved pervious pavers and maintained as such.

Issues with this approach are:

- The maintenance of these pervious surfaces is difficult if not impossible to verify. We usually must take the word of the owners.
- The maintenance for each type of surface can vary with each manufacturer's recommendations.
- Without maintenance these surfaces can degrade to virtually an impervious surface.
- The DNR and the Rice Creek Watershed District do not recognize pervious pavers at all as a solution to exceed the amount of impervious surface allowed.
- The City Engineer then ends up at odds with these regulatory agencies.
- Residents are not required to pull a permit if they are just repairing a portion of a patio or driveway in the exact same location. The resident could remove the pervious pavers and install concrete pavement and the City would likely not be aware of this change.

Staff recommends changing the ordinance to not allow the use of pervious pavers to be exempt from impervious surface calculations. This would be consistent with these other agencies. Then the City, DNR and RCWD would be sending a consistent message on impervious surfaces, at least relative to pervious pavers.

Staff recommends creating a clearer and simpler ordinance. (See exhibits A – C of this Planning Packet).

Discussion ensued.

Both Commissioner Soler and Chair Rogosheske agree that these proposed ordinance updates seem reasonable. (See Exhibits A, B and C of this planning packet)

**APPROVAL – 2021 PLANNING COMMISSION MEETING DATES**

Upon motion by Commissioner Stewart, seconded by Commissioner Knauss, all members voting in favor, the commission approved the 2021 meeting date schedule by roll call vote: Yea: Chesak, Knauss, Soler, Stewart, Maples, Frank and Rogosheske Nay: None

6. UPDATE – CITY COUNCIL AND OTHER COMMISSION ACTIVITIES AND INFORMATIVE ITEMS.
7. ADJOURNMENT

There being no further discussion, Commissioner Chesak moved, and Commissioner Knauss seconded the motion to adjourn the regular Planning Commission meeting at 7:10 p.m. The motion was unanimously approved by roll call vote: Yea: Knauss, Soler, Stewart, Maples, Frank, Chesak and Rogosheske Nay: None

Respectfully submitted by Luann Tembreull, Office Assistant.

APPROVED:

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ALEX ROGOSHESKI  
CHAIRPERSON

ATTESTED:

  
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LUANN TEMBREULL  
OFFICE ASSISTANT