

City of Marine on St. Croix
Planning Commission Meeting
Tuesday, October 27, 2009

The meeting was called to order by Chairman Willenbring at 7:30 pm. Warren, Zajac, Brenner, Perham, Roden and Creager present. Perham absent

Citizens Present: Kate Bergeron (Country Messenger), Irene Qualters, Jim Shaver (Carnelian Marine St. Croix Water Shed)

Agenda:

1. 7:30pm Call to Order
2. Irene Qualters – 500 Judd – Public Hearing Garage Variance
3. Review Codes in the SFR,SFU, SCR, SCU, VC Districts
4. Old/New Business
5. Approval of September 29, 2009 minutes
6. Adjournment

Opened Public Hearing at 7:30 pm: Irene Qualters – 500 Judd Street - Variance for front yard set back for an accessory structure:

Planning Commission members Brenner and Roden met with Irene Qualters to consider a location to construct a garage. There were three possible sites with each one having some kind of issue. Planning Commission member Brenner also spoke with Jim Shaver who is with the Carnelian Marine Watershed District regarding this matter.

While looking at the proposed site plans another issue arose regarding the size of the accessory structure. The size exceeds the maximum allowed square footage of 75% of the primary structures or 750 square feet.

The facts and findings were reviewed with discussions regarding the maximum size of the accessory building and the front and rear yard requirements. The Planning Commission recommended a smaller accessory building for the garage and a second accessory building in the future for a green house. The maximum total square footage of garage and accessory buildings could be 1,450 sq ft. Ms. Qualters will submit a revised site plan that shows a setback between 4 and 5 feet from front yard and the separation of the garage and green house. Additional variances required are the orientation of the door to a public street 402.3.3.b.3 and the distance from front lot line 402.3.3.c. Ms. Qualters will also need an license agreement for her driveway however this will be handled at the next City Council meeting. The Planning Commission reviewed and modified the facts and findings, which are attached.

Jim Shaver from the Carnelian Marine Watershed District was also present. Mr. Shaver is in agreement of the site location being that is located on the highest ground. The Watershed District

has not determined if a permit is required at this time. The Watershed guidelines include any land improvement located within 1,000 feet of water does require a permit.

Roden moved and Creager seconded to accept the revised recommendations to the City Council Motion passed unanimously with Warren abstaining.

Public Hearing Closed at 8:55 pm

Review of Codes in the SFR, SFU, SCR, SCU, VC Districts. No Action

Old/New Business

Reggie Bengtson – 1310 Quant Ave N – CUP for Driveway Length – Chairman Willenbring stated no information was provided and the Conditional Use Permit has not been applied for by Mr. Bengtson, however the Planning Commission will keep this issue on future agendas.

T-Mobile Cell Phone Tower – Interim Use Permit – Chairman Willenbring briefly updated the Planning Commission and acknowledged two meetings were held regarding the requirements that were needed to move forward with cell phone tower; the first with just City members. The second, meeting included the T-Mobile representative. Planning Commission members Creager, Warren and Chairman Willenbring met with Mayor Mills regarding the requirements need for Ms. Dresch the T-Mobile representative to move forward with a cell phone tower application. Warren touched on the application requirements needed referencing section 16 of the Riverway task force document. Willenbring touched on some topics that were needed including variance or permit approvals, schedule, due diligence lease agreement, propagation maps, and application requirements. A letter to Ms. Amy Dresch summarizing the meeting details will follow. Chairman Willenbring will keep the Planning Commission up to date at future meetings.

Approval of Minutes *Warren moved and Roden seconded the acceptance of the Planning Commission meeting Minutes of Tuesday, September 29, 2009 as drafted and subsequently modified at this meeting with corrections to Page 2 paragraph 7 regarding Reggie Bengtson sentence one replace the word “new” with “proposed”. Planning Commission members present, Perham was absent and Creager was present. Page 3 first line omit “and” after 55 feet. Change line three “The objective” to T-Mobile’s objective. Omit the word “inability” in same sentence. Replace Perham with Creager on page 3, paragraph four, and sentence two. Motion passed unanimously.*

Adjournment:

Creager moved and Brenner seconded to adjourn the October 27, 2009 Planning Commission meeting at 9:10pm. Motion passed unanimously.

Minutes taken by Mary Tomnitz, Assistant City Clerk

Facts & Findings

Irene Qualters desires to construct a new garage northwest of her existing home on Block 63 Lot 9. The garage would be located directly north of a city right of way (Thompson Street) and the driveway would be entirely within the right of way and extend from the south side of the garage east to Judd Street. This would require the following:

- A variance to modify the required 30' front yard setback, 507.7(2)(a)1 and 507.7(2)(a)2 (from the south garage face to the north boundary of the city right of way) between four and five feet.
- A variance for size of structure from the maximum 635.34 SF allowable (per 75% of house footprint 402.3.3.b.ii, 402.3.3.f.iii) to the proposed 640 SF structure.
- A separate "license agreement" between the owner and the City of Marine on St. Croix in order to allow the driveway within the city right of way.
- A variance from the distance required for a garage oriented to face onto a public street 402.3(3).3c
- A variance of the garage door orientation toward the public street 402.3(3)(b).iii

Site Visit

Ron Brenner and Gwen Roden visited with Irene Qualters on Monday, October 6th. We walked the site together and reviewed the number of building positions that she has considered with her Architect.

- **Southwest corner of parcel** (southwest of house). This potential garage location would require a driveway that crosses underneath two significant white pines and also an existing rain garden area. The site location would be near the lowest level of the lot; where standing water was present at the time of our visit. This would also be reasonably close to the designated wetland area and stream. **Note: The certificate of survey does not indicate a designated wetland or the nearby stream. Verify with Jim Shaver?**
- **West side of house**. This potential garage location would need to be positioned in a pretty specific location in order to avoid the drip line of a significant white pine and to avoid the existing well. This would position the garage rather close to the wetland and would also not comply with the required 30' front yard setback from Thompson Street. Therefore this location would also require a variance.
- **Northwest of house (her proposed location)**. Here the garage would be positioned on higher ground than the alternative positions and also be a bit further from the wetland areas. This location also avoids the significant white pines on the site. The location would comply with all setback requirements other than the setback from the city street easement, which will require a variance.

Irene indicated that she had spoken to Jim Shaver from the watershed. She informed us that Jim had indicated that they will need to review the proposed project, but his preference for the garage location is the one she is currently proposing. **Subsequently Ron Brenner also had a telephone**

conversation with Jim Shaver on 10/23/09. Jim also indicated his preference for the proposed garage position.

We also discussed the alternative possibility of petitioning the city to vacate the street. Given the fact that no such vacation has been approved in the past her desired plan of action is to apply for variance.

Pertinent Information

- See submitted certificate of survey for lot description.
- The property is in the St. Croix Urban Residential District (SCUR)
- The property is also in Lower St. Croix Overlay District – DNR needs 20 days notification prior to public hearing (***verify w/ Mary if this happened***)
- The proposed garage location of approximately 30' from the adjacent side yard property line (north), 60' from the front property line (east) and 100' from the rear property line (west) complies with district setback requirements (sections 402.3.3.a and 402.3.3.c).
- ***The proposed garage location of 5' to Thompson Street does not meet the required 30' front yard setback.***
- The existing house is in non-conformance as it does not comply with the front yard setback from Thompson Street.
- Existing mature white pine trees are located to the south and west of the existing house.
- Western half of the lot is designated as wetland. ***Note: The certificate of survey does not indicate a designated wetland or the nearby stream. Verify with Jim Shaver?***
- Areas east of the wetland and west of the existing house appear to have high water table and soils are anticipated to be highly organic.
- The proposed garage cannot exceed the height of the principal building structure (section 402.3.3.e).
- The proposed garage of approximately 640 SF will comply with the sum total maximum SF allowed (1450 SF) for attached garages and detached accessory buildings within the district (section 402.3.3.f.i)
- The proposed garage of approximately 640 SF ***does not comply*** with the maximum allowable 75% of the principal building foundation area (section 402.3.3.f.iii). The existing footprint is approximately 846 SF x 75% = 635 SF allowable.
- The proposed garage will need to comply with section 402.3.3.g (garage materials, colors, roof line and architectural style are intended to be similar and complementary with the principal building) and with other requirements for accessory structures.
- The driveway will need to be constructed in conformance with section 406.4 (Driveways).
- Setback excess of more than 5ft from Thompson Street will reduce the and 25 feet from rear yard setback requirement of section 507.7.(2)(C)
- Site plan dated September 8, 2009 denoting proposed garage and future separate green house structure.

Criteria for Granting Variances

Section 311 of the City Code requires conformance with the following criteria for granting variances (sections are paraphrased):

1. Exceptional circumstances apply to the property, which result in circumstances over which the owners of the property have had no control.
 - *The location of mature white pine trees, wetland areas and presence of a high water table limit potential locations for the proposed garage.*
2. The literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - *Literal compliance would possibly endanger the mature white pines or the adjacent wetland.*
 - *All or nearly all of the residents in this neighborhood have garages.*
 - *All or nearly all residence in this neighborhood have additional floor area and therefore exceeding capacity of present structure*
3. The special conditions or circumstances do not result from the actions of the applicant.
 - *The conditions have been in existence for a long period of time and were not a result of the applicant's actions.*
4. Granting the variance will not confer any special privilege that is denied to other owners within the district.
 - *There are a number of other garages in the district that do not comply with city easement setback requirements. There are even instances of garages within the easements.*
5. The variance requested is the minimum variance that would alleviate the hardship.
6. The variance would not be materially detrimental to the purposes of the ordinance.
 - *The use of a detached garage / accessory structure is consistent with a single family residence*
7. The variance will not impair light or air to adjacent property, increase congestion to streets, increase danger of fire, endanger the public safety, or diminish property values within the neighborhood.
 - *The proposed structure complies with all setback requirements to adjacent properties and will not significantly impact access to light or air. Since the use is consistent with the district it should also comply with the remainder of this requirement.*
8. The variance is consistent with the comprehensive plan.
 - *The use of a detached garage at a single family residence is consistent with the comprehensive plan.*

Required Exhibits for Variances (section 311)

1. Abstract property certificate
2. Boundary survey with preliminary building and site development plan (per section 306)
3. A narrative explaining the need for the variance and description of the undue hardship

Pertinent St. Croix Urban Residential District requirements

1. Garages are a permitted accessory use (507.3)
2. Minimum lot size is 1 acre – *actual lot size is 1.032 acres*
3. Minimum lot width is 150 feet – *Parcel exceeds 150' in both directions*
4. 30' minimum front yard setback, 10 foot side yard setbacks (lots less than 95') or 20' (lots more than 95'), 25' minimum rear yard setbacks
5. Maximum building height of 35'

6. 20% maximum lot impervious coverage or 8700 SF (whichever is less) – *proposed impervious lot coverage of approximately 3284 is well below 8700 SF*

Other Pertinent Code Sections

1. Section 405.7 seeks to preserve existing trees by restricting development including grading and contouring. *Applicant is seeking to avoid possible damage to existing significant White Pines south of the house by locating the garage and driveway to the opposite side of the house.*
2. Section 405.6 seeks to preserve existing wetlands. *Applicant has discussed drainage patterns and wetland issues with Jim Shaver (wetland manager). It is Jim's preference for the proposed garage to be at the proposed location.*
4. Section 406.4 defines requirements for driveways. The driveway will need to be constructed in conformance with this section.

Conditions

1. Execution of a mutually agreed upon license agreement for use of Thompson Street to construct and maintain driveway access to proposed garage.
2. Variance required does not constitute approval to build another primary structure on lot 9 block 63
3. Applicant to work with the Water Shed District during the Building permit process.

