

City of Marine on St. Croix  
Planning Commission and Public Hearing Meetings  
Tuesday, July 27, 2010

The City of Marine on St. Croix Planning Commission meeting of July 27, 2010 was called to order by Chairman Willenbring at 7:30 pm. Willenbring, Warren, Brenner, Roden and Creager present, Zajac Absent.

Citizens Present: Jonathon Kelly- Country Messenger, Ken Ostlund, Bill Barrett, Al Stiles,  
Reggie Bengtson

**Agenda:**

1. Call to Order 7:30pm
2. Public Hearing 7:30pm -Ken Ostlund, 171- 5<sup>th</sup> Street – Request for two variances: 1) Front yard setback. 2) To allow an accessory building in front of existing house.
3. Public Hearing 8:00pm - Reggie Bengtson, 1210 Quant Ave N, Lot 1 Block 1 Sringview Acres – CUP for Driveway Length of over 200 feet.
4. Old/New Business: River Boat Tour update, T-Mobile
5. Approval of June 29, 2010 minutes.
6. Review Codes in the SFR, SFU, SCR, SCU, VC Districts.
7. Adjournment

**Open Public Hearing at 7:30 for 171 5<sup>th</sup> Street Representing Christ Lutheran Church is Ken Ostlund.**

The Public Hearing is to consider two variance requests, one for a front yard setback and the second to allow an accessory building in front of a primary structure. Mr. Ostlund provided the Planning Commission a site diagram for the proposed location of the accessory building on the property. The Planning Commission accepted an aerial survey along with the diagram. Chairman Willenbring and member Brenner also took measurements and found that the survey was relatively accurate. Because of the accuracy of the site diagram Brenner recommended the variance to be a 10 foot setback in case of any discrepancies. All other requirements have been met. The site visit shows no other site that would physically fit due to the topography and the location of a lift station. Attached are the facts and finds.

*Willenbring moved and Roden seconded that the Planning Commission recommend the granting of two variances to Christ Lutheran Church to allow the relocation of a garage at 171 fifth Street per case number 060710-01; the variances pertaining to front yard setback and separation from street relative to that of the principal structure, as described site plan dated 7/27/2010 and per findings incorporated in draft report to the Marine Planning Commission dated 7/27/2010 as modified. Motion passed unanimously Warren abstained from vote.*

Public Hearing for Christ Lutheran Church closed at 7:47pm.

**Old/New Business:**

**St. Croix Riverway** – Boat tour workshop was held on July 21, 2010 from 6:00pm to 9:00pm. Planning Commission members Creager, Roden and Warren attended the workshop and all agreed it was very good and exciting. Roden commented on the agenda from last year and how it had to do with shoreline. This year was more directed toward inland and there was not much to see from the river. Roden commented that a bus tour would have been more appropriate. Creager noted there are seven sites along the river that are measuring the amount sediment running in to the river. The analysis is showing a decrease in sediments, however an increase of runoff water. Warren mentioned the rain gardens and storm water runoffs or drainage ponds. Stillwater has several storm water runoff ponds that can hold water for several days during heavy rain or spring runoff. This helps limit the rate which the water is running into the river by holding the sediments and chemical contact back from entering the river. Other erosion prevention schemes were mentioned between Afton and Lakeland.

**T-Mobile** – The Planning Commission is planning to meet with T-Mobile before the next Planning Commission meeting for an update on communications regarding poor foundation problems and a new site location. An update will be available at our next Planning Commission meeting.

**Open Public Hearing at 8:00 for Reginald Bengtson - 1210 Quant Ave N. Lot 1, Block 1 Springview Acres for a Conditional Use Permit for a Driveway length of over 200 feet.**

Members Creager and Roden met with Mr. Bengtson and review the area of the proposed driveway to the proposed house. Mr. Bengtson supplied a site map of where the house will be located including a 37 foot radius near the house and a passing lane 60 feet by 18 feet. Relationship to the elevation of the property was also looked at. There is a very steep hill along the south side of the property which was also considered. Willenbring commented to Mr. Bengtson a Conditional Use Permit is only good for one year and then he would have to reapply. Mr. Bengtson has plans for building his house within the next three years. Mr. Bengtson stated that the access driveway needed to be built prior to the home in order to get materials to the building site. Willenbring also noted a change to the drawing that the width of the access driveway should be 12 feet and not 10 feet. The Planning Commission also noted that the materials needed for the driveway would also have to be approved. Roden commented that Mr. Bengtson is also trying to preserve the trees and the topography on his property. Al Stiles, a neighbor of Mr. Bengtson was present and stated that 1310 Quant Ave was his address and the description will be Lot one Block 1 Springview Acres. Mr. Stiles questioned if an accessory building could be built in front of the primary structure. His concern is if a garage is not built or considered along with the primary structure, will future owners wanting to build a garage be required to get a variance. Willenbring wondered if there was any consideration of moving the house further back, would that allow for an accessory building. Bill Barrett 1110 Quant Ave., agrees with the spot that Mr. Bengtson is building and has no problem with the length of the access driveway. Mr. Barrett would like to see that there is a spot for a garage in the future when Mr. Bengtson is no longer an owner of the property. Willenbring reminded everyone that the Public Hearing tonight is for the Conditional Use Permit to build an access driveway over 200 feet. Roden questioned if the driveway can be modified down in the future if needed. This was confirmed by Willenbring stating that Mr. Bengtson can come back and make modifications.

Attached are the facts and finds.

*Roden moved and Creager seconded that the Planning Commission accept the findings for Mr. Bengtson's driveway Conditional Use Permit so he can build his driveway with modifications as follows. Include the Case number 052610-01. Dating the site plan dated July 27, 2010 with the modifications of changing the 10 foot width of driveway to 12 feet. The roadway cross section be approved by the building inspector as part of the driveway approval permit process as a consistency of what the roadway bed should be made of. The material be approved by the building inspector and verify the design of driveway at time of driveway construction and building permit application. Motion passed unanimously.*

Public Hearing for Reginald Bengtson 1210 Quant Ave N. Lot, Block 1 Springview Acres.  
Closed at 8:35pm

**Approval of Minutes** *Warren moved and Brenner seconded to approve the June 29, 2010 Planning Commission Minutes as drafted with two changes. First change is the address location from "1310 Quant Ave N" to read "Lot 1, Block, 1 of Springview Acres" for the driveway in the agenda area and the Old/New Business area. Second the heading under Reggie Bengtson sentence three and four replace the word "map" with "drawing of driveway" Motion carried unanimously.*

**Review of Codes in the SFR, SFU, SCR, SCU, VC Districts.** No review however a new formatted Zoning district worksheet was supplied to the Planning Commission members.

**Adjournment:** *Brenner moved and Roden seconded to adjourn the July 27, 2010 Planning Commission meeting at 8:45pm. Motion passed unanimously.*

Minutes taken by Mary Tomnitz, Assistant City Clerk

**Christ Lutheran Church (CLC) – 171 5th Street**

Christ Lutheran Church (CLC) desires to relocate an existing storage garage to the property they own on the east side of 5th street directly across the street from the church. The relocated garage would be positioned just to the south and a little east of the existing primary garage. This location would require the following:

1. A variance to modify the required 30' front yard setback (from the west garage face to the east boundary of the city right of way) to not less than 10 feet.
2. A variance to allow the front of the garage to be closer to the street than the existing house.

***Site Visit***

Ron Brenner and Dan Willenbring visited with Ken Ostlund on Wednesday, June 9<sup>th</sup>. We walked the site together and reviewed various issues. We also made some field dimensions to verify relative accuracy of the proposed drawings. Mr. Ostlund had the proposed location staked. We made the following observations.

- The proposed location would encroach no closer to the street than the existing garage. In fact the garage would be approximately 8' further from the street than the existing garage.
- Placing the storage garage to the north of the existing garage would not allow the encroachment to be lessened due to position of the existing house. Furthermore the garage would now be directly in front of the house.
- Placement of the storage garage north of the existing house is not possible as there is dimensionally not enough space available.
- Placement of the storage garage further east or south of the proposed location is not practical due to topography, mature trees and location of an existing city lift station.
- Mr. Ostlund stated that he had met with Jason from the city to review the proximity to the lift station. The southwest corner of the storage garage would be approximately 11' to the lift station and 5' to the sewer main. Jason had indicated that he was comfortable with the proposed location.
- The storage garage door would face to the south; therefore variance for garage door facing the street will not be required.
- There is no neighbor directly adjacent to the south that would be effected by the proposed storage garage.

***Pertinent Information***

- See submitted certificate of survey for lot description.
- The property is in the Single Family Urban District (SFU)
- The proposed garage location of approximately 55' from the adjacent south side yard property line, 120' from the rear property line (east) and 135' from the north side property. These dimensions ***comply*** with district setback requirements (sections 402.3.3.a, 506.3 and 506.4).

- ***The proposed storage garage location of 13' to 5th Street does not meet the required 30' front yard setback.***
- ***The proposed storage garage location is forward of the existing primary residence which does not comply with district requirements (402.3.3.b).***
- Garages may not exceed the height of the principal building structure (section 402.3.3.e). The proposed storage garage ***complies*** with this requirement.
- The proposed storage garage plus existing garage and accessory structure totals approximately 1240 square feet. This ***complies*** 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 storage garage of 240 SF ***complies*** with the maximum allowable 750 SF for any individual detached garage or accessory structure within the district (section 402.3.3.f.ii).
- The proposed storage garage of 240 SF ***complies*** with the maximum allowable 75% of the principal building foundation area (section 402.3.3.f.iii). Calculation not performed because this is obvious.
- The proposed storage garage ***complies*** with section 402.3.3.h (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.
- A driveway is not proposed therefore section 406.4 (driveways) is not applicable.

### ***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.
  - ***Lot dimensions, topography and the existence of an existing city pump station limit potential locations for the proposed accessory 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 not allow the use of an accessory garage.***
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 setback requirements***
5. The variance requested is the minimum variance that would alleviate the hardship.
  - ***The variance appears to comply with this requirement.***
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). *Applicant has provided an aerial map with property lines indicated and also a site plan diagram illustrating proposed structure location. Planning Commission has deemed this information adequate.*
3. A narrative explaining the need for the variance and description of the undue hardship. *Applicant has stated that garage is needed for the storage of lawn maintenance equipment and that strict compliance with the zoning code would not allow the placement of such structure.*

#### ***Pertinent Single Family Urban District requirements***

1. Garages are a permitted accessory use (506.3)
2. Minimum lot size is 30,000 square feet – *actual lot size is approximately 23,239 based on calculation from provided aerial site plan*
3. Minimum lot width is 100 feet – *Parcel exceeds this dimension*
4. Minimum lot depth is 150 feet – *Parcel lot depth varies from approximately 60' to 150'*
5. 30' minimum front yard setback, 10 foot side yard setbacks, 25' minimum rear yard setbacks
6. Maximum building height of 35'

#### ***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 trees by placing the structure in the proposed location and minimizing the amount of grading and contouring required.*

Case Number 052601-01

Marine Planning Commission Public Hearing July 27, 2010

**Reginald Bengtson – 1210 Quant Ave N. Lot 1 Block 1 Springview Acres**

Reginald Bengtson proposes to build new house on Quant Ave N. lot 1, Block 1 Springview Acres

***Site Visit***

Andy Creager and Gwen Roden met with Mr. Bengtson on Wednesday, June 23, 2010 and went over the proposed site plan and walked the property together with him.

The property has a sloping grade with only a small semi-flat area that would be suitable for building. To the west of the proposed building site is a steeper grade that is completely wooded. On the south edge of the plateau are mature spruce and pine that Reggie is attempting to preserve. The William O'Brien State Park abuts his property on the west. The septic system will be northeast of the house and the well to the southeast.

The best option for Reggie's driveway is slightly to the north of the line of trees that edge his property, following the natural topography and giving a greater opportunity for the passing lane for emergency vehicles. The turnaround pad, requiring 30 foot radius, would be located directly in front of the house with a 37 foot radius. A proposed garage site would be reserved to the south of his house.

Mr. Bengtson plan is to build his house within the next 3 years.

**Findings:**

1. The principal use of the property will be Single Family Residential in the SFR district, and is in accordance with zoning requirement of that district.
2. The access drive is a normally permitted accessory to the principal use; the special requirement necessitating Conditional Use Permit Zoning Ordinance 406.2(3)(b) being the length of the drive.
3. The location of the drive is separated by distance (200 feet or more) such that its operation will be minimally visible from adjacent home and properties
4. An access road designed, constructed and maintained as proposed will reasonably meet access requirements for the owner and for emergency vehicle access as described in 406.2 of the Zoning Ordinance.
5. 406.4(1) Permit required – No person shall construct a driveway or make a major alteration of a driveway in any area of the City without first obtaining a permit from the Building Inspector. The application for a permit shall be submitted to the Building Inspector on forms provided by the Zoning Administrator. The Building Inspector may require that the application be accompanied by plans and specifications for the work. The application shall be accompanied by the fee as set by the City Council. If determined necessary by the Building Inspector and City Clerk, a security deposit equal to or less than the estimated cost of the work shall be required.