



PLANNING COMMISSION MEETING
City Hall—Council Chambers, 590 40th Ave NE
Wednesday, August 04, 2021
6:00 PM

AGENDA

ATTENDANCE INFORMATION FOR THE PUBLIC

Members of the public who wish to attend so may by attending in-person, by calling 1-312-626-6799 and entering **meeting ID 810 9064 1596, passcode 978860**, or by Zoom at <https://us02web.zoom.us/j/81090641596?pwd=ZjA5TG9PRVNLRDhTaUFZMHdoZ1NVQT09>. For questions please call Community Development at 763-706-3670.

CALL TO ORDER/ROLL CALL

APPROVE MINUTES

- 1. APPROVAL OF JULY 6, 2021 PLANNING COMMISSION MEETING MINUTES**

PUBLIC HEARINGS

- 2. VARIANCE TO ALLOW FOR THE CONSTRUCTION OF AN ATTACHED GARAGE WITH FRONT YARD SETBACK ENCROACHMENTS LOCATED AT 4161 POLK STREET NE.**
MOTION: Move to waive the reading of the draft resolution.
MOTION: Move to recommend that the Planning Commission recommend to the City Council approval of the Variance for the proposed attached garage to be located at 4161 Polk Street NE, subject to conditions of approval.

OTHER BUSINESS

ADJOURNMENT

Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.

**MINUTES
CITY OF COLUMBIA HEIGHTS
PLANNING COMMISSION MEETING
JULY 6, 2021**

The meeting was called to order at 6:00 pm by Vice Chair Vargas.

CALL TO ORDER/ROLL CALL

Commissioners present: Stan Hoium, Tom Kaiser, Mike Novitsky, Eric Sahnaw, Mark Vargas, Clara Wolfe

Commissioner absent: Rob Fiorendino

Also present: Aaron Chirpich (Community Development Director), Minerva Hark (City Planner), Don Meinhardt, Alicia Apanah (Administrative Assistant)

APPROVAL OF MINUTES

1. APPROVAL OF MAY 4, 2021 PLANNING COMMISSION MEETING MINUTES

Motion by Sahnaw seconded by Hoium, to approve the minutes from the meeting of May 4, 2021. A roll call vote was taken. All ayes. MOTION PASSED.

PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT TO CONVERT A SINGLE-FAMILY HOME INTO A DUPLEX WITH A DETACHED GARAGE AT 3927 HAYES STREET

Introduction: Hark reported that Manuel Jesus Romero Quizhpi, property owner, has applied for a conditional use permit to allow for the conversion of a single-family home to a duplex at the property located at 3927 Hayes Street NE. The existing home is proposed to remain in its current location, with an addition in the rear, while the second unit is proposed to be constructed above. Additionally, the existing detached single-car garage is proposed to be demolished and replaced with a detached two-car garage in the southeast portion of the property.

Zoning Ordinance: The site is zoned R-2A, One- and Two-Family Residential District, and by code, a two-family dwelling requires a conditional use permit in order to be constructed. The neighboring properties to the North, South, East and West are also zoned R-2A.

Comprehensive Plan: The Comprehensive Plan guides this area for Low Density Residential (3 to 7.5 units per net acre). The project, as proposed, would create a total of two dwelling units on a 0.35887-acre lot. This falls between the converted range of 1.07 and 2.69 units for a 0.35887-acre lot. Thus, the proposed conditional use permit is consistent with the Comprehensive Plan's goals.

Design Guidelines: This property is not located in a Design Guidelines District.

Site Plan: The subject property is located in the One- and Two-Family Residential District (R-2A Zone). The following numbered items are an analysis of the site plan against the City Code and the City's Zoning Ordinance:

1. **Setbacks.** The existing single-family home on this site was constructed in 1957, with an addition constructed in 1988. The existing side/south setback is 3.7 feet, which does not comply with today’s setback standards. The first and second story additions are proposed to be stepped back to have a side yard setback of five feet in order to comply with the zoning ordinance.

In review of the proposed setbacks for the subject site, the following tables show compliance for this site:

<u>Setbacks for Residential Building</u>	<u>Required</u>	<u>Proposed – Compliant?</u>
Front yard	25 feet	Yes
Side yard	5 feet	Yes
Rear yard	20% of lot depth	Yes

<u>Setbacks for Two-Family Parking</u>	<u>Required</u>	<u>Proposed – Compliant?</u>
Front yard	25 feet	Yes
Side yard	3 feet	Yes
Rear yard	3 feet	Yes

The proposed setbacks at this site are compliant with the current zoning ordinance.

2. **Minimum Lot Area.** In order to develop two-family or twinhome dwellings in the R-2A zone, the lot size must meet the minimum requirement of 12,000 square feet. The subject property is approximately 15,632.5 square feet and complies with the required minimum lot area.
3. **Building Heights.** The residential building height for the R-2A zone is 30 feet. The proposed duplex has a maximum height of 27 feet and 4 inches. The accessory structure (detached garage) cannot exceed the height of the principal structure or eighteen feet above the average grade, whichever is less. The proposed detached garage is 24 feet and 4 inches tall, or 6 feet 4 inches too tall. The applicant will have to revise their garage plans to meet the required height limit. The project will be conditioned to comply with this height limitation.
4. **Floor Area Requirements.** The zoning ordinance stipulates that two-family dwellings shall have a minimum floor area of 750 square feet per unit, plus 120 square feet for each additional bedroom over two. The proposed ground level unit has four bedrooms, which requires a minimum floor area of 990 square feet. The second story unit has three bedrooms, which requires a minimum floor area of 870 square feet. The proposed project complies with the minimum floor area requirements.
5. **Lot Coverage.** The building coverage on each residential lot, including principal and accessory structures, shall not exceed 30% for lots with more than 6,500 square feet in area. For this site, that limits the lot coverage to approximately 4,689.7 square feet. The project will be conditioned to comply with this zoning ordinance.
6. **Parking.** The zoning ordinance requires a minimum of two on-site parking spaces per unit with two total enclosed spaces for a two-family dwelling. The proposed plans show a sizable detached two-car garage and four on-site parking stalls behind the proposed duplex. The project, as proposed, is compliant with its applicable parking standards.

7. **Neighborhood Notifications.** Neighbor notifications went out to property owners within 350 feet of the subject property. City Staff received phone calls, emails and mail from residents expressing concerns related to the proposed increase in density on the site. Staff addressed these concerns and spoke to community members regarding the conditional use permit process in place to approve two-family dwellings in the R-2A zone

Staff Review: The Public Works Department, Fire Department, Building Official, and Urban Forester were provided copies of the application and site plan to review. The Building Official provided conditions of approval, and the Public Works Department addresses issues pertaining to stormwater runoff.

Specific Requirements: Section 9.107-(C)-(52) of the zoning ordinance outlines three specific requirements for two-family and twinhome dwellings. These requirements are reviewed below:

- (a) Street-facing garage doors must be recessed behind either the front façade of the living area portion of the dwelling or a covered porch, measuring at least six feet by eight feet, by at least five feet.

Staff Comment: *The proposed two-car garage is set back in the rear of the lot, with garage door adjacent to Hayes Street NE.*

- (b) If located on a corner lot, each unit of the duplex or twinhome shall have its address and entrance oriented to a separate street frontage.

Staff Comment: *This requirement does not apply, as the lot in question is not located on a corner.*

- (c) Vehicle access to a lot must be from an alley if the lot abuts an alley.

Staff Comment: *This requirement does not apply, as the lot in question does not abut an alley.*

Findings of Fact: The City Code outlines nine requirements that all conditional use permits must meet in order to be considered for approval:

- (a) The use is one of the conditional uses listed for the zoning district in which the property is located or is a substantially similar use as determined by the Zoning Administrator.

Staff Comment: *The proposed duplex is allowed by conditional use permit under Section 9.109-(F)-(3)-(a).*

- (b) The use is in harmony with the general purpose and intent of the comprehensive plan.

Staff Comment: *The comprehensive plan guides this site for low density residential development. The proposed two-family dwelling is in harmony with the general purpose and intent of the comprehensive plan.*

- (c) The use will not impose hazards or disturbing influences on neighboring properties.

Staff Comment: *Staff does not anticipate any hazards or disturbing influences on neighboring properties as a result of this development. The project has been conditioned accordingly to avoid potential issues.*

- (d) The use will not substantially diminish the use of property in the immediate vicinity.

Staff Comment: *Staff does not believe that the proposed duplex will diminish the use of neighboring properties.*

- (e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

Staff Comment: *This is correct.*

- (f) The use and property upon which the use is located are adequately served by essential public facilities and services.

Staff Comment: *This is correct.*

- (g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

Staff Comment: *The proposed project provides a long driveway, two-car garage, and adequate on-site parking. This should help minimize the possibility of on-street traffic congestion.*

- (h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

Staff Comment: *Staff does not feel this will be an issue.*

- (i) The use complies with all other applicable regulations for the district in which it is located.

Staff Comment: *Staff believes this requirement has been met.*

Summary/Recommendation: The applicant is proposing to convert a single-family home into a duplex at 3927 Hayes Street NE. In review of the applicant's site plan, application, and other relevant materials, staff finds the request to be reasonable and will not negatively impact the health, safety, or welfare of the City, its residents, and property owners. Staff recommends that the Planning Commission recommend that the City Council approve the conditional use permit as presented subject to certain conditions.

Questions/Comments from Members:

Hoiium asked whether "can be permitted" means it has to be permitted and said he thinks the project is not a good idea. Hark explained that it does not have to be permitted and said the project as proposed and conditioned does meet the City zoning standards, adding that the reason it goes forward to a Conditional Use Permit so it allows for a public forum and community input.

She explained that the Planning Commission is not the final voting body for the project, that the City Council would consider the project at their next meeting.

Public Hearing Opened.

Gail Celio of 3912 Hayes Street NE (via Zoom) asked if there were any other rezoned properties in the area that were zoned for multiple families. Hark explained that the zoning designation for the site in question is R-2A, which is the largest zone in the City, and that many properties in the City are zoned residential one- or two-family developments. The reason this project is able to move forward because it does meet the minimum lot size for a duplex. To answer the caller's question more specifically, Hark said there are some duplexes perhaps a block or two away from the project (duplexes are identified as R-2B on the zoning map).

Hoiium said the project's lot is 52' wide and 60' is common in the City, yet it supposedly meets the minimum size and seems narrow. Hark clarified that the lot size is determined by square footage, not depth or width. For this particular project, rather than side by side, the one unit would be on top of the other. He then asked when the rules were put into place for the R-1 and R-1 zones, and Hark said she had done some research and it appeared that they were designated in the 1990s. Chirpich added that the last significant zoning code overhaul was in 2001.

Sahnow said there were a couple conditions calling for revisions to the plan, most noticeably the size of the garage, and asked about those conversations with the applicant and whether revisions would be done before the project goes before the City Council. Hark said staff had been working with the applicant since May, working on refining the plans and that was the one thing that did not make it through the last correction – but it has been conditioned to do so, and the applicant has been notified that in order to approve this that the height of the garage must be lowered. A redesign has not been received, but it has been reincorporated as a condition of approval.

Architect Don Meinhardt explained that Hark had advised him that the sides of the garage had to be 1,000 feet or less in order to meet regulations, which have been changed, but he said he failed to reduce the height but will be easy to do and which he will do in order to comply.

Vargas said it had been mentioned that the size of the garage's structure is in question and is likely not to get approved and asked whether there is a minimum or maximum size, citing an example of a roof that is shedding water down a slope a foot away from a neighbor's property that is greater than 6%, and asked if that would be addressed as well. Hark explained that the original size submitted to the City was 1,050 square feet and the maximum size of all accessory structures on a lot is 1,000 square feet, so that is why the plan has been redesigned to create a garage that does not exceed 1,000 square feet. With regards to the height of the structure and drainage issues, the project has been conditioned to prevent any cross-lot drainage, so all drainage must occur on site per the Public Works Department engineering staff.

Kaiser expressed his support for the project, that it is important to provide ways to add new residents to the single-family districts during the current housing crisis. As someone who lived in a duplex for more than ten years, he said he liked the architect's design layout, that it looks like a very pleasant place to live in any stage of life; liked the fact that it is not side-by-side, so it does not add bulk to the street or change the character visually of the neighborhood; and is adding additional surface parking and expanded garage and all of that would be behind the primary structure.

Wolfe asked whether any updates need to be made for electrical and sewer. Chirpich said electrical and sewer service would be their responsibility but the utilities in the street would accommodate the additional unit. He asked the architect whether he had any information related to services and upgrades necessary for power and condition of existing sewer. The architect said the existing services are adequate. Hark added that electrical usually does get upgraded for homes of its age but those concerns will be routed to Public Works to ensure adherence. Chirpich added that an additional unit brought onto the City's system will pay the sewer access charge that gets deferred to the Metropolitan Council.

Vargas asked, when there is an addition where the walls are stripped to the studs, whether the features in those walls are to be brought up to modern code and asked whether that was addressed in the plan. He cited examples that the new basement is deeper and it would be a trick to get water to flow uphill and there is also a power pole in the front yard with some guide wires, so he wondered if there is an electrical easement and if it plays a role in determining the lot space. Chirpich said the easement area, if it is within the lot lines, would be calculated within the total lot area and it is significantly over the required square footage amount; and anything electrical will be supervised by the State inspector.

Public Hearing Closed.

Motion by Hoiium, seconded by Sahnnow, to close the public hearing and waive the reading of the draft resolution attached, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.

Motion by Kaiser, seconded by Sahnnow, to recommend that the Planning Commission recommend to the City Council approval the Conditional Use Permit for the proposed two-family development to be located at 3927 Hayes Street NE, subject to the following conditions of approval:

- 1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.*
- 2. The applicant shall meet the requirements of the Building Official's Memorandum dated May 6, 2021 and obtain a Building Permit for the project prior to starting construction.*
- 3. The applicant shall meet the requirements of the Public Works Department's Memorandum dated May 10, 2021.*
- 4. All additions to the existing principal structure shall conform to the current building setbacks prescribed in the Zoning Ordinance.*
- 5. The height of the proposed detached garage shall not exceed twelve feet above average finished grade for a flat roof design, or eighteen feet above average finished grade for a pitched/mansard roof design.*
- 6. The exterior color and design of the detached garage shall match the principal structure, with the prohibition of corrugated metal siding and roofing.*
- 7. Failure to comply with any conditions set forth as part of this conditional use permit shall be a violation subject to enforcement. Continued noncompliance shall be grounds for revocation of the conditional use permit, as determined by the City Council following a public hearing on the issue.*

A roll call vote was taken. All ayes. MOTION PASSED.

3. SITE PLAN REVIEW FOR A PATIO ADDITION AT LA CASITA MEXICAN RESTAURANT LOCATED AT 5085 CENTRAL AVENUE NE

Introduction: Hark reported that SAH Partnership has submitted plans proposing the addition of a patio to accommodate outdoor dining at the existing restaurant building at 5085 Central Avenue NE. The proposed patio is 903 square feet and meets the City’s Zoning Code requirements for setbacks and height. The Section 9.104 (N) of the Zoning Ordinance requires that all new plans for development other than one and two family residences, be reviewed and approved by the Planning Commission prior to the issuance of a building permit.

Zoning Ordinance: The property located at 5085 Central Avenue NE is located in the General Business (GB) Zoning District. The properties to the north are in the City of Fridley. The properties to the south are located in the General Business District. The properties to the west, across Central Avenue NE, and east are also in the General Business District. There are some residential properties abutting the surrounding General Business District, but none share a common property line with e subject site.

Comprehensive Plan: The Comprehensive Plan guides this area for commercial uses. The proposal for an outdoor patio addition to the existing commercial business is consistent with the goals and intent of the Comprehensive Plan.

Design Guidelines: The subject property is located at the northern end of Central Avenue NE, which falls within the Design Guideline Overlay District, and is governed by the “Highway District” standards within the Design Guidelines. The intent of the Design Guidelines is to make the City more aesthetically appealing by requiring a set of minimum standards for new construction along Central Avenue.

Much of the guidelines do not apply to this proposal as the guidelines are intended for the principal structure and use on the property. In this case, the applicant is simply proposing to construct a patio addition to accommodate outdoor dining. The proposal will allow for an increase in patrons to the existing restaurant who desire an outdoor dining experience.

The building addition is proposed to be a 903 square foot patio with rough sawn stained cedar posts and a matching trellis. Due to the property being located in the Design District and the visibility off Central Avenue NE, staff has added a condition that the wooden materials of the patio match the existing aesthetic of the building

Findings of Fact: Section 9.104 (N) of the Zoning Ordinance outlines four findings of fact that must be met in order for the City to approve a Site Plan. They are as follows:

- (a) The Site Plan conforms to all applicable requirements of this article.

Staff Comment: *This is correct. The Site Plan in question achieves the applicable Zoning Code requirements.*

- (b) The Site Plan is consistent with the applicable provisions of the City’s Comprehensive Plan.

Staff Comment: *The Comprehensive Plan guides this area for Commercial Uses. Staff believes the proposed Site Plan for the property is consistent with the intent of the Comprehensive Plan.*

(c) The Site Plan is consistent with any applicable area plan.

Staff Comment: *This is correct.*

(d) The Site Plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

Staff Comment: *The proposed Site Plan meets all the development standards outlined in the Zoning Code and will be required to meet Design Guidelines outlined previously. The site is located on the City's primary commercial corridor and the proposed patio is separated from adjacent residential properties by an adequate distance. The properties in the immediate vicinity of the proposed patio addition should not be adversely impacted. The site has adequate on-site parking to sustain the proposed addition. The existing 8,169 square foot restaurant building (seats 247 people), along with the proposed 903 square foot patio (to seat 44 people), totals 9,072 square feet (291 people). Per the code, the minimum parking required is calculated at 30% of the building capacity, which constitutes 88 parking stalls. Thus, the existing 136 parking stalls are sufficient for the proposed addition. The project shall be conditioned to prohibit excessive loud noise emanating from the site in an effort to minimize any negative impact onto adjacent commercial and residential properties.*

Recommendation: Staff recommends approval of the Site Plan for the proposed patio addition at La Casita Mexican Restaurant to be located at 5085 Central Avenue NE, subject to certain conditions of approval.

Questions/Comments from Members:

Kaiser asked whether staff had received any concerns from neighbors of the project, as the lot is so large (the size of a football field) and is on a hill. Hark said she had received none, adding that notices go out to residents within 350' radius from the site and there were very few residential properties.

Hoiium asked if the patio had been built with the original restaurant it would have been part of the full approval and Hark agreed. Chirpich said a change in occupancy is really the trigger for a site plan review in this case because it is not a full building addition, that the patio may have been prompted by the successful front-end outdoor dining offered during the pandemic. Kaiser added that it is too bad that it would not be visible from the street because it would add some life to Central.

Public Hearing Opened.

Stephanie Small of 1093 Polk Circle NE (via Zoom) asked for clarification as to where the patio would be as the lot is large, whether it would be on the northeast corner of the building. She said she does not have a concern about a patio there but has noticed people dumping furniture by the Planet Fitness parking lot dumpsters on a regular basis and trash blows from the west to east, so she is picking up trash there on a weekly basis. She is not too concerned about noise but wonders how the patio will be terraced so she is not capturing that trash too.

Chirpich said he would forward her litter complaints to the Property Maintenance Code Enforcement officials, which resides with the City's Fire Department, and said he can make Planet Fitness aware of the issue and inform them that they are responsible for cleaning up anything on their property whether they have created it or not.

Her home is a double bungalow and the rental unit next to her has had trouble with thefts, and so another concern is increased traffic. Hark said the project design has an enclosure so not much debris is anticipated to come out of the patio, and she believes the privately-owned restaurant wants to keep a positive reputation and would not allow for the littering and have sufficient staff to clean up tables after meals are finished. There is also a planter area between the patio and parking that could potentially capture some litter.

Novitsky asked if there is any way to put up a fence between Planet Fitness and La Casita to stop some of the litter blowing through. Small said there is a 6'-8' white privacy fence but it does not go along the whole length of the parking. Vargas added that since the pandemic began, he has noticed traffic and litter worsening and he thanked her for bringing the problem to the City's attention.

Public Hearing Closed.

Motion by Hoium, seconded by Sahnou, to close the public hearing and waive the reading of Resolution No. 2021-PZ05, there being ample copies available to the public. A roll call vote was taken. All ayes. MOTION PASSED.

Motion by Wolfe, seconded by Kaiser, to approve Resolution No. 2021-PZ05, being a resolution approving a Site Plan for the proposed patio addition to be located at 5085 Central Avenue NE and subject to conditions of approval.

- 1. The building and site shall meet all requirements found in the most current Fire Code and the most current Building Code.*
- 2. The use of the outdoor patio shall minimize noise impacts to adjacent properties.*
- 3. The design of the patio addition shall match the existing building.*
- 4. All fencing shall be no more than six feet in height.*
- 5. The Building Plans shall be signed by a licensed design professional and approved by the Building Official prior to the issuance of a Building Permit.*
- 6. All other applicable local, state, and federal requirements shall be met at all times.*

A roll call vote was taken. All ayes. MOTION PASSED.

OTHER BUSINESS

Hark reported that the next Planning Commission meeting will be held on Wednesday, August 4, with a tentative variance for a garage on an odd-shaped corner lot on Polk Street and at least two ordinance changes on the agenda.

Sahnou asked where the City stands on accessory dwelling units (example: adding an apartment above a garage in a backyard). Hark said the code currently does not allow for those types of units, and Chirpich said he thinks it is something that the Council needs to discuss in a work session setting.

Sahnou said it would increase density and the tax base and an accessory dwelling unit would be a great

way to do that. Hark added that it would also keep housing in the family, as an example: a family building an accessory dwelling unit for a newly-wedded child and allow for the family to grow on site nearby.

ADJOURNMENT

Motion by Hoium, seconded by Novitsky, to adjourn the meeting. A roll call vote was taken. All ayes. MOTION PASSED. Meeting adjourned at 6:42 pm.

Respectfully submitted,



Alicia Apanah, Administrative Assistant



AGENDA SECTION	PUBLIC HEARING
MEETING DATE	AUGUST 04, 2021

ITEM:	VARIANCE FOR ATTACHED GARAGE IN RESIDENTIAL FRONT YARD WITH FRONT YARD SETBACK ENCROACHMENTS	
DEPARTMENT:	COMMUNITY DEVELOPMENT	BY/DATE: Minerva Hark, City Planner/July 29, 2021

CASE NUMBER: 2021-0801
DATE: July 29, 2021
TO: Columbia Heights Planning Commission
APPLICANT: Jordan Stroik
DEVELOPMENT: Proposed Residential Garage
LOCATION: 4161 Polk Street NE (PID 36-30-24-13-0089)
REQUEST: Variance to allow for the construction of an attached garage in the front yard and encroachments into the front yard setback
PREPARED BY: Minerva Hark, City Planner

INTRODUCTION

Jordan Stroik is requesting a Variance for a proposed attached garage to be located at 4161 Polk Street NE. The applicant is proposing to demolish the existing detached single-stall garage on the property and construct an attached standard garage which measures 928 square feet in size on the north side of the home. The applicant seeks a variance for the following:

1. Variance to allow the accessory structure (attached garage) to be constructed and located within the front yard. City Code Section 9.106 (C) (1) (b) stipulates that “No accessory structure shall be constructed or located within any front yard,” while City Code Section 9.106 (C) (1) (c) stipulates that “Accessory structures for one- and two-family dwellings shall be...behind the principal structure building line in the front yard.”
2. Variance to allow the accessory structure (attached garage) to be constructed and located with a front yard setback less than 25 feet. City Code Section 9.109 (C) stipulates a 25-foot front yard setback for residential buildings.

As a corner lot that abuts a diagonal street, there are unique setback requirements that apply to the subject property in relation to neighboring lots. In consideration of corner lots, the City Code states that the lot line having shortest dimension of street frontage is considered the front lot line. Thus, the site’s north lot line, along 42nd Avenue, is considered the front and is therefore subject to a minimum required building setback of 25 feet. The west lot line along Polk Street NE is subsequently considered a side lot line, from which a minimum 10-foot building setback is required. The required setback from Polk Street NE is considered unique

in that other homes located along the street that are south of the subject site are subject to a 25-foot setback along the same street. The attached garage is proposed to be located 17.2 feet from the north front property line. This location is considered to be in front of the principal structure building line in the front yard.

ZONING ORDINANCE

The property is located in the R-2A One- and Two-Family Residential Zoning District. The site is bordered by properties in the Single-Family Residential District to the west, One- and Two-Family Residential District and Built-As Duplexes to the south, Single-Family Residential District and One- and Two-Family Residential District to the north, and Single-Family Residential District, One- and Two-Family Residential District, and Built-As Duplexes to the east. The use of the property as a residential home complies with the Zoning Code.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for residential development. The proposed garage is consistent with the goals and intent of the Comprehensive Plan.

DESIGN GUIDELINES

The subject property is not located in a Design Guidelines District.

SITE PLAN

The applicant has submitted a Site Plan illustrating the proposed size and location of the new garage and its relation to adjacent properties and structures.

FINDINGS OF FACT

The City Council shall make each of the following findings before granting a variance from the provisions of this article:

- (a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

This is correct. The existing single-family home on the lot was built in a manner that utilized Polk Street NE as the front yard, rather than 42nd Avenue NE. The current condition does not provide reasonable space for the construction of a standard two-stall garage that does not encroach into the front yard setback or is not behind the principal structure's front building line. This is an existing condition not caused by the current owner. The proposed garage would encroach seven feet and five inches into the front yard setback, will be served by the existing driveway accessed from Polk Street NE.

- (b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

This is correct. The subject site is unique as it is a corner lot along a diagonal street with setback requirements which differ from most lots on the block.

- (c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

This is correct.

- (d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

This is correct. The Comprehensive Plan calls for reinvestment, renovation, and modernization of the City's single-family housing stock.

- (e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

This is correct. The granting of this Variance will result in a new, functioning two car garage for the property that will enhance the overall functionality and aesthetic of the site. This will provide more adequate on-site parking and will contribute to the improved value of the neighborhood.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council, of the proposed Variance.

RECOMMENDED MOTION(S):

MOTION: Move to waive the reading of the draft resolution attached.

MOTION: Move to recommend that the Planning Commission recommend to the City Council approval the Variance for the proposed attached garage to be located at 4161 Polk Street NE, subject to the following conditions of approval:

1. All construction shall comply with the Minnesota State Residential Code.
2. All construction shall comply with the Minnesota State Energy Code.
3. All construction shall comply with the Minnesota State Plumbing Code.
4. All construction shall comply with the Minnesota State Mechanical and Fuel Gas Code.
5. Storm water runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
6. The existing single stall garage located on the site shall be removed.
7. The new attached garage shall be set back a minimum of 17.2 feet from the northern property line.
8. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed attached garage.
9. The lot shall be limited to two detached accessory structures.
10. The combination of accessory structures, storage shed, and attached garages on the lot shall not exceed 1,000 square feet in area.
11. The height of the proposed attached garage shall comply with City Code.
12. The exterior color and design of the proposed attached garage shall be similar to the principal structure. Corrugated metal siding and roofs are prohibited.
13. The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.
14. The distance between the proposed attached garage doors and the front lot line shall be no less than 20

feet.

15. The proposed attached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.
16. The proposed attached garage shall not be located within any utility or drainage easement.

ATTACHMENT(S):

Draft Resolution

Project Plans

Application

Applicant's Narrative

Site Plan

Certificate of Survey

Community Comments

RESOLUTION NO. 2021-XXX

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Variance for the property located in the City of Columbia Heights, MN;

Whereas, a proposal (Planning Case # 2021-0801) has been submitted by Jordan Stroik to the City Council requesting approval of a Variance at the following location:

ADDRESS: 4161 Polk Street NE (PID 36-30-24-13-0089)

LEGAL DESCRIPTION: On file at City Hall

THE APPLICANT SEEKS THE FOLLOWING:

1. Variance to allow the accessory structure (attached garage) to be constructed and located within the front yard. City Code Section 9.106 (C) (1) (b) stipulates that “No accessory structure shall be constructed or located within any front yard,” while City Code Section 9.106 (C) (1) (c) stipulates that “Accessory structures for one- and two-family dwellings shall be...behind the principal structure building line in the front yard.”
2. Variance to allow the accessory structure (attached garage) to be constructed and located with a front yard setback less than 25 feet. City Code Section 9.109 (C) stipulates a 25-foot front yard setback for residential buildings.

Whereas, the Planning Commission held a public hearing as required by the City Zoning Code on August 4, 2021;

Whereas, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concern related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area;

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

FINDINGS OF FACT

1. Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

2. The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classifications.
3. The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

CONDITIONS

1. All construction shall comply with the Minnesota State Residential Code.
2. All construction shall comply with the Minnesota State Energy Code.
3. All construction shall comply with the Minnesota State Plumbing Code.
4. All construction shall comply with the Minnesota State Mechanical and Fuel Gas Code.
5. Storm water runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.
6. The existing single stall garage located on the site shall be removed.
7. The new attached garage shall be set back a minimum of 17.2 feet from the northern property line.
8. The Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed attached garage.
9. The lot shall be limited to two detached accessory structures.
10. The combination of accessory structures, storage shed, and attached garages on the lot shall not exceed 1,000 square feet in area.
11. The height of the proposed attached garage shall comply with City Code.
12. The exterior color and design of the proposed attached garage shall be similar to the principal structure. Corrugated metal siding and roofs are prohibited.
13. The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.
14. The distance between the proposed attached garage doors and the front lot line shall be no less than 20 feet.
15. The proposed attached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.
16. The proposed attached garage shall not be located within any utility or drainage easement.

ORDER OF COUNCIL

Passed this 9th day of August, 2021

Offered by:
Seconded
by:
Roll Call:

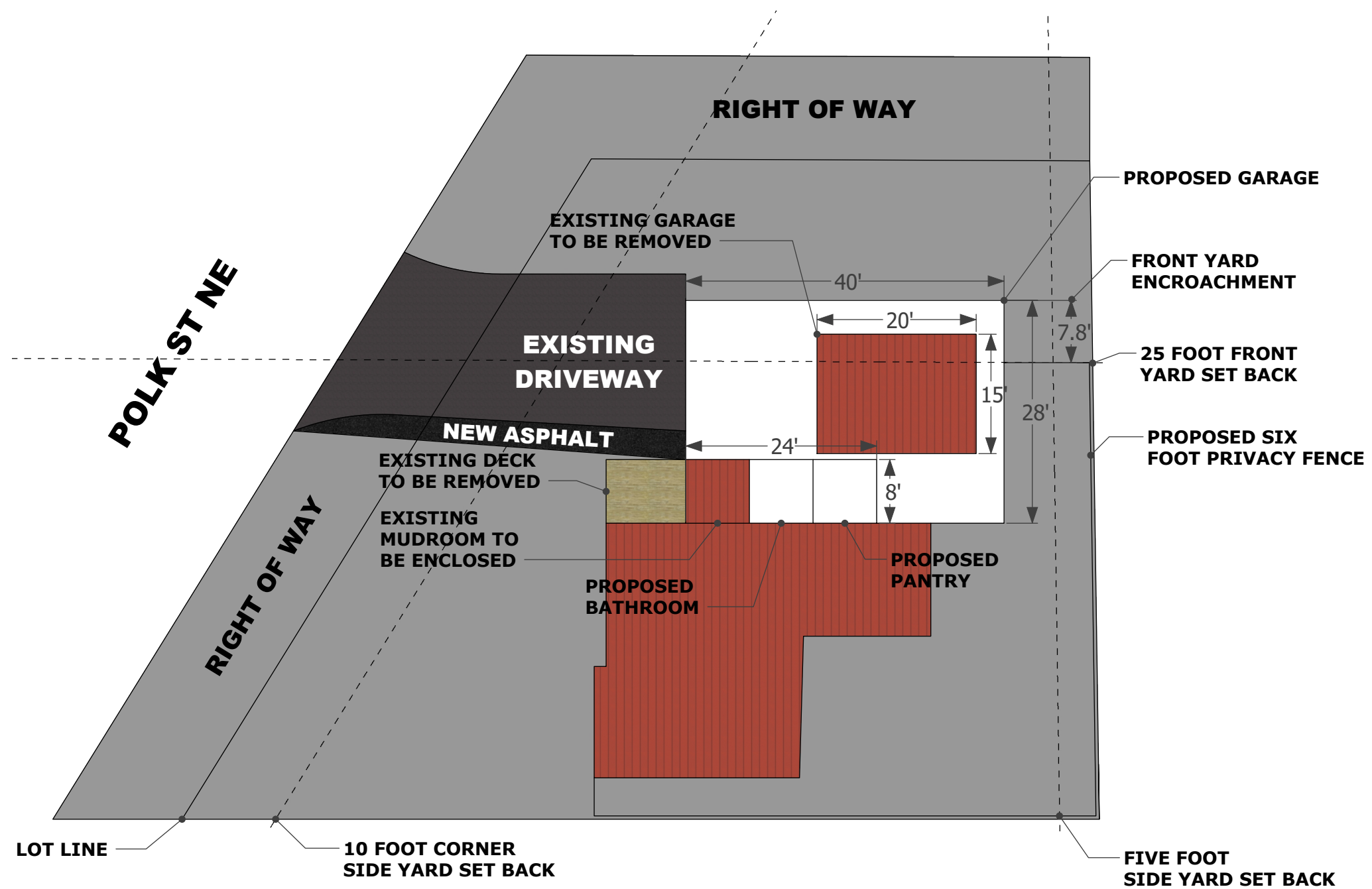
Amáda Márquez Simula, Mayor

Attest:

City Clerk/Council Secretary

DRAFT

42ND AVE NE

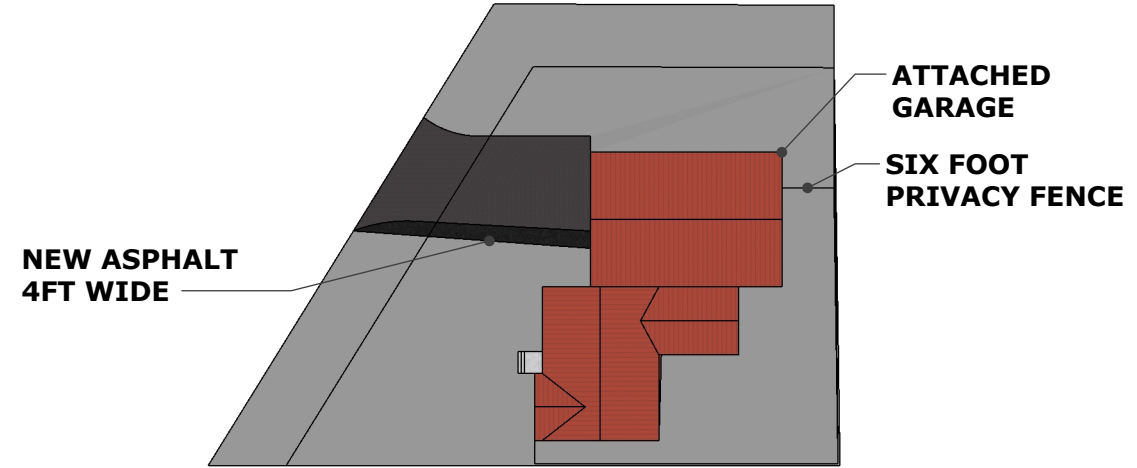
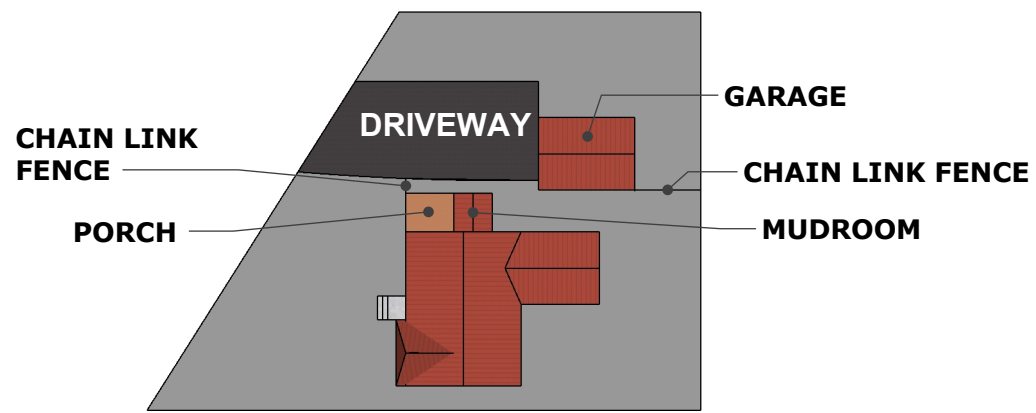


1/16 inch = 1 foot

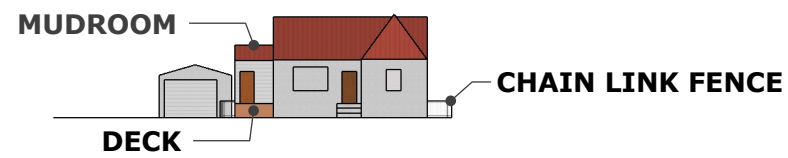
EXISTING STRUCTURES

PLANNED CONSTRUCTION

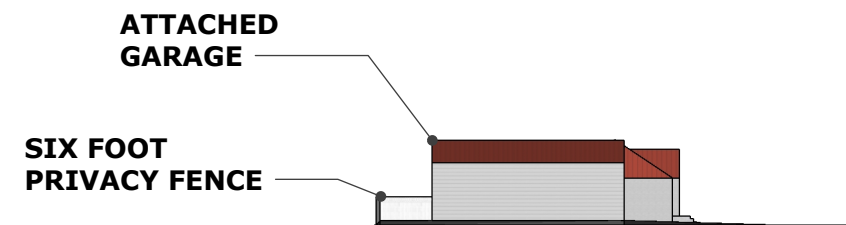
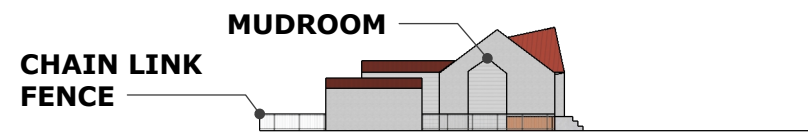
SITE PLAN



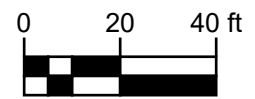
**ELEVATION VIEW
LOOKING EAST**



**ELEVATION VIEW
LOOKING SOUTH**



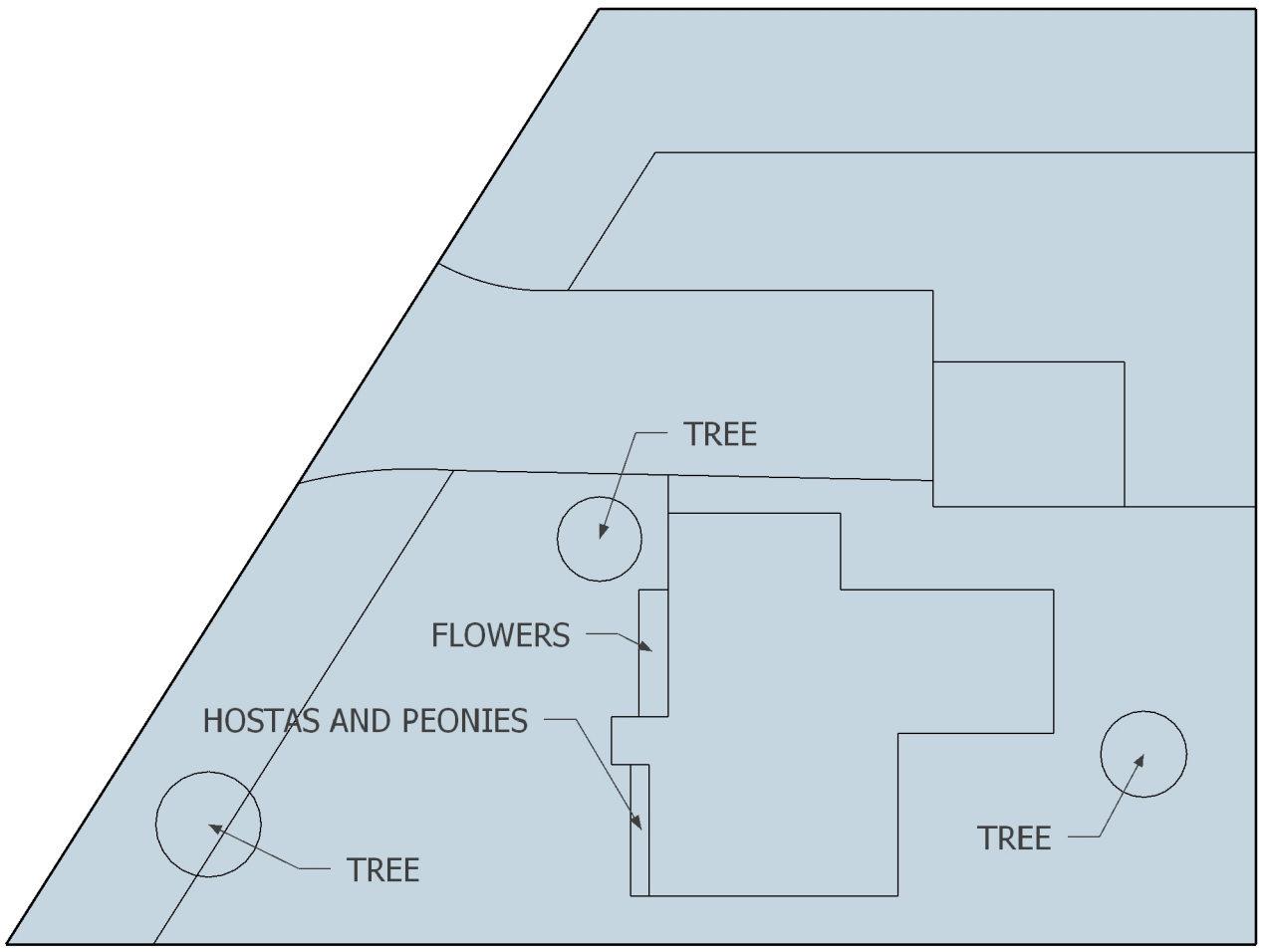
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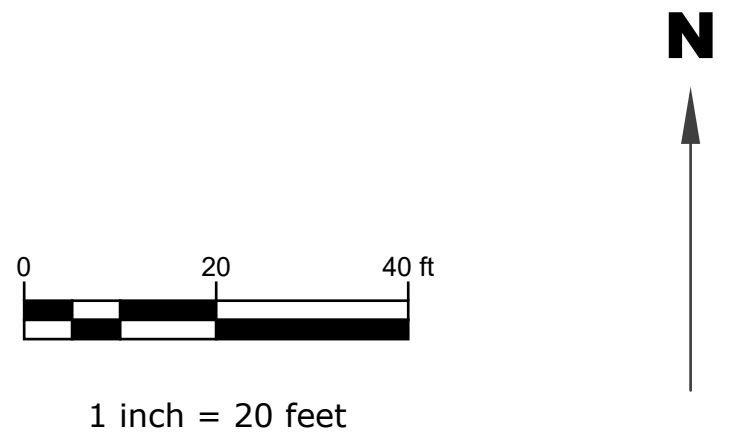
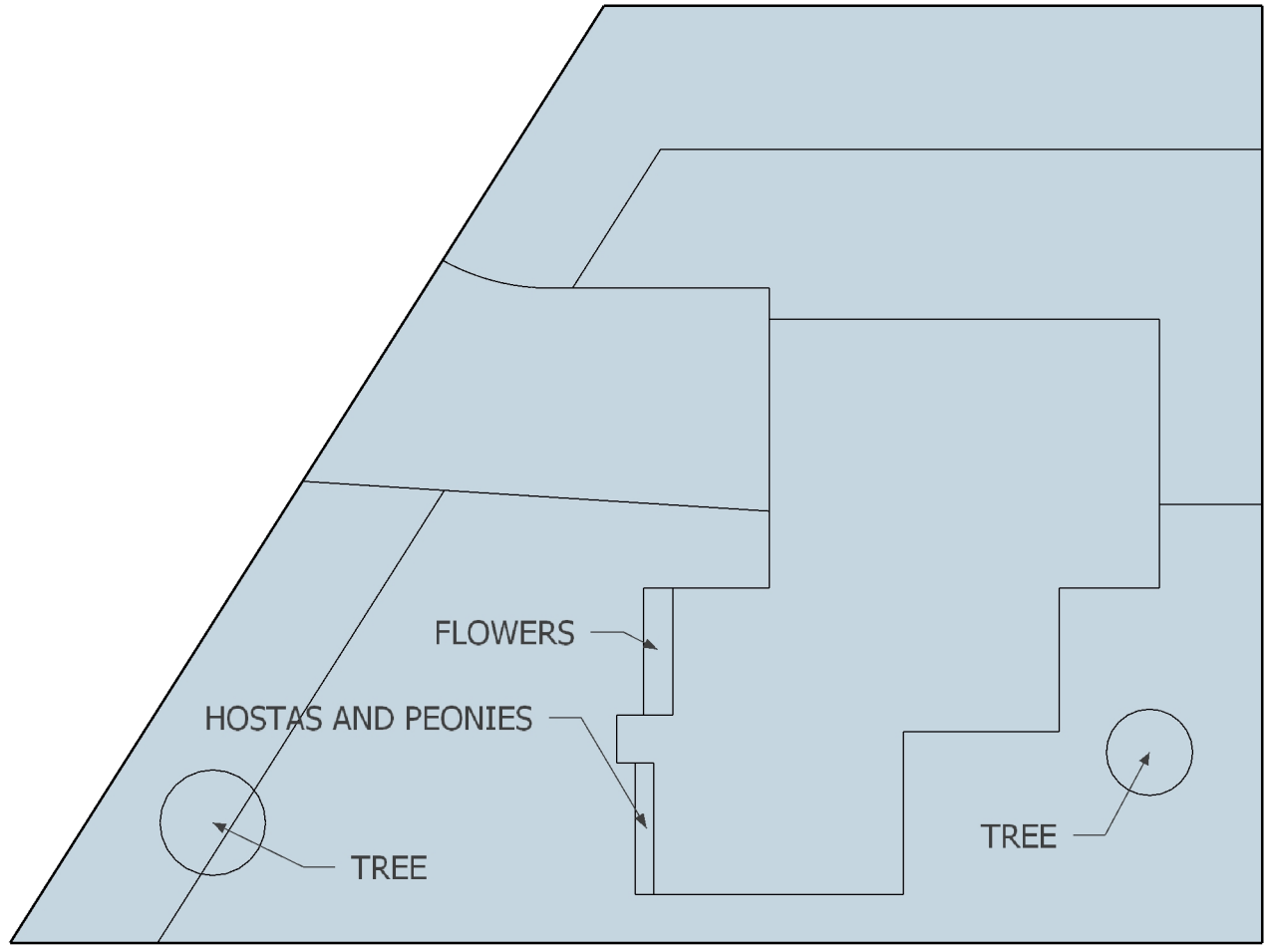
1 inch = 20 feet

Jordan Stroik

EXISTING LANDSCAPE PLAN



PROPOSED LANDSCAPE PLAN



Jordan Stroik

BUILDING MATERIAL SAMPLES



Garage roof and siding to be composed of steel standing seam (above) or similar approved metal panel product (per zoning code and variance conditions, corrugated metal is **not** an approved material and will not be used). The roof will be red and the siding will be white/off-white, matching the existing red shingles and off-white stucco on the house as close as possible. Image retrieved from <http://go-rsp.com/panels/panels/sl-15-standing-seam/>



Six foot tall privacy fence to be composed of vinyl panels similar in style to the photo above. Image retrieved from <https://www.menards.com/main/building-materials/fencing/vinyl-fencing/yardworks-reg-richmond-6-x-8-white-privacy-vinyl-fence-panel/cmcfwl1118/p-1480663227589-c-5772.htm?tid=3920215370445567269&ipos=2>

GRADING AND DRAINAGE PLAN

The existing grading plan will be used. Gutters will be added to the garage roof to drain water away from the garage/house foundations. Rain barrels to be added to collect rain water. French drains to be added to garage perimeter to keep foundation dry.

REFERENCE PHOTOS



Jordan Stroik

VARIANCE APPLICATION

CITY OF COLUMBIA HEIGHTS VARIANCE APPLICATION

CITY OF COLUMBIA HEIGHTS VARIANCE APPLICATION

THIS APPLICATION IS SUBJECT TO ACCEPTANCE BY THE CITY PLANNER AND REVIEW OF APPLICATION AND NECESSARY MATERIALS BEING SUBMITTED.

To be filled out by City:

CASE NO.: _____ DATE RECEIVED: _____
 APPLICABLE ORDINANCE NO.: 9.104 (G) DATE OF LETTER OF COMPLETION: _____
 PRESENT ZONING: _____ APPROVAL DATE PER STATUTE: _____
 PRESENT LAND USE PLAN DESIGNATION: _____ REVIEW PERIOD EXTENDED: _____

To be filled out by Applicant:

PROPOSED NAME OF DEVELOPMENT: Attached Garage Construction
 PROJECT ADDRESS/LOCATION: 4161 POLK ST NE

LEGAL DESCRIPTION OF PROPERTY INVOLVED (attach separate page if necessary):
That part of lot 3, block 16, auditor's subdivision of walton's second subdivision, lying northerly of a line drawn parallel with the south line of said lot 3 from a point in the east line of said lot 3, distant 810 ft north of the ...

PRESENT USE OF PROPERTY: Residential, owner-occupied

PROPOSED USE OF PROPERTY: Same, with larger attached garage

REASON FOR REQUEST (Please attach a written narrative describing the variance being requested. The narrative should fully explain the hardship(s) that justifies variation from the strict application of the Code. The terms "hardship" or "undue hardship" typically refer to physical characteristics of the property, such as shape, soil conditions, or topography. Neither mere inconvenience, nor reduction in value alone, is sufficient to justify a variance. The inability to put property to its highest and best use is not considered a hardship or practical difficulty. The problem that justifies the variance must be caused by conditions unique to the property and beyond the control of the applicant. The applicant cannot create the condition that requires the variance.)

APPLICANT Jordan Stroik PHONE 763-412-7950 FAX _____
 E-MAIL jordan.stroik@gmail.com PAGER _____ CELL # _____
 ADDRESS 4161 Polk St NE
 CITY Columbia Heights STATE MN ZIP 55421
 FEE OWNER OF PROPERTY Same as applicant
 ADDRESS _____ PHONE _____ FAX _____
 CITY _____ STATE _____ ZIP _____

ITEMS TO BE GIVEN TO APPLICANT WITH APPLICATION

- A. Procedures Manual
- B. Application Checklist
- C. Schedule of Planning and Zoning Commission Meetings

ITEMS TO ACCOMPANY VARIANCE APPLICATION

- A. Submittals as required in the attached application checklist, describing the variance(s) proposed.
- B. Two copies of a list of property owners within 350 feet of the subject property.

APPLICATION FEES:

- A. \$200 Residential Variance Fee \$ _____
- B. Park Dedication Fee \$ _____
- C. City Sewer Availability Charge (SAC) \$ _____
- D. City Water Availability Charge (WAC) \$ _____
- E. Other \$ _____

TOTAL AMOUNT RECEIVED \$ _____

CITY RECEIPT NUMBER _____ DATE RECEIVED _____

Acknowledgement: The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the City of Columbia Heights to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Columbia Heights and the State of Minnesota:

Jordan Stroik 05/12/2021
 APPLICANT SIGNATURE DATE

PROPERTY OWNER SIGNATURE (If different from Applicant) DATE

COMMUNITY DEVELOPMENT STAFF MEMBER AND TITLE DATE

Revised 2005 Approved by the Columbia Heights Planning Commission on _____
 Approved by the Columbia Heights City Council on _____

Jordan Stroik

Legal Description Continued: Southeast corner thereof,
Anoka County, Minnesota,

DETAILED NARRATIVE

My name is Jordan Stroik, and my family and I own and occupy 4161 Polk St NE. I am seeking a variance for one City of Columbia Heights Zoning Code pertaining to the shape and location of my lot. My house is on the southeast corner of Polk St NE and 42nd Ave NE. Per the code's definition of a front yard being the shortest lot line for corner lots, the yard facing 42nd Ave is considered the front yard despite my house and garage facing Polk St.

I'm seeking a variance for 9.106 (C)(1)(b) "No accessory structure shall be constructed or located within any front yard." I would like to demolish my existing single car detached garage in need of repair and build a larger attached garage to meet the city plan of two covered parking spaces. As the attached images and drawings show, the "front" yard facing 42nd is the location of my current garage and is the most feasible location given the position of the house on the lot. It's also an easy choice for a new garage given the existing driveway.

Jordan Stroik

SITE PLAN

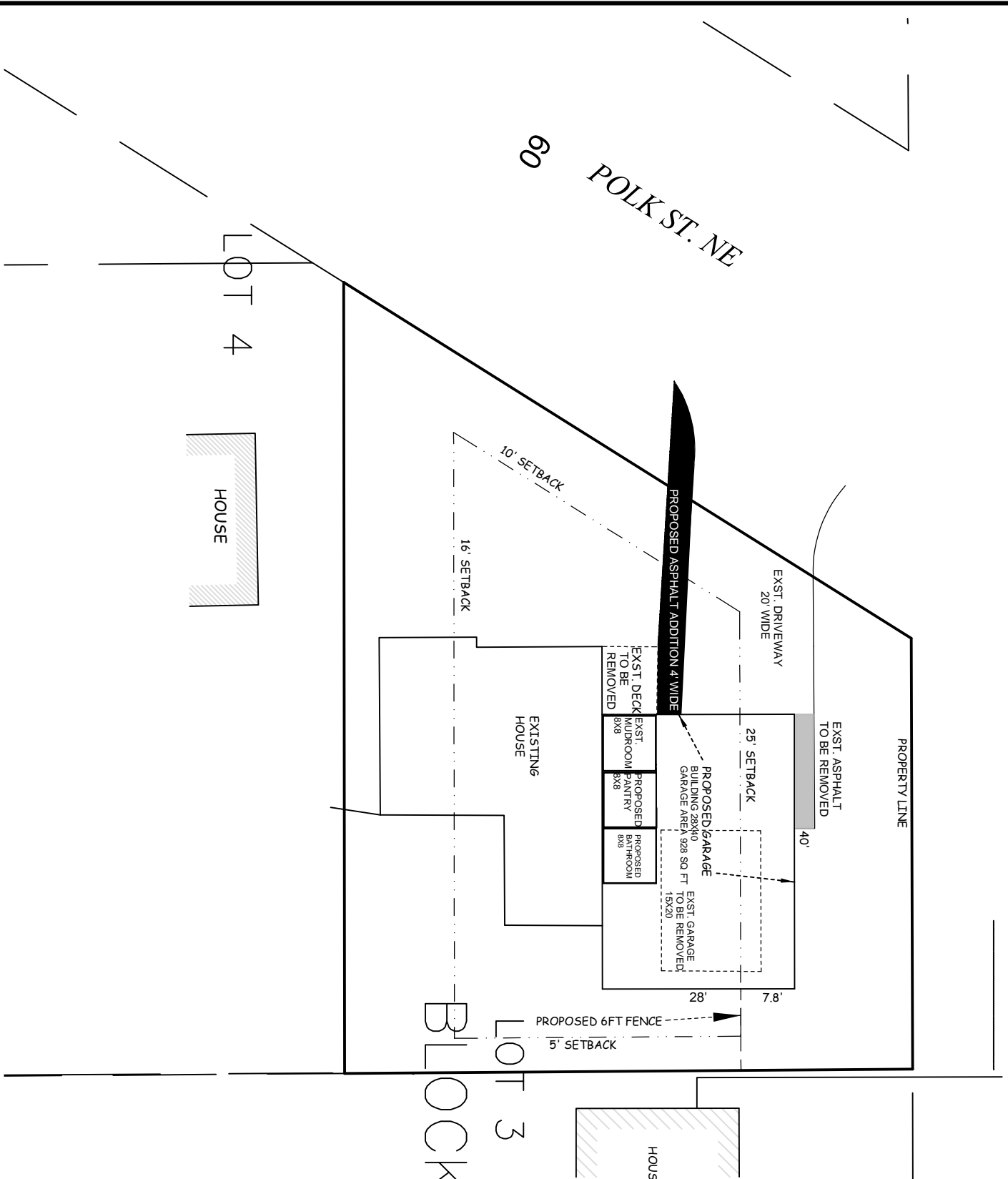
PART OF LOT 3, BLOCK 16 OF AUDITOR'S SUBDIVISION OF WALTON'S SECOND SUBDIVISION

42ND AVE. NE

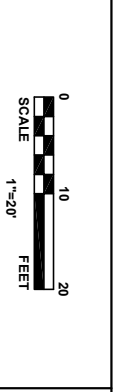
LEGAL DESCRIPTION PROVIDED BY CLIENT

Tract of land lying and being in the County of Anoka, State of Minnesota, described as follows, to-wit:

That part of Lot 3, Block 16, Auditor's Subdivision of Walton's Second Subdivision, Lying Northerly of a line drawn parallel with the South line of said Lot 3 from a point in the East line of said Lot 3 distant 210 feet North of the Southeast corner there of, Anoka County, Minnesota.



NOTE:
THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER THE DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: **JESSE T. BENIGSON** LIC. NO. **49506** DATE: **06/16/2021**

DESIGNED: _____
DRAWN: **RVP**
CHECKED: **JTB**

TRUE NORTH SURVEYS, P.A.
6707 113TH AVE NE, PO BOX 982
SPICER, MN 56288
Phone: 320-212-1089

DATE OF SURVEY: **04/16/2021**
JOB #: **2021-53**
CLIENT: **JORDAN STROIK**

SHEET **1**
OF **1**

LEGEND

- DENOTES 5/8" X 1/8" REBAR SET, MARKED BY LICENSE NO. 49506
- DENOTES IRON MONUMENT FOUND

CERTIFICATE OF SURVEY

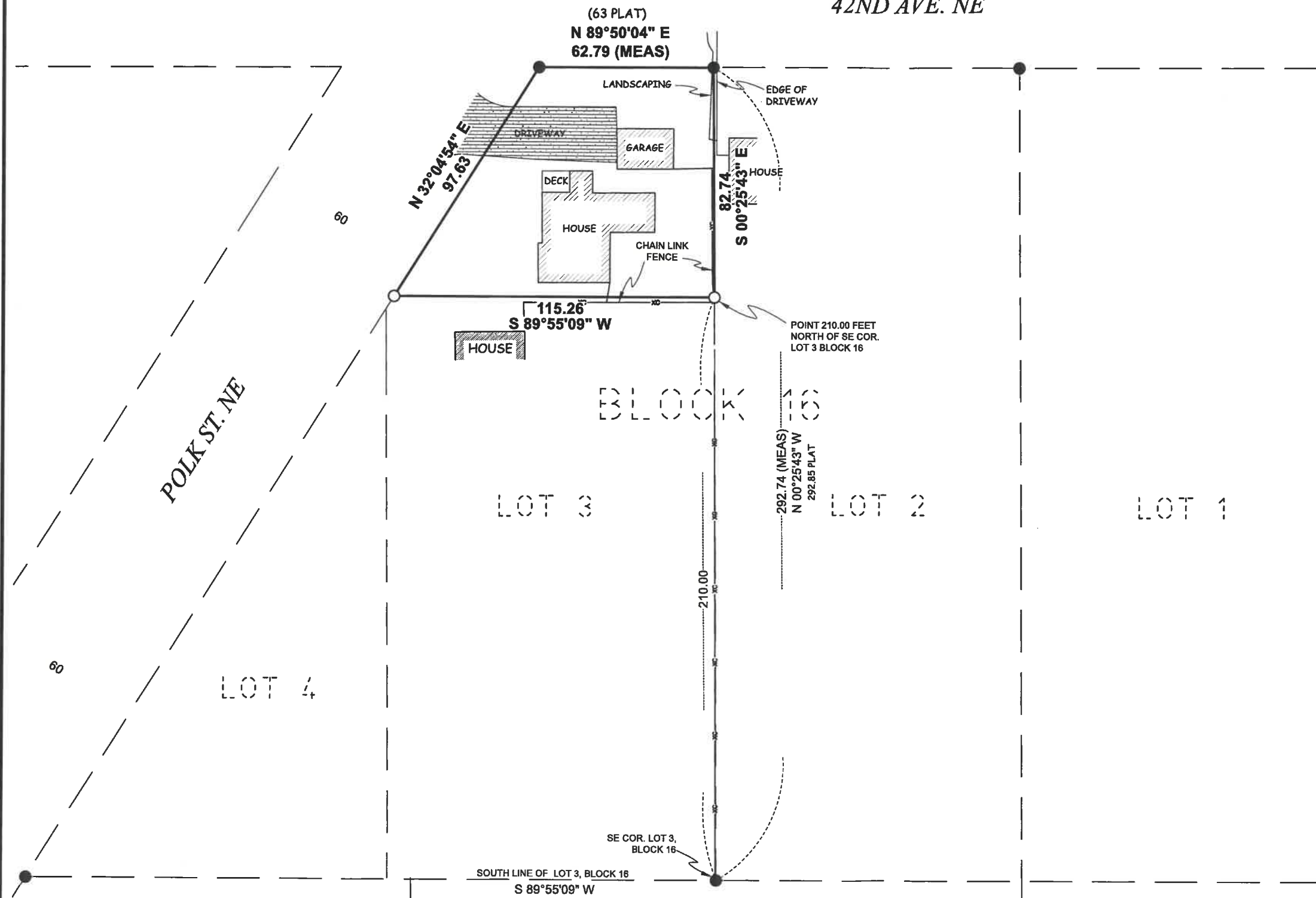
PART OF LOT 3, BLOCK 16 OF AUDITOR'S SUBDIVISION OF WALTON'S SECOND SUBDIVISION
ANOKA, MINNESOTA

LEGAL DESCRIPTION PROVIDED BY CLIENT

Tract of land lying and being in the County of Anoka, State of Minnesota, described as follows, to-wit:

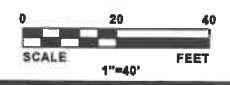
That part of Lot 3, Block 16, Auditors Subdivision of Walton's Second Subdivision, Lying Northerly of a line drawn parallel with the South line of said Lot 3 from a point in the East line of said Lot 3 distant 210 feet North of the Southeast corner there of, Anoka County, Minnesota.

42ND AVE. NE



- DENOTES 5/8" X 18" REBAR SET, MARKED BY LICENSE NO. 49506
- DENOTES IRON MONUMENT FOUND

NOTE:
THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.



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Jesse T. Bengtson

NAME: JESSE T. BENGTSON LIC. NO. 49506 DATE: 05/12/2021

DESIGNED:
DRAWN: RVP
CHECKED: JTB



TRUE NORTH SURVEYS, P.A.
6707 113TH AVE NE, PO BOX 952
SPICER, MN 56288
Phone: 320-212-1089

DATE OF SURVEY: 04/16/2021	SHEET
JOB #: 2021-53	1
CLIENT: JORDAN STROIK	OF
	1

Minerva Hark

From: GAYLE DURAND <DURAND03@msn.com>
Sent: Wednesday, July 21, 2021 11:00 AM
To: Minerva Hark
Subject: 4161 Polk Street NE - variance for proposed garage

*This message originated from outside the City of Columbia Heights email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments. If necessary, contact sender by phone. **WHEN IN DOUBT, THROW IT OUT!***

Good morning Minerva,

My name is Gayle Durand and I own the property at 4226 Polk Street NE. I received the notice of the public hearing regarding the property at 4161 Polk Street NE. I am not able to attend the public hearing so wanted to provide my input. I fully support the demolition of the existing garage and construction of the new garage. I feel this will be an improvement to the property at 4161 and the neighborhood/community as a whole.

Please feel free to reach out to me if you need any additional information.

Thank you,
Gayle Durand
612.202.6099