



**City of Jordan
City Planning Commission
Meeting October 14, 2008**

Members present: Jeanne Marnoff (Council rep.), Dawn Benko, Rolf Halfslund, Rob Mishica, and John Watkins.

Official representatives: None.

Staff present: John Anderson MDG, Senior Planner Joe Janish, and Planner Casey MacCallum.

Others present: Dean Braatz applicant of 508 Syndicate St, and Randy Mattson 208 Crestview Circle.

- 1.0 *Motion Rob Mishica, second John Watkins, to nominate Commissioner Rolf Hafslund be acting Chair for the meeting.*
- 2.0 *Call to Order. Rolf Hafslund called the Planning Commission to order at 6:09 p.m.*
- 3.0 **Adopt Agenda.** *Moved by Dawn Benko, seconded by John Watkins, to adopt the agenda as presented, but acknowledge that item 5A will commence at 7:00pm.*
- 4.0 **Minutes.** *Motion Dawn Benko, second by John Watkins, to accept the September 8, 2008 Planning Commission Minutes as presented. Unanimous approval.*
- 5.0 **Public Hearings:** There were 2 public hearings.
 - A. **Variance – 508 Syndicate Street, 25% Coverage.** As presented by Planner MacCallum. This item is a continuation from the last meeting. Staff received a letter of extension on September 22, 2008. The original application from Stanley and Dean Braatz for a variance at 508 Syndicate Street from the 25% impervious surface requirement was submitted on August 16, 2008.

CODE CITATION

Ordinance 90 of the 2nd Series (subdivision 3B) defines the Shoreland Overlay District; and Subdivision 11 states that “no [...] combination of structures [...] **shall occupy more than 25%** of the lot.” §11.23.5D. states that “the floor area ratio [...] **shall not exceed 0.35.**” §11.23.6B. states “each dwelling unit shall have a minimum of two off-street parking spaces. A minimum of a one-car garage, expandable to a two-car garage while meeting required yard requirements is required at the time of construction of the dwelling.” [Quotes and emphasis added.]

DEFINITIONS

Floor Area Ratio – §11.02.78 The numerical value obtained through dividing the gross floor area of a building by the net area of the lot or parcel of land on which such building is located.

Ground Floor-Area Ratio – §11.02.83 The numerical value obtained through dividing the gross ground floor area of a building by the net area of the lot or parcel of land on which such building is located.

508 SYNDICATE – VARIANCE REQUESTED. Stanley and Dean Braatz’s variance application is to construct a 2 car garage and driveway. The dimensions are as follows: House 1,134.99 sf, Current Driveway (14.9’ by 56.3’) 838.87 sf, Proposed Driveway (19.5’ (ave.) by 41.53’ 809.84 sf), Garage (24’ by 24’) 576.00 sf, Total impervious (current) 1,973.86 sf, Total impervious (proposed) 3,359.70 sf, Lot square footage 8,772 sf, Impervious surface (current) 22.50%, Impervious surface 38.30%.

VARIANCE CONDITIONS. § 11.10.5 Variances; provides provisions criteria for approving a variance:

1. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone or vicinity. **This condition is met.** The property was originally larger and a portion was acquired for the construction of the dike.
2. The literal interpretation of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district. **This condition is met.** Adjacent neighbors have two car garages, and most properties in the vicinity have two car garages. Sec. 11.23 sub.6B requires new construction properties to have a one car garage expandable to a two car garage.
3. The special conditions or circumstances do not result from the actions of the applicant. **This condition**

is met. The reduced lot size is due to the dike construction not the owner's action.

4. Granting the variance will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures, or buildings in the same zoning district. **This condition is met.** The owner is being granted a standard 2 car garage common in the vicinity.
5. The variance is the minimum necessary to alleviate the hardship. **This condition is met.** The owners are not requesting any more than the minimum distance, size, and driveway width than is common in the vicinity.
6. The variance would not be materially detrimental to the purposes of this Chapter or the property in the same zoning classification. **This condition is met.** Approval of the variance from the impervious surface requirement will not expose the City to future variance requests because the Code requires a two car garage and off street parking. Three car garages or large expansions would not meet this condition. The construction needs to be of similar material as the house.

Planner MacCallum noted a public hearing notice was printed in the August 28, 2008 and October 2, 2008 publication of the Jordan Independent and sent to every property owner within 350 feet of 508 Syndicate Street.

Steve Kovitch of 308 W. 6th Street called staff in support of the variance.

Al Sharp of 502 Syndicate called staff in support of the variance.

PUBLIC HEARING. Opened at 6:20pm and closed at 6:22pm. Only the applicant spoke.

COMMISSION DISCUSSION. Commissioners discussed the details and history of the Surface Water Management Ordinance and bluff protection. They agreed with staffs findings for the variance criteria and clarified the details of the increased coverage on Sand Creek, which agreed were minimal.

Motion John Watkins, second Dawn Benko, to recommend the City Council approves the variance from the 35% surface coverage of Ordinance 90 of the 2nd Series for 508 Syndicate to construct a 24' by 24' two car garage with driveway, as shown on the survey. Unanimous approval.

- B. Variance – 208 Crestview Circle, Bluff Setback.** Staff received an application for a variance from the bluff impact zone setback for 208 Crestview Circle on September 3, 2008.

CODE CITATION Ordinance 2007-009 amended and replaced §11.85 subdivision 3-8. Subd. 4C of the revised Ordinance describes the Bluff Protection Criteria as the “minimum bluff standards [...] apply to] development, or redevelopment of land in an area that meets the minimum criteria of Bluff Standards in the Comprehensive Surface Water Management Plan (CSWMP) [...] the following rules shall apply: (c.) all accessory structures including, but not limited to, patios, unenclosed decks sheds and fences shall be set back a minimum of 5 feet from the top of the Bluff Impact Zone.”

DEFINITIONS: from Ordinance 2007-009 amending Section 11.02 Definitions. **Bluff Impact Zone.** A 25-foot zone at the top of a bluff. **Bluff, Top of.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in slope is apparent, the top of the bluff shall be determined as the highest end of a fifty (50) foot segment that exceeds eighteen (18) percent slope. **Bluff Face.** The area between the toe of the bluff and the top of the bluff. **Bluff.** A topographical feature such as a hill, cliff, or embankment in which the average grade of any portion of the slope is thirty (30) percent or greater and there is at least a 25-foot rise in elevation. Attached was the WMO Bluff Diagram showing these definitions and their impact on the principal and accessory structures.

208 CRESTVIEW CIRCLE – VARIANCE REQUEST: The City Engineer Doug Carter made the following comments regarding the deck on 208 Crestview Circle: The ordinance that governs this proposed improvement would be 2007-009, Rule C – Bluff Protection Criteria, Item 1- Minimum Bluff Standards, (b),(c). 1(b) – All principal structures shall be setback a minimum of 20-feet from the top of the Bluff Impact Zone. This translates to 45-feet from the defined Top Of Bluff. 1(c) – All accessory structures shall be setback a minimum of 5-feet from the top of the Bluff Impact Zone. This translates to 30-feet from the Top Of Bluff. In this instance the defined Top Of Bluff would be the retaining wall behind the house. It appears that the existing house and deck are already within the setback areas. From the available information the house was built prior to the adoption of the ordinance (2007) so it would be grandfathered

in. Any new additions on the northwest side of the structure would not meet the current regulations and require the applicant to request a variance.

Attached was a letter, building plan, survey and picture showing the proposed five foot six inch deck extending northwest toward the bluff off the existing ledger board. This was a strong reduction in area from their original proposal last November when the Matson's requested a deck and four season porch extending ten feet toward the bluff. The proposed deck/landing extends along the back side of 208 Crestview from the bedroom on the northeast corner, where a sliding glass door was originally constructed for a deck, to the existing deck.

As the engineers comments state the setback for accessory structures is five feet from the twenty-five foot Bluff Impact Zone or 30 feet from the Top of Bluff (TOB). The TOB is considered the retaining wall and the house sits fifteen feet away from the TOB, and the deck would extend another five feet six inches and nine feet six inches from the TOB. The variance request is for twenty feet six inches into the setback established by subdivision 4C.1c.

VARIANCE CONDITIONS: §11.10 General Provisions, Subdivision 5 Variances; provides provisions to issue relief to landowners where this Chapter imposes undue hardship by review of narrowness, shallowness, shape of lot, or whereby reason of exceptional topographic or water conditions or other extraordinary and exceptional conditions of such lot. Criteria for approving a variance are as follows:

1. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zone or vicinity. **This condition is met.** The property was built close to the bluff meeting zoning requirements at the time of construction.
2. The literal interpretation of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district. **This condition is met.** Most properties in the R2 district are allowed a deck and access similar to the request.
3. The special conditions or circumstances do not result from the actions of the applicant. **This condition is met.** If this area were platted today the house would be setback forty-five feet from the TOB and the deck could extend fifteen feet beyond the house; the whole nature and design of the development would be different.
4. Granting the variance will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures, or buildings in the same zoning district. **This condition is met.** The applicant is requesting a five foot six inch deck, for this vicinity and district, and the deck itself is permitted. If platted today the development would have been platted differently to accommodate for the Bluff Impact Zone and setback.
5. The variance is the minimum necessary to alleviate the hardship. **This condition is met.** The owners are requesting a minimum five foot six inch deck to conform to wheel chair access, semi outdoor living space, and access to their current deck from their originally planned sliding glass door. The applicant has also changed the size of the deck from the original proposal of ten feet.
6. The variance would not be materially detrimental to the purposes of this Chapter or the property in the same zoning classification. **This condition is met.** The addition of the deck/landing is not going to be detrimental to the property, properties in the vicinity or the community at large. Future variance applications from the bluff setback would be limited to properties platted prior to the adoption of Ordinance 2007-009, and next to bluffs.

Planner MacCallum noted a public hearing notice was printed in the October 2, 2008 of the Jordan Independent and sent to property's within 350 feet of 208 Crestview Circle.

PUBLIC HEARING: Opened at 6:33pm and closed at 6:34pm. Only the applicant spoke.

COMMISSION DISCUSSION: the Commission asked staff and the applicant clarifying questions including the number of posts (five), impact on the bluff (insignificant), and potential increase in water runoff (none).

Motion Jeanne Marnoff, second Rob Mishica, to recommend the City Council approves the variance impeding into and reducing the bluff setback for the construction of a five foot six inch deck including the stairs for 208 Crestview Circle. Unanimous approval.

6.0 New Business. There was 1 item of new business.

- A. Planning Commission Information Seminar.** Jeb from the League of Minnesota Cities was present and provided a 45 minute overview of the rule of the Planning Commission's which included: land use law, Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, zoning maintenance, legislative verses quasi-judicial authority, contentious property rights issues, zoning use, zoning standards, bulk and height, subdivision process, undue hardship, park dedication, legal nonconformities, variances, conditional use permits, findings of fact, application process, and Public Hearings and procedures.

After the presentation staff informed the planning commission the League offers other workshops with a land use emphasizes and asked the Planning Commission to reflect upon the presentation and consider other items they may want to consider having presentations on for the November 10th Planning Commission.

6.0 Old Business. There were 2 items of old business.

- A. Sign Ordinance Discussion.** As presented by Planner MacCallum. The Planning Commission discussed (1) review of the material from last month's policy decisions; and (2) guidance or motion regarding general policies: specifically murals.

- B. Time Change for PC Meeting Discussion.** As presented by Senior Planner Janish. Staff presented the history and legal details of changing the time when the Planning Commission meets.

Motion Jeanne Marnoff, second Dawn Benko, to request the City Council to change the time of the Planning Commission from 6:00pm to 6:30pm starting January 1, 2009. The Planning Commission will still meet the second Tuesday of every month, unless stated otherwise.

7.0 Planners Report. Staff informed the Commission that the November 11, 2008 meeting is on Veterans Day Holiday; and the Planning Commission is meeting on November 10, 2008. Staff also informed the Commission of the Community Growth Option Grant from the 1,000 Friends of Minnesota informational meeting.

9.0 Commissioners report. One Commissioner spoke. Commissioner Marnoff requested information on the property of the old lumber yard.

10.0 Adjournment. *Moved by John Watkins, seconded by Dawn Benko, to adjourn at 8:33pm. Motion unanimously approved.*

Respectfully Submitted,

Casey MacCallum
Jordan Planner