

5.01: Public Hearing: Consider Request for a Variance to the Driveway Setback Requirement on the Property Located at 5581 148th Lane NW

Public Hearing

Chairperson Levine called the public hearing to order at 7:02 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating through the Code Enforcement Program, the City became aware of an existing driveway extension that encroaches into the required five (5) foot driveway setback on the property located at 5581 148th Lane NW. Upon receiving a Notice of Violation from the City, Douglas and Vicky Foyt submitted an application for a variance from the standard driveway setback. Staff reviewed the request in detail with the Commission and recommended approval of the variance contingent upon the driveway extension surface being upgraded to comply with current City Code standards and upon the applicant entering into an Easement Encroachment Agreement with the City.

Commissioner Maul explained he would be abstaining from action on this item.

Citizen Input

Douglas Foyt, 5581 148th lane NW, explained he stored his boat on the side of his garage during the summer months and on the pad during the winter. However, after he purchased a trailer, the trailer now sits on the pad and the boat was stored indoors. He provided further comment on the grade of the storage pad and noted the surface was St. Cloud granite.

Vicky Foyt, 5581 148th Lane NW, commented they have not had any ponding or drainage issues between her and her neighbors from the storage pad.

Commissioner Bauer asked if the storage pad area were to be paved if the drainage would remain the same.

Mr. Foyt reported this was the case. He questioned if pavers could be used on the storage pad.

Community Development Director Gladhill indicated the City would support this type of material on the storage pad. Further discussion ensued regarding the easement on the property.

Commissioner Brauer discussed the encroachment issue from the October meeting and questioned how the Foyt's request differed.

Community Development Director Gladhill reported the homeowner's making the request from October had a very extensive retaining wall with several tiers along with an accessory structure up against a wetland. He noted a stormwater pond and wetlands were not involved in the Foyt's request.

Motion by Commissioner Bauer, seconded by Commissioner Andrusko, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Andrusko, Brauer, Nosan, and VanScoy. Voting No: None. Absent: None. Abstain: Maul.

Chairperson Levine closed the public hearing closed at 7:18 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #15-11-270 approving Findings of Fact #0956.

Further discussion

Commissioner Brauer requested the Commission review the Findings of Fact prior to approval.

The Commission reviewed the favorable Findings of Fact.

Commissioner VanScoy requested a Friendly Amendment adding a Finding of Fact stating there was no significant drainage or wetlands on the property. The Commission supported the addition of this Finding.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Andrusko, Brauer, and Nosan. Voting No: None. Absent: None. Abstain: Maul.

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #15-11-271 granting a variance to the standard driveway setback on the Subject Property.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Andrusko, Brauer, and Nosan. Voting No: None. Absent: None. Abstain: Maul.