

**CITY OF FRIDLEY
APPEALS COMMISSION MEETING MINUTES
AUGUST 5, 2015**

Chair Sielaff called the Appeals Commissioner Meeting to order at 7:00 p.m.

MEMBERS PRESENT: Brad Sielaff
Blaine Jones
Michelle Drury

MEMBERS ABSENT: Jeffrey Phillips
Vangyee Yang

OTHERS PRESENT: Stacy Stromberg, Planner
Nathan Jones, Tollberg Homes
Warren Stock, Central Roofing

APPROVAL OF MINUTES:

January 28, 2015 Meeting Minutes

MOTION by Commissioner Jones to approve the January 28, 2015 meeting minutes as presented. Seconded by Commissioner Drury.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED UNANIMOUSLY

May 6, 2015 Meeting Minutes

MOTION by Commissioner Drury to approve the May 6, 2015 meeting minutes as presented. Seconded by Commissioner Jones.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

- 1. Consideration of a Variance, VAR #15-01, by Tollberg Homes, to reduce the front yard setback from 25 feet to 10 feet to allow the construction of a new house, generally located at 285 Ironton Street**

MOTION by Commissioner Jones to open the public hearing. Seconded by Commissioner Drury.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING OPENED AT 7:02 P.M.

Stacy Stromberg, City Planner, stated that the petitioner, Nathan Jones with Tollberg Homes, on behalf of the property owner of the vacant lot located at 285 Ironton Street, is seeking a variance to reduce the front yard setback from 25 ft. to 10 ft. to allow for the construction of a new home. The vacant lot was platted prior to 1955 with the rest of the neighborhood and has remained a part of the property owner's

yard, who's house is adjacent at 295 Ironton Street. At this time, the property owner is asking for this variance to allow the construction of a new home, so the lot can be sold.

Ms. Stromberg stated read the summary of practical difficulties submitted by the petitioner;

I would argue that this is a classic case of undue hardship:

- 1. The lot would be essentially unbuildable without approval of the variance due to the front setback and the 50 ft. setback from Springbrook Creek.*
- 2. Hardship was created by the developer, City, and/or contractor when the right-of-way and road locations were approved.*
- 3. Several neighboring properties have been granted a variance to the front yard setback.*

Nathan Jones, Tollberg Homes

Ms. Stromberg noted that the subject property is zoned R-1, Single Family as are the properties to the west, east and south. A natural area in the City of Coon Rapids is located to the north. The property is located in (2) overlay districts; the O-6, Residential Lots Created Pre-1955 and the O-7, Shoreland Overlay. In 2001, the City created the O-6, Pre-1955 Lots Overlay District which allows residential lots with a minimum lot area of 5,000 sq. ft. and a lot width of 50 ft. to be developed. The subject property wouldn't have met the minimum standards to be developed prior to the adoption of this overlay district, because all R-1, Single Family lots were required to have a lot area with a minimum of 7,500 sq. ft. and a lot width of 75 ft. The subject property is 23,062 sq. ft. in size, so is well over the lot size requirement however the lot width is 68.81 ft., making the overlay district regulations important for development of this lot.

Ms. Stromberg stated that the City created the O-7, Shoreland Overlay district in 2006, based on a statutory requirement to protect the development and use of the shorelands along a protected lake or tributary within the City. Springbrook Creek, which runs through the middle of the subject property, is one of the protected tributaries within the City. The Overlay district requires that any structures constructed on this lot be setback 50 ft. from the ordinary high water level setback. That location has been identified on the certificate of survey submitted by the petitioner and the house proposed to be constructed on this lot will meet that requirement.

Ms. Stromberg said that the R-1, Single Family zoning code and the O-6, Pre-1955 Residential Lots overlay district both require a 25 ft. front yard setback. The petitioner is seeking a variance to reduce the front yard setback requirement from 25 ft. to 10 ft. When the lot was platted in 1953, Ironton Street was platted with a 66 ft. right-of-way. When the road was constructed in 1964, 30 ft. of the right-of-way was paved for the roadway, and the remaining 36 ft. was left as boulevard space. The centerline of Ironton Street was constructed with a 33 ft. boulevard on the north side and 3 ft. of boulevard on the south side within the segment of Ironton Street that the subject property is located on. It is unclear in the records why the road was designed in this manner; however it left those lots on the north side with 33 ft. of boulevard area before the property line starts. The typically boulevard width is 10-12 ft. when measured from the back of the curb to the property line. As a result, 33 ft. is quite large boulevard space for the subject property.

Ms. Stromberg noted that a variance was granted in 1976 for the property owners at 295 Ironton Street to reduce the front yard setback from 35 ft. to 10ft. and a variance was granted for the property to the east at 275 Ironton Street to reduce the front yard setback from 35 ft. to 8.5 ft. to re-construct a home after the original home with the same setback was destroyed by fire. As stated, the Shoreland Overlay requires that any structure on the subject property be setback 50 ft. from the ordinary high watermark from Springbrook Creek, therefore limiting the buildable area of this lot.

Ms. Stromberg noted that variances may be granted if practical difficulties exist on the property. Practical difficulties are met based on the following findings of fact:

Is the variance in harmony with the purpose and intent of the ordinance?

- The intent of the front yard setback is to ensure that there is adequate separation between street and the house and that there is sufficient room for green space. Due to the large right-of-way on this lot, placement of the house will be setback 43 ft. from the curb, which is more room than most residential lots in Fridley. The placement of the new house will also align with the homes on the neighboring properties therefore not impacting sight lines to the street or creek.

Is the variance consistent with the Comprehensive Plan?

- The Comprehensive Plan guides this property as residential; therefore consistent with the Plan.

Does the proposal put the property to use in a reasonable manner?

- The use of the property for a new single family home is a reasonable use of the property. Adequate separation will exist between the paved right-of-way and the new home.

Are there unique circumstances to the property, not created by the landowner?

- Unique circumstances do exist on this property.
 - Ironton Street was platted as a 66 ft. right-of-way when it was platted in 1953. For this time period and location, this size of right-of-way is large when compared to neighboring residential streets. There is an industrial area to the east, which leads staff to believe that at one time this right-of-way may have been designated as a truck route, which would have required a larger right-of-way. However, since the road was originally constructed in 1964 it remains as it is today. The roadway has been resurfaced many times over the years without pursuing an increase in paved area from the City; therefore, the Public Works Director has indicated that the granting of this variance won't have an impact on this roadway.
 - When the road was originally constructed, the City off-set the paved roadway, which resulted in a wide right-of-way for the north lots on this segment of Ironton Street and a narrow right-of-way for the south lots.
 - Both homes on either side of the subject property were granted variances to reduce the front yard setback due to the wide right-of-way width. Constructing the new home at a similar setback will not impact site lines to the street or creek for neighboring property owners.
 - Placement of the creek on the subject property limits the buildable area for this property. Without a reduction to the front yard setback, the lot wouldn't meet the creek setback and would be an un-buildable lot.

Will the variance, if granted, alter the essential character of the locality?

- The essential character (single family homes) of the area will not be altered.

Ms. Stromberg stated that City Staff recommends approval of this variance request.

- Practical difficulties exist – Off-set paved right-of-way provides large right-of-way, location of creek, variance would align the new home with the rest of the houses on the street so as to not impact sight lines.

Staff recommends if the variance is approved, the following stipulations be attached.

1. *The petitioner shall obtain a building permit prior to construction of the new home.*
2. *The petitioner shall coordinate water and sewer connections and curb cut installation with the City's engineering department.*

Nathan Jones, CEO Tollberg Homes, stated that the staff presentation is presentation clear and noted that the request of 43' from the curb is more than most houses in Fridley. This is also consistent with

properties on each side of the lot. This is a beautiful lot overlooking the creek and they are excited to build the home on this lot and bring a new family to Fridley.

Commissioner Jones asked if Mr. Jones had any issues with the stipulations as outlined by staff.

Mr. Jones replied no.

MOTION by Commissioner Jones to close the public hearing. Seconded by Commissioner Drury.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING CLOSED AT 7:13 P.M.

MOTION by Commissioner Jones to approve the Consideration of a Variance, VAR #15-01, by Tollberg Homes, to reduce the front yard setback from 25 feet to 10 feet to allow the construction of a new house, generally located at 285 Ironton Street. Seconded by Commissioner Drury.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED UNANIMOUSLY

2. Consideration of a Variance, VAR #15-02, by Central Roofing Co., to reduce the side yard setback from 15 feet to 6.7 feet to allow the construction of a building addition, generally located at 4550 Main Street

MOTION by Commissioner Drury to open the public hearing. Seconded by Commissioner Jones.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING OPENED AT 7:14 P.M.

Stacy Stromberg, City Planner, stated that Warren Stock, of Central Roofing Company, is seeking a variance to reduce the side yard setback from 20 ft. to 6.7 ft. to allow for the construction of a building addition on the southwest side of the existing building located at 4550 Main Street. The proposed addition will allow the expansion of the business' current operation to include fabrication and installation of sheet metal building products and panels.

Ms. Stromberg reviewed the summary of practical difficulties by the petitioner; *"The addition will fill empty space between the main building and a storage building. It is preferred that the new addition marry with the storage building, which sits 6.7 feet off the property line. The west wall of the new addition will serve as a security barrier, preventing trespassers from entering the property. The materials and the vehicles housed within the yard require a high level of security. The length of the building in this location is also critical to the interior operations of the business, due to the size of the materials being fabricated within it."*

Ms. Stromberg noted that the subject property is zoned M-2, Heavy Industrial, and is located on the west side of Main Street, south of Interstate 694. When the property was originally developed, the property to the south at 4500 Main Street and the subject property were one parcel. In 1987, a lot split was approved to separate the parcel into 2 lots. Also in that year, a special use permit was issued for the 4550 Main Street property to allow the exterior storage of materials and equipment. This special use permit pre-dates the codes existing requirements which only allows 50% of the building footprint to be outdoor space, so provided the outdoor storage area isn't increased beyond what was approved in 1987, the property is in compliance with this code requirement. It should also be noted that during the 1987 special use permit process, hard-surface was to be installed in designated areas, which was complied with, however the City

Council didn't require the rest of the outdoor storage area to be paved. This is essential for this business due to the heavy equipment used and stored on site. Because the City Council allowed this exception through the 1987 special use permit, city staff considers this condition existing conforming.

Ms. Stromberg reviewed that in 1988, the office/warehouse building was constructed along the eastern side of the subject property and since then 2 additional accessory buildings have been constructed. City code allows accessory structures to be 5 ft. from the property line; however, an addition to the principal structure is required to be 20 ft. from the property line. The petitioner is seeking this variance request to allow an addition to the main building that will align with the existing accessory structure on the south side of the property, which is 6.7 ft. from the property line. Therefore, the variance request is from 20 ft. to 6.7 ft.

Ms. Stromberg noted that the location of the proposed addition was chosen by the petitioner to increase security into the storage yard and the length of the structure is needed due to the interior operations of the materials being manufactured within the new space.

Ms. Stromberg stated that variances may be granted if practical difficulties exist on the property. Practical difficulties are met based on the following findings of fact:

- Is the variance in harmony with the purpose and intent of the ordinance?
 - The intent of the side yard setback is to ensure that there is sufficient room for green space and to provide adequate area around the building for emergency access. Based on the below reasons, the variance is in harmony with the ordinance.
 - The placement of the proposed addition is already in an area used for storage so green space will not be removed for the construction of the addition. The 6.7 ft. area of green space along the existing accessory structure will need to be continued along the side of the addition to provide green space.
 - Access to this site is already restricted to the north side, so placement of the addition won't alter access to the site.
 - The existing building already has a fire suppression system and the new addition will require one, which helps to alleviate some access concerns around the building.
- Is the variance consistent with the Comprehensive Plan?
 - The Comprehensive Plan guides this property as redevelopment, promoting business expansion is redevelopment; as a result it is consistent with the Plan.
- Does the proposal put the property to use in a reasonable manner?
 - The existing use of the property and the proposed addition to the existing building is considered a reasonable use. Joining the new structure to an existing structure already setback 6.7 feet from the property line will provide a consistent look to the property and the length of the proposed building addition in this location is essential to manufacture this new business operation.
- Are there unique circumstances to the property, not created by the landowner?
 - Unique circumstances do exist on this property. The buildings on this site and the business existed before the petitioner took ownership of the property and business. Therefore internal working of the property and building had already been established. The petitioner notes that the location of the addition on the site is an extension of the existing sheet metal fabrication shop. Locating this addition anywhere else on the site wouldn't make logistic sense. The petitioner also notes that the shape of the proposed addition is predicated on one of the machines that is being added, which fabricates very large metal wall panels, which can be made up to 32 ft. long and up to 6 ft. wide. The length of the building is needed so during the manufacturing process the long panels can have the coils of metal come into the building, then cut to size, fabricated, numbered,

stacked, packaged, stored and then loaded. All of this happens in a step by step process that ensures the safe production of the materials being processed.

- Connection of these buildings will also improve security to the site. The materials and equipment stored in the yard on site require a secured location.
- Will the variance, if granted, alter the essential character of the locality?
 - The west side of Main Street has industrial users and that isn't changing as a result of this variance; therefore, the essential character of the area will not be altered.

Ms. Stromberg said that City Staff recommends approval of this variance request.

- Practical difficulties exist – use of internal space and property security

Staff recommends that if the variance is granted, the following stipulations be attached.

1. *The petitioner shall obtain any required permit prior to the start of construction.*
2. *Landscape and Irrigation plan to be reviewed and approved by City Staff prior to issuance of building permit.*
3. *City engineering staff to review and approve grading, drainage, and utility plan prior to issuance of a building permit.*
4. *The building addition shall be architecturally compatible with the existing building.*

Warren Stock, VP of Central Roofing and property owner agreed with the stipulations. He also noted that this addition will create more jobs in the plant. This location is the headquarters of Central Roofing and they are pleased with the help they received from staff.

MOTION by Commissioner Jones to close the public hearing. Seconded by Commissioner Drury.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING CLOSED AT 7:26 P.M.

MOTION by Commissioner Drury to approve the Consideration of a Variance, VAR #15-02, by Central Roofing Co., to reduce the side yard setback from 15 feet to 6.7 feet to allow the construction of a building addition, generally located at 4550 Main Street. Seconded by Commissioner Jones.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED UNANIMOUSLY

3. UPDATE ON PLANNING COMMISSION AND CITY COUNCIL ACTIONS

Stacy Stromberg, Planner, provided updates on the following:

- The preliminary plat to allow a new lot at the Fridley Market for potential hotel development has been approved. This is at the Cub Foods Site.
- The Planning Commission has been busy with electronic sign requests.
- The 5300 Central Avenue gas station that was rezoned earlier this year has been removed and is in the process of building a multi-tenant building. Starbucks will be located within the building along with an AT&T store.

Commissioner Jones asked what the completion date was for the first stage of apartments.

Ms. Stromberg replied the developer has told staff that it takes a year to build and a year to fill. A certain percent needs to be filled before they start building the second phase.

Commissioner Sielaff asked if they would start leasing before completion.

Ms. Stromberg answered that they are getting a lot of calls and the leasing agent is talking to people; but it's hard to lease something without seeing it.

Commissioner Jones asked what was happening in the area on East River Road, east of 694.

Ms. Stromberg replied that property is owned by John Allen and is waiting for a potential user. Ms. Stromberg also noted that the September meeting is cancelled.

ADJOURNMENT:

MOTION by Commissioner Jones to adjourn. Seconded by Commissioner Drury.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON SIELAFF DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 7:31 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary