

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
APRIL 27, 2020**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, April 27, 2020, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

**1. CALL TO ORDER/ROLL CALL:**

MEMBERS PRESENT: Ken Baltzer, Jim Berry (joined at 7:04 p.m.), Pamela Enz, Mark Lynch, Erich Reinhardt and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Chuck & Ginny Schroeder, Mark Olson, Brett & Emily Witter, Bernard McCanna, Josh Winchell, Damian & Raneë Kostron, Pat Igo, Robert Gross, Celine Carlson, and Jean Rehkamp Larson.

**2. APPROVAL OF THE APRIL 27, 2020 AGENDA:**

Member Reis moved for approval of the agenda. Member Lynch seconded the motion, and the agenda was approved (5-0).

**3. APPROVAL OF THE FEBRUARY 24, 2020 PLANNING COMMISSION MEETING MINUTES:**

Member Enz moved for approval of the minutes. Member Reinhardt seconded the motion, and the minutes were approved (5-0).

**4. CASE ITEMS:**

A. **Case No. 19-10-Z:** A **City-Initiated** text amendment to Zoning Code at Section 1303.230, Subd.7 "Shoreland Alterations" to reiterate the limitation that retaining walls not exceed four feet in height, restrict retaining walls within the shore impact zone unless determined structurally necessary by the City Engineer, and to clarify that riprap along the shoreline is only appropriate when vegetation alone is not sufficient to curtail an erosion problem.

Crosby proposed that the case be tabled indefinitely.

Member Reis moved to table indefinitely Case No. 19-10-Z. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

- B. **Case No. 20-4-V:** A request by **Mark Olson on behalf of Chuck and Ginny Schroeder** for a 15 foot variance from the 30 foot setback required along a side abutting a public right-of-way, per Code Section 1303.050, Subd.5.c.3, in order to build an addition on the property located at 3790 Cranbrook Drive.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Mark Olson, Applewood Builders, has been working with the homeowners through the variance process.

Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 20-4-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 20-2-CUP:** A request by **Brett and Emily Witter** for a Conditional Use Permit, per Code Section 1302.125, for a home accessory apartment at the property located at 2281 Lilac Lane.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Brett Witter, 2281 Lilac Lane, applicant, responded to a question from Member Lynch that there is no sidewalk leading to the accessory dwelling unit (ADU) as they were waiting for the results of the request before creating a path.

Member Baltzer asked if the applicants intend to rent the unit. Witter replied that there is no plan to rent the unit at this time and the largest motivating factor for the remodel is to create a second bathroom and this is the easiest place to put it.

Bernard McCanna, 4222 McKnight Road N, he expressed concern with the number of vehicles that will fit in the driveway, since the curb cut is not very wide. He also questioned how many tenants could be in the ADU and wondered if the City could classify it as something short of an efficiency unit, while still allowing the bathroom and a small living space. He asked if the unit required closet space, and whether any was provided.

Witter replied that there is only one vehicle in the home right now, so there is plenty of room for visiting vehicles. He explained that the efficiency unit was designed directly from the general housing section of the City Code, which allows for two occupants in 200 square feet of space. He did not know the exact difference between an efficiency unit and a home accessory apartment, but felt that because the space met the requirements for health and safety as stated in the housing code, two tenants should be allowed. He added there is no closet, but space in the form of an armoire would be provided.

Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-2-CUP with an amendment to condition seven to allow two tenants in the accessory dwelling unit. Member Enz seconded the motion. The motion passed by a vote of 5-0. Member Reinhardt lost connection.

- D. **Case No. 20-5-V:** A request by **Ranee Kostron** for a 3 foot 4 inch variance from the 6 foot height limit for a fence in the side and rear yard and 2 foot variance from the 4 foot height limit for a fence in a front yard, both per Code Section 1302.030, Subd.6, in order to construct a wooden fence along the east and north property lines that, at the maximum height is 9 feet 4 inches tall, at the property located at 3576 Jerry Street.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Damian Kostron, son of applicant, noted that he and his mother have been trying to work with the owners of the store for years on a solution to the fence and this is the only resolution everyone has agreed to.

Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 20-5-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

- E. **Case No. 20-3-CUP:** A request by **Lake Avenue Marina** for a Conditional Use Permit for an 8 slip marina with 2 transient slips, per Code Section 1303.227, Subd.4.f at the property located at 4453 Lake Avenue.

Crosby discussed the case. Staff recommended approval of the request.

Member Reis asked if staff knew the number of slips that were previously allowed. Crosby replied that the number changed over the years, but ultimately did not affect the number of required parking stalls. She described that at one point, there were eight slips and four transient slips, but transient slips are not counted towards parking. At another time, there were only six rental slips, but at one parking stall required for every four slips, the number of parking stalls required rounded up to two, so the current request mirrors what has been allowed in the past.

Member Baltzer opened the public hearing.

Pat Igo, in response to a question from Member Baltzer, confirmed he has received permission from both the White Bear Lake Conservation District and the Minnesota Department of Natural Resources (DNR).

Member Baltzer asked if the marina had obtained a permit from the DNR before putting rock down around the shoreline in recent years and whether proof of that permit could be shared with the City. Igo replied that the area hydrologist had stated no permit was needed for the project. The riprap was placed after buckthorn removal to stabilize the shore.

Member Baltzer closed the public hearing.

Member Reis suggested the case be tabled until the applicant provided proof that a permit from the DNR was not necessary.

Member Baltzer commented that it was his understanding that all work along the lakeshore required a permit from the DNR. Crosby added that because a portion of the work was done above the ordinary high water level (OHWL), City approval would have also been required. She was not aware of any such approval, but would check with other staff members.

Member Lynch moved to recommend approval of Case No. 20-3-CUP with the condition that evidence be supplied indicating the DNR did not require a permit for the shoreline work. Member Reis seconded the motion. The motion passed by a vote of 6-0.

- F. **Case No. 20-6-V:** A request by **White Bear Baseball Association** for a 970 square foot variance from the 30 square foot sign limit, per Code Section 1202.040, Subd.3.D.3, in order to allow up to 1,000 square feet of advertisement signage on the batting cages and outfield fence at Weyerhaeuser Park located at 1705 9th Street. **WITHDRAWN BY APPLICANT.**
- G. **Case No. 20-7-V:** A request by **John Grant on behalf of Robert Gross and Lydia Najera** for a 52 square foot variance from the 1,000 square foot maximum size for a primary accessory structure, per Code Section 1302.030, Subd.4.i.2.b, in order to expand the existing attached garage by 236 square feet at the property located at 1885 Orchard Lane.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Robert Gross, 1885 Orchard Lane, applicant, noted that the addition to the garage will match the rest of the exterior, so will blend in well. He thanked the Commissioners for their consideration.

Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 20-7-V. Member Reis seconded the motion. The motion passed by a vote of 6-0.

- H. **Case No. 20-4-CUP & 20-8-V:** A request by **Celine Carlson** for a conditional use permit for a second curb cut, per 1302.050, Subd.4.h.9 and the following four variances: A 14 foot variance from the 20 foot setback for an attached garage, per Code Section 1302.030; A 3 foot variance from the 77.7 foot average lakeside setback for the home, per 1302.040, Subd.4.c; A 6.5 foot variance from the 69.7 foot lakeside setback for the unenclosed porch, per 1302.040, Subd.4.a.3; A 6.5 foot variance from the 72.7 foot lakeside setback for the second floor balcony, per 1302.040, Subd.4.a.5, all in order to construct a new single-family residence at the property located at 4312 Cottage Park Road.

Crosby discussed the case. Staff recommended approval of the conditional use permit request and three variances and denial of the garage setback variance.

Member Reis observed that, if approved, this property will have seven variances associated with it, after two variances were approved last year as a part of the lot split request. We have statutes to maintain a quality of life in White Bear Lake and it is up to the Planning Commission to interpret those statutes.

He commented that he is comfortable with the variances requested, except the garage setback variance. As he understands it, the variance is not required for reasonable use of the land as there

are other design options available. He asked staff what those options included. Crosby replied the applicants could reduce the size of the home in order to push the garage back.

Member Reinhardt recused himself due to a connection to parties involved in the case.

Member Enz stated that she appreciates the fact that the garage doors do not face the front, which allows the garage to look more like an extension of the house.

Member Lynch described that many of the houses he observed in the neighborhood did not have garages close to road. Those that did were older houses. He wondered if anything prohibited living space above the garage. Crosby replied that the house has different setbacks than the garage, so in order to put living space above, it would have to be pushed back even further.

Member Lynch concluded that there are a number of creative design options to adhere to the garage setback.

Member Baltzer opened the public hearing.

Celine Carlson, thanked staff and the Planning Commission for their time. She is happy to have been a member of the community for years and particularly loves the Cottage Park neighborhood.

Jean Rehkamp Larson, architect, described some of the challenges of building a home on the lot. Much of the design was based on the proximity of the neighboring homes, which are very close to the lot line. If the proposed garage faced the street, it would add to the already tight neighborhood. Turning the doors to the side allows for three or four cars to be parked off the street, while a front loading garage would only allow for two. She added that building the garage on the south side of the property allows the space to remain more open and airy on the north. She described that the gables were designed to keep with the dimensions of old houses. The gables and porch were designed to be lake-like and match the surrounding properties.

Member Baltzer closed the public hearing.

Member Reis stated that the comments by Member Enz, along with those of the applicants, swayed him to approve the garage setback variance.

Member Reis moved to recommend approval of Case No. 20-4-CUP & 20-8-V. Member Enz seconded the motion. The motion passed by a vote of 4-1. Member Lynch opposed. Member Reinhardt abstained.

- I. **Case No. 20-1-Z: A City-Initiated** text amendment to Zoning Code at Section 1303.120, Subd.3 “Permitted Accessory Uses” to clarify that the intent of line (a) is permitting accessory buildings, not a specific use within the building.

Member Lynch stated that he felt comfortable with staff’s recommendation.

Crosby discussed the case. Staff recommended approval of the text amendment.

Member Baltzer opened the public hearing. No one from the public spoke, so Member Baltzer closed the public hearing.

Member Berry moved to recommend approval of Case No. 20-1-Z. Member Reis seconded the motion. The motion passed by a vote of 6-0.

**5. DISCUSSION ITEMS:**

**A.** City Council Meeting Minutes of April 14, 2020.

No discussion

**B.** Park Advisory Commission Meeting Minutes of January 16, 2020.

No discussion

**6. ADJOURNMENT:**

Member Berry moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the April 27, 2020 Planning Commission meeting was adjourned at 8:30 p.m.