

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
OCTOBER 26, 2020**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, October 26, 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, Pamela Enz, Mark Lynch, and Peter Reis.

MEMBERS EXCUSED: Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Steve Bucher, Kelly Clement, Jacqueline Ganser, Robert Wentink, Brent Peacock, Melissa Peacock, Troy Kampa, Susan Wolsfeld, Sean Wagner, Tim Wald, Eric Linner, Dan Schmidt, Grant Raykowski, Blake Segafredo, John Leininger, Allan Boucher, and Mike Amundsen.

2. APPROVAL OF THE OCTOBER 26, 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 SEPTEMBER 28, 2020 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

A. **Case No. 20-1-P:** A request by **321 Group LLC** for a preliminary plat, per Code Section 1402.020, to subdivide one parcel into 9 single-family residential lots on the property located at 1800 County Road E (**CONTINUED AT APPLICANT'S REQUEST**).

B. **Case No. 20-17-V:** A request by **Steve Bucher** for a 13' 4.5" variance from the 30 foot setback required along the rear property line, per Code Section 1303.060, Subd.5.c, and a 14.5' variance from the 25 foot setback required along the side abutting a public right-of-way, per the same, in order to construct a screen porch 10.5' from the north property line and 16' 7.5" from the east property line at the property located at 4820 Stewart Avenue.

Miller discussed the case. Staff recommended denial of one variance and approval of one variance.

Member Reis asked if a variance had ever been granted on the Stewart Avenue side of the building. Miller replied that she was unsure. Kane explained that due to the age of the building, it was likely built before any formal zoning code was adopted, so the building setbacks are legal nonconforming. Member Reis explained that the reason he asks is if a variance was granted on the west and the applicants are now requesting a variance on the north and east, it would be a lot of nonconformity for one property.

Member Berry wondered whether the original two-car garage had received a variance since it was much closer to the rear property line than the proposed porch. Member Baltzer noted that the applicants may speak to this since the new garage is further back on the property.

Member Lynch asked if the property line on the east side encroached into the alleyway. Miller replied it was a twenty-foot wide right-of-way that started along the paved portion of the alley.

Member Baltzer opened the public hearing.

Steve Bucher, applicant, offered a number of reasons why they chose this location for the porch. He clarified that the property line is about three feet back from the pavement in the alley and stated that it will be less intrusive than what existed when they bought the property in both size and setback, since the old garage was much closer. Additionally, there is a concrete slab that is part of the basement and cannot be removed, which the porch would cover, improving the appearance of the rear yard.

Further, this is the only area of the yard that provides shade, which is a necessity for Mr. Bucher, as he is prone to skin cancer. He clarified that the second porch shown on the plans was not constructed and there is no intention to build one in that location.

Mr. Bucher addressed the concerns of neighbors regarding an increase in noise. He stated that the noise issue is not dependent on whether the variance for the screen porch is granted. The space will be used for outdoor enjoyment regardless of what is constructed, and he thinks that enclosing the space may make it quieter for surrounding neighbors.

Member Reis asked what would become of the concrete slab should the variance be denied. Mr. Bucher replied that it would remain as is. The variance would allow the applicants to turn an area that is otherwise unattractive into something aesthetically pleasing.

Jacqueline Ganser, 4821 Morehead Avenue, stated that she and her husband are opposed to the granting of the variance for several reasons. The neighborhood has relatively high density and there is little space between homes. She believes the proposed porch would be invasive to the personal space and privacy of the surrounding homes. She further explained that there is a precedent of noise issues by the former occupants, the Lakeshore Players Theater. The back step was often used by staff as a break area and the noise carried into their backyard. Ms. Ganser is concerned that the variance will extend the gathering space and further propagate the noise nuisance.

Ms. Ganser noted that they are particularly concerned that the applicants will be using the home for events and fundraising activities with an emphasis on musical performances and that Ms.

Clement's work in the audio electronics sector will further increase the noise. She asked the applicants how often they will hold fundraising events and how working from home will affect the neighborhood. She welcomes the applicants to the neighborhood and asks they be respectful of the small lots and character of the neighborhood.

Steve Bucher sought to address some of Ms. Ganser's concerns. He stated that they are not a theater company and if they chose to play music it would be the same as any other resident playing music in their home. He agrees that homes are generally close together, but this is not the case for the homes across the alley. There is significant space between them. He stated his use of the space will not match how the theater used it. We are sensitive to the neighbor's concerns, but we live in a city and there is going to be noise.

Kelly Clement, applicant, explained that the screened porch will not be used for entertaining. This is our residence. The porch will only have four chairs and a table, much like other neighbors in the alley have. She had previously told the neighbors that they would be interested in hosting events for the good of the community, not as a place for parties that would spill into the backyard. Mr. Bucher reiterated this is not a theater.

Ms. Clement continued that her job as an audio/video representative did not mean she would be demonstrating loud speakers all day long. Her business will not impact the neighborhood.

Jacqueline Ganser, 4821 Morehead Avenue, addressed the old garage that was on the property. The use of the garage was only used for storage by theater staff, so was essentially nonexistent. She commented that they are reasonable neighbors and are used to the level of noise and traffic that both the theater and Marketfest generate, however she will remain concerned of the potential for noise nuisances.

Steve Bucher, applicant, concluded that they will be sensitive to noise, but it is not an issue that will be affected by the construction of the screen porch.

Member Baltzer closed the public hearing.

Member Lynch asked if the variance request would be the same if the area was completely enclosed. Miller confirmed it would be.

Member Reis believed that the neighbors should not be concerned with potential noise issues because they are protected by the existing noise ordinances, so is somewhat of a non-issue in terms of the variance request. He continued that the issue for him is that it is a really big building with a big footprint for the R-4 neighborhood.

Member Berry asked if there are any existing variances anywhere on this property. Miller was unaware of any variances.

Member Lynch acknowledged the concern surrounding noise, but agreed with Member Reis in his opinion of the matter. His main concern is that there are other areas where such a structure could be constructed that do not encroach into the alleyway or other required setbacks.

Member Enz agreed with Member Lynch, stating that she believes the applicants could come up with creative ways to provide shade for a porch on the south side. There is a lot of space on the

south side of the property and certain plant material and design features could offer the shade the applicants are seeking.

Member Baltzer stated that the applicants have already addressed certain issues by moving the new garage back. The roof of the screen porch would match the garage and would break up the nothingness that currently exists in the rear, making it aesthetically easier to look at. He agreed that the slab will be an eyesore if left as is and that since the porch will only extend a few feet more than the slab, there will not be much of change. Any change will be for the better.

Member Reis moved to recommend approval of the side yard abutting a public right-of way variance and disapproval of the rear yard variance in Case No. 20-17-V, as recommended by staff. Member Lynch seconded the motion. The motion passed by a vote of 3-2. Member Baltzer and Member Berry dissented.

- C. **Case No. 12-5-Sa:** A request by **Independent School District #624** for a Conditional Use Permit Amendment, per Code Section 1303.245, for a 3,000 square feet, one story, 2 classroom addition on the north side of Matoska Elementary located at 2530 Spruce Place.

Miller discussed the case. Staff recommended approval.

Member Lynch asked whether the one residence that had not signed the administrative variance had any objections to the project. Miller stated that the School District had tried to contact the property owners, but it appeared no one was living in the home, and there was no response to letters sent to the owners' mailing address.

Member Baltzer opened the public hearing. As no attendees wished to speak, Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 12-5-Sa. Member Enz seconded the motion. The motion passed by a vote of 5-0.

- D. **Case No. 20-16-V:** A request by **Melissa & Brent Peacock** for a 420 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per Code Section 1302.030, Subd.4.i.2.b, in order to construct a third garage stall on the existing attached two car garage at the property located at 2532 Manitou Island.

Crosby discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Enz asked if the conditions that staff was recommending included the proposed changes that staff just presented. Crosby confirmed that they did. Staff then showed a graphic depicting changes requested by the Manitou Island Association.

Member Reis asked if the noncompliant structure by the lake could be repaired and to what extent. Crosby replied that it could be repaired essentially down to the studs, so substantial work could be completed.

Member Baltzer opened the public hearing.

Melissa and Brent Peacock, 2532 Manitou Island, applicants, introduced themselves as the new owners of the property. They are not looking to upset neighbors with this project.

Sean Wagner, Board of Directors Member of the Manitou Island Association, 2535 Manitou Island. He reiterated that the Board has not withdrawn their objection to the variance, but requests that if the Planning Commission approves it, a number of conditions be included to minimize the impact on the neighborhood.

Member Baltzer closed the public hearing.

Member Baltzer sought clarification on whether the conditions proposed by the Board would be included if the Commissioners voted to approve the variance as requested. Crosby replied that it would be up to the Planning Commission on what conditions to include.

Member Lynch commented that there are already three accessory structures plus the driveway. Parking cars in a different formation could provide room for multiple vehicles without restricting access.

Member Reis stated that he understands Mr. Wagner's concerns, but he is not sure what exactly the Association is requesting in terms of modifying the variance request. He has not seen any specific conditions that the Commissioners could consider.

Member Enz concurred that it was a little confusing on what was being proposed and wondered if Mr. Wagner could clarify the position of the Board.

Sean Wagner explained that the property has received a number of variances in the past, so is already nonconforming. The addition of the third garage stall would exacerbate the nonconformity. The Board is requesting conditions that minimize the nonconformity be included to bring the existing two stall garage into more aesthetic consistency with the island. The Board would like to keep the character of the properties on the island consistent.

Member Reis suggested that the Board consider additional bylaws for the Association in order to build in more absolutes on what can and cannot be done on a property.

Member Baltzer asked the applicants if they were agreeable to the conditions Mr. Wagner proposed in terms of screening and design changes. Melissa and Brent Peacock confirmed that they were.

In response to a question from Member Lynch, Mr. Wagner confirmed that first and foremost, the Board is opposed to the variance request.

Crosby explained the changes to the request in more detail, stating that half of the garage door on the detached garage and the driveway leading up to that portion of the garage would be removed. The section of driveway would be replaced with lawn. A conifer-type screening hedge would also be planted on both sides of the driveway.

Member Baltzer summarized that to offset the variance for the new garage stall, one stall would be removed from the detached garage.

Member Enz understands what the Association is trying to maintain and suggested tabling the proposal to allow for a more detailed plan of the proposed changes.

Member Baltzer believed that the Association and the applicants have worked out an amenable solution, so he does not think the matter should be pushed back another month.

Member Enz asked and Mr. Wagner confirmed that the Board is in a 4-3 split in favor of the proposed changes, but still overall against the variance.

Member Berry moved to recommend approval of Case No. 20-16-V with the additional changes as agreed upon between the Board and the applicants. Member Reis seconded the motion. The motion passed by a vote of 3-2. Member Enz and Member Lynch dissented. Member Lynch explained that he voted no because he did not see the need for a variance, not that he opposed the changes.

- E. **Case No. 20-8-CUP:** A request by **Tousley Ford** for a Conditional Use Permit, per Zoning Code Section 1303.200, Subd.5.a in order to use an existing trash enclosure for outdoor storage at the property located at 1755 Buerkle Road.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Blake Segafredo, Architect, explained that the applicants would like to include a compactor in the enclosure, which is why the area is so large and tall.

Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 20-8-CUP. Member Reis seconded the motion. The motion passed by a vote of 5-0.

- F. **Case No. 20-9-CUP:** A request by **Independent School District #624** for a Conditional Use permit, per Section 1303.245, for a 12,000 square foot addition on the west side of the building to include a gymnasium and associated support space including storage, toilets, new outdoor storage, loading dock, electrical service room, conference room, extended day office, and freezer at Lincoln Elementary located at 1961 6th Street.

Crosby discussed the case. Staff recommended approval subject to the conditions laid out in the report.

Member Baltzer opened the public hearing. As no attendees wished to speak, Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 20-9-CUP. Member Berry seconded the motion. The motion passed by a vote of 5-0.

- G. **Case No. 20-18-V:** A request by **Grant Raykowski** for a 7 foot variance from the 12 foot setback required for a 6 foot fence in a corner side yard, per Code Section 1302.030, Subd.6.h.4, in order to install a gate that is 6 feet at its highest point across the driveway 5 feet from the western property line at the property located at 2503 Manitou Island.

Kane discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing. As no attendees wished to speak, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-18-V. Member Berry seconded the motion. The motion passed by a vote of 5-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Summary of October 13, 2020.

Member Lynch expressed his enthusiasm for the water tower contest that White Bear Lake is competing in.

B. Park Advisory Commission Meeting Minutes of July 16 & August 20, 2020.

Member Baltzer stated that he spoke to Parks Commission Member Brian Belisle regarding the pervious parking lot at Lions Park. He recommends striping the parking stalls somehow, even if it is just along the curb, to better indicate where the stalls are. He noted that presently, visitors have a hard time determining where the stalls are and cars often end up backing out into traffic on Old White Bear Avenue. It's a highly used park.

Continuing the conversation of community betterment, Member Reis recommended that the Manitou Island Association create a commonality in how house numbers are displayed. Currently, they are hard to see and this is dangerous for first responders.

Kane noted that staff has indicated a willingness to amend the zoning code to reflect the environment that the Island Association would like to preserve. The Association has been receptive of this idea in recent years.

6. ADJOURNMENT:

Member Lynch moved to adjourn, seconded by Member Enz. The motion passed unanimously (5-0), and the October 26, 2020 Planning Commission meeting was adjourned at 8:48 p.m.