



**MINUTES  
PLANNING COMMISSION MEETING  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
MONDAY, SEPTEMBER 26, 2022  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ATTENDANCE**

Chair Jim Berry called the meeting to order at 7:00 p.m.

**MEMBERS PRESENT:** Mike Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt, and Andrea West.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Ashton Miller, City Planner and Lindy Crawford, City Manager.

**OTHERS PRESENT:** Rick Huston, Tracy Jacobs, Mitch Honsa, Jill Hamer, and John Reinhart.

**2. APPROVAL OF AGENDA**

It was moved by Member **Amundsen** seconded by Member **Lynch**, to approve the agenda as presented.

Motion carried, 7:0

**3. APPROVAL OF THE MINUTES**

A. Minutes of August 29, 2022

It was moved by Member **Baltzer** seconded by Member **Enz**, to approve the minutes of the August 29, 2022 meeting as presented.

Motion carried, 7:0.

**4. CASE ITEMS**

A. **Case No. 04-18-Sa & 22-14-V:** A request by **AALFA Family Clinic** to amend a conditional use permit for site plan approval in both the DBD zoning district, per code section 1303.225, Subd.4.i and the Shoreland Overlay district, per 1303.230, Subd.6, and two variances: a 5 foot variance from the 10 foot setback for hard-surface from the north and south side lot line, per 1303.225, Subd.6.e, and a variance from the 30% impervious area limitation to allow 69% impervious surface, per 1303.230, Subd.5.a.5, in order to construct a 350 square foot building addition and expand the parking lot by 13 stalls, at the property located at 4465 White Bear Parkway.

City Planner Miller discussed the case. Staff recommended approval of the request as proposed.

Member Lynch sought more information on the use of pervious pavers in the previous approval and the current proposal that is using all impervious surface. He also wondered if the one raingarden shown on the plans would treat the whole site. Miller explained that because the applicants are not using pervious pavers, they will be required to treat all the runoff as opposed to a credited amount. She explained that the plans show one garden and may need to be revised in response to the comments received from the Engineering Department if the raingarden cannot be sized to treat the runoff from the whole site. In response to a question from Member Lynch, Miller confirmed that it is not the number raingardens that staff is requiring, but the amount of treatment.

Member Enz wondered if the two raingardens that were a part of the original approval in 2004 would still be required for this proposal. Miller replied that it is likely the Engineering Department will require the second raingarden in the front to treat the runoff from the existing parking lot.

Member Berry commented that the expansion of the parking lot that was completed without a permit would be brought into compliance with this request and that impervious surface would be treated.

Member Berry opened the public hearing.

Jill Hamer, represents 4469 White Bear Parkway, she asked if the landscaping on the west side of the property, which is between the clinic and her building, would be impacted by the proposal. She wanted to confirm a buffer would be maintained since there is a large retaining wall along that side of the property. Miller stated that there was no removal of landscaping on the plans and that there are requirements for increased landscaping around the parking lot. She suggested the applicant could speak to the matter.

Mitch Honsa, Larson Engineering, representing the applicant, he confirmed that none of the landscaping along the retaining wall would be removed. There will be a slight impact to the site when they install drain tile along the north side of the property, but none of the trees will be affected and any landscaping would be removed and replaced. Mr. Honsa explained they are looking to provide the same level of water quality volume and match existing rates with the one infiltration basin. In working with the City on the stormwater permit, they will install another basin as needed that would most likely be an underground system as opposed to a closed surface basin. There is currently somewhat of an infiltration system at the front of the property, but it holds a lot of water and is not extracting the water as intended. The underground system would help.

Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 04-18-Sa & 22-14-V, seconded by Member **Amundsen**.

Motion carried, 7:0.

- B. **Case No. 22-18-V:** A request by **Rick Huston & Tracy Jacobs** for a 10.5 foot variance from the 80.5 foot average front yard setback, per code section 1303.040, Subd.5.c.1, in order to construct a home addition 70 feet from the front property line at the property located at 1525 Birch Lake Blvd N.

Miller discussed the case. Staff recommended denial of the request as proposed.

Member Berry opened the public hearing.

Tracy Jacobs and Rick Huston, 1525 Birch Lake Blvd N, applicants, provided the Planning Commissioners with written responses to the staff memo and walked through each comment. She explained that, based on conversations with their designer, the rear of the home is not a good option for the addition. They would like to put solar panels on their home someday and due to the tree cover, the north side of the roof is not an option. Building the addition on the south side would provide the area needed to install solar.

Ms. Jacobs continued that an addition on the south side would cover an existing sidewalk and area of rock, so would not take up valuable useable yard space The back 50% of the yard is covered by a concrete foundation of an old chicken house, so there is only a small portion of the rear yard that is useable and they would lose most of it with the addition. Further, they would need to cut down several large oak trees in order to build in the rear.

They have not decided on a design for below the addition yet, but would probably screen the area in for a porch. She stated that the bedrooms in the home are very small by today's standards and do not hold two people's clothing or belongings. The addition would create a master bedroom and office space that they need.

Ms. Jacobs stated that most of the homes in the neighborhood have been recently updated, so making improvements to the property is a reasonable use. There is also a wide variety of homes in the neighborhood in terms of style, design, and size. They purchased the home knowing it would need to be updated and the intent was always to build an addition to make the home usable. They originally looked at building over the garage, but the location of the chimney was extremely prohibitive. The addition will significantly improve the appearance of the home, so will be in harmony with the surrounding neighborhood.

In response to a question from Member Lynch, Ms. Jacobs stated that they closed on the house at the end of June and did not move in until the end of July due to the amount of work that needed to be done. She continued that their house would not be closer to the lake than many of the houses around Birch Lake. Further, since the road runs along the lake, there will never be structures encroaching towards the shore.

Member Berry asked if the applicants have checked on how the addition will impact the sight lines of the neighbors. Ms. Jacobs stated that they have spoken to the neighbors to the west, who offered to write a letter of support for the project. The addition is in the center of the property, so will not affect the neighbors.

Mr. Huston stated that the addition will be obscured by large mature trees on the sides and the orientation of the existing home limits the impact on neighbors.

Member Baltzer asked for more information regarding the solar panels. Ms. Jacobs replied that the solar company stated they will not put solar on the north side of the home. The existing roof line would still require a number of trees to be removed on the south side.

Member West asked if the applicants have seen the style of home they are proposing where the front bumps out as opposed to the back. Ms. Jacobs stated that no two homes look alike, they are all unique, so they have not seen this style in the neighborhood. Mr. Huston added that consideration was given to all sides of the home. A bathroom on the north side makes it difficult to design. There is an increase in cost, from \$100,000 to \$200,000 if the addition is put on the north side; an investment they won't see a return on.

Member Lynch asked what the width of the addition will be. Ms. Jacobs stated it is about 20.5 feet wide.

Mr. Huston stated that before they bought the house, they researched what was possible and after reaching out to several Councilmembers, they were assured that there was a process in place to obtain a variance. They have followed the process in good faith. He is disturbed that it was not made clear to him that there were zoning issues to consider. He was concerned that one of the questions asked how the proposal fit with the City's Comprehensive Plan since he does not know how a regular citizen would know that answer. He stated that the variance process did not disclose all the information that would need to be analyzed as part of the request. If he had known, he would not be here tonight. Ms. Jacobs added that the state statute used to analyze variances is vague.

Member Reinhardt stated that he appreciates the feedback and believes it will be very helpful to staff going forward regarding laying out clear expectations.

John Reinhart, 1531 Birch Lake Boulevard North, explained that his main concern was that the addition would be closer to his house because there is not a lot of space there. He does not know how it will impact him, so he is not really for it and not really against it.

Member Berry closed the public hearing.

Member Enz stated that it is the job of the Planning Commission to determine whether alternatives exist. She believes there are six or seven different options that the applicants could look at to achieve the space they desire. She agrees with the staff report recommending denial of the request.

Member Baltzer explained that he visited the property and saw the large trees and that the house is set back a great distance from the street, so a fifteen foot addition will not have a large impact on the neighborhood and will not be close to the lake. He disagrees with the denial.

Member Amundsen asked about the size of the rear yard and if a variance would also be needed to build an addition there. Miller stated that the required rear yard setback is 40 feet and an addition in the back would be able to meet all setbacks.

Member Amundsen continued that he also visited the proposal and tends to agree with Member Baltzer. He believes that what he heard from the applicants this evening has generated a stronger case for a practical difficulty. He noted that it may be helpful to reiterate to applicants the importance of demonstrating a practical difficulty in the application material.

Member Berry commented that the applicants knew the conditions of the property when they purchased it. They knew about the foundation in the back yard when they bought the home.

Lindy Crawford, City Manager, reiterated that a concrete foundation, trees, and economic considerations do not constitute a practical difficulty on a parcel.

Member Lynch explained that he agreed with Member Enz that there are a number of other options available to the applicants. He sympathizes with the applicants because he has small bedrooms too, but the lot is not conducive to making them bigger. He does not see a practical difficulty.

Member Reinhardt asked if the applicants would be able to come back with another plan if the request is denied. Miller stated that the code reads an application cannot be considered within a year of denial, but they would be able to come in with a new request if desired. However, staff may not support any variance from the front setback due to a lack of practical difficulty.

It was moved by Member **Lynch** to recommend denial of Case No. 22-18-V, seconded by Member **Berry**.

Motion carried, 4:3. Members Reinhardt, Baltzer, and Amundsen opposed.

**5. DISCUSSION ITEMS**

Member Lynch requested a placeholder be put on the agenda to allow the Planning Commissioners the opportunity to discuss the City Council meeting outcomes.

Member West made a note that Schafer Richardson agreed to add more brick to the apartment building prior to being approved at the City Council meeting.

**6. ADJOURNMENT**

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **Amundsen** to adjourn the meeting at 8:12 p.m.

Motion carried, 7:0