



# Planning Commission

October 16, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

## Minutes

### **Call to Order**

Chair Hansen called the Planning Commission Meeting to order at 7:00 p.m.

### **Present**

Pete Borman

Aaron Brom

Aaron Klemz

Ross Meisner

Paul Nealy

### **Absent**

Mike Heuchert

### **Others Present**

Stacy Stromberg, Planning Manager

Nancy Abts, Associate Planner

Jason and Rochelle Zemke, 257 69<sup>th</sup> Avenue N.E.

Edward Murzyn, 249 69<sup>th</sup> Avenue N.E.

### **Approval of Meeting Minutes**

1. Approve September 18, 2024, Planning Commission Minutes

*Motion by Commissioner Meisner to approve the minutes. Seconded by Commissioner Borman.*

*Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.*

### **Public Hearing**

2. Variance, VAR 24-01, by Jason Zemke, to Reduce the Required Side Yard Setback from 10 Feet to 6.7 Feet to Allow an Addition to an Existing Nonconforming Home, Generally Located at 257 69<sup>th</sup> Avenue NW

*Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner Borman.*

*Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was opened at 7:02 p.m.*

Nancy Abts, Associate Planner, presented a request for a variance to reduce the side yard setback to allow the expansion of an existing home at 257 69<sup>th</sup> Avenue. She provided a site description and history of the property. She then reviewed the code and statutory requirements that the Commission should consider relating to this variance request. She noted that the current neighbor does not object to this variance, but explained that the variance would run with the land and impact future property owners as well. She stated that staff recommends denial of the variance as the request does not satisfy the uniqueness requirement and there are reasonable alternatives.

Commissioner Borman stated that he met with the petitioner and the alternative noted by staff would add additional cost to the project. He believed that would be undue cost for the modest addition.

Commissioner Nealy asked how they got from ten to seven.

Ms. Abts replied that City staff was not here in 1962 but perhaps the survey corners were not marked appropriately or the foundation was laid a bit off.

Commissioner Brom referenced the option to change standards citywide and what that process would entail.

Ms. Abts replied that as the Commission know the City is in the process of updating the zoning code. She stated that the zoning code helps to address environmental quality and water runoff. She stated that in Fridley they have addressed that by requiring generous yards in lieu of large stormwater ponds.

Commissioner Brom asked if the variance were granted, whether that would mean future requests similar in nature would also have to be approved.

Ms. Abts replied that there is a risk of setting a precedent.

Commissioner Klemz noted that this is not straight along the lot line. He asked if the line were to run straight, parallel to the lot line at 7.1 feet, whether that would still require a variance.

Ms. Abts confirmed that a variance would still be required.

Commissioner Meisner asked where variable cost is considered, and if the alternative is more expensive, would that support a case for a variance.

Ms. Abts replied that economic considerations can be part of the consideration but cannot be the only reason to grant a variance.

Commissioner Meisner stated that one of the reasons this Commission exists is to evaluate exceptions to the rules. He stated that there are a number of factors that place this property in the grey area, primarily because it is already nonconforming, and this would only be a 3.5-inch difference from the variance that already exists. He stated that he was not concerned with precedent in this case as there are reasonable considerations to the request. He noted that the neighboring property is the garage side. He referenced the comment that there are reasonable alternatives and asked how reasonableness is assessed.

Ms. Abts replied that the applicant and neighbor are present and perhaps can provide input. She stated that she would be curious of the magnitude of the increased cost of building within the allowed area rather than the setback.

Stacy Stromberg, Planning Manager, stated that for staff, if there is a reasonable alternative and there is not a practical difficulty, there is not a way for staff to recommend approval.

Chair Hansen invited the applicant to address the Commission.

Jason Zemke, applicant, stated that the report does not include their proposed floor plan and believed that if the Commission could see their modest layout for the addition, they would feel it is appropriate for a home that was built out of compliance 60 years ago. He stated that this out of compliance home, built askew from the property line, has caused no issues to the neighborhood for the last 60 years. He stated that the addition would be seamless to the property and would not appear out of character.

Commissioner Meisner stated that the Commission has a certificate from the company which shows the proposed addition. Mr. Zemke confirmed that is accurate but noted that the floorplan for that space is a bedroom and attached bathroom.

Commissioner Borman asked if the applicant has an estimated cost for the proposal by City staff, compared to this proposed addition. Mr. Zemke replied that the cost would be about double based on the amount of square footage shown in the staff alternative. He stated that the current estimate is about \$100,000 for the addition. Commissioner Borman commented that the staff alternative would involve extensive changes to the roofline as well, which would easily double the cost.

Edward Murzyn, the neighbor at 249 69<sup>th</sup> Avenue stated that he has no objection to the addition and loves to see the applicants improving their property. He stated that the applicants are active in the neighborhood, take care of their yard, and he would love to see them be able to improve their home.

Commissioner Klemz referenced the uniqueness criteria and asked if property is described in that statute, as staff seemed to describe the lot itself and not the home. Ms. Abts replied that she is

unsure how that is defined in statute but could look into that. Ms. Stromberg stated that the practice of staff is to apply that to the physical land, not the home.

*Motion by Commissioner Meisner to close the public hearing. Seconded by Commissioner Nealy.*

*Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the public hearing was closed at 7:24 p.m.*

Commissioner Nealy stated that this is a building that is already out of compliance due to no fault of the current owners and no matter what someone does on this property there will already be a seven-foot setback instead of ten. He did not believe that extending that by the length of the addition would cause harm. He did not believe that an additional 3.5 inches for a reduced setback would make a difference and did not believe anyone would even notice. He stated that he would support the variance request.

Commissioner Meisner stated that there are guidelines to maintain the character of the neighborhoods and community. He stated that there are also a variety of tools that allow an exception. He stated that in this situation there is not a preexisting reason that would allow staff to recommend approval of the variance but also believed that is one of the reasons the Planning Commission exists, to understand the regulations of the City, needs of the residents, and perhaps provide recommendations that generally make sense. He stated that the extension of the line of the home by the length of the addition, even though it would encroach an additional 3.5 inches into the setback, is a reasonable request. He stated that even though there is not a typical reason to approve the variance, he is amenable to the request.

Commissioner Klemz stated that the alternative to approving the variance would be changing the code, which would set city-wide precedent whereas approval of this request would not set the same precedent. He agreed with the reasonableness of this concern and noted that the neighboring property owner also agrees.

Commissioner Borman stated that he agrees with Commissioners Nealy and Meisner and believed that the variance would be proper tool for this situation. He noted that this is extending the current line of the home by eight feet. He commented that this is a very reasonable request.

Commissioner Brom stated that he agrees with everyone and commended staff for their recommendation as they did not believe that this request met the statutory requirements. He stated that this is one of those circumstances where they (the Commission) need to understand the needs of the residents and he did not believe that approving this request would be a detriment to anyone.

Chair Hansen stated that he walked into the meeting with a different mindset, and he tends to think that variances should only be granted under certain circumstances to avoid setting precedent. He

stated that this home was built askew to the property line and therefore is already nonconforming and this does appear to be a reasonable addition. He stated that if this were done under a building permit, no one else would probably even notice other than the neighbor, who agrees to the request. He noted that typically there is a drainage/utility easement in the side yard but that does not exist in this location. He believed that this approval is unlikely to trigger a series of similar applications. He stated that if the property were not already nonconforming, he would not support the request but because of the conditions that exist in this case, he can support the request.

Commissioner Meisner stated that because of the magnitude of the sum of the variables he can support this request, but if it were just one of the factors without the others, he would find it difficult to approve.

*Motion by Commissioner Meisner to recommend approval of the variance as requested. Seconded by Commissioner Borman.*

*Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously.*

Chair Hansen noted that this will move forward for review by the City Council on November 12, 2024.

### **Other Business**

Ms. Stromberg provided an update on potential meetings for November.

### **Adjournment**

*Motion by Commissioner Meisner to adjourn the meeting. Seconded by Commissioner Brom.*

*Upon a voice vote, all voting aye, Chair Hansen declared the motion carried unanimously and the meeting adjourned at 7:36 p.m.*

Respectfully submitted,

Stacy Stromberg, Staff Liaison