

**MINUTES  
CITY OF COLUMBIA HEIGHTS  
PLANNING COMMISSION MEETING  
AUGUST 4, 2021**

The meeting was called to order at 6:00 pm by Vice Chair Vargas.

**CALL TO ORDER/ROLL CALL**

Commissioners present: Stan Hoium, Tom Kaiser, Mike Novitsky, Mark Vargas, Clara Wolfe  
Commissioners absent: Rob Fiorendino, Eric Sahnaw

Also present: Minerva Hark, City Planner; Ben Sandell, Communications Coordinator; Jordan Stroik, Applicant (via Zoom); and Alicia Apanah, Administrative Assistant

**APPROVAL OF MINUTES**

**1. Approval of July 6, 2021 Planning Commission Meeting Minutes**

*Motion by Wolfe, seconded by Novitsky, to approve the minutes from the meeting of July 6, 2021. All ayes. MOTION PASSED.*

**PUBLIC HEARINGS**

**2. Variance to Allow for the Construction of an Attached Garage with Front Yard Setback Encroachments Located at 4161 Polk Street NE**

Introduction: Hark reported that a Variance has been requested for a proposed attached garage to be located at 4161 Polk Street NE. The applicant is proposing to demolish the existing detached single-stall garage on the property and construct an attached standard garage on the north side of the home.

As a corner lot that abuts a diagonal street, there are unique setback requirements that apply to the subject property in relation to neighboring lots. In consideration of corner lots, City Code states that the lot line having shortest dimension of street frontage is considered the front lot line. Thus, the site's north lot line along 42nd Avenue is considered the front and is, therefore, subject to a minimum required building setback of 25 feet. The west lot line along Polk Street NE is subsequently considered a side lot line, from which a minimum 10-foot building setback is required. The required setback from Polk Street NE is considered unique in that other homes located along the street that are south of the subject site are subject to a 25-foot setback along the same street. The attached garage is proposed to be located 17.2 feet from the north front property line. This location is considered to be in front of the principal structure building line in the front yard.

Zoning Ordinance: The property is located in the R-2A One- and Two-Family Residential Zoning District. The site is bordered by properties in the Single-Family Residential District to the west, One- and Two-Family Residential District and Built-As Duplexes to the south, Single-Family Residential District and One- and Two-Family Residential District to the north, and Single-Family Residential District, One- and Two-Family Residential District, and Built-As Duplexes to the east.

The use of the property as a residential home complies with the Zoning Code.

Comprehensive Plan: The Comprehensive Plan guides this area for residential development. The proposed garage is consistent with the goals and intent of the Comprehensive Plan.

Design Guidelines: The subject property is not located in a Design Guidelines District. SITE PLAN The applicant has submitted a Site Plan illustrating the proposed size and location of the new garage and its relation to adjacent properties and structures.

Findings of Fact: The City Council shall make each of the following findings before granting a variance from the provisions of this article:

- (a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

*This is correct. The existing single-family home on the lot was built in a manner that utilized Polk Street NE as the front yard, rather than 42nd Avenue NE. The current condition does not provide reasonable space for the construction of a standard two-stall garage that does not encroach into the front yard setback or is not behind the principal structure's front building line. This is an existing condition not caused by the current owner. The proposed garage would encroach seven feet and five inches into the front yard setback, will be served by the existing driveway accessed from Polk Street NE.*

- (b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

*This is correct. The subject site is unique as it is a corner lot along a diagonal street with setback requirements which differ from most lots on the block.*

- (c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

*This is correct.*

- (d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

*This is correct. The Comprehensive Plan calls for reinvestment, renovation, and modernization of the City's single-family housing stock.*

- (e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

*This is correct. The granting of this Variance will result in a new, functioning two car garage for the property that will enhance the overall functionality and aesthetic of the site. This will provide more adequate on-site parking and will contribute to the improved value of the neighborhood.*

Recommendation: Staff recommends that the Planning Commission recommend approval to the City Council of the proposed Variance.

Questions/Comments from Members:

Hoiium asked, concerning the idea of right-of-way or not right-of-way and with the front yard being the shortest, intuitively if the front yard should be the longest property line. Hark said many city codes actually cite that the shortest property line abutting a public street or easement and shortest access point is the right-of-way; yards are based on whether the lot lines are. He said it doesn't make sense because the applicant's address is on Polk, where his front door is located. Hark said the lot is special because it is on a corner and so options are limited according to City Code.

Vargas said, if the Variance is approved by the Commission, language should be commented on regarding duplex, as an example, having one address facing one street and another address facing another street if it's on a corner lot. So, if in the future the home is changed into a duplex, being a R-2A, it would be in violation. Hark said, in that case, the City would create two addresses, one on Polk and one on 42<sup>nd</sup>, and agencies would be notified about it but it would still need to meet the building setbacks if the front yard was 42<sup>nd</sup>.

Vargas said, utilizing the cited dimensions, his calculations came up with a total of 1,056 SF rather than 925 SF. Hark said there are portions of the addition of the attached garage that are parsed out as pantry and bathroom, which is an addition to the main home, and the applicant chose to show that as part of the plan. The City is mainly concerned that it does not exceed 1,000 SF of garage space; so, it may off a few SF based off the configuration of the other attached elements, but the project is conditioned so that the garage may not exceed 1,000 SF and will again be shown and calculated accurately at the building permit phase.

In summary, Hark said the Variance is essentially asking for an encroachment into the front yard setback and the allowance of the location of the garage being in front of the building's front property line. And should the applicant decide not to move forward with the addition to the main home, the garage would still not have to exceed 1,000 SF.

Public Hearing Opened.

Applicant Jordan Stroik said, based on the previous garage already being in the front yard and already in front of the house, he hopes to replace the single-car garage with a two-car garage.

Vargas said he had some concerns about the language in the survey document's legal description, as they contradict the publicly available information for the lot and block. Rather than lot 3 block 16, it was a combination of lot 3 and 4 and no indication of a replat in the documentation. He wants to ensure that the legal description describes the applicant's property correctly and not including his neighbor's house. Hark said staff will ensure the site survey accurately cites the legal description.

Vargas commented that, the way that they are proposed in the drawings, the eaves on the garage shed water right onto the house; and with the metal-style roof being identified as the roof of choice, there will be moisture problems on the north side of the current house unless there is some type of vapor barrier. The applicant said he just wanted to get something on paper in terms of the Variance and knows he will have to contact a roofing contractor to use crickets or create drainage between the two buildings. Hark said the project has been conditioned by the Engineering Department to direct all stormwater runoff to the street; how he makes that happen is on the applicant's end and will then have the Engineers review the plan. Vargas added that the metal roof is incompatible with galvanized metals and a lot of crickets use galvanized metal, so he advised the applicant to scrutinize his contractor or, preferably, an architect designer to avoid erosion and corrosion.

Public Hearing Closed.

*Motion by Hoium, seconded by Kaiser, to waive the reading of the draft resolution. All ayes.  
MOTION PASSED.*

*Motion by Hoium, seconded by Wolfe, to recommend that the Planning Commission recommend to the City Council approval of the Variance for the proposed attached garage to be located by 4161 Polk Street NE, subject to conditions of approval:*

- 1. All construction shall comply with the Minnesota State Residential Code.*
- 2. All construction shall comply with the Minnesota State Energy Code.*
- 3. All construction shall comply with the Minnesota State Plumbing Code.*
- 4. All construction shall comply with the Minnesota State Mechanical and Fuel Gas Code.*
- 5. Storm water runoff from the new construction shall be directed to the street. Runoff cannot pass onto adjacent properties.*
- 6. The existing single stall garage located on the site shall be removed.*
- 7. The new attached garage shall be set back a minimum of 17.2 feet from the northern property line.*
- 8. A Certificate of Survey and Elevation Plans shall be submitted as part of the Building Permit Application for the construction of the proposed attached garage.*
- 9. The lot shall be limited to two detached accessory structures.*
- 10. The combination of accessory structures, storage shed, and attached garages on the lot shall not exceed 1,000 square feet in area.*
- 11. The height of the proposed attached garage shall comply with City Code.*
- 12. The exterior color and design of the proposed attached garage shall be similar to the principal structure. Corrugated metal siding and roofs are prohibited.*

13. *The total building coverage, including the principal structure and all accessory structures, shall not exceed 35%.*
14. *The distance between the proposed attached garage doors and the front lot line shall be no less than 20 feet.*
15. *The proposed attached garage shall be provided with a hard-surfaced access driveway, no less than 12 feet in width, to an adjacent public street, and shall be no less than 20 feet by 20 feet in size.*
16. *The proposed attached garage shall not be located within any utility or drainage easement.*

*All ayes. MOTION PASSED.*

Vargas shared with the applicant that he spoke with his aunt and uncle who own 4210 Polk NE and they favor him getting a new garage.

#### **OTHER BUSINESS**

Hark said City staff have received no Planning applications for the month; however, she may be putting through an Ordinance change in September or October for the Planning Commission to consider that involves landscaping and tree preservation. There are no private development projects coming up soon.

#### **ADJOURNMENT**

*Motion by Hoium, seconded by Kaiser, to adjourn the meeting. All ayes. MOTION PASSED. Meeting adjourned at 6:21 pm.*

Respectfully submitted,



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Alicia Apanah, Administrative Assistant