

# CRYSTAL PLANNING COMMISSION AGENDA SUMMARY

Monday, January 13, 2014  
7:00 p.m.

Crystal City Hall – Council Chambers  
4141 Douglas Dr N

## A. CALL TO ORDER

## B. INTRODUCTION - 2014 City Council Liaison

## C. ANNUAL ORGANIZATIONAL MEETING \*

### 1. Election of Officers

- Chairperson
- Vice-Chairperson
- Secretary

### 2. Approval of Meeting Calendar and Application Due Dates for 2014

## D. APPROVAL OF MINUTES

- December 9, 2013 regular meeting \*

## E. OLD BUSINESS

1. Consider Application 2013-16(b) for setback variances to allow expansion of an existing detached garage at 4952 Quail Avenue North (*continued from December 9, 2013 meeting*) \*

## F. GENERAL INFORMATION

### 1. City Council actions on previous Planning Commission items:

December 17, 2013:

- Approved Application 2013-15, a CUP and setback variance for a child care center at 5510 West Broadway
- Approved Application 2013-16(a), a setback variance for a house at 4952 Quail

### 2. Staff preview of likely agenda items for Monday, February 10, 2014 meeting

### 3. Quarterly Development Status Report \*

## G. OPEN FORUM

## H. ADJOURNMENT

*\* Items for which supporting materials will be included in the meeting packet*

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# MEMORANDUM

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**DATE:** January 6, 2014

**TO:** Planning Commission (January 13, 2014 meeting)

**FROM:** John Sutter, City Planner/Assistant Community Development Director 

**SUBJECT:** Annual Organizational Meeting to Elect Officers and Approve Calendar

1. The Planning Commission has three officer positions, elected by the members of the commission:
  - Chairperson. Currently Dick VonRueden (since January 14, 2013).
  - Vice Chairperson. Currently Joe Sears (January 14, 2013).
  - Secretary. Currently Tim Buck (since January 14, 2013).

The duties of each officer position are described in the attached bylaws excerpt.

Planning Commission action on each office is requested using the following procedure:

- The meeting chair asks for a motion and second for any nominations for the office.
- If there is only one nomination, the commission would fill the office by voice vote.
- If there are two or more nominations, each commission member would vote for one of the nominated members using paper ballots tabulated by the recording secretary. The candidate receiving the most votes is elected to the position. In the event of a tie, a coin toss is used as a tie-breaker.

2. Planning Commission action on the attached 2014 calendar is requested.

## ARTICLE II. ORGANIZATION

### A. Election of Officers

The officers of the Commission shall be elected by the members of the Commission at the January meeting each year. Officers shall serve for a period of one year, commencing with the first meeting of each year. The term of office for each Officer is one year, and that no Officer may serve for more than two consecutive years in the same position.

### B. Officers

The officers of the Commission shall be a Chairperson and Vice Chairperson and Secretary. In addition, there shall be an official administrative secretary who need not be a member of the Commission.

### C. Duties

1. The Chairperson shall preside at all meetings of the Commission, shall have such powers of the supervision and management as may pertain to the office of the Chairperson.
2. The Vice Chairperson shall preside and perform all duties of the Chairperson in the event of the Chairperson's absence, disqualification or disability.
3. The Secretary shall be responsible for administrative work necessary for the operations of the Planning Commission, unless city staff has been directed by the City Manager to assume these administrative duties. In the absence of the Secretary, a temporary Secretary may be appointed by the presiding officer to fulfill the duties of Secretary at that meeting.

The Secretary shall keep the minutes of all meetings and all records of the Commission. Minutes of the meetings shall be mailed or delivered to all Commission members and shall include the notice and the agenda for the next regular meeting. The Secretary shall notify all members of any special meeting of the Commission. Approved minutes shall be provided to the City Council in the next available meeting packet or newsbrief.

In addition to these administrative duties, in the absence of the Chairperson and Vice Chairperson, the Secretary shall preside and perform all duties of the Chairperson in the event of the Chairperson's absence, disqualification or disability.

4. It shall be the duty of each member to notify the administrative secretary if such meeting cannot be attended.



# Due dates & meeting schedule for Special Land Use Applications in 2014

DUE DATE FOR APPLICATION, FEE, AND REQUIRED ATTACHMENTS	PLANNING COMMISSION MEETING AND PUBLIC HEARING <i>Typically the 2<sup>nd</sup> Monday of the month, except where indicated (*)</i>	CITY COUNCIL MEETING #1 (REQUIRED FOR ALL APPLICATIONS) <i>Typically the 3<sup>rd</sup> Tuesday of the same month, except where indicated (*)</i>	CITY COUNCIL MEETING #2 (ONLY REQUIRED FOR ORDINANCES <sup>1</sup> ) <i>Typically the 1<sup>st</sup> Tuesday of the following month, except where indicated (*)</i>
<u>December 20, 2013</u>	<u>January 13, 2014</u>	<u>January 21, 2014</u>	<u>February 18, 2014*</u>
<u>January 17, 2014</u>	<u>February 10, 2014</u>	<u>February 18, 2014</u>	<u>March 4, 2014</u>
<u>February 14, 2014</u>	<u>March 10, 2014</u>	<u>March 18, 2014</u>	<u>April 1, 2014</u>
<u>March 21, 2014</u>	<u>April 14, 2014</u>	<u>May 6, 2014*</u>	<u>May 20, 2014*</u>
<u>April 18, 2014</u>	<u>May 12, 2014</u>	<u>May 20, 2014</u>	<u>June 3, 2014</u>
<u>May 16, 2014</u>	<u>June 9, 2014</u>	<u>June 17, 2014</u>	<u>July 15, 2014*</u>
<u>June 20, 2014</u>	<u>July 14, 2014</u>	<u>August 19, 2014*</u>	<u>September 2, 2014*</u>
<u>July 18, 2014</u>	<u>August 11, 2014</u>	<u>August 19, 2014</u>	<u>September 2, 2014</u>
<u>August 15, 2014</u>	<u>September 8, 2014</u>	<u>September 16, 2014</u>	<u>October 7, 2014</u>
<u>September 19, 2014</u>	<u>October 13, 2014</u>	<u>October 21, 2014</u>	<u>November 6, 2014*</u>
<u>October 17, 2014</u>	<u>November 10, 2014</u>	<u>November 18, 2014</u>	<u>December 2, 2014</u>
<u>November 14, 2014</u>	<u>December 8, 2014</u>	<u>December 16, 2014</u>	<u>January 6, 2014*</u>
<u>December 19, 2014</u>	<u>January 12, 2015</u>	<u>January 20, 2015<sup>2</sup></u>	<u>February 3, 2015<sup>2</sup></u>
<u>January 16, 2015<sup>2</sup></u>	<u>February 9, 2015<sup>2</sup></u>	<u>February 17, 2015<sup>2</sup></u>	<u>March 3, 2015<sup>2</sup></u>

<sup>1</sup> Council meeting #2 is only required for ordinance changes such as rezonings and text amendments. Also, please note that adopted ordinance changes do not go into effect until 30 days after the ordinance is published; this means they typically are not effective until approximately six weeks after Council meeting #2.

<sup>2</sup> The 2015 application schedule will not be set until the January 12, 2015 Planning Commission meeting. These dates are therefore tentative.

# CRYSTAL PLANNING COMMISSION MINUTES

Monday, December 9, 2013 at 7:00 p.m.

## Council Chambers, Crystal City Hall

A. CALL TO ORDER

The regular meeting of the Crystal Planning Commission convened at 7:00 p.m. with the following members present:

X Commissioner (Ward 1) Sears [Vice Chair]	X Commissioner (Ward 2) Kolb	X Commissioner (Ward 4) Richter
X Commissioner (Ward 1) Heigel	X Commissioner (Ward 3) VonRueden [Chair]	X Commissioner (Ward 4) Johnson
Commissioner (Ward 2) Erickson	X Commissioner (Ward 3) Buck [Secretary]	X Commissioner (At- Large) Strand (7:01 p.m.)

Also present were staff members John Sutter and Gail Van Krevelen.

B. APPROVAL OF MINUTES

Moved by Commissioner Sears and seconded by Commissioner Heigel to approve the minutes of the November 12, 2013 regular meeting with no exceptions.

Motion carried.

C. PUBLIC HEARINGS

1. Consider Application 2013-15 for a Conditional Use Permit and setback variance for Christina's Child Care Center at 5510 West Broadway including an outdoor play area along Sherburne Avenue

Staff presented the following:

Mr. Sutter stated that the subject property is the Crystal Gallery Mall where the commission recently reviewed a large, multi-year de-malling project. The child care center would be located on the east half of the first floor of the two story office building located at the south end of the mall.

The proposed use is a child care center, which is a conditional use in all zoning districts, and they are also proposing an outdoor play area which would be located 7 feet from the property line along Sherburne Avenue. The standard setback is 30' so a variance is being requested in addition to the conditional use permit.

The play area will be fenced with a minimum 5 foot high black vinyl chain link fence but they may choose to upgrade to a higher quality, more aesthetically pleasing type of fence.

The child care center will have rooms for various age ranges, from infant to school age and seems to be a good fit for this location and property. Mr. Sutter also said that although the play area would be located somewhat close to the sidewalk, the right-of-way and street there is fairly wide for the traffic volume, which isn't that high.

There is a loading area on the east side of the building, but Mr. Sutter stated staff felt that was an operational issue to be worked out among the mall owner, manager and tenants as to the timing of any deliveries.

He also said that there are a couple of minor conditions in the staff report; the CUP is not transferable unless the new usage would be consistent in what has been described in the narrative and that the parking area on the south end of the mall maintains adequate parking spaces during peak drop off and pick up times and parents could also park along Sherburne Avenue if they choose. Mr. Sutter also indicated the childcare center will have its own private entrance and no interior access to the rest of the mall.

The following were heard:

Robert Wise, representing property owner MidAmerica Real Estate, said that there is a state code that dictates the height and type of materials used for the fence. Commissioner Von Rueden asked if there was any thought of installing a barrier and Mr. Wise indicated as of yet they had not but that if there is a perceived risk, that is something they would want to look at. Mr. Sutter added that perhaps they may want to add a condition to plant some boulevard shade trees as a form of barrier.

Commissioner Sears said that the mall owner might want to consider using a heavy bottom wire and reducing the post spacing as inexpensive options to make the fence stronger. Commissioner Strand inquired whether there would be school buses dropping off students at the center, Mr. Wise said that the center has mini-buses that would be used to pick up kids at the schools.

Planning Commission discussion:

Commissioner Kolb expressed concern regarding the type of fencing being proposed and didn't feel it would necessarily be adequate since it would be only 7 feet from the sidewalk. Commissioner Von Rueden also suggested a barrier of some sort might be a good idea in case a vehicle slid off the road.

Commissioner Heigel asked Mr. Sutter what the state code is for fencing around childcare facilities, but Mr. Sutter said the city doesn't license childcare centers so he didn't know, but it would be governed by whatever the state requires.

Moved by Commissioner Heigel and seconded by Commissioner Buck to recommend approval of Application 2013-15 for a Conditional Use Permit and setback variance for Christina's Child Care Center at 5510 West Broadway including an outdoor play area along Sherburne Avenue.

Motion carried.

2. Consider Application 2013-16 for setback variances to allow expansion of an existing house and detached garage at 4952 Quail Avenue North

Staff presented the following:

Mr. Sutter said that the property is located on a segment of Quail actually platted as an alley, which is why the garages are right along the street. Over time the service road became the street, and although the properties along that stretch are addressed on Quail, technically their front yards face the platted right-of-way along the lake and the back yards are along Quail.

The current property owner recently purchased the house and is in the process of doing some renovations and adding an addition. The current setbacks were needed for the addition and it was found that a bump-out on the property encroaches into the setback. For that reason a variance is required to expand the existing structure because a non-conforming structure cannot be expanded unless a variance is granted.

The house was built between 1937 and 1940. The bump-out is located about 3½ feet from the property line, the minimum setback since 1946 is 5 feet. Everything except the bump-out is in compliance, so provided that the variance is just to the extent necessary for the bump-out and does not follow the entire lot line, staff sees no reason to deny it.

The second variance is more speculative, the owner does not currently have a project planned but in the future would like to have a larger garage. The garage was built about the same time as the house, and is 1 foot or less from the north and rear lot lines. Under the law the garage can be maintained at its current size but cannot be expanded.

Mr. Sutter explained that staff felt there was not sufficient justification for a variance for the garage because it only met one of the three criteria. The property owner at this time is unsure how they want to accomplish a solution to the garage issues, but they have indicated they want to have more garage space and expanding the existing garage is one of the options, but it's not the only way they can get additional space. Mr. Sutter did suggest however that since they were considering expanding the garage, they should add it to this application so they only have to go through the process once.

Staff is recommending denial because the entire garage is in the setback, not just a small portion of it, and the degree of encroachment is much more severe. The minimum setback for detached structures is 3 feet, and with the eave, the garage is within inches of the lot line along the street. City staff feels that if the homeowner wishes to expand the garage, they would need to tear it down and build a garage that meets the setbacks, which at 3 feet already are pretty minimal. However, if the planning commission wants to recommend approval of

the variance, they would need to spell out their findings or continue that portion of the application to a subsequent meeting.

The following were heard:

Mike Brady, 4952 Quail Ave N, spoke to the commission and said that he is looking forward to improving the home and have already done some improvements to it; it was in really bad shape.

He said he would like to offer an alternative. Their long-term plan would be to change the back of the house into the front of the house and have that be a nice entrance. With the garage being where it is it leaves more of that open space so you'll actually see the front of the house. He wanted to propose a change; he agreed to the standard 3 foot setback from the street but wanted to keep the setback from the north side lot line the same at 1 foot and he said he felt it fulfills the code requirements.

Commissioner Richter asked the property owner what the \$500 fee that he addressed in his letter was for. Mr. Brady said that it was for the variance application and that he appreciated Mr. Sutter informing him that as long as he was applying for a house variance, he should add the garage variance also.

Mr. Sutter stated that if the Planning Commission wants to continue the garage variance to consider the homeowner's alternate variance proposal, then staff could draft findings for the alternate and bring the garage variance options back to the Commission in January. However the house variance stands on its own and the Commission should take action on that item tonight.

Planning Commission discussion:

Commissioner Kolb said that the garages on that street are in a line and are very close to the street. He feels that moving one back to meet the setbacks would actually make the garage out of alignment with the other garages. He doesn't feel that there should be an issue with allowing the garage to be expanded since the other garages in that area aren't going anywhere either.

Commissioner Richter questioned whether the applicant would have to come back again if their variance is approved and Mr. Sutter said they would not have to re-apply.

Mr. Sutter said that 4 of the detached garages are right up on the lot line. The others except for one are all about the same age as the houses. The one directly north was built in 1984 and a variance was granted, he surmised that at that time they considered the Quail side the front yard, therefore a variance was needed to have an accessory building in the front yard. He also said that of the other two, one is a one-car garage and one is a two-car garage. Two-car garages are now the new minimum, and one-car garages are more likely not to be preserved so that is part of the reason to hold the property owner to the code because market

forces will eventually replace all one-car garages with two-car garages and will give the city the opportunity to get the encroachments removed.

Commissioner Von Rueden stated that if the current garage was demolished, the new garage should be built to the proper setback and Commissioner Strand agreed.

Commissioner Kolb stated that if the variance was approved, he wanted to make sure that if the garage were expanded, it would be expanded toward the house. Commissioner Kolb also questioned the three criteria needed to approve a variance; he felt that allowing an expansion of the garage toward the house would not alter the character of the locality as spelled out in item c. He also wanted clarification on item a. of the criteria.

Mr. Sutter said that item c. was the weakest in staff's opinion. They look at locality as being the city, and you don't see a lot of garages in the city this close to an alley or a street. The 3 foot setback has been in effect since 1946, it's a pretty minimal setback to begin with, and it's the standard in Crystal. Allowing this encroachment to become more permanent is what staff feels is altering the character of the locality. He also said that this really rests on item a., does the property owner have reasonable alternatives that meet the code.

Commissioner Kolb said that he didn't really see it as the Planning Commission telling property owners what option they should take, but that the commission should tell them what options are available and the property owners would then decide. He said that while he felt that tearing down the old garage and building a new, conforming garage was the better option, if they chose to expand toward the house he didn't see an issue with it and would be in favor of approval.

Mr. Sutter recommended that given the homeowner's new proposal, the commission may want to continue the item and staff can draft alternate findings of fact to support the homeowner's revised proposal and bring it back to a subsequent meeting.

**Part A (house):** Moved by Commissioner Kolb and seconded by Commissioner Heigel to recommend approval of Application 2013-16, in part, for a setback variance to allow expansion of an existing house at 4952 Quail Avenue North.

Motion carried.

**Part B (garage):** Moved by Commissioner Kolb and seconded by Commissioner Von Rueden to continue consideration of Application 2013-16, in part, for setback variances to allow expansion of an existing detached garage at 4952 Quail Avenue North.

Motion carried.

D. GENERAL INFORMATION

1. Letter sent to Metropolitan Council regarding the 2040 forecast
  - Mr. Sutter updated the commission on a letter from the Builders Association to the Met Council regarding the 2040 forecast. He mentioned that the Met Council may use the forecast to try and get the Legislature to declare housing a regional system the way roads, sewers and parks are. That would make it clear cut that they can take these forecasts and turn them into mandates. Mr. Sutter also mentioned that Crystal is not the only developed suburb saying the forecast is too high and he doesn't feel that the Met Council will be able to continue with the forecast as presented so far. Commissioner Kolb stated that he is aware of a number of developing communities on the metro edge with the opposite objection, that the forecast is too low.
2. City Council action on previous Planning Commission items:
  - Adopted an ordinance rezoning Crystal Gallery Mall to C-2 Planned Development for a new building, de-malling and parking lot improvements
  - Approved a CUP for an 8' tall fence at 7200 56<sup>th</sup> Avenue North
  - Adopted an ordinance allowing multicolor electronic signs
3. Staff preview of likely agenda items for Monday, January 13 meeting (annual organizational meeting)
  - Mr. Sutter said that they will have findings of fact for the revised proposal for the garage at 4952 Quail but no other applications are expected.

E. OPEN FORUM

F. ADJOURNMENT

Moved by Commissioner Sears and seconded by Commissioner Buck to adjourn.

Motion carried.

The meeting adjourned at 7:55 p.m.

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# MEMORANDUM

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**DATE:** January 6, 2014

**TO:** Planning Commission (January 13, 2014 meeting)

**FROM:** John Sutter, City Planner/Assistant Community Development Director 

**SUBJECT:** Public Hearing: Application 2013-16(b) for setback variances to allow expansion of an existing detached garage at 4952 Quail Avenue North

## A. BACKGROUND

The subject property contains 7,528 sq. ft. (0.17 acres) and is occupied by a single family house and one-car detached garage. There are no permits on file for either building, but based on aerial photos they appear to have been built between 1937 and 1940. The city began requiring building permits in 1939 and adopted its first zoning ordinance in 1946.

The property owner, Mike and Pam Brady, recently purchased the property and are preparing to build an addition on the east (front) of the house. They also have medium-term plans to either expand the existing garage or replace it with a new, larger garage.

The owner applied for the following variances:

- Part (a): The house is set back 3½ feet from the north side lot line. It is lawfully nonconforming (“grandfathered in”) with respect to the 5 foot side setback requirement for principal buildings in effect since 1946. Because the house is nonconforming, it cannot be expanded unless a variance is granted to reduce the north side setback requirement to 3 feet. This variance was approved by the Planning Commission on December 9, 2013 and the City Council on December 17, 2013.
- Part (b) The garage is set back approximately one foot from the north side lot line and less than one foot from west (rear) lot line along Quail Avenue. Without a survey we do not know the garage’s exact location to a fraction of a foot, but it appears that the roof overhang on the Quail side is within 6 inches of the lot line. The garage is lawfully nonconforming (“grandfathered in”) with respect to the 3 foot setback requirement for accessory buildings in effect since 1946. Because it is nonconforming, it cannot be expanded unless a variance is granted to eliminate the setback requirement. This variance awaits action by the Planning Commission and City Council.

Notice of the public hearing was published in the Sun Post on November 28, 2013 and mailed to all property owners within 350 feet of the property. On December 9, 2013 the Planning Commission held the public hearing, heard a revised proposal from the property owner, and continued consideration of the garage variance to its January 13, 2014 meeting. The City Council will consider the Planning Commission recommendation at its January 21, 2014 meeting.

The following Exhibits are attached:

- A. Owner's narrative
- B. Aerial photo, spring 2012 (wide view and zoomed in)
- C. Site photos
- D. Site sketch – Existing Conditions
- E. Site Sketch – Alternate Variance

## **B. STAFF COMMENTS**

Three of the other seven similarly situated houses have detached garages that appear to be located less than three feet from the lot line along Quail:

- 4916 Quail: One-car garage built between 1940 and 1947, and no subsequent permits for expansion, so it has the same legal status as the subject property.
- 4948 Quail: Two-car garage built between 1940 and 1947, and no subsequent permits for expansion, so it has the same legal status as the subject property.
- 4958 Quail: Two-car garage built after variance granted by City Council on July 17, 1984. The submitted application and survey showed the garage being set back 1 foot from the lot line along Quail and the roof overhang appears to be right on the lot line. The application and Council approval minutes do not discuss any findings for a variance from the 3 foot setback requirement which was in effect at the time.

No part of the garage, including roof overhangs or eaves, may extend into the required setbacks for accessory buildings.

If the garage's vehicle entrance faces a street or alley, then it must be set back 20 feet from the lot line along the street or alley. This probably does not apply in this case, as both the existing garage and a possible future new garage described by the owner would have garage doors facing south, not west to Quail.

State statute and city code require that all three of the following criteria must be met for a variance to be granted:

- The property owner proposes to use the property in a reasonable manner not permitted by an official control; and
- the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- the variance, if granted, will not alter the essential character of the locality.

## **1. Original Request - Setback Variances for Existing Detached Garage**

To expand the existing detached garage, the north side setback requirement would have to be reduced to 1 foot and the rear (west) setback would have to be eliminated.

**The requested variance does not meet all three criteria in the statute; it meets b) but does not meet a) and c):**

- a. The setback encroachments apply to the full length of its walls along both adjacent lot lines. The degree of encroachment is severe, with the existing setback being approximately 1 foot to the wall and, along Quail, 6 inches to the roof overhang, instead of the standard minimum setback of 3 feet for accessory buildings. The quality of encroachment is severe due to the close proximity of Quail Avenue due to the roadway curb being less than 4 feet from the garage. Allowing the expansion of the existing garage would make these severely nonconforming setbacks more permanent. Therefore the proposed use of the property (expansion of the nonconforming existing garage) is not reasonable; and**
- b. The garage was built prior to city setback requirements which came into effect in 1946. Therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- c. The proposed variance would reduce the 3 foot setback, required by the city since 1946, to 1 foot on the north side and 0 feet on the west (Quail) side. Over time, nonconforming accessory buildings such as this garage are typically demolished and replaced with conforming accessory buildings. Therefore allowing expansion of the existing detached garage would alter the essential character of the locality by further entrenching a nonconforming use.**

**Denial of the original request is recommended based on these findings of fact.**

## **2. Alternate Setback Variance - for New Garage (Future Project)**

At the December 9, 2013 public hearing, the property owner indicated that he understood the city's concerns about the proximity of the existing garage to Quail Avenue. He stated his desire for a new detached garage rather than attempting to repair and expand the existing garage. He also stated that, like the existing garage, the new garage's vehicle entrance would face south, not directly toward Quail. To that end, he suggested an alternate variance to reduce the north side

setback requirement from 3 feet to 1 foot, but not reduce the standard 3 foot setback requirement along the rear (west) lot line on Quail.

**The alternate variance meets all three criteria in the statute:**

- a) **The reduced setback would only come into effect upon construction of a new detached garage or other accessory building, and it would only reduce the setback along the north side lot line. The new garage would comply with the standard 3 foot setback along Quail Avenue, thus eliminating the existing garage's setback encroachment along Quail which is more severe in quantity and quality than it is along the north side lot line. Therefore the proposed use of the property (construction of a new detached garage no less than one foot from the north side lot line) is reasonable; and**
- b) **The garage was built prior to city setback requirements which came into effect in 1946. Therefore the plight of the landowner is due to circumstances unique to the property not created by the landowner; and**
- c) **The proposed variance would facilitate the normal, typical process of small, nonconforming accessory buildings being replaced by larger, conforming buildings. It will improve the property's compliance with the city's standard setbacks which have been in effect since 1946. Therefore the variance, if granted, will not alter the essential character of the locality, provided that the reduced accessory building setback of 1 foot only applies to the north lot line, and also that the reduced setback will only come into effect upon replacement of the existing detached garage by a new garage.**

**Approval of the alternate variance is recommended based on these findings of fact.**

### **C. RECOMMENDED ACTION**

1. Deny Application 2013-16(b) to uphold the ordinance's prohibition on expansion of the existing detached garage, subject to the findings of fact in bold type in Section B-1 of this report.
2. Approve an alternate variance to reduce the north side setback requirement for accessory buildings from 3 feet to 1 foot, subject to the findings of fact in bold type in Section B-2 of this report which includes conditions of approval.

Planning Commission action is requested, preferably in separate motions for each part of the application. The City Council would consider the Planning Commission's recommendation at its meeting on January 21, 2014.

## Request for Clearance for Building Permit - 4952 Quail Avenue North

November 18, 2013

Dear Crystal Staff, Planning Commissioners, and Council Members,

My wife, Pamela, and I purchased a home at 4952 Quail Avenue North. We love the home and plan to move from our home in Plymouth as soon as possible. There is a fair amount of work to be done on the home; restorative and the addition of a sunroom and bathroom on the main floor. Your inspection official can testify as to the condition of the home and yard prior to our purchase.

When we went to make application for building permit, we were told we needed to determine if the property is within the setbacks. We have to say although the City officials were polite, the \$500 Fee for something that has been there for more years than this Grandfather has been alive, seems onerous.

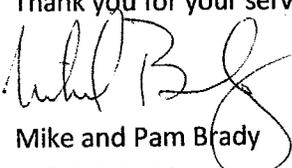
As you can see by the pictures attached, we have already cleaned up the overgrown weeds and brush. The site plan shows the house within all setbacks except for one small bump out in the kitchen. As also shown, the foundation for this bump out is the original construction. The garage is within inches of the back yard westerly lot line and within a foot of the northerly side lot line so is not within setback limits. The addition on the south of the house is over 7' from the southerly lot line and within your setback.

We are applying for a variance for the garage and the north side bump out so we can add a sunroom to the east side of the home, (front yard), which of course will be within all setbacks and codes. This is an improvement to the home, its value and the neighborhood.

We have a limited budget for work for the home and this \$500 fee lowers the amount of work we can do. This procedure seems nonsensical as these structures have been here 60+ years, cause no one issue, and are obvious for all to see before purchase. Most every home from this era is in some set back "violation". In our opinion and unless we are missing something, a blanket variance for original structures, if not a danger or nuisance, should be granted in Crystal. It cost us \$500, metal detector time and rental, an extra month that pushes construction into the heart of winter and additional challenges moving from our current home. Not much of a welcome to our new City and home. Some people may also have to have an extra \$700 + for a survey if they couldn't find their corner stakes. We request a refund of our \$500 application fee.

That request said, you will find us a strong and positive addition to your City, taking care of and enhancing the beauty of our home and lot as well as helping our neighbors and other worthy causes in Crystal.

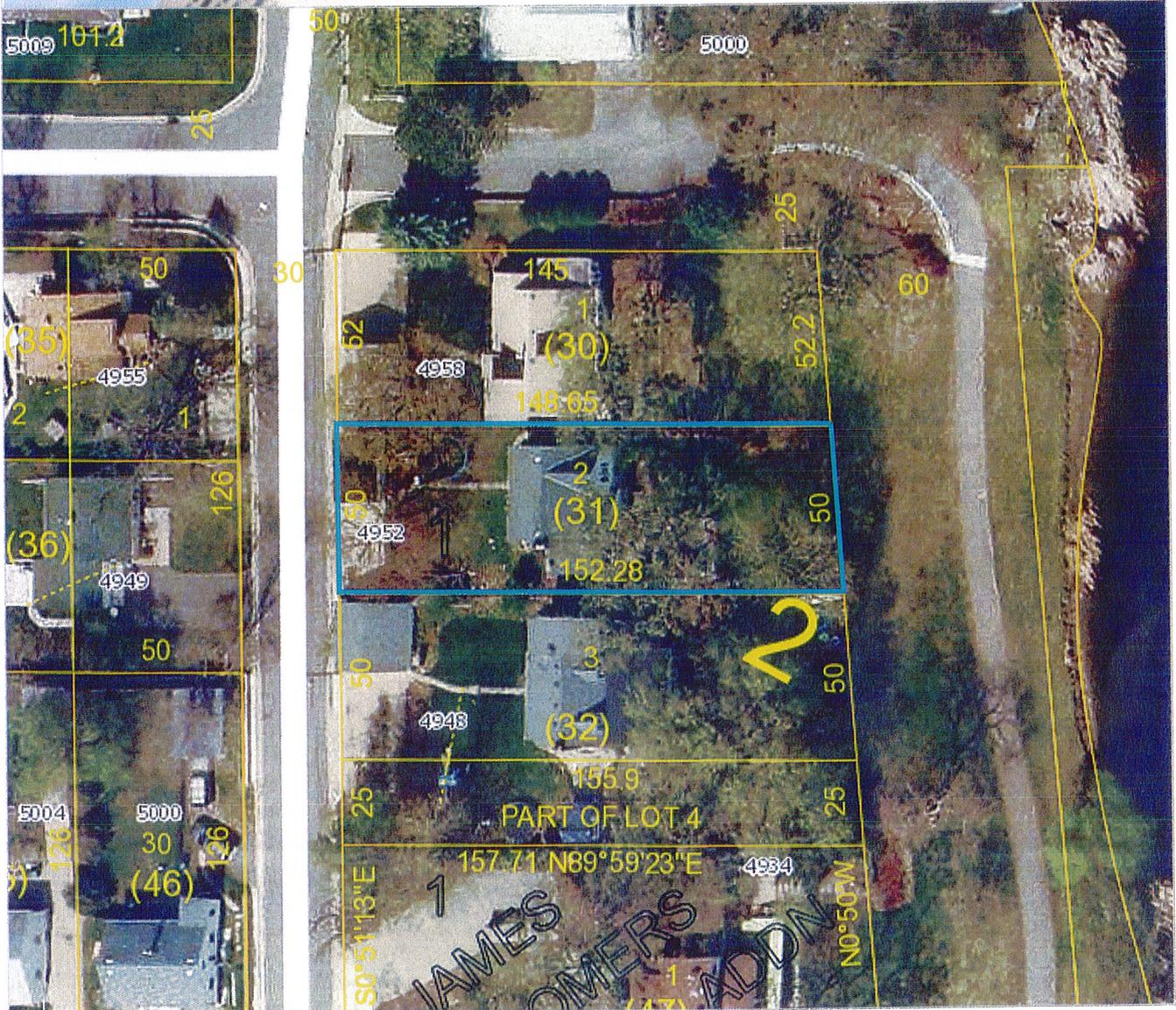
Thank you for your service.

  
Mike and Pam Brady  
612.327.2932





<b>Parcel ID:</b> 09-118-21-14-0031	<b>A-T-B:</b> Torrens	<b>Map Scale:</b> 1" ≈ 400 ft.	
<b>Owner Name:</b> <del>Tracy A Feltmann</del>	<b>Market Total:</b> \$190,000	<b>Print Date:</b> 11/18/2013	
<b>Parcel Address:</b> 4952 Quail Ave N Crystal, MN 55429	<b>Tax Total:</b> \$4,135.22 (Payable: 2013)	<p>This map is a compilation of data from various sources and is furnished "AS IS" with no representation or warranty expressed or implied, including fitness of any particular purpose, merchantability, or the accuracy and completeness of the information shown.</p> <p>COPYRIGHT © HENNEPIN COUNTY 2013</p> 	
<b>Property Type:</b> Residential Lake Shore	<b>Sale Price:</b> <del>\$315,000</del>		
<b>Home-stead:</b> Homestead	<b>Sale Date:</b> <del>06/2004</del>		
<b>Parcel Area:</b> 0.17 acres 7,528 sq ft	<b>Sale Code:</b> <del>Warranty Deed</del>		



Parcel ID: 09-118-21-14-0031

Owner Name: ~~Tracy A Feltmann~~

Parcel Address: 4952 Quail Ave N  
Crystal, MN 55429

Property Type: Residential Lake Shore

Home-  
stead: Homestead

Parcel Area: 0.17 acres  
7,528 sq ft

A-T-B: Torrens

Market Total: \$190,000

Tax Total: \$4,135.22  
(Payable: 2013)

Sale Price: ~~\$315,000~~

Sale Date: ~~06/2004~~

Sale Code: ~~Warranty Deed~~

Map Scale: 1" ≈ 50 ft.

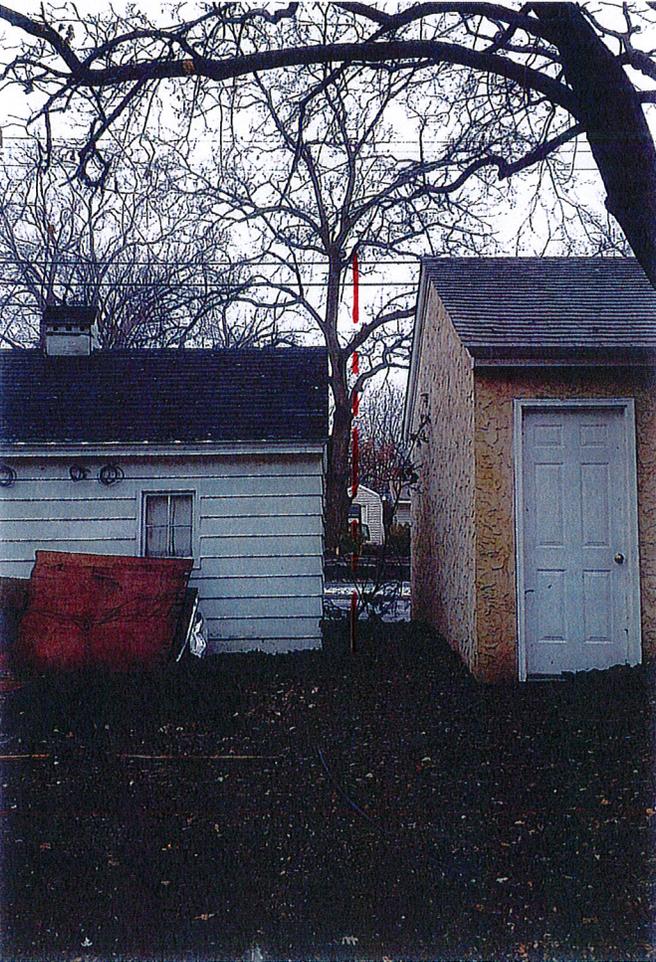
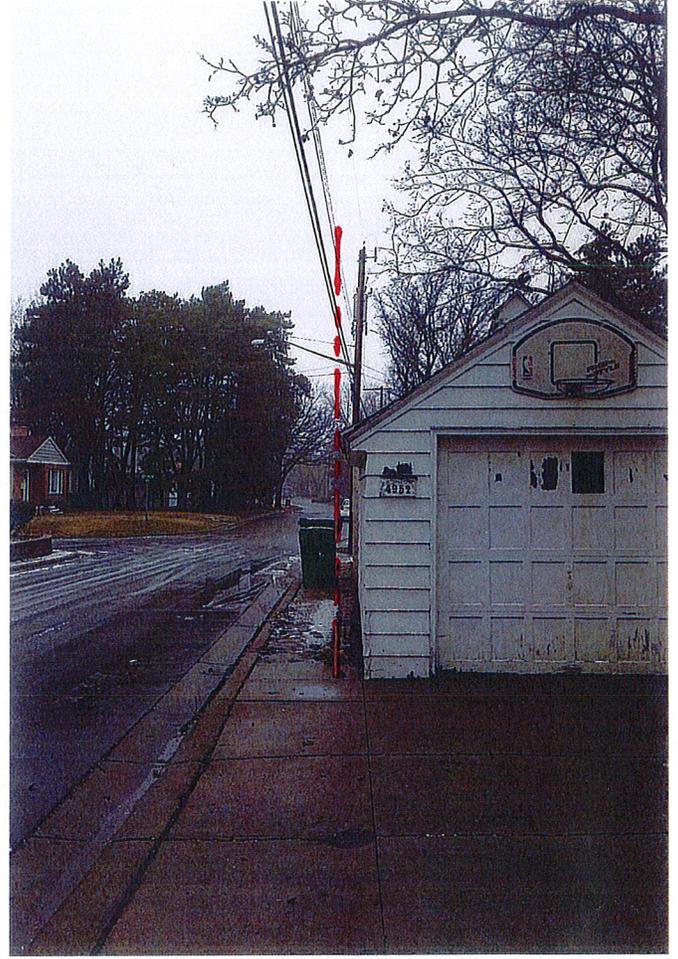
Print Date: 11/18/2013



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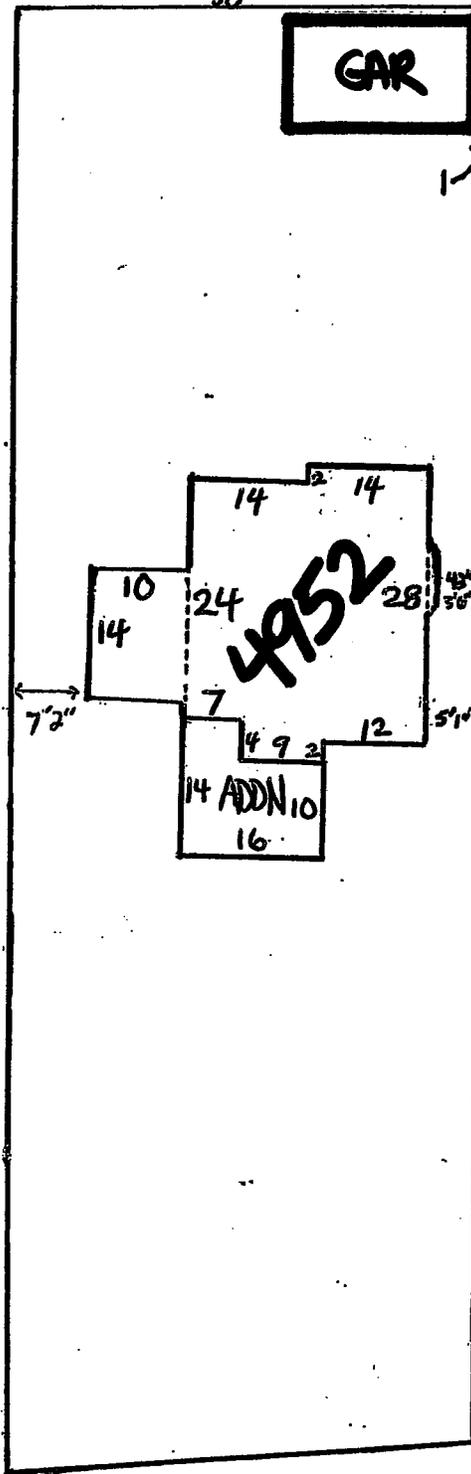


= approximate  
lot lines  
adjacent  
to garage

QUAIL AVE



SCALE  
~1" : 20'



4958

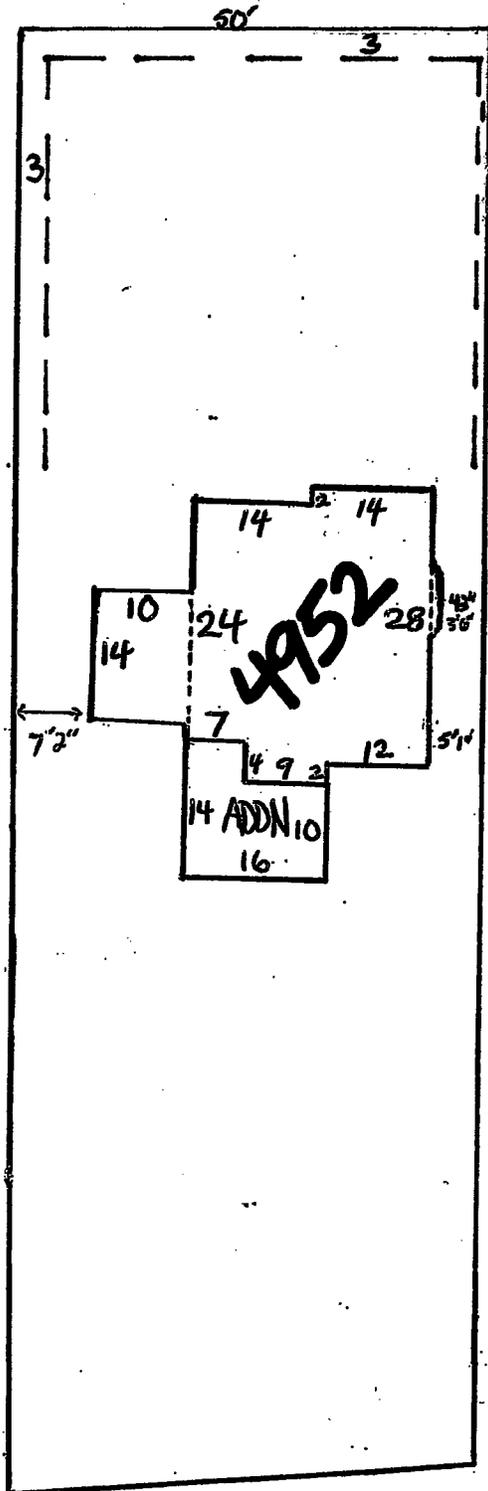
152.28

148.65

# Existing Conditions

TWIN LAKE BLVD

QUAIL AVE



N ►

SCALE  
~1" : 20'

152.28

148.65

4958

**Detached  
Garage  
Setbacks  
- Alternate  
Variance**

Note: This is for a side-loaded garage, meaning the doors do not directly face a street or alley. If they do, then the minimum setback is 20 feet.

TWIN LAKE BLVD

EXHIBIT E

# CRYSTAL EDA

## Quarterly Development Status Report

December 31, 2013

MAP #	LOCATION	DESCRIPTION
1	7041 60th Ave N Crystal MN	(Funded by the federal Neighborhood Stabilization Program, hereinafter "NSP"). In December 2012 the EDA transferred the lot to Twin Cities Habitat for Humanity for new home construction, which is underway with completion anticipated in summer 2014.
2	5924 Elmhurst Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
3	6516 Brentwood Ave N Crystal MN	The EDA sold this lot to Novak-Fleck in December 2013 for \$50,000. The builder has a buyer for the new house and construction is underway.
4	6601 62nd Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
5	5657 Adair Ave N Crystal MN	The EDA sold this lot to Novak-Fleck in October 2013 for \$50,000. The builder has listed the house for sale on the MLS and construction is underway.
6	5548 Yates Ave N Crystal MN	The EDA sold this lot to Novak-Fleck in May 2013 for \$50,000. The new house has been completed and sold.
7	5533 Xenia Ave N Crystal MN	The EDA sold this lot to Novak-Fleck in October 2012 for \$50,000. The new house has been completed and sold.
8	5527 Xenia Ave N Crystal MN	The EDA sold this lot to Novak-Fleck in April 2013 for \$50,000. The new house has been completed and sold.
9	5626 Vera Cruz Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
10	5824 Regent Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$55,000.
11	5715 Regent Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
12	5700 Regent Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
13	5724 Perry Ave N Crystal MN	(NSP) In December 2012 the EDA transferred the lot to Twin Cities Habitat for Humanity for new home construction to occur in 2014.
14	5255 Edgewood Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
15	4633 Douglas Dr N Crystal MN	The EDA sold this lot to Novak-Fleck in April 2013 for \$50,000. The new house has been completed and sold.
16	4720 Douglas Dr N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
17	"The Cavanagh" 5401 51st Ave N Crystal MN	In 1st quarter 2014, the EDA will sell the 4.3 acre former Cavanagh School site to Dominion for \$1.1 million. In 2nd quarter 2014, Dominion will begin construction on a four story, 130 unit senior building with rents affordable for households at 60% of Twin Cities metropolitan area median income. Completion is anticipated by summer 2015.

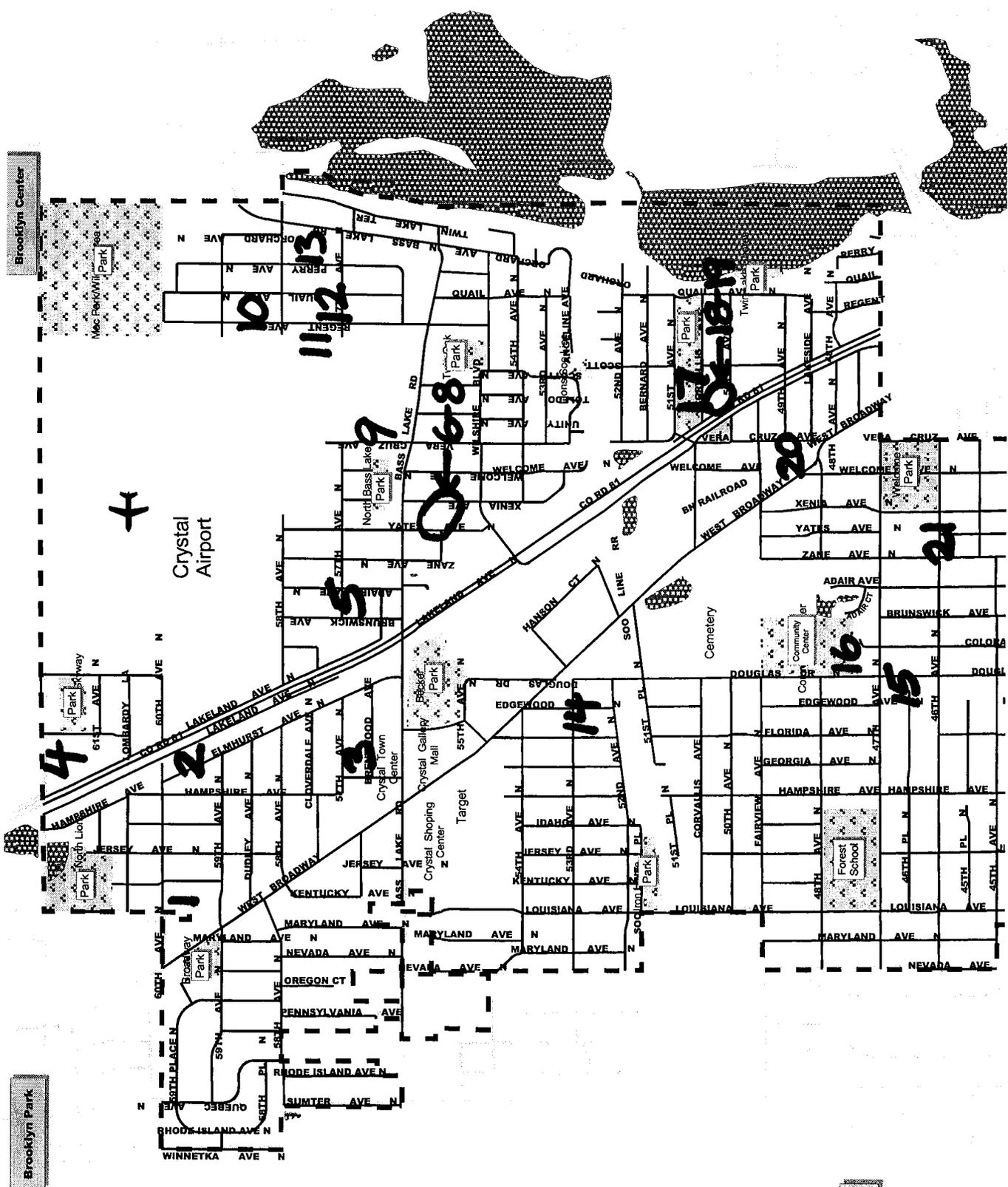
MAP #	LOCATION	DESCRIPTION
18	5335 Corvallis Ave N Crystal MN	The EDA purchased excess CR81 right-of-way from Hennepin County in October 2012 and replatted it into multiple parcels (hereinafter "CR81"). The EDA is seeking new house proposals with a lot price of \$50,000.
19	5332 50th Ave N Crystal MN	(CR81) The EDA is seeking new house proposals with a lot price of \$45,000.
20	4901 Vera Cruz Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
21	4553 Yates Ave N Crystal MN	The EDA sold this lot to Berger Built Construction in December 2013 for \$40,000. Construction on the new house will begin in 1st half 2014. The builder has listed the house for sale on the MLS.
22	4312 Brunswick Ave N Crystal MN	(NSP) In December 2012 the EDA transferred the lot to Twin Cities Habitat for Humanity. The new house has been completed and sold.
23	4330 Zane Ave N Crystal MN	The EDA sold this lot to MT Builders in June 2013 for \$40,000. The new house has been completed and sold.
24	4326 Zane Ave N Crystal MN	MT Builders has optioned this lot until July 16, 2014 with a lot price of \$45,000.
25	4349 Xenia Ave N Crystal MN	MT Builders has optioned this lot until May 15, 2014 with a lot price of \$50,000.
26	4343 Xenia Ave N Crystal MN	The EDA sold this lot to MT Builders in July 2013 for \$50,000. The new house has been completed and sold.
27	4331 Vera Cruz Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$50,000.
28	3564 Welcome Ave N Crystal MN	(MnDOT) The EDA sold this lot to Novak-Fleck in September 2013 for \$27,000. The lot price was discounted to account for the cost of removing excess fill, re-grading and compacting the building pad. The builder has a buyer for the new house which is nearly complete.
29	3556 Welcome Ave N Crystal MN	(MnDOT) The EDA sold this lot to Novak-Fleck in September 2013 for \$50,000. The new house has been completed and sold.
30	3548 Welcome Ave N Crystal MN	(MnDOT) The EDA sold this lot to Novak-Fleck in July 2013 for \$55,000. The new house has been completed and sold.
31	5501 32nd Ave N Crystal MN	(MnDOT) This 2.6 acre site is south of 32nd and west of the Highway 100 noisewall/trail. It is guided for low density residential development. The EDA expects to sell it for development of either single family houses or low density townhomes as market conditions warrant. Upon development the trail may be relocated closer to the noisewall.
32	5417 35th Ave N Crystal MN	(MnDOT) This lot is on hold due to the discovery of a water main crossing the lot and bad soils in excess of those indicated by previous studies.
33	5116 35th Ave N Crystal MN	(NSP) In December 2012 the EDA transferred the lot to Twin Cities Habitat for Humanity for new home construction which is nearly complete.
34	3528 Noble Ave N Crystal MN	(NSP) In December 2012 the EDA transferred the lot to Twin Cities Habitat for Humanity. The new house has been completed and sold.
35	3533 Lee Ave N Crystal MN	The EDA is seeking new house proposals with a lot price of \$40,000.

**For an online, mapped version, please see:**  
[http://www.crystalmn.gov/city\\_departments/quarterly\\_development\\_status\\_report.html](http://www.crystalmn.gov/city_departments/quarterly_development_status_report.html)

Brooklyn Center

Brooklyn Park

New Hope



Crystal  
Airport

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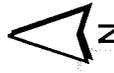
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0 0.25 0.5 Miles



Robbinsdale

Golden Valley

23-26

22 27

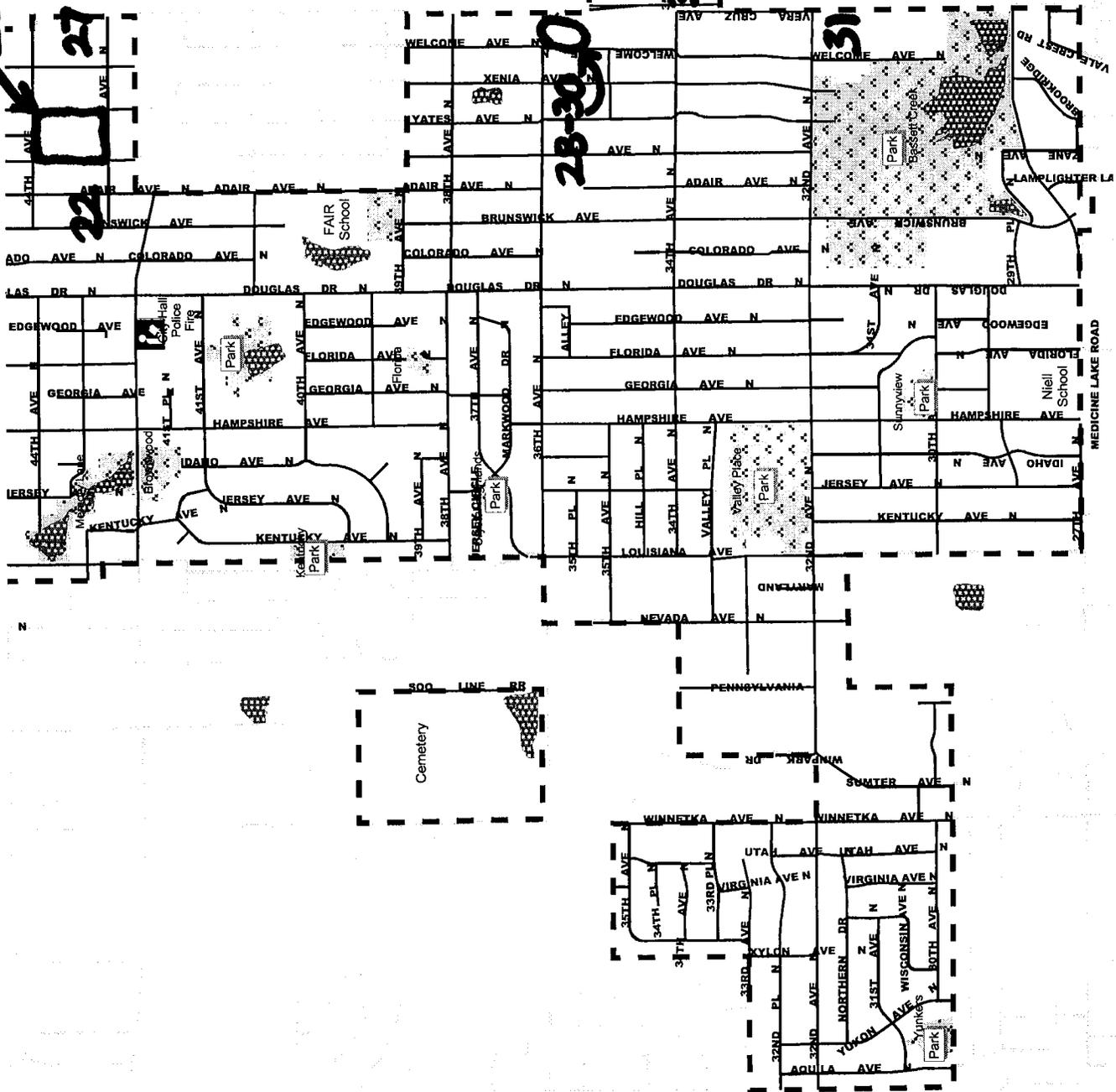
28-30

3435

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32

HWY 100



Cemetery

Soo Line RR

Sumter Ave N

Yunkin's Park

Yunkin's Park

Valley Park

Florida Park

Fair School

Florida Park

Police

Edgewood Ave N

Springer Park

Springer Park

Verba Cruz Ave

Wellcome Ave N

Wellcome Ave N