

**MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISISON
JUNE 1, 2022**

MEETING CALLED TO ORDER BY CHAIR THOMPSON AT 7:00 P.M.

Present: Tim Felton
 Geoff Fournier
 Jason Frankot
 Angela DesMarais
 James Hart
 Matthew Thompson
 Michael Healy, City Planner
 Monika Mann, Associate Planner

Absent: Ruth Krueger

- 1) APPROVAL OF AGENDA – Motion to approve as presented – Felton/DesMarais (6-0).
- 2) APPROVAL OF MINUTES – May 4, 2022 – Motion to approve the minutes as presented – Felton/Fournier (6-0).
- 3) NEW BUSINESS

None.

- 4) PUBLIC HEARINGS

A. 1634 Waterloo Avenue Fence Variance

Ms. Mann presented the staff report. The Applicants, Caroline McCard and Adam Vnuk are requesting a fence height variance to allow a 6-foot fence in what is considered the legal front yard of their property. 1634 Waterloo Avenue is located at the intersection of Lewis Street and a segment of unbuilt Waterloo Avenue right-of-way. The house was constructed with the front door and front façade facing unbuilt Waterloo Avenue. The Applicant would like to fence what is functionally the rear and side yard of their property with a 6-foot privacy fence; however, part of the area the Applicant would like to fence is considered their legal front yard. The maximum allowable height for a privacy fence in a residential front yard is 3.5 feet. South St. Paul’s zoning code defines the front lot line of a residential property as ‘the boundary of a lot that abuts a public street or private road.’ In the case of the subject property, Lewis Street is the only public road that the subject property is adjacent to, making the lot line along Lewis Street the front property line. The Applicants are not able to go forward with their fencing plan without a variance due to the unusual configuration of their property. Staff recommends approval of the proposed variance, subject to the conditions listed in the staff report.

Commissioner Felton queried if the Applicant would need to take down their 6-foot fence if the buildable lot they own to the east was sold off and developed. Mr. Healy explained that one of the conditions of approval for the project was the requirement that the 6-foot fence be moved out of the front yard area of the new house’s parcel and for the homeowner to move their existing fence so that it is not closer to Lewis Street than the front building line of the house to the east. Commissioner Felton clarified that he wanted to make sure that the homeowner was aware of this and that they had the foresight that they may need to fence their yard differently

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for the pool they are proposing to install. Ms. Mann noted that the Applicants had submitted a building permit for a pool and the height of the proposed pool was tall enough to prevent uncontrolled access by small children.

Commissioner Frankot asked staff to clarify what approval the Applicant would need from MnDOT. Ms. Mann explained that MnDOT would need to approve any fencing that is placed within the sound wall maintenance easement that is located on the Applicants' property.

The Applicants, Caroline McCard and Adam Vnuk, were present to speak on the Application.

Chair Thompson commented that this item seemed to be very straightforward. Chair Thompson asked staff to clarify why Waterloo Avenue was not the front yard when the property was constructed to face the unbuilt Waterloo Avenue right-of-way. Ms. Mann explained that because Lewis Street is the only built road adjacent to the subject property, the property line along Lewis Street is considered the front property line.

Ms. McCard added that if MnDOT would not allow them to place any fencing within the sound wall maintenance easement, they would adjust their fencing plan accordingly. Mr. Vnuk noted that the orientation of the swimming pool had changed during the permitting process due to lot boundaries to adhere to the setback requirements. Mr. Vnuk added that there was a difference of 25 feet between the area they are proposing to fence and where they are allowed to construct a 6-foot fence under the current ordinance. Mr. Vnuk stated that they were aware of the conditions of approval.

Chair Thompson opened the public hearing.

No one was present to comment on the application and no correspondence was received prior to the meeting.

Chair Thompson closed the public hearing.

Motion to recommend approval as presented- Frankot/DesMarais (6-0)

5) OTHER BUSINESS

None

6) ADJOURNMENT

Motion to adjourn- DesMarais/Fournier (6-0).