



**WHITE BEAR  
TOWNSHIP**

1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750

FAX 651-426-2258

Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

Board of Supervisors  
**ED M. PRUDHON, Chair**  
**STEVEN A. RUZEK**  
**SCOTT E. MCCUNE**

**AGENDA  
PLANNING COMMISSION MEETING  
JULY 23, 2020**

1. **6:30 p.m.** Call **Virtual or In-Person Meeting (your choice)** to Order at Township Administrative Offices, 1281 Hammond Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of June 3, 2020 Minutes.
4. **Consent Agenda: Scott & Sandy Maggart, 1467 Jonquil** – Request for an Exception to Section 5-29 of Ordinance No. 8 to Allow a 10' x 12' Limited Accessory Structure.
5. Consider Possible Ordinance No. 35 Amendments Regarding the Keeping of:
  - a. Chickens
  - b. Pigs
6. Chair & Vice-Chair Positions.
7. Added Agenda Items.
8. Adjournment.

**White Bear Township's**

**Mission:**

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.



**To All Commission Members, please follow the below instructions for calling into your meeting:**

**Call 763.717.4037**

When prompted for the meeting number enter **72760**.

Ignore the meeting host prompt if asked.

When prompted for the **Attendees Code** enter **1281**.

You are now placed in the conference call.

Please wait until the start time of your meeting before dialing in to allow for Pat to dial in first.

Thank you!



## Planning Commission Meeting July 23 2020

**Agenda Number:** 1 – 2 - 3

**Subject:** Call to Order – 6:30 p.m.  
Township Administrative Offices  
1281 Hammond Road

Approval of July 23, 2020 Agenda  
Approval of Minutes of June 3, 2020

**Documentation:** July 23, 2020 Agenda  
June 3, 2020 Minutes

### **Action / Motion for Consideration:**

Call meeting to order:	6:30 p.m.
Approval of Agenda:	July 23, 2020 (additions/deletions)
Approval of Minutes:	June 3, 2020

**MINUTES  
PLANNING COMMISSION MEETING  
JUNE 3, 2020**

The meeting was called to order at 6:32 p.m.

Present: Artner, Blin, Denn, Flann, Kotilinek, Loes, Swisher; Town Board Liaison: Ruzek;  
Planner: Riedesel

The meeting was held at the Town Offices Conference Room, present there were the Town Planner, Town Board Liaison, Chair Denn, and Artner. The others and guests were present via Zoom video conference call. The motions, seconds, and votes were given by roll call.

**APPROVAL OF AGENDA (Additions/Deletions):** Artner motioned to approve the agenda as submitted. Swisher seconded. Ayes all.

**APPROVAL OF MINUTES OF FEBRUARY 27, 2020:** Artner moved to approve the minutes of February 27, 2020. Flann seconded. Ayes: Blin, Denn, Flann, Kotilinek, Loes; Abstentions: Artner, Swisher.

**CONSENT AGENDA – GENTRI JORDAN, 2317 HOXIE – REQUEST FOR A 25’ RIGHT-OF-WAY SETBACK & 1.5’ SIDE YARD SETBACK VARIANCE TO ALLOW CONSTRUCTION OF A GARAGE:** The Town Planner introduced this agenda item, stating this property is one of the few in the Township that has a functioning alley. Jordan is requesting approval of a 25’ right-of-way setback variance to allow construction of a new 32’ wide by 26’ deep garage. The alley is on the back side of the property, fronting Hoxie Avenue. The garage is proposed to be 10’ from the alley, and all but one property with this alleyway have garages that encroach into the setback area. Jordan’s current garage is about 26’ deep by 38’ wide, which encroaches into the side yard setback. The Town Planner cited multiple examples of properties in the Township abutting alleys that have had variances requested and approved for the right-of-way setback for the garage.

There was discussion of the finding of facts for this agenda item. Commissioner member Kotilinek wanted to ensure there was rational for approving this request, not just because “similar variances have been approved before”. Chair Denn explained that at the Variance Board meeting, the Town Building Inspector had asked questions, and upon answered questions, he had made the recommendation for approval. It was noted that due to the proximity of the neighbor’s garage, the Commission could state that a shortened overhang be installed, ensuring the encroachment is minimal, or at least looks less encroaching.

With the finding of facts that this property is a non-conforming lot, adjacent lots do not meet current setback requirements, all lots in the area have similar shapes, and several neighboring structures have received approval of variances.

Artner made the motion to approve the 25’ right-of-way setback & 1.5’ side yard setback variances to allow construction of a garage. Blin seconded. Ayes: Artner, Blin, Denn, Flann, Loes, Swisher, Kotilinek.

The public hearing for this agenda item is set to be Monday, June 15, 2020.

**CONSENT AGENDA – MICHAEL & BRENANNA SCHAFFER, 5731 BIRCH ROAD – REQUEST FOR A 13% GREEN AREA VARIANCE TO ALLOW CONSTRUCTION OF A HOME ADDITION, DRIVEWAY, & SIDEWALK:** The Town Planner introduced this agenda item stating the lot area is 8,650 square feet. The lot is long and narrow with about 30' of frontage on the Birch Road right-of-way. The Town requires lakeshore lots not to exceed 25% coverage, though the Schaffer's would like to cover 38%, which requires a 13% green area variance to allow construction of a home addition. He gave examples of other homes on Birch Road with similar lots that received green area variance approvals, he did note that staff suggested the Schaffer's use pavers to reduce proposed pervious area. This suggestion would also completely eliminate the need for a side yard setback variance. The Schaffer's incorporated the recommended changes to their plan eliminating the side yard setback variance requested and reducing the amount of area pervious. The Variance Board reviewed this agenda and there was some discussion of drainage. Because the property is elevated, it drains to the south, 5727 Birch Road. Due to this Schaffer will have gutters installed to control the drainage.

Artnier made the motion to approve a 13% green area variance to allow construction of a home addition, noting the applicant work with staff and neighbors to eliminate any drainage concerns. Kotilinek seconded. Ayes all.

The public hearing for this agenda item is set to be Monday, June 15, 2020.

**CONSENT AGENDA – ABBI JO WHITMAN, 2731 STILLWATER STREET – REQUEST FOR A 35' RIGHT-OF-WAY SETBACK VARIANCE TO ALLOW CONSTRUCTION OF A SHED & PERMIT FENCE ENCROACHMENT INTO THE EAST COUNTY LINE ROAD RIGHT-OF-WAY:** The Town Planner introduced this agenda item for the request of approval of a 35' right-of-way setback variance from East County Line Road to allow construction of a 16' by 18' shed. Wittman/Allen's property is a corner lot, in the White Bear Beach neighborhood, which was constructed prior to the Town's adoption of zoning ordinance. As a result, many homes in this neighborhood do not meet current setback requirements. Wittman/Allen also have been planning an addition to the home in the future. The existing garage encroaches onto the neighbor's property, so adding to this structure would require variances and acquisition of property.

There were two other options considered for the shed placement, but both are undesirable. Wittman was present to answer any questions and discuss this agenda item. With the elevated slope, the fence will need to be moved, but then it is in the right-of-way setback of East County Line Road. The Town Planner noted that the applicant is willing to sign an agreement that states if work needs to be done on the road and the fence needs to be moved accordingly, the homeowner will move it. There was some discussion on the other shed options considered. The second of the two was in direct way of the neighbor's view of the lake.

Artnier motioned to approve the 35' right-of-way setback variance to allow construction of a shed & permit fence encroachment into the East County Line Road right-of-way, subject to staff recommendation that the property owners sign a release that gives them notice that the fence

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PLANNING COMMISSION MEETING  
JUNE 3, 2020

may need to be removed by the Town and any removal would be at the property owners expense.

The public hearing for this agenda item is set to be Monday, June 15, 2020.

**WATER GREMLIN, 4400 OTTER LAKE ROAD – REQUEST FOR A PERMITTED USE STANDARDS PERMIT TO ALLOW CONSTRUCTION OF A 12’ X 15’ VAPOR MITIGATION STRUCTURE:** The Town Planner introduced this agenda item. Water Gremlin is requesting a Permitted Use Standards Permit, which would allow them to add a temporary structure of 12’ by 15’. The structure would be a prefabricated metal building, set in the northeast corner of the north building. The reason for this temporary structure is due to Water Gremlin’s requirement of providing vapor mitigation of soils located below the north campus building. Though temporary, the structure will be there for several years, until the Minnesota Pollution Control Agency has deemed the mitigation completed.

Sheri Smith and Sherry Hastings were present to ask questions of this agenda item. Sherry Hastings, 4373 Fisher Lane, is the chair of the concerned citizens group. One question was asked whether the prefabricated building has footings or will require digging to lay foundation of the building prior to construction. Shane Waterman, the designer of the building, was present to answer that question. The building will have helical piles that will secure the temporary structure to the ground. The building will be fastened to the piles requiring minor excavation. There was a question of any fire suppression the building has. It was noted that the fire inspector has reviewed the plans. Hastings also noted that she is in favor of the temporary structure, as it will help mitigate the pollution.

There was some discussion of whether the Planning Commission wanted to define how many years “temporary” is, but it was noted that the MPCA will decide when mitigation is completed and that will be the determining factor, since remediation needs to be done.

Artner motioned to approve the request for a Permitted Use Standards Permit to allow construction of a 12’ by 15’ vapor mitigation structure. Loes seconded. Ayes all.

This agenda item is set to be on Monday, June 15, 2020.

**RAMSEY COUNTY PARKS & RECREATION, 5287 OTTER LAKE ROAD – REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT SEVERAL IMPROVEMENTS AT THE TAMARACK NATURE CENTER:** The Town Planner summarized the Ramsey County parks and Recreation proposal for the master plan of Tamarack Nature Center. The first proposed improvements at Tamarack were approved by the Town Board in the 1980s. Most recently though Ramsey County is requesting approval of a Conditional Use Permit for the following site improvements: finishing improvements to the parking lots; improving safety, security, and comfort for year-round visitors; complete the main building renovation and incorporate the programming building into the main visitor center; and renovation of existing visitor center structure; completing accessibility and code compliance updates.

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JUNE 3, 2020

Ryan Ries, Facilities and Sustainability Director for Ramsey County Parks and Recreation was present to answer any questions about this agenda item. The Planning Commission appreciated the master plan, and felt it encompasses the whole campus and shows thoughtful long-term planning. There was a question of whether or not the approval today would be the approval of all phases. It was noted that yes, it would approve all phases unless something changed.

Swisher motioned to approve the request for a Conditional Use Permit to construct the proposed improvements at the Tamarack Nature Center. Artner seconded. Ayes all.

**CONSIDER POSSIBLE ORDINANCE NO. 35 AMENDMENTS REGARDING THE KEEPING OF: 1) CHICKENS – 2) BEES – 3) PIGS:** The Town Planner explained that the Planning Commission has not reviewed Ordinance No 35 pertaining to chickens, bees, and pigs since 2016. White Bear Lake recently amended their ordinance for animals, and it seemed like a good time to discuss and update the Town ordinance.

**Chickens:** The Commission went over the proposed ordinance amendment listed in the packet. Member Swisher noted that he was on the White Bear Lake's Planning Commission when it had come before them a couple years ago. Chicken waste was the discussion, viruses and diseases, attracting predators, etc. were discussed then. Loes noted that she is interested in owning chickens someday. It was noted that there should be requirement of where the coop is located, size, etc. There was discussion of waste and carcasses. The Commission wants to make some things clear in the ordinance, but not stifle hobbies. If the Commission wants staff to draft an ordinance using the City's example, the things to be noted are: the number of chickens permissible per lot size, fencing, smell, composting/trash, etc.

Flann motioned to table this agenda item until the next meeting and have staff create language for the ordinance. Loes seconded. Ayes all.

**Bees:** The Commission went over proposed ordinance wording in the packet. The 2016 discussion didn't have much about honey bees. It was discussed of whether the Township should create an ordinance to ensure there are no nuisances or complaints, or whether it should be set on hold. There was some discussion on signage. It was noted that the Commission doesn't want to encroach on bee keepers, as honey bees are an important part of life.

Artner made a motion to leave this ordinance as is and not regulate bees at this time. Kotilinek seconded. Ayes all.

**Pigs:** The Commission went over the ordinance in the packet. This agenda item was brought to the Commission's attention at first due to a resident who wanted to move into the Township, but wanted to ensure their Porcelain Teacup Pig was not prohibited by the Town. A Vietnamese potbellied pig is considered an exotic, which is prohibited. A Porcelain Teacup Pic is smaller than a potbellied pig and is not listed as an exotic. There was some discussion of any potential pig owners in the Township. It was noted there currently are none. It was decided this ordinance should be left as-is for the most part, changing the wording on "exotic" pig types.

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PLANNING COMMISSION MEETING  
JUNE 3, 2020

Artnier motioned to have staff review this ordinance and modify with terminology for pigs. Flann seconded. Ayes all.

**ADDED AGENDA ITEMS:** There were no added agenda items.

Artnier moved to adjourn the meeting at 7:52 p.m. Kotilinek seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary

DRAFT



## Planning Commission Meeting July 23, 2020

**Agenda Number:** 4 - Consent Agenda

**Subject:** Scott & Sandy Maggart, 1467 Jonquil – Request for an Exception to Section 5-29 of Ordinance No. 8 to Allow a 10' x 12' Limited Accessory Structure

**Documentation:** Staff Memo w/ attachments

### Action / Motion for Consideration:

Receive Information / Discussion

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**Minutes**  
**Variance Board Meeting**  
**July 15, 2020**

**SCOTT & SANDY MAGGART, 1467 JONQUIL – Request for an Exception to Section 5-29 of Ordinance No. 8 to Allow a 10' x 12' Limited Accessory Structure:** Riedesel summarized the request to add a new 10' x 12' limited accessory structure which would replace a 10' x 14' structure which was torn down. The Maggart's own two buildable lots which have been tied together for tax purposes. The home and proposed shed are located on one lot. A 988 square foot accessory structure is located on the second lot.

The Maggart's attached garage is 616 square feet. Each property is allowed to have one garage and one accessory structure not to exceed 1,000 square feet each or a total of 2,000 square feet. The lot coverage maximum is 30%.

Currently structures on the Maggart lots cover 26% of the area.

Johnson noted that if approved, the Town will have similar requests which should be approved since this request will set a precedent. He noted that this is a unique property since it has two buildable lots. Denn approved with Johnson's comments.

There was brief discussion if "limited accessory structures" should be exempted from the accessory building quantity requirement noting that a limited accessory structure would not count as an "accessory structure".

The Variance Board did not support this ordinance change but instead thinks the Maggart property is unique because it is one legally subdividable lot.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve an exception to Ordinance No. 8, Section 5-29 to allow the limited accessory structure as requested since the property is a legally subdividable lot and the limited accessory structure proposed would be legal if the property is subdivided. Christopherson seconded. Ayes all.

## MEMORANDUM

**TO: VARIANCE BOARD**  
**FROM: TOM RIEDESEL**  
**DATE: JULY 13, 2020**

**SUBJECT: CONSTRUCTION OF A 10' X 12' LIMITED ACCESSORY STRUCTURE**

**REQUEST: VARIANCE FROM SECTION 5-29 OF ORDINANCE NO. 8**

**LOCATION: 1467 JONQUIL LANE**

**APPLICANTS: SCOTT & SANDY MAGGART**

Mr. & Mrs. Maggart are requesting approval of a variance from Section 5-29 of Ordinance No. 8 which would allow them to construct an 10' x 12' accessory shed, defined by the Town as a limited accessory structure. This shed is proposed to replace a shed which was torn down. The old shed was 10' x 14'.

Section 5-29 of Ordinance No. 8 permits every single family dwelling to have one garage and one accessory structure, not to exceed a total of 10% of the lot square footage. The Maggart property consists of two lots which are a total of 27,878 square feet in area. One of the Maggart lots has their home and is where the accessory structure is proposed. The other lot has a garage/accessory structure which is 988 square feet in area. The Maggart's attached garage is 616 square feet in area. Based on ordinance requirements, the Maggart's are permitted to have 2,000 square feet of garage and accessory structure.

Since the Maggart's currently have a garage and accessory structure, a third limited accessory structure is not permitted without issuance of a variance from Section 5-29 of the Ordinance.

The impervious area on the lot is 16%. With the addition of the shed, the impervious area increases to 17.30% up to 30% coverage of a lot is permitted.

The Town has reviewed very few requests for a second accessory structure on a property.

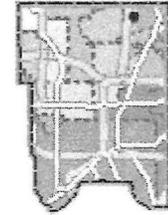
In this case, the property consists of two lots and the proposed shed will replace a structure which was slightly larger in area.

The Town could process an exception to Section 5-29 of Ordinance No. 8.

The Variance Board and Planning Commission may want to consider excluding "limited accessory structures" from the quantity of garage and accessory buildings permitted on residential property. A minimum square footage requirement should be discussed if an ordinance amendment is recommended for consideration.



**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Personal Properties

**Notes**

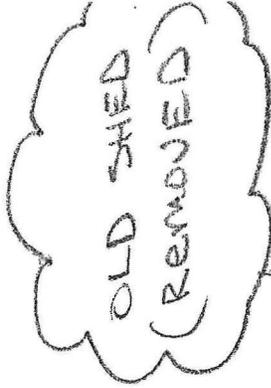
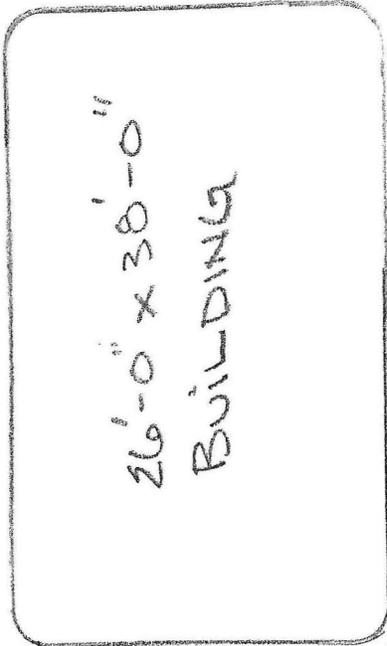
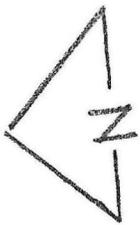
Enter Map Description

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NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

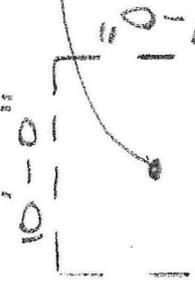
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

FENCE



FENCE

FENCE



24'-0"

10'-0"

11'-6"

13'-0"

12'-0"

43'-0"

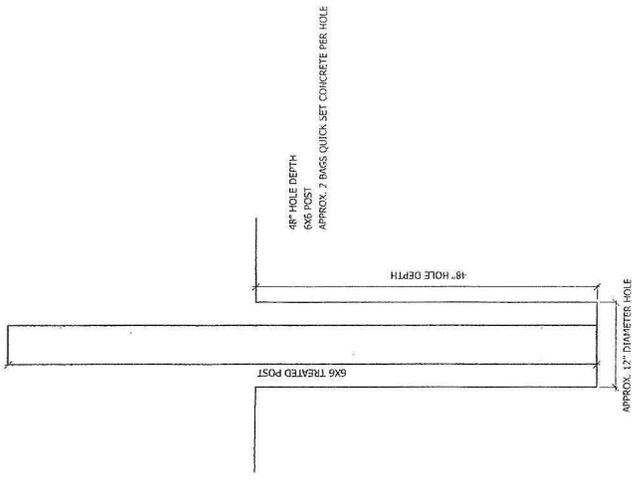
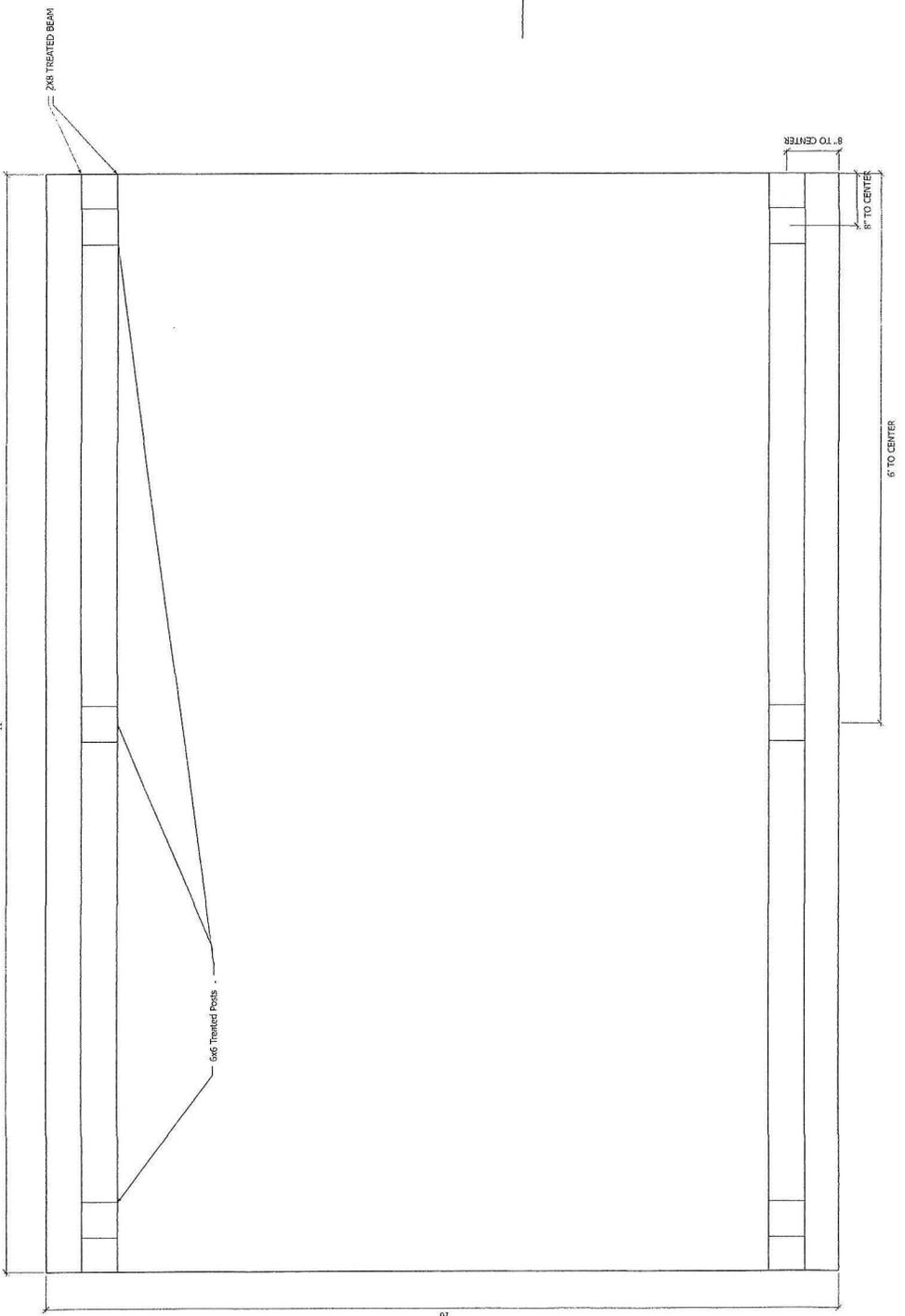
PORCH

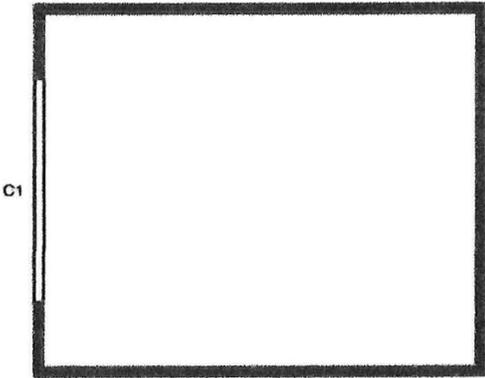
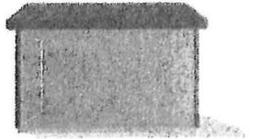
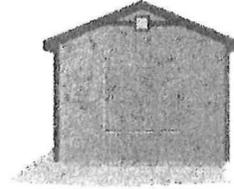
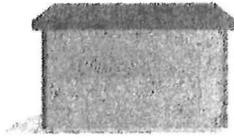
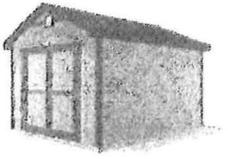
FENCE

GATE

FENCE

144<sup>in</sup>





mbol Legend:

: 6' Wide Double Door



# VARIANCE APPLICATION FORM

White Bear Township  
1281 Hammond Road  
White Bear Township, MN 55110  
Phone 651-747-2750 Fax 651-426-2258  
[www.ci.white-bear-township.mn.us](http://www.ci.white-bear-township.mn.us)

RECEIVED  
JUL 07 2020  
TOWN OF WHITE BEAR

## INTRODUCTION

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; 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. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

\_\_\_\_\_ Fee \$225

APPLICANT(S) SCOTT MAGGART PHONE (Home) \_\_\_\_\_  
SANDY MAGGART (Business) \_\_\_\_\_  
(Cell) 651-324-0131  
ADDRESS 1467 JONQUILLANE EMAIL - scmaggart@gmail.com  
WBTWP

PROPERTY OWNER SCOTT & SANDY MAGGART

ADDRESS OF SITE 1467 JONQUILLANE ZONING \_\_\_\_\_

EXISTING USE OF SITE ROTTED OLD SHED

DESCRIPTION OF VARIANCE REQUEST REPLACE SHED

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

  
\_\_\_\_\_  
Sandy Maggart  
\*Signature of Applicant(s)

7/7/20  
\_\_\_\_\_  
Date

\*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

<u>To Be Completed By Office:</u>		cb# 9223
Date Request Received	7/7/2020	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	

# STATEMENT OF AFFECTED PROPERTY OWNERS

If a signed statement is not provided by the applicant for a variance, the Town Board shall order a public information meeting which will include printed notice to all property owners within 350' of the property where the variance is requested. Public Notice publication costs will be the responsibility of the applicant.

I am the owner of the property at: 1467 JONGUIL Lane. I am requesting that the Town of White Bear grant me a variance from Ordinance No. \_\_\_\_\_, for the following purpose:

Replace shed in back yard

My request will be reviewed by the Variance Board and the Planning Commission, with a final decision being made by the Town Board. I must provide the Board with a statement signed by the adjacent property owners, recording their comments relative to my request. Please feel free to write below any comments you may have regarding this issue. This statement must be signed and dated.

## PROPERTY OWNERS

1. Name: Sue Husnik Address: 1475 Jonguil Lane  
JERRY Husnik Phone: (Home) 651-429-1113  
(Bus.) \_\_\_\_\_  
(Cell) 651-324-2379

Comments: \_\_\_\_\_

Date: \_\_\_\_\_ Signatures: Sue Husnik Jerry Husnik

2. Name: Tom Gebauer Address: 1459 Jonguil LA  
Phone: (Home) 651-429-2404  
(Bus.) \_\_\_\_\_  
(Cell) \_\_\_\_\_

Comments: \_\_\_\_\_

Date: 6/30/2020 Signatures: Tom Gebauer /

3. Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Phone: (Home) \_\_\_\_\_  
(Bus.) \_\_\_\_\_  
(Cell) \_\_\_\_\_

Comments: \_\_\_\_\_

Date: \_\_\_\_\_ Signatures: \_\_\_\_\_ /



**Planning Commission Meeting  
July 23 2020**

**Agenda Number:** 5

**Subject:** Consider Possible Ordinance No. 35 Amendments Regarding  
the Keeping of:  
a. Chickens  
b. Pigs

**Documentation:** Staff Memo

**Action / Motion for Consideration:**

Receive Information / Discussion

## MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: TOM RIEDESEL**  
**DATE: JUNE 17, 2020**

**SUBJECT: ORDINANCE AMENDMENT WHICH WOULD PERMIT MINIATURE PIGS  
AS A PET**

Section 3-15 of the Animal Ordinance No. 5 addresses the keeping of wild or exotic animals in White Bear Township.

Section 3-15.8 of the Ordinance prohibits Vietnamese potbellied pigs. In order to allow an exception for miniature pigs the following ordinance amendment wording may be considered:

3-15.8 Any Vietnamese potbellied pig, excludes porcelain teacup or similar sized miniature pigs.

TR/psw  
cc:admin.file  
b:pigs20



**Planning Commission Meeting  
July 23 2020**

**Agenda Number:** 6

**Subject:** Chair & Vice-Chair Positions

**Documentation:** Commission List

**Action / Motion for Consideration:**

Receive Information / Discussion

# PLANNING COMMISSION

## COMMISSIONER

Steve Ruzek\*  
5529 Fisher Court  
White Bear Township, MN 55110  
651-247-3673  
[steve.ruzek@whitebeartownship.org](mailto:steve.ruzek@whitebeartownship.org)

## ADVISOR

Tom Riedesel  
651-747-2761 (office) 651-261-2706 (cell)  
[tom.riedesel@whitebeartownship.org](mailto:tom.riedesel@whitebeartownship.org)

## MEMBERS

Steve Swisher  
1210 Pond View Lane  
White Bear Township, MN 55110  
612-916-1229 (cell) 612-999-2348 (work)  
[steve.swisher@yahoo.com](mailto:steve.swisher@yahoo.com)

Ronald Denn\*, Chair (7/20/15)  
5655 Portland Avenue  
White Bear Township, MN 55110  
612-859-4979 (cell)  
[rjdconst@aol.com](mailto:rjdconst@aol.com)

Beth Artner\*  
5414 Bald Eagle Blvd E  
White Bear Township, MN 55110  
651-426-8160 (home) 651-503-4471 (cell)  
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**Term Expires:** April 30, 2021

Appointed: 1/3/2018  
Reappointed: 5/7/18

**Term Expires:** April 30, 2023

Appointed: 8/1/11  
Reappointed: 5/5/14, 4/17/17, 5/4/20  
Vice Chair: 5/22/14

**Term Expires:** April 30, 2021

Appointed: 8/3/98 to fill unexpired term  
Reappointed: 4/30/00, 5/19/03, 7/5/06, 8/17/09,  
6/4/12, 5/18/15, 5/7/18, 5/7/18  
Chair: 6/4/12, 7/8/13

**Term Expires:** April 30, 2023

Appointed: 4/18/16 to fill unexpired term  
Reappointed: 4/17/17, 5/4/20

**Term Expires:** April 30, 2022

Appointed: 8/1/11 to fill unexpired term  
Reappointed: 7/8/13, 4/17/17, 4/15/19

**Term Expires:** April 30, 2023

Appointed: 7/1/19 to fill unexpired term  
Reappointed: 5/4/20

**Term Expires:** April 30, 2022

Appointed: 1/3/2018 to fill unexpired term  
Reappointed: 4/15/19



**Planning Commission Meeting  
July 23, 2020**

**Agenda Number:** 7 - 8

**Subject:** Added Agenda Items  
Adjournment

**Documentation:**

**Action / Motion for Consideration:**



## Planning Commission Meeting July 23, 2020

**Subject:** Items passed by the Town Board Pertaining to the Planning Commission

### Documentation:

Minutes  
Town Board Meeting  
June 15, 2020

**CONDITIONAL USE PERMIT REQUEST @ TAMARACK NATURE CENTER, 5287 OTTER LAKE ROAD:** Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner reported that this agenda item was first approved by the Board in the 80's. Now, Ramsey County is proposing additional amenities at Tamarack Nature Center, including the demolishing a portion of the main building and adding an addition, placing natural and paved trails, etc. The master plan is in the packet and was discussed. It was noted that the construction will take years and will only happen once funding is available. The Board will approve this one Conditional Use permit, and then if anything changes, there will be another public hearing to approve any changes. There was some discussion over the lighting in the parking lot, the traffic that may be caused by construction, and notifying residents.

Ruzek moved to open public comment portion – ask for comments. McCune seconded. Ayes all.

Ryan Reis, Facilities and Sustainability Director for Ramsey County Parks and Recreation was present to answer any questions. He noted that the lighting that will be used in the parking lots are LED bulbs on sensors, that stay very dim to lessen light pollution, and only brighten when large movement, such as a car, is sensed. There was some discussion on whether wildlife like deer or rabbits would trigger the sensors. Reis was unsure if the sensor would be able to pick up a deer, but noted there has been no feedback on that yet. The other locations that will have upgrades like a new driveway for school busses.

Chair Prudhon noted that he was on the Planning Commission back in the 90's when the Commission had seen changes to the master plan many times. That master plan was completed in 2007, and then now another master plan is produced. Prudhon wanted to know if the process would be similar and if the timing would take a long time to complete again. It was noted that this master plan is the final master plan and the improvements being made are long-lasting. The timing may take a long time, especially with the COVID-19 pandemic, Reis noted, due to funding not readily available.

The Town Attorney confirmed the Board's ability to approve a Conditional Use permit without an end date, because the permit is fluid with the land but is only approved for which the Town has approved it. It was discussed that the first projects that will be completed on Tamarack Nature Center are numbers

6 and 7 in the master plan, the expansion and the sugar shack. Reis noted that Ramsey County is going out for bids soon and timing will depend on what the bids come back as. Lighting is not proposed on this first construction schedule. It was noted that the Town will keep all residents and neighbors apprised of what is going on by giving advance notice. Ramsey County will keep in touch with Town staff.

Ruzek moved to close the public portion of the hearing. McCune seconded. Ayes all.

Ruzek moved based on Planning Commission & staff review & recommendation approve the Conditional Use permit, Zoning Certificate & requirements for the Tamarack Nature Center, 5287 Otter Lake Road. McCune seconded. Ayes all.

**RIGHT-OF-WAY SETBACK VARIANCE REQUEST @ 2317 HOXIE:** Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner presented this agenda item to the Board, showing the house and lot on an overhead projector. He explained that this property is one of the few Township properties with the use of a functioning alley. The alley is between Hoxie and East Bald Eagle Boulevard. The applicant wishes to demolish his garage and rebuild one at the same location, 32' wide and 26' deep, 10 feet from the alley right-of-way, which requires a side yard setback variance for his neighbor's garage and a 35' right-of-way setback variance because alleys have the same right-of-ways as roads.

There was some discussion of the number of variances needed. It was noted that the Planning Commission and the Variance Board reviewed this agenda item and recommended approval of both the right-of-way and setback variances.

Ruzek moved to open public comment portion – ask for comments. McCune seconded. Ayes all.

Gentry Jordan, 2317 Hoxie, was present to answer any questions. He noted that his neighbors are aware of his plans. Neighbor 2315 has a bit of his lot and so they had planted trees. Together they went around with a metal detector to ensure lot lines are good.

Ruzek moved to close the public portion of the hearing. McCune seconded. Ayes all.

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation to approve the 25' Right-of-Way Setback Variance and a 1.5' Side Yard Setback Variance to allow construction of a garage at 2317 Hoxie. McCune seconded. Ayes all.

**RIGHT-OF-WAY SETBACK VARIANCE REQUEST AT 2731 STILLWATER STREET:** Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner presented this agenda item to the Board, showing the house and lot on an overhead projector. The home is in the White Bear Beach Neighborhood, with the fence on East County Line Road. The proposal is to construct a shed that will include additional parking options as well as the ability to construct a fence in the right-of-way along East County Line Road. The right-of-way is typically 30 feet and resident Whitman's is currently 40 feet, so there is some room to work with. It was noted that the resident wanted to expand the garage, but it was already previously built on the neighbor's property. Both the Planning Commission and Variance Board reviewed and approved this agenda item.

There was some discussion of if the Town has done this before. The Town Attorney noted that technically a resident doesn't have to request the Town's approval on putting a fence up on the right-of-way because they are the owners of the right-of-way. Whitman wanted to be proactive and transparent with the Town in this matter. There was some discussion of whether the permit travels with any new owner of the home. The Town Attorney noted that it does not legally travel, but that practically it should. This signed agreement will simply trigger future homeowners to be apprised of the situation.

Ruzek moved to open public comment portion – ask for comments. McCune seconded. Ayes all.

Abbi Whitman, 2731 Stillwater Street, was present to answer any questions. She noted that there is a steep slope that runs down the front of the property toward East County Line Road, and they want to prevent anything happening to her 3-year-old. It was noted that there is a tree swing just outside of where the fence would be placed if it was right on the right-of-way line, but that would make sense to go outside of the fence to swing. As far as the garage goes, Whitman is looking to expand, but after surveying the area there are additional limitations (like the right-of-way, and not wanting to further build on neighbor's property). The neighbor is aware of the garage on his land.

Ruzek moved to close the public portion of the hearing. McCune seconded. Ayes all.

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation approve a 35' Right-of-Way Setback Variance to allow construction of a shed & a fence & approve the License Agreement for placement of the fence within the road right-of-way. McCune seconded. Ayes all.

**MICHAEL & BREANNA SCHAFER, 5731 BIRCH ROAD – REQUEST FOR A 13% GREEN AREA VARIANCE:** Ruzek made the motion to alter the agenda by moving 8F up to after 8D. McCune seconded. Ayes all.

The Town Planner reported that this home is in the Benson Bay neighborhood and that the lot is long and skinny, and for the most part like its neighbors, undersized. The Schafer's would like to add some living quarters and garage additions, but in order to do that, they will need a green area variance to take up more of the lot. Other homes in the area were noted and many of them had Green Area Variances that ranged from 7% to 13%. The Schafer's want to take up 38% of the green area, but 25% is a given, so they need a 13% Green Area Variance. There was some discussion over drainage issues. It was noted that the Town Building Inspector has been in conversation with the property owner and is comfortable with the planned addition.

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation to approve the request for a 13% Green Area Variance to allow construction of a home addition, driveway & sidewalk, with the note that there were drainage issues that was pointed out that the neighbors are working together cooperatively with the Town Building Inspector to resolve those. McCune seconded. Ayes all.

**WATER GREMLIN, 4400 OTTER LAKE ROAD – REQUEST FOR PERMITTED USE STANDARDS PERMIT:** The Town Planner reported that Water Gremlin is proposing to place a temporary 12 feet by 15 feet metal structure that houses vapor mitigation equipment at their north campus. The structure will have a foundation of heli piles, so similar to tent equipment, versus concrete foundation. The Minnesota Pollution Control Agency has mandated this order and will authorize the structure until vapor mitigation is complete. The building is a cube about 8 feet high, but the building is screened from street view much by landscaping. The ground air is purified through a series of pipes within the structure and then out through the top, most likely. It will also need filters and maintenance, but the MPCA is in control. It was noted that the Concerned Citizens group is in favor of this project. There was some discussion of the term "temporary", as this structure could be around for quite some time.

Ruzek moved based on Planning Commission & staff review & recommendation to approve the Permitted Use Standards Permit with attached requirements which will allow construction of a vapor mitigation structure room addition at Water Gremlin, 4400 Otter Lake Road, with the understanding that it is a temporary structure controlled and directed by the Minnesota Pollution Control Agency and will be removed once the Agency deems it no longer necessary. McCune seconded. Ayes all.