

**REGULAR MEETING  
OF THE  
VADNAIS HEIGHTS PLANNING COMMISSION  
JULY 25, 2023**

**OPEN MEETING AND WELCOME**

Chairperson Cooper called the Regular Meeting of the Vadnais Heights Planning Commission to order at 7:00 p.m. on July 25, 2023.

**ROLL CALL**

Curt Cooper, Chairperson	Present
Jerry Moynagh, Vice Chairperson	Present
Terri Dresen	Present
Martin Jokinen	Present
Steve Jorissen	Present
Adam Schreiber	Present
Joseph Stumph	Present
Emily Dunn, First Alternate	Present
Joe Scrocca, Second Alternate	Present
Wonser Mongrue, Student Representative	Present

Also present: Nolan Wall, Planning/Community Development Director; Council Liaison Kelly Jozwowski; Jeff Melcoch, Cable Producer.

Student Liaison Wonser Mongrue shared about her background and interest in serving on the Planning Commission.

**APPROVAL OF AGENDA**

Upon motion by Commissioner Dresen, seconded by Commissioner Jokinen, it was

“RESOLVED, to approve the July 25, 2023, Regular Meeting Agenda as presented.”

Ayes – 7

Nays – 0

The motion carried.

**APPROVAL OF MINUTES**

Upon motion by Commissioner Moynagh, seconded by Commissioner Jorissen, it was

“RESOLVED, to approve minutes of the June 27, 2023, Regular Meeting as presented.”

Ayes – 6

Nays – 0

Abstain – 1 (Schreiber)

The motion carried.

**OPEN TO THE PUBLIC**

Chairperson Cooper opened the floor to the public at 7:09 p.m. for questions and comments on items not on the agenda.

As no one wished to address the Commission, Chairperson Cooper closed the meeting to the public at 7:09 p.m.

**PUBLIC HEARINGS**

A. Planning Case 23-0045 Charles and Rachel Pelzer – Variance at 429 Collova Drive

Planning/Community Development Director Wall said the applicants are requesting an after-the-fact variance to allow a recently-constructed deck to remain in its existing location and condition. The subject property is located within the Mondello Shores development, which is a single-family residential neighborhood that is still under construction. A building permit for construction of the dwelling was issued in June 2022 and certificate of occupancy issued in November 2022. The approved building plans did not include a deck, but did include a ledger-board for a future improvement. Subsequently, the applicants applied for a building permit to construct a deck in May 2023. However, the deck was constructed prior to zoning review and permit issuance. As a result, staff required documentation of the existing condition, which revealed the deck is encroaching into the required rear yard setback and would not have been approved if the appropriate process was followed. In order for the deck to remain in its current location, an after-the-fact variance is required to be approved in this case. For reasons that Wall reviewed, staff doesn't believe the essential character of the neighborhood will be substantially altered. Staff does recommend approval of the proposed request in this case based on the findings of fact and subject to the conditions listed in the staff report.

Commissioner Moynagh asked for confirmation that the applicants applied for the building permit, but did not pay for it. Planning/Community Development Director Wall confirmed that the applicants applied and paid for the permit, but the plan review was not finished and permit was not issued prior to construction of the deck. He clarified this was not discovered as part of a complaint, but as part of review of the permit application and is now being addressed.

Commissioner Schreiber asked if utility or other easements are affected due to this deck. Planning/Community Development Director Wall shared the survey and deck with relation to the setback and noted all lots have 10-foot easements in the front and side yards, but since this property has three sides, the easements are 10 feet on three sides and five on one side. He felt the deck did not impact the City's ability to do anything within the easement area.

Charles and Rachel Pelzer, 429 Collova Drive, introduced themselves and said they were available for questions.

Chairperson Cooper opened the meeting to the public at 7:19 p.m.

Commissioner Dresen thanked the Pelzers for the improvements to their property.

Commissioner Moynagh thanked the Pelzers for their work and said he understood how construction occurs in a cul-de-sac and welcomed them to the neighborhood, adding the structure as constructed was not impacting other property owners.

Commissioner Jorissen asked whose responsibility it was with regard to seeing the ledger board being present. Planning/Community Development Director Wall said these are brand new lots and as part of construction, buyers typically negotiate decks to be added, sometimes when the home is built, most times not. He said we may not always know the impacts of such a project and that it would be the responsibility of the property owner to construct projects correctly. He noted the review did not occur with this property because the deck was not on the survey as it was not being constructed by the builder.

Chairperson Cooper said the structure really improved the Pelzers' view.

As no one wished to address the Commission, Chairperson Cooper closed the meeting to the public at 7:21 p.m.

Upon motion by Commissioner Stumph, seconded by Commissioner Dresen, it was recommended to approve the variance request for Planning Case 23-005, Charles and Rachel Pelzer, 429 Collova Drive, as presented, based on the findings of fact and compliance with the conditions of approval presented in the staff report.

Ayes – 6                      Nays – 1 (Jokinen)

The motion carried.

Planning/Community Development Director Wall noted this item would be before the City Council at their August 2, 2023, meeting for consideration.

B. Planning Case 23-006 Jason Schwieger, Conditional Use Permit at 3945 Stockdale Drive.

Planning/Community Development Director Wall said the applicant is requesting a conditional use permit and to construct an accessory building over 200 SF on the subject property. The applicant/property owner proposes to construct a 448 SF (14' X 32') accessory building in the rear yard of the subject property for storage. Staff recommends approval of the conditional use permit request in this case, based on the findings of fact and subject to the conditions in the staff report.

Commissioner Jorissen asked about the structure not being in compliance as outlined in the staff report on page 3. Planning/Community Development Director Wall clarified that he meant to say that the structure is in compliance since it is located in the rear yard.

Commissioner Moynagh noted the only reason the request was before the Commission was because it was proposed to be more than 200 square feet.

Jason Schwieger, 3945 Stockdale Drive, said the use of the accessory building would be to store a four-wheeler, trailer, riding lawn mower, and bicycles. They only have a two-car garage so need the additional storage.

Commissioner Schreiber asked if there would be tree removal as part of the project. Mr. Schwieger commented that there would not be any removal of trees.

Commissioner Moynagh asked if there were any plans for a bedroom inside the shed. Mr. Schwieger commented that there will not be any living space as the shed will not be insulated or heated. He stated that eventually, he will apply for electrical.

Chairperson Cooper opened the meeting to the public at 7:29 p.m.

Katherine Bailey, 3947 Stockdale Drive, shared concerns about access to this rather large shed and felt there was not enough clearance for access without affecting their property. She shared concerns about Mr. Schwieger currently leaving junk and trash in their yard and that if the building would be constructed, she felt this problem would become worse.

Mr. Bailey, 3947 Stockdale Drive, asked what assurances they had that Mr. Schwieger would not encroach on their land as well as the neighbors' property on the other side. He shared that Mr. Schwieger has been hostile and threatening to them. Mr. Bailey said the public hearing notice was the only notification they received about the proposal so he felt it was unfair and questioned the legal grounds of it.

Chairperson Cooper empathized with the Baileys, but said the Planning Commission's duty was to vote on the construction of the accessory building if it met City Code. He said that possible encroachment was not part of tonight's discussions.

Planning/Community Development Director Wall said he believed the concerns presented regarding access and encroachment were a civil issue and would have to be addressed separately as the applicant has a right to locate the structure in his backyard and store what is allowed in the structure. He did note that no one has a right to trespass onto a neighbor's property.

As no one else wished to address the Commission, Chairperson Cooper closed the meeting to the public at 7:38 p.m.

Upon motion by Commissioner Dresen, seconded by Commissioner Moynagh, it was recommended to approve the conditional use permit request for Planning Case 23-006, Jason Schwieger, 3945 Stockdale Drive, as presented, based on the findings of fact and conditions of approval presented in the staff report.

Ayes – 7

Nays – 0

The motion carried.

Planning/Community Development Director Wall noted this item would be before the City Council at their August 2, 2023, meeting for consideration.

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**REPORTS**

A. Council Liaison

Council Liaison Kelly Jozwowski stated the Council recently enacted a moratorium on cannabis sales to allow time for the City to learn the pertinent information about the new law before allowing the use and sale in the City. She noted the action included making cannabis use illegal in all public spaces. She shared about the final Music in the Park series and upcoming Heritage Days and encouraged the community to attend.

Commissioner Jokinen inquired if the League of Minnesota Cities had drafted model ordinances regarding cannabis. Planning/Community Development Director Wall explained there were many facets of the law including zoning, licensing, and proximity as well as where and how many licenses would be allowed so the moratorium will allow staff time to fully understand what cities' responsibilities, risks, and liabilities are but will not hold up licensing any businesses as licensing will not be available until January 2025. He noted staff will work with the Ramsey County Sherriff's Department too regarding how they intend to regulate cannabis for consistency, adding a county can restrict the number of licenses as well based on population size.

Council Liaison Kelly Jozwowski clarified cannabis use will be legal beginning August 1 within private homes.

B. Planning Commissioners

None.

C. Staff

Planning/Community Development Director Wall shared about the approved contract for the comprehensive housing study with Stantec and that presentation and recommendation will be before the Planning Commission this fall and will be used in conjunction with the City's home improvement loan program by being proactive for residents.

Commissioner Moynagh asked how much of the \$250,000 loan program funds have been dispensed. Planning/Community Development Director Wall said the City has received

interest in the program, but no closings to date and we will continue to evaluate the program for possible income adjustments or other changes, if necessary.

Planning/Community Development Director Wall said the City continued to be busy with construction and other road projects and encouraged the public to be cautious while driving through the City.

**NEXT MEETING**

The next Planning Commission meeting will be held on August 22, 2023.

**ADJOURN MEETING**

Upon motion by Commissioner Jokinen, seconded by Commissioner Schreiber meeting was adjourned at 7:49 p.m.

Respectfully submitted,  
Cathy Sorensen  
*TimeSaver Off Site Secretarial, Inc.*

APPROVED