

**MINUTES OF MEETING**  
**SOUTH ST. PAUL PLANNING COMMISISON**  
**June 5, 2019**

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

Present: Isaac Contreras  
Angela DesMarais  
Justin Humenik  
Ruth Krueger  
Jason Pachl  
Stephanie Yendell  
Peter Hellegers, City Planner

Not Present: Timothy Felton

Other Present: Lori Felton

- 1) APPROVAL OF AGENDA – Motion to approve the agenda as presented –Contreras/ DesMarais (6-0)
- 2) APPROVAL OF MINUTES – May 1, 2019 – Motion to approve the minutes as presented Pachl/Humenik (6-0)
- 3) NEW BUSINESS

There was no new business to discuss at the time of the meeting.

4) PUBLIC HEARINGS

A) PC Case #2019-09: Tim and Laurie Felton, 607 9<sup>th</sup> Ave N, South St. Paul, MN 55075 – A variance of 1.5 feet for the height of a fence in the front yard.

Mr. Hellegers explained the applicant had pulled a permit to put in a swimming pool. City code requires all swimming pools to have safety fencing to prevent children from gaining uncontrolled access. The applicant is seeking a variance of 1.5 feet to allow a 5-foot tall fence around the entire property. Fence height is limited to 3.5 feet in the front yard by city code.

Chair Yendell noted that the reasoning for the height variance is due to safety concerns with the pool and asked for clarification on swimming pool fencing requirements. Mr. Hellegers explained swimming pool and general fencing requirements as provided in the city code.

Commissioner Contreras asked for clarification on the term ‘practical difficulties’. Mr. Hellegers explained that one of the tests the City and State uses for granting a variance is whether or not there are practical difficulties in complying with the current city code. Mr. Hellegers noted in this instance, the need for a fence was initiated by a choice the homeowners made as opposed to a unique scenario based on the nature of the lot.

Commissioner Pachl stated there could be a case for a non-confirming lot due to the space limitations and atypical layout of the lot. Mr. Hellegers clarified that the lot and the structures on the lot were conforming.

Chair Yendell asked for clarification of the applicant’s request on the diagram. Mr. Hellegers reviewed the drawing with the fencing requirements set forward in the city ordinance. Mr. Hellegers also addressed the photos of the properties with non-conforming fences that were submitted by the applicant.

Planning Commission Minutes

June 1, 2019

Page 2 of 3

Chair Yendell asked if the height of the retaining wall on the property had any impact on fence height. Mr. Hellegers noted that fence height is measured at grade and would not impact the height of the fence.

Chair Yendell queried if city code distinguishes between a privacy fence and a transparent fence. Mr. Hellegers answered that the city code does not.

Lori Felton, 607 9<sup>th</sup> Avenue North, spoke to the safety and security as well as logistical reasoning behind the desired fence variance.

Commissioner Krueger inquired if there was currently a fence on the property. Mrs. Felton confirmed the property does not have a fence.

Chair Yendell opened the public hearing.

The City had received 9 emails from neighbors that were in favor of the fence.

Jerry Felton, 610 9<sup>th</sup> Avenue North, noted that he was in favor of the five foot fence because it would meet the fencing requirements for the pool and it would prevent the homeowner from having to put a second fence in their yard which would diminish its aesthetic.

Chair Yendell closed the public hearing.

Commissioner Pachl noted that the city code was intended to prevent privacy fences around the entire house. The commissioner provided support for the fence from a common sense standpoint and suggested staff revisit the current fencing ordinances.

Commissioner Krueger stated that while the argument for practical difficulties was light, she was in support of the fence.

Commissioner Humenik expressed that requiring the homeowner to put in two fences would be ridiculous; however, the commission's job is to examine the current code and determine if there are practical difficulties to get around the code. The commissioner noted that on those grounds, he would not support the fence.

Chair Yendell commented that this case was particularly difficult because the commissioners were in favor of the taller fence but were having trouble coming up with a justified standing.

Commissioner Contreras asked if this case would set precedent for other proposals of similar nature and if this could be used as an opportunity to re-examine the code. Mr. Hellegers noted that each case is looked at on a case-by-case basis but does bring up an opportunity to review front yard fencing requirements.

Discussion ensued regarding practical difficulty.

Commissioner DesMarais voiced her support for the fence.

Commissioner Humenik asked if there were any ordinances regulating the number of fences on a lot. Mr. Hellegers noted there were not and staff could address this in the future.

Chair Yendell asked the applicant if she desired a double fence for additional safety. The applicant stated she wanted just one fence.

Planning Commission Minutes

June 1, 2019

Page 3 of 3

Per Chair Yendell's request, Mr. Hellegers reiterated the proposed justification for practical difficulty on the property.

Motion to approve the variance as presented – Pachl/Krueger (5/1)

5) OTHER BUSINESS

There was no other business to discuss at the time of the meeting.

6) ADJOURNMENT

Motion to adjourn at 7:53 PM – Contreras/ DesMarais (6-0)