

MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
September 6, 2023

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

Present: Tim Felton, Chair
Geoff Fournier
Jason Frankot
James Hart
Brienne Miller
Chad Schlemmer
Monika Miller, Associate Planner

Absent: Ruth Krueger

- 1) APPROVAL OF AGENDA – Motion to approve as presented –Hart/Miller (6-0)
- 2) APPROVAL OF MINUTES – August 2, 2023 –Motion to approve the minutes as presented-
Fournier/Miller (6-0).
- 3) NEW BUSINESS

None

- 4) PUBLIC HEARINGS

A. 1912 Butler Avenue Fence Height Variance

Ms. Miller presented the staff report. The Applicants were Colton Daws and Kayla Harcey. The Applicants would like the fence their rear yard with a 6-foot-tall fence but part of the yard is not eligible to have fencing taller than 4 feet due to the orientation of the neighboring house in relation to their property. The Applicants are requesting a variance to use 6-foot-tall fencing for their entire project. Staff recommend approval of the proposed variance. Staff requested that as part of the motion, the Planning Commission weigh in on how to address the nonconforming fencing along Butler Avenue.

Chair Felton asked staff to bring up the photo of the nonconforming fence on Stickney Avenue. Ms. Miller explained that this section of nonconforming fencing was placed on the property around 2012. The variance would legalize this section of fencing.

Commissioner Frankot asked if the Applicant planned to replace the existing fencing along Butler Avenue with new fencing in the same location or if the current fencing would remain and new fencing would be added onto it. Ms. Miller explained that the homeowners planned to keep the existing fencing and add additional fencing onto it. Commissioner Frankot asked if the new fence along Butler Avenue would create a safety issue for drivers on Stickney Avenue. Ms. Miller explained that Stickney Avenue was a curved street so visibility would not be impacted by if the variance was approved. Ms. Miller added that the new fencing would not go all the way out to the street and would stay in line with the house. Commissioner Frankot asked staff to clarify that the homeowners are eligible for a 4-foot fence but would like to fence their yard with a 6-foot-tall fence. Ms. Miller confirmed this was the case.

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Chair Felton asked Ms. Miller about her thoughts on the nonconforming fencing along Butler Avenue. Ms. Miller stated she did not have a formal recommendation about how the fencing should be addressed. Chair Felton asked if there was a danger in setting a precedent by “blessing” the nonconforming fencing on Butler Avenue. Ms. Miller stated that this would not set a precedent because each situation is different and the Planning Commission is asked to weigh in on each situation based on its unique conditions.

The Applicant, Colton Daws, came forward to speak on the application.

Chair Felton asked Mr. Daws if he had any additional information to share. Mr. Daws shared that the reason they want to fence their rear yard with a privacy fence is to allow their two dogs to roam in the yard off leash. Mr. Daws noted that one of their dogs is reactive towards other dogs so a 6-foot-fence would offer peace of mind to all parties. Chair Felton asked if the Applicant planned to replace the existing fence on Butler Avenue as part of the project or if the new fencing would extend off the existing fencing. Mr. Daws explained that they planned to leave the existing fencing along Butler Avenue and build the new fence off of the existing fence. Chair Felton asked the homeowner what his intentions were with the front yard fence and if he planned to enclose the entire yard. Mr. Daws stated that they would just be fencing the backyard. Ms. Miller explained that if the Planning Commission were to recommend that the existing fencing along Butler Avenue be allowed to remain, it would be “as-is” and the fence would not be eligible for expansion.

Commissioner Frankot asked if the existing fence along Butler Avenue could be replaced with new fencing in the same spot. Ms. Miller stated that the homeowner could replace, maintain or improve the existing fence on Butler Avenue but at the time the homeowners went to replace the fence, they would need to confirm the fence was within the boundaries of the subject property. If the fence is in the right-of-way, the fence would need to be moved to within the boundaries of the property.

Commissioner Frankot asked the homeowner about his dogs. Mr. Daws replied that they have a German Shepard mix and a Saluki mix. Commissioner Frankot asked if a 4-foot-fence would be sufficient for keeping their dogs in the yard. Mr. Daws explained that one of their dogs would be able to jump over a 4-foot-tall fence.

Commissioner Frankot asked the homeowner if he would replace the fence panels along Stickney Avenue with new fencing as part of the fencing project. Mr. Daws stated that they may replace the fence depending on the condition of the fence and the material that they ultimately decide to use. Commissioner Frankot asked the homeowner about the material they planned to use. Mr. Daws stated they would like to make the fence look nice and that they planned to use wood fencing to match the existing fencing. Mr. Daws stated they would consider vinyl fencing.

Chair Felton asked the homeowner if he was aware of the conditions and if they could meet the conditions. Mr. Daws stated that they had no concerns meeting the conditions.

Chair Felton opened the public hearing.

No one was present to speak on the application and no correspondence had been received prior to the meeting.

Chair Felton closed the public hearing.

Chair Frankot asked about adding a condition of approval that would require the applicant to determine the type of fencing they would be using. Ms. Miller explained that the homeowners had submitted a fence permit earlier this year to construct a 6-foot-tall wood fence which is what the variance would be approving. Ms. Miller explained that typically the City would not require a homeowner to pick just one style of fencing for their project when the code allows both types of materials. Chair Felton asked if they could add a condition of approval that would require one type of fencing. Ms. Miller stated that they could add a condition of approval that would require the homeowners to use just wood fencing for their project. Commissioner Frankot and

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Commissioner Hart shared their concerns about fence aesthetics and their desire to make sure the new fencing matches the existing fencing.

Chair Felton asked if someone could apply for a fence permit and request to use two different fencing materials for the project. Ms. Miller stated that they could as long as both materials are allowed under the City Code.

Commissioner Frankot commented that he would like to see the new fencing blend with the new fence.

Motion to recommend approval of the variance with the added condition to “bless” the existing fence along Butler Avenue- Schlemmer/ Hart (5-1) (Frankot)

5) OTHER BUSINESS

None.

6) STAFF UPDATES

None.

7) ADJOURNMENT

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