

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

September 27, 2011
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Black ____ Brown ____ Fite ____ Gustafson ____
 Minns ____ Noble ____ Wartick ____
 Council Liaison Harris ____
 City Administrator Miller ____ Staff Liaison Jones ____
 City Attorney ____
- C. Approval of the minutes for June 28, 2011
- D. INFORMATION AND ANNOUNCEMENTS
- E. ADJOURN to workshop

WORKSHOP AGENDA

This workshop is open to the public.

1. Workshop: Revisiting front porches, continued
Commissioners will continue informal discussion of the topic taken up in August at the request of the City Council. The goal of the workshop is to reach a consensus on whether or not to go ahead with some change to the zoning code at this time. Staff will provide research on other cities' approaches.

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.

**City of Falcon Heights
Planning Commission Minutes
June 28, 2011**

PRESENT: Commissioners Black, Brown, Gustafson, Minns, Noble, Staff Liaison Jones.

ABSENT (with notice): Commissioners Fite, Wartick, Council Member Harris

A quorum being present, the meeting was called to order by the Commissioner Black, Chair, at 7:02 p.m.

The minutes for February 22, 2011, were approved.

Public Hearing: Amending the Falcon Heights City Code to make the variance ordinance consistent with new State Law

Staff Liaison Jones offered a detailed introduction of the matter under consideration. A 2010 decision by the Minnesota Supreme Court had a major impact on the ability of cities to grant zoning variances, requiring a much narrower and stricter standard than had been the practice for many years. In May, 2011, a new state law went into effect that essentially returned the standard for variances to the “reasonable manner” understanding that was in effect before the 2010 decision. The League of Minnesota Cities recommended that cities look at their variance ordinances and bring them into line with new state law. A draft amendment has been provided by the city attorney for consideration this evening.

The Chair opened the public hearing. As there was no one who wished to speak, the Chair asked for and received a motion to close the hearing, seconded and approved unanimously.

Variance Amendment: Discussion and Commission Action

Jones offered to read the definition of “practical difficulties” as set out in both the Minnesota Statute and the proposed new city ordinance. The new wording moves the “uniqueness” requirement that was formerly in the findings to the definition. She confirmed that “practical difficulties” replaces the “hardship” phrases in the existing version of the variance section.

Commissioners asked for clarification on several points and discussed a couple of examples from Falcon Heights over the last ten years. A Frequently Asked Questions document from the League of Minnesota Cities website was recommended for reading by any interested member of the public.

Staff asked the Chair for the opportunity to provide two additional points of public education, also found in the LMC FAQ document:

- Public opinion alone is not sufficient to grant or deny a variance. “All my neighbors say it’s OK” is not grounds for approval. The statutory standards must be met.

- Prior variance decisions or existing conditions on other properties are no guarantee that the same thing will be allowed in a new case. Configurations of other properties may have existed before present codes, and prior variance decisions do not set a precedent. The statutory standards, again, must be met for any new variance.

In other words, though the new statute is less restrictive, it does not mean variances will be easy to obtain. Falcon Heights has granted very few over the last 10 years and observes fairly tough criteria. Staff works with owners and contractors to plan within the code in order to meet their goals without variances.

A motion to recommend approval of the ordinance amendment was made by Gustafson, seconded by Minns, and approved unanimously.

Change to Standing Rules – tabled from February 22

At the request of the Commission, staff had rewritten a paragraph dealing with the opening of public hearings, putting procedure into chronological order in the paragraph. The Commission approved the minor change by consensus.

Information And Announcements:

Jones had a few updates for the Commission

- The hearing that was scheduled last month regarding a rezoning of a narrow portion of the Awad Clinic property at Hamline and Larpenteur was canceled last month, staff research discovering that the situation was more complicated than expected and that rezoning might not even be needed. (The western strip of property is on the books as residential, though it has always been used for commercial use.)
- Last month the Commission met in workshop with representatives of the Ramsey County Historical Society to hear about the Society's plans for the future of the Gibbs Museum property. The eventual goal is to give the museum property, currently zoned P1/R1, a more appropriate designation, as it is not really "public land." This will take place when the Historical Society is ready to come forward with a more definite plan. In the meantime the house at 2129 Larpenteur is being rented as a residence, licensed.
- Commissioner Wartick is not present due to a new baby in the family.
- Parks and Recreation has two great events coming up in July – Movie in the Park on July 13 and the Ice Cream Social on July 28.

ADJOURNMENT: The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison

**Falcon Heights Planning Commission
Workshop on Front Porches – August, 23, 2011
Highlights of the informal discussion**

Brief staff presentation

- Majority of homes in Falcon Heights were constructed in an era when front porches were not a popular architectural feature on houses
- Staff photos of neighborhood streetscapes in Falcon Heights, with and without sidewalks, and examples of front porches/entries/covered stoops that do exist, plus houses without these features
- Many homes in the city do have porches of various sizes, from entry portico/covered stoop type structures to full width open porches – influenced by styles of when they were built.
- Many homes do not have any kind of shelter at front door. Every year one or more homeowners inquire about adding this kind of feature.
- City code does not now specifically allow a covered stoop or porch like structure as an encroachment into the required front yard.
 - Some houses are back far enough to fit it in an entry
 - Most houses would require a variance because they are already up to the setback line.
- Concern in past that porches would be screened and then enclosed, narrowing streetscape, possibly becoming storage for “junk”, unsightly, etc.
- Revisiting this issue is in Council goals for 2011-2012, requesting Planning Commission to consider whether some amendment to code would be appropriate

Discussion highlights

- Purpose and uses of front porch and porch-like structures
 - Shelter from weather at home entry – reasonable need in our climate
 - Outdoor seating area for residents of home – reasonable and “nice idea” but would people really use it?
 - More social connection in neighborhood – also a positive idea – more porches might encourage this.
 - People who do have front porches in FH are not using them this way now. Present generation has tradition of more “private” outdoor space in back yard.
 - Comfortable tradition in other parts of the country but not Twin Cities (at least since 1950s?), never in Falcon Heights (architecture)
 - Enclosed as extension of home’s indoor space – even storage (like older St. Paul neighborhoods)

- Chair articulated three “levels” of encroachment, shaping additional discussion
 - Front entry shelter, covered stoop, portico (“level 1”)
 - Front entry extended to some potential outdoor living space, seating (“level 2”)
 - Wider but not necessarily deeper than simple covered stoop
 - Full “traditional” front porch, possibly enclosed (“level 3”)
 - Mentioned in passing: closed vestibule “air lock” entry, as seen on some older homes – did not come into discussion
- Informal consensus of Commissioners present
 - Commissioners all comfortable with “level 1” but not “level 3”
 - Willing to consider something “in between” (level 1 to 2) if kept open (no screening or walls)
 - What about mosquitoes?
 - Would need specific limits in code
 - Continue discussion toward specifics of possible change – one more workshop
 - Staff to find examples from other cities.
 - Staff and/or liaison report back to Council



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REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	September 27, 2011
Agenda Item	Workshop 1
Title	Continued discussion on front porches in Falcon Heights
Submitted By	Deborah Jones, Staff Liaison

Description	Continuing informal discussion on whether the City of Falcon Heights should revisit the zoning ordinance that severely restricts the addition of front porches on existing homes. Should some
Background	<p>In this year's goal setting process, the City Council has decided to revisit the issue of allowing front porches as a legal encroachment into required front yards (front setback) in Falcon Heights. The existing setback ordinance does not include porches among the allowed encroachments. A number of homeowners have approached the City in recent years, seeking to add porches or porch-like structures (usually covered stoops) to the fronts of their homes, but they were not able to do so unless the structure could be added behind the setback line.</p> <p>In its August workshop, the Planning Commission observed that there are possible degrees of "front porch" under discussion: (1) Open covered stoops with a roof, supporting columns and possibly railings, providing shelter to a front entrance; (2) Open porches that are larger than an entry stoop and provide not only entry shelter but space for outdoor seating; (3) Full traditional front porches (similar to those common in nearby St. Paul neighborhoods) that could be screened, enclosed and ultimately turned into extensions of the house, narrowing the front yard. Commissioners were generally comfortable with (1), opposed to (3) as too great a change to neighborhood character. Commissioners were willing to give further discussion to something in between, i.e., (2)</p> <p>Commissioners advised staff they would like to continue discussion and requested examples from other city codes.</p>
Budget Impact	None
Attachment(s)	<ul style="list-style-type: none"> Excerpts from zoning codes of other Twin Cities metropolitan area municipalities with examples of ways other cities handle these types of encroachments into required front yards.
Additional Resources	Commissioners are encouraged to bring any personal research they have done on this matter, including photos.
Action Requested	No formal action is needed at this time. If the Commission's consensus is to move forward, staff will request from the city attorney a draft ordinance amending Sec. 113-241 and other sections as necessary, according to the wishes of the Commission, for a future public hearing, possibly in October, 2011.

Front Porches/Vestibules/Entries etc. as encroachments: Local Code Examples

This sampling is by no means comprehensive but is representative of zoning ordinances in nearby Twin Cities suburbs of age and character similar to Falcon Heights.

Little Canada

903.030. YARD REQUIREMENTS.

A. Purpose. This section identifies general yard requirements to be provided for in all zoning districts and exceptions thereto.

B. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another structure.

C. The following shall not be considered as encroachments on required yard setbacks:

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two (2) feet into the required yard.

2. a. Terraces, steps, uncovered porches, decks, stoops, or similar features, provided they do not extend above the height of the ground main entry level of the principal structure or to a distance more than five (5) feet into a required front yard or less than five (5) feet from a side lot line.

b. Patios and sidewalks and other paved areas, provided they are used for recreational purposes only, may encroach into the required front, side, and rear yards, provided they do not encroach closer than three (3) feet to any side or rear lot line. Where such improvements encroach into an easement for drainage or utility purposes, such improvement shall be subject to the rights of the easement holder.

c. Within a required front yard, stoops, windows, energy conserving attached vestibules, not exceeding forty (40) square feet, may encroach no more than five (5) feet.

3. In rear yards: recreational equipment, clotheslines and poles, arbors and trellises, balconies, breezeways, open porches, detached outdoor living rooms, garages, and air conditioning or heating equipment to a point not less than ten (10) feet from the rear lot line.

St. Louis Park

(b) Principal building - any yard.

The following shall not be encroachments on yard requirements for principal buildings provided no permanent structure is placed in an easement without first obtaining approval of an encroachment agreement:

- (1) Balconies, bays and window wells not exceeding a depth of three feet and containing an area of less than 20 square feet.
- (2) Chimney, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters; provided they do not extend more than three feet into a required yard; and provided such encroachment is no closer than four feet from all lot lines. Building overhangs shall also comply with the state building code.
- (3) Terraces and steps which do not extend more than 2 1/2 feet above the height of the ground floor level of the principal building provided they are a minimum of two feet from any lot line.
- (4) Uncovered porches, stoops, patios or decks which do not extend above the height of the ground floor level of the principal building and are a minimum of two feet from any interior side or rear lot line and 15 feet from any front lot line and do not encroach on any side yard abutting a street.
- (5) Open covered porches that do not contain either windows or screens and are a minimum of five feet from any interior side lot line, nine feet from any side yard line abutting a street, 25 feet from any rear lot line and 20 feet from any front lot line. Porches shall be open between the floor and the ceiling. All railings shall be open utilizing posts and spindles.
- (6) Front entryways not exceeding a depth of 5 feet toward the front lot line and not exceeding a total of 40 square feet in area.
- (7) Awnings, canopies less than 25 feet in width and door hoods for commercial, industrial, office and multi-family buildings of at least 12 residential units may extend to the front and side yard abutting the street lot line. Awnings, canopies and door hoods for single family homes and multi-family buildings of up to 11 residential units may extend up to four feet into a front and side yard abutting the street. For all uses, awnings, canopies and door hoods may extend up to four feet into an interior side and rear yard

Richfield

509.11. Not encroachments. The following shall not be considered as encroachments on setback requirements in all zoning districts:

- a) Principal building cornices, canopies, eaves, gutters, and other similar features, provided they project not more than 30 inches into a required yard. In no event shall such features be closer than 24 inches from any lot line;
- b) Principal building chimneys, flues, vents, and other similar features, provided they project not more than 24 inches into a required yard and are no more than five feet in width. In no event shall such features be closer than 30 inches from any lot line;
- c) Principal building window wells and bay windows, provided they project not more than 36 inches into a required yard. In no event shall they be closer than 24 inches from any lot line; (Amended, Bill No. 2011-13)
- d) In required front yards, principal building entry vestibules that extend a distance of six feet or less, provided such vestibule is not more than eight feet in width or more than one story in height;
- e) In required front yards, principal building balconies that extend a distance of four feet or less, provided they are seven feet or more above grade at the front building line;
- f) In front yards and street side yards, fire escapes attached to the principal building that extend a distance of four feet, six inches or less;
- g) In required front and rear yards, landings, steps, uncovered porches, and other similar features attached to the principal building that extend a distance of six feet or less, provided such landing or uncovered porch does not extend in elevation above the height of the ground floor level, and in no case shall they be located more than 30 inches off the ground; a railing enclosure no more than three feet in height may be placed around such landing or uncovered porch, unless prior approval for a greater height is granted by the Director;
- h) In required side yards, uncovered porches attached to the principal building that extend a distance of three feet or less, provided they are not more than 30 inches off the ground. In no event shall they be closer than four feet from any side lot line; and
 - i) In required side yards, principal building steps, stoops, handicap access ramps, and other similar features that extend a distance of three feet or less. In no event shall they be closer than two feet from a side lot line.

South St. Paul

Ordinance 1234, September 2010 – excerpt; see complete ordinance

11. Entry Vestibules. Entry vestibules, enclosed areas that have walls, doors, windows, or screens, and are less than eight (8) feet in width may encroach six (6) feet into any required front and rear setback, provided that front and rear setbacks of not less than twenty (20) feet shall be maintained. Permitted Encroachments under this section shall be of high quality durable materials that are consistent with the front of the principal structure and that are consistent with the zoning regulations for the district. Roofing on these encroachments shall be asphalt shingle or standing seam metal roofing, corrugated metal or plastic are not permitted. The base of the Entry Vestibule, defined as the area from the floor of the entry vestibule down to grade, shall not be open; the base shall be either a masonry perimeter foundation (note: frost footings will be required for a building permit), or be screened by a solid fascia consistent with the front of the principal structure or lattice with openings no larger than two (2) inches by two (2) inches and painted to be consistent with the front of the principal structure.

12. Porticos. Porticos, which are small covered porches that do not have walls, doors, windows or screens, may encroach six (6) feet into any required front setback, provided the portico is less than eight (8) feet in width and a front setback of not less than ten (10) feet is maintained. No encroachment shall be allowed into a required side or rear setback. Permitted Encroachments under this section shall be of high quality durable materials that are consistent with the front of the principal structure and that are consistent with the zoning regulations for the district. Roofing on these encroachments shall be asphalt shingle or standing seam metal roofing, corrugated metal or plastic are not permitted. A railing and spindles may be used around the portico. The base of the Portico, defined as the area from the floor of the portico down to grade, shall not be open; the base shall be either a masonry perimeter foundation (note: frost footings will be required for a building permit), or be screened by a solid fascia consistent with the front of the principal structure or lattice with openings no larger than two (2) inches by two (2) inches and painted to be consistent with the front of the principal structure. If unfinished wood components are used to construct the portico, the wood must be stained, painted, or sealed.

13. Covered but Open Porches. Covered but open porches without walls, doors, windows or screens may encroach eight (8) feet into any required front setback, provided that a front setback of not less than fifteen (15) feet is maintained. No encroachment shall be allowed into a required side or rear setback. Permitted Encroachments under this section shall be of high quality durable materials that are consistent with the front of the principal structure and that are consistent with the zoning regulations for the district. Roofing on these encroachments shall be asphalt shingle or standing seam metal roofing, corrugated metal or plastic are not permitted. A railing and spindles may be used around the covered but open porch. The base of the Covered Porch, defined as the area from the floor of the porch down to grade, shall not be open; the base shall be either a masonry perimeter foundation (note: frost footings will be required for a building permit), or be screened by a solid fascia consistent with the front of the principal structure or lattice with openings no larger than two (2) inches by two (2) inches and painted to be consistent with the front of the principal structure. If unfinished wood components are used to construct the porch, the wood must be stained, painted, or sealed

St. Anthony Village

152.177 ENCROACHMENTS IN YARDS.

The following are permitted encroachments in required yards:

- (A) Chimneys, flues, sills, pilasters, lintels, ornamental features, and bays which do not extend more than 3 feet into the yard or closer than 3 feet from the property line;
- (B) Yard light and nameplate signs which are at least 5 feet from any side property line;
- (C) Balconies which project no more than 5 feet into required front or side yards and are not closer than 5 feet from any property line, or balconies which project no more than 20 feet into required rear yards and are not closer than 25 feet from the rear property line;
- (D) Steps, stoops, and porches which extend into a front yard not more than 5 feet;
- (E) Terraces, steps, stoops, uncovered porches, and patios which extend into a side yard not more than 5 feet and are not closer than 5 feet from any property line;
- (F) Breezeways, covered or uncovered porches, patios, steps, stoops, and picnic shelters in a rear yard which are not closer than 5 feet from any property line;
- (G) Non-window mounted air conditioning units which extend no more than 6 feet into any required yard other than the front yard, and which are at least 15 feet from any property line;
- (H) Eaves, gutters, and downspouts which project no more than 5 feet into any required yard, which are at least 30 inches from any property line, and which do not drain onto neighboring property;
- (I) Any life safety improvements to a residential structure such as egress window wells and/or other similar above grade exiting requirements so long as access to the rear yard is preserved; and
- (J) The Building Official and/or the Fire Marshal shall have the authority to require a fence or any other means of structure to be installed in such a manner as to protect the public from accidentally falling, tripping, or sustaining an injury of any sort as the result of the installation and existence of an egress window well.

(1993 Code, ' 1650.03) Penalty, see ' 10.99

Roseville

G. Yard Encroachments: The following improvements shall not be considered as encroachments into required yards, provided they conform to the pertinent limitations.

1. Cornices, canopies, awnings, eaves, gutters, bay windows, and other ornamental features which do not extend more than 3 feet into the required yard.
2. Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps, and necessary landings which do not extend more than 3 feet into the required yard.
3. Terraces, steps, uncovered porches and patios, decks, stoops, or similar features which do not extend above the height of the ground floor level of the principal structure or to a distance less than 2 feet from any lot line. Notwithstanding this requirement, patios shall not be less than 10 feet from a street right-of-way.
4. Fences constructed and maintained in accordance with the applicable provisions of this Title.

Falcon Heights Planning Commission – Workshop on Front Porches
 Worksheet on Front Porches/Covered Stoops/Entries

Dimension	Appropriate limit or no limit?
Square feet of footprint of the front structure?	
How many feet into front yard (setback area)?	
How wide in feet or percentage of house front?	
Confine to height of first story or other height limit?	
Allow solid walls? (closed entry)	
Allow partial walls?	
Allow screening?	
Allow railings? What kind?	
Structural, material requirements?	
Roof character and materials?	
Additional permitting requirements? (e.g. CUP, etc)	
Terms that need to be added to definitions in the zoning chapter:	



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Allow screening?	
Allow railings? What kind?	
Structural, material requirements?	
Roof character and materials?	
Additional permitting requirements? (e.g. CUP, etc)	
Terms that need to be added to definitions in the zoning chapter:	