

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: DECEMBER 06, 2011  
TIME: 7:00 PM  
PLACE: SHOREVIEW CITY HALL  
LOCATION: 4600 N. VICTORIA**

**1. CALL TO ORDER  
ROLL CALL  
APPROVAL OF AGENDA**

**2. APPROVAL OF MINUTES**

*October 25, 2011*

*Brief Description of Meeting Process – Chair Larry Feldsien*

**3. REPORT ON CITY COUNCIL ACTIONS:**

*Meeting Date: November 7<sup>th</sup> and November 21<sup>st</sup>, 2011*

*Meeting Date: December 5<sup>th</sup>, 2011*

**4. NEW BUSINESS**

**A. VARIANCE**

*File No: 2436-11-29*

*Applicant: Carroll Roberts*

*Location: 200 Dawn Ave*

**B. VARIANCE / RESIDENTIAL DESIGN REVIEW**

*File No: 2435-11-28*

*Applicant: Alan & Heather Woldt*

*Location: 800 County Road I West*

**C. RESIDENTIAL DESIGN REVIEW**

*File No: 2437-11-30*

*Applicant: Patrick & Jacqueline O'Connell*

*Location: 3244 Owasso Heights Road*

**D. FINDING THAT THE MODIFICATION OF MUNICIPAL DEVELOPMENT DISTRICT NO. 2 AND THE TAX INCREMENT FINANCING PLAN FOR PROPOSED DISTRICT #7 CONFORMS TO THE GENERAL PLANS FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE**

*Applicant: City of Shoreview*

**5. MISCELLANEOUS**

*A. City Council Meeting Assignments*

- i. December 19<sup>th</sup>, 2011 - Commission Member Mons*
- ii. January 3<sup>rd</sup>, 2012 and January 17<sup>th</sup>, 2012- Commission Members  
Solomonson and Ferrington*

*B. 2012 Planning Commission Chair & Vice Chair recommendations*

*C. Review of 2012 Calendar and City Council Meeting Assignment.*

*D. Planning Commission Workshop after the regular meeting*

**6. ADJOURNMENT**

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** December 1, 2011  
**SUBJECT:** File No. 2436-11-29; Variance, Caroll Roberts, 200 Dawn Avenue

### **INTRODUCTION**

A variance application has been submitted by Caroll Roberts to construct an unenclosed porch on the front (north) side of her house at 200 Dawn Avenue. The proposed 6 by 19 foot porch will be 26 feet from the front lot line, less than the required 30-foot front setback. The property is a standard lot, with a width of 100 feet and depth of 130 feet.

The application was complete November 10, 2011.

### **BACKGROUND AND PROJECT DESCRIPTION**

The existing house and attached garage was constructed in 1959. The house is located on the south side of Dawn Avenue and so faces north.

The front steps have deteriorated, and the applicant would like to construct an unenclosed porch along the front of the house to reduce ice hazards on the steps and sidewalk. The proposed 6 by 19-foot porch extends from the front door west to the garage. The porch will be setback 26 feet from the front property line, and the applicant has requested a variance to allow this project.

Please see the attached plans.

### **DEVELOPMENT ORDINANCE REQUIREMENTS**

The property is located in the R-1, Detached Residential District. Minimum structure setbacks for a dwelling are 30 feet from a front and rear property line and 10 feet from an interior side lot line. A 5-foot minimum side yard is required for decks, accessory structures, and driveways.

A covered porch or landings is a permitted encroachment in the required front yard provided it does not exceed 5 feet in depth (perpendicular to the home) and 7 feet in width. Therefore, a covered porch or landing may have a setback of 25 feet from the front property line.

### **Variance Criteria**

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variances is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

The applicant states that the proposed porch is intended to prevent ice on the steps and sidewalk to improve safety. The porch will also improve the appearance of the house.

The statement is attached.

### **STAFF REVIEW**

Staff has reviewed the application in terms of the Comprehensive Plan and Development Code, as discussed below.

The continued use and proposed improvement of the detached single-family home in the R-1 District is consistent with the policies of the City's Comprehensive Plan, including the Land Use and Housing Chapters.

Access to the existing home is improved with a sidewalk leading from the driveway to a cement landing that is approximately 5 by 7 feet in size. Use of the entry becomes difficult in the winter months due to ice and snow build-up on the walkway and landing. While a smaller covered landing is permitted in accordance with the Development Code, concern remains regarding the sidewalk area. The proposed structure is designed to cover both the landing and sidewalk. Since the home is currently setback 32 feet from the front property line, the proposed structure would have a setback of 26 feet, exceeding the 25-foot setback permitted for a smaller covered landing. The proposal requires a variance because the structure exceeds the maximum 7-foot width permitted for a covered landing.

Staff comments on the variance criteria are as follows:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The proposed unenclosed porch is a typical feature of detached single-family houses. The proposed setback exceeds that which is permitted for a covered landing. While the proposed size of the structure exceeds the maximum area permitted for a covered landing, the structure will not encroach any further into the yard area than the existing sidewalk/landscaping improvements and so staff believes the proposal represents a reasonable use of the property.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. The orientation of the home, facing north, is likely subject to snow build-up on the roof and subsequent melting during the winter months

due to the age of the structure and the construction methods employed when the house was constructed. Icing and snow fall on the steps and sidewalk below the eaves presents a safety hazard that will be remedied with the added roof over the steps and sidewalk.

3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. Nearby houses are located at the minimum 30-foot front setback. The 4-foot encroachment of the covered porch into the required front yard should not alter the character of the neighborhood. Smaller covered landings are may encroach up to 5-feet into the required front yard setback. The visual impact of the porch will be minimized because the porch is not fully enclosed.

The applicant is aware that the Planning Commission has been preparing a text amendment to City Code to potentially reduce the front setback City-wide, and that this project will likely be permitted without need for a variance in 2012. Her concerns about ice build-up along the front of the house during the upcoming winter months impel her to request a variance so the improvement can be immediately constructed for the safety of she and guests. The proposal is reasonable due to the orientation of the home, the site layout, design of the entryway, minimal encroachment and impact on surrounding properties.

### **PUBLIC COMMENT**

Property owners within 150 feet were notified of the applications and this hearing. No comments have been submitted.

### **STAFF RECOMMENDATION**

Staff believes the requested variance to reduce the front setback complies with the policies of the Comprehensive Plan, meets the spirit and intent of the Development Regulations, and so recommends adoption of Resolution 11-88, approving the variance request, subject to the following conditions:

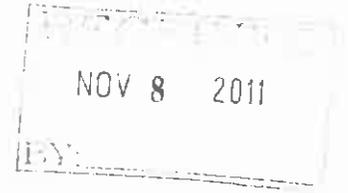
1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The covered porch shall not be enclosed, unless an amendment is approved to this variance.
4. This approval is subject to a 5-day appeal period.

#### Attachments

- 1) Location Map
- 2) Submitted Statements and Plans
- 3) Request for Comment
- 4) Resolution No. 11-88
- 5) Motion



City of Shoreview



I am requesting a variance  
for my home improvement/safety.

my house faces north. The  
ice build up gets terrible. People  
have slipped on the stairs.

with a roof added above  
this should help reduce the ice.

Plus, it will add to the sterile  
look of the home.

Carroll Roberts  
200 Dawn Av  
Shoreview MN 55126  
651 483-0952

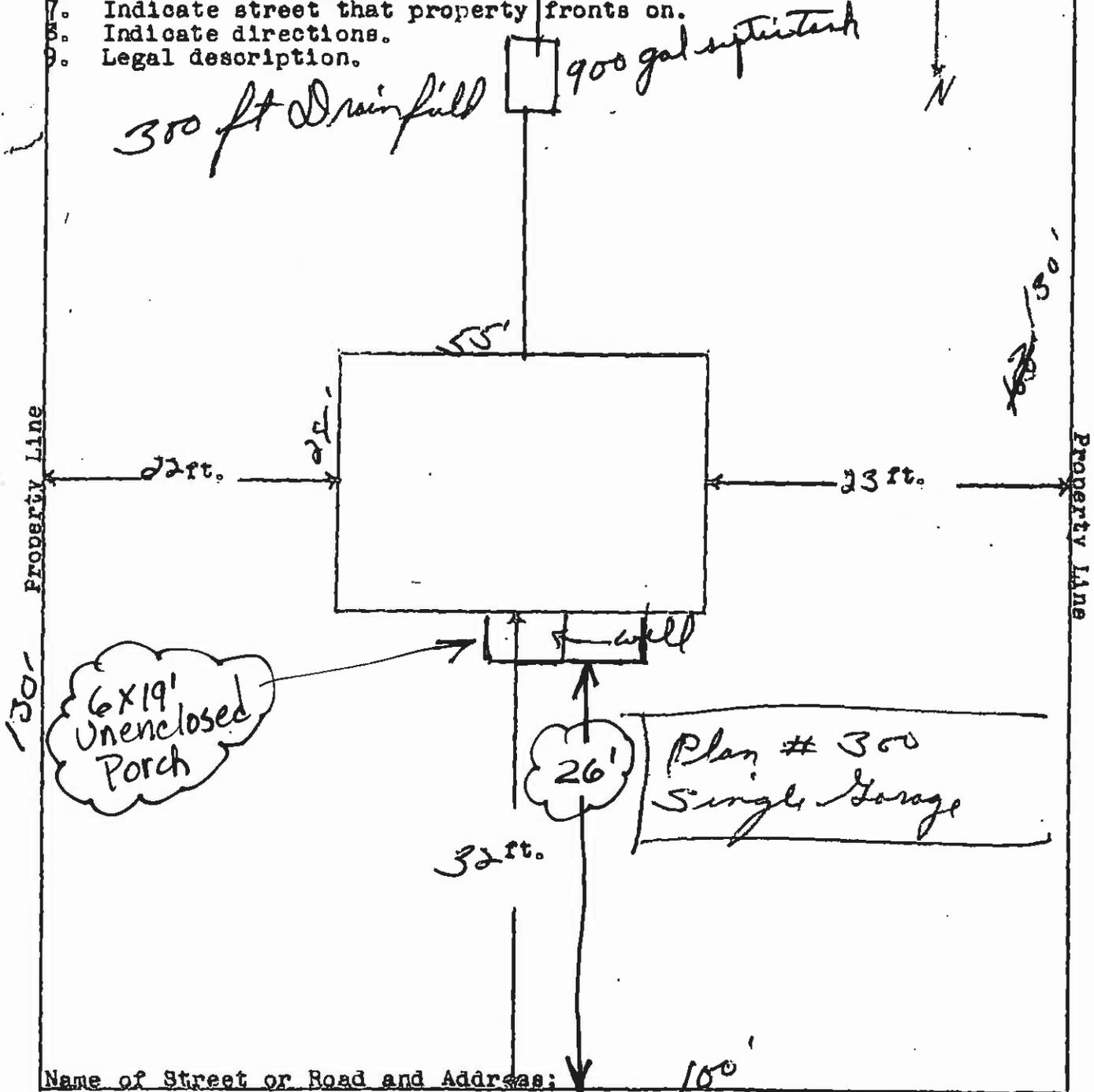
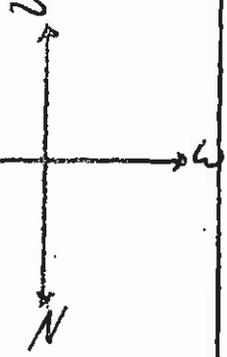
an I did pay someone to  
put carpet  
but stairs that I helped  
& need to be replaced  
every couple years.

Property Line

INSTRUCTIONS:

1. Indicate location of proposed building. /50'
2. Indicate location of existing building.
3. Indicate other proposed buildings to be constructed.
4. Indicate location of well or water supply.
5. Indicate location of sewage disposal system. (Capacity of septic tank; capacity of cesspool or number of feet of drainfield.)
6. Indicate frontage and depth of lot.
7. Indicate street that property fronts on.
8. Indicate directions.
9. Legal description.

Direction



Name of Street or Road and Address:

Property Line

PLAT PLAN

(Submit two (2) copies)

Lot 3 Block 15  
Windward Heights #C

200 Dawn Ave

VILLAGE OF SHOREVIEW

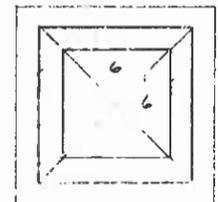
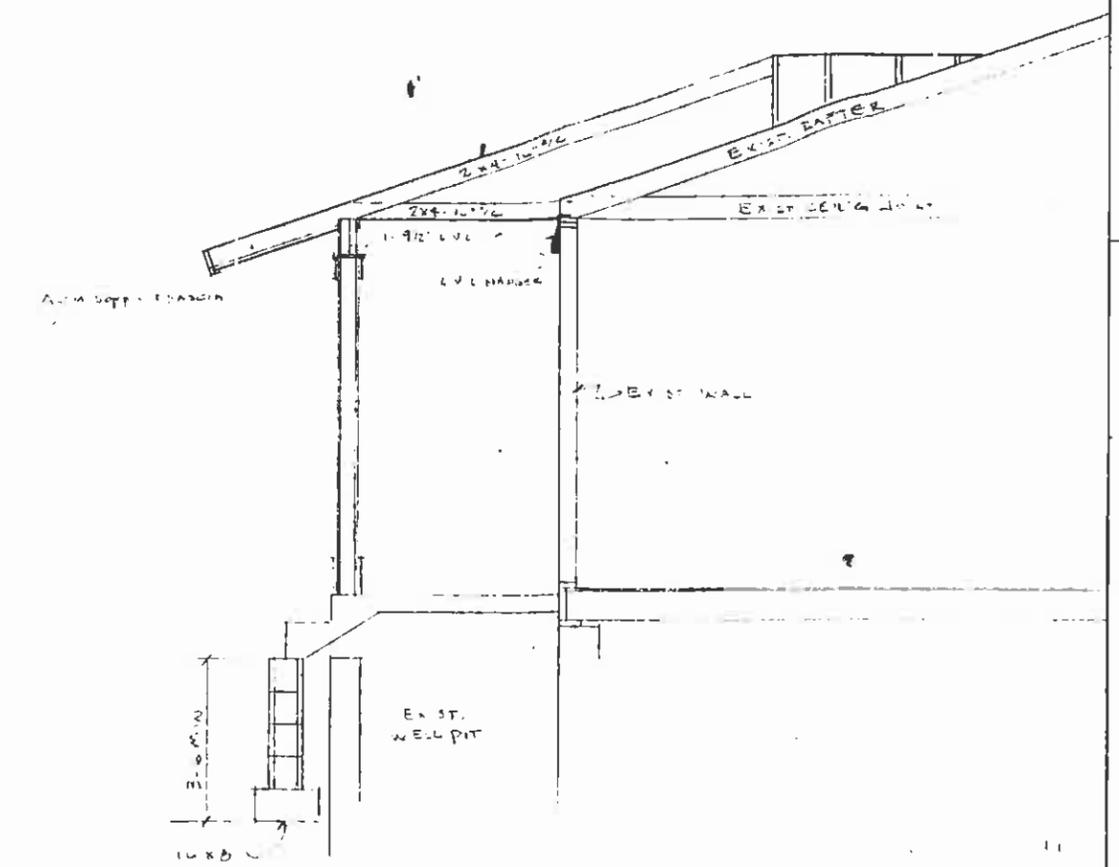
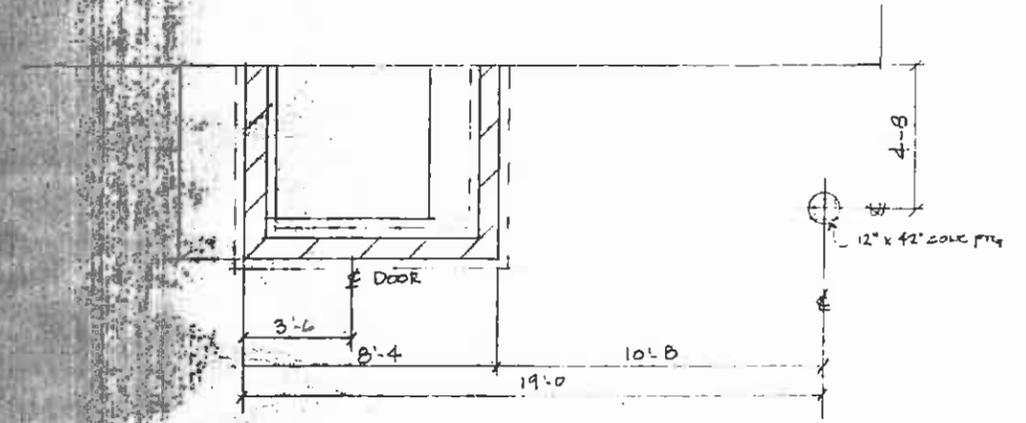
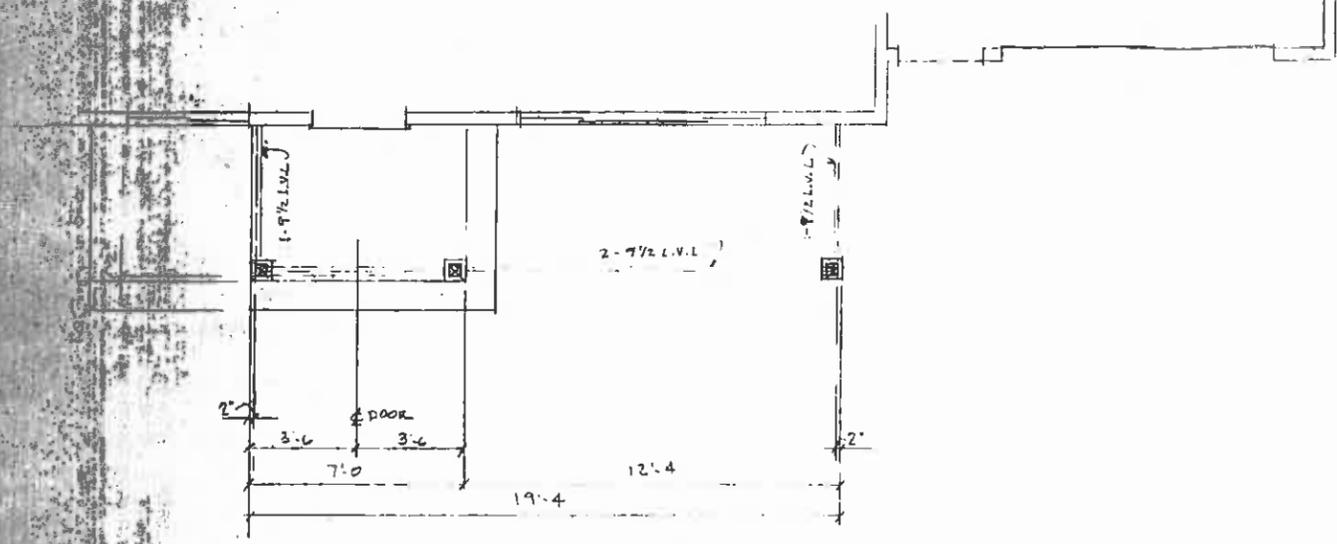
- Municipalities
- Road Centerlines (County)
- County Road
- Interstate Hwy
- State Hwy
- Roads
- Water
- Structures
- Parcel Polygons
- 2008 Color Aerials
- Highway Shields
- Street Name Labels

Existing house is setback 32-feet from front property line.

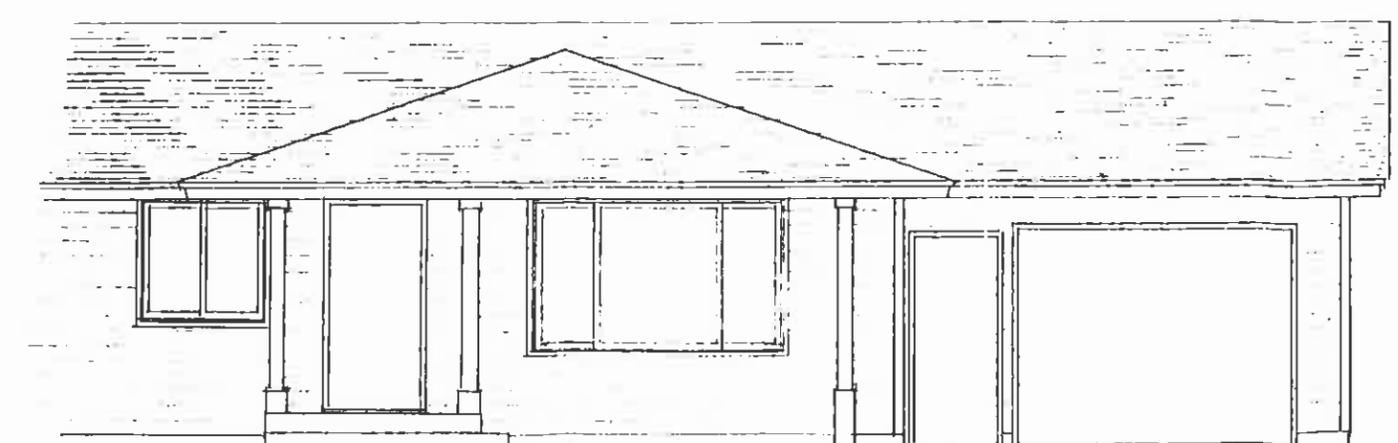
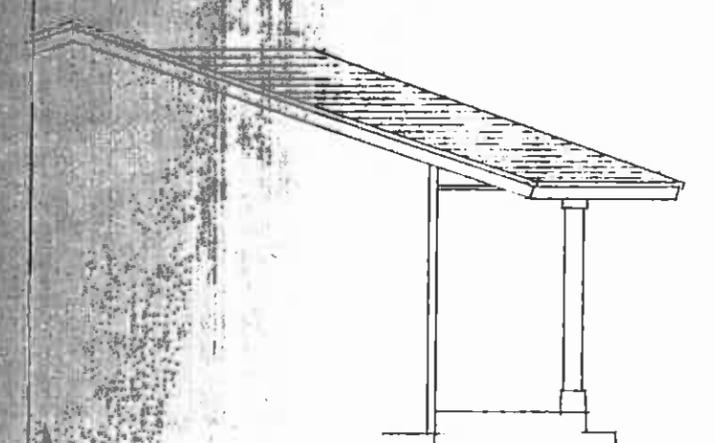
Proposed 6 by 19 foot porch setback 26 feet from the front property line



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.  
 SOURCES: Ramsey County (October 31, 2011), The Lawrence Group; October 31, 2011 for County parcel and property records data; October 2011 for commercial



2x4 TAPERED POST  
1/2" METAL POST WRAP  
1/2" TRIM



CONTRACTOR TO VERIFY ALL INFORMATION AND DIMENSIONS BEFORE CONSTRUCTION AND BE RESPONSIBLE FOR SAME

CAROL ROBERTS  
200 DAWN AVE.  
SHOREVIEW, MN.  
651-485-0952

CARLSON DESIGN  
**CD**  
651-429-7695  
13753 FOREST BLVD, HUBBARD MN.

3/8" = 1'-0"  
1/4" = 1'-0"  
11.4.11  
1 of 1  
1165

**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD DECEMBER 6, 2011**

\* \* \* \* \*

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 11-88 FOR A VARIANCE TO REDUCE THE FRONT SETBACK**

WHEREAS, Caroll Roberts submitted a variance application for the following described property:

Lot 3, Block 15, WINDWARD HEIGHTS No. 6,  
Ramsey County, Minnesota  
*(commonly known as 200 Dawn Avenue)*

WHEREAS, the Development Regulations establish a building setback of 30 feet from the front property line; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 26 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on December 6, 2011 the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The proposed unenclosed porch is a typical feature of detached single-family houses. The proposed setback exceeds that which is permitted for a covered landing. While the proposed size of the structure exceeds the maximum area permitted for a covered landing, the structure will not encroach any further into the yard area than the existing sidewalk/landscaping improvements and so staff believes the proposal represents a reasonable use of the property.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The orientation of the home, facing north, is likely subject to snow build-up on the roof and subsequent melting during the winter months due to the age of the structure and the construction methods employed when the house was constructed. Icing and snow fall on the steps and sidewalk below the eaves presents a safety hazard that will be remedied with the added roof over the steps and sidewalk.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* Nearby houses are located at the minimum 30-foot front setback. The 4-foot encroachment of the covered porch into the required front yard should not alter the character of the neighborhood. Smaller covered landings are may encroach up to 5-feet into the required front yard setback. The visual impact of the porch will be minimized because the porch is not fully enclosed.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 200 Dawn Avenue, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The covered porch shall not be enclosed, unless an amendment is approved to this variance.
4. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 6<sup>th</sup> day of December, 2011

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Larry Feldsien, Chair  
Shoreview Planning Commission

ATTEST:

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Rob Warwick, Senior Planner

ACCEPTANCE OF CONDITIONS:

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Caroll Roberts, 200 Dawn Avenue



## PROPOSED MOTION

**MOVED BY COMMISSION MEMBER:** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER :** \_\_\_\_\_

To adopt Resolution 11-88 approving the variance request submitted by Carroll Roberts for 200 Dawn Avenue to reduce the front setback for a 6- by 19-foot unenclosed front porch, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The covered porch shall not be enclosed, unless an amendment is approved to this variance.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. **Reasonable Manner.** A front porch is a typical feature of detached single-family residences, and so the proposal represents a reasonable use of the property. The proposed setback exceeds the setback that is allowed for a covered stoop, and will not encroach further than the existing sidewalk and landscaping.
3. **Unique Circumstances.** The north facing home is subject to ice accumulation on the front steps and sidewalk during the winter months that represents a safety hazard to the property owner and visitors.
4. **Character of the Neighborhood.** The 4-foot encroachment is less than the setback variation permitted in the City Code and so will not alter the essential character of the neighborhood. The visual impact of the porch will be minimized because the porch is not fully enclosed.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
September 27, 2011

**TO:** Planning Commission

**FROM:** Rob Warwick, Senior Planner

**DATE:** November 30, 2011

**SUBJECT:** Variance and Residential Design Review, Alan and Heather Woldt, 800 County Road I, File No. 2435-11-28

Alan and Heather Woldt have submitted a variance request and a Residential Design Review application for property located at 800 County Road I. The property is a substandard riparian lot located on the north side of Turtle Lake. The applicants propose the demolition of the existing house and construction of a new residence. The proposed house is a 1½-story design with a two-car attached garage. The house will have a full basement.

The variance requests a reduction of the front setback from the 73.7 foot calculated minimum front setback to 45.1 feet for the proposed house. The proposed house is to be located 50 feet from the OHW. The application was complete November 7, 2011.

### **PROJECT DESCRIPTION**

The subject property is a substandard riparian lot located in the R1 – Detached Residential District on the north side of Turtle Lake. The lot area is about 13,222 square feet, and lot width is 90 feet.

The property is currently developed with a one-story house with a full basement and a tuck under garage. The existing house does not conform to the minimum side or OHW setbacks required by City Code.

The proposed house foundation area is 2,380 square feet, including the 506 square foot garage. The proposed exterior finish materials consists of cedar shakes with white trim.

The house is shown with a setback of 45.1 feet from the front lot line. This is less than the front-yard setback range of 73.7 to 93.7 feet that is calculated from the setbacks of the houses on the two adjacent parcels. The house is will be 10-feet from the west side line, 16.5 feet from the east side lot line foot side setbacks and have a height of 29 feet measured peak to lowest grade.

The house will have a full basement with the attached garage at the elevation of the main floor. This will result in grading and filling in the front yard.

A variance is requested to reduce the front setback.

### **DEVELOPMENT CODE REQUIREMENTS**

#### **General Requirements**

The property is located in the R-1 and Shoreland Overlay Districts. In situations where the houses on the adjacent properties are setback more than 40-feet from the front property line, the front setback is determined by the average setback of those houses, plus or minus 10 feet. The resulting range is 73.7 to 93.7 feet from the front lot line. A minimum 50-foot setback is required from the Ordinary High Water (OHW) of Turtle Lake.

A minimum 10-foot side setback is required for living area, except on substandard lake lots when the existing house is setback less than 10 feet. In those instances the existing setback can be used for a single story house.

**Design Standards**

The Development Ordinance requires residential construction on substandard riparian lots to comply with design standards that regulate the height, foundation area and lot coverage in addition to the setbacks noted above. The applicants have designed the project to comply with the adopted standards, except for front setback, as shown in the table below.

<b>Standard</b>	<b>Allowed</b>	<b>Proposed</b>
<b>Lot Coverage</b>	3,967 square feet (30%) Existing = 4,181 square feet	3,819 square feet (28.8%)
<b>Building Height</b>	35 feet	29 feet
<b>Foundation Area</b>	2,380 square feet (18% of lot area)	2,380 square feet (18 %)
<b>Setbacks</b> <b>Front (Street)</b> <b>OHW (Lake)</b> <b>Side</b>	73.7 – 93.7 feet 50 feet 10 feet	45.1 feet ** 50.8 feet 10 feet (west); 16.5 feet (east)
<b>Architectural Mass</b>	Encourage use of natural colors/materials, landscaping.	Natural colored siding (brown shakes), with white trim.

**\*\*Variance required for front setback.**

Six trees will be removed, and four of these are landmark trees. Replacement trees are required at a 1:1 ratio for this size lot and so four replacement trees are required.

**Variance Criteria**

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Comprehensive Plan and Development Ordinance. Practical difficulty is defined as:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

The applicants state that the depth of the lot creates practical difficulties. Without a reduction in the front setback, there is not a feasible building pad for the house, which otherwise complies with City requirements. Please see the attached statement.

### **STAFF REVIEW**

#### **Residential Design Review and Variance**

The staff has reviewed the proposal in terms of the Comprehensive Plan and Development Ordinance requirements for residential design review and variances.

The proposed single family residential use for the property complies with the policies of the Land Use chapter of the Comprehensive Plan, which guides use of this area for low density (0 to 4 units/acre) residential development. The proposed project will not result in a change in land use density or alteration of existing development patterns. Staff finds the project in keeping with the policies outlined in the Comprehensive Plan.

The proposed home has been designed in accordance with the requirements of the Development Code, including residential design standards, except for the front setback, and so the discussion below is focused on the variance criteria.

Staff agrees that practical difficulties are present for the setback variance request. The proposed house and attached garage have a foundation area of 2380 square feet, as allowed by Code, and so staff finds this to represent a reasonable use of the property. Based on the minimum 73.7 foot front and 50 foot OHW setbacks, the resulting building pad has a depth of about 12 feet on the west side and 25 feet on the east side of the lot and has an area less than 1,300 square feet. This pad is very narrow and is not sufficient for the 2380 square foot foundation area (18% of lot area) permitted by Code on this 13,200 square foot lot. See the attached survey showing the existing conditions and minimum setback lines.

The existing dwelling on the subject and adjacent properties are all located about 25 feet from the OHW, well below the 50-foot minimum. The house to the west was substantially remodeled in 2003 and so will likely remain as-is for the foreseeable future. The house to the east is a 624 square foot dwelling constructed in 1944. Should redevelopment on either of these adjacent properties occur in the future, staff expects new construction will comply with the minimum required OHW setback.

The front setback calculation is based on the principal structures on the adjacent lots. The small house to the east is not only located near the OHW, but that property is also deeper than the subject property due to the curving shore of the lake. This combination of circumstances results in a large front setback that increases the minimum front setback for the subject property.

While less than the calculated front setback, the proposed 45.1 foot front setback does exceed the 40-foot minimum setback specified by Code from an arterial street. In staff's opinion, a 2380 square foot building pad located in compliance with the OHW setback requirement and the minimum 40 foot arterial setback is a reasonable proposal to address the unique circumstances presented for this property.

Staff believes that the character of the neighborhood will not be altered by granting the variance. The proposed house with a 45-foot front setback is located along a street that is characterized by lack of a consistent alignment pattern for principal and accessory structures. See the attached neighborhood map.

### **House Elevation and Grading**

As noted above, the existing and proposed houses each have a full basement, and to accommodate the attached garage at the grade elevation of the main floor, grading and fill will occur in the front yard. The maximum depth of fill will be less than 4 feet nearest the new house, and tapering to existing grade elevations near the front lot line. Grading work in the right-of-way is subject to the approval of Ramsey County Public Works.

Despite its proximity to Turtle Lake, this property is located in the watershed of the County Ditch 8. Low floor elevations for areas that are not located in a special flood hazard area are reviewed based on the City's Surface Water Management Plan. The house is proposed with a full basement with a low floor of 889.0. This exceeds the minimum 888.4 foot elevation that is required by the City.

The Assistant City Engineer has reviewed the grading and drainage plan and found it acceptable, provided that gutters and downspouts direct discharge to the front and lakeside yards, not to side yards.

### **SHORELAND MITIGATION**

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. The applicant has identified three practices will be implemented: Architectural Mass, removal of a non-conforming structure and reduction in impervious surface area. City Code requires two practices, and so this project exceeds requirements. A mitigation affidavit is required.

### **PUBLIC COMMENT**

Property owners within 150 feet of the parcel were notified of this request. No comments have been submitted.

### **AGENCY COMMENT**

Rice Creek Watershed District (RCWD) commented that the project requires a permit from the RCWD. The applicant has applied to the RCWD for a permit. As noted above, RCWD staff identified that high water conditions may impact the basement. See the attached comment.

### **STAFF RECOMMENDATION**

Staff believes the requested variance to reduce the front setback complies with the policies of the Comprehensive Plan, meets the spirit and intent of the Development Regulations, and so recommends approval. Practical difficulties are present due to the lot depth and the minimum setbacks that limit the size of the building pad.

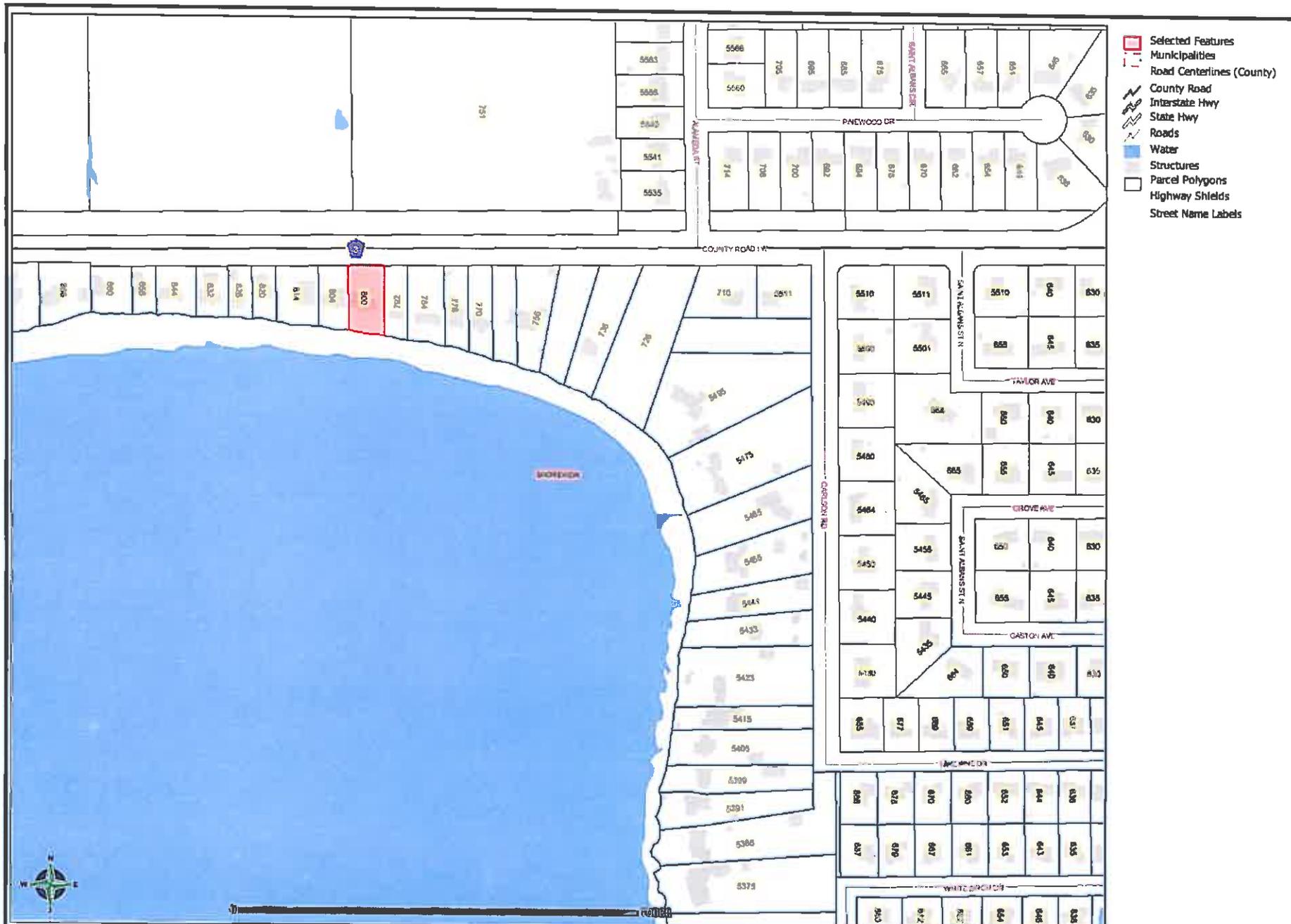
Resolution 11-87 reflects this, and is recommended for adoption by the Planning Commission, approving the variance request. If the Planning Commission supports the variance, the Residential Design Review application is recommended for approval, all subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%. Building height shall not exceed 35-feet, measured peak to lowest grade within 5 feet of the foundation.
4. An erosion control plan shall be submitted with the building permit application, and implemented and maintained during construction.
5. Gutters and downspouts shall discharge runoff into the front and lakeside yards only, and not into either side yard.
6. Four landmark trees will be removed and four replacement trees are required. A surety deposit to insure installation of these trees shall be submitted prior to issuance of a building permit for the new dwelling.

7. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.
8. The project is subject to the permitting requirements of the Rice Creek Watershed District, and the applicant shall obtain RCWD permits prior to issuance of a building permit for the new house.
9. All work within the right-of-way of County Road I is subject to the permitting requirements of Ramsey County Public Works.
10. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins on the new house.

Attachments:

- 1) Location Map
- 2) Submitted plans
- 3) Comments
- 4) Resolution No. 11-87
- 5) Proposed Motion



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (October 31, 2011), The Lawrence Group; October 31, 2011 for County parcel and property records data; October 2011 for commercial and residential data; April 2009 for color aerial imagery;

Re: Variance for proposed property to be built at 800 County Rd I, Shoreview

To Whom It May Concern:

We are seeking a variance for our property based on certain practical difficulties. What we are looking for is a 40 foot setback relative to County Road I (arterial line). The overall depth of the lot creates unique circumstances that necessitate this variance in order to comply with the 50 foot lakeside setback and allow for the lot to be used in a reasonable manner with a realistic building pad. We've made sure to comply with all other city code and worked diligently to ensure we are within the 18% allowable foundation allotment. As part of our overall design plan we have taken special care to develop a plan that fits well with the current character of the neighborhood and is in line with adjacent structures.

Thank you for your consideration.

Alan, Heather, Paige (13), and Tommy (9) Woldt

Re: Shoreland Mitigation Plan for proposed property to be built at 800 County Rd I, Shoreview.

To Whom It May Concern:

Our plan would include the following:

**Architectural Mass:** The exterior of the home, including siding, roofing, doors and windows will all be natural earth tones such as tan, gray, or brown and use materials such as wood, natural composite, and stone. The house will be built so as not be a distraction from the beauty of the lake and walking trails.

**Removal of Nonconforming Structure:** Our plan is to remove the existing house and garage and put up a structure that complies with the 50 foot lake setback.

**Reduction of Impervious Surface Coverage:** The current total impervious coverage is 32.1%. Included in our proposal is a reduction of at least 210 sq ft (5%). We are also exploring the use of roof-water catch basins to help reduce impervious coverage and mitigate run-off.

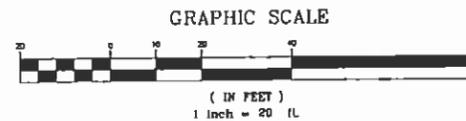
Our goal is to greatly improve upon the current overall aesthetic of this property, to build a modest home that fits the needs of our family, and to maximize the beauty of the lake and its surroundings in a manner in which the city and our family would be proud.

Thank you for your consideration.

Alan, Heather, Paige (13), and Tommy (9) Woldt

# CERTIFICATE OF SURVEY

~for~ ALAN WOLDT  
~of~ 800 COUNTY ROAD I



NORTH

## PROPERTY DESCRIPTION:

West Half of Lot 13, and all of Lot 12, TURTLE LAKE SHORES, Ramsey County, Minnesota

## PROPOSED ELEVATIONS:

(6' POURED WALL FULL BASEMENT)  
TOP OF BLOCK = 896.7  
GARAGE FLOOR = 896.3  
LOWEST FLOOR = 889.0  
TOP OF FOOTING = 888.7  
(DIAGONAL: 90.04 X 40.00 = 98.53)

## BENCHMARK

Ramsey County Bench Mark on outlet dam (point mark on right corner of upstream end of the right abutment located in SE corner of yard at address #5424 Lake Drive. Elevation = 893.07

## LEGEND:

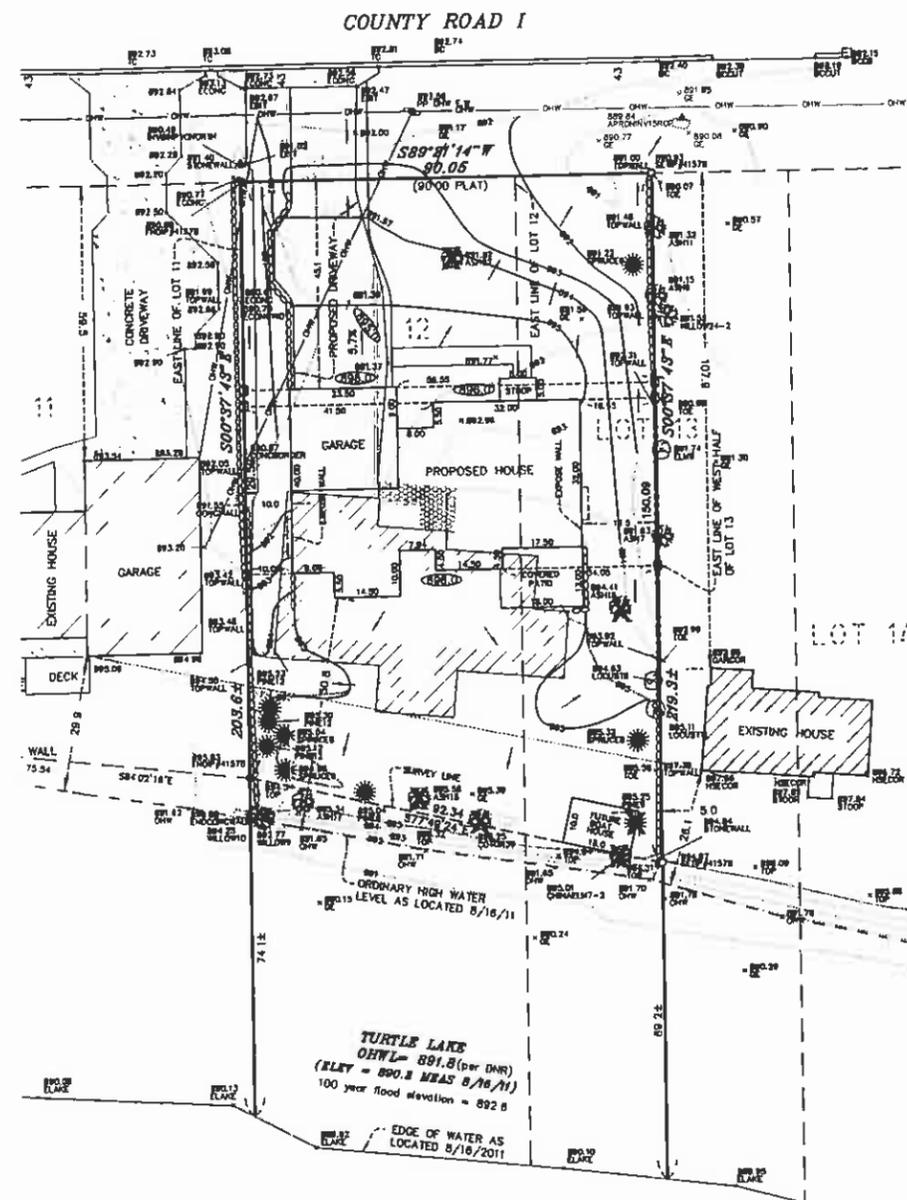
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN
- DENOTES POWER POLE
- DENOTES EXISTING SPOT ELEVATION (SHOT 8/16/11)
- DENOTES STORM SEWER APRON
- DENOTES RETAINING WALL
- DENOTES EXISTING 1 FOOT CONTOUR
- DENOTES OVERHEAD WIRE
- DENOTES EXISTING TREE AS LABELED
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES PAVERS
- X DENOTES EXISTING TREE TO BE REMOVED

## PROPOSED IMPERVIOUS SURFACE AREA

TOTAL LOT AREA ABOVE OHWL = 13,222 SF  
PROPOSED HOUSE, COVERED PATIO AND STOOP = 2593 SF  
PROPOSED DRIVEWAY = 942 SF  
PROPOSED SIDEWALK = 134 SF  
PROPOSED FUTURE BOAT HOUSE = 150 SF  
TOTAL PROPOSED IMPERVIOUS AREA = 3819 SF  
IMPERVIOUS COVERAGE = 28.8%

## EXISTING IMPERVIOUS SURFACE AREA

AREA ABOVE OHWL = 13,222 S.F. (0.30 ACRES)  
Existing House = 2,022 s.f.  
Existing Driveway = 2,042 s.f.  
Existing Pavers = 117 s.f.  
Total Impervious Surface = 4,181 s.f. or 32% of lot



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Jason E. Rud*  
JASON E. RUD

Date: 11/7/11 License No. 41578



**E.G. RUD & SONS, INC.**  
EST. 1877 Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com

DRAWN BY: BAB	JOB NO: 113958T	DATE: 10/26/11	
CHECK BY: JER	SCANNED <input type="checkbox"/>		
1	11/7/11	ADD PROP HSE AND GRADES BAB	
2			
3			
NO.	DATE	DESCRIPTION	BY



**WOLDT, ALAN AND HEATHER**  
**SHOREVIEW, MN**

**PROJECT DESCRIPTION**  
NEW CONSTR.   
REMODEL   
ADDITION

**PROJECT INFO**

**SQUARE FOOTAGE BREAKDOWN**

MAIN FLOOR	187
UPSTAIRS	122
SCREENED PORCH	-
SCREENED PATIO	20
TOTAL SQ. FT.	329

**TOTAL HARDWARE**

187  
SICL, GARAGE FLOOR, CHAIRLIFT

**PRELIM. PLANS**

7-18-11

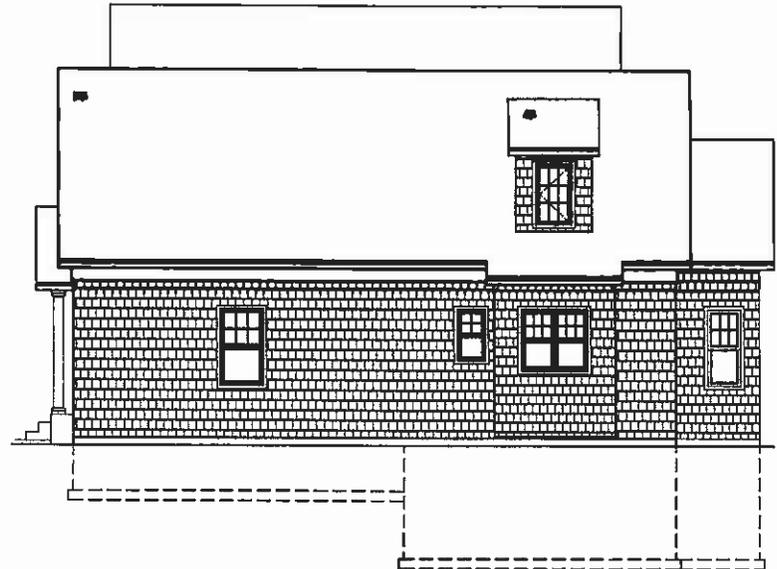
**REVISION DATES**

NO.	DATE	DESCRIPTION
1	8-28-11	
2	9-20-11	
3	11-2-11	
4	11-4-11	
5		
6		
7		
8		
9		
10		

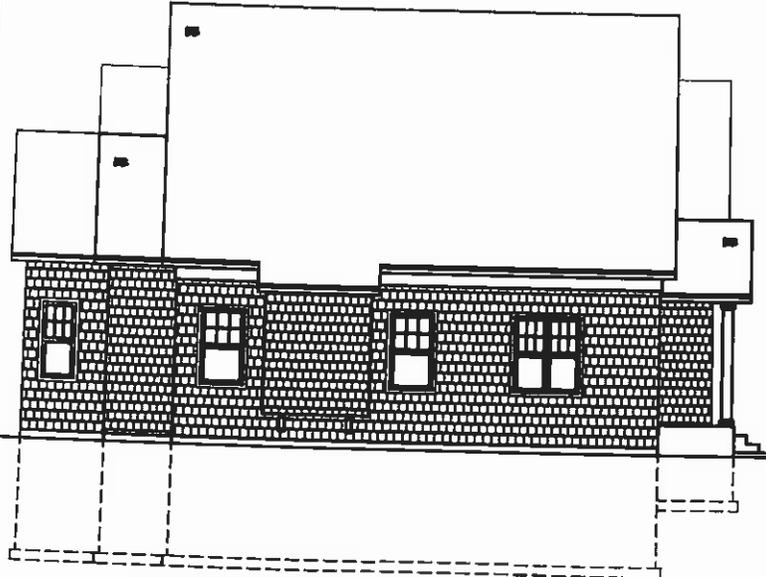
**SHEET**



**FRONT ELEVATION**  
1/4" = 1'-0"



**EAST SIDE ELEVATION**  
1/4" = 1'-0"



**WEST SIDE ELEVATION**  
1/4" = 1'-0"



**REAR ELEVATION**  
1/4" = 1'-0"

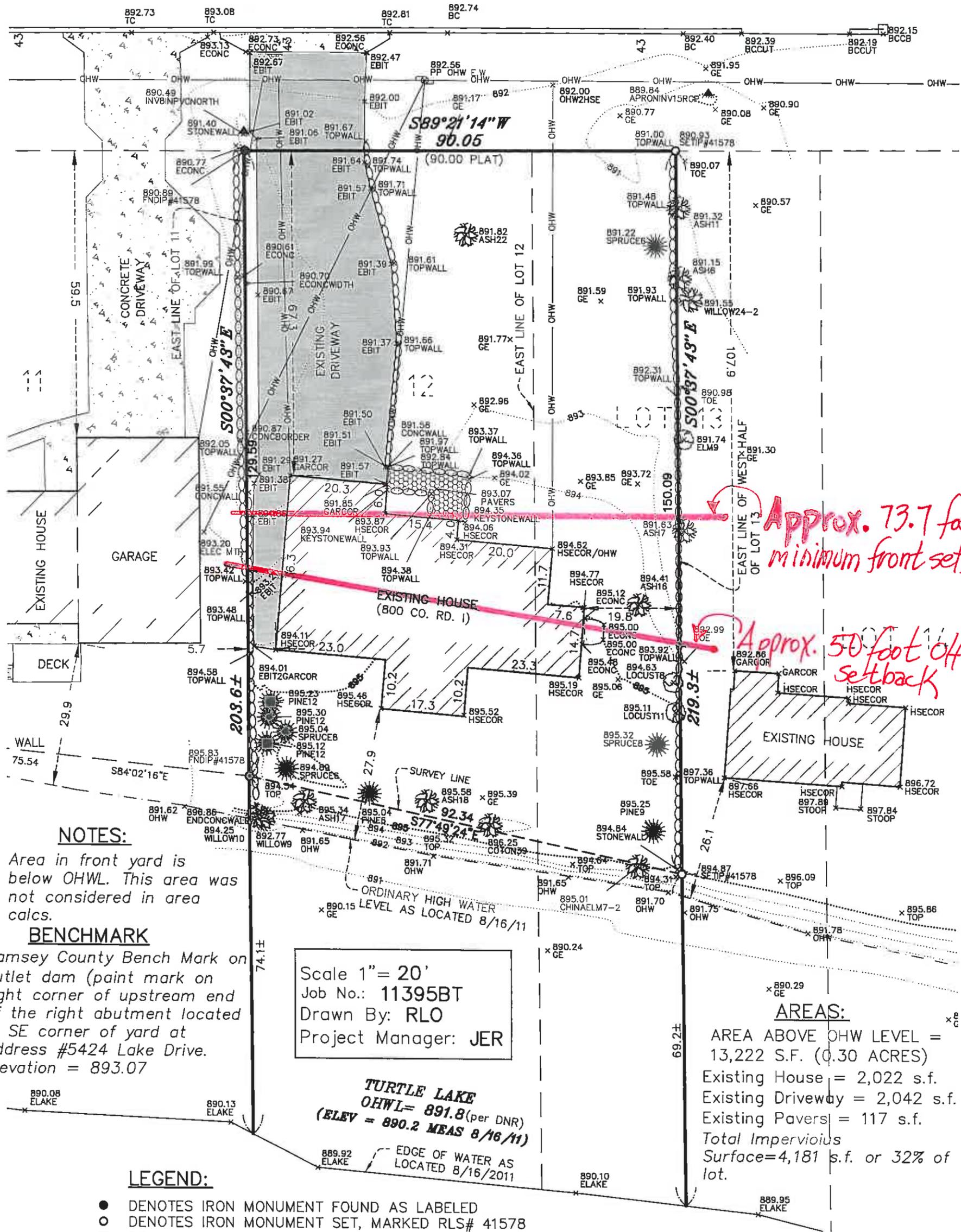
# CERTIFICATE OF SURVEY ~for~ALAN WOLDT

**E. G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com

## PROPERTY DESCRIPTION:

West Half of Lot 13, and all of Lot 12,  
 TURTLE LAKE SHORES, Ramsey County,  
 Minnesota.

## COUNTY ROAD 1



*Approx. 73.7 foot minimum front setback*

*Approx. 50 foot OHW setback*

### NOTES:

Area in front yard is below OHWL. This area was not considered in area calcs.

### BENCHMARK

Ramsey County Bench Mark on outlet dam (paint mark on right corner of upstream end of the right abutment located in SE corner of yard at address #5424 Lake Drive. Elevation = 893.07

Scale 1" = 20'  
 Job No.: 11395BT  
 Drawn By: RLO  
 Project Manager: JER

**TURTLE LAKE**  
 OHWL = 891.8 (per DNR)  
 (ELEV = 890.2 MEAS 8/16/11)

### AREAS:

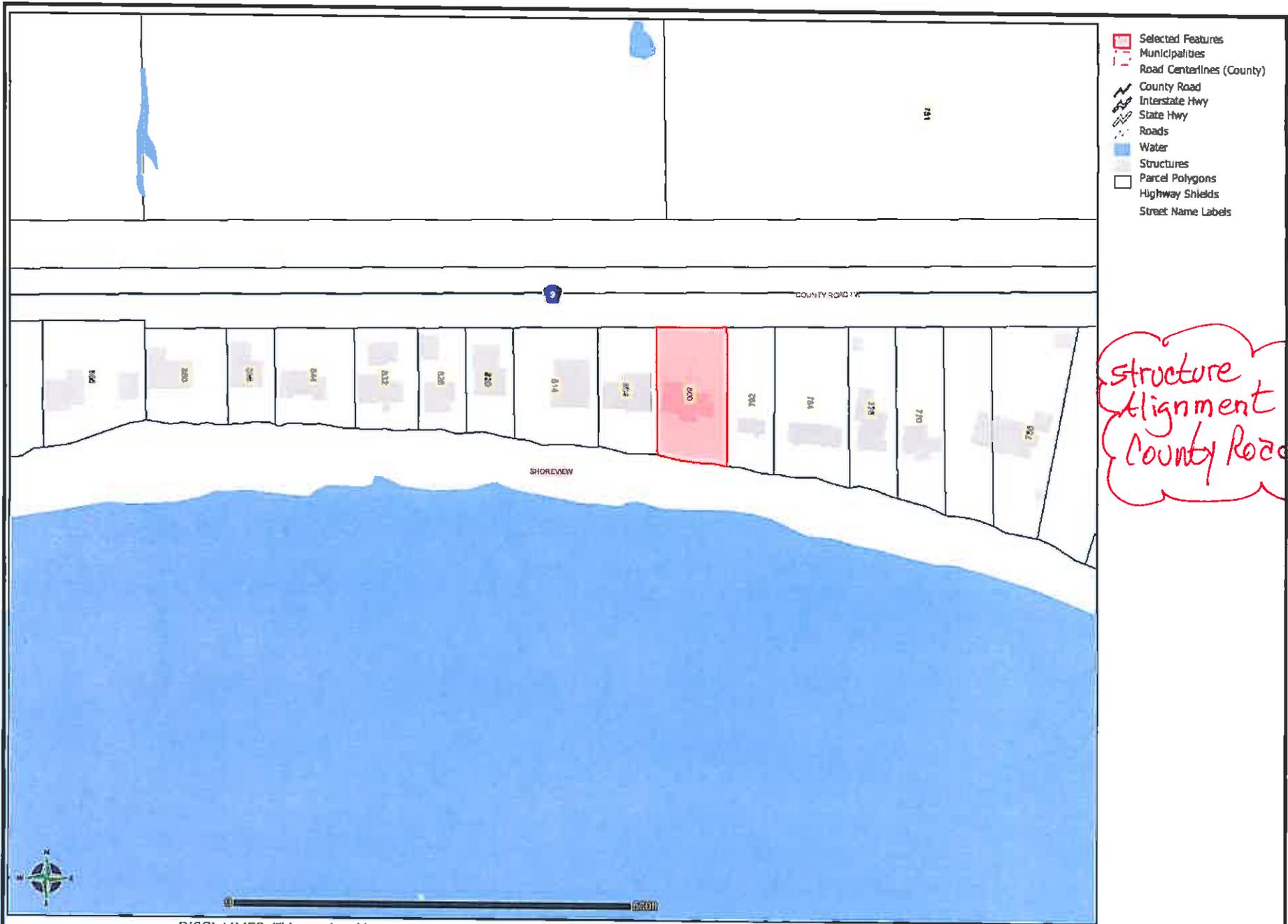
AREA ABOVE OHW LEVEL = 13,222 S.F. (0.30 ACRES)  
 Existing House = 2,022 s.f.  
 Existing Driveway = 2,042 s.f.  
 Existing Pavers = 117 s.f.  
 Total Impervious Surface = 4,181 s.f. or 32% of lot.

### LEGEND:

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN
- ⊕ DENOTES POWER POLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION (SHOT 8/16/11)
- ◀ DENOTES STORM SEWER APRON

I hereby certify that this survey, plan or report was prepared by me or under

*Existing conditions with Front and OHW minimum setbacks*



structure alignment along County Road I.

DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (October 31, 2011), The Lawrence Group: October 31, 2011 for County parcel and property records data; October 2011 for commercial and residential data; April 2009 for color aerial imagery;

**ROBERT WARWICK - RE: 800 County Road I, City of Shoreview**

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**From:** Kyle Axtell <KAxtell@ricecreek.org>  
**To:** ROBERT WARWICK <rwarwick@SHOREVIEWMN.GOV>  
**Date:** 11/21/2011 11:12 AM  
**Subject:** RE: 800 County Road I, City of Shoreview

---

Rob,

Here is the official comment from RCWD:

"This project will require a RCWD permit. Of particular note are RCWD's low-floor elevation requirements. While the proposed home is riparian to Turtle Lake, placement of the home on the north side of the existing natural ridge puts it outside of the Turtle Lake watershed and inside the Ramsey County Ditch 8 (RCD 8) watershed. The RCD 8 watershed has a RCWD regulatory 100-year floodplain elevation of 886.1 feet, and a minimum low-floor elevation requirement of 888.1 feet which the home will be subject to. The RCWD cautions the landowner, however, that Turtle Lake itself has a 100-year floodplain elevation of 893.0 feet. Given the structure's close proximity to Turtle Lake, under high-water conditions there may possibly be groundwater movements to the north from Turtle Lake that could lead to a wet basement if the low-floor is installed at 888.1 feet without proper protections. The City and landowner should be aware of this possibility."

Kyle Axtell  
Water Resource Specialist  
Rice Creek Watershed District  
4325 Pheasant Ridge Dr. NE #611  
Blaine, MN 55449-4539  
P: (763) 398-3072  
F: (763) 398-3088  
E: [kaxtell@ricecreek.org](mailto:kaxtell@ricecreek.org)

**From:** MARK MALONEY  
**To:** WARWICK, ROBERT; WESOLOWSKI, TOM  
**Date:** 11/21/2011 1:16 PM  
**Subject:** Fwd: RE: 800 County Road I, City of Shoreview

I concur with the observations and ultimately with the suggestion that the landowner be aware that groundwater elevations would be problematic with sustained high water levels of Turtle Lake, and that the homeowner may want to install measures that could help minimize groundwater impacts on the lower level of the home.

Mark J. Maloney, P.E.  
Shoreview Public Works Director/City Engineer  
mmaloney@shoreviewmn.gov  
wk: 651-490-4651  
fax: 651-490-4696

Robert Warwick <[rwarwick@shoreviewmn.gov](mailto:rwarwick@shoreviewmn.gov)>

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## Building permit application comments

1 message

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**TOM WESOLOWSKI** <[TWESOLOWSKI@shoreviewmn.gov](mailto:TWESOLOWSKI@shoreviewmn.gov)>

Wed, Nov 30, 2011 at 10:01 AM

To: [rwarwick@gapps.shoreviewmn.gov](mailto:rwarwick@gapps.shoreviewmn.gov)

Rob,

200 Dawn Avenue - No comments

800 County Road I - As per the discussion we had about the house it appears that they are doing a good job handling drainage. Any downspouts should discharge to either the front or back of the house and not to the sides.

3244 Owasso Heights Road - As per our discussion the homeowner should address how they are going to handle run-off from the driveway and make sure erosion does not occur at the end of the driveway.

Please contact me if you have any questions or comments.

—

Tom Wesolowski  
Assistant City Engineer  
City of Shoreview  
[twesolowski@shoreviewmn.gov](mailto:twesolowski@shoreviewmn.gov)  
Direct Tel: 651-490-4652  
Fax: 651-490-4696



c. Reduction of Impervious Surface Area. Pursuant to Section 209.080 (M1e) of the Municipal Code, the applicant will reduce the area of impervious surface coverage on the property. The impervious areas are illustrated on a site plan located in City of Shoreview Planning File Number 2435-11-28.

3. The mitigation practices identified in item #2 above shall be completed by December 7, 2012 unless an extension is administratively approved by the City of Shoreview. The mitigation practices shall be maintained unless said requirement is rescinded by the City of Shoreview. Said mitigation may be rescinded if a building permit is not issued for the development project for which said mitigation is required.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Alan Woldt

\_\_\_\_\_  
Heather Woldt

STATE OF MINNESOTA        )  
  ) SS  
COUNTY OF RAMSEY        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD DECEMBER 6, 2011**

\* \* \* \* \*

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 PM.

The following members were present:

And the following members were absent:

Member \_\_\_\_\_ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 11-87 FOR A VARIANCE TO REDUCE THE FRONT SETBACK**

WHEREAS, Alan and Heather Woldt submitted a variance application for the following described property:

West Half of Lot 13, and all of Lot 12, TURTLE LAKE SHORES,  
Ramsey County, Minnesota  
*(commonly known as 800 County Road I)*

WHEREAS, the Development Regulations establish a building setback range of 73.7 feet to 93.7 feet from the front property line based on the setback of the homes on the adjacent lots; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 45.1 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by state law and the City of Shoreview Development Regulations to make final decisions on variance requests.

WHEREAS, on December 6, 2011 the Shoreview Planning Commission made the following findings of fact:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* A single-family dwelling with attached garage having a foundation area of 18% of lot area is a reasonable use of this substandard riparian lot.
2. *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* The size and location of the houses on the adjacent parcels affect the front setback for the subject property and create unique circumstances with a small, shallow building pad.
3. *The variance, if granted, will not alter the essential character of the neighborhood.* Principal and detached accessory structures are located with varying front setbacks along County Road I, so the 45-foot front setback for the subject property will not alter the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 800 County Road I, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%. Building height shall not exceed 35-feet, measured peak to lowest grade within 5 feet of the foundation.
4. An erosion control plan shall be submitted with the building permit application, and implemented and maintained during construction.
5. Gutters and downspouts shall discharge runoff into the front and lakeside yards only, and not into either side yard.

6. Four landmark trees will be removed and four replacement trees are required. A surety deposit to insure installation of these trees shall be submitted prior to issuance of a building permit for the new dwelling.
7. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.
8. The project is subject to the permitting requirements of the Rice Creek Watershed District, and the applicant shall obtain RCWD permits prior to issuance of a building permit for the new house.
9. All work within the right-of-way of County Road I is subject to the permitting requirements of Ramsey County Public Works.
10. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins on the new house.

The motion was duly seconded by Member \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 6<sup>th</sup> day of December, 2011

\_\_\_\_\_  
Larry Feldsien, Chair  
Shoreview Planning Commission

ATTEST:

\_\_\_\_\_  
Rob Warwick, Senior Planner

ACCEPTANCE OF CONDITIONS:

\_\_\_\_\_  
Alan Woldt, 800 County Road I

\_\_\_\_\_  
Heather Woldt, 800 County Road I



**PROPOSED MOTION  
TO APPROVE THE VARIANCE AND RESIDENTIAL DESIGN REVIEW  
APPLICATIONS FOR 800 COUNTY ROAD I**

**MOVED BY COMMISSION MEMBER \_\_\_\_\_**

**SECONDED BY COMMISSION MEMBER \_\_\_\_\_**

To adopt Resolution 11-87 approving the variance request and to approve the Residential Design Review application for 800 County Road I, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review/Variance applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%. Building height shall not exceed 35-feet, measured peak to lowest grade within 5 feet of the foundation.
4. An erosion control plan shall be submitted with the building permit application, and implemented and maintained during construction.
5. Gutters and downspouts shall discharge runoff into the front and lakeside yards only, and not into either side yard.
6. Four landmark trees will be removed and four replacement trees are required. A surety deposit to insure installation of these trees shall be submitted prior to issuance of a building permit for the new dwelling.
7. The mitigation plan shall be completed within one year of this approval date. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new home.
8. The project is subject to the permitting requirements of the Rice Creek Watershed District, and the applicant shall obtain RCWD permits prior to issuance of a building permit for the new house.
9. All work within the right-of-way of County Road I is subject to the permitting requirements of Ramsey County Public Works.
10. The approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins on the new house.

This approval is based on the following findings:

1. The proposal is consistent with the policies of the Comprehensive Plan.
2. The proposal meets the review criteria for a variance:
  - a. *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. A single-family dwelling with attached garage having a foundation area of 18% of lot area is a reasonable use of this substandard riparian lot.*
  - b. *The plight of the property owner is due to circumstances unique to the property not created by the property owner. The size and location of the houses on the adjacent parcels affect the front setback for the subject property and create unique circumstances with a small, shallow building pad.*
  - c. *The variance, if granted, will not alter the essential character of the neighborhood. Principal and detached accessory structures are located with varying front setbacks along County Road I, so the 45-foot front setback for the subject property will not alter the character of the neighborhood.*
3. The proposed dwelling and attached garage conform to the adopted City standards for development on a substandard riparian lot located in the R1 and Shoreland Overlay Districts.

**VOTE:**

**AYES:**

**NAYS:**

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** November 30, 2011  
**SUBJECT:** Residential Design Review: Pat O'Connell, 3244 Owasso Heights Road, File No. 2437-11-30

## **INTRODUCTION**

Pat O'Connell submitted a Residential Design Review application for property located at 3244 Owasso Heights Road. The property is a substandard riparian lot located on the west side of Lake Owasso. The property is currently developed with a 1 ½ story house and attached garage. The plans propose demolition of the existing structure and construction of a new one-story house, with a lower level walk-out, and a two car attached garage. The application was complete November 10, 2011.

## **PROJECT DESCRIPTION**

The subject property is a substandard riparian lot located in the R1 - Detached Residential District on the west side of Lake Owasso. The lot is 15,609 square feet in area. The lot has a width of 75 feet at the front lot line and at the Ordinary High Water (OHW). The lot elevation drops about 43 feet from the street to the lake, and there is a bluff present above the lakeshore. The municipal sanitary sewer line is located between the existing house and the top of the bluff.

The property has mature trees above the bluff-line. The bluff itself is characterized by a dense growth of small trees, which are dominantly less desirable species (Siberian elm and box elder).

The applicants propose construction of a 1,836 square foot one-story house, with a lower level walk-out. A 710 sq. ft. 2-car attached garage is proposed, with a total foundation area for the project of about 2,550 square feet. The existing driveway does not conform to the 5-foot minimum setback from the south side lot line. The drive will be retained, with expansion only on the north, and so utilizes the existing grade and minimizing disturbance of the slope and vegetation adjacent to the street. See the attached plans.

## **DEVELOPMENT CODE REQUIREMENTS**

The Development Ordinance requires residential construction on substandard riparian lots to comply with design standards that have been adopted by the City and minimum setbacks.

The minimum front and OHW setbacks are calculated based on the setbacks of the principal structure of the houses on the adjoining parcels. The lot to the north is vacant and pursuant to Code a 30-foot front and 50-foot OHW setback are used in the calculations for this lot. The

proposed 48.6 foot setback from the street and the 72 foot OHW setback comply with the calculated setback requirements. The house and deck will be setback 34 feet from the top of the bluff.

The proposed house and garage also comply with the minimum side setbacks, with living area at least 10 feet, and the garage setback 5 feet from the side lot lines.

The proposed project also complies with the design standards for height, lot coverage, foundation area and architectural mass, as shown in the table below.

<b>Standard</b>	<b>Allowed</b>	<b>Proposed</b>
<b>Lot Coverage</b>	4,682.7 square feet (30%) (Existing = 3,207 square feet)	4,094 square feet (26.2%)
<b>Building Height</b>	35 feet	32.25 feet
<b>Foundation Area</b>	2,809 square feet (18% of lot area)	2,546 square feet ( 16.3%)
<b>Setbacks</b>		
<b>Front</b>	38.5 – 58.5 feet	48.6 feet
<b>OHW (Lake)</b>	61.35 – 81.35 feet	72 feet
<b>Bluff</b>	30 feet	34 feet
<b>Side</b>	10 feet – Living Area 5 feet –Garage Area	10.0 feet 5.0 feet (north)
<b>Architectural Mass</b>	Encourage use of natural colors/materials, landscaping.	Cedar shake and lap siding in brown earth tones.

House height is measured from the highest peak to the lowest grade, which will be on the lakeside at the walk-out level. The proposed house will have a 32.3 foot height.

One landmark tree will be removed as a result of the project. On lots with an area of less than 20,000 square feet, one replacement tree is required for each landmark tree removed, and so one replacement tree is required. Protective fencing and wood chips are necessary to minimize impact on retained trees. A tree protection plan shall be submitted for approval prior to issuance of a building permit, installed prior to construction, and maintained on the site work has been completed.

Site drainage will be managed with drainage swales along each side lot line. An infiltration basin/rain garden will be installed west of the attached garage, and will reduce runoff volume.

The staff has reviewed the proposal and found that the proposed home has been designed in accordance with the design standards and other provisions of the City Code.

### **SHORELAND MITIGATION**

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. The applicants have identified they will use Architectural Mass and Infiltration as the two mitigation practices. The applicants are required to enter into a Mitigation Agreement with the City.

### **PUBLIC COMMENT**

Property owners within 150 feet of the parcel were notified of this request. One comment (attached) has been submitted expressing concerns about site drainage, landscaping, tree protection and the location of the driveway.

### **STAFF RECOMMENDATION**

Staff recommends approval of the Residential Design Review for the project, as the proposal complies with the adopted standards, subject to the following conditions:

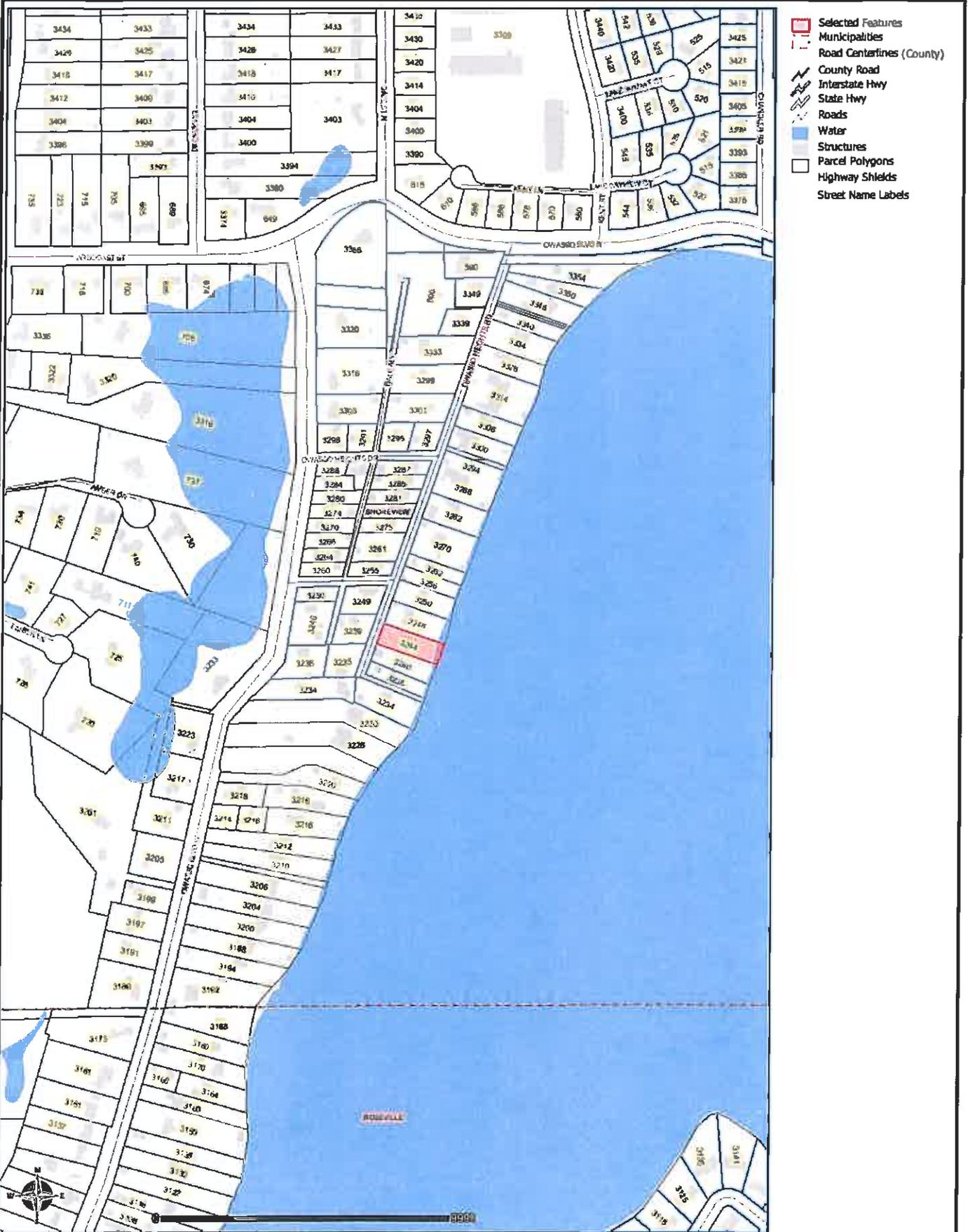
1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and one replacement tree is required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. A final site grading plan and an erosion control plan shall be submitted with the building permit application and implemented during construction of the new residence.
7. Removal of vegetation on the bluff is subject to review and approval of the City Planner prior to removal of any trees from the bluff pursuant to City Code.

8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any construction activity begins.
10. This approval is subject to a 5-day appeal period.

Attachments:

- 1) Location Map
- 2) Submitted plans
- 3) Comments
- 4) Mitigation Affidavit
- 5) Proposed Motion

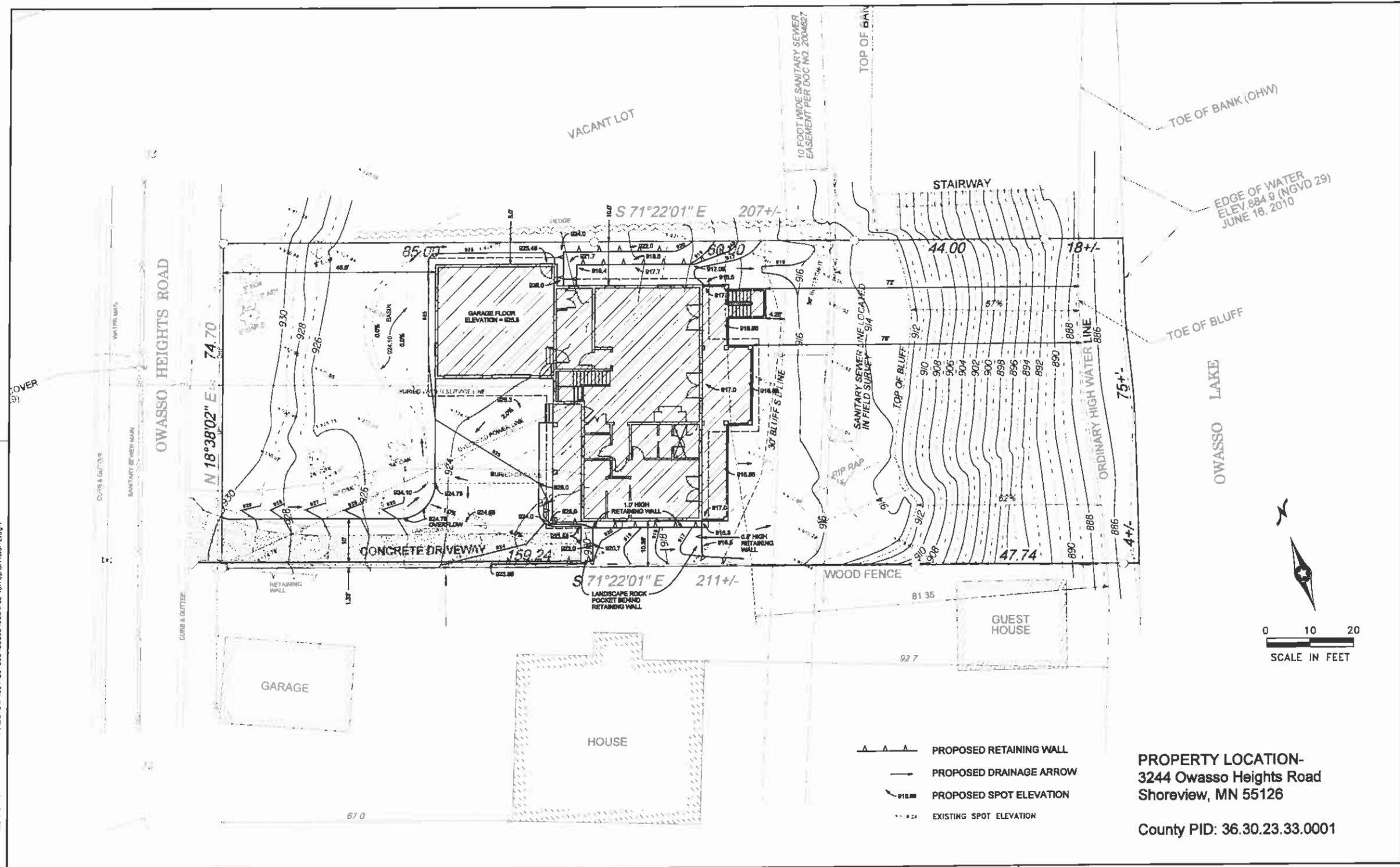
t:/2011 pcf/2437-11-30 3244 owasso hgt road/pc report.doc



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.  
 SOURCES: Ramsey County (October 31, 2011), The Lawrence Group: October 31, 2011 for County parcel and property records data; October 2011 for commercial



3244 Owasso  
Hghts Rd



P:\0\c\c\p\0\1\0217030\Sec16\004980\site\report\0817E.dgn

5/24/13 PM

2/1/2014

NO.	DATE	REVISIONS

DESIGNED  
MN  
DRAWN  
MN  
CHECKED  
SD

11 N. 7TH AVENUE  
SUITE 100  
ST CLOUD, MN 56303

1120 INDUSTRIAL  
PARK ROAD SW  
BRAINERD, MN 56401

**KLD** KRAMER LEAS DELEO  
BRAINERD ST. CLOUD  
SURVEYING • ENGINEERING • PLANNING • ENVIRONMENTAL

DATE: 12/1/2011

**SITE PLAN FOR PAT & JACKIE O'CONNELL**  
SHEET 1 OF 1

PROPERTY LOCATION-  
3244 Owasso Heights Road  
Shoreview, MN 55126  
County PID: 36.30.23.33.0001







Robert Warwick <[rwarwick@shoreviewmn.gov](mailto:rwarwick@shoreviewmn.gov)>

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## 3244 Owasso Heights Road

1 message

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**TOM WESOLOWSKI** <[TWESOLOWSKI@shoreviewmn.gov](mailto:TWESOLOWSKI@shoreviewmn.gov)>

Thu, Dec 1, 2011 at 9:57 AM

To: [rwarwick@gapps.shoreviewmn.gov](mailto:rwarwick@gapps.shoreviewmn.gov)

Rob,

As per our discussion, the proposed grading plan does address run-off from the site and driveway by directing it into low areas and well defined swales on the property and away from adjacent properties. I would suggest that the owner leave the concrete driveway in place during construction to act as a construction entrance and keep material from tracking into the street.

Please contact me if you have any questions and/or comments.

—

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29 November 2011

To: Rob Warwick, Shoreview Senior Planner  
Fr: Kirk Horsted and Kyia Downing, 3240 Owasso Heights Road  
Re: 3244 Owasso Heights Road  
Comments for Residential Design Review

- 1) **Water run-off.** 3244 can slope into our property (southside), and at times water has caused damage and leaking (in our 1929 boathouse), despite many efforts on our side including gutters, retaining walls, and plantings—and efforts by 3244. Our hope is that the renovation will include considerable attention to this on-going risk, especially on the lakeside hill—where a gulley has formed and the plan appears to contain a rock “dry creek.”
- 2) **Driveway on the property line.** Presently, 3244 includes a driveway that runs from the street to the lakeside (eastside) of the house, directly on the property line. The plans appear to replicate this feature, with no changes for setback, water control, or vegetation. If possible, we welcome consideration of other possible solutions that might increase privacy for all parties, improve run-off management, and reduce noise by our bedroom. Is there no code regarding this? A setback space might also benefit the oaks, shrubs, and other plantings, as noted below. It is also unclear whether the driveway will be paved or not, and what surface will connect the driveway to the upper, double garage.
- 3) **Oak tree care.** Three or four oak trees stand close to the property line on our side, and are likely to suffer damage from demolition, digging, heavy trucks, and more. (Elsewhere on our property, we already have two dying oaks undergoing expensive treatments for damages related to construction projects.) So we simply request careful treatment of the trees and root systems, for the benefit of all properties, and again question a driveway on the property line running about three-fourths the length of the property.
- 4) **Current versus proposed footprint/setback.** We are wondering how the proposed structure compares to the current home in terms of lake-side setback. Is it moving closer to the lake? It appears the two-story deck with bump-out will move into our view and compromise privacy for all parties, with no indication of improved foliage or other privacy solution. It was our understanding that Shoreview had codes in place that limited building closer to the lake and/or closer than your neighbors’ footprints.

Thanks to Shoreview and our kind neighbors for your consideration. The house plans look wonderful (and we are willing to discuss a trade).

## PROPOSED MOTION

**MOVED BY COMMISSION MEMBER** \_\_\_\_\_

**SECONDED BY COMMISSION MEMBER** \_\_\_\_\_

To approve residential design review application submitted by Pat O'Connell for 3244 Owasso Heights Road, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Residential Design Review application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. Impervious surface coverage shall not exceed 30% of the total lot area as a result of this project. Foundation area shall not exceed 18%.
4. One landmark trees will be removed as a result of the development, and one replacement tree is required. A cash surety to guarantee the replacement tree shall be submitted prior to issuance of a building permit.
5. A tree protection plan shall be submitted prior to issuance of a demolition permit. The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
6. A final site grading plan and an erosion control plan shall be submitted with the building permit application and implemented during construction of the new residence.
7. Removal of vegetation on the bluff is subject to review and approval of the City Planner prior to removal of any trees from the bluff pursuant to City Code.
8. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
9. A building permit must be obtained before any construction activity begins.
10. This approval is subject to a 5-day appeal period.

The approval is based on the following finding:

1. The proposal complies with the adopted standards for construction on a substandard riparian lot.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting – December 6, 2011

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