

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: September 25, 2018
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

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

2. APPROVAL OF MINUTES
August 28, 2018

3. REPORT ON CITY COUNCIL ACTIONS
*Meeting Date: September 4, 2018 and September 17, 2018
Brief Description of Meeting process- Chair John Doan*

4. NEW BUSINESS

A. STANDARD VARIANCE*
*FILE NO: 2698-18-18
APPLICANT: Atilano's Remodeling
LOCATION: 705 Schifsky Road*

B. MINOR SUBDIVISION/ STANDARD VARIANCE*
*FILE NO: 2705-18-25
APPLICANT: Tom McGough
LOCATION: 736 County Road I W*

5. MISCELLANEOUS

- A.** *Planning Commission workshop after meeting*
- B.** *City Council Meeting Assignments*
 - *October 1, 2018 - Commissioner Yarusso, October 15, 2018- Commissioner Solomonson.*

6. ADJOURNMENT

** These agenda items require City Council review or action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward the application to City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at City Council, please check the City's website at www.shoreviewmn.gov or contact the Planning Department at 651-490-4682 or 651-490-4680*

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
August 28, 2018**

CALL TO ORDER

Chair Doan called the August 28, 2018 Shoreview Planning Commission meeting to order at 7:01 p.m.

ROLL CALL

The following Commissioners were present: Chair Doan; Commissioners Anderson, Peterson, Riechers, Solomonson, Wolfe and Yarusso.

APPROVAL OF AGENDA

MOTION: by Commissioner Yarusso, seconded by Commissioner Anderson to approve the August 28, 2018 Planning Commission meeting agenda as submitted.

**VOTE: AYES: Anderson, Peterson, Riechers, Solomonson, Yarusso, Wolfe, Doan
NAYS: None**

APPROVAL OF MINUTES

Minutes of July 24, 2018 Commission Meeting Minutes

Commissioner Anderson made the following corrections:

Page 5: Add the word “or” after the word “yards” in the second sentence of the paragraph beginning, “The application is for...”

Page 6: Commissioner Peterson’s statement was meant to state that Turtle Lake has the atmosphere of open space.

Page 8: Under the bullet points of “Deviations are permitted...” the letters “he de” should be deleted after the word “relieved” in the third bullet point.

MOTION: by Commissioner Solomonson, seconded by Commissioner Riechers to approve the July 24, 2018 Planning Commission meeting minutes as amended.

**VOTE: AYES: Anderson, Peterson, Riechers, Solomonson, Yarusso, Wolfe, Doan
NAYS: None**

REPORT ON CITY COUNCIL ACTIONS

City Planner Castle reported that the City Council approved the following:

- Conditional Use Permit for Urban Rebuilders for retention of the existing detached garage.
- Comprehensive Sign Plan for Shoreview Housing Phase 1, LLC.

NEW BUSINESS

PUBLIC HEARING - VARIANCE/RESIDENTIAL DESIGN REVIEW/ CONDITIONAL USE PERMIT

FILE NO.: 2700-18-20
APPLICANT: MICHAEL O'CONNELL
LOCATION: 5486 LAKE AVENUE

Presentation by City Planner Kathleen Castle

In 2006, the applicant received approval to build a new home with a setback variance. A building permit was issued, but the project was not built and the permits expired. The existing home was demolished and the property has remained vacant. The applicant is now re-applying for approval for the project.

The applicant has submitted an application to build a new home. The property is a substandard riparian lot of 75.5 feet in width on Turtle Lake, less than the required 100 feet of width. The property is zoned R1. The area is 48,659 square feet. A variance is requested with the application to exceed the 295.9 foot structure setback to 544 feet from County Road I. A Conditional Use Permit is also requested to retain an existing garage on the property that is 803 square feet, which exceeds the allowed 440 square feet.

The proposed new two-story home would have a foundation area of 1,528 square feet. There would be a 596 square foot attached garage. The driveway is proposed to be crushed rock rather than pavement.

Mr. O'Connell states that practical difficulty exists for the setback variance in that the property is accessed by a private drive that also provides access to the properties to the west. The front setback calculation is the average of the two adjacent properties. There is a significant difference between the setback of the property to the east from County Road I and the property to the west from the private drive. If the required setback were used, the new home would be in a wetland area. The new house will be more than 50 feet from the OHW, which is in compliance with Code.

The property has organic soils with a high water table, which is the reason for the variance for a crushed rock driveway. The concern is about frost upheaval with an asphalt driveway. Crushed rock has been used for other driveways in this area. The private access drive was converted from gravel to a hard surface in 2009.

The property slopes so that runoff would flow toward the wetland area on the north half of the property. A permit is required from the Rice Creek Watershed District. Floodplain mitigation will be required for any fill placed between the 888 and 892 elevation levels.

The Conditional Use Permit to retain the existing detached garage is for storage of equipment to maintain the property.

Staff believes practical difficulty exists for the setback and material for the driveway. The setback is consistent with neighboring properties. Staff also agrees that soils are susceptible to movement and frost heaving. The City will require that the driveway be engineered to hold certain weight requirements. The property is over one acre in size, and a Conditional Use Permit is required for a detached accessory structure of over 440 square feet. The request is in compliance. Properties along County Road I have accessory structures that are attached, detached or both. The detached garage meets setback requirements and will be painted to match the new home. Staff recommends additional landscaping to screen the garage from adjacent properties to the east and west. The total accessory structure area is approximately 90% of the foundation area of the home and therefore, the home will be the principle structure on the property.

A deviation is requested because one acre of buildable area is required above the wetland area for a Conditional Use Permit. This property has approximately one-half acre of high ground. Staff finds that a deviation should be granted because of the lot characteristics and configuration.

Notices were sent to property owners within 350 feet of the subject property. There is support and also there were questions. Staff is recommending approval of the application, variance and Conditional Use Permit with the conditions listed in the staff report.

Commissioner Solomonson asked if granting a deviation means the criteria for a Conditional Use Permit is not met and whether that should be a variance. City Attorney Kelly explained that the reason deviation is used is because the entire lot is considered. The request falls within the spirit of the requirements of one acre. Either deviation or variance could be used. There is no risk with either method.

Commissioner Solomonson asked if the soils on the private drive and neighboring properties are different. Ms. Castle stated that the soils are similar and there is a high water table. There have been settling issues with other properties in this area.

Commissioner Anderson asked if there was a request for a crushed rock driveway with the 2006 application. He also asked the setback required from a wetland. Ms. Castle answered that a crushed rock driveway was not in the previous application, but it was the intent of the applicant at that time. Code states that a hard surface driveway is required unless otherwise approved. With this application, a variance is requested. The required setback from a wetland is 16.5 feet.

Chair Doan asked how the private drive is administered. Ms. Castle responded that there is an easement and maintenance agreement in place.

City Attorney Kelly stated that after a review of the affidavits, proper notice has been given for the public hearing.

Chair Doan opened the public hearing.

Mr. O'Connell, Applicant, stated that the property was originally five acres bought by his family in 1928. When his parents inherited, it was subdivided into 4 parcels and the private drive put in. Asphalt was put on the private drive in 2009, after over 10 years of traffic packing it down. It was built in compliance with Lake Johanna Fire Department regulations to carry a certain amount of weight. On his lot there is between 14 to 21 feet of peat. The house pad has 8 to 9 feet of peat that will require soil correction. There is a sanitary sewer and water easement crossing all three lots on the private drive. He is requesting frost and freeze cycles of at least five years with a crushed rock driveway before putting on a hard surface.

Further, **Mr. O'Connell** stated that he is working with Ramsey County Soil Conservation District to put in rain gardens and eliminate the amount of water from impervious surfaces. He is in discussion with the City Engineer to limit the amount of fill over the sanitary sewer line so as not to cause damage. There was never a wetland delineation. He is making efforts to limit the footprint and be responsible.

Mr. Ken Zarling, 5480 Lake Avenue, stated that the City Planner has answered his questions. Along the common property line there is a swale to drain water away from the lake to the wetland. However, currently with the soil issues, there is negative drainage to the common private drive. He asked for verification that the drainage will be corrected. Approximately a foot of fill will be needed. Also, he would like to be sure that the heavy construction equipment does not cause damage to the private drive, Lake Avenue. Further, there is an updated maintenance agreement from the original one filed at the City.

Mr. Steve Zawadski, 5476 Lake Avenue, noted that the City Planner has indicated there will be a rock construction entrance. He requested a stipulation that the construction be kept to the applicant's address and not on the private drive and that the construction site be kept clean.

MOTION: by Commissioner Solomonson, seconded by Commissioner Peterson to close the public hearing at 7:47 p.m.

VOTE: AYES: 7 NAYES: 0

Ms. Castle answered the questions raised during the public hearing:

- The side yard elevation to 5480 will vary as it slopes from 893 to meet the existing driveway at 890. As little fill as possible be placed on the City's sanitary sewer easement. The City Engineer has indicated there will be positive drainage between the two properties.
- The existing garage will remain at the same elevation.
- The house is at an elevation of 895; the garage floor is at an elevation of 893.
- The exterior of the existing garage will be finished to match the house.
- City approval is valid for one year; the project must begin within a year.

- There is a private maintenance agreement with a clause that requires any property owner on the private drive to be responsible for the repairs, if any damage is caused. As a private agreement, it is the responsibility of the parties to enforce it. The City requires an erosion control agreement.
- No landmark trees are being removed. Staff is requiring additional landscaping to soften the appearance of the garage structure.
- As for cleanup, there will be a rock construction entry drive for construction. Any sediment is to be kept on the construction site. Any sediment on the private drive will be cleaned by the applicant.
- Power lines will not be buried with this project.

Commissioner Solomonson asked if the drainage plan addresses the issue of positive drainage through the swale between the two properties. Ms. Castle stated that the drainage plan achieves positive drainage. What is difficult to address is future settling. City Attorney Kelly added that if inspections were required after the project is complete, that would be a policy that would have to be applied to every project in the City. The City can only make decisions on conditions that are known.

Commissioner Riechers asked where the construction entrance is located and whether it needs to be added as a condition of approval. Ms. Castle explained the location which could be added as a condition. Chair Doan stated that a construction entrance is required with every project and is inherent with approval.

Commissioner Solomonson noted the deviation is high at 50% of the property, although there is minimal sight of it from County Road I. He would have preferred for the Commission to have considered the proposed text amendment on accessory structures before hearing this application. He expressed appreciation for the applicant's effort to be environmentally responsible.

Commissioner Peterson agreed that the variance is a reasonable approach to the issues of the property. The project is consistent with the character of the neighborhood. He is impressed by the mitigation and concern of the applicant for the environment.

Chair Doan stated that based on the circumstances of the uniqueness of the site and soils, he supports the application.

MOTION: by Commissioner Peterson, seconded by Commissioner Riechers to approve the Residential Design Review, adopt Resolution 18-56 approving the requested front yard setback and driveway surface variance and recommend approval to the City Council of the Conditional Use Permit submitted by Michael O'Connell, 5486 Lake Avenue, subject to the following conditions:

RESIDENTIAL DESIGN REVIEW/VARIANCE

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 and the foundation area shall not exceed 18% as specified in the City Code.
4. A grading and erosion control plan shall be submitted with the building permit application. Grading over the City utilities shall be minimized and is subject to approval of the City Engineer. Vegetation shall be restored in accordance with City Code standards.
5. 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. Additional information is needed regarding the vegetation restoration area.
6. The project is subject to the permitting requirements of the Rice Creek Watershed District.
7. The lowest floor elevation, including the crawl space, must comply with the requirements of the City's Surface Water Management Plan and the Rice Creek Watershed District.
8. A crushed driveway surface is permitted provided the driveway is engineered and the design is approved by the City Engineer.
9. 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.

CONDITIONAL USE PERMIT

1. The project must be completed in accordance with the plans submitted as part of the Conditional Use Permit 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 for the home and construction commenced. Upon expiration of this approval, the garage shall be removed immediately thereafter.
3. The exterior of the structure shall be finished to match the exterior of the proposed home.
4. The structure shall be used for storage of personal property and other garage related purposes.

5. The structure shall not be used in any way for commercial purposes.
6. The structure shall not be used for livable or habitable space.
7. Additional landscaping along the east and west side of the garage is required to provide screening. A landscape plan shall be submitted to the City Planner for review and approval prior to the issuance of a building permit for the home or garage.
8. A building permit must be obtained before any construction activity begins.

The approval is based on the following findings:

1. The proposal use of the property is consistent with the Comprehensive Plan land use designation and the R1, Detached Residential District.
2. Practical difficulty is present as identified in Resolution 18-56.
3. The primary feature and use of the property will be the proposed single family home. The accessory structures will be secondary to the home.
4. The property can sustain the detached accessory structure because of the site characteristics and size of the new home proposed.
5. A deviation from the Conditional Use Permit standard pertaining to lot area is suitable due to the configuration of the parcel, the garage is existing and not visible from County Road I.

Discussion:

Commissioner Solomonson asked if the deviation should be added under the Conditional Use Permit. Ms. Castle stated it could be added as No. 5 to the findings. Commissioners Peterson and Riechers agreed to the addition of No. 5 under Findings of Fact.

VOTE:

AYES: Anderson, Peterson, Riechers, Solomonson, Yarusso, Wolfe, Doan
NAYS: None

SITE AND BUILDING PLAN REVIEW

FILE NO.: 2703-18-23
APPLICANT: WOLD ARCHITECTS & ENGINEERS
LOCATION: 3555 VICTORIA STREET NORTH
(ISLAND LAKE ELEMENTARY SCHOOL)

Presentation by Associate Planner, Aaron Sedey

The application is for an expansion of school rooms to address a growing student population and renovate the main entrance to address security concerns. Three additions are proposed: 1) office and secure entry; 2) a classroom addition at the south part of the building; and 3) two- classroom addition also at the south end of the building. Interior renovations are also planned.

The land use designation for the property is I, Institutional. Surrounding land uses include low density residential, institutional, park and natural areas. The property is zoned R1, Detached Residential. Public and quasi-public uses are allowed under the process of a Site and Building Plan Review. The school use does not impact planned land use of surrounding property. Office district standards are used to review renovation plans.

All additions to the building exceed the minimum structure setbacks. There is no further encroachment than any portion of the current building. No changes are planned for the parking area. Code requirement is 1.5 parking stalls per classroom, which totals 48 stalls. There are 95 parking stalls that will remain.

A permit is required from Ramsey-Washington Metro Watershed District if greater than one acre of soil is disturbed. Storm water will be directed from the south side through a new PVC pipe to Victoria Street.

Property owners within 350 feet were notified of the application. No comments were received. Staff finds the proposal is consistent with the Comprehensive Plan and Development Code regulations. It is recommended the Planning Commission forward the application to the City Council with a recommendation for approval.

Commissioner Anderson noted that 11 trees will be removed. He asked if they will be replaced. Mr. Sedey answered that the City's Natural Resources Coordinator reviewed the replacement plan which is sufficient to meet requirements.

Mr. Nick Marchuchi, Wold Architects and Engineers, stated that this project is part of the school referendum passed last year to increase security. It also addresses the need for more classroom space.

Chair Doan opened the discussion to public comment. There were no questions or comments.

MOTION: by Commissioner Anderson, seconded by Commissioner Riechers to recommend the City Council approve the Site and Building Plan Review

application submitted by Wold Architects on behalf of the Independent School District 621, 3555 North Victoria Street. Said approval is subject to the following:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The approval will expire after one year a building permit has not been issued.
3. Obtain a Ramsey County and/or watershed permit if required, and supply to the City prior to issuing the permit.
4. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
5. The applicant is required to enter into an Erosion Control Agreement with the City. Said agreement shall be executed prior to the issuance of any permits for this project.
6. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The existing and proposed land use is consistent with the Institutional land use in the Comprehensive Plan.
2. The expansion of the school facility is compatible with the adjoining land uses and will not have a significant adverse impact on surrounding properties.
3. The proposed expansion complies with the Development Code standards.

**VOTE: AYES: Anderson, Peterson, Riechers, Solomonson, Yarusso, Wolfe, Doan
NAYS: None**

PUBLIC HEARING - TEXT AMENDMENT SECTION 205.082(2) ACCESSORY STRUCTURES

**FILE NO.: 2704-18-24
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE, CITY OF SHOREVIEW**

Presentation by City Planner Kathleen Castle

The accessory structure regulations were amended in 2016 to establish tiered standards based on property size. The current amendments are to align regulations with staff practices.

Lot Area: The first amendment relates to lot area. Currently, the maximum size for an accessory structure for single family residential properties is based on lot size. A Conditional Use Permit is required for structures that exceed the area permitted provided standards are met. Parcels one acre or larger shall have a minimum area of one acre above the OHW line of a lake, ponding area or wetland on the property. Staff is recommending this language apply to all parcels regardless of size to provide the City discretion flexibility with lot characteristics. The proposed language reads:

The lot area specified in Table 205-A shall include an area above the OHW line of a lake, ponding area or wetland on property unless otherwise approved by the City Council.

Structure Setbacks: The second amendment addresses structure setbacks. Table 205-A does not specify when a 10-foot structure setback is applied. Staff recommends the text be changed to require a 10-foot setback for any accessory structure 200 square feet or larger.

Habitable Space: The third amendment relates to habitable space. Accessory structures are intended to be subordinate to the residential dwelling on the property. Staff recommends that the Conditional Use Permit standards state that these structures cannot be used as habitable space (living, sleeping, eating or cooking). Section 205.082(D)(5)(a)(iv) would read: “Accessory buildings shall not contain habitable space.”

Exterior Design: The final amendment relates to exterior design and construction. The Code was amended in 2006, when design standards were adopted so that accessory structures would be compatible in residential neighborhoods. Also, unfinished metal exteriors are prohibited, including corrugated metal siding. There have been requests to construct steel buildings. This has been prohibited because it is not compatible with residential neighborhoods, and there are concerns about long-term durability of such structures. The text would be amended to state that:

Metal building exteriors, with the exception of steel and aluminum lap siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.

Legal notice of the amendments was published August 8, 2018. No comments have been received. Staff is recommending the Planning Commission forward the amendments to the City Council for approval.

Commissioner Anderson asked for further specification of defining lot area in the first amendment. Ms. Castle explained that if a resident is applying for a Conditional Use Permit and has a half-acre lot, there must be a half acre above the OHW, unless approved by the City Council. City Attorney Kelly added that current code only addresses parcels that are one acre or larger. It would be consistent and should apply to all size lots as defined under 205-A.

Commissioner Solomonson stated that what is proposed is more restrictive to smaller parcels regarding area above the water level. He asked if staff considered dropping that requirement.

Earlier in the meeting a proposal was approved with a 50% deviation. Ms. Castle explained there are properties smaller than an acre surrounded by wetland, which leaves minimal buildable area on the property. If a Conditional Use Permit is required, this is a factor that should be considered. Commissioner Solomonson responded that he is not sure there is a problem that would require a more restrictive code.

Commissioner Peterson suggested the regulation be applied more generally. As part of a Conditional Use Permit, there are few options. He would prefer to see any deviation handled as a variance. Ms. Castle stated that language can be added that a Conditional Use Permit cannot be granted without a variance for the lot area if necessary. City Attorney Kelly stated that if conditions are met for a Conditional Use Permit, it is the right of a property owner to obtain one. If conditions are not met, a Conditional Use Permit is not granted. There is not a situation where a variance is needed to get a Conditional Use Permit. The provision, "unless approved by the City Council" allows more discretion in determining whether conditions are met or not. He advised making the intent of that portion of the amendment clearer. He further stated that it is very complicated to seek a variance on a portion of the Conditional Use Permit criteria in order to obtain a Conditional Use Permit. Commissioner Solomonson stated that it is very restrictive to change accessory structure sizes according to lot size and will penalize some properties. A one acre lot or larger has no upper limit and is open ended for a Conditional Use Permit, while smaller lots have restrictions. It is important to transition from the parcels under an acre and at least restrict parcels an acre or more the same as smaller lots.

Commissioner Wolfe asked if, in regard to habitable space, it applies to lady and man caves or large doll houses that people are building in their back yards. Ms. Castle stated that the intent is to not have secondary dwelling units on the property. Workshops can be built. A gray area would be if space were built for office use.

Commissioner Riechers noted that during the Comprehensive Plan process, there were discussions about small houses, intergenerational living and the need to be more creative to meet housing needs. She questioned whether these amendments would complicate further discussions to meet those needs. Ms. Castle responded that accessory apartments are allowed but must be part of the main dwelling unit. The Code does not allow a detached living space. That would require a Code amendment. If there were such an amendment, standards would be established.

Commissioner Yarusso asked the definition of habitable space. Ms. Castle answered that it is space that is used for living, sleeping, eating or cooking. It does not include bathrooms, hallways or mechanical rooms. Commissioner Yarusso noted that there are dens being built with TVs, microwaves, a couch where people could eat or sleep. She asked if this is not allowed. Ms. Castle stated that if a structure is built as an accessory structure, habitable space is not allowed.

Chair Doan stated that he believes more discussion is needed. Structures are being built for man caves, she-sheds, entertaining spaces. In-law suites also need discussion with the increase of intergenerational living.

Chair Doan opened the public hearing at 8:50 p.m. There were no questions or comments.

MOTION: by Commissioner Yarusso, seconded by Commissioner Anderson to close the public hearing at 8:51 p.m.

VOTE: AYES: Anderson, Peterson, Riechers, Solomonson, Wolfe, Yarusso, Doan
NAYS: None

Commissioner Riechers stated that an additional concern is exclusion of types of siding even if tastefully done. Ms. Castle stated that steel and aluminum siding are allowed. The intent is to not allow galvanized steel or corrugated metal. Although less expensive, staff's concern is durability and compatibility in neighborhoods. Amendments have allowed larger structures, but staff does not want to allow pole barn structures.

Commissioner Peterson agreed that habitable space is a separate discussion from accessory structures. He is not opposed to small metal structures, but large ones would not be compatible in neighborhoods. He is hesitant to disallow less expensive material.

Commissioner Yarusso also agreed and suggested up to 150 square feet could be a metal shed. That allows people to buy kits that are available. There are already restrictions for setbacks and placement in rear yards. Secondary living structures would be a separate discussion.

Chair Doan would like a separate workshop discussion about detached dens, entertainment spaces, offices or tree houses. The difference is whether people can sleep overnight. The issue is also enforcement. He would like to be open to creativity and not be restrictive, unless it becomes a problem.

MOTION: by Commissioner Riechers, seconded by Commissioner Wolfe to table consideration of Ordinance 965 addressing accessory structures on residential properties. The text amendment clarifies regulations pertaining to Conditional Use Permits, lot area, structure setbacks, habitable space, and exterior materials and design.

VOTE: AYES: Anderson, Peterson, Riechers, Solomonson, Yarusso, Wolfe, Doan
NAYS: None

MISCELLANEOUS

City Council Meetings

There will be no planning items at the September 4th City Council meeting. Chair Doan will attend the September 17th meeting.

Workshop Meeting

The Planning Commission will meet in a workshop session on September 11, 2018, at 7:00 p.m. Ms. Castle stated that the discussion will focus on the Comprehensive Plan. The public hearing for the Comprehensive Plan is anticipated to open October 23, 2018, and be held open a month.

ADJOURNMENT

MOTION: by Commissioner Solomonson, seconded by Commissioner Yarusso to adjourn the meeting at 9:07 p.m.

VOTE: AYES: Anderson, Peterson, Riechers, Solomonson, Yarusso, Wolfe, Doan
NAYS: None

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission

FROM: Aaron Sedey, Associate Planner

DATE: September 20, 2018

SUBJECT: File No. 2698-18-18, Variance – Atilano’s Remodeling, 705 Schifsky

INTRODUCTION AND BACKGROUND

A variance request has been submitted by Atilano’s Remodeling on behalf of homeowners Jesse and Martise Radabaugh, 705 Schifsky Road, to alter a permitted legal nonconforming deck by altering the design by retaining the OHW setback of 37.7 feet for the deck and not encroaching further in the setback.

The property is in the R1 – Detached Residential District on the south east side of Turtle Lake. Access to the property is via Hodgson Connection. The surrounding properties are used for detached single family dwellings and Turtle Lake is to the south. The existing deck is setback 37.7 feet from the OHW at its nearest point.

The lot is developed with a two-story house and detached garage. The lot has an area of 10,030 square feet. It is a substandard riparian lake parcel with width of 42 ft, an average depth of 116 ft. The required minimum lot size of a riparian lot is 15,000 square feet and 100 feet wide; therefore the property is a substandard. Since the addition is an attached deck administrative Residential Design Review is allowed in lieu of the full Planning Commission Residential Design review (203.034(A)(1)(d)).

PROJECT DESCRIPTION

The homeowners propose to alter the deck from its current shape and size. The current deck was permitted in 1986 and is considered today as a legal nonconforming structure as it was legally permitted. They are doing a different design than what is currently there, but mainly in the same footprint. The deck will keep the same 37.7 foot setback from the OHWL, while also decreasing the impervious surface on the lot by removing the gazebo that currently sits on the deck.

DEVELOPMENT CODE

The deck as a legal nonconforming structure that was legally permitted to be in the required principal setback is allowed to be rebuilt in the exact size and shape. However, any changes in size and shape would then require a variance as the structure is being altered.

Shoreland Standards

Section 209.080(F)(1)(b), which addresses principal structure setback from the OHW, states that where two or more existing adjacent dwellings, including attached structures, have lakeside setbacks which exceed the minimum lakeside setback by ten (10) or more feet, the lakeside setback for an addition to a dwelling shall not be less than the average of the lakeside setbacks for such existing adjacent dwellings, including attached structures, minus 10 feet. In any event, 50 feet shall be the minimum setback. In this case the minimum setback would be 50 feet.

Residential Design Review

The Development Ordinance requires residential construction on substandard riparian lots to comply with certain design standards. In this case 203.034(A)(1)(d) states that design review shall be reviewed administratively by the City Manager in accordance with Section 203.020(D) because it is an attached deck. There was a residential design review done in 2003 when the second level to the home was added and in 2005 to increase the garage size.

Shoreland Mitigation

A shoreland mitigation plan must be submitted for residential development that requires a land use approval, including a variance. The intent of the plan is to mitigate the adverse effects land development has on water quality and the lake environment. Site disturbance for this project will be minimal and previous mitigation actions have been completed in the past when the previous owner reduced impervious surface from 60.3% to 47%. With this project it will actually the lot will be at 45.4% impervious. Therefore, City staff is recommending the mitigation requirement be waived.

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.

For a variance to be granted, all three of the criteria need to be met.

APPLICANT’S JUSTIFICATION OF PRACTICAL DIFFICULTY

The applicant states that the reason for the new deck is to replace a deck that was built in 1986 and is past its useful life and is very rotted, as shown in submitted pictures. Replacing the deck with a design that fits the current owners that will fulfill their needs, all while making it safe for their family and friends to use. See applicant’s statement.

STAFF REVIEW

Staff reviewed the plans in accordance with the variance criteria. The characteristics of the proposed deck are in the same footprint and are no closer than the current deck to the OHWL just a different layout. Removing the gazebo which is counted as impervious surface is an improvement on the lake side of the property. Staff is able to make findings that practical difficulty is present so all three criteria are met.

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. In Staff’s opinion, the variance request to build the new layout deck in the same footprint represents a reasonable

use of the property. The proposed deck does not encroach further in the current OHWL setback. Any modification of the deck design on the lakeward side would require a variance as it is located in the OHWL setback that was permit in 1986 and staff believes that this request is reasonable.

2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Practical difficulty stems from the current deck being legally permitted in 1986, the uniqueness of the deck being allowed to be in that location. The owners have had no control of the placement of the current deck, but have become accustomed to the deck, but desire an altered layout to meet their needs in the same setback and footprint of the old deck.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. Staff believes that the variance will not alter the essential character of the existing neighborhood. The new deck will be in place of the old one and the removal of the gazebo will actually be an improvement of sightlines for the southern neighbor. The deck will not change the character – or setback of the closest point of the deck to the OHW.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant’s request. No Comments.

STAFF RECOMMENDATION

Staff is able to make affirmative findings regarding practical difficulty and so recommends approval to the Planning Commission. Staff believes that this structure complies with the spirit and the intent of the code as the deck will minimally change the visible appearance so the character of the neighborhood is not altered.

Staff recommends that the Planning Commission adopt the attached Resolution 18-64. The following conditions should be attached to an approval:

1. The deck must be rebuilt to as shown in the survey within the footprint and description depicted on the survey to be no closer than 37.7 feet from the OHWL. Updated building plans are required to be reviewed by City Staff for the building permit.
2. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This 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.

Attachments

- 1) Location Map
- 2) Applicant’s Statement
- 3) Submitted Plans
- 4) Resolution 18-64
- 5) Motion



06-28-18

from, Atlanos Remodeling Inc. # CR680553
18050-waco dr nw

Ramsey Mn 55303 Tel. 612-597-0629

to the City of Shoreview

Subject, Regarding a Deck Permit Application
File No 2698-18-18 Variance Application

Here I'm summing a letter of Variance
from the neighbors of 705-Schifsky Rd
as you Requested on your letter.
along of some Pictures of the existing
Deck which is intended to be Replace,
as you see on the Pictures the is
unsafe, & is Polluting due to its
deterioration,
the intend is to Replace it,
according to the Plan which I already
summitted, the size of the
Proposed deck is the same or
little smaller then the existing
one, and it will be more practical,
safe, & environmental safe,
and we redinise the importance of
following city building codes & are
comited to Rules & Regulations of
our communities,
I'm looking to work with you,
Sincerely D. N. Atlanos

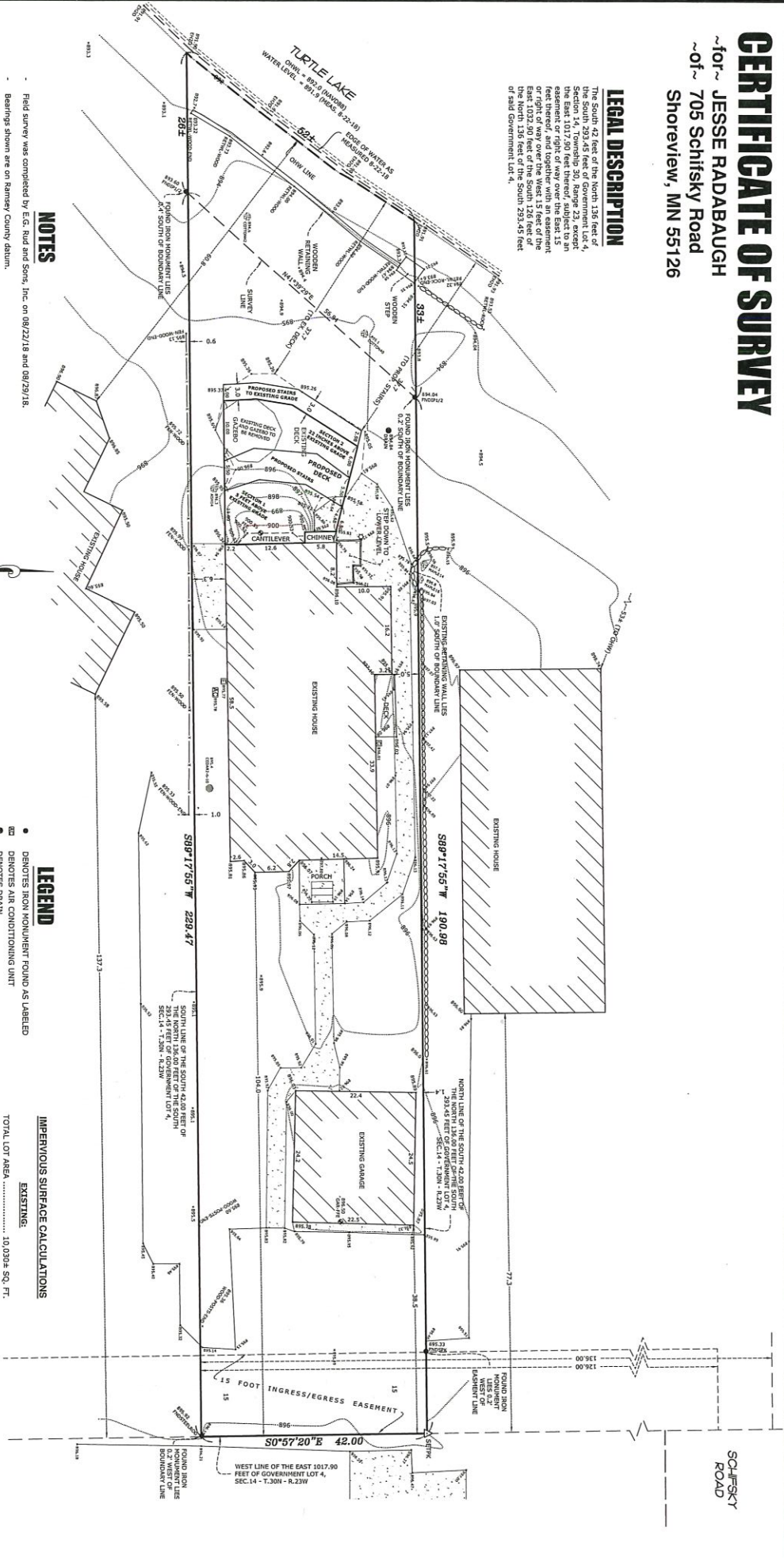


CERTIFICATE OF SURVEY

for JESSE RADABAUGH
of 705 Schifsky Road
Shoreview, MN 55126

LEGAL DESCRIPTION

The South 42 feet of the North 136 feet of the South 293.45 feet of Government Lot 4, Section 14, Township 30N, Range 22W, County of Ramsey, State of Minnesota, together with the East 1017.90 feet thereof, except an easement or right of way over the East 15 feet thereof, and together with an easement East 1023.50 feet of the South 126 feet of the North 136 feet of the South 293.45 feet of said Government Lot 4.



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 08/22/18 and 08/29/18.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 14-30-23-11-0027.
- This survey was prepared with the benefit of title work, Ramsey County Document No. 4297019 was used to supplement this survey.

LEGEND

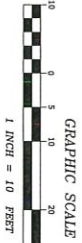
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES AIR CONDITIONING UNIT
- DENOTES BRAIN
- DENOTES ELECTRICAL BOX
- DENOTES EXISTING SPOT ELEVATION
- DENOTES GAS METER
- DENOTES LIGHT POLE
- DENOTES WOVEN WIRE FENCE
- DENOTES REMAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES BUTTINUOUS SURFACE
- DENOTES CONCRETE SURFACE

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

IMPERVIOUS SURFACE CALCULATIONS

EXISTING	PROPOSED
TOTAL LOT AREA	10,038.6 SQ. FT.
EXISTING HOUSE AND GARAGE	2,166 SQ. FT.
EXISTING DRIVEWAY	1,483 SQ. FT.
EXISTING PATIO	1,483 SQ. FT.
EXISTING CONCRETE	948 SQ. FT.
TOTAL IMPERVIOUS SURFACE	4,661 SQ. FT.
PERCENT IMPERVIOUS	46.3%
PROPOSED:	
PROPOSED GARAGE REMOVAL	104 SQ. FT.
TOTAL IMPERVIOUS SURFACE	4,557 SQ. FT.
PERCENT IMPERVIOUS	45.4%



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

NO.	DATE	DESCRIPTION	BY
1	08/22/18	DRYING BY CHB	JOB NO. 18558RT DATE: 08/22/18
2	09/17/18	CHECK BY: BLK	ISSUED BY: JESSE RADABAUGH
3	09/17/18	ADJUST STAKES TO OWN-STRUCK	CHB

18558RT

I hereby certify that this survey, plan or map 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.
BLAKE L. RIVARD License No. 19421
DATE: 09/19/18

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD SEPTEMBER 25, 2018**

* * * * *

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. 18-64 FOR A VARIANCE TO RETAIN THE 37.7 FOOT SETBACK
FROM THE OHWL FOR A NEW DECK**

WHEREAS, Jesse and Martise Radabaugh submitted a variance application for the following described property:

The North 42 feet of the South 199.45 feet, except the East 1017.9 feet of Government Lot 4, together with an easement for the road in Section 14, Township 30, Range 23, Ramsey County, Minnesota.

(This property is more commonly known as 705 Schifsky Road)

WHEREAS, pursuant to the Development Code Section 209.080(F)(1)(b), the Development Regulations require all principal structure setback from the OHW, states that where two or more existing adjacent dwellings, including attached structures, have lakeside setbacks which exceed the minimum lakeside setback by ten (10) or more feet, the lakeside setback for an addition to a dwelling shall not be less than the average of the lakeside setbacks for such existing adjacent dwellings, including attached structures, minus 10 feet. In any event, 50 feet shall be the minimum setback. In this case the minimum setback would be 50 feet; and

WHEREAS, the applicant proposed a 37.7 foot setback from the ordinary high water level to rebuild a deck; and

WHEREAS, the applicants have requested a variance to this requirement in order to rebuild their deck; 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; and

WHEREAS, on September 25, 2018 the Shoreview Planning Commission made the following findings of fact:

1. *Reasonable Manner.* *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* In Staff's opinion, the variance request to build the new layout deck in the same footprint represents a reasonable use of the property. The proposed deck does not encroach further in the current OHWL setback. Any modification of the deck design on the lakeward side would require a variance as it is located in the OHWL setback that was permit in 1986 and staff believes that this request is reasonable.
2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Practical difficulty stems from the current deck being legally permitted in 1986, the uniqueness of the deck being allowed to be in that location. The owners have had no control of the placement of the current deck, but have become accustomed to the deck, but desire an altered layout to meet their needs in the same setback and footprint of the old deck.
3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* Staff believes that the variance will not alter the essential character of the existing neighborhood. The new deck will be in place of the old one and the removal of the gazebo will actually be an improvement of sightlines for the southern neighbor. The deck will not change the character – or setback of the closest point of the deck to the OHW.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance requested for property described above, 705 Schifsky Road, be approved, subject to the following conditions:

1. The project must be completed in accordance within the footprint and description depicted on the survey submitted as part of the Variance application. Updated building plans are required to be reviewed by City Staff for the building permit. 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. This 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.

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 25th day of September, 2018

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Aaron Sedey, Associate Planner

ACCEPTANCE OF CONDITIONS:

Jesse Radabaugh

Martise Radabaugh

**MOTION
TO APPROVE VARIANCE
JESSE AND MARTISE RADABAUGH
705 SCHIFSKY ROAD**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To approve a variance request for OHW setback for the proposed deck rebuild at 705 Schifsky Road, subject to the following conditions:

Variances

1. The deck must be rebuilt to as shown in the survey within the footprint and description depicted on the survey to be no closer than 37.7 feet from the OHWL. Updated building plans are required to be reviewed by City Staff for the building permit.
2. The project must be completed in accordance with the submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This 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.

This approval is based on the following findings of fact:

1. The property will still be used in a reasonable manner, as the deck is the mainly in the dame footprint.
2. The unique circumstances are tied to the deck being permitted in 1986 and the deck will not get closer to the OHWL than what is currently there.
3. The proposed deck will not alter the character of the neighborhood and will enhance the lakeside views without the gazebo.

VOTE:

AYES:

NAYS:

TO: Planning Commission

FROM: Aaron Sedey, Associate Planner

DATE: September 20, 2018

SUBJECT: File No. 2705-18-25; Minor Subdivision and variances, 726 County Road I West

INTRODUCTION AND BACKGROUND

The property owners Tom and Megan McGough, submitted a minor subdivision application to divide their property at 726 County Road I West into two parcels. Also submitted were applications for two variances for the location of the proposed home, which will require variances for street and lakeside setbacks.

The property is located south of County Road I, on Turtle Lake. It's developed with a single-family residence, detached accessory structure and other ancillary site improvements. The house will remain on the western parcel and new single-family residential home will be constructed on the proposed eastern parcel. All adjacent land uses are single-family residential. The existing home is serviced with city sewer and water off of County Road I. The current lot was previously two lots until 2017, when the applicant proposed a second accessory structure on the lakeside, and the joining of the property brought it into compliance with not having an accessory structure on a vacant lot.

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer also must be provided to the new lot. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways.

The property is zoned R1, Detached Residential, with the Shoreland Overlay, as are the adjacent properties. In this district, lot standards (209.080(D)) require a minimum lot area of 15,000 square feet, a width of 100 feet. The minimum front and OHW setbacks are calculated based on the setbacks of the principal structure of the houses on the adjoining parcels. Pursuant to Code, the average of the two adjoining lots OHW setbacks, plus and minus 10 feet setback are used in the calculations for the OHW setback range of this lot.

VARIANCE CRITERIA (Section 203.070)

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.

APPLICANTS STATEMENT

The applicant states that the minor subdivision is to split into two parcels to build another home on the lot and variance requests are due to the size of the property and the length makes it difficult to meet the required setbacks. They intend to put the home at the end of the current driveway as to not add more impervious surface than is necessary and the location will preserve a large lawn area that is currently there. The design of the proposed home will compliment the current home on the western side.

STAFF REVIEW

Minor Subdivision

The applicant is proposing to leave the existing home and divide the property into two parcels, with the new eastern parcel is for single-family residential home. The home will be 38’4”x30’4” with a tuck under garage. As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations.

	Requirements	West Parcel	East Parcel
Area:	15,000 sf	43,651 sf	39,464 sf
Width:	100 feet	132.5 ft average	100 ft

Municipal sanitary sewer and water service is already established to the current home and are available from County Road I. The City Engineer stated that the current water and sewer lines are undersized for both homes to use and new lines will be needed for the proposed home. The standard drainage and utility easements along the property lines will be required.

Tree impacts will be evaluated further during the building permit review process. The submitted plan does not identify trees on the property to be removed, potentially more removals may be required with the new water and sewer line. Tree removal, replacement and protection will be addressed in the building permit for the new house construction. Landmark trees removed will need to be replaced at 2:1 ratio.

A grading and drainage plan will also need to be submitted with the building permit application.

Variances

The variances requested are to build the proposed home further back from the OHWL and street than allowed. The large lot size and the proposed conservation of lawn area, making the impervious surface impact the least minimal.

	Requirements	West Parcel	East Parcel (New)
OWHL Setback	Average neighbor properties +/- 10, Minimum 50	80' No Change	158'6" Proposed 82.25-102.25" Allowed
Street Setback	25-40 feet	134.5 ft No Change	182'4.5" ft Proposed

In staff's opinion practical difficulty is present, based on the following findings:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner. The current home will be retained and used as a single family residence and the additional proposed parcel will meet the minimums for a lot for Shoreland Overlay single family residential.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Staff believes that unique circumstances are present due to the existing lot configurations, lot depth and the retention of a large open lawn space near the water.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The character of the neighborhood will not be altered. The minor subdivision will be comparable to previous two lots that were once there, the placement of the house will be on the site where a current shed is.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of the property owners who are seeking certain land use approvals through the City. The applicants are required to enter into a Mitigation Agreement with the City.

COMMENTS

Property owners within 350 feet were notified of the applicant's request. No comments have been received.

City Engineer Tom Wesolowski commented that the current home will need to have new water and sewer lines, as the current home pipe sizes are too small for two homes.

STAFF RECOMMENDATION

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with these standards. Leaving the existing home and the creation of an additional lot for single-family residential development supports the City's land use and housing policies by creating an opportunity for new housing. Staff is recommending the Planning Commission Resolution 18-63, approving the variances to build the new single family home and recommendation of approval of the minor subdivision to the City Council, subject to the following conditions:

VariANCES

1. Front yard setback for the new principal structure on eastern parcel is to be 182' - 4 ½", an increase from the maximum 40 feet and OHWL setback of 158' - 6" from the lake.
2. This approval is subject to approval of the Minor Subdivision application by the City Council.
3. The current shed will be removed from both properties.
4. A Shoreland Mitigation Affidavit is required for the new construction, this Affidavit shall be executed prior to the City's release of the deed for recording.
5. This approval is contingent upon City Council approval of the minor subdivisions and will expire after one year if the subdivision has not been recorded with Ramsey County,.
6. The approval is subject to a 5 day appeal period.

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
3. Municipal water and sanitary sewer service shall be provided to the new parcel as reflected in the City Engineers comments, fees will be calculated with the building permit.
4. A private driveway easement shall be created to give access to both properties, shall be conveyed before the City will endorse deeds for recording.
5. The applicant shall determine if a Rice Creek Watershed District permit is required and obtain if needed, prior to the issuance of a building permit for a new home.
6. A tree protection and replacement plan shall be submitted prior to issuance of a building 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.
7. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
8. Any improvement or work in the County Road I right-of-way will need approval by Ramsey County.
9. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

- 1) Location Map
- 2) Submitted Statement and Plans
- 3) Comments
- 4) Resolution 18-63
- 5) Motion



NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

Legend

- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries



Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

4 September 2018

2. A written statement identifying each requested variance.

Variance 1 - Setback from County Road I West

Variance 2 - Setback from Turtle Lake

3. A written statement of justification that demonstrates that the need for the requested variance is consistent with the findings required by State Law and City Code.

The Site is 100 Feet Wide and ranges from 352 Feet to 406 Feet Long from Street to Lake

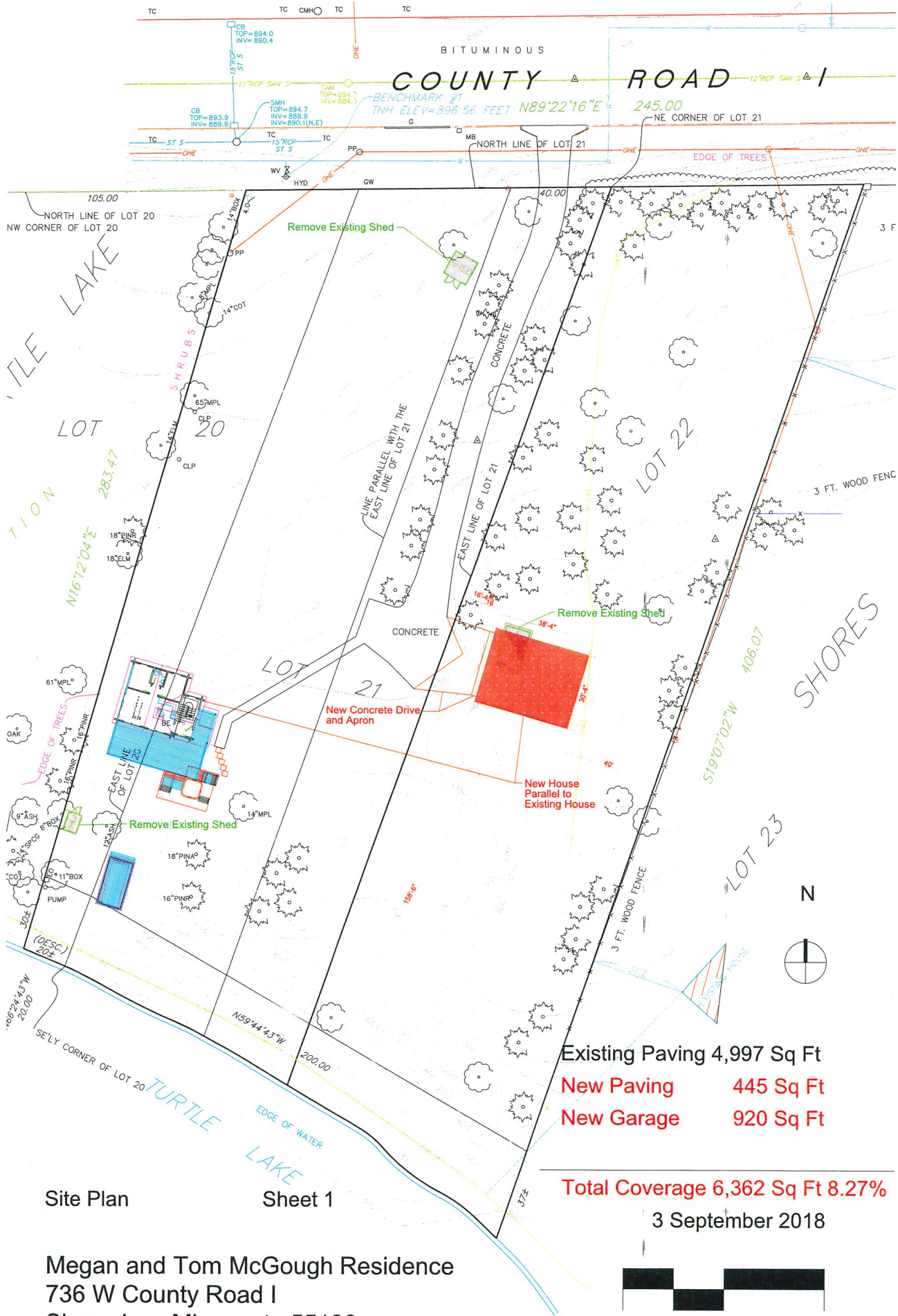
Variance 1 Requests a Setback of 182'-4 1/2" from County Road I West

Variance 2 Requests a Setback of 158'-6" from Turtle Lake

Due to the Long Length of the Site, it is Not Practicable to Build a house which meets the Setback Requirements from the Street and from the Lake.

To use the Property in in a Reasonable Manner We are Proposing to Locate the House at the end of an already long Driveway so as Not to Add addition Impervious Surface to the Site and which also Preserves an Existing Large Lawn area between the House and the Lake.

The Design of the New Log House is Similar to the Same as the Existing Log House on the Current Site. The New House is Located in the Same Position as the Current Large Shed which will Be Removed. The Character of the Site and Neighborhood will Remain the Same as the Current Character.



Site Plan

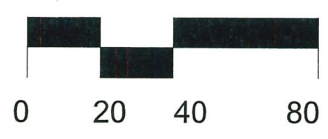
Sheet 1

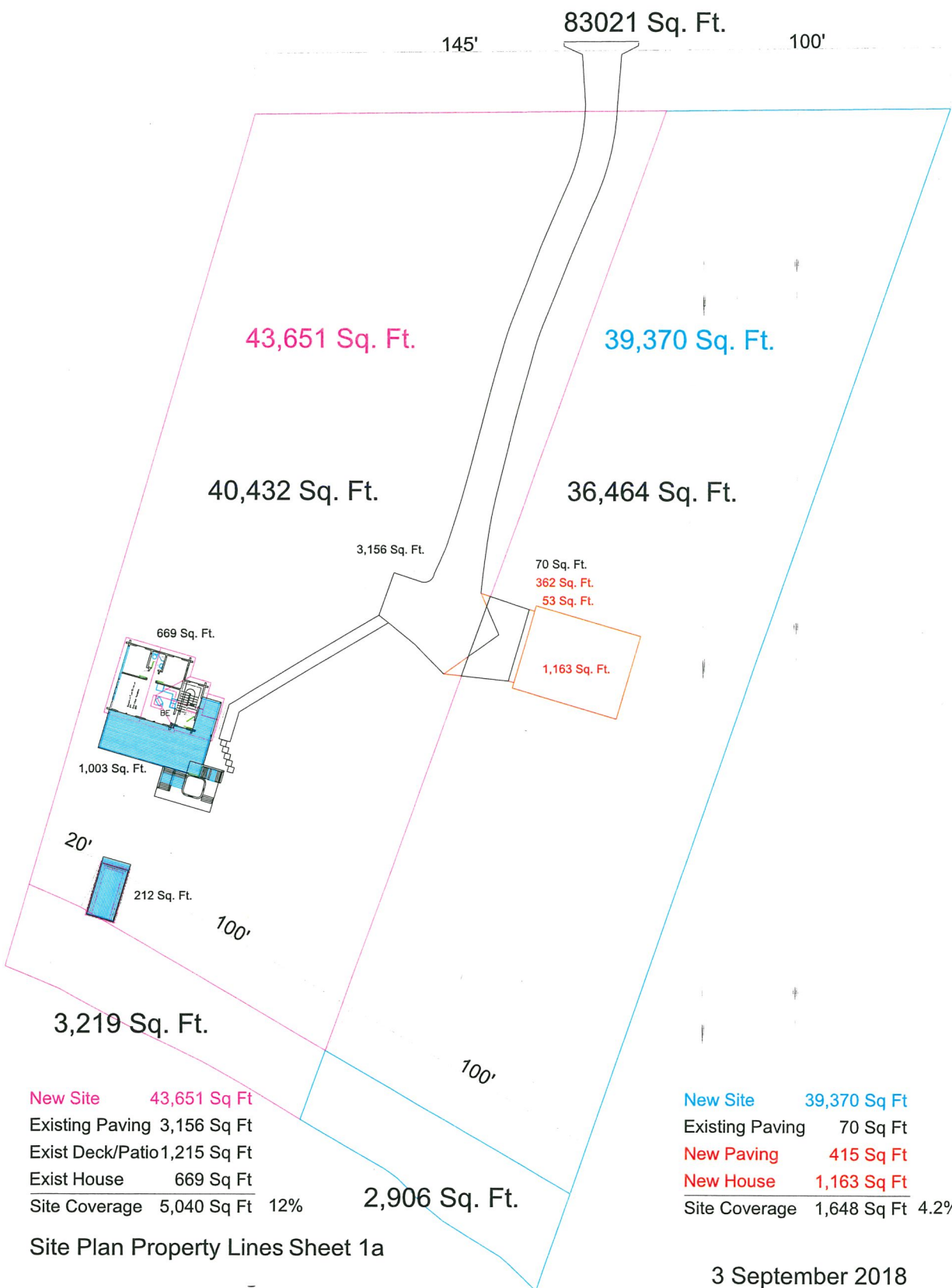
Megan and Tom McGough Residence
 736 W County Road I
 Shoreview, Minnesota 55126

Existing Paving	4,997 Sq Ft
New Paving	445 Sq Ft
New Garage	920 Sq Ft

Total Coverage 6,362 Sq Ft 8.27%

3 September 2018





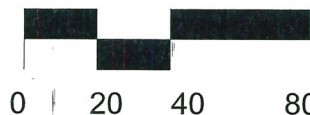
New Site 43,651 Sq Ft
 Existing Paving 3,156 Sq Ft
 Exist Deck/Patio 1,215 Sq Ft
 Exist House 669 Sq Ft
 Site Coverage 5,040 Sq Ft 12%

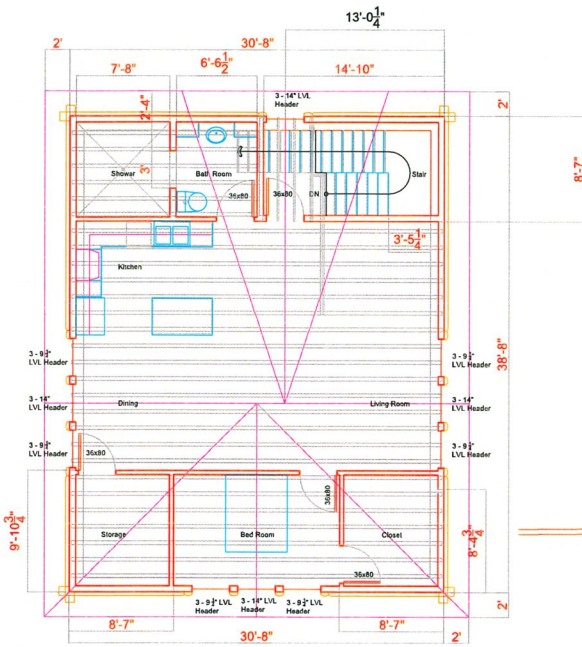
New Site 39,370 Sq Ft
 Existing Paving 70 Sq Ft
 New Paving 415 Sq Ft
 New House 1,163 Sq Ft
 Site Coverage 1,648 Sq Ft 4.2%

Site Plan Property Lines Sheet 1a

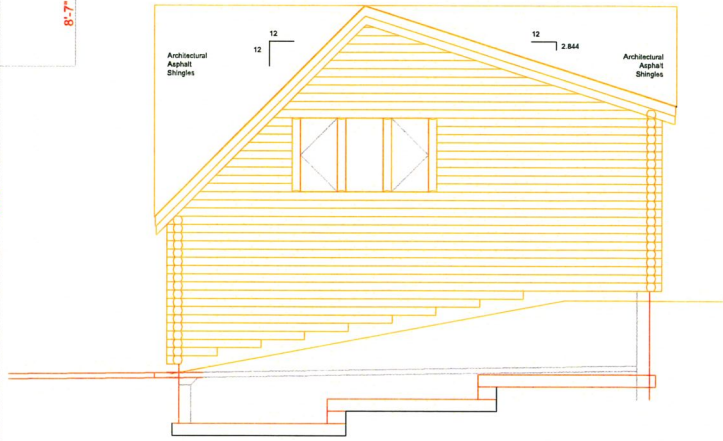
3 September 2018

Megan and Tom McGough Residence
 736 W County Road I
 Shoreview, Minnesota 55126

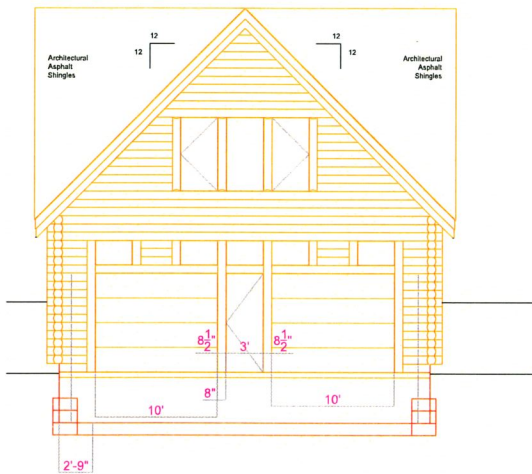




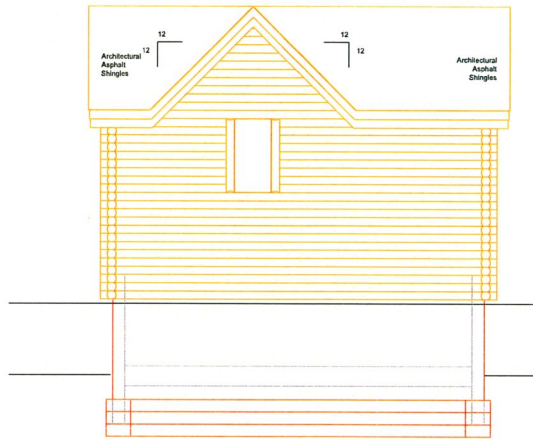
Second Floor Plan



South Elevation



West Elevation



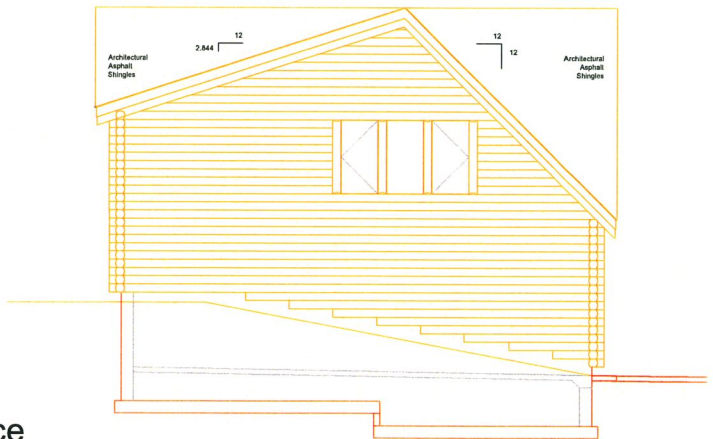
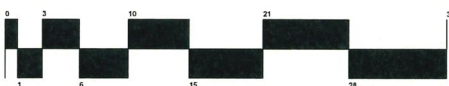
East Elevation

Scope of Work

- Remove 3 Storage Buildings
- Construct New Attached Garage 913 Gross Sq. Ft.
- Construct New New House 1,250 Gross Sq. Ft. 73% of House
- Construct New Concrete Driveway and Apron 497 Sq. Ft.

3 September 2018

Plan and Elevations Sheet 4



North Elevation

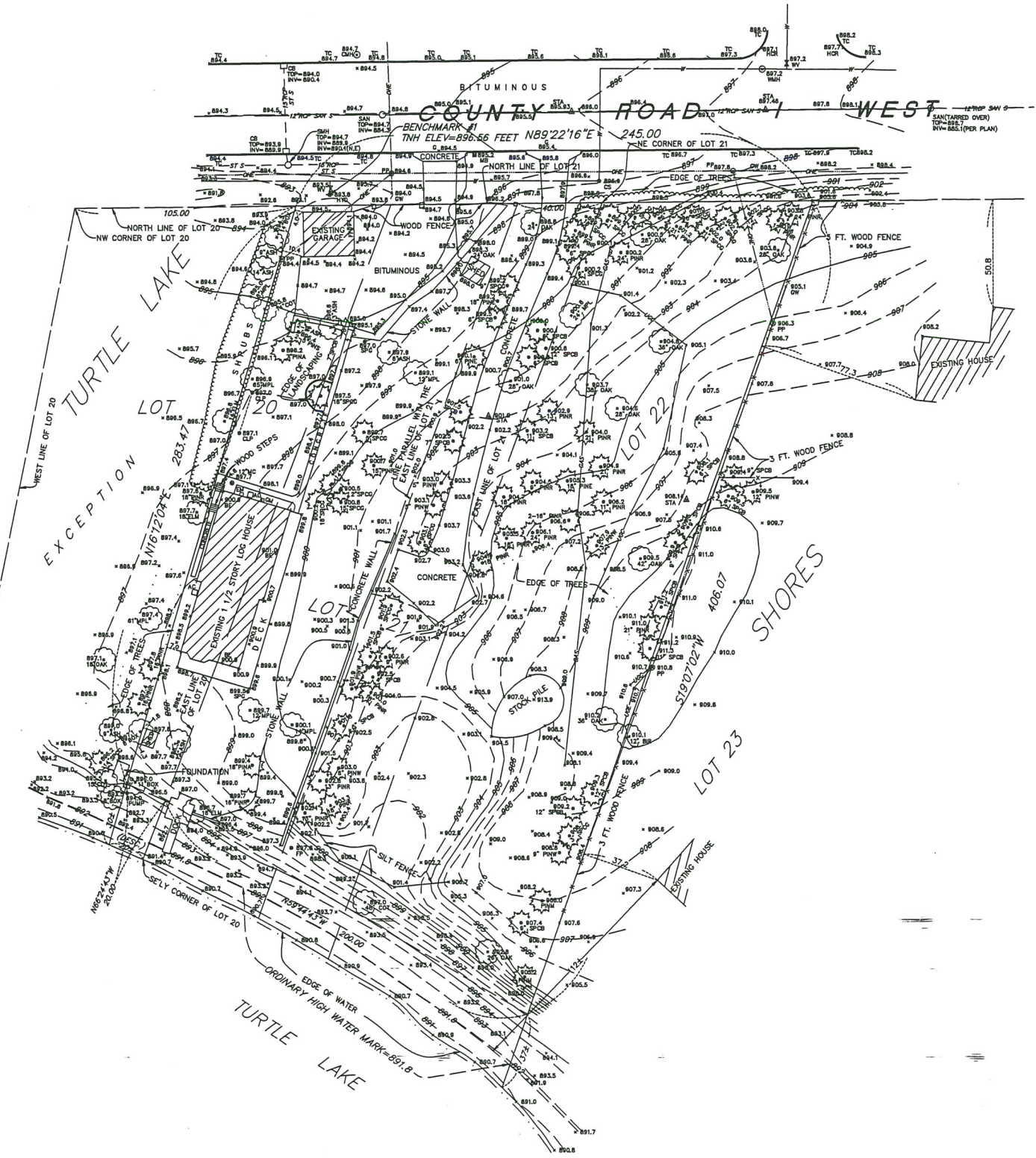
Megan and Tom McGough Residence
 736 W County Road I
 Shoreview, Minnesota 55126

DESCRIPTION OF PROPERTY SURVEYED

Lot 22; and that part of Lot 21, described as follows: Beginning at the Northeast Corner of said Lot 21; thence extending West along the North side of said Lot 21, 40 feet to a point; thence in a Southwesterly direction in a line parallel with the Eastern line of said Lot 21 to a point on the shore of Turtle Lake, thence along the shore of Turtle Lake to the Easterly line of said Lot 21; thence in a Northeasterly direction along the East line of said Lot 21 to the place of beginning, all being in Turtle Lake Shores, according to the recorded plat thereof.

And

Lot 20, except that part of Lot 20, Turtle Lake Shores, described as follows: Beginning at the Northwest corner of said Lot 20, thence extending East along the North line of said Lot 20, 105 feet to a point; thence in a Southwesterly direction to a point on the shore line of Turtle Lake 20 feet from the Southeast corner of said Lot 20; thence along the shore line of Turtle Lake to the Southwesterly corner of said Lot 20, thence in a Northeasterly direction along the West line of said Lot 20 to the point of beginning, and Lot 21, except that part of Lot 21, Turtle Lake Shores, described as follows, to wit: Beginning at the Northeast corner of said Lot 21, thence extending West along the North side of said Lot 21, 40 feet to a point on the shore of Turtle Lake, thence along the shore line of Turtle Lake to the Easterly line of said Lot 21, thence in a Northeasterly direction along the East line of said Lot 21 to the place of beginning, according to the recorded plat thereof, Ramsey County, Minnesota.



NOTES:

- 1.) Location and sizes of underground utilities shown hereon are approximate only and are shown based on field location of visible fixtures in combination with available data provided by various sources. Utilities shown are dependent on the completeness and accuracy of data provided. Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 2.) Contact GOPHER STATE ONE CALL at 651-454-0002 for precise onsite location of utilities prior to any excavation.
- 3.) This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.
- 4.) The subject property appears to lie within Zone C, (areas of minimal flooding), per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 270384 0001 B, dated April 1, 1981.
- 5.) Areas = 83,000± Sq. Ft. or 1.9± Acres (to the edge of water)
- 6.) Zoning and setback information as provided by the Planning Department of the City of Shoreview:
The subject property is zoned R-1 (Detached Residential).
The setbacks for zone R-1 (Detached Residential) are:
Building:
Front: 30 feet
Side: 10 feet
Rear: 60 feet
- 7.) Survey coordinate basis: Ramsey County

BENCHMARK:

- 1.) Top of top nut of fire hydrant south side of County Road West, near the northwest corner of the subject property.
Elevation = 896.56 feet (NGVD 29)

LEGEND

AC	Denotes air conditioner
BE	Denotes building entrance
CB	Denotes catch basin
CLP	Denotes clothes line pole
CMH	Denotes communication manhole
CS	Denotes curb stop
EM	Denotes electric meter
EO	Denotes electric outlet
FF	Denotes first floor elevation
FP	Denotes flag pole
G	Denotes gutter elevation
GM	Denotes gas meter
GW	Denotes guy wire
HCR	Denotes handicap ramp
HYD	Denotes fire hydrant
INV	Denotes structure invert elevation
MB	Denotes mailbox
MC	Denotes metal cover
OHE	Denotes overhead electric line
PP	Denotes power pole
RCP	Denotes reinforced concrete pipe
SAN	Denotes sanitary manhole
SAN S	Denotes sanitary sewer
SMH	Denotes storm manhole
SPG	Denotes water spigot
ST S	Denotes storm sewer
STA	Denotes survey control station
TC	Denotes top of concrete curb elevation
UGC	Denotes underground communication line
UGE	Denotes underground electric line
W	Denotes water line
WMH	Denotes water manhole
WV	Denotes water valve
BIR	Denotes Birch tree
BOX	Denotes Boxelder tree
COT	Denotes Cottonwood tree
MPL	Denotes Maple tree
PINA	Denotes Austrian Pine tree
PINM	Denotes Mugo Pine tree
PINR	Denotes Red Pine tree
PINS	Denotes Scotch Pine tree
PINW	Denotes White Pine tree
SPCB	Denotes Colorado Blue Spruce tree
SPCG	Denotes Colorado Green Spruce tree

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

Dated this 6th day of December, 2004

SUNDE LAND SURVEYING, LLC.

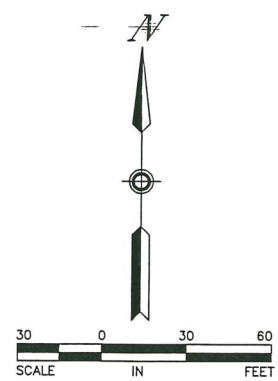
By: Mark S. Hanson, R.L.S. Minn. Reg. No. 15480
Survey originally dated April 19, 2004

Eliminated survey line	BMS 2/27/2006
Revised areas	BMS 5/5/2005
Added additional property	BMS 12/6/2004
Updated bldgs. west of property	BMS 5/24/2004
Revision	By Date

Drawing Title:
**SURVEY FOR:
TOM MCGOUGH
(726 COUNTY ROAD WEST)**

Sunde
Land Surveying, LLC.
8001 East Bloomington Freeway (39W) • Suite 118
Bloomington, Minnesota 55426-3435 Business:
952-881-2455 • FAX: 952-888-9526

Date: 2/27/2006
Project: 2003-165-A
Drawing: 2003165A005.dwg
Sheet: 1 of 1



Tom Wesolowski<twesolowski@shoreviewmn.gov>

Fri, Sep 14, 2018 at 2:29 PM

To: Aaron Sedey <asedey@shoreviewmn.gov>

Aaron,

After looking at the record drawings it does not appear that there are water and sewer services available for the proposed lot, so water and sewer services would need to be installed. The existing house has a 1-1/2" water service and 4" sewer service, which are not large enough to also serve the new house, so connecting the new house into the existing services is not an option. The water main is located in the County I right of way on the south side of road and the sanitary is located in the center of the road, so permits from Ramsey County would be required for any work within the right of way and the road. Other than that do not have any additional comments.

Thank you, Tom

Tom Wesolowski, P.E. | City Engineer

City of Shoreview

4600 Victoria St. N.

Shoreview, MN 55126

twesolowski@shoreviewmn.gov

Direct Tel: 651-490-4652

Fax: 651-490-4696



Aaron Sedey <asedey@shoreviewmn.gov>

726 County Road I Minor Subdivision and Variance

1 message

Heather Francis <HeatherFrancis@berg-johnson.com>
To: "asedey@shoreviewmn.gov" <asedey@shoreviewmn.gov>
Cc: Jeff Francis <Jeff@berg-johnson.com>

Thu, Sep 20, 2018 at 12:43 PM

Hello – We received a letter in the mail with details for a Minor Subdivision and Variance at 726 County Road I.

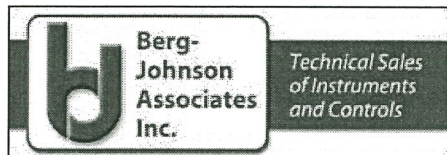
We both fully support the plans, and have no concerns with this project.

Thank you,

Heather and Jeff Francis

Heather Francis

HeatherFrancis@berg-johnson.com



Phone: 952-941-5400

Fax: 952-941-1944

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD SEPTEMBER 25, 2018**

* * * * *

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 P.M.

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

RESOLUTION NO. 18-63 VARIANCE

WHEREAS, Thomas and Megan McGough, married to eachother, submitted variance applications for the following described property:

Lot 22; and that part of Lot 21, described as follows: Beginning at the Northeast corner of said Lot 21; thence extending West along the North side of said Lot 21, 40 feet to a point; thence in a Southwesterly direction in a line parallel with the Eastern line of said Lot 21 to a point on the shore of Turtle Lake, Thence along the shore of Turtle Lake to the Easterly Line of said Lot 21; thence in a Northeasterly direction along the East line of said Lot 21 to the place of beginning, all being in Turtle Lake Shores, according to the recorded plat thereof, Ramsey County, Minnesota

(This property is commonly known as 736 County Road I West)

WHEREAS, pursuant to the Development Code Sections 205 and 209, Development Regulations, the front yard and Ordinary High Water setbacks for a dwelling,(including attached structures) to be constructed on the lot, shall be equal to the average of the setbacks for such immediately adjacent dwelling plus or minus 10-feet and the side-yard setback for is 10 feet.;

WHEREAS, the applicants have requested variances to the OHW and front yard setback requirements in order to construct a new single-family dwelling on the property; 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; and

WHEREAS, on September 25, 2018, the Shoreview Planning Commission approved the variances and adopted the following findings of fact:

1. *Reasonable Manner.* *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The applicant is proposing to use the property in a reasonable manner. The current home will be retained and used as a single family residence and the additional proposed parcel will meet the minimums for a lot for Shoreland Overlay single family residential.
2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Staff believes that unique circumstances are present due to the existing lot configurations and the retention of a large open lawn space near the water.
3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* The character of the neighborhood will not be altered. The minor subdivision will be comparable to previously two lots that were once there, the placement of the house will be on the site where a current shed is.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance requests for property described above, subject to the following conditions:

1. Front yard setback for the new principal structure on eastern parcel is to be 182' - 4 ½", an increase from the maximum 40 feet and OHWL setback of 158' - 6" from the lake.
2. This approval is subject to approval of the Minor Subdivision application by the City Council.
3. The current sheds will be removed from both properties.
4. A Shoreland Mitigation Affidavit is required for the new construction, this Affidavit shall be executed prior to the City's release of the deed for recording.
5. This approval is contingent upon City Council approval of the minor subdivision and will expire after one year if the subdivision has not been recorded with Ramsey County.
6. The 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 25th day of September, 2018

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Aaron Sedey
Associate Planner

ACCEPTANCE OF CONDITIONS:

Thomas McGough

Megan McGough

**MOTION
TO APPROVE VARIANCES AND
TO RECOMMEND APPROVAL A MINOR SUBDIVISION
THOMAS AND MEGAN MCGOUGH
726 COUNTY ROAD I WEST**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To approve variances requested for OHW and front yard setback for the proposed home. Also to recommend the City Council approve the minor subdivision request to subdivide the property at 726 County Road I into two parcels creating one new parcels for a single-family residential use subject to the following conditions:

VariANCES

1. Front yard setback for the new principal structure on eastern parcel is to be 182' - 4 ½", an increase from the maximum 40 feet and OHWL setback of 158' - 6" from the lake.
2. This approval is subject to approval of the Minor Subdivision application by the City Council.
3. The current sheds will be removed from both properties.
4. A Shoreland Mitigation Affidavit is required for the new construction; this Affidavit shall be executed prior to the City's release of the deed for recording.
5. This approval is contingent upon City Council approval of the minor subdivision and will expire after one year if the subdivision has not been recorded with Ramsey County.
6. The approval is subject to a 5 day appeal period.

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
3. Municipal water and sanitary sewer service shall be provided to the new parcel as reflected in the City Engineers comments, fees will be calculated with the building permit.
4. A private driveway easement shall be created to give access to both properties, shall be conveyed before the City will endorse deeds for recording.
5. The applicant shall determine if a Rice Creek Watershed District permit is required and obtain if needed, prior to the issuance of a building permit for a new home.
6. A tree protection and replacement plan shall be submitted prior to issuance of a building 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.
7. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
8. Any improvement or work in the County Road I right-of-way will need approval by Ramsey County.
9. A final site-grading plan shall be submitted and approved prior to issuance of a building permit.
10. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan, including the Land Use.
2. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
3. The parcels comply with the minimum standards of the R1, Detached Residential District and Shoreland Overlay District.

VOTE:

AYES:

NAYS:

ABSTAIN: