

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: APRIL 30, 2013
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA

1. CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

2. BRIEF DESCRIPTION OF MEETING PROCESS – *Chair Steve Solomonson*

3. NEW BUSINESS.

A. VARIANCE – EXTENSION

FILE NO: 2414-11-07

APPLICANT: James Gurber

LOCATION: 3289 Emmert Street

B. PUBLIC HEARING - CONDITIONAL USE PERMIT / VARIANCE

FILE NO: 2481-13-08

APPLICANT: Thomas & Linda Ritchie

LOCATION: 5186 Lexington

C. PUBLIC HEARING - CONDITIONAL USE PERMIT

FILE NO: 2482-13-09

APPLICANT: Michael R. Keene

LOCATION: 5345 Hodgson Road

D. APPEAL

FILE NO: 2483-13-10

APPLICANT: Michael Morse

LOCATION: 1648 Lois Drive

4. MISCELLANEOUS:

*A. City Council Assignments for May 6th and May 20th Commission Members
Wenner and McCool*

B. Planning Commission Workshop – May 28th – before the regular meeting.

5. ADJOURNMENT

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: April 25, 2013
SUBJECT: File No. 2414-11-07; Extension Request for Variance, James Gruber – 3289 Emmert Street

INTRODUCTION

In May 2011, the City Council approved a request submitted by Mr. James Gruber et al to divide the property at 3289 Emmert Street into two parcels. The existing home remains on Parcel 2 and Parcel 1 (3308 Victoria Street) is a vacant residential lot for a future single-family home.

An application was also submitted for a variance to reduce the required front yard setback range (153.5 feet to 173.5 feet) for the future home on the vacant parcel to 40 feet. The Planning Commission approved the variance, contingent upon the Council's approval of the minor subdivision, at the April 26, 2011 meeting. A condition attached states that the variance will expire after one year if a building permit has not been issued and work has not begun on the project.

At the request of the applicant, the variance was extended for one year period because the property had not been sold nor a building permit has not been issued for the construction of a home. This extension expired on April 26th.

The property has been on the market since January 2012 and has not yet been sold. The applicant is asking that the variance be extended for a three-year period. The three-year period is needed due to the real estate market.

BACKGROUND

Attached is a statement from the applicant summarizing the progress made to date. The minor subdivision was filed with Ramsey County in October, 2011. The parcel with the home has been sold. It is the applicants' hope that they sell the vacant property soon but are asking to extend the variance approval for another three years. The survey depicting the subdivision and the approved Resolution for the variance are also attached. The Resolution has also been filed with Ramsey County.

STAFF RECOMMENDATION

The proposed request extending the variance approval for an additional three year period is reasonable due to the real estate market. The subdivision and the Resolution approving the variance have been filed with Ramsey County. Extending the variance for a three year period will not have any adverse impact on the adjoining properties. There have been no changes to the R1 district standards that would affect the placement of a structure on the vacant property. Staff

Gruber

File No. 2413-11-07

Page 2

is recommending the Planning Commission approve the request to extend the variance approval for a three year period, to April 26, 2013. All other conditions as identified in the Resolution will remain in effect.

Attachments

- 1) Location Map
- 2) Applicant's Statement
- 3) Approved Subdivision – Survey
- 4) Res 11-23
- 5) Motion

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3289 Emmert Street



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



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 (February 28, 2011), The Lawrence Group: February 28, 2011 for County parcel and property records data; February 2011 for



Kathleen Nordine <knordine@shoreviewmn.gov>

3308 Victoria Street - Variance Extension

3 messages

jtgruber@comcast.net <jtgruber@comcast.net>

Mon, Apr 8, 2013 at 9:42 PM

To: "NORDINE, KATHLEEN" <knordine@shoreviewmn.gov>

Cc: "Gruber, Frank" <frankgruberiv@gmail.com>, "Needham, Cindy" <needham214@gmail.com>, "McNulty, Mike & Karen" <mcnultymj@att.net>, "Gruber, Jim" <jtgruber@comcast.net>

RE: 4/24/12 - Planning commission Action: File 2414-11-07, Variance Extension

Dear Ms. Knordine,

Thank you for your time last week to speak with me about the variance extension.

I am writing to request a three year extension of the *variance* related to the minor subdivision that was made with the 3289 Emmert Street property and was originally finalized in May 2011, with the City of Shoreview. The extension is needed for the 3308 Victoria Street lot, Shoreview. The 3289 Emmert Street property was sold in the spring of 2012. The variance was for the 40 foot setback on the 3308 Victoria Street lot. The current variance expires April 26, 2013..

Background where we are with project.

The minor subdivision which included the variance for the 40 foot setback for the buildable lot, was approved in May 2011. The related action items were completed and paperwork was filed with the City of Shoreview and Ramsey County. The actual property deeds/descriptions were completed and filed by the end of October of 2011.

The properties went on the market in mid January of 2012.

- a. 3308 Victoria – Currently on the market

The 3308 Victoria property has not been sold as of this date.

Current Status

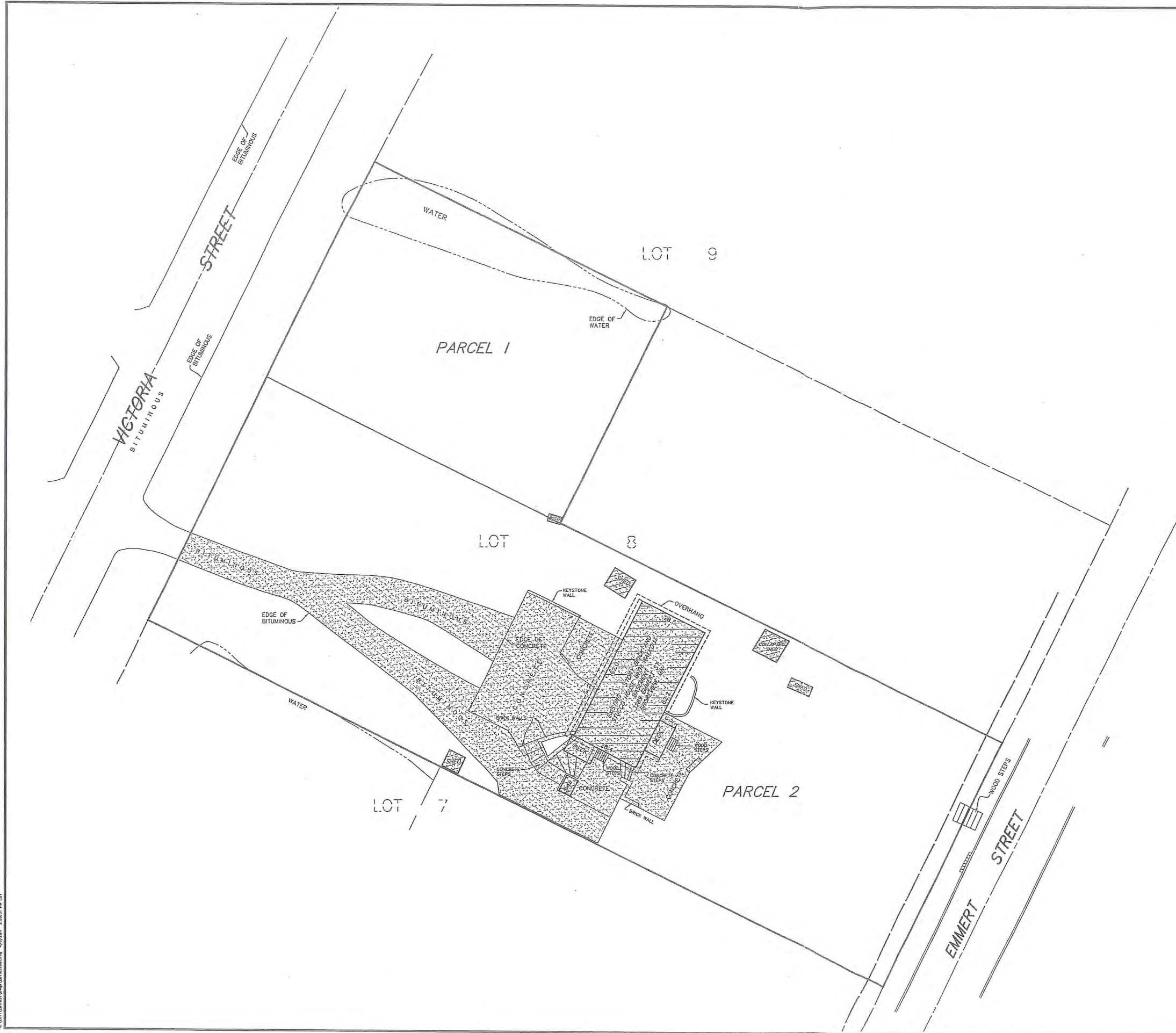
Where we are currently with our project.

- a. We hope to sell the 3308 Victoria lot as soon as the market allows, hopefully within the requested 3 year variance. Also within this time, we hope to have the buyer constructing a house on the property, utilizing the variance.

We are requesting the extension on the variance for the 3 year duration with the hope that our sale of the lot and the buyers construction, will be completed. If you have any questions please let me know. Thank you for your help and consideration of this request.

With best regards,

James L. Gruber



IMPERVIOUS SURFACE CALCULATIONS

Gross area of Parcel 2 = 37,437 square feet or 0.859 acres



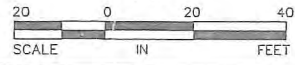
Impervious surface = 10,006.9 square feet

% Impervious surface = 26.73%

Dated this 8th day of April, 2011

Certified by: *Mark S. Hanson*
 Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

IMPERVIOUS SURFACE



Revision	By	Date
	SMT	

Drawing Title:
**BOUNDARY, LOCATION, TOPOGRAPHIC
 and UTILITY SURVEY FOR:**
JAMES L. GRUBER
 3289 EMMERT STREET

SUNDE LAND SURVEYING
 Main Office: 9001 East Bloomington Freeway (35W) - Suite 118
 Bloomington, Minnesota 55420-3435
 952-881-2455 (Fax: 952-888-9526)
 North Office: Brooklyn Park, Minn. 783-784-9346
 www.sunde.com

Project: 2011-031 Blk/Pg: 618/60 Date: 04/17/2011
 Township: 30 Range: 23 Section: 35 Sheet: 1 of 1
 File: 2011031001.dwg

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DESCRIPTION OF PROPERTY SURVEYED
(Per Certificate of Title No. 551934)

Parcel 1. That part of Lot 8, Block 1, Lambert Park, lying Northwesterly of the Southeasterly 202.27 feet and lying Northwesterly of the Southwesterly 111.00 feet of said Lot 8.
Parcel 2. The Southwesterly 111.00 feet of Lot 8, Block 2, Lambert Park.

Property is located in Ramsey County, Minnesota.

PLAT RECORDING INFORMATION

The plot of Lambert Park was filed of record on December 30, 1949.

[] Dimensions listed within brackets are per plat or record documents.

TITLE COMMITMENT

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.

PROPOSED PROPERTY DESCRIPTIONS

PROPOSED PARCEL 1:

That part of Lot 8, Block 1, Lambert Park, according to the recorded plat thereof, Ramsey County, Minnesota, lying Northwesterly of the Southeasterly 202.27 feet and lying Northwesterly of the Southwesterly 111.00 feet of said Lot 8.

PROPOSED PARCEL 2:

The Southwesterly 111.00 feet of Lot 8, Block 2, Lambert Park, according to the recorded plat thereof, Ramsey County, Minnesota.

GENERAL NOTES

- 1.) Survey coordinate and bearing basis: Ramsey County System (North American Datum of 1983 Coordinates, final adjustment December 17, 1991)
- 2.) No indication of wetland delineation by a qualified wetland specialist has been located or observed on site.

UTILITY NOTES

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.
- 2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 3.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket number 110950444.
- 4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

ZONING AND SETBACK INFORMATION

- 1.) Zoning information obtained from the City of Shoreview web site on April 7, 2011.

The subject property is zoned RI (Detached Residential)

- 2.) Setback information was obtained from Tom Simonson of the Planning Department of the City of Shoreview.

The setbacks for zone RI are:

Building: Front = 40 feet
Side = 10 feet
Rear = 30 feet

The address of 3300 Victoria Street is not an active address.

Restrictions (i.e., building setbacks, height and bulk restrictions, etc.) shown hereon are based on information provided and are subject to interpretation. We cannot certify to a restriction on the basis of an interpretation or the opinion of another party. Please contact local governing authorities for a determination of restrictions.

AREAS

Gross = 50,753 square feet or 1.165 acres
Net (excludes right of way easement) = 49,976 square feet or 1.147 acres
Proposed Parcel 1 = 13,316 square feet or 0.306 acres
Proposed Parcel 2 gross = 37,437 square feet or 0.859 acres
Proposed Parcel 2 net (excludes right of way easement) = 36,660 square feet or 0.842 acres

BENCH MARKS (BM)

(NAVD 1988 datum)

- 1.) Top of 2-1/4" cap in Victoria Street North and Arbogast Street. Ramsey County bench mark number 9105. Elevation = 941.17 feet
- 2.) Top of scribed "X" in center of southerly overhead door. Elevation = 947.60 feet

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

Dated this 8th day of April, 2011

SUNDE LAND SURVEYING, LLC.

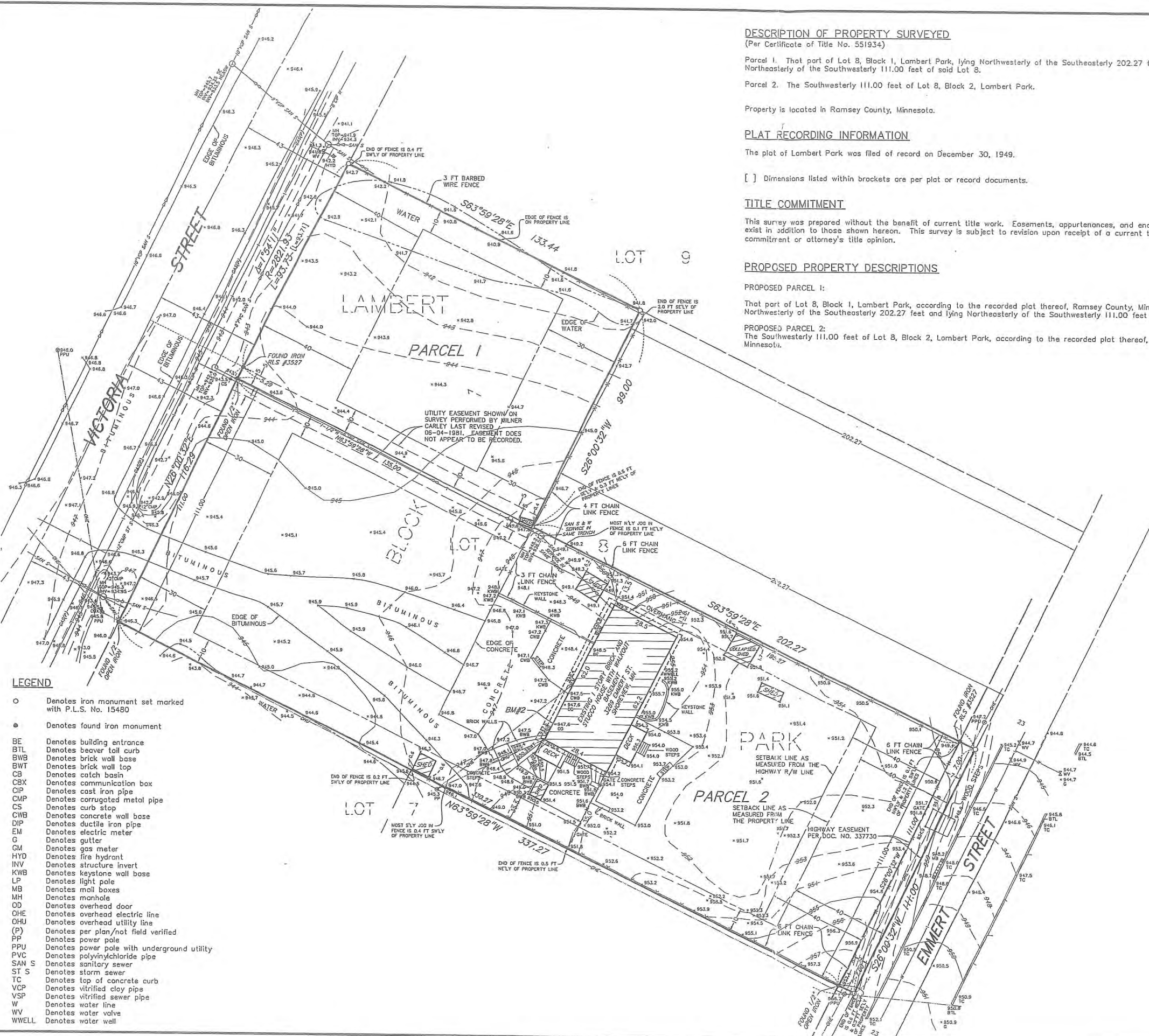
By: *Mark S. Hanson*
Mark S. Hanson, P.L.S. Minn. Lic. No. 15480

Revision	By	Date
	SMH	7/1

Drawing Title:
**BOUNDARY, LOCATION, TOPOGRAPHIC
and UTILITY SURVEY FOR:
JAMES L. GRUBER
3289 EMMERT STREET**

SUNDE LAND SURVEYING
www.sunde.com
Main Office: 9001 East Bloomington Freeway (35W) - Suite 118
Bloomington, Minnesota 55420-3435
852-581-2455 (Fax: 852-898-9528)
North Office: Brooklyn Park, Minn. 763-784-9346

Project: 2011-031 Bk/Pg: 618/60 Date: 04/08/2011
Township: 30 Range: 23 Section: 35 Sheet: 1 of 1
File: 2011031001.dwg



- LEGEND**
- Denotes iron monument set marked with P.L.S. No. 15480
 - Denotes found iron monument
 - BE Denotes building entrance
 - BTL Denotes beaver tail curb
 - BWB Denotes brick wall base
 - BWT Denotes brick wall top
 - CB Denotes catch basin
 - CBX Denotes communication box
 - CIP Denotes cast iron pipe
 - CMP Denotes corrugated metal pipe
 - CS Denotes curb stop
 - CWB Denotes concrete wall base
 - DIP Denotes ductile iron pipe
 - EM Denotes electric meter
 - G Denotes gutter
 - GM Denotes gas meter
 - HYD Denotes fire hydrant
 - INV Denotes structure invert
 - KWB Denotes keystone wall base
 - LP Denotes light pole
 - MB Denotes mail boxes
 - MH Denotes manhole
 - OD Denotes overhead door
 - OHE Denotes overhead electric line
 - OHU Denotes overhead utility line
 - (P) Denotes per plan/not field verified
 - PP Denotes power pole
 - PPU Denotes power pole with underground utility
 - PVC Denotes polyvinylchloride pipe
 - SAN S Denotes sanitary sewer
 - ST S Denotes storm sewer
 - TC Denotes top of concrete curb
 - VCP Denotes vitrified clay pipe
 - VSP Denotes vitrified sewer pipe
 - W Denotes water line
 - WV Denotes water valve
 - WWELL Denotes water well

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551934

Document# 2143592
Certified Filed On 06/06/2011 0800
Registrar of Titles, Ramsey County, MN
Certificate# 551934
6.2.2 559734

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD APRIL 26, 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: Chair Feldsien, Commissioners Ferrington, Mons, Proud, Schumer, Solomonson

And the following members were absent: Wenner

Member Schumer introduced the following resolution and moved its adoption.

**RESOLUTION NO. 11-23 FOR A VARIANCE TO REDUCE THE MINIMUM FRONT
YARD SETBACK FOR A HOME ON PARCEL 1 AS PROPOSED**

WHEREAS, MGNG Group, LLC, 3298 Emmert St, submitted a variance application for the following described property:

That part of Lot 8, Block 1, Lambert Park, according to the recorded plat thereof, Ramsey County Minnesota, lying Northwesterly of the Southeasterly 202.27 feet and lying Northeasterly of the Southwesterly 111.00 feet of said Lot 8.

*(This property is commonly known as 3289 Emmert Street
and when subdivided is known as Parcel 1)*

35.30.2342.0007

2414-11-07

1-4

WHEREAS, the Development Regulations state where existing dwellings are located on lots immediately adjacent to a vacant lot and have established front yard setbacks that exceed the minimum front yard setback allowed in the zoning district by more than 10 feet, the front yard setback of the dwelling to be constructed on the vacant lot shall be equal the average of the front yard setbacks of the adjacent dwellings plus or minus 10 feet; and

WHEREAS, the required front yard setback range for a structure on Parcel 1 is 153.5 feet to 173.5 feet; and

WHEREAS, the applicant has requested a variance to reduce this requirement to 40 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 April 26, 2011 the Shoreview Planning Commission made the following findings of fact:

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The subdivision is a reasonable use of the property as both of the proposed lots comply with and exceed the minimum standards of the R-1, District. With a lot area over 13,000 square feet, a lot width of 99 feet and a lot depth of 135 feet, Parcel 1 does have adequate area for a single family residence. It is reasonable to apply a similar setback standard used for other parcels in this neighborhood that are similarly situated and not through lots. The setbacks of the single family residences on similar parcels east of Victoria Street range from 30 feet to 150 feet.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* The circumstances related to this property are unique. The City granted approval of the same subdivision proposal in 1980 and required a minimum setback of 40 feet from Victoria Street. The recording of Tract B created a lot of record affecting how the remainder of the property can be subdivided. When the proposal was previously reviewed, there was a conscious effort to have the common boundary between Tracts A and B be consistent with the previous subdivision to the south. This action established the depth of Tract A, the 40-foot front yards setback from Victoria Street and the buildable area of the property.

In 1997, the Development Code was amended and the front yard setback averaging rule was adopted. This change was not created by the property owner and creates difficulty when applied to this proposed Parcel 1.
3. *The variance will not alter the essential character of the neighborhood.* The neighborhood is not characterized by uniform lot configurations or orientation of dwellings, but instead a mosaic reflecting the fragmented development of the area. The majority of the large lots have been further subdivided, resulting in the lot pattern currently existing. The resulting parcel is similar in character to other parcels in the neighborhood. A future home on the property will also be placed at a setback similar to

the other non-through lots in the neighborhood. The variance, if granted, 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, 3289 Emmert Street be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Minor Subdivision/Variance applications.
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 on Parcel 1.
4. A tree protection and replacement plan shall be submitted prior to issuance of a building permit for Parcel 1. 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.
5. An erosion control plan shall be submitted with the building permit application and implemented during the construction of the new residence.
6. A final site-grading plan shall be submitted and approved prior to issuance of a building permit. Said plan shall further review and address the standing water on the property.
7. Access to the future home on Parcel 1 is permitted off of Victoria Street provided the proper permits are received from Ramsey County.
8. A building permit must be obtained before any construction activity begins.

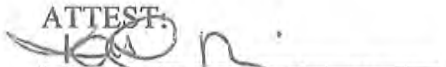
The motion was duly seconded by Member Proud and upon a vote being taken thereon, the following voted in favor thereof : Chair Feldsien, Commissioners Ferrington, Mons, Proud, Schumer, Solomonson

And the following voted against the same: None


Adopted this 26th day of April, 2011


Larry Feldsien, Chair
Shoreview Planning Commission

ATTEST:


Kathleen Nordine, City Planner

ACCEPTANCE OF CONDITIONS:


MGNC Group, LLC

SEAL



**PROPOSED MOTION
TO EXTEND THE VARIANCE APPROVED FOR JAMES GRUBER ET AL
3289 EMMERT STREET**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To extend the variance approved for Parcel 1 (3308 Victoria Street) reducing the front yard setback for a future home on the property to 40 feet. The subdivision and Resolution have been recorded at Ramsey County and the property is being marketed for sale. Said extension is for a three-year period to April 26, 2016. Conditions attached to the variance approval shall remain in effect.

VOTE:

AYES:

NAYS:

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: April 23, 2013
SUBJECT: File No. 2481-13-08, Conditional Use Permit/Variance – Ritchie, 5186 Lexington Avenue

INTRODUCTION

Thomas and Linda Ritchie, 5186 Lexington Avenue, are proposing to reconstruct a detached accessory structure on their property. The proposal requires a conditional use permit since the structure exceeds the maximum size area permitted and a variance to maintain the existing setback from the side property line. The intent of the conditional use permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan. A variance or deviation from the development code standards can be granted provided practical difficulty is present.

PROJECT DESCRIPTION

The property is located on Lexington Avenue and has frontage on the west side of Turtle Lake. The property is zoned RE, Residential Estate as are the properties to the south. To the north are single-family residential properties zoned R1, Detached Residential. The property is also located in the Shoreland Management District of Turtle Lake as are the adjoining parcels that have frontage on Turtle Lake.

The property is slightly over 1 acre in size (1.05 acres) and has a width of 56' along Lexington Avenue and an average depth of 817.61 feet. The property is developed with a single family home that has a foundation area of 2,250 square feet with a 616 square foot attached garage.

An existing 735 square foot detached accessory structure is also located on the property. A building permit was issued in 1957 for this structure which indicates that this structure was to be setback 5-feet from the southern side property line. However, a 1964 survey shows that the structure is setback 4.5 feet from this property line. This structure is one-story and is designed with a lean-to type roof. The applicants have indicated that the structure is beginning to deteriorate and is in need of repair or replacement. There is water intrusion from the roof and siding/wall areas which are not weather tight or rodent proof.

It is their desire to replace the structure with a new garage that complements the architectural design of their home. The proposed structure will utilize the existing foundation and remain the same size and in the same location as the present structure. The roofline would be changed from the lean-to type roof to a pitched roof that is consistent with the home. Please see the attached plans.

DEVELOPMENT CODE

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. On parcels 1 acre or larger in size, accessory structures may exceed the maximum allowable square footage permitted with a conditional use permit provided certain standards are met. The maximum area permitted for a detached accessory structure is 288 square feet since there is an attached 2 plus car garage on the property. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive.

On riparian lots, detached accessory structures can be constructed on the street side of the dwelling provided a detached accessory structure permit is issued. This permit is reviewed administratively by staff. For the permit to be issued the structure must be setback a minimum of 30 feet from the front property line and not cause a traffic visibility problem. In addition, the proposal needs to be consistent with the general character of the surrounding properties.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

Conditional Use Permit

Attachment A summarizes the standards which must be met for the conditional use permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

APPLICANT'S STATEMENT

The applicant states that the detached accessory building will be used to store personal items such as boats, trailers, dock and lawn equipment. Replacement of the structure is preferred over repair because a new structure can be designed to complement the house using a similar roof line and architectural material. The existing garage slab which is 4.5 feet from the south side property line, would be reused to reduce the loss of vegetation and minimize grade changes.

Relocating the garage to the required 10-foot setback is not desirable due to the narrow width of the lot and the location of the existing driveway. If it is relocated, the driveway may need to be expanded to provide room for vehicular movement. Reconstruction of the garage in the same location addresses the unique circumstances and permits the property to be used in a reasonable manner.

STAFF REVIEW

The existing structure is considered non-conforming since the size exceeds that which is permitted by right and encroaches upon the minimum 10-foot side yard setback required. A lawful nonconforming structure may be continued through repair, replacement, restoration, maintenance or improvement but not including expansion. The change in the structure's roof design is considered an expansion; therefore, reconstruction of the structure as proposed requires the conditional use permit and variance.

Conditional Use Permit

The proposal was reviewed in accordance with the standards identified in the Development Code. The following table summarizes the proposal in terms of the Development Code standards.

	Existing	Proposed	Development Code Standard
Area			
Detached Garage	735 sf	735 sf	*288 sf
All Accessory Structures	1,351 sf	1,351sf (60% of dfa)	*1,200 sf or 90% of the dwelling unit foundation area (2,025 sf) – whichever is more restrictive
Setback – side lot line	4.5 ft	4.5 ft**	10 ft
Height			
Roof Peak	11 ft	15 ft	18 ft
Sidewall	10 ft	8 ft	10 ft

Exterior Design		Match existing	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

*Standard may be exceeded with a Conditional Use Permit

** Variance requested

The proposed structure complies with the City's standards regarding height, exterior design and screening from adjoining properties.

In Staff's opinion the replacement of a deteriorating structure with a new structure that utilizes the same foundation is in harmony with general purpose of the Development Code and Comprehensive Plan policies. The overall size of this structure when combined with all accessory structures is less than 90% of the dwelling unit foundation area, therefore, the dwelling unit will remain the primary feature and use of the property. The new garage will also be designed with a pitched roof and exterior building materials that are consistent with the home.

The applicant indicated that the structure will be used for the storage of personal items such as lawn and garden related equipment, dock parts, trailers and a boat. This use is consistent with the residential use of the property and neighborhood.

Variance

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. The following summarizes staff's review of the proposal based on the practical difficulty criteria:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*

The applicants' proposal to reconstruct a dilapidated accessory structure utilizing the existing foundation is reasonable. The re-use of the slab will minimize site disturbance and permit the applicants to retain the vegetation that exists along the southern lot line. The proposed roof design will improve the functionality of the structure by increasing the interior height and providing additional head-room and storage space.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

The location of the structure, driveway and narrow width of the property are unique circumstances which were not created by the property owner. The site plan submitted with the 1957 building permit issued for the structure indicates that the structure was

to be setback 5 feet from the side property line. A survey completed in 1964 found that the structure was actually setback 4.5' from the side property line. The placement of the structure towards the southern side of the property is logical due to the narrow width of the property.

Access to the garage is gained from a driveway off Lexington Avenue that is adjacent to the northern property line. The existing garage is oriented towards the east with the garage doors and access being on the east side of the building. The proposed structure will retain this orientation. Shifting the garage to the north would interfere with the driveway and require additional driveway improvements thereby disturbing a larger area of the site.

The narrow width of the lot is a unique circumstance that also complicates this matter. Detached accessory structures of this size are required to be setback 10' from a side property line, leaving a 36-foot wide area for the structure. The placement of the structure is also affected by the area needed for the driveway. Driveways must be set back 5' from a side property line. When both the structure and driveway setbacks are imposed, it becomes difficult to place a garage on the property in accordance with the code standards.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The variance will not alter the character of the neighborhood. The proposed structure will replace an existing dilapidated structure that is in need of repair. Replacement with a new structure in the same location as the existing structure and designed to complement the architectural design of the home will improve the appearance of the property. Other lakeshore properties along Turtle Lake Road have detached garages that are similarly situated.

PUBLIC COMMENT

Property owners within 350' of the property were notified of the application. One comment in support has been received.

This request was reviewed by the Building Official. Any structure that is set closer than 5' to the property line must be constructed with a one-hour fire resistance rating. This includes the southern building wall and any projections (eaves) that are within 4' of the property line. Please see the attached email.

RECOMMENDATION

The applicant's proposal is consistent with the conditional use permit standards and variance criteria. The proposal satisfies the standards for a conditional use permit because the use is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan. The structure/land use conforms to the Comprehensive

Plan and is compatible with the existing neighborhood. The existing home will remain the primary feature and use of the property.

In Staff's opinion, practical difficulty is also present for the variance. The applicant is proposing to use the property in a reasonable manner since the existing concrete slab will be used and the overall garage design will improve its functionality. The location of the existing garage, driveway access and narrow lot width are unique circumstances. Last, the character of the neighborhood will not be altered as a result of this variance request. Staff is recommending the Planning Commission recommend the City Council approve the conditional use permit *and* adopt Resolution 13-39 approving the variance subject to the following:

1. Approval of the conditional use permit is subject to approval of the variance to maintain the existing 4.5-foot setback from the side property line.
2. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
4. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
5. The applicant shall obtain a detached accessory structure permit for the structure.
6. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards pertaining to one hour fire resistance construction.
7. The structure shall be used for the personal storage of vehicles, recreational vehicles, trailers, household and lawn equipment.
8. The structure shall not be used in any way for commercial purposes.

Attachments:

1. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
2. Resolution 13-39
3. Email – Building Official Steve Nelson
4. Location Map
5. Aerial Photo
6. Applicant's Statement, Submitted Plans and Photographs
7. Comments received
8. Motion Sheet

ATTACHMENT A

- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.
- (3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D) (5) of this ordinance.

Conditional Use Permit Criteria

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD APRIL 30, 2013**

* * * * *

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. 13-39 FOR A VARIANCE TO REDUCE THE FRONT AND SIDE
YARD SETBACKS FOR AN ADDITION**

WHEREAS, Thomas and Linda Ritchie, submitted a variance application for the following described property:

Lot 6 of Shifsky's Addition and part of Government Lot 2 of Section 11, Township 30, North of
Range 23, Ramsey County, Minnesota
(commonly known as 5186 Lexington Avenue)

WHEREAS, the Development Regulations establish a minimum building setback of 10 feet from a side property line for a detached accessory structure greater than 288 square feet in size; and

WHEREAS, the applicants are proposing to remove an existing nonconforming 735 square foot detached accessory structure on their property but retain the existing foundation; and

WHEREAS, the existing foundation is setback 4.5' from the southern side property line; and

WHEREAS, the applicant has requested a variance to utilize this foundation and retain the 4.5' setback for the construction of a new 735 square foot detached accessory; 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 April 30, 2013 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.*

The applicants' proposal to reconstruct a dilapidated accessory structure utilizing the existing foundation is reasonable. The re-use of the slab will minimize site disturbance and permit the applicants to retain the vegetation that exists along the southern lot line. The proposed roof design will improve the functionality of the structure by increasing the interior height and providing additional head-room and storage space.

2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*

The location of the structure, driveway and narrow width of the property are unique circumstances which were not created by the property owner. The detached garage was constructed in 1957 and setback 4.5' from the side property line. The placement of the structure towards the southern side of the property is logical due to the narrow width of the property. Shifting the garage to the north would interfere with the driveway and require additional driveway improvements thereby disturbing a larger area of the site. In addition, the buildable area for the garage is restricted when the required setbacks are imposed and creates difficulty for access.

3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

The variance will not alter the character of the neighborhood. The proposed structure will replace an existing dilapidated structure that is in need of repair. Replacement with a new structure located in the same location as the existing structure and designed to complement the architectural design of the home will improve the appearance of the property. Other lakeshore properties along Turtle Lake Road have detached garages that are similarly situated.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 5186 Lexington Avenue, be approved, subject to the following conditions:

1. Approval of the conditional use permit is subject to approval of the variance to maintain the existing 4.5-foot setback from the side property line.
2. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
4. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
5. The applicant shall obtain a detached accessory structure permit for the structure.
6. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards pertaining to one hour fire resistance construction.
7. The structure shall be used for the personal storage of vehicles, recreational vehicles, trailers, household and lawn equipment.
8. The structure shall not be used in any way for commercial purposes.

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 30th day of April, 2013

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Nordine, City Planner

ACCEPTANCE OF CONDITIONS:

Thomas Ritchie, 5186 Lexington Avenue

Linda Ritchie, 5186 Lexington Avenue

STATE OF MINNESOTA)

)



Kathleen Nordine <knordine@shoreviewmn.gov>

CUP 5186 Lexington

1 message

Steve Nelson <snelson@shoreviewmn.gov>

Wed, Apr 10, 2013 at 11:20 AM

To: "NORDINE, KATHLEEN" <knordine@shoreviewmn.gov>

Kathleen:

Reviewing the application for the tear down and rebuild of the structure at 5186 Lexington, I noticed it will be reconstructed at 4.5 feet from the property line. If constructed as proposed, the building requires any structure walls within 5 feet of a property line be of one hour fire resistance construction. The wall must comply with an approved design to meet the one hour rating. Projections (eaves) within 4 feet of the property line must have one hour fire resistance rating on the underside of the projection. No penetrations in the wall are permitted unless they comply with the building code. This does not apply to walls constructed perpendicular to the property line.

This is a change to what may have been permitted in previous codes. It is not grandfathered once a building is torn down and reconstructed.

Steve

Steve Nelson

*Building Official
City of Shoreview
4600 N Victoria Street
Shoreview, MN 55126
651-490-4691*



Ritchie - 5186 Lexington Avenue



258.5 0 129.25 258.5 Feet

INAD_1983_HARN_Adj_MIN_Ramsey_Feet
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Legend

- County Offices
- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Cities
- Streets (<=8K)
 - Interstate
 - US Highway; MIN Highway
 - Ramp
 - County Road
 - Municipal Street
 - Service Road
 - Private Road
 - Restricted Access Route
 - A99
- External Anoka (<32K)
 - Federal and State
 - Local
- External Dakota (<32K)
 - Federal and State
 - Local
- External Hennepin (<32K)
 - Federal and State
 - Local
- External Washington (<32K)
 - Federal and State
 - Local

Notes

Conditional Use Permit and Variance - Detached Accessory Structure



5186 Lexington Avenue



172.4 86.19 172.4 Feet

NAD_1983_HARN_Adj_Min_Ramsey_Feet
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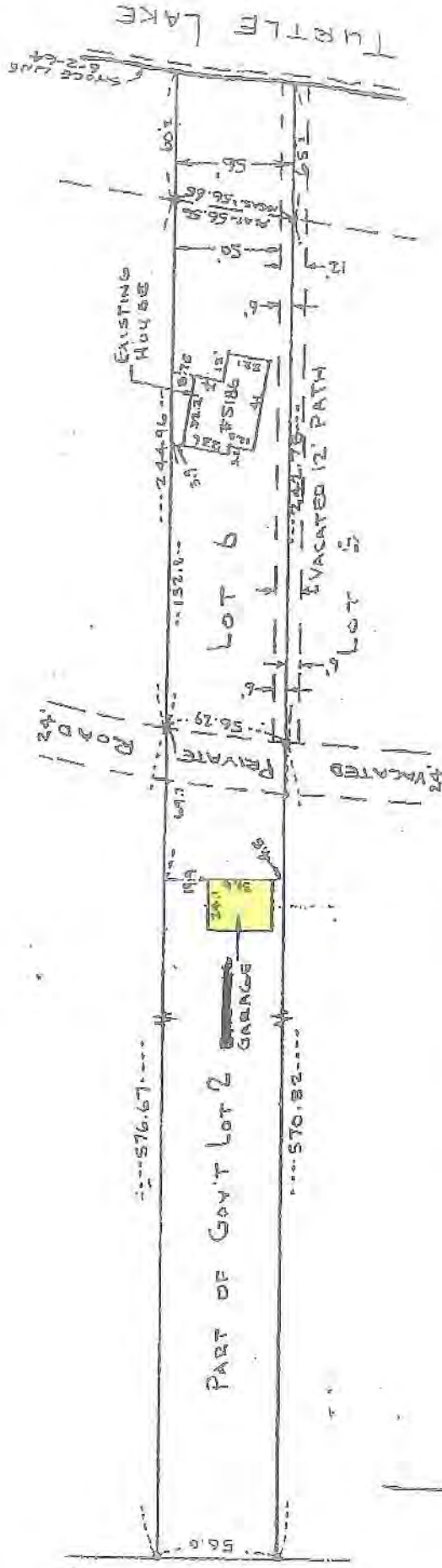
Legend

- County Offices
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- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Cities

Notes

SURVEY FOR:

JERRY COLEMAN
5186 - N. LEXINGTON AVE.
ST. PAUL, MINN.



LEGAL DESCRIPTION (recorded in Book 1739 Page 978)

Lot 6 of Schifsky's Addition and that part of Government Lot 2 of Section 11, Township 30 North, Range 23 West of the 14th P. M. which is bounded on the North by the northerly line of Lot 6 of said Schifsky's Addition, extended directly West in a straight line to Lexington Avenue on the West by the southerly line of Lexington Avenue on the South by a line 6 feet South of and parallel to the South line of said Lot 6 extended directly West in a straight line to Lexington Avenue and on the East by Lot 6 of said Schifsky's Addition and the West end of the northerly line of the path lying between Lots 5 and 6 of said Schifsky's Addition. Also the North 1/2 of the following described parcel of land to-wit: All that pathway lying between Lots 5 and 6 in said Schifsky's Addition.

I hereby certify that on June 2, 1964, I surveyed the property described above and that the above plat is a correct representation of said survey.

SCALE 1" = 50'

* DENOTES IRON MONUMENT

Donald H. Deutsch



Land reg. # 45540 Ramsey City Records
43,560 : ANN

STANDARD VARIANCE APPLICATION 5186 LEXINGTON AVE N

SUBMITTED BY THOMAS AND LINDA RITCHIE

The purpose of our request for variance concerns the 10 foot setback requirement from our lot line in our application to replace our existing 60 year old garage with a new structure on the same sight. This variance request is being submitted in conjunction with a Conditional Use Permit application. Our existing garage is 4.5 feet from the south lot line of our property on the West side of Turtle Lake. The garage has been in place since the lot was developed in the 1950's. The garage is accessory to the residential use of the property and it is used for storage purposes. Items include boats and trailers, dock sections in winter and lawn and snow removal equipment. We believe this is in keeping with your requirement to use the property in a reasonable manner.

Our desire to construct the garage on the existing site is based on the fact that our driveway runs between the existing north wall of the garage and the neighbors to the north fence. There is not enough room to move the structure over 5.5 feet without adding asphalt to the sliver of grass between our existing driveway and the neighbors fence. Our lot is only 56 feet wide. We are conscious of covering the ground with impervious asphalt covering. We feel this meets the unique circumstances criteria of the process.

Our goal is to use the existing garage floor slab to reduce the loss of vegetation and minimize grade changes to the wooded area of our property directly to the west of the proposed structure. Also part of our plans is to remove old creosote covered railroad ties that were installed in the 1950's for landscape decorations. They are rotting and are in need of replacement. We feel it is environmentally sound to replace these rail ties. The proposed replacement structure will match the roof line and siding of our existing home and will match the look of the garage directly parallel to ours. Currently our old garage is somewhat of an eye sore.

Please note the neighbor affected by the variance request is in complete support of our plans and will verify that the proposed placement of the replacement building will not affect his enjoyment of his property.

CONDITIONAL USE PERMIT APPLICATION FOR 5186 LEXINGTON AVE N.

SUBMITTED BY THOMAS AND LINDA RITCHIE

Our intention is to replace and rebuild our 60 year old detached garage. The location of the replacement building will be on the exact sight of the existing structure. We use the garage as an accessory structure to store boats, trailers, our dock in winter and equipment related to the residential use and upkeep of our property on the West side of Turtle Lake. Such equipment includes lawn tractor and mowers and snow removal equipment.

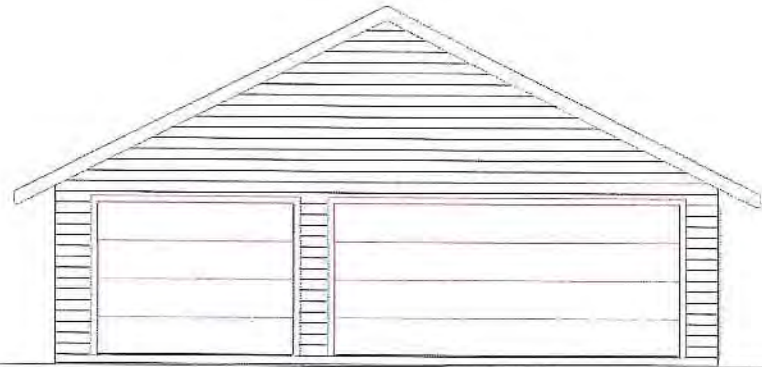
The existing garage was constructed in the 1950's and is in serious need of replacement. The roof leaks and the wood siding is rotting creating gaps in the walls. This allows accumulation of snow melt and rain to form puddles inside of the structure. When the puddles freeze, there is potential for injury by slipping and falling while working in the building. The gaps also allow rodents to nest in the garage during the winter months.

The current building is not an attractive addition to our property. Our intention is to have the replacement structure match the roofline and siding of our existing home which we feel will enhance the look of our property and improve the value our home. The new building will be of the same shape as the garage on our neighbors property parallel to our existing garage. It will blend in to the overall look of the neighborhood.

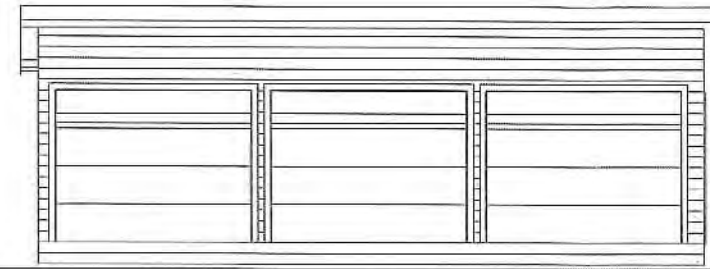
RITCHIE RESIDENCE

5186 LEXINGTON AVE. NORTH, SHOREVIEW MN 55126

March 14, 2013

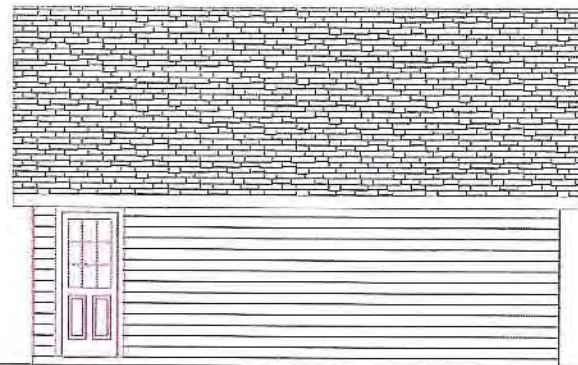


EAST ELEVATION PROPOSED

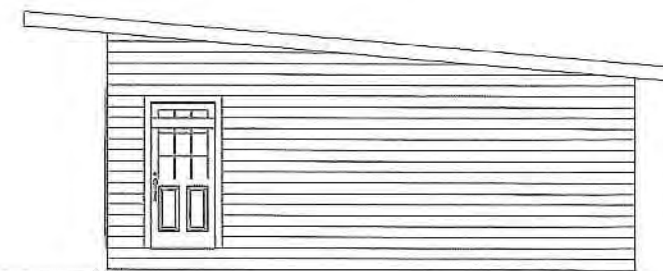


EAST ELEVATION EXISTING

ELEVATIONS
SCALE: 1/8"=1'-0"



NORTH ELEVATION PROPOSED

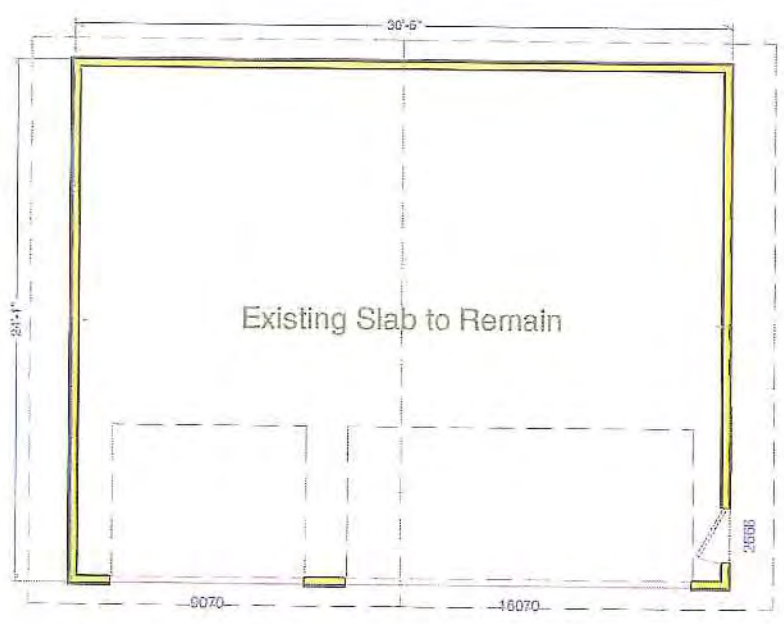


NORTH ELEVATION EXISTING

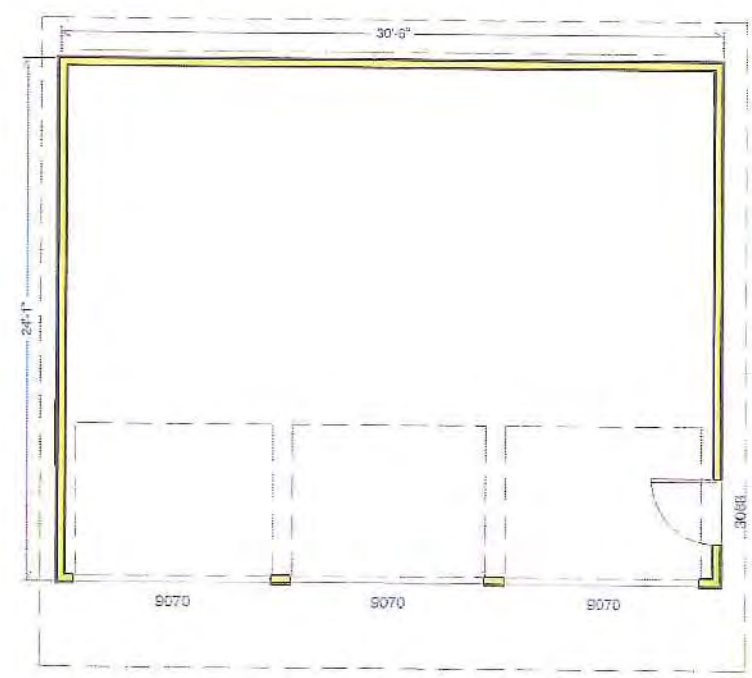
RITCHIE RESIDENCE

5186 LEXINGTON AVE. NORTH, SHOREVIEW MN 55126

March 14, 2013

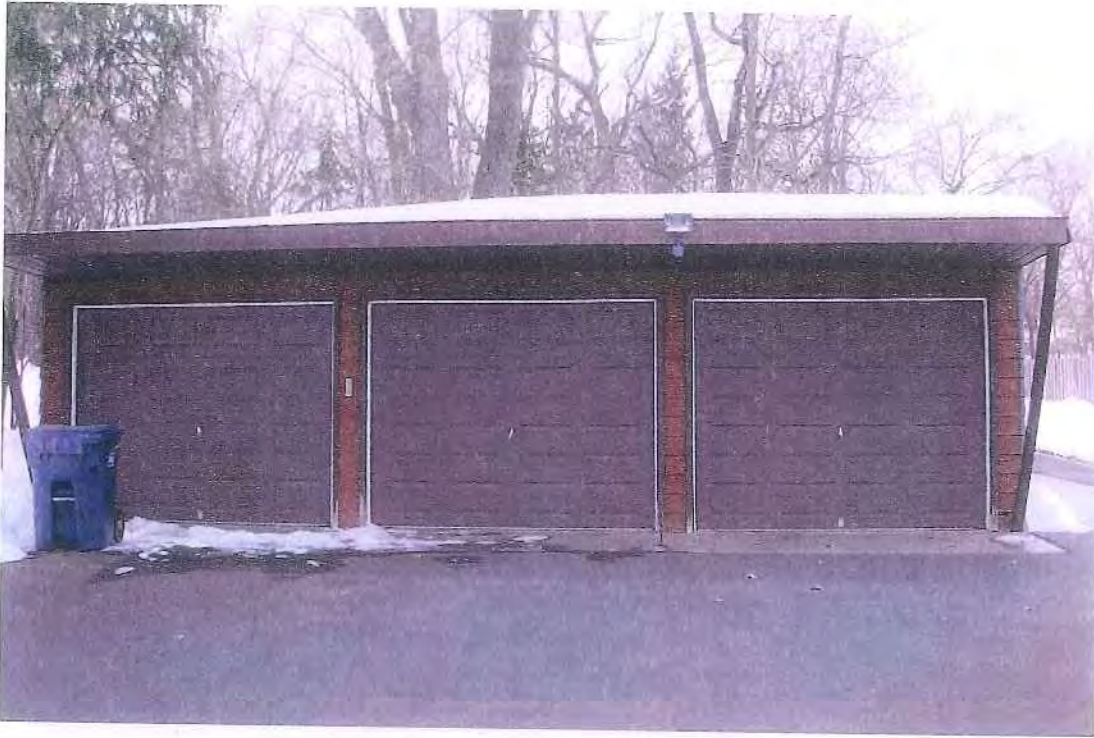


PROPOSED

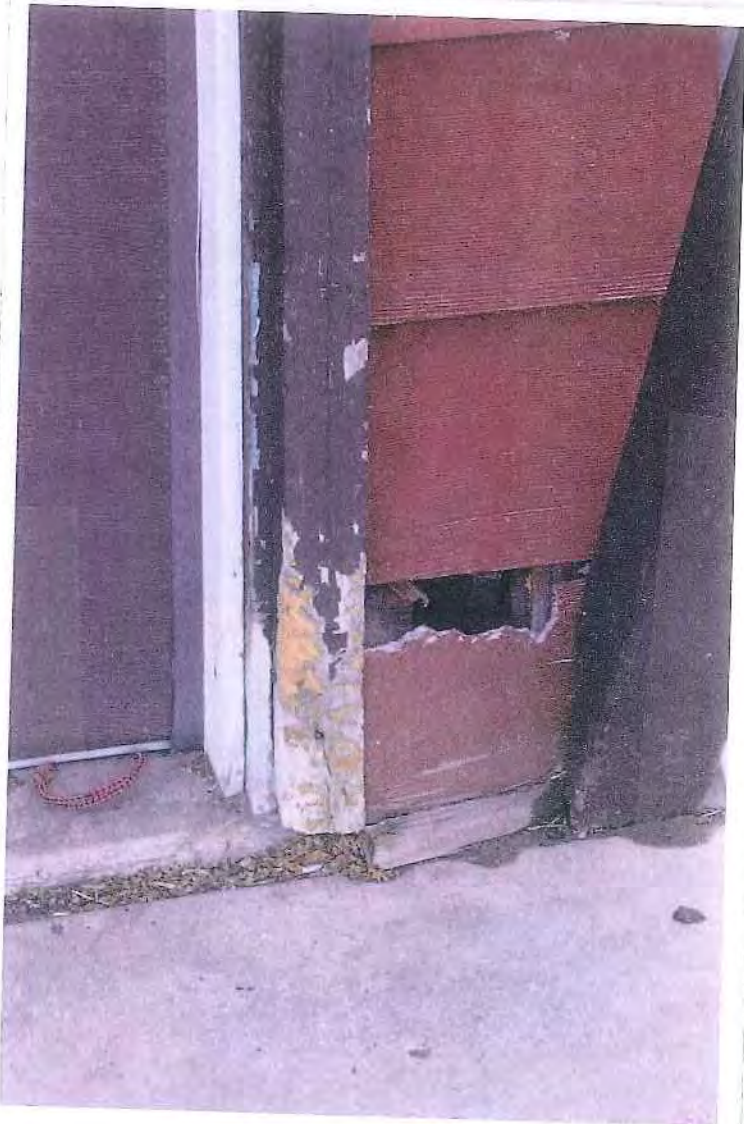


EXISTING

FIRST FLOOR PLANS
SCALE: 1/8"=1'-0"



Existing
garage
to be
replaced



Example
of
openings in side
of existing garage.
Leads to water
damage and
rodent nesting.



Neighbor's
roof line of
garage - North



Lot line
neighbor - south
existing garage
and neighbor's
building
adjacent.

Comments:

We are in total agreement and hereby approve the Tom Ritchie reconstruction of this separate garage. It will solve water problems and enhance the area appearance, while allowing adequate storage space for lake living and 700 feet long driveways. Also a set back variance on our adjoining lot line is agreeable to us.

Jeffrey J Burnham 4-18-13

Jeffrey Burnham

Zora J. Burnham 4-18-13

Zora Burnham

Name: _____
Address: 5180 N LEXINGTON AVE
SHOREVIEW 55126

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To adopt Resolution 13-39 approving a Variance to reduce the 10-foot side yard setback to 4.5 feet and recommend the City Council approve the Conditional Use Permit submitted by Thomas and Linda Ritchie, 5186 Lexington Avenue, to reconstruct a detached accessory structure on their property, subject to the following conditions:

1. Approval of the conditional use permit is subject to approval of the variance to maintain the existing 4.5-foot setback from the side property line.
2. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
3. The exterior design and finish of the addition shall be consistent with and complement the home on the property.
4. The existing vegetation along that portion of the south side property line adjacent to the proposed structure must remain and be maintained.
5. The applicant shall obtain a detached accessory structure permit for the structure.
6. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards pertaining to one hour fire resistance construction.
7. The structure shall be used for the personal storage of vehicles, recreational vehicles, trailers, household and lawn equipment.
8. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will be maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.
5. Practical difficulty is present as outlined in Resolution 13-39 approving a side-yard setback variance.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
April 30, 2013

t:\2013pcc\2481-13-085186LexingtonAve Ritchie\pemotion

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: April 25, 2013

SUBJECT: File No. 2482-13-09, Conditional Use Permit – Michael Keene, 5345 Hodgson Road

INTRODUCTION

Michael Keene, 5345 Hodgson Road, submitted a conditional use permit application to construct a detached accessory structure on his property. On single-family residential parcels one acre or larger in size, accessory structures that exceed the maximum allowable square footage are permitted with a conditional use permit. The intent of the conditional use permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan.

PROJECT DESCRIPTION

The property is located on the east side of Turtle Lake. The property is zoned RE, Residential Estate, as are the adjacent properties. The property is also located in the Shoreland Management District of Turtle Lake as are the adjoining riparian parcels.

The property is 2.5 acres and has a width of 100 feet, and so is a standard riparian lot. The property is developed with a single family home that has a foundation area of 1,685 square feet with a 624 square foot attached garage. The house and attached garage is located about 70 feet from the OHW of Turtle Lake and over 950 feet from Hodgson Road. The property shares the long driveway with the two adjoining lots. The applicant proposes to construct a 28- by 40-foot (1120 square foot) detached garage with a peak height of 14 feet. The garage location will be about 230 feet east from the house, 650 feet from the front lot line abutting Hodgson Road and 17 feet from of the south side lot line. On riparian lots, a Detached Accessory Structure permit is required to construct a garage in the front yard. The applicant has submitted an application for this, and that will be reviewed administratively upon conclusion of the CUP review process. Please see the attached plans.

DEVELOPMENT CODE

The accessory structure regulations were revised in 2006 and stricter standards were created to ensure the compatibility of these structures with surrounding residential uses. The maximum area permitted for a detached accessory structure is and the total of all detached accessory structures is 288 square feet since there is an attached 2 plus car garage on the property. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive. On parcels 1 acre or larger in size, accessory structures may exceed the

maximum allowable square footage permitted by Code with a conditional use permit provided certain standards are met.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

Conditional Use Permit

Attachment A summarizes the standards which must be met for the conditional use permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

APPLICANT'S STATEMENT

The applicant states that the detached garage will be used to store cars, boats, motorcycles, and lawn care tools.

STAFF REVIEW

The proposal was reviewed in accordance with the standards specified in the Development Code. The proposed accessory structure complies with the location, height, design and setback requirements for a detached accessory structure. Existing vegetation, size of the property and location of the garage minimize the visual impacts on adjoining properties.

It appears the building will be visible from the rear of the houses developed along the south side of White Birch Drive during leaf off months, and that the screening is not located on the applicant's property. As such, staff recommends that the applicant submit a landscape plan showing screening along the north side of the garage.

The proximity of the garage to the existing shared driveway means the two neighbors will drive past the garage when using the shared drive. Staff considers this a difficult view to mitigate since the driveway will be separated by an apron that is 7 feet wide.

The following table summarizes the proposal in terms of the Development Code standards.

	Existing	Proposed	Development Code Standard
Area			
Detached Garage	None	1120 sf	*288 sf
All Accessory Structures	624 sf	1744 sf (103.5% of dfa)	*1,200 sf or 90% of the dwelling unit foundation area (1,685 sf) – whichever is more restrictive
Setback – side lot line	NA	17 ft	10 ft
Height			
Roof Peak	NA	14 ft	18 ft
Sidewall		x ft	10 ft
Exterior Design		Match existing	Compatible with the residence and be similar in appearance
Screening		Retain existing vegetation	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

*Standard may be exceeded with a Conditional Use Permit

The proposed structure complies with the City's standards regarding setbacks, height, exterior design and screening from adjoining properties.

In Staff's opinion the proposed structure is also in harmony with general purpose of the Development Code and Comprehensive Plan policies. While the proposed area of the detached structure exceeds that which is permitted by right, the structure meets the conditional use permit standards. The total floor area of accessory structures will be 103.5% of the dwelling unit foundation area. Staff believes that the 350 foot separation between the attached garage (624 sf) and the detached garage (1,120 sf) will not visually tie the two accessory structures together and that the dwelling unit will remain the primary feature and use of the property.

The applicant indicated that the garage will be used for the storage of personal items such as lawn/garden and lake related equipment and personal vehicles. This use is consistent with the residential use of the property and neighborhood.

COMMENT

Property owners within 350' of the property were notified of the application. No comments have been received.

The Rice Creek Watershed District (RCWD) commented that the project is subject to a permit since it is within 1,000 feet of Turtle Lake. The comment is attached.

RECOMMENDATION

A Conditional use permit may be granted provided the proposed use is listed as a conditional use for the district in which it is located and upon showing that the standards and criteria of the Development Code are satisfied. The criteria for a conditional use permit includes that the use is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan and that the structure/land use conforms with the Comprehensive Plan and are compatible with the existing neighborhood. In staff's opinion, these criteria are met. An accessory structure of this size is compatible with the neighborhood provided the project adheres to the conditional use permit standards. Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit subject to the following:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the garage shall be compatible with the dwelling.
3. A minimum setback of 10-feet is required from the side property line.
4. The applicant shall obtain a building permit for the structure.
5. The applicant shall submit a final site grading plan and a landscape plan for approval by the City Planner prior to issuance of a building permit for the detached garage.
6. The project is subject to the permitting requirements of the Rice Creek Watershed District. The applicant shall obtain the necessary RCWD permit prior to issuance of any City permits for the project.
7. The structure shall be used for storage of household and lawn supplies, vehicles and equipment.
8. The structure shall not be used in any way for commercial purposes.

Attachments:

1. Location Map
2. Applicant's Statement and Submitted Plans
3. Comments
4. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
5. Motion Sheet

ATTACHMENT A

- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.
- (3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D)(5) of this ordinance.

Conditional Use Permit Criteria

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.



Legend

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

563.0 0 281.52 563.0 Feet



1: 3,378

NAD_1983_HARN_Adj_MN_Ramsey_Feet

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Notes

Enter Map Description



March 18, 2013

Department of Community Development
City of Shoreview

Request for building permit for detached garage

The garage will be 40 feet wide, 28 feet deep, and 14 feet high. The purpose would be for the storage of cars, boats, motorcycles, and lawn care tools.

The site would be approximately 230 feet west from the front of the house and 650 feet east of Hodgson Road. To the north would be the undeveloped property of 5355 Hodgson and the South would be the detached garage for 5333 Hodgson.

Lake Pine Dr

sources

5399

5391

5385

686

678

670

660

652

644

636

628

687

679

5375

680

5355

537

5333

5327

5315

Parcel ID: 113023140005

Primary Owner 1: Michael R Keene
 Primary Owner 2: Ann Marie Kopp
 Site Address: 5345 Hodgson Rd
 Shoreview MN 55126-1234
 Lot: 6 Block: SECTION 11 TOWN 30 RANGE 23
 Area: 2.51 Acres. Use: Res 1 unit

Add To Selected | View Additional Details

PROPOSED GARAGE 10 feet north of driveway



MN License #BC002259 WI License #107855

WORK ORDER

Job Number _____ (For Production)

NAME Michael Keene

DAYTIME PHONE # 612 790 8089

JOB ADDRESS 5345 Holtzman Rd

OTHER PHONE # _____

PERMIT AREA Dunwoody, CB

SALES REPRESENTATIVE JM

CONTRACT DATE 3/10/13 SIZE 26x46

Debris Must Be Removed By Owner Before Start of Project

ALL GARAGES

- Square With _____ N/A
- Distance to all property lines and other structures marked
- Why Not? _____
- Blocks By Owner By Economy N/A

Economy Prep
N/A

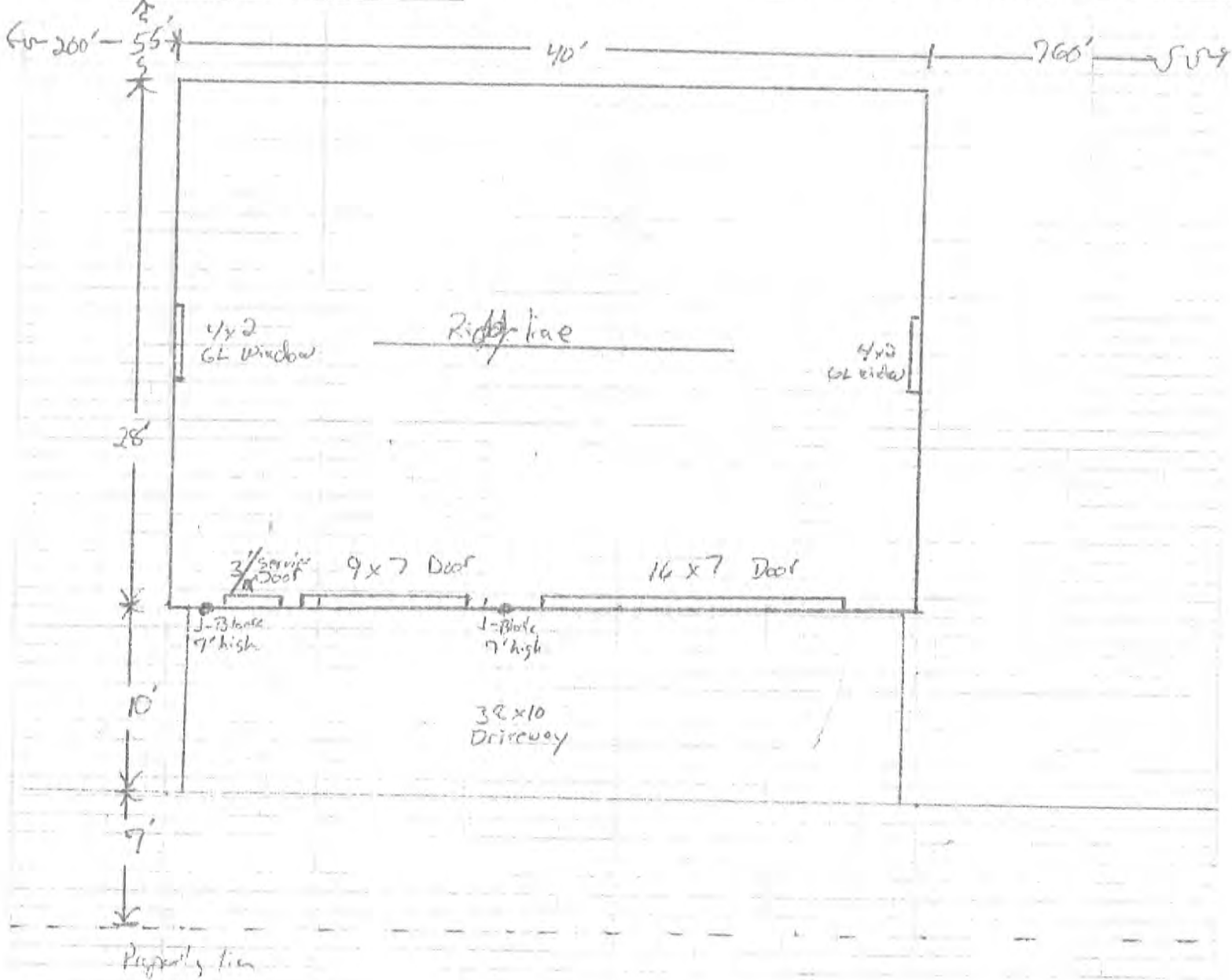
- Top of Prep Height _____ Site Staked Yes No
- Top of Slab Height _____
- Fixed Point Height _____ Location _____
- Leave extra sod & dirt on site Remove extra sod & dirt from site

Economy Concrete
N/A

- Conduit TDA N/A
- Drain/Plumbing/In-floor Heat N/A
- Nylon Fibers N/A
- Foam/Poly Under slab N/A
- 2 x 4 Wall or 2 x 6 Wall N/A

Removals
N/A

- Shed/Building Removal By Customer By Economy N/A
- Slab/Asphalt/Sidewalk Removal By Customer By Economy N/A
- Stump Removal By Customer By Economy N/A
- Powerline/Fence/Shed Removal By Customer By Economy N/A



Michael R Keene

Purchaser's Signature



DRAW NORTH ARROW



Robert Warwick <rwarwick@shoreviewmn.gov>

Detached garage, 5345 Hodgson Road

Kyle Axtell <KAxtell@ricecreek.org>
To: Robert Warwick <rwarwick@shoreviewmn.gov>

Thu, Apr 11, 2013 at 10:37 AM

Robert,

Under our current Rule, Mr. Keene will need to obtain a RCWD permit. The project is within 1,000 feet of Turtle Lake. Have him contact Chris Buntjer (cbuntjer@ricecreek.org or 763-398-3078).

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

From: Robert Warwick [mailto:rwarwick@shoreviewmn.gov]
Sent: Wednesday, April 10, 2013 2:47 PM
To: Kyle Axtell
Subject: Detached garage, 5345 Hodgson Road

[Quoted text hidden]

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit submitted by Michael Keene, 5345 Hodgson Road, to construct a detached garage on the property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design and finish of the garage shall be compatible with the dwelling.
3. A minimum setback of 10-feet is required from the side property line.
4. The applicant shall obtain a building permit for the structure.
5. The applicant shall submit a final site grading plan and a landscape plan for approval by the City Planner prior to issuance of a building permit for the detached garage.
6. The project is subject to the permitting requirements of the Rice Creek Watershed District. The applicant shall obtain the necessary RCWD permit prior to issuance of any City permits for the project.
7. The structure shall be used for storage of household and lawn supplies, vehicles and equipment.
8. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will maintain the residential use and character of the property and is therefore in keeping with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for a residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
April 30, 2013

TO: Planning Commission
FROM: Kathleen Nordine, City Planner
DATE: April 25, 2013
SUBJECT: File No. 2483-13-10, Appeal –Michael Morse, 1648 Lois Drive

INTRODUCTION

Mike Morse, 1648 Lois Drive, is appealing staff's decision regarding a variance application submitted on March 13, 2013. Staff informed Mr. Morse that this application cannot be processed because it is substantially the same as his variance application, File No. 2468-12-31, which was denied by the Planning Commission on December 17, 2012.

DEVELOPMENT CODE

Appeal

An applicant may appeal an administrative decision provided said appeal is submitted within 5 business days of when the administrative decision was made. Any appeal must be based on the application's compliance or noncompliance with the requirements of the Development Code. The Planning Commission has the authority to review the appeal and grant or deny the request upon majority vote of its membership.

Reapplication

In accordance with Municipal Code Section 203.010 (C), Lapse and Reapplication, no application for the same or substantially the same request shall be made within six months of the date of denial.

FILE NO. 2468-12-31 – VARIANCE REQUEST

The City became aware of a detached accessory structure being constructed on the property in July of 2011. A stop work order was issued on July 8, 2011 and the property owner, Michael Morse was notified of the City's requirements regarding building and land use permits. Upon further review, the City determined that the structure did not comply with the City's Development regulations for detached accessory structures on property zoned R-1, Detached Residential. In response, Mr. Morse submitted a variance application requesting variances from the City standards pertaining to the area, height and side yard structure setback requirements.

The Planning Commission denied these variances with a 4 to 1 vote due to concerns regarding the area and height of the structure and setback from the western side property line. Mr. Morse

appealed the decision to the City Council who held a hearing on September 19, 2011. The Council reviewed the appeal, upheld the Planning Commission's decision, thereby denying the appeal based on a determination that practical difficulty was not present

Mr. Morse submitted another variance request in 2012 to retain and complete the structure as previously proposed with the 2011 application. This request was heard by the Planning Commission at the December 17, 2012 meeting. The Commission denied the request based on the finding that practical difficulty was not present. This proposal required the following variances:

1. To exceed the maximum area permitted (75% of the dwelling unit foundation area or 750 square feet whichever is more restrictive) – The area of the detached accessory structure is 1,100 square feet exceeding the maximum of 576 square feet permitted.
2. To exceed the combined area of all accessory structures on the property (90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive) – The combined area of all accessory structures is 1,100 square feet exceeding the 691 square feet permitted.
3. To exceed the height of the house (15 feet) – a height of 15'11" is proposed.
4. To reduce the required 5-foot setback from a side property line to 2.3 feet.

Mr. Morse did appeal the Commission's decision to the City Council. The City Council heard the appeal on February 4, 2013 and upheld the Commission's decision, thereby denying the appeal.

APPLICANTS STATEMENT

The attached application provides a description of the applicant's appeal. Mr. Morse believes his variance application should be processed because there have been some changes to the design of the detached garage. These include:

- 1) Reducing the size from 22' x 50' (1100 square feet) to 22' x 43.5' (957 square feet)
- 2) Reducing the height from 15' 11" to 14' 11"

As a result of this change, a variance is no longer needed for the height.

He also states that the proposed garage is smaller than some of the neighbors' garages and has submitted photographs showing that the placement of the new garage is the same as the old garage. Please see the attached plans.

STAFF REVIEW

The submitted variance application and development plans were reviewed by staff and found to be the substantially the same as those reviewed with the previous variance application. The plans were revised by reducing the height and the size of the proposed structure. The height was reduced from 15'11" to 14'11" and now complies with the ordinance standards so a variance is no longer needed. The size of the structure is proposed to be reduced from 22' x 50' (1100 square feet to 22' x 43.5' (957 square feet). The 6.5-foot reduction in the structure's length results in an area reduction of 143 square feet. The proposed length and area are being reduced by 13%. The setback of the structure would remain the same at 2.3' from the side property line

While the proposed height has been reduced to comply with the maximum height standards, the other variances required for this structure are the same or substantially the same to those variances recently denied. These variances include:

1. To exceed the maximum area permitted (75% of the dwelling unit foundation area or 750 square feet whichever is more restrictive) – The area of the detached accessory structure is **957 square feet** exceeding the maximum of 576 square feet permitted.
2. To exceed the combined area of all accessory structures on the property (90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive) – The combined area of all accessory structures is **957 square feet** exceeding the 691 square feet permitted.
3. To reduce the required 5-foot setback from a side property line to 2.3 feet.

The ordinance uses the phrase "substantially the same" request to determine whether or not an applicant can re-apply for an application recently denied. As referenced in the online Merriam-Webster Dictionary (<http://www.merriam-webster.com/dictionary/substantial>), the term substantial is defined as considerable in quantity: significantly great.

While the plans have been revised, variances are still required for the proposed setback from the side property line and building area. Staff does not consider the proposed reductions substantial, considerable or significantly great and determined the variance application cannot be processed since the 6-month period has not elapsed.

RECOMMENDATION

In staff's opinion, the applicant has not provided information that supports his determination that staff erred in the enforcement of the City's re-application requirements for a variance request that was recently denied. While changes were made to the plans, the proposal requires the same or substantially the same variances as the previous application that was denied. If the applicant wants to pursue the variances needed for the proposed structure, the application must be

submitted after August 4, 2013. The staff is recommending the Planning Commission uphold staff's interpretation of the ordinance and application to the submitted plans.

Attachments

- 1) Location Map
- 2) Applicant's Appeal Submittal
 - a. Application
 - b. Submitted Plans
- 3) File No. 2468-12-31
 - a. Submitted Plans
- 4) Motion



269.7 0 134.83 269.7 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division

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

Legend

- County Offices
 - City Halls
 - Schools
 - Hospitals
 - Fire Stations
 - Police Stations
 - Recreational Centers
 - Parcel Points
 - Parcels
- GISTRASTER.GISPUB.IMAGE
 High : 255
 Low : 0

Notes

Aerial Map - File No. 2468-12-31

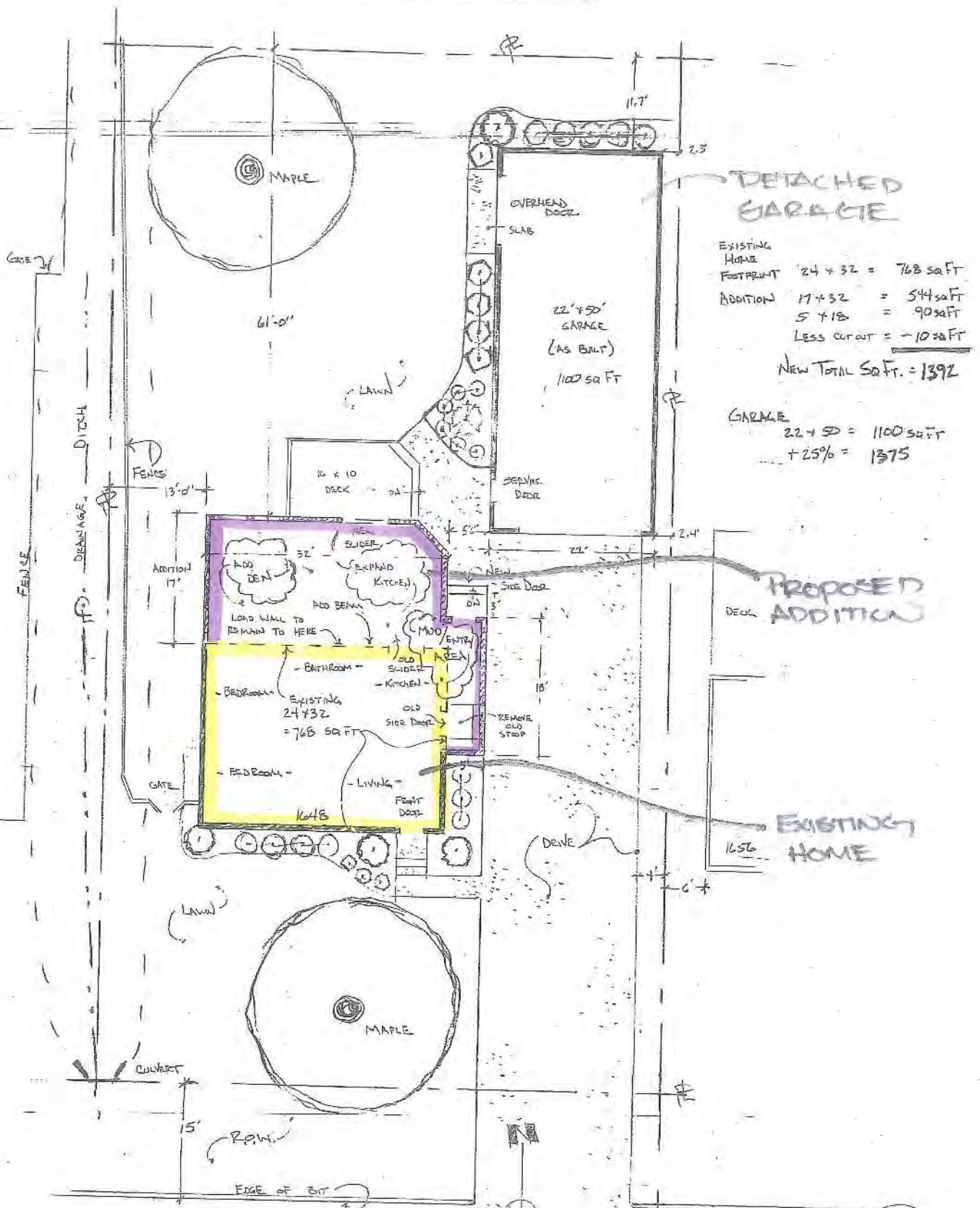
File No. 2468-12-31

MICHAEL MORSE - 1648 LAS DRIVE - SHOREVIEW

1/8" = 1'-0"

4-24-12

PROPOSED ADDITION



DETACHED GARAGE

EXISTING HOME FOOTPRINT 24 x 32 = 768 sq FT
 ADDITION 17 x 32 = 544 sq FT
 5 x 13 = 90 sq FT
 LESS CUT OUT = -10 sq FT
 NEW TOTAL SQ. FT. = 1392

GARAGE 22 x 50 = 1100 sq FT
 + 25% = 1375

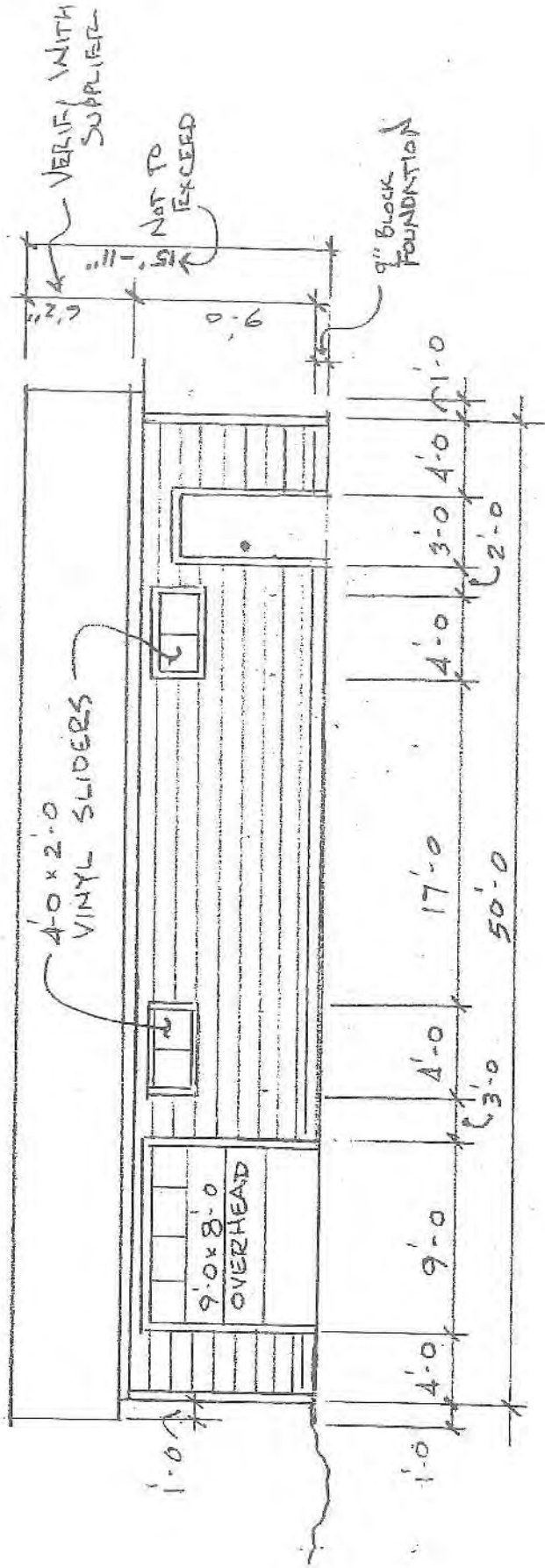
PROPOSED ADDITION

EXISTING HOME

SITE PLAN 1/8" = 1'-0"

SHEET A
MIKE MORSE

MIKE MORSE 4/2012



SIDE ELEVATION
1" = 1'-0"

Appeal

APPEAL OF DECISIONS

Return to:

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
(651) 490-4680

Description of Appeal:

New Plans are a smaller Footprint than existing (previous) and smaller than Neighbors Garages so I Am Not Seeking a Presidance. Shorter Roof height requiring less Variants. Providing Photographic Evidence of old garage placement. In regards To Side Yard Set Back.

Site Identification:

Address: 1648 Lois Dr. Shoreview, MN 55126

Property Identification: _____

Legal Description: _____

Applicant:

Name: Michael Morse

Address: 1648 Lois Dr. Shoreview MN 55126
City State Zip Code

Telephone Number: 651-248-0428 (daytime) 651-248-0428 (home)

Fax Number: _____ E-Mail: Crazymike01@hotmail.com


Property Owner (if different from applicant):

Name: _____

Address: _____
City State Zip Code

Signatures:

Applicant:  Date: 3-20-13

Date Received by City: 3-22-13 By Whom: 

VARIANCE JUSTIFICATION STATEMENT

March 1st, 2013

Michael Morse
1648 Lois Drive
Shoreview, MN 55126

1.) Variance Request:

Build detached garage 22' wide x 43'-6" long x 14'-11" high (Totaling 957 square feet)

Build detached garage in same location as original garage (see attached picture)
2.3' from side property line, lining up with existing asphalt driveway.

2.) Practical Difficulties:

Reasonable Manner – No other reason but to park vehicles and home care necessities in garage.

Unique Circumstances – Cannot build an attached garage due to no other access to the back yard due to city drainage ditch.

Character of Neighborhood - Does not change character of neighborhood and is smaller than other garages on the same street not only in height and width but also in square footage.
"A" Frame roof design to match the house.

Old Garage



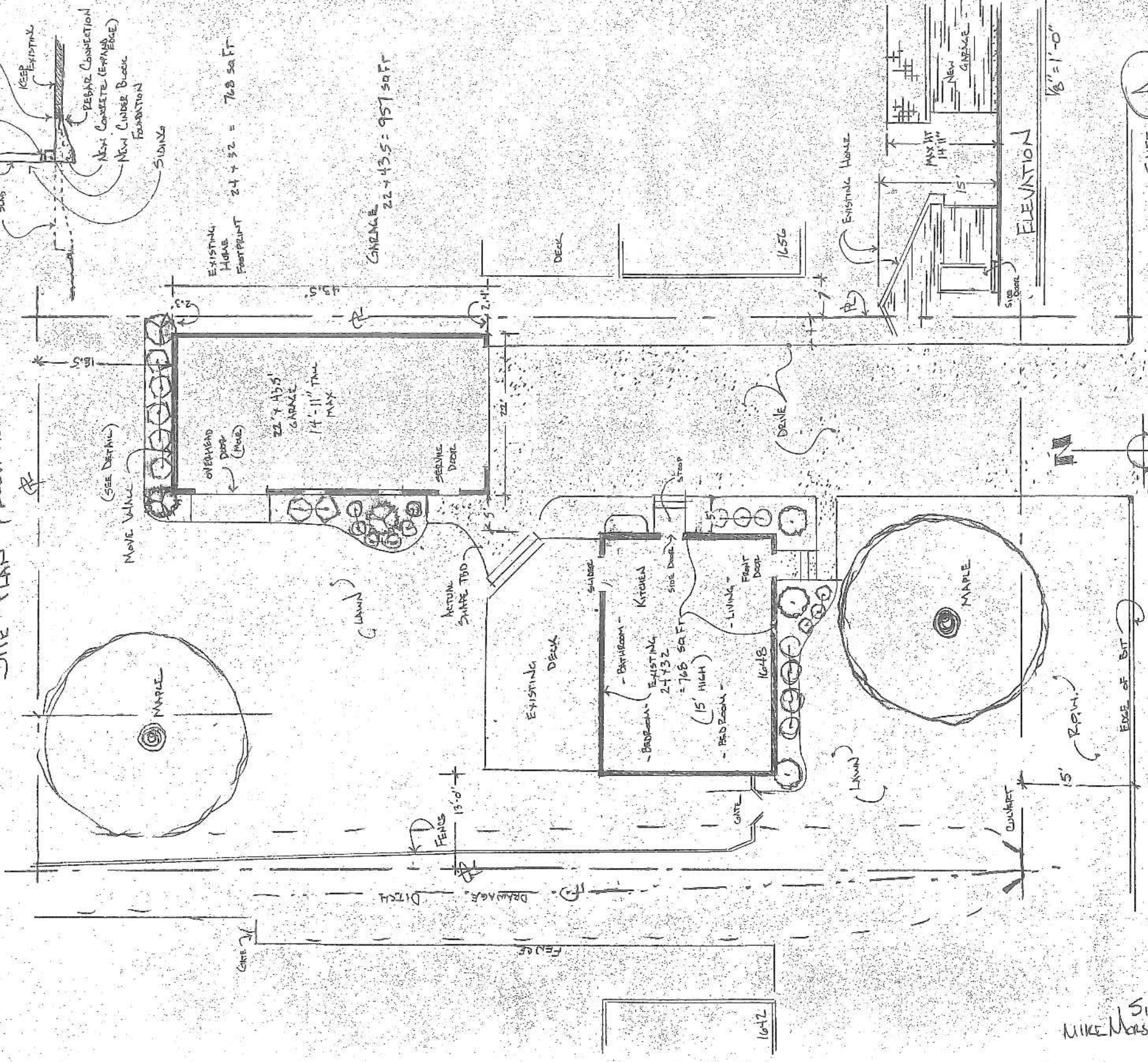
New Garage



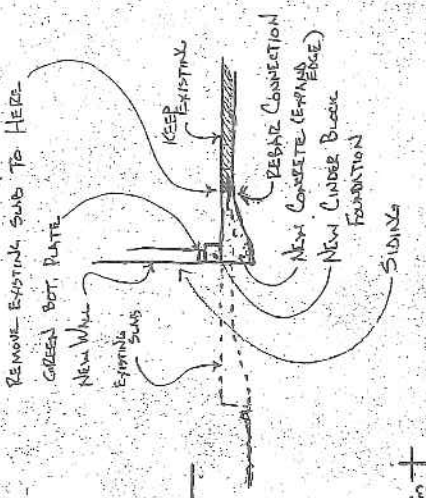
★ More pictures available to show the "old garage" was lined up with the driveway NOT 6ft from property line as indicated on record by city planner.

MICHAEL MORSE - 1648 LOIS DRIVE - SHOREVIEW
 2-21-13
 1/8" = 1'-0"

NEW GARAGE
 SITE PLAN & ELEVATION



DETAIL 1/4" = 1'-0"



EXISTING HOUSE FOOTPRINT 24 x 32 = 768 sq. FT.

GARAGE 22 x 14.5 = 951 sq. FT.



SHEET A
 MIKE MORSE
 SITE PLAN

SITE PLAN
 1/8" = 1'-0"

MIKE MORSE
 SITE PLAN

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To deny the appeal and uphold staff's interpretation that the variance application submitted on March 13, 2013 by Mike Morse, 1648 Lois Drive cannot be processed because the application is the same or substantially the same as his previous variance application, File No. 2468-12-31, which was denied on February 4, 2013 by the City Council. No application for the same or substantially the same request can be made within six months of the date of denial.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
April 30, 2013

t:\2013pcf\2483-13-10\1648LoisDrive Morse\pcmotion