

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: JUNE 24, 2014  
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**

*Brief Description of Meeting Process – Chair Steve Solomonson  
May 27, 2014*

**3. REPORT ON CITY COUNCIL ACTIONS**

*Meeting Date: June 2, 2014 and June 16, 2014*

**4. OLD BUSINESS**

**A. VARIANCE**

*FILE NO: 2527-14-17  
APPLICANT: John & Julie Peirson  
LOCATION: 5110 Lexington Ave North*

**B. MINOR SUBDIVISION/VARIANCE**

*FILE NO: 2530-14-20  
APPLICANT: Moser Builders  
LOCATION: 3339 Victoria Street North*

**5. NEW BUSINESS**

**A. CONDITIONAL USE PERMIT**

*FILE NO: 2531-14-21  
APPLICANT: Rick & Catherine Schuett  
ADDRESS: 3469 Harriet Court*

**6. MISCELLANEOUS**

**A.** City Council Meeting Assignments for *July 7, 2014 and July 21, 2014*  
Planning Commissioners *Thompson and McCool*

**B.** Joint Workshop, Highway Corridor Transition Study – July 14<sup>th</sup> – City Council, Economic Development Authority

**7. ADJOURNMENT**

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
May 27, 2014**

**CALL TO ORDER**

Chair Solomonson called the May 27, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

The following Commissioners were present: Chair Solomonson, Commissioners Ferrington, McCool, Peterson, Proud, Schumer and Thompson.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the May 27, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 7 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to approve the April 22, 2013 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 7 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS:**

There were no items to report.

**NEW BUSINESS**

**VARIANCE**

**FILE NO: 2527-14-17  
APPLICANT: JOHN & JULIE PEIRSON  
LOCATION: 5110 LEXINGTON AVENUE NORTH**

**Presentation by City Planner Kathleen Castle**

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Variations are requested to construct a 576 square foot detached accessory structure. The variations needed in order to build the structure are: 1) to exceed the maximum size allowed from 213 square feet to 576 square feet; 2) exceed the combined accessory structure area permitted from 1200 square feet to 1563 square feet; and 3) reducing the maximum front yard setback to 12 feet.

The property is zoned R1, Detached Residential. It is a substandard riparian lot on the west side of Turtle Lake. The house is 2,441 square feet with two stories and a walk-out basement on the lakeside. Attached to the house is a 987 square foot garage. The property fronts on Kimberly Lane, an unimproved public road. The lot area is .7 acre with a lot width that varies from 95 feet at Kimberly Lane to 55 feet at the Ordinary High Water (OHW) mark. A 23-foot by 24-foot concrete slab on the property that is set back 25.4 feet from the front property line.

The plan is to remove the concrete slab to build the proposed detached two-car garage. The design complies with requirements for detached accessory structures. The height is planned to be 17.8 feet with second floor storage space.

Parcels of less than one acre are restricted to accessory structures of no more than 750 square feet with combined accessory structure area no more than 1200 square feet or 90% of the dwelling area. The minimum front setback is 20 feet.

The applicants believe practical difficulty is present. With the lot size over .7 acres; there is sufficient room for the proposed accessory structure with little impact to the character to the neighborhood. Personal storage needs are greater than space in the existing garage. Also, two detached accessory structures were previously located on the property but were removed with construction of the new home.

Although the size of the lot and character of the neighborhood mitigate the size of the proposed garage, staff does not believe practical difficulty exists, and staff cannot make affirmative findings regarding unique circumstances of the property.

The existing slab on the property is 5 feet from the property line. A new structure could be constructed in this area and eliminate the setback variance request. Because Kimberly Lane is unimproved and there would be no impact to Kimberly Lane.

The Development Code allows a detached accessory structure up to 150 square feet with a building permit, or in this case, up to 213 square feet is permitted with a conditional use permit. Prior to 2011, there were two detached accessory structures. A variance would have been needed to retain those structures. The driving need is storage space, which is not a unique circumstance. Staff does not support the application.

Property owners within 150 feet were notified of the proposal. One comment was received in support of the project.

Commissioner Proud asked the right-of-way width of Kimberly Lane and whether that is a factor in this project. Ms. Castle answered 50 feet of right-of-way. Commissioner Proud asked if any

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landmark trees would be impacted if the garage were moved. Ms. Castle noted three oak trees would not be impacted by a detached accessory structure.

Commissioner Peterson noted that the accessory structure code was revised in 2006. In 2011, when the new home was built, a 956 square foot accessory structure was removed to comply with code. He asked if that information is documented. Ms. Castle responded that there was a Residential Design Review when the new home was built. The home was proposed with an attached garage required the removal of the two existing accessory structures. Removal of the accessory structures was part of the application but not specifically noted to as a condition.

Chair Solomonson asked what the slab is left from. Ms. Castle stated that it is in the same location as a structure that was removed. She is not aware if the slab was repoured or if part of it was removed and replaced. Mr. Warwick added that the slab was left from an old structure.

Commissioner Ferrington asked the rationale for having the pad rotated, which led to the need for a variance. She also asked if there is sufficient space to put an accessory structure without an impact on the trees or the need for a front setback variance.

Commissioner Schumer asked what variances would be needed if the applicants built on the slab or if a one-story garage were built. Ms. Castle stated that the setback variance would be eliminated if the new garage were built on the slab, but a variance would be needed for the size of the building. A one-story garage would still need a variance for size.

Chair Solomonson asked if the existing slab could be grandfathered to rebuild an accessory structure. Ms. Castle stated that the nonconforming status was lost with the removal of the structure.

Chair Solomonson asked about maintenance of the street. Ms. Castle stated that the City does not plow or maintain the street. Mr. Warwick added that portions of Kimberly Lane are paved but not this northern part.

Commissioner Thompson asked if other garages in the neighborhood comply with code setback requirements. Ms. Castle stated that one adjacent neighbor has a shed that is closer to Kimberly than the required setback, but it is not a garage.

**John and Julie Peirson**, Applicants, stated that Kimberly Lane is a track that is grass covered. There is no desire to take down the trees. The shifting of the garage orientation is for aesthetics to face the house rather than just a straight orientation to the street. If it were oriented to the street, more blacktop would also have to be added. The slab was part of a larger structure that was torn down for a larger attached garage to the house. The proposal would be to build a structure over the slab but shift it and orient it toward the house. The shift in orientation puts it closer to Kimberly Lane and further from the oak trees that they do not want to lose. If the proposed garage were built over the existing slab orientation, it would be immediately next to the trees. However, if there is a concern, they would leave the slab straight. The slab does not have the proper footings and will have to be replaced.



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Mrs. Peirson stated that the purpose for the garage is to park cars for their five teenagers. That is the reason for the size. Mr. Peirson stated that the 213 square feet would only allow parking for one car, which is not adequate.

Commissioner Proud stated that avoiding the trees is a unique circumstance. Also not adding blacktop eliminates added impervious surface. Mr. Peirson stated that if the garage were shifted, the driveway would not change, and it would be more appealing for the neighborhood. He noted that there is an easement for the neighbor to access his driveway that was granted to save one of the large oak trees.

Commissioner Ferrington asked how many cars can be parked in the existing garage. Mr. Peirson answered, three, but it is difficult to park a third if there are two cars already parked.

Commissioner Proud stated that he would support approval. Lake properties are unique. This is a situation of judgment based on the ordinance. He believes there are unique circumstances. This would be a reasonable use and not impact the neighborhood.

Commissioner McCool stated that he can support the setback variance. It is a false setback and false right-of-way with Kimberly Lane not being an improved road. Saving the trees is a unique circumstance. The size is reasonable and will not impact the neighborhood, but his concern is whether there are unique circumstances of this property that necessitate the size requested. He cannot support the size variance.

Commissioner Ferrington stated that she can support the repositioning of the requested structure but agrees with Commissioner McCool regarding size. She would propose tabling the matter rather than deny it.

Commissioner Peterson stated that the variance requests exceed the Development Code requirements by too much for him to be able to support the request.

Chair Schumer agreed with the Kimberly Lane setback, but the size is an issue. A conditional permit can be requested for a 213 square foot structure.

Commissioner Thompson agreed with granting the setback, but also questioned the size. She asked the response of the applicants to suggestions by staff. Ms. Castle stated that the garage size has been reduced significantly, and this is the size that would meet the applicants' needs.

Commissioner Proud stated that Kimberly Lane, although a public road, is not maintained by the City. He does not see that it will be improved or maintained by the City and suggested that one answer to this setback variance would be for the City to vacate Kimberly Lane so it would become a private drive. Ms. Castle stated that Kimberly Lane is a platted roadway. There are larger lots to the south, and she would foresee a time when those properties are developed that Kimberly Lane would be extended for their access.

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Chair Solomonson stated that the lot is large and well screened. No one will see the structure. He supports the setback and believes the size of the structure is reasonable for the size of the lot. It will be almost hidden.

Commissioner Ferrington stated that there are ways to reduce the size so that it will be closer in compliance, such as eliminating the stairway.

Commissioner Peterson agreed with the concerns about size and expressed his concern about setting a precedent.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to table this matter to the next regularly scheduled Planning Commission meeting, June 24, 2014.

The City Attorney stated that the Commission should hear from the applicants as to whether the matter should be tabled or voted upon. Mr. Peirson stated that they would favor tabling.

VOTE: Ayes - 7 Nays - 0

**MINOR SUBDIVISION/VARIANCE**

**FILE NO: 2530-14-20**  
**APPLICANT: MOSER HOMES, INC.**  
**LOCATION: 3339 VICTORIA STREET NORTH**

**Presentation by City Planner Kathleen Castle**

This application is to divide the property into two parcels for single-family development. A variance is requested to exceed the maximum 67.5 foot building setback permitted from the front property line. The front setback for parcel 1 would be 290.9 feet; and for parcel 2, 300.7 feet.

In order to resolve a long-standing property maintenance conditions, the Economic Development Authority (EDA) authorized City acquisition of the property for housing redevelopment. The EDA has accepted the proposal submitted by Moser Homes, Inc.

The property is zoned R1, Detached Residential and consists of 1.5 acres with a lot width of 91.17 feet on Victoria Street. It is a key lot, which means that the side lot line abuts the rear lot line of homes to the north. All structures have been removed. There is a wetland area in the northwest corner and a seasonal water basin in the southwest corner.

The proposal is to subdivide the property into two parcels, which do comply with the subdivision and lot standards for R1 zoning district. The minimum lot area is 10,000 square feet; both parcels exceed 30,000 square feet in size. The lot widths vary due to lot configuration from 49 feet to 102 feet for Parcel 1 and 49 feet to 103.7 feet for Parcel 2. The minimum lot depth is 125 feet; both parcels exceed 400 feet in lot depth.

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The proposal is for one access off Victoria Street, a county road. The drive would split off to serve each of the two lots. In the western portion of the site, there are landmark trees that would have to be replaced at a ratio of 2 to 1 for construction. The building pad on Parcel 1 does not encroach into the wetland but does not provide the required 16.5 foot setback. The building pad on Parcel 2 encroaches into the seasonal water basin. Both building pads will be shifted to the east.

The front setback is an average of the setbacks of the two adjoining homes at 67.5 feet plus or minus 10 feet. The proposed variance setbacks will be impacted by shifting the building pads to the east. It is expected that the setback variances will be reduced.

Property owners within 350 feet were notified of the application. Written and verbal comments were received. Concerns were expressed about site conditions, surface water, wetland impacts, suitability for development, landscape screening and fencing.

Staff finds that the parcels comply with all subdivision and lot standards. Additional information is needed regarding surface water conditions and building pad locations. Therefore, staff is recommending this matter be tabled and the review period extended to 120 days.

Commissioner Ferrington questioned the reason for placing the building pads so far back on the lots. Ms. Castle responded that the survey information dictated placement, although it was winter and difficult to see actual property conditions. Commissioner Ferrington stated that there would be less impervious surface to the lots and would look better if the driveway split would occur further back from the street.

Chair Solomonson asked if the building pad could be smaller. Ms. Castle stated that once the wetland delineation is completed, the size of the building pad will be determined.

**Mr. Bob Moser**, Applicant, stated that he concurs with the findings of staff. The building pad areas are generous for flexibility. There appears to be room on Parcel 2 to shift to the east.

Commissioner Proud asked if further studies will determine runoff from these lots. **Mr. Moser** stated that the design will be for runoff to stay on the property and overflow according to requirements.

Commissioner McCool asked if consideration was given to orienting the lots front and back with one house in the old building area and one further back. **Mr. Moser** stated that he did that with another development and the reaction from property owners is dislike of having a view of someone else's house.

Chair Solomonson opened the discussion to public comment.

**Mr. Joe Heckel**, 804 Arbogast, questioned whether the 75-foot width average is met, when it includes the wetland in Parcel 2. Ms. Castle answered, yes. Mr. Heckel stated that it is difficult to understand why an unusable portion of the lot is used in the width calculation.

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**Mr. Michael Murtaugh**, 3307 Victoria Street No., stated that he appreciates Mr. Moser's comments. The character of the neighborhood has been improved with the removal of the previous structure, but now the view from Victoria Street will be two driveways the length of a football field. He requested that landscaping be considered that would screen the parcels.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Thompson to table the minor subdivision and variance request submitted by Moser Homes, Inc., to divide the property at 3339 Victoria Street into two parcels for single-family residential development and exceed the maximum building setback permitted from the front property line. Additional information is needed regarding the wetland area, seasonal water basin and impact on the proposed building pads. The review period is extended from 60 to 120 days.

**Discussion:**

Commissioner Proud offered an amendment to the motion to include the requirement of a study to address surface water management.

Commissioner Ferrington asked if a surface water management study could be done without a house design. Ms. Castle answered that there is a maximum lot coverage, which would be considered with the building pad and drive area. The maximum threshold will be used to determine surface water runoff.

Commissioner Ferrington seconded the amendment.

**VOTE ON THE AMENDMENT**

Ayes - 7                      Nays - 0

**VOTE ON AMENDED MOTION**

Ayes - 7                      Nays - 0

**COMPREHENSIVE SIGN PLAN**

**FILE NO:**                      2525-14-15  
**APPLICANT:**                IDENTI GRAPHICS/DAVE KROONA  
**LOCATION:**                    3854 LEXINGTON

**Presentation by Senior Planner Rob Warwick**

The application is to amend the existing Comprehensive Sign Plan for the property to allow replacement of the existing monument sign with a 61 square foot monument sign with an integrated 29.5 square foot message center sign in full color LED display. The property is

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located in the C2, General Commercial District with boundaries on Lexington Avenue, Red Fox Road and I-694.

Currently, the property is developed with two buildings, a fuel station/C-store/auto repair, and a car wash building. Two canopies shelter the fuel island. A Comprehensive Sign Plan was approved in 1999 and amended in 2004. The new proposed sign will have four panels to identify the different services offered, including a gas price display for unleaded fuel. The message center sign will be 29.5 square feet and integrated into the monument sign. Sign area does not include the message center and gas price display. The existing base will be used to support the proposed sign.

The 11.28 foot height of the monument sign and 61 square foot sign area exceed the standards for a building of this floor area. Reductions have been made in response to staff comments. Staff considers the height, including the existing 2-foot sign base, to be reasonable and consistent with the height of nearby signs.

Message center signs are permitted with a maximum of 50 square feet in the C2 District. The proposed message center has an 8-second static display with legible text size and only identifies the goods and services available on the site. The message center will replace any future use of temporary signs for the property.

Property owners within 350 feet were notified of the application. No comments have been submitted.

Staff makes the following findings to recommend the Planning Commission forward this application to the City Council for approval with conditions listed in the staff report:

- The proposed sign uses the logos for Exxon and Circle K throughout the site
- Colors are red and white of the logos, and also used on the car wash signs
- The height is due in part to re-use of the existing sign base
- The height will aid in visibility when viewed from north and south bound traffic lanes
- The message center has better aesthetics than temporary signs for promotions
- Access is via right-in only from both streets

Chair Solomonson asked if graphics are allowed on message center signs. Mr. Warwick answered, yes, but no animations. Chair Solomonson asked if there is only one dimmer for all the illumined signs. Mr. Warwick stated that the car wash and Circle K signs have internal lights. There is an auto dimmer for the digital signs.

Commissioner Ferrington noted that only one grade of fuel is advertised. Mr. Warwick explained that only unleaded fuel will be advertised to reduce signage area to comply with City sign standards.

**Mr. Tony Rammer**, Oak Grove, MN; **Mr. Jim Nelson**, St.Louis Park, MN; and **Mr. Kevin Koenig**, Croix Oil Company (supplier to the site) 7832 Polaris Lane, Maple Grove, MN.

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Chair Solomonson asked how the dimmer operates. **Mr. Nelson** explained that lighting during the day will be shut off. The price sign is on 24 hours as will the message center. The lighting brightens during the day and dims at night.

Chair Solomonson asked if the brightness standard is measured by the entire sign or each panel. Mr. Warwick stated that the whole sign is measured for compliance with City standards.

Commissioner McCool asked the need for the 12-foot height is needed and if it would work at 10 feet. **Mr. Rammer** responded that the diesel advertising has already been taken out. They feel that to reduce the height would be another element that is critical. If electronic message centers are too small, it is a nuisance with people finding it hard to read. **Mr. Koenig** stated that the panels are the smallest available. Anything smaller would have to be specially made.

Commissioner McCool asked if those controlling the signs are aware of City regulations regarding what can be advertised. He noted that while the conditional use permit allows five cars for sale on the lot, there have been 6 and 8 cars on the site for sale. He is concerned about noncompliance and this added approval. **Mr. Rammer** stated that the station manager controls signage text.

Chair Solomonson asked what dictates location for the sign. Mr. Warwick stated that the setback is 5 feet from the property line. Usually they are located near that boundary for maximum visibility.

Commissioner Ferrington asked what would happen if temporary signs appear on the property, when they are now prohibited with the addition of the new message center sign. Mr. Warwick stated that when there are violations, staff contacts the owner, advises of the violation and issues a time period to bring into compliance. Staff believes that the display sign will meet the needs of the businesses on this site and eliminate further violations.

MOTION: by Commissioner Schumer, seconded by Commissioner Proud to recommend the City Council approve an amendment to the Comprehensive Sign Plan submitted by Identi Graphics for the Exxon station at 3854 Lexington Avenue.

This approval is subject to the following:

1. The signs shall comply with the plans approved for the Comprehensive Sign Plan, File No. 1742-99-09, as amended (see File No. 2091-04-21) and this application (File No. 2525-14-15). Any significant change will require review by the Planning Commission
2. The applicant shall obtain a sign permit prior to the installation or refacing of any signs on the property.
3. This approval will expire after one year if a sign permit has not been issued and construction commenced.
4. Signage on the propane tank shall not advertise commercial messages unless required by the State of Minnesota.

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5. Temporary signs shall not be displayed on the property, since the message center sign provides the mechanism to display promotional information and advertisements.
6. In accordance with Conditional Use Permit 12-33, additional signage advertising car sales is not permitted on the property, with the exception of window signage displayed in the vehicle being offered for sale. Said window signage shall not exceed 11" x 17" in area. The message center sign shall not be used to advertise vehicles for sale.
7. The message center sign shall:
  - a. Display text of a sufficient size so as to be readable by passing motorists without distraction.
  - b. Display messages in their entirety to allow passing motorists to read the entire copy.
  - c. Not display telephone numbers, email address or internet urls.
  - d. Display messages for a minimum of 8 seconds, and change instantaneously.
  - e. Present messages in a static display, and shall not scroll, flash, blink or fade.
  - f. May display time, temperature and other graphics related to weather conditions.  
Advertisement is limited to goods and services offered on-site.

This approval is based on the following findings of fact:

1. *The plan proposes signs consistent in color, size and materials throughout the site for each type of proposed sign.* Existing and proposed signs have uniform color and materials with colors generally based on the Exxon and Circle K logos. The wall sign for the car wash use white letters on a red background.
2. *Approving the deviation is necessary to relieve a practical difficulty existing on the property.* The existing sign base is proposed for use for the new sign and contributes to the height.
3. *The proposed deviations from the standards of Section 208 result in a more unified sign package and greater aesthetic appeal between signs on the site.* The height of the monument sign will aid visibility from north and south bound traffic on Lexington Avenue. The proposed message center sign has better aesthetics than temporary signs for promotion of the goods and services available on the property.
4. *Approving the deviation will not confer a special privilege on the applicant that would normally be denied under the Ordinance.* The configuration of the access to the lot and building is unique for this property with two points of ingress that are right turn only, and a third access near the car wash building.
5. *The resulting sign plan is effective, functional, attractive and compatible with community standards.* The sign plan amendment proposes signs with a consistent design motif based on the fuel and C-Store corporate logos.

**VOTE:**

Ayes - 7

Nays - 0

**OLD BUSINESS**

**PUBLIC HEARING –COMPREHENSIVE PLAN AMENDMENT – SURFACE WATER  
MANAGEMENT**

**FILE NO:** 2524-14-14  
**APPLICANT:** CITY OF SHOREVIEW  
**LOCATION:** CITY WIDE

**Presentation by City Planner Kathleen Castle**

The Planning Commission reviewed this amendment at its April 22nd meeting and opened the public hearing. The public hearing was continued to this meeting to allow time to respond to the comments received. The amendment is specific to Chapter 9, Community Facilities Services, Section D, Surface Water Management; and Chapter 11, Natural Resources. The amendment addresses changes regarding surface water management that have occurred since 2008.

Chapter 9 references have been updated to acknowledge the dissolution of the Grass Lake Watershed Management Organization. The boundaries of that watershed district are now under the jurisdiction of Ramsey Washington Metro Watershed District (RWMWD). Maps 9D1 and 9D5 have been amended to reflect this change.

In 2010, the Federal Emergency Management Agency (FEMA) updated its Flood Insurance Study and revised the Flood Insurance Rate Map. The City's ordinance was amended in 2010 to be in compliance with FEMA requirements. At this time, Map 9D7 is being updated to reflect those changes.

Table 9D1, regarding the surface water utility fee, has been updated to reflect the most recent Capital Improvement Plan.

Notice for the public hearing was published in the City's legal newspaper on April 9, 2014. No comments have been submitted. Staff has responded to Commissioner Proud's comments. Staff is recommending the amendment be forwarded to the City Council with a recommendation from the Planning Commission for approval.

Chair Solomonson acknowledged the public hearing to be still open and asked three times for further public comment. There were no comments.

**MOTION:** by Commissioner Schumer, seconded by Commissioner McCool to close the public hearing.

**VOTE:** Ayes - 7 Nays – 0

Commissioner Proud thanked staff for their response to his comments.



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MOTION: by Commissioner Proud, seconded by Commissioner Thompson to recommend the City Council approve the amendments to Chapter 9, Section 9D, Surface Water Management and Chapter 11, Natural Resources related to surface water management, subject to the following condition:

1. Said approval is contingent upon the Metropolitan Council's approval of the Comprehensive Plan Amendment.

VOTE: Ayes - 7 Nays - 0

**MISCELLANEOUS**

**City Council Meetings**

Commissioners Proud and Peterson will respectively attend the June 2, 2014 and June 16, 2014 City Council meetings.

**Joint Meeting**

The Planning Commission will meet jointly with the City Council and Economic Development Authority regarding the Highway Corridor Transition Study on July 14, 2014, at 7:00 p.m.

**Workshop**

It was noted that the Planning Commission met in a workshop meeting at 6:00 p.m. immediately prior to this regular meeting.

**ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 9:06 p.m.

VOTE: Ayes - 7 Nays - 0

ATTEST:

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Kathleen Castle  
City Planner

**TO:** Planning Commission

**FROM:** Niki Hill, Planning and Economic Development Technician

**DATE:** June 19, 2014

**SUBJECT:** File No. 2527-14-17, Variance – John and Julie Peirson, 5110 Lexington Avenue

### **INTRODUCTION AND BACKGROUND**

At the May 27<sup>th</sup> meeting, the Commission considered a variance request submitted by John and Julie Peirson, 5110 Lexington Avenue, to increase the square footage permitted for a detached accessory structure and reduce the required setback from the front property line. The Peirsons proposed a 576 square foot structure setback 12' from the Kimberly Lane right of way. This request was tabled due to concerns raised by Commissioners regarding the size of the proposed structure. The Peirsons have revised their plans which are being presented to the Commission for consideration. The overall size of the accessory structure has been reduced to 484 square feet and the structure has been relocated to comply with the minimum 20-foot setback required from Kimberly Lane.

The proposal requires variances to increase the maximum allowed floor area from 213 sq. ft. to 484 sq. ft. and exceed the maximum area permitted for all accessory structures on the property. The proposed detached accessory structure would be used to provide a covered and enclosed area to store bikes, lake equipment, garbage cans, vehicles and other household items. The application was complete May 15, 2014, and updated on June 5, 2014.

The property is a substandard riparian lot located in the R1 – Detached Residential District on the west side of Turtle Lake. Access to the property is via Kimberly Lane, an unimproved public road. The surrounding properties are used for detached single family dwellings and Turtle Lake is to the east. The west lot line abuts the street, and is the defined front lot line. The existing house is setback 127.5 feet from the front lot line and 165 feet from the OHW. The rear lot line is at the OHW of Turtle Lake. All of the other lot lines are defined as side lot lines.

The lot is developed with a 2,441 square foot two-story house with a walk-out basement on the lakeside and 987-square foot attached garage. The L-shaped lot has an area of 30,228 square feet. The width of the lot is 95 feet at the front lot line (the street) and narrows to about 55 feet at the OHW. There is an existing 23 foot by 24 foot concrete slab located on the property 25.4 feet from the front property line and to the south of the driveway.

### **PROJECT DESCRIPTION**

The existing 23' x 24' concrete slab would be removed to build a 22' x 22', 484 square foot detached two car garage. The proposed detached accessory structure would have a peak height of 17'11" and interior storage space designed with a 6' ceiling height. The upper storage area will be reached via a pull down attic staircase as noted in the plans. The structure has a slightly smaller floor area than the existing concrete slab but the location will remain the same when the new concrete slab is poured. Please refer to the attached plans.

## **DEVELOPMENT CODE**

Regulations pertaining to accessory structures were revised in April 2006 to address the compatibility of such structures in residential neighborhoods. Changes to the ordinance focused on the permitted area, exterior design and construction of these structures.

The maximum permitted area of a detached accessory structure located on parcels less than one acre in size with an attached two car garage (or larger) is 288 square feet. The combined area of all accessory structures is limited to the lesser of 1,200 square feet or 90% of the foundation area of the dwelling. In this case, the maximum area permitted for a detached accessory structure is 213 square feet. The applicant has requested a variance to allow a 484-square foot detached garage, bringing the total of all accessory structures to 1,471 square feet.

Regarding height, the maximum height permitted is 18 feet, as measured from the highest roof peak to the finished grade. In no case, shall the height of the accessory structure exceed the height of the dwelling unit. Storage areas are permitted above the main floor provided they do not exceed an interior height of 6 feet.

On riparian lots, detached accessory structures can be placed in the front yard adjacent to the street provided certain standards are met and a Riparian Lot – Detached Accessory Structure Permit is granted. From the front property line, these structures are required to maintain a minimum setback of 20-feet.

The exterior design and materials used in the accessory structure must be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, massing, height and other aspects related to the accessory structure needs to be evaluated with consideration of structures and properties in the surrounding area.

### **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. *The property in question cannot be put to a reasonable use if used under the conditions allowed by the City's Development Code.*
2. *The hardship is due to circumstances unique to the property in question and was not created by the property owner.*
3. *The variance will not alter the essential character of existing neighborhoods.*

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 they are requesting two variances to enable building a detached garage on their property. The first variance is to exceed the 213 square foot maximum area for a

detached structure. The second variance is for the total allowable square feet for accessory structures. They would like to exceed the maximum allowable for accessory structures from 1200 square feet to 1,471 square feet.

See applicant's statement.

### **STAFF REVIEW**

Staff reviewed the plans in accordance with the variance criteria. The characteristics of this lot and neighborhood mitigate the impact of the proposed structure. Based on the plan revisions Staff is able to make findings that practical difficulty is present so all three criteria are met, which are discussed below.

*The property in question cannot be put to a reasonable use if used under the conditions allowed by the City's Development Code.*

A variance is needed to allow the proposed structure to exceed the maximum area permitted. On this property, a detached accessory structure of up to 150 square feet is permitted with a building permit. A detached accessory structure 150 square feet to 213 square feet in size is permitted with a conditional use permit. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots less than one-acre. The attached garage has a floor area of 987 square feet and the proposed detached garage has an area of 484 square feet. The foundation area of the house is 2,441 square feet. The proposed 1,471 square feet of total accessory floor area is about 60% of the living area foundation, therefore, the home will remain the primary feature of the property.

In Staff's opinion, the variance request to rebuild the garage in the proposed location represents a reasonable use of the property. City Code permits detached garages as an accessory use. By establishing these provisions, the City deems that a detached garage represents a reasonable use of the property provided Code standards are met. Garages, especially in Minnesota, are needed for vehicle parking and storage of normal household equipment and supplies. Additionally, lake lots have the potential to create greater storage needs.

Furthermore, the property is significantly larger than the 17,760.99 square foot average lot size for a single family residential properties in the City and greater than the minimum lot area of 10,000 square feet required for properties in the R1 zoning district.

*The hardship is due to circumstances unique to the property in question and was not created by the property owner.*

Practical difficulty stems from the uniqueness of the parcel. It is a riparian lake parcel with an easement for a shared driveway with a front lot line that abuts an unimproved platted right of way. The combination of the riparian parcel, location of the parcel along the unimproved right of way, larger square footage of the parcel, and screening that is in place all mitigate the potential impacts of the structure.

*The variance will not alter the essential character of existing neighborhoods*

Staff believes that the variance will not alter the essential character of the existing neighborhood as the adjacent properties are riparian and as such there are other detached garages and accessory structures located in the front of the lot. Existing vegetation will screen the structure from view of the public right-of-way. The proposed garage would match the architectural style of the current home and similar setback of accessory structures on adjacent properties.

### **PUBLIC COMMENT**

Property owners within 150 feet were notified of the applicant's request. One comment was received in support of the project.

### **STAFF RECOMMENDATION**

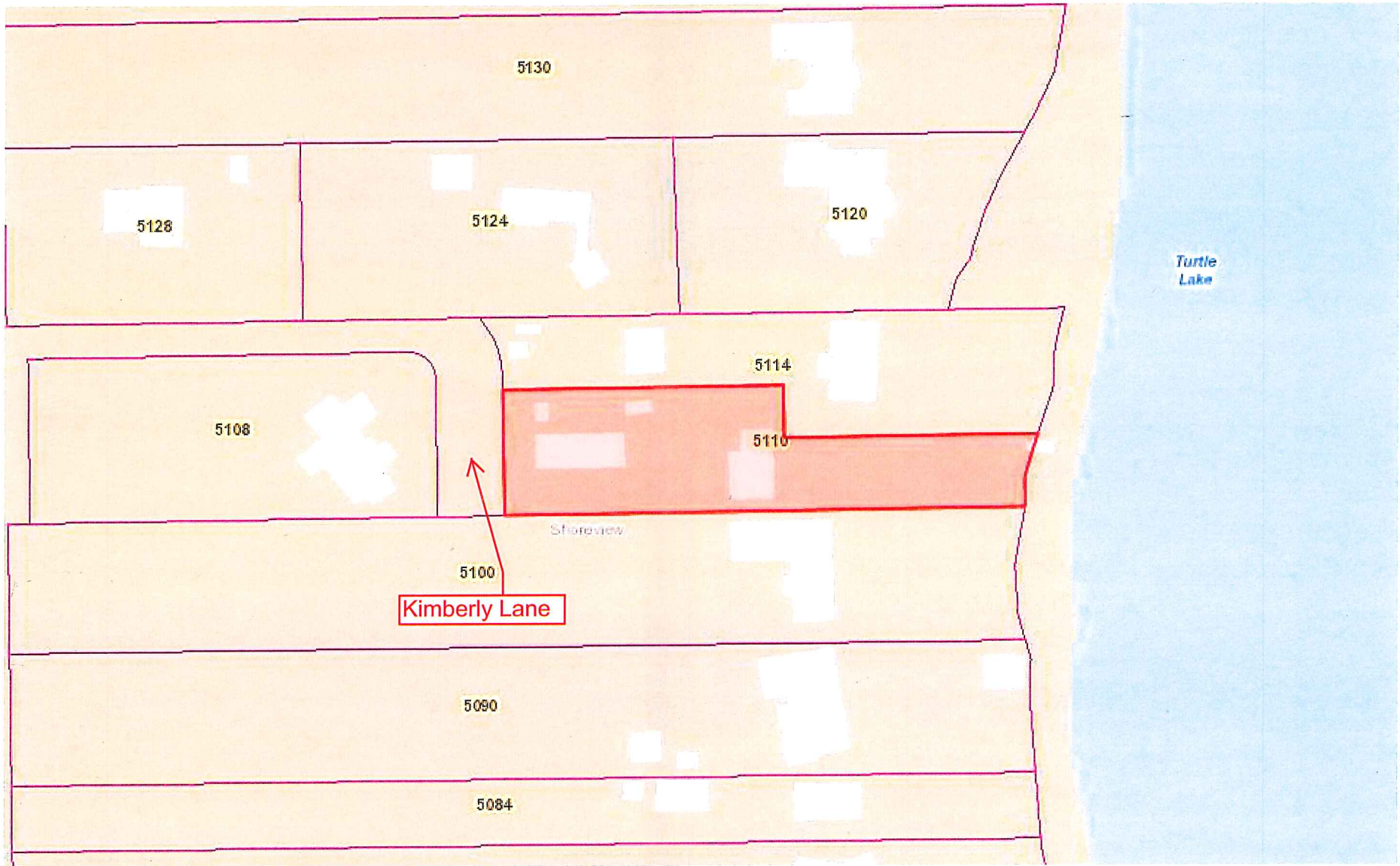
As noted above, staff is able to make affirmative findings regarding practical difficulty based on the plan revisions and so recommends approval to the Planning Commission. Staff believes that this structure complies with the spirit and the intent of the code as the house will remain the primary structure and the character of the neighborhood is not altered.

Staff recommends that the Planning Commission adopt the attached Resolution 14-31. The following conditions should be attached to an approval:

1. The project must be completed in accordance with the plans 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.
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.
4. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
5. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.

#### Attachments

- 1) Location Map
- 2) Aerial Map
- 3) Applicant's Statement
- 4) Submitted Plans
- 5) Public Comment
- 6) Resolution 14-31
- 7) Motion



208.3 0 104.17 208.3 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS

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

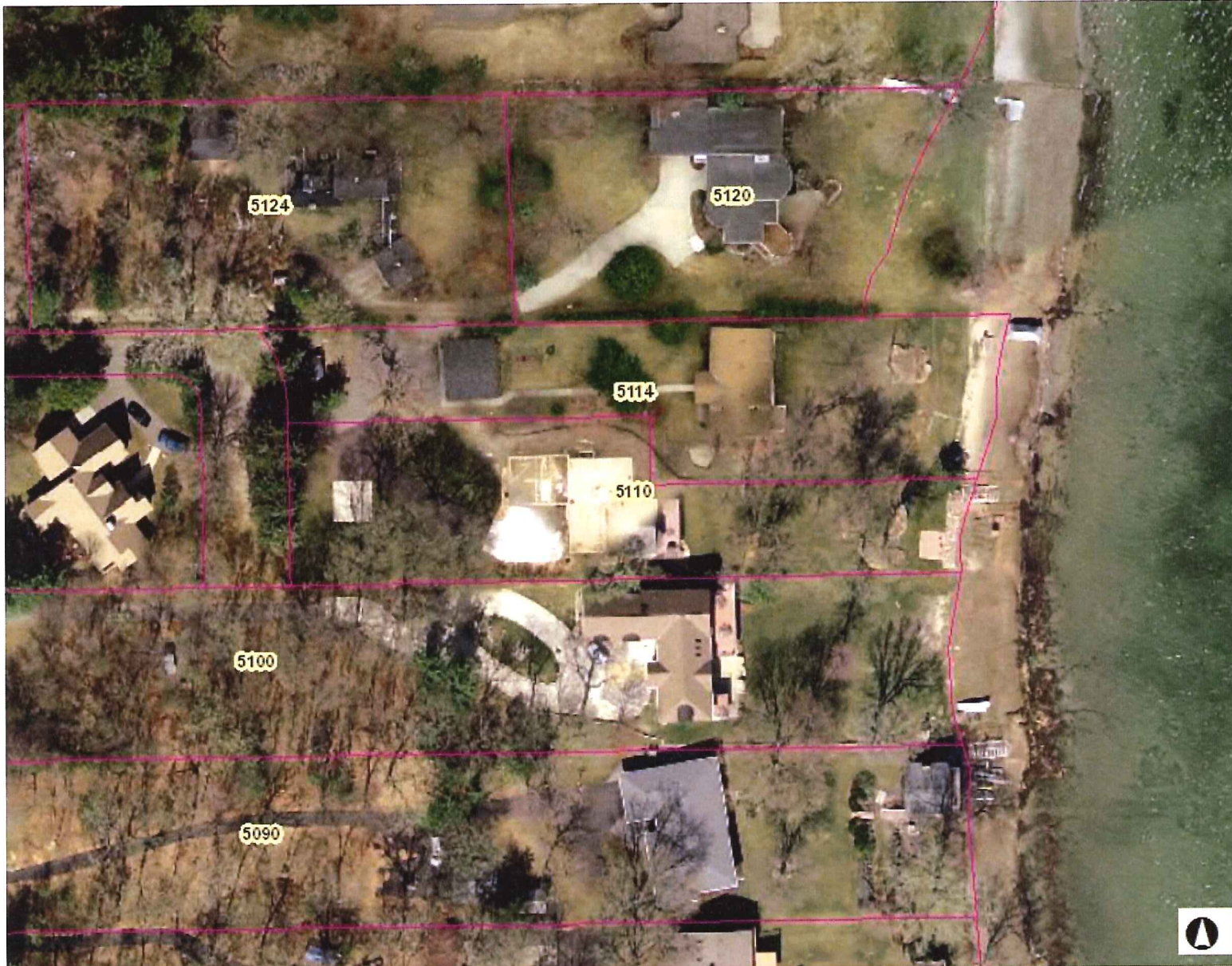
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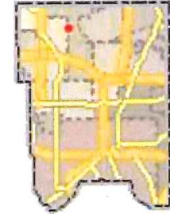












# 5110 Lexington Avenue N



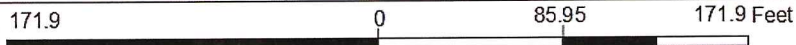
## Legend



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

## Notes

Enter Map Description



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

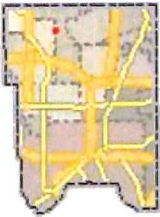




# 5110 Lexington Avenue



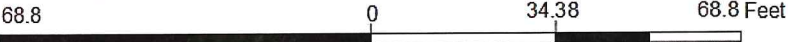
### Legend



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

### Notes

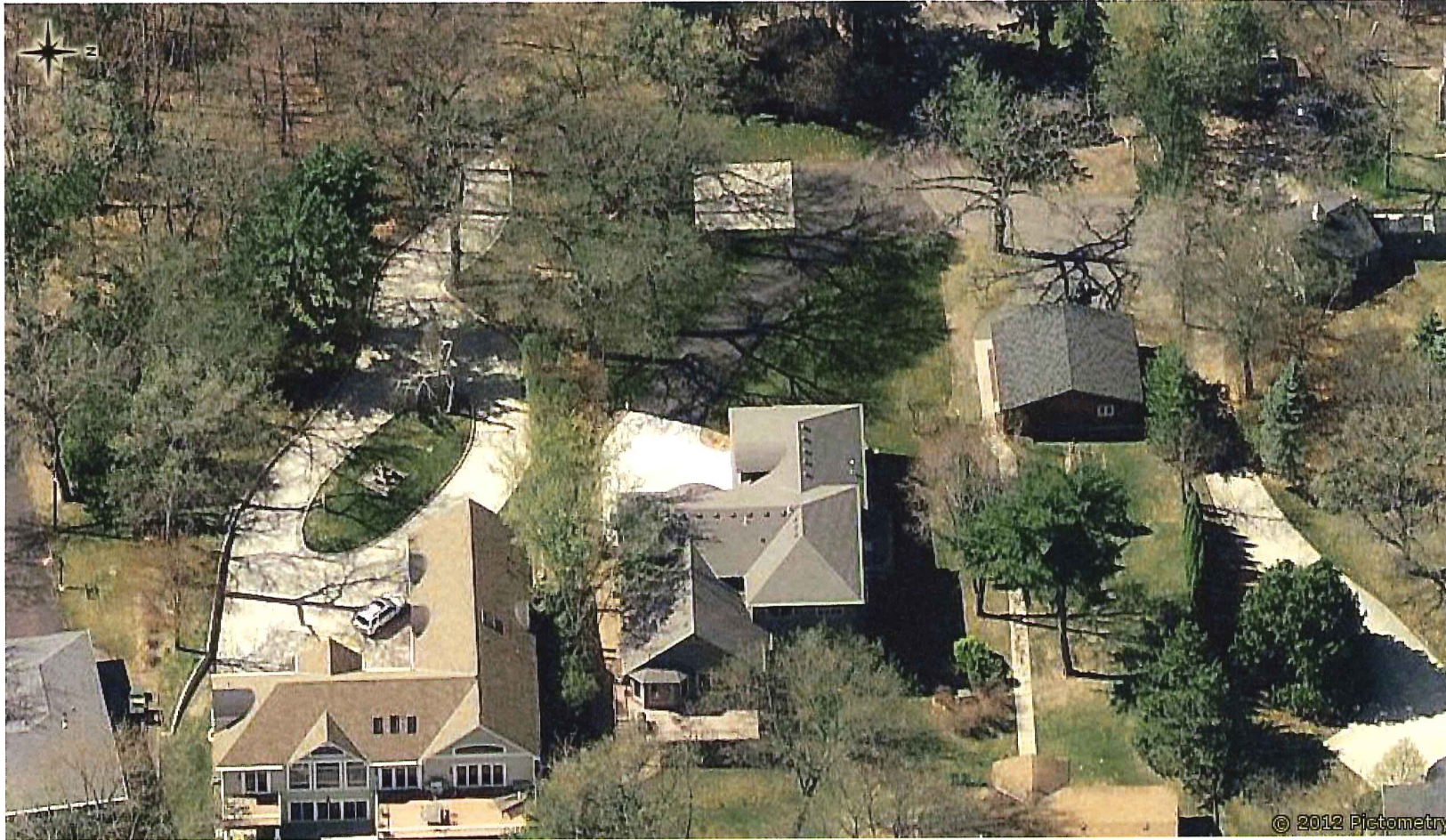
Enter Map Description



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**





# 5110 Lexington Avenue

**Print Date:** 05/23/2014

**Image Date:** 03/25/2012

**Level:** Neighborhood

June 5, 2014,

City of Shoreview  
Planning Commission  
4600 Victoria St North  
Shoreview, Mn 55126

RE: Variance Request for the Permit application to build a detached garage at 5110  
Lexington Ave N in Shoreview

Dear Sir or Madam:

The purpose of this letter is to document a requested variance to build a detached garage structure on our property at 5110 Lexington Ave in Shoreview, and demonstrate the practical difficulties in complying with the existing city code.

Per the General requirements numbers 1 & 3, a property total garage space, attached and detached is limited to 1200 sq ft and property with an existing attached garage is limited to a detached structure whose total floor area shall not exceed 150 sq feet, except that this may be increased to a maximum of 288 sq ft with a Conditional Use Permit. We are requesting a variance related to these general requirements to increase the allowable square footage of a detached structure to 484 square feet and to increase the total allowable square footage to 1471 square feet.

### **Compliance with City Code Section 201.10**

The purpose of our proposed detached garage is to provide a covered and enclosed area to store our bikes, lake equipment, garbage cans, children's vehicles, and other household items that if stored outside would detract from our neighborhood. What specifically applies to our situation is Code (A) maintaining a high quality of life and (D) – stabilizing and improving land uses and property values by minimizing conflicts and intrusions. We do not intend to use this garage for commercial use, which is contrary to our residential neighborhood.

### **Practical Difficulties**

“Reasonable Manner” –

- i. Current City Code permits detached accessory structures. Garages, especially in Minnesota, are needed for vehicle parking and storage of household equipment and other supplies. We are proposing to use this structure for these purposes. The area of existing garage space does not provide for adequate parking and storage needs.

**“Character of Neighborhood” –**

- ii. A garage would cause minimal impact to our neighborhood due to the following:  
1. Uniqueness of the lot – we are on a lake property where garages in the “front” yard, away from the lake, are more desirable and are common  
2. Consistent with adjacent property – our neighbors at 5114 Lexington have a detached shed and garage approximately the same size as we are proposing and in the same vicinity as our proposed structure
- iii. The location of the garage would not detract from our current home in that the garage would be at the entrance to our property near Kimberly Lane, which is an unmaintained city road, and to our neighbors at 5114 Lexington’s existing shed and detached two-car garage which is similar in size to the one we are proposing. This would not be visible from any frequently used public streets and also not visible from Turtle Lake. See site plan for placement.
- iv. The character of the neighborhood would not be altered because we would build this garage in an attractive manner, similar to our existing home and plan to landscape around it to make it pleasing to our neighbors.

**“ Unique circumstances due to the property”**

- v. Hardship stems from the uniqueness of the parcel. It is a subriparian lake parcel with an easement for a shared driveway. The lot was subdivided in a nonstandard manner with a majority of the lot square footage in the ‘front’ yard due to this being a lake property.
- vi. Size and location of the existing 23’ by 24’ slab are unique to this property. The existing slab is positioned in the front yard but is sheltered by existing large trees that minimize its visibility. Our lot size is .77 acre or approximately 30,000 square feet. Our lot width is 95 feet in the area we are proposing this structure. We are proposing a 22’ x 22’ structure on the exact location of the existing slab to minimize impact to our yard and the surrounding existing trees. A structure of this size would not detract from our existing home or the neighborhood in that it represents 1.6% of our total square footage and 20% of the square footage of our foundation.
- vii. Our situation is unique to the property and not created by us as the homeowners in that when we bought the property, there were previously two detached structures built in the “front” yard. (see site plan, sheet A) Both of these structures were used as garages. While we wanted to keep these existing structures for storage needs, further examination by our builder told us they were in need of serious roof repair and repair to the inside due to squirrel damage. For safety as well as aesthetic purposes (these garages were in poor condition and would not have matched our house,) we tore the structures down with the intention of rebuilding a better structure on that same site at a later

date. We retained a portion of the cement flooring for parking purposes. Our proposed structure is currently 1-2 feet smaller than our existing cement slab. While our structure has already been demolished, we are proposing building a structure smaller than the one that existed in the same location.

**Other Considerations:**

1. We heard the Planning Commission's concerns around mitigating the impact to the area and the existing trees in our yard, and the size of our requested structure. While some of the commissioners would support our proposal, we understand there were just too many concerns. We've decided to not ask for setback variance and we've tempered our request yet a third time to take out a planned staircase to make the structure smaller while still meeting our needs. Most importantly, we have discussed this with our neighbors at 5100, 5108 and 5114 Lexington, and none have expressed concerns about the structure.

Site Map explanation:

Document A: this is a certificate of survey of the property prior to us owning it. It illustrates the previous house, shed and garage. During demolition, we removed a portion of the existing garage and kept a 23' by 24' portion of the existing cement slab. The purple box labeled A is the portion of the slab we retained.

Document B: This illustrates our new home and the placement of the existing cement slab we currently have on our property.

Document C: This is the proposed garage placement on our property. The proposed garage is 22' by 22' with the door opening towards the existing driveway. [REDACTED]

## **5110 Lexington Ave proposed detached garage application**

### **Erosion Control Plan**

As part of erosion control we plan to put gutters on the garage in order to direct water properly. We will also landscape the area around the garage with grass and trees. The increase in impervious surface the proposed garage causes is .1 % or a total of 25.1% up from 25% of the existing house, driveway and garage. We currently have a 150 Sq ft rain garden which is positioned on the same side of the property as the proposed garage to catch and drain any additional runoff water.



# CERTIFICATE OF SURVEY

FOR: TJB HOMES, INC.  
 ADDRESS: 5110 LEXINGTON AVENUE, SHOREVIEW

*Existing Survey*

This survey was prepared without the benefit of title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

## AREA CALCULATIONS

TOTAL LOT = ±33,268 sq. ft.  
 Existing House = ±1,279 Sq. Ft.  
 Existing Driveway = ±3,593 Sq. Ft.  
 Existing Concrete = ±260 Sq. Ft.  
 Existing Buildings = ±1,722 Sq. Ft.  
 Existing Deck = ±807 Sq. Ft.

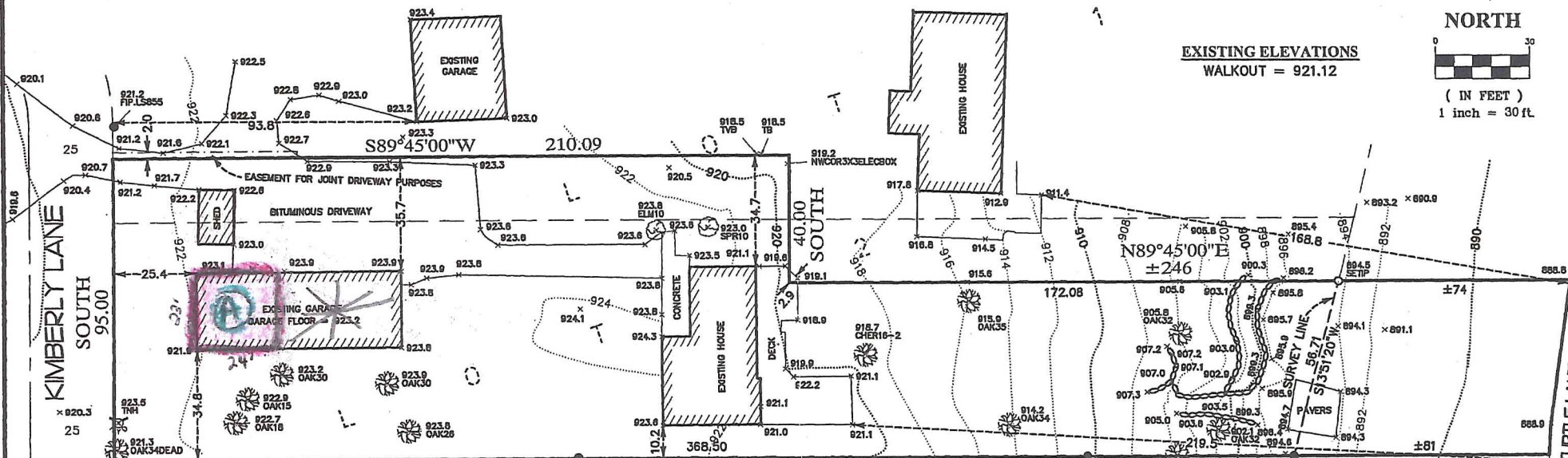
NORTH



( IN FEET )  
 1 inch = 30 ft

## EXISTING ELEVATIONS

WALKOUT = 921.12



## LEGAL DESCRIPTION

LOT 2, BLOCK 2, UNSTAD ADDITION, EXCEPT THAT PART OF THE NORTH 20 FEET OF SAID LOT 2 LYING EAST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 2; TOGETHER WITH THAT PART OF THE SOUTH 20 FEET OF LOT 1, BLOCK 2 OF SAID UNSTAD ADDITION LYING WEST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, RAMSEY COUNTY, MINNESOTA, TOGETHER WITH AN EAEMENT FOR JOINT DRIVEWAY PURPOSES OVER AND ACROSS THE NORTH 2 FEET OF THE SOUTH 22 FEET OF THE WEST 57 FEET OF SAID LOT 1, BLOCK 2, UNSTAD ADDITION.

I hereby certify that this plan, survey 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.

*Joshua P. Schneider*

JOSHUA P. SCHNEIDER

Date: 12-21-10 Reg. No. 44655

## NOTES

- FIELD SURVEY CONDUCTED ON DECEMBER 10TH, 2010.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.
- FINISHED GRADE 10 FEET FROM PROPOSED BUILDING SHALL BE 0.5 FEET LOWER THAN THE FINISHED GRADE AT THE BUILDING.
- FINISHED GRADE ELEVATIONS ARE TO FINISHED SURFACE WITH TURF ESTABLISHMENT.
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- (1023) DENOTES PROPOSED ELEVATION
- x1011.2 DENOTES EXISTING ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES METAL SPIKE
- x DENOTES EXISTING FENCE
- ⊕ DENOTES FIRE HYDRANT
- ⊕⊕⊕ DENOTES EXISTING RET. WALLS

JOB#10371bs

**ACRE LAND SURVEYING**  
 Blaine, MN 55449  
 763-238-6278 js.acrelandsurvey@gmail.com

*Original Slabs we kept*



(B)

New House, Existing Slab

Mar. 2, 2011 1:25PM

Received

FEB 20 2011

# CERTIFICATE OF SURVEY

FOR: TJB HOMER, INC.  
ADDRESS: 6110 LIVINGTON AVENUE, SHOREVIEW

*John Reiser*  
*John Reiser*  
*John Reiser*

This survey was prepared without the benefit of title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorney's title opinion.

### AREA CALCULATIONS

TOTAL LOT = ±30,227 sq. ft.  
Proposed House = ±3,472 Sq. Ft.  
Proposed Driveway = ±3,820 Sq. Ft.  
Proposed Porch = ±23 Sq. Ft.  
Impervious Surface = ±23,221

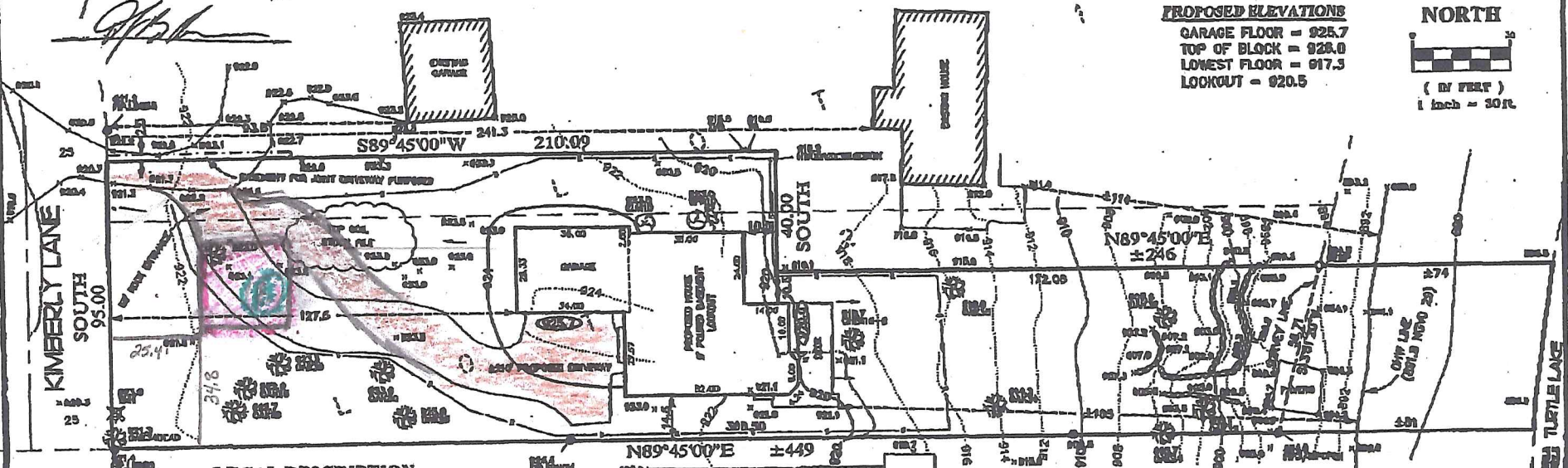
### PROPOSED ELEVATIONS

GARAGE FLOOR = 925.7  
TOP OF BLOCK = 928.0  
LOWEST FLOOR = 917.5  
LOOKOUT = 920.5

NORTH



( IN FEET )  
1 inch = 30 ft.



### LEGAL DESCRIPTION

LOT 2, BLOCK 2, UNSTAD ADDITION, EXCEPT THAT PART OF THE NORTH 20 FEET OF SAID LOT 2 LYING EAST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 2; TOGETHER WITH THAT PART OF THE SOUTH 20 FEET OF LOT 1, BLOCK 2 OF SAID UNSTAD ADDITION LYING WEST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLE TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, RAMSEY COUNTY, MINNESOTA, TOGETHER WITH AN EASEMENT FOR JOINT DRIVEWAY PURPOSES OVER AND ACROSS THE NORTH 2 FEET OF THE SOUTH 22 FEET OF THE WEST 57 FEET OF SAID LOT 1, BLOCK 2, UNSTAD ADDITION.

I hereby certify that this plan, survey 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.

*Joshua P. Schneider*  
JOSHUA P. SCHNEIDER

Revised: 2-4-11  
Revised: 1-7-11  
Revised: 12-27-10  
Date: 12-21-10 Reg. No. 44686

### NOTES

- EXISTING HOUSE TO BE REMOVED. NOT SHOWN HEREON.
- HOUSE PLACEMENT AND ELEVATIONS SET BY OWNER.
- FIELD SURVEY CONDUCTED ON DECEMBER 10TH, 2010.
- BEARINGS SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.
- FINISHED GRADE 10 FEET FROM PROPOSED BUILDING SHALL BE 0.5 FEET LOWER THAN THE FINISHED GRADE AT THE BUILDING.
- FINISHED GRADE ELEVATIONS ARE TO FINISHED SURFACE WITH TURF ESTABLISHMENT.
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR.

- DENOTES PROPOSED SILT FENCE
- DENOTES PROPOSED ELEVATION
- (10) 2 DENOTES EXISTING ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES METAL SPIKE
- DENOTES EXISTING FENCE
- XX DENOTES FIRE HYDRANT
- DENOTES EXISTING RET. WALLS

JOB#103711b

**1 ACRE LAND SURVEYING**  
 St. Louis, MN 55449  
 763-230-6278 jps@acrelandsurveying.com



Address File

# FINAL GRADE AS-BUILT

FOR: TJB HOMES, INC.

ADDRESS: 610 LEXINGTON AVENUE, SHOREVIEW



This survey was prepared without the benefit of title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

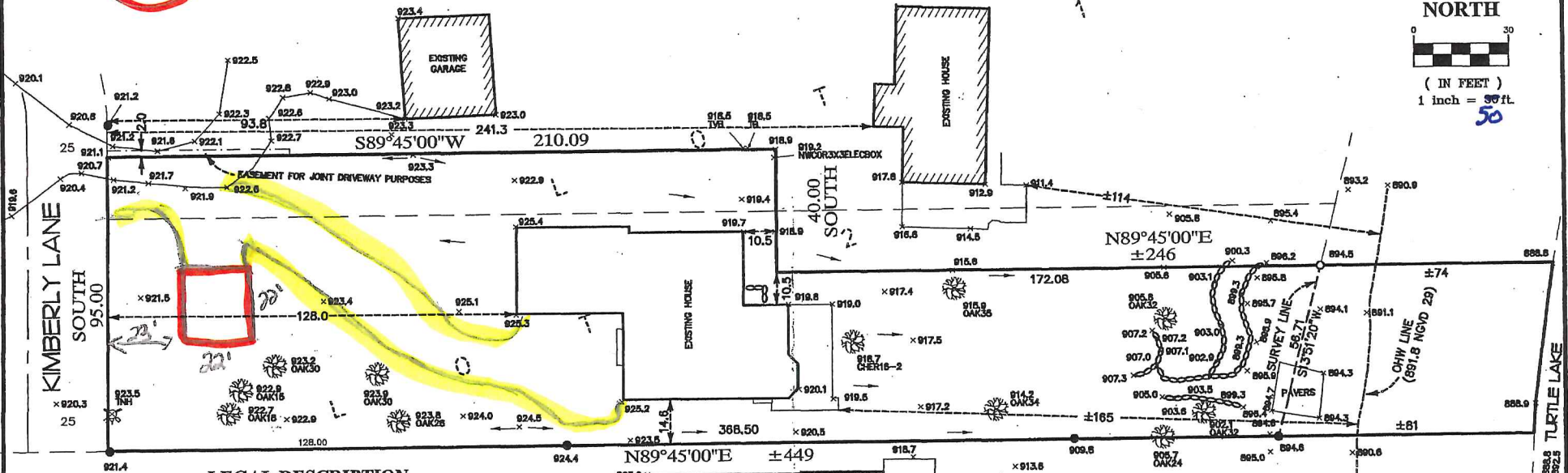
### EXISTING ELEVATIONS

GARAGE FLOOR = 925.7  
TOP OF BLOCK = 926.0  
LOWEST FLOOR = 917.3  
LOOKOUT = 921.0

NORTH



( IN FEET )  
1 inch = 30ft  
50



### LEGAL DESCRIPTION

LOT 2, BLOCK 2, UNSTAD ADDITION, EXCEPT THAT PART OF THE NORTH 20 FEET OF SAID LOT 2 LYING EAST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 2; TOGETHER WITH THAT PART OF THE SOUTH 20 FEET OF LOT 1. BLOCK 2 OF SAID UNSTAD ADDITION LYING WEST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, RAMSEY COUNTY, MINNESOTA. TOGETHER WITH AN EASEMENT FOR JOINT DRIVEWAY PURPOSES OVER AND ACROSS THE NORTH 2 FEET OF THE SOUTH 22 FEET OF THE WEST 57 FEET OF SAID LOT 1, BLOCK 2, UNSTAD ADDITION.

### NOTES

- FIELD SURVEY CONDUCTED ON AUGUST 1ST, 2011.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.
- FINISHED GRADE 10 FEET FROM PROPOSED BUILDING SHALL BE 0.5 FEET LOWER THAN THE FINISHED GRADE AT THE BUILDING.
- FINISHED GRADE ELEVATIONS ARE TO FINISHED SURFACE WITH TURF ESTABLISHMENT.
- DRIVEWAYS ARE SHOWN FOR GRAPHIC PURPOSES ONLY. FINAL DRIVEWAY DESIGN AND LOCATION TO BE DETERMINED BY CONTRACTOR

- DENOTES PROPOSED SILT FENCE
- (1023) DENOTES PROPOSED ELEVATION
- x1011.2 DENOTES EXISTING ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- ⊠ DENOTES METAL SPIKE
- x DENOTES EXISTING FENCE
- ⊕ DENOTES FIRE HYDRANT
- ⊞ DENOTES EXISTING RET. WALLS

I hereby certify that this plan, survey 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.

JOSHUA P. SCHNEIDER

Date: 8-2-11 Reg. No. 44655

JOB#10371GAB

**ACRE LAND SURVEYING**  
Blaine, MN 55449  
763-238-6278 ja.acrelandsurvey@gmail.com

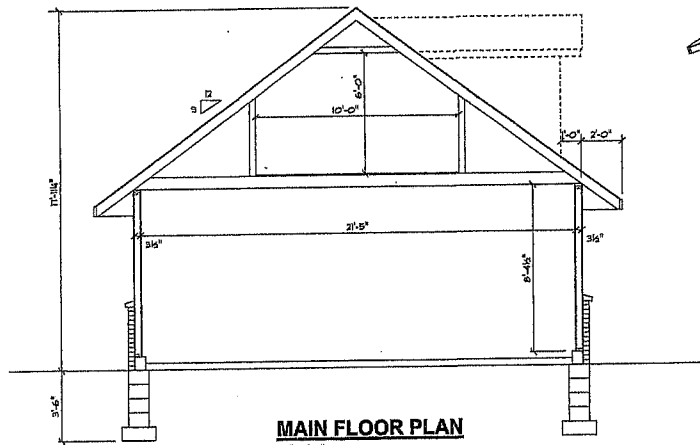
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100 YR FLOOD ELEVATION = 892.5

**DESIGN PHASE**

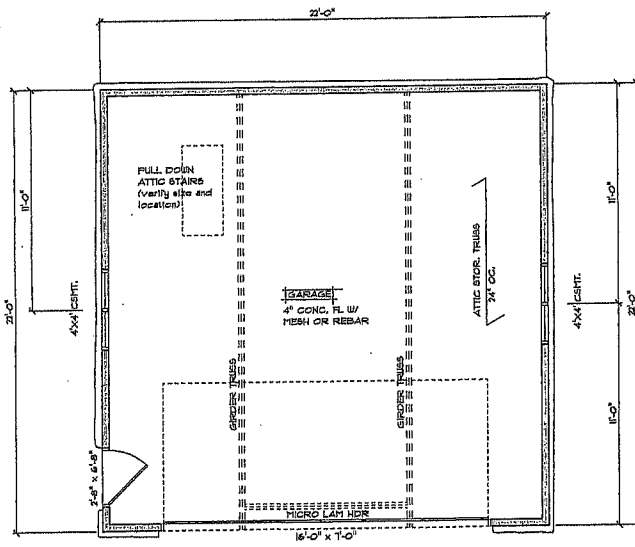
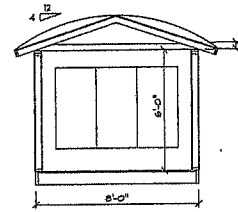
PRELIMINARY DATE: 5/9/2014  
 CHECK SET DATE:  
 PAUL CHECK SET DATE:  
 REVISION 1 DATE: 5/29/2014  
 REVISION 2 DATE:  
 REVISION 3 DATE:

2000 TOWER DRIVE W  
 STILLWATER MN 55082  
 PH. 681-435-3539  
 FAX. 681-435-3700

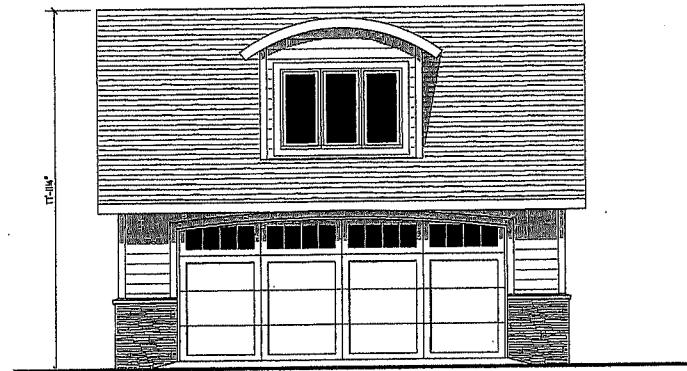
PRELIMINARY PLAN  
**PEIRSON GARAGE**  
 SHOREVIEW MN



**MAIN FLOOR PLAN**  
 1/4" = 1'-0" SCALE



**MAIN FLOOR PLAN**  
 1/4" = 1'-0" SCALE



**MAIN FLOOR PLAN**

1/4" = 1'-0" SCALE

GARAGE  
 484 SQ. FT.  
 8'-4 1/2" WALL HEIGHT

ALLOW BUILDING CENTER CHIEFS  
 ALL RIGHTS RESERVED. REFRAIN  
 LIMITED TO, COPYRIGHTS OF THE  
 DEVELOPER OR FLOOR PLAN  
 CREATED UNDER THIS AGREEMENT,  
 MICRO BUILDING CENTER LICENSES  
 THE BLUEPRINT OF FLOOR PLAN  
 TO THE CONTRACTOR FOR PURPOSES  
 OF CONSTRUCTING THE STRUCTURE  
 HEREON. THE CONTRACTOR SHALL  
 FLOOR PLAN. THE CONTRACTOR SHALL  
 NOT BE LIABLE FOR ANY ERRORS OR  
 OMISSIONS IN THIS BLUEPRINT OR  
 FLOOR PLAN. THIS BLUEPRINT  
 OR FLOOR PLAN IS NOT A SPECIFIC  
 BASIS FOR ANY ASSESSMENT UNDER  
 U.S.C. SECTION 6601.

ALTHOUGH EVERY EFFORT HAS  
 BEEN MADE IN PREPARING  
 THESE PLANS AND SPECIFICATIONS,  
 THE CONTRACTOR SHALL BE RESPONSIBLE  
 FOR VERIFYING ALL DIMENSIONS,  
 ELEVATIONS, HEIGHTS, SPACING,  
 HEADERS AND BEAM SIZES. ALL  
 OTHER DIMENSIONS AND DETAILS  
 ARE RESPONSIBLE  
 FOR THE OWNER.

DRAWN BY:  
**BRUCE LARSEN**

SCALE:  
 1/4" = 1'-0"

SHEET:  
**1 OF 1**















City Council:  
Sandy Martin, Mayor  
Emy Johnson  
Terry Quigley  
Ady Wickstrom  
Ben Withhart



City of Shoreview  
4600 Victoria Street North  
Shoreview, MN 55126  
651-490-4600 phone  
651-490-4699 fax  
www.shoreviewmn.gov

June 11, 2014

**REQUEST FOR COMMENT**

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, June 24<sup>th</sup> at 7:00 p.m.**, the Shoreview Planning Commission will consider a Variance request submitted by **John and Julie Pierson** to build a 22 x 22, 484 square foot detached accessory structure on their property at **5110 Lexington Ave.** The following variances are required:

- 1) To exceed the maximum 288 square feet permitted for a detached accessory structure – 484 square feet proposed
- 2) To exceed the total allowable square feet for accessory structures from 1,200 to 1,471.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. You may also send your comments to me via email. Comments received by **June 19<sup>th</sup>** will be distributed to the Planning Commission with their agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting which will be held in the **City Council Chambers, Shoreview City Hall, 4600 North Victoria Street.** The agenda and staff report to the Planning Commission will be available on the City website by June 21<sup>st</sup>. Please use this weblink to review details of the project and City standards after that date [www.shoreviewmn.gov/pc/documents](http://www.shoreviewmn.gov/pc/documents).

If you would like more information or have any questions, please call me at 651-490-4658 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. Comments or questions can also be submitted via e-mail to me at [nhill@shoreviewmn.gov](mailto:nhill@shoreviewmn.gov).

Sincerely,  
  
Niki Hill  
Planning and Economic Development Technician

Comments:

*We are very much in favor of John + Julie's garage being built. It is very fitting with the neighborhood and will provide them with the needed space. Please approve.*

Name: Mark + Jill Rosin  
Address: 5100 Lexington

**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD JUNE 24, 2014**

\* \* \* \* \*

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. 14-31 FOR A VARIANCES RELATED TO A DETACHED  
ACCESSORY STRUCTURE**

WHEREAS, John and Julie Pierson, submitted a variance application for the following described property:

*LOT 2, BLOCK 2, UNSTAD ADDITION, EXCEPT THAT PART OF THE NORTH 20 FEET OF SAID LOT 2 LYING EAST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 2; TOGETHER WITH THAT PART OF THE SOUTH 20 FEET OF LOT 1, BLOCK 2 OF SAID UNSTAD ADDITION LYING WEST OF A LINE 210 FEET EAST OF, MEASURED AT A RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, RAMSEY COUNTY, MINNESOTA.*

*TOGETHER WITH AN EASEMENT FOR JOINT DRIVEWAY PURPOSES OVER AND ACROSS THE NORTH 2 FEET OF THE SOUTH 22 FEET OF THE WEST 57 FEET OF SAID LOT 1, BLOCK 2, UNSTAD ADDITION.*

*(This property is more commonly known as 5110 Lexington Avenue)*

WHEREAS, the Development Regulations establish a maximum detached accessory structure size of 150 square on parcels less than 1 acre in size which may be increased to square footage of 288 square feet with a Conditional Use Permit; and

WHEREAS, the Development Regulations state the a maximum area of all accessory structures shall not exceed 90% of the dwelling unit foundation area or 1,200 square feet whichever is more restrictive; and

WHEREAS, the applicants are proposing to build a 22 foot by 22 foot, 484 square foot detached accessory; and

WHEREAS, the applicant has requested the following variances for said structure;

- 1) To exceed the maximum 150 square feet permitted (or 213 square feet with a conditional use permit) as a 484 square foot structure is proposed; and
- 2) To exceed the maximum accessory structure square footage permitted of 1200 square feet as 1,471 square feet is proposed; 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 June 24, 2014 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.*

A variance is needed to allow the proposed structure to exceed the maximum area permitted which is 150 square feet. On this property, a detached accessory structure of up to 150 square feet is permitted with a building permit. A detached accessory structure 150 square feet to 213 square feet in size is permitted with a conditional use permit. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots less than one-acre. The attached garage has a floor area of 987 square feet and the proposed detached garage has an area of 484 square feet. The foundation area of the house is 2,441 square feet. The proposed 1,471 square feet of total accessory floor area is about 60% of the living area foundation. Therefore the home will remain the primary feature of the property.

In Staff's opinion, the variance request to rebuild the garage in the proposed location represents a reasonable use of the property. City Code permits detached garages as an accessory use. By establishing these provisions, the City deems that a detached garage represents a reasonable use of the property provided Code standards are met. Garages, especially in Minnesota, are needed for vehicle parking and storage of normal household equipment and supplies. Additionally, lake lots have the potential to create greater storage needs. Furthermore, the property is significantly larger than the 17,760.99 square foot average lot size for a single family dwelling.



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 uniqueness of the parcel. It is a riparian lake parcel with an easement for a shared driveway with a front lot line that abuts an unimproved platted right of way. The combination of the riparian parcel, location of the parcel along the unimproved right of way, larger square footage of the parcel, and screening that is in place all mitigate the potential impacts of the structure.

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 as the adjacent properties are riparian and as such there are other detached garages and accessory structures located in the front of the lot. Existing vegetation will screen the structure from view of the public-right-of-way. The proposed garage would match the architectural style of the current home and similar setback of accessory structures on adjacent properties.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 5110 Lexington Avenue, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. 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.
4. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
5. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.

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 24th day of June, 2014

---

Steve Solomonson, Chair  
Shoreview Planning Commission

ATTEST:

---

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

---

John Pierson, 5110 Lexington Avenue

---

Julie Pierson, 5110 Lexington Avenue

STATE OF MINNESOTA)  
 )  
COUNTY OF RAMSEY )  
 )  
CITY OF SHOREVIEW )

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 24<sup>th</sup> day of June, 2014 with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to adopting Resolution 14-31.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 24<sup>th</sup> day of June, 2014.

---

Terry C. Schwerm  
City Manager

SEAL

## MOTION TO APPROVE

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

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

To adopt the attached Resolution 14-31, including findings of fact, permitting the construction of 484 square foot detached accessory structure for John and Julie Pierson on their property at 5110 Lexington Avenue North. Said approval is subject to the following conditions:

1. The project must be completed in accordance with the plans 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.
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.
4. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
5. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.

Said approval is based on 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.*

A variance is needed to allow the proposed structure to exceed the maximum area permitted which is 150 square feet. On this property, a detached accessory structure of up to 150 square feet is permitted with a building permit. A detached accessory structure 150 square feet to 213 square feet in size is permitted with a conditional use permit. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots less than one-acre. The attached garage has a floor area of 987 square feet and the proposed detached garage has an area of 484 square feet. The foundation area of the house is 2,441 square feet. The proposed 1,471 square feet of total accessory floor area is about 60% of the living area foundation. Therefore the home will remain the primary feature of the property.

In Staff's opinion, the variance request to rebuild the garage in the proposed location represents a reasonable use of the property. City Code permits detached garages as an accessory use. By establishing these provisions, the City deems that a detached garage represents a reasonable use of the property provided Code standards are met. Garages, especially in Minnesota, are needed for vehicle parking and storage of normal household equipment and supplies. Additionally, lake lots have the potential to create greater storage needs. Furthermore, the property is significantly larger than the 17,760.99 square foot average lot size for a single family dwelling.

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 uniqueness of the parcel. It is a riparian lake parcel with an easement for a shared driveway with a front lot line that abuts an unimproved platted right of way.

The combination of the riparian parcel, location of the parcel along the unimproved right of way, larger square footage of the parcel, and screening that is in place all mitigate the potential impacts of the structure.

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 as the adjacent properties are riparian and as such there are other detached garages and accessory structures located in the front of the lot. The proposed garage would match the architectural style of the current home and similar setback of accessory structures on adjacent properties.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
June 24<sup>th</sup>, 2014

**TO:** Planning Commission  
**FROM:** Kathleen Castle, City Planner  
**DATE:** June 17, 2014  
**SUBJECT:** File No. 2530-14-20 Moser Homes, Inc.; Minor Subdivision and Variance, 3339 Victoria Street North

### **INTRODUCTION**

At the May 27<sup>th</sup> meeting, the Planning Commission tabled the applications submitted by Robert Moser of Moser Homes, Inc. to divide the property at 3339 Victoria Street into two parcels for single-family residential development. The applications included a minor subdivision to divide the property and a variance requires for both of the proposed parcels to exceed the maximum front yard building setback permitted for the future homes. The applications were tabled to provide Mr. Moser additional time to delineate the wetland area on the property, revise the structure locations and evaluate stormwater management.

A wetland delineation has been completed and is identified on the survey. The building pad locations for both properties have been shifted to the east reducing the proposed structure setbacks from Victoria Street. As such, the required variances are as follows:

- 1) Parcel 1 - To exceed the maximum 67.5' structure setback permitted from a front lot line; 255.4 feet proposed.
- 2) Parcel 2 – To exceed the maximum 67.5' structure setback permitted from a front lot line; 272.1 feet proposed.

### **BACKGROUND**

The property is currently owned by the City of Shoreview. The City acquired the property, through the Economic Development Authority, in 2013 with the objective of resolving long-standing housing and property maintenance conditions and redeveloping the property with housing that supports the City's housing goals and is compatible with the surrounding single-family residential land uses.

The property has a lot area of 1.5 acres and a lot width of 91.17 feet along Victoria Street. It is a "key lot", with the north side lot line abutting the rear lot line of homes immediately to the north. The City hired a contractor to remove the blighted house and accessory structures and disturbed areas have been restored, with the exception of some finishing work after two existing wells are sealed. Vegetation on the property is primarily located along the boundaries and in the western portion of the property. There is also a wetland area located in the northwest corner of the property.

The City solicited a Request for Proposal earlier this year from qualified developers/builders for seeking purchase offers and concept redevelopment plans. Moser Homes, Inc. submitted a proposal



that was accepted by the Economic Development Authority. If the submitted applications are approved, a purchase agreement will be executed with an anticipated closing date later this summer.

This application was complete as of May 19, 2014. The Commission did extend the review period from 60 to 120 days.

### **MINOR SUBDIVISION**

**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 and water must be provided to the resulting lots. 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 and floodways.

Key lots (any lot where the side lot line abuts the rear lot line of one or more adjoining parcels) are discouraged and must be at least 15-feet more in depth or width than the minimum required. When a side lot line abuts a rear lot line, the setback for principal and accessory structures increases to a minimum of 20-feet from a side lot line. Through the subdivision process, the City can require a greater width or depth to increase the proposed structure setback from the adjoining properties.

The property is zoned R1, Detached Residential, as are the adjacent properties. In this zoning district, the lot standards require a minimum lot area of 10,000 square feet and a width of 75 feet. Regarding structure setbacks, the front yard setback of the proposed homes is based on the setbacks of the adjacent homes, since the homes are more than 40 feet from the front property line. The front yard setback for a dwelling to be constructed on a vacant lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10-feet. The dwelling must also maintain a minimum setback of 10 feet from a side property line and 30 feet from a rear property line. Accessory structures, including attached garage, must maintain a minimum setback of 5-feet from a side lot line.

### **STAFF REVIEW**

#### **Lot Standards**

The proposed parcels comply with the minimum lot standards for parcels in the R1 zoning district. As stated earlier, the existing parcel is considered a key lot. With the subdivision, Parcel 2 will remain a key lot and is subject to the additional structure setback and lot depth or width requirements. The parcel exceeds the lot depth by more than 20 feet. This parcel has adequate width and depth to comply with the required 20-foot structure setback from the north side property line. Below is a table summarizing the proposed lots to the zoning requirements:

	Requirements	Parcel 1 (South)	Parcel 2 (North)
Area:	10,000 sf	31,685 sf	33,469 sf
Width: Key Lot	75 feet 90 feet*	75 feet (Average) 45.59 feet to 82 feet	75 feet (Average) 45.59 feet to 103.79 feet
Depth: Key Lot	125 feet 140 feet*	427.87 feet	454 feet

\* For Key lots, an additional 15 feet is required for either the lot width or lot depth

### Municipal Utilities

Municipal sanitary sewer and water service are already provided to property. Additional service stubs will need to be provided for the second parcel. The standard drainage and utility easements along the property lines will be required, as well as over the wetland area.

### Access

The existing access driveway will be relocated farther to south. A single access point will remain on Victoria Street, however, there will be separate driveways serving each parcel. A private maintenance agreement between the two properties is required for shared access driveway serving the proposed homes.

### Vegetation and Woodlands

The submitted survey identifies some landmark trees on the property that will be impacted by the construction of new homes. These trees include Cottonwoods, Boxelder and Ash. Landmark trees removed will need to be replaced at a ratio 2:1, in accordance with the City's regulations. Tree removal, replacement and protection will be addressed further in the Development Agreement.

### Grading, Drainage and Stormwater Management

The site is relatively flat with topographical elevations ranging from 946 in the eastern portion of the site to 941 in the southwest corner of the property. The proposed homes are anticipated to be a split-level design with a walkout lower level. The submitted survey indicates that the grade will be raised approximately 1.5 feet for each building pad with the walkout design taking advantage of the sloping grade change at the rear of the property.

The building pads were placed in the western portion of the property because of the larger lot width. This portion of the site can accommodate two home sites. The wetland has been delineated and is shown on the survey. To avoid encroachment into the wetland areas, the building pads have been shifted to the east, reducing the proposed building setbacks from the front property line. On Parcel 1, a 16.5 feet wetland buffer is identified. On Parcel 2, a portion of the building pad is setback 10 feet from the wetland boundary. The City's development standards state that a wetland buffer may be required

to meet the intent of the surface water management plan. The Code does recommend a 16.5 foot buffer, however, deviations may be approved through the subdivision process. The City Engineer has reviewed the proposal and believes the proposed encroachment is reasonable based on the site conditions and will not significantly impact the wetland character or function. This wetland serves as a stormwater pond as it manages stormwater from the north (Arbogast Street) and pre-treats stormwater runoff before it enters Lake Judy. The overflow structure for this basin is set at 944.5 feet and the wetland has a normal elevation of 941.6 feet. The proposed structures will comply with the recommended minimum building elevation (lowest opening) for an adjacent structure which is 944.6 feet. Other structures or site improvements in the area also appear to encroach into the recommended wetland buffer.

The proposed lot coverage is 22% for Parcel 1 and 19% for Parcel 2, well under the maximum 40% permitted for standard single-family residential lots. Stormwater runoff from the structures will be directed towards the wetland area and towards the front. Stormwater runoff calculations were not required due to the low impervious surface coverage. The City Engineer has reviewed the submitted plans and has found that they comply with the City standards.

### **VARIANCE**

The proposed building pad locations required variances to increase the maximum 67.5 foot structure setback from the front lot line:

1. Parcel 1: 255.4 feet
2. Parcel 2: 272.1 feet

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.

### ***Applicant's Statement of Justification***

The applicant states practical difficulty is present due to the unique configuration of the property. While the proposed parcels comply with the minimum standards for a single-family residential lot, the most practical location for the homes on these parcels is at a distance from Victoria Street greater than what is permitted. This neighborhood has variable front yard setbacks, therefore, if the variance is approved the locations of the proposed homes will not alter the essential character of the neighborhood. The proposed use of the property for two single-family homes is the highest and best use and will allow the property to be used in a reasonable manner. Please see the attached statement.

### ***Staff Review***

The proposed variances have been reviewed in accordance with the criteria and in Staff's opinion, practical difficulty is present.

*Reasonable Manner.* The subdivision of this large property into two parcels for single-family residential development is reasonable as each parcel complies with the minimum standards for the R1 zoning district. The placement of the proposed homes beyond the maximum structure setback permitted is the most practical location due to the configuration, depth and character of the property.

*Unique Circumstances.* Unique circumstances are present. The property has an odd lot configuration being narrower at the front property line, with a total lot width of 91.18 feet along Victoria Street, then increasing to 185.79 feet at the rear property line. The proposed subdivision creates lots that comply with the minimum standards, but due to the odd lot configuration, the buildable area of the property is located towards the rear of the property. This location is also the most practical and takes advantage of the natural features of the property.

*Character of Neighborhood.* If granted, the variances will not alter the essential character of the neighborhood. This neighborhood has no defined development pattern as some parcels are smaller with smaller lot depths while some are larger with deeper lot depths, some of which extend into Lake Judy. There has been some subdivision activity on the east side of Victoria Street with larger parcels being divided into two. While most structures exceed the minimum structure setback from the front property line, some are aligned towards Victoria Street, while others are defined by Lake Judy or other natural features. As such, there does not appear to be a uniform setback of structures in this area.

### **PUBLIC COMMENT**

Property owners within 350 feet were notified of the applicant's request. Written and verbal comments were received in May expressing concern about site conditions, the location of surface water on the property, suitability of the site for development, wetland impacts, landscape screening and fencing. Another notice was mailed out with the updated survey information and variance request. The written comments received are attached.

### **STAFF RECOMMENDATION**

The minor subdivision and variance applications have been reviewed in accordance with the standards of the Development Regulations. The proposed parcels comply with the subdivision standards, and in Staff's opinion practical difficulty is present to increase the structure setbacks from the front property line. Therefore, it is recommended that the Planning Commission adopt Resolution 14- 40 approving the variance request and recommend the City Council approve the minor subdivision. Said approval is subject to the following:

#### ***Variance***

1. Said approval is contingent upon approval of the Minor Subdivision by the City Council.



2. The project shall be constructed in accordance with the submitted plans. Any significant change to the plan, as determined by the City Planner, shall require review and approval of the Planning Commission.
3. This approval will expire after one year if the minor subdivision has not been recorded.
4. The project is subject to the terms of the Development Agreement for the property.
5. 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. For Parcel 2, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City endorses the deed to create Parcel B. The fee will be 4% of the fair market value of the property.
3. 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.
4. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on each parcel.
5. Municipal water and sanitary sewer service shall be provided to both parcels. The cost of connection and SAC fees, together with permit charges, will be due with the building permit.
6. Driveways and all other work within the Victoria Street right-of-way are subject to the permitting authority of the City of Shoreview and Ramsey County.
7. A tree protection, removal and replacement plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
8. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.
9. A final site-grading and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
10. The wetland/wetland buffer shall be identified by signage. A 16.5-foot wetland buffer shall be established on both Parcel 1. A wetland buffer shall also be established on Parcel 2 ranging from in width from 10 feet to 16.5 feet..
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

**Attachments**

- 1) Review by City Engineer, Tom Wesolowski
- 2) Resolution 14-40
- 3) Site Aerial Photo
- 4) Submitted Statement and Plans
- 5) Response to Request for Comment
- 6) Motion

## MEMORANDUM

To: Kathleen Castle - City Planner  
From: Tom Wesolowski - City Engineer  
Date: June 19, 2014  
Subject: Minor Subdivision – 3339 Victoria Street

1. The parcel is located within the Grass Lake Watershed, which is under the jurisdiction of the Ramsey-Washington Metro Watershed District. The development of the lots does not require a permit from Ramsey-Washington.
2. The developer is proposing a 10-foot buffer along the delineated wetland. The wetland does receive untreated stormwater from the City's stormwater collection system and is classified as a nutrient/sediment trap in the City's Surface Water Management Plan. The wetland is used to treat water before it is discharged downstream. Given the classification of the wetland the proposed buffer is adequate.
4. Any areas disturbed within the buffer should be restored with native plantings.
5. Wetland buffer signs should be posted along the buffer area, so future homeowners are made aware of the buffer area.
6. The proposed grading plan would direct the majority of the runoff from the lots overland through the buffer to the wetland. This follows the historic drainage pattern of the site.

**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD JUNE 24, 2014**

\* \* \* \* \*

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. 14-40 APPROVING A VARIANCE TO INCREASE THE  
MAXIMUM STRUCTURE SETBACK PERMITTED FROM A FRONT PROPERTY  
LINE**

WHEREAS, Moser Homes, Inc. submitted a variance application for the following described property:

That part of the Southeast quarter of Section 35, Township 30, Range 23, Ramsey County, Minnesota, described as follows: Beginning at a point 560 feet East of the West line and 260 feet South of the North line of said quarter section; thence North parallel with the West line of said quarter section 24 feet; thence Southeasterly at an included angle of 79 degrees 56 minutes with said East parallel line a distance of 135 feet more or less to the intersection with a line 260 feet South of and parallel with the said North line of the Southeast quartet of Section 35; thence West 133 feet, more or less, to place of beginning.

TOGETHER WITH

The South 85 feet of the North 260 feet of the West 560 feet of the West 1/2 of the Southeast quarter of Section 35, Township 30, Range 23, except the West 335 feet thereof; also all that part of the following described property which lies Westerly of Victoria Street; The West 1/2 of the Southeast quarter of Section 35, Township 30, Range 23, except the South 2262 feet also except the North 260 feet also except the West 335 feet and also except that part of the Southeast quarter of Section 35, Township 30, Range 23, described as: Beginning at the intersection of the Westerly line of Victoria Street with a line 260 feet South of and parallel with the North line of said quarter section; thence Southwesterly along said Westerly line of Victoria Street 24 feet; thence Northwesterly at an included angle of 109 degrees 48 minutes with said Victoria Street and distance of 118 feet, more or less, to the intersection with said line 260 feet South of and parallel with the North line of said quarter section; thence East 128 feet, more or less, to place of beginning.

*(commonly known as 3339 Victoria Street)*

WHEREAS, the Development Regulations establish a maximum structure setback of 67.5 feet from the from the front lot line for the proposed parcels 1 and 2 as depicted on the survey date 6/11/14 on record in Planning Case File #2530-14-20; and

WHEREAS, the applicant has requested a variance to increase the structure setback from a front property line to a maximum of 255.4' for Parcel 1 and 272.1' for Parcel 2; 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 June 24, 2014 the Shoreview Planning Commission made the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. *Reasonable Manner.* The subdivision of this large property into two parcels for single-family residential development is reasonable as each parcel complies with the minimum standards for the R1 zoning district. The placement of the proposed homes beyond the maximum structure setback permitted is the most practical location due to the configuration, depth and character of the property.
3. *Unique Circumstances.* Unique circumstances are present. The property has an odd lot configuration being narrower at the front property line, with a total lot width of 91.18 feet along Victoria Street, then increasing to 185.79 feet at the rear property line. The proposed subdivision creates lots that comply with the minimum standards, but due to the odd lot configuration, the buildable area of the property is located towards the rear of the property. This location is also the most practical and takes advantage of the natural features of the property.



4. *Character of Neighborhood.* If granted, the variances will not alter the essential character of the neighborhood. This neighborhood has no defined development pattern as some parcels are smaller with smaller lot depths while some are larger with deeper lot depths, some of which extend into Lake Judy. There has been some subdivision activity on the east side of Victoria Street with larger parcels being divided into two. While most structures exceed the minimum structure setback from the front property line, some are aligned towards Victoria Street, while others are defined by Lake Judy or other natural features. As such, there does not appear to be a uniform setback of structures in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 3339 Victoria Street, be approved, subject to the following conditions:

1. The project shall be constructed in accordance with the submitted plans. Any significant change to the plan, as determined by the City Planner, shall require review and approval of the Planning Commission.
2. This approval will expire after one year if the minor subdivision has not been recorded.
3. The project is subject to the terms of the Development Agreement for the property. The Development Agreement includes provisions for tree replacement and protection
4. 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 24th day of June, 2014

---

Steve Solomonson, Chair  
Shoreview Planning Commission

ATTEST:

---

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

---

Robert Moser  
Moser Homes, Inc.







416.7 0 208.33 416.7 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS

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**

1:2,500







**Property address: 3339 Victoria Street, Shoreview, MN**  
**Narrative For Minor Subdivision and Variance Applications**  
**May 2, 2014**

A variance is being requested for the property at 3339 Victoria Street to allow for a front yard setback greater than that dictated by City code. The attached survey shows two proposed parcels which meet or exceed City zoning standards for a single family residential lot. Due to the unique configuration of the property, the most practical location for homes on these lots is at a distance from Victoria Street greater than 10 feet from the average setback line of the two adjacent dwellings.

The attached copy of the Google Maps aerial perspective shows that variable front yard setbacks in this vicinity are predominant. As a result, if this variance is approved, the locations of the proposed homes will not alter the essential character of the neighborhood. It is important to note that the proposed use of the property will be compliant with all other city zoning standards and with the policies of the City's comprehensive plan.

Concept plans for homes proposed to be built on these lots are included with this application for your review. It is speculated that a foundation area for new homes on these lots will range between 2200 to 2800 square feet for the house and garage.

In summary, this variance is being requested as a result of a practical difficulty posed by a unique configuration of the property. We propose to construct homes consistent in nature to those in the neighborhood so that the character of the area will not be altered. If this variance is permitted, we will be able to use the property for its highest and best use and in a reasonable manner not currently permitted by Shoreview development regulations.

I appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Moser', written in a cursive style.

Bob Moser



# SKETCH PLAN

~for~ MOSER HOMES, INC.  
 ~of~ 3339 VICTORIA STREET  
 SHOREVIEW, MN

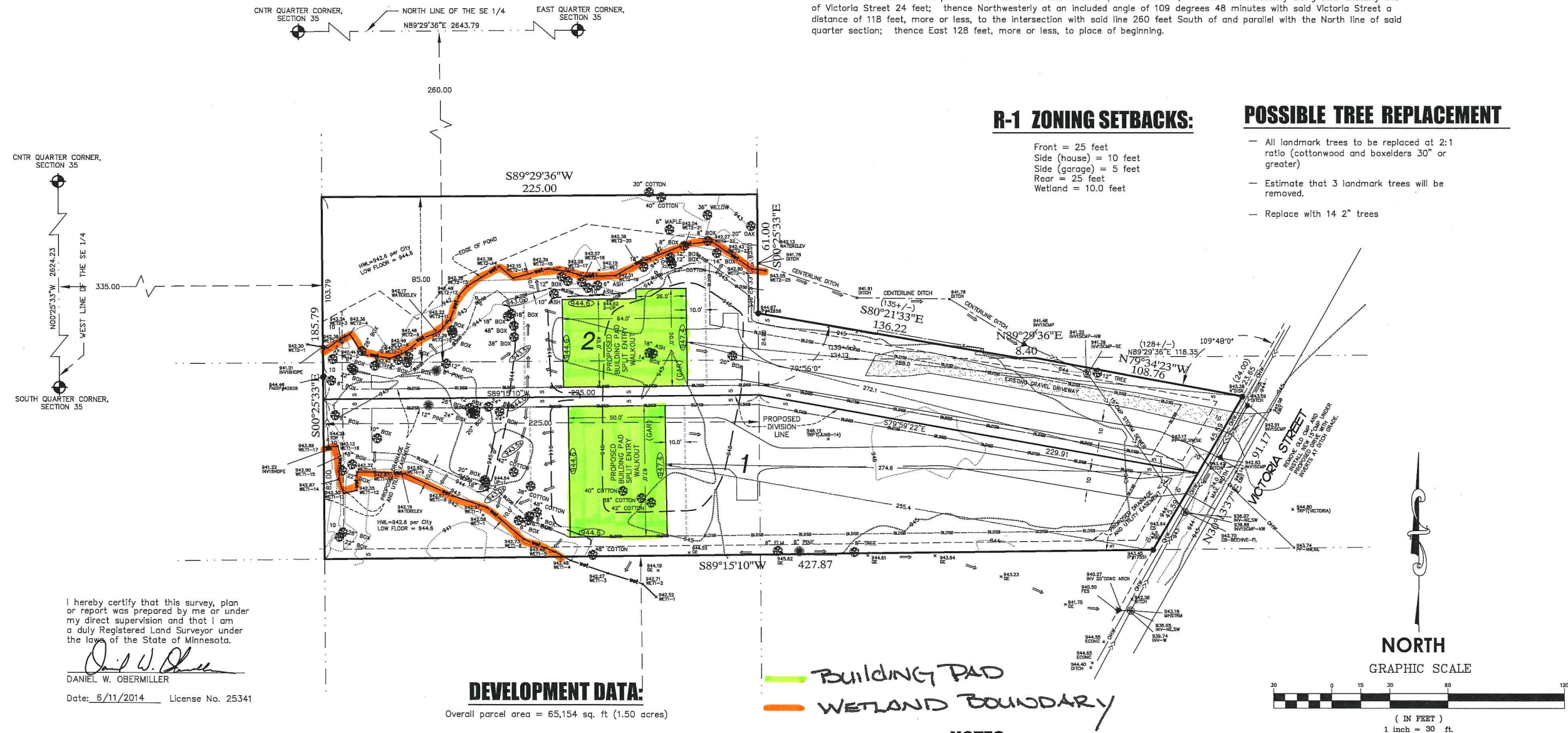
## LEGAL DESCRIPTION PROVIDED BY CLIENT

(Quit Claim Deed, Doc. No. 3261484)

That part of the SE quarter of Section 35, Township 30, Range 23, Ramsey Co., Minnesota, described as follows: Beginning at a point 560 feet East of the West line and 260 feet South of the North line of said quarter section; thence North parallel with the West line of said quarter section 24 feet; thence Southeasterly at an included angle of 79 degrees 56 minutes with said East parallel line a distance of 135 feet more or less to the intersection with a line 260 feet South of and parallel with the said North line of the South East quarter of section 35; thence West 133 feet, more or less, to place of beginning.

TOGETHER WITH

The South 85 feet of the North 260 feet of the West 560 feet of the West half of the Southeast quarter of section 35, Township 30, Range 23, except the West 335 feet thereof; also all that part of the following described property which lies Westerly of Victoria Street: The West half of the Southeast quarter of section 35, Township 30, Range 23, except the South 2262 feet also except the West 335 feet and also except that part of the Southeast quarter of section 35, Township 30, Range 23, described as: Beginning at the intersection of the Westerly line of Victoria street with a line 260 feet South of and parallel with the North line of said quarter section; thence Southwesterly along said Westerly line of Victoria Street 24 feet; thence Northwesterly at an included angle of 109 degrees 48 minutes with said Victoria Street a distance of 118 feet, more or less, to the intersection with said line 260 feet South of and parallel with the North line of said quarter section; thence East 128 feet, more or less, to place of beginning.



### R-1 ZONING SETBACKS:

- Front = 25 feet
- Side (house) = 10 feet
- Side (garage) = 5 feet
- Rear = 25 feet
- Wetland = 10.0 feet

### POSSIBLE TREE REPLACEMENT

- All landmark trees to be replaced at 2:1 ratio (cottonwood and boxelders 30" or greater)
- Estimate that 3 landmark trees will be removed.
- Replace with 14 2" trees

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

*Daniel W. Obermiller*  
 DANIEL W. OBERMILLER

Date: 6/11/2014 License No. 25341

### DEVELOPMENT DATA:

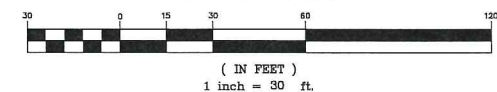
- Overall parcel area = 65,154 sq. ft (1.50 acres)
- Proposed Lot 1 = 31,685 sq. ft. (0.73 acres)
- Proposed Lot 2 = 33,469 sq. ft. (0.77 acres)
- Proposed density = 1.33 lots/acre

--- DENOTES PROPOSED BUILDABLE PAD AREA,  
 --- Denotes proposed contour

**BUILDING PAD**  
**WETLAND BOUNDARY**

### NOTES:

- Boundary and topographic information per CAD file from SEH. Plans dated 8/22/13.
- Field work has been done by E.G. Rud and Sons, Inc. on 6/5/2014. Boundary tied into County Coords, some corners found, BM established, wetland flags located, drainage ditches and storm sewer located.



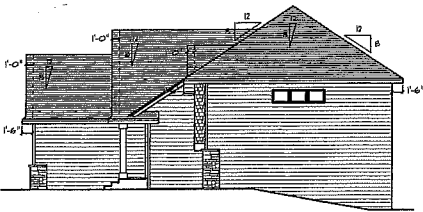
NO.	DATE	DESCRIPTION	BY
DRAWN BY: BAB JOB NO: 14189MS DATE: 4/24/14			
CHECK BY: DWJ SCANNED <input type="checkbox"/>			
1	4/30/14	CITY COMMENTS	BAB
2	5/1/14	BUILDING PADS	BAB
3	6/6/14	ADD WL FIELD SHOTS BY RUDS	DWO
4	6/9/14	REVISE BLDG PADS	DWO
5	6/11/14	REVISE WETLAND SETBACK	DWO

S:\rud\CAD\14proj\14189\14189MS.dwg 6/11/2014 9:45:39 AM CDT

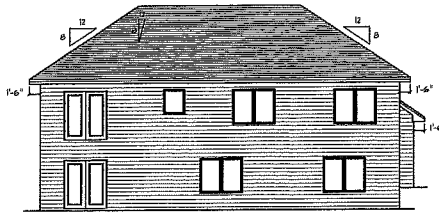
**E. G. RUD & SONS, INC.**  
 EST. 1977 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701



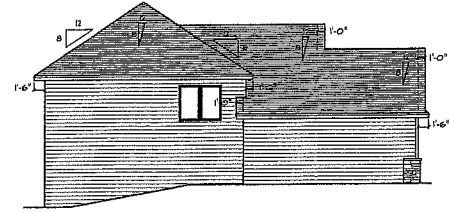




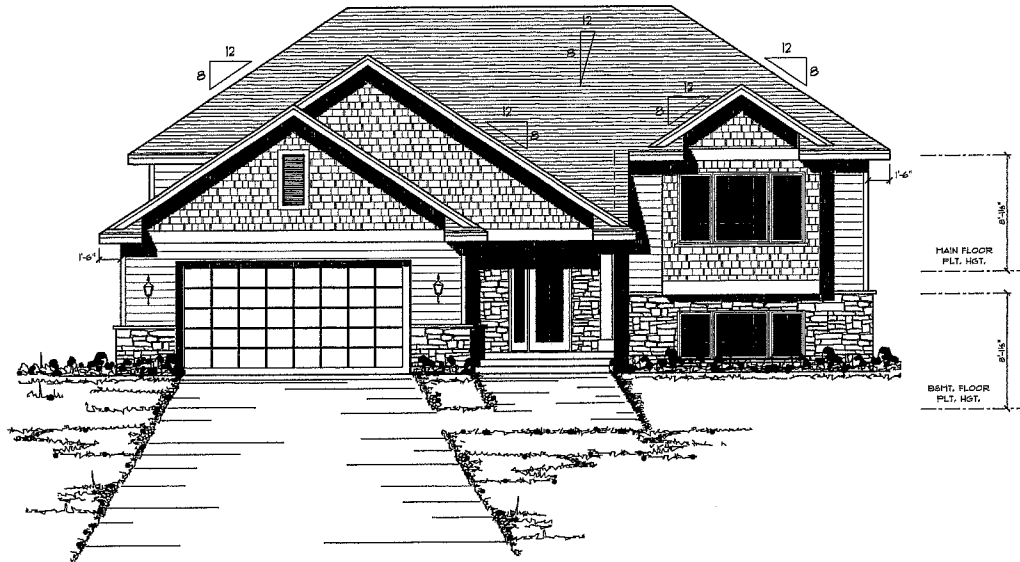
**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"



**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



MAIN FLOOR AREA: 1445 SQ. FT.  
FUTURE LOWER LEVEL: 1008 SQ. FT.  
TOTAL FINISHED AREA: 1445 SQ. FT.

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

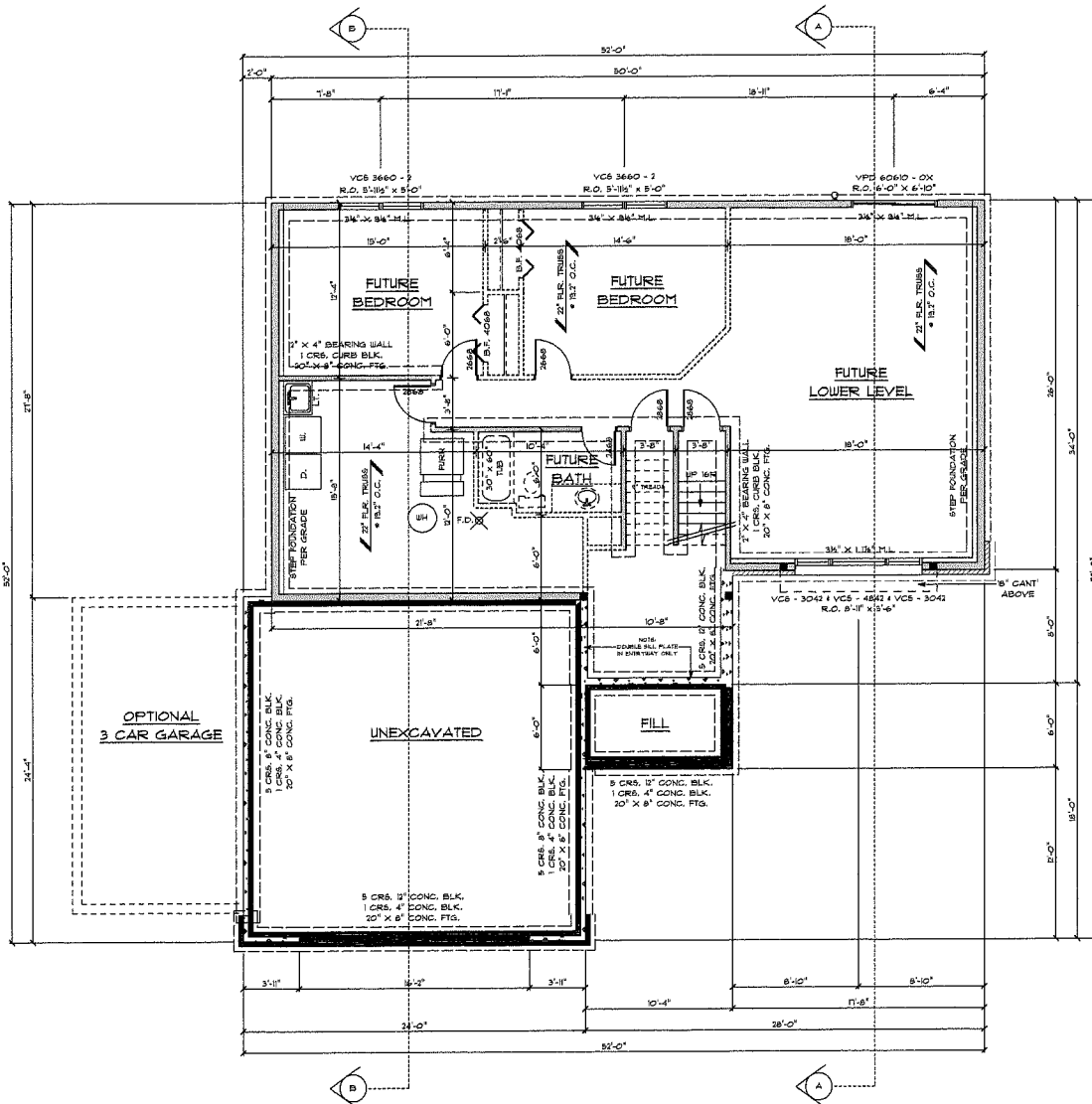
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**MARATHON HOMES**  
**THREE BEDROOM SPLIT-LEVEL**  
**PLAN "B" SILVER**

DATE:	8 - 9 - 04
DRAWN BY:	J. SAVELA
CHECKED BY:	
REV BY:	DATE:

19 85  
**ROYAL OAKS**  
 DESIGN  
 1 S County Rd E West Suite 210 Sherrills Ford, NC 27582 437.674.6771  
 Fax: 437.674.6777 www.royaloaksdesign.com

PROJECT NO:	04049
SHEET NO:	1 OF 4



MAIN FLOOR P.L.T. HGT. 8'-1 1/8"  
 GARAGE P.L.T. HGT. EQUAL TO FOYER P.L.T. HGT.

ROOF PITCH 8/12  
 MAIN FLOOR SYSTEM 22" F.R. TRUSS @ 19.2" O.C.  
 FOUNDATION WALLS 5 CRS. 10" CONC. BLK.

WINDOW HEIGHTS  
 MAIN FLOOR 1'-0"  
 FOUNDATION 1'-0"

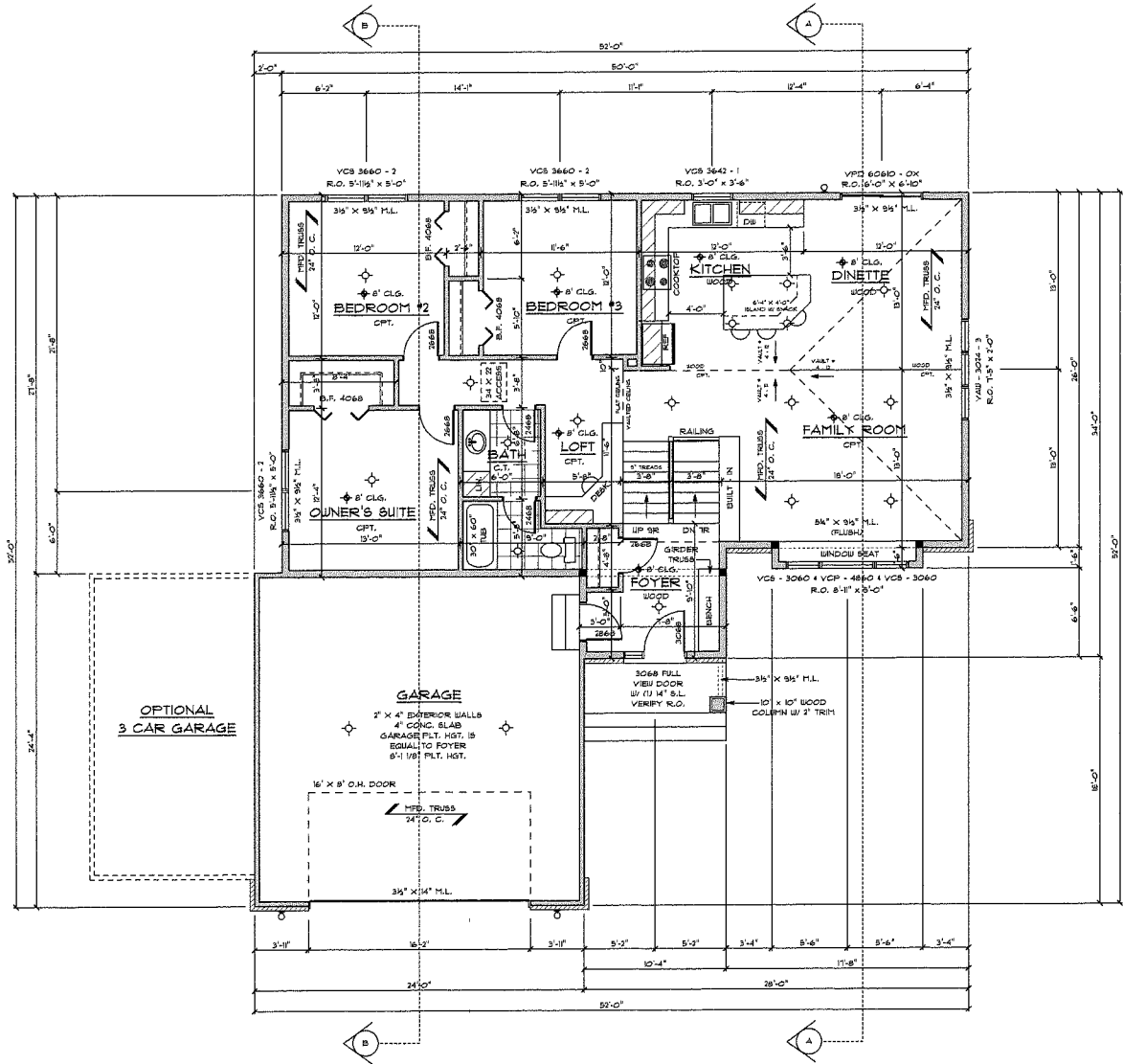
**FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"

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**MARATHON HOMES  
 THREE BEDROOM SPLIT-LEVEL  
 PLAN "B" SILVER**

DATE:	8 - 9 - 04
DRAWN BY:	J. SAVELA
CHECKED BY:	
REV BY:	DATE:



MAIN FLOOR FLT. HGT. 8'-1 1/8"  
 GARAGE FLT. HGT. EQUAL TO FOYER FLT. HGT.  
 ROOF FITCH 8/12  
 MAIN FLOOR SYSTEM 22" FLR. TRUSS + 19.3" O.C.  
 FOUNDATION WALLS 8 CRS. OF 10" CONC. BLK.  
 WINDOW HEIGHTS MAIN FLOOR 7'-0"  
 FOUNDATION 7'-0"

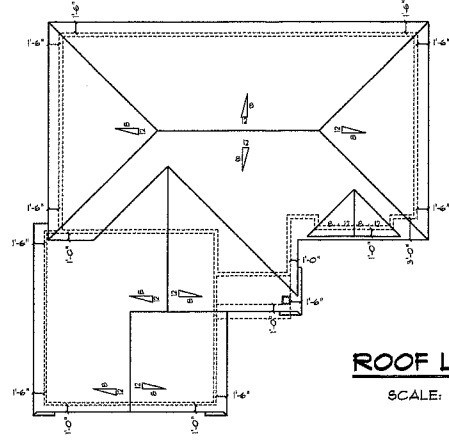
1445 SQ. FT.  
**MAIN FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

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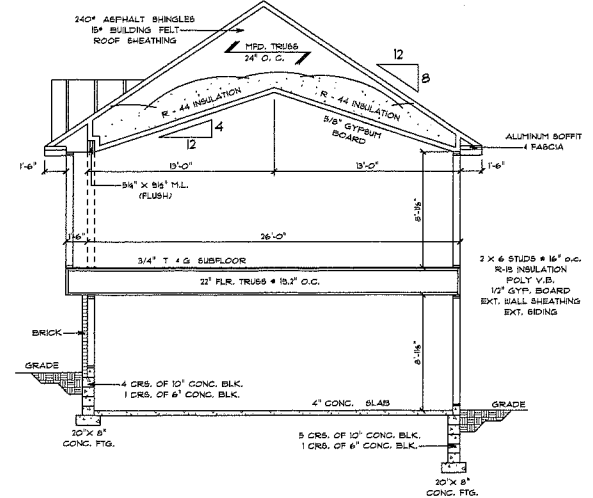
**MARATHON HOMES  
 THREE BEDROOM SPLIT-LEVEL  
 PLAN "B" SILVER**

DATE:	8 - 5 - 04
DRAWN BY:	J. SAVELLA
CHECKED BY:	
REV BY:	DATE:

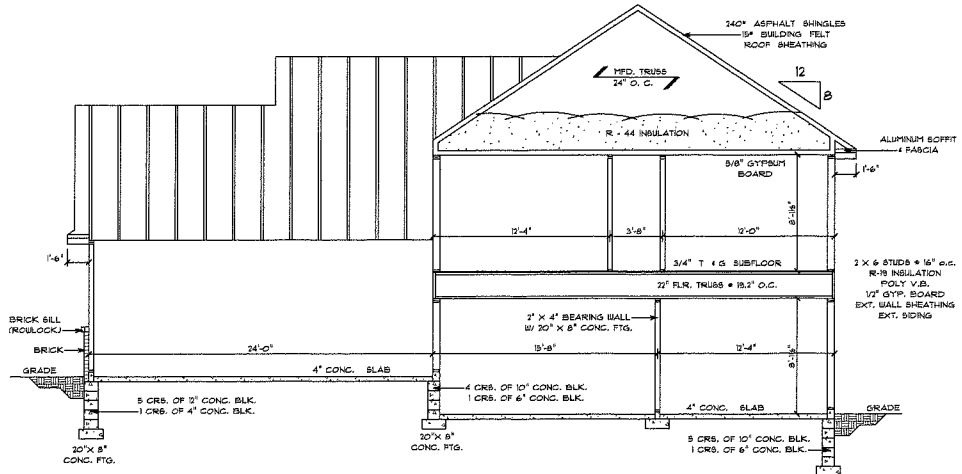




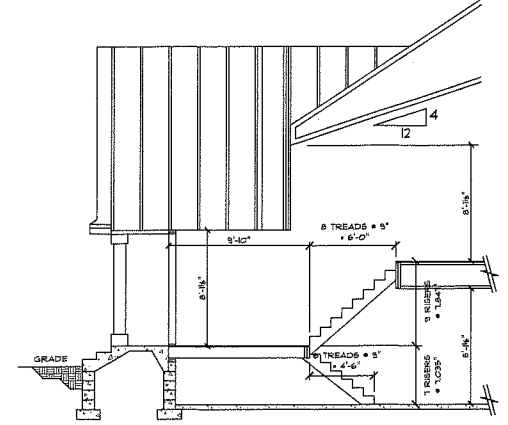
**ROOF LAYOUT**  
SCALE: 1/8" = 1'-0"



**SECTION "A" THRU FAMILY ROOM / DINETTE**  
SCALE: 1/4" = 1'-0"



**SECTION "B" THRU GARAGE / OWNER'S SUITE**  
SCALE: 1/4" = 1'-0"



**STAIR SECTION**  
SCALE: 1/4" = 1'-0"

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**MARATHON HOMES**  
**THREE BEDROOM SPLIT-LEVEL**  
**PLAN "B" SILVER**

DATE:	B - 9 - 04
DRAWN BY:	J. SAVELLA
CHECKED BY:	
REV BY:	DATE:

10  
**ROYAL OAKS**  
1808 County Blk. E West - Suite 102 - Burnsville, MN 55338 487.765.6755  
Fax 855.776.6077 www.RoyalOaksDesign.com

PROJECT NO:  
**04049**  
SHEET NO:  
**4 OF 4**



Kathleen Castle &lt;kcastle@shoreviewmn.gov&gt;

---

**2530-14-14 3339 Victoria Street/neighborhood request for comment**

1 message

**Michael Murtaugh** <murta001@umn.edu>

Mon, May 19, 2014 at 11:12 PM

To: kcastle@shoreviewmn.gov

Cc: Connie Murtaugh &lt;conniemurtaugh@comcast.net&gt;

Dear Ms. Castle,

My wife and I live at 3307 Victoria Stree N. We are concerned about the variance request by Moser Homes. There is a significant wetland immediately south of the property that is not visible on aerial maps provided to us. The wetland should be viewed now to see how extensive it is and the extend of the standing body of water, which appears to extend into the 3339 Victoria Street property, near or abutting the proposed site of house construction. We are concerned that destruction or disruption of the wetland may be unavoidable during construction. Our neighbors at 3325 Victoria Street, which abuts the 3339 property, can attest to the natural flooding of this area which occurs every spring and persists into the summer.

We appreciate your consideration of our request and our desire to preserve the natural beauty of Shoreview.

Sincerely yours,  
Michael Murtaugh

City Council:  
Sandy Martin, Mayor  
Emy Johnson  
Terry Quigley  
Ady Wickstrom  
Ben Withhart



City of Shoreview  
4600 Victoria Street North  
Shoreview, MN 55126  
651-490-4600 phone  
651-490-4699 fax  
www.shoreviewmn.gov

May 14, 2014

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, May 27<sup>th</sup> at 7:00 p.m.**, the Shoreview Planning Commission will review Minor Subdivision and Variance applications for **3339 Victoria Street** submitted by **Moser Homes, Inc.** The applicant proposes to subdivide the property into two parcels to be used for the future construction of a new single family residence on each lot. A variance has been requested to increase the maximum 67.5-foot front yard setback to 290- and 300- feet for the new lots. The proposed lots conform to other requirements of the Municipal Code. Please see the attached plans.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. Comments received by **May 22<sup>nd</sup>** will be distributed to the Planning Commission with the Planning Commission agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting. The meeting is held in the City Council Chambers at Shoreview City Hall, 4600 North Victoria Street.

If you would like more information or have any questions, please call me at 651-490-4682 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. I can also be reached via e-mail at [kcastle@shoreviewmn.gov](mailto:kcastle@shoreviewmn.gov).

Sincerely,

Kathleen Castle  
City Planner

Comments:

I have included two pictures of my garage floor. It is 25 feet from the same wetland and protected by a 5 foot retaining wall. The water levels have changed greatly since the street and storm drainage was completed on Vivian. This was taken on 5/14/14 and my garage is three feet above the grade of proposed homes.

Name: Scott Feero

Address: 3340 Vivian Ave

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I would recommend a new wetland study.















Request for Comment re: 3339 Victoria Street

---

## Request for Comment re: 3339 Victoria Street

Request for Comment

Joe Heckel <jpheckel@comcast.net>  
To: kcastle@shoreviewmn.gov

Thu, Jun 19, 2014 at 11:44 AM

----- Original Message -----

Subject: Request for Comment re: 3339 Victoria Street  
From: Joe Heckel <jpheckel@comcast.net>  
To: kcastle@shoreviewmn.com, Jeannie Heckel <jgheckel@msn.com>  
CC:

Ms. Castle

My name is Joe Heckel. My wife and I live at 804 Arbogast. We're adjacent to the property at 3339 Victoria.

We're not pleased with the proposed development plan for this property. My concerns are listed below.

We do plan to attend the June 24 Planning Commission meeting.

First, I would like to know how this plan meets all three criteria for granting a variance. Specifically:

1. How does it not alter the character of the neighborhood?
2. What are the unique circumstances involved?
3. What practical difficulty is being addressed?

With regard to #1, I've heard city staff point out that there are small lots and homes with "low" value near this property. But I believe they are looking to the North to find these. Starting with 3339, the lots and homes to the South (on both sides of Victoria) are not small. These large lots contain unique homes of substantial value. Dividing the lot at 3339 expands the character of small lots into this area. A single lot and home would continue the character now present.

With regard to #2, the only unique circumstance seems to be the fact that the city is the owner and has invested too much into the property. If a private party had purchased the lot for what the city has invested in it, I doubt the Commission would consider that a circumstance qualifying for a waiver. It would seem the developer has required the city to bend its rules as a condition of the sale at the \$120,000 price. It seems the property could sell for at least this amount without being divided (e.g., 3351 Emmett St. which is much smaller than 3339 but is listed for \$179,000)

With regard to #3, a practical difficulty seems to be lacking. A single home could be built on this lot without need for any variance.

Additionally, the pair of long driveways (each over a football field in length) significantly increase the nonporous surface on this property. Neighbors have already commented that they have concerns regarding surface water control on 3339.

Moving the houses deep into the lot also requires the removal of numerous mature trees and locates the homes near the legal limit in relation to two existing wetlands. This seems to be unnecessary environmental damage not entirely mitigated by planting seedlings in any number or the legal minimum wetland setback. The neighborhood

enjoys significant wildlife (several homes maintain woodduck houses, deer cruise the neighborhood, wild turkeys are seen, even owls nest in the trees on 3339) which would be reduced by the loss of mature trees, loss of open space and the maximum wetland crowding allowed by law.

Finally, the Northern lot in the development proposal (lot #2) only meets the minimum lot width by including the area of the wetland to the North. This is area that would be unusable to the resident, and would even be outside their fence if one is built. Lot #2 seems like a lot with a usable average width of less than 60'. Why would the city create such a lot?

Thank you for reviewing my comments.

*Sent from my Verizon Wireless 4G LTE DROID*

---

**Kathleen Castle** <kcastle@shoreviewmn.gov>

Thu, Jun 19, 2014 at 12:11 PM

To: Tom Simonson <tsimonson@shoreviewmn.gov>, Nicole Hill <NHill@shoreviewmn.gov>

Kathleen Castle  
City Planner  
City of Shoreview  
651-490-4682  
kcastle@shoreviewmn.gov

----- Forwarded message -----

From: **Joe Heckel** <jpheckel@comcast.net>

Date: Thu, Jun 19, 2014 at 11:44 AM

Subject: Request for Comment re: 3339 Victoria Street

[Quoted text hidden]

2530-14-20  
Moser Homes, Inc.  
3339 Victoria Street

Comments:

I was at the May meeting when this was tabled. On the agenda before this was a couple who wanted to build a larger garage than is allowed. The commission recommended they come back with a different plan, so that was also tabled. The commission basically told them they had too much stuff and should not build such a large building. There was also a concern about taking down landmark trees and how much the impervious surface area would be increased. It was also felt there was not a "practical difficulty" and they were told their variance would probably be denied if they didn't revise their plan.

It would be hypocritical to approve this variance if using the same parameters: what is the practical difficulty here? Other than economic, (the developer wants to build 2 homes to recover costs) the Shoreview website states "Economic considerations alone shall not constitute Practical Difficulties". Several landmark trees will be removed in an area that has become a habitat for owls, fox, deer, coyote, woodchucks, hawks. The previous owner didn't use this portion of the lot and wild life flourished. How much will the impervious surface area increase with an additional several hundred feet of paved driveways? Neighbors already have water problems.

If for some reason this is approved, please require landscaping to minimize the ugliness of 2 long driveways. Right now, the property looks

Name: Nancy Barenchin & Ron Alolid

Address: 3325 N. Victoria

T:\2014 Planning Case Files\2530-14-20 3339 Victoria Street\Juneneighborhood Request for Comment.docx

terrible, almost as bad as when the previous owner was there. Back of lot has weeds several feet high, buckthorn growing along property line and brush needing removal.



**PROPOSED MOTION  
TO APPROVE THE MINOR SUBDIVISION AND VARIANCE APPLICATIONS  
FOR MOSER HOMES, INC  
3339 VICTORIA STREET**

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

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

To recommend the City Council approve minor subdivision and to adopt Resolution 14-40 approving the variance requests submitted by Moser Homes, Inc. to divide the property at 3339 Victoria Street into two parcels for single-family residential development and exceed the maximum building setback permitted from the front property line. Said approval is subject to the following conditions:

***Variance***

1. Said approval is contingent upon approval of the Minor Subdivision by the City Council.
2. The project shall be constructed in accordance with the submitted plans. Any significant change to the plan, as determined by the City Planner, shall require review and approval of the Planning Commission.
3. This approval will expire after one year if the minor subdivision has not been recorded.
4. The project is subject to the terms of the Development Agreement for the property.
5. 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. For Parcel 2, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City endorses the deed to create Parcel B. The fee will be 4% of the fair market value of the property.
3. 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.
4. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on each parcel.
5. Municipal water and sanitary sewer service shall be provided to both parcels. The cost of connection and SAC fees, together with permit charges, will be due with the building permit.
6. Driveways and all other work within the Victoria Street right-of-way are subject to the permitting authority of the City of Shoreview and Ramsey County.
7. A tree protection, removal and replacement plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.

8. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.
9. A final site-grading and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
10. The wetland/wetland buffer shall be identified by signage. A 16.5-foot wetland buffer shall be established on both Parcel 1. A wetland buffer shall also be established on Parcel 2 ranging from in width from 10 feet to 16.5 feet..
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

Said approval is based on the following findings of fact:

1. The subdivision is consistent with the policies of the Comprehensive Plan regarding land use and housing.
2. The subdivision will provide opportunity for new housing in the community consistent with the City's housing goals.
3. The proposed lots conform to the adopted City standards for the R1, Detached Residential Zoning District.
4. Municipal water and sanitary sewer service are available for each proposed parcel.
5. Practical difficulty is present as indicated in Resolution 14-40 approving variances to increase the maximum building setback permitted from a front property line, for Parcel 1 and 2.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
June 24, 2014

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** June 18, 2014  
**SUBJECT:** File No. 2531-14-21, Schuett – 3469 Harriet Court, Conditional Use Permit

### **INTRODUCTION**

Rick and Catherine Schuett, propose to construct a detached accessory structure on their property. They have purchased a 77.25 square foot pre-fabricated gazebo. The proposal requires a Conditional Use Permit since the property is currently developed with one 80-square foot detached accessory structure, a shed constructed in 2013, and the 157.25 square foot total floor area of the existing shed and the proposed gazebo exceeds 150 square feet in area. 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 an interior lot located on Harriet Court in the R1, Detached Residential District as are the surrounding properties. According to tax records, the irregular lot has an area of 16,988 square feet and a front lot line of 149 feet along Harriet Court, lot width over 90 feet and lot depth of 140 feet. The property is developed with a single family home that has a foundation area of 1,090 square feet with a 440 square foot attached garage. In 2013 the applicants constructed an 8 by 10 foot (80 square foot) shed in the rear yard.

The applicants plan to construct a 77.25 square foot gazebo near the deck on the rear of their house. The gazebo is a pre-fabricated structure that will be assembled on site. The gazebo is an octagon, 4-feet per side, with an area of 77.25 square feet, a diameter of 10 feet, 1-1/8 inch, and a height under 12 feet measured to the peak of the cupola. Please see the attached plans.

### **DEVELOPMENT CODE**

The accessory structure regulations were revised in 2006, adopting standards to ensure the compatibility of these structures with surrounding residential uses. In the R-1 District, two detached accessory structures are permitted. On parcels with an area less than 1 acre, accessory structure floor areas that are larger than 150 square feet but less than 288 square feet require a Conditional Use Permit. The Conditional Use Permit process enables the City to review the proposed use for compliance to the Development Code standards and ensure compatibility with nearby land uses through a public hearing. 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.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line, except when a CUP is required the minimum setback increases to 10 feet from all property lines. 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 (gazebo) will be used for the enjoyment of their property. The gazebo is made of pressure treated wood, and will be stained. It will be furnished with casual furniture and other residential related items. The structure will not be used as a storage shed or garage. The use is incidental to the residential use of the property.

### **STAFF REVIEW**

The proposal was reviewed in accordance with the Conditional Use Permit standards identified in the Development Code. The proposed structure complies with the City's standards regarding setback, height, and exterior design.

Staff believes that the small size and large separation between the two structures reduces the need for screening from adjoining properties. There are several sheds in the rear yards of the properties to the northwest, and the 8- by 10-foot shed is located in that same corner of the subject property. Screening for the gazebo is provided primarily by the



location, well setback from other nearby lots, and located next to the existing house and deck. The following table reviews the proposal in terms of the adopted standards.

	Existing	Proposed	Development Code Standard
<b>Area</b>			
<b>Gazebo (Proposed)</b>		77.25 sf	
<b>Shed (Existing)</b>	80 sf		
<b>Total detached area</b>		157.25 sf	150 sf to 288 sf for the two detached structures
<b>Attached Garage</b>	440 sf		
<b>All Accessory Structures</b>	520 sf (47.5% of dfa)	597.25 sf (55% of dfa)	<b>1,200 sf</b> or 90% of the dwelling unit foundation area (1,094) – whichever is more restrictive
<b>Setback – side lot line</b>			10 ft
<b>Shed (Existing)</b>	30 feet		
<b>Gazebo (Proposed)</b>		34 feet	
<b>Height</b>			
<b>Roof Peak</b>		12 ft	18 ft
<b>Sidewall</b>		8 ft	8 ft
<b>Exterior Design</b>		Stained Wood	Compatible with the residence and be similar in appearance
<b>Screening</b>		Existing house and deck	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

In Staff's opinion, the proposed gazebo is in harmony with general purpose of the Development Code and Comprehensive Plan policies. The overall size of this structure when combined with all other accessory structures is well less than 90% of the dwelling unit foundation area, therefore, the dwelling unit will remain the primary feature and use of the property. The use of the structure is incidental to the primary residential use of the property and will enhance the appearance and use of the backyard. The intended use of the structure is for passive leisure or recreational use. The applicant indicated that the structure will not be used for the storage of lawn/garden related items or other uses associated with storage sheds and garages. This use is consistent with the residential use of the property and neighborhood.

## **PUBLIC COMMENT**

Property owners within 350' of the property were notified of the application. Any comments received are attached.

## **RECOMMENDATION**

The applicant's proposal is consistent with the Conditional Use Permit criteria and standards for detached accessory structures. The residential use of the proposed gazebo 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 residential neighborhood. The existing home will remain the primary feature and use of the property.

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 applications. 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 of the addition shall be consistent with the plans submitted and complement the home on the property. The gazebo shall be stained within one year of completion.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The structure shall be used for the recreational and leisure use consistent with the residential use of the property.
5. 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. Aerial Photo
3. Applicant's Statement, Submitted Plans and Photographs
4. Comments received
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.

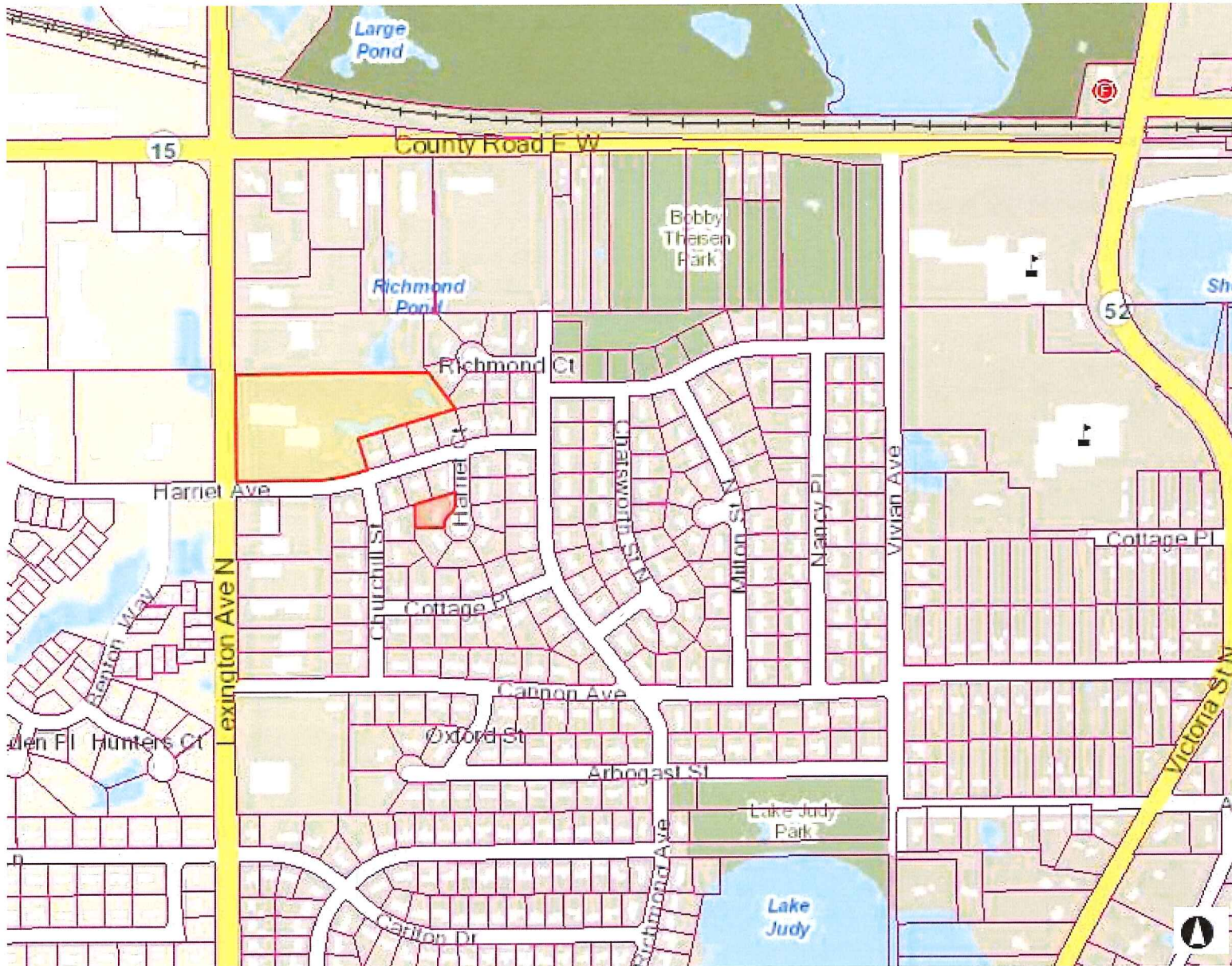
In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (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**



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



**Notes**

Location Map

1,159.7      0      579.85      1,159.7 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



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

Approx. location of 8 by 10 foot shed (constructed in 2013)

Approx. location for proposed 77 sq. ft. gazebo



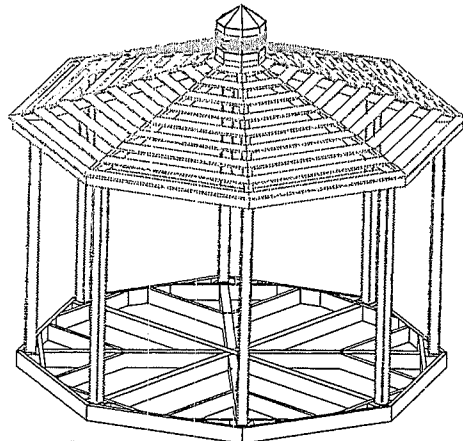
Notes

Enter Map Description

142.8 0 71.42 142.8 Feet

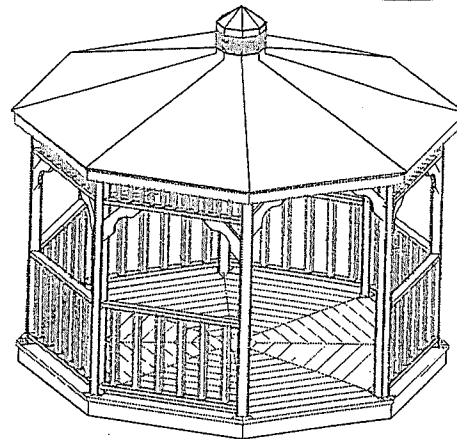
The proposed detached structure for property ID#353023230003 at 3469 Harriet Court is a 10' octagon gazebo [Amish-built gazebo kit, pressure treated wood--stained, flooring included, 30-yr architectural shingles]. It will be located in the rear yard behind the house and at least 30 feet from any property line. The structure's wall height and maximum height are well under the stated maximums.

Proposed use is for the enjoyment of the great outdoors by the family in this single-family residential home.



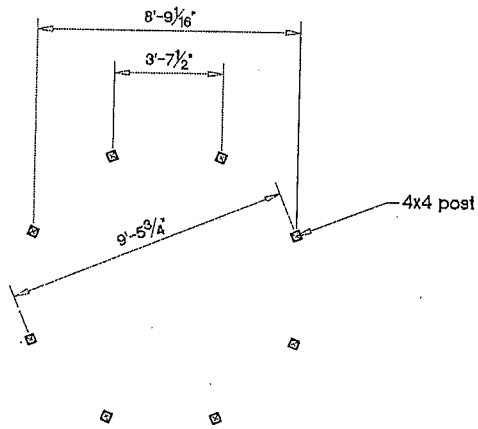
Framing Elevation

SCALE 1/4"=1'-0"



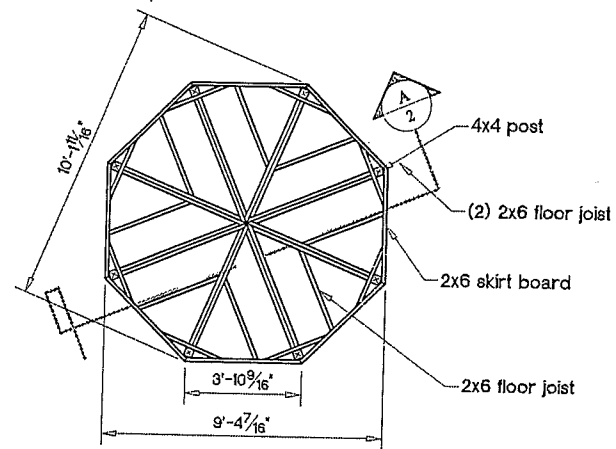
Elevation

SCALE 1/4"=1'-0"



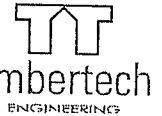
Post Layout Plan

SCALE 1/4"=1'-0"



Floor Framing Plan  
Fully Assembled Unit

SCALE 1/4"=1'-0"



Est: 22 Denver Road, Suite B Denver, PA 15017  
717.235.2750 Fax: 717.235.2753  
West: 288 S Main Street, PO Box 3281 Kutztown, PA 19527  
215.781.2439 Fax: 717.765.2224  
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CONTRACTOR:  
Country Lane Woodworking  
391 Jahn Drive  
New Holland, PA 17557  
PH: (717) 351-9250

DRAWING TITLE:  
Elevations  
Post Layout Plan  
Floor Framing Plan

PROJECT:  
Engineered Drawings for a 10'  
Octagon Gazebo with a Single Roof  
with a Floor for:

REVISIONS	DATE	BY

DATE	PAGES
10/13/2011	1 of 6
BY:	SCALE:
km	Noted



Robert Warwick <rwarwick@shoreviewmn.gov>

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## 3469 Harriet Avenue

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Joel Jueckstock <joel.jueckstock@gmail.com>

Thu, Jun 12, 2014 at 12:29 PM

To: rwarwick@shoreviewmn.gov

Rick-

I'm a neighbor of the above address and I'm responding to request for comments regarding the building of a detached structure on their property. My initial feeling is that the structure should not be built, as a portion of this land is already covered by the shed. Having multiple structures on the same property "clutters" the neighborhood. If the shed were not there or if it were to be removed, I personally would like to see the structure built as its use is more meaningful than storage.

Thanks for inquiring,  
Joel



## MOTION

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

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

To recommend the City Council approve the Conditional Use Permit application submitted by Rick and Catherine Schuett, 3469 Harriet Court, to construct a 77.25 sq. ft. detached accessory structure (gazebo) on their property. The Conditional Use Permit authorizes 157.25 square feet of total floor area for the two detached accessory structures, subject to the following conditions:

1. 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.
2. The design of the gazebo shall be consistent with the plans submitted. The gazebo shall be stained within one year of completion.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The structure shall be used for recreational and leisure use consistent with the residential use of the property.
5. 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.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
June 24, 2014

t:\2014pcf\2531-14-21schuett\pcmotion