

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: OCTOBER 28, 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**

*September 23, 2014*

*Brief Description of Meeting Process – Chair Steve Solomonson*

**3. REPORT ON CITY COUNCIL ACTIONS**

*Meeting Date: October 6<sup>th</sup>, 2014 and October 20<sup>th</sup>, 2014*

**4. NEW BUSINESS**

**A. PUBLIC HEARING – CONDITIONAL USE PERMIT**

*File No: 2547-14-37*

*Applicant: 5875 Kitkerry Court South*

*Location: George & Justine Greene Jr.*

**B. PUBLIC HEARING-PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT**

*File No: 2500-13-27*

*Applicant: Lexington Estates II Townhome Association, Inc.*

*Location: 02-30-23-32-0273 Royal Court*

**C. VARIANCE**

*File No: 2546-14-36*

*Applicant: Mike Morse*

*Location: 1648 Lois Drive*

**D. VARIANCE**

*File No: 2550-14-40*

*Applicant: Troy & Sarah Wangler*

*Location: 4525 Rice Street*

**E. PRELIMINARY PLAT**

*File No: 2549-14-39*

*Applicant: Tom & Barb Novotny / Moser Homes, Inc.*

*Location: 5515 Turtle Lake Road*

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Planning Commission Meeting

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**F. VARIANCE**

*File No: 2551-14-41*

*Applicant: Andrew Tilstra*

*Location: 340 Snail Lake Road*

**5. MISCELLANEOUS**

- A. City Council Assignments for *November 3<sup>rd</sup>, 2014 and November 17<sup>th</sup>, 2014*  
Commission Members *Proud and Ferrington*
- B. City Council Assignments for *December 1<sup>st</sup>, 2014 and December 15<sup>th</sup>, 2014*  
Commission Members *Solomonson and Schumer*
- C. Planning Commission *Workshop before November 18<sup>th</sup> meeting @ 6:00 PM.*

**6. ADJOURNMENT**

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
September 23, 2014**

**CALL TO ORDER**

Chair Solomonson called the September 23, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioners McCool and Proud were absent.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the September 23, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 5 Nays - 0

**APPROVAL OF MINUTES**

The following corrections were noted to Roll Call: Commissioner Proud should be listed as present, and Commissioner Thompson listed as absent.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the August 26, 2014 Planning Commission meeting minutes, as corrected.

VOTE: Ayes - 5 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS**

**Presentation by City Planner Kathleen Castle**

The following applications were approved by the City Council as recommended by the Planning Commission:

- Conditional Use Permit for Robert Hinz for a detached accessory structure of 280 square feet
- PUD Development Stage Review for Raising Cane's

**NEW BUSINESS**

**PUBLIC HEARING - CONDITIONAL USE PERMIT**

**FILE NO.: 2529-14-19**  
**APPLICANT: KYLE AND COLLEEN BAKER**  
**LOCATION: 1349 MEADOW AVENUE**

**Presentation by Economic Development and Planning Tech Niki Hill**

This application requests permission to add a 2040 square foot attached garage with living space above on the south side of the home. The property consists of more than 6.5 acres, but the square footage requested exceeds the maximum allowed by the City as a permitted right. The property is zoned R1, Single Family Detached Residential with a lot width of 360 feet. The existing house is 2,214 square feet with a tuck-under garage of 524 square feet.

Properties that are larger than one acre in size are allowed accessory structures that exceed the maximum size with a Conditional Use Permit (CUP). The buildable lot area must consist of one acre above the Ordinary High Water (OHW) mark; this property meets that standard with 1.5 acres. The house is located over 111 feet from the south lot line or rear property line. The new addition would be 40 feet from the south property line. The reason for the large garage is to store vehicles, hobby items and equipment needed to maintain the property. The existing tuck-under garage will be closed off and converted to living space. The planned structure complies with all height, setback and design standards. Although a few trees would be removed, the property is heavily wooded and there would still be a screening buffer. Vegetation will be added with screening from all public streets. Exterior materials of the new addition will match the existing home.

Staff has requested the applicant minimize the appearance of the addition with design modifications that integrate the addition with the existing home. Dormers were added to the roof line. The third double size garage door was removed, and windows were added to soften the appearance. A condition has also been attached to approval that would prohibit any commercial use of the addition.

Notice of the public hearing was published and notice sent to property owners within 350 feet. Four comments have been received opposing the plan because of its size. Neighbors also expressed concerns about the impact to property value, wildlife, noise, visibility and use of the structure. As the proposal complies with Development Code standards and the use is consistent with the City's Comprehensive Plan, staff is recommending approval.

Commissioner Ferrington asked if the ratio of living space included the proposed conversion of the tuck-under garage. Ms. Hill answered yes, and the 150 square foot addition of living space over the new garage makes the percentage of living space approximately 86%. Commissioner Ferrington asked if the orientation of the driveway would be changed. Ms. Hill stated that the driveway will be moved south.



## Draft

Chair Solomonson asked if the old driveway would be removed. Further, he asked if there is a possibility for this lot to be subdivided in the future. Ms. Hill stated that subdivision would be difficult because of the minimum buildable area above the OHW of the wetland. If the existing home were removed, it might be possible to subdivide.

Chair Solomonson noted that the front lot line is on County Road J. He asked if a property must have access from the public roadway considered to be the front of the property. Ms. Hill explained that prior to subdivision, there was access off County Road J. There are other properties in the City with access off other than road considered the front property line.

City Attorney Kelly stated that proper notice has been given for the public hearing.

Chair Solomonson opened the public hearing.

**Mr. Robert Thomas**, 1375 Meadow Avenue, stated that he purchased 20 feet from this property in 1993. At that time there was concern that selling those 20 feet would prevent further development. This garage would be the largest in Shoreview. The homes to the south are valued at \$500,000 or more. There is concern about property value. When the leaves fall the house will be visible. There is a large vehicle parked on the property now that is visible. Wildlife--deer, fox--live in the area, and how will they be impacted? Has the DNR been contacted to indicate what impact this will have on the wetland? How will storm water be drained? The addition could easily be built on the north side of the house toward County Road J. There would be less impact to residents to the south. Residents are concerned about the precedent that will be set. Will the addition be inspected to make sure there is no commercial activity? Will the units above the garage be rented? There will be a light in the living space above the garage that will always be shining. He suggested Commissioners come and look at the property.

**Ms. Shelby Lui**, 1347 Meadow Avenue, stated that she would like the opportunity to see the final plan before action is taken as well as the final driveway. Since they share a driveway easement, she wants to know if there will be any impact.

**Ms. Mary Hagerman**, 5964 Ridge Creek Road, referred to her letter listing her concerns. She is particularly concerned about the visibility when the leaves fall. The development by the water tower has displaced wildlife, and they have come to this area. She worries that wildlife will be lost. The size of the structure is bigger than most of surrounding homes with two stories. An accessory structure with living space was not part of the notice she received. The 10-foot driveway access is a concern regarding emergency vehicle access. This proposal will be a negative visual impact. The use of the space for auto hobbies will bring more noise. They moved to this area for the peace and quiet.

**Mr. Wally Grivna**, 5960 Ridge Creek Road, stated that the residents on this property are new, and he is concerned that when they bought the property, they knew it was too small and had a plan to add on. An auto hobby use is of concern with multiple vehicles. The driveway is a single driveway.

**Mr. Kyle Baker**, Applicant, responded to the issues presented. He stated that the proposal does conform with all City standards and is consistent with the City's Comprehensive Plan and land use designation. This unit will be approximately 2000 square feet; the property is 350,000 square feet. It will be small on the property. Deer come every day. They do not go to the area where the proposed garage would be located because of the acidic soil. Grass will not grow there. The structure is not a pole barn and will not be used for any commercial purpose. He tried contacting all property owners to the rear of his property and has offered them the opportunity to help choose a location where the tree coverage is thickest for screening. No trees will be taken out. There are approximately 15 evergreen trees. If anything, there will be more planting and want to be sure neighbors are happy.

Commissioner Thompson asked for more information on how the driveway would work. Pervious surface is not planned. Additional tree coverage will be added.

Commissioner Ferrington asked if the existing driveway will be removed. **Mr. Baker** stated that he plans to keep it for any emergency vehicle. She asked if the addition could be put on the north side. **Mr. Baker** stated that it would then be in the front yard and too near the lot line. Also, it would not integrate well with the house. Ms. Castle added that putting the addition on the north side would require a setback variance. Also, the north side is at a lower elevation and may not meet code due to the floodplain.

Commissioner Peterson asked if the addition could be perpendicular to the tuck-under garage. **Mr. Baker** stated that area is low and would not work well with the configuration of the house.

Chair Solomonson asked the use for the structure. **Mr. Baker** stated that the vehicle referred to that is parked on the lot is an 18-foot trailer used for additional storage space. When the garage is built, it will not be stored but removed from the property.

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

VOTE: [There was no vote.]

Commissioner Ferrington asked how the living space will be used. Ms. Castle responded that information was not necessary to the application. **Mr. Baker** stated that at this time there are no plans for a specific use or to finish immediately, but it will add storage space to the home.

Chair Solomonson asked the reason for the extra space needed. **Mr. Baker** stated that the storage is needed for vehicles, yard equipment, bicycles, strollers and possibly a boat. The plan is for no outside storage. He has met with City staff for several months and has responded to every recommendation.

**Mr. Robert Thomas** asked why the garage could not be scaled down. The proposal is equivalent to an eight-car garage.

## Draft

Chair Solomonson asked if the Fire Marshal needs to be contacted. Ms. Castle stated that Fire Marshal found the driveway to be suitable when the new home was built on the minor subdivision. Both properties are required to maintain the driveway. Chair Solomonson questioned whether the proposal meets all code criteria because of the size. Ms. Castle explained that for properties of less than one acre, the maximum accessory structure square footage is 80% of the dwelling unit foundation area or 1000 square feet for a combined area of all accessory structures at 90% of the foundation area or 1200 square feet. For properties larger than one acre, there are different standards with increased square footage for accessory structures under a CUP.

Commissioner Peterson referred to policies in the Comprehensive Plan that relate to visual impact. Ms. Castle stated that policy does relate to visual impact. The CUP is a result of the size of the accessory structure. The rear yard set back is 30 feet. An addition could be built with that setback without a CUP. Staff believes the screening is adequate, especially that the applicant is willing to add more screening.

Chair Solomonson stated that the rear yard functions like a front yard. It appears like a garage is being put in a front yard. The size exceeds the spirit of the Code in allowing larger accessory structures.

Commissioner Thompson stated that she supports the proposal because of the size of the lot. The fact that the applicant is willing to add to the landscaped screening already there will mitigate the visual impact.

Commissioner Peterson stated that he is concerned about the height. The existing house is less than 35 feet. The accessory structure will be taller than the house making it a dominant. Ms. Castle stated that as an attached accessory structure, the proposal does meet code.

Commissioner Ferrington stated that she, too, believes the garage is too large and would have liked to hear specifically how the living space would be used. However, the plan meets all the CUP criteria so she feels her hands are tied regarding this vote.

Commissioner Schumer stated that the applicant is well prepared and following the Code. The structure is too big, but he has the right to build it because of the size of his property. He feels he has to support the motion, although he sympathizes with the neighbors.

City Attorney stated that the Ms. Castle and the applicant have laid out the code requirements for a CUP and why a CUP is necessary with this proposal.

Commissioner Peterson stated that greater setbacks can be imposed to mitigate impact. He suggested setbacks of 50 or 60 feet for the screening to be more effective.

City Attorney Kelly stated that the required setbacks have already been established. From a legal standpoint, he would have concerns about increasing the setbacks that make the current project not possible.

Ms. Castle stated that the 40 feet (30 feet is required) is based on the size of the structure. It is difficult to know how increasing the setback when the structure is attached to the home would impact the design. An increased setback can be conditioned to the Commission's recommendation.

Chair Solomonson stated that he cannot support the application. The access is narrow. It appears that the garage is in a front yard and the size is too big. However, increased setbacks would force a reduction in size, if that is considered.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the Conditional Use Permit submitted by Kyle and Colleen Baker, 1349 Meadow Ave, to construct an attached accessory structure on their property, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design, materials and finish of the structure shall be compatible with the dwelling.
3. To mitigate the visual impact of the accessory structure addition, design features identified (use of dormers, living space addition, removal of the existing garage doors, use of windows) shall be used to integrate the accessory structure into the design of the dwelling.
4. Additional screening and landscaping shall be installed and maintained on the east side of the property to mitigate impacts on the adjacent property. A landscape plan shall be submitted with the building permit application.
5. The structure shall be setback a minimum of 40-feet from the south property line.
6. The applicant shall obtain a building permit for the structure.
7. The structure shall not be used in any way for commercial purposes.
8. The City reserves the right to inspect the property to verify compliance with the Conditional Use Permit and Development Code Requirements
9. A tree protection and replacement plan shall be submitted with the building permit application. Replacement of landmark trees is required at a 3:1 ratio.

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.

## Draft

### Discussion:

Commissioner Peterson offered an amendment to condition No. 5 to change the 40-foot setback to 60 feet. Commissioner Ferrington seconded the amendment.

Commissioner Schumer asked for City Attorney advice as to whether the Commission is getting too involved in changing the design with this amendment. City Attorney Kelly responded that he would defer to the City Planner as to whether the amendment would change completely the design. Ms. Castle stated that the setback would change the design and reduce the size of the structure to 40 feet. She questioned the goal of the Commission as to reducing the size of the structure or trying to reduce visual impact.

Commissioner Thompson then asked if staff is recommending the 40-foot setback. Ms. Castle answered, yes.

Chair Solomonson stated that he supports the amendment to provide a bigger buffer for neighbors.

Commissioner Ferrington stated she favors the amendment which would still allow a garage of 1320 square feet. Additional buffer to neighbors will mitigate visual impact.

### VOTE ON THE AMENDMENT

Ayes - 4

Nays - 1 (Thompson)

Commissioner Peterson offered an amendment to condition No. 4 to add “and south side” after “east side”. Commissioner Ferrington seconded the amendment.

### Discussion:

Chair Solomonson noted that he visited the property and there are a lot of trees on the south side. He questioned whether evergreens would grow there because of the thick canopy of deciduous trees.

Commissioner Ferrington stated that the amendment is consistent with the applicant’s plan to plant arborvitae.

### VOTE ON SECOND AMENDMENT

Ayes - 4

Nays - 1 (Thompson)

### VOTE ON MOTION WITH TWO AMENDMENTS

Ayes - 4

Nays - 1 (Thompson)

## **VARIANCE**

**FILE NO.** 2543-14-33  
**APPLICANT:** LUCAS & AMANDA PETERSON  
**LOCATION:** 285 SNAIL LAKE ROAD

### **Presentation by City Planner Kathleen Castle**

The variance requested is to exceed the maximum area of 750 square feet permitted for a detached accessory structure. The request is for a structure of 924 square feet. The existing detached garage is 528 square feet and would be demolished due to its deterioration with an unstable roof and floor/foundation. This garage is located behind the home with its doors oriented to the east.

This property is a larger deeper lot of over one-half acre and zoned R1, Detached Residential. The property is developed with a two-story single-family home that has a foundation area of 1,288 square feet. The new garage would be oriented with the doors facing the south. The peak height is 18 feet with an interior storage height of 6 feet above the main floor. Construction would occur in two phases: 1) the concrete slab would be poured this fall; 2) the structure would be constructed in the spring of 2015.

Detached accessory structures on parcels of less than one acre are allowed to be 75% of the dwelling unit or 750 square feet, whichever is less. The maximum building height is 18 feet, and interior storage cannot exceed 6 feet in height above the main floor.

The applicant states that practical difficulty is present due to the condition of the existing garage which is unusable. Also, the size of the existing home restricts the size of the garage. The new garage is 72% of the house; 75% is the maximum allowed. It is intended for personal use.

Staff finds that the proposed accessory structure complies with area to home ratio, height and design. The variance is to exceed the allowed 750 square feet. There are storage limitations in the home. Staff believes the proposed size and location are reasonable. The unique circumstances include: 1) age/size of existing home; 2) the low ceiling height in the basement; 3) deteriorating condition of the existing garage; and 4) the large size of the property. The proposed garage size is in scale with the property and home. Housing styles in the neighborhood are varied with attached and detached garages. Staff does not believe this proposal will impact the character of the neighborhood.

Notices were sent to property owners within 150 feet. Three comments of support were received. Staff is recommending approval subject to the conditions listed in the staff report.

Commissioners expressed their support for the proposal and commented that it will be an improvement to the property. Neighbors have expressed very positive comments on the work the applicants have done.

## Draft

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to adopt the attached Resolution 14-81, including findings of fact, permitting the construction of 924 square foot detached accessory structure for Lucas and Amanda Peterson on their property at 285 Snail Lake Road. 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. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
3. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.
4. Prior to the issuance of a building permit, a landscape plan shall be submitted identifying the landscape shrubbery along the east side of the garage.
5. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
6. 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

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.*

The variance request to rebuild the detached garage at the proposed size and location represents a reasonable use of the property. The garage will be used for storage of personal property. Use of the existing home for storage is limited due to the low ceiling height in the basement. Since the proposed square footage is 72% of the dwelling unit foundation area, the home will remain the primary use and feature of the property

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

Unique circumstances are present due to the age and size of the existing home, low ceiling height in the basement, deteriorating condition of the existing garage and larger size of the property.

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

The variance will not alter the essential character of the existing neighborhood as properties on this portion of Snail Lake Road are ½ acre or larger and there is no defined neighborhood character as the single-family homes vary in age, style and design. Attached and detached garages are present. The replacement of the existing deteriorating garage with a new detached garage that is designed to match the home will improve the appearance of the property. The size

of the proposed garage is in scale with the property and home and will not be a dominant feature or use of the property.

VOTE:           Ayes - 5                           Nays - 0

**VARIANCE / MINOR SUBDIVISION**

**FILE NO.:**           **2544-14-34**  
**APPLICANT:**       **GREGORY LIVERMONT**  
**LOCATION:**           **4525 Rice Street**

**Presentation by Senior Planner Rob Warwick**

The proposed subdivision would create two lots. Multi-family homes are to the north and west of the property with single-family residential to the south.

The proposed division would be for detached single-family dwellings. The south lot line abutting 4505 Rice Street would be adjusted to create Parcel C--8 feet by 200 feet to provide a buffer to the adjacent home which is near the property line. A variance is required because proposed Parcel A on the west lacks frontage on a public road.

In 2003, a concept PUD for townhouse development was withdrawn due to Planning Commission concerns about density, street placement and site configuration. In 2005, the Planned Land Use in the Comprehensive Plan was revised from Medium Density to Low Density Residential. In 2006, a Concept PUD was proposed with a public street along the south property line for four lots to be developed as detached single-family residential. In 2007, the plat was revised to include 4521 Rice Street with six lots and a public street on the north boundary. The final plat was approved but not recorded. The two parcels at 4521 and 4525 went into foreclosure.

The proposed subdivision is a flag lot with 56 feet of frontage on Rice Street. There are water and sewer easements that cross the property north to south as well as road and utility easements over the south portion. There is a pond on the southwest boundary. The gross property area consists of 1.8 acres with approximately 1.6 acres net of the existing road easement. The property is currently developed with a single-family home, detached garage, shed and drive.

The property is zoned R1. Properties to the south are also in the R1 District. Tudor Oaks condos consisting of 5 buildings and 36 units are to the north, and to the northwest are the Tudor Oaks townhomes consisting of 9 quad buildings and 36 units. Immediately to the west is the Paulsen Addition twin homes. Across Rice Street to the east is the City of Vadnais Heights drive access to Sucker Lake Park.

The subject property sits at a lower grade elevation than the properties to the north, and west. Tudor Oaks condos are approximately 12 feet above the grade of 4525 Rice Street. The subject property is flat, sloping towards the south where the pond is located. Storm pipes drain runoff from Galtier Street and Galtier Place to the pond.



## Draft

Staff has reviewed the application according to subdivision and zoning standards, which require: 1) a minimum 30-foot public road frontage; 2) municipal water and sewer provided to each lot; and 3) drainage and utility easements, including a wetland buffer as required by the Public Works Director.

Key lots are discouraged, when a side lot line abuts a rear lot line of an adjacent property. Key lots are not prohibited but require an additional 15 feet of lot width or depth, as applicable. The side setback for a key lot is 20 feet, and the City reserves the right to increase that setback during the review process. The R1 District requires a minimum lot width of 75 feet and minimum lot depth of 125 feet with minimum lot area of 10,000 square feet. The front setback is 25 to 35 feet; the rear setback 30 feet and side setback 10 feet for the dwelling and 5 feet for accessory structures, except for key lots where the side setback must be at least 20 feet.

Currently, the entire property is a key lot with its side lot line abutting a rear lot lines on adjacent lots on the north and east. Parcel A is a key lot with the side lot line abutting the rear lot line of the property to the north. The division of Parcel A does not change to the existing lot line configurations. Each proposed parcel exceeds minimum standards. New service stubs for water and sewer will be necessary for Parcel A, and a private utility easement is necessary for the future house on Parcel A because it will cross Parcel B. Access is from Rice Street with a shared driveway for Parcels A and B. A private easement and maintenance agreement are required for the shared driveway. The driveway must have a minimum 12-foot width and 13-foot height clearance for emergency vehicles.

The property is wooded with mature trees. Removal of landmark trees requires a replacement ratio of 2:1 for Parcel A and 3:1 for Parcel B. Grading plans must be submitted with the building permit applications. Drainage will follow the existing topography and flow to the existing pond.

A variance is needed to create Parcel A because it lacks frontage on a public street. Staff finds the subdivision reasonable because of the existing public easements, the area size and configuration of the existing lot and the history of previous City actions regarding this property. Unique circumstances include the lot configuration and topography. The property is a flag lot with 60 feet of frontage on a public street. A public street is not warranted to serve just these two lots. The neighborhood consists of residential of varying densities. Approving the variance will not impact the character of the neighborhood.

Notices were sent to property owners within 350 feet of the subject property. Three comments were received expressing concern about the loss of mature trees. Ramsey Washington Metro Watershed District has indicated that the 16.5 foot wetland buffer is acceptable and no permit is required. Ramsey County Public Works has stated that the existing half width of right-of-way on Rice Street must be increased to 50 feet to comply with the County Plan. Lake Johanna Fire Department has no concerns regarding provision of fire protection.

Staff is recommending the Planning Commission adopt the resolution to approve the variance and recommend approval of the subdivision to the City Council with the conditions listed in the staff report.

Commissioner Ferrington asked how the driveway will access Parcel A while maintaining a wetland buffer. Mr. Warwick stated the driveway will come in from the south and skirt the buffer. The structures on Parcel B will be removed and a new home will be built.

Commissioner Ferrington asked if there are any drainage issues. Mr. Warwick stated that there are two discharge pipes to the pond. No problems have occurred.

Chair Solomonson asked how the water drains from the pond off the property. Mr. Warwick stated that there is a system that drains eventually to Sucker Lake.

Chair Solomonson opened the discussion to public comment.

**Ms. Lucy Meyer**, 4185 Rice Street, stated that her concern is runoff from this property with the way the driveway is configured and how much water will be runoff. The pond has become swampy, and drainage has deteriorated through the years. However, this plan is better than the multi-unit plan that was presented several years ago.

**Mr. Robert Pate and Kate Zacher Pate**, 4505 Rice Street, stated that from previous plans proposed for this property, this one is by far the best. They support this application. Drainage has not been an issue. The pond has had sedimentation and is not as deep as it used to be. **Mrs. Pate** added that they support Parcel C that allows them to extend their side lot line. This was not presented in earlier proposals. The applicants are being very cautious regarding environmental impact, which is important to them. If there is a way to make the pond healthier, that would be welcomed by the residents.

**Mr. Greg Livermont and Mr. Troy Wangler**, Applicants, stated that they are two families who see this as an opportunity to build homes on beautiful property. They intend to keep the woods as much as possible and have as little impact as possible with developing the property. The trees around the perimeter of the property will not be removed.

Chair Solomonson asked if there are any concerns about the tightness between the wetland buffer and driveway. **Mr. Livermont** responded that if the 25-foot buffer had been imposed, they would have had to adjust the driveway, but with the approved 16.5-foot buffer there is plenty of room for an adequate driveway that meets Fire Code.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Thompson to adopt Resolution No. 14-82 approving the variance to create a lot without frontage on a public street, and to recommend the City Council approve the minor subdivision request submitted by Greg Livermont to divide the property at 4525 Rice Street into two parcels for single-family residential, subject to the following conditions:

### **Variance**

1. The approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.

## Draft

3. The approval is subject to a 5-day appeal period.

### Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted, prepared by Alliant Engineering dated September 9, 2014.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public easements for Rice Street (an added 10-feet), drainage and utility, and a 16.5 foot wetland buffer shall be conveyed 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. Municipal water and sanitary sewer service shall be provided to both lots. Private easements shall be reviewed and approved by the City Attorney prior to recording. The private utility easements shall be conveyed prior to issuance of a building permit by the City.
5. Any work in the Rice Street right-of-way is subject to the permitting requirements of Ramsey County.
6. Parcel C shall be conveyed only to the owner of the property located at 4505 Rice Street, and shall be combined with the existing parcel for tax purposes.
7. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
8. The garage shall be removed prior to the City endorsing the Deed for Parcel B or as addressed in the Development Agreement to ensure removal.
9. A tree protection 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.
10. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.
11. A final site-grading and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
12. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
13. The driveway shall be developed with a minimum 12-foot width and 13-foot height clearance.
14. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This motion is based on the following findings:

### Variance

1. The proposal is reasonable due to the size of the property and small, narrow frontage on a public road. Both of the proposed parcels exceed the dimensional standards required for lots in the R-1, Detached Residential District, and provide buildable areas sufficient for construction of a new house on each resulting lot.

2. Practical difficulty is due to the existing lot configuration and situation. The lot is a flag lot, with the large portion of the lot situated behind an adjoining lot. The existing frontage provides space only for access to the property. Surrounding properties are all developed, and so a public street would serve only the two parcels here, and would not connect with other portions of the City street system.
3. The area is currently a mix of high-, medium-, and low-density residential developments. Increasing the intensity of development on the subject property should not alter the character of the existing neighborhood.

**Minor Subdivision**

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards for the R-1 District.

**VOTE:**                      Ayes - 5                      Nays - 0

**MISCELLANEOUS**

**City Council Assignments**

Commissioners Peterson and McCool are scheduled to respectively attend the October 6th and October 20th City Council meetings.

**November/December Meeting Schedule**

It was the consensus of the Commission to schedule one meeting for November and December on December 16, 2014. The next application deadline is October 27, 2014. Staff can report to the Commission at its October 28th meeting whether or not two meetings will be needed.

**Planning Commission Workshops**

The Planning Commission held a workshop session immediately prior to this meeting. No further workshops are planned until January.

**ADJOURNMENT**

**MOTION:**      by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 9:31 p.m.

**VOTE:**                      Ayes - 6                      Nays - 0

**ATTEST:**

---

Kathleen Castle  
City Planner

**TO:** Planning Commission  
**FROM:** Niki Hill, Planning and Economic Development Technician  
**DATE:** October 24, 2014  
**SUBJECT:** File No. 2547-14-37 – Conditional Use Permit – 5875 Kitkerry Court S., George and Justine Greene

## **INTRODUCTION**

George and Justine Greene propose to construct a 168 square foot detached accessory structure (Pool House) on their property. The proposal requires a Conditional Use Permit since the total of all detached accessory structures will exceed 150 square feet. The intent of the Conditional Use Permit process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan.

## **PROJECT DESCRIPTION**

The property is located on the corner of Bucher Ave and Kitkerry Court S in the R1, Detached Residential District as are the surrounding properties. According to tax records, the lot has an area of 18,295 square feet. The lot has a trapezoid shape with a front lot line width of 100 feet along Kitkerry Court, rear width of 131 ft and lot depth of 159 ft feet. The property is developed with a single family home that has a foundation area of 1,308 square feet with a 528 square foot attached garage. In 2008 the applicants constructed a 10 by 12 foot (120 square foot) shed in the rear yard. The shed will remain.

The applicants plan to construct a 12' x 14', 168 square foot pool house in their rear yard. 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 greater than 150 square feet but not exceeding 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 Conditional Use Permit 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 (pool house) will be used for a changing room and backyard retreat. The structure will have a rear minimum setback of 20 feet and a 40 foot setback from the north property line, parallel to Bucher Avenue. The structure will be screened from view on all sides by trees, shrubs, and the existing house. The structure is to be purchased from Tuff Shed of Arden Hills, and will be assembled on-site. It will be of similar construction and color scheme as the house and the existing 10 x 12 storage shed. See attached statement and plans.

### **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 size, separation between the two structures, fencing on the south property line and existing vegetation reduces the need for adding additional screening from adjoining properties. Screening for the pool house is provided primarily by the location, well setback from other nearby lots. The pool pump equipment is on the south side of the pool and will not be affected by the structure.

The following table reviews the proposal in terms of the adopted standards.

	Existing	Proposed	Development Code Standard
<b>Area</b>			
Pool House		168 sf	
Shed	120 sf		
Total detached area	120 sf	288 sf	150 sf to 288 sf for the two detached structures
Attached Garage	528 sf		
All Accessory Structures	648 sf <i>*49.5% of dfa</i>	816 sf <i>*62.3% of dfa</i>	1,200 sf or 90% of the dwelling unit foundation area ( <b>1,177.2 sf</b> ) – whichever is more restrictive
<b>Setback</b>			
Side Lot Line			
Shed	14ft		
Pool House		40.00	5 feet from side lot line. 32.5 ft (Setback of the existing house on a corner lot)
Rear Lot Line			
Shed	10 ft		
Pool House		20.00	10 feet required from rear lot line.
<b>Height</b>			
Roof Peak		14 ft	18 ft
Sidewall		10 ft	10 ft
<b>Exterior Design</b>		Match Existing House / Shed	Compatible with the residence and be similar in appearance
<b>Screening</b>		Existing shrubs, trees and fence.	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

In Staff's opinion, the proposed pool house 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 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. 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 pool house 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.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. 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 and submitted plans
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.



200.0 0 100.00 200.0 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
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1:1,200





George (Ed) and Justine Greene  
5875 Kitkerry Court South  
Shoreview, MN 55126  
612-209-4394

Department of Community Development  
City of Shoreview  
4600 Victoria Street North  
Shoreview, MN 55126

Dear Members of the Shoreview Planning Commission and City Council:

The attached request for a Conditional Use Permit is submitted for your review.

We are seeking approval to build a 12 X 14 foot pool house in the rear yard of our property in compliance with all Performance Standards as described in Sec. 205.082 of the Development Ordinance. The intended use of the structure is as a changing room and backyard retreat area. The structure will have a rear minimum setback of 20 feet and a 40 foot setback from the north property line, parallel to Bucher Avenue. The structure will be screened from view on all sides by trees and shrubs. The structure is to be purchased from Tuff Shed of Arden Hills, and will be assembled on-site. It will be of similar construction and color scheme as the house and the existing 10 X 12 storage shed (also from Tuff Shed) on the same property.

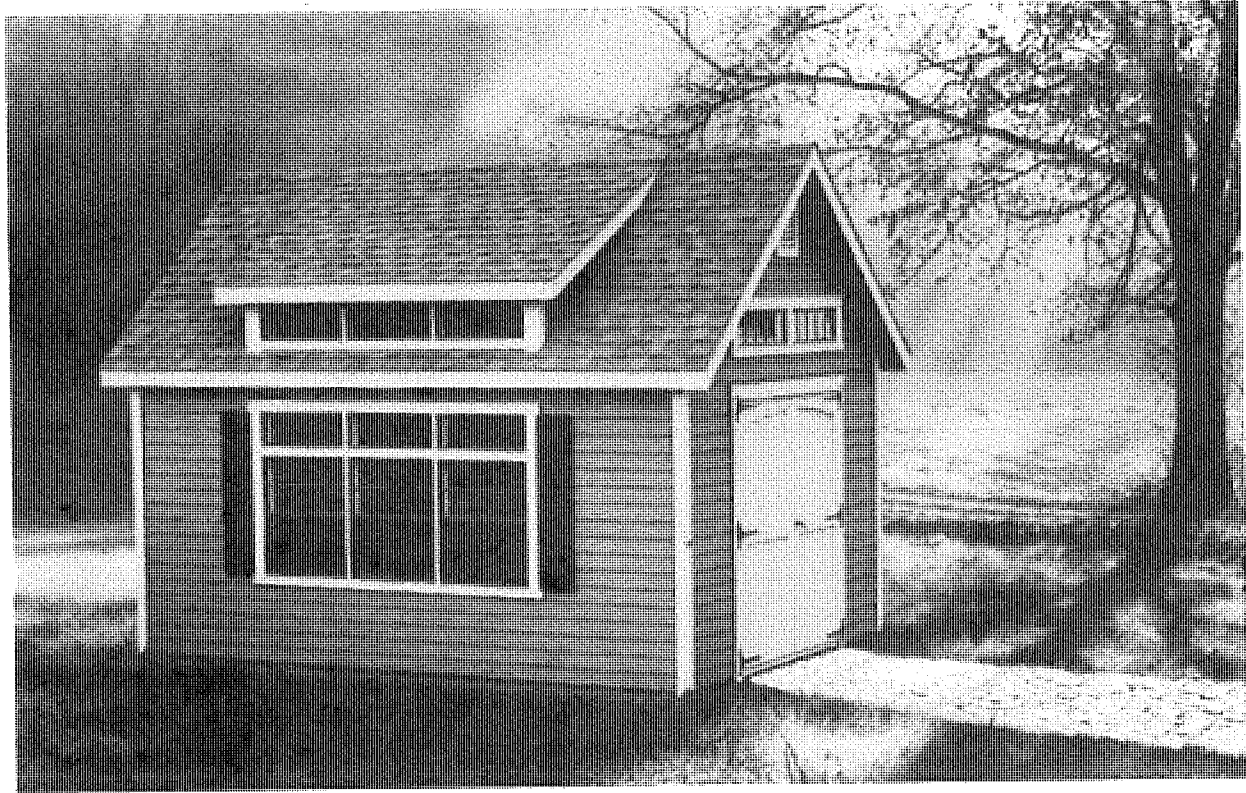
Attached are all filing requirements, as obtained from Ms. Niki Hill on September 16, 2014, for review at the October Planning Commission meeting.

Very Truly,

Justine Greene

5875 KITKERRY COURT SOUTH  
SHOREVIEW, MN 55126

ED & JUSTINE  
GREENE  
612-209-4394



- 12 X 14 FLOOR
- ROOF EVE (OVERHANG) TO EXTEND 4'
- 10' SIDEWALLS
- SURROUNDED BY LANDSCAPING, TREES & SHRUBS

Samsey County Tax Assessor  
266-3000

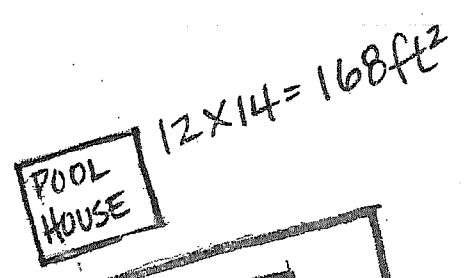
GEORGE (ED) & JUSTINE GREENE  
5875 KITKERRY CT  
SHOREVIEW, MN 55126

center line

612-209-4394

Bucher Ave.  
N 89° 37' 44" E

utility easement



12x14 = 168ft<sup>2</sup>

10x12 = 120ft<sup>2</sup>



159.92  
N 79° 56' 57" E

168  
+ 120  
288 ft<sup>2</sup> TOTAL  
ACCESSORY  
STRUCTURE

Scale 1 inch = 40 feet  
Indicates 1  
Book \_\_\_\_\_  
Job No. \_\_\_\_\_

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

Date: 10-8-02 Reg No. 9064

City Council:  
Sandy Martin, Mayor  
Amy 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

October 7, 2014

## REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, October 28<sup>th</sup> at 7:00 p.m.**, the Shoreview Planning Commission will hold a public hearing for a Conditional Use Permit application submitted by George and Justine Greene to construct a 168 square foot detached accessory structure (pool-house) in the rear yard of their property at **5875 Kitkerry Court S.**

On parcels less than 1 acre in size, 2 detached accessory structures with a total floor area greater than 150 square feet up to 288 square feet are permitted with a Conditional Use Permit. The Conditional Use Permit process enables the City to review the proposed use through a public hearing for compliance to the Development Code standards and ensure compatibility with nearby land uses. Please see the attached plan.

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 **October 23<sup>rd</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 October 24<sup>th</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

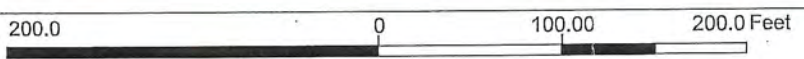
Comments:

*I would like to express my concern. This neighbor has a two car garage but always has at least three cars in the drive way. They have a shed but have a boat and garbage containers on the side of the house. Building a pool house will add a building to the property but not solve the mess on the property. I think living in a neighborhood we should be respectful of what our neighbors need to look at. Sometimes people out grow their home and need to move to a larger home or more property. I do not approve of another:*

Name: Dawn Suitala-King  
Address: 5855 Kitkerry Ct. South




nothing added to this property. I do not want to look at it.  
Thank you



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## MOTION

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

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

To recommend the City Council approve the Conditional Use Permit application submitted by George and Justine Greene, 5875 Kitkerry Court S, to construct a 168 sq. ft. detached accessory structure (pool house) on their property. The Conditional Use Permit authorizes 288 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 exterior design of the addition shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. 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  
October 28, 2014



**TO:** Planning Commission  
**FROM:** Kathleen Castle, City Planner  
**DATE:** October 23, 2014  
**SUBJECT:** File No. 2500-13-27, Royal Court, Lexington Estates II Townhome Association, Inc.

### **Introduction**

Lexington Estates II Townhome Association, Inc. submitted applications for an amendment to the approved Planned Unit Development and Preliminary Plat to re-plat the common area of the development. That part of the common area which includes the private roadway, Royal Court, and adjacent off-street parking areas are proposed to be re-platted and dedicated to the City as public road right-of-way.

### **Background**

The Lexington Estates II townhome development is east of Lexington Avenue and north and west of Royal Oaks Drive. Access to the development is gained from Royal Oaks Drive via a private street, Royal Court. The development, constructed in 1985, and includes 21 rambler-style dwellings located in two and three unit buildings.

The planning for this area began in the early 1980's with the concept stage of the PUD being approved in 1981, Although the City had a policy that required all future streets to be plated as public streets, a private street serving this development was permitted for the following reasons:

- The private streets and parking areas were designed to serve only the townhouse units and were not through streets
- Traffic counts on these streets were anticipated to be low
- The proposed off-street parking areas would provide off-street parking in excess of City Code requirements
- The homeowner's association would own and maintain the common areas, including the private street and parking area
- The street and parking area were required to be constructed equivalent to public street construction standards
- The roadways were designed to comply with the Fire Code requirements for emergency vehicle access and turnaround

The development was approved and granted flexibility from the City's standards regarding "clustering", zero lot line developments, private road frontage and private parking areas. The developer was, however, required to install public sewer and water service to the townhome units. The existing utility lines are located under the private roadway. Drainage and utility easements were platted over the private road and parking areas ensuring the City's right to access these lines as needed.

The City Council has adopted a policy regarding the conversion of private streets to public streets. Requests to transfer jurisdiction of private infrastructure to the City may be supported provided the proposal complies with the following criteria:

1. That the private street could function as a public street serving the number of addresses as opposed to a driveway.
2. The request be supported by technical information that demonstrates the private road was built to City standards for residential streets (7-ton)
3. The private property would be re-platted to provide dedicated public rights of ways to delineate the public roadways and afford the City the rights on behalf of the public to own and maintain the infrastructure.

### **Project Description**

The proposed plat identifies those areas that would be dedicated as public right-of-way. The proposed public right-of-way will include the bituminous area of the roadway to approximately 1-foot behind the existing curb. To the extent feasible, the proposed right-of-way has been designed to have a consistent width. The width, however, varies from 25 feet to 50 feet due to the open space and parking areas located in the center of the roadway. The common green space in the center of the roadway will be platted as a separate lot and will remain in the Association's ownership.

Within the development, the structure setbacks from the proposed public road right-of-way vary from 21 feet to 25 feet. The setbacks from the roadway will remain the same and not be impacted by the proposed conversion of the street to a public road. These setbacks, however, do need to be recognized with the PUD amendment.

### **Staff Review**

The Staff has reviewed the proposal in accordance with the City's policy for the conversion of a private street to a public street. Attached is a memo from Mark Maloney, Public Works Director, which provides information on the criteria for review and his assessment. The proposal has been reviewed and it has been determine that the proposed dedication of Royal Court as a public right-of-way can be maintained as a public street. Further, the existing storm sewer, water and sanitary sewer infrastructure located beneath or near the roadway are public and being maintained by the City. The dedication of Royal Court as a public roadway is reasonable and meets the criteria set forth by the City.

A portion of the improved roadway is located on the property immediately to the north which is owned by the Lexington Estates Association and serves as common space for the Hill Court townhome development. While the historical records for this development did not provide any information regarding this street layout, Staff believes it was permitted since this development

and the adjoining Hill Court development were part of the same PUD. The Lexington Estates Association has agreed to convey an easement to the City for public road purposes. This easement would extend to 1-foot beyond the curb and is acceptable to the City. The Commission should note that two of the structures located in Hill Court are within 10 feet of the proposed right-of-way. While the proposal will not change the physical layout of the roadway, there was some concern regarding snow removal and the impact on these homes. The City's Public Works Department has indicated that the plowing can occur in a manner that will not impact these dwelling units.

Staff also believes that the conversion of this roadway to a public roadway will enable the Association to re-focus their resources on higher priority needs. Common interest communities face special maintenance challenges since they rely on reserve budgets for long-term maintenance items. A previous survey of common interest communities found that the financing of the long term maintenance items is a concern due to needed special assessments or bank loans. The dedication of this roadway to a public street also supports the City Council's and Economic Development Authority goals concerning housing and neighborhood stabilization. This change is also consistent with the City's current subdivision standards that require all streets to be publically dedicated rights-of-ways.

### **Public Comment**

Notice of the public hearing was published in the City's legal newspaper. Mailed notices were also mailed to property owners within 350 feet of the property in question. One comment was received questioning the additional expense the City will incur to maintain the roadway. Another comment was received in opposition due to concerns related to property value and impact of road maintenance operations on the nearby units in Hill Court.

### **Recommendation**

The proposed dedication of the private street, Royal Court, to a public roadway meets the City's criteria and supports the City's goals pertaining to housing and neighborhood stabilization. Staff recommends the Planning Commission support the proposal and recommend the City Council approve of the preliminary plat, Serene Hills Estates Plat 5, and the amended Planned Unit Development. Said approval is subject to the following conditions:


1. Approval of the preliminary plat and amendment to the PUD shall expire within one year of the date approved by the City Council.
2. The final right-of-way design for Royal Court is subject to review and approval of the Public Works Director.

File No. 2500-13-27, Lexington Estates II Townhome Association, Inc.  
Royal Court

3. Execution of an agreement between the City and Association stating the Association will comply with the City parking regulations for the proposed public right-of-way, including the parking areas.

#### Attachments

1. Memo from Mark Maloney, 10-20-14
2. Memo from Mark Maloney, 3-06-08 (no map)
3. 08-26-14 Letter from Advantage Townhome Management
4. Aerial Location Map
5. Aerial Detail
6. Approved PUD Plan
7. Submitted Plat
8. Request for Comment
9. Motion

DATE: October 20, 2014  
TO: Kathleen Nordine, City Planner  
FROM: Mark Maloney, Director of Public Works   
SUBJECT: Lexington Estates II – Conveyance of Royal Court

The Public Works Department and the Lexington Estates II Association have been working over the past two years on the conveyance of Royal Court to the City. The preliminary plat for Serene Hills Estates Plat Five reflects the proposed replatting necessary to dedicate the private street area to the City. In addition, a separate easement from the Lexington Estates Hill Court Association has been negotiated to allow conveyance of that portion of Royal Court that is located on the plat to the north, Lexington Patio Estates.

## BACKGROUND

We have periodically received requests from townhome associations to consider the City's assumption of responsibility for private streets. For the most part, private streets in Shoreview came about as a result of the desire to build denser residential developments and reduce development costs by deviating from standards with regard to road widths, cul-de-sac diameters, boulevard encroachments and building setbacks. These private streets are in most cases located in areas approved by the City in the 1970's and 1980's as Planned Unit Developments, and at a time when the City's standards for public streets were significantly more rigid for width and setback than has been implemented in recent years. The City's approval of these developments recognized that there would be future responsibilities of the homeowner's associations for the private infrastructure. A factor that has complicated the picture over the years is that in most cases the City has owned and operated other public infrastructure like sanitary sewer and water main in and around these privately owned and maintained streets. The realities of things like restoring an area after a broken water main repair or the interface between the private road pavement damage and manhole castings for the public sewer system have blurred the public/private streets responsibilities over time. Given the amount of home owner turnover that has occurred in the developments (and on their Association Boards) it appears that the current residents typically have no understanding of the rationale for the separation of public and private infrastructure in their developments.

## DISCUSSION

In the 1980s and early 1990s, the City attempted to employ a numerical scoring system to objectively evaluate these requests; to my knowledge no request was ever successfully processed using that approach. Over the past 15 years, the topic of private streets was studied in the context of future public infrastructure and discussed at various points with the City Council. The Public Works staff identified criteria (per Shoreview City Council Resolution 10-87) that should be considered for analyzing these requests; namely:

- That the private street could function as a public street serving a number of addresses as opposed to a driveway

- The request be supported by technical information that demonstrates that the private road was built to City standards for residential streets (7-Ton)
- The private property would be replatted to provide dedicated public rights of ways to delineate the public roadways and afford the City the rights on behalf of the public to own and maintain the infrastructure

First, the request would need to be analyzed from the perspective of the City's ability to reasonably provide services given the staffing and equipment at its disposal. The configuration of the private street and the proximity of building and other private improvements would have to be such that the City could assume responsibilities for the maintenance and ownership of the roads without undue cost, hardship or degradation of services to the rest of the public. In addition, the Association making the request would be required to provide pavement and subgrade material testing information to the Public Works Department to establish the integrity of the private roads, and the Association would re-plate their private property to dedicate public right of way over the street areas being considered. Private streets meeting this criteria, evaluated on a case by case basis, would theoretically become part of the City's public street system and be subject to the same maintenance activities and schedules (and funding policies thereof) as streets originally built as "public". The policies are intended to be consistent with previously established City Council and Economic Development Authority goals concerning housing and neighborhood stabilization. However, no policies have been developed or agreed upon by the City Council for situations where the private street requests don't meet the above standards.

In accordance with the criteria above, the City in 2011 completed the jurisdictional transfer of the formerly private Serene Court in the townhouse development immediately south of this proposed preliminary plat. Most recently the concept was explored with the Lexington Estates II Association with regard to Royal Court, and the logistics of their request appear to staff to be relatively straightforward. This department has analyzed this request and has concluded that the configuration wouldn't be problematic from a street sweeping or snowplowing standpoint, and we already have involvement with the storm drainage, water and sanitary sewer infrastructure servicing the development. The pavement core analysis indicates that the roadway does meet the City's 7-ton standard for residential streets.

The Lexington Estates Hill Court Association has agreed to convey a strip of their property to the City for public roadway purposes to facilitate this jurisdictional transfer. The property is currently encumbered by a public drainage and utility easement. The Association has in their official action stated conditions for the conveyance; it is our opinion that the City can agree to those. Their official action also contains "requests" concerning snow plowing logistics and future City plans for roadway improvements which in my opinion cannot be addressed in the context of this action.

## RECOMMENDATION

The Department has worked with the representatives of the Association and their geotechnical and surveying consultants to facilitate this jurisdictional change for Royal Court. The roadway appears to meet the criteria established by the Shoreview City Council per Resolution 10-87; I recommend that the City approve the preliminary plat for Serene Hills Estates Plat Five subject to the conveyance of that portion of Lexington Patio Estates indicated on the sketch and description date June 13, 2014.

DATE: March 6, 2008  
TO: Mayor, City Council and City Manager  
FROM: Mark Maloney, Director of Public Works  
SUBJECT: Policies for Private Road Requests



The City periodically gets requests from private town home associations to consider taking over the ownership and maintenance responsibilities for their private residential streets. Many factors enter into the City's reaction to these requests; function, layout, age, potential operational problems, etc. Further, the City's past and current special assessment policies aren't easily adapted to recovering costs from improvements to "inherited" infrastructure. The Council may be aware that the staff spent considerable time on a 2005 request from the Lake Martha (Fox Glen) Association, and has recently been asked by the Lexington Estates Association to consider taking over their private road, Serene Court. Staff is seeking some direction from the City Council with regard to these types of requests.

### **Background**

The current Municipal Code offers various definitions and references to private streets and driveways that have evolved over time. For the purpose of this discussion, staff has identified eight areas in the City having private streets with curb and gutter under the jurisdiction of an organized residential homeowner's association. **Please refer to the attached map for the locations of these areas.** These areas were developed and streets constructed in the period 1972-1982, with materials and configurations typical of that time. In some cases, the areas have paved parking and access driveways that can be difficult to distinguish from the streets. This report focuses on the parts of the development that appear to be addressed and recognized by residents and service providers as streets. The Brookside Mobile Home Park area is included in this analysis but for reference only; the City is not aware of any past or pending requests from this area and there are other infrastructure factors that set it apart from the other seven areas covered in this analysis.

In general, private streets in Shoreview came about as a result of the desire to build denser residential developments and/or to reduce development costs by deviating from standards with regard to road widths, cul-de-sac diameters, boulevard encroachments and building setbacks. These streets are, in most cases, located in areas approved as Planned Unit Developments. The City's approval of these developments recognized that there would be future responsibilities of the homeowner's associations for the private infrastructure. Somewhat complicating the picture is that (in most cases) the City has owned and operated other public infrastructure like sanitary sewer and water main in and around these privately owned and maintained streets. The realities of things like restoring an area after a broken water main repair or the relationship between pavement damage and manhole castings have blurred the public/private streets responsibilities over time. Given the amount of turnover that has occurred in the developments (and on their Association Boards) it appears that the current residents have little if no connection to those original arrangements, and the Associations typically have not created adequate reserve funds for



their long-term needs. The point is increasingly being made that, under the Minnesota Property Tax system, people who are living in these private infrastructure arrangements are essentially paying for City services that they don't receive (e.g. snowplowing, street sweeping, and sealcoating). These factors, together with the fact that pavement conditions of some of these streets are at a point where they need reclamation or even more expensive replacement, make it likely that the City will continue to be asked to take over private streets.

**Private Street Inventory**

These numbered areas correspond to the map titled "Association Owned Roads", dated February 26, 2008. The estimates for pavement rehabilitation and/or replacement are based on typical costs that the City has experienced on recent public improvement projects.

- 
- 1. Brookside Mobile Home Park Streets Built 1976

The streets (Hall, Park, Center, Emil) average 29' b-b. The pavement appears to be in poor condition and in imminent need of a full-depth reclamation or replacement. While the streets themselves are relatively wide, the mobile homes are setback only 10-12' behind the curb. Snow storage and/or removal would be problematic. This area is unique in that all of the infrastructure is private; an association owned well provides drinking water and the sanitary sewer collection system is tied directly to the Met Council Interceptor in the area. The City has little by way of records or involvement with the infrastructure for the area.

Estimated Cost for Pavement Rehab \$392,000

- 2. Lexington Townhouse Association Street Built 1982

Hill Court measures 27' b-b and is a loop configuration. The pavement is at the point of needing rehabilitation beyond sealcoating in the next 5 years. The center of the looped area serves for snow storage. The City owns and maintains the sewer and water service in the area.

Estimated Cost for Pavement Rehab \$35,000

- 3. Lexington Estates II Street Built 1982

Royal Court measures 29' b-b and is in a loop configuration with adjacent off-street parking areas. The pavement is at the point of needing rehabilitation beyond sealcoating in the next 5 years. There is a large open area in the loop for snow storage. The City owns and maintains the sewer and water service in the area.

Estimated Cost for Pavement Rehab \$60,000

- 4. Lexington Estates III Street Built 1982

Serene Court measures 29' b-b and similar to areas nos. 2 and 3 above has a relatively large naturalized area that is used to store plowed snow by the Association's contractor. The pavement appears to have been well maintained over the years and won't likely



warrant a reclamation until at least 5 years. The City owns and maintains the sewer and water service in the area. The Association is currently exploring the concept of the City assuming responsibility for the street.

Estimated Cost for Pavement Rehab \$44,000

5. Lake Martha Association Streets Built 1973

Monterey Drive and Carmel Court average 29' b-b in width. The pavements in the area are in poor condition and warranted replacement 5 years ago. Snow storage doesn't appear to be problematic for the streets; however there are a number of paved driveway areas that serve multiple units that look difficult. The City owns and maintains the sewer and water service in the area. The City studied this area extensively when the management company representing the Association(s) inquired about the feasibility of the City taking over the streets in 2005. The discussion raised points about the actions the Association would be required to take or pay for, and the difficulty of applying City assessment policies to the street construction desired. The Association could not reach consensus and didn't proceed.

Estimated Cost for Pavement Rehab \$231,000

6. Cherokee Hills (I) Streets Built 1972

Sylvia Lane (North) measures 24' b-b. It was extended south to County Road F as a standard width public street in 1978. The public portion of the street (South) was part of the City's 2007 Street Rehabilitation Project. The pavement in the private section to the north warrants the same, and has been degraded by a number of (City) water main breaks/repairs over the years. The private street portion (North) has extremely tight building setbacks making snow storage/removal difficult for the Association's contractor.

Estimated Cost for Pavement Rehab \$78,000

7. Cherokee Hills (II) Streets Built 1972

Shirlee Lane averages 24' b-b in width. The pavement warrants reclamation or complete replacement anytime in the next 5 years. The turn around area on the south end is too small for any larger City vehicle, school bus, garbage truck, etc. and the garage setbacks are fairly tight at 18 feet.

Estimated Cost for Pavement Rehab \$72,000

8. Casa Collina Streets Built 1978

Highland Drive (private) averages 24' b-b in width and portions of the paved areas appear to have either been recently replaced or rehabbed; it would likely warrant a sealcoat at this time. Being at the top of the bluff, it appears that there may be runoff issues that would have to be addressed in the context of a public street. The building

setbacks do not appear to be problematic and snow storage is addressed adequately in the development area.

Estimated Cost for Pavement Rehab \$15,000

### **Policy Questions**

As to the direct question of it being possible for the City to perform typical public street services in these currently private areas, it varies. For the most part, the City could perform snowplowing in these developments as an extension of the existing snowplow routes and with the same equipment currently used throughout the City. One potential conflict however would be that currently these Associations hire contractors to coordinate the removal of snow from all of their paved surfaces (i.e. streets, driveways, parking areas, sidewalks, steps). It wouldn't be realistic for the City to try to alter its public street plowing schedules to conform or coordinate with the individual Associations private driveway snowplowing, and the Associations would still need to contract for some of their private property snow removal activities. Street sweeping could be fairly easily accomplished; in fact the City provides that service on a contract basis already in some of these areas. If these private streets were incorporated into the City's public system, they would generally be crack filled, patched and seal coated on the same schedule as the streets in the area. All of the private streets in this analysis together would add about 3 miles to Shoreview's 90-mile public street system.

City staff has struggled somewhat in the discussions with the Associations with the concept of applying or adapting the City's approach to specially assessing potential improvement costs in these areas. All of the private streets in this analysis currently have concrete curb and gutter, which is used by the City (on public streets) as an indication that a) the streets were built to an engineered, modern standard, b) the streets have been maintained on a regular schedule with City-approved materials/practices, and c) the streets provide an acceptable service life and no more street assessments would apply to the adjacent property owners. These interpretations don't necessary apply, especially with regard to the assumptions about maintenance, in some of these private street areas. It would seem that the City would need to develop a different policy for recovering costs for the (imminent) pavement replacements in these areas.

The discussions with the Associations also tend to lose momentum when the issue of street right-of-ways comes up. In residential developments that intended to have public streets, appropriate width public right of ways and utility easements are built in as a function of platting. In these private development areas, the paved surfaces typically are on commonly owned private property, and the Associations would be required to replat the property to convey or indicate street interests to the public and legally separate streets from driveways, sidewalks and common areas.

### **Current Issues**

Attached to this report is correspondence relating to the recent request from the Serene Court Association. As mentioned, the 2005 Lake Martha Association request isn't currently being pursued but staff assumes that it will be back in the future; the Association has performed no pavement work since the request. The Serene Court Association is expecting a more formal

reaction to their request from the City this Spring. While the Serene Court infrastructure wouldn't necessarily be problematic to take over from an operational standpoint, staff is seeking direction for adapting existing funding and assessment philosophies to these private development areas, should the City Council wish for the staff to continue to have dialog with the Associations on these topics.

**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF SHOREVIEW, MINNESOTA  
HELD SEPTEMBER 20, 2010**

\* \* \* \* \*

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota, was duly called and held at the Shoreview City Hall in said City on September 20, 2010, at 7:00 p.m. The following members were present:

Mayor Martin, Council Members Quigley, Wickstrom and Withhart;

and the following members were absent: Huffman.

Member Withhart introduced the following resolution and moved its adoption.

RESOLUTION NO. 10-87

**ESTABLISHING POLICIES REGARDING THE CONVERSION  
OF PRIVATE STREETS TO PUBLIC STREETS**

WHEREAS, in the past, private streets were approved as elements of Planned Unit Developments in Shoreview; and

WHEREAS, town house associations have requested that the City investigate the potential of the private streets being converted to public streets, with the intent of the City assuming all future ownership and maintenance responsibilities; and

WHEREAS, Shoreview's City Council and Economic Development Authority have indicated concerns for the long-range stability and economic viability of town house associations; and

WHEREAS, it has been determined that the City should define criteria and a mechanism for fairly and objectively accommodating these types of requests; and

WHEREAS, proposed policies have been developed and presented for City Council approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SHOREVIEW, MINNESOTA, THAT IT SHALL BE THE POLICY OF THE CITY TO ACCEPT AND ASSUME RESPONSIBILITY FOR PRIVATE STREETS AS PUBLIC INFRASTRUCTURE SUBJECT TO THE FOLLOWING CONDITIONS:

1. Based on an assessment of the Public Works Department, the private street(s) under consideration can be interpreted to serve a public function insofar as the location and layout, and be reasonably owned and maintained by the City using the labor, equipment and materials available.
2. The Association or homeowner's group making the request shall be responsible for the provision of geotechnical information to validate that the streets were originally constructed and subsequently maintained to Shoreview's 7-Ton Residential Street Design Standard. In the event that the structural capacity and condition of the pavement meets the City's Standard, all future maintenance activities, pavement restorations and rehabilitations shall be made by the City similar to other public residential streets and in accordance with adopted Street Renewal Program policies.
3. The Association or homeowner's group making the request shall be responsible for the re-platting and/or land conveyances necessary to dedicate the private street to the public.

The motion for the adoption of the foregoing resolution was duly seconded by Member Quigley, and upon vote being taken thereon, the following voted in favor thereof: All Members Present;


and the following voted against the same: None.

WHEREUPON, said resolution was declared duly passed and adopted this 20<sup>th</sup> day of September, 2010.

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 Council held on the 20<sup>th</sup> day of September, 2010, 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 a policy for the conversion of private streets to public streets.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of  
Shoreview, Minnesota, this 21st day of September, 2010.

  
\_\_\_\_\_  
Terry Schwern  
City Manager

SEAL



**Advantage Townhome Management, Inc.**

1310 East Highway 96, Suite 214  
White Bear Lake, MN 55110  
Ph 651-429-2223 Fax 651-429-2755  
LEHC@advtm.com

City of Shoreview City Council  
Shoreview, MN 55126

8/26/14

To the Mayor and City Council members,


The Lexington Estates Hill Court Townhome Association has voted to approve an easement in favor of the City of Shoreview. The granting of a perpetual easement described on the attached sketch in favor of the City of Shoreview for use as a public street to serve the public. This granting is conditioned on the City of Shoreview accepting the easement for use only as a public street and that there is a one (1) foot snow storage area behind the curb. The easement would begin upon the City of Shoreview approving the plat and easement.

The homeowners at Hill Court and Royal Court request the City of Shoreview to load the snow from the City street to the west to the Royal Court center island, that the City would repair any snow plowing damages, the City would never widen the public street, that any future street maintenance not be paid by Hill Court Association, and the City will keep any salt usage to a minimum. This request is to be presented by the Hill Court and Royal Court Associations to the City Planning Commission and City Council.

Sincerely,

  
Mary Oldakowski, President Lexington Estates Hill Court

  
Dale Birkeland, President Lexington Estates II, Royal Court Association

  
Paul Keleher  
Association Manager

Cc: Board of Directors Lexington Estates Hill Court  
Cc: Board of Directors Lexington Estates II, Royal Court Association

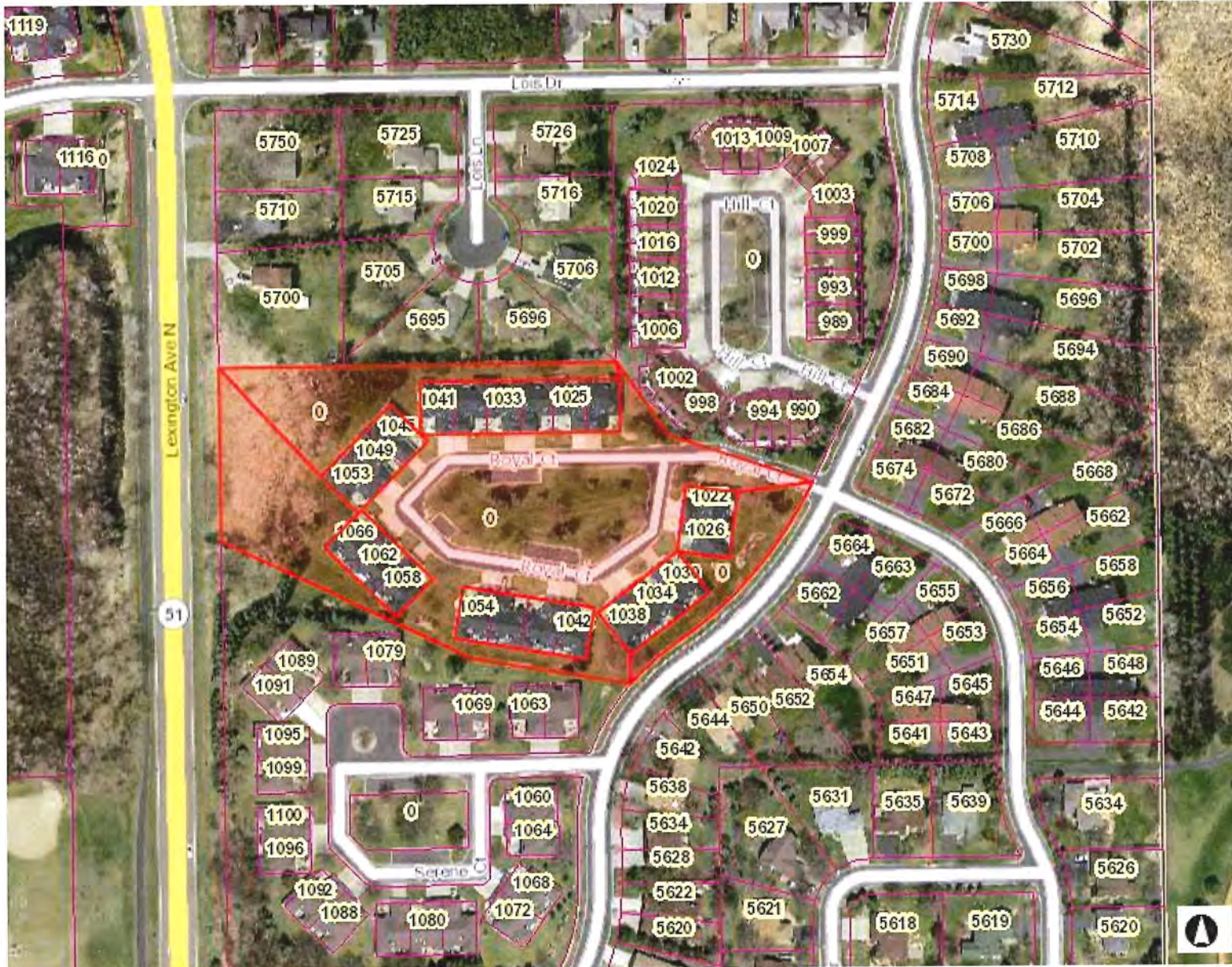
*Services and Solutions for Carefree Living*



**Legend**



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



400.0 0 200.00 400.0 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**









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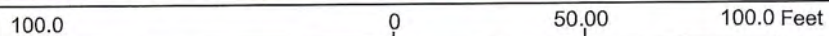




**Legend**



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



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**

**Notes**

Enter Map Description



827-80-18

SION

5 FT. NW 1/4, SW 1/4, SEC. 2

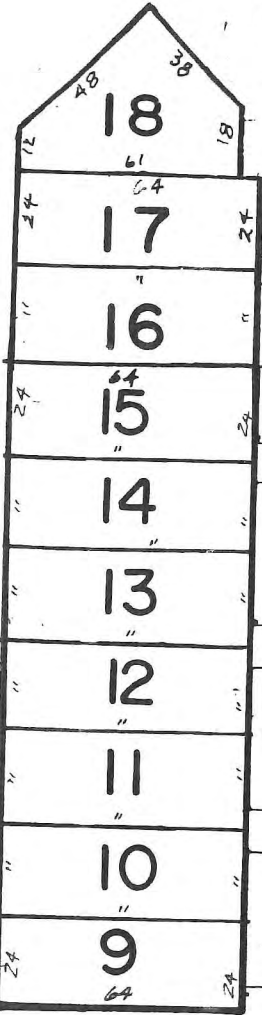
56' 18" W 588.00

40

E. LINE W. 588 FT. NW 1/4 SW 1/4, SEC. 2

NORTH 381.05

COMMON AREA LOT 33

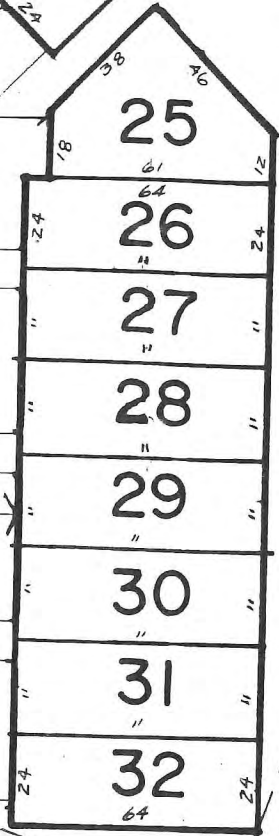


UTILITY EASEMENT

AREA OF BLOCK: 168,515 sq.ft.  
AREA OF BUILDINGS: 39,490 sq.ft.

COMMON AREA

UTILITY EASEMENT



COMMON AREA LOT 31

HILL 6 COURT

UTILITY EASEMENT

ROYAL COURT

AREA OF BLOCK: 249,650 sq.ft.  
AREA OF BUILDINGS: 47,862 sq.ft.

COMMON AREA

5

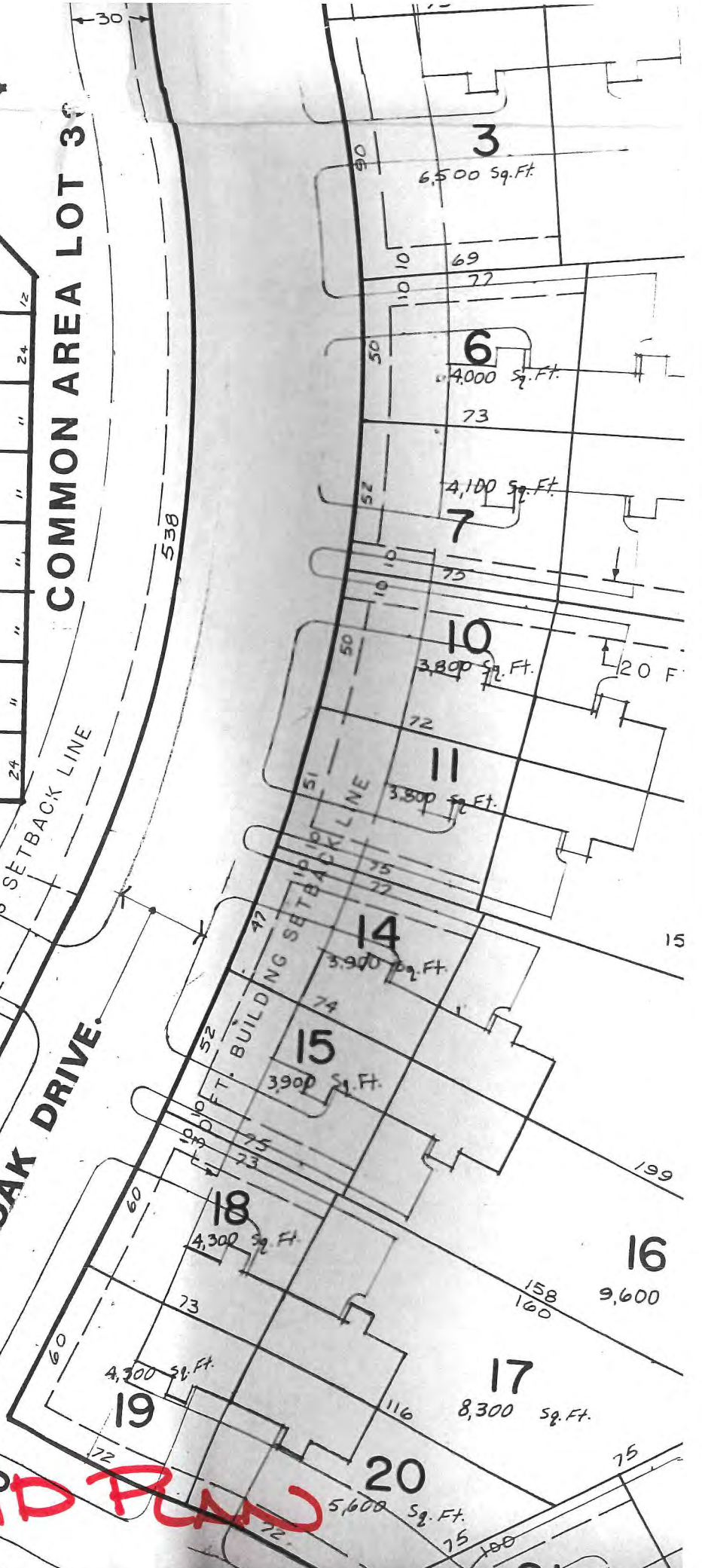
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AREA LOT 40

ROYAL OAK DRIVE

PLD PLAN

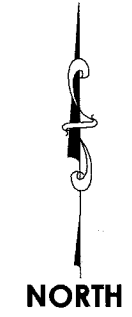
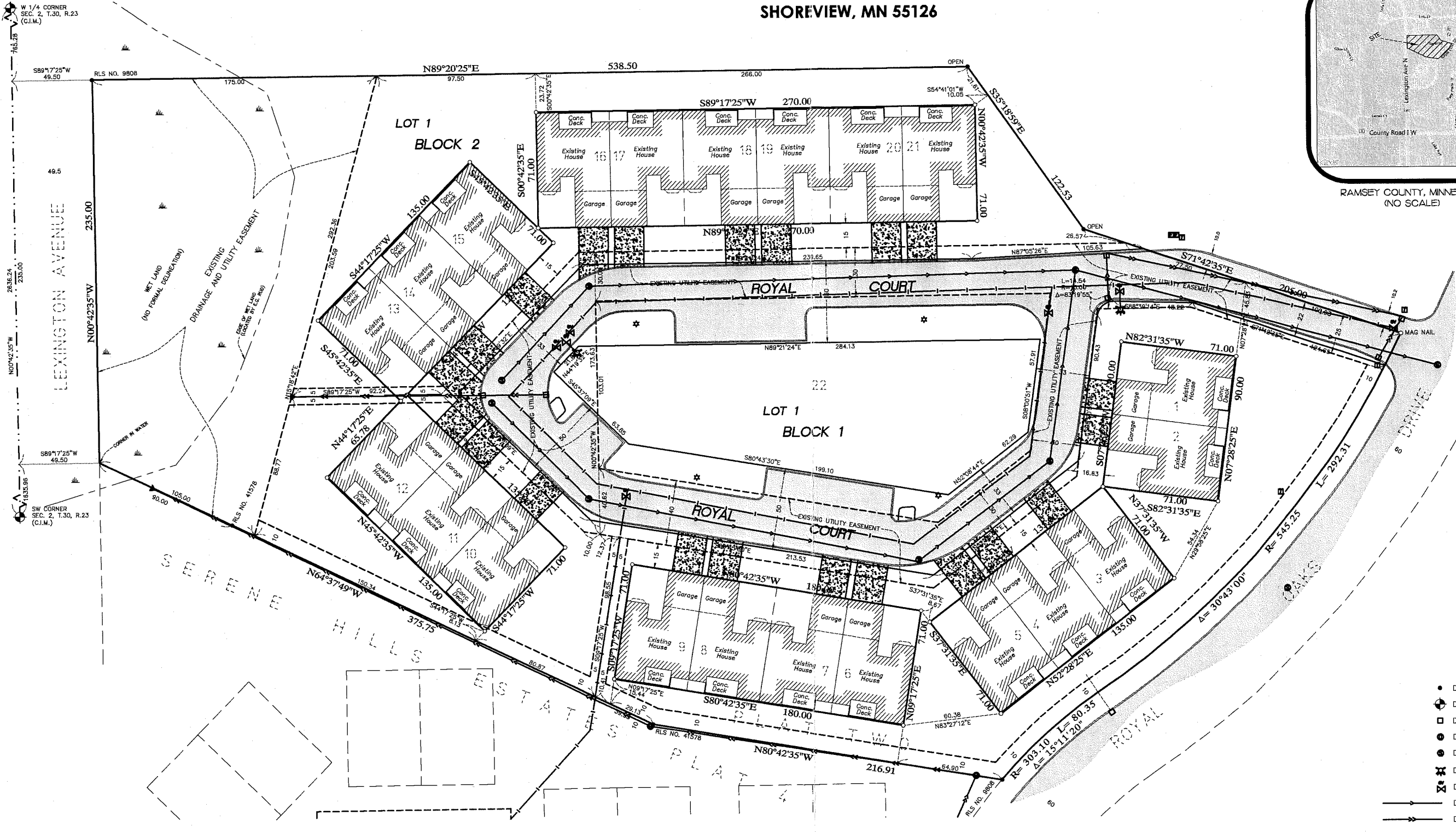
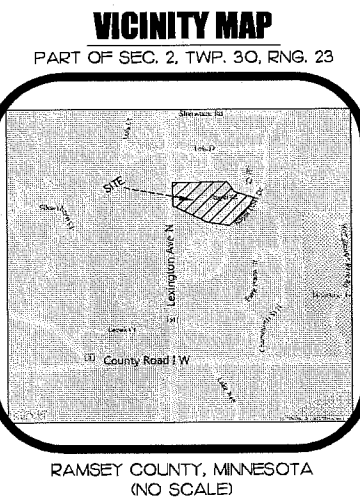




# PRELIMINARY PLAT

~for~ SERENE HILLS ESTATES PLAT FIVE

**PROPERTY OWNER:**  
**LEXINGTON ESTATES II TOWNHOME ASSOCIATION, INC.**  
**0 ROYAL COURT**  
**SHOREVIEW, MN 55126**



**LEGEND**

- DENOTES IRON MONUMENT FOUND AS LABELED
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES CATCH BASIN
- DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES GATE VALVE
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- |— DENOTES EXISTING WATER MAIN
- ▨ DENOTES CONCRETE SURFACE
- ▩ DENOTES BITUMINOUS SURFACE

**EXISTING PROPERTY DESCRIPTION:**

Lot 22, Block 1, SERENE HILLS ESTATES PLAT TWO, Ramsey County, Minnesota.

**AREA DETAILS:**

Total area of existing property = 180,992 sq. ft.  
 Proposed Lot 1, Block 1 = 20,874 sq. ft.  
 Proposed Lot 1, Block 2 = 117,501 sq. ft.  
 Proposed Public Right of Way = 42,617 sq. ft.

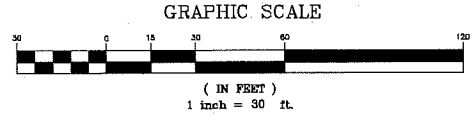
**NOTES**

- Field survey was completed by E.G. Rud and Sons, Inc. on 9/16/13.
- Bearings shown are on the Ramsey County Coordinate System
- Curb shots are taken at the top and back of curb.
- This survey was prepared using Title Commitment No. 408817, issued by Land Title, Inc., as agent for Stewart Title Guaranty Company. Said title commitment is dated effective August 15, 2013.
- The purpose of this proposed plat is to transfer ownership and maintenance of the existing private drive from the homeowners association to the City of Shoreview as a public right of way.
- Drainage and utility easements shown are per the plat SERENE HILLS ESTATES PLAT TWO.
- Parcel Identification No. 02-30-23-32-0273

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

*JASON E. RUD*  
 JASON E. RUD

Date: 9/18/2013 License No. 41578



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

DRAWN BY: BAB	JOB NO: 13628PP	DATE: 9/10/13	
CHECK BY: JER	SCANNED		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

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

October 8, 2014

**REQUEST FOR COMMENT**

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, October 28<sup>th</sup> at 7:00 p.m.**, the Shoreview Planning Commission will hold a public hearing and review a Preliminary Plat application submitted by the Lexington Estates II Townhome Association to replat Lot 22, Block 1 of Serene Hills Plat Two. The proposed plat maintains the parcels for the individual townhome units but the common area is being amended. Royal Court is currently a private driveway and is proposed to be platted as a public street.

The property is zoned Planned Unit Development and an amendment to the PUD is also required.

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 **October 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.

The agenda and staff report to the Planning Commission will be available on the City website after October 24<sup>th</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 651-490-4682 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 [kcastle@shoreviewmn.gov](mailto:kcastle@shoreviewmn.gov).

Sincerely,

  
Kathleen Castle  
City Planner

The proposed public street will be just a few feet from my patio and an egress from my townhome. Once

Comments: the change is approved city plows and maintenance equipment will throw snow and deicing chemicals into my patio and patio fence, making it more difficult to use the exit. My unit is the most adversely affected. When the Lexington Estates Hill Ct Association approved change I disagreed and oppose the decision now. When I bought the townhome I chose it rather than unit 990 because it wasn't adjacent to a city street

Name: Joe McGregor  
Address: 996 Hill Court

Comments:

Will this cost the city more money? maintenance?, winter plowing - pothole repair, resurfacing etc. I live in a townhome and we are responsible for all of the maint. of our driveway/culdesac? The city doesn't plow or resurface for us - Thank you -

Name:

Address:

Waren Russell  
3688 Royal Oaks Dr.  
Shoreview

**MOTION TO APPROVE**

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

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

To recommend the City Council approve the Preliminary Plat, Serene Hills Estate Plat Five, and the amended Planned Unit Development, submitted by Lexington Estates II Townhome Association, Inc. for the conversion of Royal Court from a private street to a public road. Approval is subject to the following:

1. Approval of the preliminary plat and amendment to the PUD shall expire within one year of the date approved by the City Council.
2. The final right-of-way design for Royal Court is subject to review and approval of the Public Works Director.
3. Execution of an agreement between the City and Association stating the Association will comply with the City parking regulations for the proposed public right-of-way, including the parking areas.

This approval is based on the following findings:

1. The use and development was approved as a PUD, Planned Unit Development with an underlying zoning of R-2, Attached Residential.
2. The use and proposed alterations are consistent with the planned land use , goals and policies of the Comprehensive Plan, Chapter 4, Land Use and the housing goals in Chapter 7, Housing.
3. The conversion of the street to a public roadway is consistent with the City's current subdivision standards that require all streets to be publically dedicated rights of way.
4. Royal Court complies with the established criteria regarding the conversion of private streets to public streets.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
October 28, 2014

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** October 23, 2014  
**SUBJECT:** File No. 2546-14-36, Variance - Michael Morse, 1648 Lois Drive

**INTRODUCTION**

The City received a variance application from Michael Morse, 1648 Lois Drive, to retain an existing concrete slab and to construct a detached garage on his property. In 2011, 2012, and 2014, the Planning Commission reviewed variance requests and was unable to make the necessary findings to approve the variances requested. The previous requests each proposed a structure much larger than the current request. The plan submitted for review at this time complies with City Code requirements, except the proposed side setback of 2.3 feet is less than the minimum 5-feet required. The proposed detached accessory structure is 22-foot by 26-foot (572 sq. ft.) with a height just under 15-feet.

Please see the applicant's statement and submitted plans. The application was complete October 3, 2014.

**BACKGROUND**

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

The Planning Commission previously considered variances in July/August, 2011 and in December, 2012 and denied the requests based on the finding practical difficulty was not present. Mr. Morse appealed these decisions to the City Council who upheld the Planning Commission's decision in both cases.

The City then filed a complaint with the District Court seeking an order requiring Mr. Morse to remove the garage or permit the City to remove the garage and assess the cost of removal to the property. After an appeal, an order was issued allowing the City to remove the structure, which was demolished by the City in August of this year. The concrete slab was left in place with the understanding this was not committing to any future setback variance.

**PROJECT DESCRIPTION**

The property is located on Lois Drive, east of Snelling Avenue. It has a width of 75 feet, a depth of 135 feet and an area of 10,125 square feet. Along the eastern boundary is a 5-foot drainage



easement that is developed with a public drainage ditch. There is a one-story single family home on the property that has a foundation area of 768 square feet. The home has a height of 15 feet, measured from ground grade to peak. A detached garage (approximately 360 square feet) was also located on the property, and removed in June, 2011. Other improvements include a driveway and deck.

The applicant states the proposed garage is to be constructed at the same setback as the previous garage. The garage will utilize the slab installed for the structure that was built in 2011 without permits or inspections. The slab has an overall area of 1,100 square feet, a width of 22 feet and a length of 50 feet. A survey submitted in 2011 identified that the concrete is setback 2.3 feet from the side property line and 11.7 feet from the rear property line. The proposed garage will be constructed on the north 26-feet of the existing concrete, and the south 24-feet will be used for parking. The garage will have an area of 572 square feet and an overall height of 14'11" and so complies with the maximum area and height permitted, which is the peak height of the dwelling. The 9-foot height of the side wall complies with the maximum 10-foot height permitted.

### **DEVELOPMENT ORDINANCE REQUIREMENTS**

The property is located in the R1, Detached Residential District. In this District, the principal structure must be setback a minimum of 25 feet from the front lot line. A minimum side yard setback of 10-feet is required for living area and 5-feet for accessory structures, driveways and parking areas. Accessory structures must also maintain a minimum 10-foot setback from a rear property line. Impervious surface coverage cannot exceed 40%.

On parcels less than 1 acre, the maximum area permitted for a detached garage is the lesser of 75% of the dwelling unit foundation area or 750 square feet. The combined area of all accessory structures cannot exceed the lesser of 90% of the dwelling unit foundation area or 1,200 square feet. The maximum height permitted for detached accessory structures is the lesser of 18 feet, as measured from the roof peak to the lowest finished grade, or 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 on the property.

In this instance, the dwelling has a foundation area of 768 square feet, and has a 15-foot height. The proposed 572 square foot garage is 74.5% of the dwelling foundation with a 14-foot, 11-inch height. The wall height will be 9-feet, less than the 10-foot maximum wall height. The exterior will be finished to complement the house. These features are intended to comply with all of the City regulations for an accessory structure on this property, except for the side setback.



## **Variance Criteria**

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

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

## **APPLICANT'S STATEMENT**

The applicant identifies that practical difficulty is present. His statement is attached and identifies that the proposed structure and variance requests comply with the Section 201, Purpose and Intent of the Development Code and the policies of the Comprehensive Plan.

Practical difficulties are present according to the applicant. The proposed garage will be used in a reasonable manner, for the storage of vehicles and other personal property. The uncovered, south, portion of the existing concrete will be used for parking. Re-using the slab minimizes site disturbance and construction costs. Unique circumstances relate to the drainage ditch on the property, location of the garage constructed in 1965, and its alignment with the existing driveway. He states that the variance will not alter the character of the neighborhood since there has been a garage on this same location in the past.

## **STAFF REVIEW**

The applicant has significantly reduced the floor area of the garage when compared to his previous variance requests, from 1100 square feet to the current 572 square feet, and so that the garage complies with all Code requirements pertaining to accessory structures, except for the side setback. The applicant continues to request a variance reducing the 5-foot setback requirement to 2.3 feet in order to re-use the concrete slab that has already been constructed. Staff has reviewed the request and does not believe practical difficulty is present. The practical difficulty identified by the applicant are based principally on the reuse of the slab, which was installed without a City permit by the property owner, which is a self-created circumstance. Staff is also concerned about reliance on the slab's location to justify the proposed garage and parking. In addition, staff has not been able to verify that the 1965 garage was located with the 2.3 foot setback that is requested, or if it was located a greater distance from the side lot line.

The Building Official identified the requirements of the Building Code, and these include using a one-hour rated fire assembly for that portion of the structure that encroaches within 5-feet of the property line, and projections such as soffits, are permitted to encroach within no more than 2-feet of the property line. The Building Code would allow gutters to be installed along the west side of the roof overhang, and the applicant identifies that gutters and downspouts will be used to manage

runoff from the garage. If a variance is granted for a garage on part of the concrete slab, then a structural analysis by an engineer will be necessary to verify the slab and garage meet the minimum requirements of the Building Code.

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

The City's Development Code permits accessory structures on residential properties provided certain requirements are met. The Development Code places limitations on the height, size, and location of accessory structures to provide property owners to use their property in a reasonable manner. In this case, the Development Code permits a 576 square foot accessory structure accessory structure with a 5-foot minimum side setback.

Although the applicant has reduced the floor area of the proposed garage to comply with City standards, staff remains concerned about the 2.3-foot setback from the side property line for both the proposed garage and the proposed parking area south of the garage. There will be a 22-foot by 26-foot garage, a 22-foot by 24-foot parking area, and a 65-foot long driveway on the property all setback less than the 5-feet required by Code. Staff believes that this combination will have an impact on the adjacent residence.

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

Unique circumstances which warrant the 2.3-foot setback from the side property line do not appear to be present. The applicant has indicated that the structure is placed at the same location as the previous garage. This cannot be verified since the older garage was demolished with no permits or inspections. City records indicate this garage was setback 6-feet from the side property line. Although aerial photos indicate that the structure may have been located closer than 6-feet to the side property line, there is no information that definitively identifies the old garage setback from the side lot line. A new slab foundation was constructed in 2011, and since there was no survey or inspections it is not possible to verify the location of the 18- by 20-foot garage that was constructed in 1965.

The drainage easement on the eastern side of the property is not a unique characteristic nor does it create the need to shift the proposed garage further to the west. The garage could be setback 5-feet from the west side property line without interfering with the home and other uses on the property. The unique circumstances cited by the applicant hinge solely on the applicant's actions in 2011 when the concrete slab was installed without permits or inspections. As such, the property owner has created these circumstances. The proposed 2.3 foot setback may reduce further site disturbance, but this small setback creates concerns regarding property maintenance, drainage, and impact on the adjacent property.

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

The neighborhood is characterized with smaller one and one and one-half story homes that are developed with detached garages. Some of the homes remain the original size as when constructed

while others have been expanded. In some instances, there are properties that have detached accessory structures that exceed the current area and/or height standards. These structures were built when different accessory structure standards were in effect and are now considered non-conforming.

The 2.3-foot setback from the side property line is detrimental to the neighboring property because of the visual impact, drainage and stormwater management, and potential for encroachment resulting from building construction and maintenance. In accordance with the Building Code, the building wall along this property line cannot have any building openings. Generally, when structures encroach upon the required structure setbacks, it has been the City's practice to require mitigation of the visual impact through landscaping and/or building design. Landscaping is not a feasible option due to the lack of space.

### **PUBLIC COMMENT**

Property owners within 150 feet were notified of this application and the Planning Commission meeting. Two residents have been submitted comments with concerns about fire safety, drainage, and visual impacts of the structure and parking area due to the reduced setback. A third comment supports the request based on the developed drainage ditch along the east side of the subject property. The comments are attached.

### **STAFF RECOMMENDATION**

The request has been reviewed by staff in accordance with the Development Code standards and findings required for practical difficulty. Practical difficulty is not present as the required findings cannot be made. The proposed variance is not consistent with the spirit and intent of the regulations, therefore, staff recommends the Commission deny the request based on the findings listed below.

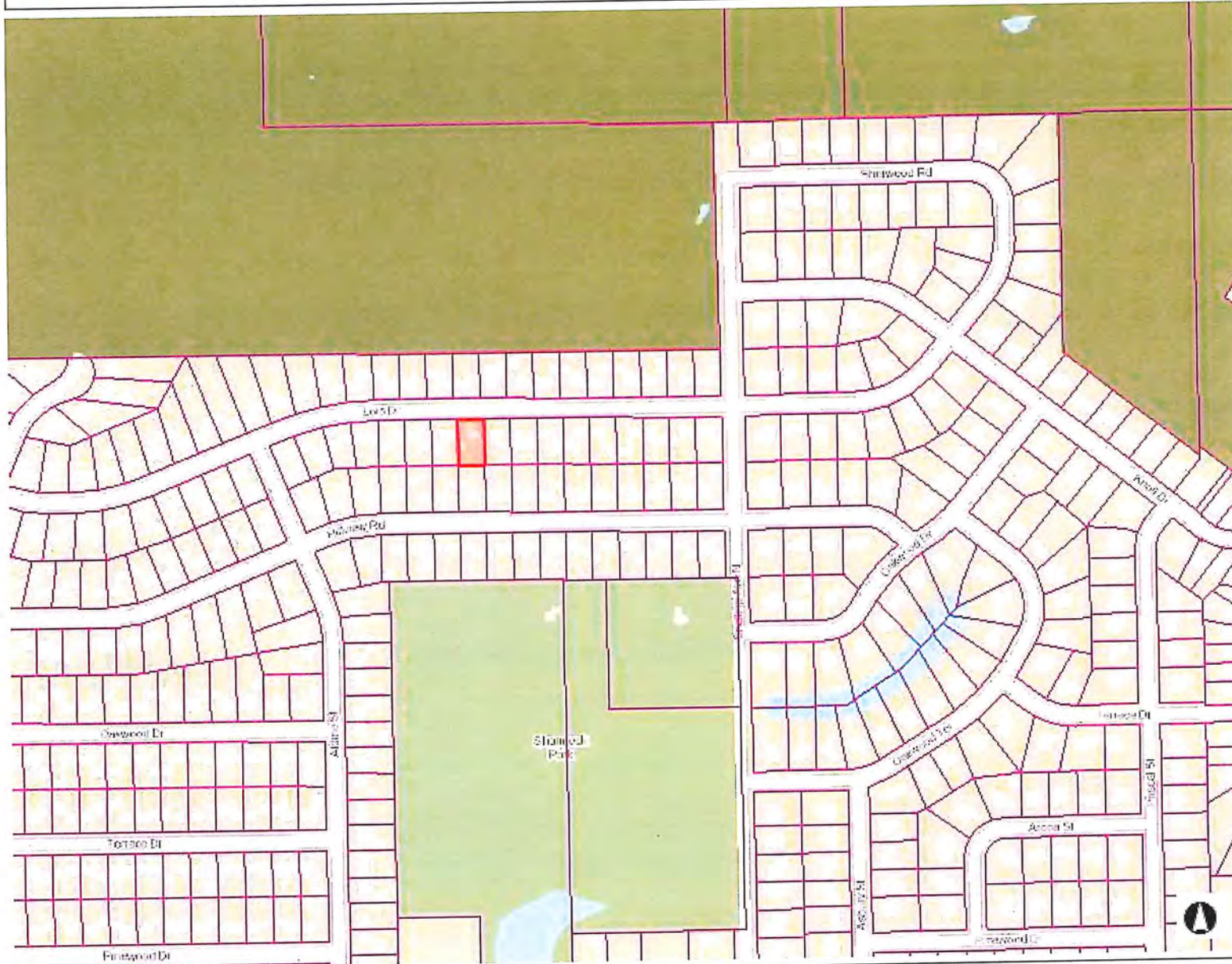
1. The request does not comply with the spirit and intent of the City's Development Code and Comprehensive Plan. The intent of the minimum 5-foot setback is to retain open space between properties and provide enough area for the structure's maintenance. The 2.3-foot setback proposed results in a loss of separation and open space between the Morse property and that of his neighbor, and is insufficient to maintain the structure.
2. Reasonable Manner. The applicant can use his property in a reasonable manner as permitted by the Development Code. In accordance with the City's regulations a two-car 576 square foot detached accessory structure can be constructed on the property at the required 5-foot setback.
3. Unique Circumstances. Unique circumstances are not present. The necessity for the variances is due to the applicant's actions. The existing drainage easement on the east side of the property is not a unique circumstance and does not impede a structure located at the 5-foot side yard setback required from the west side lot line. No obstructions are present that create the need for the requested variance from the side property line. The structure can be setback 5-feet from the side lot line in accordance with the Development Code. The existing concrete slab represents a circumstance that was created by the property owner, and does not warrant approval of the variance request.

4. Character of Neighborhood. The proposed setback from the western side lot line does negatively impact the character of the neighborhood and adjoining properties. Visual mitigation is not feasible due to the encroachment on the minimum 5-foot side setback required, and limited space for landscaping, stormwater management and building maintenance.

Attachments:

- 1) Aerial Location Map
- 2) Applicant's Statement and Submitted Plans
- 3) Comment of Building Official
- 4) Request for Comments
- 5) Motion

t:\pcf 2014\2546-14-36\morse 1648 Lois\pc report.doc



**Legend**

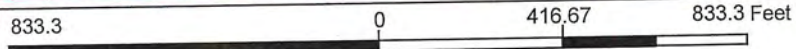


- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries



**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**

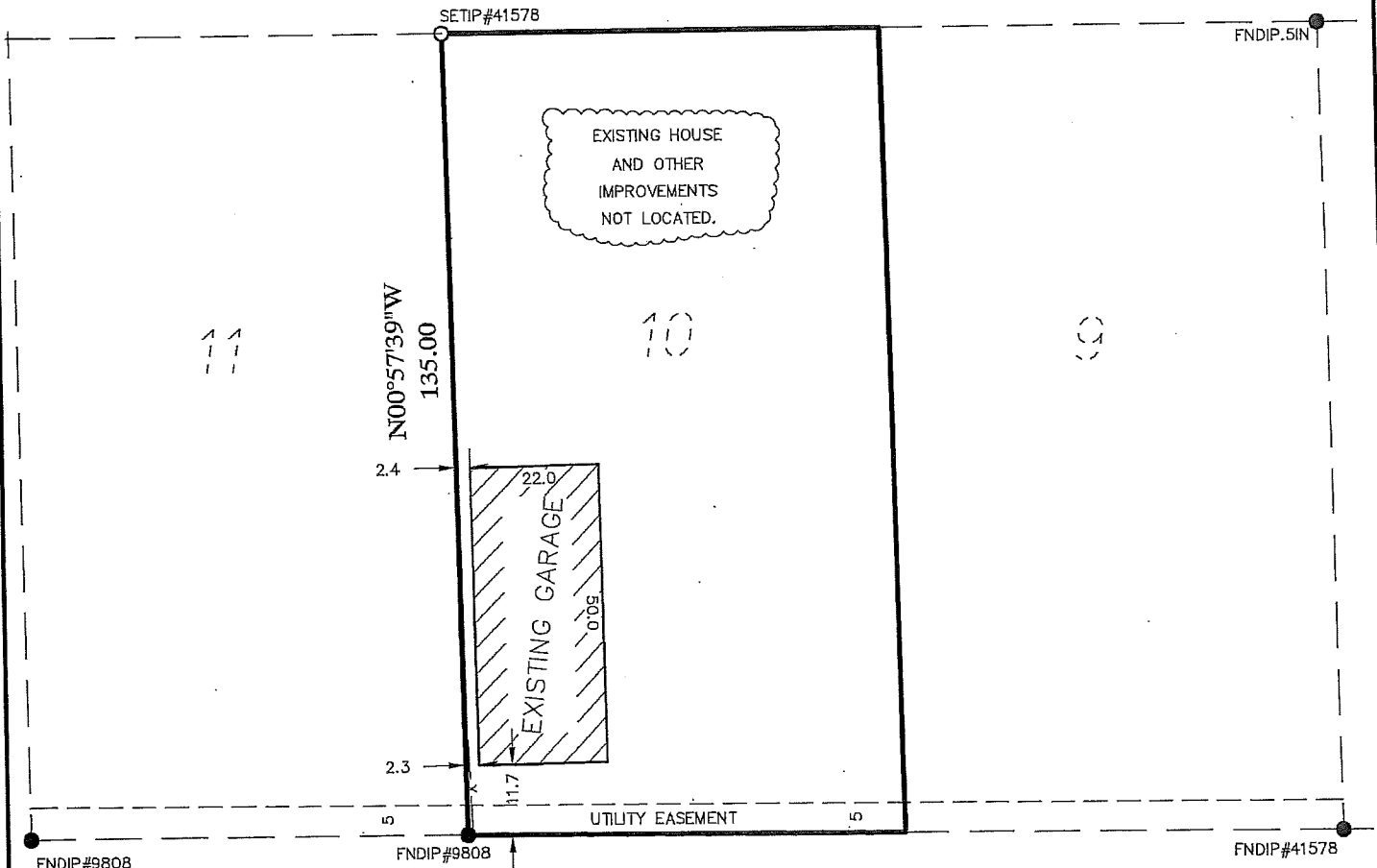
# PARTIAL SURVEY

~for~ MIKE MORSE  
~of~ THE WEST LINE OF 1648 LOIS DRIVE



## LOIS DRIVE

NORTH



### NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 08/04/11.
- Bearings shown are on an assumed datum.


Lot 10, Block 5, EDGETOWN ACRES, Ramsey County, Minnesota

Location: Shoreview, Minnesota

Scale 1" = 30' ● Denotes Iron Monument Bearing Datum: Assumed Job No. 113661s Drwg By JER

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.

**E. G. RUD & SONS, INC.**

Dated this 8th day of August 2011. By:  Minnesota License No. 41578

 **E. G. RUD & SONS, INC.**  
PROFESSIONAL LAND SURVEYORS  
6776 LAKE DRIVE NE, SUITE 110  
LINO LAKES, MINNESOTA 55014  
TEL. (651) 361-8200  
FAX (651) 361-8701  
www.egrud.com





Variance Application

Michael Morse 1648 Lois Drive

**Changes made 10/7/2014**

**Introduction**

I am the property owner at 1648 Lois Drive. I am submitting a variance request to obtain approval to construction a new garage on my property.

The variance request complies with the purpose and intent provisions of Section 201.101, and the City's comprehensive plan.

The Variance Request Complies with the Purpose and Intent Provisions of Section 201.010.

**Proposed Structure**

The proposed new garage is 22 feet by 26 feet, equally a total square footage of 572. With a height not higher than the home, proposed height is 14 feet 11 inches. The concrete Slab to remain 22 feet by 50 feet, with a side yard back of 2.4-2.3 feet. **Please see drawings for more details. Structure's wall on the west side will be a fire-resistant wall that meets the appropriate building/fire code (1 hour fire wall with no windows). Overhang has been reduced to 4" to not encroach nearer than 2' from the property line. Standard 4-inch gutters will be installed on both sides of the structure that will drain to the back of the structure onto my property to mitigate storm water runoff to my neighboring property.**

**Current Concrete Slab**

**Because the slab was poured without inspection I have included pictures to show the structural make of the slab. It is a floating slab with an outer perimeter of 12 inches deep and the remaining is 4 inches deep. 3/8 inch rebar was placed 2 feet on center, as shown. Concrete was purchased from Knife River Corporation, Sauk River (June 29/30, 2011), pre-mixed, 4,000lb mix, 6% air. I spoke with Nicky at the central division and because it is so old they are unable to give us detailed information. She is trying to locate a statement or batch number for us but thinks it is too old to retrieve. We have a credit card statement that shows date and amount purchased from Knife River Corporation.**











**201.010(A): To maintain high quality of life by promoting investment and reinvestment.**

The new garage will be an attractive structure built with high quality materials. It will increase the value of my property and if the property is to be sold in the future, the new garage will increase the chances of sale.

**201.010(B): To provide opportunities for reuse, reinvestment and redevelopment that increases the City's employment and service base.**

The new garage will increase the chances that my property will be resold and used by the new owner as a primary residence. My home is very small and has very little storage capacity. The garage allows extra storage space. A garage therefore increases the possibility that the home will be used as a primary residence in the future and increases the chances of reinvestment.

**201.010(C): To preserve and protect the City's natural resources through standards that promotes sustainable land use and development.**

The new garage will fit in very well with the natural resources in the area and will not require the destruction of any natural resources. The garage will be professionally engineered and built to ensure that it will not cause any environmental concerns. Thus, the garage will preserve the city's natural resources and promote sustainable land use and development.

**201.010(D): To stabilize and improve existing land uses, commercial and business centers, neighborhoods, and property values by minimizing conflicts, harmonious influences and harmful intrusion.**

The new garage will improve my property in several ways. First, it will provide a much needed storage space. Second, the garage will be an attractive structure which fits in aesthetically with my property and the neighborhood. Third, the garage will improve and provide better opportunities for the existing property. Fourth, the new garage will not negatively affect my neighbors and will not interfere with the neighbors' use/enjoyment of their property. Finally, the new garage will significantly improve the value of my property, which will contribute to the City's income through property taxes

**201.010(E): To ensure that public and private lands ultimately are used for the purposes, which are most appropriate and most beneficial for the City as a whole.**

The new garage will allow me and my family to store our vehicles inside and will allow for better use of the backyard for recreation. It will also allow us the additional storage space needed.

**201.010(F): To balance the demand for support services with the ability of the City to**

**efficiently utilize and/or expand the existing utilities, streets, etc.**

The new garage will have no negative impact on the city's ability to efficiently utilize and/or expand the existing utilities or streets. My property has a drainage ditch running through it, the garage is as far away as possible from the ditch and will not interfere with the ditch itself or the city's access or use of the ditch.

**201.010(G): N/A.**

**201.010(H): To protect all districts from excessive noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.**

The new garage will be professionally designed, engineered, and built. The new garage will allow us sufficient room to store vehicles and other personal belongings. The garage will be an attractive structure that will fit in with the property and the neighborhood as a whole.

**201.010(I): N/A.**

**201.010(J): To stage development and redevelopment in a manner that coincides with the availability of public services.**

The new garage will have no negative impact on the availability or access to public services.

**201.010(K): N/A.**

**201.010(L): To provide for adequate light, pure air, safety, from fire and other danger.**

The new garage will be professional designed, engineered and built. The garage will be a safe structure which will provide adequate storage for vehicles and property. The garage will allow me to store some of my seasonal property, which will reduce excessive storage and clutter inside the residence. This will improve safety and diminish fire hazards for both my own property and in the neighborhood as a whole.

**The Variance Request Complies with the Policies of the City's Comprehensive Plan.**

**Vision Statement: The Comprehensive Plan should promote community stewardship . . . [which] involves . . . provid[ing] a better quality of life for present and future citizens. . . .**

**Where management goals conflict, the Comprehensive Plan should seek to**

The new garage would meet the vision statement of Shoreview's Comprehensive Plan. The garage would provide a better quality of life for me and my growing family. Furthermore, when I sell my house in the future, the garage will provide a better quality of life for the new owners. Finally, the garage will provide for better quality of life in the neighborhood because it is an

attractive structure which will permit me to store our seasonal belongings inside rather than outside of the house and will create a cleaner look in the neighborhood.

**Housing: The intent of . . . [the Comprehensive Plan] is to clarify the City's role in protecting the quality of existing housing and neighborhoods, diversifying the cost and types of housing and responding to changing community needs. (Comprehensive Plan, Chapter 7.)**

The new garage would meet the intent of the Comprehensive Plan as it pertains to housing. First, the garage will improve and protect the quality of the existing residence by providing safe, attractive, and much-needed storage space. Second, the garage will increase the value of the property.

**There are Practical Difficulties in Complying with the Provisions of the Shoreview Development Regulations.**

**Reasonable Manner - I will use the garage in a reasonable manner not permitted by the city code.**

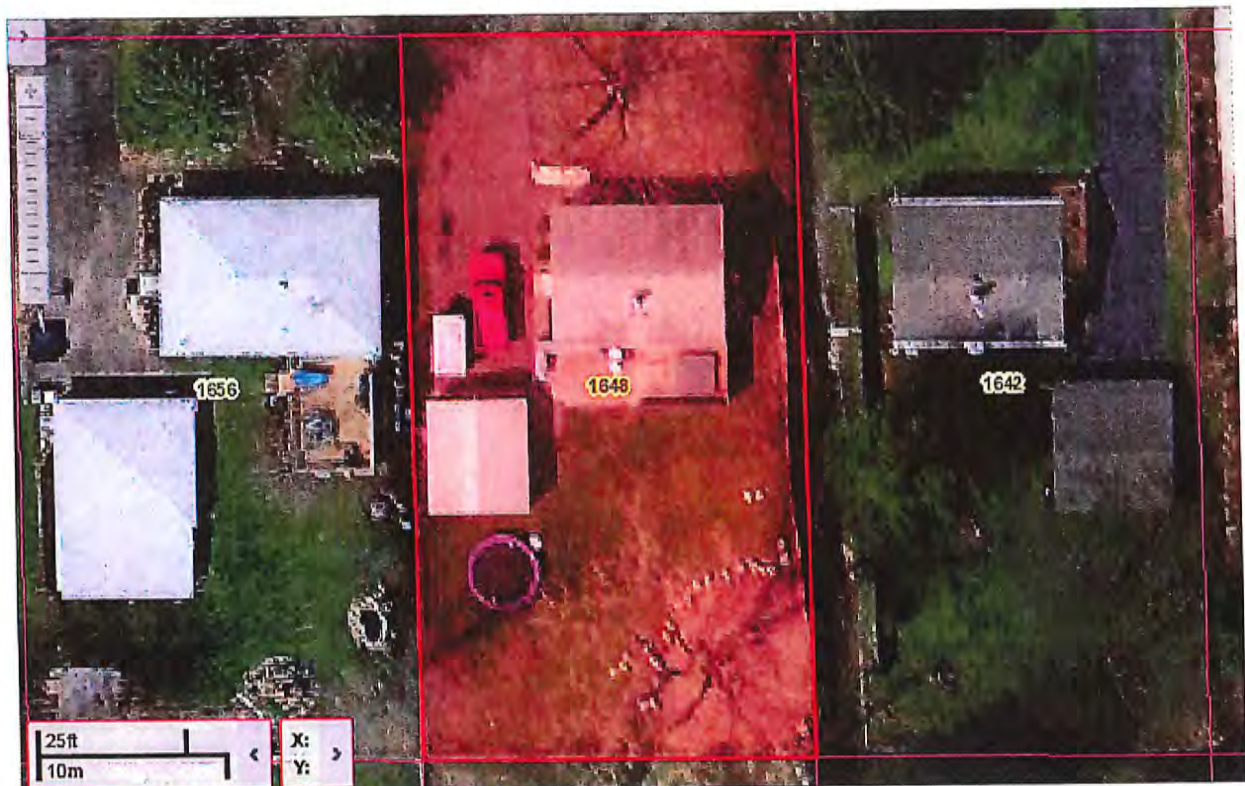
The structure will be used for the storage of personal items such as vehicles, lawn and snow related equipment, trailers and recreational vehicles. Garages, especially in Minnesota, are needed for vehicle parking and storage of normal household equipment and supplies. I propose to reconstruct an accessory structure on my property utilizing part of the existing foundation/concrete slab. The remaining slab would be utilized as an approved hard surface for parking. The re-use of the slab and not moving the slab minimizes site disturbance and permits me to retain the vegetation on my property.

**Unique Circumstances – The property has unique circumstances not created by the property owner.**

The drainage easement, placement of the home, driveway and old garage are unique circumstances which were not created by me. The placement of the home, garage, driveway and neighboring home is logical due to the drainage easement on the east side of my property. The proposed structure will retain the same location as the old garage lining up with the driveway. Shifting the garage to the east would interfere with the driveway, requiring additional driveway improvements and removal of a portion of the deck thereby disturbing a larger area of the site. The placement of the structure also minimizing the encroachment into the rear yard, which is a much needed play area for the kids and dog as the house has limited space. The placement of the structure is also affected by the area needed for the driveway.

Driveways also must be set back 5 feet from a side property line. The driveway on my property already encroaches on the side yard line due to the house placement.

My property has a drainage ditch running through it on the opposite side of the garage. The city has an easement for access to the ditch itself and the area immediately surrounding the ditch. Because of the ditch and the easement, I cannot use a significant area of my lot. The ditch and the easement were both in place when I bought the property. This is a unique circumstance which significantly affects the property and was not created by me.



## 2011

The old garage did not comply with the current side-yard setback requirement and was too close to the property line.

I had a garage on my property when I purchased the home, that garage was too close to the property line and in violation of the current side-yard setback requirement. I demolished the old garage and placed the side wall of the new garage in exactly the same area as the side wall of the old garage. I did not build the old garage; I purchased the property with the garage and violation in place. Thus, the placement of the old garage is a unique circumstance which was not created by me





### **Driveway**

I currently have a driveway which was built previously to allow access into the old garage. The driveway was also centered with the old garage. The driveway has not been altered on the west side property line by me in any way. It remains in the same location as it did before I purchased the home.

**Character of the Neighborhood – The variance will not alter the essential character of the neighborhood.**

### **Character of Neighborhood**

The variance will not alter the character of the neighborhood. The proposed structure will replace a once existing structure. Replacement with a new structure in the same location as the once existing structure and designed to complement the architectural design of the home will improve the appearance of the property.

### **Economic Considerations Weigh in Favor of Granting the Variance**

As a result of the previous garage(s), I have had a tremendous financial loss (\$30,000). Being able to reuse the slab greatly decreases the total cost to construct a new structure. Modifying any portion of the concrete slab compromises the integrity of the entire slab due to its perimeter depth of 12 inches and interior depth of 4 inches.



**Conclusion**

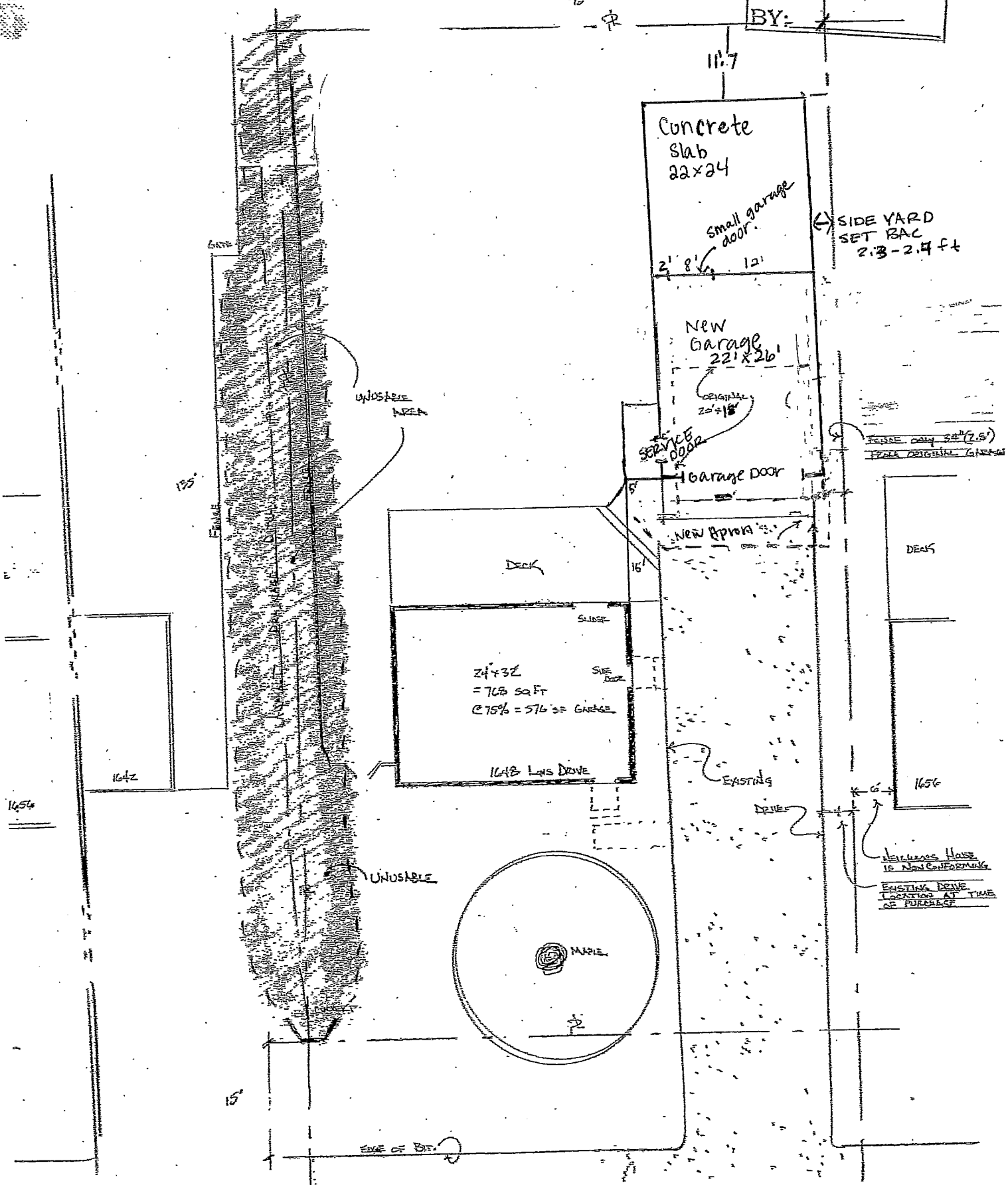
Based on the factors set forth above, I respectfully requests that the city grant the requested variance and permit me to build the propose structure.

MICHAEL MORSE 1643 LOS DRIVE, SUCCINCT

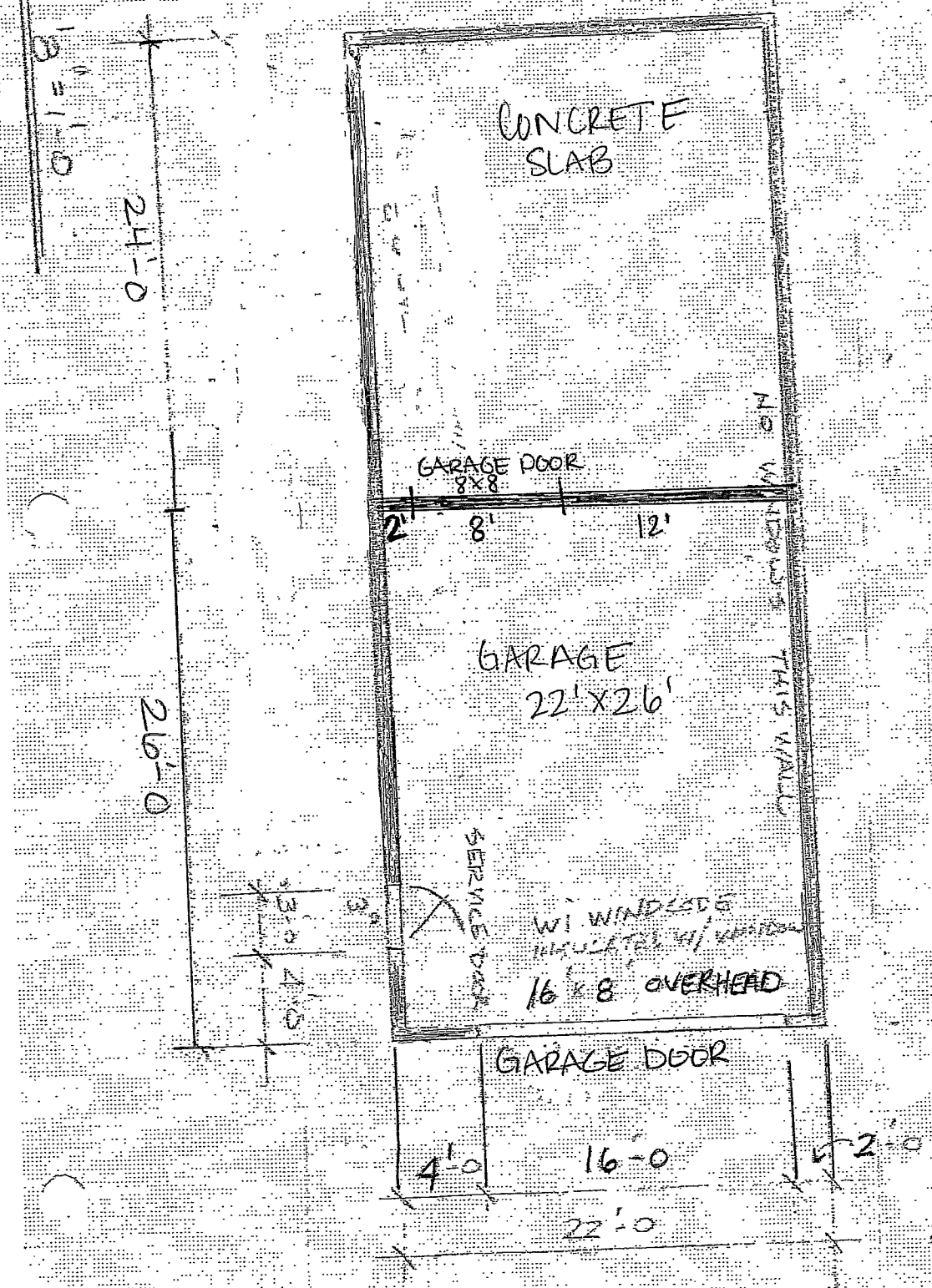
1/8" = 1' - 0"

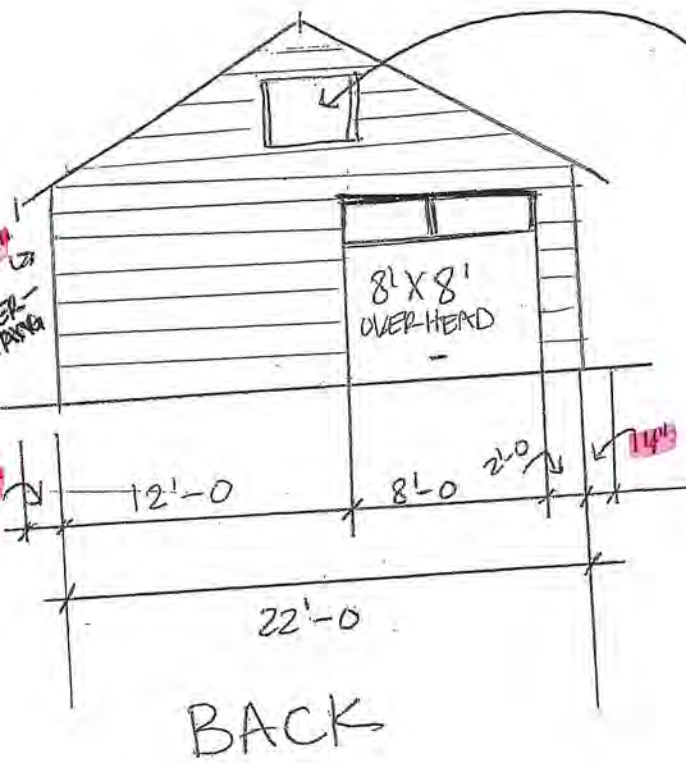
CODE COMPLIANCE

RECEIVED  
BY: \_\_\_\_\_



DR. MIKE W. ORR  
1648 LOUIS DR.  
SHOREVIEW, MN. 55126





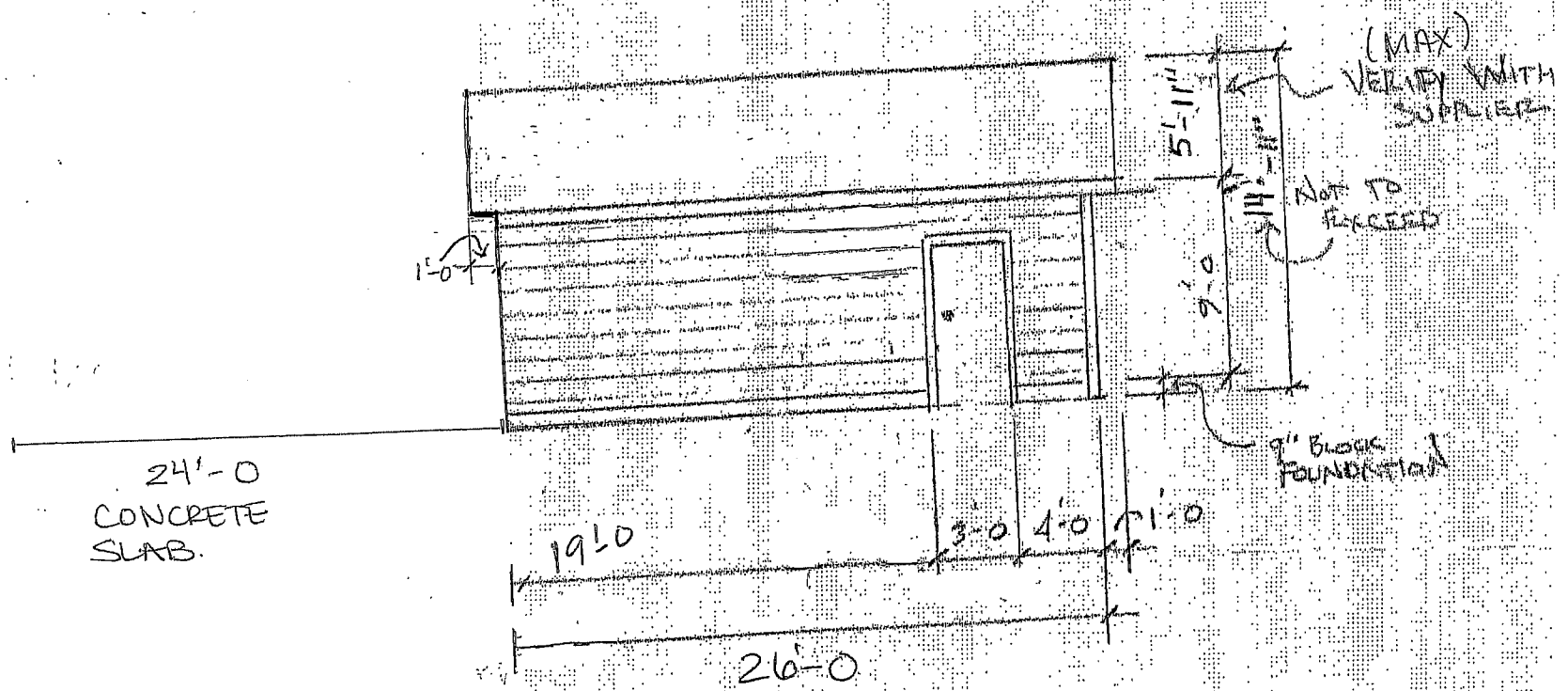
10/7/14: Δ overhang on sides of structure from 1.0 off to 4"

OPTIONAL WINDOW VINYL SLIDER (1) EACH END



4" OVERHANG

4" DOUBLE VINYL SIDING (WHITE)



SIDE

# Memorandum

To: Rob Warwick, Senior Planner  
From: Steve Nelson, Building Official  
Date: 10/3/2014  
Re: Variance Request, 1648 Lois Drive

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Following are construction related comments on the proposed variance for the construction of a detached garage on an existing garage slab within 5 feet of a property line at 1648 Lois Drive.

## Use of Current Garage Slab

The variance request appears to propose construction of a garage on slab-at-grade footing that currently exists on the property. Previous construction at this site was performed without building permits or inspections. Thickened slab dimensions and reinforcement would be part of a typical review and inspection prior to construction and pouring of the concrete in conjunction with the building permit process. Because the slab was poured without inspections, the construction of the slab is undeterminable.

The City does not have the resources to determine compliance with the structural requirements of the Minnesota State Residential Code. In order to approve the construction of the proposed garage, I would require submittal of a structural analysis from a registered engineer with the State of Minnesota to determine the at-grade foundation would comply with the minimum requirements of the code.

## Setback From Property Line

Minnesota State Residential Code requires walls and projections to have a fire-resistance rating. The following would apply to the proposed garage location in relation to the distance to property line. These requirements do not apply to walls that are perpendicular to the property line.

- Walls less than 5 feet from a property line must have a fire-resistance rating for one hour with exposure on both sides.
- Openings are prohibited less than 3 feet from a property line. No openings would be allowed
- Projections (eaves) must have a fire-resistance rating for one hour on the underside of the eave.
- Projections may only project 1 foot into areas where openings are prohibited. In this case, the eave would need to be at least 2 feet from property line.

The above are requirements for the Minnesota State Residential Code which the City is required to enforce. Any variance approval is subject to building plan review and inspections to insure compliance with this code.





Robert Warwick &lt;rwarwick@shoreviewmn.gov&gt;

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**Comments on Variance Application submitted by Michael Morse - 1648 Lois Drive**

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**Darlene Lund** <darlund@comcast.net>  
To: rwarwick@shoreviewmn.gov

Mon, Oct 20, 2014 at 4:28 PM

Mr. Warwick:

Mr. Morse should be allowed to build his garage using the existing concrete slab. His property is greatly affected by the eye sore ditch that is on the east side of his property. He has a large amount of his property that is unusable because of that ditch. His house was built more to the west of his property because of that ditch. The landscape attached to the ditch is constantly eroding. His fence has slowly been moving due to the erosion of the ditch which means he has less property to work with than other residences.

Darlene Lund

1643 Lois Drive

October 22, 2014

Dear Planning Commission Members,

Attached, and enclosed, please find our initial, and additional comments on the variance request for 1648 Lois Drive to be included in the public record prior to the October 28, 2014 Planning Commission hearing.

- 1) The initial comment letter, and email, sent to Kathleen Castle on October 17, 2014.
- 2) A second letter, and email, sent to Kathleen Castle, dated October 21, 2014.
- 3) A third letter, dated October 22, 2014, addressed to the Planning Commission.
- 4) Ramsey County District Court record of the case, including the Court's July 8, 2014 directive to the defendant "to remove the structure within 45 days from the date of this Order, and if defendant fails to remove structure City to remove the structure and assess cost of removal to defendant".

Also, on October 21, 2014, a meeting was held with a senior City official, where it was suggested that the reason the slab and footings remain in-place was "because the City feared the owner would make a muddy mess" and that the City attorneys representing the City were "not clear, as to what the Court intended regarding the definition of the word "structure".

These suggestions are disingenuous, at best.

The City, both through the Court Order, and City enforcement authority, has the power to cite and fine residents for non-compliance regarding public nuisance and stormwater runoff, thus if a "muddy mess had occurred" the City had the authority to abate this nuisance. Also, the City Attorney and legal staff, are very competent, knowledgeable and talented. In personal telephone conversations with the City Attorney on a number of occasions, including July 31, 2014 and August 18, 2014, it was clear that there is no confusion or misunderstanding as to what the Court intended in defining the word structure.

By any definition, and in any context, and/or industry standard language, the structure refers to both the above grade component/portion and the below grade component/portion of the non-conforming subject building.

On August 4, 2014, during a 21 minute, 22 second telephone conversation with a senior Shoreview official, the official stated that "as directed by the (Ramsey County District) Court, the building, and concrete slab (at 1648 Lois Drive) will be removed by the City, if the Mr. Morse does not do it himself".

On October 20, 2014 during a meeting with Planning staff, the statement was made that a "compromise" was made regarding leaving the slab in-place.

This inconsistency and vacillation, and is untenable, and harmful to the process of governance, and to all involved. Also, if meetings or discussions were held involving this case regarding any decision to agree to leave the slab and footings in-place, it is possible that violations of Open Meeting laws may have occurred, which could be potentially unlawful.

We have been very supportive of the City in the efforts to uphold and enforce the City ordinance, Building Codes and Construction Standards, but remain gravely concerned with the continued presence of the non-conforming concrete slab, and footings at 1648 Lois Drive, and the possibility that, due to political pressure, the City will approve the requested variance.

Again, as stated, we had been assured by the senior City official (quoted above), that per the Court ordered directive (see attached), the structure, including the slab and footings, would be removed.

We expect the Planning staff, Planning Commission, and City Council to be consistent and conduct themselves in a professional manner, in the best interest of all Shoreview citizens, with no bias or favoritism, and adhere to all applicable Building Codes, Construction Standards, rules, and laws, in spite of any agreements, or deals, that may, or may not have been made, in regard to leaving the non-conforming slab and footings in-place.

We realize there is some level of fear and trepidation, on behalf of the City, based on past relationships, and experiences with the applicant, and those associated with the applicant, but to make decisions, that affect entire communities, neighborhoods, and individuals based on fear, intimidation and or/politics is clearly not in the best interest of all Shoreview resident, and is poor governance.

Finally, we respectfully request that the City, as is their responsibility, levy and assess the appropriate fines and citations, to the owner of the property at 1648 Lois Drive, regarding failure to obtain the required demolition permit, building permit and stormwater permit, and enforce and/or inform the appropriate regulations and/or agencies at the State and Federal level, for failure to conduct a Hazardous Materials Building Survey, and an appropriate asbestos survey, in addition to determining the location of the landfill where this potentially regulated material was deposited, as required by both State and Federal regulations.

Originals will follow in the regular mail.

Sincerely,

Gordon and Andrea Girtz  
1636 Lois Drive  
Shoreview, MN  
55126  
651-784-1424

October 21, 2014

Dear Kathleen,

Thank you for the opportunity to meet on October 20, 2014, with you and your staff member, Mr. Warwick.

Below, please find a brief summary of my meeting notes:

- 1) Ramsey County District Court ordered the City to remove all structures from the property at 1648 Lois Drive, relating to the non-conforming building, previously constructed by the owner of that property.
- 2) The City worked out a "compromise" (your word) on the property at 1648 Lois Drive, to leave in place the non-conforming slab and footing structures, prior to completion of the administrative review by your office, voting by the Planning Commission and City Council.
- 3) It is my impression that the City was aware of the fact that the owner of the property at 1648 Lois would file a variance request, for the setback of 2.3 feet, previously reviewed by your office on at least three occasions, each time your office recommending against granting the subject variance.

Thank you so much, again.

Sincerely,

Andrea Girtz

October 17, 2014

Kathleen Castle  
City Planner  
4600 Victoria St. North  
Shoreview, MN  
55126

RE: Comments to Planning Commission regarding variance request at 1648 Lois Drive

We wish to thank the Planning Commission and the City Council for their past support of our neighborhood in previously denying all variance requests from the owner of the property at 1648 Lois Drive, Shoreview.

As you know, and has been presented at previous Planning and Council meetings, the required setback of 5 feet from a garage, or other non-inhabited structures, is based on esthetics, uniformity, drainage requirements, and most importantly the NFPA Fire Code which mandates certain access standards for fire and life safety functions;

**Fire and Life Safety – NFPA 1: 1.1 Scope. 1.1.1** The scope includes, but is not limited to, the following: (1) Inspection of permanent and temporary buildings, processes, equipment, systems, and other fire and related life safety situations (2) Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents (3) Review of construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, hazardous materials, and other fire and life safety issues.

In the opinion of our attorney, if the City were to allow for anything except the 5 foot minimum setback, the City would incur potential liability in the event of a material loss of property, to adjoining properties, as a result of fire, or other catastrophic event, and/or which resulted in loss of life.

Also, there is a potential for adjoining property owner's insurance companies to rescind and/or revoke their individual policy coverage, and hold the City liable for the loss of adjoining property, due to the restricted access that resulted from the compromised setback.

This liability translates directly into costs incurred and losses by the taxpayers, via claims against the City, and could result in possible increased premium rates for the City, and adjoining property owners; and increased property taxes.

In 1999, when we constructed our home at 1636 Lois Dive, we requested the City allow an additional 5 feet of garage be constructed to the west of our property. Our request was denied, due to the fact that the garage was connected to the house (although the footprint of the house was still 10 feet from the property line).



Also in 1999, prior to construction, we requested that our proposed exterior, unattached deck, be placed on concrete piers. Our request was denied, and we were directed to drill 48 inch deep holes, and fill them with concrete, which would then comply with the Building Code, and thus was the only acceptable footing construction acceptable to the Building Official.

Accordingly, we hired a contractor to drill the requisite holes and fill them with concrete. However, prior to filling the holes, they were inspected, and measured by a City official, and one hole was found to be only 36 inches deep, due to an obstruction; the City required that we dig out the obstruction, for a total cost of \$2,500 (excluding the deck construction, of which plans and specs were sent to the City for approval, prior to construction)

It is not inconceivable to believe, that if the City allows the existing slab and footings at 1648 Lois Drive (of unknown construction and concrete strength) to remain in-place, that other City residents should be allowed compensation for the additional cost incurred by complying with the Building Code during construction of City approved projects.

On a related note, based on the opinion, and advice of our attorney, we respectfully request the City seek reimbursement of City Attorney fees, from the current property owner at 1648 Lois Drive, for all costs (estimates to be in the tens of thousands of taxpayer dollars) associated with the frivolous, and failed attempts, and court challenges, by the property owner at 1648 Lois, in an attempt to knowingly circumvent the existing Building Codes and Construction Standards.

As you know, these efforts resulted in a nearly three year legal battle against the City, costing the City taxpayers tens of thousands of dollars; again, needlessly spent.

The City did an outstanding job in addressing these issues through the commendable work of City staff and expert legal representation in the court system, thereby protecting the City from incurring liability; and consequently maintaining the quality of the neighborhood, preventing property devaluation and sending a clear signal to others who may attempt to circumvent the rules, that the City will consistently enforce the Building Codes and Construction Standards, and for that we are grateful.

We expect the Planning Commission, and the City Council to continue to foster high quality development, adopt and enforce official controls in concert with the City's Comprehensive Plan, Building Codes and Construction Standards, and thus protect the interests of all Shoreview citizens; accordingly, every Shoreview resident expects, deserves, and is legally entitled to equal and uniform enforcement and administration of Building Codes, Construction Standards, and regulatory requirements, without bias or favoritism; we strongly encourage the Planning Commission and Council to be consistent with past determinations, in denying this most recent detrimental, unwarranted, adverse and unfortunate variance request from the owner of the property at 1648 Lois Drive.

Finally, please provide information regarding the reasons that the existing concrete slab and footings at 1648 Lois Drive were allowed to remain in-place, following demolition of the non-

conforming, illegal above grade structure, despite the initial plans/proposal by the City, prior to demolition, to remove these structures.

Sincerely,

Gordon and Andrea Girtz  
1636 Lois Drive  
Shoreview, MN  
55126  
651-784-1424

Cc: Sandra Martin, Mayor  
Steve Solomonson, Planning Commission, Chair

Register of Actions

Case No. 62-CV-12-1687

**City of Shoreview vs Michael Morse**§  
§  
§  
§  
§  
§**Case Type:** Civil Other/Misc.  
**Date Filed:** 02/28/2012  
**Location:** Ramsey Civil  
**Judicial Officer:** Marrinan, Margaret M.

## Party Information

## Lead Attorneys

**Defendant****Morse, Michael**  
Shoreview, MN 55126**Pro Se****Plaintiff****City of Shoreview**  
Shoreview, MN 55126**JEROME P FILLA**  
*Retained*  
651-224-3781(W)

## Events &amp; Orders of the Court

**DISPOSITIONS****06/11/2013** **Closed administratively** (Judicial Officer: Marrinan, Margaret M.)**06/17/2013** **Judgment** (Judicial Officer: Marrinan, Margaret M.)

Party( )

Per Order, Judge Margaret M. Marrinan 12/3/12; dfd appear at office of Kelly &amp; Lemmons on 11/30/12 for depo; if dfd fails to appear for dispo, his answer shall be stricken; awarding plns costs and disbursements.

**06/17/2013** **Judgment** (Judicial Officer: Marrinan, Margaret M.)

Party( )

Per Order, Judge Margaret M. Marrinan 5/15/13; dfd shall remove the structure which is subject of action on or before June 30, 2013; if dfd fails to remove structure, the City of Shoreview shall remove the structure and assess costs of removal to dfd; if dfd can agree with pln on a structure in keeping with existing city codes, rebuilding may commence no later than June 30, 2013; pln encouraged to make every reasonable effort to approve bldg of structure; memorandum is incorporated.

**07/08/2014** **Judgment** (Judicial Officer: Marrinan, Margaret M.)

Party( )

Per Amended Findings of Fact, Conclusions of Law, Order for Judgment, Judge Margaret M. Marrinan 7/1/14; dfd shall remove structure no later than 45 days from date this Order; if dfd fails to remove structure, City of Shoreview shall remove the structure and assess the costs of removal to dfd; dfd's motion to re-open and modify record and judgment is denied;

memorandum is incorporated.

### OTHER EVENTS AND HEARINGS

02/28/2012 **Summons and Complaint**  
02/28/2012 **Notice of Case Assignment** (Judicial Officer: Higgs, David C. )  
03/02/2012 **Answer**  
06/12/2012 **Correspondence**  
07/06/2012 **Informational Statement**  
07/18/2012 **Scheduling Order** (Judicial Officer: Higgs, David C. )  
07/20/2012 **Mediated Agreement-ADR**  
08/20/2012 **Certificate of Representation**  
09/17/2012 **Notice to Remove** (Judicial Officer: Gearin, Kathleen R. )  
09/20/2012 **Notice to Remove** (Judicial Officer: Gearin, Kathleen R. )  
09/24/2012 **Proposed Order or Document**  
09/24/2012 **Order to Remove** (Judicial Officer: Gearin, Kathleen R. )  
09/24/2012 **Notice of Case Reassignment** (Judicial Officer: Marrinan, Margaret M. )  
10/02/2012 **Memorandum**  
10/02/2012 **Notice of Motion and Motion**  
10/02/2012 **Proposed Order or Document**  
10/03/2012 **Affidavit-Other**  
10/05/2012 **Notice of Hearing**  
10/09/2012 **Scheduling Order** (Judicial Officer: Marrinan, Margaret M. )  
10/09/2012 **Referred to Mediation** (Judicial Officer: Marrinan, Margaret M. )  
11/12/2012 **Affidavit-Other**  
11/13/2012 **Notice-Other**  
11/16/2012 **Default Hearing** (1:30 PM) (Judicial Officer Marrinan, Margaret M.)  
*10/17/2012 Reset by Court to 11/14/2012*  
*11/14/2012 Continued to 11/16/2012 - Other - City of Shoreview; Morse, Michael*  
Result: Held  
12/03/2012 **Order-Other** (Judicial Officer: Marrinan, Margaret M. )  
12/19/2012 **Notice of Hearing**  
01/18/2013 **CANCELED Settlement Conference** (9:00 AM) (Judicial Officer Gearin, Kathleen R.)  
*Other*  
01/23/2013 **Statement of the Case**  
01/28/2013 **Settlement Conference** (9:30 AM) (Judicial Officer Marrinan, Margaret M.)  
Result: Held  
01/28/2013 **Order-Other** (Judicial Officer: Marrinan, Margaret M. )  
03/11/2013 **CANCELED Court Trial** (9:00 AM) (Judicial Officer Gearin, Kathleen R.)  
*Other*  
04/01/2013 **Statement of the Case**  
04/10/2013 **Exhibit List**  
04/10/2013 **Statement of the Case**

**04/11/2013** **Court Trial (9:00 AM)** (Judicial Officer Marrinan, Margaret M.)  
*04/01/2013 Reset by Court to 04/11/2013*  
 Result: Held

**04/11/2013** **Order for Submissions-Under Advisement** (Judicial Officer: Marrinan, Margaret M. )

**04/11/2013** **Exhibit List**

**05/10/2013** **Taken Under Advisement** (Judicial Officer: Marrinan, Margaret M. )

**05/10/2013** **Certificate of Representation**

**05/10/2013** **Memorandum**

**05/14/2013** **Proposed Order or Document**

**05/14/2013** **Memorandum**

**05/15/2013** **Order-Other**

**06/13/2013** **Appellate Notice of Case Filing**

**06/17/2013** **Judgment**

**06/17/2013** **Notice of Entry of Judgment**

**06/17/2013** **Judgment**

**06/17/2013** **Notice of Entry of Judgment**

**06/28/2013** **Court Reporter Certificate as to Transcript-Appellate Court**

**07/24/2013** **Court Reporter Certificate as to Transcript-Appellate Court**

**07/24/2013** **Transcript**

**07/25/2013** **Appellate Court Order**

**08/13/2013** **Appellate Notice of Case Filing**

**08/23/2013** **Notice of Withdrawal of Counsel**

**08/26/2013** **Notice-Other**

**10/01/2013** **Request for Trial Court Record-Appellate Court**

**10/02/2013** **Notice-Other**

**10/02/2013** **Appellate Exhibit List**

**04/21/2014** **Appellate Court Opinion**

**05/22/2014** **Memorandum**

**05/22/2014** **Notice of Motion and Motion**

**05/22/2014** **Proposed Order or Document**

**05/27/2014** **Notice of Motion and Motion**

**05/27/2014** **Affidavit of Service**

**05/27/2014** **Proposed Order or Document**

**06/13/2014** **Other Document**

**06/13/2014** **Affidavit of Service**

**06/16/2014** **Correspondence**

**06/19/2014** **Appellate Court Judgment**

**06/23/2014** **Motion Hearing (2:30 PM)** (Judicial Officer Marrinan, Margaret M.)  
 Result: Held

**06/23/2014** **Taken Under Advisement** **Doc ID# 2** (Judicial Officer: Marrinan, Margaret M. )

**07/01/2014** **Order-Other** **Doc ID# 1** (Judicial Officer: Marrinan, Margaret M. )

**07/08/2014** **Judgment** **Doc ID# 3**

**07/08/2014** **Notice of Entry of Judgment** **Doc ID# 4**  
 Financial Information



**Defendant Morse, Michael**

**Total Financial Assessment** 524.00  
**Total Payments and Credits** 524.00  
**Balance Due as of 10/21/2014** 0.00

03/05/2012	Transaction Assessment			320.00
03/05/2012	Mail Payment	Receipt # CV62-2012-02783	michael morse	(320.00)
05/27/2014	Transaction Assessment			102.00
05/27/2014	Counter Payment	Receipt # CV62-2014-01135	Morse, Michael	(102.00)
06/13/2014	Transaction Assessment			102.00
06/13/2014	Counter Payment	Receipt # CV62-2014-01246	Morse, Michael	(102.00)

**Plaintiff City of Shoreview**

**Total Financial Assessment** 522.00  
**Total Payments and Credits** 522.00  
**Balance Due as of 10/21/2014** 0.00

02/28/2012	Transaction Assessment			320.00
02/28/2012	Mail Payment	Receipt # CV62-2012-02596	Peterson fram & bergman	(320.00)
10/03/2012	Transaction Assessment			100.00
10/03/2012	E-File Electronic Payment	Receipt # EP62C-2012-04675	City of Shoreview	(100.00)
05/23/2014	Transaction Assessment			102.00
05/23/2014	E-File Electronic Payment	Receipt # EP62C-2014-05730	City of Shoreview	(102.00)



Date: October 22, 2014

To: Mayor Sandy Martin, Shoreview City Council, and Shoreview Planning Commission

From: Phyllis and Jim Martin

Re: Response to Rob Warwick, Senior Planner's Request for Comment letter dated October 14, 2014 regarding Variance Application submitted by Michael Morse

We wish to thank the City Council and Planning Commission for all your past support and hard work, regarding all the variance requests this past four years.

Jim and Phyllis Martin are against allowing the variance requests. I'm talking specifically about the concrete slab, which does not conform to the 5-foot side yard setback. If the Court Order had been followed explicitly, all the proceedings we are now enduring would be unnecessary.

I was told it is still possible to have all the cement removed. If so, let's do it! That would end all the variance issues. Mike Morse can then build his garage with proper building permits, staying within the guidelines and Shoreview building codes. He will be able to build what he wants, on his property, and the variance requests will finally end.

We do have issue with the foundation he wants to build it on. The cement slab is in violation of Shoreview building codes, and it has been court ordered to be removed.

Our lot at 1656 Lois Drive is 12 to 14 inches higher than Mike Morse's lot at 1648. Drainage will be a problem. The water drains to the south along the 50 foot concrete slab (west side), then flows east toward the ditch. The west side of the slab is impossible to mow and is muddy most of the time. Furthermore, If Mike Morse does build this garage, we suggest a 6' X 8' overhead door, instead of an 8' X 8' door, to reduce size of cars and trailers parking in the back yard.

A 4" overhang should have gutters and down spouts. The south end of the slab will require extensive leveling and drainage. The "new apron" needs additional information. The cement slab is in violation of Shoreview building code and it was court ordered to be removed!

The required setback of 5' from a garage or other non-inhabited structures is based on esthetics, uniformity, drainage requirements and most importantly the NFPA (National Fire Protection Association) fire codes which mandate certain access standards for fire and life safety functions. The City may incur potential liability as a result of a fire if they allow anything except the 5' minimum set back.

We respectfully request that the above concerns and suggestions be seriously attended to.

A handwritten signature in blue ink, appearing to read "Jim Martin".

A handwritten signature in blue ink, appearing to read "Phyllis Martin".

South

Attachments  
to comment  
of M/M Martin.  
3 pages. (RW)

36" GATE

West

EAST

OLD  
GARAGE  
APPROXIMATE  
SIZE  
20 x 20

LOT  
LINE

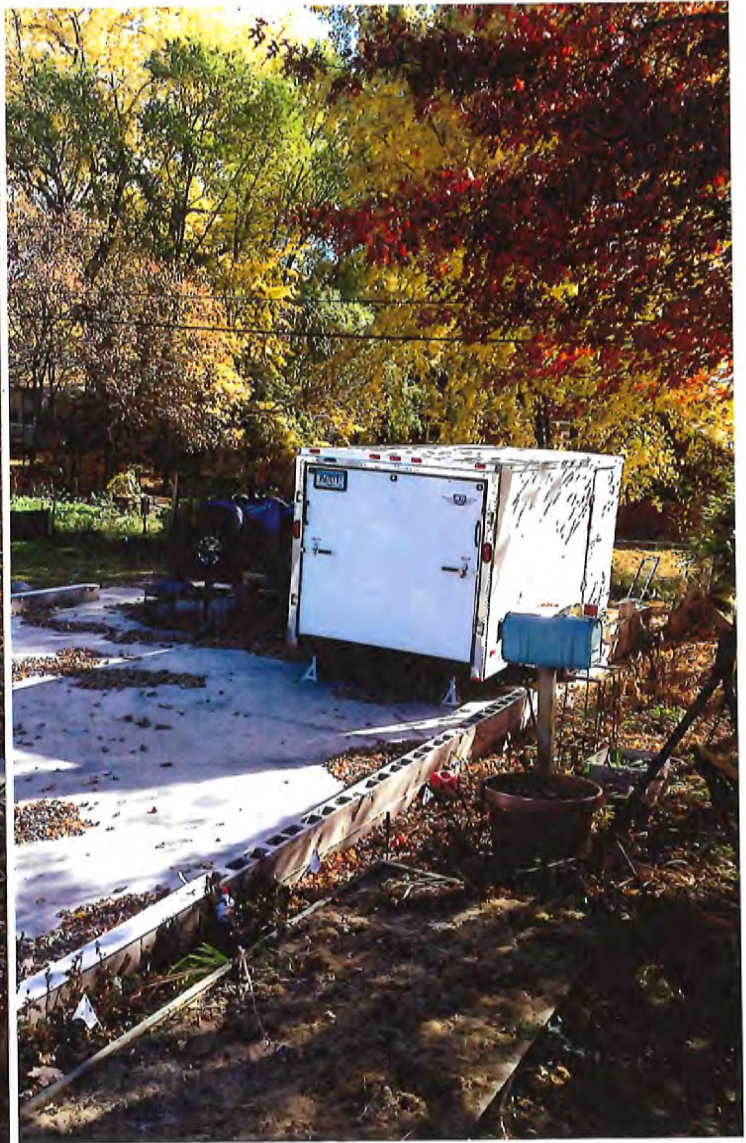
DRIVE  
WAY

1656  
LOIS-  
DRIVE

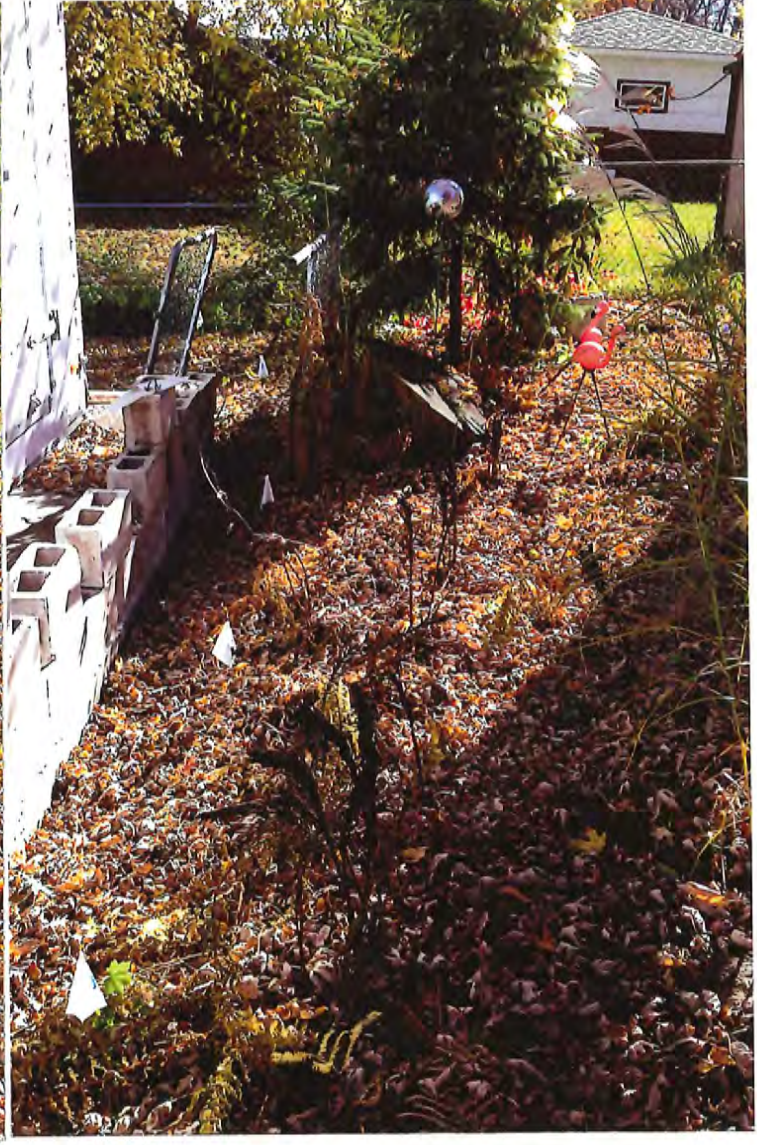
1648 Lois Dr.

NORTH











**MOTION TO DENY**

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

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

To deny the variance request submitted by Michael Morse, 1648 Lois Drive, to construct a 22- by 26-foot detached garage and a 22- by 24-foot parking area on his property, with a setback of 2.3 feet, based on findings that practical difficulty is not present, and the following findings of fact:

1. The request does not comply with the spirit and intent of the City's Development Code and Comprehensive Plan due to the proposed 2.3-foot setback from the side property line for the driveway, detached garage, and parking area south of the garage, open space between properties is not maintained. Maintenance of west side of the garage is not possible from the applicant's property.
2. Reasonable Manner. The applicant can use his property in a reasonable manner as permitted by the Development Code. In accordance with the City's regulations a 572 square foot detached accessory structure could be constructed at the required 5-foot side yard setback. The applicant's proposal is not a reasonable use because the structure can placed further away from the lot line.
3. Unique Circumstances. Unique circumstances are not present. The slab was installed in this location by the applicant without required City permits and is a self-created circumstance. It is possible to construct an accessory structure on the property at the 5-foot setback required from the west side lot line.
4. Character of Neighborhood. The proposed setback for the garage and parking from the western side property line does negatively impact the adjoining property and character of the neighborhood. Visual mitigation is not feasible due to the encroachment on the 5-foot side setback required and limited space for landscaping and building maintenance.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
October 28, 2014

**TO:** Planning Commission  
**FROM:** Kathleen Castle, City Planner  
**DATE:** October 22, 2014  
**SUBJECT:** File No. 2550-14-40, Wangler, 4525 Rice Street - Variance

### **INTRODUCTION**

In September, the Planning Commission considered minor subdivision and variance applications for Greg Livermont to divide the property at 4525 Rice Street into two lots for single-family residential use. The proposal required a variance since one of the parcels, Parcel A, did not have frontage on a public road. The Commission approved the variance and recommended the City Council approve the minor subdivision. The subdivision was approved by the City Council on October 6<sup>th</sup>.

During the deliberation of the applications, there was some discussion about the required setbacks for both parcels. While both parcels have adequate buildable area, the applicants had indicated that a structure variance may be sought in the future for a home on Parcel B. Troy and Sarah Wangler, the owners of Parcel B are now requesting a variance to exceed the maximum 40-foot structure setback on his property as a 45-foot setback is proposed for the new home. The location of the structure was originally proposed at 47 feet. After further evaluation, the proposed setback has been reduced to 45 feet. This application was complete as of October 16, 2014.

### **SITE CHARACTERISTICS**

The property is characterized as a flag lot with 56-feet of frontage along Rice Street with the main portion of the lot located behind the property at 4521 Rice Street. The property has a lot area of 44,021 square feet and a width of 162 feet. The property is improved with a single-family home, detached garage and storage shed. Access off Rice Street is via an unimproved driveway that is located within a public road and utility easement. There is also a 10-foot wide utility easement that bisects the property for municipal water and sanitary sewer lines, however, a portion of these utility lines, are located outside of the easement.

The property is located in the R-1, Detached Residential District. Immediately to the north are the Tudor Oaks condominiums, in the R-3, Multi-Dwelling Residential District. This development consists of 36 units in 5 buildings. Tudor Oaks also contains 36 townhomes in 4-unit buildings, which are located to the northwest across Galtier Place. These quad-homes are located in the R-2, Attached Residential District. To the immediate west is the Paulsen Addition (6 twin-homes totaling 12 units), in the R-2, Attached Residential District.

The properties immediately to the east and south on Rice Street are occupied by single-family dwellings, and these residences are noted on the survey. Further south is a detached residential neighborhood, Hidden Oaks. These properties are also located in the R-1 District. To the east, across Rice Street is the Sucker Lake Park in the City of Vadnais Heights.

## **PROJECT DESCRIPTION**

Mr. Wangler is proposing to demolish the existing site improvements and construct a new home on the property. The location of the new home is in the same area as the old home. The home has a foundation area of 2,260 square feet and is designed as a one-story rambler with a look-out basement. The attached garage is 750 square feet in size and oriented with the overhead doors facing south. The home has a north-south orientation and is placed on the eastern side of the property. The Commission may recall that the buildable area on this Parcel is split into two pieces by the utility easement for the municipal water and sewer infrastructure. The east side is more confined but will result in less land disturbance.

The proposed structure will be setback a minimum of 10-feet from the eastern side property line and 30'4" from the rear property line to the north in compliance with the Development Code. The structure has been shifted to the east to minimize any potential impacts of development on the existing public utility lines. From the front property line (south), the structure is setback 45 feet which exceeds the maximum 40 feet permitted, therefore a variance is needed. Five landmark trees will be removed and replaced in accordance with the Development Code. Please see the attached plans.

## **DEVELOPMENT CODE**

In the R-1 zoning district, the lot standards require a minimum lot area of 10,000 square feet and a width of 75 feet. Structures must be setback a minimum of 25 feet but no more than 40 feet from a front property line, unless the homes on adjoining properties exceed the maximum, then averaging is used. 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.

## **VARIANCE**

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

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

For a variance to be granted, all three of these criteria must be met.

## **APPLICANTS STATEMENT OF JUSTIFICATION**

The applicant indicates practical difficulty is present due to the uniqueness of the lot. The proposed home location is in the same area as the existing home to minimize the impacts of the new home construction. Shifting the home to the south will require more fill and grading and potentially have more impact on the nearby storm pond. The utility lines that bisect this property also limit the house placement. The proposed placement maintains the lot's character.

## **STAFF REVIEW**

The application has been reviewed by Staff in accordance with the Development Code and variance criteria. In Staff's opinion, practical difficulty is present. The intent of the structure setback requirements is to provide open areas around structures for access, natural light, ventilation and space for privacy, landscaping and recreation. The setback requirements established from front property lines promote streetscapes that create a consistent character for a residential neighborhood. The variance maintains the spirit and intent of the Development Code.

### ***Reasonable Manner***

The applicant is proposing to use the property in a reasonable manner with the development of a single-family home on the property. The existing house is setback approximately 57 feet from the front property line exceeding the maximum 40-feet permitted. The proposed house is larger than the existing home causing it to be placed closer to the front property line at 45 feet. The proposed structure setback and location is intended to minimize site disturbance by using the existing building pad area.

### ***Unique Circumstances***

The configuration, topography, and situation of the existing property are unique, as it is currently a flag lot, with the majority of its area located off of the improved public street. This property is unique as it is not situated in a neighborhood that has an established development pattern. This property is somewhat isolated due to its configuration and access. Access is via a private driveway on the narrow portion of the lot which also serves as primary access for the new parcel to the west.

The home located at 4521 Rice Street is a corner lot with the front yard facing south towards the private drive, though the home is oriented towards Rice Street. This home is setback approximately 31 feet from its south property line. The proposed setback is less than the existing structure setback and more in keeping with the home at 4521 Rice Street.

### ***Character of the Neighborhood***

This residential area is developed at densities ranging from low- to high-, with housing types that include detached- and attached-single family as well as multi-family residential. Due to the development pattern, there is no defined neighborhood character for the nearby single-family residential land uses. The main portion of this parcel where development will occur is not visible from Rice Street and is somewhat isolated from the adjoining land uses due to the lot configuration. The increased structure setback will not impact the character of the neighborhood.



### **PUBLIC COMMENT**

Property owners within 150 feet were notified of the applicant's request. One comment has been received from the City of Vadnais Heights and indicated no concerns with the proposed variance.

### **STAFF RECOMMENDATION**

The application has been reviewed in accordance with the standards of the Development Regulations and the variance criteria. In Staff's opinion, practical difficulty is present due the lot configuration, existing site improvements and neighborhood character. Staff is recommending the Commission approve the variance and adopt Resolution 14-93, subject to the following conditions:

#### **Variance**

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. The approval is subject to a 5-day appeal period.
3. The Development Agreement for Construction on Parcel B shall be executed prior to the issuance of a building permit for this project. The terms and conditions of this agreement shall be adhered to.

#### Attachments

- 1) Resolution 14-93
- 2) Location Map
- 3) Site Aerial Photo
- 4) Photographs
- 5) Submitted Statement and Plans
- 6) Minor Subdivision Survey
- 7) Response to Request for Comment
- 8) Motion

**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD OCTOBER 28, 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. 14-93 FOR A VARIANCE TO INCREASE THE MAXIMUM  
STRUCTURE SETBACK PERMITTED FROM A FRONT PROPERTY LINE**

WHEREAS, Troy and SarahWangler submitted a variance application for the following described property:

*That part of the South one-half of the North one-half of the Northeast Quarter of the Northeast Quarter of Section 24, Township 30, Range 23, lying East of the West 962.00 feet and lying North of the South 110 feet thereof; except the North 160 feet of the East 188 feet, and also except the South 8.00 feet of the East 233.00 feet thereof, Ramsey County, Minnesota*

*(This property is more commonly known as 4525 Rice Street (Parcel B))*

WHEREAS, the Development Regulations establish structure setbacks from the property lines; and

WHEREAS, the permitted maximum structure setback in the R-1 Detached Residential Zoning from a front property line is 40 feet; and

WHEREAS, the applicants have requested a variance to this requirement to increase the permitted structure setback from a front property line to 45 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on October 28, 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.*

The applicant is proposing to use the property in a reasonable manner with the development of a single-family home on the property. The existing house is setback approximately 57 feet from the front property line exceeding the maximum 40-foot permitted. The proposed house is larger than the existing home causing it to be placed closer to the front property line at 45 feet. The proposed structure setback and location is intended to minimize site disturbance by using the existing building pad area.

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

The configuration, topography, and situation of the existing property are unique, as it is currently a flag lot, with the majority of its area located off of the improved public street. This property is unique as it is not situated in a neighborhood that has an established development pattern. This property is somewhat isolated due to its configuration and access. Access is via a private driveway on the narrow portion of the lot which also serves as primary access for the new parcel to the west.

The home located at 4521 Rice Street is a corner lot with the front yard facing south towards the private drive, though the home is oriented towards Rice Street. This home is setback approximately 31 feet from its south property line. The proposed setback is less than the existing structure setback and more in keeping with the home at 4521 Rice Street.

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

The area is characterized by residential develops with densities ranging from low- to high-, with housing types that include detached- and attached-single family as well as multi-family residential. Due to the development pattern, there is no defined neighborhood character for the nearby single-family residential land uses. The main portion of this parcel where development will occur is not visible from Rice Street and is somewhat isolated from the adjoining land uses due to the lot configuration. The increased structure setback will not impact the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 4525 Rice Street (Parcel B), be approved, subject to the following conditions:

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. The approval is subject to a 5-day appeal period.
3. The Development Agreement for Construction on Parcel B shall be executed prior to the issuance of a building permit for this project. The terms and conditions of this agreement shall be adhered to.

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 28<sup>th</sup> day of October, 2014

\_\_\_\_\_  
Steve Solomonson, Chair  
Shoreview Planning Commission

ATTEST:

\_\_\_\_\_  
Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

\_\_\_\_\_  
Troy Wangler, 4525 Rice Street (Parcel B)

\_\_\_\_\_  
Sarah Wangler, 4525 Rice Street (Parcel B)

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

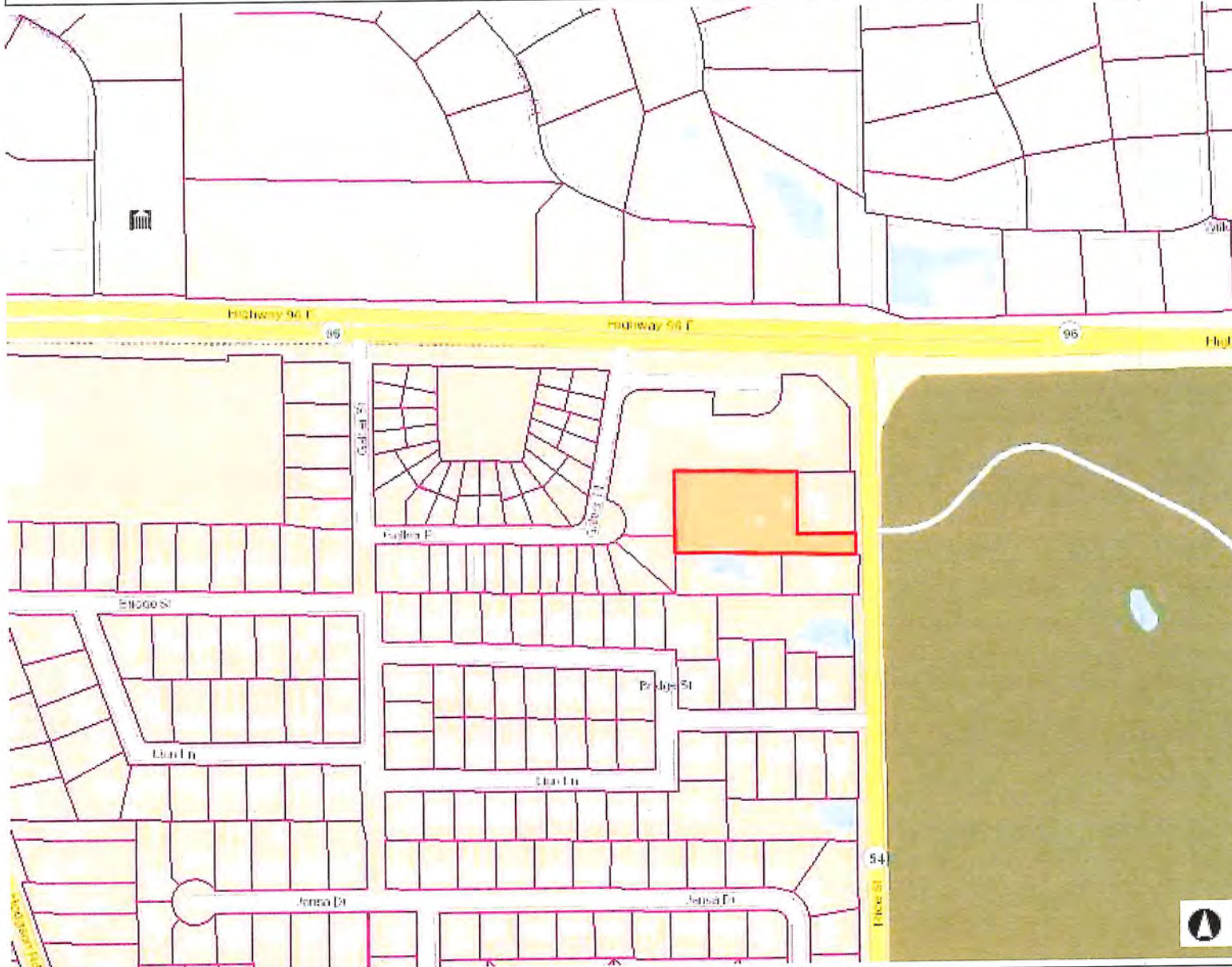
I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 28<sup>th</sup> day of October, 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 14-93.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 28th day of October, 2014.

\_\_\_\_\_  
 Terry C. Schwerm  
 City Manager









SEAL





Legend

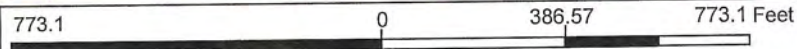


-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries



Notes

Enter Map Description







## Legend



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



## Notes

Enter Map Description

193.3 0 96.64 193.3 Feet











Sarah and Troy Wangler

4525 Rice St

Shoreview, MN 55126

City of Shoreview,

We are requesting a grant of variance with regard to two setbacks. The home on the property now is planned to be moved off and replaced with a newer home. The property's east setback is called out to be 20 feet and a south setback of 25-35 ft, as this is defined to be the front edge of the lot. We would like to use the existing home's setbacks of 16 ft for the east setback and 4<sup>5</sup> ft for the south (front) setback. The lot is unique, in that it is a key lot. The existing home's location is ideal to both the lot's character and minimizing the effects of new home construction. We would like to keep the lot's character as much as possible.

With the utility easement running north/south in middle of the lot, the home's placement becomes more limited. There is a small portion that will reside only 4ft into the 20ft setback. Moving the lot forward (south) will require fill to be brought in. With the topography of the lot, we do not want to inadvertently affect the pond that is SW of the lot. Run-off from the existing storm drains has affected the pond already.

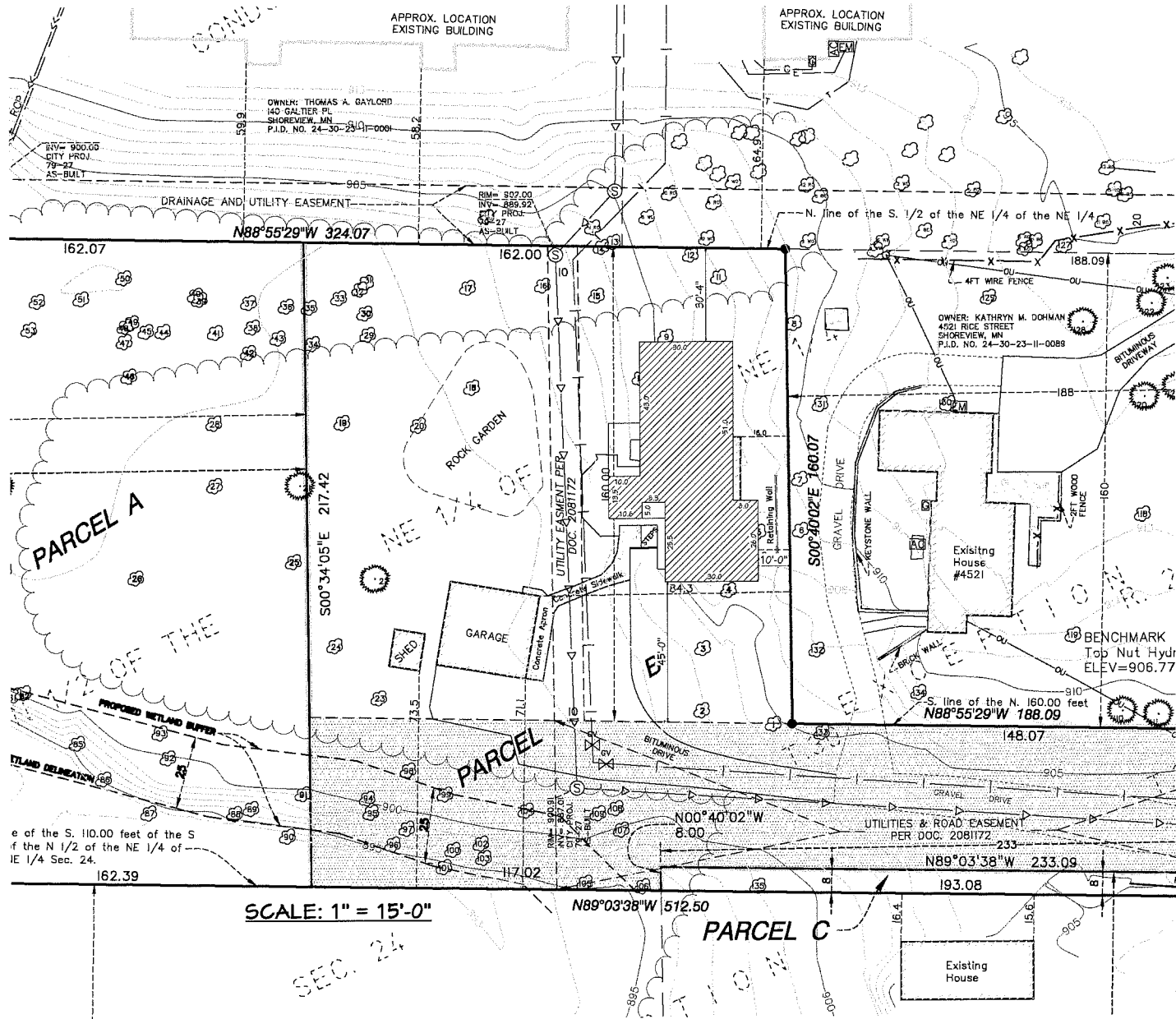
Please feel free to contact me to discuss this request further, if required.

Sarah & Troy Wangler

[T.Wangler@msn.com](mailto:T.Wangler@msn.com)

(612) 270-1922





9-17-14

JEN

10-21-14

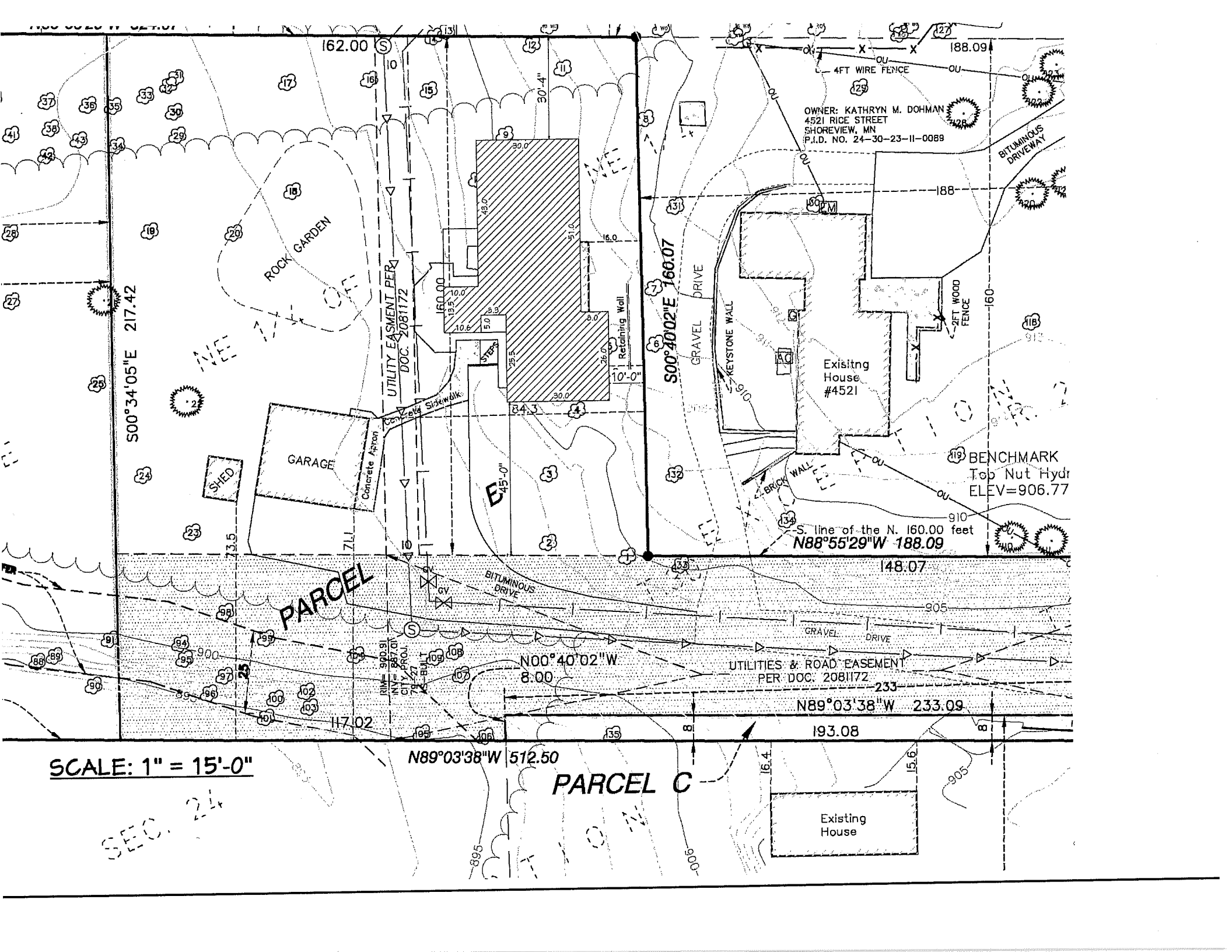
Rev.	Date
JEN	9-25-14
JEN	10-1-14
JEN	10-21-14

**WANGLER**  
PROPERTY ADDRESS  
CITY, STATE, ZIP CODE

Michael Lee & Associates, Inc.  
1480 Wooddale Drive, Suite 400, Woodbury, MN 55125  
(651)731-2345  
www.michaellee.com  
© 2014

**michael lee**  
1480 Wooddale Drive, Suite 400, Woodbury, MN 55125, (651)731-2345

14XX  
SITE



OWNER: KATHRYN M. DOHMAN  
 4521 RICE STREET  
 SHOREVIEW, MN  
 P.I.D. NO. 24-30-23-11-0089

BENCHMARK  
 Top Nut Hydr  
 ELEV=906.77

S. line of the N. 160.00 feet  
**N88°55'29"W 188.09**

UTILITY EASEMENT PER  
 DOC. 2081172

UTILITIES & ROAD EASEMENT  
 PER DOC. 2081172

**SCALE: 1" = 15'-0"**

**PARCEL C**

SEC. 24

**PARCEL A**

Existing House

Existing House #4521

GARAGE

SHED

ROCK GARDEN

CONCRETE ASPHALT  
 SIDEWALK

RETAINING WALL

BRICK WALL

GRAVEL DRIVE

BITUMINOUS DRIVE

GRAVEL DRIVE

BITUMINOUS DRIVEWAY

4FT WIRE FENCE

2FT WOOD FENCE

**N00°40'02"W 8.00**

**N89°03'38"W 233.09**

**N89°03'38"W 512.50**

**S00°34'05"E 217.42**

**S00°40'02"E 160.07**

162.00

188.09

148.07

117.02

193.08

895

900-

905

910

912

910

912

30'-4"

E 45'-0"

160

188

162

131

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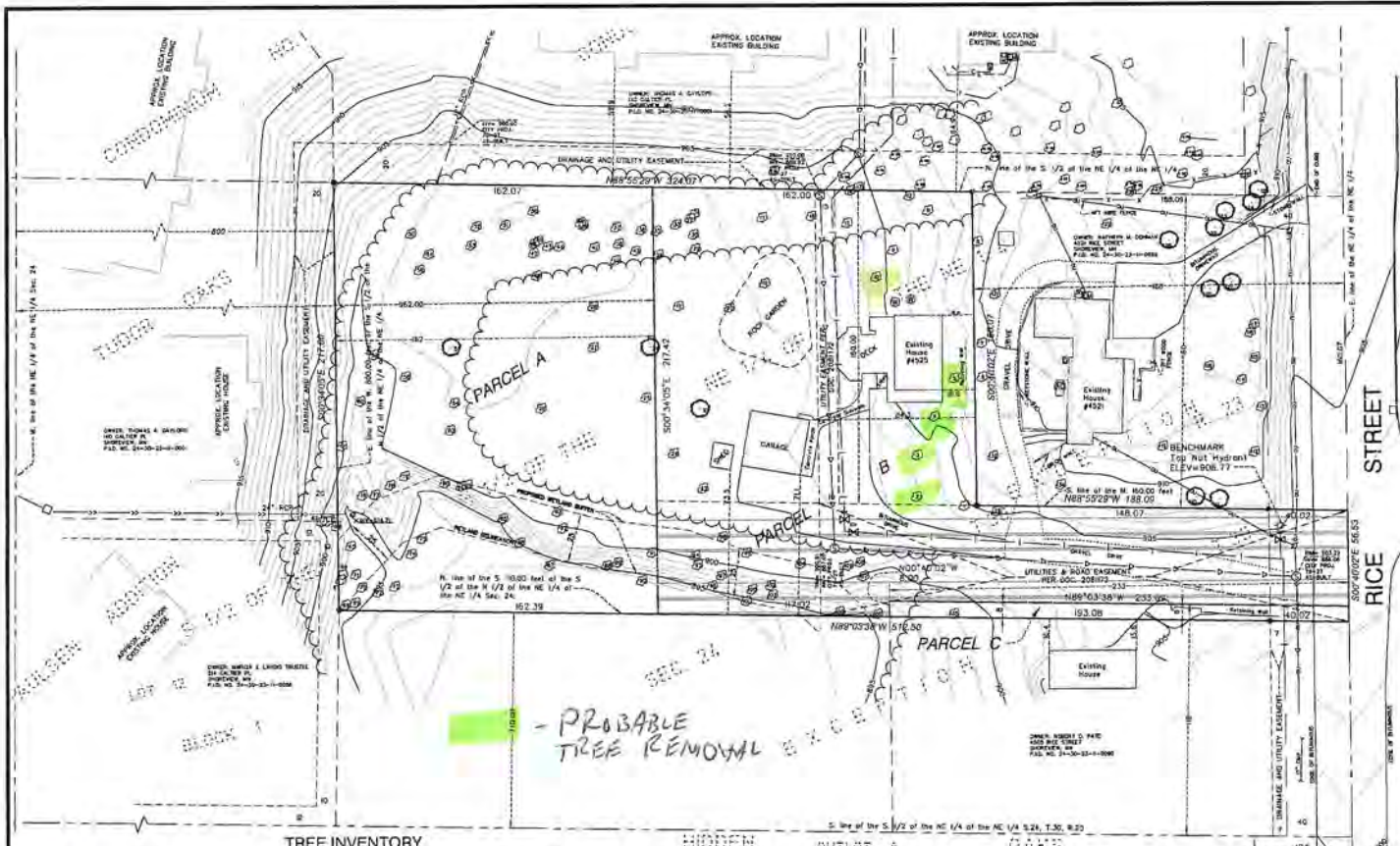
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- NOTES
- The locations of underground utilities are depicted as an example only; records and field locations may vary from the exact. Verify all utilities exist prior to construction of site.
  - The basis of bearings is assumed.
  - All distances are in feet.
  - The area including right of way is approximately 81,523 sq. ft. or 1.863 acres.
  - This survey was prepared from field observations and data in record records and may not reflect all easements, encroachments or encroachments affecting the property.
  - Survey Marker: Top iron nail found near SE corner of property has an elevation of 862.77 MVD, 26.
  - Routing conditions shown prepared by Principal B. Green, dated 2021 and revised by Alliant Engineering May 2025.
  - NW for Rice Street and Drainage & Utility Easements are depicted as shown on Ramsey County Air Control Map.
  - Adjacent property owner's name is taken from Ramsey County's Dept. of Property Records and Revenue used as a reference for the survey.

**EXISTING AERIAL DESCRIPTION**

This plan of the South 1/4 of the NW 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 24, Range 23, Ramsey County, Minnesota, being East of the West 800 foot strip of Section 24, Township 24, Range 23, and West of the East 148 foot strip of Section 24, Township 24, Range 23, Ramsey County, Minnesota.

**PROPOSED LEGAL DESCRIPTION**

**Parcel A:** That part of the East 162.00 feet of the West 800 foot strip of the South 1/4 of the North 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 24, Range 23, Ramsey County, Minnesota, being East of the West 800 foot strip of Section 24, Township 24, Range 23, and West of the East 148 foot strip of Section 24, Township 24, Range 23, Ramsey County, Minnesota. Area is approximately 32,252 square feet or 0.739 acres.

**Parcel B:** That part of the East 1/4 of the North 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 24, Range 23, being East of the West 800 foot strip and West of the East 148 foot strip of Section 24, Township 24, Range 23, Ramsey County, Minnesota. Area is approximately 46,621 square feet or 1.071 acres.

**Parcel C:** The North 8.00 feet of the South 178.00 feet of the East 223.00 feet of the South 1/4 of the North 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 24, Range 23, Ramsey County, Minnesota. Area is approximately 1,851 square feet or 0.042 acres.

**LEGEND:**

- ⊙ EXISTING WELL
- ⊕ EXISTING HYDRANT
- ⊠ EXISTING GATE VALVE
- ⊞ EXISTING SANITARY MANHOLE
- ⊡ EXISTING CATCH BASIN
- ⊞ EXISTING POWER POLE W/ CUP WIRE
- |— EXISTING WATER MAIN
- >> EXISTING SANITARY SEWER
- >> EXISTING STORM SEWER
- O— EXISTING OVERHEAD UTILITY
- |— EXISTING TREE LINE
- \* DENOTES TREE TAG ID. NO.
- + DENOTES HERITAGE TREE TAG ID. NO.
- ⊙ EXISTING CONIFEROUS TREE
- ⊙ EXISTING DECIDUOUS TREE
- ⊙ EXISTING CONIFER
- - - - - WELLHEAD DELINEATION
- - - - - PROPOSED DRIVEWAY EASEMENT

TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES
1	18"	Oak-White (Quercus alba)	30	7"	Tim-Sheridan (Ulmus pumila)	59	5"	Source-Concord (Picea canadensis)	88	16"	White-Bark (Betula papyrifera)	117	16"	White-Pine (Pinus strobus)
2	25"	Oak-Red (Quercus rubra)	31	15"	Am-Sheridan (Ulmus pumila)	60	25"	White-Resin (Juniperus horizontalis)	89	24"	White-Bark (Betula papyrifera)	118	17"	Red-Oak (Quercus rubra)
3	42"	Oak-Red (Quercus rubra)	32	17"	Am-Sheridan (Ulmus pumila)	61	7"	Maple-Sugar (Acer saccharinum)	90	27"	White-Bark (Betula papyrifera)	119	18"	White-Pine (Pinus strobus)
4	25"	Oak-Red (Quercus rubra)	33	10"	Am-Sheridan (Ulmus pumila)	62	10"	Maple-Sugar (Acer saccharinum)	91	16"	Am-Sheridan (Ulmus pumila)	120	18"	White-Pine (Pinus strobus)
5	25"	Oak-Red (Quercus rubra)	34	17"	Am-Sheridan (Ulmus pumila)	63	20"	Collared-wood (Populus deltoides)	92	20"	Box-Elder (Acer negundo)	121	25"	White-Pine (Pinus strobus)
6	18"	Oak-Red (Quercus rubra)	35	7"	Am-Sheridan (Ulmus pumila)	64	20"	Collared-wood (Populus deltoides)	93	18"	Box-Elder (Acer negundo)	122	18"	White-Pine (Pinus strobus)
7	18"	Oak-Red (Quercus rubra)	36	7"	Am-Sheridan (Ulmus pumila)	65	7"	Maple-Silver (Acer saccharinum)	94	24"	Collared-wood (Populus deltoides)	123	18"	White-Pine (Pinus strobus)
8	18"	Oak-Red (Quercus rubra)	37	7"	Am-Sheridan (Ulmus pumila)	66	7"	Collared-wood (Populus deltoides)	95	17"	Collared-wood (Populus deltoides)	124	18"	White-Pine (Pinus strobus)
9	18"	Oak-Red (Quercus rubra)	38	7"	Am-Sheridan (Ulmus pumila)	67	7"	Collared-wood (Populus deltoides)	96	8"	White-Bark (Betula papyrifera)	125	18"	White-Pine (Pinus strobus)
10	18"	Oak-Red (Quercus rubra)	39	7"	Am-Sheridan (Ulmus pumila)	68	13"	Collared-wood (Populus deltoides)	97	17"	White-Bark (Betula papyrifera)	126	18"	White-Pine (Pinus strobus)
11	4"	Am-Sheridan (Ulmus pumila)	40	7"	Am-Sheridan (Ulmus pumila)	69	17"	Collared-wood (Populus deltoides)	98	17"	White-Bark (Betula papyrifera)	127	18"	White-Pine (Pinus strobus)
12	18"	Oak-Red (Quercus rubra)	41	7"	Am-Sheridan (Ulmus pumila)	70	17"	Collared-wood (Populus deltoides)	99	17"	White-Bark (Betula papyrifera)	128	18"	White-Pine (Pinus strobus)
13	18"	Oak-Red (Quercus rubra)	42	17"	Am-Sheridan (Ulmus pumila)	71	14"	Collared-wood (Populus deltoides)	100	16"	White-Bark (Betula papyrifera)	129	18"	White-Pine (Pinus strobus)
14	18"	Oak-Red (Quercus rubra)	43	8"	Am-Sheridan (Ulmus pumila)	72	15"	Collared-wood (Populus deltoides)	101	17"	Maple-Silver (Acer saccharinum)	130	22"	White-Pine (Pinus strobus)
15	18"	Oak-Red (Quercus rubra)	44	7"	Am-Sheridan (Ulmus pumila)	73	10"	Collared-wood (Populus deltoides)	102	22"	White-Bark (Betula papyrifera)	131	25"	White-Pine (Pinus strobus)
16	18"	Oak-Red (Quercus rubra)	45	10"	Am-Sheridan (Ulmus pumila)	74	10"	Collared-wood (Populus deltoides)	103	18"	White-Bark (Betula papyrifera)	132	25"	White-Pine (Pinus strobus)
17	18"	Oak-Red (Quercus rubra)	46	20"	Am-Sheridan (Ulmus pumila)	75	10"	Collared-wood (Populus deltoides)	104	17"	White-Bark (Betula papyrifera)	133	25"	White-Pine (Pinus strobus)
18	18"	Oak-Red (Quercus rubra)	47	17"	Am-Sheridan (Ulmus pumila)	76	20"	Collared-wood (Populus deltoides)	105	17"	White-Bark (Betula papyrifera)	134	25"	White-Pine (Pinus strobus)
19	18"	Oak-Red (Quercus rubra)	48	10"	Am-Sheridan (Ulmus pumila)	77	27"	Collared-wood (Populus deltoides)	106	18"	White-Bark (Betula papyrifera)	135	25"	White-Pine (Pinus strobus)
20	18"	Oak-Red (Quercus rubra)	49	4"	Am-Sheridan (Ulmus pumila)	78	18"	Collared-wood (Populus deltoides)	107	18"	White-Bark (Betula papyrifera)	136	25"	White-Pine (Pinus strobus)
21	7"	Source-Concord (Picea canadensis)	50	11"	Box-Elder (Acer negundo)	79	30"	Collared-wood (Populus deltoides)	108	10"	Am-Sheridan (Ulmus pumila)	137	25"	White-Pine (Pinus strobus)
22	7"	Source-Concord (Picea canadensis)	51	8"	Am-Sheridan (Ulmus pumila)	80	14"	Collared-wood (Populus deltoides)	109	5"	Am-Sheridan (Ulmus pumila)	138	25"	White-Pine (Pinus strobus)
23	5"	White-Bark (Betula papyrifera)	52	3"	Collared-wood (Populus deltoides)	81	13"	Collared-wood (Populus deltoides)	110	17"	White-Pine (Pinus strobus)	139	25"	White-Pine (Pinus strobus)
24	18"	Collared-wood (Populus deltoides)	53	3"	Box-Elder (Acer negundo)	82	30"	Collared-wood (Populus deltoides)	111	17"	White-Pine (Pinus strobus)	140	25"	White-Pine (Pinus strobus)
25	24"	White-Silver (Acer saccharinum)	54	3"	Box-Elder (Acer negundo)	83	14"	White-Bark (Betula papyrifera)	112	20"	Maple-Silver (Acer saccharinum)	141	25"	White-Pine (Pinus strobus)
26	18"	Maple-Silver (Acer saccharinum)	55	17"	Box-Elder (Acer negundo)	84	19"	White-Resin (Juniperus horizontalis)	113	20"	Maple-Silver (Acer saccharinum)	142	25"	White-Pine (Pinus strobus)
27	13"	Collared-wood (Populus deltoides)	56	17"	Am-Sheridan (Ulmus pumila)	85	8"	Maple-Silver (Acer saccharinum)	114	18"	Red-Oak (Quercus rubra)	143	25"	White-Pine (Pinus strobus)
28	8"	Collared-wood (Populus deltoides)	57	18"	Source-Concord (Picea canadensis)	86	9"	Box-Elder (Acer negundo)	115	18"	Red-Oak (Quercus rubra)	144	25"	White-Pine (Pinus strobus)
29	18"	Am-Sheridan (Ulmus pumila)	58	16"	White-Resin (Juniperus horizontalis)	87	9"	White-Bark (Betula papyrifera)	116	12"	Red-Oak (Quercus rubra)	145	25"	White-Pine (Pinus strobus)

**ALLIANT ENGINEERING**

233 Park Ave S, Ste 300  
 Minneapolis, MN 55415  
 612.758.3080 main  
 612.758.3099 fax  
 www.alliant-inc.com

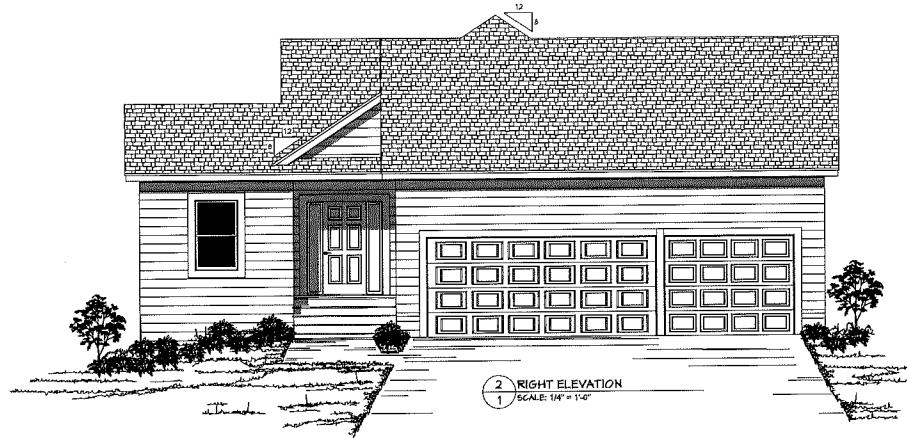
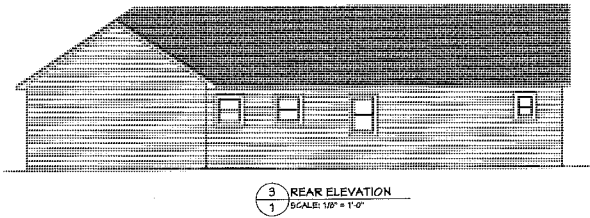
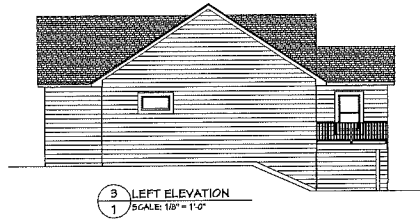
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under Minnesota Statutes 226.62 to 226.16.

DENNIS R. QUASTAD

09/09/24 18928  
 Date License Number  
 URSVA Nonpro

**EXISTING CONDITIONS SURVEY**

4525 RICE STREET  
 SHOREVIEW, MINNESOTA



Date	9-17-14
Drawn By	JEN
Lead Designer	10-1-14
Rev. No.	Rev. Date
JEN	4-25-14
JEN	10-1-14

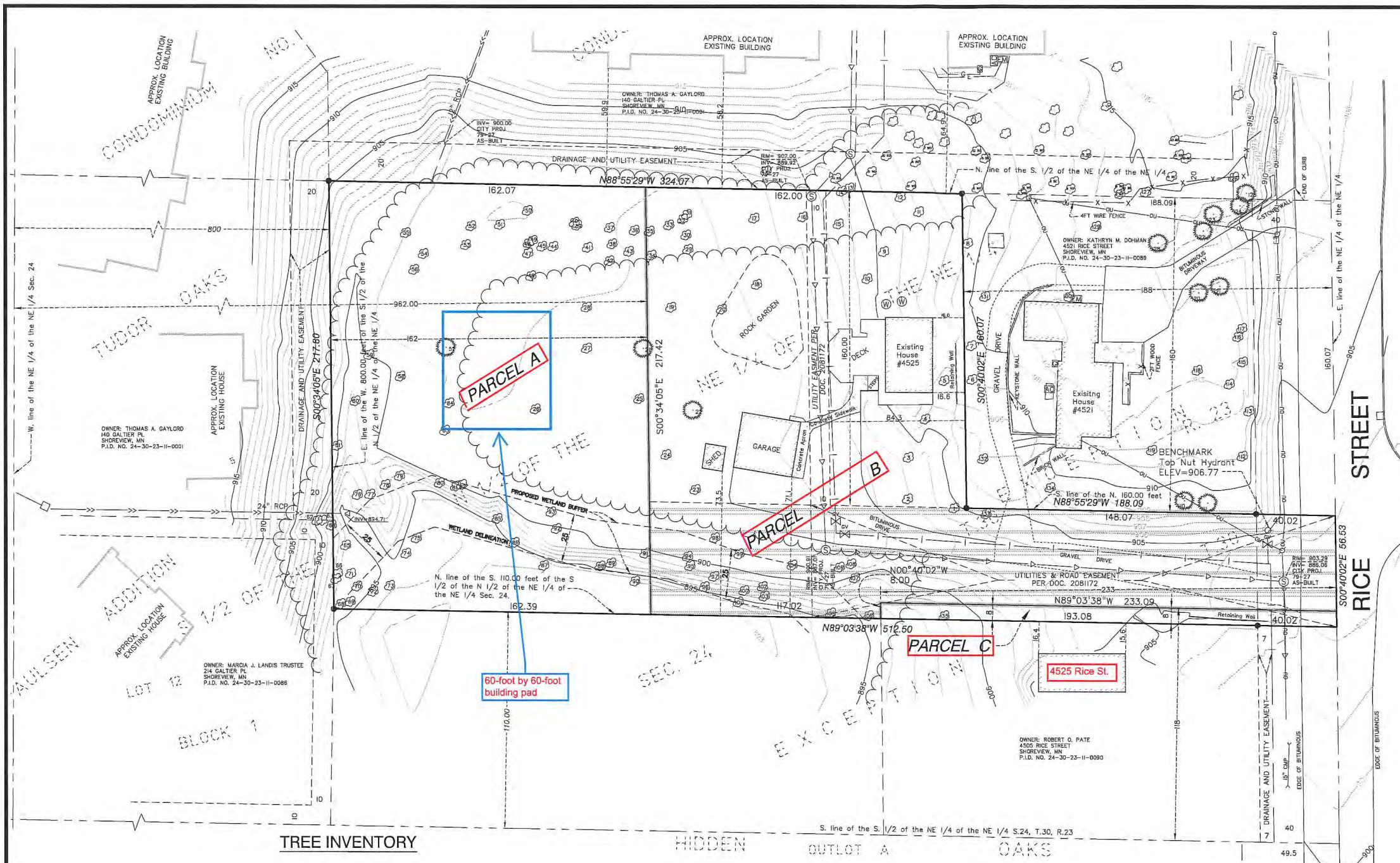
**WANGLER**  
PROPERTY ADDRESS  
CITY, STATE, ZIP CODE

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**MICHAEL LEE**  
DESIGN - BUILD - REMODEL  
1890 Wooddale Drive, Suite 400 Woodbury, MN 55095 (651)733-2345

Project No.  
**14XX**  
Sheet No.  
**1**





- Notes:
- The locations of underground utilities are depicted based on available maps, records and field locations and may not be exact. Verify all utilities critical to construction or design.
  - The basis of bearings is assumed.
  - All distances are in feet.
  - The area including right of way is approximately 81,139 sq. ft. or 1.863 acres.
  - This survey was prepared from legal descriptions supplied and our in house records and may not depict all easements, appurtenances or encumbrances affecting the property.
  - Bench Marks: Top nut of hydrant near SE corner of property has an elevation of 906.77 N.G.V.D. 29.
  - Existing conditions survey prepared by Howard R. Green, dated 2001 and revised by Alliant Engineering May 2006.
  - R/W for Rice Street and Drainage & Utility Easements are depicted as shown on Ramsey County half section map.
  - Adjacent property owners shown were taken from Ramsey County's Dept. of Property Records and Revenue web site and may not be current.

**EXISTING LEGAL DESCRIPTION**

That part of the South one-half of the North one-half of the Northeast Quarter of Section 24, Township 30, Range 23, Ramsey County Minnesota, lying East of the West 800 feet thereof, except the South 110 feet thereof, and except the North 160 feet of the East 188 feet thereof.

**PROPOSED LEGAL DESCRIPTION:**

**Parcel A:** That part of the East 162.00 feet of the West 952.00 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 30, Range 23, lying North of the South 110 feet thereof, Ramsey County, Minnesota. Together with an easement for driveway purposes over under, and across that part of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 30, Range 23, lying South of the North 160.00 feet; East of the West 952.00 feet; and North of the South 110 feet thereof, except the South 8.00 feet of the East 233.00 feet thereof, Ramsey County, Minnesota. Area is approximately 35,253 square feet or 0.809 acres.

**Parcel B:** That part of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 30, Range 23, lying East of the West 952.00 feet and lying North of the South 110 feet thereof, except the North 160 feet of the East 188 feet, and also except the South 8.00 feet of the East 233.00 feet thereof, Ramsey County, Minnesota. Area is approximately 44,021 square feet or 1.011 acres.

**Parcel C:** The North 8.00 feet of the South 118.00 feet of the East 233.00 feet of the South 1/2 of the North 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 30, Range 23. Area is approximately 1,865 square feet or 0.043 acres.

**LEGEND:**

- ⊙ EXISTING WELL
- ⊕ EXISTING HYDRANT
- ⊗ EXISTING GATE VALVE
- ⊙ EXISTING SANITARY MANHOLE
- EXISTING CATCH BASIN
- ⊕ EXISTING POWER POLE W/ GUY WIRE
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING OVERHEAD UTILITY
- EXISTING TREE LINE
- ⊙ DENOTES TREE TAG ID. NO.
- ⊙ DENOTES HERITAGE TREE TAG ID. NO.
- ⊙ EXISTING CONIFEROUS TREE
- ⊙ EXISTING DECIDUOUS TREE
- EXISTING CONTOUR
- WETLAND DELINEATION
- PROPOSED DRIVEWAY EASEMENT

TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES	TAG#	SIZE	SPECIES
*1	19"	Oak-White (Quercus alba)	*30	17"	Elm-Siberian (Ulmus pumila)	59	5"	Spruce-Colorado (Picea pungens)	88	14"	Willow-Black (Salix nigra)
*2	25"	Oak-Red (Quercus rubra)	31	13"	Elm-Siberian (Ulmus pumila)	60	25"	Willow-Weeping / damaged top	89	24"	Willow-Black (Salix nigra)
*3	42"	Oak-Red (Quercus rubra)	32	11"	Elm-Siberian (Ulmus pumila)	61	7"	Maple-Sugar (Acer saccharum)	90	13"	Willow-Black (Salix nigra)
*4	23"	Oak-Red (Quercus rubra)	33	10"	Elm-Siberian (Ulmus pumila)	62	19"	Box Elder (Acer negundo)	*91	16"	Elm-Siberian (Ulmus pumila)
*5	25"	Oak-Red (Quercus rubra)	34	11"	Elm-Siberian (Ulmus pumila)	63	25"	Cottonwood (Populus deltoides)	92	10"	Box Elder (Acer negundo)
*6	15"	Oak-Red (Quercus rubra)	35	5"	Elm-Siberian (Ulmus pumila)	64	20"	Cottonwood (Populus deltoides)	93	10"	Box Elder (Acer negundo)
*7	34"	Oak-Red (Quercus rubra)	36	7"	Elm-Siberian (Ulmus pumila)	65	7"	Maple-Silver (Acer saccharinum)	94	28"	Cottonwood (Populus deltoides)
*8	32"	Oak-Red (Quercus rubra)	37	7"	Elm-Siberian (Ulmus pumila)	66	21"	Cottonwood (Populus deltoides)	95	9"	Cottonwood (Populus deltoides)
9	8"	Maple-Sugar (Acer saccharum)	38	5"	Elm-Siberian (Ulmus pumila)	67	11"	Cottonwood (Populus deltoides)	96	8"	Willow-Black (Salix nigra)
*10	29"	Maple-Silver (Acer saccharinum)	39	25"	Cottonwood (Populus deltoides)	68	13"	Cottonwood (Populus deltoides)	97	15"	Willow-Black (Salix nigra)
11	4"	Elm-American (Ulmus americana)	40	8"	Elm-Siberian (Ulmus pumila)	69	16"	Cottonwood (Populus deltoides)	98	8"	Box Elder (Acer negundo)
12	8"	Oak-White (Quercus alba)	41	7"	Elm-Siberian (Ulmus pumila)	70	17"	Cottonwood (Populus deltoides)	99	11"	Box Elder (Acer negundo)
13	13"	Oak-Red (Quercus rubra)	*42	17"	Elm-Siberian (Ulmus pumila)	71	14"	Cottonwood (Populus deltoides)	100	16"	Willow-Black (Salix nigra)
14	5"	Oak-White (Quercus alba)	43	8"	Elm-Siberian (Ulmus pumila)	72	15"	Cottonwood (Populus deltoides)	101	12"	Maple-Silver (Acer saccharinum)
*15	23"	Maple-Silver (Acer saccharinum)	44	8"	Elm-Siberian (Ulmus pumila)	73	10"	Cottonwood (Populus deltoides)	102	22"	Willow-Black (Salix nigra)
16	5"	Maple-Silver (Acer saccharinum)	45	10"	Elm-Siberian (Ulmus pumila)	74	10"	Willow-Black (Salix nigra)	103	15"	Willow-Black (Salix nigra)
*17	15"	Oak-White (Quercus alba)	*46	20"	Elm-Siberian (Ulmus pumila)	75	21"	Cottonwood (Populus deltoides)	104	7"	Elm-Siberian (Ulmus pumila)
*18	16"	Oak-Red (Quercus rubra)	47	11"	Elm-Siberian (Ulmus pumila)	76	21"	Cottonwood (Populus deltoides)	105	11"	Willow-Black (Salix nigra)
*19	54"	Cottonwood (Populus deltoides)	48	10"	Elm-Siberian (Ulmus pumila)	77	22"	Cottonwood (Populus deltoides)	106	14"	Oak-Red (Quercus rubra)
20	6.5 & 3"	Apple (Malus spp.)	49	4"	Elm-Siberian (Ulmus pumila)	78	18"	Cottonwood (Populus deltoides)	107	19"	Willow-Black (Salix nigra)
21	7"	Spruce-Colorado (Picea pungens)	50	11"	Box Elder (Acer negundo)	*79	31"	Cottonwood (Populus deltoides)	108	10"	Elm-Siberian (Ulmus pumila)
22	7"	Spruce-Colorado (Picea pungens)	51	6"	Elm-Siberian (Ulmus pumila)	80	14"	Cottonwood (Populus deltoides)	109	5"	Elm-Siberian (Ulmus pumila)
23	5"	Maple-Red (Acer rubrum)	52	31"	Cottonwood (Populus deltoides)	81	13"	Cottonwood (Populus deltoides)	110	12"	White Pine (Pinus strobus)
24	18"	Cottonwood (Populus deltoides)	53	9"	Box Elder (Acer negundo)	*82	30"	Cottonwood (Populus deltoides)	111	12"	Blue Spruce (Picea pungens)
*25	24"	Elm-Siberian (Ulmus pumila)	54	15"	Box Elder (Acer negundo)	83	12"	Willow-Weeping (Salix babylonica)	*112	21"	Red Oak (Quercus rubra)
*26	15"	Maple-Silver (Acer saccharinum)	55	12"	Box Elder (Acer negundo)	84	19"	Willow-Weeping (Salix babylonica)	*113	21"	Red Oak (Quercus rubra)
27	13"	Cottonwood (Populus deltoides)	56	8"	Elm-American (Ulmus americana)	85	8"	Maple-Silver (Acer saccharinum)	*114	21"	Red Oak (Quercus rubra)
28	9"	Cottonwood (Populus deltoides)	57	4"	Spruce-Colorado (Picea pungens)	86	9"	Box Elder (Acer negundo)	*115	18"	Red Oak (Quercus rubra)
29	10"	Elm-Siberian (Ulmus pumila)	*58	36"	Willow-Weeping (Salix babylonica)	87	9"	Willow-Black (Salix nigra)	116	12"	Red Oak (Quercus rubra)

\* LANDMARK TREE- ALL TREES > 15" DBH, EXCEPT FOR BOX ELDER, COTTONWOOD AND WILLOW, THEN > 30" DBH.

**ALLIANT**  
ENGINEERING

233 Park Ave S, Ste 300  
Minneapolis, MN 55415  
612.758.3080 MAIN  
612.758.3099 FAX  
www.alliant-inc.com

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under Minnesota statutes 326.02 to 326.16.

DENNIS B. OLNSTEAD  
*[Signature]*

09/09/14 18425  
Date License Number

**EXISTING CONDITIONS SURVEY**

4525 RICE STREET  
SHOREVIEW, MINNESOTA

DRAWN BY	GB, DE
CHECKED BY	DBO
DATE ISSUED	09/09/14
SCALE	1"=30'
JOB NO.	140119
BOOK	NA

Drawing name: X:\2014\140119\survey\existing conditions\140119surv.dwg Sep 09, 2014 - 1:13pm





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

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**4525 Rice Street - Variance Request**

---

Tom Wesolowski <twesolowski@shoreviewmn.gov>  
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Mon, Oct 13, 2014 at 2:11 PM

Kathleen,

A portion of the house on the west side would be located very close to the existing water main. Based on the scale of the site plan it appears the west edge will be approx. 2-3-feet from the water main. Currently the utility easement is not centered over the existing sanitary and water utilities. It was my understanding that the easement area would be relocated to be centered on the utilities with a width of 20-feet. This would provide 5-foot of easement area along the side of the sanitary sewer and the water main. If that is the case a portion of the proposed house would be located within the easement. The house, at a minimum, would need to move to the east far enough to get the footing out of the new easement area. After discussions with the Utility Supervisor, Kevin Chmielewski, it is preferred that the set-back on the east side be reduced to 10-feet to provide adequate separation between the water main and the house foundation.

Please contact me if you have any questions or comments.

Thank you, Tom

--

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



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

---

**Variance Request at 4525 Rice Street**

1 message

---

**Carie Fuhrman** <Carie.Fuhrman@cityvadnaisheights.com>  
To: "kcastle@shoreviewmn.gov" <kcastle@shoreviewmn.gov>

Wed, Oct 22, 2014 at 6:04 PM

Hi Kathleen,

Thank you for providing an opportunity for the City of Vadnais Heights to provide comment in regards to the variance application by Troy and Sarah Wangler. The City has no comments in regards to the request.

On a side note, I would appreciate the opportunity to meet you at some point. I just recently started as the Planning/Community Development Director for the City and would like to get to know the staff in the surrounding municipalities. I had a chance to meet Tom during the interview process and would love to touch base with him again as well. (He said good things about you!)

I look forward to meeting you at some point,

Carie

Carie Fuhrman, AICP

Planning/Community Development Director

City of Vadnais Heights

[651.204.6027](tel:651.204.6027)

**MOTION TO APPROVE**

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

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

To approve the variance request submitted by Troy and Sarah Wangler for their property at 4525 Rice Street (Parcel B) increasing the maximum 40-foot structure setback from a front property line to 45 feet and adopt Resolution No. 14-93, subject to the following conditions:.

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. The approval is subject to a 5-day appeal period.
3. The Development Agreement for Construction on Parcel B shall be executed prior to the issuance of a building permit for this project. The terms and conditions of this agreement shall be adhered to.

This motion is based on the following findings:

1. The proposed single-family residential use of the property is consistent with the low density residential land use designation proposal and the R-1, Detached Residential Zoning District.
2. Practical difficulty is present as the placement of the home in the same general location as the existing home is reasonable. Unique circumstances are present due to the location of the existing home, lot configuration and access, and location of the adjoining home at 4521 Rice Street.
3. The area is currently a mix of high-, medium-, and low-density residential developments. There is no defined development pattern for the single-family residential uses. The proposed setback will not alter the character of the existing neighborhood.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
October 28, 2014



**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** October 23, 2014  
**SUBJECT:** File No. 2549-14-39, Preliminary Plat, 5515 and 5525 Turtle Lake Road

**Introduction**

Moser Homes Inc., on behalf of Tom and Barb Novotny, submitted an application for preliminary plat to divide their 6.22 acre property into 4 lots for detached single-family residential homes. The existing houses will remain at 5515 and 5525 Turtle Lake Road, with two new residential building sites created which will also have frontage on Turtle Lake Road. The plat will also enlarge the existing lot at 5525 Turtle Lake Road owned by Mark Novotny.

**Site Characteristics**

The property is located on the north side of Turtle Lake Road, east of Hodgson Road. The City of North Oaks is located to the south across Turtle Lake Road.

The 6.22 acre property has about 440 feet of frontage on Turtle Lake Road in two segments, as the parcel wraps around another existing lot at 5521 Turtle Lake Road. Two wetland areas are located on the site.

The property is developed with two single-family residences with attached garage and drives.

**Project Summary**

The applicant proposes to subdivide the eastern portion of the property with 2 additional single-family residential lots. In addition a 43- by 145.5-foot section will be divided and combined with the property at 5525 Turtle Lake Road (Lot 3), owned by their son. The two new lots will each have 88.5 feet of frontage on Turtle Lake Road, and area of 0.48 acre. The resulting lot area remaining for 5515 is 4.56 acres, with 254 feet of frontage. The existing homes and associated improvements will remain on Lots 3 and 4, owned by the Novotnys.

**Development Code**

In the R-1 District, single-family homes are a permitted use. Dwellings must maintain a minimum 10-foot side yard setback and 30-foot rear yard setback. Front setbacks are a 25- to 40-foot range, except averaging is required when the dwellings on adjoining lots have front setbacks more than 40-feet, as is here the case. The minimum setback for accessory structures is 5 feet from a side property line and 10 feet from a rear property line. Lot coverage cannot exceed 40%.

Newly created lots must have frontage on a publically dedicated right-of-way and be serviced with City sewer and water. Drainage and utility easements are also required along the proposed lot lines and over any wetland, ponding areas, and wetland buffer areas.

**Preliminary Plat**

The proposed preliminary plat, The Woodview Addition, divides the property into 4 single-family residential lots. The following table summarizes the lot area, widths and depths of the proposed parcels as compared to the R1, Detached Residential District.

	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>R1 District</b>
<b>Lot Area (acres)</b>	20,975 sf	20,975 sf	38,108 sf	198,584 sf	10,000 sf
<b>Street Frontage</b>	88.5 feet	88.5 feet	145.45 feet	264.8 feet	30 feet
<b>Lot Depth</b>	237 feet	237 feet	305 feet	Approx 650 feet	125 feet

The existing structures on Lots 3 and 4, exceed the minimum structure setbacks for the R1 District from the proposed property lines.

The required drainage and utility easements will be dedicated along the property lines and over wetland and buffer areas.

Chapter 4 of the Comprehensive Plan provides land use policy. The planned land use of this property is RL, Low-Density Residential Development. The property is located in PDA #4 – Turtle Lake Road Neighborhood, which was designated due to the development potential of the larger lots in this area. The proposed development plan is consistent with the policies for the PDA because of the proposed low density residential land use, incorporation of the existing home into the development and minimal impact on the environmental features. The PDA strives for the coordinated and integrated redevelopment in this area, and the applicant has prepared two different sketches showing possible layouts for future subdivision of the property, one including just the remainder of the Notvotny property served by a cul-de-sac, and the second with a road connection north to the NSP ROW. Staff believes that the two sketches demonstrate that development of this property will not impede potential for future cohesive development of the PDA and also point out that any further development will be constrained by the property owners who decide to participate in a development proposal.

The proposed development should not have a significant and adverse impact on the surrounding land uses which includes low density residential uses in Shoreview and the North Oaks Maintenance Facility located south of Turtle Lake Road in the City of North Oaks.

The applicant is willing to enter into a development agreement for this project.

*Municipal Utilities*

Municipal sanitary sewer and water service stubs for proposed Lots 1 and 2 were installed in Turtle Lake Road when the street was reconstructed in 2003 and 2004. The existing homes on

Lots 3 and 4 are connected to municipal services. Each of the new homes is required to connect to these services.

### *Environmental Impacts*

The property does contain wetland areas and mature trees. The property is located in the Rice Creek Watershed District (RCWD) and subject to the District's permitting requirements. The wetlands have been delineated, and the Watershed District is in the process of verifying the delineation. No wetland impacts are anticipated with development of dwellings on Lots 1 and 2. A 16.5' buffer along the perimeter of the wetland areas will be required to be dedicated on the plat.

The extent of tree impacts cannot be determined until building permit applications are received to construct homes on the property. For each parcel within the subdivision, landmark trees will need to be replaced at a ratio of 2 replacement trees for each landmark tree removed.

### *Grading, Drainage and Stormwater Management*

As previously stated, the property is located in the Rice Creek Watershed District and submit to the review and permitting requirements of this District. Lots 1 and 2 are characterized with a topographic grade break near the proposed building pads. Grading is anticipated in the areas for the driveway and building construction. Prior to the issuance of a building permit for a new home, a grading plan will need to be submitted for review and approval.

### **Public and Agency Comment**

Property owners within 350' of the development site were notified of the request. The City has received two phone comment in response. Both comments identify no concerns with the proposed development, but had questions regarding the potential for future development of Lot 4.

The Commission should be aware that a Public Hearing is required for preliminary plat review, but staff did not provide proper mailed and published notice, and so the required public hearing will be held by the City Council after notice requirements have been met.

### **Recommendation**

The submitted subdivision plans were reviewed in accordance with the City's Comprehensive Plan and Development Code. Staff believes the proposed development is consistent with Shoreview's land use and housing policies and meets the criteria for the Preliminary Plat. Staff recommends the Planning Commission forward the application to the City Council with a recommendation for approval subject to the following conditions:

1. The approval permits the development of a detached residential subdivision providing 4 parcels, two lots with existing detached residences and two lots for single family residential development.

2. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City. Credit shall be given for the two existing dwellings.
3. The final plat shall include drainage and utility easements along the property lines and wetland areas. Drainage and utility easements along the front and rear lot lines shall be 10 feet wide and along the side lot lines these easements shall be 5 feet wide, and as otherwise required by the Public Works Director.
4. Tree Preservation and Replanting plan shall be submitted with each building permit application for Lots 1 and 2. Replacement trees shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.
5. The applicant and future property owners shall maintain a 16.5' buffer along the perimeter of the all wetland areas.
6. Grading, Drainage and Erosion Control shall be submitted with each building permit application for Lots 1 and 2.
7. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.

Attachments:

1. Location Map
2. Aerial Photo
3. Planned Land Use Map
4. Submitted Plans
5. Motion

T:/2014pcf/2549-14-39moser/pcreport





**Legend**



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

**Notes**

Enter Map Description

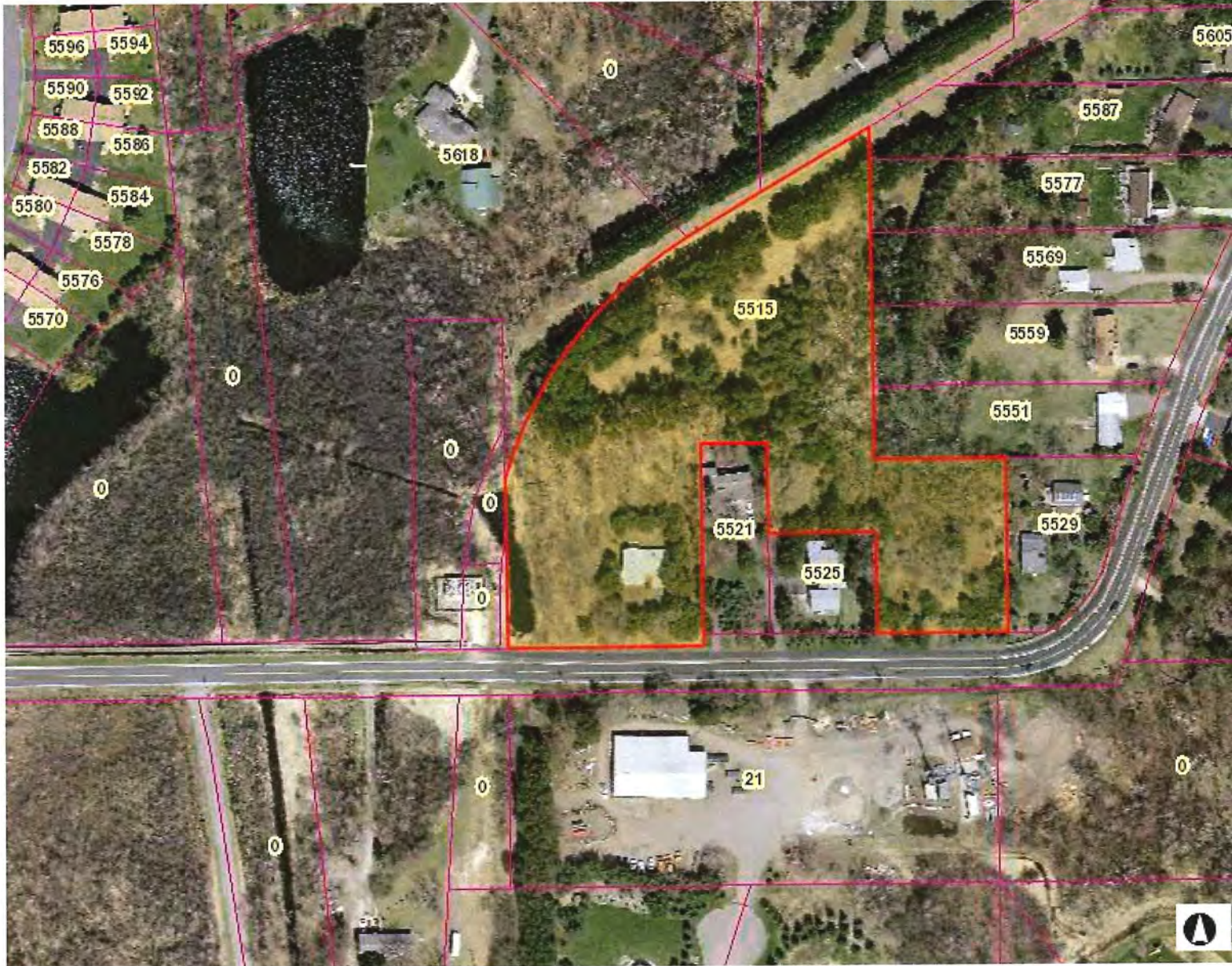
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NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

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

**Notes**

Enter Map Description

400.0 0 200.00 400.0 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



PDA Boundaries

### Planned Land Use



Residential (up to 4 units/acre)



Residential (4 - 8 units/acre)



Residential (8 - 20 units/acre)



High Density Senior Residential



Office



Commercial



Mixed Use



Business Park



Tower



Light Industrial



Institutional



Park



Recreational Open Space



Natural



Railroad



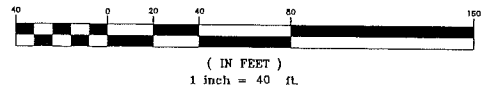
Open Water



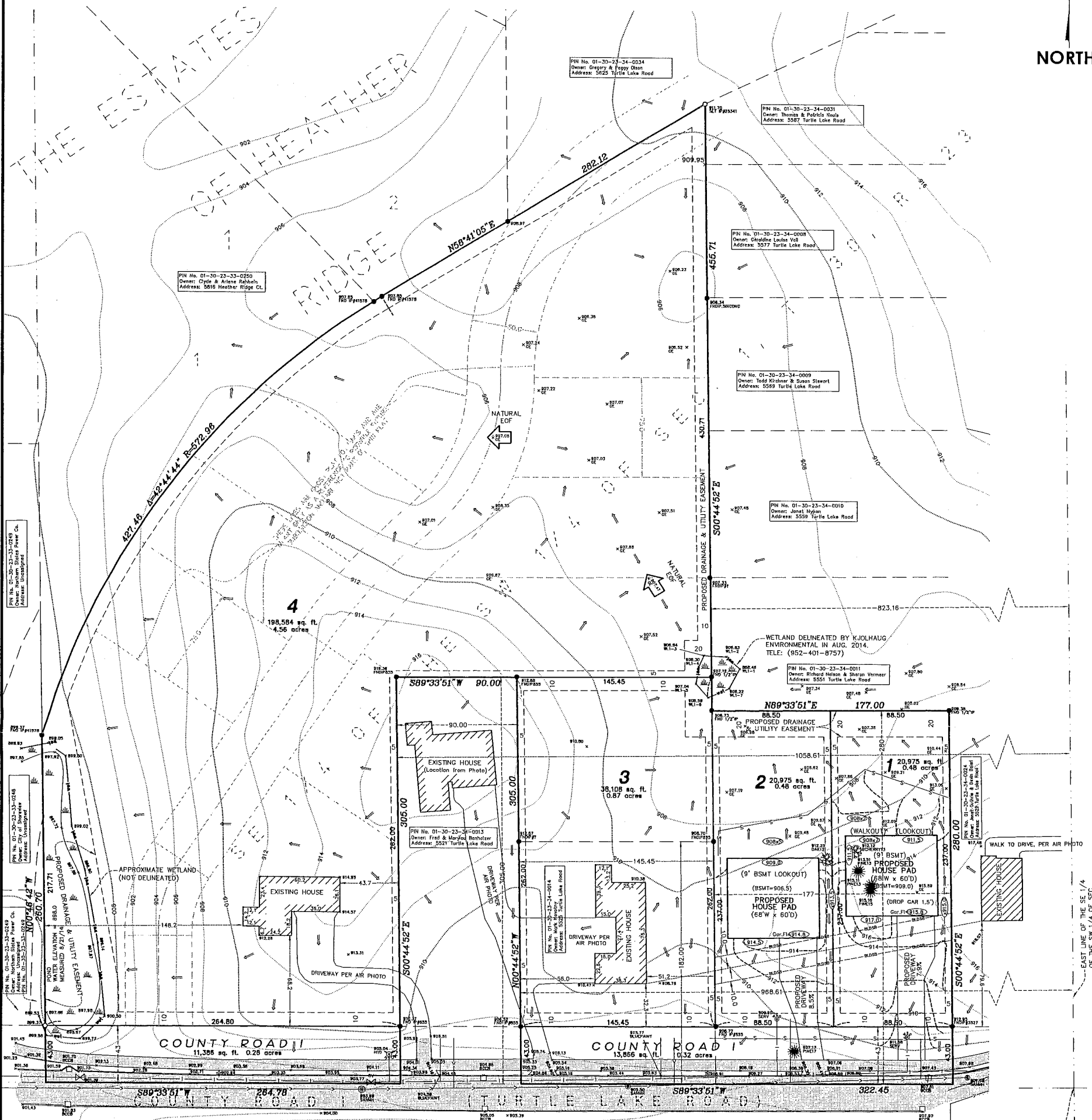
# PRELIMINARY PLAT OF: WOODVIEW ADDITION

~for~ MOSER HOMES, INC.

GRAPHIC SCALE



NORTH



## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 8/21/14.
- Bearings shown are on Ramsey County datum.
- Benchmark: Station 9001 located at NW quad of intersection of Hwy 49 and Co. Rd 1. NW of a powerpole with a nail and disk 21.2' SW of SW corner of concrete slab for electric transformer and 0.4' SE of sign and post. Elevation 907.52 (NGVD29 datum).
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- A search of the City of Shoreview's website indicates that the surveyed premises shown on this survey is currently zoned R-1-(Detached Residential District). Under the applicable zoning regulations, the current building setbacks are: Front/Corner = 25 feet; Side = 10 feet; Rear = 30 feet
- The surveyed premises has access to County Road 1 (Turtle Lake Road).

## DEVELOPMENT NOTES:

- Property currently zoned R-1-(Detached Residential District). No zoning change requested.
- Proposed setbacks for Lots 1 and 2 are as follows: Front = Average setback of adjacent existing structures, plus or minus 10 feet. (This approximate setback location is shown on the plat).
- Side = 10 feet house side, 5' garage side. Rear = 30 feet.
- Total plot area is 303,894sf or 6.98 acres.
- Four proposed single family lots.
- Proposed density is 0.57 lots per acre.
- Dedication of 43' for Turtle Lake Road is proposed (25,252sf or 0.58 acres)
- Proposed building pad locations, elevations and contours shown are subject to individual building permit. No tree removal, or grading of individual building pads is proposed as part of this plat. No sanitary or water service extensions proposed for this plat application. Actual tree removal, grading and utility extension to be proposed at time of building permit.
- Tree replacement/preservation to be in accordance with current City tree preservation policy.
- All significant trees on site, are shown on this plan. Trees shown are shown as diameter at breast height (DBH).

## LEGAL DESCRIPTION

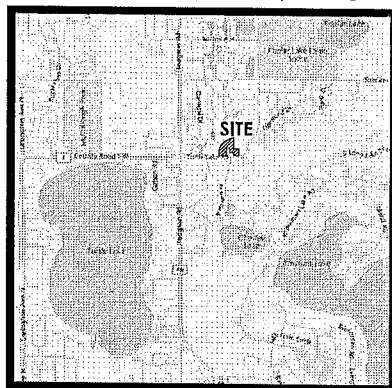
That part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 30, North, Range 23 West, Ramsey County, Minnesota lying Southeastly and easterly of the St. Croix Falls, Minnesota, Improvement Company right-of-way (now Northern States Power Company) except the East 823.16 feet thereof, and except the South 305.00 feet of the West 90.00 feet of the East 1058.61 feet thereof; and including the West 177 feet of the East 823.16 feet of the South 280 feet of Solid Southeast Quarter of the Southwest Quarter. Subject to a road easement over the South 43 feet for County Road 1 (Turtle Lake Road).

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: 10/20/14 License No. 25341

## VICINITY MAP

PART OF SEC. 1, TWP. 30, R. 23



RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25341
- DENOTES CATCH BASIN
- DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES GATE VALVE
- ⊕ DENOTES HYDRANT
- ⊖ DENOTES POWER POLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ☆ DENOTES LIGHT POLE
- DENOTES SOIL BORING. (BY OTHERS)
- ⊖ DENOTES WET LAND
- DENOTES EXISTING CONTOURS
- - - DENOTES PROPOSED CONTOURS
- - - DENOTES PROPOSED SILT FENCE
- DENOTES PROPOSED DIRECTION OF SURFACE DRAINAGE
- DENOTES PROPOSED FINISH GRADE ELEVATION
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BITUMINOUS SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

DRAWN BY: BPN	JOB NO: 14446PP	DATE: 10/01/14
CHECK BY: DWO	SCANNED	
1	10/20/14	REVISE GHOST PLAT
2		
3		
NO.	DATE	DESCRIPTION
		BY

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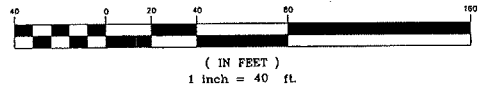
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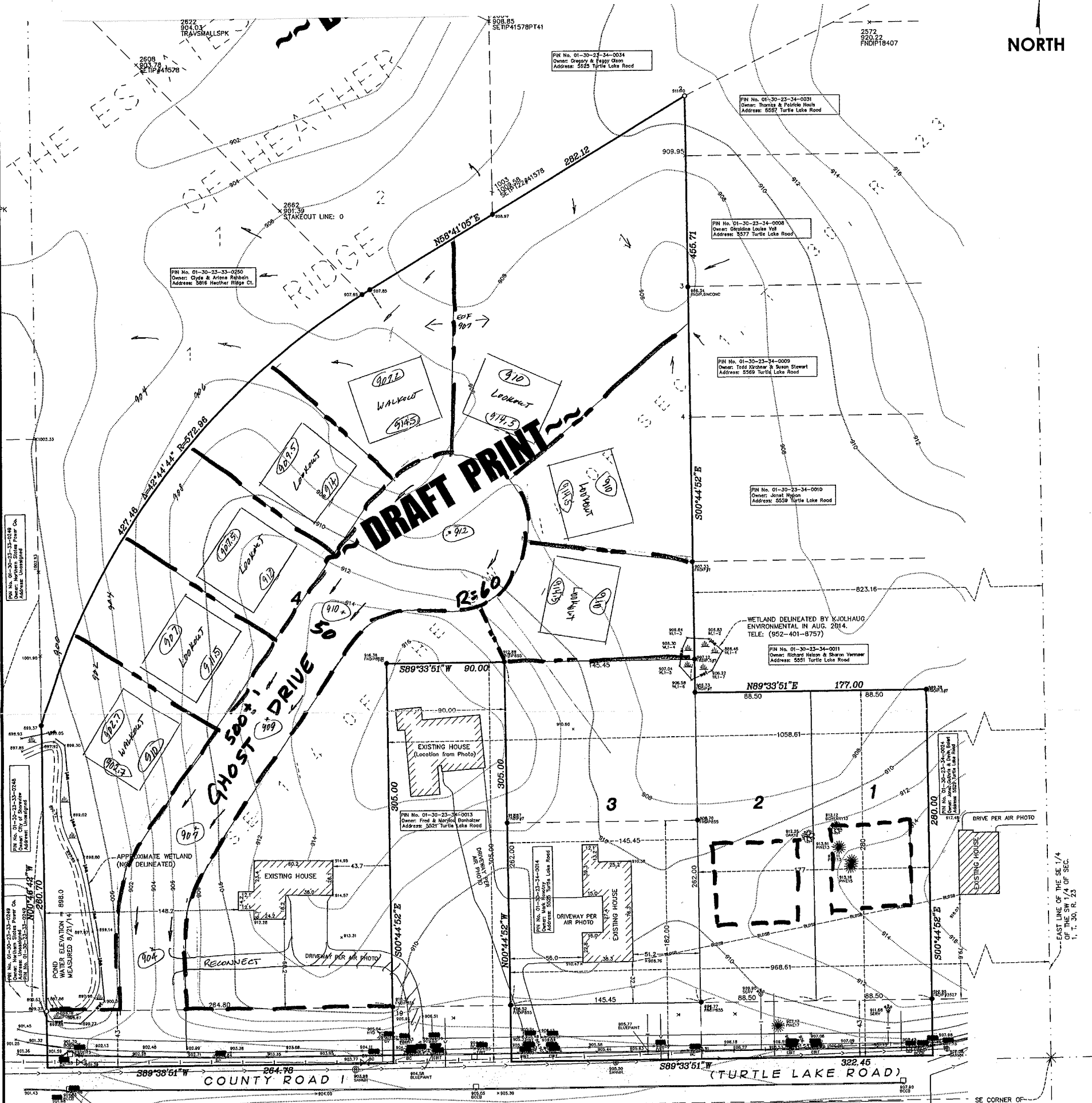
# POTENTIAL FUTURE SUBDIVISION

## EXAMPLE 1, LOT 4 ONLY

GRAPHIC SCALE



NORTH



### NOTES

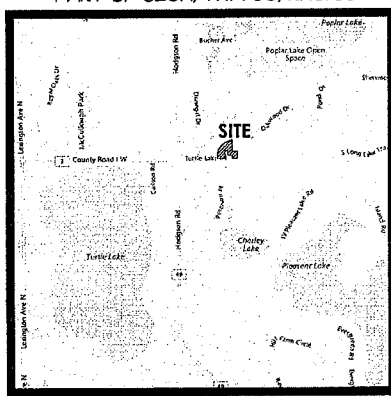
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  - Building: Front/Corner = 25 feet
  - Side = 10 feet
  - Rear = 30 feet
- The surveyed premises has access to County Road I (Turtle Lake Road).

### LEGAL DESCRIPTION

That part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 30, North, Range 23 West, Ramsey County, Minnesota lying Southeasterly and easterly of the St. Croix Falls, Minnesota, Improvement Company right-of-way (now Northern States Power Company) except the East 823.16 feet thereof, and except the South 305.00 feet of the West 90.00 feet of the East 1058.61 feet thereof; and including the West 177 feet of the East 823.16 feet of the South 280 feet of Said Southeast Quarter to the Southwest Quarter. Subject to a road easement over the South 43 feet for County Road I (Turtle Lake Road).

### VICINITY MAP

PART OF SEC. 1, TWP. 30, R. 23



### LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25341
- DENOTES CATCH BASIN
- ⊗ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES GATE VALVE
- ⊗ DENOTES HYDRANT
- ⊗ DENOTES POWER POLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ☆ DENOTES LIGHT POLE
- ⊗ DENOTES SOIL BORING. (BY OTHERS)
- ⊗ DENOTES WET LAND
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BITUMINOUS SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

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

OBERMILLER

License No. 25341

**E. G. RUD & SONS, INC.**

EST. 1877 Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701

www.egrud.com

RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

S:\rud\CAD\14proj\14446PP\14446PP.dwg 9/4/2014 8:40:12 AM CDT

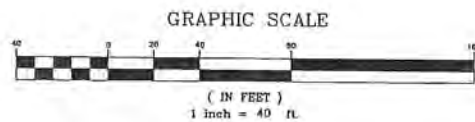
DRAWN BY: BPN	JOB NO: 14446PP	DATE: 8/3/14	
CHECK BY: DWJ	SCANNED		
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3			
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14446PP

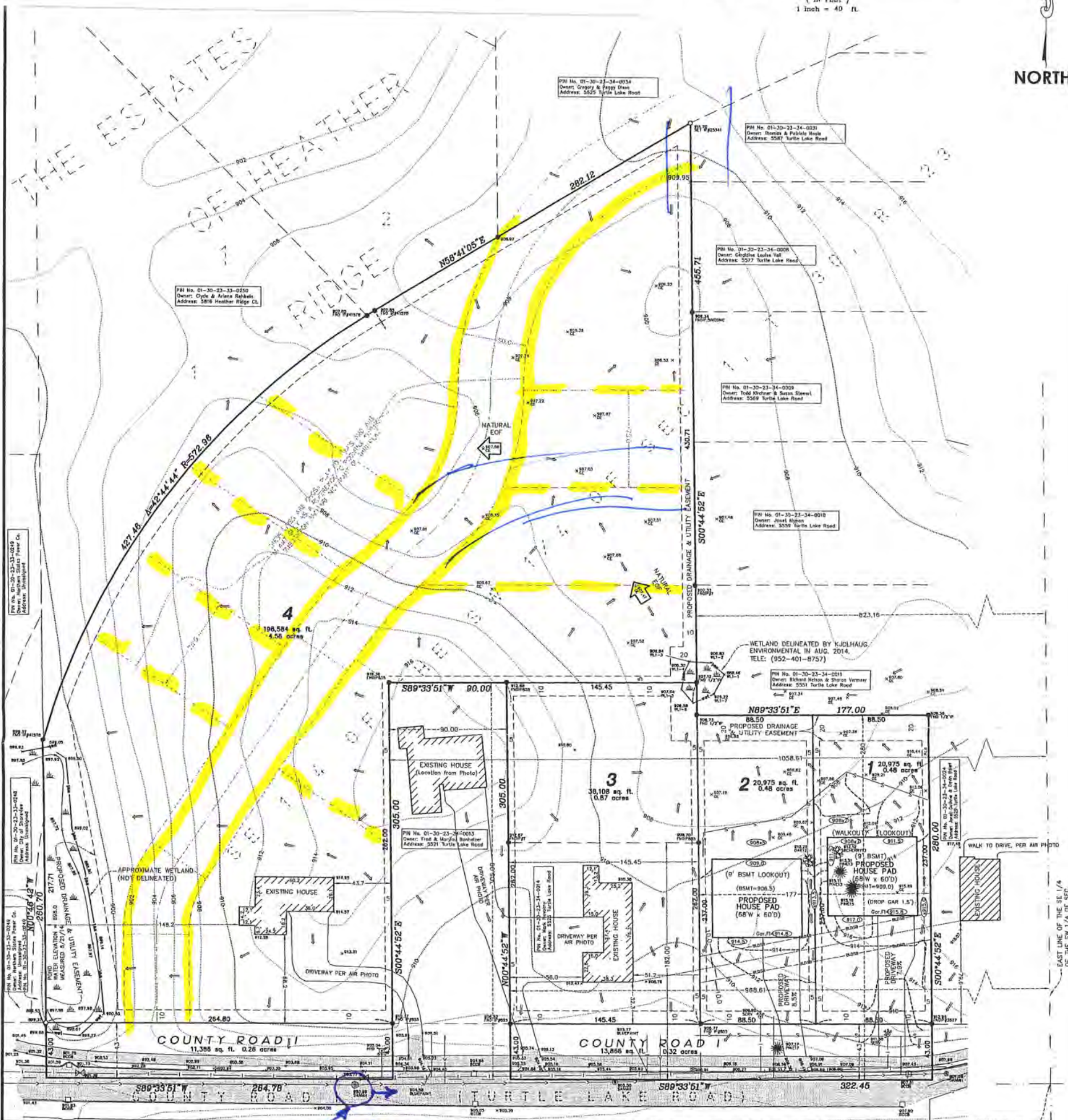


# POTENTIAL FUTURE SUBDIVISION

## EXAMPLE 2, STREET CONNECTION TO THE NORTH



NORTH



### NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 8/21/14.
- Bearings shown are on Ramsey County datum.
- Benchmark: Station 9001 located at NW quad of intersection of Hwy 49 and Co. Rd 1, NW of a powerpole with a nail and disk 21.2' SW of SW corner of concrete slab for electric transformer and 0.4' SE of sign and post. Elevation 907.52 (NGVD29 datum).
- Curb shoals are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- A search of the City of Shoreview's website indicates that the surveyed premises shown on this survey is currently zoned R-1 (Detached Residential District). Under the applicable zoning regulations, the current building setbacks are: Front/Corner = 25 feet; Side = 10 feet; Rear = 30 feet
- The surveyed premises has access to County Road I (Turtle Lake Road).

### DEVELOPMENT NOTES:

- Property currently zoned R-1 (Detached Residential District). No zoning change requested.
- Proposed setbacks for Lots 1 and 2 are as follows: Front = Average setback of adjacent existing structures, plus or minus 10 feet. (This approximate setback location is shown on the plat).
- Side = 10 feet house side, 5' garage side. Rear = 30 feet.
- Total plot area is 303,894sf or 6.98 acres.
- Four proposed single family lots.
- Proposed density is 0.57 lots per acre.
- Dedication of 43' for Turtle Lake Road is proposed (25,252sf or 0.58 acres)
- Proposed building pad locations, elevations and contours shown are subject to individual building permit. No tree removal, or grading of individual building pads is proposed as part of this plat. No sanitary or water service extensions proposed for this plat application. Actual tree removal, grading and utility extension to be proposed at time of building permit.
- Tree replacement/preservation to be in accordance with current City tree preservation policy. All significant trees on site, are shown on this plan. Trees shown are shown as diameter at breast height (DBH).

### LEGAL DESCRIPTION

That part of the Southeast Quarter of the Southwest Quarter of Section 1, Township 30, North, Range 23 West, Ramsey County, Minnesota lying Southeasterly and easterly of the St. Croix Falls, Minnesota, Improvement Company right-of-way (now Northern States Power Company) except the East 823.16 feet thereof, and except the South 305.00 feet of the West 90.00 feet of the East 1058.61 feet thereof; and including the West 177 feet of the East 823.16 feet of the South 280 feet of Said Southeast Quarter of the Southwest Quarter. Subject to a road easement over the South 43 feet for County Road I (Turtle Lake Road).

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: 10/20/14 License No. 25341

### VICINITY MAP

PART OF SEC. 1, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

### LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25341
- DENOTES CATCH BASIN
- DENOTES SANITARY SEWER MANHOLE
- ⊗ DENOTES GATE VALVE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES LIGHT POLE
- ⊕ DENOTES SOIL BORING. (BY OTHERS)
- DENOTES WET LAND
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES PROPOSED SILT FENCE
- DENOTES PROPOSED DIRECTION OF SURFACE DRAINAGE
- DENOTES PROPOSED FINISH GRADE ELEVATION
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BITUMINOUS SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

NO.	DATE	DESCRIPTION	BY
1	10/20/14	REVISE GHOST PLAT	DWO
2			
3			

**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



## MOTION

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

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

To recommend the City Council approve preliminary plat submitted by Moser Homes Inc. on behalf of Barb and Tom Novotny to subdivide and develop the property at 5515 Turtle Lake Road into 4 lots, with two new lots for single-family detached homes. Said recommendation for approval is subject to the following conditions.

1. The approval permits the development of a detached residential subdivision providing 4 parcels, two lots with existing detached residences and two lots for single family residential development.
2. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
3. The final plat shall include drainage and utility easements along the property lines and wetland areas. Drainage and utility easements along the front and rear lot lines shall be 10 feet wide and along the side lot lines these easements shall be 5 feet wide, and as otherwise required by the Public Works Director.
4. Tree Preservation and Replanting plan shall be submitted with each building permit application for Lots 1 and 2. Replacement trees shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.
5. The applicant and future property owners shall maintain a 16.5' buffer along the perimeter of the all wetland areas.
6. Grading, Drainage and Erosion Control shall be submitted with each building permit application for Lots 1 and 2.
7. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.

This approval is based on the following findings:

1. The proposed development plan supports the policies stated in the Comprehensive Plan related to land use and housing.
2. The proposed development plan carries out the recommendations as set forth in the Housing Action Plan
3. The proposed development plan will not adversely impact the planned land use of the surrounding property.
4. The preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
October 28, 2014



**TO:** Planning Commission  
**FROM:** Kathleen Castle, City Planner  
**DATE:** October 23, 2014  
**SUBJECT:** File No. 2551-14-41, Tilstra, 340 Snail Lake Road- Variance

## **INTRODUCTION**

Andrew and Leah Tilstra submitted a variance application for the proposed expansion of their home at 340 Snail Lake Road. The applicants are proposing to construct a 378 square foot addition on the east side of their home which would be setback 40-feet from the property line adjacent to Hodgson Road. A variance is needed to reduce the required 55-foot setback to 40 feet.

## **SITE CHARACTERISTICS**

The property is located on the southwest corner of Snail Lake Road and Hodgson Road. The property has an approximate lot area of 23,958 square feet and a lot width of 106.64 feet along Snail Lake Road. The property has a trapezoid shape and is narrower along the front adjacent to Snail Lake Road then increases in width towards the rear property line. The property is developed with a one-story single-family home that has an attached garage. The house is oriented towards Hodgson Road, but access to the attached garage is off of Snail Lake Road. The structure is setback approximately 45 feet from Hodgson Road and approximately 43 feet from Snail Lake Road. Other site improvements include a detached garage, with access off of Hodgson Road, storage shed and fence.

The property is zoned R-1, Detached Residential as are the adjoining properties. The properties to the north, south and west are developed with single-family residential uses. The residential lots adjacent to Hodgson Road vary in lot size, depth and width. Structure setbacks also vary. To the east, across Hodgson Road, is Sitzer Park.

## **PROJECT DESCRIPTION**

The Tilstra's are proposing to expand the home by adding a 378 square foot addition (21 feet by 18 feet) on the east side adjacent to Hodgson Road. The proposed addition is one-story and will provide dining space and a new entryway facing Snail Lake Road. The existing entryway off of Hodgson Road will remain and provide a secondary entrance to the home. Other interior improvements are also planned. The exterior will be finished asphalt shingles and siding to match the existing home.

The proposed addition will be setback 40 feet from Hodgson Road. A variance is needed because it is less than the 55-feet required.

### **DEVELOPMENT CODE**

In the R-1 zoning district, the lot standards require a minimum lot area of 10,000 square feet and a minimum width of 75 feet (90 feet for a corner lot). Structures must be setback a minimum of 25 feet but no more than 40 feet from a front property line, including a side-yard abutting a street. If the homes on adjoining properties (excluding corner lots) exceed the maximum, then averaging is used. The minimum structure setback required for this parcel is 55 feet and is based on the location of the adjoining home to the south (4355 Hodgson Road) which is 65 feet. In addition, on arterial roadways, such as Hodgson Road, a minimum structure setback of 40 feet is required. The dwelling must also maintain a minimum setback of 10 feet from an interior side property line and 30 feet from a rear property line.

### **VARIANCE**

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

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

For a variance to be granted, all three of these criteria must to be met.

### **APPLICANT'S STATEMENT OF JUSTIFICATION**

The applicants contend practical difficulty is present due to the configuration of the parcel, location of the existing home on the property and characteristic of the neighborhood. The proposal is reasonable as it will create a new entryway facing Snail Lake Road and provide additional space for the family. Unique circumstances are present based on the orientation and location of the home on the property and characteristic of Hodgson Road being angled adjacent to their property. Structure setbacks in the neighborhood do vary with some homes being closer than the minimum 40-foot required from Hodgson Road. The addition will also match the existing home and vegetation will minimize impacts on the nearby residential land uses.

### **STAFF REVIEW**

The application has been reviewed by Staff in accordance with the Development Code and variance criteria. The intent of the structure setback requirements is to provide open areas around structures for access, natural light, ventilation and space for privacy, landscaping and recreation. The setback requirements established from front property lines promote streetscapes that are consistent in residential neighborhoods. Greater structure setbacks are required along arterial roadways due to the impacts higher traffic volumes

have on residential land uses. In Staff's opinion, practical difficulty is present and the spirit and intent of the setback requirements will be maintained.

### ***Reasonable Manner***

The applicants are proposing to use the property in a reasonable manner as the proposed addition will be used for residential purposes and provide more living space. The existing entryway is oriented towards Hodgson Road. The addition is designed to improve access to the home with the new entryway oriented towards Snail Lake Road rather than Hodgson Road. This is reasonable since the site access is off Snail Lake Road. The building wall of the proposed addition will not extend any farther east than the existing home. The addition, however, will set closer to the property line due to the angle of Hodgson Road. The expansion off the east side of the home is reasonable for these reasons.

### ***Unique Circumstances***

Staff believes unique circumstances are present due to the configuration of the lot, location, design and orientation of the existing home and the characteristic of Hodgson Road. The lot is trapezoidal with a width of 106.64 feet along Snail Lake Road and 161.95 feet along the rear property line. The home is constructed with a north/south orientation that is parallel to the interior side lot line. The eastern property line, adjacent to Hodgson Road is angled and when the required setbacks are applied any sort of expansion on this side of the home not possible without a variance. The existing structure is setback 45 feet from the Hodgson Road right-of-way, less than the 55 feet required. The proposed addition will not extend beyond the eastern limits of the existing home. However, the addition will be approximately 5 feet closer to the Hodgson Road right-of-way because of the roadway angle.

While an addition onto the west side of the home would be possible without the need for a variance, this location would have a greater impact on the property to the west. In addition, the existing floor plan (location of the garage entry, kitchen and stairwell) present some difficulty for achieving access to a dining space and new entryway.

### ***Character of the Neighborhood***

The residential area along Hodgson Road varies in character and does not have a defined development pattern. Properties south of the applicant's tend to have larger lot areas, larger depths and greater structure setbacks from Hodgson Road. To the north of the applicant's property, the lot areas are smaller with shorter depths and closer structure setbacks to Hodgson Road. This is in part, due to the angle of the Hodgson Road right-of-way.

While the home to the south is setback 65 feet from Hodgson Road, the home to the north, across Snail Lake Road is setback about 28 feet from the Hodgson Road right-of-way. Since this property is a corner lot, it is not used when calculating the setback required for the applicant's property. The placement of the addition 40-feet back from the Hodgson Road right-of-way is not out of character for this neighborhood.

### **PUBLIC COMMENT**

Property owners within 150 feet were notified of the applicant's request. No comments have been received.

### **STAFF RECOMMENDATION**

The application has been reviewed in accordance with the standards of the Development Regulations and the variance criteria. In Staff's opinion, practical difficulty is present due the lot configuration, orientation of the existing home, layout of Hodgson Road and varying structure setbacks on nearby residential properties. Staff is recommending the Planning Commission adopt Resolution 14-94 approving the variance, subject to the following conditions:

#### **Variance**

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. The approval is subject to a 5-day appeal period.

#### **Attachments**

- 1) Resolution 14-94
- 2) Site Aerial Photo
- 3) Submitted Statement and Plans
- 4) Response to Request for Comment
- 5) Motion



**EXTRACT OF MINUTES OF MEETING OF THE  
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA  
HELD OCTOBER 28, 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. 14-94 FOR A VARIANCE TO REDUCE THE THE MINIMUM  
STRUCTURE SETBACK PERMITTED FROM A PROPERTY LINE ABUTTING A  
PUBLIC STREET**

WHEREAS, Andrew and Leah Tilstra submitted a variance application for the following described property:

*Lot 3, Block 2, Ramsey County, Minnesota*

*(This property is more commonly known as 340 Snail Lake Road)*

WHEREAS, the Development Regulations establish structure setbacks from the property lines; and

WHEREAS, the permitted minimum structure setback in the R-1 Detached Residential Zoning from a side property line adjacent to an arterial roadway for the above property is 55 feet; and

WHEREAS, the applicants have requested a variance to this requirement to reduce the permitted structure setback from the side property line adjacent to Hodgson Road to 40 feet; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on October 28, 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.*

The applicant is proposing to use the property in a reasonable manner as the addition will be used for residential purposes and provide more living space. The existing entryway is oriented towards Hodgson Road. The addition is designed to improve access to the home with the new entryway oriented towards Snail Lake Road rather than Hodgson Road. This is reasonable since the site access is off Snail Lake Road. The building wall of the proposed addition will not extend any farther east than the existing home but will set closer to the property line due to the angle of Hodgson Road. The expansion off the east side of the home is reasonable for these reasons.

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

Staff believes unique circumstances are present due to the configuration of the lot, location, design and orientation of the existing home and the characteristic of Hodgson Road. The home is constructed with a north/south orientation that is parallel to the interior side lot line. The eastern property line, adjacent to Hodgson Road is angled and when the required setbacks are applied any sort of expansion on this side of the home not possible without a variance. The existing structure is setback 45 feet from the Hodgson Road right-of-way, less than the 55 feet required. The proposed addition will not extend beyond the eastern limits of the existing home.

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

The residential area along Hodgson Road varies in character and does not have a defined development pattern. Properties south of the applicant's tend to have larger lot areas, larger depths and greater structure setbacks from Hodgson Road. To the north of the applicant's property, the lot areas are smaller with shorter depths and closer structure setbacks to Hodgson Road. This is in part, due to the angle of the Hodgson Road right-of-way.

While the home to the south is setback 65 feet from Hodgson Road, the home to the north, across Snail Lake Road is setback about 28 feet from the Hodgson Road right-of-way. Since this property is a corner lot, it is not used when calculating the setback required for the applicant's property. The placement of the addition 40-feet back from the Hodgson Road right-of-way is not out of character for this neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 340 Snail Lake Road, be approved, subject to the following conditions:

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. 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 28<sup>th</sup> day of October, 2014

---

Steve Solomonson, Chair  
Shoreview Planning Commission

ATTEST:

---

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

---

Andrew Tilstra, 340 Snail Lake Road

---

Leah Tilstra, 340 Snail Lake Road

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 28<sup>th</sup> day of October, 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 14-94.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 28th day of October, 2014.

---

Terry C. Schwerm  
City Manager









SEAL





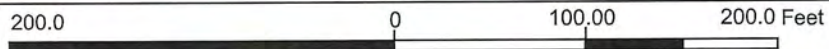
### Legend



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

### Notes

Tilstra - Variance



October 15, 2014  
Explanation of Practical Difficulties related to Shoreview City Code 205.080(D.1.a,g(ii))  
Property located at 340 Snail Lake Rd  
Parcel ID: 243023130046  
Lot 3 Block 2 Blaine Oaks Plat  
Property owners Andrew and Leah Tilstra

To Whom It May Concern:

We are requesting a variance from Shoreview City Code 205.080(D.1.a,g) pertaining to the required setbacks of a proposed addition to our home at 340 Snail Lake Road. Our home is on the South West corner lot of the Snail Lake Road and Hodgson Road intersection. The "front" of our lot is on Snail Lake Road. The planned addition complies with all setbacks related to Snail Lake Road. According to 205.080(D.1.a) our lot is also subject to the setbacks on the "side" of our lot along Hodgson Road. The standard setback along Hodgson Road is 40 feet. Our house has a current setback of approximately 45 feet. The adjacent dwelling to the North is 4389 Hodgson Road, which has a setback of approximately 28 feet. The adjacent dwelling to the South is 4355 Hodgson Road, which has a setback of approximately 65 feet. According to 205.080(D.1.g(ii)), if the adjacent dwelling to the South is 15 feet or more beyond the required 40 foot setback from Hodgson, then an "exception minimum setback" applies to our planned addition. (We do not have an accurate survey of 4355 Hodgson to determine if the adjacent dwelling is exactly 65 feet or if it is less.) Since the adjacent dwelling to the North is a corner lot, it is not utilized in the "exception minimum setback" for our corner lot. If the "exception minimum setback" applies to our planned addition, it is computed according to the city code to be 55 feet.

This "exception minimum setback" creates practical difficulties in the following ways:

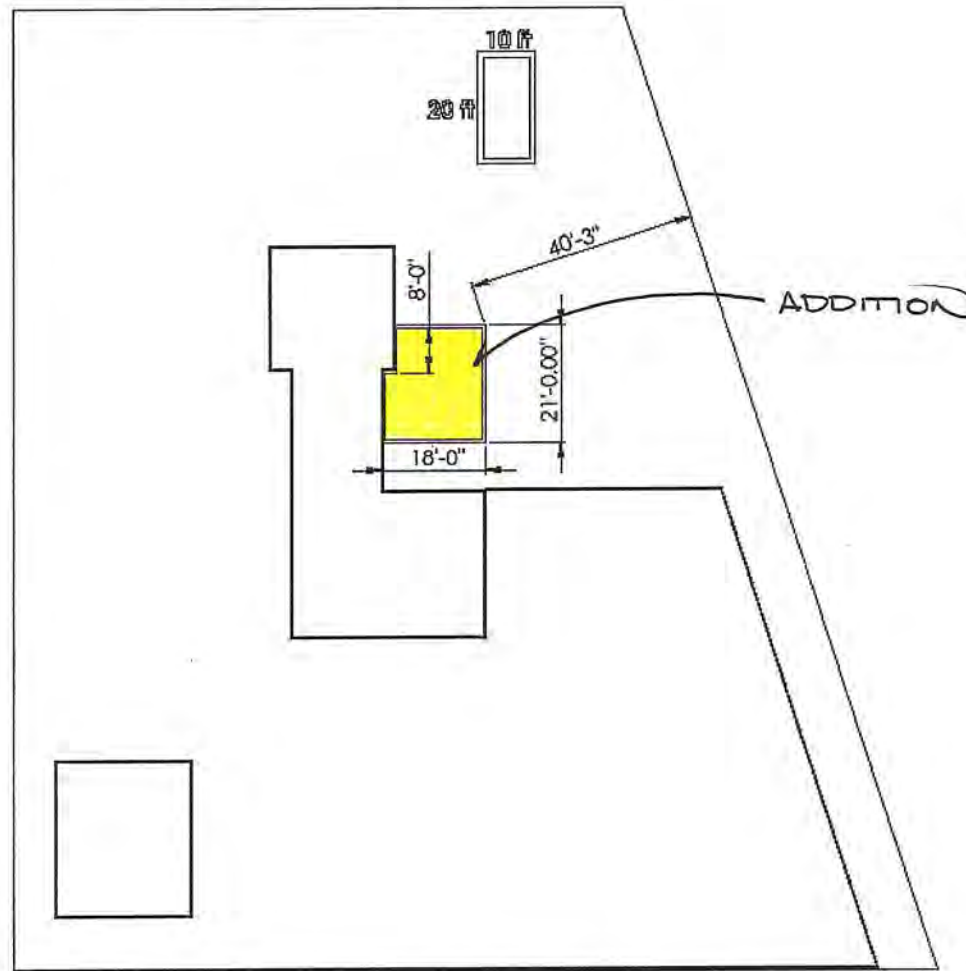
- i. Reasonable Manner  
Our planned addition proposes changes to our house that we consider to be reasonable because the primary objectives of the addition are to create a front entry that faces Snail Lake Road and to provide a larger dining room space for our family. The current front door of the house is not visible as people approach the house from the driveway.
- ii. Unique Circumstances  
Our house was built in 1972 with walls that run North-to-South and East-to-West. However, Hodgson Road does not run true North-to-South. It runs at an angle of almost 20 degrees to the West of North, such that our North property line is almost 60 feet shorter than our South property line. Our proposed addition does not extend any further East or further North than the existing structure but the setback is computed parallel to the road.
- iii. Character of the Neighborhood
  - a. The proposed addition will not change the character of the neighborhood. The addition is planned to match the existing look of the house.
  - b. There is distance, trees, and a fence that visually separate our house from the adjacent dwelling to the south such that a person viewing from ground level would not easily discern a difference in setback between the two dwellings.
  - c. The dwellings at the North West and North East lots of the Snail Lake Rd and Hodgson Rd intersection both have set backs to Hodgson that are less than 40 feet.
    1. 4389 Hodgson Road – about 28 feet
    2. 315 Snail Lake Road – about 39 feet
  - d. Dwelling setbacks along the West side of Hodgson Road vary greatly, starting as small as about 20 feet.

- i. The nine houses along Hodgson Road to the North of our lot all have setbacks of approximately 30 feet.
- ii. Dwellings on corner lots West of Hodgson to the South of us have much smaller setbacks than our proposed addition.
  1. Intersection of Colleen Ave and Hodgson Rd
    - a. 315 Colleen Ave – about 32 feet
    - b. 316 Colleen Ave – about 24 feet
  2. Intersection of Dennison Ave and Hodgson Rd
    - a. 303 Dennison Ave – about 24 feet
    - b. 300 Dennison Ave – about 35 feet
  3. Intersection of Lilac Lane and Hodgson Rd
    - a. 303 Lilac Lane – about 20 feet
    - b. 300 Lilac Lane – about 34 feet

In addition, we hope that those reviewing our request for a variance will take into account the economic considerations of our planned addition. The proposed plan was selected after careful consideration of many options. We have been planning for many months and we've solicited input from professional architects and multiple contractors. The proposed plan requires relatively little modification to the existing structure and therefore is the most economical option to meet the needs of our family.

Thank you for your consideration,  
Andrew and Leah Tilstra

Corner of addition will be >40 ft from Hodgson property line

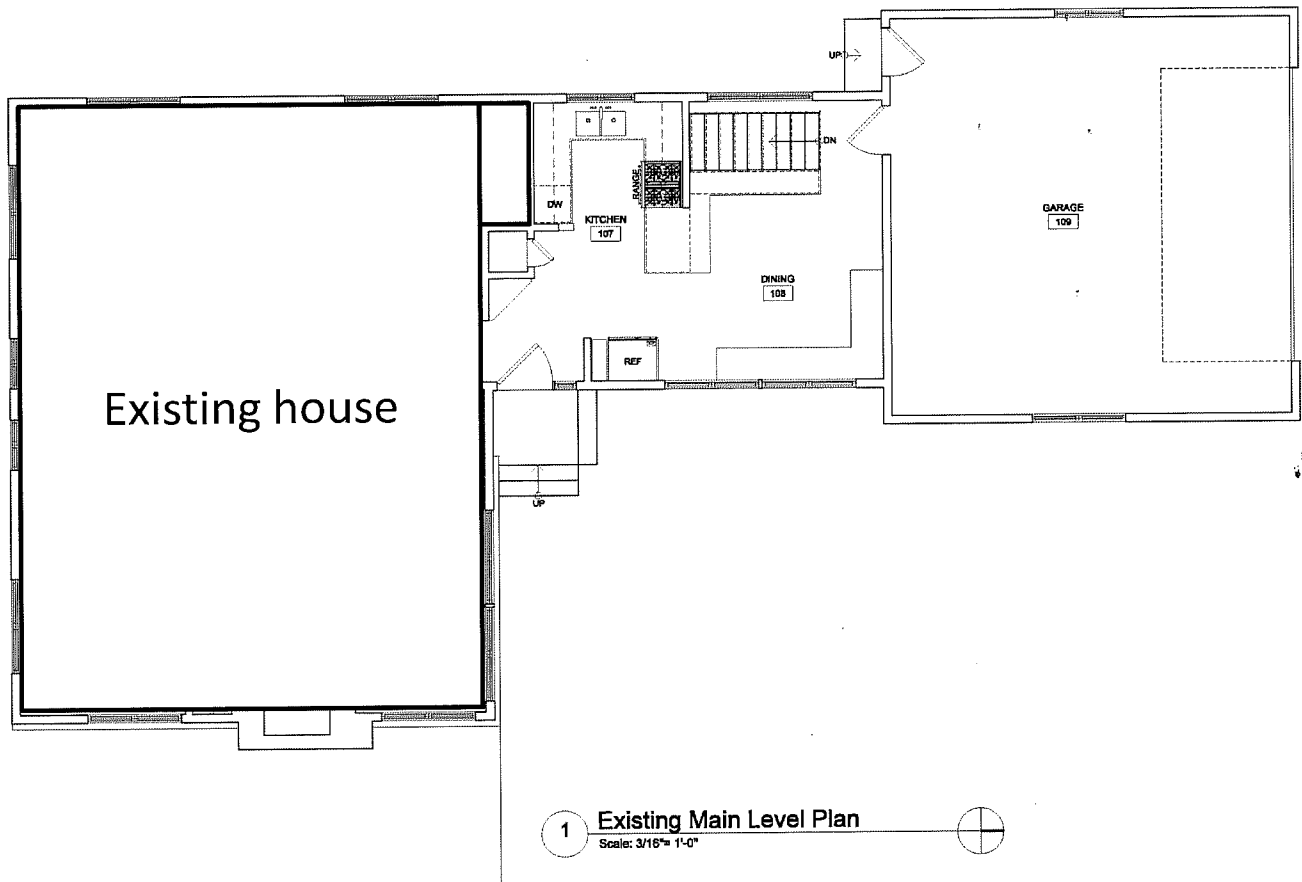


340 Snail Lake Rd  
Shoreview, MN

Dining Room Addition  
10/9/2014  
AHT

10/15/2014





1 Existing Main Level Plan  
 Scale: 3/16" = 1'-0"

**LNA**

LNA Design  
 2246 Edison Parkway  
 Minneapolis, MN 55416  
 612-688-8400  
 info@lnadesign.com  
 lnadesign.com

The Tilstra Residence  
 340 Snail Lake Road  
 Shoreview, MN 55126

Schematic Resolution | July 4, 2014 | Not For Construction

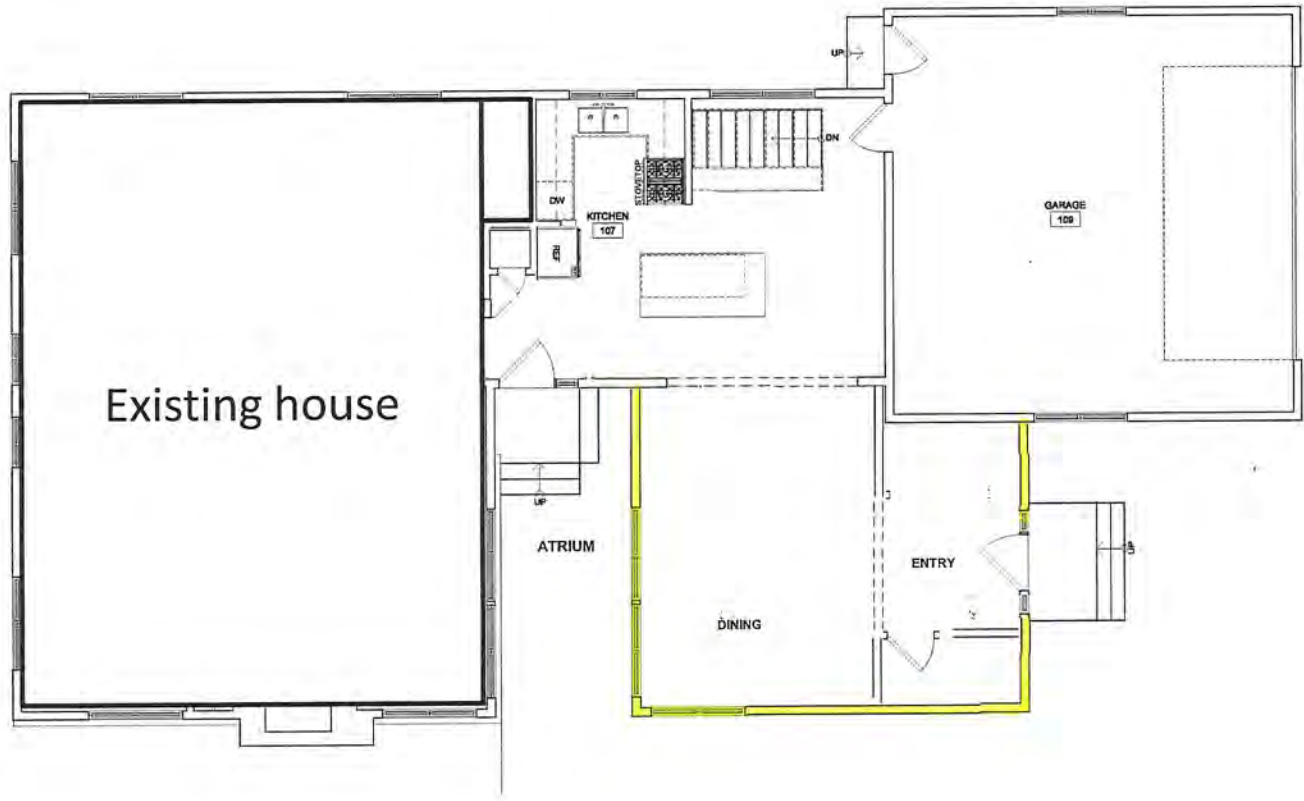
Project Number  
 2014-008  
 Project Phase  
 As-Built Drawings  
 Issue Date  
 As-Built  
 May 21, 2014  
 Schematic Design  
 June 12, 2014  
 Schematic Resolution  
 July 4, 2014

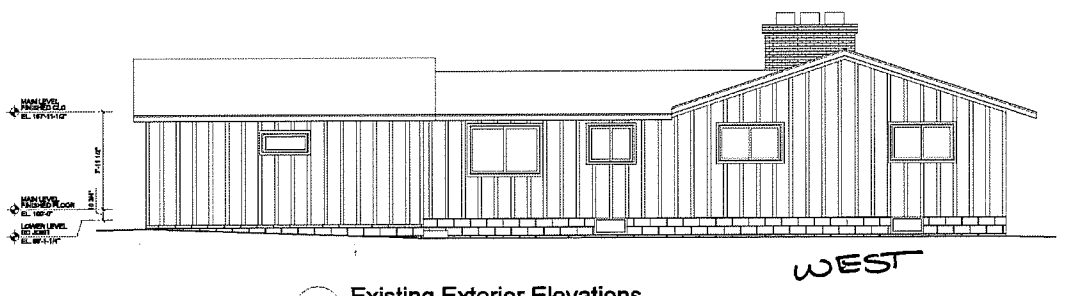
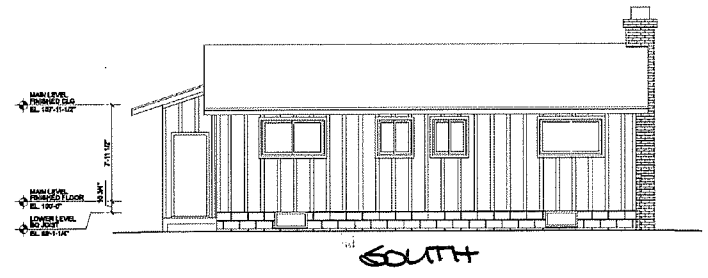
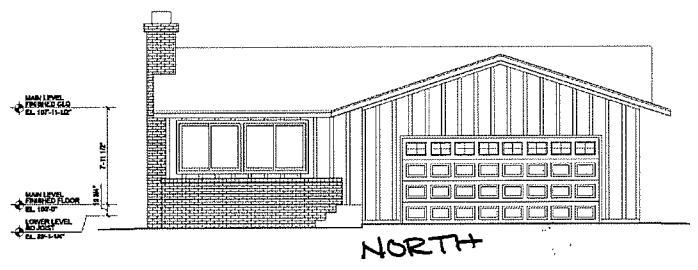
Drawn By  
 AMC, EIL  
 © LNA, 2014

Existing Main  
 Level Plan  
**AB2**

Ceiling vaulted to the south over new area  
Opening to existing house is under existing window header. No structural change.  
New front door next to garage that faces Snail Lake Rd  
No changes to plumbing.

340 Snail Lake Rd  
Shoreview, MN  
Dining Room Addition  
10/9/2014  
AHT





1 Existing Exterior Elevations  
Scale: 3/16" = 1'-0"

**LNA**

LNA Design  
2246 Johnson Parkway  
Minneapolis, MN 55416  
612.566.3428  
lno@lnadesign.com  
lnadesign.com

The Tilstra Residence  
340 Snail Lake Road  
Shoreview, MN 55126

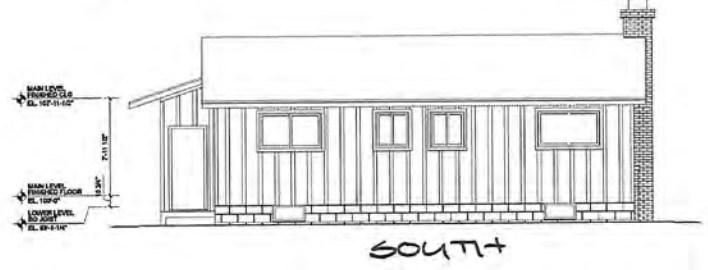
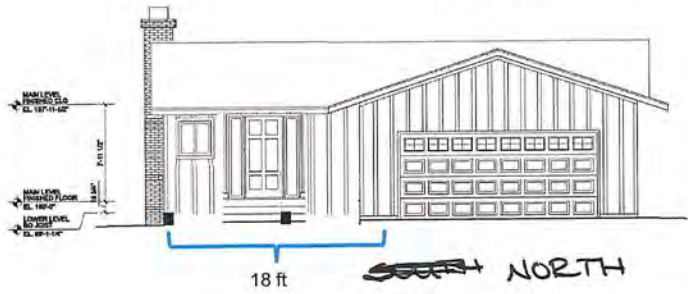
Project Number  
2014-056  
Project Phase  
As-Built Drawings  
Issue Date  
As-Built  
May 21, 2014  
Schematic Design  
June 12, 2014  
Schematic Resolution  
July 4, 2014

Drawn By  
AMC, EIT  
© LNA, 2014

Existing Exterior  
Elevations  
**AB3**

Schematic Resolution | July 4, 2014 | Not For Construction

340 Snail Lake Rd  
 Shoreview, MN  
 Dining Room Addition  
 10/9/2014  
 AHT



10/15/2014

12



10/22/2014

Shoreviewmn.gov Mail - 340 Snail Lake Road Variance Request



Kathleen Cas

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## 340 Snail Lake Road Variance Request

1 message

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**Tom Wesolowski** <twesolowski@shoreviewmn.gov>  
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Kathleen,

I have reviewed the variance request and do not have have any comments.

Thank you, Tom

—

Tom Wesolowski, P.E.  
City Engineer  
City of Shoreview  
twesolowski@shoreviewmn.gov  
Direct Tel: 651-490-4652  
Fax: 651-490-4696

## MOTION TO APPROVE

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

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

To approve the variance request submitted by Andrew Tilstra, 340 Snail Lake Road, reducing the minimum 55-foot structure setback required from a side property line abutting an arterial roadway to 40 feet and adopt Resolution No. 14-94, subject to the following conditions:.

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. The approval is subject to a 5-day appeal period.

This motion is based on the following findings:

1. The proposed single-family residential use of the property is consistent with the low density residential land use designation proposal and the R-1, Detached Residential Zoning District.
2. Practical difficulty is present based on the findings of fact in Resolution 14-94. The proposed addition is reasonable as it improves access to the home and provides living space. Unique circumstances are present due to the configuration of the lot, location, design and orientation of the existing home and characteristic of Hodgson Road. The proposed setback is in keeping with the character of the neighborhood.
3. The proposed improvements support the policies of the Comprehensive Plan regarding housing maintenance and neighborhood reinvestment.

### VOTE:

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
October 28, 2014