

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: DECEMBER 16, 2014
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 N. VICTORIA**

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

2. APPROVAL OF MINUTES

November 18, 2014

Brief Description of Meeting Process – Chair Steve Solomonson

3. NEW BUSINESS

A. VARIANCE / RESIDENTIAL DESIGN REVIEW

File No: 2556-14-46

Applicant: James & Linda Budnicki

Location: 5280 Oxford Street North

4. MISCELLANEOUS

*A. Commission Members Assignments - January 5th and January 20th, 2015
Peterson and Thompson*

B. Planning Commission Workshop after the Regular Meeting

5. ADJOURNMENT

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
November 18, 2014**

CALL TO ORDER

Chair Solomonson called the November 18, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

Commissioner Peterson was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Scumer, seconded by Commissioner Proud to approve the November 18, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 6 Nays - 0

APPROVAL OF MINUTES

Reference to Chair Solomonson should be changed to Acting Chair Schumer, as Chair Solomonson was absent from the October 28th meeting.

Under Roll Call the reference to Commissioner Thompson being absent should be deleted and only the reference of her arrival at 7:05 p.m. remain.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the October 28, 2014 Planning Commission meeting minutes, as as amended.

VOTE: Ayes - 5 Nays - 0 Abstain - 1 (Solomonson)

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle reported that the City Council approved the following matters heard by the Planning Commission at the October 28, 2014 meeting:

- Conditional Use Permit for George & Justine Greene, Jr. at 5875 Kitkerry Court South
- Preliminary Plat/Planned Unit Development for Lexington Estates II Townhome Association, Inc.
- Upheld the Planning Commission decision to deny a variance that was appealed by Mike Morse at 1648 Lois Drive

- Held the public hearing and approved the Preliminary Plat for Tom & Barg Novotny/Moser Homes, Inc.

NEW BUSINESS

MINOR SUBDIVISION

FILE NO: 2552-14-42

APPLICANT: THOMAS HIPKINS

LOCATION: 4693 HODGSON ROAD

Presentation by City Planner Kathleen Castle

This application is to divide 19,939 square feet off the rear portion of the property at 4693 Hodgson Road and combine it with the adjoining property at 4694 Mackubin Street to use as yard area. The property at 4693 Hodgson consists of 1.31 acres with a lot width of 109.82 feet. It is developed with a single-family home, detached garage and other site improvements. The property at 4694 Mackubin consists of 0.49 acres with a lot width of 120.37 feet and is also developed with a single-family home with attached garage and other improvements. The two properties are surrounded by single-family residential use to the north, west and south. To the east is high density senior housing.

The properties are in Policy Development Area (PDA) #9, the Hodgson Road Residential Area, which has a land use designation of low and medium density residential. The PDA recognizes that residential uses may transition to other uses with changes in the transportation corridor and redevelopment. This proposed subdivision will not compromise redevelopment in the area. The larger lot for 4694 Mackubin may act as a buffer in the future. The two properties are zoned R1, Detached Residential. Both comply with lot area and setback requirements. Drainage easements area required over property lines and on drainage ways.

Property owners within 350 feet were notified of the proposal. No comments were received. Staff is recommending the Planning Commission forward the application to the City Council for approval.

Chair Solomonson opened the discussion to public comment.

Chair Solomonson asked if an angled boundary line was considered rather than a straight line. **Mr. Thomas Hipkins**, 4707 232nd Street, Forest Lake, stated that he is representing his mother who owns the property. This is a division that she has long wanted to make. In response to Chair Solomonson's question, he explained that the surveying company recommended the straight line division, but it is not critical.

Ms. Deb Resch, 4694 Mackubin Street further explained that there is a large pine tree that she does not want to lose.

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to recommend the City Council approve the Minor Subdivision submitted by Mr. Thomas Hipkins for the property at 4693 Hodgson Road. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
3. Said parcel shall be combined with the property to the west at 4694 Mackubin Street.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Said approval is based on the following findings of fact:

1. The subdivision is consistent with the policies of the Comprehensive Plan regarding land use.
2. The proposed lots conform to the adopted City standards for the R1, Detached Residential Zoning District.

VOTE: Ayes - 6 Nays - 0

MINOR SUBDIVISION

FILE NO: 2553-14-43
APPLICANT: SANDRA MARTIN/DONALD ZIBELL
LOCATION: 444 LAKE WABASSO COURT/3244 CHANDLER ROAD

Presentation by Senior Planner Rob Warwick

The application is to adjust the side lot line between 3422 Chandler Road and 444 Lake Wabasso Court. Both properties are riparian lots on Lake Wabasso. The Martin property would be reduced to approximately 4.1 acres (above the OHW). The Zibell property would be increased to 4.3 acres of upland (above the OHW). The new lot line would align his property line with Chandler Road. The property at 444 Lake Wabasso Court would be divided into two lots, Parcels A and B. Parcel B would be transferred to the Zibell property at 3244 Chandler Road. Parcel B would consist of 65 feet north/south and 140 to 150 feet of upland area, with an upland area of about 9600 sq. ft.. The proposed new line would bisect the existing tennis court. A sketch plan showing future plans for subdivision of the Zibell property was also submitted.

The Martin property is accessed from Lake Wabasso Court. A hammerhead turnaround has been developed on the Martin property. There is also storm water structure along the west lot line. The property has a single-family home with attached garage. There is also a fenced dog run. In the southwest corner, there is a tennis court and boat house of approximately 240 square feet.

Both properties are located in the R1 Detached Residential District and in the Shoreland Overlay District of Lake Wabasso. Frontage on a public road with municipal services is not necessary for the subdivision because it will not be a buildable lot. Both properties conform to City standards for riparian lots in the Shoreland District.

Both existing homes will remain. The tennis court must be removed to comply with the 5-foot setback that applies to this type of structure. The accessory structure near the tennis court will be transferred to the Zibell property. It will meet the required 20-foot setback, but it will bring the number of accessory structures on the Zibell property to 3, which exceeds the 2 allowed. Staff suggests that the removal of the tennis court and accessory structures be addressed in the Subdivision Agreement.

There are no environmental impacts with this proposal, and no trees will be impacted. A grading permit is required with removal of the tennis court. A grading and drainage plan must be prepared for City review and approval. Erosion control is also required. Shoreland Mitigation is required and recommended to be addressed in the Subdivision Agreement. There will be no Public Recreation Use Fee because no new homesite is being created.

Property owners within 350 feet were notified of the application. One response was received with no concerns. One telephone call was received regarding future subdivision. However, this application is only in regard to Parcel B. The application complies with the standards of the Development Code. Staff recommends the application be forwarded to the City Council for approval with the conditions listed in the staff report.

Commissioner Proud asked if there are any outstanding issues with either property. Mr. Warwick responded that there are no known issues at this time.

Commissioner McCool asked the setback of the boathouse and the timing for completion of the work. Mr. Warwick stated that the setback for the boathouse is more than 10 feet from the Ordinary High Watermark (OHW), which meets Code. The project schedule will be stipulated in the Subdivision Agreement.

Chair Solomonson opened the discussion to public comment.

Mr. Don Zibell, 3244 Chandler Road, Applicant, stated that this action will straighten the boundary between the two properties. He anticipates a subdivision plan for future residential development by summer, but he does not intend to sell the lots immediately.

Mr. Vin Gupta, 456 Lake Wabasso Court, asked about grading and how drainage will be impacted. His concern is that existing drainage not change with removal of the tennis court. Mr. Warwick explained that there are existing drainage and utility easements on the west end of the tennis court. Those will remain for the storm water management of Lake Wabasso Court. Any grading must be sensitive to the storm water system that exists. There is a Best Management Practice (BMP) area just north of the tennis courts. When they are removed, the work must be done carefully so the BMP continues to exist.

Mr. Kamran, 464 Lake Wabasso Court, expressed concern about drainage and future subdivision and the number of houses that will be built and the aesthetics of the neighborhood for those who have lived in the area for a long time.

Commissioner Proud asked how the water accumulates. **Mr. Kamran** stated that it appears to back up from the lake. His property and Mr. Gupta's property are approximately 10 feet higher than the proposed lots. Any building on new lots will have to have a better drainage system. Mr. Warwick stated that the tennis court sits several feet above Lake Wabasso and the back yards of Mr. Cameron and Mr. Gupta are 10 feet above that. He is trying to envision flooding with the drainage system. The BMP is to create an infiltration area. **Mr. Kamran** stated that the flooding occurs around the tennis courts. Mr. Warwick explained that water standing in an infiltration area is different from water flowing onto private property. The drainage easement is the most depressed area where water begins ponding. The infiltration system is to have water sit rather than drain directly into Lake Wabasso.

Mr. Gupta stated that his property slopes and where it ends is actually below the tennis court. The drainage system has not been maintained. There is a lot of vegetation so the water does not flow properly.

Commissioner Ferrington urged staff to correct drainage issues with the removal of the tennis courts.

Commissioner McCool suggested that water may be spreading further than intended and encroaching on other properties. He would like the City to retain the right to work on the property at 444 Lake Wabasso Court if needed to address drainage problems. Mr. Warwick stated that at the end of Lake Wabasso Court there is a 35-foot wide drainage and utility easement that runs along the west lot line of 444 Lake Wabasso Court. Commissioner McCool stated that once the tennis court is removed, he would like to see the easement extended to include additional property at 444 if needed. Mr. Warwick will bring the issue to the Public Works staff.

Commissioner McCool offered an amendment to condition No. 5 that would require removal of the tennis court and additional accessory structure within a one-year period. He would also add to the motion to have staff address whether additional easement may be needed onto the property at 444.

Mr. Warwick stated that the subdivision as a whole is subject to preservation of existing drainage. These issues will be reviewed by staff before review by the City Council.

Commissioner Proud stated that removal of the tennis court and mitigation affidavit are tied to the performance of the Subdivision Agreement. He agreed a plan for easements is needed, but he does not believe there is enough information to for an amendment. If the easement is tied to the Subdivision Agreement, the application can move forward. The need for easements must be considered and resolved before review by the City Council.

Chair Solomonson clarified that this application is only regarding Parcel B. If there is a drainage problem, it needs to be addressed. If additional easements are needed, he would anticipate that with future development.

MOTION: by Commissioner McCool, seconded by Commissioner Proud to recommend the City Council approve the minor subdivision submitted by Donald Zibell on behalf of Sandy Martin to subdivide the property at 444 Lake Wabasso Court, in order to adjust the property boundary with the adjoining property located at 3422 Chandler Road. Said recommendation for approval is subject to the following conditions with the stated amendments to condition Nos. 5 and 6 as shown in the brackets:

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
4. Resulting Parcel B shall be combined with the existing property at 3422 Chandler Road for tax purposes, creating a single lot.
5. Removal of the tennis court and accessory structures shall be addressed in the Subdivision Agreement provided, however, removal must occur within one year of execution.
6. An erosion control and grading plan shall be submitted and approved by the City Engineer prior to issuance of a grading permit application for removal of the tennis court. [City staff will further review drainage needs in the area, and may require additional drainage easements to be conveyed by the owners of 444 Lake Wabasso Court and 3422 Chandler Court prior to the City approving the Subdivision Agreement and endorsing deeds for recording.
7. A Mitigation Affidavit is required for both parcels. For 444 Lake Wabasso Court, this Affidavit shall be executed prior to the City's release of the deed for recording. For 3422 Chandler, this Affidavit shall be addressed with the Subdivision Agreement.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings:

1. The proposed development plan will not adversely impact the planned land use of the surrounding property.
2. The preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

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

VARIANCE

FILE NO: 2554-14-44

APPLICANT: JAMES CLOUTIER

LOCATION: 925 ISLAND LAKE AVENUE

Presentation by City Planner Kathleen Castle

This application is for a variance to reduce the minimum 26-foot setback to 13.5 feet from the side lot line adjacent to the street for the construction of a 140-foot storage shed. The property is over 13,000 square feet and is a standard corner lot with 98.6 feet of width on Island Lake Avenue and 150 feet of depth along Milton Street. The property is developed with a single-family home and tuck under garage. The driveway is to the east of the home along Milton Street.

The proposed structure complies with Code requirements. The variance would allow it to sit 13.5 feet from Milton Street rather than the required 26 feet. Code requires that an accessory structure on a corner lot must be set back the same distance as the principal structure, which is 26 feet.

The applicant states that there is a grade change on from the driveway to the back yard. The property is on a dead end street with no home facing the driveway. The requested placement of the shed would make it less visible and allow easier access to the tools and equipment stored in the shed. Placement of the shed in the back yard would impact the extensive landscaping and irrigation system that has been put in. The requested placement of the shed does not encroach on any neighboring properties or create any hardship. The quality of life or property value of neighbors is not negatively impacted.

Staff finds that practical difficulty is present, and the requested location for the shed would be a reasonable use of the property. Imposing the required 26-foot setback would create accessibility issues for the maintenance equipment to be stored because of the 5-foot grade change between the back yard and driveway. The requested location will minimize site disturbance. The character of the neighborhood will not be changed because of the minimal visibility of the proposed shed. The proposed shed complies with the City's size requirements. The properties to the east are riparian and allowed to have detached structures in their yards abutting Milton Street.

Property owners within 150 feet were notified of the proposal. One comment indicated that the shed will hardly be seen. The second comment approved the proposal. One telephone call was also received and that person has no problem with the proposed shed. Staff is recommending approval with the conditions listed in the staff report.

Chair Solomonson asked if the shed could be expanded to a garage. Ms. Castle stated that any increase in height or area would have to be reviewed through the variance process.

Commissioner McCool noted that a side yard setback for the shed would be 5 feet. Because of the corner lot and Milton Street, Code requires the setback of the principal structure.

Chair Solomonson opened the discussion to public comment.

Chair Solomonson asked the height of the proposed shed. **Mr. Jim Cloutier**, 925 Island Lake Avenue, answered that it will be approximately 9 feet. It will sit on the concrete of the driveway offshoot. He added that there is a pond and waterfall in the back yard near a trail. He receives many compliments on the landscaping and a shed in back would not make sense.

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to approve the variance request submitted by James Cloutier for their property at 925 Island Lake Avenue, reducing the minimum 26 foot structure setback from a side property line of a corner lot to 13 ½ -feet and adopt Resolution No. 14-103, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.
5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This motion is based on the following findings:

1. The request to locate the shed in the proposed location represents a reasonable use of the property. City Code permits detached structures as an accessory use. Locating the proposed shed to the required setback would result in accessibility issues for the maintenance equipment stored in the shed because of the 5ft grade change between the back yard and driveway. Relocating it within the required setback would require a concrete pad and relocating of the existing irrigation system.
2. Practical difficulty is present as the topography of the parcel and layout of the split-level house on the corner lot is such that you cannot locate the shed in an area allowed by code that is easily accessible for the proposed use. The 5ft grade change and rock wall along the driveway area do not allow access to the backyard from the driveway area.
3. The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing screening and the style will match the existing home. Additionally, the properties to the east are riparian lots and as such are allowed to have detached structures in their yards abutting Milton Street.

Discussion:

Chair Solomonson stated that he would normally support placement in the front yard, but because it is a dead end street, the shed will be well screened and for the reasons outlined by staff, he supports this application.

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

RESIDENTIAL DESIGN REVIEW/VARIANCE

FILE NO: **2555-14-45**
APPLICANT: **ANDREW AND MEGAN GAILLARD/CYNTHIA KULP**
LOCATION: **230 E. OWASSO LANE**

Presentation by City Planner Kathleen Castle

This proposal is to demolish the existing home and detached garage and construct a new home with new detached garage. A variance is requested to increase the maximum 52-foot structure setback to 227 feet. Immediately to the south of the property are two lots--one riparian and one non-riparian. It is the non-riparian lot adjacent to the North Owasso Lane that is used to calculate the front setback for the applicant's property.

The property consists of 24,938 square feet with a lot width that ranges from 75 feet at the lakeshore to 35 feet at the street. The property is a substandard riparian lot due to the lot width. Land uses surrounding the property are single-family residential. Both the existing home and garage are nonconforming. The current home is 217 feet from the front property line, exceeding the 52 feet allowed. The proposed new garage would be 50 feet from the front property line; the house is proposed at 227 feet from the front property line.

The new home would be 1.5 stories with a basement. The foundation area is 1,484 square feet with covered porch on the street side and deck on the lakeside. The proposed garage reflects the design of the home and would be 728 square feet. The structures comply with the minimum side yard setbacks.

The property is zoned R1, Detached Residential and is in the Shoreland Overlay District for Lake Owasso. The proposal complies with established design standards for lot coverage, structure height, foundation area and architectural mass. The setback requirements for the front property line and OHW are determined by the average of the two adjoining properties, plus or minus 10 feet. The proposed OHW setback is 170 feet which complies with the allowed range of 163 to 183 feet. The variance is for an exception to the maximum front yard setback for the new home at 227 feet. The home does comply with the 10-foot setback required for side lot lines.

The applicant states that there is practical difficulty because of the configuration of the lot to the south, which has been subdivided into two parcels with a non-riparian lot. This circumstance creates difficulty in meeting the front setback requirement. The proposed home would be in the same area as the existing home and in line with other homes on the lake.

Staff finds that practical difficulty does exist. The proposal is consistent with the Comprehensive Plan and Development Code. Placement of the home is practical due to the configuration of the adjoining properties to the north and south. The property to the north has an odd configuration due to the curve of Woodbridge Avenue transitioning into East Owasso Lane.

This impacts the determination of the front setback. Use of the non-riparian lot to the south in determining the front setback is use of a lot that is not similarly situated. It is not feasible to construct a home that would comply with both the lakeside and street setback requirements. Staff believes the increased front setback will not alter the character of the neighborhood. Two shoreland mitigation practices are required. Architectural mass will be used with the color of gray. The second practice is to be determined.

Property owners within 150 feet were notified of the proposal. One comment was received in support of the application. Other comments were received expressing concern about the proposed location and obstruction of lake views. Staff is recommending approval of the variance subject to the conditions listed in the staff report.

Commissioner Ferrington requested further comment on the proposed enclosed porch in regard to the comments received noting that there is a basement under the porch. Also, the neighbor to the north is worried about lakeview obstruction. She is trying to determine whether placement of the new home is reasonable and that the enclosed deck on the lakeside will not obstruct the view even though closer to the lake. Ms. Castle explained that the measurement for the OHW measures to the closest point of the structure, including attached decks. The measurement for the house to the north is 179 feet. The setback to the house is 197 feet. For the property to the south, the deck measures 167 feet and the house at 176 feet. The new home would be at 170 feet or 13 feet closer to the lake.

Commissioner McCool asked if there has been discussion with the applicant about shifting the home further east away from the lake to match the existing location. Ms. Castle stated that the home was shifted further east from the original plan.

Mr. Todd Hines, builder for the applicants, stated that the basement of the new home will sit on the exact same site as the current house. The porch extends 12 feet closer to the lake than the existing house and 4 feet closer than the existing deck. There is no basement under the porch on the lakeside. He explained that the reason the proposal is not on the exact same site as the current house is because of the covered deck to be in line with neighbors' properties.

Commissioner McCool asked if the porch has four walls. **Mr. Hines** stated that one wall would be the patio doors. The posts holding the roof of the open air porch would be the only obstruction. Screens are being discussed but not enclosure.

Commissioner Proud asked if a comparative analysis was done to address the concerns about view obstruction. Further, he asked about moving the garage to address visual impact. **Mr. Hines** showed on the map the large pine tree on the lakeside of the existing home. He believes that the only view obstruction with the new house closer to the lake would be a view of the tree. The new house will not obstruct view of the lake in any way. As to the garage, it has been moved in further. The proposal is the best for the narrowness of the lot.

Chair Solomonson asked the setback of neighbors' decks. **Mr. Hines** stated that he would estimate within one or two feet of the existing deck.

Chair Solomonson opened the discussion to public comment.

Ms. Dorothy Borgstrom, 234 E. Owasso Lane, stated that she is excited about a new home and its design, but she is very opposed to the variance. The house is too close to the lake. The comparison being done is from the corner of her deck on the lakeside. The comparison should be house to house or at least deck to deck. Comparing a deck to a house is not the same. She and her husband applied to have their deck 5 feet closer to the lake but were denied. It is her understanding from staff that there is a basement under the lakeside porch/deck. This house will sit closer to the lake than any other of the 20 properties on this side of the lake. All properties have a 180-degree view toward the lake. She will not have this wide view with the proposed placement of the new home. Her request is for the new house to be in line house-to-house, not house to deck. She distributed photos showing windows in her home that will have a blocked view of the lake and that the new house will be 33 feet closer to the lake.

Commissioner Proud asked how the 180-degree view was determined. Mrs. Borgstrom explained that the line compared is from the corner of her house to the existing home and to the proposed home, which will be a 45-degree angle. **Mr. Bob Borgstrom**, Mrs. Borgstrom's son, stated that the 33-foot measurement is an estimate. In the summer outside, the view is wonderful. However, six months of the year the reference point for the view is inside and so should be measured from the house.

Commissioner Ferrington verified that the existing foundation will be used for the new home. The new deck is 12 feet, which puts it 12 feet closer to the lake than the current home.

Chair Solomonson clarified that the measurement is that the new deck is 13 feet closer to the lake from the new home. The new home is not 13 feet closer. Ms. Castle added that a revised site plan was received last week that moved the house further back.

Mr. Borgstrom stated that the proposal will be a huge upgrade to the neighborhood. From his family's perspective, they would request that the applicants consider moving the home further away from the lake with the homes in line on the lakeside disregarding the decks.

Commissioner Proud suggested tabling this application to allow the applicant to make a more professional assessment of impact to neighbors' views and time to consider the objections expressed.

Chair Solomonson stated that the request is for a variance from the street. What is proposed on the lakeside is within the range of what is allowed. The height proposed is modest. He would find it difficult to deny what is allowed. The difference in proximity to the lake is not 33 feet but 13 feet. Tabling would not change anything and he supports the plan as presented.

Commissioner McCool stated that except for the variance needed for the street setback, there would be no discussion of impacts of views. By permitting the variance from the street setback, the issue of views is created. His assessment is that the proposed deck will extend 4 feet further toward the lake than the existing deck, which will not be a significant impact to the neighbor's view. There is no drawing on what the roof of the deck will look like. The applicant objects to

moving further back because it would increase digging for the foundation. Commissioner McCool would be more persuaded if the same foundation were to be used. He would like more information and does not feel the Planning Commission is boxed in because what is proposed is legal.

Commissioner Ferrington stated that part of the issue is the confusion in measurements. It would be best for the applicant and neighbors if accurate measurements and better drawings can be presented.

Mr. Hines stated that the applicant would prefer not to table the request. From the south the measurement to the existing home is 176 feet. Mrs. Borgstrom's home is at 197.7 feet. The proposal is for 170 feet. The distance from her house to the corner of the covered deck would be 27.7 feet. The applicant is willing to compromise and line the new deck up with the existing setback of 176 feet, which is still well within code requirements. The street setback would then change to 221 feet. There would be no side setback issues. Tabling the application would mean it will be harder to build, as winter has already come.

Ms. Castle stated that if the matter is tabled, the Planning Commission would review the plan again at its December 16, 2014 meeting. She suggested the Planning Commission consider whether the 6-foot change is significant in light of what is being requested. The variance requested is for the front yard. The change would mean the variance is reduced and brings the proposed home more in compliance.

City Attorney Kelly stated that the best thing is to act on the variance presented. That is what was presented in the notice to property owners. Whether the change is minimal is a judgment of the Commission.

Commissioner Proud noted that since the variance would be reduced, he asked if the public notice given would be misrepresented. It is difficult for him to see a legal issue and any harm to the community.

Commissioner McCool agreed with Commissioner Proud. The six feet is a nice compromise and would like to support it.

Commissioner Ferrington noted that the notice sent to neighbors was a variance at 231 feet from the street; the plan presented is at 227 feet. With the offer at this meeting to move back another six feet, she would propose that the variance be changed to 221 feet in the motion.

Commissioner Thompson stated that the compromise proposed is very reasonable and puts the new home in line with the neighbors' home.

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the variance submitted by Andrew and Megan Gaillard and adopt Resolution 14-108 increasing the maximum 52-foot front yard setback permitted to 221-feet for the construction of a new home on the property at 230 East Owasso Lane. 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 applicant shall execute a mitigation affidavit prior to issuance of a building permit for the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The detached garage is subject to review and approval of a Riparian Lot - Detached Accessory Structure Permit.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.

Said approval is based on the following findings of fact:

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 identified in Resolution 14-108. The proposed use of the property for single-family residential use is reasonable. Placement of the same general location as the existing home. Unique circumstances are present due to the lot configuration of the properties to the south and configuration of Woodbridge Avenue/East Owasso Lane. The neighborhood character will not be altered with this variance.

VOTE: Ayes - 6 Nays - 0

MISCELLANEOUS

Council Meeting Assignments

Chair Solomonson and Commissioner Schumer will respectively attend the December 1, 2014 and December 15, 2014 City Council meetings.

Commissioners Ferrington and Schumer will respectively attend the January 5, 2014 and January 20, 2014 City Council meetings.

Workshop

Chair Solomonson noted that the Planning Commission held a workshop immediately previous to this meeting.

Commission Chair

Chair Solomonson informed Commissioners that anyone interested in serving as Chair or Vice Chair for 2015 needs to submit a letter to the City by December 3, 2014.

Commissioner Proud stated that anyone selected to serve on the Planning Commission should be willing to serve as Chair or Vice Chair. All Commissioners are better members for having served as Chair.

Chair Solomonson responded that anyone on the Commission could serve as Chair or Vice Chair. If someone is interested, a letter can be submitted. Then it is up to the City Council to make the appointment.

Next Meeting

The next Planning Commission meeting will be December 16, 2014, at 7:00 p.m.

ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adjourn the meeting at 9:35 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission

FROM: Rob Warwick, Senior Planner

DATE: December 13, 2014

SUBJECT: File No. 2556-14-46, Variances – James and Linda Budnicki, 5280 Oxford Street

INTRODUCTION

Jim and Linda Budnicki have submitted Residential Design Review and Variance applications for a proposed home and detached garage on the property at 5280 Oxford Street. They propose to demolish the existing home, and construct a new single-family home with both attached and detached garages. The proposal requires administrative Residential Design Review because the parcel is a substandard riparian lot. A variance is also required to increase the maximum 97.3-foot structure setback permitted from the front property line to 165.7 feet, and to increase the floor area of the proposed detached structure from 250 sq. ft. to 600 sq. ft. and the total floor area for all accessory structures from the maximum permitted 1200 sq. ft. to 1550 sq. ft.

The application was complete November 25, 2014.

BACKGROUND

After initial review, the plans were circulated for comments, by mailed notice to property owners as well as to agencies that have jurisdiction. In response, comments were submitted by several nearby property owners, the Rice Creek Watershed District (RCWD), and the Department of Natural Resources (DNR). The DNR comment pertained to the use of pervious pavements, and the method used by the City to approve such surfaces. The DNR indicated that State Rules require that such surface materials must be counted with impervious, and that porosity of the materials must be reviewed as a mitigation technique for the otherwise impervious surface. In this case, the proposed pervious driveway surface results in impervious coverage exceeding the 30% maximum that is permitted for substandard riparian lots, requiring a variance request, notice and subsequent Commission review.

Due to the timing of the comment from the DNR, staff has not been able to provide revised notice to nearby property owners, and the applicants have not had time to respond and re-evaluate their options.

Given these circumstances, staff recommends the Commission review and comment on the plan to aid the applicants in revising their plan. The review period for the applications must be extended from 60- to 120-days, and review tabled to the January meeting.

PROJECT DESCRIPTION

The subject property is a riparian lot located on the west side of Turtle Lake. The lot area is 27,103 square feet and lot width of 85 feet. The property is substandard due to the lot width. The lot is now developed with a single-family home with an attached garage. These improvements would be removed and a new home, attached garage and a detached garage constructed on the property.

The proposed home is a rambler with a walk-out lower level on the lakeside. The foundation area is 3,184 square feet including the 950 square foot attached garage. Exterior materials include stone, stucco, lap siding, and asphalt shingles.

The proposed structure complies with the Residential Design Review standards (Sec. 209.080(L)(2)), with the exception of the structure setback from the front property line. A variance is requested to increase the maximum 97.3-foot setback permitted to 165.7 feet.

The applicants propose a large driveway that will have a pervious surface. Detailed construction plans have not been prepared. Staff advised the applicants during the preliminary site design that pervious surfaces have been accepted by the City, provided the design is based on storage for the 10-year rainfall event, as detailed in the Surface Water Management Plan (SWMP). The applicant's have worked to identify various surfacing options, including pervious asphalt or pavers for the drive. Using the DNR evaluation of impervious surfaces, the proposed impervious coverage is 9,981 sq. ft., 36.8% of lot area. This exceeds the maximum 30% that is permitted and a variance is required. The applicants are considering the comment and reviewing options.

The proposed detached garage reflects the design of the home and has a floor area of 600 square feet. Since the proposed attached garage is larger than a two-car garage, a variance is needed for this detached garage to exceed the maximum 288 square foot area that is permitted for a detached accessory structure, and to exceed the maximum 1,200 sq. ft. total floor area that is permitted for all accessory structures. The total accessory floor area proposed is 1550 square feet.

Please see the attached plans.

DEVELOPMENT CODE REQUIREMENTS

The property is located in the R-1 Detached Residential District and the Shoreland Overlay District. It is a substandard riparian lot due to the lot width and any development must comply with the design standards, unless a variance is granted.

The setback from both the front lot line (Sec. 209.080(L)(2)(iv)(aa)) and the Ordinary High Water (OHW) of Turtle Lake (Sec. 209.080(F)(1)(a)) are calculated using the setbacks of the dwellings on the adjacent lots. In instances such as this, where one of the adjacent lots has not been developed with a principal structure, the minimum setback (25-feet for the front and 50-feet for the OHW) is used for the vacant lot in each calculation.

Design Standards

The project has been reviewed in accordance with the design standards which are summarized in the table below.

STANDARD	ALLOWED	PROPOSED
Lot Coverage	8,131 sf (30%) <i>Existing: 7604 sf (28.1%)</i>	9,981 square feet (36.8%)** 7,138 sq. ft.(26.3%)*
Building Height	35 feet	25 feet
Foundation Area	4,879 sf (18%) <i>Existing: 2925sf (10.8%)</i>	3,784 sf (14%)
Setbacks: OHW Front Side	50 to 69.5 feet 77.3 to 97.3 feet 10 feet – dwelling 5 feet - garage	56.9 feet 165.7 feet** 11 feet – north 12.67 feet - south 10.3 feet - south
Architectural Mass	Natural colors	Brown and Gray

*The driveway will use a pervious surface, and so is counted at 50% of the total drive area to mitigate impervious

****Variance required to increase front setback and to increase impervious surface coverage**

The setback from the OHW conforms to the Code requirements, but the setback from the street exceeds the 97.3 feet permitted. The impervious surface coverage reduction is due in large part to the use of pervious pavement for the proposed driveway.

Accessory Structures

Regulations pertaining to accessory structures were revised in April 2006 to address the compatibility of such structures in residential neighborhoods. Changes to the ordinance focused on the permitted area, exterior design and construction of these structures. The regulations for accessory structures in the R-1 District are specified in Sec. 205.082(D)(5) of the City Code.

The maximum permitted area of a detached accessory structure located on parcels less than one acre in size with an attached two car garage (or larger) is 288 square feet. The combined area of all accessory structures is limited to the lesser of 1,200 square feet or 90% of the foundation area of the dwelling. In this case, the maximum area permitted for a detached accessory structure is 288 square feet. The applicant has requested a variance to allow a 600-square foot detached garage, bringing the total of all accessory structures to 1,550 square feet (71.2% of the dwelling foundation area). The table below shows development code standards versus proposed structure.

Sec. 205.082(D)(5)	Attached	Detached	Development Code Standard
Area Detached Accessory Structure	0 sf	600 sf	250 sf (CUP required for more than 150 sf)**
All Accessory Structures	950 sf	1550 sf (71.2%)	1,200 sf or 90% of the dwelling unit foundation area (2178 sf) – whichever is more restrictive**

Setback Side lot line Front Lot line	10.3 Ft.	5 ft 42 ft	5 ft from a side lot line. Minimum 20 foot setback
Height Roof Peak Sidewall	N/A	16 ft 10 ft	18 ft 10 ft
Exterior Design	N/A	Match existing house	Compatible with the residence and be similar in appearance
Screening		Enhance existing vegetation	None

** Variance required

On riparian lots, detached accessory structures can be placed in the front yard adjacent to the street provided certain standards are met and a Riparian Lot – Detached Accessory Structure Permit (Sec. 203.039) is granted. From the front property line, these structures are required to maintain a minimum setback of 20-feet.

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

The applicants propose to build the detached garage 42-feet from the front lot line, and use the existing topography to aid in screening the structure. As shown on the garage elevations, about 3.5 feet of the structure will be below grade on the west side, which faces the street. The overhead garage door is located on the east side of the garage, facing away from the street. Staff believes the siting and design will aid to mitigate the visual impact of the proposed garage

VARIANCE

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Development Code. Practical difficulty (Sec.203.070(C)) 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.*

Affirmative findings for all of the review criteria are required in order to approve a variance.

Applicant's Statement

The applicants' statement is summarized below. A complete copy is attached.

Front Setback

The applicant states that practical difficulty is present. Building a house to meet both the front and OHW setbacks would require a 160-foot long structure which would be located on top of the City sanitary sewer. This is not practical. The proposed placement of the home eliminates the existing encroachment on the sewer easement.

Detached Accessory Structure

The lake lot has a large area, is more than 325-feet deep, and is located in an area that is vegetated with many large oaks. This requires extensive, on-going maintenance. The property is included in the owners association for the beach access lot immediately south of the property. The applicants are members of the owners association, and so participate in maintenance. Maintenance of that lot increases the need for equipment and storage area. The use of pervious material for the driveway is environmentally sound, but also requires equipment for routine maintenance. The combination of a riparian lot, narrow lot width, large lot size, low topography, and landmark trees in the vicinity create the unique circumstances that result in an increased need for enclosed storage.

The applicants' point out that nearby properties are currently developed with both attached and detached garages near the street. As such the character of the neighborhood will be preserved. Finally they identify that design elements have been used to minimize the visual impact, including a 6/12 roof pitch, and imbedding the garage into the topography so that the wall height when viewed from the street is about 5-feet. Landscaping will be added on the west and south sides of the garage to further reduce the visual impact, and the exterior finish materials will match those used on the house.

Staff Comments

Residential Design Review

The property is substandard riparian lot due the 85-foot lot width. Projects on lots that exceed 80% of the minimum are eligible for administrative review and approval of the required Residential Design Review (Sec. 203.034(A)(1)(a)). Staff have reviewed the application and found the project complies with all of the adopted standards, except for the front setback, and the area of the detached garage. In addition, an impervious surface coverage variance is required to comply with DNR standards. If the variance requests are approved, staff will approve the residential design review application for the project.

Variations

Staff believes that practical difficulty is evident for the front setback variance. Since the required front and OHW setbacks are calculated based on the vacant lot, the structure setbacks are reduced towards the minimum required setback rather than aligning with the pattern of structure setbacks in the area. This has

the effect of pulling the location for the house in opposite directions, towards both the OHW and the front lot line. The proposed location eliminates interference with the City sanitary sewer. It does not appear that the proposed house location will adversely affect the character of the neighborhood.

Staff sympathizes with the request to increase the size and total floor area to allow the proposed detached garage. However, staff is not convinced that there are unique circumstances to support the requested variances to increase the floor areas represented by the detached garage. The proposed attached garage and a detached structure of the permitted maximum area may provide storage areas for personal vehicles, recreation equipment, as well as the lawn and maintenance equipment needed for this property.

Unique circumstances appear to be present for the setback variance. These include the vacant lot to the south and the location of the sanitary sewer easement. The sewer easement runs diagonally across the property, and is located approximately 85-feet from the front lot line on the north side and 125-feet from the front lot line on the south side. Near the center of the property the sewer easement is about 105-feet from the front lot line. Staff believes it is not feasible or desirable to construct a house between the minimum 77.3 foot front setback and the sewer easement, but using that location would require a variance to increase the OHW setback, so adding to the circumstances affecting the front setback variance.

For the variances related to the detached garage, unique circumstances are less apparent to staff. The equipment needed for yard and pervious pavement maintenance does require enclosed storage, but it is not clear that the attached garage with a smaller 250 sq. ft. structure, the maximum size permitted with a CUP, would not suffice. These must be identified in order to approve the variance requests to increase the structure and total floor area of all accessory structures.

Staff does not believe the front setback variance will not alter the essential character of the neighborhood. The structures on the riparian lots tend to be aligned and oriented towards the lakeshore, and so by increasing the front setback, as proposed for this project, the dwelling will fit in with the prevailing development pattern in the neighborhood.

The proposed detached garage is also unlikely to impact the neighborhood character since detached garages are a common feature of lake lots along Oxford and Lake Beach Dr. Most of the detached garages are located near the street and front lot line while the house is oriented to the lakeshore.

REQUEST FOR COMMENT

Property owners within 150 feet were notified of the applicant's request. Three comments have been received, and all express support for the project. The comments are attached.

The Minnesota DNR and Rice Creek Watershed District (RCWD) were notified of the requests. The RCWD identified that the project will be subject to the District permitting requirements due to the proximity to Turtle Lake.

As noted above, the DNR staff commented that State Rules do not permit an administrative reduction in impervious surface for the use of pervious pavement. Instead they assert that the applicants are

required to apply for and be granted a variance to exceed the 30% maximum impervious surface coverage, and to use the pervious pavement as a practice to mitigate the excess impervious. The comment is attached.

Note too that the mailed notice did not include a variance for impervious surface coverage.

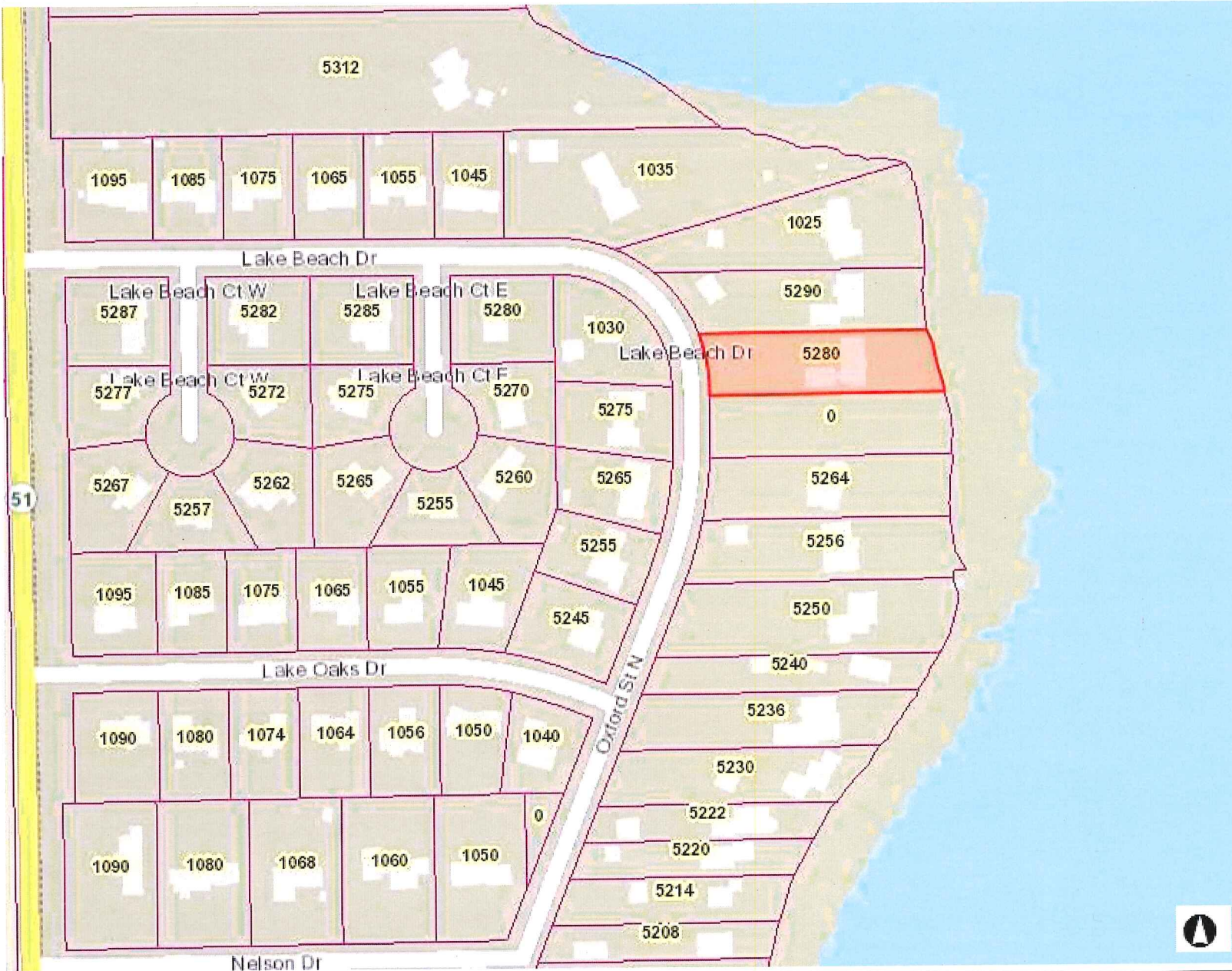
RECOMMENDATION

Staff recommends the Commission table the variance requests and extend the review period to 120-days. This extension will give the applicants time to revise their plans to comply with impervious surface coverage regulations or amend their variance request to exceed the limits for such. Another notice of the request will be provided to nearby property owners prior to review by the Planning Commission.

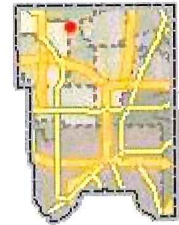
Staff also recommends that the Commission provide comments to the applicants, especially regarding the proposed detached garage. The comments may aid the applicants in revising their plans prior to the future formal review expected at the January 2015 meeting.

Attachments:

- 1) Location Map
- 2) Aerial Photo
- 3) Applicant's Statement and Submitted Plans
- 4) Response to Request for Comment
- 5) Motion to Table



Legend



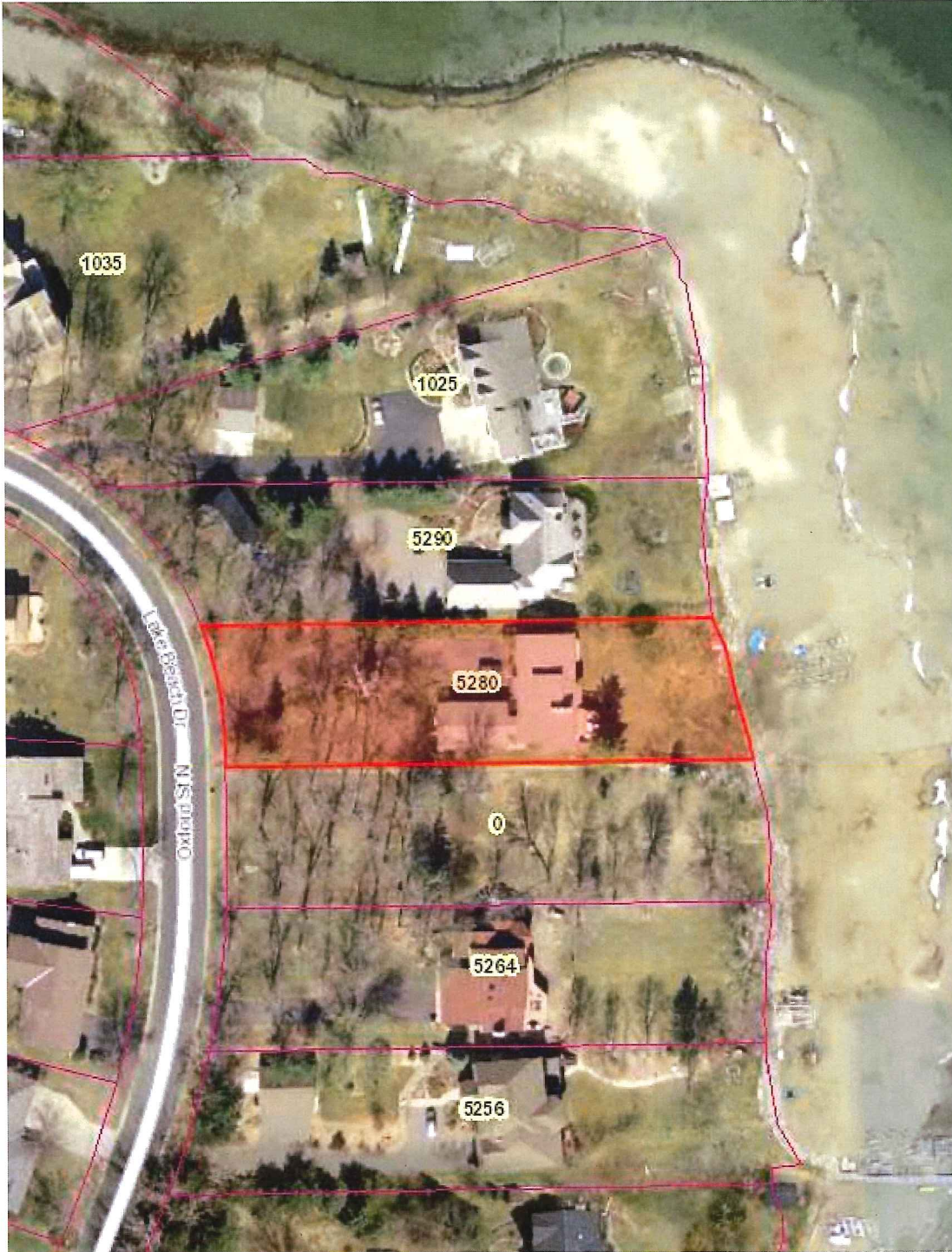
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- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports











Notes

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Legend

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

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1: 1,200

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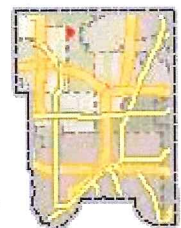
© Ramsey County Enterprise GIS Division

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

Notes

Enter Map Description



James and Linda Budnicki
5920 Pond View Drive
Shoreview, Minnesota 55126
612-961-4736 or 651-271-3141

November 14, 2014

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

Subject: Variance Request and Justification Statement for 5280 Oxford Street North

To Whom It May Concern:

We are requesting a variance for our property at 5280 Oxford Street North. We believe that this variance request is in keeping with the spirit and intent of city and county ordinances. This variance request will not alter the character of the neighborhood and is needed due to some very unique circumstances of the property. This letter provides a "variance description" and includes a "written statement of justification".

As background, we have been living in Shoreview since 2002 and have been active and contributing members of the community. Our children are graduates of Mounds View High School (2008 and 2010). We love this community and plan to live the rest of our lives in the City of Shoreview.

On Dec 13th 2013, we purchased the property on Turtle Lake and plan to make some very extensive improvements. This includes removing the existing house and replacing it with a newly constructed home. We have been working closely with the Shoreview City Planners and the Rice Creek Watershed to ensure that we meet all city and local requirements. This variance request accompanies and supports the recently submitted Riparian Residential Design Review for 5280 Oxford Street North.

Item # 1 – Building Setback

Request: Request permission to allow for a street setback of 165.7 feet.

Written justification: The circumstances on this lot are such that it is impossible to meet all city and county requirements. For example, meeting the street and OHW setback requirements (as defined in the Riparian Residential Design Review) would require the house to be built on top of the city sewer easement. In this hypothetical example, the house would also need to be approximately 160 feet long which is not practical.

Practical Difficulties:

Reasonable manner:

- We believe we are proposing to use the property in a reasonable manner. Plans are to construct a new single family home consistent with the architecture and character of the neighborhood.
- Approval of the variance request will resolve several other non-conformances. Three non-conforming structure issues will be addressed and resolved with this variance approval.
 - The existing garage located above the sanitary sewer easement will be removed.
 - The retaining wall on the north side of the property does not meet the 5 foot side setback requirement and will be removed.
 - The deck staircase on the south side of the property does not meet the side setback requirement and will be removed.

Unique Circumstances:

- Practical difficulty stems from the uniqueness of the property. It is a substandard riparian parcel with an average width of 85 feet, which is less than the 100 feet required. This lakeshore lot is very large with 27,103 square feet and is 325 feet long. In addition, the surrounding area is covered with dozens of massive landmark trees. As the trees drop their leaves in the fall, this lot tends to be a magnet collection area due to its very low topography requiring extensive and continuous maintenance.
- Lake shore lots, especially larger ones, have the potential to create greater storage needs.
- Our membership in the Turtle Lake Oaks Homeowner's Association (vacant lot) obligates us to help with on-going maintenance of this lot as well. Furthering the need for equipment and storage.
- Approval will allow for indoor storage of the equipment (rather than unsightly outdoor storage).
- The combination of a riparian parcel, narrow lot width, large lot size, low topography and neighborhood landmark trees are unique circumstances for this parcel.
- A side setback of 5 feet was selected (rather than 10 feet) to minimize the impact on the landmark trees' roots system, while ensuring the house remains the dominant feature.
 - A larger side setback (i.e. 10 feet) would move the driveway closer to the landmark trees and disturb more of their root system.
 - Deeper excavation is required when constructing pervious driveways.
 - A side setback of 5 feet preserves the character of the neighborhood given that the adjacent property is vacant (association) and will never be built on.

Character of Neighborhood:

- The character of the neighborhood will be preserved. Several neighboring lakeshore properties on (or near) Oxford Street have a detached accessory garage. Photos of some of these neighboring accessory garages are shown in attachment 1.
- The accessory garage was designed to maximize and enhance the view of the lake from Oxford Street. A hip roof was selected with a shallow roof pitch of 6/12. The garage door is not visible at all from the street. While the minimum street setback requirement is 30 feet, our proposed setback is 42 feet from the street. This location allows the garage to be imbedded into the topography of the lot resulting in a lower overall profile. The wall height, when viewed from the street, is only 5 feet tall. In addition, the garage overall height of 16 feet is well below the 18 feet maximum allowed.
- The street side and south side of the accessory structure will be landscaped to further minimize any visual impact.
- The accessory garage exterior will match the exterior materials (stone, stucco, colors) of the main home.
- When exiting existing driveway, car headlights shine directly into the neighbor's living room window across the street. The proposed driveway was designed to solve this issue. The proposed driveway shields the car headlights between the 2 neighboring properties across the street.

We appreciate your consideration of this variance request. The Shoreview staff members have been extremely helpful, courteous and professional. Thanks for your support and let us know if you have any questions or comments. We can be reached at 612-961-4736 or via email at budnicki.linda@gmail.com or jbudnicki@comcast.net

Sincerely



James and Linda Budnicki

Attachment 1: Neighboring properties with accessory structures

1035 Lake Beach Drive



1025 Lake Beach Drive



5290 Oxford Street



5264 Oxford



5222 Oxford



5218 Oxford



James and Linda Budnicki
5920 Pond View Drive
Shoreview, Minnesota 55126
612-961-4736 or 651-271-3141



November 14, 2014

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

Subject: Residential Design Review and Variance Request for 5280 Oxford Street

To Whom It May Concern:

This is our formal submission of the Residential Design Review Application and Variance Request for 5280 Oxford Street North. As background, we have been living in Shoreview since 2002 and have been active and contributing members of the community. Our children are graduates of Mounds View High School (2008 and 2010). We love this community and plan to live the rest of our lives in the City of Shoreview.

On Dec 13th 2013, we purchased the property on Turtle Lake and plan to make some very extensive improvements. This includes removing the existing house and replacing it with a newly constructed home. We have been working closely with the Shoreview City Planners and the Rice Creek Watershed to ensure that we meet all city and local requirements.

We believe the new home design and proposed survey are ecologically optimized to meet the city, county and Rice Creek Watershed requirements. Some specific highlights include:

- Three (3) shoreland mitigation actions are included in this submission. They are: a) architectural mass, b) removal of non-conforming structures and c) reduction of impervious surface. This exceeds the 2 minimum shoreland mitigations required.
- An impervious asphalt driveway is included in this submission. The proposed design is the most ecologically sound option and reduces the impact on water runoff into Turtle Lake.
- Impervious surface has been reduced by 6.13% (which exceeds the 5% requirement). A simplified formula (50%) was used for this calculation. The final driveway design and use of the more sophisticated calculation may result in an even higher percentage reduction.
- Drainage has been improved not only for this home, but also neighboring properties.
- The location and dimensions of the house and detached accessory garage were designed to maximize the lake view from the street and from neighboring properties. The proposed structure heights are significantly lower than the maximum allowed.

Extensive research was done to understand the cost and maintenance of pervious asphalt. We were surprised to learn not only how expensive pervious asphalt is but also the additional maintenance required to ensure it operates correctly. Given the high value we place on protecting the environment, we have decided to go forward with the pervious option. The additional maintenance and supporting power equipment for a pervious driveway increases the importance and need for the detached accessory garage.

Documents attached in this correspondence include the following:

- Residential Design Review (Riparian) with a Shoreland Mitigation Plan (page 13)
- Two site survey's
 - Existing home and property
 - Proposed survey – turnaround with pervious driveway
- Drawings of the house and accessory garage (dated November 7th, 2014)
- Variance Application: (Includes the building setback and accessory structure)
- Variance Request and Justification Statement
- Landscape plan showing proposed vegetation

We appreciate your review of this Residential Design Review Application and Variance Request. The Shoreview staff members have been extremely helpful, courteous and professional. Thanks for your support and let us know if you have any questions or comments. We can be reached at 612-961-4736 or via email at budnicki.linda@gmail.com or jbudnicki@comcast.net

Sincerely,



James and Linda Budnicki

CERTIFICATE OF SURVEY

WITH PROPOSED TURNAROUND

~for~ JIM AND LINDA BUDNICKI
~of~ 5280 Oxford Street
Shoreview, MN 55126

RECEIVED
NOV 14 2014
BY:

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊙ DENOTES MISCELLANEOUS MANHOLE
- X DENOTES EXISTING SPOT ELEVATION
- ⊠ DENOTES CABLE PEDESTAL
- ⊡ DENOTES ELECTRICAL TRANSFORMER
- ⊞ DENOTES FENCE
- ⊞ DENOTES EXISTING 2 FOOT CONTOUR INTERVAL
- ⊞ DENOTES CONCRETE SURFACE
- ⊞ DENOTES BITUMINOUS SURFACE
- ⊞ DENOTES BEARING OR DISTANCE PER "TURTLE LAKE OAKS"
- ⊞ DENOTES PROPOSED CONTOURS
- ⊞ DENOTES PROPOSED ELEVATION.
- ⊞ DENOTES DIRECTION OF DRAINAGE.
- ⊞ DENOTES WOOD HUB/METAL SPIKE OFFSET
- ⊞ DENOTES SILT FENCE
- ⊞ DENOTES PROPOSED RETAINING WALL

TREE DETAIL

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

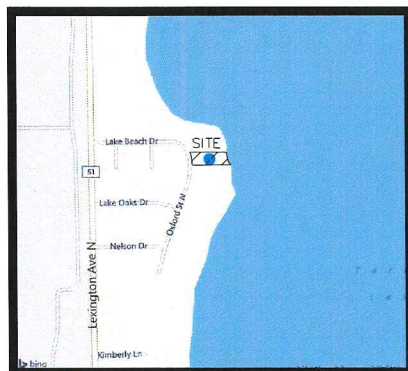
BENCHMARK

RAMSEY COUNTY MONUMENT NO. 9155
ELEVATION = 902.785 (NAVD 88)

NORTH

VICINITY MAP

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



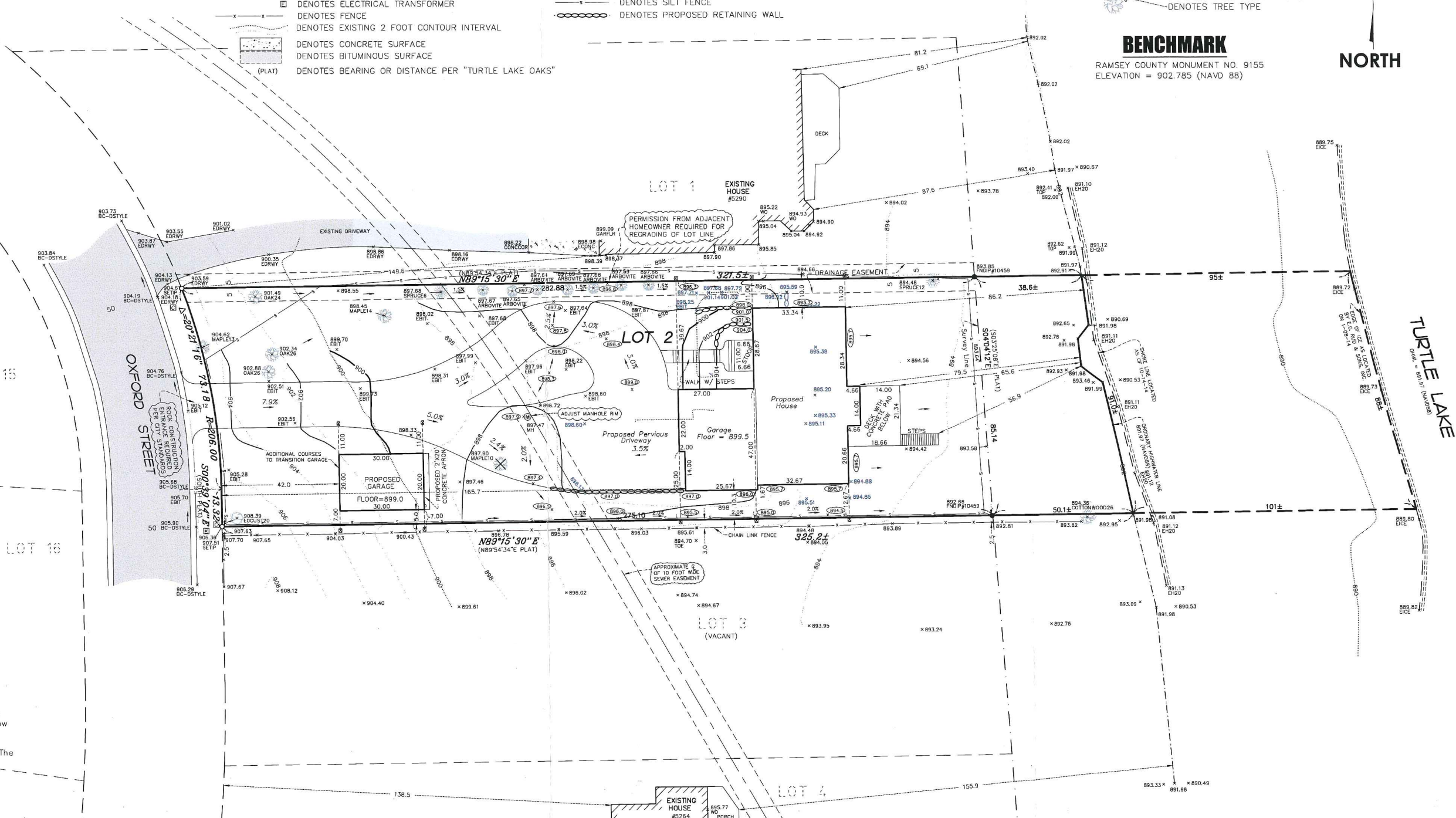
RAMSEY COUNTY, MINNESOTA
(NO SCALE)

PROPERTY DESCRIPTION

Lot 2, Block 1, TURTLE LAKE OAKS, Ramsey County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/08/14.
- Bearings shown are on the Ramsey County Coordinate System.
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- According to the DNR the ordinary high water level is 892.4 (MLS 1912). The conversion from MLS 1912 datum to the 1988 NAVD is -0.43 feet per 2/3/09 county survey. Therefore the ordinary high water level is 891.97 (NAVD 88).
- The 10 foot sewer easement location is approximate in location. There is not enough information on the plat of TURTLE LAKE OAKS to accurately locate the easement.
- Builder to verify hse dimensions, sewer depth and foundation depth.
- Driveways are shown for graphic purposes only. Final driveway design and location to be determined by contractor.
- Finished grade adjacent to home shall be 0.5 feet below top of block except at driveway and patio.



EXISTING IMPERVIOUS SURFACE CALCULATIONS

AREA ABOVE OHW LEVEL = 27,103 S.F.
EXISTING HOUSE & GARAGE = 2,925 S.F.
EXISTING CONCRETE AND TILE = 625 S.F.
EXISTING DRIVEWAY = 4,054 S.F.
TOTAL EXISTING IMPERVIOUS SURFACE = 7,604 S.F.
PERCENT EXISTING IMPERVIOUS = 28.1%

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

AREA ABOVE OHW LEVEL = 27,103 S.F.
PROPOSED HOUSE, GARAGE & STOOP = 3,184 S.F.
PROPOSED DETACHED GARAGE = 600 S.F.
PROPOSED CONCRETE AND WALK = 511 S.F.
PROPOSED PERVIOUS DRIVEWAY (5.686S.F./2) = 2,843 S.F.
TOTAL PROPOSED IMPERVIOUS SURFACE = 7,138 S.F.
PERCENT PROPOSED IMPERVIOUS = 26.3%

PROPOSED ELEVATIONS

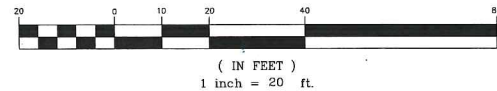
DIAGONAL: 60.34 X 86.67 = 105.61
(9 FOOT POURED WALL WALKOUT)

TOP OF WALL = 904.7
GARAGE FLOOR = 899.5
LOWEST FLOOR = 896.0
TOP OF FOOTING = 895.7
ELEVATOR PIT = XXX.X

PROPOSED ELEVATIONS DETACHED GARAGE

DIAGONAL: 30.00 X 38.00 = 48.41
GARAGE FLOOR = 899.0

GRAPHIC SCALE



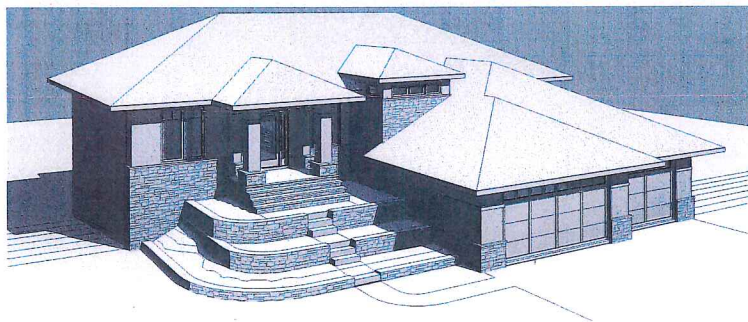
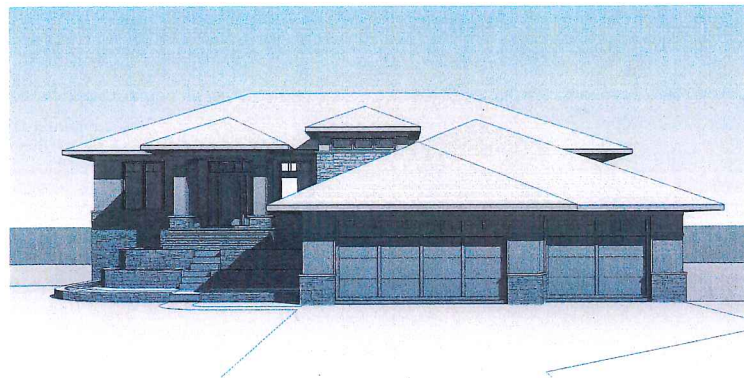
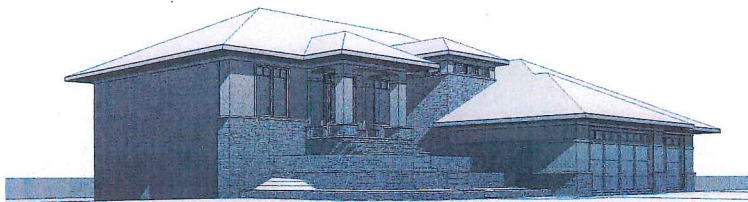
E.G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

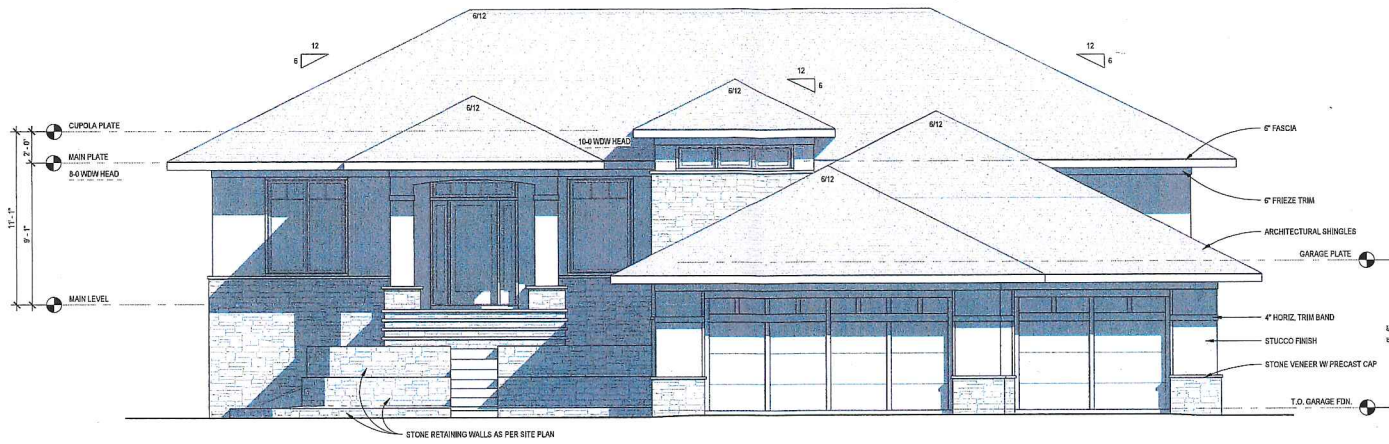
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
Date: 10-30-14 License No. 41578

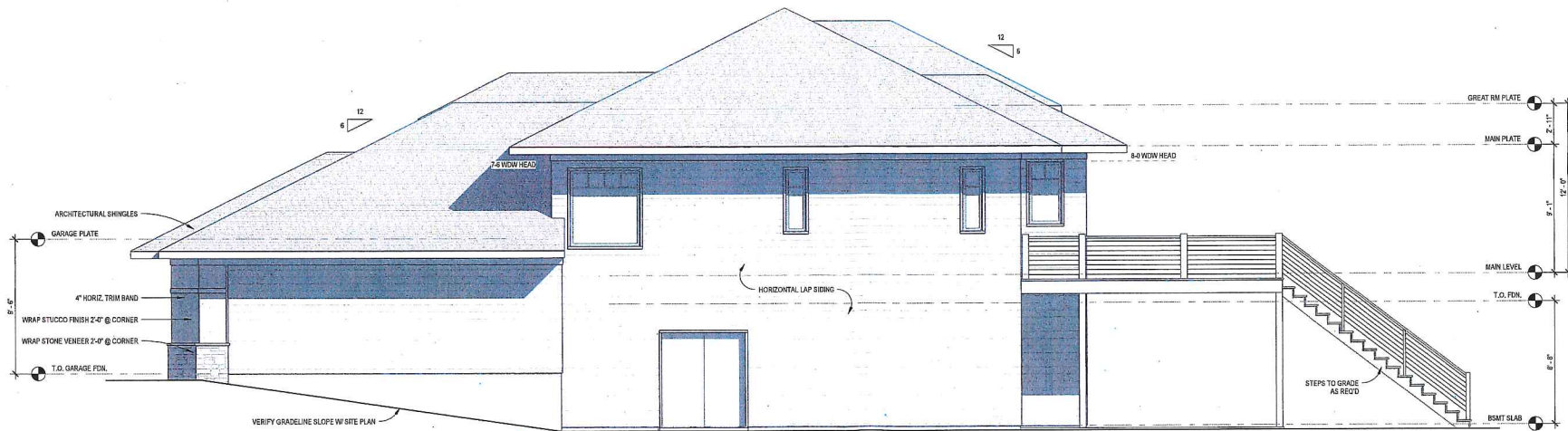
NO.	DATE	DESCRIPTION	BY
1	10/16/14	Add proposed house	JEN
2	10/30/14	Revise Drive, Grades & Gar.	JEN
3			

RECEIVED
NOV 14 2014
BY: _____

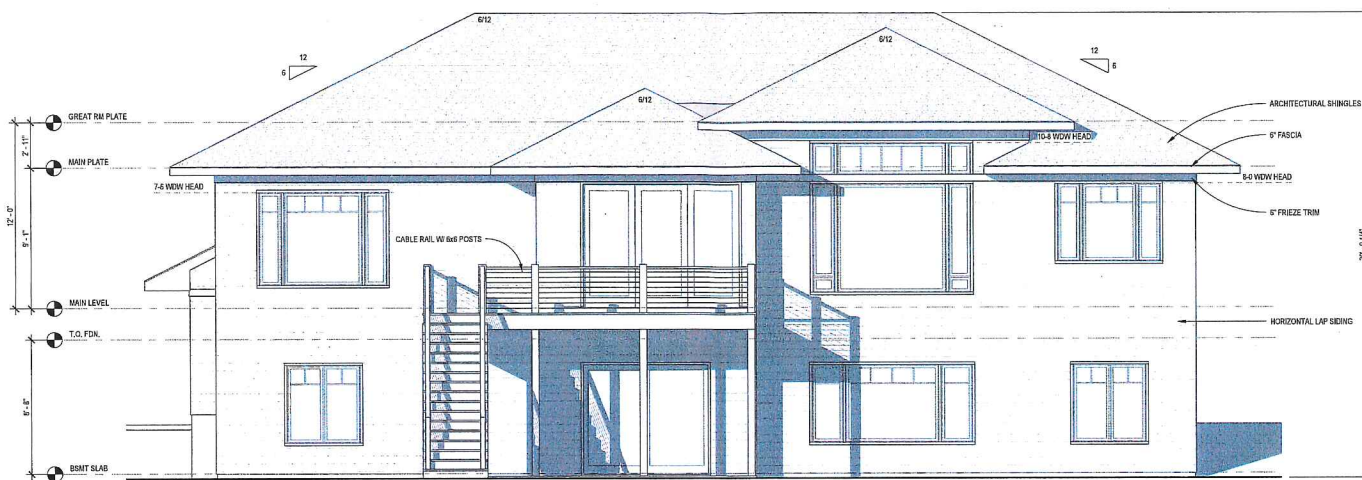




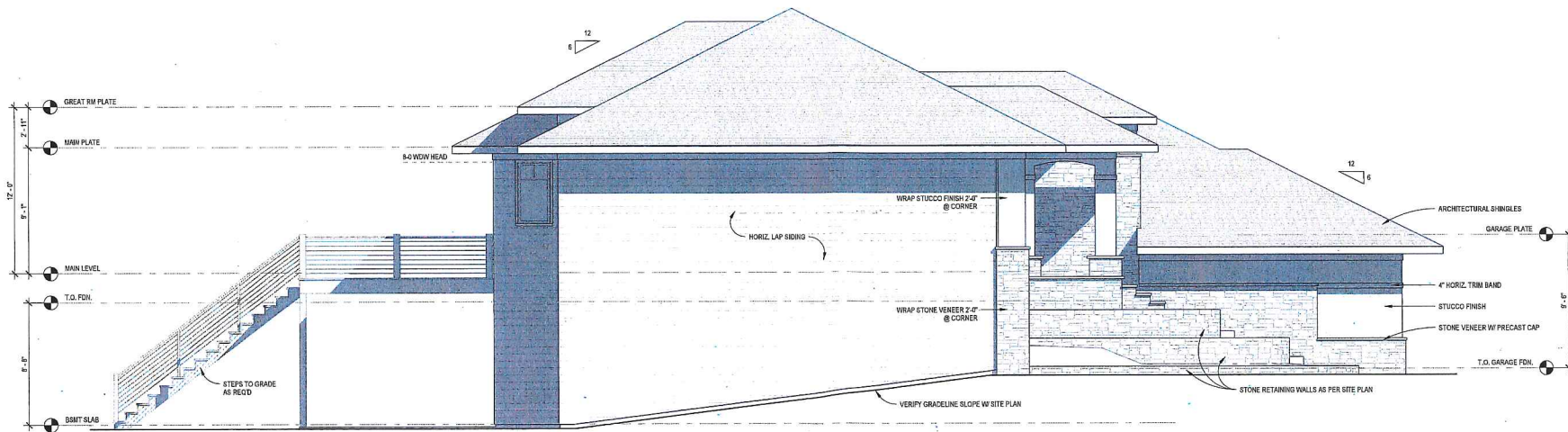
FRONT ELEVATION
1/8" = 1'-0"



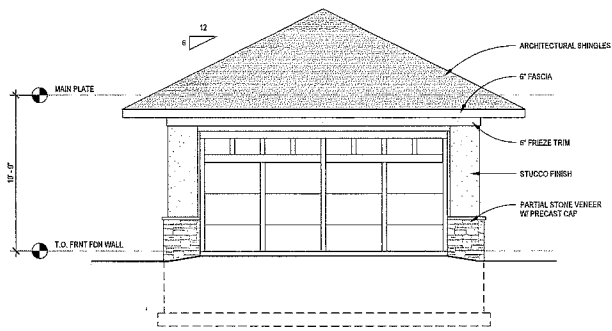
RIGHT ELEVATION
1/8" = 1'-0"



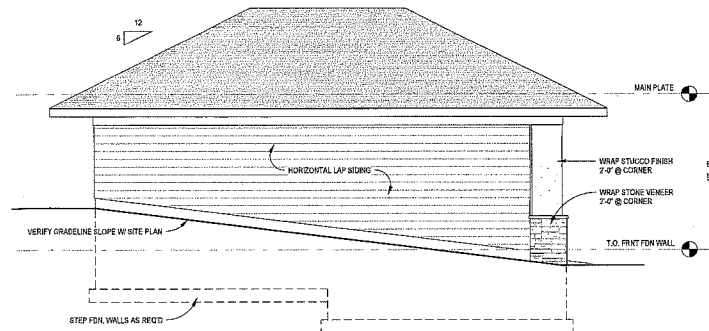
REAR ELEVATION
1/4" = 1'-0"



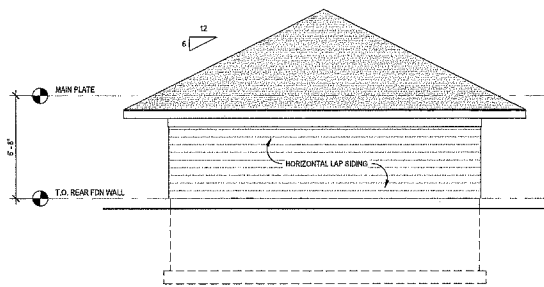
LEFT ELEVATION
1/4" = 1'-0"



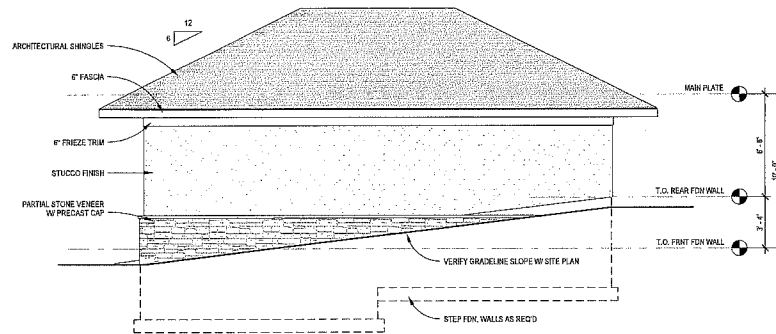
EAST ELEVATION
1/4" = 1'-0"



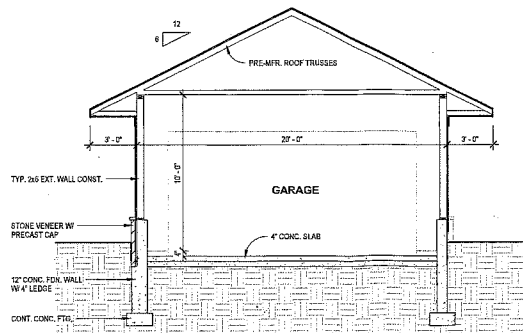
SOUTH ELEVATION
1/4" = 1'-0"



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



NORTH ELEVATION
1/4" = 1'-0"



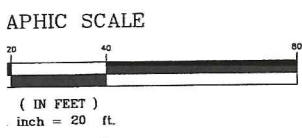
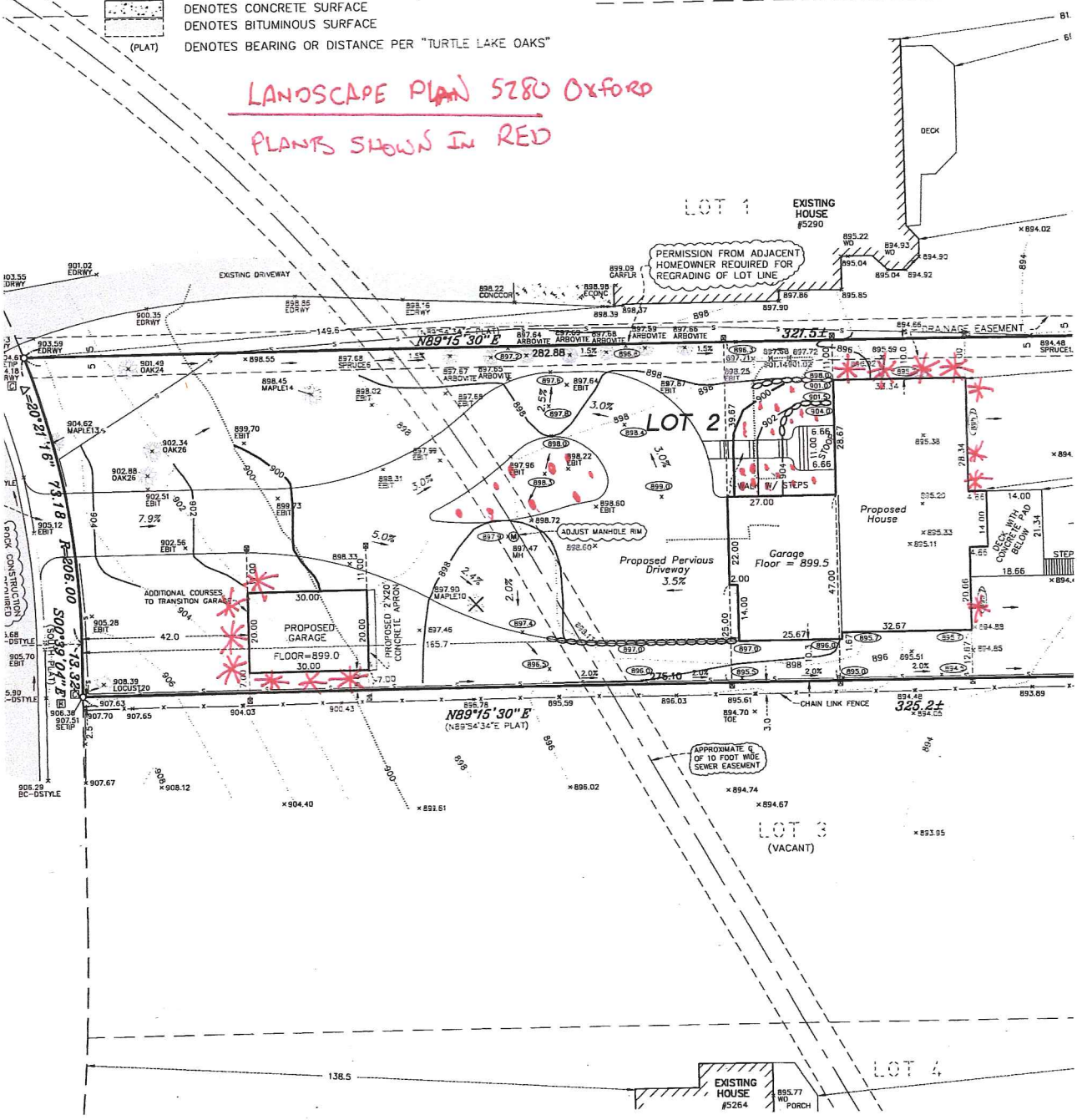
1 BUILDING SECTION

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊙ DENOTES MISCELLANEOUS MANHOLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊠ DENOTES CABLE PEDESTAL
- ⊞ DENOTES ELECTRICAL TRANSFORMER
- DENOTES FENCE
- - - DENOTES EXISTING 2 FOOT CONTOUR INTERVAL
- ▭ DENOTES CONCRETE SURFACE
- ▨ DENOTES BITUMINOUS SURFACE
- DENOTES BEARING OR DISTANCE PER "TURTLE LAKE OAKS"
- DENOTES PROPOSED CONTOURS
- (102.3) DENOTES PROPOSED ELEVATION.
- DENOTES DIRECTION OF DRAINAGE.
- ⊠ DENOTES WOOD HUB/METAL SPIKE OFFSET
- DENOTES SILT FENCE
- DENOTES PROPOSED RETAINING WALL

RECEIVED
NOV 14 2014
 BY:

LANDSCAPE PLAN 5280 OXFORD
 PLANTS SHOWN IN RED



EXISTING IMPERVIOUS SURFACE CALCULATIONS

AREA ABOVE OHW LEVEL	=	27,103 S.F.
EXISTING HOUSE & GARAGE	=	2,925 S.F.
EXISTING CONCRETE AND TILE	=	625 S.F.
EXISTING DRIVEWAY	=	4,054 S.F.
TOTAL EXISTING		
IMPERVIOUS SURFACE	=	7,604 S.F.
PERCENT EXISTING IMPERVIOUS	=	28.1%

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

AREA ABOVE OHW LEVEL	=	2
PROPOSED HOUSE, GARAGE, & STOOP	=	
PROPOSED DETACHED GARAGE	=	
PROPOSED CONCRETE AND WALK	=	
PROPOSED PERVIOUS DRIVEWAY (5.686 S.F./2)	=	
TOTAL PROPOSED IMPERVIOUS SURFACE	=	
PERCENT PROPOSED IMPERVIOUS	=	

CERTIFICATE OF SURVEY

WITH PROPOSED TURNAROUND

for JIM AND LINDA BUDNICKI
of 5280 Oxford Street
Shoreview, MN 55126

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊙ DENOTES MISCELLANEOUS MANHOLE
- X 852.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES CABLE PEDESTAL
- ⊞ DENOTES ELECTRICAL TRANSFORMER
- DENOTES FENCE
- DENOTES EXISTING 2 FOOT CONTOUR INTERVAL
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- DENOTES PROPOSED CONTOURS
- DENOTES PROPOSED ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES WOOD HUB/METAL SPIKE OFFSET
- DENOTES SALT FENCE
- DENOTES PROPOSED RETAINING WALL

RECEIVED
NOV 14 2014
BY:

TREE DETAIL

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

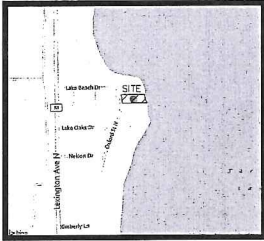
BENCHMARK

RAMSEY COUNTY MONUMENT NO. 9155
ELEVATION = 902.785 (NAVD 88)

NORTH

VICINITY MAP

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



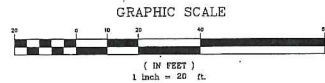
RAMSEY COUNTY, MINNESOTA
(NO SCALE)

PROPERTY DESCRIPTION

Lot 2, Block 1, TURTLE LAKE OAKS, Ramsey County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/08/14.
- Bearings shown are on the Ramsey County Coordinate System.
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- According to the DNR the ordinary high water level is 892.4 (MLS 1912). The conversion from MLS 1912 datum to the 1988 NAVD is -0.43 feet per 2/3/09 county survey. Therefore the ordinary high water level is 891.97 (NAVD 88).
- The 10 foot sewer easement location is approximate in location. There is not enough information on the plot of TURTLE LAKE OAKS to accurately locate the easement.
- Builder to verify rise dimensions, sewer depth and foundation depth.
- Driveways are shown for graphic purposes only. Final driveway design and location to be determined by contractor.
- Finished grade adjacent to home shall be 0.5 feet below top of block except at driveway and patio.



EXISTING IMPERVIOUS SURFACE CALCULATIONS

AREA ABOVE OHW LEVEL = 27,103 S.F.
EXISTING HOUSE & GARAGE = 2,925 S.F.
EXISTING CONCRETE AND TILE = 629 S.F.
EXISTING DRIVEWAY = 4,054 S.F.
TOTAL EXISTING IMPERVIOUS SURFACE = 7,604 S.F.
PERCENT EXISTING IMPERVIOUS = 28.1%

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

AREA ABOVE OHW LEVEL = 27,103 S.F.
PROPOSED HOUSE, GARAGE & STOOP = 3,184 S.F.
PROPOSED DETACHED GARAGE = 629 S.F.
PROPOSED CONCRETE AND WALK = 511 S.F.
PROPOSED PERVIOUS DRIVEWAY (5.8865 F. / 2) = 2,843 S.F.
TOTAL PROPOSED IMPERVIOUS SURFACE = 7,136 S.F.
PERCENT PROPOSED IMPERVIOUS = 26.3%

DIAGONAL: 60.34 X 86.67 = 105.61
(9 FOOT POURED WALL WALKOUT)

PROPOSED ELEVATIONS DETACHED GARAGE

TOP OF WALL = 904.7
GARAGE FLOOR = 899.5
LOWEST FLOOR = 896.0
TOP OF FOOTING = 895.7
ELEVATOR PIT = XXXX

DIAGONAL: 30.00 X 38.00 = 48.41

PROPOSED ELEVATIONS DETACHED GARAGE

GARAGE FLOOR = 899.0

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
Date: 10-30-14 License No. 41578

NO.	DATE	DESCRIPTION	BY
1	10/16/14	Add proposed house	JEN
2	10/30/14	Revised Drive, Grades & Car.	JEN
3			

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



Robert Warwick <rwarwick@shoreviewmn.gov>

Jim and Linda Budnicki's home

Winki Ruiz <winki@comcast.net>
To: rwarwick@shoreviewmn.gov

Thu, Nov 20, 2014 at 12:42 PM

Dear Mr. Warwick,

My husband and I have seen the plans for the future home at 5280 Oxford Street N. belonging to Jim and Linda Budnicki. We have no objections to the plans, and look forward to the future construction.

Sincerely,

DeLinda (Winki) Ruiz

5264 Oxford Street N.

Shoreview

winki@comcast.net





Robert Warwick <rwarwick@shoreviewmn.gov>

James Budnicki - New House

Steve Floeder <spfloeder@yahoo.com>

Sat, Nov 15, 2014 at 7:36 PM

Reply-To: Steve Floeder <spfloeder@yahoo.com>

To: "rwarwick@shoreviewmn.gov" <rwarwick@shoreviewmn.gov>

Mr. Warwick,

I am a neighbor living on 5265 Oxford St N. near where Mr Budnicki is planning to build a new house on Turtle Lake. I reviewed the plans plans with him today and fully support his proposal. It is well thought out in my opinion and I have no issues with it. In fact, I like it very much.

Best regards,

Steve Floeder



Robert Warwick <rwarwick@shoreviewmn.gov>

5280 Oxford St. Variances

Steve Floeder <spfloeder@yahoo.com>
Reply-To: Steve Floeder <spfloeder@yahoo.com>
To: "rwarwick@shoreviewmn.gov" <rwarwick@shoreviewmn.gov>

Fri, Dec 5, 2014 at 4:38 PM

Dear Mr. Warwick,

I am in favor of the variances for the proposed Budnicki house. They are reasonable.

Best regards,

Steve Floeder
5265 Oxford St. N.
651-484-2211

Minnesota Department of Natural Resources

Ecological and Water Resources Division
Central Region Headquarters
1200 Warner Road, Saint Paul MN 55106
Telephone: (651) 259-5845
Fax: (651) 772-7977



December 12, 2014

Rob Warwick
Senior Planner
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126

Re: Variance Request for 5280 Oxford Street

Dear Mr. Warwick,

Under State Shoreland Rules (MR 6120.2500 – 6120.3900), a variance for percent impervious surface should be included with the variance application for 5280 Oxford Street.

The percent impervious surface for the lot should be calculated on the site plan to include the surface area of the driveway as 100 percent impervious. DNR's policy regarding pervious pavers is that, for percent impervious surface calculations, pervious pavers should first be considered impervious when determining whether a variance for percent impervious surface is required. A reduction in percent impervious surface is not included in the initial calculation because pervious pavers are a form of mitigation for exceeding 25 percent impervious surface, not a way to increase the amount of lot coverage allowed.

Then, based on these calculations, a determination is made as to whether a variance is required. For this lot, the proposed impervious surface calculations should be shown on the site plan as:

Area above OHW level	= 27,103 SF
Proposed house, garage & stoop	= 3,184 SF
Proposed detached garage	= 600 SF
Proposed concrete and walk	= 511 SF
Proposed Driveway	= 5,686 SF
TOTAL PROPOSED IMPERVIOUS SURFACE	= 9,981 SF
PERCENT PROPOSED IMPERVIOUS	= 36.8%

Based on this calculation of impervious surface, a variance for percent impervious surface is required according to State Shoreland Rules and the City's Shoreland Ordinance and should be submitted by the landowner to the City of Shoreview at this time. In the variance application, the landowner could request that the City accept the pervious pavers as a form of

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mitigation for exceeding the 25 percent impervious surface requirement. DNR recommends that a credit of up to 50 percent reduction in the impervious surface area of the driveway be allowed on pervious pavers, with the variance given to include the following conditions:

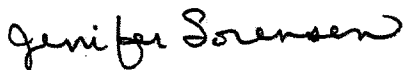
- The pervious pavers must be professionally installed according to manufacturer's specifications.
- The pervious pavers must be professionally maintained according to manufacturer's specifications.
- The presence of pervious pavers should be recorded with the property deed to note that the driveway surface area must remain as a surface composed of pervious material.

Pervious pavers are treated in this manner because, if they are not installed correctly and maintained, or if they are paved over in the future (which would not require a City permit), they become 100 percent impervious.

Mitigation using pervious pavers should bring the site's impervious surface to 25 percent or less to meet State Shoreland Rules and the City's Shoreland Ordinance. However, even with the 50 percent mitigation credit for the use of pervious pavers for this property, the site plan exceeds 25 percent impervious surface. Under the Practical Difficulties Standard, the size of the driveway in this site plan is driving the need for a variance, not circumstances that are unique to the property.

DNR recommends that the driveway area (or another area of impervious surface on the property) be reduced so that the site's impervious surface meet the 25 percent requirement, with the 50 percent pervious paver mitigation credit taken into account under a variance.

Sincerely,



Jenifer Sorensen
Area Hydrologist

**PROPOSED MOTION
TO TABLE THE VARIANCE REQUESTS FOR 5280 OXFORD STREET**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To table the variance requests to increase the front setback, to increase the maximum area of a detached accessory structure from 250 sq. ft. to 600 sq. ft., and to increase the total floor area of all accessory structures from 1200 sq. ft. to 1550 sq. ft. that were submitted by James and Linda Budnicki for the property located at 5280 Oxford Street, and to extend the review period from 60- to 120-days.

The action is to allow the applicants time to revise their applications to meet the requirements identified in the comment by Department of Natural Resources staff, dated December 12, 2014.

VOTE:

AYES: _____

NAYES: _____

Regular Planning Commission Meeting
December 16, 2014