

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

DATE: JULY 26, 2016

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

June 28th, 2016 Minutes

Brief Description of Meeting Process – Chair John Doan

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: July 5th, 2016 and July 18th, 2016

4. OLD BUSINESS

A. RESIDENTIAL DESIGN REVIEW / VARIANCE

FILE NO: 2619-16-18

APPLICANT: Jayme Brisch/Willet Remodeling

LOCATION: 3275 Owasso Heights Road

5. NEW BUSINESS

A. RESIDENTIAL DESIGN REVIEW/ VARIANCE

FILE NO: 2623-16-22

APPLICANT: All Energy Solar

LOCATION: 3210 West Owasso Boulevard

B. RESIDENTIAL DESIGN REVIEW/ VARIANCE

FILE NO: 2624-16-23

APPLICANT: Zawadski Homes, Inc

LOCATION: 951 Oakridge Ave.

C. VARIANCE

FILE NO: 2626-16-25

APPLICANT: Ivan & Libby Ivanov

LOCATION: 183 Sherwood Rd.

D. VARIANCE/ MINOR SUBDIVISION *

FILE NO: 2625-16-24

APPLICANT: Hinz - Summit Design Build

LOCATION: 600 North Owasso Blvd.

E. PLANNED UNIT DEVELOPMENT/CONCEPT REVIEW *

FILE: 2606-16-05

APPLICANT: Woolpert Inc.

LOCATION: 4188 Lexington Ave. (Shoreview Business Campus)

**F. PUBLIC HEARING - TEXT AMENDMENT, TEMPORARY
HEALTH CARE DWELLINGS ***

FILE: 2621-16-20

APPLICANT: City Wide

LOCATION: City of Shoreview

6. MISCELLANEOUS

A. City Council Meeting Assignments for *August 1st, 2016 and August 15th, 2016*
Planning Commissioners *Peterson and Thompson*

7. ADJOURNMENT

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

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
June 28, 2016**

CALL TO ORDER

Chair Doan called the June 28, 2016 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Chair Doan; Commissioners Ferrington, McCool, Peterson, Solomonson, and Wolfe.

Commissioner Thompson was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Peterson, seconded by Commissioner Ferrington to approve the June 28, 2016 Planning Commission meeting agenda as presented.

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

APPROVAL OF MINUTES

MOTION: by Commissioner Solomonson Peterson, seconded by Commissioner McCool to approve the May 24, 2016 Planning Commission meeting minutes, as presented.

VOTE: **Ayes - 5** **Nays - 0** **Abstain - 1 (Ferrington)**

Commissioner Ferrington abstained, as she did not attend the May 24, 2016 meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle

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

- Conditional Use Permit - Matthew & Rachel Karel, 863 Tanglewood Drive
- Rezoning - Max Segler - Sunview Court
- Site and Building Plan Review/Comprehensive Sign Plan - North American Banking/Sidal Realty Corporation - 4XX West Highway 96
- Site and Building Plan Review - Stephen LaLiberte - 1080 W. County Road E

NEW BUSINESS

PUBLIC HEARING - PRELIMINARY PLAT

FILE NO.: 2620-16-19
APPLICANT: EAGLE RIDGE PARTNERS
LOCATION: 4000 LEXINGTON/1005 GRAMSIE/1020, 1050, 1080 COUNTY ROAD F

Presentation by City Planner Kathleen Castle

Eagle Ridge Partners has submitted a preliminary plat to replat the Shoreview Corporate Center. The new plat makes minor property boundaries adjustments to better align parking for the buildings and readjust impervious surface coverage for each parcel. The Corporate Center consists of 5 buildings totaling 533,000 square feet of office, warehouse and manufacturing space. The challenges facing the Center are lack of sufficient parking and the condition of 1005 Gramsie Road that is under renovation. The City allows on-street parking which provides 92 parking spaces.

The property consists of 34.6 acres and is platted as four parcels. Adjacent land uses are high and medium density residential, tower and commercial. Arden Hills is immediately to the west. Currently, there are dedicated easements for ponding, flowage, roadway and utilities and will be required to remain in place. A Declaration of Easements, Restrictions, Covenants and Conditions will allocate parking for each building. Shared parking is allowed, but tenants are encouraged to park on their own lot.

Lot 3 requires a higher parking ratio because of the building has an Office use. Eagle Ridge plans to renovate the building on Lot 4 and find a tenant whose parking requirements do not exceed what is provided on the property. Parking on the other parcels will not be impacted by minor changes to lot boundaries. With the lot line changes and proposed improvements there will be an increase in overall impervious surface coverage slightly from 73.7% to 74.2%. The maximum allowed is 75%.

Notice was published in the City's legal newspaper, and property owners within 350 feet were notified of the proposal. Arden Hills was also notified and responded stating the city has no concerns. No other concerns have been expressed. The proposal is consistent with the Subdivision Code, Development Code and PUD. Staff is recommending the application be forwarded to the City Council with a recommendation of approval, subject to the conditions listed in the staff report.

Commissioner Solomonson noted the building to be renovated is for warehouse and office use. Warehouse use requires much less parking. He asked if warehouse use might no longer exist after renovation. Ms. Castle agreed that is possible, but the City will want to make sure there is adequate parking on-site. The building use will be determined by a prospective tenant. The developer has stated that a new tenant will be one that has adequate parking with what is provided. It is unlikely that a tenant would choose the location if parking is insufficient.

Commissioner McCool asked if there was any discussion about not replatting but only amending the Declarations and Covenants, as shared parking is already provided. Ms. Castle responded that with the improvements proposed, staff requested as much compliance as possible, which led to readjusting lot lines and a new plat.

Commissioner Ferrington noted that after readjustment to lot lines two parcels will still exceed the amount of impervious surface allowed. She asked if there was discussion about using pavers for parking space to decrease the amount of impervious surface. Ms. Castle stated that budget limitations do not allow the use of pavers.

Commissioner Peterson asked the applicant to comment on the parking being allowed for Land O'Lakes in Arden Hills.

The City Attorney stated that he has reviewed all documentation and the public hearing is in order.

Chair Doan opened the public hearing.

Ms. Kris Harris, Eagle Ridge Partners, explained, in response to Commissioner Peterson, that the reconstruction on Lexington is causing parking issues on the Land O'Lakes campus in Arden Hills. As part of Land O'Lakes is located in the Shoreview Corporate Center, Eagle Ridge was approached to provide temporary parking through the construction period. She stated that the reason to replat and change lot lines is an effort to align the property size to the parking ratios required by the different buildings in the Center when fully occupied.

Commissioner Solomonson asked if there will be sufficient parking when all the space is leased. **Ms. Harris** stated that with the renovation of the building at 1005 Gramsie, it is understood that there is not enough parking for full office development. The developer is seeking a tenant that will find sufficient parking with what is provided.

Commissioner McCool asked if parking will be assigned. **Ms. Harris** stated that it is expected that parking will be closest to the facility being used. If there is not enough parking, vehicles will park in adjacent lots. The Declarations allow for this shared parking. She is not planning signage requiring parking in certain areas.

Chair Doan asked the condition of the building at 1005 Gramsie, and what the developer sees for potential use of the building. **Ms. Harris** stated that the building has been vacant for over eight years. The site will be redeveloped to alleviate conditions to better attract a user. The building is planned for mixed use with warehouse, office and manufacturing.

There were no comments or questions from the public. Chair Doan closed the public hearing.

Commissioner Ferrington encouraged the developer to reconsider and use some type of pervious surface for some of the parking as an example to the community.

Commissioners expressed their support of this application of straight forward improvements.

MOTION: by Commissioner Peterson, seconded by Commissioner Solomonson to recommend the City Council approve the preliminary plat submitted by Eagle Ridge Partners for the Shoreview Corporate Center, (4000 Lexington Avenue, 1005 Gramsie Road and 1020/1050/1080 County Road F). Said approval is subject to the following:

Preliminary Plat

1. The approval permits minor adjustments to the lots within the plat to better align the parking needs for the development and adjust impervious surface coverage for each lot.
2. The Declaration of Easements, Restrictions, Covenants and Conditions shall be amended to reflect the changes in the parking provided for each lot within the Plat. This Declaration shall be submitted to the City Attorney for review and approval prior to the release of the Final Plat. Executed and recorded copies of the Declaration shall be submitted to the City.
3. Drainage and Utility Easements shall be dedicated over the stormwater ponding areas and as required by the Public Works Director.
4. Prior to submittal of the Final Plat application, an analysis by a licensed Architect shall be completed for the 1005 Gramsie Road building to determine compliance to the Building Code. This analysis shall be submitted to the Building Official for review and approval.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated business park land use in the Comprehensive Plan.
2. The proposed subdivision complies with the subdivision standards identified in the City's Development Code and is consistent with the approved PUD.

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

RESIDENTIAL DESIGN REVIEW / VARIANCE

FILE: **2619-16-18**
APPLICANT: **JAYME BRISCH/WILLET REMODELING**
LOCATION: **3275 OWASSO HEIGHTS ROAD**

Presentation by Senior Planner Rob Warwick

This application is for the purpose of constructing improvements to the existing one-story home on the subject property. The proposal seeks to add a 624 square foot second story on the existing house and add 576 square feet to the rear of this single story house. The property is a non-riparian lot zoned R-1, Detached Residential. The lot is substandard with 8,401 square feet of area, which is less than the minimum required of 10,000 square feet; and the 50-foot lot width is less than the required 75 feet. Therefore, the property is subject to the design standards adopted by the City.

Two variances are requested. The proposed expansion exceeds the existing 1600 square foot foundation area by 17 feet, which requires a variance. The proposal results in approximately 1345 square feet of living space on the main floor and a total of approximately 2000 square feet with the second floor addition. The proposal complies with all setback requirements except the north lot line. The additions would have a 5-foot setback from the north lot line, the existing setback of the house. This is less than the 10-foot minimum and requires a variance. The house to the north is just over 6 feet from the lot line which makes the distance between the two houses approximately 12 feet. There is a detached garage of 240 square feet, which the applicant wishes to retain.

The applicant states that practical difficulty exists with the location and dimensions of the existing house. The improvements are intended to enlarge and modernize the existing small house. To use the same width for the addition requires using the existing setback.

Staff supports reinvestment in the property and finds the proposal to be consistent with the Land Use and Housing Chapters of the Comprehensive Plan. Practical difficulty does exist with the substandard lot size and small house built in the 1920s. A setback of 5 feet was common when this neighborhood was developed. The neighborhood has a mix of housing styles and ages. It is unlikely that the character of the neighborhood would be impacted.

However, staff has concerns about the design and potential impacts. There are a number of issues that support denying the variance requests. On substandard riparian lots an existing side setback of 5 feet can be reused if the expansion is a single story. Staff believes a single story addition would be more in line with the intent of the Code and would have less impact. A larger building mass should comply with code, a 10-foot minimum setback. The design of a shed roof keeps the height low but places the roof peak 5 feet from the lot line. A large wall effect will result on the north elevation. The applicant states larger costs for an addition that does not use a 'nominal' dimension, but staff believes that economic circumstances alone do not show practical difficulty.

Property owners within 350 feet were notified of the proposal. Two comments were received in support of the project. Three comments were received expressing concern about visual impact. Staff recommends tabling the application for revisions.

Commissioner McCool noted a discrepancy between staff's impervious surface calculation and what is shown on the survey. Mr. Warwick explained that code does not require the retaining wall and deck to be included in the calculation which is the difference.

Commissioner Ferrington asked for a review of the intent of code in regard to foundation area and lot coverage of the total lot size. Mr. Warwick stated that lot coverage on a standard lot allows 40% impervious surface coverage. In order to retain sufficient green area on substandard lots, the amount of impervious surface coverage is reduced. Building height and foundation area describe architectural mass. Code requirements are an effort to keep structures proportional to the lot size. The setback requirements are generally applied throughout the R1 Detached Residential District. On non-riparian lots, architectural mass is defined in terms of what is compatible with the neighborhood. There is no defined housing style in this neighborhood.

There is a large deviation in lot sizes and house sizes. The north wall of the house is approximately 1000 square feet with three windows. It is recommended that large wall effects not be allowed.

Commissioner Ferrington recalled another application when a second story addition was allowed to jog in 5 feet, so that the addition setback would be in compliance with the 10-foot minimum. She suggested that could be a potential solution.

Commissioner Solomonson asked if the addition to the back of the house could be shifted 5 feet to comply with the 10-foot setback. Mr. Warwick stated that this has not been discussed with the applicant, but shifting that portion and making it the two-story addition may be a better solution.

Mr. Mike Lyden, 3262 Owasso Heights Road, referred to the letter he submitted to the Commission. His question is in regard to practical difficulty. The difficulty with the application is one of economics. The structure will last a long time. The wall effect on the north side will definitely impact the neighbors to the north and decrease their property value. The homes along that side of the road will all see the two-story wall. At what point is practical difficulty equated to cost. This is the time to move the foundation and do it right for the next hundred years.

Mr. Scott Ricks, Willet Remodeling, Applicant, stated that the reason the second story is designed off the existing house is to gain maximum square footage. The rear addition can be moved over to comply with the 10-foot setback, but the foundation area will still be over 1600 square feet. A second plan has been designed that would have the second story off the new addition at the rear of the house, but that is not the preferred aesthetic. The roof was not split in order to keep the water flowing away from the north lot line where it can be managed on the property. Rain gardens are planned, and the applicant has applied for grants to help with those costs. It is possible to put more windows on the north wall, but again adds to the cost. The applicant is staying off-site during this process. Construction is already two months behind. If the original design cannot be approved, he would request the Commission review the second option.

Commissioner Solomonson asked the condition of the existing home and whether a new foundation could be laid. **Mr. Ricks** stated that the existing foundation has been repaired and appears to be sound. If a new foundation were done, it would add \$40,000 to \$60,000 to the cost. If the second story is put on the back addition, the dimensions would be 23 x 24, and a variance would not be needed. The nominal cost would be lost, as that would add \$2,000 to \$3,000 to the project. Commissioner Solomonson asked if the new roof would be a shed roof. **Mr. Ricks** explained that the current roof is a hip roof and not designed for a new addition. The new roof would be a shed roof to alleviate any water problems.

Commissioner McCool asked if the two stories were considered on the east side. **Mr. Ricks** stated that approach was considered, but there would be a loss of square footage. The preferred option is approval of the additional 17 feet to put the addition on the existing house proposed with a 5-foot setback; the back addition could be shifted to comply with the 10-foot setback.

Commissioner Solomonson stated that the big concern is the 5-foot setback to the north. He would like to see other options presented. It is difficult to argue against a house that has been on the property since the 1920s, but the addition should comply with the 10-foot setback requirement.

Commissioner Peterson stated that this house is in need of reinvestment, as other houses have been remodeled in the neighborhood. Other two-story houses, however, do not have the setback issue. This application has been with the City only two weeks. He would support tabling the application to take time to review design revisions to the proposal.

Commissioner McCool stated that he does not support the 5-foot setback for the addition because of the wall view to the north. He does not want the Commission to enter into design work, but he would like to see any revised plans for discussion. A decision cannot be made at this meeting.

Chair Doan agreed the Commission should have the revised plans to consider. **Mr. Ricks** distributed copies of a revised plan that would be in full compliance by moving the expansion over to the 10-foot setback with two stories to avoid a wall on the north side.

Chair Doan asked if the foundation area would still be an issue. **Mr. Ricks** stated that if the dimensions were 24 x 23, the foundation area would be within code.

Ms. Castle stated that although a revised plan is in compliance with no requested variances, a Residential Design Review would still be required. The plan would have to be brought back to the Planning Commission.

Commissioner McCool stated that he likes the two story design on the older portion of the house because it will look better. The revised design will create a wall effect in the back yard. Any way that the north wall can be broken up with more windows or other features is what he wants to see.

Chair Doan stated that he favors tabling the application. There are a number of different ways the design could be presented. The Commission cannot design the plan. The applicant needs to work with staff.

A representative from Willet Remodeling asked if there is agreement on a specific design. Chair Doan responded that although he appreciates the concern the developer is showing for his client, he cannot commit his support until a new plan is presented. The Commission has offered comments and feedback.

MOTION: by Commissioner Solomonson, seconded by Commissioner Ferrington to table the variance request to increase the allowed foundation area from 1,600 sq. ft. to 1,617 sq. ft., to reduce the side setback to 5-feet for the second floor and rear additions, and the residential design review application submitted by Jayme Brisch and Willet Remodeling for the property located at 3275 Owasso Heights Road to provide the applicants the opportunity to revise their plans to better

conform to the spirit and intent of City Code and the design standards specified in Section 207.050(D).

Commissioner McCool offered an amendment, seconded by Commissioner Ferrington that staff shall send a notice to the applicant extending the 60-day review period under Minnesota Statute 15.99.

VOTE ON AMENDMENT: Ayes - 6 Nays - 0

VOTE ON MOTION AS AMENDED: Ayes - 6 Nays - 0

TEMPORARY SALE/EVENT PERMIT APPLICATION*

FILE NO: **2622-16-21**
APPLICANT: **SHEPHERD OF THE HILLS CHURCH**
LOCATION: **3920 VICTORIA STREET**

Presentation by Senior Planner Rob Warwick

The applicant is seeking a permit to allow a weekly farmers' market at the church on Wednesdays from 3:00 to 7:00 p.m. There would be a maximum of 10 vendors with fresh produce, flowers, baked goods and local wares. The market would take place each week from July 6th to October 12th.

Vendors will be located in the parking area west of the church entrance. The area used by vendors will be controlled with traffic cones. Customer access is by a driveway off Victoria Street and a driveway off Gramsie Road. A 4- x 8-foot sign next to the vendors will announce the event and will be displayed Tuesday afternoons through the end of the market on Wednesday.

City permit standards include:

- No health, safety or welfare issues
- Hours can only be between 7:00 a.m. and 10:00 p.m.
- Parking and traffic safety must be considered
- One sign is allowed
- The site must be maintained and restored after the event

Staff finds that the event complies with code standards. The proposed sign must be set back a minimum of 5 feet from the property line. It is unknown the number of customers that will be attracted, which makes any traffic and/or parking issues also unknown.

Property owners within 350 feet were notified of the application. Three written comments were received in support of the event. One caller objected to the church operating as a business. The Lake Johanna Fire Department requires access to the church building. Vendors must be confined to parking stalls with maneuvering aisles left open. Ramsey County Public Works noted that

there is heavier traffic on Victoria. If traffic problems occur, the church needs to remain open to altering traffic control. There is also an access off Gramsie Road. Staff does not believe that there will be traffic issues.

Staff recommends the application be forwarded to the City Council for approval. The conditions listed in the motion are the code requirements.

Commissioner Peterson asked what local wares includes. Mr. Warwick answered that crafts will be sold.

Commissioner Wolfe asked the reason for the particular location on the site. Another location would eliminate the concern by the Fire Department for access. Mr. Warwick explained that one reason is to use access from both Victoria and Gramsie.

Ms. Miranda Oliver, Director of Operations at Shepherd of the Hills, added that the location chosen is due to keeping fire hydrants clear for the Fire Department. There is a wide drive in front of the church, but there are no parking spaces there. In response to Commissioner Peterson, local wares refers to lip balm and lotion made from honey by one of the vendors.

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to recommend the City Council approve the Temporary Sale/Special Event Permit application submitted by Shepherd of the Hills Church to hold a weekly farmers market Wednesday afternoons (3pm to 7pm) during the period July 6 – October 12. This approval is subject to the following conditions:

1. The event shall not cause a public nuisance because of noise, air pollution, traffic congestion or failure to properly maintain the site. The event shall comply with all relevant building, fire and safety codes.
2. The permit is valid during the period July 6 until October 12, 2016, and authorizes one market to be held each Wednesday.
3. The hours of operation shall be limited to 3PM until 7PM, with setup and teardown occurring during the two hours prior to and after the event.
4. The event shall not cause a traffic hazard. The Director of Public Works is authorized to revise the approved access and parking plan should conditions warrant changes.
5. Ample parking must be provided to accommodate expected visitors.
6. One sign is permitted for this event, and the sign area shall not exceed 32 square feet. One temporary sign permit will be required for the season, provided the sign is removed and reinstalled each week. The sign shall be located a minimum of 5-feet from any property line and shall not interfere with traffic safety.
7. No structures requiring a building permit shall be permitted in association with the event (excluding tents and temporary shelters).
8. The site shall be maintained and cleaned during the temporary event and shall be restored to its original condition no later than 9PM each Wednesday following the sale event.
9. The Special Event Permit application may, in future years, be eligible for administrative review and approval, subject to compliance with the conditions enumerated above.

This approval is based on the following findings:

1. The Event complies with the standards specified in City Code.

VOTE: AYES - 6 NAYES - 0

MISCELLANEOUS

Commissioners Solomonson and Wolfe will respectively attend the July 5, 2016 and July 18, 2016 City Council meetings.

A Joint Planning Commission/Environmental Quality Committee Workshop will be held on Wednesday, June 29, 2016, at Oak Hill Montessori School.

ADJOURNMENT

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

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

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: July 21, 2016
SUBJECT: Variance and Residential Design Review, Jayme Brisch/Willet Remodeling, 3275 Owasso Heights Road, File No. 2619-16-18

INTRODUCTION AND BACKGROUND

At the June 2016 meeting, the Planning Commission reviewed applications for a project to remodel and enlarge the house located at 3275 Owasso Heights Road. The existing single-story house is small, and the applicants propose to add a second floor and to expand the main floor with an addition on the rear. The Commission tabled the applications and extended the review period to 120-days based on concerns raised by the proposed design. In response to Commission comments, the applicants, Willet Remodeling and Jayme Brisch, have revised the plans.

Residential design review is required (Section 207.050(D)), because the property does not conform to the minimum lot requirements for a standard lot, and is subject to design standards that have been adopted by the City. A variance is requested to reduce the 10-foot minimum side setback, to allow construction of a second story above the existing house which is setback 5-feet from the north side lot line. The proposed addition on the rear has been redesigned to be located 10-feet from the north side lot line, and with a smaller foundation area in order to comply with the maximum foundation area for the property.

PROJECT DESCRIPTION

The property is located on the west side Owasso Heights Road. The rear lot line abuts the alleyway known as Dale St. The lot has an area of 8401 sq. ft. and a width of 50-feet. The property is developed with a 1-story house that has a foundation area of 815 square feet. There is a small 249 square foot detached garage and a paved parking area adjacent to Dale Street. The house was constructed in 1924, and is located 5-feet from the north side lot line.

The applicants propose to construct a 24- by 26-foot second floor that will have an area of about 624 sq. ft. The addition proposed for the rear has been slightly reduced in area. It has dimensions of 24- by 23.1-foot, resulting in 1344 sq. ft. of living area on the main floor and about 1,970 sq. ft. of total living area. The applicants request a variance to allow the second floor expansion to maintain the existing 5-foot side setback. The 1,594 sq. ft. foundation area complies with the 1,600 sq. ft. permitted.

DEVELOPMENT CODE

Residential Design Review

The property is located in the R-1 Detached Residential District. The lot has dimensions of 50 feet by about 170 feet, and is a substandard lot since the 8400 sq. ft. lot area is less than 10,000 sq. ft. and width is less than the 75-feet required for a standard lot (Section 205.082(D)(1)). The minimum required side setback is 10-feet, and the existing house does not conform to that requirement.

The Development Ordinance requires residential construction on substandard lots to comply with certain design standards, and these are summarized in the table below.

STANDARD	ALLOWED	PROPOSED
Lot Coverage	30% Existing: 1840 sq. ft. (21.9%)	2370 sq. ft. (28.2%)
Building Height	28 feet	25 feet
Foundation Area	1,600 sq. ft. (19%) Existing = 1,064 sq. ft.	1,594 square feet (18.97%)
Setbacks:		
Front (East)	28 to 48 feet	42.9 feet (No change)
Rear (West)	25 feet	56 feet
Side (North)	10 feet	5 feet *
(South)	10 feet	20.7 feet
Architectural Mass	Neighborhood compatibility	

***Variance required**

A variance is requested to permit the expansion above the existing house to use the 5-foot side setback that is present from the north side lot line.

The Residential Design Review application can be approved only with approval of the required variance reducing the side setback for the second floor expansion. The project complies with the other design standards.

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 keeping with the spirit and intent of the Development Code. Practical difficulty is defined and reviewed using these criteria:

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

Applicant's Statement of Justification

The applicant states that practical difficulty is due to the location of the existing house. The small size of the house makes it difficult to enlarge the living area without using the same side setback of 5-feet. This

allows improvements that are intended to enlarge and modernize the existing small house while holding costs down. See the attached statement.

Staff Review

Staff believes that the revised plans reflect the comments made at the June meeting. Adding architectural interest to the north wall of the enlarged house with windows, an eyebrow, and an offset addition improve the design.

The proposal to improve the dwelling is consistent with the Land Use and Housing Chapters of the Comprehensive Plan, and represents a reasonable use of property located in the R-1 District. The City encourages re-investment in the housing stock, especially in neighborhoods such as this, where development occurred in the early 1920s. It is common in the area for houses to be setback less than 10-feet from the side lot lines, since there was a 5-foot minimum requirement at the time the area developed. The older houses in the neighborhood are often single- or 1 ½ -story designs. Newer houses are often two-stories. Detached garages are a common feature, oriented to Dale St., the only improved alley in the City.

Staff believes that practical difficulty is present for the variance requested. The applicant proposes to use the property in a reasonable manner, while unique circumstances stem from the age of the house, and its location on the small lot. Finally staff does not believe that the proposed improvements will adversely affect the character of the neighborhood, which is comprised of a mix of house styles and ages, developed on narrow lots. Side setbacks less than 10-feet are common.

Reasonable Manner

The proposal to expand the living area is reasonable given the small size of the existing structure. The overall area of the proposed home is modest, with three bedrooms and so suitable for a family. Staff believes the proposal represents reasonable use of the property.

Unique Circumstances

For staff, practical difficulty stems from historic development of the house, from a seasonal cabin built in 1924 to a year-round residence. While the lot is a substandard lot (area less than 10,000 sq. ft.), the proposed house and detached garage will not be overbearing when viewed from the street. With the proposed addition of the second floor the height will be about 25 feet, measured peak to grade.

Neighborhood Character

If approved, it is Staff's opinion that the variance will not have an adverse affect on the character of the neighborhood. While there are newer two-story houses nearby, the area is characterized by older homes with no predominant style present. Along the east side of the street, the lakeshore lots have larger and newer houses than the west side. As such, staff believes approval of the requested variances will not have an adverse affect on the neighborhood.

The applicant will manage stormwater using gutters, rain barrels, and rain gardens. The plan appears to control additional runoff generated by the proposed improvements.

The proposed design uses a shed roof with a low pitch. This style roof aids in keeping the height within the 28-foot maximum, but places the roof peak 5-feet from the north side lot line. The revised plans retain a 25-foot tall north elevation, but the length of the second story is reduced to about 26-feet. Staff believes that the addition of windows and architectural features reduce the potential for impact.

REQUEST FOR COMMENT

Property owners within 150 feet were again notified of the applicant's request. In response to the June notice, two comments supporting the project, and a three expressing concerns regarding reduction of the rear yard and the visual impact of the additions were submitted. To date, one comment objecting to the requested setback variance has been received in response to the July notice. All of the comments are attached.

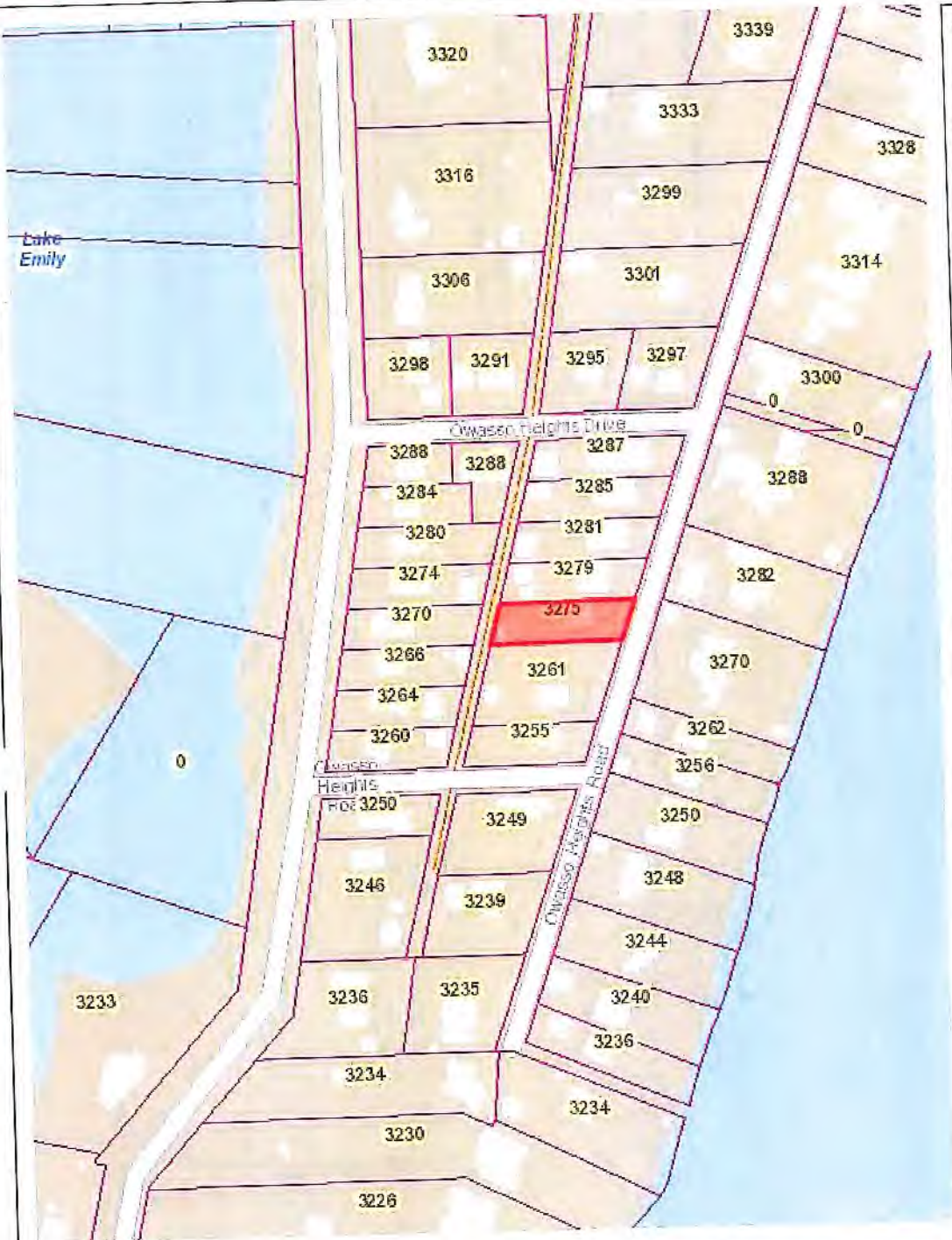
RECOMMENDATION

Staff has been able to make affirmative findings for the variance to reduce the side setback for the second story expansion, and so recommends the Commission adopt Resolution 16-60, approving the setback variance, and approve the residential design review application, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the applications.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
4. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
5. This approval is subject to a 5-day appeal period.

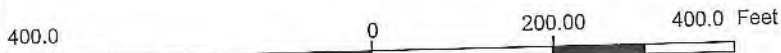
Attachments:

- 1) Location Map
- 2) Applicant's Statement and Revised Plans
- 3) Response to Request for Comment
- 4) Resolution No. 16-60
- 5) Proposed Motion



Legend

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



1: 2,400

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

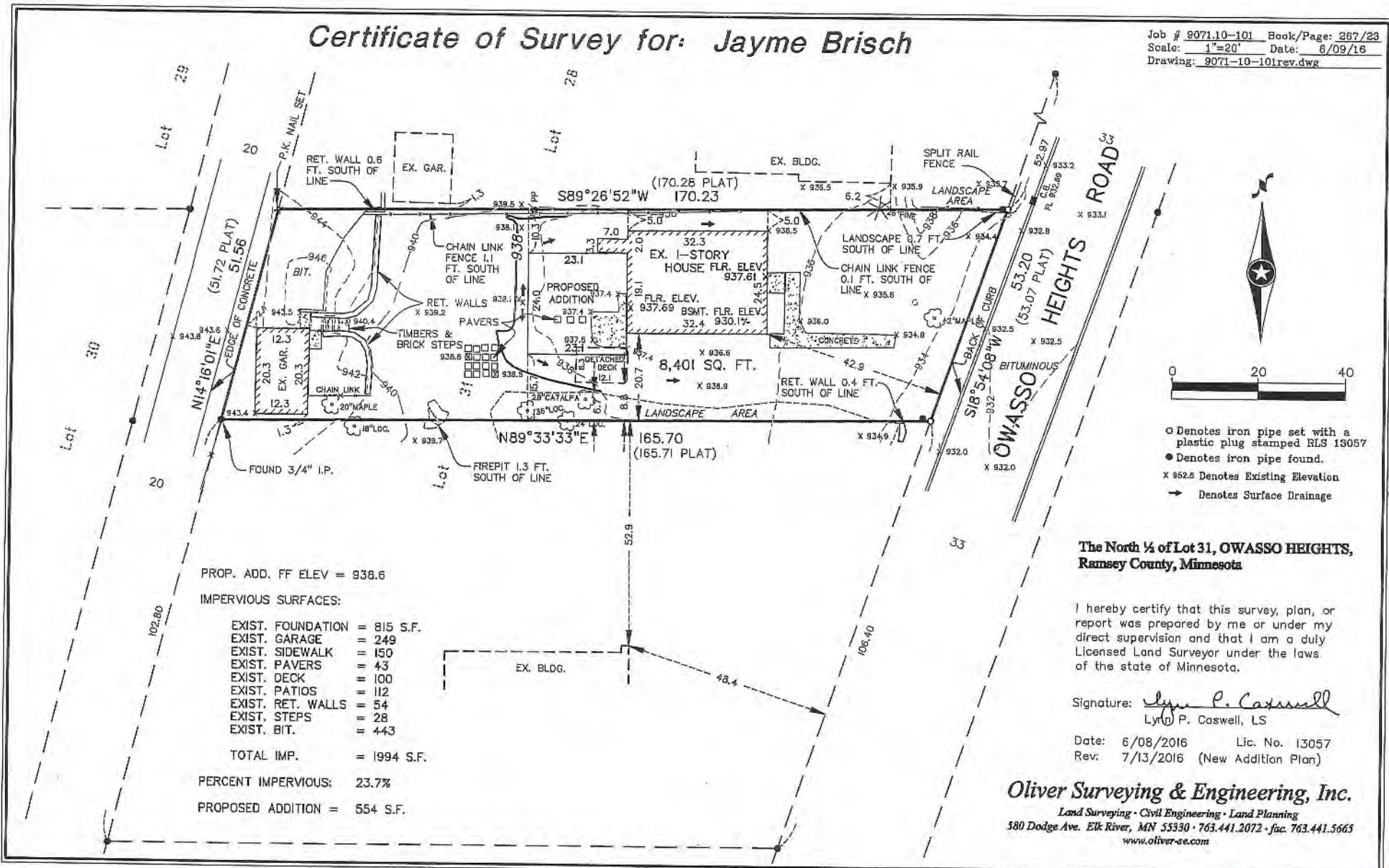
Notes

Enter Map Description



Certificate of Survey for: Jayme Brisch

Job # 9071.10-101 Book/Page: 267/23
 Scale: 1"=20' Date: 6/09/16
 Drawing: 9071-10-101rev.dwg



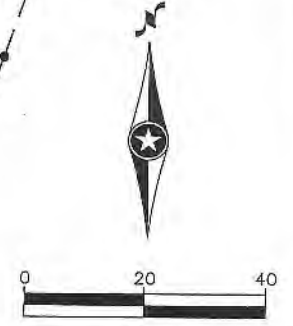
PROP. ADD. FF ELEV = 938.6

IMPERVIOUS SURFACES:

EXIST. FOUNDATION	= 815 S.F.
EXIST. GARAGE	= 249
EXIST. SIDEWALK	= 150
EXIST. PAVERS	= 43
EXIST. DECK	= 100
EXIST. PATIOS	= 112
EXIST. RET. WALLS	= 54
EXIST. STEPS	= 28
EXIST. BIT.	= 443
TOTAL IMP.	= 1994 S.F.

PERCENT IMPERVIOUS: 23.7%

PROPOSED ADDITION = 554 S.F.



- Denotes iron pipe set with a plastic plug stamped RLS 19057
- Denotes iron pipe found.
- x 932.5 Denotes Existing Elevation
- Denotes Surface Drainage

The North 1/4 of Lot 31, OWASSO HEIGHTS, Ramsey County, Minnesota

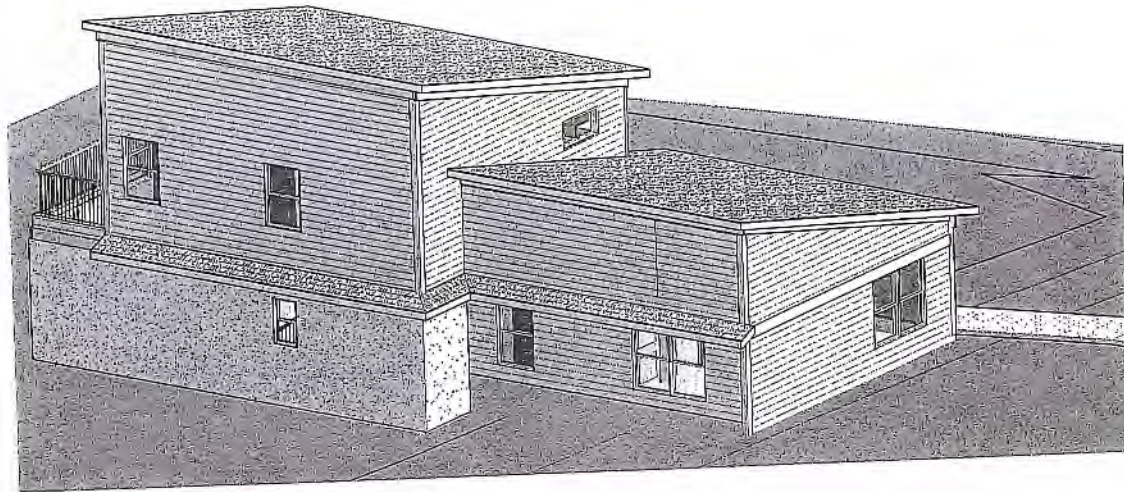
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *Lynne P. Caswell*
 Lynne P. Caswell, LS

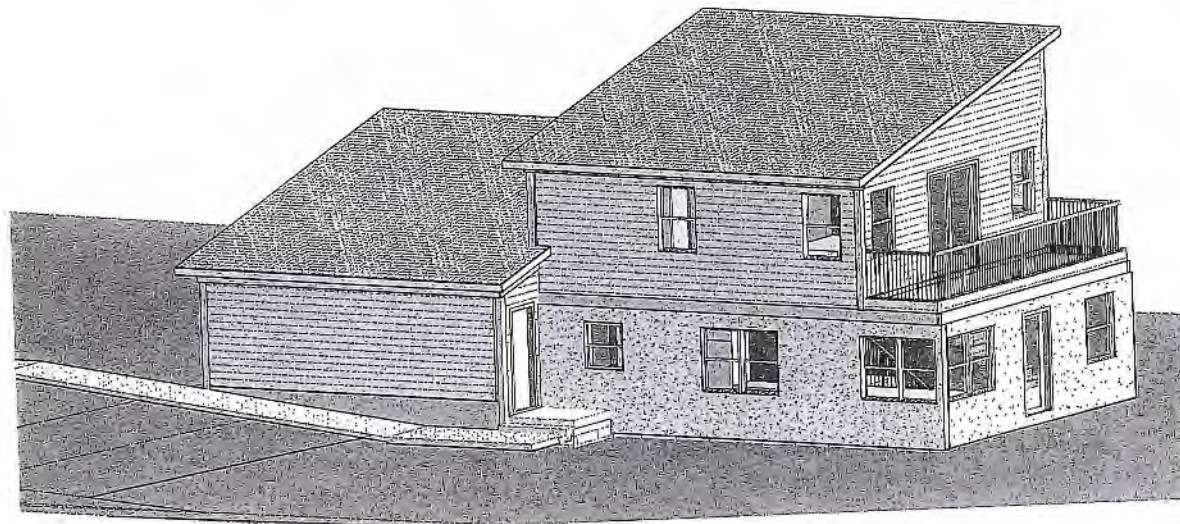
Date: 6/08/2016 Lic. No. 13057
 Rev: 7/13/2016 (New Addition Plan)

Oliver Surveying & Engineering, Inc.
 Land Surveying • Civil Engineering • Land Planning
 580 Dodge Ave. Elk River, MN 55330 • 763.441.2072 • fax. 763.441.5665
 www.oliver-se.com

RECEIVED
 JUL 14 2016



2
15-1 3-D REAR PERSPECTIVE



1
D-1 3-D FRONT PERSPECTIVE

RECEIVED
JUL 14 2016
BY:

PROJECT:
REMODEL AND ADDITION
TO EXISTING HOUSE

OWNER: JAYME BRISCH
ADDRESS:
3275 OWASSO HEIGHTS RD.
SHOREVIEW, MN.

CONTRACTOR:
WILLET REMODELING & CONST. INC.
CONTACT: SCOTT RICKS
PHONE: (612) 203-4929
E-MAIL: sr@wrcincmn.com

REVISIONS			
NO.	DATE	DESCRIPTION	BY

FINAL ADJUSTED BID
JULY 09, 2016
PLANS NOT FOR CONST.

PLANS PROVIDED BY:
SCHWIETERS HOME DESIGN
1628 COUNTY HIGHWAY 10 N.E.
SPRING LAKE PARK, MN 55432
TEL: (763) 785-2105
SchHomDsgn@aol.com

DATE: 02/28/15

DATE: JULY 09, 2015 DRAWN: DICK S.
JOB NO: 2639 CHECKED: R.J.S.

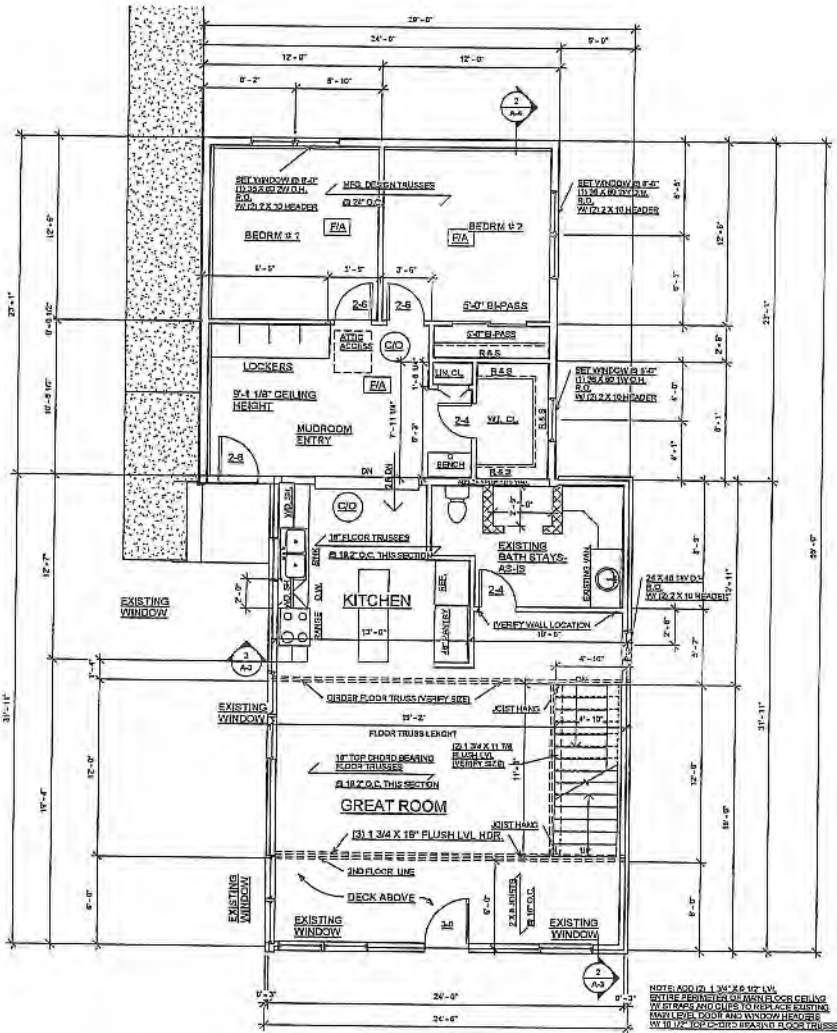
3-D PERSPECTIVES

SCALE:

PAGE NO: **D-1**

CHANGES TO MAIN FLOOR PLAN

1. TOOK 1'-0" OFF THE BACK OF THE NEW ADDITION DEPTH NOW 23'-1"
2. REMOVE (DOWN) STAIRS AND RELOCATE TO EXISTING HOUSE
3. ENLARGED BEDROOM FROM 12'-0" TO 12'-8"
4. LARGER W.I. CLOSET IN PLACE OF REMOVED STAIRS
5. RELOCATED REMODEL ENTRY FROM SIDE TO FRONT OF REMODEL PLAN



NOTE: ADD 1/2" X 6" X 12" LVL ENTIRE PERIMETER MAIN FLOOR CEILING RE BRK'S AND CURS TO HOLD PEE EXISTING MAIN LEVEL DOOR AND WINDOW HEADERS W/ 10/12" TOP CHORDS BRASING FLOOR TRUSSES

2 MAIN FLOOR PLAN
1/4" = 1'-0"

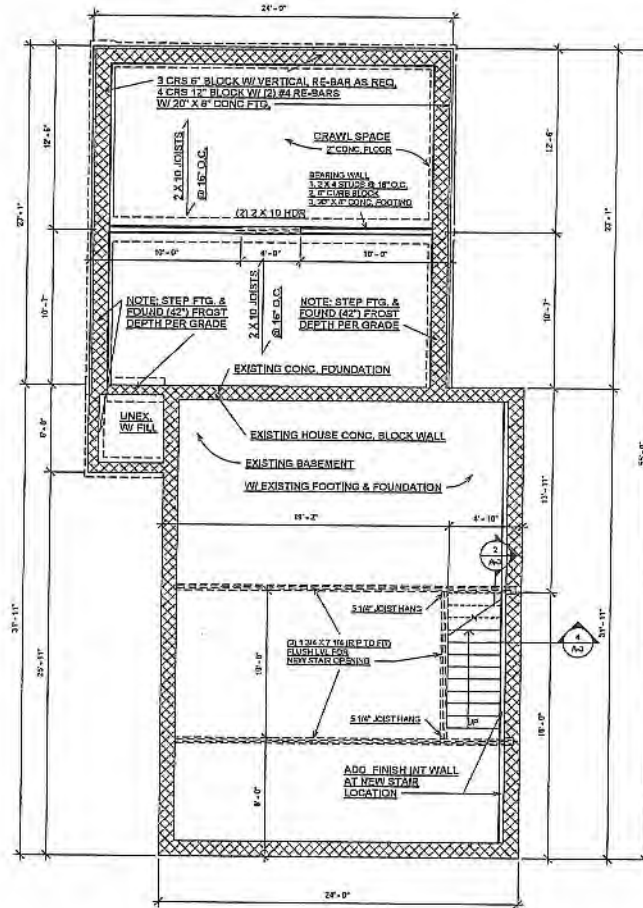
789 SQ. FT. EXISTING HOUSE
853 SQ. FT. RE-EX ADDITION
1920 SQ. FT. TOTAL MAIN FLOOR

TOTAL MAIN FLOOR 1300 SQ. FT.
TOTAL 2ND FLOOR 124 SQ. FT.
TOTAL LIVING AREA 1944 SQ. FT.
OPEN DECK 144 SQ. FT.
TOTAL LIVING & DECK 2088 SQ. FT.

CHANGES TO FOOTING AND FOUNDATION PLAN

1. REMOVE LOWER LEVEL STAIRS AND RELOCATE TO EXISTING HOUSE
2. ADD FULL LENGTH 2 X 4 BEARING WALL 12'-8" FROM OUTSIDE WALL
3. MODIFIED STEP FOOTING AND FOUNDATION PERIMETER TO INCLUDE ENTIRE SIDES OF REMODEL ADDITION TO KEEP FOUNDATION CONSISTENT
4. CREATE NEW STAIR LOCATION IN EXISTING HOUSE ADD LVL HEADER AS REQ.

NOTE: HOLD CONC. BLOCK IN 2" AROUND THE PERIMETER FOR 2" EXT RIGID INSULATION TO MATCH WITH EXT. WALL SHEATHING



1 FOOTING AND FOUNDATION PLAN
1/4" = 1'-0"

PROJECT:
REMODEL AND ADDITION
TO EXISTING HOUSE

OWNER: JAYME BRISCH
ADDRESS:
3275 OWASSO HEIGHTS RD.
SHOREVIEW, MN.

CONTRACTOR:
WILLET REMODELING & CONST. INC
CONTACT: SCOTT RICKS
PHONE: (612) 203-4929
E-MAIL: sr@wrcincmn.com

REVISIONS			
NO.	DATE	DESCRIPTION	BY

FINAL ADJUSTED BID

JULY 09, 2016

PLANS NOT FOR CONST.

PLANS PROVIDED BY:
SCHWIETERS HOME DESIGN
1628 COUNTY HIGHWAY 10 N.E.
SPRING LAKE PARK, MN 55432

TEL: (763) 785-2105
SchHornDsgn@aol.com

DATE: 02/28/16

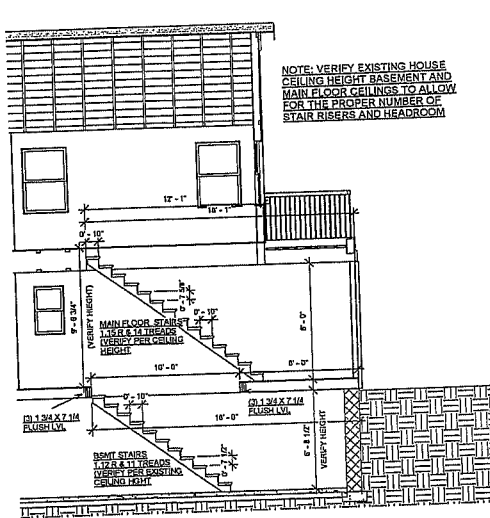
DATE: JULY 09, 2016 DRAWN: DICKS.
JOB NO: 2639 CHECKED: R.J.S.

FOOTING AND
FOUNDATION PLAN

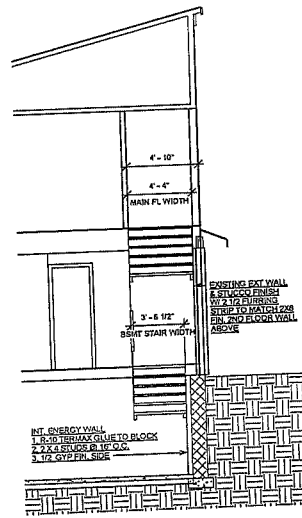
SCALE: 1/4" = 1'-0"

PAGE NO:

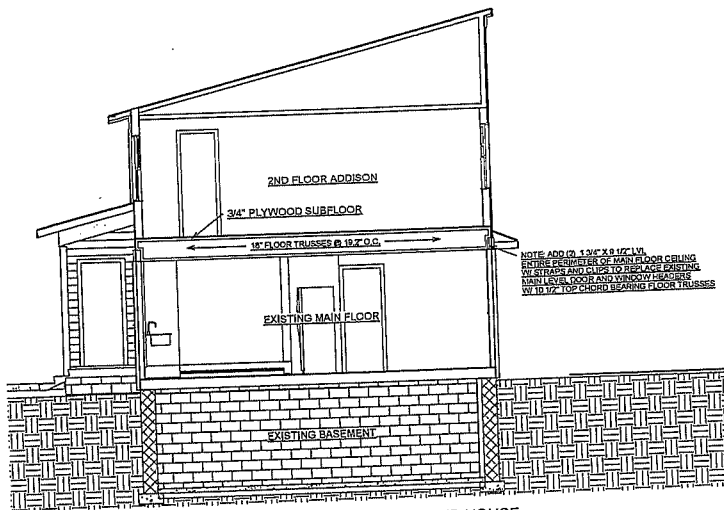
A-2



2 SECTION THRU STAIRS
1/4" = 1'-0"

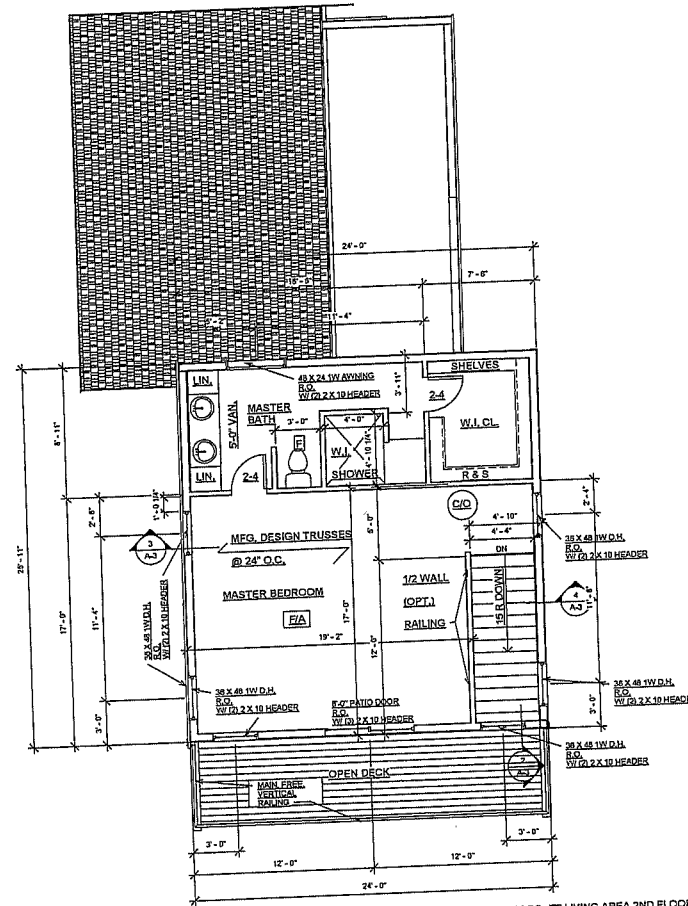


4 SECTION THRU STAIR WIDTH
1/4" = 1'-0"



3 SECTION THRU EXISTING REMODELED HOUSE
1/4" = 1'-0"

CHANGES TO 2ND FLOOR
1. ELIMINATE (3) 30 X 30 SINGLE AWNING WINDOWS AND ADD (1) 4'-0" X 2'-0" AWNING DUE TO SPACE AVAILABLE AFTER MOVING REMODEL ADDITION 5'-0" OVER
2. ADD EYEBROW ALONG NEIGHBORS SIDE 5:12 PITCH ROOF



1 2ND FLOOR PLAN
1/4" = 1'-0"

PROJECT:
REMODEL AND ADDITION
TO EXISTING HOUSE

OWNER: JAYME BRISCH
ADDRESS:
3275 OVASSO HEIGHTS RD.
SHOREVIEW, MN.

CONTRACTOR:
WILLET REMODELING & CONST. INC
CONTACT: SCOTT RICKS
PHONE: (612) 203-4929
E-MAIL: sr@wrcincmn.com

REVISIONS		
NO.	DATE	DESCRIPTION

FINAL ADJUSTED BID
JULY 09, 2016
PLANS NOT FOR CONST.

PLANS PROVIDED BY:
SCHWIETERS HOME DESIGN
1628 COUNTY HIGHWAY 10 N.E.
SPRING LAKE PARK, MN 55432
TEL: (763) 785-2105
SchHomDsgn@aol.com

DATE: 02/28/16

DATE: JULY 09, 2016
JOB NO: 2639
DRAWN: DICKS.
CHECKED: R.J.S.

2ND FLOOR & SECTION

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

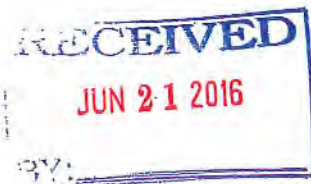
PAGE NO:
A-3

Comments Submitted
For June 2016
Planning Commission Meeting

Comments:

I think it is wonderful that the new owner is choosing to add on to the existing house and excited that it will add character to the neighborhood and match all the other updates and additions to the neighborhood.

I support this improvement as an investment for the new property owner in a pleasing way to benefit such a wonderful neighborhood and community which I lived in for so many years



Name:

Kimberly Parent Hedger

Address:

483 Walker Dr

family 3275 OWASSO Heights Rd

Comments:

WE FEEL THAT THIS VARIANCE SHOULD NOT BE GRANTED,
THE NEIGHBORHOOD SHOULD ^{HAVE} BE CONTINUITY, BY
ALLOWING THIS "MONSTER" TO HAVE 2 STORIES
WOULD NOT BE ACCEPTABLE.

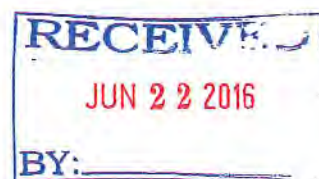
IT SEEMS THAT THE EXTREMELY RICH GET TO BEND
ALL THE "RULES." WE ALWAYS THOUGHT ORDINANCES
WERE PUT IN PLACE FOR A GOOD REASON, NOT
SOMETHING ONLY THOSE WITH A LOT OF MONEY CAN
BEND.

OUR "VOTE" IS NO!

THE BLOCK HAS NO 2 STORY HOMES
AND SHOULD NOT BE PERMITTED TO DO SO.

Name: DENNIS + DOROTHY WEAVER

Address: 3274 W. OWASSO BLVD.



Mr. Rob Warwick
Senior Planner
City of Shoreview
4600 Victoria Street North
Shoreview, Minnesota 55126
rwarwick@shoreviewmn.gov
651 490-4681

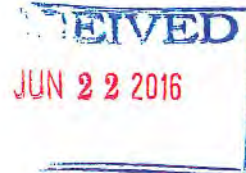
Re: 3275 Owasso Heights Road Remodel

Dear Mr. Warwick,

We object to allowing a variance to reduce the standard 10 feet setback. The design of the right side Facing North is aesthetically prohibitive. The huge wall on the right side will block much of the views and sunlight from the southside of our home & yard. We trust that you all will understand the concerns & we would prefer not to see an industrial looking wall that is only 5 feet from our lot. We chose this neighborhood 31 years ago because the houses were low and small, with beautiful trees and views. And it was affordable as a starter home for our family. The substandard lots in his area of the city of Shoreview were an attraction when we purchased our home. We would like to see the neighborhood retain it's character it has currently.

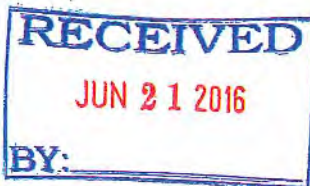
We have contracted Rud ~~Engineering~~ ^{SURVYOR} to complete a more accurate survey of our lot and will bring the results with us to the meeting.

Sincerely,
Eric and Sue Kramer
3279 Owasso Heights Road
Shoreview, MN 55126
612-719-4841



Comments:

We have no problem with granting this variance. The additions to this house seem reasonable and will add value to the neighborhood and to our city.



Name: Jeff + Linda Budd

Address: 3270 Owasso Heights Road



June 21, 2016

Dear Mr. Warwick,

The most immediate issue with the proposal for 3275 Owasso Heights Road is its negative impact to the property value at 3279, which should be assessed by an independent real estate appraisal (without affiliation to the city of Shoreview).

It is not responsible to either the applicant or neighbors for this large a structure to be built within 5' of the property line (less than the 10' requirement). In the past the City of Shoreview has wisely enforced the 10' setback requirement unless there was no practical alternative or would result in excessive financial burden or hardship. Neither is the case here: the foundation can be located 10' from the property line without affecting house or landscape design, and at a cost that is reasonable and appropriate for the scope of this type of home rebuild.

Previously, the city of Shoreview has considered and equalized set-back distances between adjacent properties from the front of the house to the street; and from the rear of the house to the detached garages. The latter is important in order to keep back yard sight lines between adjacent properties open. Keeping the backyard sight line open between house and detached garage contributes greatly to maintaining aesthetic integrity and financial value of these narrow lot properties. This proposal does not attempt to equalize the set-back distance between the detached garage and the rear of the house between these adjacent properties. Instead, this plan allows the house to lengthen by 24' and height to increase to 2 stories, resulting effectively as a wall to the south of the house and side yard at 3279.

Lastly the proposed foundation size of 1614, beyond the 1600 sq ft allowed by impervious surface calculation should be reviewed carefully. The calculation which is based on the impervious surface to total lot area ratio does not ensure concentration of run-off and its management between the two house foundations will be acceptable.

Sincerely,

Michael and Kelly Lyden

3262 Owasso Heights Road

Comments Submitted
For July 2016
Planning Commission Meeting



Comments:

We appreciate the homeowner's revisions, however we do not want the city to give a variance ~~to us~~ for the 5ft set back for the second floor. The second floor is too close to our home on the south side.

The substandard lot does not meet the city code of 75ft., so please retain the 10ft set back for the second floor of the house.

Thank you

Name: Eric + Sae Kramer
Address: 3279 Owasso Hgts Rd

July 21, 2016

Dear Mr. Warwick,

We attended the June 28, 2016 planning commission meeting where the variance request for Jayme Brisch at 3275 Owasso Heights Road was discussed and denied. We felt the city did a good job of determining and addressing concerns, including those of neighbors, but we think more guidance should have been given to the property owner and her builders to help them understand the main issue. We think when they left, they felt they just needed to change the “stark commercial look” of the north wall which will result from adding a second story and an additional 24 feet of length to the existing house. As we can see on the newly submitted plan they’ve attempted to break up the height with a mid-line “eyebrow” along the length of the north wall, moved the two windows from the south side to the north side of the addition, added another window to the second story and most importantly broken up the wall expanse by designing the addition at the required 10 foot setback. These changes do improve the “stark commercial look” of the wall but unfortunately miss the main objection to this proposal. The close 5 ft. proximity of the original foundation means that if a second story is added to the existing house there will be a 25 foot imposing wall hovering over the neighbors as they walk out their door each day for as long as they live in their home.

Because of this concern we suggested at the meeting the consideration of moving the foundation to the center of the lot with conforming 10 foot setbacks on north and south sides of the house. This location would allow for a graceful 1350 square foot 2-story house which would not have to extend deeply into the middle yard (area between house and detached garage) thus not breaking up sight lines between neighboring yards.

Our understanding of the law is that approval of a variance is only justified if adherence to the ordinance would cause economic hardship. This would include situations where the property cannot be utilized or improved according to the ordinance without prohibitive high or unreasonable cost, e.g. the cost of the improvement would not substantially recovered during a subsequent sale of the property.

The builder told us they had determined a new foundation would cost ~ \$50,000 and for financial concerns was not considered an option. We understand and empathize with Ms. Brisch but also empathize with the Eric and Sue Kramer. Why should the Kramers bear any hardship as a result of a variance approval? And why should the potential value of the new home be compromised?

We think the city should evaluate the cost and benefits associated with a new foundation and decide whether it actually represents a long term hardship for Ms. Brisch.

Relocating this new house foundation within the 10' side-lot setback requirement would have the following benefits:

- 1) Provides a new full height, dry basement extending under the entire new structure that can be utilized in the daily activities of the homeowner.
- 2) Adds significantly to the properly real estate value (> \$30K) at time of resale.
- 3) Avoids crowding at the north side of the lot that will reduce 3275 property's aesthetic appeal and its real estate value (> \$20K) at time of sale.
- 4) Avoids the crowding at the north side of lot that will reduce 3279 property's esthetic appeal real estate value (> \$20K) at time of sale.

While difficult to assess precise negative real estate value impact, we think the estimates above are approximately correct and certainly of the right order of magnitude.

For example, there is little doubt that there will be a negative impact to both 3275 and 3279 property's real estate value if the proposed two-story house is built too close and the impact will not be just a few thousand dollars.

The primary reason for the side yard setback ordinance is exactly for such situations. To ensure adjacent homes and structures are not placed too close together.

We believe the Shoreview City Planning Department, and Council should exercise prudent judgment in weighing the applicant's temporary "hardship" of additional building cost, against the negative real estate impact to the applicant's newly proposed home and the existing home. It is easy to calculate the additional building cost; it is harder to precisely assess the real estate value impact due to improper foundation placement. That doesn't mean the latter isn't real or as large and certainly should not be used as an excuse to throw ones hands up and abandon good judgment. We believe the City should uphold the set back ordinance.

If however, after careful consideration the City finds that a real hardship exists and building on the existing 5 foot setback is to be allowed we think the following should be considered:

The asymmetrical sloped roofline to the north side of house creates too high of a wall when so close to the property line. Also, when viewed from the road, this roofline ascends towards the neighbor's house which further emphasizes the very small area between houses on the north side compared to the comparatively large open yard on the south side. It would not be a perfect solution to the situation, but possibly a single gable roof would decrease the height of the north wall and at least not emphasize the substandard distance between the homes.

Sincerely, Michael and Kelly Lyden

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JULY 26, 2016**

* * * * *

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. 16-60 FOR A VARIANCE TO REDUCE THE SIDE SETBACK

WHEREAS, Jayme Brisch submitted a variance application for the following described property:

*The North ½ of Lot 31, OWASSO HEIGHTS, RAMSEY COUNTY, MINNESOTA
(This property is more commonly known as 3275 Owasso Heights Road)*

WHEREAS, the Development Regulations establish that in the R-1 Detached Residential District a minimum 10-foot setback from a side property line is required; and

WHEREAS, the applicant has has proposed to add a second floor to the existing house and requested to reduce the side setback to 5-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 July 26, 2016 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 proposed addition enlarges this small house providing living area typical of residential properties in the R-1 District, and represent a reasonable use 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.*

Practical difficulty for the variance stems from the historic development of the property. The house was constructed in 1924 as a small seasonal cabin. The existing house does not conform to the current setback required from a side property, making it difficult to enlarge in a compliant manner.

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

The diversity of housing styles and setbacks nearby indicate that the improvements will not alter the character of the existing neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 3275 Owasso Heights Road, be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
4. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
5. This 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 26th day of July, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Jayne Brisch, a single person
3275 Owasso Heights Road

**PROPOSED MOTION
TO APPROVE**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 16-60, approving the variance request to reduce the side setback to 5-feet for the second floor addition, and to approve the residential design review application submitted by Jayme Brisch and Willet Remodeling for the property located at 3275 Owasso Heights Road. This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Material storage and construction vehicle parking shall be limited to the subject property. No construction parking or storage is permitted within the public right-of-way or on nearby private property without the written consent of the affected property owner.
4. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
5. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Housing and Land Use Chapters of the Comprehensive Plan.
2. The proposed second story addition to the detached single-family residence represents a reasonable use of the property which is located in the R-1 Detached Residential District.
3. Unique circumstances stem from the age of the existing house, constructed in 1924 as a seasonal cabin, with a side setback that does not conform to the current 10-foot minimum requirement. The existing 5-foot setback makes it difficult to enlarge in a compliant manner.
4. The diversity of housing styles and setbacks nearby indicate that the improvements will not alter the character of the existing neighborhood.

VOTE: AYES: NAYES:

Regular Planning Commission Meeting
July 26, 2016

TO: Planning Commission

FROM: Kathleen Castle, City Planner

DATE: July 22, 2016

SUBJECT: File No. 2623-16-22, Variance – All Energy Solar/Storlie, 3210 West Owasso Boulevard

Introduction

All Energy Solar, on behalf of Erik and Trupti Storlie, submitted a variance application to install an accessory structure in the front yard (street side) of their property at 3210 West Owasso Boulevard. The accessory structure, a ground mounted solar electric array panel is proposed to be setback approximately 90' from the front property line and 5' from the northern side property line. This panel has a height of 11', a width of 11'1" and a length of 27'5". The application was complete on July 6, 2016.

Site Characteristics

The property has a lot area of 28,704 square feet and is located on West Owasso Boulevard and has frontage on Lake Owasso. The property is currently developed with a single-family residential home that has an approximate foundation area of 1,663 square feet, including a 720 square foot attached garage. Access to the property is from a driveway off of West Owasso Boulevard. The topography of the property is relatively flat by the roadway but then slopes to the east towards the lake. Vegetation on the property includes open lawn areas on the west side towards the street and mature trees around the home and along the lakeshore.

Development Code - Zoning

The property is zoned R1, Detached Residential (Section 205.082) and is also located in the Shoreland Management District (Section 209.080) of Lake Owasso. While the Zoning Code provides definitions of solar energy infrastructure (Section 202), solar energy systems are not specifically addressed in the regulations. Section 211.040 (D) addresses miscellaneous structures and requires such structures to be setback a minimum of 5-feet from the side and rear property lines and cannot be located in the front yard. City staff has determined that the solar array is subject to this provision.

Variance – Section 203.070. When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the ordinance. Practical difficulty is defined as:

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

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

Applicant's Statement of Justification

The applicant states that the proposed location of the array is the optimal location for the system to ensure that it generates as much energy as possible for the property owners. The existing site conditions regarding tree coverage and topography are not in control of the property owner and restrict feasible locations for the system. This system will enable the property owners to utilize non-renewable energy source and is consistent with policies stated in Chapter 12 of the Comprehensive Plan related to energy conservation. Also, other accessory structures (detached garages) are located in the front yard of nearby properties. See the attached statement.

Staff Review

The applicant is requesting a variance to waive the City's standard prohibiting miscellaneous structures in the front yard of a residential property. It is the opinion of City staff that practical difficulty is present to allow for a variance from the City regulations based on the following:

1. ***Reasonable Manner.*** The property owner is proposing to use the property in a reasonable manner. The installation of a solar energy system, including the solar array, to reduce reliance on traditional energy resources such as natural gas and fossil fuels is supported by the City's Comprehensive Plan policies (Chapter 12) which encourages residents to consider alternate energy forms.
2. ***Unique Circumstances.*** With respect to this request, the topography of the property and the existing vegetation create a unique circumstance. The applicant has explored a roof-top mounted system and found that it is not feasible due to shadow cast by nearby trees. Further, shadow cast from trees located on the property and adjoining properties create difficulty in placing the solar array panel closer to the home. The eastern two-thirds of the property are affected by this tree cover. Mature trees are also located on the neighboring property to the south. The only viable location for this structure is in the front yard where there is open lawn area.
3. ***Character of Neighborhood.*** The proposed solar array will not alter the character of the neighborhood. The character of this neighborhood is defined by the proximity to the lake and the development pattern. In the Shoreland Management District, detached accessory buildings are permitted in the front yard (street side) provided certain standards are met. In this neighborhood, there are some detached garages adjacent to West Owasso Boulevard. While the solar array differs from detached garages, it will not affect the character of the neighborhood.

As with any accessory structure located in the front yard, the City staff does have some concern with the visual impact on adjoining properties. The proposed solar array has a height of 11' and a length of 27'5" and will be visible from the roadway. To mitigate the visual impact, the applicant is proposing to place the array a minimum of 90' from the front property line. Shifting the array further to the east is not possible due to the tree cover.

To minimize the visual impact on the property immediately to the north, City staff is recommending setback of the array be increased from 5' to 10' from the north side lot line. This increased setback will provide space needed for landscape screening. Since this screening is located on the north side of the proposed solar array, it should not interfere with the array's operation.

Shoreland Mitigation

A shoreland mitigation plan must be submitted for residential development that requires a land use approval, including a variance. The intent of the plan is to mitigate the adverse effects land development has on water quality and the lake environment. Site disturbance for this project will be minimal and not have an impact on water quality and the lake environment. Therefore, City staff is recommending the mitigation requirement be waived.

Public Comment and Agency Review

The City notified property owners within 150 feet of the subject property. A comment was received from a nearby property owner who expressed support of the project but had concerns about the visual impact. In response, City staff is recommending the increased side setback and landscape screening.

Recommendation

The submitted plans were reviewed in accordance with the Development Code requirements and variance criteria. City staff believes practical difficulty is present as the property owner is proposing to use the property in a reasonable manner, unique circumstances are present and the character of the neighborhood will not be impacted. City staff recommends the Planning Commission adopt Resolution No. 16-64 approving the variance, subject to the following proposed conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The solar array shall be setback a minimum of 10-feet from the north side property line.
4. Landscape screening shall be installed immediately north of the array to mitigate the visual impact and provide year-round screening. A landscape plan shall be submitted for review and approval prior to the issuance of a building permit.
5. In the event the use of the solar array panel is discontinued, said panel must be removed from the property
6. This approval is subject to a 5-day appeal period.

Attachments:

1. Resolution 16-64
2. Location Maps
3. Certificate of Survey
4. Applicant's Statement and Submitted Plans
5. Comments Received
6. Motion Sheet

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JULY 26, 2016**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 P.M.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

**RESOLUTION NO. 16-64
A VARIANCE PERMITTING A SOLAR ARRAY IN THE FRONT YARD**

WHEREAS, All Energy Solar, on behalf of Erick and Trupti Storlie submitted a variance application for the following described property:

Part Of Lots K & 52 & 53 Desc As Fol; beg On W Line Of & 16 Ft N Of Sw Cor Of Lot 53 Th E Par With S Line Of Lot 53 To E Line Thereof Th N On E Lines Of Lots 53, K & 52 To Point 4.9 Ft N Of Se Cor Of Lot 52 Th W To Point On W Line Of Lot 53 & 9 Ft S Of Nw Cor Of Lot 53 Th S To Beg In Lot 53, Lake Owasson Heights

(This property is commonly known as 3210 Owasso Heights Road)

WHEREAS, pursuant to the Development Code Section 211.040 (D), the Development Regulations prohibit miscellaneous structure in the front yard; and

WHEREAS, the applicants have requested a variance to this requirement in order to install a solar array panel; 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 July 26, 2016, the Shoreview Planning Commission approved the variance and adopted the following findings of fact:

1. **Reasonable Manner.** The property owner is proposing to use the property in a reasonable manner. The installation of a solar energy system, including the solar array, to reduce reliance on traditional energy resources such as natural gas and fossil fuels is supported by the City's Comprehensive Plan policies (Chapter 12) which encourages residents to consider alternate energy forms.
2. **Unique Circumstances.** With respect to this request, the topography of the property and the existing vegetation create a unique circumstance. The applicant has explored a roof-top mounted system and found that it is not feasible due to shadow cast by nearby trees. Further, shadow cast from trees located on the property and adjoining properties create difficulty in placing the solar array panel closer to the home. The eastern two-thirds of the property are affected by this tree cover. The only viable location for this structure is in the front yard where there is open lawn area.
3. **Character of Neighborhood.** The proposed solar array will not alter the character of the neighborhood. The character of this neighborhood is defined by the proximity to the lake and the development pattern. In the Shoreland Management District, detached accessory buildings are permitted in the front yard (street side) provided certain standards are met. In this neighborhood, there are some detached garages adjacent to West Owasso Boulevard. While the solar array differs from detached garages, it will not affect the character of the neighborhood.

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

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The solar array shall be setback a minimum of 10-feet from the north side property line.
4. Landscape screening shall be installed immediately north of the array to mitigate the visual impact and provide year-round screening. A landscape plan shall be submitted for review and approval prior to the issuance of a building permit.
5. In the event the use of the solar array panel is discontinued, said panel must be removed from the property
6. This approval is subject to a 5-day appeal period.

File No. 2623-16-22
All Energy Solar/Storlie
Resolution 16-64
Page 3 of 4

The motion was duly seconded by Member
following voted in favor thereof:

and upon a vote being taken thereon, the

And the following voted against the same:

Adopted this 26th day of July, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle
City Planner

ACCEPTANCE OF CONDITIONS:

Erik Storlie

Trudy Storlie

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 26th day of July, 2016 with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same relates to adopting Resolution No. 16-64.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 26th day of July, 2016.

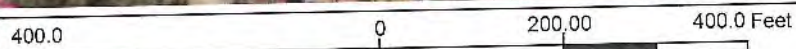
Terry C. Schwerm
City Manager

SEAL

Legend



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







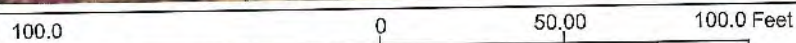
Notes

All Energy Solar/Truipi
Variance Application

Legend



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



Notes

All Energy Solar
Variance

CERTIFICATE OF SURVEY

~for~ Southview Design
~of~ 3210 West Owasso Blvd.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET
- ⊕ DENOTES HYDRANT
- ⊗ DENOTES POWER POLE
- x DENOTES EXISTING SPOT ELEVATION
- DENOTES CABLE PEDESTAL
- X— DENOTES EXISTING FENCE
- X— DENOTES RETAINING WALL
- ⋯ DENOTES EXISTING CONTOURS
- X— DENOTES OVERHEAD WIRE
- ▨ DENOTES CONCRETE SURFACE
- ▩ DENOTES BITUMINOUS SURFACE

BENCHMARK

BENCHMARK: MNDOT Benchmark #
6285N
Elevation = 927.16 (NGVD29)

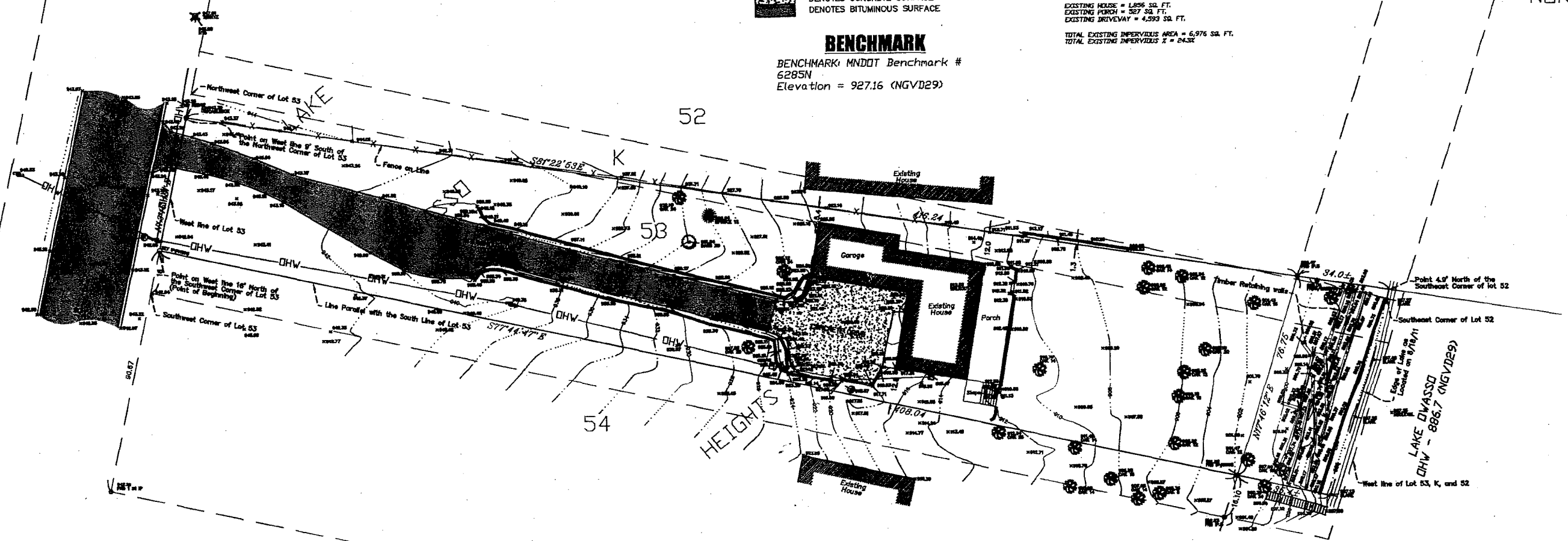
NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 08/18/11.
- Bearings shown are on an assumed 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.

IMPERVIOUS SURFACE AREA:

TOTAL LOT AREA = 28,704 SQ. FT.
EXISTING HOUSE = 1,896 SQ. FT.
EXISTING PORCH = 327 SQ. FT.
EXISTING DRIVEWAY = 4,993 SQ. FT.
TOTAL EXISTING IMPERVIOUS AREA = 6,976 SQ. FT.
TOTAL EXISTING IMPERVIOUS % = 24.3%

NORTH

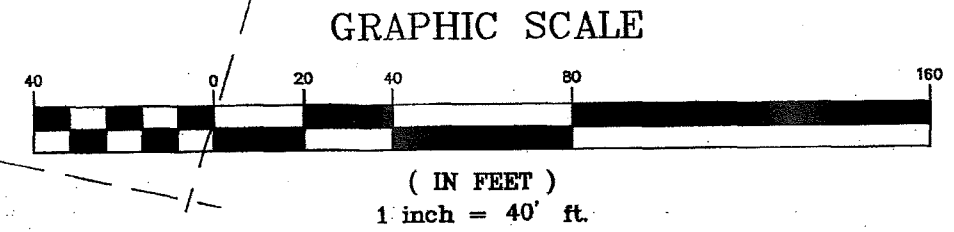


I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

PRELIMINARY

JASON E. RUD
Date: _____ License No. 41578

DRAWN BY: MMD	JOB NO: 11402LS	DATE: 08/22/11
CHECK BY: DWD	SCANNED: <input type="checkbox"/>	
1		
2		
3		
NO.	DATE	DESCRIPTION
BY		



Lot 2, Block 1, Hidden Creek Estates, Dakota County, Minnesota.

○ Denotes Iron Set ● Denotes Iron Found	Bearings shown are on an assumed datum.	I hereby certify that this plan, survey 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. Dated this _____ day of _____, 2011.	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 www.egrud.com
Scale 1"=40'	Drawn By: MMD	PRELIMINARY License No. _____	
Job No: 11402LS	Project Manager: DWD		



1642 Carroll Ave
St. Paul, MN 55104
www.allenergysolar.com

VARIANCE IDENTIFICATION STATEMENT:

All Energy Solar is requesting a variance on behalf of our Clients, Erik and Trupti Storlie, for the ability to construct a ground mounted solar electric array in the front yard of their property which is not currently permitted by the zoning ordinances in Shoreview. See following documents for justification and detailed drawings of the project as well as building and electrical permit applications which satisfy the other necessary requests for approval for such a project.

Brian Allen,
Vice President, All Energy Solar



1642 Carroll Ave
St. Paul, MN 55104
www.allenergysolar.com

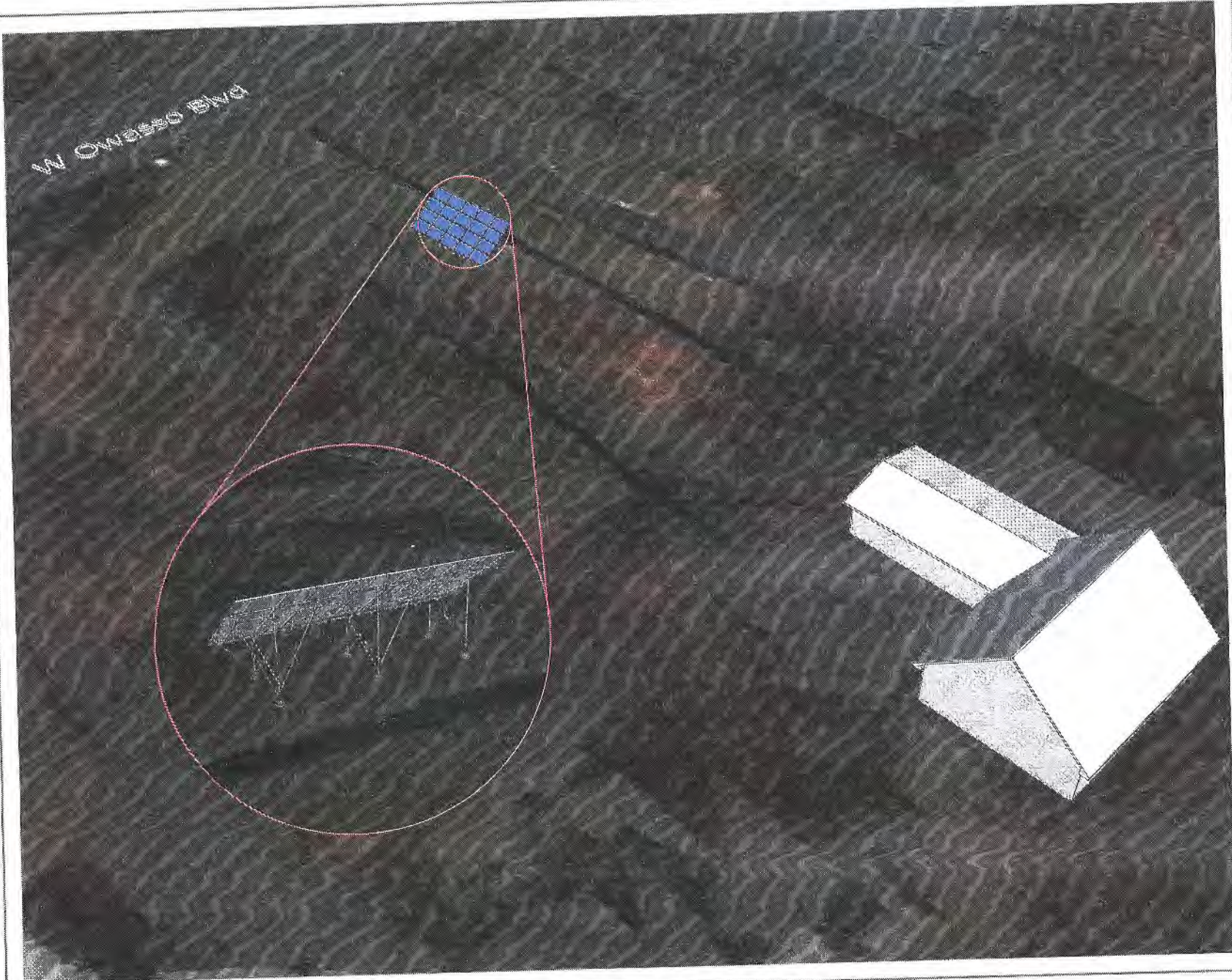
To the Shoreview Department of Community Development,



All Energy Solar is applying for a variance on behalf of our Clients, Erik and Trupti Storlie, for the installation of a ground mounted solar PV array on their property. We are requesting this variance to allow us to install this solar array, an accessory structure, in the client's front yard. The justification of this position is that it is the optimal location for the system to ensure that it generates as much energy for the clients as possible. Due to existing site conditions out of the control of the home owner (e.g. the slope of the rear yard and the shading cast by trees on neighboring property) the proposed location is the only option that will provide a secure mounting position as well as necessary solar exposure to ensure that this system produces as much energy as possible. By placing this system in the proposed location we are maximizing the client's ability to reduce their dependence on nonrenewable resources, while at the same time boosting the value of the property and appeal of the surrounding neighborhood. Therefore this project is in agreement with the wishes of the city as outlined by chapter 12 of the comprehensive plan which covers resource conservation and encourages and promotes the development of solar projects in the city. It should also be noted that there is widespread precedent for accessory structures being placed in the front yard of properties in this district, including several garages. We thank you for your time and consideration and look forward to working with the City of Shoreview to help our customers realize their goal.

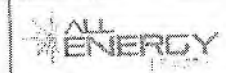
A handwritten signature in blue ink that reads "Brian Allen".

Brian Allen,
Vice President, All Energy Solar

Notes




COMPANY INFORMATION
ALL ENERGY SOLAR, INC 1842 CARROLL AVE ST PAUL, MN 55104 (800) 920-3370 INFO@ALLENERGYSOLAR.COM
CLIENT INFORMATION
ERIK & TRUPTI STORLIE 3210 W OWASSO BLVD SHOREVIEW, MN 55128 PO 13512
SYSTEM DETAILS
NOTES: 1. (20) LG 315W MODULES = 6.30kW 2. MOUNTING TYPE: GROUND MOUNT 3. (1) SOLAREEDGE SE7600A-US INVERTER(S) 4. ARRAY 1: 35° TILT, 180° AZIMUTH
REVISIONS
LAST: 09/21/15 MG
AZIMUTH

PROJECT-PAGE TITLE
COVER PAGE
PAGE NUMBER
A0



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
1642 CARROLL AVE
ST PAUL, MN 55104
(800) 620-3370
INFO@ALLENERSOLAR.COM

CLIENT INFORMATION

TRUPTI N STORLIE
3210 W OWASSO BLVD
SHOREVIEW, MN 55128
PO 13812

SYSTEM DETAILS

NOTES:

- (1) SOLAREGE SE7600A-US INVERTER(S)
- ARRAY 1:
180° AZIMUTH, 36° TILT
(20) LG 315W = 6.30kW

REVISIONS

LAST: 09/21/16 RRG

AZIMUTH



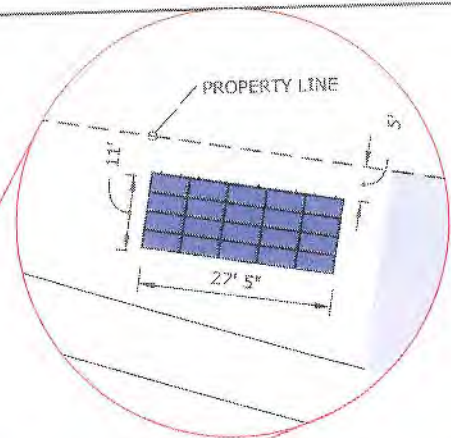
PROJECT-PAGE TITLE

PROPERTY SITE MAP

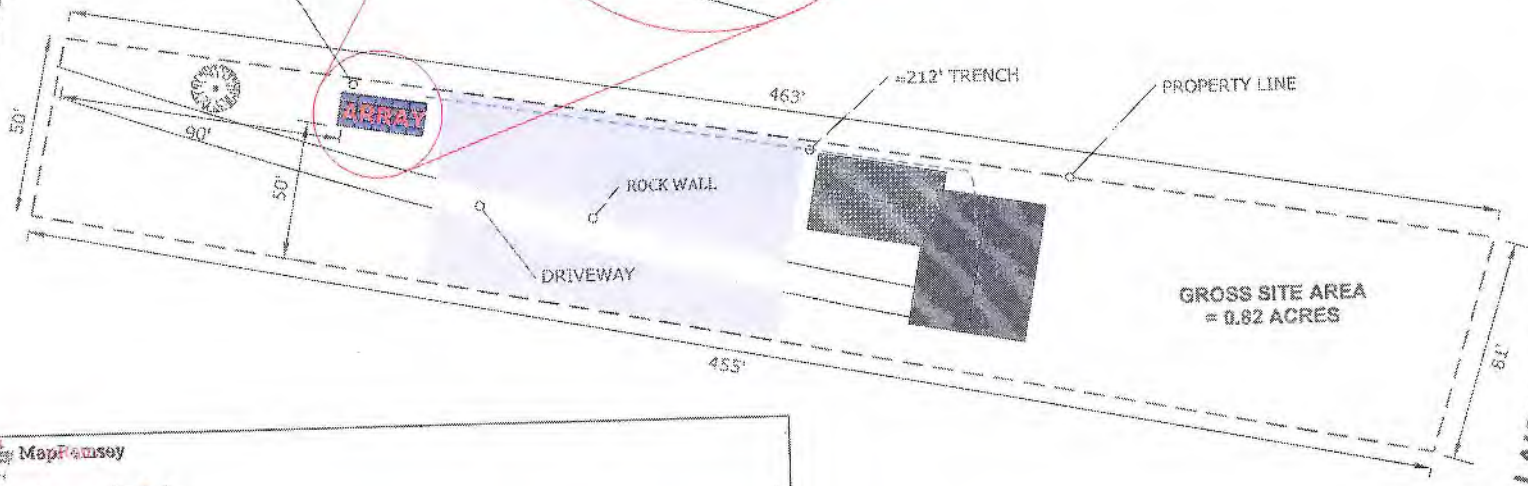
PAGE NUMBER

A1

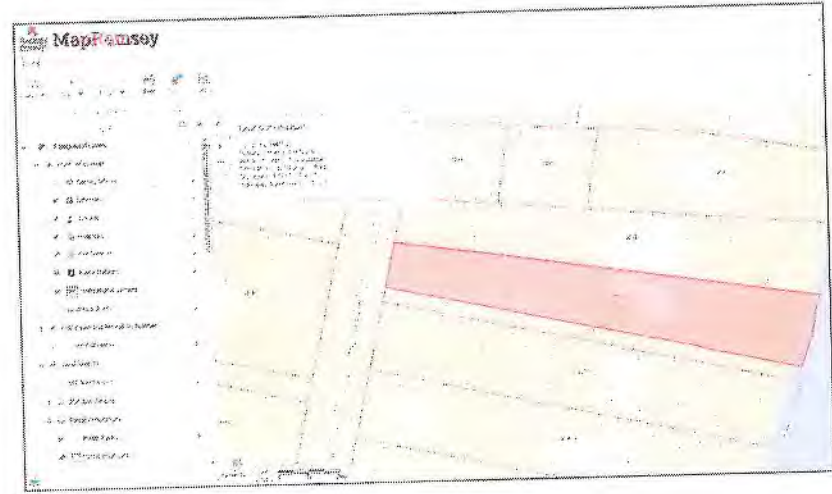
SOLAR ARRAY IS SET BACK 5' FROM NEIGHBORING PROPERTY LINE.



W OWASSO BLVD



LAKE OWASSO



PROPERTY DIMENSIONS OBTAINED FROM RAMSEY CTY GIS WEBSITE

COMPANY INFORMATION

ALL ENERGY SOLAR, INC
1642 CARROLL AVE
ST PAUL, MN 55104
(800) 620-3370
INFO@ALLENERGYBOLAR.COM

CLIENT INFORMATION

TRUPTI N STORLIE
3210 W OWASSO BLVD
SHOREVIEW, MN 55126
PO 13812

SYSTEM DETAILS

REVISIONS

LAST: 09/21/16 MG

AZIMUTH

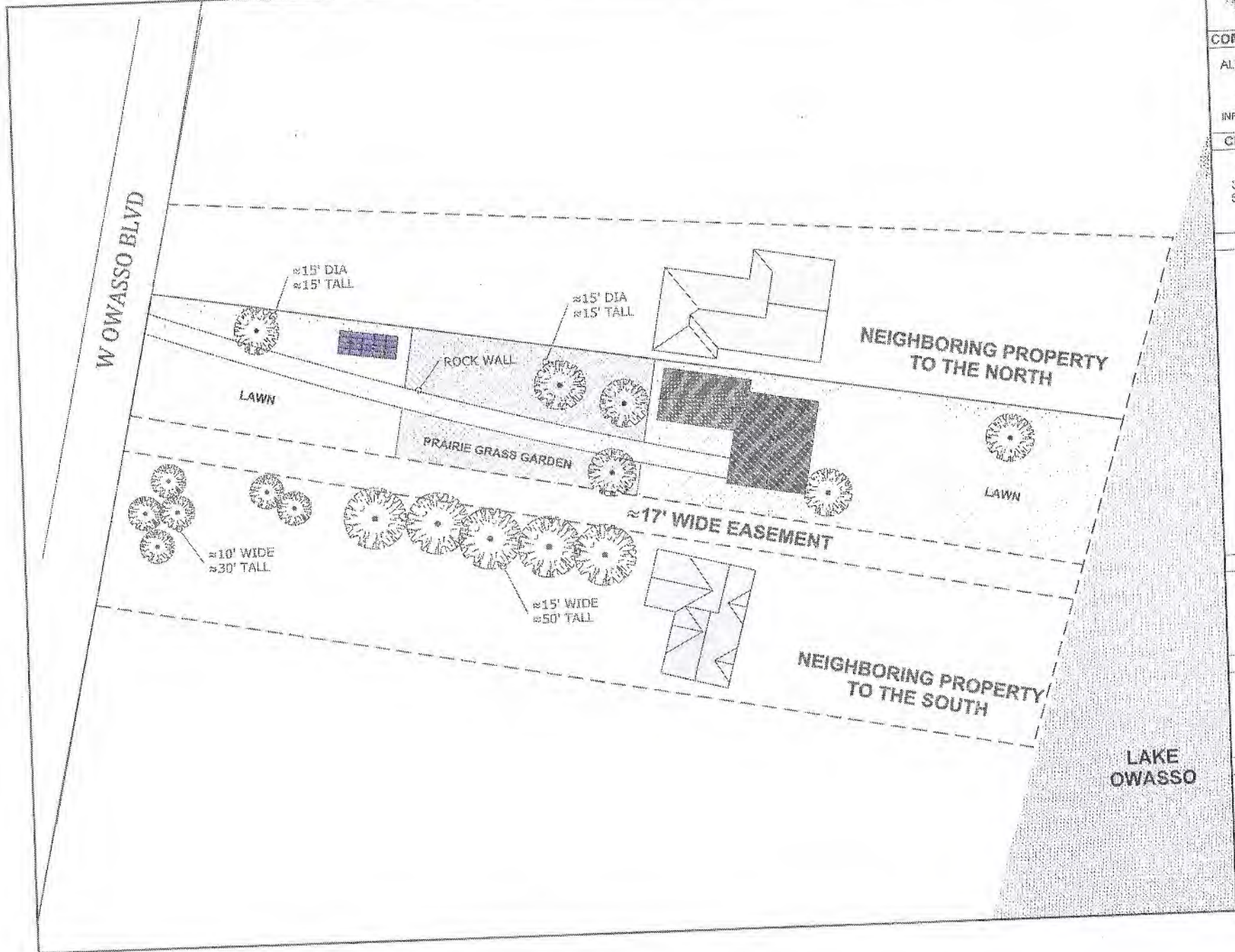


PROJECT-PAGE TITLE

PROPERTY SITE
MAP

PAGE NUMBER

A2



W OWASSO BLVD

NEIGHBORING PROPERTY
TO THE NORTH

NEIGHBORING PROPERTY
TO THE SOUTH

LAKE
OWASSO



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
1642 CARROLL AVE
ST PAUL, MN 55104
(800) 620-3370
INFO@ALLENERGY80LAR.COM

CLIENT INFORMATION

TRUPT N STORLIE
3210 W OWASSO BLVD
SHOREVIEW, MN 55128
PO 13812

SYSTEM DETAILS

NOTES:
1. (1) SOLAREGE SE7800A-US INVERTER(S)
2. ARRAY 1:
180° AZIMUTH, 35° TILT
(20) LG 316W = 6.30KW

REVISIONS

LAST: 06/21/18 M/G

AZIMUTH



PROJECT-PAGE TITLE

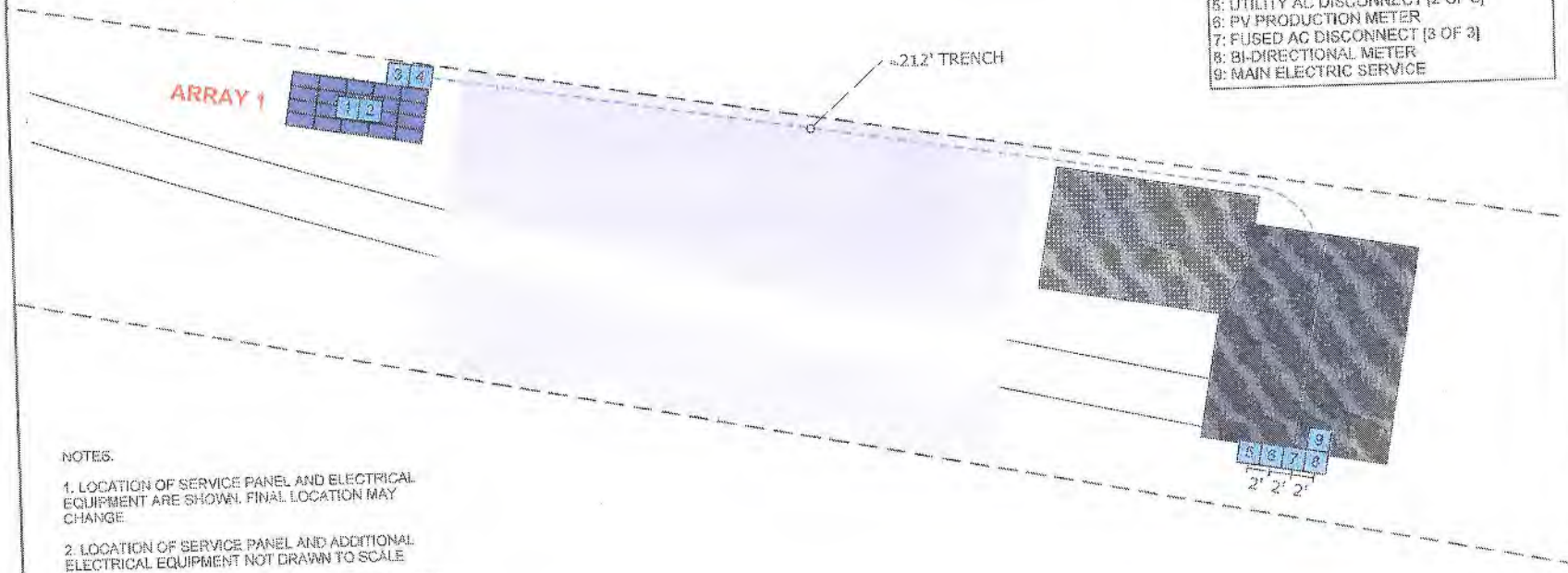
ELECTRICAL
SITE MAP

PAGE NUMBER

A3

DISTANCES
SOLAR PANELS - OPTIMIZERS: 6' MAX
OPTIMIZERS - INVERTER: 8' MAX
INVERTER - AC DISCONNECT: 1' OF 3'; 2'
AC DISCONNECT [1 OF 3] - UTILITY AC DISCONNECT [2 OF 3]: 275'
UTILITY AC DISCONNECT [2 OF 3] - PV PRODUCTION METER: 2'
PV PRODUCTION METER - FUSED AC DISCONNECT [3 OF 3]: 2'
FUSED AC DISCONNECT [3 OF 3] - BI-DIRECTIONAL METER: 2'
BI-DIRECTIONAL METER - MAIN ELECTRIC SERVICE: 5'

CALL-OUTS:
1: SOLAR PANELS
2: OPTIMIZERS
3: INVERTER
4: AC DISCONNECT [1 OF 3]
5: UTILITY AC DISCONNECT [2 OF 3]
6: PV PRODUCTION METER
7: FUSED AC DISCONNECT [3 OF 3]
8: BI-DIRECTIONAL METER
9: MAIN ELECTRIC SERVICE



NOTES:

- 1. LOCATION OF SERVICE PANEL AND ELECTRICAL EQUIPMENT ARE SHOWN. FINAL LOCATION MAY CHANGE.
- 2. LOCATION OF SERVICE PANEL AND ADDITIONAL ELECTRICAL EQUIPMENT NOT DRAWN TO SCALE.
- 3. AC DISCONNECT AND PRODUCTION METER WITHIN 10' OF MAIN SERVICE METER/BI-DIRECTIONAL METER.
- 4. PV EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH NEC 690 AND POSTED WITH APPLICABLE WARNINGS, SIGNAGE, AND PLAQUES PER NEC 705-10, 690-17, & 690-64 (b)(6).
- 6. STRINGS:
(2) STRING(S) OF 10

LABELS LOCATED ON PV PRODUCTION METER, BI-DIRECTIONAL METER, AC DISCONNECT, INVERTER(S), AND APPROPRIATE LABELS ON MAIN ELECTRIC SERVICE. ALL LABELS ARE PERMANENT AND DURABLE.

THERE ARE NO CLEARANCE ISSUES DUE TO OVERHEAD POWERLINES.

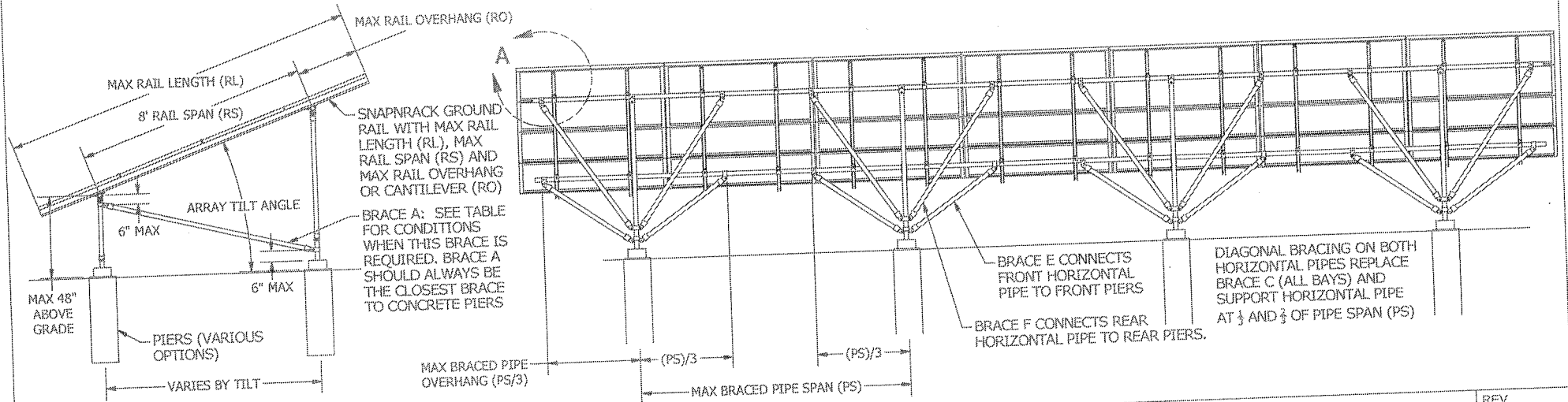
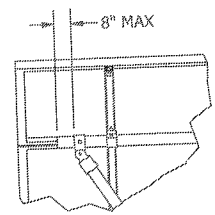
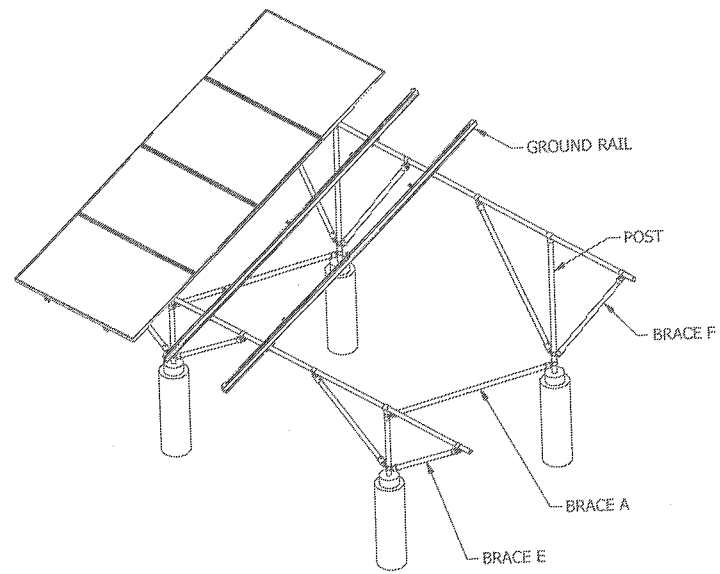
BRACING OPTION FOR HIGH LOAD OR LONGER SPAN APPLICATIONS

SEE ENGINEERING TABLES FOR PIER DEPTHS AND SPAN LIMITATIONS.

COMPATIBLE WITH ALL PIER OPTIONS INCLUDING STANDARD PIERS AND GRADE BEAMS

UNLESS OTHERWISE SPECIFIED IN ENGINEERING DOCS, THE FOLLOWING VALUES APPLY:

MAX RL: 162"
RS: 96"
MAX RO: 32"



SnapNrack
PV Mounting Systems

MAINSTREAM ENERGY CORP.
7700 PIERCE LAKE DRIVE AND 4500 14TH AVENUE, CO. SPRING, USA
PHONE: (970) 526-5100 • FAX: (970) 526-5101

DESIGNER: G. McPheeters
DRAFTER: D. Ryan
APPROVED BY: _____

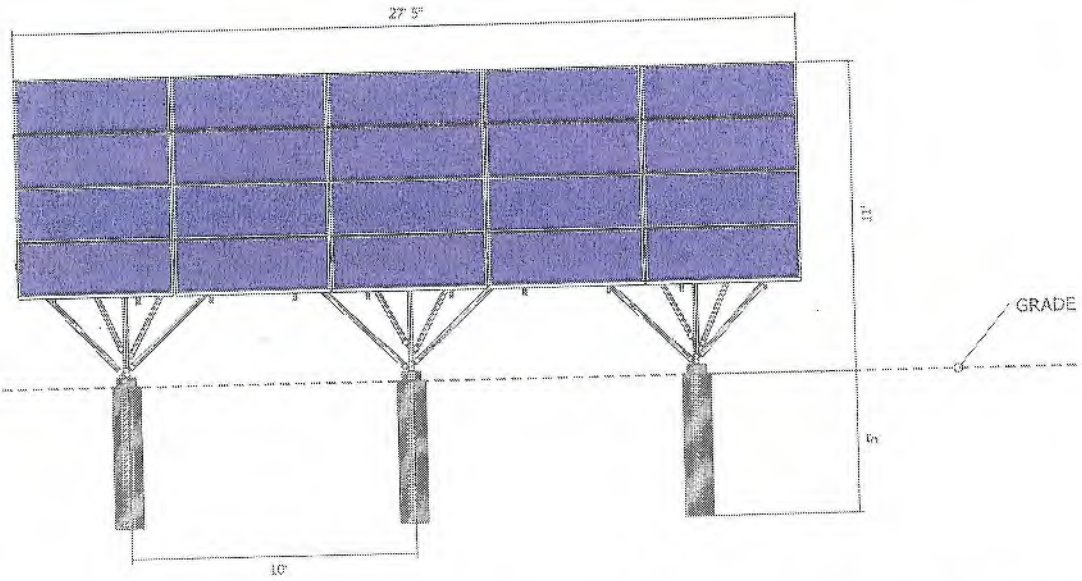
SCALE: DNS
DATE: 120113

PART NUMBER: S200 D03

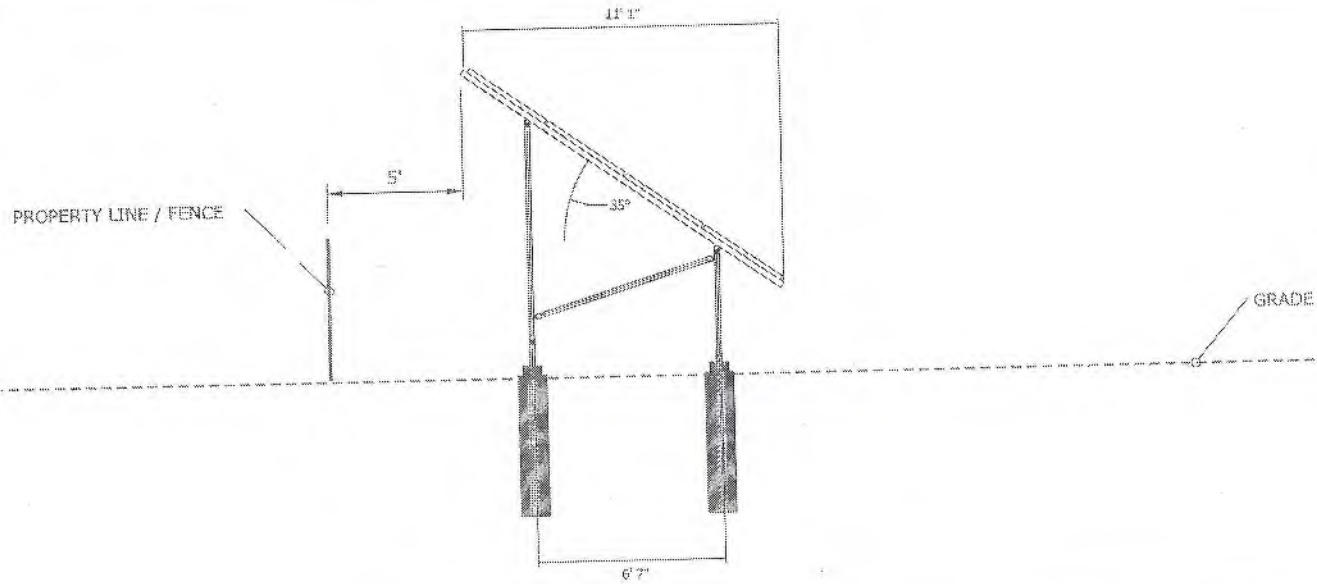
DESCRIPTION: SERIES 200 BRACED OPTION

REV G

SOUTH ELEVATION



WEST ELEVATION



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
 1842 CARROLL AVE
 ST PAUL, MN 55104
 (800) 820-3370
 INFO@ALLENERGYSOLAR.COM

CLIENT INFORMATION

TRUPTI N STORLIE
 3210 W OWASSO BLVD
 SHOREVIEW, MN 55126
 PO 13812

SYSTEM DETAILS

NOTES:

1. ELEVATIONS MAY VARY DEPENDING ON GROUND ELEVATION BUT ARE DRAWN TO THE BEST OF OUR ABILITY

REVISIONS

LAST: 06/21/16 MG

AZIMUTH

PROJECT-PAGE TITLE

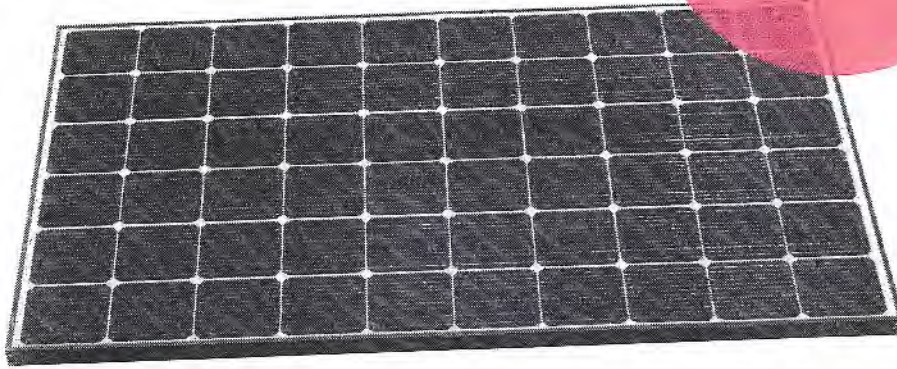
ELEVATION DRAWINGS

PAGE NUMBER

A5



Innovation for
a Better Life



LG NeON™ 2 LG315N1C-G4

60 cell

LG's new module, LG NeON™ 2, adopts Cello technology. Cello technology replaces 3 busbars with 12 thin wires to enhance power output and reliability. LG NeON™ 2 demonstrates LG's efforts to increase customer's values beyond efficiency. It features enhanced warranty, durability, performance under real environment, and aesthetic design suitable for roofs.



Enhanced Performance Warranty

LG NeON™ 2 has an enhanced performance warranty. The annual degradation has fallen from -0.7%/yr to -0.6%/yr. Even after 25 years, the cell guarantees 2.4% more output than the previous LG NeON™ modules.



High Power Output

Compared with previous models, the LG NeON™ 2 has been designed to significantly enhance its output efficiency, thereby making it efficient even in limited space.



Aesthetic Roof

LG NeON™ 2 has been designed with aesthetics in mind; thinner wires that appear all black at a distance. The product may help increase the value of a property with its modern design.



Outstanding Durability

With its newly reinforced frame design, LG has extended the warranty of the LG NeON™ 2 for an additional 2 years. Additionally, LG NeON™ 2 can endure a front load up to 6000 Pa, and a rear load up to 5400 Pa.



Better Performance on a Sunny Day

LG NeON™ 2 now performs better on sunny days thanks to its improved temperature coefficient.



Double-Sided Cell Structure

The rear of the cell used in LG NeON™ 2 will contribute to generation, just like the front; the light beam reflected from the rear of the module is reabsorbed to generate a great amount of additional power.

About LG Electronics

LG Electronics is a global player who has been committed to expanding its capacity based on solar energy business as its future growth engine. We embarked on a solar energy source research program in 1985, supported by LG Group's rich experience in semi-conductor, LCD, Chemistry, and materials industry. We successfully released the first Mono X[®] series to the market in 2010, which were exported to 32 countries in the following 2 years, thereafter, in 2013, LG NeON™ (previously known as Mono X[®] NeON) won "Innovative Award", which proved LG is the leader of innovation in the industry.

Mechanical Properties

Cells	6 x 10
Cell Vendor	LG
Cell Type	Monocrystalline / N-type
Cell Dimensions	156.75 x 156.75 mm / 6 Inches
# of Busbar	12 (Multi Wire Busbar)
Dimensions (L x W x H)	1640 x 1000 x 40 mm 64.57 x 39.37 x 1.57 inch
Front Load	6000 Pa / 125 psf
Rear Load	5400 Pa / 113 psf
Weight	17.0 ± 0.5 kg / 37.48 ± 1.1 lb.
Connector Type	MCA, MC4 Compatible, IP67
Junction Box	IP67 with 3 Bypass Diodes
Length of Cables	2 x 1000 mm / 2 x 39.37 inch
Glass	High Transmission Tempered Glass
Frame	Anodized Aluminum

Certifications and Warranty

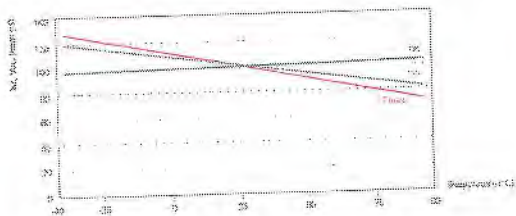
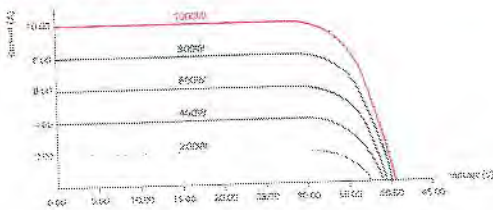
Certifications	IEC 61215, IEC 61730-1/-2 IEC 62716 (Ammonia Test) IEC 61701 (Salt Mist Corrosion Test) ISO 9001 UL 1703
Module Fire Performance (USA)	Type 2 (UL 1703)
Fire Rating (for CANADA)	Class C (UL/ORD E1703)
Product Warranty	12 years
Output Warranty of Power	Linear warranty*

* 1) 1st year 85%, 2) After 2nd year 0.5% annual degradation, 3) 80% for 25 years

Temperature Characteristics

NOCT	46 ± 3 °C
Pmpp	-0.38 %/°C
Voc	-0.28 %/°C
Isc	0.03 %/°C

Characteristic Curves



Electrical Properties (STC*)

Module Type	315 W
MPP Voltage (Vmpp)	33.2
MPP Current (Impp)	9.50
Open Circuit Voltage (Voc)	40.6
Short Circuit Current (Isc)	10.92
Module Efficiency (%)	19.2
Operating Temperature (°C)	-40 ~ +60
Maximum System Voltage (V)	1000
Maximum Series Fuse Rating (A)	20
Power Tolerance (%)	0 ~ +3

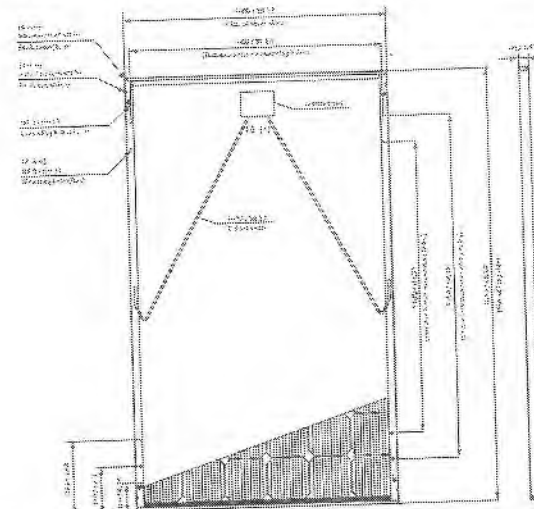
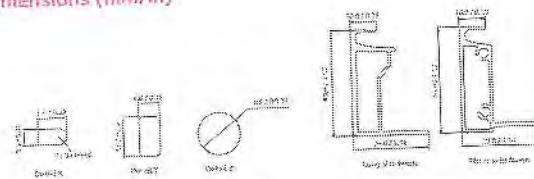
*STC (Standard Test Condition) Irradiance: 1000 W/m², Air-Mass Temperature: 25 °C, AM 1.5
*The maximum power output is measured and guaranteed by LG Electronics at low air mass and standard deviation
*The typical string or module efficiency at 1000 W/m² is 19.0%

Electrical Properties (NOCT*)

Module Type	315 W
Maximum Power (Pmax)	230
MPP Voltage (Vmpp)	39.4
MPP Current (Impp)	7.58
Open Circuit Voltage (Voc)	37.6
Short Circuit Current (Isc)	8.08

*NOCT (Nominal Operating Cell Temperature) Irradiance: 800 W/m², ambient temperature: 50 °C, wind speed: 1 m/s

Dimensions (mm/in)



*The distance between the center of the mounting/grounding holes



North America Sales Business Team
LG Electronics U.S.A. Inc.
1600 Sylvan Ave, Englewood Cliffs, NJ 07632

Contact: lg_eusa@lge.com
www.lgusa.com

Product specifications are subject to change without notice.
05-12-00-02-G-PHEN-03427

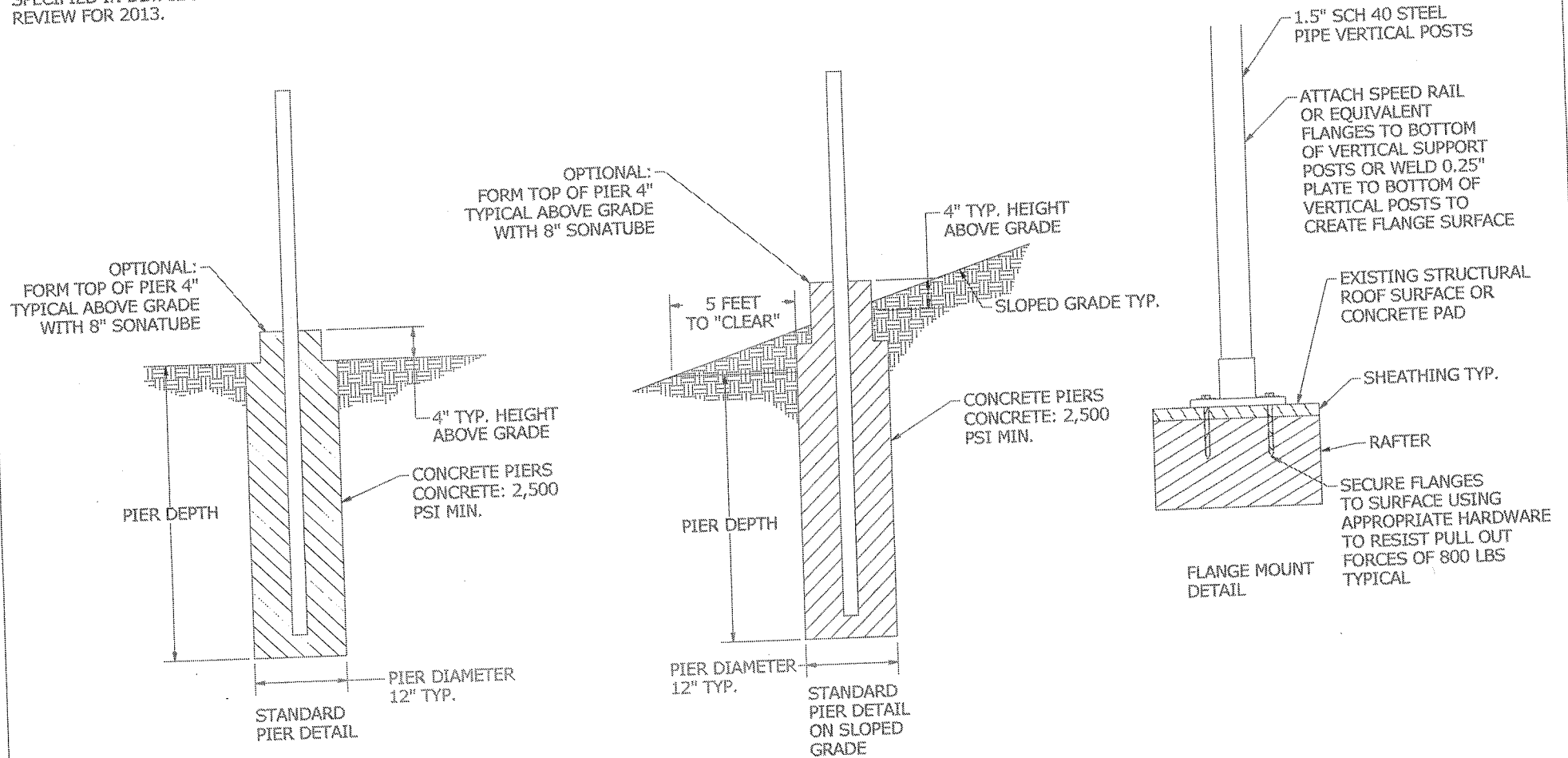
Copyright © 2011 LG Electronics. All rights reserved.
010472018

Innovation for a Better Life



REVISION:

NOTE:
 FLANGE MOUNTS ARE A VIABLE OPTION FOR INSTALLATION
 OF GROUND MOUNT SYSTEMS ON CONCRETE PADS OR
 VARIOUS TYPES OF ROOF TOP STRUCTURES, BUT ARE NOT
 SPECIFIED IN DETAIL IN THE STANDARD ENGINEERING
 REVIEW FOR 2013.



SnapNrack™
 PV Mounting Systems

MAINSTREAM ENERGY CORP.
 775 PIERCE LAKE BLVD #200 • SAN LEONARD, CA 92581 USA
 PHONE (951) 625-8100 • FAX (951) 625-8101

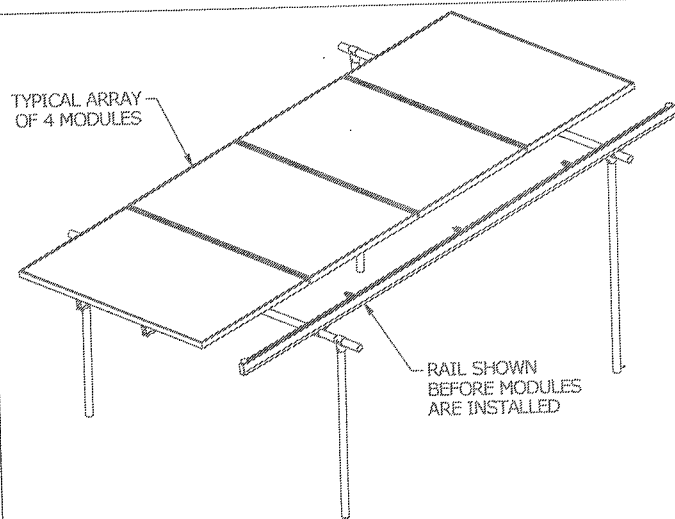
DESIGNER: G McPheeters
 DRAFTER: D. Ryan
 APPROVED BY: _____

SCALE: DNS
 DATE: 120113

PART NUMBER:
 S200 D06

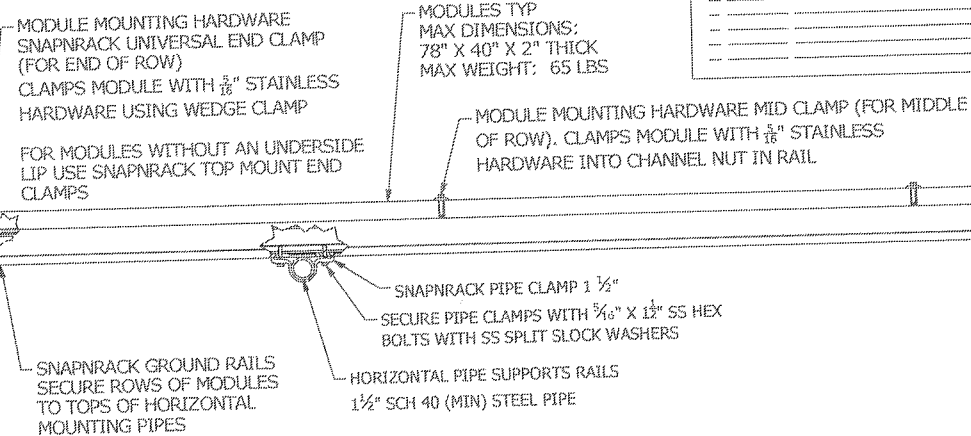
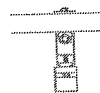
DESCRIPTION:
 SERIES 200 PIER DETAILS

REV
G



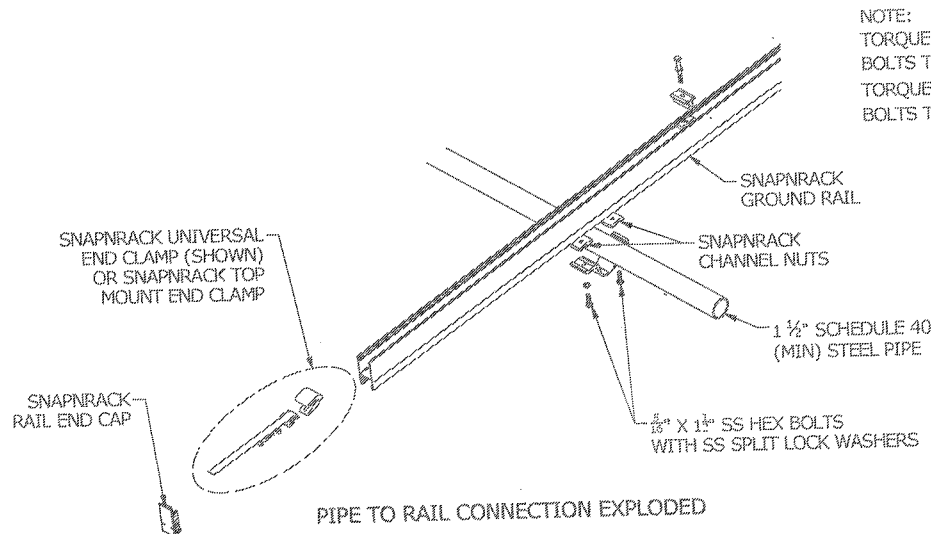
ISO VIEW OF RACKING ASSEMBLY

NOTE:
TORQUE $\frac{3}{16}$ " SS SILVER HEX BOLTS TO 10-16 FT-LBS
TORQUE $\frac{5}{16}$ " SS BLACK HEX BOLTS TO 7-9 FT-LBS



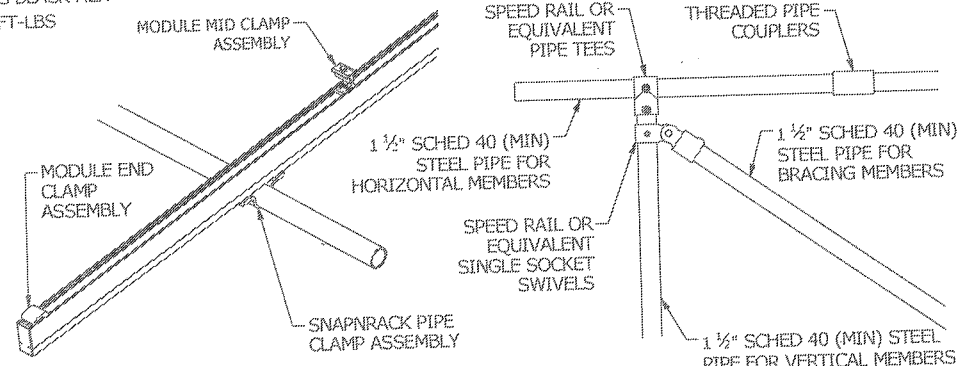
MODULE AND RAIL ATTACHMENT DETAILS

REVISION:



PIPE TO RAIL CONNECTION EXPLODED

NOTE:
TORQUE $\frac{3}{16}$ " SS SILVER HEX BOLTS TO 10-16 FT-LBS
TORQUE $\frac{5}{16}$ " SS BLACK HEX BOLTS TO 7-9 FT-LBS



PIPE TO RAIL CONNECTION

PIPE FITTING DETAILS

SnapNrack[™]
PV Mounting Systems

MAINSTREAM ENERGY CORP.
1716 PIERCE LAUREL, SUITE 210 • SAN LEAN, TEXAS 75478 USA
PHONE: (940) 228-9100 • FAX: (940) 228-9101

DESIGNER: G. McPheeters
DRAFTER: D. Ryan
APPROVED BY: _____

SCALE: DNS
DATE: 120131

PART NUMBER: S200 D02

DESCRIPTION: SERIES 200 SYSTEM DETAILS

REV G









Kathleen Castle <kcastle@shoreviewmn.gov>

3210 West Owasso Blvd - Variance request

1 message

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

Thu, Jul 14, 2016 at 3:33 PM

Kathleen,

Do not see any issues with the variance request. I know we had some discussion in the past about whether or not the solar panels would be considered impervious. I think we agreed that as long as they do not install a hard surface under the panels they would be considered pervious.

Let me know if you have any questions.

Thank you, Tom

Tom Wesolowski, P.E. | City Engineer
City of Shoreview
4600 Victoria St. N.
Shoreview, MN 55126
twesolowski@shoreviewmn.gov
Direct Tel: 651-490-4652
Fax: 651-490-4696



Kathleen Castle <kcastle@shoreviewmn.gov>

Solar Array Variance Request for 3210 West Owasso Blvd, Shoreview, MN

Steve <seposs@comcast.net>
To: kcastle@shoreviewmn.gov

Sat, Jul 16, 2016 at 1:42 PM

Hello Kathleen: We are the neighbors at 3212. We are fine with this proposal, but only ask that something be planted between the array and our fence. Perhaps a row of tall techny arborvitaes or similar. I had briefly discussed something like this with Erik.

Since this is not the typical rooftop installation we just don't know how the back side will appear visually and whether there will be any affect on our property value. The plantings wil help mitigate this.

Thank you,
Steve & Marilyn Poss
[651.592.2734](tel:651.592.2734)

**PROPOSED MOTION
TO APPROVE**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 16-64, approving the variance request submitted by All Energy Solar, on behalf of Erik and Trupti Storlie for their property at 3210 West Owasso Boulevard. The variance permits the installation of a solar array electric panel in the front yard (street side). This 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.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. The solar array shall be setback a minimum of 10-feet from the north side property line.
4. Landscape screening shall be installed immediately north of the array to mitigate the visual impact and year round screening. A landscape plan shall be submitted for review and approval prior to the issuance of a building permit.
5. In the event the use of the solar array panel is discontinued, said panel must be removed from the property.
6. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Resource Conservation Chapter of the Comprehensive Plan.
2. The proposed location of the solar array is reasonable due to the topography and vegetation of the property.
3. Unique circumstances are present due to the physical characteristics of the property and need for solar exposure.
4. The proposed location of the array in the front yard will not impact the character of the neighborhood.
5. Practical difficulty is present as stated in Resolution 16-64.

VOTE: AYES: NAYES:

Regular Planning Commission Meeting
July 26, 2016

TO: Planning Commission
FROM: Rob Warwick, Senior Planner
DATE: July 22, 2016
SUBJECT: File No. 2624-15-23, Residential Design Review and Variance – Zawadski Homes/Wahlin, 951 Oakridge Avenue

INTRODUCTION AND BACKGROUND

Residential design review and variance requests have been submitted by Zawadski Homes, on behalf of Steven and Kristine Wahlin for a tear down/rebuild project. The variance is related to accessory structures.

The property is located on the south side of Turtle Lake, and is a substandard riparian lot located in the R1 – Detached Residential, and Shoreland Overlay Districts. Residential design review (Section 209.080(L)(2)(c)) is required for projects on substandard lots. The existing house will be removed, and a new two-story house with a two car attached garage will be constructed.

The lot has an area of 23,494 square feet (0.54 acres), and width of just less than 70-feet. Improvements on the property include:

- A single story house, with an approx. 1,200 sq. ft. foundation area
- A 788 sq. ft. detached garage
- A 180 sq. ft. shed
- A 331 sq. ft. water oriented structure
- Almost 3,300 sq. ft. of impervious driveway and parking area

The front lot line abuts the public portion of Oakridge Ave., a street constructed with a pervious surface (Pave-Drain). No parking is permitted on the street due to the street width. The existing house is setback about 155 feet from the front lot line and about 115 feet from the OHW. There is an existing detached garage setback about 40-feet from the front lot line. Immediately east of the detached garage is a 10- by 18-foot shed. Near the northeast corner of the lot is a 331-sq. ft. water oriented structure that is about 12-feet from the OHW of the lake, and encroaches onto the property to the east by several feet.

The applicants propose retaining two of the existing detached accessory structures: The 788-square foot detached garage and the 331-square foot water oriented accessory structure. The total floor area of resulting accessory structures will be 1,719 square feet, exceeding the 1,200 square foot maximum permitted by Code. The detached accessory structures would be used to provide enclosed storage for vehicles, recreational equipment, and personal possessions. The application was complete July 6, 2015.

PROJECT DESCRIPTION

The applicants propose to tear down the existing house and build a new two-story house with a 600 sq. ft. two-car attached garage. The proposed house has a 2,090 sq. ft. foundation area.

The existing detached structures were built in 1978 (garage) and 1984 (boathouse), and are legal non-conforming structures. Of and by themselves, either could be repaired or rebuilt. A variance is necessary to permit a new attached two car garage and to increase the total accessory floor area more than the 1,200 sq. ft. maximum that is permitted on this parcel.

DEVELOPMENT CODE

The City standards for accessory structures include provisions that two detached accessory structures are permitted, and the combined floor area of all accessory structures is limited to the lesser of 1,200 square feet or 90% of the foundation area of the dwelling. The applicant has requested a variance to add a 600-square foot attached garage, bringing the total of all accessory structures to 1,710 square feet (about 57% of the dwelling foundation area).

The Development Ordinance requires residential construction on substandard lots to comply with certain design standards, and these are summarized in the table below.

STANDARD	ALLOWED	PROPOSED
Lot Coverage	25% Existing: 6,906 sq. ft. (29.4%)	6,906 sq. ft. (29.4%)
Building Height	35 feet	34.5 feet
Foundation Area	4,229 sq. ft. (18%) Existing = 2,972 sq. ft.	3,983 square feet (17%)
Setbacks: Front (South) OHW (North) Side (East) (West)	155.15 to 175.15 feet 78.25 to 98.25 feet 10 feet Living Area 5 feet Garage Area 10 feet Living Area	155.15 feet 94.4 feet 10.0 feet 5.0 feet 10.3 feet
Architectural Mass	Natural Colors and Materials	

Lot coverage is limited to the greater of 25% of lot area or the existing impervious area, and the existing coverage will be redeveloped with the proposed improvements.

The residential design review application cannot be approved without first approving the variance request to allow the attached garage.

Shoreland Mitigation

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking land use approvals the City. The applicants identified architectural mass and a vegetative protection area that extends 50-feet from the OHW for the two practices they plan to implement. The protection areas that will be subject to future landscape improvements with gardens, shrubs and trees. The exterior finish will be Hardie-board in hues of brown. The applicants are required to enter into a Mitigation Agreement with the City.

Accessory Structures

As mentioned above, the two accessory buildings proposed to be retained are legal non-conforming buildings, and so can be removed and rebuilt, provided there no expansion of the building envelope or change of location.

	Existing	Proposed	Development Code Standard
Area			
Detached Accessory Structures	788 sf 331 sf	788 sf 331 sf	Legal non-conforming garage Legal non-conforming water oriented accessory structure
Attached Garage	None	600 sf	
All Accessory Structures	1,299 sf	1,710 sf * (81.8%)	1,200 sf or 90% of the dwelling unit foundation area (2,090 sf) – whichever is more restrictive

* Variance requested

The exterior of the detached garage will be resided to match the new house.

Variance Criteria

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

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

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

APPLICANT’S STATEMENT

The applicant states that they are requesting a variance to enable building a new house with an attached garage on their property. They explored two options, and determined that a new two-car attached garage had a smaller impact on adjoining property owners. The existing detached garage is retained to provide enclosed storage for vehicles, trailers, and personal possessions. See the attached applicants’ statement.

STAFF REVIEW

Staff reviewed the plans in accordance with the variance criteria, and is able to make findings that practical difficulty is present.

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

A variance is necessary to construct a new two-car attached garage, while retaining two detached accessory structures and to exceed the maximum total floor area for all accessory structures. On this property, the presence of the two detached accessory structures (legal non-conforming structures) limits the right to construct an attached garage. A two-car or larger attached accessory structure triggers the variance requirement. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots larger than 0.5 acre and less than one-acre. The foundation area of the house is about 2,150 square feet. The proposed 1,710 square feet of total accessory floor area is about 82% of the living area foundation, and staff believes the home will remain the primary feature of the property.

Staff also believes that on large lake lots there is a need for greater storage space resulting from yard maintenance and water-oriented equipment used on the property.

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

Practical difficulty stems from the uniqueness of the parcel. The combination of a riparian lot, with a large area, and the existing legal non-conforming accessory structures are unique circumstances to this lot. Staff also find that the relative locations of the existing structures mitigates the total floor area, since the structures are not all readily viewable from any single point, while the proposed house will dominate the property when viewed from any direction.

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

Staff believes that the variance will not alter the essential character of the existing neighborhood as the adjacent properties are riparian and detached garages are a common feature of the front yards. The proposed attached garage doors will be visible from Oakridge, but at least partially screened from view by the detached garage. There is also existing screening provided by deciduous shrubs and trees.

COMMENT

Property owners within 150 feet were notified of the applicant's request. Two comments in support have been submitted. Also, one nearby resident visited City Hall to express the importance of adequate storage for riparian lots. He notes that outdoor storage of trailers and watercraft is not a positive feature for the neighborhood.

STAFF RECOMMENDATION

As noted above, staff is able to make affirmative findings regarding practical difficulty and so recommends the Planning Commission adopt Resolution 16-67, approving the variance, and to approve the residential design review application. Staff believes that this structure complies with

the spirit and the intent of the code as the house will remain the primary structure and the character of the neighborhood will not be altered.

The approval should be 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. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The applicants shall submit a landscape plan the shows the existing and proposed landscaping. The landscape plan is subject to the approval of the City Planner.
6. Use of the accessory structure shall be for personal use only and no commercial use is permitted.

Attachments

- 1) Location Map
- 2) Aerial Map
- 3) Applicant's Statement and Submitted Plans
- 4) Comments
- 5) Resolution 16-67
- 6) Motion

Legend



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



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

VARIANCE REQUEST

June 27, 2016; *typo correction 7/6/16*

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

RE: Variance Request & Supplemental Background Information
951 Oakridge Ave
Shoreview
PIN# 14.30.23.21.0009

Dear City Staff/Planning Commission/City Council:

Outline of Request

Zawadski Homes, Inc.(Applicant), on behalf of Steve and Chris Wahlin(Owners), requests a variance to the accessory building limitations that exist within Ordinance No. 942, as amended.

The Owners have purchased the above property from their parents to keep it "in the family". The existing house is to be torn down and replaced with a new house. The existing hard surface coverage on the lot is 29.4%. The proposed project will be limited to this same amount(29.4%).

3 accessory structures currently exist on the property: a boat house, a detached garage, and a shed.

The Owners met with City Staff and Zawadski Homes to come up with the least intrusive design and layout to best comply with City Ordinances. The Owners also approached the neighbors to get their feedback on the proposed new home.

Two different options have emerged, and applicant is seeking a variance on the second option(Choice #2), as it has the least impact on the lot and neighbors. The first choice would not likely require a variance, but it has negative consequences for the neighbors.

It is important to briefly present the two choices so as to highlight the "Catch-22" scenario the Owners find themselves in. Applicants assert that Choice #2 has fewer impacts than the 'non-variance' choice, and therefore, should be given due consideration for a variance.

Two Choices

1. Choice #1: The new house has been designed with a 3 car attached garage that fits within side setbacks and the OHW setback. Under this scenario, the shed and detached garage would be removed, keeping the boathouse in place. The boathouse and attached garage square footage would be accurately sized to total under the 1,200 sf accessory structure limitation.
 - a. Regarding the lake side setback from OHW, the ordinance would allow the new home to be in the range of 78' to 98' back from the lake; the Owners would prefer putting the home as close as possible to the lake. The neighbors, however, voiced concerns that a home placement at 78' from OHW blocks lake views. Owners have agreed to move the house 95 feet back, to accommodate all concerned.
 - b. The front setback from the street requires the home to be within the range of 154' and 174' from the front street. By pushing the house pad away from the lake to accommodate neighbors, the house would be less than 154' from the front street, thereby requiring a variance.
 - c. Another impact: the 36' long garage will block more of the neighbors' views.
 - d. Another impact: the neighbors are concerned that this house placement(at 78' back from OHW) and the longer garage blocks daytime sunlight
 - e. Another impact: the 3 car garage pad creates more asphalt drive that otherwise would not be required.
 - f. This choice #1 is preferred by Owners, but it has the most impact on the neighbors, and therefore, this plan has been abandoned.

2. Choice #2: The submitted survey/site plan shows a redesigned garage, reducing the size from 3 stalls to 2; the detached garage would stay in its current place for needed additional storage; the boathouse would also stay as a functional and desirable structure. The shed, however, will be removed for mitigation.
 - a. The boathouse(331 sf), plus the detached garage(788 sf) plus the attached garage(600 sf) totals 1,719 sf, which is 519 sf greater than the 1,200 sf accessory structure limitation. A variance is being sought for this overage.
 - b. The shorter, 2 stall garage allows the house to be set properly for the front setback(at 154'), while at the same time moving the home back from the OHW to 95' to accommodate neighbors' views(reduced impact; mitigation).
 - c. The shorter 2 stall garage facing the neighbors is now 24' deep, while under Choice #1 above they would be looking at 36' of garage(reduced impact, mitigation).
 - d. Of the 3 accessory structures, the shed is being demolished(reduced impact, mitigation).
 - e. The detached garage storage space is now needed, as the 2 stall attached garage accommodates only 2 of the owners' 3 vehicles, and would also store one boat/trailer.
 - f. The detached garage is in good physical shape, and it occurs to applicants as wasteful to require the demolition of a perfectly good structure that still has remaining value.
 - g. Likewise, the boathouse was built by the Owner's mother, and has both real and sentimental value.
 - h. By separate document, Owners are proposing a Shoreland Mitigation Plan, in conjunction with this Variance request(reduced impact, mitigation).
 - i. Owners will be improving the aesthetic and architectural features of the boathouse and detached garage in conjunction with the new home project.

Conclusion

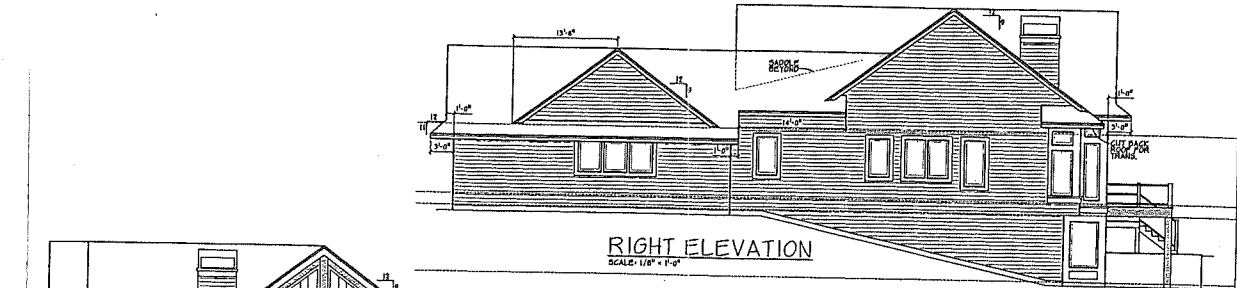
The overriding concern of the Owners is to minimize impacts to the neighbors. Owners have given up their preferred choice, which would not require a variance, to accommodate and mitigate impacts. Under the "Choice #2" variance request, the accessory building limitation of 1,200 sf is being exceeded by only 519 sf. This overage, or variance, needs to be compared with all the positive mitigating factors accomplished, as outlined above.

We appreciate your thoughtful consideration to this variance request.

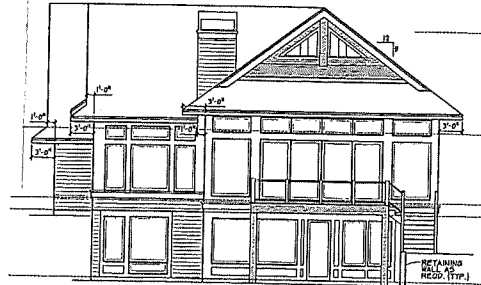
Sincerely,

Applicants: Steven Zawadski, Zawadski Homes, Inc.

Owners: Steve and Chris Wahlin



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



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



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

1335 SQ. FT. F.L.
2300 SQ. FT. F.F.
3345 SQ. FT. TOTAL
887 SQ. FT. GARAGE

EXTERIOR NOTES

FLASHING TO BE INSTALLED AS NEEDED
WALL FINISHER TO VERIFY KICKOUT FLASHING IS
UP PRIOR TO FINISHING
CAR TO FLASH ALL EXTERIOR WINDOWS AND DOORS PER AN & BC
QUICKMENTS

FINISHING NOTES

IN ALL WINDOWS
VERIFY ALL WINDOW, DOOR, & OPENING IOR, HTA.
FINISHING NOTES

D.F.P.
DESIGN
PLANNING & DESIGN
950 BALDWIN ST. NE, SUITE 101, BLAKE, MN 55449
WWW.DFPDESIGN.COM EMAIL: INFO@DFPDESIGN.COM



© 2015 DFP PLANNING & DESIGN
ALL RIGHTS RESERVED
THIS IS A VIOLATION OF THE U.S.
COPYRIGHT ACT

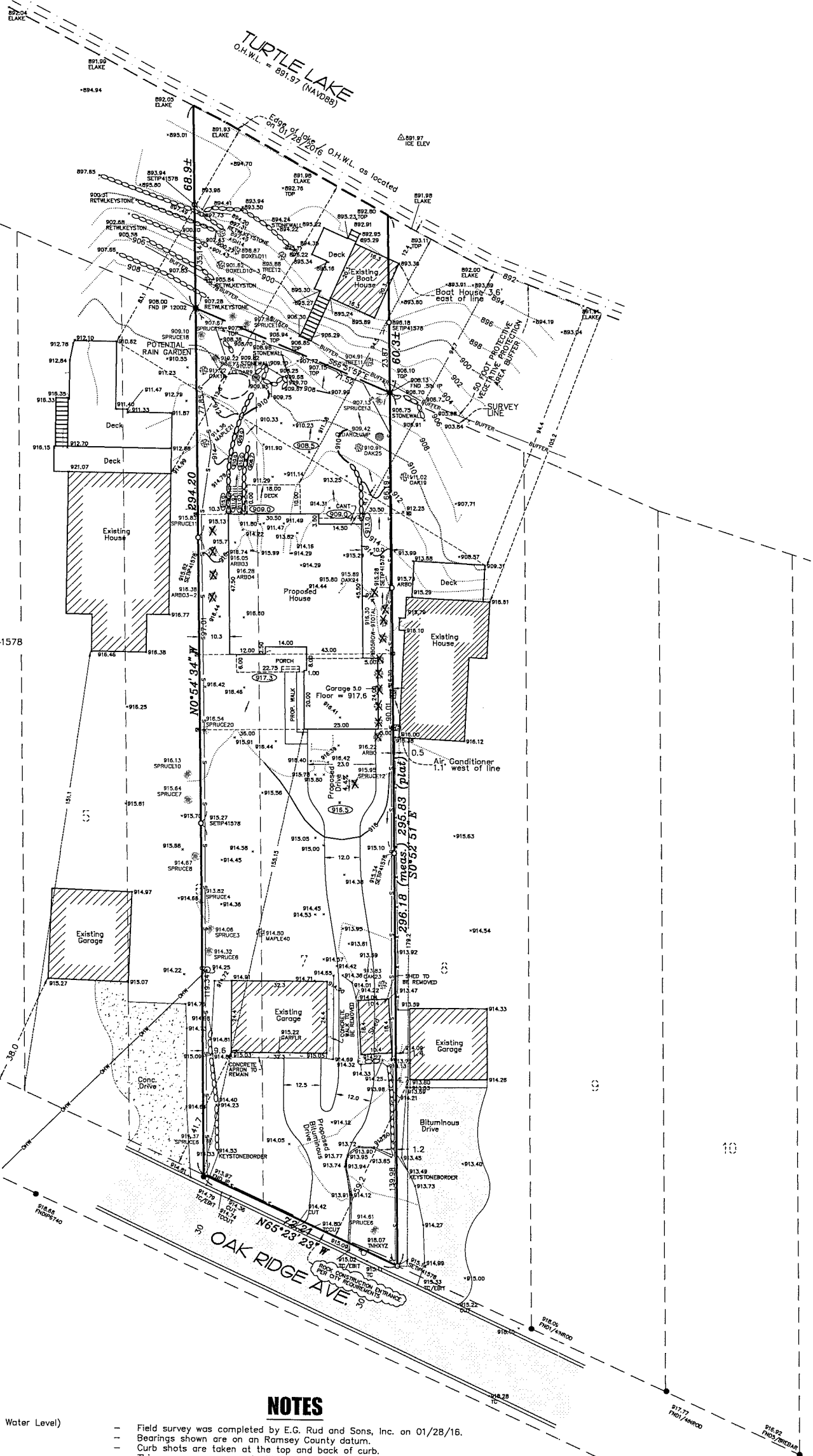
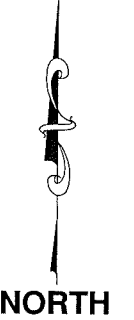


WAHLIN RESIDENCE
951 OAKRIDGE AVE.
ROSEVILLE, MINNESOTA

DATE: 8-2-16
REVISION: 2-2-16 KH
DRAWN BY: KH
CONAL NO. 216242
SHEET NO. 1

CERTIFICATE OF SURVEY

~for~CHRIS WAHLIN
~of~ 951 OAKRIDGE AVENUE



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES HYDRANT
- ⊖ DENOTES POWER POLE
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES AIR CONDITIONING UNIT
- ⊕ DENOTES EXISTING FENCE
- ⊕ DENOTES RETAINING WALL
- ⊕ DENOTES EXISTING CONTOURS
- ⊕ DENOTES OVERHEAD WIRE
- ⊕ DENOTES CONCRETE SURFACE
- ⊕ DENOTES BITUMINOUS SURFACE
- ⊕ DENOTES GRAVEL SURFACE
- ⊕ DENOTES PAVER SURFACE
- ⊕ DENOTES PROPOSED ELEVATION.
- ⊕ DENOTES DIRECTION OF DRAINAGE.
- ⊕ DENOTES WOOD HUB/METAL SPIKE AT 11 FOOT OFFSET. (UNLESS OTHERWISE NOTED)
- ⊕ DENOTES PROPOSED CONTOURS
- ⊕ DENOTES PROPOSED CONTOURS
- ⊕ DENOTES PROPOSED RETAINING WALL

TREE DETAIL

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

PROPOSED ELEVATIONS

(9'0" POURED WALL WALKOUT)
TOP OF WALL = 918.0
GARAGE FLOOR = 917.6
LOWEST FLOOR = 909.3
TOP OF FOOTING = 909.0

IMPERVIOUS SURFACE

Total lot area = 23,494 sf (Above Ordinary High Water Level)

Existing house and porch = 1,679 sf
Existing gar., shed, and boat house = 1,293 sf
Existing driveway = 3,291 sf
Existing sidewalk and patio = 643 sf
Total existing impervious area = 6,906 sf (29.4%)

Proposed house, garage and stoop = 2,882 s.f.
Proposed driveway = 2,754 s.f.
Proposed concrete and sidewalk = 169 s.f.
Existing boat house and garage = 1,101 s.f.
Total proposed impervious area = 6,906 s.f (29.4%)

Total proposed building coverage = 3,983 s.f. (17.0%)

BENCHMARK

BENCHMARK: RAMSEY COUNTY BENCHMARK #9153
ELEVATION = 898.765 (NAVD88)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/28/16.
- Bearings shown are on an Ramsey County 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.
- Builder to verify house 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.
- See Certificate of Survey prepared by E.G. Rud & Sons, Inc. dated 2-15-16 for existing house and concrete walk location.

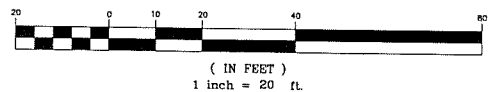
PROPERTY DESCRIPTION

The east 20 feet of Lot 6 and all of Lot 7, OAK RIDGE, Ramsey County, Minnesota.

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: 07/15/2016 License No. 41578

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

DRAWN BY: MMD	JOB NO: 16030BT	DATE: 02/15/16	
CHECK BY: JER	SCANNED		
1	06/24/16	Added prop hse info	JEN
2	07/13/16	Added adj hse setback	JEN
3	07/15/16	Move hse back to meet setback	JEN
12/1	DATE	DESCRIPTION	BY

Variance request for Steve and Chris Wahlin at 951 Oakridge Ave. Shoreview.

We acknowledge and agree to the request for variance on the lot owned by the Wahlins

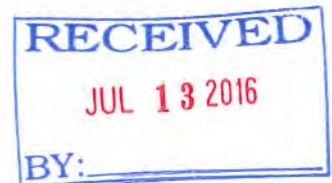
They have agreed to move the house back 10 feet and shorten attached garage.
Therefore needing a variance to place house and garage back and maintain existing garage for a car, boat and trailer storage. Also refacing existing garage and doors and windows to match new home.

The boat house is an existing structure that does not affect us.
They will knock down the existing guest house located near garage.

Regards,

Bob G...

*Based on tree removal
Amy Hanson Landscaping*



RALPH TUFF Neighbor to East Oakridge Ave.

Variance request for Steve and Chris Wahlin at 951 Oakridge Ave. Shoreview.

We acknowledge and agree to the request for variance on the lot owned by the Wahlins

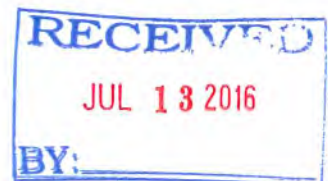
They have agreed to move the house back 10 feet and shorten attached garage.
Therefore needing a variance to place house and garage back and maintain existing garage for
a car, boat and trailer storage. Also refacing existing garage and doors and windows to match
new home.

The boat house is an existing structure that does not affect us.

They will knock down the existing guest house located near garage.

Regards,

MATHIESEN'S AT 957 OAKRIDGE



**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JULY 26, 2016**

* * * * *

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. 16-67 FOR VARIANCES RELATED TO ACCESSORY
STRUCTURES**

WHEREAS, Steven and Christine Wahlin, submitted a variance application for the following described property:

*The east 20 feet of Lot 6 and all of Lot 7, OAK RIDGE, RAMSEY COUNTY,
MINNESOTA*

(This property is more commonly known as 951 Oakridge Avenue)

WHEREAS, the Development Regulations establish that on parcels more than 0.5 acre and less than 1 acre in size, when there is a two car or larger attached garage, detached accessory structures shall have a maximum floor area; and

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

WHEREAS, the Development Regulations state that a legal non-conforming structure can be retained or rebuilt, provided however that any expansion must conform to current Code requirements; and

WHEREAS, the applicants are proposing to construct a new two-car attached garage, altering the non-conformity of two existing legal detached structures: a 778-square foot legal non-conforming detached garage, and a 331 square foot water oriented accessory structure. These legal structures exceed the maximum floor area permitted when a two-car or larger attached garage is located on the property; and

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

- 1) To build a 600 square foot two-car attached garage; and
- 2) To exceed the maximum accessory structure square footage permitted of 1200 square feet as 1,710 square feet is proposed.

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

WHEREAS, on July 26, 2016 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.*

Variances are needed to allow the expansion of the legal non-conforming detached accessory structure. The City Code limits the total floor area of all accessory structures to the lesser of 1,200 square feet or 90% of the living area foundation on lots more than 0.5 acre and less than one-acre. The existing 778 square foot detached garage, 331 square foot water oriented accessory structure, and proposed 600 square foot attached garage exceed that area. The foundation area of the house is 2,090 square feet. The proposed 1,710 square feet of total accessory floor area is about 82% of the living area foundation, therefore, the home will remain the primary feature of the property.

The variance request to construct the attached garage represents a reasonable use of the property. City Code permits garages as an accessory use. Garages are needed for vehicle parking and storage of normal household equipment and supplies. Additionally, lake lots have the potential to create greater storage needs.

The 23,494 square foot property is significantly larger than the 15,000 square foot required lot size for a single family residential riparian property in the City and greater than the minimum lot area of 10,000 square feet required for properties in the R1 zoning district.

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

The combination of a riparian lot, with a large area, and the existing legal non-conforming accessory structures are unique circumstances to this lot. Staff also find that the relative locations of the existing structures mitigates the total floor area, since the structures are not all readily viewable from any single point, while the proposed house will dominate the property when viewed from any direction.

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 the adjacent properties are riparian and detached garages are a common feature of the front yards. The proposed attached garage doors will be visible from Oakridge, but at least partially screened from view by the detached garage. There is also existing screening provided by deciduous shrubs and trees.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 951 Oakridge Avenue, be approved, 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. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The applicants shall submit a landscape plan the shows the existing and proposed landscaping. The landscape plan is subject to the approval of the City Planner.
6. Use of the accessory structure shall be for personal use only and no commercial use is permitted.

The motion was duly seconded by Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 26th day of July, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Steven Wahlin, 951 Oakridge Avenue

Christine Wahlin, 951 Oakridge Avenue

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

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 26th day of July, 2016 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 16-67.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 26th day of July, 2016.

Terry C. Schwerm
City Manager

SEAL

**PROPOSED MOTION
TO APPROVE**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 16-67, approving the variance request to construct a new 600-sq. ft. attached two-car garage and to increase the total floor area of all accessory structures to 1710 sq. ft., and to approve the residential design review application submitted by Mr. and Mrs. Wahlin and Zawadski Homes for the property located at 951 Oakridge Ave. This approval is 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. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the addition.
5. The applicants shall submit a landscape plan that shows the existing and proposed landscaping. The landscape plan is subject to the approval of the City Planner.
6. Use of the accessory structure shall be for personal use only and no commercial use is permitted.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. The proposed attached accessory structure and the total floor area of all accessory structures represent a reasonable use of the property which is located in the R-1 Detached Residential District and Shoreland Overlay District.

VOTE: AYES: NAYES:

Regular Planning Commission Meeting
July 26, 2016

TO: Planning Commission
FROM: Niki Hill, AICP, Economic Development and Planning Associate
DATE: July 21st, 2016
SUBJECT: File No. 2626-16-25 – Variance – 183 Sherwood Rd – Ivan and Libby Ivanov

INTRODUCTION AND PROJECT DESCRIPTION

The applicants, Ivan and Libby Ivanov, have purchased the vacant lot as part of the 175 Sherwood Road minor subdivision that was approved in September of 2015. The property is located on the north side of Sherwood Road in the R1, Detached Residential District. Adjacent property uses include Ramsey County open space, Poplar Lake open space and R1, Detached residential. According to tax records, the lot has an area of 28,584.07 square feet. The property has a width of 115 feet with a depth of 248.57 feet.

The setback range for the future house on from the Sherwood Road right-of-way is 196.91 feet to 216.91 feet. With a lot depth of 248.57 feet and a required 40-foot rear yard setback, there is no buildable area causing the need for a front yard setback variance. The applicants have submitted a variance application for the setback of a new home on the lot to be reduced to 80 feet, plus or minus 10 feet. The application was complete as of July 6th, 2016.

DEVELOPMENT CODE

Detached Residential District (R1), Required Conditions, Setback– Sec. 205.082 (D)(2)

Principal structure setbacks are required to be a minimum of 25 feet from a front property line, 10-feet from a side lot line and 30-feet from a rear property line (Sec. 205.082 (D)(2)). If the adjacent home has a front yard setback that exceeds 40-feet, then the minimum front yard setback required for a new home on the vacant property is calculated using the existing setback, plus or minus 10-feet (Sec. 205.080 (D)(1)(g)(i)).

Variance Criteria – Section 203.070

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance 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.*

File No. 2626-16-25
Ivan and Libby Ivanov
183 Sherwood Rd.

2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

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

APPLICANT'S STATEMENT AND JUSTIFICATION OF PRACTICAL DIFFICULTY

The applicant states that the variance is being requested because the adjacent home at 175 Sherwood Rd is a flag lot and is behind this lot. They are asking for a variance that would allow the setback to be the 10 feet plus or minus the average between the home located at 165 Sherwood Rd (the visual neighbor) and the 40 ft setback on Sherwood Road. This equals 80 feet, plus or minus 10 feet.

Please see attached statement.

STAFF REVIEW

Staff concurs with the applicant that practical difficult is present due to the lot characteristics and placement of nearby homes.

Reasonable Manner

The proposed construction of a new house and attached garage represents a reasonable use of residential property. The proposed structure setback range is also reasonable due to the character of this parcel and neighborhood.

Unique Circumstances

Staff agrees that the variance request stems from the uniqueness of the parcel. The adjacent parcel is a flag lot and the home is setback fully behind this parcel. The required setback range for the future house on 185 Sherwood from the Sherwood Road right-of-way is 196.91 feet to 216.91 feet. With a lot depth of 248.57 feet and a required 40-foot rear yard setback, there is no buildable area causing the need for a future front yard setback variance. The need for a variance is due to the structure setback on the adjacent parcel and is not created by the homeowner.

Character of the Neighborhood

Staff believes that proposed reduced setback of the future home will not change the character of the existing neighborhood. With the residential lots separated by open space and 35-40 foot setbacks on the homes to the west and a 119 foot setback on the home to the east, this would be the average of the two. Staff believes that the variance will not alter the essential character of the neighborhood. By allowing the 80 foot+/- 10 feet there will be a better transition area along Sherwood Road.

PUBLIC COMMENT

Property owners within 150' of the property were notified of the application. Comments that have been received are attached.

RECOMMENDATION

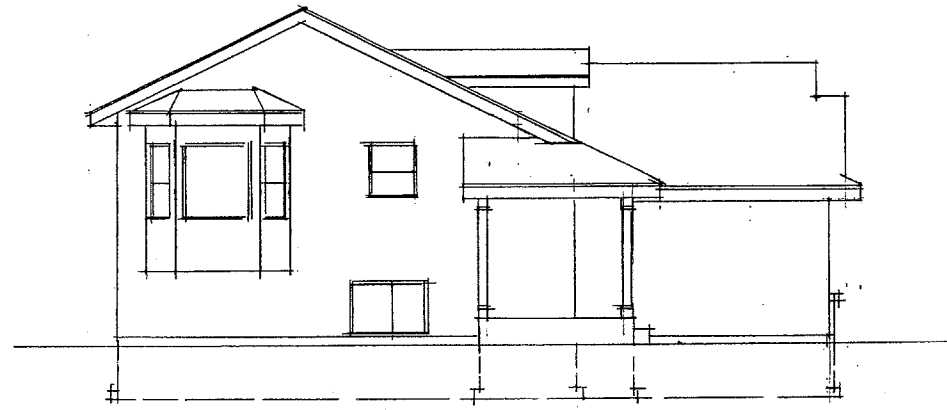
Staff has reviewed the submitted variance application in accordance with the Development Code and Variance criteria. Staff finds that the proposed location is reasonable due to the site characteristics. The circumstances are unique due to the placement of the home on the adjacent parcel at 175 Sherwood Road. The placement dictates an unreasonable front setback where there is not enough area for a building pad when combined with the required 40 foot rear setback. Furthermore, staff believes that the variance will not alter the essential character of the neighborhood. By allowing the 80 foot +/- 10 feet setback range there will be a better transition area along Sherwood Road with homes to the west closer to the road and homes along the east farther away.

Staff recommends the Planning Commission adopt Resolution 16-65 approving the variance request, subject to the following conditions:

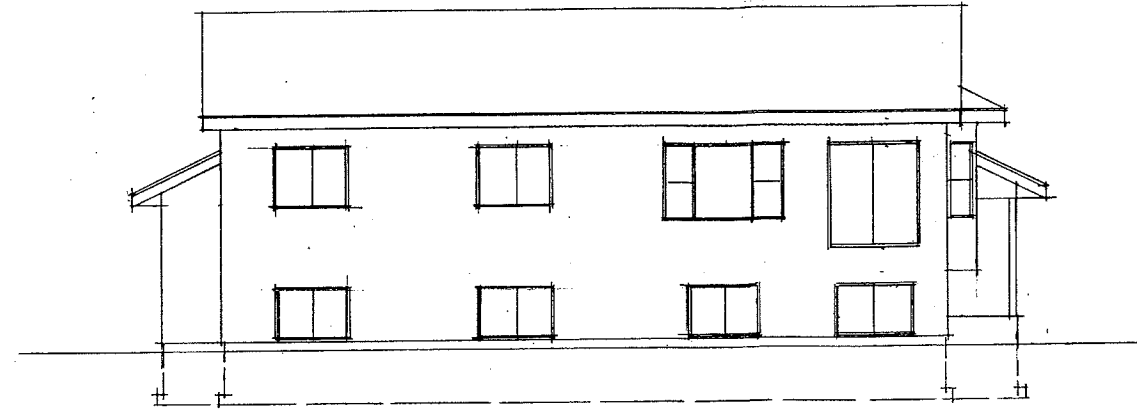
1. The applicants shall enter into the approved Development Agreement for Construction, as specified in the subdivision of the parent parcel, 175 Sherwood, prior to building permits being issued for a home on 183 Sherwood.
2. The project must be completed in accordance with the plans submitted as part of the Variance application. The residential structure shall have a minimum 70 foot front setback and maximum 90 feet front setback.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

Attachments:

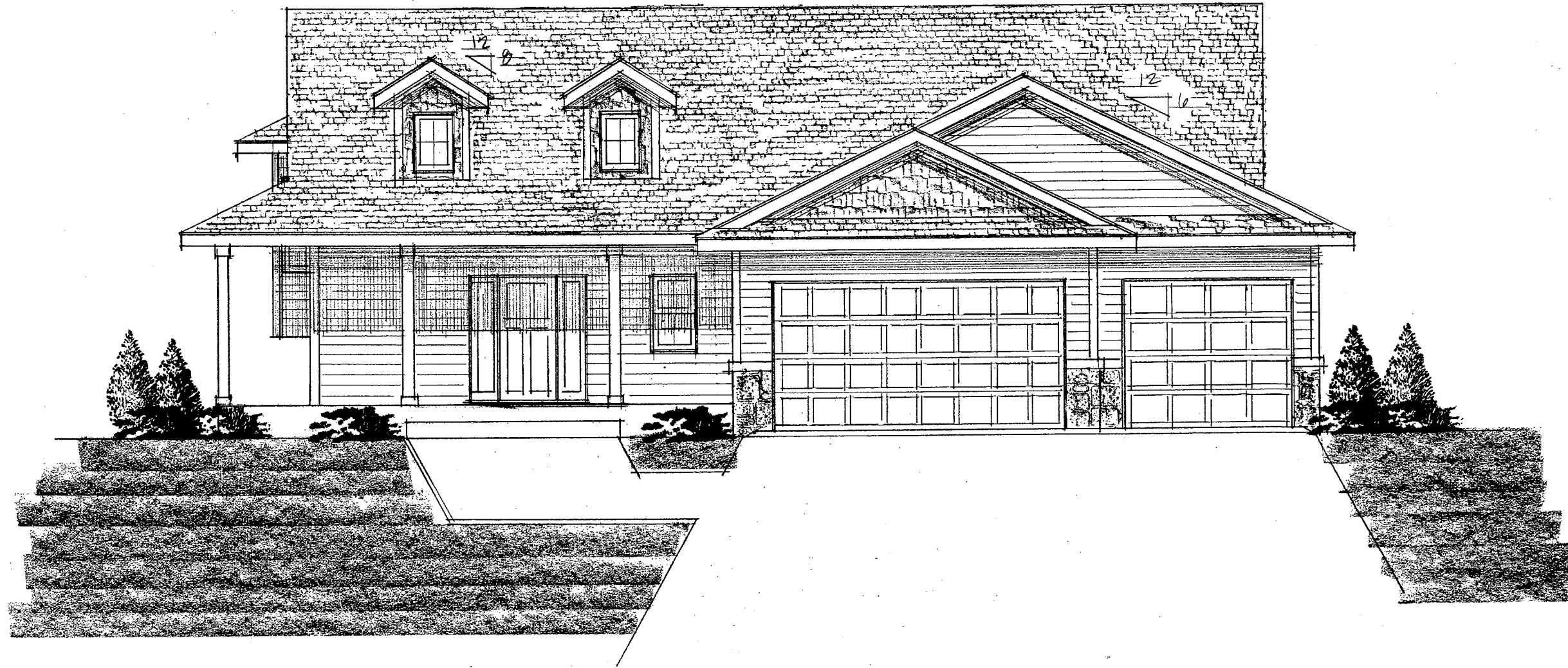
1. Location Map
2. Applicant's Statements and Submitted Plans
3. Public Comments
4. Resolution 16-65
5. Motion



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



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



REF: 03098

EVERY EFFORT HAS BEEN MADE TO INSURE THESE PLANS ARE ACCURATE AND COMPLETE; HOWEVER, THEY WERE PREPARED UPON REQUEST BY DRAFTSPERSONS WHO ARE NOT REGISTERED ARCHITECTS OR ENGINEERS AND NO WARRANTIES ARE EXPRESSED OR IMPLIED. THEY ARE INTENDED AS A GUIDE FOR PERSONS WHO ARE KNOWLEDGEABLE ABOUT CONSTRUCTION PRACTICES. IT IS THE RESPONSIBILITY OF THE BUILDER, OWNER OR USER OF THESE PLANS TO VERIFY ALL DIMENSIONS, DETAILS, ELEVATIONS, SITE CONDITIONS, SPECIFICATIONS, AND STRUCTURAL COMPONENTS INCLUDING THE APPLICATION AND INSTALLATION OF CORRECT MATERIALS. DRAFTING & DESIGN, LLC, ASSUMES NO LIABILITY FOR ANY ERRORS, OMISSIONS, JOB SITE CHANGES OR IMPROPER CONSTRUCTION METHODS. ALL WORK TO BE DONE IN COMPLIANCE WITH APPLICABLE STATE AND LOCAL CODES AND ORDINANCES.

SPLIT ENTRY - 1450 SF

LEE HOMES, INC

DATE: 5.21.16
7.13.16

Drafting & Design LLC

PLAN: 16046

3BR - 2BA - 1.0

IVANOV RESIDENCE

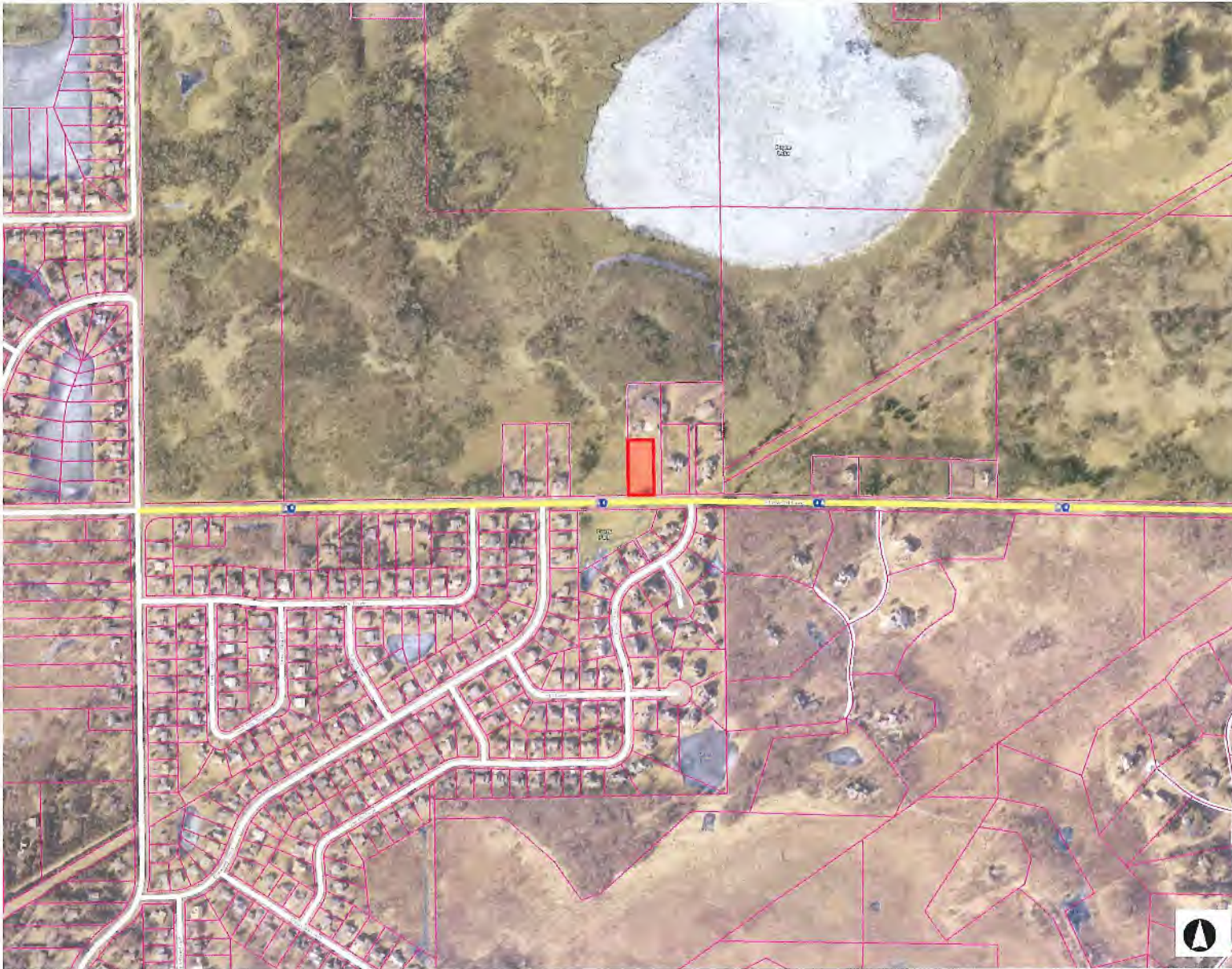
Dianna Daniels - Forest Lake, MN - (651) 464-7285

PAGE: 1 of 4

Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports
- Parks (8-64K)**
 - State Park
 - Regional Parks, Preserves, and Open Space
 - County Park
 - Local Parks
 - Golf Course
 - Special Use Facility
 - Rec Center



1,333.3 0 666.67 1,333.3 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

Notes

Enter Map Description

183 Setback Variance

From developers agreement

"Structure Setbacks. Development of a new home on this property will require a variance from the City's Development Code requirements for structure setbacks from a front property line."

The City of Shoreview is requiring a variance for the set back of a new home being built on 183 Sherwood Road because the lot that it was split from (175 Sherwood Road) is now a flag lot and the house to the east is now behind this lot.

The Applicant is asking for a variance that would allow the set back to be the average between the home located at 165 Sherwood Road (the visual neighbor) and the minimum 40 ft set back on Sherwood (40 +
 119 116 = 156 divided by 2 = 78, then + or - 10ft per City code. The lot to the west is vacant Ramsey County Park land. 159 APPROX 80

3A) The requested variance purpose and intent is to conform with a set back that would visually be in compliance with code 201.010

3B) It is because of the unique circumstance of having a flag lot next door to the east it becomes a practical difficulty and financial hardship to place the new home to the very back of the lot. Placing the house approx. 78 ft + or - 10ft is more in line with the neighborhood. 80

The home to be constructed will be used in a reasonable manner per the zoning and character of the neighborhood. Granting this variance will enhance the home fitting into the character of the neighborhood.

Thank you.

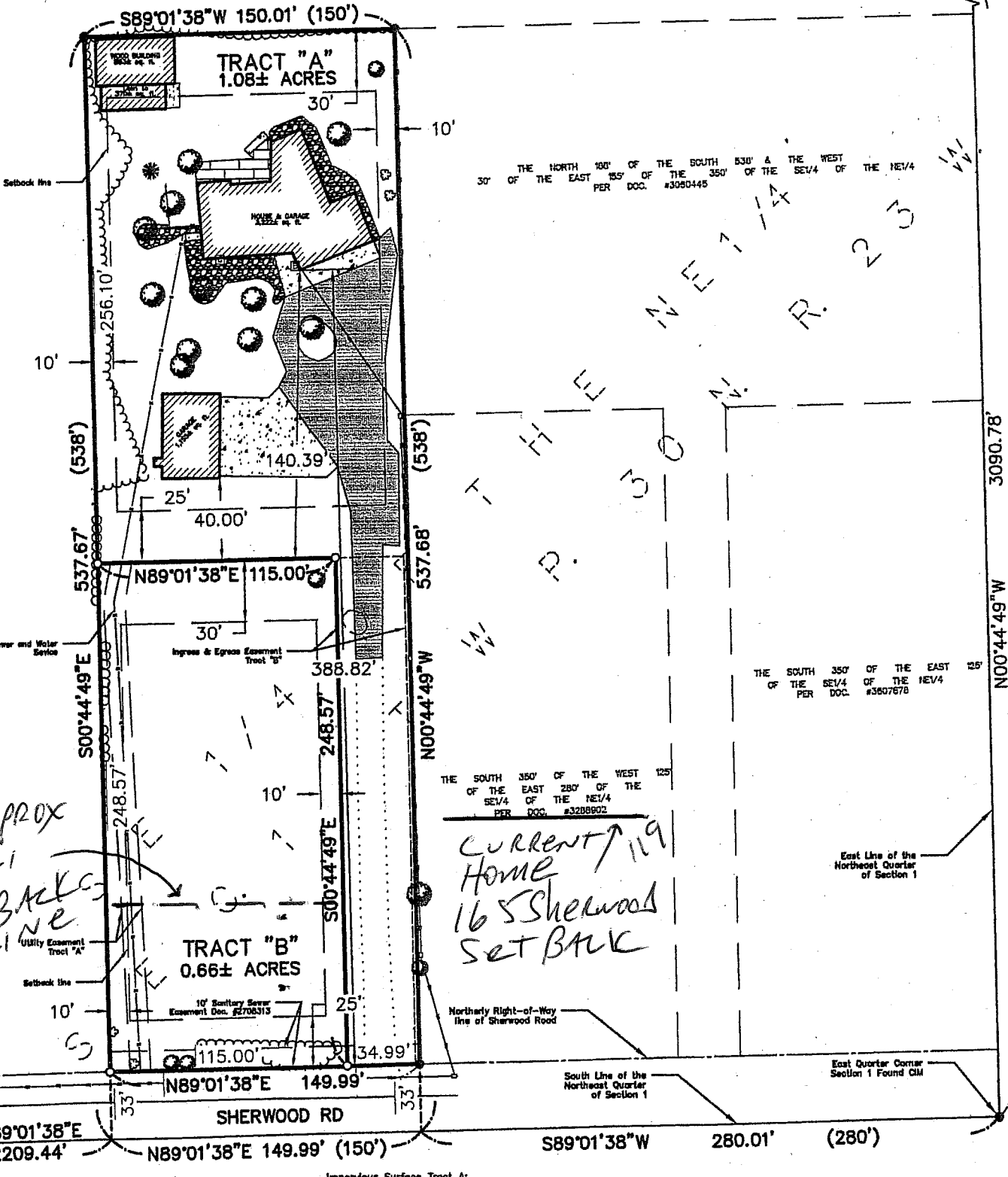
Part of the Southeast Quarter of the Northeast Quarter of Sec 1, T 30 N, R 23 W, of the 4th Principal Meridian Ramsey County, Minnesota

Northeast Corner Section 1 Found CM

70

scale

SC



Impervious Surface Tract A: Lot Area: 47,118 s.f., Impervious Surface Area: 18,720 s.f., Impervious Surface Percentage: 39.7%



BAS MN Coun OW Name Addr

LEG



Rev'd.



YiPow

feet;
of
stant
line
30
r, a
allel
y
arter.
ce
38
15.00
line
line
id
t of
5.00
r of
ng the
egrees
line of
nt to
9.67
30
er, a
rallel
ly
nds
feet
parallel
h 89
ds
to
minutes
nce of
across
feet
38
feet;
said
of the
said
direct
ate of

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JULY 26, 2016**

* * * * *

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. 16-65 FOR A VARIANCE TO REDUCE THE REQUIRED
FRONT YARD STRUCTURE SETBACK**

WHEREAS, Ivan Ivanov and Libby Ivanov, married to each other, submitted a variance application for the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 30 North, Range 23 West of the 4th Principal Meridian, in Ramsey County, Minnesota described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road; thence South 89 degrees 01 minutes 38 seconds West, along said northerly right-of-way line of Sherwood Road, a distance of 34.99 feet to the point of beginning; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter, a distance of 248.57 feet; thence South 89 degrees 01 minutes 38 seconds West, parallel to the south line of said Northeast Quarter, a distance of 115.00 feet; thence South 00 degrees 44 minutes 49 seconds East, parallel to said east line of the Northeast Quarter, a distance of 248.57 feet to said northerly right-of-way line of Sherwood Road; thence North 89 degrees 01 minutes 38 seconds East, along

said northerly right-of-way line of Sherwood Road, a distance of 115.00 feet to the point of beginning.

Together with a 33.00 foot wide easement for ingress and egress over, under and across part of the Southeast Quarter of the Northeast Quarter, said easement being 16.50 feet left and 16.50 feet right of the following described centerline: Commencing at the southeast corner of said Northeast Quarter; thence South 89 degrees 01 minutes 38 seconds West, along the south line of said Northeast Quarter, a distance of 280.01 feet; thence North 00 degrees 44 minutes 49 seconds West, parallel to the east line of said Northeast Quarter, a distance of 33.00 feet to the northerly right-of-way line of Sherwood Road; thence South 89 degrees 01 minutes 38 seconds West, along said northerly right-of-way line of Sherwood Road 18.49 feet to the point of beginning of the easement to be described; thence North 00 degrees 44 minutes 49 seconds West, parallel to said east line of the Northeast Quarter a distance of 248.57 feet and said line there terminating.

(This property is more commonly known as 183 Sherwood Rd.)

WHEREAS, the Development Regulations establish structure setbacks from the front lot line; and

WHEREAS, the Development Ordinance requires a setback from the Right of Way area on Sherwood Road based on the average of the setbacks of the adjacent dwellings, in this case a range of 196.91-216.91 FEET; and

WHEREAS, the applicants have requested a variance to this requirement to decrease the required structure setback from the front setback to 80 feet plus or minus 10 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 July 26th 2016 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 proposed construction of a new house and attached garage represents a reasonable use of residential property. The proposed structure setback range is also reasonable due to the character of this parcel and neighborhood.

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

Staff agrees that the variance request stems from the uniqueness of the parcel. The adjacent parcel is a flag lot and the home is setback fully behind this parcel. The setback range for the future house on 185 Sherwood from the Sherwood Road right-of-way is 196.91 feet to 216.91 feet. With a lot depth of 248.57 feet and a required 40-foot rear yard setback, there is

no buildable area causing the need for a future front yard setback variance. The need for a variance is due to the setback of the adjacent parcel and is not created by the homeowner.

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

Staff believes that proposed reduced setback of the future home will not change the character of the existing neighborhood. With the residential separated by open spaces and 35-40 foot setbacks on the homes to the west and a 119 foot setback on the home to the east, this would be the average of the two. Staff believes that the variance will not alter the essential character of the neighborhood. By allowing the 80 foot+/- 10 feet there will be a better transition area along Sherwood Road.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 183 Sherwood Rd., be approved, subject to the following conditions:

1. The applicants shall enter into the approved Development Agreement for Construction, as specified in the subdivision of the parent parcel 175 Sherwood, prior to building permits being issued for a home on 183 Sherwood.
2. The project must be completed in accordance with the plans submitted as part of the Variance application. The residential structure shall have a minimum 70 foot front setback and maximum 90 feet front setback.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

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 26th day of July, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Ivan Ivanov

Libby Ivanov

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 26th day of July, 2016 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 16-65.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 26th day of July, 2016.

Terry C. Schwerm
City Manager

SEAL

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the Planning Commission adopt Resolution 16-65 approving the variance request for a Ivan and Libby Ivanov at 183 Sherwood Rd, subject to the following conditions:

1. The applicants shall enter into the approved Development Agreement for Construction, as specified in the subdivision of the parent parcel, 175 Sherwood, prior to building permits being issued for a home on 183 Sherwood.
2. The project must be completed in accordance with the plans submitted as part of the Variance application. The residential structure shall have a minimum 70 foot front setback and maximum 90 feet front setback.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Housing and Land Use Chapters of the Comprehensive Plan.
2. The proposed house and attached garage represent a reasonable use of the property which is located in the R-1 Detached Residential District.
3. Unique circumstances stem from the uniqueness of the parcel. The adjacent parcel is a key lot and the home is setback fully behind this parcel. The setback range for the future house on 183 Sherwood from the Sherwood Road right-of-way is 196.91 feet to 216.91 feet. With a lot depth of 248.57 feet and a required 40-foot rear yard setback, there is no buildable area causing the need for a future front yard setback variance.
4. The new construction will not stand out among the existing residences in the area since the proposed house is setback from the street and well screened by mature trees.

VOTE: **AYES:** _____ **NAYES:** _____

Regular Planning Commission Meeting
July 26, 2016

TO: Planning Commission Members

FROM: Kathleen Castle, City Planner

DATE: July 22,, 2016

SUBJECT: File No. 2625-16-24, Hinz – Summit Design Build, 600 North Owasso Boulevard

INTRODUCTION

The City received a Minor Subdivision Application and a Variance Application from Todd Hinz of Summit Design Build proposing to divide the property at 600 North Owasso Boulevard into three parcels for single-family residential use. The proposal requires a variance to reduce the 20-foot required side yard structure setback for an existing detached garage to 5-feet. The applications were determined to be complete on July 15, 2016.

PROJECT DESCRIPTION

The property is located on the North Owasso Boulevard, west of Lake Owasso and has a lot area of 2 acres and a width of 204.28 feet at the street. The property is improved with a single-family home a detached garage and driveway. The topography is generally higher near the central portion of property and then slopes down towards the north (street side), east and west. Vegetation on the property includes mature trees in the northern half and open lawn areas in the southern half.

A certificate of survey has been submitted, which proposes the subject property be divided into three parcels (Parcels A, B and C). The existing single-family home and detached garage are located on Parcel A which is designed as a flag lot. Since the detached garage will have a 5-foot setback from a side lot line, less than the 20-feet required, a variance is needed. The access driveway to the home will be relocated and be adjacent to the west property line.

Parcels B and C are being created for future single-family residential use. To minimize access points onto North Owasso Boulevard, access to Parcel B is proposed off of the driveway that will serve Parcel A. The review of the minor subdivision will also consider the establishment of a front yard setback minimum for these two parcels.

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor Subdivisions – Section 204. Minor subdivisions require review by the Planning Commission and approval by the City Council. Minor subdivisions must be reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards (Section 204.030) require all lots to have a minimum 30 feet of frontage on a public road. Municipal sanitary sewer and water must be provided to the resulting lots. These standards also require public drainage and utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses and floodways.

Key lots (any lot where the side lot line abuts the rear lot line or a rear lot line abuts the side lot line of one or more adjoining parcels) are discouraged and must be at least 15-feet more in depth or

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard

width than the minimum requirement (Section 204.030 (C) (9)). When a side lot line abuts a rear lot line, the setback for principal and accessory structures increases to a minimum of 20-feet from the side lot line and when a rear lot line abuts the side lot line the minimum structure setback increases to 40-feet from the rear property line (Section 205.080 (D)(1)(f)). The City can require a greater width or depth to increase the proposed structure setback from the adjoining properties.

The property is zoned R1, Detached Residential (Section 205.082). In this District, the lot standards require a minimum lot area of 10,000 square feet, a depth of 125 feet and a width of 75 feet. The dwelling must also maintain a minimum setback of 10 feet from a side property line and 30 feet from a rear lot line, unless the parcels are key lots. Accessory structures, including attached garage, must maintain a minimum setback of 5-feet from a side lot line. When adjoining dwellings exceed a 40-foot setback from a front property line, then the setback for a new home must be equal to the adjacent dwelling, plus or minus 10-feet (Section 205.080 (D) (1) (g)(i)).

Variance – Section 203.070. When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance 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.
- 4.

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

STAFF REVIEW

MINOR SUBDIVISION APPLICATION

The applicant is proposing to divide the existing parcel into three parcels for single-family residential use. The following reviews the proposal in accordance with the Development and Subdivision Code standards.

Lot Dimension Standards

The parcel is currently considered a key lot since the side property line abuts the rear property lines of the homes located on West Owasso Boulevard and Owasso Heights Road. When subdivided, the new parcels are considered key lots since the rear lot line of Parcels B and C abut the side lot line of the side lot line of Parcel A. The parcels and future structures are subject to additional requirements

File No. 2625-16-24
 Minor Subdivision/Variance
 Hinz- Summit Design Build
 600 North Owasso Boulevard

since they are key lots. As shown below, the *proposed parcels exceed the dimensional lot requirements* of the Development Regulations.

	Code Requirements	Parcel A	Parcel B	Parcel C
Area	10,000 square feet	52,815 square feet	14,247 square feet	12,407 square feet
Width	30 feet (street) 75 feet (building)	30 feet (street) 231.25 feet (house)	79.99'	
Key Lot*	90 feet			90 feet
Depth	125 feet	200 feet		140.21 feet
Key Lot*	140 feet		145.09 feet	

***Key Lot – Width or Depth must meet the Key Lot standards**

Buildable Area – Structure Setbacks

The application of the City’s requirements for structure setbacks from a front property line is difficult due to the configuration of Parcel A and location of the home on the property. When structures on adjoining lots (corner lots excluded) exceed 40-feet, the Development Code states that the front yard setback for a dwelling constructed on a vacant lot shall be equal to the average of the front yard setbacks for such immediately adjacent dwelling plus or minus 10-feet. This is also difficult to apply since the vacant parcels are adjacent to one another and the lots immediately to the east and west of the development site are corner lots.

Through the subdivision process, the City staff believes it a minimum front yard setback for the vacant parcels B and C should be established. The two adjoining homes (3366 West Owasso Boulevard and 590 Owasso Heights Road) have structure setbacks from North Owasso Boulevard of approximately 70 feet and 23 feet respectively. The minimum structure setback from a front property line permitted in the R1 district is 25 feet. The submitted plans identify a building setback line of 30-feet for the future homes on the vacant parcels. City staff believes the proposed setbacks are reasonable and will not appear to be out of character or obtrusive due to the varying setbacks of the adjoining homes and curve of the roadway.

On Parcel B, a 10-foot setback is also proposed from the western lot line adjoining the private access easement over Parcel A. Staff is not considering this parcel a corner lot since the access driveway is private and not public. Although it serves two parcels, Parcel B does have public street frontage and could have a separate access drive. Minimizing access points onto North Owasso Boulevard is beneficial due to its functional classification as a collector road, traffic volume and characteristic.

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard

Since Parcels B and C are key lots, more stringent setback standards apply. Both parcels are subject to a 40 foot minimum rear yard setback while Parcel C is also subject to a 20-foot setback along the east side lot line. When the required structure setbacks are applied, there is adequate buildable area for new homes.

The applicants are proposing to retain the existing detached garage located on Parcel A. This garage is setback 5-feet from the side property lines, less than the minimum 20-feet required. A 20-foot setback is required since the side yard abuts the rear yard of Parcel B. The applicant's are requesting a variance to the 20-foot setback requirement.

Municipal Utilities

Utilities will need to be provided to the new parcels. The construction of new homes on Parcels B and C will require connection to the city sanitary sewer main located in an easement adjacent to the western property line. The sewer service for Parcel B requires a private easement over Parcel A to connect to the sewer main. A private easement is also needed over Parcels B and A for Parcel C to connect to the sewer main too.

Municipal water is available in North Owasso Boulevard. Parcels B and C are required to connect to this line.

Grading, Drainage and Stormwater Management

The submitted plans do include a grading and drainage plan for the proposed driveway and removal of the existing driveway. Stormwater runoff from these areas will be directed to the north towards North Owasso Boulevard. The historical drainage pattern is being maintained.

Preliminary grades have also been identified on Parcels B and C. Detailed grading and drainage plans are not required for each of these parcels since they are dependent on the building location and housing type. If approved, staff recommends a condition be attached requiring a grading and drainage plan be submitted for review and approval prior to issuance of a building permit. An as-built survey is also required in accordance with the City's Code.

The property is located in the Ramsey Washington Watershed District. A permit is not required from the District.

Vegetation and Woodlands

Relocation of the driveway will required the removal of 7 trees, 5 of which are landmark trees. Further, impacts on the existing trees cannot be fully assessed until development plans are received for each of the parcels. Tree replacement will be required in accordance with the City's ordinance (Section 209.050). Landmark trees that are removed are required to be replaced at a 3:1 ratio for each parcel (Section 209.050 (B) (3)).

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard

VARIANCE APPLICATION

The applicant is requesting a variance to waive the City's standard requiring the detached garage be setback 20-feet from the side property line since this is a key lot.

City staff believes the practical difficulty is present to allow for a variance from the City's regulation, based on the following:

1. **Reasonable Manner.** The property owner is proposing to use the property in a reasonable manner. The property is guided for low density residential use and zoned for single-family residential uses. The property far exceeds the minimum lot area for a standard residential property and the subdivision will result in three parcels that comply with the width and area requirements for key lots in the R-1, Detached Residential District.

The existing detached garage is in excellent condition; therefore, it is reasonable to retain it. While it will be setback less than the 20-feet required for a key lot, there will be adequate separation from the future home on Parcel B since a 40-foot rear yard setback is required for the new home.

2. **Unique Circumstances.** The property is unique due to the size and width, which exceed the minimum standards for the R1 zoning district, and site improvements. The existing lot configuration and location of the home and detached garage have affected the proposed subdivision design. Orientation of the two new parcels toward North Owasso Boulevard is logical and uses the land efficiently. This orientation, however, creates key lots increasing the required side yard setback for an accessory structure from 5-feet to 20-feet.
3. **Character of Neighborhood.** The proposed 5-foot setback of the detached garage from the adjoining Parcel B will not alter the character of the neighborhood. Adequate separation between the garage and future home on Parcel B will be maintained due to the required 40-foot rear yard setback for a new home. Vegetation between the detached garage and future home will also be retained to mitigate the visual impact. Impacts of the reduced setback are internal to this development.

PUBLIC COMMENT

Notices of this request were sent to property owners within 350 feet of the development site. A number of comments have been received which express concerns regarding access/driveway visibility, stormwater management, utilities and preservation of the neighborhood character. The written comments are attached for your review. Any additional comments received will be distributed to the Planning Commission at the meeting.

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard

Comments were also received regarding a beach access lot which is owned by the applicants. This 8-foot wide lot is located on the east side of Owasso Heights Drive and provides access to Lake Owasso. Adjoining residents have expressed concern about the potential increase in use of this access parcel by two additional property owners. This parcel is a separate lot of record and is not included in the subdivision request.

The City's Development Regulations do address controlled access/beach lots in Section 205.080 Subd (C4). A conditional use permit is required for such lots created after January 1, 1993. This beach access lot in question was created in the early 1900's and is not subject to these provisions. Section 209.080 (L) in the Shoreland Management District does address non-conforming lots, however, the regulations address structures on these types of parcels and not use. Nonconforming parcels are also addressed in Section 207.050 Nonconformities. Subsection B states that a non-conforming use may continue in the size, intensity and manner of operation existing upon the date on which the use became nonconforming. The key word here is intensity and whether or not access of this property by two additional households increases the intensity.

From City's staff perspective, this issue is a matter that is independent of the subdivision request since the parcel is an existing lot of record and not part of the minor subdivision application. The City Attorney will be available to address this matter further.

Lake Johanna Fire Department

The Fire Marshal did provide comments related to the private driveway. The driveway needs to be designed for emergency vehicle access and have area to turn around on Parcel A.

Ramsey Washington Watershed District

The proposed plan was reviewed by the Staff at the Watershed District and it has been determined that a permit is not required from the District.

STAFF RECOMMENDATION

The application was reviewed and found to be in accordance with the standards of the Development Regulations and the variance criteria. For the variance, practical difficulty is present due to the condition of the detached garage, parcel characteristics and lot orientation for the proposed subdivision. The minor subdivision of this property into three parcels is consistent with the City's subdivision standards and the R1, Detached Residential Zoning District regulations.

City staff is recommending the Planning Commission adopt Resolution No. 16-66 approving the variance to reduce the 20-foot side yard setback for the detached garage to 5-feet and to also recommend approval of the minor subdivision to the City Council, subject to the following proposed conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard

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

Minor Subdivision

1. Approval of the Minor Subdivision is contingent upon the approval of a variance reducing the required side yard setback for the detached garage on Parcel A.
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 drainage and utility easements shall be dedicated to the City as required by the City Engineer. 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. Private easements for sanitary sewer service shall be provided for Parcels B and C as identified in the memo from the City Engineer dated July 21, 2016.
5. Municipal water and sanitary sewer service shall be provided to Parcels B and C.
6. The proposed 30-foot wide ingress, egress and driveway easement shall be modified so as not to extend beyond the south lot line of Parcel B.
7. The applicants shall enter into a Subdivision Agreement with the City and shall include but not be limited to the following: site grading, tree protection and replacement, required financial sureties and fees, utilities, easements and construction management. This agreement shall be executed prior to the City's release of the deeds for recording.
8. A Grading Permit is required prior to the commencement of any site work.
9. The driveway serving Parcels A and B shall comply with the requirements as identified by the Fire Marshal.
10. The following conditions apply to Parcels B and C.
 - a. A Development Agreement for Construction must be executed prior to the issuance of a building permit for a new home on each property.
 - b. A Tree Protection and Replacement Plan shall be submitted with the Building Permit applications for the new homes on each parcel. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement for Construction.

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard

- c. A Grading and Drainage Plan shall be submitted with the Building Permit applications for the new homes on each parcel. The items identified in the attached memo from the City Engineer shall be addressed in this Plan.
 - d. For Parcel B, minimum structure setbacks from the property lines shall be as follows: Front – 30 feet, Side (East) – 10 feet for the dwelling unit/5 feet for accessory structures, Side (West) – 10-feet, and Rear – 40 feet.
 - e. For Parcel C, minimum structure setbacks from the property lines shall be as follows: Front – 30 feet, Side (East) – 20 feet, Rear – 40 feet, Side (West), 10 feet for the dwelling unit/5 feet for accessory structures
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments –

- 1. Resolution No. 16-66
- 2. Memo from City Engineer
- 3. Aerial Location Map
- 4. Applicant's Submitted plans
- 5. Public Comment and Agency Review
- 6. Proposed Motion

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JULY 26, 2016**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 P.M.

The following members were present:

And the following members were absent:

Member introduced the following resolution and moved its adoption.

**RESOLUTION NO. 16-66
A VARIANCE PERMITTING A SIDE YARD SETBACK REDUCTION FOR A
DETACHED GARAGE**

WHEREAS, Todd Hinz of Summit Design Build submitted a variance application for the following described property:

See Attachment A

(This property is commonly known as 600 North Owasso Boulevard)

WHEREAS, pursuant to the Development Code Section 205.080 (D)(1)(f), the Development Regulations require structures to be setback a minimum of 20-feet from a side property line on a key lot; and

WHEREAS, the applicants have requested a variance to this requirement in order to retain an existing detached garage; 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 July 26, 2016, the Shoreview Planning Commission approved the variance and adopted the following findings of fact:

1. **Reasonable Manner.** The property owner is proposing to use the property in a reasonable manner. The property is guided for low density residential use and zoned for single-family residential uses. The property far exceeds the minimum lot area for a standard residential property and the subdivision will result in three parcels that comply with the width and area requirements for key lots in the R-1, Detached Residential District.

The existing detached garage is in excellent condition; therefore, it is reasonable to retain it. While it will be setback less than the 20-foot required for a key lot, there will be adequate separation from the future home on Parcel B since a 40-foot rear yard setback is required for the new home.

2. **Unique Circumstances.** The property is unique due to the size and width, which exceed the minimum standards for the R1 zoning district, and site improvements. The existing lot configuration and location of the home and detached garage have affected the proposed subdivision design. Orientation of the two new parcels toward North Owasso Boulevard is logical and uses the land efficiently. This orientation, however, creates key lots increasing the required side yard setback for an accessory structure from 5-feet to 20-feet.

3. **Character of Neighborhood.** The proposed 5-foot setback of the detached garage from the adjoining Parcel B will not alter the character of the neighborhood. Adequate separation between the garage and future home on Parcel B will be maintained due to the required 40-foot rear yard setback for a new home. Vegetation between the detached garage and future home will also be retained to mitigate the visual impact. Impacts of the reduced setback are internal to this development.

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

1. This 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.
3. 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:

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard
Page 3 of 4

And the following voted against the same:

Adopted this 26th day of July, 2016

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle
City Planner

ACCEPTANCE OF CONDITIONS:

Todd Hinz – Summit Design Build

File No. 2625-16-24
Minor Subdivision/Variance
Hinz- Summit Design Build
600 North Owasso Boulevard
Page 4 of 4

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 26th day of July, 2016 with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same relates to adopting Resolution No. 16-66.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 26th day of July, 2016.

Terry C. Schwerm
City Manager

SEAL

EXISTING LEGAL DESCRIPTION:

The following Legal Description is as shown on FSA Title Services, LLC as agent for First American Title Insurance Company Title Commitment No. 160621, dated June 6, 2016: (A PORTION OF THE OVERALL PROPERTY HAS BEEN INTENTIONALLY LEFT OUT)

Parcel 1:

All that part of Government Lot 1, Section 36, Township 30 North, Range 23, West, Ramsey County, Minnesota, lying south of North Owasso Boulevard and lying West of a line parallel and 200 feet East of West line of said section and lying North of the plat of Lake Owasso Heights.

Abstract Property

Parcel 2:

Lot 1, Lake Owasso Heights, lying West of a line parallel and 200 feet East of the West line of Section 36, Township 30, Range 23; and lying East of the West line of said Section 36; Lots 2 and 9, Lake Owasso Heights, lying East of the West line of Section 36, Township 30, Range 23;

That part of Lot 3, Lake Owasso Heights, lying West of the following described line: Commencing at the Northeast corner of said Lot 3; thence West along the North line of said Lot 3, 142 feet to the point of beginning; thence South (at right angles to the North line) to the South line of said Lot 3;

All that part of Lot 8, Lake Owasso Heights, lying Westerly and Northerly of the following described line: Beginning at a point on the Easterly line of said Lot 100.00 feet Northeasterly of the Southeast corner of said Lot; thence West parallel with the South line of said Lot a distance of 125.00 feet; thence Southwesterly to a point on the South line of said Lot 125.00 feet West of the Southeast corner of said Lot and there terminating.

That part of Lot B, Lake Owasso Heights, lying Northerly of a line running from the Northeast corner of Lot 10 to the Northwest corner of Lot 11.

Torrens Property

MEMORANDUM

To: Kathleen Castle, City Planner

From: Tom Wesolowski, City Engineer
Tom Hammitt, Senior Engineering Technician

Date: July 21, 2016

Subject: Minor Subdivision & Variance – 600 North Owasso Boulevard

The City's Engineering Department has reviewed the proposed minor sub-division and has the following comments:

Sanitary Sewer

The Minor Lot Subdivision drawing shows the sanitary sewer services for Parcels B & C will be connected to the existing sanitary sewer main located to the west on the adjacent property. There is a 20-foot easement over the existing sanitary sewer main, which would allow the services to be connected to the main without requiring an easement from the adjacent property owner. The sewer service for Parcel B would need an easement to cross Parcel A to get to the main. Parcel C would need an easement to cross Parcel B and A to get to the main. Escrow deposits may be required to ensure completion of the installation and would be determined at the time of construction. Parcel A is already connected to the City's sanitary sewer system and was assessed.

Parcel's B and C will be required to pay a deferred connection charge in lieu of an assessment for connecting to City sanitary sewer. The fee for Parcel B is \$556.00 based on 80 feet of frontage. The fee for Parcel C is \$625 based on 90 feet. These fees should be a condition of the lot split and paid as part of the lot split. The other typical fees such as connection charge, SAC charge and inspections would be paid at the time of a building permit.

Water Main

An existing water main is located on the north side of the North Owasso Boulevard right-of-way. The developer would need to install new water services to Parcel B & C. Construction of the water services will require escrows to ensure satisfactory completion of the installation. The escrows will be determined at the time of construction and would vary depending on the method of construction and impact to the road, bituminous trail and/or other utilities or infrastructure.

Parcel's B and C will be required to pay a deferred connection charge in lieu of an assessment for connecting to City water main. The fee for Parcel B is \$904.00 based on 80 feet of frontage. The fee for Parcel C is \$1,017 based on 90 feet. These fees should be a condition of the lot split and paid as part of the lot split. The other typical fees such as connection charge, water meter

and inspections would be paid at the time of a building permit. Parcel A is already connected to the City's water system was assessed.

Minor Subdivision 600 North Owasso Blvd
Page Two

Storm Water

Due to the size of the developed area a watershed permit is not required. Parcel B & C should be graded to direct stormwater runoff away from existing properties and toward N Owasso Boulevard.

Driveway Opening

North Owasso Blvd has bituminous curb. Any new curb openings or modification of existing openings will require an escrow to ensure that completion of the driveway construction in the right-of-way is satisfactory.

Trees

All landmark trees removed will require a landscape escrow deposit and replacement trees per City Code. Reference information in section 209.050(B)(3).

Addresses








With the creation of the new lots fronting on North Owasso Blvd and moving the driveway of the existing house, Parcel A, a new address will be required to help in locating the structure for emergency services.

Parcel C – 598 North Owasso Blvd
Parcel B – 608 North Owasso Blvd
Parcel A – 618 North Owasso Blvd (formerly 600)



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

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL TICKET NUMBER(S) 161950601. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST. OTHER UTILITIES MAY EXIST ON THIS SITE THAT WERE NOT MARKED UP.

PROPOSED LEGAL DESCRIPTIONS:

PROPOSED PARCEL A

Parcel 1:
All that part of Government Lot 1, Section 36, Township 30 North, Range 23, West, Ramsey County, Minnesota, lying south of North Owasso Boulevard and lying west of a line parallel and 30 feet east of west line of said section and lying north of the plat of Lake Owasso Heights. (Abstract Property)

Parcel 2:
The east 45.11 feet of the west 75.11 feet of the south 20.93 feet of Lot 1, Lake Owasso Heights, which lies east of the west line of Section 36, Township 30, Range 23;

The west 30.00 feet Lot 1, Lake Owasso Heights, which lies east of the west line of Section 36, Township 30, Range 23;

Lots 2 and 9, Lake Owasso Heights, lying east of the west line of Section 36, Township 30, Range 23;

The south 2.34 feet Lot 1, Lake Owasso Heights, which lies east a line 75.11 feet east and parallel with the west line of Section 36, Township 30, Range 23 and which lies west of the west 200.00 feet thereof;

That part of Lot 3, Lake Owasso Heights, lying West of the following described line: Commencing at the Northeast corner of said Lot 3; thence West along the North line of said Lot 3, 142 feet to the point of beginning; thence South (at right angles to the North line) to the South line of said Lot 3;

All that part of Lot 8, Lake Owasso Heights, lying Westerly and Northerly of the following described line: Beginning at a point on the Easterly line of said Lot 100.00 feet Northeastly of the Southeast corner of said Lot; thence West parallel with the South line of said Lot a distance of 125.00 feet; thence Southwesterly to a point on the South line of said Lot 125.00 feet West of the Southeast corner of said Lot and there terminating.

That part of Lot B, Lake Owasso Heights, lying Northerly of a line running from the Northeast corner of Lot 10 to the Northwest corner of Lot 11. (Torrens Property)

PROPOSED PARCEL B

Parcel 1:
All that part of Government Lot 1, Section 36, Township 30 North, Range 23, West, Ramsey County, Minnesota, lying south of North Owasso Boulevard and lying west of a line parallel and 110.00 feet east of west line of said section and lying north of the plat of Lake Owasso Heights. EXCEPT the west 30.00 feet thereof. (Abstract Property)

Parcel 2:
The west 110.00 feet of Lot 1, Lake Owasso Heights, which lies east of the west line of Section 36, Township 30, Range 23. EXCEPT the west 30.00 feet thereof and also except the east 45.11 feet of the west 75.11 feet thereof and also EXCEPT the south 2.34 feet of the west 110.00 feet lying east of the west 45.11 feet thereof. (Torrens Property)

PROPOSED PARCEL C

Parcel 1:
All that part of Government Lot 1, Section 36, Township 30 North, Range 23, West, Ramsey County, Minnesota, lying south of North Owasso Boulevard and lying west of a line parallel and 200.00 feet east of west line of said section and lying north of the plat of Lake Owasso Heights. EXCEPT the west 110.00 feet thereof. (Abstract Property)

Parcel 2:
The west 200.00 feet of Lot 1, Lake Owasso Heights, which lies east of the west line of Section 36, Township 30, Range 23. EXCEPT the west 110.00 feet thereof and also EXCEPT the south 2.34 feet lying west of the east 110.00 feet thereof. (Torrens Property)

EXISTING LEGAL DESCRIPTION:

The following Legal Description is as shown on FSA Title Services, LLC as agent for First American Title Insurance Company Title Commitment No. 160621, dated June 6, 2016: (A PORTION OF THE OVERALL PROPERTY HAS BEEN INTENTIONALLY LEFT OUT)

Parcel 1:
All that part of Government Lot 1, Section 36, Township 30 North, Range 23, West, Ramsey County, Minnesota, lying south of North Owasso Boulevard and lying West of a line parallel and 200 feet East of West line of said section and lying North of the plat of Lake Owasso Heights. Abstract Property

Parcel 2:
Lot 1, Lake Owasso Heights, lying West of a line parallel and 200 feet East of the West line of Section 36, Township 30, Range 23; and lying East of the West line of said Section 36; Lots 2 and 9, Lake Owasso Heights, lying East of the West line of Section 36, Township 30, Range 23;

That part of Lot 3, Lake Owasso Heights, lying West of the following described line: Commencing at the Northeast corner of said Lot 3; thence West along the North line of said Lot 3, 142 feet to the point of beginning; thence South (at right angles to the North line) to the South line of said Lot 3;

All that part of Lot 8, Lake Owasso Heights, lying Westerly and Northerly of the following described line: Beginning at a point on the Easterly line of said Lot 100.00 feet Northeastly of the Southeast corner of said Lot; thence West parallel with the South line of said Lot a distance of 125.00 feet; thence Southwesterly to a point on the South line of said Lot 125.00 feet West of the Southeast corner of said Lot and there terminating.

That part of Lot B, Lake Owasso Heights, lying Northerly of a line running from the Northeast corner of Lot 10 to the Northwest corner of Lot 11.

Torrens Property

EASEMENT NOTES:

The following easements and encumbrances are as shown on FSA Title Services, LLC as agent for First American Title Insurance Company Title Commitment No. 160621, dated June 6, 2016:

- Restrictions, covenants, conditions, easements and assessments contained in Declaration per Document No. 811206.
- Subject to an easement for ingress and egress as described in Warranty Deed per Document Number 546815.
- Subject to a permanent utility easement per Document Number 693336.
- Subject to a 12 foot private sewer easement over Lot 8 of Subject property per Document Number 811207.
- Easements for utilities and drainage as shown on the recorded plat.
- Rights of other abutting land owners, State of Minnesota and Department of Natural Resources to use that part of the premises which lies within the bed of the pond and/or wetland located thereon.
- Subject to the rights of the public, and to the State of Minnesota, in that part of the subject property lying below the natural high water mark of Lake Owasso.
- Rights of the public generally in and to the use of that portion of subject property used for roadway purposes.

SURVEY NOTES:

- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE RAMSEY COUNTY SURVEYORS OFFICE.
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILT PLANS PROVIDED BY THE CITY OF SHOREVIEW PUBLIC WORKS DEPARTMENT.
- THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- OFF SITE BUILDINGS SHOWN PER DNR LIDAR DATA OBTAINED FROM THE MNTPO WEBSITE. NOT FIELD VERIFIED.
- CONTOURS SHOWN PER DNR LIDAR DATA OBTAINED FROM THE MNTPO WEBSITE. NOT FIELD VERIFIED.

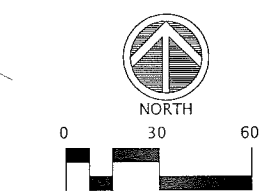
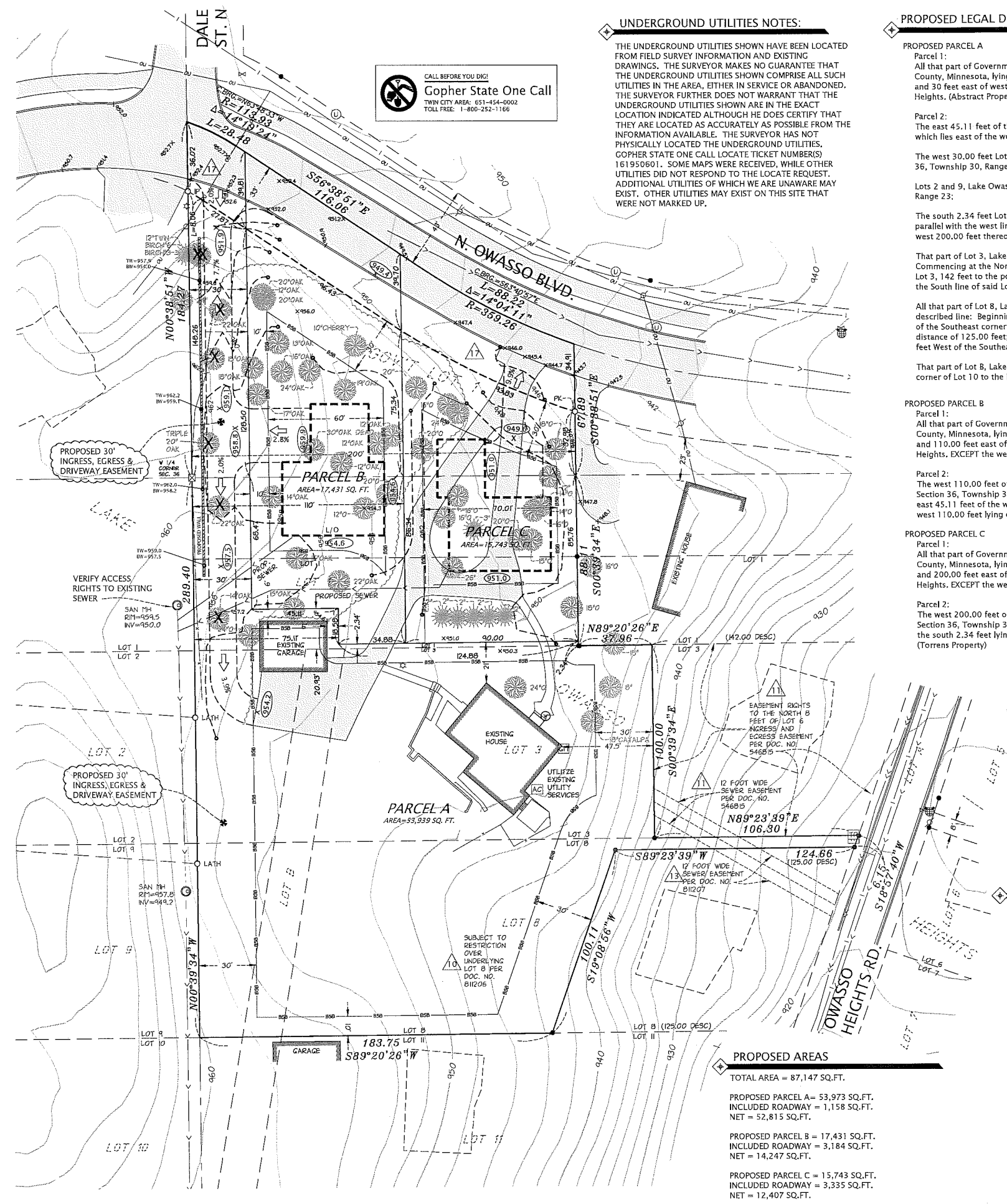
TREE INVENTORY:

- PARTIAL TREE INVENTORY. THE FOLLOWING TREES ARE LOCATED WITHIN PROPOSED PARCEL B, PROPOSED PARCEL C AND THE PROPOSED DRIVEWAY ACCESS FOR PARCEL A. OTHER TREES ON PARCEL HAVE NOT BEEN LOCATED.

Point Table	Point Table	Point Table			
Point #	Raw Description	Point #	Raw Description	Point #	Raw Description
1204	TRD 20 OAK	1324	TRD 20	1465	TRD 12 OAK
1205	TRD 20 OAK	1325	TRD 20 OAK	1466	TRD 22 OAK
1213	PNE 2'	1326	TRD 20 OAK	1467	TRD 22 OAK
1214	PNE 2'	1327	TRD 10 OAK	1471	TRD 22 OAK
1215	PNE 2'	1328	TRD 24 OAK	1472	TRD 16 OAK
1216	PNE 2'	1443	TRD 22 OAK	1473	TRD 15 OAK
1217	PNE 2'	1444	TRD 20 OAK	1474	TRD 14 OAK
1234	TRD 18 OAK	1445	TRD 12 OAK	XXXX	TRIPLE 20' OAK
1235	TRD 12	1446	TRD 20 OAK		
1236	TRD 14 OAK	1447	TRD 10 CHERRY		
1237	TRD 14 OAK	1453	TRD 12 OAK		
1238	TRD 16 OAK	1454	TRD 12 OAK		
1239	TRD 20 OAK	1455	TRD 14 OAK		
1240	TRD 15 OAK	1457	TRD 24 OAK		
1241	TRD 26	1458	TRD 15 OAK		
1242	TRD 15 OAK	1459	TRD 16 OAK		
1243	TRD 16 OAK	1460	TRD 16 OAK		
1244	TRD 16 OAK	1461	TRD 18 OAK		
1245	TRD 16 OAK	1462	TRD 17 OAK		
1246	TRD 24 OAK	1463	TRD 15 OAK		
1247	TRD 16 OAK	1464	TRD 30 OAK DEAD		

X DENOTES TREE TO BE REMOVED DURING THE INITIAL PHASE OF DRIVEWAY CONSTRUCTION FOR PARCEL A (ALONG THE WEST LINE OF THE PARCEL).

○ DENOTES POSSIBLE TREE TO BE REMOVE DURING CONSTRUCTION OF HOMES.



LEGEND:

● FOUND MONUMENT	⊕ FIRE DEPT. CONNECTION
○ SET 1/2" IRON PIPE MARKED DIS NO. 25718	⊕ HYDRANT
⊕ CABLE TV PEDESTAL	⊕ CURB STOP
⊕ AIR CONDITIONER	⊕ WATER WELL
⊕ ELECTRIC METER	⊕ WATER MANHOLE
⊕ ELECTRIC PEDESTAL	⊕ WATER METER
⊕ ELECTRIC TRANSFORMER	⊕ POST INDICATOR VALVE
⊕ LIGHT POLE	⊕ WATER VALVE
⊕ CIV WIRE	⊕ FLAG POLE
⊕ POWER POLE	⊕ MAIL BOX
⊕ GAS MANHOLE	⊕ TRAFFIC SIGN
⊕ GAS METER	⊕ UNKNOWN MANHOLE
⊕ TELEPHONE MANHOLE	⊕ SOIL BORING
⊕ TELEPHONE PEDESTAL	⊕ STORM DRAIN
⊕ SANITARY CLEANOUT	⊕ FLARED END SECTION
⊕ SANITARY MANHOLE	⊕ STORM MANHOLE
⊕ CATCH BASIN	
⊕ STORM DRAIN	
⊕ UNDERGROUND ELECTRIC	
⊕ UNDERGROUND CABLE TV	
⊕ UNDERGROUND FIBER OPTIC	
⊕ UNDERGROUND TELEPHONE	
⊕ OVERHEAD UTILITY	
⊕ UNDERGROUND GAS	
⊕ SANITARY SEWER	
⊕ STORM SEWER	
⊕ WATERMAIN	
⊕ FENCE	
⊕ CURB (TYPICAL)	
⊕ CONTOURS	

PROPOSED AREAS
TOTAL AREA = 87,147 SQ.FT.

PROPOSED PARCEL A = 53,973 SQ.FT.
INCLUDED ROADWAY = 1,158 SQ.FT.
NET = 52,815 SQ.FT.

PROPOSED PARCEL B = 17,431 SQ.FT.
INCLUDED ROADWAY = 3,184 SQ.FT.
NET = 14,247 SQ.FT.

PROPOSED PARCEL C = 15,743 SQ.FT.
INCLUDED ROADWAY = 3,335 SQ.FT.
NET = 12,407 SQ.FT.

LAKE OWASSO HEIGHTS

CONTACT:
Delaney Company LLC. & Summit Design-Build LLC.
1902 Greeley St. S.
Stillwater, MN 55082
O-651-674-3013
C-651-307-1839
F-651-674-3067

COUNTY/CITY:
RAMSEY COUNTY
CITY OF SHOREVIEW

REVISIONS:

DATE	REVISION
7-13-16	INITIAL ISSUE
7-14-16	CITY COMMENTS

CERTIFICATION:
I hereby certify that this plan 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.

Daniel L. Thurmes
Daniel L. Thurmes Registration Number: 25718
Date: 7-13-16

PROJECT LOCATION:
600
N. OWASSO BLVD.
PID#36023320041
PID#36023320266

Suite #1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

CORNERSTONE
LAND SURVEYING, INC.

FILE NAME: SURVSUM02
PROJECT NO.: SUM16002

MINOR LOT SUBDIVISION



Kathleen Castle <kcastle@shoreviewmn.gov>

Comment Form - Minor Subdivision/Variance, 600 North Owasso Blvd

Nicole Soderholm <nicole.soderholm@rwmwd.org>
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Mon, Jul 18, 2016 at 11:18 AM

Hi Kathleen,

No permit needed from us if it's just a parcel division.

If any construction or soil disturbance occurs that is greater than 1 acre or that might impact wetlands in the area, then the owner/developer can contact me for more information on our permitting process.

www.rwmwd.org/permits

Have a good day,

Nicole Soderholm

Permit Coordinator | Ramsey-Washington Metro Watershed District

2665 Noel Dr | Little Canada, MN 55117 | Direct: [651-792-7976](tel:651-792-7976)

From: Paige Ahlborg
Sent: Friday, July 15, 2016 2:27 PM
To: Nicole Soderholm
Subject: Fwd: Comment Form - Minor Subdivision/Variance, 600 North Owasso Blvd

Begin forwarded message:

From: "Kathleen Castle" <kcastle@shoreviewmn.gov>
To: "Paige Ahlborg" <paige.ahlborg@rwmwd.org>, "Nate Berg" <nberg@ljfd.org>, "Kevin Beck" <kbeck@kellyandlemons.com>
Subject: Comment Form - Minor Subdivision/Variance, 600 North Owasso Blvd

Please see the attached information on a proposed subdivision at 600 North Owasso Boulevard to create 3 parcels. Let me know if you have any comments. Thanks.



Kathleen Castle <kcastle@shoreviewmn.gov>

property @ 600 N Owasso Blvd.

1 message

jerry dempsey <jerdemps@gmail.com>

Mon, Jul 18, 2016 at 1:51 PM

To: kcastle@shoreviewmn.gov

Hi, I'm the property owner at 596 Kent Ln., just across N Owasso Blvd. from proposed property change. Traffic in this area has very poor visibility/site distance due to road curve and grade. Traffic is especially impacted during snow events.

I feel any variations of building codes to permit new construction at this site is unwarranted and probably unwise due to:

1. very poor visibility/site distance for traffic
2. minimum set back distances are established for several

reasons, and

I feel one very important reason is to protect nearby property owners from

unwarranted building projects such as this.

I feel continuing this project as proposed will negatively impact my property value.

Thank you for letting me express these concerns;

Jerry L. Dempsey
596 Kent Lane



Kathleen Castle <kcastle@shoreviewmn.gov>

File No. 265-16-24 Hintz/Summit Design Build,I, 600 North Owasso Boulevard3 messages

Patricia <patkiland@hotmail.com>

Wed, Jul 20, 2016 at 7:50 AM

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

Ms. Castle,

We live at 3340 Owasso Hgts Rd. Our property is next to two eight foot lake easements. The one next to us is now owned by Summit Builders. The property at 3349 Owasso Hgts Rd also has rights to use this strip. The second one is owned by two other home owners.

We are wondering if adding 3 or 4 new Summit homes will also add more users of the 8 foot easement. Right now the 3349 Owasso Hgts Rd resident has a dock that is 8 feet wide at the end and parks a 6 foot wide boat by the dock resulting in the boat and a good part of the dock being over our property line.

According to DNR regulations "docks and boat lifts should be placed so that mooring and maneuvering of watercraft can normally be confined within the property lines as if they were extended into the water."

Our concern is that adding 3 or 4 more residents who have access to the 8 foot easement will result in additional watercraft where there is no room for more without coming further past our property line or into the other 8 foot easement on the north side. We would hope that when the Summit property is subdivided, that only the original home at 600 North Owasso Blvd would have access to the easement.

Thanks for your consideration,

Skip and Pat Kiland
3340 Owasso Heights Rd
Shoreview MN 55126
651-484-4635

Deborah Ferrington <ferri013@umn.edu>

Wed, Jul 20, 2016 at 9:40 AM

RECEIVED

JUL 20 2016

ml

File No. 2625-16-24

Hinz/Summit Design Build

600 North Owasso Blvd

Comments:

I have no problem with the subdivision of the property at 600 North Owasso Blvd. The problem that I see arising is the use of the 8' access from Owasso Heights Road to Lake Owasso. From what I have heard, the developer wants to give the owners of the future homes access to that 8' parcel. There is another person who has deeded access to that parcel. That would make it a real possibility that four families would want to moor boats on the 8' parcel. This would undoubtedly infringe on the riparian rights of the lake front owners on either side of the 8' parcel. Also, if a couple of those families decided to use the parcel at the same time, there would not be enough room for them leading to the likelihood of encroachment on private property. I cannot see that this would be a winning situation for any of the persons involved with this land. Thank You.

Charles & Jo-Ann Copeland

3348 Owasso Heights Road







Kathleen Castle <kcastle@shoreviewmn.gov>

Minor Subdivision and Variance application from Todd Hinz

Dennis & Jeri <denjer@jphouse.com>
To: kcastle@shoreviewmn.gov

Thu, Jul 21, 2016 at 4:02 PM

We are deeply concerned about the possibility of our Dale Street alley being turned into an access for the new properties.

It is an alley not a street. Those new properties already have access from North Owasso Blvd.

We also love the semi-rural atmosphere of our unique neighborhood and fail to see the need for subdividing generous lot sizes and shoehorning new dwellings onto them. We greatly prefer the relatively low housing density of our neighborhood.

Thank you

Arnold and Jeralden Erickson

3301 Owasso Hts Rd.



Kathleen Castle <kcastle@shoreviewmn.gov>

Public Notice Response - 600 North Owasso Blvd. Minor Subdivision Proposal

Robert DeVoe <robert.devoe@outlook.com>

Thu, Jul 21, 2016 at 6:29 AM

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

Cc: Linda DeVoe <lindasdevoe@gmail.com>, Robert DeVoe <robert.devoe@outlook.com>

Hi Again~

We made a few changes to our original submission. Hopefully it's not too late to replace it with this one...could you let us know? Thank you so much!

~Bob & Linda

Dear Ms. Castle,

Thank you so much for the chance to respond to the proposed minor subdivision proposal of 600 North Owasso Blvd. Here's our top-of-mind comment & question:

Comment:

As longtime residents of 590 North Owasso Blvd., we truly love our surrounding park-like & woodland setting. It is home to many special plants, trees and wildlife and is one of the principal reasons we chose this property 22 years ago. We sincerely hope that any development would complement the current setting.

Question:

Our home is directly downhill from Parcels B & C. What precautions are planned to ensure the water runoff and sewer connections do not negatively impact our property?

Thank again! We look forward to learning more at the Planning Commission meeting on July 26th.

Sincerely,

Robert and Linda DeVoe

590 North Owasso Blvd.



Kathleen Castle <kcastle@shoreviewmn.gov>

File # 2625-16-24, 600 N. Owasso Blvd

1 message

Nicole Frethem <nic.joy@gmail.com>

Thu, Jul 21, 2016 at 6:24 PM

To: kcastle@shoreviewmn.gov

Ms. Castle,

Thank you for your letter.

We live at 3299 Owasso Heights Drive in the small neighborhood where this change is requested. We and some of our other neighbors have concerns about the west 30 foot ingress/egress easement portion of the proposal that extends south beyond the garage on parcel A.

It appears as if the developers are attempting to turn the alley (ending in our neighbor's private drive) into a through way all the way to North Owasso Blvd. We would be opposed to this as it seems unnecessary and could reduce the privacy of our properties and safety of our yards for our children with increased traffic in the alley.

We're also concerned that it would cause issues for our neighbors whose driveway is their private land. It could increase trespassing on their property and lead to confusion.

Adding roadway where it doesn't need to be will also reduce the park-like quality of our neighborhood which we oppose on both aesthetic and environmental grounds.

We do not mind the division of the property or the new homes being built. We look forward to meeting new neighbors. We just want to make sure that our current neighbors and our neighborhood as a whole aren't negatively impacted.

Thank you for your consideration.

Nicole and Stephen Frethem
3299 Owasso Heights Drive
Shoreview, MN 55126
763-229-7378
nic.joy@gmail.com



Kathleen Castle <kcastle@shoreviewmn.gov>

600 North Owasso Blvd subdivision proposal

Twila Greenheck <greenhecks@att.net>
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Thu, Jul 21, 2016 at 5:10 PM

Greetings Kathleen-
Sorry for the inconvenience - technology??? gets confusing sometimes.
Hope this works.

Twila

To: kcastle@shoreviewmn.gov

File No. 2625-16-24
600 North Owasso Boulevard
Shoreview MN 55126

Comments concerning Minor Subdivision and Variance Application from Todd Hinz/Summit Design Build

We own and live at 3333 Owasso Heights Road which is Lot 11 and portions of Lot B and 10, which is the property adjacent to the south of this subdivision proposal. We have lived here for over 45 years.

Our concern focuses on the west 30 foot ingress, egress easement portion of the proposal; in particular that portion that extends beyond and south of the existing garage on Parcel A.

That southern portion of the easement has implications for further development which would greatly impact our property and home. We see this easement abutting our property as a possible effort for future development within Parcel A.

There doesn't seem to be any obvious need or reason to extend the 30 foot easement beyond the existing garage. We ask that this section of the proposal be denied.

Thank you for consideration for our concerns.

Don and Twila Greenheck
3333 Owasso Heights Road
651 - 483 - 1214
greenhecks@att.net

[Quoted text hidden]

**PROPOSED MOTION
TO APPROVE**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 16-66 approving the variance to reduce the 20-foot side yard setback for the detached garage to 5-feet and to recommend approval of the minor subdivision to the City Council, subject to the following proposed conditions:

Variance

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

Minor Subdivision

1. Approval of the Minor Subdivision is contingent upon the approval of a variance reducing the required side yard setback for the detached garage on Parcel A.
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 drainage and utility easements shall be dedicated to the City as required by the City Engineer. 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. Private easements for sanitary sewer service shall be provided for Parcels B and C as identified in the memo from the City Engineer dated July 21, 2016.
5. Municipal water and sanitary sewer service shall be provided to Parcels B and C.
6. The proposed 30-foot wide ingress, egress and driveway easement shall be modified so as not to extend beyond the south lot line of Parcel B.
7. The applicants shall enter into a Subdivision Agreement with the City and shall include but not be limited to the following: site grading, tree protection and replacement, required financial sureties and fees, utilities, easements and construction management. This agreement shall be executed prior to the City's release of the deeds for recording.
8. A Grading Permit is required prior to the commencement of any site work.

9. The driveway serving Parcels A and B shall comply with the requirements as identified by the Fire Marshal.
10. The following conditions apply to Parcels B and C.
 - a. A Development Agreement for Construction must be executed prior to the issuance of a building permit for a new home on each property.
 - b. A Tree Protection and Replacement Plan shall be submitted with the Building Permit applications for the new homes on each parcel. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement for Construction.
 - c. A Grading and Drainage Plan shall be submitted with the Building Permit applications for the new homes on each parcel. The items identified in the attached memo from the City Engineer shall be addressed in this Plan.
 - d. For Parcel B, minimum structure setbacks from the property lines shall be as follows: Front – 30 feet, Side (East) – 10 feet for the dwelling unit/5 feet for accessory structures, Side (West) – 10-feet, and Rear – 40 feet.
 - e. For Parcel C, minimum structure setbacks from the property lines shall be as follows: Front – 30 feet, Side (East) – 20 feet, Rear – 40 feet, Side (West), 10 feet for the dwelling unit/5 feet for accessory structures
11. 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 improvements are consistent with the Land Use and Housing Chapters of the Comprehensive Plan.
2. The subdivision is consistent with the policies of the Development Code and the proposed lots conform to the other adopted City standards for the R-1 Detached Residential District.
3. Practical difficulty is present as stated in Resolution 16-64.

VOTE: **AYES:** **NAYES:**

Regular Planning Commission Meeting
July 26, 2016

TO: Planning Commission Members

FROM: Kathleen Castle, City Planner

DATE: July 22, 2016

SUBJECT: File No. 2606-16-05, Woolpert, Inc/Waterwalk – 4188 Lexington Avenue
(Shoreview Business Campus)

INTRODUCTION

The City received a Planned Unit Development (PUD) Concept Stage application from Woolpert, Inc., on behalf of Waterwalk, to develop the vacant property near 4188 Lexington Avenue with a corporate stay lodging facility. Neighborhood notices were mailed to property owners within 350-feet of the development site with a site plan attached showing the proposed development on the eastern side of the property. The applicant has since revised the plan and is now proposing to locate the lodging facility on the western side of the property. City staff considers the change significant. Nearby property owners were mailed noticed and informed of this revision after the 10-day public mailing notice requirement.

RECOMMENDATION

Since proper notice was not provided to residents in accordance with the City's notification requirements, the Planning Commission cannot consider this item at the July meeting. It has remained on this agenda since public notice was previously given informing property owners of the July hearing date. Staff is recommending the Commission remove this item from the agenda and inform the public that said application is tentatively scheduled to be heard at the August 23rd Planning Commission meeting.

The Commission should note that the 60-day review period does not need to be extended since this item was not determined to be complete and no formal action is taken on a PUD-Concept Stage application.

TO: Planning Commission
FROM: Niki Hill, AICP, Economic Development and Planning Associate
DATE: July 20, 2016
RE: File 2621-16-20, Text Amendment - Temporary Health Care Dwellings

BACKGROUND AND OVERVIEW

This past legislative session a bill creating a new process for local governments to permit certain types of recreational vehicles and other structures as temporary family dwellings was signed into law by Governor Dayton. The new law goes into effect on September 1, 2016 unless a City chooses to adopt their own ordinance or adopt an ordinance opting out of the legislation. The intent behind the new law is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on grandma while she recuperates from surgery, they could have grandma stay in a temporary family health care dwelling located in their yard or driveway.

The law has a broader effect and allows anyone who needs assistance with two or more “instrumental activities of daily life” for mental or physical reasons eligible to be housed in this manner. The law exempts said applicants from typical zoning authority and requires cities to approve a permit for them within 15 days. The law also allows them to be permitted with a doctor’s note for the residents and provides for exceptions to typical building, zoning, and fire regulations.

STAFF DISCUSSION

Staff has many concerns with the new law, including allowing a detached accessory dwelling unit on a single family parcel; location is not verified with the absence of a survey (as required with other permits), there is no means to process or reject a Conditional Use Permit; the permit circumvents the public process with the shortened, 15 day processing; the permit is automatically extended without any provisions with which the City may deny the extension; and there is no reference to compliance with shoreland, floodplain or wetland requirements. Citing all those concerns staff feels that the requirement could change the character of the neighborhoods.

Furthermore, there are potential issues associated with the costs and staff time needed to enforce the timely removal of such units upon expiration of the 12 months, verification of familial status, and confirmation of qualifying physical or mental conditions.

Staff feels that there are several alternative facilities that are already located in and around the community to assist a variety of different senior or health-care needs. Those include family member spare bedrooms, accessory apartments, apartments and senior apartments throughout the community, assisted living facilities, short term health care facilities, and various group homes.

Because of these and perhaps other concerns voiced by communities, the League of Minnesota Cities has drafted a sample opt-out ordinance. The League has stated that Cities may want to consider opting-out and regulating temporary dwelling units as a conditional use or, in the alternative, adopting a temporary health care dwelling ordinance that mirrors the state law with additional requirements, like front yard restriction.

TEXT AMENDMENT

Attached is a draft ordinance adding section 205.015 opting out of the temporary family healthcare dwelling legislation.

PUBLIC HEARING

Notice of the hearing has been published in the City's Legal Newspaper. No comments from the public have been received.

ECONOMIC DEVELOPMENT AUTHORITY DISCUSSION

Staff has brought the temporary health care dwelling law to the Economic Development Authority (EDA) for discussion as they act as the Housing Authority in the City. The members also cited that they have concerns as well and acknowledged that we have a variety of resources and places available for those who need health care assistance. The EDA made a recommendation to adopt an ordinance opting out of the Temporary Health Care Dwelling requirements.

RECOMMENDATION

Staff is presenting this matter to the Planning Commission for discussion. Staff is concerned about the potential impact to the City and the implications of losing some of our zoning powers. Staff is recommending that the Planning Commission review the materials and forward a recommendation to the City Council to adopt an ordinance opting out of the requirements of the bill. If the Commission believes there is a need for this type of housing in the community, the recommendation should also ask the Council to direct staff to develop an ordinance in the future.

Attachments

- 1) League of MN Summary Memo
- 2) Ordinance
- 3) Motion Sheet



Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire for transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalyst behind the legislature taking on this initiative. The resulting Temporary Family Health Care Dwelling Law (“Temporary Dwelling Law”) allows for a family to more easily care for “mentally or physically impaired person[s]” while they recuperate from surgery by having them stay in a “temporary dwelling” on the property

Does the new law allow cities to craft their own permits?

No, not if the city does not opt-out of the statute. The law provides for a very specific permit application and process, which includes certification by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the dweller suffers from a mental illness or physical disability that makes the dweller unable to perform two or more instrumental activities of daily living. The law does limit the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling. The legislature, however, did not include an age requirement for the mentally or physically impaired dweller, expanding the reach of this law beyond caring for an elderly parent. Additionally, the law preempts local zoning by specifically exempting these temporary dwellings from a city’s accessory use or recreational vehicle regulations. As a result, under the law, if setback requirements are otherwise met, a city would have to grant a permit for a pod in the front yard or driveway for one of these temporary dwellings.² The cities do have flexibility as to amounts of the permit fee, which sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless city provides otherwise by ordinance.

What does the Temporary Health Care Dwelling Permit require?

The mandatory application requests very specific information including, but not limited to:³

¹ [Temporary Family Health Care Dwellings Bill](#)

² The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

³ Minn. Stat. 462.3593, subd. 3 sets forth all the application criteria.

- Identity information of not only the property owner, the resident of the property (if different than the owner), the primary care giver, as well as the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more instrumental activities of daily life;
- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

The law requires the application be signed by all of the following: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Do cities follow the Section 15.99 permit process under the new law?

Kind of. The law creates a new type of expedited permit process. The statute applies the permit approval process found in Minn. Stat. § 15.99, but only allows the local government unit 15 days (rather than 60 days) to make a decision on granting the permit (no extension). It waives the public hearing requirement and allows the clock to restart if an application is deemed incomplete, as long as notification to the applicant of the defects in the application occurs within five days. For those councils that regularly meet only once a month, the law provides for a 30-day decision.

What types of structures qualify as temporary structures under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must primarily be pre-assembled, cannot exceed 300 gross square feet, cannot attach to a permanent foundation, must meet state accessibility standards, must provide access to water and electrical utilities (by connecting to principal dwelling or by to other comparable means), must have compatible standard residential construction exterior materials, must have minimum insulation of R-15; must be portable (as defined by statute) and must contain backflow check valve.⁴

⁴ Minn. Stat. 462.3593, subd. 2 sets forth all the structure criteria.

Can cities revoke these permits?

Yes but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

Do cities have to follow the Temporary Family Health Care Dwelling law?

No, but to avoid doing so, cities must take action. Local governments may opt out of this program but *must pass an ordinance to do so*. This seems to be a complete opt-out, not a partial opt-out; so cities cannot adopt only a part of the statute. Many cities have indicated to the League that the property owners in their jurisdiction have adequate access to a permit for this type of use through existing local land use controls and permitting authority. Other cities may choose to adopt their own temporary dwelling requirements or amend their existing conditional use ordinances to allow temporary dwellings as a permitted use. If a city does not pass an ordinance to opt-out, the law requires the city to issue permits to qualified applicants starting on September 1, 2016. Because the law does not make it clear whether the opt-out ordinance represents adoption or an amendment of an official control, the city may want to err on the side of caution and treat it as such.

Should cities opt-out?

It depends. While these new temporary dwellings may meet an emerging community need, the implication of the law does raise questions. Why opt-out? Cities should consider the below when analyzing whether to opt out. If a city does not opt out, then:

- The local authority loses control of zoning for these type of structures;
- The city's other zoning for accessories or recreational vehicles do not apply;
- The city has no authority to add additional requirements, like prohibiting these structures from front yards or driveways;
- Although not necessarily a legal issue for the city, not having the individual who has the physical disabilities or mental illness or that individual's power of attorney sign the permit application and a consent to release of his or her data causes discomfort⁵;
- The application's demand for potentially protected identifiable health information that a caregiver must sign, when the caregiver may, in some instances, work on behalf of a HIPAA covered entity (thought likely just the caregiver's concern), could be troubling; and
- The application data requested will likely result in the city possessing additional confidential, private data governed by the Minnesota Data Practices Act.

⁵ In addition to other concerns and though many would argue these temporary dwelling facilities further protection of vulnerable adults, which, in most instances, would likely happen, these temporary dwellings do have the potential to create situations of maltreatment of vulnerable adults as well.

Because of these and perhaps other concerns, the League has drafted a sample opt-out ordinance. Cities may want to consider opting-out and regulating temporary dwelling units as a conditional use⁶ or, in the alternative, adopting a temporary health care dwelling ordinance that mirrors the state law with additional requirements, like front yard restrictions or having the dweller or the dweller's power of attorney sign the application as well. With the complexities of this new law and its potential impact on cities, the League recommends consulting with your city attorney. See LMC Model: [Temporary Family Health Care Dwellings Ordinance](#)

⁶ Keep in mind, the debate surrounding the law included consideration of this as a conditional use but advocates for these Temporary Family Health Care Dwellings opposed this because the time the CUP permit process takes generally does not work for the more immediate family situations giving rise to this legislation.

PROPOSED ORDINANCE

CITY OF SHOREVIEW

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF SHOREVIEW ORDAINS as follows:

Section 205 of the Municipal City Code Chapter is amended by adopting the following:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION 205.015 Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Shoreview opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2016, by the City Council of the City of _____.

CITY OF _____

By: _____

ATTEST:

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend the City Council approve the Ordinance opting out of recently passed legislation (Chapter 111, 2016 Minnesota Session Laws) requiring cities to permit temporary family health care dwelling units.

VOTE:

AYES: _____

NAYS: _____

Regular Planning Commission Meeting – July 26, 2016