

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
February 25, 2014**

**CALL TO ORDER**

Chair Solomonson called the February 25, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioners McCool and Thompson were absent.

Chair Solomonson welcomed newly appointed Planning Commissioner Kent Peterson who filled the vacancy created by Gerry Wenner. Chair Solomonson thanked Former Commissioner Wenner for his many years of service on the Planning Commission.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Proud, seconded by Commissioner Schumer to approve the February 25, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 5 Nays - 0

**APPROVAL OF MINUTES**

Commissioner Proud requested the following changes:

Page 5, last paragraph, second sentence “applicant’s economic situation” should be changed to “applicants’ economic justification.”

Page 7, third paragraph, last sentence should state... “be another six months before there could be a review of the same application,” which is to delete the word “and.”

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the January 28, 2013 Planning Commission meeting minutes, as amended.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Peterson)

**REPORT ON CITY COUNCIL ACTIONS:**

**Presentation by City Planner Kathleen Castle**

The City Council approved the following applications forwarded by the Planning Commission:

- Planned Unit Development, Development Stage Review and Comprehensive Plan Amendment for Hummingbird Floral & Gifts
- Text Amendment for Subsurface Sewage Treatment Systems
- Wireless Telecommunication Facility Permit for Crown Castle
- United Properties for Redevelopment with Senior Housing at 4785 Hodgson and 506 Tanglewood
- Pulte Homes for a 25-Lot Subdivision at 5878 Lexington

## **NEW BUSINESS**

### **RESIDENTIAL DESIGN REVIEW/VARIANCE**

**FILE NO.:** 2516-14-06  
**APPLICANT:** JAY HOPPE  
**LOCATION:** 707 SCHIFSKY ROAD

#### **Presentation by Senior Planner Rob Warwick**

The applicant seeks the following variances for a house addition:

- Increase permitted foundation area from the existing 1,759 square feet(28.6%) to 2,057 sq. ft. (33.4%).
- Increase permitted impervious surface from 2,775 square feet (45.1%) to 2,969 square feet (48.3%)
- Reduce the front setback from the south lot line from 25 feet to 12 feet
- Reduce the rear setback from the north lot line from the minimum 30 feet to 1.1 feet

A Residential Design Review is required because the property does not conform to the minimum lot requirements for a riparian lot since the lot area is 6,150 square feet, less than the 15,000 sq. ft. minimum area for a standard lot. The lot has frontage on the east side of Turtle Lake and is developed with a one-story house and attached garage. Access is from the south. The existing storage shed located on the lakeside of the property would be removed. The improvements include:

- A 15- by 30.5-foot (457 sq. ft.) partial second story;
- A 2- by 14-foot (28 sq. ft.) onto the west lakeside of the house;
- A 5- by 7-foot (35 sq. ft.) front entry stoop (12 feet from the front property line); and
- A 10- by 22-foot (220 sq. ft.) garage addition (1.1 feet from the north lot line).

The property is zoned R1, Detached Residential and is in the Shoreland District for Turtle Lake. The structure setback from the Ordinary High Water (OHW) is in compliance, but variances are needed from the front (south) and rear (north) lot lines. The Building Official notes that construction less than 5 feet from the property line must use methods that retard the spread of

fire. The proposed 1.1 foot setback for the garage creates impacts for construction and stormwater management.

The applicant justifies the variance requests stating that practical difficulty exists with the lack of storage space for lake recreation equipment. The house has no basement.

The neighborhood has poor soils and a high water table, which is why houses are developed on slabs or over crawl spaces. The lake lots are small with a high percentage of impervious coverage. There are larger homes and garages on non-riparian lots to the east on Schifsky Road.

Staff believes there is practical difficulty for the front and rear setback variance requests. The required setbacks of 25 feet for the front and 30 feet for the rear would exceed the depth of the entire lot. There is no buildable area without variance relief. Any expansion would require a variance, which is a practical difficulty and unique circumstance.

Staff finds less reason for practical difficulty for the foundation area of the house and impervious surface. The existing foundation area and impervious surface exceed current regulations and can be reused. The proposed improvements seem to exceed development capacity of the site and are too intense. City standards for impervious surface coverage are stricter for riparian lots to minimize impact to water quality.

Property owners within 150 feet were notified of the application. One resident responded with concern about construction, parking and storage. No written comments were received.

Staff finds that the proposed improvements are too intense for the property and is recommending denial of the variance requests and Residential Design Review.

Commissioner Ferrington asked if the stoop would be included in the foundation area calculation. Mr. Warwick answered yes, and noted the cantilevered portion and the addition are all included in the foundation area. She further asked if the proposed pervious pavers to replace the patio are counted as impervious surface. Mr. Warwick responded that it is questionable whether the pavers will be effective because of the high water table.

Chair Solomonson asked if the existing front setback is 12 feet. Mr. Warwick stated that it is now 14 feet. Chair Solomonson noted a 15-foot driveway easement for access to 703 Schifsky. Mr. Warwick stated that only a small portion of that easement would count as impervious surface on the applicant's property since it is largely located on the property at 703 Schifsky.

Commissioner Ferrington asked the width of the easement. Mr. Warwick explained that Schifsky Road is a 40-foot right-of-way which terminates approximately 15 feet east of the corner of 707. South of 707 there is a parcel that is a 20-foot strip used as a lake access lot for a group of homeowners. It is privately owned. The parcel south of that strip is a second easement, 10-feet wide, that provides lake access to a different group of homeowners. Neither of those two parcels are buildable, which makes the property at 707 appear more open. Three houses to the south were granted variances for impervious surface using the rationale that they were encumbered with the 30-foot driveway easement.

Commissioner Ferrington asked how this proposal would be impacted by future planned road improvements. Mr. Warwick stated that any rights the City has would unlikely extend past the pavement already installed. Even if improved, the street will not be through. It will be for private use, not public use. Curb and gutter will be added, but he does not anticipate the road becoming much wider.

Commissioner Schumer asked if the driveway at 707 is on the easement. Mr. Warwick stated that it is on the private easement.

Chair Solomonson asked if the proposed second story would have to comply with the Building Official's fire wall requirements. Mr. Warwick answered that the second story would have greater than a 5-foot setback and would not need to comply with the stipulations of the Building Official. Chair Solomonson noted the unique circumstance of the front of 707 being oriented north/south while the front of neighboring homes are oriented east/west.

**Mr. Tim Sullivan**, RDC Architects, stated that he represents the applicant. Commissioner Ferrington asked him to further explain the 2 foot by 14 foot addition to the living room. **Mr. Sullivan** stated that space was sacrificed to add a front entry. That is the reason for the expansion. He stated that 704 and 708 have similar circumstances, and their variances were approved. There is 200 square foot patio on the southwest corner of 707. He asked if the impervious surface problem would be solved if the shed, patio and sidewalk to the patio were removed. Ms. Castle stated that applicant can maintain the current amount of impervious surface. Anything above that would need a variance.

**Mr. Sullivan** stated that 707 is the smallest lot on the lake. Access from the side is the reason for needing the variances for setbacks. Front and rear setbacks are being applied to what would otherwise be side setbacks. He is trying to understand why the shed is not considered part of the foundation area, but the cantilever and a roof overhang would be considered part of the foundation area. Mr. Warwick stated that sheds are included in foundation area only when it exceeds 150 square feet. Overhangs are not considered part of the foundation, but cantilevers are part of the foundation.

**Mr. Sullivan** stated that because of the unique circumstances of this lot, he believes variance relief is warranted for adequate storage space.

Chair Solomonson stated that he agrees there are unique circumstances for this property. He likes the plan and would support it except for the third stall garage, which is too much for this property. The lot is not a standard size. Further expansion on a non-standard small lot does not make sense.

Commissioner Ferrington agreed and added that lot coverage may be taken care of by the architect's suggestion to remove the patio. A nice improvement is the stoop, but she would prefer to not have the 2 foot by 14 foot extension on the lake side. The third stall garage overbuilds the lot. The size of the lot cannot be changed, and some things may need to be stored off-site. She noted that although variances would be needed for a second story addition because

of the existing nonconforming setbacks, if there is no cantilever with the second story, foundation area would not be impacted.

Commissioner Proud stated that one way to solve many problems of this property would be to explore the purchase of additional property to the south, which is only used for ingress and egress. It is a good plan, but he cannot support the variances.

Commissioner Schumer agreed that the third stall garage is too much for the property. He has no problem with the 2 foot by 14 foot extension on the lake side. He cannot support the proposal as it is presented.

Commissioner Peterson stated that he understands the reason to update the home on this nice location, but as presented, it is contrary to Code and does not conform.

**Mr. Jay Hoppe**, 1010 Sherwood Road, asked if the plan would be acceptable if he were to eliminate the third car stall and would like the opportunity to present such a revised plan.

MOTION: by Commissioner Ferrington, seconded by Commissioner Proud to table this proposal to the next Planning Commission meeting and extend the review period to 120 days.

VOTE: Ayes - 5 Nays - 0

## MISCELLANEOUS

### City Council Meetings

Commissioners McCool and Chair Solomonson will respectively attend the March 3rd and March 17th City Council meetings.

### Workshop

The Planning Commission held a workshop meeting immediately following this meeting.

## ADJOURNMENT

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to adjourn the meeting at 8:15 p.m.

VOTE: Ayes - 5 Nays - 0

ATTEST:

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Kathleen Castle  
City Planner