

DRAFT

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
June 24, 2014**

**CALL TO ORDER**

Chair Solomonson called the June 24, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioner McCool arrived at 7:02 p.m.

Commissioner Peterson was absent.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the June 24, 2014 Planning Commission meeting agenda as submitted.

VOTE:                   Ayes - 6                   Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner Schumer, seconded by Commissioner Ferrington to approve the May 27, 2013 Planning Commission meeting minutes, as submitted.

VOTE:                   Ayes - 6                   Nays - 0

**REPORT ON CITY COUNCIL ACTIONS:**

City Planner Kathleen Castle reported that the City Council approved the following at its June 16, 2014 meeting:

- Comprehensive Sign Plan for Identi Graphics
- Comprehensive Plan Amendment for Surface Water

**OLD BUSINESS**

**VARIANCE**

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

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

Setback variances are requested to build a detached accessory structure. At the last meeting, the Planning Commission tabled this application due to concerns with the size of the structure. The plans have been revised and the structure reduced in size. The variances requested are:

- Exceed the maximum size permitted to build a 484 square foot structure; the maximum allowed is 208 square feet. This is a reduction from the originally proposed 576 square feet.
- Exceed the combined area permitted for all accessory structures on the property from 1200 square feet to 1471 square feet. This is a reduction from the original request of 1563 square feet.
- The setback variance originally requested on Kimberly Lane is no longer needed, as the location of the structure has been changed.

The property is a substandard riparian lot on Turtle Lake and is zoned R1, Detached Residential. It is just under one acre in size. The house is 2,441 square feet and two stories. There is a walkout basement on the lake side and an attached 987 square foot garage. Frontage is on Kimberly Lane, an unimproved public road.

The proposal is to remove an existing concrete slab and build the accessory structure in the same location. Dimensions of the new garage would be 22' x 22' or 484 square feet. An interior upper storage space is 6 feet in height accessible with a pull-down ladder. The design complies with all City requirements.

On lots less than one acre in size, an accessory structure cannot exceed 750 square feet or 75% of the dwelling foundation. The combined area of all accessory structures cannot exceed 1200 square feet or 90% of the dwelling foundation.

The applicant states that practical difficulty exists. The proposed structure is consistent with other lake lots where garages are in the front yard, including the adjacent property to the north at 5114 Lexington Avenue. There will be minimal impact to the neighborhood because of the characteristics of lake lots and adjoining properties and because Kimberly Lane is an unimproved public road. The subject property is an oversized lot of 0.77 acre so that a structure of this size would not detract from the existing home or neighborhood. The property previously had a detached accessory structure, which was removed due to disrepair.

Staff agrees that there is practical difficulty. A detached garage is a reasonable use on this oversized lakeshore property. The total square footage of all accessory structures would be 60% of the dwelling foundations area. The property is unique due to its lakeshore frontage and shared driveway access on the unimproved Kimberly Lane. The property is larger than the minimum required for riparian parcels. There is screening to minimize impact to neighbors.

One written comment was received. Staff is recommending approval of the proposal subject to the conditions listed in the staff report.

DRAFT

Commissioner McCool noted that the previous accessory structures were removed when the home was built because of the size of the attached garage. He asked what size a lot would be that would allow accessory structures that exceed the limit. Ms. Castle explained that when a lot that is one acre or more, there is more leniency in granting additional square footage for accessory structures through the conditional use permit process.

Commissioner Ferrington asked for clarification of the revised regulations to accessory structures in 2006. Ms. Castle stated that the regulations were revised to be more restrictive due to visual impacts on neighborhoods. The regulations are based on the size of the property and size of the dwelling unit. Commissioner Ferrington added that the accessory structure cannot be the dominant feature or structure on the property.

Chair Solomonson suggested that as a property is larger approaching one acre, the application possibly should be for a conditional use permit. He asked if the conditions for the variance are similar to those for a conditional use permit. Ms. Castle stated that conditions for a conditional use permit include screening, exterior design and setbacks. There is no mention of setbacks in the conditions for this application because the setbacks exceed what is required.

Chair Solomonson suggested a future workshop discussion regarding using variances or conditional use permits for larger lots.

**Mrs. Peirson** stated that after hearing the Commission's concerns, the plan was changed to reduce the size, change the alignment of the garage and put in the drop-down stairway. They tried to eliminate any variance not needed.

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

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The exterior design and construction of the structure must comply with Section 205.082 (5e), Exterior Design and Construction.
5. Use of the accessory structure shall be for personal use only and no commercial use or commercial related storage is permitted.

Said approval is based on the following findings of fact:

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

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

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

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

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

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

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

VOTE:                      Ayes - 6                      Nays - 0

DRAFT

**MINOR SUBDIVISION/VARIANCE**

**FILE NO: 2530-14-20**  
**APPLICANT: MOSER BUILDERS**  
**LOCATION: 3339 VICTORIA STREET NORTH**

**Presentation by City Planner Kathleen Castle**

This application is to divide the property into two parcels for single-family residential development. A variance is requested to exceed the maximum 67.5 foot setback permitted from the front property line. The setback for Parcel 1 would be 255.4 feet and for Parcel 2, 272.1 feet. The application was tabled at the last Planning Commission meeting in order to obtain a wetland delineation on the property. The two parcels requested do comply with subdivision and lot standards for R1 zoning. The building pads comply with the 944.6 elevation for high water.

The property consists of 1.5 acres with a lot width of 91.17 feet at Victoria Street. The property is a key lot that abuts the rear lot line of homes to the north. All previous structures have been removed. The zoning is R1, Detached Residential. The wetland is located in the northwest and southwest corners of the property.

Since the last review of the application, it was determined that the building pads encroached into the wetland. They have been shifted to the east. There is a 16.5 foot buffer to the wetland on Parcel 1 and a 10-foot buffer on Parcel 2. The proposed buffers have been reviewed by the City Engineer and are acceptable based on the function of the wetland. Storm water would be directed to wetlands on the site and towards the front lot line retaining historical drainage patterns. Impervious surface coverage is in compliance. For these reasons, the City Engineer is not requiring surface water calculations.

One driveway entrance provides access off Victoria and will split for Parcels 1 and 2. Any landmark trees that are removed must be replaced on a 2 to 1 ratio.

The applicant states that practical difficulty is present with the unique configuration of the property being narrower toward Victoria Street. The proposed building pad locations are based on lot characteristics. Variable setbacks are found in the neighborhood. There is no adverse impact to the neighborhood. Development of this property with two new residential homes is its highest and best use.

Notices were sent to property owners within 350 feet of the site. Written and oral comments were received regarding concerns about site conditions, surface water, wetland impacts, suitability for development, landscape screening/fencing, and the assertion that practical difficulty is not present.

Staff finds that practical difficulty is present. The subdivision is a reasonable for this oversized lot and complies with City standards. There are unique circumstances with the odd lot configuration and the buildable area toward the rear of the property. Staff is recommending

DRAFT

approval of the variance and that the subdivision be forwarded to the City Council for approval. Conditions of approval include wetland buffers, a tree plan and landscaping and screening.

Commissioner Ferrington noted that one resident cites Ramsey County information that this parcel is 0.9 acre. Ms. Castle stated that both the developer and the City have had the property surveyed and both surveys find the property to be 1.5 acres.

Chair Solomonson asked how the wetland functions. Ms. Castle explained that surface water flows to the wetland. Any overflow goes into Lake Judy. The wetland is at an elevation of 942.6.

Commissioner Ferrington asked what portion of the building pad will be used for the new homes. Mr. Moser stated that it is difficult to say how much of the building pad will be used for the homes because he is a custom home builder. In general, the building pads are larger than the footprint of the home.

Chair Solomonson opened the discussion to public comment. There was none.

Commissioner McCool stated that he is concerned about the character of the neighborhood due to the large setbacks. However, he does believe the proposal is reasonable for the size and configuration of the lot.

Commissioner Proud added that this development adds openness to the neighborhood. He does not believe it is inconsistent to have the homes located at the rear. It gives a less congested appearance.

Commissioner Ferrington stated that this is a creative solution to the property. It would look better if the driveway was split further into the property, not at the beginning.

**MOTION:** by Commissioner Ferrington, seconded by Commissioner Proud to approve the minor subdivision and adopt Resolution 14-40, subject to five conditions and 11 minor subdivision conditions; the approval is based on the five findings.

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

***Variance***

1. Said approval is contingent upon approval of the Minor Subdivision by the City Council.
2. The project shall be constructed in accordance with the submitted plans. Any significant change to the plan, as determined by the City Planner, shall require review and approval of the Planning Commission.
3. This approval will expire after one year if the minor subdivision has not been recorded.
4. The project is subject to the terms of the Development Agreement for the property.

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

***Minor Subdivision***

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

Said approval is based on the following findings of fact:

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

DRAFT

VOTE:

Ayes - 6

Nays - 0

**NEW BUSINESS**

**PUBLIC HEARING/CONDITIONAL USE PERMIT**

**FILE NO.:** 2531-14-21  
**APPLICANT:** RICK AND CATHERINE SCHETT  
**LOCATION:** 3469 HARRIET COURT

**Presentation by Senior Planner Rob Warwick**

The application seeks approval for construction of a 77.25 square foot gazebo, which will be the second accessory structure on the property. There is an existing 80 square foot shed that was built in 2013. The total area will exceed the 150 square foot limit.

The property is zoned R1, Detached Residential. The lot is irregular with total area of 17,000 square feet. It is developed with a single family house with an attached garage of 440 square feet and a detached shed of 80 square feet. The proposed gazebo is a pre-fabricated octagonal with 4 feet on each side. The diameter is 10 feet with total area of 77.25 square feet. The height 12 feet from grade to the cupola peak. The proposed location is in the rear yard near an existing deck on the house.

Two detached accessory structures are permitted in the R1 District. For parcels of less than one acre, the maximum total floor area for detached structures is 150 square feet except with a conditional use permit which allows up to 288 square feet. The total area of all attached and detached accessory structures cannot exceed the lesser of 90% of the foundation area of the dwelling or 1200 square feet. With the gazebo, accessory structure area on this property would be just over the 150 square feet allowed.

Accessory structures must have a minimum of 10 feet from all lot lines with a conditional use permit. The maximum height is 18 feet. Exterior materials must be compatible with the dwelling. The setbacks, height and materials comply with these standards. Because the gazebo will be located near the house, the house will provide screening.

A public hearing notice was published. Notice was also mailed to property owners within 350 feet. One comment was received expressing concern that a second detached accessory structure will make the property look cluttered. Staff believes that the limit of two detached accessory structures addresses this concern.

Staff finds the proposal is consistent with City standards and the intent of Development Code. The public hearing is recommended and that the application be forwarded to the City Council with a recommendation for approval.

City Attorney Kelly stated that publication for the public hearing has been reviewed and found to be proper.

DRAFT

Chair Solomonson opened the public hearing. There were no comments.

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

VOTE: Ayes - 6 Nays - 0

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

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The design of the gazebo shall be consistent with the plans submitted. The gazebo shall be stained within one year of completion.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The structure shall be used for recreational and leisure use consistent with the residential use of the property.
5. The structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

1. The proposed accessory structure will be maintain the residential use and character of the property and is therefore in harmony with the general purposes and intent of the Development Ordinance.
2. The primary use of the property will remain residential and is in harmony with the policies of the Comprehensive Guide Plan.
3. The conditional use permit standards as detailed in the Development Ordinance for residential accessory are met.
4. The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.

VOTE: Ayes - 6 Nays - 0

## **MISCELLANEOUS**

### **City Council Meeting Assignments**

Chair Solomonson and Commissioner McCool will respectively attend the July 7, 2014 and July

DRAFT

21, 2014 City Council meetings.

**Joint Workshop**

The Planning Commission will meet jointly with the City Council and Economic Development Authority on July 14, 2014, to discuss the Highway Corridor Transition Study.

**ADJOURNMENT**

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to adjourn the meeting at 8:05 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

---

Kathleen Castle  
City Planner