

**AGENDA  
PLANNING COMMISSION MEETING  
CITY OF SHOREVIEW**

**DATE: February 24, 2015  
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**  
*January 27, 2015*

*December 16, 2014 Workshop Minutes  
Brief Description of Meeting Process – Chair Steve Solomonson*

**3. REPORT ON CITY COUNCIL ACTIONS**  
*Meeting Date: February 2, 2015 and February 17, 2015*

**4. NEW BUSINESS**

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

*File No: 2561-15-04  
Applicant: Michael Weber  
Location: 4136 Reiland Lane*

**B. MINOR SUBDIVISION/VARIANCE**

*File No: 2560-15-03  
Applicant: James Gordon Medin  
Location: 4135 Rice Street*

**5. MISCELLANEOUS**

*A. City Council Assignments for March 2<sup>nd</sup> 2015 and March 16<sup>th</sup> 2015  
Commission Members Solomonson and Ferrington*

*B. Planning Commission Workshop after the regular meeting.  
February 24<sup>th</sup>, 2015*

**6. ADJOURNMENT**

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES  
January 27, 2015**

**CALL TO ORDER**

Chair Solomonson called the January 27, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL**

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

Commissioner Schumer was absent.

**APPROVAL OF AGENDA**

Chair Solomonson noted that the Planning Commission will meet in a workshop session immediately following the meeting.

MOTION: by Commissioner Proud, seconded by Commissioner McCool to approve the January 27, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 6 Nays - 0

**APPROVAL OF MINUTES**

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to approve the December 16, 2014 Planning Commission meeting minutes, as presented.

VOTE: Ayes - 6 Nays - 0 Abstain - 1 (Peterson)

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Castle stated that there were no actions to report.

**NEW BUSINESS**

**PUBLIC HEARING - TEXT AMENDMENT-SECTION 210 AND 211- PROPERTY MAINTENANCE, NUISANCES AND ABATEMENTS**

**FILE NO.:** 2558-15-01  
**APPLICANT:** CITY OF SHOREVIEW  
**LOCATION:** CITY WIDE

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

The text amendment proposed is to Section 210, *Nuisance*, and Section 211, *Property Maintenance*, to define tall grass and weeds as a public nuisance and clarify the abatement process. The first amendment to Section 211 specifies that lawn areas cannot exceed 9 inches in height. Native grasses are an exception. Vacant properties cannot have non-woody vegetation exceeding 18 inches in height. The reference to the Minnesota Statute section on noxious weeds is deleted, as that section has changed. The reference in the Code will just be to Minnesota Statutes.

In Section 210, *Nuisance*, 210.010 (B) language would be added to identify tall grass and weeds as a public nuisance. The reference to Minnesota Statutes is also updated.

Section 210.020, *Abatement Procedure* would be amended to add language to include noxious weeds and tall grass. The abatement procedure requires the Council to hold a public hearing after which abatement may be ordered immediately.

Notice of this public hearing was published in the City's legal newspaper. No public comments were received. One Commissioner questioned the use of the term "growth height," suggesting the term be changed to "height."

Staff recommends the Text Amendment be forwarded to the City Council with a recommendation for adoption.

Chair Solomonson noted that he did not reference this item as a public hearing in the agenda and asked if the agenda should be changed. City Attorney Kelly agreed the agenda should be amended to reflect this item as a public hearing. He added that the notice for the public hearing was proper.

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

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

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

Commissioner Proud suggested the word "growth" and "growth height" be eliminated and that only the term "height" be used in each case that the two terms are referenced in order not to create ambiguity.

Chair Solomonson asked if the term "growth" is from state statute language. Ms. Castle answered, no, and she could not find use of the term in the horticulture industry.

Commissioner McCool stated that in Section 211.060 and 210.020 usage of the word "growth" is a different meaning. He would not propose eliminating the word "growth" but only eliminating it when it is used in the term "growth height."

Commissioner Proud suggested tabling this matter to the next meeting to give staff time to make sure the wording is consistent.

Commissioner McCool responded that the specified change could be stated in the motion, as the Commission is not granting approval but forwarding it to the City Council.

**MOTION:** by Commissioner Proud, seconded by Commissioner Peterson to adopt Ordinance # approving the text amendment to Chapter 200, Development Code, including Section 210, Nuisances and Section 211, Property Maintenance, related to tall grass and weeds with the provision that the word “growth” is removed when used in the term “growth height.”

The recommendation is based on the following finding:

1. The proposed text change clarifies the City’s code enforcement practice relating to tall grass and weeds and supports neighborhood preservation efforts.

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

## **MISCELLANEOUS**

### **City Council Assignments**

Commissioners McCool and Doan will respectively attend the February 2, 2015 and February 17, 2015 City Council meetings.

### **2015 Planning Commission Chair and Vice Chair**

City Planner Castle reported that at the City Council’s January 5, 2015 meeting, Chair Solomonson was reappointed as Chair and Commissioner McCool as Vice Chair.

### **Workshop**

Chair Solomonson noted that the Planning Commission will hold a workshop meeting at 6:00 p.m. immediately prior to the next regularly scheduled meeting on February 24, 2015.

### **Joint Workshop**

Chair Solomonson stated that the Planning Commission will meet in a joint workshop with the City Council to review accessory structure regulations on February 9, 2015.

### **Workshop**

The workshop after this meeting will focus discussion on building heights.

This was Commissioner Proud's last meeting. Commissioners thanked him for his 17 long years of service. He has been a valued member who has offered good insight which has improved the Commission's work.

Commissioner Thompson thanked Commissioner Proud for all the help he has given her as a new member to the Commission. His experience and knowledge are really appreciated.

**ADJOURNMENT**

MOTION: by Commissioner Ferrington, seconded by Commissioner Thompson to adjourn the meeting at 7:23 p.m.

VOTE: Ayes - 6 Nays - 0

ATTEST:

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Kathleen Castle  
City Planner

**TO:** Planning Commission  
**FROM:** Niki Hill, Economic Development and Planning Associate  
**DATE:** February 20<sup>th</sup>, 2015  
**SUBJECT:** File No. 2561-15-04, Weber – 4136 Reiland Lane, Variance and Conditional Use Permit

### **INTRODUCTION**

Michael Weber proposes to construct a 280 square foot detached accessory structure on his property at 4136 Reiland Lane. The proposal requires a Conditional Use Permit since the property is less than 1 acre and the proposed shed exceeds 150 square feet in area. The intent of the CUP process is to review the proposal in terms of the Development Code standards and consistency with the Comprehensive Plan. The applicant proposes to build the shed 6 feet from the rear lot line, which is less than the 10 foot required setback. As such, a variance has been requested.

### **PROJECT DESCRIPTION**

The property is located on the west side of Reiland Lane in the R1, Detached Residential District as are the surrounding properties to the North, South, and West. Snail Lake Regional Park lies to the East of the property. According to tax records, the lot has an area of 17,424 square feet. The property has a width of 118 feet with a depth of 149.00. The property is developed with a single family home that has a foundation area of 1,724 square feet with a 576 square foot attached garage.

The applicant plans to construct a 280 square foot, 14' x 20' shed in the rear of their house. The proposed shed will be placed 10 feet from the north property line and 6 feet from the east property line. The 6' from the east property line is less than the required 10' setback and as such a variance is being requested. The structure location will be approximately 29 feet northeast of the house. On lots under 1 acre, a Conditional Use Permit is required to construct an accessory structure over 150 square feet. The applicant will submit a building permit application for this, which will be reviewed administratively upon conclusion of the Conditional Use Permit review process. Please see the attached plans.

### **DEVELOPMENT CODE**

#### ***Accessory Structures – Section 205.082(C)(2)***

The accessory structure regulations were revised in 2006, adopting standards to ensure the compatibility of these structures with surrounding residential uses. In the R-1 District, two

detached accessory structures are permitted. On parcels with an area less than 1 acre, accessory structure floor areas that are larger than 150 square feet but less than 288 square feet require a Conditional Use Permit. The Conditional Use Permit process enables the City to review the proposed use for compliance to the Development Code standards and ensure compatibility with nearby land uses through a public hearing. The combined area of all accessory structures cannot exceed 90% of the dwelling unit foundation area or 1,200 square feet, whichever is more restrictive.

Accessory structures must be setback a minimum of 5 feet from a side lot line and 10 feet from a rear lot line, except when a Conditional Use Permit is required the minimum setback increases to 10 feet from all property lines. The maximum height permitted for detached accessory structures is 18 feet as measured from the roof peak to the lowest finished grade; however in no case shall the height of the structure exceed the height of the dwelling unit. In addition, sidewalls cannot exceed 10 feet and interior storage areas above the main floor cannot exceed an interior height of 6 feet.

The exterior design of the structure must be compatible with the dwelling and be similar in appearance from an aesthetic, building material and architectural standpoint. The proposed design, scale, height and other aspects related to the accessory structure are evaluated to determine the impact on the surrounding area. Building permits may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not detract from the area. The intent of these regulations and the City's Comprehensive Plan's policies is to ensure that the residential character of the property and neighborhood is maintained and that dwelling unit remains the primary feature and use of the property.

***Conditional Use Permit – Detached Accessory Structure – Section 205.082(D) (5)***

Attachment A summarizes the standards which must be met for the Conditional Use Permit to be granted. These standards address location, structure setbacks, screening, and exterior design. In addition, a Conditional Use Permit can only be granted upon the finding that the proposed use is in harmony with and conforms to the Comprehensive Plan policies and Development Code standards.

The proposal was reviewed in accordance with the Conditional Use Permit standards identified in the Development Code. The proposed structure complies with the City's standards regarding setback, height, and exterior design.

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

	Existing	Proposed	Development Code Standard
<b>Area</b>			
<b>Shed (Proposed)</b>	N/A	280 sf	150 sf to 288 sf for a detached structure
<b>Attached Garage</b>	576 sf	576 sf (33.4% of dfa)	1,000 or 80% (1000 sf) of the dwelling unit foundation, whichever is less.
<b>All Accessory Structures</b>	576 sf	856 sf (49.7% of dfa)	1,200 sf or 90% of the dwelling unit foundation area ( <b>1,200 sf</b> ) – whichever is more restrictive
<b>Setback</b>			
- Side lot line	N/A	10 feet	10 ft
- Rear lot line	N/A	6 feet*	10 ft
<b>Height</b>			
- Roof Peak	N/A	14.5 ft	18 ft
- Sidewall	N/A	8 ft	10 ft
<b>Exterior Design</b>		Similar roof design as existing house, similar shingles to Snail Lake Park shelters, and 12 inch wide vertical cedar boards with 1x3 inch cedar boards for battens colored to match house.	Compatible with the residence and be similar in appearance
<b>Screening</b>		Only visible to one neighbor. Plan to plant mutually acceptable vegetation to screen.	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing

\* The 6ft setback is less than the required 10ft and a Variance has also been requested.

#### ***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 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 AND JUSTIFICATION OF PRACTICAL DIFFICULTY**

The applicant states that the detached accessory building will be used for storage of wood for his woodworking hobby and storage of outdoor equipment such as a lawn tractor and an 18.5 foot long canoe. The uses are incidental to the residential use of the property.

The applicant identifies that the variance is being requested in large part due to the need for removal of two trees – including a landmark Maple - and potential harm to the root system of adjacent large oak trees as well as erosion/grading issues due to topography of the hillside on the western portion of the proposed location. The applicant states that the variance would be in line with section 209.050 Vegetation & Woodlands B (b)

*Development shall be conducted so that the maximum number of trees, in particular landmark trees, are preserved by the clustering of structures in existing cleared areas and natural clearing, and the utilization of other site design techniques. Design of the site and construction activities shall be conducted in a manner to avoid likely injury to Landmark Trees.*

Furthermore, placing the shed higher on the hill, at the required setback, would make the shed more visible from the street, requiring additional screening methods.

Please see attached statements.

### **STAFF REVIEW**

#### **Conditional Use Permit**

In Staff's opinion, the proposed shed is in harmony with general purpose of the Development Code and Comprehensive Plan policies. The overall size of this structure when combined with all other accessory structures is less than 90% of the dwelling unit foundation area, therefore, the dwelling unit will remain the primary feature and use of the property. The use of the structure is incidental to the primary residential use of the property and will enhance the use of the property by providing additional indoor storage. This use is consistent with the residential use of the property and neighborhood.

#### **Variance**

Staff reviewed the proposal in accordance with the variance criteria, which are discussed below.

#### **Reasonable Manner**

In Staff's opinion, the variance request to locate the shed in the proposed location closer to the rear lot line represents a reasonable use of the property. City Code permits detached structures

as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

City Code also encourages design and construction activities are conducted in a manner to avoid likely injury to landmark trees. The 4 foot setback reduction is reasonable and would save a 16 inch landmark Maple Tree as well as provide minimal disturbance to shallow roots of the nearby Oak Trees by keeping a 22 foot setback from these trees.

### ***Unique Circumstances***

Staff agrees that the variance request stems from the uniqueness of the parcel. The topography dictates that the northwest corner is the best location for the shed. Locating the shed to the required setback would result in a greater impact to existing vegetation – including landmark trees - and could cause erosion issues by grading into the hill. By decreasing the setback, the applicant will minimize the impacts to the vegetation and the grading/erosion problems are nominal. Additionally, the rear (East) lot line is adjacent to passive/natural areas in Snail Lake Regional Park so no residential homes are impacted by the reduced setback.

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

Staff believes that proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing topography, proposed screening on the north and the proximity to Snail Lake Regional Park on the East. Further, this area of the park is natural with passive recreational use. The shed will be minimally visible to those park users. The structure is an allowable size with a Conditional Use Permit and the style will match the existing home with a roof design that is similar to shelter structures in Snail Lake Park.

### **PUBLIC COMMENT**

Property owners within 350' of the property were notified of the application. Two comments have been received. One neighboring resident is in support and the other comment is from Ramsey County Parks regarding concerns with the grading, drainage, and visibility. The comments are attached.

### **RECOMMENDATION**

Staff has reviewed the submitted variance application in accordance with the Development Code and Variance criteria. Staff finds that the proposed reduction to a 6 foot setback is reasonable due to the site characteristics. The topography of the parcel and location adjacent to Snail Lake Regional Park with the existing vegetation are unique circumstances to this parcel. Lastly, the character of the neighborhood will not be altered as a result of this variance request.

### **Variance**

Staff recommends the Planning Commission adopt Resolution 15-13 approving the variance request, subject to the following conditions:

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

### **Conditional Use Permit**

The applicant's proposal is consistent with the Conditional Use Permit criteria and standards for detached accessory structures. The residential use of the proposed shed is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan. The structure/land use conforms to the Comprehensive Plan and is compatible with the residential neighborhood. The existing home will remain the primary feature and use of the property.

Staff is recommending the Planning Commission recommend the City Council approve the Conditional Use Permit, subject to the following:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design of the shed shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
5. The structure shall not be used in any way for commercial purposes.
6. Said structure may be setback 6' from the rear lot line per Resolution 15-13, approving the Variance.

#### **Attachments:**

1. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
2. Location Map
3. Pictometry Pictures
4. Applicant's Statements and Submitted Plans
5. Public Comments
6. Resolution 15-13
7. Motions

# ATTACHMENT A

- (1) The accessory structure shall be located in the rear yard of the property except as otherwise permitted by this ordinance.
- (2) The accessory structure shall be setback a minimum of 10 feet from the side property line and 10 feet from the rear property line; however, the City may require greater setbacks to mitigate impacts on adjoining properties.
- (3) For parcels 1 acre or larger in size, the lot shall have a minimum area of 1 acre above the ordinary high water line of a lake, ponding area or wetland on the property.
- (4) The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
- (5) The structure shall comply with the standards of Section 205.082(D) (5) of this ordinance.

## ***Conditional Use Permit Criteria***

Certain land uses are designated as a conditional use because they may not be suitable in a particular zoning district unless conditions are attached. In those circumstances, conditions may be imposed to protect the health, safety and welfare and to insure harmony with the Comprehensive Plan.

In addition to the standards identified above, the City Council must find that the use complies with the following criteria.

- (1) The use is in harmony with the general purposes and intent of the Development Ordinance.
- (2) The use is in harmony with the policies of the Comprehensive Guide Plan.
- (3) Certain conditions as detailed in the Development Ordinance exist.
- (4) The structure and/or land use conform to the Land Use Chapter of the Comprehensive Guide Plan and are compatible with the existing neighborhood.



### Legend



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

### Notes

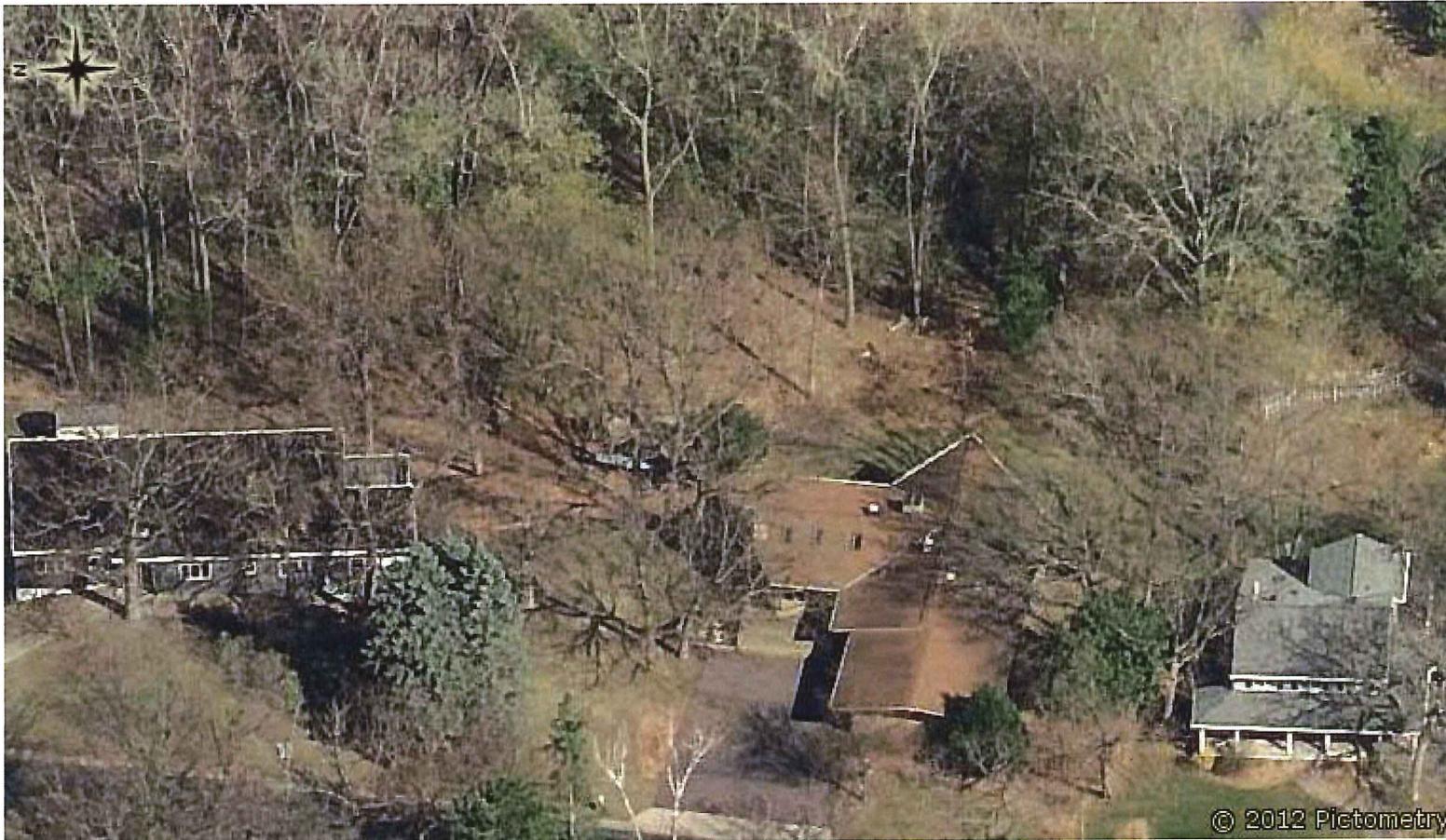
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## 4136 Reiland Ln

**Print Date:** 02/18/2015  
**Image Date:** 03/25/2012  
**Level:** Neighborhood



## 4136 Reiland Lane

Print Date: 02/18/2015  
Image Date: 03/25/2012  
Level: Neighborhood



To: Department of Community Development

From: Mike Weber, 4136 Reiland Lane

Subject: Conditional use permit application for detached accessory structure

Date: January 26, 2015

Dear Planning Commission members,

I have recently retired from corporate life and look forward to spending much more time on my woodworking hobby. In particular I enjoy making furniture for my house and for my children's homes from the finer woods that are available locally. These include walnut, cherry, and quartersawn white oak, and quartersawn red oak. My woodworking "shop" is in the small walkout basement of the 20 ft x 23 ft addition we built onto our house in 2002. I have never planned, nor wanted, to make for sale any items from this hobby. Most of my wood, which is still in rough sawn form, is currently being stored in my garage, under the back deck, and some outside under the eaves of the house. I was informed through the Shoreview SHINE program that the third is against city code. I had already planned upon retirement to build and move the wood to a shed for protection from the elements and from rodents. The SHINE program now requires immediate attention to this issue. The issue now is to build a shed where all of my various woods are easily accessible for sorting and choosing the right pieces for a given piece of furniture, without the loss of our garage space. This wood is not like construction lumber wherein all of it is the same and could be stacked in one huge pile. If it were, I could store it all in a shed of under 150 sq ft floor space. For fine furniture building I need a storage space with a sorting table as well as room for multiple small stacks of the wood for manageable wood selection of the right color, grain structure, and species, for a given project.

In addition to the wood storage, I need to buy and store a lawn tractor to make the lawn and various yard chores easier as I get older. Yet a third longstanding need is a place to store our expensive Winona Kevlar canoe. It is currently stored under the back deck, but the combination of theft concerns, and the nuisance of birds constantly making mud nests on the undersides of the seats, is causing me to look for an indoor storage space. This standard sized 2-person kevlar canoe is 18.5 feet long, which requires a shed of at least one outside dimension of about 20 feet.

Uses of the structure: Items 1) and 2) of Criteria for Review

As detailed above, the requested structure of 280 sq. ft. is intended solely to be used as a storage shed for valuable items, to protect them from the elements and from theft, and to provide sufficient room to access the items without the need to move most of them to get to any single one item.

Thus for the above stated reasons I am applying for a permit to construct a storage shed with outside dimensions of 14 feet by 20 feet, resulting in an area of 280 sq. ft. No electricity is needed, or planned, for this shed. Day-lighting (for natural light) will be important however, requiring windows, or more preferably, skylights. A third option is to use transparent roofing materials on the east side of the roof. From that direction, the structure can be approached only from a distance of about 300 feet due both heavy woods and to the Snail Lake retaining pond.

Meeting the conditions of the Development Ordinance:

3a) The building shall have an area between 150 and 288 square feet. The planned area is 280 sq. ft.

3c) Performance Standards per filing requirements: Support for the following information is given in Figures 1 through 6. Please note that a Standard Variance Application has been filed to request a setback of less than 10 feet from the rear property line.

3c) Items (1) and (2):

The property line and site map of Figure 1 shows the location of the accessory structure (the shed) and its position relative to the property lines and to the house are shown in Figure 1. The shed will be at least 6 feet from the rear property line, approx. 30 feet from the house, and 20 feet from the side property line. The side and rear property lines to our property are clearly marked by the Ramsey county park boundary markers. (The backside of our lot adjoins Snail Lake Park.)

3c) Item (3) n/a

3c) Item (4): Views and lines of sight to the structure:

The shed will only be visible to one neighbor, 4140 Reiland lane to the north of us. Prior to this request for permit, we had already discussed with that neighbor the plans for replacing shrubbery

on our adjoining property line that had recently died out. Our agreement was to proceed with a mutually acceptable planting of vegetation this coming spring, 2015. The existing landscaping and vegetation layout around the house and the proposed shed, added to Figure 1, is shown in Figure 2.

The top of the shed will be visible from the street to the east only along a short section of Reiland lane across a portion of our front yard. The shed will be at the bottom of the hill in our back yard, behind three large oak trees and a large Yew tree. The contours of this portion of our property is plotted in Figure 3 with a scale drawing of the south facing end of the shed. The elevation of the shed is shown in relation to the front yard and the rear property line. More details of the nearby trees are shown in Figure 4 along with a plan view of the shed. One small oak tree will need to be removed to accommodate the location of the shed. If the committee deems that additional screening of the shed is required, a variety of shrubs or evergreens could be planted to accommodate this need.

The east side of the shed may be visible in the winter from across the retaining pond (Evergreen Valley drainage to Snail lake retaining pond). However, this is at a distance of about 300 feet. In the spring, summer, and fall, the vegetation and trees will block this view. The asphalt walking trail around the south end of the retaining pond comes to within about 100 feet of the shed, but even in winter, this densely wooded area blocks the view of the shed quite well.

### 3c) Item (5): Structural details, architecture and aesthetics.

a) and b): The height and width of the shed is shown in Figure 5, along with the ground elevations before and after grading. Note that a minimum amount of grading and earth moving will be required. The sidewalls will be 8 feet and the maximum height of the shed will be about 14.5 feet.

c) No storage shelves or levels will be placed higher than 6 feet from the floor of the structure.

d), e) and f): Side views of the construction and architecture of the shed are given in Figures 6 and 7.

Regarding Figure 6, the house has a vee-shaped roof line on the garage towards the road, on the North addition, and on the east end as well. We plan to match this look with a similar shape on the south end of shed over the entrance to the structure. We also plan to use the same asphalt shingle color for the shed that we have on the house, a color that is very similar to the roofs on the shelters in Snail Lake Park. Regarding Figure 7, the exterior of our house is 12 inch wide vertical cedar boards with 1x3 inch cedar battens, and painted. We plan to match this look with the use of cedar plywood and solid 1x3 cedar boards for battens. The entire house and new addition was painted in 2002 and we still have the paint color specs so we can easily match the paint color.

The supporting structures of the shed will be constructed using Select grade pressure treated decay resistant lumber, and placed on frost proof support columns. The flooring will consist of 3/4 or greater thickness plywood, per engineering recommendations.

Figure 1

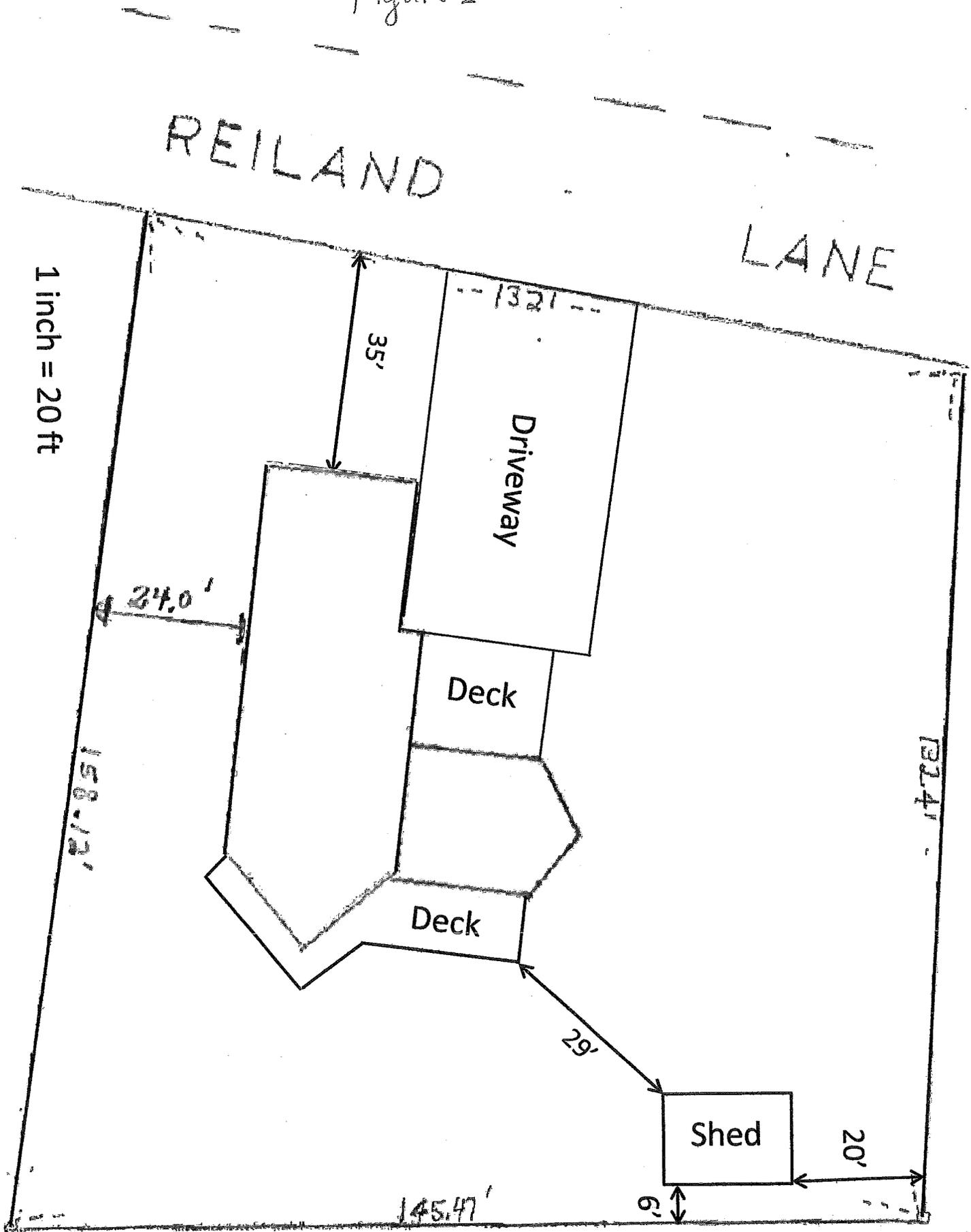


Figure 2

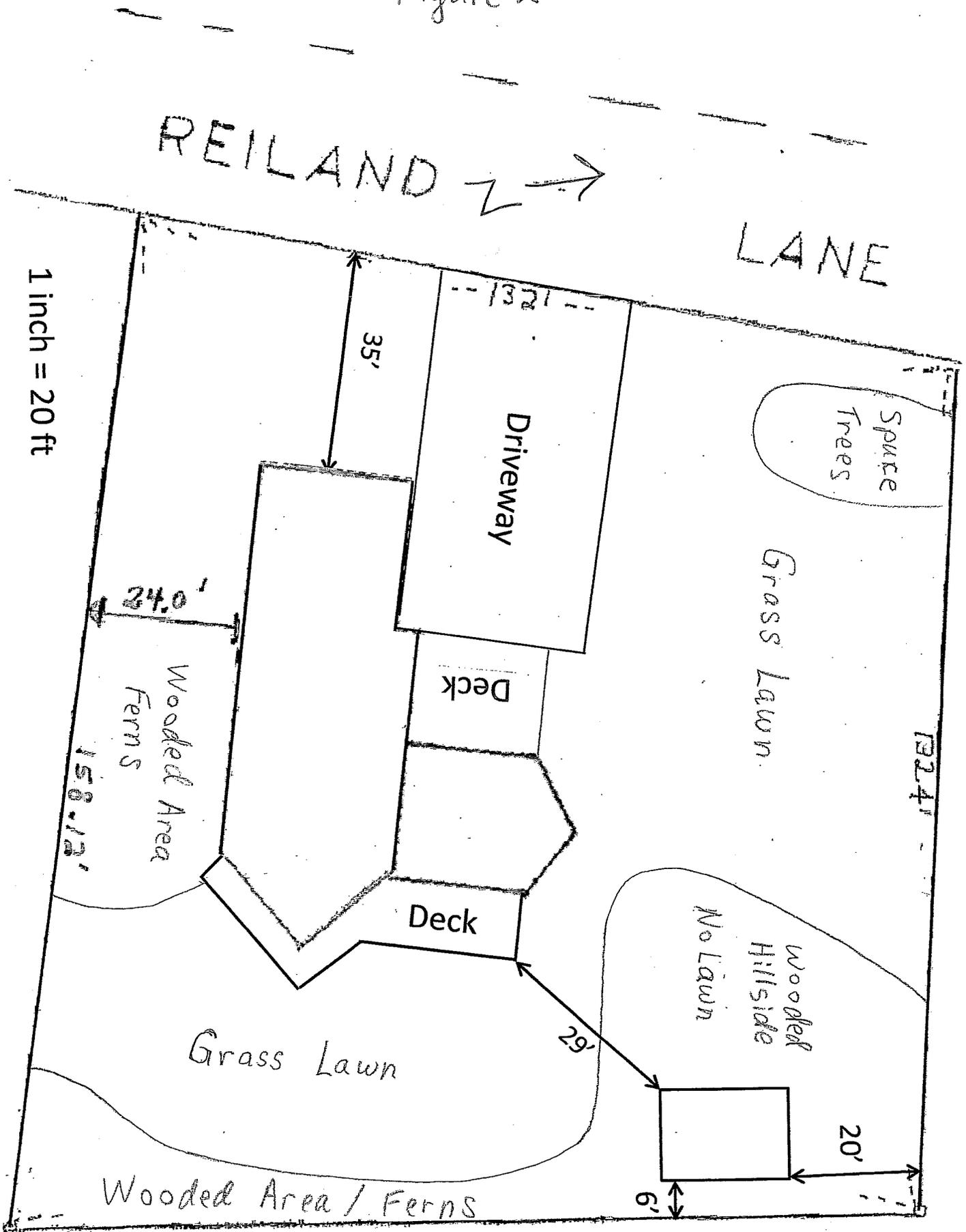
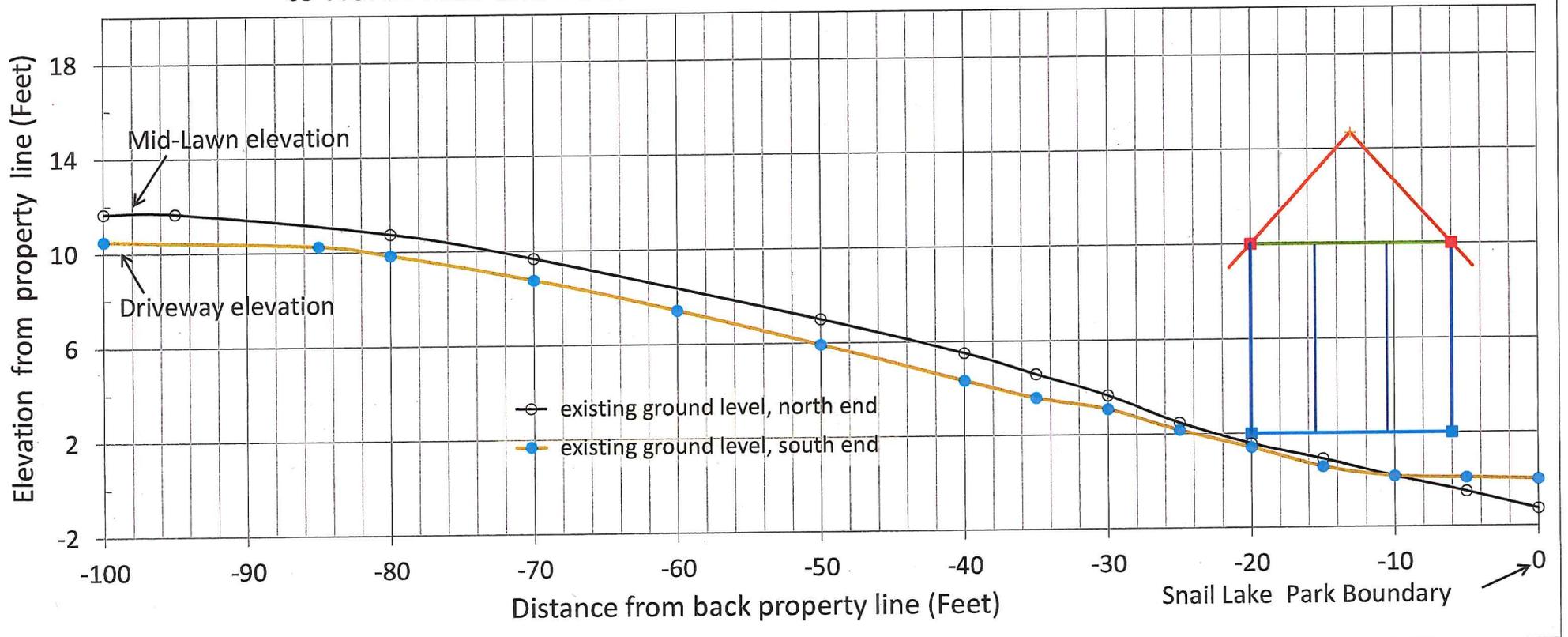


Figure 3

East/West elevation contour lines parallel to North face and South face of the shed

Zero elevation level = Boundary elevation on South contour line



# Storage shed/property layout, with variance

Figure 4

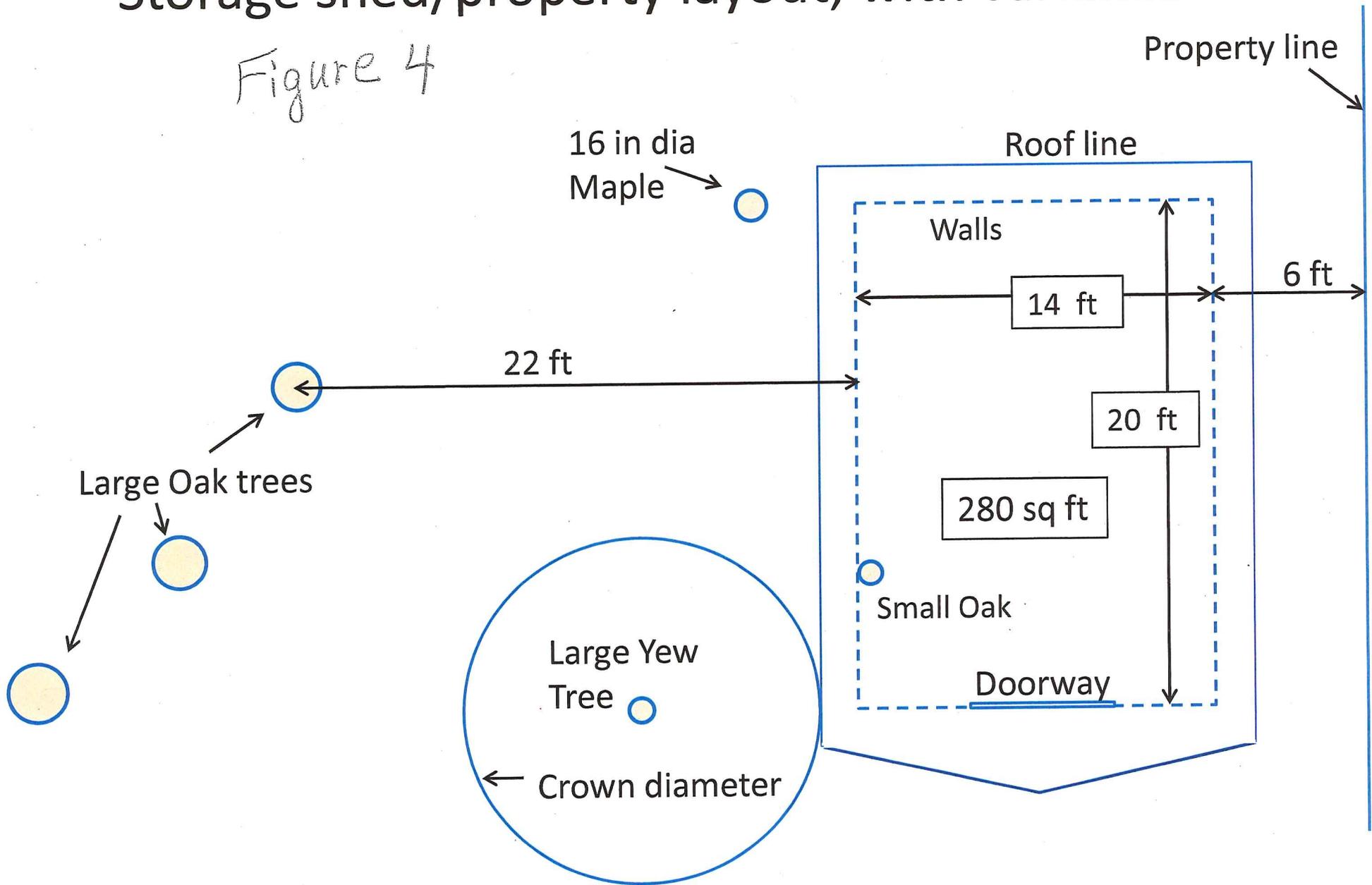


Figure 5

### Woodshed south end view, graded levels for 6 ft setback

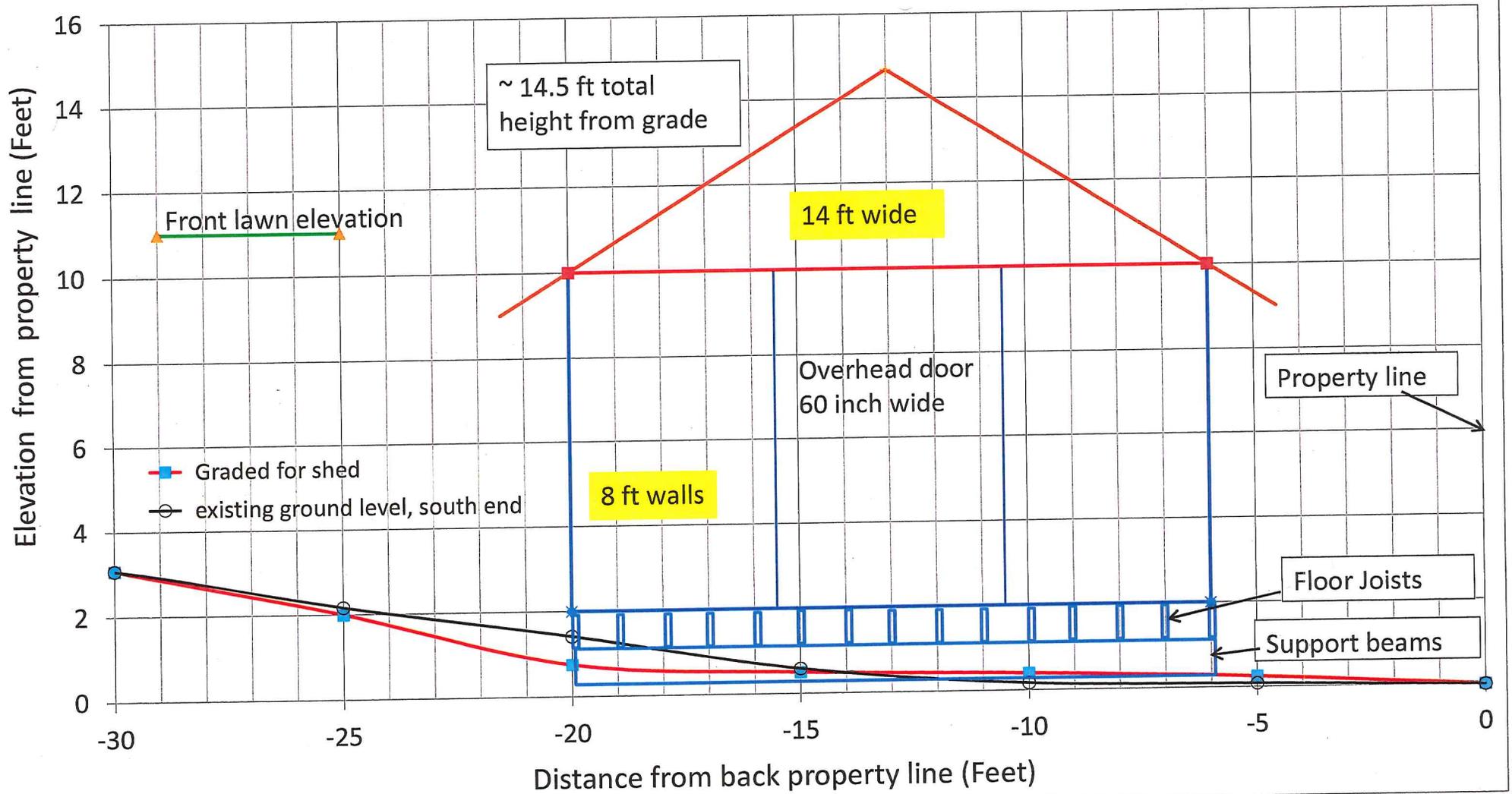


Figure 6 Storage shed, side view

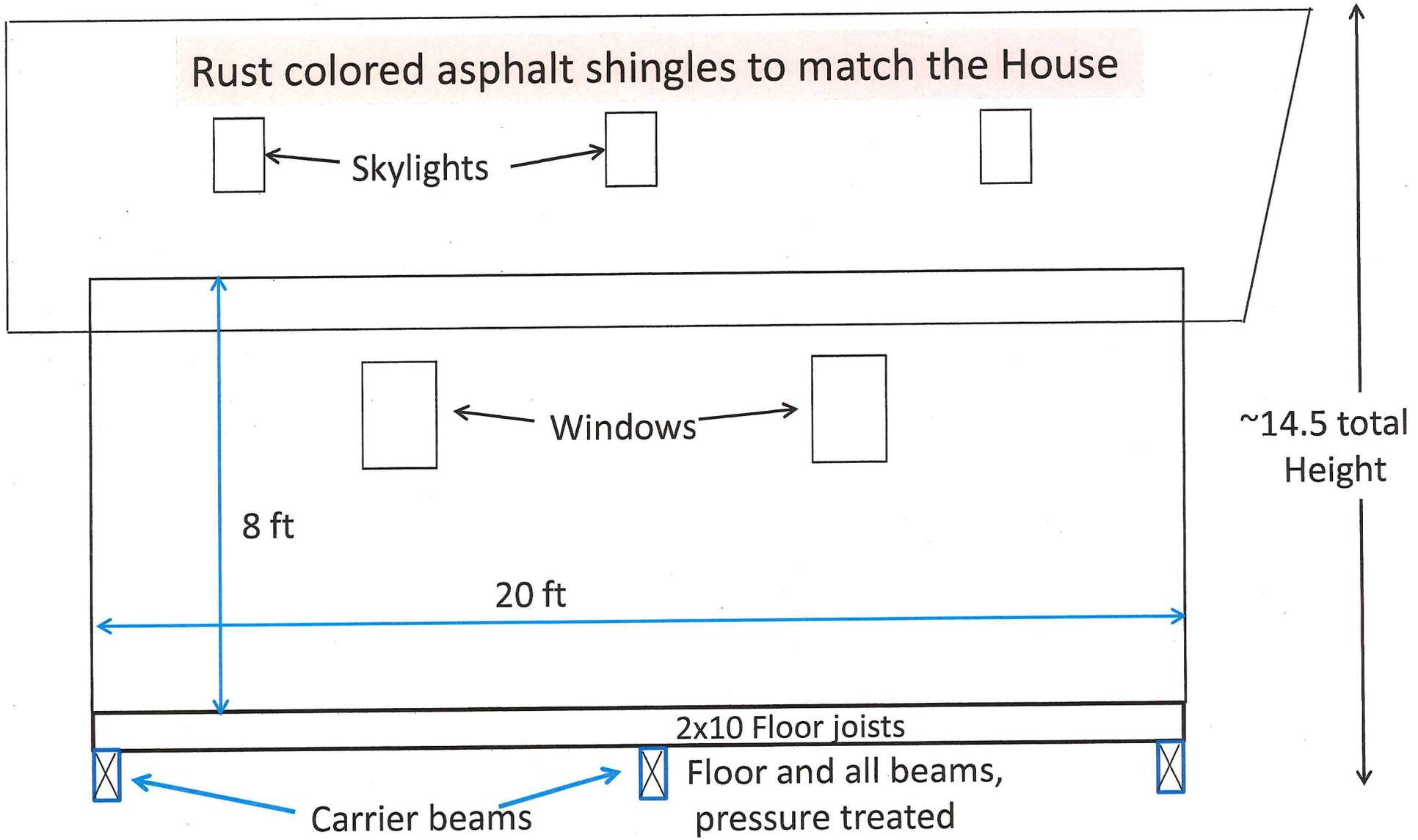
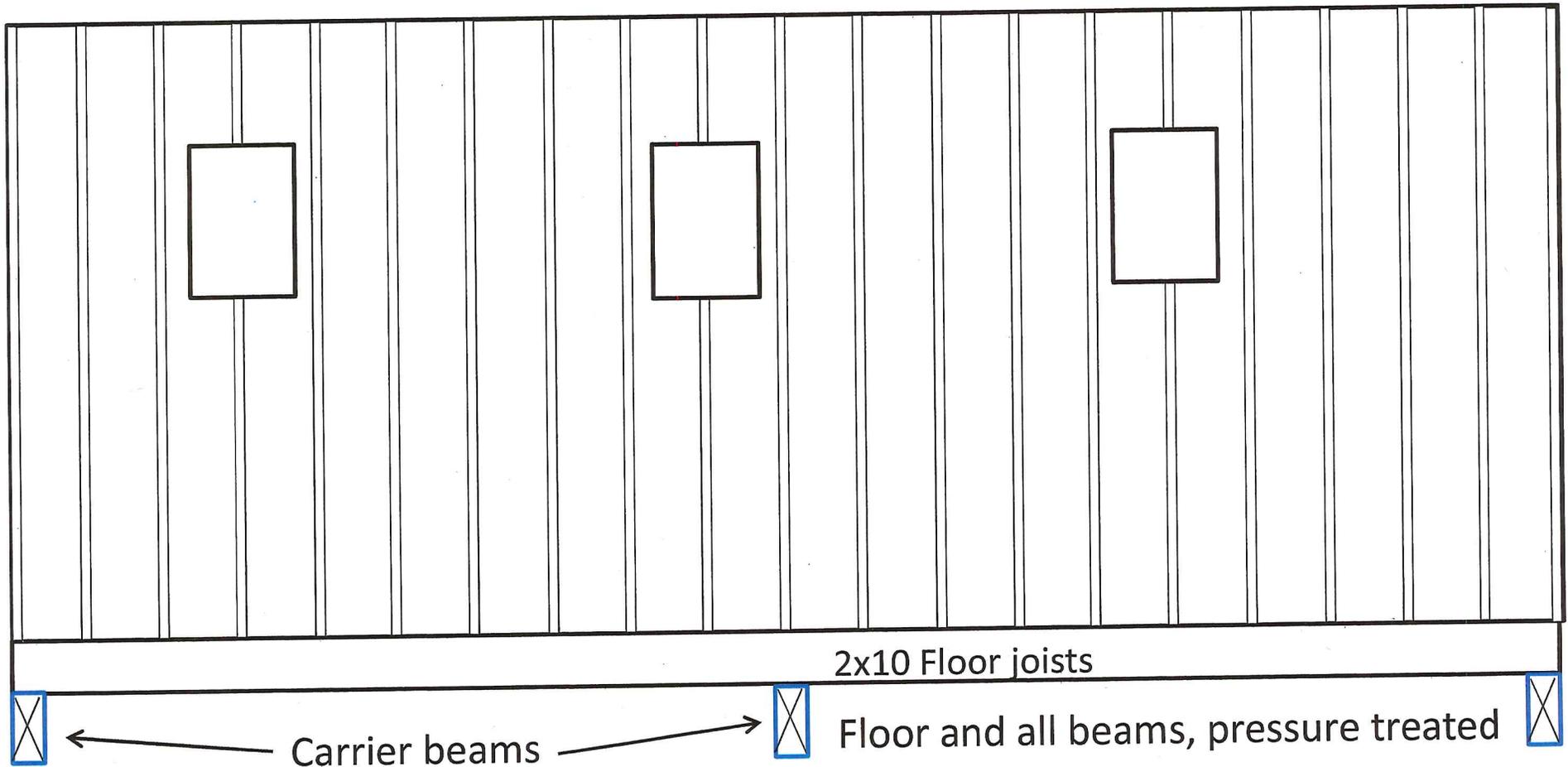


Figure 7

# Storage shed, finish siding

Cedar 4x8 siding with 1"x3" solid cedar battens to match the house



To: Department of Community Development  
From: Mike Weber, 4136 Reiland Lane  
Subject: Standard Variance Application  
Date: January 26, 2015

Dear Planning Commission members,

I am requesting a variance for the location of an accessory structure, a storage shed, on my property at 4136 Reiland Lane. Specifically, I am requesting a variance on the requirement that the structure have a setback of at least 10 feet from the rear property line, and to allow the structure to have a setback of 6 feet from the rear property line. The justification for this variance request is given below, following the guidelines given me in the Filing Requirements.

3a. Purpose and Intent Compliance

The variance is being requested in large part due to need for removal of trees and potential harm to some large oak trees as well as erosion issues due to grading the hillside location of the accessory structure. The following statements are given in the City of Shoreview Municipal Code:

209.050 Vegetation & Woodlands.

(A) Preservation. Vegetation shall be left intact to the maximum extent possible to retard surface run-off and soil erosion, to utilize excess nutrients, and to conserve nutrients in the soil and to preserve shoreland aesthetics.

(B) Removal. The removal of vegetation shall be controlled in accordance with the following criteria:

(b) Development shall be conducted so that the maximum number of trees, in particular landmark trees, are preserved by the clustering of structures in existing cleared areas and natural clearings, and the utilization of other site design techniques. Design of the site and construction activities shall be conducted in a manner to avoid likely injury to Landmark Trees.

Details relating to these issues are given below in section 3b and section 6.

3b. Practical Difficulties

i. Reasonable Manner. The storage shed will be constructed per the proposal to the Commission for a Conditional Use Application for this detached accessory structure. Use of the structure is detailed therein and the need to construct the structure closer to the rear property line is given here in detail below.

ii. Unique circumstances. The only viable area to place the shed near the rear property line appears to be at the bottom of the hill towards the north side of our lot. The hill flattens out only very near the rear property line. Although the shed could be built higher up on the hillside, such a position would conflict with the objective to not alter the character of the neighborhood. As illustrated below with the site map and hillside elevation contours, building the shed higher up on the hill with a 10 ft minimum setback and grading the land near the shed with a retaining wall will require the removal of trees and also threaten the health of some large oak trees on the hillside. Placing the shed higher on the hill would also make the shed more visible from the street, requiring additional screening methods. These details are presented below in Section 6.

iii. Character of the Neighborhood. The variance, if granted, will not alter the character of the neighborhood because the rear property line adjoins a portion of Snail Lake Park that is a wetlands, is heavily wooded, and furthermore separated from the active area of the park by the retaining pond for Evergreen Valley runoff water. In fact, per the reasons cited above, placing the shed nearer the rear property line will have less potential impact on the neighborhood than if it were closer to Reiland Lane.

3d. Economic considerations. Placing the shed higher up the hill will require the construction of a retaining wall, as well as the removal of trees and some very deep stump grinding to allow the construction of the retaining wall. In lieu of a retaining wall, a large amount of soil could be trucked in to raise elevation of the rear area, but that is an expensive alternative that would also be destructive to our lawn, as well as potentially damaging the tree roots on the large oak trees from the heavy truck loads. (See section 6.) The removal of the trees would also require the planting of more trees or shrubs to maintain the screening of the shed from public view that already exists.

4a. Other necessary approvals. As stated above, a Conditional Use Permit Application has been filed for this 280 sq. ft. structure.

6. Property line map and site plan. Figure 1 shows the gross site area, property dimensions and minimum setbacks, as well as the location of the house and the proposed structure. Dimensions of the proposed structure are given below. There are no structures within 10 feet of our property and the only abutting street is Reiland Lane.

The relevant elevations of the hillside and of the shed in the requested location are illustrated in Figure 2. Note that the lawn levels near the street are above the bottom of the roof line of the shed. Figure 3 shows the location and some dimensions of the shed and required grading for the positions of a 6 ft setback from the rear property line. If placed about 6 feet from the rear property line, minimal grading and earth moving is required. In contrast, a 10 ft setback results in the grading and retaining wall that are illustrated in Figure 4.

Additional considerations regarding the removal of, or threats to, existing trees are illustrated via Figures 5 and 6. Figure 5 illustrates the layout of the shed in relation to the property line and vegetation for the 10 ft setback requirement and shows that the shed wall will overlay the position of a medium size maple tree. The tree and roots would have to be removed to accommodate this position of the shed as indicated by the elevations shown in Figure 4. In addition, the retaining wall could impact the large oak tree at the distance of 13 feet. The larger oaks further away could also be impacted due to their connected root systems.

The recommended radius of avoidance for oak trees, per U. of MN guidelines, is 22 feet for this tree of diameter 22 inches (as measured at chest height). If a 6 ft setback is allowed, the shed can be positioned as shown in Figure 6 where it avoids the Maple tree, the Yew tree, and the need for the retaining wall. With a subsequent distance of 22 ft from the oak tree, its potential threat to the large oak is removed as well.

7. Drainage, grading and contours are illustrated in Figures 2 and 3.

8. Building elevations drawn to scale are shown in Figures 3 and 7. Figure 3 is an end view of the shed and Figure 7 is a side view of the shed. Regarding Figure 7, our house has a vee-shaped roof line on the garage towards the road, on the North addition, and also on the east end as well. We plan to match this look with a similar shape on the south end of shed over the entrance to the structure. We also plan to use the same asphalt shingle color for the shed that we have on the

house, a color that is very similar to the roofs on the shelters in Snail Lake Park. The exterior of our house is 12 inch wide vertical cedar boards with 1x3 inch cedar battens, and painted. We plan to match this look with the use of cedar plywood and solid 1x3 cedar boards for battens. The entire house and new addition was painted in 2002 and we still have the paint color specs so we can easily match the paint color.

9. Landscaping plan showing existing and proposed vegetation. The existing vegetation near the shed is shown in Figure 6, and Figure 8 maps out the general landscaping of the lot. Due to the screening provided by the existing vegetation and the hill, additional vegetation may not be necessary, pending conclusions of the committee.

Figure 1

REILAND

LANE

1 inch = 20 ft

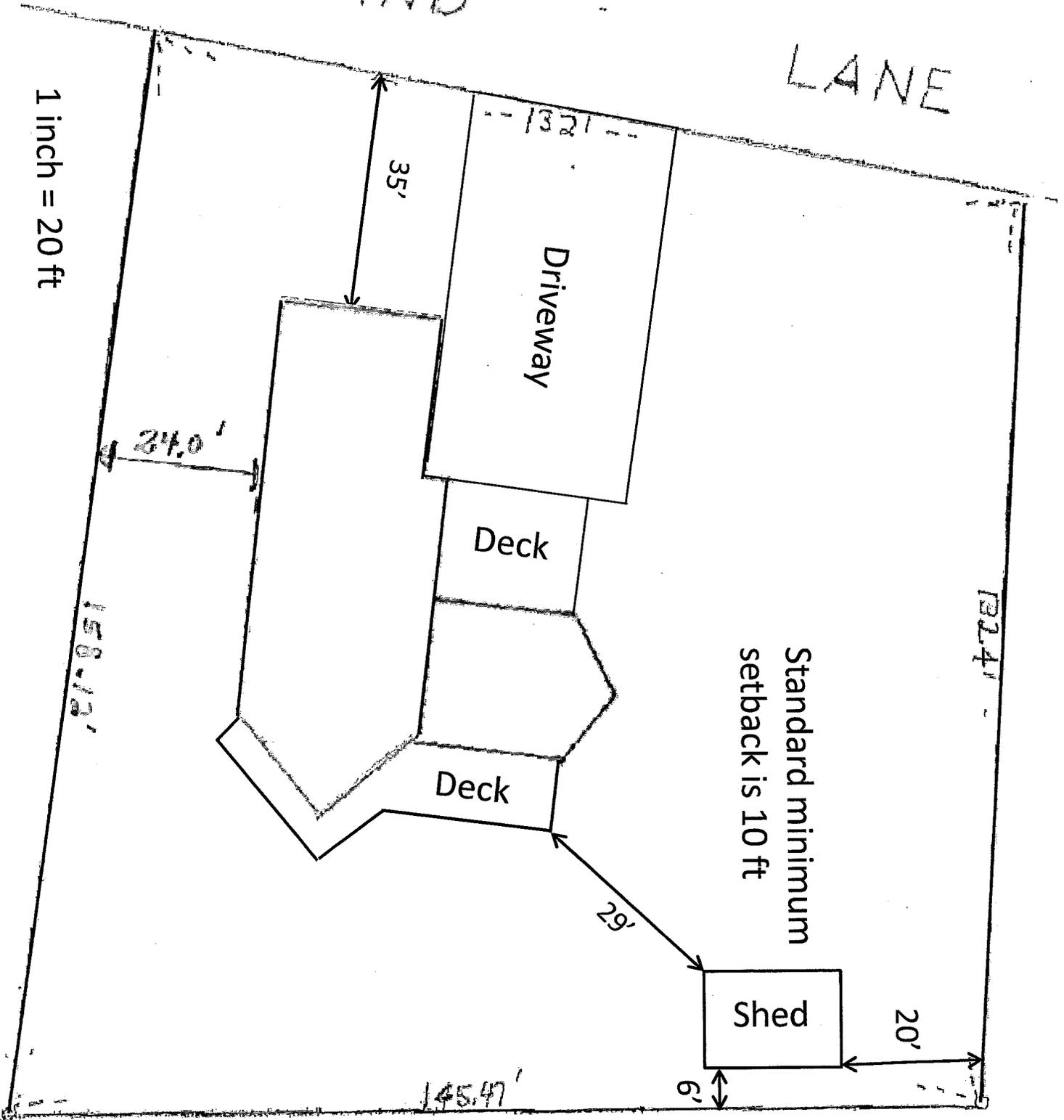


Figure 2

East/West elevation contour lines parallel to North face and South face of the shed

Zero elevation level = Boundary elevation on South contour line

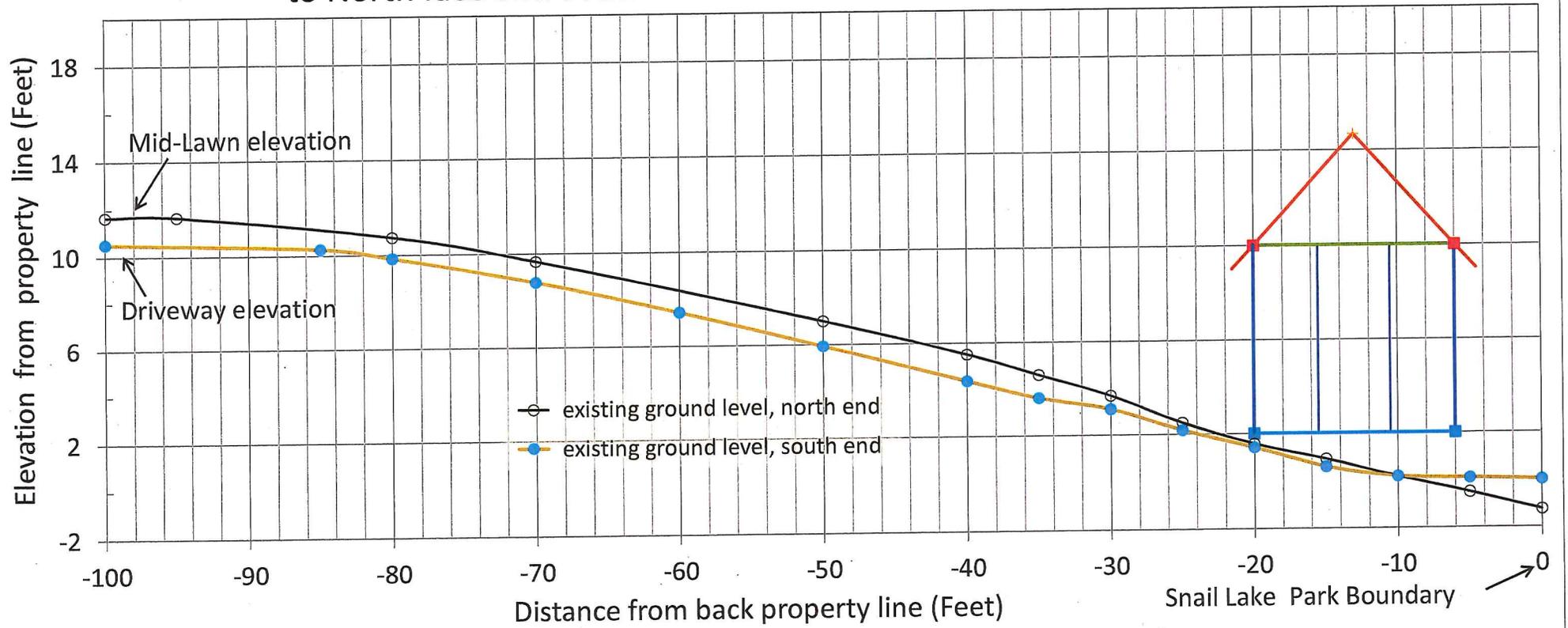


Figure 3

Woodshed south end view, graded levels for 6 ft setback

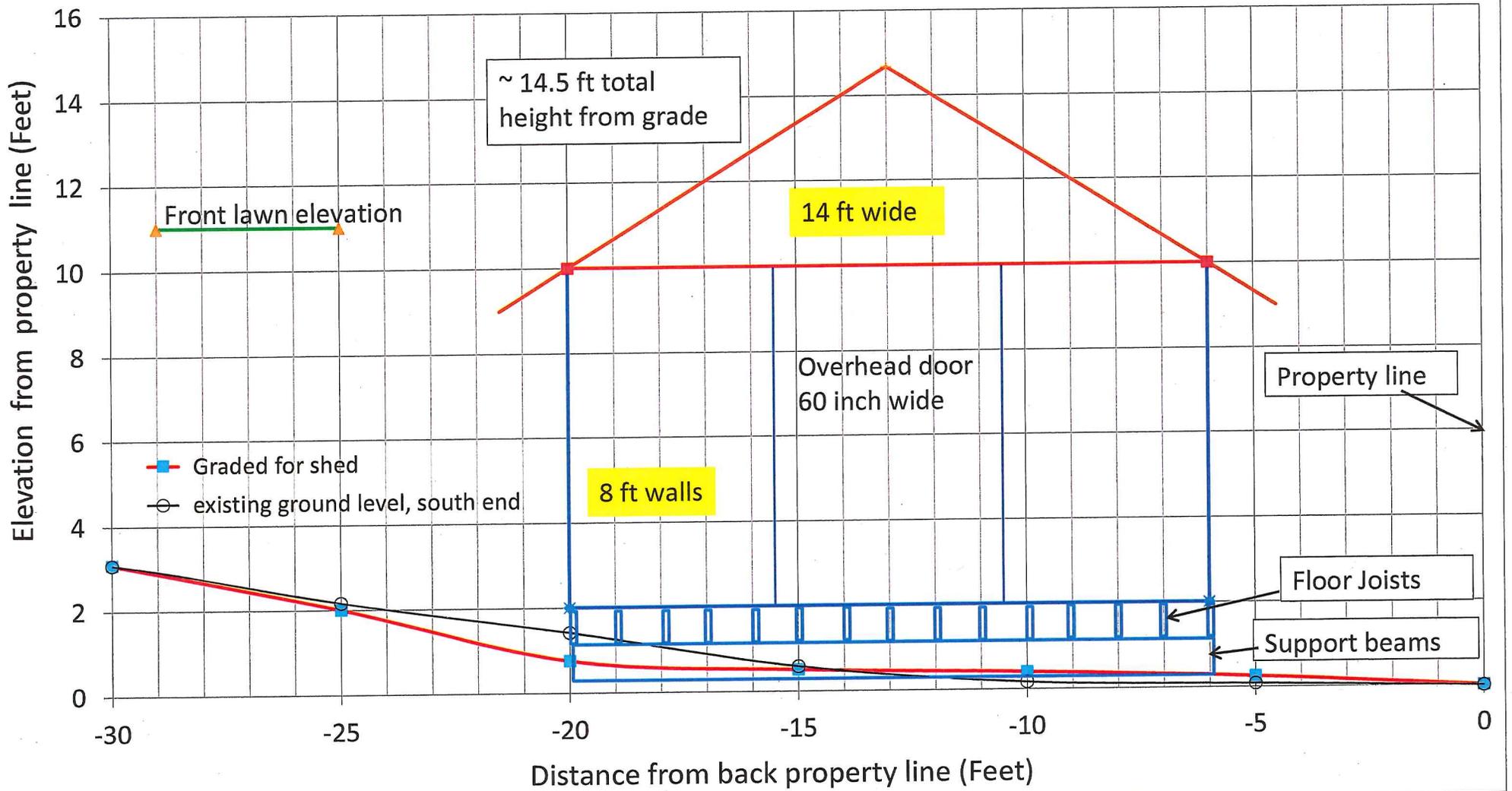
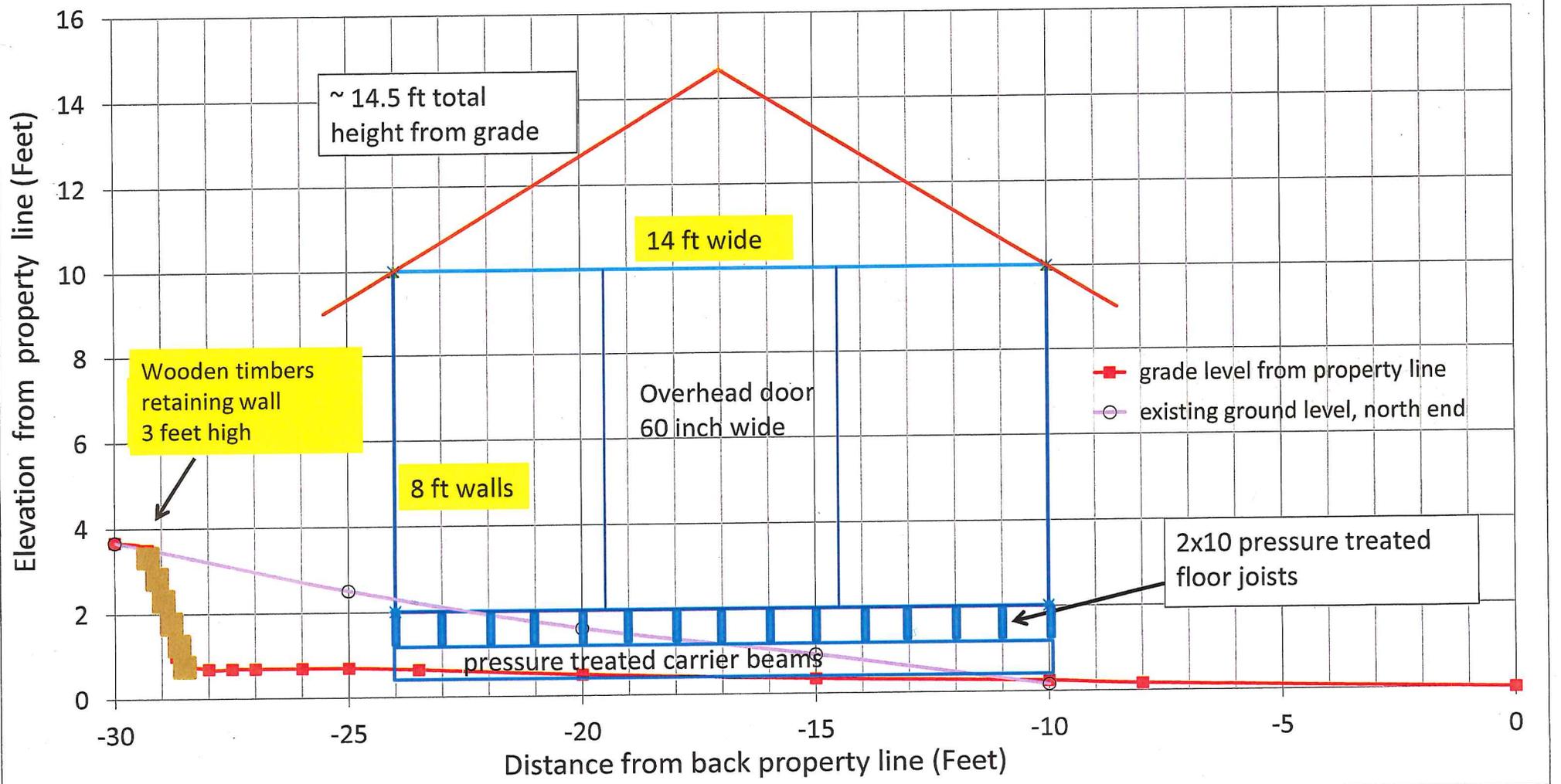


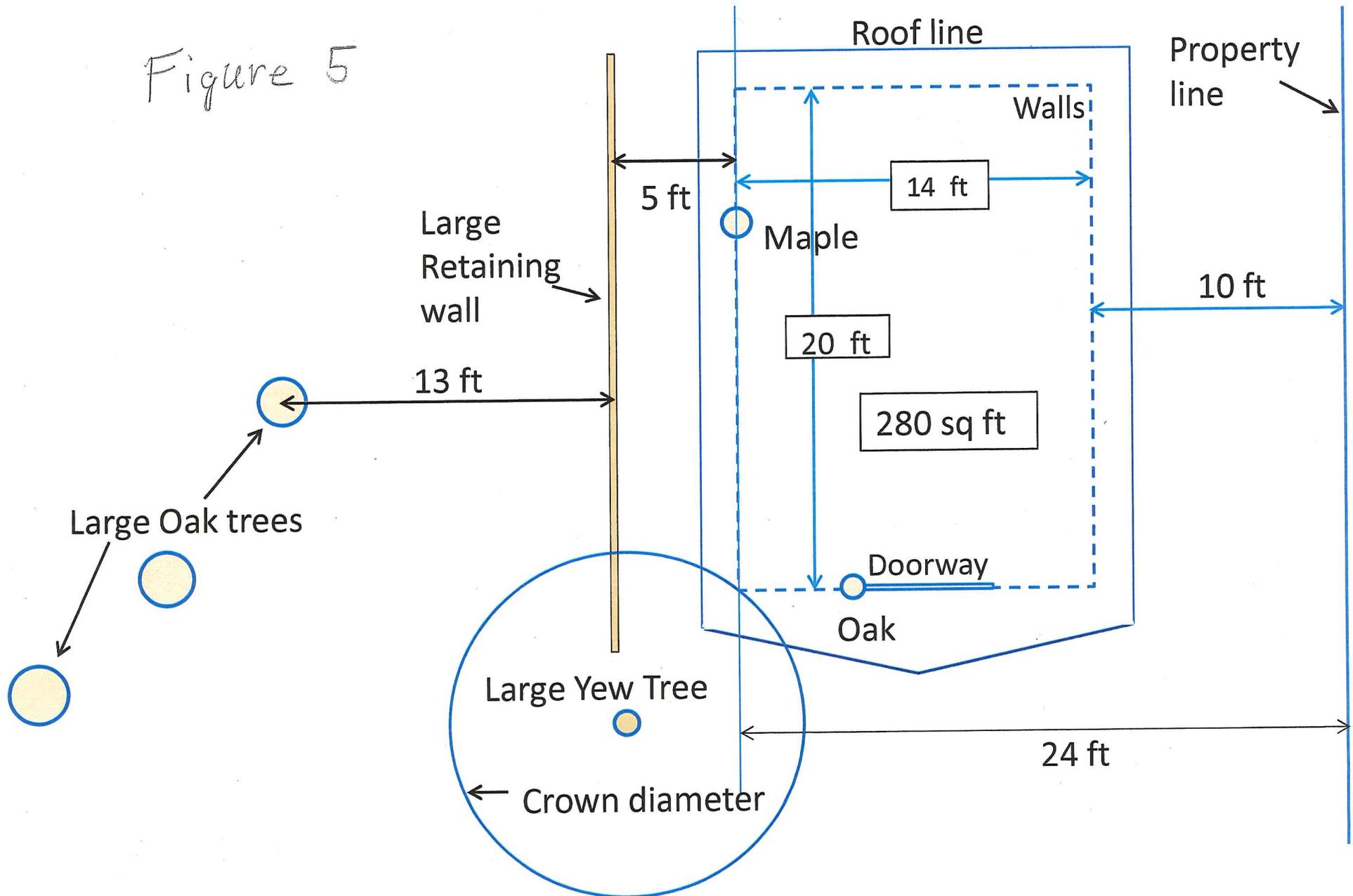
Figure 4

Woodshed south end view, 10 ft setback, elevations, graded levels



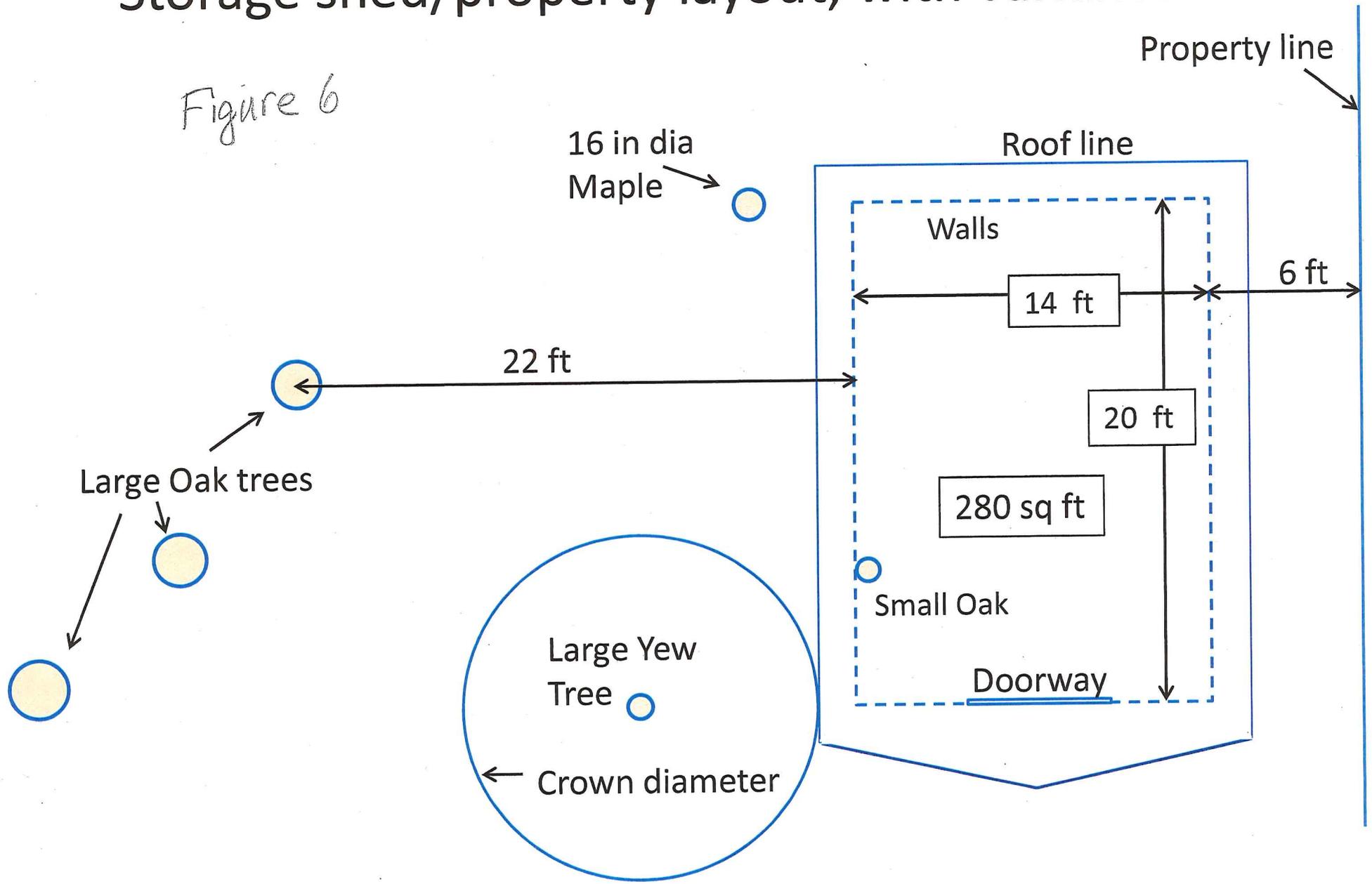
# Storage shed/property layout, without variance

Figure 5



# Storage shed/property layout, with variance

Figure 6



# Storage shed, side view

Figure 7

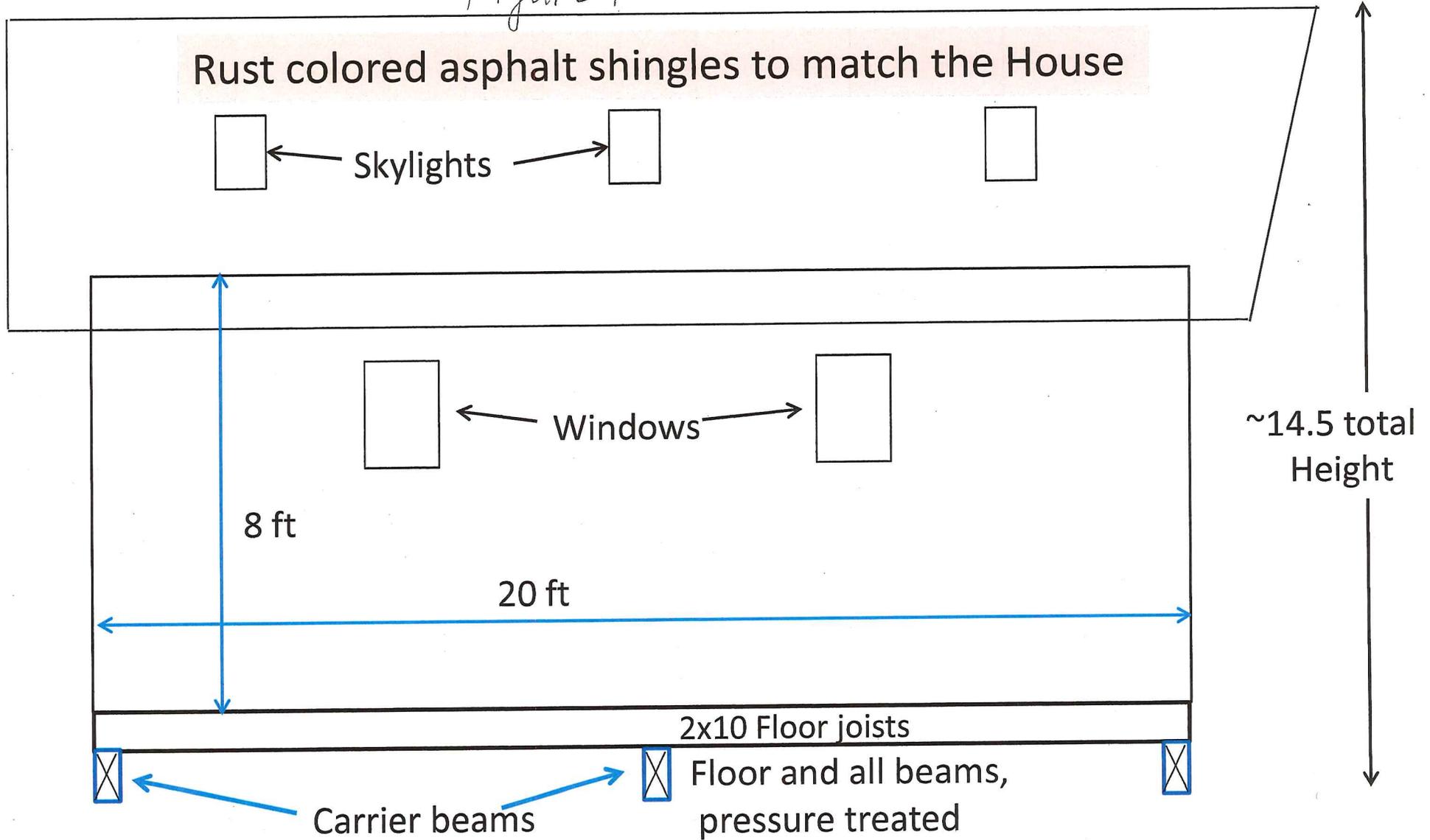
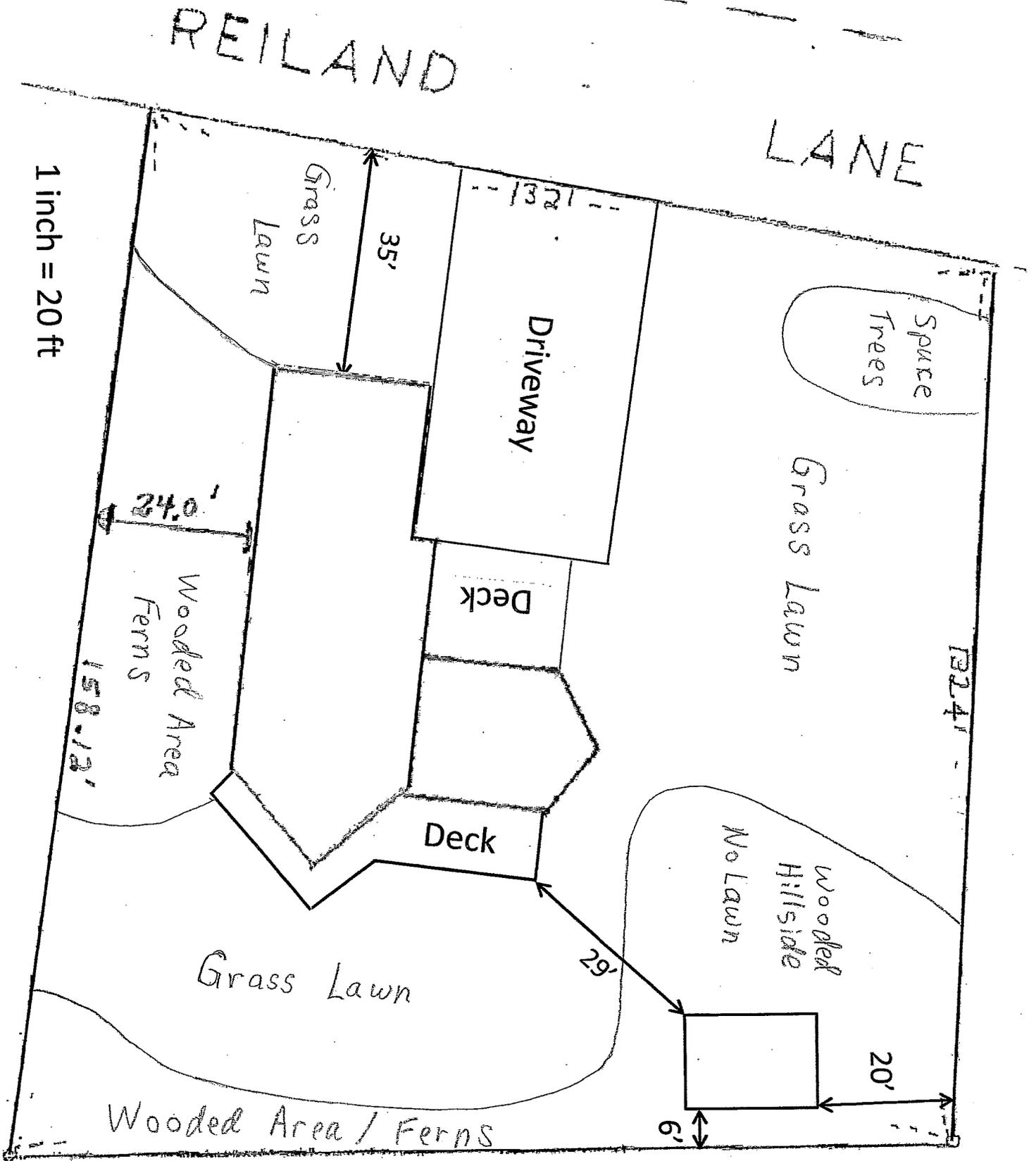


Figure 8





Nicole Hill <nhill@shoreviewmn.gov>

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## 4136 Reiland Lane Request for Comment

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Pete Bobick <PBobick@schadegg-mech.com>  
To: "nhill@shoreviewmn.gov" <nhill@shoreviewmn.gov>

Mon, Feb 16, 2015 at 1:15 PM

Niki,

I have no concerns with the Michael Weber's desire to improve his property with an accessory structure.

What is a concern, in my opinion, is why the city does not ask for comment on significant issues like what is currently occurring across the street at 4133 Reiland. I am referring to how the city has allowed the unnecessary felling of (6) 24"- 30" diameter oaks, drastically altering the neighborhood's landscape, and now the builder has erected a structure that is totally out of character with the neighboring homes.

Thank you

Pete Bobick  
4141 Reiland Lane

P: 651-292-9933  
F: 651-292-9929  
C: 651-248-1783  
[www.schadegg-mech.com](http://www.schadegg-mech.com)



Nicole Hill <nhill@shoreviewmn.gov>

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## 4136 Reiland Lane

1 message

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Yonke, Scott <scott.yonke@co.ramsey.mn.us>  
To: "nhill@shoreviewmn.gov" <nhill@shoreviewmn.gov>

Thu, Feb 19, 2015 at 9:42 AM

Hi Niki,

Thank you for the opportunity to review the variance request for the installation of a shed at 4136 Reiland Lane. In review, my comments are listed below.

1. Site impacts – it appears the lower portion of the slope will require grading for the placement of the shed. Due to existing site conditions, there is a concern of potential erosion issues of newly graded areas with likely runoff onto park property. The homeowner will be responsible for installing necessary erosion control measures to avoid erosion issues. In addition, no construction activities for access, grading shed construction or tree removal will be allowed on Park property. The property line should be clearly delineated to avoid any impacts.
2. Stormwater – Due to the proposed location of the shed, there is a concern of increased stormwater runoff onto park property. Increased runoff volume and velocity may create erosion problems on the subject property as well on Park property. There is a wetland complex located directly east of the current property. The homeowner will be responsible for installing necessary erosion and stormwater control measures.
3. Screening – Due to the close proximity of the shed to the property line, screening should be required to reduce the opacity of the proposed shed to the adjacent trail and park use area.

Please let me know if you have any questions,

**Scott Yonke, ASLA, PLA** | Director of Planning and Development

Ramsey County

Parks and Recreation Department  
2015 North Van Dyke Street

Maplewood, MN 55109-3796

651-748-2500 x 330

[www.co.ramsey.mn.us](http://www.co.ramsey.mn.us)

**EXTRACT OF MINUTES OF MEETING OF THE  
CITY COUNCIL OF SHOREVIEW, MINNESOTA  
HELD FEBRUARY 26, 2015**

\* \* \* \* \*

Pursuant to due call and notice thereof, a meeting of the City Council of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City 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. 15-13  
VARIANCE**

**WHEREAS**, Michael Weber, has applied for a variance on his property, legally described as:

That part of Tract D, R.L.S #12, lying Northerly of the following described line: Beginning at a point on Westerly line of said Tract D, 132' Northerly of Southwest corner thereof; then Easterly to point on Easterly line of said Tract D, 145.47' Northerly of South East corner thereof and terminating.

*(This property is commonly known as 4136 Reiland Lane, Shoreview, Minnesota.)*

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

WHEREAS, Conditional Use Permits for accessory specify that the rear setback shall be a minimum of 10 feet from rear property line. 205.082(C)(2)(c)(2); and

WHEREAS, the applicants have requested a variance to this requirement to decrease the permitted structure setback from 10 feet to 6 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 February 24, 2015 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.*

City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

The request to locate the shed in the proposed location represents a reasonable use of the property. City Code also encourages design and construction activities are conducted in a manner to avoid likely injury to landmark trees. The additional 4 feet of setback is reasonable and would save a 16 inch landmark Maple Tree as well as provide minimal disturbance to shallow roots of the nearby Oak Trees by keeping a 22 foot setback from these trees.

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

There are unique circumstances to the property present. The topography dictates that the northwest corner is the best location for the shed. Locating the shed to the required setback would result in a greater impact to existing vegetation – including landmark trees - and could cause erosion issues by grading into the hill. By decreasing the setback, the applicant will minimize the impacts to the vegetation and the grading/erosion problems are nominal. Additionally, the rear (East) lot line is adjacent to Snail Lake Regional Park so no residential homes are impacted by the reduced setback.

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

The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing topography, proposed screening on the north and the proximity to Snail Lake Regional Park on the East. Further, this area of the park is natural with passive recreational use. The shed will be minimally visible to those park users. The structure is an allowable size with a Conditional Use Permit and the style will match the existing home.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 4136 Reiland Lane, 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. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.
5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins

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 24<sup>th</sup> day of February, 2015

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

ATTEST:

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

ACCEPTANCE OF CONDITIONS:

\_\_\_\_\_  
Michael Weber

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 24<sup>th</sup> day of February, 2015 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 15-13.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 24th day of February, 2015.

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

SEAL

## MOTION TO APPROVE VARIANCE

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

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

To approve the variance request submitted by Michael Weber for their property at 4136 Reiland Lane, reducing the minimum 10 foot structure setback from a rear property line of a corner lot to 6 feet and adopt Resolution No. 15-13, subject to the following conditions:

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

This motion is based on the following findings:

1. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

The request to locate the shed in the proposed location represents a reasonable use of the property. City Code also encourages design and construction activities are conducted in a manner to avoid likely injury to landmark trees. The additional 4 feet of setback is reasonable and would save a 16 inch landmark Maple Tree as well as provide minimal disturbance to shallow roots of the nearby Oak Trees by keeping a 22 foot setback from these trees.

2. There are unique circumstances to the property present. The topography dictates that the northwest corner is the best location for the shed. Locating the shed to the required setback would result in a greater impact to existing vegetation – including landmark trees - and could cause erosion issues by grading into the hill. By decreasing the setback, the applicant will minimize the impacts to the vegetation and the grading/erosion problems are nominal. Additionally, the rear (East) lot line is adjacent to Snail Lake Regional Park so no residential homes are impacted by the reduced setback.
3. The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing topography, proposed screening on the north and the proximity to Snail Lake Regional Park on the East. Further, this area of the park is natural with passive recreational use. The shed will be minimally visible to those park users. The structure is an allowable size with a Conditional Use Permit and the style will match the existing home.

**VOTE:**

**AYES:**

**NAYS:**

Regular Planning Commission Meeting  
February 24, 2015

**MOTION TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT**

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

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

To recommend the City Council approve the Conditional Use Permit for a 280 square foot detached accessory structure at 4136 Reiland Lane, subject to the following:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design of the shed shall be consistent with the plans submitted and complement the home on the property.
3. The applicant shall obtain a building permit for the structure. The structure shall comply with the Building Code standards.
4. The accessory structure shall be screened from view of adjacent properties and public streets through the use of landscaping, berming, fencing or a combination thereof.
5. The structure shall not be used in any way for commercial purposes.
6. Said structure may be setback 6' from the rear lot line per Resolution 15-13, approving the Variance.

**VOTE:**

**AYES:**

**NAYS:**

**TO:** Planning Commission  
**FROM:** Rob Warwick, Senior Planner  
**DATE:** February 19, 2015  
**SUBJECT:** File No. 2560-15-03, Minor Subdivision and Variance, James Medin, 4135 Rice Street

### **INTRODUCTION AND BACKGROUND**

Mr. Medin proposes to subdivide his property at 4135 Rice Street. The property has a width of 163.65 feet, a depth of approximately 500 feet and an area of 1.88 acres. The lot is developed with an existing 2-story house that has an attached garage.

In 2008, the City approved a preliminary plat application for this property. The plat included the construction of a cul-de-sac along the north side lot line with four lots for detached single family dwellings. The developer failed to apply for Final Plat approval and the preliminary plat approval expired.

Mr. Medin subsequently acquired the property, demolished the prior house and constructed the current house, his residence, on the property. He intends to use the vacant resulting lot for a new single-story dwelling, living there after completing construction.

The application was complete February 9, 2015.

### **MINOR SUBDIVISION**

#### **DEVELOPMENT ORDINANCE REQUIREMENTS**

Minor subdivisions require review by the Planning Commission and approval by the City Council, and are reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards (Sec. 204) require all lots to have frontage on a public right-of-way. Municipal sanitary sewer and water service must be provided to the new lots. The standards also require 5-foot public drainage and utility easements along side property lines, and 10-feet along front and rear lines. Public drainage easements are also required over watercourses, drainages or floodways, as necessary.

The property is located in the R-1, Detached Residential. In this district, minimum lot standards (Sec. 205.082 (D)(1)) require a lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet.

Principal structure setbacks are required to be a minimum of 10-feet from a side lot line and accessory structures setback a minimum of 5-feet from a side lot line. Here since the existing residence on Parcel A is setback more than 40-feet from the front lot line, the front setback for Parcel B is required to equal that setback, plus or minus 10-feet. Both the existing house on Parcel A and future house shown on Parcel B comply with the setback standards specified by City Code. The south side setback of the attached garage on Parcel A is 10.8 feet from the proposed side lot line, exceeding the 5-foot minimum.

Parcel B, the proposed southern lot, is a Key Lot, and so an additional 15-feet of width is required for the lot (Sec. 204.030(C)(9)) for a lot width of 90-feet. The added width is required to insure that the minimum 20-foot side setback for principal structures can be accommodated (Sec.205.080(D)(1)(f)). Please note that Key Lots are discouraged, and when proposed the unique characteristics of the lot proposed for subdivision must be evident (Sec. 204.030(C)(9)). Staff believes that these characteristics are now present, stemming from the existing development pattern and configuration of the lot.

**STAFF REVIEW**

As shown below, the proposed parcels exceed the minimum lot requirements specified in the Development Regulations, except for the width of the Parcel B. The lot areas and depths shown below are exclusive of the 49.5 foot right-of-way shown for Rice St.

	<b>Requirements</b>	<b>Parcel A (north)</b>	<b>Parcel B (south)</b>
<b>Area</b>	10,000 sf	36,779 sf	42,429 sf
<b>Width</b>	75 feet	76 feet	--
<b>Key Lot</b>	90 feet	--	87.65 feet*
<b>Depth</b>	125 feet	483.93 feet	483.93 feet

\* 90-feet is required, and a variance is requested.

Municipal sanitary sewer and water are available to proposed Parcel B from existing City mains located on the west side of the Rice St. right-of-way.

The 22.5-foot south side setback shown for the future dwelling on Parcel B exceeds the 20-foot minimum requirement for a Key Lot.

Several trees will be removed for the future house and drive, including one Landmark tree. Removal of landmark trees requires replacements based on the area of the lot. For a lot with this area, three replacement trees are required for each landmark tree. Tree removal and protection will be addressed in the Development Agreement.

**VARIANCE**

**VARIANCE CRITERIA**

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

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

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

The applicant states that the historic creation of this and adjacent lots created the practical difficulty now encountered, since the existing 163.65-foot width of the existing parcel does not allow for reasonable use of the property. The proposed 87.65-foot width still allows a 20-foot side setback in keeping with the spirit and intent of the City Code. The proposed house style will not match the existing rambles to the south due to a steeper roof pitch, but will provide a visual transition between the dwellings on the south and the split-level and two-story designs to the north and east. Please see the attached statement.

## **STAFF REVIEW**

The property is located in the R-1, Detached Residential District. The adjacent properties located in Shoreview are all designated in the City's Comprehensive Plan for Low Density Residential uses (0-4 units/acre). To the east, across Rice St., is the City of Vadnais Heights where the development pattern consists of attached residential development (side-by-side duplex buildings). Staff believes that the proposed subdivision creating a new lot for detached residential development does not conflict with the policies of the Comprehensive Plan and concurs with the applicant that practical difficulty is present. The large lot area and prior subdivision approval indicate that the proposed use is reasonable. While a variance is required to reduce the lot width of Parcel B by about 3-feet, the house constructed on Parcel A will be setback more than the 20-feet required from the south side lot line. This setback complies with the letter, and the intent of the Code, which was adopted to maintain separation between structures when new development altered the existing lot pattern. The proposed subdivision does not change the existing lot configuration as the existing parcel now meets the definition of a Key Lot, but the density of development will be increased with the addition of a second home. The south side lot line of both the existing and proposed lots abuts the rear yards on the adjacent parcels that front on Demar Avenue.

The existing lot is about 1.85 acres, and staff believes it is reasonable to expect higher intensity use for a property in the R-1 District with this large lot area. The proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern and relationship to adjacent properties.

The property's larger lot area and width is unique to the residential development pattern established west of Rice Street. This property is surrounded by smaller residential lots along the north and west boundaries whose widths range from 75 feet to 80 feet (with the exception of the corner lots). The development pattern along Rice Street is similar with smaller residential properties, except for the two properties immediately to the north of this parcel. In staff's opinion, the property's large lot area and

width are unique to the surrounding residential development pattern and contribute the need for a variance. The proposed width of the property, though slightly less than the minimum 90 feet required, is not out of character for the neighborhood.

The final consideration for staff is the proposed 42,416 square foot area of Parcel B. The requested reduction in width is offset by the large lot area, well in excess of the 11,250 square foot area for a Key Lot with the minimum required 90 by 125 foot dimensions. The open area that will remain on Parcel further aids in complying with the intent of Code to preserve the open areas provided by common abutting rear yards of residential lots.

## **COMMENTS**

### ***PUBLIC WORKS COMMENT***

City Engineering staff report that the existing house on Parcel is connected to municipal water and sanitary sewer. Service stubs for Parcel B must be tapped into the mains and installed to the property line. The City mains are located in the Rice Street right-of-way (ROW) near the west edge of the ROW and so installing new services for Parcel B should not require excavating the pavement. The road is under the jurisdiction of Ramsey County and subject to their permit requirements. The applicant is advised to insure the services are deep enough to prevent frost damage during the winter. Their comment is attached.

### ***PUBLIC COMMENT***

Property owners within 350 feet were notified of the request. No comments have been submitted in response.

### ***AGENCY COMMENT***

Staff notified Ramsey County Public Works of the subdivision request, but has not received a comment in response. The proposal shows an additional 16.5 feet of right-of-way for Rice Street, which is compliant with the County's highway plan. The applicant will need to obtain permits from Ramsey County for all work located within the right-of-way, including a driveway for Parcel B and utility work to connect the dwelling on Parcel B to City water and sewer mains.

## **STAFF RECOMMENDATION**

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with the adopted City standards, except for the width of proposed Parcel B. Approval of the minor subdivision is contingent upon approval of the variance to reduce the lot width for Parcel B.

Staff believes that the variance request is in keeping with the spirit and intent of the Development Code, and that practical difficulty exists due to the existing configuration of the parcel. Staff recommends the Planning Commission adopt Resolution 15-12 approving the variance and to recommend approval of the minor subdivision to the City Council, subject to the attached conditions. If the Commissioners are not able to make affirmative findings for the three variance criteria, the

variance request must be denied and the minor subdivision cannot be recommended for approval to the Council.

### **Variance**

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. 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. 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 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. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
5. Municipal water and sanitary sewer service shall be provided to resulting Parcel B. The applicant shall submit a cash escrow to the City to insure the water and sewer service taps are performed in accordance with the requirements of the City Engineer.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. All work within the Rice Street right-of-way is subject to the permitting authority of Ramsey County.
8. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
9. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

#### **Attachments**

- 1) Location Map
- 2) Site Aerial Photo
- 3) Submitted Plans
- 4) Response to Request for Comment
- 5) Resolution 15-12
- 6) Motion



**Legend**



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

**Notes**

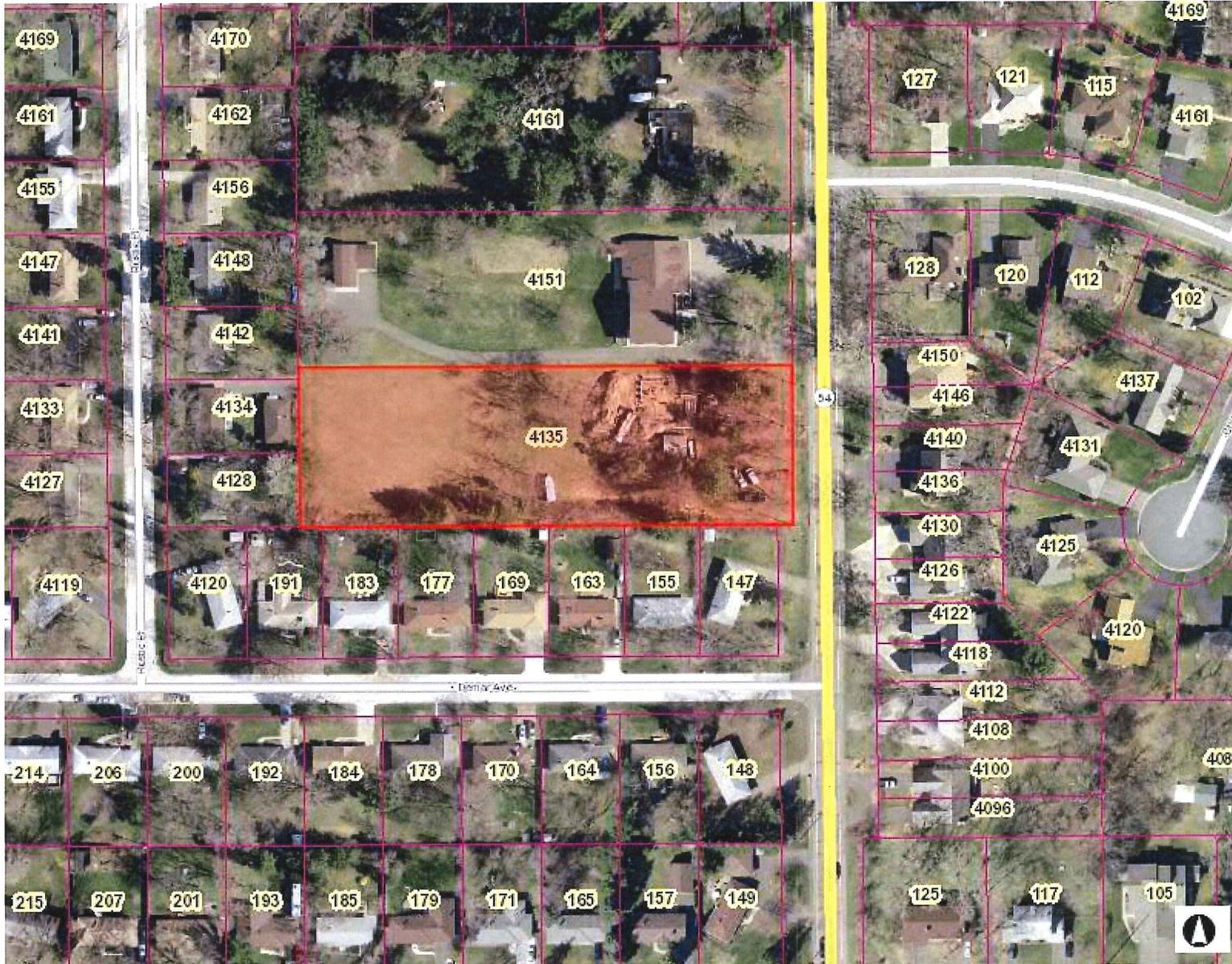
Enter Map Description

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**



**Legend**



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

**Notes**

Enter Map Description

300.0 0 150.00 300.0 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**

Planning Commission  
City of Shoreview  
4600 North Victoria Street  
Shoreview, MN 55126

February 5, 2015

By this statement I am making a double request:

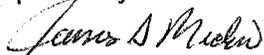
- 1)-permission to create a minor sub-division of the lot described in the accompanying Certificate of Survey
- 2)-approval for a variance of 2.7 feet in order to fulfill the intent of a Key Lot. The same survey includes the information requested: a scaled property line map and site plan.

The purpose of the minor sub-division is to construct a single family house on this new lot for myself as displayed on the survey.

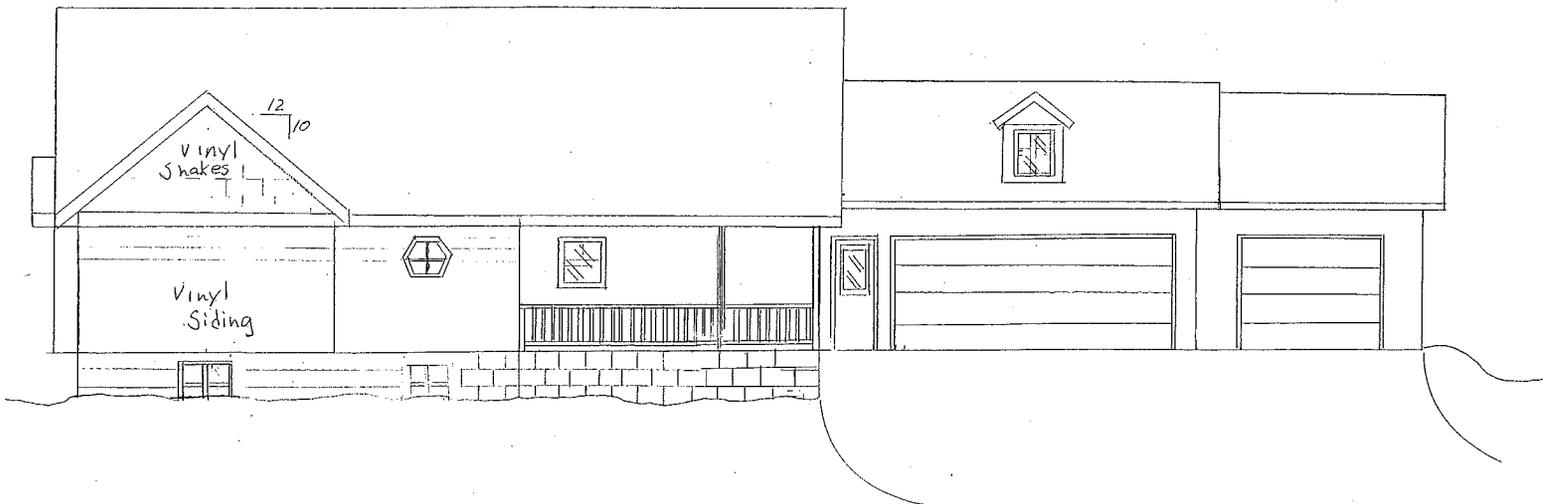
The variance of 2.7 feet is requested to divide the current lot (163.3 feet of road frontage) into two parcels: the northern parcel being 76 feet wide and the southern parcel being 87.3 feet wide. Over the years several proposals have received preliminary approval for lots of this dimension from four building sites to sub-dividing the lot at address 4161 Rice Street into similar parcels as my request.

- i. The "use of the property" (this new lot) will be for a single-story, two-bedroom home of approximately 2,200 sq. feet with a full basement and attached three-car garage.
- ii. The "unique circumstances" encountered is the division of open farm land, sometime in the past, that does not fit well with modern day code requirements. I hope to assure this commission that my request fulfills the intent of current code of maintaining reasonable space between houses and avoiding smaller than normal lots.
  - the proposed set-back from the south property line exceeds the requirement for a Key Lot
  - the size of the resulting lot will be 42,913 sq. feet (including the variance, but excluding easements)
- iii. The design, style and size of this house should not negatively "alter the essential character" of the neighborhood. On the contrary, I believe it will fit in well with the variety of houses in this neighborhood of Shoreview: single-story, split-level and two-story single family homes. The pitch of the roof might be a little higher than many of the single-story houses, but should provide a good visual transition from the two-story houses and townhomes in the immediate vicinity. Being a new home it will also fit well with other homes that are being up-dated. Also, facing east, it will complement the mix of houses along Rice Street.

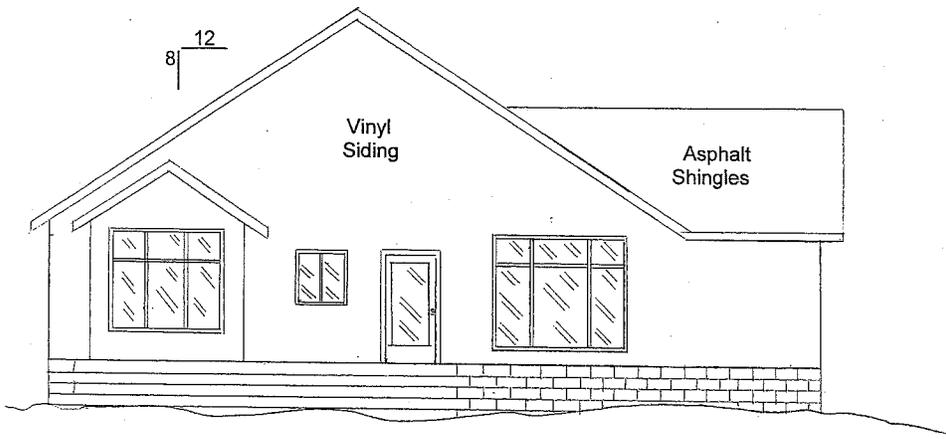
Respectfully submitted,



James G. Medin

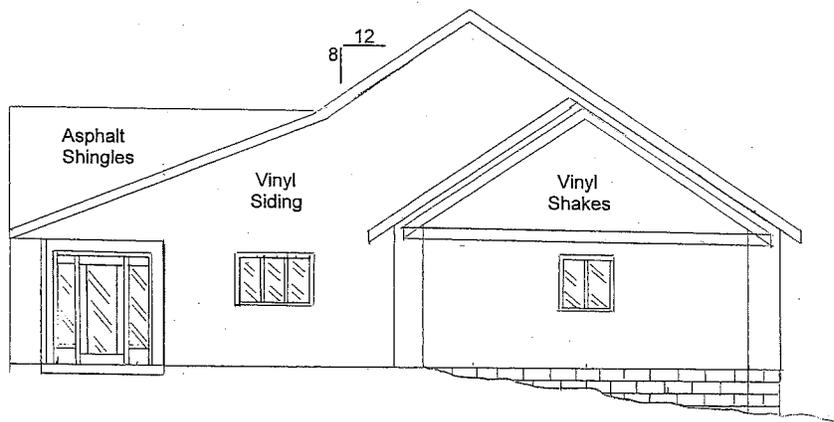


SOUTH ELEVATION  
James G Medin  
41XX Rice Street  
Shoreview, MN 55126  
651-319-2152  
Scale: 1/8" equals 1'



**West Elevation**

WEST ELEVATION  
 James G Medin  
 41XX Rice Street  
 Shoreview, MN 55126  
 651-319-2152  
 Scale: 1/8" equals 1'



**East Elevation**

EAST ELEVATION  
 James G Medin  
 41XX Rice Street  
 Shoreview, MN 55126  
 651-319-2152  
 Scale: 1/8" equals 1'

**KEMPER & ASSOCIATES INC.**

PROFESSIONAL LAND SURVEYORS

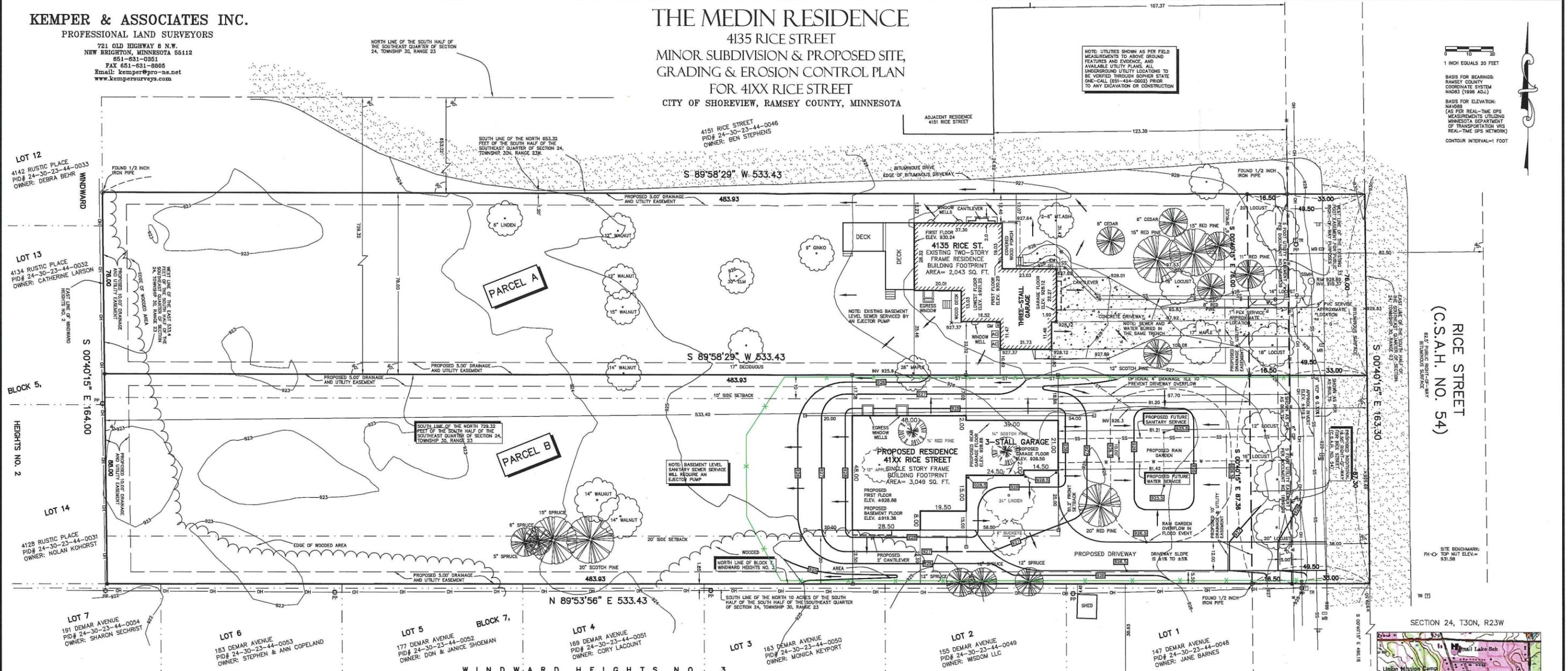
721 OLD HIGHWAY 8 N.W.  
NEW BRITTON, MINNESOTA 55112  
651-631-0351  
FAX 651-631-8805  
Email: kemper@pro-nas.net  
www.kempersurveyors.com

**THE MEDIN RESIDENCE**

4135 RICE STREET  
MINOR SUBDIVISION & PROPOSED SITE,  
GRADING & EROSION CONTROL PLAN  
FOR 41XX RICE STREET  
CITY OF SHOREVIEW, RAMSEY COUNTY, MINNESOTA

NOTE: UTILITIES SHOWN AS PER FIELD MEASUREMENTS TO ABOVE GROUND FEATURES AND EVIDENCE. ALL UNDERGROUND UTILITY LOCATIONS TO BE VERIFIED THROUGH DOPHER STATE ONE-CALL (951-434-0002) PRIOR TO ANY EXCAVATION OR CONSTRUCTION

0 10 20  
1 INCH EQUALS 20 FEET  
BASIS FOR BEARINGS: RAMSEY COUNTY COORDINATE SYSTEM NAD83 (1986 ADJ.)  
BASIS FOR ELEVATION: NAVD83 (AS PER REAL-TIME GPS MEASUREMENTS UTILIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VMS REAL-TIME GPS NETWORK)  
CONTOUR INTERVAL=1 FOOT



**EXISTING LEGAL DESCRIPTION (PID NO. 24-30-23-44-0047)**

2135 RICE STREET, SHOREVIEW, MN 55126-8261  
OWNERS: JAMES G. & WILLA JO MEDIN (RAMSEY COUNTY DOCUMENT NO. 3941850)  
THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, EXCEPT THE NORTH 53.32 FEET THEREOF AND EXCEPT THAT PART LYING SOUTH OF THE NORTH 10 ACRES OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 24; SUBJECT TO RICE STREET, RAMSEY COUNTY, MINNESOTA.

**ZONING REQUIREMENTS**

ZONED R-1 - DETACHED RESIDENTIAL DISTRICT  
MINIMUM LOT AREA - 10,000 SQ. FT.  
MINIMUM LOT WIDTH - 75 FEET  
MINIMUM LOT DEPTH - 125 FEET  
MAXIMUM LOT COVERAGE - 40%  
MAXIMUM BUILDING HEIGHT - 35 FEET  
SETBACKS:  
FRONT - EQUAL TO ADJACENT PROPERTIES ± 10 FEET  
SIDE - EXTERIOR OF EXISTING PARCEL 20 FEET  
SIDE - CREATED SUBDIVISION LINE, 10 FEET PRINCIPAL STRUCTURE, 5 FEET GARAGE

**PROPOSED LEGAL DESCRIPTIONS**

**PARCEL A**  
THE SOUTH 76.00 FEET OF THE NORTH 729.32 FEET OF THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, RAMSEY COUNTY, MINNESOTA. SUBJECT TO AN EASEMENT FOR RICE STREET (C.S.A.H. NO. 54) OVER THE EAST 49.50 FEET THEREOF.  
**PARCEL B**  
THAT PART OF THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, EXCEPT THE NORTH 729.32 FEET THEREOF AND EXCEPT THAT PART LYING SOUTHERLY OF THE NORTH LINE OF BLOCK 7, WINDWARD HEIGHTS NO. 3, RAMSEY COUNTY, MINNESOTA. SUBJECT TO AN EASEMENT FOR RICE STREET (C.S.A.H. NO. 54) OVER THE EAST 49.50 FEET THEREOF.

**EXISTING LOT AREA (PID NO. 24-30-23-44-0047)**

LOT AREA (INCLUDING ROADWAY EASEMENT) = 87,293 SQ. FT. OR 2.0040 ACRES  
LOT AREA (LESS 33' ROADWAY EASEMENT) = 81,902 SQ. FT. OR 1.8802 ACRES  
33' ROADWAY EASEMENT AREA = 5,381 SQ. FT. OR 0.1235 ACRES

**PROPOSED EASEMENT DESCRIPTIONS FOR RICE STREET (CSAH 54)**

**PARCEL A**  
A PERMANENT EASEMENT FOR PUBLIC RIGHT-OF-WAY PURPOSES OVER, UNDER AND ACROSS THE NORTH 5.00 FEET, THE WEST 10.00 FEET, THE SOUTH 5.00 FEET AND THE WEST 10.00 FEET OF THE EAST 59.50 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTH 76.00 FEET OF THE NORTH 729.32 FEET OF THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, RAMSEY COUNTY, MINNESOTA.  
**PARCEL B**  
A PERMANENT EASEMENT FOR PUBLIC RIGHT-OF-WAY PURPOSES OVER, UNDER AND ACROSS THE NORTH 5.00 FEET, THE WEST 10.00 FEET, THE SOUTH 5.00 FEET AND THE WEST 10.00 FEET OF THE EAST 59.50 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, EXCEPT THE NORTH 729.32 FEET THEREOF AND EXCEPT THAT PART LYING SOUTHERLY OF THE NORTH LINE OF BLOCK 7, WINDWARD HEIGHTS NO. 3, RAMSEY COUNTY, MINNESOTA.

**PROPOSED LOT AREAS**

**PARCEL A**  
LOT AREA (INCLUDING ROADWAY EASEMENT) = 40,541 SQ. FT. OR 0.9307 ACRES  
LOT AREA (LESS 49.5' ROADWAY EASEMENT) = 36,779 SQ. FT. OR 0.8443 ACRES  
49.5' ROADWAY EASEMENT AREA = 3,762 SQ. FT. OR 0.0864 ACRES  
**PARCEL B**  
LOT AREA (INCLUDING ROADWAY EASEMENT) = 46,752 SQ. FT. OR 1.0733 ACRES  
LOT AREA (LESS 49.5' ROADWAY EASEMENT) = 42,429 SQ. FT. OR 0.9740 ACRES  
49.5' ROADWAY EASEMENT AREA = 4,323 SQ. FT. OR 0.0992 ACRES

**PROPOSED DRAINAGE & UTILITY EASEMENT DESCRIPTIONS**

**PARCEL A**  
A PERMANENT EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE NORTH 5.00 FEET, THE WEST 10.00 FEET, THE SOUTH 5.00 FEET AND THE WEST 10.00 FEET OF THE EAST 59.50 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTH 76.00 FEET OF THE NORTH 729.32 FEET OF THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, RAMSEY COUNTY, MINNESOTA.  
**PARCEL B**  
A PERMANENT EASEMENT FOR DRAINAGE AND UTILITY PURPOSES OVER, UNDER AND ACROSS THE NORTH 5.00 FEET, THE WEST 10.00 FEET, THE SOUTH 5.00 FEET AND THE WEST 10.00 FEET OF THE EAST 59.50 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE EAST 533.4 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 30, RANGE 23, EXCEPT THE NORTH 729.32 FEET THEREOF AND EXCEPT THAT PART LYING SOUTHERLY OF THE NORTH LINE OF BLOCK 7, WINDWARD HEIGHTS NO. 3, RAMSEY COUNTY, MINNESOTA.

**EXISTING IMPERVIOUS SURFACE**

AREA OF HOUSE & GARAGE = 2,043 SQ. FT.  
AREA OF FRONT PORCH = 128 SQ. FT.  
AREA OF REAR DECK & STEPS = 576 SQ. FT.  
AREA OF CONCRETE DRIVEWAY & WALKS = 2,089 SQ. FT.  
TOTAL IMPERVIOUS AREA = 4,834 SQ. FT.  
PERCENT IMPERVIOUS COVERAGE (NOT INCLUDING EXISTING ROADWAY EASEMENT AREA) = 5.9%

**NOTE**  
DESCRIPTIONS CONTAINED HEREON HAVE BEEN MODIFIED FROM THE ORIGINAL DESCRIPTION CALLS FOR THE SOUTH LINE OF THE NORTH 10 ACRES TO ELIMINATE THE POSSIBILITY OF A POTENTIAL OVERLAP OF 1.85 FEET. THE EXCEPTION NOW READS "EXCEPT THAT PART LYING SOUTHERLY OF THE NORTH LINE OF BLOCK 7, WINDWARD HEIGHTS NO. 3."

**PROPOSED IMPERVIOUS SURFACE**

**PARCEL A:**  
AREA OF HOUSE & GARAGE = 2,043 SQ. FT.  
AREA OF FRONT PORCH = 128 SQ. FT.  
AREA OF REAR DECK & STEPS = 576 SQ. FT.  
AREA OF CONCRETE DRIVEWAY & WALKS = 2,089 SQ. FT.  
TOTAL IMPERVIOUS AREA = 4,834 SQ. FT.  
PERCENT IMPERVIOUS COVERAGE OF LOT AREA (EXCLUDING PROPOSED ROADWAY EASEMENT AREA) = 13.1%  
**PARCEL B:**  
AREA OF PROPOSED BUILDING = 3,049 SQ. FT.  
AREA OF PROPOSED DRIVEWAY = 2,811 SQ. FT.  
TOTAL IMPERVIOUS AREA = 5,860 SQ. FT.  
PERCENT IMPERVIOUS COVERAGE OF LOT AREA (EXCLUDING PROPOSED ROADWAY EASEMENT AREA) = 13.3%

**PROPOSED ELEVATION SUMMARY 41XX RICE STREET**

GARAGE FLOOR = 928.50  
FIRST FLOOR = ±928.88  
BASEMENT FLOOR = ±919.38

**LEGEND**

- 927- EXISTING CONTOUR LINE
- x929.83 EXISTING SPOT ELEVATION
- SSMH SANITARY SEWER MANHOLE
- PP POWER POLE
- LP LIGHT POLE
- WV WATER VALVE
- S— SANITARY SEWER LINE
- OH— OVERHEAD UTILITY LINE
- W— WATER MAIN OR SERVICE
- G— GAS MAIN OR SERVICE
- AC AIR CONDITIONER
- SET SURVEY MONUMENT MARKED "KEMPER 18407"
- FOUND SURVEY MONUMENT
- EM ELECTRIC METER
- GM GAS METER
- MB MAILBOX
- TR TELEPHONE RISER
- FH FIRE HYDRANT
- DENOTES BITUMINOUS SURFACING
- DENOTES CONCRETE SURFACING
- (M) DENOTES DIMENSION MEASURED DURING THE COURSE OF THIS SURVEY
- (R) DENOTES RECORD DIMENSION PER PLAT OR LEGAL DESCRIPTION
- 928.50— PROPOSED CONTOUR LINE
- 928.50 PROPOSED SPOT ELEVATION
- DRAINAGE FLOW DIRECTION
- X— PROPOSED SILT BARRIER
- BUILDING OFFSET STAKE



PREPARED FOR:  
DR. JAMES G. MEDIN, PASTOR  
RIVER OF LIFE CHURCH  
4294 HODGSON ROAD  
SHOREVIEW, MINNESOTA 55126  
651-464-8733  
MEDIN@RIVEROFLIFECHURCH.ORG

JAMES G. & WILLA JO MEDIN  
4135 RICE STREET  
SHOREVIEW, MINNESOTA 55126  
651-207-6958

CERTIFICATION  
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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Mark D. Kemper  
MARK D. KEMPER, PLS 18407  
DATED THIS 10TH DAY OF FEBRUARY, 2015

**CERTIFICATE OF SURVEY**

Date: February 17, 2015

To: Rob Warwick, Senior Planner

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

Subject: Minor Subdivision – 4135 Rice Street  
James Medin

Engineering staff has reviewed the Certificate of Survey dated November 26, 2014. The following comments relate to the site and utility connections:

1. We would recommend that the address of the new south lot be 4131 Rice Street.
2. The existing house at 4135 Rice Street is connected to City water and sewer and was connected by new services in 2011.
3. No water or sewer is stubbed to the proposed south lot. Services would have to be tapped off of the sanitary and water mains. A \$3,000 escrow is required to ensure this work is done properly. Both mains are in the right of way and should not require digging up the road surface. Rice Street is a Ramsey County road and permits will be required from Ramsey County for any work in the right-of-way, including sewer and water and driveway access.
4. The proposed water and sewer services are shown passing under the rain garden. The services should be deep enough or insulated to prevent freezing as it appears there won't be enough cover. The survey also indicates that the lower level will require an ejector pump since the basement floor is proposed at about the same elevation as the sewer main.

If you have questions, please contact me in the Engineering Department at 651-490-4652.

**EXTRACT OF MEETING MINUTES FOR THE SHOREVIEW, MINNESOTA  
PLANNING COMMISSION HELD FEBRUARY 24, 2015**

\* \* \* \* \*

Pursuant to due call and notice thereof, a meeting of the Planning Commission for 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. 15-12 TO REDUCE THE MINIMUM WIDTH FOR A NEW  
PARCEL**

WHEREAS, James G. Medin has submitted a variance application for the following described property:

The East 533.4 feet of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 24, Township 30, Range 23, except the North 653.32 feet thereof and except that part lying South of the North 10 acres of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 24; subject to  
Rice Street, RAMSEY COUNTY, MINNESOTA.  
*(This property is commonly known as 4135 Rice Street)*

Which when subdivided will be legally described as:

**Parcel A**

The South 76 feet of the North 729.32 feet of the East 533.4 feet of the South ½ of the Southeast ¼ of Section 24, Township 30, Range 23, RAMSEY COUNTY, MINNESOTA. Subject to an easement for Rice Street (CSAH 54) over the east 49.5 feet thereof.

And

**Parcel B**

That part of the East 533.4 feet of the South ½ of the Southeast ¼ of Section 24, Township 30, Range 23, except the North 729.32 feet thereof and except that part lying Southerly of the North Line of Block 7, WINDWARD HEIGHTS NO. 3, RAMSEY COUNTY, MINNESOTA. Subject to an easement for Rice Street (CSAH 54) over the East 49.5 feet thereof.

WHEREAS, the Development Regulations establish a minimum width of 90 feet for new Key Lots, as defined in the City of Shoreview Municipal Code; and

WHEREAS, the applicant has requested a variance to this requirement to reduce the width of Parcel B from 90 feet to 87.65 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.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request to reduce the lot width to 87.65-feet for Parcel B be approved on the basis of 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 existing lot area is about 1.85 acres. Subdividing to create two residential lots represents a reasonable use of the property in the R-1 Detached Residential District, creating two lots with areas well in excess of the requirements of City Code.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. The unique circumstance is that no subdivision of the large 1.8 acre property is possible unless a variance is approved because of the lot width requirements. Staff believes the proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern, relationship to the adjacent properties, and character of the neighborhood, while complying with the side setback requirement for Key Lot.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The south lot line has functioned as a side lot line for about 60 years, and so the essential character of the neighborhood should not be altered.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SHOREVIEW PLANNING COMMISSION that the variance requested for 4135 Rice Street be approved subject to the following conditions:

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. The approval is subject to a 5-day appeal period.

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

And the following voted against the same:

Adopted this 24<sup>th</sup> day of March 2015.

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

ATTEST:

\_\_\_\_\_  
Rob Warwick  
Senior Planner

SEAL

**ACCEPTANCE OF CONDITIONS:**

\_\_\_\_\_  
James G. Medin, 4135 Rice Street

**PROPOSED MOTION  
TO APPROVE THE LOT WIDTH VARIANCE AND MINOR SUBDIVISION  
APPLICATIONS FOR JAMES G. MEDIN  
4135 RICE STREET**

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

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

To adopt resolution 15-12 approving the variance to reduce the the lot width for Parcel B to 87.65 feet, and to recommend approval of the minor subdivision to the City Council.

The approval is subject to the following conditions:

**Variance**

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
3. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
4. 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. 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 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. A minimum setback of 20-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
5. Municipal water and sanitary sewer service shall be provided to resulting Parcel B. The applicant shall submit a cash escrow to the City to insure the water and sewer service taps are performed in accordance with the requirements of the City Engineer.
6. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
7. All work within the Rice Street right-of-way is subject to the permitting authority of Ramsey County.
8. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.

9. 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:

#### **Variance**

1. *The property in question cannot be put to a reasonable use under the conditions allowed by the Development Ordinance.* The existing lot area is about 1.85 acres. Subdividing to create two residential lots represents a reasonable use of the property in the R-1 Detached Residential District, creating two lots with areas well in excess of the requirements of City Code.
2. *The hardship is created by circumstances unique to the property and was not created by the landowner.* The unique circumstance is that no subdivision of the large 1.8 acre property is possible unless a variance is approved because of the lot width requirements. Staff believes the proposed subdivision allows the applicant to develop the property with a higher intensity use that recognizes and retains the existing development pattern, relationship to the adjacent properties, and character of the neighborhood, while complying with the side setback requirement for Key Lot.
3. *The variance will not alter the essential character of the neighborhood.* The south lot line has functioned as a side lot line for about 60 years, and so the essential character of the neighborhood should not be altered.

#### **Minor Subdivision**

1. The subdivision is consistent with the policies of the Comprehensive Plan and with the spirit and intent of the Development Code.
2. The proposed lots conform to the other adopted City standards for the R-1 Detached Residential District.

#### **VOTE:**

**AYES:**

**NAYS:**