

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: JUNE 23, 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
*Brief Description of Meeting Process – Chair Steve Solomonson
February 24, 2015 – Workshop Meeting
May 26, 2015 – Regular Meeting*

3. REPORT ON CITY COUNCIL ACTIONS
Meeting Date: June 1st, 2015 and June 15th, 2015

4. NEW BUSINESS

A. PUBLIC HEARING - CONDITIONAL USE PERMIT*
*FILE NO: 2578-15-21
APPLICANT: Marlowe Hamerston / Karin Hamerston
LOCATION: 771 Larson Lane*

B. MINOR SUBDIVISION* / VARIANCE
*FILE NO: 2577-15-20
APPLICANT: Darwin DeRosier
LOCATION: 899/893 Tanglewood Drive*

C. MINOR SUBDIVISION*
*FILE NO: 2576-15-19
APPLICANT: Brian and Rene Maleski
ADDRESS: 5825 Buffalo Lane*

D. VARIANCE
*FILE NO: 2580-15-23
APPLICANT: John & Tracy Foley
ADDRESS: 730 Amber Drive*

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

5. MISCELLANEOUS

- A. City Council Meeting Assignments for *July 6th, 2015 (Meeting Canceled) and July 20th, 2015*
Planning Commissioners *Solomonson and Doan*
- B. Planning Commission Workshop before the Regular Meeting – *6:45 pm, June 23rd, 2015*

6. ADJOURNMENT

DRAFT
SHOREVIEW PLANNING COMMISSION
WORKSHOP MEETING MINUTES
FEBRUARY 24, 2015

CALL TO ORDER

Chair Solomonson called the February 24, 2015 Planning Commission meeting workshop to order at 8:10 p.m.

ROLL CALL

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

DISCUSSION

Highway Corridor Transition Study – Final Report

The Commission received the Final Report for the Highway Corridor Transition Study. The Commission discussed next steps regarding the Report recommendations. The Staff indicated that the recommendations will be incorporated into the next revision of the Comprehensive Plan. However, for some areas, the Staff anticipates land use policies to be updated sooner to address those areas that may be experiencing development pressure.

A Commission member submitted some minor revisions to the Report.

Accessory Structures

The Staff reviewed the outcomes of the joint meeting with the City Council that addressed the existing accessory structure regulations and the increased requests for conditional use permits and variances. The Commission members discussed the maximum areas permitted, a tiered approach for area considering whether structures were attached or detached and the lot size. Establishing a cap for larger lots was supported. There was also support to require larger setbacks for larger accessory buildings.

ADJOURNMENT

The workshop adjourned at ??0 pm.

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
May 26, 2015**

CALL TO ORDER

Chair Solomonson called the May 26, 2015 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the May 26, 2015 Planning Commission meeting agenda as presented.

VOTE: Ayes - 7 Nays - 0

APPROVAL OF MINUTES

Chair Solomonson noted that the adjournment vote on page 13 should be should be 7 to 0, not 6 to 0.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to approve the April 28, 2015 Planning Commission meeting minutes, as amended.

VOTE: Ayes - 7 Nays - 0

REPORT ON CITY COUNCIL ACTIONS

Presentation by City Planner Kathleen Castle

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

- Comprehensive Sign Plan, M T Holdings, 1027 Tomlyn Avenue
- Text Amendment to Section 212 of the City Code to be consistent with State Building Code

OLD BUSINESS

PUBLIC HEARING – VARIANCE / MAJOR SUBDIVISION

FILE NO: 2568-15-11
APPLICANT: DONALD F. ZIBELL
LOCATION: 3422 CHANDLER ROAD

Presentation by Senior Planner Rob Warwick

The Planning Commission reviewed the applications for a preliminary plat and variance for this major subdivision application at its April 28th meeting. The public hearing was continued and the review period extended to 120 days in order to provide the applicant opportunity to make revisions and apply for needed variances.

In 2014, the City approved a minor subdivision that adjusted the north property line to the current property configuration with development of Lot 4. The subdivision agreement requires removal of the existing tennis court and adjacent detached accessory structure later this year. There is also a stable building that will be removed.

The current proposal is to subdivide 3.6 acres of upland into 8 lots, 2 riparian and 6 non-riparian, for detached single-family development. Land use for this property is designated Low Density Residential (RL) in the Comprehensive Plan, which is 0 to 4 units per acre. Density for this proposal, including the right-of-way, is 2.2 units per acre. The existing home, garage and swimming pool will remain on Lot 5. Access to the lots will be provided by a new public road extending east from Chandler. Storm water will be managed with a bio-filtration system on Lot 4.

The applicant has revised the utility plan to address the concern regarding infrastructure on Lot 4. The existing driveway has been altered on Lot 5 to conform to the required 5-foot side setback. The grading plan has been revised to show location of landmark trees. The variance requests submitted are: 1) to increase the Ordinary High Water (OHW) setback for the future house on Lot 4; 2) to reduce the lot depths for Lots 6, 7, and 8, which are key lots and require an added 15 feet of depth per Code; 3) reduce lot frontage on a cul-de-sac for Lot 4 to 72 feet; and 4) to allow an increased setback for the house pad from the Ordinary High Water (OHW) on Lot 4. The variance for the house pad setback is a due to the drainage and utility easement and filtration basin. The west side of the easement is at approximately 85 feet from the OHW. It may be possible for a new home to comply with setback regulations, but the distance between the maximum front setback and the maximum OHW will be between 80 and 100 feet. Existing drainage flows to the lake and off-site to the south. The storm water management plan complies with the standards of the City and Ramsey Washington Metro Watershed District to address storm water quality and quantity with best management practices for construction and erosion control.

The proposed public street extends east from Chandler approximately 325 feet to end in a cul-de-sac. It is consistent with City design standards and will be constructed by the developer. It will become part of the public street system in the City.

Approximately 70 landmark trees have been identified on the property. It is estimated that about half will be removed. Code requires replacement with 6 new trees for every landmark tree removed for the street, grading and house construction.

The applicant states that the key lots comply with all City requirements, including the increased rear setback of 40 feet. Further, the 72-foot wide frontage on the cul-de-sac is over twice what is required (30 feet) for non-riparian lots. Staff believes it may be possible to construct a house on Lot 4 that complies with the OHW setback. Staff has recommended withdrawal of the application for this variance in order for the builder to design the home and apply for variances as needed.

Staff believes that the existing 304 foot width of the existing parcel creates practical difficulty. With a 50-foot street width requirement, the remaining 254 feet divided evenly gives a lot depth of 127 feet. The lot pattern proposed continues the existing pattern of lots along the south side of Lake Wabasso Court and so will not alter the character of the neighborhood. The developer will not be building homes but will sell the lots. The proposed lots comply with minimum standards of the R1 District. Lots 4 and 5 are the two riparian lots. The OHW for Lake Wabasso is 886.9 feet. A width of 100 feet is required at the shoreline, at the building setback and at the front lot line. The minimum area required is 15,000 square feet above the OHW. Lot 4 has 29,000 square feet of area. City regulations for riparian lots do not have a provision allowing reduced frontage similar to regulations for non-riparian lots. Staff believes that the large lot area and consistent width of 100 feet meet the intent of the Code.

Notice of the public hearing was again published in the City's legal newspaper and mailed to property owners within 350 feet of the subject property. Concerns expressed regard loss of green space, environmental impacts on nearby lakes and wildlife, increased traffic and construction noise. The Fire Marshall has reviewed the plans and had no comment. The project is subject to a watershed district permit.

It is recommended the public hearing be reopened to take testimony. Staff has made affirmative findings for the variance requests. Approval is recommended for the variances and a recommendation of approval for the Preliminary Plat be sent to the City Council.

Commissioner McCool noted that the applicant is willing to work with adjoining landowners for screening for Lots 6, 7 and 8 and asked if that would be included in approval conditions. Mr. Warwick explained that Code does not require screening to separate residential uses from residential uses.

Commissioner Doan asked for the rationale as to which landmark trees would be removed and which would remain. Mr. Warwick stated that the impact of grading and construction were the determining factors. Trees generally do not survive grading changes. Commissioner Doan commended the applicant for saving as many landmark trees as possible and further encouraged

use of any construction methods available that would preserve more of them, especially the one close to Chandler on Lot 8 and another on Lot 7.

Commissioner Ferrington asked if it would be possible for the six lots on the road to have a closer setback to the street to create more open space and distance between neighboring houses to these key lots. The applicant has suggested this possibility. Mr. Warwick stated that the house pads are shown 30 feet from the street. Setbacks are dictated by Code and a very good reason would be needed to require an increased setback from what is stipulated in Code.

City Attorney Joe Kelly added that such a stipulation could be considered arbitrary. Good grounds would be needed to alter what is required by Code. Further, he stated that he has reviewed the affidavits for the public hearing, and proper re-notice has been given.

Chair Solomonson re-opened the public hearing.

Mr. Jerry Kleffman, 3400 Chandler Road, suggested a compromise that Lots 1, 2, 3 and 4 be developed as planned. He also suggested that the 50-foot road be moved south 50 feet to increase the buffer between the existing house at 3410 Chandler from 100 feet to 300 feet. Lot 5 could still be developed, but there should be no key lots that are dimensionally challenged. It will be difficult to construct homes without variances. The widths of Lot Nos. 6, and 7 do not satisfy the needed width for a key lot and asked if another variance would be needed. The neighborhood deserves the larger buffer zone. **Mr. Kleffman** stated that according to the tree ordinance, approximately 200 trees will be needed for replacement of landmark trees. There will not be room on the site and then the City will determine where the replacement trees will be planted. This downgrades the neighborhood with loss of trees. He recommended the application be denied.

Mr. John Kjarum, 3410 Chandler Road, expressed concern about the number of key lots that will abut neighboring residential properties. He asked if there is any City precedence regarding the number of key lots created for new development.

MOTION: by Commissioner Schumer, seconded by Commissioner McCool to close the public hearing at 8:00 p.m.

VOTE: Ayes - 7 Nays - 0

In answer to questions, Mr. Warwick explained that the Code reads that 15 feet will be added to width or depth for key lots. The intent is to insure sufficient area for the building pad because of the increased required setbacks. The additional rear yard setback for Lot Nos. 6, 7 and 8 meets Code. He further stated that the regulations for key lots were adopted in 2008. Prior to 2008, there was no definition of key lots. Since adoption of the regulations, the City has had 17 subdivision applications. The highest number was a plat on Turtle Lake Road which had four key lots. There have been 13 minor subdivisions since those regulations were adopted. Half had key lots; two requested variances to depth and/or width.

Commissioner Peterson stated that the variances are reasonable. While the character of the neighborhood is changing, it is not because of those variances. He would like to see a strong buffer and tree replacement plan.

Commissioner McCool stated that the property is zoned correctly for a subdivision. The layout and variance requests are reasonable. Even though the lots are smaller, the increased setbacks required by Code will be kept. The character of the neighborhood will change, but it is because of an accepted opportunity for this property owner to develop a large parcel. He does not favor the variance setback from the OHW on Lot 4.

Commissioner Thompson expressed her concern about crowding three key lots into this development. The impact would be significantly reduced if there were only two key lots.

Chair Solomonson noted that prior to 2008, these lots were treated like any other lot. He supports the application and the increased rear setback required. He agreed that the OHW variance needs to be withdrawn. City Planner Castle clarified that the Code requires a rear setback of 40 feet for key lots; the Commission could increase that requirement.

Commissioner Ferrington noted that there is a steep hill between the neighborhood and the new homes. It will be a challenge to put in new trees. She would support a 45-foot rear setback with a 25-foot front setback.

Commissioner Thompson agreed with the increased rear setback to 45 feet.

Mr. Don Zibell, 3224 Chandler Road, Applicant, agreed to withdraw the variance application for the OHW on Lot 4. He stated he does not intend to build on the lake lot in the near future. Further, most trees on Lot Nos. 7 and 8 are cottonwood trees which are very messy. There will be grading and fill in that area. He does not plan to replace the trees with cottonwoods.

Mr. Warwick suggested modifying condition No. 8 to the motion for the Landscape Plan to include planting conifers along the rear lot lines of Lot Nos. 6, 7 and 8 for buffering purposes.

MOTION: by Commissioner Ferrington, seconded by Commissioner Schumer to adopt Resolution 15-40 approving the variances to reduce the front lot line for Lot 4, and to reduce the lot depth for Lots 6, 7, and 8, and to recommend the City Council approve preliminary plat submitted by Donald Zibell to subdivide and develop the property at 3422 Chandler Road into lots for single-family detached homes. Said recommendation for approval is subject to the following conditions, with the change to condition No. 2 under that a minimum 45-foot South rear lot line is required for principal and accessory structures developed on Lots 6, 7 and 8. Further, condition No. 8 should include a provision in the Landscape Plan that conifers will be planted along the rear lot lines of Lot Nos. 6, 7 and 8 for screening and buffering.

Variances

1. This approval is subject to approval of the Preliminary Plat application by the City Council.
2. A minimum setback of 45 feet from the South (rear) lot line is required for the principal and accessory structures developed on Lots 6, 7, and 8.
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.

Preliminary Plat

1. The approval permits the development of a detached residential subdivision providing 8 lots for single family residential development.
2. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to approval of any permits or the Final Plat. Concerns identified by the City Engineer shall be addressed with the Final Plat submittal.
3. Final utility plans are subject to review and approval by the Public Works Director.
4. The final street design is subject to review and approval of the Public Works Director.
5. Comments identified in the memo dated May 20, 2015 from the City Engineer shall be addressed with the Final Plat submittal.
6. A Development Agreement, Erosion Control Agreement shall be executed and related securities submitted prior to any work commencing on the site. A Grading Permit is required prior to commencing work on the site.
7. A Public Recreation Use Dedication fee shall be submitted as required by ordinance prior to release of the Final Plat.
8. The landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Trees on the property, which are to remain, shall be protected with construction fencing placed at the tree drip lines prior to grading and excavating. Conifers will be planted along the rear lot lines of Lot Nos. 6, 7 and 8 for screening and buffering. Said plan shall be submitted for review and approval by the City Planner prior to submittal of the final plat application.
9. The Final Plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the roadways shall be 10 feet wide and 5 feet wide along the side and rear lot lines. Other drainage and utility easements shall be provided over the proposed bio-filtration area, future public infrastructure and as required by the Public Works Director.

10. The developer shall secure a permit from the Ramsey Washington Metro Watershed District prior to commencing any grading on the property.

This approval is based on the following findings:

1. The proposed development plan supports the policies stated in the Comprehensive Plan related to land use and housing.
2. The proposed development plan carries out the recommendations as set forth in the Housing Action Plan
3. The proposed development plan will not adversely impact the planned land use of the surrounding property.
4. The width of Lot 4 complies with the 100-foot required for a riparian lot measured between the side lot lines, throughout its depth.
5. The future structures on Lots 6, 7, and 8 will comply with the 40-foot structure setback required for Key Lots, and so provide the separation intended by City Code.
6. With approval of the variances to reduce the frontage for Lot 4, and the lot depths for Lots 6, 7, and 8, the preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

VOTE: Ayes - 7 Nays - 0

Discussion:

Commissioner Doan noted that condition No. 5 under Findings of Fact should also be changed to a 45-foot setback.

City Attorney Kelly stated that a motion is needed to reconsider the motion with the correction to the Findings of Fact.

MOTION: by Commissioner Doan, seconded by Commissioner Thompson to reconsider Resolution 15-40, adding an amendment to the Findings of Fact that future structures on Lot Nos. 6, 7, and 8 will comply with a 45-foot rear setback as required for key lots.

VOTE: Ayes - 7 Nays - 0

NEW BUSINESS

PUBLIC HEARING - CONDITIONAL USE PERMIT/VARIANCE

FILE NO: 2571-15-14
APPLICANT: RUSSELL WEAVER & PEGGY HUSTON-WEAVER
LOCATION: 4344 SNAIL LAKE BLVD.

Presentation by Economic Development and Planning Associate, Niki Hill

This application is for a Conditional Use Permit (CUP) to construct a 192 square foot detached accessory structure. As the property is less than one acre, a CUP is needed for an accessory structure larger than 150 square feet. A variance is also requested, as the applicant plans to build the shed in the side yard adjacent to the side of the garage. A CUP requires that the shed be built in the rear yard. The same architecture features as the garage and the house will be used for the shed.

The property consists of 21,461 square feet. It is a standard lot with 105 feet of width on Snail Lake Blvd and a depth of 236 feet. There is an existing single-family home and detached 3-car garage.

To justify the variance, the applicant states that the detached accessory structure fits the purpose and intent of the City's Comprehensive Plan because it complements the house and garage and does not detract from the property. The variance is requested due to the topography of the property that has a steep slope east of the proposed building. Access to the new structure would be almost impossible if it were located in the rear yard. The shed will store outdoor equipment that is used in the front of the property.

Dimensions, setback and square footage for accessory structures all meet City standards. A new flower garden is planned in the 10 feet between the new structure and lot line to help with screening.

Staff agrees that practical difficulty exists due to the topography. Locating a shed on the side of the garage is a reasonable use of the property. The proposed 30-foot setback from the front lot line is also reasonable because it is behind the setback of the existing garage and behind the 25-foot setback of the property to the north.

The property has unique circumstances with the steep slope from west to east leaving 14 feet from the front of the garage to the rear of the house. The slope continues to lose 6 feet for 30 feet behind the house before leveling off. A shed in the rear yard would not allow any functional use. As the shed will be further back than the setback of the garage, it will not impact the character of the neighborhood. The neighborhood is a mix of riparian and non-riparian properties that vary in size, setbacks and overall look.

Notices were sent to property owners within 350 feet. Two written comments were received in support of the proposal. Staff is recommending approval of the variance subject to the conditions in the staff report and a recommendation to the City Council to approve the CUP.

City Attorney Joe Kelly stated that he has reviewed the affidavit and finds that proper notice was given for the public hearing.

Chair Solomonson opened the public hearing.

Mr. Russ Weaver, Applicant, stated that he would answer any questions.

Commissioner Ferrington noted that there is water at the bottom of the slope in this yard.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to close the public hearing at 8:34 p.m.

VOTE: Ayes - 7 Nays - 0

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the variance request submitted by Russell Weaver for their property at 4344 Snail Lake Blvd, allowing the permitted structure to be located in the sideyard, setback 30 feet from the front lot line; and adopt Resolution No. 15-36; 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 fact that Practical Difficulty is present as identified in the findings in Resolution 15-36.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to recommend the City Council approve the Conditional Use Permit for a 192 square foot detached accessory structure at 4344 Snail Lake Blvd, 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 located in the sideyard, setback 30 feet from the front lot line per Resolution 15-36, approving the Variance.

VOTE: Ayes - 7 Nays - 0

VARIANCE

FILE NO: 2574-15-17
APPLICANT: JENNIFER & BRUCE ANDERSON
LOCATION: 5855 DANIEL COURT

Presentation by City Planner Kathleen Castle

The applicants seek to reduce the minimum 25-foot front setback to 22.5 feet on Daniel Court in order to put a porch addition onto the front of their home. The setback of the existing home is 31 feet. The porch would measure 8.5 feet by 26 feet. The property consists of 14,200 square feet with lot width of 88 feet. The lot depth is 140 feet. The existing home is two-story with an attached garage and other improvements on the property. The porch is part of planned further improvements, which include new siding and stone work on the front. The property is zoned R1, Detached Residential. The minimum front setback is 25 feet, Landings are a permitted encroachment as long as they do not exceed 5 feet by 7 feet.

The applicant states that the porch will replace a 4-foot overhang, which will improve the appearance of the home. It will also provide a covered entry. A unique circumstance of this property is that the home is not parallel to the road.

Staff finds that the proposal is consistent with City land use and housing policies. Practical difficulty is present. The unique circumstance of the orientation of the home and curve of the front property line results in a varied front setback. The southeast corner of the proposed porch will encroach into the front setback. There is no impact to the character of the neighborhood. The visual impact on established setbacks will not be apparent because the property is on a cul-de-sac.

Property owners within 150 feet were notified of the application. Two comments were received in support of the proposal. Staff agrees that practical difficulty is present and recommends approval of the variance with the conditions listed in the motion.

Chair Solomonson clarified that no steps or railing are needed. He noted that if a landing were put in, which is permitted, it would encroach 5 feet into the front setback, not 2.5 feet.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to adopt Resolution 15-38 approving the requested variance submitted by Bruce and Jenny Anderson, 5855 Daniel Court, to reduce the required 25-foot structure setback from a front property line to 22.5' for a front porch addition. Said approval is subject to the following:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. The covered porch shall not exceed one-story in height and shall not be enclosed.

3. This approval will expire after one year if a building permit has not been issued and construction commenced.
4. This approval is subject to a 5-day appeal period.

This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. Practical difficulty is present as stated in Resolution 15-38

Chair Solomonson stated that the unique circumstance of this application is the curvature of the cul-de-sac in front of the home, which allows him to support the request.

VOTE: Ayes - 7 Nays - 0

Chair Solomonson called a 10-minute break and then reconvened the meeting.

VARIANCE

FILE NO: 2573-15-16
APPLICANT: LOUIS CECIL METZ
LOCATION: 3435 MILTON STREET NORTH

Presentation by Economic Development and Planning Associate, Niki Hill

This variance application seeks permission to build a 60 square foot detached accessory structure within 2 feet of the east side property line, in the exact same location as an existing shed. Because the setback is less than 10 feet, a variance is required.

The property is a sub-standard lot with a width of 125 feet on Milton Street. The lot depth is 105 feet. It is developed with a single-family home and attached 2-car garage.

The applicant states that justification for the variance is in the shallow lot depth and placement of the house on the lot. A shed placed at the required 10 feet would place it too close to the deck and would significantly reduce the usefulness of the back yard. Other areas in the rear yard have trees, planting beds and/or a sloping terrain. The replacement shed is almost the same size as the existing shed that has been in its current location for 35 years. The replacement shed would cause minimal alteration of the character of the neighborhood.

Staff finds that practical difficulty is present. The request to replace the the old shed is a reasonable use of the property. The City supports and encourages reinvestment in property. The unique circumstance of less than 125 feet in depth reduces the size of the rear yard. Moving the proposed shed to comply with required setbacks would impact existing plantings, landscaping and topography, as grading would be needed for site preparation. Since the existing shed has been in the proposed location for 35 years, there will be no change to the character of the

neighborhood. Also, there is a fence between the structure and the rear yard, which provides screening.

Notices were sent to property owners within 150 feet of the subject property. Two written comments were received supporting the project. Staff is recommending approval with the conditions listed in the motion.

Commissioner Schumer asked the reason for the variance. Ms. Hill explained that although the existing shed has been in that location for 35 years, no building permit was issued for it. It is considered an illegal non-conforming structure. The variance is needed to maintain the existing setback.

Chair Solomonson asked if the existing building is illegal or non-conforming. City Attorney Kelly explained that the difference is between legal or illegal non-conforming. It is not a traditional non-conforming use because no building permit was ever issued.

Commissioner Doan asked if consideration was given to placing the new shed in a different location. Ms. Hill responded that other locations were discussed, but due to existing landscaping, landmark trees and the topography which would require grading, staff believes the current location is the best one.

Commissioner Doan asked the location of the fence. The applicant stated that the fence is at the rear property line. It belongs to the neighbor and is on the neighbor's side of the property line.

Commissioner Ferrington asked if a building permit would have been required for this shed 35 years ago. City Planner Castle stated that the Code did address accessory structures, but she is not sure if a permit would have been required.

Chair Solomonson asked if the shed could be located in the southwest corner with a 10-foot setback that would be in compliance.

Mr. Louis Metz, Applicant stated that there is a large tree in the southwest corner, and the topography slopes upward toward the neighbor's house. He added that he was the owner 35 years ago and was unaware that any permit was needed.

Chair Solomonson asked how the status of the structure would change if a building permit were not required 35 years ago. City Attorney Kelly stated that the shed would then be considered a legal non-conforming use. Permits were issued for detached accessory structures at that time, even though the Code requirement was unknown.

MOTION: by Commissioner Schumer, seconded by Commissioner Thompson to approve the variance request submitted by Louis Cecil Metz for their property at 3435 Milton St. N., reducing the minimum 10 foot structure setback from a rear property line to 2 feet and adopt Resolution No. 15-37, subject to the following conditions:.

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

This motion is based on the fact that Practical Difficulty is present as identified in the findings in Resolution 15-37.

Discussion:

Commissioner McCool stated that a setback of 2 feet is difficult for him to support, and he believes there may be an alternate location available. The only reason he can support it is because the existing shed has been in this location 35 years.

Chair Solomonson noted the orientation of the house at 3422 would be impacted more if the shed were moved further south.

VOTE: Ayes - 7 Nays - 0

MINOR SUBDIVISION/VARIANCE

FILE NO: 2575-15-18
APPLICANT: TODD SHARKEY LAND DEVELOPMENT
LOCATION: 4965 HANSON ROAD

Presentation by Asst. City Manager/Community Development Director Tom Simonson

The minor subdivision proposal is to create two parcels including one new vacant lot. The application requires a variance because the new parcel would not have frontage on a public street. The proposal also establishes a minimum front setback for any future house that is built. There is an existing home on Parcel B, which would be removed and replaced. The variance is requested for the new Parcel A, which is west of Parcel B, and will access off a private 30-foot roadway easement. It has been established that the applicant has legal rights to access the easement. Within the easement is a 12-foot wide private drive that serves seven homes.

Sewer and water are available to the new Parcel A from Hanson Road across Parcel B. This would require a 10-foot dedication for a utility easement along the south lot line of Parcel B. The home on Parcel B has a 16-foot setback from the south property line. The City's 10-foot utility easement will easily fit within that setback and cause no impact to the existing home.

Water is also available through a City easement. However, the City easement is under the private roadway, and there is a question as to whether the City would have access rights to the private easement. With utility access from Hanson Road, this is not an issue. Grading, drainage and tree preservation plans are not required at this time prior to the building permit process. The City Engineer has reviewed drainage in the area and does not anticipate any problems from grading for a new house.

Both parcels exceed the minimum requirements for area and width. The key lot depth requirement is 140 feet. New Parcel A will have a depth of 143.44 feet; Parcel B is 138.95 feet. Staff is recommending a slight modification to achieve a depth of 140 feet for Parcel B to be in compliance.

The buildable area for Parcel A is impacted by the house at 1000 Oakridge Avenue to the west. That house has a front setback of 89.29 feet, which exceeds the 40-foot minimum. Staff believes the greater front setback was allowed in 1993 for a possible future public cul-de-sac. The front setback for Parcel A is determined by the 89.29-foot setback at 1000 Oakridge, plus or minus 10 feet, the minimum being 79.29. As a key lot, Parcel A is required to maintain a 40-foot rear setback. With the front and rear setback requirements, a very restricted 24.15 feet is left as buildable area. Staff believes the front setback to be unreasonable and is recommending a front setback of 35 feet. The east side setback for a structure on Parcel A is a minimum 20 feet because it is a key lot. The west side minimum setback for Parcel A is 10 feet for a principle structure and 5 feet for a garage or accessory structure.

The proposal does meet the criteria necessary for a variance:

Reasonable Use:

The proposal is a reasonable use of the property. The property is guided and zoned for single-family development. The proposed parcels exceed lot area requirements and comply with dimension requirements for key lots with one slight modification to Parcel B. Parcel A would be served by access to a private roadway easement serving seven other homes and to which the applicant has a legal right to use. The private drive does provide adequate access for emergency vehicles and will not cause traffic or public safety concerns.

Unique Circumstances:

There are unique circumstances in that the property has frontage on both a public and private road. The property has legal access to the private roadway easement. A future public road is not likely because of the limited land for future subdivision. The house at 1000 Oakridge does restrict the buildable area for Parcel A. This circumstance was not caused by the applicant.

Character of the Neighborhood:

The proposed subdivision to build one additional single-family residential parcel will not alter the character of the neighborhood. Lot sizes vary with larger riparian property along portions of Hanson Road but also more traditional sized lots scattered in the area. A house on Parcel A will not visually impact properties immediately to the south or west.

The Fire Department has reviewed the subdivision and has no concerns as long as No Parking is maintained on the access easement and clear space is maintained.

Notices were sent to property owners within 350 feet of the subject property. Written comments have been made available to the Planning Commission for review.

Staff supports the proposal because the applicant has legal rights to the private roadway easement, which serves other homes. A new lot was approved for this private roadway in 1993. The restrictive front setback and limited buildable area for Parcel A is a hardship not created by the applicant, since the City allowed the larger front setback for 1000 Oakridge Avenue. Parcel A meets all Code requirements for single-family residential development. Staff recommends approval of the variance for Parcel A with access to the private roadway easement and establishing a front setback of 35 feet for a future house on Parcel A. Staff also recommends forwarding the minor subdivision to the City Council for approval. Approval is based on the conditions listed in the staff report. Mr. Simonson noted that condition No. 8 under the Minor Subdivision; the south side setback should be 10 feet not 15 feet.

Commissioner Peterson asked for some indication of the drainage pattern since there is no storm sewer. Mr. Simonson stated that most of the water flows along the edge of the private driveway to Hanson Road. The City Engineer believes a swale on Parcel A could drain along the north on Parcel B to Hanson Road. No increased water flow will leave the property.

Commissioner McCool asked the location of the new driveway. He noted a gap between the easement and the property itself. Mr. Simonson stated that there is a sliver of green space between the easement and the north line of the Sharkey property. He anticipates that the homeowner of Parcel A will maintain that piece. The house plan usually dictates the driveway location. Regardless of the location of the driveway, Parcel A has the right to access the private drive easement.

City Attorney Kelly agreed. He stated that the 30-foot private road easement directly abuts Parcel A to the north so there would be direct access.

Commissioner Doan questioned the 5-foot setback shown on the west side of the property and asked if it should be 10 feet. Mr. Simonson explained that the 5 feet shown assume the garage is on the west side. If the house is on the west side, the setback must be 10 feet.

Chair Solomonson opened the discussion to public comment.

Mr. Todd Sharkey, 4965 Hanson Road, Applicant, stated that he would be willing to answer any questions.

Ms. Lynn Iwaszko, 999 Oakridge, stated that her biggest concern is drainage. The City Engineer has indicated no problem, but she wants to be sure the water flows south. Currently, water on the private drive flows north across the riparian properties to the lake. Water gushes down the driveways. Residents have put in dry riverbeds to try to control the water. Because there is no storm sewer, she would like to see plans that show drainage from Parcel A across

Parcel B to Hanson Road. She owns the 5 or 6 feet of green space on the north part of the yard for Parcel A. The owner of Parcel A has an easement, but she is not willing to give 5 or 6 feet of her yard for that owner to take over and mow it. This proposal will change the character of the neighborhood. She noted the Anderson subdivision in 1998 was a 4-acre lot divided into 2 1.5+ acre lots. At that time, Mayor Martin stipulated that no further subdivision should occur in the private drive because of safety. Those stipulations sit today on large properties that cannot subdivide until there is a public road. She would like to see the same stipulations applied to the Sharkey property before this variance is approved.

Mr. Dennis Jarnot, 1000 Oakridge Drive, stated that when the Anderson subdivision occurred, his house was set back 89 feet to help drainage. The lots in the area are big with lots of green space. To allow a new home with a 35-foot setback would block his view. The lots to north are at a lower elevation. It is difficult to contain water flow. Ten years ago the City Council came to the consensus that it is bad policy to grant a variance for a lot split and then grant another variance for a house to be built on the new lot. It is his understanding that the Hanson property will always have access rights to the private easement, but former City Attorney Filla believed there would be a legal question as to whether the new parcel would have the same rights. Neighbors are overwhelmingly opposed to this subdivision.

Mr. David Hill, 4957 Hanson Road, expressed concern about water runoff. This is a very flat area. Water barely drains off his property. If building occurs, water will definitely increase on his property. This issue keeps coming up. This application has been denied once by the City Council and that decision should stand.

Mr. Todd Sharkey, 4965 Hanson Road, Applicant, responded to Ms. Iwaszko by stating that the soil is sand. It drains well and is good for building. The water issues on the Iwaszko property has to do with the number of buildings on that property--a barn, a chicken coop, large surface of driveway plus one other structure. The City Engineer has done an in-field study. There needs to be proof that shows the water issues commented on by neighbors. As for the 5 or 6 feet of yard that belongs to Ms. Iwaszko, that is on the other side of the road from the rest of her property and directly abuts Parcel A. He would expect the new owner to just mow it and take care of it. If she does not want a driveway through there, he would not want her to trespass on the private drive that crosses his property.

Further, Mr. Sharkey stated that Mr. Jarnot's house setback at 89 feet has no variance. An opinion from the City's current law firm states that it is a violation Data Practices Act per state statute to not have a variance on file. As to Mr. Jarnot's view, it is difficult to see his house from the middle of Parcel A because of the many trees to the north and east. It is not representative of the character of the neighborhood to say that one home on a small parcel will change it.

Mr. Sharkey stated that the private drive was built by Mr. Jarnot without a permit until post-construction. However, in the legal description of Mr. Jarnot's property, there is no mention of roadway rights to the easement. Any houses west of the Iwaszko property do not have legal rights to the easement. Former City Attorney Filla gave an opinion on access rights to the private easement identifying only the Sharkey property, the Merkel property, and the Iwaszko property. In 1993, Mr. Anderson applied for a subdivision with access to the private easement.

Previous to this application, Mr. Anderson had been trying to sell his house for a year. He was unable to sell because he did not have legal access to the easement. In researching the issue Mr. Sharkey found that there is a driveway through Mr. Jarnot's property to the Anderson property. He believes that when the City created the subdivision where the Jarnot property is located, the City used eminent domain to take private property for the benefit of other property owners to have access to the private easement.

The distance from the proposed house on Parcel A to Mr. Hill's property is substantial. The soil is sandy, and he does not see any problem with water. Mr. Hill has given no proof to support his position. Further, there are two drains from Mr. Jarnot's property flowing toward his property. There was no drainage plan submitted for Mr. Jarnot's home. He would contend that if Mr. Hill is worried about water, a significant amount is coming from Mr. Jarnot's property.

Mr. Jarnot stated that he did not put in the concrete driveway in. A licensed contractor was hired to do it. If there is no permit, it is the contractor's responsibility.

City Attorney Kelly stated that what is before the Commission is a subdivision and variance application. When an easement is granted, there is no obligation to maintain it, but access to the property through the easement cannot be blocked. The 30-foot easement is purely for driveway or roadway purposes.

Commissioner Ferrington referred to the question of whether Parcel A would have legal access to the road easement even though legal access has been granted to the Sharkey property. City Attorney Kelly explained that granting easement access is for the entire property, even if it is subdivided. The legal opinion on the easement itself is based on the documents submitted by the applicant. With review of statutes and plats and everything recorded, he notes that the Marketable Title Act could kick in, which means the easement has to be used unless there is something filed. The documents reviewed show access to the property, and there has been no abandonment of the easement.

Commissioner McCool stated that a drainage plan is necessary and will be reviewed before a building permit can be issued. This application is in regard to lot lines and easement areas. The design of the development is not part of this review. He believes the subdivision is reasonable. It will not change the character of the neighborhood.

Chair Solomonson stated that while he would like to see a public street, that is not the fault of the applicant. The lot is large enough to subdivide and he supports this application.

Commissioner Doan requested a discussion of setbacks. His concern is that documents presented will be used to show buildable area. He especially referred to the 10-foot setback on the south lot line of Parcel B, which he believes should be more than 10 feet. These are key lots and there is discretion to increase setbacks.

City Attorney Kelly stated that the documents only show potentially where a building might be placed. Mr. Simonson agreed and stated that the south line on Parcel B requires a 10-foot setback. There is also 10-foot utility easement requested. Parcel B is a key lot due to its

orientation from Parcel A, not from the property to the south. Staff believes the standard setback is adequate because there is no home to the south.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to adopt Resolution No. 15-39 approving the variance to waive the public street frontage requirement for Parcel A and establishing a minimum front setback for a future house on Parcel A, and to recommend approval of the minor subdivision to the City Council, based on the following conclusions:

- a. It has been established that the applicant/property owners have legal access to the private roadway easement which currently serves other residential properties, including a new lot the City approved in 1993.
- b. The restrictive front setback and limited buildable area that would be required for Parcel A is a hardship not created by the applicant since the City allowed a much greater front setback through the issuance of a building permit for 1000 Oakridge Avenue.
- c. The proposed Parcel A meets or exceeds all lot dimension standards required by City development regulations for a single-family residential parcel.

and subject to the following conditions, with the change to Condition No. 8 under Minor Subdivision for the Side South setback to be 10 feet:

Variance:

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.

Minor Subdivision

1. Approval of the Minor Subdivision is contingent upon the approval of a variance permitting private road access for Parcel A.
2. The Minor Subdivision shall be in accordance with the plan submitted, however, the depth for Parcel B shall be increased to 140 feet and revised prior to recording.
3. 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.
4. 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 description for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
5. A 10-foot wide private easement shall be provided along the south boundary of Parcel B to provide municipal sanitary sewer service to Parcel A.
6. Municipal water and sanitary sewer service shall be provided to Parcel A.

7. For Parcel A, minimum structure setbacks from the property lines shall be as follows: Front - 35 feet, Side (East) - 20 feet, Rear - 40 feet, Side (West) 10 feet for the dwelling unit/5 feet for accessory structures.
8. For Parcel B, minimum structure setbacks from the property lines when redeveloped shall be as follows: Front - 10 feet, Side (South) - 10 feet, Rear - 40 Feet, Side (North - adjacent to private roadway) - 25 feet.
9. 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.
10. A Tree Protection and Replacement Plan shall be submitted for Parcels A and B with an application for a Building Permit for a new home on each parcel. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
11. A Grading and Drainage Plan shall be submitted for Parcels A and B with an application for a Building Permit for a new home on each parcel.
12. The items identified in the attached memo from the City Engineer shall be addressed prior to the issuance of a Building Permit for new homes on each parcel.
13. 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 proposed subdivision is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. Access to Parcel A is provided by a private roadway and provides reasonable access for emergency vehicles.
3. Practical difficulty is present, as stated in Resolution No. 15-39

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.

Discussion:

Commissioner Doan requested that it be noted the slide showing buildable area, the areas in pink and green, is for illustrative purposes only and not specific dimensions to be used.

Commissioner McCool agreed and added that the dimensions are not accurate because the key lot modification to bring Parcel B into compliance is not shown.

VOTE: Ayes - 7 Nays - 0

MISCELLANEOUS

City Council Meetings: Commissioners Schumer and Ferrington will respectively attend the June 1st and June 15th Council meetings.

Workshop: Chair Solomonson noted that the Commission held a workshop meeting immediately prior to this meeting.

ADJOURNMENT

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to adjourn the meeting at 10:34 p.m.

VOTE: Ayes - 7 Nays - 0

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: June 17, 2015
SUBJECT: File No. 2578-15-21 Hamerston - Conditional Use Permit, 771 Larson Lane

INTRODUCTION

Karin Hamerston, on behalf of Marlow Hamerston, submitted a conditional use permit application to construct a 200 square foot water-oriented accessory structure at 771 Larson Lane. The proposed structure would replace an existing structure that is in poor condition, is of the same size and be placed in the same location. 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 application was complete May 28, 2015.

PROJECT DESCRIPTION

The property is located on the south shore of Turtle Lake and is located in the Shoreland Management District as well as the R1, Detached Residential District. The surrounding development consists of low density single-family residential. According to tax records, the lot has an area of 12,198 square feet. The property has a width of 75 feet with a depth of about 167 feet. The property is developed with a single family home that has a foundation area of 1,306 square feet with a 616 square foot detached garage.

The existing 200 square foot water-oriented accessory structure was constructed in the 1970's and has been used to store water-oriented equipment such as life-jackets, paddles, water tubes, etc. The existing structure is deteriorating and subject to intrusion by rodents. The City has no record a building permit for this structure Ms. Hamerston is proposing to reconstruct the structure with a structure of the same size, style and location as the existing structure. The proposed 200-square foot accessory structure will be 10-feet in width when viewed from the water and have a height of 10-feet. The existing 14.5 foot setback from the Ordinary High Water line of the lake and 20-foot setback from the side property line will be maintained. 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.

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.

Shoreland Management District – Section 209.080 (F)(3)

Accessory structures are also regulated in the Shoreland Management District. On single-family residential property, one water-oriented structure may be placed between the ordinary high water line and the required structure setback provided certain structure standards are met. Water-oriented structures cannot exceed 250 square feet in size (unless it is a boathouse), be wider than 12-feet when viewed from the water and over 10-feet in height. The structure must also be setback 20-feet from a side property line. Attachment B is an excerpt of the Code requirements.

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, including those in the Shoreland Management District.

	Existing	Proposed	R1 Zoning District	Shoreland Management District
Impervious Surface Coverage	24%	24%	40%	30%
Principal Structure Setback*	72 feet	72 feet	-	61 to 81 feet
Area				
Shed (Proposed)	200 sf	200 sf	150 sf to 288 sf for a detached structure	250 sf for a water oriented structure
Detached Garage	616 sf	-	750 sf or 75% (979.5) of the dwelling unit foundation, whichever is less	-
All Accessory Structures	816 sf	816 sf	1,200 sf or 90% of the dwelling unit foundation area (1175 sf) – whichever is more restrictive	-
Setback - Side lot line - Ordinary High Water Line	20 feet 14.5 feet	20 feet 14.5 feet	10 feet -	20 feet Cannot be located in Shore Impact Zone (31 feet)**
Height - Roof Peak - Sidewall	10 feet -	10 feet 6 feet	18 feet 10 feet	10 feet
Exterior Design		Similar design as existing shed – painted a natural color	Compatible with the residence and be similar in appearance	
Screening	Vegetation along east property line	Retain existing	Structure shall be screened from view of public streets and adjoining properties with landscaping, berming or fencing.	Screened from view of land and adjoining properties through landscaping, color, topography, location

* No survey data on file for adjoining properties – based on 2011 aerial information

**Section 209.080(F)(3)(c)(vii) Setback requirement may be waived but shall not be less than 10-feet from the Ordinary High Water Line, if the Planning Commission determines practical difficulty exists (topography or other circumstance)

STAFF REVIEW

The proposed structure has been reviewed in accordance with the Development Code and Comprehensive Plan policies. The replacement of the deteriorating accessory structure with a new structure of the same style, height and area is reasonable. The placement of the structure in the same location will minimize site disturbance and impact on the shoreland environment. The proposed 20-foot setback from the side property line does comply with the Shoreland Ordinance. There is also vegetation along the eastern side property line that provides screening of the structure.

The proposed use of the structure for water-oriented equipment is permitted in accordance with the R1 and Shoreland Management Districts. 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 storage needed for equipment associated with the lakeshore use. This use is consistent with the residential use of the property and neighborhood. The adjoining lakeshore properties also have water-oriented structures within the shore impact zone.

While the structure setback from the Ordinary High Water Line is less than the minimum 31-feet required, Staff believes practical difficulty is present. First, the proposed structure will be placed in the same location as the existing structure. Second, the property slopes down towards the lake and a series of retaining walls have been constructed that define a pathway down to the lake. This slope and the existing improvements present difficulty in relocating the accessory structure in accordance with the minimum 31-foot setback required from the Ordinary High Water Line.

PUBLIC COMMENT

Property owners within 350' of the property were notified of the application. No comments have been received as of the date of this report.

RECOMMENDATION

Staff has reviewed the application in accordance with the Development Code and the conditional use permit criteria. The standards of the R1 and Shoreland Management District will be met, with the exception of the setback from the Ordinary High Water Line. The topography of the property, location of existing retaining walls and walkway create difficulty in placing the shed at the required setback. In addition, the proposed location is the same location as the existing shed and will minimize ground disturbance along the lakeshore.

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. The structure shall be painted a natural color (shades of brown, gray or green).
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 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. The structure shall be used for the personal storage of household, lawn and water-oriented equipment.

Attachments:

1. Attachment A – Conditional Use Permit, Standards for Detached Accessory Structures
2. Attachment B – Shoreland Management District, Standards for Water-Oriented Structures
3. Location Map
4. Topography Map
5. Pictometry
6. Applicant's Statements and Submitted Plans
7. Public Comments
8. Motion

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.

ATTACHMENT B

Shoreland Management District – Section 209.080 (F)(3)

- (3) On residential property, only one water-oriented accessory structure may be located between the OHW level and the required structure setback, subject to compliance with the standards listed below in subsections (a) - (c). Accessory structures that existed prior to June 21, 1993 and which do not comply with the provisions stated herein may be maintained, repaired, or rebuilt but cannot be expanded in floor area or height.
- (a) The amount of impervious surface area on the lot will not exceed 30 percent of the lot area,
 - (b) The principal structure and any garage/storage structure comply with the required structure setback from the OHW level (principal structure means the dwelling, including any attached deck, porch, patio, etc.).
 - (c) The water-oriented accessory structure shall comply with the following requirements:
 - (i) It does not exceed 250 square feet in area, unless a boathouse which shall not exceed 288 square feet of area,
 - (ii) It is not wider than 12 feet as viewed from the water,
 - (iii) It does not exceed 10 feet of height above grade,
 - (iii) It is setback at least 20 feet from side property lines except where not possible due to lot width, in such case, the structure shall be located in the center of the lot or as otherwise deemed acceptable by the Planning Commission,
 - (iv) It does not contain any sanitation facilities and is not used for habitation,
 - (v) It is screened from view from the lake and from adjoining property as much as practical through landscaping, use of natural color(s), topography, and/or location.
 - (vii) No water-oriented structure (other than a lawful boathouse) or off-season storage of an ice fishing house is permitted within the Shore Impact Zone. This setback requirement may be waived, but shall not be reduced to less than 10 feet from the OHW, if the Planning Commission determines that a practical difficulty exists which renders strict compliance to be unreasonable. Practical difficulty shall be defined as due to topography or other circumstance acceptable to the City.
 - (viii) A boathouse may be located within the Shore Impact Zone, provided it is at least 10 feet landward of the OHW and it complies with the other requirements stated herein.



Legend



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

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Notes

Conditional Use Permit



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- 2 Recreational Centers
- 2012 Contours
- Parcel Points
- Parcel Boundaries
- County Borders
- Airports

Notes

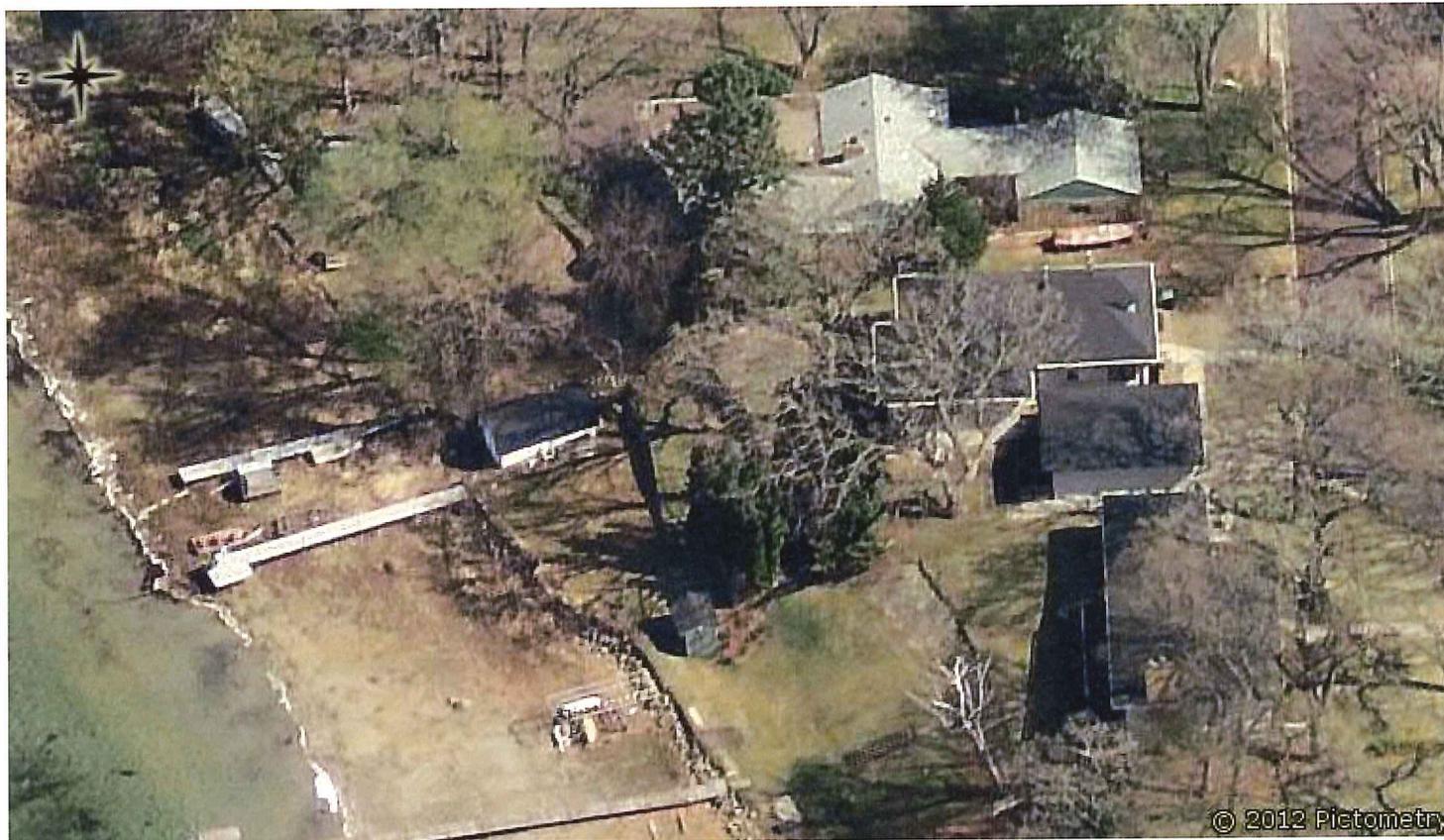
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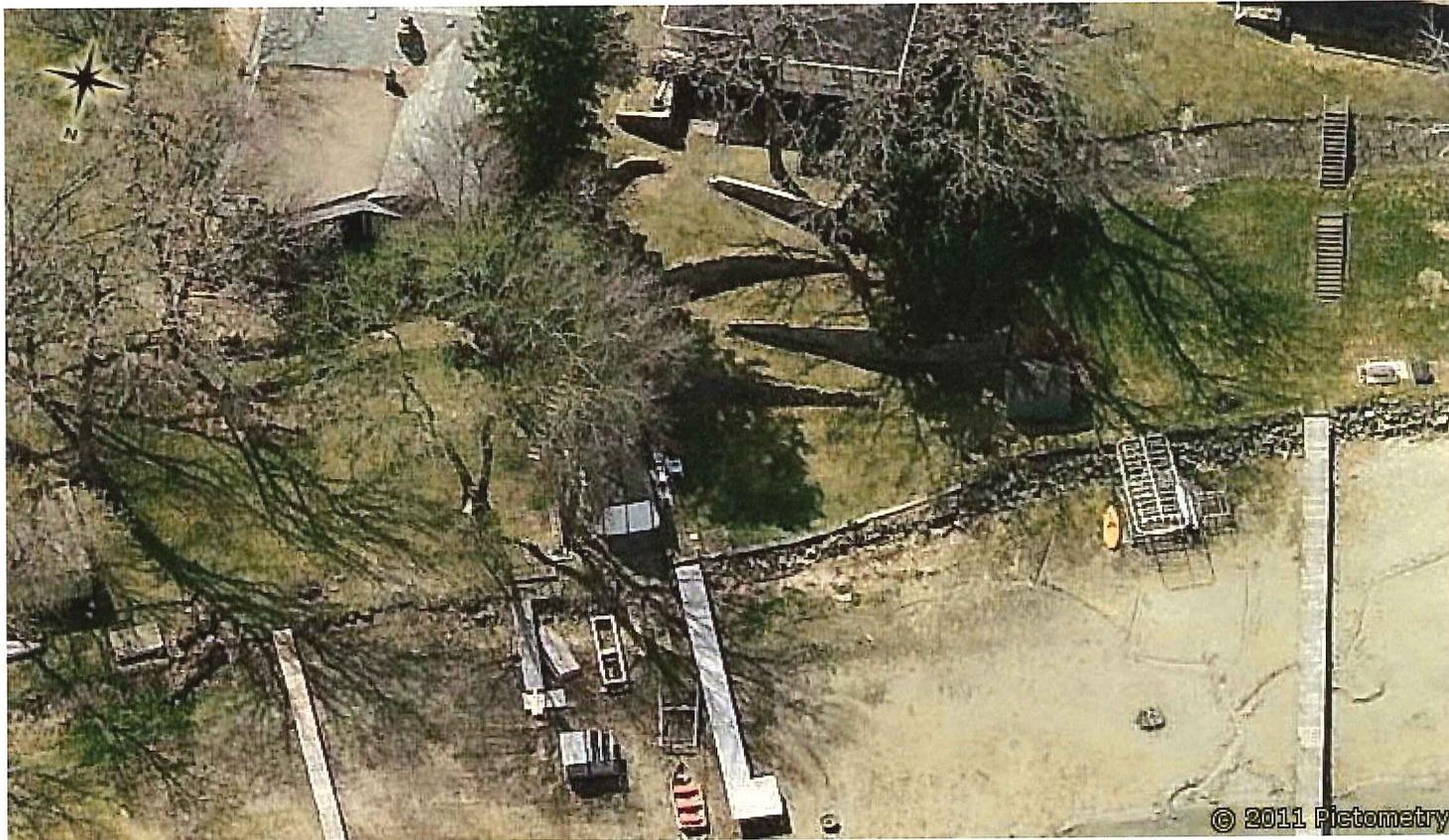
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771 Larson Lane

Print Date: 05/29/2015
Image Date: 03/25/2012
Level: Neighborhood



771 Larson Lane

Print Date: 05/29/2015
Image Date: 05/04/2011
Level: Neighborhood

The proposed shed will be used to store items for use on the water (paddleboard, tubes, life jackets, fishing poles etc).

The drawings included are for a 10x16 building. If I am able to afford it, I would like to request permission to build the same size as the existing structure, which is 10x20.

Thank you for your consideration.

Karin Hamerston
651-208-9494
karin.hamerston@gmail.com



Kathleen Castle <kcastle@shoreviewmn.gov>

4850 Lakeview Drive

2 messages

Karin Hamerston <karin.hamerston@gmail.com>
To: Kathleen Castle <kcastle@shoreviewmn.gov>

Thu, Jun 11, 2015 at 1:06 AM

Hi Kathleen - here are the pictures of the existing boathouse. As we discussed, the reason I'd like to replace it is because my dad built it in the early 70's. It was an awesome boat house for many years. It is now in need of repair and I would rather replace it rather than to repair it. The side boards and some floor boards are rotting through and mice have claimed it as their home. I want to put up a new (same size) shed so that we can store our life jackets, paddle boards, fishing rods, tubes etc, without risk of rodents ext ruining them. I found a highly rated company who exclusively builds sheds (The Shed Shop), to come out and give me an estimate. They are highly rated on Angie's List, and I was very impressed when I met with them. I am unable to attend the meeting because I have had a trip planned since October to take my son rafting down the Grand Canyon. If it wasn't for that. I would absolutely be in attendance. I honestly have nobody to attend in my absence. My dad has Parkinson's, and wouldn't be able to get there without my help.

Please let me know if there are other questions I could answer in advance of the meeting.

Thank you so much for all of your help so far...I really appreciate it!

Karin
[651-208-9494](tel:651-208-9494)

3 attachments

IMG_0876.JPG
145K



IMG_0877.JPG
140K



IMG_0878.JPG
109K

Kathleen Castle <kcastle@shoreviewmn.gov>
To: Karin Hamerston <karin.hamerston@gmail.com>

Wed, Jun 17, 2015 at 8:20 AM

Karin - These are helpful. One last question - what color will the structure be?

Kathleen

Kathleen Castle
City Planner
City of Shoreview
651-490-4682
kcastle@shoreviewmn.gov

[Quoted text hidden]

2x4 Wall Studs 2' o.c.

2x4 Rafters 2'-0" o.c. @22.5

5/8" Smart Panel Siding
Structural Siding

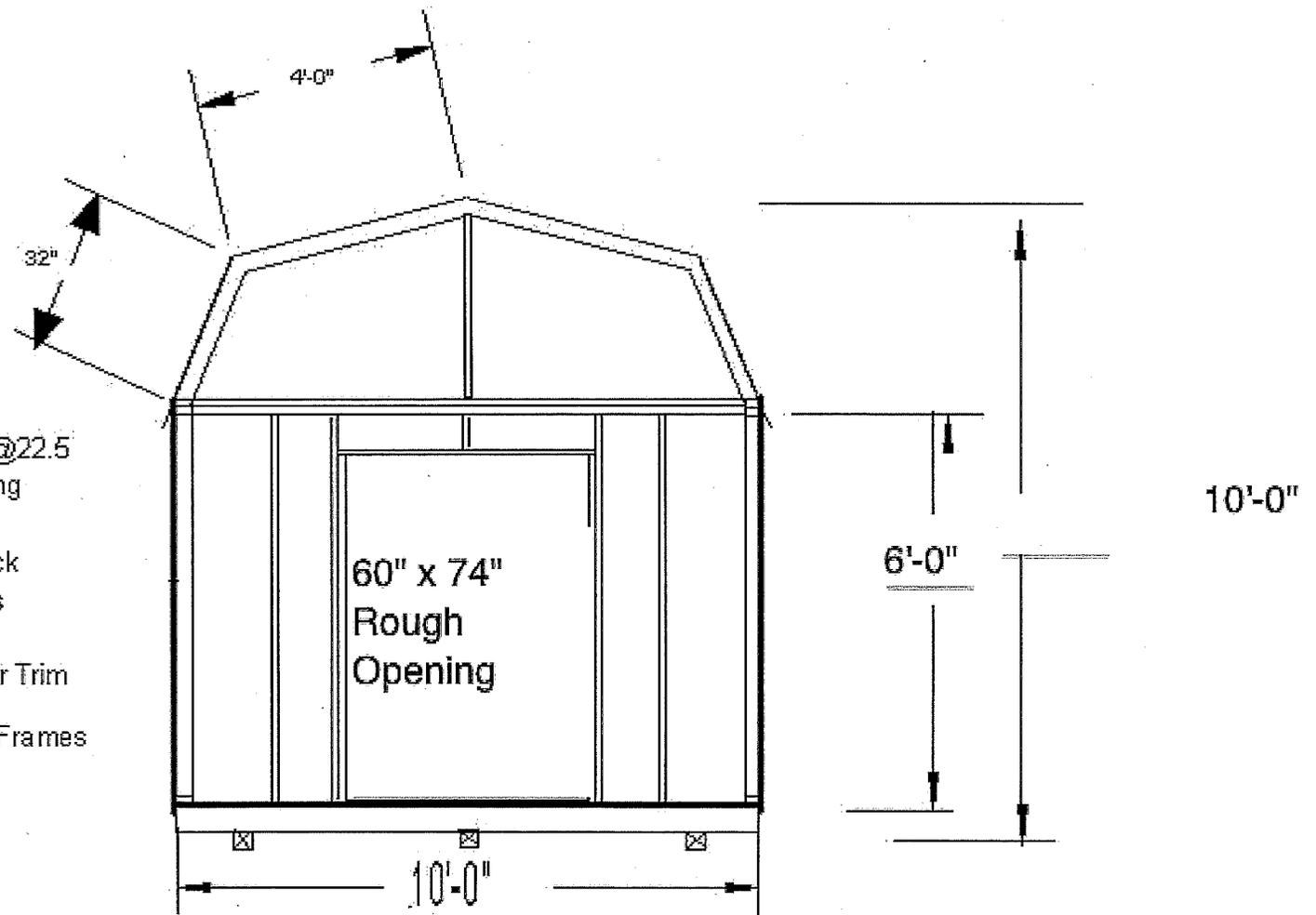
7/16" O.S.B. Roof Deck

3 tab asphalt shingles
Roofing felt

1x4 Smart Trim Corner Trim

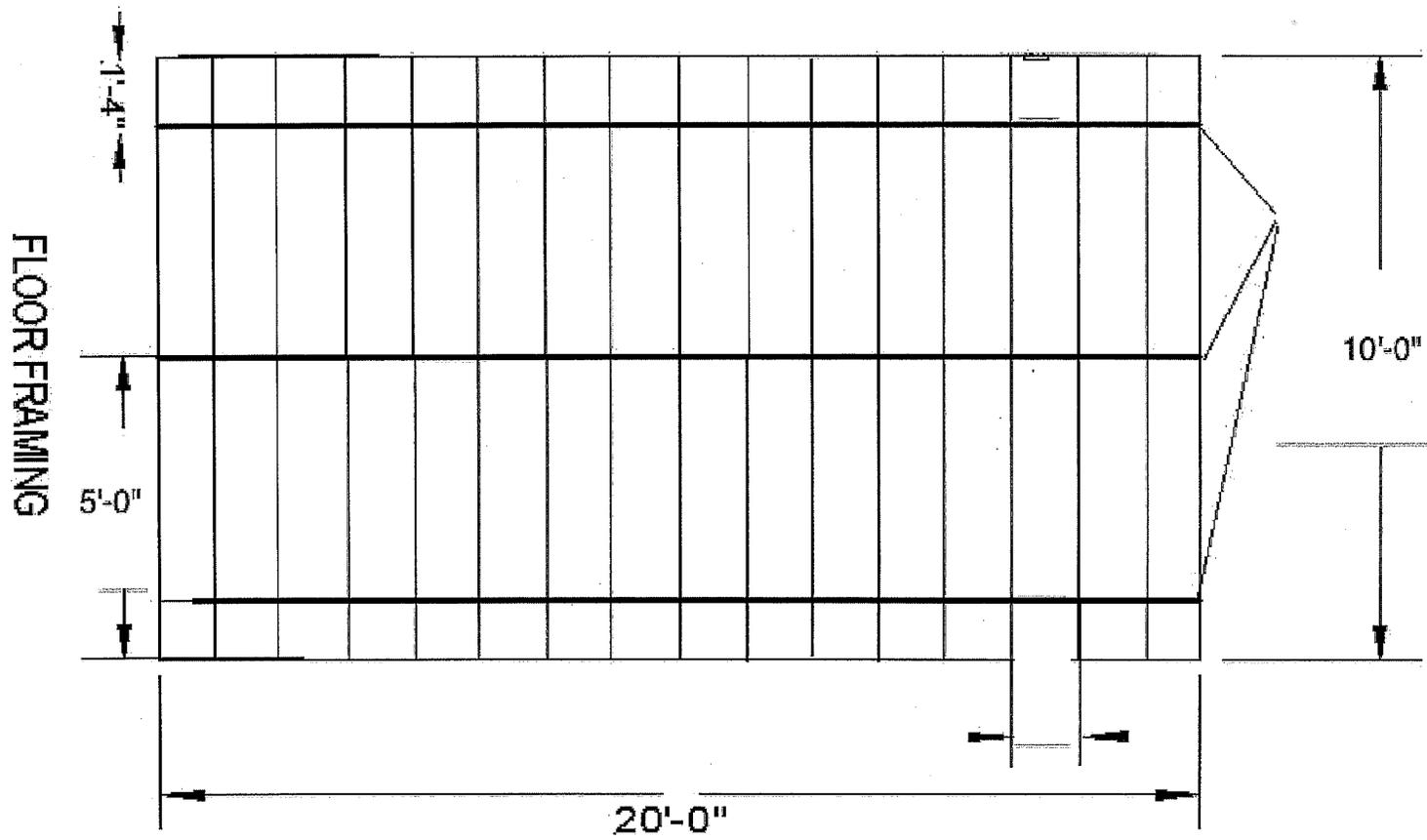
5/4" Smart Trim Door Frames

2x4 Collar Ties 4' o.c.

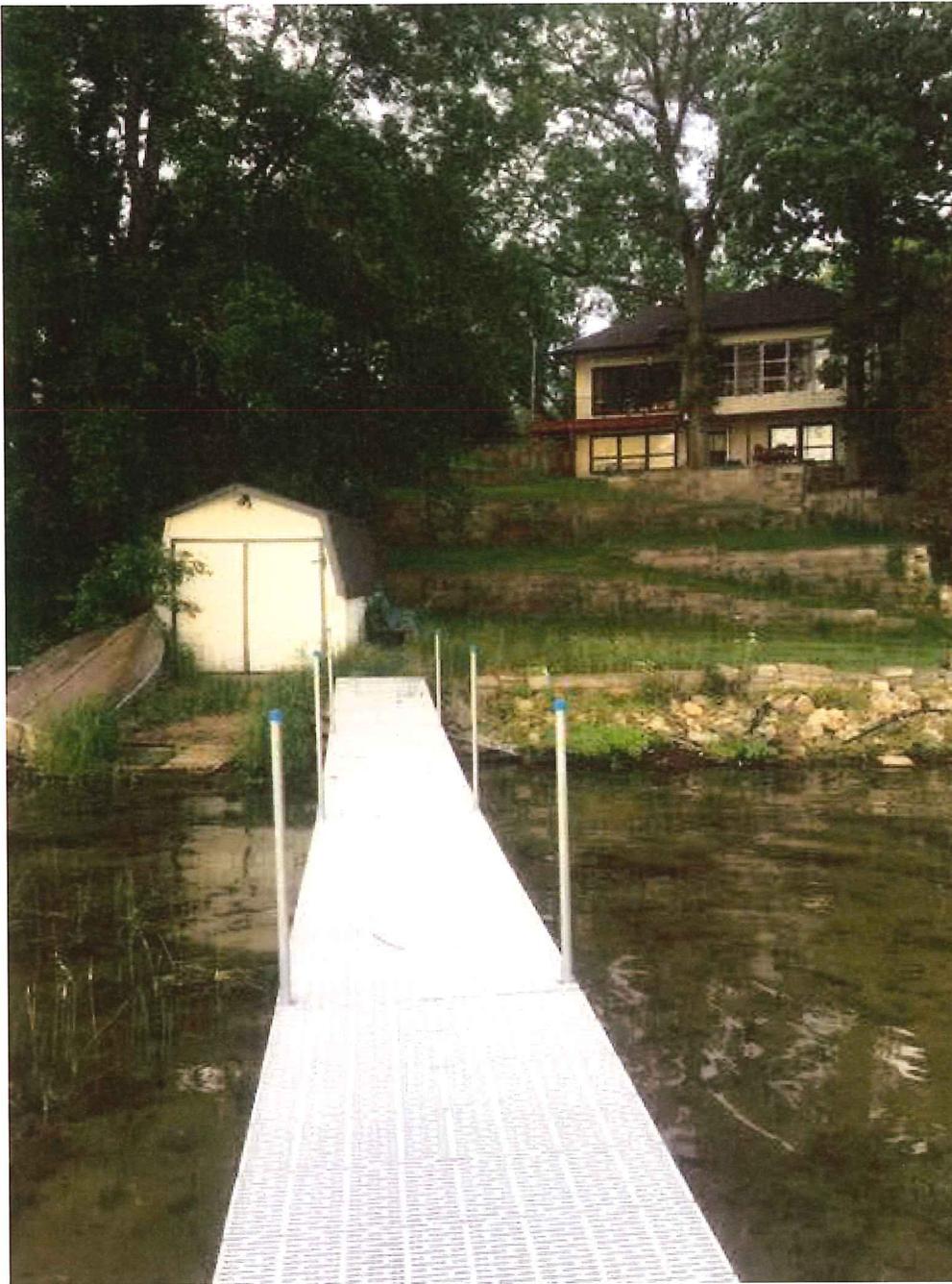


END VIEW

4x4 GC treated skids
2x4 Treated joists 1' oc
5/8" treated plywood
32" cable anchors on each corner







**MOTION
TO APPROVE A CONDITIONAL USE PERMIT
771 LARSON LANE**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Conditional Use Permit request submitted by Karin Hamerston on behalf of Marlow Hamerston to replace an existing 200 square water oriented structure on the property at 771 Larson Lane Said approval is 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. The structure shall be painted a natural color (shades of brown, gray or green).
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 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. The structure shall be used for the personal storage of household, lawn and water-oriented equipment.

This approval is based on the following findings of fact:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
2. The Conditional Use Permit standards for accessory structures in the R1, Detached Residential District are met.
3. The standards for water oriented structures located in the Shoreland District are met.
4. Practical difficulty is present regarding the proposed 14.5-foot setback from the OHW due to the site topography, existing improvements and location of the existing water oriented structure.

VOTE:

AYES:

NAYS:

TO: Planning Commission
FROM: Niki Hill, Economic Development and Planning Associate
DATE: June 19, 2015
SUBJECT: File No. 2577-15-20; Darwin DeRosier, Minor Subdivision and Variance, 899 Tanglewood Drive

INTRODUCTION

Darwin and Mary DeRosier have submitted a minor subdivision application to adjust the property boundary between his property located at 899 Tanglewood Dr. and the neighboring property to the east at 893 Tanglewood Dr. owned by Michella and Thomas Bonfe. The boundary adjustment will be effected by transferring the area shown as Parcel 2 on the survey. The boundary adjustment will transfer 208,141 square feet from Lot 1 (899 Tanglewood) to Lot 2 (893 Tanglewood). No additional lots will be created, no trees will be removed, no buildings will be constructed, and no private driveways will be changed.

Both of the riparian properties are developed with detached single-family uses with access off of Big Oak Road – a private road easement. This easement only serves the subject properties. 899 Tanglewood is developed with a dwelling with an attached garage. 893 Tanglewood Dr. is developed with a dwelling and attached garage.

The application was complete June 15, 2015.

DEVELOPMENT ORDINANCE REQUIREMENTS

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

The City's subdivision standards require all lots to front on a publicly dedicated right-of-way. Municipal sanitary sewer and water must be provided to the resulting lots. These standards also require 5-foot public drainage and 10-foot utility easements along property lines where necessary. Public drainage and utility easements are also required over infrastructure, watercourses, drainages or floodways. The lots are accessed via a private roadway easement and have no public street frontage. As such, the applicants have applied for a variance to waive the public street frontage requirement.

The property is located in the RE (20), Residential Estate District, and the Shoreland Management Overlay District. In the RE (20) district, properties must be at least 20,000 square feet in size and have a minimum width of 80'. Riparian properties in the Shoreland District of Turtle Lake must be at least 15,000 square feet in size and have a width of at least 100' as measured at the front property line, building setback, and OHW.

VARIANCE CRITERIA

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

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

APPLICANTS' STATEMENTS

The applicant states that the purpose of the subdivision request is to transfer approximately 5 acres of land from Lot 1 Block 1 Shella's Addition to Lot 2 Block 1 Shella's Addition. This request will not create any new lots. The reasons for this request are outlined below:

The applicants have occupied the property for 35 years and have reached an age whereby they find it necessary to sell their home and purchase a smaller residence. They have purchased a home in the new Applewood Pointe Community. In 2006, a minor subdivision was completed so their daughter could build a personal residence. It is the Applicant's desire to retain incident of ownership in the land being transferred so their grandchildren can enjoy the Applicants have enjoyed. It is in the Applicants' desire to maintain the pristine appearance of the land. No new lots will be created.

The Applicant's personal residence has been on the market for several months and the inability to sell has been because of the excess land.

The applicant states that the variance is requested to waive the street frontage requirements for Lots 1 and 2 as they do not meet the frontage requirements. There are unique circumstances because of the property's frontage on a substandard unimproved right-of-way. Access via a private driveway will not alter the essential character of the neighborhood. No new home sites will be created. A private driveway easement would be dedicated over Lot 2 to provide access to Lot 1 via Big Oak Road.

STAFF REVIEW

Variance

The variance request to waive the street frontage requirement for Lot 1 of the submitted Minor Subdivision application was reviewed by staff in accordance with the variance criteria. In staff's opinion, practical difficulty is present based on historical and unique circumstances.

Staff believes practical difficulty is present, based on the following findings:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner. Access to the current homes on the properties is via Big Oak Road – a private through road easement – and that will not change with this subdivision. There is no public street frontage available to Lot 1 after the subdivision.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Staff believes that unique circumstances are present due to the historical and unique circumstances. Keeping access to Lot 1 via a private road easement is reasonable due to the property’s characteristics of frontage on a substandard unimproved road right-of-way. It is not reasonable to require frontage on a public street at this time due to the area’s characteristic and potential for future development.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created.

Minor Subdivision

The proposal to transfer approximately 5 acres and adjust the lot lines of 899 Tanglewood and 893 Tanglewood increase the area of 893 Tanglewood by 208,141 square feet. The increased area will be to keep the land in the DeRosier Family as well as assist the marketability of Lot 1. No new lots or further subdivision is being proposed as this time. Any future subdivision of either lot resulting from the application now under review is subject to a new application and future public review by the City.

With the proposed lot line adjustment, the resulting parcels will be exceed the minimum lot area and width requirements for both RE(20) and Riparian Lots.

	Width	Area
899 Tanglewood Dr.	Approx. 160 feet	69,542 sq. ft.* (1.59 acre)
893 Tanglewood Dr.	304 feet	298,310.2 sq. ft.* (6.85 acre)
City Requirement Riparian	100 feet	15,000 sq. ft.*
City Requirement RE(20)	80 feet	20,000 sq. ft

* Area is measured above the Ordinary High Water of Turtle Lake

Both of the existing homes would remain. A new private road easement will be executed for Lot 1 to have access to the existing private drive as it would have new ownership under Lot 2. New drainage and utility easements are proposed for the new lot boundaries. The existing setbacks of structures on each existing lot are not affected by the boundary adjustment.

Municipal sanitary sewer and water service are provided to both existing parcels and both of the dwellings are connected to these municipal services.

The proposed subdivision complies with City requirements. No Public Recreation Use Dedication fee is required for this property boundary adjustment since no new homesite will be created as a result of this approval.

SHORELAND MITIGATION

In accordance with the Development Code, Shoreland Mitigation is required of property owners who are seeking certain land use approvals through the City. The property owners at 893 have already completed a Shoreland Mitigation prior to the construction of their home in 2007. The applicant at 899 Tanglewood has identified two practices, Architectural Mass and Vegetation Protection. This proposal complies with the City's requirements. The use of Vegetation Protection will provide some assurance that the existing house will be screened when viewed from the lake.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicant's request. No comments have been received.

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 these standards. Staff recommends that the Planning Commission approve Resolution 15-52, approving the variance to waive the street frontage requirement and to also recommend approval of the minor subdivision to the City Council, subject to the following conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5 day appeal period.

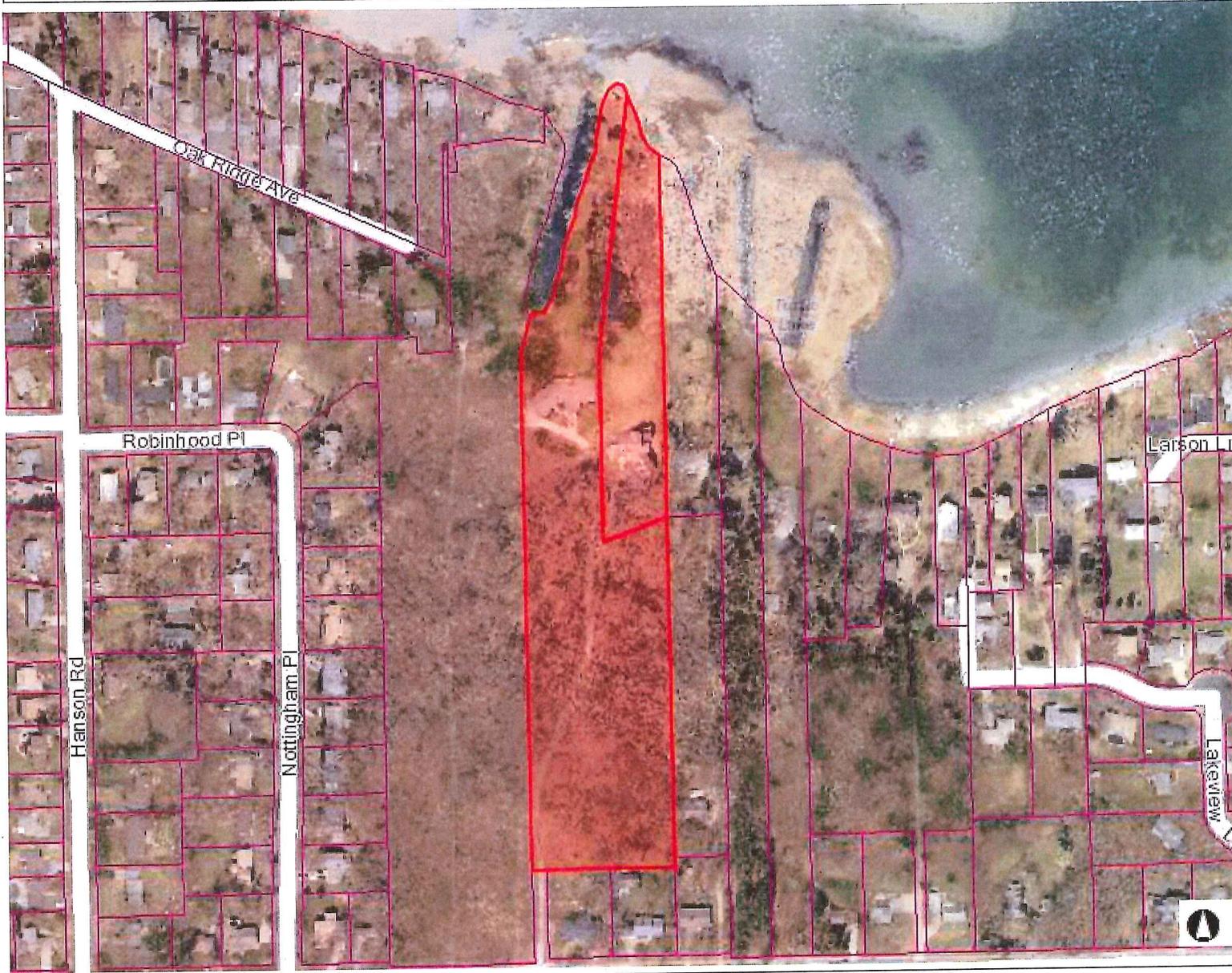
Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.

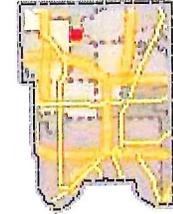
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. A private driveway easement shall be dedicated to Lot 1 for access over Lot 2.
4. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
5. Resulting Parcel 2 shall be combined with the existing property at 893 Tanglewood Dr (Lot 2),, creating a single lot.
6. A Mitigation Affidavit is required for both parcels. For 899 Tanglewood Dr, this Affidavit shall be executed prior to the City's release of the deed for recording. For 893 Tanglewood, this Affidavit has already been executed and no further action is required.
7. Approval of the Minor Subdivision is contingent upon the approval of a variance permitting waiving public street frontage requirement Lot 1.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

- 1) Location Map
- 2) Submitted Statement and Plans
- 3) Response to Request for Comment
- 4) Resolution 15-52
- 5) Motions



Legend



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

Notes

Enter Map Description

600.0 0 300.00 600.0 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

DARWIN J. DEROSIER & Co.

PACO OFFICE CENTER
7260 UNIVERSITY AVENUE N.E. SUITE 310
MINNEAPOLIS, MN 55432

PHONE: 763-571-1281
FAX: 763-571-9645

May 21, 2015

PLANNING COMMISSION

SUBDIVISION: The purpose of the request for a subdivision is to transfer approximately 5 acres of land from Lot 1 Block 1 Shella's Addition to Lot 2 Block 1 Shella's Addition. This request will not create any new lots.

The reasons for this request are outlined below:

The Applicants are the owners and will be referred to as such throughout this request. The Applicants have occupied the property for 35 years. They have reached an age whereby they find it necessary to sell their home and purchase a smaller residence.

They have purchased a home in the new Applewood Pointe Community. In 2006, a minor subdivision was completed so their daughter could build a personal residence.

It is the Applicants' desire to retain incident of ownership in the land being transferred so their grandchildren can enjoy what the Applicants have enjoyed. It is the Applicants' desire to maintain the pristine appearance of the land. No new lots will be created.

The Applicants' personal residence has been on the market for several months and the inability to sell has been because of the excess land.

Enclosed are the following:

- 1) Copy of 2015 Real Estate Tax Statement for identification of ownership
- 2) Copy of Warranty Deed transferring Lot 2 Block 1 Shella's Addition to the Applicants' daughter
- 3) Copies of the property description of Shella's Addition
- 4) Plat of Shella's Addition

The Applicants cannot emphasize enough the fact that that no new lots will be created.

DARWIN J. DeROSIER & Co.

PACO OFFICE CENTER
7260 UNIVERSITY AVENUE N.E. SUITE 310
MINNEAPOLIS, MN 55432

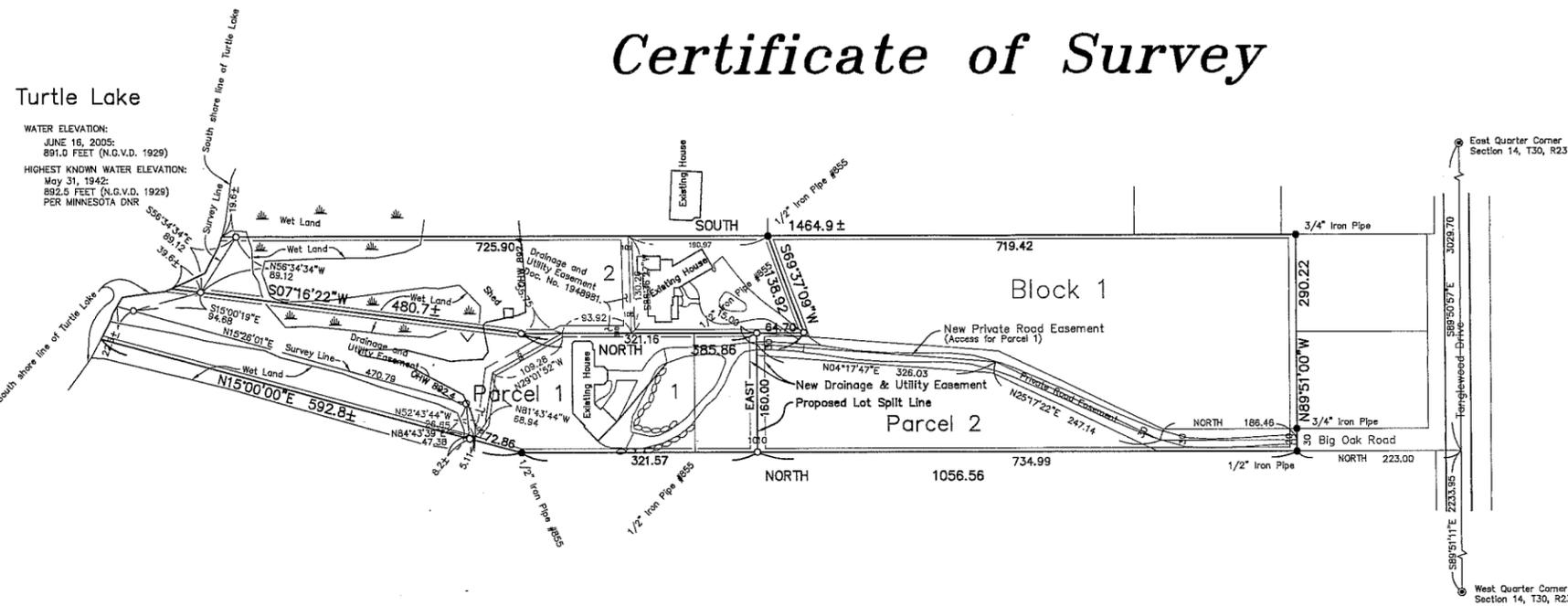
PHONE: 763-571-1281
FAX: 763-571-9645

May 21, 2015

PLANNING COMMISSION

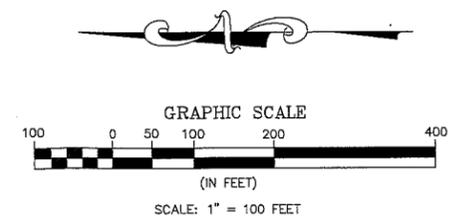
VARIANCE: A variance is requested to waive the street frontage requirements for Lots 1 and 2 as they do not meet the frontage requirements. There are unique circumstances because of the property's frontage on a substandard unimproved right-of-way. Access via a private driveway will not alter the essential character of the neighborhood. No new home sites will be created. A private driveway easement would be dedicated over Lot 2 to provide access to Lot 1 via Big Oak Road

Certificate of Survey



Turtle Lake

WATER ELEVATION:
 JUNE 16, 2005:
 891.0 FEET (N.G.V.D. 1929)
 HIGHEST KNOWN WATER ELEVATION:
 May 31, 1942:
 892.5 FEET (N.G.V.D. 1929)
 PER MINNESOTA DNR



Basis of Bearings is Assumed.

- DENOTES FOUND IRON MONUMENT
- DENOTES 1/2 INCH X 14 INCH IRON PIPE SET AND MARKED BY MINNESOTA LICENSE NO. 15612

Parcel 1 Description:
 Lot 1, Block 1, SHELLA'S ADDITION, Ramsey County, Minnesota, EXCEPT the following:
 beginning at the southwest corner of said Lot 1; thence North, assumed bearing, along the west line of said Lot 1 734.99 feet; thence East 160.00 feet to the west line of Lot 2, Block 1, SHELLA'S ADDITION; thence South 64.70 feet along said line to the southwest corner of said Lot 2; thence North 69 degrees 37 minutes 09 seconds East along the south line of said Lot 2 138.92 feet to the southeast corner of said Lot 2, also the east line of said Lot 1; thence South 719.42 feet along said line to the southeast corner of said Lot 1; thence North 89 degrees 51 minutes 00 seconds West 290.22 feet to the point of beginning.

Parcel 2 Description:
 That part of Lot 1, Block 1, SHELLA'S ADDITION, Ramsey County, Minnesota, described as follows:
 beginning at the southwest corner of said Lot 1; thence North, assumed bearing, along the west line of said Lot 1 734.99 feet; thence East 160.00 feet to the west line of Lot 2, Block 1, SHELLA'S ADDITION; thence South 64.70 feet along said line to the southwest corner of said Lot 2; thence North 69 degrees 37 minutes 09 seconds East along the south line of said Lot 2 138.92 feet to the southeast corner of said Lot 2, also the east line of said Lot 1; thence South 719.42 feet along said line to the southeast corner of said Lot 1; thence North 89 degrees 51 minutes 00 seconds West 290.22 feet to the point of beginning.

Private Road Easement Description:
 A 30 foot wide road easement across Lot 1, Block 1, SHELLA'S ADDITION, Ramsey County, Minnesota with its centerline described as follows:
 beginning at a point on the south line of said Lot 1 located 15.00 feet east of the southwest corner of said Lot 1 measured perpendicular to the west line of said Lot 1; thence North, assumed bearing, parallel with the west line of said Lot 1 a distance of 186.46 feet; thence North 25 degrees 17 minutes 22 seconds East 247.14 feet; thence North 04 degrees 17 minutes 47 seconds East 326.03 feet to a point on the south line of Parcel 1 located 15.00 feet west of the west line of Lot 2, Block 1, SHELLA'S ADDITION, and there terminating.

Property Description:
 Lots 1 & 2, Block 1, SHELLA'S ADDITION, Ramsey County, Minnesota
Lots Affected:
 Lots 1 & 2, Block 1, SHELLA'S ADDITION
Lot Split: Lot 1 into Parcel 1 and Parcel 2
 Parcel 2 to be added to Lot 2

Existing Parcel (Lot 1)
 Area (above OHW) 277,683 SF
 Minimum Setback Lines:
 Front 30'
 Rear 30'
 Side 10'

Proposed Parcels (After Lot 1 Split)

Parcel 1 Area (above OHW) 69,542 SF Minimum Setback Lines: Front 30' Rear 30' Side 10'	Parcel 2 Area (above OHW) 208,141 SF Minimum Setback Lines: Front 30' Rear 30' Side 10'
--	---

Notes:
 No Additional Lots will be Created.
 Parcel 2 will be combined with Lot 2.
 No Trees will be Removed.
 No Buildings will be Constructed.
 No Private Driveways will be Changed.

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

Tedd W. Matke
 Tedd W. Matke, LS
 Date: 6/11/15 Minn. License No. 15612

Mattke Surveying & Engineering, Inc.
 599 Hawthorn Road
 Lino Lakes, MN 55014
 763-783-0300

Survey Prepared for:
 Darwin DeRosier
 899 Tanglewood Drive
 Shoreview, MN 55126
 763-571-9645

Comments:

I have no objections to this application
so long as they are not planning to build
on the lot or divide it into new lots

Name: Bill Brown
Address: 4880 Nottingham Place

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JUNE 23, 2015**

* * * * *

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

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 15-52 FOR A VARIANCE TO WAIVE THE STREET FRONTAGE
REQUIREMENT**

WHEREAS, Darwin and Mary DeRosier submitted a variance application for the following described property:

Lot: 1, Block: 1, SHELLA'S ADDITION, Ramsey County, Minnesota, EXCEPT the following: beginning at the southwest corner of said Lot 1; thence North, assumed bearing, along the west of said Lot 1 734.99 feet; thence East 160.00 feet to the west line of Lot 2, Block 1, SHELLA'S ADDITION; thence South 64.70 feet along said line to the southwest corner of said Lot 2; thence North 69 degrees 37 minutes 09 seconds East along the south line of said Lot 2 138.92 feet to the southeast corner of said Lot 2; also the east line of said Lot 1; thence South 719.42 feet along said line to the southeast corner of said Lot 1; thence North 89 degrees 51 minutes 00 seconds West 290.22 feet to the point of beginning.

(This property is more commonly known as 899 Tanglewood Dr. and as Parcel 1 in the Certificate of Survey dated 6/11/2015)

WHEREAS, pursuant to the Development Code Section 204.030 (C)(2), the Development Regulations require all newly created parcels to have frontage on a public road; and

WHEREAS, the applicants have requested a variance to this requirement in order to subdivide their property to adjust the boundary lines of a parcel that has access from a private road easement; 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, 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 June 23rd 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.*

The applicant is proposing to use the property in a reasonable manner through a road easement. Access to the current homes on the properties is via Big Oak Road – a private road easement – and that will not change with this subdivision. There is no public street frontage available.

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

Unique circumstances are present due to the historical and unique circumstances. Keeping access to Lot 1 via a private road easement is reasonable due to the property's characteristics of frontage on a substandard unimproved road right-of-way. It is not reasonable to require a public street at this time due to the area's characteristic and potential for future development.

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

The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 899 Tangewood Dr, be approved, subject to the following conditions:

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5-day appeal period.

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

And the following voted against the same:

Adopted this 23rd day of June, 2013

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Darwin DeRosier

Mary DeRosier

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 23rd day of June, 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 15-51.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 23rd day of June, 2015.

Terry C. Schwerm
City Manager

SEAL

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve the variance request submitted by Darwin and Mary DeRosier for their property at 899 Tanglewood Drive, waiving the public street frontage requirement and adopt Resolution No. 15-52 subject to the following conditions:

Variance

1. This approval is subject to approval of the Minor Subdivision application by the City Council.
2. This approval will expire after one year if the subdivision has not been recorded with Ramsey County.
3. The approval is subject to a 5 day appeal period.

This motion is based on the following findings:

1. The applicant is proposing to use the property in a reasonable manner through a road easement. Access to the current homes on the properties is via Big Oak Road – a private road easement – and that will not change with this subdivision. There is no public street frontage available.
2. Unique circumstances are present due to the historical and unique circumstances. Keeping access to Lot 1 via a private road easement is reasonable due to the property’s characteristics of frontage on a substandard unimproved road right-of-way. It is not reasonable to require a public street at this time due to the area’s characteristic and potential for future development.
3. The character of the neighborhood will not be altered at all. The existing homes and access to them will not be changed with the minor subdivision nor will any new lots be created.

VOTE:

AYES:

NAYS:

MOTION TO RECOMMEND MINOR SUBDIVISION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To recommend approval to the City Council of the Minor Subdivision request submitted by Darwin and Mary DeRosier for their property at 899 Tanglewood Drive, subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. Public drainage and utility easements with a width of 5-feet on each side of the new common property line shall be conveyed to the City. The applicant shall be responsible for providing legal descriptions for all required easements. The easements shall be conveyed before the City will endorse deeds for recording.
3. A private driveway easement shall be dedicated to Lot 1 for access over Lot 2.
4. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
5. Resulting Parcel 2 shall be combined with the existing property at 893 Tanglewood Dr., creating a single lot.
6. A Mitigation Affidavit is required for both parcels. For 899 Tanglewood Dr, this Affidavit shall be executed prior to the City's release of the deed for recording. For 893 Tanglewood, this Affidavit has already been executed and no further action is required.
7. Approval of the Minor Subdivision is contingent upon the approval of a variance permitting waiving public street frontage requirement Lot 1.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

VOTE:

AYES:

NAYS:

TO: Planning Commission

FROM: Kathleen Castle – City Planner

DATE: June 17, 2015

SUBJECT: File No. 2576-15-19, Minor Subdivision, Brian and Rene Maleski, 5825 Buffalo Lane

INTRODUCTION AND BACKGROUND

Brian and Rene Maleski submitted a minor subdivision to divide their property at 5825 Buffalo Lane into two parcels creating one new parcel for single-family residential development. The existing house and attached garage will remain on the north lot (Parcel A), and a new lot (Parcel B) created on the south for future construction of a new house. The applicants are also proposing to vacate the adjoining street and utility easement that abuts the property to the south. This vacated area would be incorporated into Parcel B. The proposed lots conform to other requirements of the Municipal Code.

The Vacation request is considered by the City Council at a public hearing and does not require any action by the Planning Commission.

The application was complete May 21, 2015.

SITE CHARACTERISTICS

The property is located on Buffalo Lane, south of Lexington Avenue. Buffalo Lane is a public street that provides access to 7 parcels and was recently reconstructed. The roadway has a width of 20 feet and terminates with a hammerhead that provides a vehicle turn-around area.

The property has a lot area of .91 acres, a width of 189 feet and a depth of 211 feet. The property is developed with a single-family home, attached garage, driveway, gravel parking area and sport court.

MINOR SUBDIVISION

COMPREHENSIVE PLAN

The property is guided for Low Density Residential (0 to 4 units per acre) as are the adjoining properties on Buffalo Lane. To the west, the property is guided for Medium Density Residential (4 to 8 units per acre) and developed with townhomes.

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 R1, Detached Residential as are the adjoining properties on Buffalo Lane, with the exception of the property immediate to the south at 5800 Buffalo Lane which is zoned UND, Urban Underdeveloped. In the R1 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 25 feet from a front property line, 10-feet from a side lot line and 30-feet from a rear property line. Attached accessory structures must be setback a minimum of 5-feet from a side property line. If the adjacent home has a front yard setback that exceeds 40-feet, then the minimum front yard setback required for a new home on the vacant property is calculated using the existing setback, plus or minus 10-feet.

STAFF REVIEW

Density

The proposed density is 2 units per acre and is consistent with the RL, Low Density Residential Land Use designation.

Minimum Lot Requirements

As shown below, the proposed parcels exceed the R1 minimum lot requirements specified in the Development Regulations.

	Requirements	Parcel A (north)	Parcel B (south)
Area	10,000 sf	20,045 sf	26,164sf
Width	75 feet	95 feet	124 feet
Key Lot	90 feet	--	--
Depth	125 feet	211 feet	211 feet

Municipal Utilities

Municipal sanitary sewer and water are available in the Buffalo Street right-of-way. The future home on Parcel B will be required to connect to these utilities.

Minimum Structure Setbacks

The existing residence on Parcel A is setback more than 40-feet from the front lot line, therefore, the minimum structure setback from the front lot line for a new home on for Parcel B is determined by the setback of the home on Parcel A, then adding and subtracting 10-feet to define a permitted setback

range. The setback range for the future house on Parcel B is from the Buffalo Lane right-of-way is 39.5 feet to 59.5 feet.

The existing home on Parcel A would be setback 15 feet from the proposed side lot line, exceeding the 10-foot minimum.

Grading, Drainage and Stormwater Management

The property generally drains to the west and north; however, there is a low area in the central portion of the property where it appears that water may pond before infiltrating into the ground. In addition, there is also a wetland area in the northwestern corner of Parcel A. In order for a new house to be constructed on Parcel B, the site will need to be graded to direct stormwater runoff to the wetland area on Parcel A. A drainage and utility easement will be required over this wetland area and the rear portion of Parcel A to provide a drainage route for Parcel B.

Vegetation and Woodlands

The majority of the property is open lawn area with trees and other vegetation along the south west and eastern portion of the property. It appears that no landmark trees will need to be removed for the development of Parcel B. Tree removal, replacement and protection will be addressed in the Development Agreement.

Vacation

The Maleski's have also requested the existing 30-foot street and utility easement adjoining their property to the south be vacated. This vacation will be considered by the City Council concurrently with the Minor Subdivision. The intent of the vacation is to increase the buildable area by eliminating the minimum 25-foot structure setback requirement from this unimproved roadway. In exchange for the vacation of this easement, the City will require a 35-foot wide drainage and utility easement along the southern property line. A new structure could be constructed up to the easement area.

The City will also retain a street easement over the improvement portion of Buffalo Lane and includes the hammerhead turnaround. This easement area will be large enough to provide adequate space for snow storage.

COMMENTS

PUBLIC WORKS COMMENT

Buffalo Lane was recently improved with a 20-foot wide roadway, storm sewer, sanitary sewer and water. The subject property was assessed for these improvements in accordance with the City's assessment policy. The outstanding assessments for the property must be paid prior to the City's release of the deed for recording.

The future home on Parcel B is required to connect to municipal sanitary sewer and water.

Drainage and utility easements shall also be provided as required by the City Engineer and conveyed prior to the recording of the subdivision. These include the standard 5-foot easements along the side property lines, 10 foot easement the front and rear property lines, unless otherwise required. In exchange for vacation of the street easement, the City is requiring a 35-foot wide drainage and utility easement along the south property line of Parcel B. The City does have a water main in this easement.

A 40-foot wide drainage and utility easement will also be required along the rear property line of Parcel A to provide a drainage way for stormwater generated by the future development of Parcel B.

PUBLIC COMMENT

Property owners within 350 feet were notified of the request. No comments have been submitted in response as of the date of this report. One telephone call was received regarding drainage, stormwater management and groundwater.

LAKE JOHANNA FIRE DEPARTMENT

The Fire Marshal also reviewed the proposed subdivision and vacation. The Fire Department has requested that the City continue to maintain the area where the hammerhead turn-around is located.

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. Single-family residential use of the property at the proposed density is consistent with the Comprehensive Plan. Approval of the minor subdivision is contingent upon the City Council's approval of the vacation.

Minor Subdivision

1. Approval of the minor subdivision is contingent upon the City Council's approval of the request to vacate the 30-foot wide street and utility easement immediately south of this property.
2. The minor subdivision shall be in accordance with the plans submitted; however, revisions may be made in accordance with the City Council's action on the vacation request and conditions of the minor subdivision.
3. 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.
4. 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.
5. A street easement shall be retained over that portion of Buffalo Lane which includes the hammerhead turn-around and shall be sized in accordance with the recommendations of the City Engineer.
6. A minimum setback of 35-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
7. Municipal water and sanitary sewer service shall be provided to resulting Parcel B.
8. Items identified by the City Engineer in his memo shall be addressed as specified.
9. 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.
10. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

Attachments

- 1) Memo – Tom Wesolowski - City Engineer
- 2) Email – Nate Berg, Fire Marshal/Deputy Chief, Lake Johanna Fire Department
- 3) Aerial Location Maps
- 4) Pictometry
- 5) Submitted Plans
- 6) Survey identifying required Easements
- 7) Response to Request for Comment
- 8) Motion

t:\2015 pcf\2576-15-19 Maleski -5825Buffalo Lane/pc report.doc

Date: July 17, 2015
To: Kathleen Castle, City Planner
From: Tom Wesolowski, City Engineer
Subject: Minor Subdivision & Vacation – 5825 Buffalo Lane

The City of Shoreview Engineering staff has reviewed the application for the minor subdivision of 5825 Buffalo Lane and has the following comments:

1. Currently there is a 30-foot street and utility easement located along the south property line. As part of the subdivision, the property owner is requesting a vacation of the street & utility easement and proposing a 35-foot drainage and utility easement. Due to the development of homes to the west of 5825 Buffalo Lane, a road will not be constructed along the south property line, so a road easement is not required. There is a portion of a hammerhead turn-around located within street easement along the east edge of the property, which would require 30-feet of the street easement to remain from the east edge of the property extend to the west. The water main located along the south edge of the property will remain and would be located within the proposed 35-foot drainage and utility easement.
2. Proposed Parcel B currently drains to the NW across Parcel A to a wetland located along the NW corner of proposed Parcel A. Due to the topography of Parcel B, drainage from the parcel would need to continue to flow across Parcel A to the wetland. To ensure that drainage from Parcel B can drain to the wetland, the west 40-feet of Parcel A shall be a 40-foot drainage easement.
3. Buffalo Lane was reconstructed in 2011. Sanitary sewer and water main were installed in the roadway and services were extended to the various properties. Two sets of services were installed for this property to eliminate digging up the street if a future subdivision were to occur. When Buffalo Lane was assessed, the property was only assessed one unit for street, water, sanitary sewer and storm sewer. When the property is split, a fee in the amount of the original assessment would be due to the City as a deferred fee in lieu of an assessment. The original assessment amount for one unit is \$14,545 and that would be required to be paid to the City as part of the splitting process.
4. The existing water and sanitary sewer services appear to be the NE corner of proposed Parcel B. A private easement should be given by Parcel B to Parcel A to allow these services to cross a portion of Parcel A along with rights to repair them if required.
5. Standard fees for connecting to city water and sewer for Parcel B will apply. These are listed below:

Water Connection Charge	\$275.00
Water Meter Charge	\$254.96 (2015 rate)
Sewer Connection Charge	\$275.00
Permit Fees	\$ 60.00 (2015 rate)



Kathleen Castle <kcastle@shoreviewmn.gov>

Minor Subdivision - 5825 Buffalo Lane

Nate Berg <nberg@ljfd.org>

Wed, Jun 17, 2015 at 1:20 PM

To: Kathleen Castle <kcastle@shoreviewmn.gov>

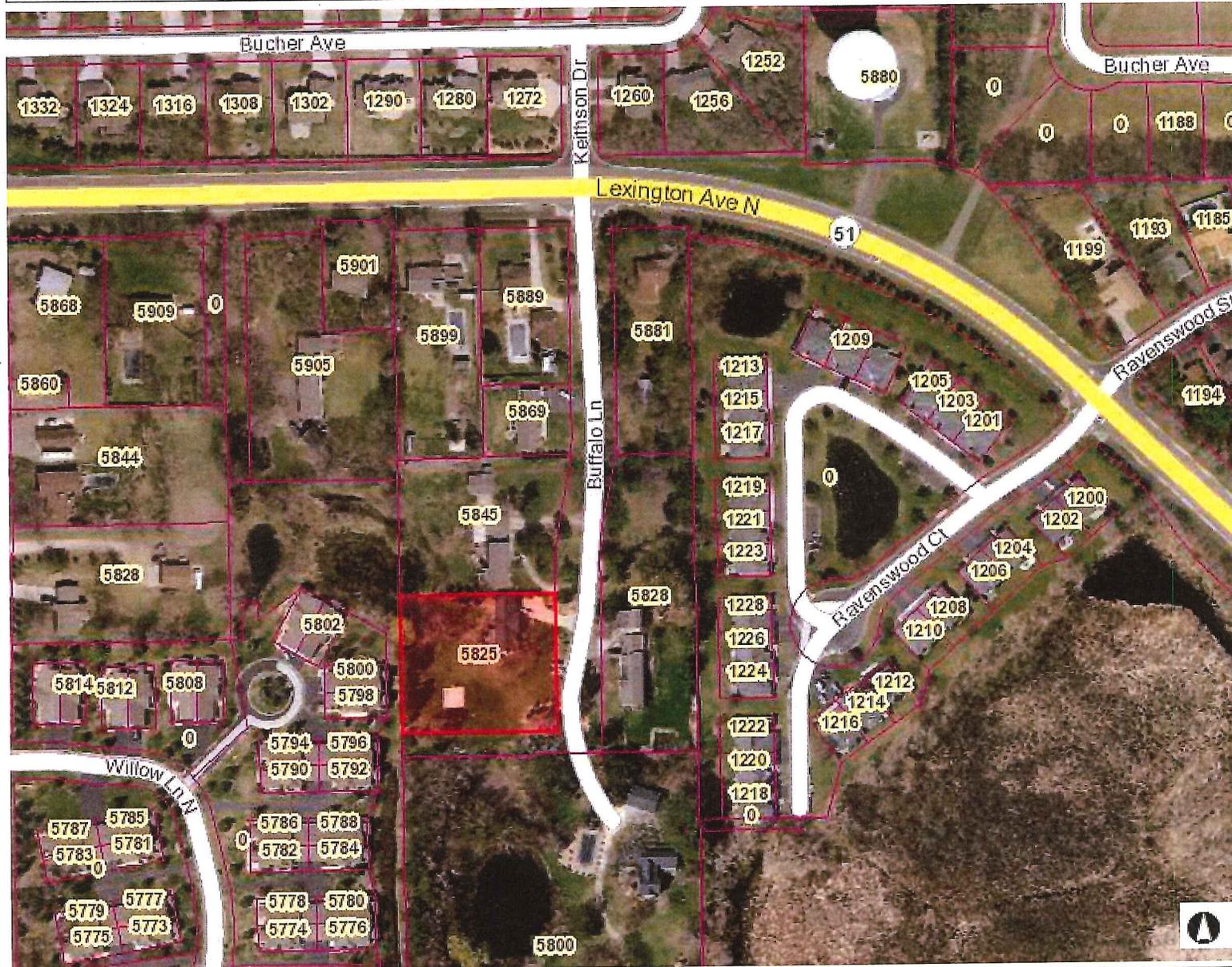
Cc: Tim Boehlke <tboehlke@ljfd.org>

Kathleen,

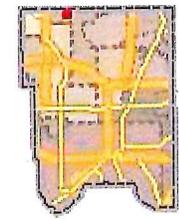
The only comments the fire department would have on this potential vacation of the easement would be that we would require that the hammerhead dead end turn around does not change and would be maintained by the city.

Nate Berg
Fire Marshal/Deputy Chief
Lake Johanna Fire Department
5545 Lexington Ave N
Shoreview, MN 55126
(651) 481-7024
nberg@ljfd.org

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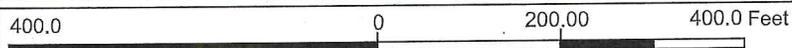
Legend



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

Notes

Maleski - Minor Subdivision



Legend



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

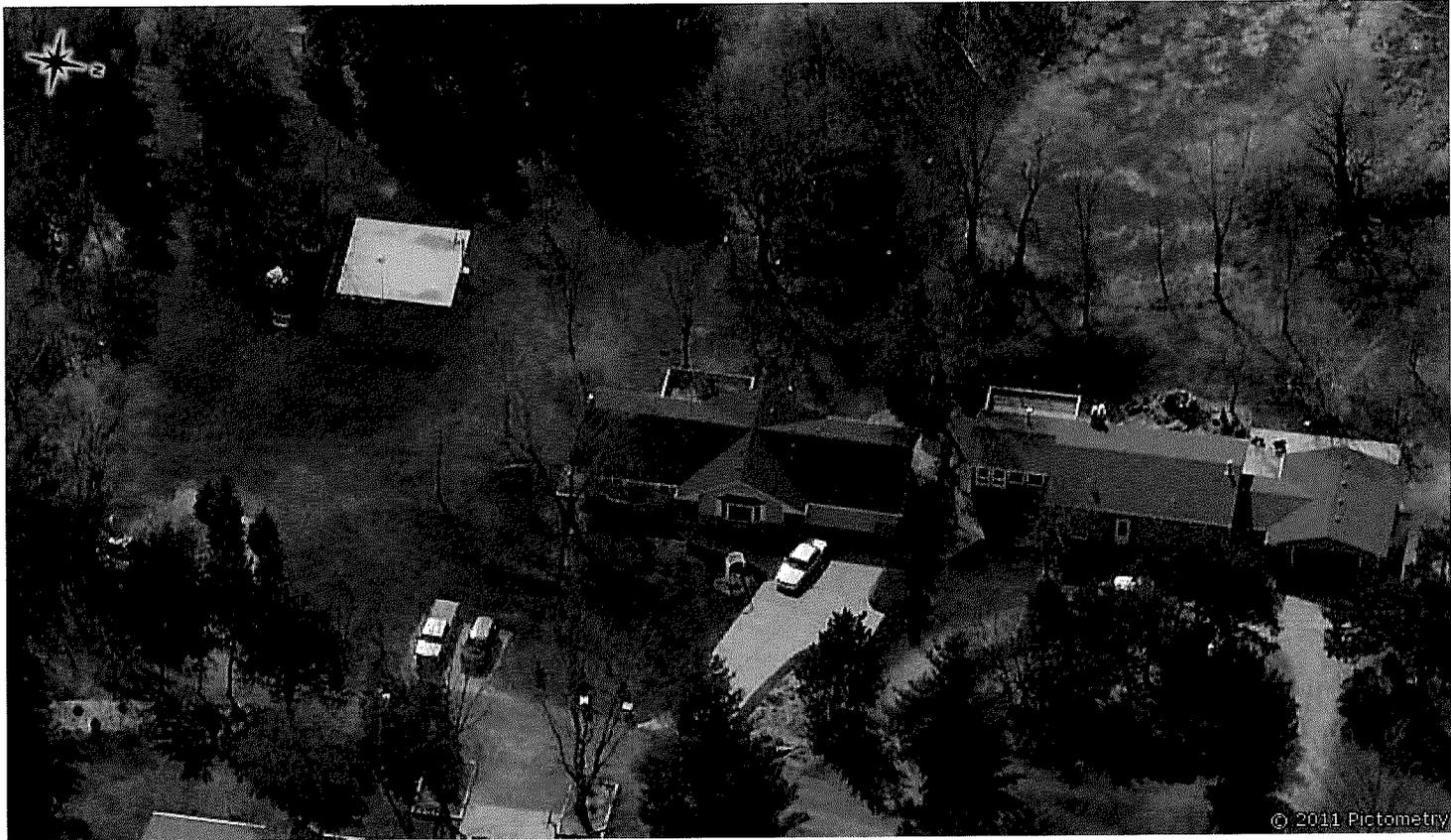


AREA PROPOSED FOR VACATION



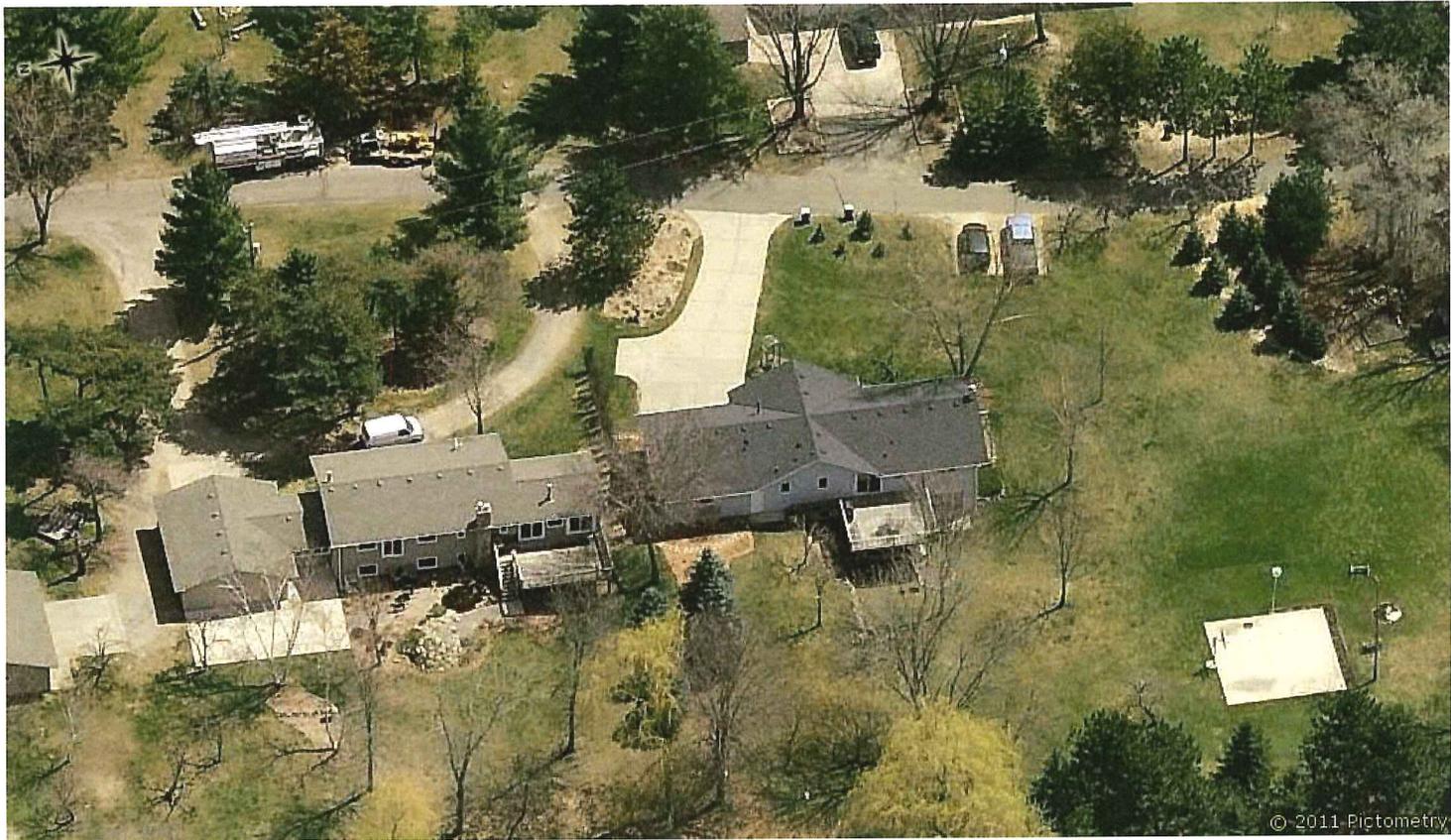
Notes

Maleski - Minor Subdivision



M2

Print Date: 06/16/2015
Image Date: 05/04/2011
Level: Neighborhood



M1

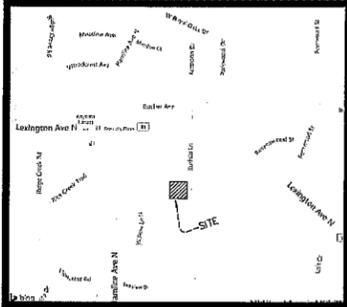
Print Date: 06/16/2015
Image Date: 05/04/2011
Level: Neighborhood

CERTIFICATE OF SURVEY

~for~ BRIAN AND RENE MALESKI
 ~of~ 5825 BUFFALO LANE
 SHOREVIEW, MN 55126

VICINITY MAP

PART OF SEC. 3, TWP. 30, RNG. 23



RAMSEY COUNTY, MINNESOTA
(NO SCALE)

EXISTING PROPERTY DESCRIPTION:

(PER WARRANTY DEED 3/19/1996, DOCUMENT NO. 2917267)

That part of the north 771 feet of the Southwest Quarter of the Northeast Quarter of Section 3, Township 30 North, Range 23 West, Ramsey County, Minnesota lying east of the west 560 feet and 30 feet west of the following described line:

Beginning at a point on the north line of said Southwest Quarter of the Northeast Quarter of Section 3, Township 30 North, Range 23 West, distant 825 feet east of the northwest corner of said Southwest Quarter of the Northeast Quarter; thence southerly and parallel with the west line of said Southwest Quarter of the Northeast Quarter a distance of 326.63 feet; thence along a tangential curve concave to the west, having a radius of 410.57 feet, a central angle of 13 degrees 53 minutes 12 seconds a distance of 99.51 feet to a point of reverse curvature; thence along a 410.57 foot radius curve concave to the east having a central angle of 13 degrees 53 minutes 12 seconds, a distance of 99.51 feet; thence southerly and tangent to said curve to the south line of the north 771 feet of said Southwest Quarter of the Northeast Quarter and there terminating, except the north 552 feet thereof.

Together with a 60 foot easement for street and utility purposes, the centerline of which is described as follows:

Beginning at a point on the north line of said Southwest Quarter of the Northeast Quarter of Section 3, Township 30 North, Range 23 West, distant 825 feet east of the northwest corner of said Southwest Quarter of the Northeast Quarter; thence southerly and parallel with the west line of said Southwest Quarter of the Northeast Quarter a distance of 326.63 feet; thence along a tangential curve concave to the west, having a radius of 410.57 feet, a central angle of 13 degrees 53 minutes 12 seconds a distance of 99.51 feet to a point of reverse curvature; thence along a 410.57 foot radius curve concave to the east having a central angle of 13 degrees 53 minutes 12 seconds, a distance of 99.51 feet; thence southerly and tangent to said curve to the south line of the north 771 feet of said Southwest Quarter of the Northeast Quarter and there terminating.

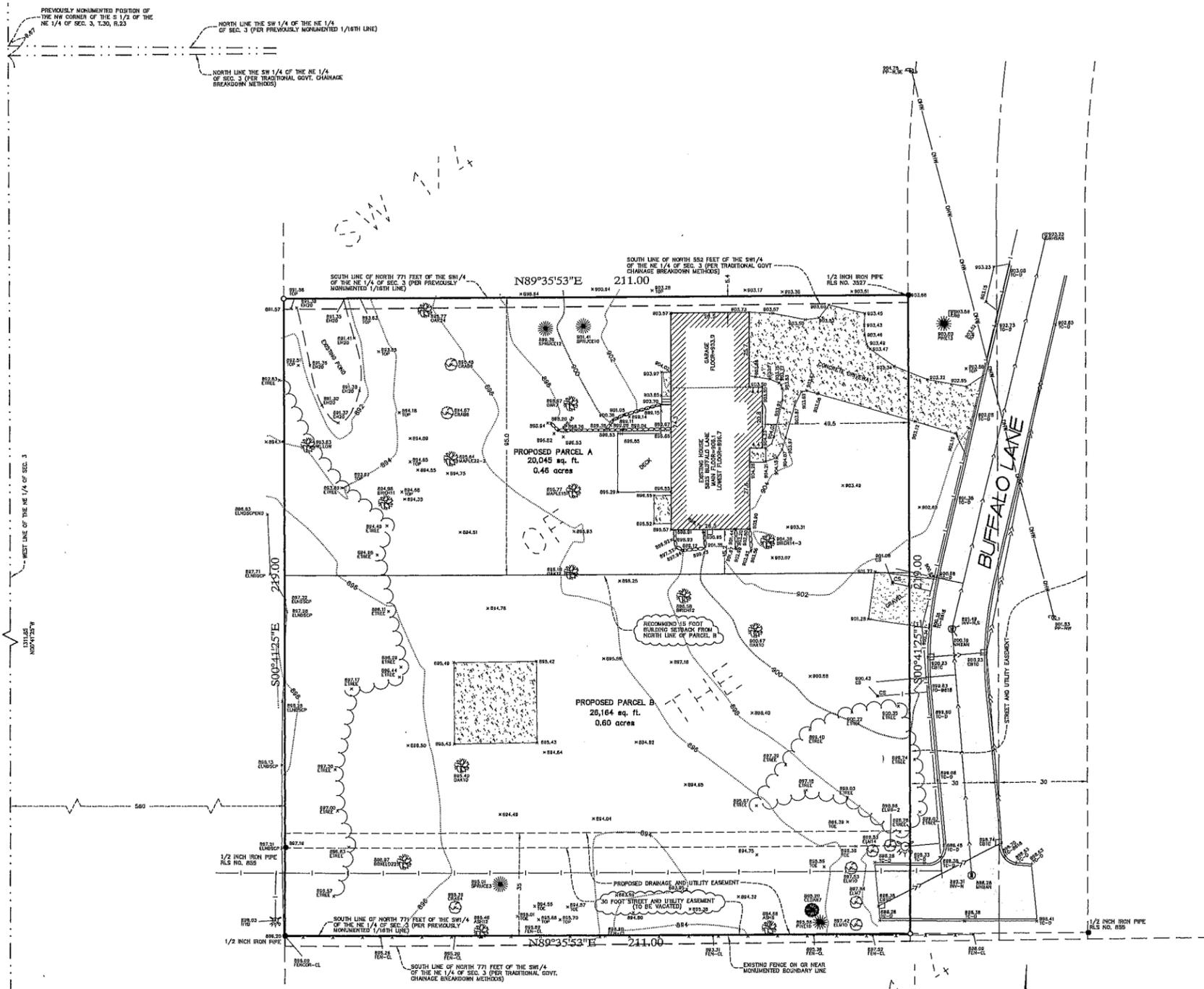
PROPOSED PROPERTY DESCRIPTION:

PARCEL A:

To be written

PARCEL B:

To be written



NOTES:

- Field survey was completed by E.G. Rud and Sons, Inc. on 5/27/15.
- Bearings shown are on Ramsey County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Benchmark: Ramsey County Benchmark No. 9110. Elevation = 889.96 (NAVD 88 datum)

ZONING/LOT STANDARDS/SETBACKS:

Parcel is currently R-1 (Detached Residential District)
 -Minimum lot width = 75 feet
 -Minimum lot depth = 125 feet
 -Minimum lot area = 10,000 sq. ft.

Setbacks:

Front = Average of adjacent dwellings
 Side = 10 feet (living area)
 Side = 5 feet (garage or accessory structure)

LEGEND

- ⊕ DENOTES RAMSEY COUNTY MONUMENT
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES RETAINING WALL
- DENOTES HYDRANT
- DENOTES CATCH BASIN
- DENOTES TELEPHONE PEDESTAL
- DENOTES SANITARY SEWER
- ⊙ DENOTES WELL
- DENOTES FENCE
- DENOTES POWER POLE AND OVERHEAD WIRES
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES TREE LINE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE

BOUNDARY NOTE:

This survey is showing a boundary line "as monumented", and a second boundary as "per traditional breakdown" methods. This parcel lies within Section 3, Township 30, Range 23, which is a Section whose northerly boundary adjoins the correction line between Anoka and Ramsey County. As a result of the correction line there are two sets of Ramsey County corners that preside along the north line of this Section (1 Section corner and 1 closing corner).

Separate from this Item, there used to be a railroad spike which established a monumented position of the northwest corner of the South Half of the Northeast Quarter of said Section 3. The position of this monument lied roughly 7 feet north of today's conventional government chainage method of establishing today's position. Many surveys were completed within said Quarter utilizing said monument in the past. Said monument also fit the centerline of Lexington Avenue as traveled in the late 70's.

In the 1980's, several land plats were completed and filed in this Section, which included ROYAL OAKS ESTATES WEST. At that time, discussions took place with the County Surveyor, and it was decided to utilize the conventional methods for establishing the boundaries, as opposed to said monumented position. These plats were recorded and filed, and Lexington Avenue was realigned to this new position.

When completing this survey, it is evident that existing monumentation matches the position of the previously monumented sixteenth corner. Both iron monuments and occupation are in place and match as shown. Carley Torgerson also completed a survey of this parcel in 1994 for the existing home construction. The boundary and setbacks shown on the Carley survey match this survey. For the purpose of this survey, we are utilizing the monumented positions to establish the boundary. To avoid any potential future issues with building setbacks, it is recommended that a 15 foot setback be utilized along the north line for any new construction on Parcel B.

NORTH

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

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

PRELIMINARY

JASON E. RUD

Date: 6/4/2015 License No. 41578

DRAWN BY: BAB	JOB NO: 15254BS	DATE: 6/1/15	
CHECK BY: JER	SCANNED		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

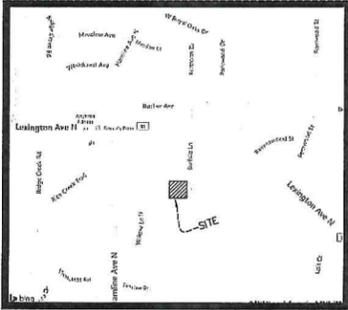
E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701
 www.egrud.com

CERTIFICATE OF SURVEY

~for~ BRIAN AND RENE MALESKI
 ~of~ 5825 BUFFALO LANE
 SHOREVIEW, MN 55126

VICINITY MAP

PART OF SEC. 3, TWP. 30, RNG. 23



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 (NO SCALE)

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Together with a 80 foot easement for street and utility purposes, the centerline of which is described as follows:

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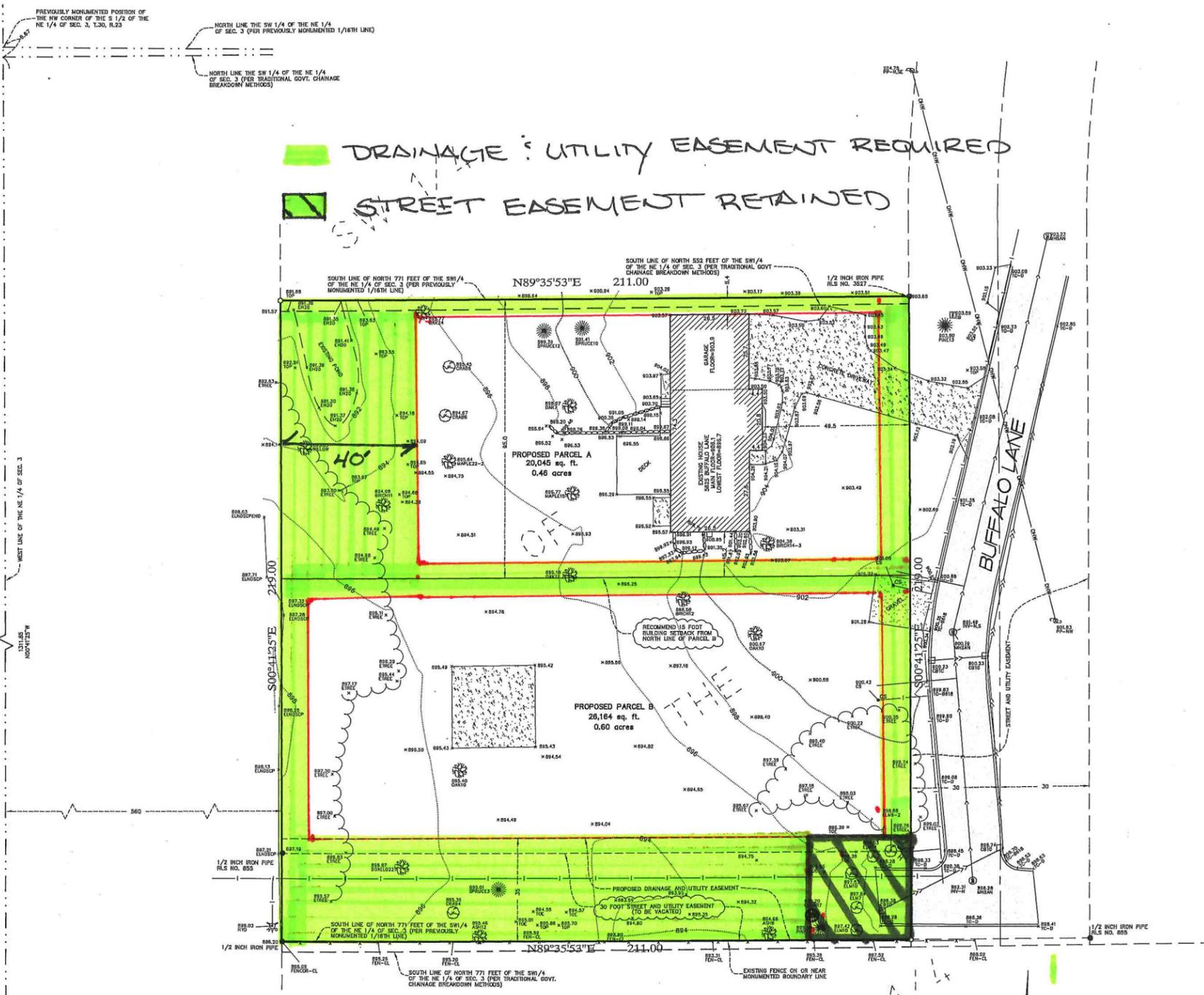
PROPOSED PROPERTY DESCRIPTION:

PARCEL A:

To be written

PARCEL B:

To be written



NOTES:

- Field survey was completed by E.G. Rud and Sons, Inc. on 5/27/15.
- Bearings shown are on Ramsey County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Benchmark: Ramsey County Benchmark No. 9110. Elevation = 889.96 (NAVD 88 datum)

ZONING/LOT STANDARDS/SETBACKS:

Parcel is currently R-1 (Detached Residential District)
 -Minimum lot width = 75 feet
 -Minimum lot depth = 125 feet
 -Minimum lot area = 10,000 sq. ft.

Setbacks:

Front = Average of adjacent dwellings
 Side = 10 feet (living area)
 Side = 5 feet (garage or accessory structure)

LEGEND

- DENOTES RAMSEY COUNTY MONUMENT
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES RETAINING WALL
- ⊕ DENOTES HYDRANT
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- ⊕ DENOTES TELEPHONE PEDESTAL
- ⊕ DENOTES SANITARY SEWER
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Separate from this item, there used to be a railroad spike which established a monumented position of the northwest corner of the South Half of the Northeast Quarter of said Section 3. The position of this monument lied roughly 7 feet north of today's conventional government changeout method of establishing today's position. Many surveys were completed within said Quarter utilizing said monument in the past. Said monument also fit the centerline of Lexington Avenue as traveled in the late 70's.

In the 1980's, several land plots were completed and filed in this Section, which included ROYAL OAKS ESTATES WEST. At that time, discussions took place with the County Surveyor, and it was decided to utilize the conventional methods for establishing the boundaries, as opposed to said monumented position. These plots were recorded and filed, and Lexington Avenue was realigned to this new position.

When completing this survey, it is evident that existing monumentation matches the position of the previously monumented sixteenth corner. Both iron monuments and occupation are in place and match as shown. Carley Torgerson also completed a survey of this parcel in 1994 for the existing home construction. The boundary and setbacks shown on the Carley survey match this survey. For the purpose of this survey, we are utilizing the monumented positions to establish the boundary. To avoid any potential future issues with building setbacks, it is recommended that a 15 foot setback be utilized along the north line for any new construction on Parcel B.

NORTH

GRAPHIC SCALE

(IN FEET)
 1 inch = 20 ft.

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

PRELIMINARY

JASON E. RUD

Date: 6/4/2015 License No. 41578

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

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

**MOTION
TO APPROVE A MINOR SUBDIVISION
5825 BUFFALO LANE**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the minor subdivision submitted by Briand and Rene Maleski for their property at 5825 Buffalo Lane. The subdivision divides the property into two parcels, creating a vacant parcel (Parcel B) for single-family residential development. Said approval is subject to the following:

Minor Subdivision

1. Approval of the minor subdivision is contingent upon the City Council's approval of the request to vacate the 30-foot wide street and utility easement immediately south of this property.
2. The minor subdivision shall be in accordance with the plans submitted; however, revisions may be made in accordance with the City Council's action on the vacation request and conditions of the minor subdivision.
3. 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.
4. 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.
5. A street easement shall be retained over that portion of Buffalo Lane which includes the hammerhead turn-around and shall be sized in accordance with the recommendations of the City Engineer.
6. A minimum setback of 35-feet from the South side lot line is required for the dwelling and attached garage developed on Parcel B.
7. Municipal water and sanitary sewer service shall be provided to resulting Parcel B.
8. Items identified by the City Engineer in his memo shall be addressed as specified.
9. 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.
10. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

This approval is based on the following findings of fact:

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan, including the Land Use.
2. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
3. The parcels comply with the minimum standards of the R1, Detached Residential District.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting – June 23, 2015

TO: Planning Commission
FROM: Niki Hill, Economic Development and Planning Associate
DATE: June 19, 2015
SUBJECT: File No. 2580-15-23; Variance – Tracy and John Foley, 730 Amber Dr.

INTRODUCTION

The City received a variance application from Tracy and John Foley, 730 Amber Dr, to reduce the minimum Ordinary High Water (OHW) structure setback permitted to 39 feet for a proposed screen porch addition. The proposed porch, that would use an existing 8 foot stand alone brick wall, has a depth of 8-feet and a length of 16-feet. The application was complete June 2, 2015.

BACKGROUND AND PROJECT DESCRIPTION

The property is located to the west of Lake Emily, on the east end of Amber Drive. The triangle shaped property, with a lot area of just over one acre, is considered a standard riparian lot. It extends into Lake Emily so that the shorelines curve around two sides of the dwelling. Improvements on the property include a one-story, 3,068 square foot, single-family residential dwelling with an attached 744 square foot garage, driveway, attached deck, water-oriented shed, and water-oriented deck.

The existing residence lies 47.3 feet from the OHW at the closest point. Based on the location of the adjacent dwellings, the minimum required setback is 76.5 feet. The proposed screen porch uses an existing brick wall that protrudes from the portion of the residence that is located 47.3 feet from the OHW. As such the screen porch would require a variance to allow an OHW setback of 39 feet rather than 76.5 feet.

DEVELOPMENT ORDINANCE REQUIREMENTS

The City's Shoreland Management ordinance requires a minimum 50-foot setback from the OHW level established by the Department of Natural Resources. If adjacent residences are located more than 50 foot from the OHW, the required setback is calculated using the average distance of the adjacent residences from the OHW, plus or minus 10 feet. New additions or reconstructions must comply with setback requirements even if the existing residence is non-conforming. Setbacks are measured at the closest point of the structure to the OHW.

VARIANCE CRITERIA

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

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

APPLICANT'S STATEMENT OF JUSTIFICATION

The applicant states that the covered porch addition will utilize an existing 8-foot brick wall structure that juts out from the garage on the north side. This brick wall already encroaches into the minimum setback area by approximately 8 feet. It is assumed the wall was part of the original house.

STAFF REVIEW

Staff has reviewed the application in terms of the Comprehensive Plan and Development Code, as discussed below.

The proposed improvement is consistent with the City's land use and housing policies related to housing maintenance and re-investment in single-family residential neighborhoods. The purpose of the OHW setback requirement is for environmental protection and aesthetics. Limited grading and disturbance would be required for the proposed screen porch. No tree removal is necessary.

In Staff's opinion, practical difficulty is present due the configuration of the home on the property, the existing brick wall that already encroaches on the required OHW and the setbacks of the adjacent homes and lot configuration.

Staff believes practical difficulty is present, based on the following findings:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The applicant is proposing to use the property in a reasonable manner since it will improve the livability of the permitted single-family residential use. The proposed covered screen porch will utilize the existing brick wall and therefore not extend any further northeast than the existing structure into the OHW, the porch is also at ground level. Staff believes the proposal represents a reasonable use of the property.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Staff believes that unique circumstances are present due to the placement/orientation of the home on the property in relation to the lake, the location of the adjacent homes in relation to the OHW and the existing brick wall off the rear of the home. The setback of the home from the OHW line varies greatly due to the location on the peninsula and the two shorelines. It ranges from 47.3 feet to over 118 feet. The setback of the adjacent homes range from 106.5 feet to 66.4 feet. The existing brick wall was on the house before the current owners purchased it. All these factors together create a unique circumstance.

While the screen porch would be possible on the southwest side of the home without a variance there would be more site impacts due to the characteristics of the lot – including impacts on trees. There would also be an impact on the property to the west.

3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The reduced OHW setback will not alter the essential character of the neighborhood. The visual impacts are reduced by the design and location of the proposed structure. The porch will be constructed at ground level, no taller than the existing house and will blend into the house. The existing house is located at an elevation 15 higher than the OHW and is separated by a series of two retaining walls stepping down to the lake. Additionally, the house is located on the cul-de-sac/peninsula which lessens if not completely negates the visual impact of the setback encroachment on neighboring properties.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of property owners who are seeking certain land use approvals through the City. The applicants have identified two practices, removal of nonconforming structure and vegetation protection. The applicants will remove an existing 10' x 12' non-conforming water oriented structure located along the southwest property line. The applicants will work with staff to create a vegetative protection area. The applicants are required to enter into a Mitigation Agreement with the City.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applications and this hearing. Comments that have been received are attached.

STAFF RECOMMENDATION

The requested variance to reduce the required setback to 39 feet complies with the policies of the Comprehensive Plan, meets the spirit and intent of the Development Regulations, and is consistent with the variance criteria. Staff is recommending the Planning Commission adopt Resolution 15-51, 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.
2. The screen porch shall not exceed the 39 foot OHW setback.
3. An erosion control plan shall be submitted with the building permit application and implemented during construction of the improvements.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the screen porch.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.
6. This approval is subject to a 5-day appeal period.

Attachments

Foley - Variance, 730 Amber Dr.

File No. 2580-15-23

Page 4

- 1) Location Map
- 2) Aerial Pictometry
- 3) Submitted Statements and Plans
- 4) Request for Comment
- 5) Resolution No. 15-51
- 6) Motion

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Legend



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



Notes

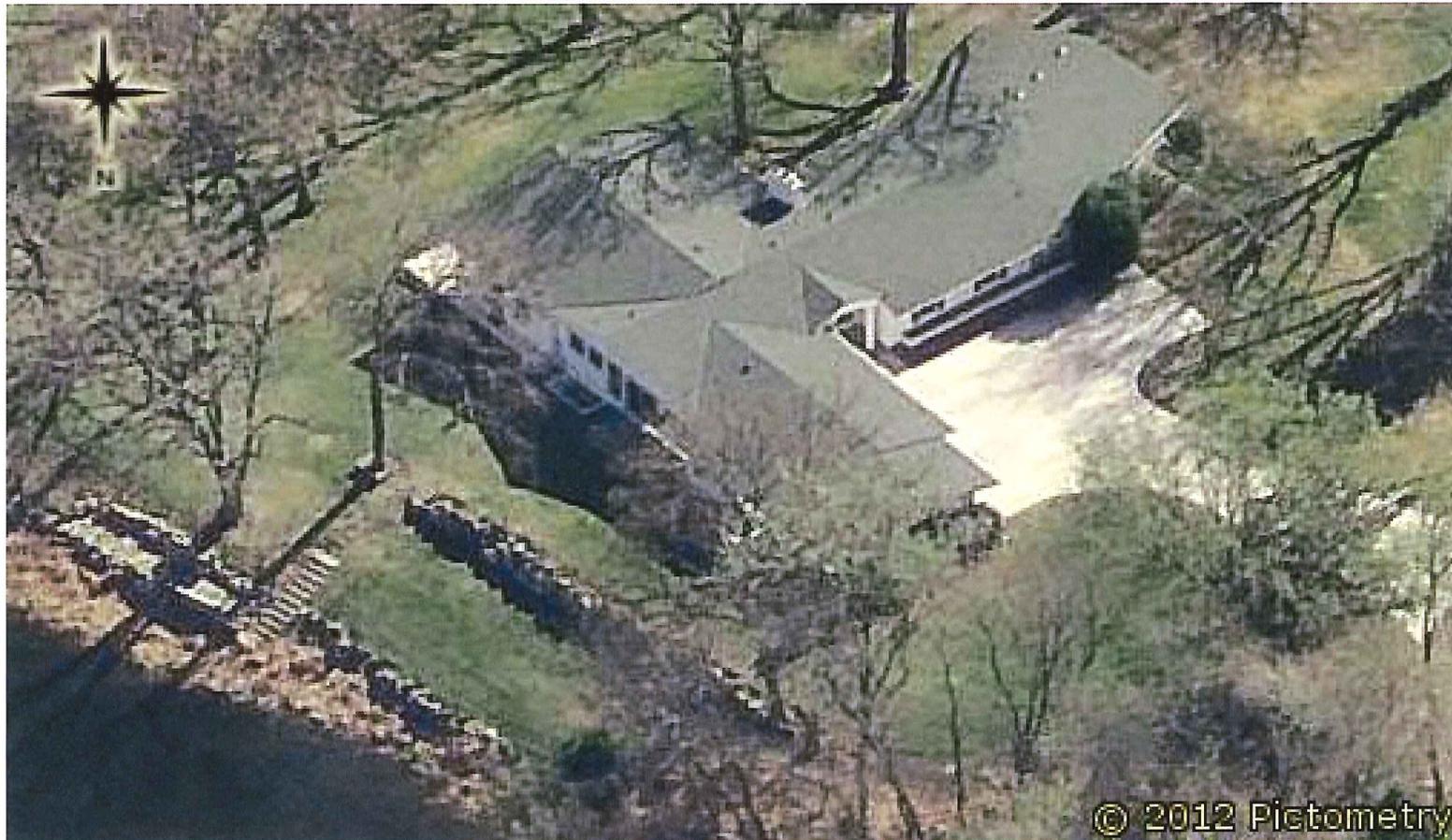
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 © Ramsey County Enterprise GIS Division

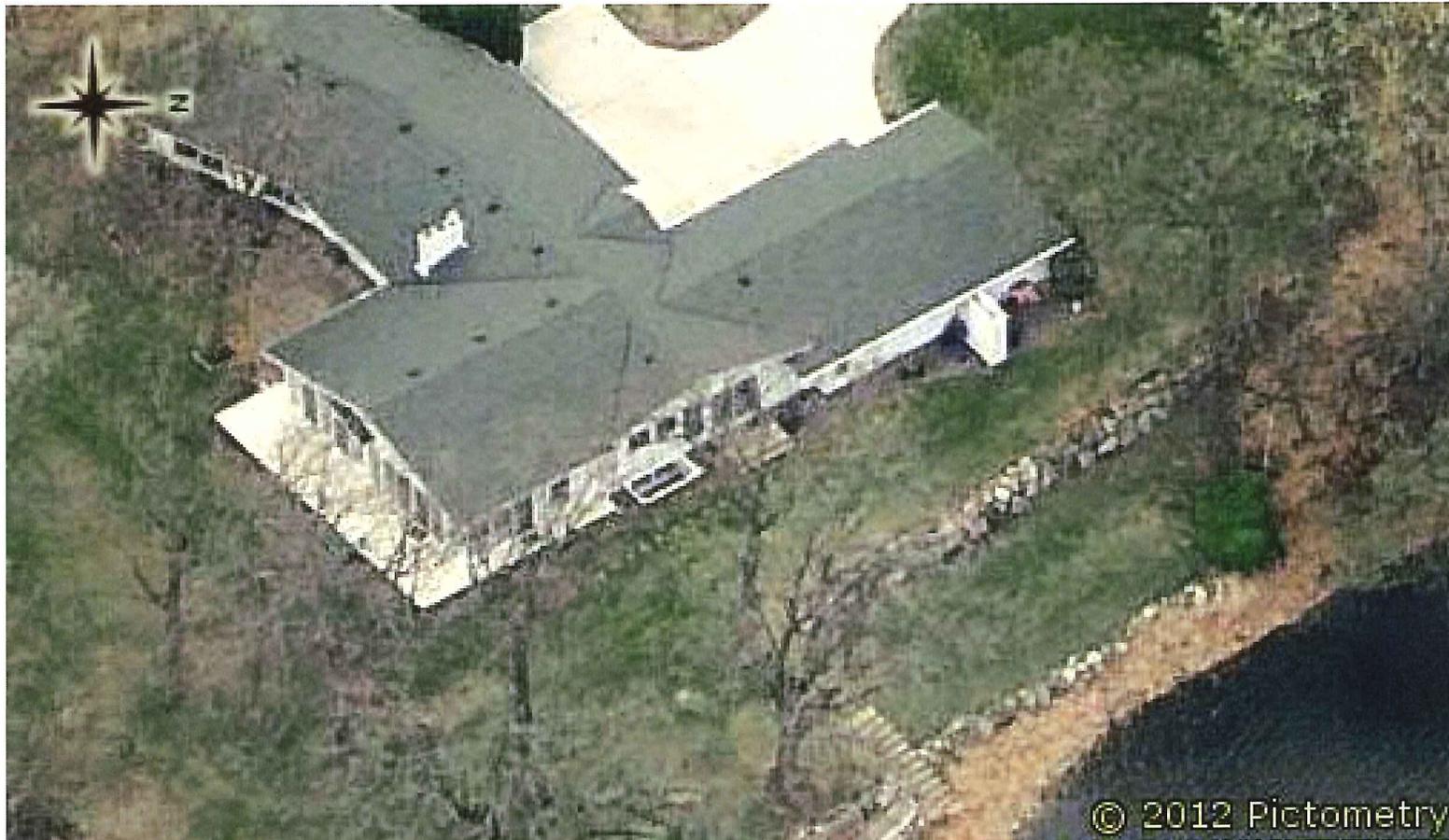
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



730 Amber Dr

Print Date: 06/15/2015
Image Date: 03/25/2012
Level: Neighborhood

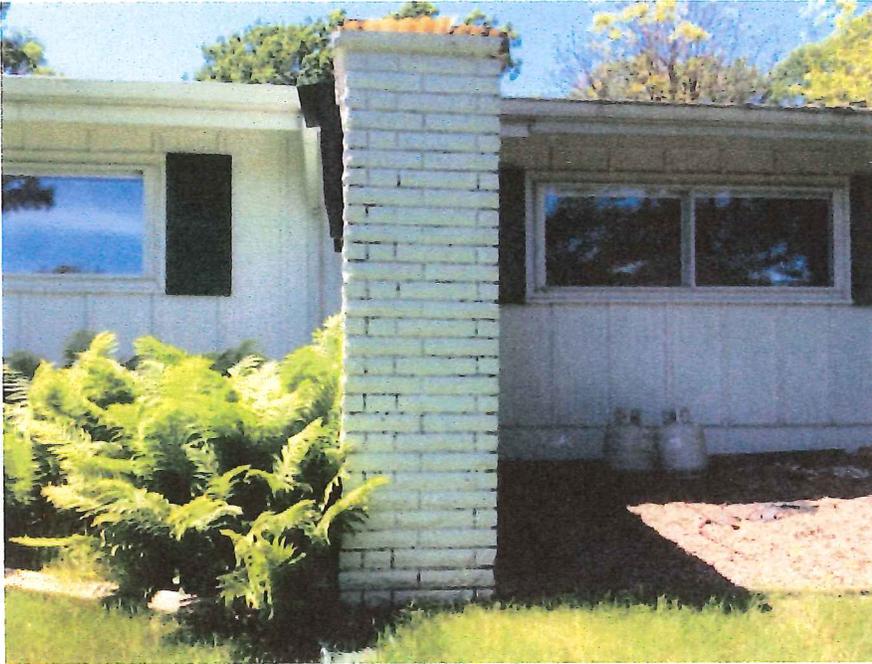


730 Amber Dr 2

Print Date: 06/15/2015
Image Date: 03/25/2012
Level: Neighborhood

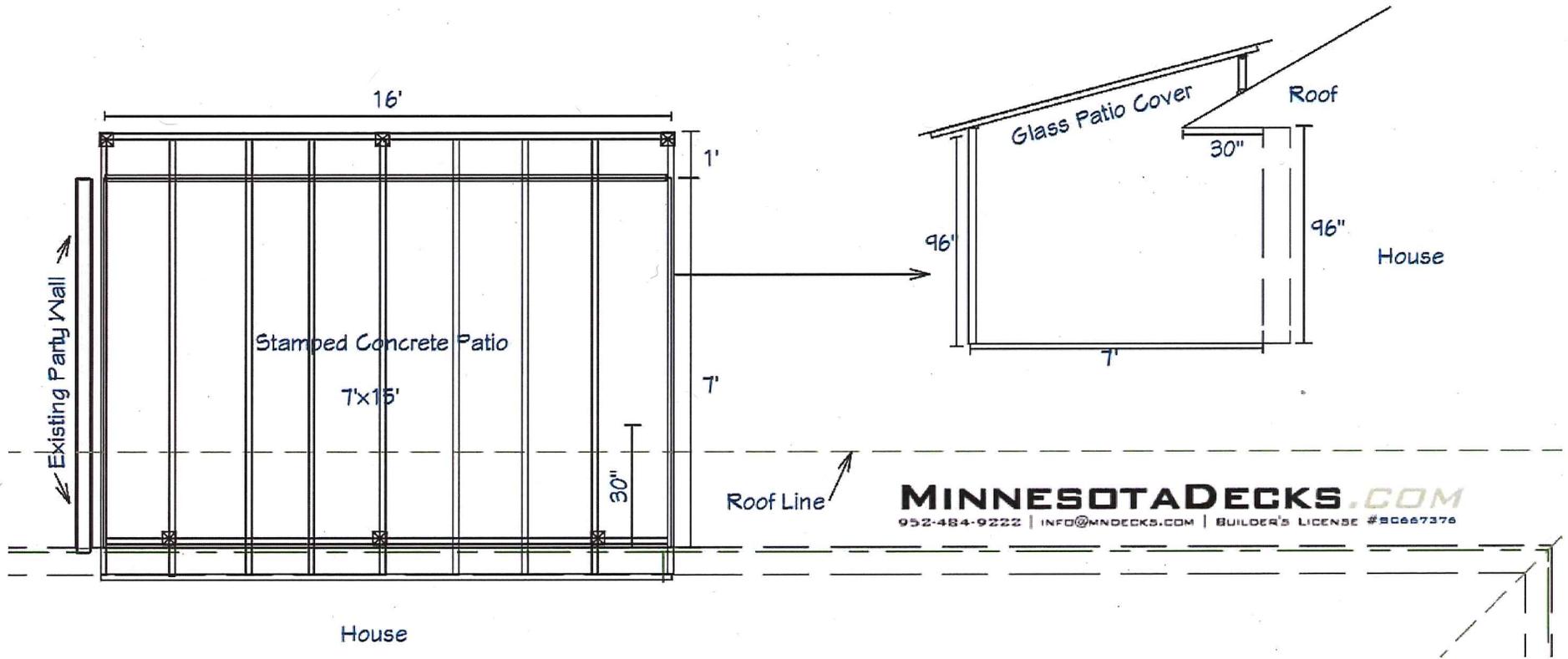
730 AMBER DRIVE

The current home has an existing brick wall structure that juts out from the garage on the north side. This brick wall already encroaches into the minimum set back area by approximately 8 feet. It is assumed the wall was part of the original house. Below is a picture of the existing wall.



The homeowners would like to add a screened enclosure adjacent to the garage and the previous mentioned brick wall structure. Below is the area for the proposed screened enclosure. The exception request is to match the current set back encroachment that is created by the existing brick wall.





City Council:
Sandy Martin, Mayor
Amy Johnson
Terry Quigley
Cory Springhorn
Ady Wickstrom



City of Shoreview
4600 Victoria Street North
Shoreview MN 55126
651-490-4600 phone
651-490-4699 fax
www.shoreviewmn.gov

June 8, 2015

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on Tuesday, June 23rd at 7:00 p.m., the Shoreview Planning Commission will consider a Variance request submitted by Tracey and John Foley to decrease the minimum 50' OWH setback to 39' to construct an enclosed screen porch at 730 Amber Dr. The screen porch would utilize an existing brick wall that comes off the rear of the garage. The existing house has a 47.9 foot OWH setback. The following variance is requested:

- 1) To reduce the minimum allowable OHW setback from 50 feet to 39 feet.

You are encouraged to fill out the bottom portion of this form and return it if you have any comments or concerns. You may also send your comments to me via email. Comments received by June 17th will be distributed to the Planning Commission with their agenda packet. Comments received after that date but before the meeting will be distributed to the Commission that night. You are also welcome to attend the meeting which will be held in the City Council Chambers, Shoreview City Hall, 4600 North Victoria Street. The agenda and staff report to the Planning Commission will be available on the City website by June 19th. Please use this weblink to review details of the project and City standards after that date www.shoreviewmn.gov/pc/documents.

If you would like more information or have any questions, please call me at 651-490-4658 between 8:00 a.m. and 4:30 p.m., Monday through Friday. You may leave a voice mail message at any time. Comments or questions can also be submitted via e-mail to me at nhill@shoreviewmn.gov.

Sincerely,

Niki Hill
Niki Hill

Planning and Economic Development Associate

Comments:

We, the residents of 740 Amber Drive, have no objections to the proposed construction of a screened porch addition at 730 Amber Drive.

Name: *Walter H. Fridley*
Address: *740 Amber Drive*

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD JUNE 23, 2015**

* * * * *

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

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 15-51 FOR A VARIANCE TO REDUCE THE REQUIRED
ORDINARY HIGH WATER ELEVATION STRUCTURE SETBACK**

WHEREAS, Tracy and John Foley submitted a variance application for the following described property:

All that part of Lot: 4 Block: 1, Lambert Park, lying northwest of a line running from a point on the northeast line of said Lot 4 distant 1120 feet southeast of the north corner thereof to a point on the southwest line of said Lot 4 distant 1065 feet southeast of the west corner thereof; and lying northeast of a line running from a point on said northeast line distant 706.45 feet southeast of said north corner to said point distant 1065 feet southeast of said west corner.

City of Shoreview, County of Ramsey, State of Minnesota

(This property is more commonly known as 730 Amber Dr.)

WHEREAS, the Development Regulations establish structure setbacks from the Ordinary High Water elevation; and

WHEREAS, the Development Ordinance requires a setback from the Ordinary High Water level of Lake Emily based on the average of the setbacks of the adjacent dwellings, in this case a minimum of 76.5 feet; and

WHEREAS, the applicants have requested a variance to this requirement to decrease the required structure setback from the Ordinary High Water elevation to 39 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 June 23rd 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.*

The applicant is proposing to use the property in a reasonable manner since it will improve the livability of the permitted single-family residential use. The proposed covered screen porch will utilize the existing brick wall and therefore not extend any further northeast than the existing structure into the OHW. The porch is also at ground level.

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

Unique circumstances are present due to the placement/orientation of the home on the property in relation to the lake, the location of the adjacent homes in relation to the OHW and the existing brick wall off the rear of the home. The setback of the home from the OHW line varies greatly due to the location on the peninsula and the two shorelines. It ranges from 47.3 feet to over 118 feet. The setback of the adjacent homes range from 106.5 feet to 66.4 feet. The existing brick wall was on the house before the current owners purchased it. All these factors together create a unique circumstance.

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

The reduced OHW setback will not alter the essential character of the neighborhood. The visual impacts are reduced by the design and location of the proposed structure. The porch will be constructed at ground level, no taller than the existing house and will blend into the house. The existing house is located at an elevation 15 higher than the OWH and is separated by a series of two retaining walls stepping down to the lake. Additionally, the house is located on the cul-de-sac/peninsula which lessens if not completely negates the visual impact of the setback encroachment on neighboring properties.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 730 Amber Dr., be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. The screen porch shall not exceed the 39 foot OHW setback.
3. An erosion control plan shall be submitted with the building permit application and implemented during construction of the improvements.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the screen porch.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.
6. This approval is subject to a 5-day appeal period.

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

And the following voted against the same:

Adopted this 23rd day of June, 2013

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Tracy Foley

John Foley

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve the variance request submitted by Tracy and John Foley for their property at 730 Amber Drive, reducing the minimum 76.5 foot OHW structure setback to 39 feet and adopt Resolution No. 15-51, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. The screen porch shall not exceed the 39 foot OHW setback.
3. An erosion control plan shall be submitted with the building permit application and implemented during construction of the improvements.
4. A Mitigation Affidavit shall be executed prior to the issuance of a building permit for the screen porch.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.
6. This approval is subject to a 5-day appeal period.

This motion is based on the following findings:

1. The applicant is proposing to use the property in a reasonable manner since it will improve the livability of the permitted single-family residential use. The proposed covered screen porch will utilize the existing brick wall and therefore not extend any further northeast than the existing structure into the OHW. The porch is also at ground level.
2. Unique circumstances are present due to the placement/orientation of the home on the property in relation to the lake, the location of the adjacent homes in relation to the OHW and the existing brick wall off the rear of the home. The setback of the home from the OHW line varies greatly due to the location on the peninsula and the two shorelines. It ranges from 47.3 feet to over 118 feet. The setback of the adjacent homes range from 106.5 feet to 66.4 feet. The existing brick wall was on the house before the current owners purchased it. All these factors together create a unique circumstance.
3. The reduced OHW setback will not alter the essential character of the neighborhood. The visual impacts are reduced by the design and location of the proposed structure. The porch will be constructed at ground level, no taller than the existing house and will blend into the house. The existing house is located at an elevation 15 higher than the OWH and is separated by a series of two retaining walls stepping down to the lake. Additionally, the house is located on the cul-de-sac/peninsula which lessens if not completely negates the visual impact of the setback encroachment on neighboring properties.

VOTE:

AYES:

NAYS: