

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: NOVEMBER 18, 2014
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

October 28, 2014

Brief Description of Meeting Process – Chair Steve Solomonson

3. REPORT ON CITY COUNCIL ACTIONS

Meeting Date: November 3, 2014 and November 17th, 2014

4. NEW BUSINESS

A. MINOR SUBDIVISION

File No: 2552-14-42

Applicant: Thomas Hipkins

Location: 4693 Hodgson Road

B. MINOR SUBDIVISION

File No: 2553-14-43

Applicant: Sandra Martin/Donald Zibell

Location: 444 Lake Wabasso Court/3244 Chandler Road

C. VARIANCE

File No: 2554-14-44

Applicant: James Cloutier

Location: 925 Island Lake Avenue

D. RESIDENTIAL DESIGN REVIEW/VARIANCE

File No: 2555-14-45

Applicant: Andrew and Megan Gaillard/Cynthia Kulp

Location: 230 E. Owasso Lane

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Planning Commission Meeting
November 18, 2014

5. MISCELLANEOUS

- A. City Council Assignments for *December 1st, 2014 and December 15th, 2014*
Commission Members *Solomonson and Schumer*
- B. City Council Assignments for *January 5th, 2014 and January 20th, 2014*
Commission Members *Ferrington and Schumer*
- C. Planning Commission Workshop before November 18th meeting @ 6:00 PM.
- D. December Planning Commission Meeting scheduled for December 16th @ 7:00 PM

6. ADJOURNMENT

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
October 28, 2014**

CALL TO ORDER

Chair Solomonson called the October 28, 2014 Shoreview Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The following Commissioners were present: Acting Chair Schumer, Commissioners, Ferrington, McCool, Peterson, Proud, Thompson

Commissioner Thompson arrived at about 7.05 p.m. Chair Solomonson was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to approve the October 28, 2014 Planning Commission meeting agenda as submitted.

VOTE: Ayes - 5 Nays - 0

Commissioner Thompson arrived at this point in the meeting.

APPROVAL OF MINUTES

MOTION: by Commissioner Ferrington, seconded by Commissioner Thompson to approve the September 23, 2014 Planning Commission meeting minutes, as submitted.

VOTE: Ayes - 4 Nays - 0 Abstain - 2 (McCool, Proud)

NEW BUSINESS

PUBIC HEARING - CONDITIONAL USE PERMIT

FILE NO. 2547-14-37
APPLICANT: GEORGE & JUSTINE GREENE, JR.
LOCATION: 5875 KITKERRY COURT SOUTH

Presentation by Economic Development and Planning Tech, Nikki Hill

The application for a Conditional Use Permit is for a second detached accessory structure on the applicants' property. The proposal is to construct a 168 square foot pool house, which would be the second detached accessory structure. Currently, there is a 120 square foot shed that was

constructed in 2008. The total area of the requested detached accessory structure exceeds 150 feet and requires a Conditional Use Permit.

The property is zoned R1, Detached Residential with the planned land use designated as low density residential in the Comprehensive Plan. The property is trapezoidal in shape and has an area of approximately 18,295 square feet with a width of 100 feet at Kitkerry. The property is developed with a single family home of approximately 1,308 square feet in foundation area with a 528 square foot attached garage.

The proposed pool house is pre-fabricated with a wall height of 10 feet. It will be located in the rear yard north of the existing pool, 20 feet from the rear yard line to the west and over 40 feet from the north property line. On parcels of less than one acre with a two-car attached garage, the maximum area of detached accessory structures is 150 square feet. The maximum area can be increased to a maximum of 288 square feet with a Conditional Use Permit. The total floor area of all accessory structures, attached or detached, cannot exceed 90% of the foundation area of the dwelling or total 1200 square feet, whichever is less. The application does comply with these foundation area restrictions, with setback regulations and height requirements. The exterior will match the existing home. Existing vegetation on the south lot line will screen the structure, and staff is not recommending additional screening.

Notice of the public hearing was published. Notices were also mailed to property owners within 350 feet of the subject property. One comment was received expressing concern that a second detached accessory structure will clutter the appearance of the property. Staff believes that the limit of two detached accessory structures addresses this concern.

Staff is recommending approval of the proposal and finds it is consistent with the standards and intent of the Development Code.

City Attorney Joe Kelly stated that the public hearing notice was properly published.

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

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

VOTE: Ayes - 6 Nays - 0

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to recommend the City Council approve the Conditional Use Permit application submitted by George and Justine Greene, 5875 Kitkerry Court S, to construct a 168 sq. ft. detached accessory structure (pool house) on their property. The Conditional Use Permit authorizes 288 square feet of total floor area for the two detached accessory structures, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted with the applications. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The exterior design of the addition 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 structure shall not be used in any way for commercial purposes.

Said approval is based on the following findings of fact:

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

VOTE: Ayes - 6 Nays - 0

PUBLIC HEARING-PRELIMINARY PLAT/PLANNED UNIT DEVELOPMENT

FILE NO.: 2500-13-27
APPLICANT: LEXINGTON ESTATES II TOWNHOME ASSOCIATION, INC.
LOCATION: 02-30-23-32-0273 ROYAL COURT

Presentation by City Planner Kathleen Castle

This application requests an amendment to the Planned Unit Development for common areas of Lexington Estates II be re-platted to dedicate Royal Court as a public street with some setback reductions. The PUD was approved in 1981, known as Serene Hills. Private streets were permitted but built to public street standards at the time and comply with the Fire Code for emergency vehicle access and turnaround. The townhome association has managed maintenance of the road which only serves the townhomes.

Public utilities are located beneath the roadway, and drainage and utility easements have been conveyed to the City. The criteria for converting private streets to public roads include: 1) the street can function as a public street; 2) the street is built to City standards; and 3) re-platting is required to provide dedicated public right-of-ways. The right-or-way varies in width from 25 to 50 feet because of public parking areas. The structure setbacks from the new right-of-way would range from 21 to 25 feet.

The request has been reviewed by the Public Works Director who has determined that Royal Court can be maintained as a public street. Royal Court complies with the criteria for the City to take over this private road. It is noted that a portion of the roadway is on Hill Court property immediately to the north, which is owned by a different Homeowners Association, Lexington Estates Association. That association has agreed to convey an easement to the City for public road purposes. There are two structures in Hill Court that will be within 10 feet of the proposed easement right-of-way. Public Works staff has determined that a public roadway can be maintained without impact to these two units, including snowplowing. Smaller vehicles will be used for snowplowing.

Notice of the public hearing was published in the legal newspaper, and notices were sent to property owners within 350 feet of the subject property. Two comments were received expressing concerns about additional public expense to maintain the road and the impact on nearby townhome units in Hill Court. There is a memo from Public Works Director Mark Maloney outlining the anticipated roadway costs.

Staff is recommending approval, as the conversion from private to public roadway meets City policy criteria. The proposal supports housing and neighborhood stabilization goals. A parking agreement is required, as parking must comply with requirements for public roadways. Overnight street parking would be prohibited. Driveways are long enough to accommodate overnight parking for guests.

Commissioner Peterson noted the request that any future street projects not be assessed to Hill Court property owners. Ms. Castle stated that the City cannot make a commitment that there will not be any assessments. Property can only be assessed when it is benefitted by the work being done.

Commissioner McCool expressed his concern about a memo from Public Works Director Mark Maloney stating that the current assessment policy does not necessarily fit the circumstances for assessment if a private road needs improvement. He also asked about not making the parking islands part of the public road right-of-way and the cost for the City to maintain this road. Ms. Castle responded that it would be difficult to determine who plows the road and who plows the parking areas. City crews already plow in the area and it will not be a significant cost to add the plowing of this road.

Commissioner Proud asked how plowing will impact area outside the right-of-way. Ms. Castle stated that the plan is to push the snow to the common area in the middle.

Acting Chair Schumer opened the public hearing.

Mr. Keith Bolay, 1050 Royal Court, Member of the Homeowners Association, stated that there was a vote and all are in agreement with this process.

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

VOTE:

Ayes - 6

Nays - 0

Commissioner McCool stated that his concern is that the City is adding additional maintenance expense. He also is concerned that if road improvements are needed, the City will be unable to assess homeowners. There is a legal question as to whether the City can assess. Secondly, there is a policy issue as to whether the City's policy is consistent with allowing assessments..

Commissioner Proud asked if the assessment issue will be brought before the City Council for resolution. Ms. Castle stated that the Planning Commission can take action and recommend that the City Council address this issue before taking final action. The issue could be addressed separately. Commissioner Proud stated that he would support separate consideration of the assessment issue by the City Council.

Commissioner McCool agreed with Commissioner Proud that he would like to see the City Council resolve the issue. It would be difficult for him to support this action without knowing whether assessments can be applied to these homeowners.

Commissioner Proud stated that Councilmembers will read the minutes of this meeting and understand the issues raised. He does not see a need to amend the motion proposed.

Commissioner Peterson noted that Mr. Maloney's memo points out that homeowners on private streets have been paying taxes for City services of snow plowing and sealcoating. He would also like to see an equalization of the assessment policy, but there is good reason to support this application for the neighborhood stabilization reasons given by the Economic Development Authority.

City Attorney Kelly stated that one question is whether to add a recommendation to the motion for the City Council. He agreed that the Council will see the concerns expressed in the minutes of this meeting. The amended PUD does not list an exemption. It looked to be a request. For clarification, it may be a good idea to include a recommendation that any assessments would be fairly distributed to those affected according to law. Ms. Castle has pointed out that assessments are determined according to benefit to the property. It appears that the Association has requested that the Association itself not be assessed. The question is then whether individual homeowners are benefitting and would be assessed. There is also a question of what property is owned by the Association after this vacation.

MOTION: by Commissioner Peterson, seconded by Commissioner Proud to recommend the City Council approve the Preliminary Plat, Serene Hills Estate Plat Five, and the amended Planned Unit Development, submitted by Lexington Estates II Townhome Association, Inc. for the conversion of Royal Court from a private street to a public road. Approval is subject to the following:

1. Approval of the preliminary plat and amendment to the PUD shall expire within one year of the date approved by the City Council.
2. The final right-of-way design for Royal Court is subject to review and approval of the Public Works Director.

3. Execution of an agreement between the City and Association stating the Association will comply with the City parking regulations for the proposed public right-of-way, including the parking areas.

This approval is based on the following findings:

1. The use and development was approved as a PUD, Planned Unit Development with an underlying zoning of R-2, Attached Residential.
2. The use and proposed alterations are consistent with the planned land use , goals and policies of the Comprehensive Plan, Chapter 4, Land Use and the housing goals in Chapter 7, Housing.
3. The conversion of the street to a public roadway is consistent with the City's current subdivision standards that require all streets to be publically dedicated rights of way.
4. Royal Court complies with the established criteria regarding the conversion of private streets to public streets.

VOTE: **Ayes - 5** **Nays - 1 (McCool)**

VARIANCE

FILE NO.: **2546-14-36**
APPLICANT: **MIKE MORSE**
LOCATION: **1648 LOIS DRIVE**

Presentation by Senior Planner Rob Warwick

In 2011, the City became aware of a detached accessory structure being constructed on the Morse property without the proper permits. Prior to that, a detached garage was demolished without proper permits. A Stop Work Order was issued on July 8, 2011 on the new structure, and Mr. Morse was notified of the building and land use requirements as well as the permitting process. The structure did not comply with the area, height and setback regulations. Previous variance requests by Mr. Morse in 2011, 2012 and 2014 have been denied. The City obtained a Court Order to remove the structure, and it was removed in August 2014. The concrete slab of 22' x 50' on which the structure was built was left in place by the City.

The applicant is now requesting a variance to retain the existing concrete slab to construct a 572 square foot garage and a parking area of 22' x 24'. The variance requested is to reduce the side setback from the required 5 feet to 2.3 feet, the setback of the existing slab.

The lot width is 75 feet. The east 5 feet and south 5 feet are encumbered with drainage utility easements with an asphalt drainage channel along the east lot line in the easement. The existing dwelling is single-story consisting of 768 square feet. The plan is to construct the garage on the north portion of the existing slab and use the south portion for parking. There will be a double overhung door on the north side and a single overhead door on the south side to access the parking area behind the garage.

The property is zoned R1, Detached Residential. Accessory structures must be a minimum of 10 feet from the rear lot line. The maximum impervious surface coverage allowed is 40% of lot area. The proposed garage complies with Development Code requirements in terms of floor area, height, wall height and exterior design. The only variance requested is the 2.3 foot side setback.

The applicant states that practical difficulties exist. The garage will be used for vehicle and personal storage. Reuse of the existing slab minimizes further site disturbance and reduces cost. The unique circumstances on the property are the drainage ditch, the location of the previous garage and its alignment with the driveway. The character of the neighborhood will not be impacted because there has been a garage in this location in the past.

The City's Building Official has identified requirements from the Building Code that include:

- One-hour rated fire assembly for the portion of the structure within 5 feet of the property line.
- Building projections, such as soffits, are not permitted to encroach any further than within 2 feet of the property line.
- Gutters are allowed on the 4-inch west overhang.
- An engineer's structural analysis is required to verify that the slab and garage meet the minimum requirements of the Building Code.

Staff finds that the proposed garage complies with City standards except for the side setback of 2.3 feet. But staff does not find practical difficulty is present. The exact setback of the previous garage is not known. A building permit dated from 1965 identifies a setback of 6 feet. The property owner removed the previous garage with no permits or inspections. The existing slab was installed by the property owner with no permits or inspections and is a circumstance created by the property owner. Staff is concerned that proposal will result in: 1) a 22' x 24' parking pad; 2) a 22' x 26' garage; and 3) a driveway all with a setback of less than 5 feet, which may impact the adjacent property. Mitigation with landscaping is not possible because of the narrow proposed setback. The drainage easement is not a unique circumstance that warrants a shift in the garage location further west than the 5-foot required setback.

Property owners within 150 feet of the subject property were notified of the new application. Three comments were received. One comment supports the project. Two expressed concern about fire safety, drainage and visual impact of the structure and parking. A fourth comment was distributed at this meeting that encourages compliance with the 5-foot setback requirement.

Staff finds that the proposed structure could be built at a 5-foot setback. The proposed 2.3 foot setback does not provide open space between properties or space for construction and maintenance. The basis of the variance request is due to the applicant's actions. As staff cannot identify affirmative findings for all three variance criteria, it is recommended that the variance request be denied.

Commissioner Ferrington asked who would pay for the engineer's structural analysis of the slab and new garage. Mr. Warwick responded that the applicant would have to pay for an analysis to show that the structure meets Building Code requirements.

Commissioner McCool noted that the picture of the driveway leading to the old garage shows the driveway closer to the side property line than the garage wall. He asked the setback of the edge of the driveway from the lot line. Mr. Warwick answered, 4 feet.

Commissioner Ferrington stated that the photo could be of any property. There is no way for the Commission to know that this is a picture of the previous garage.

Acting Chair Schumer asked if the applicant had worked with City staff on this application and the reason the slab was not removed. Mr. Warwick answered that there was no discussion with the applicant previous to the application being submitted. The reason the slab was not removed is because the City considered it reasonable to allow the slab for the potential of a future garage that would be in compliance with City Code. The fact that the slab was left intact is not meant as justification for a variance request.

Mr. Mike Morse, Applicant, stated he did not work with the City on this application because of what has happened over the last three years. There is a history of him not being treated fairly. He agreed that he is aware of the Code requirements and wonders why those requirements are not being applied to his neighbors. The driveway, which he did not install, is 4 feet from the property line. Everything can be constructed in compliance with City Code. However, there is 33 feet between his home and his neighbor's home. That characteristic is not found in the rest of the neighborhood. The reason is because of the drainage ditch along one side of his property that he did not put in. That is why he believes it is reasonable to place a new garage in the same location as the old garage. There are no clear records of where the old garage was located. The privacy fence shown in the photo mentioned earlier sits 2 feet into his neighbor's property. He plans gutters on each side for runoff. The required fire wall is not a problem. He did not create the circumstances of the placement of the driveway and old garage. The Court Order was for the structure to be removed. He received a letter from Ms. Castle that 2.7 feet of the western side would be removed to bring the concrete into compliance with a 5-foot setback. Letters from neighbors support compliance enforcement, but one neighbor has a garage that is higher than their house. Another neighbor built a garage without a permit in 2000, and was then issued a permit in 2013. It is difficult to understand how there is equal treatment. He is required to put in a fire wall, but his neighbor has a wood burning stove in the garage without one.

Commissioner McCool asked if Mr. Morse would be willing to remove the southern portion of the concrete. Mr. Morse stated that he cannot afford the removal. Commissioner McCool explained that the variance is not just for the garage but makes further impact because of the slab extension for parking. Mr. Morse stated that in January 2014, he withdrew his application because the statements from Planning Commissioners were that the structure size was too large. There was acknowledgement that the drainage swale might push the garage setback closer than 5 feet. He has worked to reduce the size of the garage from 1100 square feet to 572 square feet.

Commissioner Peterson asked the location of the 36-inch gate at the back of the garage. Mr. Morse explained that the gate was never in the back or at the side of the garage. It was originally in front where the deck steps up. When the bigger garage was built, the gate was removed. He put it behind the garage because he did not want to get rid of it.

Acting Chair Schumer asked if Mr. Morse would be willing to cut the concrete slab to comply with the 5-foot setback and move the proposed garage to the back of the slab. His concern is that the back will become a storage area. Mr. Morse stated that he would not be able to afford redoing the concrete.

Acting Chair Schumer asked for public comment.

Mr. Jim Martin, 1656 Lois Drive, immediately to the west of the applicant. He referred to his letter that he submitted indicating his opposition to the variance request. His concern is drainage as his property sits lower than the Morse property. Water flows west toward his property. Further, the reduced setback could interfere with fire protection access. He stated that the new proposed garage is not in the same location as the old garage but is at least 2 feet closer to the property line to the west.

Mr. Curtis Peterson, 1637 Lois Drive, stated that he does not believe Mr. Morse has acted in good faith. He says he does not have enough money now, but if it had been done right in the first place, there would be no problem. He himself parked an RV on his property that was out of compliance. When it was brought to his attention, he found a place to store it. Residents work to comply with City regulations. He wants Mr. Morse to have a garage, but it is important that the regulations be applied and enforced fairly.

Commissioner Thompson stated that with all the changes that have been made to reduce the size of the garage, she will support the proposal. She is convinced that the old garage was located where the new garage is proposed. Everyone has been through a lot with the way this application has come forward. The variance is reasonable and should be granted.

Commissioner Ferrington asked staff their understanding of the location of the old garage. Mr. Warwick stated that the building permit from 1965 shows a 6-foot side setback.

Commissioner Proud stated that he supports staff's recommendation. He would like to see staff and the applicant negotiate a solution.

City Attorney Kelly stated that there are two types of nonconforming uses. One is when a structure is legally built, but there is a change in the Code. If a property is destroyed 50% or more, there is a right to rebuild the nonconforming use with a building permit applied for within 180 days of the destruction. Other nonconforming uses are illegal. In this case, there is a file from 1965 that shows a 6-foot setback that would be in compliance. Building outside the setback is illegal, and there is no right to rebuild a nonconforming use.

Acting Chair Schumer asked what the Court Order stated. City Attorney Kelly responded that the Order granted the City the right to take down the structure. The City intended to take a portion of the concrete slab, but Mr. Morse's attorney required that the entire slab be removed, not just a portion. The City then left the slab for storage and reserved the right to remove the concrete slab at a later date. There is no time line for total removal.

Commissioner Ferrington stated that she supports the staff recommendation. There are repercussions from having the slab without a permit. It is unclear whether it is adequate to be a garage floor. An engineer will have to be hired to do an analysis, which will cost money. There is a conflict about where the former garage was located. The practical difficulty was created by the applicant over the last three years.

Commissioner McCool stated there is so much history with this applicant. However, if this application were seen for the first time at this meeting, he believes the Commission would still have spent time trying to figure out the location of the earlier garage. He supports the application. The property is unique because the drainage ditch does push the garage further to the west lot line. He would prefer to see no slab, but his support would be with a condition that a portion of the slab be removed to a conforming distance from the lot line. He would also require screening of the slab from the adjacent property owner.

Commissioner Peterson stated that he supports staff recommendation for denial.

MOTION: by Commissioner Proud, seconded by Commissioner Ferrington to deny the variance request submitted by Michael Morse at 1648 Lois Drive to construct a 22' x 26' detached garage and a 22' x 24' parking area on his property with a setback of 2.3 feet based upon the findings that no practical difficulty exists and based on the following findings of fact:

To deny the variance request submitted by Michael Morse, 1648 Lois Drive, to construct a 22-by 26-foot detached garage and a 22- by 24-foot parking area on his property, with a setback of 2.3 feet, based on findings that practical difficulty is not present, and the following findings of fact:

1. The request does not comply with the spirit and intent of the City's Development Code and Comprehensive Plan due to the proposed 2.3-foot setback from the side property line for the driveway, detached garage, and parking area south of the garage, open space between properties is not maintained. Maintenance of west side of the garage is not possible from the applicant's property.
2. Reasonable Manner. The applicant can use his property in a reasonable manner as permitted by the Development Code. In accordance with the City's regulations a 572 square foot detached accessory structure could be constructed at the required 5-foot side yard setback. The applicant's proposal is not a reasonable use because the structure can be placed further away from the lot line.
3. Unique Circumstances. Unique circumstances are not present. The slab was installed in this location by the applicant without required City permits and is a self-created circumstance. It is possible to construct an accessory structure on the property at the 5-foot setback required from the west side lot line.
4. Character of Neighborhood. The proposed setback for the garage and parking from the western side property line does negatively impact the adjoining property and character of the neighborhood. Visual mitigation is not feasible due to the encroachment on the 5-foot side setback required and limited space for landscaping and building maintenance.

Discussion:

Commissioner Proud stated that it is his hope that the parties can have a productive meeting to resolve all issues.

VOTE: **Ayes - 4** **Nays - 2 (McCool, Thompson)**

VARIANCE

FILE NO.: **2550-14-40**
APPLICANT: **TROY & SARAH WANGLER**
LOCATION: **4525 RICE STREET**

Presentation by City Planner Kathleen Castle

This application is to increase the maximum 40-foot setback permitted to 45 feet for the construction of a new home. In October, the City Council approved a minor subdivision of the property. A variance was previously granted for Parcel A waiving the requirement for public street frontage. A variance is now requested for Parcel B for the structure setback. Parcel B consists of 44,021 square feet with a lot width of 162 feet. The existing home would be demolished. A new home will be built with attached garage. The new home will be in the same area as the existing home. It complies with all structure setback requirements except for the need to increase the maximum front setback to 45 feet. Five landmark trees will be removed.

The applicant states that the lot is unique. The proposed home is to be located in the same area as the existing home to minimize impacts of construction. If the new home were shifted further south to comply with the 40-foot setback, more fill would be required. There is a utility line bisecting the property that limits building placement. The proposed location best protects the character of the lot.

Staff finds that practical difficulty is present. The proposed single-family home development is reasonable. The existing house is set back 57 feet; the new home is larger but with a setback of 45 feet. Site disturbance will be minimized by using the existing building pad. The lot is unique in configuration and topography. It is a flag lot with buildable area off the improved Rice Street. The proposed location of the home is more in keeping with the adjacent home. There is no defined neighborhood character as there are varying densities and housing types. The proposed house location will not be highly visible from Rice Street. Staff finds that there would be no impact on the character of the neighborhood.

Notices were sent to property owners within 150 feet of the subject property. One comment was received from the City of Vadnais Heights, expressing no concerns. The City Engineer has requested the house be shifted to the east to minimize encroachment or disruption of the utility line. Staff is recommending approval with the conditions listed in the staff report.

Mr. Troy Wangler, Applicant, stated that he would be willing to answer any questions.

MOTION: by Commissioner Farrington, seconded by Commissioner Thompson to approve the variance request submitted by Troy and Sarah Wangler for their property at 4525 Rice Street (Parcel B) increasing the maximum 40-foot structure setback from a front property line to 45 feet and adopt Resolution No. 14-93, subject to the following conditions:.

1. This approval will expire after one year if the variance has not been recorded with Ramsey County.
2. The approval is subject to a 5-day appeal period.
3. The Development Agreement for Construction on Parcel B shall be executed prior to the issuance of a building permit for this project. The terms and conditions of this agreement shall be adhered to.

This motion is based on the following findings:

1. The proposed single-family residential use of the property is consistent with the low density residential land use designation proposal and the R-1, Detached Residential Zoning District.
2. Practical difficulty is present as the placement of the home in the same general location as the existing home is reasonable. Unique circumstances are present due to the location of the existing home, lot configuration and access, and location of the adjoining home at 4521 Rice Street.
3. The area is currently a mix of high-, medium-, and low-density residential developments. There is no defined development pattern for the single-family residential uses. The proposed setback will not alter the character of the existing neighborhood.

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

PRELIMINARY PLAT

FILE NO.: **2549-14-39**
APPLICANT: **TOM & BARB NOVOTNY/MOSER HOMES, INC.**
LOCATION: **5515 TURTLE LAKE ROAD**

Presentation by Senior Planner Rob Warwick

A preliminary plat application has been submitted to subdivide the existing 6.2 acre parcel into four single-family lots, which all conform to the dimension requirements of the R1 District. Each of the two new lots will be 88 feet by 237 feet. A 43 by 145-foot section will be detached from 5515 Turtle Lake Road to enlarge the property at 5525 Turtle Lake Road. The remaining property at 5515 Turtle Lake Road will be 4.56 acres. No change of the current development is proposed for 5515 and 5525 Turtle Lake Road. Both have houses with attached garages.

The property is zoned R1, Detached Residential. Front setbacks are a minimum of 25 to 40 feet. Averaging is used for the front setback when adjacent homes exceed a 40-foot setback, as in this case. Side setbacks are 10 feet for living area and 5 feet for accessory structures. The rear setback is a minimum of 30 feet. The maximum lot coverage allowed is 40% of the lot area. The two existing homes exceed the minimum structure setbacks. Municipal water and sewer must be provided and are stubbed at the front lot line. There are drainage and utility easements along lot lines and over wetlands and wetland buffer areas.

The planned land use of this property is Low Density Residential, 0 to 4 units per acre. The property is located in Policy Development Area (PDA) 4, which is the Turtle Lake Road Neighborhood consisting of approximately 30 acres.

Staff finds that the proposed plat is consistent with policies for the PDA--low density. It incorporates existing homes and has minimal environmental impact. The PDA goal is for integrated redevelopment rather than piecemeal or fragmented development. Two sketches were submitted to show possible future subdivision of the property and how this proposal would not impact cohesive further development in Shoreview. The obstacle to cohesive development is the fragmented ownership of the various parcels.

Mature trees are present on Lots 1 and 2. Removal of landmark trees will require replacement at a ratio of 2 replacements for each landmark tree taken out. Environmental impacts will be evaluated with building permits. There are two wetland areas, the delineations of which are being reviewed by the Rice Creek Watershed District. A 16.5-foot buffer is required per City Code. No impact to wetland is anticipated with this development. Grading will be evaluated with building permits. Grading is anticipated for future houses and drives. The existing drainage pattern will remain.

Property owners within 350 feet were notified of the proposal. No written responses were received. Two telephone calls were from residents concerned about the potential for storm water issues with the future subdivision of Lot 4. Notice of the required Public Hearing was not published. The public hearing will be held at the City Council's November 17th meeting.

Staff finds the proposal consistent with the City's Comprehensive Plan and Development Code. It is recommended that the Planning Commission forward the plat to the City Council with a recommendation for approval.

Commissioner Proud asked if the two lots can be developed without variances. **Mr. Moser**, Moser Homes, Inc., Applicant, stated that no variances are anticipated with development.

Commissioner McCool noted that driveways cross lot lines. He would like to be assured that there are easement agreements. He supports this proposal but will offer an added condition that the applicant demonstrates a private drive to the City or that the easements are recorded.

MOTION: by Commissioner McCool, seconded by Commissioner Ferrington to recommend the City Council approve preliminary plat submitted by Moser Homes Inc. on behalf of Barb and Tom Novotny to subdivide and develop the property at 5515

Turtle Lake Road into 4 lots, with two new lots for single-family detached homes. Said recommendation for approval is subject to the following seven conditions and the addition of condition No. 8, that the applicant must demonstrate to City staff that private driveway easements exist serving the lots within the subdivision and to serve the property located at 5521 Turtle Lake Road; if such easements do not exist, the applicant will place appropriate easements on record as a condition to the City's release of the plat.

1. The approval permits the development of a detached residential subdivision providing 4 parcels, two lots with existing detached residences and two lots for single family residential development.
2. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
3. The final plat shall include drainage and utility easements along the property lines and wetland areas. Drainage and utility easements along the front and rear lot lines shall be 10 feet wide and along the side lot lines these easements shall be 5 feet wide, and as otherwise required by the Public Works Director.
4. Tree Preservation and Replanting plan shall be submitted with each building permit application for Lots 1 and 2. Replacement trees shall be planted in accordance with the City's Woodlands and Vegetation Ordinance.
5. The applicant and future property owners shall maintain a 16.5' buffer along the perimeter of the all wetland areas.
6. Grading, Drainage and Erosion Control shall be submitted with each building permit application for Lots 1 and 2.
7. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.

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 preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

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

VARIANCE

FILE NO.: **2551-14-41**
APPLICANT: **ANDREW TILSTRA**
LOCATION: **340 SNAIL LAKE ROAD**

Presentation by City Planner Kathleen Castle

This application is for a variance to reduce the minimum structure setback permitted from an arterial roadway from the required 55 feet to 40 feet. The property has an existing home with attached garage with access off Snail Lake Road. The property is located on the southwest corner of Snail Lake Road and Hodgson Road with a lot width of 106.64 feet of frontage on Snail Lake Road. There is a detached garage with access off Hodgson Road.

The proposal is to build a 378 square foot addition on the east side of the house adjacent to Hodgson Road. The minimum setback from Hodgson Road right-of-way is 40 feet. The addition is one story and will provide a new entry way facing Snail Lake Road and an interior dining area with remodeling.

The property is zoned R1, Detached Residential. The minimum front setback from an arterial street is 40 feet. However if the setback of the adjoining structure exceeds 40 feet, the average is used. The home to the south is set back 55 feet. Therefore, the minimum setback for this property is 45 feet.

The applicant states that there is practical difficulty based on the configuration of the lot, the location of the existing home and neighborhood characteristic.

Staff agrees with the applicant. Reorienting the entryway to Snail Lake Road is reasonable since access to the home is from Snail Lake Road. The building wall will not extend further east than the existing home. The configuration of the lot is unique. The angle of Hodgson Roads limits expansion on the east side of the home. The addition will not extend any further east than the existing home. Expansion on the west is difficult due to the house design.

The character of the neighborhood varies with larger lots and greater setbacks, as well as smaller lots with smaller setbacks. The house to the north is on a corner lot. The setback of that house is not considered. The house to the south is 65 feet. The proposed addition will not impact the neighborhood.

Property owners within 150 feet were sent notices. No comments were received. It is staff's recommendation that practical difficulty is present and that the variance be granted.

Mr. Andy Tilstra, 340 Snail Lake Road, stated that they moved to Shoreview in 2010, and have worked with the City on a number of improvements. He is willing to answer any questions.

MOTION: by Commissioner Ferrington, seconded by Commissioner Thompson to approve the variance request submitted by Andrew Tilstra, 340 Snail Lake Road, reducing the minimum 55-foot structure setback required from a side property line abutting an arterial roadway to 40 feet and adopt Resolution No. 14-94, subject to the following conditions:

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

This motion is based on the following findings:

1. The proposed single-family residential use of the property is consistent with the low density residential land use designation proposal and the R-1, Detached Residential Zoning District.
2. Practical difficulty is present based on the findings of fact in Resolution 14-94. The proposed addition is reasonable as it improves access to the home and provides living space. Unique circumstances are present due to the configuration of the lot, location, design and orientation of the existing home and characteristic of Hodgson Road. The proposed setback is in keeping with the character of the neighborhood.
3. The proposed improvements support the policies of the Comprehensive Plan regarding housing maintenance and neighborhood reinvestment.

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

MISCELLANEOUS

City Council Assignments

Commissioners Proud and Ferrington are respectively scheduled to attend the November 3, 2014 and November 17, 2014 City Council meetings. Chair Solomonson and Commissioner Schumer are respectively scheduled to attend the December 1, 2014 and December 15, 2014 City Council meetings

Planning Workshop

A Planning Commission is scheduled for 6:00 p.m. on November 18, 2014, immediately prior to the next Planning Commission meeting at 7:00 p.m.

The December meeting of the Planning Commission is December 16, 2014.

ADJOURNMENT

MOTION: by Commissioner McCool, seconded by Commissioner Thompson to adjourn the meeting at 9:48 p.m.

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

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: November 14, 2014
SUBJECT: File No. 2552-14-42 Thomas Hipkins - Minor Subdivision, 4693 Hodgson Road/4694 Mackubin Street

INTRODUCTION

Mr. Thomas Hipkins has submitted a minor subdivision application to divide off the rear portion of the property at 4693 Hodgson Road so it can be combined with the adjoining property at 4694 Hodgson Road.

This application was complete as of October 30, 2014.

PROJECT DESCRIPTION

The property at 4693 Hodgson Road is currently developed with a single-family residential structure, detached garage, driveway and other ancillary site improvements. The property has a lot area of 1.31 acres (57,063.6 square feet) and a width of 109.82 feet along Hodgson Road. Adjacent land uses include low density single-family residential to the north, west and south and high density senior housing to the east.

The property at 4694 Mackubin Street is directly west of this property and is also developed with a single-family residential home. This parcel has a lot area of .49 acres (21,344.4 square feet) and a lot width of 120.37 feet along Mackubin Street.

The applicant is proposing to divide off the rear portion of the property (19,939.6 square feet) so it can be combined with the property at 4694 Mackubin Street. This area will continue to be used as yard area for the single-family residential use.

COMPREHENSIVE PLAN

The Comprehensive Plan designates this property for low and medium density residential use. This property is also in Policy Development Area #9, Hodgson Road Residential Area. The low-density land use designation recognizes the existing single-family residential land uses as an appropriate use; however, the Plan also recognizes that these uses may transition to other low and medium residential uses due to changes in the transportation corridor and redevelopment of other properties along Hodgson Road. Policies address the redevelopment of this area and include low to medium density residential or office use provided it is residential in scale.

The proposed subdivision maintains the existing low-density residential land uses and in Staff's opinion will not compromise the future redevelopment of this PDA. If the land uses along Hodgson Road do transition, the property at 4694 Mackubin Street will have a larger lot area that may act as a buffer.

MINOR SUBDIVISION

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 and floodways.

The property is zoned R1, Detached Residential, as are the adjacent properties. In this zoning district, the lot standards require a minimum lot area of 10,000 square feet and a width of 75 feet. Regarding structure setbacks, a minimum setback of 30 feet is required from the rear property line. Accessory structures, including attached garage, must maintain a minimum setback of 10-feet from a rear lot line.

STAFF REVIEW

Lot Standards

The proposed parcels comply with the minimum lot standards for parcels in the R1 zoning district. The structures also comply with the minimum 30-foot setback requirement from a rear property line. Below is a table summarizing the proposed lots to the zoning requirements:

	Requirements	Parcel A (4694 Mackubin Street)	Parcel 2 (4693 Hodgson Road)
Area:	10,000 sf	30,930 sf	37,124 sf
Width:	75 feet	120.37 feet	109.82 feet
Depth:	125 feet	329.2feet	368.2 feet

Municipal Utilities

Municipal sanitary sewer and water service are already provided to each property and will not be affected by the proposed subdivision. The standard drainage and utility easements along the property lines will be required.

PUBLIC COMMENT

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

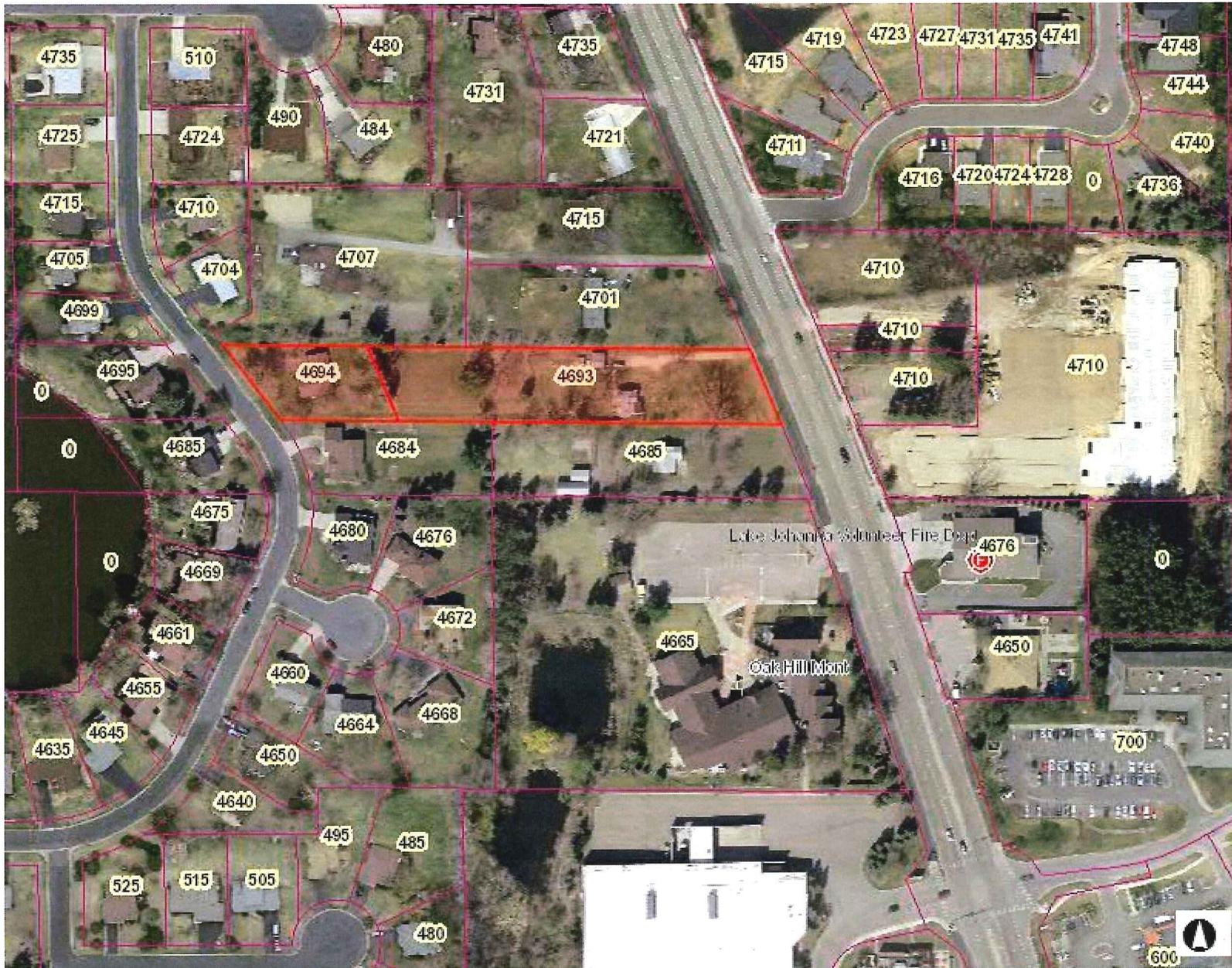
STAFF RECOMMENDATION

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. The proposed subdivision is also consistent with the Comprehensive Plan land use designation and will not compromise future redevelopment in Policy Development Area #9. Staff is recommending the Planning Commission forward a recommendation of approval to the City Council, subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. 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.
3. Said parcel shall be combined with the property to the west at 4694 Mackubin Street.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

- 1) Site Aerial Photo
- 2) Excerpt from the 2008 Planned Land Use Map
- 3) Submitted Statement and Plans
- 4) Motion



Legend



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

400.0 0 200.00 400.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
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Notes

Minor Subdivision

OVERALL DESCRIPTION OF PROPERTY SURVEYED

(based on Deed Document No. A04513614 and Plat of HIPKINS ADDITION)

Lots 1 and 2, Block 2, HIPKINS ADDITION, Ramsey County, Minnesota.

And

That part of Lot 2, Block 2, PRACHAR ADDITION, Ramsey County, Minnesota, lying easterly of a line beginning at a point on the south line of said Lot 2, distant 113.2 feet east from the Southwest corner thereof and ending at a point on the north line of said Lot 2, distant 127.0 feet east of the Northwest corner thereof.

Lying northerly of a line described as commencing at the northeast corner of the Southwest Quarter of Section 13, Township 30, Range 23, being a cast iron monument set by the Ramsey County Surveyor on June 10, 1992 in the location of a found granite monument; thence South 0 degrees 49 minutes 42 seconds [East] assumed bearing along the east line of said Southwest Quarter of section 13 a distance of 1227.22 feet to the point of beginning of the line to be described; thence North 89 degrees 22 minutes 40 seconds West a distance of 1001.67 feet to the west line of the above described property and said line there terminating.

Note: The deed description contains an erroneous bearing of South 0 degrees 49 minutes 42 seconds West. The correction is shown in brackets.

PROPOSED DESCRIPTION FOR PROPERTY TO BE TRANSFERRED

That part of Lot 2, Block 2, HIPKINS ADDITION, Ramsey County, Minnesota, lying westerly of a line described as commencing at the northwest corner of said Lot 2; thence easterly, along the north line of said Lot 2, a distance of 171.53 feet to the point of beginning of the line to be described; thence southerly deflecting right 90 degrees 03 minutes 23 seconds 93.19 feet to the south line of said Lot 2 and said line there terminating.

PROPOSED DESCRIPTION FOR "PARCEL A"

Lot 1, Block 2, HIPKINS ADDITION, Ramsey County, Minnesota, and that part of Lot 2, said Block 2, lying westerly of a line described as commencing at the northwest corner of said Lot 2; thence easterly, along the north line of said Lot 2, a distance of 171.53 feet to the point of beginning of the line to be described; thence southerly deflecting right 90 degrees 03 minutes 23 seconds 93.19 feet to the south line of said Lot 2 and said line there terminating.

PROPOSED DESCRIPTION FOR "PARCEL B"

That part of Lot 2, Block 2, HIPKINS ADDITION, Ramsey County, Minnesota, lying easterly of a line described as commencing at the northwest corner of said Lot 2; thence easterly, along the north line of said Lot 2, a distance of 171.53 feet to the point of beginning of the line to be described; thence southerly deflecting right 90 degrees 03 minutes 23 seconds 93.19 feet to the south line of said Lot 2 and said line there terminating.

And

That part of Lot 2, Block 2, PRACHAR ADDITION, Ramsey County, Minnesota, lying easterly of a line beginning at a point on the south line of said Lot 2, distant 113.2 feet east from the Southwest corner thereof and ending at a point on the north line of said Lot 2, distant 127.0 feet east of the Northwest corner thereof, lying northerly of a line described as commencing at the northeast corner of the Southwest Quarter of Section 13, Township 30, Range 23, being a cast iron monument set by the Ramsey County Surveyor on June 10, 1992 in the location of a found granite monument; thence South 0 degrees 49 minutes 42 seconds East, assumed bearing along the east line of said Southwest Quarter of section 13 a distance of 1227.22 feet to the point of beginning of the line to be described; thence North 89 degrees 22 minutes 40 seconds West a distance of 1001.67 feet to the west line of the above described property and said line there terminating.

GENERAL NOTES

- 1.) This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.
2.) Adjoining ownership information shown hereon was obtained from the Ramsey County Property Tax information web site. Ownership information is subject to revision upon receipt of a title search by a title insurance company.
3.) Survey coordinate basis: Ramsey County Coordinate Datum NAD 83, 1989 Adjustment

UTILITY NOTES

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.
2.) Visible above ground evidence of utilities is shown hereon per field location. This survey does not purport to show any underground utilities.
3.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
4.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket number 142454171.
5.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

ZONING NOTES

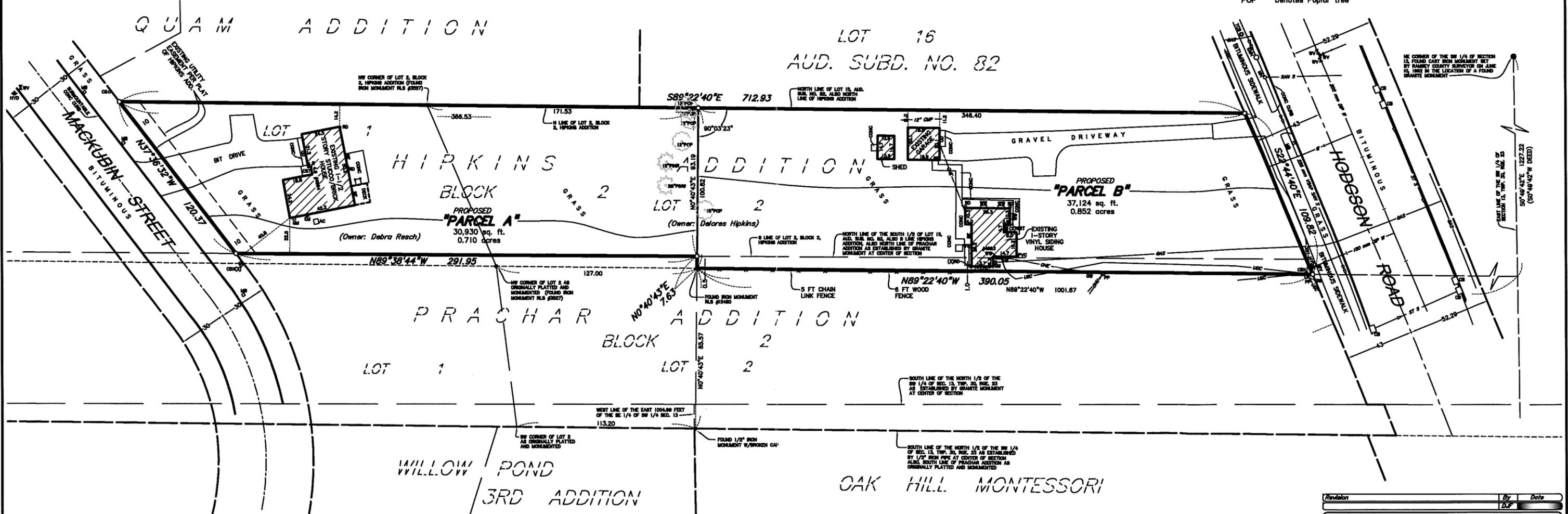
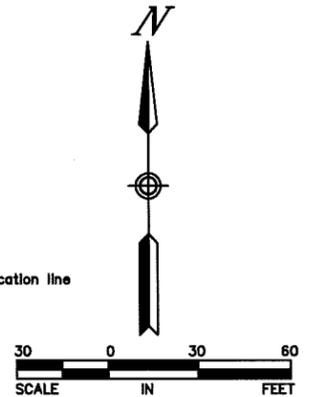
- 1.) Zoning information obtained from the City of Shoreview web site on September 24, 2014. The subject property is zoned R1-Detached Residential.

- 2.) The setbacks for zone R1-Detached Residential are:

Dwelling and accessory structures shall have a front yard setback of at least twenty-five (25) feet but in no event more than forty (40) feet. The side yard setback shall be a minimum of ten (10) feet except that side yards adjoining a street right-of-way shall be treated as a front yard for purposes of setback requirements. The rear yard setback shall be a minimum of thirty (30) feet. Zero lot line developments are permitted if consistent with adjacent land uses.

LEGEND

Table with 2 columns: Symbol and Description. Includes symbols for iron monuments, air conditioner, building entrance, catch basin, control box, communication box, corrugated metal pipe, curb stop, concrete steps, ductile iron pipe, electric meter, electric manhole, gas meter, guy wire, fire hydrant, mailbox, manhole, overhead door, overhead electric line, overhead utilities, power pole, polyvinylchloride pipe, roof drain, sanitary sewer, storm sewer, traffic control sign, underground communication line, vitrified clay pipe, water line, wood steps, water valve, window well, Red Pine tree, White Pine tree, Poplar tree.



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

Dated this 10th day of October, 2014

SUNDE LAND SURVEYING, LLC.

By: Ailee J. Cofsky, P.L.S. Minn. Lic. No. 44900

Revision table, Drawing Title: MINOR SUBDIVISION FOR: THOMAS HIPKINS, SUNDE LAND SURVEYING logo and contact info, Project: 2014-151, Date: 10/10/2014, Sheet: 1 of 1.

MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the Minor Subdivision submitted by Mr. Thomas Hipkins for the property at 4693 Hodgson Road. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. 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.
3. Said parcel shall be combined with the property to the west at 4694 Mackubin Street.
4. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Said approval is based on the following findings of fact:

1. The subdivision is consistent with the policies of the Comprehensive Plan regarding land use.
2. The proposed lots conform to the adopted City standards for the R1, Detached Residential Zoning District.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
November 18, 2014

t:\2014pcf\2552-14-42Hipkins 4693 Hodgson Road \pcmotion

TO: Planning Commission

FROM: Rob Warwick, Senior Planner

DATE: November 13, 2014

SUBJECT: File No. 2553-14-43; Donald Zibell, Minor Subdivision, 444 Lake Wabasso Court

INTRODUCTION

Donald Zibell has submitted a minor subdivision application to adjust the property boundary between his property located at 3422 Chandler Road and the adjoining property at 444 Lake Wabasso Court owned by Sandra Martin. The boundary adjustment will be effected by transferring the area shown as Parcel B on the survey. For both of the existing parcels, the lot lines extend into the public water of Lake Wabasso, however this report will refer only to the upland portions of the properties, not those below the Ordinary High Water elevation of 886.07 feet (NAVD, 1988). The boundary adjustment will affect an upland area approx. 65- by 150-foot (approx. 9,600 sq. ft.), reducing the upland area of the Martin property to about 7.04 acres above the Ordinary High Water (OHW) of Lake Wabasso. The area of the Zibell property will increase to approx. 12.7 acres above the OHW of the Lake.

Both of the riparian properties are developed with detached single-family uses. 444 Lake Wabasso Court is developed with a dwelling with an attached garage, a detached dog kennel, two other small detached accessory structures, and a tennis court. Additionally, several infrastructure improvements serving the Lake Wabasso Court development include a street turnaround, storm sewer, and stormwater infrastructure. These public improvements are located in drainage and utility easements conveyed with the plat of Wabasso Shores.

3244 Chandler Road is developed with a dwelling, an attached garage, a swimming pool with a small detached accessory structure (pool house), a horse stable, and a detached garage. The stable is an older building that has not been used for horses in many years.

The application was complete November 6, 2014.

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 property is zoned R1, Detached Residential, as are all of the adjacent properties. The property is also located in the Shoreland Overlay District of Lake Wabasso. For riparian properties in the Shoreland District, lot standards require a minimum lot area of 15,000 square feet and a width of 100 ft. measured at three locations: the front lot line; the Ordinary High Water (OHW); and at the building setback line from the OHW.

STAFF REVIEW

The proposal to adjust the common side lot line increases the lot area of Mr. Zibell's property. The increased area will allow him to subdivide his property in the future with two resulting lake lots. He has submitted a sketch that shows a potential plat layout. The sketch plan shows two riparian lots, one with the existing house and attached garage, and the second for a new dwelling. There would also be 6 standard lots. A 300-foot long cul-de-sac would be constructed to provide access to these 8 total lots. 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 both exceed the minimum lot area and width requirements for riparian lots.

	Width	Area
444 Lake Wabasso Court	Approx. 250 feet	177,289 sq. ft.*
3422 Chandler Road	304 feet	185,898 sq. ft.*
City Requirement	100 feet	15,000 sq. ft.*

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

Both of the existing houses would remain. The proposed lot line will bisect the tennis court, which must be removed to comply with the 5-foot setback that is required for such structures. The detached accessory structure located near the OHW, identified as a boathouse on the survey, will increase the number of detached accessory structures located on the Zibell property to four: the boathouse, a detached garage, a stable, and a pool house. A maximum of two detached structures are permitted. Mr. Zibell is considering which structures to retain, and staff suggests addressing the removal of accessory structures and the tennis court in the Subdivision Agreement. The boathouse, if retained, will be setback about 30-feet from the proposed lot line, exceeding the 20-foot minimum setback required by Code. The required setbacks of other structures on each 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.

No tree impacts are expected. A grading permit will be required when the tennis court is removed as the area will exceed the threshold for disturbed area on a lake lot. Erosion control will be required, and a final grading plan submitted for review and approval by the City Engineer with that permit application.

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 is required when the City grants land use approval to riparian property. Staff recommends that the Mitigation practices for 444 Lake Wabasso Court be specified in an affidavit prior to the City endorsing deeds for the conveyance of Parcel B, and that the Subdivision Agreement address timing for the owner of 3422 Chandler to prepare an affidavit.

PUBLIC COMMENT

Property owners within 350 feet were notified of the applicant's request. No comments have been received. One nearby resident called regarding the future subdivision of the remaining property at 444 Lake Wabasso Court. While there is subdivision potential for each of the resulting parcels, there are no plans proposed at this time.

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 recommend approval of the minor subdivision to the City Council, subject to the following conditions:

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. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
4. Resulting Parcel B shall be combined with the existing property at 3422 Chandler Road for tax purposes, creating a single lot.
5. Removal of the tennis court and accessory structures shall be addressed in the Subdivision Agreement.
6. An erosion control and grading plan shall be submitted and approved by the City Engineer prior to issuance of a grading permit application for removal of the tennis court.
7. A Mitigation Affidavit is required for both parcels. For 444 Lake Wabasso Court, this Affidavit shall be executed prior to the City's release of the deed for recording. For 3422 Chandler, this Affidavit shall be addressed with the Subdivision Agreement.

Zibell- 444 Lake Wabasso Court

File No. 2553-14-43

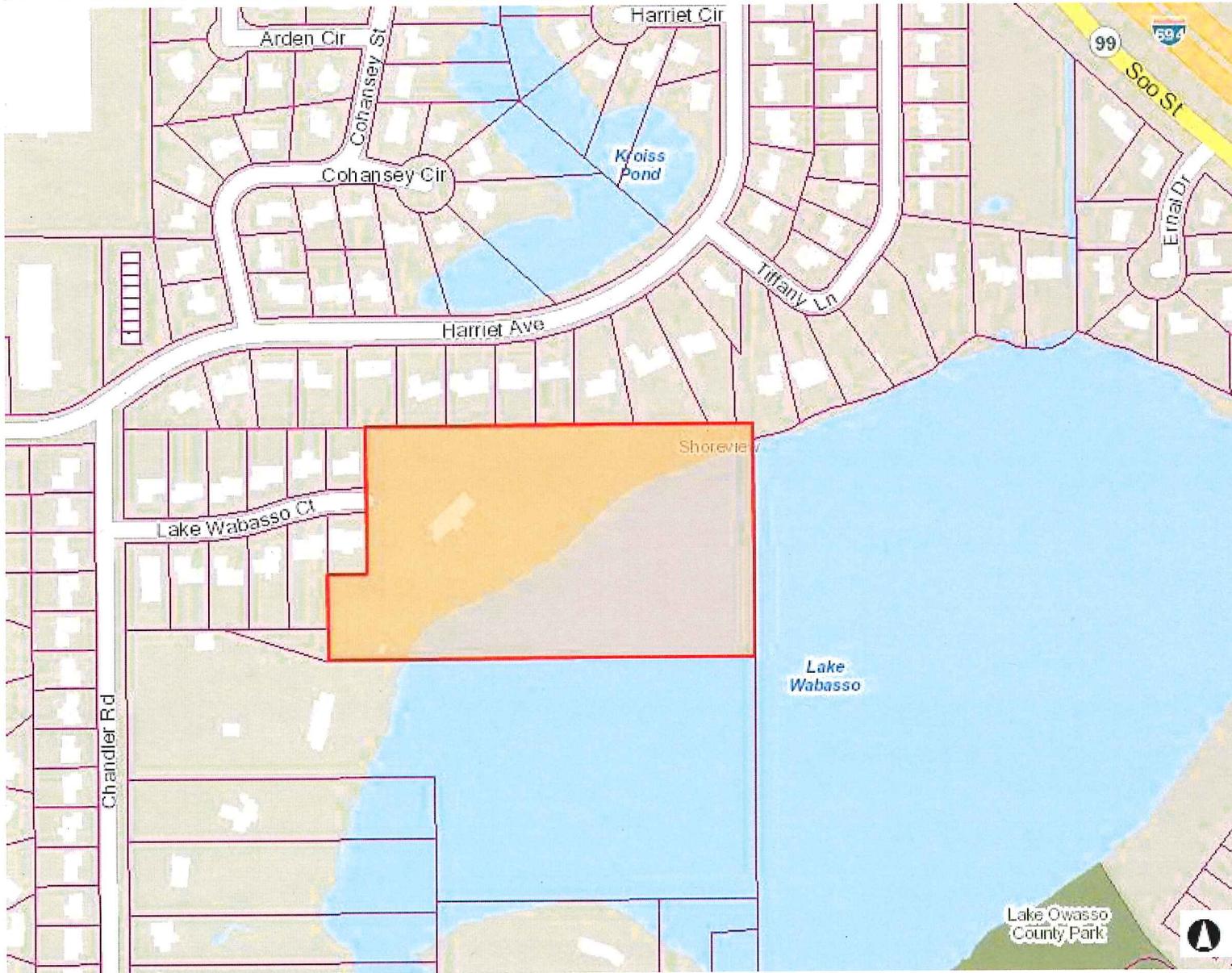
Page 4

8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Attachments

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

T:\2014 Planning Case Files\2553-14-43 444 lake wabasso zibell/pc report.docx



Legend



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

Notes

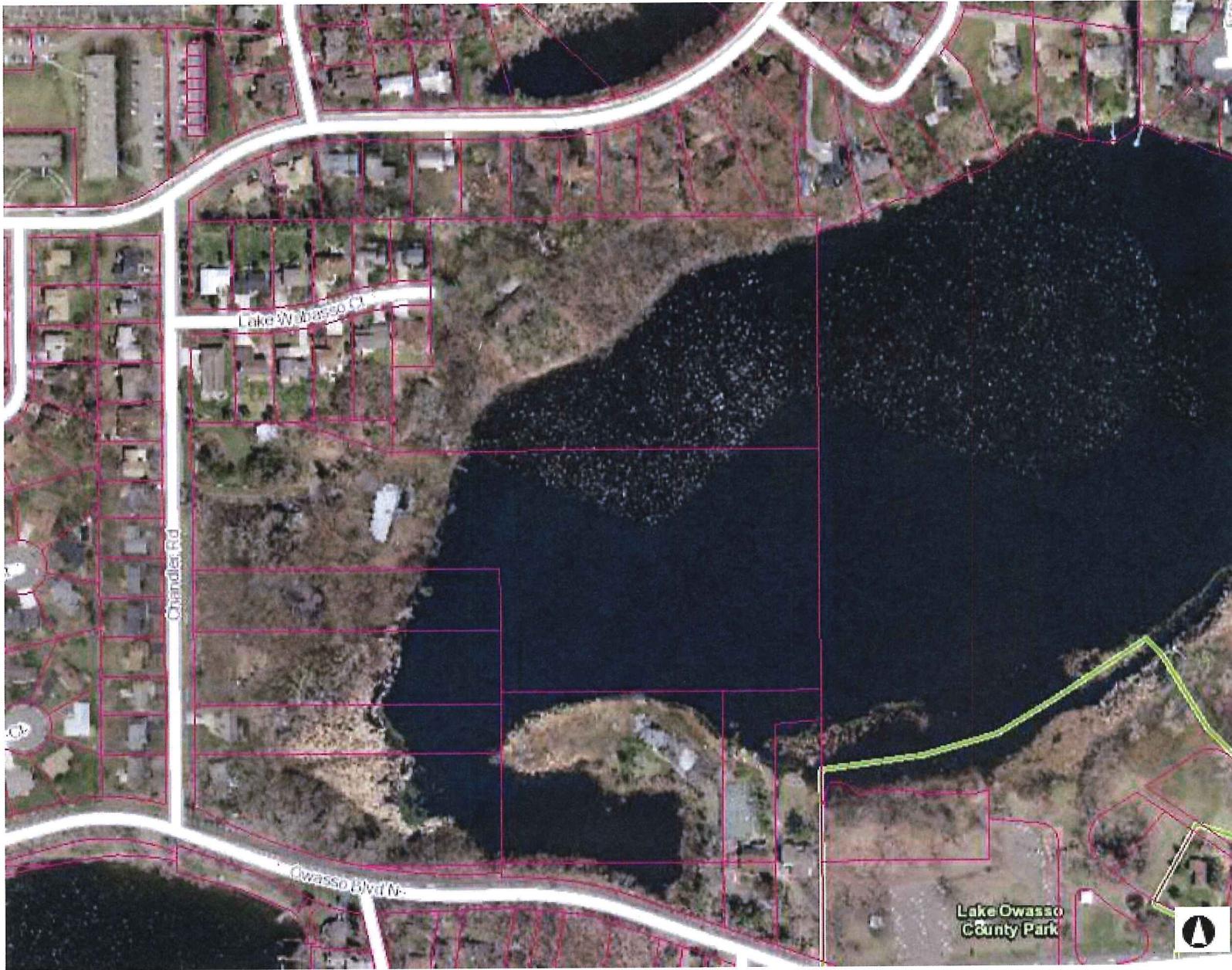
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© Ramsey County Enterprise GIS Division

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend



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

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

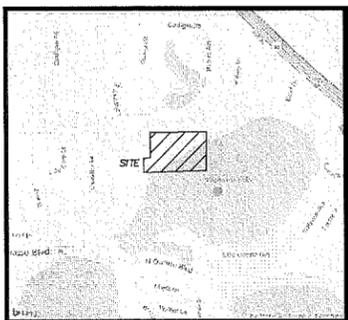
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MINOR SUBDIVISION

~for~ DONALD ZIBELL
 ~of~ 444 LAKE WABASSO COURT
 SHOREVIEW, MN 55126

VICINITY MAP

PART OF SEC. 36, TWP. 30, RNG. 33

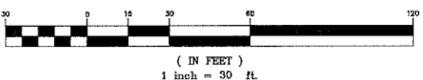


RAMSEY COUNTY, MINNESOTA
 (NO SCALE)

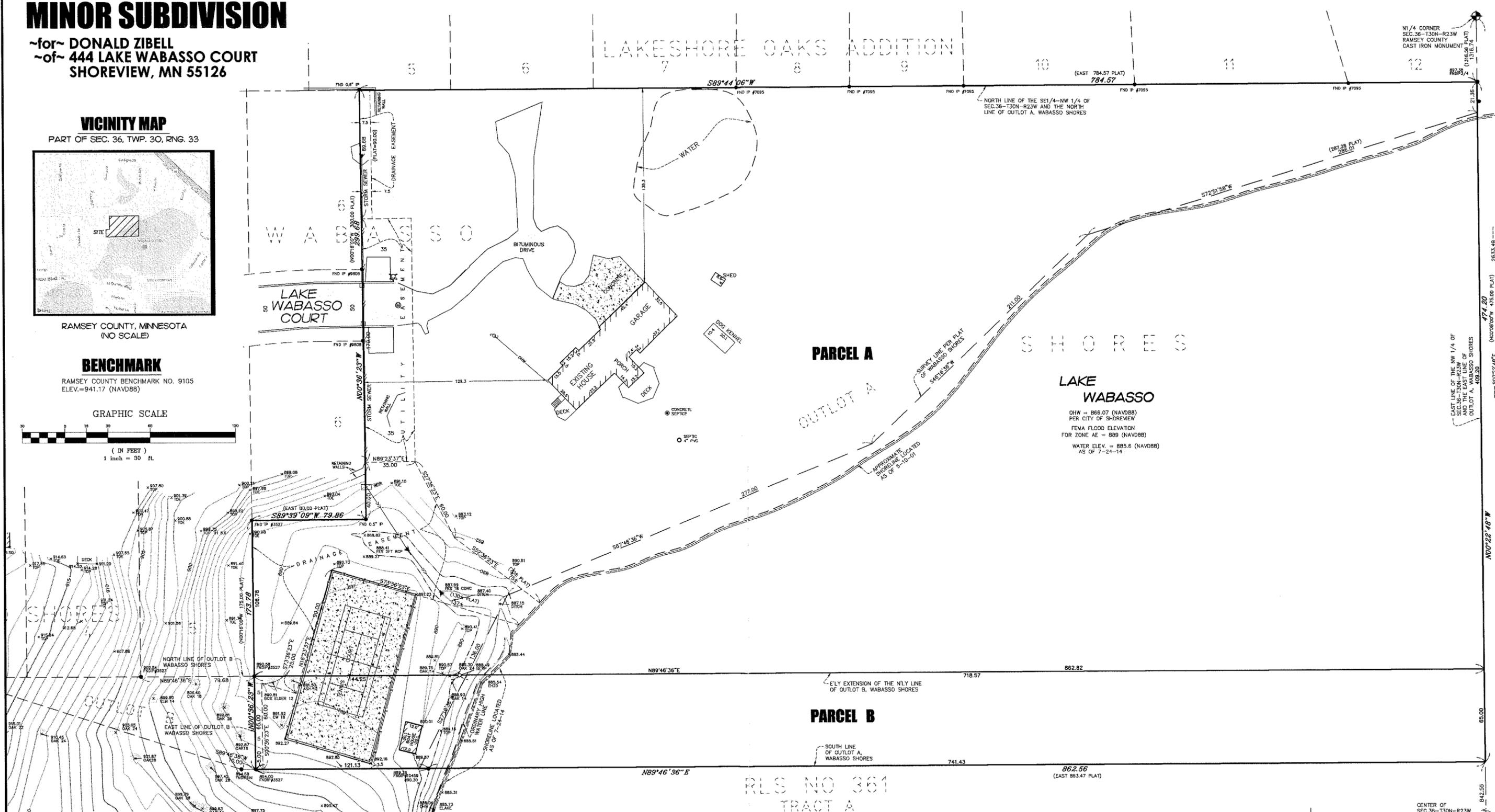
BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9105
 ELEV.=941.17 (NAVD88)

GRAPHIC SCALE



LAKE SHORE OAKS ADDITION



EXISTING PROPERTY DESCRIPTION

Outlot A, WABASSO SHORES, Ramsey County, Minnesota.

ZONING

R-1 - DETACHED RESIDENTIAL

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

PROPOSED PARCEL DESCRIPTIONS

PARCEL A

That part of Outlot A, WABASSO SHORES, which lies northerly of the easterly extension of the northerly line of Outlot B, WABASSO SHORES.

All in Ramsey County, Minnesota.

PARCEL B

That part of Outlot A, WABASSO SHORES, which lies southerly of the easterly extension of the northerly line of Outlot B, WABASSO SHORES.

All in Ramsey County, Minnesota.

NOTES

- Fee ownership is vested in Sandra C. Marten.
- Parcel ID Numbers: 36-30-23-24-0022.
- Address of the surveyed premises: 444 Lake Wabasso Court, Shoreview, MN 55126.
- Field survey was completed by E.G. Rud and Sons, Inc. on 07/24/14.
- Bearings shown are on Ramsey County Coordinate System.
- Curb shots are taken at the top and back of curb.
- Topography is a compilation of field work done by E.G. Rud and Sons, Inc. and survey done by Comstock and Davis, Inc. dated 8-18-2005 and survey done by E.G. Rud and Sons, Inc. dated 5-10-01.
- Contours are shown at 1 foot interval, but were shot at 2 foot interval accuracy.
- FEMA Flood Elevation is according to Flood Insurance Rate Map Community Panel No. 270384 0036 G by the Federal Emergency Management Agency, effective date, June 04, 2010.

LEGEND

- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES IRON MONUMENT FOUND AS LABELED
- ⊙ DENOTES RAMSEY COUNTY MONUMENT
- DENOTES CATCH BASIN
- ⊕ DENOTES STORM SEWER MANHOLE
- ⊗ DENOTES MISCELLANEOUS MANHOLE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES EXISTING SPOT ELEVATION
- DENOTES FENCE
- DENOTES EXISTING 1 FOOT CONTOURS
- DENOTES EXISTING STORM SEWER
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE

AREAS

TOTAL AREA	=	365,259 S.F. (8.84 ACRES)
PARCEL A	=	329,186 S.F. (7.56 ACRES)
PARCEL B	=	56,073 S.F. (1.29 ACRES)

NORTH

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

Jason E. Rud
 Date: 10/24/14 License No. 41578

DRAWN BY: JEN	JOB NO: 14422PP	DATE: 10/24/14
CHECK BY: JER	SCANNED	
1		
2		
3		
NO. DATE	DESCRIPTION	BY

DRAWN BY: C.M.
 CHECKED BY: C.W.P.
 ORIGINAL DATE: OCTOBER 21, 2014

DESIGN BY: C.W.P.
 PROJ. NO.: 14-1504

DATE	REVISION DESCRIPTION

I hereby certify that this plan was prepared by me or by a duly registered professional engineer or architect in the State of Minnesota.
 CHARLES W. PLOW, INC.
 DATE: 10/21/2014 LIC. NO. 18227

ZIBELL SUBDIVISION
 SHOREVIEW, MINNESOTA
 PRELIMINARY SITE PLAN

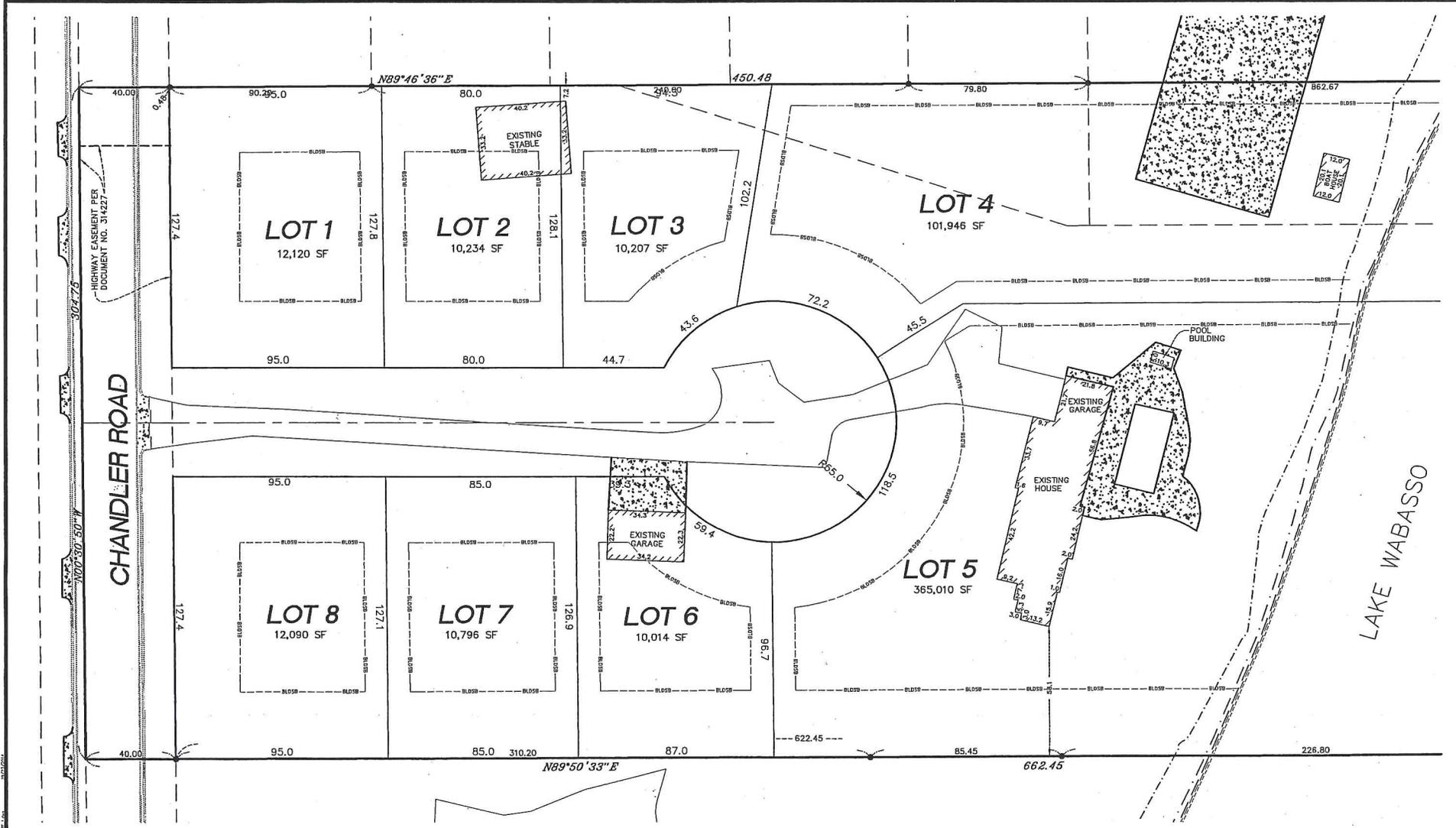
PREPARED FOR:
 DON ZIBELL



PLOW ENGINEERING, INC.
 SITE PLANNING & ENGINEERING
 4775 LAKE DRIVE
 SUITE 110
 LIND LAKES, MN 55014
 PHONE: (651) 361-4210
 FAX: (651) 361-0701



1/1



Sketch Plan - 3422 Chandler

PRELIMINARY SITE PLAN
 ZIBELL SUBDIVISION



MOTION

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To recommend the City Council approve the minor subdivision submitted by Donald Zibell on behalf of Sandy Martin to subdivide the property at 444 Lake Wabasso Court, in order to adjust the property boundary with the adjoining property located at 3422 Chandler Road. Said recommendation for approval is subject to the following conditions.

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. The applicant shall enter into a Subdivision Agreement with the City. This agreement shall be executed before the City will endorse deeds for recording.
4. Resulting Parcel B shall be combined with the existing property at 3422 Chandler Road for tax purposes, creating a single lot.
5. Removal of the tennis court and accessory structures shall be addressed in the Subdivision Agreement.
6. An erosion control and grading plan shall be submitted and approved by the City Engineer prior to issuance of a grading permit application for removal of the tennis court.
7. A Mitigation Affidavit is required for both parcels. For 444 Lake Wabasso Court, this Affidavit shall be executed prior to the City's release of the deed for recording. For 3422 Chandler, this Affidavit shall be addressed with the Subdivision Agreement.
8. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings:

1. The proposed development plan will not adversely impact the planned land use of the surrounding property.
2. The preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
October 28, 2014

TO: Planning Commission
FROM: Niki Hill, Planning and Economic Development Technician
DATE: November 14, 2014
SUBJECT: Variance Request – James Cloutier, 925 Island Lake Avenue, File No. 2554-14-44

INTRODUCTION

James Cloutier has submitted an application requesting a variance to the required setback for the construction of a detached accessory structure (shed) in the side-yard abutting a street of a corner lot. The submitted variance is needed to allow the structure to be placed on an existing concrete offshoot to the right of the driveway. The variance is requested because the location requires a 13 ½ foot setback which is less than the required setback of 26 feet, which is that of the current house.

PROJECT DESCRIPTION

The property is a corner lot at the intersection of Island Lake Avenue and Milton Street. The property is zoned R1, Detached Residential District, as are the adjacent properties. The property is a standard corner lot with .31 acres with a width of 98.5 feet along Island Lake Avenue and a depth of 150 feet along Milton. The property is improved a single-family residence with an attached tuck under garage. The residence has a dwelling unit foundation area of approximately 1,150 square feet. The lot is unique in that the property is located at the dead end of Island Lake Avenue and Milton Street is a small two block stretch, so there is no through traffic. The parcels to the East of Milton Street are riparian lots that have frontage on Island Lake and are allowed detached accessory structures in the front yard.

The applicants propose building the 140 square foot detached accessory structure on the property in the east side-yard which abuts Milton Street. They would like to use the existing concrete driveway offshoot that has a setback of 13 ½ feet from the property line. The existing two car tuck under garage will remain on the property. The total floor area proposed for all of the accessory buildings is approximately 725 square feet. The variance is needed because the proposed structure setback is less than the 26 foot setback of the house from Milton Street. As the property is a corner lot, an accessory structure cannot be nearer to the street than the principal structure. Please see the attached plans.

DEVELOPMENT ORDINANCE REQUIREMENTS

Section 205.082 (D)(5)(a)(iii) states that accessory structures on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1). In this case, the house is setback 26 feet from the easterly lot line along Milton Street and as such that is the required setback.

Variance Criteria

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

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

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

APPLICANT'S JUSTIFICATION OF PRACTICAL DIFFICULTY

Applicant's Statement

The applicant identifies that the house is on a dead end street with no homes facing the driveway. The driveway itself is at street level but the back yard grade is 5 feet above street level. Placing the shed in the driveway offshoot would make it less visible because of the grade change as well as more accessible to the items used and stored there such as home maintenance equipment, and holiday decorations. Additionally, placement of the shed in the backyard would affect their extensive landscaping and irrigation system. Lastly, the proposed shed does not encroach or infringe on any neighboring residential properties, nor would it impose any hardships on any neighbors, nor would to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected.

Please see attached statement.

STAFF REVIEW

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

Reasonable Manner

In Staff's opinion, the variance request to locate the shed in the proposed location represents a reasonable use of the property. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

The need for the variance request is due to the encroachment on the required 26-foot setback from the east lot line. Locating the proposed shed to the required setback would result in accessibility issues for the maintenance equipment stored in the shed because of the 5ft grade change between the back yard and driveway. Relocating it within the required setback would require a concrete pad and

relocating of the existing irrigation system. Relocating on the existing concrete in a driveway offshoot would minimize site disturbance.

The City has discretion in determining 'reasonable use', and in this particular case, staff believes the required location of the proposed shed does not provide for the use and storage needs of the homeowner due to the grade change, and that reasonable use is limited by the requirements of the Development Code.

Unique Circumstances

Staff agrees that the variance request stems from the uniqueness of the parcel. The topography of the parcel and layout of the split-level house on the corner lot is such that you cannot locate the shed in an area allowed by code that is easily accessible for the proposed use. The 5ft grade change and rock wall along the driveway area do not allow access to the backyard from the driveway area.

Character of the Neighborhood

Staff believes that proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing landscape screening, it is an allowable size by code and the style will match the existing home. Additionally, the properties to the east are riparian lots and as such are allowed to have detached structures in their yards abutting Milton Street.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant's request. Two written comments were received, one that the shed will hardly be seen and the second stating that the project is ok with them. A phone call was also received and they have no problem with the proposed project. The written comments are attached.

STAFF RECOMMENDATION

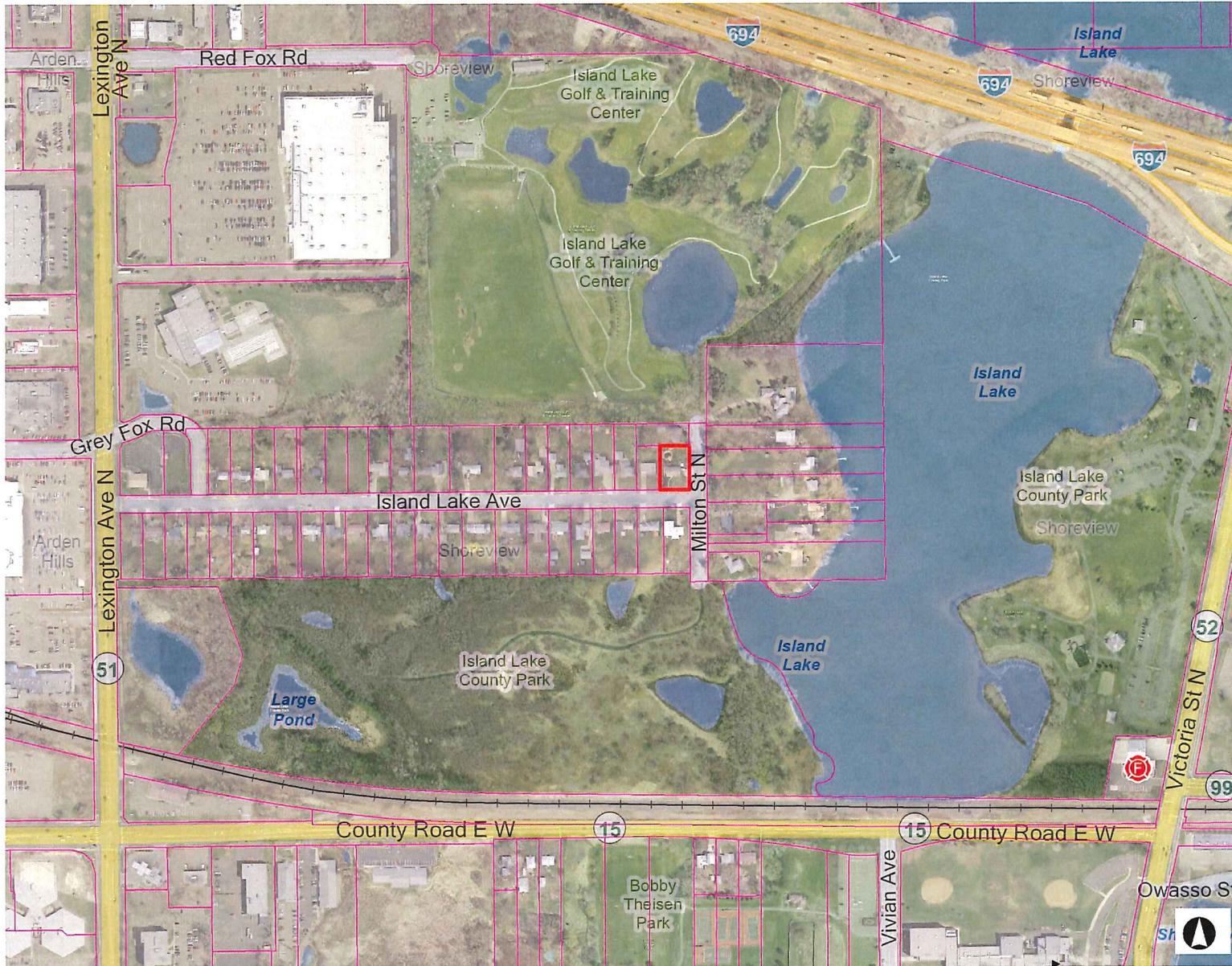
Staff has reviewed the submitted application in accordance with the Development Code and Variance criteria. Staff finds that the proposed reduction to a 13 ½ foot setback is reasonable due to the site characteristics. The topography of the parcel and layout of the split-level house with the 5ft grade change between the driveway and backyard are unique circumstances. Lastly, the character of the neighborhood will not be altered as a result of this variance request. Staff recommends the Planning Commission adopt Resolution 14-103 approving the variance request, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. The structure shall be used for the personal storage of household and lawn equipment.
4. The structure shall not be used in any way for commercial purposes.

5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

Attachments:

- 1) Location Map
- 2) Aerial and Site Photos
- 3) Applicant's Statement and Submitted Plans
- 4) Comments
- 5) Resolution 14-103
- 6) Motion



Legend



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

1,000.0 0 500.00 1,000.0 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

Notes

Enter Map Description

925 Island Lake Ave
Shoreview, Minnesota

Street View - Oct 2012



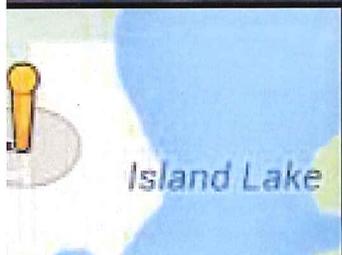
Image capture: Oct 2012 © 2014 Google

View From
Island Lake

View From
Milton

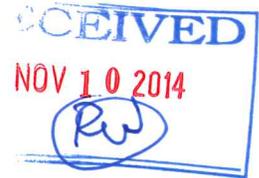


View from
Milton



View From Milton





City of Shoreview
Planning Commission
4600 Victoria St
Shoreview, MN 55126

October 25, 2014

Dear Planning Commission:

This proposal letter is to request and substantiate the grant of a Variance for our residence at 925 Island Lake Ave in Shoreview. The Variance request is relatively minor.

Storage Shed

We request a Variance allowing a 10 x 14 foot shed be professionally installed on the concrete offshoot of our driveway. Our residence is on a dead end street with no homes facing the driveway. While the driveway is at street level the back yard is 5 feet above street level which means the shed would be more visible if in the back yard. The shed is 7 feet high, 9 with the gable so you see that by being 5 feet below the yard level the shed will be barely visible from most points of surrounding areas. Placing the shed in the back yard would partially block the view of the waterfall. Being near the walking path we are continuously greeted by walkers who compliment us on the waterfall and beauty of the back yard. While the aesthetics of the yard are important to us placing the shed in the backyard would necessitate a cement pad installed which would interfere with the underground sprinkling system causing a major expense in which the system would need to be dug up and re-routed. In addition, the shed near the garage would be more convenient as it will be used to store the lawnmower, snowblower and other yard tools. With the unique situation of the yard being 5 feet higher than the driveway, the shed on the driveway level would provide easy access to the snowblower, while if the shed is in the back yard the only way to get to the snowblower would be to trudge through the snow, blow a path on the lawn to the street and down the street to the driveway.

The shed would also be used to store outdoor Christmas decorations which again with snow on the ground would make a very difficult task of having to trudge through snow trip after trip when putting up the decoration and/or taking them down.

It is our absolute intent to purchase a well built and attractive shed. The shed will be ordered to match the color of the home and will be used in a reasonable manner of storing yard tools, lawn furniture and outdoor Christmas decoration. We have lived in this home for 27 years and take pride in the high standards we place upon ourselves pertaining to maintenance and our home's appearance which will of course continue. Our home is a split level which gives us almost no basement storage space, and with the purchase of a second car we have lost the minimal space we did have in our small 2 car tuck under garage.

We understand the purpose of the setback set forth by the Shoreview Development Regulations, which we believe is to prevent the shed from being visible from the street. The fact that our home is on a corner lot has created a unique circumstance of not being able to place the shed in

Planning Commission
October 25, 2014
Page 2

a convenient and useful area as two sides of our property are considered to be the front of the property, giving us very little options. So while we are requesting a variance the shed would not be visible from the front of the home maintaining what we believe to be the purpose of the variance.

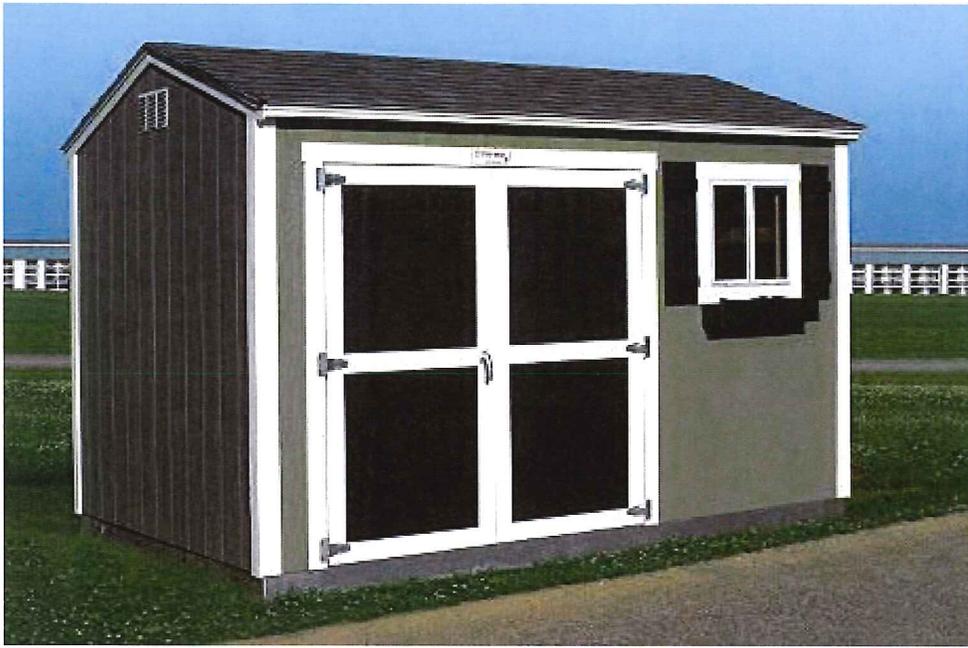
The driveway offshoot in which the shed will sit is $14 \frac{1}{2} \times 17 \frac{1}{2}$ while the shed is only 10×14 . The shed will sit $31 \frac{1}{2}$ from the street, so again the variance is minimal. Additionally, the proposed shed for which this Variance is being requested does not encroach or infringe on any neighboring residential properties, nor would it impose any hardships on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected.

Photographs and diagrams in support of the requested Variance are attached.

Thank you for your cooperation.

Respectfully submitted,

James and Diane Cloutier
925 Island Lake Ave
Shoreview, MN 55126
651-490-5185
Diane.Cloutier@gmail.com



DONALD H. CAMPBELL

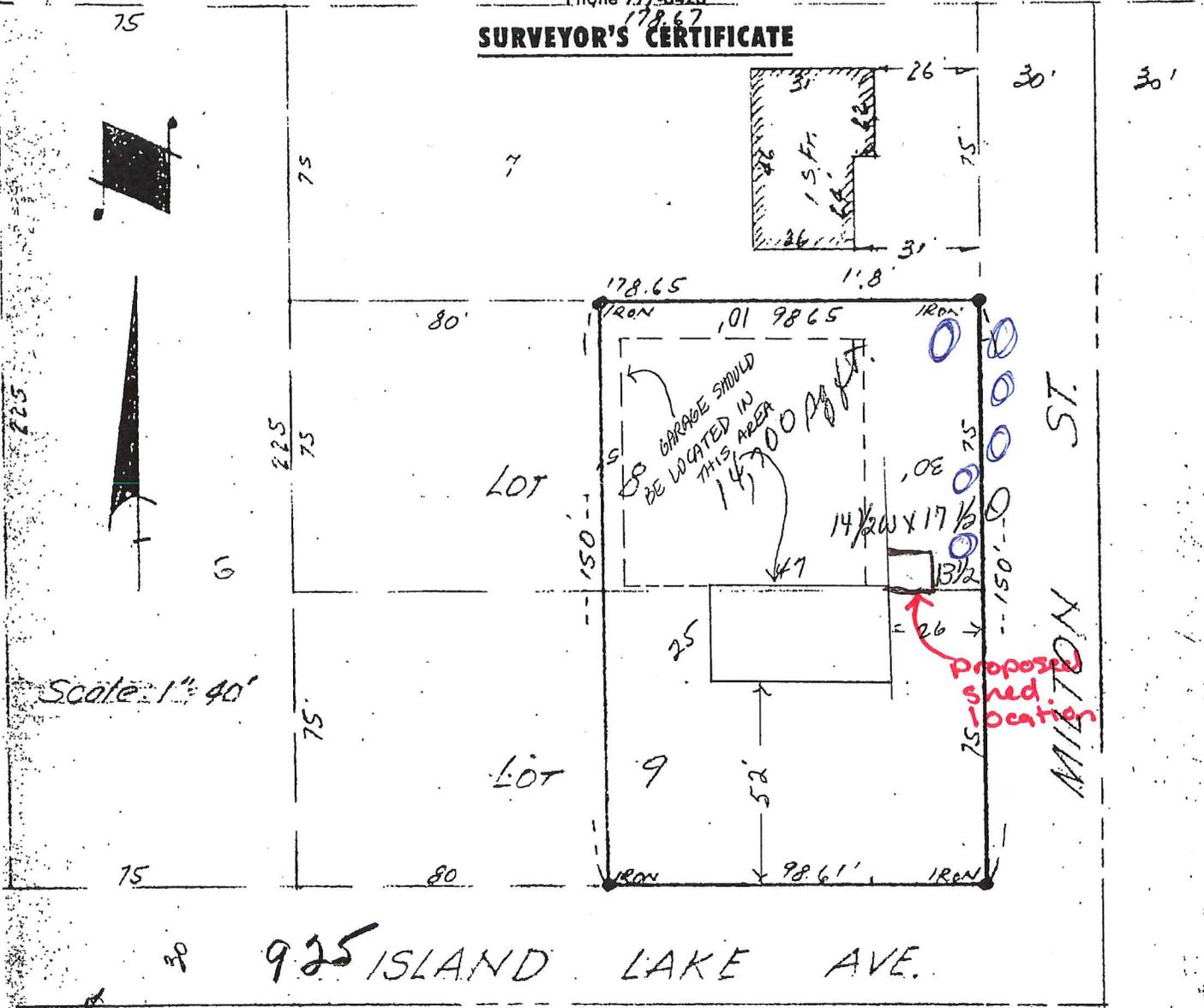
Land Surveyor

Registered under Laws of the State of Minnesota

1399 E. LARPEUR AVE. - ST. PAUL, MINN. 55109

Phone 777-6428

SURVEYOR'S CERTIFICATE



I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY OF THE BOUNDARIES OF:

LOTS 8 AND 9, BLOCK 2, ISLAND LAKE HEIGHTS, RAMSEY COUNTY, MINNESOTA, EXCEPT THE WEST 80 FEET THEREOF; AND OF THE LOCATION OF ALL BUILDINGS IF ANY THEREON, AND ALL VISIBLE ENCRAGEMENTS, IF ANY, FROM OR ON SAID LAND.

AS SURVEYED BY ME THIS 8TH DAY OF MAY 1967 A.D.

Survey for: **A. FLEISCHACKER**
26-130-23, RAMSEY COUNTY, MINN.

Signed: _____

Minnesota Registration No. 5712

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



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

October 31, 2014

REQUEST FOR COMMENT

Dear Shoreview Property Owner:

Please be advised that on **Tuesday, November 18th at 7:00 p.m.**, the Shoreview Planning Commission will consider a Variance request submitted by **James Cloutier** to put a shed in the side yard of their corner lot on their property at **925 Island Lake Avenue**. The following variance is requested:

- 1) To reduce the minimum allowable setback for a shed from 26 feet to 13 ½ feet in the side yard abutting a street.

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 **November 13th** 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 November 14th. 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
Planning and Economic Development Technician

Comments:

The proposed shed will hardly be seen from the road or by any neighbors

Name: *Donald L. Pharo*
Address: *3704 No MILTON ST
Shoreview MN 55126*

City Council:
Sandy Martin, Mayor
Emy Johnson
Terry Quigley
Ady Wickstrom
Ben Withhart



City of Shoreview
4600 Victoria Street North
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651-490-4600 phone
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October 31, 2014

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Sincerely,

Niki Hill

Planning and Economic Development Technician

Comments:

We live 2 houses away from Frenchie (James) and would be
happy to give our permission for him to build his shed. He keeps
his property in park-like condition and I can't imagine his
building will do anything but enhance the neighborhood

Name: Ralph & Janet Kay Bierbaum
Address: 949 Island Lake Avenue

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD NOVEMBER 18, 2014**

* * * * *

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. 14-103 FOR A VARIANCE TO REDUCE THE REQUIRED
DETACHED ACCESSORY STRUCTURE SETBACK PERMITTED FROM THE
SIDEYARD OF A CORNER LOT**

WHEREAS, James Cloutier submitted a variance application for the following described property:

*Lot: 8 Block: 2, ISLAND LAKE HEIGHTS
(This property is more commonly known as 925 Island Lake Avenue)*

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

WHEREAS, accessory structures on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 205.080(D)(1).; and

WHEREAS, the applicants have requested a variance to this requirement to decrease the permitted structure setback from a front property line to 13 ½ 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 November 18, 2014 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 variance request to locate the shed in the proposed location represents a reasonable use of the property. City Code permits detached structures as an accessory use. By establishing these provisions, the City deems that a detached structure represents a reasonable use of the property provided Code standards are met.

The need for the variance request is due to the encroachment on the required 26-foot setback from the east lot line. Locating the proposed shed to the required setback would result in accessibility issues for the maintenance equipment stored in the shed because of the 5ft grade change between the back yard and driveway. Relocating it within the required setback would require a concrete pad and relocating of the existing irrigation system. Relocating on the existing concrete in a driveway offshoot would minimize site disturbance.

The City has discretion in determining 'reasonable use', and in this particular case, staff believes the required location of the proposed shed does not provide for the use and storage needs of the homeowner due to the grade change, and that reasonable use is limited by the requirements of the Development Code.

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

The variance request stems from the uniqueness of the parcel. The topography of the parcel and layout of the split-level house on the corner lot is such that you cannot locate the shed in an area allowed by code that is easily accessible for the proposed use. The 5ft grade change and rock wall along the driveway area do not allow access to the backyard from the driveway area.

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

The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing landscape screening, it is an allowable size by code and the style will match the existing home. Additionally, the properties to the east are riparian lots and as such are allowed to have detached structures in their yards abutting Milton Street.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 925 Island Lake Avenue, be approved, subject to the following conditions:

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

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

And the following voted against the same:

Adopted this 18th day of November, 2014

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

James Cloutier

MOTION TO APPROVE

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To approve the variance request submitted by James Cloutier for their property at 925 Island Lake Avenue, reducing the minimum 26 foot structure setback from a side property line of a corner lot to 13 ½ - feet and adopt Resolution No. 14-103, 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 following findings:

1. The request to locate the shed in the proposed location represents a reasonable use of the property. City Code permits detached structures as an accessory use. Locating the proposed shed to the required setback would result in accessibility issues for the maintenance equipment stored in the shed because of the 5ft grade change between the back yard and driveway. Relocating it within the required setback would require a concrete pad and relocating of the existing irrigation system.
2. Practical difficulty is present as the topography of the parcel and layout of the split-level house on the corner lot is such that you cannot locate the shed in an area allowed by code that is easily accessible for the proposed use. The 5ft grade change and rock wall along the driveway area do not allow access to the backyard from the driveway area.
3. The proposed shed will not alter the essential character of the existing neighborhood. The shed location will be minimally visible in the proposed location due to existing screening and the style will match the existing home. Additionally, the properties to the east are riparian lots and as such are allowed to have detached structures in their yards abutting Milton Street.

VOTE:

AYES:

NAYS:

Regular Planning Commission Meeting
November 18, 2014

TO: Planning Commission
FROM: Kathleen Castle, City Planner
DATE: November 14, 2014
SUBJECT: File No. 2555-14-45, Residential Design Review and Variance – 230 East Owasso Lane

INTRODUCTION

Andrew and Megan Gaillard have submitted a Residential Design Review and Variance application for a proposed home on the property at 230 East Owasso Lane. The Gaillard's are proposing to demolish the existing home and detached garage and construct a new single-family home with a detached garage on the property. The proposal requires Residential Design Review because the parcel is a substandard riparian lot. A variance is also required to increase the maximum 52-foot structure setback permitted from the front property line (adjacent to the street right-of-way) to 227 feet. Note that this is a change from the neighborhood notice sent which indicated a 231-foot setback from the front property line.

PROJECT DESCRIPTION

The subject property is a riparian lot located on the east side of Lake Owasso and has a lot area of 24,938 square feet and a lot width that varies from 35 feet at the street to 75 feet at the lakeshore. The property is substandard due to the lot width. The lot is developed with a single-family home and a detached garage. These improvements would be removed and a new home with a detached garage constructed on the property.

The proposed home is a one and a half story design with a foundation area of 1,484 square feet including a covered porch on the front and a covered deck on the lakeside. Exterior materials include stone, cedar shake siding and asphalt shingles. The proposed garage design reflects the design of the home and is 728 square feet in size.

The proposed structure complies with the Residential Design Review standards, with the exception of the structure setback from the front property line. A variance is being requested to increase the maximum 52-foot setback permitted to 227 feet.

The development pattern of the lakeshore properties generally consists of long lots with frontage on either East Owasso Lane or Woodbridge Avenue. Woodbridge transitions into East Owasso Lane north of this property and impacts the structure setback requirements for the property immediately to the north at 234 East Owasso Lane. The property abuts two lots along the southern lot line, with one parcel having frontage on the lake and the other parcel having frontage on East Owasso Lane.

Please see the attached plans.

RESIDENTIAL DESIGN REVIEW

The property is located in the R-1 Detached Residential District and the Shoreland District of Lake Owasso. Again, it is a substandard riparian lot due to the lot width and any development must comply with the design standards, unless a variance is granted.

Design Standards

The project has been reviewed in accordance with the design standards and are summarized in the table below.

STANDARD	ALLOWED	PROPOSED
Lot Coverage	7,481.4 sf (30%) <i>Existing: 11.7%</i>	3,281 square feet (13.1%)
Building Height	35 feet	25 feet
Foundation Area	4,488 sf (18%) <i>Existing: 7%</i>	2,156 sf (8.6%)
Setbacks: OHW (West) Front Side Rear	163.15 to 183.15 feet 32 to 52 feet 10 feet – dwelling 5 feet - garage 30 feet	170 feet 227 feet* 12 feet – north 15 feet - south 5 feet – north and south N/A
Architectural Mass	Natural colors	Gray

***Variance required**

The setback of the existing home from the lakeshore is approximately 183 feet and from the street is approximately 214 feet. While the setback from the lake conforms to the Code requirements, the setback from the street exceeds the maximum 52 feet permitted and is considered non-conforming. The proposed home, including the covered deck, will be placed 10-feet closer to the lakeshore than the existing home but also be placed about 16 feet farther from the street. The impervious surface coverage and foundation area are increasing slightly and are significantly less than the maximums permitted.

VARIANCE

Variance Criteria

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Development Code. 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 practical difficulty is justified due to the configuration of the property to the south which has been subdivided into two parcels. A non-lakeshore lot was created and is used to determine the permitted setback from the front property line. This circumstance makes it difficult to meet the front setback requirement. The proposed placement of the home is in the same area as the existing home and in line with majority of homes on the lakeside. See the attached statement.

Staff Review

Staff believes that practical difficulty is present for the variance requested. The applicant is proposing to use the property in a reasonable manner, unique circumstances are present and the proposed improvements will not adversely affect the character of the neighborhood.

Reasonable Manner.

The proposed redevelopment of this site with a new single-family home and detached garage has been reviewed in accordance with the Comprehensive Plan policies and the Development Code criteria. The proposed improvements are, in Staff's opinion, consistent with the Land Use and Housing Chapters of the Comprehensive Plan., and represent a reasonable use of the property.

The placement of the proposed home beyond the maximum front-yard structure setback permitted is practical location due to the configuration, depth and character of the adjoining properties to the north and south. It is not feasible to construct a home on the property that would comply with the required structure setbacks from the OHW and the front property line. The proposed placement of this home from the street is visually similar to other lakeshore properties.

Unique Circumstances.

Unique circumstances are present. The property to the north has a front property line that is oddly configured due to the curvature of Woodbridge Avenue/East Owasso Lane. In addition, there are two parcels to the south with one being a riparian lot (226 East Owasso Lane) with frontage on the lake and one being a non-riparian lot (224 East Owasso Lane) that has frontage on East Owasso Lane. When the setback requirement from the front property line is calculated, the property at 224 East Owasso Lane is used even though it is not similarly situated to the applicant's property. As a result of these circumstances the maximum permitted setback from the front property line is pushed closer to the street.

Character of Neighborhood.

If granted, the variance will not alter the essential character of the neighborhood. The structures on the riparian lots tend to be aligned and oriented towards the lakeshore. Setbacks along that portion of the roadway known as Woodbridge Avenue are closer to the roadway than those along East Owasso Lane. The properties along East Owasso Lane tend to have structures on the street side of the home impacting the visual appearance from the street. The increased setback will not alter the character of the neighborhood.

MITIGATION AFFIDAVIT

Mitigation practices are required when land-use approvals are granted for riparian property. Two mitigation practices are necessary. The applicants have chosen architectural mass and are working with Staff on another method. The applicants have asked for consideration of the removal of the nonconforming garage and impervious surface coverage since the proposed coverage of 13.1% is significantly less than the maximum 30% allowed. An affidavit will be required prior to the issuance of a building permit.

REQUEST FOR COMMENT

Property owners within 150 feet were notified of the applicant's request. One comment was received in support. Other comments expressed concern about the placement of the home closer to the lake than the adjoining homes and the visual obstruction of the lake view. While Staff understands this concern, the proposed setback from the lake complies with the Code. Relocating the structure farther to the east would decrease the extent of the variance needed from the street.

RECOMMENDATION

Staff believes that proposed improvements represent a reasonable use for this lake lot, and that practical difficulty is due to unique circumstances related to the properties to the south, the curvature of the roadway and the impact this has on the front yard setback requirement. Placement of the home is in the same general location as the existing home and will not impact the neighborhood character. As such, staff recommends the Planning Commission adopt Resolution No. 14-108, approving the requested variances and the Residential Design Review application, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The applicant shall execute a mitigation affidavit prior to issuance of a building permit for the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The detached garage is subject to review and approval of a Riparian Lot - Detached Accessory Structure Permit.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.

Attachments:

- 1) Resolution No. 14-108
- 2) Email – City Engineer
- 3) Location Map
- 4) Applicant's Statement and Submitted Plans
- 5) Response to Request for Comment
- 6) Motion

**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD NOVEMBER 18, 2014**

* * * * *

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. 14-108 FOR A VARIANCE TO INCREASE THE MAXIMUM
STRUCTURE SETBACK PERMITTED FROM A FRONT PROPERTY LINE**

WHEREAS, Andrew and Megan Gaillard submitted a variance application for the following described property:

See Attachment A

(This property is more commonly known as 230 East Owasso Lane)

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

WHEREAS, the permitted maximum structure setback in the Shoreland Management District and the R-1 Detached Residential Zoning from a front property line is determined by taking the average setback of the two adjoining properties then adding and subtracting 10-feet to establish a permitted setback range; and

WHEREAS, the maximum setback permit for a primary structure (dwelling unit) from the front property line is 52 feet; and

WHEREAS, the applicants have requested a variance to this requirement to increase the permitted structure setback from a front property line to 227 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 November 18, 2014 the Shoreview Planning Commission made the following findings of fact:

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

The proposed redevelopment of this site with a new single-family home and detached garage has been reviewed in accordance with the Comprehensive Plan policies and the Development Code criteria. The proposed improvements are, in Staff's opinion, consistent with the Land Use and Housing Chapters of the Comprehensive Plan., and represent a reasonable use of the property.

The placement of the proposed home beyond the maximum front-yard structure setback permitted is practical location due to the configuration, depth and character of the adjoining properties to the north and south. It is not feasible to construct a home on the property that would comply with the required structure setbacks from the OHW and the front property line. The proposed placement of this home from the street is visually similar to other lakeshore properties and in the same general location as the existing home.

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. The property to the north has a front property line that is oddly configured due to the curvature of Woodbridge Avenue/East Owasso Lane. In addition, there are two parcels to the south with one being a riparian lot (226 East Owasso Lane) with frontage on the lake and one being a non-riparian lot (224 East Owasso Lane) that has frontage on East Owasso Lane. When the setback requirement from the front property line is calculated, the property at 224 East Owasso Lane is used even though it is not similarly situated to the applicant's property. As a result of these circumstances the maximum permitted setback from the front property line is pushed closer to the street.

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

If granted, the variance will not alter the essential character of the neighborhood. The structures on the riparian lots tend to be aligned and oriented towards the lakeshore. Setbacks along that portion of the roadway known as Woodbridge Avenue are closer to the roadway than those along East Owasso Lane. The properties along East Owasso Lane tend

to have structures on the street side of the home impacting the visual appearance from the street. The increased setback will not alter the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, 230 East Owasso Lane be approved, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. The applicant shall execute a mitigation affidavit prior to issuance of a building permit for the project.
3. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.
4. The detached garage is subject to review and approval of a Riparian Lot - Detached Accessory Structure Permit.
5. This approval will expire after one year if a building permit has not been issued and construction commenced.

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 18th day of November, 2014

Steve Solomonson, Chair
Shoreview Planning Commission

ATTEST:

Kathleen Castle, City Planner

ACCEPTANCE OF CONDITIONS:

Andrew Gaillard, 230 East Owasso Lane

Megan Gaillard, 230 East Owasso Lane

ATTACHMENT A

Legal Description

That part of Government Lot 5, Section 36, Township 30, Range 23, described as follows:

Commencing at a point on the East line of said Lot 5, 739.6 feet North of the Southeast corner of said Lot; thence West and parallel with the South line of said Lot 551.60 feet to the point of beginning of the land to be described, said point being on the Westerly line of a 20 foot roadway as laid out and marked out across part of Government Lot 5; thence North 87 degrees 53 minutes 46 seconds West 455.1 feet more or less to the shore of Lake Owasso; thence Northerly along the shore of Lake Owasso to the point of intersection with a line described as follows; commencing at the point of beginning thence North 35 feet along the Westerly line of the 20 feet roadway aforesaid; thence North 82 degrees 41 minutes 35 seconds West a distance of 456.0 feet more or less to the shore of said Lake Owasso; thence South 82 degrees 41 minutes 35 seconds East 456.0 feet more or less to a point on the West line of the 20 foot roadway aforesaid; thence Southerly along the Westerly line of said roadway 35 feet to the point of beginning, together with the right to use for a roadway until such times as other means of ingress and egress are established to and from Rice Street, a strip of land not exceeding 20 feet in width, said strip of land beginning at a point being the Southeasterly corner of property deeded to Edward Heinsch, thence running Southerly parallel with the Easterly line of said described property to a point 299 feet North of the Southerly line of said Lot 5; thence Easterly parallel with said Southerly line of said Lot 5 to Rice Street, Ramsey County, Minnesota.



Kathleen Castle <kcastle@shoreviewmn.gov>

Application - 230 East Owasso Lane

1 message

Tom Wesolowski <twesolowski@shoreviewmn.gov>

Mon, Nov 10, 2014 at 4:19 PM

To: Kathleen Castle <kcastle@shoreviewmn.gov>

Kathleen,

I reviewed the application for 230 East Owasso Lane and have no comments.

Thank you, Tom

--

Tom Wesolowski, P.E.

City Engineer

City of Shoreview

twesolowski@shoreviewmn.gov

Direct Tel: 651-490-4652

Fax: 651-490-4696



Legend



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

200.0 0 100.00 200.0 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

Notes

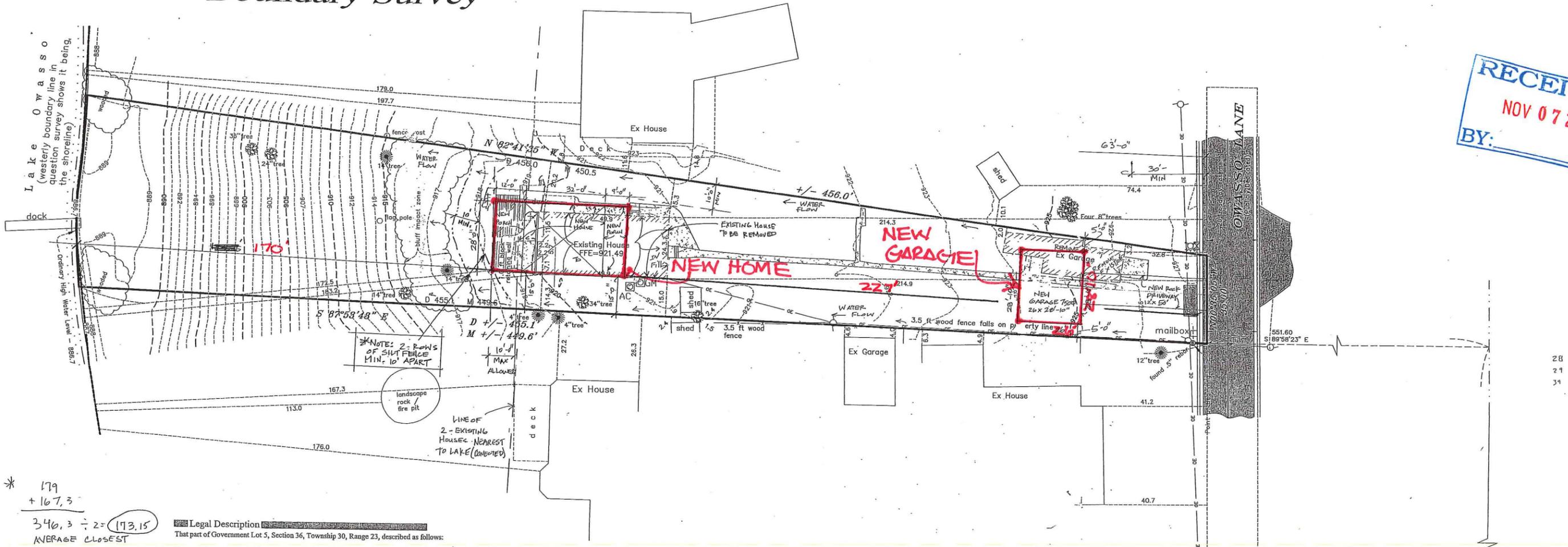
Residential Design Review; Variance

Topographic & Boundary Survey

for **Cindi Mikola** site

230 Owasso Lane E, Shorview, MN

RECEIVED
NOV 07 2014
BY:



* 179
+ 167.3
346.3 ÷ 2 = 173.15
AVERAGE CLOSEST

Legal Description
That part of Government Lot 5, Section 36, Township 30, Range 23, described as follows:

Commencing at a point on the East line of said Lot 5, 739.6 feet North of the Southeast corner of said Lot; thence West and parallel with the South line of said Lot 551.60 feet to the point of beginning of the land to be described, said point being on the Westerly line of a 20 foot roadway as laid out and marked out across part of Government Lot 5; thence North 87 degrees 53 minutes 46 seconds West 455.1 feet more or less to the shore of Lake Owasso; thence Northerly along the shore of Lake Owasso to the point of intersection with a line described as follows; commencing at the point of beginning thence North 35 feet along the Westerly line of the 20 foot roadway aforesaid; thence North 82 degrees 41 minutes 35 seconds West a distance of 456.0 feet more or less to the shore of said Lake Owasso; thence South 82 degrees 41 minutes 35 seconds East 456.0 feet more or less to a point on the West line of the 20 foot roadway aforesaid; thence Southerly along the Westerly line of said roadway 35 feet to the point of beginning, together with the right to use for a roadway until such times as other means of ingress and egress are established to and from Rice Street, a strip of land not exceeding 20 feet in width, said strip of land beginning at a point being the Southeast corner of property deeded to Edward Heinsch, thence running Southerly parallel with the Easterly line of said described property to a point 299 feet North of the Southerly line of said Lot 5; thence Easterly parallel with said Southerly line of said Lot 5 to Rice Street, Ramsey County, Minnesota.

Survey Notes

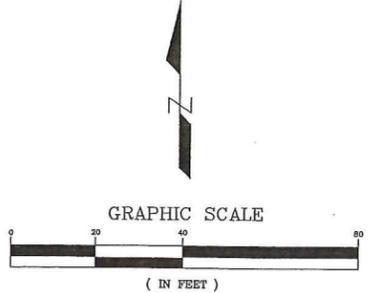
- 1) The field work was done on 6-13-13
- 2) Vertical Datum / Contour Data is based on the NAVD 88 DATUM
- 3) The property has an area of 24,938 sq. ft. or 0.572 acres

Issues

- A.) The legal description for the westerly portion of the property, shore of Lake Owasso, does not call out along the shoreline of Lake Owasso. Per the recorded legal, depending on the lake elevation, at times the property could have water access and other times not.
- B.) The constructed traveled roadway measures approximately 24.8 feet back of curb to back of curb. The easement which the roadway should be constructed in is 20.0 feet per locals.
- C.) The North line of the subject property is always moving as establishment of the North line commences at the southwest corner of said property, which is the shoreline of Lake Owasso thence northerly included angle a distance of 75 feet. The shoreline of Lake Owasso is constantly changing which will constantly change the location of the North line.
- D.) The point of beginning of the subject property, based on called distances, falls 5.5 feet West of the legal description for the roadway easement as described in the legal description for the property to the South per Torrens certificate no. 578761.
- E.) The subject property legal description calls out the 20 foot roadway as beginning at a point being the southeasterly corner of the property deeded to Edward Heinsch, which document can not be located.

LEGEND:

- = Power Pole
- = Found Monument
- = Benchmark
- = Gas Meter
- = Air Conditioning
- = Deciduous Tree
- = Coniferous Tree
- = Hydrant
- = Gate Valve
- = Fence Line
- = Overhead Electric
- = Minor Contour
- = Major Contour
- = Gravel Surface
- = Bituminous Surface
- D 100.00 = Deed Distance
- M 100.00 = Measured Distance



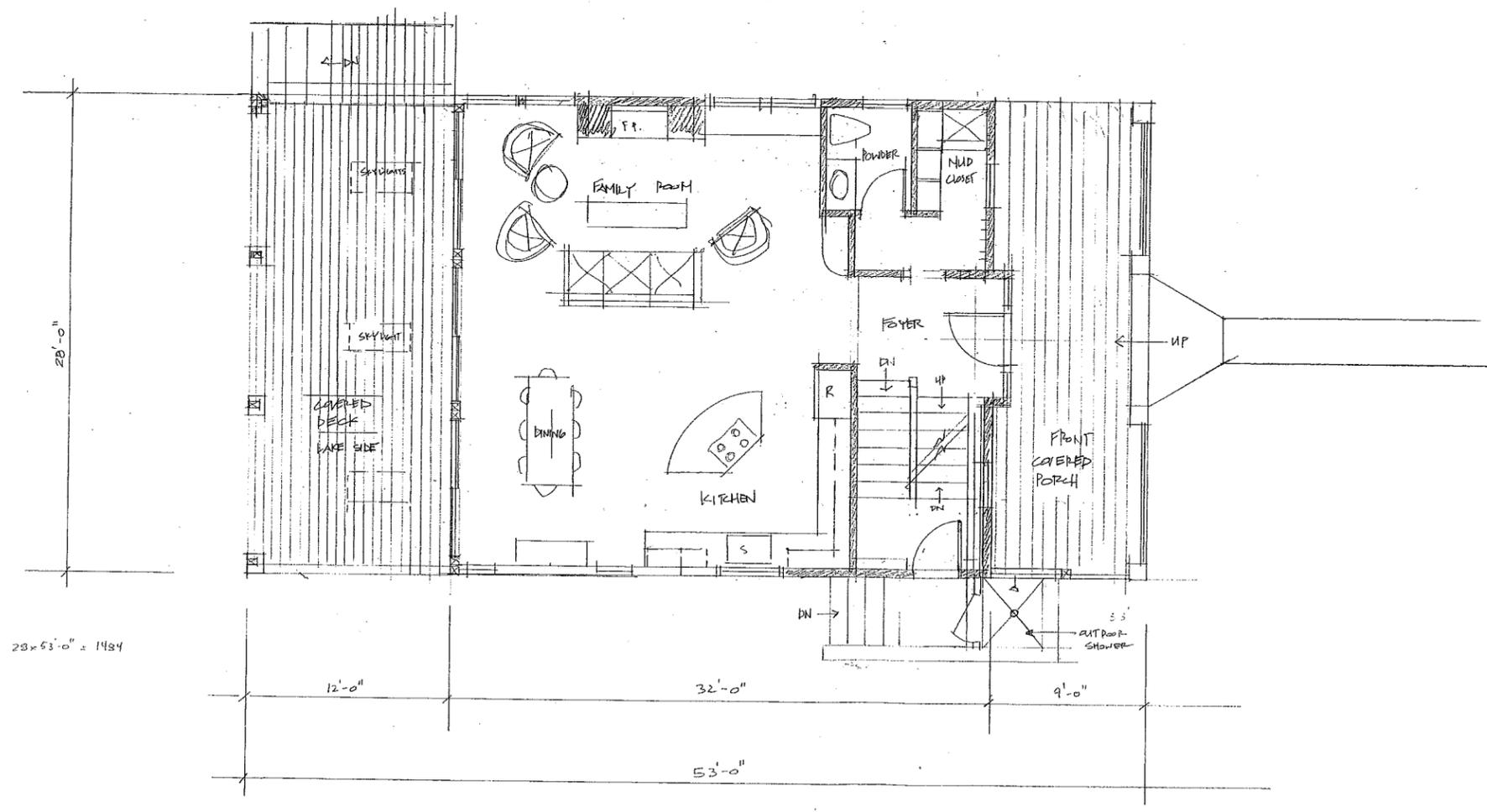
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
DATE _____ LIC. NO. 17765

Alwin & Associates

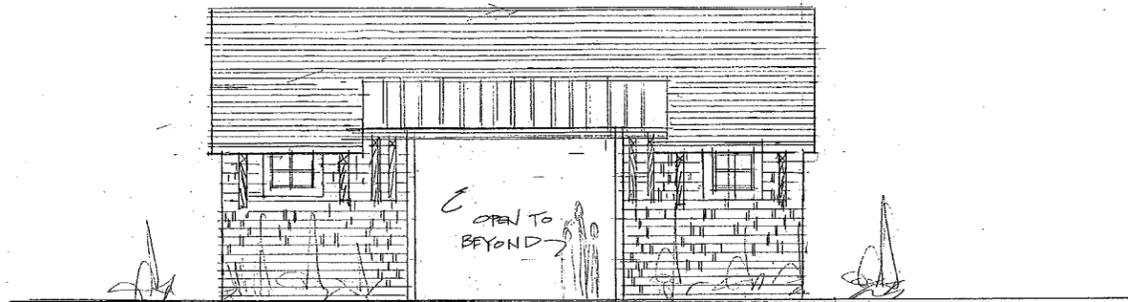
Professional Land Surveyors & Engineers

11450 National Court NE
Blaine, Mn. 55449

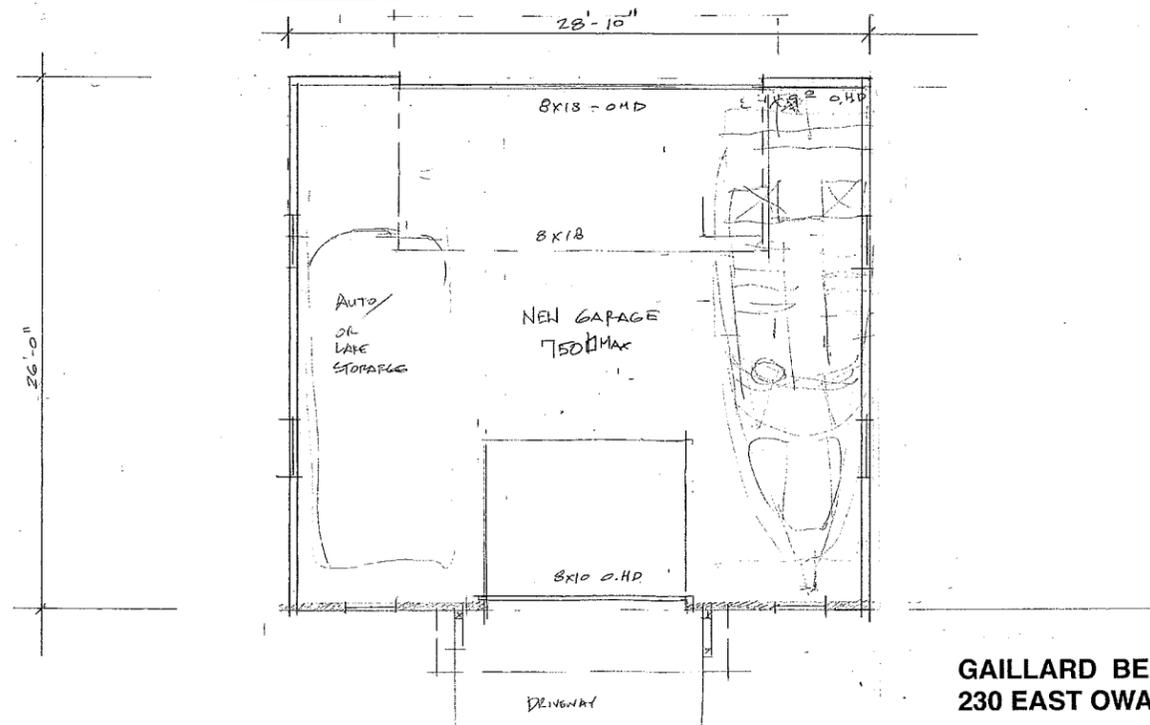
Phone: 763-784-1929
Cell Phone: 612-251-5458
E-mail: ralwin@live.com



MAIN LEVEL FLOOR PLAN 11-05-2017
 SCALE: 1/4" = 1'-0"

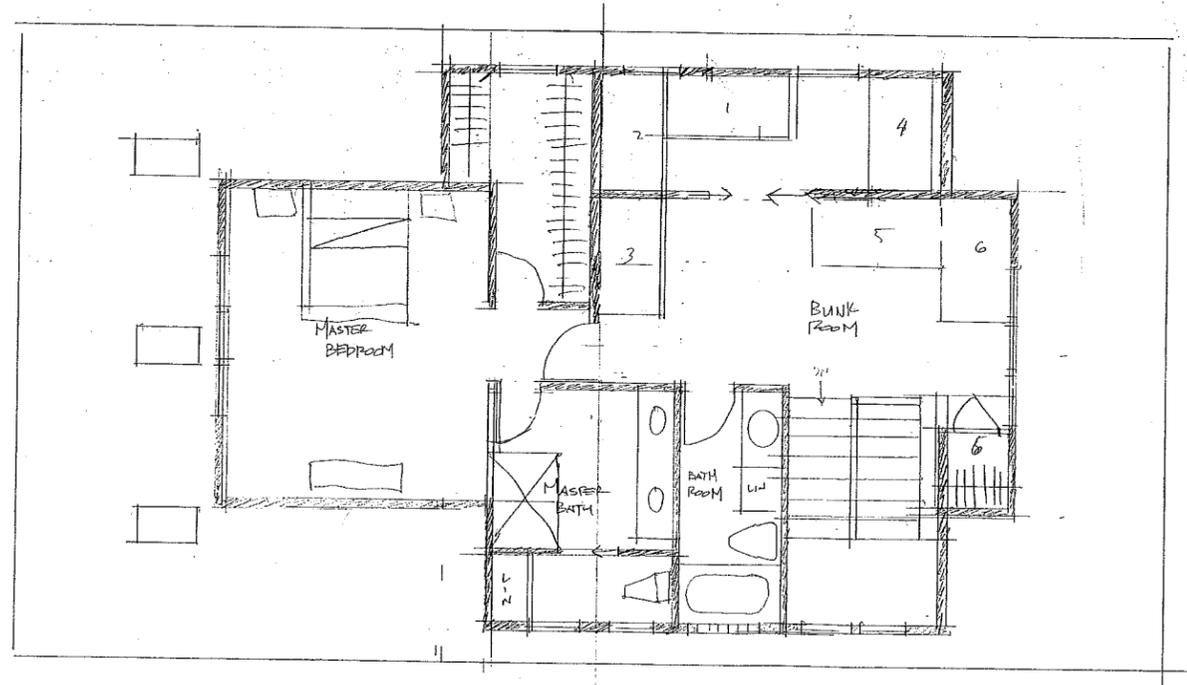


ROAD SIDE ELEVATION 1/4" SCALE



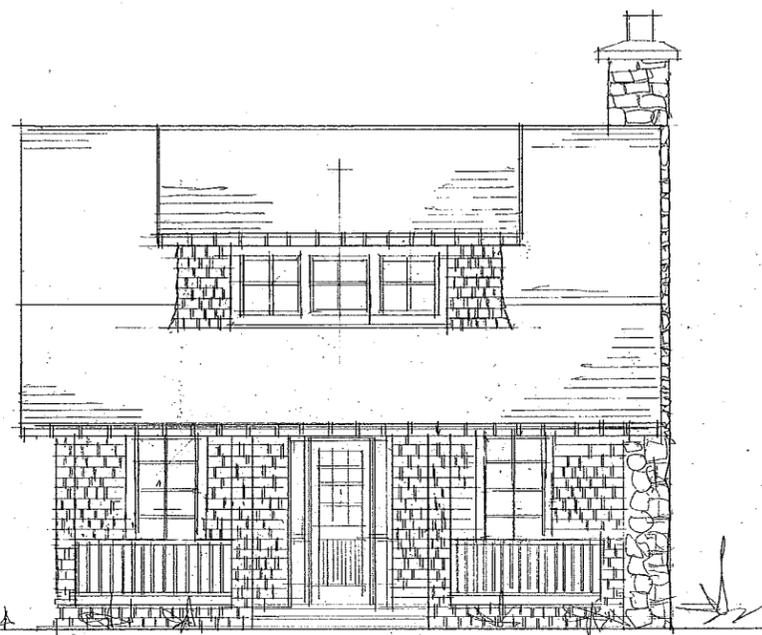
GAILLARD BEACH HOUSE
230 EAST OWASSO LANE

FLOOR PLAN DETACHED GARAGE CONCEPT ~~10-20-2014~~
11-05-2014



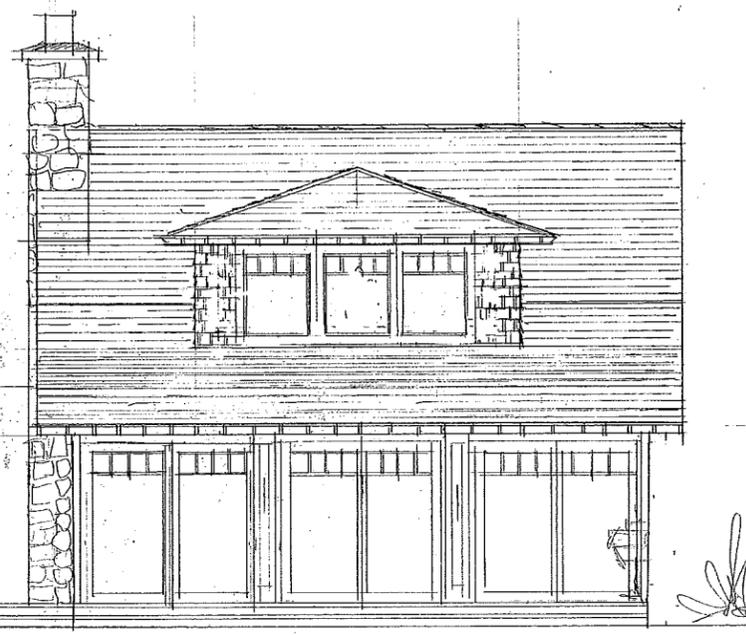
UPPER LEVEL

GAILLARD BEACH HOUSE
230 EAST OWASSO LANE



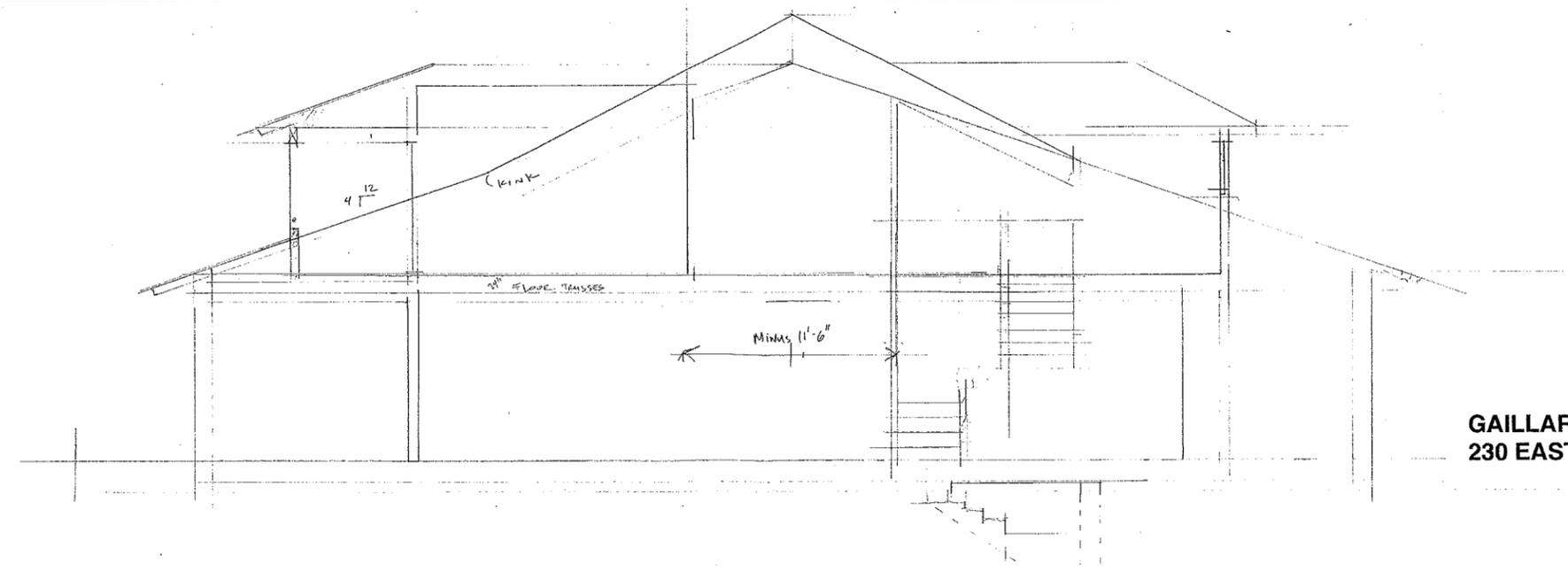
FRONT ELEVATION

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



LAKE ELEVATION

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



SECTION (PRELIM.)

GAILLARD BEACH HOUSE
230 EAST OWASSO LANE

To: Shoreview City Council
From: Andrew and Megan Gaillard
Date: 10/05/2014
Subject: Front setback variance request for 230 East Owasso Lane

Background Information

We currently have a signed purchase agreement to buy this property from the current owner, Cynthia Kulp Mikola, with closing scheduled within the month. Our original plans for this home were to remodel the existing residence for year round use as our weekend home. Megan grew up in Roseville and there is several family members that still live in the area and we had hoped to enjoy the lake and what it has to offer on our weekends, holidays and vacations, without having to spend hours in the car to head "up north". However, upon closer inspection of the existing residence by us and our builder we decided the existing home is not structurally sound and the best plan of action moving forward is to construct a new residence.

Our plans are to build a new house in a similar location and in a similar size of the home we are replacing. As part of this project we plan to replace the dilapidated existing garage with a new detached garage in a similar location to the existing but that meets all city setback and size requirements as well. We believe that this plan fits well with the existing character of the neighborhood, and will only have positive effects on the neighboring homes. It will be an upgrade to the property, enhancing the neighborhood and the environment, and it will allow our family to safely be a part of the community.

Variance to the Front Setback

The existing conditions of the property present extremely challenging issues for building a home. The lot is pie shaped with the street width of 35 feet and a lakeside width of about 75 feet. The residences to the north and south are built in a similar location plus or minus 10 feet however the property to the south has been split in 2 with a second residence only 40.7 feet off the street. This second home makes meeting the front setback requirements nearly impossible. In our opinion the best, most reasonable place to build the new house is in roughly the same footprint as the existing structure. This location is in line with the majority of homes across the lakefront and sufficiently distant from the lake to avoid any negative environmental impact.

Thank you for considering our variance request to allow us to increase the Front setback requirements. We believe this is a reasonable request and the whole project in general is a terrific improvement to the neighborhood.

Andrew and Megan Gaillard

To: Shoreview City Council
From: Andrew and Megan Gaillard
Date: 10/05/2014
Subject: Shoreland Mitigation Plan

Background Information

We currently have a signed purchase agreement to buy this property from the current owner, Cynthia Kulp Mikola, with closing scheduled within the month. Our original plans for this home were to remodel the existing residence for year round use as our weekend home. Megan grew up in Roseville and there is several family members that still live in the area and we had hoped to enjoy the lake and what it has to offer on our weekends, holidays and vacations, without having to spend hours in the car to head "up north". However, upon closer inspection of the existing residence by us and our builder we decided the existing home is not structurally sound and the best plan of action moving forward is to construct a new residence.

Our plans are to build a new house in a similar location and in a similar size of the home we are replacing. As part of this project we plan to replace the dilapidated existing garage with a new detached garage in a similar location to the existing but that meets all city setback and size requirements as well. We believe that this plan fits well with the existing character of the neighborhood, and will only have positive effects on the neighboring homes. It will be an upgrade to the property, enhancing the neighborhood and the environment, and it will allow our family to safely be a part of the community.

Shoreland Mitigation Plan

Architectural Mass

As stated above, we have plans to build a home that simply replaces the existing home and that is in similar size and scope. The house is designed specifically to fit the requirements of the architectural mass guidelines by using natural colors and materials to reduce the visual impact, The general size and footprint of this small lake home will have little visual impact, I would go as far as to say it will have much less impact than all of the neighboring properties.

Removal of Nonconforming Structures

As part of this project we plan to remove the existing dilapidated detached garage that is currently not meeting city setback code requirements and replace it with a new structure that meets all city guidelines. We believe this is in the best interest of the neighborhood in general and a specific benefit to the north side property that the existing garage encroaches upon.

Reduction of Impervious Surface Coverage

As already stated we are planning on building a second home to replace the existing structures on the property that after further inspection are not safe to live in or use. We went in to the design process with the plan on not further affecting the lot more than the

existing home does. In fact our new residence and garage is actually 49 sqft. Less in total coverage than the existing property as it sits now. Keep in mind we are installing a trap rock driveway as well and including this as hardcover even though it may have some drainage capabilities.

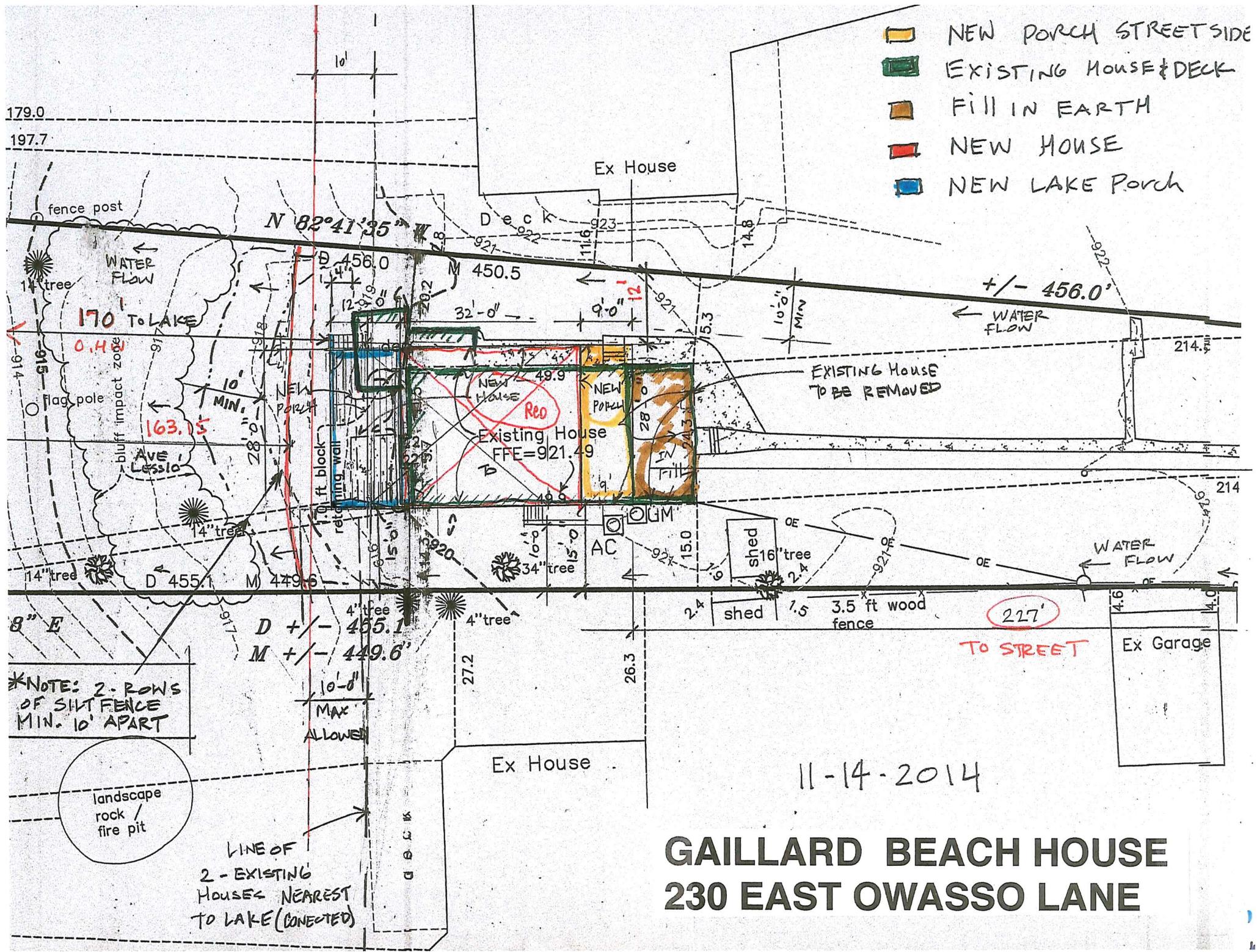
Other Practices

We would like the city to consider other practices as part of our mitigation plan and specifically the hardcover amount that we are proposing on the property and how it lower by more than half of what the city currently allows. Our plan has a hardcover percentage of about 13% and we would like to propose that moving forward as long as the residence does not increase this percentage over 18% with future hardcover we can forgo the vegetation protection or restoration options. We feel that we are so much under the existing guidelines that we should have the option to explore the property with the new residence and garage included and see if the lot requires any further practices, then being forced in to having to do something at this time.

Thank you for considering our Shoreland Mitigation Plan letter. We believe this is a reasonable request and the whole project in general is a terrific improvement to the neighborhood.

Andrew and Megan Gaillard

- NEW PORCH STREET SIDE
- EXISTING HOUSE & DECK
- FILL IN EARTH
- NEW HOUSE
- NEW LAKE PORCH



179.0
197.7

fence post

Ex House

$N 82^{\circ}41'35'' W$

Deck

WATER FLOW

$\pm 456.0'$

WATER FLOW

170 To LAKE

EXISTING HOUSE TO BE REMOVED

0.4

163.15

AVE Lessio

bluff impact zone

14" tree

14" tree

8" E

*NOTE: 2 ROWS OF SILT FENCE MIN. 10' APART



LINE OF 2 - EXISTING HOUSES NEAREST TO LAKE (CONNECTED)

Ex House

11-14-2014

GAILLARD BEACH HOUSE 230 EAST OWASSO LANE

TO STREET

Ex Garage

WATER FLOW

shed

3.5 ft wood fence

227'

4.6

14" tree

D +/- 455.1

M +/- 449.6

10'-0" MAX ALLOWED

27.2

26.3

15'-0"

10'-0"

15'-0"

15'-0"

15'-0"

15'-0"

15'-0"

Comments:

We are pleased to see someone interested in this house. We welcome them and have no opposition to the Variance. The house in its current state is an eyesore and we encourage new construction on that side!

230 E. OWASSO LN

Name:

Mary + Paul Magian

Address:

206 E. Owasso LN



Kathleen Castle <kcastle@shoreviewmn.gov>

230 Owasso Lane E - Variance Request

Stoss, Kevin <KSTOSS@trane.com>

Fri, Nov 14, 2014 at 6:36 AM

To: Kathleen Castle <kcastle@shoreviewmn.gov>

Cc: "DottyB234@gmail.com" <DottyB234@gmail.com>, "Montse Torremorell <torr0033@umn.edu>
(torr0033@umn.edu)" <torr0033@umn.edu>

Kathleen,

Assuming the builder does not respond by noon today, here are my comments for the Commission's packet:

First, let me say we are excited that someone finally purchased the existing home and has plans to build a new home. The existing home is an eye-sore in the neighborhood and we look forward to having new, permanent neighbors (vs. renters). That said, as the neighbor to the immediate south of the proposed structure, I have some concerns. The proposed new home and porch will be significantly closer to the lake than the existing structure thereby obstructing some of our views. Looking at the aerial photo the proposed home would be much closer to the lake than all of the other homes in the immediate area. With this in mind I would strongly prefer that the proposed home be built where the existing home stands or better yet even closer to the street (assuming the new structure is larger than the existing). Should this require a different variance I would be open to discussing.

I have copied the neighbor to the immediate north of the proposed home, Dorothy, as she has similar concerns.

Sincerely,

Kevin Stoss

Montse Torremorell

From: Kathleen Castle [mailto:kcastle@shoreviewmn.gov]**Sent:** Thursday, November 13, 2014 3:46 PM**To:** Stoss, Kevin

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Kathleen Castle <kcastle@shoreviewmn.gov>

230 Owasso Lane Residential Review

1 message

Suneel Sheikh <suneel.sheikh@gmail.com>

Fri, Nov 14, 2014 at 10:46 AM

To: kcastle@shoreviewmn.gov

Cc: Kristen Sheikh <kristen.sheikh@gmail.com>

Hello Kathleen Castle,

This email is in response to the letter we received recently regarding the Residential Design Review and Variance application for the property at 230 East Owasso Ln.

We understand that the owners are requesting to replace the house and garage on that existing property.

Our comments we would like to share are not negative towards the fact that the owners would like to replace those buildings, as the garage has become dilapidated and should be repaired or replaced.

Rather our questions are related to the placement of the new garage.

It is disappointing as residents of the neighborhood to have only limited view of the natural features of Owasso Lake, since many of the existing building placements are so close together along the lake front. As new homes have been erected upon the properties adjacent to the lake many of their sizes and placement close to other buildings has significantly limited the view of the lake itself. Thus, it is disappointing to us that the current planned placement of the new garage will affect or block the views of the lake, specifically sight lines from the street, for the rest of the people in the neighborhood. Most of the garages along that street are not directly on the street, and have a much larger setback from the roadway.

Our questions are whether the garage can be pushed further back into the lot closer to the house in a wider area of the trapezoidal shaped lot, which would allow improved views towards the lake.

Or whether the garage could be attached directly to the new house structure, so that there would still be view of the lake in between the adjacent homes.

If you could, we would appreciate knowing that you received this email.

We look forward to learning more about the City's decision about this lot.
And look forward to having new neighbors within our small neighborhood.

Sincerely,

- Suneel and Kristen Sheikh

217 East Owasso Lane

Shoreview, MN