

 **ROSEVILLE**
VARIANCE BOARD
REGULAR MEETING AGENDA

Wednesday, June 6, 2018 at 5:30 p.m.

Roseville City Hall Council Chambers, 2660 Civic Center Drive

- 1. Call to Order**
- 2. Roll Call & Introductions**
- 3. Approval of Agenda**
- 4. Organizational Business**
 - a. Elect Variance Board Chair and Vice-Chair
- 5. Review of Minutes: April 4, 2018**
- 6. Public Hearings**
 - a. **Planning File 18-007:** Request by Tom and Mary Steiner for a variance to City Code §1004.08(B) “Dimensional Standards” for Low Density Residential (One-Family) District (LDR-1), to permit a new detached garage within the required side yard setback.
 - b. **Planning File 18-009:** Request by William Defiel for a variance to City Code §1004.08(B), “Dimensional Standards” for Low Density Residential (One-Family) District (LDR-1), to permit building a home addition within the required side yard setback.
- 7. Adjourn**



Variance Board Meeting
City Council Chambers, 2660 Civic Center Drive
Minutes – Wednesday, April 4, 2018 – 5:30 p.m.

- 1 **1. Call to Order**
2 Chair Daire called to order the Variance Board meeting at 5:30 p.m. and reviewed the
3 role and purpose of the Variance Board.
4
- 5 **2. Roll Call & Introductions**
6 At the request of Chair Daire, Senior Planner Lloyd called the Roll.
7
- 8 **Members Present:** Chair James Daire, Vice Chair Chuck Gitzen, and Alternate
9 Member Peter Sparby
10
- 11 **Members Absent:** Member Julie Kimble
12
- 13 **Staff Present:** Senior Planner Lloyd
14
- 15 **3. Approval of Agenda**
16
- 17 **MOTION**
18 **Member Gitzen moved, seconded by Member Sparby to approve the agenda as**
19 **presented.**
20
- 21 **Ayes: 3**
22 **Nays: 0**
23 **Motion carried.**
24
- 25 **4. Review of Minutes**
26
- 27 **MOTION**
28 **Member Sparby moved, seconded by Member Gitzen to approve meeting minutes of**
29 **March 7, 2018.**
30
- 31 **Ayes: 3**
32 **Nays: 0**
33 **Motion carried.**
34
- 35 **5. Public Hearings**
36 Chair Daire reviewed protocol for Public Hearings and public comment and opened the
37 Public Hearing at approximately 5:33 p.m.
38
- 39 **a. PLANNING FILE 18-004**
40 **Request by Jeffrey Barnhart for a variance to City Code §1004.08**
41 **Residential Setback, to allow a rebuilt home on the property to stand within**
42 **the required 30-foot setback from the rear property line**
43 Senior Planner Lloyd reviewed the variance request for this property, as detailed
44 in the staff report dated April 4, 2018. He reported the proposed variance is to
45 allow a house to be rebuilt 15 feet into the 30-foot setback from the rear property

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46 line. The existing home is currently five feet from the rear property line. The
47 house was originally built in 1940 and the house behind it was built in 1947. It is
48 unclear when the rear property line was determined. However, the home was built
49 before the City's subdivision codes came into place and any existing conditions
50 would be grandfathered in.

51
52 Mr. Lloyd commented the proposed new home is larger overall and takes up more
53 home area in the rear setback area, which requires a variance. The Applicant
54 would like to shift the rebuilt home further back on the property in an attempt to
55 preserve the trees on the front of the lot. The Applicant has worked with staff to
56 make sure the front of the home conforms to the provisions in the zoning code
57 and has indicated it is possible to build the home at the required 30-foot setback
58 from the rear property line. The proposed driveway is as long as it can be while
59 keeping in with the impervious coverage requirement of the property at or below
60 the 30 percent limit.

61
62 Mr. Lloyd reported staff recommends approval of the requested variance.

63
64 Member Gitzen inquired if there have been any additional comments made by the
65 public on this application.

66
67 Mr. Lloyd responded he did receive more phone calls inquiring about the
68 proposal. After explaining it to them, they did not have any further concerns
69 about the proposal. He confirmed there has been no negative public feedback.

70
71 Member Gitzen inquired if there was some leeway if the Applicant were to build
72 on the same footprint.

73
74 Mr. Lloyd responded if built on the same footprint, they would have to determine
75 if the new home increases or exacerbates the nonconformity. It could be built in
76 the same location, but if it were built taller, it could add more to the rear building
77 wall in the required setback area, magnifying the nonconforming condition and
78 triggering the need for a variance.

79
80 Member Sparby inquired if tree preservation comes into play with this request.

81
82 Mr. Lloyd responded the zoning code has a tree preservation and restoration
83 section in it and does not prevent or inhibit the removal of trees. However, it does
84 promote and incentivize the protection of trees, especially with redevelopment.
85 There would be no penalty if the trees were damaged but there is a replacement
86 formula if they were removed. This incentive is at odds with the converse
87 requirement of having the home further away from the rear property line.

88
89 Member Sparby referred to item D in the report regarding unique circumstances
90 to the property which were not created by the landowner. He inquired if that
91 analysis considers previous landowners.

92

93 Mr. Lloyd explained it refers to the current landowner and if they have taken
94 actions that have created a difficulty.

95
96 Jeff Barnhart, owner and applicant, commented he has lived in the current home
97 for 10 years. It is small, not in great shape, and five feet from the rear property
98 line. He loves living in Roseville and across the street from the park. There are
99 five 70-year-old Maple trees that provide a canopy over the yard and he believes
100 it will benefit the trees if the redevelopment does not damage the root system with
101 the position of the house. It will be moved up nine more feet but will still be out
102 of compliance. He believes this is a better use and will preserve the yard.

103
104 Chair Daire inquired about the location of the drip line.

105
106 Mr. Barnhart responded it is over half of the property line and will be right in
107 front of where the proposed home will be. He would prefer to keep the drip line
108 off the house.

109
110 Member Sparby inquired if he has spoken with his neighbor located at 2570
111 Snelling Curve.

112
113 Mr. Barnhart noted that home is vacant and is part of an estate. He had inquired
114 about purchasing it, but it is a complicated situation. The house sits on Snelling
115 Curve and has a double long yard. The neighbor located behind him at 2560
116 Snelling Curve is supportive of the project.

117
118 Member Sparby inquired about the side setback on the north side of the property.

119
120 Mr. Lloyd responded the detached garage will sit in the same location but will
121 become an attached garage. It has a three-foot setback, which is greater than the
122 required minimum of five feet.

123
124 Rachel Clyne, 2549 Pascal Street, expressed support for this project.

125
126 Chair Daire closed the public hearing at 5:48 p.m.

127
128 Members Sparby and Gitzen expressed support for this project.

129
130 Chair Daire noted he stopped by the site and this plan will be an enormous
131 improvement.

132
133 **MOTION**

134 **Member Gitzen moved, seconded by Member Sparby to adopt a resolution**
135 **approving the requested variance to §1004.08.B (Residential Setbacks) to**
136 **allow the construction of a new home at 2553 Pascal Street to encroach up to**
137 **15 feet into the required rear yard setback, based on proposed plans, the**
138 **testimony offered at the public hearing, the comments and findings in the**
139 **report, and as reflected in attachment D of the report.**

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140

141

Ayes: 3

142

Nays: 0

143

Motion carried.

144

145

Chair Daire noted the appeal period will begin now and go through Monday,
April 16, 2018 at noon.

146

147

148

6. Adjournment

149

150

MOTION

151

**Member Gitzen moved, seconded by Member Sparby to adjourn the meeting at
approximately 5:52 p.m.**

152

153

154

Ayes: 3

155

Nays: 0

156

Motion carried.

**REQUEST FOR VARIANCE BOARD ACTION
PUBLIC HEARING**

Agenda Date: 6/6/2018
Agenda Item: 6a

Item Description: Request for approval of a variance to City Code §1004.08.B, “Dimensional Standards” for Low Density Residential (One-Family) District (LDR-1), to permit an encroachment into the required side yard setback (PF18-007)

APPLICATION INFORMATION

Applicant: Tom and Mary Steiner
Location: 1401 Roselawn Avenue, in Planning District 14
Property Owner: Tom and Mary Steiner

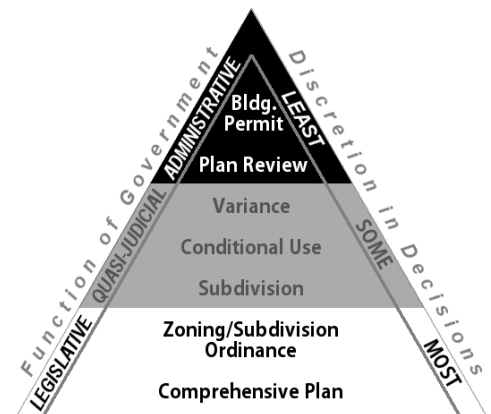
Open House Meeting: NA
Application Submission: received on April 5, 2018; considered complete on April 12, 2018
City Action Deadline: June 11, 2018, per Minn. Stat. §15.99

GENERAL SITE INFORMATION			
Land Use Context			
	Existing Land Use	Guiding	Zoning
Site	Single-family detached	LR	LDR-1
North	Single-family detached	LR	LDR-1
West	Single-family detached	LR	LDR-1
East	Single-family detached	LR	LDR-1
South	Single-family detached (City of Falcon Heights)	SFR	R-1

Natural Characteristics: The site is very flat and has several mature trees on and around the property.
Planning File History: **2006** (PF3745) Approval of a Setback Permit to allow the driveway apron to be rebuilt in its existing nonconforming location during the reconstruction of Roselawn Avenue

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on a variance is **quasi-judicial**; the City’s role is to determine the facts associated with the request, and weigh those facts against the legal standards contained in State Statute and City Code.



1 **BACKGROUND AND PROPOSAL OVERVIEW**

2 The subject parcel is Lot 8 of the 1932 Diedrich’s Homesites plat. Ramsey County reports that
3 the home was built in 1935, and a detached garage seems to first appear approximately in the
4 current location in the 1953 aerial photo. Based on City records, the western edge of the existing
5 driveway appears to abut the western property boundary for much of its length, and the existing
6 garage is likely no more than 18 inches from the property boundary. Therefore, while the
7 existing side yard garage setback fails to conform to the minimum setback specified in the
8 zoning requirements, it is considered a legal, nonconforming condition because the garage
9 appears to have been established prior to Roseville’s adoption of a zoning code in 1959.

10 The homeowners are preparing to rebuild the aging garage, and regardless of any desires to
11 expand the available space in the garage, a key characteristic of a rebuilt garage would be greater
12 wall height. The current garage is only tall enough to allow an overhead garage door slightly
13 taller than six feet, which is well short of the current standard height of seven feet to
14 accommodate larger, modern vehicles. While the applicants originally intended to build a garage
15 that was three feet longer and four feet wider than the current garage, the resulting 43-foot-by-
16 24-foot garage would exceed the 1,008 square foot maximum area allowed in the zoning code.
17 Therefore, in order to conform to the maximum area, the proposal has been revised to reduce the
18 proposed length of the 24-wide garage to 42 feet, which is one foot longer than the existing
19 garage.

20 While the design of the proposed garage is not a subject of the variance request, it is worth
21 noting that City Code §1004.02.A.2 requires garages larger than 864 square feet to incorporate
22 three of the following five performance standards in order to mitigate potential negative impacts
23 of such large storage buildings.

- 24 a. Matching the roof pitch to be similar to that of the principal structure;
- 25 b. Adding windows or architectural details to improve the appearance of rear and side walls;
- 26 c. Using raised panels and other architectural detailing on garage doors;
- 27 d. Increasing side and/or rear yard setback(s); or
- 28 e. Installing landscaping to mask or soften the larger building.

29 Given that the proposed garage would encroach into the required side yard setback, increasing
30 the setback and installing effective landscaping do not seem like viable options in this case.
31 Therefore, staff would expect that the plans submitted for a building permit will incorporate the
32 first three performance standards in order to satisfy this requirement. The proposed site plan and
33 written narrative detailing the proposal are included with this report as Attachment C.

34 **VARIANCE ANALYSIS**

35 City Code §1004.08.B (Residential Setbacks) requires accessory structures in the LDR-1 zoning
36 district to be set back at least 5 feet from side property lines. Minimum side yard setback
37 requirements in a residential district are primarily intended to preserve sufficient space in side
38 yards to maintain adjacent structures, but setbacks also coordinate with building codes to ensure
39 adequate fire separation from other properties. Notwithstanding the standard setback
40 requirement, City Code §1002.04 (Nonconformities) would allow a garage to be rebuilt in the
41 same location as the existing, nonconforming garage, as long as the new construction did not
42 create new nonconforming conditions or exacerbate the existing nonconformities.

43 Because the proposed new garage would be a foot or two taller than the existing structure in
44 order to accommodate a standard-height overhead garage door, it would introduce more of the
45 structure in the nonconforming location. For this reason, the proposed new garage cannot be
46 built under the provisions regulating nonconformities, and is subject to the standard zoning
47 requirements.

48 REVIEW OF VARIANCE APPROVAL REQUIREMENTS

49 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five
50 specific findings about a variance request as a prerequisite for approving the variance. Planning
51 Division staff has reviewed the application and offers the following draft findings.

- 52 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes
53 that the proposal is generally consistent with the Comprehensive Plan because it
54 represents the sort of reinvestment promoted by the Comprehensive Plan’s goals and
55 policies for residential areas.
- 56 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.*
57 Planning Division staff finds that the proposal is consistent with the intent of the zoning
58 ordinances because the zoning code intends to allow a residential property to include a
59 functional garage, and a taller garage is necessary to accommodate an overhead door that
60 conforms to current standards.
- 61 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division
62 staff believes that the proposal makes reasonable use of the subject property because the
63 locations of the house in front of the garage and the tennis court behind the garage make
64 it difficult to build a new garage in a location that conforms to setback requirements and
65 that can be accessed from the driveway.
- 66 **d.** *There are unique circumstances to the property which were not created by the*
67 *landowner.* Planning Division staff finds that the existing, nonconforming location of the
68 garage and the close proximity of the tennis court and the house were established long
69 before the applicant acquired the property, resulting in unique circumstances that were
70 not created by the landowner.
- 71 **e.** *The variance, if granted, will not alter the essential character of the locality.* Because the
72 proposed garage would continue to conform to the size limitations of the zoning code and
73 would not be built closer to the side property line than the existing garage, the variance,
74 if approved, would not negatively alter the character of the surrounding residential
75 neighborhood.

76 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to
77 permit adjustment to the zoning regulations where there are practical difficulties applying to a
78 parcel of land or building that prevent the property from being used to the extent intended by the
79 zoning.” The proposal appears to compare favorably with the above requirements essential for
80 approving variances, and rebuilding a garage in the same footprint but at a standard height would
81 not be allowed without a variance. Moreover, while there is a way to construct the proposed new
82 garage to meet zoning code requirements, doing so would make accessing the garage unusually
83 difficult. Planning Division staff believes that the substandard height of the existing garage and
84 the lack of suitable locations for a replacement garage represent a practical difficulty which the
85 variance process is intended to relieve.

86 **PUBLIC COMMENT**

87 At the time this report was prepared, Planning Division staff has not received any
88 communications from the public about the proposal.

89 **RECOMMENDED ACTION**

90 **Adopt a resolution approving the requested variance** to §1004.08.B (Residential Setbacks) to
91 allow the construction of a new garage at 1401 Roselawn Avenue to encroach up to 4 feet into
92 the required side yard setback, based on the proposed plans, the testimony offered at the public
93 hearing, and the comments and findings of this report, with the following condition:

94 The new garage shall be set back from the side property line at least one foot, or the same
95 distance as the existing garage, whichever is greater.

96 **ALTERNATIVE ACTIONS**

97 **Pass a motion to table the application for future action.** Tabling the variance to the July 11,
98 2018, meeting would require extension of the 60-day action deadline established in Minn. Stat.
99 15.99.

100 **Adopt a resolution denying the requested variance.** Denial of the application should be
101 supported by specific findings of fact based on the Variance Board's review of the application,
102 applicable City Code regulations, and the public record.

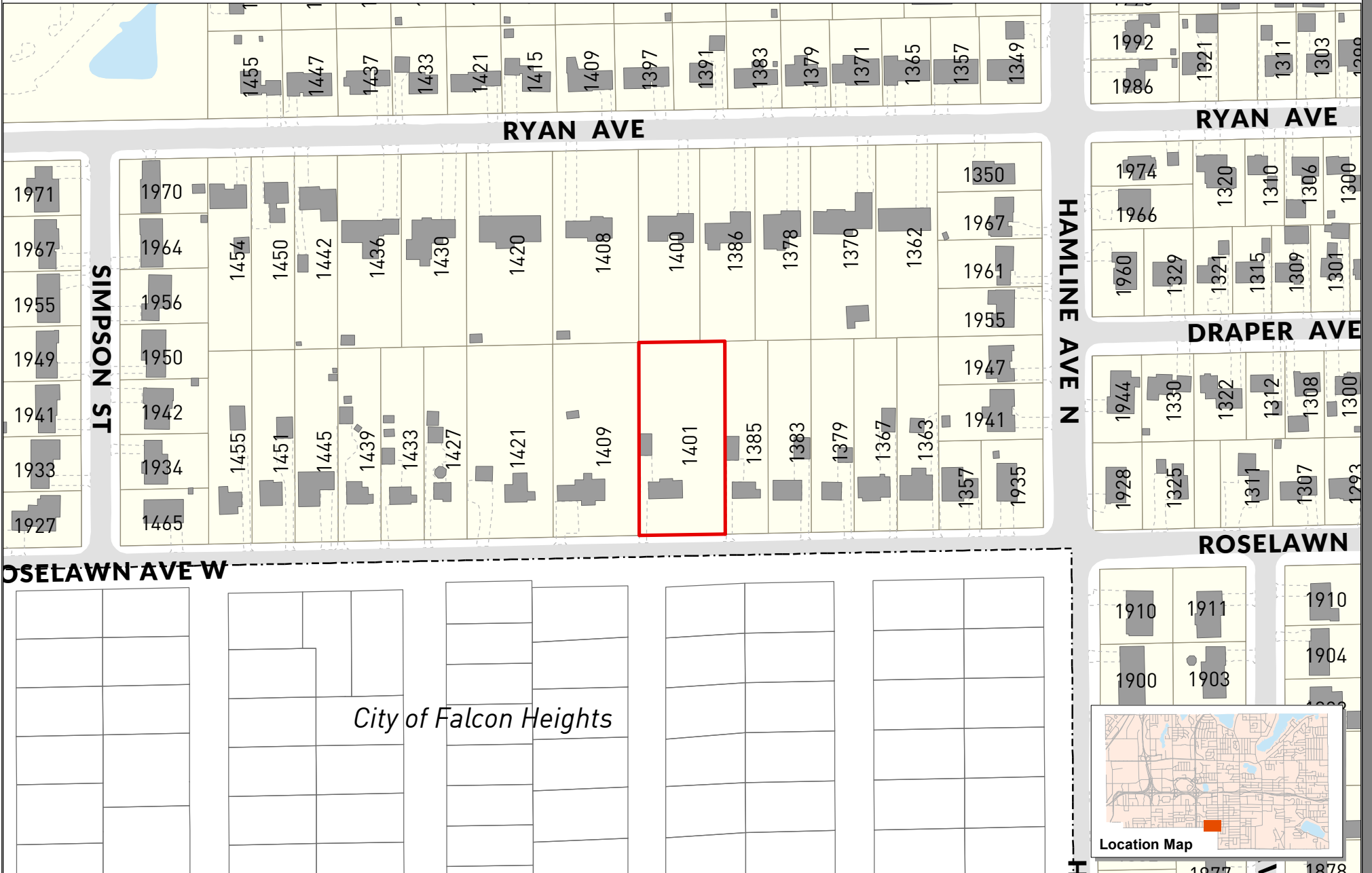
Prepared by Bryan Lloyd, Senior Planner, 651-792-7073

bryan.lloyd@cityofroseville.com

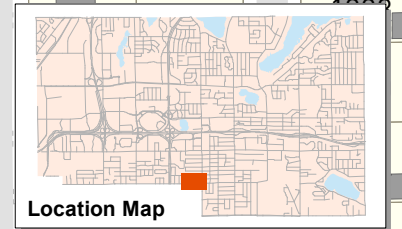
Attachments: A: Area map
B: Aerial photo

C: Narrative and Plans
D: Draft resolution

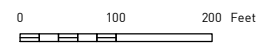
Attachment A for Planning File 18-007



City of Falcon Heights



Location Map



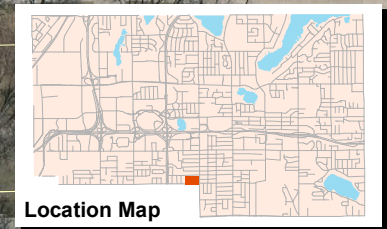
Prepared by:
Community Development Department
Printed: May 31, 2018



Data Sources
 * Ramsey County GIS Base Map (5/5/2018)
 For further information regarding the contents of this map contact:
 City of Roseville, Community Development Department,
 2660 Civic Center Drive, Roseville MN

Disclaimer
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

Attachment B for Planning File 18-007



Location Map



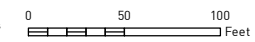
Prepared by:
Community Development Department
Printed: May 31, 2018



Site Location

Data Sources
* Ramsey County GIS Base Map (5/5/2018)
* Aerial Data: Sanborn (4/2017)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

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Tom Steiner



1401 Roselawn Ave W.,
Roseville, MN 55113



April 3, 2018

Greetings,

I am asking for a variance as part of plans to re-build my existing garage. The garage is approximately 40 feet in length and runs roughly a foot from my neighbor's property line. The intent is to put the garage on the same footprint it is currently on, with a few modifications.

The modifications include:

- lengthening the garage by three feet,
- widening it by four feet from 20 feet to 24 feet (the width increase would be entirely on the east side of my lot), and
- increasing the height by 2-3 feet

The rationale for rebuilding the garage is due to the general condition of the garage and having a garage door that is just over six foot in height and is too short to put one of our cars in the garage without removing the antennae. It will be too low as well to put a truck in it, which I would like to purchase at some point in the future. If I can build a new garage, I would like it to be four feet wider to allow for easier movement between the cars when they are parked in the garage and for additional storage. I also would like to increase the length by three feet to enable easier parking of two cars when parked front to back.

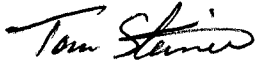
I did also consider building a garage that would be three cars in width, so that I would not need the three foot length variance I am requesting. However, that is not readily



possible given the location of our house. From a visual perspective, a three car garage would have a much more pronounced roof than I am currently requesting.

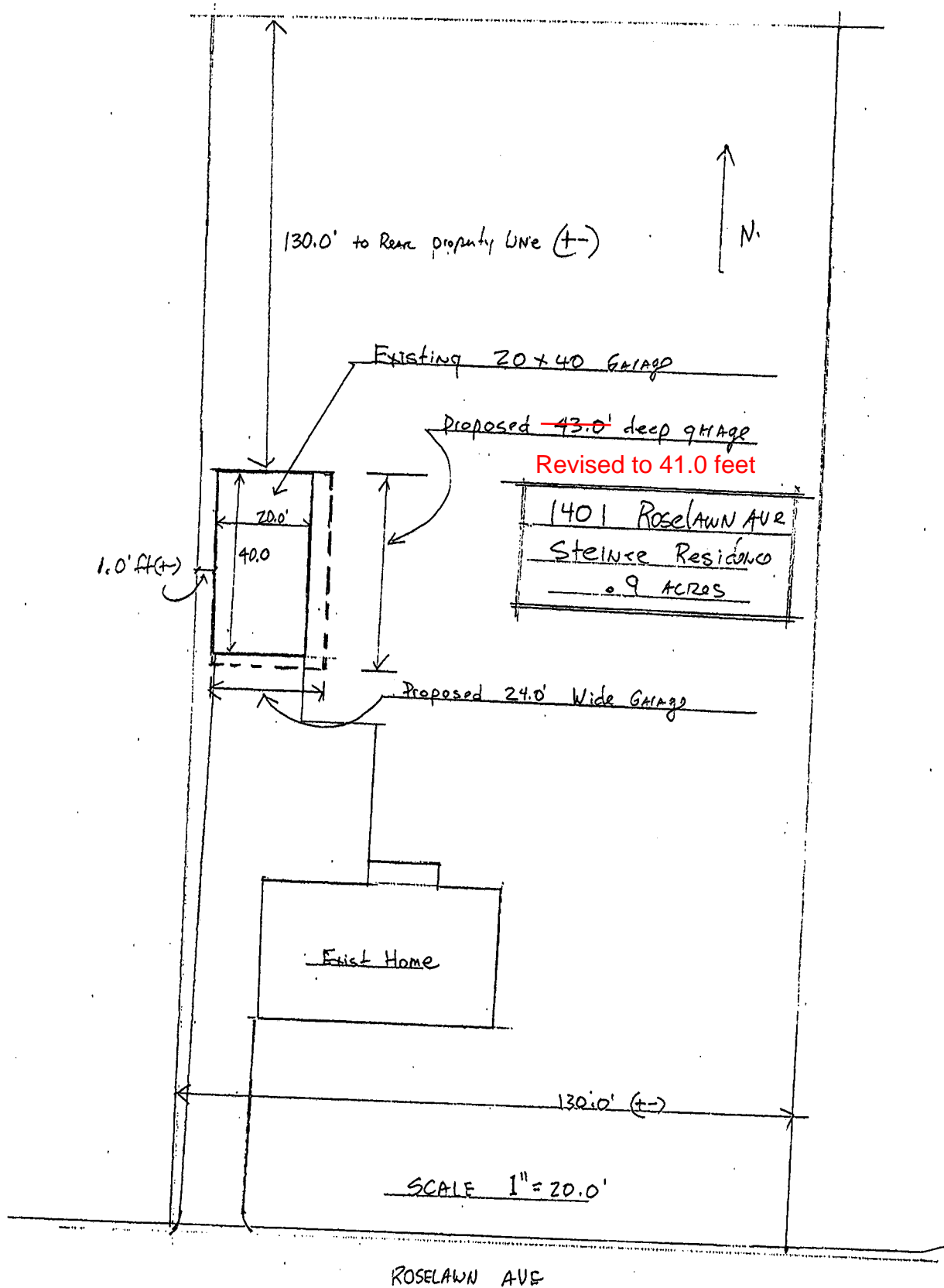
Let me know if there are questions. I appreciate your consideration

Regards,



Tom Steiner





**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 6th day of June 2018, at 5:30 p.m.

The following Members were present: _____;
and _____ were absent.

Variance Board Member _____ introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. ____

**A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,
RESIDENTIAL SETBACKS, AT 1401 ROSELAWN AVENUE (PF18-007)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 15-29-23-24-0083, and is legally described as Lot 8, Diedrich's Homesites, of Ramsey County, Minnesota; and

WHEREAS, City Code §1004.08.B (Residential Setbacks) requires accessory structures to be set back a minimum of 5 feet from side property lines; and

WHEREAS, Thomas Steiner, owner of the property at 1401 Roselawn Avenue, requested a variance to §1004.08.B to allow a proposed detached garage to encroach up to 4 feet into the required side yard setback; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning;" and

WHEREAS, the Variance Board has made the following findings:

- a. The substandard height of the existing garage and the lack of suitable locations for a replacement garage represent a practical difficulty which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan because it represents the sort of reinvestment promoted by the Comprehensive Plan's goals and policies for residential areas.
- c. The proposal is consistent with the intent of the zoning ordinances because the zoning code intends to allow a residential property to include a functional garage, and a taller garage is necessary to accommodate an overhead door that conforms to current standards.
- d. The proposal makes reasonable use of the subject property because the locations of the house in front of the garage and the tennis court behind the garage make it difficult to build a new garage in a location that conforms to setback requirements and that can be accessed from the driveway.

38 e. The existing, nonconforming location of the garage and the close proximity of the tennis
39 court and the house were established long before the applicant acquired the property,
40 resulting in unique circumstances that were not created by the landowner.

41 f. Because the proposed garage would continue to conform to the size limitations of the
42 zoning code and would not be built closer to the side property line than the existing
43 garage, the variance, if approved, would not negatively alter the character of the
44 surrounding residential neighborhood.

45 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve
46 the requested variance to §1004.08.B of the City Code, based on the proposed plans, the
47 testimony offered at the public hearing, and the above findings, subject to the following
48 condition:

49 The new garage shall be set back from the side property line at least one foot, or the
50 same distance as the existing garage, whichever is greater.

51 The motion for the adoption of the foregoing resolution was duly seconded by Variance
52 Board Member _____ and upon vote being taken thereon, the following voted in favor:

53 _____;
54 and _____ voted against;

55 WHEREUPON said resolution was declared duly passed and adopted.

56 *Variance Board Resolution No. ___ - 1401 Roselawn Avenue (PF18-007)*

57 STATE OF MINNESOTA)
58) ss
59 COUNTY OF RAMSEY)

60 I, the undersigned, being the duly qualified City Manager of the City of Roseville,
61 County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the
62 attached and foregoing extract of minutes of a regular meeting of said Roseville Variance Board
63 held on the 6th day of June 2018.

64 WITNESS MY HAND officially as such Manager this 6th day of June 2018.

65
66 Patrick Trudgeon, City Manager
67 SEAL

**REQUEST FOR VARIANCE BOARD ACTION
PUBLIC HEARING**

Agenda Date: 6/6/2018
Agenda Item: 6b

Item Description: Request for a variance to City Code §1004.08(B), “Dimensional Standards” for Low Density Residential (One-Family) District (LDR-1), to permit a home addition to encroach into the required side yard setback (PF18-009)

APPLICATION INFORMATION

Applicant: Will and Kate Defiel
 Location: 326 S McCarrons Boulevard, in Planning District 16
 Property Owner: Will and Kate Defiel

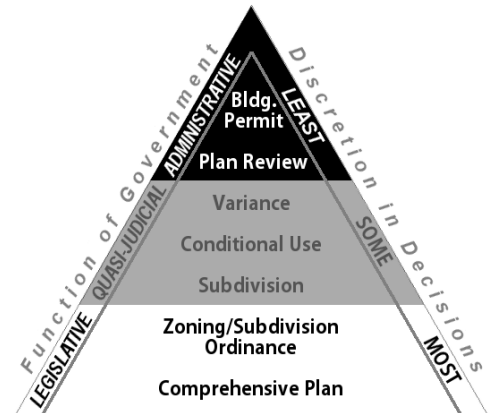
 Open House Meeting: NA
 Application Submission: received and considered complete on May 4, 2018
 City Action Deadline: July 3, 2018, per Minn. Stat. §15.99

GENERAL SITE INFORMATION			
Land Use Context			
	Existing Land Use	Guiding	Zoning
Site	Single-family detached	LR	LDR-1
North	McCarrons Lake	Lake	
West	Single-family detached	LR	LDR-1
East	Single-family detached	LR	LDR-1
South	Tamarack Park	POS	PR

Natural Characteristics: The site slopes up significantly from the front to the rear.
 Planning File History: none

LEVEL OF CITY DISCRETION IN DECISION-MAKING

Action taken on a variance is **quasi-judicial**; the City’s role is to determine the facts associated with the request, and weigh those facts against the legal standards contained in State Statute and City Code.



1 **BACKGROUND AND PROPOSAL OVERVIEW**

2 The subject parcel is Lot 27, Block 1 of the 1939 Rolling Green plat. Ramsey County reports
3 that the home was built in 1903. Based on the survey provided with this application, the existing
4 house stands as little as 1.5 feet from the western property line. Therefore, while the existing side
5 yard setback fails to conform to the minimum setback specified in the zoning requirements, it is
6 considered a legal, nonconforming condition because the house was established on the property
7 prior to Roseville’s adoption of a zoning code in 1959. The lot, itself, is only 50 feet wide, in
8 contrast to the 85-foot minimum width that would have been required when the subdivision code
9 was adopted in 1956—and to the 100-foot minimum width that is currently required of shoreland
10 lots such as this. But while the lot fails to conform to the current width and area requirements, it
11 is considered a legal, nonconformity because it was platted before 1956.

12 The homeowners are preparing to rebuild and expand the house. The proposed new interior
13 spaces would either conform to setback requirements or be built as a second story on the existing
14 footprint. Portions of the proposed second story family room and the proposed front balcony,
15 however, would represent an increase in the amount of the structure standing within the required
16 side yard setback.

17 Because the proposal would create impervious coverage that exceeds 25% of the parcel area, the
18 excess impervious surface area can be accommodated through the administrative Residential
19 Storm Water Permit process, and need not be considered as part of the requested variance. The
20 proposed site plan, elevation drawings, and written narrative detailing the proposal are included
21 with this report as Attachment C.

22 **VARIANCE ANALYSIS**

23 City Code §1004.08.B (Residential Setbacks) requires principal structures in the LDR-1 zoning
24 district to be set back at least 5 feet from side property lines. Minimum side yard setback
25 requirements in a residential district are primarily intended to preserve sufficient space in side
26 yards to maintain adjacent structures, but setbacks also coordinate with building codes to ensure
27 adequate fire separation from other properties. Notwithstanding the standard setback
28 requirement, City Code §1002.04 (Nonconformities) would allow a home to be rebuilt in the
29 same location as the existing, nonconforming home, as long as the new construction did not
30 create new nonconforming conditions or exacerbate the existing nonconformities.

31 Because some of the proposed home additions would be taller than portions of the existing
32 structure standing within the required side yard setback, it would introduce more of the structure
33 in the nonconforming location. For this reason, these parts of the proposed new addition cannot
34 be built under the provisions regulating nonconformities, and they are subject to the standard
35 zoning requirements.

36 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

37 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five
38 specific findings about a variance request as a prerequisite for approving the variance. Planning
39 Division staff has reviewed the application and offers the following draft findings.

- 40 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes
41 that the proposal is generally consistent with the Comprehensive Plan because it
42 represents the sort of reinvestment promoted by the Comprehensive Plan’s goals and
43 policies for residential areas.

- 44 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.*
45 Planning Division staff finds that the proposal is consistent with the intent of the zoning
46 ordinances because the zoning code includes provisions for allowing limited
47 encroachments into required setbacks to facilitate updates to older homes, especially
48 those on substandard lots.
- 49 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division
50 staff believes that the proposal makes reasonable use of the subject property because
51 rebuilding or remodeling the house to completely conform to the setback requirements on
52 such a narrow lot would be very difficult and restrictive.
- 53 **d.** *There are unique circumstances to the property which were not created by the*
54 *landowner.* Planning Division staff finds that the existing, nonconforming location of the
55 house and the substandard size of the lot were established long before the applicant
56 acquired the property, resulting in unique circumstances that were not created by the
57 landowner.
- 58 **e.** *The variance, if granted, will not alter the essential character of the locality.* Because the
59 proposed home additions would continue to conform to the size limitations of the zoning
60 code and would not be built closer to the side property line than the existing structure, the
61 variance, if approved, would not negatively alter the character of the surrounding
62 residential neighborhood.

63 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to
64 permit adjustment to the zoning regulations where there are practical difficulties applying to a
65 parcel of land or building that prevent the property from being used to the extent intended by the
66 zoning.” The proposal appears to compare favorably with the above requirements essential for
67 approving variances. Moreover, while the home could be remodeled to meet zoning code
68 standards, doing so would either require the demolition of usable parts of the existing structure to
69 accommodate a uniform second story, or it would limit the places where a second story could be
70 built, leading to an unusual arrangement of one- and two-story parts of the home. Planning
71 Division staff believes that the constraints inherent to remodeling a nonconforming house on
72 such a small lot represent a practical difficulty which the variance process is intended to relieve.

73 **PUBLIC COMMENT**

74 At the time this report was prepared, Planning Division staff has not received any
75 communications from the public about the proposal.

76 **RECOMMENDED ACTION**

77 **Adopt a resolution approving the requested variance** to §1004.08.B (Residential Setbacks) to
78 allow the proposed home additions at 326 S McCarrons Boulevard to encroach up to 3.5 feet into
79 the required side yard setback, based on the proposed plans, the testimony offered at the public
80 hearing, and the comments and findings of this report.

81 **ALTERNATIVE ACTIONS**

82 **Pass a motion to table the application for future action.** Tabling the variance to the July 11,
83 2018, meeting would require extension of the 60-day action deadline established in Minn. Stat.
84 15.99.

85 **Adopt a resolution denying the requested variance.** Denial of the application should be
86 supported by specific findings of fact based on the Variance Board's review of the application,
87 applicable City Code regulations, and the public record.

Prepared by Bryan Lloyd, Senior Planner, 651-792-7073

bryan.lloyd@cityofroseville.com

Attachments: A: Area map
B: Aerial photo

C: Narrative and Plans
D: Draft resolution

Attachment A for Planning File 18-009



Prepared by:
Community Development Department
Printed: May 29, 2018



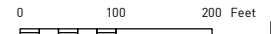
Site Location

Data Sources

* Ramsey County GIS Base Map (5/5/2018)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

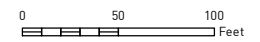


Attachment B for Planning File 18-009



Data Sources
* Ramsey County GIS Base Map (5/5/2018)
* Aerial Data: Sanborn (4/2017)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

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May 3, 2018

City of Roseville, Minnesota
Department of Community Development
220 Civic Center Drive
Roseville, MN 55113

Variance Application Narrative
Will and Kate Defiel
326 S McCarrons Blvd.
Roseville, MN 55113

Department of Community Development:

The following narrative regards the property at 326 S McCarrons Blvd. The legal description for the property is: **(insert legal description from property deed here)** The property index number (PIN) is: 132923420027

Pending approval of the requested zoning variance, the proposed renovation of and addition to the existing home at 326 S McCarrons Boulevard will retain and increase the wall height above the existing non-conforming West living room wall of the existing structure, which sits at most 2'-1" beyond the minimum side yard setback. The existing front living room building mass is a one-story space; the proposed design raises the soffit height above grade from 7'-6" to 18'-0". The existing two-story building mass is existing non-conforming at the west side-yard setback and will remain without alteration. The proposed renovation and addition work is intended to strategically update a home, originally built in the early 1900's, for the enjoyment and comfortable living of a young and growing family, while retaining and building upon as much of the existing structure as possible.

In total, the proposed design will retain much of the existing home, including the Kitchen, Living Room, Dining Room, bathroom, and existing Bedroom #3, all on the first floor. The existing non-conforming one-story garage structure at the North East of the property will be demolished, and a new garage and front entry enclosure will be constructed in conformance with the required East side yard setback. Above the new garage and the existing rear bedroom, a Master suite is proposed at a second-floor addition. A new 3-season porch at the first level, and a new second floor bedroom are proposed at the rear of the house. At present, the existing second floor encloses two bedrooms. These spaces will be modified to retain the West existing bedroom and create a hallway and new bathroom to the East. Above the existing one-story family room, a second-floor den is proposed, with an exterior balcony overlooking Lake McCarrons. The house will be converted from a three-bedroom, one-bathroom house, to a four-bedroom, three-bathroom house, with an additional den space for informal family use.

The property and structure at 326 McCarrons Boulevard were purchased by the homeowners with an intent to enjoy the property with their future growing family. In developing a scheme to efficiently renovate the structure and respectfully grow the home within the neighborhood fabric, the proposed design intends to retain the home's character and much of the structure itself. **The existing non-conforming setback conditions of the 100-year old home present a practical difficulty for the efficient construction of a new 2nd floor addition.** The existing non-conforming West living room walls form the structural perimeter of the home's first floor. The proposed addition of a 2nd floor above the existing wall framing provides an efficient structural strategy with a simple gabled massing and a pleasing exterior aesthetic. Alternatively, if the new 2nd floor massing were to comply with the required West setback, the new upper structure would 'step away' from the first-floor Western wall. Such an offset at the second-floor wall would add considerable structural complexity and create an awkward exterior building massing. For this reason, we request that a variance be permitted to allow the

construction of a new 2nd floor addition at the same setback as that of the existing first floor non-conforming structural framing.

We ask that the requested variance be permitted for the following reasons:

1. The proposal is consistent with the City of Roseville's Comprehensive Plan:

- The requested variance permits proposed improvements be made which are consistent with the Comprehensive Plan's goal to meet community housing needs through the following actions:
 - Creating housing that contributes and improves upon the existing neighborhood.
 - Preserving existing housing and resulting in the continued maintenance and improvement of existing residences.
 - Creating variety in housing product sizes within a neighborhood that contains a high percentage of single family homes built during the middle part of the 20th century.

2. The proposal is in harmony with the purposes and intent of the zoning ordinances.

- The requested variance permits proposed improvements which are in harmony with the zoning ordinances' stated intent to (B) protect and enhance the character, stability, and vitality of residential neighborhoods, (C) promote orderly redevelopment, and (M) protect and enhance real property values (Roseville Zoning Code - 1001.03).

3. The proposal puts the subject property to use in a reasonable manner.

- The requested variance and subsequent additions and renovations continue to use the subject property for a single-family residential use, in conformance with the manner of use set forth by its LDR-1 zoning district.

4. There are unique circumstances to the property which were not created by the landowner.

- The lot at 326 McCarrons Boulevard. features an existing one and two-story structure with both East and West non-conforming perimeter walls; these unique circumstances were not created by us, the current landowners, but rather inherited through purchase of the property and structure.

5. The variance, if granted, will not alter the essential character of the locality.

- The proposed additions and renovations continue and enhance upon the existing design of the home's exterior, thus maintaining the essential character of the Lake McCarrons locality

Thank you for your consideration of our proposal.

Sincerely,

Will and Kate Defiel, Homeowners
326 S. McCarrons Boulevard, Roseville, MN 55113

SITE AREA TOTALS - EXISTING HOME:

- LOT AREA:	7,145 SF
- BUILDING FOOTPRINT AREA:	1,227 SF
- IMPERVIOUS AREA:	650 SF TOTAL
-- EXISTING PAVED DRIVEWAY	415 SF
-- EXISTING FRONT PATIO:	145 SF
-- EXISTING REAR CONCRETE PAD #1:	70 SF
-- EXISTING REAR CONCRETE PAD #2:	20 SF
- 'PERVIOUS' AREA:	0 SF
- TOTAL IMPROVEMENT AREA:	1,877 SF

SITE COVERAGE CALCULATIONS:

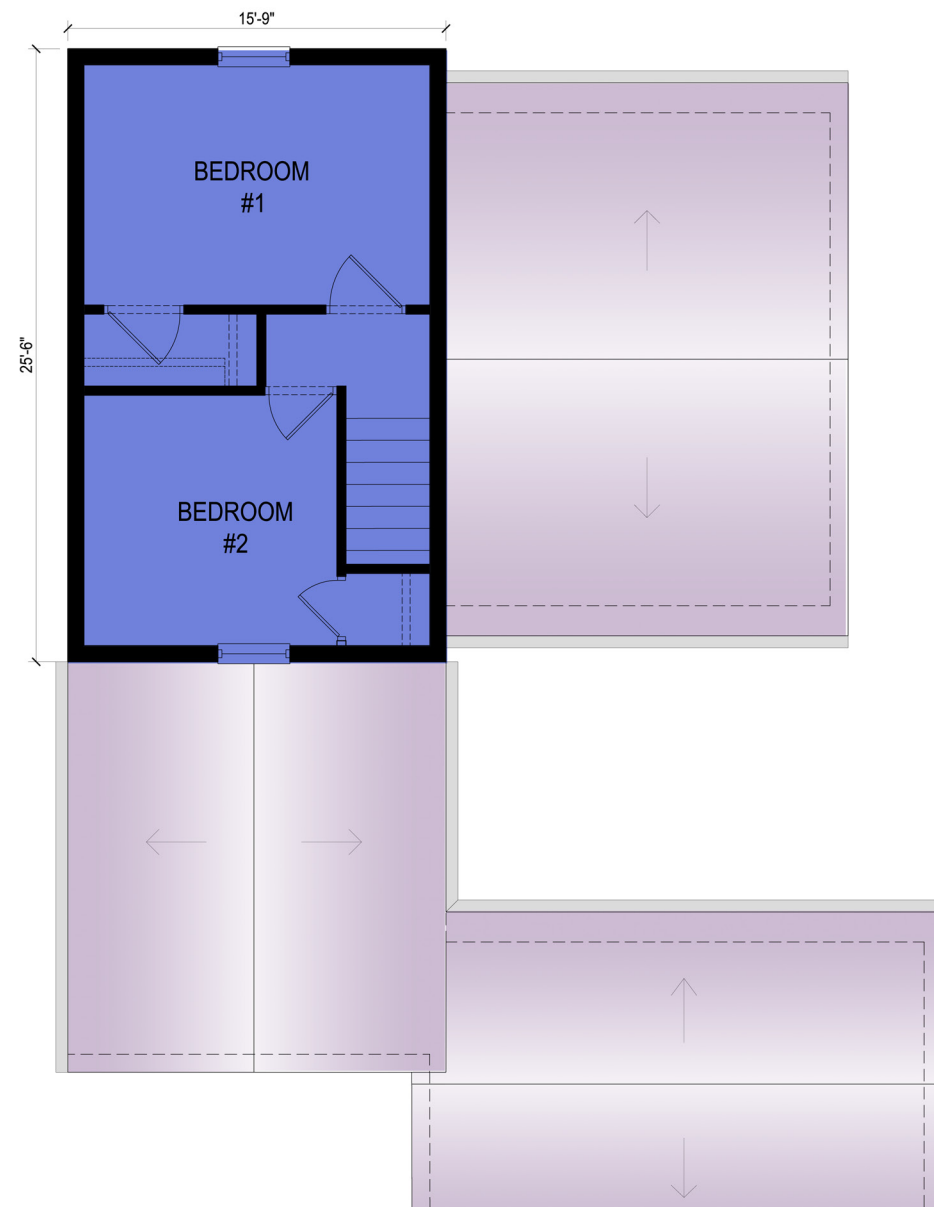
- IMPROVEMENT AREA / LOT AREA:	26.3 %
- BUILDING FOOTPRINT / LOT AREA:	17.2 %
- IMPERVIOUS AREA / LOT AREA:	9.1 %
- (BUILDING + IMPERVIOUS) / LOT AREA:	26.3 %



SITE AREA TOTALS - PROPOSED HOME:

- LOT AREA:	7,843 SF	SITE COVERAGE CALCULATIONS:	
- BUILDING FOOTPRINT AREA:	1,544 SF	- IMPROVEMENT AREA / LOT AREA:	40.9 %
- IMPERVIOUS AREA:	1,140 SF TOTAL	- BUILDING FOOTPRINT / LOT AREA:	19.7 %
-- NEW PAVED DRIVEWAY	1,000 SF	- IMPERVIOUS AREA / LOT AREA:	14.5 %
-- STORAGE SHED ON PROPERTY	140 SF	- (BUILDING + IMPERVIOUS) / LOT AREA:	34.2 %
- 'PERVIOUS' AREA:	528 SF TOTAL		
-- NEW FRONT BALCONY	232 SF		
-- NEW REAR DECK:	328 SF		
- TOTAL IMPROVEMENT AREA:	3,212 SF		

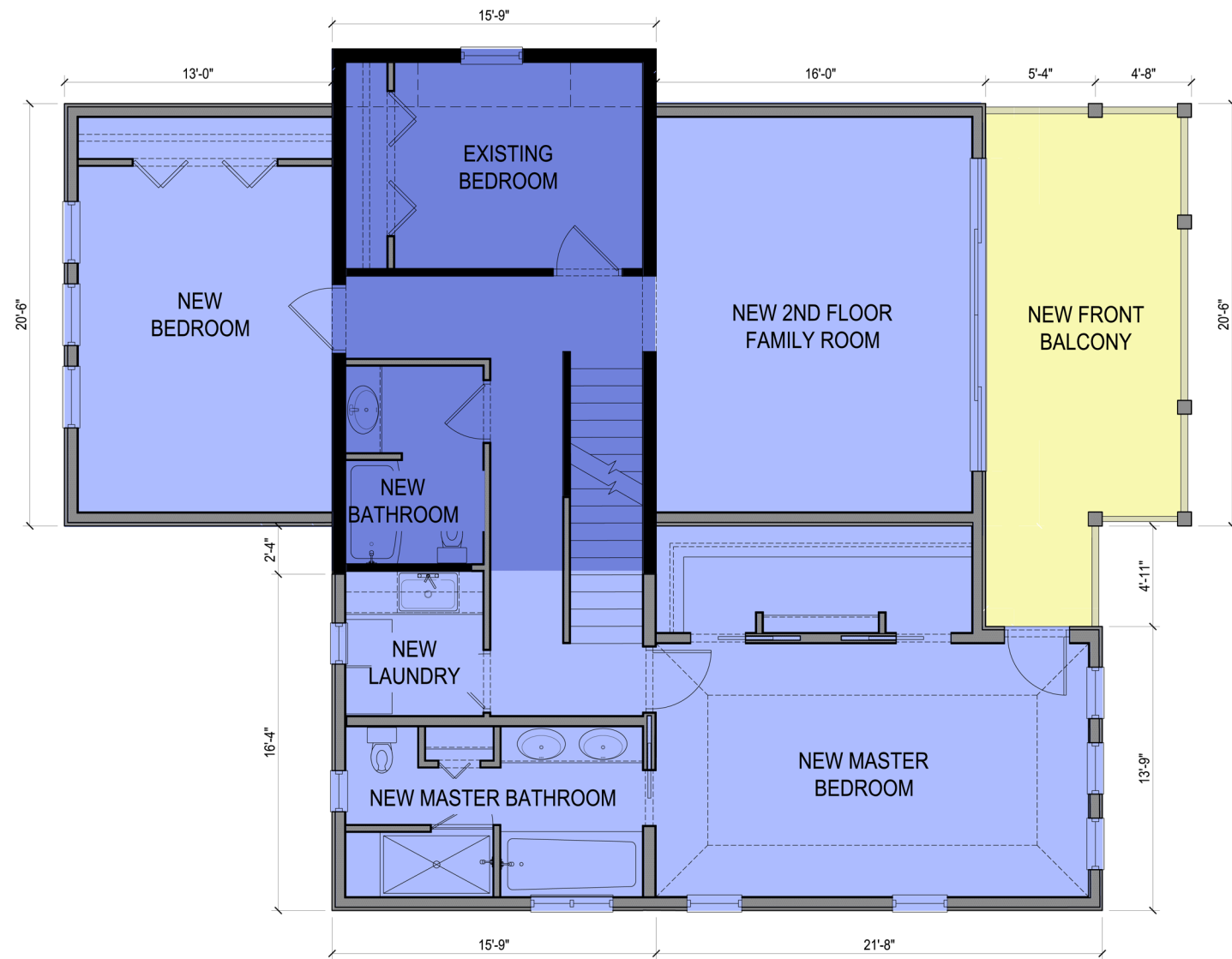


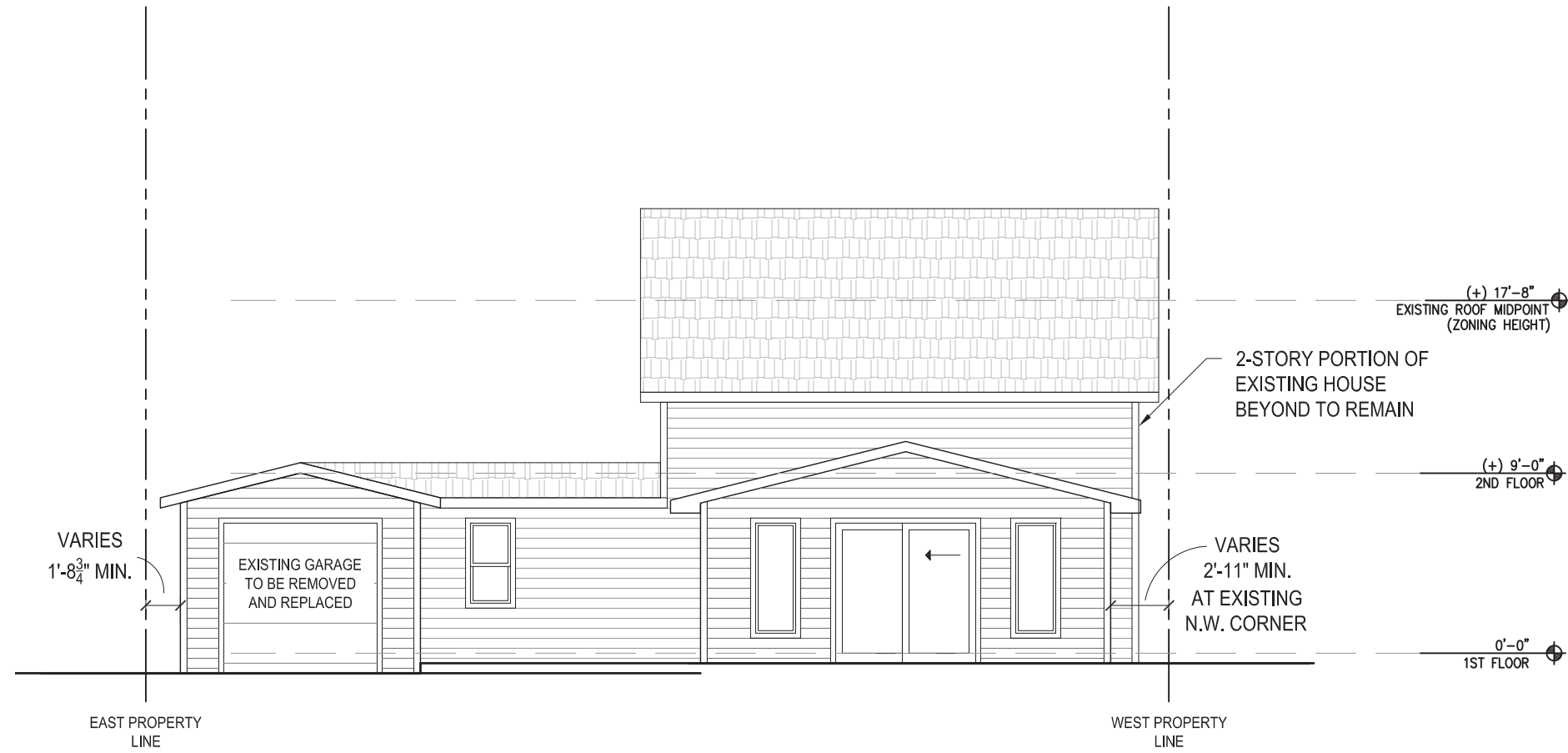


2 - EXISTING 2ND FLOOR PLAN



1 - EXISTING 1ST FLOOR PLAN







**EXTRACT OF MINUTES OF MEETING OF THE
VARIANCE BOARD OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of Roseville, County of Ramsey, Minnesota, was held on the 6th day of June 2018, at 5:30 p.m.

The following Members were present: _____;
and _____ were absent.

Variance Board Member _____ introduced the following resolution and moved its adoption:

VARIANCE BOARD RESOLUTION NO. ____

**A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,
RESIDENTIAL SETBACKS, AT 326 S MCCARRONS BOULEVARD (PF18-009)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 13-29-23-42-0027, and is legally described as Lot 27, Block 1, Rolling Green, of Ramsey County, Minnesota; and

WHEREAS, City Code §1004.08.B (Residential Setbacks) requires principal structures to be set back a minimum of 5 feet from side property lines; and

WHEREAS, William Defiel, owner of the property at 326 S McCarrons Boulevard, requested a variance to §1004.08.B to allow a proposed home addition to encroach up to 3.5 feet into the required side yard setback; and

WHEREAS, City Code §1009.04 (Variances) establishes the purpose of a variance is "to permit adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning;" and

WHEREAS, the Variance Board has made the following findings:

- a. The constraints inherent to remodeling a nonconforming house on such a small lot represent a practical difficulty which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan because it represents the sort of reinvestment promoted by the Comprehensive Plan's goals and policies for residential areas.
- c. The proposal is consistent with the intent of the zoning ordinances because, the zoning code includes provisions for allowing limited encroachments into required setbacks to facilitate updates to older homes, especially those on substandard lots.
- d. The proposal makes reasonable use of the subject property because rebuilding or remodeling the house to completely conform to the setback requirements on such a narrow lot would be very difficult and restrictive.
- e. The existing, nonconforming location of the house and the substandard size of the lot were established long before the applicant acquired the property, there are unique circumstances that were not created by the landowner.

38 **f.** Because the proposed home additions would continue to conform to the size limitations
39 of the zoning code and would not be built closer to the side property line than the
40 existing structure, the variance, if approved, would not negatively alter the character of
41 the surrounding residential neighborhood.

42 NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve
43 the requested 3.5-foot variance to §1004.08.B of the City Code, based on the proposed plans,
44 the testimony offered at the public hearing, and the above findings.

45 The motion for the adoption of the foregoing resolution was duly seconded by Variance
46 Board Member _____ and upon vote being taken thereon, the following voted in favor:

47 _____;

48 and _____ voted against;

49 WHEREUPON said resolution was declared duly passed and adopted.

50 *Variance Board Resolution No. ____ – 326 S McCarrons Boulevard (PF18-009)*

51 STATE OF MINNESOTA)
52) ss
53 COUNTY OF RAMSEY)

54 I, the undersigned, being the duly qualified City Manager of the City of Roseville,
55 County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the
56 attached and foregoing extract of minutes of a regular meeting of said Roseville Variance Board
57 held on the 6th day of June 2018.

58 WITNESS MY HAND officially as such Manager this 6th day of June 2018.

59
60 Patrick Trudgeon, City Manager
61 SEAL