

**ROSEVILLE**  
**VARIANCE BOARD**  
**REGULAR MEETING AGENDA**

**Wednesday, September 2, 2020 at 5:30 p.m.**

Following guidance from state health officials, Variance Board Members will participate in upcoming meetings electronically pursuant to Minn. Stat. § 13D.021.

Members of the public who wish speak during public comment or an agenda item during this meeting can do so virtually by registering at [www.cityofroseville.com/attendmeeting](http://www.cityofroseville.com/attendmeeting)

1. **Call to Order**
2. **Roll Call & Introductions**
3. **Approval of Agenda**
4. **Review of Minutes:** August 5, 2020
5. **Public Hearing**
  - a. Consider a **variance** to City Code §1004 (Residential Setbacks) to allow a garage addition that would encroach into the required front yard setback at 640 Eldridge Avenue (PF20-020)
  - b. Consider a **variance** to City Code §1004 (Residential Setbacks) to allow a rebuilt detached garage to encroach into the required side yard setback at 2666 Matilda Street (PF20-022)
  - c. Consider a **variance** to City Code §1017 (Shoreland Setbacks) to allow a home addition to encroach into the required shoreline setback at 3079 Sandy Hook Drive (PF20-023)
6. **Adjourn**



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, August 5, 2020 – 5:30 p.m.**

- 1 **1. Call to Order**  
2 Chair Sparby called to order the regular meeting of the Variance Board meeting at  
3 approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.  
4
- 5 **2. Roll Call & Introductions**  
6 At the request of Chair Sparby, City Planner Thomas Paschke called the Roll.  
7
- 8 **Members Present:** Chair Peter Sparby; Vice Chair Michelle Pribyl; and Member  
9 Michelle Kruzel.  
10
- 11 **Members Absent:** None  
12
- 13 **Staff Present:** City Planner Thomas Paschke, Community Development Director  
14 Janice Gundlach, Senior Planner Bryan Lloyd and Community  
15 Development Department Assistant Staci Johnson  
16
- 17 **3. Approval of Agenda**  
18
- 19 **MOTION**  
20
- 21 **Member Kruzel moved, seconded by Member Pribyl to approve the agenda as**  
22 **presented.**  
23
- 24 **Ayes: 3**  
25 **Nays: 0**  
26 **Motion carried.**  
27
- 28 **4. Review of Minutes: June 3, 2020**  
29 **MOTION**  
30 Chair Sparby indicated on Items 3 and 4 there is listed 4 ayes and because the board  
31 consists of 3 members it should be revised to reflect that. He noted the alternate member  
32 was present due to a recusal on one of the items, but all items only had 3 members voting.  
33
- 34 **Member Pribyl moved, seconded by Member Kruzel to approve the June 3, 2020**  
35 **meeting minutes.**  
36
- 37 **Ayes: 3**  
38 **Nays: 0**  
39 **Motion carried.**  
40
- 41 **5. Public Hearing**

42 Chair Sparby reviewed protocol for Public Hearings and public comment and opened the  
43 Public Hearing at approximately 5:37 p.m.

44

45 **a. PLANNING FILE 20-017**

46 **Request by Studio Kay Design, LLC for a Variance to City Code §1004.08**  
47 **(Residential Setbacks) to allow a home addition that would encroach into the**  
48 **required reverse-corner side yard setback at 1972 Prior Avenue North.**

49 Senior Planner Lloyd reviewed the variance request for this property, as detailed in  
50 the staff report dated August 5, 2020. He noted staff has not received any comments  
51 or concerns from residents in the area.

52

53 Member Pribyl indicated on the elevations submitted it looks like there is a basement  
54 level under the first floor and wondered if it would be a full basement as well as the  
55 first-floor addition.

56

57 Mr. Lloyd indicated he was not seeing any information on that.

58

59 Ms. Amanda Kay, Studio Kay Designs, indicated there is a lower level plan for this as  
60 well.

61

62 Member Pribyl noted there is a large maple tree in the area, and she assumed that  
63 would be coming down without a requirement for a replacement.

64

65 Mr. Lloyd indicated that is correct. Roseville does have a tree replacement ordinance  
66 that takes effect in certain situations but none of those situations are triggered on this  
67 plan. He thought if some trees are removed as a function of this addition, there would  
68 not be a requirement by the City to replace the tree.

69

70 Chair Sparby asked for information on what trees will be taken down along Ryan  
71 Avenue.

72

73 Mr. Lloyd indicated staff has not received any plans or details on that yet, the only  
74 thing received was the site plan. He assumed the trees along Ryan would be outside  
75 of the proposed expansion, but the trees could be removed or preserved without the  
76 city regulating it.

77

78 Ms. Kay explained this project is a new addition for the homeowners to expand some  
79 much-needed space and she just noticed the house is quite a bit back from the Ryan  
80 Avenue line then most of the other houses on the block. By adding this addition, this  
81 home will be more in line with the other homes except for the house directly next to  
82 this house. She felt the addition will improve the curbside appearance of the block  
83 and would fit in well in the neighborhood.

84

85 Member Pribyl asked if there have been conversations with the immediate neighbors  
86 about any comments or concerns about the design or support.

87

88 Mr. Eric Schwartz, homeowner, indicated he has talked to the neighbors and have not  
89 had any complaints and have been ok with the addition as far as he knew.

90  
91 Chair Sparby invited the public to speak with no one coming forward, Chair Sparby  
92 closed the public hearing at 5:50 p.m.

93  
94 Member Pribyl indicated that looking at the proposed plan it seems like a really  
95 sensitive nice addition to the home and good addition to the neighborhood. She did  
96 not see a reason not to support the variance.

97  
98 Member Kruzel indicated she would support this as well.

99  
100 Chair Sparby agreed with the other members of the Variance Board and thought this  
101 seemed like a good addition that is going to fit in well with the character of the  
102 neighborhood. He thought staff summarized this very well in the report provided.

103  
104 **MOTION**

105 **Member Pribyl moved, seconded by Member Kruzel, adoption of Variance**  
106 **Board Resolution No. 149 (Attachment D), entitled “A Resolution Approving a**  
107 **Variance To Roseville City Code §1004.08.B, Residential Setbacks, at 1972 Prior**  
108 **Avenue (PF20-017).”**

109  
110 **Ayes: 3**

111 **Nays: 0**

112 **Motion carried.**

113  
114 **6. Adjourn**

115  
116 **MOTION**

117 **Member Kruzel, seconded by Member Pribyl, to adjourn the meeting at 5:54**  
118 **p.m.**

119  
120 **Ayes: 3**

121 **Nays: 0**

122 **Motion carried.**

123

**ROSEVILLE**  
**REQUEST FOR VARIANCE BOARD ACTION**

Date: September 2, 2020  
 Item No. 5a

Department Approval

*Janice Gundlach*

**Agenda Section**  
 Public Hearings

Item Description: Request for variances to City Code §1004 (Residential Setbacks) to allow a garage addition that would encroach into the required front yard setback (PF20-020)

**APPLICATION INFORMATION**

Applicant: Nicole Pierce  
 Location: 640 Eldridge Avenue  
 Property Owner: Bartt and Nicole Pierce  
 Application Submittal: Submitted and Considered complete July 24, 2020  
 City Action Deadline: September 22, 2020, per Minn. Stat. 15.99

**GENERAL SITE INFORMATION**

Land Use Context

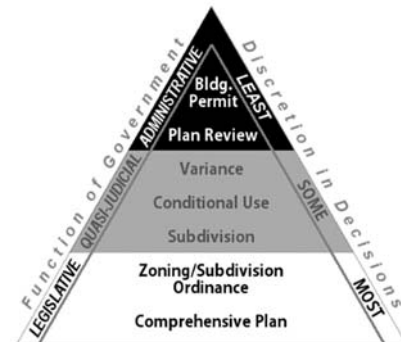
	Existing Land Use	Guiding	Zoning
<b>Site</b>	One-family residence, detached	LR	LDR-1
<b>North</b>	One-family residence, detached	LR	LDR-1
<b>West</b>	One-family residence, detached	LR	LDR-1
<b>East</b>	One-family residence, detached	LR	LDR-1
<b>South</b>	One-family residence, detached	LR	LDR-1

Notable Natural Features: Large elevation difference between front and rear yards

Planning File History: none

**LEVEL OF CITY DISCRETION IN DECISION-MAKING**

Action taken on variance requests is **quasi-judicial**.



1 **BACKGROUND**

2 According to Ramsey County’s property data, the home was originally built in 1955. The house appears  
3 to have been built with a tuck-under garage that was converted at some point to additional storage space,  
4 with the original overhead garage door being replaced by French doors. The applicant has been trying to  
5 design a feasible plan to create a two-stall garage on the property, and had committed significant  
6 resources to a plan to restore the existing, tuck-under stall with an additional stall beside it, where  
7 extensive excavation would be necessary given the large elevation difference between the front and rear  
8 yards. While this plan would have likely conformed to all applicable zoning standards, it would have  
9 clearly been a compromise between zoning conformance and practical usability; the reclaimed stall  
10 would have had a lower clearance height than modern standards, and the existing exterior wall would  
11 have remained as a full wall between the two stalls. Ultimately, the homeowner could not reconcile the  
12 extent of these compromises with the very high excavation and construction costs. This process led the  
13 applicant to the current, more tenable compromise of seeking the variances needed to build a very  
14 modest, 20-foot by 24-foot garage addition onto the front of the home. The proposed garage addition is  
15 illustrated, and the process of arriving at the proposal is described, in Attachment C.

16 When exercising the “quasi-judicial” authority on variance requests, the role of the City is to determine  
17 the facts associated with a particular proposal and apply those facts to the legal standards contained in  
18 the ordinance and relevant state law.

19 **VARIANCE ANALYSIS**

20 City Code §1004.08.B (Residential Setbacks) requires structures in the LDR-1 zoning district to be set  
21 back at least 30 feet from the front property lines in order to preserve more or less uniform front yard  
22 setbacks along residential, although the zoning code does not strictly mandate such uniformity. Homes  
23 are permitted to be built at greater setback distances, and provisions exist to allow homes to be built at  
24 reduced setbacks where other existing houses are already less than 30 feet from front property lines. The  
25 proposed 20-foot garage addition would encroach 20 feet into this required front yard setback.

26 City Code §1004.05.A (Design Standards) basically prohibits forward-facing overhead garage doors  
27 from projecting more than five feet in front of the residential portion of the house. The general purpose  
28 of this provision is to ensure that the residence itself, rather than the garage, remains visibly the  
29 predominant use of a residentially zoned property. The proposed garage addition would place the  
30 overhead garage doors about 20 feet in front of the rest of the home.

31 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

32 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit  
33 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or  
34 building that prevent the property from being used to the extent intended by the zoning.” State statute  
35 further clarifies that “economic considerations alone do not constitute practical difficulties.” Planning  
36 Division staff finds the great expense (caused by the steep grades on the property) of building a garage  
37 addition that conforms to the applicable zoning standards, when coupled with the significantly  
38 compromised usability of the resulting garages, represents a practical difficulty which the variance  
39 process is intended to relieve.

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

- 43 a. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
 44 the proposal is generally consistent with the Comprehensive Plan because it represents a standard  
 45 amenity on a residential property and embodies the sort of continued investment promoted by the  
 46 Comprehensive Plan’s goals and policies for residential neighborhoods.
- 47 b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning  
 48 Division staff finds the proposal to be inconsistent with the intent of the zoning ordinances  
 49 because the garage addition would project far in front of the house and encroach deep into the  
 50 front yard setback in a neighborhood with generally (if not completely) uniform setbacks.
- 51 c. *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff  
 52 believes that the proposal makes reasonable use of the subject property because the garage  
 53 addition would create a modest two-stall garage where no garage currently exists.
- 54 d. *There are unique circumstances to the property which were not created by the landowner.*  
 55 Planning Division staff finds that the lack of an existing garage stall and the steep topography of  
 56 the property are unique circumstances that were not created by the landowner.
- 57 e. *The variance, if granted, will not alter the essential character of the locality.* Although the  
 58 proposal would create a large encroachment into the front yard which would be atypical of the  
 59 surrounding neighborhood, the garage addition is clearly residential in nature and the variance, if  
 60 approved, would not negatively alter the character of the surrounding residential neighborhood.

61 **PUBLIC COMMENT**

62 At the time this RVBA was prepared, Planning Division staff has not received any comments or  
 63 questions about the proposed garage addition.


64 **RECOMMENDED ACTION**

65 **Adopt a resolution approving the requested variances to the required minimum front yard**  
 66 **setback and the maximum forward projection of front-facing overhead garage doors at 640**  
 67 **Eldridge Avenue**, based on the content of this RVBA, public input, and Variance Board deliberation.

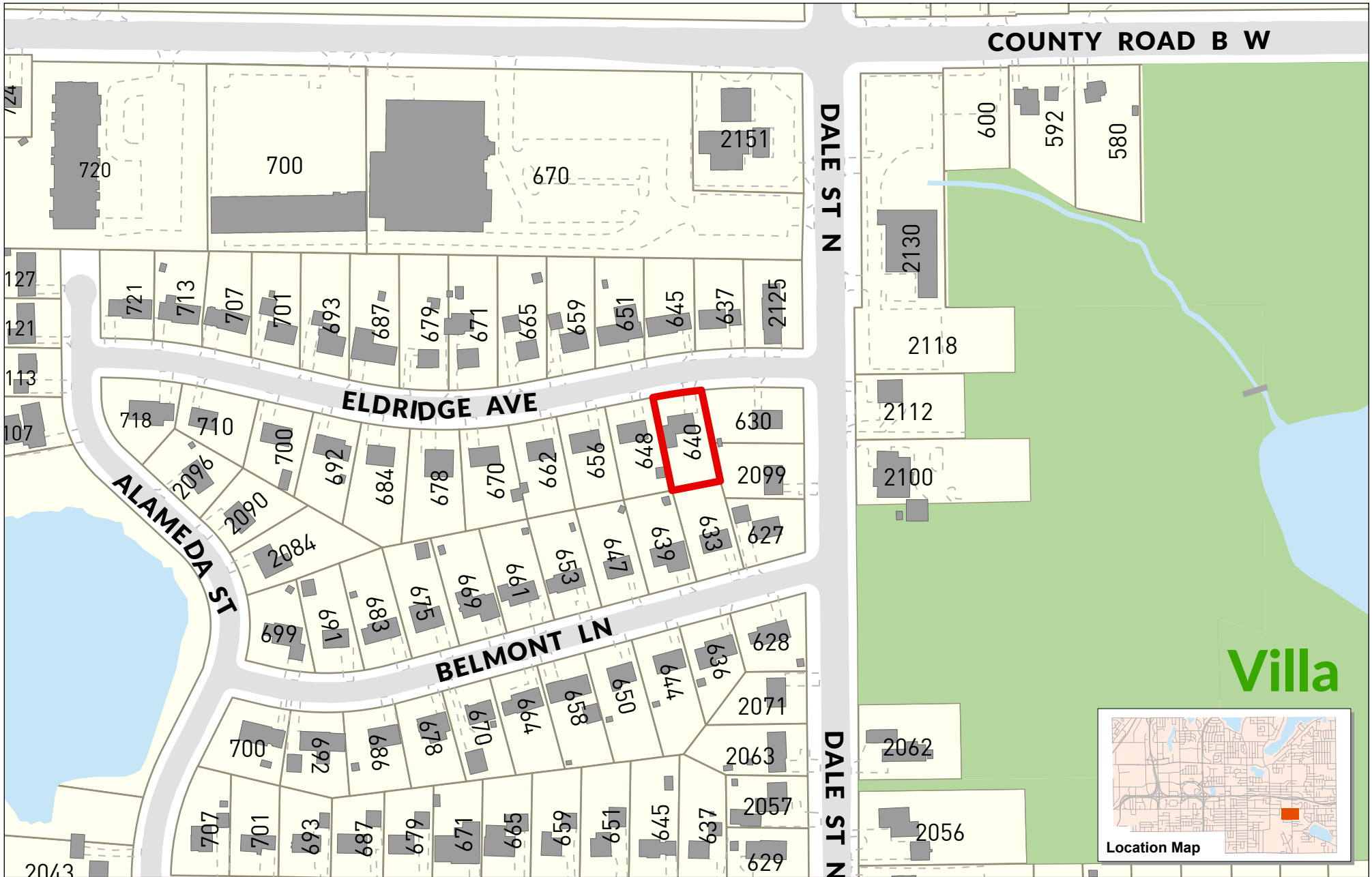
68 **ALTERNATIVE ACTIONS**

- 69 **A) Pass a motion to table the item for future action.** An action to table consideration of the  
 70 variance request must be based on the need for additional information or further analysis to reach  
 71 a decision on one or both requests. Tabling may require extension of the 60-day action deadline  
 72 established in Minn. Stat. 15.99 to avoid statutory approval.
- 73 **B) Adopt a resolution denying the requested variances.** A denial should be supported by specific  
 74 findings of fact based on the Variance Board’s review of the application, applicable zoning  
 75 regulations, and the public record.

Attachments: A: Area map C: Proposed plans and written narrative  
 B: Aerial photo D: Draft resolution

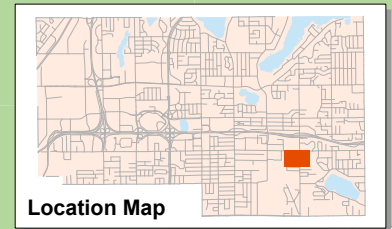
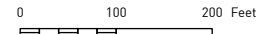
Prepared by:	Senior Planner Bryan Lloyd 651-792-7073 <a href="mailto:bryan.lloyd@cityofroseville.com">bryan.lloyd@cityofroseville.com</a>	
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# Attachment A: Planning File 20-020



**Data Sources**  
 \* Ramsey County GIS Base Map [8/4/2020]  
 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.

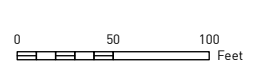




# Attachment B: Planning File 20-020



Disclaimer



7/23/2020

City of Roseville  
Community Development Department  
2660 Civic Center Drive  
Roseville, MN 55113

RE: Application for Variance for 640 Eldridge Ave. W. Roseville, MN 55113

To Whom It May Concern,

I am writing as the owner of 640 Eldridge Ave. W. Roseville, MN 55113 to request a variance in order to have a garage built in front of our home. Prior to buying this home, I had been in close contact with Bryan Lloyd and Ryan Johnson with the City of Roseville to ensure it would be possible to add on to the home in some aspect. Currently, there is not a fully existing garage. There is a space for a one-car, tuck under garage with a lower heading of 6 ½'. The previous owners removed the fire wall and garage door and converted to a storage room. Currently all of our vehicles park in the driveway since there is not a usable garage.

Initially, the intent was to add a two-car garage in front of the home, but realized the right of way goes quite a bit into the property of this lot. That with the 30' setback made it clear that would not be an immediate viable option without requesting a variance. We moved ahead with our second idea and paid a significant amount of money for a draftsman to create plans to add a one-car, tuck under, attached garage next to our home (plans included for your reference). As you will see by the street and neighborhood in general, most of the homes are ramblers or smaller 1 ½ story homes. None are very large and being a Realtor, what I would typically call an entry level home neighborhood. No homes are very large or extravagant. We attempted to keep the plans simple with a 14x24 garage attached to the east side of the home and converting the original tuck-under garage back to a garage. Again, since I am a Realtor, I didn't want to over improve the home for the neighborhood, but wanted to add a garage large enough for a larger vehicle or truck for resale down the road. Again, this option still caused the issue of one garage not being high or wide enough to accommodate many vehicles in our modern world.

This plan did not prove to be successful as after we had the plans, we reached out to several contractors for bids. The pricing all came in well over \$50,000-55,000, mostly due to the large amount of excavation needed, which I didn't think enough about in the early stages. This would price us well out of the neighborhood as we are already on the high end due to a previous addition and in-ground pool in the back. We are fine with not getting a full return on the garage, but that was just too much of a price tag to consider for a modest, 2200 sq. foot home. Additionally, we would still be left with one garage space that isn't tall or wide enough for many vehicles.

Back to our original plan. While we have not officially hired a contractor yet, we do have a couple of bids for a two-car garage in front of our home that are in the price range that we are comfortable with and a garage plan that better fits in with this neighborhood. There are a few other homes nearby which have a similar garage built in front of their once smaller, one-car attached tuck under garage. We will submit formal plans to you, as you request or require once we are confident our variance request will be granted as we don't want to sink in more money to the person drafting the plans until we feel pretty confident on approval. We have, however, provided some drawings and estimates to give you a pretty

good idea of what are looking at. Basically, we would be very modest with the depth, 20', which can accommodate most vehicles, and either 22-24' wide. The garage will be partially attached to our home at the NE corner where the other tuck-under garage location will be. It sounds as though we may leave that as a storage room because of the slope of the driveway. We may need to lower the grade slightly, which would not allow a clean connection to use the existing garage as an actual garage. However, that space is currently 21' deep x 10' wide, 210 sq. feet. We are proposing a maximum addition of 480 sq. feet, so if the existing garage can be used as a garage, the total garage square feet will be 690. Again, it does sound as though we will need 1-2 steps up into the home in which the existing tuck-under garage will remain storage and not used as a garage.

Based on area drawings and walking out the property, I believe the 20' forward/northerly addition of the garage would put us within the 30' setback of the Right of Way. It appears the setback would be about 13-15' with the addition, instead of the 30'. Based on conversations with the City, it appears the road was not constructed quite in the center of each side of the ROW, so there is a deeper ROW setback on the south side of the road than the north side. I do hope this is taken into consideration. Additionally, there are no overhead power lines or utilities in the ROW of our property, all overhead power is to the rear/sides of our lot. We do know the city needs to be able to access underground sewer/water, other buried utilities in the ROW, but feel with this variance request, there is still a substantial setback from the curb, still approximately 30' from the curb.

Additionally, we have taken neighbors into consideration with this variance request. The current home sits on a hill, the garage is a tuck under with the reverse walk-out rambler concept. There are steps up a hill to the front door on the NW side of the property and a retaining wall to the NE side of the property. The garage will have modest trusses and should only sit a couple of feet above the retaining wall, both due to it being tucked in there and lowering the grade slightly to soften the elevation from the road. We don't feel it will prevent any views, use and enjoyment or any negative results for neighbors surrounding us. Additionally, we feel it may be a welcomed addition as it will increase value to our home, to neighboring homes and give a nicer aesthetic appearance to see a garage with our cars inside (we aren't collectors of stuff, but minimalists), so our garage will be used as it's intended purpose, to store our vehicles in, as well as our trash cans. We currently have our trash and recycling cans outside because we don't have a designated garage to keep the trash smell out of the rest of our home.

The final item I would like to mention is that the ground level or basement level of our home is not quite 7' high, therefore, nearly impossible to have a 7' garage door, but only a 6 ½' garage door if we converted the former tuck-under garage back to a garage. In our modern day, many people have trucks and cross-over SUV vehicles for all wheel drive in Minnesota. I believe the last time I sold a home as a Realtor with lower than a 7' garage door, I learned from my sellers that there was, at the time, only one truck/pick-up with a low enough cab to get inside the garage. This makes it much harder for resale to not have a usable garage space for many buyers due to our current trends with vehicles we own. We, personally, do not own a truck, but thinking about resale and value of the home and neighborhood.

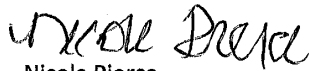
In summary, addressing the practical difficulty of any other options to have a two-car garage, or even a basic one-car garage usable with modern vehicles, is either impossible, or too expensive for the neighborhood based on the lot configuration. This lot is too steep to create a driveway putting a garage toward the rear of the home on either side, plus with the in-ground pool, not enough space. I believe the problem with this lot is mostly due to the fact that the ROW on the south side of Eldridge protrudes more into the property than the north side of the street. This is outside of our control, but limits us to

having a suitable garage, with constraints of the elevation of the lot, side yard setbacks, location of the home in conjunction to the current garage/driveway.

I hope you will agree we have looked at all other options with many professional contractors and determined this is the only reasonable and feasible way to have a usable garage on this lot. We will approve our variance to build a modest two-car garage in front of our home.

Thank you very much for your consideration.

Sincerely,



Nicole Pierce  
640 Eldridge Ave. W.  
Roseville, MN 55113  
651-231-0613

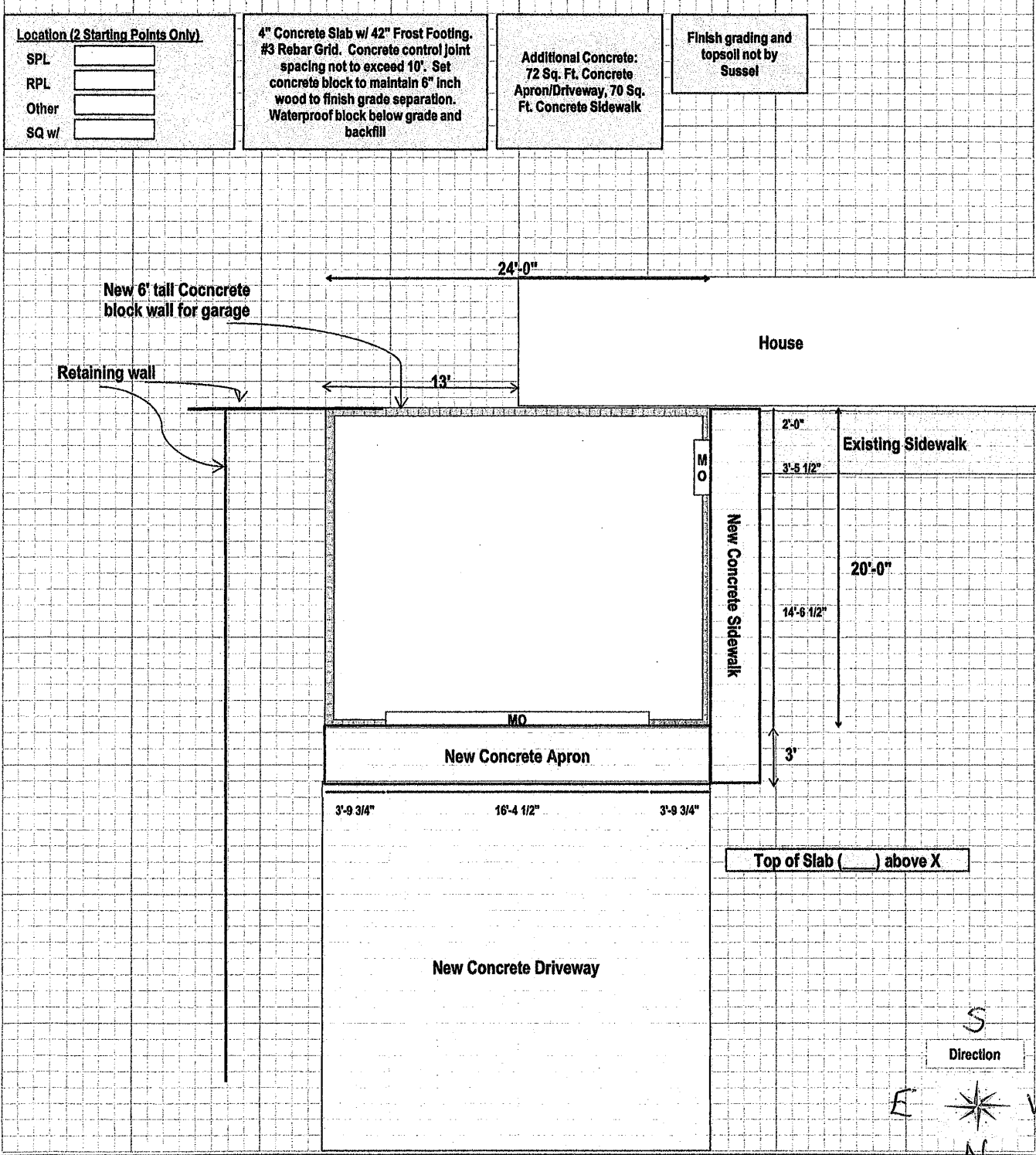


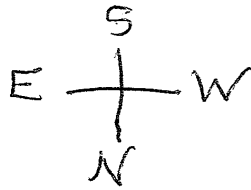
# Foundation Plan

Job # **0-000**

Customer: **Nicole Pierce**  
 Job Address: **640 Eldridge Ave W**  
 City/ST/Zip: **Roseville, MN 55113**  
 Home # \_\_\_\_\_ Work # \_\_\_\_\_  
 Cell # **651-231-0613**  
 E-Mail **npiercehome@gmail.com**

Job Description: **24'-0" x 20'-0" Detached Gable Standard Trusses 4/12 Pitch**

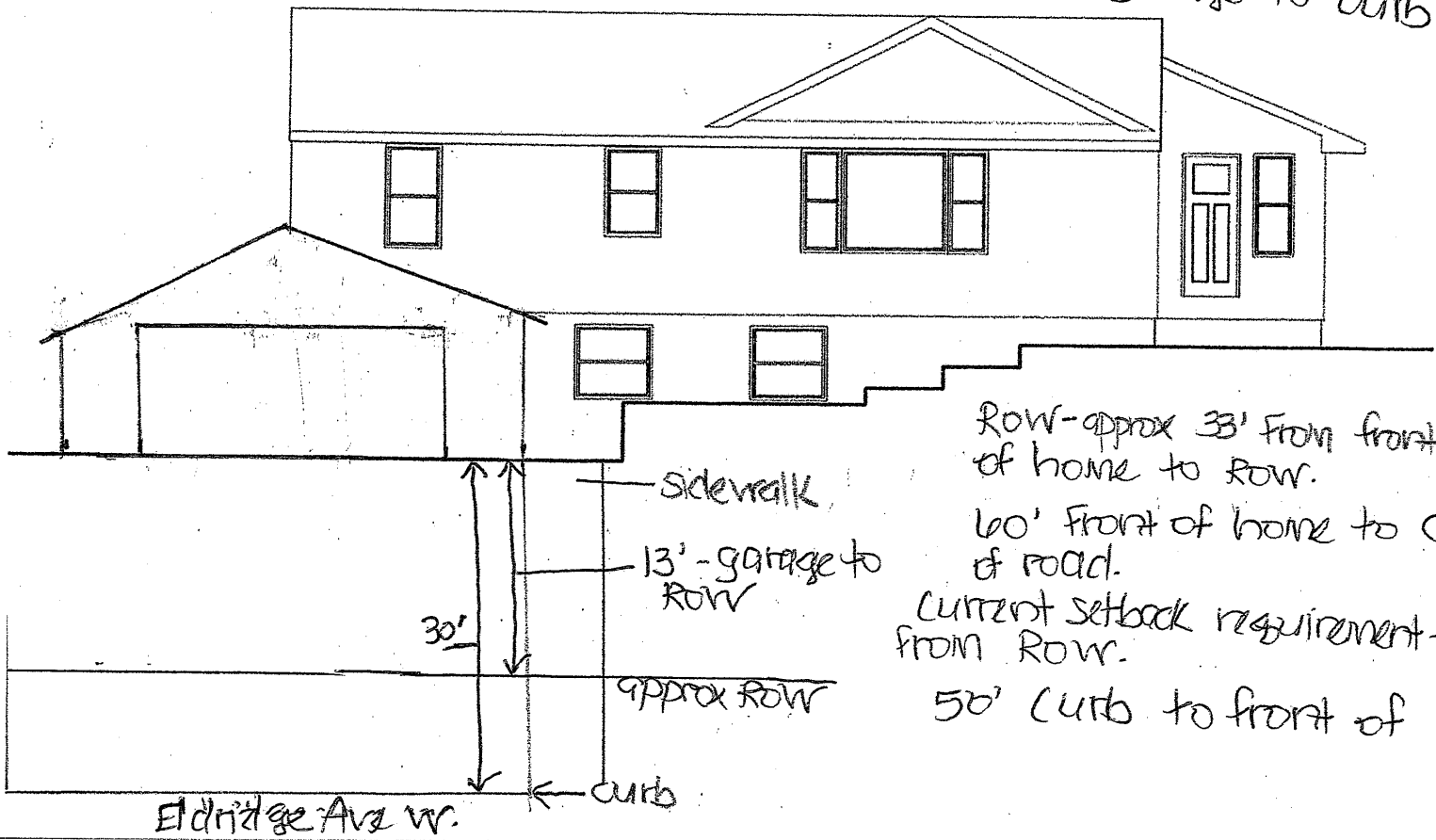




1410 Eldridge Ave W.  
Roseville

Proposed variance:  
2 car attached garage  
20' deep x 24' wide

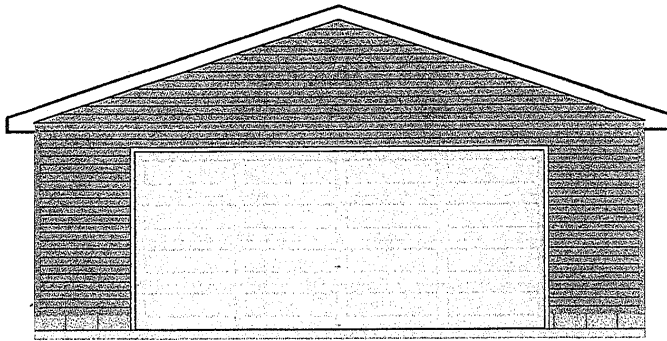
front of garage to ROW -  
13', 40' from center  
of road  
front of garage to curb - 30'



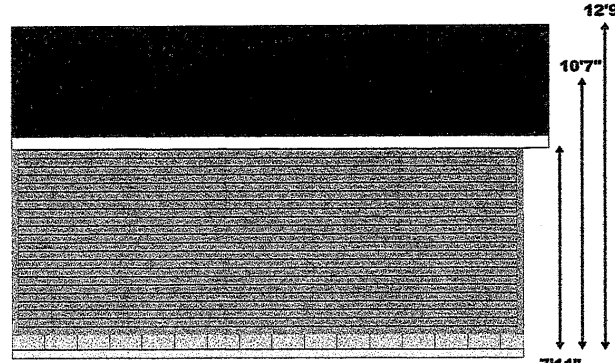
ROW - approx 33' from front  
of home to ROW.  
60' front of home to center  
of road.  
current setback requirement - 30'  
from ROW.  
50' curb to front of home

Purchaser: **Nicole Pierce**  
 Job Address: **640 Eldridge Ave W**  
 City/State/Zip: **Roseville, MN 55113**

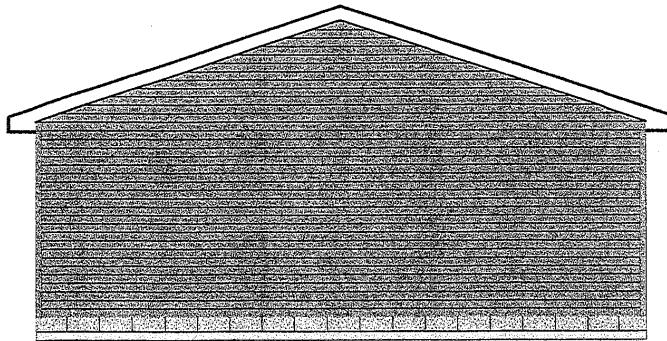
Roof Style: **24'-0" x 20'-0" Detached Gable Standard Trusses 4/12 Pitch**  
 Ceiling/Walls: **8'-2" Ceiling Height (2x4 Walls Framed 16" O.C. w/ 7/16" OSB)**  
 Overhangs: Front: **12"** Left: **12"** Back: **0"** Right: **12"**



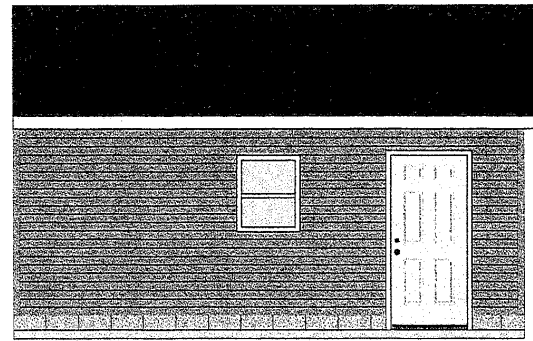
Front Side - 24'-0"



Left Side - 20'-0"



Back Side - 24'-0"



Right Side - 20'-0"

**Please Note:** These images are not part of the contract and are for illustrative purposes only. The colors, textures, and manufactured products displayed are digital representations only and cannot be relied upon to accurately portray the items to be installed. Please make all product selections by viewing manufacturer samples and brochures. Any required painting to be completed by purchaser.

**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 2nd day of September 2020, at 5:30 p.m.

The following Members were present: \_\_\_\_\_;  
and \_\_\_\_\_ was absent.

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

**VARIANCE BOARD RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING VARIANCES TO ROSEVILLE CITY CODE §1004.08.B, RESIDENTIAL SETBACKS AND §1004.05.A, DESIGN STANDARDS, AT 640 ELDRIDGE AVENUE (PF20-020)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 14-29-23-11-0054, and is legally described as:

Lot 2, Block 10, James Third Addition, Ramsey County, Minnesota

WHEREAS, City Code §1004.08.B (Residential Setbacks) requires principal structures to be set back a minimum of 30 feet from front property lines; and

WHEREAS, City Code §1004.05.A (Design Standards) prohibits front-facing overhead garage doors from standing more than 5 feet forward of the predominant portion of the principal use; and

WHEREAS, Bartt and Nicole Pierce, owners of the property at 640 Eldridge Avenue, requested variances to §1004.08.B and §1004.05.A to allow a proposed 20-foot garage addition, which would encroach as much as 20 feet into the required front yard setback and would place a front-facing overhead garage door 20 feet in front of the predominant portion of the principal use; 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 great expense (caused by steep grades on the property) of building a garage addition that conforms to the applicable zoning standards, when coupled with the significantly compromised usability of the resulting garages, represents a practical difficulty which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan because it because it represents a standard amenity on a residential property and embodies the sort of continued investment promoted by the Comprehensive Plan's goals and policies for residential neighborhoods.



38           c. The proposal is inconsistent with the intent of the zoning ordinances because the  
39 garage addition would project far in front of the house and encroach deep into the  
40 front yard setback in a neighborhood with generally (if not completely) uniform  
41 setbacks.

42           d. The proposal makes reasonable use of the subject property because the garage  
43 addition would create a modest two-stall garage where no garage currently exists.

44           e. The lack of an existing garage stall and the steep topography of the property are  
45 unique circumstances that were not created by the landowner.

46           f. Although the proposal would create a large encroachment into the front yard which  
47 would be atypical of the surrounding neighborhood, the garage addition is clearly  
48 residential in nature and the variance, if approved, would not negatively alter the  
49 character of the surrounding residential neighborhood.

50           NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve  
51 the requested variances to §1004.08.B and §1004.05.A of the City Code, based on the proposed  
52 plans for the garage addition, the testimony offered at the public hearing, and the above  
53 findings.

54           The motion for the adoption of the foregoing resolution was duly seconded by Variance  
55 Board Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor: \_\_\_\_\_;  
56 and none voted against;

57           WHEREUPON said resolution was declared duly passed and adopted.

58 *Variance Board Resolution No. \_\_\_\_ - 640 Eldridge Avenue (PF20-020)*

59 STATE OF MINNESOTA )  
 60 ) ss  
 61 COUNTY OF RAMSEY )

62 I, the undersigned, being the duly qualified City Manager of the City of Roseville, County  
 63 of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and  
 64 foregoing extract of minutes of a regular meeting of said Roseville Variance Board held on the  
 65 2nd day of September 2020.

66 WITNESS MY HAND officially as such Manager this 2nd day of September 2020.

67 \_\_\_\_\_  
 68 Patrick Trudgeon, City Manager

69 SEAL

**ROSEVILLE**  
**REQUEST FOR VARIANCE BOARD ACTION**

Date: September 2, 2020  
 Item No. 5b

Department Approval

**Agenda Section**  
 Public Hearings

*Janice Gundlach*

Item Description: Request for a variance to City Code §1004 (Residential Setbacks) to allow a rebuilt detached garage to encroach into the required side yard setback (PF20-022)

**APPLICATION INFORMATION**

Applicant: Eric Gunderson  
 Location: 2666 Matilda Street  
 Property Owner: Eric Gunderson  
 Application Submittal: Submitted and Considered complete July 29, 2020  
 City Action Deadline: September 27, 2020, per Minn. Stat. 15.99

**GENERAL SITE INFORMATION**

Land Use Context

	Existing Land Use	Guiding	Zoning
Site	One-family residence, detached	LR	LDR-1
North	One-family residence, detached	LR	LDR-1
West	One-family residence, detached	LR	LDR-1
East	One-family residence, detached	LR	LDR-1
South	One-family residence, detached	LR	LDR-1

Notable Natural Features: none

Planning File History: none

**LEVEL OF CITY DISCRETION IN DECISION-MAKING**

Action taken on variance requests is **quasi-judicial**.



1 **BACKGROUND**

2 According to Ramsey County’s property data, the subject property was platted in 1953 and the home  
3 (and, presumably, the detached garage) was originally built in 1954, before the adoption of the  
4 subdivision code in 1956 and the zoning code in 1959 to establish minimum lot size and setback  
5 requirements. The table below shows the minimum requirements and approximate actual values of the  
6 width, depth, and area of the subject property.

	Width	Depth	Area
Minimum Requirement	85 ft.	110 ft.	11,000 sq. ft.
Approx. Actual Size	75 ft.	133 ft.	10,000 sq. ft.

7 The property would need to be at least 10 feet wider to conform to the minimum width requirement  
8 which, at its current depth, would allow the property to conform to the minimum area requirement. And  
9 whereas the minimum required side yard setback is five feet, the existing one-stall garage stands two  
10 feet from the northern side property line. The substandard lot size and accessory structure setback,  
11 having been created before Roseville’s standard minimums were established, are legal nonconforming  
12 conditions.

13 A single-stall garage was a pretty standard residential amenity at the time it was built, and Planning  
14 Division staff presumes that the existing garage was built in its location because it was suitably offset  
15 from the house to be functional and it minimized the amount of backyard space it consumed. If the  
16 property were platted 10 feet wider, conforming to the width standard adopted after this plat was  
17 created, there would likely be more than enough space to shift the proposed garage southward to  
18 conform to the current setback requirement without additional complications. As it stands, though, the  
19 relative locations of the house and an existing mature tree—and the new wall of the proposed garage  
20 itself—are such that shifting the proposed garage southward an additional three feet would make  
21 backing out of the garage quite a difficult maneuver. In light of this, the proposed garage could be built  
22 farther toward the rear lot line to provide enough space to comfortably back out of the garage if it were  
23 also built at the five-foot minimum side yard setback. But this leads back to the reasonable desire to  
24 minimize how much of the backyard space is consumed by a garage of a pretty standard, residential  
25 scale.

26 While the applicant proposes to replace the structure with a two-stall garage in generally the same  
27 location, the new garage would largely expand into where a paved parking area currently exists on the  
28 south side of the existing garage. But the new garage would also be slightly taller, to accommodate an  
29 overhead door of today’s standard dimensions, and slightly deeper, to better fit the size of modern  
30 vehicles. It is these vertical and rearward expansions that require consideration through the variance  
31 process. The proposed plans and the applicant’s written narrative are included with this RVBA as  
32 Attachment C.

33 When exercising the “quasi-judicial” authority on variance requests, the role of the City is to determine  
34 the facts associated with a particular proposal and apply those facts to the legal standards contained in  
35 the ordinance and relevant state law.

36 **VARIANCE ANALYSIS**

37 City Code §1004.01.A (Residential Setbacks) requires accessory structures in the LDR-1 zoning district  
38 to be set back at least 5 feet from side property lines in order to preserve a minimum separation between  
39 structures on adjacent properties.

40 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

41 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit  
42 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or  
43 building that prevent the property from being used to the extent intended by the zoning.” State statute  
44 further clarifies that “economic considerations alone do not constitute practical difficulties.” Planning  
45 Division staff finds the substandard width and area of the property, and the correspondingly limited  
46 amount of backyard space, represents a practical difficulty which the variance process is intended to  
47 relieve.

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

- 51 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
52 the proposal is generally consistent with the Comprehensive Plan because it represents a standard  
53 amenity on a residential property and embodies the sort of continued investment promoted by the  
54 Comprehensive Plan’s goals and policies for residential neighborhoods.
- 55 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Planning  
56 Division staff finds the proposal to be consistent with the intent of the zoning ordinances because  
57 there are no nearby structures on the abutting property.
- 58 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff  
59 believes that the proposal makes reasonable use of the subject property because the garage would  
60 create a modest two-stall garage where a one-stall garage currently exists.
- 61 **d.** *There are unique circumstances to the property which were not created by the landowner.*  
62 Planning Division staff finds that the substandard size of the property is a unique circumstance  
63 that was not created by the landowner.
- 64 **e.** *The variance, if granted, will not alter the essential character of the locality.* Based on Ramsey  
65 County’s aerial photos, many detached garages in the neighborhood appear to stand similarly  
66 close to their side property lines, so the variance, if approved, would not negatively alter the  
67 character of the surrounding residential neighborhood.

68 **PUBLIC COMMENT**

69 At the time this RVBA was prepared, Planning Division staff has received one brief email in support of  
70 the proposed garage expansion.

71 **RECOMMENDED ACTION**

72 **Adopt a resolution approving the requested variance to the required minimum side yard setback**  
73 **at 2666 Matilda Street**, based on the content of this RVBA, public input, and Variance Board  
74 deliberation.

75 **ALTERNATIVE ACTIONS**

76 **A) Pass a motion to table the item for future action.** An action to table consideration of the  
77 variance request must be based on the need for additional information or further analysis to reach  
78 a decision on one or both requests. Tabling may require extension of the 60-day action deadline  
79 established in Minn. Stat. 15.99 to avoid statutory approval.

80 **B) Adopt a resolution denying the requested variances.** A denial should be supported by specific  
81 findings of fact based on the Variance Board's review of the application, applicable zoning  
82 regulations, and the public record.

Attachments: A: Area map  
B: Aerial photo

C: Proposed plans and written narrative  
D: Draft resolution

Prepared by: Senior Planner Bryan Lloyd  
651-792-7073  
[bryan.lloyd@cityofroseville.com](mailto:bryan.lloyd@cityofroseville.com)



# Attachment A: Planning File 20-022



Prepared by:  
Community Development Department  
Printed: August 27, 2020



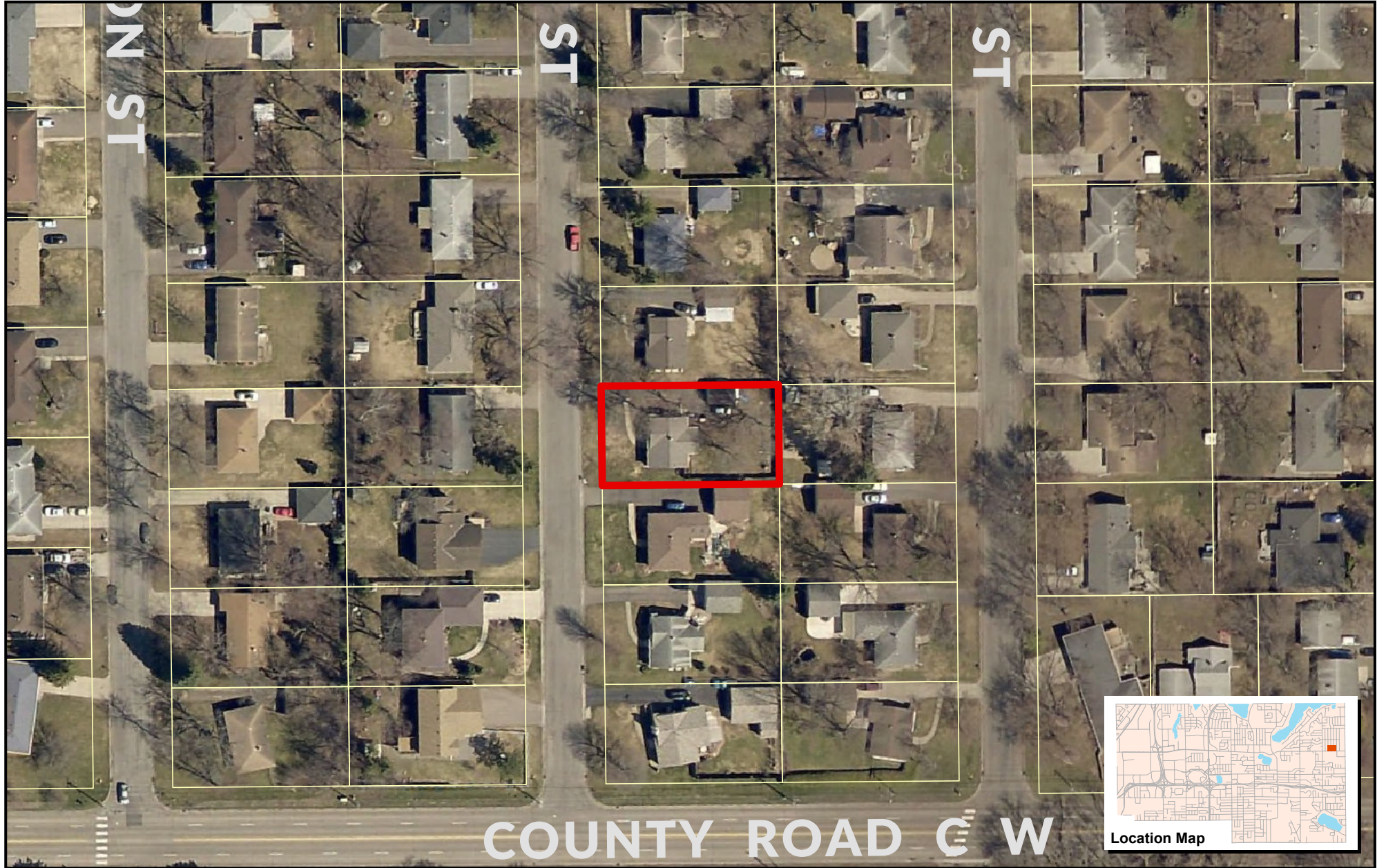
**Data Sources**  
 \* Ramsey County GIS Base Map [8/4/2020]  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**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.





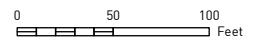
# Attachment B: Planning File 20-022



Disclaimer

**Data Sources**  
\* Ramsey County GIS Base Map (8/4/2020)  
\* Aerial Data: Pictometry (4/2018)  
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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Prepared by:  
Community Development Department  
Printed: August 27, 2020



a. *Legal Description and PIN: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.*

**PID: 012923430020**

**Primary Owner 1: ERIC I GUNDERSON**

**Site Address: 2666 MATILDA ST ROSEVILLE MN 55113-2417**

**LandUseCodeDescription: SINGLE FAMILY DWELLING, PLATTED LOT**

**YearBuilt: 1954**

**PlatID: 03975**

**PlatName: BERTLEE HOMESITES**

**TaxDescription: LOT 20 BLK 1**

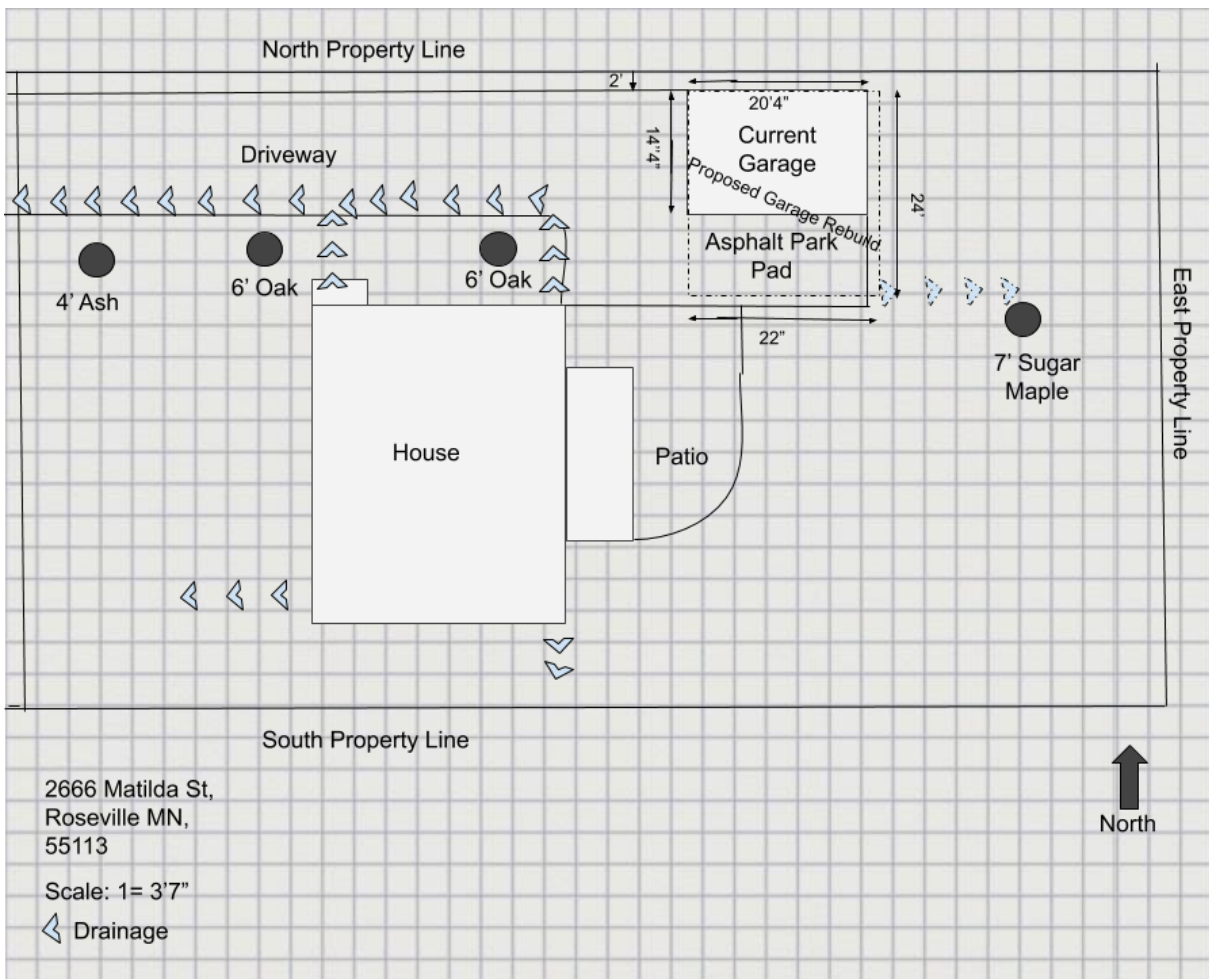
b. *Written Narrative: This narrative should fully explain the "practical difficulty" that justifies the departure from the strict application of the Code. Neither mere inconvenience nor reduction in value is sufficient on its own to justify a variance, and the inability to put property to its highest and best use is not considered a practical difficulty. The problem that justifies the variance must be caused by conditions beyond the control of the applicant. The applicant cannot create the condition that requires the variance.*

**Since we purchased our house at 2666 Matilda St. from a short sale in 2013, we have completed multiple projects to make it into a beautiful home for our family all while trying to maintain the integrity and aesthetic of the era it was built in. For example, when the siding needed replacing, we tried to use the closest possible materials and color (lime green is no longer available unfortunately). Currently, the original one car garage just no longer fits our families needs. While keeping one of our vehicles in it, there is not enough room for our children to access yard toys, and we must back the vehicle out to go on a family bike ride as our bikes must be hung from creative angles within the garage to fit. We can't fit both a lawn mower and snow blower in the garage, so we must alternately keep one under a tarp behind the garage, which this winter led to our lawn mower bag being turned into a mouse nest and destroyed. The foundation is also shifting from massive cracks, the ridge of the roof is slouching and no longer straight, and siding is falling off. The garage needs to be replaced, and luckily there is an asphalt park pad directly to the south. We would like to take advantage of this space efficiently by building a two car garage in its place to fit both vehicles as well as needed yard implements and recreational items like bicycles. This variance is required because our garage, along with most on both sides of our block are within 3 feet of the property lines of the neighbors. The dimensions of our garage plan don't call for unneeded expansion, as we don't want to change the property by building a gaudy obstructive structure, nor do we want to get rid of the green space we have by moving it further south into our backyard. Because of current building**

materials, we must add roughly 6 inches to the height, and because of the size of current vehicles, we must add 1.5 feet to the depth of the garage to safely pull in our van. This depth would be added to the back/east side, which would require an extension of the north side of the garage which is exactly 2 feet from our property line. The neighbor on that side has no structure or other property that this construction would interfere with, and he has even offered to help us build. By keeping the new garage's north side exactly where it is, expanding the south side to include the current asphalt park pad, and adding the minimum amount of height and depth, we hope to efficiently build the garage we need to include both our vehicles, while keeping the integrity of the property, i.e. the backyard, current driveway, and making sure the property fits in with the neighborhood layout.

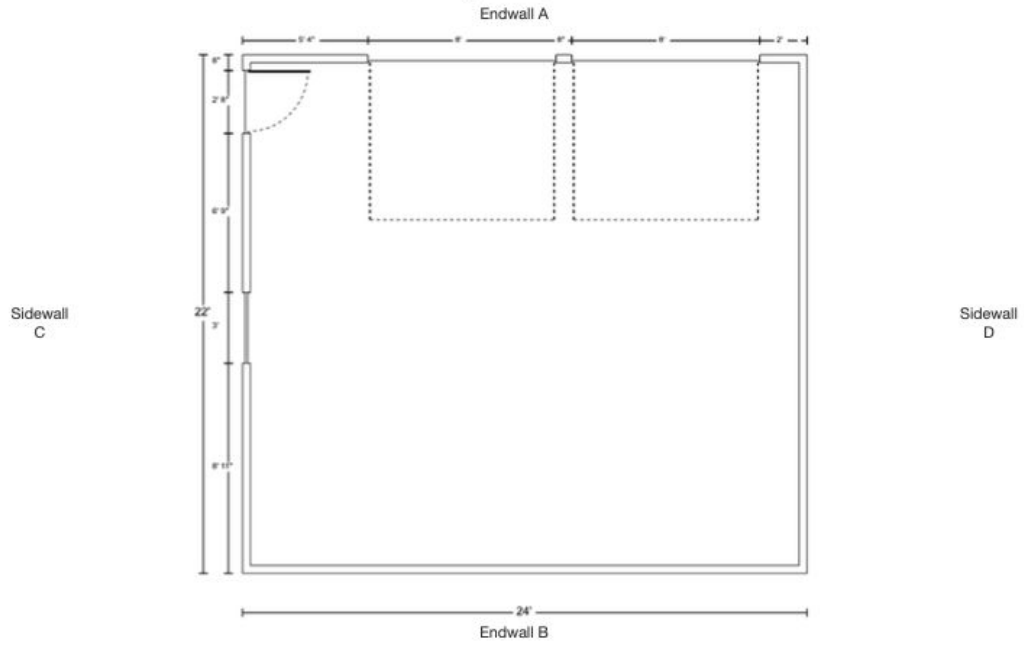
*c. Proposed Plans: In addition to a scaled site plan, a landscape plan, grading and drainage plan, and exterior building elevation drawings showing building materials may also be required if deemed necessary by the Community Development Department. Such plans shall be on 8 1/2"x 11" or 11"x 17" paper or in PDF digital format. In cases of multiple variances, the applicant may be required to submit a property boundary and building survey.*





### Garage Floor Plan

\*\*Illustration may not depict all selections.



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

1 Pursuant to due call and notice thereof, a regular meeting of the Variance Board of the City of  
2 Roseville, County of Ramsey, Minnesota, was held on the 2nd day of September 2020, at 5:30  
3 p.m.

4  
5 The following Members were present: \_\_\_\_\_;  
6 and \_\_\_\_\_ was absent.

7 Variance Board Member \_\_\_\_\_ introduced the following resolution and moved its  
8 adoption:

9 **VARIANCE BOARD RESOLUTION NO. \_\_\_\_\_**

10 **A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.01.A,**  
11 **RESIDENTIAL SETBACKS, AT 2666 MATILDA STREET (PF20-022)**

12 WHEREAS, the subject property is assigned Ramsey County Property Identification  
13 Number 01-29-23-43-0020, and is legally described as:

14 Lot 20, Block 1, Bertlee Homesites, Ramsey County, Minnesota

15 WHEREAS, City Code §1004.01.A (Residential Setbacks) requires accessory structures  
16 to be set back a minimum of 5 feet from side property lines; and

17 WHEREAS, Eric Gunderson, owner of the property at 2666 Matilda Street, requested a  
18 variance to §1004.01.A to allow a proposed detached garage, which would encroach as much as  
19 3 feet into the required side yard setback; and

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

24 WHEREAS, the Variance Board has made the following findings:

- 25 **a.** The substandard width and area of the property, and the correspondingly limited  
26 amount of backyard space, represents a practical difficulty which the variance  
27 process is intended to relieve.
- 28 **b.** The proposal is generally consistent with the Comprehensive Plan because it because  
29 it represents a standard amenity on a residential property and embodies the sort of  
30 continued investment promoted by the Comprehensive Plan's goals and policies for  
31 residential neighborhoods.
- 32 **c.** The proposal is consistent with the intent of the zoning ordinances because there are  
33 no nearby structures on the abutting property.
- 34 **d.** The proposal makes reasonable use of the subject property because the garage would  
35 create a modest two-stall garage where a one-stall garage currently exists.
- 36 **e.** The substandard size of the property is a unique circumstance that was not created  
37 by the landowner.

38           **f.** Based on Ramsey County’s aerial photos, many detached garages in the  
39 neighborhood appear to stand similarly close to their side property lines, so the  
40 variance, if approved, would not negatively alter the character of the surrounding  
41 residential neighborhood.

42           NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve  
43 the requested variance to §1004.01A of the City Code, based on the proposed plans for the  
44 garage, 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 and none voted against;

48           WHEREUPON said resolution was declared duly passed and adopted.

49 *Variance Board Resolution No. \_\_\_\_ – 2666 Matilda Street (PF20-022)*

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

53 I, the undersigned, being the duly qualified City Manager of the City of Roseville, County  
54 of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and  
55 foregoing extract of minutes of a regular meeting of said Roseville Variance Board held on the  
56 2nd day of September 2020.

57 WITNESS MY HAND officially as such Manager this 2nd day of September 2020.

58  
59 Patrick Trudgeon, City Manager  
60 SEAL





REQUEST FOR VARIANCE BOARD ACTION

Date: September 2, 2020
Item No. 5c

Department Approval

Janice Gundlach

Agenda Section
Public Hearings

Item Description: Request for variances to City Code §1017 (Shoreland Setbacks) to allow a home addition that would encroach into the required shoreline setback (PF20-023)

APPLICATION INFORMATION

Applicant: Josh Kath
Location: 3079 Sandy Hook Drive
Property Owner: Josh and Valerie Kath
Application Submittal: Submitted and Considered complete August 7, 2020
City Action Deadline: October 6, 2020, per Minn. Stat. 15.99

GENERAL SITE INFORMATION

Land Use Context

Table with 4 columns: Direction, Existing Land Use, Guiding, Zoning. Rows include Site, North, West, East, South.

1 Due to an exception in the zoning code pertaining to shoreline setbacks, Planning Division staff
2 determined that a variance is not necessary to accommodate the proposed home addition. No
3 action by the Variance Board is necessary for this planning file.