

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

**Wednesday, June 2, 2021 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:** March 3, 2021
5. **Organizational Business**
  - a. **Elect Variance Board Chair and Vice-Chair**
6. **Public Hearing**
  - a. Consider a request by Heights Venture Architects, LLP for **variances** to City Code §1005.07.E.2.a.i.B, 1005.07.E.2.a.i.C , 1005.07.E.3.a.ii.B, and 1009.02.D.12.f at 2030 Twin Lakes Parkway for a proposed Panda Express (PF21-004)
  - b. Consider a request by Adam and Erica Schmit for variance to City Code §1004.08 to allow a proposed home addition to encroach into the required front yard setback at 284 S. McCarrons Boulevard (PF21-006)
7. **Adjourn**



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, March 3, 2020 – 5:30 p.m.**

*Pursuant to Minn. Stat. 13.D.021, Variance Board members, City Staff, and members of the public participated in this meeting electronically due to the COVID-19 pandemic.*

- 1    **1. Call to Order**  
2       Chair Pribyl 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 Pribyl, City Planner Thomas Paschke called the Roll.  
7
- 8       **Members Present:** Chair Michelle Pribyl; Vice Chair Michelle Kruzal; and Alternate  
9       Member Karen Schaffhausen.  
10
- 11      **Members Absent:** None  
12
- 13      **Staff Present:** City Planner Thomas Paschke, Community Development Director  
14      Janice Gundlach and Community Development Department  
15      Assistant Staci Johnson.  
16
- 17    **3. Approval of Agenda**  
18
- 19      **MOTION**  
20      **Member Kruzal moved, seconded by Member Schaffhausen to approve the agenda**  
21      **as presented.**  
22
- 23      **Ayes: 3**  
24      **Nays: 0**  
25      **Motion carried.**  
26
- 27    **4. Review of Minutes: December 2, 2020**  
28
- 29      **MOTION**  
30      **Member Kruzal moved, seconded by Member Pribyl to approve the December 2,**  
31      **2020 meeting minutes.**  
32
- 33      **Ayes: 2 (Pribyl, Kruzal)**  
34      **Nays: 0**  
35      **Abstain: 1 (Schaffhausen)**  
36      **Motion carried.**  
37
- 38    **5. Public Hearing**

39 Chair Pribyl reviewed protocol for Public Hearings and public comment and opened the  
40 Public Hearing at approximately 5:36 p.m.

41

42 **a. PLANNING FILE 21-002**

43

44 **b. Consider a Variance to Allow a Reduction in the Number of Required Trees and**  
45 **Shrubs to be Planted on the Twin Lakes Senior Residential Project Site at 2730**  
46 **Herschel Street.**

47 City Planner Thomas Paschke reviewed the variance request for this property, as  
48 detailed in the staff report dated March 3, 2021.

49

50 Member Schaffhausen wondered where the balance is when talking about creating  
51 some semblance of the fact that there are lots and everyone agrees on how the  
52 developer has done a great job on the landscaping and in addition to that with the  
53 zoning, thinking about it, and the fact that there are studies done and research done  
54 within urban areas where green space has reduced tension, provide all sorts of fun  
55 things such as tiny forests popping up as a part of zoning capacity. She asked where  
56 the City draws the line and is an open question because this project cannot meet that  
57 because the developer has scoped the building which opens this up to every builder  
58 can state it cannot be done and is the way the development will be built. She  
59 indicated that mean the City is changing its standards all of the time because the  
60 builder wants to maximize their revenue on the site so where is the balance for that  
61 because she could imagine that happening most times.

62

63 Mr. Paschke indicated from his perspective, the Code probably was ill-designed in the  
64 beginning so the balance might not be trees and shrubs because a site can only hold so  
65 many, no matter how it is developed. In the report, housing is being hamstrung by  
66 the Code in requiring far more trees and shrubs than a commercial development. He  
67 did not know if there was a balance as it relates to the project and what the City is  
68 trying to do. He thought the goal of any project is to get as much green space as  
69 possible, which by Code is 15% of a development site, at least as it relates to the  
70 Community Mixed Use District, which this is in. Number one is getting ample green  
71 space. The next is to provide within that green space the appropriate landscaping.  
72 Appropriate is not necessarily a number grabbed out of the sky, created in a Code. It  
73 is really more having to do with landscape standard and how trees are planted and the  
74 space in between evergreen and canopy and ornamental trees and certain shrubs. It is  
75 also how one might design that and then attempt to maximize it as best as possible.  
76 All of the residential properties that have required variances for these two sections of  
77 the Code, which are up to four now if this variance is approved, have maximized that  
78 space required to provide greenspace with the most trees and shrubs as possible  
79 before problems might occur as that landscaping continues to grow to maturity and  
80 beyond. He thought the real balance is to at least try to better understand what a more  
81 appropriate code standard for trees and shrubs with respect to multi-family is  
82 residential.

83

84 Member Schaffhausen asked how many times an adjustment can be made on this  
85 variance.

86  
87 Mr. Paschke indicated the Code was created in 2010 and up until last year there never  
88 was a requirement to reveal project and require the trees and shrubs per the Code so  
89 until then this was not an issue. The City never ran into the problem until 2020 when  
90 the City started to do multi-family residential projects.

91  
92 Member Schaffhausen asked if this project met the 15% green space requirement.

93  
94 Mr. Paschke indicated it did. He believed there was more than 15% between the two  
95 sites combined.

96  
97 Member Kruzal asked if there is a certain buffer layout with less trees.

98  
99 Mr. Paschke indicated the applicant or landscape architect, if at the meeting, would be  
100 better able to answer the question.

101  
102 Chair Pribyl invited the applicant to speak to the Commission.

103  
104 Mr. Brady Halverson, landscape architect for the project, addressed the Commission.  
105 He indicated the trees and shrubs are spaced out to provide screening around them.

106  
107 Chair Pribyl offered an opportunity for public comment with no one coming forward.

108  
109 Chair Pribyl closed the public hearing at 5:53 p.m.

110  
111 **MOTION**

112 **Member Kruzal moved, seconded by Member Schaffhausen, adoption of**  
113 **Variance Board Resolution No. 154 (Attachment F), entitled “A Resolution**  
114 **Approving a Variance to Roseville City Code §1011.03.A.3.e.ii, Pertaining to**  
115 **Multi-Family Tree Installation Requirements and §1011.03.A.3.e.v Pertaining to**  
116 **Shrub Installation for Twin Lakes Senior.”**

117  
118 **Ayes: 3**

119 **Nays: 0**

120 **Motion carried.**

121  
122 **6. Adjourn**

123  
124 **MOTION**

125 **Member Kruzal, seconded by Member Schaffhausen, to adjourn the meeting at**  
126 **5:57 p.m.**

127  
128 **Ayes: 3**

129 **Nays: 0**

130 **Motion carried.**

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

Date: June 2, 2021  
Item No. **6a**

Department Approval

*Janice Gundlach*

*A. D. P. H.*

**Agenda Section**

Public Hearings

**Item Description:** Request for approval of a variance to City Code §1005.07.E.2.a.i.B, §1005.07.E.2.a.i.C, to seek relief from building placement within 50% of build-to area and relief from corner lot placement; a variance from §1005.07.E.2.a.ii.B seeking relief from providing semi-public space in the front yard; and variance from §1009.02.D.12.f to allow construction of a 4-foot tall versus 6-foot tall screen fence at certain points along the drive-through lane (**PF21-004**)

**APPLICATION INFORMATION**

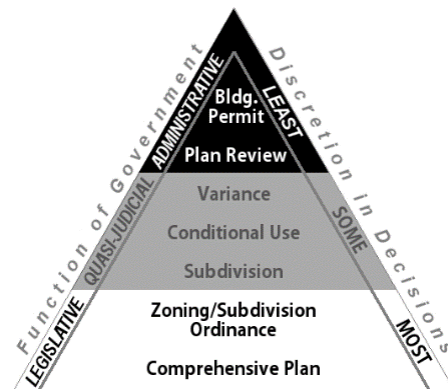
**Applicant:** Heights Venture Architects, LLP  
**Location:** 2030 Twin Lakes Parkway  
**Property Owner:** Wal-Mart Real Estate Business Trust  
**Open House Meeting:** N/A  
**Application Submittal:** Submitted April 1, 2021; deemed complete May 11, 2021  
**City Action Deadline:** July 3, 2021, per Minn. Stat. 15.99  
**Planning File History:** None specific to this parcel

**LEVEL OF DISCRETION IN DECISION MAKING:** Actions taken on a Variance request is quasi-judicial; the City’s role is to determine the facts associated with the request and weigh those facts against the legal standards in State Statutes and City Code.

**BACKGROUND**

On October 26, 2020, the City Council approved a Zoning text amendment to include drive-throughs as a conditional accessory use in the Community Mixed-Use-4 district. Since that date, the Planning Division has been working with Heights Venture on the proposed Panda Express project.

The applicant has been working on the site and building plans for the project and a plethora of design standards required for this specific lot. In the process, they have determined sighting the building in the corner of the lot, as required under the Urban Frontage designation of the Twin Lakes Regulating Plan, to be unreasonable given existing site conditions, specifically existing topography and landscaping. Planning Division staff has concluded the requirement to screen portions of the drive-through lane with a minimum a 6-foot tall screen fence to be excessive given vehicles from the land will be approximately 10 feet above street grade and the 6-foot tall requirement aims to screen vehicle impacts.



18 **REVIEW OF REQUEST**

19 The applicant is seeking several variances from §1005.07.E.2.a.i.B and C, §1005.07.E.2.a.ii.B, and  
20 §1009.02.D.12.f, which require the following:

- 21 • §1005.07.E.2.a.i.B. *At least 50% of the lineal Build To Area shall be occupied by the front facade of*  
22 *the building.*
- 23 • §1005.07.E.2.a.i.C. *Within 30 feet of a block corner, the ground story facade shall be built within 10*  
24 *feet of the corner.*
- 25 • §1005.07.E.2.a.ii.B. *Undeveloped and open space created in front of a building shall be designed as*  
26 *a semi-public space, outdoor seating, or other semi-public uses.*
- 27 • §1009.02.D.12.f. *A 10-foot buffer area with screen planting and/or an opaque wall or fence between*  
28 *6 and 8 feet in height shall be required between the drive-through lane and any property line*  
29 *adjoining a public street or residentially zoned property or property in residential use and approved*  
30 *by the Community Development Department.*

31 Based on the current proposed development plan, the building would be setback from the corner  
32 property lines 61 feet on the west and 40 feet on the north in order to accommodate the drive-through  
33 lane and to provide adequate separation from the slope and existing trees (Attachment C). The Code  
34 also requires undeveloped open space areas in the front yard to be designed as semi-public spaces,  
35 however such a design or use for that matter would be extremely difficult and impractical given the  
36 current retaining walls and elevation change from grade to the building pad. Hence, such a feature has  
37 been eliminated from the proposed plan. Lastly, screening of any drive-through adjacent to a public  
38 street is required by City Code, however in this instance such screening does not make sense due to  
39 topographic realities between the road and building site. If required screening were implemented, it  
40 would entail a situation where a 6-foot tall intermittent screen fence is installed 10 feet above street  
41 grade, which does nothing to mitigate vehicle impacts that are intended to be mitigated by the screening  
42 requirements. Planning Division staff suggests an appropriate alternative is to install a 4-foot tall  
43 intermittent screen to block vehicle headlights from view of oncoming traffic.

44 In support of the proposal and requested variances, the applicant has provided a detailed narrative  
45 (Attachment D) that analyzes and explains, in their view, the circumstances present to support the  
46 approval of the requested variances. The variance from the CU specific criteria standards are supported  
47 by the Planning Division and discussed in the following Variance Analysis section.

48 **VARIANCE ANALYSIS**

49 When considering new construction proposals, the Planning Division staff has generally been reluctant  
50 to support variances from the standards set forth in the Zoning Code. This is especially true for  
51 developments seeking relief from the Design Standards or from specific standards contained in the  
52 Regulating Plan. That said, individual development sites within Twin Lakes have challenges and the  
53 Planning Division has worked with developers over the past decade to implement all design standards  
54 provided in the Code, including those envisioned in the Regulating Plan.

55 However, the Planning Division would deem the northwest corner lot on the Walmart site to be more  
56 challenging than most any other site in Twin Lakes. Specifically, this lot has been prepared for  
57 development since 2013 with no intended use; improvements to Cleveland Avenue and Twin Lakes  
58 Parkway in 2015 adding a right turn lane increased the length and height of a pre-existing retaining wall;  
59 the trees originally planted on the periphery of the lot have matured and added value to the property; and  
60 in October 2020, the City amended the use table to permit drive-throughs as an accessory conditional  
61 use in the CMU-2, 3, and 4 districts. Such existing conditions make adherence to certain requirements

62 challenging and particularly difficult to comply with, including those required by §1005.07 (corner lot  
63 placement) and §1005.02.A (ground story placement), due to topographic realities between the street  
64 and building site. Further, the intent of the City Code standards, which is to create a more integrated  
65 pedestrian environment between the street, sidewalk and building site locations, become less meaningful  
66 with said topographic discrepancies.

67 Given these unique circumstances present on this lot, the applicant has developed a site and building  
68 plan that is best suited for the property and complies with all other Code standards, except for those  
69 requiring relief.

70 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit  
71 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or  
72 building that prevent the property from being used to the extent intended by the zoning.” State statute  
73 further clarifies that “economic considerations alone do not constitute practical difficulties.”

74 Planning Division staff believes that the analysis in this report demonstrates conflicting purposes among  
75 the regulations applicable to the proposed development that represent a practical difficulty, which the  
76 variance process is intended to relieve.

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

80 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
81 the proposal is generally consistent with the Comprehensive Plan because it represents the sort of  
82 continued investment promoted by the Comprehensive Plan’s goals and policies and contributes  
83 the following strategies:

- 84 • Create design standards for both vertical and horizontal mixed-use developments, not only so  
85 that the uses are compatible, but so that the scale, mass, and feel of new development  
86 enhances the desired community character.
- 87 • Ensure that existing and future development of business and industry, shopping,  
88 transportation, housing, entertainment, leisure, and recreation opportunities are in harmony  
89 with the commitment Roseville has made to its environment and quality of life, without  
90 compromising the ability of future generations to meet their own needs.

91 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* The property is  
92 currently zoned Community Mixed-Use-4, with most of the building and site design  
93 requirements outlined within the Regulating Plan. In instances where the Regulating Plan is  
94 silent, the design standards of §1005.02.A apply to new developments. Although this  
95 development proposal is seeking variances to two important standards required in the Urban  
96 Frontage designation (§1005.07.E.2.a.i.B and C), the overall building placement and drive-  
97 through location has been deemed by the Planning Division to be in harmony with the purpose  
98 an intent of the applicable zoning standards.

99 Staff finds that without dramatically altering the building design and site grading at the northwest  
100 corner, it would be nearly impossible to comply with the four standards from which the applicant  
101 seeks relief. While it isn’t always appropriate to provide relief from development standards  
102 when a site doesn’t fit exactly City Code standards, it must also be acknowledged that sometimes  
103 design elements just don’t make sense or work well given the realities of a development site.  
104 Staff finds this is an example of where there is likely more lost than gained by requiring the strict  
105 adherence to the Code. With the Code amended in support of a drive-through facilities, the

106 “need” to have a building at the hard corner of the lot is less essential. Furthermore, when the  
107 topographic realities of the lot is such that it slopes nearly 10 feet from street grade to the  
108 elevation of the drive-through lane and buildings main level, having the building in or even near  
109 the build-to area seems unnecessary.

- 110 c. *The proposal puts the subject property to use in a reasonable manner.* Staff finds this criterion is  
111 met in that the current site and building plans put the lot to use in a reasonable manner. More  
112 specifically, the Planning Division has concluded, absent these variances, development on this  
113 lot could be deemed impractical and strict enforcement of the Urban Frontage standards  
114 burdensome, extending the period of time the lot remains vacant. The City Code offers  
115 variances in instances where practical difficulties are present and this is one of those situations.  
116 Recent approval to support a drive-through as a CU would suggest that flexibility of the  
117 standards is necessary as drive-through facilities create greater design challenges for a property.  
118 Considering the lot’s approximate 10-foot elevation change from street level to grade, a retaining  
119 wall on the two exterior lot parcel sides (north/west), and existing mature trees, it follows that a  
120 well-planned and thoughtful development can achieve compliance with numerous design  
121 standards and put the development site into a reasonable and mostly code compliant manner.
- 122 d. *There are unique circumstances to the property which were not created by the landowner.* As  
123 has been discussed above, the elevation change from street level to the building pad elevation  
124 plays a large role in making this lot unique, as well as the retaining walls on the west and north  
125 sides of the lot. There are also numerous maturing trees that were planted when the Walmart site  
126 was landscaped that factor into the placement of the building and drive-through lane. Arguably,  
127 the applicant and future land owner did not create this situation as both of the outlots were  
128 prepared many years ago and made ready for development. The redesign of Cleveland Avenue  
129 and Twin Lakes Parkway at this intersection is also a contributing factor, as the initial retaining  
130 wall was replaced, lengthened, and heightened, in order to support the right-turn lane from  
131 Cleveland to Twin Lakes Parkway. Although it is possible to place a building at the corner and  
132 within the Build-To Area, such a building could not support a drive-through lane and would  
133 require extraordinary foundation design, which seems to staff as an unnecessary requirement of  
134 the Urban Frontage designation for this site given the intent of this requirement (pedestrian-  
135 integrated design) cannot be fully realized anyways. Given this, Planning Division staff finds the  
136 lot has unique circumstances not created by the applicant.
- 137 e. *The variance, if granted, will not alter the essential character of the locality.* Although the  
138 Planning Division staff strives for fully Code-compliant development, especially those contained  
139 within the Regulating Plan for Twin Lakes, there are times when such strict enforcement of those  
140 standards is not in the best interest of the City or the applicant given an individual site’s  
141 characteristics. By granting the requested variances, the proposed project fits more appropriately  
142 on the lot and supports the desired drive-through. The proposed fast food restaurant with drive-  
143 through, although not complying with all Regulating Plan standards, does comply with most  
144 general design standards and appears very consistent with other commercial developments with a  
145 drive-through. As such, the granting of these four variances will not alter the essential character  
146 of this generalized area or the locality.

147 **PUBLIC COMMENT**

148 At the time this RVBA was prepared, Planning Division staff has not received any comments or  
149 questions about the proposal.



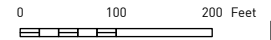


# Attachment A: Planning File 21-004



**Data Sources**  
 \* Ramsey County GIS Base Map [5/4/2021]  
 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.



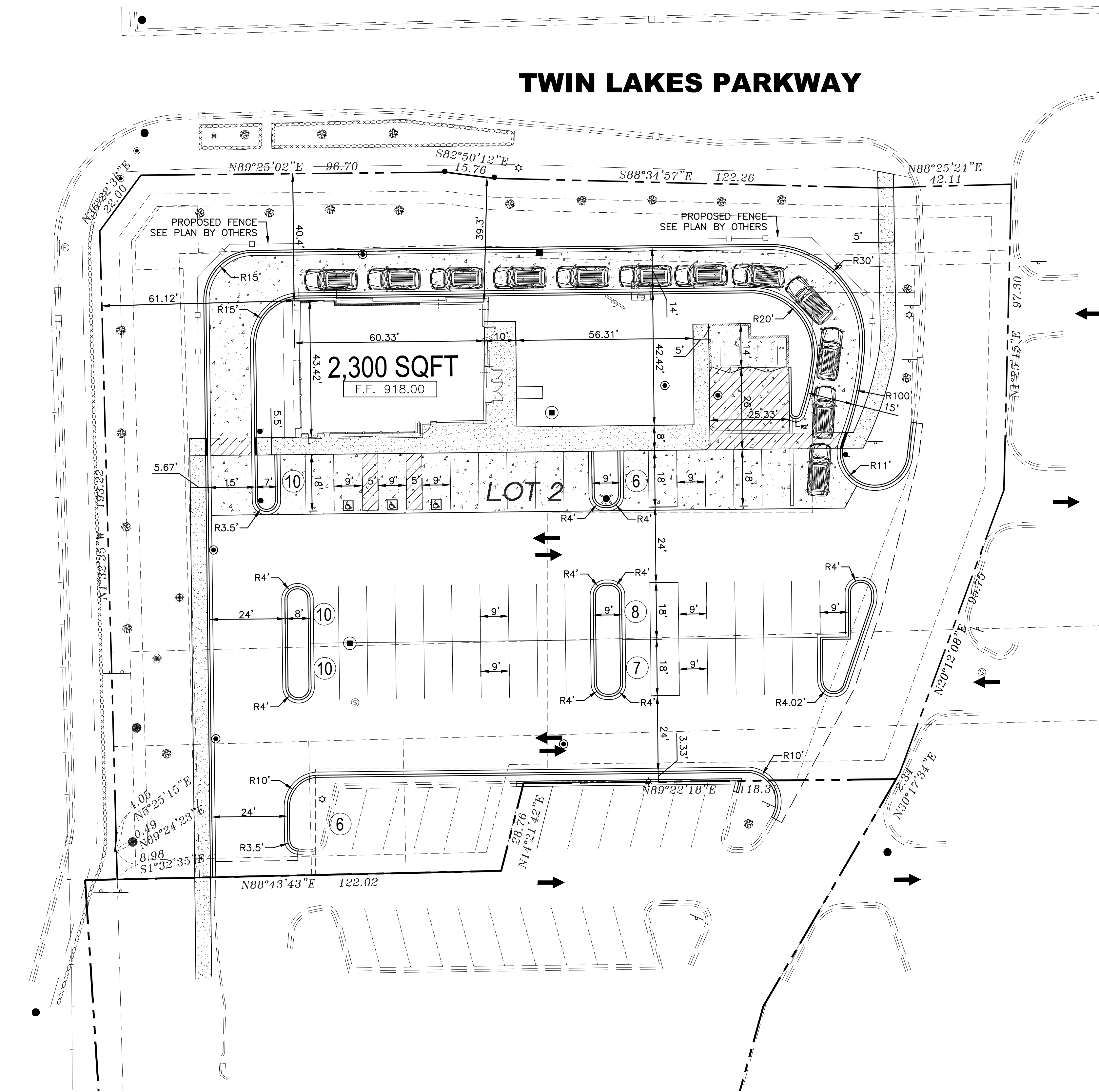
# Attachment B: Planning File 21-004




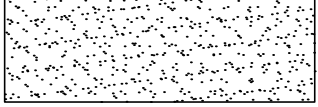

Disclaimer




CLEVELAND AVENUE

TWIN LAKES PARKWAY



LEGEND:

-  PROPOSED CONCRETE
-  PROPOSED SIDEWALK
-  PROPOSED FULL DEPTH ASPHALT

-  V612 CURB AND GUTTER (MNDOT) UNLESS NOTED OTHERWISE
-  V612 CURB AND GUTTER DEPRESSED (MNDOT)
-  EXISTING CURB & GUTTER



PARKING SUMMARY:

	PROP
REGULAR STALLS (8'X18')	54
HANDICAP STALLS (16'X18')	3
TOTAL	57



PANDA EXPRESS, INC.  
1683 Walnut Grove Ave.  
Rosemead, California  
91770  
Telephone: 626.799.9898  
Facsimile: 626.372.8288

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REVISIONS:

NO.	DESCRIPTION	DATE

ISSUE DATE:

VARIANCE/CUP	04.01.2021
--------------	------------

DRAWN BY: JD

PANDA PROJECT #: S8-21-D7560

ARCH PROJECT #: D7560

19158



rtm  
engineering consultants  
650 E. Algonquin Road, Suite 250  
Schaumburg, IL 60173 T: 857.756.4180  
www.rtmassociates.com

Heights Venture  
ARCHITECTURE DESIGN

HOUSTON 1111 North Loop West, Suite 800 713 869 1103 V  
DALLAS 5741 Legacy Drive, Suite 320 Plano, Texas 75024 972 490 7292 V

PANDA EXPRESS

TRUE WARM & WELCOME  
2030 TWIN LAKE PARKWAY  
ROSEVILLE, MN 55113

SITE PLAN

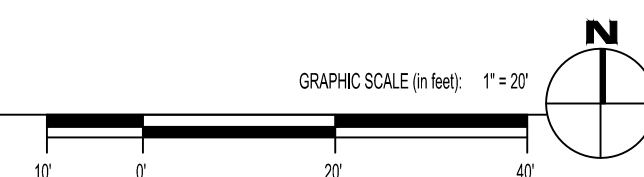
C03.0



TO FILE A LOCATE REQUEST: 811 | 651-454-0002 | 1-800-252-1166  
EXCAVATORS ARE REQUIRED TO NOTIFY GSOC 48 HOURS IN ADVANCE,  
EXCLUDING WEEKENDS AND HOLIDAYS BEFORE BEGINNING EXCAVATION.

GOPHER STATE ONE CALL IS AVAILABLE FOR EMERGENCY CALLS 24/7.  
EMERGENCY LOCATES ONLY: 1-866-640-3637

SITE PLAN





PANDA EXPRESS, INC.  
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REVISIONS:

NO.	DESCRIPTION	DATE

ISSUE DATE:

VARIANCE/CUP	DATE

DRAWN BY: JD

PANDA PROJECT #: S8-21-D7560

ARCH PROJECT #: D7560

19158



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**Heights Venture**  
ARCHITECTURE DESIGN

HOUSTON 1111 North Loop West, Suite 800 713 869 1103 V  
DALLAS 5741 Legacy Drive, Suite 320 Plano, Texas 75024 972 490 7292 V

PANDA EXPRESS

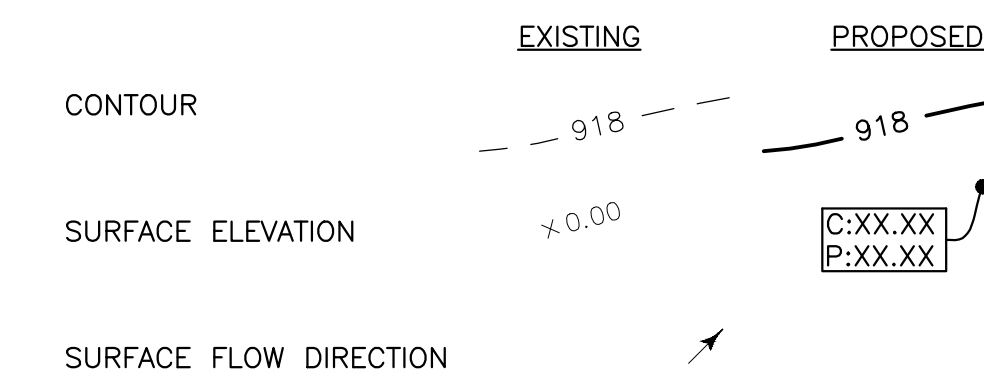
TRUE WARM & WELCOME  
2030 TWIN LAKE PARKWAY  
ROSEVILLE, MN 55113

GRADING  
PLAN

C05.0

TRUE WARM & WELCOME 2300 R5

LEGEND:



SURFACE SPOT ELEVATION ABBREVIATIONS

- F.F. FINISHED FLOOR
- P PAVING
- R RIM
- W WALK

BENCHMARKS

RAMSEY COUNTY BENCHMARK NO. 9141  
ELEVATION: 906.83 (NAVD 88 DATUM)

BASIS OF ELEVATIONS

PROJECT ELEVATIONS ARE NAVD88, BASED UPON GPS OBSERVATIONS FROM THE COUNTY OF RAMSEY BENCHMARK DATA.

BASIS OF BEARING

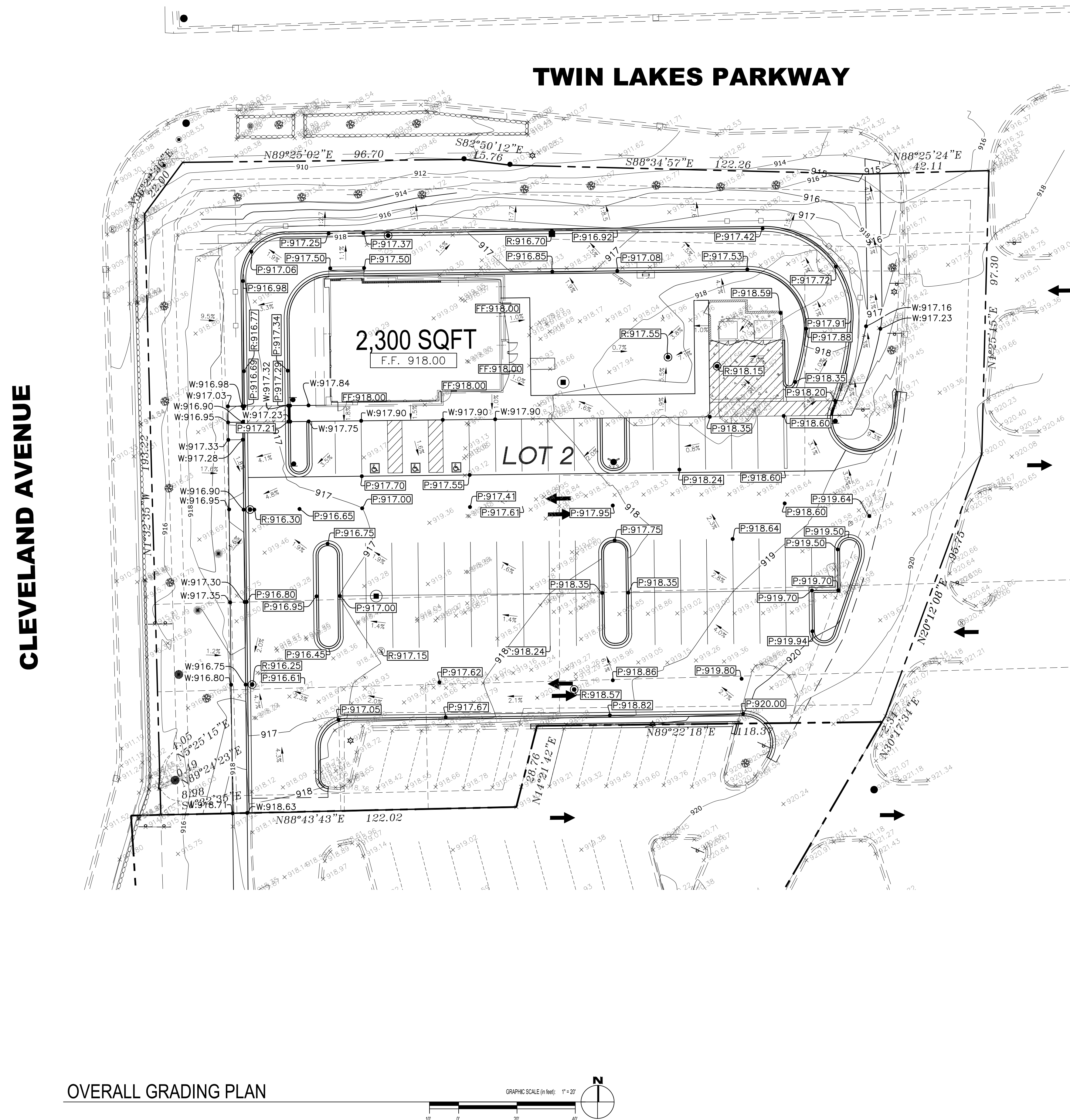
BEARINGS ARE BASED ON THE RAMSEY COUNTY COORDINATE SYSTEM.

FLOODPLAIN STATEMENT

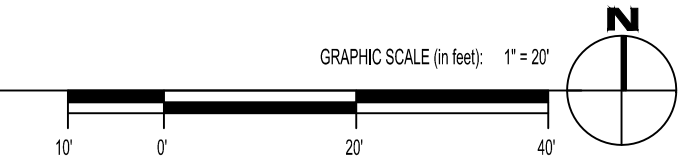
THIS SITE IS WITHIN ZONE X - AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY THE FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 2725 PANEL NO. 0203 SUFFIX G BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE JUNE 4, 2010.

GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL INFORMATION FOR FINAL ACCEPTANCE OF WORK BY ALL FEDERAL, STATE, LOCAL, ETC. AGENCIES OR JURISDICTIONS HAVING APPROVAL AUTHORITY OVER WORK. THIS WORK INCLUDES BUT IS NOT LIMITED TO RECORD DRAWINGS, CERTIFICATIONS, INSPECTIONS AND/OR REPORTS.
- SURVEYOR TO OBTAIN CAD FILE FROM ENGINEER AND VERIFY ALL HORIZONTAL CONTROL DIMENSIONING PRIOR TO CONSTRUCTION STAKING. SURVEYOR SHALL VERIFY ALL BENCHMARK, BASIS OF BEARINGS AND DATUM INFORMATION TO ENSURE IMPROVEMENTS WILL BE AT THE SAME HORIZONTAL AND VERTICAL LOCATIONS SHOWN ON THE DESIGN CONSTRUCTION DRAWINGS. PRIOR TO CONSTRUCTION STAKING ANY DISCREPANCY SHALL BE REPORTED TO OWNER AND ENGINEER PRIOR TO CONTINUATION OF ANY FURTHER STAKING OR CONSTRUCTION WORK.
- CONTRACTOR SHALL COORDINATE WORK WITH UTILITY COMPANIES AND CITY PRIOR TO BEGINNING WORK AND IS RESPONSIBLE FOR ALL MATERIALS, LABOR, REPAIRS, ETC. TO COMPLETE WORK AND RESTORE AREA TO SAME STATE PRIOR TO STARTING WORK.
- PROPOSED IMPROVEMENTS SHOWN ON THESE PLAN ARE BASED UPON THE PROPOSED IMPROVEMENTS BY OTHERS. PRIOR TO STAKING SURVEYOR SHALL VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL IMPROVEMENTS BY OTHERS AT THE LOCATIONS. VERIFICATION SHALL BE BY LOCATING THE IMPROVEMENTS IN THE FIELD AND/OR CONFIRMING THE HORIZONTAL AND VERTICAL CONTROL OF THE LATEST PLANS BY OTHERS MATCHES THE PROPOSED IMPROVEMENTS.
- SURVEY PREPARED BY E.G. RUD & SONS, INC. FROM LINO, MN DATED AUGUST 27, 2020.



OVERALL GRADING PLAN



TO FILE A LOCATE REQUEST: 811 (651-454-0002) | 1-800-252-1166  
EXCAVATORS ARE REQUIRED TO NOTIFY GSOC 48 HOURS IN ADVANCE, EXCLUDING WEEKENDS AND HOLIDAYS BEFORE BEGINNING EXCAVATION.

GOPHER STATE ONE CALL IS AVAILABLE FOR EMERGENCY CALLS 24/7.  
EMERGENCY LOCATES ONLY: 1-866-640-3637



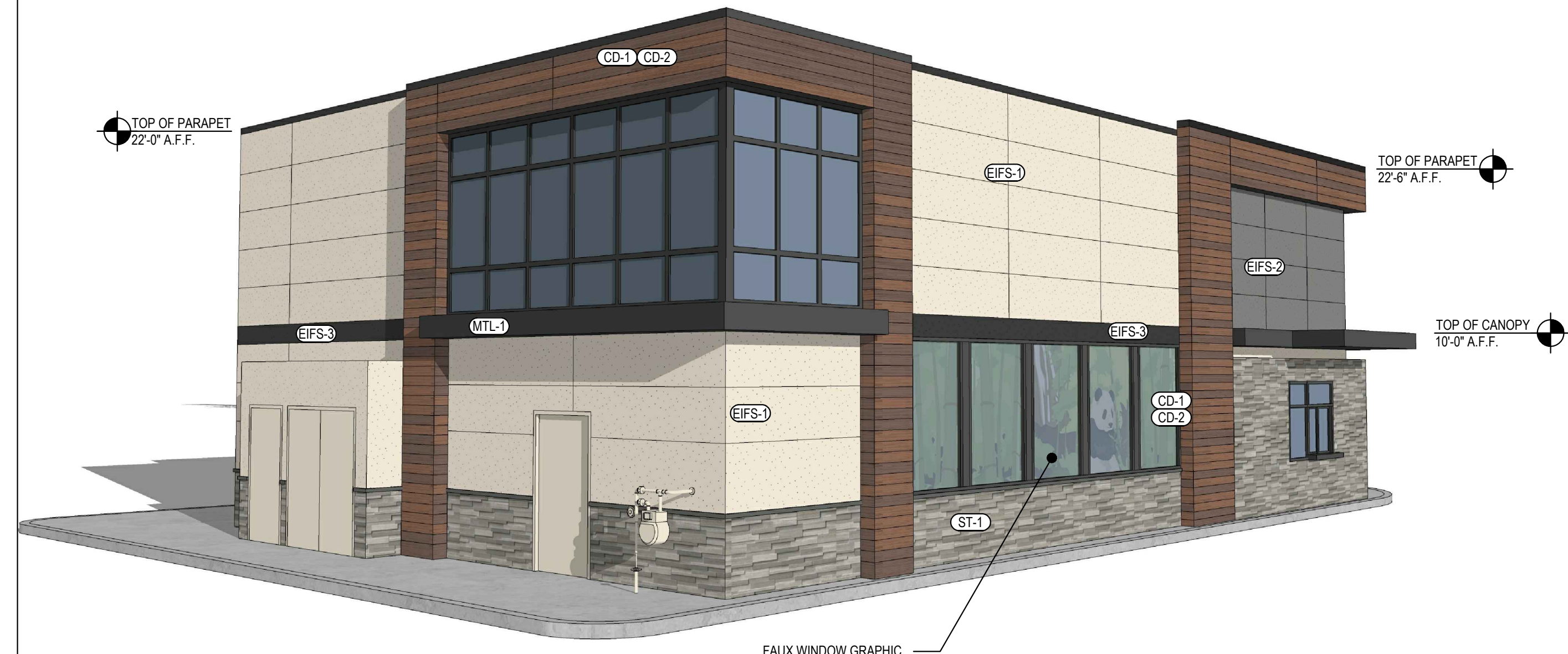
**SOUTHEAST CORNER** 4  
Scale= NTS **A-203**



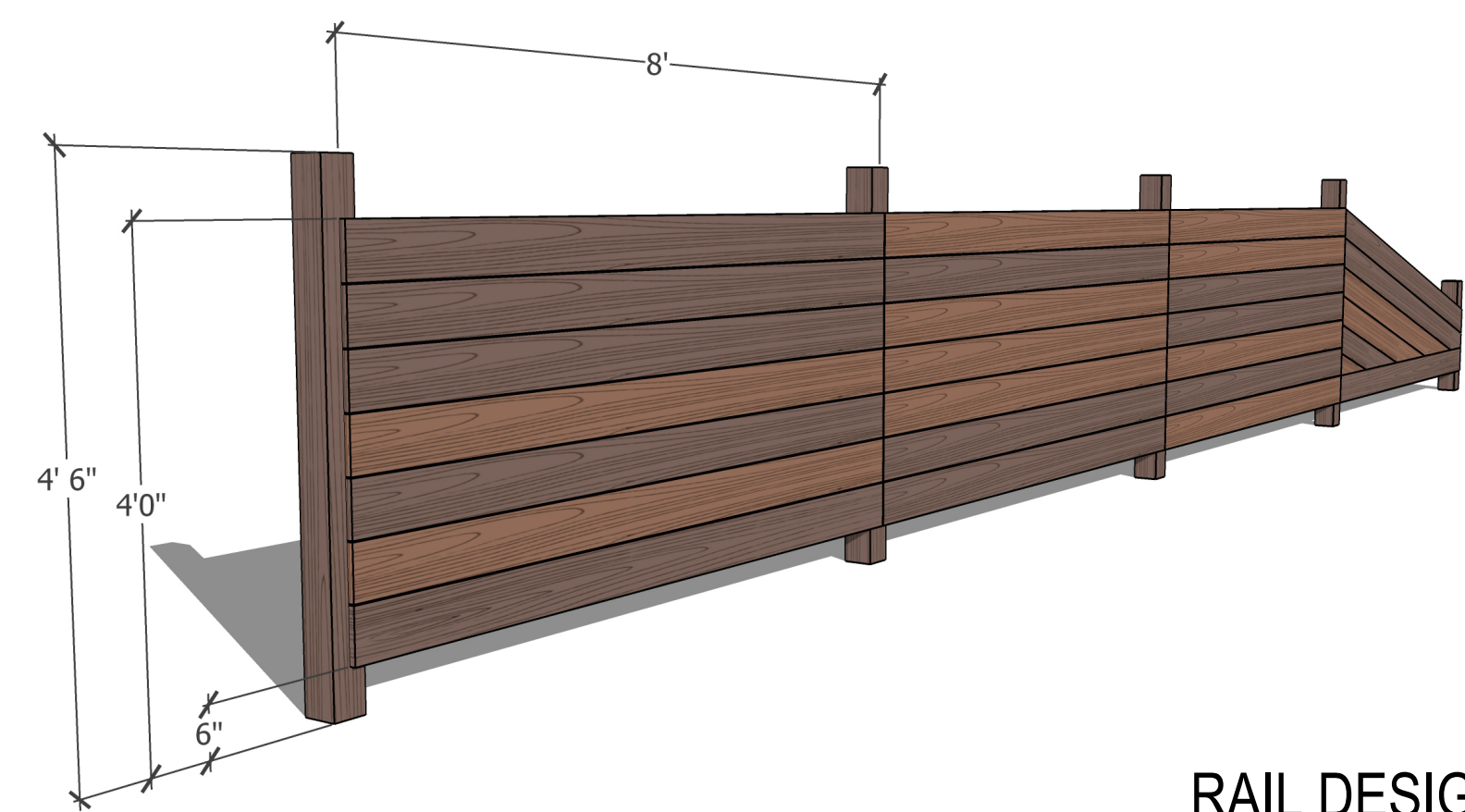
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Scale= NTS **A-203**



**NORTHWEST CORNER** 3  
Scale= NTS **A-203**



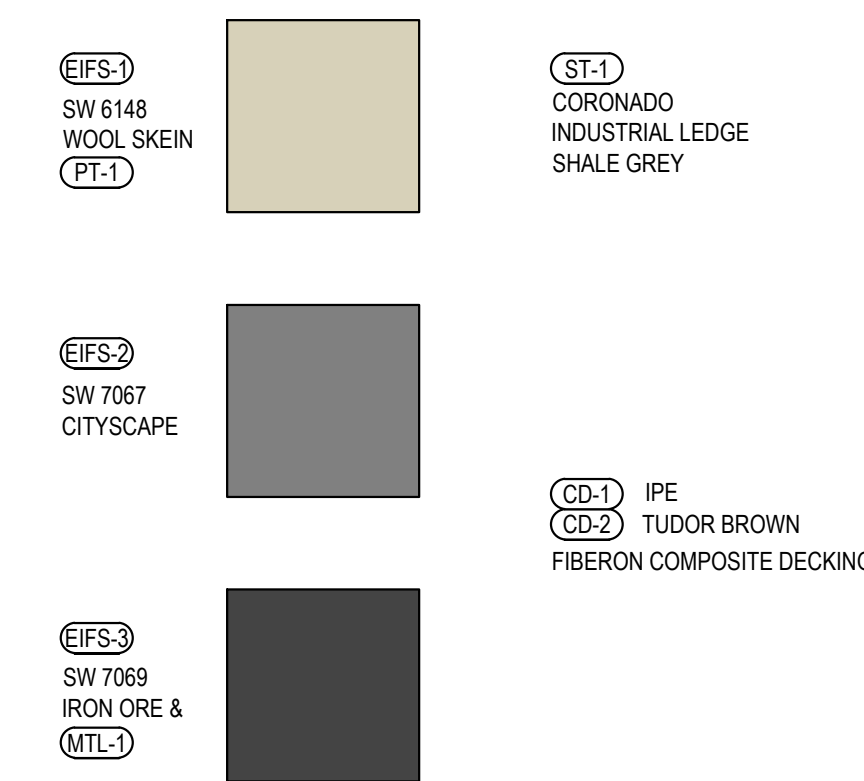
**NORTHEAST CORNER** 1  
Scale= NTS **A-203**



**RAIL DESIGN**

**EXTERIOR FINISH SCHEDULE** INSTALLED AND FURNISHED BY: G.C. UNLESS NOTED OTHERWISE

NO	MANUFACTURER	MFG#	COLOR	FINISH	NOTES
(EIFS-1)	STO	STOTHERM ESSENCE SYSTEM	SW 6148 WOOL SKEIN	FINE	BUILDING BODY
(EIFS-2)	STO	STOTHERM ESSENCE SYSTEM	SW 7067 CITYSCAPE	FINE	BUILDING BODY
(EIFS-3)	STO	STOTHERM ESSENCE SYSTEM	SW 7069 IRON ORE	FINE	EIFS ACCENT BAND
(ST-1S)	CORONADO STONE PRODUCTS	900 SERIES	#2 GREY	-	STONE CAP (3/8\"/>



PANDA EXPRESS, INC.  
1683 Walnut Grove Ave.  
Rosemead, California  
91770  
Telephone: 626.799.9898  
Facsimile: 626.372.8288

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REVISIONS:

NO.	DESCRIPTION	DATE

ISSUE DATE:

NO.	DESCRIPTION	DATE

DRAWN BY: KL

PANDA PROJECT #: S8-21-D7560  
PANDA STORE #: D7560  
ARCH PROJECT #: 19158



**Heights Venture**  
ARCHITECTURE DESIGN

HOUSTON 1111 North Loop West, Suite 800 Houston, Texas 77008 713 869 1103 V  
DALLAS 5741 Legacy Drive, Suite 320 Plano, Texas 75024 972 490 7292 V

**PANDA EXPRESS**  
TRUE WARM & WELCOME  
2030 TWIN LAKE PARKWAY  
ROSEVILLE, MN 55113

**A-203**

COLOR PERSPECTIVES

05-02-21

Community Development  
2660 Civil Center Drive  
Roseville, MN 55113

RE: VARIANCE AND CONDITIONAL USE NARRATIVE

The subject site is Lot 2, Block 1 of the Twin Lakes 2<sup>nd</sup> Addition, having an address of 2030 Twin Lakes Parkway and being approximately 56,725 sqft (1.30ac). The subject site is governed by the CMU-4 Zoning district and, at the October 6<sup>th</sup>, 2020 Planning Commission Hearing, the “Table of Uses” 1005.07-F was modified to change “Restaurant, Fast food w/ Drive-thru” from “NP” to “C” use. The following narrative describes the project and demonstrates compliance with applicable sections of Title 10 – Zoning, as well as the specific CMU-4 Zoning designation, including 1009.02.D.12 (a – f) Conditional Uses.

In Chapter 1005, the zoning requirements for commercial and mixed-use districts are described. The proposed building design complies with Section 1005.02.A Design Standards. The building is oriented to the corner of Twin Lakes Blvd and Cleveland Ave N. The proximity of the building is regulated by the existing 10’ elevation change between the street sidewalk and the existing grade of the subject property. There is an existing 5’ retaining wall along the subject property’s entire frontage along Cleveland Ave, that supports a steep, vegetated slope up to the level graded area of the property, intended to hold a structure.

Operationally, the site is designed to deliberately separate vehicular drive-thru use and pedestrian use, with only one area of crossing paths. The vehicular use is on the opposite side of the building to the pedestrian use and is contained within the drive-thru lane and surrounding landscaping. The corner orientation of the building, the requirement to separate the vehicular paths from the pedestrian paths, the inability to connect to Cleveland Ave due to the existing topographical challenge, and the existing and proposed vegetative screening along Twin Lakes Parkway all support the location of the drive-thru lane and window facing Twin Lakes Parkway. The vehicular entrance to the drive-thru is 200’ from the Twin Lakes Parkway access point on the North side of the site (Conditional Use 1009.02.D.12.a & b). The entrance to the drive-thru lane is accessed from the Panda Express parking lot and provides space for 12 vehicles (Conditional Use 1009.02.D.12.c – refer to Circulation plan at end of Narrative). The drive-thru lane and drive-thru window face North – facing Twin Lakes Parkway.

There are existing and well-developed evergreen and deciduous trees within an average of 20’ wide landscape buffer between the drive-thru lane and the North property line. This landscape buffer is twice the required width and will contain the existing trees and shrubs as well as new screening shrubs. The existing trees extend approximately 15’ above the proposed pavement of the drive-thru, are planted along the entire length of the Twin Lakes Parkway frontage and provide ample screening from the street (Conditional Use 1009.02.D.12.f). Regardless, we propose to include additional ground level vegetative screening of shrubs around the perimeter of the drive-thru lane to provide another layer of screening and headlight shielding along Twin Lakes Parkway and Cleveland Ave. Additionally, at the



request of Planning Staff, we have included a 4' high opaque fence that matches the material vocabulary of the building at the areas around the Drive-thru lane that have the highest opportunity for vehicular headlights to spill out onto Twin Lakes Parkway to the North and Cleveland Ave to the West.

The proposed impervious lot coverage is at 71.4% which is under the defined maximum of 85%, which is very well landscaped considering the property area includes the shared access road pavement. To touch on a final point in the Conditional Use requirements for Drive-thru facilities, the site is zoned CMU-4, a non-residential use, but does allow for Hotel use, however the location of the speaker box is more than 100' from any residential use or existing hotel use, or potentially any other future business or structure (Conditional Use 1009.02.D.12.d)

The pedestrian entrances are oriented toward both Cleveland Ave (Design Standards 1005.02.A.B) as well as the parking lot serving the building to the South. The Portals of Interaction for vehicles and pedestrians are separated to avoid conflict between the two groups, to clearly identify where pedestrians should interact and approach the building, and to promote a safe and enjoyable guest experience. The pedestrian entrances are articulated and identified by a cast stone portal flanked by storefront windows with direct views into and out of the dining room. The canopy over the drive-thru window extends from the metal band element wrapping around the building, where the depth grows and becomes a 4' deep canopy of the same material, color and style of the adjacent metal trim (Conditional Use 1009.02.D.12.e).

The building design is inspired by the modern vernacular, with clean rectilinear lines and a material palette consisting of subtle earth tones. The hard roughness of stone is contrasted with the sleek warmth of wood and are all bound together by conservative applications of pre-finished metal accents. The building is grounded with a continuous cast stone wainscot wrapping all sides of the building that expands at the Portals of Interaction to identify and accentuate the drive-thru window and pedestrian entrances. The facades facing Cleveland Ave and the building's parking field have storefront glass along 81% and 67% of the façade respectively providing an open and visual connection between outside and inside at the dining room. The entirety of the seating area has direct access to visible storefront glazing, natural light, and views.

A metal band wraps around the building and caps the top of the storefront, approximately the middle of the vertical façade. This metal band modulates its depth and function depending upon where it is located with respect to the plan. At the rear of the building, the band is compressed and subdued, but at the drive-thru window, the metal band extends out to 4' to become a cantilevered canopy for weather protection (Conditional Use 1009.02.D.12.e). At the storefront windows, the band becomes a subtle overhang to contain and finish the window elements.

At the top of the building, Fiberon boards are used to celebrate the warmth and texture of wood, but with the durability of a commercial material, providing both vertical and horizontal articulation, and complementing the warmth of natural wood used throughout the interior. All mechanical equipment on the roof is screened by a 4' to 5' high parapet wall bringing the overall building height to 24'. The remaining wall field is a tan and grey stucco that provides a neutral backdrop for the windows, metals, and wood elements. The building's material palette of Fiberon boards





replicating wood, Earth-tone stucco field, metal accent band, storefront glazing, and cast stone, is used on every façade and establishes a base, a middle, and framing elements. The building vocabulary creates a coherent composition, while maintaining and reinforcing the visual cues, such as the purposeful use of stone portals, and the pedestrian level storefront, to communicate the location of entries and dining rooms.

Specifically, to the CMU-4 Zoning regulations, the development generally complies with all portions of the CMU-4 zoning district, with the exception of the Urban Frontage Build-To Area requirement of section 1005.07.2.a.i defined by Regulating map Figure 1005-1. The southeast corner of Twin Lakes Parkway and Cleveland Avenue N. is defined as “Urban” for the hard corner, with “Flexible” frontage continuing East along Twin Lakes Parkway and south along Cleveland Ave. The proposed building placement complies with item D (and complies with Section 4 “Parking”) as the parking and drive lanes do not extend beyond (does not encroach upon) the build-to lines. However, per items C and B of Section 1005.07.2.a.i that defines the Build To area on the block corner within 10’ of the property line, the proposed development cannot meet this standard.

The existing site serves as an extension of the Wal-Mart parking lot being graded and leveled to align with the Wal-Mart building and Wal-Mart’s primary parking lot to the east. While the greater Wal-Mart development, including the proposed Panda outlot, maintains a level grade starting at the traffic circle on Twin Lakes Parkway, Twin Lakes Parkway slopes down and away from the traffic circle as it moves to connect with Cleveland Ave. This creates a **10’** grade change, over a distance of only 40’ to 50’ from the sidewalk along Cleveland Ave to the top of the proposed site. A 5’ high retaining wall was constructed as part of the Cleveland Ave road improvements across the entire Lot frontage along Cleveland Ave to accommodate the extreme differences between Cleveland Ave and the existing site.

*[1005.07.2.a.i.B (Variance Request) || 1005.07.2.a.i.C (Variance Request)  
Request for Variance to Items C and B of Section 1005.07.2.a.i that defines the Build To area on the block corner. The hardship for item C causes the non-compliance with item B. ]*

To comply with Item C, and by extension Item B, the proposed building would be over 10’ above the sidewalk level, and require another 10’ retaining wall that starts at the hard corner, and continues for nearly the entire extent of frontage along Cleveland Ave. Another 10’ high retaining wall would extend from the hard corner east along Twin Lakes Parkway all the way to the existing access drive connecting Twin Lakes to the Wal-Mart parking lot. The well-established evergreen and deciduous trees along Twin Lakes Parkway would be cut down, and new trees would be planted in front of the retaining wall. Given the topographical differences between building height and adjacent sidewalk being 10’ lower, the building and drive-thru window would not be screened at all by vegetation. The existing and new retaining walls would physically and psychologically cut off the building from the street below.

The goal and intent of providing an urban streetscape that is accessible and inviting to pedestrians could never be achieved, and strict adherence to the Urban Frontage requirement would negatively impact that intent, resulting in an obtrusive, oppressive, and unattractive element at the gateway that is Twin Lakes Parkway. The building is currently sited to the corner to respect the intent of the Urban Frontage, but also addresses existing and future pedestrian traffic patterns by providing



pedestrian access not from Cleveland Ave, but from the East, where pedestrians will be traveling from Wal-Mart, from the vicinity of the traffic circle, and from the nearby hotels. The I-35 corridor to the West of the site provides a barrier from which only vehicles will travel. Pedestrians will be coming from the East, from existing and future development of the Twin Lakes District. Due to the topography and the extreme grade change of the hard corner, we cannot provide a semi-public space, or transition space between public and private, and therefore request a variance to manage the existing topographical challenges of this site.

**Eric J. Abeln, AIA, NCARB**  
Partner

## Heights Venture

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**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 2<sup>nd</sup> day of June 2021, at 5:30 p.m.

The following Members were present: Members \_\_\_\_\_;  
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 §1005.07.E.2.A.I.B AND C, §1005.07.E.2.A.II.B, AND §1009.02.D.12.F, (PF21-004)**

WHEREAS, the subject property is legally described as:

LOT 2 BLOCK 1, TWIN LAKES 2ND ADDITION

WHEREAS, the City Code requires the following:

- *§1005.07.E.2.a.i.B. At least 50% of the lineal Build To Area shall be occupied by the front facade of the building.*
- *§1005.07.E.2.a.i.C. Within 30 feet of a block corner, the ground story facade shall be built within 10 feet of the corner.*
- *§1005.07.E.2.a.ii.B. Undeveloped and open space created in front of a building shall be designed as a semi-public space, outdoor seating, or other semi-public uses.*
- *§1009.02.D.12.f. A 10-foot buffer area with screen planting and/or an opaque wall or fence between 6 and 8 feet in height shall be required between the drive-through lane and any property line adjoining a public street or residentially zoned property or property in residential use and approved by the Community Development Department.*

WHEREAS, the design standards contained in §1005-07 and 1005.02A the building require corner placement of the building, or at a minimum, a building much closer to the northwest corner and within the build-to area; and

WHEREAS, on October 26, 2020, the City Council approved a Zoning text amendment to include drive-throughs as a conditional accessory use in the Community Mixed-Use-4 district.; and

WHEREAS, the Community Development Department is given latitude to support drive-through lanes between buildings and the public street frontage; and

WHEREAS, the applicant has been working on the site and building plans for the project and a plethora of design standards required for this specific lot, which in the process, concluded sighting the building in the corner of the lot, as required under the Urban Frontage designation of the Twin Lakes Regulating Plan to be unreasonable given existing site conditions, specifically existing topography and landscaping.

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 proposal is consistent with the Comprehensive Plan.* The Variance Board finds the proposal is generally consistent with the Comprehensive Plan because it represents the sort of continued investment promoted by the Comprehensive Plan’s goals and policies and contributes the following strategies:
1. Create design standards for both vertical and horizontal mixed-use developments, not only so that the uses are compatible, but so that the scale, mass, and feel of new development enhances the desired community character.
  2. Ensure that existing and future development of business and industry, shopping, transportation, housing, entertainment, leisure, and recreation opportunities are in harmony with the commitment Roseville has made to its environment and quality of life, without compromising the ability of future generations to meet their own needs.
- b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* The property is currently zoned Community Mixed-Use-4, with most of the building and site design requirements outlined within the Regulating Plan. In instances where the Regulating Plan is silent, the design standards of §1005.02.A apply to new developments. Although this development proposal is seeking variances to two important standards required in the Urban Frontage designation (§1005.07.E.2.a.i.B and C), the overall building placement and drive-through location has been deemed by the Variance Board to be in harmony with the purpose and intent of the applicable zoning standards.

The Variance Board finds that without dramatically altering the building design and site grading at the northwest corner, it would be nearly impossible to comply with the four standards from which the applicant seeks relief. While it is not always appropriate to provide relief from development standards when a site does not fit exactly within City Code standards, it must also be acknowledged that sometimes design elements just do not make sense or work well given the realities of a development site. The Variance Board finds this is an example of where there is likely more lost than gained by requiring the strict adherence to the Code. With the Code amended in support of a drive-through facilities, the “need” to have a building at the hard corner of the lot is less essential. Furthermore, when the topographic realities of the lot is such that it slopes nearly 10 feet from street grade to the elevation of the drive-through lane and buildings main level, having the building in or even near the build-to area seems unnecessary.

- c.** *The proposal puts the subject property to use in a reasonable manner.* The Variance Board finds the current site and building plans use the lot in a reasonable manner. More specifically, the Variance Board concludes, absent these variances, development on this lot could be deemed impractical and strict enforcement of the Urban Frontage standards burdensome, extending the period of time the lot remains vacant. The City Code offers variances in instances where practical difficulties are present and this is one of those situations. Recent approval to support a drive-through as a CU would suggest that flexibility of the standards is necessary as drive-through facilities create greater design challenges for a property. Considering the lot’s approximate 10-foot elevation change from street level to grade, a retaining wall on the two exterior lot parcel sides (north/west), and existing mature trees, it follows that a well-planned and thoughtful development can achieve compliance with numerous design standards and put the development site into a reasonable and mostly code compliant manner.

- d. *There are unique circumstances to the property which were not created by the landowner.* As has been discussed above, the elevation change from street level to the building pad elevation plays a large role in making this lot unique, as well as the retaining walls on the west and north sides of the lot. There are also numerous maturing trees that were planted when the Walmart site was landscaped that factor into the placement of the building and drive-through lane. Arguably, the applicant and future land owner did not create this situation as both of the outlots were prepared many years ago and made ready for development. The redesign of Cleveland Avenue and Twin Lakes Parkway at this intersection is also a contributing factor, as the initial retaining wall was replaced, lengthened, and heightened, in order to support the right-turn lane from Cleveland to Twin Lakes Parkway. Although it is possible to place a building at the corner and within the Build-To Area, such a building could not support a drive-through lane and would require extraordinary foundation design, which seems to the Variance Board as an unnecessary requirement of the Urban Frontage designation for this site given the intent of this requirement (pedestrian-integrated design) cannot be fully realized. Given this, the Variance Board finds the lot has unique circumstances not created by the applicant.
- e. *The variance, if granted, will not alter the essential character of the locality.* Although the City strives for fully Code-compliant development, especially those contained within the Regulating Plan for Twin Lakes, there are times when such strict enforcement of those standards is not in the best interest of the City or the applicant given an individual site's characteristics. By granting the requested variances, the proposed project fits more appropriately on the lot and supports the desired drive-through. The proposed fast food restaurant with drive-through, although not complying with all Regulating Plan standards, does comply with most general design standards and appears very consistent with other commercial developments with a drive-through. As such, the Variance Board finds granting of these four variances will not alter the essential character of this generalized area or the locality.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variances to §1005.07.E.2.a.i.B and C, §1005.07.E.2.a.ii.B, and §1009.02.D.12.f, based on the proposed plans, the testimony offered at the public hearing, the above findings.

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor: Members \_\_\_\_\_;  
and \_\_\_\_\_ voted against;

WHEREUPON said resolution was declared duly passed and adopted.



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

Date: June 2, 2021  
 Item No. 6b

Department Approval

**Agenda Section**  
 Public Hearings

*Janice Gundlach*

Item Description: Request for variances to City Code §1004 (Residential Setbacks) to allow a home addition that would encroach into the required front yard setback **(PF21-006)**

**APPLICATION INFORMATION**

Applicant: Adam and Erica Schmit  
 Location: 284 S McCarrons Boulevard  
 Property Owner: Adam and Erica Schmit  
 Application Submittal: Submitted and considered complete May 6, 2021  
 City Action Deadline: July 5, 2021, per Minn. Stat. 15.99

**GENERAL SITE INFORMATION**

Land Use Context

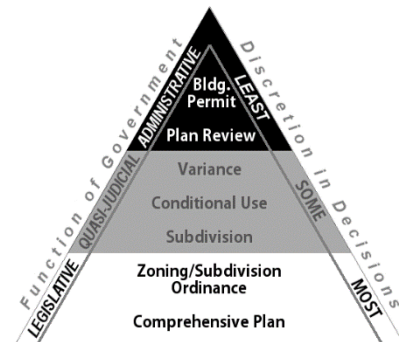
	Existing Land Use	Guiding	Zoning
<b>Site</b>	One-family residence, detached	LR	LDR-1
<b>North</b>	McCarrons Lake	n/a	n/a
<b>West</b>	One-family residence, detached	LR	LDR-1
<b>East</b>	One-family residence, detached	MR	MDR
<b>South</b>	One-family residence, detached	LR	LDR-1

Notable Natural Features: Significant elevation difference across the site

Planning File History: 1986 minor variance for garage and deck setbacks (PF1660)  
 2004 fence height variance (PF3593)

**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 1948. The home does  
3 have a two-stall, tuck-under garage, which is accepted as a standard for modern homes. The standard  
4 garage stall dimensions at the time of construction, however, fail to accommodate many modern  
5 vehicles and, given the particular construction of the applicant’s home, simply enlarging the garage  
6 stalls is not feasible. These considerations, along with the difficulty of locating a suitable garage  
7 elsewhere on the property given the elevation difference between the home and the abutting streets, led  
8 the applicant to the current proposal to build a modest 22-foot by 23-foot garage addition onto the front  
9 of the home with expanded dwelling space above it. The proposed home addition is illustrated in  
10 Attachment C.

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

14 **VARIANCE ANALYSIS**

15 City Code §1004.08.B (Residential Setbacks) requires structures in the LDR-1 zoning district to be set  
16 back at least 30 feet from the front property lines in order to preserve more or less uniform front yard  
17 setbacks along residential streets, although the zoning code does not strictly mandate such uniformity.  
18 Homes are permitted to be built at greater setback distances, for example, some pre-existing homes  
19 stand less than 30 feet from front property lines, and variations in the location of a street within its right-  
20 of-way can create varying *apparent* setback distances within a given block. Existing front yard setbacks  
21 along this portion of S McCarrons Boulevard range from three feet (for a detached garage) to more than  
22 50 feet and include a full range of distances in between. Further, the S McCarrons Boulevard right-of-  
23 way is located within a wider right-of-way held by the Saint Paul Regional Water Services, and the  
24 southern edges of these rights-of-way are inconsistently offset from each other. In some places the edges  
25 of these rights-of-way appear to coincide with one another while the offset grows to as much as 25 feet  
26 elsewhere. Based on the setback of the existing structure specified on the applicant’s survey, the  
27 proposed 22-foot garage addition would encroach 21.5 feet into this required front yard setback.

28 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

29 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit  
30 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or  
31 building that prevent the property from being used to the extent intended by the zoning.” State statute  
32 further clarifies that “economic considerations alone do not constitute practical difficulties.” Planning  
33 Division staff finds the challenge caused by the elevation contours of the property of building a garage  
34 addition that conforms to the applicable zoning standards, when coupled with the infeasibility of  
35 modifying the existing garage stalls, represents a practical difficulty which the variance process is  
36 intended to relieve.

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

- 40 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
41 the proposal is generally consistent with the Comprehensive Plan because it represents a standard  
42 amenity on a residential property and embodies the sort of continued investment promoted by the  
43 Comprehensive Plan’s goals and policies for residential neighborhoods.



- 44 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Although the  
 45 home addition would project far in front of the house and encroach deep into the front yard  
 46 setback Planning Division staff finds the intent of the zoning ordinances is somewhat uncertain  
 47 in this neighborhood given the widely varying setbacks and rights-of-way along this portion of S  
 48 McCarrons Boulevard.
- 49 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff  
 50 believes that the proposal makes reasonable use of the subject property because the garage  
 51 addition would create a modest two-stall garage that is consistent with modern dimensional  
 52 standards and the corresponding living space addition above the garage does not represent  
 53 further deviation from zoning standards.
- 54 **d.** *There are unique circumstances to the property which were not created by the landowner.*  
 55 Planning Division staff finds that the deficient dimensional standards and structural constraints  
 56 of the existing garage and the significant topography of the property are unique circumstances  
 57 that were not created by the landowner.
- 58 **e.** *The variance, if granted, will not alter the essential character of the locality.* Although the  
 59 proposal would create a large encroachment into the front yard the garage addition is clearly  
 60 residential in nature, and there is already enough variation in the real and apparent front yard  
 61 setbacks in this area that the variance, if approved, would not negatively alter the character of the  
 62 surrounding residential neighborhood.

63 **PUBLIC COMMENT**

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

66 **RECOMMENDED ACTION**

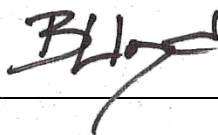
67 **Adopt a resolution approving the requested variances to the required minimum front yard**  
 68 **setback at 284 S McCarrons Boulevard**, based on the content of this RVBA, public input, and  
 69 Variance Board deliberation.

70 **ALTERNATIVE ACTIONS**

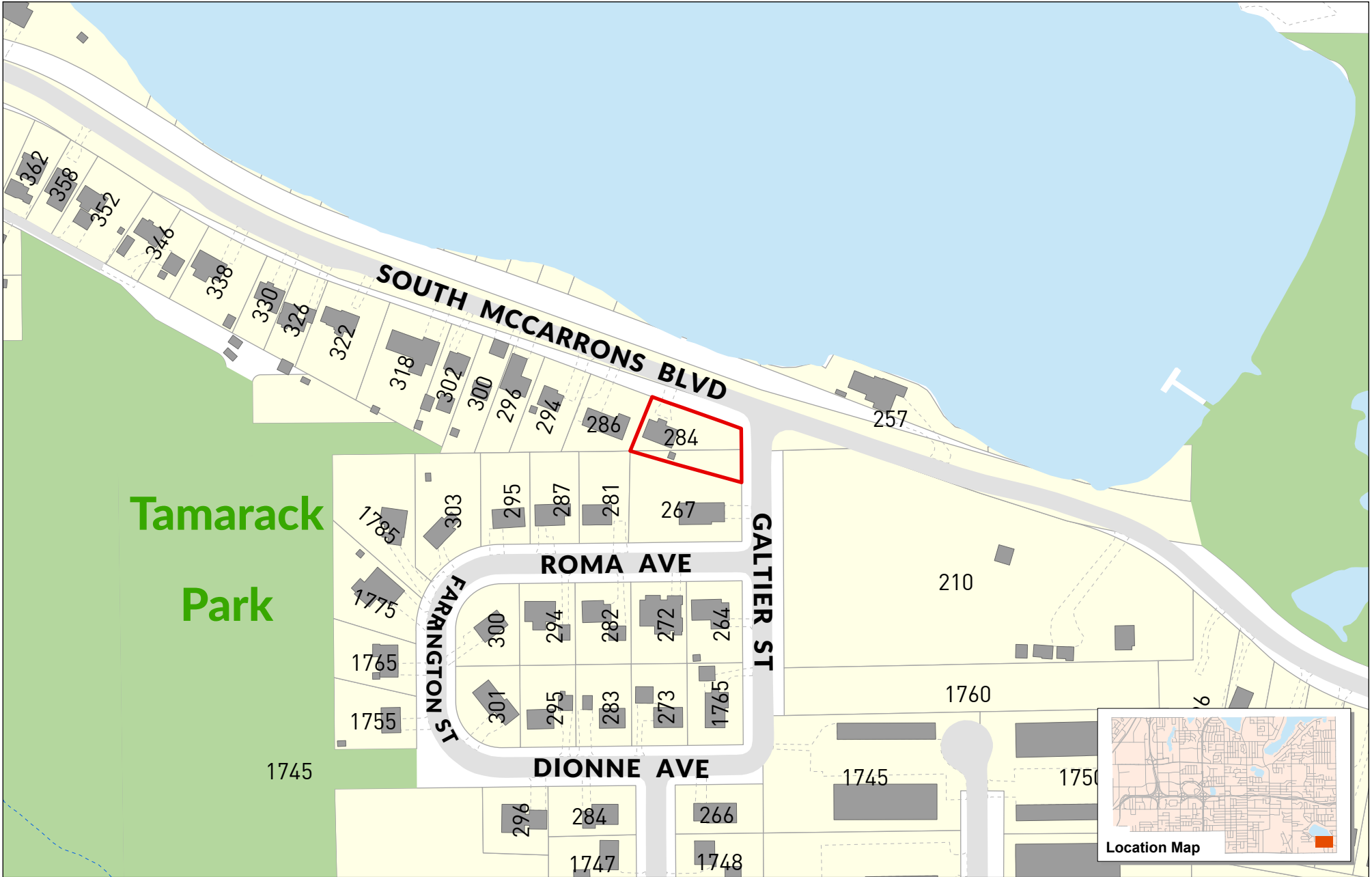
- 71 **A) Pass a motion to table the item for future action.** An action to table consideration of the  
 72 variance request must be based on the need for additional information or further analysis to reach  
 73 a decision on one or both requests. Tabling may require extension of the 60-day action deadline  
 74 established in Minn. Stat. 15.99 to avoid statutory approval.
- 75 **B) Adopt a resolution denying the requested variances.** A denial should be supported by specific  
 76 findings of fact based on the Variance Board’s review of the application, applicable zoning  
 77 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  
[bryan.lloyd@cityofroseville.com](mailto:bryan.lloyd@cityofroseville.com)

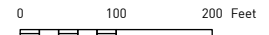


# Attachment A: Planning File 21-006



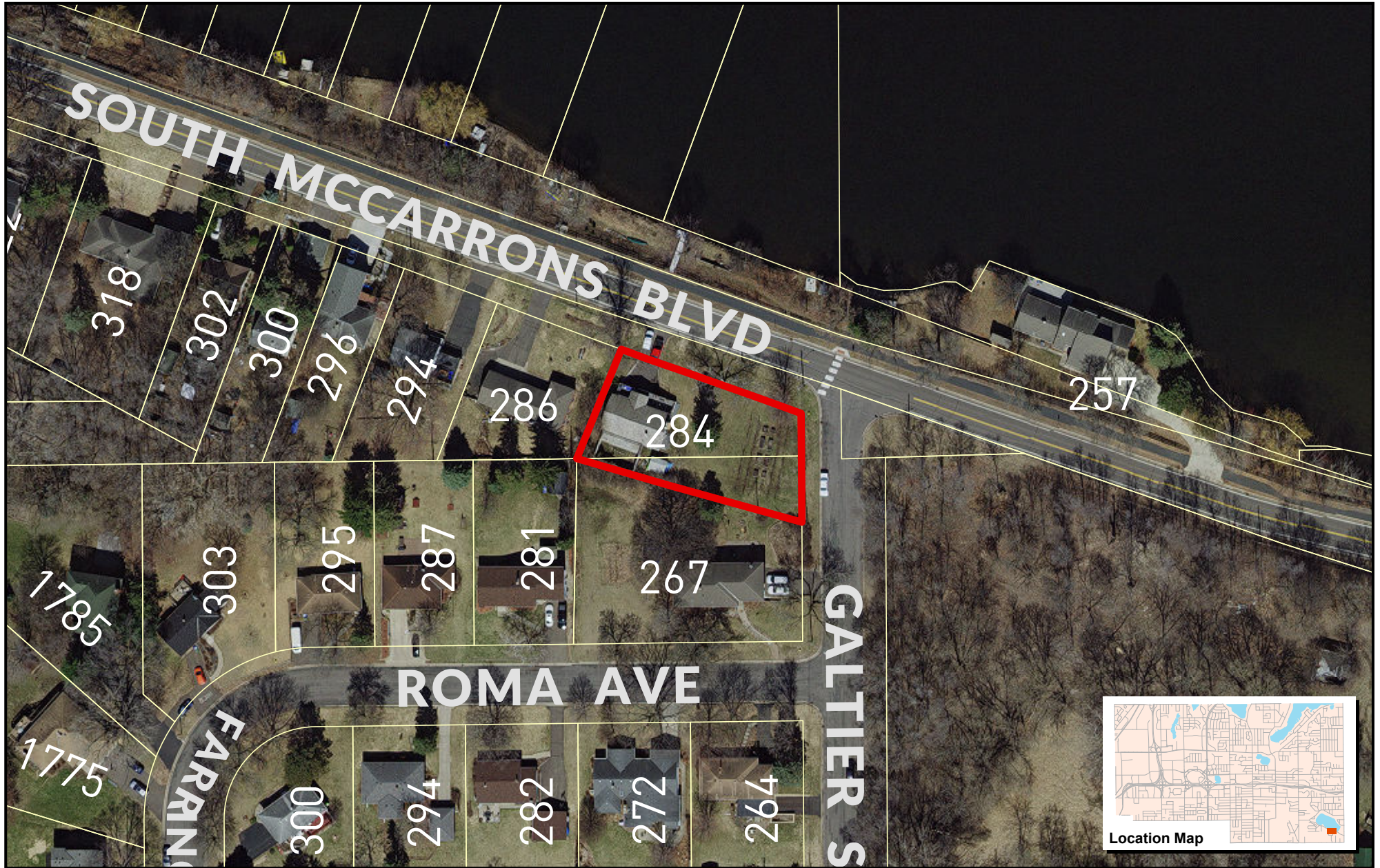
**Data Sources**  
 \* Ramsey County GIS Base Map [5/4/2021]  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**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.



Prepared by:  
 Community Development Department  
 Printed: May 26, 2021

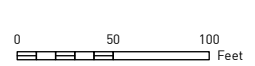
# Attachment B: Planning File 21-006



Disclaimer

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 \* Aerial Data: Surdex (4/2020)  
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**Parcel ID:** 132923420035

**Legal Description:** Lot 38 Block 1 of ROLLING GREEN  
EX WLY 25 FT AND EX ELY 30 FT LOT 38 BLK 1

**Narrative:** As current homeowners at 284 McCarrons Blvd. S, we have a desire to expand off the front of our existing house with the main purpose being to expand the amount of available garage space we currently have. The current garage doors we have are 6'2" tall and it's worth mentioning that the frame of the garage is the cement foundation of the house which cannot be expanded unlike other garage doors that could be restructured if the frames were wooden. This clearance may have been suitable when the house was built in 1948, but with modern vehicles we can only fit cars and perhaps small crossovers. As an average full-size SUV is 6'4" tall, this will not fit and as we are currently expecting our first child we need to ensure we can expand our vehicle capacity appropriately. This means fitting our existing vehicle in the garage from a vertical perspective as well as having the horizontal space available to open doors and remove car seats which our current structure does not allow. Due to a load bearing wall in between the current stalls that cannot be removed, we are unable to open our doors more than a fraction even with our compact car. We currently own one vehicle (secondary) that cannot fit and we are in the process of sizing up into a larger SUV for our main vehicle which will then mean none of our vehicles fit into our garage. Based on our desire for reasonably sized garage space we wanted to build forward on existing developed space (i.e. the existing driveway). There aren't other viable spaces for this since the restrictions would mean building alongside the existing house to the east but there is no driveway in that area. As we are dealing with these vehicle storage challenges/difficulties we are also planning to build on top of the garage to expand the livable space of the home for both our purposes as well as to keep the home looking consistent and presentable within the neighborhood.

# 284 McCARRON'S BLVD

**GENERAL NOTES:**

LUMBER SUPPLIER TO VERIFY ALL STRUCTURAL ITEMS  
 DOOR SIZES LABELED IN FEET  
 ALL HEADERS TO BE 2-2X10'S UNLESS NOTED OTHERWISE  
 ALL SILLS, POSTS, BEAMS, AND RAFTERS TO HAVE POSITIVE CONNECTORS, ANCHORS, OR TIES PER BUILDING CODE  
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 CAULK AND FLASH ALL EXTERIOR OPENINGS  
 FLASHING IS REQUIRED WHERE ROOF AND VERTICAL SURFACES MEET AND WHERE SIDING MATERIALS CHANGE  
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 CONTRACTOR TO VERIFY ALL ROUGH OPENING DIMENSIONS SIDING (AS NOTED)



## EXISTING FRONT ELEVATION

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

**SQUARE FOOTAGE**

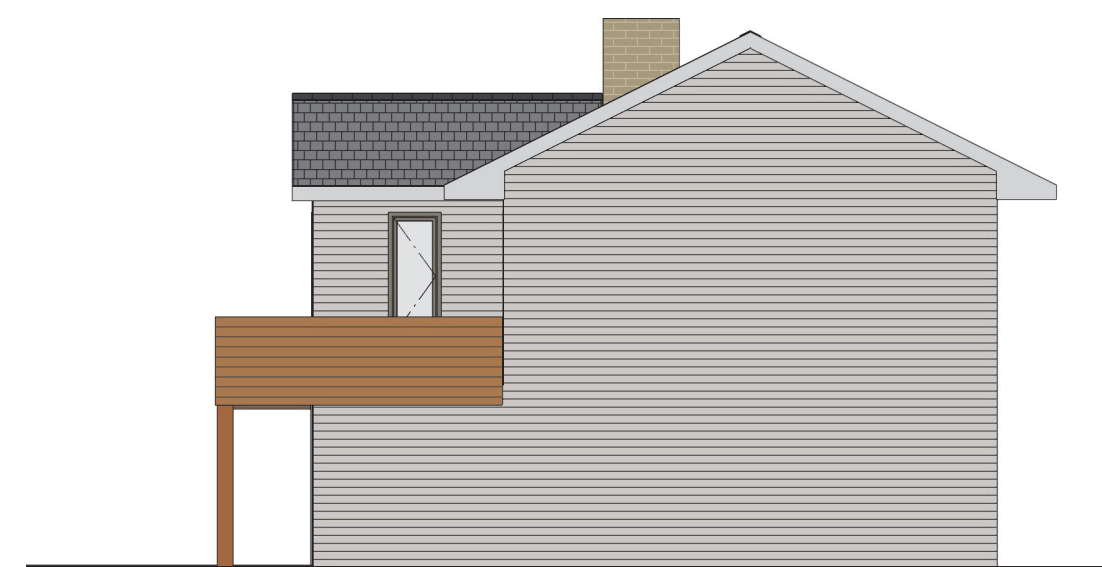
**DRAWINGS PROVIDED BY:**

CH CUSTOM HOMES, LLC

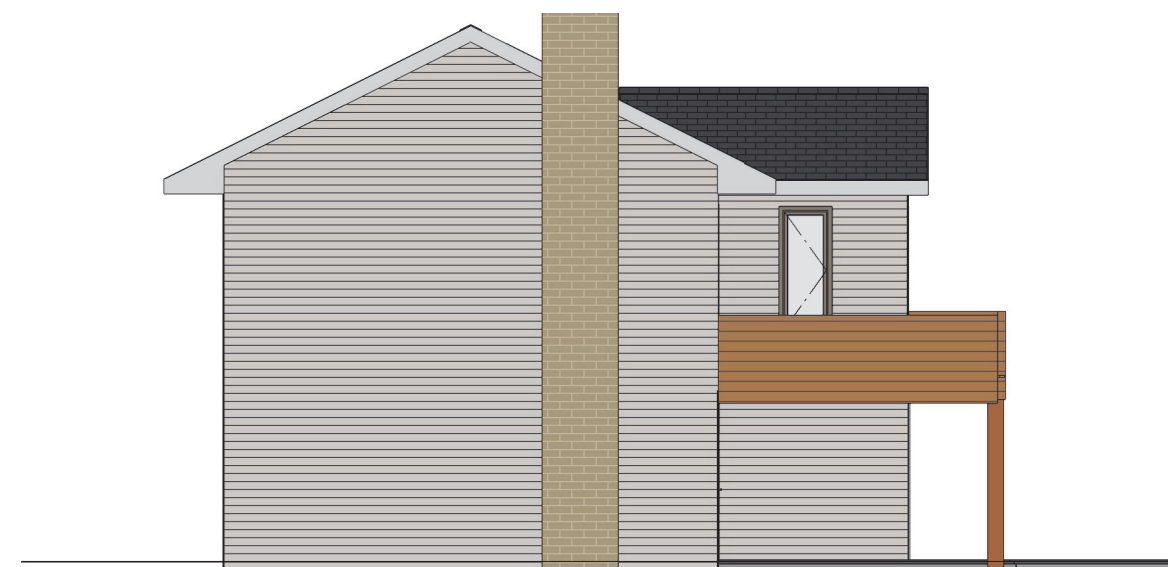
**CONTRACTOR:**

CUSTOM RENOVATIONS & BUILDERS  
DBA CUSTOM HOMES, LLC

**PROJECT DESCRIPTION:**



## EXISTING WEST ELEVATION



## EXISTING EAST ELEVATION

**DATE:**

5/5/2021

**SHEET SIZE:**

ARCH C (18" x 24")

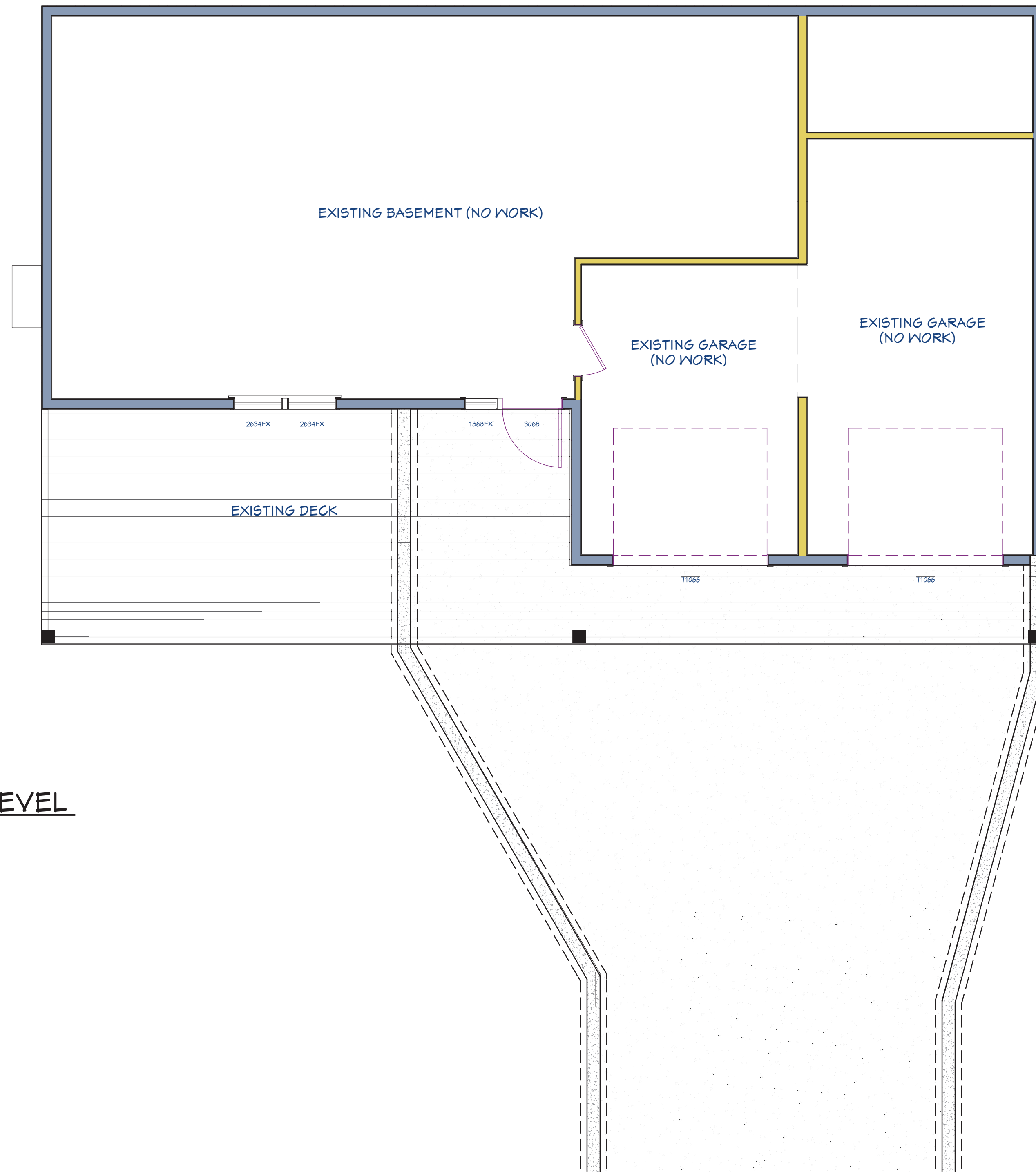
**SHEET:**

A-1

# 284 McCARRON'S BLVD

**GENERAL NOTES:**

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 ALL HEADERS TO BE 2-2X10'S UNLESS NOTED OTHERWISE  
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**EXISTING MAIN LEVEL**

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

**SQUARE FOOTAGE**

**DRAWINGS PROVIDED BY:**

CH CUSTOM HOMES, LLC

**CONTRACTOR:**

CUSTOM RENOVATIONS & BUILDERS  
 DBA CUSTOM HOMES, LLC

**PROJECT DESCRIPTION:**

**DATE:**

5/5/2021

**SHEET SIZE:**

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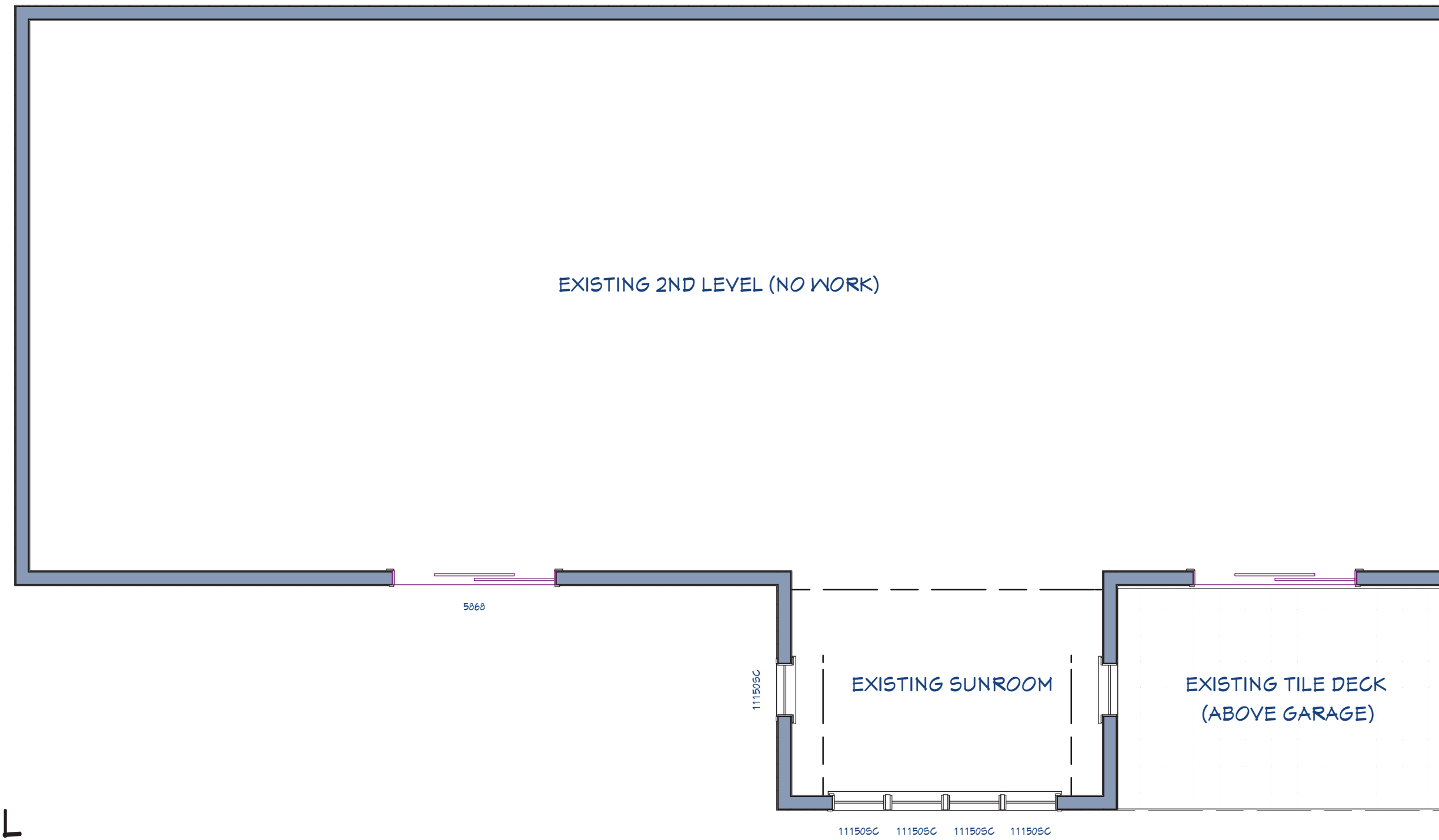
**SHEET:**

A-2

# 284 McCARRON'S BLVD

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**EXISTING 2ND LEVEL**

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

**SQUARE FOOTAGE**

**DRAWINGS PROVIDED BY:**

CH CUSTOM HOMES, LLC

**CONTRACTOR:**

CUSTOM RENOVATIONS & BUILDERS  
 DBA CUSTOM HOMES, LLC

**PROJECT DESCRIPTION:**

**DATE:**

5/5/2021

**SHEET SIZE:**

ARCH C (18" x 24")

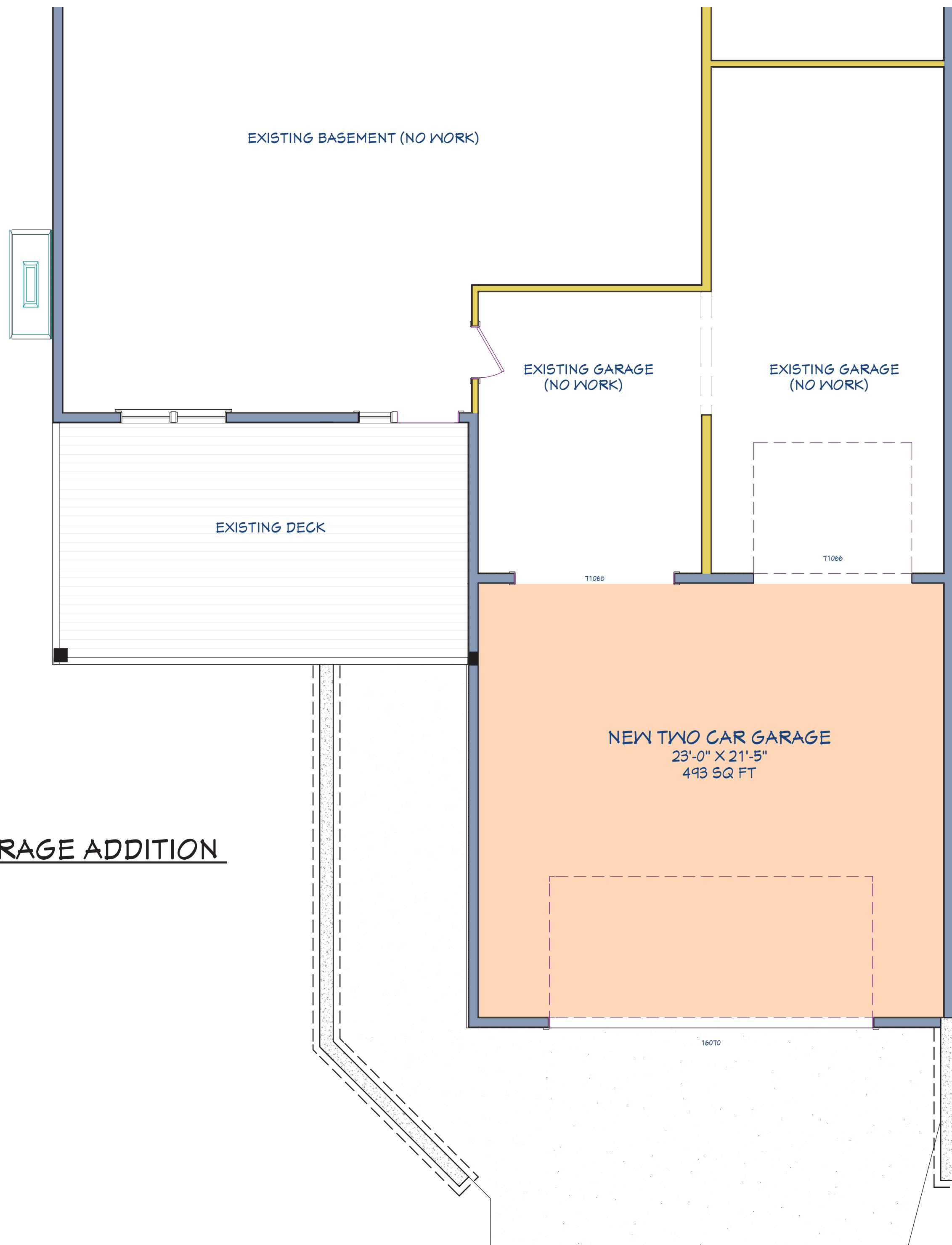
**SHEET:**

A-3

# 284 McCARRON'S BLVD

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## PROPOSED MAIN LEVEL GARAGE ADDITION

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

### SQUARE FOOTAGE

### DRAWINGS PROVIDED BY:

CH CUSTOM HOMES, LLC

### CONTRACTOR:

CUSTOM RENOVATIONS & BUILDERS  
DBA CUSTOM HOMES, LLC

### PROJECT DESCRIPTION:

### DATE:

5/5/2021

SHEET SIZE:

SHEET:

ARCH C (18" x 24")

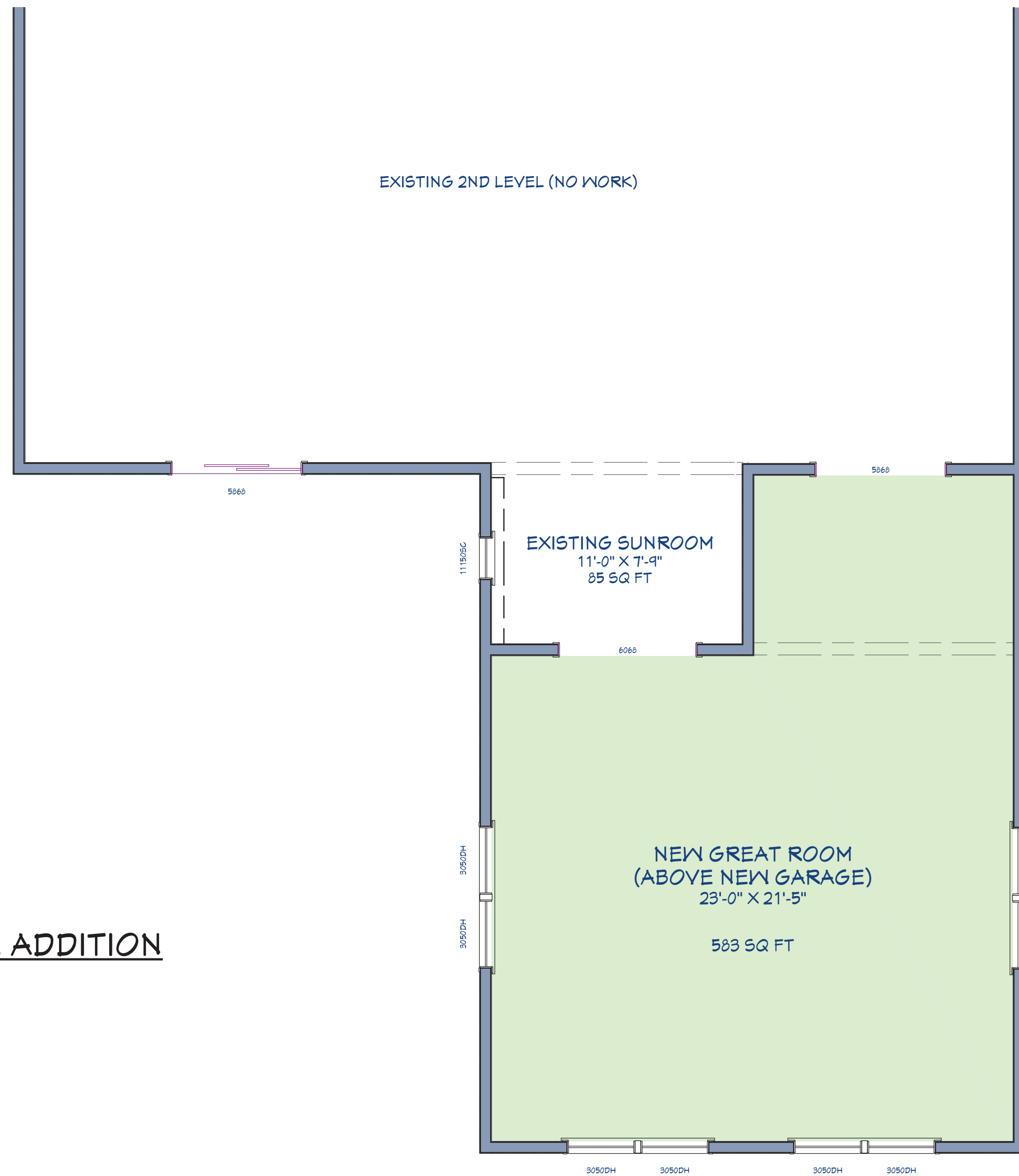
A-4



# 284 McCARRON'S BLVD

### GENERAL NOTES:

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## PROPOSED 2ND LEVEL GARAGE ADDITION

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

### SQUARE FOOTAGE

### DRAWINGS PROVIDED BY:

CH CUSTOM HOMES, LLC

### CONTRACTOR:

CUSTOM RENOVATIONS & BUILDERS  
DBA CUSTOM HOMES, LLC

### PROJECT DESCRIPTION:

### DATE:

5/5/2021

### SHEET SIZE:

### SHEET:

ARCH C (18" x 24")

A-5

# 284 McCARRON'S BLVD

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PROPOSED FRONT ELEVATION

**SQUARE FOOTAGE**

**DRAWINGS PROVIDED BY:**

CH CUSTOM HOMES, LLC

**CONTRACTOR:**

CUSTOM RENOVATIONS & BUILDERS  
DBA CUSTOM HOMES, LLC

**PROJECT DESCRIPTION:**

**DATE:**

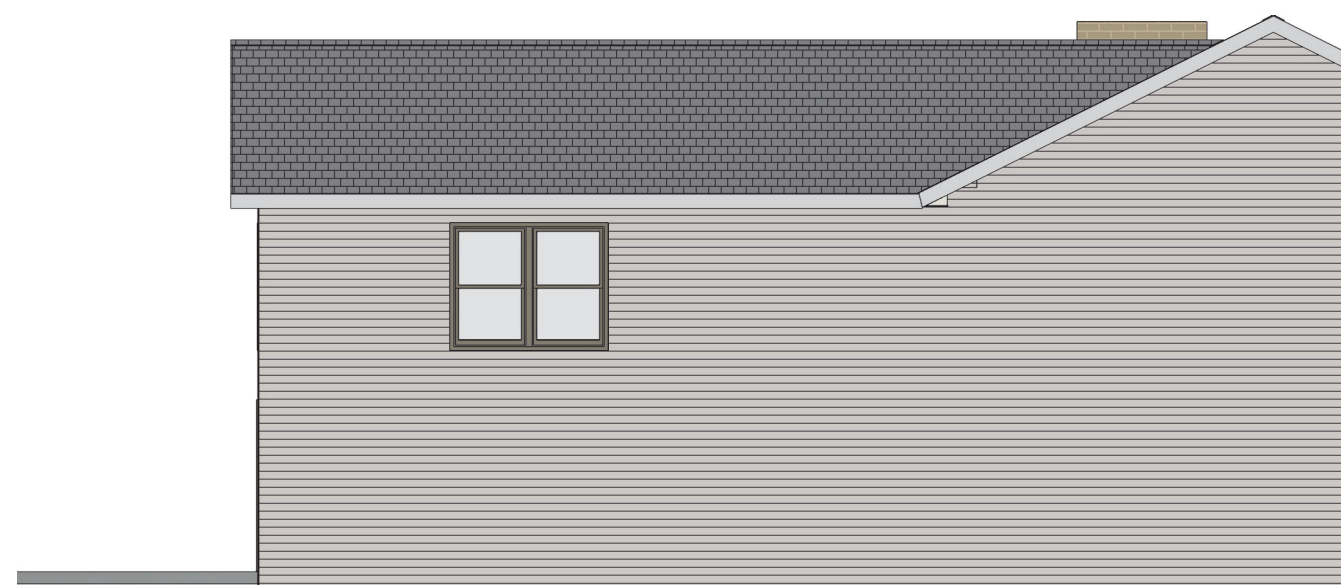
5/5/2021

**SHEET SIZE:**

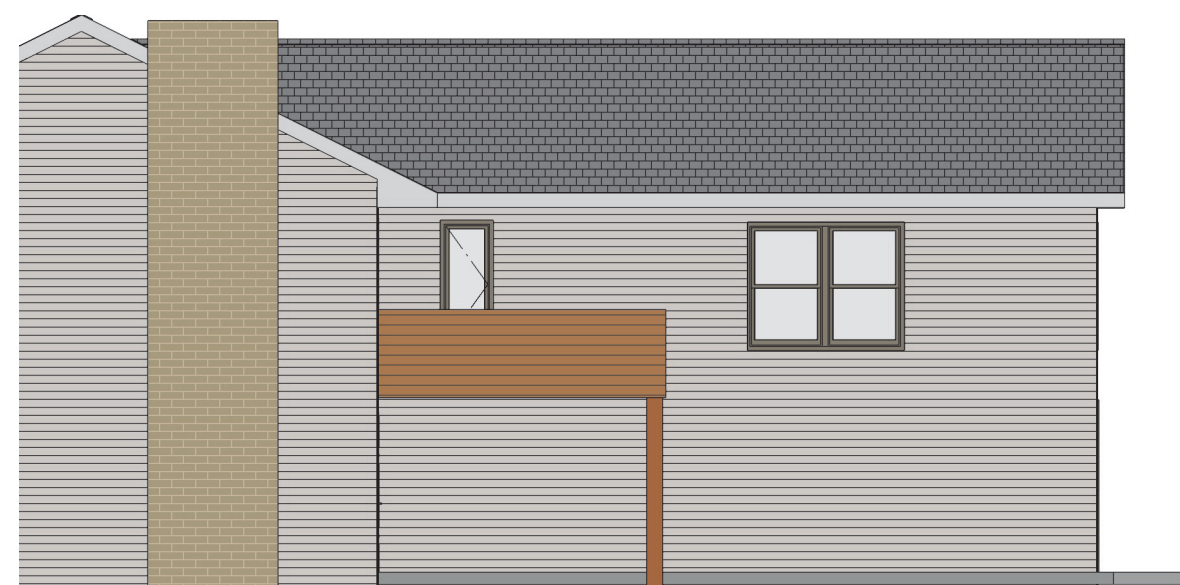
**SHEET:**

ARCH C (18" x 24")

A-6



PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION

**GENERAL NOTES:**

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NWLY CORNER OF LOT 38, BLOCK 1, ROLLING GREEN.

SQUARE FOOTAGE  
 50.0 PLAT

DRAWINGS PROVIDED BY:  
 GREEN  
 CH CUSTOM HOMES, LLC

CONTRACTOR:  
 CUSTOM RENOVATIONS & BUILDERS  
 DBA CUSTOM HOMES, LLC

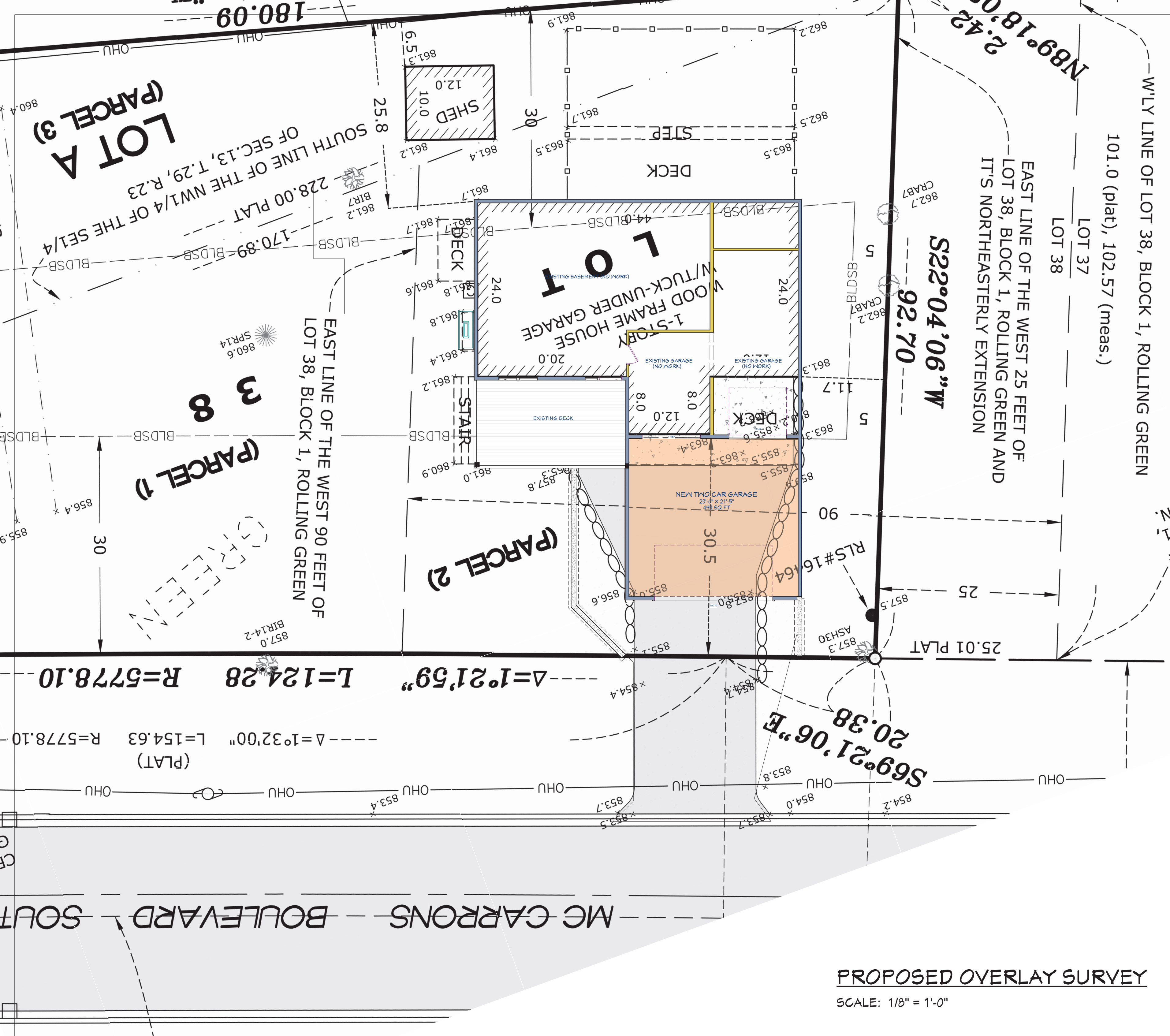
PROJECT DESCRIPTION:

DATE:

5/5/2021

SHEET SIZE: SHEET:

ARCH C (18" x 24") A-8



**PROPOSED OVERLAY SURVEY**

SCALE: 1/8" = 1'-0"

**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 June 2021, 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, AT 284 S MCCARRONS BOULEVARD (PF21-006)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 13-29-23-42-0035, and is legally described as:

Parcel 1: That part of Lot 38, Block 1, Rolling Green, except the Westerly 90 feet thereof, measured parallel to the Westerly line of said Lot 38 and also except the East 30 feet thereof.

Parcel 2: That part of Lot 38, Block 1, Rolling Green, lying between two lines both running Southwesterly parallel to the Westerly line of said Lot 38 from points on the Northeasterly line of said lot distant respectively 25 feet and 90 feet Southeasterly from the Northwesterly corner of said lot.

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, Adam and Erica Schmit, owners of the property at 284 S McCarrons Boulevard, requested a variance to §1004.08.B to allow a proposed 22-foot home addition, which would encroach as much as 21.5 feet into the required front 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 challenge caused by the elevation contours of the property of building a garage addition that conforms to the applicable zoning standards, when coupled with the infeasibility of modifying the existing garage stalls, 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.

- c. The intent of the standard front yard setback requirement in the zoning ordinances is somewhat uncertain in this neighborhood given the widely varying existing setbacks and rights-of-way along this portion of S McCarrons Boulevard.
- d. The proposal makes reasonable use of the subject property because the home addition would create a modest two-stall garage that is consistent with modern dimensional standards and the corresponding living space addition above the garage does not represent further deviation from zoning standards.
- e. The deficient dimensional standards and structural constraints of the existing garage and the significant topography of the property are unique circumstances that were not created by the landowner.
- f. Although the proposal would create a large encroachment into the front yard which would be atypical of the surrounding neighborhood the garage addition is clearly residential in nature, and there is already enough variation in the real and apparent front yard setbacks in this area that the variance, if approved, would not negatively alter the character of the surrounding residential neighborhood.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variance to §1004.08.B of the City Code, based on the proposed plans for the home addition, the testimony offered at the public hearing, and the above findings.

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member \_\_\_\_ and upon vote being taken thereon, the following voted in favor: Members \_\_\_\_;  
and \_\_\_\_ voted against;

WHEREUPON said resolution was declared duly passed and adopted.

