

  
**VARIANCE BOARD**  
REGULAR MEETING AGENDA

**Wednesday, July 7, 2021 at 5:30 p.m.**

Members of the public who wish to speak during public comment or on an agenda item may do so in person during this meeting or 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:** June 2, 2021
5. **Public Hearing**
  - a. A request by Joshua Carlson to consider a request for a **variance** to City Code §1004.08 to allow a proposed home addition to encroach into the required rear yard setback at 2407 Irene Street (PF21-008).
6. **Adjourn**



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, June 2, 2021 – 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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

**1. Call to Order**

Chair Pribyl called to order the regular meeting of the Variance Board meeting at approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.

**2. Roll Call & Introductions**

At the request of Chair Pribyl, City Planner Thomas Paschke called the Roll.

**Members Present:** Chair Michelle Pribyl; Vice Chair Michelle Kruzel; and Member Karen Schaffhausen.

**Members Absent:** None

**Staff Present:** City Planner Thomas Paschke, Senior Planner Bryan Lloyd, Community Development Director Janice Gundlach and Department Assistant Staci Johnson.

**3. Approval of Agenda**

**MOTION**

**Member Kruzel moved, seconded by Member Schaffhausen to approve the agenda as presented.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**4. Review of Minutes: March 3, 2021**

**MOTION**

**Member Schaffhausen moved, seconded by Member Kruzel to approve the March 3, 2021 meeting minutes.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**5. Organizational Business**

**a. Elect Variance Board Chair and Vice-Chair**

Chair Pribyl asked if there were any nominations for the Chair of the Variance Board.

39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85

Member Schaffhausen nominated Member Pribyl.

**MOTION**

**Member Schaffhausen moved, seconded by Member Kruzel, to appoint Member Pribyl as Chair of the Variance Board.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

Chair Pribyl asked if there were any nominations for the Vice Chair of the Variance Board.

Member Kruzel nominated Member Schaffhausen.

**MOTION**

**Member Schaffhausen moved, seconded by Member Pribyl, to appoint Member Schaffhausen as Vice Chair of the Variance Board.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

**6. Public Hearing**

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

**a. PLANNING FILE 21-004**

**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.**

Planner Paschke reviewed the variance request for this property, as detailed in the staff report dated June 2, 2021.

Member Schaffhausen wondered how they look at other potential spaces that might be in a similar situation and are they creating a template for others. How is this managed.

Mr. Paschke indicated they are not setting a precedent. Each project needs to stand on its own merits. He thought this was a unique situation with being just ten feet above street grade and having a code that is really trying to advocate building forward design, placement in corners, having storefronts at street level, this will not happen being ten feet up so this is not like most of the property that is in Twin Lakes or more at grade level anywhere else so going into this, this site has interesting challenges to begin with. There is a distinct difference between this one and a lot of the other sites looked at.

86 Member Schaffhausen indicated as far as functionality; she was not sure anyone  
87 anticipated the volume of traffic that the restaurant right across from this produces.  
88 She indicated the drive-through that is there is actually causing some traffic backup  
89 and are there any issue with that road that enters into Walmart. Will there be any sort  
90 of backup there or is this separate enough where it will ultimately wrap around if it is  
91 busy.

92  
93 Mr. Paschke indicated a traffic study was done and he did not think the study  
94 anticipates that kind of backup, but one can never tell when a use goes in how traffic  
95 is going to react. From that perspective, they are just utilizing the best standard  
96 practices the City has. Another thing that he thinks is less critical here is that it would  
97 not necessarily backup immediately into Twin Lakes Parkway because it is an interior  
98 system. There would be ways for that drive-through lane to meander into the  
99 Walmart site and not affect or impact traffic.

100  
101 Staff discussed with the Board criteria for drive-through stacking lanes.

102  
103 Chair Pribyl indicated the Board received an email this afternoon with some potential  
104 concerns about this variance and she wondered if staff has received any other  
105 concerns.

106  
107 Mr. Paschke indicated he has not.

108  
109 Mr. Eric Abeln, Heights Metro Architects, applicant, indicated this has been in the  
110 works for over a year and they have been working with staff and have been able to  
111 address the needs and the goals of the City while meeting the needs of their client.  
112 He reviewed the plan with the Board.

113  
114 Member Kruzel thought it was helpful to see the plan laid out for her.

115  
116 Chair Pribyl agreed and indicated seeing the renderings really helps to visualize what  
117 the retaining wall and landscaping look like now and what the applicant is faced with.

118  
119 Chair Pribyl invited public comment with no comments.

120  
121 Chair Pribyl closed the public hearing at 6:17 p.m.

122  
123 **MOTION**

124 **Member Schaffhausen moved, seconded by Member Kruzel, adoption of**  
125 **Variance Board Resolution No. \_\_\_\_ (Attachment E), entitled “A Resolution**  
126 **Approving Variances to Roseville City Code §1005.07.E.2.a.i.B,**  
127 **1005.07.E.2.a.i.C, 1005.07.E.3.a.ii.B, and 1009.02.D.12.f. (PF21-004)”**

128  
129 **Ayes: 3**

130 **Nays: 0**

131 **Motion carried.**

132

133           **b. PLANNING FILE 21-006**  
134           **Request by Adam and Erica Schmidt for variance to City Code §1004.08.B to**  
135           **allow a proposed home addition to encroach into the required front yard setback**  
136           **at 284 S. McCarrons Boulevard.**

137           Senior Planner Lloyd reviewed the variance request for this property, as detailed in  
138           the staff report dated June 2, 2021.

139  
140           Member Kruzel asked if the new style of garage fit the decor of the rest of the house  
141           in the neighborhood.

142  
143           Mr. Lloyd indicated the staff report did include elevation drawings of this house and  
144           this will change the appearance of the house but is being designed to fit with it and  
145           prompt other updates at the same time. It does not necessarily look like other houses  
146           along the street, but it definitely is a residential addition and looks as residential as the  
147           rest of the street even if the style might be more modern than some of the homes  
148           there.

149  
150           Member Schaffhausen asked if there is any concern with regard to visibility with  
151           right-of-way.

152  
153           Mr. Lloyd explained the Zoning Code does have site visibility triangle consideration  
154           that seeks to ensure that there are not visibility obstructions in the corners of  
155           intersections and this new structure is well outside of that triangle.

156  
157           Chair Pribyl asked if any of the neighbors expressed support or lack thereof for this  
158           proposal.

159  
160           Mr. Lloyd indicated he has not received any emails or phone calls either way about  
161           the proposal.

162  
163           Mr. Adam and Mrs. Erica Hagar, applicant were at the meeting for questions.

164  
165           Chair Pribyl invited public comment with no comments.

166  
167           Chair Pribyl closed the public hearing at 6:58 p.m.

168  
169           **MOTION**

170           **Member Kruzel moved, seconded by Member Schaffhausen, adoption of**  
171           **Variance Board Resolution No. \_\_\_\_ (Attachment D), entitled “A Resolution**  
172           **Approving Variances to Roseville City Code §1004.08.B, Residential Setbacks, at**  
173           **284 S McCarrons Boulevard. (PF21-006)”**

174  
175           **Ayes: 3**

176           **Nays: 0**

177           **Motion carried.**

178  
179           **7. Adjourn**

180  
181  
182  
183  
184  
185  
186  
187

**MOTION**

**Member Kruzel, seconded by Member Schaffhausen, to adjourn the meeting at 6:30 p.m.**

**Ayes: 3**

**Nays: 0**

**Motion carried.**

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

Date: July 7, 2021  
 Item No. 5a

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 rear yard setback (PF21-008)

**APPLICATION INFORMATION**

Applicant: Joshua Carlson  
 Location: 2407 Irene Street  
 Property Owner: Joshua and Jessica Carlson  
 Application Submittal: Submitted and considered complete June 4, 2021  
 City Action Deadline: August 3, 2021, per Minn. Stat. 15.99

**GENERAL SITE INFORMATION**

Land Use Context

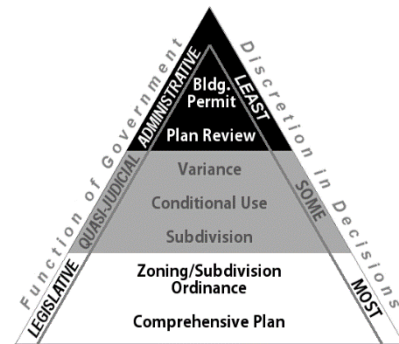
	Existing Land Use	Guiding	Zoning
<b>Site</b>	One-family residence, detached	LR	LDR-1
<b>North</b>	One-family residence, detached Lake	LR	LDR-1
<b>West</b>	One-family residence, detached	LR	LDR-1
<b>East</b>	One-family residence, detached	LR	LDR-1
<b>South</b>	One-family residence, detached	LR	LDR-1

Notable Natural Features: some elevation gain across the site from north to south

Planning File History: none

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

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



1 **BACKGROUND**

2 The applicant proposes to build an addition onto the rear of their home, which was built in 1960. The  
3 subject property was also platted in 1960 in conformance with the lot size requirements for corner lots in  
4 effect at the time: minimum width and depth of 100 feet along both street frontages and minimum area  
5 of 12,500 square feet. These same dimensional standards continue to regulate corner lots until today, and  
6 because the minimum area requirement is greater than the product of the minimum width and depth  
7 requirements. Therefore, if one dimension of the lot (e.g., the width) is 100 feet, the other dimension of  
8 the lot (e.g., the depth) must be at least 125 feet for the lot to achieve the minimum area of 12,500  
9 square feet. These minimum dimensional standards are greater for corner lots than interior lots because  
10 all corner lots used to have three sides with 30-foot setbacks (i.e., the front, the rear, and the street-side),  
11 compared with only the front and rear of interior lots having 30-foot setback requirements, and the  
12 corner lot's greater width and area prevented the additional 30-foot setback from consuming too much  
13 buildable area on the lot.

14 Because a corner lot with two street frontages typically has three sides with 30-foot setbacks, one might  
15 expect that a lot with three street frontages, like this subject property, would necessarily have 30-foot  
16 setback on all four sides. If this particular lot were oriented with its front toward Irene Court, as its  
17 neighbors around the cul-de-sac are oriented, it would have 30-foot setbacks on only three sides: the  
18 front, adjacent to Irene Court on the north, the rear, adjacent to County Road B2 on the south, and the  
19 Irene Street side on the east. The western side of the property would have the smaller setback associated  
20 with a standard interior side yard. But because the subject property is oriented toward Irene Street on the  
21 east, the western side is the rear of the property and therefore has a fourth 30-foot setback. Consequently  
22 the buildable area is substantially less than it would be if the lot were arranged differently with the home  
23 oriented toward Irene Court. A visual comparison of these setback differences, along with details about  
24 the proposed home addition, is included with this RVBA in Attachment C.

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

28 **VARIANCE ANALYSIS**

29 City Code §1004.08.B (Residential Setbacks) requires structures in the LDR-1 zoning district to be set  
30 back at least 30 feet from the rear property lines in order to preserve private space in an abutting rear  
31 yard, between the residences sharing a rear lot boundary. Side yards, by contrast, have much smaller  
32 setback requirements because they function more as passages between front and rear yards rather than  
33 recreational areas themselves. By the arrangement of the subject property and its neighbor to the west,  
34 the proposed addition on the back of the house would be adjacent to the side of the neighbor's home and  
35 their side yard rather than impinging on the rear yard of that property.

36 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

37 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit  
38 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or  
39 building that prevent the property from being used to the extent intended by the zoning.” State statute  
40 further clarifies that “economic considerations alone do not constitute practical difficulties.” Planning  
41 Division staff finds the combination of the unfavorable setbacks caused by the seemingly arbitrary  
42 orientation of the lot toward the west and the adjacency of the side yard on the neighboring lot  
43 represents a practical difficulty which the variance process is intended to relieve.



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

- 47 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that  
48 the proposal is generally consistent with the Comprehensive Plan because it represents a standard  
49 amenity on a residential property and embodies the sort of continued investment promoted by the  
50 Comprehensive Plan’s goals and policies for residential neighborhoods.
- 51 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Although the  
52 home addition would encroach significantly into the rear yard setback Planning Division staff  
53 finds it in harmony with the intent of the zoning ordinances because the addition would not  
54 intrude on the privacy of the neighboring property’s rear yard.
- 55 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff  
56 believes that the proposal makes reasonable use of the subject property because such an addition  
57 would likely not need any variances if the property were oriented in a more conventional  
58 manner.
- 59 **d.** *There are unique circumstances to the property which were not created by the landowner.*  
60 Planning Division staff finds that the unfavorable orientation of the property is unique  
61 circumstance that was not created by the landowner.
- 62 **e.** *The variance, if granted, will not alter the essential character of the locality.* The proposed  
63 addition on the rear of a home will be largely invisible to the broader community so the variance,  
64 if approved, would not negatively alter the character of the surrounding neighborhood.

65 **PUBLIC COMMENT**

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

68 **RECOMMENDED ACTION**

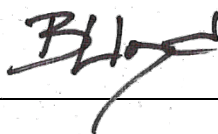
69 **Adopt a resolution approving the requested variance to the required minimum rear yard setback**  
70 **at 2407 Irene Street**, based on the content of this RVBA, public input, and Variance Board deliberation.

71 **ALTERNATIVE ACTIONS**

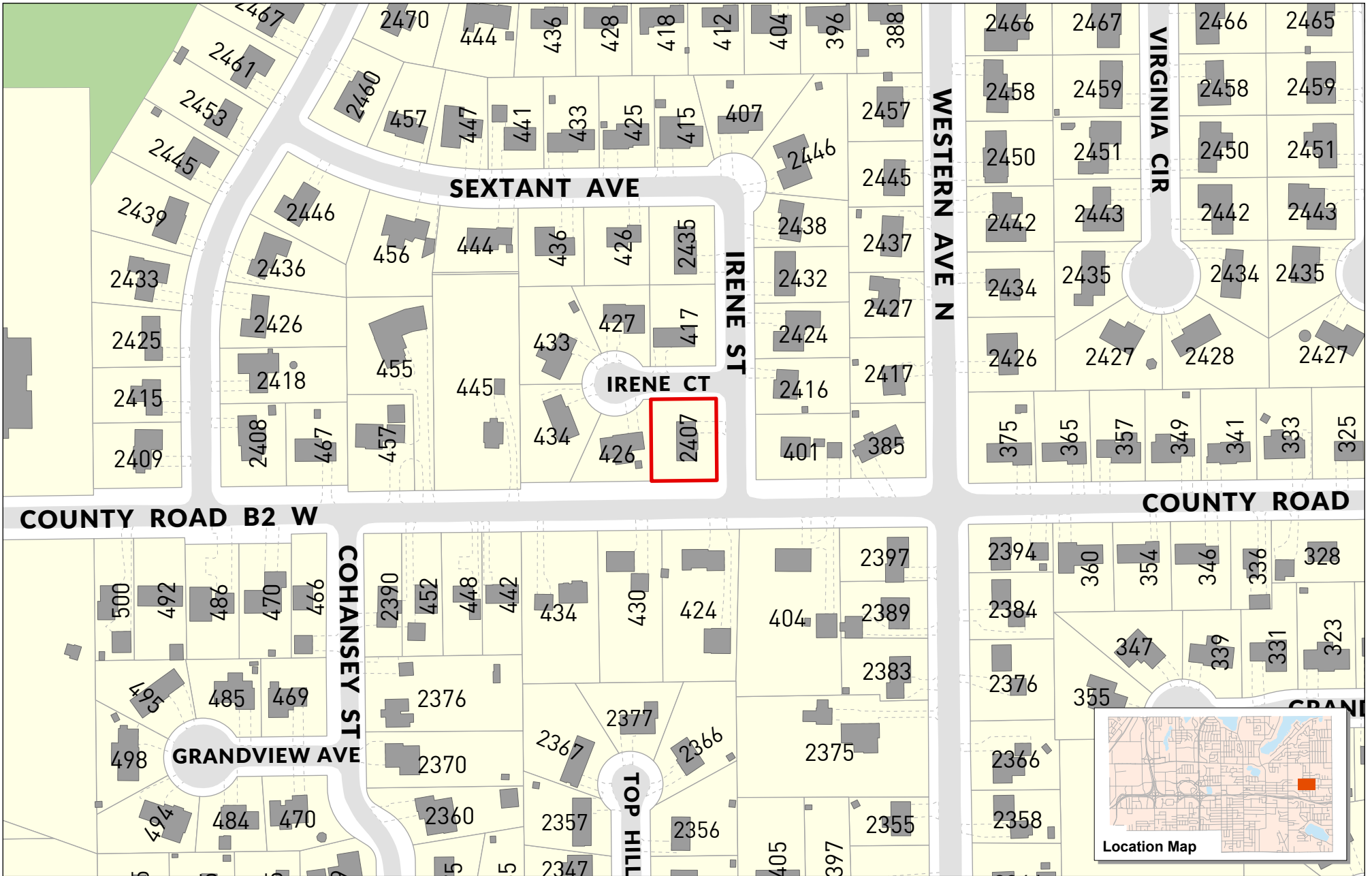
- 72 **A) Pass a motion to table the item for future action.** An action to table consideration of the  
73 variance request must be based on the need for additional information or further analysis to reach  
74 a decision on one or both requests. Tabling may require extension of the 60-day action deadline  
75 established in Minn. Stat. 15.99 to avoid statutory approval.
- 76 **B) Adopt a resolution denying the requested variances.** A denial should be supported by specific  
77 findings of fact based on the Variance Board’s review of the application, applicable zoning  
78 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 21-008





# Attachment B: Planning File 21-008

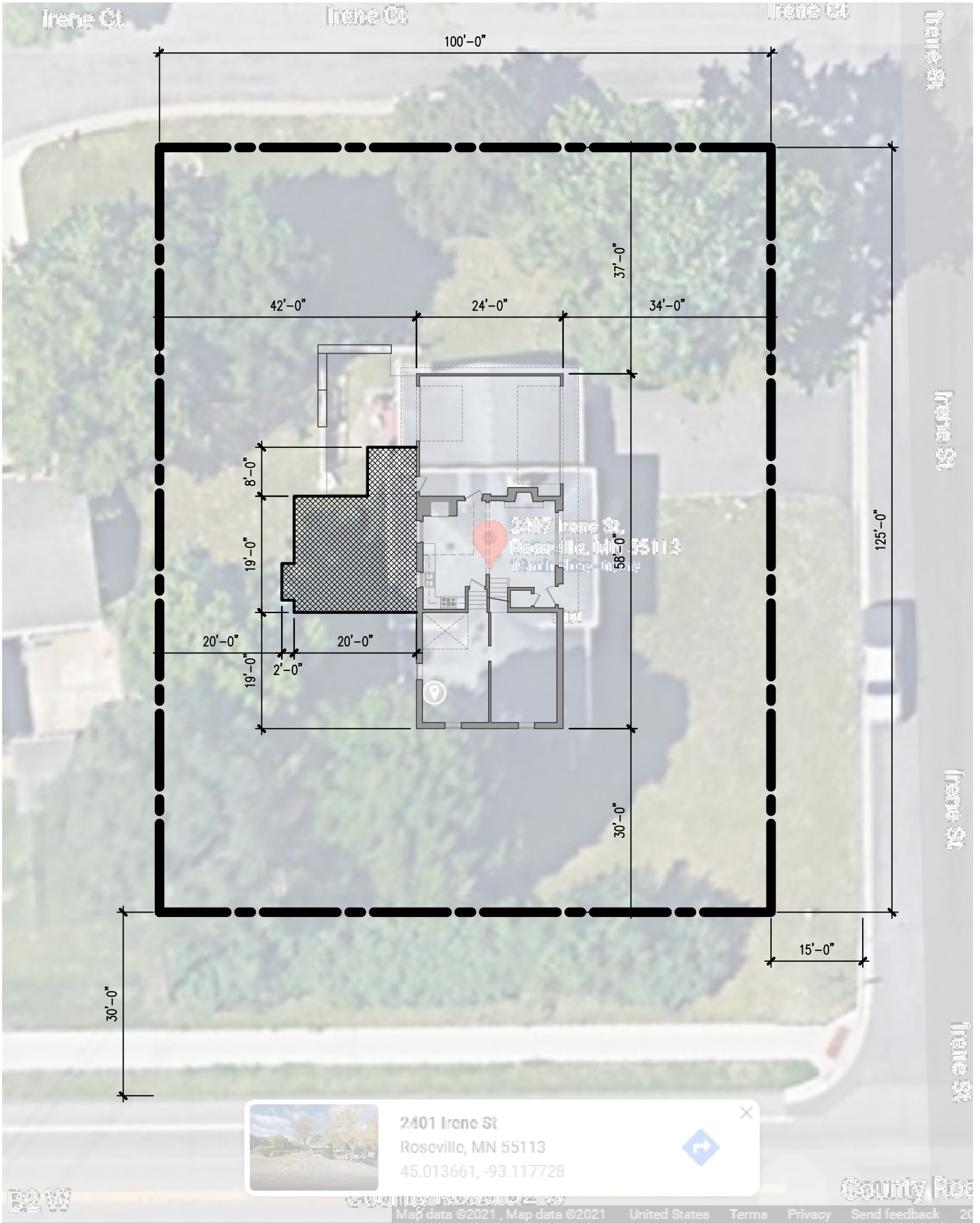




**Parcel ID:** 122923240065

**Legal Description:** Lot 17, Block 7, of Western Hills

**Narrative:** As the owners of 2407 Irene Street we would like to build an addition onto the back of our house that would expand the livable space within the house to accommodate our growing family and allow us to stay in the neighborhood we love. The house was built in 1960 in its current design as a four level split. This layout maximized the use of a hill that exists on the land in way that uniquely allows for three levels to be above grade. However, that design choice was unique to the neighborhood. As a result, the property is designated as a double reverse corner with the front door facing Irene Street, the north face of the house is toward Irene Court and the south face is toward County Rd B2. As a result, as confirmed by city planner Bryan Lloyd, the property is uniquely constrained with 30 foot setbacks on all four sides of the property. With the house being built in the middle of the lot, there is no direction we could go to build a sizable addition without a variance. We have been working with an architect and a contractor to come up with a design that makes good use of the property while still fitting in with the neighborhood. The result is the site plan in this document which, as you can see, encroaches 10 feet into the rear setback. Building in that direction means we can most easily integrate the roof lines, utilities, and other living areas into the flow of the updated house. Any other potential plan was either difficult or impractical to build out while still connecting to existing utility infrastructure. Furthermore, we felt that building either in the front yard or a side yard would not fit best with the rest of the neighborhood as any other direction would have resulted in even bigger encroachments and negatively impacted the site lines of neighbors on those sides. By building in the back, we are building toward our western neighbors side yard, specifically toward their garage, so as not to impact their living space (an arrangement they have already told us they are comfortable with). There is a surveyors post on the western property line that confirms the distance from the western property line to the western wall of the addition is 20 feet.



PRELIMINARY SITE DIAGRAM FOR ADDITION TO RESIDENCE AT 2401 IRENE STREET, ROSEVILLE, MN.

EXISTING 125'x100' PROPERTY. SETBACKS FROM PROPERTY LINE TO HOUSE ARE APPROXIMATE ESTIMATIONS BASED ON GOOGLE MAP IMAGE AND MEASUREMENTS PROVIDED BY THE PROPERTY OWNER.. DISTANCE FROM PROPERTY LINES TO BACK OF CURBS ARE APPROXIMATE.

Current condition setback requirements – west side of the lot is the front:



Typical condition setback requirements – north side of the lot is the front:



**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 7th day of July 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. 153**

**A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B,  
RESIDENTIAL SETBACKS, AT 2407 IRENE STREET (PF21-008)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 12-29-23-24-0065, and is legally described as:

Lot 17, Block 7, Western Hills, Ramsey County, Minnesota

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

WHEREAS, Joshua Carlson, owner of the property at 2407 Irene Street, requested a variance to §1004.08.B to allow a proposed home addition, which would encroach as much as 10 feet into the required rear 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 combination of the unfavorable setbacks caused by the seemingly arbitrary orientation of the lot toward the west and the adjacency of the side yard on the neighboring lot represents a practical difficulty, which the variance process is intended to relieve.
- b. The proposal is generally consistent with the Comprehensive Plan 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 proposal is consistent with the intent of the zoning ordinances because the addition would not intrude on the privacy of the neighboring property's rear yard.
- d. The proposal makes reasonable use of the subject property because such an addition would likely not need any variances if the property were oriented in a more conventional manner.

- e. The unfavorable orientation of the property is unique circumstance that was not created by the landowner.
- f. The proposed addition on the rear of a home will be largely invisible to the broader community so the variance, if approved, would not negatively alter the character of the surrounding 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 garage, 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: \_\_\_\_; and \_\_\_\_ voted against;

WHEREUPON said resolution was declared duly passed and adopted.



