

 **ROSEVILLE**
VARIANCE BOARD
REGULAR MEETING AGENDA

Wednesday, February 2, 2022 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.

1. **Call to Order**
2. **Roll Call & Introductions**
3. **Approval of Agenda**
4. **Review of Minutes: January 5, 2022**
5. **Public Hearing**
 - a. **PF21-018:** A request by Andrew Parker for variance to §1004.08 to allow a proposed attached garage to encroach into required setbacks at 2674 Victoria Street.
6. **Adjourn**



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, January 5, 2022 – 5:30 p.m.**

- 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 Kruzel; and Member
9 Karen Schaffhausen.
10
11 **Members Absent:** None
12
13 **Staff Present:** City Planner Thomas Paschke, Community Development Director
14 Janice Gundlach, and Senior Planner Brian Lloyd
15
- 16 **3. Approval of Agenda**
17
18 **MOTION**
19 **Member Kruzel moved, seconded by Member Schaffhausen to approve the agenda**
20 **as presented.**
21
22 **Ayes: 3**
23 **Nays: 0**
24 **Motion carried.**
25
- 26 **4. Review of Minutes: August 4, 2021**
27 **MOTION**
28 **Member Schaffhausen moved, seconded by Member Kruzel to approve the August**
29 **4, 2021, meeting minutes.**
30
31 **Ayes: 3**
32 **Nays: 0**
33 **Motion carried.**
34
- 35 **5. Public Hearing**
36 Chair Pribyl reviewed protocol for Public Hearings and public comment and opened the
37 Public Hearing at approximately 5:33 p.m.
38
39 **a. PLANNING FILE 21-024**
40 **Request by Houwman Architects in Conjunction with Lubrication Technologies**
41 **and Valicor Environmental, for Variances to §1006.2 (Regarding Materials) and**

42 **§1011.12.F.6 (Regarding Accessory Building Size and Height), for the**
43 **Construction of an Accessory Structure at 2420 County Road C**
44 City Planner Thomas Paschke reviewed the variance request for this property, as
45 detailed in the staff report dated January 5, 2022.

46
47 Member Schaffhausen indicated when talking about pits with oil in them, is there any
48 semblance of regulation that goes along with this that is taken into consideration with
49 how it is built and structured, even though not germane to the variance.

50
51 Mr. Paschke indicated maybe not with the way it is built but he assumed that because
52 the company is dealing with petro chemicals and those type of things that the MPCA
53 may have some certain involvement in regulating how that is and how they process
54 and recycle the product. From the standpoint of City staff and things, it is not. As a
55 part of the Development Review Committee, it was reviewed by Fire and Building
56 Code and obviously they need to review further things once the variances are
57 approved, the permit is in house and to review so there may be some things that come
58 out of that but there is not any specific regulation or for that matter, inspections of
59 what is going on out there by City staff, that would be all from different State or
60 County agencies.

61
62 Member Kruzel asked if there was any concern or input from the neighboring
63 companies.

64
65 Mr. Paschke indicated he has not received any comments or concerns or issues. As
66 he indicated, this is a current activity. He showed a map of where the activity is
67 located at.

68
69 Mr. Nick Houwman, Houwman Architects, addressed the Board.

70
71 No one from the public was at the meeting.

72
73 Chair Pribyl closed the public hearing at 5:42 p.m.

74
75 **MOTION**

76 **Member Kruzel moved, seconded by Member Schaffhausen, adoption of**
77 **Variance Board Resolution No. 159 (Attachment D), entitled “A Resolution**
78 **Approving a Variance to Section 1011.12.F.6, Accessory Buildings, and**
79 **1006.02.C, Materials, of the Roseville City Code, at 2420 County Road C (PF21-**
80 **024).”**

81
82 **Ayes: 3**

83 **Nays: 0**

84 **Motion carried.**

85
86 **6. Other Business**

87 **a. Planning File 20-032**

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Consider and Extension of the Time Allowed for Validation of the Variance Approved for the Property at 2850 Snelling Avenue
Senior Planner Lloyd reviewed the variance request for this property, as detailed in the staff report dated January 5, 2022.

MOTION
Member Kruzel moved, seconded by Member Schaffhausen, approving a One-Year Extension of the Time Allowed to Validate the Variance Approved by Variance Board Resolution #152, Based on the Content of this RVBA, Public Input, and Variance Board Deliberation.

Ayes: 3
Nays: 0
Motion carried.

7. Adjourn

MOTION
Chair Pribyl adjourned the meeting at 5:48 p.m.

Ayes: 3
Nays: 0
Motion carried.

ROSEVILLE
REQUEST FOR VARIANCE BOARD ACTION

Date: February 2, 2022
 Item No. 5a

Department Approval

Janice Gundlach

Agenda Section
 Public Hearings

Item Description: Request for a variance to City Code §1004.08.B (Residential Setbacks) to allow a home addition that would encroach into the required side yard setback (**PF21-018**)

APPLICATION INFORMATION

Applicant: Andrew Parker
 Location: 2674 Victoria Street
 Property Owner: Andrew Parker
 Application Submittal: Received October 6, 2021; Considered complete December 14, 2021
 City Action Deadline: February 12, 2022, per Minn. Stat. 15.99

GENERAL SITE INFORMATION

Land Use Context

	Existing Land Use	Guiding	Zoning
Site	One family residence, detached	LR	LDR
North	One family residence, detached	LR	LDR
West	Multifamily residential	HR	HDR
East	Central Park North	POS	PR
South	One family residence, detached	LR	LDR

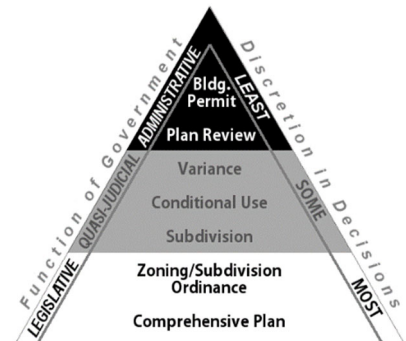
Notable Natural Features: the lot slopes increasingly downward toward the rear

Planning File History: none

LEVEL OF CITY DISCRETION IN DECISION-MAKING

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

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



1 **BACKGROUND**

2 According to Ramsey County’s property data, the home was originally built in 1956 on a 75-foot wide
3 parcel. The City’s subdivision code was adopted that same year, at which point new residential parcels
4 were required to have a minimum width of 85 feet. The original one-stall detached garage continues to
5 exist, although Roseville has long supported a two-stall garage as a reasonable use of a residential
6 property. Because the applicant is anticipating a time in the future when using a wheelchair more
7 consistently in the home will be necessary, they are planning to build a two-stall garage with space for a
8 wheelchair ramp to provide access from the garage to the main floor of the home, a laundry room behind
9 the garage so those facilities are also accessible on the main floor, and a small sun room addition,
10 presumably to compensate for losing access to the existing space in the basement level of the home.

11 This and neighboring homes are situated along a curving portion of Victoria Street; while the homes
12 themselves are oriented to be approximately parallel to the street, as is typical, their parcel boundaries
13 run more orthogonally east-to-west. This mismatched alignment results in the buildings being oriented
14 diagonally on these parcels, meaning that a building’s width (e.g., 50 feet) consumes a disproportionate
15 amount (e.g., 55 feet) of the parcel’s width. Furthermore, even if a conforming laundry room/sunroom
16 addition on the side or rear of the home would not compromise vehicle access to a detached garage in
17 the back yard, the increasing downward slope of the rear yard would be a very difficult location to build
18 a suitable two-stall garage. Taken altogether these considerations led the applicant to the current
19 proposal to build a modest 24-foot by 26-foot garage addition onto the side of the home with expanded
20 dwelling space behind it. The proposed home addition is illustrated in Attachment C.

21 **VARIANCE ANALYSIS**

22 City Code §1004.08.B (Residential Setbacks) requires structures in the LDR zoning district to be set
23 back at least 5 feet from the side property lines in order to preserve at least a minimum amount of space
24 between the masses of structures on adjacent properties. Based on the setback of the existing home
25 specified on the applicant’s survey, the proposed 24-foot garage addition would encroach up to four feet,
26 and the proposed laundry room would encroach up to about three feet into the required side yard
27 setback.

28 The front-facing overhead garage door of the proposed garage addition would also stand nine feet
29 forward of the existing home. While the structure would still conform to the minimum 30-foot front yard
30 setback requirement, it would fail to conform to the pertinent design standard in §1004.06.A.2 which
31 prohibits front-facing garage doors standing more than five feet forward of the home. Planning Division
32 staff are not recommending this proposed nonconformity be included in the variance consideration,
33 however, because §1004.06.B provides the authority for staff to waive this requirement when it cannot
34 be reasonably applied on a given property. In this case Planning Division staff is waiving the
35 requirement based on the finding the proposed addition could be built to conform with this design
36 requirement but for the narrow width of the lot and the unaligned property boundaries with respect to the
37 street and the house as discussed above.

38 **REVIEW OF VARIANCE APPROVAL REQUIREMENTS**

39 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit
40 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land or
41 building that prevent the property from being used to the extent intended by the zoning.” State statute
42 further clarifies that “economic considerations alone do not constitute practical difficulties.” Planning
43 Division staff finds the challenge caused by the narrow width of the lot and the unaligned property
44 boundaries with respect to the street and the house, when coupled with the difficulty of building a

45 suitable detached garage in the rear yard, represent a practical difficulty which the variance process is
46 intended to relieve.

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

- 50 **a.** *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes that
51 the proposal is generally consistent with the Comprehensive Plan because it represents a standard
52 amenity on a residential property and embodies the sort of continued investment and life-cycle
53 housing promoted by the Comprehensive Plan’s goals and policies for residential neighborhoods.
- 54 **b.** *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Although the
55 rear-most corners of the proposed garage and laundry room would project substantially into the
56 side yard setback, Planning Division staff finds the proposal is in harmony with the intent of the
57 zoning ordinances because the arbitrary angle of the side property line with respect to the home
58 minimizes the building mass that would stand within the required setback area.
- 59 **c.** *The proposal puts the subject property to use in a reasonable manner.* Planning Division staff
60 believes the proposal makes reasonable use of the subject property because the garage addition
61 would create a modest two-stall garage and mud room/laundry room, and the sun room addition
62 in the back provides reasonable use of main floor square footage due to wheelchair needs of the
63 occupants without further deviation from zoning standards.
- 64 **d.** *There are unique circumstances to the property which were not created by the landowner.*
65 Planning Division staff finds the narrow lot width, the unaligned buildings and lot boundary, and
66 the sloping rear yard are unique circumstances that were not created by the landowner.
- 67 **e.** *The variance, if granted, will not alter the essential character of the locality.* Although the
68 proposal would create a significant encroachment into the required side yard the proposed
69 addition is clearly residential in nature, and the variance, if approved, would not negatively alter
70 the character of the surrounding residential neighborhood.

71 **PUBLIC COMMENT**

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

74 **RECOMMENDED ACTION**

75 **Adopt a resolution approving the requested variance to the required minimum side yard setback**
76 **at 2674 Victoria Street**, based on the content of this RVBA and associated plans provided as
77 attachments, public input, and Variance Board deliberation.

78 **ALTERNATIVE ACTIONS**

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

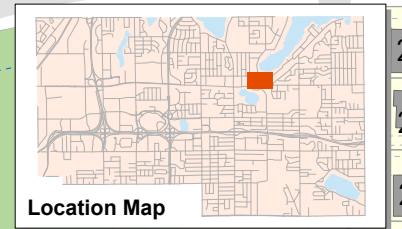
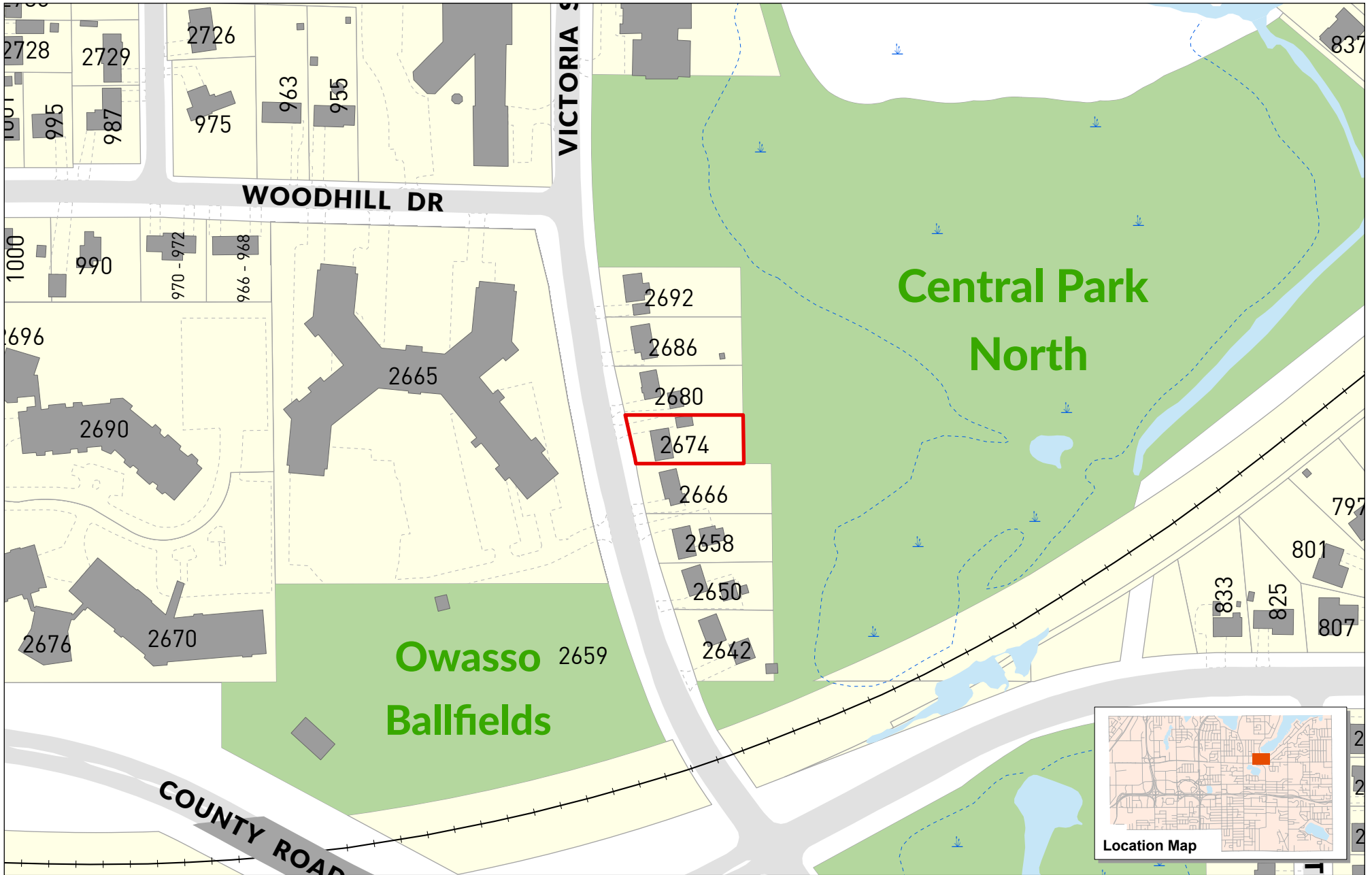
Attachments: A: Area map
B: Aerial photo

C: Proposed plans and written narrative
D: Draft resolution

Prepared by: Senior Planner Bryan Lloyd
651-792-7073
bryan.lloyd@cityofroseville.com



Attachment A: Planning File 21-018

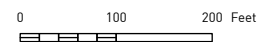


Prepared by:
Community Development Department
Printed: January 26, 2022



Data Sources
 * Ramsey County GIS Base Map (12/4/2021)
 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 21-018



Variance Application: 2674 Victoria St N, Roseville MN 55113

A: Legal Description and PIN

Parcel Number: 022923340006	Property Description: SECTION 2 TOWN 29 RANGE 23 SUBJ TO VICTORIA ST AND EX E 432 FT THE N 75 FT OF S 410 FT OF PART E OF CL OF SD ST OF GOVT LOT 4 IN SEC 2	Parcel Area: 0.30 Acres Parcel Width: 76 Feet Parcel Depth: 173 Feet
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B: Written Narrative

Intent: Replace one car detached garage with an attached two car garage including a small addition connecting to the existing house.

Practical difficulty: Due to the odd shape of the property, a corner of the garage would be approximately 1-2ft from the property line, instead of 5ft. This is preventing additional modifications for improved disability access.

Garage size: Building a full sized garage (24ft wide x 26ft deep) allows for a wheelchair ramp within the garage. I use a wheelchair when out of the house and need to plan for wheelchair access to the home. Having a full sized two car garage would allow for that with protection from the elements.

Home accessibility: We plan to build a laundry room behind the garage, connected to the house, making the home fully accessible to me on the main floor. Building the garage detached and behind the house, as it currently sits, would eliminate the accessibility this addition would provide me.

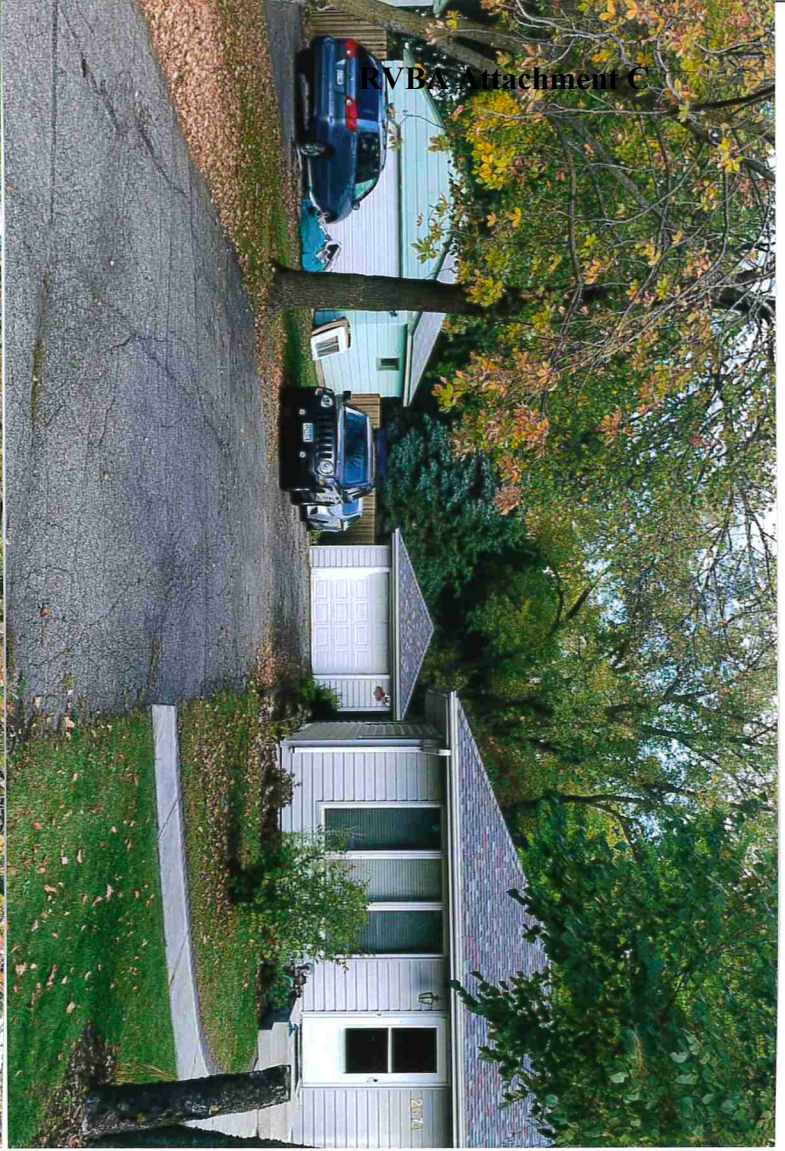
Property shape: The property lines run at a diagonal to the street. On the north side, this makes the available space to build wider near the street, and increasingly narrow towards the back of the property.

Garage location: Our plans stagger the garage in front of the house as far forward as the 30ft setback ordinance from the street allows. This leaves the garage 9ft proud of the house, taking advantage of the wider space towards the front of the property as much as possible.

Grading/drainage: As pictured, grading and drainage will not be affected by variance.

C: Proposed Plans

Attached: Scaled site plan, pictures of site with property line added.



PID #02-29-23-34-0005
OWNER: RUTH LAFAVE

Proposed Laundry/
Mud Room

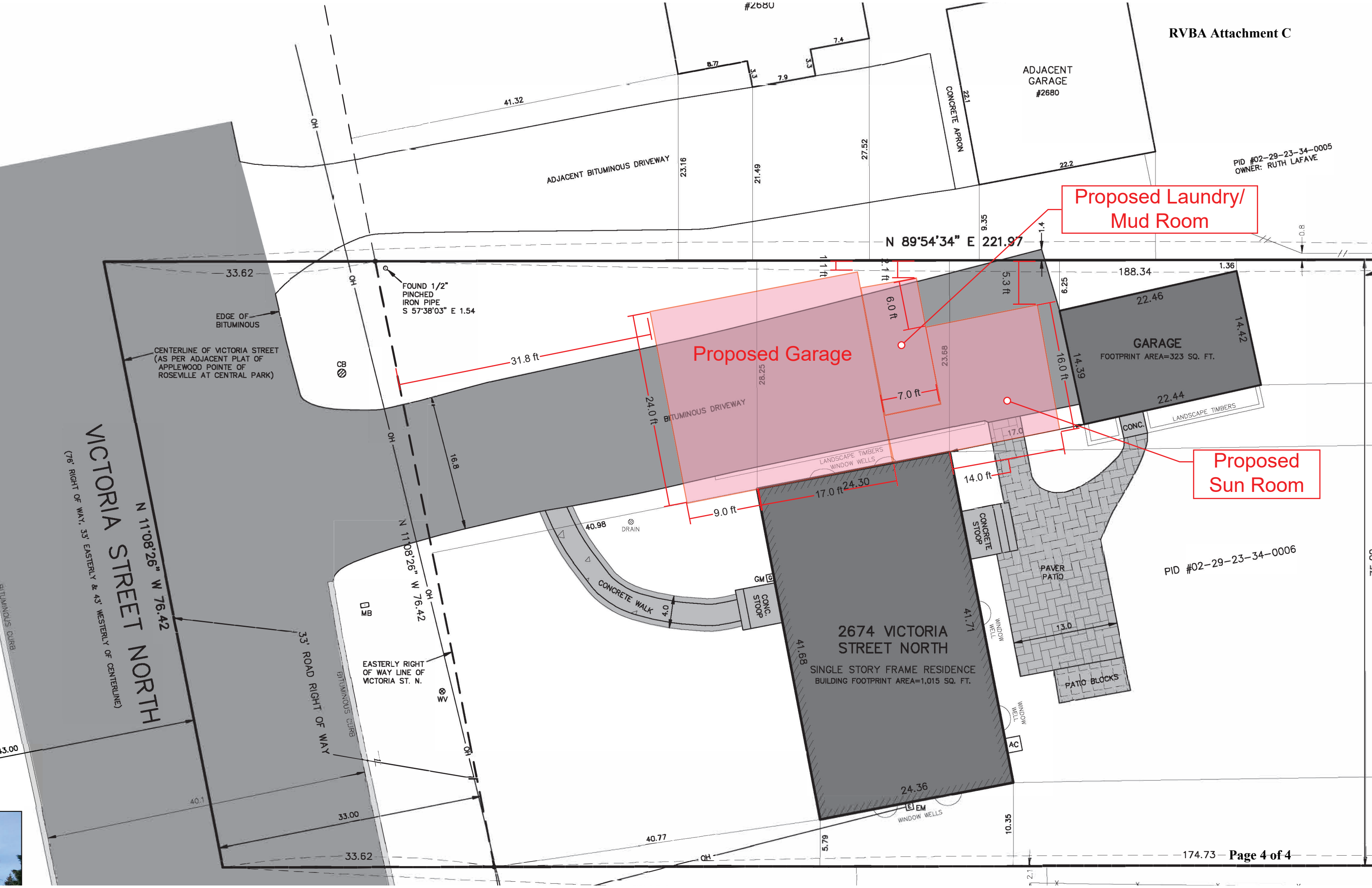
Proposed Garage

Proposed Sun Room

ADJACENT GARAGE #2680

GARAGE FOOTPRINT AREA=323 SQ. FT.

2674 VICTORIA STREET NORTH
SINGLE STORY FRAME RESIDENCE
BUILDING FOOTPRINT AREA=1,015 SQ. FT.



PID #02-29-23-34-0006

**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 February 2022, at 5:30 p.m.

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

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

VARIANCE BOARD RESOLUTION NO. ____

A RESOLUTION APPROVING A VARIANCE TO ROSEVILLE CITY CODE §1004.08.B, RESIDENTIAL SETBACKS, AT 2674 VICTORIA STREET (PF21-018)

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 02-29-23-34-0006, and is legally described as:

Except the East Four Hundred Thirty-Two (E 432) feet, the North Seventy-Five (N 75) feet of the South Four Hundred Ten (S 410) feet of the part of Government Lot 4 in Section Two (2), Township Twenty-Nine (29), Range Twenty-Three (23), lying East of the center line of Victoria Street, Ramsey County, Minnesota

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

WHEREAS, Andrew Parker, owners of the property at 2674 Victoria Street, requested a variance to §1004.08.B to allow a proposed garage and room addition which would encroach as much as 4 feet into the required side yard setback; and

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

WHEREAS, the Variance Board has made the following findings:

- a. The challenge caused by the narrow width of the lot and the unaligned property boundaries with respect to the street and the house, when coupled with the difficulty of building a suitable detached garage in the rear yard, 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 and life-cycle housing promoted by the Comprehensive Plan’s goals and policies for residential neighborhoods.
- c. The proposal is in harmony with the intent of the zoning ordinances because although the rear-most corners of the proposed garage and laundry room would project substantially into

the side yard setback, the arbitrary angle of the side property line with respect to the home minimizes the building mass that would stand within the required setback area.

- d.** The proposal makes reasonable use of the subject property because the garage addition would create a modest two-stall garage and mud room/laundry room, and the sun room addition in the back provides reasonable use of main floor square footage due to wheelchair needs of the occupants without further deviation from zoning standards.
- e.** The unaligned buildings and lot boundary, and the sloping rear yard are unique circumstances that were not created by the landowner.
- f.** Although the proposal would create a significant encroachment into the required side yard the proposed addition is clearly residential in nature and 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.

