



Variance Board Agenda

Wednesday, October 4, 2023

5:30 PM

City Council Chambers

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

(Any times listed are approximate – please note that items may be earlier or later than listed on the agenda)

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Review of Minutes**
 - a. Review June 7, 2023 Minutes
- 5. Organizational Business**
- 6. Public Hearing**
 - a. PF23-011: A request by Smash Park Minneapolis LLC for a variance to City Code §1010.03.C, Prohibited Signs, in support of permitting 4 painted signs on the north facade of Smash Park facility at 1721 County Road C.
 - b. PF23-009: Request for a variance to §1009.04.C.2 (impervious coverage) for the expansion of a driveway
- 7. Adjourn**


REQUEST FOR BOARD ACTION

Date: **10/4/2023**
Item No.: **4.a.**

Department Approval

Agenda Section

Review of Minutes

Item Description: Review June 7, 2023 Minutes

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Application Information

N/A

Background

N/A

Staff Recommendation

N/A

Requested Planning Commission Action

Review June 7, 2023 minutes and make a motion to approve subject to requested corrections.

Alternative Actions

N/A

Prepared by:

Attachments: 1. June 7, 2023 Minutes



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, June 7, 2023 – 5:30 p.m.**

- 1 **1. Call to Order**
2 Vice Chair Bjorum 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 Vice Chair Bjorum, City Planner Thomas Paschke called the Roll.
7
8 **Members Present:** Vice Chair Eric Bjorum; Members Pamela Aspnes, and Tammy
9 McGehee.
10
11 **Members Absent:** Chair Schaffhausen
12
13 **Staff Present:** City Planner Thomas Paschke, Community Development Director
14 Janice Gundlach and Senior Planner Bryan Lloyd
15
- 16 **3. Approval of Agenda**
17
18 **MOTION**
19 **Member McGehee moved, seconded by Member Aspnes, to approve the agenda as**
20 **presented.**
21
22 **Ayes: 3**
23 **Nays: 0**
24 **Motion carried.**
25
- 26 **4. Review of Minutes: April 6, 2022**
27 **MOTION**
28 **Member Aspnes moved, seconded by Member McGehee, to approve the April 6,**
29 **2022 meeting minutes.**
30
31 **Ayes: 3**
32 **Nays: 0**
33 **Motion carried.**
34
- 35 **5. Organizational Business.**
36
37 Community Development Director Gundlach noted the election of chair and vice-chair
38 should be postponed in order for the absent members of the Variance Board to be present.
39
- 40 **6. Public Hearing**

41 Vice Chair Bjorum reviewed protocol for Public Hearings and public comment and
42 opened the Public Hearing at approximately 5:34 p.m.

43
44 **a. PLANNING FILE 21-018, Request for an Extension of the Time Provided by**
45 **§1009.04.D (Validation and Expiration) for the Previously Approved Variance**
46 **Allowing an Encroachment into Allowing a Home Addition to Encroach into the**
47 **Required Minimum Setback from the Northern Side Property Line at 2674**
48 **Victoria Street.**

49 Senior Planner Lloyd reviewed the variance request for this property, as detailed in
50 the staff report dated June 7, 2023.

51
52 Member Aspnes asked if any impacted neighbors notified of this extension request.

53
54 Mr. Lloyd indicated the neighbors were not notified of this extension. The variance
55 application was reviewed at a hearing and all of the property owners within five
56 hundred feet were notified at that time. He noted there are no notification
57 requirements for extension requests.

58
59 Vice Chair Bjorum closed the public hearing at 5:38 p.m.

60
61 **MOTION**
62 **Member McGehee moved, seconded by Member Bjorum, approving an**
63 **extension of the time allowed to validate the variance approved by Variance Board**
64 **Resolution #160 until December 31, 2024, based on the content of the RVBA,**
65 **public input, and Variance Board deliberation.**

66
67 **Ayes: 3**
68 **Nays: 0**
69 **Motion carried.**

70
71 **5. Adjourn**

72
73 **MOTION**
74 **Member Aspnes, seconded by Member McGehee, to adjourn the meeting at 5:40**
75 **p.m.**

76
77 **Ayes: 3**
78 **Nays: 0**
79 **Motion carried.**

ROSEVILLE
REQUEST FOR BOARD ACTION

Date: **10/4/2023**
Item No.: **6.a.**

Department Approval

Agenda Section

Janice Gundlach

Public Hearing

Item Description: PF23-011: A request by Smash Park Minneapolis LLC for a variance to City Code §1010.03.C, Prohibited Signs, in support of permitting 4 painted signs on the north facade of Smash Park facility at 1721 County Road C.

1
2 **Application Information**

3 Applicant: Smash Park Minneapolis, LLC
4 Location: 1721 County Road C
5 Application Submission: August 31, 2023
6 City Action Deadline: October 30, 2023
7 Zoning: Community Mixed-Use (MU-2B)

8
9 **Background**

10 On November 7, 2022, the Planning Division completed its review of the initial Smash Park
11 submittal and provided a detailed response on numerous code compliance issues. One item covered
12 in this response addressed the proposed “pop art” images painted on to the north façade.
13 Specifically, these images or illustrations, per the Sign Regulations chapter of the Zoning Code,
14 would be deemed signage and painted signs are prohibited (see definitions below).

15
16 1. **SIGN:** Any writing, pictorial presentation, number, illustration or decoration, flag, or other
17 device that is used to announce, direct attention to, identify, advertise, or otherwise make
18 anything known. The term “sign” shall not be deemed to include the terms “building” or
19 “landscaping,” or any architectural embellishment of a building not intended to communicate
20 information.

21 26. **PAINTED SIGN:** A sign painted directly on the outside wall or roof of a building or on a
22 fence, rock, or similar structure or feature in any zoning district.

23 **C. Prohibited Signs.**

24 2. No sign will be painted directly on any exterior building surface. Sign letters and symbols may
25 be attached directly to a wall by adhesive or mechanical means.

26
27 Beyond the initial written notification of the pop art’s compliance with the sign regulations, during a
28 meeting with Smash Park and their representatives to go through the Planning Division’s project
29 review it was specifically indicated by the City Planner the “pop art” images would be deemed
30 signage under the Sign Regulations definition and that such signs are prohibited if they are painted
31 directly on the outside wall of the building. It was understood the amount of “pop art” signage would
32 need to comply with the master sign plan allowance cap and be of a permitted material to be
33 installed on the exterior of the north façade.
34

35 Recently, while inspecting development progress at Twin Lakes Station, the City Planner noticed a
36 painted sign on the north façade of the Smash Park building and notified Smash Park of this code
37 violation, which has resulted in this Variance request.

38 **Review of Request**

39 Smash Park requests a variance from §1010.03.C, Prohibited Signs, in support of permitting four (4)
40 painted signs on the north elevation of the Smash Park building. Each image is 144 square feet in
41 area for a total of 576 square feet of painted signs. This amount, along with the other recently
42 approved signs for the building, complies with the maximum master sign plan allowance permitted
43 under the code. As such, the requested variance is only to permit the type of sign that has been
44 erected (painted signs).
45

46
47 In support of the variance, DSGW Architecture submitted a narrative explaining how Smash Park
48 reached the decision to move forward with the painted signs. Smash Park states these “pop art”
49 signs are an integral part of the Smash Park image and are installed throughout the interior and
50 exterior of all their facilities and are a direct reflection of the 1960’s art culture and the invention of
51 pickleball in 1965. Initially, the design team thought the use of vinyl signage installed on the
52 exterior would be the best and easiest method to display the desired images. However, after
53 consulting with a number of sign contractors and the precast manufacturer regarding the proposed
54 vinyl signs, it was concluded the type of sign proposed would not adhere well to the concrete
55 substrate and the vinyl would fade over time. The Smash Park team also considered vinyl adhered to
56 metal panels and attaching the panels to the exterior of the building, however, these signs would be
57 fairly heavy and difficult to install. Acrylic panels, with a similar downside (fading and weight)
58 could not be found in a large enough panel. Lastly, no matter the attachment method, the overall
59 downside of a wall attachment was the ability to see the fasteners, thus diminishing the visual
60 appearance. Given these challenges, Smash Park and the design team decided on painted signs and
61 moved forward with installing the initial image.
62

63 **Variance Analysis**

64 When considering wall and/or freestanding signage, the Planning Division has historically been
65 reluctant to support a variance from the standards set forth in the Sign Regulations chapter. This is
66 especially true when a site is governed by the Master Sign Plan process, as is the case of Smash Park
67 and Twin Lakes Station, as this process is fairly permissive in terms of allowable height and area of
68 signs. That said, the requested variance is not to permit greater height or additional square footage,
69 but rather to support a painted sign.
70

71 Planning Division staff is unaware of the last time a painted sign was permitted to be installed on a
72 building’s exterior. In recent years, two different businesses sought to use painted signs on their
73 buildings (Raising Canes and Portillo’s) and in each instance, the Planning Division sought and
74 received compliance with the Code and the businesses modified their signage accordingly to meet
75 code requirements.
76

77 The proposal by Smash Park is unique from the perspective of how the sign would be applied to the
78 exterior of the building. The method to be used (stain and sealer) are the same materials that have
79 been used on the building and permitted under the zoning code as provided below:
80

81 **Materials:** All exterior wall finishes on any building must be a combination of the following
82 materials: No less than 60% face brick; natural or cultured stone; pre-colored or factory stained or

83 stained on site textured pre-cast concrete panels; textured concrete block; stucco; glass; fiberglass; or
84 similar materials and no more than 40% pre-finished metal, cor-ten steel, copper, premium grade
85 wood with mitered outside corners (e.g., cedar redwood, and fir), or fiber cement board. Under no
86 circumstances shall sheet metal aluminum, corrugated aluminum, asbestos, iron plain or painted, or
87 plain concrete block be acceptable as an exterior wall material on buildings within the city. Other
88 materials of equal quality to those listed, may be approved by the Community Development
89 Department.

90
91 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit
92 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land
93 or building that prevent the property from being used to the extent intended by the zoning.” State
94 statute further clarifies that “economic considerations alone do not constitute practical difficulties.”
95

96 The Sign Regulations chapter of the Zoning Code has proven to be permissive in terms of the types,
97 sizes, and locations of allowed signs, which is reflected in the fact that the City has not issued a sign
98 variance since the standards were updated in 2011 and 2013. However, the topic of painted signs has
99 never been a source of concern.

100
101 When evaluating the requested variance, it’s important to understand the reasons behind the
102 prohibition of painted signs. Painted signs, specifically those used during the latest drafting of the
103 City’s sign regulations, were thought to have durability issues given Minnesota’s climate. For these
104 reasons, painted signs were prohibited in an effort to prevent unsightly weathered signs. However,
105 products and methods have changed, as is evident by the allowance of concrete tip-up panels and
106 concrete masonry units being permitted to be stained. A painted sign is nothing more than utilizing
107 similar concrete stains to craft an image on the building’s façade. In review of the challenges
108 presented by Smash Park, the Planning Division concludes the situation is unique and represents a
109 practical difficulty, which the variance process is intended to relieve.

110
111 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five specific
112 findings about a variance request as a prerequisite for approving the variance. Planning Division
113 staff have reviewed the application and offer the following draft findings.

- 114
- 115 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes the
116 proposal is generally consistent with the Comprehensive Plan because it represents the type
117 of continued investment promoted by the Comprehensive Plan’s goals and policies.
118 However, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan
119 concerning commercial development signage.
 - 120 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Generally,
121 the proposal to “paint” four pictorial presentations on the north façade is in harmony with the
122 purpose and intent of the Sign Regulations, which support wall and freestanding signage with
123 an approved Master Sign Plan for this property. City staff has long upheld sign prohibitions as
124 numerous other options exist to achieve compliance. However, the request by Smash Park is
125 unique in that the method of the proposed painted sign, and use modern technology,
126 eliminates the concerns that drove the prohibition of painted signs. The zoning code permits
127 concrete tip-up panels and concrete masonry units (CMU) to be stained on site, which is the
128 same method Smash Park would use to install the four images on the north façade. Planning

129 Division staff has determined this method for applying a sign on the exterior of a concrete
130 panel seems reasonable and in harmony with the intent of the zoning code.

- 131 3. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to
132 determine whether the requested deviation will put the property to use in a manner
133 reasonably consistent with the standards set forth in the Code. Planning Division staff
134 concludes this finding to be generally true regardless of an approved variance as the building
135 has been approved with a specific wall signage allowance, which does not rely on the painted
136 pop art images. However, the pop art culture representative of the proposed four pictorial
137 presentations are an integral component of Smash Park and their image, which is why they
138 are seeking a variance to “paint” them on the exterior of their Roseville location. Planning
139 Division staff will note the “painted” signs desired would be installed using a similar
140 concrete stain to that currently used on the building and then sealed for added longevity,
141 which is much different a method that would have been used when the painted sign
142 prohibition first originated in the Code. Given this, staff believes the proposed variance puts
143 the property to use in a reasonable manner.
- 144 4. *There are unique circumstances to the property which were not created by the*
145 *landowner.* Smash Park discusses in their submitted narrative the challenges they
146 encountered when investigating the use of permitted materials, issues with installation and
147 fasteners, sign longevity, as well as the recommendations by the supplier of the concrete tip-
148 up panel. These findings are unique and limit the options available to support the desired
149 pictorial presentations. Therefore, Planning Division staff finds there to be unique
150 circumstances not created by the applicant.
- 151 5. *The variance, if granted, will not alter the essential character of the locality.* Although the
152 Planning Division staff strives for fully Code-compliant signage and has not supported
153 prohibited signs in the past, allowing the proposed four pictorial presentations or illustrations
154 to be stained and sealed on the north façade of the Smash Park facility will not alter the
155 essential character of Roseville.

156 **Public Comment**

157 At the time this report was prepared, Planning Division staff has not received any comments or
158 questions about the proposed painted sign variance.
159

160 **Staff Recommendation**

161 The Planning Division finds the applicant has demonstrated practical difficulties preventing
162 compliance with the sign regulations of the Zoning Code, as it relates to the use of painted signs, and
163 would recommend the Variance Board approve the requested variance to §1010.03.C, Prohibited Signs,
164 in support of permitting four (4) painted signs on the north elevation of the Smash Park building at 1721 County
165 Road C.
166

167 **Requested Planning Commission Action**

168 **Adopt a resolution (Attachment 5) approving the requested variance to §1010.03.C, Prohibited**
169 **Signs, to permit four painted signs on the north façade of the Roseville Smash Park facility at**
170 **1721 County Road C,** based on the content of this report and associated plans provided as
171 attachments, public input, and Variance Board deliberation.
172

173 **Alternative Actions**

174

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

179 2. **Adopt a resolution denying the requested variances.** A denial should be supported by
180 specific findings of fact based on the Variance Board’s review of the application, applicable
181 zoning regulations, and the public record.

182

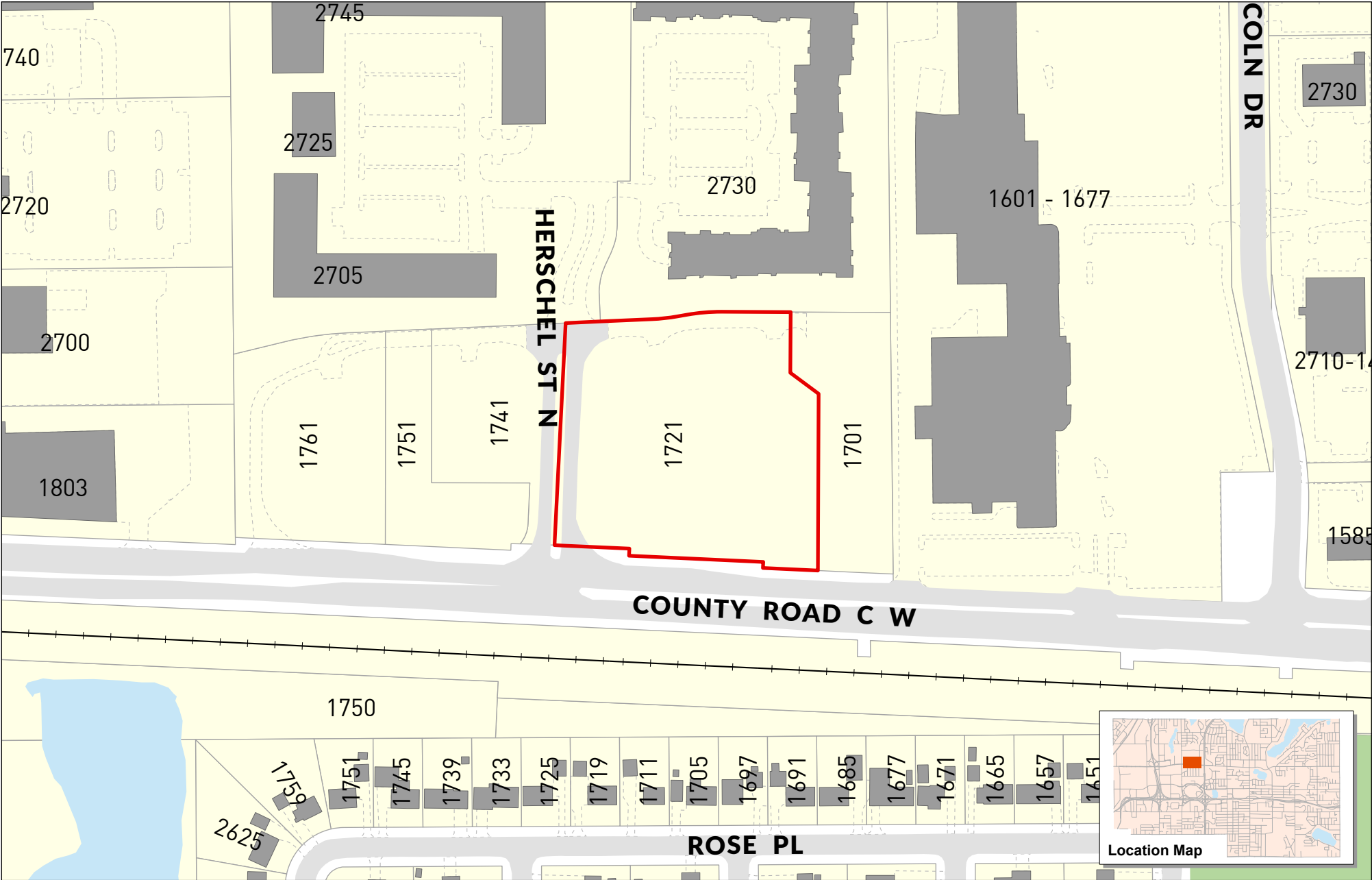
183

Prepared by: Thomas Paschke, City Planner

- Attachments:**
1. PF23-011_Attachment1
 2. PF23-011_Attachment2
 3. PF23-011_Attachment3
 4. PF23-011_Attachment4
 5. PF23-011_Attachment5

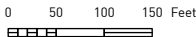
184

Attachment 1: Planning File 23-011



Data Sources
 * Ramsey County GIS Base Map [9/6/2023]
 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 2: Planning File 23-011





MEMO

project Smash Park
project # 22108.10
date 08/29/2023
subject Signage Variance Request Narrative
from Chris Kroeger - DSGW Architecture
to Roseville Variance Board
cc Thomas Paschke - City Planner; Matt Stence - Smash Park; Kerri Lockyear - Smash Park; Steven Fox - Rochon

Parcel Identification Number: 042923430025

Legal Description: Lot 4, Block 1 Twin Lakes 4th Addition

Dear Variance Board Members,

Smash Park is a one-of-a-kind indoor/outdoor eatertainment venue where you can play, drink, and eat all day long. Smash Park is an active concept combining recreation and competitive socializing with traditional eatertainment elements of food, drinks and games. Guests can enjoy pickleball, countless games, live eatertainment, sports watch parties, classes and workshops, recreational tournaments, and live gaming.

Smash Park Roseville will be our newest corporate location featuring pickleball, axe throwing, duckpin bowling and much, much more. We have redesigned the exterior and interior to reflect our love of the 1960's and the invention of pickleball in 1965. The art that is depicted on the front of the building as well as the interior is a nod to 60's pop art. The bold bright colors are fun and playful and really bring the brand to life! Pop art inspired imagery is seen around the entire building with bold black lines and fun polka dots. The entire building flows from all 4 sides. The artwork on the front of building can also be seen and experienced on the inside with our furniture selections, fun graphics and giant oversized colored pickleballs.

The design team initially thought vinyl signage would be the easiest and best way to display these images. This technique and the sizes were acceptable to the city planning department. After discussions with a couple vinyl companies as well as questions to the precast manufacturer on their experience with vinyl signage and if any steps should be taken to help the vinyl adhere, nobody would recommend this method saying the vinyl would not adhere well to the concrete substrate. Additionally, the color on the vinyl would fade faster than the stain, specifically the red hues tend to fade the fastest.

We also floated the idea of adhering the vinyl to large metal panels. Sheets of metal thick enough to not oil can at these sizes would get too heavy. Additionally, no matter the attachment method, the fasteners would be seen through any vinyl applied, diminishing the visual appearance. Acrylic panels have a similar downside, but we could not find panels large enough. So, if we were to go to acrylic, seams would be apparent as well as the increased number of fasteners needed to adhere multiple panels to the wall. Vinyl adhered to either of these materials still does not last as long as the stain will.

Throughout the process of designing this building the city has made it clear the importance of long lasting and durable materials, plants, and site elements. These other options that are acceptable to the city code would have shorter life and be less durable than having an artist use the same stain we use on the rest of the building to "paint" these images. We will also be applying a topcoat protectant over the stained images once the artist is done. Included in this request is the stain and top protectant coat product information as well as images of the building showing the painted signage in question on the North elevation and the corresponding square footages.



MEMO

Because we valued the integrity of the artwork and the life of the building, we made the very difficult decision to stain the artwork vs using a vinyl or other material that would not have survived the MN winters. We chose an artist that could hand stain the images and give them a true 3D look and feel and reflect the brand in a fun sustainable way. As you can see, it is a very large concrete building. These images bring this structure to life and the community will be very happy with these bright pop art images. We acknowledge that this is a unique situation, and we ask the board to consider these images as truly depicting art and will be an asset to the community.

Thank you for your consideration.

Sincerely,
The Smash Park Team





**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 4th day of October 2023, at 5:30 p.m.

The following Members were present: Member _____;
and ____ was absent.

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

VARIANCE BOARD RESOLUTION NO. _____

**A RESOLUTION APPROVING A VARIANCE TO SECTION 1010.03.C PROHIBITED SIGNS OF THE
ROSEVILLE CITY CODE, AT 1721 COUNTY ROAD C (PF23-011)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 042923430025 and is legally described as:

Lot 4, Block 1, Twin Lakes 4th Addition

WHEREAS, City Code §1010.02 (Definitions) and 1010.03 General Provisions) states the following concerning signs:

1010.02.A.1. **SIGN:** Any writing, pictorial presentation, number, illustration or decoration, flag, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include the terms “building” or “landscaping,” or any architectural embellishment of a building not intended to communicate information.

1010.02.A.26. **PAINTED SIGN:** A sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.

1010.03.C. Prohibited Signs.

2. No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.

WHEREAS, Smash Park requests a variance from §1010.03.C, Prohibited Signs, in support of permitting four (4) painted signs on the north elevation of the Smash Park building. Each image is 144 square feet in area for a total of 576 square feet of painted signs. This amount, along with the other recently approved signs for the building, complies with the maximum master sign plan allowance permitted under the code; 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 proposal is consistent with the Comprehensive Plan.* The Variance Board finds the proposal is generally consistent with the Comprehensive Plan because it represents the type of continued investment promoted by the Comprehensive Plan’s goals and policies. However, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning commercial development signage.

b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Generally, the proposal to “paint” four pictorial presentations on the north façade is in harmony with the purpose and intent of the Sign Regulations, which support wall and freestanding signage with an approved Master Sign Plan for this property.

City staff has long upheld sign prohibitions as numerous other options exist to achieve compliance. However, the request by Smash Park is unique in that the method of the proposed painted sign, and use modern technology, eliminates the concerns that drove the prohibition of painted signs. The zoning code permits concrete tip-up panels and concrete masonry units (CMU) to be stained on site, which is the same method Smash Park would use to install the four images on the north façade. The Variance Board has determined this method for applying a sign on the exterior of a concrete panel seems reasonable and in harmony with the intent of the zoning code.

c. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to determine whether the requested deviation will put the property to use in a manner reasonably consistent with the standards set forth in the Code. The Variance Board concludes this finding to be generally true regardless of an approved variance as the building has been approved with a specific wall signage allowance, which does not rely on the painted pop art images. However, the pop art culture representative of the proposed four pictorial presentations are an integral component of Smash Park and their image, which is why they are seeking a variance to “paint” them on the exterior of their Roseville location. The Variance Board notes the “painted” signs desired would be installed using a similar concrete stain to that currently used on the building and then sealed for added longevity, which is much different a method that would have been used when the painted sign prohibition first originated in the Code. Given this, the Variance Board believes the proposed variance puts the property to use in a reasonable manner.

d. *There are unique circumstances to the property which were not created by the landowner.* Smash Park discusses in their submitted narrative the challenges they encountered when investigating the use of permitted materials, issues with installation and fasteners, sign longevity, as well as the recommendations by the supplier of the concrete tip-up panel. These findings are unique and limit the options available to support the desired pictorial presentations. Therefore, the Variance Board finds there to be unique circumstances not created by the applicant.

e. *The variance, if granted, will not alter the essential character of the locality.* Although the Planning Division staff strives for fully Code-compliant signage and has not supported prohibited signs in the past, the Variance Board has determined allowing the proposed four pictorial presentations or illustrations to be stained and sealed on the north façade of the Smash Park facility will not alter the essential character of Roseville.

WHEREAS, Section 1009.04 (Variances) of the City Code also explains that 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.” The Variance Board finds the proposal appears to satisfy all of the above requirements essential for approving this requested variance. Specifically, the Variance Board finds the applicant has demonstrated practical difficulties preventing compliance with the sign regulations of the Zoning Code, as it relates to the use of painted signs.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variance to §1010.03.C, Prohibited Signs, of the City Code to permit four painted signs on the north façade of the Roseville Smash Park facility at 1721 County Road C, based on the content of this report and associated plans provided as attachments, public input, and Variance Board deliberation.

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.


REQUEST FOR BOARD ACTION

Date: **10/4/2023**
Item No.: **6.b.**

Department Approval

Agenda Section

Janice Gundlach

Public Hearing

Item Description: PF23-009: Request for a variance to §1009.04.C.2 (impervious coverage) for the expansion of a driveway

1
2 **Application Information**

3 Applicant: Laura Blasena

4 Location: 1195 County Road B2

5 Application Submission: submitted August 21; considered complete August 24, 2023

6 City Action Deadline: October 23, 2023

7 Zoning: LDR

8
9 **Background**

10 The applicant proposes to pave an expansion of the driveway to allow vehicles to turn around within
11 the property and enter County Road B2 in the forward direction rather than backing out onto the
12 busy street across from Roseville Area High School. Because the zoning code would require a new
13 home to include a place to turn around within the property when the driveway is located on a county
14 road like the subject property, the absence of a turn-around in this case is a legal, nonconforming
15 condition. The proposal is illustrated and described by the applicant in Attachment 3

16
17 Variance Analysis

18 City Code §1009.04.C.2 (Impervious Coverage) limits impervious coverage to 25% of the area on
19 LDR-zoned land within the Shoreland Management Overlay District. The entirety of the subject
20 property is within the shoreland management overlay, and existing improvements on the property
21 include about 2,900 square feet of impervious coverage, which is about 29% of the parcel area. The
22 addition of the proposed 192-square-foot driveway expansion would increase the impervious
23 coverage to 31% of the parcel area. Moreover, the applicant approached the City about the driveway
24 expansion with a plan to install a rain garden to reduce the amount of storm water leaving the
25 property.

26
27 Roseville's Public Works Department administers a Residential Storm Water Permit (ReSWP) which
28 allows homeowners to increase the impervious coverage on their property beyond the nominal limit
29 by ensuring they install and maintain BMPs to reduce the storm water leaving the property to the
30 amount coinciding with the maximum allowed impervious coverage. With the adoption of updated
31 shoreland management regulations this past March, however, homeowners in the Shoreland
32 Management Overlay District can only increase the impervious coverage beyond 25% of the parcel
33 area with the approval of a variance. Under the updated shoreland regulations, an approval of a
34 variance such as this must include a condition that the storm water resulting from additional
35 impervious surface area be mitigated within the property.

37 *Review of Variance Approval Requirements*

38 Section 1009.04 (Variances) of the City Code explains that the purpose of a variance is “to permit
39 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land
40 or building that prevent the property from being used to the extent intended by the zoning.” State
41 statute further clarifies that “economic considerations alone do not constitute practical difficulties.”
42 Planning Division staff finds the conflicting purposes of the zoning code, that a homeowner in this
43 location pave a place for vehicles to turn around within the property and that impervious surfaces
44 cover less than 25% of the parcel area, represent a practical difficulty which the variance process is
45 intended to relieve.

46
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
49 staff has reviewed the application and offers the following draft findings.

- 50 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes
51 that the proposal is generally consistent with the Comprehensive Plan because it represents a
52 standard amenity on a residential property and enhances safety on public roadways.
- 53 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Despite
54 being in conflict with the zoning code's purpose of minimizing impervious coverage in close
55 proximity to the lakes within Roseville, Planning Division staff finds the proposal is in
56 harmony with the intent of the zoning ordinances because adding the turn-around area in that
57 location would eliminate an existing nonconforming condition.
- 58 3. *The proposal puts the subject property to use in a reasonable manner.* Planning Division
59 staff believes the proposal makes reasonable use of the subject property, especially if the
60 additional storm water generated by the expansion of impervious surface area is mitigated on
61 site, because the driveway addition would increase the safety of people in vehicles leaving
62 the property as well as those using the abutting public street.
- 63 4. *There are unique circumstances to the property which were not created by the landowner.*
64 Planning Division staff finds the existing excess impervious coverage in a location where a
65 driveway would be required to include additional area for turning around within the property
66 is a unique circumstance that was not created by the landowner.
- 67 5. *The variance, if granted, will not alter the essential character of the locality.* The proposed
68 driveway addition is clearly residential in nature, and the variance, if approved, would not
69 negatively alter the character of the surrounding residential neighborhood.

70
71 Public Comment

72 As this variance request pertains to land within the Shoreland Management Overlay District,
73 notification of the public hearing was mailed to MN DNR's Area Hydrologist for Ramsey County, in
74 addition to the owners of all property within 500 feet of the subject site. At the time this RVBA was
75 prepared, Planning Division staff has not received any comments or questions about the proposal.

76
77 **Staff Recommendation**

78 Adopt a resolution approving the 192 square-foot variance to the impervious coverage
79 allowed at 1195 County Road B2, based on the content of this RVBA and associated plans
80 provided as attachments, public input, and Variance Board deliberation, with the condition
81 that the applicant shall mitigate the increased storm water through the ReSWP
82 administered by Roseville Public Works.

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Requested Planning Commission Action

Adopt a resolution approving the 192 square-foot variance to the impervious coverage allowed at 1195 County Road B2, based on the content of this RVBA and associated plans provided as attachments, public input, and Variance Board deliberation, with the condition that the applicant shall mitigate the increased storm water through the ReSWP administered by Roseville Public Works.

Alternative Actions

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

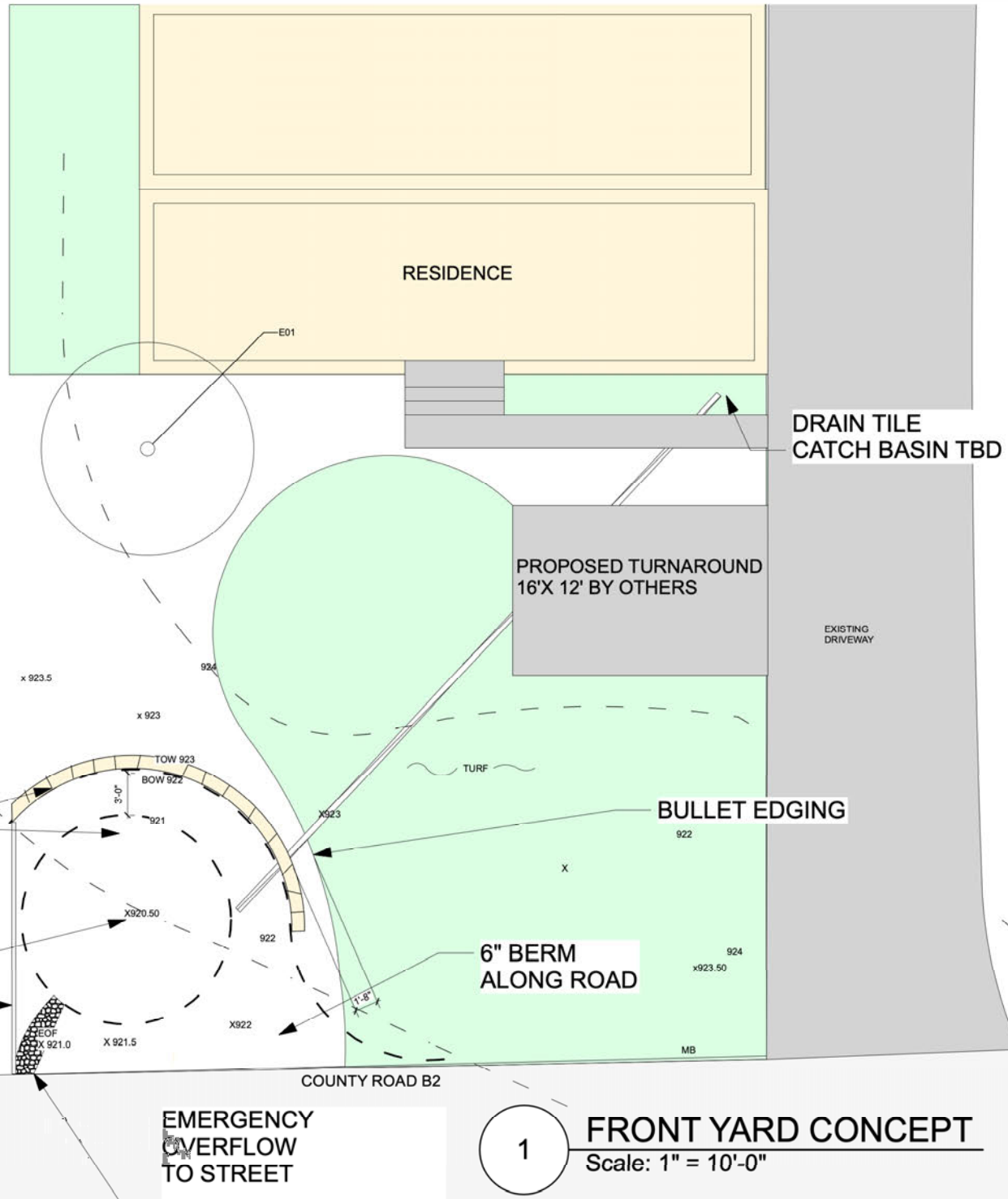
2. **Adopt a resolution denying the requested variances.** A denial should be supported by specific findings of fact based on the Variance Board’s review of the application, applicable zoning regulations, and the public record.

Prepared by: Bryan Lloyd, Senior Planner

- Attachments:**
1. Area Map
 2. Aerial Photo
 3. Site Plan and Applicant Narrative
 4. Draft Variance Approval Resolution

Attachment 2: Planning File 23-009





GENERAL GRADING NOTES:

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE IN PLACE BEFORE BEGINNING SITE GRADING ACTIVITIES.
2. THE DESIGN SHOWN IS BASED ON ENGINEER'S UNDERSTANDING OF EXISTING CONDITIONS BASED UPON THE LAND TITLE SURVEY COMPLETED BY HARRY S. JOHNSON CO., INC ON 02/16/2018. THE CONTOURS SHOWN ARE BASED ON 1' FOOT LIPAR CONTOURS PROVIDED BY WINTORS. IF THE CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON THE PLANS WITHOUT EXCEPTION, CONTRACTOR SHALL HAVE MADE, AT OWN EXPENSE, A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIAL TO BE HANDLED, AND FOR THE AMOUNT OF GRADING TO BE DONE. ALL COSTS ASSOCIATED WITH IMPORTING SUITABLE MATERIAL AND EXPORTING UNSUITABLE/EXCESS/WASTE MATERIAL SHALL BE INCLUDED IN THE BID PRICE.
4. CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
5. SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION SITE.
6. CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
7. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL SHALL BE PERFORMED ON THE STREET AND PARKING AREA SUBGRADE. CONTRACTOR SHALL PROVIDE A LOADED TANDEN AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. CORRECTION OF THE SUBGRADE SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER.
8. REPLACE ALL SUBGRADE SOIL DISTURBED DURING CONSTRUCTION THAT HAVE BECOME UNSUITABLE AND WILL NOT PASS A TEST ROLL. REMOVE UNSUITABLE SOIL FROM THE SITE AND IMPORT SUITABLE SOIL AT NO ADDITIONAL COST TO THE OWNER.
9. CONTRACTOR SHALL STRIP, STOCKPILE AND RE-SPREAD EXISTING ONSITE TOPSOIL, IF MATERIAL IS APPROVED BY THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
10. CONTRACTOR SHALL DISPOSE OF ANY EXCESS SOIL MATERIAL UNLESS OTHERWISE DIRECTED.
11. REFER TO LANDSCAPE PLAN FOR PERMANENT TURF RESTORATION AND PLANTING INFORMATION.
12. MAINTAIN TEMPORARY PROTECTION MEASURES DURING CONSTRUCTION ACTIVITIES. SEE SITE REMOVALS PLAN FOR ADDITIONAL INFORMATION. PROVIDE ADDITIONAL PROTECTION AS NECESSARY AS WORK PROGRESSES.
13. SEE SITE PLAN SHEET C - 3.00 FOR SITE LAYOUT.
14. PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED SURFACE GRADE.
15. SPOT ELEVATIONS SHOWN ADJACENT TO CURB REFER TO GUTTER/FLOW LINE (LABELED WITH G AT CURB HEIGHT TRANSITIONS). SPOT ELEVATION SHOWN FOR TOP OF CURB ARE LABELED WITH TC (TOP OF CURB). SPOTS LABELED WITH ± REFER TO MATCH EXISTING GRADE. EOF REFERS TO EMERGENCY OVERFLOW ELEVATION.
16. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AT ALL TIMES.
17. CONTRACTOR SHALL REVIEW PAVEMENT GRADIENT AND CONSTRUCT "GUTTER OUT" WHERE WATER DRAINS AWAY FROM CURB. ALL OTHER AREAS SHALL BE CONSTRUCTED AS "GUTTER IN" CURB.
18. NO GRADED SLOPES SHALL EXCEED 3:1 (HORIZONTAL TO VERTICAL) UNLESS OTHERWISE NOTED.
19. UNIFORMLY GRADED AREAS WITHIN LIMITS OF GRADING AND PROVIDE A SMOOTH FINISHED SURFACE WITH UNIFORM SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN OR BETWEEN SUCH POINTS AND EXISTING GRADES.
20. LIMIT THE DISTURBED AREA AS MUCH AS POSSIBLE AND CONDUCT GRADING OPERATIONS IN A MANNER TO MINIMIZE THE POTENTIAL FOR EROSION.
21. SEE DETAIL SHEET XXXX FOR BMP CONSTRUCTION DETAILS AND NOTES.
22. Existing street trees are to be protected at all times. Trees damaged or removed during construction shall be restored or replaced to the satisfaction of, and at no cost to, the City as determined by the Forestry Manager. The contractor is advised to document pre-existing conditions of right of way prior to beginning construction.
23. The removal, pruning and or planting of trees on the public boulevard requires an approved permit from the City Forester (651-632-2437). Any work must be completed by a
24. Boulevard restoration shall include the following:
All concrete, asphalt and base materials shall be removed from the boulevard area.
Boulevard soils are to be protected during construction. Soil compaction due to construction activities shall be corrected to the satisfaction of, and at no cost to, the City prior to final grading. Boulevards shall be restored with a minimum of 6\"/>
- 25. Construction supplies, materials, spoils, equipment, and vehicles shall not be stored or operated within the drip line of any public street tree or on turf boulevards without prior written approval from the City Forester. If the boulevard must be used for construction activities, site access routes, material storage or other related activities, protective measures approved by the City Forester shall be taken to reduce soil compaction and protect tree(s) from damage.

LAURA BLASENA
1925 COUNTY ROAD B2 WEST
ROSEVILLE MN

**CONSTRUCTION
DETAILS**

DATE	REVISIONS

Date: 8/1/23	
DRAWN BY	CH
CHECKED	
APPROVED	Approved
SCALE	Scale

Laura Blasena
1196 County Road B2 W,
Roseville MN 55113



This is a written narrative meant to accompany a variance application for 1195 County Road B2 W.

We purchased our house in 2021 with the existing driveway and garage arrangement, and with 29% of our property covered by impermeable surface. The current driveway arrangement does not allow a car to turn around, requiring all cars leaving our property to back out onto County Road B2 W. This is difficult, especially with visibility of other vehicles coming westward along County Road B2 and the high traffic in the area during start and end times of Roseville High School as well as during events hosted at the high school (ex. fall sporting events).

An addition to our driveway would cause our property to exceed the limit of 25% impermeable surface coverage required by our property's proximity to Willow Pond. This is why we are applying for a variance. We are planning on installing a rain garden in our front yard to help mitigate the effects of additional impermeable surface on our property as well as collect stormwater runoff from the rest of our property.

Both the plan for the addition to our driveway and a front-yard rain garden are in the proposed plan drawing created by Davey Resource Group.

**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 4th day of October 2023, 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 §1004.09.C.2,
IMPERVIOUS COVERAGE, AT 195 COUNTY ROAD B2 (PF23-009)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 10-29-23-14-0071, and is legally described as Lot 11, Block 6, Porte Park, Ramsey County, Minnesota;

WHEREAS, City Code §1004.09.C.2 (Residential Setbacks) limits impervious coverage to 25% of the area of residential parcels within the Shoreland Management Overlay District; and

WHEREAS, Laura Blasena, owners of the property at 1195 County Road B2, requested a variance to §1004.09.C.2 to allow a proposed 192 square-foot driveway expansion that would increase impervious coverage from 29% to 31%; 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 proposal is generally consistent with the Comprehensive Plan because it represents a standard amenity on a residential property and enhances safety on public roadways.
- b. Despite being in conflict with the zoning code's purpose of minimizing impervious coverage in close proximity to the lakes within Roseville, the proposal is in harmony with the intent of the zoning ordinances because adding the turn-around area in that location would eliminate an existing nonconforming condition.
- c. The proposal makes reasonable use of the subject property, especially if the additional storm water generated by the expansion of impervious surface area is mitigated on site, because the driveway addition would increase the safety of people in vehicles leaving the property as well as those using the abutting public street.
- d. The existing excess impervious coverage in a location where a driveway would be required to include additional area for turning around within the property is a unique circumstance that was not created by the landowner.
- e. The proposed driveway addition is clearly residential in nature, and the variance, if approved, would not negatively alter the character of the surrounding residential neighborhood.

- f.** The conflicting purposes of the zoning code, that a homeowner in this location pave a place for vehicles to turn around within the property and that impervious surfaces cover less than 25% of the parcel area, represent a practical difficulty which the variance process is intended to relieve.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variance to §1009.02.C of the City Code, based on the proposed plans for the driveway expansion, 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.

