



Variance Board Agenda

Wednesday, February 7, 2024

5:30 PM

City Council Chambers

(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 January 3, 2024 Minutes
- 5. Public Hearing**
 - a. Request by Amarak Ultimate Perimeter Security, in cooperation with Caliber Collision, for VARIANCES to §1011.08.A.3 Fences in All Districts, in support of permitting a 10-foot tall electrified security perimeter fence at Caliber Collision.
- 6. Adjourn**


REQUEST FOR BOARD ACTION

Date: **2/7/2024**

Item No.: **4.a.**

Department Approval

Agenda Section

Review of Minutes

Item Description: Review January 3, 2024 Minutes

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Application Information

N/A

Background

N/A

Staff Recommendation

N/A

Requested Planning Commission Action

Review January 3, 2024 minutes and make a motion to approve subject to requested corrections.

Alternative Actions

N/A

Prepared by:

Attachments: 1. January 3, 2024 Variance Board Minutes



**Variance Board Regular Meeting
City Council Chambers, 2660 Civic Center Drive
Draft Minutes – Wednesday, January 3, 2024 – 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**
6 At the request of Vice Chair Bjorum, City Planner Thomas Paschke called the Roll.
7
8 **Members Present:** Vice Chair Bjorum; and Members Aspnes and McGehee.
9
10 **Members Absent:** Chair Karen Schaffhuasen.
11
12 **Staff Present:** City Planner Thomas Paschke, and Community Development
13 Director Janice Gundlach.
14
- 15 **3. Approval of Agenda**
16
17 **MOTION**
18 **Member McGehee moved, seconded by Member Aspnes to approve the agenda as**
19 **presented.**
20
21 **Ayes: 3**
22 **Nays: 0**
23 **Motion carried.**
24
- 25 **4. Review of Minutes: October 4, 2023**
26
27 **MOTION**
28 **Member Aspnes moved, seconded by Member Bjorum to approve the October 4,**
29 **2023 meeting minutes.**
30
31 **Ayes: 2**
32 **Nays: 0**
33 **Abstain: 1 (McGehee)**
34 **Motion carried.**
35
- 36 **5. Public Hearing**
37 Vice Chair Bjorum reviewed protocol for Public Hearings and public comment and
38 opened the Public Hearing at approximately 5:35 p.m.
39
40 **a. Request by PPF RTL Rosedale Shopping Center LLC, in cooperation with**
41 **Kimley Horn, for VARIANCES to Tabel 1019-2 and 1019.04.D.2.d.i to allow**

42 **reductions in required EV charging equipment in connection with Dick’s**
43 **Sporting Goods at Rosedale Center**

44 City Planner Thomas Paschke reviewed the variance request for this property, as
45 detailed in the staff report dated January 3, 2024.

46
47 Member McGehee asked if there were any other specific reasons for the reduction by
48 two thirds.

49
50 Mr. Paschke indicated he was not aware of anything specific, but he thought it was
51 something discussed as a collective group and felt it would be a number that could be
52 supported. From a staff perspective, holding firm on both would have been something
53 that would not have been out of the ordinary but understands with a large parking lot
54 and large installation and upfront costs, especially with the charging stations
55 themselves that supporting a variance was something staff could reasonably do and
56 staff felt that doing the six versus three and the two different types of equipment was
57 something that staff could support.

58
59 Member McGehee thought staff did a good job of finding some good middle ground
60 and she did not see any price for the EVSE spots with the documentation the
61 applicant presented. She asked if staff ever presented this format to Rosedale and
62 Kimley Horn, what is before the Board.

63
64 Mr. Paschke indicated staff did present it to the applicant and the response was the
65 current proposal presented to the Board.

66
67 Vice Chair Bjorum asked if there is a recent State law or mandate that was passed
68 requiring these. He asked what that entails.

69
70 Community Development Director Janice Gundlach explained the Legislature during
71 the last session did pass a law that says the Building Code is going to have to
72 incorporate EV charging equipped and ready stalls for anything that is essentially
73 non-residential uses. She indicated the law does not specify what the actual
74 requirement will be.

75
76 Vice Chair Bjorum invited the applicant to make comments.

77
78 Mr. Gar Herring, lead developer of the project, and Mr. Brian Wurdeman, addressed
79 the Board.

80
81 Member McGehee indicated she did see the benefit to the employees, and she did not
82 know how retail employment works but assumed some managers and salespeople are
83 at the place of business for an eight-hour shift. She thought there would be a need and
84 a reasonable use.

85
86 Vice Chair Bjorum asked at the Von Mar location are there additional EV spots that
87 would be EV ready or just the four in the one location.

89 Mr. Wurdeman indicated it could be expanded upon. He indicated the conduit is not
90 currently there.

91
92 Mr. Herring explained what the layman does not account for is the amount of power
93 that these take with massive transformers and equipment required which reduces the
94 parking ratio and the cost of the equipment with all of the power to it that is
95 overwhelming.

96
97 Member McGehee asked what the difference is in cost to put the conduit in now or
98 going to the Van Mar parking lot and putting in two more level three EV stations.

99
100 Mr. Herring the conduit piece is a big cost and also the power to it. If there is not
101 enough power, then a new transformer is required for additional power.

102
103 Member McGehee thought if the conduit is already there, those would be follow-ons,
104 should there be a need in the future to install them. The cost of putting the conduit in
105 place so it can be accessed in the future seems to be a rather minimal cost as opposed
106 to digging up the parking lot and digging up the strip and laying conduit, unless there
107 is something she is missing.

108
109 Mr. Wurdeman indicated that would be correct. The cost of the conduit is relatively
110 minimal compared to the rest of the equipment.

111
112 Member McGehee indicated if the conduit is run there is the flexibility of either
113 putting in level two or level three as this moves along and will give optimal
114 flexibility.

115
116 Mr. Herring indicated this has been tough because the really wanted to look at a
117 master plan to see if there will ultimately be charging stations around the mall at
118 different locations, would it be better to have them all grouped in one area, the cost of
119 the power and bringing that to other locations, combined with trying to see five years
120 or so into the future if there is a possibility of this being drastically different than
121 what is being done today. He explained it is difficult to try to make sure they are
122 taking care of the short-term demand, near term future and then the long-term future.
123 He noted they are looking for some flexibility.

124
125 Vice Chair Bjorum asked if they were proposing to move this work out to the outlot
126 off the movie theater, which is going to require that area to be ripped up as well along
127 with part of this project and he wondered if it would be more cost effective to just
128 locate these in the area already being developed.

129
130 Mr. Herring explained where they looked at it for Dick's Sporting Goods is over by
131 the big parking deck and over there the asphalt would not be disturbed as much. The
132 charging stations would also be very visible there. Over there is also a landscape
133 buffer where the conduit could be put in so the parking lot would not be torn up as
134 much. Both options did have some sitework on them.

136 Mr. Wurdeman reviewed the architectural plans with the Board.

137

138 Member McGehee asked if Dicks Sporting Goods was going to have any solar panels.

139

140 Mr. Herring indicated he was not sure but there are solar powered EV Stations.

141

142 Member Aspnes asked how many total parking spaces Rosedale has.

143

144 Mr. Wurdeman indicated he has not checked recently but he thought it was around
145 5,300 stalls.

146

147 Mr. Herring referred to a colleague who indicated the total number of parking stalls is
148 5,400.

149

150 Member Aspnes asked if the total parking included the parking stalls for Dicks
151 Sporting Goods.

152

153 It was indicated that the 5,400 includes the Dicks Sporting Goods parking stalls.

154

155 Member Aspnes indicated what came to her attention is the City is looking at five
156 thousand parking spaces and the City is asking the developer to put a lot of money but
157 asking the developer to put in six charging stations and the potential for fifteen more.
158 There is already four charging stations and she wondered how often those stations are
159 used.

160

161 Ms. Lisa Crain, Mall Manager, indicated usages is typically used eight to ten hours
162 per day with four locations and is predominantly used by the tenants' employees.
163 These are not in the best location.

164

165 Member Aspnes asked how long the average person stays at Rosedale.

166

167 Ms. Crain believed it is close to 128 minutes.

168

169 Member Aspnes thought charging an EV while shopping is a convenience and not
170 expected to be a complete charge of the vehicle, which should be done at a private
171 dwelling. She did not think that out of a five thousand stall parking area it is
172 unreasonable what City staff is asking for, especially when the four charging stations
173 are currently being used by employees. Plus looking at the number of charging
174 stations in attachment three, Target in Roseville has eight and what they are asking
175 the City to approve is so below that. She understands that technology evolves but the
176 Ordinance was put in place for the sustainability and to reduce greenhouse gases and
177 what staff has asked the applicant to compromise to is reasonable.

178

179 Member McGehee concurred.

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181 Vice Chair Bjorum closed the public hearing at 6:20 p.m.

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MOTION
Member McGehee moved, seconded by Member Aspnes, adoption of Variance Board Resolution No. 163 (Attachment 4), entitled “A Resolution Approving a Variance to Table 1019-2, Required Electric Vehicle Charging Stations (EVCS) and Denying a Variance to §1019.04.D.2.d.i, Electric Vehicle Supply Equipment (EVSA), of the Roseville City Code, for Rosedale Center, 1595 Highway 36 (PF23-014).”

Ayes: 3
Nays: 0
Motion carried.

6. Adjourn

MOTION
Member Aspnes, seconded by Member McGehee, to adjourn the meeting at 6:23 p.m.

Ayes: 3
Nays: 0
Motion carried.


REQUEST FOR BOARD ACTION

Date: **2/7/2024**
Item No.: **5.a.**

Department Approval

Janice Gundlach

Agenda Section

Public Hearing

Item Description: Request by Amarok Ultimate Perimeter Security, in cooperation with Caliber Collision, for VARIANCES to §1011.08.A.3 Fences in All Districts, in support of permitting a 10-foot tall electrified security perimeter fence at Caliber Collision.

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2 **Application Information**

3 Applicant: Amarok, LLC on behalf of Caliber Collision
4 Location: 1914 County Road C
5 Application Submission: October 4, 2023
6 City Action Deadline: Multiple Extensions - currently April 1, 2024
7 Zoning: Employment Center (E-2)
8

9 **Background**

10 Caliber Collision is an automotive body work company located at 1914 County Road C. In recent
11 years, they have been experiencing increased vandalism on vehicles that are stored within a 6-foot
12 tall screened enclosure to the rear of the property. Amarok Ultimate Perimeter Security desires to
13 install a 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system inside of
14 the screened enclosure to secure the vehicle storage area and discourage vandalism and theft to the
15 stored vehicles.
16

17 **Review of Request**

18 Roseville City Code §1011.08.A.3, **Fences in All Districts** (below), limits a fence, other than a
19 screen fence, to a maximum height of 6-1/2 feet and does not permit electrified fences. The proposed
20 security enclosure has been deemed a fence per the definition below and thus can only be a
21 maximum of 6-1/2 feet in height.

22 *A. General Requirements: Fences may be constructed, placed, or maintained in any yard or
23 adjacent to a lot line in accordance with these requirements.*

24 *1. The owner of the property upon which a fence is located shall be responsible for locating all
25 property lines prior to constructing said fence.*

26 *2. All fence posts and supporting members shall be placed within the property lines of the property
27 on which the fence is located.*

28 *3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in
29 front yards which are adjacent to the side or rear yards of abutting lots may be as tall as 6.5 feet.*

30 *4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the
31 top of the fence material. Fence posts may extend an additional 6 inches.*

- 32 5. *All fences shall be constructed so that the finished side or more attractive side of the fence faces*
33 *the adjacent property or the public right-of-way.* 6. *All fences shall be constructed of durable,*
34 *uniform, weather-resistant, and rust- proofed materials.*
- 35 7. *All fences shall be maintained and kept in good condition.*
- 36 8. *Fences exceeding 4 feet in height shall require a permit from the City.*
- 37 9. *Temporary snow fencing is allowed seasonally, when snow is present, without a permit.*
- 38 10. *Non-residential Fences: In addition to the requirements of this section, fences in all non-*
39 *residential districts shall conform to the screening requirements of Section 1011.03B of this 4076*
40 *Chapter.*
- 41 11. *Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public*
42 *right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a*
43 *fence no less than 4 feet in height shall be installed between the facility and the right-of-way.*
44 *FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron,*
45 *or other manufactured material or combination of materials erected to enclose, screen, or separate*
46 *areas.*

47

48 Planning Division staff has not historically supported fence heights in excess of 6-1/2 feet in
49 commercial or industrial areas of Roseville, except for screen fences, which per §1011.03.B, are
50 required to be a minimum of 6 feet in height. The Planning Division is also opposed to the
51 allowance of an electrified fence as this is prohibited under the Code and seems extreme given other
52 available alternatives. Similarly, the Roseville Police Department does not support the proposed
53 electrical security system. The Police Department has typically recommended crime prevention
54 strategies that are consistent with Crime Prevention Through Environmental Design Strategies
55 ([CPTED](#)). An electrified fence would not be consistent with the CPTED principles. However, the
56 Police Department has recommended the property/business owner look at other impactful
57 alternatives to harden the target, such as hostile vegetation, strengthening existing fencing,
58 improving cameras/surveillance and investing in other technology and strategies to help deter thefts.

60 **Staff Recommendation**

61 **Variance Analysis**

62 Planning Division staff has historically been reluctant to support a variance from the standards set
63 forth in the fence regulations section of the City Code given the practical difficulty (or former
64 hardship standard) cannot easily be met. In the past 20+ years the City has issued only two variances
65 for increased fence height in the commercial/industrial zoned areas of Roseville. Calyxt (2016) and
66 Koch & Sons Trucking (2017) each received a variance to increase the height of security fencing in
67 the front yard of their property from 4 feet to 6 feet in height. The Planning Division is unaware of
68 any electrified fencing or fencing greater than 6 1/2 feet in height that secures portions of a
69 commercial or industrial site in Roseville.

70

71 Section 1009.04 (Variances) of the City Code explains the purpose of a variance is “to permit
72 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land
73 or building that prevent the property from being used to the extent intended by the zoning.” State
74 Statute further clarifies that “economic considerations alone do not constitute practical difficulties.”
75 Planning Division staff does not find there are practical difficulties present, other than economic, to
76 justify City approval to deviate from the Code standards as there are other permitted options
77 available that have not been explored that could potentially address the vehicle vandalism occurring
78 at Caliber Collision without the need of a variance.

80 When evaluating this requested variance, it's important to understand the reasons behind the
81 prohibition of electric fencing and the limits on maximum height. Specific to fencing in all zoning
82 districts in Roseville, the current standards have been in the Zoning Code since prior to the 2010
83 zoning code update, where it was determined these standards were appropriate and applicable to
84 remain. Planning Division staff continues to support these standards. Additionally, staff have
85 concluded electrical or electrified fencing is a drastic measure when options such as increased screen
86 fencing height, security cameras, and other forms of deterrents and monitoring are available. Further,
87 this type of electrified fencing is typically used in rural/agricultural settings or for security for
88 correctional facilities, and not typically found in an urban setting. Planning staff is also not aware of
89 any surrounding urban municipality that permits electrical fencing in their commercial/industrial
90 areas.

91
92 Fence height is also a common regulation in urban communities. Most municipalities limit fencing
93 in front yards to 4 feet in height, as does Roseville, while fencing limits for side and rear yards
94 vary. However, most communities permit up to 6 or 6-1/2-foot non-screen fence height in
95 commercial and industrial areas for the primary reason of preventing the unsightliness caused by
96 fence type and/or excessive height. Roseville's 6-foot maximum height, for fencing other than for
97 screening, has been in place for decades and has proven to work well in most all
98 situations. Similarly, Planning staff has not come across other businesses desiring to install fences in
99 excess of 6 feet or install electrified fencing as a means to secure a property or parking area as a
100 deterrent to vandalism and theft.

101
102 Section 1009.04C of the City Code establishes a mandate that the Variance Board make five specific
103 findings about a variance request as a prerequisite for approving the variance. Planning Division
104 staff have reviewed the application and offer the following draft findings:

- 105 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believe the
106 proposal is generally consistent with the Comprehensive Plan because it represents the type
107 of continued investment promoted by the Comprehensive Plan's goals and policies.
108 However, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan
109 concerning commercial/industrial property fencing or security.
- 110 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* With
111 respect to the request, the Planning staff finds the proposal is not in harmony with the
112 purpose and intent of the Code. Specifically, staff believes the purpose and intent of the
113 adopted fence standards is to reasonably accommodate fencing of property that provides
114 security while not being overly obtrusive. An electrical or electrified fence in excess of 6
115 feet in height for security purposes is a harsh alternative to other available options, such as
116 extending the height of the existing screen fence, strengthening the existing screen fence
117 and/or adding surveillance cameras, all permitted options available to the business and in
118 harmony with the purpose and intent of this standard.
- 119 3. *The proposal puts the subject property to use in a reasonable manner.* This finding seeks to
120 determine whether the requested deviation will put the property to use in a manner
121 reasonably consistent with the standards set forth in the Code. Planning Division staff
122 conclude the proposal is not reasonably consistent with the standards set-forth in the
123 Code. Specifically, electrical or electrified fencing is prohibited and an extreme measure to
124 combat vandalism given the urban setting. The installation of the proposed 10-foot tall
125 electrified security fence, 4 feet taller than the existing screen fence, will be out of character
126 with current non-screening fencing and would be the first of its kind in Roseville, potentially

127 setting a precedent. Lastly, other less extreme options have not been pursued, many of which
128 are permitted by Code.

- 129 4. *There are unique circumstances to the property which were not created by the*
130 *landowner.* Although vandalism of stored vehicles could be considered a unique
131 circumstance not caused by the property owner, staff has determined the installation of the
132 proposed 10-foot tall electrified security system is not a security method essential to combat
133 the instances of vehicle vandalism occurring on the premises. As has been stated previously,
134 other options are available that have not been pursued, nor has the business sought out
135 assistance from the Roseville Police Department.
- 136 5. *The variance, if granted, will not alter the essential character of the locality.* The Planning
137 Division has determined the granting of these two variances in support of a 10-foot tall
138 electrified security fence could alter the essential character of the locality and are not
139 appropriate given Roseville’s urban environment. Support of these deviations could be
140 precedent setting, creating unintended consequences. Planning staff would also note that
141 variances are granted only when all reasonable options have been exhausted and there are
142 unique circumstances at play, which staff would deem not to be the case in this instance. The
143 only reason for the variance offered by the applicant to justify the request is economic, which
144 can’t be considered under State Law.

145 146 147 **Requested Planning Commission Action**

148 The Planning Division finds the applicant has not demonstrated practical difficulties preventing
149 compliance with the fence regulations of §1011.03.B of the City Code and would recommend the
150 Variance Board **adopt a resolution (Attachment 4) denying the requested variances for an**
151 **electrified security barrier and fence of 10-feet in height at Caliber Collision, 1914 County**
152 **Road C**, based on the content of this report and associated plans provided as attachments, public
153 input, and Variance Board deliberation.

154 155 **Alternative Actions**

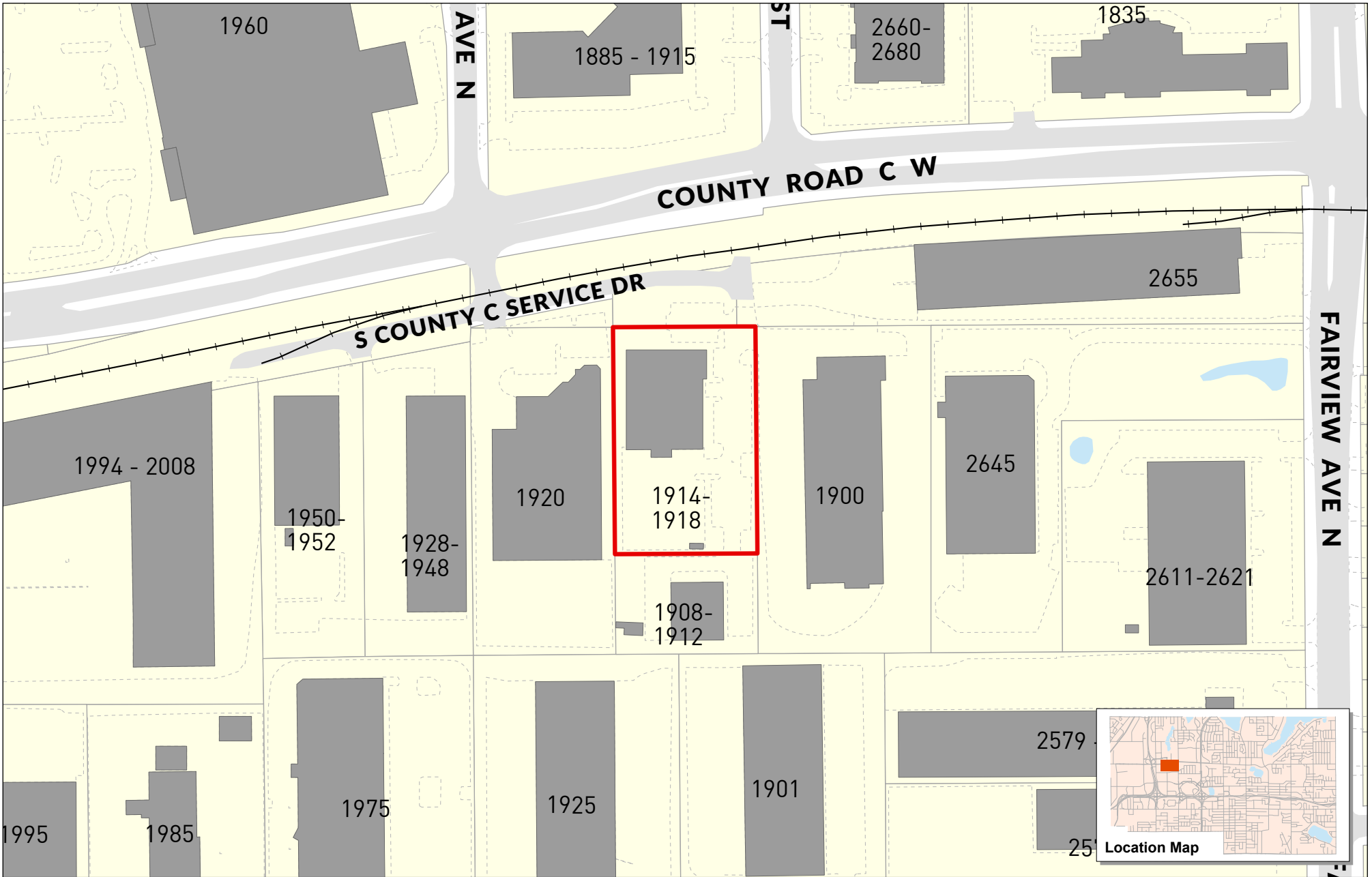
- 156 1. **Pass a motion to table the item for future action.** An action to table consideration of the
157 variance request must be based on the need for additional information or further analysis to
158 reach a decision on one or both requests. Tabling may require extension of the 60-day action
159 deadline established in Minn. Stat. 15.99 to avoid statutory approval.
- 160 2. **Adopt a resolution approving the requested variances.** An approval should be supported
161 by specific findings of fact based on the Variance Board’s review of the application,
162 applicable zoning regulations, and the public record.

163
164 **Prepared by:** Thomas Paschke, City Planner

Attachments:

1. Map
2. Aerial Photo
3. Applicant Narrative
4. Resolution

Attachment 1: Planning File 23-012

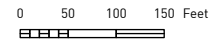


ROSEVILLE
 Prepared by:
 Community Development Department
 Printed: October 16, 2023


Site Location

Data Sources
 * Ramsey County GIS Base Map (10/6/2023)
 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 23-012



**Justification for Variance Approval (HEIGHT)
1914 COUNTY ROAD C WEST – CALIBER COLLISION**

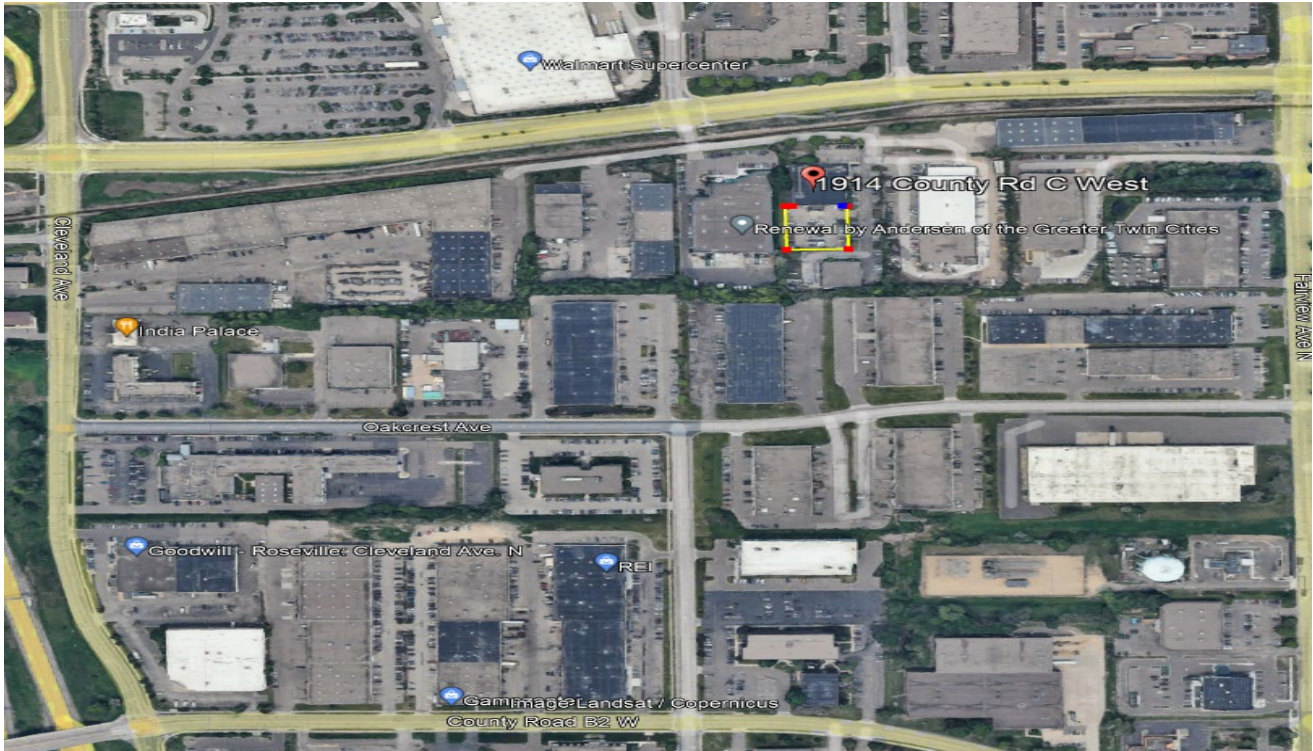
AMAROK, LLC on behalf of CALIBER COLLISION, is respectfully requesting the City of Roseville to approve a variance for the security system application which has been submitted to the City of Roseville; allowing the installation of a 10' tall low-voltage, 12V/DC battery-powered, pulsed electric security system to secure the property of CALIBER COLLISION safely and effectively. The property is located at 1914 County Road C West, Roseville, MN 55113 and is zoned E2 – Employment Center. The installation of this security fence is safely located inside/behind of the existing 6'-0" tall fence to secure the property during non-business hours.

The AMAROK security fence has proven to be the most effective theft and crime deterrent for businesses across the country such as CALIBER COLLISION. Even in cases where businesses were experiencing frequent theft and loss, the installation of our security fence immediately results in the prevention of any further attempted break-ins, vandalism, and theft.

Below are statements justifying the need for this requested Variance:

Appellant seeks to install a perimeter security system for the protection of the property from crime/break-ins. The property/business is CALIBER COLLISION, a well-known, automotive body work company. The business has been increasingly targeted and victimized by criminals breaking in to steal catalytic converters, batteries, auto parts and anything that can be easily sold on the black market or to metal recyclers.

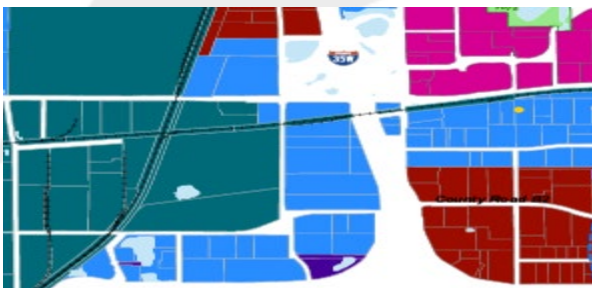
The business sits off a main road, accessed through a "service road". There are various entrances and exits from the business location through wooded areas to parking lots, and other streets, providing the ability to enter and exit the property undetected. As a result, this makes detection of criminal trespass difficult for police patrols. The ability to "see" activity behind a business is impossible for any vehicle or person driving or walking by the business. The requested security fence will be located behind/inside of existing fence, in the rear of the property, behind the business, well away from road frontage making any visual, aesthetic impact negligible.





The system is virtually invisible to passing vehicular traffic, making it necessary for would-be thieves to get close to the perimeter fence to slowly begin to discern the interior security fence/system as they approach. The system is completely safe and deters crime from the area for the benefit of the community (not just the subject property/business). The security fence is a known and proven commodity, with thousands deployed across the United States for more than 30 years. Once a system is installed, crime typically drops to zero. Once crime is deterred from the area, property values increase for everyone in the area which increases tax revenue to the city. This also benefits the city by allowing police resources to be economized towards life safety rather than on property crime.

The practical difficulty is not one created by the appellant but rather by the criminal element which is outside of the control of the appellant. Criminal activity threatens the safety of employees, business assets, customers, and customer vehicles at the business. With the installation of the security system, the threat of physical criminal violence decreases and employees will feel safer knowing there is a deterrent to criminal activity in place. Customers will feel an additional level of security from theft or vandalism when left at appellant's business for repairs.



The areas adjacent to the variance property are zoned for business enterprise. These locations are vulnerable to the criminal element. The security fence will in no way adversely affect the surrounding area but do the exact opposite; enhance the vicinity by effectively deterring crime. Lower crime equals higher property values which in turn increases revenue for the city. The installation of the security fence aids in the city's objectives and frees up police resources, allowing them to place their focus and efforts on more pressing life safety matters rather than expended on property crimes.

The strict application of the terms of the Zoning Ordinance results in practical difficulties in the use of the property by preventing the business from having the security they need to keep out criminals/crime. The property is significantly setback from the street frontage

making it difficult for passing police to detect criminal activity. Because the business has a significant number of vehicles, they are targeted by criminals to steal catalytic converters, batteries, and any other auto parts which can be quickly and easily sold on the black market or to metal recyclers. These mounting losses are unsustainable to the business. CALIBER COLLISION needs the proposed security system/fence to protect themselves from crime.

The appellant is requesting to go to a total height of 10'. More than 30 years of security industry experience with the system deployed in thousands of locations across the United States definitively shows that a height of ten feet effectively deters crime whereas lower heights still allow determined criminals the ability to get over the fence to continue plundering the business.

The granting of the variance will allow the business and its assets to be protected, alleviating the practical difficulty and resulting hardship that has not been caused by applicant. Based on the information and evidence provided to the Board, we respectfully request the granting of this variance approval for CALIBER COLLISION.



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Director, Government Relations

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ULTIMATE PERIMETER SECURITY

**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 February, 2024, 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 DENYING A VARIANCE TO §1011.08.A.3, FENCES IN ALL DISTRICTS, OF THE
ROSEVILLE CITY CODE, AT 1914 COUNTY ROAD C (PF23-012)**

WHEREAS, the subject property is assigned Ramsey County Property Identification
Number 092923210015 and is legally described as:

Lot 1, Block 1, CASCI Addition

WHEREAS, City Code §1010.02 (Definitions) and §1011.08.A.3 (Fences in All
Districts) states the following concerning fences:

1010.02 - FENCE: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

1011.08.A.3 - A. General Requirements: Fences may be constructed, placed, or maintained in any yard or adjacent to a lot line in accordance with these requirements.

- 1. The owner of the property upon which a fence is located shall be responsible for locating all property lines prior to constructing said fence.*
- 2. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.*
- 3. Fences in front yards shall not exceed 4 feet in height. Notwithstanding this limitation, fences in front yards which are adjacent to the side or rear yards of abutting lots may be as tall as 6.5 feet.*
- 4. Fence height shall be measured from the average grade adjacent to the bottom of the fence to the top of the fence material. Fence posts may extend an additional 6 inches.*
- 5. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way. 6. All fences shall be constructed of durable, uniform, weather-resistant, and rust-proofed materials.*
- 7. All fences shall be maintained and kept in good condition.*
- 8. Fences exceeding 4 feet in height shall require a permit from the City.*

9. *Temporary snow fencing is allowed seasonally, when snow is present, without a permit.*
10. *Non-residential Fences: In addition to the requirements of this section, fences in all non-residential districts shall conform to the screening requirements of Section 1011.03B of this 4076 Chapter.*
11. *Fencing of Play Areas: For public or private parks and playgrounds located adjacent to a public right-of-way or railroad right-of-way, a landscaped yard area no less than 30 feet in width or a fence no less than 4 feet in height shall be installed between the facility and the right-of-way.*

WHEREAS, Amarak Ultimate Perimeter Security on behalf of Caliber Collision, seeks a variance from §1011.08.A.3, Fences in All Districts, in support of a desire to install a 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system inside of the screened enclosure to secure the vehicle storage area and discourage vandalism and theft to the stored vehicles; and

WHEREAS, §1011.08.A.3, limits a fence, other than a screen fence, to a maximum height of 6-1/2 feet and does not permit electrified fences. The proposed security enclosure has been deemed a fence per the definition and requirements outlined in the Roseville Zoning Code, which includes a maximum height allowance of 6-1/2 feet; 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 not consistent with the Comprehensive Plan.* While the proposal is generally consistent with the Comprehensive Plan because it represents the type of continued investment promoted by the Plan's goals and policies, there is nothing specifically stated in the Roseville 2040 Comprehensive Plan concerning commercial/industrial property fencing or security which justifies this type of fence.
- b. *The proposal is not in harmony with the purposes and intent of the zoning ordinance.* With respect to the request, the Variance Board finds the proposal is not in harmony with the purpose and intent of the Code. Specifically, staff believes the purpose and intent of the adopted fence standards is to reasonably accommodate fencing of property that provide security while not being overly obtrusive. An electrical or electrified fence in excess of 6 feet in height for security purposes is a harsh alternative to other available options, such as: extending the height of the existing screen fence, strengthening the existing screen fence and/or adding surveillance cameras. These are all permitted alternative options available to the business and would be in harmony with the purpose and intent of this standard.
- c. *The proposal does not put 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 the proposal is not reasonably consistent with the standards set forth in

the Code. Specifically, electrical or electrified fencing is prohibited and an invasive measure to combat vandalism given the urban setting. The installation of the proposed 10-foot tall electrified security fence, which is 4 feet taller than the existing screen fence, will be out of character with current non-screening fencing and would be the first of its kind in Roseville, potentially setting a precedent. Lastly, other less invasive permitted options have not been pursued.

- d. *There are not unique circumstances to the property which were not created by the landowner.* The Variance Board has determined the installation of the proposed 10-foot tall electrified security system is not a security method essential to combat vehicle vandalism occurring on the premises. As has been stated previously, other options are available that have not been pursued, nor has the business sought out assistance from the Roseville Police Department.
- e. *The variance, if granted, will alter the essential character of the locality.* The Variance Board has determined the granting of these variances in support of a 10-foot tall electrified security fence could alter the essential character of the locality and are not appropriate given Roseville’s urban environment. Support of these deviations could be precedent setting and create unintended consequences. The Variance Board finds that variances are granted only after all other reasonable options have been exhausted and when unique circumstances exist. In this instance, the applicant has offered the reason for the variance is economic, yet economic hardships cannot be considered as justification for a variance per State law.

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 does not satisfy the above requirements essential for approving this requested variance. Specifically, the Variance Board finds the applicant has not demonstrated practical difficulties preventing compliance with the fence regulations of the Zoning Code, as it relates to the proposed 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system as alternative security measures and/or fence construction methods and design could be utilized to achieve similar results.

NOW THEREFORE BE IT RESOLVED, the Roseville Variance Board DENIES the requested variance to §1011.08.A.3, Fences In All Districts, of the City Code concerning the installation of a 10-foot tall, low-voltage, 12V/DC battery-powered, pulsed electric security system inside the screened enclosure a Caliber Collision, 1914 County Road C, based on the content of the Variance Board report dated February 7, 2024 and associated plans provided as attachments to the written report, public input, and Variance Board deliberation.

The motion for the adoption of the foregoing resolution DENYING the request variance 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.

