



## Variance Board Agenda

Wednesday, May 1, 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 April 3, 2024 Minutes.
5. **Public Hearing**
  - a. Request to allow a 10-foot garage extension to place overhead garage doors 11 feet in front of the dwelling and to encroach into the front yard setback by 1.5 feet on a residential property **(Planning File 24-008)**
6. **Adjourn**

  
**REQUEST FOR BOARD ACTION**

Date: **5/1/2024**

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

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Department Approval

Agenda Section

Review of Minutes

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**Item Description:** Review April 3, 2024 Minutes.

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18

**Application Information**

N/A

**Background**

N/A

**Staff Recommendation**

N/A

**Requested Planning Commission Action**

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

**Alternative Actions**

N/A

**Prepared by:**

**Attachments:**    1.    April 3, 2024 Minutes



**Variance Board Regular Meeting  
City Council Chambers, 2660 Civic Center Drive  
Draft Minutes – Wednesday, April 3, 2024 – 5:30 p.m.**

- 1 **1. Call to Order**  
2 Chair Schaffhausen called to order the regular meeting of the Variance Board meeting at  
3 approximately 5:30 p.m. and reviewed the role and purpose of the Variance Board.  
4
- 5 **2. Roll Call & Introductions**  
6 At the request of Chair Schaffhausen, City Planner Thomas Paschke called the Roll.  
7  
8 **Members Present:** Chair Schaffhausen, Vice Chair Bjorum; and Member Aspnes.  
9  
10 **Members Absent:** None.  
11  
12 **Staff Present:** City Planner Thomas Paschke, Community Development Director  
13 Janice Gundlach and Senior Planner Bryan Lloyd.  
14
- 15 **3. Approval of Agenda**  
16  
17 **MOTION**  
18 **Member Bjorum 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: March 6, 2024**  
26  
27 **MOTION**  
28 **Member Aspnes moved, seconded by Member Bjorum to approve the March 6,**  
29 **2024 meeting minutes as presented.**  
30  
31 **Ayes: 3**  
32 **Nays: 0**  
33 **Motion carried.**  
34
- 35 **5. Public Hearing**  
36 Chair Schaffhausen reviewed protocol for Public Hearings and public comment and  
37 opened the Public Hearing at approximately 5:34 p.m.  
38  
39 **a. Request to Allow a Recently Built Shed of Nonconforming Area and Side-Yard**  
40 **Setback to Remain on a Residential Property.**

41 Senior Planner Lloyd reviewed the variance request for this property, as detailed in  
42 the staff report dated April 3, 2024.

43  
44 Member Aspnes indicated she looked at all the photos and read the materials from the  
45 homeowners and from the City and there is a 12x12 foot pretty substantial slab under  
46 there right now but there is no evidence about what the original building was.

47  
48 Mr. Lloyd indicated that is correct and is assumed by the building inspector that at  
49 one time there was a 12x12 shed on the slab.

50  
51 Member Aspnes asked if the City knew when the 12x12 shed disappeared and the  
52 10x10 shed was put up by the previous owner.

53  
54 Mr. Lloyd indicated the City is not aware of the timing for the different buildings.

55  
56 Member Aspnes asked what if the pad were 20x20 feet and it would have been  
57 permissible at the time, and the new applicants want to put up a 12x12 and use the  
58 rest of the pad for something else. She wondered if the original size of the slab is not  
59 factored into what is currently being allowed.

60  
61 Mr. Lloyd indicated mostly that is right. It appears that the slab has always been  
62 there, since seventy-five years ago when the original shed would have been built and  
63 that is impervious coverage, which he alluded to before, might contribute to as much  
64 or more total impervious surface on the site than would be allowed and it may well be  
65 legal non-conformity as it is in terms of its area. It certainly is, with respect to a side  
66 yard setback, especially if it is used for storing things or to put a building on. There is  
67 a couple of reasons why it also is legally non-conforming, but the nature of legal non-  
68 conformity is there are State and local protections for them to allow them to remain  
69 and be maintained and even to be replaced. Otherwise, whatever is done with them  
70 over time, used as a patio or a place to put a building, those things would have to  
71 conform to the Zoning standards in place at the time.

72  
73 Member Aspnes indicated the grandfathering, the concept or ordinance that is  
74 allowing the shed to be rebuilt where it is, within that five-foot setback, the last time a  
75 shed was there it was 10x10 feet so within that setback, regardless of what the slab  
76 indicates, all that can be built is a 10x10 building.

77  
78 Mr. Lloyd indicated that is correct.

79  
80 Chair Schaffhausen explained having recently just built a shed and knowing that she  
81 had to apply for a permit, was the process, were the owners building something else  
82 or how was this skipped. Did somebody just not recognize that this was a  
83 requirement.

84  
85 Mr. Lloyd thought it was the latter, there was not another project on the property that  
86 he is aware of and there are somethings that do not require permits, patios or fences

87 that are four feet tall or shorter. He thought it was a matter of not knowing that a  
88 permit was required, particularly when it is replacing a structure that is there.

89  
90 Member Aspnes asked if the owner was building the shed or was a professional  
91 building the shed.

92  
93 Mr. Lloyd believed there was a builder putting the shed up.

94  
95 Chair Schaffhausen invited the applicant to come to the table to answer questions.

96  
97 Mr. Daniel Oren and Mrs. Cammy Oren, applicant addressed the Commission  
98 regarding the proposed building requested.

99  
100 Mrs. Oren explained she did not think there was a need for a permit because they  
101 were replacing the shed that was previously on the slab. She indicated Mr. Lloyd  
102 encouraged her to apply for a variance. She did ask someone if it would work if they  
103 moved the shed so there would be a five-foot variance and was told they could not do  
104 that because then they would be outside of the allowed coverage.

105  
106 Mr. Oren explained there is a five-foot setback, and they are not going any closer to  
107 the neighbors. He explained they are also not increasing impervious surface.

108  
109 The Commission thanked the applicants for their comments.

110  
111 Member Bjorum asked given the thickness of the slab, the argument is that it is more  
112 of a three-dimensional structure than the typical four- or six-inch slab would be and  
113 does that allow for any leeway.

114  
115 Mr. Lloyd explained it is considered a structure but only in a sort of technical sense.  
116 There is not anything salient about that distinction. It is a way of differentiating  
117 something that is along the ground and deep into the ground, in this case, but  
118 nevertheless something along the ground that does not have a mass above the ground.  
119 Even a one-inch-thick layer of cement is a three-dimensional thing but the two-  
120 dimensional reference that he made was simply illustrative and does not have any  
121 importance for this discussion.

122  
123 Member Aspnes asked if when this was grandfathered was it done as a 10x10  
124 structure.

125  
126 Mr. Lloyd indicated it was and there is not necessarily a moment that he would say it  
127 was grandfathered.

128  
129 Chair Schaffhausen asked from the perception of the homeowner, if someone had not  
130 called and the City had not seen this, it would have been built and what would the  
131 ramifications have been once built.

133 Mr. Lloyd explained one part of the answer is without somebody bringing the City  
134 pictures of what had been on site before compared to what is there, the City would  
135 not necessarily know anything more about what size of a building had been on that  
136 very large slab. It would be clear that it was not the original building that was there,  
137 but staff would not know what the new shed was replacing. The other part of the  
138 answer is the only thing the City can do is enforce the requirements.

139  
140 Chair Schaffhausen asked if the City polices after the fact.

141  
142 Mr. Lloyd explained the enforcement of zoning and building regulations happens at  
143 the time the building permit is pulled or when somebody calls, and staff is made  
144 aware of something. Staff certainly would do their due diligence to ensure that either  
145 what happened was done properly or try to seek some resolution if it were not.

146  
147 Chair Schaffhausen closed the public hearing at 5:37 p.m.

148  
149 Member Bjorum indicated this is a struggle for him but felt the Commission is bound  
150 by the Zoning requirements as shown and the fact that there are several components  
151 to this that are non-conforming. He felt the analysis is correct and the shed should  
152 really be a 10x10 structure.

153  
154 Member Aspnes agreed and thought it was very tough, tough to read and tricky and  
155 she thanked staff for the explanations. She indicated she was disappointed that  
156 someone who is a builder would not be familiar with the fact that even sheds require  
157 permits from the City. Although it is half built, the structure should not be there.

158  
159 **MOTION**

160 **Member Aspnes moved, seconded by Member Bjorum, denying the requested**  
161 **variances to the minimum side yard setback and the maximum total storage**  
162 **building area at 3150 W Owasso Boulevard, based on the content of this RVBA,**  
163 **public input, and Variance Board deliberation.**

164  
165 **Ayes: 3**

166 **Nays: 0**

167 **Motion carried.**

168  
169 **6. Adjourn**

170  
171 **MOTION**

172 **Member Aspnes, seconded by Member Bjorum, to adjourn the meeting at 6:13**  
173 **p.m.**

174  
175 **Ayes: 3**

176 **Nays: 0**

177 **Motion carried.**

  
**REQUEST FOR BOARD ACTION**

Date: **5/1/2024**  
Item No.: **5.a.**

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Department Approval

*Janice Gundlach*

Agenda Section

Public Hearing

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**Item Description:** Request to allow a 10-foot garage extension to place overhead garage doors 11 feet in front of the dwelling and to encroach into the front yard setback by 1.5 feet on a residential property (**Planning File 24-008**)

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1  
2 **Application Information**

3 Applicant: Lalith Samarakoon  
4 Location: 1949 Simpson Street  
5 Application Submission: April 5, 2024  
6 City Action Deadline: June 4, 2024  
7 Zoning: Low Density Residential (LDR)  
8

9 **Background**

10 The applicant's attached garage was likely built to accommodate two vehicles, but at some time  
11 before the applicant took ownership of the home additional living space was built into the area above  
12 the garage. Rather than the floor of this new space being above the ceiling of the garage, as would be  
13 typical, a substantial portion of the garage ceiling was lowered to increase the available space in the  
14 room above. As a result of the lowered ceiling, only small or low-height vehicles can park in the  
15 garage. Many modern vehicles are either too tall to park under the lower ceiling, or too long to park  
16 in the taller part of the garage, or both. This situation is illustrated in the photos and described in the  
17 written narrative included with this RVBA as part of Attachment 3.  
18

19 The proposed 10-foot garage expansion, illustrated in the site plan in Attachment 3, would add  
20 enough depth such that two average (or even larger) vehicles can be parked inside the garage.  
21 Because the front of the existing garage is located about 38.5 feet from the front property line, the  
22 proposed addition would only encroach into the standard front yard setback by 1.5 feet. Although  
23 this minor encroachment, by itself, could be administratively reviewed and approved through the  
24 Administrative Deviation process, the forward-facing overhead garage door would stand about 11  
25 feet in front of the dwelling, which exceeds the limit established in **§1004.06. Therefore, as long as**  
26 **a variance is needed to accommodate the proposed location of the garage door in front of the**  
27 **dwelling, the slight encroachment of the building into the required front yard can be reviewed**  
28 **and approved as part of the same process.**  
29

30 Variance Analysis

- 31 • §1004.09.B (LDR Dimensional Standards) requires a minimum front yard setback of 30 feet.  
32 Earlier versions of the zoning code, in which 30 feet was still the standard minimum front  
33 yard setback, required a new home to have a greater setback from the front property line to  
34 be in line with other houses, if existing houses on the same block were already built at a

35 greater setback. The purpose of these provisions was primarily to create a uniform line of  
36 homes on each block. In a significant update to the zoning code about 15 years ago, the  
37 standard setback remained 30 feet but, instead of requiring a greater setback where existing  
38 homes had greater setbacks, new homes could be built closer to the street if existing homes  
39 already had substandard setbacks. While the standard minimum setback was not reduced in  
40 this update, the revised provisions encourage homes to be built closer to the street to improve  
41 the connection between the residences and the public realm of the roadway. Nevertheless, the  
42 proposed garage addition would create an encroachment into the required front yard setback  
43 and can only be approved by a variance.

- 44 • §1004.06.A (Design Standards) precludes overhead garage doors from standing more than 5  
45 feet in front of the dwelling area as a way to ensure the residential portion of the home  
46 remains the principal characteristic of the residential property and to prevent garage doors  
47 from becoming the dominant feature lining residential streets.

#### 48 Review of Variance Approval Requirements

49 Section 1009.04.C (Variances) of the City Code explains the purpose of a variance is “to permit  
50 adjustment to the zoning regulations where there are practical difficulties applying to a parcel of land  
51 or building that prevent the property from being used to the extent intended by the zoning.” The  
52 Planning Division finds the living area built into the space above the garage has lowered the ceiling  
53 of the existing garage to such an extent that it no longer functions as a two-car garage, and the fact  
54 this situation can only be rectified by extending the garage toward the front property line represents a  
55 practical difficulty which the variance process is intended to relieve.

56  
57 Section 1009.04.C of the City Code also establishes a mandate that the Variance Board make five  
58 specific affirmative findings, as stated below, about a variance request as a prerequisite for  
59 approving the variance. Planning Division staff has reviewed the application and offers the following  
60 draft findings.  
61

- 62 1. *The proposal is consistent with the Comprehensive Plan.* Planning Division staff believes  
63 that the proposed garage addition is generally consistent with the Comprehensive Plan  
64 because it represents a standard amenity on a residential property and embodies the sort of  
65 continued investment promoted by the Comprehensive Plan’s goals and policies for  
66 residential neighborhoods.
- 67 2. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* Although it  
68 is the proposed garage door, and not the dwelling area of the home, that is approaching the  
69 front property line, Planning Division staff believes the proposed forward expansion is in  
70 harmony with the purposes and intent of the zoning ordinance to make fuller use of the front  
71 side of the property.
- 72 3. *The proposal puts the subject property to use in a reasonable manner.* In Roseville, a  
73 "reasonable" garage has come to mean one that can accommodate two vehicles because a  
74 two-car garage has long been found to be adequate for most households. Planning Division  
75 staff believes, therefore, the proposed garage expansion would essentially recreate a two-car  
76 garage and thereby put the property to use in a reasonable manner.
- 77 4. *There are unique circumstances to the property which were not created by the landowner.*  
78 Planning Division staff finds the incursion of the upstairs living space into the existing  
79 garage to be a unique circumstance which was not created by the landowner.



80 5. *The variance, if granted, will not alter the essential character of the locality.* Despite the fact  
81 it would allow the forward extension of the garage more than what is normally permitted, the  
82 proposed addition is not particularly large and is clearly residential in nature, and Planning  
83 Division staff finds that the variance, if approved, would not negatively alter the character of  
84 the surrounding residential neighborhood.

85  
86 Public Comment

87 At the time this RVBA was prepared, Planning Division staff has not received any comments or  
88 questions about the proposed shed.

89  
90 **Staff Recommendation**

91 Adopt a resolution approving the requested 1.5-foot variance to the minimum front yard setback and  
92 6-foot variance to the maximum distance a garage door may stand in front of the home at 1949  
93 Simpson Street, based on the content of this RVBA, public input, and Variance Board deliberation.

94  
95 **Requested Planning Commission Action**

96 Adopt a resolution approving the requested variances to the minimum front yard setback and the  
97 maximum distance a garage door may stand in front of the home at 1949 Simpson Street, based on  
98 the content of the public record, public input, and Variance Board deliberation.

99  
100 **Alternative Actions**

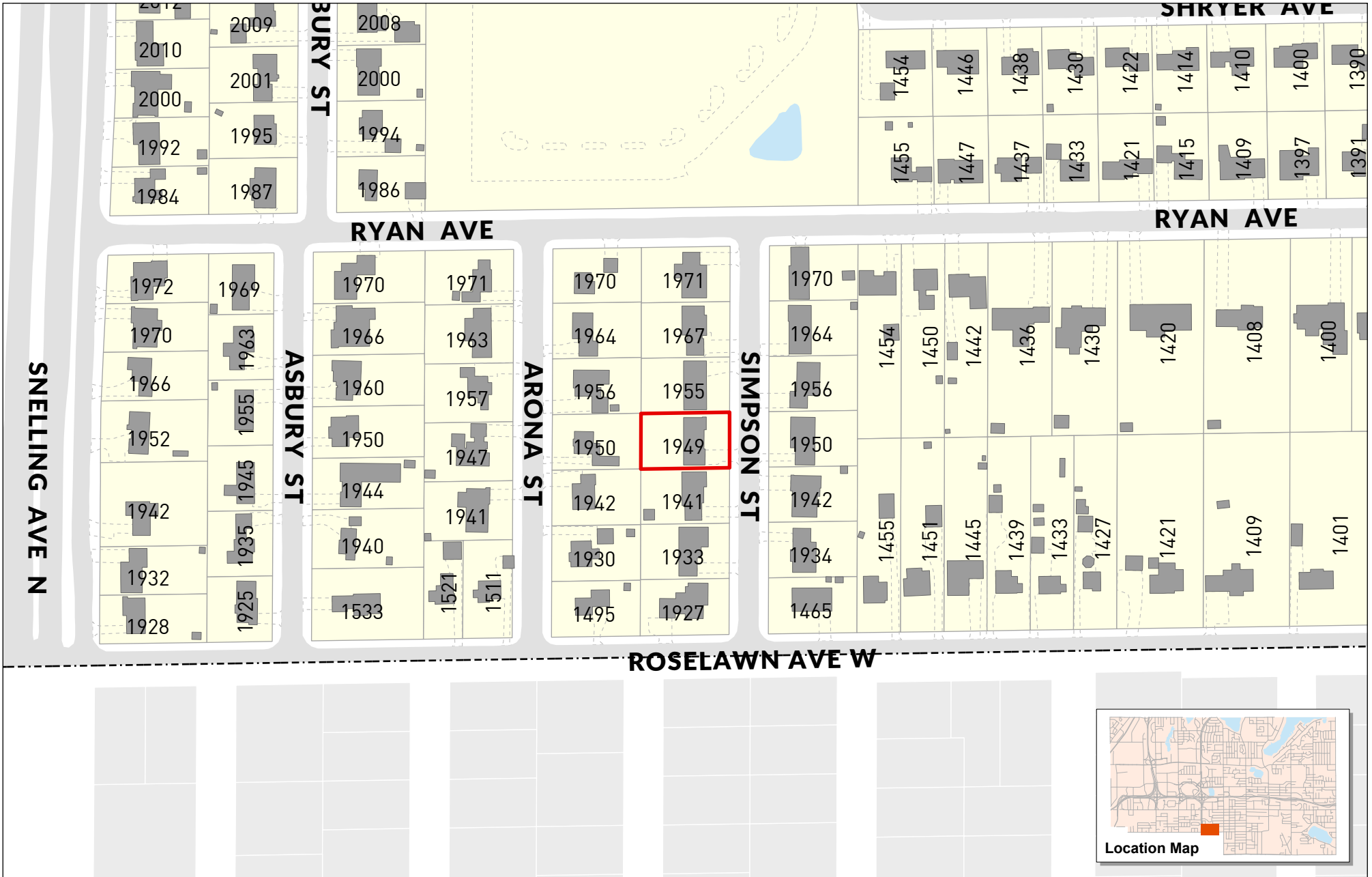
- 101 A. **Pass a motion to table the item for future action.** An action to table consideration of the  
102 variance request must be based on the need for additional information or further analysis to  
103 reach a decision on one or both requests. Tabling may require extension of the 60-day action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

108  
109 **Prepared by:** Bryan Lloyd, Senior Planner

- Attachments:**
- 1. Area map
  - 2. Aerial photo
  - 3. Written narrative, photos, and site plan
  - 4. Draft resolution

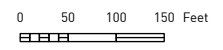
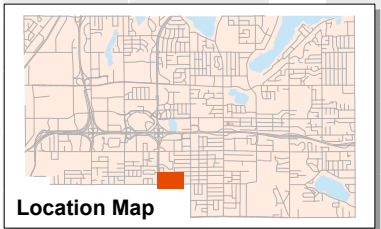
110

# Attachment 1: Planning File 24-008

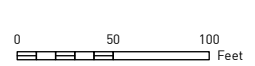
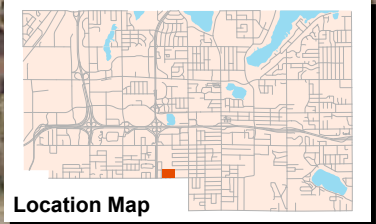


**Data Sources**  
 \* Ramsey County GIS Base Map (4/2/2024)  
 For further information regarding the contents of this map contact:  
 City of Roseville, Community Development Department,  
 2660 Civic Center Drive, Roseville MN

**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 24-008



**1949 Simpon Street, Roseville, MN  
Variance Application**

**7. Additional Required Information:**

**a. Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

PIN: 15-29-23-23-00-61

Lot 4, block 2, Key-Reen Homesites, Ramsey County, Minnesota  
Single-family home  
Built 1953

**b. Written Narrative:** This narrative should fully explain the "practical difficulty" that justifies the departure from the strict application of the Code. Neither mere inconvenience nor reduction in value is sufficient on its own to justify a variance, and the inability to put property to its highest and best use is not considered a practical difficulty. The problem that justifies the variance must be caused by conditions beyond the control of the applicant. The applicant cannot create the condition that requires the variance.

The practical difficulty is that we cannot park two mid- or large-size vehicles because of the garage's low ceiling height. The lowest point of ceiling height is 5'7", and the portion of the garage with a lower ceiling height is over 8'. Previous owners had built a room on top of a portion of the garage. This existed before we bought the house in 2004. The plumbing, heating, and air conditioning of the room that run below the room have contributed to the lower ceiling. This problem cannot be easily corrected without substantial structural changes to the room above the garage.

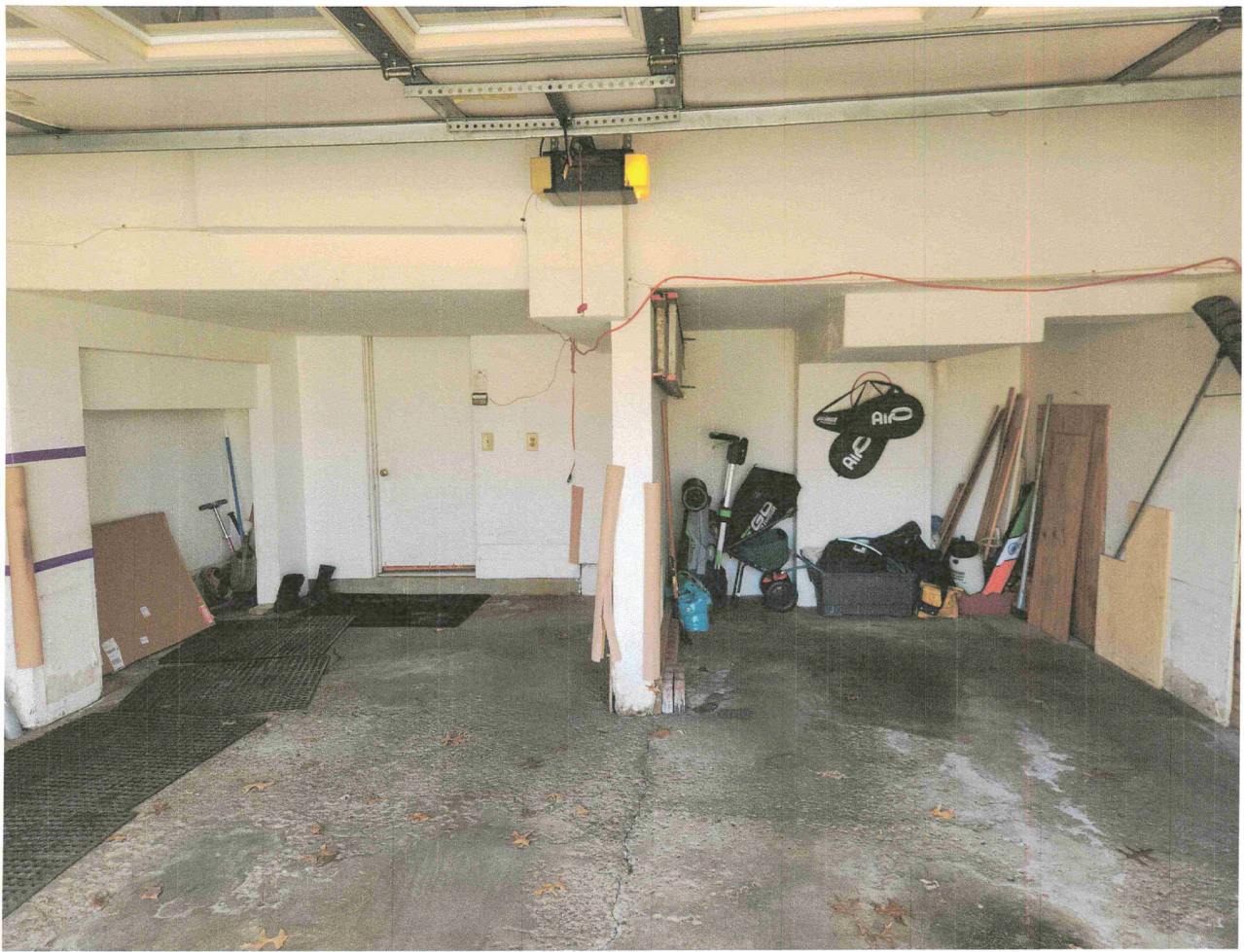
We want to be able to park two medium- or large-size vehicles. Extending the garage by 10' will provide sufficient space to do so. Therefore, we request your approval for a variance enabling us to expand the garage as shown in the attached drawing.

**c. Proposed Plans:** In addition to a scaled site plan, a landscape plan, grading and drainage plan, and exterior building elevation drawings showing building materials may also be required if deemed necessary by the Community Development Department. Such plans shall be on 8½"x 11" or 11"x 17" paper or in PDF digital format. In cases of multiple variances, the applicant may be required to submit a property boundary and building survey.

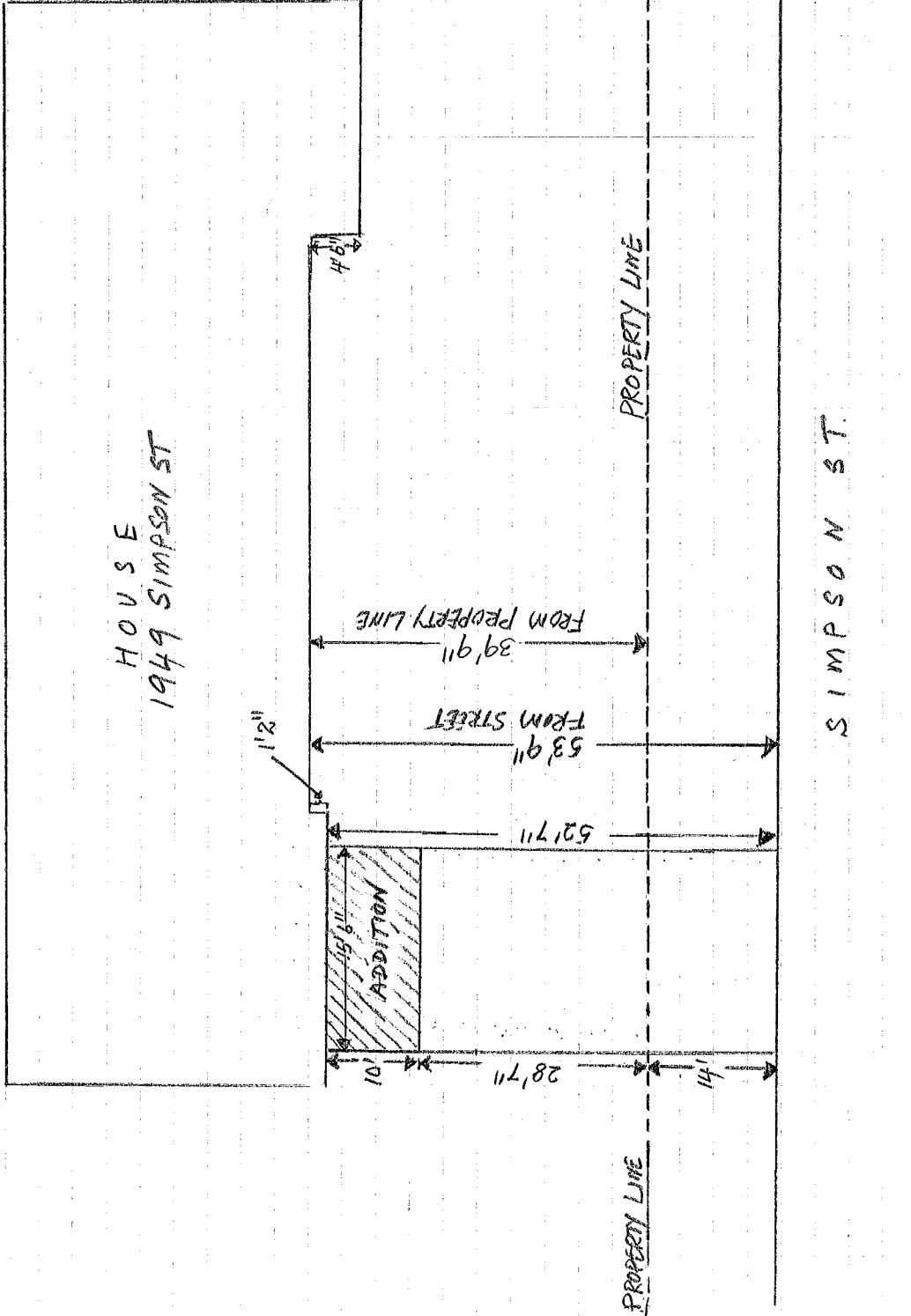
The attached drawing shows the proposed 10' extension from the existing garage. I have attached four photos of the existing garage, which has a visible low ceiling. I have also attached a photo of the house.

I confirmed the property line marker using a metal detector and digging the spot. The property line is 14' from the street (or approximately 13' from the inside edge of the curb). Extending the garage by 10' will leave a front yard setback of 28'7" from the property line. We hereby request a variation allowing a 10' addition from the existing garage. This will compensate for the existing garage's loss of utility and enable us to part two mid- or large-size vehicles. Thank you.

*Solito Tamaracome*  
04/05/24



PROPOSED GARAGE EXTENSION PLAN



**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 duly held on the 1st day May, 2024 at 5:30 p.m.

The following members were present: \_\_\_\_\_ and the following were absent: \_\_\_\_\_

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

**VARIANCE BOARD RESOLUTION No.**

**RESOLUTION APPROVING VARIANCES TO DIMENSIONAL STANDARDS AND  
DESIGN STANDARDS PERTAINING TO A GARAGE ADDITION  
AT 1949 SIMPSON STREET (PF24-008)**

WHEREAS, the subject property is in the Low-Density Residential (LDR) District, is assigned Ramsey County Property Identification Number 15-29-23-23-0061, and is legally described as Lot 4, Block 2, Kay-Reen Homesites, Ramsey County, Minnesota;

WHEREAS, City Code §1004.06.A (Residential Design Standards) prohibits the overhead doors of attached garages from standing more than 5 feet in front of the dwelling; and

WHEREAS, City Code §1004.09.B (LDR Dimensional Standards) establishes a minimum front yard setback of 30 feet; and

WHEREAS, Lalith Samarakoon, owner of the property at 1949 Simpson Street, has requested variances to said provisions to allow a 10-foot addition to the front of the existing attached garage; and

WHEREAS, the proposed 10-foot garage addition would place the overhead door about 6 feet further in front of the dwelling than the maximum distance allowed and would encroach about 1.5 feet into the minimum front yard setback; and

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

WHEREAS, the Variance Board has made the following findings:

- a. The living area built into the space above the garage has lowered the ceiling of the existing garage to such an extent that it no longer functions as a two-car garage, and the fact this

situation can only be rectified by extending the garage toward the front property line represents a practical difficulty which the variance process is intended to relieve

- b. The proposed garage addition is generally consistent with the Comprehensive Plan because it represents a standard amenity on a residential property and embodies the sort of continued investment promoted by the Comprehensive Plan's goals and policies for residential neighborhoods.
- c. Although it is the garage door, and not the dwelling area of the home, that is approaching the front property line, the proposed forward expansion is in harmony with the purposes and intent of the zoning ordinance to make fuller use of the front side of the property.
- d. In Roseville, a "reasonable" garage has come to mean one that can accommodate two vehicles because a two-car garage has long been found to be adequate for most households. Therefore, the proposed garage expansion would essentially recreate a two-car garage and thereby put the property to use in a reasonable manner.
- e. The incursion of the upstairs living space into the existing garage is a unique circumstance which was not created by the landowner.
- f. Despite the fact it would allow the forward extension of the garage more than what is normally permitted, the proposed addition is not particularly large and is clearly residential in nature. Therefore, the variance, if approved, would not negatively alter the character of the surrounding residential neighborhood.

NOW THEREFORE BE IT RESOLVED by the Roseville Variance Board to approve he requested 1.5-foot variance to the minimum front yard setback and 6-foot variance to the maximum distance a garage door may stand in front of the home at 1949 Simpson Street, based on the content the public record, public input, and Variance Board deliberation

The motion for the adoption of the foregoing resolution was duly seconded by member \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor thereof: \_\_\_\_\_ ; and the following voted against the same: \_\_\_\_\_ .

WHEREUPON, said resolution was declared duly passed and adopted.



State of Minnesota)  
 ) SS  
County of Ramsey)

I, undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_ 2024, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this \_\_\_\_ day of \_\_\_\_, 2024.

\_\_\_\_\_  
Patrick Trudgeon, City Manager

Seal