



Doc No **A04955996**

Certified, filed and/or recorded on
Jul 18, 2022 10:40 AM

Office of the County Recorder
Ramsey County, Minnesota
Todd J. Uecker, County Recorder
Heather L. Bestler, County Auditor and Treasurer

Deputy 312

Pkg ID 1534476M

| | |
|---------------------------------|---------|
| Document Recording Fee Abstract | \$46.00 |
|---------------------------------|---------|

| | |
|-----------------------|----------------|
| Document Total | \$46.00 |
|-----------------------|----------------|

**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 August 2021, at 5:30 p.m.

The following Members were present: Members Pribyl, Kruzel and Schaffhausen; and none were absent.

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

VARIANCE BOARD RESOLUTION NO. 158

**A RESOLUTION APPROVING VARIANCES TO ROSEVILLE CITY CODE §1005.06.E.3
REGARDING FRONTAGE REQUIREMENTS (PF21-009)**

WHEREAS, the subject property is legally described as:

LOT 2 BLOCK 1, FAIRVIEW FIRE STATION

WHEREAS, the City Code requires the following:

§1005.06.E.3 - *“At least 70% of the street frontage shall be occupied by the building façade placed within 85 feet of the front property line. Only two rows of parking and a drive lane may be placed within this setback area.”*

WHEREAS, §1005.06.E.3 (Frontage Requirement) dictates how much of the street frontage is to be occupied by building façade based on the building’s proposed distance from the front property line, and for which said code requirement does not provide for flexibility due to site challenges or a desired building design; and

WHEREAS, the property at 2501 Fairview Avenue has a street frontage length (lot width) of 200 feet, which translates into a required building length requirement (or frontage) of 140 feet, or 70%, based upon the placement of the proposed building within 85 feet of the front property line; and

WHEREAS, the applicant’s proposal includes a 94 foot wide building (including the attached trash enclosure portion) located generally in the center of the lot, equating to 47% frontage when 70% is normally required; and

WHEREAS, this property includes a 20-foot wide drainage and utility easement along the north and west property boundary and a 40-foot wide multi-purpose easement (access, drainage, and utility) along the south property boundary, which collectively create difficulties regarding overall site design; and

WHEREAS, said easements are needed to preserve existing utilities (including telecommunication fiber optics & City water main) and City and Xcel Energy access to property located behind the proposed site; and

WHEREAS, given these unique circumstances the applicant developed a site and building plan that best suits for the property and complies with all other Code standards; 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 and contributes the following strategies:
1. Create design standards for both vertical and horizontal mixed-use developments, not only so that the uses are compatible, but so that the scale, mass, and feel of new development enhances the desired community character.
 2. Ensure that existing and future development of business and industry, shopping, transportation, housing, entertainment, leisure, and recreation opportunities are in harmony with the commitment Roseville has made to its environment and quality of life, without compromising the ability of future generations to meet their own needs.
 3. Promote and support the redevelopment of physically and economically obsolete or underutilized property.
- b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* The property is currently zoned Regional Business-1 District (to become Core Mixed-Use), and with the exception of the proposed variance, meets nearly all the building and site design requirements outlined in §1005.02.A and §1005.06 of the City Code. Although this development proposal is seeking a variance to the Frontage Requirement of §1005.06.E.3, the overall building placement and drive-through location has been deemed by the Planning Division to be in harmony with the purpose an intent of the applicable zoning standards given the easement limitations.
- The Variance Board finds that it would be nearly impossible for any redevelopment proposal to comply with the frontage requirement from which the applicant seeks relief. In order to comply, the building would have to occupy every foot of frontage not otherwise encumbered by easement. To do this, access to the rear of the lot would be difficult given the only means to access the rear would be through the shared access along the southerly property line. This would be especially difficult for a service or retail-oriented use, for which the property is zoned.
- c. *The proposal puts the subject property to use in a reasonable manner.* The Variance Board finds this criterion is met in that the current site and building plans put the lot to use in a reasonable manner allowed by underlying zoning. More specifically, the Planning Division has concluded, absent this variance, development on this lot could be deemed impractical and strict enforcement of the Frontage Requirement Design Standard burdensome. The City Code offers variances in instances where practical difficulties are present and this is one of those situations, especially given existing site constraints due to access and easements, which preclude parking and building placement within their boundaries.
- d. *There are unique circumstances to the property which were not created by the landowner.* The existing easements and the limits on use within the easements are a large factor in meeting the Frontage Requirement length. Building design is also a consideration, as it seems unreasonable to require a long and narrow building just to conform to a given standard that would otherwise make parking and access difficult. The applicant did not create this situation as these easements have been in place for years. Given this, the Variance Board finds the lot has unique circumstances not created by the landowner/applicant.

- e. *The variance, if granted, will not alter the essential character of the locality.* Although the City strives for fully Code-compliant development, especially the stated design standards of §1005.02.A and §1005.06, there are instances when such strict enforcement of those standards is not in the best interest of the City or the applicant given an individual site's characteristics. By granting the requested variance, the proposed project fits more appropriately on the lot and supports the desired drive-through. The proposed bank branch with drive-through does comply with Code and is consistent with other commercial developments with a drive-through in the immediate neighborhood (including one recently redeveloped property one lot to the south). As such, the Variance Board finds the granting of this variance will not alter the essential character of this generalized area or the locality.

NOW THEREFORE BE IT RESOLVED, by the Roseville Variance Board, to approve the requested variance to §1005.06.E.3, Frontage Requirement, based on the proposed plans, the testimony offered at the public hearing, the above findings, conditioned on development of the site generally in compliance with the plans provided and attached to the Request for Variance Board Action dated August 4, 2021.

The motion for the adoption of the foregoing resolution was duly seconded by Variance Board Member Schaffhausen and upon vote being taken thereon, the following voted in favor: Members Pribyl, Kruzel and Schaffhausen;

and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

