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**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 6th day of March, 2024, at 5:30 p.m.

The following Members were present: Member Schaffhausen, Bjorum and Aspnes; and none were absent.

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

VARIANCE BOARD RESOLUTION NO. 165

**A RESOLUTION APPROVING A VARIANCE TO TABLE 1005-2 DIMENSIONAL STANDARDS
NEIGHBORHOOD MIXED-USE (MU-1) DISTRICTS, OF THE ROSEVILLE CITY CODE, IN SUPPORT
OF A 20-FOOT REAR YARD SETBACK VARIANCE FOR A PROPOSED 30-FOOT BY 34-FOOT
VEHICLE SERVICE ADDITION AT 2171 HAMLINE AVENUE (PF23-013)**

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 102923340032 and is legally described as:

Lot 16, Block 2, Woehrle's Addition

WHEREAS, Table 1005-2 or the Neighborhood Mixed-Use district states the following regarding the minimum rear yard setback:

Table 1005-2	
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 20 feet or 50% of building height, whichever is greater, from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential boundary 10 feet from non-residential boundary
Minimum surface parking setback	5 feet

102923340032

WHEREAS, Troy Miller (Troy's Auto Care) seeks a 20-foot variance from Table 1005-2 to encroach into the required 25-foot rear yard setback for the purpose of constructing a 30-foot by 34-foot service bay addition on the north side of the existing service station; 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.* Planning Division staff believe 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 building additions.
- b. *The proposal is in harmony with the purposes and intent of the zoning ordinance.* The proposal to construct a 30-foot by 34-foot, two-stall addition to the north side of the existing service station, along the same linear plane and at the same rear yard setback (5-feet from the west property line) as the existing building, is in harmony with the Zoning Code. The original structure was constructed in 1959 under different standards than the Zoning Code requires today. Although the MU-1 district does not have a minimum front yard setback requirement, building the proposed addition to meet the 25-foot rear yard setback standard would result in encroachment into the current drive lane for fuel pumping and deliveries. The level of encroachment into the front yard to meet the rear yard setback would result in negatively impacting vehicle maneuverability and traffic, which is not in the best interest of the site or adjacent roadways.
- 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. Planning Division staff concludes this finding to be true. Staff finds the applicant's proposal to build an addition at the same setback as the existing service station to be reasonable and practical. Requiring the proposed structure to meet the required 25-foot rear yard setback would create practical difficulties, in terms of providing continued investment and use of the property, as this lot is narrow and developed under previous standards that no longer apply under today's Zoning Code. Given this, staff 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.* The existing structure was constructed in 1959 at a 5-foot setback from the west property line, a much smaller setback than exists today. Under the current Zoning Code, the west property line is deemed the rear yard and any building constructed must be a minimum of 25 feet from this property line. If the adjacent use were not residential, the required setback would be 10 feet. The purpose of the larger rear yard setback for a commercial use adjacent to a residential use is to ensure adequate separation so any negative impacts from the commercial property can be buffered to the residential use. However, the characteristics of the abutting yards is that the proposed addition to the existing building will abut the neighboring apartment's garage structure, effectively ensuring negative impacts from the

commercial use will be adequately buffered to preserve residential enjoyment of the property. Therefore, Planning Division staff finds there to be a unique circumstance not created by the applicant to support granting the variance.

- e. *The variance, if granted, will not alter the essential character of the locality.* Although the Planning Division's goal is to seek full compliance with all Code standards, the essence of a variance process is to support unique situations where compliance cannot be achieved. Troy's Auto Care is a business that has existed similarly for over six decades and was permitted under different regulations than today. Granting a 20-foot rear yard setback variance will not alter the essential character of Roseville given the characteristics of the impacted properties.

WHEREAS, the Variance Board finds the proposal satisfies the requirements essential for approval. The unique circumstances present on this lot – the legal pre-existing non-conforming location of the existing service station building – the applicant has proposed a plan whereby the addition would be constructed at the same 5-foot setback, since shifting the proposed two service bay addition to conform to the minimum 25-foot setback would be more detrimental to the site than granting a variance.

NOW THEREFORE BE IT RESOLVED, the Roseville Variance Board APPROVES the requested 20-foot variance to Table 1005-2 of the Neighborhood Mixed-Use Dimensional Standards of the Roseville City Code in support of a 20-foot rear yard setback variance for a proposed 30-foot by 34-foot vehicle service addition to the north side of the existing building at 2171 Hamline Avenue, based on the content of the Variance Board report dated March 6, 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 APPROVING the request variance was duly seconded by Variance Board Member Aspnes and upon vote being taken thereon, the following voted in favor: Members Schaffhausen, Bjorum and Aspnes; and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

Variance Board Resolution No. 165 – 2171 Hamline Avenue (PF23-013)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the 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 Roseville Variance Board held on the 6th day of March 2024.

WITNESS MY HAND officially as such Manager this 6th day of March 2024.

SEAL


Patrick Trudgeon, City Manager

