

**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 3rd day of April 2024, at 5:30 p.m.

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

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

VARIANCE BOARD RESOLUTION NO. 166

A RESOLUTION DENYING VARIANCES ACCESSORY BUILDING SETBACKS AND ACCESSORY BUILDING AREA AT 3150 W OWASSO BOULEVARD (PF24-003)

WHEREAS, the subject property is assigned Ramsey County Property Identification Number 02-29-23-11-0007, and is legally described as the northerly 10 feet of Lot 7, Lot 5 excluding the northerly 55 feet of said Lot 5, and all of Lot 6, Lake Owasso Park, Ramsey County, Minnesota;

WHEREAS, City Code §1004.02.A.2 (Residential Accessory Buildings) establishes a minimum side yard setback of 5 feet and a maximum combined storage building area of 1,008 square feet; and

WHEREAS, construction of a 12-foot by 12-foot shed was begun without a permit four inches from the side property line to replace a recently removed legally nonconforming 10-foot by 10-foot shed which had a legally nonconforming setback of four inches from the side property line and which, when combined with an approximately 940 square-foot boathouse, contributed to legally nonconforming excess storage building area of about 1,040 square feet; and

WHEREAS, Cammy and Daniel Oren, owners of the property at 3150 W Owasso Boulevard, have requested variance to said provisions of §1004.02.A.2 to allow the 12-foot by 12-foot structure to be completed and remain in place; 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 shed 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.
- b. Because the negligible setback of even the smaller, recently removed shed, and its contribution to the excess combined area of storage buildings, have been nonconforming with respect to applicable standards for as long as such standards have been in place, Planning Division staff believes further increasing these nonconformities is not in harmony with the purposes and intent of the zoning ordinance.

- c. Increasing the shed beyond its legal, nonconforming size would exceed reasonable use of the property.
- d. Although the substandard setback and excess storage building area were already nonconforming conditions before the applicants took ownership of the property, Planning Division staff finds these unique circumstances have not interfered with the applicants' ability to utilize the property to (and beyond) the fullest extent allowed under the zoning code.
- e. Despite the fact it would allow the enlargement of a building that is already too near the property line, the subject shed is not particularly large and is clearly residential in nature, and Planning Division staff finds that 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 deny the requested variances to §1009.02.A.2 of the City Code, based on the Variance Boards review of the facts of the application, 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 Bjorum and upon vote being taken thereon, the following voted in favor: Members Schaffhausen, Aspnes and Bjorum; and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

